Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE
SIXTY-SEVENTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXII—PART 4

MARCH 2 TO MARCH 22, 1922

(Pages 3231–4304)

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SECOND SESSION.

SENATE.

THURSDAY, *March 2, 1922.*

(Legislative day of Thursday, February 23, 1922.)

The Senate met in legislative session at 12 o'clock meridian, on the expiration of the recess.

EMPLOYMENT IN THE NAVY YARDS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting a memorandum submitted by Mr. Samuel Gompers, relative to employment in the navy yards, together with the reply of the Secretary of Navy thereto, which was referred to the Committee on Naval Affairs.

PACKERS IN UNRELATED LINES OF BUSINESS.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to Senate resolution 211, a report of the steps taken to enforce and carry out the consent decree entered by the Supreme Court of the District of Columbia on February 27, 1920, in the suit of the United States of America against Swift & Co. and others, which, with the accompanying papers, was ordered to lie on the table.

SUPPLEMENTAL ESTIMATES, POSTAL SERVICE, 1923 (S. DOC. NO. 141).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Post Office Department for the fiscal year ending June 30, 1923, for the Joint Postal Commission, $125,000; for rewards to postal employees for inventions, $5,000; for salaries, Railway Mail Service, $980,000; for purchase of canvas for mail sacks, $1,000,000; in total amount, $2,110,000, which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the joint resolution (S. J. Res. 125) to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law.

The message also announced that the House had passed the bill (S. 2492) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 8475. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith; and

H. J. Res. 263. Joint resolution authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof.

The message also announced that the House had adopted a concurrent resolution (H. Con. Res. 49) authorizing correction in the enrollment of title in the bill (H. R. 5013) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution adopted by the board of directors of the chamber of commerce of Neodesha, Kans., favoring the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. LODGE presented a telegram in the nature of a memorial from the eleventh congressional district of Massachusetts, the American Association for the Recognition of the Irish Republic, composed of 24 councils, remonstrating against the ratification of the pending four-power treaty, which was ordered to lie on the table.

Mr. McLEAN presented telegrams and a communication in the nature of petitions from Henry S. Hitchcock, secretary Connecticut Hardware Association, of Woodbury; the Gongbell Manufacturing Co., Bevin Bros.' Manufacturing Co., the East Hampton Bell Co., and Bevin & Wilcox Line Co., of East Hampton; and sundry employees of the Waterbury Trust Co., of Waterbury, all in the State of Connecticut, favoring inclusion in the pending tariff bill of the American valuation plan, so as to better meet foreign competition and maintain the American standard of living, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Mary Clap Wooster Chapter, Daughters of the American Revolution, of New Haven, Conn., protesting against proposed commercial water-power development in the Roosevelt-Sequoia National Park, which was referred to the Committee on Public Lands and Surveys.

He also presented a memorial of sundry members of Wadsworth Chapter, Daughters of the American Revolution, of Middletown, Conn., remonstrating against proposed commercial water-power development in the Roosevelt-Sequoia National Park, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the Steuben Society of America, of Hartford, Conn., protesting against American naval disarmament and the United States entering into any entangling alliances with foreign powers, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted at a mass meeting of sundry citizens of Lithuanian descent held at the Duggan School Gymnasium, Waterbury, Conn., on February 16, 1922, protesting against the occupation of Vilna, Lithuania, by the Polish Government and urging the recognition of the Republic of Lithuania by the United States Government, which was referred to the Committee on Foreign Relations.

He also presented a petition of Capt. G. A. Hadsell Camp, No. 21, Department of Connecticut, United Spanish War Veterans, of Plainville, Conn., praying for the enactment of legislation providing pensions for widows of Spanish War Veterans, which was referred to the Committee on Pensions.

He also presented the petition of Mr. and Mrs. T. Edward Davis, of Canterbury, Conn., praying for relief to the suffering peoples of Austria by extending for 20 years payment of Austria's debt, which was referred to the Committee on Finance.

He also presented petitions of the Central Labor Union and sundry members of the Up-Town Social Club, all of Meriden, Conn., praying for the enactment of legislation providing for the manufacture and sale of light wines and beers, which were referred to the Committee on the Judiciary.

PAY OF THE ARMY AND KINDRED SERVICES.

Mr. WADSWORTH. Mr. President, I ask unanimous consent to submit a report.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. WADSWORTH. The Senate will recollect that under the act of Congress of May 18, 1920, a joint committee of Congress was provided for and charged with the duty of making recommendations concerning the revision of the pay and allowances of the Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service, and were directed to report to their respective Houses.

The joint committee, Mr. President, has finished its work, has completed its report, and on its behalf I submit the report to the Senate, with the request that, in accordance with a reso-

lution heretofore adopted, the report be referred to the special committee of five Senators to be appointed by the Presiding Officer. I also ask that the report may be printed.

The VICE PRESIDENT. Without objection, the report (No. 528) will be received and printed.

NAVAJO TIMBER CO.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, reported it without amendment and submitted a report (No. 525) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 28, 1922, they presented to the President of the United States the enrolled bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 3223) for the relief of Oliver A. Campbell; to the Committee on Military Affairs.

A bill (S. 3224) to permit joining the United States of America as a party defendant in an action in Federal and State courts in certain actions affecting title to real property; to the Committee on the Judiciary.

A bill (S. 3225) for the relief of Helen Pennoyer Young; to the Committee on Claims.

By Mr. PAGE:

A joint resolution (S. J. Res. 169) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands; to the Committee on Naval Affairs.

DISTRICT STREET RAILWAYS.

Mr. BALL submitted an amendment intended to be proposed by him to the bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia approved June 5, 1900, which was referred to the Committee on the District of Columbia and ordered to be printed.

EMPLOYMENT IN NAVY YARDS AND NAVAL FACTORIES.

Mr. KING submitted the following resolution (S. Res. 247), which was referred to the Committee on Naval Affairs:

Whereas the cessation of construction of certain battleships and battle cruisers, their armament, machinery, and equipment, has caused a large number of mechanics and skilled artisans heretofore employed in various navy yards and naval factories, to be discharged from their employment in many cases after years of faithful service to the Government: Now, therefore, be it

Resolved, That the Committee on Naval Affairs is directed to investigate the possibility of providing employment for mechanics and skilled artisans who have long been in the service of the Government, by allocating and distributing to navy yards and naval factories repairs and repair work not presently done in such yards, together with the construction of such naval craft, their machinery and equipment, as has been authorized by Congress, and the construction of which is not to be terminated by the treaties on the limitation of armament recently agreed to by the Government of the United States; and to report to the Senate its findings and recommendations in the premises.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 1, 1922, the President approved and signed bills of the following titles:

S. 982. An act for the relief of Louisa Frow; and

S. 1951. An act for the relief of John Hickson, jr.

THE FOUR-POWER TREATY.

Mr. LODGE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Rawson
Ball	Gooding	McKinley	Robinson
Borah	Hale	McNary	Sheppard
Brandegee	Harreld	Moses	Smith
Broussard	Harris	Nelson	Spencer
Bursum	Harrison	New	Stanfield
Cameron	Heflin	Newberry	Sterling
Capper	Hitchcock	Nicholson	Sutherland
Caraway	Johnson	Norbeck	Swanson
Culberson	Jones, N. Mex.	Norris	Townsend
Cummins	Jones, Wash.	Oddie	Wadsworth
Dial	Kellogg	Overman	Walsh, Mass.
Edge	Kendrick	Page	Warren
Ernst	King	Phipps	Watson, Ga.
Fernald	Ladd	Pittman	Watson, Ind.
Fletcher	Lenroot	Poindexter	Weller
France	Lodge	Pomerene	Willis
Gerry	McCormick	Ransdell	

Mr. NORRIS. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of a death in his family.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is necessarily absent on account of serious illness in his family. It ask that the announcement may stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from New York [Mr. CALDER] are engaged at a hearing before the Committee on Finance.

The VICE PRESIDENT. Seventy-one Senators having answered to their names, there is a quorum present.

Mr. LODGE. Mr. President, unless there is some Senator who desires to speak this morning upon the four-power treaty, which was taken up yesterday in open executive session, I shall not make a motion to go into open executive session, because I think it very important that we should dispose of the proposed rule which was the unfinished business in legislative session when we took a recess last evening.

Mr. BORAH. May I ask the Senator whether it is probable that it will be taken up at all to-day?

Mr. LODGE. No; I shall not call it up unless the Senator desires to speak.

Mr. BORAH. I have no desire to speak to-day.

Mr. LODGE. Very well; then I shall not call it up to-day.

Mr. ROBINSON. Did the Senator from Massachusetts indicate whether he would open the discussion on the four-power treaty?

Mr. LODGE. I made no statement about what I am going to do, except that I would not call the treaty up to-day unless some Senator desires to speak upon it now.

Mr. ROBINSON. Another Senator requested me to ask the Senator from Massachusetts whether the treaty is likely to be called up before Monday.

Mr. LODGE. That I can not tell. I know there are several other matters pressing very much that are of importance, and I should be glad to give an opportunity to have those matters disposed of; but I think the treaties must take precedence, and if any Senator is ready to speak I shall move to go into open executive session for that purpose.

Mr. ROBINSON. I would like to hear the Senator's discussion of the matter. I am very much interested in hearing his views, and would like to know whether he expects to speak on it or not.

Mr. LODGE. I think I shall. If the Senator wishes to know what my personal plans are, I am disposed to wait until I can hear the objections to it. I expect to speak before the treaty is voted upon.

Mr. ROBINSON. But the Senator does not expect to open the discussion?

Mr. LODGE. I do not, at present.

Mr. BRANDEGEE. Mr. President, I wish to ask the Senator from Massachusetts if the matter as to when the treaties come up can not be determined in a little more exact way than he has indicated. As I understand the Senator from Massachusetts, he states that whenever any Senator advises him that he desires to make a speech on the treaty he will then ask the Senate to go into executive session. I should like to hear as many of the speeches which are made on the treaty as I can, and I can not tell when it may enter into the head of a Senator to go to the Senator from Massachusetts and say, "I should like now to speak on the treaty."

Mr. LODGE. I thought it was my duty to make the statement which I have made this morning, that I would not call up the treaty to-day unless some Senator desired to speak upon it.

Mr. BRANDEGEE. I know the Senator from Idaho and one or two other Senators have said that they do not care to speak on the treaty to-day, but some other Senator may desire to do so. At 2 o'clock some Senator may come to the Senator from Massachusetts and say, "I wish to speak on the treaty," and we would not be notified.

Mr. LODGE. I have made the statement which I have to hold good for the day.

Mr. ROBINSON. That the treaty will not be called up to-day?

Mr. LODGE. That the treaty will not be called up to-day.

Mr. BRANDEGEE. Very well.

Mr. WARREN. Mr. President, I should like to have the unfinished business laid before the Senate.

Mr. HITCHCOCK. Mr. President, I should like to avail myself of the suggestion of the Senator from Massachusetts, and, if he will consent that a short executive session may be held, I wish to make a brief statement on the treaty, for the reason that I may not be here at the time he calls it up.

Mr. LODGE. It is my intention to call the treaty up tomorrow and then to make the same statement which I have just made; but if the Senator from Nebraska wishes to speak now, of course I shall comply with his request.

Mr. HITCHCOCK. Very briefly, then, I should like an opportunity to proceed.

Mr. LODGE. Very well. Then I move that the Senate proceed to the consideration of the four-power treaty in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. HITCHCOCK. Mr. President, on yesterday I voted to ratify the treaty between Japan and the United States defining our rights in the island of Yap. At a future day I expect to vote to ratify the treaty providing for the limitation of naval armament and also for the treaties relating to China. On the pending four-power treaty, however, I have reluctantly reached the conclusion that I can not vote for its ratification unless some changes are made by amendment or reservation and certain objections which I now see to it are removed.

Mr. President, the treaty now before the Senate was conceived in secrecy. In that respect its genesis suggests an old-fashioned and highly objectionable alliance. That is exactly the way alliances have always come into being. In this case every precaution of secrecy was taken in advance and every device of secrecy was employed in execution. When the call for the conference was issued the four-power treaty was not mentioned.

Mr. FRANCE. Will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HITCHCOCK. I should like to proceed. I shall be very brief, I will say to the Senator from Maryland.

Mr. FRANCE. I wish to suggest to the Senate, if the Senator will permit, that the remarks of the Senator from Nebraska are very important, and while I know that many of the Senators have made up their minds as to how they shall vote upon the treaty, regardless of the statements which may be made upon it, I do feel that, out of a sense of common, ordinary decency, Senators, even though they may have already decided, regardless of arguments, how they shall vote, should pay attention to the remarks of the distinguished ex-chairman of the Foreign Relations Committee of the Senate upon this subject.

Mr. HITCHCOCK. Mr. President, I am not disturbed by a little conversation; I am used to the Senate.

Mr. FRANCE. I am disturbed, and I believe that Senators have a right to ask for order, and I ask that there may be order in the Chamber.

Mr. HITCHCOCK. Mr. President, when the call for the Limitation of Armament Conference was issued the four-power treaty was not mentioned, and when the agenda or program for the conference was made up the treaty was not upon it. The President himself has admitted to us that this treaty, strictly speaking, was not upon the agenda, or not included in it. Thus the public neither looked for nor anticipated the appearance of this treaty. So much for the advance precautions of secrecy which seem to me rather significant.

How, then, was it negotiated? Was it discussed at meetings of our delegates with the delegates of the other three countries interested? Apparently not. So far as we know, and, in fact as a result of affirmative statements, I feel justified in saying that it was not discussed at a meeting in which our delegates participated with the delegates of the other countries. On the contrary, each delegation, after secretly considering the subject among its own members, appears to have secretly selected one of their number to act, and to act secretly, without keeping records, notes, minutes, or memoranda. Not only were memoranda not kept for the public but apparently they were not kept for other members of the delegation. So the two Senators upon the delegation of the United States have not been in a position to advise their colleagues in the Senate as to the meaning of expressions in the treaty or upon the course of the negotiations. Not only were the proceedings held behind closed doors, without records, but even the fact that meetings were being held was kept from the public, and no communiques were given to the press of these meetings. Meanwhile the public was liberally supplied with an endless amount of information as to the details of the naval reduction proposed and of the discussion and the long speeches thereon.

The public was also given a liberal education in Chinese affairs, and most elaborate details were furnished of the negotiations concerning Chinese matters. All of the meetings concerning the treaties relating to China and disarmament and such matters were elaborately reported. Even the private negotiations between Japan and China over Shantung were played up for public attention, and 36 such meetings were each followed by an official communique. Everything was done to keep the public's attention during that period fixed on Shantung, poison gases, submarines, Chinese tariffs, and such matters, while a month of negotiations were secretly and clandestinely conducted on the four-power treaty that was designed to take the place of the Anglo-Japanese alliance.

Nevertheless, Mr. President, my impulse on reading this treaty and knowing the purpose which I thought was behind it was to accept it in good faith and in the hope that it would promote peace and the settlement of questions in the Pacific Ocean. I arrived at that conclusion in the full confidence that when this treaty reached the Senate of the United States the Senate, which is charged with the duty of passing upon it, would be placed in possession of full information and accorded access to all the records and details of the negotiations which had led up to the consummation.

My first shock, Mr. President, was the discovery that even the President of the United States, who called this conference, did not understand the treaty and had not learned of the secret agreement between the negotiators concerning the meaning of certain language in the treaty. He did not know and had not been advised that the language "insular dominions"—I believe that was the term—which obviously refers to Australia and New Zealand, also included the mainland of Japan, as a result of a secret understanding reached by the negotiators themselves. That particular ambiguity has been cured by a subsequent understanding, and the views of the President in that understanding have been written into the treaty, and the secret agreement as to the inclusion of the Japanese dominions has been done away with. So, in common with other Senators, I found a growing desire on my part to know a little more about this short treaty which had been so carefully concealed from the public during all its negotiation, and I looked forward to the time when we would be advised as to the negotiations which had led up to it.

I was therefore greatly pleased when the President of the United States came before the Senate and announced his intention to take the Senate of the United States into his confidence and to take a new step in diplomacy and to place in our hands for our consideration the records and minutes of the negotiations between the four powers which had led up to these treaties. I did not believe for a moment, and I think no other Senator believed for a moment, that the announcement of the President of the United States did not apply to the treaty that we now have before us and which had been negotiated in such absolute secrecy. When, as he spoke, I saw that pile of manuscript upon the desk, tied up as it was in red tape, I assumed, as I think every Senator assumed, that in that pile of manuscript we would find the minutes of the negotiations between the representatives of the United States and the representatives of the three other powers which led up to the formation of this four-power treaty.

I had no special interest in the minutes and records that pertained to the other treaties. Practically speaking, they had all been published in the papers and we had read them day by day—not only the communiques, but in many cases the stenographic reports of the meetings of these committees. What I was interested in, and what every Senator was interested in, were the records of the negotiations that had not been published in the papers. But if you take up this book which I hold here, with its seven or eight hundred pages, and examine it you will find here almost exclusively a reproduction of the articles that had been printed in the papers of the United States before the President came to the Senate. It was a waste of money, as well as a joke on the Senate, to present that to the Senate as the record of the negotiation of the treaties that we were to pass upon.

Mr. President, failing to find in that record what I had been led to expect we would find there, the Senate of the United States on my motion adopted a resolution calling upon the President of the United States, if not incompatible with the public interest, to present to the Senate such records as were in existence of the proceedings relating to the negotiation of this four-power treaty. We were unable to get the information from the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. UNDERWOOD], who were delegates to

the conference, because they frankly said that they had not been present at these negotiations. The negotiations had been carried on by a representative of the United States, of Japan, of France, and of Great Britain, and it happened that the representative of the United States was Secretary Hughes, and unfortunately Secretary Hughes had gone to Bermuda. So the Senate was left confessedly without any information concerning the negotiations leading up to this treaty in which language is used which may be of great significance in the future relations of the United States in the Pacific Ocean. So my motion was adopted, and the President of the United States was asked for such records as the State Department afforded of those negotiations.

Mr. President, I was innocent enough to believe that that would develop something. I knew that drafts were made of this treaty. The Senator from Massachusetts [Mr. LODGE] stated that he had made a draft, but that his draft was not the one which we are now asked to act upon. He had indicated that there might have been a dozen different drafts. We know, from reading the newspapers over the course of the last six months, that unquestionably Mr. Balfour, when he came here, came with a draft of a treaty of this sort, because it was the desire of Great Britain to rid herself of the existing alliance with Japan, and the leaders of Great Britain had advocated the idea of getting rid of that alliance by bringing the United States into a larger alliance, or at least into another treaty; and so undoubtedly Mr. Balfour came to the United States with another draft. We do not know whether his draft was adopted or not; we do not know whether Japan presented a draft or not; but there are certain significant facts in this treaty which I think require the serious attention of Senators.

Mr. President, almost all treaties—yes; and alliances also, in many cases—which involve the cooperation of one nation to assist another in the face of aggressive action on the part of some other country, contain a provision that the aggressive action must be unprovoked. Who can explain the omission of the word "unprovoked" in that treaty? Was it in the draft which was presented by the Senator from Massachusetts? Was it rejected by Japan? Was it discussed at all? Why was it omitted? Are we to be called upon in the Pacific Ocean, whenever aggressive action is taken against Japan or aggressive action is taken against Australia or aggressive action is taken against New Zealand, to rush to the moral assistance of those nations and enter into a conference in order "to devise the best and most efficient means of meeting this aggression," without inserting the safeguard that the aggression must be "unprovoked"? Why was that significant word left out? We are entitled to know; and one of the words which must be inserted in this treaty, either by an amendment or by a reservation, in order that I can see my way clear to support it, is the word "unprovoked." I do not think the treaty-making body of the United States is justified in binding this country to come to the assistance of any other country in the event of an aggression unless the stipulation is put in the treaty that that aggression must be unprovoked.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HITCHCOCK. I yield to the Senator.

Mr. BRANDEGEE. Does the Senator come to the conclusion that the effect of the treaty is to bind the country to come to the assistance of the other high contracting parties in the case of aggressive action by an outside power?

Mr. HITCHCOCK. Mr. President, article 2 certainly binds the United States in the event, for instance, that Russia takes aggressive action against the island of Sakhalin, or at least against the Japanese portion of Sakhalin, or against the island of Formosa, or any island along the coast of Asia to enter at once into a conference with Japan and France and Great Britain in order to devise the most efficient means of meeting such aggression. Unfortunately that is the situation we are in. There is just enough ambiguity about those words to leave many Senators in doubt as to their exact meaning. "The most efficient means" might mean one thing under one set of circumstances, and another under another set of circumstances; but when we agree to take such action for the purpose of restraining Russia or for the purpose of defeating Russia if she were the attacking party, I should say it is the part of wisdom for us to stipulate that Japan must not provoke such aggressive action on the part of the other country, and at the present time we know that Japan is taking such provocative action. We know—we have heard it from the lips of the Secretary of State himself—that the United States is in protest against the action of Japan. Japan has 60,000 men in Siberia, and is occupying the whole of the island of Sakhalin, half of which belongs to Russia; and it is a matter, I think, of considerable notoriety that one of the reasons why Great Britain desires to get rid of the Anglo-Japanese alliance is because as long as that alliance exists there is constantly danger that Japan, by her provocative action, will drag Great Britain into trouble.

Mr. BRANDEGEE. Mr. President——

Mr. HITCHCOCK. I yield to the Senator.

Mr. BRANDEGEE. The Senator has failed to enlighten me, or I have failed to comprehend exactly what his position is. That is, I do not think the Senator has answered my question fully. I asked the Senator whether under article 2 of the treaty, the substantive portion of which he has quoted substantially, he thinks that the United States has bound itself in case of aggressive action by a fifth power against one of the insular rights of the high contracting parties, to come to the defense of the rights against which the aggressive action is taken. The Senator, as I understood him, states that he thinks the question is left in doubt as to the extent of our obligations; and yet he goes on and reaffirms that we are committed to come to their defense, and then proceeds to show what would happen in case Russia should attack the Japanese rights.

Mr. HITCHCOCK. I perhaps have not answered the interrogatory sufficiently; and in fact, Mr. President, I do not feel fully qualified even to express my own conviction. I am speaking to-day because I have to leave the city, and I may not be here when the treaty discussion proceeds, and I thought I ought to express as far as I have formed them my views that certain amendments ought to be made before we vote to ratify this treaty; and I will say frankly that I am desirous of ratifying these treaties. I think the presumption ought to be in favor of any treaty of this sort, negotiated apparently for a worthy purpose.

Taking up the suggestion of the Senator from Connecticut, I think we run into a very awkward situation at once; and it was involved to some extent, I think, in a reservation which the Senator from Connecticut prepared. Suppose the emergency arises. Suppose Russia, in restoration of her power, should move across to the island of Sakhalin, and Japan should call upon us under the terms of article 2 of this treaty to enter into a conference and to agree with France, Great Britain, and Japan upon the most efficient means to meet this aggression.

Suppose we should have a President of the United States who concurred with Japan and France and Great Britain that armed force was the proper thing to interpose as the most efficient means. Are we willing to intrust to the President of the United States the making of an agreement, the coming to an understanding, which would put us in a position where Congress might be morally obligated, at least, to make war? I favor the insertion of some sort of a reservation at this point so that, if the President be authorized to negotiate with the three other parties to this treaty, at least he should make no obligation which would be binding upon the United States until the consent of Congress thereto has first been obtained.

This is not a new question in the Senate of the United States. Senators on the other side of the Chamber were very liberal in offering reservations of that sort when the Versailles treaty was before the Senate, or at least when the League of Nations covenant was before the Senate. They were very anxious then to make reservations against the power of the President to bind the United States without the consent of Congress, and yet under the terms of this treaty as it now reads, unless some reservation is adopted the President might, if he were so inclined, enter into an arrangement with the three other parties to this treaty which would put the United States in a very awkward position.

Mr. BRANDEGEE. Mr. President——

Mr. HITCHCOCK. I yield to the Senator.

Mr. BRANDEGEE. Of course, the high contracting parties to this treaty are the four countries themselves. The Senator has suggested that the President—and I assume the Senator means either by himself or through a delegate he might send to a conference—might come to an understanding with the other contracting powers without the knowledge of Congress, and that then the United States might be in a very embarrassing position. Of course, when I speak of the President, I am talking about the presidential office, irrespective of who may occupy it.

Mr. HITCHCOCK. Yes; I assure the Senator I have the same thing in mind. It may not happen during this administration; it may be at some time when there is a Democratic President; and I hope there will be one at an early date.

Mr. BRANDEGEE. I was not attempting to mention a subject about which we might disagree, Mr. President. I was trying to more accurately understand the statement of the Senator that if whoever might be President at the time when we

were called upon to join the conference with the other high contracting powers should, so far as he was concerned, come to an understanding with the representatives of the other high contracting parties, and that should not meet the approval of the Congress or the country, it might put this contracting party, to wit, this country, in a very embarrassing position.

Mr. HITCHCOCK. That is my thought.

Mr. BRANDEGEE. I wish to ask the Senator if, in his opinion, the action of the President in coming to an understanding with the agencies of the other high contracting parties as to the most efficient measures to be taken to meet the exigency would in any way bind this country—this contracting party—without the consent of Congress or without the approval of Congress, I will put it?

Mr. HITCHCOCK. I expect that, technically speaking—legally speaking—it would not; but we listened to the President as he addressed the Senate the other day when he urged the Senate of the United States to ratify all of these treaties practically without the dotting of an "i" or the crossing of a "t," and warned us that unless we did so the United States would be discredited, because his representatives had negotiated these treaties, and, of course, had done so within their constitutional powers.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield.

Mr. BORAH. The Senator from Nebraska has suggested that possibly this might be remedied by a reservation. I wish to suggest to the Senator that the objection which he makes to the treaty, and the objection which some of the rest of us entertain, can not be reached by a reservation. There is no possible way of relieving the treaty by a reservation of what I consider the defect of the treaty. There is political relationship here, there is political connection with these three governments. Article 2 is not to begin to operate, to have any vitality, no action is to be taken under it until war has begun, until an attack has been made, until an aggressive action has been taken, which is war. The formal declaration might not have been made, but when an attack is made, when an aggressive action has been taken toward a nation, there is a state of war.

There is no reservation which can reach a situation where the conferees are then called upon to provide the most efficient means by which to deal with the situation, because necessarily when the conferees meet to determine upon the most efficient means by which to meet the attack they must decide on something in the nature of a counter attack, and how can that be dealt with by a reservation? If the conferees agree that is the only way to meet it, of course we must necessarily back the conferees, or the treaty is absolutely worthless.

Mr. FRANCE. In other words, Mr. President, if the Senator will permit me to interject, as a very noted publicist said of another treaty which came before this body, reservations would not cure its defects. He said, "I have always found it very difficult to edit a bad egg."

Mr. HITCHCOCK. Mr. President, of course the Senator from Idaho and the Senator from Maryland occupy a somewhat different position from mine. I would like to support this treaty. I think neither of them would care to have it put into a form in which they would support it.

Mr. FRANCE. I would say, Mr. President, in answer to that that I do not propose to support a treaty which is leading us directly toward a terrible war. What the Senator has already said about the island of Sakhalin is most true, and if the State Department had taken the trouble to inform itself as to conditions in Russia before entering upon these engagements it would never, in my judgment, have entered upon them, because there is not the slightest doubt in the mind of any man who is aware of the attitude of the Russian people toward the Japanese that they are moving on rapidly toward differences which will certainly ultimately lead to war, if they are not cured, and the island of Sakhalin is already in great contention, for the reason that there are valuable deposits there, particularly oil deposits, concerning which there are already controversies.

Mr. HITCHCOCK. I realize that what the Senator says is to a considerable extent correct.

Mr. BORAH. Mr. President——

Mr. HITCHCOCK. I yield; but I had intended to reply a little more fully to what the Senator said.

Mr. BORAH. The Senator has substantially stated my position; but the great objection to the treaty is that it does not call for action until an aggression has taken place, and then conference, nine times out of ten, is simply as to the best method as to counter attack, and we are swept in regardless of the righteousness of the contest.

Mr. HITCHCOCK. Mr. President, I think if the Senator reflects a little he will qualify that remark. I am afraid, and I have already stated, that this treaty is too much in the nature of an alliance to suit me; and if that be true, it is quite likely that these four powers, which undertake under this treaty to create a monopoly of interest in the Pacific Ocean, will be in such touch with each other that each of them will be well advised before the actual aggression occurs of what is going on; and I would suspect that the conference would be secret, and that it would be held before the world knew of any open performance. I can conceive of action being taken even before the matter has become notorious.

Mr. BORAH. Article 2 says specifically that until aggression shall have taken place there is no action for the conference to take.

Mr. HITCHCOCK. I realize that that interpretation can be put upon it also.

Mr. President, there is an objection which occurs to any man against this treaty when he finds grounds for suspicion that it is an alliance. This objection the President of the United States can not brush aside by asserting that it is not an alliance. Another President of the United States may some day treat it as an alliance.

That is not all. What interpretation is put upon this treaty by the other parties to this treaty? We have already learned, through the medium of the Associated Press, that Baron Uchida, secretary for foreign affairs of Japan, has stated to the Japanese Parliament, in answer to questions, that while this treaty abrogated the Anglo-Japanese alliance, it in fact constituted a larger alliance; that it succeeded the Anglo-Japanese alliance by an alliance still larger and more effective. That was his explanation. He did not tell the Parliament of Japan that it was a treaty; he told them it was an alliance, and that it was an alliance at least resembling the Anglo-Japanese alliance, which had preceded it.

In my opinion, Mr. President, the ratification of this treaty as it exists now is going to put us in a position somewhat similar to that in which we found ourselves after the Hay-Pauncefote treaty was ratified. We found, and we have found repeatedly since that time, that there was a determined effort to interpret the Hay-Pauncefote treaty by the terms of the Clayton-Bulwer treaty, which it superseded.

So I think it reasonable to suppose that if this treaty is ratified as it reads now, with ambiguous language in it, Japan and other nations may insist, and Great Britain may insist, that this treaty shall be interpreted in the light of the Anglo-Japanese alliance, which it supersedes. That is another danger which we encounter.

I had not intended to make a speech, but only to go very briefly into this matter.

Mr. JONES of New Mexico. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. HITCHCOCK. I yield to the Senator.

Mr. JONES of New Mexico. I wanted to recur just for a moment to a thought suggested by the Senator from Connecticut [Mr. BRANDEGEE]. If I understood the Senator from Nebraska correctly, and I should like very much to know whether my understanding is correct or not—his position is about this: That under this treaty as it is now worded, in the event that one of these high contracting parties, other than the United States, should become embroiled in a difficulty with a fifth power, the United States would be under obligations to align itself with the other parties to this treaty, regardless of the merits of the controversy in which the party might be engaged. In other words, under the terms of this treaty the United States would be obligated to give its moral and sympathetic support, at least, to a settlement of any question of aggression which might arise under article 2, to give that support to the contracting party under this treaty; or, to state it differently, in advance we pledge our moral support, at least, to a settlement of any such difficulties in favor of the contracting parties to this treaty.

Mr. HITCHCOCK. Providing they relate to the islands of the Pacific Ocean, which are the subject of the treaty.

Mr. JONES of New Mexico. Certainly, provided they relate to the islands involved in this treaty.

Mr. HITCHCOCK. From the start I never saw the importance of this treaty to the United States. In fact, my first impression was that it was a large amount of fuss about a rather small matter, as far as we were concerned. What interest have we to be protected by this treaty? We have no

possessions in the Pacific Ocean concerning which there is any doubt.

Japan and Great Britain have come into possession, as a result of the war, of certain islands which belonged to Germany. Under this four-power treaty we enter into a practical guaranty of the continued possession of those islands which those nations secured as a result of the war. We have not anything in that region except the Philippine Islands. Our title to them is absolutely good. There is no possibility that Spain will ever attempt to reclaim those islands. The general opinion of the United States, as I understand it, is that ultimately we shall get out of those islands when those people have reached a stage of development that they are able to take care of themselves. The islands are of no value to us. They are a difficulty to us, but there is no danger and there is no probability that we need the help of Japan, Great Britain, and France to hold them.

There is a material benefit which Japan and Great Britain receive under the terms of this treaty, for we practically give them a guaranty for Australia and New Zealand and all the islands which come to Japan and all the islands which come to Great Britain under the mandate of the League of Nations.

So it seems to me that we have very little to gain by entering into the treaty. It is not necessary to naval disarmament. It is not necessary to the protection of the affairs in China, in which we have manifested such great interest. Why, then, have we been dragged into this treaty at this time? Is it for the purpose of allowing Great Britain to relieve herself of an alliance which she must in any event get rid of in some way?

Mr. President, I have expressed in a somewhat rambling way my criticisms of the treaty. I would be glad to see such reservations and amendments as can, first, make it definite and certain that we are not bound to assist any of the other nations in any way against an aggression from any other country unless it is unprovoked; and, again, that if the President of the United States is to have the power to enter into an agreement with other nations at a conference as to taking efficient action for their protection, his agreement must be subject to the approval of the Congress of the United States, or, at least, of the Senate of the United States. I am not satisfied merely by the official statement that this is not an alliance when I know that Japan is declaring that it is an alliance. I am not satisfied with the statement of the President of the United States that he does not think it is an alliance when the next President of the United States may regard it as an alliance.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. Before the Senator takes his seat I would like to ask him whether he does not think that one effect of the treaty would be to take care of our interests very largely in the Philippines, and if we get out of the Philippines as we hope to, would not this provision still protect the Philippines as against external aggression of any sort, as against Japan or any other country that might want to take the Philippines. Even after we retire from there we still would have to exercise certain power in the Philippines, and we are under obligation to see that they maintain their independence, and so forth. The question in my mind is whether this would not have the effect of protecting the Philippines in that contingency as well as in the present situation.

Mr. HITCHCOCK. My judgment is that when we get out of the Philippines we will get completely out. We may at that time enter into some sort of treaty with other countries to respect the independence of the Philippine Islands, but when we let go they will be independent. If it is desired, that sort of treaty might be made.

Mr. FLETCHER. I gather that the Senator's position is somewhat like the two gentlemen on a ship at sea. The story is of a father and son. A storm arose, and the son went to the father and said, "Fadder, vake up, vake up. The ship is sinking." The father said, "What do we care? We don't own it."

We may not own and may not be compelled to approve of any action as the result of the conference which may be held, but I take it at the same time the Senator is a little afraid of our position as one of the passengers.

Mr. KING. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. KING. I would like to ask the Senator a question or two for information. As I construe the treaty it does not have any relation to what might be denominated continental questions in Asia; for instance, the mainland of China or the mainland of some of the French possessions, and certainly not Siberia, Mongolia and Manchuria. It seems to be limited to insular possessions—island possessions.

The question I was about to ask was somewhat anticipated by my friend from Florida, but if we get out of the Philippine Islands, then our only insular possession in the Pacific, so far as I now recall, would be Hawaii. Does the Senator think that for the protection of Hawaii we are warranted in entering into a four-power treaty—and I may say in passing, too, that controversies are more apt to arise with respect to Pacific powers with respect to the mainland of China, the mainland of Siberia, than with respect to the islands of the Pacific.

Mr. HITCHCOCK. Undoubtedly. I think there is no value at all so far as the Hawaiian Islands are concerned. We are still able to fortify those, and under the disarmament treaty that is proposed we can still continue to fortify those islands, and we are in a position to take care of them.

Mr. KING. In view of the fact that we have insisted, particularly since the days of Mr. McKinley and John Hay, upon the open-door policy in China and will insist upon a fair opportunity for legitimate and proper trade upon the Asiatic mainland, are we not more interested in the preservation of a fair status quo there or a fair opportunity for the development of people there and fair trading opportunities than we are in the island of Yap or those islands which are mandated in the Pacific Ocean, particularly in view of the fact that they are taken from us—at least we have no interest in them except such as might come through the treaty of Versailles.

Mr. HITCHCOCK. That question might be answered in several ways.

Mr. JONES of New Mexico and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield first to the Senator from New Mexico.

Mr. JONES of New Mexico. I would like to inquire of the Senator, who is a member of the Committee on Foreign Relations and has given great study to this situation, if he is able to advise the Senate of the particular reason why such a treaty as this should have been negotiated at this time? Has he in mind any controversies which might arise and which would justify such a treaty as this? In other words, what are the troubles brewing or what was the mischief which we seek to have remedied by this treaty?

Mr. HITCHCOCK. I suppose the United States has absolutely none. The United States' title to its Pacific islands is absolutely good. Great Britain and Japan have title to a number of German islands acquired by the war. There may be some question later about them. Germany might some day reassert her claim to those islands. We are not a party to the treaty of Versailles, and in my opinion we should not be a party in the remotest degree to guaranteeing possession of those islands to their present holders.

There has not been stated, so far as I know, in the committee or anywhere else, any reason why the United States should have entered into this treaty except to enable Great Britain to get rid of the Anglo-Japanese alliance. I think we are sacrificing rather too much, as the treaty now stands, to accomplish that purpose. I have never believed the Anglo-Japanese alliance was any great menace to us, never believed that the existence of the Anglo-Japanese alliance would cause us any great embarrassment. It is not up to us to provide the means by which Great Britain shall get rid of it. It is for Great Britain and her dominions themselves to relieve themselves of that alliance, and so far as I know that is the only reason why the four-power treaty was executed.

Mr. LENROOT. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Wisconsin.

Mr. LENROOT. Is it not true that the treaty of Versailles did guarantee the title of the five principal allied and associated powers to all of these various islands in the Pacific?

Mr. HITCHCOCK. The first thing the Senator from Wisconsin knows he will get me into a League of Nations discussion.

Mr. LENROOT. I think it is a fair question.

Mr. HITCHCOCK. There is a vast difference between 50 nations of the world getting together in a league, expecting later to bring Germany into it, for the purpose of guaranteeing the peace of the world by justice and by peaceful settlement of dispute and, on the other hand, four nations getting together in the Pacific Ocean and notifying the world that they propose to hold its islands against all comers. That is an entirely different proposition.

Mr. LENROOT. The same parties in title are in this treaty, in so far as there is any recognition, as were in the treaty of Versailles, are they not?

Mr. HITCHCOCK. The whole world was in the treaty of Versailles.

Mr. LENROOT. No; as to the title to the islands covered by the treaty?

Mr. HITCHCOCK. That is very true.

Mr. LENROOT. The Senator was willing for the United States not only to respect that title but to guarantee it in the Versailles treaty, was he not?

Mr. HITCHCOCK. I was ready as a supporter of the League of Nations—in which every nation of the world should be a member, including Germany—that the League of Nations should be bound together by the pledge of each member that it would respect and preserve the independence and territorial integrity of all others. But this is not that proposition at all. I am not going into an argument on the League of Nations.

Mr. LENROOT. I would not think the Senator would. Now let me ask the Senator another question. There was nothing in the Versailles treaty requiring the submission to Congress of any arrangement that was entered into by the League of Nations, was there not, so far as the United States was concerned?

Mr. HITCHCOCK. There really was not anything of that sort until the Senator from Massachusetts and the Senator from Wisconsin and other congenial souls forced through the Senate a reservation.

Mr. LENROOT. Certainly; and the Senator voted against it.

Mr. HITCHCOCK. And now I say what was wise then, if the Senator thinks it was, is wise now.

Mr. LENROOT. But the Senator thought then that it was not wise and voted to ratify without that reservation, and to-day the Senator thinks it is necessary. Is not that correct?

Mr. HITCHCOCK. I have said that in order to give this treaty my support I should like to see it done.

Mr. LENROOT. Then the Senator has changed his mind.

Mr. JOHNSON. Mr. President, may I suggest that perhaps there has been a swapping of positions in this particular matter?

Mr. FRANCE. Mr. President, I desire to make a brief statement, and then to ask the Senator from Nebraska a question. I desire to challenge the statement of the Senator that he and the Senator from Idaho [Mr. BORAH] and myself differ fundamentally upon this question. That is not a correct statement. The Senator from Nebraska has always, I believe, been opposed to alliances with foreign powers. He was favorable to the League of Nations, because he held, and there was some justification for so holding, that it was not an alliance, that it was an association of the great powers of the world which would ultimately include all of the powers. The Senator from Idaho and myself held another view. We felt that it did partake too much of the nature of an alliance, and therefore we opposed it. So that the Senator is quite consistent in opposing this as an alliance, for he would have opposed the League of Nations, I am sure, in spite of the fact that his party as a whole was for it, if he had believed it to be an alliance.

I will say with reference to the Senator from Wisconsin that of course he is in favor of this plan because it is an alliance and he was in favor of the League of Nations when he must also have believed that the League of Nations was an alliance.

But I desire to ask the Senator from Nebraska this question: The Senator has suggested that the powers with whom we become associated under this compact may view it as an alliance. Is there not also the danger that the power with whom we are not associated may view this as an alliance and that, so viewing it, they may be tempted, if not indeed encouraged, to establish a counter alliance; and is there not danger of there really being created a new balance of power in the world?

Mr. HITCHCOCK. I think the Senator is eminently correct.

Mr. FRANCE. As a matter of fact, as I hope to show a little later, this is but a new balance of power which is being sought for very practical reasons by very practical men, and I think a little later I may be able to mention some of the companies which are financially interested in a new balance of power and perhaps some of the men who have been connected with those companies.

After all, Senators, idealism has not completely overtaken the world. It is always very wise, in studying a great international policy which is proposed, really to find out if there are any practical men back of the scenes, moving the scenery and pulling the wires. I think when such an examination is made in this instance it will be found that extremely practical men are working for extremely practical purposes.

There is a conflict of political and commercial interests; a conflict, on one hand, between Japan, France, and Great Britain, and, on the other, China, Russia, and Germany; and the thought suggested by the remarks of the eminent Senator in his very clear way, although he did not complete the statement, is that these great powers, China, Russia, and Germany—potentially the greatest powers in the world, if we consider their resources of man power and natural wealth—are naturally being thrown together into a counter alliance for the protection of their interests. I shall a little later call attention to the growing friction between Russia and Japan and between China and Japan, a friction which is not merely political, existing in the governmental departments, but a friction which has resulted in a common feeling on the part of the Russian people, even on the part of the peasants, with whom I have talked, out in the country districts, that it would be necessary for the Russians soon to deal with the Japanese question.

I merely wish to add at this point the fundamental reason for the soil of Russia being prepared for such seeds of conviction. The Russians feel, and the history of the world will prove that there is a sound basis for that feeling, that they have for many centuries been the great dam which has held back the tide of orientals which several times has threatened to overrun and to engulf Europe. Even to-day the Christian Russian peasants feel that they, with their brave hearts, are and must yet be the wall to hold back the great tide of yellow races so that Europe may not be inundated. They are asking why they have been deserted by the white men of the other nations and why it is that the other western powers do not sympathize with them when this invasion has again started, when there is a very evident movement on the part of the Japanese to eat their way into Europe through Siberia.

The suggestion of the Senator is one which I hope will be carefully considered. No; I do not "hope"; I am not given to indulging in futile and false hopes; so I do not hope, but I wish that this great question of the growing tension between Russia with her mighty armies—the mightiest armies in man power in Europe, I will say to the Senator—and the Japanese will engage the attention of those who are the defenders and proponents of the pending treaty. I feel much encouraged when the great Senator from Nebraska, who has rendered such distinguished services to his country, and who always stands by his convictions, rises to point out the danger of this treaty as forming an alliance, or at least an association, which may be considered by our associates under it as an alliance, and intimating, as he does, that there is also the danger that the other nations which are excluded may consider it to be an alliance, inviting the great danger of a counteralliance, and of a new balance of power, in which we shall be in the weaker position; in the weaker position because we shall be associated with the nations possessing less man power and less of natural resources; in a weaker position also because, it seems to me, that our position from the standpoint of international morality and justice is not one which can be defended.

All of this leads us back—and the Senator from Nebraska was not unmindful of the fact, as I have already intimated, when he said that he himself would be opposed to the United States being a party to it—to the great doctrine of Washington who was not only against alliances but who, for very practical reasons, warned us against showing favoritism to certain nations, against showing a partisan spirit toward certain nations, for, he said, that by so doing we should naturally invite the antipathy of those nations toward whom a less friendly and less partial spirit was shown. In other words, Washington, if he were viewing this particular problem, would say, "Of course, if you show special favors to Japan by giving to Japan certain privileges of conference with you, by giving to Japan certain territories; if you show certain unusual favorable attitudes and dispositions toward Japan, you naturally, of course, begin to invite the silent antagonism of Japan's real or potential enemies"; and she has two potential enemies, I can say to Senators to-day, who are mighty in their resources. When we show undue friendliness to Japan, and particularly when, at the same time, we show an antipathy to those two, potentially the greatest powers, perhaps, in all the world—Russia and China—we invite the antagonism of those powers; and, as the Senator has well said on this occasion and on the occasion when he was defending the League of Nations, it should be our disposition to cultivate friendship with all nations.

I am quite confident that the Senator from Nebraska would not have advocated our going into the League of Nations if he had not believed that that was a step in the direction of fulfilling the great injunctions of Washington to show friendship for all nations. He would not have considered that policy, I am quite sure, if he had felt that the League of Nations was a

violation of the principles which were laid down in the words of Washington when he said:

Observe good faith and justice toward all nations; cultivate peace and harmony with all.

And when he warned further that—

A passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists—

As the Senator has already so ably stated—

and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. * * *

Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts and influence of the other.

Oh, Senators, those words were not written by an ordinary man upon a conventional occasion; they were written by a man inspired at the most momentous time in all the history of the world, when, after having created this Republic, he was committing it to the great mission which he believed it was to perform in the world, and when he was giving a solemn warning against the many insidious dangers which might thwart its fulfillment of those purposes and lead to the destruction of the Republic.

Senators, I tell you that when we depart from the solemn injunctions of those inspired words we are running onto unknown and uncomputed perils, and I say that we are running counter to the great mandate given by the American people when they thought the League of Nations was an alliance.

Personally, I think that was a debatable question; personally, I think it was a debatable question whether the League of Nations was large enough so that it might be considered from its very nature an association, or at least the beginning of an association, of the powers of the world; and I hesitated for a long time as to what my position should be, for I have long advocated, together with the Senator from Nebraska, the proper kind of an association between the nations, each maintaining its own separate sovereign power, each acting, as an unbound nation, clothed with all of its unimpaired sovereignty, in cooperation with the other nations for the solving of the common problems of the world. There was a question whether the League of Nations was an alliance. The people of this country, I think, assumed that it was or that it might become one, and I think they disapproved of it; but certainly there is no question about this treaty. It is an alliance; it is an alliance partaking of all the dangers against which the Father of our Country warned us. It is an alliance which can not be entered into without a repudiation of all of those doctrines which the American people have held dear. I say—and I care not whether every Republican upon this floor denies me—that there is not a Senator here who can rise and show that this treaty is in harmony with the teachings of the Farewell Address of George Washington, and unless that can be done this treaty should be repudiated. I care not who is for it. But I propose to show, if I can, before this debate is over that very practical men are for this treaty for very practical reasons, and there will be some explaining to do by certain gentlemen if I decide to tell all that I have good grounds for suspecting. They may be able to remove my suspicions, but it will be encumbent upon them to do so.

The Senator from Massachusetts has said that he did not propose, in presenting this treaty, to say anything in explanation of it until he had heard the objections. I am surprised that the distinguished Senator from Massachusetts should make such a statement.

Mr. LODGE. Mr. President, I have not any objection to the Senator saying anything he wants to; but he must allow me the poor privilege of making a speech when I please, without advice from him.

Mr. FRANCE. Mr. President, I would not, of course, presume upon my friendship and my warm admiration for the Senator from Massachusetts to the extent of giving him advice; but I think it is proper for me to express regret that such a great treaty as this should be brought into the Senate and laid before us with the implication that the Senators must vote for it, with many of them having pledged themselves to vote for it, without a single argument being presented with the treaty why this Republic should suddenly reverse the policy of years—a policy clearly enunciated and enjoined upon us by the Father of his Country. I say it is most extraordinary.

I am very happy that many of the Senators on the other side, especially those from the Southern States, seem to be now disposed in the case of this treaty to reject it because it is an alliance. I say—I may not have made myself clear—I am very happy that they do realize that this treaty is an alliance. If they had realized or if they had believed that the League of Nations was an alliance, they would not have been for that.

I am very happy that so many of the Senators on the other side, many of whom come from the South, are thinking seriously upon the great words of the great southerner, George Washington, because he belonged to our South. I will say to the Senators on the other side, even though ours may be the most northern of the Southern States, that we as southern men are devoted to the doctrines of the great southerner, George Washington, and I know that the Senators on the other side are devoted to those doctrines; and I know this, and I will say it to my party: If you Democratic Senators stand steadfastly and determinedly for these principles which my party seems to be now repudiating you will meet with your reward at the hands of the American people, and I hope to God that you do, because a party which calls itself a Republican Party, when it repudiates the doctrines of George Washington has repudiated it all, and it has ceased to be in that instance the Republican Party.

I want to say that if I have to be elected to the Senate at the price of repudiating those principles, I can go back home and attend to other matters which I hope may be helpful to my State and to my country. I do not propose to buy my place in this body by a repudiation of the solemn injunctions laid upon us by the great inspired Father of his Country, even though some of these later men, so much wiser than he, who have not even taken the trouble to inform themselves on important problems in Europe or to send their emissaries to Europe to find out the real conditions there, are prepared now to repudiate him.

Mr. President, I must apologize for precipitating or prolonging this debate at this time, because I had intended to discuss the matter more fully at some other time.

Mr. ASHURST. Mr. President, I have here a pamphlet of many pages, disclosing the cunning and crafty policy pursued by Japan in her aggression in the Russian Far East, and ask unanimous consent to include it in the RECORD. It is an elaborate article, and I do not desire to consume the time of the Senate in reading it, but will ask that it be included in the RECORD in regular 8-point type, without reading.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The matter referred to is as follows:

JAPANESE AGGRESSION IN THE RUSSIAN FAR EAST.

INTRODUCTION.

The conflict between Tsarist Russia and Japan, which culminated in actual warfare, was brought about by the identity of the policies of the two countries in Korea and Manchuria, and in part in Mongolia. Both sides, although they professed to the outer world the principles of independence, were actually aiming not only to gain a foothold in those regions, but to establish themselves there both economically and politically. When Japan, having acquired rights to Liao-tung as a result of the war with China in 1894, was obliged to return this district to China, after the protests of Russia, Germany, and France, this step, in which the chief part was played by Russia, could, of course, not gain the sympathies of the Japanese. All the more was this the case when Russia soon after (in 1898), obtained a valuable concession in Manchuria, namely, the zone for the construction of the Chinese Eastern Railway, two years later obtained the lease of the aforesaid Liao-tung (Port Arthur), and then, after a further two years, under cover of the Boxer uprising, occupied Manchuria. The effort of Russia in 1901 to legalize this seizure immediately encountered the opposition of Japan. The real threat involved of as successful an aggression on the part of Tsarist Russia in Korea, manifestly imposed upon Japan the ineluctable conflict with Russia unless Japan should be willing to reconcile herself to defeat.

But the events following upon the defeat of Tsarist Russia revealed the fact that Japan, emboldened by her victory, already harbored desires of another kind; she not only was not satisfied with the victory in Korea and southern Manchuria, not only had designs on northern Manchuria, but began to display open tendencies to fortify herself on the far eastern shores of Russia itself.

These tendencies at first manifested themselves in two directions: In the effort to obtain the dominating influence in the fisheries rights in the Far East and in the attempt to force a path; first, to the Chinese Sungari; then to the Amur, after having obtained navigation rights. In 1907 a fisheries convention was concluded, in accordance with the terms of the

Portsmouth treaty, but the Japanese were not satisfied with the rights granted to them to undertake fishing on the Russian shores of the Okhotsk Sea, the Japan Sea, and the Behring Sea (excluding bights and rivers), on terms similar to those enjoyed by Russian citizens, but also desired to have fisheries rights in the Russian bights and rivers, where, in view of the weakness of Russian capital in the Far East, such rights would be equivalent to a complete predominance of the Japanese in Russian Far Eastern fisheries.

The Japanese did not succeed in 1907 in realizing this ambition, but the very attempt was significant and revealed the Japanese tendencies, which were soon to be heard from again, at the first favorable moment.

The attempts of the Japanese to obtain a legal right to navigate the Sungari (then navigated only by Chinese and Russians) and the Amur were made a number of times, and the Tsarist Government, after its defeat on the fields of Manchuria, was obliged to fight stubbornly against these efforts of the victorious Japanese. Although she was fighting obstinately with Russia in China, aiming to force her out of the country, as well as out of Korea and southern Manchuria, Japan nevertheless concluded a number of secret agreements with Russia, having as their general aim to combat the efforts of other powers to establish themselves in China. The publication of the secret treaties of 1907, 1910, 1912, and 1916 has been particularly interesting in this connection.

When Tsarist Russia was occupied on the German front and left the Far East exposed, the Japanese, under these conditions so difficult for Russia, attempted again to bring up these questions, and almost obtained a favorable solution of them, but special effort was put forth after the revolution, and particularly after the civil war.

There was then revealed a complete program "to conquer" the Russian Far East, not only economically but also politically, and the same methods that had been applied by Japan and Tsarist Russia with regard to China and Korea were also used by Japan with regard to Russian territories.

The characteristic feature of this policy in the Russian Far East has been the cautiousness with which Japan proceeded both at first and in the sequel. Although she intended to fall upon the Far East and exploit this serious situation of the Russian people she nevertheless did not decide to put through this program on her own initiative. First, from December, 1917, to August, 1918, playing upon the feelings produced in England and France by Russia's abandonment of the war, Japan aroused the Allies against the Russian Far East, and particularly against Vladivostok, by alleging that the region was one in which the lives and property of foreigners were in danger, and which would require a prolonged presence of warships and landing parties. Then when France and England had decided upon an active policy in Russia, hoping to overthrow the soviet government with the aid of all the antibolshevik elements and thus to force Russia back into the group of belligerent nations, the Japanese assumed a modest position of watchfulness until England and France should succeed in drawing America into the affair. And then after the question of sending troops into Russian territory had been decided upon Japan still waited for the "invitation" of her new Far Eastern competitor—America. As time went on the Japanese, having been given an opportunity to reveal themselves in the Russian Far East in "snow-white" garments, not only made use of all the circumstances favorable to them, but specifically and tirelessly manufactured such circumstances (which is the most characteristic feature of their conduct), in order to expand further and further the zone of their military influence, and under this pretext to establish themselves wherever their predatory program might lead them. But while they were grasping new lands the Japanese did not lose their watchfulness; they did not cease to be on their guard in international matters, and each time that it is required by circumstances they will restrict their appetites and change their tactics. Of the lands seized by them, in the most literal sense of the word, Transbaikalia, the Amur, the Maritime Province, Sakhalin, and portions of Kamchatka, the Japanese were obliged to give up first the Amur, where they began to find things a little hot for them; then Transbaikalia; then a part of the Maritime Province, and now they are established only in the southern part of the Maritime Province, on Sakhalin, and along the lower course of the Amur, but they have not lost their hopes to return. There is no doubt that the Japanese will be obliged to leave also the southern part of the maritime Province, but they have a strong hold on the Sakhalin region (Sakhalin and the lower Amur), where they have introduced their own administration, feel themselves at home, and may there constantly threaten the Far Eastern Republic. The artificially provoked incidents of Nikolayevsk have served as a suitable pretext to the Japanese to justify this seizure to the rest of the world, a seizure that was effected according to their "shortened" program of conquest.

The period of watchful activity in fulfillment of Japanese policy, and the possibility of a further "shortening," or, on the contrary, "widening," has not yet ended; the cause has been the unstable international situation and chiefly the position of the United States, with whom Japan does not desire to have a premature collision, particularly at a moment when the renewal of the Anglo-Japanese treaty seems in doubt.

A study of the Japanese policy throughout the Far East, particularly in China, Korea, and Russia, makes it impossible to overlook the identity of plans and methods, and the stubbornness with which they are applied and carried out. In Korea, China, and Russia Japan is attempting to gain a foothold on the mainland that she may not only feel absolutely safe on her islands, but also may be assured of an opportunity for the further development of her imperialistic policy as a great power. And this policy will be continued as long as the militarists and imperialists have the upper hand in Japan.

The aggressive Japanese policy of the present day is not a remote but an immediate threat to the peace of the whole world, and it is all the more immediate a threat in that it is based at present, particularly with regard to Russian territory, on French and in part on English support.

To return to the position of the Russian Far East, it is necessary to emphasize that the fact that the Japanese at the time of their stay in the country investigated all the former Russian fortresses and wherever possible made them unfit for use; that the fact that in their dealings with the authorities of the Maritime Province, and at present with the Government of the Far Eastern Republic, they constantly insisted that they would not "permit" the re-erection of the old fortresses or the construction of new ones along the Russian shore is a sufficient indication of the future plans of Japan.

They know that while they may be obliged to "limit" themselves now, to-morrow may bring the moment when they may "broaden out."

The sad story spread by the Japanese, of their "overflowing" population and the necessity of finding space in which to spread out, is a myth as far as the Russian Far East is concerned; the number of Japanese emigrants throughout the world is insignificant, even including the conquered territories of Korea and Formosa and the exploited field of Manchuria; furthermore, the climatic conditions of the Far East are not in general suitable for the Japanese—and in the Tsarist days, and even in the thriving times of the intervention, the number of Japanese citizens was very small. But those Japanese who chose the Russian Far East as their place of domicile have succeeded in making themselves at home there, as have the other foreigners in the Far East. The point, then, is not to be found in this field; the above is only a subterfuge put up for external consumption.

To trace the true outlines of the Japanese policy in the Far East and to describe the painful birth of the Far Eastern Republic is the task of the present publication.

I.

On December 30, 1917, a Japanese warship sailed into the port of Vladivostok, entirely unexpected by the Russian population of the city, and without any previous warning to the local authorities. At the same time the Japanese consul general issued the following declaration to the chairman of the Maritime Province Zemstvo Board (regional self-government) and to the mayor of Vladivostok:

The Imperial Japanese Government, in view of the fact that under existing circumstances the Japanese living in the city of Vladivostok and its environs are in constant fear, has decided to send a warship into the port of Vladivostok. This decision was made with no other purpose than that of defending Japanese subjects, which is a duty incumbent upon the Government. The Japanese Empire, being a country truly friendly to Russia, warmly desires the consummation of a healthy development of Russia and hopes that the interests of Japan and other allied countries will be fully respected within the boundaries of Russia. The Imperial Government has, moreover, no intention whatsoever of meddling in the question of the political structure of Russia, which will be determined by the Russian people, and the object of the present expedition has no connection whatever with this question.

The sudden appearance of the Japanese and their unexpected declaration as to "noninterference" brought forth an immediate reply on the part of the Maritime Province Zemstvo Board, in which the latter pointed out that while considering that a final judgment as to the dispatch of Japanese warships to the port of Vladivostok without the consent of, and even without a warning to the local authorities, is to be passed by the central governing authorities of the Russian Republic, the Zemstvo board, for its part, being a representative of the population of the region, feels at the same time called upon to protest against this measure as a violation of the sovereign rights of the Russian

Republic. After expressing its surprise on the subject of the contents of the declaration in general, the Zemstvo board said:

The defense of all persons is the first duty of the authorities installed by the Russian people, and we feel obliged to state that under their protection public order in the city of Vladivostok has not once been broken, and the appearance of reports in a number of newspapers published in Japan as to the alleged occurrence of disorders in Vladivostok are in no way in accordance with the truth, as is well known to all the foreign consuls stationed in this city.

The Japanese did not react in any way to this protest, which was the answering declaration of the Zemstvo board, but the consuls of Great Britain and the United States, after receiving copies of the protest, sent to the regional government the following communication dated January 16, 1918:

The claim made in this declaration, that public order has not been violated in Vladivostok up to the present, we acknowledge as correct. On the other hand, we consider the political situation at the present moment to be such as to cause feelings of uneasiness on the part of those countries having considerable material interests here, as to the direction that might soon be taken by affairs in this region, which justify the Governments of these countries, including Japan, to take such preliminary measures as they may consider fitted to cope with the problem of defending their interests in case the latter should actually be threatened with danger.

The appearance of the first Japanese warship was therefore not called forth by any disorders actually threatening the lives and property of Japanese citizens living in Vladivostok, but simply by uneasiness "as to the direction that might be taken by affairs in this region."

This first illegal act of the Japanese Government, to the surprise of the Russian population, was supported by the English and American consuls. Soon there appeared in the port of Vladivostok a second Japanese vessel; a short time later came an English and an American cruiser.

It was necessary to justify in some way the presence of these vessels in foreign waters, and from this moment there began a veritable bombardment of the Zemstvo board by the consular body. Every incident, of whatever significance (criminal offenses, for instance), such as may be of constant occurrence in all countries, without calling forth the arrival of special foreign vessels of war, they brought to the attention of the Zemstvo authorities, as if they were something quite extraordinary, and indicative of the insufficiency of the government as a local authority, and requiring foreign intervention. The measures taken by the very moderate local soviet of workers' delegates to defend the population from the fever of profiteering on the part of private persons and a number of commercial and financial institutions, were held to be "violations of the interests of foreigners" and also brought to the attention of the provincial government (Zemstvo board).

On April 5, 1918, the provincial government received a communication from the Japanese consul general to the effect that, "in view of the absence of sufficient security in the city to assure safety to foreign subjects," he was obliged to ask Admiral Kato to take suitable steps for the security of the life and property of foreign subjects. Simultaneously the provincial government also received a declaration of Admiral Kato, in which the latter, with expressions of his "sympathies" for friendly Russia and the Russian revolution, declared that he was obliged to take extraordinary measures because of the absence of sufficient means in the hands of the local constituted authorities to protect the interests of the population.

At night a landing party of Japanese troops came ashore. The Zemstvo board in an extraordinary session unanimously resolved to issue an emphatic protest against the landing of foreign troops.

At noon on the following day an English landing party arrived.

At 5 o'clock in the evening the consular corps visited the chairman of the Zemstvo in full force, and handed him a declaration of the following content:

There is not the slightest reason to suppose that the present landing of Japanese troops has any relation with a desire to meddle in the internal policy of Russia or to support this political party or that against the others. But in spite of the fact that we have repeatedly called the attention of the local authorities to the fact that life and property of foreigners are not sufficiently protected, we have not been able to observe that the condition of affairs has taken any turn for the better, since things have finally come to the pass where murder and injuries have been inflicted upon three Japanese citizens in broad daylight. Under these circumstances the commander of the Japanese squadron has been obliged to take the necessary measures for the defense of the Japanese. As above stated, the landing of Japanese troops was carried out exclusively with the object of protecting the Japanese, and we therefore have decided emphatically not to act against any Russian party. The Imperial Japanese Government desires merely that it shall be clear that it will always maintain the most friendly and peaceful relations with Russia.

If, therefore, the local authorities will take measures, satisfactory to us, for safeguarding the life and property of foreigners in this city, and preventing the repetition of incidents similar to those that took place recently, the Japanese Government, in view of the above-mentioned object of sending the landing party ashore, will be ready with pleasure to take up a discussion of the means of arriving at a satisfactory solution of the present question, and simultaneously the Imperial Japanese Government hopes that the Russian authorities will immediately take the steps required for a proper adjustment of the matter involving the murder and injury of Japanese.

This document necessarily received the attention of the local authorities and population, for, in addition to the outright declaration as to a Japanese landing party, indefinite and vague expressions already began to be used here; "discussion of a means of arriving at a satisfactory solution of the present question."

In his answer to the consular corps, the chairman of the Zemstvo board declared that the landing party as a means of moral uplift in the sense of preventing thefts and, in general, reestablishing peaceful conditions of life in the city, could not be considered as very successful, since the very fact of a landing of troops brought unrest into the population. Furthermore, the chairman declared that the landing party should withdraw to the ships and the city itself should be left to organize the proper security forces, all the more since the question of reorganizing the militia had already been raised and was to be settled within the next few days.

The consuls declared verbally that this solution would be satisfactory to them also, but no assurances were made that the troops would be withdrawn.

That same night pedestrians in the streets were searched by Japanese sailors, which raised a veritable storm of protest on the part of the local population as well as on that of the authorities.

Notwithstanding all protests, the foreign troops were allowed to remain in the city. Criminality was not only not prevented, but, on the contrary, began to increase visibly. It was felt by all that there were not simply criminals at work, but rather a specially organized gang.

Meanwhile American and Chinese ships were added to those of Japan and England in the harbor.

Harbin and Manchuria in general were at that time the centers for the organization of counter-revolutionary forces, grouped about Gen. Horvath, ruler of the Chinese Eastern Railway, and the Atamans—Cossack chieftains—Semenov, and Kalmykov. Semenov was in control of the station of Manchuria—a city—while the detachments of Kalmykov were already active at the station of Pogranichnaya, carrying on thefts and shootings of peaceful people under the pretext of combating bolshevism. The local population was already then fully aware of the relations existing between the Japanese and the Atamans, Semenov, and Kalmykov. Semenov was also receiving some support from the French.

II.

In June news began to arrive from Siberia of the overthrow of the soviet power by the Czecho-Slovaks, and on June 29 the Czecho-Slovaks gained control in Vladivostok and the environs. The military power was entirely in the hands of the Czech command, and only the civil power, and that not fully, was held by the Zemstvo board.

On July 6 a proclamation addressed to the population by the Allies appeared on the advertising kiosks of the city, signed by the commander in chief of the Asiatic Fleet of the United States, Admiral Knight; the commander of the special division of the Imperial Japanese Fleet, Vice Admiral Kato; Capt. Paine of the Royal British Fleet; the head of the French military mission with the Czecho-Slovak army, Col. Faris; the commander of the Chinese cruiser *Hai-Yen*; the commandant of the city, Capt. Badiura, of the Czecho-Slovak army.

This declaration ran as follows:

In view of the danger threatening Vladivostok and the allied forces in that city by reason of the open and secret work of Austro-German prisoners of war, the city and its environs are hereby placed under the provisional protection of the allied powers, and all measures will be taken for its defense both from external as well as internal danger.

All ordinances issued up to the present time by the Czecho-Slovak command shall remain in force.

The authority of the Zemstvo and of the city government is recognized in local affairs, but the military force and the police shall be strengthened by such numbers of allied troops as may be found necessary for eliminating the danger threatening from Austro-German agents and their influence, who, according to information in our possession, are active in the city. The present step is taken in a spirit of friendship and sympathy for the Russian people and not for any political faction or party, in the hope that the period of calm that will result will make it possible to unite again all factions in their work together, so that their harmonious and united strength may reestablish a firm and long-lived government and may cast off the yoke of the tyrannical dictatorship of the Austro-German powers, which are trying to fasten this yoke for a long time on the Russian people.

All responsible citizens should unite in the general work of maintaining order and lawfulness.

The attacks of the Czechs under the tutelage of the French and the proclamation of the Allies on July 6, sanctioning these attacks, so to speak, are the signposts marking the beginning of intervention; the preparatory period is at an end. While the

arrival under very unusual circumstances of first one and then another Japanese warship at Vladivostok and the pressure exerted by the whole consular corps, as well as the landing of Japanese and English troops, were considered as perhaps a very humiliating but nevertheless temporary episode—the Czecho-Slovak action and the proclamation of July 6 immediately cause the population to view the matter in a more serious light; it became plain that some one, individually or collectively, desired to force his will upon the Russian people.

III.

The open acts of the Japanese now became merely a part of the general activities of the Allies. And it was clear, as was shown by subsequent events, that these open acts were not the chief objective of Japanese policy. The Japanese at this time were preparing a special Russian army which was to keep the civil war constantly aflame, to create a condition of perpetual uncertainty as to the morrow, and to undermine every Russian authority of whatever nature it might be, soviet, bourgeois-democratic, or monarchist.

At the head of these forces there was constantly available the bandits and murderers—the Cossack Atamans Semenov and Kalmykov, established on the highways and the railroad main line, who robbed, tortured, and shot down the peaceful population when it was so unfortunate as to meet with these criminals. And both Kalmykov and Semenov were in possession of great sums of money for the hiring of bandits among the Cossacks, former Tsarist officers who did not wish to make their peace with the revolution and had become accustomed to a dissolute life, ignorant natives of the Buriat and Mongolian tribes, as well as Chinese Khan-Khuses (bandits); they had weapons in great abundance, even machine guns.

Meanwhile conversations were going on between the allied Governments on the subject of intervention on a large scale.

At the time when the French and English were framing great plans for the renewal of the Russian participation in the war with Germany, plans closely associated with the active struggles of the Czechs and the antibolsheviks against the soviet power, the Americans gave evidence of a more sober view of things, particularly of the value of military intervention as a means to this end, and formulated the task of the American troops as the "guarding of supplies that might later be of assistance to the Russian troops and also the giving of aid such as the Russians would be ready to accept in the organization of their own self-defense." Only with this object, the United States declared, would they collaborate at the present time with the Governments of France and Great Britain in the Murmansk and Archangel region on the one hand, and "for the defense of the rear of the Czecho-Slovaks moving westward" on the other hand; but the latter was the more important consideration.

Limiting its tasks in this manner, the Government of the United States did not, at the same time, force its pessimistic view of intervention and of its function in connection with the German war upon the English and upon France, and in its declaration cited above it states that the "decisions taken by the Government of the United States on this important question do not signify that it is the thought of the United States to restrict the actions of the Governments with which we are at the present time allied, or to meddle in their independent judgments."

After the action of the Czechs in June the beginning of August saw the most definite steps taken in the history of intervention in the Russian Far East. The question as to active military intervention was settled, and the Governments of the United States, Japan, Great Britain, France, Italy, and China—the latter was also dragged in—solemnly addressed the Russian people and explained to it their true intentions and promised that "Russian territory should be inviolate at the present and in the future," "nonintervention in internal affairs," and abstention from actions that might violate "the political sovereignty of Russia."

In their declaration of August 5, 1918, the United States assumed officially the political responsibility for the entrance of the Japanese troops. In that declaration the following words appeared, literally: "The United States and Japan are the only powers now able to act in Siberia with sufficient forces to carry out even those modest aims that have been indicated above. The Government of the United States has, therefore, proposed to Japan that each of these two Governments send detachments of several thousand men to Vladivostok. These detachments should act as a sufficient force for the purpose of occupying Vladivostok and defending the Czecho-Slovaks in their western movement. The Japanese Government consented to this."

This is accompanied by assurances on the part of the United States as to the absence of any desire for conquest: "We have knowledge that the Japanese Government is giving similar assurances. The plans and intentions of the Government of the United States have been transmitted to the Governments of France, Great Britain, and Italy, and these Governments have informed the State Department of their acceptance in principle."

As a matter of fact, the Japanese on the following day published a solemn declaration in which they made an almost identical statement: "The Allies naturally can not remain indifferent to the unfortunate course of events (the Czecho-Slovak affair), and a certain number of allied troops have already received orders to proceed to Vladivostok. Likewise the Government of the United States, conscious of the seriousness of the situation, recently made to the Japanese Government the proposal to send troops immediately, with the object of easing the situation of the Czecho-Slovak forces. The Japanese Government, desiring to meet the wishes of the American Government half way and, likewise, to act in harmony with its allies in this expedition, decided to proceed at once to forward the necessary troops for this purpose."

The solemn declaration goes on to say: "The Government confirms its declaration of its policy of respect for the territorial integrity of Russia and its abstention from any meddling in Russia's internal affairs and policies. In addition, it declares that immediately upon the realization of the above-mentioned aims it will evacuate all its troops from Russian territory."

The English and French gave similar guaranties, although they, particularly the French, were already definitely committed to give "assistance" to antibolshevik elements in the interests of a "reconstruction of Russia" and her return to the fold of the Allies. In the declaration signed by Regnaud it is said: "France, like her allies, could not fail to answer the call of the sane elements of the Russian people who remain faithful to their allied obligations and who aim still to put an end to the bolshevik disorganization, which brought about the dismemberment and the ruin of Russia, betrayed to the Germans."

IV.

On August 11 the Twelfth Japanese Division landed at Vladivostok, and on August 18 the commander in chief of the Japanese expeditionary forces, Gen. Otani, with his staff, became the nominal head of all the allied forces. In September American forces also began to arrive.

Meanwhile the Czechs were moving in an easterly direction, everywhere overthrowing the Siberian soviet authorities, which they took by surprise, and preparing the way for the arrival of the Allies. The Japanese troops were moving westward into Transbaikalia and beyond, taking possession of the railroad, creating a western basis for themselves in Chita, in which city the Third Division arrived at the end of December. Behind the Japanese there followed closely Ataman Semenov, at that time quartered at the station of Manchuria, whither he had repaired after the defeat inflicted upon him by the Siberian soviet troops and volunteer forces. Semenov, following upon the Japanese, got as far as Chita and settled down on the main line of the Transbaikal Railroad.

And then, coming immediately after the Czechs and Japanese, who had turned their attention to Khabarovsk in the middle of August, Ataman Kalmykov, who had "fought" at the station of Pogranichnaya (it is extremely characteristic of these "champions against bolshevism" that every one of them took up his headquarters on the Chinese border, to which he would again withdraw when the slightest pressure was put upon him), penetrated to the Khabarovsk front, where, together with the Japanese, Czechs, and English (the Japanese were in the majority), he participated in the offensive against the hastily organized forces of the soviet of workers and peasants which were defending Khabarovsk. After the evacuation of the soviet army, the Japanese, together with Kalmykov, entered the city of Khabarovsk on August 16 and established themselves there.

The soviet troops retreated to Blagovyeshchensk, to which the Japanese directed a portion of their forces. On September 18 the Japanese entered the city, and on September 24 also entered Zeya. There were no important battles, for the soviet troops declined to give battle. The Fourteenth Japanese Division was assigned to the Amur district, and soon arrived there.

V.

A very curious feature of the Japanese policy, and one that later became very expensive to the population, at once made itself apparent. Wherever they came, whether it was Khabarovsk, the Amur district, Transbaikalia, or the Maritime Province, they had behind them "Russian troops" and "the Russian people," impersonated by the most desperate bandits and military criminal elements, who were in Japanese pay, were completely dependent on the Japanese, and carried out all steps

necessary for the realization of the secret plans of Japan. To other foreigners living in that region the picture became one of uninterrupted civil war and disorder, requiring the presence of foreign troops and permitting the Japanese forces under these circumstances to appear as the "benefactors" of the peaceful Russian population. After the first weeks of the joint occupation of Russian territory by allied troops, differences between the Americans and the Japanese became quickly apparent. The latter quite openly declared their intention to hold the railroad in their own hands. These differences led to a Japanese-American agreement in February, 1919, which was reached after long preliminaries, and to an agreement between the Allies, of March 14, 1919, by virtue of which there was formed an inter-allied railroad commission, which took it upon itself to "guard the railroad." (The Chinese Eastern, the Usuri, and the Siberian Railroads are meant.) In the declaration, point 5 stated: "The application of the present agreement shall cease with the recall of foreign troops from Siberia, and all foreign specialists on the railroad will also then be immediately recalled. We desire to emphasize the principle that the plan outlined above will be carried out without any violation whatever of the sovereign rights of the Russian people and in cooperation with the Russian Railroad personnel." The Japanese were obliged to yield the supreme technical management of the railroads to the Americans, who had arrived in Siberia even before the fall of the Kerensky government.

The Japanese assumed the guardianship over the Transbaikalia and Amur sections of the railroad and of a portion of the Usuri Railroad, which work was carried out jointly with detachments of Russian counter-revolutionaries organized by them. The Americans guarded a portion of the Usuri Railroad and a portion of the Transbaikalia Railroad near Verkhne-Udinsk.

VI.

In this manner the Japanese, uninterruptedly enlarging the zone occupied by their army under various pretexts (frequently in the form of "reliefs" of regiments and divisions), were permanently settled in the Maritime Province, in the Amur region, in Transbaikalia, and were moving into the Province of Irkutsk and to the west of that Province, with as yet small forces.

But this was not sufficient for them. On the basis of a military agreement with Japan, in August, 1918, China, owing to war conditions, which completely absorbed the Allies in their own affairs, was ceaselessly under Japanese pressure, and the Japanese obtained the legal right to establish themselves on the Chinese Eastern Railroad and to assume the guardianship of the road, and made use of their sojourn there (they held the Chinese Eastern Railway for about two years) to consolidate themselves firmly throughout northern Manchuria.

The truthfulness of the Japanese assurances in their solemn declaration of August 6, 1918, became apparent after only a few days, when, sending their troops into Manchuria, they issued their famous communique of August 13, 1918, to the chairman of the Zemstvo board. In this declaration the Japanese exposed the fact that they had entered the territory of the Russian Far East with ulterior motives and plans of their own. While, in their declaration of August 6, the Japanese referred only to the necessity of aiding the Czecho-Slovaks as the cause for intervention, their communique of August 13 advances an entirely new factor, namely, the menace threatening them in northern Manchuria. This document literally declares:

The attention of the Japanese Government was recently called to the growing activity of armed German and Austro-Hungarian prisoners in Siberia along the Manchurian boundary. These prisoners, actually standing at the head of the soviet armies, are at present putting pressure upon the Chinese border in the direction of the city of Manchuria, and this impending danger has obligated a considerable number of Chinese and Japanese inhabitants to seek safety in flight. The situation threatens Chinese territory with immediate danger and in no less serious degree is a menace to Japan.

Japan is bound to China by ties of intimate friendship. Both Governments discussed the policy that should be followed in the present state of affairs and agreed, as an extraordinary provisional measure, on the sending of a detachment of Japanese troops, at present stationed in southern Manchuria, into the city of Manchuria. This transfer of troops is based upon the harmonious collaboration of China and Japan in the face of the threatening danger, and in undertaking it the Japanese Government will faithfully observe both the sovereignty of China and the rights and interests of the local population. The Japanese Government is happy to believe that these measures will to a considerable degree aid in strengthening these relations, based on mutual confidence and good faith.

VII.

At the time when the Japanese hirelings, Semenov and Kalmykov, under the protection of the Japanese, were continuing their task of "fighting bolshevism"—that is, were robbing, pillaging, and murdering the peaceful population—the Japanese were deluging all the villages, and their excesses reached such a point that the entire peasant population began to suffer under their yoke and to turn to their still remaining Russian "authorities," to the Zemstvo boards, for help. Simultaneously the Japanese organized the Chinese Khun-Khuzes (bandits) and directed their assault on the Russian population, and together with them engaged in a complete terrorization of the Russian Far East, both in a military and in an economic way. Everywhere they demanded from the Volost Zemstvo boards information as to the number of inhabitants in the Volost, the number of lands of the various categories, cattle, fowl, etc. All the numerous appeals of the Volost Zemstvo boards to the regional Zemstvo boards would end in the same way: "In reporting the above, the board begs that Russian citizens be protected from violations on the part of armed Japanese detachments."

In order to describe more concretely the actions of the Japanese in 1918 and 1919 (which actions continue to the present day), it is interesting to quote extracts from some of the numerous resolutions of the village communities. The peasants, observing the powerlessness of the Russian authorities, in their simplicity often resolved to appeal to the "American" and "Chinese" consuls in Vladivostok for aid and protection:

In view of the present condition of affairs, when Japanese troops are quartered in Ivanovka (a village of the county of Nikolsk-Usurisk, Maritime Province), and of their attitude toward the inhabitants of the village, particularly the attitude of the interpreter of the Japanese command, a Korean, we have resolved to appeal in the present document to the American and Chinese consul in the city of Vladivostok with the request to relieve the peaceful population of the violations imposed upon it by Japanese troops, since, we repeat, it is impossible for the population even to live in peace, and it will be obliged to leave its homes and escape to wherever it can.

Here are several facts proving the above statement. The Japanese soldiers, without any cause or reason, killed 10 pigs, destroyed a number of gardens, obtained by force and by threatening with weapons, produce, particularly eggs, fowl, etc., and where such was not forthcoming, beat up the farmers. They beat a number of truckmen, when their horses, pulling a heavy load, did not succeed in keeping up with other horses which were stronger. The inhabitants of Ivanovka have been taken away from their regular occupations and are now occupied chiefly in transporting Japanese troops and their supplies; the Japanese soldiers and their Korean drivers beat up the inhabitants of the village, men and women as well as children, frequently using their weapons for the purpose. In the last few days there were beaten up Daniel Romanchenko, 52 years of age; Titus Gerasimenko, 47 years old; the citizen of Ivanovka, Varava, 84 years old, was killed; Nikonor Troyan, 16 years old, was killed by drowning; and finally the village head, Yurchenko, 60 years old, was killed while in the performance of his duties. Signed, October 7, 1919, by the true signatures of 29 citizens of the village of Ivanovka.

These are not isolated facts, but represents a system then practiced and now still practiced by the Japanese. We quote below a number of documents giving information that was gathered by the local authorities.

On October 13, 1919, in answer to an inquiry on the Japanese atrocities in the village of Nikolayevka, Nikolsk-Usurisk County, Maritime Province, the following appears in document 3:

On September 3, in the village of Nikolayevka, I, the chairman of the Nikolayevsk Village Committee, Michael Loboda, made an inquiry, together with the undersigned witnesses and appraisers, the citizens of the village of Nikolayevka, Timofei Korpenko, and Loka Shkolin, on the burning of Barsukov's farmhouse.

On July 5, 1919, O. S., early in the morning, a detachment of Japanese troops arriving, they set fire to Maxim Barsukov's shed and then also to the four remaining huts, in which Nastasya Barsukov, the wife of Vasli Barsukov, and Matrena Barsukov, the wife of Ivan Barsukov, were burned to death; they killed on the same spot Vasily Moiseyevich Barsukov and Simion Vavilovich Barsukov; Nikolai Barsukov was wounded and later died of his wounds. The damage done by the fire is estimated at 191,154 rubles (Siberian paper money).

Document 6: The Japanese came to Ivanovka on July 22, 1919, and took possession of the Zemstvo Board building and school. After seizing the building they threw around the benches and then broke 26 of them, also five blackboards, and burned three cords of wood. Of school supplies are missing 200 copy books, 120 pencils, 300 pens; textbooks and readers were destroyed, but it is impossible to estimate the number of the latter, as the catalogues also have been destroyed. The losses of the school amount to about 4,645 rubles.

In the Zemstvo Board building they burned five cords of wood of a value of about 3,000 rubles. The Japanese staff was asked to pay 1,000 rubles monthly for their quarters for August and September, in all 2,000 rubles, but refused to do so.

From the report of the head of the Khabarovsk municipal militia, January 12, 1920, addressed to the chief of Khabarovsk County:

Record of preliminary investigation:

On January 8, 1920, I, Michael Chebyarov, militiaman of the second district of the guard of the Amur Railroad, posted at station Volochayevka of the aforesaid railroad, on the basis of articles 252 and 253 of the criminal law, proceeded with an inquiry concerning the killing of Joseph Melnikov by Japanese soldiers, in which inquiry it transpired that on January 8 of the current year, after the armored train No. 101 had arrived from Khabarovsk at the station Volochayevka, there was passing at a distance of 20 sazhen (140 feet) opposite the station Volochayevka, in a sleigh drawn by a horse, the family of Joseph Melnikov, the road surveyor of the seventh precinct of the road service, consisting of four boys, the youngest of whom was 4 and the oldest 15 years old; at that time part of the Japanese soldiers left the armored train and began to shoot at the aforesaid persons passing in the sleigh, mortally wounding in the head above the left temple the 15-year-old Joseph Melnikov and killing instantly the horse belonging to Michael Akimov, citizen of the village of Volochayevka.

From the report of the head of the Khabarovsk municipal militia, January 12, 1920, addressed to the chief of the Khabarovsk district:

I report that on January 3, 1920, the Japanese officer, Heida Tonaki, fired his revolver at the militiaman of the second precinct, Gusev, on guard at his post. Although the shot was fired at close range, the bullet did not enter the militiaman's body. The shooter was arrested by the head of the fourth precinct of militia in my charge and his Smith & Wesson revolver taken away from him. When questioned as to the reason for discharging his weapon, the Japanese officer answered, "My fun."

From a document dated February 6, 1920, in the village of Knyaze Volkonskoye, drawn up by the representatives of the local authorities:

On January 8, 1920, I, Michael Chebyarov, militiaman of the second, the settlement Knyazevolkonky, from the direction of the village of Konstantinovka, opened fire at a distance of about 1 verst, and thus destroyed the building of the Volost Zemstvo Board, which was struck by a number of shells.

After ceasing fire the Japanese detachment, entering the village itself, began a machine-gun fire in the first, second, and third streets and then conducted an individual search of the peaceful inhabitants, violating inoffensive women and young girls and also stealing the property of peaceful citizens. They then proceeded to burn down dwellings and several structures belonging to peaceful citizens, as well as a number of buildings of government institutions.

According to a telegram of the head of this section of the Usuri Railway Service, dated February 25, 1920, the Japanese troops shot and otherwise killed the following persons: "Near the Gedika junction the State machine worker, Fedor Dveryak, was killed on January 10; on January 24 the laborer Ivan Bezkrovny was shot at the station of Vyazenskaya; and on February 1, in the 608-verst guardhouse, the right-of-way worker, Gordey Tsibunsky, was killed, with his wife and two children."

Report 102 of the Gondatin village committee, Vedensk County, Iman District, Maritime Province: Drawn up September 24, 1918:

We again ask the body of the Iman district Zemstvo board to place the following matter before whom it may concern: Japanese soldiers guarding the bridge between the stations of Iman and Guboryevo, Usuri Railway, steal everything that has value and that pleases them, shoot at people in order that they may not interfere with their seizures of fowl, eggs, bread, sugar, tea, matches, knives, bowls, and government property, which has been brought by the Red Army men from the German front, as well as shotguns, powder, and caps. They take things not because they need them but because they please their fancy; they ransack trunks, breaking their locks to do so; they attack women, demanding what is impossible and shameful for Russian persons; and we have been reduced to the most wretched situation, not having expected such actions from the Japanese people. We urgently beg the Japanese consul to put an end to the violations and misdeeds perpetrated by the Japanese soldiers. (There follow the signatures of the inhabitants.)

The above specimens of complaints are not specially chosen and are not the most outrageous. Among the other records, we have documents that it is impossible to read with any peace of mind, and we can produce thousands of such complaints, all of them officially certified. To publish all these documents would be to fill thousands of volumes of human wretchedness.

All these things the Japanese themselves did, and this is what they called "fighting bolshevism."

They were ably seconded by their hirelings, the bandits Kalmykov and Semenov, who robbed, tortured, and murdered thousands of people without distinction of sex or age, and that also was called "fighting bolshevism."

VIII.

Murderers and criminal elements who escaped the local authorities always found protection in the Japanese staff, and if they were arrested were defended by the Japanese, who declared that these were their agents. As a specimen we may introduce a copy of a telegram, No. 98, of the Nikolsk authorities, dated September 8, 1920:

I arrested on this day Karl Belyayev, who in Spassk murdered Andreyev, Kustovinov, and Kalinichenko (three representatives of the Zemstvo board authorities, who later turned out to have been burned by White Guards in the furnace of their locomotive). The local Japanese command freed the prisoner and took him under its protection, depriving me of the right to arrest him, Belyayev, as a criminal offender. This intercession of the local Japanese authorities in favor of criminal persons is not the first case. I urgently request the punishment of illegal acts of intervention on the part of the Japanese command in the business of the Russian authorities.

(Signed) SOLOGUBENKO.

IX.

Returning to the general allied intervention, aside from that of the Japanese, we must distinguish between two policies: The Anglo-French policy and the American policy, or the active and the passive policy.

France and England, in the presence of their military representatives (the English general, Knox, and others, for example), intended to make use of the situation to wage a cruel and bloody war against the soviet power and understood perfectly well that this determined struggle against the soviet power would have to be carried on, not by democrats but only by irreconcilable monarchists and the remnants of the bourgeois-feudal Russia, who opposed to the ideas of the revolution the old ideas (and practices) of the autocratic régime that had been born in blood and iron.

When, after the Czecho-Slovak revolt, the moderate democratic elements and a portion of the right socialists set up their power in the Provinces, and after the Ufa conference of the members of the constituent assembly created the directorate in Omsk, the center of Siberia, and when simultaneously the monarchist elements, with foreign support, became strong enough to bring about a coup d'état and to overthrow the directorate, the English and the French, who had already been in sympathy with them and given them support, were doing their best to bring about the success of an extremely reactionary administration—the rule of Admiral Kolchak.

What Kalmykov was doing in Khabarovsk, and Semenov in Chita, became the rule all over Siberia as soon as this new power, based upon foreign bayonets, was strengthened; whipping, shootings of carloads of people with machine guns, treacherous assassination of all the elements that were more or less democratically inclined, and debauchery of the reactionary soldiery in the villages which in many places were converted into cemeteries and ash heaps, became a "normal" condition for the Siberian population.

X.

But even then, with the fatal policy of the Allies as the background, the Japanese policy did not lose its originality.

With its own problems in view and with such an excellent opportunity to come in "by invitation," Japan could not allow any other power, not even a kindred monarchy, to fortify itself there. A strong Russian power meant a curtailment of her program; Russia, torn by internal strife, guaranteed the carrying out of her policy of a great power aiming at the creation of a great Japan at another's cost.

For this purpose, as was already pointed out, were called into existence Semenov and Kalmykov, and were kept at different places, both to be used for the same job. At the moment they were to weaken the Central Omsk Government, to hinder its work. At the same time the Omsk Government was made use of in every possible way—its gold reserve was drained, its cotton, iron, copper, etc., were exported for next to nothing.

At last the entire population, including many antibolsheviks, in despair took to arms and, hiding in outlying woods, began a guerilla warfare with the reactionary and criminal power imposed on them from outside.

XI.

At the same time Kolchak's army, after serious clashes with the red army, began to thin out and retreated; the greater part, mostly peasants, went over to the reds, the rest retreated or fled.

The Czecho-Slovaks, seeing the shameful part they had played, realizing that they were nothing but cat's-paws in the hands of reaction, began to demand immediate repatriation and refused to do further fighting.

Indeed, there was nothing else to be done; the victorious red army was everywhere met by the population with enthusiasm as the liberator from the horrible nightmare of Kolchak's rule, and grew from day to day.

Not to retreat after discontinuing to fight meant complete rout and disaster.

The Czecho-Slovaks naturally preferred the retreat and began to move eastward. The Allies, realizing the failure of military intervention, particularly after the successful end of the war with Germany, did not particularly detain the Czecho-Slovaks. Sufficient use had already been made of them.

The English, French, Czecho-Slovaks, Italians began to leave Russian territory. The counter-revolutionists were in despair and called to Japan as the "only" country that could save "Russia," i. e., counter-revolution. And doing so, they cursed America. The fact that America, as represented by the commander of the American forces, William S. Graves, did not find it possible, remaining true to the declaration of August 6, 1918, to support actively the lawless régime of the various Kolchaks, Rozanovs, Ivanov-Rinovs, etc., brought about the hatred of these monarchist remnants toward Americans. In their prostitute press, which was engaged in singing praises to "noble Japan" and to the aid already rendered to "the Russian people" (as represented by all these generals—the Semenovs, Kalmykovs), they were outdoing one another in slinging mud at the American forces in America. They all carried one motto—alliance of monarchist Japan with Siberian and Russian monarchist counter-revolution. But these "mouthings" too went for naught—they were swept away by popular indignation.

XII.

Kolchak's rule was overthrown everywhere; first in the west and later in the east (in the Maritime and Amur Provinces). On January 31 Gen. Rosanov, Kolchak's appointee, was overthrown in Vladivostok, and in February the same happened to Kolchak's administration on the Amur.

Japan's policy remained the same as ever. On January 31 an attempt was made to repeat the experience of November 16, 1919, during the so-called Gaida insurrection in Vladivostok, where the insurgents were defeated only through the aid given to Kolchak's forces by the Japanese; as a result several hundred men were killed by machine guns. This time, during the revolt, when almost the entire Kolchak forces went over to the side of the Democratic Zemstvo Government, which was fighting Kolchak, on the streets together with Japanese forces appeared also Americans, which prevented the Japanese from interfering in the events, and in accordance with the declaration of their Government insisted on their (the Japanese) remaining neutral.

A similar attempt to prevent the overthrow of Kolchak's rule was made by the Japanese in the Amur Provinces, but was ineffective owing to the persistent and determined activity of the revolutionaries.

XIII.

When the forces of the Zemstvo administration of the Maritime Province, which proclaimed itself as the provisional government, were approaching Khabarovsk to seize or expel Ataman Kalmykov, the Japanese, which, under the circumstances could not act openly, took up a position of secret military aid. In a telegram from Bulgakov, the commander of the attacking Zemstvo army, dated February 21, 1920, No. 201, addressed to the commander in chief of the forces of the provisional governments, the following was stated: In order to hamper the progress of his army Japanese soldiers, during the night of February 12, had cut up the paving of the bridge and the stairs near the bridge on the six hundred and eighty-first verst and laid the cut-up timber on the bridge girders between the rails; on top of this they piled up straw and set fire to it. Very coolly the Japanese soldiers kept throwing pieces of wood on the bonfire. When this was brought to the attention of Gen. Yamada, in command of the Japanese forces in Khabarovsk, he did not try to evade the question, but replied that he was forced to stop the entry of revolutionary forces in Khabarovsk, and therefore gave the order to burn two bridges. Still Kalmykov was chased out, notwithstanding the help of the Japanese. He crossed the Chinese border, where he shot part of his army which tried to leave him, and later was himself interned by the Chinese. (Some time later in trying to escape he was killed by Chinese soldiers.)

XIV.

In the Amur Province, where the Japanese soldiers were particularly suffering from the cold and where they outdid the other troops in their atrocities toward the population (in one village alone, Ivanovka, several hundred people were shot down by machine guns and burned to death), thus arousing the entire population against them—the rich and the poor, the peasants, the Cossacks, and the townspeople—the position of the Japanese became too unsafe and they decided to evacuate the territory for the time being. Evacuation began toward the end of February.

XV.

In the meantime in the districts close to the Japanese position (Pribaikalia) guerrilla detachments in clashes with Semenov forces routed the latter and occupied the city of Verkhne-Udinsk. The attempt to capture Chita was unsuccessful owing to the active support the Japanese gave to Semenov.

In Verkhne-Udinsk the "Provisional Zemstvo Government of Pribaikalia" was established and announced its aim—to clear the entire Province of Transbaikalia from Semenov's forces.

XVI.

At the end of March, 1920, the Japanese announced that they would not allow the Red troops to pass farther east and demanded that these troops be moved from the station of Gyrshelun to the station of Khilok on the Transbaikal Railway, declaring at the same time that they have nothing against the presence of local forces of the newly established local government in Verkhne-Udinsk, i. e., the Zemstvo Government of Pribaikalia. Thus the Japanese attempted to establish by force a buffer zone between themselves and Soviet Russia.

XVII.

On March 12 an agreement was concluded between the Czecho-Slovak forces—which had come to an understanding with the Red army—and the Provisional Zemstvo Government of Pribaikalia, whereby the government undertook to assist the Czechs in hastening their departure, to carry on no military actions in the territory of the railway line, and not to destroy the tracks during the transportation of Czecho-Slovak troops along the line. The Czechs on their part undertook to hand over, after their last detachments shall have passed, all railroad bridges and constructions in complete order and to carry away none of the military property of Kolchak's army. Together with the Czechs were also leaving Rumanian, Latvian, and Jugoslavian troops.

XVIII.

While the new democratic authorities were endeavoring to do everything possible to hasten the departure of the Czechs, the Japanese and their protégés, the Semenov forces, were using all possible means to hamper their movement along the Transbaikal and Chinese Eastern Railways. On April 14, 1920, the interallied technical board made a vigorous protest against the actions of the Japanese and the Semenov forces, while the interallied railway committee was forced to send its representative, Mr. Smith, an American, to Transbaikalia to investigate why the evacuation of the Czecho-Slovaks was being held up. As a result of his report, made upon his return, all the representatives of the interallied committee, with the exception of the Japanese, decided to send to their respective Governments an identical telegram, in which they accused the Semenov forces and the Japanese of violating the decisions of the technical railway board and committee and of actually holding up the movement of the Czecho-Slovaks. Paragraph 3 of this telegram says: "The Japanese military forces, by placing Japanese detachments at such points of the Chinese Eastern Railway, which in accordance with an interallied agreement, must be guarded by Chinese troops, and also by permitting their troops to interfere in railroad matters, have caused conflicts, the consequences of which have been unnecessary victims among Russian, Chinese, and Czecho-Slovak citizens, and the movement of trains has suffered. In Imianpo, a station on the Chinese Eastern Railway, the Japanese shot and killed several Russian railway men; similar attempts were made in Khailar, where shots were exchanged between Chinese and Japanese troops."

If these were the feelings of the official representatives of the allied powers, it is easy to imagine the state of mind of the population, which had to bear the brunt of the situation on its shoulders.

The evacuation continued normally. The Americans announced the forthcoming evacuation of their troops.

XIX.

On March 2, 1920, the provisional government of the Maritime Zemstvo board handed to Count Matsudaira, counsellor of the Japanese diplomatic mission in Siberia, a note for transmission to the Japanese Imperial Government. This note pointed out that with the downfall of the Kolchak forces, order was established everywhere and civil war ended, that every assistance is being rendered in the matter of evacuating the Czecho-Slovaks, and that there was, therefore, no further reason for continuing the intervention which was so obnoxious to the population. The note further stated that, unfortunately, not all the participants in the intervention recognized the change in the situation, and that while some of the Allies withdrew, and others were preparing to withdraw, the Japanese Government increased its forces (the number of Japanese troops reached 70,000). The note continued: "This last circumstance defines the responsible rôle played by the Japanese Government in continuing and even increasing the intervention, which now assumes the character of a single-handed forcible action against the will of the people. The Zemstvo Government considers the further continuation of intervention by the Japanese Government as a violation of the sovereign rights of Russia in the Far East and declares that in carrying out their intervention the Japanese were supporting the lawless régime of Kolchak, Semenov, and Kalmykov, that the Japanese were shooting Russian citizens, burning villages, etc., and that all this prevents the resumption of normal conditions of life in the Russian Far East." The note concluded with two demands: (1) to complete the announced evacuation of the Amur Province and (2) to commence immediately a new and rapid evacuation of the territory of the Russian Far East by the Japanese forces.

The Japanese did not answer, and at the same time announced to the outer world that the situation of the Czecho-Slovak forces held up their evacuation.

XX.

On March 8, 1920, the Provisional Government addressed a request to the diplomatic representative of Czechoslovakia in Siberia in which, after pointing out that the Japanese Government had announced that the presence and even the increase of Japanese troops was necessary principally in order to guarantee safe and uninterrupted passage of the Czech troops,

information was asked as to "whether the successful evacuation of Czech troops, in spite of all the necessary measures in this direction taken by the Provisional Government, actually depended upon the presence and constant increase of Japanese troops on the territory of our Far East."

To this, on March 10, Dr. Girsa, plenipotentiary minister of the Czecho-Slovak Republic, replied the following: "The difficulties in evacuating the Czecho-Slovak troops at first met with on the part of the soviet government in the region west of Irkutsk have been removed by mutual agreement between Czecho-Slovak and soviet troops"; "that in the Far East there were no obstacles placed on the way, but on the contrary, every possible assistance was rendered everywhere," for which he considered it his duty to express his thanks.

The Japanese, however, assiduously continuing their work against the interests of the population, preferred to ignore this official refutation of the statement made by the Japanese Government, as contained in the above-stated inquiry of the Provisional Government of March 8.

XXI.

The strained relations between the Japanese and the local population were getting worse from day to day as a result of the unceasing brutality of the Japanese.

On March 27 the Provisional Government handed in a memorandum setting forth the Japanese atrocities against the Russian people—arrests, murders, incendiarism.

As long as the Japanese were carrying out their policy along the railway line, before the eyes of all the world, they tried to mask their intentions. But in a far away corner on the Pacific coast, in Nikolayevsk on the Amur, which was cut off from the seat of the Government and from the rest of the population, the Japanese acted quite openly. There was no one for whom it was necessary to invent special pretexts for their course of action, and the Russian population could be trampled upon without any constraint.

Placing the fact of the dispatch of Japanese soldiers to this far away region side by side with the official reason given for such dispatch in the Japanese declarations, one unusual circumstance immediately presents itself, namely, there were no Czecho-Slovaks in Nikolayevsk on the Amur to be saved; by reason of the very geographic position of Nikolayevsk there could be no danger to Manchuria; furthermore, the Russians and the Japanese had always lived there at peace with each other. And nevertheless soldiers were sent there, several hundreds of them.

As everywhere else, the population of Nikolayevsk was fighting the Kolchak and Semenov forces, and as everywhere else, too, the Japanese supported the latter against the population. When the news of the complete rout of Kolchak reached Nikolayevsk, the local partisan detachment, which had kept up the fight with the White Guards, whom the Japanese held completely under their sway, captured the local fortress Chnyriakh, and after besieging the town for a month, had thrice asked them to surrender, proposing to the Japanese to cease their armed intervention, so as to avoid the necessity of using the long range fortress artillery and endangering the city and its population. The first peaceful offer was ignored by the Japanese. Sorokin, the truce bearer sent by the partisan forces, was killed. The second offer was carried to the Japanese in Nikolayevsk by three truce bearers, two Chinese and one Russian (Orlov); instead of giving an answer, the Japanese again killed the Russian truce bearer, after submitting him to horrible tortures. His eyes were gouged out, his nose and toes burned, and his back cut up. His body was afterwards disinterred, when the partisans entered the city, and in the presence of foreign representatives an autopsy was performed in order to prove the act of atrocity committed by the Japanese and the manner in which the latter adhere to rules of truce. The third offer was made after the Japanese handed to the partisans the declaration of Gen. Siramidsu, commander of the Japanese forces in Khabarovsk, to the effect that it was the intention of the Japanese to remain neutral in the future. The offer was accompanied by a request to make clear certain points in the declaration, and a notification that should the besieged refuse to surrender, the partisans would be forced to bombard the city. No answer came; and only after a day's bombardment the Japanese sent a truce bearer, an old Russian peasant.

There was no written offer from the Japanese; verbally the messenger explained that they would like to commence peace negotiations. The staff of the partisan forces handed the messenger its answer agreeing to such peace negotiations with an offer immediately to cease military activities and asking the Japanese to send representatives to begin negotiations on February 24. On the basis of Gen. Siramidsu's declaration, the Japanese were asked to cease military activities and to surrender the city on the following conditions: (1) Unconditional fulfillment by the Japanese command of Gen. Siramidsu's declaration regarding noninterference in internal affairs; (2) complete disarming of the White Guard garrison in Nikoloyevsk and delivery of all their arms and munitions, place of delivery to be indicated subsequently; (3) until the entry into the city of the partisan forces and until all strategic points would be occupied by them, these were to be held by Japanese; (4) upon fulfillment of above, the Japanese forces were to surrender all sentries to the partisan forces and to retreat to quarters assigned to them. The question of quarters was to be decided by the Japanese and the Russian (partisan) commands by mutual consent. The conditions were accepted, peace was signed by representatives of the Japanese command, of the White Guards, of the city administration, and of the partisans. On February 29 the partisans entered the city and the White Guards gave up their arms—300 rifles, four 3-inch guns with shells, and 3 projectors. Several of their leaders, fearing court-martial, committed suicide. The leading counter-revolutionists and all the White Guard officers were arrested. Always willing to meet the Japanese halfway, the partisans permitted them to have sentries within their own forces and quarters, thus relieving them from carrying out the last paragraph of the agreement. The Japanese walked freely around the city, armed. The relations were most friendly. All requests on the part of the Japanese about certain privileges or regarding delivery of foodstuffs, etc., were gladly granted. The Japanese, too, were very courteous and gave assurances of sincere friendship.

Two weeks passed from the day when the city was occupied and peace and quiet seemed to have been securely established. As before, the Japanese had sentries posted not only near their headquarters but almost near every house where the Japanese were stationed. Japanese patrols walked around the city freely.

At 3 o'clock in the night of March 12 a detachment of Japanese soldiers stationed in the city, contrary to the truce agreement concluded with the partisans, quite suddenly surrounded and besieged the headquarters of the partisan army, the artillery positions and the barracks, and simultaneously opened fire at all these points. The main attack was made on the headquarters, at which the Japanese directed a barrage fire of rifles, machine guns, and incendiary bombs which set ablaze the building from all sides. In the building at the time were present Triapitsyn, commander of the partisan army; Naumov, chief of the staff; and others; also a number of employees and their children. The commander succeeded in sending a telephone message to the Chnyrakh Fortress and to the central military telephone station. After that the wires were cut. Escape from the burning building surrounded by the Japanese, who did not stop firing for a second, was impossible, and those inside began to suffocate in the smoke. The commander and many others were wounded; two were killed. To remain in the building any longer was impossible. It was decided to leave and to make a dash for the next building. This was done. In running across, almost everyone was wounded, including Tryapitsyn, who was wounded for the second time; four were killed. The secretary, Cherny, and other three employees perished in the burning building. The house to which they escaped was also under constant fire. In spite of the suddenness of the attack, the partisans began to gather, donning their clothes on the run, forming into units, and starting to repulse the attack. The Third Company was the first to approach the headquarters in chain formation.

Under their rifle fire the Japanese began to retreat. Thanks to the courage and self-sacrifice of the commanding personnel and the firm stand of the partisan soldiers, the Japanese were thrown into disorder and began to give up point after point. The battle lasted incessantly for two days (March 13 and 14) amid the most ferocious fighting. The Japanese concentrated their main forces in their consulate, in the barracks and garrison quarters. The Japanese civil population took part in the attack, arms in hand. Toward the evening of March 14 the affair was almost finished with the exception of one Japanese detachment which occupied the brick barracks. Just then an order came from Gen. Yamada, commander of the Japanese forces in Khabarovsk to the commander of the Japanese detachment, immediately to cease hostilities and to conclude a truce. The order was transmitted to the Japanese through a captured interpreter. The Japanese agreed to cease hostilities and to give up their arms. At noon of March 15 the Japanese remaining in the barracks hoisted a white flag and surrendered, 130 of them, who were taken prisoners.

Of the partisans, 50 were de[illegible]d more than 100 wounded.

These are, in short, the main features of the events of Nikolayevsk.

A population that is not at all inclined to consider itself "conquered" and that is incapable of remaining in the condition of slaves, can not be insulted and mistreated with impunity. There is a limit to every endurance, but in Nikolayevsk there was not only human patience at stake—there life itself had to be protected against cruel and cunning "guests" who felt themselves as masters of a land which they considered already subjugated. When the partisans learned of a new movement of Japanese "reinforcements" coming up from Alexandrovsk in Sakhalin, with the usual trail of cruelties, and knowing from past experience what awaited them upon the arrival of these reinforcements they decided to leave the city, and in their exasperation they killed the remaining Japanese in revenge for the execution of partisans then going on in Sakhalin.

The frenzied partisan leaders did not spare even the Russian population. But they were punished by the partisans themselves after their retreat from Nikolayevsk, which was occupied by the Japanese. They were arrested for the crimes committed and sentenced to be executed. The sentence was carried out.

That the behavior of the Japanese in Nikolayevsk was not an accident is testified by similar occurrences which took place all through the Maritime Province during April.

The Japanese military party was up in arms. "The souls of the dead" of Nikolayevsk cried for vengeance and went so far as to cause the seizure of the Sakhalin territory. The Japanese Government sent a further punitive expedition to Nikolayevsk to complete the work begun.

The majority of the remaining Russian population was transferred to Vladivostok, and Nikolayevsk was occupied by the Japanese. Of particular interest is also the fact that even before any "events" took place in Nikolayevsk the Japanese warship *Mikasa* arrived there, and under the signature of the commander of the ship, Capt. H. Mukai, an appeal was issued to the population of Nikolayevsk dated as early as February 20, 1920:

In order to avoid any misunderstanding that might arise through the unexpected appearance of our vessels in these waters, as senior commander I consider it timely to give an explanation of our present visit. In the middle of January information reached us regarding a political change taking place here, and soon thereafter various disquieting rumors began to reach us about the dangers threatening the lives and interests of the Japanese residing in this territory. In view of the fact that all communication is cut off with this part of the country we had no possibility of ascertaining the true state of affairs.

Disturbed by this situation and obliged to take measures for the protection of its nationals, the Imperial Japanese Government finally decided, in spite of all climatic difficulties, to dispatch us here for the sole above stated purpose, without any intention whatsoever of interfering in the internal affairs of the local administration, not to speak of any designs as regards territorial seizure.

I, therefore, again repeat that the reason for our visit is our anxiety aroused by the various rumors of impending danger to the Japanese residents, and the purpose of our visit is to obtain all information on the spot, and should any danger actually exist to take proper measures to protect and safeguard Japanese lives and interests.

Thus, whether we are to remain here for some time or whether we can curtail our visit depends entirely upon prevailing conditions. I trust, however, that our fears are groundless, and that we shall be able to leave shortly, with full confidence in the friendly attitude toward the Japanese nation on the part of your local population.

I take this opportunity of tendering you my best wishes.

The contents of this appeal are sufficient evidence that no danger actually threatened the Japanese from the Russian population. But there is something strange, to say the least, in the special "assurance" given to the population that there is no intention whatever "to interfere in the internal affairs of the local administration, not to speak of any designs of territorial seizure."

How far the Japanese in Nikolayevsk refrained from interfering in "the internal affairs" we have already seen above; their "designs," as far as territorial acquisitions are concerned, can be seen from what follows.

In the beginning of October the Japanese were forced to leave the destroyed city of Nikolayevsk for the winter; on October 1, as a farewell, the following appeal was addressed to the remaining population (the appeal signed by Maj. Gen. Tsumo):

In the spring of this year the city of Nikolayevsk was set on fire by the bolshevik barbarians, as a result of which the population is without homes or food, its destitution reaching the highest limits. It is hard for outsiders, who are guided by the principles of humanity and justice, to be mere lookers-on. Ever since coming here the Japanese troops have tried to preserve peace and order and endeavored to improve the welfare of the population. This attitude for the present as well as in the future remains unchanged. Realizing that it is impossible to leave troops for the winter in a destroyed city, we have decided to remove them from the Nikolayevsk region until the next spring. I call upon the local population by common efforts to preserve peace and order during the winter.

When the provisional Zemstvo government in Vladivostok tried to send boats with foodstuffs and medicines to Nikolayevsk, they had to overcome many obstacles that were put in their way by the Japanese. New demands were made every day, constant inquiries sent to Tokyo; and the population of Nikolayevsk suffered from hunger and cold while precious time was wasted for these negotiations.

Finally the Japanese "permitted" the provisional government to send two boats, *Erivan* and *Vzryvatel*, into the latter's own territorial waters, on the following conditions:

1. The boats are to be subject to directions of respective Japanese naval authorities as to their actions upon arrival and stay in port.

2. The purpose of the commission is limited to the investigation of events and to rendering aid to the victims.

3. Upon the completion of their task they must leave Nikolayevsk.

4. Safety in the channel or on land is not guaranteed. The Japanese military authorities, however, are willing to render all possible assistance.

5. Those arriving in port must have with them personal identifications issued by Japanese civil and military authorities in Japan as well as abroad.

6. The Japanese military authorities have no means of furnishing quarters or food supplies to those arriving.

7. The arrivals are requested not to engage in propaganda and not to break order and peace.

In this way part of the provisional Zemstvo government's own territory became for them a place "abroad."

Lists of persons going on the boats were handed to the Japanese, who issued the following certificate:

CERTIFICATE.

A medical and feeding unit is at present organized by the Russian Red Cross, and is going to Nikolayevsk on the SS. *Erivan* and *Vzryvatel*, which belong to the volunteer fleet, at the request of the Russo-Japanese Military Commission. While we agree in principle and have nothing against the work undertaken by the Red Cross in its sending men and supplies, we are at the same time very much afraid that it may have back of it intentions of a political nature. Although we have taken proper precautionary measures, we hope the Japanese authorities will exercise due vigilance at the time of actual arrival and place of debarkation.

(Signed) Gen. TAKAYANAGI and Col. ISOMA.

The boats were unable to start out before July.

XXII.

True to their declaration, and hoping that the Japanese, upon their official invitation, would also leave the country, the Americans withdrew and evacuated their troops.

The withdrawal of the Americans made it necessary for the Japanese to explain themselves, and on March 31 they issued the following short but significant declaration of their Government:

The expedition of our forces to Siberia was undertaken with a view to assisting the Czecho-Slovak troops. Therefore, when the evacuation of the latter has been completed our forces shall be withdrawn. This was definitely stated at the time in our declaration. But no other country is in such proximity to Siberia as our empire. Unfortunately, the present political situation in the Far East, which not only threatens the safety and life of our citizens residing in Siberia, but is also a menace to the general peace in Korea and Manchuria, makes it impossible for us to withdraw our troops from the Russian Far East immediately. The Japanese Government, therefore, desires to corroborate its statement that the *presence of the Japanese forces in the Russian Far East does not imply any political designs against Russia* (italics in the original) and desires to declare that as soon as the political situation in the Russian Far East has become normal to the extent that there will be no danger for Korea and Manchuria, and life and property of our nationals protected and normal railway communication restored, that then, after the evacuation of the Czecho-Slovak forces has been completed, *our troops will be withdrawn from Siberia as early as possible.* (Italics in the original.)

This document is curious in many respects: 1. For the first time emphasis is laid on the special interest that Japan has in the Russian Far East—geographic proximity. 2. Japan sets forth her own and not the interallied policy in Siberia; America's withdrawal, therefore, has no importance for the Japanese. 3. Here, again, as in the famous communique of August 13, 1918, the connection between Japanese intervention and the fate of Manchuria is emphasized—that part of Manchuria which is in the sphere of Russia's influence and which is crossed by the Chinese-Eastern Railway. 4. A new excuse for intervention is found in the danger to Korea's peace. 5. And even after all the conditions shall have been carried out they do not speak of an instant or even speedy withdrawal of troops, but of "as soon as possible."

Again the Japanese remained true to themselves. This declaration was only issued by Japan in order to divert the attention of the world from her true intentions. They continued their activity, which had already led to the sad events in Nikolayevsk, and the very existence of this activity testifies to its being conducted for the sole purpose of provoking similar occurrences to afford an unfailing excuse for carrying out the long-prepared plan of seizure of the entire, or, for the time being, of part of the Russian Far East. It was necessary to prove to the world

that the situation in the Far East still required the presence of Japanese troops there.

Taking an extremely provocative attitude, with the intention of arousing the ire of the population, and at the same time apparently feeling somewhat uneasy at the sight of the growing power of the Russian Army, which, in the interests of the Japanese designs, had to be destroyed, the Japanese, on the night of April 4, suddenly advanced along the entire coast of the Maritime Province, carrying out a veritable massacre with the aid not only of rifles but also of cannon and machine guns. (In Vladivostok a few shots were actually fired from a battleship.) They made no distinction between men, women, and children. The building of the Provincial Zemstvo Board, the headquarters of the maritime government, was destroyed both from within and without and all records taken; on all Government buildings Japanese flags were hoisted. Thousands of people were arrested and thrown into cellars and concentration camps, where they were subjected to torture. The number of people who were shot or who disappeared without leaving any trace was enormous. The troops and the militia were disarmed. Especially there were many killed and wounded in Khabarovsk and Nikolsk. The losses sustained by the population and the Government during these raids are almost incalculable—there were destroyed, burned, and pillaged many millions of gold rubles' worth of private, Government, and military property. The post and telegraph buildings as well as gunboats were seized, and everything of value on board was stolen. It was a regular practice of the Japanese and the heads of the White Guards living at the Japanese General Staff to free from the prisons all counter-revolutionaries, who immediately upon their liberation took to their destructive work. There is no doubt that the failure on the part of the few reactionaries to establish their, or rather the Japanese authority, was due primarily to the fact that the officials of the Provincial Zemstvo Board remained alive and self-possessed, and also to the fact that the feeling of hatred which filled the Russian population—excepting the handful of traitors who lived on the means of the Japanese General Staff—was quite manifest, and finally to the active support given by the Czechs and others.

The population of the Far East can not to this day forget the sad fate of one of the members of the military council, Lazo, who ordered the troops not to resist the Japanese. Lazo, together with Sibirtsev, Lutsky, and others was seized by the Japanese and spirited away. Most of those arrested by the Japanese were freed, but Lazo, Sibirtsev, and Lutsky never showed up. All inquiries made by the authorities and relatives of the arrested regarding their fate were answered by the Japanese with claims of ignorance. Only subsequently was it learned that those arrested had been handed over by the Japanese to the white guards, who burned them in their locomotive engine.

The maritime government, which had barely found refuge under the Czech general staff, issued a protest to all representatives of the allied powers at Vladivostok.

At a special conference of all allied representatives, the Japanese hastened to declare that their advance should not be interpreted as an "occupation" but only as a "self-defense"; that the Japanese flags that were flying over the Government buildings were only in conformity with the military custom requiring the hoisting of flags over buildings taken in battle; that they had to take these buildings "in battle," as if the Japanese had been fired at from those buildings.

The maritime government, one member of which had been arrested by the Japanese and then freed, again convened in the building of the Provincial Zemstvo Board, and the Japanese flags were removed.

These events were particularly unexpected in view of the negotiations which were in progress on the afternoon of April 4, between the Japanese and the maritime government, concerning a series of demands submitted on behalf of the Japanese Government by Gen. Takayanagi. These demands were submitted in the following statement:

With regard to the declaration made by our Imperial Government concerning the presence of our troops in Siberia, the commander of the Japanese forces in Siberia authorizes me to conduct negotiations with the representatives of the military authorities of the provisional government of the Maritime Province with a view to establishing friendly relations and avoiding conflicts which may, judging by the facts of the past and present, arise between our forces on the one hand and the Russian authorities and the local population on the other hand, regarding the presence of our troops in the Maritime Province.

In order to enter into negotiations I on my part have the honor to state to you the terms to be submitted the provisional government, and to beg your reply.

These terms are as follows:

1. To take care of our troops, providing them with quarters, food, means of transportation, mail privileges, etc.

2. To obey all the regulations contained in the agreement concluded between our Government or our command on the one hand and the Russian authorities on the other hand, on the basis of the agreement concluded between the allied powers or the allied commands, no matter when these regulations were instituted.

3. Not to arrest without our knowledge or restrict the liberty of persons who actively aided our military operations.

4. To cease all the activities of secret organizations and groups menacing the safety of our troops and the public peace in Korea and Manchuria.

5. Not to publish articles and provocative attacks against our troops and our Government.

6. To exert all efforts in order to insure the safety of life, property, and other rights of our subjects in this region, including the Koreans.

(Signed) GEN. TAKAYANAGI.

In spite of the fact that the character of these demands was an insult to the Russian Government, as they were practically reducing to nothing the rights of the Russian people, the Government of the Maritime Province agreed to consider these demands, and created for this purpose a Russo-Japanese adjustment commission, and appointed its representatives. The chairman on the Russian side was Zeitlin, subsequently killed by Merkulov's henchmen in Vladivostok.

This commission was to meet with the Japanese on the following day, and at night the Japanese launched an attack upon the entire Maritime Province. On the morning of April 5 the following proclamation, signed by the commander of the Japanese forces in Siberia, Gen. Oi, was posted on the streets of Vladivostok:

Citizens, on the basis of the declaration made by the Japanese Government on March 31 of this year, the Japanese command has been conducting negotiations since April 2 with the representatives of the Russian authorities regarding the peaceful solution of the question of the presence of the Japanese forces in the Province. Suddenly, on the night of April 4–5, Russian armed groups attacked our munition stores, garages, and transfer stations, and also fired, in several places, at our outposts. In view of these illegal acts, and in order to avoid the danger which is threatening from armed Russian detachments, the Japanese command is compelled to demand the disarming of these detachments. In this case, the Japanese command, not pursuing any aims of its own, can not allow further disorders, and will therefore take measures after negotiations with the Russian authorities.

The provisional government sent notes of protest to the Japanese Government and to the Inter-Allied diplomatic conference, categorically denying the statement made by Gen. Oi and demanding the restoration of the normal status of the Province.

Even if we were to admit that the Russian people, or "armed groups," as the Japanese called them, attacked the Japanese in Vladivostok, then how can the simultaneous Japanese advance over the entire territory of the Maritime Province be explained?

That these raids were carefully planned and premeditated can be seen from the following copy of a document which was prepared by the Japanese previous to their advance and submitted to the Russian commanding officer of the Ugolnaya station on the night of April 5:

Demand, (April——).

TO THE COMMANDING OFFICER OF THE REVOLUTIONARY TROOPS OF THE UGOLNAYA GARRISON: At the command of the Japanese commanding officer, I submit to you the following demands:

1. I shall not permit the presence of your armed militia within the limits of the Japanese Army's operations, since the negotiations between Japan and Russia have remained without result.

2. You should order the disarming of your soldiers, and you should turn over to us, temporarily, all weapons and military equipments.

3. Should your troops refuse our demand or attempt to flee, I will most decidedly pursue them with all the military power at my disposal. On the other hand, if your troops will obey our demand and disarm, I will not harm any one; in fact, I will even offer protection to them in our Army. Further, I beg you to reply to this letter in half an hour's time after its receipt.

(Signed) COMMANDER OF THE JAPANESE GARRISON ON THE UGOLNAYA STATION.

XXIII.

The diplomatic representative of Japan in Siberia, Mr. Matsudaira, desiring apparently to soften somewhat the impression created by the Japanese attack, declared in an interview that the Japanese were acting in accordance with an agreement with all the Allies. The Russian press naturally was much disturbed, and as a result the American consul made public, on May 12, the following telegram of the American Government:

In connection with the comments on the interview with Matsudaira regarding the question of the policy of Japan in Siberia, which appeared in the press a few days ago, it is desirable to give publicity to the fact that no agreement was made nor discussion thereof regarding the zone of the Chinese Far Eastern Railroad was entered into on the part of the United States since the Inter-Allied agreement concluded in 1919, in accordance with which the Inter-Allied railroad commission and the Inter-Allied technical board were formed, and allied military aid for the protection of Russian roads was granted.

The Japanese, seeing the results of their attack as expressed in the indignation of the Russian population, which was too manifest to escape the eyes of the foreigners, and which naturally compromised them, could do nothing else but print "denials."

Particularly characteristic is the letter from the General Staff of the Japanese gendarmerie in Vladivostok of May 7.

addressed to the regional inspector of the militia of Vladivostok, and signed by Maj. Gen. Yoshiara:

IN REPLY TO A NEWSPAPER ARTICLE.

On April 5 of this year the following article appeared in Kmaneye Znamya: "During the attack of the Japanese Army in the city of Khabarovsk innocent citizens were massacred, among them women and children, who were even thrown into the fire," etc.

This is a lie. There are people who know the dignity of the Japanese troops, who respect honesty and justice, and do not believe this brazen lie. But among the ignorant population the statements given in this article have found believers. Therefore we can not remain silent, as such articles only disturb the friendly relations which are being resumed between Russia and Japan. For this reason we desire that an order be issued as soon as possible for the repudiation of this article and that steps be taken to preclude the appearance of such untruthful articles in the future.

Thus, in the opinion of the Japanese militarists, it is not the cruel acts that provoke animosity on the part of the Russian population, but the "description" of these acts by the newspapers. * * *

Most characteristic for the Japanese behavior in the Far East is the following fact, which is worthy of note: While shooting was going on in the city of Nikosk, Japanese soldiers distributed and scattered proclamations, in bad Russian, of the following text:

First. Fellow citizens, do not be disturbed. Continue at your work; now the Japanese Army has entered into negotiations with the revolutionary government and its army in order to maintain peace in the Far East and to preserve the life and the property belonging to the Russian Government.

Citizens must not provoke any catastrophic disorders. Robbery, murder, and disorder are illegal acts which are absolutely forbidden by the Japanese Army. The Japanese Army is taking all possible steps to guarantee the preservation of life and property. The commander of the Army repeats: Citizens, do not be disturbed, and meet with full confidence the Japanese Army; it is desirable that you should continue your regular work.

(Signed) MAJ. GEN. ODAGARI,
Commander of the Japanese Army in the City of Nikolsk-Ussurisk.

Second. Having sincerely at heart the welfare of the Russian Far East, the Japanese Army declares that the measures it has taken for the disarming of the revolutionary forces are in no way calculated to destroy your army. Upon the conclusion of peace you may again organize new powerful armies. The inhabitants of the city of Nikolsk-Ussurisk may rest assured that the peace and order which they are enjoying are due to the mutual political cooperation existing between our officials.

(Signed) MAJ. GEN. ODAGARI,
Commander of the Japanese Forces in the City of Nikolsk-Ussurisk.

When the first two proclamations did not help, a third one, in not less colorful language, was issued.

Third. Citizens of the city of Nikolsk-Ussurisk, do not be disturbed, and continue at your regular work. All stores, market places, theaters, and commercial establishments must be kept going. The Japanese Army conducts war only against the dangerous elements, but with peaceful citizens it desires to live in amity. Life, property, and the inviolability of person is guaranteed to all citizens; the treatment of captured prisoners will be most magnanimous, and their families may rest assured about their fate.

(Signed) MAJ. GEN. ODAGARI,
Commander of the Japanese Forces in the City of Nikolsk-Ussurisk.

XXIV.

After long negotiations and under pressure on the part of the Japanese, while armed clashes were going on in the region, the Japanese forced the acceptance of their project of an agreement of April 4, which was accepted almost entirely. The provisional government succeeded in inserting insignificant corrections only. And on the basis of this agreement, referred to as the agreement of April 5, there was concluded a new agreement on April 29 of the same year, according to which, in the territory occupied by the Japanese troops, the Russians were not allowed to station their troops within a zone of 30 kilometers on either side of the railroad. The railroad, of course, was seized by the Japanese.

XXV.

In the meantime an energetic activity was going on in the whole far eastern territory that was separated from Russia and torn asunder internally by the impenetrable wall erected by the Japanese and Semenov in Transbaikalia; an activity the aim of which was to unite the entire territory of the Russian Far East and to overcome all Japanese efforts, intrigues, and bloody repressions, the only purpose of which was to keep the Russian Far East in a state of disunion, civil war, and anarchy. On April 6, 1920, there assembled in Verkhne-Udinsk, the center of the Zemstvo government of Pribaikalia, the conference of the working population of Pribaikalia, which proclaimed the independence of the Far East and the formation of a democratic republic of the Far East.

The declaration was communicated to the Government of soviet Russia and to the Governments of all allied countries.

The declaration of April 6 was to become the starting point in the difficult work of the real union of all the regions and of the fusion of all regional governments.

But this appeal of the conference of the toiling population, as well as the appeal of the newly elected government to all allied countries, was answered only by the government of soviet Russia. On May 14, Chicherin, commissar of foreign affairs, communicated that the independence of the Far Eastern democratic republic was recognized by the government of the Russian soviet republic.

XXVI.

Almost simultaneously with the answer of soviet Russia, or rather three days before, on May 11, apparently as an answer to the declaration of independence of the Far East, was published the declaration of Gen. Oi, the commander in chief of the Japanese expeditionary forces, which has since become famous in the Far East; the publication of this declaration was explained as an answer to the proposals of the representative of the soviet government to arrange some agreement between the partisan troops and the Red Army on one hand and the Japanese on the other.

The declaration begins with the statement that Japan "has no designs and attempts no encroachments on Russian territorial rights" and explains further the "incident" April 4 and 5 in the Maritime Province as a "necessary act of self-defense" against the "attacks on the part of partisan detachments," "for the purpose of defense," and points out that "Japan can not shut her eyes to the fact that in a territory bordering on Japan political groups are formed which intend to trample under foot the laws of mankind and to violate the peace of the whole world." In this declaration it is said:

Now that the transport of the Czecho-Slovak troops is nearing its end, I declare frankly that the Japanese military command will gladly withdraw its troops as soon as the situation of the Russian possessions in the Far East is firmly established, as soon as any possibility of a menace to Korea and Manchuria is eliminated and the safety of life and property of the Japanese population in the country is assured.

The Japanese command, taking into consideration the will of the Russian population, does not intend to complicate the political situation of the territory by giving its support to individual Russians, without regard to the will of the Russian people.

The Japanese command, together with the Russian population, heartily welcomes the formation of an autonomous territory composed of the regions of the Far East, and the institution of such a political system of government as will correspond to the will of the entire population.

Subsequently it is pointed out that "for the attainment of the situation explained above, it is first of all necessary that the Russian troops should stop military activities against the Japanese troops in Chita, and that in that region there should be arranged between the Japanese troops and the eastward-moving bolsheviks a zone which should be exempt from the intrusion of troops of both sides, whereupon it will be possible to put into effect the union of the Provinces on the basis of self-government."

The declaration ends with a peculiar Japanese "but":

The bestialities of the Russian troops which occurred not so long ago in Nikolayevsk on the Amur, evoke in my heart a sentiment of deep grief. The Russian troops, taking advantage of the small number of our troops, surrounded and destroyed them; moreover, they also killed the imperial consul and brutally exterminated many peaceful Japanese citizens. This offense, which is beyond description, made a deep impression on the Japanese people, wherefore it is self-evident that this question requires a separate settlement.

This declaration is extraordinarily interesting in many respects: 1. While welcoming, "together with the Russian population," the formation of an independent Far Eastern State (the declaration of independence of April 6), at the same time it makes the withdrawal of the Japanese troops conditional, as it were, upon the realization of this aim—"as soon as the situation of the Russian possessions in the Far East will be firmly established." 2. While giving their support to Semenov for the purpose of destroying the work of unity, or in case this should not succeed, in order to bring about a protectorate over the republic, the declaration endeavors to divert the attention of the population and of foreigners by the statement that they do not wish to complicate the political situation by giving support to "individual Russians." 3. While they apparently were considering the imminent necessity of evacuating Transbaikalia, where Semenov held power owing to the support of Japanese bayonets and where the troops of the Verkhne-Udinsk government were fighting him, they intended to help him and therefore put forth the question concerning "the cessation by the Russian troops of military activities against the Japanese troops in Chita." 4. No mention is made here of the fact that the intervention was a common undertaking of all the Allies; on the contrary, the question of the intervention here resolves itself to one of Japanese "interests." 5. Here may already be seen a limitation of the Japanese appetites as far as territorial conquests or spheres of influence are concerned (why will be explained later), and hence the unwillingness to clash with the red army. 6. And finally, the first open statement as to the necessity of a "separate settlement" of the Nikolayevsk incident.

XXVII.

The declaration of Gen. Oi, of May 14, was answered by the minister of foreign affairs in Verkhne-Udinsk, whose reply contained the following statements:

By an agreement with soviet Russia, our Government, on the very day of the occupation of Verkhne-Udinsk by our troops, arranged for a neutral zone, which is requested in the declaration. The red soviet army stopped its advance west of the Selenga River. Our people's revolutionary army is concerned with the definite task of breaking up the last remainders of reaction which stand between our people and the long-expected peace. Our Government and our command have taken all the necessary steps for avoiding clashes with the Japanese vanguard. Your command was informed about this in a great number of telegrams and communications. I am empowered to announce that in order to speed the satisfactory solution of this question our Government is ready to discontinue military activities against our internal enemies, on the condition, however, that the Japanese troops will exert pressure on the reactionary bands, forcing them to lay down their arms and to cease any armed attacks against the people's revolutionary army.

It is quite superfluous to insist upon the fact that our Government, whose aim is peace and unity, warmly and gladly welcomes the proposal of the Japanese command, and is ready to meet its representatives at an arranged time and place for a final and speedy settlement of all problems.

On May 31 the Verkhne-Udinsk government published a new address to all allied countries in which was announced the creation of the Far Eastern Republic, and their attention was called to the necessity of a real unity of all the various regions and to the conditions the fulfillment of which is necessary for the final establishment of peace and order in the Russian Far East. These conditions were as follows:

1. That the red army of the All-Russian Soviet Government should cease its eastward advance at a certain established point (at that time this condition was already fulfilled).

2. That the foreign Governments, especially the expeditionary forces of Japan, should not give any help or support to the remainders of the reactionary forces that are concentrated in Chita.

3. That the road to Chita should be open, so that it may be possible to unite the Province of Transbaikalia with the other far eastern Provinces.

4. That friendly economic relations should be immediately established between our republic and the allied countries, for their mutual welfare, and for relieving the present difficulties and hardships.

5. That all the foreign expeditionary troops should leave the country, thus affording a possibility for commercial and industrial pursuits.

It is necessary to point out here that the activity aiming at the creation of the far eastern democratic republic was going on at the same time in the Maritime, the Amur, and the Pribaikal Provinces, and that all the local governments were persistently endeavoring to obtain a possibility of entering into immediate relations with each other for the purpose of a real fusion of the various administrations. But Semenov's "cork," in Chita, which was especially created by the Japanese and actively protected by them at the time of Kolchak's rule, with the purpose of weakening his power, was now specifically destined to prevent the possibility of relations between the local governments.

Soon after the conference of the toiling people had elected the government of Verkhne-Udinsk, it was recognized by the government of the Amur Province as the central government for the entire Far East (on May 25).

Afraid that the maritime government, which had been recognized as the provisional government by Sakhalin, might also extend its recognition to the government of Verkhne-Udinsk as a central government, the Japanese began to exert on it an incessant pressure, not even stopping at threats and reminding them of the events of April 4–5. At the same time the Japanese also began to coquet with the maritime government, declaring it to be the only truly democratic government, and that Japan would recognize it if it would place itself at the head of all the provincial governments.

The situation for the Russian population was clear: The Verkhne-Udinsk government was outside of the zone of activity of the Japanese troops, and for this reason it was the most independent; but for this very same reason it was unacceptable for the Japanese; the maritime government was under the continuous pressure of the Japanese and under the steady menace of being overthrown by the Russian counter-revolutionists who were all the time kept in readiness in the Japanese General Staff—and for this reason it was more acceptable for the Japanese (further developments, as was to be expected, showed that even this was nothing more than a part of the Japanese game).

Thus the Japanese brought up and inflated the question of the "priority" of the governments, i. e., which government was to be the central government, and every possible measure was taken to prevent the meeting of the representatives of the maritime and the Verkhne-Udinsk governments. And all the time the Japanese posed officially as the "advisers" and "mediators" between the governments.

In Gen. Oi's answer of June 28 to the note of the Verkhne-Udinsk government of May 31, this motive was even emphasized; instead of giving a direct answer to the question asked, the Japanese declared to the Verkhne-Udinsk government that although it was recognized by the soviet government, nevertheless it could not be considered as a stable and legitimate government of the entire Russian Far East. The recognition of the Verkhne-Udinsk administration as the central government extended to it by the authorities of the Amur Province was not convincing either, because the government of the Amur Province itself could not be considered as a stable government. The Verkhne-Udinsk government could be considered by the Japanese only as a local government and only in this capacity were they willing to start negotiations with it for the cessation of military activities. Further on, Gen. Oi disclosed his real intentions with regard to Ataman Semenov: "I can not consider Semenov's government as a brigand lair of a band of mutinous troops; I recognize it also as one of the governments existing in the Russian Far East." The Japanese wish to give, "under peaceful conditions, to the Russian population and to every government that is the true representative of the population of every Province, the possibility of forming, on the Russian territory of the Far East, a buffer zone that is desirable to them. Therefore, in considering the question of the buffer zone on the Russian territory of the Far East, I can not ignore the government of Semenov."

Thus, in addition to preventing the population from expelling Semenov, the Japanese declared his organization to be a government with equal rights ("which is the true representative of the population" of its territory) and which would have to take part in the deliberations concerning the creation of a central government of the Far East.

Further on, touching upon the question of ceasing the struggle, Gen. Oi states: "Moreover, as mentioned above, in recognizing the government of Semenov, and with the intention of preventing disturbances in a region that has close relations with our country, I am collaborating with Semenov's troops for the purpose of upholding order in Transbaikalia. Therefore, simultaneously with the cessation of military activities between the troops of Semenov and the Verkhne-Udinsk government, I desire also to bring about the cessation of military activities between the Japanese troops and the Verkhne-Udinsk government."

Thus it is rather a hard thing to separate Semenov from Japan and Japan from Semenov. They are both parts of an integral whole.

XXVIII.

While the negotiations for an armistice with the Verkhne-Udinsk government were going on, and the Japanese were playing with the maritime government, not allowing it to recognize the Verkhne-Udinsk government, their staff located in Sakhalyan (on Chinese territory, opposite Blagoveshchensk, on the other bank of the Amur River) was continuously threatening the Amur government in order to induce it to break away from Verkhne-Udinsk and join the maritime administration, recognizing the latter as the central government. In spite of all these threats the Amur government persisted in its old attitude and declared, as had the Verkhne-Udinsk government, that it considered Semenov's men not as a government, but as bandits subject to the criminal courts of the Republic.

A similar point of view was taken by the maritime government, but the Japanese (this time the representatives of the diplomatic mission) declared to it that they could not abandon Semenov at one stroke after they had supported him for such a long time; that it was necessary to give them the possibility to "save their face"; that if Semenov would not agree to the demands of the maritime government, if he would not listen to their advice, they would have a legitimate reason to turn their backs upon him.

The maritime government agreed to receive a delegation from Semenov, and on its arrival proposed to it, in the interest of a peaceful solution of the question, at once to create a provisional parliament in Chita, a national assembly after the maritime model, and to surrender to it all civil and military power. Semenov's men did not agree to this, of course, as they knew very well that the population would not allow them to continue their rule, and thus all negotiations were discontinued, although Semenov's adherents endeavored to prolong them, trying at the same time to prepare a counter-revolutionary coup in Vladivostok.

XXIX.

While the Japanese were conducting this complicated game, continuously diverting the attention of the Russian population and its authorities, they were at the same time preparing a new attack on the Amur Province.

In the secret correspondence between the ministry of war in Tokyo and Gen. Oi, as well as the Japanese general staff in Vladivostok and the commander of the Fourteenth Division in Khabarovsk, which was made public in the Far East to the great horror of the Japanese, all the details of the Japanese adventure that was prepared at that time are uncovered. It is necessary to add that the Japanese denied the authenticity of this correspondence, calling it "propaganda"—but what else could the Japanese say when their plans are uncovered?

We reproduce here the full text of two interesting and highly important telegrams:

WAR MINISTRY, TOKYO, *June 12, 1920.*
(Secret Order No. S1233–11.)

To the COMMANDER OF THE SIBERIAN ARMY, *Vladivostok:*

After the events in Nikolayevsk on the Amur, the Japanese Imperial Government considers itself compelled to issue the following orders, which may defend the Japanese interests in the Maritime and Amur Provinces.

We order you to prepare a plan of military operations which must serve our interests in case of occupation of the territory along the Amur. In preparing your plan you must use the following clauses as a basis:

We recommend that the above-mentioned territory be divided into three military divisions; as the present political situation does not permit us as yet to send a large army for your disposal, we expect from your military experience and shrewdness that you will prepare the requested plan in such a manner that it will receive the approval of His Imperial Majesty. In order to aid you in your work, we will send you as soon as possible all the plans which have already been worked out in the foreign ministry and which provide for the necessary organization of civil institutions in case of occupation. You must immediately create a commission of officers of the general staff and commissariat, and send this commission to the above-mentioned territory, so that the commission may make valuable military and economic reports to you. Our interests also demand preparation of an offensive against Blagoveshchensk, the outlying districts of which are full of regular and irregular partisan and bolshevist troops.

According to the reports of our agents who are in this territory engaged in investigating this problem, the offensive is as yet premature. In any event you must have everything in readiness for an offensive, so that it could be started at a moment's notice. The general interests of the Japanese Imperial Government demand that the occupation be carried out completely in the immediate future; therefore we order you to submit a plan of occupation within the shortest possible period.

Immediately after receiving this telegram, Gen. Oi addressed the following demand to the commander of the Fourteenth Division in Khabarovsk:

VLADIVOSTOK, *Chief Staff.*
(Secret Order No. S–B242, June 17, 1920.)

To the COMMANDER OF THE FOURTEENTH DIVISION:

I am transmitting herewith the inclosed order, and I order you to immediately create a commission which will gather the necessary information in the territory between Khabarovsk and Nikolayevsk, and which must submit the same to you within the shortest possible time.

Reply immediately by telegraph how many days would be required for the Fourteenth Division to be ready for an offensive against Blagoveshchensk. Do you consider the forces at your disposal sufficient for your operation? If you consider your present forces insufficient, report immediately so that I can dispose of the units which are expected from China.

I call your attention to the bridge across the Amur, as in case of an offensive our army may need the bridge. The preparation and repair of this bridge must begin immediately. If necessary occupy the local arsenal for this purpose.

According to your previous reports, I expect that those Russians whom you mentioned will be very useful to us in case of occupation. In my opinion we will have a complete administration in the entire Maritime Province; therefore I order you to discuss your plans with reliable Russians. The names of the Russians who are ready to serve His Japanese Imperial Majesty are to be forwarded to me at once.

(Signed) OI.

Thus after June 12, when instructions were given in Tokyo regarding the preparation of an attack on the Amur Province, all Japanese activities, as far as the various negotiations were concerned, were undertaken with the sole purpose of diverting the attention of the Russian authorities from their real plans and intentions.

The evacuation of Transbaikalia was prepared only in order to mask the seizure of the Sakhalin region.

XXX.

In order to make the subsequent events more clear it is necessary to go back a little: After the conclusion of the armistice and the signing of the agreement of April 29, it was necessary, for the fulfillment of this agreement, to put a stop to the struggle which went on after the Japanese attack of April 4 and 5 between the Khabarovsk garrison and the Amur population, on the one hand, and the Japanese on the other hand. For this purpose the Russian authorities sent their representatives, such as Utkin and others. The truce was concluded and the Russian troops, in accordance with the agreement of April 29, were withdrawn beyond the Amur. After that the Japanese delivered the city of Khabarovsk to the so-called Bochkarev men, a band organized after the Semenov model, and the settlements which remained without troops and militia were delivered to the tender mercies of the Khunkhuses (Chinese bandits), who were also supported by the Japanese. The excesses of these bands lasted for a long time. The attempts of the Government to send militia to disarm them were opposed by the Japanese. The persons who were arrested at the time of the April occurrences, numbering about 150, were, in spite of the agreement, not liberated. But finally the excesses of the Bochkarev men became so scandalous that the Japanese could not, without altogether compromising themselves, prevent the Government from disbanding them.

After negotiations in Khabarovsk the Vladivostok militia was admitted, which, after a short firing, arrested the Bochkarev men, who had taken their quarters in one of the big hotels. But even here, on the insistence of the Japanese, the militia was forced to liberate the Japanese agent, Panov, who had been arrested.

The Japanese declared to Mr. Utkin, who was sent by the Vladivostok government to Khabarovsk, that the only way to bring about peace was to sign a special agreement. This agreement contained clauses such as these:

Clause 2. Nobody has the right to conceal or to keep weapons and cartridges without the consent of the Japanese command (excluding hunting rifles, revolvers, and the cartridges needed for them).

Clause 3. The authorities must inform the Japanese command of the arrival and departure of steamers.

Clause 4. The administration has not the right to arrest any persons because of their previous activities, regardless of their political affiliation, and must guarantee the inviolability of their lives.

Clause 5. The administration must not allow the holding of meetings in the open without giving notice to the Japanese command 24 hours before announcing them.

Clause 6. The Japanese command has the right, if it considers it necessary, to ask the Russian postal and telegraph authorities, who must give their consent thereto, to submit mail and telegrams to be censored by representatives of the Japanese command.

It is not astonishing that the Japanese did not particularly insist when the maritime government—although in this era of intervention it was accustomed to a good many things—refused to confirm the agreement.

Mr. Utkin, who was traveling in the train of the commander of the Fourteenth Division under the protection of Japanese soldiers, and, moreover, in the same car that was occupied by the commander, was killed on his return trip to Vladivostok at the station of Iman by two Russian White Guards who were in the service of the Japanese—Japanese agents.

How farsighted the Japanese were, and how much they are acting according to a definite plan, may be seen from the agreement of April 29, which they forced the maritime government to accept. According to this agreement the Russian troops which were leaving the region where the Japanese troops were stationed (the 30-kilometer zone) could be sent neither to the Sakhalin district, which they soon occupied, nor to Transbaikalia, which they soon evacuated, and where Semenov remained. Thus, even before giving their instructions concerning the preparation of the attack against the Amur region, the Japanese did not allow Khabarovsk to recover its normal condition. From here news of disorders was incessantly emanating, and these disorders were to serve as a justification for the Japanese activities.

XXXI.

On July 3, 1920, the following declaration of the Japanese Government was published:

In the period from March 12 to the month of May of the current year, in Nikolayevsk on the Amur, the local bolsheviks in the most atrocious manner killed the Japanese defense detachment, the employees of the consulate, as well as Japanese residents, altogether about 700 persons, of both sexes and of various ages. This occurrence exceeds anything in its atrocity and brutality. In order to safeguard the dignity of the country, the Imperial Japanese Government is compelled to take the necessary measures. At the present time, however, there is practically no government with which it could communicate on this subject, and for this reason the Japanese Imperial Government is quite unable to do anything in this matter.

In view of the aforesaid, and until a lawful government be organized and the question favorably settled, those places in the Sakhalin district which are considered as requiring occupation will be occupied.

With regard to Transbaikalia, the Government, taking into consideration that at the present time the evacuation of the Czecho-Slovak troops from this region has already been completed, and relying on a declaration which the Imperial Government has already made repeatedly—has decided in this case to evacuate its troops from the indicated region. In Vladivostok, however, as well as in its surroundings, there exists not only a menace to Korea, and an inclination to take an unfriendly attitude, but there are also living in these districts numerous Japanese subjects.

The city of Khabarovsk is an important point on the way to the Sakhalin district. Consequently the troops must needs remain there in adequate number until the time when stable and peaceful conditions will be reestablished in the above-mentioned localities.

Here the question as to a "special settlement" of the events of Nikolayevsk is cleared up—by the occupation of the district of Sakhalin. This occupation is mitigated by the fact of the evacuation of Transbaikalia. But the full meaning of this evacuation already became clear from the secret telegram of June 17.

XXXII.

Frightened by the Japanese evacuation, Ataman Semenov, on July 11, applies to the heir of the Japanese throne, as to the "stalwart defender of the ideas of humanity, the most worthy

of the noble Japanese knights," "the expression of the pure ideals of the Japanese Nation"—with the entreaty "to insist * * * before his mighty parent, His Imperial Majesty, on the cessation of the evacuation of the troops from Transbaikalia, at least for four months," in order to help "the much-suffering Russian Army, struggling to hold Chita as the political center of the Far East, the aim of which is the establishment of peace and the undisturbed development of Russian life in the eastern borderland which is ruled by me—i. e., Semenov—with the consent of its noble neighbor, Japan."

To this petition of Semenov an answer was sent from Tokio through the commander of the Siberian troops, which was delivered to Semenov on August 11, at the Station Olovyannya. The contents of the answer, as it appears in the secret Japanese documents published in the Far East, are not altogether flattering for Semenov:

A REPLY TO SEMENOV.

TOKIO, *War Ministry, 200, 3/A.*

To the COMMANDER OF THE SIBERIAN FORCES:

The Japanese Imperial Government has considered your desire from every angle. The Imperial Japanese Government is grateful to you and wishes to maintain friendly relations, but the situation pressing upon us from all sides does not permit us to grant your request. The Imperial Japanese Government does not consider you sufficiently strong to carry out the great object which would assure a great future to the Japanese people. Your influence with the Russian people is growing weaker daily, and the hatred which the people have against you does not aid us in our policies.

The Imperial Japanese Government sounded the question with the Allied Governments, but on all sides we found a negative attitude.

If you wish to direct your activities in another direction we will support them with great pleasure, but in accordance with the principles which are known to you.

Our reply to your economic questions will be transmitted within the next few days; in this matter we may reassure you.

NOTE.—This reply was transmitted to Semenov on August 11 at Station Olovyannaya.

XXXIII.

Although the Japanese made a declaration concerning the evacuation of Transbaikalia, they nevertheless insisted upon the signature of an agreement concerning the cessation of military activities by the Verkhne-Udinsk government; the Japanese wanted to secure the position of Semenov after their evacuation.

In this agreement lines were established which were not to be violated by both parties. Clause 5 especially provides that the "term of expiration of the present agreement is considered to be the termination of the work of the conference of representatives, who lawfully express the will of the population of the Russian Far East." By the "conference of representatives" is understood here the conference of the representatives of all regions of the Far East, which was constantly supposed to convene for sessions, but which up to that time had not assembled owing to obstacles put in its way by the Japanese.

The agreement is provided with a special and quite interesting note: "The troops under the command of Semenov recognize the present agreement, as is guaranteed by the representatives of the Japanese Expeditionary Army on the territory of the Far East."

The agreement was signed at the Station Gongota on July 15 by the Japanese and Russian representatives. On July 16 both parties signed a still more interesting document. It does not refer any more to the armistice, but to the future policy. (See Appendix No. 16.)

An interesting feature of the Japanese policy in the Far East which deserves attention is that it proclaims its adherence to aspirations that are really those of the Russian population, for which the latter really is struggling, and which it can not put into effect owing to the unfriendly policy of Japan. Such ideas are, in the present case:

1. The convocation of a conference of the representatives of all regions to bring about a real unification of the regions.

2. The creation of an independent far eastern republic.

Although for years they have obstructed the unification of the Far East, the Japanese, at the same time, in order to deceive the world abroad, incessantly and loudly assert that they are in favor of this unity.

It is necessary to mention right here that the first meeting in Verkhne-Udinsk of the representatives of the various regions did not take place until September.

XXXIV.

But let us return to the secret documents. The communication of Gen. Oi to the commander of the Fourteenth Division in Khabarovsk, dated July 12, reads as follows:

VLADIVOSTOK, *July 12, 1920.*

To the COMMANDER OF THE FOURTEENTH DIVISION, *Khabarovsk:*

According to information, the local government has no force whatsoever at its disposal. The Communist Party is daily growing stronger; but this does not interfere with our plans, as the forces at their disposal are not sufficiently strong. Our people, who are compelled to work together with the local government, are ready to assume authority at any moment and to maintain the administration until the occupation is completed.

Use all possible influence always to interfere with the work of the Khabarovsk administration, so that the representative of the government can not accomplish anything in his work. Help as much as possible the city party, but in such manner that the population may not notice it.

The negotiations with Semenov will soon end. Semenov's wishes are easily satisfied, and we are only awaiting the sanction of His Imperial Majesty and the Government.

I have been informed by the war minister that the general European situation makes it necessary for us not to carry out any of our plans during this month. The war minister ordered me to exercise extreme caution, and I order you to act likewise. Lately I have not been receiving from you any information as to what is going on in your district. Are our agents ready in the entire Province? I order you to reply to me immediately.

OI.

Thus, playing with the maritime government all this time, the Japanese were simultaneously retaining "Russians" in the service of the same government, so as to be able at any moment to overthrow it and to occupy this Province.

The instructions referring to Khabarovsk were strictly carried out.

In Khabarovsk, soon after a stop was put to the excesses of the Bochkarev men, there began, with the open support of the Japanese, the movement of a group of men headed by Likhoidov, members of the old city council from the days of Kolchak, which, defying the Vladivostok Government, did not want to arrange for new elections. The Government, which insisted upon new elections to the city council on the basis of universal suffrage (the law passed under Kerensky), attempted to take vigorous steps against disobedient citizens, and instructed the district emissary, Mileyev, as well as the militia, to put into effect the decisions of the Government. But here the Japanese stepped in, forbidding the militia to move freely in the city and extending their protection to Likhoidov and his band of reactionaries, who were carrying out the plans of the Japanese. Likhoidov declared that he was not subject to the authority of the maritime government, and it is he whom the Japanese refer to ("city party") in their secret telegrams.

On August 2 Gen. Oi sent decisive secret instructions to Khabarovsk:

(Secret Order S/2428.)

VLADIVOSTOK, *August 2, 1920.*

To the COMMANDER OF THE FOURTEENTH DIVISION:

The offensive against the Amur Province must take place not later than the end of August. Your plans for the distribution of troops are approved. The left wing, which is distributed along the Usuri River, must be reinforced by one unit of sappers. The offensive must begin either from Usuri or Bungari. You must try to have the troops attack simultaneously. According to information in our possession, the enemy's positions are strongly fortified, but the right wing, which is close to the Amur, is the weakest, so that your attack from that side could be successful and decisive.

Your desire that your operations should be supported from Sakhalyan (a place in Manchuria) can not be carried out, because the political obligations to China do not allow it. We have taken certain steps in that direction, but without results.

It is evident that negotiations with the Semenov forces will not bring any results; these troops are also beginning to be poisoned with the Bolshevik virus. By order of the war minister, our aim must be as follows: Irregular and bolshevist troops must be driven out from the Provinces which are to be occupied. If our attack should be made with lightning speed we shall have the benefit of routing these troops in one month, and they will scatter in the direction of Chita. You must exert all efforts that during the offensive the commissars and the prominent Bolsheviks may fall into our hands, so that we can finish once for all with the danger which threatens us from the communists. Report immediately if there is anything that you need for the offensive, so that I may immediately execute.

(Signed) OI.

Likhoidov went to Vladivostok to negotiate with the Japanese, and as a result Gen. Oi reports to Khabarovsk:

From Vladivostok to Khabarovsk.
S/1717.

To the COMMANDER OF THE FOURTEENTH DIVISION, *Khabarovsk:*

From a conversation with Likhoidov I learned that the situation in Khabarovsk is developing in our favor. In my opinion, these people are faithful to us. Our literary secret agents Panov and Yurlev are working in a desirable manner. No expense must be spared in attaining our aims. We can always give the requested assistance, but we can not do so openly.

(Signed) OI.

But all of a sudden the whole situation changes and Tokio orders a retreat. On August 4 the war ministry gave Gen. Oi instructions just the contrary of the above:

WAR MINISTRY, *Tokyo, August 4, 1920.*

(A secret session. S/466.)

To the STAFF OF THE SIBERIAN EXPEDITIONARY ARMY, *Vladivostok:*

The Japanese Imperial Government is compelled to adopt the following decision:

The general European situation, the victories of the soviet government on the Polish front, the growing danger from the soviet government, the noticeable antipathy on the part of the United States and China, the steps undertaken by America in the question of Sakhalin, the general preparedness of the United States for war, the secret agree-

ment between soviet Russia and Germany, compel us not to carry out our political projects in Siberia completely.

The desire of the United States that Japanese troops should evacuate Siberian territory immediately has become a very serious problem, and this problem demands extreme caution on our part.

The strong influence of Germany in China threatens us with the loss of influence.

All these problems compel us to adopt a waiting attitude. Any premature steps may ruin all our great plans. The present situation compels us to give up the plans of occupation in Siberia for some time, remaining entrenched, however, in those territories where our troops are located.

In the Japanese-Chinese question the situation compels us to make certain concessions. The greatest danger is from the soviet government, as the danger which is contained in the unity of all Russians may create unexpected obstacles for us. We can only rely upon ourselves, as the incidents in Nikolayevsk and in the entire Maritime Province made a very unfavorable impression among the Allies.

The time has come when most cautious, serious work must be done by us. We consider that it is best, and order that the troops which are at present in the maritime district should spend the winter in their present quarters. The commanders must prepare everywhere fortified winter quarters. Our trusted people must influence the situation in such a manner that our general interests would be protected under any circumstances.

Our interests demand that the Japanese imperial diplomacy should enter into close relations with the provisional Vladivostok government, but without allowing that government to become strongly entrenched.

The operations against the Amur Province must cease, but the troops must be held in readiness, as the danger from that side is still very great. The growing communist influence which we notice in every step of the present government makes a very unfavorable impression on us and on our people. We order extreme caution so that the germs of bolsheviism should remain isolated, as we do not know what the results will be of the secret conference which is to take place shortly between the Allies regarding the Siberian question.

We order the war ministry to base all their actions in accordance with our decision of to-day. We order it to exercise extreme caution in military problems, as caution is essential in the affairs of the Siberian army. We order the war ministry and its officers to be extremely careful regarding the communist party, which creates more obstacles than anything else to our plans. We order the war ministry to make this decision known to the commanders of the divisions, and we believe that it will by all means advance the sacred cause of the Japanese people.

Thus Japan is prevented from completely carrying out its plans; it is compelled to change them because of the general political situation, and, mainly, because of the strength of soviet Russia and America's attitude toward Japanese annexations in the Far East.

With regard to the secret conference of the Allies mentioned above, there exists a secret telegram, which has been published, from the war minister in Tokyo, dated August 20, which was sent by a courier to Harbin.

By courier to Harbin from Tokyo. August, 1920. A/217.

For the consideration of the solution of the Siberian problem Barons Hayashi, Ishi, and Magata were sent for a conference to England. They are to discuss and decide the Siberian question. For a final settlement of the Siberian question I order the commanders or their lieutenants as well as the diplomatic representatives to be in Harbin on September 12. Neither the command nor the foreign missions must know about this secret conference. You must travel unofficially.

(Signature) WAR MINISTER.

Nothing else is known of these negotiations.

XXXV.

In the meantime Semenov's men, who were leaving eastern Transbaikalia immediately after the Japanese, fearing the armed population that had risen in despair and gone to the mountains and forests, forgot the agreement that had been signed by the Japanese in their behalf, and began to destroy the railroad and mercilessly to rob the population, driving away its herds, and the Verkhne-Udinsk government was compelled, on August 7, to remind the Japanese of the agreement of July 15.

The men of Semenov and Kappel, who had been in Chita—Kappel's men, the last remainders of the destroyed Kolchak army, had arrived in Chita as far back as February, 1920—began to disintegrate completely. Some of them began going over to the struggling partisans, the armed peasants, and another part simply dispersed, as they foresaw a bad end. A mock national assembly, which had been created by Semenov in Chita for the sake of appearances, declared itself against him; such was the indignation against him of all classes of the population, and so strong was the general conviction that he would fall very soon after the evacuation of the Japanese.

In spite of the memorandum signed by both parties on July 16, the delegation of the Verkhne-Udinsk government, which started for Chita for negotiations with the representatives of the population of Chita was stopped by the Japanese at the station of Gongota. That was the Japanese assistance in bringing about the conference of the representatives.

In the month of September the delegates of Vladivostok, through the "mediation" of the Japanese, were allowed to cross the territory occupied by Semenov's men, who had encamped along the Transbaikal Railway, and to reach Verkhne-Udinsk. The results of this meeting so much displeased the Japanese—according to their opinion the Verkhne-Udinsk government was thereby strengthened—that the Japanese "information bureau" on September 11 gave vent to its wrath against the "treacherous" Verkhne-Udinsk government. The Japanese communication ended thus: "It is unnecessary to add that Japan will always be ready to answer, either by hostile acts or by peaceful means. If the far eastern Government will spurn the proffered hand of friendship extended in a spirit of pure humanity, and will try to diminish the rights of Japan as proclaimed in the Government's declaration, Japan will be ready to attack injustice and to deal heavy blows to her enemies."

XXXVI.

The Japanese were compelled to go further in their repudiation of their original extensive program until a moment arrived when nothing was left to them but to leave Likhoidov and his crowd to their own fate and to withdraw.

On September 18 a new declaration of the Japanese Government was published, reading as follows:

On the basis of the declaration made public by the Japanese Government on July 3 of this year, at the time of the evacuation of our troops from the Transbaikal Province, and as a necessary measure, until the reestablishment of order, a certain number of troops have been retained in the district of Khabarovsk, as a strategically important point leading to the Sakhalin Province. Now, in view of the settlement of the political situation in the above-mentioned district, I announce the withdrawal of our troops therefrom. At the same time I express my sincere desire that the Russian Far Eastern territory be unified as soon as possible, thus assuring the peace and prosperity of the population of the country, and securing good neighborly relations between the two peoples, the Japanese and the Russian.

Only one or two months before the Japanese, after creating the Bochkarev band, which the maritime Government had to expel by force, as well as the Likhoidov men, were loudly asserting that in Khabarovsk everything was not as it should be; but now, all of a sudden, all was "settled." Their plans having changed, their words changed also. * * *

XXXVII.

The Japanese left Transbaikalia. The population, regardless of class or situation, driven to extremity by the brutalities and the debauchery of Semenov's as well as Kappel's men (who, although somewhat unfriendly to Semenov's men, in general were helping them), rose against them and in the middle of October drove them out of Chita. Ataman Semenov barely escaped from Chita and had to flee in an airplane. The Semenov-Kappel troops encamped along the Transbaikal Railroad, leaning upon Manchuria, and, as formerly, bottled up the way between the Maritime Province and Transbaikalia. But, on the other hand, the Amur region obtained a railroad connection with Pribaikalia and a part of Transbaikalia. The Government transferred its seat immediately from Verkhne-Udinsk to Chita, which was selected as the place for the final conference of the representatives of all the Provinces.

One or two further efforts of the people, and the entire demoralized White Army withdrew in a panic to Manchuria. * * *

The Japanese, solicitous for the fate of the army that was so well serving their interests, offered their services as mediators, but, as was to be expected, nothing came of the offer. The Chinese, whose activities were being constantly watched by the Japanese, insisted on disarming the White Army that had withdrawn to Chinese territory, but the arms were delivered to the Japanese and the disarming became a farce.

The "cork" in the neck of Transbaikalia was removed. With the Japanese gone the "cork" was gone too—after having for such a long time bottled up the work of the unification of the Russian Provinces of the Far East, and after having caused such great losses to the population.

The Verkhne-Udinsk Government had already appealed many times to the White troops, proposing that they disarm and come over to the side of the people. Amnesty was granted to all, except those who had committed grave criminal offenses. Now, the Government again confirmed its amnesty to all those who would voluntarily come back. Part of the troops came back. But the major part, obviously afraid on account of the crimes committed, and egged on by the Japanese, preferred for the time being to stay in Manchuria.

XXXVIII.

Before the Japanese now arose the question concerning the further use to be made of this army. If the general political situation required of them a curtailment of their annexionist program, that did not at all mean that this program was to be given up altogether. Not in vain had they expended so many efforts, lives, and funds.

The valuable Maritime Province, including Vladivostok, was still in the clutches of the Japanese, and now, after having suffered so much, it became the central point of the Japanese "policy."

The bandit "army" which could not fight but could kill and rob the peaceful population was gradually transferred to the Maritime Province with the usual Japanese humbugging. While

declaring to the maritime government that they were not interfering in the question of the transfer, the Japanese were at the same time transferring the bandits with the help of Chinese officials and subordinates of Chang-Tso-lin, the military head of Manchuria.

Semenov's men were sent to Grodekovo, a Cossack center, the Kappel men to Nikolsk, Razdolnoye and other places, without paying any attention to the protests of the maritime government and the national assembly. With reference to Kappel's army it will suffice to say that its representatives had previously come to Vladivostok to negotiate with the government; and when the government proposed to them that they should submit to its command and place themselves completely at its disposal, under absolute guaranty of the inviolability of their persons, they rejected this offer, insisting upon their complete independence.

The Japanese were fulminating against the Verkhne-Udinsk government, which had already moved to Chita, declaring that this government having permitted the armed expulsion of Semenov, had violated the agreement of July 15. The Japanese began to look around for a pretext to give support to the Semenov men.

The partisans, having approached the Manchurian border, did not continue the pursuit of Semenov's men, as they did not want to fight on foreign territory; but Semenov's men, as well as the Japanese, were waiting for another opportunity and were preparing other plans as appeared from the order of Gen. Semenov issued on November 18, at Junction 86 (on the territory of Transbaikalia, a few miles from the station Manchuria):

Order of the commander in chief of the armed forces and the campaign Ataman of all the Cossack forces in the Russian Far Eastern borderland.

The political situation at the present moment is as follows: The Japanese command, in the person of its representative, Col. Isome, guarantees to the Far Eastern army its transfer to the maritime district, but at the present time Col. Isome has not a sufficient number of armed forces at his disposal to cover up our retreat. The Chinese command promises definite assistance only in the work of transporting and quartering our families and relatives. The armed forces of the Chinese in the district of Manchuria are also insufficient and unreliable, and we can not figure on them to cover up our retreat. Therefore, in order to create a precedent of an international character and to give cause to the Japanese command to move their troops decisively, and by removing the Chinese from the railroad line to close the frontier to the Reds, it is necessary, in case the situation at the front will compel us to do so, to penetrate as far as possible into the territory of the Chinese Eastern Railroad, avoiding and not taking into consideration the Chinese troops at the frontier.

For the purpose of accomplishing the above, I order parts of the First Abagatui Corps to move in the direction of Hailar, where it should remain until further orders. The Orenburg Cossack Brigade must follow the first corps. Troops of the second and third corps, after encircling station Manchuria from the south, are to enter the district of stations Sagan and Horson. Station Chzhalainor is not to be occupied. Small units of no military importance may go through station Manchuria, where they are to surrender arms to the Japanese mission; and it is necessary that all these movements begin simultaneously, so that the units which will come to station Manchuria be secured from all possible excess on the part of the Chinese by the presence of our military units in the rear of the Chinese forces.

After the execution of the above operation we shall have assured for ourselves further movement along the railroad line.

I appeal to all, from the general to the soldier, to maintain absolute presence of mind and not to lose hope in the favorable outcome of our struggle for the right and freedom of the people.

(Signed, on the original) LIEUT. GEN. SEMENOV.

Correct copy: CHIEF OF STAFF OF THE FIRST TRANSBAIKAL CAVALRY BRIGADE PETELIN.

This plan was divulged in time and therefore could not be put into execution.

The transfer of troops to the Maritime Province was accomplished. Semenov had, apparently, to be transported somewhere else for a certain time, and thus the Japanese, their former declarations to the contrary notwithstanding, addressed to Gen. Boldyrev, commander of the troops of the maritime government, the following official announcement:

By order of Gen. Oi, the commander in chief, I beg to inform you hereby of the following:

The detachments of Semenov's and Kappel's men have been disarmed in Manchuria by agreement between Japan and China. The transfer of some of them who would like to proceed to the territory of the Eastern Chinese Railway and to the Maritime Province should be arranged by direct communications with the Chinese Government and with the provisional maritime government. In consideration of this fact, the Japanese command is standing completely aside in this matter as not pertaining to its jurisdiction.

According to news received there is among them Ataman Semenov, who applied for protection to the Japanese command. Confirming the above-mentioned arrangement the commander in chief of the Japanese troops has decided that he should be forced to leave the Maritime Province.

MAJ. GEN. TAKAYANAGI,
The Chief of the Staff of the Japanese Troops.

VLADIVOSTOK, *November 28, 1920.*

This document does not require any further comments.

XXXIX.

As soon as the various regions of the Far East had obtained the possibility of free communications and exchange of opinions the representatives of the various provincial governments and of the national assemblies, then in session, gathered in Chita. This conference, which took place on November 9, finally united all the Far Eastern Provinces. The declaration of independence was confirmed, the day of the elections to the constituent assembly was fixed, and the suffrage law for these elections adopted (Kerensky's law concerning universal suffrage); a central government of the Far Eastern Republic was created and it was intrusted with carrying out the elections; Chita was selected as the capital of the Republic.

It was unanimously decided to ask for the cessation of the intervention. All officers and soldiers, the remainders of the armies of Kolchak and Semenov, were invited to return to peaceful work, inviolability of person being guaranteed them. In the spirit of these decisions a declaration of the unity conference of the Provinces of the Far East was issued, in which the foreign governments were invited to enter into close political and economic relations with the central government of the Far Eastern Republic.

The Japanese—seeing the futility of all their efforts, as the people of the Russian Far East still continued to consider themselves a sovereign nation unwilling to recognize foreign rule on its territory, and determined to submit only to their own will as expressed by their elected representative organs—began to exert a pressure upon the maritime government and the national assembly, menacing them with repressions if the national assembly should confirm the decisions of the conference of November 9.

For a couple of days Vladivostok was filled with rumors concerning an intended overthrow; in Grodekovo, which the Japanese converted into a local "cork," after the Chita model, by populating it with Semenov's army, a belligerent spirit was induced. Gen. Oi summoned the members of the national assembly, who were the representatives of all political parties, kept them waiting for about an hour in a dark room, and finally came out to harangue and warn them of the evil consequences which would ensue if the national assembly should recognize the work of the Chita conference and the "communist" (as the Japanese called it) central government that was elected there. (The majority of the members of the government were communists, but as a whole the government was a coalition government.) Gen. Oi handed to all of them the following declaration:

To-day I invited you, the representatives of all political parties and groups of the national assembly, in order to acquaint you with the stand taken by the Japanese command and its attitude toward the provisional government. As the political situation in this territory has become serious, in connection with the conference in Chita dealing with the unity of the country, I wish to point out to you that I have repeatedly announced that in order to prevent undesirable conflicts and to preserve peace and order in the country a communist administration will not be allowed in those regions in which Japanese troops are stationed. But judging from what is here going on under the influence of the Chita unity conference, the situation is rather serious; I am afraid that in the regions in which Japanese troops are stationed peace and order may be disturbed. I wish to inform you that in the interest of Japanese self-defense, as well as for the maintenance of order in the country, there was drawn up an agreement between the Japanese command and the provincial government concerning the cessation of military activities; there was also an exchange of memorandums concerning the establishment of a buffer State, which, independently from the work going on at the conference in Chita, are binding upon both parties. Should therefore any third party, whosoever it may be, against the will and without the knowledge of the Japanese command, venture to violate the existing order in the zone in which the Japanese troops are stationed, and thus provoke disturbances in the country, such an activity will under no circumstances be tolerated by the Japanese military command. In concluding my address, I wish to express to you my profound respect for your efforts toward the regeneration of the country.

All the delegates, regardless of party affiliation, were deeply offended to be treated as if they were on enemy territory and not in their own country.

The agreements with the Maritime Government, mentioned by Gen. Oi, are those agreements which were forced by the Japanese upon the government after the events of April 4–5, i. e., the agreements of April 5 and 29. "The memorandums concerning the establishment of the buffer state" are the letters reprinted in the second part of this book, which, on the insistence of the Japanese, the chairman of the Japanese and Russian sections of the Russo-Japanese Adjustment Commission exchanged with each other in Vladivostok when the sessions of the conference were going on it Chita. These memorandums are drafted in the spirit of the memorandum of July 16, already mentioned above, which was signed by the representatives of the Verkhne-Udinsk Government at the Station Gongota.

Similar memorandums were exchanged between the Japanese and the representatives of the Amur Province. In general, being

themselves much addicted to declarations, they go so far as to force other people also to write them.

In order to make their presence felt, the Japanese began to hold up trains, not allowing anything to pass beyond the zone where their troops were stationed (Station Yevgenyevka); they prohibited the sending out of the city of silver money, with which the Government paid its employees, etc.

In spite by all these measures, the Maritime national assembly, taught by its bitter experiences with the Japanese and placing the cause of the unity of all Russian provinces above all the Japanese threats, confirmed the work of the conference, recognizing the government elected in Chita as the central government.

That the Japanese arguments as to the "communist" composition of the Chita Government were only a pretext for the outside world is proved by the fact that the Maritime Government, with which the Japanese were having their sport, and which they wanted to tear away from Chita, thus destroying the work of unity, was of similar composition; the majority here, too, was "communist"; but in their essential policy both were equally democratic.

Having failed, the Japanese did not put their threats immediately into effect, but the Maritime population felt that under the leadership of the Japanese all the White Guards who had been transferred thither were being organized for the overthrow of the Government, with the purpose of creating an independent reactionary state out of the Maritime Province, which would continuously menace the Far Eastern Republic, thus destroying the already achieved unity of the Russian Far East.

XLI.

While everywhere provoking disorders and keeping the entire population in a state of tension, the Japanese began (in January, 1921) to spread the rumor in Vladivostok that in view of the fact that the situation in the Far East was menacing the life and property of the foreigners, the consular body intrusted the Japanese with the defense and the protection of the interests of foreigners. The population which, after all the bitter experiences it had gone through, understood the meaning of these rumors was prepared for new Japanese attacks.

On January 28 the papers published the following announcement from the American Consul:

The Government of the United States of America has not applied to any other Government with the request to collaborate with its representatives or the local authorities for the defense of the life and the property of American citizens in Siberia, and has not counted upon such protection. The Government of the United States is also unaware of the fact that any other Government has made such a request or counted upon such help, or would like to commit to any Government whatsoever the protection of the interests of other nationalities or to accept the task of protecting the personal safety or the property of any other nationalities in Siberia.

Thus another Japanese provocation was unmasked.

XLII.

In spite of the fact that in the Fisheries Convention of 1907 Japan obtained substantial rights for the exploitation of fisheries along the Russian Pacific coast (equal rights with Russian citizens everywhere, except the bays and the internal river waters), the Japanese were not satisfied. Already at the time of the deliberations of the various items of the convention, the Japanese were assiduously but unsuccessfully insisting upon the right to hunt beavers and sea bears in Russian waters, as well as upon the right to fish in bays and rivers. After 1907 Japan very extensively availed herself of her rights and developed this industry. But this was not enough for her; she wanted equal rights with the Russians in all things connected with fisheries.

This question was persistently brought to the fore in 1916, when the Czar's Government, conducting war with Germany, was in a difficult position, and "allied" Japan was considered the defender of the Far Eastern Russian possessions against possible attack. The downfall of the Czar's Government changed the situation, and the revolutions, both of March and of November, created such favorable conditions for the Japanese that they could not resist the great temptation of obtaining the realization of their old plans. Civil war and intervention completely weakened the Russian fisheries and reduced them practically to insignificance. Almost the entire fishery industry passed into Japanese hands. A long correspondence went on between the provisional maritime government (provincial zemstvo board) and the Japanese, concerning various privileges which the Japanese were asking in the fisheries industry. But even this did not satisfy them, because, in connection with their general scheme of conquest, they had planned not only economic preponderance but also to secure possession of the enormous natural resources, particularly the fisheries of the Russian Far East.

On December 16, 1920, the Japanese imperial consul sent the following communication to the director of foreign affairs of the Vladivostok government:

With regard to the fisheries in the Sakhalin district I consider it my duty, in accordance with the instructions of the minister of foreign affairs, to inform you as follows: The fisheries in the lower part of the Amur River, as well as in the Amur estuary, including the islands of Langer, Ud, etc., will from now on be under the jurisdiction of the Japanese command. As for the fisheries in the remaining parts of northern Sakhalin and in the waters of the coast from Cape Lezarev to De Castri, which up to the present were under the jurisdiction of the Russian authorities in Vladivostok, they will henceforth also be under the jurisdiction of the Japanese command.

This short but exceedingly interesting document immediately suggests a number of thoughts which are not complimentary to Japanese policy.

1. As far back as four months before the Nikolayevsk events, the Japanese had already seized the Russian fisheries resources of Sakhalin and the lower part of the Amur River (of the entire Sakhalin district).

2. The fisheries came under Japanese control, not as a result of competition between the business men concerned in the fishing industry, but by military conquest—"they are under the jurisdiction of the Japanese command."

3. In seizing them the Japanese do not even consider it necessary to disguise or to assign any reasons for it.

This document, communicated from Vladivostok to Chita, brought forth an immediate protest on the part of the Government:

The Government of the Far Eastern Republic protests against the forcible seizure which is a violation of the rights of the Russian people and its territorial sovereignty. This fact is in glaring contradiction to all the declarations by the Japanese Government of its unchanging respect for the rights of the Russian Nation, its territorial integrity and sovereignty.

On January 17, 1921, the Japanese delivered to the Vladivostok provincial government a new note in which five demands are put forth, which are in complete violation of Russian rights in general and of the fisheries convention in particular. These demands were supported by statements of the losses which the Japanese concerned in the fishing industry had sustained in connection with the disorders of 1918, 1919, and 1920. The demands were as follows:

1. The Russian authorities must deposit the fees which they receive for the lease of fisheries in an especially designated credit establishment on terms to be fixed by agreement with the Japanese Government. The Russian authorities may, at their discretion, withdraw and expend a third of the money deposited for the maintenance of the personnel supervising the fisheries and for other items, and the destination of the remaining two-thirds will be determined, according to mutual agreement of both Governments, after the end of the corresponding fishing season. The Russian authorities will accurately enter the receipts and expenditures connected with the payment for the leases, and the Japanese consul in Vladivostok will, if he deems it necessary, examine the books and watch over the correctness of the accounting.

2. In enumerating the fisheries, the Russian authorities will have to include their budgets. (Reason: The prices for the fisheries have supposedly become too high owing to competitive offers.)

3. Shipping certificates and all certificates of any kind necessary in connection with the fishing industry are issued not only by Russian but also by Japanese authorities.

4. The right of coasting trade, and, in addition to this, the right of domiciling Japanese subjects, even after the end of the fishing season, until the next season, for the purpose of protecting the buildings and the equipment therein.

5. The Japanese have the same right as the Russians to fish in the bights and in the rivers.

The Japanese had said almost everything and were waiting for an answer, but they did not receive any answer from the Government. On February 14 they again forwarded a note in which they insisted upon a favorable reply.

On the following day, on February 15, an announcement of the Japanese consul general was published, the contents of which were as follows:

With reference to the communication of the head of the Japanese diplomatic mission (i. e., Consul Kikuchi) to the local authorities, represented by B. B. Skvirsky, of December 16, 1920, concerning the taking over of all fisheries of the Sakhalin district by the Japanese command, I applied to the proper authorities, represented by D. F. Pantsleyev, in my request of January 18 of the current year, asking him to omit the following fisheries—for the catching of fish and crabs—from the list of the fisheries that are to be leased in the course of the current year:

Fishing 68-a, Agnevsky 2; fishing 66a, Agnevsky 5; crabbing 6, Pilevinsky; crabbing 27, Aspidsky; crabbing 28, Nanaysky.

In view of the fact that no answer has been given as yet to my aforesaid communication, I have been instructed by the Government to make the following announcement: The leasing of the above-mentioned

fisheries by means of auctions, which in the course of the current year were arranged by the Russian authorities, will not be recognised by the Japanese Government.

Thus, after their note of December 16, concerning the fisheries, against which the Government protested, the Japanese considered themselves full masters of the Sakhalin coast line and of the lower part of the Amur.

By the way, it is interesting to dwell on the following fact: All their notes concerning fisheries, etc., the Japanese diplomats, as well as the military authorities, persistently directed not to the central government in Chita, but to the Vladivostok government; when the representatives of this Government, after the conference of November 9, refused to accept such documents, the Japanese simply placed them on the desk and walked off. It is interesting to compare with this fact the first clause of the memorandum signed by the Japanese and the Russians at Gongota on July 16:

The Japanese delegation declared that individual contacts of the Japanese command with the local authorities will cease immediately after the termination of the work of the conference of representatives expressing lawfully and independently the will of the Russian population of the Far East and which will legalize the final establishment of a single government.

After the conference of November 9, i. e., the conference above referred to, the Japanese persistently endeavored not to mention this clause which they had signed.

After this announcement the Government of the Far Eastern Republic in the beginning of March again protested against the Japanese usurpations:

The disorders which took place in 1918, 1919, and 1920 are the direct consequence of the policies of the Japanese command, which has completely ignored the sovereign rights of the Russian people in Russian territory. The last verbal notes which were delivered on January 17 by the Japanese consul general, as well as the memorandum of the Japanese consul general of December 16, 1920, are considered by the Government as infringements upon the rights of the Russian people, and the Government reiterates its protest of January 19, 1921.

On March 14 the Government of the Far Eastern Republic gave a detailed answer to the five Japanese demands of January 17. In this reply the Government declares that the Japanese should reestablish the normal conditions prevailing before the seizure of the fisheries; that the Government is not opposed to satisfying the legitimate needs of the Japanese fishing industry, and that it furthermore is not opposed to the revision, by the interested parties, of the entire fisheries convention. But such an answer could, of course, not satisfy the Japanese. They were expecting a resigned submission. On April 18 their answer to the reply of the Government of the Far Eastern Republic of March 14 was delivered. This answer has the same characteristics as the former ones—they can not wait, and therefore take matters in their own hands, and consequently will allow the Japanese fishermen to exploit the fisheries according to terms drawn up by them under the protection of the Japanese military authorities.

And on April 12, under the instructions of the Japanese Government, the Japanese consulate general in Vladivostok announced that the head of the military administrative department of the Japanese command in Sakhalin published a notice of February 19, 1921, concerning the leasing by auction of fisheries to Russians, the office of the military administrative command in Sakhalin (Alexandrovsk) being designated as the place for the auction. In this announcement it is pointed out that "persons who want to consult the above-mentioned list, as well as the regulations and rules, may consult them in the Japanese language in the consulate." Thus Russian fisheries are leased to Russians by the Japanese, who propose to the Russians that they acquaint themselves with the Japanese rules, etc., in the Japanese language!

It is a situation that requires no comment.

XLIII.

After the declaration of July 3 (evacuation of Transbaikalia and occupation of the Sakhalin district) the Japanese did not say anything about Sakhalin, and only eight months later, on March 21, in Alexandrovsk, Lieut. Gen. Kozima, commander in chief of the expeditionary army in the Sakhalin district, published the following order:

On the basis of the declaration published last summer, in which the Japanese Imperial Government announced that the Japanese troops will occupy important points in the Sakhalin district until the time when a lawful government will be organized in Russia and the question of the barbarous killing of the Japanese in Nikolayevsk will be settled, the Japanese Expeditionary Army will within the next days distribute its troops in the towns of De-Castri, Nikolayevsk, Mago, Sofisk, and other places, and will establish in these localities a civil administration in order to introduce there peace and order.

I appeal to the entire local population to peacefully occupy themselves with their affairs and to submit to the authorities named by us.

Soon complaints began to arrive from the population of Nikolayevsk, Marinsk, and other places reporting that the Japanese were interfering with the work of the Russian Government organs; that they prevented them from communicating with the Russian superior authorities; and that in general they were introducing a complete Japanese administration.

On April 19 a Japanese transport arrived in De Castri and landed troops, a Japanese radio was erected there, the Russian telegraph was put under Japanese censorship, and communication with the Russian higher authorities without the permission of the Japanese was prohibited.

On May 29 the head of the military mission, who came to Marinsk with the Japanese detachment, made the following announcement to the chairman of the district board:

We herewith communicate to you the order which we received from Lieut. Gen. Kozima, commander of the army of the Sakhalin district: The Chita Government and the people of the Far Eastern Republic ought to know the contents of an announcement concerning important matters referring to the former Sakhalin district. On the basis of this announcement the activities of any other administration and of its representatives in the occupied territory is not allowed. On the basis of this order we invite you, the representatives of the Far Eastern Republic, a Government which we have not recognized as yet, to cease your activity.

On July 14, 1920, the Japanese command made the following announcement:

In the near future Japan will inaugurate a military administration in the Russian part of Sakhalin.

For this reason—

1. All institutions must hand over their affairs to the Japanese command beginning with July 25.

[NOTE.—The majority of the officials and employees will remain in their former positions.]

2. Those who live in the buildings belonging to the State or to the community must leave them on the above date.

3. It is strictly prohibited to carry away from the above-mentioned buildings papers, instruments, supplies, etc.

The inhabitants were immediately told that if in the course of seven days they would not submit proofs that all their rights or privileges had been acquired from the Russian Government, these rights and privileges would not be recognized.

Not less interesting was the announcement that was sent to the Russian authorities on August 24 by Gen. Kozima and head of the military administrative board, Tsuno:

(a) Beginning with the 1st of July the rights of the Russian Government are not recognized.

(b) The Russian administration is considered to be abolished and consequently also all its decrees concerning the exploitation of natural resources.

(c) Property rights shall be determined upon investigation.

(d) For the settlement of administrative and other important matters an investigator shall be appointed, who shall examine the material and give the necessary explanations.

(e) The Japanese authorities will take care of the trustworthy personnel of the Russian administration.

(f) All material of an administrative character will remain in the hands of the persons who were in charge before.

(g) Should the above-mentioned points not be adhered to the necessary measures will be taken.

The Japanese law concerning capital punishment was introduced (with the application of execution) and the whole conduct of life was taken in hand by the Japanese, who issued a great number of regulations. In the "Rules concerning the supervision of resident foreigners" the Russions were converted into foreigners, and apparently foreigners of the second class.

The first clause of these rules reads as follows:

Foreigners who intend to come from abroad into the region which is ruled by the Japanese civilian administration must have with them a passport or a certificate of nationality issued by their Government.

The aforesaid passport or certificate, on which a photograph is pasted, must be visèed by the Japanese ambassadors, envoys, or consuls.

All foreigners coming from Japan, not excluding Russians and Chinese, must be provided with a certificate issued by the Japanese authorities.

On the above-mentioned certificate must be pasted a photograph, especially in the case of Russians and Chinese, and this can not be replaced by the description of the person's appearance.

The order "Concerning the supervision of the mining industry," issued on August 30, stipulates that:

1. Applications concerning the acquisition of rights in the mining industry shall not be received for the time being.

2. The granting of rights concerning the mining industry is discontinued for the time being.

4. The exercise of rights concerning the mining industry is prohibited for the time being, except in cases where the mining rights have been already enforced and the exploitation is actually in progress.

5. The head of the military administrative board is entitled, if he deems it necessary, to limit the rights concerning the mining industry or forbid their exercise altogether, and so on.

This order brought forth the protest of even that adherent of the Japanese interventionist policy, Mr. Krupensky, the Czar's ambassador in Tokyo. On November 25, 1920 (No. 635), protesting against the clauses 2, 4, and 5, Krupensky declared: "The above-mentioned points are nothing else but an abolishment of Russian laws on Russian territory by Japanese authorities, which appropriated for themselves the rights of territorial supremacy, and the order as a whole is in contradiction with the meaning and the spirit of the declaration of the Japanese Imperial Government of July 3 of the current year, as well as with the oral assurances given to me in this respect by

your excellency (the minister of foreign affairs). I consider it my duty to call the attention of the Japanese Government to this matter and to protest against this order which violates Russian interests."

The Japanese continued and still continue in their work, and have finally gone to such lengths that they have even renamed the streets with Japanese names. The Japanese know the value of the Sakhalin district very highly—Sakhalin coal, Sakhalin oil, its inexhaustible fishing wealth, is for them a sufficient attraction not to heed the Russian protests or the protests of the Government of the United States. Moreover, the occupied territory is strategically very valuable; the Far Eastern Republic can from this vantage ground be incessantly threatened and thus forced to grant anything that the Japanese imperialists may want.

XLIV.

As appears from the above, the Japanese were doing and were ready to do anything that would lead to the realization of their designs on the Russian Far East. Knowing the difficulties in which France found herself after Wrangel's army was destroyed in the Crimea and evacuated from Russian territory; knowing the desire of France to continue the struggle against soviet Russia at any price, the Japanese began, in January, 1921, to negotiate with the French Government for sending this entire army to the Russian Far East and duly exploiting it as a fighting force. But first of all Japan presented a great number of demands, the meaning of which was a silent but nevertheless a real and undivided protectorate over the territory of the Far East which was occupied by the Far Eastern Republic.

The French willingly granted Japan freedom of action in the Russian Far East on the condition that the Wrangel troops should be transferred and used by the Japanese and that the Japanese, after satisfying their appetites, should give preference to the French over other foreigners in the matter of concessions. Japan had to furnish the shipping tonnage, but the French Government did not refuse to defray the expenses connected with the transfer of the troops. The central figure in the organization of this affair was subsequently to be Tireakh, a former adjutant of Kolchak, who came from Paris to Shanghai especially for this purpose. The Japanese intended to put Semenov at the head of the troops should the transfer succeed. In this spirit negotiations were conducted with him in Port Arthur, where he was residing. It was taken for granted that the person who would be at the head of the army and the "government" which would take the place of the present government of the Far Eastern Republic would irrevocably agree to full Japanese control in military as well as in civil affairs. The natural resources were also to come under the complete disposal of Japan.

Thus Japan was not losing heart. All her failures only stimulated her to further devices.

But here, too, Japan made an error in her calculation. The United States crossed her path, and Japan was again forced temporarily to slow down.

XLV.

In the meantime the government of the Far Eastern Republic, elected at the conference of February 9, went its own way and, basing itself on the provincial authorities, was executing the decisions taken by this conference. Under the supervision of a commission that was elected on a coalition basis the elections to the constituent assembly were going on. But the Semenov and Kappel "democrats," although warring against each other, tried wherever possible to break up these elections, killing members of the electing commissions, etc. Fortunately they had gathered only on a small part of the territory of the Far Eastern Republic, viz, the southern part of the Maritime Province, not occupying even this portion completely, and thus could not do any harm. The elections were a brilliant success, and gave an overwhelming preponderance to the representatives of the peasants.

The constituent assembly was to be the last stage in the struggle for the democratic republic in the Far East, and all those who had at heart the success of that republic were naturally bound at that moment to help the government.

From what the Japanese were doing all the time it could not be observed that they had any sympathy for the success of the Russian population, which, in spite of the many great obstacles, had succeeded in uniting all the Provinces and was beginning its labors in the arts of peace. The heroic population was starving in order to give the government an opportunity to conduct its difficult work in the atmosphere of assassination with which it was surrounded. The Japanese, as was already shown before, converted Grodekovo into a new "cork," such as Chita had been before. There Semenov's men committed their excesses, taking passengers off the trains (those who were abducted disappeared, nobody knows where), robbing and assaulting the population. According to the agreement of April 29, 1920, the Japanese were not to admit armed Russian groups to the zone where Japanese troops were stationed, but the Japanese, who were so often referring to this agreement, forgot about it whenever they themselves were helping to arm and organize these troops.

What Semenov's men were doing at that time under the protection of the Japanese appears from the depositions of a general of the Kappel forces (Molchanov) which the latter made in the beginning of March before the commission of the national assembly that was investigating the murders that had taken place in Razdolnoye (district of Nikolsk-Usurisk, Maritime Province). According to the statement of this general the murders which took place in Razdolnoye, where his soldiers were stationed, forced him to entrust his intelligence department with the investigation of this matter. As a result it was established that all the murders were committed according to a previously elaborated plan and had the purpose of provoking an open conflict between the Kappel army and the population. According to this plan more than 100 persons were to be killed, including all the educated elements of the village. The group that was organized for the execution of this plan included also officers. The circumstances of the murders were arranged in such a way that they should suggest a purely criminal origin, having nothing in common with politics. The names of the three persons who were at the head of this organization also became known.

Gen. Molchanov applied to the representatives of the Japanese command, asking them to take the necessary steps for the arrest of the criminals; the interpreter of these representatives replied that they, too, were very indignant over these murders, and that they were ready to collaborate in the struggle against crime. Filled with hope by this answer, Gen. Molchanov asked the interpreter, "Will the criminals be arrested if I indicate their names?" The answer was, "Surely; the Japanese command will certainly arrest them."

Then Gen. Molchanov repeated the names of the main participants in these murders; they were all agents of the Japanese General Staff. The Japanese, terribly taken aback, refused to have them arrested. Thereupon Gen. Molchanov proposed that they should be guaranteed safety by the organization of a common guard, consisting of two Japanese and two members of his army; this guard would dispatch the murderers to the Vladivostok prison.

The Japanese did not agree to this, but the murders ceased after this conversation, and their organizers disappeared from Razdolnoye, fleeing to Grodekovo, which had been their steady haunt. In the note of the minister of foreign affairs of the Far Eastern Republic, addressed to the minister of foreign affairs of the Japanese Government, of March 7, 1921, attention is called to these facts:

Incessant murders of absolutely innocent persons, committed by armed bandits, calling themselves Semenov's men, etc., have been irritating and disturbing, and are still irritating and disturbing the population. A short while ago these criminals again shed blood; several scores of people were killed in the settlements Razdolnoye, Khotol, and Zbarikovo; the population in Fadeyevka was disarmed and left at the mercy of the Khun-Khuses, and several citizens were abducted to an unknown destination.

In spite of the glaring crimes of Semenov's men, who have gathered in Grodekovo and are now gathering in other places, too, in spite of the protests of the Russian authorities against the unlawful gathering of armed forces in Grodekovo, in spite of the numerous attempts of these authorities to send militia for the disarming of these bands and for establishing order, the Japanese command systematically refuses to settle this question, pretending to ignore the fact that armed forces are living at Grodekovo, a fact which is only too well known to all persons residing in the maritime Province, and especially to those who have had the misfortune to pass through or to arrive at Grodekovo. Matters have gone so far that on February 8, of the current year, the former Col. Dombel, who, on the basis of a mandate from Semenov, calls himself the head of the military communications of the army of Grodekovo, without any ceremonies openly declared that all the ranks and institutions of what was formerly Kappel's army are abolished, if the persons occupying them will not declare that they submit to Gen. Savelyev, commander of the army of Grodekovo.

We are informed by the local authorities that when Gen. Ochi, the aide-de-camp of the Japanese Emperor, passed Grodekovo the commanding staff of this army, at the head of which was the above-mentioned Gen. Savelyev, was introduced to him and the armed forces were reviewed.

It is evident that all the protests and appeals of the government of the Far Eastern Republic to the Japanese Government were a voice in the wilderness. The reactionary bands were organized for action.

In the night of March 30–31 an attempt was made to overthrow the Government in Vladivostok, and the Japanese, "true" to the agreement that they had imposed upon the local authorities on April 29, disarmed—not the White Guard bands which had attacked the Government—but the lawful militia, whose duty it was to defend peace and order.

This revolt failed, but the Japanese did not lose heart. The counter-revolutionary activities were not interrupted.

On May 20, owing to the persistent efforts of the Vladivostok authorities, there was found a "shelter" and a storehouse for arms of the White Guards in a house over which the Japanese flag was flying. The search was interrupted by the intervention of Japanese soldiers and gendarmes, because, as they said, "the search offended the honor and the dignity of the Japanese flag."

As a "punishment" for this search the Japanese disarmed for several hours the militia and the escort of the commander of the Russian troops.

On May 26 the White Guards again made an attack and this time, after the Japanese had disarmed the Government militia, they succeeded in seizing the power. The same thing happened in Nikolsk.

Thus was created the so-called Merkulov Government, that is based upon the Kappel and Semenov troops, which are—as was shown above—warring against each other, but which in reality do not differ much from each other.

The Japanese had gotten what they wanted: The maritime Province was severed from Chita; the unity of the far eastern Republic was violated, and it was possible to put still more obstacles in the way of the work of the Government.

But, curiously enough, schooled by long experience in the entire Far East, the Japanese are themselves never certain of their final success, and therefore are developing a many-faced activity, proceeding simultaneously in different directions, which at the first glance may seem to exclude each other. After having overthrown the Vladivostok Government, they at the same time are concealing its members in their general staff, to protect them against the counter-revolutionists. The Japanese, who so eagerly wanted to exterminate all "communists," all of a sudden are hiding three representatives of the Government who just happen all to be communists. Two days after the overthrow; the Japanese handed to these three persons the following announcement:

Declaration of the Japanese command, delivered on May 28, 1921, by Col. Yamatoto to Messrs. Antonov, Zeitlin, and Maslennikov, the representatives of the lawful authorities of the maritime Province, after the overthrow of May 26:

1. You are free to depart wherever you please. If you intend to go to Khabarovsk, the cars that are necessary for this purpose will be granted to you by the Japanese command, and the cars will be protected.

2. However, the command does not consider the Vladivostok Government as completely overthrown, and at the same time it does not recognize the creation of the new Government, and for this reason the command does not think that your immediate departure from Vladivostok is desirable.

3. If you remain here, help will be extended to you for your communications with Chita and Khabarovsk, the same as to our military missions.

4. The command does not want you to conduct under its protection any perceptible political activity, but it has no objections against your meeting certain persons, and therefore in this case collaboration will be extended to you.

A truly "oriental" document—but the ingeniousness of this Japanese game will be visible only below—overthrowing the provincial government and at the same time dallying with it; starting also a game with the government of the Far Eastern Republic, they were preparing at the same time a new big attack against the Far Eastern Republic. For the execution of their new plan it was necessary for the Japanese that Semenov, their permanent chief hireling in such work, should come—as the Japanese, in spite of all their efforts, could not find another man who would be such a willing tool. But Semenov had to be brought from Port Arthur, where he was "resting" after his flight from Chita, and passed through Vladivostok under Japanese protection.

In connection with the execution of their plan, the Japanese gave special, and, of course, secret, instructions to the Japanese gendarmerie command, represented by Okimoto, the chief of the gendarmerie detachment, and Col. Yama (June 22, 1921).

These instructions were as follows:

1. On the basis of a secret agreement that was concluded in Port Arthur, the Japanese command should help Ataman Semenov in his landing in Vladivostok.

2. Should there occur a clash, after the landing of Ataman Semenov, between the Kappel and the Semenov men, the Japanese command must disarm both sides.

3. Semenov intends to stay in Vladivostok for a long time. He intends to proclaim himself commander in chief of all the armed forces of the Far East and to declare a mobilization. The Japanese command should watch the frame of mind of the population.

As soon as Semenov landed, there immediately followed a conflict between him and the Kappel men. Semenov submitted to the Merkulov Government a great number of demands, but Merkulov's Government treated these demands as if they were tendered by Ataman Semenov in his capacity as a private individual.

The Japanese, dissatisfied with this turn of affairs, gave new instructions:

1. In order to prevent clashes between the Kappel and the Semenov men, Col. Gomi is instructed to negotiate with Ataman Semenov and to suggest that he go to Grodekovo.

2. The Japanese command should secretly extend help to Ataman Semenov after he reaches Grodekovo.

3. If the Merkulov Government arrests Ataman Semenov, the Japanese command should protest and ask for his liberation.

4. During the absence of Ataman Semenov a clash might occur in Vladivostok between the Kappel and the Semenov men. The Japanese command should disarm both sides.

The bitter hostility between the Kappel and Semenov men, which had already begun in Chita, was one of the unexpected obstacles. The plan of the new attack against the Far Eastern Republic was conceived in the following manner: From Mongolia the attack was to be made by Baron Ungern, Semenov's assistant, a Japanese agent, who, as soon as there was a serious menace from Verkhne-Udinsk, was sent by the Japanese with a detachment to Mongolia to seize the power there, to organize an army, and to wait for orders for an attack. Ungern was to advance to Troitskosavsk, take Verkhne-Udinsk and Chita; from the Amur an attack was to be made by Gen. Sychev, whose detachments were stationed on the Chinese bank of the Amur River; Sychev was to cross over to Russian territory and take Blagosvyshchensk; from Grodekovo toward Iman and Khabarovsk the attack was to be led by "Ataman Semenov himself."

Thus, in the case of success, the entire territory of the Far Eastern Republic was to be occupied by "Russian" troops and the Japanese would have obtained their aim—a far eastern "republic" under Japanese protectorate.

The secret agreement between the Semenov generals and the Japanese, which is printed below, exposes the whole deal:

(Absolutely confidential.)

TREATY.

THE FORTRESS VLADIVOSTOK, June 2, 1921.

We, the undersigned, on one side, acting commander in chief of all the armed forces and the campaign Ataman of all the Cossack troops of the Russian eastern borderland, commander of the Grodekovo group of forces, Lieut. Gen. Savelev, and chief of staff of the Grodekovo group of forces, major general of the general staff, Sobolev, and on the other side the representatives of the diplomatic mission with the staff of the eleventh division of the Japanese imperial forces, Capt. Arimoto and Lieut. Higuchi, on the strength of authority given to us by the commander in chief of all the armed forces and of the campaign Ataman of all the Cossack forces of the Russian eastern borderland, and the chief of staff of the Japanese expeditionary forces in Siberia, conclude this treaty regarding the following:

1. The forces intrusted to me are to make an offensive against the people's revolutionary army of the Far Eastern Republic.

The offensive is carried out in accordance with the following plan:

(a) The first Grodekovo military unit moves in the direction of the Lake Hanka Anuchino, where it joins with the units of the second northern (Khabarovsk) military unit.

(b) The second northern (Khabarovsk) military unit starts out simultaneously with the first unit in the direction of Anuchino-Iman, where it joins the units of the first group.

(c) The individual units of the third Vladivostok group are transferred by sea to the Bays St. Olga Teinkina and march in the direction of Anuchino, where they join the units of the first and second groups.

(d) Small partisan detachments of the Ussuri Cossacks are reorganized and are used for clearing the rear of the army from the Reds as it advances.

(e) The date of the active offensive is appointed by agreement with the Japanese command, not later than July 1, 1921.

(f) In accordance with the degree of success of the offensive and as the military units in the district of Anuchino-Iman, the offensive movement against Khabarovsk is to be started.

(g) Partisan units of Maj. Gen. Sychev, by order of the chief of staff of the commander in chief, must cross the Chinese frontier and enter the district of Blagoveshchensk, coinciding with the time of the occupation of Iman.

(h) The units of Lieut. Gen. Baron Ungern-Sternberg are to be utilized for disorganizing the rear of the Reds and acting in small partisan units in accordance with the previously arranged plan within the districts. (Misovaya-Selenga-Petrovsky Zavod.)

2. As the Russian forces advance and occupy Iman-Khabarovsk, units of Japanese expeditionary forces, without taking an active part in the struggle with the bolshevikis, temporarily occupy the regions freed from the Reds, giving aid to the expeditionary detachments in their struggle with the bolshevist partisan movement.

3. Upon the liberation of the maritime district, the Japanese forces immediately evacuate from the places temporarily occupied by them to the cities of Nikolsk-Usurisk and Vladivostok, and do not advance beyond the 30 verst line (as foreseen in the Russo-Japanese treaty of Apr. 29, 1920).

4. At the time of the beginning of the offensive of the Russian forces the Japanese command gives them material aid amounting to 500,000 yen and gives for use by the Russian command the following arms and munitions: Three thousand two hundred rifles of various types, 350,000 cartridges to match the rifles, 24 machine guns of various types, 24 cases of cartridges to match them, 6 field and 3 mountain 3-inch cannon, and 75 cases of shells for them. The number of arms and munitions may be increased in case of necessity.

5. The Japanese command temporarily undertakes to supply the Russian forces with all necessary food and fodder and adopts measures to transport equipment and clothing from Teinsho and the railroad zone of the Chinese Eastern Railroad at Grodekovo.

6. After the occupation of Khabarovsk the Japanese command enters a plea with the Japanese Imperial Government that the contraband be removed from the moneys deposited by Lieut. Gen. Ataman Semenov

in the Yokohama specie bank and that these moneys be transferred to the Russian command.

7. The Japanese command aids in transporting Russian troops by sea to the northern coast and arms Russian ships which are guarding the coast as fully as possible.

8. The Japanese command at the time of the occupation of Iman, at its own discretion, will land troops for the protection of the Japanese fishing schooners in the bays of St. Vladimir, Tetlukha, Terneye, and the Imperatorsky port.

9. Until permanent order is established in the Far East, the Japanese command takes upon itself the guarding of the port and of the fortress of Vladivostok and maintains a control of the lines of the Ussuri and the Chinese Eastern Railroad.

10. After the occupation of Khabarovsk and the clearing of the country from the communist government of the Far Eastern Republic, the commander in chief of all the armed forces and the campaign Ataman of all the Cossack forces of the Russian eastern borderland, Lieut. Gen. Ataman Semenov, temporarily, until the convocation of the territorial people's assembly, assumes the full power of civil authority on the territory of the Far East.

11. After the clearing of the Maritime, Sakhalin, Kamchatka, Amur, and Transbaikal Provinces and the overthrow of the rule of the Far Eastern Republic, elections take place immediately for the territorial people's assembly, with the purpose of establishing a democratic rule in the Far East.

12. When a stable governmental authority is established in the Far East, Japanese subjects shall receive preferential rights for obtaining hunting, fishing, and forestry concessions in the Maritime, Sakhalin, and Kamchatka Provinces, and for the development of the mining resources and gold mines in the Maritime and Amur Provinces.

13. Paragraph 12 of this treaty, in case of necessity, may be reconsidered and supplemented.

14. The above treaty goes into effect from the day of its signing by both sides.

(Signed) LIEUT. GEN. SAVELIEV,
Acting Commander in Chief of all the Armed Forces and Acting Campaign Ataman of all the Cossack Forces of the Russian Eastern Borderland, Commander of the Grodekovo Military Unit.

(Signed) SOROKIN,
Chief of Staff of the Grodekovo Military Unit, Major General of the General Staff.

(Seal of the staff of the Grodekovo military unit.)

Then follow the signatures and seals of the Japanese parties to the treaty in Japanese.

This is a true copy of the original.

But here again the Japanese encountered the heroism and the stubbornness of the Russian population of the Far East. The bands of Ungern, after they entered the territory of the Far Eastern Republic and Soviet Russia, were dispersed by the troops of these two countries, and Ungern himself was executed; the bands of Sychev were unsuccessful, and finally, under the pressure of the Far Eastern Republic, were disarmed by the Chinese and dispersed; Semenov, having encountered opposition even among his own men, was forced to go abroad and the plan failed. The troops of the Far Eastern Republic, on the territory cleared by the Japanese, were all the time guarding the people's interests and the liberties which had been conquered at such a high cost and were ready to fight to the very end against Semenov's "democrats."

That the Japanese, in their policy in the Far Eastern Republic, did not stop at anything is shown by the document inserted below, which, like the above-mentioned Japanese-Semenov treaty, is in the hands of the Government of the Far Eastern Republic. (Offer of a Chinese Khun-Khus to the Japanese:)

We have at our disposal detachments in Nikolsk, at the eighty-ninth junction and at the junction Dubinskoye. If you send to my address 4,000 yen and 500 poods (1 pood equals 36 pounds) flour, 100 poods choomiza, 1,200 pairs of shoes, my detachments may be at your disposal on July 25, 1921.

GEN. KUANKUASIN.

On the document is written:

Agreed.

(Signed by) COL. HIGUCHI and HIRA,
Staff of the Eleventh Division, July 15, 1921.

The Japanese failure gave to the population of the Far East an opportunity to continue its work of strengthening the young State. On February 12 the constituent assembly of the Far Eastern Republic was opened, and it immediately set about the important task of the drafting of the constitution of the Republic. This important work was finished on April 27, 1921. The constituent assembly, after finishing the work of building up the Republic, appealed to all those on whom depends the future peace not only on the Russian Far East but also of the entire Far East; to all former and present participants of the intervention, pointing out the collective responsibility of all of them for all the horrors suffered by the population during the Japanese intervention, which is still in operation. It could not help pointing out that the population, which had beheld in the solemn declaration of the United States of America an assurance that the Japanese had come with their armies on the invitation of that Government, can not help considering the American Government as primarily responsible for the misfortunes of the Russian Far East.

The constituent assembly appealed separately to the Japanese Government, proposing that it withdraw its troops and finally enter into normal political and economic relations on the basis of equal rights of both parties. But Japan remained silent and continued its adventure in the maritime Province.

XLVI.

All appeals of the government of the Far Eastern Republic remained unanswered, and only after President Harding had addressed the powers with reference to the Washington conference, at which inevitably the far eastern policy of Japan—in China and Siberia—would be discussed, did the Japanese inform the government of the Far Eastern Republic of their consent and willingness to start negotiations with it. Thus the Dairen conference was started on August 26. The delegation of the government of the Far Eastern Republic was immediately placed in a difficult position, as it was deprived of the possibility of safely communicating with its government; its couriers were held up in Manchuria, and its telegrams arrived in a mutilated condition. Great efforts had to be made to obtain even a modicum of opportunity to communicate.

The Japanese were not in a hurry and were protracting the negotiations, as they were unwilling to discuss the question of the evacuation of their troops. They completely refused to discuss the question of Sakhalin and the lower course of the Amur River, declaring that they could not discuss this matter with the Far Eastern Republic. They would discuss it with the recognized All-Russian Government. At the same time they insisted upon the revision, jointly with the Far Eastern Republic, of the fisheries convention of 1907 which was concluded between Japan and the Tsar's Government. Thus, in one case, when it was not convenient for the Japanese, the Far Eastern Republic was declared not competent to discuss questions referring to its territory, while in other cases, when this was necessary to the Japanese, it was recognized as qualified to do so. The causes of this inconsistency are too clear to require pointing out. The conference remained without results and soon it became known what the Japanese were after. In its official declaration the Japanese Government emphasized that it wanted only guaranties for the life and the property of its citizens and the "equalizing" of the Japanese with the Russians as to their rights in the territory of the Far Eastern Republic. But in practice these demands meant something quite different. While the Russian peasants, according to the constitution—this was also the case at the time of Tsar—could only lease their land for a long or a short term, the Japanese wanted the right of owning the land as property. This privilege is what the Japanese call "equal" rights with the Russian population. But in one case the Japanese really demanded "equal rights," namely, with regard to the navigation rights under the Japanese flag on the Amur River and as to fishing in the bights and interior rivers—to which rights they are not entitled according to the agreements concluded, first, between Tsarist Russia and China, and, second, between Tsarist Russia and Japan. Having received this "equalization," the Japanese would de facto be not the equals but the masters in the Russian Far East.

Very ominous was and still is the desire of the Japanese to destroy the long-abandoned fortress of Vladivostok, with whose condition the Japanese are sufficiently familiar, as well as their insistence that the government of the Far Eastern Republic should not fortify the shores of the Pacific Ocean. Of a similar nature also was the attempt to obtain the consent of the government of the Far Eastern Republic to a "temporary" establishment of Japanese troops on the territory of the Far Eastern Republic whenever the Japanese Government should deem this necessary.

All this is a clear indication of the future intentions of Japan with reference to the Russian Far East. As to the economic aspects of the matter, the Japanese Government declared not so long ago that it only wants equality of opportunity for itself and other foreigners to take part in the commercial and industrial life of the Far Eastern Republic, and that in this sense it insists that the government of the Far Eastern Republic should recognize all the rights which were acquired by Japanese citizens from former Russian Governments. But this demand which at the first glance seems quite innocent means for the Japanese something quite different, which they do not care to speak out loudly. By Russian Governments they understand the "governments" of Semenov and Merkulov, created by the Japanese and imposed upon the Russian population with the help of Japanese bayonets. With them the Japanese concluded and are concluding secret treaties (one of them has already been quoted above) concerning concessions and various exclusive privileges and rights. The population of the Far Eastern Republic considers these "governments" as common criminals, who are pillaging and selling out the property of the people and ought to be indicted before the courts of the Republic.

The indignation which such a request on the part of Japan arouses among the Russian population is therefore quite natural.

No wonder the Japanese and Russian delegates have been deliberating for four months in Dairen without obtaining any results.

The Dairen conference was necessary for the Japanese in order that they might be able to say in Washington that all the questions connected with the "evacuation" of the Japanese troops from Siberia are being solved by them jointly with the Russians, thus diverting the attention of the participants in the conference. After the conference they hope to have a free hand. Simultaneously with the negotiations in Dairen, the Japanese are giving instructions to their troops in Vladivostok to support and to defend with Japanese bayonets the so-called provisional government of Merkulov. Of this the following secret Japanese telegram is sufficient evidence:

TOKYO, *September 26.*

RADIO GENERAL STAFF, *Vladivostok.*

In case of disorders the strictest neutrality is to be observed. The provisional government is to be defended, if necessary by force. All overtures on the part of the Far Eastern Republic referring to the occupation of Nikolsk-Usurisk and Vladivostok are to be declined diplomatically, and if this will not help, also by force. An official communication with the Russian Government in this request is not necessary.

MINISTER OF WAR.

In order to exert pressure upon the Government of the Far Eastern Republic, and in order to broaden the sphere of their influence, the Japanese, in December, 1921, again resorted to their old and tried method: They organized the last remainders of the army of Semenov, Kolchak (the so-called Kappel men), and some parts of the army of Denikin and Wrangel who had come to Vladivostok, directing them through the neutral zone toward Khabarovsk, thus attempting to cut off an enormous territory—the entire shore of the Pacific Ocean—from the Far Eastern Republic. In organizing this attack, in arming troops and providing them with money, the Japanese are again violating the agreements which they themselves imposed upon the Vladivostok Zemstvo government, according to which (1) no Russian troops could stay within the zone where the Japanese troops are stationed; (2) neither the Russian troops from the direction of Iman nor the Japanese troops from the direction of Station Yevgenyevka (the farthest point to the north where Japanese troops were stationed) could enter the neutral zone.

The Japanese always remain true to themselves and to their "frank" policy.

This attitude of the Japanese compelled the National Assembly in Chita to make a vigorous protest on December 9, 1921.

XLVII.

By the "agreement" with China, of August, 1918, the Japanese received the legal right to fix themselves for a long time on the Chinese Eastern Railway, to establish themselves there so that in the future it would be easier for them to swallow also this piece of Chinese territory on which Tsarist Russia had gained so firm a hold. All the further Japanese intrigues of the last few years—as is apparent from Semenov's order, by the way—were exclusively directed toward the creation of a proper situation to "justify" them in seizing a new opportunity for a prolonged protection of this railroad. The complicity of the Japanese in the attacks of the Khun-Khuses on the Eastern Chinese Railroad is no secret for anyone in the Far East. The Japanese need proofs that the Chinese are unable to protect the railroad and that such protection must therefore be effected by the Japanese or, at least, by the "Russian" Semenov men who are in their service. France, which claims her own interest in the Chinese Eastern Railway through the Russian-Asiatic Bank, is not disinclined to help the Japanese, whenever that is possible, in this intrigue, by supporting the Japanese point of view.

The Japanese have taken pains to create for themselves a favorable situation in southern Manchuria, and now they have been greatly strengthened in northern Manchuria, too. With the help of the Chinese reactionaries in Manchuria, the influence of the Japanese grows; this is also the center of the intrigues of the Russian counter-revolutionists, who are paid in Japanese coin for their services. Harbin and Manchuria were the centers of the activities of Horvath, Semenov, Kalmykov, and many others. Hailar subsequently became the base for Baron Ungern, who was operating in Mongolia, and Hailar became a refuge for them when they had to flee before the troops of the Far Eastern Republic and soviet Russia. Through the Chinese Eastern Railway, Semenov's men, against the will of the Maritime government, entered the Maritime Province.

Thus the Chinese Eastern Railway, which so long was the object of Japanese aspirations, has finally come into their hands. The secret Japanese telegrams quoted below, the first of September 12, from Tokyo, and the second, the reply thereto, of September 27, from Harbin, are a very good illustration of the Japanese intentions:

TOKYO, *September 12 (radio).*

To the GENERAL STAFF, *Vladivostok*
(k/t confidential):

Your army should be ready for the occupation of the Chinese Eastern Railway. The plan of occupation will be delivered to you (in writing). The occupation will have a temporary and demonstrative character. We are waiting for particulars from Dairen.

MINISTRY OF WAR.

HARBIN, *September 27.*

Gen. TACHIBANA, *Vladivostok*
(Delivered by courier):

After considering the situation concerning the demonstrative occupation of the Chinese Eastern Railway, I beg to inform you as follows:

A demonstrative occupation would be a mistake on our part, because we would not have a sufficient cause for it. A full agreement with the important Russian groups in Harbin has not been reached; the influential personalities have rejected our proposal. They consider it inopportune to address their request directly to the Japanese Government; they are still pretending to be good patriots. For my part I consider the occupation as premature, aside from the fact that I do not expect any results from the Dairen conference. The occupation might have an undesirable effect upon the Far Eastern Republic and give away our future plans. For the time being we must not cast off our rôle as benevolent friends of the Russians.

Concerning this question I have sent my written report by courier to Tokyo.

TAKATAMA.

WHAT NOW?

The whole history of Japanese intervention in the Russian Far East from the first day up to the present has undoubtedly proved that there is a determined plan of Japan to bring about, with the consent and the approval of France, a masked annexation of the entire Far East, or at least of portions of it. This history also establishes the fact that the Japanese, under the influence of the international situation, have frequently changed their plans—now reducing the territory of the intended annexation, now increasing it, now suddenly preparing "Russian" forces, which they send forth at the necessary moment. At present there is in the hands of the Japanese the southern part of the Maritime Province, which they are trying to enlarge through the so-called "governments" which they are imposing there; they are in complete possession of Sakhalin and the lower course of the Amur, which is invaluable in economic as well as in strategic respects; they are the masters of the whole Pacific coast.

In a peaceful way Japan will return the seized territories only under the pressure of those who so often have forced them to change their plans and to alter their course. But will they force Japan to stop this dangerous game? On the answer to this question very much depends, especially the future peace of the Far East. The fact that, under the influence of the Washington conference, the Japanese have started negotiations with the Far Eastern Republic in Dairen is a confirmation of the conclusion at which we have arrived—the pressure on Japan must be brought to bear from without. This is also confirmed by the fact that the Japanese, uncertain as to the results of the Washington conference, are so greatly protracting the negotiations in the Far East, and are unwilling to give a definite reply as to the central question—that of the unconditional evacuation of their troops.

The Washington conference, and, in general, its participants outside of the conference, all those who have taken part in the intervention in the Far East ought, in their own interest, i. e., in the interest of the peace in the Far East, which means also the peace of the whole world, to liberate the Russian population of the Far East finally from this terrible and unequal struggle, which it has been conducting for three years in the defense of its rights and its dignity.

The Russian people are waiting for the answer to the question: What now?

On this answer depends the future peace in the Russian Far East.

APPENDIX.

DOCUMENTS REFERRING TO THE HISTORY OF JAPANESE INTERVENTION.

A DECLARATION OF THE JAPANESE GOVERNMENT.

The Japanese Government, actuated by sentiments of sincere friendship toward the Russian people, has always entertained the most sanguine hopes for the speedy reestablishment of order in Russia and a healthy and untrammeled development of her national life. Abundant proof, however, is now afforded to show that the Central European Empires, taking advantage of the chaotic and defenseless condition in which Russia has momentarily been placed, are consolidating their hold on that country and are steadily extending their activities to the Russian far eastern possessions. They have persistently interfered with the passage of the Czecho-Slovak troops through Russia. In the forces now opposing these valiant troops, the Germans

and Austro-Hungarian prisoners are freely enlisted, and they practically assume commanding position.

The Czecho-Slovak troops, aspiring to secure a free and independent existence for their race and loyally espousing the common cause of the Allies, justly command every sympathy and consideration from the cobelligerents, to whom their destiny is a matter of deep and abiding concern. In the presence of the threatening danger to which the Czecho-Slovak troops are actually exposed in Siberia at the hands of the Germans and Austro-Hungarians, the Allies have naturally felt themselves unable to view with indifference the course of events, and a certain number of their troops have already been ordered to proceed to Vladivostok. The Government of the United States, equally sensible of the gravity of the situation, recently approached the Japanese Government with proposals for an early dispatch of troops to relieve the pressure now weighing upon the Czecho-Slovak troops.

The Japanese Government, being anxious to fall in with the desire of the American Government, and also to act in harmony with their allies in this expedition, has decided to proceed at once to the disposition of suitable forces for the proposed mission. A certain number of troops will be sent forthwith to Vladivostok. In adopting this course, the Japanese Government remains unshaken in its constant desire to promote relations of enduring friendship with Russia and the Russian people, and it reaffirms its avowed policy of respecting the territorial integrity of Russia and of abstaining from all interference in her internal politics. It further declares that upon the realization of the objects mentioned it will immediately withdraw all Japanese troops from Russian territory.

TOKYO, *August 3, 1918.*

—

DECLARATION OF THE AMERICAN GOVERNMENT.

[Cable.]

WASHINGTON, D. C.,
August 5, 1918.

Flag Brooklyn, Vladivostok, Siberia:

The following is an official statement to the press on the American-Japanese action in Siberia: "In the judgment of the Government of the United States, a judgment arrived at after repeated and very searching considerations of the whole situation, military intervention in Russia would be more likely to add to the present sad confusion there than to cure it and would injure Russia rather than help her out of her distress. Such military intervention as has been most frequently proposed, even supposing it to be efficacious in its immediate object of delivering an attack upon Germany from the east, would, in its judgment, be more likely to turn out to be merely a method of making use of Russia than to be a method of serving her. Her people if they profited by it at all could not profit by it in time to deliver them from their present desperate difficulties, and their substance would meantime be used to maintain foreign armies, not to reconstitute their own, or to feed their own men, women, and children. We are bending all our energies now to the purpose of winning on the western front, and it would, in the judgment of the Government of the United States, be most unwise to divide or dissipate our forces. As the Government of the United States sees the present circumstances, therefore, military action is admissible in Russia now only to render such protection and help as is possible to the Czecho-Slovaks against the armed Austrian and German prisoners who are attacking them and to steady any efforts at self-government or self-defense in which the Russians themselves may be willing to accept assistance.

"Whether from Vladivostok or from Murmansk and Archangel, the only present object for which American troops will be employed will be to guard military stores which may subsequently be needed by Russian forces in the organization of their own self-defense. With such object in view the Government of the United States is now cooperating with the Governments of France and Great Britain in the neighborhood of Murmansk and Archangel. The United States and Japan are the only powers which are just now in position to act in Siberia in sufficient force to accomplish even such modest objects as those that have been outlined. The Government of the United States has therefore proposed to the Government of Japan that each of the two Governments send a force of a few thousand men to Vladivostok, with the purpose of cooperating as a single force in the occupation of Vladivostok and in safeguarding so far as it may the country to the rear of the westward-moving Czecho-Slovaks, and the Japanese Government has consented. In taking this action the Government of the United States wishes to announce to the people of Russia in the most public and solemn manner that it contemplates no interference with the political sovereignty of Russia, no intervention in her internal affairs, not even in the local affairs, of the limited areas which her military force may be obliged to occupy, and no impairment of Russian territorial integrity, either now or hereafter; but that what we are about to do has as its single and only object the rendering of such aid as shall be acceptable to the Russian people themselves in their endeavors to regain control of their own affairs, their own territory, and their own destiny. The Japanese Government, it is understood, will issue a similar assurance. These plans and purposes of the Government of the United States have been communicated to the Governments of Great Britain, France, and Italy, and those Governments have advised the Department of State that they assent to them in principle. No conclusion that the Government of the United States has arrived at in this important matter is intended, however, as an effort to restrict the actions or interfere with the independent judgment of the Governments with which we are now associated in the war. It is also the hope and purpose of the Government of the United States to take advantage of the earliest opportunity to send to Siberia a commission of merchants, agricultural experts, labor advisers, Red Cross representatives, and agents of the Young Men's Christian Association, accustomed to organizing the best methods of spreading useful information and rendering educational help of a modest kind in order in some sympathetic way to relieve the immediate economic necessities of the people there in every way for which an opportunity may open. The execution of this plan will not be permitted to embarrass the military assistance rendered to the Czecho-Slovaks. It is the hope and expectation of the Government of the United States that the Governments with which it is associated will, whenever necessary or possible, lend their active aid in the execution of these military and economic plans."

ACTING SECRETARY OF DEPARTMENT OF STATE.

—

APPEAL OF THE BRITISH GOVERNMENT TO THE PEOPLES OF RUSSIA.

Your allies have not forgotten you. We remember all the services your heroic army rendered us in the early years of the war. We are coming as friends to help you save yourselves from dismemberment and destruction at the hands of Germany, which is trying to enslave your people and use the great resources of your country to its own ends.

We wish to solemnly assure you that while our troops are entering Russia to assist you in your struggle against Germany we shall not retain one foot of your territory. We deplore the civil war that divides you and the internal dissensions that facilitate Germany's plans of conquest, but we have no intention to impose any political system upon Russia.

The destinies of Russia are in the hands of the Russian peoples. It is for them, and for them alone, to decide their form of government and to find a solution for their social problems.

Peoples of Russia, your very existence as an independent nation is at stake. The liberties you have won in the revolution are threatened with extinction by the iron hand of Germany. Rally around the banner of freedom and independence that we, who are still your allies, are raising in your midst, and secure the triumph of those two great principles without which there can be no lasting peace or real liberty for the world. Peoples of Russia, we want not only to stop the German aggression but intend also to bring economic relief to your devastated and suffering country. We have already forwarded supplies to you and will do likewise in the future.

We wish to aid in the development of the industrial and natural resources of your country, not with a view to exploiting them for our own benefit. We desire, too, to restore the exchange of commodities, to stimulate agriculture, and to enable you to take your rightful place among the free nations of the world.

Peoples of Russia, join us in the defense of your liberties. Our one desire is to see Russia strong and free, and then retire to watch the Russian people work out their own destinies.

BALFOUR.

AUGUST, 1918.

—

NOTE OF THE MARITIME PROVISIONAL GOVERNMENT TO THE JAPANESE DIPLOMATIC MISSION.

A note handed by the provisional government of the maritime privincial Zemstvo to the counsellor of the Japanese diplomatic mission in Siberia, Mr. Matsudaira, for transmission to the Japanese Imperial Government:

MARCH 2, 1920.

On January 31, 1920, at the time of the complete downfall of the government of Admiral Kolchak, under the stress of civil war and at a time when Russia's allies in the war with Germany (1914–1918) were exercising a guardianship over Russia

that was humiliating to the Russian national feelings, and were intervening in Russia's internal affairs—the Maritime Provincial Zemstvo, which is the people's government recognized by all classes of the population without exception, assumed the power and is now the only government in the territory of the Maritime Province. It is entirely responsible for the preservation of peace and order, as well as for the defense of the national honor and the sovereign rights of an undivided and free Russia. The provisional government, aiming to fulfill its great obligations to defend the sovereign rights of the Russians in the Far East, is seeking peaceful ways for ending the insulting intervention of foreigners in the internal affairs of Russia in the Far East, so that peace and order may be established in place of the prevailing anarchy and civil war.

With the ending of the military operations of the Allies against Germany a fundamental change occurred in the aims and purposes of the intervention, and the only formal pretext put forth for the continuation of such intervention at the present time is the necessity of guarding the railroads necessary for the evacuation of the Czecho-Slovak detachments. Now, when the normal process of internal governmental construction has begun the provisional government has all the means to secure the immediate and orderly evacuation of the Czecho-Slovak troops, and when it is evident to all that the process of national unification is taking place, the immediate cessation of foreign intervention in Russia's affairs is demanded, both by the expressed will of the people and by changed conditions.

The provisional government of the Maritime Provincial Zemstvo declares with deep regret that not all the participants in the coalition of powers concerned in the intervention realize sufficiently that conditions have changed so that there can no longer be any justification for permitting their armies to remain in eastern Siberia and in the Provinces of the Far East.

Thus at the time when the troops of some of the participants in the intervention are being withdrawn, or, according to declaration made, are getting ready for evacuation, the Japanese Government is increasing the number of its troops of occupation in the Russian Far East. The fact above mentioned establishes the responsibility of the Japanese Government for the continuation and even for the increase of intervention, which has now assumed the character of a one-power attempt to influence by force the will of the people and the internal policy of Russia in the Far East.

The provisional government of the Maritime Provincial Zemstvo publicly and firmly declares:

1. That it considers any further intervention by the Japanese Government a violation of the sovereign rights of Russia in the Far East.

2. That the official reasons given for the retention of Japanese troops in the Far East, and especially for increasing them by the arrival of fresh troops in Vladivostok, are contradictory to the principles of higher justice.

3. That the intervention of the Japanese Government has thus far been used for lending active support to the reactionary and irresponsible government of Kolchak, and that until the present time this intervention has been lending voluntary or involuntary support to the lawless acts and the innumerable atrocities committed by Semenov in Chita and by Kalmykov in Khabarovsk, the latter having recently been defeated by the revolutionary troops.

4. The interference of the commanders of the Japanese military forces in the activity of Russian authorities has reached such a state that criminals are granted an asylum by the Japanese, and that the Japanese refuse to surrender them to the authorities; for example, the case of Gen. Rozanov.

5. That the Japanese troops, because of the abnormal conditions of intervention, are shooting Russian citizens, burning down villages, etc.

6. That all the above stated facts prevent the accomplishment of the great work of national unification of the Russian people and the formation of a government in accordance with the desires of the Russian people at the present time.

In view of the facts stated above, the provisional government of the Maritime Provincial Zemstvo, expressing the unanimous wishes of the people and firmly believing that, with the exception of a small group of irresponsible individuals who are guided by selfish motives, the entire population of free Russia is opposed to intervention, and that it is the sincere desire of the Japanese people that their sons return home, resolves to request you to transmit to the Imperial Japanese Government the intimation that in order to maintain friendly relations with the Japanese people it is necessary: (1) To complete the evacuation of the Amur Province, which has begun and which is welcomed by the population, and (2) to immediately proceed with a complete and steady withdrawal of Japanese troops from the territory of the Russian Far East.

Sincerely aiming to maintain friendly relations with the Japanese people, the provisional government of the Maritime Provincial Zemstvo expresses the hope that you will, without any delay, bring this solution to the knowledge of the Imperial Japanese Government and give all possible aid to the favorable solution of this problem. On its part the provisional government will use all efforts to have the population of the Maritime Province maintain the necessary order and abstain from all irresponsible actions while the Japanese troops are being withdrawn from Russian territory.

The above note is being transmitted to the diplomatic representatives of foreign powers in the Far East for the information of their Governments.

THE PROVISIONAL GOVERNMENT
OF THE MARITIME PROVINCIAL ZEMSTVO.

Original is signed by—

A. MEDVEDIEV, *Chairman.*
A. RUSANOV,
A. MENSHCHIKOV,
S. AFANASIEV,
P. POPOV,
Members.
S. BELKIN, *Secretary.*

—

NOTE OF THE MARITIME PROVINCIAL GOVERNMENT TO THE REPRESENTATIVE OF CZECHOSLOVAKIA.

MARCH 8, 1920.

Up to the present time the provisional government of the Maritime Provincial Zemstvo has taken all necessary measures for the security and unobstructed movement of the Czecho-Slovak forces. No complaints have been received by the provisional government which would indicate any exceptional difficulties thrown in the way of the departing troops or any necessity for outside aid.

At the same time, however, the Japanese Government has issued a declaration that the presence, and even the increase in the number, of Japanese troops is due principally to the necessity of assuring the safety and the unobstructed movement of the Czecho-Slovak detachments.

The Provisional Government, representing the unanimous will of the entire population and enjoying its full support, expresses its readiness to give all possible help, with all the means at its disposal—technical as well as military—in accomplishing the evacuation of the Czecho-Slovak forces; and requests you please to inform it whether the successful accomplishment of the evacuation of the Czecho-Slovak troops really depends on the presence and the constant increase of the Japanese troops on the territory of the Far Eastern borderland, in spite of all the necessary measures taken by the Provisional Government.

THE PROVISIONAL GOVERNMENT
OF THE MARITIME PROVINCIAL ZEMSTVO,
A. MEDVEDIEV,
President of the Maritime Provincial Zemstvo and Minister of Foreign Affairs.
B. SKVIRSKY,
Vice Minister of Foreign Affairs.

—

REPLY OF THE CZECHO-SLOVAK REPRESENTATIVE.

On March 8, 1920, the Provisional Government of the Maritime Provincial Zemstvo (in Vladivostok) addressed an official inquiry to the diplomatic representative of the Czecho-Slovak Republic in Siberia, asking: "Is it true that the successful carrying out of the evacuation of the Czecho-Slovak forces, in spite of all the necessary measures adopted by the Provisional Government, depends on the presence and the constant increase of the Japanese forces on the territory of the Far Eastern borderland?"

The following reply was received on March 10, 1920, to this inquiry:

The first obstacles which were created in the process of evacuation of our forces by the soviet authority in the district west of Irkutsk were removed by an agreement between the Czecho-Slovaks and the soviet forces and from that moment on the evacuation of our forces has not met with any difficulties on the part of the soviet authorities.

On the Transbaikal Railroad the protection of the roadway was intrusted to the Japanese forces, and during the entire time there was no destruction of the railroad line, in spite of the orders issued by Ataman Semenov to destroy bridges and tunnels in order to interfere with our evacuation. This section of the railroad was in the sphere of influence of Ataman Semenov.

As to the Far East, I must certify with a feeling of deep gratitude and sincere friendship that on the part of the Provisional Government and all its institutions the evacuation of our forces not only did not meet with any obstacles, but, on the contrary, it was always given every possible assistance, for which I consider it my duty to express to the Provisional Government and its institutions my deepest gratitude.

(Signed) DR. GRSSA,
Plenipotentiary Minister of the Czecho-Slovak Republic.

MEMORANDUM OF THE PROVISIONAL GOVERNMENT TO THE INTERALLIED DIPLOMATIC CONFERENCE.

On the night of the 5th of April, without any provocation on the part of the Russian military or civil authorities and without any previous communication with the Russian authorities, the Japanese troops in Vladivostok forcibly disarmed and relieved the Russian guard in the Government institutions of the city of Vladivostok, replacing it with their own guard, have hoisted the Japanese flag over the buildings, have fired at some of these structures, including the building occupied by the Provisional Government, which was seriously damaged and the records and property largely destroyed, have forcibly disarmed some of the Russian detachments of the Vladivostok garrison, and have arrested Mr. A. A. Menshikov, a member of the Provisional Government and several military and civil government officials.

This sudden attack of the Japanese troops, which has been accompanied in some cases by destruction of human lives, comes as a surprise to the Provisional Government, the more since it occurred just at the time when negotiations were going on between the Japanese and Russian military authorities, these negotiations having been started at the request of the Japanese authorities, for the establishment of friendly mutual relations, and when the Russian military authorities, in accordance with the instructions of the Provisional Government, have expressed their readiness to settle peacefully all matters which may come up in connection with the presence of the Japanese troops in Russian territory.

In the declaration to the population, made by the chief of the Japanese forces in Siberia, Gen. Oi, and in the statement issued by Capt. Nakasova, the Japanese command explaining its activities, which have been contrary to the declarations of the Japanese Government addressed to the Russian people, and in conflict with the interallied agreement, alleges that the Russian military detachments have fired at the Japanese guard at different places.

The provisional government categorically denies this statement. The Russian detachments have been instructed fully to respect all the allied military forces in Vladivostok. The discipline of the Russian troops and the fact of their realizing the responsibility they have before the country are well known to the allied command. Nevertheless, the provisional government, though aware of the justice of its assurances, is willing to put the incident before an interallied commission of inquiry.

Strongly protesting against the activity of the Japanese command, the provisional government addresses this protest to all the Allies, as the so-called "intervention" has been undertaken by all the Allies conjointly and the responsibility for the recent affairs lies with all the Allies.

With a view to preventing the further development of events of this nature, with all the possible consequences thereof, the provisional government requests of the interallied diplomatic conference to propose to the Japanese command:

1. To release immediately the members of the provisional government, the civil and military officials and other Russian citizens who were arrested by the Japanese command in connection with the recent events.

2. To evacuate immediately all the Government buildings occupied by the Japanese troops and to hand them over to the Russian authorities in good order.

3. To give a satisfactory explanation and apologize to the provisional government because of the activities of the Japanese forces.

4. To make no searches and to permit no other persons under its protection to make searches or arrests without the permission of the provisional government.

5. To return the arms immediately to the three Russian military detachments from whom they were forcibly seized, and also to appoint an interallied commission, with the participation of Japanese and Russians, for a detailed and impartial investigation of the causes and circumstances under which these events occurred.

The provisional government considers it its duty to declare that respect for the sovereign rights of the Russian State and of the authority of the provisional government of the Far East is an indispensable condition for disposing of this incident, and that only the adoption of all the necessary measures will enable the provisional government to pacify the irritated population of the Province, and to take measures for a peaceful settlement of the affair.

The provisional government at the same time begs the representatives of the allied countries to inform their Governments of the aforesaid.

(Signed) A. MEDVEDIEV,
President.
A. AFANASIEV,
P. POPOV,
Members of the Government.

VLADIVOSTOK, *April 5, 1920.*

NOTE OF THE PROVISIONAL GOVERNMENT TO THE DIPLOMATIC REPRESENTATIVE OF JAPAN.

Having the support and confidence of all classes of the population, as seen from the numerous resolutions passed by the trade-unions, by the conferences of the employees in the Government and public institutions in the Province, by the political parties, etc., and especially being in very successful cooperation with the Government—the provisional government of the Russian Far East—the Maritime Province Zemstvo Board, has been directing its domestic policy to the establishment of justice, freedom, order, and equality, and in its foreign relations has endeavored to maintain the Russian sovereignty in the Russian Far East and to develop peaceful and friendly relations with other nations in accordance with the principles of international relations. Therefore, the provisional government—the Maritime Province Zemstvo Board—has with regard to all attacks and activities been guided by the principles of justice in spite of many outside unfavorable circumstances, and now declares before the whole world that it has not provoked by its activities the attack on Vladivostok by the Japanese command on the historic night of April 5.

The sudden and illegal attack of the Japanese troops came as a sad surprise to the provisional government at the very moment when, with a view to strengthening the mutual friendly relations, it had expressed its readiness to discuss peacefully the maximum of concessions to the Japanese command, on condition that the sovereign rights of the peoples and all the obligations the government had undertaken with the Allies, Russia, and the world, would be respected.

For the protection of the sovereign rights, the freedom, and the national property of the people and the authority vested in the government by the people the government, guided by its rights to independence and self-protection, must have sufficient strength and power. This force must come from out of the people and must be selected by the government, which is acting on behalf of the people. Only a Russian army can constitute such a force, not an army of aggression, but for the protection of the country from any attempts at a forcible coup from whatever side it may be initiated.

The provisional government is able and determined to maintain its authority over the said territory by adopting every measure. The absence of the people's army as a force upon which the government could rely would create anarchy and disorder, from which not only the Russian citizens will suffer but also the foreigners in the Far East who in one way or another have common interests with Russia. Japan as a civilized nation can not desire such anarchy, and, on the other hand, can not prevent it if it aims at intrusting the protection of the Russian State interests to foreign, not to Russian, forces or to reactionary forces hostile to the people. Only the enemies of Russia, who want to see Russia crushed, can aim at that; but Japan is not Russia's enemy, and the Russians on their part look for help and friendly support from the Japanese people. The government, therefore, is even now ready to put as a foundation for coming negotiations with Japan the principle of friendly mutual support on economic and political lines.

In order to realize these aims and to prevent the repetition of such sad events, which we believe are not in agreement with the general policy of Japan in her dealings with Russia, and in order to reestablish relations in accordance with the principles of justice and international custom, the government considers it its duty and feels justified in proposing the following conditions:

1. In order to prove that the recent events have not been directed against the government recognized by the people, the Japanese command must correct its error and release all military and civil officials and others who have been willfully arrested by the Japanese command. Having interfered with functions of the Russian territorial authorities, the Japanese

command must consider it its duty to comply with this lawful request.

2. The government institutions occupied by the Japanese troops must be evacuated and restored in good order to the proper Russian authorities, together with all the documents and property therein.

3. The government and the people, indignant at the recent events, expect that after satisfactory explanations have been given the Japanese command will apologize to the government and will assure it that such sad occurrences will not be repeated.

4. The provisional government can not agree that the temporary disarming of all the Russian military detachments and the militia should become a permanent fact. Japan has not been authorized by the Allies to act in such a manner, nor has the disarming been undertaken at the request of the Japanese Imperial Government. It has been an independent and illegal act on the part of the Japanese command. The arms which were taken away from the Russian military detachments must be returned to them as a proof of the sincerity of the Japanese declarations of their noninterference in the domestic affairs of the Russian Far East, of their desire to evacuate their troops, leaving Russia to the Russians.

5. The Japanese authorities shall not effect searches or allow searches to be effected under their protection by irresponsible persons, having the full assurance of the government that the Russian authorities, relying upon their disciplined detachments, are in a position to maintain order and protect the lives of all citizens without exception.

The provisional government of the Russian Far East undertakes this step, recognizing its duties and responsibilities to the people, and especially because all the classes of the population, indignant at the recent events, have the right to demand from the government the adoption of every measure necessary to reach the aforementioned results.

The events of April 4–5, which have not been provoked by anyone, will shock the public opinion of the entire civilized world, and the Japanese Government no doubt will not consider as legal the action of the local command, and will do everything possible to amend these fatal blunders.

The provisional government, not assuming any responsibility for the further development of events, hopes that the Japanese Government will reach a wise decision in the matter.

THE PROVISIONAL GOVERNMENT OF THE RUSSIAN FAR EAST.
THE MARITIME ZEMSTVO BOARD.
A. MEDVEDIEV, *President.*
A. MENSHCHIKOV,
S. AFANASIEV,
P. POPOV, *Members.*

VLADIVOSTOK, *April 5, 1920.*

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DECLARATION OF GEN. OI REGARDING THE EVENTS OF APRIL 4–5, 1920.

CITIZENS:

On the basis of the declaration made public by the Japanese command on March 31, 1920, the Japanese command, beginning with April 2, has been carrying on negotiations with the representatives of the Russian authorities regarding a peaceful settlement of the question of the stay of Japanese troops in the district.

Suddenly, on the night of April 4, armed Russian troops attacked our warehouses, garages, and military prisons, and also fired at our patrols in various parts of the city.

In view of the above illegal actions and in order to prevent a threatening danger from the armed Russian military units, the Japanese command is compelled to demand that the Russian military units be disarmed.

Without having any personal aims in this matter, the Japanese command can not allow any further development of disorder and will take the necessary measures after negotiations with the Russian authorities.

Gen. OI,
The Commander of the Japanese Forces in Siberia.

VLADIVOSTOK, *April 5, 1920.*

—

RUSSO-JAPANESE AGREEMENT OF APRIL 5, 1920.
(Copy from a copy.)

The terms presented by the commander of the Japanese forces to the provisional government of the Maritime Provincial Zemstvo Board in regard to the declaration made by the Japanese Imperial Government regarding the stay of Japanese troops in the Far East for the purpose of maintaining friendly relations and avoiding conflicts which may arise, judging by the past and present events, between the Japanese troops on the one hand and the Russian authorities and the local population on the other hand.

The representatives of the Russian military forces, after negotiations with the representatives of the Japanese military forces, have expressed their consent to the following terms:

1. To secure the stay of the Japanese troops in the sense of giving them all necessities for such a stay, i. e., quarters, provisions, means of transportation and correspondence, etc.

2. To consider as effective all those decisions concerning military affairs exclusively which were entered into by the Japanese Government or the Japanese command on the one hand and the Russian authorities on the other hand, on the basis of the agreement between the allied powers or the allied command. If these decisions should be found to be not in accordance with the interests of Russia or the Russian Army, the Russian military authorities will make a proposal to reconsider such.

3. Not to arrest and not to interfere with the liberty of individuals who are employed by the Japanese command without bringing this to the knowledge of the command.

4. To liquidate within the limits of the territory of the provisional government all actions and outbreaks, regardless of their source, which threaten the safety of the Japanese troops and also the peace and order of Korea and Manchuria.

5. To restrain all printed articles and individual provocatory actions directly intended to compromise the Japanese troops and the Japanese State.

6. To use all efforts to secure absolutely the life, property, and other rights of Japanese subjects living in the territory.

(Signatures of Russian and Japanese officials.)

Dated at VLADIVOSTOK, *April 5, 1920.*

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TEXT OF AGREEMENT BETWEEN RUSSIAN AND JAPANESE COMMANDS OF APRIL 29, 1920.

1. The Russian military command, on the one hand, and the Japanese military command, on the other hand, mutually agree by the issue of simultaneous corresponding orders to immediately end the military operations between the detachments of Russian and Japanese troops in various districts, and the military operations must cease on both sides from the moment the order is received and is mutually exchanged by the commanding officers.

2. The Russian military forces, regardless of the political parties or groups they belong to, must not be located simultaneously with the Japanese troops within the limits of the following districts:

a. Within the limits marked by the line passing within 30 kilometers from the final point occupied by the Japanese troops along the Ussuri Railroad, on the one hand, and the line of the Russo-China-Korean frontier from the west and south, on the other hand.

b. Within the line along the Suchan Railroad along the Suchan River from its end, 30 kilometers on each side.

3. The Russian military forces that are at the present time in the above-mentioned districts, within three days after the receipt of this order, are to end military operations, and must be removed from these districts in the above-mentioned three-day period, but this limit may be prolonged by agreement with the local Japanese command.

4. The Russian armed forces which are being withdrawn behind the line of demarcation keep their arms, munitions, and supplies, the quantity being in accordance with the number of the troops on the day the orders are exchanged by the local command, regarding the cessation of military actions, and in accordance with the existing war-time regulations.

The Japanese command will not place any obstacles to the normal supply by the Russian authorities of provisions, supplies, fodder, clothing, and other objects necessary for the existence of Russian troops who have been removed to new quarters.

5. In case of necessity the troops, or portions of them, may be removed from the places where they were originally sent and transported by order of the Russian command to other districts outside the limits of the demarcation line, but without the right to transport them to the Provinces of Transbaikalia and Sakhalin. In case such a removal of Russian forces takes place, they may be moved within the limits of the established 30-kilometer zone, and they may use the Ussuri Railroad on conditions stated in paragraph 4, but only by agreement with the Japanese command regarding the method of transportation.

6. In order to maintain general order and peace and for the performance of militia duty in the districts mentioned in paragraph 2 and along the railroad line, Russian military militia units are permitted, and the personnel, arms, and number of these in each individual district are determined by the Russian

institutions with the knowledge of the Japanese command, and must be limited to actual necessary requirements.

The terms regarding the necessary military units for guard duty and military institutions and prison duty in the city of Vladivostok are defined by agreement between the two commands.

7. The guarding of railroads is carried on on the basis of decisions arrived at by the allied military committee in accordance with the decisions of the allied railroad committee regarding the control of railroads.

8. Arms, munitions, and other material necessary for military operations, factories manufacturing such, and warehouses where such are kept, in the districts mentioned in paragraph 2, are subject to seizure by the Japanese command. The future fate of the above-mentioned supplies is subject to special decisions. The following are the exceptions:

a. Arms, munitions, and supplies necessary for militia and prison duty and also necessary for instruction in military schools and maneuvers in the city of Vladivostok in accordance with paragraph 6, are returned from the supplies seized by the Japanese command.

b. The Far Eastern Mechanical and Shipbuilding Works in Vladivostok remain at the disposal of the Russian authorities on condition that no munitions are produced in them and that the Japanese command has the right to supervise the execution of this condition.

c. All objects of military use not mentioned in paragraph 8, which have no direct relation to military operations, and also warehouses containing such, are not subject to seizure.

d. Military supplies used as means of transportation, which have been seized and which are not the absolute property of the Russian authorities, are subject to special registration.

9. The right to dispose of barracks which are at the present time occupied and which may be occupied in the future by the Japanese troops, belongs to the Japanese command until the evacuation. In case of necessity the Japanese command shall furnish to the institutions and military units mentioned in paragraph 6, barracks which are at their disposal within the possible limits.

10. The Russian authorities shall take all measures to protect railroads and telegraph lines in the districts enumerated in paragraph 2, and must use all efforts to reestablish normal communication, and the Japanese command shall give assistance in case of necessity.

11. Both contracting parties must take measures for the speedy realization of this agreement. For this purpose, in case of necessity, and also for the working out of details regarding the execution of this agreement, a special Russo-Japanese commission is established.

12. All the conditions established by the command are of temporary character, and are to be reconsidered at the request of either side, and may be changed by agreement.

VLADIVOSTOK, *April 29, 1920.*

DECLARATION OF GEN. OI OF MAY 11, 1920.

Whereas a proposal was recently made to our military command in the name of Mr. Smirnov, representative of the soviet government at Irkutsk, and Mr. Yanson, chief of the foreign affairs committee of the same government, for making, altogether aside from all consideration of a peace treaty, such arrangements between the partisan forces in Siberia and the bolshevik troops, on their eastward advance, and the Japanese Army, as to make it possible to keep each of the aforesaid military forces within their present sphere of operations, and whereas the authorities of the revolutionary government at Verkhne-Udinsk have acquainted the commander of the Japanese forces at Chita, on more than one occasion, with their proposal of a similar character and with other proposals regarding the establishment of an independent political institution for Far Eastern Russia, I feel it incumbent upon me to make herewith the following declaration:

The Japanese military command, which has no territorial ambitions whatever in Siberia, feels the deepest sympathy with the Russian population in Far Eastern Russia, and earnestly hopes that a stabilization of political affairs and restoration of order in the daily life of the people in that region will soon deliver them from the hardships and difficulty under which they are suffering at present.

The recent military events in Vladivostok were due to the course the insubordinate partisans were suffered to pursue in their disorganized activity, which the Japanese Army had had to feel as an increasing pressure brought to bear upon it, and as a growing menace to the integrity of its position.

Under such circumstances the Japanese Army had only one course to follow in its self-defense.

Japan wishes to make it likewise most clear that it can in no wise tolerate the existence, in any country in close geographical relations with its own territory, of any political organization that defies humanity and attempts to disturb the peace of the world.

In view of the rapid progress of the repatriation of the Czech troops toward its final accomplishment, the Japanese military command wishes hereby to express its readiness to effect the military evacuation of Siberia when conditions in Far Eastern Russia have been readjusted on a stable and assuring basis, when all menace to Korea and Manchuria has been removed, and when the safety of life and property of our civil population has been guaranteed.

The Japanese command is not only earnest in its hope that the conditions in Far Eastern Russia will soon attain such a consummation, but also is no less eager in manifesting its regard for the opinion of the Russian people, and the Japanese command does not mean to defy their sentiment by according support to any particular section of the Russian population, thereby aggravating political conditions in the country.

It will be a matter of no less solicitude to our command than to the Russian population if Far Eastern Russia can be established on a basis of such form of self-government as to meet with the approval of the people.

It is to be hoped, too, that economic relations be resumed, that the population in these parts of Russia may be relieved from their present hardships and privations.

In order to expedite matters for such satisfactory arrangements as described above it is necessary that the Russian Army be caused to cease acts of hostility against the Japanese forces at Chita and provide an inviolable zone of neutrality between the two armies in these parts.

This accomplished, the unification and autonomy of Far Eastern Russia may be expected, based on such an arrangement.

It is hardly necessary to say that the Japanese command will refrain from all interference, and when the state of political affairs has been brought to such a stage as to make it possible adequately to guarantee the making of such political arrangements, and when, consequently, peace has come in sight, the Japanese command will welcome the final arrival of the time for such military evacuation of Siberia.

Such are the hopes of the Japanese military command, and in these, to be sure, our Government as well as our people are agreed.

This solicitude we feel for the future, we trust, is shared by the Russian population.

However, we feel that it will not be altogether impertinent to say in this connection that the action taken by the Russian force at Nikolayevski was a very deplorable affair.

Our military force, being small in number, was driven back and annihilated, our consul was killed, and a great number of the Japanese population there was massacred or subjected to all sorts of unspeakable humiliation.

The incidents in question have profoundly impressed the Japanese nation.

It appears quite logical that this affair be considered as a separate issue and estimated on its own account for proper settlement.

(Signed) GEN. MARIMOTO OI,
Commander of Japanese Expeditionary Forces in Siberia.

MAY 11, 1920.

RUSSO-JAPANESE AGREEMENT REGARDING THE MILITIA IN THE MARITIME PROVINCE.

In accordance with paragraph 6 of the Russo-Japanese agreement of April 29 the number and arms of the militia units are established by the Russian authorities, with the knowledge of the Japanese command.

In order to execute the above the following project is proposed:

1. The number of militia within the district outlined in paragraph 2 of the Russo-Japanese agreement of April 29, 1920, is to be 4,250.

2. The entire militia is divided as follows:

a. Administrative.
b. Railroad.
c. Special militia reserves for combating criminal gangs.
d. Vladivostok Fortress militia.

3. The numbers of the above-mentioned divisions of militia are to be as follows:

a. Administrative militia (city and county), 2,300 men.
b. Railroad militia, 300 men.
c. Special militia reserves, 1,350 men.
d. Vladivostok Fortress militia, 300 men.

4. The 4,250 men established by the commission are divided within the districts of the Province as follows:

a. Vladivostok district: City militia, 1,100 men. Reserves, 600 men. Fortress militia, 300 men.

b. Khabarovsk district: City militia, 250 men. County militia, 100 men. Reserves, 250 men.

c. Nikolsk-Usurisk district: City militia, 250 men. County militia, 200 men (including Posiet, Barabsh, and Grodekovo). Reserves, 300 men.

d. Iman district: County militia, 200 men. Reserves, 200 men.

e. Olginsk district (including Suchan and Skhotovo), 200 men.

f. Militia for Ussuri Railroad, 300 men.

5. The entire militia of the Provinces with the exception of the fortress militia, i. e., railroad, administrative, and special militia reserve, are under orders and at the disposal of the ministry of the interior, through the government inspector of militia.

The fortress militia is under orders of the commandant of the fortress.

6. The functions of the various groups of militia are defined by the existing government regulations or by regulations which may be issued by the government.

7. The militia is to be armed as follows: Two-thirds of the city, county, railroad, and fortress militia is to be equipped with sabers and revolvers and one-third of the above with rifles.

8. The arms are issued by the Japanese command from the supplies of Russian arms which are under Japanese guard.

SPOLATBOG,
Chairman of the Russian Commission.
KOLESNICHENKO,
Member, Government Inspector of Militia.

VLADIVOSTOK, *June 15, 1920.*

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ARMISTICE TREATY BETWEEN THE JAPANESE AND THE VERKHNE-UDINSK GOVERNMENT.

We, the undersigned, representatives of the Japanese expeditionary army on the territory of the Far East and of the government of the Far Eastern Republic, who have gathered for the purpose of ending military operations, which have taken place against the wish of either side, are negotiating regarding their cessation.

1. On the Amur front (on the left and right shores of the River Shilka), which are concluded by our local military commanders.

2. Regarding the cessation of military operations on the Transbaikal front, in the district of the Yablonovi Mountain ridge, while concluding this treaty regarding the cessation of military operations on all fronts, we have arrived at the following understanding:

I, the representative of the Far Eastern Republic and of the chief command of the people's revolutionary army, in their name, assume all obligations arrived at in this treaty, which is concluded between the local commands of both sides and which is signed for the Japanese expeditionary forces by Col. Katosadziro and for the Amur units of the people's revolutionary army by Citizen Victor Londo, regarding the cessation of military operations on the left as well as the right shores of the River Shilka. This agreement is to go into effect in the district of the left shore of the River Shilka on July 2, and in the district of the right shore of this river on July 10, 1920.

I, the representative of the Japanese expeditionary army on the territory of the Far East, have the sincere desire to end the military operations on all fronts of the territory of the Russian Far East.

In view of the fact that the Verkhne-Udinsk government is not the only government in the territory of the Russian Far East, and in view of the fact that this government is not regarded by the Japanese command as the principal government on the territory of the Russian Far East, the Japanese command can not conclude an agreement with the Verkhne-Udinsk government to end military operations on all fronts of the Russian Far East.

There is a difference of opinion between the two parties on this subject. Thus, if no agreement can be reached, it will remain impossible to conclude a treaty regarding the cessation of military operations on all fronts of the territory of the Russian Far East.

The principal problem is outside of the jurisdiction of the representatives of the Japanese command, and therefore a settlement of this problem is left to further negotiations.

It is the desire of both sides that peace be reestablished as soon as possible on the territory of the Far East, therefore this treaty is being concluded so that hostilities may cease on the Transbaikal front and in the district of the Yablonovi Mountain ridge.

The treaty provides as follows:

1. The troops of both sides must not go beyond the established lines of demarcation and must not carry on any military operations, including aerial military operations.

2. On the Transbaikal front, in the district of Yablonovi Mountain ridge, the line of the Japanese forces begins from the junction point of the roads Podvolochnaya-Telemba and River Usmukan. From this point the line follows meridian 113° 30′; to the south the line follows through the junction of the road Shaksha-Telemba with the road Telemba-Verkhne-Chitinsky further through the point northwest of Bekiemishev, 10 versts on the old Moscow road, which is also known as the Old Chitinsky. Further the railroad bridge across the River Zuzugan, which is 10 versts east of Station Gongota, until Kodakhta; from here the line goes to the south parallel with the meridian 112° 30′.

The line of the people's revolutionary army begins at Telemba and then runs north, parallel with meridian 113° 30′; to the south, elevation Kondinskaya, Station Gongota; then the line of the people's revolutionary army follows through Uletuyskoye and further south along the meridian 112° 30′.

All the above-mentioned points within a radius of 1 verst are the spheres of influence of the sides which occupy them at the present time.

[NOTE.—The regulation of civic affairs in the neutral zone between the line of the Japanese expeditionary forces and the line of the people's revolutionary army is left to the authorities of the Far Eastern Republic, with the understanding that the population will not be utilized for military operations.]

3. Station Gongota is the last point on the railroad for trains coming from the west, and Station Sohondo is the last point for trains coming from the east.

[NOTE.—Between Stations Gongota and Sohondo telephone connections are established so that negotiations can be carried on in case urgent action is necessary in order that diplomats or other individuals may pass from Station Gongota or Sohondo.]

4. Noon of July 18, 1920, is the time for the cessation of military operations. Before that time the commands of both sides must inform their units regarding the cessation of military operations, and must in the various districts exchange the orders regarding the cessation of military operations. Until that time neither side is to undertake any military operations against the other.

[NOTE.—Truce bearers on both sides in exchanging documents are to use the following roads]:

a. Telemba—Upper Chita.

b. Old Chita (also known as old Moscow).

c. The railroad line.

d. Kodakhta-Ulyantuy.

5. This treaty is to expire upon the conclusion of the work of the representatives who truly express the will of the people of the Russian Far East.

6. In case any misunderstandings arise and this state of peace is broken and hostilities are to begin both sides are to give 10 days' notice.

[NOTE TO THE TREATY.—Troops under the command of Semenov recognize this treaty which is guaranteed by the representatives of the Japanese expeditionary army on the territory of the Far East.]

The basis of this agreement is the note from the chief of the Japanese delegation, Maj. Gen. Takayanagi, to the chairman of the peace delegation of the Far Eastern Republic, W. S. Shatov, under No. 4, dated July 12, 1920.

Gen. TAKAYANAGI,
Chief of the Japanese Delegation.
Col. KUROSYAVA and Capt. SOYEDA,
Members of the Japanese Delegation.
SHATOV,
Chairman of the Peace Delegation of the Far Eastern Republic.
PAVLOV,
Member of the Peace Delegation of the Far Eastern Republic.

Station GONGOTA, *July 15, 1920.*

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MEMORANDUM CONCERNING EXCHANGE OF NOTES BETWEEN SHATOV AND TAKAYANAGI.

The commander of the Fifth Japanese Division, who has received instructions from the commander of the Japanese expeditionary army in Vladivostok, and the Government of the Far Eastern Republic, which sent its representatives to the station of Gongota, have concluded an agreement concerning the discontinuance of military activities, and, availing them-

selves of this opportunity, both delegations, within the limits of the authority conferred upon them, have discussed also other questions connected with military matters, and exchanged the notes transmitted as the result of the deliberations.

W. SHATOV,
The Representative of the Far Eastern Republic.
Maj. Gen. TAKAYANAGI,
The Representative of the Japanese Army.

Station GONGOTA, *July 17, 1920.*

NOTE REFERRED TO IN THE MEMORANDUM OF JULY 17, 1920.

Anxious to bring about, as soon as possible, peace in the territory of the Russian Far East, the Japanese and Russian delegations are convinced that the best means for the attainment of this purpose, and for the establishment of peace and order, is the creation of a buffer State with a single government, in the affairs of which the armed forces of other Governments should not interfere.

In its international and economic relations this buffer State can not remain in a state of isolation from the civilized countries possessing a highly developed industry. There exists the closest community of interests between the territory of the Russian Far East and Japan, and for this reason the buffer State must necessarily entertain relations of the closest friendship and intercourse with Japan.

In pursuance of the above-mentioned principles, both delegations fully agree in the conviction that the buffer State will not accept communism as the basis of its social system, and that it will have a popular character along broad democratic lines. For this reason the present situation makes necessary the convocation of a conference of representatives who will legally and independently express the will of the population of the territory of the Russian Far East.

In accordance with this understanding of the tasks set before them, both delegations make the following mutual statement:

1. The Japanese delegation declares that the individual relations of the Japanese military command with the local authorities will be discontinued with the conclusion of the work of the conference of representatives, who will legitimately and independently express the will of the population of the Russian Far East, and will finally give approval to the creation of a single government.

2. The Japanese delegation declares that the Japanese command will not interfere with the manner in which the above-mentioned conference will be called nor with its deliberations, and promises to offer every possible assistance should obstacles be placed in the way of the delegates who are going to that conference, regardless of their political opinions.

3. Concerning the question of the continued stay of Japanese troops on the territory of the Russian Far East, the Japanese delegation takes the position stated in the declaration of the Japanese Government of July 3.

With reference to the region of Transbaikalia, the Japanese military command, in accordance with the declaration made by the Japanese Imperial Government, has decided this time to withdraw its troops from the above-mentioned region in consideration of the fact that at the present time the evacuation of the Czecho-Slovak troops from this region has already been completed. The Japanese command hopes that in case its relations with the Far Eastern Republic remain satisfactory the evacuation of the Japanese troops will be completed in a short time.

4. The Russian delegation declares that the armies of European soviet Russia will not be admitted to the territory of the Government of the Far Eastern Republic, and that they will not be allowed to stay, to encroach upon, or to pass through that territory.

5. The Russian delegation declares that the Government of the Far Eastern Republic promises, on the basis of a mutuality concession, that within the sphere of its influence it will guarantee the inviolability of person of Japanese citizens and that it will respect their rights.

6. In the hope of bringing about an early pacification of the territory of the eastern Republic, the Japanese and Russian delegations declare that the Japanese command and the Government of the Far Eastern Republic bind themselves to undertake all necessary measures to settle peacefully all conflicts, but, in case of necessity, they promise to take the most energetic steps.

7. The Japanese and Russian delegations declare that after a preliminary mutual agreement each government may send its military missions to the other, since these missions will be very useful in the matter of a successful solution of the questions which may arise in the future.

(Signature) GENERAL TAKAYANAGI,
The Representative of the Japanese Army.
(Signature) SHATOV,
The Representative of the Far Eastern Republic.

Station GONGOTA, *July 16, 1920.*

PROTEST AGAINST THE NONADMISSION OF THE VERKHNE-UDINSK DELEGATION TO CHITA.

To the Minister of Foreign Affairs of Japan, to the High Commissioner for Japanese Affairs, Matsudaira, and to Gen. Takayanagi:

On September 4 we, the representatives of civic organizations and political parties of the independent Far East, accompanied by Col. Isome, the head of the Japanese mission in the city of Verkhne-Udinsk, started on our way to Chita. The aim of our delegation, in which all political elements were amply represented, was to gather all the democratic elements of the Far East and to consolidate them in one single endeavor for the purpose of bringing about the rule of law and order through the medium of the free expression of the will of the population of the Russian Far East. After our arrival at the station of Gongota we were held up by the Japanese mission in Chita, owing to the fact that Ataman Semenov was staying there, who was again trying to impose his rule by means of violence and through the suppression of the democratic elements of Chita.

We suppose that on the basis of the armistice agreement and on the basis of the statements of the Japanese military command and the Japanese mission we have the right to move freely on the entire territory of the Far East.

All the persons who are placing obstacles in the way of our work are directly or indirectly contributing to the strengthening of anarchy in our country. In the name of the people of the Far Eastern Republic, which elected us, we protest also against the activities enabling Ataman Semenov to disrupt the Far East and to suppress the free will of the population with the help of armed forces, which again have been introduced to Chita.

At the time when the entire population of the city of Chita expressed itself in favor of a reunion with the Far Eastern Republic the new attempt of Semenov to impose his rule can not be endured by anybody.

We declare that the free people of central Transbaikalia will be unable to remain indifferent while such an act of violence is being committed against their free will and that the flames of civil war are likely to flare up again.

Protesting against such acts of hostility, which are directed against the free democratic institutions, we hope that the higher authorities of the Japanese Government and of the military command will take urgent steps to enable our delegation to pass immediately to Chita.

(Signatures.)

SEPTEMBER 6, 1920.

RUSSO-JAPANESE ADJUSTMENT COMMISSION.

Letter of the chairman of the Japanese section of the Russo-Japanese Adjustment Commission to Mr. Zeitlin, chairman of the Russian section of the commission.

The commander of the Japanese troops in Siberia in his statements more than once expressed the wish for an early adjustment of the political situation in the Far East, together with the reestablishment of good and neighborly relations between the Japanese and the Russian people.

The Russian authorities considered the question of the fusion of the administrations of the various regions of the Far East as a necessary condition for the erection of a buffer State in the Far East.

The question has been considered from all points of view and is nearing its solution. We are convinced that in this question your Government has already taken a definite position. In view of the fact that this question is closely connected with the question of the continued presence of Japanese troops in the Far East, the Japanese section of the commission, according to instructions from the commander of the Japanese forces, would like to learn from the Russian section of the commission the opinion of your Government as to the following questions:

1. May we be assured of the fact that the program of your Government, as announced on August 19 of the current year and ratified by the National Assembly at Vladivostok, is final and will not be changed?

2. Does the memorandum exchanged between the representatives of the National Assembly in Vladivostok and the Verkhne-Udinsk Government, which has been recognized by the former,

change in any way the principles of your Government as indicated under (1) above?

3. Concerning the structure of the new government, is it to be understood as:

(a) A moderate, democratic, republican form of government, to the exclusion of monarchist as well as of communist principles?

(b) Having constitutional parliamentary institutions, the members of which are to be elected from among all classes, nationalities, and political parties?

4. Is it to be understood in such a way that the new State in the Far East, while entertaining relations with soviet Russia, excludes communist principles in its political and economic relations and recognizes and puts into effect the principles of a bourgeois-capitalist system?

5. Is it to be understood that the new united State formed in the Far East is fully independent in its foreign policy and that its relations with soviet Russia are based purely on treaties?

6. Is it to be expected that in the new united State of the Far East life, property, the right of domicile and removal will be guaranteed to foreigners, as well as the free investment of capital on the principles of the open door and of equal rights?

7. If in consequence of negotiations with other powers there should occur any changes in the above-mentioned fundamental points recognized by your Government, may we expect you to notify us of such changes?

8. Is it to be hoped that the fundamental principles which were unanimously adopted by all the regional administrations will not undergo any changes at the hands of the Constituent Assembly and will be embodied in the laws and in the decrees?

DECEMBER 2, 1920.

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RUSSO-JAPANESE ADJUSTMENT COMMISSION.

The answer of Mr. Zeitlin, chairman of the Russian section of the Russo-Japanese Adjustment Commission, to the chairman of the Japanese section of the commission.

In reply to the communication which was transmitted by you, as to the wish of the commander of the Japanese troops in Siberia to learn the opinion of our Government concerning a number of questions, I beg to inform you as follows in the name of the Government:

1. The program of the government, announced on August 19 of the current year and approved by the national assembly, being a logical expression of the principles of the fundamental declaration of the government of July 21 of the current year, is final for the government and is not subject to any changes.

2. The memorandum signed by the delegation of the national assembly in Verkhne-Udinsk does not affect the program of our government as indicated under 1.

3. The political and social system of the future Far Eastern State is to take the following form, in accordance with the aims of our government:

(a) Democratic-republican, absolutely excluding the restoration of monarchy as well as the establishment of communism.

(b) Constitutional and parliamentarian, founded on the basis of universal suffrage, without excluding any classes, nationalities, or political parties.

4. The new state created in the Far East is conceived by our government as entertaining treaty relations with Soviet Russia, excluding, however, the putting into effect of communism in political and economic matters, and presupposing that the policy conducted will be along the lines of a bourgeois-capitalist system.

5. The above-mentioned state organization, which is entertaining treaty relations with Soviet Russia, is conceived by our government as a state that is completely self-governing and independent in matters of foreign policy.

6. According to the fundamental ideas of the government, life and property of foreigners, as well as their right to residence and removal, must be fully guaranteed in the new state organization; likewise, for the development of commerce and industry, foreign capital will be invited on the principles of the open door and equal rights.

7. The government does not permit of the possibility of changing the fundamental principles of its program; at the same time our government is always ready, on a reciprocal basis, to inform the representatives of the Japanese Government of all steps undertaken for putting into effect the government's program, in so far as such information might interest the representatives of the neighboring nation and facilitate the bringing about of mutual understanding and confidence.

8. The fundamental principles adopted by all provincial administrations, being based on a sound understanding of the international situation and the internal alignment of forces, shall, at the discretion of the government, be put into effect in the form of laws and decrees after they have received the approval of the constituent assembly.

DECEMBER 2, 1920.

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THE JAPANESE ON THE EMBARGO ON VALUABLES FROM THE MARITIME PROVINCE.

The chairman of the Russian delegation of the Russo-Japanese adjustment commission received from the chief command of the gendarmerie division of the Japanese expeditionary forces a communication the contents of which were as follows:

According to the agreement between the Japanese and the Russians, concluded at the time when the Japanese command returned to the Russian authorities the gold and silver that had been taken away, and according to the declaration made by the representative of the Japanese diplomatic mission to your government at the end of November last, it is inadmissible to export from the maritime Province gold, silver, and valuables belonging to the Vladivostok government.

Although the Government is convinced that the corresponding organs of your government are watching over the fulfillment of this clause, nevertheless the Japanese command is obliged to watch over this matter. It has been ascertained that efforts have been made to export gold and silver without the knowledge of the Japanese command, and for this reason very often goods in transit have to be held up in order to ascertain their contents.

We believe that it will be convenient for the parties and that it would aid in expediting matters if silver would be exported only after the receipt of a certificate from the local chief of gendarmerie, and where there is no such office from the local chief of the Japanese military command, after informing the latter in advance of the forwarding of the objects in question. In order to put these instructions into effect the gendarmerie command especially wants you to inform to this effect all the Russian authorities concerned in this matter. These instructions must be observed also in case the articles in question are transferred between various government institutions in the same city.

JANUARY 14, 1921.

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NOTE TO THE JAPANESE MINISTER OF FOREIGN AFFAIRS.

While ordering its Army to occupy Russian Far Eastern territory, the Imperial Japanese Government, by its proclamation of August 2, 1918, clearly stated to the Russian people and to the world that this extraordinary measure was being taken solely "for the sake of rendering assistance to the Czecho-Slovak Army," and that "maintaining its established policy of unqualified friendship toward Russia and the Russian people" and recognizing "the territorial integrity of Russia" and "forbearing from interference in the internal affairs of the Government," "upon the fulfillment of the mission above stated; that is, upon the completion of the evacuation of the Czecho-Slovak Army, the Japanese Army will unconditionally leave the Russian territory."

The evacuation of the Czecho-Slovak Army was successfully completed in August, 1920.

However, long before the completion of this evacuation by its declaration of March 31, 1919, the Imperial Government of Japan proclaimed that "as no other country is geographically so closely connected with Siberia as our Empire, and whereas the political condition of the Far East is such as to threaten not only the life and property of our citizens living in Siberia, but also the peace in Korea and Manchuria, we regret to state that we consider it impossible to evacuate our troops from the Far Eastern territory. And the Government of Japan reiterates that the presence of its Army upon the territory of the Far East does not mean any political aggression against Russia," and again in this act the Government of Japan "sincerely states that as soon as peace will be established within the territory, the Japanese Army will immediately leave."

The same statement was reiterated by the commander of the expeditionary Army, Gen. Oi, in his notes to the Minister for Foreign Affairs of the Far Eastern Republic, of May 11 and September 18, always expressing his sincerest desire for the speediest unification of the separate territories of the Far East, regarding it not only as beneficial for the Russian population, but as a condition preceding the establishment of economic relations between the nations. In his declaration of May 11 Gen. Oi states literally as follows: "The Japanese command will, with pleasure, lead its troops out of Russian territory as soon as stable conditions are established on Russian domains in the Far East," and that "the Japanese command, considering the will of the Russian population, does not wish to complicate the political situation of the region by rendering

assistance to individual Russians who might tend to disregard the will of the whole Russian population. The Japanese command, together with the Russian population, heartily welcomes the establishment within the territories of the Far Eastern region of such a form of government as will conform to the will of the people." It was also plainly declared "that the above is not only the wish of the Japanese military command, but also that of our Government and people."

The Russian people, having lost faith in its various self-styled saviors, decided, upon its own volition, and not at all because of demands made by foreigners, to establish such order as will make it possible once and for all for the will of the people to freely express itself over the whole area of the Russian Far East.

The authorized representatives of the whole people have gathered in Chita on October 29, 1920, and have most solemnly proclaimed the union of all the territories of the Far East in one independent self-governing Far Eastern Republic beginning with the day of the declaration of independence, namely, April 6, 1920. The same declaration laid down the first basic principles upon which the Government must be built in order to bring about law and order and peaceful development of all social forces. At the same conference a law was passed for the convening of the constituent assembly, and a Government was formed to bring into effect the will of the people. All these solemn declarations were published in due time and made known to the whole world.

Two months have passed since the establishment of the Far Eastern Republic. The Government of the Far Eastern Republic is steadfastly following the road that is pointed out by the declaration of October 29, 1920. The election of the constituent assembly has already taken place. Within 10 days the representatives of the people will be gathering in the capital of the Far Eastern Republic in order to draw up a constitution for the country and decide upon the important vital problems of the government. The internal war which was still flickering in some parts of the country prior to the unification has died of itself. All classes of the population are steadfastly striving for a peaceful life and labor with a view to rebuilding all that was destroyed. The Vladivostok People's Assembly, laboring under extraordinarily hard circumstances, due to intervention, and in spite of various memoranda and veiled threats by the High Command of the Japanese forces, the chief of staff and the head of the diplomatic mission, has by an overwhelming majority recognized the Government of the Far Eastern Republic. These are the heroic results of the aspirations of our people for unity, its burning desire to overcome the intervention.

On the territory of the Far Eastern Republic, freed from intervention, law and order reign supreme; the life, free labor, and the property of all citizens are absolutely safe. Numerous foreigners residing in the Republic enjoy the same rights as the native citizens, and their lives and property are as safe as in any other civilized country.

Concluding on the basis of the above-named facts that the further arrival and sojourn of Japanese troops on the Russian territory is not only unjustifiable but absolutely harmful, the vice minister for foreign affairs, Mr. Kojevnikov, by order of the Government of the Far Eastern Republic, most explicitly brought to the attention of the Japanese Imperial Government, through the chief of the Japanese diplomatic mission in Vladivostok, the urgent necessity to most speedily evacuate the Japanese forces from the Far East, and he further made known the readiness of the Government of the Far Eastern Republic to commence negotiations with the Imperial Government of Japan with the view of concluding a treaty of everlasting friendship and of establishing economic relations for mutual benefit, firmly believing that there is no problem between the Government of the Far Eastern Republic and the Imperial Government of Japan which could not be solved peacefully by negotiation.

However, the Japanese army continues forcibly to occupy part of the territory of our Republic, thereby making life unbearable to the population of that part of the territory of the Republic on which these forces are situated.

Taking advantage of the presence of Japanese troops and their actual suppression of any and all attempts to establish order on the part of the population and their governmental organs, which suppression is contrary to all declarations, the criminal elements are doing their contemptible work. Russian cities and villages in the zone of intervention are enveloped in a poisonous cloud, as it were, of robbery, murder, and all kinds of unspeakable crimes.

Some lawless persons at the station of Grodekovo on the Ussuri Railroad are stopping trains, searching and robbing passengers, and taking many of them off, beating them, and very often leading them away, nobody knows where. These same criminals ride in the trains without paying their fare, force railroad agents to give them special locomotives, and, not receiving them, detach engines from trains (case of November 28 at the station of Grodekovo). They also take away from Russian, as well as from foreign passengers, silver and other belongings, which is much like open highway robbery. The local authorities find it impossible to establish order, thanks to the opposition of the Japanese military command to the lawful authorities and its sympathy with the enemies of law and order. The Japanese command by force of arms is restraining the authorities of the law from combating the criminals and establishing order—which means an absolute violation of the right of self-determination of the people.

The sympathies of the Japanese military command for the enemies of the people were most vividly expressed when it conducted under its protection Semenov, that criminal and enemy of the people, through Russian territory, defying the whole Russian and foreign population, and officially announcing this fact to the former Maritime Government, as if challenging its impotence, took him to Port Arthur with a guard of honor of the army of the Imperial Government of Japan, thereby openly scorning the feelings of the free people. This criminal is now issuing orders in which he promises to start a new adventure in the spring, and while he is openly proclaiming that Japan is and will be rendering him assistance, he is thereby arousing against Japan the population and awakening an old hatred, thus hindering the establishment of good neighborly relations.

The Japanese command is not allowing the attachment of paymasters' cars to trains which are on their way to pay salaries to the railroad employees, and is obstructing the movement of almost all freight, thereby completely and without cover interfering with the inner life of the Far Eastern Republic. It has also held up the car of the secretary of the military-diplomatic mission of the former Verkhne-Udinsk government, which has since become a part of the Far Eastern Republic, attempting to search him and his car, thus violating the most elementary laws with regard to diplomatic representatives established by the practice of international law, and giving the population the impression that all official Japanese declarations are mere words.

Needless to say, all these actions on the part of the Japanese are awakening within the minds of the Russian people doubts as to the genuineness of the solemn declarations of the Japanese Government and forcing them to be on the alert.

True to the mandates of our people, and directed by the same desire as are the people, the government of the Far Eastern Republic thinks it necessary with a view to establishing peaceful mutual relations between both countries and peoples: 1. That the high command of the Japanese Expeditionary Forces in Vladivostok, in the actions carried out by its subordinates, should adhere to the principle of absolute noninterference in the internal affairs of the Far Eastern Republic and desist from rendering assistance to separate groups of the population in their domestic struggles, as was the case with the assistance given to the Grodekovo band; 2, that in view of the fact that the region is quiet and that a strong government has been established, the time is appropriate for a definite date to be set for the evacuation of the Japanese troops from the territory of the Far Eastern Republic by the Imperial Government.

Considering the fact that upon the territory of the Far Eastern Republic there is at present a Japanese diplomatic mission, the government asks kindly to be informed whether the Japanese Imperial Government will agree to receive our mission in Tokyo upon the just principle of reciprocity, with the aim of speedily establishing political and economic relations based on such treaties as will be for the mutual benefit and friendship of both the Japanese and Russian peoples. We trust that this will speed the long-hoped-for day of mutual understanding and peaceful neighborly relations between the two peoples.

A. KRASNOSHCHEKOV,
Minister for Foreign Affairs of the Far Eastern Republic.

CHITA, *January 19, 1921.*

PROTEST AGAINST VIOLATION OF THE NEUTRAL ZONE BY THE JAPANESE.

To the Minister of Foreign Affairs of the Japanese Imperial Government:

According to information received from local authorities, the Japanese troops have advanced beyond the limits of the 30-kilometer zone agreed upon, and on February 23 of the current year occupied the following settlements: Yakovlevka, 60 versts east of the station of Yevgenyevka; Pokrovka, 5 versts east of Yakovlevka; Sysoyevka, between Anuchyn and Yakovlevka.

By thus transferring its troops into a region from which the Japanese troops had been withdrawn, the Japanese military command only complicates the situation without any plausible reasons. As far back as May 11, 1920, Gen. Oi, the commander of the Japanese Expeditionary Forces, had announced in his declaration: "Now that the evacuation of the Czecho-Slovak troops is nearing its end, I declare openly that the Japanese command will gladly evacuate its troops as soon as the situation of the Russian possessions in the Far East will be firmly established." In the same declaration it was emphasized that: "The Japanese command, jointly with the Russian population, welcomes with all its heart the formation on the territory of the Far East of a state based on the principles of self-government and on the introduction of such political forms as will correspond to the will of the entire population." And further on, in the same document: "The Japanese command will welcome the moment when, the establishment of the above-mentioned state organization and the pacification of the country being assured, it will be possible to evacuate the troops. I have not the slightest doubt that this is not only the wish of the Japanese command but also of our Government and of our people."

From the point of view of the Japanese Government this moment was reached long ago, because in its declaration of July 3, 1920, it announced the evacuation of Transbaikalia, and Gen. Oi, the commander of the expeditionary forces, referring to the declaration of September 18, declared solemnly: "In consideration of the fact that the political situation in the aforesaid region (Khabarovsk) is again becoming normal, I hereby announce that our troops will be evacuated from there. At the same time I express my sincere wish that the Russian territory in the Far East may be united as soon as possible, so as to secure peace and welfare to the country and to strengthen the good neighborly relations between the Russian and the Japanese peoples."

At a solemn moment, when the constituent assembly, composed of the authorized representatives of the entire Russian population in the Far East, is earnestly working at the task of finally creating and forming the Far Eastern Republic, when the work of the final unification of the Russian Far East is nearing its completion, when in all places evacuated by the Japanese troops peace and order reign, the reoccupation by the Japanese troops of localities which were already once evacuated under the most solemn declarations is an absolutely unjustifiable act, and is in outright contradiction to numerous official assurances of the Government and of the Japanese military command.

These activities of the Japanese military command assume a more alarming character in view of the fact that simultaneously strange and suspicious individuals purposely disseminate malicious rumors purporting that the partisans are again preparing their attacks within the limits of the Maritime Province and that the armed forces of the Far Eastern Republic are preparing aggressive activities.

The Government of the Far Eastern Republic has time and again declared, and again solemnly declares, that it has absolutely no aggressive intentions or plans with reference to the Japanese troops. The Government was doing and is doing its best for a peaceful cessation of intervention and for the creation of the most friendly relations between the population of the Russian Far East and the Japanese nation.

But to its great regret the Government is compelled to state that all its efforts to efface from the memory of the population all the unfortunate impressions connected with the hostile activities of the Japanese troops on Russian territory may prove vain if the Japanese command will continue its policy of advancing its troops into places which it had already once left, thus disturbing and irritating the population over and over again.

The Government of the Far Eastern Republic considers it its duty to protest against such activities of the Japanese military command, which lead not to the unity of the Far East and to the strengthening of its democratic State organization but, on the contrary, to its dismemberment.

A. KRASNOSHCHEKOV,
Minister of Foreign Affairs.

CHITA, *March 3, 1921.*

NOTE TO JAPANESE MINISTER OF FOREIGN AFFAIRS.

The Government of the Far Eastern Republic, not only in its declarations but also in its practical everyday activity, has spared no pains to maintain the population in a condition of complete tranquillity and self-control, its patience having repeatedly been put to severe trials.

Incessant murders of absolutely innocent persons by armed bandits calling themselves "Semenov's men," etc., have been irritating and inflaming, and are still inflaming, the population up to the present day.

A short time ago these criminals again stained themselves with blood; several scores of people were killed in the settlements of Razdolnoye, Khorol, and Zharikov, the population of Fadyevka was disarmed and left at the mercy of the Khunkhuses (Chinese bandits), and a number of citizens were abducted to an unknown destination. Persons of suspicious character are launching and spreading rumors that the bands of Semenov are, as previously, supported, inspired, and armed by the Japanese military command, and that in a not distant future these bands will again start their attacks, with the full support of the Japanese military command. For reasons which are only known to themselves, these individuals are endeavoring to instill in the Russian population the poison of a distrust in all the open and secret activities of the Japanese command, thus spreading hostility between the Japanese and the Russian peoples.

The Government of the Far Eastern Republic is disinclined to believe these maliciously disseminated rumors, but it is unfortunately compelled to state that the attitude of the Japanese command toward the Russian authorities, which are endeavoring to protect the innocently suffering population, is not always clear, and that this is quite likely to strengthen the conviction among the population that the disseminated rumors are based on truth.

In spite of the revolting crimes of Semenov's men, who have gathered in Grodekovo and who are still gathering in other places also, in spite of the protest of the Russian authorities against the unlawful gathering of armed forces in Grodekovo, in spite of the repeated attempts of these authorities to dispatch militia to disarm these bandits and restore order, the Japanese command systematically declines to settle this matter by pretending ignorance of the fact that armed forces are staying in Grodekovo, a fact which is too well known to all those who live in the Maritime Province, and especially to all those who have the misfortune of passing through, or of accidentally arriving at Grodekovo. Matters went so far that on February 8 of the current year the former Col. Dompel, who, citing a mandate issued by Semenov, calls himself the chief of the military communications of the army of Grodekovo, declared without any ceremony that all ranks and institutions of the former army of Kappel are abolished, unless the persons who had occupied them declared their recognition of the authority of Gen. Savelyev, commander of the Grodekovo army.

We are informed by local authorities that when Gen. Ochi, the aid-de-camp of the Japanese Emperor, passed through the station of Grodekovo, the commanding staff of this army, headed by the aforesaid Gen. Savelyev, was introduced to him, and that the armed forces were reviewed.

The Government of the Far Eastern Republic is endeavoring to bring about sincere and friendly relations between the Japanese and Russian peoples, and for this purpose it considers it essential that the activities of those who are trying to spread distrust between the Russian population and the Japanese command be stopped. These activities would be doubtless stopped and the malicious rumors would immediately be silenced if the Japanese command would affirm:

1. That in reality it neither inspires, supports, nor arms the so-called Semenovists and the other counter-revolutionists.

2. That it really does not conduct any negotiations with them as to any aggressions against the Russian Government and that, as far as it itself is concerned, it is not opposing the Government of the Far Eastern Republic.

Such a confirmation would tell the population that the Japanese command is standing by all the solemn declarations of the Japanese Government as to noninterference in our internal affairs. It is self-evident that if the Japanese Government would declare that its troops are only temporarily stationed on Russian territory, and that, owing to the accomplished unity of the Far East and the deliberations of the constituent assembly, their evacuation is imminent, such a statement would be received by the population with great satisfaction.

A clear, vigorous, and frank expression on the part of the representatives of the Japanese command would help the Government of the Far Eastern Republic in its endeavor to efface from the memory of the population all the wrongs it has been forced to bear, and in good faith to establish friendly mutual relations.

(Signature) A. KRASNOSHCHEKOV,
Minister of Foreign Affairs.

CHITA, *March 7, 1921.*

NOTE TO THE JAPANESE MINISTER OF FOREIGN AFFAIRS.

I. On March 21, 1921, Lieut. Gen. Kostas, the commander in chief of the expeditionary forces in the Sakhalin district, referring to the declaration of the Japanese Government of July 3, 1920, announced to the population of that district the forthcoming occupation of Nikolayevsk, De Castri, Mago, Sofisk, and other places, and the installation in these points of a civil government "for the reestablishment of peace and order."

II. After the night of March 30-31, when armed criminal bands of counter-revolutionaries in Vladivostok attacked the lawful authorities and the constituent assembly, the Japanese command, which during the whole night had not interfered with the excesses of the criminals, disarmed the militia, which was carrying out its duties in the defense of the life and property of Russian and foreign citizens.

III. On April 12, by order of the Japanese Government, the Japanese consulate general in Vladivostok announced that the chief of the military administrative department of the Japanese command in Sakhalin had made public an announcement of February 19, 1921, concerning the auction of leases for Russian fisheries, the office of the military administrative command in Sakhalin (Alexandrovsk) being designated as the premises in which the auction was to take place; and in this announcement it was stated that "persons who wished to inspect the aforesaid list, the regulations and rules, might consult them in the Japanese language in the consulate."

IV. In the course of the last few days fresh Japanese troops have begun to arrive in Vladivostok.

V. On April 19 a Japanese transport arrived in De Castri and landed troops; a Japanese radio station was installed; Japanese censorship was established over the Russian telegraph station and it was prohibited to communicate with the higher Russian authorities without the permission of the Japanese.

The introduction of troops and of a Japanese civil administration more than nine months after the declaration of July 3, 1920, during which time peace and order had not once been disturbed in these places, and when not the slightest danger threatened the numerous Japanese residents or their interests; the disarmament of the government militia and the support given to the counter-revolutionary criminals; the arbitrary institution of auctions of Russian fishery rights, with the permission given to the (presumably Russian) competitors to ascertain the Japanese rules in the "Japanese language in the consulate," and the landing of fresh troops in Vladivostok—all these facts occurring at the time when the constituent assembly is terminating its work for the final shaping of the young far eastern democratic republic, can not help strengthening in the minds of the population the conviction as to the openly annexionist tendencies of the Japanese Government, which at this time is no longer making use of such pretexts as the "danger menacing the Czecho-Slovaks, Korea, Manchuria," etc.

If the Japanese Government was sincere in its declaration of July 3, 1920, and in reality considered the measures taken by it as temporary "until the organization of a lawful government," this moment for the restitution of their rights to the Russian people and for the return to normal conditions has certainly arrived, now that the Russian Far East is ruled by a body that is invested with all the power of a lawful popular government.

Protesting energetically against all the above-mentioned violations of the sovereign rights of the Russian people, the government of the Far Eastern Republic is again compelled to point out that a persistent continuation of such a policy, which is in contradiction to all the solemn declarations and assurances of the Japanese Government, can not contribute to the strengthening of the friendly relations between the Russian and Japanese peoples.

Not by encroaching upon the sovereign rights of the Russian people, but by sincere and friendly negotiations on mutual needs and interests will it be possible to create that stable and normal situation which is needed not only by the Russian and Japanese populations but also the whole world and which, according to its repeated assurances, is also the aim of the Japanese Government.

B. SKVIRSKY,
Acting Minister of Foreign Affairs.

CHITA, *April 21, 1921.*

APPEAL OF THE CONSTITUENT ASSEMBLY TO THE JAPANESE GOVERNMENT.

To the IMPERIAL JAPANESE GOVERNMENT:

In the early part of August, 1918, the Japanese Imperial Government issued a declaration to the Russian people, in which it was said: "The Government of the United States, recognizing the seriousness of the situation, has lately addressed the Japanese Government, asking it for a prompt dispatch of troops, in order to relieve the position of the Czecho-Slovak forces. In order to meet the wishes of the American Government, and to cooperate with the Allies in this expedition, the Japanese Government has decided to make immediate preparations for the dispatch of the necessary troops. A number of troops will be immediately sent to Vladivostok. Although choosing this course of action the Japanese Government, nevertheless, remains firm in its desire to maintain its friendly relations with Russia and her people, and confirms its declaration of the policy to respect the territorial integrity of Russia and to refrain from interfering in the Russian domestic policy. Furthermore, the Japanese Government declares that after having accomplished the above task it will immediately withdraw its troops from Russian territory." It would appear from this declaration that with the departure of the Czecho-Slovaks the Japanese forces should also have gone. However, in the declaration of the Japanese Government, made on August 13, 1918, only a few days after the solemn declaration of Japan, referred to above, was issued, additional reasons were given to justify the dispatch of Japanese troops; the soviet troops, at the head of which, in accordance with the information which reached Japan, were Austrians and Germans, were a menace to Japan and China. In the declaration of March 31, 1920, at the time when the Czecho-Slovak evacuation had been completed, the new reasons given in the declaration of August 13, 1918, appeared with much greater emphasis. The Czecho-Slovak question became a matter of secondary importance, and the considerations with regard to the alleged menace to Korea and Manchuria, and the fact of Siberia's being close to Japan was brought to the foreground. In this declaration nothing was said definitely about the withdrawal of the Japanese troops after the evacuation of the Czecho-Slovaks. It was stated only that the Japanese troops would be withdrawn from Siberia and Transbaikalia as soon as possible after the evacuation of the Czecho-Slovak forces had been completed. At the same time the occupation of the Russian part of Sakhalin was announced on the ground that there were no legally constituted Russian authorities with whom it was possible to negotiate a settlement of the Nikolayevsk affair. The evacuation of the Japanese troops from the Khabarovsk district was announced on September 18, 1920. In the declaration signed by Gen. Oi, the commander in chief of the Japanese forces in Siberia, it was said: "I want to express my sincere wish for an early union of the Russian Far East, which will secure peace and prosperity to the people and will strengthen the friendly, neighborly relations between the Russian and Japanese peoples." The same wish has been repeated in all the statements and declarations of the Imperial Japanese Government and Japanese command made since August, 1918. The constituent assembly wants to sum up the present situation in the following words:

Russian Sakhalin has been occupied. The Maritime Province, occupied by Japanese troops, no longer resembles Russian territory, for the Japanese command is conducting itself as if the Japanese and not the Russians were the masters of that territory. The Maritime Province, under the control of the Japanese, is the only district in the territory of the Far Eastern Republic where the remnants of the criminal counter-revolutionary bands of Semenov are murdering and robbing the peaceful population. In the Maritime Province the Government of the Far Eastern Republic and the district authorities can not control the affairs of the Russian people; they can not ship food, goods, or cars outside of the area occupied by the Japanese troops. The population of other parts of the Far Eastern Republic is therefore suffering from lack of food and clothing. Trains are searched and even cars in which representatives of the Russian authorities are riding are detained, if the Japanese command thinks fit.

The latest notes sent by the Japanese consul general to the authorities of the Maritime Province with regard to fisheries provoke a sad comparison between the actual facts of life and the Japanese declarations. With great pains does the constituent assembly think of the events of April 4 and 5, 1920, and the numerous innocent victims who fell as the result of the Japanese intervention.

The constituent assembly is constrained to state that the presence of the Japanese troops in Siberia, which aggravated the Russian people, was responsible for those events. The representatives of the people of the Russian Far East solemnly declare that any aggressive designs with regard to Japan, Korea, and Manchuria are foreign to the minds of the Russian people. The people of the Russian Far East wish to establish and strengthen peaceful relations and look forward to the resumption of trade relations to the mutual advantage of the two countries. The constituent assembly states with great regret that even the people of those parts of the Russian Far

East which have been freed from foreign intervention can not go on with their peaceful labor and can not establish permanent order, because the presence of the Japanese troops in Russian territory rouses their suspicion and makes them uncertain of the future. Notwithstanding all the difficulties and obstacles, the Russian Far East has been united in the Far Eastern Republic. The latter has been declared a democratic State, the foundations of which are the principles of civil right, the direct equal and secret ballot, and the inviolability of private property, both of Russian and foreign citizens residing within its territory. The sovereignty in the Republic belongs to the people, who are firmly convinced that the only solid basis for freedom and independence is peaceful neighborly relationship with other countries.

If we recall that the Czecho-Slovak forces have long since evacuated Siberia, then according to the statements made by the Japanese Government there is no reason why Japanese troops should remain longer in the territory of the Far Eastern Republic. The time has come for the Japanese Government to prove that when sending troops to Russia in 1918 it did not intend by taking advantage of the temporary weak position of the Russian people due to the war, the disorder which followed it, and the revolution to seize Russian territory. A great historical moment has come for the Japanese Government to determine for many years, or even hundreds of years to come, the mutual relations between the two great peoples of Russia and Japan. Expressing the will of the whole of the people of the Russian Far East to free the country from foreign intervention, the constituent assembly emphatically insists upon the evacuation of the Japanese expeditionary forces from the entire territory of the Far Eastern Republic. The constituent assembly believes that the withdrawal of the Japanese troops will be an important factor in reestablishing relations between the Japanese and Russian peoples. The proximity of the two countries, the importance of the Russian Far East to Japanese industry, the immense natural resources which await foreign capital for their development, all are a pledge of the future close and peaceful relations which when the past sad memories are gone and the people return to their ordinary occupations shall exist between Japan and the Far Eastern Republic.

The constituent assembly expresses the hope that in the near future the Japanese Government, having desisted from intervention in Russian affairs, will accord recognition to the Far Eastern Republic and enter into formal relations with it.

For the constituent assembly of the Far Eastern Republic.

(Signed) SHILOV, *President.*
(Signed) SUCHOVY, *Secretary.*

APRIL 24, 1921.

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MEMORANDUM OF THE CONSTITUENT ASSEMBLY TO THE AMERICAN GOVERNMENT.

To the GOVERNMENT OF THE UNITED STATES OF AMERICA:

In the official declaration of the American Government, which was received at Vladivostok on August 5, 1918, it was stated that the United States and Japan were the only countries at the time which were in a position to act in Siberia with sufficient forces even to achieve such a modest task as the one the Government of the United States had put before itself. The Government of the United States proposed, therefore, to the Government of Japan that both countries should send a military force of several thousand men to Vladivostok to cooperate in the occupation of the city, with the view of guarding the rear of the Czecho-Slovak troops, who were advancing eastward. The Japanese Government agreed to that proposal. The Government of the United States declared to the Russian people in a most frank and solemn manner that it did not aim at infringement upon the political sovereignty of Russia; that it did not want to interfere in her domestic affairs, even within those limited areas which the American troops might be forced to occupy; and that it had no intention to encroach upon the integrity of Russian territory at that time or in the future; that the American Government aimed exclusively at helping the Russian people in the manner most acceptable to them in their efforts to regain control of their own affairs, their territory, and their destiny. It was understood that the Japanese Government would issue a similar statement.

The declaration of the American Government established the following facts: That the American troops were landed at Vladivostok to assist the Czecho-Slovaks; that the American Government proposed to the Japanese Government to send its troops into Russian territory and that the former is, therefore, responsible for the further stay of the Japanese troops in the territory of the Far Eastern Republic; that the American Government has solemnly guaranteed its noninterference in the Russian affairs and the inviolability of Russian territory.

Under these conditions America invited Japan to cooperate in the matter of assisting the Czecho-Slovaks. At about the same time (in August), the Japanese Government in its official declaration repeated the above statements. Not going into details of the sad history of the intervention, it is enough to say that at the end of 1919 and at the beginning of 1920 the Allies have one after another withdrawn their troops from Siberia. The last transport of American troops left Vladivostok in March, 1920, and soon after that the remainder of the Czecho-Slovak forces left our country. The Japanese troops have not been withdrawn; Japan has brought out pretext after pretext to justify their stay: Japanese interests in eastern Siberia, the possible menace to Korea and Manchuria and the unsafe conditions menacing the life and property of her citizens. Instead of the evacuation of the Japanese troops we witnessed the events of April 4 and 5, 1920, with all the subsequent results, and in July last Japan occupied the Sakhalin district. The Japanese troops were withdrawn from Transbaikalia and the district around Khabarovsk, while the Maritime Province is still occupied by them. The Maritime Province is now the only place where the criminal counter-revolutionary bands of Semenov are murdering and terrorizing the population. There, as in Sakhalin, the people do not feel themselves any longer the masters of their own land. The Japanese activity in the Maritime Province, specially their interference with the railway affairs, forced the members of the interallied technical board to adopt a resolution asking their respective Governments whether it would be expedient to continue their work in view of the interference of the Japanese command.

The American Government made no statement to the Russian people of the Far East at the time of the departure of the American troops. It is therefore not quite clear to the people of the Russian Far East whether the American Government has achieved the purposes for which it sent troops to Siberia. Does the American Government consider that the allied intervention has come to an end? In the declaration of March 14, 1919, with regard to the establishment of the Inter-Allied Technical Board, it was stated that this arrangement for the board would become invalid as soon as the Allied troops should be recalled from Siberia. The fact of the Inter-Allied Technical Board's remaining in Siberia would indicate that the intervention continues with American participation. The representatives of the Russian people in the Far East are compelled by the present circumstances to request of the American Government an explanation of the following:

(1) Does the United States Government adhere to its declaration of August 5, 1918?

(2) If it does, how does the United States Government explain the continuance of the intervention after the evacuation of the Czecho-Slovak troops?

(3) If it does not adhere to that declaration, when will the United States Government declare with the same solemnity that the intervention has ended?

(4) When will the United States Government, which invited the Japanese Government to a military cooperation in the Russian Far East, require a definite end to be put to the intervention which began in 1918 by that invitation?

In spite of the numerous obstacles which have been put and are being put before the people of the Russian Far East in their efforts to unite, they have found strength enough to achieve their aim. By the will of the entire people of the Russian Far East, without distinction of class or nationality, the constituent assembly has now been convoked on the principles of universal suffrage. The constituent assembly has confirmed the independence of the Russian Far East and the formation of a democratic Far Eastern Republic.

The Russian Socialist Federated Soviet Republic has recognized the independence of the democratic Far Eastern Republic, and now the constituent assembly, which represents the people and expresses their will, expects the United States of America to accord recognition to the Far Eastern Republic.

For the constituent assembly of the Far Eastern Republic.

(Signed) SHILOV, *President.*
(Signed) SUCHOVY, *Secretary.*

APRIL, 1921.

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NOTE TO THE JAPANESE MINISTER OF FOREIGN AFFAIRS.

On May 20, 1921, the local Russian authorities in Vladivostok received the order to proceed with a search in one of the houses over which the Japanese flag was flying, and which, according to information received, was the headquarters and arsenal of the White Guards. When the agents of the Government and a detachment of militia approached the house a Japanese officer came out and declared that he would not give his permission for a search; that he had Russian lodgers, but that there were no

weapons there. When the agents of the Government approached the door the door turned out to be barricaded; the door was broken open and in the first few rooms there were discovered 25 people, White Guards, who were hiding there. Here were also found 25 grenades and pyroxylin. The farther rooms were closed and the Japanese categorically refused to admit to them the agents of the Russian administration. By orders of the Russian authorities the public prosecutor was called to the premises where the search was being made and an official report was drawn up in his presence. At the same time there arrived on the scene a Japanese interpreter, whose conduct was extremely rude and who committed an assault upon the agent of the political State police. A colonel of the Japanese gendarmerie also arrived at the place under search, and he also categorically opposed any search in the closed rooms. The negotiations with the Japanese command lasted from 5 p. m. until late at night, but they did not bring about any results. The Japanese command refused to give the representatives of the Russian administration permission to proceed with the search; it also rejected the proposal to place seals on the closed doors and to place Russian guards in front of them. At 10.30 p. m., the negotiations having as yet led to no results, the Russian authorities informed the Japanese that they would take away the exterior guard, leaving all the responsibility with the Japanese command. On the morning of the following day the command of the Japanese gendarmerie invited the agents of the Russian administration to take part in the search to be made in the house in which such action had not been permitted on the previous day. The Russian authorities answered with a refusal, declaring that they themselves were undertaking searches and arrests of persons who were suspected of criminal doings. In the evening the Japanese command informed the Russian authorities that in the house in which the day before they had discovered the White Guards, as well as 20 grenades and pyroxylin, and where after the intervention of the Japanese gendarmerie the search had been abandoned, the Japanese, in a search effected the following day in the morning, found in the room of a Japanese citizen, who was the owner of the apartment, two machine guns, 20 rifles, and a certain number of cartridges.

On May 21, at 10.40, the detachment of national defense, the escort of the commander of the troops and his general staff, were surrounded by Japanese troops, who demanded that the detachments should be drawn up so that the number of men and weapons might be checked up. The entire staff of the military commander, as well as the division of the people's defense and the escort of the commander were arrested and freed only after several hours.

The Government of the Far Eastern Republic, through the ministry of foreign affairs, has repeatedly addressed the Japanese Government, and called its attention to the connection between the Japanese command and the Russian criminal elements, a connection which was compromising the Japanese Government and the Japanese people. The Japanese authorities denied the statements of the Russian authorities, attributing these statements to the insincerity of the Government of the Far Eastern Republic. The occurrence which we refer to at present not only can not be denied in any way but has been even confirmed by the Japanese command. The house over which the Japanese flag was flying was used as a hiding place for criminal elements, who had there organized a conspiracy against the people's government, and who had there a depot for their weapons. The Japanese military command by its actions has made it clear to the population of the Far East that it aids and abets these criminals. Such conduct on the part of the Japanese military command, which has presumed, on foreign territory, not only to support criminal elements by concealing them behind the Japanese flag, but even to arrest the staff of the military commander and to disarm Russian forces struggling against the criminal elements in the name of order and safety of person and property, will hardly aid in strengthening the friendly relations between the Japanese and Russian peoples.

The Government of the Far Eastern Republic, as well as the population of the Far Eastern Republic, do not consider the Japanese people responsible for the activities of their command, but they are compelled to declare, as they had already declared many times, that such activities of the Japanese command should be stopped.

The Government of the Far Eastern Republic hereby vigorously protests against such interference of the Japanese command with internal Russian affairs, against the indignities to which Russian authorities have been subjected, and the obvious support and assistance extended to the White Guard criminals.

The Government of the Far Eastern Republic hopes that this time the Japanese Government will immediately take all the necessary steps to bring about the cessation of such a policy of the Japanese command on the territory of the Far Eastern Republic.

B. SKVIRSKY,
Acting Minister of Foreign Affairs.

CHITA, *May 23, 1921.*

PROTEST TO THE JAPANESE DIPLOMATIC MISSION AGAINST THE INTERRUPTION OF TELEGRAPHIC COMMUNICATION.

For three days, May 25, 26, and 27, according to the reports of local authorities, telegraphic communications between Khabarovsk and Vladivostok have been interrupted for the representatives of the Russian authorities, while Japanese telegrams, in code as well as otherwise, addressed to the Japanese mission in Khabarovsk are regularly arriving from Vladivostok.

This latter fact definitely confirms the opinion that the telegraph is in the hands of the Japanese command, which is thus responsible for the fact that the agents of the Government of the Far Eastern Republic are unable to communicate with each other.

Taking into consideration the circumstance that the Government of the Far Eastern Republic never prevented the Japanese command from using the telegraph lines of the Republic for its needs and that, consequently, the exclusive use of these lines by the Japanese command, which is temporarily stationed on the territory of a foreign Government, can not be explained otherwise than as a conscious attempt to break the elementary requirements of international law, the Government of the Far Eastern Republic expresses its vigorous protest against this procedure, and categorically insists upon the immediate reestablishment of normal conditions on the telegraph lines, which means that they must be primarily at the full and unconditional disposal of the lawful authorities of the Far Eastern Republic.

B. SKVIRSKY,
Acting Minister of Foreign Affairs.

CHITA, *May 27, 1921.*

NOTE TO THE JAPANESE GOVERNMENT.

On May 21, 1921, the officers of the Russian militia at Vladivostok discovered a band of criminals who had arms stored in the house of a Japanese citizen. The militia officers were unable to arrest that band in view of the forcible and willful interference of the Japanese gendarmerie. The Russian militia had at that time been reliably informed of an antigovernment uprising being organized at Vladivostok. The Japanese command, which was aware of these preparations, not only did not prevent the illegal arming of the criminal elements implicated in the preparations, but, on the contrary, on May 26 the day of the uprising, surrounded the militia and the people's defense guard and required them to surrender their arms, while no measures have been taken against the outlaw bands. Nor did the Japanese command prevent the occupation of the Government establishments by the agents of Semenov, who were set free by the Japanese command. In short, the conduct of the Japanese command at this time has not been different from its conduct on March 30, 1921, when an attempt at a coup in Vladivostok was made.

Elected by a constituent assembly, the Government of the Far Eastern Republic, fulfilling the will of the people, has tried to restore order over the entire territory of the Russian Far East, and to establish friendly relations with all other nations. The Government has adopted every measure to liquidate as early as possible the results of the disorder inherited by it from the bandits of Semenov, who have been condemned by the entire civilized world. Rising against the atrocities of the bands of the Atamans, the population of Transbaikalia, which has experienced all the horrors of Semenov's brutality, armed themselves with home-made spears and scythes and expelled Semenov and his bandits.

The difficult financial and economic position which the people of the Far Eastern Republic are now facing, demands first of all peace both among themselves and with their neighbors, and incessant work of all classes of the population. Acting in accord with the will of the people, the Government of the Far Eastern Republic has first of all tried to bring to an end the civil war. The constituent assembly at Chita, elected on the principles of universal, equal, direct, and secret ballot, has by its energetic work established the fundamental laws of the young Republic, in which the principles of the broadest democracy are expressed, and the Government of the Far Eastern Republic would have been peacefully guided in the matter of democratic reconstruction if it had not been for the constant interference of the Japanese command, which enabled the fleeing bands to take refuge in Chinese territory. The Japanese command has also

taken under its protection the bands of Semenov at Grodekovo, and has taken no steps to prevent the flogging of peaceful citizens by the bands or the committing of other forms of violence against the population. At the same time the Japanese command has hindered the work of the people's assembly of the Maritime Province in the matter of dispersing the above band. It is unnecessary to explain and to prove how unfriendly and harmful is such behavior on the part of the Japanese command to the people of the Russian Far East. It is now well known to everybody, as I have been informed by one of the members of the American mission now in Chita, that disorder in the Far Eastern Republic is evident only where there are Japanese troops, and where there are no Japanese troops one feels as safe as in America.

How much the Japanese command is trying to maintain order in the Maritime Province can be judged from the fact that, acting in the above manner, the Japanese command has itself violated the agreement of April 29, 1920—which it forced upon the former Vladivostok Government—in spite of the repeated statements that it is strictly observing this agreement. The Government of the Far Eastern Republic wishes to know by what clause of the agreement of April 29, 1920, the Japanese command has the right to disarm the Russian militia of the Maritime Province.

The Government of the Far Eastern Republic can only explain this by an utter confusion on the part of the Japanese command at the moment when the bands which are under its protection tried to commit violence upon the peaceful population and plunder the national property of the Far Eastern Republic. The Government of the Far Eastern Republic explains this by the confusion of the Japanese command, for it can not here admit an evil design, as such would be a crime and would stigmatize the Japanese Government.

Is the Japanese Government unable authoritatively to put an end to such conduct of the Japanese command in the Maritime Province?

Is it the intention of the Japanese Government to tolerate a further complicity of its command with the criminal elements?

The Government of the Far Eastern Republic will be forced to hold the Japanese Government responsible for the conduct of the Japanese command, for it does not believe that the orders of the Imperial Government are ignored by the Japanese command, nor can it admit that the latter is a power independent of the Government.

The Government of the Far Eastern Republic sincerely wishes to establish its relations with the Japanese people, not on the basis of the old wrongs committed by the Japanese troops against the Russian people during the intervention, but on the reciprocal readiness of the two countries to establish friendly neighborly relations, based on perfect equality and mutual respect for the rights of each country. Let the Japanese Government make an honest and frank statement before the whole world of its claims in the Russian Far East, as honest and frank as the statement of the people of the Far Eastern Republic of their desire for peace at home and with their neighbors and for the cessation of military intervention.

The Government and the people of the Far Eastern Republic are not only not attempting to evade those questions, but, on the contrary, are trying to bring about an early settlement of them, and they are not to be blamed if the Japanese Government and the Japanese command will not choose the open road. And if uprisings recur and blood is shed let the whole world know that the Japanese command is instigating them by every possible means, and that the Japanese Government is not preventing such activities on the part of the command.

On behalf of the people of the Russian Far East we demand that Japan cease interference with our affairs. The Government of the Far Eastern Republic, on behalf of the entire people of the Russian Far East who elected it, requests from the Japanese people and the Imperial Government of Japan a straightforward and definite answer to each of the following questions:

1. Do the Japanese Government and the Japanese people consider just the constant interference of the Japanese command in Russian affairs against the will of the Russian people of the Far East?

2. Will the Japanese Government continue to help the criminals and the brigands of the bands of Semenov, Ungern, etc., and put obstacles in the way of the authorities of the Far Eastern Republic in their struggle against these bandits?

3. Does the Japanese Government consider it necessary to establish friendly neighborly relations with the Government of the Far Eastern Republic?

4. Does the Japanese Government consider it necessary to protect the interests of the Japanese merchants in the territory of the Far Eastern Republic in the only possible way, namely, to enter into a commercial treaty with the Government of the Far Eastern Republic?

5. Does the Japanese Government intend to withdraw from the territory of the Far Eastern Republic its army of occupation, the presence of which in Russian territory, as has been sufficiently proved during the last three years, has in no way helped to establish friendly relations nor to secure any privileges for Japanese residents, but on the contrary has been the source of a growing hatred toward Japan?

We hope, for the sake of a better understanding between the two peoples, that the Japanese Government will not delay to give straightforward and definite answers to all these questions.

We believe that the Japanese Government will choose a more righteous course in its relations with the Russian people. We firmly believe that a definite end will be put to the shameful policy of usurpation and violence and that the Japanese Government will enter into just, sincere, and friendly relations with the Russian people. The Government of the Far Eastern Republic is convinced that such a settlement of the matter will be to the benefit of the Japanese people. While welcoming the friendly settlement of all outstanding matters, the Government of the Far Eastern Republic demands:

1. A definite statement of the Japanese Government and the Japanese command that it will refrain from supporting the self-styled government of Merkulov at Vladivostok. The Government of the Far Eastern Republic is convinced that this adventure is doomed to failure.

2. The Japanese command shall immediately return all arms to the people's defense guard.

3. The Japanese command shall not prevent the Government officials from making arrests and taking other necessary measures to restore order.

4. The Japanese command shall not put any obstacles in the way of the local authorities of the Far Eastern Republic nor of the district emissary of the Government, Mr. Koshevnikov, the assistant minister of foreign affairs, who has been ordered to proceed to Vladivostok, in restoring order and protecting the lives of the foreign citizens residing in the territory of the Far Eastern Republic.

The Government of the Far Eastern Republic solemnly declares that if the Japanese command does not interfere with the domestic affairs of the Republic, foreigners in the Maritime Province will enjoy absolute safety and the same hospitality as has been accorded them in the territory which has already been freed from the yoke of the intervention.

The Government of the Far Eastern Republic, which has been elected by the constituent assembly on behalf of the entire population of the Russian Far East, solemnly declares that no adventures similar to that which occurred at Vladivostok will force the Government to forego its efforts to carry into effect the will of the people as expressed in the fundamental laws of the Republic enacted by the constituent assembly.

The Government will suppress all bandits from whatever quarter they may come and will defend the sovereign rights of the Russian people in the Far East, hoping to have the support of the entire civilized world.

And if the Japanese Government fails to give a straightforward and definite answer to the questions proposed by the people of the Russian Far East, and if it refuses to comply with the lawful demands of the Russian people, the people of the Far East and their Government will not share the responsibility for continuation of the civil war and for the lack of order in the Maritime Province, placing the responsibility upon the Japanese command because of its constant interference with the domestic affairs of the Far Eastern Republic, and the Government and the people of Japan will be held accountable before the entire civilized world.

We are firmly convinced that the Japanese Government will immediately discuss the abnormal conditions with the Government of the Far Eastern Republic and will in cooperating with it arrive at a decision satisfactory to both.

IGNATIUS L. YURIN,
Minister of Foreign Affairs of the Far Eastern Republic.

CHITA, *June 3, 1921.*

A NOTE OF THE FAR EASTERN REPUBLIC TO JAPAN.

On November 17 the delegation of the Far Eastern Republic in Dairen submitted the following note of the minister of foreign affairs of the Far Eastern Republic to be delivered to the minister of foreign affairs of Japan with regard to the events in the Maritime Province:

The Government of the Far Eastern Republic, notwithstanding the presence of Japanese occupational troops on the territory of the Far Eastern Republic, decided to start negotiations

with the Japanese Government in order to establish friendly relations between the Far Eastern Republic and Japan and to create the possibility of a peaceful industrial and commercial intercourse between the populations of the two countries. By so doing the Government of the Far Eastern Republic assumed that the development of the agricultural life of the population of the Far Eastern Republic will have a favorable effect upon the interests of Japanese trade and industry.

In beginning negotiations in Dairen with the representatives of the Japanese Government, the representatives of the Far Eastern Republic were well aware of the fact that the fundamental obstacle to the attainment of a peaceful intercourse between both countries is the presence of Japanese troops in the Maritime Province and in other parts of the territory of the Far Eastern Republic, as well as the presence in these regions of Russian organizations and armed detachments which are hostile to the Far Eastern Republic and which are constantly receiving support on the part of the Japanese command. The Government of the Far Eastern Republic was convinced that simultaneously with the opening of negotiations between Japan and the Far Eastern Republic in Dairen the Japanese Government will begin the evacuation of its troops from the confines of the Far Eastern Republic and that it will take the necessary steps to prevent the organizations and detachments that are hostile to the Far Eastern Republic from being supported by Japanese troops and their command.

The representatives of the Japanese Government, in the course of the negotiations, declared to the representatives of the Far Eastern Republic that no support would be given in the future by the Japanese military detachments and by the Japanese authorities to the aforesaid insurgent organizations and detachments; but, nevertheless, the Government of the Far Eastern Republic is compelled to state with the greatest regret that this announcement of the representatives of the Japanese Government was not actually put into effect. The Government of the Far Eastern Republic has received quite a number of reports pointing out that at the time when the deliberations on friendly relations and peaceful trade were going on between the representatives of the Far Eastern Republic and Japan, the insurgent organizations in the region where the Japanese troops were stationed continued to avail themselves in their struggle against the Far Eastern Republic of the indirect support of Japanese detachments and of the Japanese authorities.

Already in the middle of September the military authorities delivered weapons to the insurgent White Guard detachments, and in every one of these detachments, during their attacks against the Far Eastern Republic or their punitive expeditions against the local population, there was invariably a number, larger or smaller, of Japanese soldiers taking part, the Japanese sometimes exceeding the number of the Russian White Guards.

Thus, for instance, the attack against the military post of the army of the Far Eastern Republic in the village of Vassianovka, on November 15, was accomplished by 35 soldiers, of whom 33 were Japanese and 2 were Russians, dressed in Japanese uniforms. On November 16, in the region of Vladimiro-Alexandrovsk and Suchan, there occurred a joint advance of Japanese soldiers and Russian insurgents. In addition to such cases of direct support granted by the Japanese authorities to organizations and military detachments that were hostile to the Far Eastern Republic, there were also cases of indirect help. The organization of Russian reactionaries calling itself the Merkulov Government still goes on with the selling out of State and private property of the Far Eastern Republic which they criminally seized in Vladivostok and the surrounding district, and the transactions involved in the sales of these properties, which are concluded with Japanese firms, are indorsed by the Japanese authorities.

The population of the Maritime Province, aroused by these activities of the counter-revolutionary organizations and detachments, is trying to defend its life and property with its own forces. This self-defense, which takes the form of a partisan warfare, often leads to the destruction of the property of the Far Eastern Republic in the Maritime Province, and to armed clashes in this region. In the course of the last month the brutal outrages of the Russian counter-revolutionary organizations acting in the region where the Japanese troops are stationed have reached their height. In Vladivostok and in the surroundings arrests are proceeding of peaceful inhabitants who are not guilty of any crime. The persons arrested are subjected to torments and tortures and are shot by the score without any investigation or legal proceedings. In the month of October occurred the brutal murder of Zeitlin, the representative of the Far Eastern Republic, who was ordered by the Government to go to Vladivostok in order to put a stop to the acts of lawlessness and destruction which were prevalent there. The responsibility for all these lawless acts and atrocities lies not only with the counter-revolutionary organizations of the Vladivostok region, which in their endeavors to put obstacles in the way of the lawful authorities of the Far Eastern Republic do not stop at the most-unheard-of acts of brutality and atrocity. Indirectly the responsibility for them rests with the Japanese military command, and also with the Japanese Government, which, by continuing to keep its troops in this territory, by giving help and support to the counter-revolutionary organizations and detachments on this territory, enables them to commit with impunity all manner of offenses against the Russian population.

In calling attention to the aforesaid facts the Government of the Far Eastern Republic again protests against the acts of violence perpetrated upon the citizens of the Maritime Province, and emphasizes that only then will it be possible to put a stop to these acts of violence and to restore order in the southern part of the Maritime Province when the Japanese military command will cease, directly or indirectly, to support the activities of the Russian counter-revolutionary detachments and organizations, and when the Japanese troops will be withdrawn from the territory of the Far Eastern Republic.

The Government of the Far Eastern Republic believes that the negotiations which are going on in Dairen between the Far Eastern Republic and Japan may be brought to a successful conclusion, and that both negotiating parties may conclude an agreement on peaceful economic relations, if only the Japanese troops are withdrawn from the territory of the Far Eastern Republic, which would be a proof of the sincere intentions of the Japanese Government toward the Far Eastern Republic.

NOVEMBER 17, 1921.

PROTEST OF THE NATIONAL ASSEMBLY AGAINST THE ACTIVITIES OF THE JAPANESE.

The national assembly addressed the following appeal to all nations protesting against the Japanese support of Merkulov, Semenov, and Kappel in their recent offensive in the Maritime Province:

The national assembly, which was selected by the entire population of the Russian Far East and which is vested with full power, is compelled once more to lodge a decisive protest against Japanese aggression in the Far East. The aggression has aroused the extreme indignation of the national assembly.

It is now the fourth year that foreign troops have invaded the Russian Far East. The Japanese sword is suppressing the will of the Russian people. We, the elected representatives of the Russian Far East from the Maritime, Sakhalin, Priamur, Amur, Transbaikal, and Pribaikal Provinces, remember very well all stages of the Japanese intervention; all the atrocities committed by the Japanese against the Russian people in the Far East. All the members of the national assembly are ready to testify to the Japanese endeavors to strengthen and continue their intervention by falsehoods, deceits, and atrocities. The Japanese are aiming to seize our territory and turn it into a Japanese colony. We also have in our possession a great number of documents regarding the Japanese schemes to seize our territory.

Japanese troops continue to pour into Vladivostok. Japan controls the entire Russian Pacific coast. The attack against the Japanese troops in Nikolayevsk in 1920 was the result of Japanese provocation. The Japanese are building fortifications, digging trenches, and putting up barbed wire on Russian territory. Russian rivers have been mined by the Japanese. The mouth of the Amur River has been closed to Russian ships and made a base for attacks upon us. In order to extend their occupation, the Japanese have seized Sakhalin and are exercising all the civil and military authority there. They are disposing of forestry, fishing, and mining resources. Russians are prohibited from entering Sakhalin without Japanese permission. Russians are arrested on suspicion of having relations with the legal Russian Government.

By prolonging civil war the Japanese create conditions warranting the continuation of intervention; by ruining the economic life of the Russian Far East they aim to spread their own influence.

The Maritime Provincial Assembly, which was elected by the entire population of the Province, was endeavoring to establish a democratic rule through a constituent assembly, devising means for the unification and pacification of the country, but the Japanese continue their attempts by assisting reactionaries in the coup d'état in Vladivostok and along the Ussuri Railroad.

Contrary to the agreement of April 29, which provided that no armed forces be permitted in the Japanese zone, the Japanese have been allowing and aiding in organizing and maintaining antigovernment forces. This paralyzed the efforts of

the Government to restore normal life and frustrated all attempts to eliminate the marauding bands.

On May 29 the Russian militia which was dispatched to Nikolsk-Ussurisk was disarmed by the Japanese, who allowed the town to be captured by the Semenovists. The Japanese prevented the search for arms in the house of a Japanese subject on Komarovsky Street and arrested all our armed detachments and the commanding staff. During the coup d'état of May 26 the Japanese disarmed and arrested the Government troops who were resisting the Merkulov rebels.

The seizure of the Maritime Province and the introduction of the rule of Semenov proved that Japan's aggression in the Russian Far East is not objected to by other powers.

At the Dairen conference between Japan and the Far Eastern Republic the Japanese tried to obtain the consent of the Far Eastern Republic that Japanese troops should remain in Siberia, that fortifications of Russian cities be destroyed, and that the Japanese should obtain all concessions in the territory along the Tartar Straits—all of which means loss of Russian sovereignty and dependence on Japan economically and politically. Failing in this, the Japanese rendered assistance to Merkulov in launching an attack for which the Japanese supplied munitions; and the entire responsibility for this attack rests with the Japanese.

The Russian people of the Far East repeatedly protested to the whole world against the Japanese atrocities. We protest against discussion by the Washington conference of questions in which we are vitally interested without our participation. We strongly protest against the continued presence of Japanese troops on Russian territory, which is an encroachment upon our sovereignty and independence.

(Signed) SUCHOVY, *Chairman.*
BORODOVKIN,
DUMKIN,
SAYAPIN,
FEDOROV,
MER,
LOBODA,
YAKIMOV,
ANZIFEROV,
SHERTGOV,
NIKIFOROV,
LUKYANCHIKOV,
DOMBINO, *Members.*

CHITA, *December 9, 1921.*

CONSIDERATION OF APPROPRIATION BILLS.

Mr. LODGE. Mr. President, unless some Senator desires to discuss the treaty further, I move that the Senate return to legislative session with a view of disposing of the proposed rule, the unfinished business.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed legislative business.

Mr. HEFLIN obtained the floor.

Mr. WARREN. Mr. President, I think the Chair understands that the unfinished business was laid before the Senate, and is now the pending proposition.

The PRESIDING OFFICER. The Senator from Alabama was recognized.

Mr. HEFLIN. I shall occupy the floor for only a very few minutes, Mr. President.

Mr. LODGE. Mr. President, I rise to a question of order, so that there may be no misunderstanding.

The PRESIDING OFFICER. The Senator will state it.

Mr. LODGE. Under the terms of the legislative session the unfinished business, of course, is before the Senate, because yesterday we took a recess and not an adjournment.

The PRESIDING OFFICER. The Chair understands that the unfinished business would automatically come before the Senate.

Mr. WARREN. I do not understand that the Senator wishes to address himself to the rule.

Mr. HEFLIN. I desire to address myself to another subject for about 10 minutes.

The PRESIDING OFFICER. The Chair understands that the unfinished business, Senate resolution 213, is now before the Senate.

The Senate resumed the consideration of the resolution (S. Res. 213) to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. HEFLIN. Mr. President, I appreciate very much the compliment paid to the southerners on this side of the Chamber by the distinguished Senator from Maryland [Mr. FRANCE]. I recall what a distinguished journalist of New York once said upon this subject. He said:

> These southerners possess a keen sense of civic responsibility. They bestow a personal and unremitting attention upon public affairs. The citizen thinks of his citizenship first.

Mr. President, that is a glorious tribute to pay to any people. That is not only true of the southern people; it is true of a great many people in other sections of our great country. There are, however, a few spots in the country where an effort is being made to stifle the truth, to suppress free speech, and to subsidize the press. The manipulation of the currency and credits of the country is being undertaken to the serious hurt and injury of free institutions.

I hold in my hand a telegram from Richard Edmonds, the editor of the Manufacturers' Record, which I send to the desk and ask to have read in my time.

The PRESIDING OFFICER. Without objection, the Secretary will read the telegram.

The Assistant Secretary read as follows:

> Regarding distribution by reserve banks of Senator GLASS's speech, please advise them I have received copy from New York Federal Reserve Bank and other Federal reserve banks of that speech, printed in pamphlet form, the cover page bearing title "Truth about the Federal reserve system," with three paragraphs strongly commending the system, and beneath them begins the announcement that it is the speech of Senator GLASS.
>
> I think, therefore, this speech is being widely distributed by every Federal reserve bank, and the number of letters received causes me to believe that special efforts are being made through distribution of this speech to induce people to criticise everybody who has criticised Federal reserve management.
>
> The Federal Reserve Bank of Richmond has printed and is distributing recent memorial to President Harding of Federal advisory council, in which criticism of Federal reserve system was said to be "incited by the willful misstatements of unscrupulous or ambitious demagogues."
>
> If the Federal reserve system can out of its vast accumulations carry on this kind of propaganda uninterruptedly, it could practically defeat any congressional or senatorial candidates and ultimately subvert the Government itself.

Mr. HEFLIN. Mr. President, that telegram comes from a man of unimpeachable integrity, from a man who has devoted the best talents that he possesses—and he is a wonderfully brilliant man—to the welfare of his country.

I have had pending in the Senate now for nearly 10 days a resolution to investigate the Federal Reserve Bank of Atlanta in connection with the sending out of the speech of the Senator from Virginia [Mr. GLASS], referred to by Mr. Edmonds, accompanied by a letter which calls upon the banker to whom that speech was sent to give his impression about that system and about its administration before he read that speech, and then, as I said on yesterday, to give his impression about it after he had read the speech, and inviting him to comment; in other words, "write us just what you think about this situation." I have called the attention of the Senate and of the country, and I expect to continue to do so, in behalf of the American people—whose Government, I repeat, this is—to what is going on by the permission of the Republican Party in power, with a Republican Senate sitting here with 24 majority, and a House with 169 majority, and a President in the White House, and a board subject to be disposed of any day he sees fit, a Federal institution, a bank, one of the 12 banks of the greatest financial system ever inaugurated in any Government in the world, participating in politics, carrying on a political propaganda, writing letters to banks that are dependent upon that bank for accommodations in currency and credits to carry on their business. These banks, Mr. President, are being coerced, or the effort is being made to coerce them, to intimidate or influence them. They do not send out this speech and let the man who receives it read it and throw it in the wastebasket or do what he pleases with it, but they are calling on him for an expression of opinion. They are on the side of Mr. GLASS. They are distributing his speech. They hold the purse strings to the money supply of all those States. These banks must go to them to get their money supply in order to furnish it to the merchants this year and the farmers this year to make a crop in Alabama, Georgia, Louisiana, and other States supplied by that bank.

Here is that bank seeking to stifle a United States Senator who has dared to stand up and denounce their deflation policy and to call attention to the ruin it has wrought in this country.

That is not all, Mr. President. That Federal Reserve Board, in my judgment, has one or more hired agents in this Capitol to represent it through some of the newspapers of this country. I have read articles which led me to believe that, and I do believe it. I have read articles which have gone out from Washington attacking my position which I feel sure were inspired.

I want to read a line from a letter I received from a gentleman down in my section. He says:

> The newspapers are writing editorials jumping on you, and one or both of them published excerpts from the speech of Senator GLASS. These papers, in my opinion, were told by somebody connected with the Atlanta bank, or other connection with the Federal Reserve Board, to publish what appeared in those papers. Evidently that bank crowd are

trying to harm you all they can. They seem to feel that they are greater than the power that created them, and resent any attempt at regulating or supervising or criticism of the board's management, even by Congress itself.

What did Mr. Edmunds say in that telegram, Mr. President? He said that if they are permitted to do this, they can defeat Members of the House and defeat Members of the Senate who dare, in behalf of the Government itself, in behalf of the American people, to criticize their cruel and criminal conduct. He said not only that, but that they can subvert the Government itself.

Mr. President, we have long known that the uncontrolled and unbridled participation in politics of the money power is a dangerous thing in a free country, and we see here an effort made to cloak this bank, a refusal to investigate it, to condemn its conduct, to remove its officials if they have been guilty of conduct against the best interests of the country.

Senators on the other side have the power. They can permit this investigation or not; but I intend to bring to the attention of the Senate each day the facts concerning this matter. It is too vital and too important not to do that. Later on I shall ask for an investigation of the publicity fund at the disposal of the Federal Reserve Board. It was charged by the president of the American Cotton Association, in his testimony before the investigating committee of the House and Senate, before which Gov. Harding appeared, that there was a publicity fund, and he wanted an investigation made so as to find out, under oath, to whom these Federal reserve members have paid money, and to what papers that money has gone. That is a very important matter.

It does happen that in two towns where there are Federal reserve banks editorials have appeared in papers attacking my position on the deflation policy of the Federal Reserve Board. Why is that? The local Federal reserve bank has reached out and touched the influence near by and said, "You ought to condemn HEFLIN's position," and editorials are being published attacking my position, but my position is correct. I am right. In a speech which I had printed in the RECORD yesterday I set out facts taken from the record, many of them furnished me by John Skelton Williams, former Comptroller of the Currency, showing that this board's deflation policy was a deadly and a murderous one. I do not blame them for trying to escape now, to whitewash the situation, and say they were not responsible, deny that they were the ones who inspired that deflation policy; but I would be a coward, knowing the truth as I do, if I should fail to bring it to the attention of the Congress and the country.

I am undertaking to do that, and every effort is being made to suppress the truth. We hear talk about free speech and a free press. They have bought a good portion of the press. Day after day things transpire in this Chamber which we never see a line of in the big daily papers.

I received a letter from a distinguished citizen in New York in which he said:

I see where you charged upon the floor of the Senate that a bank operating under Government authority was distributing a speech of one Senator assailing another and that they were writing out letters with it.

He said, further:

This is a very grave thing, and I went and looked through the papers of New York and I never found a line about it in one of them.

He said, "Something is wrong. They are trying to control the press, too."

Mr. President, if any banking power can manipulate the press and keep the truth from going to the country and if they can criticize a Member of this body or of the other body and frighten Senators and Representatives away from their duty by the power which they possess, and by a threat of their active participation in politics, what chance is there for those who want to fight these things?

As long as I am a Senator in this body I shall fight for this country being kept true to the course which the fathers intended it should follow. I do not intend to fold my arms and surrender while I am trusted by the great people who commissioned me to come here. I do not care that some of the newspapers do not publish what I say. They are not bothering me personally. It is ten thousand times easier for me to sit down and do nothing and be quiet, as far as my personal comfort is concerned. I am fighting a battle. I am condemning a wrong. I am doing my duty as an American patriot. I am trying to serve my country, and when they keep this news out of the papers, they are yielding to a power which will crush their offspring in the years to come. That is what they are guilty of doing.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I yield.

Mr. FRANCE. I personally am very deeply interested in the discussion of the Senator. I only regret that more are not here to hear his discussion of this most important question. I would say that I voted with the Senator as to the reference of his resolution, and I feel that his position is very sound.

Mr. HEFLIN. I remember the Senator voted that way, and I appreciate the Senator's vote.

Mr. FRANCE. I was going to suggest that as we have a small attendance here, it might be desirable to have a quorum.

Mr. HEFLIN. I would rather the Senator would not make a point of no quorum, because I shall finish in a moment.

Mr. FRANCE. I was about to suggest to the Senator that I hope he will pursue this discussion, because I realize it is a very large subject, and I hope he will take it up to-morrow or Monday and give us a statement of all the facts in connection with it. I think a number of Senators desire to take up this question of the new rules. I do not wish to be put in the position of seeming to desire to interrupt the Senator, but it had occurred to me that if this rule is disposed of, then it might be possible to get a quorum of Senators here to hear this very important discussion by the eloquent Senator, who has brought forward what I consider to be one of the great issues now before the country.

Mr. HEFLIN. There is no doubt about that, let me say to the Senator. A Member of this body came to me day before yesterday and said, "The highbrows are trying to stifle you and to shut your mouth; but the people back in my State are writing me that you are right, and that I ought to back you up."

Mr. President, I want to assure my friend from Maryland that there is no doubt about my keeping up the fight, if God gives me the strength to battle. I said here a few days ago that Mr. William Boyce Thompson, treasurer of the Republican National Committee in 1920, borrowed $5,000,000 from the Federal reserve bank in New York, and that he was a trustee, I believe, of that bank. The papers just grabbed it up and said that he denied it, and that I should not have made the statement. I send a statement to the Secretary's desk and ask to have it read, beginning with the words "I have not seen."

Mr. FRANCE. I desire to ask the Senator if he will not permit it all to be read?

Mr. HEFLIN. I just want that part of it read, because the other does not pertain to the issue. It is a statement published a day or two ago in the Baltimore Sun.

The PRESIDING OFFICER. The Secretary will read.

The Assistant Secretary read as follows:

I have not seen and did not hear Senator HEFLIN's speech in the Senate to which you refer, but I think it extremely probable that the foundation for such statement he may have made on this subject and which, apparently, has been misinterpreted or distorted in the press, was the transaction or transactions referred to by me in an article on the "Administration of the Federal reserve system," printed in Commerce and Finance of New York, September 21, 1921, in which I said plainly:

"Not only were the funds of the Federal reserve system extensively loaned to banks whose executive officers and directors were big borrowers, but the records show that one of the banks borrowing most heavily from its reserve bank was lending last autumn to a certain large borrower, who at that very time was also a director of the Federal Reserve Bank of New York, over $5,000,000 (including a dummy loan of over $3,000,000)—mostly on highly speculative securities, while farmers and the "country" banks were over them begging for relief and enduring ruinous losses because of the credit restrictions of the reserve system."

I stand by the absolute accuracy of that statement, and if Col. Thompson or any responsible official of the Federal reserve bank, or any other responsible person, undertakes to deny it, I am prepared to prove it.

Mr. HEFLIN. That statement is from John Skelton Williams. Let the Secretary continue.

The Assistant Secretary continued the reading, as follows:

That statement was substantially repeated in my letter to Senator OVERMAN of December 2, 1921, printed in the CONGRESSIONAL RECORD. In that letter I also said:

"And the records show that a bank in which the Federal Reserve Bank of New York was loaning at one time about $100,000,000 was furnishing funds with which to engineer a notorious "corner" on the New York Stock Exchange, in which corner the president and two vice presidents of the bank which was enjoying these huge accommodations from the New York Reserve Bank were largely interested financially."

These charges were made openly and specifically, and they referred to abuses which, in my opinion, can not be excused or justified. Commenting upon them in my letter to Senator OVERMAN, I said, very frankly:

"Such evils as these can best be cured, or their recurrence prevented, by the sunlight of publicity rather than the Lethean ointment of secrecy and oblivion."

I also commend to your consideration the following statement, which you will find in my letter to Senator OVERMAN, above referred to:

"I ask attention to the important fact that not a single one of the many serious criticisms and charges which it has been my unpleasant

duty in behalf of our Federal reserve system and in the public interest to make against the administration of the reserve system has ever been refuted. They stand unshaken and unshakable.

The country is indebted to Senator HEFLIN for the courage and force with which he has exposed and combated the mismanagement of our Federal reserve system. His criticisms and mine have been directed not against the system itself, which both Senator HEFLIN and myself regard as probably the most important and constructive piece of financial legislation enacted in a hundred years, but against the maladministration of that system by men who have signally failed to live up to their great responsibilities.

Your editorial to which I have referred does an injustice both to Senator HEFLIN and myself, and I trust that you will publish this letter in your columns.

JOHN SKELTON WILLIAMS.

RICHMOND, VA., *February 18.*

Mr. HEFLIN. Mr. President, I had that statement read from this great Virginian because the day that I made the speech what I said was misrepresented or misunderstood and misinterpreted by those who sent it out from the Capital. The newspapers did not wait to consult me or ask me exactly what it was that I said upon the subject, but seized upon the statement and reported to Mr. Thompson that I had said he borrowed $5,000,000 from the Federal reserve bank. Of course, an individual can not borrow from a Federal reserve bank. He borrowed the money through a member bank. He was a director, as I stated my understanding was, in both, and that two or three million dollars of that amount was borrowed on a dummy note. John Skelton Williams sets out that the statement is correct, and he challenges Mr. Thompson or anybody else who denies it, and offers to produce the proof.

I bring that to the attention of the Senate and the country to show how eager are those who want to stop this discussion, who want the truth kept away from the public in order that some other time this feast may be had again, that the American people may be pillaged and plundered again and again without ever knowing who it is that smites them down and robs them.

Mr. President, I have said frequently that the money which was obtained through the deflation policy flowed to Wall Street. The South and the West lost millions of dollars. Wall Street gained. I have undertaken to show how this thing was done and what ruin it wrought. Not only have I been misrepresented in newspapers, but they have stated that I attacked the system. I have spoken in this Chamber some thirty times, first and last, upon this subject. I challenge any man to show one line where I have ever criticized the Federal reserve system. On the other hand, I have praised the system, but I have denounced those who perverted it from the ends of its institution, and I used the expression that when Christ drove the money changers out of the temple at Jerusalem he was not attacking the temple, he was trying to preserve the temple, but he lashed those out who perverted it from the ends of its institution.

When I condemn the Federal Reserve Board and its mismanagement that brought about the suffering, the distress, and the ruin financially of millions of people I am not attacking the system. I am trying to save the system that it may serve the American people as it did before it was perverted from the ends of its institution. I am trying to preserve the system, but I am condemning those who wrought this ruin through that system—who turned this great instrumentality for good into an instrument of evil—of great injury to the country.

I promised at the outset, owing to the state of the program upon the calendar, that I would speak only a very few moments. I wanted to say this much to-day: Thank God, there is one record from which they can not keep this truth, and that is the CONGRESSIONAL RECORD, published each day, which goes out into the districts of 435 Members of the House, into the 48 States of the Union, distributed by Senators, and somebody can get the exact truth of what occurs in this Chamber. I want to continue to bring to the attention of the Senate and of the country the dangerous way in which the country is drifting. Senators, if we permit them to buy up and hog-tie the press and then permit them to intimidate and coerce timid men in either branch of Congress, men who love ease, and who would rather move along the lines of least resistance than to stand for what is right, then we have not a free country, or we will not have very long. I would dislike to have it said of my party that when we were in power these instrumentalities were taken away from the people and transferred to a favored few, who used them to the hurt and injury of my country.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213.

The PRESIDING OFFICER. The pending question is on the first amendment reported by the Committee on Rules.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll and the following Senators answered to their names:

Ashurst	Heflin	Myers	Shortridge
Brandegee	Hitchcock	Nelson	Simmons
Broussard	Johnson	New	Smith
Cameron	Jones, N. Mex.	Newberry	Spencer
Capper	Jones, Wash.	Nicholson	Stanfield
Caraway	Kellogg	Norris	Sutherland
Culberson	Kendrick	Oddie	Swanson
Cummins	King	Overman	Townsend
Dial	Ladd	Page	Walsh, Mass.
Ernst	Lenroot	Pepper	Walsh, Mont.
Fletcher	Lodge	Phipps	Warren
Glass	McCormick	Poindexter	Watson, Ga.
Gooding	McKellar	Pomerene	Williams
Hale	McKinley	Rawson	Willis
Harris	McNary	Reed	
Harrison	Moses	Sheppard	

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], and the Senator from Indiana [Mr. WATSON] are detained at a hearing before the Committee on Finance.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

COMBINATIONS IN RESTRAINT OF TRADE.

Mr. NORRIS. Mr. President, several days ago the Senator from Ohio [Mr. WILLIS] placed in the RECORD a letter from Secretary Hoover. This letter was written to the Senator from Ohio by Secretary Hoover in response to some remarks I made in the Senate, in the course of which I read into the RECORD some newspaper statements as to the position of Secretary Hoover on the Sherman antitrust law as it applies to business corporations. While it is not of very great importance, I think I ought to call attention to the letter which was placed in the RECORD because I think the letter undertakes to place me in a false attitude as regards Mr. Hoover's position.

Certainly, Mr. President, I had then and have now no desire whatever to place Mr. Hoover in a false light or to give any interpretation to his words that should not be given by a fair and an honest consideration. Again, it is just a little bit queer to me that if I had misrepresented the Secretary, he should write a letter to the Senator from Ohio and tell him about it when he probably knew my address just as well as he did the address of the Senator from Ohio. I certainly would have been glad, if I had placed him in a false attitude or misrepresented him, to have made any correction that he desired to have made.

I quoted Mr. Hoover from a newspaper, and the particular newspaper which I used was the Washington Herald. I understood, though I do not know whether that understanding was right, that not long ago and perhaps now Mr. Hoover was one of the owners of that publication. Whether that be true or not, the publication, as everybody knows, is very friendly to him and would not misrepresent him intentionally. I believe that a fair consideration of what I quoted from the Herald compared with what Mr. Hoover inserted in his letter to the Senator from Ohio will show that he was not misrepresented; that, in the first place, the Herald did not misrepresent him and what the Herald printed was a fair synopsis of his letter. Of course, when I quoted from the Herald I gave a fair synopsis of the letter; but, Mr. President, in the letter to the Senator from Ohio Secretary Hoover inclosed the entire correspondence between himself and the Attorney General on the question of monopoly and what the existing law is. In that letter to the Senator from Ohio Secretary Hoover says:

> Senator NORRIS's quotations were from condensed newspaper statements and are an absolute distortion of the basis and intent of this correspondence.

I quoted from newspaper statements that were somewhat condensed, it is true. I contend, however, that the statement of the newspapers, as I have before stated, was a fair statement. At the time I made the quotation the newspaper statement was the only one that I had, and, so far as I knew, it was the only publicity that was given to Secretary Hoover's letter.

The fact that it was a fair statement and considered to be a fair and honest statement of his position by Mr. Hoover himself, I think, may be inferred from the circumstances that he never corrected it. The full purport of his letter was not at that time, so far as I know, published by any newspaper. However, Mr. President, I am to-day going to quote from Mr. Hoover's letter. I have before me the original correspondence in full which was given out by Mr. Hoover to the newspapers. I have very carefully compared it with the letter of Mr. Hoover

to the Attorney General which was inclosed in the letter to the Senator from Ohio and which was printed in the RECORD, and there is no deviation whatever between the two. The publication in the RECORD is an absolute copy, of course, of the original letter, as one would expect it to be, both documents having originated with Mr. Hoover himself. The letter is very lengthy and is already printed in the RECORD of the 20th day of February. I shall not read all of the letter. Of course, there are portions of it with which I do not find fault; in fact, I am not finding fault with any of it. I concede that Mr. Hoover has a right to place any construction he may desire upon the meaning of the Sherman antitrust law. I freely concede that. I contended, however, when I first called attention to the matter, and I again call the attention of the Senate to the fact, that if Secretary Hoover's position is right, then the Sherman antitrust law, so far as big business is concerned, is a nullity and might just as well be wiped off the statute books.

Mr. NELSON. Congress wiped it off the statute books so far as labor organizations and farmers' cooperative marketing organizations are concerned.

Mr. NORRIS. The law was never enacted to cover labor organizations; and we passed, the other day, a law permitting farmers to organize, which is now demonstrated to have been a wise act, because even those who are called upon on the part of the Government to enforce the law are themselves putting a construction on it which would permit any monopoly to escape if it put the right kind of a notice over its front office door. One of the questions asked, being No. 4, is as follows:

(4) May a trade association collect credit information as to the financial responsibility, business reputation, and standing of those using the products of the industry; and may the association furnish such information to individual members upon request therefor, provided such information is not used by the association or the members for the purpose of unlawfully establishing so-called "blacklists"?

I wish to read these questions separately, and then I will comment on all of them. Question No. 8 reads:

(8) May a trade association, in cooperation with its members and acting for and in behalf of its members, handle all legislative questions that may affect the particular industry, regarding factories, trades, tariff, taxes, transportation, employers' liability, and workmen's compensation, as well as the handling of rate litigation and railroad transportation questions?

* * * * * * *

(10) A. May a trade association collect statistics from each member, showing his volume of production, his capacity to produce, the wages paid, the consumption of his product in domestic or foreign trade, and his distribution thereof, specifying the volume of distribution by districts, together with his stock, wholesale or retail?

B. And may such trade association, on receipt of the individual reports of each member, compile the information in each report into a consolidated statement which shows the total volume of production of the membership; its capacity to produce by districts of production, which in some instances include a State or less area; the wages by districts of production; the consumption in foreign or domestic trade by districts; the volume of distribution by districts; and the stocks on hand, wholesale and retail, by districts?

C. And if, after compiling the information as aforesaid, the information received from the members as well as the combined information is not given by the association to any other person, may it then file the combined statement with the Secretary of Commerce for distribution by him to the members of the association through the public press or otherwise and to the public generally and to all persons who may be in any way interested in the product of the industry, it being understood that the individual reports for the members should cover either weekly, monthly, quarterly, or longer periods, as may be deemed desirable by the members, and, when a period is adopted, the report for each member shall cover that period and the combined report shall be for that period?

(11) A. May a trade association at the time it collects the production and distribution statistics above outlined at the same time have their members report the prices they have received for the products they have sold during the period taken, specifying the volume of each grade, brand, size, style, or quality, as the case may be, and the price received for the volume so sold in each of the respective districts where the product is sold?

B. And may the association, without making known to any person the individual price reports of any member, consolidate all of the reports into one and show the average price received for the total volume of each grade, brand, size, style, or quality, as the case may be, distributed in each district covered by the distribution statistics for the period covered by each individual report?

C. And may the association, after making such compilation, send the compiled report as to average price, as aforesaid, to the Secretary of Commerce, to be by him distributed to the public and to any or all persons who may be interested in the particular industry making the report?

Mr. President, not long ago the Supreme Court, in the case of the American Column and Lumber Co. et al., appellants, v. The United States, rendered a decision which, in my judgment, throws a great deal of light upon the particular activities of business corporations and institutions such as are outlined by Mr. Hoover, and which would not under his idea of the Sherman antitrust law constitute monopolies or restraints of trade in violation of law.

I wish to read a portion of the opinion of the Supreme Court in that case. Very many of the practices which are condemned by the Supreme Court in that opinion are almost identical with those that are set out by Mr. Hoover as being proper. I wish the Senate and the country could realize the difference between Mr. Hoover and the Supreme Court on this particular question.

Mr. KING. Mr. President, I hope that before the Senator concludes he will call attention to the fact that the plan followed by the lumber company was what was known as the Eddy plan, which has been adopted by a large number of business associations in the United States, as a result of which there have been built up monopolies and conspiracies in restraint of trade and trusts that ramify practically all of the industries of the United States and are largely responsible for the high prices, the high cost of living, and the impaired business conditions in the United States to-day. If the Attorney General would bring suits against those combinations, as one was brought against the lumber company, he would be doing a very great service to the American people.

Mr. NORRIS. I thank the Senator, and I think he has made a statement which is borne out entirely by the facts in the case.

Mr. President, the decision of the Supreme Court is very long, and I am not going to weary the Senate by reading very much of it. The court is discussing a combination that was very similar, as I have said, to some of those that are outlined by Mr. Hoover as being permissible under the law. It is shown in the opinion, as will be seen as I read it, just what kind of a combination it was, and the opinion shows on its face the similarity between it and those outlined by Mr. Hoover as being permissible. The Supreme Court says:

Such close cooperation between many persons, firms, and corporations controlling a large volume of interstate commerce as is provided for in this plan is plainly in theory, as it proved to be in fact, inconsistent with that free and unrestricted trade which the statute contemplates shall be maintained, and that persons conducting the association fully realized this is apparent from their protesting so often as they did, in many of their confidential communications appearing in this record, that their purposes were not unlawful; that they sought only to supplant cutthroat competition with what in their own judgment would be "fair and reasonable competition," and to obtain, not make, fair prices, and by their repeated insistence that the Sherman law "designed to prevent the restraint of trade is itself one of the greatest restrainers of trade, and should be repealed." To call the activities of the defendants, as they are proved in this record, an "open-competition plan" of action is plainly a misleading misnomer.

Genuine competitors do not make daily, weekly, and monthly reports of the minutest details of their business to their rivals, as the defendants did; they do not contract, as was done here, to submit their books to the discretionary audit, and their stocks to the discretionary inspection of their rivals for the purpose of successfully competing with them, and they do not submit the details of their business to the analysis of an expert, jointly employed, and obtain from him a "harmonized" estimate of the market as it is and as, in his specially and confidentially informed judgment, it promises to be. This is not the conduct of competitors, but is so clearly that of men united in an agreement, express or implied, to act together and pursue a common purpose under a common guide that, if it did not stand confessed a combination to restrict production and increase prices in interstate commerce and as, therefore, a direct restraint upon that commerce, as we have seen that it is, that conclusion must inevitably have been inferred from the facts which were proved. To pronounce such abnormal conduct on the part of 365 natural competitors, controlling one-third of the trade of the country in an article of prime necessity, a "new form of competition" and not an old form of combination in restraint of trade, as it so plainly is, would be for this court to confess itself blinded by words and forms to realities which men in general very plainly see and understand and condemn as an old evil in a new dress and with a new name.

The "plan" is, essentially, simply an expansion of the gentlemen's agreement of former days, skillfully devised to evade the law. To call it open competition because the meetings were nominally open to the public, or because some voluminous reports were transmitted to the Department of Justice, or because no specific agreement to restrict trade or fix prices is proved, can not conceal the fact that the fundamental purpose of the "plan" was to procure "harmonious" individual action among a large number of naturally competing dealers with respect to the volume of production and prices, without having any specific agreement with respect to them, and to rely for maintenance of concerted action in both respects not upon fines and forfeitures as in earlier days but upon what experience has shown to be the more potent and dependable restraints, of business honor and social penalties—cautiously reinforced by many and elaborate reports, which would promptly expose to his associates any disposition in any member to deviate from the tacit understanding that all were to act together under the subtle direction of a single interpreter of their common purposes, as evidenced in the minute reports of what they had done and in their expressed purposes as to what they intended to do.

Mr. President, one of the things proposed by Mr. Hoover is that business concerns engaged in the same business shall, through some joint instrumentality, make inquiry as to the financial standing of people who buy the products dealt in by these various concerns, and report that financial standing for the action of all the members of this combination, expressly stating, however, that that information must not be used to make a black list. What is the object of it except to make a black list? What object can it have? What purpose can it be used for, except to further the aims of a monopoly and a combination? The fact that you say, "We are not going to use it for that purpose," when it can be valuable for no other purpose, is, as I think the Supreme Court fairly says, in effect a confession of the very thing that must inevitably follow from the nature of the combination itself.

According to Mr. Hoover, it is all right, if the monopoly says, "We are a monopoly; we are getting this information for our common good, but we will put a sign over the front door which will say, 'We are philanthropists, nevertheless. We love the producer, and we admire the consumer. We are not going to hurt either one of them. We are just getting this information for fun, or for some other purpose.'" The fact that the only use that such information can have to men who are engaged in competition is to do away absolutely with the competition and form a monopoly is sufficient proof that there is no other excuse for its existence.

Mr. President, however much he may deny it, the Secretary of Commerce, Mr. Hoover, has overruled the Supreme Court; and if his word goes in business concerns the Supreme Court might just as well take it all back, and Congress might just as well repeal the law.

That is not saying that a man may not argue, and Mr. Hoover may, and I am not complaining of the man who does, that it is better to have a monopoly, and then to regulate the monopoly. That is not the theory of our law, however. The theory of the Sherman antitrust law was to retain competition; and as long as we want to retain competition we must prohibit the organization and carrying out of such plans as are outlined by Mr. Hoover to the Attorney General. If we want to have monopolies, then we must take the other horn of the dilemma and regulate them, and have prices fixed, and so on, by somebody who is not directly interested on either side of the matter.

Mr. President, I felt that I ought to say this much, and ought to put in the RECORD, side by side with Mr. Hoover's plan, the judgment rendered by the Supreme Court.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, to amend the Standing Rules of the Senate, so that all general appropriation bills shall be referred to the Committee on Appropriations.

Mr. WARREN. Mr. President, some assertions have been made about the seeking of power on the part of the chairman of the Appropriations Committee and the members of that committee; and there has been an attempt—probably thoughtless—to present this matter as if it were an ambition of the Commitee on Appropriations to assume the duties of other committees, and to get great control.

Nothing could be further from the truth than that. The Appropriations Committee has not sought to usurp the duties of other committees. The committee has gone along as provided by the rules until it has been forced to come for relief to the Committee on Rules, because of legislation which both parties asked for and in which both parties joined—that of the creation of the budget.

Mr. President, the budget has been asked for by both political parties in party platforms and elsewhere, by municipalities, States, and business generally; and wherever the budget is in force there is but one source from which they receive all the information as to the amount of money that can be collected and expended, and but one final agency where it is at last definitely decided as to how much shall be appropriated, and how it shall be appropriated or apportioned. In other words, both parties could not have failed to understand when they adopted the idea of the budget that they must do as was formerly done by the Congress—that is, confine the appropriations to one committee in each body.

It was well understood by those who advocated the Budget. It might be well enough here to ask the Secretary to read a little item in the platform of the Democratic Party, adopted at its last convention, which is quite to the point.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The reading clerk read as follows:

BUDGET.

In the interest of economy and good administration, we favor the creation of an effective budget system that will function in accord with the principles of the Constitution. The reform should reach both the executive and legislative aspects of the question. The supervision and preparation of the budget should be vested in the Secretary of the Treasury as the representative of the President. The budget, as such, should not be increased by the Congress except by a two-thirds vote, each House, however, being free to exercise its constitutional privilege of making appropriations through independent bills. The appropriation bills should be considered by single committees of the House and Senate. The audit system should be consolidated and its powers expanded so as to pass upon the wisdom of, as well as the authority for, expenditures.

Mr. WARREN. Mr. President, there were many persons, and among them several Senators on the Appropriations Committee, who had some hesitancy about approving and supporting this budget law, believing that it would be hard to proceed under its provisions. I know, so far as I am concerned, that I was willing to be taught what better plans we could have to improve our old system, and I made no resistance to the budget. I was very doubtful, at the time, what would be the effect of it; but now, after having the budget in full force so far as the estimates are concerned, I very much believe—in fact, I feel convinced—that it can be made successful if we do not turn back on the way, and undertake to perform our duties half in the budget and half outside, as we would be doing unless we should follow the plans which have been adopted by the House and those which have been recommended for the Senate.

My friend from Tennessee [Mr. MCKELLAR] yesterday spoke of confusion in the House, as if there were confusion on account of the handling of all appropriation bills by one committee. Let me say to that Senator that that does not prevail. It prevailed to some extent last year; and why? The Budget bill was passed and sent to the President. The House, in preparation for it, proceeded to resolve the system of appropriations, in the general line of the Budget, into one committee; but the President of the United States vetoed the Budget bill because of an obnoxious provision in it to which he was not willing to agree, and the Budget bill did not become law until the following year. Hence, when the committee of the House a year ago started to make up their bills, they had the old estimates only, and did not have in any way the work of the Budget.

The consequence was that there was complaint from all sides. There was complaint for the time being from those who had not been taken into the committee. There was complaint because the changes in the estimates and calculations of the Budget system had not been adopted.

After the Budget act was signed, a year or more later, the House took up the matter directly from the President, as the Budget indicated it should be done—that is, there was a new distribution, classification, and arrangement of the items of appropriation under different heads and under different aggregations, so that one seeking to find how appropriations could be expended throughout the departments and elsewhere would find the various items in their appropriate places.

It is no secret that the Committee on Appropriations in the House, with the House behind it, attempted to find whether all the items should be put in one appropriation bill, very much the same as is done in States and other places. But that hardly seemed to be tenable, at least at present, so another schedule of bills was adopted, the schedule advocated by the Bureau of the Budget, and those bills have been put together and sent to us.

My vigilant friend from Mississippi [Mr. HARRISON], if he has examined the record as he usually does, will have to admit here and now that, so far as the appropriation bills of this year under the Budget are concerned, there has been less confusion, there has been less misunderstanding, there has been greater pleasure in the House in passing those bills than ever before, and they have come to us in better shape.

The situation was like this: The Senate Committee on Appropriations would have but two appropriation bills, all told, referred to it if the desk should undertake to refer the appropriation bills by title. There were only two that were titled so that they could be sent to that committee. The Chair, of course, would be in doubt, and others would be in doubt. On the other hand, there were six or seven of those bills which were so titled that they could not go to any other committee, and in that situation we were compelled to appeal to the Rules Commitee of the Senate for relief as to all these matters, pursuing what has been asked not only by the parties in their platforms but by the business world generally and by the last three Presidents of the United States. I send to the desk and ask to have read one part of one of President Wilson's messages.

The VICE PRESIDENT. The Secretary will read.

The READING CLERK. From page 1507, CONGRESSIONAL RECORD, January 18, 1922:

President Wilson, in his message to Congress in 1919, said:

"I hope that Congress will bring to a conclusion at this session legislation looking to the establishment of a budget system. That there should be one single authority responsible for the making of all appropriations and that appropriations should be made not independently of each other, but with reference to one single comprehensive plan of expenditure properly related to the Nation's income, there can be no doubt. I believe the burden of preparing the budget must, in the nature of the case, if the work is to be properly done and responsibility concentrated instead of divided, rest upon the Executive. The budget so prepared should be submitted to and approved or amended by a single committee of each House of Congress, and no single appropriation should be made by the Congress, except such as may have been included in the budget prepared by the Executive or added by the particular committee of Congress charged with the budget legislation."

Mr. WARREN. There is more along the same line, and other messages of President Wilson covered the same ground. Nor was President Wilson alone in that. President Harding, and before both of these, President Taft, maintained that position always, as for that matter, had so many, many scores of Members of the House and Senate of long and brilliant service, men who had served on the Committee on Appropriations, and very many who had not served on that committee. It has been a common belief. It was stated, when the committees were divided 25 years ago, that that would lead to extravagance. There were similar statements made at various times. I remember that the chairman of the Committee on Finance, Mr. Aldrich, said the doubling up and the pyramiding of the expenses of the Government would cost $300,000,000 a year.

Mr. CARAWAY. Will it disturb the Senator if I ask him a question?

Mr. WARREN. Not at all.

Mr. CARAWAY. I remember having read a long time ago Senator Aldrich's statement about the Government costing $300,000,000 a year more than it should cost. I did not understand then, and I did not until the Senator from Wyoming alluded to it, suppose that Senator Aldrich had in mind the method of appropriating. I thought he referred to the duplication of service and the innumerable activities of the Government which were not necessary, some of which were duplications of others. The concentration of appropriations in the hands of one committee would not remedy that at all, would it?

Mr. WARREN. Certainly it would, or should.

Mr. CARAWAY. I thought this committee was to have no legislative functions at all, and those activities are the results of legislation.

Mr. WARREN. But they have to be appropriated for, just the same, and if they are duplications it could be brought back to the Senate and the House at once that they were duplications, whereas now the duplications go on.

Mr. CARAWAY. I thought that was what this reclassification committee was to take care of.

Mr. WARREN. The reclassification committee has nothing whatever to do with that.

Mr. CARAWAY. I thought it was going to inform us as to what activities were duplications.

Mr. WARREN. The Senator does not mean the reclassification committee; he must mean the joint committee of the House and Senate which is supposed to see what independent services or what departments can be dropped or joined to others—the joint committee on the reorganization of the administrative branch of the Government.

Mr. OVERMAN. I would like to cite an example. When the Appropriations Committee was considering the legislative bill during one session of Congress we appropriated for clerks in departments and gave what we thought the necessities demanded and the law allowed. We found soon after that there was a bill pending before the Committee on Pensions under which the department would get other clerks. They went before the Pensions Committee and got all they wanted, and there were two bills giving them all these clerks, some of whom they did not need. There was a duplication.

Mr. CARAWAY. May I suggest that this committee can not cut off a clerkship and can not add one, can it?

Mr. OVERMAN. Not without legislation.

Mr. CARAWAY. Then it could not effect any such reform as is suggested by the Senator from North Carolina, could it?

Mr. OVERMAN. Why could not the Committee on Pensions say, "What is the necessity of putting these clerks on, when the Appropriations Committee has already provided for them in another bill?" It is a duplication.

Mr. CARAWAY. Did they attempt to hire additional clerks?

Mr. OVERMAN. Yes.

Mr. CARAWAY. Under the statutory-roll system they can not add to or decrease the number of the clerks by the appropriations.

Mr. OVERMAN. That is done time and again.

Mr. WARREN. The matter of the lump-sum appropriations which are divided among the departments is a pretty broad question. Appointment of clerks can be made under such appropriations.

But to come back to the point I was discussing. There seems to be a disposition on the part of my good friend from Mississippi [Mr. HARRISON], as he did yesterday, to appeal directly by name to Senators who serve on different committees, telling how it would affect them. If those Senators who may have come into the Senate in later years, and who are farther from the top of the committees than they would wish to be, who have not had long service and experience, are going to view this entirely from a selfish standpoint, desiring to serve upon a certain committee and desiring that committee to appropriate without regard to what other committees are doing, that is a line of appeal I do not care to follow up. I myself, as chairman of the Committee on Appropriations, and, so far as I know, the members of that committee seek some reform. We seek to follow the reform which has already been inaugurated, and which we feel compelled to follow for the good of this country at large.

I have stated as plainly as words can make it that so far as the chairman of the Committee on Appropriations is concerned, he is entirely ready to step aside if some man better fitted can take up the work. So far as that is concerned, if we do not take a patriotic, loyal, American view in support of our Government—if it is to be entirely a matter of little personal pride for the time being to individual Senators to serve on some particular appropriating committee—then, of course, the Budget system will be a failure; there is no question about that.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. WARREN. Certainly.

Mr. HARRISON. The Senator said it was an unfair argument to appeal to Senators' individual positions.

Mr. WARREN. I did not say it was unfair.

Mr. HARRISON. I apologize for the word. The facts are—and I am wondering if the Senator has investigated it—that there are 64 Senators who are now on one or more committees which make appropriations.

Mr. WARREN. Very likely.

Mr. HARRISON. They will be affected by this proposed change in the rules and will be on no committee which appropriates. Is it not a matter for consideration when 64 Senators are going to turn over to one-third of the Senate the matter of making all of the appropriations made by the Congress?

Mr. WARREN. If we look at it from the viewpoint of one of the 64 as to some independent item of appropriations by which he may be profited, the Senator's point may be well taken; but it is a pretty narrow construction.

Mr. HARRISON. It is not a narrow construction, for on the Commerce Committee, for instance, who believe that the rivers and harbors of this country should be adequately provided for and reasonable appropriations made, to vote against a proposed change in the rules which would take the power of recommending appropriations from that committee, composed of liberal-minded men in favor of river and harbor appropriations, and put it into the hands of a committee who would be for squeezing the very life out of those appropriations and cutting them to the bone. The same thing would apply to agriculture; it might apply to Indian affairs; and it might apply to many other propositions which are appropriated for by Congress.

Mr. WARREN. Mr. President, the matter of the rivers and harbors appropriations or of Indian appropriations does not lie at my door. That has already been settled by the practice which has done away with such bills. The rivers and harbors appropriations will go to the Committee on Military Affairs, and they will have the assistance of a subcommittee from the Committee on Commerce. The Senator from Mississippi must know that as to appropriation bills generally—though it may not be true of all—they are taken up first by a subcommittee composed of three or five Senators, who labor over the estimates, who take the amendments offered by Senators, and who decide finally upon what they believe would be a proper bill for the committee to report. It then goes before the full committee, and the full committee has a chance to alter it. Then it comes to the Senate, and under the rules it is open to every Senator to offer amendments to increase or decrease the amount. The power is always in the Senate finally.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. WARREN. Certainly.

Mr. HARRISON. In presenting this matter, the Senator said it is merely to care for a situation which has arisen in the House, they having one committee there, and that the bills as they come here can not be separated, that it is necessary to refer them to one committee; that it is not for the purpose of getting more power for the Appropriations Committee. Would not the Senator be willing to agree to a substitute providing that as these bills come from the House they shall be referred to the Appropriations Committee, but that the provisions in the bill affecting agriculture, which I take as an illustration, be referred to a subcommittee of three, say, appointed by the chairman of the Committee on Agriculture and Forestry from members of that com-

mittee, who shall sit with the Appropriations Committee of the Senate, to report the bill back to the Senate, the same plan to be followed with respect to military affairs?

Mr. WARREN. If I understand the Senator correctly, that is what the new rule proposes.

Mr. HARRISON. No; the rule proposes that the Appropriations Committee shall consider the proposition with three members who are to be appointed from the Committee on Agriculture and Forestry, for instance, if it is an agricultural matter, who are to sit with the Appropriations Committee. What I am suggesting is to allow a subcommittee of three members from the Appropriations Committee to sit with the full Committee on Agriculture and Forestry, for instance, and let the chairman of the Appropriations Committee then make the report to the Senate.

Mr. WARREN. I think I get the Senator's idea.

Mr. HARRISON. That would obviate the difficulty.

Mr. WARREN. That still would confuse matters. So far as the chairman of the Committee on Appropriations is concerned he wishes to say now distinctly—and this applies so far as his committee is concerned, as he understands it—that he is willing to take three men from any one of the appropriating committees, and add one or two or three from the general Appropriations Committee, as many as may be necessary for a subcommittee, and let that subcommittee do exactly as it would under the old committee plan so far as building up a bill is concerned, which then could be presented to the full committee exactly as other bills are.

Following the usual custom those bills are almost invariably accepted, with possibly two or three or four minor changes. For instance, there was a bill only day before yesterday, comprising over 100 pages, and containing a great many items, which had been worked on faithfully by a subcommittee. They called the witnesses and took the testimony and proceeded without interference on the part of the balance of the committee. The whole committee was then called together and, after two hours' consideration, during which time not a penny was added, not a penny was taken off, and no change was made except in one or two places where it was considered better by the subcommittee itself to make changes in language, the bill was ordered reported to the Senate. The fear which the Senator entertains is, in my judgment, without foundation, because it is not, I repeat, that the committee wants the power of controlling except to see that in our bills we do not duplicate what may be contained in other bills.

If the Committee on Agriculture and Forestry, as the Senator suggests, has a subcommittee looking after some item of appropriation, and another committee is handling a similar appropriation, and it has passed the committee as reported from the Budget, or whether reported from the Budget or not for that matter, and those matters should come up from the Committee on Agriculture and Forestry and the other committee, it would be the duty of the chairman of the Committee on Appropriations simply to call it to their attention to avoid duplication. On the other hand, if the Agricultural Appropriation Committee had covered the matter it would be the desire, as well as the duty, of the Appropriations Committee to see that the item was not duplicated in any other bill.

In other words, it is the desire that there shall be one place somewhere where the purposes of the Budget may be carried out, and, on the one hand, not marred by not allowing all that is necessary to run the Government, and, on the other hand, not made ineffective by pyramiding, duplication, and the kind of lapping over that might occur. That is all there is to it.

So far as that is concerned, if the Senator from Mississippi feels that three men are not enough from the Committee on Agriculture and Forestry or any other committee, I personally would have no objection to having five instead of three.

Mr. CARAWAY. Mr. President, will the Senator permit me to ask a question?

Mr. WARREN. Certainly.

Mr. CARAWAY. I do not know that it is important at all, but if the rule is adopted or if the rule now is that the chairman, we will say, of the Committee on Agriculture and Forestry and two members to be selected by the chairman of that committee shall constitute a subcommittee, that gives the chairman the right to select members of his own party. The effect of it would be to deny the minority party any representation at all on the subcommittee which would consider the appropriation.

Mr. WARREN. Oh, no.

Mr. CARAWAY. He would have that power. That is what the proposed rule says.

Mr. WARREN. The chairman of the committee is allotted the power to appoint his own subcommittees, as a usual thing, and to select whomsoever he chooses. I know of no chairman of any appropriating committee, either now or ever before, who has undertaken a practice of the kind suggested by the Senator. It has always been true that the minority have been allowed what is due them, and they would be allowed it in this case.

Mr. CARAWAY. If the Senator will pardon me, the Committee on Ways and Means in the House right now are excluding every Democratic member from the consideration of measures pending before that committee, as I am informed.

Mr. WARREN. They have followed exactly what the Democrats established as a precedent. Then, too, that is not an appropriating committee.

Mr. CARAWAY. I know, but they contemplate appropriations.

Mr. WARREN. Oh, no.

Mr. CARAWAY. What harm would it do to give to the minority a certainty of representation?

Mr. WARREN. There is a certainty, just as sure as the sun rises and sets, that the chairman is going to select one of his own party and one of the opposition party.

Mr. CARAWAY. Then what is the harm in saying it?

Mr. WARREN. There is no harm, but it is entirely unnecessary. Another thing I wish to assure the Senate is that the three men are expected to be the chairman and a Republican and a Democrat. It would be my duty—and I should follow it invariably unless sickness or something prevented it—in the first place to add another Democrat and another Republican. That would give three Republicans and two Democrats, which is giving the Democrats more than the number they are necessarily entitled to have for representation as their proportion.

Mr. CARAWAY. If the Senator will pardon me, and let me do what I do not believe a good Democrat ought ever to do, or ought rarely to do, I will say that I believe absolutely the Senator, as long as he is at the head of the Committee on Appropriations, would be more than just. But in the course of things parties change and the political complexion of the Senate changes. Personally, I do not apprehend the thing could happen that I suggest might happen. I do not think it would, but we are fixing a standing rule of the Senate now.

Mr. WARREN. It could be changed at any time.

Mr. CARAWAY. Oh, we could change it.

Mr. LENROOT. Mr. President——

Mr. WARREN. I yield.

Mr. LENROOT. I merely wish to inquire whether the Senator is afraid some future Democratic chairman might not appoint any Republicans?

Mr. CARAWAY. Oh, no. I would be very much afraid if the Senator from Wisconsin were at the head of the committee that no Democrat would be apopinted.

Mr. BALL. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Wyoming yield to the Senator from Delaware?

Mr. WARREN. Certainly.

Mr. BALL. I would like to ask the chairman of the Committee on Appropriations if the Committee on the District of Columbia ought not to be included with the other committees? As chairman of the Committee on the District of Columbia, I find that I am very much handicapped in not being in touch or having anyone present at the District Committee meetings who is in touch with the Appropriations Committee, which makes appropriations for the District of Columbia. I think always heretofore the chairman of the District of Columbia Committee has been a member of the Appropriations Committee, but at present he is not.

Mr. WARREN. So far as that is concerned, the District of Columbia has always come to the Committee on Appropriations for appropriations, and it is only by accident that the chairman of the District Committee should have been a member of the Committee on Appropriations.

Mr. BALL. That is true.

Mr. WARREN. But I agree with the Senator that the District of Columbia Committee should have great influence with the Appropriations Committee. However, that is out of the power of the chairman of the Committee on Appropriations, because I am not a member of the Committee on Committees, which appoints the members of the committees, and that is not an appropriating committee.

Mr. BALL. I would like to ask the Senator if he would have any objection to an amendment to the resolution which would include the District of Columbia Committee?

Mr. WARREN. That will lead us into confusion. There is now one of the most virile and powerful Senators in this body who is a member of the Appropriations Committee and a member of the District of Columbia Committee. I refer to the Senator from Washington [Mr. JONES].

Mr. BALL. That is true, but the Senator from Washington is also chairman of the Committee on Commerce, and his duties there of course are very heavy and a great deal of his time is taken up there, although he is very active in the District Committee.

I would like to ask if there is any other appropriations committee—I mean committee that has charge, not of the appropriations, but of the legislation—that is not included in this, such as the District of Columbia Committee?

Mr. WARREN. Oh, yes; there are a number of such committees.

Mr. BALL. Similar to the Committee on the District of Columbia?

Mr. WARREN. There are a number of committees which provide for expenditures and which have nothing to do with the appropriations when the Appropriations Committee takes those matters up. The Senator, I think, overlooks the fact, as I think a great many other Senators do, that it is not taking power in any degree from any one of these committees, but really gives them more power, because it ties the hands of the Committee on Appropriations so that it is impossible for them to legislate.

I will call the attention of the Senator to one matter. The Senator has been of great value as chairman of the District Committee and has the backing not only of his own party but of the Senate. A short time ago he passed a bill through the Senate that had been waiting for some time, which, under the rule, made it subject to reference to the Committee on Appropriations. Inside of 36 hours the item was placed in an appropriations bill by the Committee on Appropriations.

We want to divide such matters and have the Appropriations Committee have nothing but the appropriating to do under the law. We want the other committees—the District of Columbia Committee, the Committee on Military Affairs, the Committee on Naval Affairs, and all of them—to continue to legislate and have charge of matters of legislation. For instance, take the Committee on the Judiciary, where they have control of all the judges and all the courts of the country and everything of that kind. Every dollar of that is handled by the Committee on Appropriations.

Mr. BALL. I should not think the Judiciary Committee and the appropriations through which they provide for the judiciary would be a proper comparison with the District of Columbia Committee, which really has the affairs of the District of Columbia under its control. The appropriations for the District of Columbia vary, running into every phase of municipal government, while the appropriations granted by the Judiciary Committee are principally for salaries.

Mr. WARREN. I wish to say further to the Senator that there is no loss of power to his committee. In addition to the Senator from Washington [Mr. JONES], he also has the Senator from Kansas [Mr. CURTIS], who, as chairman of the subcommittee, was in charge of that matter and would be hereafter.

Mr. BALL. I am not fighting for power; but all these appropriations for the District of Columbia are sent to me, and I necessarily have to hunt up the Appropriations Committee, as the situation now is. However, if I am always to know just what these conditions are when these matters were coming up, I should have some intimate touch with the workings of the Appropriations Committee itself.

Mr. WARREN. No; not with the Appropriations Committee, because the commissioners have to come through the Budget system and have their estimates come down to us that way. All of that has to come from the Budget Bureau. I think the Senator will understand that his advice there is, of course, always taken, or should be.

Mr. BALL. I hope the chairman of the Committee on Appropriations realizes that the chairman of the District of Columbia Committee is in a measure held responsible for all legislation and appropriations affecting the District. He receives the censure, at least, for failure.

Mr. JONES of Washington. Mr. President, if the Senator will permit me, I hope he will give careful consideration to the suggestion of the Senator from Delaware. When the matter was called to my attention it struck me very favorably. It seemed to me that the District of Columbia Committee is very much on a plane with the other appropriating committees, except that for some reason—I do not know what—the District of Columbia Committee has not heretofore been making appropriations for the District of Columbia. For instance, the Committee on Indian Affairs has been appropriating for Indian matters, the Committee on Agriculture and Forestry has been appropriating for agricultural matters, the Committee on Military Affairs for military matters, and so on, but the District of Columbia Committee has not been appropriating for District of Columbia matters. It does seem to me that on account of the intimate relationship——

Mr. WARREN. I am inclined to think there are more than two members of the District Committee who are also members of the Committee on Appropriations.

Mr. JONES of Washington. That may be true, but that only happens so.

The other members of the District of Columbia Committee who are on the Appropriations Committee only happen to be there. We are going to provide by this proposed rule not that those members of the Agricultural Committee, for instance, who happen also to be on the Appropriations Committee shall stay there, but we are going to provide absolutely that there must be three members of the various appropriating committees on the Appropriations Committee. It might well happen in the future that the two members of the District Committee who are now also on the Appropriations Committee would cease to be members of the District Committee, and, therefore, then, there might be no representation of the Committee on the District of Columbia on the Appropriations Committee. I merely wanted to appeal to the Senator very carefully to consider the suggestion, because it does seem to me that it would be a mighty good thing when the District of Columbia appropriation bill is being considered to have the chairman of the Committee on the District of Columbia and two other members of that committee on the Appropriations Committee, just the same as it is proposed to provide representation for the other committees. I believe that if the Senator from Wyoming will reflect upon the suggestion it will appeal to his judgment.

Mr. WARREN. Mr. President, I do not have to pinch myself because I have already given considerable thought to the suggestion. However, if the matter might stop there, it would be one thing, but just where would the Senator from Washington have it stop? Other committees have just as much right to ask for representation on the Committee on Appropriations as has the Committee on the District of Columbia, and really they have more right because other appropriation bills have been taken entirely away from other committees which have heretofore handled them.

Mr. JONES of Washington. I wish to suggest to the Senator from Wyoming that every committee which deals with a particular subject in connection with which an appropriation bill is considered is by this proposed rule to be given representation upon the Committee on Appropriations except the Committee on the District of Columbia.

Mr. WARREN. No; the Senator from Washington is mistaken about that.

Mr. JONES of Washington. I should like to have the Senator from Wyoming name a committee which is interested in an appropriation bill, as is the District of Columbia Committee, to which it is not proposed to give representation on the Committee on appropriations.

Mr. WARREN. There are several such committees—for instance, the Committee on Indian Affairs, the Committee on Pensions, and some others.

Mr. JONES of Washington. The case of the Committee on Pensions, of course, is entirely different, and so far as the Committee on Fortifications is concerned, I did not know that we had a Committee on Fortifications; I do not think we have.

Mr. WARREN. We have had until a very recent day.

Mr. JONES of Washington. Not for two or three years. When we abolished the smaller committees we abolished that committee, because it had never acted and never had anything to do.

Mr. WARREN. I know the Senator from Washington desires to be correct. That committee has until recent times been in existence.

Mr. JONES of Washington. It was a committee of the Senate until we abolished the minor committees.

Mr. WARREN. No; that committee was not abolished as being a minor committee.

Mr. JONES of Washington. I beg the Senator's pardon. I think the Senator is mistaken. I think he will find that it is true that the Fortifications Committee was abolished by the resolution of the late Senator Knox, of Pennsylvania, when we reduced the number of committees; but previous to that time, of course, everyone recognized that the Fortifications Committee was purely a minor committee and simply for the purpose of furnishing a chairmanship.

Mr. HARRISON. And it never did report bills carrying appropriations?

Mr. JONES of Washington. Oh, no; it never did that. However, the case of the District Committee appeals so strongly to me, and it seems so clear to me that that committee bears exactly the same relation to the District of Columbia appropriation bill as the Committee on Agriculture bears to the Agricultural appropriation bill, that I thought the proposition of the

Senator from Delaware [Mr. BALL] should receive favorable consideration.

Mr. WARREN. The difference is that the Committee on Agriculture does not happen now to have any member on the Committee on Appropriations.

Mr. JONES of Washington. I understand that, but the adoption of the proposed rule insures that the Committee on Agriculture will have representation on the Appropriations Committee.

Mr. WARREN. The Committee on Public Buildings and Grounds is another instance. I have served on that committee for some twenty-odd years, and that committee has never had a place on the Committee on Appropriations except as some Senator might be a member of both committees. That committee reports bills involving the expenditure of great sums of money, just as does the Committee on the District of Columbia, and the Appropriations Committee provides the appropriations.

I have no prejudice against the Committee on the District of Columbia; on the contrary, I am for the most liberal treatment always to the District and to the committee that represents it; but this being a proposed change of the rules, I should feel as if the Committee on Rules, which has this entire matter in charge, would hardly feel that I had confined myself to the intent of the resolution should I now yield to these various suggestions of Senators.

I have no personal objection, of course, to the proposed increased representation.

Mr. JONES of Washington. I wish to say that, of course, no question may be made in regard to the friendliness of the Senator from Wyoming to the District of Columbia. I can testify to that from my experience with him on the Appropriations Committee.

TITLES ON TABLETS AND OTHER MEMORIALS.

The VICE PRESIDENT laid before the Senate House concurrent resolution No. 49, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 5013) entitled "An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials," the Clerk be authorized and directed to enroll the title so as to read as follows:

"An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials."

Mr. POINDEXTER. Mr. President, the correction proposed in the resolution has been made necessary by reason of an oversight on the part of the Senate in failing to amend the title of the bill therein referred to in order to conform to the amendment which was adopted in the Senate. I move that the Senate agree to the concurrent resolution of the House of Representatives.

The resolution was considered by unanimous consent and agreed to.

AMENDMENT TO ARMY APPROPRIATION ACT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2492) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, which was, on page 1, line 13, to strike out "a price" and to insert "average current prices."

Mr. WADSWORTH. Mr. President, the amendment of the House of Representatives to the bill, in my humble judgment, does not change the meaning or intent of the bill in the slightest degree. It simply substitutes for the words "a price," as used in the Senate print, the term "average current prices." I can see no essential difference between the two phrases, and for one I am perfectly willing to concur in the House amendment. I have not had an opportunity to discuss this matter with other members of the Military Affairs Committee, but the fact is as I have just stated it. I therefore move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

The following bill and joint resolution were each read twice by title and referred to the Committee on Military Affairs:

H. R. 8475. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith; and

H. J. Res. 268. Joint resolution authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, to amend the standing rules of the Senate, so that all general appropriation bills shall be referred to the Committee on Appropriations.

Mr. WADSWORTH. Mr. President, I had intended opening my remarks this afternoon with observations of a general character; but just as the joint resolution which just came over from the House was being referred to the Military Affairs Committee it occurred to me that it furnished an excellent example of the confusion of our appropriating system. The House joint resolution referred to provides appropriations for the purchase of land in France for the extension and improvement of the cemeteries in which our soldier dead are buried. It so happened that I was on my feet at the time it was handed down, and the Vice President—if I may violate a confidence to this extent—nodded toward me, and I said, sotto voce, that the bill might well be referred to the Committee on Military Affairs; yet, Mr. President, as a rule, except in times of emergency, all bills dealing with the purchase of real estate for the Army have gone to the Committee on Appropriations, although at times they have gone to the Committee on Military Affairs. No one knows exactly why that changing course is adopted.

In the discussion which has thus far taken place I have heard some contention to the effect that the theory followed by the Senate in referring appropriation bills was consistent. I regard it as far from consistent. I am not acquainted, of course, with the legislative history of appropriation bills which have gone to other committees of the Senate, but I am somewhat familiar with the legislative history and customs relating to the bills which have been referred to the Committee on Military Affairs, and to certain other bills not referred to the Committee on Military Affairs which none the less affect the Military Establishment. My opportunities to observe this situation have been such as to convince me that there is no consistency in practice at all, and I think we need not disturb ourselves as to the proposal suggested by the Committee on Rules on the ground that there is any inconsistency about it, for, as a matter of fact, it is far more consistent than our present system.

Mr. President, I wish to cite a few examples. For many years back the Army appropriation bill, as every Senator knows, has been referred to the Committee on Military Affairs. That bill carries all the appropriations for the pay and allowances of the officers and men of the Army, for their clothing, their subsistence, and for a considerable proportion of their supplies other than clothing and subsistence. Among those supplies, for example, are rifles and machine guns. The appropriations for those articles go to the Committee on Military Affairs, while the appropriations for Field Artillery guns and the ammunition for Field Artillery guns do not now go, and never have gone, to the Committee on Military Affairs.

Mr. WARREN. And the same thing is true as to the guns for the Coast Artillery.

Mr. WADSWORTH. Yes; appropriations for such ordnance have gone to the Committee on Appropriations under the heading of the fortification bill. So we have one committee, the Committee on Military Affairs, providing for the purchase of rifles and small arms ammunition for the troops, and another committee providing for the purchase of field artillery and its ammunition for the same troops, and neither committee knows what the other committee is doing. Some of us on the Military Affairs Committee have endeavored to ascertain what were the prospects for Field Artillery equipment at the hands of the Appropriations Committee, but at the time we would make our inquiry the bill might not have reached the Appropriations Committee at all and we would have to go ahead without that information.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. WADSWORTH. Yes.

Mr. NORRIS. The Senator has just disclosed a very interesting situation, namely, that for the same troops some of their arms are appropriated for by one committee and some by another committee.

Mr. WADSWORTH. Yes.

Mr. NORRIS. I want to ask the Senator—and I presume he intends to cover the point directly—if it is not true that the amount of artillery, for instance, or of small arms, might depend to quite an extent upon the other weapons for which appropriations are provided by another committee? Is not that true?

Mr. WADSWORTH. No, Mr. President, because there may be a change in the type of arms, necessitating a complete reequipment of some branch of the service with offensive weapons.

Mr. NORRIS. Let me see if I understand the Senator.

Mr. WADSWORTH. Some weapon may become obsolete, and the committee which has charge of the appropriations for purchasing that weapon might agree with the experts who come before it and assent to the proposition that an additional or special appropriation be made to reequip that branch of the service with a newer weapon, and while we are doing that we ought to know what some other committee is spending for those same troops for another offensive weapon, but we never do know.

Mr. NORRIS. That is the question I am asking the Senator. I do not believe he quite understood me, or, perhaps, I did not make my question plain. Does the amount that the Military Affairs Committee may now appropriate for troops depend in any degree upon the amount which may be appropriated by the Appropriations Committee?

Mr. WADSWORTH. It does not to-day, but I think it should. That is the trouble.

Mr. NORRIS. If it should, of course, it all ought to be done by one committee.

Mr. WADSWORTH. Certainly; so that we will know how much our Army is costing us.

Mr. NORRIS. Then it is because it is done by two different committees that the proper efficiency is not maintained, or the proper relationship between the arms and munitions is not maintained.

Mr. WADSWORTH. That is true. That is the difficulty, and that is the difficulty—if I may use the expression—that I am inveighing against.

Mr. NORRIS. I am agreeing with the Senator entirely.

Mr. WADSWORTH. It does not halt there, however. Up to this year there has been a sundry civil appropriation bill. The military authorities desire a new barrack built to house the troops which are paid for under appropriations made, we will say, by the Military Affairs Committee; but the appropriation for that barrack does not come to the Military Affairs Committee. It is contained in a flotsam and jetsam of items in the sundry civil bill and goes to the Committee on Appropriations.

Mr. WARREN. Or it did go there.

Mr. WADSWORTH. It does now, under our present custom, which has not yet been changed.

Mr. WARREN. In the bill which will come in it will not be that way.

Mr. WADSWORTH. But we are speaking now of the situation as of to-day, assuming that we are not going to change anything.

Mr. WARREN. Yes.

Mr. WADSWORTH. If the military authorities regard it as necessary, and persuade a sufficient number of Senators or appropriate committees, that a fortification be erected at the harbor of Portland, in the State of Maine, two or three elements instantly are involved. One of them is the men to man the fortification. That matter, of course, affecting the strength of the Army and the pay of enlisted men and officers, goes to the Military Affairs Committee. The purchase of the guns to equip the fortification is carried in the fortifications bill and goes to the Appropriations Committee. The appropriation for the purchase of the land is carried in the sundry civil bill and goes to the Appropriations Committee. The ammunition for the guns is carried in the fortifications bill and goes to the Appropriations Committee. Neither committee knows what the other is doing; at least, it is exceedingly difficult for us to get together and have any teamwork. More than that, all the civil-service employees of the War Department, with the exception of one class which I shall mention, are provided for as to salaries, or were provided for as to salaries, in the legislative, executive, and judicial bill—men employed solely in connection with the Army, with nothing else on earth to do except work for the Army. The Military Affairs Committee knew nothing about it. There is, however, one class who are nevertheless civil-service employees, doing clerical work, who are carried in the Army appropriation bill, and those are the clerks in the office of the Chief of Staff and in the headquarters of corps areas—appropriations amounting to many thousands of dollars. There is one great class of employees, all under the civil service, all doing clerical work, all of them working for the Army exclusively, and they are cared for in two separate bills. So let me suggest that to-day, so far as the military activities of the Government are concerned, there is no consistency whatsoever. It is split up and confused.

I have mentioned this in part on prior occasions before the Senate and have uttered it as my purely personal opinion that all the appropriations for the support of the Military Establishment should go either to the Military Affairs Committee or to the Committee on Appropriations. I think the correctness of that theory, at least, can not be successfully denied. I have often talked about it with the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN]. Members of the Military Affairs Committee other than myself have talked with him about it. We have been somewhat fortunate, and I will say rather more than fortunate, in the fact that the Senator from Wyoming happens to be a member of the Military Affairs Committee; but his duties as chairman of the Appropriations Committee are so onerous that it is exceedingly difficult for him to sit in hour after hour with the Military Affairs Committee and keep us informed of what his committee is doing on closely related topics. We do find—and I think the Senator from Wyoming will bear me out in this—that when some influence brought to bear upon his committee in behalf of an appropriation for some especial project fails to persuade his committee, that same influence is quite often attempted on the Military Affairs Committee, and quite often we do not know that the Appropriations Committee has denied it.

Mr. WARREN. Mr. President, not only is that so, but at times when we add some restriction to an appropriation, they will go to the Committee on Military Affairs and by some legislation wipe out that restriction, or the other way. If a restriction is made to protect the appropriations of the Military Affairs Committee they come to us; and so we have to keep a closer watch, and it is the duty of the Appropriations Committee to do that. Sometimes, however, the item comes in by some member of the Committee on Appropriations, and goes through so quickly that it can not be helped. I think the Senator from New York will remember that as to automobiles we once or twice had some legislation, and it was immediately wiped out through some other committee.

Mr. WADSWORTH. Yes.

Mr. President, the present situation is exceedingly difficult. I speak only for myself, sir. I do not rejoice in this change as freely as I would if it could be done in a somewhat different form. This whole question of the budget is new in America. It never has been installed on a large scale, nor has it as yet been attempted to apply the theory of a budget upon a Government in this country whose ramifications and complications approach in extent and in degree the ramifications and the complications of the Federal Government. The truth of the matter is that the Federal Government has become so complicated under our hodge-podge way of carrying it on, its ramifications have reached such an extent, and its undertakings have become so huge that I venture to say, with all respect to my colleagues in the Senate and to other public officers, that there is not a man alive to-day, from the President down, who understands and comprehends the Government of the United States. It is beyond the ken of individuals, or of any individual, as at present organized.

Now we are in the midst of a tremendous effort, and a well-intended effort, to improve its organization, to group its activities in such a way that the public at large can see them displayed in the broad light of day, and to bring about a condition of affairs, if such a thing is humanly possible, where the average citizen will know something about what his Government is doing with his money.

I regard the budget theory as a most important step in that direction. It is not going to be perfect in its operation, Mr. President, perhaps not as nearly perfect as some of its most optimistic supporters have expected. Its success will be limited from time to time by the ability and the motives of those who operate it. Even if we concede, however, that human nature and human beings never can reach absolute perfection, I think we must admit that if we erect a piece of machinery capable of being operated by human beings of average intelligence, which does so arrange things that not only all the membership of the Congress but the average taxpayer can understand what is going on, we at least have taken a step which will make it possible for the complications and the ramifications of our Government to be simplified. So, Mr. President, I have viewed with high hopes—not with absolute confidence of its perfection, but with high hopes—the installation of a budget system.

Mr. President, I hesitate to inflict upon the Senate a hobby, or any pet idea that I may have; but I venture to ask your indulgence for just a moment in a brief discussion of the legislative side of this budget work.

Speaking with entire respect for the great legislative body that sits at the other end of the Capitol, I experienced some degree of disappointment in the manner in which they went about applying the budget system to their legislative procedure. I had entertained the impression—which I can not boast was based upon exhaustive study, but which perhaps was instinctive—that a practical way toward applying a budget system to a legislative body in the matter of appropriations would be the

establishment of a central committee—call it the budget committee, if you please—which should decide how much money in the aggregate might be spent in a fiscal year, and, having decided how much money in the aggregate might be spent, that committee should thereupon apportion fixed maximum amounts to the standing committees still existing having in charge the appropriation bills for the several branches of the Government.

Mr. WARREN. Mr. President, I may say to the Senator right there that that could not very well have been done this year for the appropriation bills, because of the lack of revenue legislation.

Mr. WADSWORTH. Of course not.

Mr. WARREN. There is a quite large line between what we may collect and what we may not collect, but I understand that it is right in line with the principle and idea of a budget that there is to come in some form from the Budget, either through a committee or through the President, a statement of the whole amount of money that is expected, and some indication of the recommendation as to how it may be divided. That is a part of the plan, and we shall have to wait for it.

Mr. POINDEXTER. Mr. President——

Mr. WADSWORTH. Before I yield to the Senator from Washington, let me say that I did not mean to give the impression that I was complaining of or criticising the action of the House in erecting the machinery which they did erect.

Mr. WARREN. Oh, no; I understand that.

Mr. WADSWORTH. I imagine that under the peculiar circumstances, faced as they were with a situation very difficult to calculate as to income and outgo, the system they did erect was the one which could most promptly meet the exigency. I was merely expressing my disappointment, and discussing it in a somewhat academic sense, in that the situation was such that a truly budget system as applicable to a legislative body was not, in my judgment, actually established.

Mr. POINDEXTER. Mr. President, I may have misunderstood the Senator from Wyoming in his colloquy with the Senator from New York; but, as I understood him, his suggestion of a budget organization was one that would come from the President, from the executive branch of the Government.

That, of course, involves the fundamental principle of this whole controversy. It is entirely different from the suggestion which has just been made by the Senator from New York, as I understood him; and I may say that some time ago, as much as a year ago, I offered a resolution for a rule somewhat along the lines suggested by the Senator from New York providing for a budget committee.

I understand the Senator from New York to suggest a budget committee in the legislative branch of the Government, not in the executive branch. What has the executive branch of the Government to do with appropriations, with appropriating money?

Mr. WARREN. If the Senator will read the Budget law, he will find that it provides definitely that the President must convey to us the finding of the Budget Bureau.

Mr. POINDEXTER. I am not talking about the Budget law. It is the so-called Budget law; but we are talking about a proposed new Budget arrangement, not included in the present law at all, and the Senator from Wyoming seems to go back again to the old idea, which was the limit and the extent of the so-called Budget law, that Congress has to depend upon the various bureaus and executive officials of the Government to direct and inform it about the Budget of the Nation, which really means the amount of money that is to be raised from the people by taxation, on the one hand, and the amount that is to be expended and the purposes for which it is to be expended, upon the other hand.

It is a fundamental displacement of the constitutional departments of the Government to embody any such idea in the question of the Budget, which has been discussed and which is being discussed now. Congress is the place where the Budget should be made up. This is the place, consequently, where the Budget organization ought to be, and I agree entirely with the Senator from New York in his suggestion of a separate Budget committee. But that will not be accomplished, and that need will not be fulfilled, by any sort of an official or committee of the executive branch of the Government. It will have to be in Congress.

Mr. WARREN. In reply to that, this is probably not the time to treat that matter as the Senator suggests, but the various committees now go as far as they can to give us the benefit of their study and their idea as to what we ought to expend for the various purposes. The Bureau of the Budget figures the necessities, and the House committee, so far as it is concerned, has very seldom gone above those estimates, but has gone below to a very large extent; that is, they have brought out bills carrying far less than the Budget would authorize and far less than the Government can be run upon, and there is a necessity, therefore, of deficiency appropriations; but the power is still in the Senate and House, of course, to accept or reject the Budget figures. It is their business to get all the information possible and then refer to us what they believe to be the proper estimates, whereas under the old system the estimates came hit or miss, as each chief clerk of a division made them up. They came without any pruning and were hastily prepared, with the consequence that we did not have the information we have had later.

Mr. POINDEXTER. The Senator certainly would not suggest that the so-called Budget organization would have the power, for instance, to determine how much money should be expended on the Military Establishment of the country and how much should be expended upon agriculture. The determination of those questions, and, coupled with it, which is just as important or more important, in fact, the determination of how that amount of money shall be raised, and the putting of those things in the statement is the making of a budget and it can not be accomplished in the executive departments.

Mr. WADSWORTH. Mr. President, the colloquy which has just taken place diverts me for just a moment from the course of my discussion. As I look upon it, the Government of the United States might be regarded, for the purpose of discussion, somewhat in the light of a great business corporation. In the business world the president of a corporation and the vice presidents and general managers are the executives, of course, and they propose lines of policy to the body of the corporation, involving, we will say, expenditures, new investments, new undertakings, or the diminution of old undertakings. Those suggestions, with all the weight to which they are entitled, are submitted to the board of directors, who, representing the stockholders, pass upon them.

The President of the United States, and let us say, for the purpose of this discussion, the members of the Cabinet, are the executive officers of the Government. The Congress in a very true sense, I think, occupies the position of a board of directors representing the stockholders, who are the people of the United States, and it is entirely proper and entirely wise that the law should provide in mandatory fashion, if necessary, as I believe it does to-day, that the Executive, with the assistance of his subordinates, shall submit to the board of directors, the Congress, his recommendations concerning expenditures, together with estimates of income, and itemize them as far and to as great detail as seems necessary for the advice of the Congress.

As I understand it, that is the theory upon which we have embarked. The difficulty has been that the Congress was not in a position, at the time the law was passed, to erect promptly in both Houses, simultaneously, the legislative machinery for the consideration of the Budget. The House, as I understand it, found itself called upon at a moment's notice, as it were, to devise the machinery. The Senate has waited a year, in effect, without moving, and, as I was saying a short time ago, I had hoped, and I believe through a process of evolution something like this may come some day, that we should have in each House what might be truly called a budget committee, which, after examining the recommendations sent in by the Executive, should make up its mind how much money the Government of the United States should spend for the ensuing fiscal year, fix the aggregate, and again, after examining the recommendations of the Executive, make up its mind how much might be spent as a maximum for the Naval Establishment, for the Department of Agriculture, for the Military Establishment, and so on down through the list of the important Government activities, and apportion those amounts in mandatory fashion among the existing standing committees, and say to the Committee on Naval Affairs, "You can have $250,000,000. That is all you can have, unless by a suspension of the rules of the House or the rules of the Senate, as the case may be, that amount is raised. But in the preparing of your bill you must stay within that sum. You make the bill. Fix the details as you please, because the details of an appropriation bill are inseparable from policy." So on through the different standing committees.

Mr. KING. May I suggest to the Senator that you would have to supplement that policy, which I concede to be a wise one, by repealing some of the existing laws which permit various executive departments to spend without an appropriation in anticipation of getting a deficiency bill passed. They go ahead and spend, and we are confronted with deficiency bills.

Mr. WADSWORTH. Of course, those are details which do not affect the principle I am discussing.

It is perfectly apparent that that could not be done, and I hold no pride of opinion to the effect that that would be the best solution. That was merely a thought which has been

running through my mind for some years back as to the legislative practice which might be invoked.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. WADSWORTH. I yield.

Mr. LENROOT. The plan the Senator suggests I understand has been considered, and the objection has been raised that under such a plan the Budget Committee could not know, and would not know in the first instance, concerning the relative needs or the proper distribution of the total amount to be expended; but to meet that objection the suggestion has been made that with that same Budget Committee, the Appropriations Committees, as they now exist, might make their appropriation bills; but, instead of going to the House or the Senate, they must first go to the Budget Committee.

Mr. WADSWORTH. For revision?

Mr. LENROOT. For revision; and if the aggregate were in excess of the receipts, then, with the information which the Budget Committee might have, they might say to this committee: "You must pare down your bill so much, or that item so much."

Mr. WADSWORTH. Undoubtedly, refinements and improvements of any such suggestion as that are more than possible; in fact, they are highly probable.

Mr. President, I have indulged in this somewhat academic discussion, and do not care to carry it on much longer. No matter what any of us think concerning the best way to approach this problem in the legislative branch of the Government, we are to-day confronted with a situation which, in my humble judgment, we can not dodge. We are driven to a conclusion, if I may use that somewhat emphatic expression. The House has acted, and acted in no uncertain fashion. They have made one committee to handle all appropriations, limiting its power only with respect to the recommendation of legislative proposals.

They have not even given the standing committees of the House ex officio or any other kind of representation upon their Committee on Appropriations. They have centered the power in 36 men out of a total membership of 435. A few minor adjustments were made in the committee assignments of that great legislative body in order to bring about an enlargement of their Appropriations Committee; nevertheless, no member of the Committee on Agriculture of the House, no member of the Committee on Naval Affairs of the House, no member of the Committee on Military Affairs of the House, as such, has anything to do with the making up of the agricultural appropriation bill, the naval appropriation bill, or the Army appropriation bill, and the same observation would hold good as to all their appropriating machinery to-day.

They have completely revamped and regrouped the bills themselves. They have changed their character in several instances completely. It is inevitable that great appropriation measures shall be initiated in the House. It has always been done, it always will be done, and it always should be done. We can not avoid the difficulty which is created by the revamping of those bills. There is no longer to be a sundry civil bill. The items formerly carried in that are to be scattered and regrouped in other bills. No longer is there to be a legislative, executive, and judicial appropriation bill. The items formerly carried in that are to be regrouped, scattered, and rearranged in other bills, with a new nomenclature from top to bottom. There is to be no rivers and harbors bill. The rivers and harbors items are to be included in the War Department appropriation bills. There is to be no Army appropriation bill. The funds for the support of the Military Establishment, such as I recited a little while ago, are to be in the War Department bill. There is to be no separate item in any other bill for the support of the administration of the Panama Canal; that is to be in the War Department bill. The salaries of the civil-service clerks in the War Department—and there are hundreds and hundreds of them, and they used to be taken care of in the legislative bill—are to be taken care of in the War Department bill. All the items in the fortifications bill, as we formerly knew it, is to be in the War Department bill.

The War Department bill as at present contemplated, if I read the prospectus aright, is to be the largest bill sent over here. It is to include anything and everything over which the War Department has direct or indirect jurisdiction. What is going to happen to that? We can not split it up. We can not take out the river and harbor items and send them to the Committee on Commerce. We can not take out the civil-service employee items and send them to the Committee on Appropriations and leave the pay of enlisted men and officers and other things in the Army appropriation bill as they originally appeared in the Army appropriation bill, and send them to the Committee on Military Affairs, and ever hope to get those separated elements back together again under the same original title as passed by the House. It is easy to tear these bills to pieces and distribute them to three or four committees, but we will never get them back together again.

We can not discard the identity of the original House measure. If we destroy its identity our legislative machinery halts, stops absolutely, and we will have an impossible deadlock, with no one able to do anything.

I hope we can approach the proposition entirely free from the effect upon the prerogatives or powers, so called, of individual Senators. Certainly if I were to approach it in a purely personal attitude, I could not be enthusiastic over a proposal which would seemingly deprive the Committee on Military Affairs of what some people are pleased to call power. As a matter of fact, I do not believe these proposals, in the long run, are going to deprive any committee of real power, especially when we consider that the proposed rule forbids specifically the Committee on Appropriations from proposing legislation upon appropriation bills.

So long as the standing committees retain solely for themselves the right to legislate, which carries with it the sole right to authorize appropriations in the future, the power of these committees is going to remain to all intents and purposes intact. The House has already demonstrated that in many instances. The Appropriations Committee of the House can not undertake a new appropriation unauthorized by statute. The House Committee on Appropriations must wait for the appropriate standing committee to report and for the House to pass and for the Senate to pass the amendment to the statute authorizing the Appropriations Committee, in effect, to go ahead and make the appropriate appropriations.

That system will be installed in the Senate. The proposed rule contemplates that very thing. We shall have to meet the situation within a few weeks; indeed, it should be met within a few days. We can not let things drift. We have to get in step with the procession, even though we think the procession in some minor degree does not travel the straightest road toward legislative efficiency. We can no longer travel the old road. We are completely diverted and driven from it.

For one, and speaking for myself alone, I am willing that a rule such as this should be adopted. I would not say it is perfect. The suggestion of the Senator from Delaware [Mr. BALL] is perhaps worthy of consideration, as it relates to the Committee on the District of Columbia. For one, and speaking for myself alone, I am willing to lend what effort I can exert toward the establishment of the theory that we shall make this Government of ours more efficient if we will simplify its processes. After all, though Senators may say that proposals of this kind group too much power in the hands of too few men, nothing can ever deprive the majority of the Senators from doing anything they want with any bill that is reported to the Senate by any committee.

To contend insistently that this proposal, which gives representation upon the Appropriations Committee to each of the standing committees that has ever had anything to do with appropriations is to rob sixty-odd Senators of power is in my judgment a reflection upon the intelligence and the ability of those sixty-odd Senators, who will be sitting here on the floor of the Senate anxious to promote the legitimate interests of their States and constituencies and ever able, by a majority vote in the Senate, to upset and overturn completely anything that the Committee on Appropriations does or fails to do.

I think the rule as proposed by the Committee on Rules is better than the House procedure, because it does give the opportunity for the Appropriations Committee to discuss with some of the members of the standing committee the peculiar problems which affect the appropriations which those standing committees have been accustomed for years to handle. Many of these Government services are built up upon a great body of statutes which have grown from year to year, from session to session of the Congress, slowly in some instances, rapidly in others. The standing committees have reported the bills which have resulted in the enactment of those statutes.

Standing committees know the reason for those changes. They know the history of the legislation. In my humble judgment it is essential that whatever agency we employ in reporting appropriations to the Senate, that agency shall have the advice and assistance of those other Senators who have taken part, in a greater or less degree, in the framing of legislation upon which, in the last analysis, the appropriations are based.

The proposed rule is infinitely more liberal in its provisions than the House rule. This rule gives certain recognition to the standing committees and the knowledge which those committees necessarily possess as the result of their long study and ex-

perience. The Committee on Appropriations under this rule can embark upon no new undertaking involving an appropriation until there is legislative authority for so doing, and that legislative authority must come from some one or other of the standing committees.

So, Mr. President, while I, and perhaps several others, do not believe that this is the most perfect solution of this most difficult problem, I do believe that we are compelled by force of circumstances and by the dictates of common sense to meet the situation and to clarify it in a legislative sense to the very best of our ability.

Mr. NELSON. Mr. President, I have listened to this discussion with a good deal of interest. It has illustrated the great confusion which exists among Senators in respect to the Budget system. By adopting the Budget system, as we call it, or attempting to adopt it, we adopted a foreign importation. The Budget system has only its true home and effectiveness in what we call a parliamentary system of government like that of Great Britain. There the executive department is in the hands of the ministry and the members of the ministry are members of the House of Commons and some of them members of the House of Lords.

The budget, so called, is prepared by those ministers and presented to the Parliament. It is presented to the House of Commons as the act of the collective ministry. They prepare the entire budget of appropriations. It is the plan of the Government, and when they present it to the Parliament through the House of Commons, they have that plan adopted, because they are members of the legislative branch which enacts the legislation. If they fail in carrying out their budget system, if the budget is defeated, they resign and a new government is formed.

We have attempted in this country to import the Budget system, which comes from the parliamentary system of government in England, where practically the executive department is blended in the legislative department. Here our executive department, the President of the United States, is separate and distinct from the legislative department; he has no direct voice in either House of Congress, while in the parliamentary system of Great Britain and other parliamentary countries the ministry, who are on the one hand the executive department, also control the legislative department.

We have attempted to adopt that system. We have conferred the power on the executive department to prepare, as it were, the Budget, but our executive department, unlike the executive department under the parliamentary system of Great Britain, can not come into Congress and say, "This is our Budget and we want it passed as we have formed it; we want it adopted just as we have planned it and made it." All that the executive department can do under our system of government is simply to recommend to Congress. They recommend such and such a Budget and such and such a plan.

Mr. President, we have seen fit to adopt what we call the Budget system, but we find it will not fit here exactly as it fits in a parliamentary government. There is a great reluctance in the Senate, a great reluctance on the part of those committees who have heretofore had charge of appropriation bills, to follow the plan completely. If we want to carry out the Budget system as far as is possible under our system of government we must have all appropriation bills referred to one committee, otherwise our Budget system will be a failure from end to end.

If we carry out the plan as suggested by the Senator from New York [Mr. WADSWORTH] it will be utterly destructive of any real Budget system.

When we attempted this legislation I said in a mild way, but, of course, no one paid any attention because it was to be a great reform, that it would be found that it would not work here as it does in a parliamentary government, where it had its origin. I said I was somewhat doubtful about it. In the discussion to-day and yesterday we have had a manifestation of what we might call in military parlance "die hard." Those committees which have heretofore had charge of appropriation bills "die hard." They dislike to give up their powers, and they do not appreciate the purposes and objects attempted to be accomplished by the Budget system.

Unless we want to take a backward step, unless we want to defeat the budget plan which we have adopted—and it is not a well-fitting plan under our system of government—unless we want entirely to defeat it, we must go ahead and follow the scheme outlined by the Senator from New York. There is only one way in which it is possible under our system of government, and that is to do as they have done in the House of Representatives—refer all appropriation bills to one committee. That is what we ought to do in the Senate. If we fail to do it we disintegrate to that extent the so-called budget system which we have adopted. Our only salvation, if we want to maintain that system, is to leave it in the hands of the Appropriations Committee.

For the purpose of making it easy for the other committees which have heretofore had charge of appropriation bills, the Committee on Rules, of which I am a member, concluded—and I agreed to it through the kindness of my heart and through sympathy—that when certain appropriation bills come before the Committee on Appropriations they should invite the chairman and two other members of the respective committees which had heretofore had the appropriation bills to joint with the Appropriations Committee in the consideration of those bills.

To illustrate: The Army appropriation bill which is coming in will contain appropriations for the Military Establishment. That heretofore has gone to the Committee on Military Affairs. It will contain appropriations for rivers and harbors. To carry out the plan of the amendment which we have reported, there must be three members from the Committee on Commerce—the chairman and two others—and there must be three members from the Military Affairs Committee—the chairman and two others—when the Army appropriation bill is being considered. In other words, it is proposed that the Committee on Appropriations shall have the benefit of six additional members.

This, Mr. President, seems to me to be a brake on the budget system. We agreed to it for the purpose of making it easy for the other committees which have heretofore considered appropriation bills to adopt the new plan. I hope the new system will succeed, so far as it is possible to do so under our plan of government.

The only other conceivable way in which the plan could be worked out, and by which we could more nearly approximate the British system, the parliamentary system, would be for both Houses of Congress to unite in creating a great budget committee, and leaving that budget committee, instead of the President and the executive departments, to present what might be called the budget to the two Houses of Congress. I apprehend, however, that that would not work under our peculiar system of government, where the executive department is distinct from the legislative department, our Government not being a parliamentary government. In adopting a budget system we have probably gone as far as we possibly can in providing that the executive department shall furnish us estimates as to what amount should be appropriated. In order to make the system complete, however, I do not see any other way except to follow the system which has been adopted in the House of Representatives. By adopting the amendment which the Committee on Rules has reported, as I have stated, we make the transition easier for the old appropriating committees. By and by, after we become hardened we may leave the Appropriations Committee to act entirely by itself without giving it these temporary assistants. I hope that day may come. I am in favor of a budget system, so far as we can make it work, but I have never conceded, and I do not now concede, that we can ever make it work so successfully as it can work under a parliamentary system of government.

Mr. POINDEXTER. Mr. President, personally I have no desire to oppose the rule which is proposed by the Senator from Wyoming [Mr. WARREN]. In so far as its effect upon some of the existing appropriating committees is concerned, with the provision for the selection of certain members of those committees to sit with the Appropriations Committee, I think it rather enhances than detracts from the power of those members. However, I want to ask some questions of the Senator from Wyoming concerning the form of this proposed rule. As I understand from reading it, so far as it fixes the parliamentary law governing the consideration of appropriation bills much more may be done by way of amendment to appropriation bills than the committee may originally do in framing it; that is, under the proposed rule as it is framed, a great many things may be placed in an appropriation bill from the floor which the committee itself may not place in it in framing and reporting the bill to the Senate. I fail to see the reason for that, though there may be some good reason for it. Consequently I wish to make an inquiry of the Senator from Wyoming in reference to the matter.

Mr. WARREN. What is there in the rule which gives the Senator from Washington the impression which he has stated?

Mr. POINDEXTER. I will read the language to the Senate and call attention to its effect. The first part of the proposed rule provides:

1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by

the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

That is almost substantially and exactly the existing rule.

Mr. WARREN. It is precisely the existing rule, but——

Mr. POINDEXTER. Let me complete my question and point out the ground upon which I base my observation. Under this part of the proposed rule, which is the same as the existing rule, an amendment to a general appropriation bill will be in order, even though it adds a new item of appropriation increasing the amount, or even though it is not for the purpose of carrying out some provision of existing law, if it has been "moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law."

Mr. LODGE. That is the present rule.

Mr. WARREN. Will the Senator from Washington read the language which follows what he has just read?

Mr. POINDEXTER. It is my purpose to do that, if the Senator will give me the opportunity. The language following what I have just read reads:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation—

That is sufficient—and I think there is no qualification to that—

The Committee on Appropriations shall not report an appropriation bill containing new or original legislation.

The Committee on Appropriations is circumscribed by that unconditional provision, although when they have, in accordance with the rule, reported an appropriation bill without any new or general legislation—and that would be construed to apply to any proposed appropriation for some purpose not authorized by existing law—then any Senator on the floor of the Senate would have the authority to rise and offer an amendment providing for such an appropriation, if it had been recommended by a standing or select committee.

Mr. WARREN. A Senator has that privilege now.

Mr. POINDEXTER. Yes; a Senator has that privilege now; but the committee also has that privilege; the committee is not circumscribed as it would be by the latter part of the proposed new rule which I have read.

Mr. WARREN. The Senator is not objecting to making the restriction stronger, is he?

Mr. POINDEXTER. I am asking the Senator why it is proposed to give greater latitude to amendments to a bill on the floor of the Senate than is allowed to the committee in framing the bill?

Mr. LODGE. Mr. President, if the Senator will allow me, that portion of the proposed rule which the Senator has read is no more sweeping than the general rule which we have adopted and which now exists against general legislation.

Mr. HARRISON. Mr. President, if the Senator will permit me, there is this difference: If a point of order shall be made against some provision that is reported, if this proposed rule shall be adopted, and the point of order is sustained, the bill must be recommitted immediately; it goes back to the committee.

Mr. LODGE. Yes; that is a new provision.

Mr. HARRISON. The point of order, if sustained, would shoot it back, whereas under the present rule the bill would not go back to the committee, but the point of order would only affect that portion of the bill against which the point of order was raised.

Mr. LODGE. That is quite true, but a point of order can be made against general legislation under the existing rule, which, as the Senator from Mississippi points out, only has the effect of throwing out the particular item. Under the proposed new rule, however, such a point of order, if sustained, will carry the whole bill back to the Committee on Appropriations.

Mr. NORRIS. Mr. President, this rule, if the Senator will permit me, if adopted, would really have the effect of keeping legislation off appropriation bills, so far as the committee is concerned——

Mr. LODGE. Absolutely.

Mr. NORRIS. Because the penalty will be so severe as to dissuade the committee from taking such action. Under the existing rule the penalty is nothing but a rejection of the particular item, and that does not injure the bill in general, but if the proposed rule were adopted the Committee on Appropriations, as I look at it, would be shorn of the only power which they have which involves any danger.

Mr. WARREN. The only thing that could be done in that case would be for some member of the committee or some Member of the Senate to ask unanimous consent to offer the amendment.

Mr. NORRIS. Yes; it would require unanimous consent.

Mr. WARREN. An item of the kind the Senators have in mind could not come before the Senate in a bill as reported from the committee.

Mr. HARRISON. Mr. President, if the Senator will permit me, could not the committee directly authorize some one of its members to offer an amendment, giving one day's notice under the rule of a motion to suspend the rules; in that way put the provision in the bill; and then the rule would not operate to send the bill back to the committee?

Mr. NORRIS. That would have to be done in the Senate; the committee could not do that. Why should not the Senate, when it has the bill before it, handle it as it pleases? As I understand, what Senators are afraid of and what we want to avoid if we can, is reposing too much power in the hands of the Appropriations Committee. The proposed new rule does add to their power, for it gives them the consideration of a greater number of appropriation bills, but at the same time, as I look at it, it takes away every particle of power that is in any wise dangerous.

Mr. WARREN. The Senator is absolutely right, and that is the intention of the proposed rule.

Mr. NORRIS. Yes.

Mr. POINDEXTER. But the Senator from Nebraska, I think, will agree with me that that is still subject to evasion. Under the first section of the proposed new rule, which is the same as the existing rule, if the Senate, for instance, had adopted a resolution authorizing an appropriation, even though that appropriation be contrary to existing law, it would be in order by way of amendment. That conclusion can not be escaped.

Mr. NORRIS. It would be in order by way of amendment in the Senate.

Mr. POINDEXTER. Of course, the committee may offer an amendment as well as the Senator; so that we are in this curious situation, that in the framing of a bill the committee would not be allowed to put in an amendment carrying an appropriation which was contrary to existing law, but after the bill had been reported it could offer an amendment, notwithstanding the fact that it was contrary to existing law, if it had been authorized by resolution or bill adopted by the Senate or on motion of a standing or select committee.

Mr. NORRIS. Yes; but that would have to be done in the Senate; it would take place in the Senate; that is not a power that is given to the committee.

Mr. POINDEXTER. Not at all. Why should there be any more latitude in offering amendments given to Senators on a committee on the floor of the Senate than in framing the bill originally?

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. POINDEXTER. Yes.

Mr. LENROOT. May I suggest to the Senator that if an amendment containing general legislation is offered it is still subject to a point of order and would have to go out?

Mr. POINDEXTER. I do not agree with the Senator as to that. The proposed rule makes an exception of items of appropriation authorized by resolution of the Senate. It says, in substance, "unless authorized by resolution."

Mr. LENROOT. Yes; but if it is general legislation the second paragraph of the rule covers it. That paragraph provides that no general legislation shall be received on an appropriation bill if a point of order is made against it.

Mr. POINDEXTER. The second paragraph does not cover it. I beg the Senator's pardon.

Mr. LENROOT. The second paragraph of the rule.

Mr. POINDEXTER. The second paragraph of the rule simply is an inhibition upon the committee in reporting the bill.

Mr. LENROOT. Oh, no; I said the second paragraph of the rule:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. POINDEXTER. "Unless" it contains a proviso.

Mr. LENROOT. No; it contains no proviso. I am speaking of the second paragraph of the existing rule, Rule XVI, not the paragraph of the rule that is before the Senate.

Mr. LODGE. The rule as to general legislation on appropriation bills.

Mr. LENROOT. Certainly.

Mr. POINDEXTER. Of course, that is subject to the exception and proviso in the first paragraph of the rule.

Mr. LENROOT. Oh, no. It has been uniformly held that if any amendment is in fact general legislation, even though reported by a committee and even though estimated for, it is subject to a point of order and must go out.

Mr. LODGE. That is the rule to-day.

Mr. LENROOT. Yes; certainly.

Mr. POINDEXTER. That is not the rule as stated in the proposed rule which we are now considering.

There is another thing that I should like to ask the Senator from Wyoming. What is meant in this rule by "new legislation"?

The Committee on Appropriations shall not report an appropriation bill containing new * * * legislation.

Every appropriation bill is new legislation. The bill itself is new legislation.

Mr. WARREN. No; the idea is that it would be new legislation in that particular bill. That would make it legislation that would be new.

Mr. POINDEXTER. We can not pass an appropriation bill without enacting new legislation. Every item of the appropriation is new legislation. The bill itself is legislation.

Mr. WARREN. No; the bill itself simply provides money for carrying out the provisions of bills already passed and called for under the law.

Mr. POINDEXTER. The Senator certainly will admit that an appropriation bill is legislation—a legislative act?

Mr. WARREN. Only so far as it is allocating the money in the Treasury to carry out the laws of the Congress. That is what it should be, and that is what it is intended to be. That there has been legislation on appropriation bills is true, and especially during war times; but it has always been in the power of anyone on the Senate floor or the House floor to stop it.

Mr. POINDEXTER. I assume that what is meant by it is that it should not be such legislation as to change existing law.

Mr. WARREN. It should not create legislation; that is it, exactly.

Mr. POINDEXTER. But it seems to me the expression "new legislation" is rather inappropriate.

Mr. LODGE. The House phrase is "changing existing law."

Mr. POINDEXTER. I want to call attention to a definition of a budget, in so far as it applies to legislative matters, contained in the Century Dictionary:

In Great Britain the annual financial statement which the chancellor of the exchequer makes in the House of Commons, sitting as a committee of ways and means. In making this statement the minister gives a view of the general financial policy of the Government, and at the same time presents an estimate of the probable income and expenditure for the following 12 months, and a statement of what taxes it is intended to reduce or abolish or what new ones it may be necessary to impose.

The use of the word "budget" as applied to government grows out of the practice of the Parliament of Great Britain and of the House of Commons, and the definition which I have just read describes it very succinctly. The so-called budget which we have established is nothing more or less than a request on the part of the executive branch of the Government for certain allowances from the appropriating branch of the Government, which is Congress. So far as economy is concerned, there is just as much importance in the expenditure of the money as there is in its appropriation, and the expenditure of the money is a function of the executive branch of the Government; and the creation of a so-called Budget Director is undoubtedly meritorious legislation, inasmuch as the purpose of it and perhaps to a large extent under competent and energetic officials the result of it would be to tend, at least, toward economical expenditure of the money appropriated by Congress by the various expending officers, the various executive branches of the Government.

Congress, however, ought not to fall into the error of putting that upon a legislative basis or upon a governmental basis of the budget in the sense in which that term is discussed in the country. In the true sense in which the word is used, it grows out of the action of the Parliament of Great Britain, which is the branch of that Government which controls the finances of the nation. The tendency of any such definition by Congress would be to transfer the control of the finances of the country, the great governmental function of raising money by taxation—because it is inextricably involved with the expenditure of that money—and of the purposes for which the money so raised shall be used, from the representative branch of the Government, composed of Members of the two branches of the legislature elected by the people, and to vest it in an organization of bureaus and officials and secretaries who are not chosen by the people, who have no immediate and direct responsibility to the people, as especially the House of Representatives has, and as to only a less degree the Senate has. It seems to me that the very jealous policy on the part of Congress ought to be to retain this power in its own hands, and, if we are to have a budget committee, that that budget ought to contain an estimate and a description of the amount which shall be raised for supplying the needs of the Treasury.

Mr. President, about a year ago I introduced a joint resolution which I will read. It is very brief. I introduced it on April 12, 1921:

That a budget committee is hereby created, which shall consist of three Members to be appointed by the Senate and three Members to be appointed by the House of Representatives.

I am not sure whether or not a joint congressional committee could be arranged under our system of government, but that is merely a detail.

It shall be the duty of this committee to meet in joint session promptly upon the convening of each session of Congress, or at such times as the members thereof may determine during the recess of Congress, or while Congress is in session, and examine into the prospective revenues of the Government for the next ensuing fiscal year and to estimate the total amount of the same, and to make recommendations to Congress relative to the amount of such revenue. Said committee shall further, either before or as soon as possible after the convening of each regular session of Congress, prepare a program of allotment of the moneys which may be available in the Treasury for appropriation for the maintenance of the expenses and activities of the Government during the ensuing fiscal year, stating in such program of allotment the total amount of money which will be available thereunder for appropriation for each of the several branches and activities of the Government. It shall be the purpose and object of the said committee to recommend to Congress such total amount of revenue as will be reasonably necessary and proper, considering the resources and the needs of the Nation, and to apportion the same among the different departments of the Government and the various Government activities and agencies in accordance with the reasonable needs and service of the said several departments, activities, and agencies, on such basis as that the total appropriations and expenditures of the Government shall be kept within the estimated revenues of the Government, and that the total appropriations made by Congress and dealt with by the various appropriation committees of Congress shall not exceed the Government income, and that the relative amount allowed to each department, agency, or activity shall bear a due relation to the total amount of appropriations and income of the Government, and shall bear a due relation and proportion to the amount recommended in said program for the various other departments, activities, and agencies of the Government, considering their several needs and work in due proportion and relation to each other, and to the entire Government income and expenditures.

It may be that such a proposal ought to be initiated in the House of Representatives, in view of the fact that under the Constitution all revenue measures must originate there, and, under the practice, which is practically as strong as law, appropriation bills must originate there. Until, however, we do devise some such system as that, by which the branch of the Government which under the Constitution controls the Nation's purse can adjust the total expenditure to the total income and take a comprehensive survey of the various grand divisions of the Government and estimate the amounts which ought to be expended by those various departments and branches in view of the revenue which we are to receive and the sources from which that revenue is to come, we shall not have any true budget system. I think that sooner or later we shall come to that, and, with all due deference and respect for the great experience of the Senator from Minnesota, I do not agree with his statement that a budget system can not be adapted to our form of government.

The Senator speaks about parliamentary government in other nations. We have a parliamentary government here. Certainly in so far as that vast range of jurisdiction provided by the Constitution and vested in Congress goes it is a parliamentary Government. Why can not this great parliament of the greatest Nation in the world, with the comprehensive jurisdiction given to it under the Constitution, have a parliamentary organization by which it can take the proper sort of survey of the sources of its income and make the proper sort of calculation as to how that income should be allotted to the various divisions of expenditure? It can be done. All that is needed is to appoint a parliamentary agency for that purpose.

There is one more matter to which I want to call attention, adverted to in part by the Senator from New York [Mr. WADSWORTH]. He spoke of the confused system already in effect in the Senate under which appropriations are made. Some appropriations for military purposes are made by the Committee on Military Affairs and others are made by the Committee on Appropriations. There is one custom which he did not mention which contributes to that condition of affairs and to the confusion, and I may say inefficiency, which results from it, and that is the custom of passing deficiency appropriation bills.

I remember, during the war, when in the enthusiasm of that great appeal to the patriotism of the people we lost all sense of the value of money, and under the name of deficiency appropriation bills millions of dollars of money were appropriated, almost without protest or without examination, upon the request of some bureau of the Government, which afterwards showed by the manner in which it used the money that it did not know a great deal about what it was talking about. The Appropriations Committee recommended such appropriations for the most technical branches of the military service, for various kinds of ordnance, and for the most scientific and

difficult divisions of the naval service. They did not confine themselves to making appropriations.

A good deal of the difficulty we have had from time to time with the military laws, including in that term the naval laws, came from the invasion by the general Appropriations Committee of the field of military and naval legislation in connection with the appropriation bills, of which that committee assumed jurisdiction for those branches of the service. We had a great deal of trouble not many months ago, resulting almost in a state of demoralization in the Naval Academy at Annapolis, because of the existence of a statute which took out of the hands of the academic staff of the academy the power to separate from the institution midshipmen who could not pass the examinations, those who were inefficient and deficient, because the Appropriations Committee put into one of their appropriation bills a provision which nobody was informed about probably but themselves, as very little attention was paid to it, which was passed upon the floor of the Senate without attention, and practically tied the hands of the Navy Department and the Naval Academy officials in the proper administration of that great educational institution. Fortunately the vices of that enactment were so obvious that it was soon repealed and the situation has already been remedied.

Mr. WARREN. Was that in a naval appropriation bill?

Mr. POINDEXTER. That was in an appropriation bill which came from the Committee on Appropriations.

Mr. WARREN. What bill?

Mr. POINDEXTER. I believe it was in the naval appropriation bill.

Mr. WARREN. Of course it was.

Mr. POINDEXTER. I will mention a similar case which came from the Appropriations Committee. It was in regard to a law retiring all temporary and reserve officers of the Navy and Marine Corps who served during the war on the same terms and conditions under which Regular officers of the Navy were retired.

Mr. WARREN. That must have been in the naval appropriation bill.

Mr. POINDEXTER. That was in an appropriation bill which came from the Committee on Appropriations.

Mr. WARREN. No; the Senator is mistaken about that.

Mr. LENROOT. When was that?

Mr. POINDEXTER. That was in the 1920 bill. I do not remember which one of the appropriation bills it was.

Mr. WARREN. The Senator will find it was in a naval appropriation bill.

Mr. POINDEXTER. My recollection is it came from the Committee on Appropriations.

Mr. WARREN. No; the Senator is mistaken about that. The same thing was done at West Point which the Navy attempted to do at Annapolis, in order to get more men into the field; but as to the academy at Annapolis, it was a Navy move entirely. I think very likely it was in a naval appropriation bill. It must have been in the regular naval appropriation bill.

Mr. POINDEXTER. I think I am correct in my recollection that it came from the Committee on Appropriations. However, I will look into that and refresh my memory on the subject. I think, in so far as the consolidation of appropriations in one committee is concerned, it would be of very great advantage and remedy the evils to which I referred a moment ago.

Mr. LODGE. Mr. President, I am for this proposed change of the rules. It is a necessity under the law of the Budget and the arrangements made by the House.

I desire to propose simply a small amendment, which I think only carries out the purpose of the proposed rule. I will give it as applying to only one case. It can be carried out in the others. On page 2, line 16, after the word "appropriations," I move to insert the following words:

At least one member of the Committee on Agriculture shall be a member of any conference committee appointed to confer with the House upon said Agricultural appropriation bill.

Mr. WARREN. Mr. President, if that amendment is considered necessary, I hope it may be adopted, because it proposes to do what will be done in every single case if the present Committee on Appropriations is to handle the matter.

Mr. LODGE. I think it would probably be the practice, but I believe it would be better to put it in the rule, and I am glad the chairman has no objection to it. As I suppose the resolution will have to go over I ask the Secretary if he will make a similar amendment applying to each of the committees mentioned and have it printed, so that we can have it in the morning.

Mr. HARRISON. Mr. President, I hope the Senate will not take action upon this amendment this afternoon. I am in favor of an amendment along that line.

Mr. NORRIS. The Senator from Massachusetts does not ask that action be taken this afternoon on it.

Mr. LODGE. I do not ask that action be taken now. I want it to go over, but of course if a substitute is to be offered we have a right to perfect the original resolution first.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be printed.

Mr. LODGE's amendment was reduced to writing, as follows:

On page 2, line 16, after the word "appropriations," insert the following:

", and at least one member of the Committee on Agriculture shall be a member of any conference committee appointed to confer with the House upon said Agricultural appropriation bill";

On page 2, line 22, after "appropriations," insert the following:

", and at least one member of the Committee on Post Offices and Post Roads shall be a member of any conference committee appointed to confer with the House upon said Post Office appropriation bill";

On page 3, line 3, after the word "appropriations," insert the following:

", and at least one member of the Committee on Military Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of War";

On page 3, line 9, after the word "Appropriations" insert:

"And at least one member of the Committee on Naval Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of the Navy";

On page 3, line 16, after the words "Department of War," insert:

"And at least one member of the Committee on Commerce shall be a member of any conference committee appointed to confer with the House upon items pertaining to rivers and harbors contained in the bill making appropriations for the Department of War";

On page 3, line 24, after the words "Department of State and Justice," insert:

"And at least one member of the Committee on Foreign Relations shall be a member of any conference committee appointed to confer with the House when the items pertaining to the diplomatic and consular service are being considered in the bill making appropriations for the Department of State and Justice."

Mr. BALL. Mr. President, I desire to offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 3, line 24, after the word "Justice," strike out the period and insert in lieu thereof a semicolon and add the following words:

And that the chairman of the committee on the District of Columbia, and two other members of said committee, to be selected by the chairman of said committee, shall be ex-officio members of the Committee on Appropriations, to serve on said committee when the items pertaining to the District of Columbia are being considered by the Committee on Appropriations in the bill making appropriations for the District of Columbia.

Mr. WARREN. Let the amendment be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. NORRIS. Mr. President, there is another amendment which I think everyone will agree is necessary. Yesterday I asked the Senator from Kansas [Mr. CURTIS], who was talking on the bill at that time, whether, if an appropriation bill came from the House which contained legislation and it was referred to the Committee on Appropriations, the Committee on Appropriations could report it back with that legislation on it without violating this rule. The Senator from Kansas said they had discussed that question in the committee and concluded that the Chair would not construe that it would violate the rule.

Mr. LODGE. The House ought not to do it, in my judgment.

Mr. NORRIS. I know the House should not do it, and perhaps the House never will do it; I do not know as to that, but I want to guard against what may happen. It might be done by unanimous consent over there, and it would, as I understand it, make it impossible, as I view this rule, for the Committee on Appropriations to report it at all; we never could get anywhere; we would be stumped. The language is as follows:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation.

If that language means anything, it makes no exception; it does not make any difference whether the legislation was put in the bill originally by the House or whether it was put in by the Senate committee. It seems to me we can obviate that, and I would like to propose an amendment to the amendment for consideration when we get the resolution reprinted, to insert on page 2, after line 4, the words "amendment to an," so that it would read:

The Committee on Appropriations shall not report an amendment to an appropriation bill containing new or general legislation.

Mr. HARRISON. Mr. President, I have an amendment to offer, which I would like to have read and printed. The object of this amendment is to allow the bill to go to the Appropriations Committee, but where there are matters included in the appropriation bill which would be appropriately referred to the

Commerce Committee, for instance, the chairman of the Appropriations Committee shall appoint a committee of three out of the Appropriations Committee, and the entire Committee on Commerce shall act as ex officio members of the Appropriations Committee to consider the measure. In other words, instead of having three members of the Commerce Committee and the whole Appropriations Committee, as under the proposed rule, I would like to see it arranged to have a subcommittee of the Appropriations Committee, consisting of three, and all the Committee on Commerce to consider such propositions. I ask that the amendment be read.

Mr. NORRIS. I am not sure but what I did so yesterday, but I give notice that at the proper time I shall move to strike out of the resolution the proviso commencing on line 9, page 2, and all the balance of the resolution. In other words, I want to strike out of the rule everything which provides for the shifting over to the Committee on Appropriations of three members from the various other committees on certain bills which heretofore have had charge of those bills.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from Mississippi [Mr. HARRISON].

The READING CLERK. Strike out all after line 9 on page 2 and insert the following:

However, when appropriations for rivers and harbors are being considered by such committee, the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Commerce as ex-officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Department of Agriculture are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Agriculture as ex-officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Diplomatic and Consular Service are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Foreign Relations as ex-officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Department of War are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Military Affairs as ex-officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for Indian affairs are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Indian Affairs as ex-officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Department of the Navy are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Naval Affairs as ex-officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Post Office Department are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Post Offices and Post Roads as ex-officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the District of Columbia are being considered by such committee the chairman thereof shall appoint three members of said committee as a subcommittee, which, together with the members of the Committee on the District of Columbia as ex-officio members of the Committee on Appropriations, shall consider such appropriation.

When a bill making appropriations enumerated in this paragraph is in conference, at least two such ex-officio members who considered such bill shall be appointed as conferees.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. JONES of Washington. I desire to present an amendment intended to be proposed by me. I ask that it may be read and ordered printed.

The PRESIDING OFFICER. It will be read.

The READING CLERK. Insert at the end of the proposed rule the following:

When an appropriation bill is under consideration by the Senate debate shall be confined to the bill, unless otherwise ordered by unanimous consent. A point of order that a Senator is not speaking to the bill shall be decided by the Presiding Officer, and an appeal from his decision shall be decided without debate.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. NORRIS. Mr. President, I desire to modify the amendment which I proposed awhile ago. I have had my attention called to the fact by the Senator from Maine [Mr. HALE] and also the Senator from Wisconsin [Mr. LENROOT] that the amendment I have proposed to the committee amendment does not exactly fit the language, and it will have to be changed. I want to add two words in the committee amendment in two different places.

After the word "containing," in line 5 on page 2, I move to insert the words "amendments proposing," and after the word "containing," at the end of line 6, insert the same words, "amendments proposing," so that it will read:

The Committee on Appropriations shall not report any appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation a point of order may be made against the bill—

And so forth.

I ask that this amendment to the committee amendment may be printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate in legislative session took a recess until to-morrow, Friday, March 3, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2 (legislative day of February 23), 1922.

POSTMASTER GENERAL.

Hubert Work, of Colorado, now First Assistant Postmaster General, to be Postmaster General, vice Will H. Hays, resigned.

COAST GUARD OF THE UNITED STATES.

Ensign Merlin O'Neil to be a lieutenant (junior grade), to rank as such from November 14, 1921, in place of Lieut. (Junior Grade), William J. Keester, promoted.

Ensign Norman H. Leslie to be a lieutenant (junior grade), to rank as such from December 14, 1921, in place of Lieut. (Junior Grade) Wilmer H. Eberly, resigned.

Lieut. (Junior Grade) Eugene A. Coffin to be a lieutenant, to rank as such from December 30, 1921, in place of Lieut. Cecil M. Gabbett, promoted.

Ensign Carleton T. Smith to be a lieutenant (junior grade), to rank as such from December 30, 1921, in place of Lieut. (Junior Grade) Eugene A. Coffin, promoted.

Lieut. (Junior Grade) John S. Baylis to be a lieutenant, to rank as such from January 19, 1922, in place of Lieut. Thaddeus G. Crapster, promoted.

POSTMASTERS.

ALABAMA.

Henry E. Hart to be postmaster at Waverly, Ala. Office became presidential July 1, 1920.

Hopson P. McMurray to be postmaster at Heflin, Ala., in place of W. G. Porter. Incumbent's commission expired January 24, 1922.

ARIZONA.

Donald McIntyre to be postmaster at Yuma, Ariz., in place of A. T. Pancrazi. Incumbent's commission expired January 24, 1922.

Charles A. Overlook to be postmaster at Douglas, Ariz., in place of M. C. Hankins, removed.

ARKANSAS.

Lee R. See to be postmaster at Swifton, Ark., in place of L. R. See. Incumbent's commission expired January 24, 1922.

James H. Elkins to be postmaster at Blytheville, Ark., in place of J. K. Sartain, removed.

Fred E. Marble to be postmaster at Carlisle, Ark., in place of J. F. Gillespie. Incumbent's commission expired August 6, 1921.

CALIFORNIA.

Shirley S. Abeel to be postmaster at Sebastopol, Calif., in place of C. H. Gallagher, deceased.

Ed Lewis to be postmaster at Marysville, Calif., in place of T. F. Fogarty. Incumbent's commission expired January 24, 1922.

Columbus J. Messner to be postmaster at Belmont, Calif. Office became presidential April 1, 1921.

COLORADO.

Kiah C. Brown to be postmaster at Merino, Colo. Office became presidential July 1, 1920.

John W. Hultquist to be postmaster at Wray, Colo., in place of R. M. Robinson, declined.

Charles Lawton to be postmaster at Fort Logan, Colo., in place of A. S. Jones, resigned.

John W. Moore to be postmaster as Las Animas, Colo., in place of G. B. Wick. Incumbent's commission expired June 27, 1920.

DELAWARE.

John J. Jolls to be postmaster at Middletown, Del., in place of William Brockson. Incumbent's commission expired October 5, 1921.

GEORGIA.

William H. Bowman to be postmaster at Alto, Ga. Office became presidential January 1, 1921.

Edgar S. Hicks to be postmaster at Yatesville, Ga. Office became presidential July 1, 1920.

ILLINOIS.

Chester O. Burgess to be postmaster at Sigel, Ill. Office became presidential April 1, 1921.

George A. Wollermann to be postmaster at Fillmore, Ill. Office became presidential April 1, 1921.

Joseph T. Stathem to be postmaster at Pearl, Ill., in place of W. H. Donohoo. Incumbent's commission expired January 15, 1921.

Edward H. Hannant to be postmaster at Mount Sterling, Ill., in place of W. B. Davis. Incumbent's commission expired August 1, 1921.

William R. Barnstable to be postmaster at Chesterfield, Ill. Office became presidential July 1, 1921.

INDIANA.

Alice H. Firebaugh to be postmaster at Medaryville, Ind., in place of K. B. Clark. Incumbent's commission expired January 24, 1922.

IOWA.

Thomas F. Fawcett to be postmaster at Ocheyedan, Iowa, in place of A. B. Callender. Incumbent's commission expired January 24, 1922.

John H. Taylor to be postmaster at New Sharon, Iowa, in place of T. R. Osborne. Incumbent's commission expired January 24, 1922.

KANSAS.

Harry T. Hill to be postmaster at Colony, Kans., in place of Thomas O'Mara. Incumbent's commission expired July 23, 1921.

Samuel N. Nunemaker to be postmaster at Hesston, Kans. Office became presidential April 1, 1921.

Mae Shaw to be postmaster at Dorrance, Kans., in place of A. J. Thielen, resigned.

KENTUCKY.

Mary B. Bishop to be postmaster at Dry Ridge, Ky., in place of Ottis Conyers, resigned.

LOUISIANA.

John C. Yarbrough to be postmaster at Mansfield, La., in place of W. T. Pegues, deceased.

MARYLAND.

Harry C. Saunders to be postmaster at Goldsboro, Md. Office became presidential January 1, 1921.

John H. Dean to be postmaster at North East, Md., in place of J. F. Peach. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

Lester M. Blair to be postmaster at Whitinsville, Mass., in place of J. D. Leonard. Incumbent's commission expired January 24, 1922.

Frank D. Babcock to be postmaster at Haverhill, Mass., in place of L. F. McNamara, deceased.

MICHIGAN.

Webster C. Casselman to be postmaster at Baroda, Mich. Office became presidential January 1, 1921.

Olin M. Thrasher to be postmaster at Mt. Morris, Mich., in place of M. C. Le Furgey. Incumbent's commission expired January 24, 1922.

Amos H. Crosby to be postmaster at New Buffalo, Mich., in place of E. P. Ritzler, removed.

Percy W. Totten to be postmaster at Brooklyn, Mich., in place of J. W. O'Leary. Incumbent's commission expired January 24, 1922.

Duncan McRae to be postmaster at Harrisville, Mich., in place of D. E. Storms. Incumbent's commission expired January 24, 1922.

John N. Kart to be postmaster at Augusta, Mich., in place of W. S. Drew. Incumbent's commission expired January 24, 1922.

Edwin L. Fox to be postmaster at Athens, Mich., in place of C. A. Standiford. Incumbent's commission expired January 24, 1922.

Isaac Hurst to be postmaster at Akron, Mich., in place of Arthur Hillman. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Alfred W. Johnson to be postmaster at Sebeka, Minn., in place of A. W. Johnson. Incumbent's commission expired January 24, 1922.

MISSISSIPPI.

Frances C. Williams to be postmaster at Sunflower, Miss., in place of S. J. Craig, resigned.

Andrew R. Shelby to be postmaster at Lauderdale, Miss. Office became presidential October 1, 1920.

Willie R. Smith to be postmaster at Richton, Miss., in place of Rose Walley, removed.

Florence Brady to be postmaster at Lula, Miss., in place of Florence Brady. Incumbent's commission expired January 24, 1922.

Alma M. Furniss to be postmaster at Hollandale, Miss., in place of Lillian McCleary, resigned.

John M. King to be postmaster at Durant, Miss., in place of J. M. King. Incumbent's commission expired January 24, 1922.

MISSOURI.

Edwin H. Vemmer to be postmaster at Gerald, Mo. Office became presidential July 1, 1920.

Oscar F. Schulte to be postmaster at Washington, Mo., in place of J. P. Bauer. Incumbent's commission expired January 24, 1922.

John J. Schaper to be postmaster at Warrenton, Mo., in place of L. M. Hutcherson. Incumbent's commission expired January 24, 1922.

Laura G. McKay to be postmaster at Troy, Mo., in place of Abram Stephens. Incumbent's commission expired January 24, 1922.

Clyde E. Jennings to be postmaster at Hollister, Mo. Office became presidential July 1, 1920.

Leland G. Riley to be postmaster at Eagleville, Mo. Office became presidential January 1, 1921.

Taylor Fisher to be postmaster at New Franklin, Mo., in place of J. M. Settle. Incumbent's commission expired January 24, 1922.

Albert D. Walker to be postmaster at Lathrop, Mo., in place of J. T. Summers, deceased.

Percy B. Kidney to be postmaster at Darlington, Mo., in place of G. P. McGuire, resigned.

Thomas G. Leach to be postmaster at Buffalo, Mo., in place of Harvey Morrow. Incumbent's commission expired January 24, 1922.

Lester C. Snoddy to be postmaster at Ash Grove, Mo., in place of J. H. Turk. Incumbent's commission expired January 24, 1922.

Arthur C. Packer to be postmaster at Adrian, Mo., in place of E. A. Cherry. Incumbent's commission expired January 24, 1922.

MONTANA.

Edward M. Erickson to be postmaster at Paradise, Mont. Office became presidential July 1, 1921.

NEBRASKA.

Erma L. Thompson to be postmaster at Dunning, Nebr. Office became presidential January 1, 1920.

Charles Leu to be postmaster at Elkhorn, Nebr. Office became presidential July 1, 1921.

Orville E. Bicknell to be postmaster at Elk Creek, Nebr. Office became presidential July 1, 1921.

Ernest E. Goding to be postmaster at Dix, Nebr. Office became presidential July 1, 1921.

NEW HAMPSHIRE.

Samuel G. Blaisdell to be postmaster at Milton, N. H., in place of J. H. Wiley. Incumbent's commission expired January 24, 1922.

Webb Little to be postmaster at Campton, N. H., in place of Webb Little. Incumbent's commission expired January 24, 1922.

Alberta W. Wight to be postmaster at Berlin, N. H., in place of H. A. Smith, resigned.

NEW JERSEY.

Joseph P. Quin to be postmaster at Hillsdale, N. J., in place of J. P. Quin. Incumbent's commission expired January 29, 1921.

Charles H. Conner to be postmaster at Bayonne, N. J., in place of P. A. Donovan. Incumbent's commission expired January 24, 1922.

Michael A. Eganey to be postmaster at Lincoln, N. J. Office became presidential January 1, 1921.

NEW MEXICO.

Henry L. Kelly to be postmaster at Mogollon, N. Mex., in place of G. F. Williams. Incumbent's commission expired January 24, 1922.

Frank B. Brown to be postmaster at Hachita, N. Mex., in place of F. P. Brown. Incumbent's commission expired January 24, 1922.

Elizabeth A. Gumm to be postmaster at Carrizozo, N. Mex., in place of J. A. Haley. Incumbent's commission expired January 24, 1922.

NEW YORK.

Joseph Cooper to be postmaster at Stanley, N. Y., in place of J. H. Coon. Incumbent's commission expired January 24, 1922.

Otis G. Fuller to be postmaster at Central Square, N. Y., in place of C. H. Beeby. Incumbent's commission expired January 24, 1922.

Robert A. Weir to be postmaster at Canaan, N. Y. Office became presidential October 1, 1920.

NORTH CAROLINA.

John M. Joyce to be postmaster at Madison, N. C., in place of W. T. Chambers. Incumbent's commission expired July 21, 1921.

Dan W. Hill to be postmaster at Asheville, N. C., in place of Owen Gudger, removed.

Madison L. Wilson to be postmaster at Bakersville, N. C. Office became presidential January 1, 1921.

OHIO.

Charles E. John to be postmaster at Elida, Ohio. Office became presidential April 1, 1921.

John W. Cole to be postmaster at South Webster, Ohio. Office became presidential July 1, 1920.

OKLAHOMA.

James S. Goodwin to be postmaster at Stratford, Okla., in place of Simmie Farries, resigned.

Zack T. Pryse to be postmaster at Mangum, Okla., in place of G. B. Townsend. Incumbent's commission expired October 3, 1921.

PENNSYLVANIA.

Edwin S. Burgham to be postmaster at Parnassus, Pa., in place of E. L. Anderson, resigned.

Alison L. Edwards to be postmaster at Osceola Mills, Pa., in place of A. E. Brown. Incumbent's commission expired August 7, 1921.

Frank J. Over to be postmaster at Hollidaysburg, Pa., in place of A. R. Traugh. Incumbent's commission expired August 7, 1921.

Walter T. Evans to be postmaster at Dubois, Pa., in place of Cornelius Allen. Incumbent's commission expired August 7, 1921.

PORTO RICO.

America Rossy to be postmaster at Ensenada, P. R., in place of America Rossy. Incumbent's commission expired July 21, 1921.

SOUTH DAKOTA.

William J. Ryan to be postmaster at Bridgewater, S. Dak., in place of M. F. Ryan. Incumbent's commission expired March 16, 1921.

TENNESSEE.

Warren S. Yell to be postmaster at Wartrace, Tenn., in place of W. J. Allen. Incumbent's commission expired August 1, 1921.

TEXAS.

Willie Culwell to be postmaster at Putnam, Tex. Office became presidential October 1, 1920.

Ralph W. Redinger to be postmaster at Markham, Tex. Office became presidential January 1, 1921.

Earl D. Tracy to be postmaster at Junction, Tex., in place of J. S. Munn, resigned.

James L. Noel to be postmaster at Pilot Point, Tex., in place of J. L. Noel. Incumbent's commission expired July 21, 1921.

Jesse R. Davis to be postmaster at Pearsall, Tex., in place of H. L. Brooks. Incumbent's commission expired July 21, 1921.

Arthur G. Skinner to be postmaster at Palacios, Tex., in place of W. H. Clement. Incumbent's commission expired July 21, 1921.

Dicie Stanley to be postmaster at Proctor, Tex. Office became presidential January 1, 1921.

Carl W. Smith to be postmaster at Kress, Tex. Office became presidential April 1, 1921.

William T. Allen to be postmaster at Hawkins, Tex. Office became presidential January 1, 1921.

Golden T. Thomas to be postmaster at Channing, Tex. Office became presidential July 1, 1920.

VERMONT.

Berton M. Willey to be postmaster at Greensboro, Vt. Office became presidential January 1, 1921.

VIRGINIA.

Robert W. Ferguson to be postmaster at Newsoms, Va. Office became presidential January 1, 1921.

Anthony Hart to be postmaster at Clifton Station, Va. Office became presidential January 1, 1921.

Thomas P. Scott to be postmaster at Ashland, Va., in place of Nathaniel Lancaster, removed.

George E. Jones to be postmaster at Painter, Va. Office became presidential July 1, 1920.

Griffith S. Marchant to be postmaster at Mathews, Va. Office became presidential October 1, 1920.

WASHINGTON.

Robert B. Henry to be postmaster at Lakeside, Wash. Office became presidential April 1, 1921.

George F. Thomae to be postmaster at Retsil, Wash. Office became presidential July 1, 1920.

Charles T. Brehm to be postmaster at Fairfax, Wash. Office became presidential April 1, 1921.

WEST VIRGINIA.

Howard Cook to be postmaster at Lorado, W. Va. Office became presidential April 1, 1921.

WISCONSIN.

Edward K. Cunningham to be postmaster at Berlin, Wis., in place of W. E. Cavanaugh. Incumbent's commission expired September 8, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2 (legislative day of February 23), 1922.

POSTMASTER GENERAL.

Hubert Work to be Postmaster General.

RECEIVER OF PUBLIC MONEYS.

William H. H. Heckman to be receiver of public moneys at Eureka, Calif.

POSTMASTERS.

ALABAMA.

Clarence E. Combs, Fairfax.
John B. Daughtry, Hartford.
Frederick W. McCormack, Leighton.
William P. Tartt, Livingston.
Florrie Vinson, Louisville.
Robert A. Tuck, Oneonta.
George C. Adams, Ragland.
Benjamin C. Gibson, Tuskegee.
James A. Anderson, University.

ARIZONA.

Lola B. Tomlinson, Bowie.
Charles F. Mater, Morenci.

COLORADO.

Orlando M. White, Matheson.
Edgar B. Wicks, Pueblo.
Daniel Vigil, Saguache.

CONNECTICUT.

Willis C. Chidsey, Avon.
Giles P. Lecreinerk, Moodus.

FLORIDA.

Alvin J. Durrance, Frostproof.
Louis C. Lynch, Gainesville.
John D. Peterson, Pierson.
Maggie M. Folsom, Port Tampa City.
Charles L. Beugnot, Sebastian.
Cornelia Higgins, Warrington.
Calvin W. Campbell, West Palm Beach.

IDAHO.

Charles H. Gelbach, Kooskia.
Dott R. Adams, Rathdrum.

INDIANA.

Jacob W. Mintzer, Ashley.
Edna Bishop, Depauw.
Cecil R. Sparks, Fulton.
John M. Brown, Ladoga.
Levert E. Binns, New Richmond.
Robert F. White, Sullivan.

IOWA.

David T. Spence, Earlham.
George E. Gates, Edgewood.
Leonidas L. Greenwalt, Hastings.
George McNeish, jr., Kanawha.
William R. Weaver, Lewis.
John Harden, Linden.
Harley S. Rittenhouse, Monona.
Bruce E. Harlow, Onawa.
Andrew F. Parker, Redding.
Wayne C. Ellis, Ripley.
Edith J. De Long, Truro.
Leonard G. Kelley, Wall Lake.
Edith E. Ashby, Wellsburg.
Henry C. Ficke, Wheatland.

KANSAS.

Mabel L. Driggs, Bern.
Harry E. Hawkins, Centerville.
Reuben H. Funk, Durham.
Charles R. Fisher, Fort Scott.
Jessie L. Cramer, Galva.
Howard S. Taylor, Savonburg.
Achilles A. Stiers, Uniontown.

LOUISIANA.

Sherman Cook, Alexandria.
Harry R. Mock, Baskin.
Charles J. Slack, Maringouin.
Gladys H. Norris, Oak Ridge.
Goldman L. Lassalle, Opelousas.
Henry A. Donaldson, Reserve.
Charles W. Hudgens, Slagle.
Nathan R. Funderburk, Winnsboro.

MARYLAND.

Charles D. Routzahn, Mount Airy.

MASSACHUSETTS.

Henry K. Bearce, Harwich.
Harlan S. Cummings, Lynn.
Hazen M. Emery, Merrimac.
Neil R. Mahoney, North Billerica.
Annie B. Ellis, Sheffield.
Mary A. Fallon, West Stockbridge.

MICHIGAN.

McKinley A. Watson, Alto.
Jay B. Deutsch, Big Bay.
Millie R. Gordon, Hopkins.
William M. Hovey, Rosebush.
Floyd P. Fox, Williamsburg.
Willard L. Claver, Zeeland.

MISSISSIPPI.

Victor B. Garroway, Bassfield.

MONTANA.

John W. Cornwell, Lodgegrass.
Margaret M. Colligan, Walkerville.

NEBRASKA.

Edward H. Anson, Creston.
Anders P. Peterson, Lindsay.

NEW JERSEY.

Ralph G. Collins, Barnegat.
W. Burtis Havens, Toms River.

NEW MEXICO.

Ona Tudor, East Vaughn.

OHIO.

William S. Burcher, Beallsville.
William F. Laferre, Lewisville.
James W. Rush, Sardis.

OKLAHOMA.

George A. Smith, Devol.
Goldie R. Strain, Wann.
Charles White, Washington.

PENNSYLVANIA.

Wayne Lewis, Berwyn.
James E. Collins, Connellsville.
Harry L. Warnick, Glen Riddle.
Inez B. Rex, Irvona.
John K. Ellis, Jeddo.
Wilbur J. Woodring, Port Matilda.
Harry M. Allison, Spring Mills.

SOUTH CAROLINA.

Robert A. Deason, Barnwell.

TENNESSEE.

Charles E. Cox, Saulsbury.

TEXAS.

Dibrel G. Melton, Allen.
Napoleon B. Warner, Bells.
Lee Brown, Blanco.
Thomas G. Price, Brownfield.
John C. Gee, Call.
Oscar Hunt, Canyon.
Benjamin F. Robey, Coleman.
Arthur H. Johnson, Eastland.
Edgar M. Campbell, Frankston.
Edward F. Glaze, Goliad.
Marshall Calloway, Howe.
Ora L. Young, Jakehamon.
William F. Erp, Karnes City.
Adolph H. Firnhaber, Kingsville.
Henry C. Duering, Lubbock.
John H. Sharbutt, Luedera.
Ada Rodgers, Miami.
Dan W. Ryan, Point.
Ora L. Griggs, Sanatorium.
Maggie Exum, Shamrock.
Mary E. Holtzclaw, Tatum.
Leander M. Gilbreath, Winnsboro.

UTAH.

Lionel L. Peterson, Fairview.

VERMONT.

Clayton F. Bayley, Beebe Plain.

WEST VIRGINIA.

Ernest Johnson, McDowell.
Finley Oakes, Worthington.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 2 (legislative day of February 23, 1922).

POSTMASTERS.

Courtney G. Kelly to be postmaster at Burlington, in the State of Kentucky.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 2, 1922.*

The House met at 12 o'clock noon, and was called to order by Hon. William Tyler Page, Clerk of the House, who read the following communication from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., March 2, 1922.

I hereby designate Hon. JOSEPH WALSH, of Massachusetts, to act as Speaker pro tempore March 2 and 3.

F. H. GILLETT.

Mr. WALSH took the chair as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, we are led into the reality of this new day by Thy mercies which pour from the infinite heart into the veins of humanity. O hear us and give to all who enter this Chamber to feel the joy of divine security. Make us all to be happy and to enter into the spirit of Thy love and be not sore of heart. Always enable us to be patient, big of mind, noble in charity, and true to Thee, but never with a regretful sense of loss or pain. Do Thou keep on enlarging our spheres of usefulness and unto Thee be the praise forever. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPORT FROM SPECIAL COMMITTEE ON READJUSTMENT OF THE PAY OF THE ARMY, NAVY, ETC.

Mr. McKENZIE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. McKENZIE. Mr. Speaker, in compliance with the law and by direction of the committee I submit a report of the Joint

Committee on the Adjustment of the Pay of the Army, Navy, and Other Services.

The SPEAKER pro tempore. The gentleman from Illinois submits a report from the Joint Special Committee, the title of which the Clerk will report.

The Clerk read as follows:

Mr. McKENZIE from the Special Committee, appointed in accordance with the provisions of section 16 of the act approved May 18, 1920, submitted the following report.

The SPEAKER pro tempore. The Chair will state the report will be printed and lie upon the Speaker's table pending the appointment of a special House committee, to which the report will probably be referred.

Mr. MANN. Can not it be referred to the special committee when appointed?

The SPEAKER pro tempore. That order may be entered, the Chair thinks. The Chair will order the report referred to the special committee when appointed by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 10185) authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest in the State of Oregon, and for other purposes.

LEGISLATIVE APPROPRIATION BILL—CONFERENCE REPORT.

Mr. CANNON. Mr. Speaker, I call up the conference report on the legislative bill (H. R. 10267).

The SPEAKER pro tempore. The gentleman from Illinois calls up the conference report on the legislative appropriation bill, which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 20, 21, 22, 25, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 16, 18, 23, and 27, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out line 7 of the matter inserted by said amendment and insert in lieu thereof the following: "$3,500"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$9,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert "$92,985"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 5, 6, and 28.

J. G. CANNON,
SYDNEY ANDERSON,
JAMES A. GALLIVAN,
Managers on the part of the House.
F. E. WARREN,
CHARLES CURTIS,
A. A. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 4, inclusive, relating to the Senate: Appropriates for an additional laborer at $720 per annum in the office of the Secretary, as proposed by the Senate; appropriates for a special assistant to the Committee on Finance at $3,000 per annum, as proposed by the Senate.

On Nos. 7 to 10, inclusive, relating to the Senate: Appropriates $2,500 on account of an automobile for the Vice President, as proposed by the Senate, instead of $2,240, as proposed by the House; fixes the maximum rate of compensation to stenographers to committees at 25 cents per 100 words, as proposed by the Senate, instead of $1.25 per printed page, as proposed by the House; appropriates $100,000, as proposed by the Senate, for expenses of inquiries and investigations ordered by the Senate, instead of $50,000, as proposed by the House, and appropriates $30,000, as proposed by the Senate, on account of the Senate kitchens and restaurants.

On No. 11: Appropriates $3,500 on account of salaries and expenses of the Public Buildings Commission, instead of $10,000, as proposed by the Senate, and strikes out the words "and to remain available until expended."

On Nos. 12 and 13, relating to the Senate Office Building: Appropriates $55,654, as proposed by the Senate, for maintenance, etc., instead of $39,440, as proposed by the House, and appropriates $7,500 for furniture, furnishings, etc., as proposed by the Senate, instead of $5,000, as proposed by the House.

On Nos. 14 to 27, inclusive, relating to the Library of Congress: Strikes out the position of inspector of stacks, at $1,500 per annum, proposed by the Senate; appropriates $3,000 for temporary services, as proposed by the Senate, instead of $2,500, as proposed by the House; appropriates $35,000 for the legislative reference service, instead of $25,000, as proposed by the House, and $45,000, as proposed by the Senate; includes provision for postage in the appropriation for distribution of card indexes, as proposed by the Senate; appropriates $9,000 for contingent expenses of the library, instead of $8,000, as proposed by the House, and $10,000, as proposed by the Senate; restores the paragraph for salaries under "Library buildings and grounds," as proposed by the House, with the single exception that it appropriates for an additional elevator conductor at $720 per annum, as proposed by the Senate; strikes out the paragraph proposed by the Senate for a force of employees under the Architect of the Capitol on account of the Library Building; and appropriates $6,000 on account of storage of catalogue cards, as proposed by the Senate, instead of $5,000, as proposed by the House.

The committee of conference have not agreed upon the following amendments of the Senate:

On Nos. 5 and 6, relating to the compensation of the chief telephone operator.

On No. 28, relating to printing and binding for the Architect of the Capitol.

J. G. CANNON,
SYDNEY ANDERSON,
JAMES A. GALLIVAN,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. CANNON. Mr. Speaker, I send to the Clerk's desk the following statement to be read.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the statement be read in his time. Without objection, the Clerk will read the statement.

There was no objection.

The Clerk read as follows:

The bill as passed by the House carried	$12,392,610.95
The bill as passed by the Senate carried	12,530,724.95
An increase of	138,114.00

The Senate added 28 amendments to the bill, 16 of which occasioned the increase of $138,114. Of the increase, $102,694 is on account of the Senate, and on all of these the House conferees receded.

Of the remainder of the increase, or $35,420, the Senate receded from $18,400, occasioning the appropriation of $16,720 more than the House had proposed, if the conference report be adopted.

This $16,720 is distributed as follows:

1. Public Buildings Commission	$3,500
2. Temporary services, Library of Congress	500
3. Legislative reference service	10,000
4. Contingent expenses of the Library of Congress	1,000
5. Elevator conductor, Library Building	720
6. Storage of catalogue cards, Library of Congress	1,000

If the conference report be adopted, therefore, the bill will carry $119,414 more than when passed by the House, with $300 still to be disposed of by reason of an amendment not agreed to.

Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 5: On page 7 of the bill, line 5, strike out "$1,500" and insert "$1,800."

Mr. CANNON. Mr. Speaker, I move that the House recede and concur in that amendment.

Mr. BLANTON. Mr. Speaker, will the gentleman tell us what the $300 is for?

Mr. CANNON. It is to pay the chief telephone operator $300.

Mr. GARNER. Well, does this make the permanent salary $1,800 instead of $1,500?

Mr. CANNON. Yes. The House has already passed a resolution providing for it.

The question was taken, and the motion to recede and concur was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 6: Page 7, line 13, strike out "$154,280" and insert "$154,580."

Mr. CANNON. Mr. Speaker, this is simply a change in the total. I move that the House recede and concur.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 28: Page 35 of the bill, line 21, after the word "sum" insert "and the Public Printer is hereby authorized to furnish, upon requisition of the Secretary of the Senate, such printing and binding as may be necessary for the official use of the Architect of the Capitol."

Mr. CANNON. Mr. Speaker, I move that the House recede and concur in this Senate amendment with an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, before the period at the end of said amendment, the following: "to cost not exceeding $250."

Mr. MANN. Mr. Speaker, I suppose some one official has to do this, so naturally the Senate added the amendment providing the requisition should be made by the Secretary of the Senate?

Mr. CANNON. That is the reason they gave.

Mr. MANN. Of course, it might just as well have been made by the Clerk of the House, but the Senate just again assumed that it is the legislative body.

Mr. GARNER. Mr. Speaker, I want to ask the gentleman from Illinois this question: This is in keeping with the method outlined in this bill when they have hogged $102,000 for themselves and which we are compelled to agree to on account of the courtesy between the two Houses?

Mr. MANN. It is not a question of courtesy between the two Houses. This is a question of the requisition by the Secretary of the Senate for printing for the Architect of the Capitol, who is just as much under the jurisdiction of the House as he is of the Senate; and yet I apprehend it would not be desirable that both the Secretary of the Senate and the Clerk of the House should be required to go through the form of making a requisition totaling, at the outside, $250.

Mr. GARNER. May I ask the gentleman from Illinois this question: He has been here a long time, and he recalls, I assume, the number of times that the Senators have increased their clerical force as they saw fit. Here is $102,000. Just how long is the House going to continue to permit the Senate extravagantly to expend the money belonging to the people of the United States?

We try here sometimes to practice economy, but it seems to me neither House when it is in power thinks itself extravagant. They should cease practicing extravagance in the other body.

Mr. MANN. It is a good deal like the relations that exist between a husband and wife. In well-regulated families the wife determines what she will spend.

The SPEAKER pro tempore. The question is on the motion to recommit and concur with an amendment.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague, Mr. SPROUL, on account of illness.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

SECOND DEFICIENCY APPROPRIATION BILL, 1922.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the deficiency appropriation bill reported yesterday.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10663, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

Mr. MADDEN. And pending that, I would like to ask the gentleman from Tennessee [Mr. BYRNS] if we can agree upon time for general debate?

Mr. BYRNS of Tennessee. I will state to the gentleman that I have quite a number of requests, most of which I spoke to the gentleman about on yesterday.

Mr. MADDEN. In order to cut the camouflage out of it and not have it appear mysterious, suppose we agree on four hours?

Mr. BYRNS of Tennessee. I will say to the gentleman I do not think that will be sufficient time. I understood that the Commissioner from Porto Rico desires an hour, and I understand that the gentleman from Illinois is willing to yield to him 30 minutes of his time; in other words, 30 minutes on that side. I do not know whether I can get along with an hour and a half with these other requests or not. Could not the gentleman make it two hours and a half on a side?

Mr. MADDEN. That will make it pretty late.

Mr. BYRNS of Tennessee. We ought to get through with general debate to-day.

Mr. MADDEN. I think that can be done.

Mr. BYRNS of Tennessee. Suppose we arrange to close debate at 5 o'clock?

Mr. GARNER. Why do you not make it five hours, not to extend beyond to-day?

Mr. BYRNS of Tennessee. The trouble with that is, if there happens to be two or three points of no quorum raised it will take a lot of time.

Mr. MADDEN. Let us make it 5 o'clock.

Mr. BYRNS of Tennessee. I will agree to that.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that general debate be limited to four hours and a half, one half of the time to be controlled by the gentleman from Tennessee [Mr. BYRNS] and the other half by myself.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that general debate for the consideration of the deficiency bill extend for four hours and a half, one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. BYRNS]. Is there objection? [After a pause.] The Chair hears none.

The question is on the motion of the gentleman from Illinois that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10663, the deficiency appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10663, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10663, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman and gentlemen, in presenting the second deficiency bill for the consideration of the House I wish to call the attention of the House to the amount requested to be appropriated. That amount was $184,919,268.45. The amount recommended to be appropriated in the bill is $108,415,287.13, of which $239,887.99 is for the legislative branch, leaving $108,175,399.14 for the executive and judicial branches of the Government. Of the $108,175,399.14 for the executive and judicial branches of the Government, the sum of $93,993,112 is recommended for the Veterans' Bureau; $5,000,000 is recommended to make the initial payment to the Republic of Colombia under the treaty of April 6, 1914; $3,933,094.00 is recommended for the payment of judgments and audited claims. Deducting these sums, there remains of the amount recommended for the

executive and judicial branches of the Government $5,249,193.05, which is distributed among nine executive departments, one independent establishment, and the District of Columbia. The items recommended in the $5,249,193.05, as a general rule, are small sums representing in most instances actual deficiencies incurred in prior fiscal years, or are for the maintenance of essential activities of the Government during the remainder of the current year. The committee has eliminated from the bill every item which was of doubtful status as a deficiency and has recommended only what they believe to be appropriations decidedly essential to the functioning of the activities of the Government concerned.

The amount recommended in the bill is $76,503,981.32 less than the amount requested in the estimates, and the principal items of this reduction are as follows:

Naval Establishment:		
Clothing and small-stores fund	$40,328,740.42	
Deficiencies, fiscal year 1921	4,695,156.25	
Deficiencies, fiscal year 1922	15,174,924.99	
		$60,198,821.66
Shipping Board, construction program		12,000,000.00
Department of Labor:		
Children's Bureau, welfare and hygiene of maternity and infancy	1,110,000.00	
Employment Service	100,000.00	
		1,210,000.00
Postal Service		311,414.52
Treasury Department, hospital construction		1,239,700.00
All other reductions		1,571,045.14
		76,503,981.32

I will explain these items a little later in detail.

The committee has not provided any direct appropriations for the Naval Establishment in this bill. The item of $40,328,740.42 requested to permit the reimbursement of the Treasury for expenditures during the war for articles of uniform and equipment in excess of the capital of the clothing and small-stores fund has been eliminated as a direct appropriation. The expenditures for this purpose during the war period exceeded the capital of the fund by approximately this sum. As the expenditures have been incurred, the necessity exists for the adjustment of the accounts of the Navy on the books of the Treasury Department, and this the committee has provided for.

The transaction is one of bookkeeping credit for past expenditures, and on that account the committee deemed it unwise to confuse the appropriation totals with a figure of appropriations that represents book credits for past transactions. Of the $4,695,156.25 requested on account of deficiencies for the fiscal year 1921 and prior years, the committee has provided $4,394,806.25, being the amount needed to pay outstanding obligations. This sum has been eliminated as a direct appropriation and a requirement inserted in the bill that the expenses allowed shall be defrayed from balances under other regular annual naval appropriations for the fiscal year 1921. Of the $15,174,924.99 requested on account of deficiencies for the fiscal year 1922, the committee has provided $10,000,000. The principal item in the request is $11,057,610.32 for fuel, of which the committee has recommended $6,282,865.33.

The appropriation for fuel for the Navy for the current year is $17,500,000. This sum, with the exception of $1,600,000, had been expended on December 31, 1921, and it is estimated by the Navy Department that the $1,600,000 was exhausted early in February. The sum allowed by the committee, on the basis of covering a period of five months, would allow approximately $1,250,000 per month for the remainder of the current year. If expenditures should be allowed for the remainder of the current fiscal year on the basis of the amount expended during the first six months, an appropriation for the entire year of $32,000,000 would have been required. The fuel appropriation for the year 1916 was approximately $5,500,000. I would like to have the committee note this. The amount for the current year, if the $6,282,865.33 is approved, will be $23,782,865.33.

The committee has inserted a requirement that the $10,000,000 allowed for the fiscal year 1922 shall be paid from unobligated balances under other regular annual naval appropriations for that fiscal year and specifically enumerated balances under certain continuing appropriations. They have also further required that the amounts allowed for the fiscal year 1922 shall only be expendable to the extent that balances may be found in other naval appropriations with which to meet them. The 1922 balances stated to be available aggregate $532,627. The specific balances enumerated under continuing appropriations and made available aggregate $7,147,718. These two sums total $7,680,345. The items for 1922 to be payable from existing balances existing, or which may exist in the 1922 appropriations, aggregate $10,000,000. It will be necessary, therefore, for the Navy Department, in order to avail itself of the full amount of the $10,000,000 of 1922 items allowed, to effect economies or to curtail activities under other appropriations in an amount aggregating $2,319,655.

The committee is of the opinion that the Navy Department should conform to this requirement and should conduct the Navy during the remainder of this fiscal year in such a manner that the original appropriation made for this fiscal year of $410,678,289.23, supplemented by the other balances allowed, will be sufficient to cover all necessary obligations. In other words, the committee believes that we ought not to increase the aggregate of the appropriations for the year. [Applause.]

The Shipping Board requested an appropriation of $12,000,000 for the completion of vessels under construction and for expenses incident to the termination of construction work. The request, upon consideration by the chairman of the Shipping Board, was withdrawn, but I may say here in passing that it was withdrawn only after the committee itself had proved conclusively by the witnesses of the Shipping Board that not under any circumstances should there be appropriated in connection with the request for $12,000,000 a sum in excess of $2,000,000, and that there was some doubt about the wisdom of that. The Shipping Board finally decided itself, as the result of our examination of the witnesses, that they had not made a case—we had decided that before they did—and so we do not recommend the $12,000,000 or any part of it.

The estimate of the Children's Bureau for carrying into effect the provisions of the act for the promotion of welfare and hygiene of maternity and infancy was $1,480,000, the amount authorized for the full fiscal year. The committee has allowed the sum of $370,000, which is one-fourth of the estimate on the pro rata basis of the portion of the fiscal year remaining when the money will become available, approximately April 1.

A limitation has been placed upon the portion of the fund to be expended for administrative purposes, prohibiting any salary at a rate in excess of $2,400 per annum, except one at $3,600, one at $3,500, and one at $3,000; and I might add that even these $2,400 salaries are to be paid to doctors. I might also say in this connection that those who appeared for the bureau seemed to think that because the law provided for an annual appropriation of $1,480,000, even though there might be but 30 days of the year yet remaining, that they would be entitled to the entire $1,480,000. But the committee did not agree with that. The committee believed that the proper proportionate amount of the authorized sum should be given, a sum commensurate with that portion of the year that is yet to run; and since there will be but three months of the year to run when this appropriation becomes available, we provided $120,000 for one fourth of the year out of the $480,000, and $250,000 for a like period out of the $1,000,000, making in all $370,000.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. NEWTON of Minnesota. My recollection of the act is that there was apportioned a set sum for each State that did not have to be matched. That was for the first year.

Mr. MADDEN. Yes. Only six States have positively accepted. There are 31 States in which they have had communication with the governors, and, so far as the governors could commit them, 25 of those States, in addition to the 6 I have just mentioned, have accepted the provisions of the act. But, of course, a governor's acceptance is only tentative, depending upon the final action of the legislature.

Mr. NEWTON of Minnesota. Take a State which, through the legislative branch of its government, has accepted. Do I understand that its proportion will be only 25 per cent of the $10,000?

Mr. MADDEN. For this year.

Mr. NEWTON of Minnesota. Of course, this is the only year when the $10,000 will be appropriated. Next year it will be $5,000.

Mr. MADDEN. The money can not be paid to a State unless there is an acceptance. That is a very clear proposition, and the law is mandatory and provides that the appropriation must be for the fiscal year. What is the fiscal year? It begins on the 1st of July and ends on the 30th of June, and any construction of the fiscal year can not mean three months, no matter what anybody may think about it, and the committee, after giving very careful study to the law, decided that it would not have the power to do the thing that I think is suggested by the question of the gentleman from Minnesota.

Mr. NEWTON of Minnesota. The only thing is that it cuts down the initial appropriation so as really not to accomplish what was in the mind of the committee when the bill was drafted.

Mr. MADDEN. It does not cut it down for the portion of the fiscal year the appropriation has to run.

Mr. NEWTON of Minnesota. I was of the opinion that the States accepting would get additional payments.

Mr. MADDEN. Only six of them have accepted.

Mr. NEWTON of Minnesota. Six of them have.

Mr. MADDEN. And we have provided for each of them being paid one-fourth of $10,000, or $2,500. We have appropriated $120,000 to be expended in this manner. With this reduced sum, if each State that has accepted were paid $10,000, there might not be enough remaining to satisfy other acceptances.

Mr. HUDSPETH. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. HUDSPETH. I see you have an appropriation here of $50,000 for the Agricultural Department for the inspection of cars coming out of Mexico to prevent the coming in of the pink bollworm. Is that the amount asked for?

Mr. MADDEN. That is the amount that was asked for.

Mr. HUDSPETH. I was under the impression that it was $100,000.

Mr. MADDEN. No; that is the amount that was asked for, if I recollect correctly.

Mr. HUDSPETH. I am not positive about it. That was my impression.

Mr. MADDEN. The sum of $98,993,112 is recommended for the Veterans' Bureau, of which $73,714,182 is for vocational training for the balance of the year, and $20,278,930 is for medical and hospital services.

Mr. SNELL. Will the gentleman yield for a question?

Mr. MADDEN. Certainly, if the gentleman will wait just a moment. If these sums are allowed the total for each of these purposes for this fiscal year will be as follows: Vocational training, $178,714,182; medical and hospital services, $78,278,930.

In this connection attention is directed to the table of expenditures on page 104 of the hearing, covering the total for all war-risk insurance purposes from the beginning to January, 1922, which indicates an aggregate expenditure for all purposes in connection with wounded and sick soldiers since the close of the war of $1,517,468,885. In addition to this, the Government has accepted a contingent liability on insurance amounting to $1,240,000,000, extending over a period of 20 years, which is an annual obligation of $60,000,000. If we add the $1,240,000,000 to the $1,517,000,000, you see we have over $2,757,000,000 already provided for the care of the men who came back less well than when they went away, who served in the great World War. Now I am glad to yield to the gentleman from New York.

Mr. SNELL. If the gentleman has the information, will he please tell us how that amount of money compares with the amount expended by any other Government for its returned soldiers?

Mr. MADDEN. I regret to say that I can not give that. I have not had the time to look it up, but I shall be very glad to do so and inform the gentleman, but I think it much more than has been allowed by any other country.

Mr. SNELL. Has the gentleman any idea how it compares?

Mr. MADDEN. No certain figures. Now, I have explained the bill in its principal items, and I think it may be well enough, as the Navy proposition was the first important thing to which attention was called, to go a little more into detail in connection with the appropriation for the Navy fuel, and to explain more in detail, perhaps, how we reach the conclusion with respect to $40,000,000 and some odd hundred thousand dollars on account of the "clothing and small stores fund" of the Navy.

To begin, during the war the clothing and small stores account in the Navy, consisting, as it does, of clothing and other such equipment, was enlarged through purchases to more than $77,000,000. In 1921 the Congress passed a law directing that on first enlistment men in the Navy should be supplied their uniforms out of this fund or account without reimbursement thereto. The result of that law is that nearly $10,000,000 of the supplies then on hand have been taken out of store without any equivalent return. Later on the Navy Department took an inventory of its stock and wrote down the prices to meet the present cost level, and that occasioned a reduction of $30,000,000 in the values as represented by the purchase price during the war. It will be manifest to everybody that the Navy Department could not go on carrying a store of supplies represented at a cost of $77,000,000, when such supplies were worth only $37,000,000.

So, on the recommendation of the Navy Department, the Committee on Appropriations has in this bill recommended the authorization of book adjustments to be made between the Treasury Department and the Navy Department, which will give the Navy Department credit for the shrinkage in the value of the stores. That is what a man would do in his private business. He would write it off to profit and loss. In a Government institution you can not do that; you have to provide for the adjustment by law.

The Navy Department had deficiencies for transportation and freight and other things for 1921 of $4,600,000 and odd. They brought to our attention unexpended balances in other 1921 appropriations of something over $11,000,000. We have provided in this bill for the payment of these deficiencies for 1921 out of the unexpended balances in other naval appropriations for that year. It was suggested by the Navy that we might then take the remainder of the 1921 unexpended balances and apply them toward the payment of the additional appropriation for fuel which they requested for 1922, but the committee did not think that would be good business practice—it would be doing just what we are trying not to do. It would indicate an expense in one year that was incurred in another, an expenditure out of one year's appropriations for the expenses of another year, and it would complicate the situation so that you would not be able to tell what the appropriations for any one year were. It would not be good business practice, anyway. For 1922 they had some legitimate deficiencies, amounting to $3,700,000 and a little over, which we authorize to be paid out of the unexpended balances for 1922.

It may excite the curiosity of some Members of the House to know how we reached the conclusion that $6,283,000 was the amount which should be allowed for fuel. I shall explain it by saying that we deducted the amount of the other deficiencies from the $10,000,000 we agreed to allow and allotted to fuel what was left. That is how we reached the figure.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LONDON. Was it necessary to authorize the application of an unexpended balance for the year 1921?

Mr. MADDEN. Yes; you can not do it in any other way. There are some people who do not agree that we ought to touch those balances. The reason why we do it is this: We thought it was good business practice. If we had made a direct appropriation out of money in the Treasury not otherwise appropriated we would have added to the current year's expense of the Navy the amount of the appropriation, whereas by doing what we permit them to do—that is, charge the deficiencies to the balances unexpended in the appropriations for that year—we keep the total cost of the Navy within the appropriation as it was originally made. Of course, in the long run it might amount to the same thing, because these unexpended balances would go into the Treasury; but if we use them now they are not there, and they can not be used for other purposes. Sometimes it is a good thing not to have them there.

There has been some criticism—and I think it is only fair that we should meet that criticism—about the wisdom of what the committee recommends in connection with the fuel supply for the Navy. We are not thin-skinned about criticism and not averse to having criticism passed. If we can not meet the criticisms fairly, we are not entitled to support. We have no disposition whatever to embarrass anybody anywhere. We have but one object, and that object is to conserve the interests of the people. The Navy is a popular institution. It has means of reaching a great many people. It sometimes finds fault with what the Appropriations Committee does. They never get exactly what they want, because they always want a good deal more than they ought to have; and this is the first time in the history of my experience in Congress that we have not a pending war with Japan just about the time the Navy appropriation bill was under consideration. They could not raise the issue now because the Conference on the Limitation of Armament settled that question. Now they raise the question that they can not cruise their ships if we do not give them more money for fuel.

I want to tell you what they have had. I want to present both sides of the case fairly. I am not asking one thing or the other. I want the case to be presented to the House so that the Members of the House themselves will decide the question, and whatever they decide I shall be happy about it. I think it is our duty to give the facts.

For 1922 the original estimate submitted in connection with the naval bill for fuel was $37,000,000. That estimate was revised on the basis of 100,000 men and on the basis of two days at sea to one in port, and reduced to $34,982,000. The Congress allowed them $17,500,000 for fuel. The actual expenditures from July 1 to December 31, 1921, for fuel amounted to $15,896,821.23. The balance on hand January 1, 1922, was $1,603,178.77. The average monthly expenditure for the first six months for fuel in the Navy was $2,650,000. The expenditure for the month of December last was $1,850,000. The balance on hand January 1, 1922, was estimated at $1,600,000. The funds therefore required for February, March, April, May, and

June, five months, are the funds with which we are concerned. The amount allowed in this bill for those five months is $6,282,685. This sum will average for each month of the five months $1,250,000. If allowed the total for the year would be $23,782,685. The amount allowed for fuel for the fiscal year 1916 for the Navy was $5,500,000. That is all they used. The expenditures for the fiscal year 1921 for fuel for the Navy amounted to $33,000,000. The average monthly expenditure for 1921 was $2,750,000. The original estimate for 1922 for fuel for the ships was based on oil at $3.85 per barrel. Fuel oil on the west coast is costing now from $1.48 to $2 per barrel. It should be remembered that these estimates were based on $3.85 per barrel.

The average cost on the west coast was about $1.70 per barrel. Practically all of the oil-burning ships in commission are on the west coast. Oil costs more on the east coast. It costs more because during the war the Navy made a contract with some oil company, I do not recall the name, which required the Navy to buy many, many million dollars' worth of oil over a given period. They could have canceled the contract, but it so happened that they advanced a lot of money to the oil company from whom they were to buy the oil, and the only way that they can get that money back is to buy the oil at the price fixed in the contract, and that is what they are doing now. Fuel oil on the east coast costs from $2.47 to $3.05 per barrel.

I want to say that in reaching the conclusion that $6,282,000 is the amount that we ought to give, we do so upon the theory that $1,250,000 for fuel to-day is equivalent to $2,500,000 for fuel in 1921.

Now, it is said by some of the people of the Navy that they will be compelled to keep the ships at anchor. Well, most of the ships are at anchor in times of peace anyway, and it will not hurt them right now if they are at anchor. I know as a result of an investigation and from expert testimony submitted to me by one of the best men in the Navy—I do not care to give his name—that the amount given in this bill for the Navy will be equivalent to the amount of fuel that can be used with all peace-time movements of ships without restriction by the Navy with a 60,000 personnel.

I have a suggestion for the Secretary of the Navy that it might be a good plan to begin to conform to the expectations for another year. I do not know what the size of the Navy will be next year and I do not suppose anybody does. But I do not think it is going to be as large as it is.

I do not think there will be as many men to operate as many ships, and not as much fuel, and I commend to the Secretary of the Navy this line of thought. I am going to make a suggestion, although for a landsman it may be risky to make suggestions to a seaman. I am going to say that if we should provide in the naval bill for 1923 for a force approximately of 60,000 men—I do not commit myself to any number, I am talking about probabilities—it necessarily must follow that a great many vessels now in commission must be laid up at suitable anchorage places, and should be laid up. If they are laid up they will have to have certain stores and equipage removed. They should have certain parts liable to rust well greased, and it might be necessary to apply paint to preserve the ships and machinery. That is what we do to machinery when we lay it up, and after the 1st of July the Navy will have neither enlisted men nor civilians—if the Navy is reduced to 60,000—sufficient to attend to these things. I am talking to the Secretary of the Navy. My suggestion is that there is no better way to employ the enlisted man to-day on vessels of the Navy which will be necessarily laid up during the remainder of the fiscal year by reason of the curtailed steaming fund than to put them to work conditioning the vessels which must lie idle during the next fiscal year. [Applause.] Do you not think it would be a good plan to have that done in advance? I advise the Secretary of the Navy to do this, and that is what any business man would do. I do not criticize the Secretary of the Navy or anybody else, I am only making suggestions of what would be wise and prudent. You know if you follow the dictates of the scientists of the Navy there would be no limitation. But there is somebody somewhere in the rugged corners of the agricultural regions, in every section of the Nation, pleading for reduction of expenses. Men in the mines, in the mills, in the shops, in the field, on the farms, are all looking to us to give them relief. These men that urge extravagant expenditures do not have to go to the people. They do not know the people; they would not know them if they met them. They do not associate with them. They do not have to realize the conditions of hardship that these people have to undergo to make a living. Personally I am very friendly to the Navy. I want the Navy to understand that we ought to try to get together and not stand so far apart. [Applause.]

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. NEWTON of Minnesota. I understand the gentleman to say that last year the bill appropriated $17,500,000 for the present fiscal year.

Mr. MADDEN. This year.

Mr. NEWTON of Minnesota. How is it that the Navy has expended $17,500,000 when Congress intended it to last throughout the fiscal year?

Mr. MADDEN. I am going to talk a little about that in a minute. I think I have said all I need to say about the Navy. Now I want to say one thing about the Army.

Mr. HILL. Will the gentleman yield at this point?

Mr. MADDEN. I will.

Mr. HILL. On page 27, under Naval Establishment, is an item for Navy nitrate plant.

Mr. MADDEN. That is for them to use——

Mr. HILL. We are considering Muscle Shoals.

Mr. MADDEN. That has nothing to do with Muscle Shoals.

Mr. HILL. Is there a nitrate plant in existence now?

Mr. MADDEN. No; this is the remainder of a fund created during the war for that purpose.

Mr. HILL. And there is no nitrate plant now?

Mr. MADDEN. No. Now I want to talk about the Army. The Secretary of War has been wonderful in his cooperation. He has not always agreed with us when we have suggested economies; he has kicked as hard as anybody; but if the thing was done he has been the first man to conform and has done wonderfully well. I want to compliment him. There has not been a chance that he could find anywhere that he has not economized.

Mr. MANN. I do not want my colleague to make any statement about it, but I notice that he did not make that statement about the Navy. [Laughter.]

Mr. MADDEN. I have no criticism to make. Now, I think the worst enemy that the United States has is the deficiency fiend. We have a lot of them and it is hard to break them away from their habit. It is a habit of generations. It is ingrown in them. They do not know how to get rid of it. We are trying to pry them loose from it.

We are trying to educate them how to do things without spending more money than they get. Now, let me illustrate to you how many deficiencies happen. We will say we appropriate a million dollars for a given activity. That is the limit of cost for the activity for the year as fixed by the Congress. That is the law. The law embraced in an appropriation bill is just as sacred as the law embraced within the Constitution. It is made to be kept, and yet a great many department chiefs and bureau heads, when they get the appropriation for a million dollars, seem to forget the oath they took to obey the law and the Constitution and they commence to allot the $1,000,000 sometimes on a basis of $1,200,000. They will make a monthly allotment on the basis of $1,200,000, so that they will be sure not to make any mistake of not having enough. Instead of making allotments on the basis of $1,000,000 they make the allotments on the basis of $1,200,000, and they will spend up to the amount of the allotments and, of course, in the middle of the year they discover that they will be $200,000 short, and they come back for just exactly the amount of the excess of their allotments over the appropriation. We have notified them that when we make an appropriation it means that they are to live within it. [Applause.] And I want to notify them now publicly on the floor that in all cases where deficiencies are created that can be avoided—and there are some cases where they can not be avoided, there may be an emergency—fuel, for example, for the Navy, they are permitted to create a deficiency for fuel under the Revised Statutes, or for the pay of personnel or for subsistence of men in the Navy, and the same thing is true in the Army, but no one will justify the creation of a deficiency for additional clerks in civil activities beyond the amount that they are allowed in the appropriation.

And all such deficiencies as that I want to say from now on—really there have not been any of them allowed, I will say—but wherever they come, as long as I am chairman of the Committee on Appropriations, for a deficiency that can not be justified by law or fact or reason, and where it is evident that they had no intention of living up to the law and where they evidently intended to flout the Congress and pay no attention to it, I propose, under the terms of the deficiency act that provides for the removal from office of anybody who creates a deficiency in violation of the act or for fine or imprisonment, to notify the President of the specific violator, giving his name and requesting him to take such action in all such cases as he may think proper. We can not discharge the men but we can call the attention of the President to the persistent and illegal violation of the appropriation acts by those who have charge of the expenditures.

Mr. SNELL. Will the gentleman yield?

Mr. MADDEN. Yes, sir.

Mr. SNELL. I am sure the House heartily approves of the stand of the chairman of the committee with regard to these deficiencies. I would like to ask how the general deficiencies of bureaus for this year compare with those made last year?

Mr. MADDEN. Of course deficiencies this year are large because of the necessity for a large amount of money for the veterans, but they have been running large right along since the war. Sometimes deficiencies come in here dating back a number of years—as, for instance, we have deficiencies for 1916, 1917, 1918, and 1919—and we can not evade those or avoid them.

Mr. SNELL. But the gentleman thinks, as far as the active operation of Government departments is concerned, the deficiency is less than previously.

Mr. MADDEN. The bill only provides for $5,200,000 for deficiencies for the executive branch of the Government outside of the extraordinary things I have described.

Mr. SNELL. This is a small amount in this bill——

Mr. MADDEN. It is a small amount for a large bill.

Mr. NEWTON of Minnesota. Will the gentleman yield again?

Mr. MADDEN. I will.

Mr. NEWTON of Minnesota. With regard to this question of Navy fuel. This is true, of course, in the Navy when an officer expends more than appropriated and creates a deficiency for fuel that the officer is not subject to removal?

Mr. MADDEN. No.

Mr. NEWTON of Minnesota. At the same time it is certainly intended under the law and by Congress that the appropriation for $17,500,000 for fuel during the year shall be apportioned during the year.

Mr. MADDEN. It was.

Mr. NEWTON of Minnesota. And that proportion shall be maintained, except in the case of an emergency. Does the Navy claim that there has been an emergency during the present year which has caused them to create a deficiency?

Mr. MADDEN. No; we have not been able to discover it. I do not know what they claim. Now, as to the veterans. I want to talk a little about them. We have a very interesting situation with respect to the appropriations for the Veterans' Bureau. It will be recalled that when we were here before with the deficiency bill we did not recommend what they asked for, because they were not able to give us the facts we would liked to have had in order to give the case intelligent treatment. Since that time a great many facts have been submitted that justify the hope, at least, that there is an honest effort being made to systematize the work. It is a tremendous job under any circumstance, and there will be mistakes made; there will be waste in different places; there will be extravagance; and there may be corruption. We do not know. We do not charge that there is, but I would not be surprised some time if it should be developed that there was. We have eighteen thousand two hundred and some-odd people in the service of the Veterans' Bureau. Thirteen thousand five hundred of those are in the divisional offices and suboffices, and five thousand and something here in the District of Columbia. There were 75,408 cases acted upon by the medical division of the War Risk Bureau in December, 1921—that is last December. Of this number 28,994 were general cases and 16,727 were tubercular. There were 52,272 cases rated by the medical division during December, 1921.

Thirty-six thousand three hundred and ninety cases were referred to the United States Public Health Service district superintendents in December, 1921, for examination, 19,918 cases awaiting action of the medical officers on January 1, 1922. There were 28,687 men receiving hospital treatment at the close of December, 1921; 28,568 Government beds were available at the close of December, 1921. Eighteen thousand of these were in the United States Public Health Service hospitals, 2,895 in Army hospitals, 3,398 in Navy hospitals, 3,278 in soldiers' homes, and 822 in St. Elizabeths. On the same date there were 8,784 unoccupied beds in Government hospitals, which would be equivalent to about 25 per cent of the total number of beds. It is said that 15 per cent surplus beds should be maintained continuously, because they are transferring patients in and out all the time.

There are 5,580 additional Government beds under construction or were being planned as of January 1, 1922, and this work, when completed, will provide 3,039 tubercular beds and 2,345 neuro-psychiatric beds and 196 general medical and surgery beds in addition to what we already have.

Four hundred and eighty-six thousand eight hundred and eighty-four men have requested vocational training to December 15, 1921, and during the period from December 1 to December 15, 12,769 were registered, compared with 19,178 in November and 23,825 in October.

And I want to say in this connection that the cost of vocational training per man per annum, including those who are not paid for taking vocational training, is $126 a month, or, substantially, $1,500 a year.

There were 299,879 men who have been declared eligible for vocational training; 135,947 have been declared ineligible after examination. Of the 299,879 declared eligible for training to December, 1921, 269,919 have been assigned to training. That does not mean they are in training. Of the 269,919 assigned to training to December 15, 1921, 137,068 have entered training; 48,602 men were in process of induction into vocational training on December 15, 1921.

On December 1 there were 48,899 in process of induction, and on November 1, 50,616. During the period of December 1 to 15, 1,848 entered training, compared with 4,145 for the month of November, 7,104 in October, and 5,491 in September. One hundred and four thousand five hundred and seventy-eight were undergoing vocational training December 15, 1921. Of this number 93,914 are receiving maintenance pay from the bureau, while 10,664 are receiving no maintenance pay. Up to December 15, 1921, 7,837 have completed vocational training. During the period of December 1 to 15, 388 completed training, compared with 691 in the month of November, 574 in October, and 278 in September.

To December 15, 1921, 18,842 had their training interrupted for one cause and another, some by death and sickness and some for other reasons.

Of the 104,578 men in training on December 15, 1921, 28,320 pursue business courses; 14,505 mechanical trades; 14,076 agricultural courses, and 10,573 professional courses. The trades courses being pursued embrace mechanical, metal, electrical, building, and advertising trades.

Seven thousand one hundred and twenty-nine employees were engaged in the rehabilitation service January 1, 1922.

Now, I have some figures I would like to read. There has been paid under the Veterans' Bureau in the war-risk section, from November 1, 1919, to December 31, 1921, inclusive, for salaries and expenses, $47,078,092; allotments and allowances, $582,954,236; vocational training, $212,724,533; compensation, $300,141,766; term insurance awards, $278,239,146; United States Government life-insurance awards, $5,047,459; hospitalization, $17,924,017; marine and seamen, $35,084,378; or a total of $1,479,193,630.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I would like about five minutes more.

Mr. LONDON. Will the gentleman yield?

Mr. MADDEN. Let me make this statement first:

From November 1, 1917, to January 1, 1922, 1,687,850 service men requested allotments and allowances. During this period 2,145,816 awards were made. The reason for the difference in the number of applications and the number of awards is that awards were made upon the application of wives and frequently Class A and Class B awards were made on the same application. So that you can see that there might be two awards easily on one application. The amount of $582,954,236.08 has been paid out in allotments and allowances to January 1, 1922, and of this amount $300,905,125.70 was allotments and $282,049,110.38 was allowances.

I give you these figures because it is frequently said that there is nothing being done for the men who served in the war and who came back sick. And I thought, inasmuch as a good many questions are being asked of Members of the Congress daily in respect to what is being done for these heroes who served the Nation in its hour of need, there ought to be some information in concrete form that the Members can refer to as reliable.

These figures that I have given you are the exact facts, and they tell the story of a Nation's gratitude as no other statement could tell it. We are grateful to these men for what they have done. The Nation stands with hands aloft, beckoning and inviting these men who wear the badge of honor, which comes from a fallen limb or some shattered part of the body, to partake of the generosity of the Nation, not in the nature of charity, but in the nature of a desire on the part of the American people to recognize the merit that service proved on the part of these patriotic men. [Applause.] It is sometimes said that we are not doing anything for them. I think they themselves ought to know what is being done. Many of them do not. These figures tell the story, and I want you to repeat it and pass it on.

Now I yield to the gentleman from New York.

Mr. SNELL. As I understand it, it costs $129 a month per man?

Mr. MADDEN. One hundred and twenty-six dollars on the average?

Mr. SNELL. Does that include the pay to the man himself?

Mr. MADDEN. It includes pay. It includes pay of $100 a month. A good many men do not get pay, but in cases like that we have to pay $50 a month tuition, so that in all it costs $126 per man.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. ANDREWS of Nebraska. What evidence, if any, has been disclosed in the committee hearings as to the need of hospital buildings?

Mr. MADDEN. We have figures here showing that there are 7,700 surplus beds. If there is any evidence needed to show that we do not need beds, that is the evidence.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield.

Mr. LONDON. I am receiving many letters every day from my district, principally from teachers and parents of school children, who have evidently been advised by the teachers to write me, complaining that the soldiers do not get sufficient hospital facilities.

Mr. MADDEN. There is no complaint anywhere on that ground. The complaint generally comes from the outside. Of course, I would not undertake to say that some poor, unfortunate man who went to the other side and was shell-shocked and became nervous, and thereby became more or less discontented, or some man afflicted with tubercular trouble, has not received the attention he desires. There are always some who are more or less discontented, and it is the purpose of the authorities to do everything they can to make them as contented as possible.

Mr. LONDON. The gentleman has looked into the facts, and he is satisfied that everything is being done that could be done?

Mr. MADDEN. Yes; I do not think you could do any more, no matter how hard you tried. You can not satisfy everybody, because there are conditions under which some will not be satisfied.

Mr. LONDON. There are enough beds?

Mr. MADDEN. Yes; something like 7,700 surplus. [Applause.]

The CHAIRMAN. The gentleman has used one hour and seven minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Porto Rico [Mr. DAVILA]. I understand the gentleman from Illinois [Mr. MADDEN] will yield to him the same amount of time.

The CHAIRMAN. The gentleman from Porto Rico is recognized for one hour.

Mr. DAVILA. Mr. Chairman, at the beginning of my remarks I ask that the Clerk read in my time a communication which I have received from Porto Rico.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

[Cablegram.]

SAN JUAN, P. R., *February 26, 1922.*

Hon. FELIX CORDOVA DAVILA,
House of Representatives, Washington, D. C.:

The governor appointed the same persons who had been rejected as soon as the senate adjourned. Great public indignation exists. I am doing everything in my power to contain despairing attitude of the people, fearing lest it may undo the good work we have just completed. We are all about to lose faith.

BARCELÓ,
President of the Senate.

Mr. DAVILA. Mr. Chairman, I arise to-day to perform a duty that is far from a pleasant one to me. But my sacred obligations to the good people of Porto Rico, who are responsible for my presence in this body, as well as my obligations to the United States, of which I am a willing and proud citizen, forbid me to longer remain silent.

I arise to protest against and ask relief from the acts of an unprincipled, un-American, and altogether unfitted administrator, Gov. E. Mont Reily, of Porto Rico. His oft-repeated abuses of power and his systematic insults to a friendly people have finally made this man intolerable to the people of the island.

Strange to say, Gov. Reily has selected that portion of Porto Ricans who are the best element in the island as the object of his spleen and vindictiveness. And that is by far the greater portion of the people of Porto Rico.

E. Mont Reily, instead of devoting his time to the administration of the affairs of the country with sound judgment and impartiality of views, as was to be expected from a presidential appointee to the high office of executive of the island, has indulged in a policy of partisanship, and for the first time during the history of the American administration the office of the governor has been converted into a political club. This office is now the headquarters of small and cheap politicians, who have grasped the opportunity and obtained from the governor the support denied them by the people at the general elections.

Therefore to Porto Ricans such as myself, and there are many of them, indeed, the spectacle of an American governor in Porto Rico insulting and ignoring the friends of his own native land and championing those who brag of their bolshevik ideas and claim affiliation with the Third Internationale of Moscow, adds insult to injury to the last extreme.

Nor is it in my purpose to cast reflection upon any of the national political parties. I am neither a Republican nor a Democrat in the sense of continental party affiliation, for we do not have the same issues in Porto Rico that you have here. I am a loyal American citizen, and therefore I do not yield to anyone in my loyalty and respect for the President of the United States.

I believe that President Harding made a mistake in the appointment of the governor. Reily cunningly suppressed his past record, and therefore the President appointed him without the least malice toward the people of Porto Rico. I have such great confidence in President Harding that I believe if we could know his innermost convictions we would find that he, too, is about convinced that this man is unfit to govern a people.

HOW REILY BEGAN HIS ADMINISTRATION AS GOVERNOR.

But, Mr. Chairman, we have exhausted all our means to obtain the removal of the governor by the administration. Unfortunately, we have failed in our efforts, and Gov. Reily has returned to Porto Rico with the support of the President. It seems to me that the administration has not realized the seriousness of the situation, and as we have been unable to convince the President of the justice of our cause I appear before you to ask for a congressional investigation which will expose to public view the general reputation and conduct of Gov. E. Mont Reily in Porto Rico. To accomplish the removal of this man, whose every act has shown him wholly unfit to govern the island, no course is left to us but to bring the matter before Congress. I wish to make it clear, however, that this step is taken only after the administration was given free opportunity to act.

In order to form an opinion of the personality of E. Mont Reily it is necessary to take into consideration a multitude of details which, if considered separately, may appear of minor importance, but which jointly investigated will give an approximate idea of the mentality, temperament, and idiosyncrasy of the man who is at present the ruler of the island.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield for a question?

Mr. DAVILA. Yes.

Mr. JOHNSON of Mississippi. I understood from the cablegram that you had read that the officers whom the governor had appointed last had been appointed before that and that the Senate had refused to confirm them. Is that true?

Mr. DAVILA. They were appointed during the recess. The governor submitted the names to the senate, which was convened for the special purpose of considering his nominations, and the senate refused to confirm them. He reappointed them immediately upon the adjournment of the senate in defiance of the organic act and of the wishes of the people of Porto Rico, as expressed through their accredited representatives, and that is proof of the unfitness of the governor. His action is an insult to the people of Porto Rico. I am fighting him more as an American than as a citizen of the island. He is more of an enemy of the people of the United States than of the island and his conduct demands his removal.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. SUMNERS of Texas. By what majority did the senate decline to accept the governor's appointments?

Mr. DAVILA. I understand it was by a vote of 15 against and 3 in favor.

Mr. SUMNERS of Texas. The senate voted 15 to 3 not to ratify the appointments?

Mr. DAVILA. Yes.

Mr. SUMNERS of Texas. Then the governor reappointed them?

Mr. DAVILA. He reappointed them immediately after the adjournment of the session of the senate.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. FAIRFIELD. Has the Senate of Porto Rico signified that it would not confirm anyone whom the governor should name?

Mr. DAVILA. Oh, no; nothing of that kind.

Mr. SMITH of Michigan. Were these appointees Americans or were they Porto Ricans?

Mr. DAVILA. There were two continental Americans among the heads of departments that were appointed. And I want you to understand that we do not object to the appointment of continental Americans. We welcome Americans to Porto Rico when they come down there to cast their lot with our people, but the organic law was drafted with an idea of giving the people of Porto Rico an opportunity to share the offices, so they might gain experience in self-government.

Mr. SMITH of Michigan. I understand there were only three of these appointees.

Mr. DAVILA. There were three heads of departments that failed of confirmation by the Senate.

E. Mont Reily was nominated by the President as Governor of Porto Rico and confirmed by the Senate on the 11th of May 1921, in spite of the opposition of the distinguished Senator from Iowa, Mr. Kenyon.

On May 16, when Gov. Yager was still in Porto Rico in the discharge of his official duties as executive of the island, E. Mont Reily, without extending the courtesy of waiting for Yager's departure, notwithstanding the fact that he had been requested to do so, took his oath in the city of Washington, and since that day has been receiving the amount of $10,000 a year, which is the salary assigned to the Governor of Porto Rico.

The new governor stayed in the mainland 68 days, devoting his time to the local politics of Missouri, to distribute some governmental positions in the island among his friends of Kansas City, Mo., and to indulge in political activities connected with the insular people under the pernicious influences of some politicians from Porto Rico who came to this country especially to bias and prejudice the governor against the majority in the island. It is very easy to influence Gov. Reily in the wrong way, while it is rather hard to persuade him to do the right thing. The first official act done by the governor a few days after his appointment was to request an increase in the salaries of his private secretary, his stenographer, and the chief of the secret service of Porto Rico. He appointed to the last position a friend of his from Kansas City, illiterate, who was a jailer in that city, and who had to be removed for incompetency as such.

REILY WANTED INCREASED SALARIES AND UNDIMINISHED FUNDS.

The governor urged me to wire to the Porto Rican Legislature requesting the increase of these salaries. I did that with reluctance, especially when he told me. "Increase the salaries of these offices, do not cut the appropriations of the governor, and we will get along all right." [Laughter.]

Mr. WILLIAMS. Was the request for the increase of these salaries made before he left this country for Porto Rico?

Mr. DAVILA. It was made while he was here in Washington. In spite of the advice received by the governor in Washington from prominent members of the administration, he appointed as his private secretary a continental American who does not know the Spanish language. Mr. Reily knows no Spanish and requires as private secretary a man thoroughly familiar with both languages, Spanish and English, in order to be able to understand and to make himself understood by the people he was sent to govern.

He appointed as chief of the secret service of Porto Rico a man from Kansas City, a man whom I would like to have you see. It is a shame to have such a man as the chief of the secret service.

Mr. JOHNSON of Mississippi. That is no doubt due to the fact that he was engaged in the pawnbroking business before he was appointed.

Mr. DAVILA. That is the information I have from Kansas City. Everybody who knows him in Kansas City knows that. I wish to say that this is the first time that a governor of Porto Rico has appointed as his private secretary a man unfamiliar with the Spanish language. All former governors have chosen secretaries who knew Spanish and English. Governor Reily is the only one who believes that he can communicate with the people of Porto Rico through a secretary who does not know the Spanish language.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. FAIRFIELD. Has the governor a confidential interpreter, or upon whom does he rely?

Mr. DAVILA. I do not know. He has a military aid who is a captain in the United States Army, and who knows Spanish.

Now I want you to listen to this statement which I am about to make, because it is important.

Reily while in Washington, and without knowing the people of the island, recommended the removal of the auditor, the attorney general, and the commissioner of education of Porto Rico. He admitted to me that he had recommended new candidates for these positions and that it was his intention to appoint as auditor a friend of his from Kansas City. Regarding the attorney general, who is a Porto Rican, Reily stated that he was a Wilson man, a Democrat, and a supporter of Gov. Yager. He opened the gates of his prejudice when he told me: "I will not allow you to control the affairs of Porto Rico as you did under the Wilson administration. I am the boss now," he added. "You may do as you please," I answered, "but your prejudice, before having any personal knowledge about my country, shows me that you are going to fail. Porto Rico will welcome an executive, but not a boss." [Applause.]

After a long and bitter discussion with the governor, he at last promised me to withdraw his recommendations for removals and new appointments, but I was deeply disgusted with his attitude, and I took the matter up with Gen. McIntyre, the Secretary of War, and the President, protesting against these removals, and my advice was definitely accepted. Later, the governor, after his arrival in Porto Rico, insisted on the appointment as auditor of his friend from Kansas City, and asked the resignation of Judge Bonner, a continental American of remarkable ability, who has gained the respect and admiration of the people of Porto Rico and who was first appointed by President Taft.

With the purpose of giving Gov. Reily full cooperation in spite of my disappointment, after several interviews with him, I accompanied him to Porto Rico with the intent of paving his way at the beginning of his administration. On our way down to the island a friend of mine showed me a clipping from an American newspaper containing a statement by Gov. Reily with regard to Porto Rico. When I read that clipping I was greatly surprised, because I could not understand how the governor, without knowing our people, could make statements hurting their feelings in the most vicious way. I remember that in that statement the governor said that he was going to make the English language the only language in the island; that this language must be paramount, and all others, including the Spanish, secondary. I called the governor's attention to the clipping, and he stated that he had been misquoted, but admitted that he was going to say in his inaugural address that the English language must be paramount. I told him that this was a big mistake, that the Spanish language was the language of the Porto Ricans, and the only thing that he could properly say was that both languages, English and Spanish, should be taught in the public schools on equal basis.

It is a difficult task to convince the governor and although he accepted my advice at the time his statement showed me plainly the state of his mind which has been ratified by his subsequent acts in the island. It happened that among the passengers on the boat was a Porto Rican named J. M. Hernandez, who applied to the President through the Bureau of Insular Affairs for the position of commissioner of education of Porto Rico. Mr. Hernandez requested me to introduce him to the governor. I conveyed his desire to Mr. Reily and he replied: "I do not like that man." "Do you know him?" I asked. "No," he answered, "but he filed his application at the War Department and the War Department and the Bureau of Insular Affairs have nothing to do in this matter, I am the boss." I tried to excuse Mr. Hernandez, and at last the governor decided to meet him. Mr. Hernandez was warned by me about the governor's statement.

REILY SAYS HE IS "VERY INFLUENTIAL."

In this connection I want to say that Reily boasts of his strong influence with the President of the United States. He told me that he was going to make his military aid, who is a captain in the United States Army, a colonel. "I am a very influential man," he said. "Do you know what the President told me yesterday? I told Mr. Harding that I was going to recommend to him several appointments for the island of Porto Rico. The President replied: 'Why don't you make the appointments?' 'Well, Mr. President, you are the boss,' and the President said: 'Mont, bring me the names and I will sign.' So you see, I am a very influential man and I can make the captain a colonel." [Laughter.]

The administration of E. Mont Reily as Governor of Porto Rico has been a succession of insults to the people. When he went to the island he found a land of peace and happiness, and almost overnight he transformed it into a hotbed of dissension and despair.

The inhabitants of Porto Rico are an unusually docile and friendly people by temperament. They have respect for law and order and for officials occupying executive positions. Also they respect and honor an official of their sovereign guardian, the United States, which they know as an altruistic and generous Nation and of which they are proud to be a part.

Gov. Reily could have had the everlasting friendship and affection of Porto Ricans of all classes had he possessed the least qualification to be their governor.

Beginning with the day of his arrival, insult has followed insult. We have pride in Porto Rico, gentlemen, and I say to you in full truth that we can stand no more. The moment has come when our self-respect rebels. We appeal to you for relief from this administrator. We ask you to investigate his acts. We believe that should he be a witness before a committee of Congress that he himself will be the best evidence of the justice of our demand for his removal.

I charge that E. Mont Reily, Governor of Porto Rico, removed and caused to be removed from office officials of long experience and without justification and caused to be appointed in their stead others lacking in the qualifications necessary to a proper discharge of the duties of the office to which they were appointed.

I charge that E. Mont Reily declared to members of the Porto Rican Senate, and other citizens, that he would have the Government at Washington annul the organic act, which provides that appointments shall be made with the advice and consent of the Senate, in case his nominations were not confirmed, which amounts to intimidation.

I charge that E. Mont Reily has endeavored to stir up strife and discord among the citizens and destroy the cordial relations now so happily existing among the loyal and patriotic people of Porto Rico, by false statements and by wicked and unwarranted accusations in public speeches against men of high character and patriotism who had shortly theretofore been elected by the people to places of honor and high responsibility in the government of Porto Rico.

I charge that Gov. Reily reappointed the same persons to office who had been rejected by the senate, his act being a flagrant violation of the law.

I charge that E. Mont Reily has attempted to poison the mind and prejudice the public opinion of the people of the United States by falsely stating in public speeches that prominent leaders of the people of Porto Rico were disloyal and traitors.

I charge that he has unlawfully interfered with the courts of justice and attempted to intimidate the judges thereof.

I charge that he has in public speeches attempted to bring the courts of the island and judiciary into disrepute.

I charge that he has declared in public speeches that he knew the courts of the island did not administer justice with honesty and impartiality, and called upon any citizen who had any complaint against a judge to report it to him, promising that he would remove the judge so complained of if he had to get up at midnight to do it.

I charge that he summoned the judge of one of the courts to his office and threatened him with removal because that judge had issued an injunction restraining the issuance of municipal bonds by the city of Mayaguez, which action by the court, the governor alleged, had been the cause of the defeat of his Republican friend in the municipal election which followed.

I charge that E. Mont Reily has in his public speeches in utter disregard of the feelings and sentiments of the citizens of Porto Rico denounced the flag of Porto Rico as a "dirty rag."

I further charge that he has publicly stated that the fire which broke out on the steamship *Tanamo*, the ship on which he returned from Porto Rico in November last, was of incendiary origin, set by his opponents in Porto Rico in an effort to get him out of the way, and that he had proof of what he stated, and that the department of justice also had such proof. In connection with this he exhibited cables purporting to bear out the truth of his statements.

The real truth of the matter is that the president of the Atlantic Fruit Co. has written me that the result of the investigation showed that the fire was caused by a cigarette dropped down one of the forward ventilators.

The following information will throw additional light on the high-handed manner of Gov. Reily:

He asked the resignation of the auditor of Porto Rico, Judge Bonner, an able and efficient man, replacing him by W. L. Kessinger, of Kansas City, Mo., who has not the experience of the former.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. JOHNSON of Mississippi. In one of the charges the gentleman made he said that the Governor of Porto Rico called a judge before him who had issued an injunction. Did he remove the judge?

Mr. DAVILA. No; he did not remove the judge.

Mr. JOHNSON of Mississippi. Why did he call the judge before him?

Mr. DAVILA. He threatened the judge.

Mr. JOHNSON of Mississippi. I believe you charged that Gov. Reily intimidated the judge?

Mr. DAVILA. He threatened him with removal, but he did not remove him. We have evidence to prove that attempted intimidation. The injunction was issued during Gov. Yeager's administration.

CHARGES AGAINST GOV. REILY ARE SPECIFIC.

He asked the resignation of the commissioner of the interior of Porto Rico, Mr. Guillermo Esteves, a Porto Rican of great experience and unquestioned ability, replacing him with Mr. John A. Wilson, a continental American.

He caused the removal of Mr. Carey Hickle, who rendered efficient service as assistant commissioner of education, replacing him with Mrs. Liggett, of Kansas City, Mo., who has not the experience of the former.

He removed the chief of the secret service, Mr. Doby, replacing him with George S. McClure, of Kansas City, a man without any experience in detective work.

He caused the removal of the chief of the bureau of labor, Mr. Carmelo Honore, who was replaced by a Socialist recommended by the governor. The reinstatement of Mr. Honore has been ordered by the district court of San Juan in a mandamus proceeding.

He appointed Mr. W. S. Lippitt, a continental American, as head of the department of health, to replace Dr. Ruis Soler, a native of Porto Rico.

Mr. W. L. Kessinger, jr., from Kansas City, Mo., has been appointed assistant to his father, replacing Mr. McCown, an able and efficient man.

He removed the municipal judge of Ponce without cause, and a few days later reinstated him.

He removed the municipal judge of San Juan without an investigation.

He removed the marshal of the said court in the same way, and a few days later reinstated him.

He removed the clerk of said court also without hearing and investigation.

Judge Pablo Berga, of the district court of Humacao, was summoned by the governor to his office and in the presence of the attorney general threatened with removal without any justifiable reason.

A little less than three weeks after his arrival in Porto Rico he dismissed three policemen and promptly reinstated them.

He dismissed the chief of the Ponce detective force and one of his subalterns, and 10 days later reinstated them both.

He promoted the district chief of Carolina, two days later dismissed him, and two days later reinstated him.

Judge Lopes Acosta, of the district court of Guayama, was subjected to a humiliating investigation on the strength of anonymous letters preferring charges against his conduct in office.

The judges of Patillas and Camuy were also investigated on the feeble excuse of anonymous reports.

He pardoned a policeman who had been sentenced by a lower court, which sentence was still on appeal to a higher court. This man had to be expelled a few days later by the chief for having been guilty of the crime of assault and rape.

The appointment of George S. McClure by Gov. Reily as chief of the secret service is most humiliating to the people of Porto Rico. McClure is a man of very low type, without any education or manners. McClure's fitness for the position which he now occupies can best be defined by reproducing an excerpt from a letter written by Mr. Charles Edwards, chief of police of Kansas City and McClure's former chief:

> Mr. McClure was appointed a clerk in this department on December 1, 1919, and resigned by request on May 2, 1921. His resignation was asked for during a reorganization of the department when it was found that he was an incompetent clerk. He was never suspected of having any talent for detective work.

This is one of the men for whom Gov. Reily asked an increase in salary of the Legislature of Porto Rico, stating that he was the best detective in Kansas City, Mo. He admitted that McClure did not know any Spanish, but said that he could detect in any language. [Laughter.]

One of the first achievements of McClure after his arrival in Porto Rico was to violently wrest a Porto Rican flag from an automobile, tear it to shreds, and trample it beneath his feet. He has been a constant insult to the people of Porto Rico.

DESTROYING CONFIDENCE OF PEOPLE IN JUDICIARY.

The attitude of the governor toward the judiciary is of such a nature that it deserves the most serious rebuke.

By removing judges without proper investigation, as provided by law; by announcing in public speeches that there were courts in the island that did not administer justice with honesty and impartiality; by inviting the people in open meetings to

prefer charges against the judges, with the promise of dismissing them immediately, even at midnight, he has not only exceeded his authority but has weakened the efficiency of the courts.

Not only has he done irreparable damage to the peace and dignity of the island by causing the people to weaken their confidence in their respect for the courts, but he has created a feeling of uncertainty and unrest among the members of the bench, who are expecting at any time to receive the notification of removal which will expose them to the condemnation and ridicule of the people.

There is nothing that lends more honor to a country than an independent judiciary, and conversely no acts of oppression could be more harmful to a people than those which destroy the efficiency of their courts.

Chief Justice Marshall, defining the duties of a judge, with his usual remarkable ability says:

He has to pass between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that in the exercise of these duties he should observe the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security and the security of his property depend on that fairness?

The judicial department—

Adds the able jurist—

comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that he should be rendered perfectly and completely independent, with nothing to influence or control him but God and his conscience?

You do not allow a man to perform the duties of a juryman or of a judge if he has one dollar of interest in the matter to be decided, and will you allow a judge to give a decision when his office may depend on it? When his decision may offend a powerful and influential man?

Gov. Reily needs a lecture not only on the duties of a judge but also on the duties of an executive.

CHARACTER OF COMPANIONS DISQUALIFIES REILY.

Not the least of the practices of Gov. Reily which are deplored by loyal Porto Ricans is the character of some of his associates and counselors. His cooperation with the leader of the Socialist Party to the exclusion of prominent Porto Ricans of standing and high reputation has particularly incensed and humiliated the better element of the people.

This demagogue has prospered in Porto Rico by preaching the most radical and revolutionary doctrine. Notwithstanding the attitude of the United States Government toward the soviets of Russia, he proclaimed himself their champion and also announced his affiliation with the third internationale of Moscow. His attitude toward the soviets was announced in a public meeting held by the socialists in San Juan on May 1, 1919, and became notorious throughout Porto Rico. He further incensed every decent citizen of the island, irrespective of his faith, by his ribald attack upon the teachers of the Christian religion.

And yet in spite of these facts, which were known to all men, the governor in his tour of the island publicly embraced this man and repeatedly referred to him as the type of citizen with whom he proposed to counsel while he remained Governor of Porto Rico.

In proof of what has just been stated about the speech of this crony and counselor of the governor, the following extracts are submitted from the official record of his address at the meeting of the Socialist Party on May 1, 1919, which was printed and widely circulated:

A certain prominent young lady was imbued with the belief that all the evils suffered by humanity were due to a lack of Christian training and education. We have been able to convince her of her error and demonstrate that the wickedness which distressed her also actuated the very teachers of Christian morality whose precepts she would invoke. They alone are responsible for so many public calamities, for such widespread misfortune, for the desperation of so many families, for such widespread vice, and for the prevalence of much of the injustice which results in overthrowing the foundations of society and degrading the very principles of social morality.

* * * * * * *

I agree with the soviets' statements. They have declared through their representatives in the United States: "We have not come to this country to ask for the recognition of political representation, but only for the recognition of our right to explain the questions that affect our people."

The soviets have abolished all the old bourgeois system, they have disregarded the platform of the moderate socialists. They have followed the communist practices, which are the ones prevailing to-day in Russia.

Should we have the power of the Russian soviets we would find the means of solving the welfare of our own people, just as those brave fighters are solving theirs.

REILY'S PAST HISTORY WILL ALSO BEAR INVESTIGATION.

I am strongly of the opinion, from information that has been submitted to me, that an investigation of Reily's past history will show that he was not the kind of a man who should have been placed in an important position like that of a governor of 1,310,000 people. His past is shady, to say the least. I will not undertake to mention all the leads that have been furnished me as being possible subjects of investigation to bring out Reily's lack of qualification. I will, however, state that Reily was appointed assistant postmaster of Kansas City, Mo., in 1902. In 1904 he was investigated and recommended for removal for having made false affidavits and for having caused certain scurrilous articles to be published in the public press about prominent citizens of Kansas City. In 1906 he was investigated, and in 1909 he was recommended for removal after an investigation by a special agent, and the postmaster directed to remove him.

Here you have a man who has been removed as assistant postmaster of Kansas City, Mo., and who has been appointed governor of Porto Rico. He has no qualification to be an assistant postmaster in a city with a salary of $3,000 a year, and he has been considered qualified to be the executive of a country with a population of 1,300,000 inhabitants, which exceeds the population of 18 States of the Union and with a salary of $10,000 a year. If he was not good enough to be an assistant postmaster, how can he be qualified to be the governor of a distant possession, which requires a man skilled in the art of government, with broad and sagacious views and distinguished ability in dealing with the questions arising in public affairs?

As I have not seen the record of Reily in the Post Office Department, I am unable to give the details of the charges made against him. I have only been able to obtain from a friend of mine the communication ordering his removal. I asked for the record in the department and they told me that it was a private matter which they were not allowed to make public. I replied that as the representative of Porto Rico I was entitled to know the record of the executive of my island, but my efforts failed. Later I insisted, stating that I was going to introduce a resolution in the House asking for the record. They told me that probably I would not be able to obtain the whole thing, because they usually destroy those records after a reasonable time.

Allow me to say at this point that I can not understand how the Post Office Department can see its way clear to accept the advice of E. Mont Reily in the filling of the positions of the department in Porto Rico. If Reily himself was removed for cause and could not keep his position as assistant postmaster, how can he be considered qualified to recommend the postmasters of Porto Rico? We can not expect good service from his recommendations. How can we feel sure he will not select men even worse than himself?

I have read an affidavit signed by Donald W. Ross, a bank examiner for the State of Missouri, stating that Reily offered to promote his application for appointment as national bank examiner in consideration of $1,000. This affidavit was sent to the Secretary of War. I have read another affidavit signed by Ross repudiating his first. It has been stated that Reily obtained this second affidavit from Ross by improper means, that he did not deny asking for $1,000, but that it was for campaign purposes and not for his personal use. The stenographer who took down the second affidavit has stated that it was altered several times by Reily while she was transcribing her notes. This document, Ross states in a third affidavit, was only glanced at when he signed it. I have also seen a sworn statement from the notary who acknowledged the signature of Ross's first affidavit, and his statement contradicts Reily's attempt to show that the first Ross affidavit was obtained by unfair means.

I make no brief for a man who would sign an affidavit without looking at it, but the statements of the stenographer and notary raise the question whether or not Reily's methods in obtaining the second Ross affidavit are more reprehensible than the original charge that he offered to promote a candidacy for a Federal position for money. Since both these affidavits have been made public, it would seem that justice both to Gov. Riley and Ross warrants a full investigation into this side of the case.

REILY CONSTANTLY AFFRONTS MAJORITY PARTY.

The attitude of Gov. Reily toward the majority of the island is an affront to American ideals and the principles of democracy. A democratic government is a government of the people, by the people, and for the people, and autocracy is based on the idea of minority rule, and if you carry the autocracy rule to the extreme you get despotism. President Harding in his message to Congress on December 6 recognizes that ours is a popular Government through political parties, that the party in power should assume responsibility, determine upon policies in the conference which supplements conventions and election campaigns, and then strive for achievement through adherence to the accepted policy. For a century and a third, says the President, parties have been charged with responsibility and held to strict accounting. When they fail, they are relieved of au-

thority; and the system has brought us to a national eminence no less than a world example.

These are the views of the President regarding our national policy, and I believe that if these principles are sound and good in the continental United States they will produce the same effect in all the countries under the American flag. There does not exist any good argument to make an exception of the people of Porto Rico. If the majority rules in the United States, I do not see any reason why it should not rule in Porto Rico. As human beings, as a people educated in Christian principles, we are entitled to the benefit of these democratic doctrines as well as the citizens living and born on the continent.

E. Mont Reily since his arrival in Porto Rico launched a campaign against the party in power and the most prominent leaders of this party. We carried the country by an overwhelming majority at the general elections and have the support and backing of the people of Porto Rico. Gov. Reily has declined to recognize the leaders of the majority party, has taken as his advisers men belonging to the minority, and is guided exclusively by their advice. Prominent among these is the leader of the Socialist Party, a disciple of Lenin and Trotsky, and an enemy of the Christian doctrine.

According to the peculiar ideas of E. Mont Reily all the political parties of the island ought to be in power—the Socialist, the Republican, and the Unionist. He thinks that it is possible to carry into effect at the same time the different platforms of these political organizations. He seems to be a sponsor for these ideals, but what he really wants is to destroy the majority party of the island under the futile excuse that it is his purpose to be impartial and fair to everybody.

Under the organic law of Porto Rico the executive can appoint four heads of the departments with the advice and consent of the Senate. These positions have always been filled by members of the majority party since the enactment of the new organic law. Reily asked the resignation of the commissioner of the interior, recognizing, in a letter written to the commissioner, that he was an efficient and able public servant, but that it was his desire to make the new appointments along the lines of a division between the various parties of the island, so that one party alone should not be in control of the country. He carried out his views appointing only one member of the majority party and giving to the minority three appointments. When he made the announcement of these appointments he publicly stated in the press that the commissioner of agriculture and labor and the head of the department of health were Republicans, that the commissioner of the interior was a Democrat, and the treasurer a Unionist. By this statement the governor showed that the most important point he had in mind in selecting these men was their political affiliation and not the efficiency and capacity of the appointees. He began to play politics, and he wants now to compel the senate to accept these political nominations in defiance of the majority party. As the reasons adduced by the governor to justify these appointments are political he can not complain if the senate rejects the appointments on political reasons. [Applause.]

COALITION CABINET WOULD BE A BLUNDER.

The creation by the governor of a cabinet of three parties is in my opinion a serious blunder. There is much to say about coalition cabinets. They may be justified during a period of great crisis, and even at that time it is very difficult to secure the success of the administration, for it is almost impossible to reconcile the views of men of different opinion in public matters.

We have the historic example of Lincoln's embarrassment and we know that McKinley wisely declined the appointment of a coalition Cabinet during the Spanish-American War. A Cabinet of three parties in normal times can only serve to hamper and embarrass the administration, and instead of being nonpartisan it may have the disadvantage of being too partisan. Let us have in mind, Mr. Chairman, that we are not saints but men, that we are living on earth and not in heaven and that a perfect government with a hundred per cent efficiency is something which can not be expected from the imperfect human nature and which will not naturally be expected from the people of Porto Rico. We, the Porto Ricans, like you gentlemen, are human beings with vices and virtues, with all the attributes inherent, in human nature, and the system which can not work with success in the United States or in any other part of the world can not be successful in Porto Rico. Under a democracy you have to rely on the majority, as it is impossible to secure unanimity of views and unanimous support. The President of the United States is elected by a majority of the people, so are Senators, Members of Congress, and all elective officers. The same policy prevails in the selection of the members of the Cabinet, and this policy ought to be extended to my island, unless it is considered that Porto Rico is an exception to the rule.

Apart from the crisis created in Porto Rico by the governor himself, there does not exist any condition which may serve as an excuse for the selection of a coalition cabinet. There is nothing abnormal in the island but the presence of E. Mont Reily.

It is evident that the new organic law was approved by Congress for the purpose of enabling the people of Porto Rico to have more control of their own affairs in order to train our citizens in the exercise of self-government. Gov. Reily, disregarding the spirit of our fundamental law, displaced two able Porto Ricans from the positions of commissioner of the interior and the department of health to appoint two continental Americans, thus depriving the majority party and the people of the island of two important positions. To justify this outrage to the public opinion expressed at the polls, Reily alleged that the Unionist Party favored the independence of Porto Rico and that he will not appoint to public office men who believed in the independence of their country. This is a futile excuse of the governor to justify his unthinkable attitude and to carry into effect his evil purpose. I want to cite a concrete example to show the state of mind of E. Mont Reily.

Although Reily was removed by the Post Office Department as assistant postmaster of Kansas City, he is, notwithstanding, the advisor of the department for all the appointments of postmasters in Porto Rico. Reily declined to recommend for reappointment Mr. Candelario Morales, a young man who volunteered for Army service and who is a hundred per cent American—a phrase which the governor constantly abuses—for the only reason that this man is a member of the majority. The record of this patriot is as follows:

He resigned his position as deputy clerk of the district court of Guayama, P. R., to join the first officers' training camp, and obtained a commission as second lieutenant, being promoted later to first lieutenant. He was honorably discharged December 31, 1918, when the Porto Rico Brigade was demobilized. Having resigned his position to join the colors, I gladly recommended him for the postmastership at Cabo Rojo, securing his appointment under President Wilson's administration. When the postmastership at Cabo Rojo was advanced from fourth to third class, I recommended him again to Postmaster General Hays, explaining the special circumstances of the case. In spite of the reason advanced in behalf of Mr. Morales, the President appointed a new man who was not an ex-service man, under the recommendation of Gov. Reily. Mr. Morales had an interview with the governor about this matter with the desire of obtaining his recommendation. The governor replied emphatically that he could not indorse him for the postmastership because he was a Unionist, and he could not recommend any man belonging to a party which was attacking him.

I again recommended Morales for a new postmastership, emphasizing the justice of his case, and the department says that it is necessary to consult with Reily before making the appointment. Morales is a normal-school graduate and served as a school-teacher for seven years and speaks Spanish and English fluently. He is at present a captain in the National Guard and organized a company in the city of Cabo Rojo. He is also a captain of the Reserve Corps. He has been recommended by the adjutant general of Porto Rico and by the inspector of the Post Office Department, Mr. W. R. Ryan, who is well acquainted with his activities as postmaster of Cabo Rojo.

Here you have a hundred per cent American, as the governor says, who could not get a position under the administration of Gov. Reily only because he is a member of the majority party. This concrete example shows plainly that the purpose of the governor is not to oppose the people who favor independence but to defy the public opinion of Porto Rico. This new governor, with a percentage of "Americanism" which surpasses all the patriots of America, denies a position to a man who served the Nation during the great crisis in the last war and has shown his loyalty beyond any reasonable doubt. This is the compensation that the American governor in the island reserves for the boys who served the country while he was in Kansas City playing the low politics for which he has a great devotion.

Regarding the policy of the majority party I want to state that in a convention held at San Juan, P. R., some days ago, a new platform was adopted eliminating the issue of independence and advocating full self-government under the American flag. This is the definite policy of the party. As a matter of fact, the people of Porto Rico have been always loyal to the American Nation. As Mr. Barcelo very properly stated during his recent visit to the mainland, the ideal of independence is an

academic question. Gov. Reily himself, in spite of his animosity against the majority party, admits that there are not more than 200 Porto Ricans who want separation from the United States.

I really believe that the most serious mistake committed by the governor during the stormy period of his short administration has been his bitter opposition to the representatives duly elected by the people and his contemptuous attitude toward them. Aside from the several reasons we have already cited for his recall, his defiance of public opinion, his entire disregard of the majority of the people are, in my judgment, sufficient causes to justify his immediate removal. It is impossible to have a decent and good administration under such autocratic policy. If the majority of the people is not entitled to have a voice and intervention in the administration of public affairs, what are the elections for? Under our organic law the senate and legislature are elected by the people, and when the executive does not work in harmony with the legislature but pursues a policy of opposition and contempt toward the majority, he is surely doomed to fail. I feel confident that the national administration will not back him in this erroneous and Machiavellian policy. Should he be indorsed by the authorities here, it should be better to repeal at once our organic law so that we may know we have an open autocratic government instead of a despotism under the mask of a liberal régime. Between the two evils, the first is preferable.

Mr. OLIVER. Will the gentleman yield?

Mr. DAVILA. Certainly.

Mr. OLIVER. The gentleman has detailed a most astounding state of facts, and which if found to be correct show gross unfitness of the governor of Porto Rico for that important position. I would like to ask if the gentleman feels that he can state without reservation to the membership of this House that his views are reflected by the citizens of Porto Rico?

Mr. DAVILA. Yes; I am a Representative of the people of Porto Rico. I was elected by 126,000 votes. I am a member of the majority party in Porto Rico, but I represent the people of Porto Rico. I dare say there is not a sensible citizen of the island who will support a man like Gov. Reily. [Applause.]

Mr. MICHENER. Will the gentleman yield?

Mr. DAVILA. I will.

Mr. MICHENER. Did I understand the gentleman to say that during the Wilson administration that administration followed the advice and counsel of the gentleman who is now speaking in making all appointments?

Mr. DAVILA. That was the general policy.

Mr. MICHENER. In other words, there was nothing done during Wilson's administration in Porto Rico except by the advice of the gentleman now speaking?

Mr. DAVILA. I was speaking of the appointments in the Postmaster General's Department. I was consulted by the administration. I will not say that I was consulted in everything, but in the majority of things.

Mr. MICHENER. I think the gentleman stated that in his main speech. The trouble now is that the gentleman is not consulted when the appointments of officers are carried out.

Mr. DAVILA. In the Wilson administration I was the adviser of the Post Office Department and all appointments in Porto Rico were made after consultation with me. They have denied that now.

Mr. MICHENER. And that is the principal trouble.

Mr. DAVILA. Oh, no; nothing of the kind. The main thing is that Gov. Reily is not fit to be Governor of Porto Rico. I want to make it clear that we demand a man of high honor and high ideals.

Mr. WILLIAMS. Who has more right to be consulted than the representative chosen by the majority of the voters of that island?

Mr. MURPHY. But is it wise to find fault with a man because he wants to appoint a new set of officers. I wish we had a fellow like that over here now. Perhaps he would help us get a few Republicans into jobs. [Laughter.]

Mr. HUMPHREYS. If the gentleman is anxious to get a man like that, he can possibly get this same man from Porto Rico. [Laughter.]

Mr. MURPHY. I am sure it would meet the approbation of people in Ohio who want to get into a job.

Mr. DAVILA. I want to say that I am not complaining on that ground. I want to see decent appointments made in the island, and I have not made any complaint here about my not being consulted. I said that the governor refused to appoint a man who rendered service during the war, and he refused to appoint him simply because he belonged to the majority party of Porto Rico.

The governor has not consulted with the members of the majority party in the senate about his nominations but has been very active in consulting with the members of the minority, and especially with the leader of the Socialist Party. During a session of the senate the Socialist senator announced that he had to retire because he had been called by Gov. Reily to consult with him regarding several appointments still pending. This invitation of the governor, publicly announced in the senate by the Socialist leader, is most humiliating to the members of the majority. In the opinion of Gov. Reily they do not mean anything in the island, although they have the overwhelming support of the people, and the leader of the Socialist Party, who was born in Spain, is consulted by the governor to the exclusion of these prominent Porto Ricans and duly elected representatives of the people. But Gov. Reily has gone further than that. The Senate refused to confirm the nominations of the commissioner of the interior, the head of the department of health, and the commissioner of agriculture and labor. Reily immediately after the adjournment of the senate appointed in recess the same men rejected. He has confirmed by his acts previous statements made by him showing his utter disregard of the Porto Rican Senate.

ORGANIC LAW REQUIRES ADVICE AND CONSENT OF SENATE.

According to our organic law the governor shall make these appointments with the advice and consent of the Senate of Porto Rico, and appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate for the session. The refusal of the senate to confirm the nominations had not any effect at all in the judgment of Gov. Reily, as it is shown by the immediate appointment of the same nominees rejected. In my opinion the law is very clear. If the executive can appoint the same persons rejected by the senate, then the provision in the law "with the advice and consent of the senate" is entirely useless. It can not be said that the governor is right in the construction of the law, because to arrive at this conclusion will be equivalent to declare that the fundamental law of the country may be entirely disregarded by a political trick. Under this theory the executive will be able to make all his appointments without the advice and consent of the senate, for if he can disregard the law in one case he may do it as many times as he wishes.

As Lord Durham says in his report to the British Empire dealing with the conditions prevailing in Canada in 1839—

> The governor should be instructed that he must carry on his government by heads of the departments in whom the united legislature shall repose confidence, and that he must look for no support from home in any contest with the legislature except on points involving strictly imperial interests.

E. Mont Reily, acting as a pro consul, has a very peculiar conception of government, assuming that he is the executive, the legislature, and the judiciary. He considers himself vested with extraordinary power to handle alone all the affairs of the island. This exercise of extraordinary power should be unwise and despotic in a man of high mentality, but in the case of E. Mont Reily is repulsive and intolerable. His inability, his lack of tact and diplomacy, his entire absence of good judgment and administrative capacity is recognized by every man who has the opportunity of his acquaintance and of talking to him for only a little while. If he is unfit for the job, if he is not the man to be the executive of one of our most important possessions, why insist in keeping him in Porto Rico? We must have in mind, Mr. Chairman, that Porto Rico on account of the education of the insular people and the conditions prevailing in the island, which are different from those prevailing in the United States, with a foreign language, different customs and habits, requires an executive tactful, diplomatic, honest, and with the mental qualifications of a real statesman. Our relations with the Latin-American people are very close, and the success of the United States in the policy of friendship and brotherhood with our neighbors of the Latin race will depend to a great extent on the success in Porto Rico.

As we are denied a voice in naming the men who are to administer our affairs, we must at least insist that they be selected with due regard to standards that obtain in the United States.

No sentiment is more firmly fixed in the minds of the American people than the principle that a public office is a public trust.

One of the great Presidents who hewed closely to the line in helping to establish that lofty principle ventured the hope that we would never again be remitted to the system which distributes public positions purely as rewards of partisan service. Doubts, he said, might well be entertained whether our Government could survive the strain of a continuance of this system.

The spoils system, as it is working in Porto Rico, is a justification of his fears. We would not be plagued with the unhappy condition prevailing in that island to-day if the high office of governor had been tendered to a man whose past record proved him worthy of the trust instead of a place man, ineligible for

appointment in his own community because of the indelible blot upon his escutcheon, placed there by the Post Office Department when he was removed for cause.

Let me finish my remarks stating that we are merely asking for an investigation of the facts; that, besides the formal charges that I have preferred before Congress, the public press has given considerable space to the conditions prevailing in Porto Rico since the arrival of the new governor, and that every day the leading papers of the country are writing editorials criticizing Gov. Reily and asking for an investigation of the charges. So this matter has become one of national interest. Under these circumstances, to be fair to the governor and to the people of the island, an investigation should be ordered. Either Reily or the people are responsible for the abnormality of the situation. If the governor is innocent, he is entitled to a public exoneration; and if we are right in our complaints, we are entitled to his immediate removal. The good name of the United States demands an investigation. Let the blame rest where it is merited.

LETTER TO PRESIDENT HARDING PROTESTING REILY'S CONDUCT.

I wish to insert in the RECORD the following letter which I sent to President Harding on December 23, 1921, and which is self-explanatory:

DECEMBER 23, 1921.

Hon. WARREN G. HARDING,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: I have read with the greatest interest the letter you wrote to Senator King, which was published in the press, relative to a resolution introduced by the Senator.

In order that no misconception may arise as to our attitude, and with the desire of bringing to your attention certain information which might prove of interest to you, I would like to state that we have made no objection against Americans who are occupying public office in Porto Rico, for the only reason that these gentlemen were born outside of Porto Rico. Our protest is based on far more solid and just grounds than this. Men of parts who go to Porto Rico from the North, to sincerely cooperate with us in solving our problems, deserve our love and gratitude. We can not, however, agree to the substitution of competent native Porto Ricans by Americans when the former have proven their efficiency and ability in the discharge of their duties, as in the cases of the commissioner of the interior and the chief of the health department, who were removed by Gov. Reily in order that he might appoint two Americans and by so doing take these posts from the people of Porto Rico and from the party of the majority.

Nor do we agree to the bringing to Porto Rico of Americans who are unfit for the discharge of the duties of high public office and who do not possess either the ability or the experience which such office requires.

We do not believe that Gov. Reily acted wisely when he appointed, against the advice he received while in Washington and before he had ever seen our island, as his private secretary an American who did not know our language. Mr. Reily knows no Spanish and requires as private secretary a man thoroughly familiar with both languages, Spanish and English, in order to be able to understand and to make himself understood by the people he was sent to govern.

We realize that the appointment of a private secretary is a purely personal matter, but we venture to assume that in a case such as this the governor might have been able to find a man who combined the confidence of the governor with the knowledge of the Spanish language.

We felt humiliated by the appointment of the chief of the secret service, G. S. McClure, of Kansas City, a person who was discharged from his former position for incompetency and illiteracy. The chief of the secret service should necessarily be familiar with the Spanish language and McClure knows no Spanish.

We also feel that Mr. Reily made a grievous mistake when he requested the resignation of Judge Bonner, a continental American, who had been appointed by President Taft and whose term of office had not expired, from his position as auditor of Porto Rico, and when he recommended to you for appointment to this position a friend of his from Kansas City who has not Judge Bonner's ability and experience. This is the first time that an appointee of the President has been removed without cause. Judge Bonner is an able and honest man, who has always shown absolute impartiality and whose work has earned for him the respect and admiration of the island.

In my opinion, Mr. President, the auditor of Porto Rico should not be appointed at the recommendation of the governor, as he should feel unhampered when called upon to decide matters directly affecting the acts of the governor.

Nor can we approve the appointment of the assistant auditor. He is the son of the auditor and an inexperienced youth, who should not have displaced the former assistant auditor, Mr. McCown, an American, who had filled this position with marked ability during a period covering many years.

Nor can the appointment of Mrs. Liggett, of Kansas City, to the position of assistant commissioner of education receive our sanction, for she knows no Spanish, and in order to make room for her in that position another American, Mr. Carey Hickle, was removed. Mr. Hickle had begun in the department as a teacher and had risen to his position after many years of good work.

There are many American teachers in Porto Rico, and this is a source of great satisfaction to the people, because of their desire to learn English. Our legislature makes liberal appropriations every year to this end, the largest appropriation of all having been made in the last session.

In my desire to please Gov. Reily and before his departure for Porto Rico, I acceded, although with reluctance, to his wish that the salaries of his chief of secret service, of his private secretary, and of his stenographer be increased, and I therefore cabled this request to the legislature, which was then in session, and which granted the increase.

This was Mr. Reily's first official act as Governor of Porto Rico.

At that time I did not know the kind of people he was taking with him to the island, and I could not even surmise that he intended to take as chief of secret service a man of McClure's caliber. I acceded to the desire of the governor very much against my own wishes, his request creating in me a highly unpleasant impression, which was further increased when he said: "Increase the salaries of these offices, do not cut the appropriations of the governor, and we will get along all right." I immediately recounted the occurrence to Judge TOWNER, chairman of the Committee on Insular Affairs, and to Gen. McIntyre, and told them of my feelings.

The facts as stated in your letter to Senator KING are entirely correct. With the ratio of appointments as between continental Americans and Porto Ricans, we have not complained, although it has been the obvious aim of the administrations and the intention of Congress that citizens of the island should be selected for the public service whenever possible. What we do object to, Mr. President, has been the lack of qualifications of the appointees.

My only reason in venturing to write you is that I wished to set you right as to certain details and at the same time make clear our position.

Very respectfully, yours,

FELIX CORDOVA DAVILA,
Resident Commissioner from Porto Rico to the United States.

REPORT ADOPTED BY PORTO RICAN SENATE.

Mr. Chairman, I now desire to submit the following:

Report adopted by the Senate of Porto Rico refusing to confirm nominations submitted by the governor.

SENATE OF PORTO RICO,
COMMITTEE ON NOMINATIONS,
San Juan, P. R., February 15, 1922.

To the Senate:

Your committee on nominations, to which were referred the nominations of Messrs. John A. Wilson, W. F. Lippitt, and Carlos Toro for the offices of commissioner of the interior, commissioner of health, and commissioner of agriculture and labor, respectively, for a term of four years, hereby recommends that said nominations be not confirmed, and that they be rejected for the following causes and reasons:

The organic act in force was granted to Porto Rico on March 2, 1917, as official acknowledgment of our capacity for the high functions of self-government and as an experiment for future greater political liberties. Such acknowledgment of native capacity was not the work of a moment nor the thoughtless work of a day. It was made after mature study and deliberation covering many years. It was the constant demand of three lustres, finally culminating in an act of justice which in honoring us also honored the illustrious men who at that time made up the Congress of the United States.

As a modern organic act and as an organic act almost wholly following the fundamental principles of American political law, the letter as well as the spirit of the Jones Act consecrated in Porto Rico a form of government based on and carried out by means of political parties. By such means Congress established in our island the sole bases of government accepted by democracy.

The Jones Act loudly proclaimed this principle when it gave legal life to a legislature such as ours, composed of two houses and elected by direct vote of the people. In accordance with this principle and closely connected with it, our election law later provided for the selection by public opinion of representatives in the legislature. And public opinion, which as life, is fickle, agitated, uneasy, and movable, having been asked to give faith of such life, gathered around ideals and political, economical, and social formulas, thus forming the factions of thought known as parties. These factions must gather periodically, as happens in the United States of America and in all such countries as develop under democratic standards, and at general assemblies or conventions held by them they choose such men, such candidates as the election law directs the executive to consider valid and as the executive must recognize as valid because he has beforehand recognized and respected the basic fundamental principle of government by political parties. These political parties, as the agents of public opinion and as directly responsible for their acts to the public conscience, go to the polls as surety that victory means the enactment of all such measures as the public weal demands. Such is self-government, and such is the only form of government recognized by our organic act—that is, a government based on public opinion; a government wherein the heads of departments have the confidence of the legislature.

This is proclaimed by the letter as well as the spirit of the Jones Act.

Besides the foregoing reasons we must bear in mind that section 18 of the original bill introduced in the House of Representatives by the distinguished Congressman Jones on January 10, 1916, contained the following provision:

"The heads of departments appointed by the governor may be selected from the elected members of the senate and house of representatives. * * *"

These words clearly suggest that the author of our organic act wanted to see at the head of our executive departments men who enjoyed the confidence of the legislature, and through the legislature the confidence of public opinion. It will be argued that said provision was stricken out of the bill, but to this argument we can answer that the spirit of said provision was not eliminated, but that, on the contrary, it remained latent in the bill when it became law. Example: In the report of the hearing held January 15, 1916, by the Committee on Insular Affairs the following statements appear:

"Mr. GARRETT. Let me call attention to this: There is not anything in this bill that will prevent either the senate or the house—or whatever it may be called there—of Porto Rico giving to these heads of departments seats upon the floor with the right to debate. That is, if they—the Porto Rican legislators—desired to do so. They could adopt rules for their own government, and they could undoubtedly admit these gentlemen, if they saw fit to do so, to seats on the floor. There is nothing in the bill to prevent it. I would prefer to leave it to the legislature there to admit them to seats if they want to rather than put it into the organic law.

"Mr. TOWNER. A further advantage of that would be that if they found that it did not work well they could abandon it. If we put it in the fundamental law it would take an act of Congress to undo it.

"Mr. GARRETT. For that reason I would prefer not to put the amendment into the organic law.

"The CHAIRMAN (Mr. Jones). Mr. Rivera, the Governor of Porto Rico is authorized under this bill to appoint four of these heads—four of the six. It is likely, is it not, that most of them, if not all of them, will be Porto Ricans and that they will be members of one branch or the other of the legislature?

"Mr. RIVERA. Yes, sir.

"The CHAIRMAN. If that be so you will have four of them in the legislature anyhow."

Knowing the minds of the legislators who contributed most in the House of Representatives of the United States toward the final form of

our organic act it is sufficient to quote one paragraph of the report submitted by Senator Shafroth, chairman of the Committee on Pacific Islands and Porto Rico, on June 30, 1916, in referring to the proviso of section 56 of our organic act, fully to show the spirit of the National Senate when it passed our present constitution.

Said paragraph reads:

"The above amendment is recommended by your committee in order that full effect may be given to the section which provides that appointments by the governor shall, before becoming permanently effective, be confirmed by the Senate of Porto Rico. It is believed that adoption of this amendment will be evidence of good faith in the method prescribed for these appointments."

Let us now see what said proviso says:

"*Provided, however*, That all appointments made by the governor, by and with the advice and consent of the executive council as thus constituted, in the executive council as authorized by section 13 of this act or in the office of executive secretary of Porto Rico, shall be regarded as temporary and shall expire not later than 20 days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico."

There is not the least doubt that in prescribing that the appointments referred to shall be made by the governor, by and with the advice and consent of the senate, the organic act demands, requires, and presupposes certain cooperation and harmony and a relative and mutual solidarity of action between the executive and the upper house of the legislature. This is democratic and responds to the wishes of Congress and to the true republican principles of all such governments as aspire to be termed free. But the Governor of Porto Rico, far from seeking or desiring said relative solidarity of action with the senate, far from consulting the wishes of the senate or their points of view, ignores said body and its constitutional rights and sticks to the policy originally outlined by him of governing by himself, heedless of the voice of the country and of the country's legitimate representatives. If we are to be faithful to our American citizenship, and if we are to fulfill our duty as the agents of public dignity, we must reject this attitude of supreme arbiter. The letter addressed by Gov. Reily on August 16, 1921, to the president of the senate, in which he determined his powers as governor of this island, in a letter which the Senate of Porto Rico can not pass up inadvertently, though it be only to censure and condemn it as an unjustified and officious attempt against the respect due to us.

Firm in his purpose of ignoring this senate, the governor has submitted to us for approval the names of three persons to fill the offices above mentioned, who have neither the confidence nor the support of the majority in the legislature. The policy announced by the governor on his different excursions of propaganda over the island is now clearly and fully revealed. The executive not only does not count on the senate in making his appointments but apparently takes special pains to designate for such important offices as the three above referred to persons from whom we have no assurance that they will second the policy of the legislature as indicated in the laws enacted by it. It might be said that the three designations were made purposely precisely because the persons appointed do not think nor feel with the majority. Such state of things must lead us into chaos and to insecurity in the management of public affairs. We must exhaust our energy in securing respect in our island for the democratic principle of a government based on the consent of the governed.

The executive continues in an exaggerated and abnormal attitude of exaltation, though his stand is unsupported by law or by any sound doctrine of government. By not seconding his antidemocratic policy the senate should leave the governor in the isolation which he imposed on himself.

The nominations in question have not come to the senate naturally and spontaneously, but in the midst of a situation purposely provoked by the executive.

The haste of the government in creating vacancies was the result of nothing but the personal desire of Gov. Reily, on a hundred occasions boastfully evidenced, of carrying out his own personal policy, as against the legitimate representatives of public opinion who compose the majority of the legislature. Vacancies were violently created, without heeding acquired rights and the high moral rights of this senate, which had confirmed the appointments. The nominations now submitted to us for consideration do not, therefore, come to us naturally, since the recess appointments were artificially provoked by the executive.

Recesses are real things, and in a sound concept of justice the power of appointment during recess should not be extended by provoking artful, false, and strained situations. By resorting to such methods there is no doubt that the senate's unquestionable right to be consulted and to intervene in appointments would be annulled and reduced to nothing, while the powers of the governor would increase almost to omnipotence. Such is the policy of Gov. Reily and such is the mission he claims to have come here to carry on—to increase his powers at the expense of the senate, to multiply them to the detriment of ours; to create a personal government, not a government of law; an autocratic government, instead of an American democratic government, as required by national traditions and as desired by Congress in granting us the Jones Act.

Why does Mr. Reily wish so much power? Why such centralization of power? Facts will tell later on what it is he seeks, although it is enough for this senate now to record the fact that Gov. Reily violates our fundamental laws when he acts as he does.

In the cases of Messrs. Ruis Soler, Esteves, and Camuñas the executive acted hastily. These upright and splendid public servants, who are loyal to the national administration and institutions, deserved better treatment at the hands of the executive. Instead of causing vacancies in their offices during recess the executive should have awaited the session of the senate. There was a period but of a few weeks between the expiration of their terms and the session of the senate.

Nominations such as these, submitted in a spirit of hostile challenge, should not merit our consideration or approval. The governor provoked the present situation. He alone should answer for the same. The senate would have grave responsibility if it gave solidarity to the present state of affairs, and the senate must always bear in mind that it owes itself to public opinion.

JOSE J. BENITEZ, *President*.
MANUEL A. MARTINEZ DAVILA, *Secretary*.

HOW THE COSMOPOLITAN PRESS REGARDS REILY.

Now, Mr. Chairman, before concluding my remarks, I desire to read into the RECORD one news dispatch and four editorials from leading newspapers and periodicals. Scores of such editorials have appeared in the public press within the last few weeks calling upon President Harding to remove E. Mont Reily as governor of Porto Rico.

Commenting editorially on conditions in Porto Rico, the New York World on February 21, 1922, under the caption, "A politician out of place," said:

E. Mont Reily went to Porto Rico as governor, not because he was interested in Porto Rico or in government in outlying dependencies or in the climate of the West Indies, but because he was one of the Republican politicians who led the van in the victorious campaign of 1920 and some job had to be found for him. Having reached his destination, and assumed the burdens of state, he discovered that Porto Rico was not nearly so much like the Middle West as he could have wished, and he set out to remedy this defect at once.

When Mr. Reily made his hurried visit to report progress to the President last November he spent much of his time dodging delegations of Porto Ricans who had uncomplimentary things to say about his administration. A commission of islanders followed him to Washington to lay their case before Mr. Harding, but though it was apparent to everybody else that Reily's usefulness was at an end the President turned away the commission, listened instead to his trusted lieutenant and sent him back to try again. He has tried, with the result that the one party which had stuck to his cause has deserted him, his appointments are held up, and the lack of harmony has left the government in chaos. The Porto Rican commissioner is preparing to take the charges against Gov. Reily to Congress over President Harding's head, and Congress can hardly escape looking into them.

The charges are serious enough, including the removal of officials without due process, but in the main the resentment against Mr. Reily is based on his provincial intolerance of everything unfamiliar to residents of Missouri. Spanish is not spoken along the Mississippi Valley; why should it be taught in Porto Rico? Old Glory is good enough for the Middle West, therefore why should Porto Ricans be allowed to talk about independence? The people of Porto Rico has replied, very sensibly, by asking why E. Mont Reily was sent to govern them.

The Independent, published in New York, in its issue of February 11, 1922, under the caption "Act at once, Mr. Harding," said:

President Harding has been imposed upon, and the result is an appointment to office that is indefensible on any grounds. We refer to the appointment of one E. Mont Reily, of Kansas City, to be Governor of Porto Rico. Were the appointment to an office within our own country it would be bad enough in all conscience, but we could bear with it; as an answer to the responsibilities America has assumed in this island dependency it is unthinkable.

The record of Reily is such that his name should never have been considered. At one time assistant postmaster of Kansas City, he was several times investigated and recommended for removal, and finally dismissed for cause. Immediately upon receiving the present appointment, for which he was in every way unfitted, he proceeded to remove able officials, even before reaching his post, to make places for his equally incompetent associates. In this connection ugly stories are afloat, to the effect that venal considerations entered into these appointments; in other words, a commission on their salaries; and color is given to these charges by the affidavit of a reputable man in Kansas City as to such overtures being made to him.

In the six months he has been in Porto Rico he has succeeded in disrupting the civil service and intimidating the courts. His conduct has been that of a cheap politician combined with an oriental satrap. The prestige of America in the island has suffered sadly and the seed has been sown for infinite trouble.

We admire in President Harding the quality of loyalty to those in whom he has once placed confidence, and we should not esteem him so highly as we do were he to listen to idle gossip concerning his appointees. But here is a case where he has been shamefully imposed upon, and the honor of America demands that he act promptly. Reily should be suspended at once, pending investigation. In a few days the senate of Porto Rico will meet, and its first act will be to reject the governor's appointments, which are an offense to the decent people of the island. Then investigation will come perforce. Now is the time to act if a noisome scandal is to be averted.

"The Porto Rican discord" was the subject of a leading editorial in the New York Times on February 21, 1922, which follows:

It is no secret that the nomination of E. Mont Reily, of Kansas City, to be governor of Porto Rico was a "personal" appointment, Mr. Reily having been an "original Harding man." Mr. Wilson's appointee, Arthur Yager, was governor for nearly eight years without wearing out his welcome. He was competent and tactful. The Porto Ricans saw him go with regret. Gov. Reily made himself disliked in a few months. Early in August he delivered his inaugural address, and in November a commission of seven representatives of the majority Unionist Party arrived in Washington to ask President Harding to recall Gov. Reily. They saw Secretary Weeks, they had a talk with the President, but made no specific charges at that time. It is said in Washington that they refrained because they were encouraged to believe that there would be a satisfactory solution of the case. In a letter from Resident Commissioner DAVILA to Secretary Weeks he wrote:

"We have reached the conclusion that the best interests of Porto Rico and the United States would be served by refraining from formally presenting such charges at this time and by leaving the matter in the hands of the administration."

President Harding decided to support Gov. Reily and instructed him to return to his post.

When the Porto Ricans were in Washington last December they declared that if the President did not recall Gov. Reily they would ask Congress to investigate their charges. That is now their purpose. Speaking for them, Commissioner DAVILA says:

"The return of Gov. Reily to Porto Rico, apparently with the backing of the administration, and the policy that he has been following in the island since his return, have convinced us that we have exhausted our efforts to persuade the administration to remove him quietly."

It is evident that Governor Reily can not make his peace with the Unionist Party. It doesn't like his appointments. The insular senate refuses to confirm them. Under the recess rule the governor can put his men in office, but the opposition party says that disorganization of the departments will result. Politically, the new governor can not get on with the Porto Ricans. This alone might not be to his discredit, but

it seems that his personal relations with them are the reverse of harmonious. They don't like his methods, they are offended by the language he uses in public, and they say that he is lacking in the dignity, consideration, and suavity they expect of an American governor.

The commission that visited Washington having failed to convince the President, an attempt is now making to show that Mr. Reily is personally unfit. Charges affecting his integrity have been made, but the affidavits obtained conflict, and Mr. Reily should have the benefit of any doubt. More serious is the recommendation of a post-office inspector, when Mr. Reily was assistant postmaster at Kansas City, that he be removed for "causing certain libelous and scurrilous articles to be published against prominent citizens of Kansas City and for making false affidavits with reference to them" (Post Office case 46702-C). If Commissioner DAVILA can prove that as a sequel to this report Assistant Postmaster Reily was removed from office in 1909, it will have been shown, to put it mildly, that a much better selection for Governor of Porto Rico could have been made by the President.

The St. Louis (Mo.) Star, in an editorial in its issue of February 19, 1922, under the caption "An administration thorn," said:

The clean bill of health that President Harding is alleged to have given to his wife's cousin's husband, E. Mont Reily, Governor of Porto Rico, on the latter's recent beclouded visit to the United States, apparently will not remain clean. The damned spot will not out. The island will have naught of the Kansas City politician and his retinue of Jackson County precinct workers, and the opposition to him, instead of subsiding, is increasing in intensity.

This week the Porto Rican Senate utterly refused to ratify any of the appointments made by Reily, and next week FELIX DAVILA, commissioner from the island to the United States, will appear in Congress to tell just why the governor is persona non grata on the island. In addition Congressman HUMPHREYS of Mississippi is preparing a resolution demanding an investigation by the House into Reily's conduct in office.

Regardless of the Kansas Cityan's merits or demerits it would appear that his usefulness in Porto Rico is at an end. He may be more unfortunate than incompetent, but with the present feeling in the island the United States can not afford to condone even ill-luck. It is becoming quite obvious that the majority of the natives have no use for the present governor, and Mr. Harding would be well advised to remove him before the feeling against Reily grows more bitter. A country that is the apostle of self-determination can not afford to send a ruler to a dependency who is not acceptable to the residents unless we are attempting to erect a Dublin Castle at San Juan.

The New York Times, on February 20, 1922, published this special dispatch from St. Louis, Mo.:

SAYS REILY MADE CHANGES—STENOGRAPHER PUT AFFIDAVIT BEFORE ROSS WITHOUT TELLING HIM.

[Special to the New York Times.]

ST. LOUIS, *February 19.*

The circumstances under which Donald W. Ross, of Kansas City, State bank examiner, made an affidavit January 14, repudiating a previous affidavit given to a member of the Porto Rican Commission, in which he said that E. Mont Reily had mentioned a money consideration in the event that Ross was appointed national-bank examiner, were told to-night by Miss Ida Kaufman, 1495 Arlington Avenue, a stenographer, to whom the second affidavit was dictated.

The first affidavit was written by Ross on December 10, following a meeting at the Planters Hotel with Walter Jones, of the Porto Rican Commission, which is investigating the conduct of Reily, and C. F. Keene, a Washington lawyer and former post-office inspector. They had been at Kansas City investigating Reily's official and political activities.

Miss Kaufman, who is a stenographer for the State finance commissioner, O. B. Hughes, at the Night and Day Bank, which was recently closed, said that Reily came to the bank, January 15, where Ross was employed, to see him about making an affidavit.

"I was called into the office where Mr. Ross and Gov. Reily were, and Mr. Ross started to dictate the affidavit," she said. "Gov. Reily kept interrupting with suggestions until my notes were in a muddle.

"Notes were put down and then scratched out until the whole thing was confusing. Finally the affidavit was dictated and I went to my desk to typewrite it, and Mr. Ross went about his work. Many were waiting for him to inquire about the bank's affairs.

"Gov. Reily came out to my desk and suggested a number of alterations in the affidavit. When it was written I took it in and put it on Mr. Ross's desk. I did not tell him that Gov. Reily had made any changes in the affidavit as dictated. I naturally supposed that the two had had an understanding about it.

"I did not see Mr. Ross nor talk with him about any changes in the affidavit. I suppose he thought it was just like it was when dictated."

Miss Kaufman could not point out specifically from recollection, when a copy of the affidavit was read to her over the telephone to-night, any of the changes made by Reily, except one. She said the following, which concluded Ross's affidavit, was dictated by Reily:

"I have known Gov. Reily for 15 years and have known him as a man of the highest character and integrity and have never heard anyone speak of him otherwise in his dealings."

Gov. Hyde, when called by telephone at Jefferson City to-night, said that when at Washington he called at Secretary Weeks's office to see him socially and Weeks brought up the subject of the Ross affidavits. He said that Weeks asked him about Ross and he told Weeks that he was a young man of excellent reputation, so far as he was aware.

Gov. Hyde said that Weeks told him that he had copies of Ross's first affidavit, given to Jones and Keene on December 10, and a copy of the third statement, made by Ross concerning the two previous affidavits, but that he was unable to find the second affidavit made by Ross at Reily's request, repudiating the first affidavit given to Keene and Jones. Gov. Hyde added that Weeks told him he had written to Reily to inquire about the missing affidavit.

[By unanimous consent, leave was granted to Mr. DAVILA to extend his remarks in the RECORD.]

Mr. MADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I met Mont Reily once. I hold no brief for him. I do not know him personally except as I met him once, as I say. I have known the Representative from Porto Rico [Mr. DAVILA] since coming to Washington. I met the president of the Porto Rican Senate. A man from my own State, whose integrity has never been questioned, who is of the highest type of manhood, was appointed United States district attorney for Porto Rico. I had heard this talk about Mont Reily. I arranged a meeting between the president of the Porto Rican Senate, the Delegate from Porto Rico, who has just taken his seat, and this United States district attorney before his going to the island. I have corresponded with the United States district attorney in Porto Rico since his arrival there. I want to say to you folks now that there are two sides to this question. It will be noticed that the Delegate from Porto Rico, who has just left the floor, dwelt long and importantly on the auditor of the public funds of Porto Rico. That is an important officer. I am convinced from correspondence that I have had with a man whose integrity I know to be unimpeachable that it was important that President Harding have an honest, fair, and square man to audit the accounts of Porto Rico. I think it only fair to this country and to Mont Reily or any other man, I think it only fair to President Harding, to have the Congress know that one of the first official acts of Mont Reily as governor of Porto Rico was to vefo or nullify an illegal act or budget passed by the Legislature of Porto Rico by which the distinguished gentleman, the Delegate from Porto Rico [Mr. DAVILA], who has just left this floor, was to take from the treasury of Porto Rico $5,000 per year for four years, or a total of $20,000.

It is all right, Mr. Chairman. This is not my fight. The Governor of Porto Rico tells me that he had the congratulations of the distinguished gentleman who just left this floor, after going over his policies in full, but that immediately after he vetoed or acted on the act of the Porto Rican Legislature proposing to add to this gentleman's salary $20,000, or $5,000 a year for four years, this feeling arose and this denunciation began. It is not my fight. If it is not true, it should be denied; if it is true, it should be known. President Harding's administration should not be condemned for stopping that plan. [Applause.] If it was the distinguished gentleman's hand that was in the treasury of Porto Rico, then that hand should come out, the same as any other man's hand that goes into the Public Treasury that does not belong there. I have no feeling against the gentleman. I have had the kindliest personal feeling for the Delegate from Porto Rico, but this is a matter on which there is a record. Did Mont Reily veto a budget or bill appropriating $20,000 out of the treasury of Porto Rico to pay the representative here, in addition to his regular salary? Is a bill or budget of that kind legal under the laws of Porto Rico? I notice it is one thing that was not complained of in the speech of the gentleman, and it is said to be the thing that caused the trouble and caused the falling out.

Mr. DAVILA. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Certainly.

Mr. DAVILA. Assuming, for the sake of argument, that what the gentleman has stated is true, and I will plainly show that it is entirely untrue, that his information is erroneous, I submit that the conduct of Gov. Reily in Porto Rico should be subjected to investigation.

Mr. TINCHER. Oh, I do not object to an investigation. I hope we have an investigation. President Harding should court an investigation, as should Gov. Reily, and the gentleman should court it, but I do not think it is fair to a man in Porto Rico, I do not think it is fair to the President, to have one side only of this proposition put before the American Congress.

Mr. NOLAN. Is the gentleman aware of the fact that Mont Reily on his return to Porto Rico received a tremendous reception at the hands of the common people there at 1 o'clock in the morning?

Mr. TINCHER. Mont Reily says, and other Americans in Porto Rico say, that he represents 90 per cent of the better element of Porto Rico in the clean-up that he is conducting in the island. I do not vouch for the truth of that. Let us have an investigation, if one is needed. I would not mind a trip to Porto Rico myself. [Laughter.]

Talk about the flag! Talk about some detective arresting some one for throwing the flag down! Mont Reily has been charged with hoisting the American flag over the schools of Porto Rico, over the protests of the people that the gentleman from Porto Rico says he removed from office, and I have that information over the signature of a man whose integrity I know is unimpeachable.

I do not believe that any man would charge anyone whom President Harding has appointed to office with being tainted with

bolshevism. This is not my fight, but I think if we are going to have an investigation we better have a good groundwork for it, and have a good one. I thank the committee, and yield back the remainder of my time.

Mr. MADDEN. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. FESS].

Mr. DAVILA. Mr. Chairman, I ask unanimous consent to proceed for five minutes. Is it not possible for me to get a few minutes on this matter? This is a personal matter, a personal attack, and the gentleman has impeached my character.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is entitled to the floor.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Now, Mr. Chairman, instead of confining myself to the manuscript as I had expected to do, owing to the lack of time, I am going to say about what I had in mind, and I have gotten the privilege of inserting what I have written in the RECORD. This is because there are so many things I desire to say that I shall not have time to say them.

Mr. GARNER. Will the gentleman yield just a moment?

Mr. FESS. I will.

Mr. GARNER. The gentleman only asked the privilege of extending his remarks, but did not ask the privilege of revising his remarks, and I understand he does not want the reporter to take down anything he says, but to put his speech in the RECORD. Of course that is satisfactory to me for him to do that, but I think he had better get the consent of the House.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio may be allowed to revise and extend his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may have the privilege of revising and extending his remarks in the RECORD. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, I am willing to extend any courtesy to a Member of the House, but is not this a very unusual request to make a speech and not have it reported at all?

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, within two days we will reach the end of the first year of the administration of Warren G. Harding. The country, without regard to political affiliations, will willingly accept a candid survey of the year's work. A proper appraisement must depend upon a clear understanding of the problems inherited in order to properly judge the results of the year.

These problems were many, complicated, and quite acute. They were both foreign and domestic, the direct result of the greatest convulsion known to history. This war left the world poorer in the loss of nearly 30,000,000 of her most productive people, either dead or hopelessly crippled from the standpoint of productive ability. It bequeathed a burden of debt amounting to something like $400,000,000,000. Specifically, it left France with a debt variously estimated to be within 60 to 100 per cent of her total wealth. The debt of some of the European countries like Poland is thought to be greater than her total wealth. The enormity of this phase of the problem is that not over two countries in Europe are now living within their income. That means that all others are steadily increasing their debts, with small promise of successful efforts, if any are put forth, to balance their budgets. The following figures are significant:

Europe's public debt in 1919 and at the present time.

Countries.	Total wealth.	Gross debt, 1919.	Per cent.
United States	$280,000,000,000	$25,000,000,000	[illegible]
Great Britain	70,000,000,000	40,000,000,000	44.4
France	65,000,000,000	30,000,000,000	46.1
Italy	30,000,000,000	12,000,000,000	[illegible]
Germany	85,000,000,000	40,000,000,000	[illegible]

Next recent statement.

FRANCE.

Nov. 15, 1921:	Francs.
Internal debt	241,219,064,000
External debt	85,555,000,000
Total debt	326,774,064,000

At present rate of exchange.

From statement made in French Chamber of Deputies.

This enormous debt translated into our money at par would amount to $65,000,000,000 or 100 per cent of the total wealth of France.

BRITAIN.

Feb. 1, 1922:	Pounds.
Total debt	7,585,400,000
Floating debt	1,408,000,000

ITALY.

November, 1921:	Lira.
Total debt	106,621,000,000
Internal debt	84,000,000,000
External debt	22,000,000,000

Above figures for total debt and foreign debt calculated at par. With the present rate of exchange the total debt would amount to 184,000,000,000 lira.

GERMANY.

End of year 1921:	Paper marks.
Total debt	330,000,000,000
Of this amount:	
Funded debt	90,000,000,000
Floating debt	240,000,000,000

The total amount of reparations is about 132,000,000,000 gold marks. German Government is figuring 1 gold mark to 45 paper marks.

BELGIUM.

Jan. 1, 1922:	Belgian francs.
Total debt	34,702,000,000

The above figures show the failure of most countries to live within their incomes and the enormous increase of their public debt.

In contrast it is well to study our program of economy and the progress made by the administration.

The hopeless derangement of European fiscal agencies, the total demoralization of their currencies, whose purchasing power is now in many countries at the minimum, make our rate of foreign exchange almost prohibitive, and therefore seriously interferes with such foreign trade as is now available between Europe and America.

After the Civil War it took this Nation from 1865 to 1879 to resume specie payment; or, in other words, to bring our currency up to a sound basis where every dollar, no matter what its form or where its use, would buy 100 cents' worth of goods in the world's markets.

THE PRESIDENT ALIVE TO THE SITUATION.

With the almost complete breakdown of Europe's currencies, due to the fatal policy of attempting to create values by Government fiat through running the printing presses, there is no one who can tell when or how Europe will reach her former sound basis of production. Although we are distantly separated from Europe, her condition is reflected upon our own country. Our domestic problem, however serious, must be viewed more or less in the light of our foreign relations, both diplomatic and economic.

With these problems in mind the President set forth his purposes in his inaugural address which was widely acceptable by all our people without regard to politics or creed. His first official act in naming his cabinet was with these problems and their solutions in mind. It is fair to say that the year has demonstrated the hopes of the country openly expressed upon the first announcement of the Cabinet. Without disparaging comparisons the judgment of the country commends the President upon his success in surrounding himself with counsellors of the "wisest minds" such as was expected by all that portion of the population who had known him. This Cabinet ranks well with the strongest of its predecessors. It will be no offense to any open-minded citizen to state here the generally accepted fact that the administration of the diplomatic relations by the present head of the State Dpartment is the most outstanding success in our history.

OUR CONFUSED FOREIGN RELATIONS.

The war inevitably left a series of complications in our foreign relations, aggravated by the fact that we did not ratify the Versailles treaty. To adjust these acute differences growing out of the mandatory provisions of the treaty, difference for example with England over the Mesopotamian mandate, and with Japan over Yap Island, etc., demanded a high grade of ability if both honor and good will were to be conserved. One after another of the foreign complications have been cleared up. The dispute with Britain was amicably and honorably settled. That between Panama and Costa Rica was adjusted upon the basis of our contention. That of Colombia was also adjusted.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FESS. I regret I can not yield.

Our relation with Mexico is better than it has been since the death of former President Diaz. The complete settlement awaits the assent of Obregon to our contention for the recognition of American property rights established upon the invitation and solicitation of Mexican official authority. There is no misunderstanding between our country and Russia, since it has been made perfectly clear that until a government is established that will respect the sanctity of a contract our Government is not in position to enter into any international agreement. As

in Mexico the Government opened the door for adjustment if the countries wish to enter upon the conditions named.

Mr. Chairman, up to date every serious dispute to disturb our diplomatic relations is either adjusted, or the plan has been submitted upon which adjustment can be reached. It has all been done noiselessly yet firmly, and with honor to ourselves and complete justice to other nations. Until recently the only cloud on our international horizon was our inability to reach a complete agreement with Japan. While the objective was Yap Island, yet the problem went very much further. That was but an incident in the larger sphere. I need not restate here what has been so often stated before, that our relation with the Orient involved vast possibilities. Our abiding friendship for China, which is quite historic, induced much concern about her future as a sovereign nation unhindered by outside interference. Our historic relation with Russia, dating back to the time of our Civil War, compels us to look with deep concern over maintaining the friendship by assuring that people of our great desire to see that promising country succeed in establishing a stable and effective government, and that no country will take advantage of her in her unhappy state to secure any special rights or privileges. Our friendly sympathy with Japan in her laudable ambition to expand, in case it is not done at the sacrifice of other sovereignties, such as China and Russia, together with a more or less sensitiveness growing out of State restrictions, such as those in California, together with the racial question in Hawaii and the Philippines; these, in addition to our inability to reach a satisfactory agreement over the Yap dispute, produce what has been denominated our oriental problem, especially when viewed in the light of Japan's war with China in 1894, with Russia in 1904, and her claims at the close of the World War.

THE PURPOSE OF THE ARMS CONFERENCE.

This situation will explain the President's desire to include the discussion of the far eastern and Pacific questions in the arms conference program, and will also explain what appeared to be undue delay in calling the conference.

PROPOSALS ON LIMITATION.

I need not here detail the result of this effort for adjustment, lessened war burdens, and mutual understanding and good will among world powers. The work stands for itself. Suffice it to say that when our Government, on the first day of the conference, abandoned the old methods of argumentation and submitted a plan for acceptance or rejection success was assured. It was unthinkable that any nation would block the course of human progress and peace by refusing to accept such magnanimous proposal, when we were offering to scrap nearly as much as we asked both Great Britain and Japan combined to scrap. It will be noted that the Hughes proposals were quite specific:

1. That all capital-ship building programs, either actual or projected, should be abandoned.
2. That further reduction should be made through the scrapping of certain of the older ships.
3. That, in general, regard should be had to the existing naval strength of the powers concerned.
4. That the capital-ship tonnage should be used as the measurement of strength for navies and a proportionate allowance for auxiliary combatant craft prescribed.

It will also be noted that the final acceptance of these proposals as adopted by all the countries were virtually as originally submitted, preserving every item of principle set forth. So that it is literally true that not only every proposal that day submitted was substantially accepted but the final work on limitation of armament went even further than the proposals, in that it included treaties to limit the operation of the submarine within the bounds of international law and the total abolition of the use of poisonous gases. The accepted proposals included limiting the size of capital ships and auxiliary vessels as well as the size of the guns to be carried. This agreement will permit cutting the usual naval appropriation in half. We should save $200,000,000 on this item alone.

But, Mr. Chairman, vastly more important than that will be the total abandonment of naval rivalry between nations. This is the one outstanding and signal achievement of this part of the program.

PROPOSALS ON PACIFIC COMPOSURE.

Great as was the result in the limitation of armament, it is the general opinion that it fades in comparison with the results on the Far East and Pacific questions. The acute difference between Japan and China, as disclosed by the two positions (1) Japan in her 21 points, the secret treaty of 1915, against which our Nation lodged a protest at the time, and (2) China in her 10 points, indicated the chasm separating the two countries.

Mr. Root, on behalf of the American delegation, presented what may be known as China's Magna Charta in the four items of (1) sovereignty and independence and integrity, both politically and administratively; (2) the provision for internal composure; (3) the open door; and (4) security against outside intervention for any national advantage.

Mr. Chairman, on December 10, 1921, in the fourth plenary conference, this guaranty to China was read when Mr. Hughes virtually called the roll of the world and entered upon the record a unanimous vote on the most sensitive foreign question now before this country.

Then came the report of the quadruple treaty, which opened the way for Japan to concede our contention on Yap Island and for both England and Japan to cancel the offensive Anglo-Japanese alliance, which has been a sore contention for the past 20 years. By these two treaties China won back what through a series of years she had gradually lost, and the Pacific, for years an area of possible disputes and a basis for defensive alliances, has now reached an amicable adjustment, to be sustained by mutual consultation and understanding based upon the good faith of the nations concerned.

In addition to the adjustment of these subjects which were on the agenda, the conference went further than the original proposals. While it was understood that questions covered by treaty obligations, such as the secret treaty of 1915 containing the famous 21 points and the Shantung issue contained in the Versailles treaty, yet it was the position of the American delegates that the Japanese delegates should be willing to enter into conversations with the Chinese delegates on both of these subjects, in the hope of reaching agreement between them. It was the position of the American delegates that since China had not signed the Versailles treaty, the United States felt justified in urging the two nations to seek, if possible, an agreement, which they agreed to do. Failing to reach an agreement, the good offices of Hughes and Balfour were first tendered, and finally the President offered his good offices. The result is a treaty signed by both Japan and China by which Shantung goes back to China and the most regretable wrong of the Versailles treaty was righted, whereupon Britain turned back to China Weihawei. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FESS. I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FESS. While the 21 points were not given up by Japan, the serious "group 5" was given up, which was an additional achievement not included in the agenda.

THE SIGNIFICANCE OF THE RESULTS.

Mr. Chairman, as the arms conference not only succeeded in the acceptance of our original proposals but went further by limiting warfare, so the Far East and Pacific problems succeeded beyond the original purposes by finally succeeding in adjustment of items not included in the agenda since they had been covered by treaties.

This is why the head of the British delegation said the achievement went far beyond the hopes of any statesman connected with the conference. It is why Admiral Kato declared the work will live as long as history will live. The result was declared by Lloyd-George in the House of Commons the greatest work for world peace in history. A similar verdict was given by Paul Hymans, president of the League of Nations.

It is perhaps too early to give an estimate of this work. It is not, however, too early to assess it as a part of a program of international comity without a parallel in our history. This Nation in these 12 weeks took lofty strides for world recognition as the great leader among the nations of the world. It is a source of justifiable pride that every proposal submitted which was finally acted upon was made by an American delegate, and every proposal finally acted upon was unanimously accepted by every nation voting in the affirmative. It is with pardonable pride that out of this caldron of almost universal warfare, with every relation more or less strained by both the actual war and the unhappy confusion to follow after the war, this Nation has emerged with its sovereignty and independence intact, its rights all conserved, its disputes all composed, its rivalries all allayed, its friendships with all nations strengthened, and its moral leadership universally conceded, the wrongs to China corrected, and the way opened for composure in the Orient. I challenge the record to produce a greater achievement in the history of diplomacy. So much on the progress of our foreign policy and problems.

OTHER DEPARTMENTS BUSY.

While this service is under the State Department, every other department under the Executive is confronted with serious problems inherited from the war, demanding a type of talent not called for before these problems of readjustment appeared. The other members of the Cabinet are grappling with like success the questions coming within their province, only less stirring because of the less dramatic character of the problems. The work of readjustment from war to peace conditions

affects every department whether of defensive, legal, agriculture, interior, post office, commerce, or labor. Their work more or less depends upon the cooperation of the legislative department, with which they are in frequent consultation.

PEACE RESTORED BY CONGRESSIONAL RESOLUTION.

The work of the administration since the 4th of March last viewed from that angle demands the admiration of every citizen who knows the facts. One of the most critical yet imperative measures demanding attention was the establishment of peace to end the intolerable situation of a continuance of technical war two years after the end of actual war; critical because the indemnity had not yet been fixed against Germany; imperative because resumption of neither diplomatic nor trade relations could be secured until after peace was declared. Soon after the indemnity was fixed war was ended by congressional resolution signed by the President, by which our former relations have been established.

SITUATION FOUND BY PRESIDENT HARDING.

The domestic problems were as seriously complicated. Mr. Harding found a public debt of about $25,000,000,000. The unfunded debt was about $3,000,000,000. The enormity of war is suggested by the fact that the appropriations for the year ending June 30, 1919, were $27,005,000,000. He found a war-time taxation measure rapidly drying up the sources of revenue and a deranged credit that caused Liberties to range at 15 per cent discount. He found a too rapid liquidation of agriculture which threatened bankruptcy for many engaged in that first and foremost important industry of the country, involving nearly one-half our population. He found insufficient protection of the country against undesirable immigration, now flooding the country to avoid the burdens of war-torn Europe, thus further increasing our inevitable unemployment. He saw an inflated business situation struggling to continue on a too high cost level of production.

PROGRAM OF ECONOMY AND ITS PROGRESS.

The administration through Congress outlined its program of economy:

(1) Dismantle the war machine as rapidly as possible.
(2) Establish at the earliest possible moment a national Budget system.
(3) Reduce every appropriation to the minimum consistent with efficient service.
(4) Guard against all duplication and wasteful expenditure.
(5) Delay every new measure carrying additional Treasury burdens, except such legislation as appears emergent or absolutely necessary.

Mr. Chairman, let us note how this program is being carried out. The war-dismantling process is proceeding. Here in the Capital we have reduced the pay roll, which in 1919 was 119,000, to about 73,000. The large increase over 1917, which was 37,000 in that year, is found in the War Risk Insurance, the Internal Revenue Office, the Shipping Board, and so forth. In the entire country we have dropped 320,278 employees from the roll.

One of the earliest measures enacted was the Budget law, which went into effect the 1st of last July. It will be recalled that this bill was passed by Congress but vetoed by President Wilson. The progress already achieved will cause this law to stand out as the most important piece of constructive legislation in the past quarter century. It definitely puts an end to all "pork-barrel" legislation, and is an effectual barrier against wasteful expenditures. When the plan of the Committee on Reorganization of the Government Departments, which is now before the President, is adopted, the Budget system will defeat all unnecessary duplication. It is succeeding somewhat in that direction without the reorganization proposed.

STATEMENT OF THE CHAIRMAN OF THE APPROPRIATIONS COMMITTEE.

The success in economy is shown by the following statement handed me by the head of the Appropriations Committee, the great economy body of the Government:

The appropriations for 1922 were $4,065,000,000, and the estimates were $5,900,000,000, showing an approximate reduction of $1,800,000,000. These estimates were submitted by a Democratic administration and the appropriations were made by a Republican Congress.

The estimates for the fiscal year 1923, which begins July 1 next, submitted by the present administration, are $3,853,000,000. It is too early to say how much the appropriations will be, but I estimate them at $3,500,000,000.

Each of these figures includes the Post Office cost, which amounts to $350,000,000 a year.

There are now three fixed items of charges approaching $2,000,000,000 which did not exist before the war, as follows: $975,000,000 interest on the public debt; $381,000,000 sinking fund; and approximately $500,000,000 for the cost of the Veterans' Bureau in connection with the care of the wounded soldiers. There are other items like the shipping industry and increased outlay for law enforcement to be added to these three.

It will be seen that these three fixed charges can not be eliminated, so we begin to make provision for the operation of the Government after we cease providing these two billion of fixed charges created by the war.

If you deduct the two billions from the $3,500,000,000, which I estimate will be the aggregate of the appropriations for 1923, it will be seen that we have only $1,500,000,000 for the conduct of every activity of the Government, including the Army and Navy, which is only $250,000,000 more than the cost of the Government before the war, and $150,000,000 of this is represented in the increased volume of business done by the Post Office Department, so that when we take the $250,000,000 and deduct the increased volume of postal business, $150,000,000, we will only be as low as the people of the United States can expect the Government to be conducted.

The annual revenue from the liquor business before the enactment of the Volstead Act was approximately $290,000,000. The revenue now from the same source is $83,000,000. The cost of enforcement of prohibition is $9,250,000 a year.

If the figures I have estimated as being the cost for 1923 are developed into fact, and I think they will be, we will be the only country in the world that is living within its revenues. The estimates of $3,853,000,000 we have now are $250,000,000 above the estimated revenues, but we are going to cut them down and be within the revenues.

LEGISLATIVE PROGRAM OF READJUSTMENT.

Upon the inauguration of the President and his call of the special session of Congress a program of industrial and agricultural rehabilitation was outlined. Congress immediately set about to enact it into law. To secure our labor from a flood of European immigration we enacted a law limiting immigration to but 3 per cent of the nationals already in America. This law is being rigidly enforced. To protect American labor and industry from a flood of cheaper-made goods tariff revision was undertaken. In order to protect the farmer, who was hardest hit, because of his helplessness against the crushing effect of an immediate liquidation that carried his products far below the prewar price, an elaborate program was carried out.

AGRICULTURAL REHABILITATION.

The emergency tariff was enacted at once and became law May 27, 1921. It was renewed November 16, 1921, and will stand until the permanent law is enacted. A similar law was enacted to protect dyes and chemicals. Two measures were passed last July and August looking to extension of credits through the Farm Loan Board and Federal land banks. The purpose of these amendments was to assist the farmer in securing necessary funds upon satisfactory securities. One of the amendments placed $25,000,000 additional for the disposal of such extensions. Two protective measures were enacted into law upon the strong representation of the agricultural interests. The first, known as the packers' bill, became a law August 2 last year. The second, known as the grain futures bill, became a law August 23. On August 24 the exportation of farm products bill became a law. This permits the War Finance Corporation to loan to foreign business houses upon satisfactory security, sums not totaling beyond $500,000,000 to be expended in the purchase of American farm products to aid our exportation. On the 18th of February this year the President signed the cooperative marketing of farm products bill, a measure that passed the House nearly a year ago and awaited action in the Senate. In addition to these measures an Agricultural Inquiry Commission, authorized by Congress, is now at work collecting data on farm problems.

I challenge the record to show an equal program for farm rehabilitation. The substantial effects of these efforts are materializing throughout the country, as is evidenced by the various reports from all parts of the country. Wheat, which by the failure of the European market, with our market open to all nations, was carried to points below the prewar level, sold yesterday from $1.28¼ for July wheat to $1.47½ for May wheat. On the same day corn was selling for 66¾ cents. Live stock was keeping pace with these two staple articles. These are definite results of protective legislation, especially the emergency tariff and agricultural export aid laws.

In addition to these measures in aid of agriculture the good roads bill, carrying $75,000,000 appropriation, became law in November. This will not only aid the farm industries but will relieve the unemployment situation somewhat.

REMEDIAL LEGISLATION.

Several measures of remedial character were also enacted. Last July the Postal Service employees compensation measure took effect, which directly affects a service in which are engaged an army of people and for which the vast sum of over a half billion dollars per year is expended. The civil service retirement bill was also enacted into law. The Patent Office was given necessary relief. The Veterans' Bureau was created, reorganizing and concentrating all the agencies having to do with the disabled veterans under one head. This assures more expedition as well as more adequate treatment of our disabled service men, which has been the source of so much complaint and dissatisfaction. The Government has already expended more than $1,500,000,000 in this service. The present year it will amount to one-half billion dollars. This bureau has adjudicated about 751,000 cases, leaving only about 130,000 cases

still pending. Of nearly 840,000 cases of requests for a medical examination only about 14,000 await action. It will be entirely caught up by July.

PROBLEMS BEFORE THE WAYS AND MEANS COMMITTEE.

While this work was being carried on the Committee on Ways and Means was battling in turn with tariff, taxation, and foreign debt funding measures.

The committee held hearings on tariff revision and reported the bill to the House July 6, 1921. It was made in order by special rule July 12 and passed the House July 21, when it went to the Senate, where it is now being considered in committee.

On August 16 the Ways and Means Committee reported to the House the taxation measure. It passed the House four days later. It passed the Senate in an amended form in November and became law in December. This measure repealed the excess-profits tax, reduced and revised the high surtax, repealed the transportation tax and some of the nuisance taxes, and increased the exemption slightly. It reduced the people's tax bill $818,000,000 per year.

PROGRESSIVE LEGISLATION.

Among constructive and relief measures the Women's Bureau was created to respond to the new duties of women enfranchisement. The maternity bill was enacted in response to a wide demand of the womanhood of the country. It is the first item of an ambitious program for progressive legislation espoused by the women in their new sphere of political activity. The state of the Federal Treasury prevents early action on the balance of the program.

Likewise the program of Federal aid to education and public welfare is for the same reason somewhat delayed. A part of this program will be taken up for action as soon as the committee on reorganization makes its report to Congress. This report is now before the President awaiting agreement by the Cabinet members whose departments are being reorganized.

FOREIGN DEBTS REFUNDING LAW.

The foreign debts bill has now become a law, which authorizes a commission to take immediate steps to fund these debts, thereby placing them in form in which they can be financed. This is a most important step both for Europe and the United States in that it is an announcement to all countries that these obligations must be respected, and will induce Europe to set her house in order to meet the situation by balancing their budgets, in an effort to keep their expenditures within their income. So long as Europe insists in increasing their debts by maintaining useless standing armies larger than before the war there is no hope for Europe. This legislation is a salutary suggestion of a proper policy for the debtor countries.

RUSSIAN RELIEF.

Among relief measures two looking to relief of the starving people of Russia were enacted into law, one to donate $20,000,000 for food and to purchase seed grain for the famished in the Volga region, and the other to release medicines now held by the War Department to be applied in relief of the sick of the same unhappy country.

The rail-securities refunding proposal, looking to the rehabilitation of the finances of transportation, was passed by the House and is now awaiting action in the Senate. It is estimated that this measure will greatly assist in the relief of unemployment in the country.

BASIS OF TAX REVISION.

In this survey of the year's work it will be observed that the administration met the problems of readjustment as they came from the preceding administration with all their confusion. Knowing that the measure of high taxation was the high cost of Government, it set at once to reduce that cost. Its progress was as follows:

The cost in 1919 was $19,000,000,000.
The cost in 1920 was $7,500,000,000.
The cost in 1921 was $6,500,000,000.
The cost in 1922 was $4,065,000,000.

Upon the prospects of getting the cost to near $3,500,000,000 the taxation law was revised, and we hope it may be further reduced later on.

Owing to the acute suffering of agriculture due in most parts to cutting off the European market resulting from a too rapid liquidation and great distress the before-mentioned constructive program was outlined and written into law without delay.

Steps were also taken to improve the industrial situation.

In order to further encourage capital to invest in the employment of our own labor, tariff legislation is now in progress in the Senate, the House having already acted. It is somewhat delayed because of new and untried conditions confronting a dislocated industrial world. The highway bill was enacted that will help to reduce unemployment. The rail securities refunding act has been urged as an agency of the employment of many unemployed. The President had called his unemployment conference which organized and set in motion the machinery for lessening unemployment. The Departments of Labor and Commerce are cooperating to find employment of both capital and labor.

THE COUNTRY BASICALLY SOUND.

The year closes with all the basic elements of prosperous conditions present.

1. Agriculture much better, as is evidenced by the price current of all agricultural products.

2. Transportation constantly becoming more efficient as it gradually increases in efficiency and through various economies is reducing the cost of operation. Freight rates must come down before agriculture and general business can become normal.

3. Manufacturing is on the increase. Surplus goods are rapidly going, shelves are becoming less filled, and buying must again increase which will increase the demand upon the manufacturer.

4. Such basic industries as steel are increasing. Many mills until recently closed are starting up, especially in the Pittsburgh district. Auto industry, including rubber, is on the increase. Our banking system is of the first order. Rediscounts have dropped almost 50 per cent since the high mark in time of war. Money is getting easier, interest is lower, and rents are gradually lowering in most places.

5. Our managerial ability is first class, only somewhat distressed over the war handicaps still on capital which discourage against investment.

6. Our labor is in better spirit, and a better relation between labor and capital is displayed by a willingness to get together and find through mutual agreement a lower level of cost of production to avoid the inevitable suffering from the slow process of economic demand which while it is sure is most hurtful.

Here are the basic elements of our country's welfare. Resumption of normal conditions mean that all the world must again go to work and upon such a basis that the public can afford to buy. Capital must be allowed to have a reasonable profit, but not permitted to profiteer at the expense of the public. Labor must have a good wage, but it must not be on a silk-shirt and hose basis of expenditure, by maintaining high cost at the price of inefficiency. Both profiteering and reckless extravagance, by whosoever indulged, are elements of cost which the public in the last analysis pays and against which it strikes, hence the loss of the market and increased unemployment and general suffering.

EUROPE'S PROBLEMS AWAIT SOLUTION.

Europe provokes our pity, yet Europe must see her remedy in the one old-fashioned law "work and save," or Europe will collapse. Our country can not continue to lean to her when she protests her inability to pay even the interest on the debt she owes us. Her solicitation for us to cancel what she owes us is both unwise for her and for us.

No nation will work to the maximum of its ability so long as it can borrow and never need to look to the pay day. For this reason we have ordered the foreign debt of $11,000,000,000 funded, that it may be financed in order that it may be realized upon, and Europe may see her obligation to us for our part in determining the World War on behalf of the Allies as against the enemy.

RECONSTRUCTION DEMANDS.

While we are concerned over our ability to assist Europe to resume her buying power, the administration has been most concerned in the increase of the consumptive power of our own people. The construction needs of the immediate future are commanding and only await a safe basis of cost. Transportation improvements in terminal facilities, rail equipment, and bridge rebuilding as well as highway building call for an immense outlay of capital, which is estimated to be at least $7,000,000,000 in the next seven years.

AMERICAN MERCHANT MARINE.

The administration is committed to the building and maintaining an American merchant marine. Last Tuesday the President pointed out to Congress a plan in which he submitted concrete proposals for the establishment of this great American agency of commerce which, when in full operation, will not only carry our overseas commerce in American bottoms, thus employing American labor and capital, but will continue the industry of the American shipyards which in time will not only employ our labor to build and repair the needed ships for our own trade but much of the trade of other countries.

The steady growth of transportation needs demanded by a growing population on the one hand and the complete suspension of transportation extension for the past decade on the other must stimulate the activities in production, both of mines and manufactories, retarded at first by the overexpansion of war demands, then suspended by the inevitable relaxation in the aftermath, and now awaiting a sound basis for resumption.

THE FUTURE OUTLOOK.

While industry is struggling to find a solid basis for rebuilding, every symptom indicates a promising future. In addition to the promise in agriculture, transportation is becoming more prosperous. The steel industry, as well as copper, is on the increase. Basic manufacturing, such as the motor industry, together with its auxiliaries, is on a pronounced upgrade.

Unemployment is decreasing, and a steady effort is displayed between labor and capital to find an amicable basis for adjustment with due respect for the rights of both in the interest of the public. The administration has been at work to secure a better relationship between the forces of production.

Money is growing easier, interest rates are lowering, rediscount rates, which during the war were 7 per cent, have been reduced to 4½ per cent. Liberties, which were discounted one year ago at 15 per cent, have advanced until to-day some denominations are selling above par. Securities are advancing and reinvestments are on the increase. The last report of the Comptroller of the Currency shows a vastly improved condition of the banks over a year ago. These are but few of the unmistakable evidences of a return to a sound basis of prosperity.

DEMOCRATIC PROPAGANDA.

Mr. Chairman, persistent propaganda by the enemy has charged that this Congress has done nothing. The charge is not made seriously, and, of course, not upon the responsibility of any responsible Member. It is the last and only hope of a discredited party, whose tenure in office was the most costly experiment our Nation has ever suffered and we pray will never have to suffer again. With a record of debauch never witnessed before in the annals of time, bequeathing to the present administration a state of demoralization so hopeless that the people rebuked it by the most overwhelming majority ever cast in the history of elections, it now comes forth, disarmed for any constructive proposal, and after a studied resistance of every constructive measure looking to clean up the miserable mess complain before the country because we have not in the short space of one year been able to give relief for the evils of years of Democratic mismanagement.

The repudiated leader recently announced that, "We stand in the same tracks in which we stood in 1920." The party leaders here in Congress, not quite so bold but nevertheless as equally anxious because of their standing before the country utterly repudiated, can find no defense save the sham charge that Congress has not succeeded in correcting the evils of Democratic policies.

THE RECORD SPEAKS FOR ITSELF.

Mr. Chairman, we admit the task was great, but the record of the present year is made up. It has been one of the busiest of the country's Congresses. The record shows 70 House bills, 16 Senate bills, 51 House resolutions, and 15 Senate resolutions for the first session, or a total of 152. The second session met last December 5. The record shows 57 House bills, 24 Senate bills, 5 House resolutions, and 4 Senate resolutions, or 90. That makes a total of 242, or nearly 2 measures for each day Congress was in session.

The short session is usually confined to the supply bills. Already 8 of the 12 annual appropriation bills have been passed through the House, 5 of which have passed the Senate. This progress defies criticism as the most advanced stage yet reached in the history of legislation in the long session of Congress. This it must be remembered was in addition to the 90 measures before referred to for only three months of the regular session.

THE VERDICT NOT IN DOUBT.

Mr. Chairman, one year ago Warren G. Harding found the Nation with her relations with many foreign countries strained to almost the breaking point, her fundamental principles under discussion, her historic significance in question, her population surfeited with the profits of war and wild extravagance, her industries inflated by overexpansion from war demands, and problems of reconstruction, complicated and imminent.

To-day he sees peace again established with all countries, foreign relations resumed with honor to ourselves and complete justice to others, the finest attitude of the world toward our moral leadership as evinced in the arms conference, a policy of proper regard for the defenders of the Nation's rights, an economic administration upon the soundest principles of economy, a reduction of our public funded debt to the amount of $2,000,000,000 and a reduction of our floating debt of $700,000,000, a reduced taxation of over three quarters of a billion dollars per year, a rejuvenated agriculture and industrial fabric sorely distressed by the havoc of war, the prospect of general employment of American labor in American industries, the only country which is not only balancing its budget but has really reduced the war debt, has restored her credit, and displays signs of promise on all hands of a resumption again of our happy and promising stage which preceded the inauguration of the Democratic foibles of the new freedom and policies of suspicion and persecution of success.

Such is the achievement of the first year of the Harding administration, which, in the main, has been resisted inch by inch by a solid Democratic vote, and with which we gladly go to the country for the people's verdict. We gladly accept the challenge of our friends the enemy to take their stand on the League of Nations as their remedy in readjustment and present the record of this administration for the people's decision. Of the result there can be no doubt. The people are too close to the last administration to fail to connect effect back to cause. [Applause.]

During the delivery of the above remarks:

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Can the gentleman yield me more time?

Mr. MADDEN. My time is all allotted. Will the gentleman from Tennessee yield the gentleman from Ohio five minutes?

Mr. BYRNS of Tennessee. I wish I could, but I have only an hour. [Laughter and applause.]

Mr. FESS. Mr. Chairman, a list of the measures which have become laws within the year I here append under leave granted me to extend my remarks:

BILLS AND RESOLUTIONS WHICH HAVE BECOME LAWS—FIRST SESSION.

HOUSE BILLS.

H. R. 89. Sale of post-office site at Bethlehem, Pa. Approved June 10, 1921. Public law No. 14.

H. R. 1269. To survey Calaveras River, Calif. Approved August 18, 1921. Public law No. 54.

H. R. 1475. Providing land in State of Washington for biological station. Approved August 23, 1921. Public law No. 59.

H. R. 1940. Relief of Southern Iron & Metal Co. Approved August 23, 1921. Private law No. 3.

H. R. 1942. Relief of owners of dredge *Maryland*. Approved August 24, 1921. Private law No. 7.

H. R. 1945. Relief of E. W. McComas. Approved August 24, 1921. Private law No. 5.

H. R. 2117. Relief of city of West Point, Ga. Approved August 24, 1921. Private law No. 6.

H. R. 2173. Drawbridge on Lock No. 4, Willamette Falls, Oreg. Approved May 31, 1921. Public law No. 12.

H. R. 2185. Pageant of Progress Exposition cancellation stamp for Chicago post office. Approved April 30, 1921. Public law No. 2.

H. R. 2232. National military park on plains of Chalmette, New Orleans, La. Approved November 19, 1921. Public law No. 94.

H. R. 2421. Granting lands to city of Phoenix, Ariz, for municipal purposes. Approved July 15, 1921. Public law No. 39.

H. R. 2422. Relief of settlers and entrymen on Baca Float No. 3, Arizona. Approved July 5, 1921. Public law No. 33.

H. R. 2428. Granting lands to Converse County, Wyo., for public park. Approved June 24, 1921. Public law No. 22.

H. R. 2435. Temporary duties on certain agricultural products and to regulate foreign commerce and the value of foreign money. Approved May 27, 1921. Public law No. 10.

H. R. 2466. Making Fort Worth, Tex., a port of entry. Approved June 18, 1921. Public law No. 19.

H. R. 2499. Acquisition by United States of fishery rights in Pearl Harbor, Hawaii. Approved June 28, 1921. Public law No. 26.

H. R. 3018. Dike across Mud Slough on Isthmus Inlet, Oreg. Approved June 18, 1921. Public law No. 20.

H. R. 3152. Bridge Ohio River near Ironton, Ohio. Approved May 6, 1921. Public law No. 4.

H. R. 3707. Appropriations for expenses incident to the first session of the Sixty-seventh Congress. Approved April 19, 1921. Public law No. 1.

H. R. 4075. Limiting immigration of aliens into the United States. Approved May 19, 1921. Public law No. 5.

H. R. 4091. Bridge across Tug Fork of Big Sandy River, Mingo County, W. Va. Approved June 21, 1921. Public law No. 21.

H. R. 4586. Punishment for handling personal property received on contract of sale with intent to defraud. Approved May 27, 1921. Public law No. 9.

H. R. 4803. Naval appropriation bill for 1922. Approved July 12, 1921. Public law No. 35.

H. R. 4813. Changing period for doing assessment work on mining claims to fiscal year. Approved August 24, 1921. Public law No. 64.

H. R. 4976. Dam Mahoning River near Warren, Ohio. Approved July 15, 1921. Public law No. 37.

H. R. 5010. Army appropriation bill for 1922. Approved June 30, 1921. Public law No. 27.

H. R. 5222. Retention of building of Alaska Northern Railway in Seward, Alaska, for court purposes. Approved July 12, 1921. Public law No. 36.

H. R. 5223. To exempt from cancellation certain desert-land entries in Riverside County, Calif. Approved June 24, 1921. Public law No. 23.

H. R. 5616. Bridge Allegheny River at Oil City, Pa. Approved June 30, 1921. Public law No. 29.

H. R. 5621. Disposal of certain land in Bellevue and Fort Madison, Iowa. Approved August 24, 1921. Public law No. 65.

H. R. 5622. Sale of Vashon Island Military Reservation, Wash. Approved July 15, 1921. Public law No. 38.

H. R. 5651. Surveying Yazoo River, Miss., for flood control. Approved July 29, 1921. Public law No. 43.

H. R. 5670. Regulating and taxing contracts for sale of grain for future delivery. Approved August 24, 1921. Public law No. 66.

H. R. 5756. Limiting indebtedness of government of Philippine Islands. Approved July 21, 1921. Public law No. 42.

H. R. 6053. Extending jurisdiction of courts in cases of revivor. Approved November 23, 1921. Public law No. 104.

H. R. 6152. Bridge Charles River between Cambridge and Boston, Mass. Approved November 14, 1921. Public law No. 89.

H. R. 6300. Second deficiency appropriation bill for 1921. Approved June 10, 1921. Public law No. 18.

H. R. 6320. To regulate interstate and foreign commerce in live stock and dairy products (packers bill). Approved August 15, 1921. Public law No. 51.

H. R. 6407. Relief of Maj. Francis M. Madden. Approved August 24, 1921. Private law No. 4.

H. R. 6514. American Legion memorial at Abilene, Tex. Approved August 24, 1921. Public law No. 70.

H. R. 6567. Consolidation of telephone companies. Approved June 10, 1921. Public law No. 15.

H. R. 6573. Reclassifying and readjusting compensation of employees of the Postal Service. Approved July 21, 1921. Public law No. 41.

H. R. 6611. To establish a Veterans' Bureau in Treasury Department. Approved August 9, 1921. Public law No. 47.

H. R. 6652. Bridge Arkansas River near Fort Gibson, Okla. Approved June 30, 1921. Public law No. 30.

H. R. 6653. Bridge Arkansas River near Webbers Falls, Okla. Approved June 30, 1921. Public law No. 31.

H. R. 6809. Bridge Rio Grande River near El Paso, Tex. Approved October 15, 1921. Public law No. 79.

H. R. 6814. Dam Wabash River at Huntington, Ind. Approved July 18, 1921. Public law No. 40.

H. R. 6877. Disposition of waters of Colorado River. Approved August 19, 1921. Public law No. 56.

H. R. 7051. Reconveyance of land to city of Mount Pleasant, Mich. Approved November 23, 1921. Private law No. 14.

H. R. 7198. Per capita payment to Chippewa Indians of Minnesota. Approved November 19, 1921. Public law No. 95.

H. R. 7208. Bridge Roanoke River, N. C. Approved August 18, 1921. Public law No. 52.

H. R. 7255. Awarding congressional medal of honor to unknown American buried in Arlington Cemetery. Approved August 24, 1921. Public law No. 67.

H. R. 7294. Supplementing and defining national prohibition act. Approved November 23, 1921. Public law No. 96.

H. R. 7328. Bridge Pend d'Oreille River, Idaho. Approved August 18, 1921. Public law No. 53.

H. R. 7394. Bridge Tombigbee River in Itawamba County, Miss. Approved November 23, 1921. Public law No. 105.

H. R. 7428. Amending act incorporating Gonzaga College, District of Columbia. Approved November 23, 1921. Public law No. 106.

H. R. 7578. Cancellation stamp for Visit the Dunes Exposition at Michigan City, Ind. Approved October 5, 1921. Public law No. 73.

H. R. 7848. Indian moneys to be disbursed by Bureau of Indian Affairs. Approved November 2, 1921. Public law No. 85.

H. R. 8107. To control importation of dyes and chemicals. Approved August 24, 1921. Public law No. 68.

H. R. 8117. Urgent deficiency appropriation for 1921. Approved August 24, 1921. Public law No. 69.

H. R. 8209. Bridge Cumberland River in Montgomery County, Tenn. Approved October 15, 1921. Public law No. 80.

H. R. 8245. To reduce and equalize taxation. Approved November 23, 1921. Public law No. 98.

H. R. 8297. Conveyance of land for enlargement of Missouri State Capitol grounds. Approved October 17, 1921. Public law No. 81.

H. R. 8298. Relating to limitations in criminal cases. Approved November 17, 1921. Public law No. 92.

H. R. 8340. Bridge Rock River near Sterling, Ill. Approved November 23, 1921. Public law No. 107.

H. R. 8347. Bridge Grand Calumet River at Gary, Ind. Approved November 23, 1921. Public law No. 108.

H. R. 8365. Cancellation stamp for Public Health Exposition at Cincinnati, Ohio. Approved October 5, 1921. Public law No. 74.

H. R. 8442. Additional appropriation for railroads in Alaska. Approved November 18, 1921. Public law No. 93.

H. R. 8477. Bridge Choctawhatchee River near Caryville, Fla. Approved November 14, 1921. Public law No. 90.

H. R. 8643. Temporary duties on agricultural products. Approved November 16, 1921. Public law No. 91.

HOUSE RESOLUTIONS.

H. J. Res. 31. Allowing credit to disbursing clerk of Bureau of War Risk Insurance. Approved July 26, 1921. Public resolution No. 11.

H. J. Res. 32. Changing name of Grand River in Colorado and Utah to Colorado River. Approved July 25, 1921. Public resolution No. 10.

H. J. Res. 52. Water for entrymen in arrears on public lands. Approved May 17, 1921. Public resolution No. 8.

H. J. Res. 82. Ratifying establishment of boundary line between Pennsylvania and Delaware. Approved June 30, 1921. Public resolution No. 7.

H. J. Res. 112. Memorial to employees of Department of Agriculture who died in war with Germany. Approved August 15, 1921. Public resolution No. 16.

H. J. Res. 123. Providing funds for repair of elevator in Washington Monument. Approved May 25, 1921. Public resolution No. 4.

H. J. Res. 138. Sale of Camp Eustis, Va. Approved August 21, 1921. Public resolution No. 20.

H. J. Res. 148. Relief of Colorado flood sufferers. Approved June 8, 1921. Public resolution No. 5.

H. J. Res. 151. Deferred payments on grazing fees on national forests. Approved November 17, 1921. Public resolution No. 27.

H. J. Res. 153. Limiting immigration of aliens into the United States. Approved August 22, 1921. Public resolution No. 18.

H. J. Res. 178. Ratifying and confirming (H. R. 4908) naval appropriations as of July 1, 1921. Approved July 11, 1921. Public resolution No. 9.

H. J. Res. 198. Paying employees of House of Representatives. Approved August 22, 1921. Public resolution No. 19.

H. J. Res. 210. Providing for appointment of one member of Board of Managers of National Home for Disabled Volunteer Soldiers. Approved November 23, 1921. Public resolution No. 30.

H. J. Res. 218. Making November 11, 1921, a holiday. Approved November 4, 1921. Public resolution No. 29.

H. J. Res. 225. To pay employees of Congress for November, 1921, on the 23d. Approved November 23, 1921. Public resolution No. 28.

SENATE BILLS.

S. 71. Consolidating offices of register and receiver in land offices in certain cases. Approved October 28, 1921. Public law No. 84.

S. 78. Additional judge for judicial district of North Dakota. Approved June 26, 1921. Public law No. 24.

S. 82. Extending time to bridge Red River of the North at Pembina, N. Dak. Approved May 31, 1921. Public law No. 11.

S. 86. Organization of corporations. Approved June 14, 1921. Public law No. 17.

S. 252. Easements over private property through proceedings in eminent domain. Approved August 11, 1921. Public law No. 48.

S. 407. Bridge Mahoning River near Warren, Ohio. Approved May 3, 1921. Public law No. 3.

S. 488. Government to exchange lands with Swan Land & Cattle Co. Approved August 9, 1921. Public law No. 44.

S. 518. Relief of J. L. Holmes. Approved November 18, 1921. Private law No. 10.

S. 530. To quiet title to land in Walters, Okla. Approved August 8, 1921. Public law No. 45-46.

S. 535. Preventing unauthorized landing of submarine cables. Approved May 27, 1921. Public law No. 8.

S. 594. Relief of ex-service men for defeated rights of entry on North Platte irrigation project. Approved May 26, 1921. Public law No. 6.

S. 694. Additional judge for southern judicial district of West Virginia. Approved June 25, 1921. Public law No. 25.

S. 732. Nonmineral lands in Fort Buford Military Reservation. Approved August 11, 1921. Public law No. 49.

S. 843. Relief of war contractors. Approved November 23, 1921. Public law No. 99.

S. 904. Relief of Elijah C. Putman. Approved November 18, 1921. Private law No. 11.

S. 907. Relief of owners of Danish steamship *Fiyaderborg*. Approved August 9, 1921. Private law No. 1.

S. 1019. Transportation home for destitute soldiers and sailors and their wives from Europe. Approved June 30, 1921. Public law No. 28.

S. 1039. Public protection of maternity and infancy. Approved November 23, 1921. Public law No. 97.

S. 1072. Federal aid in constructing rural post roads. Approved November 9, 1921. Public law No. 87.

S. 1084. To provide a budget system and an independent audit of Government accounts. Approved June 10, 1921. Public law No. 13.

S. 1154. Bridge Des Moines River. Approved June 11, 1921. Public law No. 16.

S. 1283. Relief of various railroads. Approved Nov. 23, 1921. Private law No. 13.

S. 1408. Relief of Rolph Navigation & Coal Co. Approved November 17, 1921. Private law No. 8.

S. 1434. Relief of Fidelity & Deposit Co. of Maryland, Baltimore, Md. Approved August 18, 1921. Private law No. 2.

S. 1479. Bridge Potomac River at Point of Rocks, Md. Approved May 25, 1921. Public law No. 7.

S. 1718. Distribution of tobacco, snuff, etc., to hospitals for soldiers and sailors. Approved October 14, 1921. Public law No. 78.

S. 1794. Releasing Kansas City & Memphis Railway & Bridge Co. from reconstructing approaches to bridge at Memphis, Tenn. Approved August 22, 1921. Public law No. 57.

S. 1811. Issuance and denomination of Federal farm loan bonds. Approved August 13, 1921. Public law No. 50.

S. 1887. Secretary of Treasury to make deposits for use of Federal land banks. Approved July 1, 1921. Public law No. 32.

S. 1881. Defining act creating Hawaiian Homes Commission. Approved July 9, 1921. Public law No. 34.

S. 1894. Relief of certain members of Quapaw Tribe of Indians. Approved November 18, 1921. Private law No. 12.

S. 1915. Exportation of agricultural products. Approved August 24, 1921. Public law No. 60.

S. 1934. Bridge Ohio River at Huntington, W. Va. Approved August 18, 1921. Public law No. 55.

S. 1970. Bridge Sulphur River near Pettis Bridge, Tex. Approved October 13, 1921. Public law No. 75.

S. 2062. Granting franchises to certain districts in Hawaii for gas and electricity. Approved August 24, 1921. Public law No. 61.

S. 2181. Extending provisions of District of Columbia rent act. Approved August 24, 1921. Public law No. 71.

S. 2153. Relief of the owners of the steamship *Texas*. Approved November 17, 1921. Private law No. 9.

S. 2207. Fixing standard weight of bread in the District of Columbia. Approved August 24, 1921. Public law No. 72.

S. 2301. Bridge Missouri River at Boonville, Mo. Approved August 22, 1921. Public law No. 58.

S. 2330. Extending time for payment of 1921 grazing fees on national forests. Approved August 24, 1921. Public law No. 62.

S. 2340. Bridge St. Marys River near St. Marys, Ga. Approved October 13, 1921. Public law No. 76.

S. 2359. Cancellation stamp for Aero International Congress at Omaha, Nebr. Approved October 20, 1921. Public law No. 82.

S. 2420. Semicentennial cancellation stamp for Birmingham, Ala. Approved August 24, 1921. Public law No. 63.

S. 2425. To widen Watchung Avenue in Plainfield, N. J. Approved November 5, 1921. Public law No. 86.

S. 2430. Bridge St. Marys River near Wilds Landing Ferry, Ga. Approved October 13, 1921. Public law No. 77.

S. 2447. Bridge Pearl River, Miss., between Meeks Ferry and Grigsbys Ferry. Approved November 14, 1921. Public law No. 88.

S. 2504. Readmission of certain deficient midshipmen to Naval Academy. Approved October 22, 1921. Public law No. 83.

S. 2555. Bridge Great Peedee River near Marks Bluff Ferry, S. C. Approved November 23, 1921. Public law No. 100.

S. 2594. Bridge Savannah River near Burtons Ferry, Ga. Approved November 23, 1921. Public law No. 101.

S. 2722. Bridge White River near Des Arc, Ark. Approved November 23, 1921. Public law No. 102.

S. 2724. Bridge White River near De Valls Bluff, Ark. Approved November 23, 1921. Public law No. 103.

SENATE RESOLUTIONS.

S. J. Res. 5. President to invite foreign nations to take part in exposition at Portland, Oreg. Approved August 10, 1921. Public resolution No. 13.

S. J. Res. 16. Repealing joint resolution declaring state of war between United States and Germany and Austria-Hungary. Approved July 2, 1921. Public resolution No. 8.

S. J. Res. 20. Appropriation for diversion dam on Crow Indian Reservation, Mont. Approved May 6, 1921. Public resolution No. 2.

S. J. Res. 30. President to appoint additional member of Joint Committee on Reorganization. Approved May 5, 1921. Public resolution No. 1.
S. J. Res. 33. Permitting certain Chinese to register in the United States. Approved November 23, 1921. Public resolution No. 29.
S. J. Res. 34. President to appoint commission to attend first centennial of Republic of Peru. Approved June 25, 1921. Public resolution No. 6.
S. J. Res. 36. President to appoint pulp wood commission. Approved August 15, 1921. Public resolution No. 14.
S. J. Res. 72. Relief of States in cotton belt through efforts to eradicate the pink bollworm. Approved August 9, 1921. Public resolution No. 12.
S. J. Res. 88. Establishing port of New York authority. Approved August 23, 1921. Public resolution No. 17.
S. J. Res. 103. Changing name of Veterans' Bureau to United States Veterans' Bureau. Approved August 24, 1921. Public resolution No. 19.
S. J. Res. 114. Accepting invitation to take part in exposition at Rio de Janeiro, Brazil, in 1922. Approved November 2, 1921. Public resolution No. 25.
S. J. Res. 115. Loan of tents, etc., to Grand Army of the Republic encampment at Indianapolis, Ind. Approved October 12, 1921. Public resolution No. 21.
S. J. Res. 117. Loan of tents, etc., to Confederate Veterans' encampment at Chattanooga, Tenn. Approved October 12, 1921. Public resolution No. 22.
S. J. Res. 122. President to bestow congressional medal of honor upon unknown Italian soldier buried in Rome. Approved October 12, 1921. Public resolution No. 23.
S. J. Res. 123. Providing expenses for burial of unknown American in Arlington Cemetery November 11, 1921. Approved October 21, 1921. Public resolution No. 24.

SECOND SESSION.

HOUSE BILLS.

H. R. 1268. Relief of Six-Minute Ferry Co. Approved February 18, 1922. Private law No. 26.
H. R. 1318. Preferential right to certain public lands in Arkansas. Approved January 28, 1922. Private law No. 20.
H. R. 1362. Relief of M. Fine & Sons. Approved February 21, 1922. Private law No. 29.
H. R. 1370. Relief of Col. Herbert Deakyne. Approved February 24, 1922. Private law No. 35.
H. R. 1372. Relief of M. Feitel House Wrecking Co. Approved February 21, 1922. Private law No. 30.
H. R. 1459. Relief of Charles R. Powell. Approved January 28, 1922. Private law No. 21.
H. R. 1460. Relief of William Gordon Corporation. Approved January 30, 1922. Private law No. 23.
H. R. 1721. Relief of Buffalo House Wrecking & Salvage Co. Approved February 21, 1922. Private law No. 31.
H. R. 1732. Relief of W. R. Grace & Co. Approved February 17, 1922. Private law No. 24.
H. R. 2144. Relief of Charlotte W. Miller. Approved February 18, 1922. Private law No. 27.
H. R. 2205. To add lands to Shoshone National Forest, Wyo. Approved December 20, 1921. Public law No. 113.
H. R. 2373. Cooperative marketing of agricultural products. Approved February 18, 1922. Public law No. 146.
H. R. 2866. Granting patents to certain lands in Louisiana. Approved January 23, 1922. Private law No. 22.
H. R. 2914. To add certain lands to Minadoka National Forest. Approved January 11, 1922. Public law No. 123.
H. R. 3116. Validating homestead entry of Mike Campbell in Alaska. Approved December 15, 1921. Private law No. 15.
H. R. 3249. Relief of employees of Bureau of Lighthouses. Approved February 21, 1922. Private law No. 33.
H. R. 3250. Conveying lands to Augustus S. Peabody. Approved December 20, 1921. Private law No. 18.
H. R. 4598. To exchange public for private lands in Hawaii. Approved January 31, 1922. Public law No. 136.
H. R. 5511. Relief of John Cestalic, jr. Approved December 15, 1921. Private law No. 16.
H. R. 5597. To pension N. May Jernegan. Approved February 21, 1922. Private law No. 32.
H. R. 5700. Sale of Subtreasury at San Francisco, Calif. Approved January 11, 1922. Public law No. 124.
H. R. 6119. Grant gold and silver dollars. Approved February 2, 1922. Public law No. 137.
H. R. 6262. To add lands to Mount McKinley National Park, Alaska. Approved January 30, 1922. Public law No. 133.
H. R. 6437. Relief of Cleveland Trinidad Paving Co. Approved February 18, 1922. Private law No. 25.
H. R. 6557. Repair customs buildings in Porto Rico. Approved January 10, 1922. Public law No. 22.
H. R. 6622. Relief of Gaetano Davide Olivari fu Fortunato. Approved February 18, 1922. Private law No. 28.
H. R. 6864. Exchange of lands in Ranier National Forest, Wash. Approved December 20, 1921. Public law No. 114.
H. R. 6961. Granting lands to Alabama for use of Searcy Hospital for colored insane. Approved December 15, 1921. Public law No. 110.
H. R. 6998. Amending bankruptcy act of 1898. Approved January 10, 1922. Public law No. 121.
H. R. 7077. Increase of force and salaries in Patent Office. Approved February 18, 1922. Public law No. 147.
H. R. 7161. Final proof of homestead entries for World War veterans. Approved December 15, 1921. Public law No. 111.
H. R. 7204. Water-service system for Fort Monroe Military Reservation. Approved January 11, 1922. Public law No. 125.
H. R. 7290. Confirming private land claim of widow and heirs of Joseph Etier. Approved January 18, 1922. Private law No. 19.
H. R. 7660. Adjustment of boundaries of Deschutes National Forest, Oreg. Approved February 2, 1922. Public law No. 138.
H. R. 7691. To amend act incorporating Prospect Hill Cemetery, District of Columbia. Approved January 31, 1922. Public law No. 136.
H. R. 7789. Relief of G. Fred Roach et al. Approved December 15, 1921. Private law No. 17.
H. R. 8217. Relief of heirs of N. Ferre. Approved February 21, 1922. Private law No. 34.
H. R. 8344. Extension of time under oil and gas permits. Approved January 11, 1922. Public law No. 127.
H. R. 8401. To transfer control of customhouse wharf at Charleston, S. C., to War Department. Approved January 11, 1922. Public law No. 126.
H. R. 8744. Bridge Red River of the North. Approved December 21, 1921. Public law No. 116.
H. R. 8762. Funding of foreign debts. Approved February 9, 1922. Public law No. 139.
H. R. 9021. City of Chicago to acquire real estate. Approved January 11, 1922. Public law No. 128.
H. R. 9050. Bridge Pamunkey River. Approved January 30, 1922. Public law No. 134.
H. R. 9337. Deficiency appropriation, first for 1922. Approved December 15, 1921. Public law No. 109.
H. R. 9464. Bridge over Snake River, Wash. Approved December 28, 1921. Public law No. 120.
H. R. 9548. Relief of Russia. Approved December 23, 1921. Public law No. 117.
H. R. 9724. Treasury Department appropriation bill for 1923. Approved February 17, 1922. Public law No. 145.
H. R. 9931. Extending time for constructing bridge over Delaware River. Approved February 21, 1922. Public law No. 148.

ADDITIONAL HOUSE BILLS.

February 25, 1922:
H. R. 9386. Waccasa River Bridge. Public law No. 150.
H. R. 10009. Tombigbee River Bridge. Public law No. 151.
H. R. 5659. Relief of Ellen M. Willey. Private law No. 37.
H. R. 7483. Relief of Robert G. Whitfield. Private law No. 38.
H. R. 8818. Menomahela River Bridge. Public law No. 154.
H. R. 8924. Amending appropriation for Military Academy. Public law No. 155.
H. R. 9060. Lands leased to Leavenworth, Kans. Public law No. 156.

SENATE BILLS.

S. 621. Rebates for unjust rates charged for transportation. Approved February 24, 1922. Public law No. 149.
S. 1099. Reinstatement of on canceled final entries on public lands. Approved January 27, 1922. Public law No. 131.
S. 1831. Validity of contracts. Approved February 17, 1922. Public law No. 144.
S. 2108. Prohibiting interment in White's Cemetery, District of Columbia. Approved December 16, 1921. Public law No. 112.
S. 2124. To quitclaim lands in Alabama. Approved February 19, 1922. Public law No. 140.
S. 2133. Ceding Mexican lands to Texas. Approved January 27, 1922. Public law No. 132.
S. 2468. Disposal of lands at Tenderfoot Lake, Wis. Approved February 13, 1922. Public law No. 141.
S. 2591. Bridge Niagara River. Approved December 16, 1921. Public law No. 118.
S. 2708. Transfer of Army medical supplies to American relief in Russia. Approved January 20, 1922. Public law No. 129.
S. 2776. Bridge Columbia River. Approved January 21, 1922. Public law No. 130.
S. 2780. Trading with the enemy, amending act. Approved December 21, 1921. Public law No. 115.
S. 2790. Bridge Escambia River. Approved December 28, 1921. Public law No. 119.
S. 2802. Civil service retirement, amending act. Approved February 14, 1922. Public law No. 142.
S. 2994. Bridge headwaters Mobile Bay. Approved February 14, 1922. Public law No. 143.

ADDITIONAL SENATE BILLS APPROVED.

February 25, 1922:
S. 29. Lloyd L. Gandy. Public law No. 152.
S. 160. Kristina Furjak. Private law No. 36.
S. 2736. Forts Lee, Pickering, and Sewell. Public law No. 153.
February 27, 1922:
S. 52. Stevens Institute of Technology. Private law No. 39.
S. 561. Arizona timber. Public law No. 157.
S. 901. Albert H. Raynolds. Private law No. 40.
S. 2810. Judicial districts in West Virginia. Public law No. 158.
February 28, 1922:
S. J. Res. 137. Relics in State Department. Public resolution No. 40.
S. 1244. Relief of Frank Carpenter. Private law No. 41.

HOUSE JOINT RESOLUTIONS.

H. J. Res. 30. Preferred right of entry to soldiers and sailors. Approved January 21, 1922. Public resolution No. 36.
H. J. Res. 81. Memorial to First Division, American Expeditionary Forces, in District of Columbia. Approved December 16, 1921. Public resolution No. 31.
H. J. Res. 233. Postponing World's Dairy Congress. Approved December 23, 1921. Public resolution No. 34.
H. J. Res. 234. Payment employees, holiday recess. Approved December 19, 1921. Public resolution No. 32.
H. J. Res. 238. Amending act in jurisdiction of courts in cases of revivor. Approved December 22, 1921. Public resolution No. 35.

SENATE JOINT RESOLUTIONS.

S. J. Res. 99. Statue of Dante in District of Columbia. Approved February 14, 1922. Public resolution No. 39.
S. J. Res. 124. Nonexportation of war materials. Approved January 31, 1922. Public resolution No. 37.
S. J. Res. 140. Tuition of Indian children in Montana. Approved February 13, 1922. Public resolution No. 38.
S. J. Res. 142. Extending time of report on personnel of Army and Navy. Approved December 22, 1921. Public resolution No. 33.

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Chairman, we have just witnessed the most remarkable incident in the Congress that has happened in 20 years. An administration coming into power with the greatest majority in the history of the Republic on the anniversary of its accession the chief of the Republican organization, the most distinguished performer of the House of Representatives, when it comes to making black look white and two and two add up eight, is put forth in defense of that administration. But, Mr. Chairman, why the necessity of this defense? What occasioned

these directors of the Republican organization to put their heads together and to present their chief in front in order to apologize for what has been done in the past year. It results from Republican editorials throughout the United States in which editors have analyzed the conduct and the performance of your party for 12 months. They have rendered a solemn verdict—as you said a solemn verdict was rendered last November a year ago—and they have decided that the accomplishments are nil, and the result is that you call upon this distinguished doctor, this professor of all knowledge, this camouflage artist from Ohio, the chairman of your congressional organization, to come in, and if he can, make new promises and prophecies for the next few months. How did you get into office? By promises. Promises were the main element in your campaign of two years ago. What is your statement to-day? "I made you these promises, I gave you my plighted faith, I gave you my note of hand," as BEN HUMPHREYS would say, "and it has come due, and now I am willing to renew the promise." What does the doctor say? Why, he says, "Whenever you pass a tariff bill then you will renew prosperity in this country." Another promise: "When we shall have passed the reclassification bill we will cut down the expenditures and eliminate offices which we promised to eliminate." "When the Senate shall have passed the railroad appropriation bill, then the railroads of the country will function."

This is all in his speech, but he did not read it to you on this occasion. How is he going to apologize for the Senate failing for eight months to report a tariff bill? How is he going to apologize and defend, if you please, the want of action on your part in failing to carry out your promise with regard to H. R. No. 1? I imagine that some of you will ask yourselves that question, and I see some of you now who will not undertake to defend the Senate's action, and yet the Senate is a part of your organization. I know and you know that Warren Harding is much stronger than his party at the present time. You want to ride in on his shoulders, but remember when you do that you have got to account for the failure to keep his promises made during the election and which he himself has failed to keep. I recall that it was said on the stump and throughout the country that Woodrow Wilson had appointed ambassadors and foreign ministers who were unsuited to their places.

Is there a man on that side of the House who will rise in his place and say at this moment that the American Government has not the poorest representatives in foreign countries that it has had in 50 years, some of them being a disgrace? I do not see anyone getting up to defend them. That is one of the promises you made. Gentlemen, you can defend broken promises by making additional promises if you desire, but I caution you now not to go to agriculture and tell its followers that they are prosperous, or to the manufacturers and tell them they are getting along well, when their smokestacks have no smoke coming from them. When you carried the election agriculture was prosperous and manufacturing was prosperous. What are they to-day? Separated from the smoke of the factories and from the farms, 4,000,000 men are hunting for employment, with necessity staring them in the face. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, it would be amusing if it were not attended with so much tragedy to our Republican friends on the other side of this Chamber to note the very earnest and frequent but futile efforts which have been made by many of our Republican colleagues to stem the irresistible tide of opposition which has arisen against their party on account of the failure of this Congress and the administration to comply with its promises and give the necessary relief to the country. Now, the gentleman from Ohio [Mr. FESS], one of the leaders of his party occupying the position of chairman of the Republican congressional campaign committee, comes forward with a carefully prepared political speech in the effort to show that the administration during the past year has accomplished something in the way of relief for the people. It is significant that in all the speeches made by these gentlemen none of them have referred to or criticized the many constructive measures that were passed under a Democratic administration before our country became engaged in war. We never hear any mention nor do we hear any criticism of the fact that it was a Democratic Congress under a Democratic President which put the income tax upon the statute books, making wealth bear at least a part of its proper burden of government. We never hear any mention nor do we hear any criticism from the other side of the fact that it was a Democratic Congress and a Democratic administration which passed the Federal reserve banking law that wrested control of our finances from Wall Street and made it possible for this country to go through the war and to actually win the war without any particular financial difficulty. We never hear any mention nor do we hear any criticism from our friends upon the other side of the fact that it was a Democratic Congress and a Democratic administration which placed upon our statute books the farm loan act, the greatest constructive measure ever passed by Congress for the aid of the farmer. [Applause on the Democratic side.]

A Democratic Congress and administration first provided for Federal aid for the building of good roads and many other equally beneficial measures, to which I have not the time to refer. In his difficult task to show that this Republican Congress has not been a do-nothing Congress, the gentleman from Ohio [Mr. FESS] has actually counted the bills and resolutions which have been passed, and says Congress has passed nearly two a day. To what a desperate strait has this Republican leader been driven in his effort to show that this Congress has really accomplished something! Why, everyone knows that these bills were practically all bridge bills and claims and pensions and matters of no general public interest. Why, yesterday we passed three bills of no general interest in less than two hours, and there is hardly a unanimous-consent day that from 15 to 25 bills, and sometimes more, are not passed without objection. Read his speech and you will find that he has been unable to point out any real constructive measure which has been passed. Oh, but he spends much time praising the result of the recent Disarmament Conference which the President was forced to call by a few Republican insurgents, aided by the Democratic minority. He boasts that the United States has joined Great Britain, France, and Japan in an alliance to keep the peace in the Pacific Ocean, and at the same time denounces the League of Nations which proposed an alliance of all the nations of the world to keep the peace of the world. That is about as consistent as we would expect the gentleman to be in discussing a political question. We can not escape the conclusion that, like many other political statesmen, he is influenced by the fact that one was brought forth under a Republican administration, whereas the other was the product of a Democratic administration. Does anyone doubt what the position of the gentleman would be if conditions had been reversed?

This opposition which has arisen to your party, gentlemen, is a perfectly natural one, and one which is to be expected on account of the failure of the administration and this Congress to give that relief which was promised the people in the last campaign, and which the people have been vainly expecting since your President came into power. The business and manufacturing interests of the country are depressed. How have you helped them? As the gentleman from Texas [Mr. GARNER] has said, millions of laboring men are walking the streets to-day, and they are on the highways begging employment, and nothing has been done. No legislation has been passed, and seemingly no consideration has been given to any effort to give those men employment. Farmers all over this country we know are being forced to put the products of their labor and their farms upon the market at less than the cost of production. What have you done by way of giving them substantial relief? Why, it became necessary at the other end of this Capitol for a few Republican Senators to form themselves in what has been called an "agricultural bloc," in order that they might join a Democratic minority in the Senate and force consideration of measures intended for the relief of the agricultural interests of this country. [Applause on the Democratic side.]

The gentleman from Ohio [Mr. FESS] referred to the expenses of the Government and to the action of Congress in reducing expenses. As I recall, he said that this is one of the two or three Governments of the world that have a balanced budget. I do not know just what the gentleman means by a balanced budget. I take it that what he means is that our revenue equals our expenses.

That is rather a remarkable statement for the distinguished gentleman to make in the face of the fact that the President of the United States, when he submitted his budget in December, stated that there would be a deficit this year of $24,000,000 at least. And since that time, Congress has added to that deficit by passing certain legislation which will increase it all the way from $7,000,000 to $20,000,000. It is a rather remarkable statement for the gentleman from Ohio to make in the face of the statement of the President that next year, the fiscal year of 1923, the deficit in our Treasury will amount to over $167,000,000. And since that statement was made it has been amended, and now everyone agrees that the deficit in 1923 will amount to at least $250,000,000. And the Secretary of the Treasury has said that it will amount to $300,000,000. So I say it is rather remarkable that the gentleman from Ohio, even

though he may be making a political speech for public consumption, should say that this country is now working under a balanced budget.

The appropriations made for 1922 in the regular appropriation bills amounted to $3,771,990,514.01. In addition to that, we are now considering a third deficiency bill. The two deficiency bills passed in August and December carried aggregate appropriations of $155,833,766.64. The pending bill carries an appropriation, if passed as reported by the committee, of $108,415,287, or total deficiences up to this time and for this year of $264,249,053.64. The gentleman from Ohio referred to the further fact that Congress has been called upon by the President to pass a ship subsidy bill, which, if passed by Congress, will result in taking from the Public Treasury, already faced as it is with these large deficits, $32,000,000 of the people's money each year, and handing it over to the great private ship-operating companies.

The best answer that can be made to the gentleman from Ohio in his claim for economy is to compare the appropriations made for this fiscal year in the regular annual appropriation bills with the estimates submitted by the President and his Bureau of the Budget for the expenses of the Government during the next fiscal year. The President and his Bureau of the Budget asked Congress to appropriate for 1923 the sum of $3,858,917,324.52. The outstanding and unanswerable fact is that the appropriations requested by the President for 1923 are $87,017,410.52 more than Congress appropriated in the regular annual appropriations for the year 1922. Does that speak for economy? Does that show that this Congress and the Republican administration have been practicing economy? [Applause on the Democratic side.] Does that show that the Budget Bureau, so highly complimented by the gentleman from Ohio, has been functioning as the people of the United States expected it would function? Does that show that there has been that close and careful consideration of future expenditures by this bureau and the President that we expected would be given before these estimates were sent in?

Why, gentlemen will remember that this increase of over $87,000,000 in the appropriations of 1923 over those of 1922 is requested in the face of the fact that it will be five years since the war came to a close, and instead of our reducing the expenses of the Government, if we act in accordance with the earnest request of the President and the Bureau of the Budget, we shall appropriate over $87,000,000 more in the regular appropriation bills for 1923 than was appropriated in the year 1922, and then you may expect, during the next Congress and after the election, to see other large deficiency bills coming in, adding to these appropriations, just as we have had deficiency bills in this Congress adding to the appropriations for 1922.

Why, gentlemen, it has been nearly four years since the war closed and will be five years when the appropriations for 1923 are expended—we ought to be at least approaching prewar conditions, and the gentleman from Ohio admits it—let us compare the appropriations requested with the appropriations made during the last year just preceding the war, the year 1916. What do we find? Why, in 1916, under a Democratic Congress and a Democratic President, there was appropriated the sum of $1,114,967,012.82.

Oh, the gentleman from Ohio [Mr. FESS] said, if I recall correctly, that when you deducted the interest of $975,000,000, and approximately $500,000,000 which is being provided for the Veterans' Bureau, and $381,000,000 for the sinking fund, expenses which he very properly said were not charges on the Treasury before the war, it would be found that we were going to appropriate for next year only about $250,000,000 more than was appropriated in 1916.

Let us see. We do not know what Congress is going to appropriate. I take it, certainly, that Congress will reduce the estimates; but the only thing that we can do at this time is to look at what the President of the United States has requested Congress to appropriate, and, as I said, he has asked Congress to appropriate something over $3,858,000,000. Well, deduct, if you please, these three sums which have been referred to by the gentleman from Ohio, and which amount to $1,856,000,000; or take the figure that he gave and call it $2,000,000,000, because the little sum of $144,000,000 does not seem to make much difference to the gentleman from Ohio for the purposes of his speech. Deduct your $2,000,000,000 from the amount asked to be appropriated and you will have left $1,858,000,000, which is $743,000,000 in round numbers more than was appropriated in the year 1916.

Now, is it any wonder that the taxpayers of this country are complaining because there has not been that reduction in our expenditures which they were led to believe would be made, and which they had the right to expect would be made five years after the war had come to a close?

One of the most distressing things—and I get that by inference from what the gentleman from Ohio said; it may be in that prepared speech that he said he was going to put into the RECORD—one of the most distressing things I gathered from his speech was that he, one of the leaders of his party and a man who has great influence in Congress, takes the position that the expenses will be reduced next year to as complete an extent as the people can expect for some years to come; in other words, that the people, so long as his party is in power, or for the next three years, may not expect any further reduction in expenditures or any further reduction in their taxes. If, therefore, they expect reductions in appropriations and in taxes they must turn to the Democratic Party for relief. And legislative history will show that this has always been the case. [Applause on the Democratic side.]

Now, the gentleman had something to say in reference to the reduction in the number of employees. I think he said that they had reduced the number of employees in the District of Columbia to something like 73,000. The facts are that on December 31 there were 75,759 employees, as shown by the report of the Civil Service Commission, here in the District of Columbia, and as showing what a rapid reduction is being made in the number of employees here in the District in one month that number has been reduced by the enormous sum of 401; or, on January 31, there were 75,358 employees in the District of Columbia, and in the field there were 492,567 employees; or, on December 31, 1921, the total number of employees of the National Government in the District and in the field was 568,326.

Now, do you wonder that the people of this country are asking just why it is necessary to retain, four years after the war, such a great number of employees at their expense? Are you wondering that the people of the country now are asking the question as to why some action has not been taken to cut out some of these employees and save the public money?

Certainly the people have a right to expect that four years after the war we get back to something like prewar conditions in the matter of public employment in this country.

Why, let me tell you something. Something has been said here about how the Veterans' Bureau has reduced its employees. What do we find? The Veterans' Bureau has here in the city of Washington 5,082 employees. But how many have they got in the field? Under the decentralization bill, which was passed by this Congress, there are now 18,500 employees of the Veterans' Bureau in the field, making the total number of employees of the Veterans' Bureau something over 18,500. Is it any wonder that there are those who complain against the great overhead charges and expenses of the bureau which takes money out of the pockets of the disabled soldier—who is so frequently and properly commended upon this floor—which takes money out of his pocket for the purpose of putting upon our pay rolls a great number of employees to whom large amounts are paid in salaries? Gentlemen will have a very difficult task to show that this Congress and this administration has shown any real economy.

My time is limited, but I want to talk to you just a little while about this bill. I have been led away from a discussion of the measure before the House by the remarks just made by my friend from Ohio.

The total amount carried on the face of this bill, as I have already stated, is $108,415,287.13. All of this sum is for the year 1922 except $4,105,468.27, of which $3,996,409.06 represents judgments which have been obtained against the Government and claims which have been regularly audited during the past year, leaving an actual deficiency for past years in this bill of $109,059.24.

The big items in this bill are $93,993,112 for the Veterans' Bureau and $5,000,000 for the Colombian treaty. But I wish to repeat that every appropriation carried in this bill, except the sum of $4,105,468.27 to which I have referred, is by way of a supplemental appropriation for expenses during the present fiscal year. You may call them anticipated deficiencies, because, as the gentleman from Illinois [Mr. MADDEN] said, the committee cut out many requests for appropriations where it was not perfectly patent that they would not have money to carry them through the present fiscal year; but this sum should be added to the appropriations made for the present fiscal year, 1922, and shows that Congress either did not appropriate sufficient money in the first instance or that some of the departments have been extravagant.

In addition to this there are certain appropriations to which the gentleman from Illinois [Mr. MADDEN] has referred, and to which I want to refer just for a few minutes. For instance,

we found that there was a deficiency for 1921 in the Navy Department of $4,394,806.25. That is cared for in this bill by making available the balances which were in the Treasury to the credit of the Navy Department on June 30, 1921. In other words, there was a balance covered back into the Treasury by the Navy Department, which was unexpended out of the 1921 appropriation, of something over $11,000,000, and the committee undertakes to satisfy this deficiency of 1921 out of that balance. Well, of course, it is properly chargeable to 1921 expenses, but to my mind that is an improper way to make this appropriation, and so far as I know that practice has never been followed in any other deficiency bill of which I have knowledge. The usual course is to appropriate the money directly and to appropriate it as a deficiency for the fiscal year in which the deficiency was incurred. The $11,000,000 of balance is in the Treasury, and it is only by an appropriation act that it can be taken out of the Treasury; and in order to keep your books straight, in order that the country may know and that Congress may know just what is being appropriated, it seems to me that the better policy and the only proper policy would be to make a direct appropriation, just as all other deficiency bills have done in the past.

Now, what more? The committee has allowed $10,000,000 for the Navy Department as a supplement to the present year's appropriation, but it did not make that appropriation in a direct manner. The Secretary of the Navy came before the committee and told us that he had effected savings from certain appropriations which had been specifically made for various activities in the department of $7,680,345, and the committee, by a provision in this bill, makes that sum available to meet this supplemental appropriation of $10,000,000, and as the gentleman from Illinois [Mr. MADDEN] said the Navy Department is expected to make up the balance through savings between now and July 1.

Then there is $40,000,000 to take care of the Navy's deficit in the Treasury in the clothing and small-stores fund. Instead of appropriating the necessary sums to take care of this deficit, it is proposed by legislation to wipe it off the books. It may be said that it means the same thing, but it conceals from the public the real facts. The same is true of a supplemental appropriation for the Army of $511,892.77 for 1922 for bringing back troops from Germany, and $236,095 for reconditioning the *Madawaska*, and $150,000 for expenses incurred in 1921 during the mine troubles in West Virginia, or a total of $897,987.77, which is not directly appropriated, but is made available out of funds to the credit of the War Department, which would otherwise remain in the Treasury. The result is that the public is told through the newspapers that this bill carries only $108,415,287.13, whereas in reality it makes available the sum of $163,708,081.15. The people are thus mislead by this procedure into the belief that Congress is appropriating less by over $55,000,000 than is really being appropriated. It is this that I earnestly condemn. There ought not to be any camouflage about appropriations. The people ought to be told the real facts.

Right here I want to call your attention to this fact: You will recall that when the tax bill was pending before the Ways and Means Committee it was stated that there was going to be effected a saving out of the appropriations for this year of $350,000,000, and it was stated that $100,000,000 of that would come out of the Navy Department. This was heralded all over the country for the benefit of the taxpaying public and as a great accomplishment of the Bureau of the Budget. The Secretary of the Navy now tells us, after eight months of the fiscal year have passed, that he has saved only $7,680,345. The $100,000,000 has dwindled to $7,680,000, with the hope on the part of the committee that possibly the Secretary of the Navy may in some way save $2,500,000 more before July 1.

The President told us a few weeks ago, acting on information, of course, which was furnished him by the Director of the Budget, that there had been direct savings of $32,000,000 and indirect savings of $134,000,000 already effected during the year. Eight months of the year have passed, and even if this statement was true, it shows how grossly the people have been deceived, for there is a great difference between $136,000,000 and $350,000,000. I introduced a resolution asking the President to tell Congress just where those savings had been effected. It was my idea that when we knew where those savings could be found it would be possible either to avoid presenting a deficiency bill which carries $108,000,000, or $18,000,000 less than he says have been saved during this year, or, preferably, that those sums could be covered into the Treasury so as to put them beyond the power of any Government official to spend between now and July 1. I betray no confidence, I am sure, when I say that that resolution was promptly sent to the President asking that he comply with the request made therein, and for that reason, hoping that he would make reply, I have not sought to press the matter before the House. But the very fact that we have had no reply to that resolution is the surest evidence of the truth of the charge that has been made upon this floor that those savings are mere paper savings. It is a mere fanciful saving from the extravagances of the department which the Director of the Budget assumes he has made, but on which he can not put his finger, and hence his failure to supply Congress with the details.

We know there ought to have been considerable savings. The appropriations for this fiscal year were made at the December, 1920, session. Since that time the cost of material and supplies, printing and binding, fuel, rations for our Army and Navy, construction and repairs, and a multitude of other supplies, have greatly diminished in cost. The appropriations were based on the old high cost. Hence a saving would quite naturally result unless, forsooth, it has been consumed in other ways. Is this the reason why we have not been furnished with a bill of particulars as to just where these alleged savings are? I do not believe there has been any saving, because if there had been you can rest assured that it would have been reported to this Congress, and the committee would have done just as it did in the case of the Navy Department. It would have made those savings available for these deficiencies and not reported out direct appropriations. The only instance of saving that the committee has found is this $7,000,000 on the part of the Navy Department and the $900,000 in the War Department, and the committee have made that available for deficiencies in those departments.

Mr. Chairman, the gentleman from Ohio talks about cutting the estimates for next year by $250,000,000, which is in itself a severe indictment of the President who submitted these estimates and who is directly responsible therefor. This reduction can only be brought about by a considerable reduction of the Army and Navy, and if done it will be in the face of the opposition of the President and the heads of these two departments. I hope it will be done. If it is done, let not the administration hereafter claim credit for it as an evidence of its economy. [Applause on the Democratic side.]

Mr. BYRNS of Tennessee. I yield 25 minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Chairman, the bill under consideration is one of many general deficiency bills. The bill is properly named, as old General Incompetency and old General Deficiency are in full and supreme command of the disorganized legions of the Autocratic, falsely called the Republican, Party. [Laughter.] It is not my purpose to discuss the many appropriations contained in the bill, because not being a member of the Committee on Appropriations I am not sufficiently conversant with its provisions at present to properly do so.

The mighty cyclone from Kansas [Mr. TINCHER] has swept across this Chamber in an herculean effort to crush and demolish the gentleman from Porto Rico [Mr. DAVILA]. Vast physical energy was expended and a mighty explosion occurred as if the heavens were being rent asunder, but the storm died away in the distance, a harmless noise, and did not leave ruin and devastation in its wake as is usual with Kansas cyclones, nor were the tables in front of the Speaker's stand demolished by the terrific concussion. The gentleman from Porto Rico [Mr. DAVILA] still survives, and I presume the Island of Porto Rico, beautiful gem of the ocean, kissed by an ardent southern sun and fanned by soft and genial winds wafted over summer seas, is intact, undisturbed, and uninjured.

I also notice that the politically evasive and slippery gentleman from Ohio [Mr. FESS] opened the campaign for the next congressional election, and also his own campaign for United States Senator from Ohio, by entering a stirring plea of confession and avoidance for the many and grievous sins of omission and commission attributed to his, the autocratic, miscalled Republican, Party. [Laughter.]

Not long since in this Chamber I made a few remarks about the manner in which the autocratic party is conducting the administration of the civil-service laws in the appointment of postmasters, but the gentleman was very silent on that subject in his panegyric on the accomplishments of his party, and I believe for the reason that when the Democrats are in power he is in favor of a strict enforcement of civil-service laws, but when the Republicans are in charge he is violently opposed to their enforcement except on the recommendation of Republican political organizations.

Not long since I made a few remarks in this House in regard to civil-service laws as administered by the autocratic party now in power, and those remarks, it appears, punctured the epidermis of the Civil Service Commission, the Post Office Department, and the entire administration.

The president of the Civil Service Commission, John H. Bartlett, in reply thereto, wrote a letter addressed to the gentleman from New Jersey [Mr. LEHLBACH], which that gentleman had inserted in the CONGRESSIONAL RECORD of recent date, and Mr. Bartlett also sent me a copy of the letter. I answered the letter of Mr. Bartlett, and that answer is as follows:

DEAR SIR: I received a copy of your letter written to Hon. FREDERICK R. LEHLBACH in criticism of remarks made by me recently in the House in regard to violations of the civil service laws by the Post Office Department and the Civil Service Commission. I would have replied sooner to your letter had not other and more important matters intervened.

Your letter is a weak plea of confusion and avoidance. You appear to be not only a representative of the Civil Service Commission, but seem to have been appointed minister plenipotentiary and envoy extraordinary to plead the cause of your commission, the Post Office Department, and the administration generally against the charge of having violated the civil service laws in the appointment of postmasters.

I have no doubt whatever but what the entire administration, from that valiant Christian soldier and greatest living statesman, the President, who seems quite handy with pen in signing Executive orders depriving ex-service men of appointments as postmasters, down to the very messenger boys, are uproariously in favor of a strict enforcement of civil service laws—in theory—but are enthusiastically opposed to the enforcement of such laws especially where an ex-soldier, regardless of his politics, can by an Executive order be displaced by an organization Republican.

The first complaint you make is that my statement that the private secretary of Dr. Work requested of A. P. Richards, connected with the Civil Service Commission, when returning a list of eligibles, that he would like to have a certain person on the list and "see if you can not revise the list so as to include our friends."

You state that the above is wholly unfounded and is denied by Mr. Richards though you are silent as to what Dr. Work's secretary has to say about the matter.

The information that the above conversation took place was given to me by a reputable gentleman in the House Office Building who has no interest in the matter, and who says he heard the conversation, and after seeing your letter affirms his statement is true. I believe fully that my informant stated the truth. He has no interest to serve that would induce him to speak otherwise than truthfully concerning the conversation. Richards is an interested witness and knows full well that should he admit the conversation took place he would be in danger of official decapitation.

You state, in substance, in your letter that there is not any working agreement between the Post Office Department and the commission as to the appointments of postmasters. I think the evidence conclusively shows otherwise. In addition to the above cited conversation with Richards, Dr. Work, First Assistant Postmaster General, on August 31, 1921, wrote your commission as follows in regard to the appointment of a postmaster at Goldsboro, N. C.:

"In view of the experience of Mr. Simkins and the fact that he is strongly recommended locally for this position the department desires to nominate him for the position of postmaster."

I am informed by Mr. BRINSON, Member of Congress from North Carolina, that he saw a letter in the files of the Civil Service Commission relating to the appointment of a postmaster at Goldsboro, and that he copied certain parts of the letter. He states in that letter Dr. Work requested the commission to arrange the civil-service status of Simkins so that he can be appointed. The date of this letter is August 31, 1921. I suppose by this time it would be as difficult to have that letter produced as to find a needle in a haystack.

Simkins was later appointed postmaster at Goldsboro, and the appointment was made by the handy pen of the President restoring him to a civil-service status by the easy road of an Executive order, and that after a letter written June 24, 1921, by Dr. Work to a minister of the gospel at Goldsboro pledging his word that he would request the Civil Service Commission to hold an examination for postmaster at that place. The Post Office Department expressed by letter to the Civil Service Commission its desire to nominate Simkins for postmaster, and, instead of an examination, as Dr. Work stated there would be, it was arranged to have him appointed by Executive order without any examination being held. In view of these facts when you say there is no working agreement between the department and the commission I reply, I believe your statement is unfounded.

Your statement that eligibles are certified on their merit wholly is not correct unless you consider incompetency in a civil service position and inefficiency in military service the best evidence of merit in a chairman of a Republican committee, as in the Simkins case.

The above instances show beyond the shadow of any doubt that there is a tacit understanding between the Post Office Department and the Civil Service Commission as to who shall be selected for appointment as postmasters, at least in many instances.

You complain that in the letter of Dr. Work of August 31, 1921, relative the Simkins appointment I inserted the following: "By the Republican county committee, of course, of which Simkins was chairman."

You intimate the insertion was made to mislead the public to believe that it was the language used by Dr. Work. The insertion was in brackets, as the printed remarks made by me in the House show and as your letter to Mr. LEHLBACH shows. You evidently do not understand the purpose of brackets inclosing a word or sentence in a letter or speech. Had you consulted a dictionary you would have discovered that brackets are marks used to inclose an explanation or a part to be excluded from a sentence and to indicate an interpolation, and that an interpolation is a word or passage inserted in the writing of another. I presumed when I made the remark that every person possessed of even an ordinary education would understand the use of such brackets without being furnished a definition or diagram to explain the purpose of their use, and that the language was inserted as mine and no part of Dr. Work's letter. Possibly it might be advisable for you to purchase a dictionary and consult some of its contents before you again indulge in the gentle pastime of letter writing.

Simkins, who was appointed postmaster at Goldsboro, was demoted from the position of assistant postmaster to that of clerk at a less salary because of inefficiency, and this demotion was made on recommendation of a post office inspector who further stated in his report that Simkins did not have sufficient interest in the work done and would not cooperate with the postmaster in the work to be done. This statement you do not contravert, but say he was reinstated in the service before promotion—when he was demoted, not promoted—and was absent on military leave from August 8, 1918, but until when you do not say.

The facts are that Simkins was in military service but was discharged from the service for inefficiency, and he had been demoted in civil service for the same cause, both of which were known to you or could have easily been ascertained before he was appointed postmaster.

As for Simkins's military record, L. E. Brasher, of Goldsboro, N. C., an officer in the Army under Simkins, wrote a letter dated August 18, 1921, to Congressman BRINSON, in which he says:

"Maj. Simkins as a soldier was a miserable failure. He was discharged from the Army for inefficiency, and it was a well-known fact among the officers, and even the enlisted men, of his battalion that he was incapable of commanding troops. This opinion was borne out by both the division commander, Brig. Gen. S. L. Faison, and the regimental commander, Col. J. Van B. Metts, when they accepted his resignation and ordered his discharge. To my own personal knowledge he was the laughingstock of the whole battalion, both officers and men, not as a man but as a soldier.

"I have no personal animosity toward Maj. Simkins, but I do not propose to sit idle without protest and see him or any other near soldier receive preference at the hands of the Government on account of his war record when he had no war record. His war record, as can readily be ascertained by reference to the files in the office of The Adjutant General of the Army, is 'nil.'"

So Simkins was appointed by Executive order without examination after Dr. Work has expressed a desire to the commission that he be nominated, in face of the fact that Simkins was inefficient in civil affairs and incompetent in military service, which was well known to you or could have been by investigation. And it is a fact, which you do not deny, that Simkins was chairman of the local Republican committee, and the local recommendation alluded to by Dr. Work was that of the Republican organization, and because of that I believe the Executive order for his appointment was obtained without regard to the civil service laws.

You state that in the case of the Bowling Green, Ky., post office a certification has been made to the Post Office Department and no review of the case has been asked for. An examination for postmaster at Bowling Green was held on August 9, 1921, but no certification was made until February 4, 1922. I now request a rerating of the examination papers for that office. Bowling Green is a first-class office in a town of 10,000 inhabitants, and business training and experience is rated in examinations for postmasters at 50 per cent, and all other subjects together at 50 per cent. I request you to furnish the ratings separately on each, and all the papers of each and every candidate who took the last examination for that office. I have reason to believe that the present postmaster stood first on all subjects, that her business rating was lowered so as to keep her off the register of eligibles. She is highly recommended, and before her appointment as postmaster was a teacher in the high school, almost worshiped by her pupils, stood high in the community, made an excellent postmaster, and I believe a person of fine business qualifications, in view of the fact I was personally informed by a gentleman of the Civil Service Commission that her record as postmaster "is well near perfect."

In my opinion the reason for not appointing a postmaster at Bowling Green is because the local Republicans are in a row among themselves and the department is awaiting the indorsement of the Republican committee. If that statement is not correct, why is the appointment of a postmaster at that place delayed by the department? Has the department not known for some time who are on the eligible list?

If all that is permissible under the law is given to ex-service men, why has not Dr. Bushong, an ex-soldier, been appointed postmaster at Edmonton, Ky.? He is a Republican, a gentleman, and a man of splendid reputation. The examination for postmaster at Edmonton was held October 22, 1921, and the then postmaster made the highest average, as was shown by the certification dated January 30, 1922. After the certification the postmaster was removed on charges which I believe to be untrue, and his name was also removed from the register of eligibles. It is quite a suspicious circumstance that the department did not remove him until some one, evidently at Edmonton, found he was at the head of the eligible list, and filed charges against him for the purpose of having him removed from the list. But the question is, Why is not the ex-soldier, Capt. Bushong, appointed? He is listed as the only preference eligible on the certified list submitted to me by the department and is entitled to first consideration.

At Moorehead City, N. C., A. S. Morris, an ex-soldier, stood first on the certified list, but C. L. Willis, who is not an ex-soldier, was appointed postmaster. My information from a Member of Congress from North Carolina is that Willis is an active local Republican politician and does not command the very highest respect in the community.

At Princeton, N. C., C. Holt, an ex-soldier, stood first on the certified list. E. F. Pearce, who is not an ex-soldier, was appointed.

At Black Mountain, N. C., Howard A. Keeler, an ex-soldier, stood first on the certified list, but Amalia B. Stepp was appointed postmaster.

At Clyde, N. C., V. H. Byers, an ex-soldier, stood first on the certified list, but J. N. Stark, third on the certified list and not an ex-soldier, was appointed.

At Culberson, N. C., F. M. Johnson, an ex-soldier, stood first on the certified list, but James W. Hyatt, third on the list and not an ex-soldier, was appointed.

At Lake Junaluska, N. C., Miss Emma D. White, who was the only eligible, was not certified, but another examination was ordered at the instance of the Republican committee.

At Weaverville, N. C., Miss Reagan, who was postmaster at the time, took the examination and stood first on the register of eligibles, but on recommendation of the Republican organization L. H. Michael was appointed. Miss Reagan is a maiden lady and the sole support of her brother's two orphan children.

At Andrews, N. C., Clyde E. Jarrett and Miss Pearl Parker took the examination. Jarrett refused the appointment as postmaster at that place because of his election as mayor. Miss Parker's nomination was then sent to the Senate and her appointment confirmed. The eligible list for that post office was certified May 22, 1920. The nomination of Jarrett was again sent to the Senate September 29, 1921, a little more than 16 months after the list had been certified. Under the law Jarrett's eligibility had expired more than four months before his nomination. Yet Jarrett was restored to the eligible list either by Executive order or under the order of May 10, 1921, or by another examination being ordered, and Miss Parker was removed from office.

Miss Parker made a splendid record as postmaster and was recommended, as I am informed, by most of the patrons of the office, and in addition she is a cripple and needed the salary of the office for her support. The Congressman from that district was informed by the department that appointments of postmasters in North Carolina would be made on the recommendation of John M. Morehead, Republican national committeeman and Republican political "boss" of that State.

I do not hold any brief for the State of North Carolina and do not in any way represent that State, but there are some cases which have been cited to me by Members of Congress from North Carolina, and there are many others in various parts of the country.

The ex-service men named in this letter who have been rejected by the department, or their appointments held up, number eight, and they embrace only three congressional districts. If the ex-service men have been rejected or their appointments held up at the same rate in every congressional district the ex-soldiers so rejected number nearly 900. Six who stood first on the certified lists have absolutely been rejected in three districts and persons who had no military service have received the appointments. If this rate of rejection of ex-soldiers who stood first on the eligible list has been kept up the number rejected amounts to at least 600, excluding the districts in the large cities where no postmasters are appointed.

Of course, your statement that all ex-service men are given all that is permissible on their merit is not correct. It will be difficult for you to induce the public, in view of the record of the Post Office Department, to believe the correctness of that statement.

In the district which I represent a Republican newspaper recently made the statement that a certain person was the only applicant for postmaster at a certain town; that she had been indorsed by the Republican county organization; and that no one else would be an applicant for postmaster. It has come to be understood, by Republicans at least, in some parts of my district that civil service laws are suspended by this administration and all that is needed to land a post-office appointment is the indorsement of the local Republican organization and that of the Republican Senator from that State.

In remarks in the House of Representatives February 20, 1922, made by Hon. JAMES R. MANN, of Illinois, former Republican leader in the House of Representatives, he stated:

"Oh, the Postmaster General has not been worth a 5-cent piece since he has been Postmaster General. He does not know anything about the Post Office Department; and, for one, I am mighty glad he is getting out of it. His only object has been to be extravagant in his own personal relations with the Government. Long-distance telephoning is his main long suit."

In my opinion, Mr. MANN might have extended his remarks and truthfully applied them to the entire Post Office Department, and the Civil Service Commission, included.

I believe the commission and the Post Office Department have violated both the spirit and letter of the civil service laws.

Power brings responsibility. The Republican Party is in power and should legally fill the offices with good and competent persons. It should repeal the civil service laws in regard to post offices and rural-route carriers at least, and then in the light of day appoint competent and reputable Republicans to those positions. This administration should not violate the spirit of the law every day in making these appointments under the false pretense that it is complying with the law. You declare that the law is complied with. I say it is not, and I have shown that it is not. You state in substance that it is your intention to comply with the law. I hope that is true. Maybe under the lash of public opinion the administration will come to its senses in the matter of civil-service reform and not use the law as a shield to cover its evasions of the law. I hope reformation will come under this administration, but I, for one, do not look for it. There is an old saying that—

"As long as the lamp of life holds out to burn,
The vilest sinner may return."

And I trust that some time in a not far-distant day the administration will see the light and comply with the law, and not use it as a mantle to cover hypocrisy.

Mr. MONDELL, of Wyoming, as well as Dr. FESS, of Ohio, and other misinformed but enthusiastic gentlemen of the autocratic party, have from time to time made many and illusive and, as they appear to me, Munchausen statements concerning the legislative accomplishments of the grand old autocratic party, some of which alleged enactments at a future day and more convenient season—provided I can obtain time to do so—I propose to review.

The autocratic party, before the last presidential election, was, as is customary with that party, prolific with promises; but since the election, and the necessity, for the present, has passed, it has been noted chiefly for the paucity of its performances. To-day, however, Dr. FESS, for the purposes of the approaching congressional election and his own candidacy for the United States Senate, reviews his party's unpaid promissory note of unfulfilled pledges by promising more promises which he ought to know will never be paid, but will be forgotten as soon as the election is over, until another election approaches when the never-to-be-paid promissory note of promises will be again renewed.

The activities of this administration remind me of an anecdote of a Negro preacher who was possessed of good, common, and what is usually known as "hoss" sense. The men of his congregation did not attend church in warm weather, but all crowded around the stove in cold weather and warmed their hands and toasted their shins and got "ligion." This preacher in addressing his congregation said:

I know you men. You come here in the winter and set by de stove and warm your hands and toasts your shins and all get religious, but when summer time comes and it gets warm you all leaf on de park benches and wear out the seats of your britches backsliding.

[Laughter.]

That is the condition of the autocratic party represented by Mr. MONDELL and Dr. FESS and others of that type. They all get political religion just before every election, become powerfully pious politically, and fill the air with doleful lamentations because of the sinfulness of the unregenerate Democrats, and are profuse in promises of Republican prosperity, but after the election they all fall from grace, if any of them ever really had any grace, which I doubt, and wear out the seats of their pants backsliding from preelection promises. [Applause.]

Dr. FESS spoke vehemently and learnedly about the prosperity that is now about to overtake the farmers, when it is a well-known fact that the prices of agricultural products are below the cost of production and the farmers of Kansas, Nebraska, and parts of the Northwest have been burning corn for fuel, so low has been the price of corn. He states that the price of corn is now some sixty-odd cents per bushel in Chicago. That may be true, but at gathering time and when the farmers were compelled to sell in those regions I have mentioned corn sold for from 10 to 20 cents a bushel and was a drug on the market even at those prices. There is a gentleman, now an employee in this Chamber, who two months ago was offered a carload of corn shelled and to be delivered on board the car at 20 cents a bushel in the spring, and yet the gentleman from Ohio, Dr. FESS, has the temerity to talk about the prosperity of the farmer. A few more years of such Republican prosperity and most of them will be bankrupt and homeless. Under Republican management corn got to be 60 cents a bushel in the Chicago pits under the control of profiteers, after the farmers had been compelled to sell for from 10 to 20 cents a bushel, and that is the Republican idea of prosperity.

Corn was burned for fuel under the administration of Harrison, and now the same thing is happening under this administration, and there has never been a financial panic since the Civil War in this Republic but what had its inception during a Republican administration and the panic-breeding legislation passed by that party. Through its manipulation of the Federal reserve law it has deflated the currency and brought untold hardship and financial embarrassment to business all over the country.

Strange, too, Dr. FESS boasted about what his party had done for good roads, and seemed to me to try to leave the impression that all that had been done in that direction was the work of his party, and that it was entitled to special commendation for its valuable efforts in that direction. The facts are that the Republican Party through its long years of mismanagement of public affairs resisted and defeated every proposition to enact a good roads law, and that law was passed by the Democratic Party under the leadership of Woodrow Wilson.

Since the last advent of the Republican Party into power the appropriations for good roads has been reduced $25,000,000 below the Democratic appropriations for that purpose, and the Republican Party even delayed that appropriation and thereby crippled and retarded the building of better roads. Possibly this reduction of $25,000,000 was made in order that there might be more money available for a ship subsidy and a gift to the railroads.

The last Republican platform was abundant in promises about what it would do for the cause of labor and led the laboring man to believe that under a Republican administration his wages would be greatly increased, and he would be contented and prosperous and as happy as a maiden with a bouquet of roses that bloom in the lovely month of May. Those prospects have been swept aside like shifting sand on the seashore and from 4,000,000 to 6,000,000 laboring people are out of employment, half of them not knowing where the next meal is to come from and most of them who are spending any money to speak of are using what they had left over from work done during Wilson's administration.

It is difficult now to find a laboring man who will admit he voted for Harding, and most of those who admit it are ashamed of it, and declare they will never be guilty again. In Ohio, in the Hocking Valley, in the President's own State, coal miners have not averaged much over 50 days' work in a year and are suffering for the barest necessities of life, and many of them are at the point of starvation.

It is reasonable to presume that a Cabinet officer reflects the opinions and sentiments of the President. Mr. Weeks, Secretary of War, in the fall of 1921, in an interview with W. C. Hushing, in Weeks's office at the War Department, in the presence of several other persons, made the following statement in regard to labor and conditions in the Panama Canal Zone:

American labor must be liquidated. American workmen's wages are six times what European workmen get; and until such time as American wages are put on a parity with those of the European workmen it will be impossible for the United States to get back to normal conditions.

Mr. Hushing made affidavit, sworn and subscribed to before a notary public, as to the truth of this statement. Mr. Hushing is a refined-looking, intelligent gentleman, who is in the city, and may be found at the Harrington Hotel. And so, according to this administration, which promised so much to labor before the election, Republican normalcy seems to be in favor of reducing the wages of labor five times lower than they are now and placing the wages of American labor on a parity with that of European labor.

While in Panama last December Mr. Hushing and several other gentlemen called on me at the hotel where I was stopping with a request to talk over conditions in the Canal Zone. I had never seen nor heard of Mr. Hushing or any of the gentlemen who accompanied him. During the conversation Mr. Hushing discussed an interview he had with the President when the President visited Panama during the interval between his election and inauguration. Mr. Hushing stated that the President said in that interview that—

he was opposed to the scheme of excess-profit taxes in vogue, and that he and some of his colleagues had devised a system of direct-sales tax which was the proper system of taxation, but that they realized that this tax would be so unpopular with the public that they did not have the courage to present that scheme to the public.

Mr. Hushing asked the President, during that interview, if he was in favor of collective bargaining, and the President replied that "he was, provided the leaders were sane." Mr. Hushing says he thought at the time the President meant he was in favor of collective bargaining if the people who desired collective bargaining and sale would knuckle to officials who were in charge without question. Mr. Hushing also made affidavit of the truth of this conversation with the President.

The Republican Party has made many and divers promises concerning the soldiers' bonus. The administration, including the President and Congress, have all been flopping around like a lot of chickens with their heads cut off trying to devise some plan of bonus to catch the vote of both the soldiers and the profiteers. The President appeared before the Senate in opposition to the bonus passed by the House, and recently a representative of the American Legion, who is in favor of a bonus, emerged from the White House after an interview with the President on that subject, and stated, in substance, that all is well and he is perfectly satisfied with the President's position. The President seems to me to be the blue-ribbon wiggler and wobbler of the age. The report is in circulation that the Committee on Ways and Means has determined to bring in a bonus bill which provides certificates of indebtedness to the soldiers payable in three years. By that scheme, if the soldiers realize any benefit from the bonus in the next three years, they will be compelled to sell the certificates at a large discount to the banks and people who discount such paper, and in the long run the soldiers will not realize much more than half of what is due them, because the majority are compelled to have currency to tide them over the hard times and unemployment brought about by this administration. By that scheme the soldiers will get some money and the bankers and loan sharks will make great profits. By that scheme the Republican Party hopes to corral the votes of the soldiers, the bankers, and loan sharks.

I commend to the consideration of Mr. MONDELL, Dr. FESS, and other Republican leaders the following, which fits the case better than anything I can say:

Harding is now my shepherd, and I am in want,
He maketh me to lie down on park benches,
He leadeth me beside the free soup houses,
He restoreth my doubt in the Republican Party.
He leadeth me in the path of destitution for his party's sake,
Yea, though I walk through the valley of the shadow of starvation,
I do fear evil, for thou art against me,
Thy policies and the profiteers they frighten me.
Thou prepareth a reduction in wages before me in the presence of mine enemies.
Thou anointest my income with taxes, my expenses runneth over my income.
Surely poverty and unemployment will follow me all the days of this normalcy administration,
And I will dwell in a rented house forever.

Like the guests bidden to the rich man's feast, the Republican leaders all with one consent make excuse for broken promises, financial distress, and depressing conditions. They vainly boast of doing things they have not done. Like the Pharisees of old, "they make broad their phylacteries and enlarge the borders of their garments" and love the uppermost rooms at the feasts of the profiteers and the chief seats in the Temple of Mammon, and at the same time "they bind heavy burdens and grievous to be borne, and lay them on men's shoulders, but they themselves will not move them with one of their fingers."

The administration called a disarmament conference which it contends is the first and greatest achievement along that line over attempted in the history of the world, when as a matter of fact the dream and effort of the ages has ever been to find a pathway to peace and disarmament, as is evidenced by the Holy Alliance and The Hague Conference, and other associations, while William Jennings Bryan has devoted half of a lifetime to efforts of that kind. The Harding disarmament conference resulted in the formation of a farcical four-power bush league in which the United States surrendered most all our rights in the Pacific Ocean and agrees to withdraw our frontier defenses from the Philippine Islands to Hawaii, and about all we get in return is a practically useless cable station in the island of Yap controlled by Japan, while our civilization has been disarmed in the Pacific for the benefit of the brown races, and the President is pronounced by the Republican press and leaders of his party as the greatest living statesman.

Another Republican achievement in incubation which I have heretofore mentioned is a ship subsidy bill to further enrich the Shipping Trust at the expense of the taxpayers. In a word, the provisions of that bill really mean the Government will take the assets from one department for the purpose of a ship subsidy and transfer them to another department and claim it has reduced taxation, and then take the same assets and retransfer them to the same department from which they were first transferred and again claim in the name of economy it has further reduced taxation when it has only transferred and retransferred the same assets, and the taxpayers will have to bear the burden of taxation for the private benefit of a private Shipping Trust.

The administration robs Peter to pay Paul, and then robs Paul to repay Peter, and calls that remarkable achievement economy and a reduction of taxation. The Republican Congress for three years has been floundering aimlessly in the deep waters of tariff revision, and the tariff bill is still in the Republican incubator and will finally result not in fine Republican spring chickens but in addled and useless eggs. Meanwhile business is distressed, our exports have fallen off two-thirds, and bankruptcy proceedings are alarmingly frequent in business circles. In New York City alone 50 concerns within 10 weeks have suspended operations or gone into bankruptcy under conditions of Republican normalcy. The Republican Party promised many things in its tortuous journey toward normalcy and has accomplished practically nothing.

Like the devil on the mount when he tempted Jesus by offering Him all the kingdoms of the world if He would fall down and worship him, the Republican Party tempts all the people of this land to vote the Republican ticket by promising them all sorts of impossible things which it knows it will never deliver, and, like the devil, does not possess the things it promises.

Again reverting to violations of the civil service laws, no doubt the commission will claim that my letter contains a parenthesis. But that is not correct. It contained an interpolation, as was shown by the insertion being inclosed by hooks or brackets, which is the recognized way of denoting an interpolation, and to contend anything else is merely to beg the question and evade the facts.

No doubt the commission is weeping briny tears over the charges against the persecuted and patriotic organization Republican Committeeman Simkins and will assert that gross injustice has been done that shining light of efficiency. Perhaps the commission will contend that I personally have made charges of inefficiency and incompetency against that individual, but the charges were first made by a Post Office inspector and by L. E. Brasher, an officer who served in the Army under Simkins, in a letter to Congressman BRINSON, and the charge of military inefficiency contained in that letter was fully corroborated by Gen. Faison and Col. Van Metts. Men frequently resign positions on account of pressure, or their resignation is requested for the good of the service, and the question is, Why did Simkins resign and his discharge ordered in time of war, when no resignations were being accepted except for justifiable reasons? Probably the commission will also contend he was reinstated in the civil service after military service because of military preference. The civil-service laws do not provide, in my opinion, for the reinstatement of a military officer in civil service because of military preference, when that officer was demoted in civil-service rank because of incompetency, and resigned from the Army in time of war because of inefficiency, and perhaps under pressure. In my opinion, he was reinstated in civil service not because of military service but because he was chairman of a Republican organization and a valuable asset to the party in that capacity. I do not charge Simkins with being a near soldier. That charge is made in the letter of Mr. Brasher to Congressman BRINSON, and it appears to me from the charge made in that letter that Simkins is scarcely entitled to the appellation of even a "near soldier."

The commission will, perhaps, say that I have criticized the President, and that I do not deny, although I know to do so is lese majeste in Republican opinion, for that party believes a Republican king can do no wrong.

Perhaps the commission will contend that a postmaster who is a school-teacher and has not had three years' business experience is not eligible for appointment. I do not know what the commission calls business experience. It may be in its opinion the highest business experience in an applicant for postmaster is qualification to actively and effectively direct a Republican organization in a political campaign. The postmaster at Bowling Green, Ky., has had years of experience in the large high school at Bowling Green and in addition over two years' experience as postmaster at Bowling Green, and her record in that position is "well near perfect" and yet she is considered by the commission without business experience.

The commission may contend that the statement of Congressman MANN is not within its jurisdiction, but that statement is within the jurisdiction of the people of all political parties and will be branded and burned into the mind of the public.

Perhaps the commission will offer as an excuse for its treatment of ex-soldiers the statement that they are without business experience and therefore are incompetent for appointment as postmasters. It does not take much of so-called business experience to qualify a person to act as a third or fourth class postmaster, and business experience, in my opinion, is used only as a subterfuge to turn down competent applicants who are not desirable to the commission and the Post Office Department.

According to Mr. MANN, the recent Postmaster General knows nothing about the Post Office Department. If Mr. MANN's statement is correct, and I believe it is, the administration has had as its Postmaster General a person who has not sufficient business experience in that line to be worth a 5-cent piece in that capacity, and yet ex-soldiers are turned away from appointments as postmasters because of alleged lack of business experience, while, at least in some instances, war slackers are appointed because they happen to be connected with Republican organizations, as in the case of Simkins. No reason has ever been given by the commission why Simkins resigned his commission in the Army in time of war, and his resignation was promptly accepted by his commanding officer when men were being drafted into the Army and resignations were not accepted without good and sufficient reason.

In the letter inserted addressed to the president of the Civil Service Commission I stated, in substance, that a lifetime had been fixed in which the vilest sinner may repent and return to ways of righteousness, and perhaps the commission will say that applies to me. That may be true. I admit my many shortcomings, but they have never been so frequent nor so grievous as to qualify me for membership on the Civil Service Commission.

The commission contends that it has no jurisdiction over the appointment of postmasters after it has certified a list of eligibles to the Post Office Department, but I have fully shown by competent evidence there is an understanding as to whom shall be certified by the commission. This is evidenced by the letter of Dr. Work to the commission dated August 31, 1921, in which among other things in regard to the Simkins appointment, he states, "the department desires to nominate him for the position of postmaster." Why this desire, and the request to the commission, if there is no working understanding between the department and the commission? What right under the law has the Post Office Department to inform the commission of its desire to nominate any person for postmaster? The thing is too patent to be argued. To cap the climax, Simkins was nominated and appointed postmaster, and was reinstated in civil service for that purpose, notwithstanding his former civil-service incompetency and his military inefficiency. I have stated other and abundant evidence of the understanding between the commission and the department.

The people are aroused and times will change. As education advances among the masses, beaurocratic republicanism, with all its violations of law, will be laid away in a soon-to-be-forgotten grave. Democracy, which is the foundation stone of liberty and progress, will prevail in the administration of the affairs of this Republic, the birds will sing sweeter, the flowers will bloom lovelier, and the sun will shine brighter in the old Kentucky home and all over this goodly land. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, Wall Street, New York, and State Street, Boston, are one and the same thing. The veterans of the World War should understand this, for it will clear up many clouds.

In New York the money jugglers and stock-liters of high and low degree do business on Wall Street; in Boston, State Street is the market place.

New York's money market has its own newspaper—the Wall Street Journal. Here is what the Wall Street Journal says of the bonus:

The soldiers' bonus is indefensible. The claim is based on a special service never performed. Every citizen is implicitly a defender of his country. If performance of that duty entails the risk of war, so much the worse for him. If it entails disablement, the duty of the other citizens is plain. They must take care of him, just as they must provide for a policeman injured in discharge of his duty. But the responsibility stops here. The able-bodied man who served have no other claim than the terms of their contract.

The soldiers' bonus in any form contemplated is a levy of political blackmail which will only be the first of many such demands. Payment at this time would set back the business of the country to such extent as to insure wide unemployment for years to come. The lump sum would soon be spent, and would merely whet the appetite for more. Every popularity-hunting politician would be as ready to raise a demand for a new bonus as he would be to introduce a pension bill to oblige a constituent. If once the principle is conceded, there is no end to the demand. The man who once pays blackmail pays it until he is exhausted.

Of course Wall Street is a liar and a faker, but its opinion will be quoted by every pinhead in the country. Even in remote villages you will find some tight-fisted old curmudgeon, who wants to rob widows and orphans, arguing against the bonus. He will tell you just what Wall Street tells you.

The so-called "leading business men" of many communities, who usually are agents for some one else, errand boys for some combination or trust, will also recite the Wall Street prayer.

When Wall Street was hiring foreign loans and wanted the bodies of American boys to protect those loans, when Wall Street feared the loss of her dollars invested in shipping, then the boy in uniform was a hero. He is a "blackmailer" to-day.

If he went to war, "so much the worse for him," says Wall Street. But that was not said when war was on. He was the best man then.

"The soldiers' bonus in any form is political blackmail," says Wall Street, forgetting the blackmail of millions for looted railroads, fake war finance corporations, burlesque shipyards which never built ships, and sponge-cake ships which never sailed the seas.

"Payment would set back the business of the country," says Wall Street, forgetting that Wall Street and State Street have ruined business by taking away their money and investing it in nontaxable securities.

The veteran who votes for, talks for, or supports Wall Street or State Street deserves to be called a "blackmailer."

The Chamber of Commerce in Kiwash and the Board of Trade in Washki have passed solemn resolutions against the bonus for World War veterans; the associated brokers and the amalgamated builders have informed the Congress that the bonus would threaten the Nation; and every tank town money lender and every war profiteer and every rent hog and food shark is in the procession of protestants.

The World War veteran should realize now just where he fits in national estimation. Outside of his family circle, he is recognized as a thug ready to loot the Treasury. He is being accused of putting a price upon his patriotism, but those who accuse him had a chance to put a value upon their own and they valued it so high that the Government, in a day of war, could not bid enough to secure their services in uniform.

The thieves and rogues, the fools who join any yelping pack when the pack appears to have treed a victim, are shouting against the bonus, and men who know better and men who know that the opposition is based upon lies are doing nothing to make the truth known.

Every newspaper tied to the financial interests is attacking the bonus, proving to every fair-minded man and woman that a "free" press, so familiar in poetic theory, is a rarity in fact.

It is laughable to read the protests against the soldiers' bonus. Every fake moralist, every lying reformer, is jumping upon a soap box to attack the veteran. Even the national commander of the American Legion, a man whose character and standing are above reproach, is assailed as if he were a second-story worker.

Will the veterans learn by this antibonus agitation?

Will they look beneath the surface for the cause?

Will they understand that until they all get together in one big unit and forget their factions and their prejudices they will be the victims of those who despise them?

With their votes and the votes of their relatives, votes which hold the balance of power in the Nation, they can punish those who victimize them, but they can not employ their votes until they unite and present an unbroken front to their enemies.

Mr. Chairman, what I have just said to this House, while it is in absolute accord with my own feelings on this bonus propo-

sition, is not my language, and I want the House to know it. It is the splendid contribution of a leading Boston editor at a time when it is most needed to help stiffen up some Congressmen from my own State who might be weakening at the knees.

Mr. Neil P. Moynihan, the fearless editor of the Boston Telegram, is the author of this language, and it is so everlastingly truthful that I feel it my duty to repeat his language here in the House, where perhaps it will have its effect. We have waited for months for action on this bill, and Wall Street and State Street for months have blocked its passage. This Boston editor tells the truth, the whole truth, and I sincerely hope that the majority members of the Committee on Ways and Means will carefully read what I have said, quoting this brilliant champion, and pay quick heed to his words.

Oh, for a few more real editors like this one, who cares naught for State Street threats and less for Wall Street favors! He is the champion of real champions, and I doff my hat to him and his dare-to-do daily paper. More power to him and his remarkable pen! [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Porto Rico [Mr. DAVILA].

Mr. DAVILA. Mr. Chairman, I know that Gov. Reily is an enemy of truth and a man who is always ready to attribute improper motives to people who attack him, but I did not think it possible that he could secure the assistance of a Member of this House, who would accept his false statements of facts to malign the character and integrity of another Member of this body. The gentleman from Kansas [Mr. TINCHER] says that Gov. Reily vetoed a bill appropriating $20,000 to be paid to me out of the Porto Rican treasury. This ought to be a matter of record; and I challenge the gentleman to produce the record and to produce it here if it is true. No such bill was ever presented to Gov. Reily for his approval or disapproval. I will explain to you the truth of the matter. Three years and a half ago the Legislature of Porto Rico appropriated $5,000 for the Resident Commissioner of Porto Rico in Washington. Immediately after the bill carrying this appropriation was passed I published a letter in the newspapers in Porto Rico declining to accept the appropriation. That letter has been published. The next year the legislature made the same appropriation. The matter was brought to the attention of the auditor of Porto Rico, Judge Bonner, without my knowledge, and this man, whom I recommended for reappointment to President Wilson but whom Gov. Reily caused to be removed, held that the appropriation was unconstitutional, because as a Member of this body my salary could not be increased, assuming that the appropriation constituted an increase of that salary. I recommended Judge Bonner to President Wilson for the position of auditor, and I did something more for him.

When Gov. Reily tried to remove him, I went to the Secretary of War and to Gen. McIntyre and opposed his removal, in spite of his decision, to which I have just referred, stating that he was one of the most able men in Porto Rico. When Gov. Reily came with this story to the Secretary of War and to Gen. McIntyre, he was told that this was a happening of two or three years ago, and that Judge Bonner was subsequently recommended for reappointment as auditor of Porto Rico by me.

Gentlemen, this matter of the appropriation occurred before Reily reached Porto Rico; nor has he had any intervention in any legislation since his appointment. When he says that it was stopped when brought to his attention I am compelled to say that he lies, and that he knows he lies. The gentleman from Kansas [Mr. TINCHER] says that he is my friend. I expect that some day in the future he will regret the accusation he made to-day, because I believe he is an honest and sincere man, and an honest and a sincere man is compelled to regret a false accusation against the honesty and integrity of another.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. BYRNS of Tennessee. The gentleman has referred to Judge Bonner, the former auditor of Porto Rico. I take this occasion to say that I have known Judge Bonner for years. He sat on the circuit bench in my own city. There is not a more competent or more capable man or a man of higher character anywhere in the world than Judge Bonner. His record as auditor met with the entire satisfaction of everybody and resulted in the saving of thousands of dollars to the people of Porto Rico.

Mr. DAVILA. He was one of the most honest and clean men I have ever known in my life. I want to say of the governor of Porto Rico that when I went there I was friendly to him. It was my duty to give full cooperation to Gov. Reily. He made his inaugural address. It was very tactless, but I continued to try to support him, notwithstanding adverse public opinion. But when Gov. Reily wrote that letter to the president of the Porto Rican Senate, practically insulting him, then we came to a parting of the ways, and I immediately sailed for Washington. On arrival here I called on the President and Secretary of War. I told President Harding that I was afraid Gov. Reily was making a mistake in his policy, and I asked the President to please write to the governor of Porto Rico to change his attitude toward my people. I also went to see the Secretary of War, and I said the same thing to him. I still tried to be friendly to the governor although he was hostile to me, because I came here and said to President Harding and the Secretary of War that he was committing a blunder. I am not a personal enemy of Gov. Reily, but I am opposed to his continuance in office on account of his unfitness. When I was in the island the governor offered to recommend me for a position on the supreme court upon the resignation of the chief justice of Porto Rico.

I declined to accept the position. Gen. McIntyre also spoke to me about a position on the supreme court. I told him, "General, I am now attacking Gov. Reily. If the President gave me the position as chief justice of the supreme court, my people would think that I had surrendered for a position in the government, and I will never do that." I declined to accept the position as justice of the supreme court. Everybody knows my record in Porto Rico. I have no money, but I have the richness of my honesty and of my integrity, and there is not a man in the world who can say that my integrity is assailable. [Applause.]

Mr. STEVENSON. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. STEVENSON. I want to get this $5,000 understanding straight. If I got the gentleman's statement, it is that at one time the Porto Rico Legislature appropriated $5,000 additional for salary of the gentleman from Porto Rico and he declined it?

Mr. DAVILA. It was not additional salary, but intended as an expense account. But I want to make this point clear. That money was never expended, and I never collected one cent of it. I never at any time discussed the matter of the appropriation with Judge Bonner, the auditor.

Mr. STEVENSON. And subsequently they made the same appropriation and the auditor held that it was unconstitutional?

Mr. DAVILA. Yes.

Mr. STEVENSON. I understand that the auditor over your protest has been removed by Gov. Reily?

Mr. DAVILA. Yes, sir.

Mr. STEVENSON. That is the instance to which the gentleman referred?

Mr. DAVILA. That is the instance.

Mr. STEVENSON. And the auditor who held it unconstitutional was removed?

Mr. DAVILA. Yes. Over my protest.

Mr. TINCHER. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. TINCHER. I think it is only fair to say that I did not make the statement on the floor without authority. I have it over Gov. Reily's signature, and I have it on the floor, this statement, that he stopped the payment of this $5,000. I am not attempting to decide the truth of this as far as——

Mr. DAVILA. I think such a false charge, made by the governor of Porto Rico against the Representative of the Island in this body, is ample justification for the investigation I am demanding, and for his removal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman, if this deficiency bill is enacted into law it means that the total of deficiencies appropriated by this Congress will approximate $550,000,000.

Whenever there is a deficiency it is evident that the Congress that prepared the supply bills for the year was exceedingly careless in arriving at the amount to be provided for the departments, or else since that time Congress has authorized activities demanding additional appropriations. There is only one other explanation, and that is that the Congress deliberately appropriated less than it knew was needed in order to make a showing for political advantage. Whatever be the motive, in this case we find the Congress appropriating deficiencies amounting to more than half a billion of dollars. Therefore it is small wonder that the majority of the members of the committee now find it necessary to resort to the plan of covering up appropriations in order to mislead the people as to the exact amount of money that is being made available for expenditures. For instance, you are told, and the country will be told, that this bill appropriates $108,415,287.

As a matter of fact, it appropriates, directly and indirectly, $163,915,171. In other words, by legislative provision the party in power is covering up the appropriation of $55,499,884. They not only cover up appropriations that are made, but if you will look at the report you will find, certainly as to one item of $236,000, not one single reference, not one single word, that would let the Congress or the country know that there was made available for expenditure the sum of $236,000 to recondition a ship.

Mr. MADDEN. What ship was that? Is that in this bill?

Mr. BYRNES of South Carolina. In this bill; the ship with the pretty name of *Madawaska*. If the gentleman will turn to page 37, he will find a provision that:

> Not exceeding $236,095 of unobligated balances of appropriations for the support and operation of the Quartermaster Corps of the Army for the fiscal year 1921 may be applied to reconditioning the United States Army transport *Madawaska*.

Mr. MADDEN. The gentleman is not endeavoring to insinuate that we are trying to cover anything up?

Mr. BYRNES of South Carolina. I say it is covered up, whatever the idea is.

Mr. MADDEN. The gentleman knows that nobody would try to cover anything up.

Mr. BYRNES of South Carolina. I have only said that this report does not make a statement anywhere under the War Department or any other place that the money is being appropriated to recondition the *Madawaska*, and only when a man looks through the bill will he find that it is proposed to appropriate $236,000 for this purpose.

Mr. MADDEN. Does the bill state it?

Mr. BYRNES of South Carolina. Yes; and that is the unfortunate part of it.

Mr. MADDEN. I would like to ask the gentleman this question. I know he wants to be fair——

Mr. BYRNES of South Carolina. I will yield.

Mr. MADDEN. Does the gentleman mean to say that I, under any circumstances, would undertake to cover anything up?

Mr. BYRNES of South Carolina. I know the gentleman would not. But I will say that the gentleman has changed his opinion in a very short time about the *Madawaska*, and to the great misfortune of the taxpayers, to the extent of $236,000.

Mr. MADDEN. I want to say, if the gentleman will allow me, as it is only fair, that we found upon investigation in this bill that the *Madawaska* was under construction and not completed, and we could not do anything else than make the appropriation.

Mr. BYRNES of South Carolina. The gentleman has made a statement, and I will read to the House the statement he made to the committee and what the representative of the department told him—the only source of information this Congress has. If you will turn to page 494, you will find that Col. Smith was very wise. He had gotten onto what the Republican Party is trying to do in appropriating. If you ask for a direct appropriation, you will not get it; but if you ask for an indirect appropriation, for a legislative provision making money available, without making a direct appropriation that would show in the total, you can get it. This is the colloquy that occurred, according to the hearings:

> The CHAIRMAN. The next item is, "that not exceeding $236,095 of unobligated balances of appropriations for the support and operation of the Quartermaster Corps of the Army for the fiscal year 1921 may be applied to reconditioning the United States Army transport *Madawaska*." Have you an unexpended balance?
>
> Col. SMITH. $3,338,074.78.
>
> The CHAIRMAN. Ought not part of that go into the Treasury?
>
> Col. SMITH. It is available for three years to pay obligations incurred in the fiscal year for which the appropriation was made.
>
> Mr. SISSON. It is not obligated and has gone back into the Treasury, really?
>
> Col. SMITH. It is being held to meet obligations incurred during the year for which the appropriation was made.
>
> The CHAIRMAN. It is in the Treasury?
>
> Col. SMITH. Yes, sir.
>
> Mr. SISSON. It is a question of whether we want to reappropriate this much money?
>
> Col. SMITH. That is what it really means.
>
> The CHAIRMAN. What is the matter with this ship? Why is it necessary to have her reconditioned now, just at this season of the year?
>
> Col. DALTON. The history of this ship——
>
> The CHAIRMAN (interposing). It is not a deficiency?
>
> Col. DALTON. It is not a deficiency.
>
> The CHAIRMAN. We will not consider it if it is not.
>
> Col. DALTON. There is a letter from the Secretary——
>
> The CHAIRMAN (interposing). We may just as well settle that now and waste no time on it. We do not want to consider anything in connection with this bill which is not a deficiency, and an urgent one at that.

That is the record, and after having made a splendid case and having taken the correct position he did what the Senate did in the Newberry case—acted exactly opposite to the conclusion stated. "It is not a deficiency; it is not urgent; we will not have anything to do with it," and then the committee puts in the bill a provision that $236,000 of an unexpended balance shall be available in reconditioning the *Madawaska*. The *Madawaska* certainly did appeal to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MADDEN. I want to say to the gentleman in all fairness that the information came to us afterwards, while we were considering the question, after the hearings were closed; and I think my colleagues on the Democratic side of the committee will agree in what I say, that this contract had already been made, that the work was proceeding, and that most of it had been done, and the money was obligated, and there was nothing else for us to do, whatever the record was.

Mr. BYRNES of South Carolina. The gentleman told the representative of the department that it was not a deficiency, and that he would not have anything to do with it, and the hearing ended and the representative left; and then after the committee adjourned some eloquent person came along and convinced him that he should put in the provision that $236,000 of an unexpended balance should be available for expenditure in reconditioning the *Madawaska*.

Mr. MADDEN. I will take exception to that statement. The gentleman says that after everybody had gone somebody came to me and convinced me. I deny that.

Mr. BYRNES of South Carolina. I understood that to be the statement of the gentleman. What did the gentleman say?

Mr. MADDEN. I said when we were writing up the bill—the committee was there—we decided the question. The chairman did not decide the question. The committee decided it.

Mr. BYRNES of South Carolina. I know that the chairman would not alone decide it, but what I want to know is, What actuated the chairman in changing his views as stated in the record?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from South Carolina is recognized for five minutes more.

Mr. BYRNES of South Carolina. What I want to know is, What were the facts presented to the chairman of the committee? I do not mean to charge that he alone put this in the bill. I mean the entire committee. If the gentleman considers that my criticisms of the item apply to him alone, I do not so mean it.

Mr. MADDEN. The gentleman said after everybody had gone I did it.

Mr. BYRNES of South Carolina. I said after the hearings been held.

Mr. MADDEN. Now the gentleman is fair.

Mr. BYRNES of South Carolina. After the hearings adjourned, because I have read all that appears in the record.

Mr. MADDEN. The gentleman is a member of the committee. He knows that hearings are only for the purpose of getting information, and that questions are decided after the hearings adjourn.

Mr. BYRNES of South Carolina. Yes.

Mr. MADDEN. That is all.

Mr. BYRNES of South Carolina. The gentleman says the hearings are for the purpose of getting information. That is true. He got the positive information at the hearing that it was not a deficiency. He stated it was not a deficiency, and then later he decided that it was a deficiency. The gentleman says he did not alone decide it. He is the chairman of the subcommittee, and his decision is quite influential in that committee and in the whole committee. That is one of the indirect appropriations that are not counted in the total of the bill. Look at the provisions for the Navy Department and you will find there, on page 27, $7,000,000 is made available for the Navy Department. Bless goodness! Did the gentleman from Illinois know that when he made that $7,000,000 available for the Navy Department he had ruined the other gentleman from Illinois, Gen. Dawes, who has already included that $7,000,000 in what he is saving to the people? [Laughter.]

Mr. MADDEN. How does the gentleman know that?

Mr. BYRNES of South Carolina. Well, in the $112,000,000 Gen. Dawes claimed to have saved there was a considerable sum in the Navy Department, and I feel satisfied it included these items. The $7,000,000 the gentleman from Illinois, Gen. Dawes, thinks he has saved in these continuing appropriations, the gentleman from Illinois [Mr. MADDEN] takes away from him; he takes it away from the "Budget savings" and gives it to the Navy Department to spend. I suppose before he gets through Gen. Dawes will claim that he has saved it. [Laughter.]

The gentleman from Illinois [Mr. MADDEN], in his statement to the House on the Treasury bill, said he was going to stop continuing appropriations. He said he was going to ask for a statement showing the amounts unexpended and still available in all the departments. He got that information, and now, having got it, he is using it for a different purpose. Instead of repealing these appropriations and putting that money into the Treasury he is diverting the money to other expenditures. He has taken his stand at the Treasury door and simply said to any department that wants to come in and secure funds, "Go ahead." But if a department approaches with an unexpended balance he says "Stop; let us divert it to one of those deficiency appropriations." The watchword, "They shall not pass," is applied to unexpended balances going back into the Treasury. Now, if in any of the funds diverted by this bill there should come a necessity for additional expenditures prior to June 30 we will be asked for deficiencies to take the place of these funds now diverted to take care of other deficiencies. Yet we are told that this is an economical administration. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. WALSH] having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. HIMES, by unanimous consent, was granted leave of absence indefinitely on account of illness.

ABANDONED RIGHTS OF WAY GRANTED TO RAILROAD COMPANIES.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 244, a House bill with Senate amendments, for the purpose of asking an agreement to the Senate amendments.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to call from the Speaker's table the bill H. R. 244, with Senate amendments, and agree to the Senate amendments. The Clerk will report the House bill and also the Senate amendments.

The Clerk read as follows:

A bill (H. R. 244) to provide for the disposition of abandoned portions of rights of way granted to railroad companies.

The Senate amendments were read.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, I suppose the gentleman has followed his usual custom of conferring with the minority on the committee?

Mr. SINNOTT. Yes. I conferred with the ranking member of the minority, the gentleman from California [Mr. RAKER], and he has expressed his satisfaction.

Mr. GARRETT of Tennessee. The first amendment does not amount to anything, but will the gentleman explain the second amendment?

Mr. SINNOTT. The second amendment is this: The House bill provided—

That this act shall not affect any conveyance made by any railroad company of portions of its right of way if such conveyance be among those which have been or may be validated and confirmed by any act of Congress.

Now we limit that and say—

Which have been or may—

Inserting the words—

heretofore and before such forfeiture or abandonment—

be validated and confirmed by any act of Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned until Friday, March 3, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEATHERWOOD: Committee on Indian Affairs. H. R. 9852. A bill to authorize the Secretary of the Interior to appraise tribal property of Indians and to pay individual members their pro rata share; without amendment (Rept. No. 755). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 10698. A bill to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof; without amendment (Rept. No. 760). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LARSEN of Georgia: Committee on the Public Lands. H. R. 7967. A bill granting certain lands to Escambia County, Fla., for a public park; with amendments (Rept. No. 754). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. H. R. 4622. A bill for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*; with an amendment (Rept. No. 756). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 8264. A bill for the relief of Thomas B. Smith; without amendment (Rept. No. 757). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2746. An act for the relief of William Howard May, ex-marshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased; without amendment (Rept. No. 758). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 841. An act for the relief of Elizabeth Marsh Watkins; without amendment (Rept. No. 759). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 10694) to amend subparagraph (8) of section 1 (a) of chapter 1 of the bankruptcy act; to the Committee on the Judiciary.

By Mr. CLARKE of New York: A bill (H. R. 10695) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census, and for other purposes; to the Committee on the Census.

By Mr. JOHNSON of Mississippi: A bill (H. R. 10696) to prohibit Congressmen from accepting gratuities, salaries, fees, or compensation from railroad companies, telephone companies, or telegraph companies; to the Committee on the Judiciary.

By Mr. STEPHENS: Joint resolution (H. J. Res. 281) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Md., Willem van Doorn, a subject of the Netherlands; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 10697) granting a pension to Martha Ann Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10698) granting an increase of pension to Christopher Rotruscheid; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 10699) granting a pension to Rosa Reeves; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 10700) for the relief of settlers and claimants to section 16 lands in the L'Anse and Vieux Desert Indian Reservation in Michigan, and for other purposes; to the Committee on Indian Affairs.

By Mr. KENDALL: A bill (H. R. 10701) granting a pension to Charles F. King; to the Committee on Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 10702) for the relief of Bertha A. Uhl; to the Committee on Claims.

By Mr. KISSEL: A bill (H. R. 10703) for the relief of Stephen Schmeiser, sr.; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 10704) for the relief of William A. Chalk; to the Committee on Reform in the Civil Service.

By Mr. NOLAN: A bill (H. R. 10705) for the relief of Francis Nicholson; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 10706) granting an increase of pension to Eliza Johnson; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 10707) for the relief of William H. Primm; to the Committee on Military Affairs.

By Mr. RICKETTS: A bill (H. R. 10708) granting a pension to Creighton Bradshaw; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10709) granting a pension to Jane Dyer; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 10710) to place James K. Stockard on the retired list of the Army; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 10711) granting a pension to Ella Autry; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4390. By Mr. ANSORGE: Petition of the American Legion, Department of New York, urging that the Langley bill for hospitalization be immediately reported to Congress; to the Committee on Public Buildings and Grounds.

4391. By Mr. BARBOUR: Petition of the Council of the City of Berkeley, Calif., indorsing Senate bill 3031, to provide for the establishment and maintenance of a forest experiment station in cooperation with the University of California; to the Committee on Agriculture.

4392. By Mr. BIXLER: Petition of citizens of Warren, Pa., protesting against House bills 9753 and 4388 and Senate bill 1948, or any other Sunday observance bill; to the Committee on the District of Columbia.

4393. Also, resolution adopted by the city of Sharon, Pa., protesting against the building of the Lake Erie and Ohio River ship canal to divert water from Pennsylvania into Ohio; to the Committee on Rivers and Harbors.

4394. Also, resolution by the Pennsylvania Water Conservation Association, of Sharon, Pa., protesting against building of canal called Lake Erie and Ohio River Ship Canal, to divert water from Pennsylvania into Ohio; to the Committee on Rivers and Harbors.

4395. By Mr. DALLINGER: Resolution of the Board of Aldermen of the City of Medford, favoring a soldiers' bonus; to the Committee on Ways and Means.

4396. By Mr. GALLIVAN: Petition of Simmons College School of Social Work, of Boston, Mass., recommending passage of the Fitzgerald accident compensation bill (H. R. 10034); to the Committee on the District of Columbia.

4397. By Mr. KISSEL: Petition of the American Automobile Association, of Washington, D. C., opposing any increase in taxes on the automobile industry; to the Committee on Ways and Means.

4398. Also, petition of the National Association of Credit Men, of New York City, opposing the passage of a bonus bill at this time; to the Committee on Ways and Means.

4399. Also, petition of the Business Men's Association, of Richmond Hill, Long Island, urging the passage of the Towner-Sterling education bill; to the Committee on Education.

4400. Also, petition of the South Brooklyn Board of Trade, of Brooklyn, N. Y., urging the enactment of legislation for the benefit of the physically injured or mentally disabled veterans before the passage of the bonus bill; to the Committee on Ways and Means.

4401. Also, petition of Iron League of New York, of New York City, N. Y., opposing the enactment of the proposed soldier bonus bill; to the Committee on Ways and Means.

4402. By Mr. KLECZKA: Memorial of the Association of Wisconsin Fairs, urging immediate passage of measures for the construction of the Great Lakes-St. Lawrence River deep waterway; to the Committee on Interstate and Foreign Commerce.

4403. Also, memorial of the Wisconsin Agricultural Experiment Association, favoring protection of American growers of clover and alfalfa seed; to the Committee on Ways and Means.

4404. Also, memorial of the county board of Milwaukee County, urging immediate passage of measures for the construction of the Great Lakes-St. Lawrence River deep waterway; to the Committee on Interstate and Foreign Commerce.

4405. Also, memorial of the Grand Caravan Order of Camels, urging modification of the Federal prohibition law to permit the sale and manufacture of beer and light wines; to the Committee on the Judiciary.

4406. Also, memorial of the Wisconsin Packing Co., urging immediate passage of measures for the construction of the Great Lakes-St. Lawrence River deep waterway; to the Committee on Interstate and Foreign Commerce.

4407. Also, memorial of the common council of Milwaukee, urging modification of the Federal prohibition law to permit the sale and manufacture of beer and light wines; to the Committee on the Judiciary.

4408. By Mr. LINTHICUM: Memorial of the National Casket Co., of Baltimore, Md., submitting resolutions for remedial legislation in transportation charges; to the Committee on Interstate and Foreign Commerce.

4409. Also, petition of Joseph N. Cooper, of Baltimore, Md., expressing pros and cons of bonus question; to the Committee on Ways and Means.

4410. By Mr. MEAD: Resolution adopted by the council of the city of Buffalo, N. Y., urging the passage of House bill 9579, amending section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

4411. By Mr. RAKER: Petition of the California Corrugated Culvert Co., of West Berkeley, Calif., and Frank B. Peterson Co., of San Francisco, Calif., protesting against the renewal of the war tax on letter mail as a means for providing revenue for the soldiers' bonus; also petition of the 'Xclusive Laundry, of Stockton, Calif., protesting against placing duties on soya bean oil, coconut oil, cottonseed oil, tallow, whale oil, and other foreign vegetable, animal, and fish oils used in the manufacture of laundry soap and other soap preparations; to the Committee on Ways and Means.

4412. Also, petition of H. J. Lattin, of Grenada, Siskiyou County, Calif., relative to the joint-stock land banks and indorsing the same; also petition of Louis Bartlett, mayor of the city of Berkeley, Calif., indorsing and urging support of Senate bill 3031, providing for a forest experiment station in cooperation with the University of California; to the Committee on Agriculture.

4413. Also, petition of Will J. French, chairman of the Industrial Accident Commission of the State of California, San Francisco, Calif., indorsing and urging support of House bill 10034; to the Committee on the District of Columbia.

4414. By Mr. ROGERS: Petition of C. N. Halstead and others of Lowell, Mass., opposing the passage of House bills 9753 and 4388 or Senate bill 1948, or any other Sunday-observance bill; to the Committee on the District of Columbia.

4415. By Mr. SINCLAIR: Petition of 106 residents of Wahpeton, Lidgerwood, and other places in North Dakota, urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4416. Also, petition of Arthur Hendrickson and 40 others of Raub, N. Dak., and vicinity, urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4417. Also, resolution by the Senate of Maryland, recommending and urging the revival of the United States Grain Corporation and the immediate stabilization of at least three basic farm products; to the Committee on Agriculture.

4418. By Mr. WASON: Petition of the following owners and lessees of moving-picture theaters in the second congressional district of New Hampshire, urging the amendment of the copyright law of the United States so that the payment of the so-called music tax shall be prohibited: L. W. Heath, Lyon Theater, Bristol, and Charles H. Bean, Pastime Theater, Franklin; to the Committee on Patents.

4419. By Mr. ZIHLMAN: Petition of residents of Washington, D. C., against the enactment of any law enforcing the observance of any religious institution or looking toward a union of church and State or of religion and civil government, and specifically petitioning Congress not to pass House bills 4388 and 9753, which aim to regulate Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *March 3, 1922.*

(Legislative day of Thursday, February 23, 1922.)

The Senate met in legislative session at 11 o'clock a. m. on the expiration of the recess.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, proposing to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Committee on Rules.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ball	Heflin	Moses	Reed
Brandegee	Johnson	Myers	Sheppard
Bursum	Jones, Wash.	Nelson	Spencer
Capper	Kellogg	New	Sterling
Culberson	Kendrick	Newberry	Sutherland
Cummins	Keyes	Nicholson	Townsend
Ernst	Lenroot	Oddie	Wadsworth
France	Lodge	Page	Walsh, Mass.
Gerry	McCormick	Pepper	Warren
Hale	McKellar	Phipps	Watson, Ga.
Harris	McKinley	Poindexter	Wellet
Harrison	McNary	Rawson	Willis

Mr. KENDRICK. I wish to announce the absence of the Senator from Nebraska [Mr. NORRIS], the Senator from South Carolina [Mr. SMITH], the Senator from North Dakota [Mr. LADD], the Senator from Oklahoma [Mr. HARREld], and the Senator from South Dakota [Mr. NORBECK] at a hearing before the Committee on Agriculture and Forestry.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Utah [Mr. SMOOT], the Senator from New York [Mr. CALDER], and the Senator from Vermont [Mr. DILLINGHAM] are attending a hearing before the Committee on Finance.

I was also requested to announce that the Senator from California [Mr. SHORTRIDGE] is attending a hearing before the special committee investigating the lobbying activities of the dye industry.

Mr. NORRIS. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of a death in his family.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators and Mr. HARREld answered to his name when called.

The following Senators entered the Chamber and answered to their names:

Glass	Norbeck	Overman	Smith
Gooding	Norris	Pomerene	Stanley
Ladd			

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 5 and 6 to the said bill and concurred therein; and that the House receded from its disagreement to the amendment of the Senate No. 28, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PHIPPS presented a telegram in the nature of a petition from the clearing-house banks of Denver, Colo., praying for the granting of homesteading preference, home building, and insurance aid to ex-service men, and opposing a cash bonus, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

DENVER, COLO., *March 1, 1922.*

HON. LAWRENCE PHIPPS,
United States Senator, Senate Chamber, Washington, D. C.

The Denver clearing house banks urge that you oppose the enactment of that portion of the soldiers' bonus bill providing for cash compensation without regard to disability as economically unsound and of no permanent benefit to recipients. Relief measures should, in our opinion, be confined to homesteading preference, home building, and insurance aid. The fullest assistance to the disabled is earnestly indorsed.

FIRST NATIONAL BANK,
COLORADO NATIONAL BANK,
DENVER NATIONAL BANK,
UNITED STATES NATIONAL BANK,
HAMILTON NATIONAL BANK,
GLOBE NATIONAL BANK,
AMERICAN BANK & TRUST CO.,
INTERNATIONAL TRUST CO.

Mr. LODGE presented petitions of 7,829 citizens of the city of Quincy, Mass., praying that the battle cruiser *Lexington*, now under construction at the Fore River yard, be converted into one of the two airplane carriers authorized under the naval treaty, which were referred to the Committee on Naval Affairs.

Mr. CAPPER presented resolutions unanimously adopted by the Southwestern Veterans' Association, at Dodge City, Kans., favoring the passage of the so-called soldiers' bonus bill, and also additional legislation for the relief of veterans of the Civil War, which were referred to the Committee on Finance.

Mr. KING presented a resolution adopted by the Utah Cattle and Horse Growers' Association, at Salt Lake City, Utah, favoring the making of adequate appropriations for breeding horses for the Army, which was referred to the Committee on Military Affairs.

Mr. NICHOLSON presented a resolution adopted by the mayor and board of trustees of the town of Littleton, Arapahoe County, Colo., favoring continuance of the village free-delivery service and the making of an adequate appropriation therefor, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Logan County and Shaw, Colo., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Loveland, Denver, Evergreen, Greeley, Fort Collins, New Castle, and Sterling, all in the State of Colorado, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, reported it without amendment and submitted a report (No. 527) thereon.

He also, from the same committee, to which was referred the bill (S. 3083) authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington, reported it with amendments and submitted a report (No. 528) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3226) for the relief of William J. Ewing; to the Committee on Claims.

By Mr. NICHOLSON:

A bill (S. 3227) to extend time for payment of grazing fees to December 1, 1922; to the Committee on Agriculture and Forestry.

A bill (S. 3228) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Finance.

By Mr. POMERENE:

A bill (S. 3229) authorizing the Secretary of War to donate to the Ohio Archaeological and Historical Society two German cannon; to the Committee on Military Affairs.

AMENDMENT OF SECOND DEFICIENCY APPROPRIATION BILL.

Mr. KEYES submitted an amendment proposing to appropriate $50,000 for emergency educational and control work on the white-pine blister rust in the eastern white-pine area, etc., intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS OF IMMIGRATION LAW.

Mr. HARRIS submitted two amendments intended to be proposed by him to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, which were referred to the Committee on Immigration and ordered to be printed.

ELSIE HUDSON.

Mr. ODDIE submitted the following resolution (S. Res. 248), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Elsie Hudson, widow of J. Lloyd Hudson, late a laborer in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

JUDGE WILLIAM S. KENYON.

Mr. REED. Mr. President, I desire to call the attention of the Senate to a matter which I think should not be allowed to pass unnoticed. The Washington Times of March 2 contains the following article. I read the headline, as follows:

Impeach Kenyon is demanded. Missouri lawmaker declares "Judas" speech disgraces bench.

The word "Judas" is in quotations. I read the text of the article, as follows:

Charges that William H. Kenyon, of Iowa, is trying to become "a second Judge Landis" were made here to-day by friends of Senator TRUMAN H. NEWBERRY of Michigan in reply to Kenyon's speech before the students of the University of Missouri, in which he referred to NEWBERRY as "a traitor worse than Judas Iscariot."

The subhead line reads:

Spencer accuses judge.

Senator SPENCER of Missouri, NEWBERRY's chief defender in the Senate, issued a statement to-day in which he charged Kenyon with "insulting the Senate" and "disgracing the bench."

The quotation continues:

"Kenyon knows full well," said SPENCER, "that Senator NEWBERRY is a Christian gentleman of the highest integrity and patriotism.

"To call Senator NEWBERRY 'a traitor worse than Judas Iscariot' dishonors the judge who said it and brings disgrace on the bench which it was hoped would be adorned by the selection of Kenyon.

"Some excuse can be made for such unfounded villification and venomous exaggeration on the stump, though even there it is condemnable, but from a judge upon whose impartiality so much depends it is pitiful.

"One of the leaders of the Senate exclaimed in his indignation 'Kenyon ought to be impeached.'

"Having secured the position he wants, he insults the Senate of the United States by his inference that they seated a traitor, and he seeks to dishonor the President from whom he received his own appointment, because he knows well enough how sincerely and openly the President expressed his condemnation of the malicious and unfounded propaganda against Senator NEWBERRY and his earnest hope that Senator NEWBERRY would be seated."

Mr. President, I am not calling this matter up to reopen the Newberry case, and I am not charging that the junior Senator from Missouri [Mr. SPENCER] made the statement attributed to him. I do not know what the facts may be. Neither am I charging that some Senator, who appears here nameless, made the statement attributed to him in the article. I do not know what the facts may be with reference to that part of the article. The article appeared in the Washington Times, which has generally been more accurate than the average newspaper. I am unwilling such an assault should be made upon Judge Kenyon, and printed broadcast over the country, without reply and without rebuke.

I do not know what the language of Kenyon was, but if he had used the language alleged to have been employed it would not have warranted any such assault.

To begin with, former Senator Kenyon had not taken the oath of office as judge at the time he made the speech referred to. In the second place, it does not lie very well in the mouth of those who are constantly talking about "Christian gentlemen" to make an assault of this kind upon William S. Kenyon.

Judge Kenyon served in this Chamber, as I recall, for nearly 11 years. Prior to that time he had served with distinction upon the bench in his own State. At one time he occupied a highly important position in the Department of Justice, where he rendered magnificent service in the prosecution of combinations guilty of violating the Sherman Antitrust Act.

In his private life Judge Kenyon sets an example that might well be emulated by his enemies. In his public career he has steadfastly exhibited an earnestness of purpose, an exaltation of courage and independence, which render him conspicuous at a time when intellectual truckling, political serviency, are too much the order of the day. Without finding myself in agreement with him on many occasions, I nevertheless came to regard him as one of those rare characters who follow the light of conscience and the conclusions of reason, steadfastly placing country and humanity above private interest or personal advancement. He has always had the courage when he believed a thing wrong boldly to proclaim his opinion. He has not been willing to do that which he considered unjust or injurious to the country because it was dictated in party council or because the command came from a party boss.

He left this Chamber with the personal good will, I believe, of practically every Member. He was appointed to an exalted position upon the bench after having declined another position almost as exalted. He has not yet, unless it be within the last few days, taken his seat on that bench, where, in my judgment, he will exhibit the same conscientious regard for the law of his country and the rights of man that has characterized him throughout his life.

Upon a mere newspaper report this assault is made upon him. Those who seek to defend their votes in the Newberry case by an attack upon Judge Kenyon will find that the latter task is as fruitless as the former was difficult. Let it not be forgotten that the seating of Mr. NEWBERRY could be accomplished only by amending the resolution so that it would condemn the methods employed in his election, while ratifying the fruits of the iniquity thus condemned. Judge Kenyon can well disregard attacks by the sponsors of that resolution which at one and the same time admitted and ratified infamy.

I do not desire to prolong my remarks, but I want to put in the RECORD this telegram:

DES MOINES, IOWA, *March 3, 1922.*

Senator JAMES A. REED,
Senate Office Building, Washington, D. C.:

I did not make remark SPENCER ascribes to me in his statement, and at time my talk to university students had not taken oath of office and was not a judge, but a private citizen. Have so wired him. I am writing him and you just what I said.

W. S. KENYON.

I have not yet received the letter, because there has not been time for it to be received. I put the telegram in the RECORD, as I think it is due to Judge Kenyon that this statement should be made publicly in order that the wrong done may be instantly corrected.

Mr. POINDEXTER obtained the floor.

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. POINDEXTER. In just one second I will yield to the Senator.

I ask leave to have printed in the RECORD, in the regular RECORD 8-point type, a letter from ex-President Theodore Roosevelt, dated October 19, 1918, addressed to Commander Truman H. Newberry, relating to the character of Senator NEWBERRY and to the issues raised in his election to the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From Theodore Roosevelt.]

OYSTER BAY, LONG ISLAND, *October 19, 1918.*

Commander TRUMAN H. NEWBERRY,
New York City.

MY DEAR COMMANDER: I congratulate you on your nomination, but far more do I congratulate Michigan and all our people. It was my good fortune to have you serve under me as Secretary of the Navy, and I can testify personally to your efficiency and your disinterested and single-minded zeal for the public service. To a very peculiar degree you have stood for that kind of government which puts the interest of the people as a whole first and foremost, and treats all other considerations as negligible when the public weal is involved. The record made by you and your two sons in this war is typical of your whole attitude as a public servant. Both your boys at once entered the Navy, and are now on the high seas. You sought employment abroad; when that was refused you, you accepted any position that was offered in which you could render public service.

The nomination of Mr. Ford makes the issue sharp and clean. It is not primarily an issue between the Republican Party and the Democratic Party, for Mr. Ford does not seem to have any firm political convictions, and was content to take the nomination on any ticket without regard to what the general principles of the men supporting that ticket were; and his memory about past politics is so hazy that although he has mentioned a Republican candidate for President for whom he thinks he once voted, it does not appear that this is possible, unless he is in error as to his own age.

The issue is infinitely more important than any merely political issue. It is the issue of straight Americanism, of straight patriotism, and of preparedness for the tasks of peace and war, as against a particularly foolish and obnoxious type of pacifism

preached in peace and practiced in war. This is the first time in the history of our country in which a candidate for high office has been nominated who has spent enormous sums of money in demoralizing the people of the United States on a matter of vital interest to their honor and welfare. The expenditures on behalf of pacifism by Mr. Ford in connection with the peace ship, and in connection with his great advertising campaign in favor of the McLemore resolution and of the pacifist and pro-German attitude against our participation in the war, was as thoroughly demoralizing to the conscience of the American people as anything that has ever taken place. The failure of Mr. Ford's son to go into the Army at this time, and the approval by the father of the son's refusal, represent exactly what might be expected from the moral disintegration inevitably produced by such pacifist propaganda. Mr. Ford's son is the son of a man of enormous wealth. If he went to war, he would leave his wife and child immeasurably distant from all chance of even the slightest financial strain or trouble, and his absence would not in the smallest degree affect the efficiency of the business with which he is connected. But the son stays at home, protesting and appealing when he is drafted, and now escaping service. Your two sons have eagerly gone to the front. They stand ready to pay with their lives for the honor and the interest of the American people, and while they thus serve America with fine indifference to all personal cost, the son of wealthy Mr. Ford sits at home in ignoble safety, and his father defends and advises such conduct. It would be a grave misfortune to the country to have Mr. Ford in the Senate when any question of continuing the war or discussing terms of peace may arise, and it would be an equally grave misfortune to have him in any way deal with the problems of reconstruction in this country.

Michigan is facing the test, clear-cut and without shadow of a chance for misunderstanding, between patriotism and Americanism on one side, and on the other pacifism and that foolish sham cosmopolitanism which thinks it clever to deride the American flag and to proclaim that it would as soon be a Hindu or Chinaman as an American. If there should be at any time in the future a Hindu senate, and it should choose, in a spirit of cosmopolitanism, to admit outsiders, there is no reason why Mr. Ford should not aspire to membership therein, but he would be signally out of place in the American Senate so long as that body is dominated by men who zealously believe in the American ideal and faithfully endeavor to serve the American people.

Wishing you all success, I am,

Very faithfully, yours,

THEODORE ROOSEVELT.

Mr. POINDEXTER. I also ask leave to print, in connection with that, in the same type, a brief article on the same subject by the junior Senator from Pennsylvania [Mr. PEPPER], which appeared in The Independent and the Weekly Review for February 18, 1922.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From The Independent and the Weekly Review for Feb. 18, 1922.]

CONCERNING THE NEWBERRY CASE.

A STATEMENT BY SENATOR GEORGE WHARTON PEPPER.

[Almost immediately after taking his seat in the Senate, Senator PEPPER was called on to vote for or against the expulsion of Senator NEWBERRY. He cast his vote in favor of NEWBERRY. In view of his eminence, both in character and ability, it seemed to us that a statement of the ground on which he based his action would be of great public interest. In answer to a letter asking whether he would be willing to make such a statement, Senator PEPPER very kindly placed at our disposal the following memorandum, which he had drawn up as a record of what he would have said, in substance, on the floor of the Senate if he had had an opportunity to speak.—Editors.]

"The Michigan primary was held August 27, 1918. Mr. NEWBERRY was a candidate for the Republican nomination. Mr. Henry Ford announced himself as a candidate for the Republican nomination and also as a Democrat contesting for the Democratic nomination. Ford had a State-wide industrial organization which he was able to use for publicity and campaign purposes without the expenditure of additional money. NEWBERRY, being without this advantage and being continuously absent from the State on naval duty, the committee in charge of his campaign raised and spent about $195,000 to bring his name before the people of the State.

"This money was all spent for purposes authorized by the Michigan statute governing election expenses. Whether the money was wasted or wisely spent is a matter of opinion. It is likewise a matter of opinion as to how much money it is justifiable to spend on campaign publicity. Welfare drives and similar campaigns involve enormous expenditures for such purposes.

"NEWBERRY received the Republican and Ford the Democratic nomination. Within 10 days, as required by law, the Newberry committee published—on September 6—a classified statement exhibiting the receipt and disbursement of the sum above specified.

"Thereupon the Ford machine attacked the expenditure as unjustifiable, and the subject was vehemently discussed all over the State for two months. At the end of two months, namely, on November 5, both candidates left the issue to the people. The people chose NEWBERRY and rejected Ford by a clear majority of over 4,000 votes. Nobody contended in the Senate that this election was other than fair or that money had been used improperly to influence it. The entire expenditure under attack was a preprimary expenditure.

"NEWBERRY, having been duly elected, and the judgment of conspiracy to defraud entered against him having been reversed by the Supreme Court of the United States, was sworn in as a Senator and began the discharge of his duties.

"Ford, having thus been twice defeated, once by his fellow citizens and once by the highest court in the land, added still another to his list of affronts to patriotism and decency by instituting in the Senate a contest to wrest NEWBERRY from his seat, although Ford himself had no possible claim of title to it.

"The question before the Senate thereupon was this: Where a Senator is fairly chosen by a majority of the voters of his State after a full public discussion of the expenditures made previous to the primary, shall the Senate vote to expel him on the ground that it would have been in better taste for the majority of voters to vote the other way?

"In other words, *shall the Senate substitute its judgment for that of the people of Michigan as to what is a reasonable preprimary expenditure?*

"From the moment that I perceived this to be the real question in the case I was never in doubt about the answer. Some Senators who were opposed to expulsion thought fit to couple their conclusion with a condemnation of so large an expenditure. Personally, I had no opinion on that subject, because enormous publicity expenditures are a necessary incident of the direct primary system. My view was—and is—that where charges of corruption are not sustained and where the whole question is one of the reasonableness of the expenditure the people of the State are themselves the final judges and that the Senate should not disturb their verdict.

"I accordingly voted against expulsion, although if I had been framing the resolution I would have framed it differently. I have heard the subject twice reargued in the Senate since the final vote was taken, and these posthumous arguments, which were both vehement and vitriolic, have confirmed me in my opinion that any other decision would have been the mongrel offspring of malice and muddy thinking."

Mr. SPENCER. Mr. President, I am not entirely clear as to why it is necessary for my distinguished colleague to attempt to give Senator Kenyon or Judge Kenyon a certificate of good character as a man. I certainly do not yield to my colleague in my admiration of Judge Kenyon or in my affection or esteem for him. I have known and loved him for many years.

Mr. President, there appeared in the newspapers in Washington, particularly in the Washington Times of February 28, in great headlines stretching across the entire front sheet with the exception of a single column and in letters which were 2 inches high the words:

NEWBERRY a traitor, says Kenyon.

And in prominent letters at the head of an article:

Iowa man attacks Senator as Judas.

And in the language of the paper the following sentences occur as quotations from what Judge Kenyon is supposed to have said at the State University of Missouri:

"Judas Iscariot betrayed his Master, but he gave back the 30 pieces of silver," Kenyon declared. "Senator NEWBERRY and his friends betrayed their country, spent $264,000 for a seat in the United States Senate, and they did not give back the seat."

I said when I read that what I now repeat—that any man who made such statements dishonored himself and disgraced the position which he held, I do not care whether, as a matter of technical fact, he was within 48 hours of becoming a judge or not. He was known as a judge, and introduced as a judge, and spoke to the assembly under the impression in their hearts that he was a judge; and the only thing that interfered with his official character was something with which he alone had to do, and that was the formal taking of the office, for everything else had been done.

I said in the statement that I made to the paper, both at the beginning of it and at the end of it, that I could not believe it was possible that a man of Senator Kenyon's high character

could have made such utterances as those. I passed over his misstatement of facts; but his characterization was absolutely unfounded, and branded the man who said it with the disgrace that he attempted to impose upon the man of whom he said it.

I also received a telegram from Senator Kenyon, which, if my distinguished colleague had not already referred to it, I should have asked to have printed in the RECORD, to precisely the same effect as that which my colleague read—that he did not make the statement which he is credited with having made. I am delighted that he did not make it. It corresponds with what I thought of him—that he never would have made it—and, therefore, the statement not having been made by him, my criticism of him, of course, falls with the failure on his part to have made the statement.

Mr. BRANDEGEE. Mr. President, did Senator Kenyon, or Judge Kenyon, as he now is, say what statement he did make?

Mr. SPENCER. He telegraphed to me, precisely as he did to my colleague, that he was writing to me the full statement that he did make. I have not yet received that statement.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, to amend the standing rules of the Senate, so that all general appropriation bills shall be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Committee on Rules.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum. There seems to be practically no one here.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Jones, Wash.	Newberry	Shortridge
Brandegee	Kendrick	Nicholson	Simmons
Capper	Keyes	Norbeck	Smith
Caraway	Ladd	Norris	Spencer
Culberson	Lenroot	Oddie	Stanley
Cummins	Lodge	Overman	Sterling
Gerry	McCormick	Page	Sutherland
Glass	McKellar	Phipps	Townsend
Gooding	McKinley	Poindexter	Walsh, Mass.
Harreld	McNary	Pomerene	Walsh, Mont.
Harris	Moses	Rawson	Warren
Harrison	Myers	Reed	Watson, Ga.
Heflin	Nelson	Robinson	Weller
Jones, N. Mex.	New	Sheppard	Willis

Mr. JONES of Washington. I have been requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Utah [Mr. SMOOT], the Senator from New York [Mr. CALDER], and the Senator from Vermont [Mr. DILLINGHAM] are attending a hearing before the Committee on Finance.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum is present.

Mr. MYERS. Mr. President, what is the pending amendment?

The PRESIDENT pro tempore. The pending amendment is the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

Mr. MYERS. May the Secretary read it?

The PRESIDENT pro tempore. The Secretary will state the amendment to the amendment.

The amendment to the amendment was read, as follows:

On page 2, line 16, after the word "Appropriations," insert the following: ", and at least one member of the Committee of Agriculture shall be a member of any conference committee appointed to confer with the House upon said Agricultural appropriation bill";

On page 2, line 22, after "Appropriations," insert the following: ", and at least one member of the Committee on Post Offices and Post Roads shall be a member of any conference committee appointed to confer with the House upon said Post Office appropriation bill";

On page 3, line 5, after the word "Appropriations," insert the following: ", and at least one member of the Committee on Military Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of War";

On page 3, line 9, after the word "Appropriations," insert: ", and at least one member of the Committee on Naval Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of the Navy";

On page 3, line 16, after the words "Department of War," insert: ", and at least one member of the Committee on Commerce shall be a member of any conference committee appointed to confer with the House upon items pertaining to rivers and harbors contained in the bill making appropriations for the Department of War"; and

On page 3, line 24, after the words "Department of State and Justice," insert: ", and at least one member of the Committee on Foreign Relations shall be a member of any conference committee appointed to confer with the House when the items pertaining to the diplomatic and consular service are being considered in the bill making appropriations for the Department of State and Justice."

So as to make the amendment of the committee read:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation, and if an appropriation bill is reported to the Senate containing new or general legislation, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations: *Provided, however*, That the chairman of the Committee on Agriculture, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of Agriculture is being considered by the Committee on Appropriations, and at least one member of the Committee on Agriculture shall be a member of any conference committee appointed to confer with the House upon said Agricultural appropriation bill; that the chairman of the Committee on Post Offices and Post Roads, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Post Office Department is being considered by the Committee on Appropriations, and at least one member of the Committee on Post Offices and Post Roads shall be a member of any conference committee appointed to confer with the House upon said Post Office appropriation bill; that the chairman of the Committee on Military Affairs, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of War is being considered by the Committee on Appropriations, and at least one member of the Committee on Military Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of War; that the chairman of the Committee on Naval Affairs, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of the Navy is being considered by the Committee on Appropriations, and at least one member of the Committee on Naval Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of the Navy; that the chairman of the Committee on Commerce, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the items pertaining to rivers and harbors are being considered by the Committee on Appropriations in the bill making appropriations for the Department of War, and at least one member of the Committee on Commerce shall be a member of any conference committee appointed to confer with the House upon items pertaining to rivers and harbors contained in the bill making appropriations for the Department of War; and that the chairman of the Committee on Foreign Relations, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the items pertaining to the Diplomatic and Consular Service are being considered by the Committee on Appropriations in the bill making appropriations for the Departments of State and Justice, and at least one member of the Committee on Foreign Relations shall be a member of any conference committee appointed to confer with the House when the items pertaining to the Diplomatic and Consular Service are being considered in the bill making appropriations for the Departments of State and Justice.

The PRESIDENT pro tempore. If there is no objection, the Chair will treat the amendment proposed by the Senator from Massachusetts as a single amendment.

Mr. NORRIS. I want to make an inquiry, if the Senator from Montana will permit.

Mr. MYERS. I yield for an inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his inquiry.

Mr. NORRIS. Last evening before adjournment I understood that unanimous consent had been granted for a reprint of the resolution showing these amendments. I am unable to get that kind of a print this morning.

The PRESIDENT pro tempore. The Chair is informed that no such consent was given.

Mr. NORRIS. I understood that that was done.

Mr. WARREN. As to this particular amendment, it would bring about exactly what would take place without it, if the chairman of the Appropriations Committee is correct; that is, that of the three members of any of the various committees who sit with the general committee, and become a part of it, there shall be at least one appointed as one of the three or more conferees when any particular bill goes into conference to reconcile the differences between the Senate and the House.

Mr. LENROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. MYERS. I yield.

Mr. LENROOT. I would like to ask the chairman of the committee whether, if this amendment is not adopted, the rule would be that not one but two members of that committee would go upon the conference?

Mr. WARREN. No; there would be no rule requiring that, although it would often be done. There is nothing to prevent it.

Mr. LENROOT. That would be the natural thing to do?

Mr. WARREN. It would be very natural in these cases. Of course, we have to provide for absences, sickness, and so on.

Mr. LENROOT. Of course.

Mr. WARREN. But it would be natural in almost every case to take two from the committee which would have juris-

diction of any particular bill and add one from the main Appropriations Committee.

This provides that there must be one conferee at least from the other committee, and does away with the danger which some may feel might exist in case the Committee on Appropriations became arbitrary. I think it has not been accused of being arbitrary heretofore.

Mr. MYERS. I ask the chairman if the pending amendment is offered as an amendment to the committee amendment, found on pages 2 and 3 of the printed resolution.

Mr. WARREN. It is.

Mr. MYERS. I thank the Senator for the information. I am opposed to the committee amendment. If that amendment should be rejected, I think I would favor the resolution. I believe in the consolidation of power in the matter of appropriating money. I believe it would tend to make for economy, but I do not believe much in this proposed disjointed arrangement, a sort of a hocus-pocus affair, of making a Senator a member of the Appropriations Committee to-day and not to-morrow; making him a member for one purpose and not for other purposes; just making of him a sort of a temporary adjunct or convenience, as it were. I believe that if a Senator is a member of the Appropriations Committee at all he should be a member all the time, and should participate in the consideration of all the bills which come before that committee. I believe it is essential for him to have a comprehensive and continuous knowledge of the affairs of the committee in all of its relations in order to coordinate them and produce economies.

If this resolution is to be adopted, I believe it would be better to make the chairman of each one of the committees mentioned on pages 2 and 3 of the Senate resolution permanent members of the Committee on Appropriations, or take three Senators, if you please, from each of these other committees and make them permanent members of the Appropriations Committee. It would be well to make it a committee of 25 or 30 members, as is the case in the House.

I think the proposed arrangement of making a Senator a member of a committee to-day and not to-morrow, and a member for some purposes and not for other purposes, is unknown and without precedent in parliamentary matters. I never heard of it before, and I can not say that I am favorably impressed with the proposed arrangement; but if the Committee on Appropriations were enlarged permanently, so as to give representation to all other committees which have heretofore had the power of considering divers bills for appropriations, and if the power of passing upon all appropriation bills were then centered in the Appropriations Committee, I believe it would work for economy and would be a great improvement upon the present methods.

Mr. LENROOT. Mr. President, I would like to ask the Senator whether he thinks it would be possible for a chairman of a major committee to devote the time, as a general member of the Appropriations Committee, to all appropriations coming before it? The chairman of a major committee has his hands full as it is.

Mr. MYERS. Some Senators say the other major committees would not have much to do if the Appropriations Committee had to handle all the appropriation bills.

Mr. OVERMAN. They would have more to do.

Mr. LENROOT. They would have more to do in many cases than they have now.

Mr. MYERS. While the chairman of a major committee other than the Committee on Appropriations might not be able to give strict attention at all times to all things before the Appropriations Committee, he could give a running and more or less continuous attention in a general way. I think he could give a great deal of attention to the business of the Appropriations Committee.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. MYERS. I yield with pleasure.

Mr. NORRIS. I would like to suggest that the difficulty suggested by the Senator from Wisconsin can be obviated by not making the chairmen of the major committees members of the Committee on Appropriations. Let them devote their time to the other committees and stay off the Committee on Appropriations.

Mr. MYERS. If this rule is adopted, the Committee on Appropriations might be enlarged.

Mr. NORRIS. If it is necessary; if it is too small to do its work properly and function properly, it ought to be enlarged, of course. I am not saying anything about that.

Mr. MYERS. I do not think it is too small. I think it might well be, though, in that event, enlarged.

Mr. NORRIS. I agree with the Senator that it is the height of folly to put pretty nearly half the Senate on the Committee on Appropriations to-day and off to-morrow. A Senator would be a member of the Appropriations Committee when this thing comes up and not a member when something else is up.

Mr. MYERS. It would be a sort of a hocus-pocus arrangement.

Mr. NORRIS. Yes; a regular hocus-pocus affair.

Mr. MYERS. It does not commend itself to me.

Mr. NORRIS. If the Senator had been here yesterday when the distinguished Senator from Minnesota [Mr. NELSON] spoke, he would have heard him state why that amendment was brought in by the Committee on Rules.

Mr. MYERS. I am sorry I was not here. I am always pleased to hear the distinguished Senator from Minnesota, for whom I have high regard.

Mr. NORRIS. It was as I had suspected, and I asked the Senator from Kansas [Mr. CURTIS] the day before about it, but he did not look at it that way; but the Senator from Minnesota said that provision was put on in order to ease up on Senators who were chairmen of the other committees, get their support of the rule, and make it easy for them for awhile. They thought later on they would take them off the committee.

Mr. ASHURST. It was logrolling.

Mr. NORRIS. Yes.

Mr. MYERS. I assume that is a procedure not wholly unknown in legislative procedure.

If there were in this matter any such consideration, I dare say it is not the first time since I have been here. However, I know nothing of that. I am sure that whatever motive may have prompted the offering of the committee amendment was a legitimate motive. That would be my judgment, anyway. However, I am not favorably impressed with the committee amendment. I much prefer the original resolution. Then, if adopted in that form, the Appropriations Committee could be enlarged. That seems to me to be the better method.

Mr. SMITH. Mr. President, in view of the action of the House in attempting to carry out the planks in both the Republican and the Democratic platforms and to provide for a budget system, it seems to me that they in good faith have worked out that system as best they could. It is already established in the House.

In order that we may meet a condition which has grown out of their action, I believe the Committee on Rules in the Senate have honestly worked out the best coordination possible under the circumstances. Our Appropriations Committee, by virute of the action of the House, have to meet an enlarged field. To most of the Members a great deal of this work is new. By an amendment the committee has provided that the standing committees, acting as appropriating committees, which have heretofore had jurisdiction of particular subjects, shall during the consideration of a particular measure which heretofore they have been charged with be represented on the Committee on Appropriations, to assist in taking care of that particular matter.

It may not be necessary that this should be a permanent arrangement. After the system has been started and we have worked it out it may be possible that we will have a committee charged with that duty which will not need the cooperation or the advice and assistance of those who have heretofore been on these other committees; but it seems to me that in the present condition it is imperative. It is more of an experiment than otherwise. The plan which has been worked out by the Committee on Rules is one which should appeal to the common sense of Senators in this body.

As to the matter of conferences, that is a mere matter of detail. I take it for granted that if the Committee on Appropriations, with the ex-officio members from the different committees having the different divisions of appropriations in hand, think it is a wise thing to do for the public good they will appoint such members of those several committees to appear on conferences to carry out what has been agreed by the Appropriations Committee, in conjunction with the members from the committees having the specific bills in hand, and that the conferees, whether they are appointed from the ex-officio members or from the members of the Appropriations Committee, will carry out the will and intent of the Senate as expressed in whatever amendments or provisions they have put in the bills.

I think that if Senators will make a careful study of this subject they will see that the object of the amendment is not to get more power, and I think it would appeal to Senators who know that this is a new matter, and will have to be worked out with the least friction possible.

I think I shall vote for the resolution as amended by the Committee on Rules and as it is pending before us now, in view

of the necessity for some such action because of the action of the House.

Mr. NORRIS. Mr. President, I feel deeply about this resolution. I think it is a serious matter. Ordinarily, I do not care so much about having many Senators here when I am talking, but I wish I could have the Members of the Senate here now. I may be entirely wrong, of course, as I know I frequently am, but I feel that the Senate is about to make what I believe will be a serious mistake. I am afraid that the amendment of the committee is going to be adopted as it is written, and yet I am very much in favor of referring all these appropriation bills to one committee. To some extent the present system of appropriating is yet experimental. We have the Budget system, however. We all voted for it. It may be that we are going to be disappointed in it, but I hope not. At least, we ought to give it a fair trial. To do that, to carry out its intent, we ought to place all the appropriation bills in the charge of one committee.

Objection is made to giving the committee so much power, but if Senators will read the amendment of the Committee on Rules they will be convinced, I am satisfied, that the resolution takes away the only danger there is in the proposed rule giving the committee more power. The amendment provides that whenever the Appropriations Committee reports an appropriatiton bill to the Senate and puts in an item of legislation, upon any Sentor making a point of order, the whole bill must be sent back to the committee.

That is a pretty severe penalty. We will not find the Committee on Appropriations bringing in any legislation on appropriation bills with that kind of a provision in the rule. That is where the danger has been in the past. That is where jokers have very frequently crept into laws. That is where the Senate and the House have been at fault in bringing about legislation. The poorest way on earth, all students of the question concede, is to legislate on appropriation bills. The theory of the rule of rejecting legislation on appropriation bills is in order to separate the two things, legislation and appropriations. This rule will do it, and I am not at all afraid with that amendment in it that there is going to be any danger about the Committee on Appropriations having too much power.

But the Committee on Rules has gone further and added another amendment, which provides that whenever they have an appropriation bill before the Committee on Appropriations which heretofore went to one of the other standing committees of the Senate, thereupon three members of the other committee shall for the time being automatically become members of the Committee on Appropriations. The Senator from Minnesota [Mr. NELSON] very frankly told us yesterday in substance, as I understood it, that the Committee on Rules put that in to ease up other Senators who would be fearful that they were losing some of their power.

It is provided, for instance, that the chairman and two other members of the Committee on Agriculture and Forestry shall be placed on the Appropriations Committee whenever the Agricultural appropriation bill was up for consideration, and the suggestion is that by putting that provision in the rule they expect to get the support of the chairman and other members of the Committee on Agriculture and Forestry. The same thing applies to all the other standing committees which heretofore have had appropriation bills referred to them.

That may be wisdom or not, as far as getting votes is concerned. To my mind it is not the right way to legislate, and I hope that no member of any other committee, be he chairman or an ordinary member of the committee, will have his vote influenced by the idea that if the provision is put in some additional power will still be lodged in him. I do not think it ought to be lodged in any of those committees in the matter of appropriations. If the Committee on Appropriations is too small when that is done, we can make it larger. My own idea is it will not have to be enlarged because we have taken away from the Appropriations Committee the power to legislate on appropriation bills, and that means that their labors are going to be lessened a great deal.

If a Senator is a member of the Committee on Appropriations for one purpose, as the Senator from Montana [Mr. MYERS] has so well said, it seems to me he ought to be there for all purposes. The justice of that ought to appeal to every Senator. If the chairman of the Committee on Foreign Relations goes on the Appropriation Committee for one purpose he ought to be there permanently. If they put the chairman of the Committee on Agriculture and Forestry on the Committee on Appropriations when appropriating for the Agricultural Department, why for the same reason should we not put the chairman of the Judiciary Committee on the Committee on Appropriations when we are appropriating for the Department of Justice? Why not put the chairman and two other members of the Committee on Indian Affairs on the Committee on Appropriations when they are passing on the Indian appropriation bill?

If we do put all those members on and treat them all the same, what will we have? I have made a computation roughly, and I find that if we do that and keep them on we would have an Appropriations Committee consisting of 49 members, and that is a quorum of the Senate. Everybody know that is too large a committee. I think all of our committees are too big now for real practical legislation. Why put any of them on? Why not let the Appropriations Committee go on as it is? If this is a vote-getting proposition to get Senators' votes, why then stop at the committees? Why not take other organizations? Why not say that the Democratic caucus organization shall have so many members on the Committee on Appropriations, and the Republican organization shall have its chairman and so many other members on? Some one suggests why not the farm bloc? Why not, when they are appropriating for anything in which the farmers are interested, provide that the chairman and two other members of the farm bloc should be on the Appropriations Committee?

That reminds me that the farm bloc, I understand, has just recently met and elected a new chairman. They have a new leader, the old leader having been elevated out of the Senate. They now have a new leader—the Senator from Kansas [Mr. CAPPER]—and that, by the way, was the first notice that I had had that the Senator from Kansas was a candidate for appointive office under the presidential prerogative.

Coming back again, why not leave the Appropriations Committee just as it is and turn all the appropriation bills over to it? It is said that they are not posted on some of the bills that have been before other committees as well as some of the other committees are. I presume for a time that would be true. It is natural to suppose that the Committee on Appropriations, for instance, would not be as familiar with the Army appropriation bill as would the Committee on Military Affairs, but that is only temporary and will soon be cured. As a matter of fact, in practice they really are now. The chairman of the Committee on Appropriations, sitting here before me, has for years and years served as a member of the Committee on Military Affairs. For a great many years longer than I have served he was a member of the Committee on Agriculture and Forestry, and yet I am chairman of that committee now and he is not even a member of it. He probably knows more about the appropriations of the Committee on Agriculture and Forestry than I do. I want to ask him now if he is still a member of the Committee on Military Affairs?

Mr. WARREN. I am.

Mr. NORRIS. The chairman of the Committee on Appropriations, now a member of the Committee on Military Affairs, has been a member of that committee longer than the present chairman of the Committee on Military Affairs has been a Member of the Senate, so that is mostly a fiction when we come to those propositions.

Go on down the list of the Committee on Appropriations and see what the situation is. It will be found almost invariably that some member, perhaps two or three members, are members now or have been members of all of the other committees which handle appropriation bills in the Senate. Even if that were not true, it will only be a session or two until that condition would be remedied. The chairman of the Committee on Military Affairs or the Committee on Agriculture and Forestry, or the Committee on Naval Affairs, or the Committee on Commerce, has no business to be on the Committee on Appropriations. They ought to be excluded by the rules of the Senate from membership on any of the other large major standing committees. If they do their duty to the committees of which they are chairmen, they will not have any time to serve on any other committees.

I would like to ask the chairman of the Committee on Appropriations now, how many meetings of the Committee on Military Affairs he has attended during this session?

Mr. WARREN. I have to admit that I have been often absent. I have to be absent, of course.

Mr. NORRIS. I understand that, and I was going to say that. It is not disrespect to the chairman of the Committee on Appropriations to say that he has been absent from meetings of the Committee on Military Affairs. It is a physical impossibility for him to attend the meetings of the Committee on Military Affairs and still do his duty as chairman of the Committee on Appropriations. It can not be done, so I am not speaking of it in censure. The same criticism would apply to me if the rule were adopted. It applies to every chairman of a major committee. They can not do duty in two places at once. They can not perform their full duty as members of the Committee on Appropriations, because their time is taken up with

the details of all the other bills that are pending before their own committees.

Mr. SMITH. Mr. President, if the chairman of the Committee on Agriculture and Forestry will allow me, his argument seems to suppose that under this amendment he would necessarily be required to attend all the meetings of the Committee on Appropriations——

Mr. NORRIS. Oh, no.

Mr. SMITH. When, as a matter of fact, he would only be required to attend when the matter with which he is familiar in the ordinary discharge of his committee work would be before the Committee on Appropriations.

Mr. NORRIS. Yes; if the Committee on Agriculture and Forestry, while he is attending the Appropriations Committee, must cease its labor, then the Senator's argument is good, but that will not happen, at least not without a great deal of criticism. For instance, the Committee on Military Affairs——

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. NORRIS. Just let me finish this illustration and then I will gladly yield to the Senator. I would rather take some other committee than the Committee on Agriculture and Forestry, so I will take the Military Affairs Committee for illustration. The Senator from New York [Mr. WADSWORTH] is the very efficient chairman of that committee. Suppose that the Army appropriation bill were before the Committee on Appropriations and this rule had been adopted, he would be in attendance upon the meetings of the Committee on Appropriations and in attendance all the way through the consideration of the Army appropriation bill. It might last two weeks, it might last longer, perhaps not so long, but all the while he was there he necessarily, while devoting his attention to that, could not take care of the business before the Committee on Military Affairs. He would have to turn that over to somebody else. Other members of the committee would not be equipped to pick it up just where he left off, and when he got back again he would not be fully equipped to pick it up just where somebody else left it. It seems to me, under the most efficient plan of legislation, that we ought to allow these men to remain where their duties call them and let them become experts in their own particular line.

I yield now to the Senator from Wisconsin.

Mr. LENROOT. I would like to ask the Senator if it is not a fact that under the present system the Committee on Agriculture and Forestry must occupy all the time necessary for framing the appropriation bill, and while the chairman and other members of that committee are occupying their time with the appropriation bill now there will be no greater time occupied by the Committee on Appropriations in the consideration of the same bill.

Mr. NORRIS. That is true.

Mr. LENROOT. So that the Committee on Agriculture and Forestry will have the same amount of time for the consideration of other business that they now have.

Mr. NORRIS. I thought I answered that in reply to the suggestion of the Senator from South Carolina. The chairman and two other members of the committee would be there, and if we said to the balance of the Committee on Agriculture and Forestry, "While they are over yonder considering the appropriation bill, you must remain silent and do nothing," then the argument of the Senator from Wisconsin and of the Senator from South Carolina would be good.

Mr. OVERMAN. Mr. President, when does the Senator's committee meet?

Mr. NORRIS. It meets every day.

Mr. OVERMAN. Every day?

Mr. NORRIS. Practically so.

Mr. OVERMAN. The Committee on Agriculture and Forestry?

Mr. NORRIS. Almost every day.

Mr. SMITH. That, if the Senator will allow me, is only when there are certain matters before the committee on which we are having hearings, but to consider the ordinary routine business that comes before our committee in the ordinary course of events we would not meet more than once or twice a week, if so often as that.

Mr. NORRIS. I probably ought to modify the answer I made to the Senator from North Carolina. We do not meet every day ordinarily. For instance, we have met every day this week except Monday, and I presume we will meet every day next week.

Mr. OVERMAN. I presume that is true sometimes when investigations are being held.

Mr. NORRIS. We are having hearings all the time.

Mr. OVERMAN. But the committee does have a regular day for meeting, I presume.

Mr. NORRIS. If that is what the Senator wants to know, it is on Tuesday.

Mr. OVERMAN. The Committee on Appropriations would have to regulate its meetings to suit the Committee on Agriculture and meet on some day when the Committee on Agriculture did not meet. That is the point I wanted to make.

Mr. NORRIS. But the members would not be able to perform their duties on the Committee on Appropriations in one day. Suppose the Committee on Appropriations met on Wednesday, they would not get through on Wednesday. None of the appropriation bills are going to be finished in one day.

What I am calling to the attention of the Senate, and especially to the attention of the Senator from Wisconsin, is that while these three members from the Agricultural Committee are working with the Appropriations Committee the other members of the Agricultural Committee are practically shut off from doing anything, and when that condition existed for a week or two it might present a serious proposition.

Mr. LENROOT. Will not the Senator from Nebraska admit that his committee would then have just as much time for legislative business as it now has——

Mr. NORRIS. No; I will not admit that.

Mr. LENROOT. Because the committee now would require at least an equal amount of time in the consideration of the Agricultural appropriation bill, and they could not be considering legislative business while they were considering the appropriation bill, with all of the hearings which would be necessary. So if the chairman of the Committee on Agriculture and two other members shall attend the sessions of the Committee on Appropriations for the purpose of considering the Agricultural appropriation bill the Agricultural Committee will have just as much time for the consideration of legislative matters as it now has.

Mr. NORRIS. I will admit that it would if the committee went on and did business without its chairman and the other two members, but what is the committee going to do while the chairman and the other two members are sitting with the Appropriations Committee?

Mr. LENROOT. What do they now do when the Agriculture Committee is considering the appropriation bill?

Mr. NORRIS. Then the members of the Committee on Agriculture and Forestry are all present in the committee, and if they are not considering the Agricultural appropriation bill they may be considering some other bill; there is no doubt about that.

Mr. LENROOT. In reference to the point which the Senator makes, that the chairman and two members of the Committee on Agriculture sitting with the Committee on Appropriations will not enlarge the time of the Agriculture Committee for the consideration of legislative business, does he not admit that the Committee on Agriculture will have just as much time as they now have?

Mr. NORRIS. No; I do not admit anything of the kind——

Mr. LENROOT. The Senator has to admit it.

Mr. NORRIS. Because while the chairman and the two other members of the Committee on Agriculture and Forestry are sitting with the Appropriations Committee, the Agriculture Committee are tied up or they must proceed to do business without the chairman and the other two members.

Mr. LENROOT. But are they not tied up now, so far as consideration of legislative business is concerned, when the committee is considering the Agricultural appropriation bill?

Mr. NORRIS. But under the proposed rule the committee would not consider appropriation bills; their time would not be taken up entirely with legislative matters, and they would not have time then to consider everything that comes before them.

Mr. LENROOT. They would have just as much time should this rule be adopted as they now have, would they not?

Mr. NORRIS. No

Mr. LENROOT. Does not the Senator see that when his committee is considering an appropriation bill the time is occupied with that matter, and if they are relieved from the consideration of the appropriation bill it does not deprive them of any time for other matters?

Mr. NORRIS. Now, let us see what would happen. Suppose this proposed rule be adopted and that to-morrow the Agricultural appropriation bill comes to us from the other House and is referred to the Committee on Appropriations. Three members, including the chairman of the Committee on Agriculture and Forestry, at once go over to the Appropriations Committee. Suppose they take a week in the consideration of the Agricultural appropriation bill, what will the Agriculture Committee be doing during that week?

Mr. LENROOT. What would they be doing under the present practice?

Mr. NORRIS. They would be considering legislation of some kind.

Mr. LENROOT. No; under those circumstances they would be considering the appropriation bill.

Mr. NORRIS. All right. Suppose they were now considering an appropriation bill; when they do not have an appropriation bill to consider they consider other legislation which may be before them. They are working all the time.

Mr. LENROOT. Certainly; so that anything the committee may do in the way of hearings in the absence of the chairman and the two other members of the committee is just that much additional time given to the Agricultural Committee if this rule be adopted.

Mr. NORRIS. No; it is not.

Mr. LENROOT. Of course it is.

Mr. NORRIS. The facts are, Mr. President, that the practical working of this proposed rule will be that the various committees will not do anything while the chairmen and two other members of the committees are sitting with the Appropriations Committee. That will bring a great deal of criticism not only from the members of the committee but from others who are interested in pending legislation. They will say, "Why are you not going ahead with this bill or with that bill or some other bill which is of vast importance? Why do you not go on with that legislation?" Our reply must be, "Three of our members have been called away over into the Committee on Appropriations."

Then, Mr. President, that is not all. Bear in mind that under the present existing circumstances all the committees when they are considering the so-called appropriation bills are, as a matter of fact, very often devoting all their time to the consideration of legislation which is carried on those bills. Those matters will still be left with the various committees, and the Appropriations Committee will have no jurisdiction of anything of that kind, but will have jurisdiction only of the formal matter of making appropriations.

LEGISLATIVE APPROPRIATIONS—CONFERENCE REPORT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate Nos. 5 and 6 to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, and receding from its disagreement to the amendment of the Senate No. 28, with an amendment after the word "Capitol" to insert a comma and the words "to cost not exceeding $250."

Mr. WARREN. I move that the Senate concur in the amendment of the House to the amendment of the Senate. That is the only amendment now in disagreement.

Mr. HARRISON. Mr. President, before that is done, I suggest the absence of a quorum.

Mr. NORRIS. I hope the Senators will allow me to finish and that both requests will be withdrawn.

Mr. WARREN. There has been a suggestion made by the Senator from Mississippi following my motion, so that I am unable to comply with the request of the Senator from Nebraska.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Heflin	Moses	Sheppard
Ball	Johnson	Myers	Smith
Borah	Jones, N. Mex.	Nelson	Spencer
Brandegee	Jones, Wash.	New	Stanfield
Bursum	Kellogg	Newberry	Sterling
Capper	Kendrick	Norris	Sutherland
Caraway	Keyes	Oddie	Swanson
Culberson	King	Overman	Townsend
Cummins	Ladd	Page	Wadsworth
Ernst	Lenroot	Pepper	Walsh, Mass.
Gerry	Lodge	Phipps	Warren
Hale	McCormick	Poindexter	Watson, Ga.
Harris	McKellar	Rawson	Weller
Harrison	McKinley	Robinson	Willis

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present.

Mr. POINDEXTER. Mr. President——

Mr. WARREN. There is a motion pending.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming that the Senate concur in the amendment of the House of Representatives to the Senate amendment numbered 28 to House bill 10267, the legislative appropriation bill.

Mr. HARRISON. Mr. President, will the Senator explain the item?

Mr. WARREN. It is a simple matter. The amendment of the Senate provides that the Architect of the Capitol may, on requisition, have printing and binding done at the Government Printing Office. The amendment of the House to the Senate amendment in which I have moved to concur is to fix a limit of $250 on such printing and binding. That is all.

Mr. KING. Mr. President, may I ask if that concludes matters in disagreement between the two Houses?

Mr. WARREN. It does as to this particular bill.

Mr. KING. Was that the only item in disagreement between the House and the Senate?

Mr. WARREN. No; there were two other amendments in disagreement, from which disagreement the House has receded, and on the third amendment they have receded with the amendment in which I have moved to concur.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is passed.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, to amend the Standing Rules of the Senate, so that all general appropriation bills shall be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. HARRISON. Mr. President, there are several divisions of the amendment, as I understand. Was the request made that they all be incorporated in one amendment?

The PRESIDENT pro tempore. That request was made.

Mr. LODGE. The question can be put on each subdivision of the amendment if the Senator desires a slower movement.

Mr. HARRISON. I did not know the Senate had taken action. I suggest that I have an amendment which I think goes to the very root of this proposition, and, if it shall be adopted, there will be no necessity for the amendment suggested by the Senator from Massachusetts.

Mr. LODGE. Is the Senator's amendment a substitute?

Mr. HARRISON. No; I have offered it in the form of an amendment and not as a substitute touching the appointment of conferees. The amendment of the Senator from Massachusetts provides for the appointment as a conferee of one member of the Committee on Agriculture, for instance——

Mr. LODGE. At least one.

Mr. HARRISON. When the conferees are considering agricultural appropriations. The amendment which I have offered provides for at least two. The difference between the suggestion carried in the proposed rule as reported out by the Rules Committee and the amendment which I have offered is briefly this—and it is such a division of the proposition that it seems to me it ought to be voted on first——

Mr. McCORMICK. Is the text of the amendment at the desk?

Mr. HARRISON. Yes.

Mr. OVERMAN. Does the Senator's amendment apply only to the question of conferees?

Mr. HARRISON. No; but I was going to explain the other difference. There are just two differences between my amendment and that proposed by the Committee on Rules. One is about the conferees. The original resolution that was suggested by the Committee on Rules as presented by the Senator from Kansas provides for no conferees coming out of these respective committees, three of the members of which act as ex officio members. All of the conferees may come out of the Appropriations Committee. That change is sought by the amendment of the Senator from Massachusetts. I propose in my amendment that all bills shall go to the Appropriations Committee of the Senate; that if it is a matter affecting agriculture, a subcommittee of the Committee on Appropriations, consisting of three members of that committee, shall sit with the whole Committee on Agriculture and Forestry, and then the bill shall be reported back, and that when it goes into conference at least two members of the Committee on Agriculture and Forestry shall go on the conference committee.

Those are the only differences between the propositions. The proposed resolution as reported out of the committee gives to the Appropriations Committee full power, acting with three members from the Committee on Agriculture and Forestry, if it is a matter of agriculture, and providing for no member of the Agricultural Committee to go on the conference committee.

Mr. President, I ask unanimous consent that the amendment that I have suggested be voted on first. If that is voted down, then we can take up these other amendments.

Mr. WARREN. Mr. President, the amendment of the Senator is entirely impracticable, and in fact impossible, as I shall explain.

Mr. HARRISON. I am asking now for unanimous consent to have my amendment voted on first, and then we can discuss it.

Mr. LODGE. Mr. President, my amendment is the pending amendment, and I should like a vote on it.

The PRESIDENT pro tempore. The Senator from Massachusetts objects.

Mr. HARRISON. Then, I object to dividing the proposition and ask for a separate vote on each one of the propositions.

Mr. LODGE. There is no harm in that. It only takes a little more time.

Mr. HARRISON. We have plenty of time.

Mr. LODGE. Yes; the Senator has.

The PRESIDENT pro tempore. The Senate will bear in mind that it has agreed to consider the amendments proposed by the Senator from Massachusetts as a single amendment.

Mr. HARRISON. Mr. President, I was watching for that, because it was a proper question that I was going to raise; and while I do not want to take issue with the Presiding Officer, I submit that while the Presiding Officer was putting the question some one was on the floor speaking.

The PRESIDENT pro tempore. The present occupant of the chair asked if there was any objection to considering the amendments proposed by the Senator from Massachusetts as a single amendment. There was no objection to that request, and that is the order of the Senate.

Mr. LODGE. It was agreed.

Mr. HARRISON. Very well.

The PRESIDENT pro tempore. The question is upon agreeing to the amendments offered by the Senator from Massachusetts to the amendment of the Committee on Rules.

Mr. POINDEXTER. Mr. President, the effect of this amendment, of course, will be practically to put the entire matter of the appropriations, in each branch of the appropriations, in the control of the Committee on Appropriations.

Mr. LODGE. Mr. President——

Mr. POINDEXTER. I yield to the Senator.

Mr. LODGE. If the Senator will allow me, then either the Senator has grossly misunderstood the effect of this or I have. The effect of this was to make it absolutely certain that the legislative committee would be represented on every conference.

Mr. POINDEXTER. By one member.

Mr. LODGE. By at least one member.

Mr. POINDEXTER. I understand that the rule as reported by the Appropriations Committee would provide for the representation of the committees now having charge of these several appropriations by three members.

Mr. LODGE. That is, on the committee when the bill is being made up. My amendment applies solely to the conference and was intended to secure beyond any doubt the representation of the legislative committee on the conference committee. That is all that my amendment does.

Mr. POINDEXTER. Then I withdraw the statement. I thought it related to the representation on the committee.

Mr. LODGE. No; only to the conference.

Mr. POINDEXTER. My purpose in addressing the Chair was to verify a statement which I made yesterday in regard to the practices of the Appropriations Committee under the existing system. I called attention then to substantiate a proposition that I made, to an instance where the Naval Academy had been put almost in a state of demoralization by what Congress afterwards determined to be ill-advised legislation, without notice and evidently without consideration by the Committee on Appropriations, not only appropriating money for naval affairs but legislating, changing existing law by providing that midshipmen at the Naval Academy could not be dismissed when they had failed in their examinations. Several Senators, especially the distinguished chairman of the Appropriations Committee, very positively asserted that I was mistaken about that and that that had not been done by the general Appropriations Committee, but that that law had been reported by the Naval Affairs Committee.

Mr. WARREN. Mr. President, let me say to the Senator that if he will give me the title of the bill I shall be able to straighten out what I think is in his mind.

Mr. POINDEXTER. The Senator need not bother himself about straightening it out. I am going to straighten it out right now. I call the Senator's attention to part 1 of volume 41 of the Statutes at Large, on page 1028, being a section of an act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, approved June 5, 1920, which contains this provision——

Mr. WARREN. Mr. President——

Mr. POINDEXTER. Just one second, and then I will yield:

> That until otherwise provided by law no midshipman found deficient at the close of the last and succeeding academic terms shall be involuntarily discontinued at the Naval Academy or in the service unless he shall fail upon reexamination in the subjects in which found deficient at an examination to be held at the beginning of the next and succeeding academic terms—

Nobody could find out what that meant—

> and the Secretary of the Navy shall provide for the special instruction of such midshipmen in the subjects in which found deficient during the period between academic terms.

My recollection was that that was in a bill reported from the general Appropriations Committee. I find my recollection verified by finding it printed in the Statutes at Large in a bill that was reported by that committee.

Mr. WARREN. I understand perfectly.

Mr. POINDEXTER. Of course, it might have been printed there by mistake.

Mr. WARREN. No, Mr. President; the Senator is right in what he is presenting now, and I was right in what I said.

In the first place, the Appropriations Committee never has made an appropriation of that kind in its regular annual appropriation bill; but when it comes to deficiencies that occur when there are no regular bills, it is the naval people who ask, through the Navy Department, that the general Appropriations Committee may take it up and provide in a deficiency item for some immediate want. It does not need any further rule or any rule to change that, because it stands there, and is the only thing that does stand undisturbed—that the deficiency bills shall be handled by the full Committee on Appropriations, the general Committee on Appropriations—and it has been that committee's duty heretofore to respond to these calls from the Secretary of the Treasury to make up deficiencies. That went in as a war measure as to Annapolis, just as it did as to West Point. The only misunderstanding between the Senator and me is that I alluded, of course, to the annual bills, the regular bills of the regular committee.

Mr. POINDEXTER. No; the Senator is mistaken. He did not make that allusion, if I may be permitted to say so.

Mr. WARREN. Whatever allusion I made, the Senator just read the title of the bill, and it is a bill appropriating money to supply deficiencies.

Mr. POINDEXTER. Yes.

Mr. WARREN. Who has charge of the deficiency bills?

Mr. POINDEXTER. The Committee on Appropriations.

Mr. WARREN. What other committee has anything to do with that except to ask, through that committee, for what it wants?

Mr. POINDEXTER. No other committee has anything to do with them.

Mr. WARREN. No.

Mr. POINDEXTER. But the Senator says now that he did not assert that the measure to which I refer was acted upon by the general Appropriations Committee. I hold in my hand the CONGRESSIONAL RECORD, in which the Senator from Wyoming [Mr. WARREN] is reported as saying:

> No; the Senator is mistaken about that. The same thing was done at West Point which the Navy attempted to do at Annapolis, in order to get more men into the field; but as to the academy at Annapolis, it was a Navy move entirely. I think very likely it was in a naval appropriation bill. It must have been in the regular naval appropriation bill.

The Senator is entirely mistaken about that. It was not in the naval appropriation bill.

Mr. WARREN. I want to make any restitution that will make the Senator feel satisfied, and I am ready to do so.

Mr. POINDEXTER. That is very gratifying.

Mr. WARREN. What I stated there was what ought to be, and what would have been, and what is, as a matter of fact, what the Navy asked for, and what the Appropriations Committee did at its request.

Mr. OVERMAN. Mr. President, I should like to ask the Senator from Washington if that is not a good argument for this amendment? If it had been in effect, the Senator probably would have been on the conference committee that handled the deficiency bill and could have corrected any mistake.

Mr. WARREN. Certainly.

Mr. OVERMAN. Whereas the committee was composed of Senators who knew nothing about naval matters, and this item was sent down to our committee by the department, and we were bound to accept it from the department; but if the Senator's committee had been represented on the Appropriations Committee we could have corrected any mistake.

Mr. POINDEXTER. It might have been. I was citing it rather as an instance of abuses arising under the existing system.

Mr. OVERMAN. I understand; but does not the Senator think that is a good argument for this new rule?

Mr. POINDEXTER. It might be used as a good argument for this new rule, or it might be used as an argument for depriving the general Appropriations Committee of jurisdiction over any naval appropriations, and consolidating all those appropriations in the Naval Affairs Committee. The same rule would apply to the Committee on Military Affairs or the Committee on Agriculture and Forestry. In order to avoid the diversity of committees acting upon military appropriations or naval appropriations or agricultural appropriations, it is not necessary to send them to the general Appropriations Committee. It can be accomplished by consolidating them in these several committees under the different heads. So far as the machinery is concerned, and so far as meeting the condition existing in the House of Representatives is concerned, that would be practically the same as dividing up the general Appropriations Committee into subcommittees and having those subcommittees take charge of the several appropriation bills affecting the different branches of the Government. I do not see where any change in principle would be accomplished by that from having other committees specializing in those branches and having charge of all the appropriations on those subjects.

Mr. LENROOT. Mr. President, with reference to the pending amendment, proposed by the Senator from Massachusetts, I am afraid its only effect might be in part to defeat the purpose that is intended to be accomplished by it. I can not conceive of any chairman of the Committee on Appropriations who would not appoint at least one of the ex officio members on a conference on a bill over which those ex officio members had jurisdiction. Not only would the chairman naturally appoint one, but he would naturally appoint two. He would appoint the majority chairman and the ranking minority member of the legislative committee; but I am afraid that if, by this language, we say that at least one shall be appointed, some Committee on Appropriations will make it the rule to appoint one instead of two, when, as I said a moment ago, if the rule is entirely silent upon the subject no chairman of the Appropriations Committee would ever think of appointing a conference committee without having at least one of the ex officio members upon it.

Mr. LODGE. I am afraid I do not quite see the force of the argument that we are less likely to get representation when the rule provides we shall have it than if it does not so provide.

Mr. LENROOT. We shall have representation, but we are more likely to have only one member on the conference committee, when, if the rule is silent, I think the custom will be to have two.

Mr. LODGE. I am perfectly willing to change it to two; but I do not think it is necessary.

Mr. WARREN. That would be impossible under certain circumstances. The amendment of the Senator from Massachusetts is all right, but if it were made two——

Mr. LODGE. I do not want it changed to two. I think it is perfectly needless.

Mr. WARREN. I understand, but there is a suggestion that it be made two under the rule. When it comes to the consideration in the Committee on Military Affairs of the river and harbor appropriation, we shall have three men from that committee and three men from the Committee on Commerce, and then we shall have the general committee itself. We could not very well appoint on the conference committee two men from each of those committees without coming pretty near making the whole committee from those members.

Mr. LODGE. My whole purpose is to make it absolutely sure that ex officio members, that is, the members of the legislative committees, shall be represented on every conference. If we have it provided by law that there shall be one, we will be a great deal safer than if we have no provision in the law with regard to it whatever.

Mr. LENROOT. Mr. President, I want to ask the Senator from Massachusetts whether he thinks the chairman of any Committee on Appropriations would decline to appoint at least one of the conferees from the three men having special knowledge of the subject?

Mr. LODGE. I think if there were no rule that might very well be done.

Mr. LENROOT. I differ with the Senator from Massachusetts. It must be remembered that it is generally the rule that wherever a piece of legislation fixes a minimum, it becomes a maximum, and I think there will likely be less representation for the legislative committees upon the conferences than if the rule were silent upon the subject. That is my only reason for being against it.

Mr. BALL. I would like to ask the Senator from Wisconsin if the chairman could appoint any ex officio member on a conference committee unless it was provided for in a resolution changing our rules?

Mr. LENROOT. Oh, yes; under this language.

Mr. BALL. Unless there is something adopted making such a provision, it could not be done. Left as it is, without any amendment such as that offered by the Senator from Massachusetts, the chairman of the Committee on Appropriations could only appoint conferees from the Appropriations Committee.

Mr. LENROOT. The Senator is mistaken, because these members are members of the Committee on Appropriations——

Mr. BALL. Ex officio members only.

Mr. LENROOT. They are members of the Committee on Appropriations, so far as that particular bill is concerned, to as full an extent as members of the Committee on Appropriations. They are members for all purposes, so far as that bill is concerned.

Mr. President, on the merits of the committee amendment, I want to say, first, with reference to the suggestion of the Senator from Nebraska [Mr. NORRIS] in commenting upon the remarks of the Senator from Minnesota [Mr. NELSON] yesterday as to the purpose of this amendment being one to catch votes, I happen to know that this plan was suggested, not by any member of the Committee on Rules, not by the Senator from Minnesota [Mr. NELSON], but by the chairman of the Committee on Appropriations himself, Mr. WARREN. I have taken an interest in this subject for a long time, ever since the Budget system was proposed a great many years ago, and it so happened that I, in conversation with the chairman of the Committee on Appropriations many weeks ago, made the same suggestion as to this being a plan which would be practical, and the chairman stated that the very day before he had made a speech in the Senate advocating that plan, which I did not happen to know anything about. So there is not the slightest foundation for the assertion that this plan was originated, at least, for the purpose of catching votes of Senators in support of it.

Mr. OVERMAN. It occurs to me that a Democratic convention suggested this idea many years ago.

Mr. LENROOT. That is true. I am very glad to give a Democratic convention credit for some good things in its platform, and that is one of them.

Mr. NORRIS. Will the Senator permit me to say that I feel very much strengthened in my opposition to it now, since I know where it originated?

Mr. OVERMAN. That is to be expected of the Senator from Nebraska. He is always a partisan.

Mr. LENROOT. On the merits of this amendment we have two extremes, the Senator from Mississippi [Mr. HARRISON], who contends that the appropriation bills should go to the committees as they now exist, in repudiation of his own party platform, I may say, and the Senator from Nebraska [Mr. NORRIS] on the other extreme, who is in favor of centralization but desires that the present membership of the Committee on Appropriations shall have full jurisdiction of all appropriation bills, without the aid or assistance of any members of the committees now having jurisdiction of appropriations.

As to the position taken by the Senator from Mississippi, I can well understand how any Senator who has no regard for economy, who is not interested in Congress doing the business of the Government in a businesslike way, should take the position which the Senator from Mississippi takes, although I confess I would not have expected the Senator from Mississippi, who is so prominent in the councils of the Democratic Party, to advocate an express repudiation of one of his own party pledges, even though he had no regard for economy, even though he had no regard for the business of the Government being conducted in a businesslike way.

Mr. President, something of this kind must be done if the Budget system is to be of any substantial value.

Mr. McCORMICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LENROOT. I yield.

Mr. McCORMICK. Like the Senator from Wisconsin, I have held the view for a long time—long before this amendment to the rule was introduced—that some such reform must be carried through; but I ask the Senator from Wisconsin, who has studied this problem, in lieu of the provisions under the amendment as reported from the committee that the chairman and two other members of the several committees shall be ex officio members of the Appropriations Committee, does he not believe

that the chairman and four other members ought to be ex officio members?

Mr. LENROOT. I am very frank to say to the Senator that I do not.

Mr. McCORMICK. How many members should sit on a subcommittee?

Mr. LENROOT. I think five is the limit that ever ought to sit on a subcommittee on appropriations.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LENROOT. I yield.

Mr. McNARY. I am interested in the discussion by the Senator from Wisconsin. I would like to know, though, how greater economies are to be effected by turning all appropriations over to one committee and taking them away from the committees which have specialized for years in the administration of certain departments of the Government. For instance, take the case of the Committee on Agriculture and Forestry. The membership have studied the plans of the Department of Agriculture, are familiar with the various wants of the country, all are experts in the wants of their various communities, knowing the community wants and desires. How can one committee, which is already overburdened and is not familiar with this work, effect greater economies or do more for the agricultural development of this country than that committee, which has constantly had it under its jurisdiction and is familiar with the character of the work?

Mr. LENROOT. I do not think the Senator could have quite understood what I meant by the use of the term "economy." I think the Senator will admit that no business institution could exist for 12 months if it had a board of directors which had to do with the revenues of the corporation and then divided authority over expenditures between half dozen different committees, no committee knowing or caring about what the other committee on expenditures was doing. The corporation would go into bankruptcy, of course.

Mr. McNARY. Mr. President, that is not an analogous case at all. A private corporation, functioning in a certain line, is very different from a great Republic with a manifold diversification of activities. That is a puerile and childish illustration.

Mr. LENROOT. I am going to stop the Senator right there. Let us see whether that is a puerile kind of an illustration.

Mr. McNARY. Very well.

Mr. LENROOT. Some Senators may think that business principles should not enter into the conduct of the affairs of the Government of the United States. I do.

Mr. McNARY. Well——

Mr. LENROOT. Just a moment; I want to answer the Senator. I can not imagine any Senator who would occupy the position that in making expenditures of this Government they should not be made with some relation to the receipts of the Government. Does the Senator from Oregon take that position?

Mr. McNARY. Mr. President, again the proposition is inapplicable and the inquiry a foolish one. I do not admit that the Senator from Wisconsin is the only one who wants to practice economy, or is familiar with the business conditions of the Government. I asked the simple question, which he has not answered, how one committee, unfamiliar with the investigations conducted by other committees, can cope with the committee which has specialized on the particular subject?

Using the same illustration, how can the Appropriations Committee understand agricultural conditions, effect economies, and administer the department as well as the committee which has worked upon agricultural appropriation bills and agricultural legislation for years? How would economy be effected in that case?

Mr. LENROOT. In the first place, so far as the Appropriations Committee is concerned, this very amendment, adding these ex officio members, is solely for the purpose of aiding the Committee on Appropriations in that very matter. But again the Senator misses the point. We have to estimate the revenue in a given year from existing revenue laws, and under the present system we have no committee or combination of committees which, in the consideration of appropriation bills, and in the expenditures of the department over which it has jurisdiction, has anything to do or to say with regard to balancing expenditures with receipts.

Mr. McNARY. Mr. President, I concede there is want of an agency in our Government functioning in that field; but by centralizing all the power in one large committee, which is already overworked, we would not accomplish that which the Senator from Wisconsin would like to see accomplished.

Mr. LENROOT. Let us see whether we would or not. If we have a central body or authority, that committee would have to estimate the receipts of the Government, and that committee, if it performed its duty, would then see to it that the aggregate of appropriations was not in excess of the receipts.

Mr. McNARY. What would this committee have to do with the balancing of receipts and expenditures? It would simply expend the money raised from and by and through another source. The Finance Committee recommends the laws under which the money is raised.

Mr. LENROOT. Yes; that is true.

Mr. McNARY. The Committee on Appropriations provides for the expenditure of the money which has been collected through taxation.

Mr. LENROOT. Certainly.

Mr. McNARY. No more and no less, the same as we are doing to-day.

Mr. LENROOT. Exactly; and if the Committee on Appropriations performs its duty, it will see to it that appropriations are not made in excess of the estimated receipts, and now there is no consideration or thought of that whatever.

Let me give the Senator an illustration. I happen to be a member of the Committee on Military Affairs. That committee has taken into consideration the financial situation of the Government.

I do not hesitate to say that while that committee has refrained from making appropriations that seemed to it at times very necessary, it has declined to do it because of the condition of the Treasury, and yet when we come to the floor we find another bill which shows that other committees have not done likewise. That is a reform that will be accomplished through the amendment of the rule.

Mr. McNARY. Does not the Senator believe it was the purpose of the founders of the Government that every State and every community should be represented in Congress?

Mr. LENROOT. Certainly.

Mr. McNARY. Will taking away the representation on a large committee and placing it in the hands of a few be following out the dictates and purposes enunciated in our holy document, the Constitution?

Mr. LENROOT. Is every State represented now on the Committee on Appropriations? Is every State now represented on the Committee on Agriculture and Forestry, making appropriations for the agricultural interests? Is every State represented on the Committee on Military Affairs? Is there any more a denial of representation in the one case than in the other?

Mr. McNARY. Absolutely. The Committee on Agriculture and Forestry is composed of 17 Senators taken from the different geographical sections of the country having a difference in soil, climate, and productivity. It is proposed to take three members from that committee and put them on a committee which might not have a member from the far West, where conditions are entirely different from those in the State of Wisconsin, in the South, or in the Central West.

Mr. LENROOT. Again the Senator must understand, being a member of the Committee on Agriculture and Forestry, that that committee can introduce legislation that gives the Committee on Appropriations no discretion except to make an appropriation.

Mr. McNARY. Does not the Senator from Wisconsin know that that is a large function of the Committee on Agriculture and Forestry, upon which the agricultural interests are more or less dependent?

Mr. LENROOT. Again the Senator misses my point. His Committee on Agriculture and Forestry, if Congress will approve the action that it takes, may introduce legislation that will compel the Committee on Appropriations to make any appropriation that the Committee on Agriculture and Forestry may deem necessary and that Congress will approve.

Mr. McNARY. The Senator from Wisconsin is stating a situation that never could arise. A bill has to be formed and made up by the committee. It will then be brought back here, and it is a favorite system in the Senate to vote with the committee. Ninety per cent of the time the membership responds to the report of the committee, and if the Committee on Appropriations should bring in a bill that was not thought to be fair to the agricultural interests of the country, the rest of the Committee on Agriculture and Forestry not on the Appropriations Committee would be powerless to get the relief which they would have effected if it had been left to them and the other representatives upon the committee.

Mr. LENROOT. In response to the Senator from Oregon upon that point, let us see how agriculture would stand even under the Committee on Appropriations without the addition of the ex officio members. Does the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN]

come from an agricultural State? Does he represent an agricultural State?

Mr. McNARY. Oh, Mr. President, I do not propose to stand here and analyze the habits, behavior, and mental status of the various members of that committee. I can say in that case, though, that his part of the country, if the Senator would understand it, he being more familiar with his own part of the country, does not raise the same products that are raised in the State of Oregon west of the mountains, and he is just as unfamiliar with those conditions as I am with the conditions in his State.

Mr. LENROOT. Very well. The Senator from Wyoming [Mr. WARREN] is one. He does represent an agricultural interest, does he not, which is practically wholly agricultural? The Senator from Utah [Mr. SMOOT] is the next member. Does he represent an agricultural State or not? The next is the Senator from Washington [Mr. JONES]. Does he represent an agricultural State, and does he represent the agricultural interests of Oregon or not? The next is the Senator from Kansas [Mr. CURTIS]. Is Kansas an agricultural State or not? Mr. Kenyon has gone. The next is the Senator from Maine [Mr. HALE]. Is the Senator from Maine not interested in agriculture as a member of this committee? The next is the Senator from Missouri [Mr. SPENCER]. Is Missouri not an agricultural State? The next is the Senator from Colorado [Mr. PHIPPS].

Mr. McNARY. I think as to the Senator from Missouri, he represented at one time on the floor sunflower seed, which we do not raise in Oregon.

Mr. LENROOT. Does the Senator mean to say that raising sunflower seed is the extent of the agricultural interests of the State of Missouri?

Mr. McNARY. As I said to the Senator, I do not propose to criticize these eminent farmers whom he has mentioned, but I I do say that those who have been on the Committee on Agriculture and Forestry for years and have made a study of the agricultural and horticultural interests of the country and all those things associated with the production of agricultural products are in better shape to understand an agricultural bill than men not familiar with it at all and who now have more on their shoulders than they can carry.

As the Senator knows, during the three or four years I have been here I have spent many weeks in hearings. One becomes familiar with the questions that surround agriculture in every section of the country. He knows the needs of the farming communities. He is in touch with them. His sympathies are with them. He is in far better shape to administer that great industry than the few men who have to do with the Army appropriation bill, the naval appropriation bill, the river and harbor bill, and similar bills.

Mr. OVERMAN. Mr. President, will the Senator from Wisconsin yield?

Mr. LENROOT. Certainly.

Mr. OVERMAN. I fail to catch the point of the Senator from Oregon, representing the farmers' interests on the Committee on Agriculture and Forestry. When he wants certain things done for his section and other sections, what does he do? He introduces legislation for it and it is considered in that committee. That committee authorizes an appropriation, and then what happens? What has the Committee on Appropriations to do if that committee authorizes it and it passes the Senate? We have to provide the appropriation and that is all we can do. I do not see the point the Senator from Oregon makes.

Mr. LENROOT. Going now to the Democratic members of the Committee on Appropriations, I find the Senator from North Carolina [Mr. OVERMAN], who was just on his feet. Will the Senator from Oregon contend that the Senator from North Carolina would discriminate against agriculture? The next members on the Committee on Appropriations are the Senator from Oklahoma [Mr. OWEN], the Senator from Texas [Mr. CULBERSON], the Senator from Georgia [Mr. HARRIS], the Senator from Virginia [Mr. GLASS], and the Senator from New Mexico [Mr. JONES].

I have gone into this analysis because of the remark made by the Senator from Oregon that great agricultural States or geographical divisions would not be represented, when, as a matter of fact, practically every member of the Committee on Appropriations represents an agricultural State.

Mr. McNARY. Oh, the Senator from Wisconsin is willfully misrepresenting the point which I made. I did not and do not now care to discuss the personnel. They are all in sympathy with the agricultural interests of the country, but I say they are not students of the problem and have not been.

Mr. LENROOT. I beg the Senator's pardon. If he will appeal to the RECORD, he will see that he made the objection that under the proposed change great geographical divisions of the country would not be represented upon the committee.

Mr. McNARY. I repeat, though it would have little to do with the point I am trying to make, that great sections of the country would not perhaps be represented, but the point I tried to make, and I thought the Senator would understand it, is that it is proposed to put the matter in the hands of a committee unfamiliar with the long history of agriculture and horticulture, and to take it away from those who have studied these subjects for years.

Mr. LENROOT. The power of appropriation, but not the power to legislate, which remains with the committee.

Mr. McNARY. A child appreciates that, of course.

Mr. LENROOT. I am very glad the Senator from Oregon does. When the country is demanding a business administration and the conduct of government in a businesslike way I would regret very greatly to have the Republican side of this Chamber defeat the only proposition there is pending that looks toward making it possible to conduct the Government in somethink like a businesslike fashion.

With reference to the amendment giving ex-officio representation to the committees now having jurisdiction of appropriations other than the Committee on Appropriations, I do appreciate what the Senator from Oregon has said—that members of the Committee on Agriculture and Forestry do have special knowledge concerning the needs of the department over which that committee has legislative jurisdiction. I do appreciate that, and it is for that reason that the provision with regard to ex-officio members is included in the proposed rule.

Mr. ASHURST. Mr. President, will the Senator yield to me at that point?

Mr. LENROOT. I yield.

Mr. ASHURST. The Committee on Irrigation and Reclamation will not be represented on the Committee on Appropriations under this proposed rule, and I know that the power of pungent analysis which the Senator from Wisconsin possesses will at once come to his rescue when he reflects on the situation. Take the question of reclamation, especially the reclamation of the arid and irrigable lands of the West; if a Senator makes himself familiar with that subject, he has done a great work, and he will have no time for any other work. I fail to perceive why the new rule should exclude from the Committee on Appropriations the observation and the experience of members of the Committee on Irrigation and Reclamation. For example, the able Secretary of the Interior sent his report to both the Senate and the House no later than yesterday urging an enormous expansion and development in the matter of irrigation and reclamation.

Adverting to the Committee on Irrigation and Reclamation, I assert that practically every member thereof is an expert on the subject; to my knowledge each has given close attention for years to this important subject. Under the operation of the proposed rule the question of appropriating millions of dollars, aye, hundreds of millions of dollars, would be passed upon by the Committee on Appropriations, and no member of the Committee on Irrigation and Reclamation would have opportunity to give to the Committee on Appropriations the benefit of his observation and experience unless he happened to be a member of both committees.

Mr. LENROOT. I would like to ask the Senator a question right at that point. Does not the Senator realize that that is the rule now under the present situation?

Mr. ASHURST. No.

Mr. LENROOT. The Committee on Appropriations now has jurisdiction in the sundry civil bill over appropriations for that subject.

Mr. ASHURST. That is true, but the initiation of the legislation and the investigation as to the feasibility, suitability, and necessity of particular reclamation legislation is canvassed and investigated by the Committee on Irrigation and Reclamation and not by the Committee on Appropriations.

Mr. LENROOT. It will be the same if the rule is adopted.

Mr. ASHURST. Then why should not the Committee on Appropriations have the benefit of the judgment of the members of the Committee on Irrigation and Reclamation?

Mr. LENROOT. Have they now?

Mr. ASHURST. They will not have under the proposed rule.

Mr. LENROOT. Have they under existing rules?

Mr. ASHURST. The Committee on Irrigation and Reclamation has plenary power to report a bill carrying an appropriation for any sum that committee may see fit.

Mr. LENROOT. The proposed rule does not deprive the committee of that power.

Mr. ASHURST. Then why should we pass the new rule? If it be useless, why take up the time of the Senate in discussing it?

Mr. LENROOT. This applies to general appropriation bills, as the Senator must be aware. It has nothing to do with the question the Senator raises at all.

Mr. ASHURST. I thought we were engaged in some serious business.

Mr. LENROOT. We are. The Senator knows that there are certain general appropriation bills now that do not go to the Committee on Appropriations, and this rule applies to such bills. There is no general appropriation bill which goes to the Senator's Committee on Irrigation and Reclamation. It is not covered by this at all. This takes over the jurisdiction of the committees now having annual appropriation bills, and places that jurisdiction in the Committee on Appropriations under the conditions named in the rule.

Mr. ASHURST. Does the Senator contend that the proposed rule does not change the situation?

Mr. LENROOT. Not with reference to what the Senator speaks of at all.

Mr. ASHURST. I understand, therefore, that it does not change the situation with respect to irrigation. Then, hereafter the Committee on Irrigation and Reclamation will be the appropriate committee to hear and determine whether or not the sum of $350,000,000 should be appropriated for irrigation. Will that be the appropriate committee?

Mr. LENROOT. If it is now, it will be in the future. This does not change the rule in that respect at all.

Mr. ASHURST. I want it understood, if the question arises in the future, that not the Committee on Appropriations, but the Committee on Irrigation and Reclamation, has and shall have the power to hear and determine and to pass upon and report favorably the bill recently introduced by the Senator from Oregon [Mr. MCNARY] appropriating $350,000,000 to drain the swamp lands of the South, irrigate the desert lands of the West, and to reclaim the stump lands of the Northwest. I want it distinctly understood that under this new rule it will be the Committee on Irrigation and Reclamation and not the Committee on Appropriations. Am I correct about that?

Mr. LENROOT. I wish the Senator to clearly understand my position. If the Committee on Irrigation and Reclamation has that power now, they will still have the same power if this proposed rule shall be adopted. The proposed rule will not affect that question one way or the other.

Mr. ASHURST. Very well. The Committee on Irrigation and Reclamation will consider, as it has considered in the past, bills dealing with irrigation and reclamation questions.

Take the Committee on Indian Affairs. I hope Senators will not think that because I happened in an humble way to try to do my duty for six years as chairman of that committee I am therefore seeking service on the Appropriations Committee. Let me call the attention of the keen-minded Senator from Wisconsin to this situation: If there be one bill which might be considered more important than another, it is the bill making appropriations for Indian affairs, because that bill deals with two thousand million dollars worth of trust property. It deals with 300,000 dependents; it deals with 9,000 employees of the Federal Government; it appropriates $12,000,000 annually; it deals with questions of policy, with irrigation, with 150 schools. The members of the Committee on Indian Affairs for years have studied not merely and only the paying out of money, but they have been considering grave questions of policy, for in considering Indian questions we deal with many nations within this great American Nation. With this tribe we may deal in one way and with another tribe we must pursue another kind of policy. If this proposed rule is to operate with celerity—and I ask the Senator's judgment upon my observation—it seems to me that some members of the Committee on Indian Affairs should be permitted to pass on these matters, for I know that during the past 15 years certain members of that committee have given a large part of their time to the consideration of Indian affairs.

Questions of policy respecting Indians are settled on the Indian appropriation bill, although we tried for years to have an Indian legislative bill, but we could not do it. It seems to me, however, that when the questions of policy and the appropriating of the necessary funds to carry out those policies are being considered the chairman, at least, of the Committee on Indian Affairs ought to be ex officio a member of the Appropriations Committee, for I know there is no intellect superb and capacious enough at one sitting of a committee or at a dozen sittings of a committee to grasp a great question of Indian affairs and properly to deal with it. It is a matter of years. It taxes the patience and the ability of keen and sagacious men to arrive at just conclusions regarding Indian affairs, even when they have given the subject years of consideration and study. So if the proposed new rule is to work successfully it ought to provide that when the Interior Department bill is considered by the Appropriations Committee, involving the appropriations for the Bureau of Indian Affairs and for fulfilling treaty stipulations with Indians, at least the chairman of the committee and perhaps other members should be called in as ex officio members of the Committee on Appropriations.

Mr. WARREN. Mr. President, it may interest the Senator from Arizona to know that the able present chairman of the Committee on Indian Affairs and the very able ex-chairman of that committee were both members of the subcommittee which had in charge and reported the bill making appropriations for the Indian Service.

Mr. ASHURST. That is a happy circumstance, but it is a circumstance only; but it may also happen that the leading members of the Committee on Indian Affairs at some time in the future may not be on the Appropriations Committee. I should like to have the opinion of the Senator from Wisconsin of the suggestion which I have made.

Mr. LENROOT. I think the Senator's point is well taken, and I would be very glad to vote for an amendment providing that in the consideration of the Indian appropriation bill members of the Committee on Indian Affairs may ex officio be included, as in the case of other appropriating committees.

Mr. ASHURST. I thank the Senator. I am somewhat embarrassed in my argument here because it so happens that I am a member of the Committee on Indian Affairs, and under the proposed rules I suppose I would be the ranking minority member, but I assure the Senator and I assure the Senate that I do not seek nor crave the duty of sitting with the Committee on Appropriations when they consider the Indian appropriation bill. I have tried to do my duty for 10 years, and I feel I ought to have some relief. I am glad, however, to know that the Senator from Wisconsin will support a motion to make members of the Indian Affairs Committee ex officio members of the Appropriations Committee when the latter committee considers the Indian appropriation bill.

Mr. LENROOT. Mr. President——

Mr. ASHURST. Mr. President, if the Senator from Wisconsin will pardon me, irrigation being a technical subject, it seems to me that, by a parity of reasoning, the Committee on Irrigation and Reclamation should have the same opportunity to have a forum where it can present questions of policy.

Mr. MCNARY. Mr. President——

Mr. ASHURST. I have not the floor, but I hope the Senator from Wisconsin will yield?

Mr. LENROOT. I yield.

Mr. MCNARY. I think the Senator from Arizona is laboring under a misapprehension as to the meaning of the proposed rule and of the present rule. The pending proposal does not in any way add to or detract from the province or the power of the Reclamation Committee. That committee will still have, as it has had, the authority to authorize appropriations, but the appropriations themselves are always provided by the Appropriations Committee.

Mr. ASHURST. I have no further remarks to make, because now I understand that the Committee on Irrigation and Reclamation will not have any of the power or authority which it has possessed in the past diminished or reduced in any way.

Mr. LENROOT. Under the proposed new rule that committee will be left just the same as if the rule were not adopted.

Mr. President, I was about to discuss very briefly the desirability of adding ex officio members to the general membership of the Committee on Appropriations. In the first place, the necessity for this rule, aside from its actual merit, is that, with the practice which has been adopted by the House of Representatives, it is absolutely necessary for us to change our rules, for the appropriation bills coming from the House can not be handled under the present rules.

Mr. MCNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LENROOT. I yield.

Mr. MCNARY. Of course I am not in sympathy with that argument, because that is an admission, as it seems to me, that the House has the right to dictate to the Senate, a practice which has been common in the past, both in the form of legislation, in its formulation, and in the work of conference committees. In order to obviate the criticism which the Senator is making of the present practice, which he says it is necessary to change, I call his attention to the fact that the Senator from Mississippi [Mr. HARRISON] has offered a substitute which is designed not to centralize all the power in one committee and yet to meet the very situation which the Senator from Wisconsin is discussing.

I may add that, if it is necessary for all the appropriation bills to be referred to the Senate Committee on Appropriations, and that committee are not anxious to acquire all the power in the Senate, the bills could still be referred to that committee, reported back, and then referred to the appropriate committee which heretofore has had jurisdiction of the particular subject matter, to be considered by that committee and a subcommittee of three members of the Appropriations Committee. That will accord in a measure with the procedure in the House; it will not centralize all the power in one committee and take power away from other committees, and it will give every section of the country a fair opportunity to secure legislation in accordance with the judgment of the Senators coming from the various sections.

Mr. LENROOT. Mr. President, technically and theoretically that might be true; and yet I want to know from the Senator from Oregon or from the Senator from Mississippi when in a short session of Congress we receive an appropriation bill from the House of Representatives about the middle or the last of February how such a plan would work out in a practical way?

Mr. McNARY. I have not seen a short session of Congress for many years, so that I can not answer the question.

Mr. LENROOT. We have them every other year.

Mr. McNARY. I have been here for five years, and I have seen the sessions of Congress go through the hot months of the summer and on until the fall.

Mr. LENROOT. But Congress is required to adjourn every other year on the 4th of March. That is what I have reference to.

Mr. McNARY. I understand that; but we meet in special session and the business of legislation continues during the hot days of summer. At any event, however, that, in my opinion, has no pertinency to the question under discussion. To refer to a particular case, take the rivers and harbors bill, which heretofore has been referred to the Committee on Commerce. That bill, we will say, comes over from the House of Representatives and is referred to the Appropriations Committee, and the next day it is reported back and referred to the Committee on Commerce, to be considered by that committee and three members of the Appropriations Committee. That will not delay the expedition of business for 30 seconds.

Mr. WARREN. But, Mr. President, that simply would mean the disintegration entirely of the Committee on Appropriations, and would avoid completely what we seek to do under the Budget, namely, to have some one place where all appropriation bills may be reviewed so that duplication may be avoided. To accept the amendment suggested by the Senator from Oregon would simply leave the other committees as they are now and give them more members by cutting the Appropriations Committee into fragments and adding the membership of the Committee on Appropriations to the other committees. That is all that amounts to. I think the Senator who proposed that amendment probably did so more as a joke than with the idea that it should be considered seriously, because it may be plainly seen, if the Senator will read and dissect it, where it would end.

Of course, if the Committee on Appropriations is to be dismissed from its duty, I think it would be a good plan to add its membership to other Committees; perhaps that might be useful; but until that time comes an amendment of the kind suggested should not be entertained.

Mr. OVERMAN. Mr. President, the Senator from Oregon made reference in his colloquy with the Senator from Wisconsin of Congress continuing in session during the dog days, and so forth. The Senator probably has given consideration to the question, but to cite an illustration, suppose the Agricultural Committee reported an appropriation here on the 1st of March, and we failed to pass it by the 4th of March, what would become of it?

Mr. McNARY. The answer is obvious. I may say, however, that I can not see where that question has any relevancy in the consideration of the matter now before us.

Mr. OVERMAN. It could not get any hearing; it would not be reported, and consequently would die with the end of the Congress.

Mr. McNARY. If the Senator will let me add a word in answer to the chairman of the committee, it becomes evident to me that he desires to take unto himself more power. There is no purpose upon the part of the author of the substitute, the Senator from Mississippi, to disintegrate the great Appropriations Committee. He simply wants to prevent that committee from being the only committee in the Senate.

Mr. OVERMAN. Mr. President, I understood the Senator to contend that these bills could be taken up after the 4th of March, at any time during the dog days or during the summer. A bill dies if it is not acted upon before the 4th of March.

Mr. McNARY. I will say to the Senator from North Carolina that I have not mentioned the dog days, nor the 4th of March, nor the 5th of March, nor the ides of March. I am talking about a principle, and not about any particular date. Of course, we know that bills die with the death of the session; but this amendment of the Senator from Mississippi was offered in good faith, and meets a situation such as has been outlined by the Senator from Wisconsin. It does not impair the efficiency of the power of the Appropriations Committee, but it prevents that committee from taking all the power away from the other committees of the Senate, which I maintain is not fair to these other committees, on account of the study they have given to the various problems affecting their communities; and I can not understand—addressing my remarks to the eminent and able chairman of the Appropriations Committee—why he can expect efficiently and thoroughly to look after every section of the country, and the appropriation of every dollar that goes out.

Mr. OVERMAN. I do not know what the Senator means by taking away power from some committee and giving it to the Appropriations Committee. What power is taken from the Senator's committee and given to the Appropriations Committee?

Mr. McNARY. Let me give an illustration, if the Senator from Wisconsin will bear with me. He has been very courteous in that regard.

The annual appropriation bill emanating from the Senate Committee on Agriculture and Forestry carries approximately $33,000,000. That committee, composed of 17 members of the Senate selected on account of their familiarity with agricultural problems, has passed upon the various items in the bill, aggregating many hundred in number. All of those members, save the three that go on the Appropriations Committee, are shorn of their power to do what? To see that their communities and the great agricultural interests of the country receive adequate protection and support.

Mr. OVERMAN. What is the power? What do you do? You consider the appropriation bill. The estimates are sent down by the Budget Committee. You either give the amount the Budget asked for, or you decrease it, and that is all we can do. If you want to make any extra appropriation about anything else in any other matter, bring in your bill and pass it through the Senate, and we will put it on the appropriation bill. We are bound to put it in when you authorize the appropriation.

Mr. McNARY. You may come in and provide for a total of $20,000,000, leaving the great boll weevil that is raising havoc in the South without any appropriation for its extermination or control because you think it is an idle proposition, because you have not made a study of the great destruction wrought by that pest.

Mr. OVERMAN. It can be considered by us only when it is estimated for.

Mr. McNARY. Yes; but the estimate may be for $3,000,000, and you may not put in 3 cents; whereas the Agricultural Committee, familiar with the destructive forces of that pest——

Mr. OVERMAN. These three men are put on our committee as advisers to tell us what they think about it.

Mr. McNARY. Yes; those three are put there; but again it is like the corporation with one man holding 10 shares and the other fellow holding 90 shares. Where does the fellow with 10 shares get off?

Mr. OVERMAN. I do not think that is an apt illustration.

Mr. LENROOT. Mr. President, I did not suppose that anyone took seriously the amendment of the Senator from Mississippi, but evidently the Senator from Oregon [Mr. McNARY] does, although I doubt whether the author does. I should like to know, however, because it is very apparent that the Senator has given this amendment study, what is his construction of this amendment? Is a subcommittee of three members of the Committee on Appropriations to act with the full membership of the present appropriating committee, and is that membership finally to pass upon the bill?

Mr. McNARY. My construction is that the bill is brought to the Senate and referred to the Appropriations Committee. It is then referred to the general committee which has had this subject under investigation and has made these appropriations for these many years. The bill is accompanied by a subcommittee of three members of the Committee on Appropriations, sitting in with the general committee which frames up the appropriation bill.

Mr. LENROOT. Sitting with the appropriating committee?

Mr. McNARY. Yes.

Mr. LENROOT. For instance, the Committee on Commerce. Does the balance of the Appropriations Committee at any time have anything to say about the bill, then?

Mr. McNARY. No; not according to my understanding.

Mr. LENROOT. So if the Senator's construction of this amendment is correct—and perhaps it is—he leaves the situation exactly where it is, except that he gives membership to the Committee on Appropriations.

Mr. McNARY. Precisely so. The wisdom of this, it is apparent, lies in the proposition that it gives a certain control to the committees which heretofore have considered the various appropriation bills. It places in the hands of the Appropriations Committee the right to sit in, observe, vote, and report back to the general Committee on Appropriations, and keep track of the expenditures, and in some way attempt to bring about a harmony of action between the various committees of the Senate.

Mr. LENROOT. But they have no control over the appropriations; so we have the anomalous position of a bill being referred to the Committee on Appropriations and then the Committee on Appropriations being deprived of jurisdiction to act upon it.

Mr. McNARY. Of course that is the situation, and it is to avoid the centralization of all power in the Appropriations Committee. There is where the Senator and I differ widely. I believe that this proposed rule is not in conformity with the principle upon which our country has been built, namely, that every part of the country should have representation on these great committees when these great bills are being considered. The Senator wants to come along and take these bills away from the various committees that heretofore have given great thought and study to these matters and place the power to deal with them in one particular committee. By the Harrison amendment, as I interpret it, the Appropriations Committee would be strengthened by the placing of three of its members on these other committees; but the committees themselves would have that control of the legislation which the fathers who framed the Constitution of the country intended that they should have, and which in the past they have had.

Mr. LENROOT. And the committee to which the bill is referred would have no control over it as a committee?

Mr. McNARY. The Appropriations Committee would not have the exclusive control which the Senator wants it to have and which I do not want it to have.

Mr. LENROOT. No; but they would not have any control over it except as it might be exercised through three of their members?

Mr. McNARY. Why, certainly; and the same thing is true under the plan which the Senator favors. The great Commerce Committee, the Military Affairs Committee, the Naval Affairs Committee, would have no control over the appropriations; but the Senator says to them very sweetly, "Bring in three men and we will let them occupy seats as ex officio members." Instead of trying to kill the various committees, I want to keep them and preserve them intact.

Mr. LENROOT. Of course, Mr. President, it is very clear from the construction of the Senator from Oregon that the adoption of this amendment as he construes it would defeat the whole purpose of the Budget system, except as three members of the Committee on Appropriations might attempt to exercise their moral influence upon the present appropriating committee. Of course, both parties have declared for the Budget system. The amendment proposed by the Senator from Mississippi is squarely in violation of his own party platform, which pledges the Democratic Party to a Budget system, the appropriation bills of which should be considered by single committees of the House and Senate, and yet the Senator from Mississippi now introduces an amendment that will refer a bill to the Committee on Appropriations, but have it considered and acted upon by some other committee.

Mr. McNARY. Does the Senator from Wisconsin insist that by putting practically all the power—all as it appertains to appropriations—in the hands of one committee, the Senate is carrying out the Budget system as defined in the platforms of the two great political parties in 1920?

Mr. LENROOT. It is absolutely necessary, and it can not be carried out unless either that is done or we have some budget committee that may have power to dictate to the appropriating committees the gross amount that each shall appropriate. We can not have a Budget system otherwise.

Mr. McNARY. Mr. President, will the Senator yield further?

Mr. LENROOT. Yes.

Mr. McNARY. I believe that the latter proposition conforms to the spirit of the platform.

Mr. LENROOT. No; that would not conform to the spirit of the platform. It would conform to the spirit of the Republican platform, but the Democratic platform is explicit in stating that these appropriations should go to a single committee. That is what this rule provides, concurred in by both Republican and Democratic Members; but the able Senator from Mississippi [Mr. HARRISON], the spokesman of the Democratic Party upon the floor of the Senate, not only advocates in his speech a repudiation of his party pledge but actually offers an amendment to repudiate it.

I want to be very frank with the Senator from Mississippi. He is a very able Senator, and I want to do him the justice to believe that he had forgotten the pledge of his party platform when he made his first speech attacking this rule. I am very hopeful, now that it is called to his attention by the Senator from Wyoming, that he will yield his own individual views, and be one Democratic Senator who will vote to carry out a solemn pledge of his own party, in the councils of which he is one of those upon the inner circle.

Mr. President, to get back again, as I have tried to do several times, to these ex officio members, I said that I recognized the point made by the Senator from Oregon that there are members of these committees now having jurisdiction of appropriations that do have special knowledge of the subjects, and that the Committee on Appropriations ought, in so far as is practicable, to have the benefit of that special knowledge. It will have it under the amendment that is now pending, whereby the chairman and two other members of the committee to be selected by him shall be members of the Appropriations Committee in all matters of appropriation over which his committee now has jurisdiction.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. McNARY. The Senator's argument is that by taking three members of the Agricultural Committee and asking them to occupy three seats in the Appropriations Committee, that will bring to the Appropriations Committee all the knowledge possessed by the 17 members of the Agricultural Committee.

Mr. LENROOT. Oh, no; not at all.

Mr. McNARY. That is certainly the conclusion to be derived from the Senator's statement.

Mr. LENROOT. As the Senator from Michigan [Mr. TOWNSEND] just suggests, in addition to these three members there is not an appropriating committee of the Senate—certainly not as far as the larger bills are concerned—whose members do not now have membership upon the Committee on Appropriations.

Mr. McNARY. That does not cover the point.

Mr. LENROOT. It covers the point of representation; so that more than the three members that the Senator speaks of will have special knowledge of the subject over which his own committee has jurisdiction.

Mr. McNARY. I thought the Senator from Wisconsin yielded to my view that certain members of committees had special knowledge which would be of very great use to the Committee on Appropriations.

Mr. LENROOT. I do.

Mr. McNARY. Then the Senator said that proposition was covered by taking three members from the Agricultural Committee and placing them on the Appropriations Committee. Then I propound this inquiry: Does the Senator from Wisconsin say that these three members who might be selected would comprehend all the wisdom and all the skill of the 17 members of the Agricultural Committee?

Mr. LENROOT. No; certainly not; and the present members of the Committee on Appropriations on bills over which that committee now has jurisdiction do not comprehend all the knowledge and all the skill of the membership of the Senate—of course not.

Mr. McNARY. May I give the Senator an illustration, because it is most impersonal?

One of the pests for which appropriations are made is the white-pine blister, which affects the pine trees in the Allegheny Mountains. There is one member of the Committee on Agriculture and Forestry who has made a very long and studious investigation of the control and the treatment of this pest, its behavior, and the best way to exterminate it. That member of the committee is looked upon as an expert, his opinion is widely sought, and his judgment followed. By providing for the appointment of three members of the Committee on Agriculture to represent that committee in drawing up the Agriculture appropriation bill, the knowledge of that member might not be had. It always has been controlling in the Committee on Agriculture. There are others who know about the cattle tick in the South, others who know about the hog cholera and a very great many

pests which affect the fruit trees of the West; some who are familiar with the great transportation problems, how fruit and canned goods behave in shipment, each one specializing in a certain field. How can three members of the Committee on Agriculture go over to the Committee on Appropriations without study and without experience and without observation or the opportunity to collect this knowledge or data and represent the Committee on Agriculture, which is composed of 17 Senators? It simply can not be done.

Mr. LENROOT. Mr. President, I am not a member of the Committee on Agriculture, and I am not a member of the Committee on Appropriations. I might have special knowledge upon some subject; I might give it very special study. I might become an expert on that subject, and an appropriation might be very desirable, but I would have no right to ask to be made a member of the Committee on Appropriations, or even of the Committee on Agriculture, because I might have special knowledge of some one particular subject. If the Senator's reasoning is to prevail, instead of this amendment of the rule we ought to make all members of the Senate members of the Committee on Appropriations, because perchance some single Senator might have special knowledge upon some subject calling for an appropriation, and the committee could not get the benefit of his knowledge otherwise.

Mr. WARREN. Mr. President, that is in fact the case now, because every one of the appropriation bills comes before the Senate as in Committee of the Whole, and every Senator has an opportunity to vote for or against the bill or to offer an amendment to every item.

Mr. LENROOT. Certainly.

Mr. WARREN. If the Senator from Oregon is a member of a committee which never has subcommittees to prepare anything for the full committee, I can understand his argument; but if his committee is in the habit of doing as others have done—appoint special subcommittees to prepare special bills and then to bring them before the full committee—he will understand that somewhere we must have the subjects investigated and the bills whipped into shape by a small subcommittee, and the submission of it to the full committee to give it life in the end.

Mr. McNARY. Mr. President, responding to the proposition of the Senator from Wyoming, the Committee on Agriculture, with the work of which I am more or less cognizant, does not appoint subcommittees.

Mr. WARREN. I did not presume it did, from what the Senator has lately said.

Mr. McNARY. The various items are considered by the whole committee. That committee handles more varieties of subjects than any other committee in the Senate. Each man studies the problems which affect his community and his section of the country, and by the combined judgment of the 17 members we come into a realization of the needs of the country, as expressed in the annual appropriation bill.

Mr. WARREN. Does not the Senator's committee ever appoint subcommittees?

Mr. McNARY. It has not done so since I have been a member.

Mr. WARREN. All I have to say is that most of the committees do that for convenience; but it does not take any power away from the balance of the committee, except that the more laborious work of arranging and placing a bill before the full committee is usually done by a subcommittee.

Mr. LENROOT. Of course, there is one complete answer to the point made by the Senator from Oregon, and that is that under the present rules, and as the rules will exist if this amendment is not adopted, if the Committee on Agriculture, when any Agricultural appropriation bill is being considered, be of the opinion that the Committee on Appropriations has failed to make some appropriation which it thinks ought to be made, or has not made an appropriation as large as that committee thinks ought to be made, it can offer an amendment to the appropriation bill.

Mr. McNARY. May I ask the Senator from Wisconsin if that would not be done on the floor of the Senate?

Mr. LENROOT. Yes; on the floor or the Senate, with all the prestige of the Committee on Agriculture behind it, if they conclude that the Committee on Appropriations has made some error.

Mr. McNARY. Let me ask the Senator, who has had very many more years of experience as a legislator than I have had, the number of times a committee making a report to the Senate is overruled by an amendment offered on the floor?

Mr. LENROOT. Mr. President, to be entirely frank with the Senator, when a body of men like the Committee on Agriculture has proposed an amendment to an appropriation bill, making the appropriation greater than that recommended by the Committee on Appropriations, I have seen that amendment prevail much more often than I have seen it defeated, and so has the Senator from Oregon.

Mr. McNARY. I do not recall that I have seen an instance of that particular kind.

Mr. LENROOT. I have, many times.

Mr. McNARY. I do know this to be the practice, that when a committee reports, those who have not been attending pour in through the several doors and follow the committee in its action.

Mr. LENROOT. That is especially true as to appropriation bills; but on the floor of the Senate, if a group of Senators desire an increase in an appropriation, it is much more likely to be adopted than it is to be defeated. Does not the Senator agree with me in that?

Mr. BORAH. If it is limited to an increase.

Mr. LENROOT. That is what I said, if it is limited to an increase.

Mr. BORAH. You can not beat an increase.

Mr. LENROOT. So if at any time the great Committee on Agriculture comes in, and the chairman, by direction of his committee, moves an increase in an appropriation in an agricultural bill, the Committee on Appropriations would not stand very much chance of defending its position on the floor of the Senate.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

Mr. LENROOT. Certainly.

Mr. NORRIS. I think there is a great deal in what the Senator has said. In the illustration he puts, he uses the Agricultural Committee, and I will use that also for the purpose of illustration. If that committee were really in earnest in trying to get an appropriation in an appropriation bill increased, of course that would give it a standing which it would not otherwise get, although without the committee behind it, it might be just as fair and as just; but if it did not have that backing behind it, then what the Senator from Wisconsin has said would be true. It would always be true to a great extent. Senators come in, and not knowing what it is they are called upon to vote on, they follow the committee. I regret that is true, and yet it is natural. I am not complaining of it, because Senators can not always be here to hear the debates, and they go on the theory that the committee has considered the subject and has reported so and so, that they have to guess anyway, and they had better guess with the committee. I think what the Senator has said is often true, not only with relation to appropriation bills, but everything else, and very often it results in bad legislation and injustice.

Mr. LENROOT. I think it is true of appropriation bills. I think it is very seldom that the report of a committee on legislative bills can be overturned, but I can recollect where upon a good many occasions I have tried to sustain the report of the committee against an increase in an appropriation which I did not think was necessary, and I can remember very few cases where the committee was sustained in such instances. Wherever there is a large committee or a substantial group of the Senate which is in favor of an increase, the tendency is to vote for the increase, and the Senator from Nebraska will agree with me that the tendency of the Senate has always been, not toward economy in the way of appropriations, but the plea is always made, as a matter of senatorial courtesy, "Let it go in and go to conference." It goes in, and in a given case, whether it be the Committee on Agriculture or any other committee that desires an increase over that recommended by the Committee on Appropriations, it is more than likely that that increase will be voted into the bill and that the committee will be sustained.

But I have talked longer than I expected to. I want to conclude by saying merely that the Senate is not going to be able to do business in a few weeks, or possibly a few days, unless the rules of the Senate are amended. We can not control the House as to the form their appropriation bills shall take. They have adopted a form of appropriation bill in accordance with the Budget. That is their prerogative. They have a right to send us bills in any form, as they see fit, and when bills come to us under the rules of the Senate they must be referred to some committee, and the bills which will come to us will, under the present rules, deprive some committees of jurisdiction they now have, and they have already done so.

For instance, the Committee on Indian Affairs has already been deprived of its jurisdiction over Indian appropriations, and the Senate has already acted upon that bill.

Mr. NORRIS. May I interrupt the Senator?

Mr. LENROOT. Certainly.

Mr. NORRIS. The Senator is now mentioning something which, I think, can not be successfully controverted, and he has illustrated it by citing the case of the Indian Affairs Com-

mittee. In my judgment the same reasoning and the same logic which applies to the action of the Senate in taking away the consideration by the Indian Affairs Committee of the Indian appropriation bill applies to every other committee, including the one of which I am chairman, the Committee on Agriculture and Forestry, and I would be very glad to have it done with the other committees, just the same as is done with them.

A great many Senators are afraid to do that because they are afraid, as the Senator knows, and as we have heard it expressed so often, of what they deem to be the great power which would be given to the Appropriations Committee, but I do not share in that fear.

I have had this question put up to me, and I would like to put it to the Senator, and I would like to have the Senator from Wyoming listen while I propose it. Why would it not be a good compromise to take these appropriation bills away from all the other committees, and let them go to the Appropriations Committee, as the committee now has them, without adding three members from each of these other committees; and then provide by an amendment to this rule that members of the Appropriations Committee should not be members of any other of the standing committees of the Senate? What would the Senator from Wyoming think of that?

Mr. WARREN. I would have no objection whatever, so far as I am personally concerned.

Mr. NORRIS. I am very glad to hear the Senator say so.

Mr. WARREN. I am perfectly willing at any time to be relieved of service on any other committee, and have asked, and my request is now pending, to be relieved from membership on one committee.

Mr. NORRIS. I am glad to hear the Senator say so, and it certainly does him credit. If this additional duty is put upon the shoulders of the Appropriations Committee, what the Senator from Wyoming has said about himself would apply to practically every other member of the Appropriations Committee, who have to divide up into subcommittees, and all of them have all they can do.

Mr. WARREN. Of course, the Senator must understand that it would apply more directly to the chairman than it would to the members.

Mr. NORRIS. I suppose it would.

Mr. WARREN. The members could better have one or more other committees than the chairman could.

Mr. NORRIS. I am perfectly willing to have that provided. I should have the same rule apply to the chairman of the other standing committees. Let it apply to me the same as to anybody else.

Mr. LENROOT. Of course, the suggestion of the Senator from Nebraska would be preferable to the present impossible condition with which we are confronted. Of course, the Committee on Military Affairs under the present rules will take jurisdiction of the War Department bill. That committee will pass on appropriations for rivers and harbors. The Commerce Committee will be deprived, under the present rules, of any jurisdiction of bills which carry appropriations when they come from the House.

So that in part the fear expressed by the Senator from Oregon will actually exist without any change of the rules and some committees will be deprived of the jurisdiction they now have. The Senator is a member of the Committee on Commerce with myself. Without any change of the rule the Committee on Commerce will be deprived of any jurisdiction over appropriations for rivers and harbors under the present rules of the Senate. Is it not better to adopt a rule that will give vitality to the Budget rule and make it workable?

My only objection to the suggestion of the Senator from Nebraska is that, at least in the beginning of the operation of the new jurisdiction of the Committee on Appropriations, there will be members of the committee who will not have knowledge with reference to the details of certain new bills that the present appropriating committees have, and it is for that reason and that alone that I have been in favor of, for the present at least, putting the chairman and two members of the committee on the Committee on Appropriations, so that the latter committee may have the benefit of their general knowledge of those appropriating bills, and especially of the chairmen of those committees in making up the bills. Later on, if the appropriating committees do have that same knowledge concerning those bills that come to them, then I concede that we might again change the rule so as to give them full and complete jurisdiction, but I think for the present it would be very desirable to add those members as ex officio members—but not for the purpose of getting votes. That thought never occurred to my mind in supporting the matter, but only for the purpose of securing better bills.

Mr. NORRIS. Mr. President, I am afraid that I made a mistake in intimating that it was put in for the purpose of getting votes. I did not mean that in any offensive sense. I know that Senators are jealous of their powers, and naturally so, on the various committees, and we find that every day when something comes up which takes away from a committee any power or authority, the members of that committee are all fighting to prevent it. I did not mean it in any offensive sense or in any critical sense. Still I have no doubt that that had something to do with this and something to do with the change of the rule in the House. In other words, it left a portion of the jurisdiction of the committee which it heretofore had and did not take it all away.

There is something in the Senator's suggestion that has been made before during the debate, that for a time at least the Appropriations Committee may be able to get a great deal of light from members of the other committees. If that be true, and I think it is, and if that be the reason for adding this to the rule, then would the Senator favor an amendment that would limit this portion of the rule to the end of the Sixty-eighth Congress, or something of that kind?

Mr. LENROOT. Personally I have no objection, although I think that can be done later just as well as now.

Mr. NORRIS. It will be pretty difficult to do it later. We had better do it now if we are going to do it at all.

Mr. LENROOT. Mr. President, I apologize for having occupied so much of the time of the Senate.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKinley	Simmons
Ball	Harris	McNary	Smith
Brandegee	Harrison	New	Spencer
Bursum	Heflin	Newberry	Stanfield
Calder	Johnson	Nicholson	Sterling
Cameron	Jones, N. Mex.	Norris	Townsend
Capper	Jones, Wash.	Overman	Wadsworth
Caraway	Kellogg	Page	Walsh, Mass.
Culberson	Kendrick	Pepper	Walsh, Mont.
Cummins	Keyes	Phipps	Warren
Curtis	King	Poindexter	Watson, Ga.
Ernst	Ladd	Pomerene	Watson, Ind.
Fernald	Lenroot	Reed	Weller
Frazier	Lodge	Robinson	Willis
Glass	McCormick	Sheppard	
Gooding	McKellar	Shields	

The VICE PRESIDENT. Sixty-two Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE] to the committee amendment.

CONSTRUCTION OF BOULDER CANYON DAM (S. DOC. NO. 142).

Mr. JOHNSON. Mr. President, there has been filed a very important report from the Secretary of the Interior addressed to the President of the Senate, which deals with the Boulder Canyon Dam conference held at the U. S. Grant Hotel, San Diego, Calif., December 12, 1921, relative to the construction of the Boulder Canyon Dam, in which Arizona, New Mexico, California, and other States are interested. It is in the form of a typewritten report from the Secretary of the Interior. I ask unanimous consent that it may be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BRIG. GEN. JOHN H. RUSSELL—AFFAIRS IN HAITI (S. DOC. NO. 143).

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, as follows:

THE WHITE HOUSE,
Washington, D. C., March 2, 1922.

To the SENATE:

In response to your resolution of February 28, requesting a copy of any order, commission, or other authorization issued by me or under my direction to Brig. Gen. John H. Russell authorizing him to act for or on behalf of the Government of the United States in Haiti, with a copy of any instructions, etc., I am inclosing herewith a copy of the commission issued to Gen. Russell. I trust the information conveyed in the copy of the commission will satisfactorily convey such information as the Senate desires, because I very respectfully submit that it would not be compatible with the public interest to make public the specific instructions under which he is charged with the performance of his duties as the American high commissioner.

Very respectfully,

WARREN G. HARDING.

Mr. WALSH of Montana. I ask that the Secretary may read the paper which accompanies the message of the President.

The VICE PRESIDENT. It will be read.

The reading clerk read as follows:

Warren G. Harding, President of the United States of America.

To all who shall see these presents, greeting:

Know ye, that reposing special trust and confidence in the integrity and ability of Brig. Gen. John H. Russell, United States Marine Corps, I do appoint him high commissioner, with the rank of ambassador extraordinary, to represent the President of the United States in Haiti for the purpose of investigating, reporting upon, and supervising the performance of their duties by the officers nominated by the President of the United States and appointed by the President of Haiti pursuant to the provisions of the treaty between the United States and Haiti, signed at Port au Prince September 16, 1915, in order that the purposes of said treaty may be fully accomplished.

In testimony whereof I have caused the seal of the United States to be hereto affixed.

Given under my hand, at the city of Washington, this 11th day of February, in the year of our Lord 1922 and of the independence of the United States of America the one hundred and forty-sixth.

[SEAL.] WARREN G. HARDING.

By the President:

CHARLES E. HUGHES,
Secretary of State.

The VICE PRESIDENT. The message and accompanying paper will be referred to the Committee on Foreign Relations and printed.

RAILROAD RATES ON SUGAR.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in response to Senate resolution 246, transcripts of the testimony before the commission in the matter of application 8835, filed by R. H. Countiss, agent, for relief from provisions of the fourth section of the amended commerce act in connection with rates on beet and cane sugar, carloads, from San Francisco, Crockett, and other producing points in California to Chicago and common points, which with the accompanying papers was referred to the Committee on Interstate Commerce.

PROMOTION OF MAJ. ROBERT G. PECK.

Mr. REED. Mr. President, on the 26th day of September, 1918, the most desperate battle of the European war was being fought. The German Army was standing at bay. Its advance troops were armed with machine guns, with poison gas, with flaming liquids. These troops were protected by the drum fire of innumerable cannon, hurling every variety of deadly missile into the ranks of the advancing American troops. Nothing that human ingenuity could devise, nothing that scientific skill could produce to work the destruction of men, had been omitted by the masters of the German forces. The charges at Gettysburg, at Waterloo, at Austerlitz, and at Lodi were almost pacific compared with the desperate enterprise upon which the khaki-clad youths of the United States were on this eventful day obliged to embark. For four days they remained the victims of all the frightful carnage visited upon them by a great and courageous enemy; for four days they held to their trenches, charged over the bloody plains, crawled upon their bellies, dug in, drove back the enemy, and continued to advance. Never for one moment was there a wavering in the assault. Men died, but did not retreat; men fell exhausted, rose from the ground, and toiled on against the enemy. At the end of that time nature was exhausted; the ranks had been decimated; the bodies of the dead were strewn upon the field; the dying were everywhere. Famished, desperate, staggering, these troops, who had gone steadily to the front, at the command of their officers were recalled for rest in order that they might be ready for a future fray. They came from their trenches covered with blood, besmeared with mire, staggering from exhaustion, a body of men as heroic as were those who fought at Thermopylæ, as Spartan as were those who died on American soil in the celebrated battle between the Mexicans and the Texans, when the last man gave up his life in the Alamo. As they passed along an officer stepped from a well-polished limousine.

His boots had been recently rubbed and oiled and polished by a lackey; his uniform was in excellent condition; he had been burnished like a brass railing. He had not been within gunshot; the smoke of battle was not upon his immaculate garments. He viewed the staggering hosts of heroes as they retired for rest. He saw that some of the officers who had stood by these boys in the trenches, who had been sustained by their courage, and in turn had given back courage to their men, who for four days lived in the very mouth of a seething hell, looking into the face of death, were talking to their men, cheering them on, fraternizing with them, treating them as human beings, treating them as they ought to have been treated by American officers in command of American freemen. He thereupon wrote the following report upon the Thirty-fifth Division of the National Army:

> The division has all the earmarks of a National Guard unit, which it is. The National Guard attitude which now permeates the various units must be gotten rid of. The division needs the elimination of the old type National Guard officer. There is entirely too much familiarity between the officers and the enlisted men.

It was a gratuitous and uncalled-for insult to the men of the Thirty-fifth Division, to every volunteer soldier of the Army. It was an insult to the military profession; it was a disgrace to the American Army.

He criticizes the marching order of men staggering from exhaustion; he criticizes the condition of the clothing of men who had stood in trenches filled with mud and who had marched and crawled across terrain plowed and furrowed by cannon shot and shell. He criticizes the attitude of officers who had come from homes where the boys under their command were their neighbors and their neighbors' sons. He treated with contumely and scorn those who ought to have had their brows wreathed with laurels and whose breasts should have been decorated with the insignia of courage.

His name was once sent to the Senate for confirmation, and the nomination was rejected. I shall not discuss the present appointment, but I shall discuss the man and his methods. Let a soldier speak—a free man of America, a sovereign citizen, a taxpayer who must contribute to the support of the Army and to the salaries of Army officers; a man whose profession and business are not arms but the arts of peace, yet who nevertheless willingly went to the front as did millions of other American citizens. I will now read from an article which was written to a Chicago newspaper, and which is entitled "The Voice of the People":

> Since you have devoted so much space to the defense of Maj. R. G. Peck, of the Regular Army, relative to his criticism of the Thirty-fifth Division, won't you let the division's side of the case be known? I was a member of the One hundred and fortieth Infantry, of the Thirty-fifth, and am thoroughly familiar with the facts in dispute.
>
> Maj. Peck (then lieutenant colonel) chose to inspect us as we were on our way out of the Argonne, after suffering more than 7,000 casualties in a week of some of the hardest fighting of the war. He rolled up in his Cadillac limousine (out of reach of the big guns) and cast his eye upon us as we marched—no; staggered—by, dirty, lousy, ragged, mud-bespattered, equipment short, hungry, weak, and exhausted—well, anyway, comes the inspector to give us the eagle eye. And, ah, what did he find? Our clothes were torn. Our shoes were muddy. And—horrors! We weren't shaved! Worse still, our rifles had specks of rust on 'em. And the men didn't march with much snap and didn't keep very good ranks. Right. Most of them were doing damned good to stay there at all. And once in a while one of them would tumble on his face. That, we learned from Mr. Peck, was straggling.
>
> Some of our wagons were overloaded—due to the fact that we were short only 3,000 horses. Worse still, our officers were detected talking to enlisted men as though the latter were really human beings. Some owed their lives to these enlisted men. He found also that officers were not stationed at proper intervals through the column. One of our battalions came out with one lone second louie still functioning. Now, how in—well, you know what I mean.
>
> Now, here's the rub: In his entire report never once did Maj. Peck make one solitary mention of the fact that we were just then walking away from the battle field. Even Maj. Gen. Traub (Regular Army), of the Thirty-fifth, stated in his reply to Peck that he "regretted the inspector did not state the true facts."
>
> Let us peruse the facts: The Thirty-fifth lost more than 7,000 men in six days. More than 60 per cent of its officers were casualties. More than 50 per cent of its infantry was killed or wounded. It advanced 12 kilometers over hills and valleys against strong defenses, and when it stopped it had driven deeper into the German lines than any division on its front. Records will prove that.
>
> Why were many of the veteran National Guard officers removed on the eve of the battle and replaced by unknown Regular Army officers? Does anyone know that many, if not a large majority, of higher commands in the division which "bore all earmarks of being a National Guard outfit" were held by Regular Army officers during the Argonne? Why was the Infantry ordered forward day after day against murderous artillery and machine-gun fire with virtually little or no artillery support, since the guns could not be moved up owing to bad roads and lack of horses? Why, on the second day, was the Infantry forced to lie under a terrific barrage from dawn until 5.30 p. m. waiting for tanks and artillery support, when both had been asked for early that morning? Why, on the fourth day, was the Infantry, with still little or no artillery support, ordered to advance when we were then in a salient and were being fired on from all sides except the rear? Why, after taking the town of Exermont on that day at a cost of fully 500 men killed and wounded, was the Infantry ordered to withdraw from it after holding it for a day? (The First Division, which relieved us, did not retake Exermont for four days, and then did it with scores of heavy guns aiding.
>
> The First lost 9,000 men after relieving us. Yet they were not inspected and insulted when they left the battle field.
>
> Perhaps some one did "blunder" in the Thirty-fifth. But methinks the errors bear a distinct Regular Army flavor.
>
> JOHN W. KEYS.

Mr. President, I have many letters and telegrams similar in their spirit to the one I have just read.

The Thirty-fifth Division was composed almost exclusively of Missouri and Kansas troops. The man who challenges their courage, the man who challenges their loyalty, would be willing to challenge the loyalty of Napoleon's guard. These men belonged to the militia, and if we had possessed no militia we would have been in a desperate condition even in our once threatened conflict with Mexico. It is no part of my purpose to reflect on the Regular Army; but the Regular Army never has defended this country, and never can defend this country. They have never fought any war, and they never will fight any war, for the simple reason that there are not enough of them. The National Guard has been the backbone of our defense and our offense, and it must be the main reliance until some entirely new system of military defense is devised.

If I recall rightly, 17 divisions of the National Guard were on the fighting line before there were over 7 divisions of the Regulars there. If the National Guard does not represent American manhood and American chivalry, then it is not represented in the Army. These National Guard organizations, as everyone knows, are recruited from the ranks of young men in the various districts of the United States. They come from the farm, the factory, the countinghouse. They are typical of our citizenship. They are officered by men who have seen fit to devote a large part of their time to the public service, practically without money and without pay. They have been held together for years when Congress has made inadequate appropriations and State governments have been equally neglectful. In many instances in years past the officers out of their own pockets, or the men out of their pockets, have sustained the headquarters and the upkeep of regiments to a very large extent.

When the call came to arms in this great conflict, the response of the National Guard was one of the bright and splendid manifestations of American patriotism. They were called into the Army as a body. When it was known that the war was coming, men crowded into the ranks, companies were recruited to the full limit, regiments found themselves overwhelmed with applications, and these boys went out under the command of officers whom they knew, who knew them, and who loved them. There was no flinching. There was no holding back. In almost every instance the regiments were ready to move before the Federal Government could supply the trains to carry them to concentration camps. They went across the sea under their own officers. They endured the fatigues of the march, the hardships of the camps, and the horrors of the battle field with uncomplaining lips. They held their ground when both wings of the Army fell back. Their officers, I unhesitatingly say, were grossly mistreated in many instances.

The general who had organized and brought the Thirty-fifth Division to a state of perfection was displaced without reason and without cause, and a man in every way inferior to him was placed in command. Their company officers were taken from them in many instances, regulars with whom they had no acquaintance were placed over them upon the very eve of battle, and still the enlisted men went forward and did not complain. When they had stood until their ranks were thinned, until nature could no longer sustain their bodies, with spirits undaunted, with eyes still blazing the light of battle, they obeyed the order to retire in order that they might rest and renew the strife. And as they came out of the flaming vortex they were insulted by Maj. Peck.

Under similar circumstances French officers would have stood to congratulate the ragged, muddy horde of heroes. They would have pinned decorations upon them. They would have cited them for gallantry in their general orders. They would have inspired them by that recognition which a just Government invariably gives to men who have sacrificed in its behalf. But on the road from the front we find a Regular Army officer, in shining leather and epaulets, who looked at these men who had suffered where he had not suffered, who had toiled where he had not toiled, who had endured where he had not endured, who had bled where he had not bled. That gentleman was posted on the highway to sneer at these men as they went by, and it is now proposed that we shall promote that gentleman.

The posture of that immaculate major has its precedent. The breed was known 300 years ago, as Shakespeare's lines attest. Indeed, Hotspur might be some Missouri sergeant or lieutenant speaking in just indignation in his own defense:

"I remember, when the fight was done,
When I was dry with rage and extreme toil,
Breathless and faint, leaning upon my sword,
Came there a certain lord, neat and trimly dress'd
Fresh as a bridegroom; and his chin new reap'd
Show'd like a stubble-land at harvest-home;
Perfumed like a milliner;
* * * * *
And, as the soldiers bore dead bodies by,
He call'd them untaught knaves, unmannerly,
To bring a slovenly unhandsome corse
Betwixt the wind and his nobility.
With many holiday and lady terms
He question'd me;
* * * * *
I then, all smarting with my wounds being cold,
Out of my grief and my impatience
To be so pester'd with a popinjay,
Answer'd neglectingly, I know not what,
He should, or he should not; for 't made me mad
To see him shine so brisk, and smell so sweet,
And talk so like a waiting-gentlewoman
Of guns and drums and wounds—God save the mark!
* * * * *
This bald unjointed chat of his, my lord,
I answer'd indirectly, as I said;
And I beseech you, let not his report
Come current for an accusation."

"The officers actually talked with their men!" God in heaven—and I say it reverently—will we ever be able in this world to drive out of the hearts and souls of our people the idea of distinction and class?

Who was this man in the uniform of the Army? A boy born of ordinary parents, I presume in the ordinary way; educated, I assume, no better than the ordinary boy. I think his history is that he himself entered the Army as a private, graduated from the ranks to become a second lieutenant, and then, of course, promotions were very rapid after the war began. What was there about this gentleman to make it pollution for his aristocratic lips to speak to an American boy who had been putting his body between the enemy and his country? But, of course, he did not commit that offense. You could not imagine Maj. Peck talking to an enlisted man. But others did talk with their men. That was done by the captain of a company organized in some little town, a company composed of his neighbor boys, sons of parents as good as there were anywhere, honorable folk, boys whose mothers gave them to their country and choked back the tears as they gave them, that the sons might go forth with Spartan courage.

They were the sons of fathers some of whom were only farmers, some of them only laboring men, some of them only ministers, some of them only lawyers, some of them only bankers, but all of them were loyal American citizens, and every boy who went forth and took enlistment under that officer, selected in the town, went forth because he was willing to pour out his heart's blood in order that the flag might float with undimmed glory and the honor of the United States remain without a blot.

The captain knew them and knew their parents, knew their mothers, and knew their sisters, and as he saw one of them stagger as he went along, or even if he saw fit without so good a cause, he spoke a word to him. The captain happened to have epaulets upon his shoulders, the private had none; and because the captain spoke to this American citizen, willing to die for his country, this American citizen who was walking out of the jaws of death and the bowels of hell, where he had stood for four days, that was the subject for reprimand by Maj. Peck.

Whence come these ideas which we find in the Army and which have been its curse from the first, a system which is un-American, which, in my judgment, has reduced the Regular Army officer to about one-third of the efficiency he would have possessed under a different system? Whence comes that system, I inquire? It was born in Prussia, about the seventeenth century, at a time when that country had not advanced to anything like the degree of civilization it afterwards attained. It was based upon the idea that the king was the master, that the people were servants; that the king, or the master, had the right to command men to their death; that monarchs were the sole source of authority; and that he who would not serve should be made to serve.

Hence grew up the idea that the spirits of men must be broken; that they should be so treated and so trained until they possessed no souls of their own; that they should be transformed into automatons, obeying the will of one master. It was a system which might have been, not tolerable, but which might have had some reason back of it in those days, and those times, and in that civilization. When you apply that, sirs, to the independent citizenry of this country you destroy the Army and you take away that spirit which must exist in every army if it is made effective.

It is high time that this fact should be recognized, that any officer who is so poor and pitiable and miserable a creature that he can only sustain his dignity by refusing to speak to a private has no dignity to sustain and no position to lose; that any officer who is a real officer is a big enough man to speak to anybody, at any time, under any circumstances. But better than that, we must recognize the fact that an American Army called in defense of its country is an army of citizens, and that the citizen does not lose his manhood when he puts on the

uniform of his country; that, of course, he must obey proper commands, and every citizen is willing to do that; outside of the mere observance of the necessary rules, that he shall be treated as a free man ought to be treated, as a citizen ought to be treated.

Mr. President, a man who had a dog engaged in his defense, an honest dog that fought for his life, would pet him, would love him, would make a companion of him. But here is a gentleman who says to the officer whose life perhaps was saved by the gallantry of some private soldier, "You are to be reprimanded because you put your hands upon the shoulder of that boy as he staggered from weakness, marching from the battle's ghastly front."

A second time this name comes here. I protest in the name of the Thirty-fifth Division. I claim for it no better record than the records that were made by the other gallant troops who went from America to defend America's honor, for all of them fought with heroic courage, all of them served with distinction, and in what I am about to say I pluck no blossom from the wreath which will forever be fresh and glorious upon the pages of their story.

When I say that the Missouri troops and the Kansas troops were as brave as the bravest, as good as the best, I state the plain and simple truth. There is not a page of history that I have ever read that tells the story of Missouri regiments playing the coward in any war. Missourians marched with Doniphan across the plains when it was a truckless desert. They fought battle after battle against superior numbers. They made, it is said, the most remarkable military expedition in the history of the world. In the Civil War, when our people were divided, Missouri sent into the Federal Army more troops than were required of her by the Federal Government, and then sent into the Confederate Army more troops than were called for as Missouri's quota on the Confederate side.

I know the officers who went out with the Thirty-fifth Division, some of them men who were making $10,000 and $20,000 a year in their business and profession, who willingly laid it down, who brought to the business of the war their training as experts in civil life and a long preparatory training as officers of the guard; men who had passed their examination with distinction; men who so treated their troops that there was not a man who would not have followed them into the grave itself. They sometimes talked to their men; they always treated them as human beings. If Maj. Peck was in command of Missouri troops very long, he would either talk to them or they would talk to him. It ought to be so of the troops of every State.

This snobbery of the Army, this miserable self-exaltation, this aristocracy of West Point, this spirit that leads men to think that because they have been educated at Government expense and a uniform put upon their backs they are thereby transmuted into a finer clay, is the intolerable thing in the Army. I am told that this gentleman did not come from the school, but he imbibed its worst spirit; he stands as its worst exhibit.

What is in the heart of a man who can do these things? Imagine Robert E. Lee or Gen. Grant standing and criticising and maligning his troops as they returned from a desperate battle. What those real military commanders wanted was men who when they were on the fighting line knew how to advance and how to hold the line. They were not so much interested in whether their shoes were blacked when they tramped back off the battle field as whether the toes of their shoes pointed toward the enemy when the order came to advance. I think it was at Lookout Mountain that a Regular Army officer said to the commander of a regiment of Volunteers who were sweeping up the heights, firing and cheering and advancing, going on even without command, "Your line is irregular, Colonel"; and the colonel said, "Yes; but they are fighting like hell."

To advance this man is an insult to the volunteer soldier. They have protested and protested. Men standing upon wooden legs have protested. Men with arms shot away have protested. Men with their lungs burned out by poison gases have protested. It is the universal protest of all the men of that great division, of all who are living, and if they could speak I am sure it would be the universal voice of the 7,000 dead.

"There is entirely too much familiarity between the officers and the enlisted men," said this distinguished major. Some things make us familiar. It never was my lot to stand upon the battle front. I do not know whether I would have the courage to stand there or not. I hope I would; but no one knows until he has been tried. But it does seem to me, whether it is a sergeant or a lieutenant or a captain who is out there with the shells bursting all around, with the air filled with smoke, with the roar and din of perdition beating into your ears, with boys whom you knew and loved falling dead by your side, that somehow or other you would forget about your caste and about the bars on your shoulders, and you would think of the big, rugged fellow who touched elbows with you and stood with firm nerves firing the machine gun or firing the rifle or with fixed bayonet driving back an oncoming foe. It seems to me the companionship of danger and the brotherhood of death would bring you together, and that as you walked out, realizing that for the time being you were safe, you would feel like putting your hand on that fellow's shoulder and saying at least, "I am glad you are safe. You did well." But do not do it if you are in command of volunteer troops. There may be some gentleman over yonder, who never smelled gunpowder in battle, who will say, "*You are too familiar* with this boy who stood with you foot to foot and elbow to elbow fighting, fighting, while all about the dead and dying lay. Do not do it. It is *too familiar*."

And if, as you march out, some boy, whose mother you knew and who gave him in your care, weak, hungry, exhausted, staggers, and is about to fall, do not say to him, "Brace up my boy. A little bit farther and we will have rest." Above all things do not say to him, "You have done well; you have been a gallant lad." Do not say that. *It is too familiar.* Maj. Peck might hear you. Do not say to this other boy who is coughing up his lungs, who knows even as he gasps for breath where poison has burned away the vitals, that he has only a few hours perhaps to live, but whose gallantry takes him staggering back to camp—do not say to him, "My boy, you have done well." Maj. Peck might see you speaking to him, and you will be *too familiar*.

Why let this insult be put upon the thousands of men in this great division? Why should their universal voice not be heeded? Why should their unanimous protest be spat upon? Are their feelings to have no consideration? Are we to think only of the debonair gentleman with the spotless boots who that morning stood and sneered while they staggered by? The lesson ought to be taught now and for all time that Army officers can not accuse men without being held accountable at least in the matter of promotion.

Books could be written about the conduct of this gallant division, books that would disparage not one whit the luster of other divisions. I say that it is my opinion that this single division in the battle of the Argonne alone performed deeds which, had they been done in days of the past, would have been embalmed in history and glorified in song, so that we would have regarded them as unexampled heroes.

I protest, sir, in their name against this thing that is sought to be done. I protest because it is unjust; it is an insult to the National Guard; it is an insult to the men of the ranks and to the officers, who have now returned to the walks of peace and who are keeping up the old organization, rebuilding it and making it stronger and better for the future.

Mr. President, I could discuss this question at very great length; I could read from the stories of this division; but if what I have said is without effect, then nothing I might be able to say would be of any force. I regret that this appointment is again sent to the Senate. One rejection ought to have been enough. Let this man, if he does not like his present position in the Army, do what the National Guard officers have done—go out in the world and earn a living for himself. They had to do that. They are not whining around about promotion. They went back to work to their places of business. I apprehend that if this great officer shall go out and embark in the ordinary business of the world he will find himself matched intellectually, morally, physically, in business ability, and in every way by many of the very privates he sneered at as those privates marched out from the field of glory to the field of insult.

This man should have been tried by court-martial for the report he made; he should have been cashiered and dismissed the Army for the report he made. Instead of that he is brought here for promotion over other and better men.

Mr. President, I warn the Congress of the United States, I warn every man who is charged with a governmental duty at this time, that if they expect to maintain a spirit in our people that will always respond when the country is in need, they should see to it that every man who mistreats a volunteer soldier of America shall be punished, not rewarded.

That is all I now desire to say on this question.

Mr. WADSWORTH. Mr. President, the senior Senator from Missouri has seen fit to discuss this case in open session. The Senator from Missouri is the master of his own tactics; I shall make no comment upon them.

The gross unfairness of the situation may be apparent when I say—and I think I have a right to say it without violating the rules of the Senate—that a large volume of testimony on

this most extraordinary case was taken by the Military Affairs Committee of the Senate, and one of the most—if not, in fact, the most—important witness before that committee was the officer to whom the Senator from Missouri has referred in such scathing terms, and who is helpless in defense of himself at this hour.

That testimony, Mr. President, was taken, in accordance with the rules of the Senate, in executive session. It covers the whole story of this incident in the most exhaustive fashion. Such portions of it as the Senator from Missouri has referred to constitute but one-tenth of the story. As the result of that testimony taken by a committee of the Senate, I think, endowed with the average intelligence of Senators, and with as high a regard for the soldiers of the Army as any other group of men, by a most substantial majority the action with which the Senator from Missouri is familiar was taken by that committee the last time this matter came up. I am precluded by the rules of the Senate from reading from that testimony. I shall not violate the rules of the Senate. I feel a moral obligation to abide by them, even though in doing so a comparatively defenseless individual is subjected to attack in public.

There is, however, one point, Mr. President, to which the Senator from Missouri has referred, and that is the nomination of this officer for promotion a second time by the President of the United States. I gather from his remarks that he criticizes the Executive for sending in the nomination a second time. The Senator from Missouri apparently does not realize that the President has no discretion in the matter. The law is mandatory. The name must be sent in whenever a vacancy in the grade above that of major occurs and when the officer in question is the senior major. That is why the nomination has been made; that is the only reason, the compelling and controlling reason, for the nomination having been made. The nomination was made in accordance with the statute, and no reflection can lie against the President or the Secretary of War or any other official of the Government for it having been sent here a second time.

Mr. President, the Senate will settle this question in executive session, and it will settle it in accordance with its convictions and in accordance with the facts which have been elicited in the testimony gathered by a committee of the Senate, which sets forth facts which have not been related here to-day and which can not be related. For one, Mr. President, I am satisfied, with this brief statement, to leave the matter as it is.

Mr. REED. Mr. President, by innuendo at least, if not by direct statement, the Senator from New York criticizes me for discussing in public what he claims can only be properly discussed in executive session. My conception of the rule is that appointments are considered in executive session when we come to vote upon them for the purpose of protecting the secrecy of the vote and for the purpose of permitting any Senator who chooses to speak in private to speak in private, but that when any matter comes to the Senate, unless the matter itself be secret, so that there can be no reference to it, it is then a public question which any Senator may discuss in open session if he so desires. If a treaty were sent here secretly, until it was released I could not discuss the terms of the treaty, because I would be exposing that which is confidential.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. REED. When a nomination is sent here, however, it is a matter sent in open session; it is reported in open session and recorded in the RECORD, and that nomination I have the right to discuss because it is open. I can not use the testimony given in executive session, but I can use any fact which comes to my knowledge from whatsoever source I can get it, including in this case the order. The only things I have commented on are excerpts from the order, which is part of the Army records, and therefore open to me or any other Senator. I carefully abstained from reading from the confidential testimony. I now yield to the Senator.

Mr. WADSWORTH. Mr. President, I merely have this observation to make, that the last statement of the Senator from Missouri illustrates the unfairness of the situation, because it is in the testimony that the defense lies.

Mr. REED. Now I come to the question of unfairness; it is my next point. There is a way to make this so fair that even the Senator from New York, though a member of the Military Affairs Committee, can not err therein, and that is to proceed to the consideration of this question in open executive session, and in a moment, Mr. President, I shall make that motion.

The Senator states that Maj. Peck is being attacked; that he is helpless and without defense. He is no more helpless than the men of the Thirty-fifth Division were when he attacked them. Moreover, he seems to be here with very competent defense in the person of the Senator from New York. He says that Maj. Peck is being attacked in public; but Maj. Peck's order reflecting upon the Thirty-fifth Division was made in public, and these thousands of men had no one to speak for them.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the appointment of Maj. Peck in open executive session, so that he will be allowed all the benefits of this defense.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. WADSWORTH. May I ask what, under those circumstances, would become of the pending business?

The VICE PRESIDENT. The question before the Senate is the motion of the Senator from Massachusetts [Mr. LODGE] to amend the resolution now before the Senate.

Mr. WADSWORTH. Mr. President, irrespective of what is before the Senate at this time, the Senate has a well-defined rule of practice in a matter of this kind that the testimony shall be regarded as confidential; and in spite of the fact that this officer for the moment suffers under a very grave handicap as the result in part, at least, of the publicity of the criticism against him, I do not myself believe that the Senate should abandon its practice.

This does not affect alone the officer whose nomination for promotion to the grade of lieutenant colonel is pending before the Senate. It affects many, many other officers and men; and some of the statements which of necessity must be made in order to portray the entire truth will be most embarrassing and painful if made in open session, and no good will come of it.

The ends of justice and fair dealing will be attained, I am sure, by the Senate proceeding under its usual practice. If we are to abandon the practice and discuss all these matters in open executive session, we might as well abandon it for good on all similar matters. I can see no distinction in some respects, at least, between this case and others which may come up in the future and cases which most assuredly have come up in the past.

So, Mr. President, in spite of the situation which I referred to a moment ago in my very brief statement following the remarks of the Senator from Missouri, I shall object to taking up this matter in open executive session.

The VICE PRESIDENT. Objection is made.

Mr. REED. Mr. President, I regret that my very good friend the distinguished Senator from New York deprives Maj. Peck of the benefit of this evidence and of publicity. I regret that he takes that position, particularly since he has claimed that I have not fairly stated the case. The reason he advances is, however, the same reason that we have heard with reference to every case where we have sought to have an open executive session. We were told some time back that if treaties were considered in open executive session all sorts of deplorable things would be said which would be offensive to foreign governments; but we finally came to the doctrine of considering most of the treaties in open executive session, and we are now engaged in so considering five of them.

The Senator speaks of reflections upon other Army officers. I take it that no one will reflect upon another Army officer, aside from Maj. Peck, unless that Army officer has been guilty of conduct that brings its own condemnation. There is nothing in the evidence that I have read that reflects upon other Army officers. If there is, it is sworn testimony. I have looked through the parts that I thought applied to Maj. Peck.

Now, Mr. President, I am going to submit another request for unanimous consent, and that is that the seal of secrecy be removed from the evidence in the Peck case, and that it shall be made public.

Mr. WADSWORTH. Mr. President, I object to any such suggestion until after the case is settled in executive session.

The VICE PRESIDENT. Objection is made.

Mr. REED. Mr. President, why should there be objection until after the case is settled?

Mr. WADSWORTH. That is the usual course of procedure, as the Senator knows.

Mr. REED. If it is proper to give it out after the case is settled, then it certainly is proper to give it out now.

Mr. WADSWORTH. Mr. President, the Senator knows perfectly well that in very many of these matters, when the cases have been closed, the motion has been made that thereafter the seal of secrecy should be removed.

Mr. REED. I can see no reason for that rule, and I never have known it to obtain as a rule. It has been sometimes done that way, and sometimes the seal has been removed in advance. There is no use in removing the seal of secrecy after the decision has been rendered unless it be feared that if the facts are known in advance of the decision public opinion might manifest itself, and might affect the decision; in other words,

that if the Senate can vote here in secret without the public knowing what the facts are it may vote one way, but if the public does know what the facts are the Senate may vote the other way. That has not been my conception of what the Senate would do.

Mr. President, having failed in both of these requests, I now move that the Senate proceed to the consideration of the nomination of Maj. Peck in open executive session; and on that I ask for the yeas and nays.

Mr. WADSWORTH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harrison	Myers	Sheppard
Ball	Heflin	Nelson	Shortridge
Brandegee	Johnson	New	Simmons
Bursum	Jones, N. Mex.	Newberry	Smith
Cameron	Jones, Wash.	Norris	Spencer
Capper	Kendrick	Oddie	Stanfield
Caraway	Keyes	Overman	Stanley
Culberson	King	Page	Sutherland
Cummins	Ladd	Pepper	Wadsworth
Fernald	Lenroot	Phipps	Walsh, Mass.
Fletcher	Lodge	Poindexter	Warren
Glass	McKellar	Pomerene	Watson, Ga.
Hale	McKinley	Rawson	Weller
Harreld	McNary	Reed	Willis
Harris	Moses	Robinson	

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent on account of serious illness in his family. I ask that this announcement may stand for the day.

Mr. WALSH of Massachusetts. I desire to announce that the Senator from Michigan [Mr. TOWNSEND] and the Senator from South Dakota [Mr. STERLING] are in attendance at a hearing before the Committee on Post Offices and Post Roads.

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

The VICE PRESIDENT. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. WADSWORTH. Mr. President, I make a point of order against the motion made by the senior Senator from Missouri [Mr. REED].

The VICE PRESIDENT. The Senator will state his point of order.

Mr. WADSWORTH. I call the attention of the Chair to the second paragraph of Rule XXXVIII, which reads:

> All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

That is the rule of the Senate, and the consideration of this nomination in open executive session can not be had unless the rule itself is suspended.

Mr. REED. Mr. President, there is another rule with regard to this matter to which I wish to call attention. I refer to paragraph 2 of Rule XXXVI, which reads:

> When acting upon confidential or executive business, unless the same shall be considered in open executive session, the Senate Chamber shall be cleared of all persons—

And so forth.

Paragraph 3 of that rule reads:

> All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

Mr. LODGE. That rule applies only to treaties.

Mr. REED. It is perfectly clear that paragraph 2 and paragraph 3 embrace all executive business taken together. Each provides specifically for the matter being considered in open executive session. That is all I desire to say on it. It has been the general practice in the Senate for years.

The VICE PRESIDENT. It does not seem to the Chair to be exactly clear whether paragraphs 2 and 3 of Rule XXXVI apply exclusively to treaties. The implication would seem to be that they do; but whether they do or not, paragraph 2 of Rule XXXVIII seems to be conclusive in the statement that—

> All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

That would seem to control, and the point of order would seem to be well taken.

Mr. REED. That construction would resolve itself into this, that there could be no open executive sessions.

Mr. WADSWORTH. May I observe that it could not be held to consider nominations in open executive session unless the rule were changed or suspended?

Mr. REED. That is the opinion of the Senator, of course.

Mr. NORRIS. Mr. President, I think this question was before the Senate during the last Congress. I remember I had formed a decided opinion on it, and the Senate overruled me, as I remember it now. It seems to me plain, if I may be permitted to have the attention of the Chair for a moment, that paragraph 2 of Rule XXXVI applies to any executive business. It provides that—

> When acting upon confidential or executive business—

Considering nominations is executive business, as I understand it, the same as acting on treaties—

> unless the same shall be considered in open executive session.

In the first place, Mr. President, if acting on nominations is executive business, then section 2 of Rule XXXVI applies; and if it applies, the parenthetical clause, "unless the same shall be considered in open executive session," is absolutely meaningless, unless a nomination can be considered in open executive session.

That would apparently be perfectly plain, and there would be no difficulty about reaching that construction of the language, as I look at it, if it were not for the language which has been cited to the Chair contained in paragraph 2 of Rule XXXVIII respecting executive sessions, and in my judgment it applies to them where it is secret, and where it is secret then section 2 of that rule applies. That sort of a construction of each one of these clauses would give effect to both provisions of the rule, and any court in construing any instrument would, if it could, without abuse of the English language or shocking the sensibilities of construction, give effect to the entire instrument.

So, while it is not entirely clear, and there seems to be somewhat of a conflict, that construction will be borne out, I think, by the language used, and the apparent conflict between those provisions of the rule will be cleared up. It seems to me, therefore, that it is in order to make a motion to consider a nomination in open executive session.

Another reason why that would appear to be the proper construction is that it is, in my judgment, the reasonable construction to be put upon the language. Any other construction would mean that the Senate was absolutely bound to consider every nomination in secret session; that it has no right to open the doors.

It is suggested that the rules be suspended; but that would require a day's notice and a two-thirds vote. That construction, therefore, would tie the hands of the Senate, and is one which should not be resorted to, it seems to me, unless we are driven to it.

Mr. REED. Mr. President, I desire to call attention to a clause on page 247 of the Precedents by Gilfry, as follows:

> There is no inflexible rule requiring that confidential or executive business shall be considered with closed doors, and, since the adoption of the amendments to Rules XXXVI and XXXVII proposed by Senator Aldrich, March 6, 1888, it is clearly set out that such business may, at the will of the Senate, be considered with open doors.

That is the rule as it now stands, and that is the construction which Mr. Gilfry put upon it. That was the object of the change, namely, that the Senate could consider in secret executive or in open executive session any matters, in its own discretion.

Mr. LENROOT. Mr. President, so far as the statements of the parliamentary expert who prepared these precedents are concerned, it is clear that they relate only to such communications as clearly may be considered in open executive session, and concerning which the seal of secrecy may be removed. Paragraph 2 of Rule XXXVI, cited by the Senator from Missouri, relates only to the clearing of the galleries. It requires that the galleries shall be cleared unless executive communications are to be considered in open executive session. We must look elsewhere, of course, to find what executive business may be considered in open executive session. That we find in the next paragraph, which reads:

> All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate and all remarks, votes, and proceedings thereon shall also be kept secret—

Now we come to the permission for an open executive session—

> until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

Mr. REED. Exactly; that is what I moved.

Mr. LENROOT. Therefore, it is really in order, in the consideration of a treaty, to consider the same in open executive session, and the seal of secrecy may be removed; but when we come to Rule XXXVIII, paragraph 2, there is no exception made, as there is in the case of a treaty, and the rule is inflexible that all votes and remarks of Senators when acting upon nominations concerning the character or qualifications of the person nominated shall be kept secret.

Is it not entirely clear that if it had been the intention to permit open executive sessions in the consideration of nominations, the same exception would have been made that was made to paragraph 3 relating to treaties? The fact that it is not made as applying to nominations, and is made as applying to treaties, is conclusive, it seems to me, that the motion is not in order.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat? He contends, then, that in the matter of treaties two-thirds of the Senators voting could bring about an open executive session?

Mr. LENROOT. No; I think a majority could.

Mr. HARRISON. The rule says two-thirds. But it is the Senator's contention that so far as nominations are concerned it must be done by unanimous consent.

Mr. LENROOT. Yes.

Mr. HARRISON. I wanted to get that clear, because that has been a question we have been fighting about before, and I have a resolution on the calendar that I shall press to cure that defect.

Mr. NORRIS. Mr. President, I would like to ask the Senator from Wisconsin a question. I want to get the Senator's opinion as to whether the consideration of nominations is executive business. Does the Senator think it is?

Mr. LENROOT. Oh, yes.

Mr. NORRIS. Assuming that—and I agree with the Senator; I think he is right—paragraph 2 of Rule XXXVI must apply to nominations?

Mr. LENROOT. No.

Mr. NORRIS. That says executive business.

Mr. LENROOT. Yes; but that only applies to clearing the galleries. The galleries must be cleared unless the business is of such a nature as under the rules it may be considered in open executive session, and then provision is made for certain executive business which may be considered in open executive session. So the rule is entirely harmonious.

Mr. NORRIS. Let me read section 2 of Rule XXXVI:

When acting upon confidential or executive business, unless the same shall be considered in open executive session, the Senate Chamber shall be cleared—

And so forth.

Mr. LENROOT. Under the next paragraph certain executive business may be considered in open executive session.

Mr. NORRIS. I understand that, but the language "when acting upon confidential or executive business" would include nominations, would it not?

Mr. LENROOT. Not necessarily. This is only with reference to the clearing of the galleries. There are certain kinds of executive business which may be considered in open executive session; and if the business is of that character, of course, this rule shall not apply. That is all this rule has reference to.

Mr. NORRIS. What follows in paragraph 2 reduces the business to secret consideration, of course. It says that—

the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the principal legislative clerk, the executive clerk, the minute and Journal clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary, and all such officers shall be sworn to secrecy.

We have all those officers here always when we are in secret executive session.

Mr. LENROOT. That is only done to insure secrecy where the rules require it.

Mr. NORRIS. Exactly; but I can not understand how the Senator can admit that the consideration of a nomination is executive business and then say that section 2 of Rule XXXVI does not apply to the consideration of nominations.

Mr. LENROOT. I would like to ask the Senator a question there. If the Senator's construction is correct, what possible purpose could there have been in adding the last clause to paragraph 3 if it is already covered by paragraph 2, as the Senator contends—

Or unless the same shall be considered in open executive session.

Mr. REED. Mr. President, if I may inquire——

Mr. LENROOT. Before the Senator does that I would like to have an answer to my question from the Senator from Nebraska. If the Senator thinks that is all covered by paragraph 1, the paragraph which covers all executive business, that it may all be considered in open executive session, why is the last clause added to paragraph 3?

Mr. NORRIS. "Unless the same shall be considered in open executive session"?

Mr. LENROOT. Yes.

Mr. NORRIS. I will read paragraph 3 of Rule XXXVI:

All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

That applies to treaties.

Mr. LENROOT. Yes, but——

Mr. NORRIS. It applies to another form of executive business.

Mr. LENROOT. Exactly.

Mr. NORRIS. The other rule applies to a different form of executive business, which is nominations.

Mr. LODGE. The first refers to nominations, of course.

Mr. LENROOT. Exactly.

Mr. NORRIS. "All confidential communications." I would not take that to mean nominations. The making of a nomination is by our rules expressly stated not to be a secret.

Mr. LENROOT. Does the Senator admit that the consideration of treaties is executive business?

Mr. NORRIS. Yes.

Mr. LENROOT. Then the Senator contends that paragraph 1 covers all executive business?

Mr. NORRIS. Yes.

Mr. LENROOT. Does the Senator say that treaties are to be considered in open executive session except for the last portion of paragraph 3?

Mr. NORRIS. At least, that would cover it. I am not saying there is nothing else in the rule which would permit it, and I concede to the Senator that that is sufficient authority to consider a treaty in open executive session.

Mr. LENROOT. There is no such authority in paragraph 2 relating to nominations, and there being none, the conclusion is irresistible that there can not be an open executive session without dispensing with the rules for the consideration of nominations.

Mr. NORRIS. If the Senator's contention were right, then the makers of this rule would never have printed the clause "unless the same shall be considered in open executive session," because that as to treaties is repeated. I admit with the Senator that what is in paragraph 3 of the rule does not apply to nominations. It applies exclusively to treaties and other confidential communications.

Mr. LENROOT. Does the Senator think that if there be any other executive business than treaties or nominations, it may be considered in open executive session if the Senate sees fit to do so, and that where the rule provides that proceedings must be kept secret, without at the same time providing that the injunction of secrecy may be removed and the matter considered in open executive session, it can not be done?

Mr. NORRIS. The point that seems to me clear is that all executive business of all kinds, whether it is nominations or confidential communications—everything that can come under the definition of executive business—can be considered in open executive session. That must follow, or the language is absolutely meaningless. That is the way it seems to me.

Mr. REED. Mr. President, I am unable to follow the reasoning of the Senator from Wisconsin. I think it very easy to follow the language through and understand it. The first paragraph of Rule XXXVI provides that—

When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend the place appointed, with the necessary officers of the Senate.

That contemplates that when the President has any executive business whatsoever, he may come to the Senate in person, as was once the custom. He may, of course, proceed by written message, which is now the custom. Paragraph 2 reads:

When acting upon confidential or executive business——

Now, executive business embraces everything the Executive may submit to Congress. There may be, in addition to executive business, business of a confidential character which the Senate itself desires to consider in secret, but when acting upon a confidential matter or anything the Executive may submit—

Unless the same shall be considered in open executive session, the Senate Chamber shall be cleared.

The language there clearly implies that there may be an open executive session on any executive matter or upon any confidential matter whatsoever, but it will require action by the Senate to proceed in open executive session.

Paragraph 3 reads:

All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret * * * unless the same shall be considered in open executive session.

So treaties may be considered in open executive session. The language of the rule so implies. If the language there implies that treaties may be considered in open executive session, then the language of paragraph 2 applying to all executive business being the same, namely, "unless the same shall be considered in open executive session," applies to all executive business.

Now I come to the rule to which the Vice President calls attention, Rule XXXVII, which provides, when treaties shall be laid before the Senate, how the Senate shall proceed, that the treaty may be printed in confidence for the use of the Senate, and that in any stage of the proceedings the Senate may remove the injunction of secrecy from the treaty. That is merely carrying into effect the provision which regulates entirely the proceedings with reference to treaties, the same provision which had already been in the rule.

When we come to nominations in Rule XXXVIII we find—

When nominations shall be made by the President of the United States to the Senate they shall, unless otherwise ordered, be referred to appropriate committees.

But we all know that the words "unless otherwise ordered" have been construed to give the Senate the full right to pass upon the appointments without any reference to a committee. We ordinarily do refer nominations to committees, but we have the power to not refer them to committees. Indeed, I think that was done in the case of former Senator Kenyon a few days ago.

Then follow the provisions with reference to the discussion of nominations. They are to be in secret "unless otherwise ordered," and that runs through the entire proposition.

Mr. President, the Senate, I think, will hardly be willing to say that it can not consider a nomination in open executive session. Nomination after nomination has been considered in this body in open executive session. It happens time and again. The nomination of former Senator Kenyon was considered the other day in open executive session and the galleries were not cleared.

Mr. LENROOT. Does the Senator know of any nomination considered in open session except by unanimous consent?

Mr. REED. The question of unanimous consent does not come in here. There is an absolute rule, and we can not waive the rule by unanimous consent where the rule is absolute. Where the rule says the body can only proceed in secret, we can not by unanimous consent proceed otherwise.

Mr. LENROOT. Does the Senator assert that?

Mr. REED. I assert it.

Mr. LENROOT. Does not the Senator know that by unanimous consent the rules of the Senate can be disregarded and the Senate can do anything it sees fit?

Mr. REED. I assert that just as I assert any question which goes to the question of jurisdiction. The Senate can waive many matters by unanimous consent. The Senate could not waive the Constitution of the United States by unanimous consent, nor could it waive a constitutional provision. We have considered appointment after appointment in open executive session.

I will undertake to find plenty of such precedents if given a little time. The language of Rule XXXVI is, "unless the same shall be considered in open executive session," implying that there is such a thing as an open executive session.

I do not care to argue the question further, and I care very little about this particular case. I would not have made the motion except that a statement was made here that Maj. Peck was being put in a bad light by having his report discussed in the open session—an Army report, which was all I did discuss—and the evidence being kept from the public. Thereupon I moved to consider the nomination in open executive session, so that Maj. Peck could have the benefit of the evidence and of the discussion.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. KING. What is the status of the motion that is now before the Senate?

The VICE PRESIDENT. The Chair ruled some time ago that, in his opinion, the point of order was well taken, and that the motion was not in order.

Mr. FLETCHER. I will say to the Senator from Missouri that Rule XL itself provides:

Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

Mr. REED. Mr. President, I do not want to appeal from the decision of the Chair, but I simply state at this time that I shall take the trouble to look into the precedents in this matter, and if I can convince the Chair, in order that our precedents may be kept straight, I shall ask the Chair to reconsider the matter at a later time.

The VICE PRESIDENT. The Chair will be very glad to do that.

Mr. REED. Mr. President, if I may ask the indulgence of the Senate for one moment further, in my remarks I may have been understood to criticize the President for sending in this nomination. What the Senator from New York [Mr. WADSWORTH] has stated is true. The nomination had to be sent in under the law, and, therefore, anything I may have said that appeared to reflect on the President I should withdraw; but, at the same time, I desire further to remark that I protest against any law that proposes to promote men automatically. I think this is an illustration of the vice of such a law.

Mr. LODGE. Mr. President, in glancing at Gilfry's Precedents I have found one which seems to me to bear very directly on the point which has recently been under discussion. A resolution was offered by Mr. Riddleberger on July 8, 1886:

That the doors of the Senate shall not be closed during the time that the executive nominations are pending, discussed, or voted upon.

On July 9, 1886, the President pro tempore (John Sherman) laid before the Senate the resolution yesterday submitted by Mr. Riddleberger, providing that the doors shall not be closed during the discussions of executive nominations; when Mr. Harris—

That was Senator Harris, of Tennessee, who was a very able parliamentarian—

raised a question of order that the resolution proposed an amendment to the Standing Rules of the Senate, and that the provisions of Rule XL, prescribing the mode of amendment to the rules, were not complied with.

The President pro tempore sustained the point of order.

That was general instead of particular, but it covers, I think, the point which has been raised.

Mr. JONES of Washington. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is demanded, which is Senate resolution 213.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, to amend the Standing Rules of the Senate, so that all general appropriation bills shall be referred to the Committee on Appropriations.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment of the Committee on Rules.

Mr. HARRISON. Mr. President, I had understood on yesterday that we were going to have an executive session to consider the case which has been under discussion this afternoon. May I ask the Senator when it is his intention to move an executive session?

Mr. LODGE. I made no statement about it. The Senator from New York [Mr. WADSWORTH] gave notice that when the Senate next went into executive session he would bring up the Peck nomination.

Mr. HARRISON. I understood on yesterday that some Senator stated that to-day an effort would be made to have an executive session earlier than usual.

Mr. LODGE. No; nothing of that sort was said, so far as I know; but the Senator from New York, as I have stated, gave notice that at the next executive session he would call up the nomination to which reference has been made. That is the only notice, so far as I know, that has been given.

Mr. HARRISON. I understand that there has been considerable discussion on that proposition. May I ask when it is the intention to go into executive session to consider that nomination?

Mr. WADSWORTH. Mr. President, is the Senator addressing his inquiry to me?

Mr. HARRISON. Yes.

Mr. WADSWORTH. So far as I am concerned, I am willing to go into closed executive session immediately.

Mr. HARRISON. That is satisfactory.

Mr. WADSWORTH. But the Senator from Wyoming [Mr. WARREN] and the Senator from Kansas [Mr. CURTIS] are in charge of the matter which is the unfinished business before the Senate, and naturally I defer to their judgment as to the procedure.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business. I shall not request the yeas and nays on that motion at present.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi that the Senate proceed to the consideration of executive business.

Mr. HARRISON. I withhold the motion for just a moment, if some Senator on the other side desires to make the motion.

Mr. WADSWORTH. Mr. President, may I suggest to the Senator from Mississippi that, perhaps, it is possible to dispose of pending motion relating to the resolution to amend the rules? My disposition would be to delay, if possible, going into executive session until a vote may be taken upon that motion. Then I would ask, if it be not too late, that we go into executive session for the remainder of the afternoon.

Mr. KING. Mr. President, I think I can state to the Senator from New York that there will be considerable discussion of the proposed amendment of the rules, a discussion which could not be completed within several hours.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. WADSWORTH. Then, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 2 hours and 10 minutes spent in secret executive session, the Senate (at 6 o'clock and 30 minutes p. m.) took a recess in secret session until tomorrow, March 4, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 3, 1922.*

The House met at 12 o'clock noon and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, we bless Thee that Thou hast taken pleasure in sparing our lives and condescending to our needs. This day give us great thoughts, great hopes, and sure visions. Brighten our joys and let the light of the upper world fall upon us. Teach us that sometimes standing still is progress, waiting means victory, and failure often contributes to success. Inspire our wills with the spirit of obedience and service and all our days may we know that we are not forgotten. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. DAVILA. Mr. Speaker, when the gentleman from Kansas [Mr. TINCHER] was delivering his remarks yesterday and when he was stating that Gov. Reily hoisted the American flag over the schools of Porto Rico over the protests of the people who I said he removed from office, I arose and said: "I deny that most emphatically. The gentleman is entirely incorrect." I have the stenographic notes, which are correct, and have seen that my denial was suppressed from the RECORD.

The following words appeared also suppressed:

Mr. DAVILA. Mr. Chairman, will the gentleman yield? That is a personal attack upon me, and I must ask unanimous consent to address the House for five minutes on a question of personal privilege.

The CHAIRMAN. The gentleman may do that later when we are in the House.

I also ask permission to make the following correction: On page 3302 instead of "They were Americans" insert "They are two continental Americans appointed as heads of departments."

The SPEAKER pro tempore. The Commissioner from Porto Rico [Mr. DAVILA] asks unanimous consent to correct the RECORD by inserting certain remarks which he says were made by him during the remarks of the gentleman from Kansas [Mr. TINCHER]. The Chair understands the rule to be that if a Member having the floor yields to another Member, that the Member having the floor in revising and extending his remarks can not strike out the remarks of the person to whom he yielded. But if the Member having the floor has not yielded to another Member, the interpolations of a Member may be stricken out of the remarks by the person having the floor. The Chair understands that the Commissioner from Porto Rico asked the gentleman from Kansas to yield and the gentleman from Kansas yielded, and in revising his remarks the gentleman from Kansas omitted to include the remarks of the Commissioner of Porto Rico. Is that the fact?

Mr. MONDELL. I think that is not the fact, Mr. Speaker.

Mr. STRONG of Kansas. I understand, Mr. Speaker, that the gentleman from Kansas did not yield to the gentleman from Porto Rico, but that the gentleman from Porto Rico injected his remarks into the remarks of my colleague. My colleague is not here and I object to any such correction until he has been consulted.

The SPEAKER pro tempore. The gentleman from Kansas objects.

Mr. HUMPHREYS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Mississippi rise?

Mr. HUMPHREYS. There is another correction which the gentleman from Porto Rico asks to have made in his own remarks. I suppose there is no objection to that.

The SPEAKER pro tempore. The gentleman from Porto Rico asks unanimous consent to extend his remarks by making certain corrections in his own remarks. Is there objection?

Mr. STRONG of Kansas. If it is contained in the same matter, I object.

The SPEAKER pro tempore. The gentleman from Kansas objects.

Mr. DYER. Mr. Speaker, the gentleman from Porto Rico only wanted to extend his remarks to make corrections.

Mr. STRONG of Kansas. I think it is only fair that the gentleman from Porto Rico should consult with the gentleman from Kansas, and I therefore object.

The SPEAKER pro tempore. The gentleman from Kansas objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2492) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921.

The message also announced that the Senate had concurred in the following resolution:

House concurrent resolution 49.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 5013) entitled "An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials," the Clerk be authorized and directed to enroll the title so as to read as follows:

"An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials."

EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the farm risk insurance.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on farm risk insurance. Is there objection?

There was no objection.

Mr. GAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech by the gentleman from Ohio [Mr. FITZGERALD] and broadcasted by radio.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a speech by his colleague [Mr. FITZGERALD], broadcasted by radio. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to include an address delivered by J. B. Powell, secretary of the Chamber of Commerce of China, which he delivered before the Board of Trade at Washington on American trade with China.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing a speech delivered by J. B. Powell before the Board of Trade at Washington on American trade with China. Is there objection?

Mr. GARNER. Mr. Speaker, in view of the fact that Mr. WALSH, of Massachusetts, is not on the floor and the fact that he makes it a uniform rule to object to the printing of such matter, I am going to object until he can be again on the floor.

The SPEAKER pro tempore. The gentleman from Texas objects.

SECOND DEFICIENCY BILL.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10663, the deficiency bill.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole

House on the state of the Union for the further consideration of the deficiency bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

The Clerk read as follows:

The three foregoing appropriations shall be disbursed by the Sergeant at Arms of the House of Representatives.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 2, after line 10, insert a new paragraph, as follows:

"For payment to Henry T. Rainey for expenses incurred as contestant in the contested-election case of Rainey v. Shaw, audited and recommended by the Committee on Elections No. 2, $1,990.38."

Mr. MADDEN. Mr. Chairman, this item was certified by the Committee on Elections after the bill was reported. Hence the necessity for the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. Does this include counsel fees?

Mr. MADDEN. These are the expenses certified by the committee. They are within 62 cents of the statutory limit.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For stationery for Representatives, Delegates, and Resident Commissioners, fiscal year 1921, $250.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 2, line 24, strike out "fiscal year 1921" and insert in lieu thereof the following: "for the first session of the Sixty-seventh Congress."

Mr. MADDEN. Mr. Chairman, the reason for offering this amendment is that the expenses referred to begin to accrue after July, 1922, and carry over into another year, and we have to change the language to make it conform to the facts.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay to such persons as were actually engaged in the work designated by him, and in such proportion as he may deem just for the assistance rendered during the Sixty-seventh Congress in compiling the list of reports to be made to Congress by public officials, compiling copy, and revising proof for the House portion of the Official Register; preparing and indexing the statistical reports of the Clerk of the House; compiling the telephone and Members' directories; preparing and indexing the daily calendars of business; preparing the official statement of Members' voting records; and for recording and filing statements of political committees and candidates for nomination and election to the House of Representatives, pursuant to the campaign contribution laws, $5,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word, to ask a question with regard to the directories. The gentleman from Illinois will probably remember that when the first edition of the Congressional Directory was gotten out in this Congress it was discovered that the little mark which indicates whether a Member is a Democrat or a Republican was changed or omitted with respect to one Member from Connecticut. Because of that one little error all of those directories which had been printed and which had been distributed were recalled and the directory was corrected. The gentleman from Illinois is pledged to economy. Does he think that it is carrying out economy to recall a whole directory simply because of one little error like that?

Mr. MADDEN. The directory was not recalled, as I understand it. They just cut the page out. That is a matter for the Committee on Public Printing.

Mr. JOHNSON of Washington. Mr. Chairman, if the gentleman will yield, the directories distributed in the Capitol, which could be easily reached, were called in, opened, and a new page inserted. The cost of that was not much, a little more than the cost would have been to paste a slip on. This was not done at the request of the Members, it was done in the interest of having the directory accurate.

Mr. BLANTON. I am just calling attention to the insignificance of this mistake, because everyone knows the gentleman from Connecticut is a stanch, orthodox, lifelong Republican.

Mr. JOHNSON of Washington. The point lies here: Directories, encyclopedias, and other books of reference should not have mistakes in them. The committee were of opinion that that was a mistake which they were entitled to correct and which should be corrected, and it was corrected at a small cost.

Mr. BLANTON. I withdraw the pro forma amendment.

The CHAIRMAN. The Chair calls the attention of the gentleman from Illinois to the fact that the word "committee" in line 23, page 3, is misspelled. Without objection, the spelling will be corrected.

There was no objection.

The Clerk read as follows:

ARCHITECT OF THE CAPITOL.

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $49,800.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. Is this $49,800 in addition to the regular appropriation and the estimates made when the regular appropriation bill was before the House?

Mr. MADDEN. Yes. The House Office Building is controlled by the House Office Building Commission, who ordered the Architect of the Capitol to paint the office rooms there, put in new mail chutes, and make other repairs, all of which have been done. This is the amount that they cost. I think they put in some new lighting fixtures.

Mr. DOWELL. May I inquire of the chairman, as this matter has been before us frequently, if the officers are entirely ignoring the appropriation in making these expenditures without reference to the appropriation?

Mr. MADDEN. They authorized the work to be done, and it was done, and of course there is nothing left for us to do except to make the appropriation to pay the bills.

Mr. DOWELL. Has this commission authority to expend an unlimited amount of money and compel the payment by appropriation in a deficiency bill?

Mr. MADDEN. They have authority to make any improvements or repairs that may be necessary in the building under their jurisdiction. What they did, as I understand it, was to order the rooms painted. I understand that most of them have been painted. They ordered new mail chutes because they found that the mail chutes that were there held the mail and it got stuck and did not get to its destination. I think also that they ordered some new lighting fixtures. All of those are included in the item appropriated.

Mr. DOWELL. Did the committee allow this simply because it was a necessary improvement or because the commission had proceeded to expend the money?

Mr. MADDEN. They first ordered this appropriation because the bills had been contracted, and the work had been done. We assumed, I will say, that the commission having charge of the building and having authority would not have ordered the work unless they thought it was an essential improvement.

Mr. DOWELL. But the committee had not further data and no further responsibility than to allow the claims as presented, without reference to the nature of the improvement?

Mr. MADDEN. Of course we could not go into that because it was all done. We did not know whether it was needed or not.

Mr. DOWELL. I want to get the policy of this committee, and I am trying to inquire, not with reference to this item alone. This item may be perfectly all right, but I think we ought to stop somewhere these commissions and officials contracting indebtedness where there is no appropriation for the expenditure.

Mr. MADDEN. Of course, as far as we are able to do that we are doing it.

Mr. MANN. May I ask my colleague—I do not see any member of the House Office Commission on the floor—the items covered by this item in the bill were for various expenses incurred in the House Office Building where contracts were let and money expended under authority of the House Office Commission, but no money appropriated to pay it?

Mr. MADDEN. I think that is the fact.

Mr. MANN. I know that is the fact; that is stated in the estimate; there is no controversy about it; but I just wondered when I read that item whether it was the policy of the House Office Commission to authorize the Architect of the Capitol, and the ex officio Superintendent of the House Office Building, to let contracts for various improvements, and carry out contracts where no money has been appropriated for that purpose.

Mr. MADDEN. Well, it seems to have been the policy in this case.

Mr. MANN. I served on the House Office Commission for a great many years, and I feel quite confident, without attempting in any way to reflect upon the action of the present commission, while I was a member of the House Office Commission we did not undertake to do that thing. We undertook to get the appropriation before we spent the money.

Mr. DOWELL. Can the gentleman explain to the House how we can curtail expenses if all these commissions, boards, and officials are proceeding to make contracts and bring them to the Committee on Appropriations for appropriation?

Mr. MANN. Well, I do not think it would have curtailed the expenses any, because the improvements which were made in the House Office Building were all necessary improvements. All the money was not expended. Part is for reconstructing the mail chutes over there, which I am told did not work very well, and part of it is for painting roofs and other improvements, part of which has been done and part has not been done.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

RECORDER OF DEEDS.

The recorder of deeds of the District of Columbia is authorized to purchase book typewriter machines or parts thereof to an amount not exceeding $6,549: *Provided*, That not to exceed $5,872.20 of the purchase price shall be paid from the fees and emoluments of his office, and that he shall exchange, as the balance of the purchase price, old book typewriter machines of the value of not less than $676.80.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to ask the chairman of the committee if he could tell us about how many women there are employed in this department?

Mr. MADDEN. I do not think I can tell the gentleman how many women there are, but the recorder, who came before the committee, said that he needed five more record writers to operate these typewriting machines; that the work of the office was six months in arrears and the typewriters he had now are worn out.

Mr. BLANTON. That is not the particular point I want to get at. Is it not a fact that there are some less than 100 white women in this department?

Mr. MADDEN. I do not know how many there are. This is all a fee office, and we do not go into that very much.

Mr. BLANTON. The point I did want to go into was this: I do not know how the chairman of the great Committee on Appropriations feels about it, but I do know that the American people do not believe in having a whole department of good white women working under the direct supervision of a colored chief over them. That is the condition in this department, because I understand the recorder of deeds, a colored man, has been appointed and confirmed, and these white women, some of them I guess may come from Illinois, they either have to work there and take their orders from him as chief or they have to get up and leave their jobs and quit the Government service. Now, that is not a political question. It is a bigger thing than a question of politics. It is a question of what is right and wrong with regard to these white women employees of the Government. Go to them and the chairman will find out they do not like it. Go to them and he will find out that their relatives do not like it. Ask the people generally over the country or in Illinois or in Massachusetts and you will find out that the white people of this country do not like it. A political exigency does not make it right.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

SEWERS.

For operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and employment of mechanics, laborers, and two watchmen, purchase of coal, oils, waste, and other supplies, and for maintenance of motor trucks, $18,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I inquire of the chairman if these items were not provided for in the regular appropriation bill?

Mr. MADDEN. No. The $18,000 is to maintain the pumping stations which pump the sewage for the District for the balance of the year. It was shown beyond any question of doubt that unless they get this money to buy additional fuel, coal, oil, and other things like that, and keep the men at work, that a bad sanitary condition might result.

Mr. DOWELL. Was not that estimated for at all?

Mr. MADDEN. It was estimated for.

Mr. DOWELL. But was not sufficient?

Mr. MADDEN. Was not sufficient.

Mr. DOWELL. I notice there are a number of employees added?

Mr. MADDEN. No; no employees are added; not any.

Mr. DOWELL. It says employment of mechanics.

Mr. MADDEN. Those are the mechanics who are there.

Mr. DOWELL. And two watchmen.

Mr. MADDEN. That is the language of the law.

Mr. DOWELL. Are not these provided for in the regular appropriation bill?

Mr. MADDEN. Yes; in the regular appropriation bill, but if they do not get this money they can not keep the engineers at work. They have not enough coal, oil, and so forth, to keep the system going.

Mr. DOWELL. I understand from the gentleman's explanation that coal and oil is needed, and that in the regular appropriation you have the employees designated, and you make provision in the regular appropriation bill——

Mr. MANN. But if the gentleman will yield, I simply want to suggest that in making a deficiency appropriation it is customary to use the same language as in the original appropriation, so you would not have to keep two sets of book accounts.

Mr. DOWELL. As to all these men so far as it relates to employees it is a mere copy of the language of the original appropriation?

Mr. MANN. That is all.

Mr. MADDEN. That was all.

Mr. DOWELL. And the item really is for the purchase of coal and oil?

Mr. MADDEN. Yes. And the next item, I wish to say to my good friends, is for permit work for sewers, to connect new buildings that are going up, and all this work is reimbursable, so it does not cost the Government anything. It is all paid back by the owners of the property.

The Clerk read as follows:

STREETS.

Dust prevention, cleaning, and snow removal: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1922, $30,000.

Mr. DOWELL. Mr. Chairman, just one other item. I notice an item of $30,000 here which might be used for the cleaning of snow from the streets.

Mr. MADDEN. Yes.

Mr. DOWELL. Has the gentleman detected anybody in the city of Washington making an attempt to clear the streets of snow?

Mr. MADDEN. I will say that I was not very well satisfied with the job they did, but they had, when the great snowstorm came, an unexpended balance of about $173,000 in the street and snow cleaning fund, which would have enabled them to go without any deficiency if the snow had not come, and they showed us they had expended $30,000 out of that; that is, to clean snow. And without having it restored——

Mr. DOWELL. Did they show the gentleman from the books or from the streets?

Mr. MADDEN. We are not very well satisfied about the condition of the streets; but they say they did a good job, and, of course, we did not make the examination, because the snow had gone by the time they came to us.

Mr. DOWELL. That is, the sun cleared the streets?

Mr. MADDEN. Yes; cleared some of them.

Mr. DOWELL. Does not the gentleman think we should withhold this $30,000 until at least some effort is made by the departments to do a little work?

Mr. MADDEN. I am afraid we ought not, because they undoubtedly spent it. Whether they did a good job or not, I do not know. If this $30,000 is not added to the fund which they had before that they might not have anything to clean the streets with near the end of this fiscal year.

Mr. DOWELL. As I understand it, there was an ample amount appropriated for the cleaning of the streets of snow, and so forth. They have used only $30,000 for this purpose.

Mr. MADDEN. They used the $30,000 for snow.

Mr. DOWELL. At least, some part of that was included in the regular appropriation?

Mr. MADDEN. Yes.

Mr. DOWELL. And why should they come here and ask for reimbursement of every cent they spent for cleaning the snow when that was the purpose of the original appropriation?

Mr. MADDEN. Of course, nobody dreamed that any such snowstorm as that had——

Mr. DOWELL. Conceding it was extreme, why should they ask for the actual amount they expended, some part of the original appropriation being intended for the purpose of cleaning the snow?

Mr. MADDEN. I will say to my friend that if everybody was as hard on the applicants for deficiencies as our committee has been, he would discover that we do not let anything get by unless they prove their case.

Mr. DOWELL. I concede the gentleman is very careful. But I fear he is reimbursing the entire sum, when at least a

part of it that had already been appropriated has been used for this purpose.

Mr. MANN. Mr. Chairman, in view of what has been said on the floor, and in view of some of the comments which have been made concerning the clearing of snow from the streets after the recent snowstorm, I want to say that in my opinion the District Commissioners did exceedingly good work in cleaning off the snow in the District of Columbia. Perhaps out in Iowa, in one of these country towns, they carry all the snow from the streets and dump it onto somebody's farm, though I somewhat doubt it. Now, as to the appropriation here, snow cleaning is included by language every year in the street-cleaning item, though it is not expected that it will be used ordinarily, and it is not used, because there had not been an especially large snowstorm in Washington to use up that appropriation of late years, but unless it were included in the item the District Commissioners could not commence to clean snow at all until Congress had acted specially.

Mr. DOWELL. The gentleman, then, means to have us understand when we put this item in we did not mean it; that it had no reference to the snow?

Mr. MANN. My friend from Iowa may believe that. I do not think anybody else in the House believes it. I say—and I repeat it for the benefit of my distinguished friend from Iowa—that in order to permit snow cleaning to be had without special action of Congress the language authorizing snow cleaning is included in that street-cleaning item, and there is no sum added to the amount originally appropriated for snow cleaning.

Mr. DOWELL. My experience has been, however, that Congress has plenty of time to act before the departments act in the District of Columbia.

Mr. MANN. The gentleman has had long experience in Congress and knows that sometimes we have made a special appropriation for snow cleaning. My experience is that the last time the District Commissioners went to work at snow cleaning just as soon as the snow had fallen. They did not cart it all away. They did not open up all the sidewalks and all the street crossings at once, because my friend from Iowa would not go down and work and help them do it. They were short of labor. And we preferred to loaf around in our easy, warm quarters rather than to go and shovel snow.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

FIRE DEPARTMENT.

For repairs and improvements of fire boat, fiscal year 1921, $20.91.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Chairman, to-day marks the close of the career of Mr. Will Hays as a member of the Cabinet. To millions of Republicans it is a day of thanksgiving and rejoicing. As an old-line Republican, representing a rock-ribbed Republican district in Illinois, I join in this feeling, a feeling that is well-nigh universal among Republicans, a feeling that I know is overwhelming in my district. Mr. Hays has been the one disappointment of the first year of Republican administration. He entered the Cabinet with the confidence, the love, and affection of that great army of Republican workers throughout the country who made possible the tremendous Republican victory in 1920. They believed and felt he was one of them. He had in millions of letters bearing his signature, in public speeches, and in private conversation led them to believe that. He had preached organization, and had always impressed the vital importance of a change of administration and the removal of Democratic officials from their places. Entering the Cabinet one of its most popular members, he is quitting to-day by unanimous consent. [Laughter.] This is because in the minds of Republicans he is to-day the prince of mugwumps. They may be wrong. Mr. Hays may be the greatest Postmaster General the country has seen. He may be the great "humanizer" uplift publications picture him to be. But the cold fact remains that the great army of loyal Republicans who carried the last election do not view him in that light. To them the most popular act of his life is his retirement from the Cabinet. [Laughter.] They feel under everlasting obligations to the movies for the great service they have rendered the Republican Party. [Laughter.]

If there are those high in the councils of the Republican Party or of this administration who do not know and appreciate the universal dissatisfaction among Republicans over the management of the Post Office Department, they had better wake up to that situation. This disappointment is not confined to applicants seeking postal appointments by any means. If that was the extent of the resentment and ill feeling, it would not be a very serious matter. It takes in whole communities and is general in every county and every State of the Union.

The people know this: That when the Democratic Party came into power in 1913 every Republican postmaster and official was kicked out and a good Democrat put in his place. The people approved that. No Republican complains about it, because it was the natural and proper thing to do. Republicans remember the great housecleaning in 1913, and they do not understand, they can not understand, why it is almost impossible to get a Democrat out of an office he holds simply because he is a Democrat. It may be Mr. Hays is not responsible for this situation, but in the mind of Republicans he is looked upon as the guilty person, and for that reason his retirement is universally popular and satisfactory.

THE BURIAL OF SIR WILL HAYS.

Not a sob is heard, nor a mournful note,
As Sir Will to the movies is hurried;
Not a Republican breathes a farewell sigh,
Over the grave where their Jonah is buried.

[Laughter.]

We part with him gladly, so young and bright,
His going leaves not an ache nor a yearning;
In the rays of the movies' calcium light
He is welcome to all he is earning.

[Laughter.]

No heroic medal adorns his breast,
Nor in love's affections we wind him;
But he lies like a mugwump taking his rest,
With his high-brow cloak around him.

[Laughter.]

Few and short are the praises said,
And we speak not a word of sorrow;
But we joyfully gaze on the face of our dead,
And we cheerfully think of the morrow.

[Laughter.]

We think as we gaze on his gorgeous bed,
And watch movie stars arrange his soft pillow;
Our Democratic friends will no longer be fed
While Republicans, blue, weep under the willow.

[Laughter.]

Sadly the Demies will mourn him that's gone,
And o'er fond recollections upbraid us;
But little we'll reck if they'll cease to hold on,
To places the people at the election gave us.

[Laughter.]

Mr. BLANTON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. No motion was made.

Mr. BLANTON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, ingratitude is the dominant characteristic of the great Republican Party.

Mr. McARTHUR. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McARTHUR. I make the point of order that the gentleman is not discussing the last word.

Mr. BLANTON. I am discussing the last speech. [Laughter.]

Mr. Chairman, the subject of attack in the last speech, Hon. Will H. Hays, managed the campaign that made it possible for this other side of the House to have 170 majority in the House of Representatives. It made it possible for a Republican to occupy the White House. It made it possible for a landslide to come to the gentleman's party. Will H. Hays was in charge of the political fortunes of all Republican politicians last campaign, and when he performed his duty so well that he brought into this House 170 new Republican Members——

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I regret I can not yield.

When he did all this, now that he is retiring, the hammer is used on him.

Ingratitude, I say, ingratitude is a great attribute of your party, a party that promised this and that to the voters of this country for their votes, and a party that should be grateful to Will H. Hays for the great landslide, yet after the votes were secured, after the seats are now being held by the recipients of those votes, ingratitude steps in; they are forgetting what has been done for them, and they seek to strike the very one who did most to help make that success possible. What can you expect in the elections of the future?

I have no brief for Will H. Hays, but when any Republican voluntarily quits public office, I am for him. He has removed more good Democrats from post offices in my district than I can count. He has done that much for the Republican Party. He displeases, however, because he would not blindly obey

orders. But he is quitting now, and when a man is quitting public life, even though he is a Republican, I would rather give him a bunch of flowers than stab him when he can not answer. I do not believe in stabbing men when they have no opportunity to reply. Will H. Hays is this moment a Cabinet officer, but he ceases to be so to-day. He can not come upon this floor and defend himself. He has to stand the stab that a member of his own party gives him when he is retiring from public office. [Applause.]

Mr. FAIRFIELD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. FAIRFIELD. Mr. Chairman, Will H. Hays, after all, is no insignificant individual. We from Indiana know something of his public career. It has always been difficult for an incoming administration, without doing violence to the very fundamental principles of all government, to change too rapidly the personnel.

In a way the attack on Mr. Hays does him honor, for it reveals that he was unwilling, through ultra partisanship, to recognize accusations made against men simply and only because they were Democrats and thus have them removed from office before their time expired.

Really Mr. Hays needs no defense. I doubt if any man could have taken the position he occupied without having been subjected to some degree of criticism if he had tried to do his honest duty obligated by the oath he had taken. In the beginning of Mr. Wilson's administration the Democrats of my own district walked up and down the streets damning the administration because it had not moved more rapidly in the removal of Republicans from office, and so in this instance such an accusation against Mr. Hays does him honor instead of doing him dishonor.

I hold no brief for him. He needs none. It was no mean thing for a man to come into the chairmanship in the State of Indiana when the party was split asunder; it was no mean thing for a man to be so fair, so honest, so clean in his methods that before the campaign was over both sides recognized that standpat and progressives had been forgotten. The Republican Party, cemented together by the wisdom and the honesty and the ability of Will H. Hays, moved forward and won and won, until Indiana presented a solid delegation in the House of Representatives and in the Senate. [Applause on the Republican side.] And then, chosen as national chairman, he was one of those most efficient in healing the breaches in the Republican Party throughout the length and breadth of the Nation, because both sides had confidence that they were working under a chairman who, above all else, loved the country and believed from the bottom of his heart that its vast interests would be safeguarded in the hands of the Republican Party. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

WASHINGTON ASYLUM AND JAIL.

Hospital: For provisions, fuel, forage, harness and vehicles and repair to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, including an allowance to the superintendent of not exceeding $360 per annum for maintenance of vehicles for use in discharge of his official duties, for the fiscal years that follow:

Fiscal year 1920, $1,307.38;
Fiscal year 1921, $1,244.61.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. Mr. Chairman, I enjoyed the speech of my colleague from Indiana [Mr. FAIRFIELD]. It was ably put, and as a Member on this side I neither desire to defend nor to criticize. Repeatedly I have stated my position on this floor, and that is "To the victors belong the spoils." But what I object to is the present system or method of appointing postmasters, and what I am wondering about is whether the future administration of the Post Office Department will change that system or not, to wit, the so-called civil service proclamation method of appointing postmasters. In other words, at present it is simply used as a screen, and civil service means nothing.

My colleague from Indiana said the objection in his State was because Will Hays had not been active enough. Perhaps, as was stated by the gentleman from Texas [Mr. BLANTON], and as was also the case in my district, he was too busy looking southward to have time enough to attend to any of the applications of Republicans up in Indiana. I want either the civil service or the spoils system, if they are going to name them that way. But I am tired of the shell game, under the operation of which one is not able to tell what you can do, and when you can do it, and who is going to be appointed, except at some time, somehow, a Republican will be appointed.

I know of one case in my district where a Democratic postmaster was removed because he was active in politics, on a charge made by an anonymous writer, and the Post Office Department refused to give the name of the man making the charge.

Against such methods I object and I believe and so wrote to the department, saying that it was unfair and unkind and not just to remove a man on charges made by any person who was not willing to sign his name to the charges, so that the accused might meet his accuser.

To show you the present efficiency of the Post Office Department, of which my Republican colleagues on the right have boasted so much—and it is very efficient—I have been trying for about nine months to get some action in several cases in my district where acting postmasters were appointed. The acting postmasters happen to be Republicans and the other applicants are Republicans, but, although it has been from 9 to 12 months, the Post Office Department will not decide among those Republicans which one is the most capable of filling the position.

On the 8th of February I wrote a letter to my son in my home town. The letter was addressed to Joseph Sears, Kissimmee, Fla. On the 11th of February that letter was returned to Washington. In the left-hand corner, following the instruction of the Post Office Department, I wrote "From W. J. SEARS, M. C., Washington, D. C."

On the 1st day of March I received that letter in my office here. Of course, Mr. Chairman, having lived 40 years in my home town, and my son having been born in the town and having lived there 18 years, it was impossible in a city of only a few thousand, and where there is city delivery, like that in which my friend from Iowa lives, perhaps, to know who he was. I am not objecting to that, because I get many letters addressed to Joe Sears, and the postal employees forward them promptly to me, believing they are for me, and in this instance evidently overlooked the statement in the left-hand corner showing by whom the letter had been written. But I have been unable to understand why this efficient Post Office Department should hold the letter in Washington from the 13th of February until the 1st of March, while Will Hays was down in Florida, the best State in the Union, enjoying our beautiful winter climate and our health-giving atmosphere. I simply cite that as an illustration that it is very easy to criticize and to condemn. Now that a new Postmaster General is coming in, I trust that a Member of Congress, even if he is not known at home, may be known to some of the employees in Washington who are in the Postal Service and that important letters may be returned to him promptly if they can not be delivered to the person to whom they are addressed.

The CHAIRMAN. The time of the gentleman from Florida has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WILLIAMS having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

SECOND DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

WATER DEPARTMENT.

For extension of the water department distribution system, laying of such service mains as may be necessary under the assessment system, to be paid wholly from the revenues of the water department, $50,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. There has been considerable discussion lately with reference to the water system of the city of Washington. I think the average man desires to do what is right in connection with it and desires to have all the information available regarding this very important adjunct of our public service. I would like to ask the chairman of the committee what are the receipts from the water department? Are there any excess funds in that department, or is it all used in the upkeep? As a usual thing in any community the water department is the one paying public utility.

Mr. MADDEN. I am sorry to say that I have not the figures as to the water revenues here, but I am sure that the water department of Washington is more than self-sustaining.

Mr. SNELL. Has the gentleman the idea that the water rates should be increased and still not be out of proportion to what people are paying in other cities, so as to take care of any necessary improvements in order to provide for the future?

Mr. MADDEN. There is no trouble about water-main extensions being paid out of the revenues. I doubt if it would be possible to make the revenues meet such a capital expenditure as will be required for the new water system which has been proposed.

Mr. SNELL. I have understood from some statements made here on the floor of the House that the average householder in Washington pays only about one-half as much for his water as the average householder in other communities of similar size.

Mr. MADDEN. I think that is not true, judging from my own experience here and in Chicago.

Mr. SNELL. That would be a fair standard to judge by.

Mr. MADDEN. We pay a much smaller rate for water in Chicago than people pay here.

Mr. MANN. Much less.

Mr. MADDEN. The rate in Chicago is not more than two-thirds of the Washington rate, and I doubt if it is that much.

Mr. MANN. I do not believe the rate in Chicago is more than a third or a fourth of what it is here.

Mr. SNELL. In the small town in which I live I pay twice as much.

Mr. MADDEN. We have revenue enough to maintain the service in Chicago and also to build the tunnels and extensions; but I may say to the gentleman from New York that it costs a little more money to run the water department here than it does in Chicago in proportion to the volume of business done, because no filtration is necessary there, and here it is necessary to filter the water.

Mr. SNELL. What I had in mind was to find out if I could whether it was possible under proper organization, with proper rates, for this city to go forward and construct and maintain an adequate water supply for its present and future needs.

Mr. MADDEN. It is, without any additional charge being made for the water. I do not mean to say that they could build a great addition to the plant, costing millions of dollars, out of the revenues of the water department.

Mr. SNELL. That is, like the conduit from the Great Falls?

Mr. MADDEN. No; but they can cover everything else and still have a little revenue left. This $50,000 is an item for the extension of mains to the territory where there is a lot of new building going on, and the people who own the houses there will pay this back.

Mr. SNELL. Was any information brought before the gentleman's committee relative to the general subject of the improvements of the water system which have been so much discussed in the papers?

Mr. MADDEN. That did not come before this subcommittee, but we had it before one of our subcommittees, and we went into it very exhaustively. I think it may be fairly said that for safety in the future there ought to be some beginning on the work of water-plant extension.

Mr. SNELL. For the general supply of the city?

Mr. MADDEN. Yes; so that when the population increases you will have the supply ready to meet the increased population.

Mr. SNELL. As that is a subject which will come before the House very soon I thought that if the gentleman had the information before his committee it would not be a bad idea to have it brought out at the present time.

Mr. MADDEN. I will say that I think there ought to be something done.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

UNITED STATES VETERANS' BUREAU.

Vocational rehabilitation: For an additional amount for carrying out the provisions of the act entitled "An act to provide for the vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended, including personal services in the District of Columbia and elsewhere, funeral and other incidental expenses (including transportation of remains) of deceased trainees of the board, necessary medical service and treatment to trainees hereafter required in cases where such service or treatment is not provided by the war risk insurance act as amended; printing and binding to be done at the Government Printing Office; law books, books of reference, and periodicals, $78,714,182: *Provided*, That the salary limitations placed upon the appropriation for vocational rehabilitation by the sundry civil appropriation act approved July 19, 1919, modified as provided by the sundry civil appropriation act approved June 5, 1920, shall apply to the appropriation herein made.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, after the word "made," in line 11, insert the following: "*Provided further*, That no part of the foregoing appropriation shall be expended for construction work except making necessary repairs at any Army camp acquired by the United States Veterans' Bureau for use as a training center."

Mr. MADDEN. Mr. Chairman, this is the same limitation that was carried in the last bill. We forgot to include it, and I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. STEVENSON. Mr. Chairman, I desire to make a motion to strike out the last word, or whatever is necessary. I am not a chronic critic and I do not propose to become one of this bureau now because they have an enormous duty to perform, both to the people and the ex-soldiers. But I want to call attention to the fact that their medical bureaus hold so many examinations and vary so much in their conclusions that in some places the service is being criticized and discredited.

In my district, in my county, there are only a few claims coming from the county, although there were many soldiers at the front, but a young man was awarded total permanent disability. He carried a $10,000 life insurance, and that made his life insurance available and relieved him of paying the premiums and also gave him $90 a month compensation in addition to his insurance. He also had a policy in the New York Life Insurance Co.—and this is where the criticism comes in—that the Government is harder on its people than the soulless corporation. As I say, he had a policy in the New York Life Insurance Co. which provided that the premium should be waived if he was totally disabled, and the installments were provided for just as the Government life insurance does. Probably many of you are familiar with those policies.

Now, what happened? He went along for two years on his total permanent disability with both concerns. Last December the New York Life Insurance Co.'s medical authorities examined him and continued him as totally disabled permanently, waiving the premiums and paying the installments, but the medical officers at Atlanta examined him, and they reduced him to total temporary disability. Mind you, he had been three years not able to do anything and two years on the totally disabled list, and yet the New York Life Insurance Co., a corporation merely in it for the money they can make out of it, held his condition to be totally disabled and continued to waive its premium, while the Veterans' Bureau, by a ruling made by the medical director, has notified him that he is no longer permanently disabled but only temporarily disabled. There has been no change in his condition, and yet his insurance installment will stop and he must begin paying the premium this month.

Of course, when I appealed to the bureau here, they have required another examination, and I believe they will correct it. But that kind of a thing of the Veterans' Bureau dealing more harshly with these soldiers than the soulless corporation is not creditable to the medical department in the veterans' examination, of which they have one about every three months. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

BUREAU OF PLANT INDUSTRY.

White-pine blister rust control: For meeting the emergency caused by the appearance of the white-pine blister rust in the white and sugar pine regions of the Pacific coast, threatening the extensive Federal holdings of these essential woods as well as private and State holdings, thus endangering the entire supply thereof, $150,000, which sum shall be available for investigation and control work on the white-pine blister rust in the white-pine and sugar-pine areas in the West, in such manner as in the judgment of the Secretary of Agriculture may best accomplish the suppression of the disease, and shall remain available until March 31, 1923: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed. And the Secretary of Agriculture is hereby authorized to incur all necessary expenses, including the employment of such persons and means in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals, as he may deem necessary to accomplish such purposes.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I am very much interested in the $150,000 appropriation made available for this investigation of the white-pine blister rust in the white and sugar pine regions of the West and Pacific coast. Although I was not successful in getting $50,000 in this bill for the same purpose in the East, I feel that this appropriation is right and is very much needed at the present time.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. SNELL. I will.

Mr. WHITE of Kansas. I would like to ask the gentleman whether it has been demonstrated, as stated in the hearings,

that the method adopted and employed for the eradication of this evil is successful?

Mr. SNELL. That is a hard question to answer, but they feel that to a certain extent they are controlling it in the East, but do not expect to entirely wipe it out. But they think that if they start early enough in the West they will be able to wipe it out, and that is the reason they want the $150,000 at this time, as the springtime is the most propitious time to do this exterminating work.

Mr. WHITE of Kansas. If the gentleman will yield further, for I know that the gentleman is familiar with this subject, is this rust that is discussed in the hearings—and I have only examined it cursorily—is it as destructive to pine as is claimed?

Mr. SNELL. It will kill young pine right away, but the mature pine is not absolutely ruined for market for several years.

Mr. WHITE of Kansas. This is a new thing to me, and we are all very much interested in the conservation of our white-pine timber and its growth. Does the gentleman know that the means which have already been employed have been effectual?

Mr. SNELL. Yes; they have been absolutely effectual where they have had money enough to carry them out. They can actually prevent the spread if the work is done properly and at the right time. The disease got the start of them in the East, and probably never will be entirely wiped out, but we hope to control it as much as possible; but if they have this emergency appropriation it is thought that they can stop it in the West.

Mr. DALLINGER. Why is it that the gentleman was unable to get the appropriation to stop this disease in the East?

Mr. SNELL. That is perhaps a fair question, but I went before the committee, and they think, as long as they provide $175,000 in the regular appropriation bill and that $50,000 of that would be available for work immediately, which will take care of the situation fairly satisfactorily in the East at the present. One object I had in rising at this time was to see if the chairman of the Committee on Appropriations understands the situation the same as I do, namely, that if we make this appropriation of $150,000 for use in the West the other appropriation of $175,000 which is carried in the regular Agricultural appropriation bill is intended to be used in the North and the East.

Mr. MADDEN. My understanding is that in the Agricultural bill for 1923 there will be a provision carrying $175,000 to be used entirely in the North and in the East, some of which it is intended to have made immediately available. This item is for the extreme West. It appears that the pine blister rust is brought about largely through a beetle.

Mr. SNELL. Yes; and the spores fly from the pine tree to the currant bushes and back to the pine trees.

Mr. MADDEN. And the only way it can be extended to the tree is by having blackberry or currant bushes and things of that kind surrounding the trees. The disease is not transmitted from one tree to another, the scientists say; and it is to clear this undergrowth away from the trees, so that the disease can be eliminated, that this appropriation is proposed.

Mr. SNELL. I agree with the gentleman on that; but I do not want to have any misunderstanding with regard to what is going to be done with a regular appropriation carried in the Agricultural appropriation bill.

Mr. MADDEN. There is no misunderstanding. It is thoroughly clear to us.

Mr. SNELL. Of course, in the bill the language does not say that it is confined to work in the North and the East, but it is the understanding that that is where the $175,000 carried in the regular bill will be expended?

Mr. MADDEN. Oh, yes.

Mr. SNELL. And $50,000 of that will be made immediately available?

Mr. MADDEN. Yes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 28 to House bill 10267, the legislative appropriation bill.

SECOND DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Not to exceed $5,000 of the appropriation of $25,000 made in section 6 of the act approved March 4, 1921, entitled "An act to repeal and amend certain parts of the charter and lease granted and made to the Washington Market Co. by the act entitled 'An act to incorporate the Washington Market Co.,' approved May 28, 1870," in addition to the sum not in excess of $3,500 provided for the same purpose by the act approved December 15, 1921 (Public, No. 399, 66th Cong.), is made available to enable the Attorney General to compensate expert witnesses and pay necessary expenses incident to the duties imposed upon him by section 7 of the said act approved March 4, 1921.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 22, line 10, strike out the word "sixty-sixth" and insert the word "sixty-seventh."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For refund of immigration fine erroneously assessed and collected from the United States Shipping Co., Norfolk, Va., $340.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 25, line 22, after the figures "$340" insert a new paragraph as follows:

"For the enforcement of the laws regulating immigration of aliens into the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1922, $150,000."

Mr. DALLINGER. Mr. Chairman, I understand that it is proposed to furlough all of the immigration inspectors for 30 days sometime between the 1st day of March and the 1st day of July. Anyone connected with or informed in respect to the Immigration Service knows that the immigration inspectors have been working very hard. A great many of the men have been working nights and Sundays to keep up with the work. As we know, the steamship companies have been bringing people over to this country even where the quota allowed for the different countries had been exceeded, and it has caused a very large amount of work to be thrown upon the officials concerned. I understand that through a mistake on the part of those having charge of the accounting in the Department of Labor there is a deficit of $150,000 just discovered, and in order to carry on the service until the 1st of July all of these men who have been working so faithfully and working overtime are to be rewarded for that faithful work by being laid off between now and the 1st of July for 30 days without pay. It seems to me it is pretty small business on the part of the United States Government to treat its employees in that way. The amendment that I have offered proposes to give the Department of Labor enough money so that these men, who it is admitted are needed to do the work, can be kept upon the pay roll for the full amount of their regular salary authorized by law until the 1st of July.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. BYRNS of Tennessee. Why is it that the Immigration Bureau did not ask for this appropriation?

Mr. MADDEN. They do not need any more money.

Mr. DALLINGER. I understand from the Commissioner General of Immigration that he did not think there was any use in asking for it. The Department of Labor received an additional appropriation of $300,000, as the gentleman knows, under the first deficiency appropriation act, and I presume they are probably ashamed that the mistake was made, but it is a fact. The commissioner general informs me that all of these inspectors are going to be laid off for 30 days between now and the 1st of July, and the first batch of them have been notified of that fact.

Mr. BYRNS of Tennessee. Does the gentleman think it would be good policy in making appropriations to appropriate money when the bureau involved does not think it important enough to come to Congress and make a representation as to the need for the appropriation?

Certainly the commissioner general has no way of determining whether or not the Congress would allow it unless he asked for it, and there has been no statement made to the committee, so far as I know, that he desires such an appropriation.

Mr. DALLINGER. Mr. Chairman, it seems to me that the Members of this House are concerned with the sort of treatment accorded Government employees. It is a fact that these men are going to be furloughed, the first division of them having been so notified; and I submit that it is not a fair, decent way to treat the employees of the Government. They were employed at these salaries fixed by law. Many of them have been in the service for many years, and the salaries that they receive are small, and now they are confronted with this situation: That

after having worked overtime, without any extra compensation—because they do not get any extra compensation for overtime—having worked nights and Sundays because of this deficit in the Department of Labor, they are going to be furloughed for 30 days between now and the 1st of July. In other words, a whole month's pay will be taken away from them; and it seems to me, whether the Commissioner General of Immigration asked for this money at the time the hearings were held or not, that such treatment ought not to be allowed by the Congress. I understand that a similar amendment will be offered in the Senate if it is defeated here. In other words, I think Congress is concerned with having the employees of the Government treated decently; and this is not a decent way to treat them.

Mr. MADDEN. Mr. Chairman, in November of last year there was certified to the Speaker of the House by the President of the United States, on the request of the Labor Department, a recommendation for the appropriation of $300,000 to carry on the work of the Immigration Bureau for the rest of the fiscal year 1922. Every dollar that they asked was given. They asked for $300,000 and they got it. They have not asked for any more. There is no information in the possession of the Committee on Appropriations that they need it. Nobody connected with the Labor Department has ever communicated directly or indirectly with anybody on the Committee on Appropriations so far as I know to say that they wanted that sum of money. Now, we are not mind readers, and I do not think it would be good practice for us to force the Labor Department to take money whether it wants it or not. Why should Congress urge the departments, that are always willing to take money, to come and ask for it. They will come fast enough without anybody asking them to do it. Our job should be to discourage them from coming. It is our function never to appropriate for any activity unless the appropriation is necessary. Now, we have no information from any source whatever, except the statement of the gentleman from Massachusetts who lives close by an immigration district station and has probably felt the heartbeats of the immigration inspectors, who always have some doubts of what is going to happen to them in common with all other people who are on the Government pay roll.

Mr. SNELL. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. SNELL. Is there any doubt in the gentleman's mind that there is enough money available to keep the necessary agents employed?

Mr. MADDEN. We can only judge. I have never seen any evidence on the part of any Government functionary of any modesty when he wants money. He comes and demands and pleads and argues and uses every power that he knows how to use, and if he does not get what he wants he generally wires to somebody to wire to somebody else, and you get a flood of telegrams as the result of his wiring that there is need for something when there is no justification for it. Every telegram you get urging you to do something generally originates here. It does not originate anywhere else. These departments have a sense of smell that prompts them to send telegrams to every place in the United States from which they think a telegram may come back to you to tell you to do something you ought not to do, and these telegrams you have been getting in connection with this proposed amendment of $150,000 are the result of that sort of propaganda. Now, why do not these men in the departments who are the responsible management come to the Congress and ask for it? Why do not they go to the Budget officer, why do they not go to the President, prove their case, have it certified, and let it be considered in the only legitimate way that it should be considered?

Mr. SEARS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SEARS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MACGREGOR. Mr. Chairman, I would like to ask the chairman of the committee on the subject of things that ought not to be done.

Mr. MADDEN. Go right along.

Mr. MACGREGOR. I observe in this bill there are several items included for payment——

Mr. MADDEN. This amendment is pending.

Mr. MACGREGOR. This is connected with this subject. Here is a refund of an immigration fine erroneously assessed and collected——

Mr. MADDEN. I would be delighted to inform the gentleman about that.

Mr. MACGREGOR. I am not interested in the particular item.

Mr. MADDEN. There are several items of that sort——

Mr. MACGREGOR. I am interested in the practice which we rebelled against or tried to rebel against last year, of having claims propositions tacked on bills.

Mr. MADDEN. There are not claims. Here is the situation. A ship comes into the port. The immigration officer at the port decides that the captain of the ship has violated a port regulation, and he imposes a fine. Immediately upon the imposition of the fine the money must be deposited with the proper official of the Government.

The case is not tried at all after that happens, and when the case is tried the money is already in the Treasury of the United States.

Mr. MANN. I think ordinarily the money is retained and refunded if necessary, but sometimes erroneously paid into the Treasury of the United States.

Mr. MADDEN. Maybe that is true, but there is no trial of the case until after the money is deposited. If the money was held in the port by the local officials and the case was tried while it was in their hands, they could pay it back themselves, but if it was paid into the Treasury of course there is no way after the trial in which to show the man on whom the fine was imposed was not guilty, except in this way.

Mr. MACGREGOR. Can that not go through the Claims Committee?

Mr. MADDEN. This is not a claim.

Mr. MACGREGOR. Take, on page 34, the claim of the Harriman National Bank——

Mr. MADDEN. I will explain that. That is a peculiar situation. The Alaska Railroad management way up there in the frozen north generally carry about $100,000 in current funds to meet their daily obligations. They used to carry them in their pockets. They had no place in which to store them. There happened to be a bank in Fairbanks, I think, named the Harriman National Bank. It had a capital of $25,000. The Government wanted to deposit their daily funds, amounting to about $100,000, in this bank. They agreed to accept it. The order went out to make the bank the Government depository, and then it was discovered that they did not have either securities or capital enough to guarantee the safety of the deposit. Well, it so happened that this bank in Alaska, having the same name, was the correspondent of the Harriman National Bank in New York, and having no other relation to it except correspondent. The bank in Alaska suggested to the officials of the Treasury that the Harriman National Bank in New York would probably be glad to guarantee the safety of the funds if they deposited them up there. So the Secretary of the Treasury asked the Harriman National Bank in New York if they would do this. They said that they would as a matter of accommodation to the Government. They did not have the money, so they gave security for the deposits in this bank. They did not have the money on deposit.

Then the Secretary of the Treasury sent the contract over to the Harriman National Bank in New York. One of the provisions of the contract was that 2 per cent interest should be paid on deposits which they guaranteed in another bank, and the Harriman National Bank wrote a letter to the Secretary of the Treasury saying they would not pay the interest, because they did not have the money, but that they would give any security for the safekeeping of the money in the other bank. And the Secretary of the Treasury forgot to reply to the letter and correct the conditions that existed. So it went along, and the bookkeeper in charge of the payment of interest on monthly balances in the Harriman National Bank automatically every month sent a check from the Harriman National Bank to the Secretary of the Treasury for the payment of the interest on the balances on deposit when they had not any balances on deposit. They had not anything on deposit, and it was not discovered for quite a long while. And the Treasury Department says, of course, they never should have received the money and the Harriman National Bank never should have paid the money. There was no obligation on their part to pay it, and the other bank had nothing to do except to conserve the daily interests of their railroad company up there, and without any interest charges whatever. So, you see, there is nothing to do but pay it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALLINGER. Mr. Chairman, I wanted to ask the gentleman from Illinois one question. I ask unanimous consent that he have five minutes more.

The CHAIRMAN. The time of the gentleman from New York [Mr. MACGREGOR] has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DALLINGER. I want to ask the gentleman from Illinois when the hearings on this appropriation bill closed?

Mr. MADDEN. I will tell the gentleman if I can. I do not have the exact date, but I will say that it was about a week ago—about the 21st of February.

Mr. DALLINGER. I am informed as to this matter that it was not known that these furloughs were necessary until after the hearings were closed on this bill.

Mr. MADDEN. They did not come to us.

Mr. DALLINGER. Do I understand that no one connected with the Department of Labor ever brought this matter to your attention?

Mr. MADDEN. Absolutely. The gentleman has a definite understanding of it.

Mr. MANN. May I ask the gentleman from Massachusetts a question? The Department of Labor knows how much money it has and how many employees it has, and have they not enough of efficiency to divide the two and find out if there is enough money appropriated to keep those employees in service, with or without a furlough?

Mr. DALLINGER. I am informed that they discovered there was a mistake of $150,000, within 10 days or two weeks.

Mr. MANN. That is not a good reason for giving them $150,000. If they can not keep their accounts, they ought to have some one who can keep them.

Mr. DALLINGER. I am informed that these men are going to be furloughed. I am not blaming the committee, the department never having called their attention to this matter.

Mr. MADDEN. Of course they did not.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

CHILDREN'S BUREAU.

For carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, including printing and binding, $370,000: *Provided*, That no salary shall be paid from the portion of this appropriation allotted for administrative purposes at a rate exceeding $2,400 per annum except the following: One at $3,600, one at $3,500, and one at $3,000.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 26, line 3, strike out the amount "$370,000" and insert in lieu thereof the amount "$730,000."

Mr. TOWNER. Mr. Chairman, I offer this amendment in order to call attention to a proposition that I think ought to be submitted to the committee. It really is a question of the interpretation of the law. The law for the promotion of the welfare and hygiene of maternity and infancy provided a fund in two parts, one of them the sum of $480,000 for the first year to be divided among the States in sums of $10,000 to each State. In regard to this particular part of the authorization it was provided that this amount was to go to the States without any cooperation or corresponding appropriation on their part. Then there was provided a further fund of $1,000,000, which was to be divided among the States according to their population, provided they made an appropriation of a like sum. The $10,000 that was appropriated for the first year was intended really for the institution of the service in the States. The Committee on Appropriations, in considering the matter, especially the $1,000,000, took the view that while it should be divided among the States, that as this particular fiscal year expired on the 30th day of June they ought not to appropriate more than a proportionate amount for the remainder of the year.

I am inclined to think that there is a great deal of justification for that view. However, the committee also made a like distribution of the $480,000 fund. I am inclined to think that such a determination is hardly a fair interpretation of the law. It was intended that this preliminary amount should be used for the institution of the service among the States. If now only one-quarter of this amount is given to the States for institutional purposes, if they all accept it, they will receive only $2,500 each instead of what was intended, the amount of $10,000 for the institution of this service in each State.

I am inclined to think that there will be a very great disappointment among the people who are very greatly interested in this bill if that view shall prevail in the committee.

There is a further proposition that really——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. I will ask for five additional minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman permit a question?

Mr. TOWNER. Yes.

Mr. BYRNS of Tennessee. The law provides that $480,000 shall be distributed by the States without the necessity of cooperation for the first year, and after that the sum of $240,000 shall be distributed for the second year. Now, the bill which will be passed, the regular annual appropriation bill, will carry an appropriation for the States. If the gentleman's contention is correct, would it not result in appropriating the $480,000 plus $240,000 for 15 months instead of for 3 months?

Mr. TOWNER. That will be the effect if this sum is to be considered in the same light as the other sum.

Mr. BYRNS of Tennessee. It would seem to me that this being a deficiency bill, and taking care only of a portion of the fiscal year, under the proper construction of the law we could only appropriate for the proportionate part of the year, and not the entire year.

Mr. TOWNER. I admit that the gentleman's view is correct in regard to the sum that is to be apportioned among the States upon what might be called the permanent basis. But it occurs to me that it might be a fair interpretation that each State would be entitled to the full amount of money provided in the act for the institution of the service, and unless that interpretation is taken of the law it will deprive them of what really was intended by the passage of the law.

I think the committee has acted very fairly regarding the matter. I am quite sure the Appropriations Committee has endeavored to give to the Children's Bureau all that they thought the Children's Bureau is entitled to, and I am simply presenting this matter for the full committee's determination. I believe that it will be a very great disappointment to those who are interested in the law and its institution and enforcement, and I am very much afraid that it may seriously handicap them in the institution of this service in the States. For that reason I am submitting the matter for such interpretation as the committee may give to the law. Of course, the original act is merely an authorization. The determination of the matter comes up on the appropriation, as is now being done. It is for the committee to determine as to whether or not a fair interpretation of the law would entitle the States to this $10,000 each which was provided for in the act.

Mr. MADDEN. Mr. Chairman, I suppose it may be fair to say that the question at issue is one of interpretation of the law. The question is how you would interpret the act under which this appropriation is being proposed.

There is one provision of the act which says that so much of the amount apportioned to any State for any fiscal year that remains unpaid at the close thereof shall remain available for expenditure in that State until the close of the fiscal year. In considering the duty imposed on the Committee on Appropriations the members of the committee had no desire whatever to embarrass the activity that is proposed under this act. We interpreted the law to say that for the first year there should be $480,000, or $10,000 allotted to each State without reference to population, and we considered that to mean that it was for the entire fiscal year. Now, whether we construed it improperly or not I do not know, but that is the way we construed it. It was not done with any intention to embarrass the activity, but rather to carry out the law as we understood it.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BARKLEY. It seems to me it could not be construed to apply to the entire fiscal year, because part of the fiscal year had gone by when the act was passed, so that the committee and the Congress should take into consideration the fact that part of the year had already passed when the bill was enacted and should keep that in mind.

Mr. MADDEN. Yes. The question is, What is a fiscal year? That is a matter of construction. Is it three months?

Mr. BARKLEY. I think I am correct in stating that the committee which reported this bill assumed that the entire amount authorized would be appropriated for the first fiscal year or any remaining part of it, and would not be apportioned

according to what there might be remaining of the fiscal year at the time the appropriation should be brought in; because it was realized that in order to get this work started it would take a larger sum to begin with than would be available if you appropriated only for the remaining three months of the fiscal year.

Mr. MADDEN. Of course, it would not be fair to appropriate that part of the $1,000,000 that is authorized in this bill for more than the three months, but it might not be unfair to appropriate the $480,000 which gives a $10,000 allotment to each State.

Mr. BARKLEY. Yes.

Mr. MADDEN. I think we may have erred in that. I do not say that we did err, but if we did, it was because we wanted to be overcautious; not that we wanted to discriminate; but we wanted to see that the law was not violated by us.

Mr. BARKLEY. I understand that if the bill is passed as it is brought in it will make no provision for the $10,000 for each State, except that portion of it that would be allotted for the last three months?

Mr. MADDEN. That is right. It would give them only $2,500 for each of those States, and the reason why we reached that conclusion was this: In the first place we thought we were construing the law properly. In the next place, there are only 6 States that have accepted, and 35 States the governors of which have indicated a friendly interest, but have not accepted because they have not the power to accept. In any case, if you allotted this money or appropriated it, they could not apportion it, because I assume they can not apportion the money until the State comes within the terms of the law.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I should like two or three minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BARKLEY. When the gentleman says six States have accepted, he means that the legislatures of those States have definitely accepted the provisions of this bill?

Mr. MADDEN. Yes; and 35 States have been communicated with through their governors.

Mr. BARKLEY. In some States they may have provisions relieving the legislature of the necessity of affirmatively accepting the provisions of the bill by reason of appropriations already made.

Mr. MADDEN. As far as our information goes that condition does not exist anywhere. I think the witness before our committee indicated that the governors had communicated with the bureau but only tentatively accepted on condition that the legislature approve.

Mr. MANN. Will my colleague [Mr. MADDEN] allow me to ask the gentleman from Kentucky a question?

Mr. MADDEN. Certainly.

Mr. MANN. Suppose the maternity bill had become a law on June 29, providing for $10,000 for the current fiscal year, when it would be impossible to make the appropriation during the current fiscal year. Then what would happen?

Mr. BARKLEY. Of course, I do not think anybody would be technical enough to argue that the entire amount should be appropriated for the one day remaining of the fiscal year, especially if the deficiency bill was not brought in until after the new fiscal year began. But that is not the case here. This work will require more money to begin with, to get started, than it will for any like period after it is begun.

Mr. MANN. That may be, but it is perfectly manifest that this money will not be expended to any extent during this fiscal year. Now, there will be an appropriation of $5,000 for each State for the next fiscal year.

Mr. MADDEN. And $2,500 in this bill for each State.

Mr. MANN. If they got the full $10,000 they would get $15,000 practically for the next fiscal year.

Mr. BARKLEY. I would like to ask the gentleman from Illinois whether I understood him correctly to say that any portion of this $10,000 not used by the State this year would be available to the same State next year, in addition to the $10,000 which it would get normally?

Mr. MANN. The law provides, as I understand it—my colleague [Mr. MADDEN] will know better than I—that an appropriation for one fiscal year if not expended during that fiscal year is available during the next fiscal year.

Mr. BARKLEY. Yes; but does the gentleman construe the fact that we do not appropriate the entire amount for the current fiscal year as allowing what is not appropriated this year to go over and be available for next year?

Mr. MANN. I do not think so.

Mr. MADDEN. No; I do not think that.

Mr. BARKLEY. Then your construction is that only that part of the $2,500 that you now provide which is not used during this year will be available for next year?

Mr. MADDEN. If they made an allotment of this $2,500 this year, of course that would be available for next year, and $5,000 more next year.

Mr. MANN. If I may make the suggestion, whatever the reasons may have been—and I assume there were good reasons—the act contemplated an expenditure of $10,000 by each State during the first year that it was in operation, and thereafter $5,000. Why is not that the proper thing to do here, because no part of this, or practically very little of it, will be expended this fiscal year? Make the appropriations now equal to $5,000 for this fiscal year, which will amount to $10,000 to be expended during the next fiscal year. It will be added as an expenditure for the next fiscal year, and that practically gives them $10,000 for the first year.

Mr. MADDEN. I think that is an excellent suggestion, and I am willing to accept it.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 26, line 3, strike out the amount of $370,000 and insert in lieu thereof $490,000.

Mr. MANN. Mr. Chairman, I want to make this suggestion to my colleague and gentlemen specially interested in this law: The maternity act provides for two classes of appropriations—one to be paid to the States direct, regardless of population, and the other to be divided among the States in the ratio of population, or whatever it is. This item is one lump sum. How will the bureau know how to divide this item? I should think the item ought to be in some way divided.

Mr. TOWNER. I have no objection to its being divided.

Mr. MANN. I think if it is not divided the bureau will not know how to divide it.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to pass over this item for the present until we can work out the proper language dividing the item.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to pass over the item for the present.

Mr. NEWTON of Minnesota. Will the whole item be left open not only for the consideration of this amendment but for the consideration of other amendments?

The CHAIRMAN. The paragraph is passed over to be again returned to, subject to any amendment. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

For 1921, $518,500; for 1922, $1,000,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I would like to have the chairman tell us what this $1,000,000 for 1922 is for, and what the $518,500 for 1921 is for.

Mr. MADDEN. That is freight on all sources of supplies, food, equipment, clothing, and everything except fuel, for the Navy Department.

Mr. SNELL. The reason I ask is a constituent of mine had a small claim against the Navy Department that was allowed for supplies during the war. He received a letter saying there was no money available to pay it, and I wondered if this would cover it.

Mr. MADDEN. There is one claim in here of $5,000——

Mr. SNELL. This was an account for supplies. There was no question about it; they simply said they had no money available to pay it.

Mr. MADDEN. This covers everything of that kind; it is all in this bill, and it consists of a lot of items.

The Clerk read as follows:

Fuel and transportation: For coal and other fuel for steamers and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both, $6,262,685.33.

Mr. HICKS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois, chairman of the committee, a question. I suppose this is to take care of the situation where the Navy finds itself without money for fuel. I want to ask the gentleman if this will enable them

to have joint maneuvers in the Pacific and Atlantic as contemplated.

Mr. MADDEN. I do not think it would. Those joint maneuvers were called off some time ago by order of the President.

Mr. HICKS. They were called off in July by reason of a lack of fuel.

Mr. MADDEN. I do not know about that, but I know they were called off.

Mr. HICKS. This would allow the independent maneuvers of each fleet, would it not?

Mr. MADDEN. The individual maneuvers are all over; there are no more maneuvers to be had, and this will enable the department to use $1,250,000 a month for fuel for the next five months. Two million five hundred thousand dollars was the highest sum they used in a month last year, and oil then was about $3 a barrel compared with $1.60 a barrel now. When the estimates for fuel supply for the fiscal year of 1922 were made they were made on a basis of $3.35 a barrel for fuel oil, and now it has gone down to $1.80 on the west coast, and practically all the ships burning oil are on the west coast. Those that are not on the west coast are in reserve. It is the judgment of the committee that it will give the Navy Department such an amount of fuel as ought to be expended for all proper discharge of naval functions between now and the 30th day of June.

Mr. HICKS. And this, with the amount already appropriated for this fiscal year, amounts to about $24,000,000.

Mr. MADDEN. About that; yes.

Mr. HICKS. Of that original amount for this year, practically all of it has been expended, up to about the 15th of February.

Mr. MADDEN. That is what I understand.

The Clerk proceeded to read the bill.

The CHAIRMAN. Without objection, the word "the," where it occurs the second time in line 22 on page 29, will be changed to the word "this."

There was no objection.

The Clerk read as follows:

POST OFFICE DEPARTMENT.

CONTINGENT EXPENSES.

For fuel and repairs to heating, lighting, ice, and power plant, including repairs to elevators, purchase and exchange of tools, and electrical supplies, and removal of ashes, $4,000.

Mr. COCKRAN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations why the recommendation of the post-office authorities to the committee that an appropriation be made for continuing the tube service has been denied?

Mr. MADDEN. There was pending before the committee that is in charge of this bill a recommendation for the reinstallation of the tube system in New York City, but it was admitted by the Post Office Department that it is not a deficiency, in the first instance, and it was also admitted that it changes the law and thereby involves legislation. Regardless of what the merits of the subject might be, it was not within the jurisdiction of this subcommittee or of the Committee on Appropriations to report the item which they suggested.

Mr. COCKRAN. Then it was left out purely as a matter of parliamentary procedure?

Mr. MADDEN. Parliamentary procedure was one of the reasons why it was left out. We would not have been able under the circumstances to justify the item under the rules of the House as a deficiency appropriation.

Mr. COCKRAN. And I suppose the committee took the ground that it supplied no deficiency?

Mr. MADDEN. In the first place it is legislation. The existing law giving the authority to the Post Office Department to use tubes provides that not to exceed $17,500 per annum per mile shall be paid for the use of the tubes. Their proposal was to pay $18,500 per mile up to $19,500 per mile, and more later. That would be an amendment to the law, and the Committee on Appropriations having no jurisdiction over bills that create legislation refuse to accept jurisdiction. There is no question about the fact that we have no jurisdiction at all.

Mr. COCKRAN. Of course, if there is no jurisdiction in the committee, that is abundant reason for not having it reported.

The Clerk read as follows:

Payment to Harriman National Bank, of New York, N. Y.: To refund to the Harriman National Bank, of New York, N. Y., the sum erroneously paid into the United States Treasury by the claimant bank as interest on deposits of public moneys from April 18, 1918, to June 30, 1920, $4,[illegible].

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to return to page 25 of the bill, to the item providing for the Children's Bureau.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to modify the amendment which I have at the desk and offer in its stead the following.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 26, line 3, strike out the figures "$370,000," and insert in lieu thereof the figures "$490,000," and the following: "of which sum $240,000 shall be for equal apportionment among the States without reference to population, and $250,000 shall be for apportionment among the States with reference to population and for administrative expenses in accordance with said act."

Mr. TOWNER. Mr. Chairman, I understand that the committee has no objection to the amendment as now presented.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the amendment for the purpose of making a few observations. My understanding of the maternity bill provisions is that there was an initial appropriation authorized of $10,000 to each one of the 48 States of the Union that comply with the provisions of the Federal law for the first year, and that the further sum of $1,000,000 is to be apportioned in accordance with the population of the States. For the second year there is to be apportioned to the complying States, without regard to population, an initial sum of $5,000, and then an additional amount for the second year in proportion to the population, and so on, during the period of five years, the theory of the law being that to encourage the States to get this work under way Congress would appropriate a fixed amount to aid the States, without regard to population, in starting the work, and that Congress would in addition match the appropriation made by the States in accordance with figures based on population. The maternity bill, as I recall, passed the House during the latter days of the first session of this Congress. The fiscal year then had run on something like four or five months. If we had intended that something less than the sum of $10,000 was to be apportioned to each State as an initial appropriation, we would have used language so providing, but appreciating the fact that we were then on the current fiscal year we then advisedly used these words—

For the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated for the current fiscal year, $480,000.

That is, we authorized to be appropriated the sum of $480,000 for the present fiscal year. That is clear and plain. There is a direct authorization for $480,000. How is that to be apportioned according to the law? It is to be equally apportioned among the several States. There is nothing in the act, there is nothing in the general law, so far as I have been able to find, which provides that the ordinary law pertaining to deficiencies shall apply to money appropriated by the Federal Government to the several States which the several States shall have the power and right to expend.

Mr. MADDEN. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. MADDEN. I suppose the gentleman would be willing to concede that the apportionment to the State could not be made until after the State had come within the provisions of the act?

Mr. NEWTON of Minnesota. Exactly.

Mr. MADDEN. And there are six States that have come within the provisions of the act.

Mr. NEWTON of Minnesota. Yes; I am so informed. But under my understanding of the law it is only those States which have come within the provisions of the law that are entitled to any money under the act. Now, it is my contention—and in that I differ with the chairman of the committee; we did not understand each other yesterday—that when a State in this, the current fiscal year, complies with the Federal law it is then entitled not to what the Committee on Appropriations may determine to give them but to an equal share of the amount apportioned to the 48 States.

Mr. MADDEN. Will the gentleman yield further?

Mr. NEWTON of Minnesota. Yes.

Mr. MADDEN. The Committee on Appropriations do not determine to give anything. The Committee on Appropriations only recommends to the House.

Mr. NEWTON of Minnesota. I know. I have agreed with the Committee on Appropriations on many occasions myself. I can well appreciate the fact that the action of the committee comes before the House with a great deal of weight. I would point out——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. I ask unanimous consent for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. MADDEN. Now, I was just wondering—of course, I do not know that the question I am going to ask has any sense to it—whether the fact that we only appropriate $240,000, because we intend to give $10,000 to each State as of the 1st of next July, would prevent, when all the conditions under the law have been complied with and all organization is complete, the authorities from giving to the State that has complied any additional amount that is authorized to be paid under the act?

Mr. NEWTON of Minnesota. If I understand the gentleman's position, it is this: He contends that under this $480,000 authorization, that because eight months of this year have gone by——

Mr. MADDEN. Nine when we get through the bill.

Mr. NEWTON of Minnesota. Whatever it is, that there should only be paid to the States three-twelfths of the $480,000, and that should be apportioned equally?

Mr. MANN. Will the gentleman yield?

Mr. NEWTON of Minnesota. In just a moment. Under the amendment it would be only half, and it is much better than the original provision; but I still maintain that under the law as we intended it and as I think it has been written the initial appropriation of $10,000 should be made to any State actually complying within the one-year period.

Mr. MANN. Was not the purpose of the act to give $10,000 to each State for the first year of the operation of the law and $5,000 thereafter?

Mr. NEWTON of Minnesota. That is my understanding.

Mr. MANN. Is not that practically carried out by giving them $5,000 for this fiscal year, $5,000 for the next fiscal year. They get $10,000 for the first year the law is in operation. Suppose the law was to become effective June 29, as it could easily have been——

Mr. NEWTON of Minnesota. Yes.

Mr. MANN. Does the gentleman claim they ought to have $15,000 for the first fiscal year?

Mr. NEWTON of Minnesota. I contend under the law they were entitled to $10,000 this year and $5,000 the next year.

Mr. MANN. Under the law they are entitled to what we appropriate. The general authorization would permit the making of an appropriation for $10,000 for this fiscal year and $5,000 for the next, but the theory of the law was to give them $10,000 for the initial year the law was in operation. Now it is not in operation yet, and it will not be during this fiscal year.

Mr. NEWTON of Minnesota. I will say in the State of Minnesota it has been in operation for something over a year.

Mr. MANN. The law may have been on the statute books, but it is not in practical operation, I mean.

Mr. NEWTON of Minnesota. They have been ready to use the money.

Mr. MANN. You will not use it during this fiscal year, the $10,000. Now that the appropriation for this fiscal year runs over to the next fiscal year under the law, they get under this amendment $10,000 practically for the first year the law is being operated. That was the theory of the law, and we carry out that theory.

Mr. NEWTON of Minnesota. It is being carried out better in the amendment than in the bill as it came from the Committee on Appropriations, but at the same time I feel for the purpose of promoting this work that it was the intent to give the States $10,000 to start out with and each year thereafter $5,000.

Mr. MANN. Oh, well, the bill was introduced in Congress in the last fiscal year, and it might have become a law on the 29th of June last.

The theory of the bill was to give $10,000 for the first year the law was in operation to each State in order to start it into operation, and $5,000 a year thereafter. Now if we give $10,000 for the next 15 months, considering the time it takes to put the law into operation they will be getting $10,000 for the first year to carry out the theory of the law.

Mr. NEWTON of Minnesota. Let me ask the gentleman this question: The initial appropriation for the second year is $5,000. Now, there will be a large number of States who, if they comply with the law at all, will comply with it some time during the second year.

Mr. MANN. And this appropriation holds over for the second year.

Mr. NEWTON of Minnesota. This present appropriation of $5,000 would hold over until then?

Mr. MANN. As I understand, the law expressly provides that.

Mr. NEWTON of Minnesota. Now, would the apportionment on the second provision of $5,000 be prorated for only a portion of next year?

Mr. MANN. Oh, the full amount would be appropriated.

Mr. TOWNER. It has all passed the House.

Mr. MADDEN. They would get the $10,000 under this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. I agree with the gentleman in the interpretation of the law. I think the amendment suggested by the gentleman from Illinois is so much better than the bill that it would be best for us and fairly satisfactory to the people who are interested.

Mr. MADDEN. We are very happy to cooperate.

Mr. NEWTON of Minnesota. I shall vote for the amendment, because I think it is much better than the original provision, but I merely wanted to state my own opinion of what in my judgment was intended when the bill was passed.

Mr. MADDEN. The Committee on Appropriations is always willing to be complimented on its parsimony.

The CHAIRMAN. The question is on the modified amendment of the gentleman from Iowa.

Mr. RAMSEYER. May we have the amendment again reported?

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

HOSPITALS.

Fort Mackenzie, Wyo., Public Health Service Hospital: For repairs and alterations of existing buildings, and mechanical equipment, approaches, etc., an additional sum of $100,000 is made available from the appropriation contained in the act approved March 4, 1921.

Mr. SNELL. Mr. Chairman, I want to reserve a point of order on this section for the moment.

Mr. MADDEN. That is not subject to a point of order.

Mr. SNELL. In looking over the hearings, Mr. Wetmore, who seems to be advocating this appropriation, states that it is for remodeling buildings, and so forth and so on, to double the capacity of the hospital at the present time, and also provide a certain amount for recreation, and so forth. Could that legitimately come in here on a deficiency appropriation?

Mr. MADDEN. This is a great plant, a million-dollar plant, at Fort Mackenzie, taken over by the Public Health Service for the Veterans' Bureau. Of the $18,600,000 authorized for expenditure some time ago for hospital purposes, $600,000 was allotted to Walla Walla and to Fort Mackenzie. The presumption was that a reasonably equitable proportion would be made between the two places.

Mr. SNELL. Yet I understand, after they made that allotment, they got additional information that there were not enough men in the vicinity of Fort Mackenzie to really need the additional amount.

Mr. MADDEN. The place is crowded, and they have already spent $108,000 out of the allotment, and unless they spend $100,000 more the work will be incomplete. Now, we propose to make this allotment out of the $861,000 yet unallotted out of the $18,600,000, and it ought to be done beyond any question. There is no doubt about it.

Mr. SNELL. I understand that the hospital board, after they looked over this matter and had gone into it very thoroughly, thought it was a mistake to spend any more money at Fort Mackenzie, and for that reason the original allotment was reduced.

Mr. MADDEN. That was not the information we had, I am sorry to say, because we would be glad to save this if we could, but we could not justify the refusal.

Mr. SNELL. You take the whole surrounding country that is contiguous to Fort Mackenzie, and, as I understood from the original plans they had down there in this hospitalization board, there were very few soldiers to be sent to that institution.

Mr. MADDEN. There are lots of them there.

Mr. SNELL. They are there, but they are sent from long distances when they ought to be hospitalized nearer home.

Mr. MADDEN. While they are there they have got to be provided for.

Mr. SNELL. If we have as many beds as the gentleman spoke of yesterday, why should we provide for Fort Mackenzie, when the men could be as well taken care of nearer home?

Mr. MADDEN. Seventy-eight hundred beds means about 20 per cent surplus, and all the doctors everywhere will say we must have at least 15 per cent surplus beds in order to accommodate the patients that come to the various places.

Mr. SNELL. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Transportation of the Army and its supplies: The amounts allotted for animal-drawn transportation and motor transportation by the Army appropriation act for the fiscal year 1922 are made available during such fiscal year for rail transportation in the amounts required to provide the following: The sum of $511,892.77 for returning surplus officers and enlisted men from Germany and making such movements of troops as become necessary therefrom to meet the most pressing needs of the Government, and the sum of $150,000 for expenditures made during the months of September and October, 1921, in connection with the West Virginia mine troubles.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the word "Germany," in line 24. I would like to ask the gentleman from Illinois [Mr. MADDEN] if he has in his possession what the policy of the Government is in reference to the retention of the troops now in Germany?

Mr. MADDEN. Most of the troops have been ordered home. I do not know how many there are to remain, but the appropriation provided for here is to transport the troops that are on the way home, or are ordered home, to their various stations after they reach here.

Mr. CONNALLY of Texas. After they reach here?

Mr. MADDEN. After they reach American soil. There is no provision here for the transportation of troops across the sea; but if we do not allow this item here, they would not be able to send them to the different places in the country to which they are to go.

Mr. CONNALLY of Texas. I will say to the gentleman that, in line 24, the language is:

For returning surplus officers and enlisted men from Germany and making such movement of troops as becomes necessary therefrom to meet the most pressing needs of the Government.

Mr. MADDEN. Railroad transportation here is part of their return. There is not any provision here for transportation across the ocean. It is just for the transportation on land after they reach here.

Mr. CONNALLY of Texas. Has the gentleman from Illinois any information as to what the policy of the Government is as to how long the troops are to be kept in Germany? As I understand it, the United States is now at peace with Germany, and I am rather curious to know just what the real status of the American Army is in German territory. I am not criticising the attitude of the Government, because there may be reasons why they should remain, but it does seem to me that the Congress ought to have more information in making appropriations for the Army, which we will have to do in a short time, as to what the Government's policy is going to be with reference to retaining the Army on German territory long after we are at peace with that nation.

Mr. MADDEN. I wish to say to the gentleman from Texas that the Army bill for the fiscal year 1923 is under consideration in our committee, and all of this question is being gone into very carefully. I think we shall be able to come in here with some definite information for the gentleman within the next 10 days. We expect to report the Army appropriation bill within 10 days and take it up for consideration.

Mr. CONNALLY of Texas. I will say to the gentleman that I am very glad to hear that statement. I do not care to criticise the fact of the troops being there. It may be very proper, but it does seem to me that the Congress, since it has no control over the question where the troops shall be sent, and has control only over its appropriations, ought to have some knowledge as to what the policy of the President will be with reference to keeping troops in German territory. If they are to be kept there under the treaty of Versailles, they might be kept there, as I understand it, for 15 years. If they are to be kept there at the request of the Allies——

Mr. MADDEN. I will say to the gentleman that they can not be brought back too soon to suit me.

Mr. MANN. We have been trying to get that information for several years. My colleague holds out the hope that it will be furnished in 10 days.

Mr. CONNALLY of Texas. That is no more extravagant than the idea expressed by the gentleman from Ohio [Mr. FESS] yesterday as to the progress that has been made by the present administration in other directions since it came into power.

Mr. MANN. In the one case the information will be forthcoming within 10 days, and in the other case we have been asking for it in vain for several years.

Mr. CONNALLY of Texas. I will say in reply to the gentleman from Illinois [Mr. MADDEN] that it is encouraging to hear that we will get this information in 10 days, because we have been attempting to get it without avail since 1919.

Mr. MADDEN. I can assure the gentleman from Texas that we will get that information for his benefit within that time.

Mr. CONNALLY of Texas. I am thankful for small favors and will be thankful for this when it comes. [Laughter.]

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. JONES of Texas. I notice in the Washington Post this morning a statement to the effect that the Allies were going to close up the German factories which are manufacturing the large lighter-than-air balloons and are going to forbid them making the balloons such as they have been constructing for the company which contemplates an air-line service with lighter-than-air craft from New York to Chicago because of the possibility of those machines carrying bombs in war time. Does the gentleman know whether or not the United States Government has adopted a policy of preventing the manufacture of these lighter-than-air craft?

Mr. MADDEN. I am sorry I can not answer the gentleman's question.

Mr. JONES of Texas. I notice that the morning Post uses it as in the nature of a piece of news with reference to the attitude of the Allies with respect to the manufacture of lighter-than-air craft.

Mr. MADDEN. I do not think it would be wise for a man to guide his actions through life by what he reads in the newspapers.

Mr. JONES of Texas. That is the reason why I wanted the information. I thought the gentleman, perhaps, would be able to give me more information on this than he has given in the past. The gentleman knows that a corporation has been organized which has for its purpose the establishment of a passenger service with these large balloons or dirigibles, whatever they may be called, between New York and Chicago, and this article this morning attempted to give the news that this was all going to be done away with and the factory scrapped and its supplies on hand required to be thrown aside by virtue of the simple fact that these passenger-carrying aircraft are of such a nature that they could carry large supplies of bombs in the event of war. It seems to me that is going a long way toward destroying an industry that ought to be regarded as perfectly legitimate.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Not exceeding $236,095 of unobligated balances of appropriations for the support and operation of the Quartermaster Corps of the Army for the fiscal year 1921 may be applied to reconditioning the United States Army transport *Madawaska*.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the word "transport" in line 8. May I ask the gentleman from Illinois as to where this reconditioning is to be had, in a Government yard or in a private yard?

Mr. MADDEN. It is in a Government yard. I will say that it is on the ways, and has been since last November.

Mr. CONNALLY of Texas. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

ORDNANCE DEPARTMENT.

For the handling and transportation of ordnance stores in connection with the evacuation of the ordnance depots located at or near South Amboy, Hammonton, and Westville, N. J.; Middletown and Tullytown, Pa.; Seven Pines and Fenniman, Va.; Sparta, Wis.; and Toledo, Ohio, $1,642,351.

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 27, line 10, after the figures "$1,642,351," insert a new paragraph, as follows:

"Air Service: For experimentation, conservation, and production of helium, $150,000."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order against the amendment.

Mr. LANHAM. Mr. Chairman, I thank the gentleman for reserving the point of order, although I do not concede that a point of order would be good against the amendment.

I wish that the Members of this House had studied with the same serious care that I have this helium proposition, because that study forces the realization of the importance of this project. The helium plant at Fort Worth, Tex., which is the only one in the world which produces helium in quantities, was closed on the 30th day of last November because of a lack of sufficient appropriations to continue it in operation. In the brief five months of its operation, despite the fact that the helium project is entirely a new one, more than 2,000,000 cubic feet of this new chemical element were extracted at that plant. The plant is now in a stand-by condition, and the personnel necessarily more or less scattered by reason of the closing. The helium for which we have contracted is being wasted very largely through commercial use of the gas which contains it. Both the time and the helium that this Government is thus losing will never be brought back to us. We have a practical monopoly of the world's sources of supply of helium, this wonderful inert element which makes aerial transportation with lighter-than-air craft absolutely safe and explosions impossible. The cost of the extraction of it from the natural gas which contains it has been brought down to a very low figure.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a moment?

Mr. LANHAM. I will.

Mr. MADDEN. I would just like to inform the gentleman from Texas that a very thorough investigation of this question is being made by the military subcommittee of our committee. The whole question is being gone into thoroughly. I hope the gentleman will wait, because we are going to have a bill in here in a week, and it ought not to be on this bill.

Mr. LANHAM. Mr. Chairman, I appreciate the fact that the subcommittee of the Appropriations Committee has given consideration and attention to this matter, but that is for the next fiscal year.

Mr. MADDEN. Yes.

Mr. LANHAM. In the meantime the helium that is going off in the natural gas that is used commercially is being lost, and there is no way to save it unless it is saved by the present operation of the plant.

Mr. MADDEN. But there has been no request made by any executive branch of the Government for an appropriation to cover the activity provided for in the amendment offered by the gentleman.

Mr. LANHAM. Such requests as were made for appropriations by the War Department were submitted to the committee before the recent *Roma* disaster which plunged the whole Nation in grief.

Mr. MADDEN. There was nothing to prevent them from sending in a supplemental estimate if they wanted to do so.

Mr. LANHAM. That may be true.

Mr. MADDEN. And they are making an investigation now of the cause of the disaster, and of a lot of other things, and our committee is making investigations as to the whole subject, and it seems to me that the orderly process would be to wait until we get through with this examination that we are making.

Mr. LANHAM. May I ask the gentleman if the Director of the Budget, upon the solicitation of the Secretaries of the various departments from which the helium board is made up, has not made a recommendation to the committee that for the next fiscal year we continue our operation for helium production?

Mr. MADDEN. I was just saying that the subcommittee having charge of appropriations for the War Department is giving consideration to all of these questions now, and will soon be able to report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. STAFFORD. The subcommittee in preparation of the appropriation bill for the War Department gave an audience to the gentleman to present his views of the need of further production of helium. The committee has not determined what the policy should be for the next year. Certainly there is no deficiency. I make this remark in connection with the point of order. There are 2,500,000 cubic feet of helium in store. As the gentleman knows, it would have taken 1,500,000 feet of helium to fill the *Roma*.

Mr. LANHAM. One million two hundred thousand feet.

Mr. STAFFORD. One million two hundred thousand feet. There is more money available for aircraft than can be expended during the fiscal year or than will be expended, and yet the gentleman is offering an amendment under the guise of a deficiency appropriation when there is no deficiency.

Mr. LANHAM. Mr. Chairman, that would come up on the point of order. I think it is clear from the law that there is a deficiency. But I will say in reply to the gentleman that the Committee on Appropriations has been considering the appropriation for the next fiscal year.

Mr. STAFFORD. Surely.

Mr. LANHAM. This amendment is offered for the operation of this plant for the remainder of this fiscal year. The plant was operated up until November 30, and closed at that time for the lack of sufficient funds to continue the operation.

Mr. STAFFORD. Not, as I understand, for the lack of sufficient funds, but because the War Department saw fit to discontinue that operation under the economy program.

Mr. LANHAM. As I understand it, the War Department had expended that part of the appropriation for helium conservation and extraction embraced in the Army appropriation bill for this fiscal year.

Mr. STAFFORD. May I set forth further that there is no limitation on the total sum appropriated for helium production.

Mr. LANHAM. I should like to call the attention of the gentleman to page 6 of the present law in this regard, where out of a lump-sum appropriation for several different purposes it is provided that—

not exceeding $250,000 may be expended for experimentation, conservation, and production of helium.

And this amendment is offered to provide $150,000 for the remainder of the fiscal year, the $250,000 appropriated in the Army appropriation bill for this year not having been sufficient for the purpose.

Mr. STAFFORD. There is no deficiency, and the gentleman is asking for more money than was appropriated. The Congress determined the amount of money that should be used for this purpose, and there is no deficiency.

Mr. LANHAM. That amount of money has been used and it was not sufficient, and if I understand the purpose of a deficiency bill it is to make provision to carry on those various projects during the fiscal year for which appropriations were originally made.

Now, Mr. Chairman, I want to say a word or two further with reference to the importance of this subject and to impress upon the membership of this House that we are losing the helium and we are losing the time. The plant is in a stand-by condition, deteriorating, despite the fact that in the short period of its operation we extracted more than 2,000,000 cubic feet of this product. Recent developments in this matter show several things. The flights made by the C-7, the Navy dirigible, have demonstrated the superiority of helium over hydrogen, not only because of its noninflammability, which makes explosion impossible, but also from the fact that it does not contract and expand as hydrogen does, and it is not lost by valving, and the whole process of aerial navigation with it is much safer and is greatly facilitated.

Mr. MANN. Will the gentleman yield?

Mr. LANHAM. Certainly.

Mr. MANN. Is Fort Worth the only place where helium can be extracted?

Mr. LANHAM. No, sir; it is not; but at Fort Worth is the only plant in the United States and the only plant in the world that is now available for quantity production of helium.

Mr. MANN. Does the gentleman think we ought to construct a plant wherever helium can be produced, to keep it from going to waste?

Mr. LANHAM. I do not, but I think we ought properly to conserve our helium.

Mr. MANN. I am a helium enthusiast, but I do not think we ought to make a deficiency appropriation here for it.

Mr. DUNBAR. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. DUNBAR. I am also a helium enthusiast, and I am interested in the statement just made by the gentleman which, if it is true, violates all known laws heretofore existing as applying to the expansion or contraction of gases. The gentleman stated that helium did not expand or contract, as did hydrogen. My information when I studied chemistry was that all gases expanded alike with an increase of temperature or with the lowering of the barometric pressure.

Mr. LANHAM. In reply to the gentleman I will say that I can not answer him in technical terms, because my education has been along the line of the arts rather than the sciences; but, as I understand, helium is much more satisfactory in that you do not have to valve it as you do hydrogen, and not one cubic foot of helium has been lost in the C-7 since it was filled.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANTHONY. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. ANTHONY. Is the gentleman aware that the plant at Fort Worth is not in a proper condition to produce helium on a commercial basis?

Mr. LANHAM. I am not aware of it.

Mr. ANTHONY. That was the evidence before the committee, and that it would require a considerable amount of money to put it in a proper condition.

Mr. LANHAM. Is not that because of the fact that we did not appropriate a sufficient amount originally to run it? And yet up to November 30 we extracted more than 2,000,000 cubic feet of helium.

Mr. ANTHONY. I think the gentleman must concede that inasmuch as we have spent over $10,000,000 since the war started in attempting to produce helium, Congress has been fairly liberal.

Mr. LANHAM. In reply to that let me say that a great deal of it has been in experimentation and then to build the plant. Then for the operation of the plant for this fiscal year the Army appropriation bill made an appropriation of $100,000, which was later increased to $250,000 in conference after the Senate had passed it at $400,000. Consequently, it is not fair to charge up the capital expense to the production of helium, because for the little sum that we really have expended we have produced over 2,000,000 cubic feet of helium gas.

Mr. ANTHONY. Is the gentleman aware of the fact that the mechanical engineers of the Government who have recently inspected the Fort Worth establishment recommend material physical changes before any further manufacture of helium?

Mr. LANHAM. Then, if that is the case, that is an additional reason why this appropriation should be made and the plant put in condition.

Mr. ANTHONY. And that with the machinery now installed and with which they would have to work it is impossible to produce helium from a commercial standpoint, and that taking the case of the *Roma*, if we had filled the *Roma* with helium—and the *Roma* cost $400,000—if we had filled it with helium it would have cost $1,200,000 to fill it.

Mr. LANHAM. With all due deference to the gentleman, I have made some figures as to what it would have cost us. Applying the most excessive cost of helium during the operation of the plant, it would have cost $216,000 to fill the *Roma* with helium. But if the *Roma* had been filled with helium, to-day you would in all likelihood have the helium and the *Roma* and you would have the men who lost their lives in that great disaster. I have made an inquiry of the Veterans' Bureau as to how many of those men lost with the *Roma* had war-risk insurance. I have got the number, but I have not the amount. There were 30 men who went down with the *Roma* who had war-risk insurance. Assuming that they were carrying insurance at $10,000 each, there is $300,000, and if that $300,000 had been applied for this fiscal year in order that we might have a continuous operation of the plant we would have had enough helium on hand to fill six or eight *Romas*.

Mr. MANN. Have not we enough helium on hand to fill the *Roma*?

Mr. LANHAM. Yes.

Mr. MANN. Then if we had had a great deal more, they would not have filled it.

Mr. LANHAM. In so far as I am concerned, I am willing to see a law enacted that when you send men into the air in dirigibles they shall not go in anything but those filled with helium.

Mr. MANN. Would the gentleman provide by law that they should not send them up unless in a ship filled with helium?

Mr. LANHAM. Personally I am willing to have a law of that kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I realize the eloquence of the gentleman and his interest in this wonderful development, and I realize what a wonderful thing it would be if we had large quantities of helium that could be used, but the Army is now investigating the question of the destruction of the *Roma*, and the Committee on Appropriations, through its subcommittee on military affairs, is investigating the question of the development of helium and the advisability of appropriating money to carry on the work. It seems to me that we ought to move along in an orderly fashion. The War Department has not made any request for a dollar in connection with this activity. They know where they can make that request, and they know how to do it. If they have any justification for making it, why have they not made it? It will not do, it seems to me, for us to say that, notwithstanding the fact that the War Department itself has made no request, we rise in superior wisdom and knowledge and experience and must appropriate money based on that, regardless of whether the department charged with the responsibility wants it or not.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JONES of Texas. In connection with the gentleman's statement that the War Department has made no request, I call his attention to the fact that in the hearings on the regular appropriation bill for this fiscal year, the one now pending, the War Department asked for $1,375,250 for this purpose, according to the statement of the gentleman from Kansas [Mr. ANTHONY], on page 298 of those hearings. He there asked the question of the officer being interrogated—

> You are asking for $1,375,250 for helium extraction, conservation, and production. What success has been had—

And so forth.

The answer indicates that they have asked for that amount.

Mr. MADDEN. But that was last year.

Mr. JONES of Texas. That is for this fiscal year?

Mr. MADDEN. Yes.

Mr. JONES of Texas. They asked for enough and far more than enough to have operated the plant for the entire year, and Congress saw fit to limit that amount.

Mr. MADDEN. They say now that the machinery of the plant is not of the kind or the type that will separate the helium from the other gases.

Mr. JONES of Texas. It may not be the best type, or it may be that their experiments have shown that there is a better type of machinery, or that improvements are needed to conduct experiments, but the fact remains that they have the machinery and that it has operated and that it has produced helium.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LANHAM. I think my colleague from Texas has expressed accurately the view of the experts on this subject. This is a practical plant that is now established at Fort Worth—a production plant—but it is hoped through further experimentation gradually to reduce per cubic foot the cost of the extraction of helium from the natural gas. I do not think the contention has been seriously made by the department that this plant is not feasible, because they have extracted more than 2,000,000 cubic feet. Of course, being a new project, there were some mechanical defects, naturally, that could not well have been anticipated, and those troubles charged up to the operation of the plant necessarily have made the price per cubic foot somewhat higher than it would be under normal operation.

Mr. HARDY of Texas. How is it possible to make corrections and secure additional expenditures if there is no money to do it with?

Mr. MADDEN. Mr. Chairman, I withdraw the reservation of the point of order and ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. LANHAM) there were—ayes 29, noes 47.

So the amendment was rejected.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last word. I rise for the purpose of getting information. If I remember rightly Mariotte's law in chemistry or physics says that all gases at the same temperature and pressure have an equal number of molecules, and that the rate of expansion depends upon the increase of temperature and the decrease in the barometric pressure. In round numbers, all gas will expand 2 per cent for every 10° F. increase in temperature, barometric pressure remaining unchanged. It will also contract in the same proportion, so that it would be possible if we had a million cubic feet of gas at 60° F. and 30° of barometric pressure, if the temperature could be reduced to absolute zero, that we would not have a cubic inch of the million feet of gas. The gentleman has said that helium gas does not expand or contract as does hydrogen. If that is true, then the former accepted law regarding the contraction and expansion of gases has been proven to be untrue, and there is a new law which may be applied to scientific investigation

which will enable the arts and sciences to develop along lines not heretofore accepted.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. DUNBAR. Yes.

Mr. LANHAM. My phraseology may not have been technically accurate, but the practical demonstration of the superiority of helium over hydrogen, according to all of the experts, was demonstrated in the flights of the C-7. Concerning the action of gases and the gentleman's statement that all gases act alike at equal temperature, which is not quite what he said, I would say that the very process of extraction of helium is by refrigeration and liquefaction through refrigeration of the other constituent elements of the gas, leaving the helium. For instance, you get liquid nitrogen, and at the same temperature all those gases do not behave alike. What the scientific terms are I am unable to say.

Mr. DUNBAR. I know, but when you obtain liquid nitrogen or liquid helium it is necessary, in order to obtain the gases, to apply heat, and if you have applied heat sufficiently, then there is no longer a liquid but a gas, so that the law of expansion and contraction of gases would apply to helium as a gas when in a gaseous state—and as it is when used in lighter-than-air craft—unless helium is different from any other gas, and if it is different, then a new law has been discovered in physics and chemistry.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LANHAM. They have not lost any helium out of the C-7 in any of its flights.

Mr. DUNBAR. Mr. Chairman, I ask for three minutes additional.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DUNBAR. I will state that it is possible that no amount of helium may have been lost out of any lighter-than-air craft which may be in existence, and that the reason that none has been lost is that in the inflation of the container they have been very careful not to put in an amount of gas which might be affected to an extent by expansion and which would leave no additional space available in the container due to temperature, or to the difference in barometer due to the height to which it might ascend; so that while the gentleman's statement may be true it is only true because extra precautions may have been taken to have sufficient extra space in container to take care of increased volume due to expansion, so as not to permit the escape of helium. Now, hydrogen being ordinarily cheaply produced is capable of being produced at very low cost—ordinary coal gas containing 50 per cent of hydrogen, while it is possible to produce hydrogen——

Mr. JONES of Texas. Will the gentleman yield?

Mr. DUNBAR. I will.

Mr. JONES of Texas. I want to suggest in connection with what my colleague has said, that in the preparation of helium the helium gas is not liquefied. They liquefy the other gases, but helium remains a gas. The liquid is drawn off leaving the helium as a gas, so it does not behave exactly like the other gases which are liquefied.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DUNBAR. I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Just to finish. The helium gas remains in a gaseous form. All the other gases are reduced to liquid form and drawn off, so that, in fact, the gentleman's theory is not wholly correct that they behave exactly alike and respond exactly alike to pressure, heat, and cold, because the other gases become, under pressure, liquids, so they can be drawn off, while helium gas, being a distinctive form, remains helium in a gaseous form. The other gases that have been broken down, the other gases extracted, are then restored to gaseous form by releasing the pressure and increasing the heat.

Mr. DUNBAR. The gentleman labors under a misapprehension that all gases are reduced to liquid form at the same pressure and temperature.

Mr. JONES of Texas. That is the theory on which the gentleman is basing his remarks.

Mr. DUNBAR. No, sir; that is not the basis upon which I base my remarks. Expansion and contraction of gas is due to the temperature and to pressure. Most gases have critical temperatures at which they become liquids, but the temperature varies with every gas.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. I notice the bill carries an item of $1,600,000 for the transportation of ordnance stores. Can the gentleman give the value of the stores, and if all these establishments are to be permanently abandoned?

Mr. MADDEN. They are to be abandoned. The value of the stores amounts to several hundred million dollars and the cost of the equipment, and so forth, now amounts to about $50,000 a year, all of which will be saved by the expenditure of this money.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

> The action of the Executive in directing the issue, and the issuance of quartermaster stores and medical supplies out of the reserve supplies for the field service of the Army, and in directing payment for services for the repair of supplies, of a value not exceeding $82,658.15, for the relief of sufferers from storm and flood at Corpus Christi, Tex., and vicinity, in September, 1919, is approved; and credit for all such supplies so issued and funds so disbursed shall be allowed in the settlement of the accounts of the officers of the Army.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman what is the purpose of this sum here? Is it to reimburse——

Mr. MADDEN. It is to enable the disbursing officers to settle their accounts with the accounting officers. There is not any money involved in this appropriation.

Mr. HUDSPETH. I will state to the gentleman that this says it is for relief of sufferers from storm and flood at Corpus Christi, Tex.

Mr. MADDEN. That is in 1919—way back. This is just to ratify the action of the President in authorizing the expenditure, so that the accounts may be settled with the accounting officers.

Mr. HUDSPETH. Where did these supplies go to—to individuals or to the Army down there?

Mr. MADDEN. It was an emergency, and they went to individuals, citizens of Texas, under authority of the President of the United States, who acted without any authority of law, and we are simply now ratifying what the President did, in order that the accounts may be adjusted.

Mr. HUDSPETH. I withdraw the pro forma amendment.

The Clerk resumed and concluded the reading of the bill.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to go back to page 3, line 7, for the purpose of making a correction in the figures. Instead of "$2,484.68" the figures should be "$2,483.68." I ask permission to make that correction.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent, page 3, line 7, that the figures may read "$2,483.68." Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. I would also like to go back to make another correction. In line 10, page 22, where it appears as "Public act No. 399," it should be "199."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I notice that it is necessary now to designate the particular deficiency bill as we pass them by number so that we will not get them mixed up. This particular bill is designated as the second deficiency bill. May I ask the distinguished chairman of the committee how many more deficiency bills we may expect before we adjourn in June?

Mr. SNELL. When?

Mr. BLANTON. Before adjournment in June.

Mr. MADDEN. I presume before adjournment some items will have to be incorporated in a deficiency bill. Of course, I do not know, but it is usual to have a deficiency bill just before final adjournment.

Mr. BLANTON. The main point I desired to ask of the chairman of the committee was, what policy may the Members expect from his committee with regard to permitting bureau chiefs to make their plans and often go so far as to spend money that has not been appropriated, hoping that the Congress is going to come along in a deficiency bill and supply them with funds?

Mr. MADDEN. I think the gentleman heard what I said yesterday, did he not?

Mr. BLANTON. Well, yes.

Mr. MADDEN. That is what I meant. [Applause.]

Mr. BLANTON. There are a number of such items in this bill. I have not made any points of order against them, but there are several of them that are subject to points of order.

Mr. MADDEN. I think there were one or two things here subject to a point of order.

Mr. BLANTON. And there were one or two things here which the chairman well knows, because he is well informed, that cover matters where bureau chiefs exceeded their authority with respect to appropriations, and went beyond what the Congress had authorized in previous appropriation bills.

Mr. MADDEN. I think I may say to the gentleman that that probably would not be the case except now in the Navy for 1922 and in the Veterans' Bureau, of course. Nobody can tell what the amount of appropriations will be for the Veterans' Bureau.

Mr. BLANTON. I am not complaining about the appropriations for the Veterans' Bureau.

Mr. MADDEN. Those are the two things.

Mr. BLANTON. I want to see every dollar spent that is necessary to rehabilitate our soldiers, but I refer to other bureaus where they are daily exceeding their authority with respect to appropriations.

Mr. MADDEN. I do not think there are many such items in this bill. Most of these items, or a great many of them, are back to 1916, 1917, 1918, 1919, 1920, and 1921.

Mr. BLANTON. I am going to call the gentleman's attention to several of them in the next appropriation bill.

Mr. MADDEN. I want to say to the gentleman that if you take out the Colombia treaty item and the Veterans' Bureau, and the claims in judgment, that we can not control, and the settlements that are made back from 1916 to 1919, that we could not control, there is only $5,000,000 in this bill.

Mr. BLANTON. The gentleman knows just how carefully the various departments watch the law in order to go just as far as they can without coming within the law that permits a prosecution against them.

Mr. MADDEN. I will say to the gentleman very frankly that to the extent it is in my power to prevent that sort of practice in the future it will be prevented.

Mr. BLANTON. I am glad to hear that.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10668, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I demand a division.

The House divided, and there were—ayes 58, noes 2.

So the bill was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

VETO MESSAGE OF PRESIDENT—H. R. 77.

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States, which was read:

To the HOUSE OF REPRESENTATIVES:

I am returning herewith H. R. 77 without my approval.

Whatever is the purport of the act, there has developed such a conflict of opinion regarding it in the State of Idaho, where the lands covered by the act are located, that the Members of both Houses of Congress from that State have requested my disapproval, in order that the whole question may be taken up anew and fuller understanding secured.

Quite apart from the agreeableness of complying with this request, I am interested to have this very appropriate opportunity to suggest that it will be wise to have Congress give consideration to the adoption of the policy of definitely describing all such lands as are ordered transferred from the public domain for the benefit of private individuals or of the Forest Service, in exchange for lands within the forest reserves. If it is not possible to arrange for an accurate description by metes and bounds there may be acquired such descriptions as to locality as will leave no doubt in any mind relating to the purpose to be served.

WARREN G. HARDING.

THE WHITE HOUSE, *March 3, 1922.*

Mr. SINNOTT. Mr. Chairman, I move that the bill and the President's message be referred to the Committee on the Public Lands.

The SPEAKER pro tempore. The gentleman from Oregon moves that the bill and the President's message be referred to the Committee on the Public Lands.

Mr. SINNOTT. In explanation, Mr. Speaker, I wish to state that after this bill was messaged from the Senate to the House with Senate amendments a controversy arose in Idaho regarding the bill. The House deferred for some time before asking for a conference. The conference was not asked for until we were assured that all the differences in Idaho regarding the measure had been composed. Then the bill went to conference, and certain features of the bill that were objected to were eliminated from the measure. But since then an additional controversy has arisen, and the author of the bill, the gentleman from Idaho [Mr. FRENCH], together with the entire delegation from Idaho in the House and Senate, who supported the measure, requested the President to veto it, so that the bill might have further consideration. For this reason I move that the bill and message be referred to the Committee on the Public Lands, and I move the previous question on that motion.

Mr. GARNER. Mr. Speaker, will the gentleman yield there for a moment?

The SPEAKER pro tempore. Does the gentleman from Oregon withhold his motion?

Mr. SINNOTT. Yes.

Mr. GARNER. This is just one instance where not only the House but the Senate has passed legislation without information. I merely call attention to it, because we have had so many bills coming in here from various committees without information as to their effect that it is time we take note of it. This is one bill where action has been had, both in the House and in the Senate, without information.

Mr. SINNOTT. I do not concede the gentleman's position. I believe both the House and the Senate had full information on this measure. I move the previous question, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Oregon moves the previous question on his motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to refer the President's message and the bill to the Committee on the Public Lands.

The motion was agreed to.

ADJUSTMENT OF ARMY, NAVY, AND MARINE CORPS PAY.

Mr. KRAUS. Mr. Speaker, as a member of the joint committee appointed under the act of May 18, 1920, to report on Army, Navy, and Marine Corps pay, I request that the time for filing minority views be extended to next Monday. I ask unanimous consent that the minority be allowed time until next Monday in which to file their views.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the time for filing the minority views on the question of the adjustment of Army, Navy, Marine Corps, and other service pay be extended until Monday next. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman if the views that have been filed as majority views represented the joint committee or were they merely the views of the House Members?

Mr. KRAUS. I think they represent the views of at least 7, and possibly 8, members of the committee of 10. I am confident all the minority views will be represented by Members of the House.

Mr. GARRETT of Tennessee. The minority views will be represented by Members of the House?

Mr. KRAUS. Yes; the minority views will be represented by Members of the House—by from one to three Members.

Mr. GARRETT of Tennessee. The committee has not reported yet, as I understand, and I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. CHINDBLOM. Mr. Speaker, I wish to ask unanimous consent that my colleague and fellow member on the Committee on the Merchant Marine and Fisheries, the gentleman from Michigan [Mr. SCOTT], may have leave to extend his remarks by printing an address which he delivered this morning before the National Merchant Marine Association in this city. I

may say that I have read the address, and I think it will be of interest to Members of the House.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan [Mr. SCOTT] may extend his remarks in the RECORD by inserting an address delivered before the National Merchant Marine Association this morning. Is there objection?

There was no objection.

Following is the address referred to:

SPEECH OF FRANK D. SCOTT, MEMBER OF CONGRESS FROM MICHIGAN, BEFORE THE NATIONAL MERCHANT MARINE ASSOCIATION, MARCH 8, 1922.

I have presumed to address you in the hope of emphasizing the inseparable relationship of business and legislation and to recall outstanding facts in the progress of our merchant marine which, when considered in chronological sequence, unmistakably point out their cause.

Laws touching any character of business should be predicated on their protection to the public and their assistance to the industry involved. If they are restrictive in purpose, they must not be destructive in effect. They should be helpful, not harmful. The pioneer efforts of the American merchant marine encountered the obstacles of other maritime nations. The necessity of transportation, the hazards, the inefficient and now obsolete utilities precluded legislative exactions. The restrictions were meager and the "rights of the road" were uniform. Requirements and increased production compelled increased and more effective transportation. This in turn impelled invention. National welfare produced national maritime identity and competition. Up until 1850 we had legislative encouragement and protection of our overseas trade. We were then carrying in American bottoms approximately 90 per cent of our exports and imports. The industry had developed such proportions as to attract attention. At this point in our history there was a radical change in our legislative attitude toward commerce on the high seas. I find indications of a meager effort on the part of the industry to direct an intelligent legislative course, and by almost utter default the policy of legislation changed from practical to theoretical. Other maritime nations have adhered to the policy which we abandoned. The only saving exception was in the instance of our coastwise trade. This was so close at hand, so capable of observation and appreciation, sheer force of merit persuaded its legislative protection. In the wake of the period we find a glowing contrast between our foreign and our coastwise commerce. In 1870 we were carrying less than 50 per cent of our foreign cargoes. In 1880 our ships were only carrying 17.4 per cent, and in 1914, with a foreign commerce of four billion and a half dollars annually, 8.9 per cent was transported under the American flag.

The following table indicates the efforts of maritime nations from 1870 to and including the year 1921. During that period all the countries, except the United States, have maintained a continuous program of assisting and protecting their foreign commerce. Except as to the coastwise trade, the United States in this period has given no assistance or protection to its foreign commerce. In considering the table it is important to remember that in 1870 three-fourths of our accredited tonnage was engaged in the coastwise trade. This increased gradually, and in 1914 six-sevenths of our tonnage was engaged in the coastwise trade. This deduction will indicate our comparative participation in world commerce. It is also important to note that from 1870 to 1914 our coastwise tonnage increased from 3,000,000 tons to 7,000,000 tons, and from 1914 to 1921 it has decreased from 7,000,000 tons to 6,000,000 tons.

Tonnage of merchant sailing and steam vessels belonging to United States, Great Britain, Germany, France, Japan, Norway, Holland, Italy, and Belgium, 1870–1911.

Year.	United States.	Great Britain.	Germany.	France.	Japan.
	Tons.	Tons.	Tons.	Tons.	Tons.
1870	4,246,507	5,617,693	[illegible]	1,072,241	.....
1871	4,282,607	5,622,660	[illegible]	1,077,811	.....
1872	4,437,747	5,681,963	999,153	1,069,075	.....
1873	4,696,027	5,736,368	1,093,725	1,066,031	.....
1874	4,800,652	5,912,314	1,068,383	1,037,272	.....
1875	4,853,732	6,087,701	1,084,882	1,028,228	.....
1876	4,279,458	6,197,988	1,103,650	1,011,285	.....
1877	4,242,600	6,336,360	1,117,945	[illegible]	.....
1878	4,212,765	6,492,121	1,129,129	975,883	.....
1879	4,169,601	6,579,975	1,171,286	932,832	70,314
1880	4,066,084	6,574,513	1,181,525	919,288	[illegible]
1881	4,057,734	6,691,986	1,194,407	914,373	84,547
1882	4,165,933	6,966,965	1,226,650	983,017	91,201
1883	4,235,487	7,242,216	1,269,477	1,006,679	91,523
1884	4,271,229	7,400,251	1,294,268	1,033,829	94,221
1885	4,265,934	7,430,045	1,282,449	1,000,215	112,236
1886	4,131,136	7,362,499	1,264,703	993,281	120,241
1887	4,105,845	7,335,182	1,240,182	972,525	133,297
1888	4,191,916	7,464,167	1,238,204	961,073	144,194
1889	4,307,475	7,759,008	1,320,729	932,739	141,144
1890	4,424,497	7,978,538	1,433,413	944,013	145,692
1891	4,664,789	8,279,297	1,466,985	948,079	146,725
1892	4,784,921	8,644,754	1,541,579	[illegible]	[illegible]
1893	4,825,671	8,778,583	1,522,068	[illegible]	156,172
1894	4,684,629	8,956,181	1,553,982	890,539	212,925
1895	4,635,980	8,988,450	1,502,044	887,078	[illegible]
1896	4,703,880	9,020,282	1,487,577	894,071	[illegible]
1897	4,709,020	8,953,171	1,556,371	920,871	[illegible]
1898	4,749,758	9,001,900	1,630,552	900,285	648,334
1899	4,864,238	9,164,342	1,737,798	937,136	796,330
1900	5,164,839	9,304,108	1,941,645	1,037,726	[illegible]
1901	5,524,218	9,608,420	2,083,033	1,119,968	917,971
1902	5,797,902	10,064,770	2,208,484	1,217,614	944,458
1903	6,087,345	10,268,604	2,322,045	1,235,341	[illegible]
1904	6,291,535	10,554,520	2,392,575	1,349,327	1,126,095
1905	6,456,543	10,735,582	2,469,282	1,387,220	1,273,457
1906	6,674,969	11,147,382	2,629,083	1,400,542	1,392,798
1907	6,938,794	11,485,009	2,790,435	1,402,647	1,431,205
1908	7,365,445	11,541,394	2,835,449	1,432,495	1,544,921
1909	7,388,755	11,585,878	2,879,387	1,444,338	1,602,283
1910	7,398,082	11,555,663	2,968,570	1,451,648	1,647,689
1911	7,638,790	11,698,508	3,023,725	1,482,639	1,833,334

Tonnage of merchant sailing and steam vessels belonging to United States, Great Britain, Germany, France, Japan, Norway, Holland, Italy, and Belgium, 1870–1911—Continued.

Year.	Norway.	Holland.	Italy.	Belgium.
	Tons.	Tons.	Tons.	Tons.
1870	1,022,515	[illegible]	1,012,164	[illegible]
1871	1,082,274	[illegible]	1,031,439	[illegible]
1872	1,120,388	[illegible]	1,090,773	[illegible]
1873	1,245,293	[illegible]	1,046,439	[illegible]
1874	1,358,861	[illegible]	1,031,[illegible]	45,322
1875	1,419,308	[illegible]	1,044,337	[illegible]
1876	1,436,278	419,775	[illegible]	44,[illegible]
1877	1,493,041	[illegible]	1,058,449	[illegible]
1878	1,526,689	341,482	1,029,157	[illegible]
1879	1,510,689	347,665	1,005,972	71,191
1880	1,518,658	[illegible]	[illegible]	[illegible]
1881	1,520,404	[illegible]	[illegible]	77,[illegible]
1882	1,530,004	382,790	[illegible]	[illegible]
1883	1,547,194	309,794	[illegible]	[illegible]
1884	1,583,434	[illegible]	971,801	[illegible]
1885	1,583,220	[illegible]	963,419	[illegible]
1886	1,534,076	286,455	945,678	[illegible]
1887	1,503,572	[illegible]	[illegible]	[illegible]
1888	1,534,540	245,416	[illegible]	77,656
1889	1,611,300	[illegible]	924,474	70,220
1890	1,705,699	[illegible]	[illegible]	75,[illegible]
1891	1,738,580	[illegible]	825,751	72,[illegible]
1892	1,794,983	[illegible]	811,[illegible]	70,395
1893	1,680,911	[illegible]	798,461	75,538
1894	1,598,117	[illegible]	779,135	79,188
1895	1,604,985	[illegible]	776,077	[illegible]
1896	1,566,568	[illegible]	765,[illegible]	[illegible]
1897	1,552,199	296,061	786,644	85,627
1898	1,558,378	302,234	815,162	90,971
1899	1,534,924	[illegible]	873,054	[illegible]
1900	1,508,118	[illegible]	945,[illegible]	115,[illegible]
1901	1,467,080	[illegible]	[illegible]	110,457
1902	1,451,186	404,680	1,018,857	106,182
1903	1,443,[illegible]	[illegible]	1,044,758	102,780
1904	1,431,425	[illegible]	1,132,614	102,737
1905	1,482,094	421,307	1,025,605	[illegible]
1906	1,547,884	436,740	1,090,797	112,515
1907	1,589,954	447,[illegible]	[illegible]	120,187
1908	1,581,146	[illegible]	1,020,063	152,[illegible]
1909	1,479,684	511,246	1,071,193	187,444
1910	1,526,156	534,275	1,107,187	191,[illegible]
1911	1,646,020	562,615	.....	106,430

Tonnage of merchant sailing and steam vessels belonging to United States, Great Britain, Germany, France, Japan, Norway, Holland, Belgium, and Italy, 1912–1921.

Year.	United States.	Great Britain.	Germany.	France.	Japan.
	Tons.	Tons.	Tons.	Tons.	Tons.
1912	7,714,183	18,213,620	4,628,[illegible]	2,052,518	1,344,901
1913	7,886,551	18,696,237	5,092,061	2,201,164	1,500,014
1914	7,928,688	19,256,705	5,4[illegible]9,296	2,319,438	1,708,[illegible]
1915	8,389,429	19,541,363	4,706,027	2,285,728	[illegible]
1916	8,468,649	19,134,857	4,151,552	2,216,643	1,847,453
1917	8,871,037	19,637,418	3,156,008	2,152,524	2,059,001
1918	9,924,518	21,055,148	2,325,294	[illegible]	[illegible]
1919	12,907,360	16,555,471	3,503,380	[illegible]	[illegible]
1920	16,324,024	18,330,424	672,671	3,245,194	[illegible]
1921	17,026,062	19,571,554	717,480	3,652,249	[illegible]

Year.	Norway.	Holland.	Belgium.	Italy
	Tons.	Tons.	Tons.	Tons.
1912	2,292,596	1,129,906	271,694	1,298,582
1913	2,457,890	1,309,349	304,320	1,521,[illegible]
1914	[illegible]	1,496,435	352,124	[illegible]
1915	2,529,188	1,522,547	[illegible]	1,738,545
1916	2,771,022	1,568,916	272,169	1,896,534
1917	2,307,164	[illegible]	233,606	1,757,606
1918	[illegible]	1,268,245	198,538	1,283,799
1919	1,857,329	1,591,911	313,276	1,370,097
1920	2,114,190	1,848,348	[illegible]	[illegible]
1921	[illegible]	2,225,787	881,091	[illegible]

Early in the nineteenth century we had a coastwise trade of approximately 70,000 tons. In 1870 the fleet had increased to 3,000,000 tons and in 1914 we had the magnificent coastwise fleet of nearly 7,000,000 tons. This was seven times larger than our transoceanic fleet. Is it possible that success and expansion brings with it jealous, prejudicial, and even destructive legislation? Do we purpose penalizing our entire citizenry for the industry and venture which has made us the premier Nation of the world? What other deductions can we make? When our ships were carrying 90 per cent of our foreign cargoes we revised our legislation with a reward of losing 80 per cent of the trade to which we were rightfully entitled. Is it possible that the American farmer does not realize that two bushels out of ten of everything he raises must be shipped abroad? Is it possible that the manufacturer does not appreciate that $4,000,000,000 worth of his manufactured product must be shipped abroad annually to permit the operation of his concern and insure the standard of living and wages which we enjoy? Our foreign-trade policy has been a tragedy. The future will be worse unless some heroic effort is made to avert an impending catastrophe. We have just survived our foreign-trade experience through sheer dominance of productive superiority, in spite of ignominious legislative disparity and rebuke. We are now at another milestone. We emerged from the war with a rehabilitated ocean tonnage as a governmental heritage. We have our coastwise ships, but a new legislative prescription has been offered to this trade, as one was offered to our foreign trade some 70

years ago. I refer to the so-called seamen's act, which became operative March 4, 1915, in which ocean traffic, ocean coastwise, and lake navigation are treated as a unit. Although a brief time has intervened between 1915 and the present, in view of the virtual suspension of this law during the war its ultimate effect is beyond conjecture. The results have been so patent that any uncertainty is confined to the extent of its damage. This is particularly true of Great Lakes navigation. Thriving towns and cities dot the islands of Lake Erie and the shores of Lake Huron. Prosperous, healthy industries employ thousands. The success of this section and its remarkable upbuilding has been made possible by the low expense of water transportation, permitting them to thus overcome the differential in distance from the market. Since the adoption of this law the fleets of passenger-freight steamers, which had for the last 50 years served this million population and made possible the upbuilding of the towns and the success of their industries, have now ceased operation entirely. Not one of these passenger-freight vessels visits the islands of Lake Erie or stops at any of the numerous ports on Lake Huron.

The resulting damage to this area has been very serious and will be accumulatively increasing unless this law is substantially modified. Great Lakes navigation can not exist, let alone thrive, unless the pronounced differences between Great Lakes and ocean operations are recognized in law as they are in fact. This distinct industry is entitled to recognition when it is considered that in 1914 nearly one-half of the tonnage operating under the American flag plied the waters of the Great Lakes. I have referred to the Great Lakes because it is, and has been, a very important factor in our system of transportation. This law is not as injurious to ocean transportation, but even as to this trade it should be modified, particularly in its regulation of the standard and personnel of the crew.

I consider the distress of our transoceanic trade comparable to that of the Great Lakes. We have not failed in legislation to recognize the needs of agriculture, and certainly the country must appreciate that the transportation of the product is as important as the stimulation of the product itself. Production means little without adequate and economic distribution.

It is universally admitted that our ocean transportation presents a very difficult problem. Its solution will require the active assistance of the honest business judgment of the country. Although our situation is not our fault, the responsibility is real and most important. At such a time soft words of flattery are a cowardly evasion and a disguised habituary. Men must speak what they think. I submit these few suggestions solely in the hope that they may possess some value in the solution of our problem.

The United States Shipping Board was created to meet a war emergency. It is an independent organization with all the overhead expenses incident to an independent concern. It was in reality a "first aid," and we have attempted to promote it to "family physician." Duplication in Government activities is our greatest evil. The United States Shipping Board and the Department of Commerce are covering each other's tracks in innumerable instances. I can not avoid the conclusion that the United States Shipping Board should be abolished and that all its functions should be placed in the Department of Commerce. I also urge the intelligent revision of the seamen's act so that it will apply to fact, not fiction. I also urge to your consideration the free use of the Government-owned terminals and port facilities to American ships with a program of extension as necessity may require and such other subventions as will permit fair competition. I also suggest the calling of an international convention for the purpose of correcting our commercial treaties to meet present needs and conditions, with a view of having national participation and national subventions in accord with the spirit and terms of the recent Disarmament Conference. I do not wish to be understood as recommending an attempted limitation of national commerce, but I do insist that governmental subventions should be so controlled and regulated as to avoid the possible maintenance of a well-armored floating arsenal in the guise of a national merchant marine. If we can discuss our war plans with our neighbors, we certainly can, with equal propriety and safety, discuss with them our peace plans. I offer these few suggestions for your consideration. Laws are enacted in consequence of necessity and demand. The necessity is apparent. The intelligence of the industry and the intelligence of the country should mobilize in making the demand.

REPORT OF THE NATIONAL AGRICULTURAL CONFERENCE.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the report of the National Agricultural Conference, which met in Washington from January 23 to 27, 1922, also the report of the committee on resolutions and the minority report of the committee on transportation, be printed as a public document.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the report of the National Agricultural Conference and the report of the committee on resolutions and the minority views of the committee on water transportation be printed as a public document. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, I ask that additional copies be printed at a cost not to exceed $500.

The SPEAKER pro tempore. The gentleman from Iowa further asks unanimous consent that additional copies of this document, not exceeding $500 in cost, may be printed. Is there objection?

Mr. BLANTON. Mr. Speaker, will that be distributed through the folding room? It will not be unless some action is taken.

Mr. HAUGEN. I ask unanimous consent that the document and additional copies be distributed through the folding room.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the document referred to and the additional copies be distributed through the folding room. Is there objection to his request as modified?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, how many copies will that deposit in the folding room?

Mr. HAUGEN. About 5,000 or 6,000 copies. The additional cost will be about $92.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

LEAVE OF ABSENCE.

Mr. BULWINKLE, by unanimous consent, was granted leave of absence, for seven days, on account of private business.

EXTENSION OF REMARKS.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which I delivered in New Orleans on the third day of February on the transportation question.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by inserting an address delivered by him at New Orleans on the 3d day of February on the transportation question. Is there objection?

There was no objection.

Following is the address referred to:

Mr. SANDERS of Indiana. Mr. Speaker, under leave granted, I am printing an address delivered by me before the National Association of Sand and Gravel Producers at the sixth annual convention held at New Orleans:

THE TRANSPORTATION PROBLEM AND ITS RELATION TO THE SAND AND GRAVEL INDUSTRY.

The sand and gravel industry has the transportation problem, like the poor, with it always. After the beginning of the war all business had its feed of freight trouble, but with your industry it has been served as a regular diet, for breakfast, dinner, and supper, while those who have been at the front have had it served to them buffet style between midnight and bedtime.

When freight rates were low enough to furnish a good shipping area and business was good enough to furnish customers, priority orders in some other so-called essential industries had gobbled up all available cars. When by the grace of Providence and the Interstate Commerce Commission you had freight cars in sufficient numbers to take all the gravel out of a pit through to China, high freight rates had cut down your shipping area and a business depression had ruined your market. Like the man who already had rheumatism and St. Vitus dance, you had the satisfaction of knowing that no one could make more trouble for you.

It is my purpose to analyze the factors which enter into your freight problem and then to discuss where your energies should be centered in order to accomplish best results. The cost of production up to the point of shipment is relatively small. In these days of the expert cost accountant and the efficiency genius, each item of cost is carefully considered, but it takes no expert to see the item of freight frequently amounts to 75 per cent of your total delivered cost. Sand and gravel is a bulky product. The hauls are usually short. The ratio of freight charge to delivered cost determines the importance of freight schedules to any industry. All of these elements make the industry extremely sensitive to all changes in freight schedules.

It is not surprising that the shifting of the railroads from private operation to Government operation and then returning again to private operation, all in 28 months, with the consequent changes in policies, in freight rate tribunals, in methods of effecting changes in schedules, should work havoc with an industry so easily affected by rate changes.

My presence in Congress and my study and observation on the Interstate and Foreign Commerce Committee, having jurisdiction of the legislation respecting railroads, brings to my mind a few salient points which caused the trouble.

After the roads were taken over by the Government, Congress passed the Federal control act, which, among other things, gave to the President the power to initiate freight rates and took away from the Interstate Commerce Commission the power to suspend the taking effect of the rates during the pending of a hearing. Formerly interested parties could have a hearing and it might be developed that certain proposed rates would result in great hardship, which even the carriers proposing the schedule had not appreciated. The opportunity was also afforded to protect and defend against an unwarranted increase of rates. This gave stability to business involving transportation. Contracts could be entered into between consignor and consignee in advance of their consummation with assurance that they would not overnight be vitally affected by a change in the cost of transportation.

When the rate-making power was delegated to the Director General of Railroads, and the necessity was presented for an increase in railroad revenues, the Director General issued General Order No. 28. In some cases there was a percentage increase of a little over 25 per cent, and in other cases a flat increase of so much per ton, which reached as high as 200 per cent.

When application was made to secure a reduction, the shippers were informed that the shipment of construction materials should be discouraged, because road building was not one of the essential industries. Without passing upon the merit of that proposition, it ought to be quite clear that the power to initiate and adjust freight rates was never meant to be used for the purpose of regulating the business activities of the country.

The difficulties were not ended when Federal control ended. At the time of the return to private operation, notwithstanding the high advance in freight rates, the roads of the country were operating at a deficit. A six months' guaranty period was given, at the end of which the new schedule of freight rates was to go into operation. In the meantime the Railroad Labor Board had added some $600,000,000 to the labor bill, making a necessity for still higher freight rates, and Ex parte 74 was the result. The new schedule affected many industries, but the sand and gravel industry, being so sensitive to freight changes, was hit very hard. In many cases auto trucks were used in place of freight cars.

There is no other situation that entered into the freight troubles of the sand and gravel industry. A considerable part of the industry is dependent upon the construction of streets, public roads, and other

public structures, the contracts for which are let by competitive bidding. The uncertainty of the freight rates frequently made it almost impossible to give estimates to contractors so that they could submit bids.

I have undertaken to enumerate the basic causes of your transportation difficulties. General Order 28 and Ex parte 74 were the Gold Dust Twins that did the work.

What is the best course to pursue to remedy the evil? Should there be a change in legislation affecting the roads? There have been three propositions urged: First, it is contended that the provision of the commerce act granting the right to the commission to use priority orders unjustly discriminates against the sand and gravel industry. I think these provisions should be carefully studied with the view of securing such an amendment from the Congress as will protect the industry in its right to an equitable distribution of cars. This matter is not pressing now, but since large bodies move slowly, the association should not wait until the pinch comes to make preparation.

For instance, while it may be all right to give coal a preferential right of shipment in emergencies, the preference ought always be measured by the emergency. For instance, under preferential orders in time of great scarcity of cars, coal was sent to factories manufacturing toys, while cars were refused to gravel plants when the gravel would have been used to complete the construction of a road which would have been of the greatest benefit to the public. I do not think that Congress will ever entirely eliminate priority orders in cases of emergency, but I feel that an effort with considerable hope of success could be made to hedge the priority provisions with such limitations as to make it accomplish only the purposes originally intended—that is, to meet the real emergency.

The second suggestion is to repeal the provision of the transportation act giving to the Interstate Commerce Commission supervisory power over freight rates within a State when it is found that they are unjustly discriminatory or unduly preferential in view of the rate fixed on interstate commerce.

Upon that question I assume that there will be differences of opinion amongst the several members. There may be some instances in which greater benefits will accrue to certain producers by giving to the State commission exclusive power. Viewing the interests of the industry as a whole, I feel very sure that the law is more advantageous as it is now written.

Suppose there is a plant within shipping distance of Chicago on the Illinois side. Suppose there is one within a like shipping distance of Chicago on the Indiana side. The Interstate Commerce Commission has exclusive authority to fix the rate of the shipper from the plant in Indiana to Chicago, and the Illinois commission has the power to fix the rates from the plant in Illinois to Chicago.

If the Interstate Commerce Commission hasn't the power to prevent discrimination, the plant in Illinois may be able to secure from the State commission a rate which will absolutely destroy the power of the Indiana plant to compete. This sort of situation ought not to exist, and the remedy in the present law is adequate to secure immediate relief. While it might be to the advantage to the Illinois shipper, in the instance I have cited, if it were the question between an Illinois shipper whose products went into St. Louis, Mo., and a Missouri shipper whose products went to the same point, the reverse would be true.

The third suggestion is to repeal the rule of rate making in the transportation act. This ought not to be done. This was a rule which required the Interstate Commerce Commission to "establish rates so that the carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment earn an aggregate annual net railway operating income equal as nearly as may be to a fair return upon the aggregate value of the railway property of such carriers."

For a period ending March 1 next, the act specified that a fair return was 5½ per cent (and under certain conditions 6 per cent) on the property value. This is sometimes erroneously referred to as a guaranty. It was not a guaranty, was never meant as a guaranty, and can not possibly be construed as a guaranty. As a matter of fact, the roads earned less than 3 per cent on the value of their property as fixed by the Interstate Commerce Commission for the first year after the expiration of the six months' guaranty period, and are earning less than 3 per cent now, according to the report of the Interstate Commerce Commission. The roads suffer the loss, however, and the Government has not agreed to and will not make up the difference, as would be the case if there was a guaranty.

There is an important provision coupled with this rule of rate making that where any road earns more than 6 per cent, one-half of the excess shall be held as excess return and be paid to the United States Government. Under this provision the Government will receive millions of dollars this year.

Thus the rule of rate making, improperly called a guaranty, is to serve the purpose of preventing the commission from establishing rates that would not be a fair return on the actual property value (which, by the way, is also protected by the Constitution), and at the same time of preventing the strong roads from getting unconscionable returns.

Whatever may be said of the wisdom of these provisions, it can unquestionably be said that neither the guaranty for the six months nor the rule of rate making is responsible for high freight rates. The obvious proof of this is that the six months' guaranty was not added to freight rates, but was paid out of the Treasury just like the deficit under Federal control, and rule of rate making did not yield either 5½ or 6 per cent, but less than 3 per cent on the property value of the roads. This rate of return would have been commended by the provision of the Federal and State Constitutions against confiscation of private property.

There is just one thing that is mainly responsible for high freight rates, and that is the high operating expenses of the roads. If the rates were reduced so that the roads would not receive any net return on investment, the reduction would not be a substantial one and would give but little relief.

From September 1, 1920, to August 31, 1921, the year following the guaranty period, the total operating revenues of the class I railways, which represent 95 per cent of the revenues, was $6,045,358,100. Of that, there was a net railway operating income of $530,655,927. This is but 2.9 per cent on the property value of the railroads. The total operating expenses, including taxes, were $5,514,682,173. It is clear that relief is not in providing less than the 2.9 per cent return which is represented by the five hundred millions, but in attacking the operating expenses which represent five thousand five hundred millions of the amount paid in rates. The latter is about eleven times greater than the former.

This reduction in operating expenses is being made. Reductions in the cost of materials and equipment, reduction in labor costs have been of a substantial nature, and reduction in freight rates are following. The transportation act has weathered two threatened strikes. It has weathered almost two years of the most trying days of readjustment, and in spite of business depression it has so sustained railroad credit as to prevent the financial disaster which would have resulted if railroad failures and receiverships had occurred. The railroads, as an instrumentality for transportation, have been preserved and improved. The net earnings are moving upward as the operating costs are being lowered. This will be accelerated as the increase in business shall increase the freight and passenger revenues. Capital for additions and betterments can now be obtained. We thus have the safe and secure basis for reduction in freight rates in the full measure that is permitted under sound economic principles which will at the same time sustain an adequately equipped and properly operated transportation system under private ownership and operation.

Having advised you to seek legislative remedy on the question of car distribution and having undertaken to show that no legislative remedy can aid in reducing freight rates, I don't want you to think that I do not believe you can get the desired reduction in freight rates. I think the rates on sand and gravel are relatively higher than on other commodities. Your remedy, however, must not be in legislation, for under the present laws you have the right, first, to a reasonable rate; second, you have a right to a rate which is not discriminatory, as between different commodities, and you have the right to see that your 'competitors' rate does not so discriminate against you as to keep you out of a market to which all are entitled. The remedy is administrative, and will be affected just to the extent to which you apply your energies in securing the administrative relief. The existence of this association forms the basis for the most effective work to be done in that respect. You must bring up all your forces to make war on high freight rates. Make out your cases clearly; overwhelm the tribunal with proof. Let all the members of the association give closest cooperation; furnish your Washington office with the proper data, so that the facts may be presented to the commission.

Business is already on the mend. With the increase of business and the increase of revenue on the railroads, freight rates can come down. There is every reason for optimism in the sand and gravel industry for several years to come. I personally know there is contemplated appropriations of $50,000,000 or $100,000,000 annually to meet like appropriations from the States for the construction of highways alone in the next three years. While the high surtax, in which I do not believe, will retard business to a certain extent, your business is the one business which it will help. Municipal bonds and bonds of the States and State agencies for road and street building are free from Federal taxation, and a high surtax creates a ready market for such securities at a reasonable rate of interest. Looking the whole situation over from your viewpoint, it seems to me that there is every stimulus in the world for successful business.

Having recited to you some of your trials and tribulations of the past, in your look toward the future I want to offer you my hearty congratulations on the success which I am sure awaits you.

ADJOURNMENT OVER UNTIL MONDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Monday. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned, pursuant to the order just made, until Monday, March 6, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. S. 2897. An act to appropriate $5,000,000 for the purchase of seed grain and feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; with amendments. (Rept. No. 763). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 10672. A bill to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920"; without amendment (Rept. No. 764). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 10673. A bill to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama; without amendment (Rept. No. 765). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 2664. An act for the relief of Jesse Goodin; without amendment (Rept. No. 761). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2666. An act for the relief of Ed Thomas and Pauline Thomas; without amendment (Rept. No. 762). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 10677. A bill for the relief of Quincy R. Craft; without amendment (Rept. No. 766). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 10675. A bill for the relief of Henry McGuire; without amendment (Rept. No. 767). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 10712) to authorize the conversion of battle cruisers into airplane carriers; to the Committee on Naval Affairs.

By Mr. MORIN: A bill (H. R. 10713) to authorize the Secretary of War to sell to the city of Pittsburgh, Pa., and to the county of Allegheny, Pa., or either of them, the whole or part of the property known as the Pittsburgh Storage and Supply Depot; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 10714) to authorize the appropriation of additional sums for Federal aid in the construction of post roads, and for other purposes; to the Committee on Roads.

By Mr. KNIGHT: A bill (H. R. 10715) granting to officers and enlisted men who served in the military or naval service in the World War, and also in the War with Spain, the Philippine insurrection, or the Chinese Boxer rebellion campaign, an appropriate medal and ribbon bar; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 10716) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: A bill (H. R. 10717) to encourage commercial aviation and authorizing the Postmaster General to contract for air mail service; to the Committee on the Post Office and Post Roads.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 282) to authorize the Secretary of War to incur obligations for the construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923; to the Committee on the Territories.

By Mr. ANSORGE: Joint resolution (H. J. Res. 283) granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922; to the Committee on the Judiciary.

By Mr. HUMPHREYS: Resolution (H. Res. 298) to investigate the official conduct of the Governor of Porto Rico; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 10718) for the relief of Henry H. Curtis, deceased; to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 10719) granting a pension to Jane Ann Robinson; to the Committee on Pensions.

Also, a bill (H. R. 10720) granting an increase of pension to Mary E. Chandler; to the Committee on Invalid Pensions.

By Mr. CHALMERS: A bill (H. R. 10721) granting an increase of Pension to Henry O. Weckle; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 10722) granting a pension to Marie Thorson; to the Committee on Pensions.

By Mr. GERNERD: A bill (H. R. 10723) to provide for the carrying out of the award of the War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co. at Bethlehem, Pa.; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 10724) granting an increase of pension to Martha M. Robb; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10725) authorizing the Secretary of the Treasury to pay certain claims, the result of a fire in the Government ordnance plant at Baldwin, N. Y.; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 10726) granting a pension to John A. O'Dell; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 10727) to provide for the carrying out of the award of the War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., at Bethlehem, Pa.; to the Committee on Claims.

By Mr. RODENBERG: A bill (H. R. 10728) granting a pension to Margaret E. Harrington; to the Committee on Invalid Pensions.

By Mr. VOLK: A bill (H. R. 10729) for the relief of Irving James Pausin; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4420. By Mr. COLE of Ohio: Petition of residents of Kenton, Ohio, favoring immediate passage of a tariff law based upon American valuations; to the Committee on Ways and Means.

4421. By Mr. CULLEN: Petition of the Hudson Chamber of Commerce, of Hudson, N. Y., opposing the St. Lawrence River project; to the Committee on Rivers and Harbors.

4422. By Mr. DYER: Resolution passed by the executive committee of the Kansas City Bar Association, relative to additional judges in Kansas; to the Committee on the Judiciary.

4423. By Mr. FENN: Petition of the court of common council, of Hartford, Conn., asking that Congress amend its position and allow the manufacture and distribution of beer and light wines, levying a tax thereon to pay bonus to ex-service men; to the Committee on the Judiciary.

4424. By Mr. GALLIVAN: Petition of the New England Association of Marketing Officials, protesting against the proposed transfer of the Bureau of Markets and Crop Estimates from the Department of Agriculture to the Department of Commerce, and recommending that the Bureau of Markets and Crop Estimates be contained, merged in, and operated under the Department of Agriculture; to the Committee on Agriculture.

4425. By Mr. HOCH: Petition of E. F. Hebrank and other citizens of Morris County, Kans., urging the revival of the United States Grain Corporation and the fixing of the price of wheat to cover cost of production and a reasonable profit; to the Committee on Agriculture.

4426. By Mr. KIESS: Evidence in support of House bill 10655, granting a pension to Clara J. Hicks; to the Committee on Invalid Pensions.

4427. By Mr. KISSEL: Petition of John A. Maier, of Brooklyn, N. Y., opposing the passage of the bonus bill; to the Committee on Ways and Means.

4428. Also, petition of C. A. Marden, of Brooklyn, N. Y., urging legislation giving work for Government supplies to Government arsenals, shops, and navy yards; to the Committee on Naval Affairs.

4429. Also, petition of Campbell, Metzger & Jacobson, of New York City, N. Y., opposing the passage of the proposed bonus bill; to the Committee on Ways and Means.

4430. Also, petition of W. P. Tanner-Gross & Co. (Inc.), of New York City, N. Y., opposing the passage of the bonus bill; to the Committee on Ways and Means.

4431. Also, petition of protesting committees against the Palo Alto site, San Francisco, Calif.; to the Committee on Public Buildings and Grounds.

4432. By Mr. KREIDER: Petition of Steelton Post, No. 420, American Legion, of Steelton, Pa., favoring legislation for adjusted compensation for the ex-service men; to the Committee on Ways and Means.

4433. By Mr. MEAD: Petition of the Central Mercantile Association, urging the passage of the amendment to the post roads bill for reestablishing pneumatic mail-tube service in New York City; to the Committee on the Post Office and Post Roads.

4434. Also, resolution of the Hudson (N. Y.) Chamber of Commerce, protesting against the enactment of the St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce.

4435. By Mr. ROSSDALE: Resolution adopted by the board of directors of the Hudson Chamber of Commerce, protesting against the proposed St. Lawrence Ship Canal project; to the Committee on Interstate and Foreign Commerce.

4436. By Mr. TINKHAM: Resolution of the Women's International League for Peace and Freedom, of Boston, Mass., urging the extension of the payment of Austria's debt to the United States for at least 20 years; to the Committee on Ways and Means.

SENATE.

SATURDAY, *March 4, 1922.*

(Legislative day of Thursday, February 23, 1922.)

The Senate met in secret executive session at 11 o'clock a. m., on the expiration of the recess.

After 1 hour and 45 minutes spent in secret executive session the doors were reopened, and the Senate resumed the consideration of legislative business.

THE FOUR-POWER TREATY.

Mr. NEW. Mr. President, I wish to give notice that at the close of the routine morning business on Monday, if there shall be a morning hour, otherwise upon the assembling of the Senate, I shall ask the indulgence of the Senate to address it briefly on the subject of the four-power treaty.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, proposing to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the Committee on Rules.

Mr. REED. Mr. President, I do not see the Senator from Indiana [Mr. NEW] in the Chamber.

The VICE PRESIDENT. That Senator is present.

Mr. REED. I did not want to make the request I am about to put in his absence. I now observe that he is here. The Senate has given its permission that the vote on the confirmation of Maj. Peck shall be made public. That gives only a part of the record. The objections which have been urged to unanimous consent to making public the vote when Maj. Peck was rejected some weeks ago might be good objections if it were not for the fact that the final vote has been already made public. The final vote having been made public, I beg to suggest to the Senator from Indiana that the record is only partial, and I ask now if he will not give his consent——

Mr. LODGE. Mr. President, I make a point of order that what is now being discussed is executive business, and is out of order.

Mr. REED. Are we not in open executive session?

Mr. LODGE. We are in legislative session.

Mr. REED. I thought the Senator moved to go into open executive session.

The VICE PRESIDENT. The Senate is in legislative session.

Mr. REED. I could not hear what took place owing to the confusion in the Chamber. I thought it was an open executive session.

Mr. LODGE. The Senate is in legislative session, and I make a point of order that it is not proper to discuss in legislative session what was done in executive session.

Mr. REED. I can ask unanimous consent for a thing of that kind, if there be no objection. That is all I am asking.

Mr. NEW. I do not withdraw my objection.

Mr. REED. Very well.

Mr. NEW. Now that we are in open legislative session, I wish to state how I voted on the Peck nomination if it will contribute anything to the peace of mind of the Senator from Missouri or anyone else. I voted for the confirmation of Maj. Peck. We are now in public session, and that can go to the world. I voted for it because I believed it to be right. I made the point of order for distinctly different reasons, and I do not withdraw my objection.

Mr. REED. I had no personal reference to the Senator, I want to say. I did not suppose he would object on personal grounds.

Mr. NEW. I did not, and I so stated.

Mr. REED. Very well.

Mr. LODGE. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is Senate resolution 213, and the question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment of the Committee on Rules.

SUPPLEMENTAL ESTIMATE, WIRELESS COMMUNICATIONS, 1923 (S. DOC. NO. 144).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1923, for the Bureau of Navigation, enforcement of the wireless communication laws, in amount $50,000, in addition to the $80,000 included in the Budget for 1923, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. HALE presented resolutions adopted by the executive board of the Maine State Federation of Labor, indorsing the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

MAINE STATE FEDERATION OF LABOR,
Lewiston, Me.

Resolutions unanimously adopted by the executive board of the Maine State Federation of Labor, February 27, 1922:

Whereas the great question before the American people to-day and the Congress of the United States is the proper utilization for the benefit of all the people of the great natural resources that have heretofore remained dormant at Muscle Shoals; and

Whereas Henry Ford, the mechanical wizard of the age, has made a proposal to the Government that meets with almost unanimous approval by the people of the entire Nation and apparently by a large number of Representatives in Congress and the Senate; and

Whereas Mr. Ford's offer for the operation of the Muscle Shoals properties was made in good faith to the proper person as spokesman for the Government, Secretary of War Weeks, and after due consideration by the Secretary was submitted to Congress for its approval or rejection and was apparently about to be ratified; and

Whereas selfish interests, such as the Fertilizer Trust, power monopolies, and others supported by the gigantic monied powers of Wall Street are opposed to the Government disposing of these resources in a way that would be of benefit to the people as a whole; and

Whereas a sequel to this great opposition is shown by the submission of a bid by the Alabama Power Co., a foreign corporation whose principal stockholders are not even citizens of the United States, and a corporation that has never been of any material benefit to any other than its foreign stockholders: Therefore be it

Resolved, That we, the executive board of the Maine State Federation of Labor, speaking in behalf of the citizens of our State, go on record as being unalterably opposed to the Government of the United States considering the bid of or entering into any agreement with said corporation, the Alabama Power Co.; and be it further

Resolved, That we believe that Muscle Shoals should be developed by Americans with American capital in the interests of the American people; and be it further

Resolved, That we, citizens of Maine, believing in the future of our Nation, heartily indorse the proposal of Henry Ford to take over and develop Muscle Shoals, and that we recommend to the Congressmen and Senators from Maine that they accept the bid of and enter into an agreement between Henry Ford and the Government of the United States for the operation and development of Muscle Shoals properties; and be it further

Resolved, That these resolutions be given the widest publicity by furnishing a copy to the press, to the Senators and Congressmen from Maine, and to the committee of Congress before whom the proposals are now pending.

EDWARD S. BOULOS, *President.*
H. B. BRAWN, *Secretary.*

Mr. FRANCE presented memorials of sundry citizens of Cumberland and Hagerstown, Md., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. ROBINSON presented a resolution adopted by Greene County Local, No. 69, F. E. and C. U. of A., of Rector, Ark., protesting against the proposed transfer of the Bureau of Markets and Forest Service from the Department of Agriculture to other departments, which was referred to the Committee on Agriculture and Forestry.

He also presented a letter in the nature of a memorial from the A. Karcher Candy Co., of Little Rock, Ark., remonstrating against any increase in the duty on dried-egg products under schedule 7, paragraph 13, of the pending tariff bill, which was referred to the Committee on Finance.

He also presented resolutions adopted by Frisco Division No. 228, Order of Railway Conductors of America, of Fort Smith, Ark., protesting against the passage of the so-called Volk sales tax bill and the connecting of such legislation to the so-called soldiers' bonus bill, which were referred to the Committee on Finance.

He also presented telegrams in the nature of memorials from the Batesville Chamber of Commerce, Ernest Neill, and W. M. Shelby, of Batesville, Ark., protesting against the placing of manganese on the free list and urging inclusion in the pending tariff bill of the manganese schedule as passed by the House, which were referred to the Committee on Finance.

Mr. LADD presented the petition of E. L. Stels and 62 other citizens of Hazen, N. Dak., and vicinity, praying for the passage

of Senate bill 2891, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented the petitions of W. J. Bingham and three others, of Gardena; Louis Knutson and two others, of Stady; E. M. Braun and 78 others, of Wahpeton and vicinity; Hans A. Ogen and 60 others, of Gremora and vicinity; C. H. Skaggs and three others, of Mapes; and Peder M. Johnson and 52 others, of Park River, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Nekoma, N. Dak., and vicinity, praying that Europe be allowed 50 years to pay its $11,000,000,000 debt with 4 per cent interest, giving the United States her bonds therefor; that the United States Treasury issue greenbacks or notes to the full amount of such bonds, said greenbacks or notes to be redeemable at the end of 50 years; the Treasury to pay in full the so-called soldiers' bonus, loan the remainder at 5 per cent interest equally to each State, and to take each State's bonds to secure the Government, the States to loan their portions to the farmers at 6 per cent interest, and the farmers to give first mortgages of 75 per cent of the appraised value of their farms, which was referred to the Committee on Finance.

Mr. LODGE presented a resolution adopted at the midwinter conference of Lend-a-Hand Clubs, at Boston, Mass., favoring reduced appropriations for the Army and Navy and reduction in the number of Army officers, which was ordered to lie on the table.

He also presented a petition of the executive committee of the Massachusetts branch, Women's International League for Peace and Freedom, of Boston, Mass., praying that appropriations for the Army and Navy be reduced to the standard of 1914, which was ordered to lie on the table.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 529) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRISON:

A bill (S. 3230) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mary Ella Webster; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 3231) authorizing and directing the Secretary of Commerce to collect and publish semiannually or oftener statistics concerning the production and consumption of cotton and its by-products; to the Committee on Agriculture and Forestry.

By Mr. POMERENE:

A bill (S. 3232) to provide for the further investigation of the proposed waterway projects to connect the Ohio River with Lake Erie; to the Committee on Commerce.

By Mr. HARRELD:

A bill (S. 3233) granting an increase of pension to Catherine F. Bland; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3234) granting a pension to Mrs. R. A. Robinson; to the Committee on Pensions.

A bill (S. 3235) validating certain applications for and entries of public lands;

A bill (S. 3236) to authorize and regulate the grazing of live stock on the public domain, and for other purposes;

A bill (S. 3237) to repeal section 2458, and to amend sections 2430, 2451, and 2460, Revised Statutes of the United States;

A bill (S. 3238) to facilitate the use of and settlement upon the public lands of the United States through the improvement, construction, and maintenance of public roads, and for other purposes;

A bill (S. 3239) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the Fort Fetterman Abandoned Military Reservation in the State of Wyoming; and

A bill (S. 3240) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat., 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power site purposes; to the Committee on Public Lands and Surveys.

By Mr. FRANCE:

A bill (S. 3241) for the relief of pensioners of the police and fire departments of the District of Columbia; to the Committee on the District of Columbia.

By Mr. EDGE (for Mr. FRELINGHUYSEN):

A bill (S. 3242) to provide for payment of the amount of a war risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased; to the Committee on Finance.

Mr. FLETCHER. I ask unanimous consent to introduce on behalf of the junior Senator from South Carolina [Mr. DIAL], who is detained by illness, a joint resolution for reference to the Committee on Military Affairs.

By Mr. FLETCHER (for Mr. DIAL):

A joint resolution (S. J. Res. 170) authorizing the Secretary of War to loan to the city of Darlington, S. C., tents, cots, etc., for the use of Confederate Veterans in their State convention, May 17 and 18, 1922 (with an accompanying paper); to the Committee on Military Affairs.

By Mr. EDGE:

A joint resolution (S. J. Res. 171) granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey, by chapter 43, Laws of New York, 1922, and chapter 9, laws of New Jersey, 1922; to the Committee on the Judiciary.

By Mr. EDGE (for Mr. FRELINGHUYSEN):

A joint resolution (S. J. Res. 172) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 2,000 tons of sugar imported from the Argentine Republic and adjust the loss sustained thereby; to the Committee on Agriculture and Forestry.

By Mr. LODGE:

A joint resolution (S. J. Res. 173) authorizing the President to appoint a commission to represent the Government of the United States at the centennial celebration of the independence of Brazil, to be held at Rio de Janeiro in September next; to the Committee on Foreign Relations.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL.

Mr. HARRIS submitted an amendment directing the Secretary of the Treasury to refund to William Howard May $289.32 for rent of quarters while holding the office of marshal of the district of the Canal Zone; to refund to William E. Jackson $77.12 for rent of quarters while holding the office of district attorney of the Canal Zone, the refunds to be made out of the appropriation for maintenance and operation of the Panama Canal; and the Comptroller General of the United States to reopen and credit the accounts of John H. McLean, former paymaster of the Panama Canal, in $470.12 paid to Charles R. Williams as a refund of the amount collected from him for rent of quarters while holding the office of district attorney of the Canal Zone; in $403.33, paid to Miguel A. Otero as a refund to him of the amount collected for rent of quarters while holding the office of marshal of the Canal Zone; in $214.83, paid to Burt New as a refund of the amount collected from him for rent of quarters while a land commissioner in the Canal Zone; and in $114.68 paid to George A. Connolly as a refund of the amount collected from him for the rent of quarters while a land commissioner in the Canal Zone, intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF DISTRESS IN AUSTRIA.

Mr. WALSH of Massachusetts. I ask unanimous consent to have printed in the RECORD a communication from Edward A. Filene, a well-known and public-spirited citizen of Boston, Mass., relative to the need of legislative relief for Austria's starving people, and I ask that it be referred to the Committee on Finance. Attached to the letter is a very excellent digest of conditions in Austria as observed during Mr. Filene's recent visit to that country.

There being no objection, the communication was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

WM. FILENE'S SONS CO.,
OFFICE OF THE PRESIDENT,
Boston, February 27, 1922.

Hon. DAVID I. WALSH,
Senate Chamber, United States Senate, Washington, D. C.

MY DEAR SENATOR: * * * I venture to address you in behalf of Austria and to urge a prompt and favorable report of the bill introduced by Senator LODGE, S. J. Res. 160.

Hundreds of thousands of the people of Austria are at the door of starvation and will perish of hunger and the diseases that accompany starvation unless early relief is obtained. The American Congress and people intended, when two years ago they gave Austria the $24,000,000 credit with the United States Grain Corporation, actually to save her people and never intended that their loan should result in tying her hands and rendering her helpless, with the result that the starvation of her people would only be delayed.

The situation now is vastly worse than when the loan was made. I visited Austria last summer and early autumn and have been in close touch with the situation there since that time. My last report was from the American Friends service committee and was received only a few days ago. The months between now and the coming harvest will be the worst that Austria has experienced.

The door to relief should be opened at once by release of the assets pledged to payment of this and like loans from other nations. I am credibly informed that all the other creditor nations, either by formal action or through diplomatic channels, have assured Austria that they would take the action proposed by Senator LODGE's resolution, but whether or not this information is correct as regards all of them, we are not justified in delaying favorable action until all others have relinquished their claims. The bill provides, as you will no doubt notice, that the release of the assets shall take effect only when all the others have also waived their liens.

As an act of charity and mercy, I urge that this bill be reported and passed at once. I am in touch with the sentiment on this subject throughout the country, and am convinced that the people of all sections will support you in the proposed action. * * *

Very sincerely, yours,

EDWARD A. FILENE.

P. S.: I inclose with this letter a brief statement covering the whole situation, which you may care to refer to.

LEGISLATIVE RELIEF FOR AUSTRIA'S STARVING PEOPLE.

THE HISTORY OF RELIEF PLANS.

As long ago as March 17 last the supreme council of the Allies, meeting at London, after conference with an official commission from Austria in which a plan for the financial and material rehabilitation of Austria was under discussion, asked the financial committee of the League of Nations "to meet within the following fortnight, examine the financial situation of Austria, and seek means of remedying it."

At the same time that the supreme council made this request the Governments represented in the meeting, namely, Great Britain, France, Italy, and Japan, to all of which Austria was owing money secured by a lien on the Austrian State assets, agreed "to release for a period of years, to be determined later, their liens under the treaty of St. Germain in respect of claims against the Austrian Government for the cost of armies of occupation, for relief credit bonds, and reparations, provided other interested Governments will agree to similar postponement."

The committee of the League of Nations which was requested to make the inquiry and report was a most competent one. As requested by the supreme council it met in Paris from March 28 to 31, where, in conference with the official commission from Austria that had previously conferred with the supreme council, it considered the whole situation.

It then sent a delegation to Vienna, which from April 15 to May 12 studied the situation on the ground, conferred with officials and leading financial men of Austria, with representatives of all the political parties in Austria, and formulated its report.

On May 31 the financial committee, having considered the report of their delegation to Austria, rendered a report to the supreme council of the Allies which closed with the following words: "The committee * * * have approved a program of financial action competent, in their opinion, to restore the Austrian economy. Temporary advances to initiate this program are assured. It rests with the Governments concerned to allow the work to be undertaken on the conditions indicated in the committee's note of April 4."

The condition thus referred to in the committee's note of April 4 that would "allow the work to be undertaken" was that other creditor Governments of Austria which had a lien on Austrian assets should agree to take action regarding the debts due them similar to action already taken by the powers represented in the London meeting of the supreme council of the Allies.

The program of financial action which, in the opinion of the financial committee, was "competent to restore the Austrian economy" included (a) negotiation of a foreign loan secured by Ter Meulen bonds resting on the following assets of the Austrian Government: Customs receipts, revenues from the State tobacco monopoly and from forests and mortgages on all real estate of the country; (b) a reform of the currency to be effected by a strong and independent bank of issue; (c) the balancing of the budget; (d) the flotation of a substantial internal loan which should make it unnecessary to continue the issuance of paper money.

To this program the Austrian Government and the responsible leaders of all the parties of Austria had pledged themselves, as had also the bankers and leaders of finance and industry.

As the temporary advances necessary to put the plan into execution had been agreed upon, and as Great Britain, France, Italy, and Japan had agreed to release their claim on the State assets of Austria in favor of the new foreign loan, it remained only for the other creditor nations to take like action.

Of these remaining creditor nations the United States was the chief creditor and most influential. It was generally understood that if we acted, the other and smaller nations would also act; but since we failed to take action, other and minor creditors waited for us, and the matter was delayed from month to month, during which time Austria drifted nearer and nearer to the financial collapse which finally has come.

STARVATION IN AUSTRIA REQUIRES IMMEDIATE RELIEF.

This delay creates a most dangerous situation for Austria. It requires only legislation by the United States to save the nation from the great dangers arising from unbearable conditions, and great masses of her people from starvation and death.

Usually the foremost in all philanthropic work, the United States in this case is holding up the procession led by the other powers. If countries such as Belgium and France, themselves cruelly ravished by war, can favor this suspension of the Austrian debt, surely we can do so also, especially as Austria is utterly incapable of paying this debt or arrears of interest at present.

FEDERAL COUNCIL ASKS SPECIAL LEGISLATION.

On December 15 the Federal Council of the Churches of Christ in America, in view of the increasingly critical situation of the Austrian population, passed a formal resolution petitioning Congress to take separate action on Austria's debt to the United States. The council specifically petitioned that special and immediate legislation be enacted to the end that payment of Austria's debt of $24,000,000 be suspended for at least 20 years. The nations referred to above have already agreed to this arrangement.

The Federal council has sent this petition to 150,000 churches in America, suggesting that the congregations take like action. Knowing first-hand, as I do, the severe straits in which Austria finds herself, I am supplementing the campaign of the Federal council in behalf of help to Austria by sending the facts, and a covering petition to Congress, to influential leaders and organizations in every State of the Union.

AMERICAN INACTION PREVENTS RELIEF.

Our loan to Austria, enabling her to purchase from us $24,000,000 worth of flour, was authorized under special act of Congress, March, 1920. Payment for these foodstuffs, according to the act, must be made within five years.

The failure of Congress to authorize deferment of this debt, a debt which Austria is absolutely incapable of paying at the present time, is holding up a new international loan which would place Austria in a position of physical and economic rebirth.

Yet this debt of $24,000,000, contracted solely for the purchase of foodstuffs to relieve a starving people, is lumped in with a debt of over $11,000,000,000 owed to the United States by all the European debtor countries for purchases of war materials as well as of foodstuffs.

AUSTRIA IS STARVING.

Meanwhile Austria starves. In the midst of a bitter winter her people are suffering from disease, starvation, and death. The situation is extremely critical. The crown, which before the war was worth 20 cents, is now quoted in Vienna at one one-hundredth of a cent. That is, where before the war 5 crowns would buy a dollar, 10,000 are at this date needed to buy a dollar or its equivalent in merchandise. Even in its own country the purchasing value of the crown has fallen so low that a 10-cent loaf of bread costs, according to the normal value of the crown, over $200.

As an American keenly interested in the rehabilitation of a world torn now by peace as it was formerly by war, and after personal study of conditions in Austria, I am taking the liberty to write you this digest of Austria's situation and to suggest a remedy in the form of special action by Congress. The inclosed resolution is the one approved by the Federal Council of the Churches of Christ in America and by other national organizations.

WHAT YOU CAN DO ABOUT IT.

If you will get your organization to adopt and send this resolution to the President and to your Senators and Representatives in Congress, will induce individuals to write letters to them, and will give the matter as much publicity in the press as possible, you will have done your part toward keeping practically the whole population of Austria from becoming the victims of a situation for the relief of which the United States seems to have the chief responsibility.

May I request that you let me know what action you and others take on this grave and pressing matter? I stand ready to furnish as many copies of the resolution as you believe can be used to advantage.

EDWARD A. FILENE.

HOUSE BILL REFERRED.

The bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, proposing to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations.

The VICE PRESIDENT. The question is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Committee on Rules.

Mr. HARRISON. Mr. President, the amendment offered by the Senator from Massachusetts provides that one member of committees of conference shall come from the committee which, under the rules of the Senate, would have jurisdiction of the particular bill in conference. Part of the amendment I have offered provides that two members from any one of these various committees shall go on the conference committee.

The unfairness of the amendment proposed by the Senator from Massachusetts lies in the fact that one member from the Committee on Agriculture, we will say, or the Committee on Military Affairs, would go on any conference committee. Of course, that one member would be the chairman of the committee, and to-day the chairmen of the committees are Republicans. Consequently, we would have no minority representation in conference. All that is necessary to be done is to state the proposition to show the unfairness of it.

Under the peculiar parliamentary situation I can not move to amend this amendment, because it is an amendment to the committee amendment; but if the amendment of the Senator from Massachusetts is voted down, I shall then offer an amendment providing that at least two members from any one of these various legislative committees shall be on any conference committee. That is fair, it is just, and it is the right thing to do. The minority should be represented the same as the majority,

and the third member of the conference committee, if there are no more than three members, of course, will be a member of the Committee on Appropriations.

I therefore sincerely hope that the amendment offered by the Senator from Massachusetts will be defeated, and in this connection I want to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Senator will state his inquiry.

Mr. HARRISON. This being an amendment to the committee amendment, if it should be adopted it would provide that one member of each conference committee on appropriation bills shall be a member of one of the various legislative committees. Would that preclude the consideration afterwards by the Senate of an amendment which would provide that two members of such conference committees shall be members of one of the legislative committees?

The PRESIDING OFFICER. The present occupant of the chair is not familiar with the rule on that question, but he is free to give his impression to the Senator from Mississippi.

Mr. HARRISON. May we have order, because this is very material.

The PRESIDING OFFICER. The Chair is free to give his first impression to the Senator from Mississippi, that being an amendment in the third degree, the Senate would be precluded from making such a change as is suggested by the Senator from Mississippi.

Mr. HARRISON. We are considering a change in the rules which affects every section and every industry of the country, and at this moment there are not over eight Senators on the other side of the aisle. The Chair has just stated that if the amendment offered by the Senator from Massachusetts should be agreed to, we would be precluded from offering another amendment providing that two members of any one of these various committees should go on a conference committee.

The PRESIDING OFFICER. The present occupant of the chair would qualify his ruling to this extent, that of course the amendment would be subject to a motion to reconsider.

Mr. HARRISON. It would be open to reconsideration; that is to say, if it should prevail, then there might be a motion to reconsider it, naturally.

Now is the time to present the finished product, and yet, under the statement of the Chair, if this amendment is adopted, only one member of a conference committee will come from the membership of any of the legislative committees having jurisdiction of the particular bill which may be in conference.

Every Senator knows that it is in conference where these questions are decided, where amendments which have been agreed to in the Senate are excluded, where the power is wielded by three men to undo what 96 men have done in the Senate.

Mr. FLETCHER. Mr. President——

Mr. HARRISON. If it is fair for one member of a committee, representing the majority, to go on a conference committee, without any representation of the minority, if that is to be the voice of the Senate, well and good.

I am calling the attention of the Senate to the consequences of this vote, and yet, as I said, there are not eight Senators on the other side of the aisle at this time. No Republican representation is on the floor at this time save the senior Senator from Oregon [Mr. MCNARY], the junior Senator from Oregon [Mr. STANFIELD], the Senator from South Dakota [Mr. STURGINS], the Senator from Illinois [Mr. MCKINLEY], the Senator from Michigan [Mr. TOWNSEND], the Senator from Washington [Mr. JONES], the Senator from Wyoming [Mr. WARREN], the Senator from Iowa [Mr. CUMMINS], the Senator from Utah [Mr. SMOOT], and the Senator from Ohio [Mr. WILLIS]. All the other States are not represented now and have not heard what the ruling of the Chair will be and the consequences of this vote.

Mr. STERLING. Mr. President, may I call the attention of the Senator to the fact that there are two Republican Senators on the opposite side of the Chamber?

Mr. HARRISON. I beg the Senator's pardon. I want to congratulate the new Senator from Iowa [Mr. RAWSON], who has been in his seat from the beginning to the close of each session of the Senate ever since he took his oath here, and the Senator from New Mexico [Mr. BURSUM], who are now present. Of course, the Democratic side is here. We are always here.

Mr. WARREN and Mr. SMOOT. Name them!

Mr. WILLIS. Name the Democrats present.

Mr. HARRISON. I want the great section of the West to know that in such a great crisis as this the representation is not present on the Republican side.

Mr. President, I have said with reference to the pending amendment all that I desire to say.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. HARRISON. Certainly.

Mr. FLETCHER. I desire to present a parliamentary inquiry. I would like to know if the proposed amendment offered by the Senator from Massachusetts would be subject to an amendment by changing the word "one" to the word "two"; in other words, whether it would be in order to offer an amendment to the amendment proposed by the Senator from Massachusetts?

The PRESIDING OFFICER. The present occupant of the chair will state to the Senator from Florida, in answer to his parliamentary inquiry, that the present occupant of the chair would not undertake to give a definite ruling upon any question of that character, but, as the Chair said in response to the question of the Senator from Mississippi, it is the impression of the Chair that the amendment of the Senator from Massachusetts, once being adopted, the opportunity not being availed of to perfect the amendment, it is not thereafter open to amendment.

Mr. FLETCHER. I understood that; but my inquiry is whether we will have the opportunity to perfect the amendment, if we may term it that, by proposing that the language "one member" in line 9 of the proposed Lodge amendment and in each one of those clauses be changed to "two members"? I understand the Senator from Mississippi insists that there ought to be two members from the committees outside of the Committee on Appropriations.

Mr. HARRISON. There should be at least two, and really there ought to be three. All we have ought to come from there.

Mr. FLETCHER. What I am inquiring about is whether it would be in order for the Senator from Mississippi or any other Senator to propose an amendment to the Lodge amendment by way of perfecting it, if you please, so as to change the words "one member" to "two members"?

The PRESIDING OFFICER. Does not the Senator from Florida think that is an amendment in the third degree?

Mr. FLETCHER. That is the question in my mind. I was not sure whether the rule would permit us to perfect the Lodge amendment.

The PRESIDING OFFICER. The Chair thinks it would not be in order, but the Chair may state that the matter is in full control of the Senate, and that the Senate, if it desires, may defeat the amendment, and the Senator from Mississippi or the Senator from Florida may then offer such other amendment as he may choose. It is wholly within the control of the Senate.

Mr. HARRISON. I think the Chair is exactly right. I only propounded the parliamentary inquiry so that Senators would know what they are voting on. If it were within my power now to offer an amendment and have it adopted, I would do so, but, being an amendment in the third degree, it is not in order.

Mr. SMITH. Mr. President, will the Senator allow me?

Mr. HARRISON. I yield to the Senator from South Carolina.

Mr. SMITH. I would like to have the attention of the Senator who has the matter in charge. I am addressing my query to the chairman of the committee, the Senator from Wyoming [Mr. WARREN]. I would like to know what objection there would be to having it stated, now that we are changing the rule, that at least two members, or definitely two members, although I prefer the term "at least two members," from the committee that has had that particular matter in charge shall be appointed. What objection would there be to naming two instead of naming one, as the Senator from Massachusetts has already proposed?

Mr. WARREN. I would like the attention of the Senator who has raised the question. There is no rule of the Senate that requires the appointment of a Democrat or a Republican on any conference committee. The rule requires only that conferees shall be appointed. It has been the practice, ever since the United States has had a government, so far as I know, to appoint from the minority and the majority in proportion equal to party strength, as nearly as may be.

The amendment offered by the Senator from Massachusetts is entirely unnecessary, although I have no objection to it. But if we make it two instead of one we are going to be in this position: We shall have in some cases two different committees that will be drawn from at once and we will thus have three committees represented and operating, and two of each is too many. The other committees which are interested will each have two representatives, if we adopt the suggestion that there shall be two appointed from each of such committees, and there will then be four outside conferees, rather too many to start with if we expect to have any conferees at all from the Appropriations Committee itself. There is no objection to having one member from the other committees. There will always be two when it can be arranged that way, because the precedents of the Senate

call for it, but I think the Senator is perfectly well aware that there has seldom been any complaint from any committee about the division of representation made by the Committee on Committees, which has the naming of the members of the various committees. The Committee on Finance, of course, in tax matters proceeds differently. As I said, the practice has been to put the party in the majority in charge first and call the minority in later.

There is another thing to be considered. There are times, for instance, when this situation might arise: It is desirable to have three on the conference committee, and there might be an absence or illness that would prevent two being taken from the committee out of the three. Then we would have to provide otherwise. A Senator might say, "I am going away, but I wish you would put in my place on the committee so-and-so, who agrees with me."

But to come back to the original proposition, I think it is unnecessary to undertake to discuss further the contention of those who perhaps have not had so much practice in the matter of appropriations that they are going to have some outrage committed upon them, because, as I said, without any question whatever and without any reason why whatever, except that fairness always exists between the two parties here in the Senate.

Mr. SMITH. Mr. President, if the Senator from Mississippi will allow me——

Mr. HARRISON. Certainly.

Mr. SMITH. I do not see the force of the argument of the Senator from Wyoming in case one would be sick, for the reason that the proposition, as I understand it, is that two from the committee that heretofore has had charge of the matter—to illustrate, two from the Committee on Agriculture and Forestry—are to be appointed. I do not understand that even the amendment of the Senator from Massachusetts meant that we had to take one of those who had conferred with the Appropriations Committee.

Mr. WARREN. If they are to do their duty and have the knowledge to execute that duty, the conferees must naturally have served on the subcommittee. It is only in cases of absence or illness that any man is placed upon a conference committee who has not participated in the consideration and construction of the bill.

Mr. SMITH. I know that would be natural in conference, but in a matter relating to the Committee on Agriculture and Forestry or to the Committee on Military Affairs there will be members who are as thoroughly conversant with the matter and as competent to serve on a conference committee as those who might accidentally be delegated to serve with the Appropriations Committee.

Mr. OVERMAN. Suppose we had referred to this committee the Agricultural appropriation bill, and the rule required two conferees to be appointed from that committee, and the Committee on Military Affairs was also interested before the committee in the same bill, we would have to have two members appointed from each of those committees and therefore we would have four, two from the Committee on Agriculture and Forestry and two from the Committee on Military Affairs. What would be the result?

Mr. SMITH. Oh, not on the same bill.

Mr. OVERMAN. Yes; on the same bill. I can refer to a bill now pending, the Interior Department appropriation bill now before the Senate. That is an argument on the very question that we have before us now. The pension appropriations are in that bill. The appropriations for the Indian Bureau are in that bill. Heretofore they have been referred to different committees, to the Committee on Indian Affairs and to the Committee on Pensions. If the rule requires that two be appointed from the Committee on Indian Affairs and two from the Committee on Pensions, there we would have four; we would have one more than we have ever appointed heretofore. There is the trouble.

If the chairman of a committee would refuse to give representation on the Appropriations Committee in this matter, of course he would be denounced in the Senate and denounced everywhere. Really it ought to be left to the chairman of the committee to choose the conferees, because the chairman always gives the minority representation; but if we adopt the hide-bound rule that two shall be appointed from each committee, then we would have four conferees instead of three, as has usually been the case.

Mr. SMITH. Where certain appropriation bills are involved, I see the difficulty.

Mr. WARREN. Mr. President, will the Senator permit me?

Mr. HARRISON. Certainly.

Mr. WARREN. Under this rule the river and harbor appropriation items are in the Army appropriation bill, which goes to the Committee on Military Affairs; yet if the Senator's proposal were agreed to we would have to have three members from the Committee on Military Affairs and three members from the Committee on Commerce, which has charge of the river and harbor appropriations. If we make this two conferees instead of one from each we would have two members from the Committee on Commerce and two from the Committee on Military Affairs to start with before anybody was put on from the Committee on Appropriations. A conference committee of six is too large for that purpose. The House will not act in a conference that would be like a town meeting.

Mr. SMITH. I understand. My misapprehension of the matter was that we had merged into one bill certain bills that heretofore had gone to separate committees. That would not apply, of course, to the Agricultural appropriation bill unless we should merge it in with the Army appropriation bill as well, which now goes to the Committee on Military Affairs. But it seems to me in that event the rule might be so modified as to provide that where the bill under consideration has not been merged into another, two may be appointed.

However, I recognize the point the Senator from North Carolina has made. When I rose I had not taken that point into consideration. As the chairman of the Committee on Appropriations has said, these appointees would be accommodated to the condition as it arose. I offer no further objection to the proposed amendment.

Mr. HARRISON. Mr. President, I am not going to delay the Senate further. I think the very few Senators who are on the floor realize evidently what they are going to vote on. I would like to have the yeas and nays on it, however. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, I am not going to make the point of no quorum at this time, though I think there ought to have been more Senators here. In justice to the members of the committee who have framed the legislation I think the matter ought to be understood before we take the vote. I frankly admit that I did not understand until the Senator from North Carolina made the point or called my attention to the fact that under the proposed new rule certain bills that heretofore have gone to different committees are now merged into one and go to the Committee on Appropriations as one bill. Therefore, if we provide for more than one conferee on the matter of particular bills that have heretofore gone to different committees, I can see how it would be almost impossible to accommodate the conferees.

However, if this is voted down, then I think perhaps the matter might be adjusted by providing that where there has not been a merger of bills, in that event two from the committee that had the particular bill in charge should be appointed. I think the Senator from North Carolina agrees with me that that might be done, and in case the pending amendment to the committee amendment is voted down, I believe an amendment of that kind should be offered and voted upon.

Mr. OVERMAN. I am willing to leave it to the chairman of the committee, as we have always left it. The Senator from South Carolina suggests a proposition that might solve the difficulty; but I shall vote against any requirement that the chairman shall appoint one, two, three, or four or any other particular number. I am willing to leave it where it has always been, with the chairman of the committee, knowing that he will give proper representation on the committee. Therefore I shall vote against the pending amendment and any other amendment that proposes to fix the number of conferees. I favor leaving it to the chairman, knowing that he will do his duty, as any Senator will do his duty, on all occasions and give fair representation to the minority as well as the majority. Let us leave it where it has been for the last 100 years.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the Committee on Rules.

The Assistant Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. LODGE (when his name was called). I am informed that the Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, if present, would vote as I intend to vote upon this question. Therefore, it is unnecessary for me to make a transfer of my pair, and I am at liberty to vote. I vote "yea."

Mr. PHIPPS (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. DIAL] to the junior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Wisconsin [Mr. KELLOGG] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior senator from Indiana [Mr. WATSON]. In his unavoidable absence, I am not entitled to vote. If I were free to vote, I should vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the negative). I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the junior Senator from Missouri [Mr. SPENCER] and allow my vote to stand.

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from California [Mr. SHORTRIDGE] and vote "yea."

Mr. COLT. I transfer my pair with the Senator from Florida [Mr. TRAMMELL] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. JONES of Washington (after having voted in the affirmative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and I have agreed to take care of him by pairing with him. I understand that I may transfer that pair to the junior Senator from New York [Mr. CALDER]. I do so, and allow my vote to stand.

The result was announced—yeas 46, nays 20, as follows:

YEAS—46.

Ball	Frelinghuysen	McNary	Stanfield
Brandegee	Gerry	New	Sterling
Cameron	Gooding	Newberry	Sutherland
Capper	Harreld	Nicholson	Townsend
Colt	Harris	Norris	Wadsworth
Cummins	Jones, Wash.	Oddie	Walsh, Mass.
Curtis	Kendrick	Page	Warren
Dillingham	Keyes	Phipps	Watson, Ga.
Ernst	Ladd	Poindexter	Weller
Fernald	Lodge	Ransdell	Willis
Fletcher	McCumber	Sheppard	
France	McLean	Smoot	

NAYS—20.

Ashurst	Bois	Learoyd	Reed
Bursum	Harrison	McCormick	Robinson
Caraway	Heflin	McKellar	Simmons
Fess	Jones, N. Mex.	McKinley	Smith
Glass	King	Overman	Walsh, Mont.

NOT VOTING—30.

Broussard	Hitchcock	Owen	Stanley
Borah	Johnson	Pepper	Swanson
Calder	Kellogg	Pittman	Trammell
Crow	La Follette	Pomerene	Underwood
Culberson	Moses	Ransdell	Watson, Ind.
Dial	Myers	Shields	Williams
du Pont	Nelson	Shortridge	
Elkins	Norbeck	Spencer	

So Mr. BORAH's amendment to the amendment reported by the committee was agreed to, as follows:

On page 2, line 16, after the word "Appropriations," insert the following: ", and at least one member of the Committee on Agriculture shall be a member of any conference committee appointed to confer with the House upon said Agricultural appropriation bill";

On page 2, line 22, after "Appropriations," insert the following: ", and at least one member of the Committee on Post Offices and Post Roads shall be a member of any conference committee appointed to confer with the House upon said Post Office appropriation bill";

On page 3, line 3, after the word "Appropriations," insert the following: ", and at least one member of the Committee on Military Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of War";

On page 3, line 9, after the word "Appropriations," insert: ", and at least one member of the Committee on Naval Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of the Navy";

On page 3, line 16, after the words "Department of War," insert: ", and at least one member of the Committee on Commerce shall be a member of any conference committee appointed to confer with the House upon items pertaining to rivers and harbors contained in the bill making appropriations for the Department of War"; and

On page 3, line 24, after the words "Departments of State and Justice," insert: ", and at least one member of the Committee on Foreign Relations shall be a member of any conference committee appointed to confer with the House when the items pertaining to the diplomatic and consular service are being considered in the bill making appropriations for the Department of State and Justice."

So as to make the amendment of the committee read:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation, and if an appropriation bill is reported to the Senate containing new or general legislation, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations: *Provided, however*, That the chairman of the Committee on Agriculture, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of Agriculture is being considered by the Committee on Appropriations, and at least one member of the Committee on Agriculture shall be a member of any conference committee appointed to confer with the House upon said Agricultural appropriation bill; that the chairman of the Committee on Post Offices and Post Roads, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Post Office Department is being considered by the Committee on Appropriations, and at least one member of the Committee on Post Offices and Post Roads shall be a member of any conference committee appointed to confer with the House upon said Post Office appropriation bill; that the chairman of the Committee on Military Affairs, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of War is being considered by the Committee on Appropriations, and at least one member of the Committee on Military Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of War; that the chairman of the Committee on Naval Affairs, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of the Navy is being considered by the Committee on Appropriations, and at least one member of the Committee on Naval Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of the Navy; that the chairman of the Committee on Commerce, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the items pertaining to rivers and harbors are being considered by the Committee on Appropriations in the bill making appropriations for the Department of War, and at least one member of the Committee on Commerce shall be a member of any conference committee appointed to confer with the House upon items pertaining to rivers and harbors contained in the bill making appropriations for the Department of War; and that the chairman of the Committee on Foreign Relations, and two other members of said committee, to be selected by the chairman of said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the items pertaining to the Diplomatic and Consular Service are being considered by the Committee on Appropriations in the bill making appropriations for the Departments of State and Justice, and at least one member of the Committee on Foreign Relations shall be a member of any conference committee appointed to confer with the House when the items pertaining to the Diplomatic and Consular Service are being considered in the bill making appropriations for the Departments of State and Justice.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. HARRISON. I understood the ruling of the Chair in answer to a parliamentary inquiry a few moments ago to be that if the amendment of the Senator from Massachusetts to the amendment of the committee were adopted I could not offer an amendment providing that two members of the respective committees which heretofore have handled various appropriation bills shall be members of the conference committee. I now offer an amendment to strike out the words "one member" where they appear in the amendment to the amendment just adopted and to insert the words "two members," so that in the conference committees two members of the respective appropriating committees shall be represented upon the conference when the appropriation bill in which they are interested is being considered.

The PRESIDING OFFICER. The Senator from Mississippi offers an amendment to the amendment, which will be stated by the Secretary.

Mr. WARREN. Mr. President, I think that amendment is entirely out of order. If it is in order, I say in all seriousness that I hope it will be defeated.

The PRESIDING OFFICER. Does the Senator from Wyoming make a point of order against the amendment?

Mr. WARREN. There would arise under it conditions in connection with the arrangement of conference committees with which it would be almost impossible to comply, which I have explained to the Senator from Mississippi and to other Senators.

I therefore make the point of order against the amendment offered by the Senator from Mississippi and ask that the Chair rule on it.

The PRESIDING OFFICER. The point of order is sustained.

Mr. HARRISON. Mr. President, I understood the Chair, in answer to the parliamentary inquiry, to say that as in Committee of the Whole the amendment would be one in the third degree and consequently the point of order could be raised against it and would be sustained. I inquire, What is the parliamentary status of the resolution?

The PRESIDING OFFICER. The present occupant of the Chair is advised that the parliamentary status of the resolution is that it is in the Senate. Being purely a Senate resolution, it is not considered as in Committee of the Whole.

Mr. HARRISON. I did not think that the resolution would be considered as in Committee of the Whole, but when the Chair stated that my amendment would not be in order, thereby implying, of course, that when the resolution passed into the Senate an amendment providing for the appointment of two conferees from other committees instead of one might be offered, I imagine there were quite a number of Senators who voted for the amendment providing for one conferee on the

supposition that one would be better than none at all if, under the parliamentary status, we could not get two. So I ask unanimous consent that the amendment may be considered in order.

Mr. WARREN. Mr. President, the Senator has recourse, without doubt, at the proper time in the consideration of the measure; but this is not the proper time, and I shall have to object.

Mr. HARRISON. I ask the Senator what would be the proper time for me to offer an amendment that would make it two instead of one? If the Senator will tell me, I shall not insist on the amendment at this time.

Mr. WARREN. I do not have to tell the Senator. He knows the rules of the Senate.

Mr. HARRISON. Under the ruling of the Chair that we are now in the Senate and not in Committee of the Whole, and since this amendment has been adopted, I know of no rule by which I am now permitted to offer another amendment that will provide for the appointment of two members on the conference committee. If the Senator will suggest it, I shall be delighted.

Mr. WARREN. I sincerely object to occupying the time of the Senator. I would not think of doing it, because he is entitled to the time, and has been waiting some days now, nearly a week.

Mr. HARRISON. Yes; I have not said anything on this rule.

Mr. WARREN. Furthermore, the Senator is a master of the rules himself.

Mr. HARRISON. No; I know nothing about the rules. I wish I did, so that I could secure a vote by the Senate on the question of having two conferees.

The PRESIDING OFFICER. The Chair does not wish the Senator from Mississippi to misunderstand the position of the Chair. The Chair did not intend to convey to the Senator from Mississippi the belief of the Chair that what he desired to be accomplished could not be accomplished if the amendment of the Senator from Massachusetts [Mr. LODGE] were adopted. What the Chair did intend to say was that the Senator's amendment would not be in order to accomplish what he desired.

Mr. HARRISON. Yes. So now we are in the position that we are precluded, except by a motion to recommit this resolution, from offering an amendment making it two.

The PRESIDING OFFICER. Did the Senator make a request?

Mr. HARRISON. No.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment as amended.

Mr. WARREN. Mr. President, I believe there are one or two amendments on the table offered by certain Senators.

Mr. HARRISON. I am going to present an amendment when this other matter gets out of the way; but I had understood that the Senator from Delaware [Mr. BALL] was very much interested in offering an amendment to the committee amendment so that one of the conferees shall come from the Committee on the District of Columbia.

The PRESIDING OFFICER. The Chair will state that there is no amendment pending. Unless some amendment is proposed, the question is on the amendment of the committee as amended.

Mr. JONES of Washington. Mr. President, I spoke to the Senator from Delaware [Mr. BALL] just a moment ago, and he said he understood that even if he should not be on the floor his amendment would be proposed. I supposed he had that understanding with the chairman of the committee.

Mr. WARREN. I will say that at the proper time the amendment of the Senator from Delaware should be offered. I have been waiting for him to come into the Chamber, because, as he has drawn the amendment, it is like the amendment in regard to rivers and harbors and the diplomatic and consular part of the resolution rather than like the Army and Navy and agricultural part of it. Perhaps the Senator does not understand that, and I had waited for him to give it some attention. It is a matter that the Senate, of course, ought to pass upon. However, it can be added to the resolution as a separate section. There is no reason why we should not vote on the main question.

Mr. BALL entered the Chamber.

Mr. JONES of Washington. Mr. President, while the Senator from Delaware is preparing to offer his amendment I want to suggest the amendment of the Senator from Nebraska [Mr. NORRIS]. I do not think the chairman of the committee will have any objection to it.

On page 2, line 5, after the word "containing," insert the words "amendments proposing," and also in line 6 the same words. I will send up the printed amendment.

The PRESIDING OFFICER. The Senator from Washington, on behalf of the Senator from Nebraska, proposes an amendment, which will be stated by the Secretary.

The ASSISTANT SECRETARY. On page 2, line 5, after the word "containing," it is proposed to insert the words "amendments proposing"; and at the end of line 6, on the same page, after the word "containing," it is proposed to insert the words "amendments proposing"; so that, if amended, those lines will read:

The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill.

Mr. JONES of Washington. I offer that amendment in behalf of the Senator from Nebraska [Mr. NORRIS].

Mr. FLETCHER. Mr. President, as I understand, the purpose of that is to make the bill subject to a point of order where the amendment is proposed in the Senate; but if the bill comes over from the House containing new legislation, the point of order would not lie against it.

Mr. JONES of Washington. That is substantially the purpose of this amendment, so that the Committee on Appropriations will not be prohibited from reporting a bill that has House provisions containing legislation. That is the purpose of the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington, on behalf of the Senator from Nebraska, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HARRISON. Mr. President, I see the Senator from Delaware [Mr. BALL] now in the Chamber. He had an amendment with regard to the Committee on the District of Columbia. I offer an amendment, to be inserted at the proper place, and will ask the Secretary to alter it accordingly, so that on matters that come under the jurisdiction of the Committee on Indian Affairs that committee shall also have one representative in the conference. Let the amendment read as it is written in this proposed rule.

Mr. OVERMAN. Mr. President, I want to say to the Senator that the Indian Affairs Committee is not fighting this rule, and is not asking for the provision that the Senator proposes. The bill that contains the appropriations for Indian affairs has passed the Senate and is now in conference. It is true that several members of the Indian Affairs Committee are on the general Appropriations Committee, but they are not asking for representation on this committee. They are perfectly satisfied with what has been done, as the Senator from Mississippi will be when this rule is adopted.

Mr. HARRISON. I am going to express myself on this rule in a few moments, and I shall elaborate in detail how it will affect every interest and every section of this country, and I shall show how a few Members of this body are trying to grab the whole power of making all appropriations by the United States Senate. The Indian Affairs Committee is an important committee. It deals with the appropriations for the Indian tribes throughout this country. It has a right to have one representative in the conferences on appropriation bills for these tribes, the same as the other committees to which representation has been given. So I have offered the amendment; and if the Senator from Delaware does not offer his amendment with regard to the District of Columbia Committee I shall offer one, and I shall also offer one touching irrigation for the great West, if no Senator from that section offers such an amendment; and I shall try to secure a record vote on the proposition.

Mr. BALL. Mr. President, I offer an amendment——

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his amendment?

Mr. HARRISON. Yes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BALL. I offer the amendment which I send to the desk to the committee amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 9, after the semicolon, it is proposed to insert the following words:

That the chairman of the Committee on the District of Columbia and two other members of said committee to be selected by the chairman of said committee shall be ex officio members of the Committee on Appropriations to serve on said committee when the bill making appropriations for the District of Columbia is being considered by the Committee on Appropriations.

Mr. WARREN. Mr. President, the amendment as written corresponds, I take it, to the amendments referring to other committees. The Committee on the District of Columbia differs from all other committees of Congress. In reality, the Senate and the House take up District matters as city councilmen, I might say; and the Committee on the District of Columbia has to sit a great deal of its time for the consideration of small matters of city management. Therefore I have no objection to the amendment, and I hope it may be agreed to.

Mr. HARRISON. Mr. President, I offer an amendment to the amendment of the Senator from Delaware.

Mr. WARREN. Mr. President, the Senator can not offer an amendment to the amendment of the Senator from Delaware.

The PRESIDING OFFICER. Does the Senator make the point of order?

Mr. WARREN. I do.

The PRESIDING OFFICER. The point of order is sustained. The question is on agreeing to the amendment offered by the Senator from Delaware to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HARRISON. Mr. President, I offer an amendment to come in at the end of the amendment just offered and agreed to, in the following words:

And that two members of the Committee on the District of Columbia, on any conference with the House on the District of Columbia appropriation bill, shall be appointed to serve at said conference.

Mr. WARREN. I raise a point of order against that, Mr. President.

Mr. HARRISON. What is the point of order?

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. WARREN. It is not necessary for me to state the point of order. If the point of order should be properly overruled, I am ready to have it overruled.

The PRESIDING OFFICER. The present occupant of the chair thinks that the amendment now offered by the Senator from Mississippi is an amendment to the committee amendment.

Mr. WARREN. Very well. I am perfectly ready to let it go to a vote.

The PRESIDING OFFICER. The Chair overrules the point of order. The Secretary will state the amendment proposed by the Senator from Mississippi to the amendment of the committee.

The ASSISTANT SECRETARY. At the end of the amendment just agreed to, it is proposed to insert the following words:

And that two members of the Committee on the District of Columbia, on any conference with the House on the District of Columbia appropriation bill, shall be appointed to serve at said conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JONES of Washington. Mr. President, no one has as yet answered to the roll call. Is the amendment of the Senator from Mississippi to require two members from the District of Columbia Committee to be placed on the conference committee on District of Columbia appropriation bills?

The PRESIDING OFFICER. It is. The Secretary will proceed with the call of the roll.

The call of the roll was resumed.

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. PHIPPS (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. ERNST. Making the same announcement as before, I vote "nay."

Mr. JONES of Washington (after having voted in the negative). I understand that my pair, the senior Senator from Virginia [Mr. SWANSON], would vote as I have voted on this amendment. I allow my vote to stand without a transfer.

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I assume he would vote as I have voted, and therefore I will allow my vote to stand.

Mr. EDGE (after having voted in the negative). Making the same announcement as before, I allow my vote to stand.

Mr. COLT. Making the same announcement as before, I vote "nay."

The result was announced—yeas 16, nays 49, as follows:

YEAS—16.

Ashurst	France	McKellar	Sheppard
Broussard	Gerry	McNary	Walsh, Mass.
Capper	Harrison	Pittman	Walsh, Mont.
Fletcher	Heflin	Reed	Williams

NAYS—49.

Ball	Hale	New	Stanfield
Brandegee	Harreld	Newberry	Stanley
Calder	Harris	Nicholson	Sterling
Cameron	Jones, N. Mex.	Norbeck	Sutherland
Caraway	Jones, Wash.	Norris	Townsend
Colt	Kendrick	Oddie	Wadsworth
Curtis	Keyes	Overman	Warren
Edge	King	Page	Watson, Ind.
Ernst	Ladd	Phipps	Weller
Fernald	Lenroot	Poindexter	Willis
Freilinghuysen	Lodge	Robinson	
Glass	McCumber	Smith	
Gooding	McKinley	Smoot	

NOT VOTING—31.

Borah	Elkins	Myers	Shortridge
Bursum	Hitchcock	Nelson	Simmons
Crow	Johnson	Owen	Spencer
Culberson	Kellogg	Pepper	Swanson
Cummins	La Follette	Pomerene	Trammell
Dial	McCormick	Ransdell	Underwood
Dillingham	McLean	Rawson	Watson, Ga.
du Pont	Moses	Shields	

So Mr. HARRISON's amendment to the committee amendment was rejected.

Mr. WARREN. Mr. President, the intention of the Senator from Delaware [Mr. BALL] and the intention of the chairman of the committee was that the Committee on the District of Columbia should be on an exact basis with the other full committees. So I ask that the amendment of the Senator from Massachusetts [Mr. LODGE], applying to the various other committees, have written into it the amendment of the Senator from Delaware [Mr. BALL.]

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. Add at the end a comma and the following words:

And at least one member of the Committee on the District of Columbia shall be a member of any conference committee appointed to confer with the House upon the District of Columbia appropriation bill.

Mr. WARREN. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wyoming to the committee amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, I would like to have the attention of the chairman of the committee, and also of other Senators, to an amendment I want to suggest to the committee amendment. I want to make it possible for the various committees which, under this amendment, are to be entitled to have three members on the Appropriations Committee, to select those members, instead of giving that right and authority to the chairman, and instead of necessarily naming the chairman. I suppose, as a matter of practice, the committee would select the chairman, and probably one ranking member from each side, and they would make the three, very likely, so that in most instances I do not suppose this amendment would change the practical operation of it. But it seems to me we should not give to one person the absolute power to appoint three members of the Committee on Appropriations.

Then, we must remember that often it will happen that the chairman, who is automatically named as a member of the Committee on Appropriations, is sometimes a member of the Appropriations Committee anyway. I do not know of any instance now, but in the last Congress that was true of the chairman of the Committee on Agriculture. I have not looked it up, and it may be true of several other committees now; but it is likely to occur at any time. If that should be true, then the spirit of the law could not be carried out unless this amendment were amended.

Therefore I offer this amendment. I will have to make one or two changes, but I have explained the object of the amendment.

After the word "that" in line 10, page 2, strike out the words "the chairman" and insert the words "three members"; in line 11 strike out the words, at the beginning of the line, "and two other members of said committee"; at the end of line 11 strike out the word "the"; and at the beginning of line 12

strike out the words "chairman of," so that as amended the language would be as follows:

That three members of the Committee on Agriculture, to be selected by said committee, shall be ex officio members of the Committee on Appropriations.

It seems to me there can be no objection to that, and I do not have any idea that anybody will object to it. I am not going to take up the time of the Senate to argue it, because I believe it will appeal to the Senate.

The PRESIDING OFFICER. The Senator from Nebraska offers the amendment to the amendment which will be reported by the Secretary.

The READING CLERK. On page 2, line 10, after the word "that," insert the words "three members"; then, in the same line, strike out the words "the chairman," and in lines 11 and 12 strike out the words "the chairman of," so that it will read:

That three members of the Committee on Agriculture, to be selected by said committee, shall be ex officio members of the Committee on Appropriations.

Mr. NORRIS. If this amendment is agreed to, then I shall ask unanimous consent that the same amendment be inserted wherever the other committees are referred to.

Mr. WILLIAMS. Mr. President, I want to propound a parliamentary inquiry, and instead of propounding it to the Chair I will propound it to the Senator from Nebraska. If I understand this amendment, there is no provision that any one of these three members shall be a member of the minority party.

Mr. NORRIS. No; there is not. As far as that is concerned, however, let me call the Senator's attention to the fact that the language as it stands does not make that distinction, either.

Mr. WILLIAMS. I know that.

Mr. NORRIS. My amendment does not change it in that respect.

Mr. WILLIAMS. Where a chairman appoints three members, the custom of taking one of those members from the adverse party has grown so strong that it has the force and sacredness of law.

Mr. NORRIS. The same thing is true of a committee.

Mr. WILLIAMS. The Senator proposes to change it so that instead of the chairman appointing the three members, the committee shall appoint them, and he ought to safeguard the bipartisan character of the Government.

Mr. NORRIS. I am perfectly willing to safeguard it. I am perfectly willing to say that one of them shall be a member of the minority party.

Mr. WILLIAMS. I suggest that where the Senator says three members——

Mr. NORRIS. I do not think there will ever be a case where they will all be selected from one political party; but I am perfectly willing to accept an amendment if the Senator will offer it.

Mr. WILLIAMS. I suggest that where the Senator proposes the insertion of the words "three members," he add the words "one of whom shall be a member of the minority."

Mr. NORRIS. All right; I agree to that.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment, as modified by the Senator from Nebraska.

The READING CLERK. As modified, the amendment to the amendment would make the clause read as follows:

That three members, one of whom shall be a member of the minority party, of the Committee on Agriculture, to be selected by said committee, shall be ex officio members of the Committee on Appropriations.

Mr. WARREN. Has the Senator from Nebraska accepted an amendment to his amendment?

Mr. NORRIS. No; I simply modified my amendment to correspond to the suggestion made by the Senator from Mississippi.

Mr. WARREN. That brings an entirely new matter in which we have never had in our rules. Of course, it will always be true that there will be a member of the minority party on such a committee, but I do not believe that the Senator should put that clause in.

Mr. NORRIS. I put it in to bring harmony. I do not care for it, and if I am getting into trouble by putting it in, I will, of course, leave it off.

Mr. WARREN. I will not object to the amendment if the Senator takes off that part of it. In view of the fact that we have gone for a hundred years without anything in our legislation which provides that there shall be so many Republicans and so many Democrats selected for service on conference committees, I would like to continue along that line. There has never been any complaint in a hundred years that I know of.

Mr. NORRIS. I agree with the Senator; but I am just as much in favor of having the minority represented on a conference committee as is the Senator from Mississippi.

Mr. WARREN. And so am I, absolutely. I want to say to the Senator from Mississippi that in all my long service here there never has been a complaint, and never will be, not only with me but with any other Senator who is chairman of the Committee on Appropriations.

Mr. WILLIAMS. The Senator from Wyoming perhaps did not hear what I said a moment ago. The present status has been sanctified by time and by precedent. No chairman of any committee would dare appoint conferees without giving the minority representation, because the precedent has become sacred by long usage; but the moment we make a change and deprive the chairman of the right to appoint the conferees and say that that power shall rest in the committee, then a motion may be made by any member of the committee to appoint any three named members as conferees, and the motion would be in order and no objection could be made to it.

If the Presiding Officer of this body appointed three conferees with the minority totally unrepresented, he would disgrace himself in the estimation of the Senate and of the country, because he would be violating the long-established custom; but when we make a change in the custom we open the door wide and the committee may not follow the precedent which chairmen hitherto have followed. The only reason why the chairmen have followed it is because it was very early established as a part of the ethics of this body; and the Senator knows as well as I do that when we vest responsibility in an individual he obeys the custom and the precedents, but when we vest it in a body of men they are not bound by any precedents unless we name the limitations under which they operate.

Of course, if the pending amendment is adopted with regard to this particular committee, it ought to be adopted with regard to all the others. I thought I would ask unanimous consent later that wherever the language occurred about three members, the words "one of whom shall be a member of the minority" shall be inserted.

Mr. WARREN. I appreciate the point the Senator from Mississippi makes. I am sorry to say that I can not believe that it ought to go into the rule, and therefore I shall have to object to the whole matter and leave it with the chairmen, rather than have the committees select the members. I would have no objection to it, but I am opposed to expressing in our legislation an utter lack of confidence in the members of our different committees. They have always acted well and they always will, undoubtedly, so I think we would better let the matter remain as it is.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, as proposed by the Senator from Nebraska to the amendment of the committee.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. WILLIAMS. Does the Senator's amendment cover the situation now without my suggestion embodied in it?

Mr. NORRIS. It does.

Mr. WARREN. I ask for the yeas and nays on the question.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. PHIPPS (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. DIAL] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. JONES of Washington (after having voted in the negative). I make the same announcement with reference to my pair with the senior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the senior Senator from Kansas [Mr. CURTIS] and allow my vote to stand.

Mr. ERNST. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN], and in his absence withhold my vote.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Kansas [Mr. CURTIS], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the

Senator from Connecticut [Mr. McLEAN], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

I was also requested to announce that the Senator from Delaware [Mr. du PONT] is paired with the Senator from Louisiana [Mr. RANSDELL].

Mr. BROUSSARD. I wish to announce the absence of my colleague [Mr. RANSDELL] on official business.

The result was announced—yeas 20, nays 37, as follows:

YEAS—20.

Ashurst	Gerry	Norris	Stanley
Borah	Harris	Pittman	Walsh, Mass.
Broussard	Heflin	Reed	Walsh, Mont.
Caraway	Jones, N. Mex.	Robinson	Watson, Ga.
Fletcher	McNary	Smoot	Williams

NAYS—37.

Brandegee	Hale	New	Sutherland
Calder	Harreld	Newberry	Townsend
Cameron	Jones, Wash.	Nicholson	Wadsworth
Capper	Kendrick	Oddie	Warren
Cummins	Keyes	Page	Watson, Ind.
Edge	Ladd	Phipps	Weller
Ernst	Lenroot	Pomerene	Willis
France	Lodge	Rawson	
Frelinghuysen	McKellar	Sheppard	
Gooding	McKinley	Sterling	

NOT VOTING—39.

Ball	Fernald	McLean	Shields
Bayard	Glass	Moses	Shortridge
Colt	Harrison	Myers	Simmons
Crow	Hitchcock	Nelson	Smith
Culberson	Johnson	Norbeck	Smoot
Curtis	Kellogg	Overman	Spencer
Dial	King	Owen	Swanson
Dillingham	La Follette	Pepper	Trammell
du Pont	McCormick	Pomerene	Underwood
Elkins	McCumber	Ransdell	

So Mr. NORRIS's amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, I renew the amendment without the modification. I offer it now as I offered it originally.

The PRESIDING OFFICER. The Senator from Nebraska offers an amendment to the amendment, which will be reported by the Secretary.

The ASSISTANT SECRETARY. On page 2, line 10, strike out the words "the chairman" and insert "three members," so that it will read:

"That three members of the Committee on Agriculture and Forestry to be selected by said committee,"

And so forth.

Mr. WILLIAMS. Mr. President, may I ask that the amendment be read again?

Mr. NORRIS. I think I can state the effect of it so that the Senator will understand it more easily than he would from the reading. It is the same amendment that I offered originally without the modifying words that I put in before at the request of the Senator from Mississippi.

Mr. WILLIAMS. Then I move to amend the amendment by inserting the words "one of whom shall be a member of the minority."

Mr. NORRIS. We have had a square vote on that on a roll call and it has been defeated.

Mr. WILLIAMS. This will be defeated—at least so far as one vote can help to defeat it.

Mr. NORRIS. I do not think so. We have had a test vote on it. Will not the Senator allow us to have a fair test vote without the language he proposes to have inserted? I am just as anxious, I want to say to the Senator——

Mr. WILLIAMS. I have no objection, but there will be at least one vote less for it.

Mr. NORRIS. There always ought to be one minority member of a conference, and it will be that way, in my judgment, just the same as though we had it in the rule.

Mr. WILLIAMS. I would take it for granted that the principle has become somewhat sacred in every free country, and there are no free countries which are not governed by two parties where it would not be observed except that here lately——

Mr. NORRIS. I make the point of order against the amendment of the Senator from Mississippi on the ground that it is an amendment in the third degree.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The point of order is sustained.

Mr. WILLIAMS. I was about to observe that here lately I saw a principle equally sanctified in time violated by the Executive when he appointed the commissioners to settle our debt with Europe. The Executive found it possible to appoint them all from one party. So I am not prepared to believe that a committee, after we have destroyed the prerogative of the chairman to appoint conferees, would be bound by the old, long-established precedents.

I have no objection to withdrawing my motion and letting the Senator have a vote upon his motion without my suggestion, but, for one, while I voted for his motion with the suggestion embodied in it, I should certainly vote against his motion without the suggestion, because I know as well as I know my name that the very first time a committee appoints conferees the question will come up in the committee as to whether it is permissible to appoint exclusively members of the majority party, and the argument will be made that a motion with a provision for minority representation was voted down, and that subsequently a motion to put in a proposition of like character was withdrawn, and the contention will be made that having destroyed the precedent of the chairman appointing the conference committee, having put the appointment in the committee instead of the chairman, the old rule of ethics does not apply. I know that as well as I know that my name is JOHN SHARP WILLIAMS. Therefore I shall vote against the motion without that limitation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska to the committee amendment as amended.

The amendment to the committee amendment as amended was agreed to.

Mr. NORRIS. I wish to offer another amendment to the amendment; but first I ask unanimous consent that the amendment to the committee amendment which has just been adopted be inserted in each case where the provision is made in the proposed amendment to the rules for additional members to come from other committees.

Mr. WILLIAMS. Mr. President, I shall be forced to object to the request for unanimous consent unless there accompanies the request a provision that at least one member of the minority shall be selected.

Mr. NORRIS. Then I offer the same amendment to the amendment in each of the other instances in the committee amendment where it will apply.

The PRESIDING OFFICER. The Senator from Nebraska offers an amendment to the amendment which will be stated.

The ASSISTANT SECRETARY. On page 2, line 16, it is proposed to strike out the words "that the chairman of the Committee on Post Offices and Post Roads, and two other members of said committee, to be selected by the chairman of said committee" and to insert "that three members of the Committee on Post Offices and Post Roads, to be selected by said committee."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 2, line 22, it is proposed to strike out the words "that the chairman of the Committee on Military Affairs and two other members of said committee, to be selected by the chairman of said committee," and to insert "three members of the Committee on Military Affairs, to be selected by said committee."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Nebraska to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 3, line 3, it is proposed to strike out the words "that the chairman of the Committee on Naval Affairs, and two other members of said committee, to be selected by the chairman of said committee," and to insert "that three members of the Committee on Naval Affairs, to be selected by said committee."

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, I renew my request for unanimous consent for the adoption of the same amendment in each of the other cases.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the amendment proposed by him to the amendment of the committee may be made in the other portions of the amendment relating to the different committees concerning which the amendment may apply.

Mr. WILLIAMS. Just one moment. I have indicated why I can not fail to object to that request.

The PRESIDING OFFICER. Does the Senator object?

Mr. NORRIS. I will ask the Senator to consent that we vote at one time on all the other amendments to the amendment. Instead of taking up each one separately, let us vote on them en bloc. I think the Senator will not object to that, and I ask unanimous consent that that may be done.

Mr. WILLIAMS. No; I suggest to the Senator to make the motion that in connection with the other amendments the change shall be made.

Mr. NORRIS. Of course, if the Senator from Mississippi objects, we shall have to take a separate vote on each amendment to the amendment. I have offered each one of the amendments. I ask that we vote on all of the amendments to the amendment at once.

Mr. WILLIAMS. I can not consent to sacrifice the right of the minority or to run any risk as to the right of the minority; so I refuse consent.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Nebraska to the committee amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 9, after the word "Appropriation," in the amendment inserted in that place relative to the Committee on the District of Columbia, it is proposed to strike out the words "that the chairman of the Committee on the District of Columbia, and two other members of said committee to be selected by the chairman of said committee," and to insert "that three members of the Committee on the District of Columbia, to be selected by said committee."

The PRESIDING OFFICER. The question is on agreement to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Nebraska to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 3, line 16, after the word "war," it is proposed to strike out "that the chairman of the Committee on Foreign Relations, and two other members of said committee," and to insert "that three members of the Committee on Foreign Relations, to be selected by said committee."

The amendment to the amendment was agreed to.

Mr. NORRIS. I believe that concludes all of the amendments I have offered to the committee amendment, does it not?

The PRESIDING OFFICER. It does.

Mr. NORRIS. Now, I have another amendment, for which I ask the attention of the Senate for just a few moments. I have stated a number of times that I wanted to strike out all of the committee amendment after the word "however," in line 10, on page 2.

I want to eliminate from the committee amendment all of that portion which provides that from the respective committees that have heretofore had jurisdiction of appropriation measures three members shall be sent to the Committee on Appropriations whenever an appropriation bill, which would otherwise go to those committees, shall be considered by the Committee on Appropriations.

I realize from the discussion which has taken place on this proposed rule that such an amendment would fail. I feel deeply interested in it, and I think the Senate is making a sad mistake to build up the Appropriations Committee with a number of Senators who will be on that committee to-day and off it to-morrow. The only argument that has appealed to me as being logical and the one that has been persisted in and which I think has some merit is that if we adopt my proposed amendment now it will deprive the Appropriations Committee of the services of the members of other committees who are more or less familiar now with the various appropriation bills. I think there is something in that contention.

It is said that after a few years we may take the question up again and further amend the rule, because then the Appropriations Committee will have become familiar with the other appropriation bills as they are already familiar with the appropriation bills which are now within its jurisdiction.

I desire to offer an amendment which will automatically eliminate the representation of other committees after a sufficient time has elapsed for the Appropriations Committee to become familiar with its work. So I move, Mr. President, to insert after the word "That," in line 10, page 2, the words "until the close of the Sixty-seventh Congress." If the Senator from Wyoming, or any other Senator, objects seriously to the limitation of the Sixty-seventh Congress, I will make it the Sixty-eighth Congress; but, if Senators will accept the suggestion, I will make it the Sixty-seventh Congress; so that it will read in this way:

Provided, however, That, until the close of the Sixty-seventh Congress, three members of the Committee on Agriculture—

And so on and so forth—

shall be members of the Committee on Appropriations.

I offer the amendment to meet the argument that the Committee on Appropriations needs the assistance of three members from each of the other appropriating committees until they familiarize themselves with the work. I ask the Senator from Wyoming if he will not accept that amendment.

Mr. WARREN. Mr. President, I have great respect for the opinion of the Senator from Nebraska and all the more so when in taking the stand he has taken he deprives himself of whatever privilege he might enjoy under the proposed rule in sitting as a member of the Committee on Appropriations. However, after some twenty-odd years of the practice of referring appropriation measures to various committees instead of to one committee, under the rules which were adopted many years ago, the conditions became such that the Committee on Appropriations felt that the only proper course was to call upon the Committee on Rules to suggest a new rule which, in that committee's judgment, would harmonize matters and instead of adding to the confusion would eliminate as much of the confusion as was possible. So they have brought in this report, and I would not feel that I could in good faith accept an amendment of the kind suggested by the Senator.

Having myself served on the Committee on Appropriations when all of the appropriation bills were considered by the Committee on Appropriations, I know how possible and how practicable it is for that committee, with the proper selection of its personnel, to carry on its work and conduct its business in the manner which the Senator from Nebraska indicates. However, the suggestion of the Senator from Nebraska as to a time limit after which the provision in regard to members of other committees sitting ex officio with the Appropriations Committee shall not apply, carries with it in my mind the idea that, having adopted this principle and having followed it for some months or years, it will prove itself to be satisfactory to the Senate, on the one hand, or, on the other, if it shall meet with disfavor, then I presume the Senate would immediately repeal it. Of course they could repeal it at any time after it becomes a part of the rules. So I would not be able, on behalf of the committee, to accept the amendment offered by the Senator from Nebraska.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The question is on the amendment offered by the Senator from Nebraska to the amendment of the committee as amended.

Mr. JONES of Washington. Mr. President, I desire to say merely a word or two. Personally I would favor the amendment of the Senator from Nebraska, and, if my judgment alone would control the matter, I would gladly vote for it. I am inclined to think, however, that the majority sentiment of the Senate at the present time is in favor of the proposition that is now contained in the resolution, and so I would be afraid that if the amendment were adopted the Senate might reject the whole proposition. I think that would be very unfortunate and very unwise. So I am perfectly willing to take the judgment of what I believe to be a majority of the Senate.

In line with the suggestion of the Senator from Wyoming, the chairman of the Committee on Appropriations, I think, if the plan should not work out satisfactorily, there would be no trouble about the Senate amending the rule and doing what the Senator from Nebraska now proposes to do. After a certain lapse of time, if the various committees should be dissatisfied with the manner in which the rule is working or should be dissatisfied with having three of their members from time to time taken off the committees and away from their legislative work, they would ask the Senate then to make the change, and there would be no trouble about making it. For that reason, although personally I think the proposal of the Senator from Nebraska suggests the best course to be followed, I shall vote against it.

Mr. NORRIS. Mr. President, it is discouraging to me to have my friend from Washington [Mr. JONES] cheer me up so by saying that he is personally in favor of an amendment that I offer, and then, after I have been lifted up to the skies in the bright hope of his able support, to have him announce that he is going to vote against it. I think it illustrates what has been mentioned before, Mr. President, that we are apt to follow the lead of the committee. I speak of that with perfect respect. I do not agree with it, but other Senators do. They have as good a right to their opinion as I have to mine; but I think we have had it illustrated to-day on the roll call on the first amendment that I offered. Most of the Senate, I think, were favorable to it. All were in favor of the principle involved. Some thought it better not to state it in words, but they all wanted to carry out the principle of having the minority represented on this committee; but because the chairman of the committee having the resolution in charge was opposed to it, the Senate, as far as his side of the Chamber was concerned, voted almost to a man to sustain the committee on the roll call, although a majority of them had not heard the debate.

Some Senators say we are afraid to give any more power to the Committee on Appropriations. If we did not have a provision in this proposed rule that takes away the legislative

jurisdiction of the Committee on Appropriations, I should be opposed to the entire change. I think, however, that provision relieves it of all danger; but if there is anything in that argument, we are building up here a Committee on Appropriations that will constitute a majority of the Senate when every Member of the Senate votes. That, in reality, is what we will do. They will not be members of the committee all the time; they will be on again and off again; but when it comes to voting they probably will have a prejudice—if such a prejudice ever exists in favor of a committee—in favor of the Appropriations Committee, because part of the time they are going to be on the committee. So if we are going to follow committees we will have a voting proposition in the Senate that will make everything in the past look like 30 cents.

The committee is not to blame for that. I am not criticizing the committee. I am simply asserting that if there is anything in the argument, that Senators come in and blindly follow the committee, which they do, as everybody knows, and probably ought to do, because they can not always be posted on every proposition that comes up—we are constituting now a committee that will be over 40 in number.

Mr. President, there are only two reasons for doing it. One is to put it in so as to ease up gradually on those Senators who are losing some of their power in the other committees that heretofore have had appropriation bills. The other is to assist the Committee on Appropriations, and give it information for a time, by putting on its roll Members who are posted better than they are on some of the appropriation bills that will go to that committee. That objection is met by the amendment I have offered. Let them do that until the end of this Congress, or, if anybody wishes—I do not care—let it be done until the end of the next Congress. The Senator from Washington says, however, that he favors the amendment as I have offered it, and I have no doubt that that is the position of a large number of other Members who are going to follow the Senator from Washington, who is an honored member of the Appropriations Committee, and is also the chairman of one of the standing committees that heretofore has had appropriation bills, and that now will be entitled to have three of its members placed upon the roll of the Appropriations Committee.

The Senator says we can change this rule in the future. Technically, that is true; but all Senators know how difficult it is to get that kind of a change. I shall be out of the Senate, and the Senator from Washington will be dead from old age before that change will be brought about if it is not made now, in my humble judgment.

Mr. McCORMICK. Mr. President, will the Senator permit an interruption?

Mr. NORRIS. Yes.

Mr. McCORMICK. If it be true that the change could be made in the future, would it not be reasonable for the Senators supporting the amendment to the rule to accept the change at this time?

Mr. NORRIS. I think so. It seems to me it would.

Mr. McCORMICK. If they are not in precise agreement with the Senator from Nebraska, a conference might bring them into agreement, at least in so far as the chairmen of the committees may be concerned.

Mr. NORRIS. Mr. President, let me say further that if this amendment is agreed to I shall not move to strike out all of the language. I shall accept it as it is. If it is not agreed to, I shall have to ask the Senate at least to take another vote on my proposition to strike it all out.

Mr. EDGE. Mr. President, will the Senator state again the length of time his amendment provides for?

Mr. NORRIS. Until the close of the Sixty-seventh Congress. That means that all the appropriation bills for this session and all the appropriation bills for next session will be provided for under the rule with the three additional members from the other committees.

Mr. KING, Mr. JONES of Washington, and Mr. McCORMICK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and to whom?

Mr. NORRIS. I yield first to the Senator from Utah, who rose first.

Mr. KING. Mr. President, on behalf of some of us who have been absent from the Chamber attending committee meetings, I should like to ask the Senator the full significance of his amendment, and to what extent it would affect the general rules now existing?

Mr. NORRIS. If the Senator has the printed resolution before him——

Mr. KING. I am entirely familiar with that.

Mr. NORRIS. I move to insert, after the word "That" in line 10, on page 2, the words "until the close of the Sixty-seventh Congress," so that the proviso, which constitutes in words the largest part of the amendment, will be in force only during the Sixty-seventh Congress.

Mr. KING. And the Senator thinks that at the expiration of that time this experiment will have demonstrated whether it is wise or otherwise? Is that the object?

Mr. NORRIS. Yes.

Mr. JONES of Washington. Mr. President, I do not think the Senator from Nebraska intended to put me in the wrong light in my position on this matter, and yet it seems to me that he did.

Mr. NORRIS. Mr. President, if the Senator feels that way, I want to apologize to him and assure him that I have no such disposition.

Mr. JONES of Washington. I know the Senator has not.

Mr. NORRIS. I had no such intention, and I was not aware that I had done that. I assure the Senator that if I have said anything that has that effect I shall be very glad to take it all back and strike it out.

Mr. JONES of Washington. I knew absolutely that the Senator did not intend that. My recollection is, however, that the Senator started out by saying that what I had said illustrated how Senators follow committees. I am not taking my position on this proposition because of any committee action, or for the purpose of following the committee, or anything of the sort. I am taking my position with reference to this matter on the same principle, in my judgment, that the Senator from Nebraska would allow this adopted provision to run for a year or two. I think he thinks that he can come closer to effecting the proposal that he makes now than to cut this out right now and refer these bills directly to the committee. He thinks there is a better chance of securing its adoption. I think that is true. It is no compromise of conviction for a Senator to take a course like that. It is simply a question of what he may think, under all the circumstances, it is best to do.

I thought I stated pretty clearly that the reason why I did not feel like voting for the amendment of the Senator from Nebraska was because I feared that if it were adopted the Senate would vote down the whole proposition. That is what I am afraid of. I think I know somewhat the sentiment of various Senators. I have heard them express themselves, and I know that there is quite a feeling among members of the different committees that have been making appropriations heretofore that they do not like to see this power taken away from their committees, and they are reconciled to it by having representation on the Appropriations Committee when their bills are under consideration. I believe that the membership of the Post Office Committee, for instance, are better satisfied with the proposition that when the Post Office bill is up three members of their committee shall aid in its consideration than they would be with a proposition to have them cut off entirely from participating in its consideration. Personally I should be in favor of doing that right now, not because I am a member of the Committee on Appropriations but because I believe it to be the best thing to turn all these appropriations over to the Appropriations Committee as it stands. That would be my personal preference, and I think that would be the preference of the Senator from Nebraska, instead of extending for a couple of years the time when it shall take effect; but I doubt if that proposition would be approved by a majority of the Senate, and so I am perfectly willing to compromise some part of my judgment—not of my conviction, because that is not involved—in order to get results, in order to get what I think would be better than the condition that confronts us now.

Mr. President, that is a perfect expression of my position in the matter. To reiterate, personally I believe that in the end it would be the best thing for the whole Senate if the Appropriations Committee, constituted with the membership that it has, were given full authority over appropriations, and if the various other committees had full and complete authority over legislation. I agree with the Senator from Nebraska that the vital thing here, so far as the Senate itself is concerned, is really the matter of taking away the possible power of the Appropriations Committee to legislate if any Member of the Senate does not desire it to do so. I think that is a very important thing, and I think putting all of these appropriation bills before the Appropriations Committee will make the other committees more jealous of their rights and their powers over legislative matters, and they will see to it that the Appropriations Committee does not overstep its jurisdiction.

Mr. EDGE. Mr. President, in my judgment, if we propose to carry out the real intent of a modern budget system we shall sooner or later be compelled to adopt the very provision that the Senator from Nebraska now proposes. We should approach the entire question from a very broad standpoint, satisfied that the Appropriations Committee will carry out the great responsibilities delegated to them as a disbursing board similar and parallel to a disbursing board in any successful business enterprise. A modern budget originates with the Budget officer in connection with the estimates made by the departments, and is then transmitted to the Congress by the President. If we do not make the appropriations in the ordinarily accepted business way that has inspired budgets and has been accepted by all successful concerns, then, in my judgment, the entire plan will be a failure.

I agree entirely with the Senator from Nebraska [Mr. NORRIS] in this matter. I would prefer to see the Committee on Appropriations at once charged with the full responsibility of making the appropriations for all the departments of the Government, without temporary influence from other committees, upon which they might sooner or later to some extent fall back. From the standpoint of the administration of a business budget, accepted throughout the business world, in my judgment, it must ultimately be carried out in that manner if it is to be successful.

I recognize, as does the Senator from Nebraska, the peculiar conditions which exist here; the fact that for years and years we have had the other system; the realization that separate committees necessarily are better acquainted with the subject matter over which they exercise a certain jurisdiction, and perhaps for a year or so the assignment of members of those committees to the Committee on Appropriations will be helpful because of that knowledge; but if it was with any other idea that these three men were assigned, ex officio, to temporary membership on the Appropriations Committee, then I think we would be initiating the Budget system by making a most monumental error.

One committee must assume the responsibility and be in a position so that they can not separate or delegate the responsibility. The fundamental principle of a budget system is to estimate the income and to make the disbursements accordingly, and just the moment you divide those responsibilities with members of the other committees, particularly interested in the activities of that particular work—be it Army, Navy, Post Office, Commerce, or whatever department—just that moment you are not carrying out the real intent of successful budget making and budget balancing. You would be inviting the very thing we have had—only in a minor degree, I will admit, because this is a great step forward—the encouraging of deficits, as we have to-day, always have had, and always will have as long as separate committees have the responsibility they have had or even if a few members of separate committees have the responsibility.

When you can charge the one committee with the entire responsibility and their clerical force is organized for the purpose of carefully arranging and having at hand the details of income and all the allowances for the various departments of the Government are in one appropriation bill or under one committee and the expenditure is kept, in the ordinary business way, within the Budget, then we will have a modern budget system.

I agree with the Senator from Nebraska that it will be very much more difficult, when we are not in the atmosphere and not really dealing with a settlement of the details of the Budget system, to make further changes. Now, we have a rule before us, and we realize and recognize that we must make certain changes in order to meet the situation at the other end of the Capitol and in order to cooperate with the executive system so successfully operating at the other end of the Avenue.

This is the time to make the changes and to provide ultimately to have responsibility centered, as it must be centered if the administration of the Budget is to be successful, giving two years' leeway, which I think is wise.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the committee amendment.

Mr. NORRIS. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. ERNST (when his name was called). With the same announcement as before, I vote "nay."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS], and not knowing how he would vote, I withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the senior Senator from Connecticut [Mr. McLEAN]. In his absence I withhold my vote.

Mr. PHIPPS (when his name was called). Transferring my pair with the junior Senator from South Carolina [Mr. DIAL] to the senior Senator from Pennsylvania [Mr. CROW], I vote "nay."

Mr. WALSH of Montana (when his name was called). Has the senior Senator from New Jersey [Mr. FRELINGHUYSEN] voted?

The VICE PRESIDENT. He has not.

Mr. WALSH of Montana. I have a general pair with that Senator, and in his absence I withhold my vote.

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANSDELL].

Mr. COLT. Making the same announcement as before with regard to my pair and its transfer, I vote "nay."

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SIMMONS. I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. In his absence, I withhold my vote.

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and vote "nay."

I desire also to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Indiana [Mr. WATSON], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CURTIS], the Senator from Connecticut [Mr. McLEAN], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained on business of the Senate.

Mr. FERNALD (after having voted in the negative). Has the senior Senator from New Mexico [Mr. JONES] voted?

The VICE PRESIDENT. He has not.

Mr. FERNALD. I have a pair with that Senator, which I transfer to the junior Senator from New York [Mr. CALDER], and allow my vote to stand.

Mr. JONES of Washington (after having voted in the negative). Making the same announcement with reference to my pair with the senior Senator from Virginia [Mr. SWANSON] and the transfer of that pair to the senior Senator from Kansas [Mr. CURTIS], I will let my vote stand.

The result was announced—yeas 14, nays 30, as follows:

YEAS—14.

Capper	France	McCormick	Stansfield
Caraway	Heflin	McKellar	Stanley
Cummins	Keyes	McNary	
Edge	Ladd	Norris	

NAYS—30.

Brandegee	Harris	Oddie	Sterling
Cameron	Jones, Wash.	Overman	Sutherland
Colt	Kendrick	Page	Townsend
Culberson	King	Phipps	Wadsworth
Ernst	Lenroot	Poindexter	Walsh, Mass.
Fernald	Lodge	Pomerene	Warren
Fletcher	McKinley	Rawson	Watson, Ga.
Gerry	New	Reed	Weller
Gooding	Newberry	Sheppard	Willis
Hale	Nicholson	Smith	

NOT VOTING—42.

Ashurst	Elkins	McLean	Shortridge
Ball	Frelinghuysen	Moses	Simmons
Borah	Glass	Myers	Smoot
Broussard	Harreld	Nelson	Spencer
Bursum	Harrison	Norbeck	Swanson
Calder	Hitchcock	Owen	Trammell
Crow	Johnson	Pepper	Underwood
Curtis	Jones, N. Mex.	Pittman	Walsh, Mont.
Dial	Kellogg	Ransdell	Watson, Ind.
Dillingham	La Follette	Robinson	Williams
du Pont	McCumber	Shields	

So Mr. NORRIS's amendment to the committee amendment was rejected.

Mr. McKELLAR. I move, after the word "That," on line 10, page 2, that there be inserted the words "beginning with the December, 1922, session of the Congress."

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 2, line 10, after the word "That," insert the words "beginning with the December, 1922, session of the Congress," so as to make it read:

That, beginning with the December, 1922, session of the Congress, three members of the Committee on Agriculture, to be selected by said committee, shall be ex officio members of the Committee on Appropriations—

And so forth.

Mr. McKELLAR. Before my amendment to the amendment is voted on, I wish to say that a great many of the appropriation bills have been virtually prepared. Take the Post Office appropriation bill, for instance. I think we have some 15 items of general legislation on that bill. It has already been considered carefully by the committee in the greatest detail, it has been tentatively agreed to, and it seems to me that to undo that now, put it in the hands of another committee, and make it impossible for us to add that very much-needed legislation to the appropriation bill, would be a great mistake. That is my judgment about it.

Mr. NORRIS. I did not hear the Senator's amendment. I wish he would tell me what it provides.

Mr. McKELLAR. It provides that on page 2, line 10, after the word "That," there be inserted the words "beginning with the December, 1922, session of the Congress."

Mr. NORRIS. That means that it would not take effect until when?

Mr. McKELLAR. Until next December.

Mr. NORRIS. I presume the Senator, when he speaks of the Post Office appropriation bill, has reference to the bill which is now before the Committee on Post Offices and Post Roads?

Mr. McKELLAR. I have reference to that bill.

Mr. NORRIS. My understanding is that the adoption of this rule would not affect that reference. The bill is already here and has been referred to the Committee on Post Offices and Post Roads.

Mr. McKELLAR. I do not know what effect it would have upon it. I think it would have the effect of immediately vacating it, and if any appropriation bill is reported with legislation on it it would be subject to the rule.

Mr. NORRIS. Oh, no.

Mr. McKELLAR. How could it be otherwise?

Mr. NORRIS. The rule, so far as a point of order is concerned, applies to the Committee on Appropriations only. The bill to which the Senator has reference has already passed the House, has been in the Senate and referred to the Committee on Post Offices and Post Roads, and they now have it there.

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I gladly yield.

Mr. WARREN. That bill is in the hands of the Committee on Post Offices and Post Roads and we could not take it from that committee. The Committee on Appropriations could not take it from the Committee on Post Offices and Post Roads if they would, and would not if they could. That bill, I hope, will come out at an early date from the Committee on Post Offices and Post Roads, and under their guidance I hope it will pass without any interference on the part of other committees.

Mr. McKELLAR. Let us take the Post Office appropriation bill, for illustration: When the bill comes from the committee it will not be subject to this rule. Is that the understanding—that it will not be subject to a point of order? Here is a rule that applies to appropriation bills. Is it possible that the rule will be held not to affect legislation that comes in an appropriation bill from the Committee on Post Offices and Post Roads?

Mr. WARREN. What the Senator is talking about is in effect already. In fact, the first part of the rule is simply a repetition of the rule as it now stands to-day in the Senate.

Mr. McKELLAR. Let me read the Senator's proposed amendment:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it is made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate.

That has reference to general legislation. Further down in the proposed amendment this language is found:

And if an appropriation bill is reported to the Senate—

It does not say by the Appropriations Committee, but any committee. I suppose it refers to—

containing new or general legislation, a point of order may be made against the bill.

I take it, if we adopt the rule and if the Committee on Post Offices and Post Roads reports the present Post Office appropriation bill to the Senate containing 15 or any number of items of general legislation, that all any Senator would have to do would be to rise in his place and make a point of order against the bill because it contains this new legislation, and it would go back to the committee. I do not see how it could be avoided. If the Senator from Wyoming would point out how it can be avoided I would like to have him do so. I can not see it.

Mr. WARREN. Is the Senator trying to get something through in that bill which is contrary to the usual practice? I assume not, of course.

Mr. McKELLAR. Oh, no; not at all; but the committee has already in its discussions agreed upon, my recollection is, about 15 items of general legislation; that is, they are usually held to be general legislation. That legislation is very much needed by the department in many particulars and many respects. Of course that legislation would be subject to a point of order, and the whole bill would go back to the committee. That is the reason why I have introduced the amendment postponing the effect of the rule until the next session of Congress.

I think it would be confusion worse confounded to undertake to deal with those bills now right in the middle of the session, when some bills have already been reported out and passed and others are in the course of preparation in the various committees. The Committee on Military Affairs has a bill of its own to report out later, and it will be subject to a point of order if anything is contained in it in the way of legislation for the Army.

It seems to me the language ought to be corrected and the rule ought to take effect in the future. I see no better time for making that correction, if the rule is to be adopted, though I am opposed to any change in the rule absolutely, but if the majority have agreed upon it and we are obliged to have the rule, it ought to take effect at some time in the future when we know just what will happen.

Mr. JONES of Washington. Mr. President, may I offer a suggestion to the Senator?

Mr. McKELLAR. Certainly.

Mr. JONES of Washington. I think there is considerable force to what the Senator has said, but——

Mr. WARREN. Mr. President, we do not know what the Senator from Tennessee is talking about until we can have his proposed amendment written and read from the desk. I would like to know what the Senator is offering.

Mr. JONES of Washington. I was going to suggest making the amendment apply only to appropriation bills that are now here and that have gone to other committees than the Committee on Appropriations. I think there is only one.

Mr. WARREN. The Senator from Tennessee is certainly not quite up with the times, because there is only one appropriation bill in the Senate that is not already in the hands of the Committee on Appropriations. There are others in preparation in the House, it is true, but when they come here they will be referred according to the rules of the Senate as those rules may be in existence when the bills come over here.

Mr. McKELLAR. That would certainly take in the Post Office appropriation bill, which is virtually completed. I know that is true, because I serve on that committee.

Mr. JONES of Washington. There is no contest about that.

Mr. McKELLAR. It would take it out of the hands of the Committee on Post Offices and Post Roads.

Mr. WARREN. Will the Senator present his amendment, so we may have it read and understand what it is?

Mr. McKELLAR. Let the Secretary read the amendment.

The ASSISTANT SECRETARY. On page 2, line 10, after the word "That," insert the following:

beginning with the third session of the Sixty-seventh Congress.

Mr. WARREN. That will not do. If the Senator wants to except but one bill, that is entirely another matter.

Mr. JONES of Washington. May I suggest to the Senator, too, that this rule would not apply to the Post Office appropriation bill when it is reported, because it is not reported from the Committee on Appropriations. A point of order that would send a bill back to the committee is only upon an amendment to a bill reported from the Committee on Appropriations.

Mr. McKELLAR. Let us see whether that is correct or not. I call the attention of the Senator and the Senate to the part of the amendment beginning in line 4, page 2:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation, and if an appropriation bill—

"If an appropriation bill." It does not make any difference where it comes from at any time, whether the Committee on Post Offices and Post Roads or anywhere else—

is reported to the Senate—

That includes the bill to which the Committee on Post Offices and Post Roads have virtually agreed.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. McKELLAR. I am delighted to yield.

Mr. NORRIS. I believe that the Senator's construction would not be given by the Presiding Officer or the Senate as he has outlined it. Let us read further. It would look to me to be clear that the rule applies only to general appropriation bills reported from the Committee on Appropriations. Let us read it clear through and see:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation, and if an appropriation bill is reported to the Senate—

The Senator thinks that means from any committee, and if we did not read it all we might reach that conclusion—

and if an appropriation bill is reported to the Senate containing new or general legislation, a point of order may be made against the bill, and if the point is sustained the bill shall be recommitted—

Now, where?—

to the Committee on Appropriations.

Mr. WARREN. Recommitted.

Mr. NORRIS. Yes; recommitted.

Mr. McKELLAR. Of course, it would go right back there.

Mr. NORRIS. Take the case of the Post Office appropriation bill. Suppose the committee agree upon that bill after we have adopted this rule. The question then arises whether the rule applies to that bill. I submit that anyone reading the entire rule would say it can have no application, because if we enforce it the bill would be recommitted, and that means sent back to the place from whence it came. The rule says "recommitted to the Committee on Appropriations," not to the Committee on Post Offices and Post Roads.

Mr. WARREN. The Senator is absolutely right in his construction.

Mr. McKELLAR. There is no doubt in the world about the language and there can not be any doubt how the Presiding Officer would construe it. If it is not the intention to include the present Post Office appropriation bill, I ask the chairman of the Committee on Appropriations if he will accept an amendment like this: In line 6, after the word "Senate," insert the following:

If an appropriation bill is reported to the Senate other than the pending Post Office appropriation bill.

That will exclude it.

Mr. WARREN. I have no objection to that.

Mr. McKELLAR. I offer that amendment.

Mr. NORRIS. I want to suggest to the Senator some language that it seems to me would be less objectionable than that. Why not say, if the Senator wants it—although I do not think it is necessary—"if an appropriation bill is reported to the Senate by the Appropriations Committee," or "by said committee."

Mr. McKELLAR. I think the other way is the better way to arrange it. There can not be any doubt about it then.

Mr. NORRIS. This is going to be a permanent rule. If it was a temporary affair, I would not object to the wording the Senator from Tennessee suggests.

Mr. McKELLAR. But we are taking over for the Appropriations Committee the work of the various other committees. The work has been done in our committee, and the Post Office appropriation bill is virtually completed.

Mr. WARREN. Will the Senator wait just a moment? There is no objection to the Senator's exception of that bill if he refers only to the present Post Office appropriation bill, but so far as he has read his amendment it would constitute part of a standing rule hereafter applicable to other Post Office appropriation bills.

Mr. McKELLAR. What suggestion would the Senator from Wyoming make about it?

Mr. SMITH. Mr. President, may I suggest to the Senator from Tennessee that it would meet the point at which he is driving to add a proviso at the end of the rule providing that the rule shall not apply to those bills which have already been referred to the committees of the Senate.

Mr. McKELLAR. If that is satisfactory to the chairman of the Committee on Appropriations, I am willing to so arrange it.

Mr. WARREN. If the Senator has the confidence that I have in the Assistant Secretary at the desk, let me say that I have no objection to the exception being made to the present Post Office appropriation bill that is in the hands of that committee, and to permitting the Assistant Secretary to prepare an amendment to that effect; but I would object to having it generally apply hereafter to that particular bill.

Mr. McKELLAR. If I may, I withdraw the amendment which I have offered, and propose after the word "justice," on page 3, to strike out the period and insert a colon and add the following:

Provided, That this rule shall not apply to the Post Office appropriation bill——

Mr. WARREN. Let the Assistant Secretary state it.

The ASSISTANT SECRETARY. Add at the end of the resolution the following proviso:

Provided, That this rule shall not apply to the bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1923.

Mr. WARREN. There is no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. HARRISON. Mr. President, I serve notice that I shall offer a certain amendment, but before doing so I desire to call the attention of the Senate to the effect on Indian appropriations if the proposed rule is adopted in its present form. Of course, it will do no good to do that. There are not more than three Senators on the other side now present in the Senate who are interested in appropriations for the Indian tribes. I am sorry there are not more present now. Of course, questions will be asked them, perhaps, when they return to their States and their constituents wake up to the fact that a rule has been adopted here that takes away from the Indian Affairs Committee the power and authority to make appropriations for their respective Indian tribes, and that it has been given over to the Appropriations Committee of the Senate, and that under that rule the appropriations they have received for years can not be made and will not be made under existing law. Arizona and Nevada and Washington and Colorado will be affected by it. Of course, Oklahoma will be more affected than will any other State, because more Indians live within its borders than in any other State. It is useless for me to try to pick out in a resolution which proposes to change the rules of the Senate a defect that will rob Indian tribes of the appropriations which they have received for years. It will have no effect unless the champions of those Indians on the floor of the Senate aid in the fight.

Of course, I know that there is a coterie of Senators here with influence and power who are grasping for more power, and under this rule will obtain it. If clerks or employees of the Senate are interested in the political welfare of absent Senators who represent States in which there are tribes of Indians, they would do well to summon them here, for there shall be a roll call. At present only the junior Senator from Nevada [Mr. ODDIE], the junior Senator from Kansas [Mr. CAPPER], the junior Senator from Arizona [Mr. CAMERON], the junior Senator from Nebraska [Mr. NORRIS], the senior Senator from Colorado [Mr. PHIPPS], and the senior Senator from Washington [Mr. JONES] are in their seats on the Republican side of the Chamber; and yet we are now discussing and are about to adopt a rule which will take away from the committee that has heretofore provided appropriations for the Indian tribes the right to bring in a bill for that purpose.

I base that statement on the ground that there are at least a hundred provisions in the Indian appropriation bill wherein appropriations are made for the education and civilization of certain tribes. That is done without authority of law; but it has been a beneficent act on the part of the Government to make these appropriations year by year. There is, however, not a line of law giving authority for such appropriations. I have here the act of the last Congress making appropriations for Indians and I wish to read certain portions of it. Those provisions could not be included in the bill under the language of the pending resolution, for it provides that—

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation, and if an appropriation bill is reported to the Senate containing new or general legislation, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

So when the Committee on Appropriations is given this proposed enlarged authority and they begin to provide for the appropriation of money, say, for the support and civilization of Indians in Arizona to the amount of $190,000, there being no authority of law for the appropriation, some Senator will make the point of order against it; and if no other Senator does so, I shall, not because I am against such appropriations but because I wish to show the rottenness of the system that will concentrate in the hands of a few Senators on the Appropriations Committee the power to decide what appropriations shall be made for all the interests of the entire United States. So all

that need be done if this resolution shall pass is simply for a point of order to be made, and not merely the particular provision as to which the point of order is made will go out, but, under the proposed rule, the appropriation bill will be recommitted to the Appropriations Committee.

There are now fewer Senators on the other side of the Chamber than there were a moment ago. The chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], however, has now come into the Chamber.

Mr. WARREN. I observe, Mr. President, that on the side of the Chamber of the Senator from Mississippi there are only three Democratic Senators present.

Mr. HARRISON. The attendance is full over here.

Mr. NORRIS. How can they get full now?

Mr. HARRISON. Because they have been associating with Members on the Republican side.

But, Mr. President, I wish to get back to this discussion. This is a very serious matter. If I am wrong in my construction of the proposed rule, I wish the chairman of the powerful Committee on Appropriations to tell me wherein I am wrong. I put the question to him now.

Mr. WARREN. The Senator from Mississippi can not be wrong.

Mr. HARRISON. I know I am not wrong about this matter.

Mr. WARREN. I do not know what the Senator is talking about; but he must be right.

Mr. HARRISON. I thank the Senator from Wyoming. I say that under the provision of the pending resolution which prevents any new or general legislation being brought in on an appropriation bill, if a point of order is made against such provision the whole bill shall be recommitted to the Appropriations Committee. Am I wrong in that statement?

Mr. WARREN. Not at all. That is the rule to-day, only, instead of going back to the committee, under the present practice as to which the point of order is made, if the point be sustained, the item goes out of the bill.

Mr. HARRISON. Yes; that is right. So that, under the present practice, if a general appropriation bill contains such an item of general legislation, and the point of order is made against it, if the point be sustained, the particular provision goes out, but the entire bill does not go back to the committee.

I have stated that under the head of Indian appropriations there are many items for which there is no authority of existing law. I will read some of those items. For instance, under the heading of "California," there are items:

For support and civilization of the Indians of California, * * * $42,000.

* * * * * * * * *

For the support and education of 750 Indian pupils at the Sherman Institute, Riverside, Calif., * * * $152,000.

* * * * * * * * *

IDAHO

For support and civilization of the Indians on the Fort Hall Reservation, in Idaho, * * * $29,000.

* * * * * * * * *

KANSAS

For support and education of 750 Indian pupils at the Indian school, Haskell Institute—

And so forth. Yet there is not an iota of law for the appropriation of any money for the civilization and support of any Indians of any tribe in the United States.

Mr. WARREN. Mr. President, the Senator makes that statement to us in a very loud voice, but he knows as well as I do that the fact is quite to the contrary, and that there is authority of law for such items.

Mr. HARRISON. Does the Senator tell me that there is authority of law for an appropriation for the support and civilization of the Indians in Arizona?

Mr. WARREN. In the case of all the Indians, for that matter, for the support of whom provision is made, the action is taken under treaties and laws; and a treaty has the same effect as a law in such cases, as, of course, the Senator well knows.

Mr. HARRISON. I do not know it. I happened to have some experience in the other House, and I know that in at least two sessions of Congress while I was a Member practically every provision of the bill was stricken out on points of order because there was no authority of law for them. They are gratuities; they are beneficent acts upon the part of the Government, to provide money for the support and civilization of the Indians. Of course, if an appropriation is designed to carry out some treaty stipulation, the statement I have made would not apply; but only at the last session of Congress, I believe it was, when the scheme of enlarging the Appropriations Committee and taking away from the other committees any authority to provide appropriations was suggested, it will be recalled that a Representative from New York, Mr. SNYDER, made points of order against the various provisions as they came from the Appropriations Committee, and there was nothing but a skeleton left of the bill when he finished; all of the provisions of this character went out; and finally in the House they had to bring in a special rule reported by the Rules Committee to make the items in order.

Of course, there is no authority of law for such provisions, and so if this rule is adopted and the great Appropriations Committee, presided over by the distinguished Senator from Wyoming, should bring in the appropriation bill providing for the support and civilization of the Indian tribes, if there is no authority of law for the appropriations, they will go out on points of order and the bill itself will be recommitted to the committee. Yet when the roll is called there will be some Senators who are interested in the Indian tribes and who, knowing these facts—or they should know them, and if they were present here and would listen to and participate in the discussion they would know them—who will vote for the resolution. I put them on guard, so that when they go back, after helping to create that situation, and no appropriation is made to care for the support of the Indians, the responsibility will be upon them.

So, Mr. President, before the consideration of the pending resolution is over I shall offer an amendment to strike out that part of the committee amendment which provides that when new matter is brought in in a general appropriation bill and a point of order is made against it that the bill shall be recommitted to the committee. If that provision shall be stricken out, it will leave the rule as it is to-day, namely, that in the case of general appropriation bills, if there is an item subject to a point of order and the point of order shall be made and sustained, it shall apply only to the particular provision and not affect the whole bill.

But, Mr. President, I am first going to offer an amendment in the form of a substitute that goes to the very meat of this question. The amendment is in the form of a substitute, and I send it to the desk and ask that it may be read, so that I may discuss it.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. It is proposed to amend the amendment reported by the committee as amended by striking out all after line 9, on page 2, and inserting the following:

however, when appropriations for rivers and harbors are being considered by such committee, the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Commerce as ex officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Department of Agriculture are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Agriculture as ex officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Diplomatic Consular Service are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Foreign Relations as ex officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Department of War are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Military Affairs as ex officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for Indian Affairs are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Indian Affairs as ex officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Department of the Navy are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Naval Affairs as ex officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the Post Office Department are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on Post Offices and Post Roads as ex officio members of the Committee on Appropriations, shall consider such appropriations; when appropriations for the District of Columbia are being considered by such committee the chairman thereof shall appoint three members of such committee as a subcommittee, which, together with the members of the Committee on the District of Columbia as ex officio members of the Committee on Appropriations, shall consider such appropriation. When a bill making appropriations enumerated in this paragraph is in conference, at least two such ex officio members who considered such bill shall be appointed as conferees, one of whom shall be of the minority party.

Mr. EDGE. Mr. President, if the Senator will yield before discussing the proposed amendment, did I understand the Senator to state a few moments ago, when I came into the Chamber, that he approved of the system of enacting general legislation as part of a general appropriation bill?

Mr. HARRISON. I think there are instances where it is very advantageous to incorporate general legislation in an appropriation bill. We never would have had rural free delivery in this country had it not been for the incorporation in a general appropriation bill of the provision that started the present system of rural free delivery. The regulation of cotton exchanges was included in a general appropriation bill. The standardization of warehouses came in on a general appropriation bill; and I could enumerate instance after instance of very wise and beneficent legislation that was enacted on general appropriation bills.

Mr. EDGE. Why does the Senator assume that we never would have had any of that remedial or beneficial legislation if it had not been passed through that method? I can not see any reason for such an assumption. If the bills were meritorious—and the bills which the Senator has mentioned certainly were—is there any reason why they could not have been discussed as many other independent or individual measures have been discussed, separately from an appropriation bill, and finally have secured the approval of the majority of the Senate and of the other House and of the President?

I am simply asking the Senator if he approves of the system of using appropriation bills for the enactment of general legislation; that is all.

Mr. HARRISON. I think there are instances where it is very wise to put general legislation on appropriation bills. Of course, as a general rule, I think they should not go there; but there are exceptions to the general rule. I think it is all right, though, to make these appropriations for the civilization and education of these Indian tribes in the general appropriation bill, and if they stay in the bill there must be some law enacted before it can be done in the future.

Mr. President, the Senator from Wyoming [Mr. WARREN], the chairman, and other members of the Appropriations Committee, who soon will have enlarged authority and greater powers and who have been very constant in their attendance here, appear to feel good over the prospects of their greater influence in the Senate. I do not blame them, for we are about to thrust on them great powers, and none of them are running away from it. Of course, arrayed with the majority are some minority Senators of long standing who stand highest on the committee. They think they will be taken into this new—I will not say "conspiracy," because it is not a conspiracy; there has been no lobbying for this proposition—this new association, not of "nations," but of "persons."

Mr. EDGE. This syndicate, perhaps.

Mr. HARRISON. So it is very hard even to find one of the minority members over here who is the highest man on one of the committees who will oppose this proposition.

This is the finest scheme I ever saw originated by smart men. Senators on the other side know that they would have no chance of passing this resolution in its original form. When the Senator from Wyoming offered it first, he did not ask for an enlargement of the membership of the Appropriations Committee. He did not ask to have three ex officio members brought in from the Agricultural Committee or the Military Affairs Committee or the Naval Affairs Committee or the Commerce Committee; but he asked that all of these bills that formerly were referred to the various other committees should be sent over to the Appropriations Committee, and that the same membership that now composes the Appropriations Committee should consider these bills and handle them.

There were certain very distinguished leaders of the Rules Committee, when they considered the Senator's proposed rule, who knew and told him frankly that he could not get that proposition passed in that form. They said to him, "You may be able to get just the votes of the 18 members of the Appropriations Committee when it comes up, but that will leave some 78 other Members of the Senate, and they will not vote for it." The Senator from Wyoming is wise and able and smart and shrewd. He knows the devious ways of putting through resolutions as well as bills here. There are not any paths that he has not walked. He knows all the movements of the inner circle. He has been a part of the controlling powers that have dominated the Senate of the United States for a long time. When he realized that he would only be able to get 18 votes to give this committee all this power, namely, the votes of the Appropriations Committee, his eyes were opened, and he said to the Senator from Kansas [Mr. CURTIS], who is another smart one, now chairman of the Rules Committee, "Well, let us bring in these three ex officio members of the Naval Affairs Committee. That will get LODGE, and that will get PAGE, and that will get the ranking Democrat on that committee."

Let us do the same thing with the Commerce Committee, and that will get JONES of Washington—well, he is already on the committee, and "it will get the next influential Senator." Then they took up the Agricultural Committee, and they thought it would get the Senator from Nebraska [Mr. NORRIS], but he did not fall for it, and the Senator from Oregon [Mr. MCNARY] did not fall for it. I do not know whether the Senator from South Carolina [Mr. SMITH], the ranking Democrat, will fall for it or not. He has been pretty regular in his attendance here.

Mr. MCCORMICK. Mr. President, what was that language?

Mr. HARRISON. They have offered something to the Senator from Illinois. I have not been able to detect it yet, but I will if he votes for it. It may be that he is a candidate for this vacancy on the Appropriations Committee. No; I beg the Senator's pardon, because Illinois already has a member on the Appropriations Committee—a splendid Senator, a lovable character. He has not been here very long. Of course I know it will be very pleasing to Senators over there who have been here for years to see the power taken away from them and given over to the junior Senator from Illinois, who has been here only a few months; but there is a vacancy there, and no doubt if the junior Senator from Illinois were not on the Appropriations Committee the senior Senator from Illinois would be a candidate for it.

Mr. MCCORMICK. He would not.

Mr. HARRISON. I am surprised. He is generally in favor of being on the inside. At any rate, there are a lot of candidates for it, and they have overworked that proposition, and I can see that there is competition over there between certain Senators for the place made vacant by the resignation of the junior Senator from Iowa [Mr. KENYON].

Mr. WARREN. Mr. President, will the Senator make his selection?

Mr. HARRISON. Oh, I shall not be consulted. You would get a good man if I were.

Mr. WARREN. We are consulting the Senator now for a nomination.

Mr. HARRISON. You have already promised it, I think, and the Senator to whom you have promised it has been very vigilant and very active in defending this resolution.

Mr. WARREN. I have not promised, and I will not promise the Senator from Mississippi, but if he will make a nomination I will consider it.

Mr. HARRISON. No; I shall not get much consideration—not any more than I shall get in the fight I am waging against this proposition; so you can see just what we are up against.

Mr. MCCORMICK. The steam roller.

Mr. HARRISON. The steam roller; yes. I know that the resolution is going to pass, but I want to call the attention of the country to the concentration of power here in the Senate—more than there has been in the history of the Senate, I presume, or at least more than since 1896, when it was all in the Appropriations Committee of the Senate and when the Senate saw that it was not working well, that there was too much power in the hands of a few men and that it should be segregated and divided among the Members. Of course, that did not meet the approval of the Senator from Wyoming at that time, because he was a Member of the Senate then, and he is the only Member of the Senate to-day who was a Member of the Senate at that time who voted against it.

Mr. MCCORMICK. What about the Senator from Massachusetts [Mr. LODGE]?

Mr. HARRISON. The Senator asks me about the Senator from Massachusetts. I am coming to him.

Mr. MCCORMICK. The Senator generally does.

Mr. HARRISON. I always hate to do it, but he makes me do it.

Mr. MCCORMICK. "All roads lead to Rome."

Mr. HARRISON. No; some roads are going to lead to destruction, and one of them is going to be in Massachusetts.

Mr. MCCORMICK. And the Senator from Mississippi and Gov. Cox will lead the way.

Mr. HARRISON. Anybody can lead the way and do the job.

The Senator calls my attention to the senior Senator from Massachusetts [Mr. LODGE]. He was a Member of the Senate at the time this great power was exercised by the Appropriations Committee. He made a speech on that question, and he advocated doing away with that policy. I want to read part of that speech. Of course, it is in line with the general conduct of the Senator from Massachusetts in changing on propositions.

Mr. WARREN. Mr. President, the Senator probably noticed that it was very soon after the Senator from Massachusetts came to the Senate, and as a youth he was likely to do what the Senator from Mississippi so often does—get wrong.

Mr. HARRISON. It was before he had become contaminated over here, though. He voted right in those days.

Mr. WARREN. Did he not keep on voting right, then?

Mr. HARRISON. He has since made a lot of slips.

Here is what the Senator from Massachusetts said at that time, when the Senate had up the question of taking away from the Appropriations Committee the power to make all appropriations and to distribute it around to other committees. Of course, I know this will not have any influence upon Senators on the other side.

I know from service on one committee—

Says the senior Senator from Massachusetts—

I was on the Naval Committee which prepared the naval appropriation bill—how it worked in practice.

He was talking about the other House, and from 1867, I believe, or some time following the War between the States, up until 1885, the House followed the system of one committee making all the appropriations, namely, the Appropriations Committee. They changed that system in 1885.

Mr. McCORMICK. Why?

Mr. HARRISON. They changed it because they saw that there was too much power placed in the hands of one committee, and so, by a vote of 256 to 70, I think it was, they did away with that practice and gave the authority to the various committees to make appropriations.

Mr. EDGE. Mr. President——

Mr. HARRISON. And from 1885 up until 1920 or 1921, when the House changed the plan again and brought about all this confusion, they got along splendidly over there by letting the various committees make the appropriations for the various interests of the country. I yield to the Senator.

Mr. EDGE. Does not the Senator recognize the difference between the situation in those days and the recently installed Budget system, through which now estimates are pruned and considered carefully by men appointed for that specific purpose, with staffs working for weeks and months, and are then brought to the Appropriations Committees and to Congress? Does not the Senator recognize the difference between that kind of preparation and the situation in those days, when each one of those committees probably had to do all the investigating themselves?

Mr. HARRISON. Yes and I am going to tell the difference between then and now. The Senator knows it, so I will not be telling him anything new; but just to refresh his memory I am going to tell him the difference between what happened under this administration, before we got the Budget, and what has happened since we got the Budget. The Senator says the change has been rendered necessary because of the Budget. He did not come to that conclusion, I think, until about 6 o'clock yesterday afternoon, because the argument made then was that because the House had one committee to make these appropriations the Senate had to follow suit, because you could not segregate the bills. That was the reason the Senator from Wyoming outlined in his speech some weeks ago.

Mr. WARREN. That was one of very many reasons.

Mr. HARRISON. That was the main reason. Now, they say it is the Budget. The Budget has nothing to do with this change of policy. The President sends in his estimates after they have been approved by the Director of the Budget. They come here just the same as they did in the old days, in a big Book of Estimates. Some of them are cut down, perhaps some of them are enlarged. The Congress must deal with the proposition the same as it dealt with it in the olden days.

The Senator from Wyoming knows that the House could segregate the propositions and bring in the bills in the same manner and form as they did in former days. They do not do it just that way now. They have one committee, and the plan which I propose, which I expect to discuss, will take care of the situation against which the Senator spoke on yesterday.

The Senator from New Jersey [Mr. EDGE] asked me the difference between conditions now, when there is a Budget, and the system in effect in the old times. We used to get our estimates. We would appropriate the money, and we would appropriate enough in a general appropriation bill to take care of the situation. We did not believe in deficiencies. We thought that when you formulated a plan and made an estimate of how much it was going to cost this year, you should stay within those limits; but since the Budget has been adopted under present control of affairs we have more deficiency bills than ever before.

Mr. WARREN. In number or amount?

Mr. HARRISON. In amount and in number.

Mr. WARREN. The Senator is getting so extravagant that the facts are not even in sight. The deficiency bills to-day are but a fraction of what they were before. We had one deficiency bill carrying between eight and nine million dollars. We had others carrying hundreds of millions of dollars.

Mr. HARRISON. The Senator is one of the fairest Senators here——

Mr. WARREN. I thank the Senator.

Mr. HARRISON. He knows that you can not compare the figures of to-day with the figures during the war, and that the only fair comparison is of appropriations to-day with appropriations during normal times before the war. The Senator knows that before we entered the war the deficiencies were quite small, never in any instance over $37,000,000, and they were very few in number; but all during this Congress, although it was claimed by the administration that they were going to stay within the estimates originally given to the Congress by the Director of the Budget, we have had three deficiency bills; there is another one being considered in the House and on its way over here: two of them were for over a hundred million dollars each, and the other was so high that the figures just bewilder me.

Mr. WARREN. I think the Senator would like to be truthful; it is just as easy. We have had but two deficiency bills passed.

Mr. HARRISON. How much did the first one provide for?

Mr. WARREN. Aside from the Veterans' Bureau——

Mr. HARRISON. I am including the Veterans' Bureau.

Mr. WARREN. It was about $5,000,000.

Mr. HARRISON. The amount of the deficiency, I mean.

Mr. WARREN. The Senator has just stated the difference between war time and the old times. There is a difference between the present, when there is a hang-over of the war, and the old times. We are now appropriating about half a billion a year for the disabled veterans. Does the Senator object to that?

Mr. HARRISON. The Senator from Wyoming knows that I have been fighting here for months to persuade him and his party to redeem the pledge they made to the soldiers of the country, when they promised them an adjusted compensation bill; yet our efforts have been in vain.

Mr. WARREN. I am talking about the disabled soldiers. Does the Senator object to those appropriations we have made?

Mr. HARRISON. Of course not. I voted for them and voted for amendments to make them larger when the Senator and other Senators over there fought the amendment of the Senator from Arkansas [Mr. ROBINSON] to give them a fair amount, which they needed and deserved.

Mr. WARREN. Let me say to the Senator that those things loudly said do not affect the facts.

Mr. HARRISON. The record speaks for itself.

Mr. WARREN. Let me say to the Senator that when he says we have smaller amounts in deficiency bills than in the olden times he forgets that we appropriated less then to run the Government—less than one-tenth what we are appropriating now—and, of course, the deficiency bills were smaller accordingly. Furthermore, there was no war until the Spanish War, and then we had the effect of that. But now we are really in the war, so far as appropriations are concerned, because we are settling these great expenses, besides taking care liberally and well of all the disabled soldiers. The fact that the soldiers who are well and strong have not yet received the amounts which they expected cuts no figure as to the other. They can well wait.

Mr. HARRISON. They know who did it. I thought the Senator was going to answer my question, but he got off on the subject of disabled soldiers. I asked the Senator the total amount of the first deficiency bill passed by this Congress.

Mr. WARREN. About $120,000,000.

Mr. HARRISON. How much was the second?

Mr. WARREN. About $90,000,000; and almost all of that for the Veterans' Bureau.

Mr. HARRISON. The other was for how many millions? It was enormous. The whole amount was somewhere around $300,000,000, according to the figures which the clerk of the Appropriations Committee gave me the other day. It looks as if it is hard for the Senator from Wyoming and myself to agree.

Mr. WARREN. That is wonderful!

Mr. HARRISON. I started out to read from the speech which the senior Senator from Massachusetts [Mr. LODGE] made away back in 1896, in advocacy of a rule to take away from the Appropriations Committee the power to make all appropriations and place it in other committees, but the Senator from Wyoming diverted me. I suppose it was because he did not want to hear the speech.

Mr. WARREN. I would be very glad to hear it. I would like to hear the speech of the Senator from Massachusetts [Mr. LODGE] in place of the speech of the Senator from Mississippi. It would be a better speech I am sure.

Mr. HARRISON. I hope the speech of the Senator from Massachusetts, as I read it, will have more effect now on the Senator than when the Senator from Massachusetts made it in 1896.

Mr. WARREN. Undoubtedly the Senator is right in that.

Mr. HARRISON. Because it did not have much influence on him then. The Senator from Massachusetts said:

I was on the Naval Committee which prepared the naval appropriation bill and know how it worked in practice.

Mr. WARREN. And he is on the Naval Affairs Committee of the Senate now.

Mr. HARRISON. So he speaks by the card. He would not vote for this resolution at this time if he were not under the hypnotic influence of the Senator from Wyoming.

Mr. WARREN. He speaks and votes to-day by the card, too.

Mr. HARRISON. Because the Senator from Wyoming tells him what to do.

Mr. WARREN. Not at all.

Mr. HARRISON. The Senator from Massachusetts knows that as chairman of the Foreign Relations Committee he will be brought into this coalition, that he will be a part of the "association of persons," if not the "association of nations"; so you have him. You have a lot of them. The Senator from Wyoming holds such a great position, in control of the purse strings of our Government, they naturally will have to come into his office with hats in hand and plead with him, and some of them get on their knees, I imagine, at times.

Mr. WARREN. Just as the Senator from Mississippi has now.

Mr. HARRISON. No; I have not, because it takes all my time to fight the Republican extravagance; but with the great power which the Senator wields, all he has to do is just take that magic wand, and he gets the support of those Senators who have not been here very long; who realize that some day they must get an appropriation; that the powers that be are going to put over this proposition, and that they had better be found on the right side of the ledger when the votes are read, so that the scrutinizing eye of the distinguished Senator from Wyoming will see that they voted right. He will be more liberal with them and they will not have to come into his office with hats in hand; they can have seats near the throne. So I want to read the argument which was made in those days by the distinguished Senator who is to-day the leader of the majority. He said:

In the first place, a committee having only one appropriation bill gives great attention to it, and I think it prepares a better bill than can be prepared by a committee which has 14 bills.

That is what he said in those days. Let me read it again, so that it will burn into Senators' minds, whether they pay any attention to it or not:

In the first place, a committee having only one appropriation bill gives great attention to it, and I think it prepares a better bill than can be prepared by a committee which has 14 bills.

When an appropriation bill comes into the House from the Naval Committee or any other committee which has a single appropriation bill to consider it is subjected to the watchful and very jealous scrutiny of the Committee on Appropriations, who follow everything the other committee undertakes to do.

That is always true. If the Committee on Agriculture to-day had the Agricultural appropriation bill before this body, either the influential Senator from Wyoming or one of his great lieutenants would be on the floor of the Senate all the time, watching every movement, to see that too great an appropriation was not made for the agricultural interests of the country. So the Senator from Massachusetts was right.

Further he said:

Those bills were distributed in the House of Representatives, and there is not a suggestion or a thought in that House of going back to the old system. It is universally conceded that the new system has worked well.

That was the system which was put in force in 1885, when the one-committee idea was abolished and the various committees were given the power to make the appropriations. The Senator from Massachusetts spoke with authority and from experience, as he had observed it in the House from 1885 to 1896, when he made that argument.

Mr. CARAWAY. Mr. President, I would like to ask the Senator who the witness is he is quoting.

Mr. HARRISON. This is a speech delivered by the distinguished leader of the majority [Mr. LODGE], who has now fallen under the spell of the distinguished Senator from Wyoming, the chairman of the Committee on Appropriations. The Senator from Massachusetts is running true to form, at one time expressing himself one way, then changing, and at another time expressing himself another way.

Mr. CARAWAY. In other words, being on both sides of the question?

Mr. HARRISON. Yes.

Mr. CARAWAY. Is that the dashing knight the Senator recently referred to?

Mr. HARRISON. He is now the "subdued knight."

Mr. President, of course it is difficult for me to get the distinguished Senators of the majority, who compose the Committee on Appropriations and who are now about the only ones on the floor, to listen to me. For instance, there is the distinguished Senator from Wyoming [Mr. WARREN] reading or studying some bill.

Mr. WARREN. I beg the Senator's pardon. Is the Senator from Mississippi still talking?

Mr. HARRISON. Oh, yes.

Mr. WARREN. The Senator from Mississippi is still on the floor?

Mr. HARRISON. I am still quoting the eloquent remarks of the leader on the Republican side of the aisle.

Mr. WARREN. I did not know but that the Senator had forgotten he was talking, and had gone away somewhere as to his physical being.

Mr. HARRISON. I know the Senator from Wyoming is not paying any attention to what we say. He is not paying any attention to anybody except those whom he thinks he can corral to pass this resolution. He is now thoroughly contented, well pleased, and satisfied that he has enough Members pledged to put over the resolution that will give him greater power, and consequently he proceeds to read and pay no attention to the discussion.

Mr. PITTMAN. Mr. President——

Mr. HARRISON. I yield to the Senator from Nevada.

Mr. PITTMAN. I am satisfied that a larger number of Senators would like to be present if they realized that the speech of the Senator from Massachusetts [Mr. LODGE] is being read, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMERON in the chair). The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ball	Hale	Nelson	Sheppard
Brandegee	Harris	New	Stanfield
Cameron	Harrison	Newberry	Sterling
Capper	Heflin	Norris	Townsend
Caraway	Jones, Wash.	Overman	Wadsworth
Cummins	Kendrick	Page	Walsh, Mont.
Ernst	Ladd	Phipps	Warren
Fletcher	Lenroot	Pittman	Watson, Ga.
Gerry	Lodge	Rawson	Willis
Gooding	McKinley	Reed	

Mr. HEFLIN. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on account of illness.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of absent Senators, and the following Senators answered to their names:

Fernald King Oddie Poindexter

The following Senators entered the Chamber and answered to their names:

Bursum Colt Glass

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present.

Mr. WARREN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Walsh, Mass. Sutherland Smith

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present. The Senator from Mississippi will proceed.

Mr. PITTMAN. Mr. President, it is evident that the Senator from Mississippi desires to continue for some time longer. It is Saturday afternoon, and rather late in the afternoon. Would not the Senator from Wyoming, if there is no objection, agree to adjourning at this time?

Mr. WARREN. There is objection to adjourning. We have nearly finished with the resolution under consideration, and it is my desire that we should remain in session until it is finished. It was so understood this morning when we started, and I do not now wish to adjourn over to another day. We have been nearly a week considering the matter. I understood from what the Senator from Mississippi told me that he has nearly finished, but I do not wish to cut him short. I would rather stay until midnight than do that.

Mr. HARRISON. I desire to quote from some other distinguished Senators who condemned this system, which is about to be put upon us, when it was before the Senate for considera-

tion in 1896. That will take some time, and then I desire to analyze the subject before us.

Mr. WARREN. We are entirely agreeable to patiently hear the Senator.

Mr. REED. Mr. President, I move that the Senate adjourn.

Mr. WARREN. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. PHIPPS (when his name was called). Making the same announcement as before relative to my pair and its transfer, I vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. He seems to be absent from the Chamber, and I accordingly withhold my vote.

The roll call was concluded.

Mr. SIMMONS. I transfer my pair with the Senator from Minnesota [Mr. KELLOGG] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. COLT. Transferring my pair with the Senator from Florida [Mr. TRAMMELL] to the Senator from New York [Mr. CALDER], I vote "nay."

Mr. JONES of Washington (after having voted in the negative). I make the same announcement as I previously made with reference to my pair with the senior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will let my vote stand.

While on my feet I desire to announce the absence of the Senator from Oregon [Mr. MCNARY] on official business.

I also desire to announce that the Senator from New Hampshire [Mr. MOSES] is necessarily absent from the Chamber and is paired with the Senator from Louisiana [Mr. BROUSSARD].

Mr. FERNALD (after having voted in the negative). I have a pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the Senator from New Hampshire [Mr. KEYES] and will allow my vote to stand.

Mr. ERNST. Making the same announcement as before relative to my pair and its transfer, I vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Oklahoma [Mr. HARRELD] and allow my vote to stand.

Mr. EDGE. Transferring my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Missouri [Mr. SPRAGUE], I vote "nay."

The result was announced—yeas 9, nays 51, as follows:

YEAS—9.

Ashurst	McKellar	Reed	Stanley
France	Pittman	Sheppard	Walsh, Mass.
Harrison			

NAYS—51.

Ball	Frelinghuysen	McKinley	Smith
Brandegee	Gerry	New	Smoot
Bursum	Glass	Newberry	Sterling
Cameron	Gooding	Nicholson	Sutherland
Capper	Hale	Norris	Townsend
Colt	Harris	Oddie	Wadsworth
Cummins	Hefin	Overman	Warren
Curtis	Jones, Wash.	Page	Watson, Ga.
Dillingham	Kendrick	Phipps	Watson, Ind.
Edge	Lenroot	Pomerene	Weller
Ernst	Lodge	Ransdell	Williams
Fernald	McCormick	Sawyer	Willis
Fletcher	McCumber	Shortridge	

NOT VOTING—36.

Borah	Harreld	McLean	Robinson
Broussard	Hitchcock	McNary	Shields
Calder	Johnson	Moses	Shortridge
Caraway	Jones, N. Mex.	Myers	Spencer
Crow	Kellogg	Nelson	Stanfield
Culberson	Keyes	Norbeck	Swanson
Dial	King	Owen	Townsend
du Pont	Ladd	Pepper	Underwood
Elkins	La Follette	Pomerene	Walsh, Mont.

So the Senate refused to adjourn.

MICHIGAN SENATORIAL ELECTION.

Mr. CARAWAY. Mr. President, in the CONGRESSIONAL RECORD of February 3 last, there was inserted, at his own request, a copy of a letter written by the junior Senator from Washington [Mr. POINDEXTER] dealing with the Newberry case. The letter is dated January 26, 1922, and is addressed to Mr. Thomas Marshall, lock box 561, Kirkland, Wash., and reads as follows:

DEAR MR. MARSHALL: I appreciate very much your courteous letter of 20th. I have made several statements as to my views of the Newberry case, but do not suppose the newspapers to which they were sent have printed them in such a way as to attract attention.

There is no dispute about the central features of the case. Senator NEWBERRY was not in Michigan during either the primary campaign or the final campaign, but during all that time was serving in the Navy at the place to which he was ordered, New York City. At the same time he had three sons and a brother in the military service. He paid little attention to what was going on in Michigan. It is not charged that he expended any money, or at least no amount subject to criticism. A large amount of money was raised by Republicans in Michigan in his behalf and expended in advertising and other legitimate purposes, although the amount, of course, was larger than it should have been. The incentive, no doubt, which influenced the Republicans in this effort was to offset the tremendous publicity carried on at perhaps ten times the expense of the Republican campaign by Mr. Ford through his various business agencies, probably the greatest publicity organization in the country. The campaign was in 1918, in the spring and early summer, at the critical stage of the war, and it was made a war issue. The entire Wilson administration, with every powerful agency under its command, was for Henry Ford, who was attempting to be nominated on the Democratic ticket as well as on the Republican ticket, and who was a pacifist, had opposed the effort to bring the war to a victorious conclusion, was in favor of a compromise peace, and who had secured the military exemption of his son. I only mention these circumstances to show the conditions under which the campaign was carried on.

I should like, if I may, to have the attention of the Senate while I read two paragraphs of this very remarkable letter:

Senator NEWBERRY was prosecuted, with great venom, by the Democratic administration which had backed Ford, and the powerful machinery of the Government, with its myriad of secret service agents, and with its machinery of district attorneys and marshals, was ordered to the task of securing evidence against NEWBERRY and sending him to prison. This, of course, was aim backed up by the powerful influence of Henry Ford, controlling and owning one of the greatest and most powerful and wealthy industrial organizations in the world.

Fortunately for the liberties of the country this tremendous combination was halted by the Supreme Court of the United States—

If I may have the attention of the Senators——

Mr. HEFLIN. Mr. President, I ask that the Senate be in order, so that we can hear what the Senator is saying.

Mr. CARAWAY. I should not care to interrupt their private conversations.

which, in a decision going most thoroughly into the matter in every respect, completely vindicated Senator NEWBERRY of any offense. They also held that the law under which he was prosecuted was unconstitutional, but, in addition to that—

Mark you, if you will hear it—

they went into the merits of the case and held that he had not received a fair trial and that he was not guilty of any misconduct.

Upon a vote in the Senate, in which every Democrat who voted was arrayed against Senator NEWBERRY, following the partisan attacks which had been made upon him in the election and in prosecution referred to above, the Senate, following the Supreme Court of the United States, exonerated him from blame and declared his election to the Senate valid.

The country has been filled with malicious propaganda and false charges as to this case. The assertion is constantly made that Senator NEWBERRY's seat in the Senate was bought for $200,000. As stated above, there is not a single word of evidence to show that a dollar was improperly spent in the general election at which NEWBERRY was elected, and in which the whole matter was fairly submitted to the people of Michigan. It is also repeatedly stated that NEWBERRY bought his seat in the Senate. The evidence shows that he expended no undue amount of money and took no interest in the campaign, but devoted himself to his work in the Navy throughout the campaign, both the primary and final.

Various false assertions have been made as to influences brought to bear to secure votes in NEWBERRY's behalf in the Senate. I notice a detailed statement in that connection published in several Washington State papers as to my own vote. This statement is libelous and false from beginning to end, as no such influences were brought to bear and no such statements or anything resembling them or anything to that effect were made to me.

On the contrary, certain multimillionaire organizations, profiting financially by any popular excitement which they can arouse, were seeking by every means in their power to influence and intimidate Senators to vote against NEWBERRY. This may be referred to in more detail later on.

I want to pause here long enough to say that if there were any influences, corrupt and malign, as the Senator from Washington said, seeking to intimidate Senators and prevent them from voting their honest convictions, the Senate should know it and the country should know it. Therefore, at the conclusion of this statement I am going to offer a resolution asking for an investigation, so that the Senator from Washington may have an opportunity to produce his witnesses to show what those malign influences were that sought to prevent him and other Senators from voting their convictions in the Newberry case.

The concluding paragraph of this wonderful letter is:

To have condemned an innocent man, under the whip and lash of powerful agencies of the kind mentioned above, seeking to control the public affairs of the country, would have been a gross act of injustice.

With sincere regards, very truly, yours,

MILES POINDEXTER.

Mr. President, all agree that those Senators who voted to ratify the purchase of his seat by the junior Senator from Michigan [Mr. NEWBERRY] in this body are entitled to the widest latitude in explaining and apologizing to their constituents for so voting. None, I am sure, is inclined to criticize the reasons given, however much they may misrepresent the facts, so long as these explanations and apologies are not inserted in the CONGRESSIONAL RECORD and thereby sought to be incorporated as a part of the record in the Newberry case itself.

Personally, for the Senator from Washington I entertain a very high regard; but I do not think, in the interest of fairness and truth, the letter should be permitted to go unchallenged.

There are 11 assertions as to what the facts are alleged to be in the Newberry case, and I venture the assertion that every one of them is unsubstantiated and incorrect.

In paragraph 2 the Senator from Washington says, speaking of Mr. NEWBERRY, that he was in New York during the period of the campaign, both the primary election and the general election, and that "he paid little attention to what was going on in Michigan."

In reply one needs but quote the declaration of Mr. NEWBERRY, the junior Senator from Michigan, himself, in his speech of January 12, that his campaign manager and agent, Mr. King, kept him in close touch with what was going on in Michigan. The able Senator from Indiana, Mr. WATSON, a close friend and champion of the Senator from Michigan, also stated that Mr. NEWBERRY was kept informed of the progress of the campaign. NEWBERRY's lawyer also admits that he, NEWBERRY, knew everything that was transpiring in the campaign except about the money. His exact language was this:

I will concede he—

Mr. TRUMAN NEWBERRY—

kept in intimate touch with the campaign.

That is from the record, page 532, and was a statement of Mr. Murfin, the chief counsel for Mr. NEWBERRY.

Of course they had to except that he knew about the expenditures of money. Therefore it is hardly to be expected that this statement that Mr. NEWBERRY was not in touch with the campaign in Michigan will be accepted. But, aside from all this, Senator NEWBERRY in his speech of January 9 indorsed in toto everything his "committee" did in his behalf. Therefore he is chargeable with their acts as if these had been performed by his expressed direction. A principal can not accept the benefits of his agents' acts and at the same time repudiate the agency or escape liability for the deeds. That is elementary law.

In the same paragraph the Senator from Washington says:

A large amount of money was raised by Republicans in Michigan in his [NEWBERRY'S] behalf and expended in advertising and other legitimate purposes.

Why did the Senator from Washington say this money was raised by Republicans? He knew it was raised by Senator NEWBERRY's family and near relatives. Practically every dollar came from them, and it was not a contribution by Republicans as such, but by NEWBERRY's family.

Did he desire that his constituents should not know this? The evidence further shows that some of this money was drawn out of TRUMAN H. NEWBERRY's, the Senator's, own account and passed into the campaign fund through his brother's, John Newberry's, account. Permit me to say here that Smith, the confidential agent of Senator NEWBERRY and John Newberry and the whole Newberry estate, so testified—that he drew money out of Senator TRUMAN NEWBERRY's account and put it in John Newberry's account so as to keep from having an overdraft while he was contributing this money to Senator NEWBERRY's campaign. One hundred and twenty thousand dollars of it came through John Newberry's account, whether John's money or his brother's; but whether contributed by him or by the Senator is open to argument. It is contended that afterwards some one reimbursed him for $21,000. Who it was nobody seems to know.

As to the manner of disbursing this $263,000 shown to have been expended, and a much larger sum suspected, the Senator from Washington says that it was expended for "advertising and other legitimate purposes."

I am curious to know under which head the Senator from Washington will classify the expenditures that I shall now read. I am going to read the sworn testimony of J. Scott Hunter, of Detroit, who has not been impeached, whose veracity was not even questioned by the senior Senator from Michigan [Mr. TOWNSEND], and therefore I presume he could not have been attacked.

He asked me—

He was testifying about going to Newberry headquarters and meeting B. Frank Emery—

He asked me at that time to assist in the campaign, but there was no transaction between us. I returned to headquarters a few days afterwards by appointment. At that time he gave me $600 in currency. He requested me to work for Mr. Newberry's interest with the $200, and he gave me a lot of literature, buttons, etc., to distribute. I took the literature and buttons and I expended this $300. I spent it around advertising Mr. Newberry from one place to another, buying drinks and cigars. I spent the entire $300 that way. * * * After the $200 was gone I paid more visits to the headquarters. * * * Mr. Emery delivered a second $300 to me in cash. I did not give him a receipt. It was given to me for the same purpose. There was nothing mentioned in regards to it. I supposed it was meant for services. I spent it the same way as the other; that is, for liquor and cigars and treating through the city.

I shall be glad if the Senator from Washington will tell us whether that was "advertising" or "other legitimate expenses."

Mr. President, without taking the time of the Senate to read it again now, with the permission of the Senate I shall put into the RECORD another case, that of a gentleman whose name I am not now able to call, but with the Senate's permission I shall have it inserted in the RECORD. He went to Newberry headquarters. He and Paul King, who was the agent of Newberry and his campaign manager, were standing at a table. An employee of this committee brought to him an envelope and laid it down in front of him for him to take with him. He took it, and when he opened it he found that it contained $400. When the Senator from Washington answers, if he sees fit to do so, I shall be glad if he will tell us under which head he classifies this $400—whether it was "advertising" or some other "legitimate expense"; and if it was, I should love to have his definition of what constitutes "legitimate expense."

The matter referred to was subsequently furnished by Mr. CARAWAY, as follows:

John R. Kern testified:

"I reside at Midland, Mich., which is in Midland County, about 135 or 140 miles northwest from Grand Rapids and about 117 miles from Detroit. I am in the real estate business and have lived at Midland about 16 years. * * * Probably a week or so afterwards, and a week or 10 days before the primary, Corliss asked me to go to Detroit to meet Paul King, and I went to Detroit and had a conversation with Mr. King at his office, where I was taken by Mr. Corliss. * * * While Mr. King and I were talking there, and in the presence of King, a sealed envelope was put on the table right beside me there to take it in my pocket. I did not open it there. I left Detroit to return to Midland on the evening train. I opened the envelop on the train during the course of the trip and found $400 in it. This occurred, I would judge, between the 15th or 20th, or some place along there, in August, along there, may be the 20th or 25th. I was probably called secretary of the Newberry organization of Midland County."

Mr. CARAWAY. This $600 about which I have been reading was given to one man by Senator NEWBERRY's campaign committee to be expended in the purchase, in Mr. NEWBERRY's behalf, of liquors and cigars, and the testimony was that it was so expended in the city of Detroit alone.

Mr. REED. Can the Senator tell us whether the evidence shows that this particular individual had exclusive charge of that branch of the advertising or whether there were others?

Mr. CARAWAY. I am sorry that I can not answer the Senator from Missouri, but I take it for granted that if they were so interested in advertising by buying liquor they would not have intrusted their whole advertising fund to one agent. It would be fair to presume that other men were engaged in this "legitimate" expenditure of money.

I would like to ask how the Senator from Washington would class the purchase of votes? I would like to have the Senator's attention, and to have him answer under which head he would classify this expenditure.

This is the sworn testimony of Frank P. Bohn:

Frank P. Bohn said he lived at Newberry, in Luce County, Mich., and was a physician and banker. He said that he did not believe that Mr. NEWBERRY had any interest in his town now; he said the family did have at one time. He said that "Paul King came to my office in the spring of 1918 and asked me to manage the Newberry campaign for Luce County, and I agreed." He said: "James F. McGregor first spoke to me about compensation; this was two or three weeks after Paul King's visit. He said that he was there as field secretary, looking after the Upper Peninsula, and Mr. McGregor said he would send up sufficient funds to take care of what I needed. He left no money, but I received a cashier's check on the Commonwealth State Bank of Detroit, and also a draft drawn by the Union Trust Co. on the People's State Bank of New York."

I would like, in passing, to say just this: There is no evidence in this record, except this one man's statement, that they had a campaign fund in a bank in New York. They led us to believe that all their funds were contained in deposits made in two banks in the city of Detroit, and yet they evidently had a fund in a New York bank, because he referred to a draft drawn by the Union Trust Co. on the People's State Bank of New York.

One was for $100 and one for $50. He said: "I expended further $125 for workers distributing literature and getting the vote out. Also had a list of voters in the various townships made, which I used." He said: "I employed about 15 men to work primary day; paid them $5 apiece; two of them $10, who worked before primary day"——

I would like to have the attention of the Senator from Washington——

He said that he paid men who worked before primary day, and the two he paid the $10 to; the names were William J. Campbell and Howard Reynolds. He said: "I told the men to get boys out to distribute literature and do what they could for the interest of Mr. NEWBERRY." He said the draft and check came in August some time. He said he wrote for $50, and that the balance came voluntarily. He said that he did not know who sent the letters. He said: "Mr. McGregor had told me the money would come."

I call attention to this:

He said, I had told Mr. McGregor that it would take $100 to $150 to take care of the work. He said the men selected had worked for him in politics before; that I didn't know who they were supporting before I hired them; my purpose was to get them to support NEWBERRY; simply asked them if they were not tied up to support NEWBERRY. It was my intention to get their support and vote for NEWBERRY. I did not know who they were for for Senator. I had some correspondence with Detroit, and Paul King was there just the once; that James McGregor was there twice, and also a publicity man, I believe Mr. Phillips was the man.

He said he paid 15 men $5 apiece to get their support and vote for NEWBERRY. The Senator from Washington says that none of this money was expended except for advertising and other legitimate purposes. Since buying votes is not advertising, I am forced to the conclusion that the Senator from Washington thinks that buying votes is a legitimate purpose.

These are not isolated cases. The record teems with them. Men by the hundreds were corrupted with money, and with money corrupted the election. If such expenditures can be classified as either advertising or other legitimate expenses, I ask the apologists who voted for Senator NEWBERRY to tell us under which head to classify them.

In the same paragraph the statement is made that—

The incentive, no doubt, which influenced the Republicans in this effort was to offset the tremendous publicity carried on at perhaps ten times the expense of the Republican campaign by Mr. Ford through his various business agencies.

The Senator from Washington knows that a very large part of these expenses were incurred by Mr. NEWBERRY and the foundation laid for the others, not by Republicans of Michigan but by Mr. NEWBERRY and his family, long before Ford became a candidate and long before his name ever appeared in any of the numerous letters that passed between Mr. NEWBERRY and his campaign agencies, and therefore long before Mr. Ford was ever suspected of being a candidate. They were incurred to defeat Gov. Osborn, a staunch Republican and a man who would not buy an office. They were incurred to defeat ex-Gov. Warner, three times elected the chief executive of Michigan, and several other prominent Michiganders who were thought to be candidates, including the then sitting Senator, William Alden Smith.

I have a clipping from the RECORD here, but I do not see it just this minute, and I ask permission to insert a quotation from a letter of Senator NEWBERRY himself urging King to keep up "our publicity campaign," because Warner was already scared out, and it would keep others out. I shall insert that, with the reference to the record.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

I am glad Mr. Warner is scared out for the present and as long as we keep up our publicity work at full pressure it will be harder and harder for any new man to get any kind of a start that will make it seem worth while for him to be a serious candidate.

Again, the Senator from Washington knows the evidence discloses that Henry Ford never spent one dollar in his campaign for the Senate, and, as far as this record shows, and as far as the Senator from Washington or anyone else knows, no one else spent any money in his behalf. Even the attorneys for Mr. NEWBERRY abandoned the contention before the Committee on Privileges and Elections that any money had been spent by Mr. Ford or his friends in the race.

Oh, then, the charge is made that Mr. Ford "was a pacifist, had opposed the effort to bring the war to a victorious conclusion, was in favor of a compromise peace, and who had secured the military exemption of his son."

The Senator so kindly says that he "only mentions these circumstances to show the conditions under which the campaign was carried on."

I will here insert the military records of Henry Ford and his son and that of Senator NEWBERRY, and do so without comment.

Henry Ford hoped that we would stay out of the war. And so far as his record discloses, I think he could be classed as a pacifist.

Before we entered the war, but after the President had issued his call for the meeting in April, 1917, of the extraordinary session of Congress and in anticipation of war, Mr. Ford came to Washington and offered to his Government every resource of the Ford industrial plant, which the Senator from Washington says was the greatest in the world. Mr. Ford stated that he was opposed to war, but since war was to come, he wanted to help make it a war to end wars, and, therefore, gave every resource he had to his Government to help wage this contest. After the war commenced his son, Edsel Ford, was offered a commission in the Army and told then that he would be detailed to help manage the great Ford plants, which were to turn out Government supplies. He declined this. He stated that if he was to wear a uniform, he wanted to go to war as other boys went and serve in the trenches, but that if he was to be detailed to serve at home, he would serve as a civilian, and did.

When Mr. Ford made his contracts with the Navy Department, like the contracts that were being made with other people, on a cost plus 10 per cent plan—that is, 10 per cent profit on his contract—he then stated to the Secretary of the Navy that he would turn back 58 per cent of the profits, that being the amount of stock he held at that time in the Ford plants. However, before the contracts were completed, Ford had bought out the minority stockholders, and did, as a matter of fact, give back to the Government every penny that he made on those contracts. He had other contracts with the Government, and he turned back every dollar that he made above cost of manufacture and experimental costs to carry on the work. So Henry Ford did not profit one penny out of the Government from war contracts, though at the close of the war every wheel in his factories and every lathe was turning out munitions and equipments of some kind or another for the Government to use in the war. As a single instance, the Government was paying $18 for every cylinder made to use in the Liberty motor. Mr. Ford invented a new process of making them, and let the Government have them at $8.25 each.

Senator NEWBERRY's military record was published in the Washington Daily News of a few weeks ago. I insert it as it appeared:

NEWBERRY'S WAR RECORD.

The NEWBERRY defense emphasizes his "patriotic war services."

An official report in the files of the Navy Department, prepared by Maj. John C. Muir, United States Marine Corps, discloses:

1. That NEWBERRY, lieutenant commander in the Naval Reserves and chief personnel officer of the third naval district (New York), was directly responsible for conditions of enlistment and enrollment in that district.

2. That NEWBERRY'S office, at 280 Broadway, was the medium through which rich men's sons obtained safe and easy berths.

3. That one of NEWBERRY'S immediate subordinates, Lieut. B. J. Elbert, confessed that he had been instrumental in placing many men in safe, easy berths, and had accepted bribes ranging from $100 to $3,000 for such services.

4. That Frederick Cody, of New York, a "friend for many years"—NEWBERRY'S language—and business associate of NEWBERRY, on various occasions introduced people who "were subsequently enrolled under peculiar and suspicious circumstances." The record in the Newberry case discloses that Cody, lobbyist for Standard Oil, the American Telephone & Telegraph Co., and the American Book Co., was one of the active directors of the Newberry campaign in Michigan. A brief filed on behalf of NEWBERRY states that Cody, on account of personal favors, frequently acted as "messenger boy" for NEWBERRY.

5. That NEWBERRY denied by letter that Cody was an "intimate friend" and stated, "Mr. Cody did not represent me and has never represented me at any time or at any place."

6. That conditions with regard to securing bombproof jobs for rich men's sons at NEWBERRY'S office, 280 Broadway, were so flagrant that they became the subject of vaudeville jokes.

7. That a large number of persons paid money for preference in enrollment, detail and rating, and that the greater portion of the amounts involved were received by an officer under immediate command of NEWBERRY.

8. That in July, 1918, Rear Admiral Usher, commander of the third naval district, said he would take the matter up with the personnel officer [NEWBERRY]. That a short time afterwards Usher told Lieut. Commander Frost, his aide, that the matter had been taken up by him with NEWBERRY, who informed him that he felt the rumors were groundless, but had warned Lieut. Elbert. That nevertheless the sale of easy berths continued.

9. That NEWBERRY, after his election to the Senate, refused to appear before the naval board of inquiry in New York, taking refuge in his senatorial immunity, and that Maj. Muir thereupon reported that "as Lieut. Commander NEWBERRY [Senator NEWBERRY] is not available for interview, it is impracticable for me to go further in this phase of the case."

Let me add further, the evidence shows that Mr. Templeton, the so-styled chairman of the general committee of the Newberry campaign committee, and Mr. NEWBERRY were the largest stockholders in a corporation that had large contracts with the Government to manufacture war materials, and it is to be presumed they made large profits. Neither Mr. NEWBERRY nor Mr. Templeton, so far as the Senate has been informed, or the public, for that matter, turned back a penny of their profits to the Government, but kept them, and Mr. NEWBERRY invested his, it would seem, in a seat in this Senate, the purchase of which the Senator from Washington voted to ratify.

As to NEWBERRY'S sons' and brothers' military record, I shall make no comment. I leave to the bad taste of those on the other side to strike at a father over the shoulder of his son. I venture the assertion, however, in passing, that Edsel Ford rendered as valuable services to his country during the war as did any of the Newberry name. Whatever consolation the friends and supporters of Mr. NEWBERRY may get in the comparison of the records of Mr. Ford and Mr. NEWBERRY, I leave for them to determine.

In passing, it is suggested Senator NEWBERRY holds the world's record for refusing to testify when his own good name and his own honor were at stake. He refused to testify when he was indicted and arraigned before a court of his own State charged with crime. He refused to testify when a senatorial committee

was conducting an investigation to determine whether he had been guilty of acts which rendered him unworthy to serve as a Member of this Senate. He refused to testify when a naval inquiry was being attempted to be conducted to determine who was responsible for the selling of assignments to berths of safety in the Navy, the sales having taken place within the bureau of which he was the immediate chief. I would like the Senator from Washington to explain this strange reluctance when he next writes for publicity to his constituent.

The Senator from Washington says the result "vindicated" Mr. NEWBERRY. I am curious to know what constitutes vindication in the eyes of a Republican when another Republican has been charged with election frauds. Mr. NEWBERRY was scratched, as I am informed, by nearly 150,000 Republicans in his State at the general election, when not, as here claimed, all of the facts were known, because none of these investigations had been had then, and it would require a daring soul to contend that had these records been known, that Mr. NEWBERRY would have been elected at all. And this in face of the fact that the most vindictive campaign ever waged in this country was waged against Mr. Ford in that contest.

Again says the Senator in his letter:

It is not charged that NEWBERRY was guilty of any misconduct.

If the Senator can say that in the face of the record of 2,000 pages of charges, I think it needs no response.

Senator POINDEXTER then charges that Senator NEWBERRY—

was prosecuted with great venom by the Democratic administration, which backed Ford, and the powerful machinery of the Government, with its myriad of secret service agents, and with its machinery of district attorneys and marshals, was ordered to the task of securing evidence against NEWBERRY and sending him to prison.

He also says that this was—

backed up by the influence of Henry Ford, controlling and owning one of the most powerful and wealthy industrial organizations in the world.

Permit me to say that there is not a line of evidence in the record that the Democratic administration took any part in the primary election in Michigan in which these expenditures were charged, or that the administration took any part except through the ordinary machinery of justice in bringing Mr. NEWBERRY to trial. In fact, the investigation was urged not by Democrats but by Republicans, and the record discloses it. There is not a line of evidence that Henry Ford, directly or indirectly, or his organization, directly or indirectly, had any part or parcel in the prosecution of the case against NEWBERRY and his codefendants. I challenge the Senator to show one line of proof to sustain that charge.

There were letters from Mr. Osborn, there was a letter from the lieutenant governor, calling attention to the situation, and the charges against Mr. NEWBERRY were made then, as later, not by Democrats but by Republicans and Republican officeholders of Michigan.

I want to read just one line of the letter that Mr. NEWBERRY wrote this confidential agent, Mr. King, in explaining his letter which he had written in answer to Mr. Vandenberg. He said:

I am inclosing a copy of my noncommittal letter to the Grand Rapids people, which covers the situation in a rather flimsy manner.

Noncommittal, indeed! Flimsy!

On August 8, 1918, nearly three weeks before the primary election, Mr. Vandenberg, of the Grand Rapids Herald, wrote Mr. NEWBERRY that—

DEAR SIR: I desire to direct your attention to certain phases of the Michigan Republican senatorial campaign which seem to demand very clear and explicit public statement from you well in advance of primary election day. * * *

I direct your attention to these specific charges which have appeared in responsible newspapers. They are charges, furthermore, which find kinship in very general rumor and report. I fully realize that gossip is deadly and a ruthless assassin. But gossip, in this instance, is too widespread to be longer ignored. It charges you and your associates with the expenditure of money running into six figures in the erection of your senatorial organization. Such a situation must be as intolerable for you, if these reports are false, as it is intolerable for the State if the reports are true. Therefore, it is a situation which must be challenged, because if not challenged by you it will have to be challenged by the electorate. * * *

While this letter is purely personal to you, I should be glad to have an answer from you which could be published simultaneously with this letter so that the issue may be made clear.

Mr. KING. Mr. President——

Mr. CARAWAY. I yield to the Senator from Utah.

Mr. KING. Further replying to what I conceive to be a rather inaccurate statement of the Senator from Washington, if I understand his letter, it appears that Mr. NEWBERRY was indicted and was tried by a grand jury, the majority of whom were Republicans, and tried by a petit jury, a majority of whom were Republicans——

Mr. CARAWAY. Eleven of them, I understand.

Mr. KING. And by a Republican judge, and the evidence before the court was not nearly so strong as that which was before the Senate committee, but it was sufficient to warrant the submission of it to the jury, and not only to warrant it but demanded on that proof the conviction of Mr. NEWBERRY and his associates. How it can be charged that it was a Democratic prosecution is something I can not conceive.

Mr. CARAWAY. I can conceive how it can be charged, but I know it can not be proved to have been true.

Mr. KING. It can not be charged in fairness.

Mr. CARAWAY. Not in good faith.

I challenge the Senator from Washington now to show that Henry Ford was instrumental or had anything to do with the conviction of Mr. NEWBERRY in Michigan. In this paragraph it will also be observed that the Senator says:

The Supreme Court completely vindicated Senator NEWBERRY of any offense.

That is the exact language of the Senator from Washington. The Supreme Court made no such finding. Every man, lawyer or layman, who read the opinion of that court in that case knows that the Supreme Court held the act under which NEWBERRY was prosecuted unconstitutional. The question of his guilt or innocence was not determined by the Supreme Court, and no expression in relation thereto was made by the court, because the facts were not inquired into, but simply the act was determined to be unconstitutional. But, in spite of this, the Senator adds:

But, in addition to that, they went into the merits of the case and held that he had not received a fair trial and that he was not guilty of any misconduct.

That is the exact language of the Senator from Washington. Again, everyone conversant with the case knows—and let me repeat it—that the Supreme Court held no such thing. It did not pass upon that question at all. It expressed no opinion as to his guilt or innocence, and the Senator from Washington surely never read this opinion, or he could not make such an assertion.

Mr. KING. Mr. President, the Senator could with propriety there state that the Supreme Court did not pretend to pass upon the validity of the State statute; indeed, they have no authority to do so. No one challenges the validity of the State statute, and no one can read the evidence and say that Mr. NEWBERRY and others did not violate the State statute.

Mr. CARAWAY. I am going to be entirely charitable to the Senator from Washington. I do not think he read the evidence, and I know he did not read the opinion of the Supreme Court, because he would not have made that assertion if he had read it.

In the next paragraph appears the statement by the Senator that—

the Senate, following the Supreme Court of the United States, exonerated him—

Meaning NEWBERRY—

from blame and declared his election to the Senate valid.

The Senate did not follow the Supreme Court and did not find Senator NEWBERRY without blame, because the Senator from Washington himself voted for a resolution, as follows:

Resolved, (1) That the contest of Henry Ford against TRUMAN H. NEWBERRY be, and it is hereby, dismissed.

(2) That TRUMAN H. NEWBERRY is hereby declared to be a duly elected Senator from the State of Michigan for the term of six years, commencing on the 4th day of March, 1919, and is entitled to hold his seat in the Senate of the United States.

(3) That whether the amount expended in this primary was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

In this resolution the Senate found that Mr. NEWBERRY and his friends were guilty of conduct hurtful to sound public policy and injurious to the honor and dignity of the Senate, and were guilty of acts which endangered the perpetuity of free government itself, but added that in order to retain a Republican Member of the Senate it condoned these offenses and said to Senator NEWBERRY: "The method you employed to secure your seat was against public policy and hurtful to the honor of this body, of which you are about to be declared a member, and endangered free institutions; but since you are a Republican and contributed to the Republican campaign fund we welcome you as a brother."

In the next paragraph of Senator POINDEXTER'S letter there appears this sentence:

As stated above, there is not a single word of evidence to show that a dollar was improperly spent in the general election.

Mark the Senator's statement that not a dollar had been spent. Here is the sworn statement of the man who for 15 or 20 years had been an election officer in Michigan:

I, John Wagley, Cross Village, being duly sworn, say that I am a resident of Cross Village, county of Emmet, State of Michigan; that my occupation is that of a retired farmer; that I have been advised that the persons to whom I am giving this affidavit, to wit, Walter O. Lewis, Jesse H. Williamson, and Edward S. Ridley, are Government employees and special agents of the Department of Justice; further, that this statement is made by me on my own free will and accord and that no promise or inducement of any kind or character has been made to me in order to obtain this statement and affidavit; that the night before the general election of November 5, 1918, W. S. Darling, of Harbor Springs, Mich., came to me at my home and in the presence of my wife, Anna, told me that he would like to interest me in Mr. NEWBERRY; that I told him that I would not vote for NEWBERRY. And in response Darling said that he had some money for me and showed some paper money in his hand; that on the morning of election day I served as an election inspector at the polls. Darling came to me and again endeavored to interest me in NEWBERRY; he further added, "I would like to get you to assist them Indians in voting." I told Darling that was my duty anyhow, and Darling said that, "If you will do that I will pay you for it"; that for the past 10 or 12 years I have been active at the polls on election day, assisting the Indian voters in order to prevent any of their votes being thrown out and spoiled; that on election day, 1918, quite a number of the Indians came to me and I would say, "Now how do you want to vote?" whereupon they would reach in their pockets and produce one of NEWBERRY'S cards and say, "I want to vote for that man." At the close of the polls on election day Darling again came to me and handed me $10 and told me to put it in my pocket; that there were about 150 votes in my voting district, 100 of which are Indians; further, that Darling has told me that he rented an automobile on election day from Henry Sullivan which he used to bring Indian voters to the polls, and Sullivan has told me that Darling paid him $18 for automobile hire on election day. Charles Warren is reported to have received $50 or $60 for his work around the polls, but Warren told me that he only received $5, and that was from Darling.

JOHN WAGLEY.

If that is not an expenditure of some money in the general election, I am curious to know under just which head it will be classified. And that is not an isolated case; there are numbers of them. And this is not an isolated case. I shall leave to the constituents of Senator POINDEXTER to say, after all the record has been examined, whether this money was improperly spent.

In the same paragraph appears this sentence:

He—

Meaning NEWBERRY—

took no interest in the campaign, but devoted himself to his work in the Navy throughout the campaign, both the primary and the final.

Oh, how can one say that in view of the 2,000 pages of testimony in this case and Senator NEWBERRY'S own admissions on the floor of the Senate? One is tempted to ask, however, what was the work of Mr. NEWBERRY in the Navy? Was it protecting those who, under his immediate command, were selling secure berths to the sons of rich parents?

The next to last paragraph of this wonderful letter reads as follows:

On the contrary, certain multimillionaire organizations, profiting financially by any popular excitement which they can arouse, were seeking by every means in their power to influence and intimidate Senators to vote against NEWBERRY.

That is a charge that somebody was making money out of the Newberry case; that somebody was standing here and trying by intimidation or bribery to secure the rejection of Senator NEWBERRY. I have prepared a resolution which I wish to present—and, of course, I know the Senator from Washington would be glad to have it presented and adopted—providing that the Presiding Officer shall appoint five Senators to inquire into this malign influence.

I want to say frankly that so far as I know, until the Senator from Washington made the declaration, no one had heard of any such influences. It was never indicated. Of course, I think all understand why the charge is now made.

But for the Senator from Washington I have had a very great liking, and for him and those who, like him, find themselves subject to criticism by their constituents for having voted to ratify this purchase of a seat in the Senate by Senator NEWBERRY I think a very wide latitude should be given in explaining the motives that tempted them so to vote. For the Senator himself I peculiarly sympathize, because in this letter he discloses the fact that the news editors in his State had refused, perhaps because they found themselves unable, to accept his version of the Newberry record as correct, and had declined to print his explanation, and therefore he was driven to the use of the CONGRESSIONAL RECORD, in order to try to get before the people of Washington his "version" of what the facts are, as disclosed by the record in the Newberry case. It seems to me that the people of Washington, at least those who have any opportunity to examine the record, will be as averse to accepting as authentic his statements touching the Newberry case as were the newspaper editors reluctant to publish them.

I was under the impression that I had brought over from my office with me the resolution of investigation which I wish to offer. However, I can not put my hand on it at this moment, but I desire to say that on Monday next I shall, immediately after the convening of the Senate, offer the resolution of investigation and ask for its immediate consideration.

Mr. POINDEXTER. Mr. President, I am not surprised at the persistence with which the Senator from Arkansas follows up this question. Unfortunately partisanship seems to have entered into it to a very large extent, and the Senator from Arkansas, while he has the respect of every Senator, is known to be one of the most intense party men and followers of the former President Wilson in the Senate. It would therefore be exceedingly strange and unusual if the Senator from Arkansas, in view of the influences that have been exerted from those sources in this case from the beginning to its end, should lose any of the intensity of his feeling about it or should give any evidences of treating it in an impartial manner or with what I might call a judicial frame of mind.

Mr. CARAWAY. May I interrupt the Senator?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Washington yield to the Senator from Arkansas?

Mr. POINDEXTER. I yield to the Senator. I hope he will not interrupt me long, because I wish to make a very brief statement. I am, however, perfectly willing to yield to the Senator.

Mr. CARAWAY. No; I shall not interrupt the Senator. I think the Senator will need all of his time.

Mr. POINDEXTER. Mr. President, the salient points in the letter which the Senator from Arkansas has reread into the RECORD, it having already been published in the RECORD, thereby giving it added emphasis and publicity, for which I am very much obliged to him, can very readily be carried in one's mind. I adverted in that letter to the fact, which I think even the Senator from Arkansas will not deny, that a great many charges have been made—at least, the charge has been repeated often—that Senator NEWBERRY had bought his seat in the Senate. Another form of that statement has been that a seat in the Senate had been bought by some one. The statement made in my letter to the effect that such charges have been repeated throughout the country is correct; but I reassert that the charges are unsubstantiated by any testimony worthy of the consideration of any intelligent man. Neither the Senator from Arkansas nor anybody else has offered any testimony tending to show or making any color of substantiation of the charge that Senator NEWBERRY bought his seat in the Senate. Neither is there any testimony of any substance worthy of serious consideration that anybody bought a seat in the Senate or that any appreciable number of people, if any at all, were corruptly influenced by the use of money in the Michigan election. That is one of the statements which the Senator from Arkansas challenges and which he utterly fails to overthrow by the citation of any evidence, either that which has been given already or by the production of any new evidence relating to the election in Michigan.

Another statement which I made in this letter was that the excessive and improper use of money charged or alleged was said to have been used in the primary election and not in the general election. Nobody can successfully dispute that. I assume that the Senator from Arkansas, with the interest that he has in defending his party and his candidate that were involved in this election, has exhausted his resources and the possibilities of proof in his addresses to the Senate, and especially in the prepared speech which he has delivered here this afternoon, very much to my surprise; yet in that prepared speech the showing which he makes to dispute the statement that there was no illegal or improper use of money either as to the manner in which it was spent or as to the amount expended in the general election is so trivial that it does not deserve any consideration. It never would receive the attention or the consideration of any tribunal, either political or judicial, had it been presented to them and had the case depended upon any such thing as that.

The fact of the matter is that all the Senator from Arkansas has reiterated here this afternoon, being the refined proof after his judicial mind has sifted all the dross and put in concentrated form the evidence that he could produce or that could be produced to invalidate the election of Mr. NEWBERRY, contains nothing whatever to show that the decision which the people of Michigan rendered when this issue, which he has now reiterated here this evening in revised form, was presented to them, did not completely exonerate Senator NEWBERRY from every charge that was made against him, so far as the verdict of the people of that great State could exonerate him.

I take it that in a matter of this kind the decision of the sovereign voters of the State who are to be represented by the Senator from that State as to the issues which are raised against him in the election, which are the same issues that are presented by the Senator from Arkansas here this afternoon, ought to have some weight with the Senate and with the country, because we are presumed here to represent sovereign States, and under the amended form of the Constitution of the United States to represent the people of those States; and the assertion made in this letter that Senator NEWBERRY had been chosen by the people of Michigan in an election in which it is not charged that any corrupt influence was used has not been successfully disputed by the Senator from Arkansas, and can not be.

Far be it from me to set up my judgment in this case against that of any other man. I am responsible only for my own. Many of the great questions which have interested and concerned the people of this country have been questions upon which those who were responsible for their decision had differing opinions. I never have challenged the sincerity or the good faith of any man who formed an opinion contrary to mine, either in this case or in any other case submitted to the vote of the Senate.

Some time ago I received a letter from a constituent who differed with me in regard to this particular matter, pointing out that certain other Senators had taken a different view of it from mine. I replied to him that in a matter which involved my own action I had at least as much confidence in my own judgment as I had in theirs, and that if it came to a question of counting noses and balancing numbers as to who was for and who was against in this issue I would call his attention to the fact that a majority of the Senate of the United States had sustained the election of Mr. NEWBERRY as a valid one, and had confirmed him in his seat in the Senate.

Mr. President, without following the exact order of the various points in my letter to which the Senator from Arkansas has referred, I may call attention to a good many misstatements which he has made in regard to the letter which he had lying before him, and which he had just read to the Senate, from which I infer that if he is as fallible in his statement of a fact so recent as was that in his mind we may doubt exceedingly his recollection and the accuracy of his statements in regard to matters involved in this election which occurred so long ago.

The Senator states that the letter to which he has referred contained the statement by me that I had been unable to get my views in regard to this case published in the State or received by the editors of newspapers, and that consequently I was obliged to rely upon the CONGRESSIONAL RECORD to get them published. I think the stenographic notes will corroborate me in that quotation from the remarks just made by the Senator from Arkansas. Without any invidious abruptness, I beg leave to say that it is absolutely incorrect and that no such statement was contained in my letter, nor anything resembling it. I never have had any trouble in getting my views in this case published in any newspaper to which I cared to send them. I did make some remark to my correspondent in this particular case to the effect that I doubted very much whether a hostile editor would print a letter of mine on this subject with the same conspicuousness in his paper as he did his own editorials; but that is a very different thing from what the Senator from Arkansas has distorted my statement into.

So, Mr. President, as to the concluding remark of the Senator, in which he cites this allegation which I made:

Various false assertions have been made as to influences brought to bear to secure votes in NEWBERRY'S behalf in the Senate. I notice a detailed statement in that connection published in several Washington State papers as to my own vote. This statement is libelous and false from beginning to end, as no such influences were brought to bear and no such statements, or anything resembling them or anything to that effect, were made to me.

I did not state in the letter what the details of the matter to which I referred consisted of, but I am perfectly willing to do so at any time that anybody is interested in them. I am always loath to take up the time of the Senate in talking about personal matters and going into the details of conversations which are not supposed, at least, to be of paramount interest to anyone except those whom they immediately concern. I do not know what the Senator from Arkansas intends to make out of that, but I am perfectly ready to inform him or anyone else as to what particulars they referred to—certain conversations that people were alleged to have had with me about the vote in the Newberry case that were published in certain hostile papers in my State—reports coming from this Capitol, which, as stated in this letter, were libelous and false from beginning to end, in that no such conversations or anything like them ever took place, and no such advice in an attempt to influence my vote was ever given to me. The Senator from Arkansas can make what he chooses out of that.

So, with the statement:

On the contrary, certain multimillionaire organizations, profiting financially by any popular excitement which they can arouse, were seeking by every means in their power to influence and intimidate Senators to vote against NEWBERRY. This may be referred to in more detail later on.

The Senator says he is going to introduce on Monday a resolution to inquire about that. I have not the slightest objection to a resolution to inquire about it. All that I have to say about it could be said in five minutes, and said in such a way that I am perfectly confident that it will not be disputed by anybody who is familiar with the circumstances. That statement was made in answer to the charges with which every Senator on this floor is familiar, which went around the country from gossips and from suspicious minds, as to influences which were brought to bear to secure votes, to whip votes into line for Senator NEWBERRY, published in various newspapers in the country. No such influences were brought to bear upon me; but, on the contrary, if the Senator's resolution is adopted and if the great Senate of the United States wants to turn aside from the important national issues which ought to secure its constant attention and go into that matter, I will present to the Senator from Arkansas in printed form editorials of a most insolent character, published long before the vote in the Senate was had upon the Newberry case, arrogating to themselves the authority to tell Senators here how they should vote upon that case—editorials appearing in papers which belonged to a great multimillionaire organization, to quote the language of this letter, "profiting financially by any popular excitement which they can arouse."

Does the Senate want to inquire into that? Does the Senator from Arkansas want information on that subject? It ought to be known to him already. If not, I can inform him about it in a very short space of time, and furnish him with the evidence.

Seeking by every means in their power to influence and intimidate Senators to vote against NEWBERRY—

Because they pretended to hold in their hands control of the votes to determine their continuance in their seat in this body. It is known to thousands, perhaps to millions. At the present time, aside from the question involved in the remarks of the Senator from Arkansas as to the Newberry case, I do not care to go into a discussion of these influences, as to their position in the community, their attitude about the Government and about public men, and their constant effort to make it appear that they are the friends of the downtrodden poor, while as a matter of fact they themselves are among the greatest financial corporations in the United States, profiting by every influence that can be brought to bear in favor of wealth and of power of the kind which they exercise, and attempting to use them in order to influence the vote of Senators here.

Mr. President, the Senator repeated time and time again the statement which he quoted from my letter that Senator NEWBERRY paid but little attention to the campaign, as though a great deal could be made out of challenging that statement. I do not mean to say that he paid no attention at all to it.

My letter said that he paid but little attention to the campaign. To go back of the evidence in this case, I recollect some contact with the situation generally in the senatorial election of 1918 as a member of the senatorial committee. At that time various efforts were made from the headquarters of the committee here to find out what the situation was in the different States; and I have a very distinct recollection of the inquiries which were made of Senator NEWBERRY as to what his prospects were in the campaign, what he was going to do about his election, and of the result that the senatorial committee which was especially charged with an interest in the election of Republican Senators could get no satisfaction at all from him, and could get no resonse from him to amount to anything.

He refused to leave the post to which he was ordered in New York, or to take any active part in his campaign, and all the evidence which has been brought to bear and focused upon this case, in the prosecution of NEWBERRY and various others since that time, has not in any way tended to disprove or dispute that general situation.

Senator NEWBERRY testified here upon the floor that he was not in Michigan an hour during either the primary or the final election. Some reference has been made to the fact that he was kept informed. I suppose reports were made to him, and yet, notwithstanding that, I repeat that he paid but little attention to the campaign, and there is no substantial evidence to show anything to the contrary.

Reference has been made to the statement in this letter that the Republicans of Michigan raised the money for this cam-

paign. The Senator from Arkansas says that is not so, because most of it was raised by relatives of NEWBERRY. That may be true. All of it was not raised by them. We can not escape from the well-known condition which existed in that campaign, that Mr. Ford was the candidate of the Democratic administration; that he was a candidate upon the Democratic ticket, also upon the Republican ticket; that Mr. NEWBERRY was a candidate of those who believed in the prosecution of the war to a victorious conclusion; that Mr. Ford was a candidate of those who believed in a compromise peace. Senator NEWBERRY was the candidate of those whose sons went to war. Mr. Ford was the candidate of those who kept their sons out of the war.

It can not be denied that the Republicans of Michigan made a special effort and had a special appeal made to them to exert themselves to meet the tremendous influence and the tremendous publicity and power which were at the command of a national administration, and of the tremendous industrial organization which was under control of Mr. Ford.

The Senator from Arkansas says there is no evidence that Mr. Ford expended any money in this campaign. There is a great deal of evidence that he expended money in the campaign. I have had evidence given me that every agent handling the Ford automobile, in every town and hamlet in the State of Michigan, was busily engaged working for him.

Mr. CARAWAY. The Senator never put that in the RECORD for anybody else to see it.

Mr. POINDEXTER. No; a great deal has never been put in the RECORD. I was never called before the Committee on Privileges and Elections, never had any part whatever in the proceedings. Yet the Senator from Arkansas no doubt knows that the statement I have just made is true. The Senator knows that Mr. Ford had perhaps the greatest publicity organization in the country at that time and that it was engaged in furthering his candidacy in this election.

There is no doubt whatever that the expenses of that organization during that campaign, the advertising of Mr. Ford, the bringing of Mr. Ford's name before the people of Michigan and to the people of the country, amounted to many times the amount that was expended by the Republicans of Michigan in behalf of Mr. NEWBERRY.

The Senator challenges the statement that the money which was raised in behalf of the Republican candidate was expended for legitimate purposes. If it was expended for illegitimate purposes, how does it happen that with all of the venom which has been displayed by the leaders of the Democratic Party on the floor here and in the prosecution of this case in the courts and before the Senate none of these men have been punished under the law for the illegitimate use of money? If the power which was brought to bear in this prosecution to put these men behind the bars could not succeed in doing it I think it is very good evidence that they did not violate the law.

So, if you read the testimony in the case, you will find that with all the labor of these great organizations and this great party to get evidence to show the corrupt use of money, it is centered and brought to a final consummation in the statement of the Senator from Arkansas this evening, that one man got $600, and that he spent part of it in buying liquor and cigars for his friends. That is the end of the Newberry case, so far as the corrupt use of money is concerned. I assume, for that is the most I ever heard of it. That is the most the Senator from Arkansas has been able to show, that a man got some money to take out buttons and take out literature, and that the testimony is that he bought some liquor and cigars for his friends. I do not approve of that; yet, if it is illegal under the laws of Michigan, I assume that the Senator from Arkansas and the others who are so much interested in the prosecution of this case would have had them arrested and punished. I can not assume that the expenditure of $600 had a great deal to do with convincing the public opinion of the State of Michigan, a State with more than three and a half million inhabitants.

I think there was one other item mentioned by the Senator from Arkansas. He said that one man, Mr. Frank T. Bohn, received $150 for looking after the Upper Peninsula, and that he spent that money in hiring men to work. Is that contrary to the law? I would like to see a law against it, and see the law enforced; but that is a very pitiable result of the months of debate in this case, of the tremendous efforts which have been made to show corruption of the election, that a man got $150 and that upon his own motion he used it to hire a few men to go out and work for Mr. NEWBERRY.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield.

Mr. WALSH of Montana. I do not imagine the Senator from Arkansas intended to review all the testimony upon the corrupt use of money in the election, but if the Senator from Washington assumes that that is the case, I am prepared to show that he is quite in error. I myself reviewed the testimony, showing, as I think, corrupt use of money in many other instances than those referred to in this brief discussion by the Senator from Arkansas.

Mr. CARAWAY. If the Senator will permit me, I simply want to say that these were not isolated cases; they were picked out as merely typical cases.

Mr. POINDEXTER. I assume they were the most heinous offenses. I suppose the Senator picked out the worst ones. Are there some worse than the ones he picked out?

Mr. CARAWAY. Oh, yes; there are worse ones than that, and it would take but a brief time to bring them to the attention of the Senator. The Senator ought to have known about them.

Mr. POINDEXTER. I think there was a case the Senator mentioned where some money was handed to a man in an envelope, but no evidence of what it was to be used for. That is probably the one to which he referred.

Mr. CARAWAY. If I may be permitted, I think the most reprehensible thing in this record was where the ex-mayor of Flint, tried and convicted and under a sentence of from 2 to 15 years in the penitentiary for assault and robbery, was approached by King and Fletcher, the latter of whom was a State official of Michigan, and two other men, and when he told them that he was not for NEWBERRY they said he had to support NEWBERRY or go to jail. They said, "We will not ask you whether you will or not, but we know you can carry this district, and if you do, it is all right with you; but if you do not, you go to jail." I do not say that they could control the Supreme Court of the State of Michigan, for I do not know, but the court did reverse the case after TRUMAN NEWBERRY carried the district. But if those men could not do it, they went there and lied to this man who was under sentence, told him they could do it, and got his support for NEWBERRY under the belief that they could. It is all the more reprehensible if State officials, representing themselves to be in a position to influence a decision of the supreme court, and with the power to send a man to jail or release him, were just lying. Let us say that they could not influence the court, and I rather think they could not, and I never said I thought they could; but they made this man, who was under a sentence of from 2 to 15 years, believe it, and if they knew they could not, they were just common liars, trying to deprive him of his right to decide who should be the Senator from Michigan.

Mr. POINDEXTER. Mr. President, the Senator from Arkansas says he is curious to know in what way Senator NEWBERRY has been vindicated. He has been tried by the people of Michigan, and they elected him to the Senate on all of the issues presented here, as I said before. He was prosecuted in the court, and he was acquitted by the highest court in the land. The proceedings which were brought against him were held to be invalid, and I want to read a short extract from the decision of the court, and also from the opinions of some of the concurring judges, in order that it may be in the RECORD.

Mr. CARAWAY. May I ask the Senator a question before he commences to read that?

Mr. POINDEXTER. Yes.

Mr. CARAWAY. Does the Senator call the opinion of a judge merely setting out his views a decision of the court?

Mr. POINDEXTER. No; I do not call the decision of one judge the decision of a court.

Mr. CARAWAY. Did the court decide anything except that the act of Congress undertaking to limit expenditures in primary elections was unconstitutional?

Mr. POINDEXTER. There was only one judge——

Mr. CARAWAY. Did the court decide more than that?

Mr. POINDEXTER. No; that was all they decided.

Mr. CARAWAY. Why did the Senator say, then, that the court went further and found that he was innocent?

Mr. POINDEXTER. The court did go further.

Mr. CARAWAY. Did the court find anything other than that the act was unconstitutional?

Mr. POINDEXTER. The court made only that decision, so far as the judgment of the court was concerned; but in the opinion of the judges, including that of the majority of the court, they discussed the general merits of the situation, and if the Senator will give me an opportunity, I will read to him what the court said.

In the opinion rendered by Mr. Justice McReynolds, he said, reading from page 11 of his opinion:

> Who should participate in the specified elections was clearly indicated—members of State legislatures and those having—
>
> "The qualifications requisite for electors of the most numerous branch of the State legislature."

> Who should be eligible for election was also stated:
>
> "No person shall be a Representative who shall not have attained the age of 25 years and been seven years a citizen of the United States and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.
>
> "No person shall be a Senator who shall not have attained the age of 30 years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."
>
> Two Senators were allotted to each State, and the method was prescribed for determining the number of Representatives. Subject to these important limitations, Congress was empowered by law to regulate the times, places, and manner of holding the elections, except as to the places of choosing Senators. "These words are used without any veiled or obscure significance" but in their natural and usual sense.
>
> If it be practically true that under present conditions a designated party candidate is necessary for an election—a preliminary thereto—nevertheless his selection is in no real sense part of the manner of holding the election. This does not depend upon the scheme by which candidates are put forward. Whether the candidate be offered through primary, or convention, or petition, or request of a few, or as the result of his own unsupported ambition does not directly affect the manner of holding the election. Birth must precede, but it is no part of either funeral or apotheosis.
>
> Many things are prerequisites to elections or may affect their outcome—voters, education, means of transportation, health, public discussion, immigration, private animosities, even the face and figure of the candidate; but authority to regulate the manner of holding them gives no right to control any of these. It is settled, e. g., that the power to regulate interstate and foreign commerce does not reach whatever is essential thereto. Without agriculture, manufacture, mining, etc., commerce could not exist, but this fact does not suffice to subject them to the control of Congress. (Kidd v. Pearson, 128 U. S., 1.)
>
> Election of Senators by State legislatures presupposed selection of their members by the people; but it would hardly be argued that therefore Congress could regulate such selection. In the Constitutional Convention of 1787, when replying to the suggestion that State legislatures should have uncontrolled power over elections of Members of Congress, Mr. Madison said:
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> "It seems as improper in principle, though it might be less inconvenient in practice, to give to the State legislatures this great authority over the election of the Representatives of the people in the General Legislature as it would be to give to the latter a like power over the election of their representatives in the State legislatures." (Supplement to Elliot's Debates, Vol. V, p. 403.)
>
> We can not conclude that authority to control party primaries or conventions for designating candidates was bestowed on Congress by the grant of power to regulate the manner of holding elections. The fair intendment of the words does not extend so far; the framers of the Constitution did not ascribe to them any such meaning. Nor is this control necessary in order to effectuate the power expressly granted. On the other hand, its exercise would interfere with purely domestic affairs of the State and infringe upon liberties reserved to the people.
>
> It should not be forgotten that, exercising inherent police power, the State may suppress whatever evils may be incident to primary or convention. As "each House shall be the judge of the elections, qualifications, and returns of its own Members," and as Congress may by law regulate the times, places, and manner of holding elections, the National Government is not without power to protect itself against corruption, fraud, or other malign influences.
>
> The judgment of the court below must be reversed and the cause remanded for further proceedings in conformity with this opinion.
>
> Reversed.
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> Mr. Justice McKenna concurs in this opinion as applied to the statute under consideration, which was enacted prior to the seventeenth amendment; but he reserves the question of the power of Congress under that amendment.

Only one other justice of the court concurred in the opinion, although the entire court concurred in the result. Mr. Chief Justice White, concurring in the result and thereby taking part in the decision and action of the court, gave his reasons as entering into the ultimate decision, which included what I have read, and also included the additional views of the Chief Justice, as follows:

> Having thus fixed the meaning of the prohibitions of the statute, the court came to apply them as thus defined to the particular case before it, saying:
>
> "(c) To apply these rules to this case: If you are satisfied from the evidence that the defendant, TRUMAN H. NEWBERRY, at or about the time that he became a candidate for United States Senator, was informed and knew that his campaign for the nomination and election would require the expenditure and use of more money than is permitted by law and with such knowledge became a candidate, and thereafter, by advice, by conduct, by his acts, by his direction, by his counsel, or by his procurement he actively participated and took part in the expenditure and use of an excessive sum of money, of an unlawful sum of money, you would be warranted in finding that he did violate this statute, known as the corrupt practices act."

Mr. Chief Justice White proceeds after that statement, in dealing with the instructions of the lower court, with the question of whether or not, therefore, a fair trial was had by the defendant, as follows:

> Whether the instructions marked (a) and (b), if unexplained, were, in view of the ambiguity lurking in many of the expressions used therein, prejudicially erroneous, I do not think necessary to consider, since I see no escape from the conclusion that the instruction marked (c), which made application of the view of the statute stated in the previous passages (a) and (b), were in clear conflict with the text of the statute and were necessarily of a seriously prejudicial nature, since in substance they announced the doctrine that, under the statute, although a candidate for the office of Senator might not have contributed a cent to the campaign or caused others to do so, he nevertheless was guilty if he became a candidate or continued as such after acquiring knowledge that more than $3,750 had been contributed and was being expended in the campaign. The error in the instruction plainly resulted from a failure to distinguish between the subject with which the statute dealt—contributions and expenditures made or caused to be made by the candidate—and campaign contributions and expenditures not so made or caused to be made, and therefore not within the statute.

Without reading all of the remarks of the Chief Justice, I call attention to this language:

> Under the instruction given, in every case where to the knowledge of the candidate a sum in excess of the amount limited by the statute was contributed by citizens to the campaign, the candidate, if he failed to withdraw, would be subject to criminal prosecution and punishment. So, also, contributions by citizens to the expenses of the campaign, if only knowledge could be brought home to them that the aggregate of such contributions would exceed the limit of the statute, would bring them, as illustrated by this case, within the conspiracy statute and accordingly subject to prosecution. Under this view the greater the public service and the higher the character of the candidate, giving rise to a correspondingly complete and self-sacrificing support by the electorate to his candidacy, the more inevitably would criminality and infamous punishment result both to the candidate and to the citizen who contributed.

I ask leave to print in connection with my remarks a number of extracts from the concurring opinion of Mr. Justice Pitney.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

> Since the majority of the court hold that the act is invalid, it would serve no useful purpose to spend time in discussing those assignments of error that relate to the conduct of the trial. It may be said, however, that, in my opinion, the trial court did not err in refusing to direct a verdict for the defendants for want of evidence of the alleged conspiracy; nor in instructing the jury that the prohibition of the statute against the expenditure and use of money by a candidate beyond the specified limit is not confined to his own money, but extends to the expenditure or use of excessive sums of money by him, from whatever source and from whomsoever derived; nor in instructing them that in order to warrant a verdict of guilty upon an indictment for conspiracy it was not necessary that the Government should show that defendants knew that some statute forbade the acts they were contemplating, but only to show an agreement to do acts constituting a violation of the statute; their knowledge of the law being presumed.
>
> I find prejudicial error, however, in that part of the charge which assumed to define the extent to which a candidate must participate in expenditures beyond the amount limited in order that he may be held to have violated the prohibition—an instruction vitally important because it was largely upon overt acts supposed to have been done in carrying out the alleged conspiracy that the Government relied to prove the making of the conspiracy and its character, and because, unless the purposes of defendants involved a violation of the corrupt practices act, they were not guilty of a conspiracy to commit an "offense against the United States" within the meaning of section 37, Criminal Code.
>
> The instruction upon this topic, excepted to and assigned for error, was as follows: "The phrase which constitutes the prohibition against the candidate 'Causing to be given, contributed, expended or used' excessive sums of money, is not limited and not confined to expenditures and use of money made directly and personally by himself. This prohibition extends to the expenditure and use of excessive sums of money in which the candidate actively participates, or assists, or advises, or directs, or induces, or procures. The prohibition extends not only to the expenditure and use of excessive sums of money by the candidate directly and personally but to such use and expenditure through his agency, or procurement, or assistance. To constitute a violation of this statute knowledge of the expenditure and use of excessive sums of money on the part of the candidate is not sufficient; neither is it sufficient to constitute a violation of this statute that the candidate merely acquiesces in such expenditures and use. But it is sufficient to constitute a violation of this statute if the candidate actively participates in doing the things which occasion such expenditures and use of money and so actively participates with knowledge that the money is being expended and used. To apply these rules to this case: If you are satisfied from the evidence that the defendant, TRUMAN H. NEWBERRY, at or about the time that he became a candidate for United States Senator was informed and knew that his campaign for the nomination and election would require the expenditure and use of more money than is permitted by law and with such knowledge became a candidate, and thereafter by advice, by conduct, by his acts, by his direction, by his counsel, or by his procurement he actively participated and took part in the expenditure and use of an excessive sum of money, of an unlawful sum of money, you will be warranted in finding that he did violate this statute known as the corrupt practices act."
>
> However this may be regarded when considered in the abstract, the difficulty with it, when viewed in connection with the evidence in the case to which the jury was called upon to apply it, is that it permitted and perhaps encouraged the jury to find the defendants guilty of a conspiracy to violate the corrupt practices act if they merely contemplated a campaign requiring the expenditure of money beyond the statutory limit, even though Mr. NEWBERRY, the candidate, had not, and it was not contemplated that he should have, any part in causing or procuring such expenditure beyond his mere standing voluntarily as a candidate and participating in the campaign with knowledge that moneys contributed and expended by others without his participation were to be expended.
>
> The language of the corrupt practices act (37 Stat., 28) is: "No candidate * * * shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised," etc. A reading of the entire act makes it plain that Congress did not intend to limit spontaneous contributions of money by others than a candidate, nor expenditures of such money except as he should participate therein. Of course, it does not mean that he must be alone in expending or causing to be expended the excessive sums of money; if he does it through an agent or agents, or through associates who stand in the position of agents, no doubt he is guilty; qui facit per alium facit per se; but unless he is an offender as a principal there is no offense. Section 332, Criminal Code, declares: "Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal." Clearly this makes anyone who abets a candidate in expending or causing to be expended excessive sums a principal offender; but it can not change the definition of the offense itself as contained in the corrupt practices act, so as to make a candidate a principal offender unless he directly commits the offense denounced. Spontaneous

expenditures by others being without the scope of the prohibition, neither he nor anybody else can be held criminally responsible for merely abetting such expenditures.

It follows that one's entry upon a candidacy for nomination and election as a Senator with knowledge that such candidacy will come to naught unless supported by expenditure of money beyond the specified limit, is not within the inhibition of the act unless it is contemplated that the candidate shall have a part in procuring the excessive expenditures beyond the effect of his mere candidacy in evoking spontaneous contributions and expenditures by his supporters; and that his remaining in the field and participating in the ordinary activities of the campaign with knowledge that such activities furnish in a general sense the "occasion" for the expenditure is not to be regarded as a "causing" by the candidate of such expenditure within the meaning of the statute.

The state of the evidence made it important that, in connection with that portion of the charge above quoted the jury should be cautioned that unless it was a part of defendants' plan that Mr. Newberry should actually participate in giving, contributing, expending, using, or promising, or causing to be given, contributed, expended, used, or promised, moneys in excess of the limited amount—either himself or through others as his agents—his mere participation in the activities of the campaign, even with knowledge that moneys spontaneously contributed and expended by others, without his agency, procurement, or assistance, were to be or were being expended, would not of itself amount to his causing such excessive expenditure. The effect of the instruction that was given may well have been to convey to the jury the view that Mr. Newberry's conduct in becoming and remaining a candidate with knowledge that spontaneous contributions and expenditures of money by his supporters would exceed the statutory limit, and his active participation in the campaign, were necessarily equivalent to an active participation by him in causing the expenditure and use of an excessive sum of money, and that a combination among defendants having for its object Mr. Newberry's participation in a campaign where money in excess of the prescribed limit was to be expended, even without his participation in the contribution or expenditure of such money, amounted to a conspiracy on their part to commit an offense against the act.

For error in the instructions in this particular the judgment should be reversed, with directions for a new trial.

Mr. Justice Brandeis and Mr. Justice Clarke concur in this opinion.

Mr. POINDEXTER. In conclusion, I desire to reiterate, in support of the statement which has been challenged by the Senator from Arkansas, that Mr. NEWBERRY has been vindicated by the people of Michigan; he has been vindicated of any offense by the Supreme Court of the United States, and in speaking in regard to the opinion of the Supreme Court of the United States I am speaking only of the issues which were involved in the case which were submitted to the Supreme Court of the United States: that he was held not guilty of the violation of any law in effect—that was the effect of the decision. He was discharged by the highest judicial authority in the land from the prosecution which was brought against him. Then, again, for the third time, he was vindicated, if any action of human authority can be held capable of vindicating a man whose conduct is challenged, by the Senate of the United States, after a most thorough and exhaustive discussion, prosecuted with the greatest zeal by people who have the deepest political and personal interest, apparently, in excluding him from a seat in this body—vindicated by a majority of his colleagues here, vindicated of any offense, and held entitled to his seat as a United States Senator.

Mr. CARAWAY. Mr. President, just briefly in answer to the Senator's speech, commencing with his last statement, if he holds that the vote in the Senate vindicated Senator NEWBERRY he owes to Senator NEWBERRY and every friend of his in the world an apology, an abject apology, for attaching to his vote of vindication a resolution of condemnation.

Mr. POINDEXTER. Mr. President——

Mr. CARAWAY. I yield to the Senator.

Mr. POINDEXTER. I intended to comment on that vote of condemnation, as the Senator described it. He called attention incorrectly to a portion of the resolution. He read that part of the resolution which condemned the expenditure of money in a campaign and said that was a condemnation of Senator NEWBERRY. He also stated, perhaps inadvertently, as he will see by referring to the stenographic record of his remarks, that the Senate found Senator NEWBERRY expended an undue amount of money. There is not a word in the resolution to the effect that Senator NEWBERRY expended an undue amount of money or that he was guilty of any offense. The resolution condemned the use of that amount of money. It did not undertake to fix upon Senator NEWBERRY the responsibility for the expenditure. That question was one of the principal questions in the case, which the Senator from Arkansas assumes to have been defined and to have been affirmed in the resolution, knowing there is not a word in the resolution to that effect.

Mr. WARREN. Mr. President, will the Senator yield a moment that I may make a request?

Mr. CARAWAY. Certainly.

Mr. WARREN. Certain Members of the Senate on both sides prefer that we should agree to vote upon the pending resolution on Monday next at or before 4 o'clock, and the Assistant Secretary is drawing the unanimous-consent agreement. So I ask the Senator if he will not suspend for the time being until we may either accept or reject that agreement?

Mr. CARAWAY. May I suggest that I hope if we can agree here among ourselves no Senator will make the point of no quorum until I am through. It will only take me a moment or two.

Mr. NORRIS. It is not necessary to do that at all. This is not a bill; it is a resolution.

Mr. CARAWAY. I suspend for the purpose, as requested by the Senator from Wyoming.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, to amend the standing rules of the Senate, so that all general appropriation bills shall be referred to the Committee on Appropriations.

Mr. WARREN. I submit the unanimous-consent agreement.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be read.

The Assistant Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at the conclusion of to-day's business the Senate will take a recess until 11 o'clock a. m. on Monday next, and at the conclusion of the speech of the Senator from Indiana [Mr. NEW] on the so-called "four-power treaty" the Senate will proceed to the consideration of S. Res. 213, and at not later than 4 o'clock p. m. on said day (Monday, Mar. 6, 1922) the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and then upon the question of agreeing to the resolution as amended.

Mr. HARRISON. May I say, Mr. President, that I have no objection to the proposed agreement? I think we will get to a vote about 2 o'clock on Monday.

Mr. WARREN. I do not remember exactly how the agreement reads in that respect.

Mr. HARRISON. It says not later than 4 o'clock.

Mr. WARREN. Very well.

Mr. HEFLIN. Mr. President, I have no objection to making that arrangement, provided we can couple with it that immediately after the vote is had upon this resolution the Senate will vote, without further debate, upon the motion of the Senator from New Jersey [Mr. EDGE] to refer my resolution to investigate the Federal reserve bank at Atlanta to the Committee on Banking and Currency. I want that matter disposed of, and if I can get that done I shall have no objection to the agreement proposed by the Senator from Wyoming.

Mr. WARREN. I have no objection to that as a separate proposition, but the one I have proposed should not be joined with other subjects.

Mr. EDGE. Mr. President, if the Senator from Alabama desires my assurance, so far as securing unanimous consent is concerned, I can, of course, only speak for myself, but I am only too anxious to have a vote on the Senator's resolution which I moved should be so referred. If it can be done without debate, I shall be glad to join with him in having a vote taken at any time.

Mr. HEFLIN. There will be no harm in coupling it with this proposition. There seems to be no objection to my proposal.

Mr. WARREN. Since I asked for this agreement, the Senator will see the inconsistency of consenting to any agreement in behalf of the committee in the absence of its chairman. I think there will be no trouble if the Senator from Alabama wants to ask it as a separate proposition, but I dislike to undertake to accompany my proposition with such a proposition as that.

Mr. HEFLIN. I have no desire to hamper the chairman of the committee or the Senate in the passage of the resolution which they have in hand. The Senate is going to pass the resolution which they have up. Although I am opposed to it I am not in favor of doing anything to delay a vote on it, so I will withdraw my request for the present and present it later as a separate proposition.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement presented by the Senator from Wyoming? The Chair hears none, and it is entered into.

Mr. WARREN. Mr. President, I ask that the pending resolution may be reprinted showing the amendments which have been adopted, so that we may have the matter before us in better shape to take it up on Monday next.

The VICE PRESIDENT. Without objection, it is so ordered.

MICHIGAN SENATORIAL ELECTION.

Mr. CARAWAY. Mr. President, I shall detain the Senate only a minute. I want to reiterate my statement that for the Senator from Washington personally I have a very kind feeling. Personally I do not like to criticise him, and I kept as far away from doing that as I could. I shall refer briefly to his

first statement that, although I had his letter before me, I misquoted him when I inferred that he could not get suitable publicity in the State of Washington for his statement of what the record of the Newberry case disclosed. I read his statement as follows:

> I have made several statements as to my views of the Newberry case, but do not suppose the newspapers to which they were sent have printed them in such a way as to attract attention.

The mere fact of publishing matter, but publishing it in such a way that no publicity may be obtained for it is denying to the Senator from Washington the publicity of his views, and he himself says that he has furnished the statements, but the newspapers will not publish them in such a way that people may be able to read what he says. If that was not what the Senator from Washington intended to say to his correspondent, I am frank to say that he was unhappy in the language which he used, because everyone who has read it has understood that the Senator was complaining, and, therefore, was compelled to use the CONGRESSIONAL RECORD in order to get publicity.

Mr. POINDEXTER. What did my statement say, I will ask the Senator, about the CONGRESSIONAL RECORD? Why does the Senator say that? There is nothing said about the CONGRESSIONAL RECORD in my statement.

Mr. CARAWAY. What was the Senator's object in putting the letter in the RECORD?

Mr. POINDEXTER. That letter was not put into the RECORD until after it was printed. It was in reply to a letter of a constituent. There was nothing said in it about the CONGRESSIONAL RECORD.

Mr. CARAWAY. What was the object of the Senator in putting it in the CONGRESSIONAL RECORD?

Mr. POINDEXTER. There were various objects, but its publication in the RECORD had no relation to the point the Senator is making. The point the Senator is making is as to the contents of the letter, and the statement he quotes is not contained in the letter.

Mr. CARAWAY. The statement which I have read is contained in the letter. I was reading from the Senator's letter.

Mr. POINDEXTER. I do not want to delay the Senate, and I do not think the Senator intends to misrepresent, but I wish him to point out where there is anything said in the letter about wanting to get it in the CONGRESSIONAL RECORD.

Mr. CARAWAY. I did not say that was in the letter.

Mr. POINDEXTER. I understood the Senator to say that.

Mr. CARAWAY. No; I said that evidently the Senator could not get publicity for his views and was therefore driven to that course. That is the conclusion which the Senator from Arkansas reached.

Mr. POINDEXTER. Oh, well, I have no complaint of the Senator's conclusion.

Mr. CARAWAY. Very well. Now, if I understood the Senator correctly—and I want to be sure I did—in speaking of the vindication of Senator NEWBERRY in the election in Michigan I understood the Senator from Washington to say that Senator NEWBERRY had sons and brothers in the Army; that the people who had relatives in the Army voted for NEWBERRY; that Ford kept his son out of the Army, and that the people who agreed with him voted for Ford. Is that the Senator's statement?

Mr. POINDEXTER. No; that was not my statement.

Mr. CARAWAY. Can the Senator tell me the difference between my summary and his statement?

Mr. POINDEXTER. Yes; I can. There was an issue made between the people who had sons in the Army and those who kept their sons out of the Army, and between those who were in favor of a victorious peace and those who were in favor of a peace without victory. That is true. I did not say that everybody who kept their sons out of the Army voted for Ford.

Mr. CARAWAY. Was it the intention of the Senator that the people should understand that those who were loyal and let their sons serve in the Army voted for NEWBERRY?

Mr. POINDEXTER. I said that that issue was made in the State; that that was one of the issues.

Mr. CARAWAY. Yes.

Mr. POINDEXTER. I did not say for whom they voted.

Mr. CARAWAY. But that was the inference.

Mr. POINDEXTER. That is the Senator's own inference.

Mr. CARAWAY. Yes; and it is the only inference that could be drawn from the Senator's statement. If that is true, if the Senator's statement is correct, there were only a few more than 4,000 people who voted in the election in Michigan who were loyal as distinguished from those who were not loyal.

Mr. POINDEXTER. The Senator from Arkansas means if his inference is correct, not my statement.

Mr. CARAWAY. My inference is from what the Senator said. I can not know what he has in his mind as a mental reservation. The Senator takes issue with the statement that money was the cause of Senator NEWBERRY being elected to the Senate. I am going to quote from Senator NEWBERRY himself, the highest authority of whom I know. Here is what he said in his speech which was carefully prepared——

Mr. POINDEXTER. Let me correct the Senator. I do not know whether or not the Senator is annoyed by my interrupting him. If so, I shall not do so further.

Mr. CARAWAY. I do not object in the least.

Mr. POINDEXTER. I merely wanted again to correct the Senator. In his reference to the statement made by me the form in which he states it now is that the use of money was the cause of Mr. NEWBERRY being elected to the Senate. I can imagine that, to some extent at least, publicity might be the cause of a man being elected to the Senate. Advertisements in newspapers, the circulation of literature, mailing letters to voters, all of which cost a great deal of money, might be the cause of his being elected to the Senate. That was not the statement that I challenged. The statement which I challenged was the statement that the seat in the Senate had been bought. That was one statement. Another statement was that Senator NEWBERRY had bought a seat in the Senate. That is a very different thing from what the Senator from Arkansas is now stating. I repeat that neither one of those statements is substantiated by any evidence.

Mr. CARAWAY. If the Senator would not change his position so often, we would reach a conclusion; but I realize the impossibility of ever reaching a final issue with the Senator when he undertakes to give an explanation that differs from his original statement. I say that if a man uses more money than is legitimate and right and uses it as the record in this case shows money was used, to buy votes, if he himself says that the money he used was responsible for his election, he concedes that he bought his seat. NEWBERRY himself said:

> The amount expended was large, more than I had any idea was being expended, and more than ought to be necessary to expend in any ordinary campaign. But this was not an ordinary campaign.
>
> I shall not dwell upon the reasons which the committee thought imperatively demanded a campaign of newspaper publicity involving this expenditure of money. I can only say that I regret exceedingly the fact that so large an amount of money was necessarily expended.

In other words, if that means anything, it means that if he had limited his expenses to a reasonable and lawful amount he could not have been elected. No other explanation under any refinement of the language is possible. "I regret that it was necessary to expend so much money"—necessary for what purpose? Necessary in order that he might be nominated; that is all. If it does not mean that, it does not mean anything.

The Senator from Washington says that the sin of buying the nomination was wiped out by the ratification by the people of Mr. NEWBERRY's candidacy in the November election. I regret that Senators in the course of their careers find it impossible to be consistent. Senator Isaac Stephenson, of Wisconsin, and his friends together, according to the record, expended $107,000 for the nomination, and he was afterwards elected. Subsequent to his election the Senator from Washington, when he was a progressive and before he became a stand-patter, in one of the ablest speeches delivered in the Senate declared that Senator Stephenson was not entitled to his seat; that, although his election had been ratified by the people of Wisconsin, it was vitiated and void by reason of the excessive expenditure of money in the primary election.

Mr. POINDEXTER. Mr. President——

Mr. CARAWAY. I yield to the Senator.

Mr. POINDEXTER. I think that there is some difference between the Stephenson case and this case.

Mr. CARAWAY. Oh, yes; one arose in Wisconsin and the other in Michigan; the Senator in one case was named Isaac Stephenson and in the other TRUMAN H. NEWBERRY; otherwise, except that NEWBERRY spent three times as much and twice as corruptly, the cases are exactly alike.

Mr. POINDEXTER. The Senator says they are.

Mr. CARAWAY. Yes; and the Senator from Washington agreed with me at one time. I have read his speech since I commenced preparing my remarks delivered on this occasion.

Mr. POINDEXTER. No; the Senator from Washington never agreed with that, and he never made any such statement. There was a vital difference between the case of Senator Stephenson, of Wisconsin, and the case of Senator NEWBERRY, of Michigan. The Senator from Arkansas may not think that the difference is important, but nevertheless there was a difference, although he says now that it does not exist. One was that in the Wisconsin case the candidate himself put up the money,

knowing for what purpose it was to be used, while in the Michigan case, at least the weight of the testimony is that the Senator from Michigan did not know how much money was being put up and did not put it up himself. Another difference—and a much more important difference, in my opinion—is that in the Wisconsin case the matter never was submitted to the people of the State of Wisconsin, while in the Michigan case, under the seventeenth amendment to the Constitution, it was submitted to the people, the highest authority of the State, thoroughly discussed, and determined by them upon this issue, practically exclusive of any other consideration. That, in my opinion, is a very vital distinction between the Michigan case and the Wisconsin case.

Mr. CARAWAY. I am curious to know why the Senator says that was the issue, when he stated in his letter to Thomas Marshall on the 26th day of last January that the war and patriotism were the issues. That is what the Senator from Washington said in his letter to Marshall, and now he says that the issue was money.

Mr. POINDEXTER. Will the Senator let me read two or three lines from what I did say?

Mr. CARAWAY. I know what the Senator said, but I shall yield.

Mr. POINDEXTER. I quote from my letter as follows:

> Another circumstance, which is not disputed at all, is that there is no evidence whatever that any improper amount of money was used in the general election campaign at which NEWBERRY was elected to the Senate. The only evidence introduced was as to the expenditure of money in the primary election, at which he was nominated. In the general election at which he was chosen Senator—

I wish the Senator would mark this statement—

> the very question of the expenditure of money in the primary election was submitted to the voters of Michigan and made the chief issue in the campaign.

The Senator disputes that.

Mr. CARAWAY. No; I do not dispute it; but the Senator also states that the election was in war time, and that patriotism was the issue in the primary, where the expenditure of money occurred. Of course, I may always be answered, like anyone else, that wise men change their opinions, but it will amuse other people and somewhat plague the Senator from Washington to lay his speech in the Stephenson case alongside of his speech in the Newberry case and determine that the same man made them both. It could very well be said, I think, that they were made by two men bearing the same name, because it seems improbable that the same man, an able lawyer and a distinguished Senator, a man of whom I am very fond, indeed, should have made two speeches touching the same question, the corrupt use of money in a primary and election, and reach such diametrically opposite conclusions.

The Senator says I was wholly mistaken in reference to the nature of the resolution for which the Senator voted; that that was a general resolution and had nothing to do with the Newberry case. I want to read it for the Senator again, because I am frank to say that I imagine there are many things in this record which the Senator, in his haste to vote for Senator NEWBERRY and to get rid of the influences that were trying to keep him from doing so, overlooked.

Here is the resolution:

> That whether the amount expended in this primary—

Whose primary? TRUMAN H. NEWBERRY's; the only one the Senate had before it; the only primary it was discussing.

> That whether the amount expended in this primary—

> The NEWBERRY primary—

> was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

> The expenditure of such excessive sums—

> What sums? The NEWBERRY sums.

> in behalf of a candidate—

> What candidate? NEWBERRY.

> either with or without his knowledge—

The Senator from Washington cuts himself off now from his defense that it was spent without NEWBERRY's knowledge, because the resolution says that this expenditure is condemned whether it was made with or without his knowledge.

> Either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures—

> What expenditures? By NEWBERRY and NEWBERRY's friends.

> are hereby severely condemned and disapproved.

They were not talking about some hypothetical case. The resolution was dealing with the NEWBERRY case; and when the Senator from Washington voted for that resolution, and when the majority of the Senate voted for it, they voted for a resolution condemning the methods by which TRUMAN H. NEWBERRY obtained his nomination and election, and then they call that a vindication! I pray God that I shall not get vindicated in that way.

Mr. POINDEXTER. Mr. President, let me ask the Senator from Arkansas a question. Suppose it had been shown that a large number of voters in the State had been prohibited from access to the polls by the criminal act of some man in Michigan, and Senator NEWBERRY was admitted to know nothing about it and not to have any part whatever in it, and the Senate should pass a resolution condemning it. Would the Senator say that that would be equivalent to a resolution condemning Senator NEWBERRY?

Mr. CARAWAY. I say that no Senator would have voted for a resolution of any such nature coupling it with a resolution to seat Senator NEWBERRY if that had been the fact; and it is perfectly ridiculous, if I may be permitted to say it—and yet I am entirely respectful to other people's opinions, although the Senator from Washington prefaced his remarks by saying that I was a bitter partisan——

Mr. POINDEXTER. I did not say "bitter."

Mr. CARAWAY. Well, that is what the Senator's statement meant, and I do not take offense at it. I am a partisan; but, so help me Almighty God, no partisanship ever entered into my mind when it came to a question of whether a man did right or wrong. That is a declaration of mine and it has no other evidence back of it except my simple declaration. I would not have voted to seat any man from any party if I had believed, as I think every man who reads this record must know, that this seat was obtained by the corrupt use of money. I say, sir, and I believe I state the simple truth, that 90 per cent of the Senators who voted to seat Senator NEWBERRY never read the 2,000 pages of the record. I can not conceive that they did. The Senator from Pennsylvania [Mr. PEPPER], who got here one day and voted the next, or the next after that, sat here in the Senate all the time and did not have an opportunity to read it, and yet he goes out and arraigns everybody else who did not agree with him, and I venture the assertion that he could not have read one-tenth of the record. I read every line of that record.

It took me not two days nor two weeks, but to try to know what it contained took more than a month; and before I ever gave expression to a view with reference to TRUMAN H. NEWBERRY's right to a seat here I had read every line of the evidence of every witness who testified in that case that was available in this printed record. I would not have voted for or against Senator NEWBERRY, to give him a seat or to restrain him from a seat in this body, without knowing all the evidence that could be obtained, any more than, if I were on a jury, I would ever sentence a man to death without having heard the evidence that disclosed that he was guilty of a crime. A man's honor, valuable property rights, the honor of a seat in the Senate, and the welfare of 110,000,000 of American citizens—aye, good government everywhere—demanded that the man who cast a vote there should know what the facts were, and vote in accordance with the facts.

I was upbraided because it was said that I was a follower of Woodrow Wilson. I voted for him, and I am rather proud of the fact; and if to-day God should be so kind as to restore his physical health, and it could be known that he would be in a place in these United States and address the people upon public issues he would get ten times more people to hear him than any other man who walks the earth to-day. It is not a question of whether he was right or wrong. Much of his administration I did not approve, and much of it I do not approve now; and if the Senator meant to say that I was a blind follower of Woodrow Wilson, of course, the Senator never read my record at all.

Mr. POINDEXTER. That is the reason why I did not say that the Senator was a blind follower of Mr. Wilson.

Mr. CARAWAY. That is what the Senator intended to say, but he wanted to leave room to explain that that was not what he meant. I do not fall out with the Senator, for that is one of the soft impeachments.

The Senator did not answer this question.

I want to call the attention of the Senator from Washington to the fact that he did not say in his letter that this money was expended for advertisements or other legal expenditures, but legitimate expenditures—proper expenditures. That is what it means—not legal; not the naked, legal question of whether it was an offense against the law, but whether it was proper or not. I asked the Senator, and he did not answer me, whether he thought it was a legitimate expenditure when this man hired 15 men at $5 apiece, and said that the men he selected had worked for him in politics before—worked for *him*,

mind you, is his language. They had not worked for a cause, but had been his henchmen, his machine.

They were the things with which he could control results. He said they had worked for him before. He did not know whom they were supporting before he hired them. His purpose was to get them to support NEWBERRY. He hired them for what purpose? To support NEWBERRY. He simply asked them, if they were not tied up, to support NEWBERRY. He said it was his intention to get their support and their votes for NEWBERRY.

Mr. POINDEXTER. How much money did he pay them?

Mr. CARAWAY. Oh, he hired 15 men at one polling place.

Mr. POINDEXTER. That was $150.

Mr. CARAWAY. Well, wait; the amount is not the important thing. The Senator does not say that most of this money was spent for advertisements or other legal expenses, but that it was all expended for advertising or other legitimate expenses. Now, does the Senator call that a legitimate expense or expenditure?

Mr. POINDEXTER. I assume that there is no law in the State of Michigan against hiring a man to work up to the limit fixed by the statute.

Mr. CARAWAY. Oh, that is not it. The Senator knows the difference between "legal" and "legitimate." Does the Senator call that a legitimate expenditure?

Mr. POINDEXTER. Yes; in the sense that it is not prohibited by the law.

Mr. CARAWAY. That is legal. The Senator must know the difference between "legitimate" and "legal." Is that a legitimate expenditure?

Mr. POINDEXTER. I do not regard it as a proper expenditure, but I do regard it as legitimate and allowed by the law up to the very narrow limit fixed by the statute of Michigan; and if you want to make a case of expulsion over that, then you ought to pass a law prohibiting it altogether.

Mr. CARAWAY. That is not the point. The Senator, then, unqualifiedly says he thinks that is a legitimate expenditure?

Mr. POINDEXTER. Yes.

Mr. CARAWAY. All right. Does the Senator think it was an entirely legitimate expenditure to put $400 in an envelope——

Mr. POINDEXTER. I want to say this, if the Senator will permit me: I do not undertake to go into every punctilio. I am dealing with the substance of the case. I have no doubt that there were some instances, perhaps, where the law was violated, although if there were it is a wonder that the great organization that was on the track of these men did not get some of them and send them to jail; but the instances that the Senator has cited so far do not constitute any violation of the law and constitute no substantial question which would affect the result of the election in any way whatever.

Mr. CARAWAY. The Senator now is wandering away from the point. He made the definite answer that he regarded that as a legitimate expenditure. Does he regard the putting of $400 into an envelope and giving it to a man in the headquarters to go out, of course, and do what he pleased with it, as legitimate? Just "yes" or "no."

Mr. POINDEXTER. It depends on the purpose for which it was given to him.

Mr. CARAWAY. That is what the record shows—that they had him in the office, and wanted him to support NEWBERRY, and laid before him an envelope, sealed, for him to take, and he took it and went away, and when he opened it he found that it contained $400.

Mr. POINDEXTER. How much money was that?

Mr. CARAWAY. That was $400.

Mr. POINDEXTER. With the $150, that makes $550.

Mr. CARAWAY. Just wait. We will get more than that in a minute. Is that a legitimate expenditure, in the eyes of the Senator from Washington?

Mr. POINDEXTER. It depends altogether upon the purpose for which it was given. Let me complete my answer. There are certain expenditures on which, under the laws of Michigan, no limit of expense is fixed at all—traveling expenses, postage, advertising. Then, in addition to that, there are certain other expenses, which I assume might cover the case of Bohn, from the northern peninsula, which are limited by the law; but there is no contention that the comparatively trivial amounts to which the Senator refers exceed the limit provided in the statutes of Michigan.

Mr. CARAWAY. There is not any statute of Michigan permitting the buying of votes, and the Senator must know that. The Senator evades the question. Does he regard the putting of $400 in an envelope and sealing it up and handing it to a man in the headquarters of a candidate for the Senate as a legitimate expenditure of that candidate's money?

Mr. POINDEXTER. I have answered the Senator's question. I do not care to repeat my answer.

Mr. CARAWAY. Very well. Does the Senator regard as legitimate—I shall not now be able to recall the names, because there were so many of them—the case where one man testified that he and another man went over a county, took two days, and gave to about 30 different people from $10 to $20 each, and said, "Our purpose was to get their influence and their votes"? Was that a legitimate expenditure of money?

Mr. POINDEXTER. I should like to see the evidence about that; as to who was responsible for it.

Mr. CARAWAY. If the Senator had read the record he would have found it. I shall be glad to get it and show it to him, however.

Mr. POINDEXTER. I shall be glad to see it.

Mr. CARAWAY. There are innumerable cases of the kind.

I think, if the Senator wants to figure it up, that $263,000 can be traced in this election. The candidate himself admits $105,000 of it, and the fact that the candidate had knowledge of it is so apparent that nobody conscientiously can deny it. The candidate knew in advance that he was going to have $50,000 expended for him; and I want to call the attention of the Senator right here to this statement:

> The candidate is a business man, a big business man. I do not fall out with him for that, for men of that kind develop this country, largely. An honest man is an honest man whether he is worth ten millions or ten cents, and wealth does not make dishonor nor does poverty make honor; and while the Senator rather imputed that to me a minute ago, he never heard me give utterance to any such sentiment at all.

The Senator from Michigan was a big business man. He entered a race where he was told that it would cost at least $50,000 to elect him, and this record is as silent as the tomb as to what source he expected this $50,000 to come from. I know, and everybody knows, I do not care what the record shows or does not show, that Senator NEWBERRY knew who was going to furnish that money. He would have been a fool to have gone into a campaign, hire his campaign manager, and open headquarters, knowing it was to cost $50,000, and not knowing a single individual who would contribute a penny. If anybody believes Senator NEWBERRY did a thing like that he is unkind to Senator NEWBERRY, because I know he has too much sense to have done a foolish thing like that.

Smith testified that on the 27th day of July, 1918, a month before the election, he and NEWBERRY were talking over the phone, and NEWBERRY was complaining about the balances, and when asked what balances, he said the balances that were being taken from all the accounts to feed into John Newberry's account in order to feed this election machine that was buying a seat for him in Michigan. He knew it a month, if he knew it no time longer than that, that they were using his own money, and they were using so much of it and taking it from all the accounts until he was complaining and saying, "Oh, when will these expenses cease?" He was told they would cease on primary day.

Mr. POINDEXTER. Mr. President, the Senator knows, does he not, that all those questions were submitted to the people of Michigan in a general election; that the circumstances he refers to occurred in the primary election, and were made an issue in the general election, and that the people of Michigan decided that question?

Mr. CARAWAY. Is that a satisfactory answer of the Senator, that if NEWBERRY bought his seat, if the people of Michigan were willing for him to buy it, the Senator has no objection to his purchasing a seat?

Mr. POINDEXTER. I have discussed that at considerable length.

Mr. CARAWAY. If the Senator's answer meant anything, that is what it meant, that the people of Michigan, knowing that NEWBERRY bought his seat, ratified it, and therefore the Senator from Washington has no concern with it.

Mr. POINDEXTER. The Senator has repeated his statement that Mr. NEWBERRY bought his seat. That is one of the charges without any substantiation whatever.

Mr. CARAWAY. The evidence I was reciting proves that; but I want to say right now, just to correct the Senator, because I know he wants to be exactly fair, that these things were not submitted to the people of Michigan, because the investigation before the grand jury, the trial before the petit jury, and the investigation before the Senate committee were not had until after the election, and all the people knew were the published statements of the campaign committee, and they disclosed none of these facts, and to say that those questions were submitted to the people of Michigan is wholly incorrect. The people of Michigan did not have that knowledge.

Mr. POINDEXTER. It was all submitted to the people of Michigan in a fair and free election, which was held months after the alleged occurrences the Senator refers to, and in which the whole issue was thoroughly discussed. It was later on submitted to the Supreme Court of the United States.

Mr. CARAWAY. And the Supreme Court decided that inasmuch as the law under which the expenditures were made was unconstitutional it could not punish him. That is what the Supreme Court said.

Mr. POINDEXTER. Four of the judges who concurred in that decision, notwithstanding the assertion of the Senator from Arkansas, as shown by their opinions I have read into the RECORD, consequently whose judgment went to make it the judgment of the court, found that the instructions at the trial were erroneous.

Mr. CARAWAY. The Senator made two misstatements. Four judges did not concur in that opinion. The Chief Justice dissented from the opinion that the act was unconstitutional. He did think that the instruction of the court was in error, but he thought the man was guilty, because he said the case should be remanded for a new trial under proper instructions.

How the Senator could stand in his place and say that the court vindicated him is beyond the comprehension of anybody who knows what the meaning of a court decision is, because the court did not say any such thing, and I hope the Senator will publish the entire personal opinions of the four judges on whom he relies for the vindication of Senator NEWBERRY, because they do not bear out what the Senator claims, even if they had a right to call an individual opinion an opinion of the court.

I shall, however, not discuss it further at this time. I shall put all the citations in the RECORD again.

RECESS.

Mr. WARREN. I ask that the Senate shall take a recess until 11 o'clock Monday morning.

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate stands in recess until 11 o'clock on Monday next.

Thereupon the Senate (at 6 o'clock and 50 minutes p. m.) took a recess until Monday, March 6, 1922, at 11 o'clock a. m.

CONFIRMATION OF LIEUT. COL. ROBERT GRAY PECK.

In executive session this day, following the confirmation of Maj. Robert Gray Peck to be a lieutenant colonel in the Regular Army, on request of Mr. REED, and by unanimous consent, the injunction of secrecy was removed from the vote by which Lieut. Col. Peck was confirmed.

The vote on confirmation resulted—yeas 41, nays 19, as follows:

YEAS—41.

Ball	Johnson	New	Stanfield
Brandegee	Keyes	Newberry	Sutherland
Calder	King	Norbeck	Townsend
Cameron	Ladd	Oddie	Wadsworth
Cummins	Lenroot	Page	Warren
Dillingham	Lodge	Pepper	Watson, Ind.
Fernald	McCormick	Phipps	Weller
Frelinghuysen	McCumber	Poindexter	Williams
Glass	McKinley	Sheppard	
Gooding	McNary	Shortridge	
Hale	Myers	Smoot	

NAYS—19.

Ashurst	Heflin	Norris	Simmons
Capper	Jones, N. Mex.	Pomerene	Stanley
Caraway	Kendrick	Rawson	Watson, Ga.
France	McKellar	Reed	Willis
Harreld	Nelson	Shields	

NOT VOTING—36.

Borah	Edge	Kellogg	Robinson
Broussard	Elkins	La Follette	Smith
Bursum	Ernst	McLean	Spencer
Colt	Fletcher	Moses	Sterling
Crow	Gerry	Nicholson	Swanson
Culberson	Harris	Overman	Trammell
Curtis	Harrison	Owen	Underwood
Dial	Hitchcock	Pittman	Walsh, Mass.
du Pont	Jones, Wash.	Ransdell	Walsh, Mont.

So Maj. Robert Gray Peck was confirmed as a lieutenant colonel.

The Senator from Rhode Island [Mr. COLT] withheld his vote on account of his general pair with the Senator from Florida [Mr. TRAMMELL] but stated that, if permitted to vote, he would vote "yea."

The Senator from Mississippi [Mr. HARRISON] withheld his vote on account of his general pair with the Senator from West Virginia [Mr. ELKINS].

The Senator from North Carolina [Mr. SIMMONS] transferred his general pair with the Senator from Minnesota [Mr. KELLOGG] to the Senator from Rhode Island [Mr. GERRY] and voted "nay."

The Senator from Massachusetts [Mr. LODGE] transferred his general pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Pennsylvania [Mr. CROW] and voted "yea."

The Senator from Kansas [Mr. CURTIS] announced that he was paired with the Senator from Connecticut [Mr. MCLEAN] and that, if permitted to vote, he would vote "nay" and the Senator from Connecticut would vote "yea."

The Senator from New Hampshire [Mr. MOSES] announced his general pair with the Senator from Louisiana [Mr. BROUSSARD] and stated that, if permitted to vote, he would vote "yea."

The Senator from Colorado [Mr. PHIPPS] transferred his general pair with the Senator from South Carolina [Mr. DIAL] to the Senator from Colorado [Mr. NICHOLSON] and voted "yea."

The Senator from New Jersey [Mr. EDGE], after having voted "yea," withdrew his vote on account of his general pair with the Senator from Oklahoma [Mr. OWEN], not being able to secure a transfer.

On this question, the Senator from Florida [Mr. FLETCHER] was paired with the Senator from Georgia [Mr. HARRIS]. Senator FLETCHER would have voted "yea," if present, and Senator HARRIS would have voted "nay."

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 4 (legislative day of February 23), 1922.

PROMOTION IN THE ARMY.

To be lieutenant colonel, Infantry.

Robert Gray Peck.

PROMOTIONS IN THE NAVY.

To be captains.

Walter M. Hunt.
Zachariah H. Madison.
Austin Kautz.

To be commanders.

Charles H. Shaw.	Albert S. Rees.
Eldred B. Armstrong.	Claude A. Bonvillian.
Arthur W. Sears.	William B. Howe.
Walter B. Decker.	George H. Bowdey.
Randolph P. Scudder.	Charles F. Russell.
George A. Alexander.	Garret L. Schuyler.
James P. Olding.	Alfred W. Brown, jr.

To be lieutenant commanders.

Edward H. Connor.	Miles P. Refo, jr.
James D. Maloney.	Edgar M. Williams.
John H. S. Dessez.	Howard A. Flanigan.
James S. Spore.	Marc A. Mitscher.
George W. Hewlett.	George L. Weyler.
Frank Slingluff, jr.	Earle W. Spencer, jr.
John M. Ashley.	Clarkson J. Bright.
Mervyn S. Bennion.	William D. Kilduff.
Herbert W. Underwood.	Joseph F. Crowell, jr.
Frank H. Kelley, jr.	Charlton E. Battle, jr.
Lorain Anderson.	Herbert A. Ellis.

To be naval constructors, with rank of captain.

Lewis B. McBride.
Clayton M. Simmers.

To be naval constructors, with rank of commander.

Robert B. Hilliard.	Philip G. Lauman.
Lee S. Border.	Ralph T. Hanson.
James O. Gawne.	Ralph D. Weyerbacher.
Alva B. Court.	Henry E. Rossell.
Allan J. Chantry, jr.	Edmund R. Norton.
Lew M. Atkins.	Thomas B. Richey.

To be medical inspectors, with rank of commander.

Isaac S. K. Reeves.
George L. Wickes.

To be pay inspectors, with the rank of commander.

Edward T. Hoopes.
Elijah H. Cope.

To be surgeons, with rank of lieutenant commander.

John J. O'Malley.	Walter C. Espach.
Frederick Cerea.	Howard A. Tribou.

To be dental surgeon, with the rank of lieutenant commander.

Franklin L. Morey.

To be paymaster, with the rank of lieutenant commander.

Robert W. Clark.

To be passed assistant paymasters, with the rank of lieutenant.

Tucker C. Gibbs.
Louis H. Huebner.
Thomas S. Wylly.

To be passed assistant surgeons.

Henry P. Merrill.
William F. Crouse.

To be dental surgeons.

Anson F. McCreary.
Hugh T. Meyers.

To be passed assistant dental surgeons, with the rank of lieutenant.

James C. Lough.
Armin T. Fellows.

To be passed assistant surgeon, with rank of lieutenant.

Horace R. Boone.

To be assistant naval constructor, with the rank of lieutenant (junior grade).

William F. Twitchell.

To be chaplains, with the rank of lieutenant.

Henry G. Gatlin.
Herbert Dumstrey.

To be chaplain, with the rank of lieutenant (junior grade).

Thomas F. Regan.

To be lieutenants.

Adolph V. S. Pickhardt.	John N. Whelan.
Robert D. Kirkpatrick.	George O. Etheredge.
Stanely L. Wilson.	Gordon B. Woolley.
Forrest B. Royal.	Fred M. Byers.
Horace E. Burks.	Stanley C. Norton.
Nelson N. Gates.	John B. Lawrence.
George W. McIver, jr.	Albert S. Marley, jr.
William E. O'Connor.	

To be lieutenants (junior grade).

Nelson N. Gates.	Stanley C. Norton.
George W. McIver, jr.	Thomas J. Griffin.
William E. O'Connor.	Morton T. Seligman.
John N. Whelan.	Dorrance K. Day.
George O. Etheredge.	Cecil F. Harper.
Gordon B. Woolley.	

To be ensigns.

August Rettig.	Frederick H. Ottaway.
Frederick J. Legere.	William B. Gwin.
William F. Skyles.	

To be chief gunner, to rank with but after ensign.

Chesley Jones.

POSTMASTERS.

CALIFORNIA.

William A. Garton, Hawthorne.
Mary L. Courtright, Larkspur.
Orynthia Copeland, Los Altos.
Joseph Chattwood, Manhattan.
Josephine Montgomery, Randsburg.
Robert L. Abell, San Joaquin.
Clarence Beckley, Santa Paula.

GEORGIA.

Fred G. Brewton, Mount Vernon.

MINNESOTA.

Erick L. Slindee, Adams.
Samuel A. Terrell, Elysian.
Erwin O. King, Hackensack.
Hazel W. Pike, Hewitt.
James J. Lannon, Prior Lake.

NORTH DAKOTA.

Catherine Ross, Arthur.
Flora Walker, Kathryn.
Lawrence D. Larsen, Kindred.
Katie H. Hanson, Munich.
Frank L. Lewis, Neche.
Abbie I. Boyd, Pingree.

OHIO.

Oscar A. Tisher, Hannibal.
Joseph C. Gill, McArthur.
Rosa M. Birch, McConnelsville.

SOUTH CAROLINA.

Louis Stockley, Kingstree.
Delma B. Liddell, Lowndesville.
Cary Smith, Manning.

SOUTH DAKOTA.

Samuel G. Mortimer, Bellefourche.
Leonard D. Walters, Bruce.
William A. Hodson, Cresbard.
Gottlieb J. Walth, Hosmer.
Melville C. Burnham, Murdo.
Frank W. Farrington, New Effington.
Charles P. Decker, Roscoe.
Minnie C. Lumbard, Wolsey.

TENNESSEE.

Prior T. Livesay, Sneedville.
Newton S. Moore, Whiteville.

WASHINGTON.

Edwin R. Larson, Hamilton.

SENATE.

MONDAY, *March 6, 1922.*

(Legislative day of Thursday, February 23, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

PACKERS IN UNRELATED LINES OF BUSINESS (S. DOC. NO. 145).

Mr. NORRIS. Mr. President, on Thursday last, during my temporary absence from the Senate, a communication came in from the Attorney General transmitting, in response to Senate resolution 211, a report of the steps taken to enforce and carry out the consent decree entered by the Supreme Court of the District of Columbia on February 27, 1920, in the suit of the United States of America against Swift & Co. and others. The resolution itself was referred to the Committee on Agriculture and Forestry and they were directed to take certain action. The report is still on the table, I understand. I ask that the report of the Attorney General be printed and referred to the Committee on Agriculture.

The VICE PRESIDENT. Without objection, the report will be taken from the table, printed, and referred to the Committee on Agriculture and Forestry.

CALL OF THE ROLL.

Mr. LODGE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McNary	Smith
Ball	Hale	Myers	Spencer
Borah	Harreld	Nelson	Stanfield
Brandegee	Harris	New	Sterling
Bursum	Harrison	Newberry	Sutherland
Cameron	Heflin	Norris	Townsend
Capper	Johnson	Oddie	Underwood
Caraway	Jones, Wash.	Overman	Wadsworth
Colt	Kellogg	Page	Walsh, Mass.
Culberson	Kendrick	Phipps	Walsh, Mont.
Cummins	Keyes	Poindexter	Warren
Edge	King	Pomerene	Watson, Ga.
Fernald	Ladd	Ransdell	Weller
Fletcher	Lodge	Rawson	Willis
France	McKellar	Reed	
Glass	McKinley	Sheppard	

Mr. JONES of Washington. I wish to announce that the Senator from Vermont [Mr. DILLINGHAM] is absent on account of a death in his family.

I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Connecticut [Mr. MCLEAN], and the Senator from Indiana [Mr. WATSON] are detained at a hearing before the Committee on Finance.

Mr. SMITH. I wish to announce that my colleague [Mr. DIAL] is absent on account of illness.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is necessarily absent on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-two Senators having answered to their names, there is a quorum present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting the petition of Albert G. Gilpin, chairman of a committee of former service men of the Mount Alto Hospital, and others, praying for the granting of adequate relief to disabled ex-service men and the semimonthly payment of compensation, etc., which was referred to the Committee on Finance.

He also laid before the Senate a resolution unanimously adopted by a convention of manufacturers held under the auspices of the National Association of Manufacturers, at Washington, D. C., January 30-31, 1922, favoring inclusion of the American valuation plan in the pending tariff bill, which was referred to the Committee on Finance.

Mr. EDGE. I present a numerously signed petition from citizens of New Jersey. The petition has been signed by approximately 10,000 citizens of that State, and prays for a modification of the so-called Volstead Act. I ask that it be given the appropriate reference.

The VICE PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. KEYES presented a resolution adopted by the New Hampshire Savings Bank Association, protesting against the proposal to increase the rate of interest upon postal savings from 2 per cent to 3 per cent, which was referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution adopted by the directors of the Concordia (Kans.) Chamber of Commerce, favoring acceptance of the proposal of Henry Ford relative to Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Liberal National Loan Association, of Liberal, Kans., protesting against the enactment of legislation tending to repeal or amend the Federal farm loan act, which was referred to the Committee on Banking and Currency.

Mr. LADD presented the petition of W. P. Jinnett, of Williston, N. Dak., praying for relief to the suffering peoples of Austria by deferring payment of Austria's debt for 20 years, which was referred to the Committee on Finance.

He also presented the petitions of S. J. Jensen and 40 others of Englevale, Herman Hall and 18 others of Overly, E. B. Larson and 21 others of Hillsboro, Fred E. Sims and 7 others of Willow City, Walter Huether and 2 others of Elliott, Mrs. Zelpha Hedbert and 15 others of Carpio and vicinity, F. W. Hirshman and 24 others of Berg, John Underland and 5 others of Hettinger, E. N. Sterner and 62 others of Hazelton and vicinity, and H. J. Zehner and 45 others of Epworth and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 3243) for the relief of Abram Burke; to the Committee on Commerce.

By Mr. JONES of New Mexico:

A bill (S. 3244) to authorize the transfer of surplus books from the Navy Department to the Interior Department; to the Committee on Naval Affairs.

By Mr. WALSH of Montana:

A joint resolution (S. J. Res. 174) providing for the presentation of a replica of the statue of Robert Emmet to the National Gallery of Ireland and to the Irish people; to the Committee on the Library.

AMBASSADOR EXTRAORDINARY TO HAITI.

Mr. LODGE obtained the floor.

Mr. KING. Will the Senator yield to me for just a moment? If what I desire to suggest shall provoke any debate, I shall not ask the Senator to yield.

Mr. LODGE. I yield.

Mr. KING. I tried to obtain recognition on Saturday last to offer a resolution which I shall now offer. If it provokes any debate, I shall withdraw it. The resolution asks the opinion of the Committee on the Judiciary as to a certain matter. I send the resolution to the Secretary's desk and ask that it may be read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 249) was read, as follows:

Whereas the President of the United States has designated Brig. Gen. John H. Russell as high commissioner to Haiti, with the rank of ambassador extraordinary to the Government of that country, without having sent the nomination of said Brig. Gen. John H. Russell to the Senate for the advice and consent of the Senate with respect to his appointment to said office: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby requested to investigate the question as to the power of the President under the Constitution to appoint an ambassador extraordinary to Haiti without the advice and consent of the Senate in that behalf, and report their findings and opinion to the Senate.

Mr. KING. I ask for the present consideration and adoption of the resolution.

Mr. LODGE. I think the resolution had better go over.

The VICE PRESIDENT. The resolution will go over.

MEMORIAL SERVICES IN HONOR OF THE LATE MAJ. GEN. WILLIAM CRAWFORD GORGAS.

Mr. HEFLIN submitted the following resolution (S. Res. 250), which was referred to the Committee on Printing:

Resolved, That there be printed 2,500 copies of Senate Document No. 260, Sixty-sixth Congress, third session, entitled "Memorial Services Held in Honor of Maj. Gen. William Crawford Gorgas," for the use of the Senate document room.

REPORT OF THE WOOD-FORBES PHILIPPINE MISSION.

Mr. NEW. Mr. President, there has been a great demand for copies of the report of the special mission on investigation to the Philippine Islands, which was submitted to the Secretary of War. The document has been entirely exhausted, the copy which I hold in my hand being the last one remaining in the document room. I ask unanimous consent that there may be ordered a reprint of the document.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Indiana desire to have the matter referred to the Committee on Printing?

Mr. WARREN. That will not be necessary if it is only desired to print a small number of copies.

Mr. FLETCHER. I should like to inquire whether the report was originally printed by the Senate or by the department?

Mr. NEW. It was, I think, printed by the Senate.

The PRESIDING OFFICER. The Secretary advises the Chair that the report appears to have been printed by the War Department.

Mr. NEW. I may be mistaken in my statement as to how the report was printed. The senior Senator from Tennessee [Mr. SHIELDS] brought the copy of the report which I have to me a few moments ago with the request that I ask for a reprint. I have had similar requests from two or three other Senators, and a number of requests from outside sources for copies of the report. I am not sure whether it was printed by the Senate or by the War Department.

The PRESIDING OFFICER. The Chair suggests that the report be referred to the Committee on Printing with a view to its being printed as a Senate document.

Mr. NEW. Very well; let the report be referred to the Committee on Printing.

Mr. FLETCHER. If it is referred to the Committee on Printing, the question whether Congress should bear the cost of the printing or the War Department should bear it may be determined, and possibly it may be printed as a Senate document.

The PRESIDING OFFICER. Without objection, the report will be referred to the Committee on Printing.

STATEMENT OF SENATOR CULBERSON.

Mr. McKELLAR. Mr. President, a day of two ago the senior Senator from Texas [Mr. CULBERSON] issued a statement which has been widely published in his State, and I ask unanimous consent to have it printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none and it is so ordered.

Mr. McKELLAR. I ask that it be printed in 8-point type.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

UNITED STATES SENATE,
Washington, D. C., March 4, 1922.

To the Democrats of Texas:

On the 25th day of January last I issued a statement to you to the effect that I purposed submitting my name to the Democratic primary next summer for the nomination for the United States Senate, and that later on I would issue a further statement to you on the subject.

This further statement which I now make will, generally and broadly speaking, be a review of my record in the Senate

during my present term and my position on important public questions of the day.

As is well known, I took an active part in the nomination of Woodrow Wilson for the Presidency in 1912.

His first term as President, beginning in 1913, was largely devoted to domestic affairs and was a record of unexampled achievement in such policies. So strongly did he impress the country, and so prosperous was it under his administration, that he was unanimously renominated in 1916 and reelected, being the only Democrat since Andrew Jackson to succeed himself in the Presidency.

During the first four years of my present term, beginning in 1917, Mr. Wilson was President of the United States, and, as in his first term, so in his second term I supported his policies.

During his second term, beginning in 1917, foreign affairs largely dominated his administration, and he carried the United States to the leadership of the nations.

His doctrine of self-determination restored the liberties of Poland, made Ireland a free State, and gave fresh hope to countless other millions struggling for liberty throughout the world.

In truth, the stand of the United States under his leadership saved democracy for mankind and rescued our imperiled civilization.

Coming to particular measures of legislation during this period, and my attitude upon them, I supported the declaration that a state of war existed between the United States and the Imperial German Government, in April, 1917.

I supported the draft act, under which the American Army was organized.

In cooperation with the Texas delegation in Congress, I urged upon the President and the Secretary of War the policy, which was pursued, of establishing large training camps in Texas.

I favored the emergency bond issue to meet the expenditures for national security and defense to assist in prosecuting the war.

I supported the food control bill encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

I favored the resolution to limit debate in the Senate, the purpose being to expedite urgent war measures.

As chairman of the Senate Committee on the Judiciary during the entire period of the war, I introduced some of the important legislative acts of the war.

Among these, the act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

This law, commonly called the espionage act, protected the Government in its conduct of the war by punishing spies and restricting their opportunities, by penalizing obstruction of Army and Navy recruiting and enlistment, by safeguarding the ocean-borne commerce, and by eliminating freedom of foreign propagandists.

The act under which all German liners in American ports were seized, and later all Austrian liners, which authorized the President to take over for the United States the possession and title of any vessel within its jurisdiction which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States was at war.

The act to punish the willful injury or destruction of war materials or of war premises or utilities used in connection with war material.

The armistice, which ended active hostilities, was signed November 11, 1918.

The Peace Conference, which settled all matters arising out of the war, met in December, 1918.

I voted for the ratification of the treaty of Versailles, which was the result of this conference.

This treaty was the greatest forward step ever taken to secure the peace of the world.

It was defeated by the Republicans of the Senate, because its ratification would have redounded to the credit of the Democratic Party and the fame of President Wilson.

Its rejection by the Senate has kept the world in political and economic disorder.

Its ratification, on the contrary, would have tended toward peace among all nations and restoration of normal economic conditions.

The benefit to the United States of its ratification can not be overestimated along economic lines, because, producing a surplus of agricultural and manufactured products, it would have stabilized European conditions and given us a market for this surplus, whereas now, under present conditions, this surplus is either not produced or it is a drug upon our domestic market.

I opposed the submission of the eighteenth amendment to the Constitution of the United States as an invasion of the reserved rights of the States, but when it was adopted I favored its enforcement, under my oath of office.

I voted against the so-called light wine and beer bill, believing it to be an evasion of the eighteenth amendment.

I am proud to say that I favored the submission of the nineteenth amendment to the Constitution of the United States, extending the right of suffrage to women.

I voted for its submission three times. First in October, 1918, when it failed to get the necessary two-thirds vote; in February, 1919, when it failed again; and, finally, in June, 1919, when it passed the Senate.

I voted for the act providing for the termination of Federal control of the railroads.

I opposed the Esch-Cummins railroad transportation bill.

I voted to continue the War Finance Corporation, for the relief of the agricultural depression, which corporation has to date approved advances of approximately $12,800,000 to Texas banks and financial institutions and has extended nearly $10,000,000 in credit to cooperative associations.

I voted for the Federal good roads act, appropriating $75,000,000 for the construction and maintenance of roads.

I voted for the Federal farm loan act and had a share in the creation of a separate district for Texas and the establishment of the Federal land bank at Houston, which has already loaned to Texas farmers nearly $50,000,000 at reasonable rates of interest.

I voted for the act to create a Federal live-stock commission to regulate the meat-packing industry.

I voted for the act making appropriations to continue the nitrate plant at Muscle Shoals, Ala.

I favor the idea of leasing or selling Muscle Shoals to Henry Ford on proper terms.

I voted for the bill providing adjusted compensation for the veterans of the World War. I shall continue my support of that legislation.

I voted for the act providing additional hospital facilities for disabled ex-soldiers.

I voted for the Sheppard Maternity Act.

I voted against the new Republican revenue tax law, which ought to be designated as a method of relieving the rich from the payment of their just share of taxation.

I voted against the Republican emergency tariff act, and voted against extending it later.

I voted to ratify the treaty with Colombia, making restitution for the seizure of the Panama Canal site.

I voted against the bill providing free tolls through the Panama Canal for American ships engaged in coastwise trade because these ships already enjoy a legal monopoly of that trade which should not be added to by this gratuity.

I voted against the separate treaty with Germany terminating the state of war.

I voted against the resolution declaring Senator NEWBERRY entitled to his seat as a Senator from Michigan.

I am opposed, of course, to the antilynching bill which recently passed the House of Representatives because, among other reasons, it is an encroachment upon the reserved police powers of the States.

I stand unreservedly on the declaration adopted in the Clayton antitrust law, on my motion, that "the labor of a human being is not a commodity or article of commerce."

While there are other matters of importance and gravity, yet, in my judgment, the paramount and pressing questions which now confront the American people are the restoration of economic conditions and the application of sound principles of taxation in raising the necessary revenue for the support of the Government.

To restore economic conditions many things may be done, but nothing is more important in this connection than the curtailment of governmental expenditures wherever practicable, the encouragement of labor and agriculture, and the enlargement of markets for American products.

To provide the necessary funds for the support of the Government, resort should be had primarily to the indirect method of tariff taxation and the direct method of income and other direct taxation.

With reference to the tariff, I favor the levying of revenue duties on practically all imports, whether raw material or the finished product, and I am opposed to the levying of protective duties on any imports, whether raw material or the finished product.

In respect to direct taxes, the basic principle to be followed is to levy such taxes in proportion to the benefits received from the Government and the ability to pay the taxes.

It is perhaps not extravagant to say that no more important sessions of the Congress have been held in its history than during my present term.

As is well known, I have not enjoyed robust health for some time, but, notwithstanding this, I have been a daily attendant upon the sessions of the Senate.

The sessions of the Congress, during my present term, cover 1,217 days, and I have not missed a day.

During the five years which I have served of this term I have voted on practically all important questions which were before the Senate, and where I have not voted on minor questions I have usually been protected by a pair.

While my name will be submitted to you in the forthcoming primary, yet candor impels me to say that I am not strong enough to make a canvass of the State. My candidacy must therefore be left largely to the Democrats generally, men and women, who approve my views upon public questions and for whose support and friendship I will be profoundly grateful.

G. A. CHAMBERLAIN.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 4, 1922, the President approved and signed the act (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

THE FOUR-POWER TREATY.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open session, with a view to the consideration of the four-power treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. KELLOGG. Mr. President, I wish to announce that on the assembling of the Senate on to-morrow, if a recess shall be taken, I shall address the Senate upon the subject of the four-power and other treaties, and if an adjournment shall be taken to-day I shall take occasion to do so at the close of the morning hour.

Mr. NEW. Mr. President, on Saturday last I gave notice that I would ask the indulgence of the Senate on the opening of the session this morning to address it upon the subject of the treaties, particularly with reference to the four-power treaty. It is pursuant to that notice that I now rise.

For two or three reasons I particularly request that I be permitted to proceed without interruption, first, frankly, because I prefer that what I have to say may appear consecutively in the RECORD, and, secondly, because the Senate is operating under a unanimous-consent agreement to vote on another matter at 4 o'clock this afternoon, a matter which has been before the Senate for some days, on which several Senators still desire to be heard, and, therefore, interpolated remarks and interruptions might unduly prolong my own address.

Mr. President, before proceeding to a brief consideration of the four-power treaty between the United States, Great Britain, France, and Japan, I wish to offer a few remarks on certain matters which lie at the root of all the treaties concluded at the recent conference.

All the agreements, except those dealing directly with the limitation of armament, take the place of various bilateral or multipower treaties, arrangements, or understandings, formal or informal, with reference to matters in which all of the powers signatory were, if not equally, at least essentially concerned.

All the powers came to the conference for the purpose of dealing with a series of present, practical situations affecting their international relations and calling for adjustment; they had a mutual interest and incentive for reaching a common understanding and working arrangement as to all of them. They accordingly applied themselves to the finding of a way to meet those situations and were happily able to come to agreements mutually satisfactory concerning them. I shall not perhaps be far afield in saying that this consideration and disposition of actualities affecting the lives of nations, as distinguished from an attempt to legislate for nonexistent world idealities, is perhaps the characteristic element of these engagements. The powers have taken the world as they found it in fact, and then have dealt with the fact in the necessary aspects to the end that the welfare and happiness of mankind and the peace of the world might be advanced.

Furthermore, the powers concerned did not consort together for the purpose of forcibly dispossessing any power of any right or property which it had theretofore claimed or possessed. As it has worked out, all the powers assembled have in fact given up certain rights which they had, and others have relinquished certain rights or prerogatives which they asserted; but all have surrendered such rights willingly, without pressure or constraint, and with the maximum of good feeling and neighborliness.

Again, this conference did not aim its deliberations against any power or group of powers. It had no punishments to inflict, no rewards to bestow. Mutual consideration and advancement and the general welfare and peace of the whole world have been its guiding principles. The conclusions come to neither require nor contemplate any compulsory measures against any power in the world, signatory or nonsignatory. The offerings made were free-will; their observance is to be likewise.

It thus comes that the measures concerted at the conference, the conclusions embodied in these treaties, leave no power despoiled. The powers left the conference possessed of every right, enjoying every power, which was theirs when they came, save only those they willingly and gladly gave up for the general good. They thus are more firmly united, more strongly willed for right and justice in international relations, stanncher friends and neighbors, with keener and more sympathetic mutual understandings, than ever before. The spirit of sacrifice which has flowed in and through the conference leaves the world a safer and better place in which to live.

Thus the elements out of which has been built the treaty fabric are mutual and essential interests affecting the welfare and peace of the nations concerned and of the world, actual problems calling for solution, unconstrained relinquishment of rights or prerogatives by equal to equal, there being no enemy to be punished or friend to be rewarded, no compulsory measures of enforcement, no power despoiled—surely these are the elements to which we have a right to look and upon which we must depend for further progress in world righteousness. Take away any of them and the result, whatever it may be, will be of questionable effectiveness and may be of doubtful morality. While man is what he is, it is difficult to see how nations can ever associate themselves together and work in harmony except upon these great elemental bases.

And may I be allowed here a word of admonition? It will not do for us to think these treaties may be dismissed with the contemptuous smirk that being merely treaties they mean nothing, are made only to be broken, that they are valueless. This is the doctrine of despair and must not be propagated. For what, I ask you, is the alternative? If nations may not establish by mutual undertaking the rules and principles by which they are to be governed, if the sovereign plighted faith of mighty peoples is hereafter to be freely and without censure flouted, if, in short, nations may not trust one another, then, I say to you, the world is lost. Because the alternative to life under free, common understanding, with mutual trust and forbearance, in an association of recognized, unconstrained peers, is domination by one or by few under such a rule of brute force as will plunge the world into chaos and threaten humanity with oblivion. No; we may not cast aside these treaties as mere idle words, under penalty of being overwhelmed by the outburst of righteous condemnation from all the peoples of the world.

It can not be denied that the great fundamentals to which I have just referred materially narrow the field of international endeavor which, looking only to the frailties and needs of mankind, we fain would cover when nations negotiate together; but the limitations I have named are inevitably incident to the present and all other wisely conceived international arrangements, and arrangements of any other sort hinder rather than help the true progress of civilization. The nations of the earth have not in the past and can not in future find progress and peace in any other association together than that which shall administer to actual needs; shall adjust actual and not artificial disparities and conditions; shall recognize to the full the existing deep fundamental laws which have always governed and controlled the growth and development of societies and nations; and shall provide always for the building of a stable and lasting peace founded on common consent, order, law, justice, and reality.

It is the absence of these elements that has strewn the past with dead endeavors for some effective world organization of the nations, as a brief survey will show.

The primary "Great Design"—Memoirs of the Duke of Sully, Lennox translation (1810 ed. vol. v, pp. 78–118, inclusive)—conceived seemingly by Queen Elizabeth and elaborated and perfected by Henry of France—the Grand Monarch—failed because it lacked a part of these great elements. This "Design" provided for an association of the nations, for the evention, by arbitrary readjustment, of a new Europe with constituent States set up and bounded as seemed wheat to the author of the

"Design," for the expulsion of the infidel from Europe, for the taking of the possessions of one nation and the bestowal thereof upon another, for the creation of a body of laws, ordinances, and engagements for the government of the new world created by the "Design," for the establishment of a great international senate to legislate for the nations in their international relations and to adjust the differences arising between them, for the setting up of tribunals inferior to the senate and with appeals thereto, and for establishment of an international army and navy to enforce the mandates of the senate. Thus the "Great Design" of Elizabeth and Henry has been the parent of all similar plans since born. It failed because it aimed at coercing the consciences of men, at the forcible spoliation of nations, at the creation of an artificial status among the peoples of the earth, at the curtailment particularly of one great power without its consent. The good of the "Design," and it had good, was so fouled by the evil which lay all through it that the master of our destinies refused his consent to its imposition upon men.

The first great successor of this plan to be tried upon the world—the Holy Alliance—came 200 years later (Phillips—Confederation of Europe, p. 19). Consciously framed by the visionary Alexander of Russia to accomplish, as it would seem, the great purposes sought through the "Great Design," it also was in fact aimed primarily at the overthrow of a single nation. Couched in language benedictory in its loftiness, the Holy Alliance devoted its actual energies and powers toward unholy ends, and largely by the action of our own great country, it fell. It had endangered freedom of conscience, it had sought to perpetuate tyranny and to trample upon human liberty.

Recently the principles and provisions of the "Great Design" were rediscovered, and an attempt was made to impose them upon the nations and to set up a world government. Like the "Great Design" and the Holy Alliance, this plan also was primarily aimed against one great power; it also attempted a redistribution of Europe in the manner which seemed best to its proponents—setting up and pulling down nations; it also dealt with idealities not realities; it also was to impose its will upon powers in disfavor; it also would—if its proponents prevailed—coerce the consciences of men, this time politically. Looking to the past, can we doubt the fate which must await every effort that has lying at its base these fatal defects, and which wants those fundamentals I have already pointed out as indispensable to the establishment of a workable association of nations?

But is it too much to hope that hereafter and out of our present efforts, enlightened and fortified as they may be by the experiences of the past, we may find it possible in a future not too remote to make further practical advance toward a further association of the nations as to matters beneficent to humanity?

The treaties which the President has laid before us are six in number. None of them contain matters new to our diplomacy; they are but the renewed application of principles that are already well-grounded in our recognized foreign policies.

I shall take first—as I have already stated—the treaty signed by the United States, the British Empire, France, and Japan, pledging mutual respect for their rights in the Far East.

The waters of the Pacific are not strange seas to the people of the United States, nor are its farther shores new and unknown lands to our citizens.

Hardly had our national existence been secured and recognized before the vigorous, youthful merchant marine of our country thrust its prows into the Pacific (Moore's International Relations of the Chinese Empire, 1910 ed., vol. 1, p. 58) and opened up with the Far East an American trade which within a few years shared with Great Britain the great bulk of the commerce of that part of the world. This trade continued to increase in amount and importance, till, following the treaty of Nanking of 1842 between Great Britain and China, which opened the "treaty ports," we negotiated our first treaty with China in 1844 (Moore's International Relations of the Chinese Empire, 1910 ed., vol. 1, pp. 323, 342, 343), and our merchants threw into the eastern trade their famous clipper ships, which enabled us by 1852 to acquire almost half of the trade of Shanghai and a large part of the trade of other treaty ports.

In 1854 we made our first treaty with Japan, which opened our trade with that country, and it is a source of gratification to all Americans that this great people with whom we were the first to come in direct and intimate contact have developed into the mighty nation they have now become. It is a matter of good augury that between us there has existed during this entire period an unbroken peace, which it is hoped that the treaties now before us shall make perpetual.

Since the middle of the last century our trade with the Orient has gradually expanded, until it now covers the entire East and the continents and islands of Oceania.

Our territorial expansion toward and in the Pacific has at least kept pace with our trade.

In 1792 our adventurous citizens made discoveries under which we became possessed of the regions of the Columbia River and Puget Sound. In 1803 we acquired through the Louisiana Purchase from France a vast expanse of territory which lay beyond our then western boundary and which brought us to the Rocky Mountains. In 1819 we confirmed by purchase from Spain a title to the region south of the Columbia, where we had already made settlements in 1811. In 1848 Mexico ceded to us another mighty empire, which carried our land through to the waters of the Pacific and filled out our entire western main coast line south of Canada. In 1867 we obtained by purchase from Russia the great Territory of Alaska, which still more greatly extended our shores and first carried our possessions on the north into the Eastern Hemisphere.

But moved by the influences of a rapidly expanding commerce we had long before this time begun to manifest an exclusive interest in islands of the mid-Pacific. As early as 1820 we had appointed to reside in the Hawaiian Islands "an agent of the United States for commerce and seamen." (Moore's Digest, p. 475.) Six years later we negotiated with the Hawaiian King the first treaty ever negotiated by Hawaii with a representative of a foreign power. (Moore's Digest, p. 476.) Following intimations made in 1848 (Moore's Digest, pp. 477–479) by Mr. Buchanan, the Secretary of State, the great Webster in 1851 declared that, as to Hawaii, the policy of the United States was that it—

> can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands manifestly unjust and derogatory and inconsistent with a bona fide independence shall be enforced against that Government.

But the common interests of the United States and Hawaii, the close trade relationship between the two countries, and their territorial propinquity which led us to speak of them as "an outpost fronting and commanding the whole of our possessions on the Pacific Ocean" (Moore's Digest, I, p. 484), "an outpost of American commerce" (Moore's Digest, I, p. 491), "the predominance of our interest in the regions of these islands" (Moore's Digest, I, p. 493), the emigration of American citizens to and settlement in Hawaii, and, finally, the conviction that the "possession of these islands by a great maritime power (Moore's Digest, p. 481) would be a positive threat to interests too large and important to be lightly risked" (Moore's Digest, I, p. 486), all combined to bring about a result which was inevitable from the first. Accordingly after an abortive effort at annexation in 1893 (Moore's Digest, I, p. 497) the islands finally were added to the possessions of the United States in 1898 (Moore's Digest, I, p. 503). Thus we pushed our holdings into mid-Pacific.

Nor did the maritime affluence and paramountcy that were ours before the Civil War permit us to confine our interests to northern and central Pacific waters. We went also to the South Seas.

In 1853 we placed a commercial agent at Apia, in Samoa (Moore's Digest, p. 536). In 1872 we entered into an agreement (never ratified) with Mauaga, great chief of the Bay of Pago-Pago (Moore's Digest, p. 475), in the island of Tutuila, under which we obtained the exclusive privilege of establishing in that harbor a naval station for the use and convenience of United States Government vessels (Moore's Digest, p. 537). At about this time the attention of the President of the United States was directed "to the importance of the growing trade and commerce of the United States with the islands in the South Pacific Ocean and to the opportunities of increasing our commercial relations in that quarter of the globe" (Moore's Digest, p. 537). The stipulations of the unperfected agreement of 1872 were incorporated in the treaty of 1878 (Malloy's Treaties, II, 5, 1575), which contained also this significant provision, to which I call special attention:

> If, unhappily, any differences should have arisen or shall hereafter arise between the Samoan Government and any other Government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting these differences upon a satisfactory and solid foundation.

The mediatory rôle which we thus assumed was immediately given point by the conclusion by Samoa of a treaty with Germany conveying rights for a naval station, and with Great Britain for a naval station and coaling depot (Moore's Digest, I, p. 539).

It is unnecessary to detail the rather tumultuous history of Samoa during the next few years, which was perhaps the inevitable result of the peculiar situation in which Samoa's treaties with the various powers left her. By 1889 it was clear the obligation to mediate which we had undertaken in 1878 was insufficient to safeguard Samoa, and in an effort to meet

the existing situation we, with Germany and Great Britain, entered into a general act for the neutrality of the Samoan Government (Malloy's Treaties, p. 1574). This was our first national experience in joint international politics, and Secretary Gresham thought it "made the first departure from our traditional and well-established policy of avoiding entangling alliances with foreign powers in relation to objects remote from this hemisphere" (Moore's Digest, I, p. 549). But our joint plan for neutralizing Samoa succeeded no better than had the mediating plan to which we alone were parties, and accordingly in 1899 the islands were divided among the three powers (Malloy's Treaties, p. 1695).

Thus we pushed our possessions into the region of the South Seas.

The results of the War with Spain in 1898 devolved upon us still further possessions in the Southern Hemisphere of the Far East. The Philippines, with their considerable areas, population, trade, and resources, came to us, and we secured the far-flung bit of land called Guam. By all this we have become territorially interested almost in the center of the Far East, and possess there a domain that is exceeded by few powers.

These expanding territorial interests have brought home to us our intimate relationship to all questions affecting the peace and development of the Far East, and have shown us that as to these possessions we are all but as vitally concerned in the happenings and developments in that region as we are with the course of events in this hemisphere, which affect the order about our homeland. We do not enter the far eastern situation as quixotic busybodies.

Always sympathetic with China and for the Chinese people, and desirous that peace should prevail in those regions, we entered into a treaty (1882) with Korea (over which China claimed suzerainty), by which we agreed that—

> If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings. (Malloy's Treaties, p. 335.)

Thus we again assumed in the Far East a mediatory rôle.

Nearly two decades after this, when the dismemberment of China seemed to have moved within the range of probability, the United States sought for and secured from the various powers interested a declaration of adherence to the so-called "open-door" policy. (MacMurray's Treaties, p. 221.) This, like the action in Samoa, involved us in understandings with other powers regarding the status of the Far East.

In 1908, some differences having arisen between the United States and Japan, notes were formally exchanged between the Secretary of State, Mr. Root, and the Japanese ambassador, Mr. Takahira, the important parts of which read:

> 1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.
>
> 2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned, and to the defense of the principle of equal opportunity for commerce and industry in China.
>
> 3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.
>
> 4. They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that empire.
>
> 5. Should any event occur threatening the status quo as above described, or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take. (MacMurray's Treaties, p. 769.)

So for the third time we entered into a joint understanding regarding the affairs of the Far East.

In 1909 the United States made a further effort to bring among the powers interested in the Far East good understandings and mutual renunciations of interests inimical to the integrity of China by proposing the neutralization of the Manchurian railways by the powers interested therein. For reasons which need not be recounted here this effort failed.

Thus our present interposition in trans-Pacific affairs is not a new venture for the United States. We do but follow the course upon which we entered more than half a century ago. And our present proposed commitments are not different in character nor of materially greater extent than those we have undertaken in the past.

We covet the possessions of no one in the Far East; the lessons taught us by our own past experiences, as also by the experiences of others, abundantly persuade us we want no further or greater territorial or government responsibilities there; we wish only the opportunity to develop in that region our trade and commerce peacefully and on an equality with others, and with them to share the great markets which in the future that part of the world will afford.

Entertaining these views, is there, can there be, any reason why we should not make a declaration, an engagement, to respect the territories of others in the Far East and thus quiet in the minds of certain powers an apprehension the existence of which seems too well vouched to allow us wisely to ignore it? On the other hand, it would be but blind folly to deny or to fail to appreciate that certain of our own citizens are not convinced of the disinterest of certain powers in the possessions of the United States in Asia. Surely it is wise to calm the feelings of these citizens by taking the pledged assurance of these powers that they will in turn respect our possessions in the Far East.

To remove this mutual apprehension of territorial greed by the one in the other, an apprehension of the kind which, since history began, has been one of the most fruitful causes of war between nations, must command the approval of all right-minded loyal citizens, because it stabilizes a peace we all cherish and for breaking which there is not the shadow of a real excuse or reason.

What have we lost, what can we lose by this declaration to respect the rights of others? Has this touched our liberties, our institutions, our independence, or our sovereignty? Have we less of any of these than before? Have our professions, past and present, of altruistic ideals toward the peoples of the world, of consideration for the rights of others, of great self-denial in the use of tremendous power, been idle boasts or smug disclaimers to deceive the world of our true intentions? If we have been honest in the past, as I know we have, then what have we lost by agreeing to do that which in any event we had intended to do?

On the other hand, if the plighted word of sovereign powers has not lost all virtue, have we not gained in security for our possessions and freed their peoples from the dangers of absorption by other powers? Have we not added to our own peace of mind and to fellowship and good, neighborly understanding with those who live about us by receiving the solemn assurance of our neighbors in the East that they will respect our rights in that region? Instead of threatening, injuring, or impairing our liberties, free institutions, independence, or sovereignty, this treaty adds to the security of all of them.

The consummation of this mutual agreement alone would have justified the calling of the conference.

It thus must be that no valid objection can be made to the first paragraph of the so-called four-power treaty, which pledges the contracting powers as among themselves—

> to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

It is, indeed, but a reaffirmation of the principle which, formally declared more than a decade ago, has governed for that period the relations between the United States and Japan, and which has subsisted between Great Britain and Japan for twice that period.

In view of certain criticisms which have already been heard, I may with propriety repeat here the language of article 10 of the League of Nations covenant. The two need only to be placed side by side to make their fundamental differences entirely obvious. Article 10 reads in its first sentence:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

The second paragraph of article 1 of this treaty provides that—

> If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

I must in the first place observe that there is in the treaty before us no provision for force by one against the others or by the others against the one; there is here not even a covert threat of force. Force is not in this provision, explicitly or implicitly, either in the foreground or in the background. There is here only an undertaking of and among friends to talk over controversies and adjust them in a spirit of amity and brotherhood.

The eagerly responsive imagination of Polonius may see in it shapes and attributes it does not possess.

> HAMLET. Do you see yonder cloud that's almost in shape of a camel?
> POLONIUS. By the mass, and 'tis like a camel, indeed.
> HAMLET. Methinks it's like a weasel.
> POLONIUS. It is backed like a weasel.
> HAMLET. Or like a whale?
> POLONIUS. Very like a whale.

Place this provision as high as you wish and it can not go beyond a stipulation for obligatory arbitration, or its equivalent,

of all controversies arising out of any Pacific question and affecting the rights of the parties in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. Surely our conduct in the past and our professions at present as to the peaceful adjustment of international disputes will not permit us to falter at this step now proposed.

One of the proudest achievements of our whole history is our early espousal of and our subsequent fidelity to this principle of the peaceful adjustment of international disputes. When more than a century and a quarter ago troubles arose between us and the mother country, who had but recently recognized our independence, we negotiated with her a treaty under which we settled by arbitration our then existing difficulties. From that great precedent on until the present moment, this method of composing differences between America and other peoples has been a fundamental principle of our foreign policy.

It would be a long and I am sure an unnecessary task to follow the details of the history of our arbitrations, but we may with profit refresh at this time our memories as to the scope we have given this principle of adjustment in our international affairs. It is well we should recall the past that, advised of what we have done, we may press constantly forward. Great mistakes grow sometimes from want of information. We have arbitrated with more than 30 different countries the claims of our citizens for injuries inflicted upon either their persons or their properties through the illegal acts of the authorities of these countries. We have in turn answered in damages to the citizens of other countries for the results of unlawful acts upon the part of our own officers, State or National.

These adjudications cover almost an infinitude of circumstances. We have submitted to arbitration the far-reaching, sovereignty-touching question as to whether or not we have conducted our belligerent operations in accordance with the laws of war. We have invoked the judgment of international tribunals as to whether we have fulfilled our obligations under treaties, and have done this even where it involved the question of our rights on the high seas. (Fur-seal arbitration.)

We have intrusted to such tribunals the questions of the neutral or unneutral conduct of a neutral toward ourselves as a belligerent in respect of matters involving the honor of both ourselves and the other country, and have done this when the tempers of both peoples were so aroused as to threaten to engulf our two mighty nations in a fratricidal war. (Geneva arbitration relative to *Alabama* claims.)

We have called for the opinion of an unbiased international tribunal upon the question as to whether the judgments of our own Supreme Court—the most powerful court in Christendom—were in accord with the applicable and controlling rules and principles of international law. (*Spring-bok* and other cases concerning questions of seizure by United States of British vessels during the Civil War.)

We have appealed to such a tribunal for determination as to whether or not certain military operations we had conducted were warranted or unwarranted under all the attending circumstances, a question involving the propriety of our exercise of the most fundamental attribute of our sovereignty. (Arbitration of Civil War claims of Great Britain and other powers; also of Cuba and Philippines during the Spanish War, but particularly our Samoan arbitrations.)

We have adjusted in large part our northern boundaries and a considerable part of our southern boundaries, land and water, by the same method and have thereby lost this same claimed territory of our homeland.

Finally we have sought and obeyed the decisions of international tribunals as to our ownership of territory forming by proximity and asserted claim an integral portion of our own homeland, even where that decision required us to relinquish title to what we had honestly believed to belong to us. (Jay treaty with Great Britain arbitrating Canadian boundary, and subsequent arbitration of practically the entire Canadian boundary through to Lake of the Woods. Shanizal tract arbitration on southern boundary and adjustment of Rio Grande boundary.)

Shall we, Mr. President, now turn our backs upon this glorious record of effort to sustain the peace of the world, or shall we hesitate and stop when righteousness and destiny bid us go further along that course of civilization, progress, and humanity which we have ourselves marked out? What question could arise under the treaty before us which would be more vital to our interests, more nearly affect our independence, reach more closely to our honor than those which we have already intrusted to international tribunals for adjustment? I can think of but one class of questions which might arise and which we have not in the past arbitrated, and that class would include those matters which affect our internal or domestic affairs. But as to this class the contracting powers on signing the agreement joined in a declaration that—

> The controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Surely there is nothing in this provision of the treaty which the stanchest patriot, the patriot most apprehensive for the maintenance of our national honor, integrity, independence, and free institutions—and I count myself among these—need to fear or to condemn.

But there is another consideration to which I feel I must direct attention. The arbitrations of the past to which I have referred as involving principles of vital import to our existence have primarily and in almost every instance affected immediately our own homeland or its adjacent seas. But under this treaty it is not possible for any matter involving our mainland or its neighboring waters to be called in question. This treaty relates to our "insular possessions * * * in the region of the Pacific," not to the United States proper nor to Alaska nor Hawaii nor to any of our possessions in the region of the Caribbean, and no question involving these latter can arise under the treaty. Therefore if we have in the past repeatedly arbitrated matters affecting directly these Territories, the homeland and its approaches, it can not be we shall find difficulty in agreeing to adjust in a similar manner questions of like import and affecting our rights in regions so remote as to render any decision concerning them without any direct effect upon the safety or security of the home territory and its environs.

I pass now to the second article of the treaty, which provides that—

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the situation.

Comment already aimed at this provision might induce a belief in the minds of some of our citizens that this provision creates an aggressive military alliance among the powers signatory. But I wish to emphasize that it is not an alliance in any heretofore accepted meaning of the word, and that if it were an alliance in fact, if it were an alliance in effect, if it were an alliance in contemplation, and, furthermore, if it was not clearly understood by all the powers party to it that it was none of these, I should not venture to propose to this body that it advise and consent to its ratification. The men of intelligence and discretion in our Nation who pronounce it an alliance can not have carefully and impartially examined it, because the passing years of our history have demonstrated nothing more clearly than that the warning of Washington against entangling alliances was conceived of a lofty patriotism and inspired wisdom rarely vouched for the guidance of a people; and from the safe path so marked by the immortal founders, I shall be the last willingly and knowingly to stray. No matter what form the suggestion may take, no matter how alluring the prospect held out shall be, we shall have with my consent no entangling alliances. Thus far in our history it has been possible to exert to the full our beneficent influence and to extend to their utmost our philanthropies among the peoples of the earth without the necessity and in the absence of all such alliances; and I perceive in the present situation of the world nothing that calls for the abandonment of our traditional position in order to continue to exercise the maximum of good in the future.

Another species of criticism, sometimes disguised as faint praise, is that this is but an imitation of the covenant of the League of Nations and specifically of article 10 of that instrument. This suggestion is equally unfounded with the first.

I wish to make now, regarding this provision of the treaty, a few observations which will, in my judgment, meet both these points of objection.

In the first place, the subject matter of this provision, as to which the powers enter into undertakings relates only to "their rights in relation to their insular possessions and insular dominions in the region of the Pacific." It is to be observed in the first instance that each and all of the powers are mutually interested and concerned with reference to the disturbance of any of their described "rights" in the Far East. None of these "rights" of any one of the parties could be materially altered or affected without the influence being felt for good or ill by all the others. This obligation, therefore, relates only to matters in which we are intimately concerned and in the adjustment of which we have a selfish interest.

The provision has nothing whatever to do with the homeland of France, Great Britain, or the United States, nor with

their environs, nor with their possessions in any other region than the Pacific. Therefore, whatever may be the extent of the obligation here imposed, and I shall discuss that later, it relates only to this one region, and disturbances arising in other regions, whatever their cause, can not fall within the purview of this treaty obligation. It is to be further observed that the provision relates to the "rights" of the powers in their insular possessions and insular dominions; there is here nothing that has to do with the political relationships of a country to its possessions.

In contrast to this, the provisions of article 10 of the league covenant covered "the territorial integrity and existing political independence of all members of the league." This provision was therefore of world-wide application, not restricted to one particular area. Moreover, the homelands of all members of the league were as intimately concerned, were as clearly within the purview of the treaty as were any other portions of the world. Whatever the rights, the duties, the powers, the obligations which were involved in this article they would have covered, if we had entered the league, the ground on which we stand as fully as they covered any other part of our national domain. Moreover, being thus world-wide in its application, article 10 related to and (if accepted by us) would have involved us in matters in which we had not the remotest concern, except only the interest which arose from the obligations we would have assumed under the covenant. We were thus to be thrust into every quarrel wherever originating and whatever its relation. Again, the phrase "existing political independence" of article 10 is pregnant with an infinity of dire possibilities as to its application. Does it cover the political relations between the mother country and the colonies; does it embrace the political status of the homeland itself; does it prevent evolution in political systems anywhere; does it curtail the progress of human liberty and free institutions? All these matters, vital to the perpetuation and development of our civilization, are left in ominous obscurity by this provision.

The treaty before us has none of this; it stands free of political significance or threat. So much then for the subject matter of the treaty.

I pass now to the nature of the undertaking of the treaty before us. It is in the first place directed against the "aggressive action of any other power." That is, this article is directed against powers stranger to this treaty, and whatever its sanctions are they apply only to such powers; they do not concern the contracting powers themselves for they may not be invoked against them. If any such action should come from any of the powers themselves, it must be settled by the methods already described and provided in article 1, that is, by friendly, neighborly discussion and adjustment; such a controversy among the powers who contract here is entirely outside the purview of this article. This is not a union of any of the powers against the others of the powers; they have dealt on the basis of continuing friends, not of potential enemies, and agreement could not have been reached on any other basis.

But the league covenant was wholly different. It was a combination of the members even against their own members. This indeed is one of the great iniquities of that instrument, it constitutes the nations in it in an alliance, not alone against stranger powers but against the erring constituent members themselves.

I pass now to the obligation itself as undertaken in the present treaty. The language used is that "the high contracting powers shall communicate with one another fully and frankly in order to arrive at an understanding." Surely an obligation to discuss with other friendly powers concerned, a matter of mutual concern to all, is not and can not be considered as a military alliance. We have had for a decade an obligation with Japan couched in practically identical language and yet no one has heretofore suggested that this constituted, nor has it proved to be, anything resembling an alliance. The language of the Root-Takahira agreement in its paragraph No. 5 asserted that—

> Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take.

Certainly during the 10 years of its existence this has led us into no trouble, no embroilment, no operations under a military alliance, as is shown by the fact that we have had none of these that was even remotely connected with this undertaking. It is true that the Root-Takahira agreement was not a treaty, and that therefore the obligation imposed upon us by it was not of that binding character which is imposed by treaty. But obviously the character, the extent of the undertaking is not the same thing as the occasion calling for its performance, and I am here speaking of the occasion that calls the undertaking into life. Nor indeed does the laxity of an undertaking mean generally that situations calling for its operation will be less frequent than under a more stringent obligation.

I anticipate with confidence that the very existence of this undertaking for full and frank discussion and communication will make less frequent if not, indeed, entirely obviate the occasions for its use.

In this connection we may recall that under the league the parties did not agree themselves to consult together in relation merely to matters in which they were mutually concerned, but they agreed to refer to the council of the league—not to themselves—controversies and difficulties in which they had no concern whatever, and this council, not the powers immediately concerned and mutually interested, was to decide upon the course to be followed.

Finally I come to the sanction of this part of the treaty now before us. It is that the contracting powers shall communicate freely "in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the situation."

I may first observe again that the situation about which the powers are to communicate is one in which they are all concerned. In the next place the powers concerned, and only those powers, consult together. In the third place they consult regarding the "measures" to be taken, jointly or severally, to meet the exigencies of the situation. But they are not committed beforehand—and this is the vital point—to any definite measures, nor are they either committed or under any obligation to concert any measures at all. That is to say, if and when a prescribed aggressive action were taken by any stranger power the United States felt that its own interests were not put in jeopardy or that the threat to the other powers was not real or that the peace of the world and the welfare of its peoples would be best served by inaction there is no obligation here that we should counsel, consent to, or participate in the measures which any other power might propose as necessary. In other words, there is here not the slightest surrender of our independence of action; we have here no impairment of our sovereignty. Under these circumstances it is obvious that if at any time in the future circumstances should arise that led to the invoking by any power or powers of provisions of this article we should communicate with the other powers parties to this agreement, in full possession of a complete freedom of action, unconstrained by any treaty obligation, legal or moral, to take any measures at all, or believing some measures necessary, to adopt any which we did not at the time deem expedient and indispensable. We should enter and participate in such a conference uncommitted and with full and complete right to function in the emergency then before us in strict accordance with our due constitutional order. So that if the exigencies of the situation finally appeared to require the use of armed force we might face the question uncompromised, free, and unfettered to do the thing that then seemed wisest and best, for there is not in this treaty, nor arising from it, any obligation whatever to proceed to this extremity unless and until Congress, in the due exercise of its high constitutional, sovereign prerogative had fully debated the situation, reached its decision, and formally authorized the waging of war. Is this not the crux of the whole matter, and does it not destroy every vestige of legitimate objection to the treaty?

Furthermore, as we are an eminently practical people, may I not ask a blunt question? With the United States, Great Britain, France, and Japan bound by treaty oath to respect their mutual rights in the Far East, which is the nation outside the concord strong enough to challenge their potential power by aggressive action in the Far East and so make necessary the invocation of the sanctions of this article of the treaty?

We may be permitted to observe that the situation existing under the league is wholly different. The members are obligated to "preserve * * * the territorial integrity and existing independence of the members of the league," no matter in what part of the world the threat may arise and without regard to the fact that threat arising might relate to matters in which the particular member had no concern whatever. In the next place, the decision as to what should be done is not to be determined by the interested powers themselves, sitting together, but by an extraneous body in which would sit powers who might be without interest yet whose voice would carry as much weight to the decision as that of any party directly involved. In the third place this extraneous body would decide the means to be taken to secure the "preservation" of the threatened territorial integrity or independence. Furthermore, if there were measures to be taken against a member under article 16 there would be an obligation, perfect in its

form and operative without any further action by any member of the league, to subject the offending power to—

> the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State whether a member of the league or not.

Moreover, in such case—

> The members of the league agree further that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league.

In addition to all this, the council is to work out the contribution which each power ought to make, and is under a moral obligation to make, in the military operations contemplated by the council, which, through its permanent military commission, the council might, indeed, have directed the actual military operations themselves.

And all these obligations could be imposed not only to situations in which we had no direct concern but also as to measures of which we might positively disapprove.

Those who see in the cooperative spirit of the present treaty, with its retention of full freedom of action for each and all the powers party thereto when the exigency arises, any resemblance to the drastic, compulsory provisions of the covenant of the league either have read blindly or, at least, without a proper understanding.

This provision, its enemies to the contrary notwithstanding, was not germinated from the covenant of the League of Nations, to which in substance it bears not even a superficial resemblance, but from principles already long fixed in our active foreign policy when the plan of the league first cast its evil shadows in the minds that rediscovered that old and abandoned system.

Thus we came to have with respect to a region in which we have extensive interests, and in reference to great territories of which we are possessed, an agreement among powers actually interested in that region—those powers who alone ought to determine matters vitally affecting it—which contains all the advantages and safeguards, all the inherent guaranties of peace, all the blessings for the peoples concerned, which the covenant of the league has been erroneously declared to afford, without any of the pitfalls, entanglements, and sovereignty-impairing provisions of that instrument.

And it should be further understood that the inevitable effect of our failure to ratify this treaty will be to revive and perpetuate the Anglo-Japanese alliance. There can be nothing more important to this country than the substitution of this engagement for that compact. We can not attach too much importance to this. It should be apparent to all who will give it a moment's thought.

I can not conceive of more fitting language with which to close this presentation of my case than to quote from the address made by the President when he presented the treaties to this body, to the effect that "nothing in any of these treaties commits the United States, or any other power, to any kind of an alliance, entanglement, or involvement. * * * There is no commitment to armed force, no alliance, no written or moral obligation to join in defense, no expressed or implied commitment to arrive at any agreement except in accordance with our constitutional methods. * * * If nations may not safely agree to respect each other's rights, and may not agree to confer if one party to the compact threatens trespass, or may not agree to advise if one party to the pact is threatened by an outside power, then all concerted efforts to tranquilize the world and stabilize peace must be flung to the winds."

Mr. UNDERWOOD and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER (Mr. LADD in the chair). The Senator from Alabama.

Mr. UNDERWOOD. I merely wish to say a few words on the resolution proposing to amend the rules of the Senate, but I yield to the Senator from Massachusetts if he desires the floor.

Mr. LODGE. I desire that the Senate shall resume the consideration of legislative business.

Mr. UNDERWOOD. Very well.

Mr. LODGE. Mr. President, I am about to make a motion that the Senate return to legislative session in order to proceed with the consideration of the proposed amendment of the rules, which we have agreed to vote upon to-day at 4 o'clock. Before doing so, however, I wish to say that it is my intention on to-morrow to ask that the four-power treaty be taken up at the beginning of the session, and I desire that it shall be kept before the Senate. I have no desire to press it unduly, for I realize the importance of full debate upon it, and I should dislike extremely to be compelled to ask the Senate to resort to long hours or any other means of pressing for a result. I hope, however, that the Senate will debate the treaty as fully and as rapidly as may be. I now make the motion that the Senate resume its legislative session.

The motion was agreed to.

CELEBRATION OF BRAZILIAN INDEPENDENCE.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. UNDERWOOD. I yield.

Mr. LODGE. I wish to ask unanimous consent to report from the Committee on Foreign Relations a joint resolution and a bill. They are unanimous reports, and I think there can be no objection to the consideration and passage of either measure. I should be very glad if the Senator from Alabama would let me ask unanimous consent to report them and have them immediately considered. If they give rise to any debate I shall withdraw them.

Mr. UNDERWOOD. I yield to the Senator from Massachusetts for that purpose.

Mr. LODGE. From the Committee on Foreign Relations, I report back favorably without amendment the joint resolution (S. J. Res. 173) authorizing the President to appoint a commission to represent the Government of the United States at the centennial celebration of the independence of Brazil, to be held at Rio de Janeiro in September next, and I submit a report (No. 531) thereon.

I will say, Mr. President, that I can explain the joint resolution in a few words. It involves no expenditure of money, but simply authorizes the President to take what money is necessary for the purpose from the million dollars which have already been appropriated for the participation of the United States in the exposition to be held at Rio de Janeiro.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. OVERMAN. Let the joint resolution be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Assistant Secretary read the joint resolution, as follows:

> Whereas the Government of Brazil has invited the Government of the United States to be represented at the centennial celebration of the independence of Brazil, to be held in September next at Rio de Janeiro: Be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is hereby authorized to apopint and send to Brazil a commission not to exceed five members to represent the Government of the United States at the said celebration.
>
> SEC. 2. That the expenses of the said commission shall be paid, under the direction and subject to the approval of the Secretary of State, from the appropriation of $1,000,000 for the expenses of taking part in an international exposition to be held at Rio de Janeiro, Brazil, provided for in the act of Congress approved December 15, 1921, entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRAVELING SALESMEN IN SOUTH AMERICAN COUNTRIES.

Mr. LODGE. From the Committee on Foreign Relations, I report back favorably without amendment the bill (S. 2716) to give effect to certain provisions of conventions with foreign Governments for the purpose of facilitating the work of traveling salesmen, and I submit a report (No. 530) thereon. I ask unanimous consent for the immediate consideration of the bill.

I will say, by way of explanation, that we have entered into a series of treaties with some of the South American States for improving the arrangements for traveling salesmen throughout those countries, by eliminating local fees, duties, and so forth. This bill, simply in order to carry out those treaties, authorizes the State Department to issue certificates of identification to salesmen from the United States going to those countries.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

> Whereas the United States has entered into conventions with the Governments of Uruguay, Guatemala, Salvador, Panama, and Venezuela, which were signed on August 27, 1918, December 3, 1918, January 28, 1910, February 8, 1919, and July 3, 1919, respectively, for facilitating the work of traveling salesmen; and

Whereas Articles I and II of each of said conventions read as follows:

"ARTICLE I. Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

"In case either of the high contracting parties shall be engaged in war it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

"ART. II. In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be visaed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I."

Now, therefore,

Be it enacted, etc., That the Secretary of Commerce, or any person in the Department of Commerce designated by him, is hereby authorized to issue the licenses and certificates of identification which are provided for by the said Articles I and II, respectively, of the said conventions, or which may be provided for by similar articles in any convention or treaty that may hereafter be concluded by the United States with a foreign Government, and is further authorized to collect a reasonable fee for each license and certificate of identification issued. The amount of such fee shall be fixed by regulations made by the Secretary of Commerce and shall be paid into the Treasury of the United States quarterly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I am very much obliged to the Senator from Alabama.

SPECIAL POSTAL CANCELING STAMPS.

Mr. TOWNSEND. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. I will.

Mr. TOWNSEND. Mr. President, the House has passed five bills granting permission for the use of special postal canceling stamps in certain cities in connection with the celebrations or gatherings being held in such cities. The Senate has passed some of these bills and they have gone over to the House. The cities to which it is proposed to grant such permission are Richmond, Va.; Phoenix, Ariz.; Fayetteville, Ark.; Hutchinson, Kans.; and Pasadena, Calif.

From the Committee on Post Offices and Post Roads I report favorably without amendment the bill (H. R. 10161) to authorize the use of special canceling stamps in certain post offices. I ask unanimous consent for the immediate consideration of the bill. I understand that there can be no possible objection to it.

Mr. UNDERWOOD. What does the bill provide?

Mr. TOWNSEND. It gives the postmasters of the cities where expositions or other celebrations are to be held, or whatever the occasion may be, the right to use extra canceling stamps without any expense to or additional burden upon the Government. We have frequently heretofore taken similar action. It merely relates to postal canceling stamps.

Mr. OVERMAN. Is the authority granted confined entirely to cases where expositions are being held?

Mr. TOWNSEND. No; the bill is not confined to cities where expositions are being held, but to cities where there is some special occasion which is deemed of sufficient importance to allow the use of special canceling stamps.

Mr. KING. It is to advertise the towns.

Mr. TOWNSEND. That is right.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. OVERMAN. Let the bill be read.

Mr. TOWNSEND. Very well.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed, under rules and regulations to be prescribed by him, to permit the use of special canceling stamps as follows: In the Richmond, Va., post office, dies bearing the words and figures "Virginia Historical Pageant, Richmond, Va., May 22 to 28, 1922." In the Phoenix, Ariz., post office, dies bearing the words and figures "Visit Phoenix, Ariz., April 24–29, United States Good Roads Week." In the Fayetteville, Ark., post office, dies bearing the words and figures "Semicentennial, University of Arkansas, June 10–14, 1922 (50 years of service)." In the Hutchinson, Kans., post office, dies bearing the words and figures "Fiftieth Anniversary, Hutchinson and Reno County, Kansas State Fair, September 16–23, 1922." In the Pasadena, Calif., post office, dies bearing the words and figures "Fiftieth Anniversary, Pasadena, All the Year 1924": *Provided*, That no permit shall be granted for a longer period than six months.

SEC. 2. That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriations either for the purchase of special dies or for furnishing or adapting canceling machines for the use of special dies.

Mr. BORAH. Mr. President, may I ask the Senator whether Hollywood, Calif., is included in this bill?

Mr. TOWNSEND. I do not know what would be included in Pasadena, but I imagine that it is a suburb and might possibly be reached.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LANSING-ISHII AGREEMENT.

Mr. BORAH. Mr. President, will the Senator from Alabama permit me to introduce a resolution?

Mr. UNDERWOOD. I yield.

Mr. BORAH. I offer a resolution to which I call the attention of the Senator from Massachusetts [Mr. LODGE]. If he desires it to go to the committee, I will consent that it go to the committee; otherwise, I should be glad to have it adopted.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 251) was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to advise the Senate as to the present status and binding effect of what is known as the Lansing-Ishii agreement between the United States and the Empire of Japan.

Secondly, as to whether or not the four-power pact, now before the Senate for consideration, if ratified, will abrogate, nullify, or in any way modify such agreement; and as to what will be the status of said agreement after the ratification of said four-power pact.

Mr. LODGE. I have no objection.

Mr. BORAH. I ask for the adoption of the resolution.

The PRESIDING OFFICER. Is there any objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. UNDERWOOD. Mr. President, I do not want to discuss the resolution, except to say this, as I happen to be on my feet: It seems to me that anybody who will read the treaties that are now before the Senate in connection with the Lansing-Ishii agreement is bound to come to the conclusion that the Lansing-Ishii agreement or understanding has no further binding effect. The very terms of that understanding are wiped out by these treaties.

Mr. BORAH. Mr. President, there is a wide difference of opinion about that. I have been unable to ascertain that it was ever discussed at all by the delegation. If it has been, of course, I presume that this discussion will throw some light upon the meaning of the treaty. I thought perhaps by this resolution we might get the facts in reference to its consideration or discussion.

Mr. ROBINSON. Mr. President, will the Senator from Alabama yield for a question?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. Why does the Senator from Alabama say that by the terms of the four-power treaty the Lansing-Ishii agreement is expressly nullified? There is no reference to it in the four-power treaty.

Mr. UNDERWOOD. I said by the treaties that were negotiated at the conference—not alone the four-power pact. The Lansing-Ishii note—it was not a treaty, but it was a note——

Mr. ROBINSON. It is referred to as a "note" or as an agreement.

Mr. UNDERWOOD. An agreement or an understanding—recognized certain spheres of interest. Of course, all questions of spheres of interest in the islands in the region of the Pacific are settled in the four-power treaty. The agreement that was made in reference to the general treaty recognizing the sovereignty and integrity of China, and other recognitions that were made at that time through the resolutions passed by the conference, in which it was agreed to remove the foreign post offices from China, and Japan agreed to it, in which it was agreed that the extraterritorial courts should be removed if after investigation conditions were found to be such as to warrant it, and so on—I can not go into all the details now—clearly and absolutely negative any idea that Japan should have any special influence in the affairs of China or the region of the Pacific by reason of contiguity of soil, and that was what the Lansing-Ishii note said.

Mr. KING. The note calls it "propinquity" instead of "contiguity."

Mr. UNDERWOOD. I may not have used the right word, because I have not read the note for some months.

Mr. ROBINSON. Will the Senator yield to me for a brief statement?

Mr. UNDERWOOD. Certainly.

Mr. ROBINSON. The Lansing-Ishii agreement expressly reaffirmed the obligation of both the United States and Japan to regard the territorial integrity and political independence

of China. At the same time it recognized that Japan had special interests in China; so that unless there is something in the treaties to which the Senator has referred which expressly revokes the Lansing-Ishii agreement in the particular that it recognized the alleged special interests of Japan in China or in certain territory in the Orient, I doubt whether those treaties would have the effect of revoking it.

Mr. UNDERWOOD. I disagree with the Senator. One of the reasons why I am for the four-power treaty is that I think it negatives the Lansing-Ishii note, because I am not in favor of recognizing that Japan or anybody else has any special interests in China by reason of nearness of soil.

Mr. ROBINSON. Will the Senator permit another interruption?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. That was my understanding of the Senator's statement at first—that it was particularly the four-power treaty that impliedly revoked the Lansing-Ishii agreement.

Mr. UNDERWOOD. Not entirely, but it is one of the propositions. Of course, the four-power treaty does not relate to China proper.

Mr. ROBINSON. Certainly not, and therefore it could not rescind an understanding relating to Chinese territory.

Mr. UNDERWOOD. No; it does not; but it puts something else between the United States and Japan—a conference rather than a recognition of any special interest by reason of nearness of soil or territorial propinquity.

Mr. ROBINSON. Yes; in case of a controversy relating to insular rights or dominions among the four powers which are parties to the treaty they agree to get together and settle their differences, and in case of an act of aggression by any other power they agree to confer as to the best method of repelling that aggression; but I still can not see how that is inconsistent with the Lansing-Ishii agreement.

Mr. UNDERWOOD. I say that I think the general trend of the treaties—the four-power treaty is one; the general Chinese treaty is another—is all contrary to the idea that Japan has any special rights in connection with China, and negatives that idea. More than that, while I am not sure that I am right about this statement——

Mr. NORRIS. Mr. President, I should like to call the attention of Senators to the unanimous-consent agreement. I do not want to make any objection to this resolution, because I have none, but——

Mr. ROBINSON. The Senator from Alabama has the floor.

Mr. NORRIS. I understand that; but I think the unanimous-consent agreement will take him off the floor and take this resolution away from the Senate.

Mr. UNDERWOOD. I did not intend to trespass on the unanimous-consent agreement.

Mr. ROBINSON. I thank the Senator for yielding to me.

Mr. UNDERWOOD. If the Senator will allow me to say just one word more, while I am not sure I am right about this, I think if the Senator will examine the discussions in the far eastern committee he will find there some statements indicating that what I have said is so, and that it was said at the time of the adoption of the treaty.

Mr. ROBINSON. The Senator means as reported to the Senate in the document that has been printed?

Mr. UNDERWOOD. Yes. I am not sure that I am right about that, but my recollection is that statements along that line were made.

Mr. BRANDEGEE. Mr. President, if the Senator will permit me, the four-power treaty provides in article 2 for a conference of the contracting powers only in case "the said rights"—that is, the rights in relation to the insular possessions and dominions of the powers—"are threatened"; not as to any continental matters.

Mr. ROBINSON. And it has no relation to any controversy growing out of China.

Mr. UNDERWOOD. No; I agree with the Senator about that.

Mr. BORAH. Mr. President, may we have the resolution disposed of now?

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

MUSCLE SHOALS—PROPOSAL OF FREDERICK E. ENGSTRUM.

Mr. NICHOLSON. Mr. President, I have before me the proposal made by Mr. Frederick E. Engstrum to the Secretary of War for the completion of the Muscle Shoals project. Mr. Engstrum is an eminent and prominent civil engineer who has been connected with many large industrial enterprises. This is a matter of public interest, and I ask unanimous consent that his proposal may be printed in the RECORD in the usual 8-point type.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

FEBRUARY 23, 1922.

Hon. JOHN W. WEEKS,
Secretary of War, Washington, D. C.

SIR: I submit herewith amended proposal for the completion, lease, and operation of the Muscle Shoals project.

The declared policy of the United States as expressed in the national defense act of June 3, 1916, is to develop water power at the best location for the generation of electricity for the production of nitrates needed for the manufacture of fertilizer, and also to construct locks or lifts at such location as may be necessary for the improvement of navigation.

At that time, in the midst of war, the primary purpose was to make nitrates needed for explosives, while the making of the kind of nitrates needed for fertilizers and the improvement of navigation were of secondary importance.

To-day, in time of peace, the matter of primary importance is the making of the kind of nitrates needed for fertilizers. But to be prepared to make nitrates needed for munitions of war is still a matter of great importance, because the end of the supply of Chilean nitrates is already in sight, and, besides, the United States can not afford to be dependent upon any other country for an adequate supply of nitrates for explosives.

The Chief of Ordnance of the United States Army, in an official report to the Secretary of War on the advisability of completing the Muscle Shoals project in the interest of "nitrogen preparedness," under date of January 22, 1922, says:

NITROGEN PREPAREDNESS.

The main objective of the Ordnance Department in the matter of nitrogen compounds is to make the United States able to be self-sustaining in their supply in time of need. It believes that such ability can only be achieved through the fixation of atmospheric nitrogen by one or more processes, and it further believes that the most economical and enduring method of developing nitrogen fixation is its establishment on a commercial basis.

Thus it is held that the development of nitrogen fixation from the air is now necessary as a measure of nitrate preparedness to keep the country self-sustaining in time of need, and that the best way to develop the nitrogen fixation process is its establishment on a commercial basis.

My proposal is designed to accomplish this very purpose and no other. I propose to devote the whole Muscle Shoals project to fixation of nitrogen from the air by the best-known process for making the best kind of nitrates needed for fertilizers and to keep in readiness the best-known process for making the kind of nitrates needed for explosives, and also to operate a research plant for the development of better processes for the fixation of atmospheric nitrogen. I also provide for the development of navigation at Muscle Shoals as fast as the power dams are completed.

The objects can now be obtained by the completion of Dam No. 2. The expenditure of the money necessary to build Dam No. 3 can not at this time be justified on any grounds. I agree, however, that when required to do so by the Government, to build Dam No. 3 and to lease and operate the same on the same terms as Dam No. 2; also to build storage reservoirs and other power plants when required by the growing needs for nitrates.

I submit that to accomplish the public purpose in view that the nitrate plants and the power to be developed should be leased to the same parties. The success of nitrate manufacture which can be economically used for fertilizer is dependent entirely on sale of power; without the support of the power development and sale of excess power to finance the nitrate plants it would not be possible to manufacture and sell such nitrates. The power end of the industry is to be solely developed for the benefit of the nitrate plants and fertilizer factory. The separation of such plants and factory from the power would destroy the unity and purpose of the industry.

The other outstanding features of my proposal may be summarized as follows:

1. The United States is not divested of title to any of its property, but retains ownership and preserves assets of approximately $143,000,000.

2. Returns from investment on a basis of 400,000-kilowatt gross development, under my lease will pay to the Government approximately three and a half million dollars per year for 50 years, or a total, at compound interest at 4 per cent, of approximately $537,000,000, which cash will be used to produce cheap nitrates for fertilizer or will be turned in to the Treasury at the option of the Government. This is a liberal return for investment of the Government to produce the indicated power.

3. I propose to devote the entire power development to the fixation of nitrogen from the air and to the manufacture of fertilizers, including the operation of a research plant for the development of the improved methods for the reduction of the cost of producing such nitrates.

4. The method proposed to finance, by the sale of excess power, the manufacture of nitrates is the only possible method by which nitrates can be produced under present known methods and sold to the American farmer at a price less than the Chilean products. The quantity of nitrates and fertilizers annually produced will be limited only by the amount of excess power sold and the price at which the nitrates may be sold.

Respectfully submitted.

FREDERICK E. ENGSTRUM.

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(Copy.)

PROPOSED CONTRACT FOR COMPLETION AND LEASE OF MUSCLE SHOALS.

(By Frederick E. Engstrum.)

1. PARTIES.

Memoranda of contract made this —— day of ———, 1922, by and between the Government of the United States, party of the first part and hereinafter referred to as the "Government," and Frederick E. Engstrum, of the city of Washington, D. C., for and in behalf of a corporation to be formed by him to carry out the provisions of this contract and to be governed by a board of seven directors, one to be selected by the Secretary of War, one by the Secretary of Agriculture, and the remaining five by proponent, party of the second part, and hereinafter referred to as the "lessee."

2. LEASE.

The lessee hereby leases all the property, real, personal, or mixed, now owned or hereinafter acquired by the Government in connection with or forming part of, or the possession, use, construction, maintenance, operation, or extension of the Muscle Shoals project, or any part or appurtenance thereof, including the steam plant located at Gorgas, Ala., on the Warrior River, together with transmission lines. Said property is included or intended to be included in the maps, deeds, descriptions, invoices, lists, and schedules furnished to the lessee by the Government and receipted for, and such maps, deeds, descriptions, invoices, lists, and schedules, together with receipts for same, hereinafter referred to as the "schedule," shall be a part of this agreement and shall bind both parties as truly as if they were written herein.

3. TERM.

This lease is to continue in full force for a period of 50 years from date the lessee acquires possession of the property. The lessee shall return said property at the termination of this lease to the Government in good operating condition, subject to damage beyond fault or control of lessee.

4. PLANS AND SPECIFICATIONS.

It is mutually agreed by both the Government and the lessee that for and in consideration of the lease, construction, operation, rights, privileges, payments, and other considerations hereinafter mentioned or otherwise provided for in this agreement that the lessee will construct Dam No. 2, power station, and such other structures now under construction or agreed to be constructed at Muscle Shoals on the Tennessee River in the State of Alabama, and hereinafter referred to as the "property," as are set forth and described more particularly in the maps, plans, specifications, photographs, and other engineering data (hereinafter referred to as the "plans"), copies of which have been delivered to lessee and duly receipted for by lessee, and such plans thus receipted for are hereby made an essential part of this contract and are as binding on both parties as if they were fully set forth and written herein. When the Government shall require the construction of Dam No. 3, for which there is no complete engineering plans, the lessee agrees and is to build the same on plans and specifications to be prepared by the Government and on a location to be approved by the Government, and the lessee shall lease the same under the terms of this contract.

5. LOCKS OR LIFTS.

It is further agreed that the lessee will construct for the Government the locks or lifts for the purpose of maintaining navigation over the dam or dams to be constructed at Muscle Shoals.

6. MANUFACTURE OF NITRATES.

The lessee agrees to operate the nitrate plants, now a part of the property (which have an estimated capacity of 120,000 tons per annum), together with other plants that may hereinafter be built, to manufacture such fertilizer compounds or mixtures and complete fertilizers as approved by the Secretary of Agriculture, and to commence operation of one plant within one year after it acquires possession, and as soon as sufficient power is generated by the hydroelectric plants belonging to the property, it will operate at full capacity all the plants that can be operated from the receipts of the sale of the fertilizer compounds, together with the receipts from one mill per kilowatt hour, from sale of all power generated in excess of that required to operate the plants.

7. ALTERATIONS OF NITRATE PLANTS.

It is also agreed that the lessee will make such alterations, additions or changes in the nitrate plants as may be required to produce the nitrates or other fertilizer compounds approved by the Secretary of Agriculture, and to be completed within the time required to produce hydroelectric power at Dam No. 2. After the plants have been put in operation under this lease the lessee shall make such additions or changes, from time to time, as may be necessary to produce the required fertilizer or fertilizer compounds approved by the Secretary of Agriculture, and such changes, and the cost of producing complete fertilizers, are to be made as an operating charge from the funds on hand derived from the sale of fertilizer compounds and the power not required to operate the plants.

8. PLANS OF ALTERATIONS.

It is agreed that the lessee will furnish the Secretary of War copies of the plans and specifications of the proposed changes to be made in the nitrate plants to fit them to produce the fertilizer compounds approved by the Secretary of Agriculture. Such alterations are to be so designated as to keep the nitrate plant No. 2 in condition to produce explosive compounds with the least delay and expense.

9. RESEARCH.

The lessee agrees to maintain and operate a research department in cooperation with the Agriculture Department of the Government for the purpose of developing the processes for the fixation of atmospheric nitrogen, the cost of research work to be charged to operating expenses of the plant.

10. CONSTRUCTION.

Lessee agrees to begin construction within 60 days from the time it is given possession of the property and to continue such construction in a diligent, business, and workmanlike manner until all construction work provided for under this contract shall be completed, according to terms hereinafter set forth, within three years from the time of possession, reasonable extension of time to be granted for delays over which the lessee has no control.

11. CHANGES.

It is further agreed that at any time during the construction, if, in the opinion of either party herein, the structures provided for in the plans have become, or are liable to become, weak, dangerous, uncertain, or inefficient they may request changes, extensions, or additions to be made in the plans for the purpose of increasing the strength, stability, duty, endurance, or efficiency of the dams, locks, power stations, or other structures to be built by lessee under provisions of this contract, such changes, extensions, or additions shall be submitted to the engineer representing the other party and to the surety company furnishing the bond of the lessee, and if such changes, extensions, or additions shall be approved by the engineer representing the other party and the surety company they are to become a part of this contract and become as binding on both parties, and the bonds of the lessee, as if originally written herein.

12. ARBITRATION.

It is also provided that, in event a request of either party for changes, extensions, or additions in the plans for any of the purposes set forth in the foregoing paragraph of this contract has been approved by the surety on the bond of the lessee, and has not been approved by the engineer representing the other party, then the question of endurance or strength of such material or members as can be determined by physical test shall be submitted to the United States Bureau of Standards for final determination, and all questions as to the effect of the proposed changes, extensions, or additions upon the increase of strength, stability, duty, endurance, or efficiency of the dams, locks, power stations, or other structures to be built under this agreement, the plans for the changes as requested shall be submitted to the engineering faculty or such members thereof who will undertake the work of one or both of the following named universities or schools of technology: Massachusetts Institute of Technology, Cambridge, Mass.; Cornell University, Ithaca, N. Y., and the report of such faculty or faculties, if submitted to more than one, together with the report of the Bureau of Standards, shall be final, and if such report of the Bureau of Standards and faculties of technical schools, mentioned herein, show that the proposed changes, extensions, or additions will materially increase the strength, stability, duty, endurance, or efficiency of the structure affected by the changes, extensions, or additions, then such changes, extensions, or additions shall become a part of the working plans of this contract the same as if they were originally written herein, or had been approved by the engineers of both parties and the surety bond.

13. COSTS OF TESTS.

It is also understood and agreed that the cost of testing, consulting, or other expenses caused by the request for changes in the plans, as provided for, shall be a part of the construction cost provided herein.

14. REPRESENTATIVES.

It is understood and agreed that during the time of construction that both parties hereto shall designate an engineer to represent them on the work and the acts of such engineer shall be binding as to the party designating him as a representative.

15. INVESTMENT.

It is further agreed that the lessee will not be required to invest in the manufacture of nitrates or other fertilizer compounds any money other than that received from the sale of the products of the nitrate plants plus 1 mill per kilowatt hour received from the sale of power in excess of that required to operate the plant.

16. SALE OF PRODUCTS.

It is further agreed that the lessee will sell all fertilizer and fertilizer compounds produced by the plant at prices and on conditions and terms approved by the Secretary of Agriculture.

17. ADDITIONAL PLANTS.

It is further agreed that in event the development of power for use and sale from this plant, together with the receipts from the sale of products, should be insufficient to produce the amount of fertilizer compounds required to supply the demands, the lessee agrees to construct, under the terms of this agreement, other power plants or storage reservoirs upon sites owned by the Government and selected by the Secretary of War and itself, said plants or storage reservoirs to be constructed and operated under the general terms of this agreement for the purpose of enabling it to provide the fertilizer compounds to meet growing needs.

18. PROFITS FROM NITRATES.

It is also further agreed that when nitrates can be made at a profit or when the cost of the same has been so reduced that the funds arising from the sale of excess power and fertilizer compounds are not needed in whole or in part for financing such productions as herein provided, the said funds shall be paid by the lessee into the Treasury of the United States.

19. CONSIDERATION.

In consideration of the performance of the foregoing proposals and conditions the Government shall agree to pay to the lessee the cost, plus 5 per cent, of the completion of Dam No. 2, the initial alterations of nitrate plants No. 1 and No. 2, and the completion of the locks at Dam No. 2, and when required by the Government to build Dam No. 3 and the locks at Dam No. 3 and additional plants and storage reservoirs on the same terms, in monthly payments, as per estimates of the engineers upon schedule of work performed.

20. PAYMENTS.

It is agreed herein that the engineer representing the Government will on the first of each month give the lessee an estimate of the work performed and a statement of the amount earned by it during the preceding month.

21. STORES, STOCK, AND EQUIPMENT.

All stores, supplies, equipment, including engineers' supplies, files and instruments, and other loose personal property now on or about the premises, whether or not required for construction purposes, but not including subsistence stores, shall become the property of the lessee upon the execution of this contract.

22. COMPENSATION.

It is further agreed that as a part of the compensation for the performance of this contract the lessee will retain the proceeds from the sale of power not required to operate the plant or plants and locks or lifts, over and above the 1 mill per kilowatt hour required for financing the production of fertilizer compounds, or to be paid into the United States Treasury as set forth in this agreement.

23. POWER FOR LOCKS.

The lessee agrees to furnish to the Government free of charge all power required to operate the locks or lifts which are to be operated by the Government.

24. EMERGENCY PROVISION.

The lessee agrees to place the property, or any part thereof, at the disposal of the Government in the event of war or any other public emergency, or to operate the same for the Government to manufacture nitrates, explosives, or munitions of war, or for other purposes necessary for the safety of the United States as the Government may require.

25. BOND.

The lessee agrees to protect the Government for the full and faithful performance of the contract by giving a good and sufficient surety bond, to be approved by the Government.

26. INSPECTION.

It is agreed that the Government experts, inspectors, and accountants can, at all reasonable times, examine the books, papers, accounts, meters, and such other accessories of the plant necessary to satisfy them whether or not the lessee is executing this contract in good faith.

27. REPAIRS.

It is also agreed that should the foundation of Dam No. 2 be found defective or show excessive leakage, the Government will pay to the lessee the expense of the necessary repairs, including a reasonable allowance for overhead.

In witness whereof the United States of America has caused these presents to be executed by the Secretary of War, pursuant to the authority conferred upon him by act of Congress approved the — day of ———, 1922, entitled "An act to provide for the lease and completion of Muscle Shoals, and for other purposes," and the said Frederick E. Engstrum has set his hand on the day and year first herein above set forth.

UNITED STATES OF AMERICA,
By ————,
Secretary of War.

FREDERICK E. ENGSTRUM.

STABILIZATION OF PRICES OF CERTAIN AGRICULTURAL PRODUCTS.

Mr. LADD. Mr. President, I ask unanimous consent to have printed in the RECORD a report, which I think will be of general interest, made by the National Farmers' Union, with regard to agricultural matters.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

The report, referred to the Committee on Agriculture and Forestry, is as follows:

(By C. S. Barrett, president National Farmers' Union.)

Some persons oppose stabilization of major farm products through the exercise of the collective power of the people because, to them, it looks like paternalism. Others object because, in their judgment, the free operation of the law of supply and demand will be interfered with. Some cooperators see in the plan a danger to the development of commodity organizations.

None of these objections, in my judgment, possesses any merit. We should not be afraid of terms. The truth is that the Government is the great parent, the great protector of the people, although it can not be denied that the people who are least governed are best governed.

Ordinarily and under normal conditions—though what is normal nobody has succeeded in determining, at least to the satisfaction of the masses—cooperation by the Government in private affairs may not be wise. But we are not now living in normal times.

There are some things which private enterprise can not achieve. There are some things which private enterprise ought not attempt to accomplish. For instance, private exertion can not make or execute war. It can not achieve peace. It can not readjust the affairs of a war-riven world.

When this Government decided to enter the war against the Central Powers one of the first steps taken was to assure an adequate supply of food, not alone for the soldiers of the Republic but to enable the armies of France, Italy, Great Britain, and others associated in the

terrible enterprise to remain in the field. Nobody at that time suggested that the Government should keep its hands off the farms or should refrain from making such arrangements with agriculture as would guarantee an abundant crop.

That was paternalism. But as far as agriculture was concerned, it was disciplinary rather than beneficent paternalism. The farmer was told that the price fixed was a minimum, and this at the time was generally believed. In practice, however, it proved to be a maximum. The kind of paternalism practiced by the Government of Australia was entirely different. That Government said:

"We will see that you are not required to sell your grain below a certain figure, but if the market should develop such a demand as will justify a higher price, you may take advantage of such a condition."

The consequence is to-day that while the American farmer is groaning under a crushing load of debt, which is increasing at the rate of a million dollars a day, the Australian is enjoying gratifying prosperity. This is said on the authority of one of the most distinguished of Australia's statesmen who visited this country during the deliberations of the International Conference on Limitation of Armaments.

The stabilization plan of the national committee which we recently created provides for exactly what was done and what is now done in a manner adapted to peace needs in Australia. Under it the American wheat producer, cotton producer, corn producer, and wool producer would not be required to dispose of his commodities at a price below a certain minimum, but if market conditions should justify a higher level he would participate in the greater price advantages given.

The methods which our Government would adopt would, of course, be adapted to meet conditions in this country. A. W. Ferrin, late American trade commissioner to Australia, in a communication to the Department of Commerce in relation to the Australian stabilization plan, says that a plan of stabilization to meet peace conditions has been agreed upon.

"The Commonwealth Government will advance to farmers on delivery of wheat at sidings 3 shillings a bushel in cash, with a negotiable certificate for further payment when the wheat is sold, freight and handling charge up to 8 pence—or 16 cents a bushel—to be first charge against the wheat."

Mr. Ferrin points out that the advance is arranged through the Commonwealth Bank, a financial organization created especially for use by farmers. The cost of producing wheat in Australia is much less than in the United States, so that the minimum advance by the Government need not be as much as in this country.

Through the enlightened policy of the Australian Commonwealth during the war the cooperative spirit was stimulated, and now an overwhelming majority of the wheat farmers and wool producers are members of a common pool. Before the war the Australian farmer had no confidence in organization. He refused to cooperate with anybody, and the consequence was he was the prey of the special interests and food for the speculative manipulating middleman.

My information is that the stabilization plan worked so well during the war that the Government decided that it shall continue in operation. I am assured on the word of an Australian statesman who was one of the pioneers in working out a plan for the stabilization of the farming industry that in any protection the Government has afforded the pool it has never been involved in the loss of a single cent.

I said there were some things which private enterprise can not accomplish. One of these is the salvation of agriculture from the extreme consequences of the recent deflative methods of those in charge of the agencies of government which directly affect the farmers. During the war agriculture suffered from disciplinary paternalism. After the war the Government carried disciplinary paternalism to a cruel extreme, involving hundreds of thousands in ruin and bringing despair and sorrow to hundreds of thousands more.

Now, is it not time that we follow the example of Australia by adopting something of a beneficent paternal attitude toward the only completely essential public utility which exists? It was by the exercise of disciplinary paternalism that agriculture was brought to its present and plight; now we must do our best to erase the marks of cruel discipline by the exercise of that repairing kindness which necessarily makes up a part of the character of a true parent.

Those who object to the exercise of the power of government to save an industry which the census bureau says is worth $80,000,000,000 could do well to examine the Pittman bill. This measure was adopted to prevent the loss of the silver of America and its purchase by Europe and Asia to be used in minor money coinage.

The Government, seeing that it would lose a vast amount of the metal necessary in coinage, decided to pay a minimum price of $1 for every ounce of pure silver produced in the United States. It did not matter what the markets of the world offered for the same metal. It was necessary to stabilize the American product.

There is no evidence of opposition to this bill in the Senate or in the other branch of Congress. No statesman believes it has done the slightest injury. Nobody asks for its repeal. On the contrary, there is a very lively sentiment for an extension of the bill after it expires in two years from now. The author of the measure says that the great silver mines of Nevada and other States are working at a profit, and the practical effect of the measure has been to stabilize and steady the white-metal markets of the world.

During the debate on the bill before it was enacted it was insisted that money being absolutely essential to commerce and industry, we must save to America one of the two precious metals that was in danger of being shipped in too great abundance to Europe and Asia. To do this it was necessary to pay the men who produced silver a sum which at least approximated the cost of production. This was regarded as sound, reasonable, and logical, and the judgment of the champion of the measure was written into law.

Nobody called such legislation paternalistic or socialistic. On the contrary, they accepted the principle that in an emergency the Government should use its power to save to the Nation a metal deemed essential for coinage purposes and necessary to commerce and industry.

Now the question arises if it is necessary to save a coinage metal, how much more necessary is it to save an industry upon which we are wholly dependent for our existence? We may at some inconvenience to ourselves be able to dispense with silver coin. We may close the silver mines of the country and still be able to worry along and collect sufficient food on which to live. But what would happen to this Nation and to the world were we to close the farms?

I am not attempting to go into the merits of the silver stabilization bill, for it is that and nothing more. I am only showing that if a great national crisis had suggested to our Congress the need for enacting legislation which would assure a continual and necessary supply of silver money, how much greater must be the impression on the official mind when the necessity for saving agriculture is presented?

I am convinced that if the farmers next fall are unable to collect cost of production, or something approximating it, the financial and mental condition of agriculture will be such as to constitute a real peril to the Nation. Scores of thousands of men who earn their living on the farms are preparing to leave, and they will leave at a great sacrifice to themselves and their families. The mental attitude of such men toward this Nation and this Government will be such as ought to cause statesmen real concern.

There is, of course, the possibility that markets may be so adjusted or more probably manipulated as to enable the farmers after the next crop is harvested to collect cost of production. But we should forge the weapon and create the instrumentalities which will assure this. Without them farmers are assuming a risk which will have a depressing, almost paralyzing, effect on productive effort. Assured of some reward, assured that they may be able to cease borrowing and even pay something on old and long-standing accounts, the mental attitude of Uncle Reuben will necessarily undergo a complete change.

I am not proposing a cure-all. This plan will not prove to be a remedy for all agricultural ills. It merely steadies the agricultural ship and sustains it while going through the rapids of deflation, falling markets, and other evils. It makes possible orderly marketing and paves the way for complete commodity organization, when I hope all we will require of the Government will be sympathetic cooperation in our purpose to find a more direct way to the consumer.

There is now before Congress a bill which commits the Government to the stabilization of the shipbuilding and ship-operating enterprise. Such a bill would cost the country hundreds of millions of dollars. Those who characterize the demand of the farmers for price stabilization legislation as socialistic applaud this bill, declaring it to be enlightened, progressive, and constructive legislation.

The bill which we ask for, unless all precedent is set aside, would not cost the Government a cent. It would lay no tax burdens on the people, but, on the contrary, it would fill empty box cars by the thousands, would open idle factories, and set millions of unemployed to work. But it is characterized by some statesmen as an idle dream, by others it is associated with the most repugnant form of socialism, while still others see in it a return or retrogression to what they regard as the worst type of paternalism in government.

The ship subsidy bill constitutes business in government, but the agricultural stabilization measure is government in business. It is peculiar how the diversified mentality of American statesmanship works.

Some persons believe if the factories of the United States were opened the farmers would once more prosper. I agree with this, but the only way to open the factories is to restore the buying power of the farmers. If prosperity returns, it must be initiated on the farm.

CONSIDERATION OF APPROPRIATION BILLS.

The Senate resumed the consideration of Senate resolution 213, proposing to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations.

Mr. UNDERWOOD. Mr. President, I beg the pardon of the Senate for taking up its time about a matter that was not strictly within the unanimous-consent agreement. What I rose for this morning was to discuss briefly the pending resolution in reference to a change of the rules so as to put all the appropriation bills of the Senate in the hands of one committee.

A number of years ago in the House of Representatives, when every effort was being made to economize, cut out unnecessary expenditures, and prevent the duplication of appropriations and of work, I made an effort to concentrate the power of appropriation under one general head that was proposed to be called a budget committee. The effort did not succeed at that time; but it was apparent to me then, and it has been apparent to me since, that the system that existed in the past has been one cause of wasteful expenditures. I do not mean to say that a vast amount of the expenditures of the Government of the United States are wasteful—not by any means—but I do mean to say that there are a great many expenditures that we make every year that can be classed as wasteful, not only because the Government and the people of the United States do not receive value for the appropriation but because it often causes the same work to be done twice over; it causes double expenditures. More than that, my experience on the Appropriations Committee of the House of Representatives a number of years ago, and for six years on the Appropriations Committee of the Senate, has led me to believe that by reason of the fact that in the old days the appropriations were scattered through a number of committees in the House and in the Senate, departments of the Government that had some special object that they wanted to accomplish and desired the money to do it with were enabled to run from one committee to another, and if they could not get the appropriation from the general committees they would try to bring in the item on an appropriation bill. After it had been disposed of and rejected in the ordinary course, they would come back from every angle possible and try to work out their special schemes.

Up to the eighties the appropriations of the Government were confined to a single committee in the House and a single committee in the Senate. I am told that it grew largely out of an effort to take away from the power of Mr. Randall, of Pennsylvania, who was then chairman of the Appropriations Committee, and who was not in entire accord with some of his party leaders in the House of Representatives, but in the eighties a number of the appropriation bills were divided and given to other committees. Of course, the Senate had to re-

spond when a division came, and later on there were other divisions, and again the Senate responded, for as long as the appropriation bills originate in the House of Representatives, the manner of disposing of those bills must be primarily determinated by the House, because when a bill is made up it can not be divided up. A bill is an entity in itself, a creation in itself.

The actual paper has to pass. I know that we are so much in the habit of dealing with numbers of printed documents and printed bills that we do not visualize the engrossed and the enrolled bill as it goes through. But it is one bill. The Senate can not act on it until the House sends that actual bill to the Senate. It comes here and is referred, and when it is in the committee the Senate can not act because it does not have possession of it.

Therefore, when the House makes up certain items in one bill, in one document, the Senate is bound by that proposition, unless it should make up its mind to defeat the bill and start a new practice of originating appropriation bills in the Senate instead of allowing the House to do so. Of course, if that occurred, it would bring on endless conflicts between the two Houses of Congress.

The House of Representatives has changed its method of doing business. It has concentrated the appropriation bills in one committee, and it has entirely changed the forms of those bills. It has taken many items which did not go together formerly and classified them in a new formation, into one bill, which, of course, entirely changes the conditions under which we were in the habit of acting upon them in the Senate. In other words, if we are to recognize those bills as they come from the House—and we must—then we find the jurisdiction of the committees which had control of these matters before entirely gone, as to a bill over which one or two or three committees of the Senate formerly had control. As I have said, we can not change that. Of course, a portion of a bill could not be referred to one committee and another portion to another committee, because the bill is an entity itself which has to go to the committee.

I recognize, of course, that a bill might be referred to one committee, and that committee allowed to act upon it, and then it could be referred to another committee, and that committee allowed to act upon it, and then to a third committee, to allow it to act upon it; but when you got through that process you would only have delayed legislation, you would have put a block in the way of a good deal of good and effective and useful legislation, and really would accomplish no great object by it. So it seems to me that the only thing which can be done, now that the House has changed its rules, if the Senate is not going into legislative war with the House, is for us to make our rules conform to the rules of the House and provide for these bills all being considered in one committee.

More than that, Mr. President, we have good warrant for that proposition; and the reason why I am speaking on this matter, and the only reason, is that I am a member of the Committee on Rules. This proposal came before our committee for consideration. It became necessary for me to act on it one way or the other—to accept it or reject it. I believed it was in the public interest and that it should be accepted, and that the consolidation of the appropriation bills in one committee should take place. I had good authority for that. During a large part of the last Congress and in the term of Mr. Wilson, the last Democratic President, he urged upon the Congress the passage of a budget bill and the taking of this action. One of the measures he urged in the interest of economy in the expenditure of public money was the passage of a budget bill and the consolidation of appropriations in the hands of one committee. Is there any less reason for economy to-day than there was when Woodrow Wilson was President of the United States?

In addition to the urgent request of the Democratic administration to have this consolidation in the interest of economy, the last Democratic convention, speaking with the authority of my party, declared in favor of the consolidation of all appropriation bills in one committee.

It seems to me that under those circumstances there was but one thing for the Democratic members of the Rules Committee to do when this proposal came before them for consideration. Knowing that it was in the interest of economy, knowing that it had the approval of their party in the past, and knowing that it had the sanction of the highest authority in their party, the proper course to pursue was to be in accord with the proposal and support the resolution.

I want to say, however, that, although I agreed to the proposition and felt that it was our duty to act along those lines, I was in favor of making the proposition as liberal as possible. I realized fully that the legislative committees of the Senate which had had jurisdiction of the appropriation bills for many years past naturally would not want to give up their jurisdiction. More than that, I realized that there were men on those legislative committees who had handled the appropriation bills in the past, knew their details, had the information in reference to them, and could be of vast service to the Government, because the real thing which makes service here is knowledge and information, not brains or brilliancy.

Therefore I was glad to join with other Senators on the Rules Committee in liberalizing the proposed rule as it was originally introduced and in providing that a certain number of the members of the legislative committees of the Senate should have a right to sit and act with the Appropriations Committee when appropriations concerning matters over which those several committees had legislative jurisdiction were before the Appropriations Committee. Of course, all the members of those committees could not be taken; but in providing that three of them shall be on the Committee on Appropriations I think the rule exceedingly liberalized a proposition which was commended by my party and, I believe, by the party on the other side of the aisle.

There was only one danger in the bill, it seemed to me. I think it will work great economy to have the power and the responsibility of these great appropriation bills contained in one committee, and have one set of men exercising that power, and being chargeable with that responsibility; but I felt that there was one danger, and that was of legislation creeping into the appropriation bills more than it has done in the past, the jurisdiction of the legislative committees of the Senate being taken away. I made the suggestion in the committee that we go further than the present rule, which prohibits general legislation on appropriation bills, and makes it subject to a point of order. I suggested that we go so far as to prohibit it, and make the entire bill subject to a point of order if any general or new legislation should be reported on the bill. That was agreed to in the committee, and if the amendment is adopted, as I believe it will be, it will be a part of the rule.

I know the temptation, under stress of circumstances, to write legislation in appropriation bills, because it is the direct method of securing the enactment of law. More than that, I am free to confess that during the period of the war I was guilty myself of adopting such methods, because it was the most expeditious way to accomplish results. But under ordinary circumstances it is not the way that legislation should be considered. I think the legislative committees of the Senate should be fully protected in their rights. An amendment of great import put in an appropriation bill would attract general attention, but a vast number of minor items creating new legislation might be inserted in appropriation bills without attracting any attention and at the same time possibly wipe out the viewpoint and the desire and the intent of the legislative committees of the Senate.

So I believe it worth while to put a supreme penalty on the Committee on Appropriations reporting new legislation. It is done in this amendment. Under the old rule if they reported new general legislation a point of order could be made on the floor and that item would go out of the bill, but if this rule is adopted and the general appropriations committee puts new legislation in the bill, they then endanger the passage of the whole bill and no committee will take a chance of that kind.

So I think that the rule is not only in conformity with the best public interests for economy, it is not only in accord with the principles of my party and the declarations of my party, but I contend that under these circumstances it is an exceedingly fair, just, and liberal rule as it has been reported, and I hope the Senate will adopt it.

Mr. NORRIS. Mr. President, I wish to offer now an amendment to the committee amendment.

Mr. WARREN. Mr. President, may I ask if there is not an amendment now pending?

Mr. HARRISON. There is an amendment pending in the form of a substitute, but the Senator has a right to perfect it, as I understand.

Mr. NORRIS. If it is in the form of a substitute, my amendment is in order.

Mr. HARRISON. I was under the impression that all amendments had been offered, and that is the reason why I offered a substitute at that time.

Mr. NORRIS. I move to amend the committee amendment as follows: Insert, on line 9——

Mr. FLETCHER. Is the Senator referring to the new print containing the amendments which have been agreed to?

Mr. NORRIS. It is the only print I know of.

Mr. WARREN. I hand the Senator a print of the resolution with the amendments, showing how it has been amended up to this time.

Mr. NORRIS. If there is a new print, I will refer to it. By a short explanation I can make it plain to all Senators. In fact, I have already given notice that I intended to offer this amendment. I am using the new print now, I will say to the Senator from Florida.

On page 2, line 10, after the word "appropriations," I move to amend by striking out the remainder of the committee amendment as amended.

Mr. President, the effect of this amendment, if agreed to, will be to take away that provision of the new rule which provides that three members of the various other committees shall go over to the Appropriations Committee and be a part of the Appropriations Committee when particular bills now going to such other committees are referred to and are before the Committee on Appropriations. In other words, if my amendment is agreed to, then all appropriation bills coming from the House will be referred to the Committee on Appropriations as it is now constituted, and there will be no transferring to that committee of three members from any other committee in any case.

That part of the committee amendment which provides that if any legislation is contained in an appropriation bill a point of order sustained against it will send the entire bill back to the committee is still left, and will still be in the rule if my motion prevails. It has no other effect than to take away from the rule that part which provides for additional members from other committees to be ex officio members of the Committee on Appropriations in certain cases. To my mind that part of the rule is indefensible.

After all is said and done, though it may not be the only reason for incorporating it, one of the principal reasons, as has been said, was to secure votes for the resolution. There are some in the Senate who are in favor of the motion to amend I am now making who will vote against it, because they fear it will endanger the rule itself if my motion should prevail. I am not at all afraid of that. I am for the rule. I would not want to endanger it. I have no such object in view. I am going to vote for it whether my motion to amend prevails or does not prevail. I agree with the Senator from Alabama [Mr. UNDERWOOD], who has so well pointed out this morning that efficiency in legislation requires that appropriations should be handled by one committee and that the responsibility for them should not be divided, divided responsibility bringing in, as we know, all kinds of difficulties.

I fear that those who are opposed to any change in the existing rules are opposed to this amendment for the reason that they believe that the rule, in whatever form it may be agreed to, will give to the Appropriations Committee too much power; that it is a committee which already has a great deal of power and that the rule will give to it more jurisdiction over appropriations. But Senators forget that part of the rule which is new, which is not in the rules now, which provides that if the committee reports any legislation on an appropriation bill it will be within the power of any Senator to send the whole bill back to the committee, or to recommit the bill in effect.

Mr. President, it seems to me that does away with the danger of more power. It leaves every appropriation in such a condition that we can always put our finger upon the responsible party. There is no divided responsibility. Senators on other committees, jealous, and properly so, of that jurisdiction and their power, are opposed to the change unless the proposed transfer is left in the rule. While I have great respect for those who hold that opinion, I believe they are fundamentally wrong. I want to call attention to what ought to be done if they are right.

There is no provision in the resolution for putting any members of the Judiciary Committee on the Appropriations Committee when there is an appropriation bill pending making appropriations for the Department of Justice. There are other instances of that kind. Why should not members of the Committee on the Judiciary be placed on the Appropriations Committee when the Department of Justice is being appropriated for if, for instance, members of the Committee on Agriculture and Forestry are going to be placed on that committee when the Agriculture Department is being appropriated for? Why should not members of the Committee on Indian Affairs be placed on the Appropriations Committee when appropriations are being made for the Indian Bureau, if we place on the Appropriations Committee members of the Commerce Committee or the Committee on Military Affairs when appropriations are being made for the Army?

I do not believe there is any answer to that question. Fundamentally it is wrong. It can not be defended or excused, in my judgment, without going the full length and applying to other committees the same rule that is being applied to the particular committees which are mentioned in the amendment.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. CARAWAY. This is certainly carrying the bloc system, which some Senators have been condemning, into the Appropriations Committee, because if we are to have an agricultural bloc on the Appropriations Committee we shall have a District of Columbia bloc on it, too. It is carrying the bloc from every committee in the proposition to put the chairman and two other members of those committees on the Appropriations Committee. That is what it means.

Mr. NORRIS. Yes.

Mr. CARAWAY. There has been some condemnation of blocs in the Senate, and yet Senators are trying now to write into the rules of the Senate a provision encouraging the bloc system. That is what it amounts to.

Mr. NORRIS. I said so the other day. I do not know whether the Senator was here.

Mr. CARAWAY. I heard the Senator's statement that the agricultural bloc ought to be recognized.

Mr. NORRIS. There is just as much reason to recognize it.

Mr. CARAWAY. That is the bloc system. It is recognizing in the rules that unless a man is related to some particular industry he is not competent to legislate or appropriate for that industry.

Mr. NORRIS. If the object in putting committees on here would be the same, and that was the only object that I could see in putting the bloc on, it would make too many candidates for presidential favor.

Mr. CARAWAY. I realize the temptation it would be to Members.

Mr. NORRIS. And the President would not have offices enough to go around.

Mr. CARAWAY. We can create some new ones and take care of them.

Mr. NORRIS. That might be possible. If all of the blocs were as successful in getting their heads and leaders placed in like positions as was the agricultural bloc, we would have to devise a whole lot more offices.

Mr. President, as I said, there is no reason why members of the Committee on Military Affairs or the other committees named in the rule should be placed on the Committee on Appropriations any more than there is that other committees not named in the proposed rule should have representatives on the Committee on Appropriations. That must be apparent. That can not be disputed. That is self-evident. Why the discrimination, then? Is there any other reason than that which has been given and was intimated, that when they made this change they realized that the committees which now have appropriation powers would be jealous and would not want to give them up, and they might not get sufficient votes to make the change, so therefore they eased them up, as the Senator from Minnesota [Mr. NELSON] said, and put three members on the Committee on Appropriations from each one of those committees, and that later on probably they would be taken off. I think they ought to be taken off now.

It is either right or it is wrong. If it is right—and I believe, especially since we have adopted the Budget system, that it is right—we ought to place the responsibility on the Appropriations Committee and give them the power over all general appropriation bills. If experience demonstrates that the committee is too small we will make it larger. My own judgment is that experience will demonstrate that it is already large enough, because we have taken away, if we adopt this rule, all temptation for them to legislate.

I think I realize that a great many of the Senators are opposed to the proposition which I make in the way of this amendment, and I shall probably lack sufficient votes to get it adopted. I would like to have a vote on it and would like to have a record vote on it.

The PRESIDING OFFICER. The Chair suggests to the Senator that he understands that the question on the amendment offered by the Senator from Mississippi would come first.

Mr. HARRISON. I withdraw that amendment for the present.

Mr. NORRIS. I understand that the amendment of the Senator from Mississippi is in the nature of a substitute.

Mr. HARRISON. Yes.

The PRESIDING OFFICER. It proposes to strike out and then to insert new matter in lieu of that which is stricken out. Therefore the amendment of the Senator from Mississippi would be in order after the amendment of the Senator from Nebraska should have been voted upon, whether it is adopted or not.

Mr. HARRISON. I withdraw my amendment.

Mr. NORRIS. If my amendment proposed to strike out all of the committee amendment I think the suggestion of the Chair would be correct, but my amendment only proposes to strike out a portion of the committee amendment.

The PRESIDING OFFICER. The Chair understands the Senator from Mississippi to withdraw his amendment?

Mr. HARRISON. I withdraw it.

Mr. NORRIS. Very well; then there will be no misunderstanding.

Mr. FLETCHER. Mr. President, before the vote is taken on the amendment of the Senator from Nebraska I desire to say just a few words in opposition to it. I am opposed to the Senator's amendment because it leaves the resolution practically as it was originally introduced, with the exception of the amendment providing for a point of order being raised against the entire bill in case any item of new legislation or additional appropriation is reported. That amendment itself is not bad; I have no objection to it; but I seriously object to the resolution as it was originally introduced. I think that the amendment reported by the Committee on Rules providing for representation on the Committee on Appropriations of three members from various other committees which have heretofore had jurisdiction of certain appropriation bills very much improves the resolution.

I think that the resolution as amended by the committee ought to be agreed to. I had no objection to it as it stood, but the Senate has seen fit to change it in some respects, so that instead of the chairman of each of the other committees and two other members of the committee named by him serving on the Appropriations Committee when the appropriation bills of which those committees have heretofore had jurisdiction are being considered, the amendment to the resolution adopted by the Senate leaves it for the respective committees to select the three members who shall represent them on the Committee on Appropriations. I have no particular objection to that; I do not think that weakens the resolution as originally proposed to be amended by the committee, but I do not agree with the Senator from Nebraska that it would be better to adopt the resolution practically as introduced, sending all the general appropriation bills to one committee without any sort of representation on that committee of the various other committees having legislative jurisdiction of the various subject matters. The amendment by the committee very much improves the resolution, and in view of the situation in the House of Representatives, with the idea of facilitating the work of Congress, I think the proposed rule as embodied in the resolution as amended by the committee might very well be accepted by the Senate. I am inclined to think it would promote both economy and efficiency in the handling of legislation and, perhaps, speed action, if such a thing is possible, in the Senate.

I can not, however, agree with the Senator from Nebraska that by adding three members from each of the large committees having legislative jurisdiction and heretofore handling appropriation bills coming within their jurisdiction there would be thereby created divided authority. That seems to be the only point which the Senator makes; that by adding other members divided responsibility will be created. I can not see that it has that effect at all. There will be added to the Committee on Appropriations three members from the Committee on Military Affairs when the Military appropriation bill is being considered; three members of the Committee on Commerce, to be selected by that committee, will be added to the Committee on Appropriations whenever there is being considered the bill providing appropriations for rivers and harbors, and so on with the various other committees, the Committee on Post Offices and Post Roads, the Committee on Agriculture and Forestry, and so forth.

Those additional members will not be permanent members of the Committee on Appropriations at all; they will simply serve while the particular bill heretofore handled in their committee is under consideration. I think the plan will work all right and that it would be a great mistake entirely to eliminate all representation of the large committees on the Committee on Appropriations in the circumstances I have mentioned, as would be the case if the amendment offered by the Senator from Nebraska prevailed. I therefore hope that that amendment will not prevail. In view of all the circumstances, I much prefer and I cordially favor the resolution, with the amendment reported by the committee. The amendment already adopted to that amendment providing for the selection of the three members by the committee instead of their being named by the chairman is unobjectionable, I think, and perhaps may be more satisfactory; but I am quite clear that there would be no divided responsibility such as the Senator from Nebraska seems to apprehend.

There is no argument, it seems to me, against the representation as provided by the committee amendment of the large standing committees which have jurisdiction generally of the various subjects matter when appropriation bills affecting them are under consideration by the Committee on Appropriations. I think the resolution as originally introduced is very much improved by the committee amendment. Therefore I should, I think, feel compelled to vote against the resolution if the amendment offered by the Senator from Nebraska should prevail.

Mr. TOWNSEND. Mr. President, as chairman of the Committee on Post Offices and Post Roads, which now has jurisdiction of one of the largest appropriation bills which come before the Senate, I certainly have no objection to the duties of that committee respecting the appropriation bill being transferred to any other committee if thereby the work may be done better and more in the interest of the public. I certainly am not looking for a continuation of that work.

I am satisfied, however, that in each case undoubtedly three Members who are at the head of the respective committees concerned will be assigned to the Committee on Appropriations when the appropriation bills in which they are interested are being considered. Those three Members, generally speaking, have had years of experience in connection with the consideration of appropriations for the various departments over which their jurisdiction extends; and, at least at the beginning, I think it would be most desirable to have the experience and knowledge of those Members and that it would be valuable to the Committee on Appropriations.

I think the House of Representatives recognized that fact when it enlarged its Committee on Appropriations by taking experienced members from various other committees which had therefore had charge of separate appropriation bills and making them members of the Committee on Appropriations.

I believe that the proposed change in the rules will add a great deal to the work of the Committee on Appropriations, and that many subcommittees of that committee will have to be created. Certainly, therefore, in my opinion, there should be an enlargement of the general Committee on Appropriations if it is not to be temporarily enlarged by the assignment of members of the respective legislative committees which have heretofore handled appropriation bills.

So, Mr. President, without desiring to keep more work before my committee—for I could readily, if I were to consult my own comfort, transfer much of that work to another committee, retaining only the jurisdiction of the general legislation that may come before it—in the interest of what I believe is the good of the Government during at least the next few years, I believe that the method suggested by the Committee on Rules under the amendment which it has reported is a desirable one for us to follow. For that reason alone I shall vote against the amendment offered by the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was rejected.

Mr. HARRISON. Mr. President, I offer the amendment which was pending when I withdrew it in order that the Senate might consider the amendment offered by the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi, which has heretofore been read.

Mr. HARRISON. Mr. President, a good many of the Senators are now at lunch. In their absence I want to place a statement in the RECORD so that they may read it, perhaps, when they find out what this rule does to them and to their constituents.

The distinguished Senator from Delaware [Mr. BALL] is on the Naval Affairs Committee. Naturally his State is greatly interested in matters affecting the Navy. He will be eliminated from the consideration of appropriations when this rule is adopted.

The senior Senator from Arizona [Mr. ASHURST] is a member of the Indian Affairs Committee, the committee that heretofore has made the appropriations for the Indian tribes. Few States are more interested in the welfare of the Indians than is Arizona; and yet under this rule, if it should be adopted, Arizona's representation will be taken away from her, and the subject will be placed in the hands of the distinguished junior Senator from Maine [Mr. HALE] and his colleagues on the Appropriations Committee.

Mr. WALSH of Massachusetts. There are a few Indians in Maine.

Mr. HARRISON. Yes; and pretty wild ones.

Louisiana is represented on the Post Offices and Post Roads Committee by the junior Senator from that State [Mr. BROUSSARD]. It is a very important committee, which for years has made the appropriations to carry on the Postal Service of the country; and yet under this rule, if it should be adopted, Louisiana's representation in the matter of appropriations to care for post offices and postmasters and the Postal Service of the country will be taken away from her.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. HARRISON. I do.

Mr. WALSH of Massachusetts. I do not want to interrupt the Senator in his line of argument, but I desire to make this suggestion to him: A great deal has been said here about making this resolution of such a character that no legislation could be passed hereafter in appropriation bills. I should like to ask the Senator if the most powerful and effective way of passing legislation is not through the control of the purse strings of the Government?

Mr. HARRISON. Absolutely. That is my experience.

Mr. WALSH of Massachusetts. And is it not a fact that an appropriations committee can so cut down appropriations as to nullify any legislation which the rest of the Congress passes?

Mr. HARRISON. The Senator is correct.

To-day the great State of New York is represented on the Commerce Committee, the committee that heretofore has considered appropriations for the improvement of the great harbor of New York and its rivers, the committee that will deal with the ship-subsidy proposition concerning which the President appeared before Congress the other day and which he is now advocating. That question and all the questions that affect the merchant marine and shipbuilding are now in the hands of the Commerce Committee, and that committee makes the appropriations; and yet, if this resolution is adopted, New York's representation on the Commerce Committee, so far as the appropriations for her harbors and her rivers are concerned, will be taken away and placed in the hands of the distinguished Senator from Wyoming [Mr. WARREN] and his colleagues on the Appropriations Committee.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. HARRISON. Yes.

Mr. WARREN. I wish to say to the Senator that New York was represented upon the Committee on Appropriations by the very able junior Senator from New York [Mr. CALDER] when he requested release from that committee in order that he might go on others which he thought more important for his State. On the other hand, it would seem as if the position of the senior Senator from New York [Mr. WADSWORTH] on the Committee on Appropriations as to part of the appropriation bills would perhaps atone in some measure for the absence of the junior Senator. However, there are 48 States, and the Senator will observe that with 16 Members on the committee it is hardly possible that every State shall be represented.

Mr. HARRISON. If there is one State in this Union that is entitled to representation on the Appropriations Committee, however, it is the great State of New York.

Mr. WARREN. And the junior Senator from that State wished to vacate the place because he wanted more power somewhere else.

Mr. HARRISON. The Senator says that the junior Senator from New York [Mr. CALDER] went off the Appropriations Committee in order to go on the Finance Committee. That, however, was before the ambitious gentlemen who now compose the Appropriations Committee sought to enlarge its jurisdiction and usurp the powers of other committees. I have no doubt that if at that time this proposed rule had been presented to the Senate, to take away from the Commerce Committee the power to make appropriations for the great harbor of New York and lodge it in the hands of the Appropriations Committee, the junior Senator from New York would not have sought the Finance Committee and gone off the Appropriations Committee; so the illustration that the Senator from Wyoming gives shows the outrageous character and disastrous consequences of this proposed rule.

Take the State of Arizona, represented in part by the junior Senator from that State [Mr. CAMERON]. When he came here he sought, no doubt, and there were given to him, places on two important committees. One was the Indian Affairs Committee; the other was the Military Affairs Committee. Both committees appropriate money for the welfare and the interests of Arizona as well as the rest of the country. Service on those two committees particularly appealed to the junior Senator from Arizona; and yet he is called upon here to vote for a resolution that takes away from those committees that allured him to become a member of them part of the jurisdiction which they now have, and places it in the hands of this new and powerful Committee on Appropriations. I can not believe that the junior Senator from Arizona will vote for any such proposed rule that will affect his standing in the Senate as this rule will, or that will affect the welfare or the interests of his State as it is sure to do.

Here is the junior Senator from Arkansas [Mr. CARAWAY]. He is on two committees which are very powerful under the present rules of the Senate. Both make appropriations. One is the Committee on Agriculture and Forestry. The Senator's heart is vitally interested in the agricultural welfare of the country. The other is the Committee on Commerce. If this proposed rule is adopted, and those committees lose their authority to make appropriations, what will be left for the Senator from Arkansas to do?

Going down the list, here is the junior Senator from South Carolina [Mr. DIAL]. He is on the Commerce Committee, and on the Committee on Post Offices and Post Roads. Those are his two committees. Both make appropriations; and yet under this proposed rule that authority is taken away from those two committees and given over to the 16 Senators comprising the Appropriations Committee.

On day before yesterday the junior Senator from New Jersey [Mr. EDGE] made a speech. He advocated the passage of this resolution. I wonder if he had ever looked into the fact that if this resolution is adopted and the Appropriations Committee is given this enlarged authority, New Jersey, one of the great States of this Union, will have no representation on any committee of the Senate that makes appropriations for anything. He is to-day on the Committee on Commerce and on the Committee on Post Offices and Post Roads. His State is vitally interested in the upbuilding of the merchant marine; it is interested in the appropriations that go to improve the rivers and the harbors of the country; and yet, if this proposed rule is adopted, neither the senior Senator from New Jersey [Mr. FRELINGHUYSEN] nor the junior Senator from New Jersey [Mr. EDGE] will be on any committee that makes any kind of appropriations; and yet when the line-up comes, and the vote is cast, they will be found voting with the powerful chairman of the Committee on Appropriations to foist this rule upon them.

We come now to the distinguished junior Senator from West Virginia [Mr. ELKINS]. He is on the Committee on Post Offices and Post Roads, and yet that great committee will lose an important part of its jurisdiction if this rule should be adopted.

The distinguished senior Senator from Maine [Mr. FERNALD] is on the Commerce Committee. He has been here long enough and studied these problems enough to understand them. Maine is interested in shipbuilding and she is interested in rivers and harbors, and yet, if this rule is adopted, the appropriations for all rivers and harbors and shipbuilding will be placed in the hands of the Committee on Appropriations.

Rhode Island is a small State, and yet, if this proposed rule is adopted, Rhode Island, interested in shipbuilding, in rivers and harbors, and in naval affairs, will have no representation on any committee that appropriates money for anything in the Government service.

Here is the junior Senator from Idaho [Mr. GOODING]. When he came here he sought membership on the Agricultural Committee, yet if he votes for the adoption of this rule he is surrendering his voice and his vote for the agricultural interests of the country, as far as appropriations are concerned, and saying to the Senator from Wyoming, "You cast my vote instead of me."

I am sorry the junior Senator from Oklahoma [Mr. HARRELD] is not in his seat. He is affected more than any other Senator by this proposed rule. There are more Indians in Oklahoma than in any other State of the Union. More appropriations are carried in the Indian appropriation bill for the tribes in Oklahoma than for the tribes of any other State, so the Senator from Oklahoma sought membership on committees where he believed he could be of the best service, committees that he thought would deal with the interests of his people more particularly, and he was placed on the Agricultural Committee, the Indian Affairs Committee, and the Post Office Committee, three committees all of which make appropriations. If this rule is adopted, the junior Senator from Oklahoma will lose his ability to vote in committee for any appropriation in the appropriation bills for post offices and post roads, for the Indian tribes, or for the agricultural interests of the country.

The junior Senator from Alabama [Mr. HEFLIN] is on the Committee on Agriculture and Forestry and the Committee on Post Offices and Post Roads, and he loses on both committees.

The senior Senator from Nebraska [Mr. HITCHCOCK] is on the Committee on Foreign Relations and the Committee on Military Affairs. He loses, by virtue of this rule, on both committees.

The senior Senator from California [Mr. JOHNSON] loses by virtue of being on the Committee on Foreign Relations.

The junior Senator from Minnesota [Mr. KELLOGG] loses by being on the Foreign Relations Committee.

The junior Senator from Wyoming [Mr. KENDRICK] is on the Committee on Agriculture and Forestry and the Committee on Indian Affairs. Both committees lose their authority to recommend appropriations, and if this rule should be adopted, the Appropriations Committee would recommend those appropriations.

Few men in this body have higher committee assignments than has the junior Senator from New Hampshire [Mr. KEYES]. He is on the Committee on Naval Affairs and the Committee on Agriculture and Forestry. Yet he is asked to vote for a rule which will take away from him the power to vote for the appropriations for the Navy and for the agricultural interests of the country.

If this rule is adopted the junior Senator from North Dakota [Mr. LADD] will lose his power as a member of the Committee on Agriculture and Forestry, and also as a member of the Committee on Indian Affairs.

The junior Senator from Tennessee [Mr. MCKELLAR], if this proposed rule is adopted, will lose his influence as a member of the Military Affairs Committee and the Committee on Post Offices and Post Roads.

The senior Senator from Oregon [Mr. MCNARY], one of the most influential Senators in this body, because of his membership on important committees, is a member of the Committee on Agriculture and Forestry, a member of the Committee on Commerce, and a member of the Committee on Indian Affairs. He sought membership on those committees because he believed his talents qualified him to serve on them, and he knew that the people of his State were interested in the upbuilding of the merchant marine in the great agricultural interests of the country, and in the Indian tribes who live in the haunts and the hollows and on the hills of Oregon. Yet if this rule is adopted, he will lose his influential position as a member of these three appropriation committees, and will bow to the mighty power of his colleague from Washington [Mr. JONES], and the senior Senator from Wyoming [Mr. WARREN], the chairman of the Committee on Appropriations.

I can not understand how one can imagine that a man will vote away his position and influence and authority and give it over to some other men simply because they want greater power and enlarged influence.

The senior Senator from New Hampshire [Mr. MOSES] is one of the most powerful members of the Committee on Post Offices and Post Roads, and a very influential member of the Foreign Relations Committee. He will lose, by virtue of being on those two committees, if this proposed rule shall be adopted.

The junior Senator from Indiana [Mr. NEW] is up for reelection. Of course, if you ask his opponents whether he has a hard fight on his hands, they will say "yes," but if you ask the friends of the junior Senator from Indiana if he has a hard fight, they will say "no." Yet he has a fight. He is asked at this time to vote for a rule which will take away his influence over two big appropriation bills, and allow other Senators on other committees to handle those appropriations. He is a member of the Foreign Relations Committee, now making the appropriations for the Diplomatic Service of the country, and the Military Affairs Committee, to which he has given great study. Is it fair to his constituents to force him to do it?

Next I come to the distinguished junior Senator from Kansas [Mr. CAPPER], who has recently been honored, and justly so, by being made chairman of the agricultural group. He has by his votes, by his expressions, and by his editorials, wielded an influence for the agricultural welfare of the country. If this proposed rule is adopted, he will lose his influence, as well as his votes, to provide appropriations for agriculture, as well as for military affairs, being a member of the two committees which now recommend those appropriations. He will surrender that influence, and give it over to the senior Senator from Wyoming [Mr. WARREN] and his colleagues on the Appropriations Committee.

Mr. President, I shall not go through this list. I have read enough to show how it would affect different Senators, but I want to talk a little about the membership of the Committee on Appropriations as it is now constituted. It is unfair to them to give this additional power to the Committee on Appropriations. They are worked almost to death now. You can not get a word with one of them. They hold meetings morning, afternoon, and night; yet we are trying to give them more power and to impose on them additional burdens.

Let us take the senior Senator from Wyoming [Mr. WARREN], for instance. As chairman of this committee practically all of his time is taken up in the consideration of the questions which come before that committee; yet he is a member of other committees. He is a member of the Committee on Education and Labor. That committee is entitled to part of his time. He is a member of the Military Affairs Committee, and certainly at this period of readjustment in military matters and of fixing the military program that committee is entitled to his attendance at times. He is a member also of the Committee on Public Buildings and Grounds, and he certainly ought to be in attendance on that committee some time. Yet, though he is a member of all these various committees, they want to give him additional power and more burdens. It is impossible for one man to attend to so many duties.

Another member of the Committee on Appropriations is the senior Senator from Utah [Mr. SMOOT]. If a Senator were on that committee, and that committee alone, he could handle the situation, perhaps, by working 24 hours a day; but when these Senators are on other committees which take a good deal of their time it is impossible to perform and perform well the duties which are now conferred upon them. The Senator from Utah is a member of the Committee on Public Lands and Surveys, a committee in the work of which he is interested and of which I think he was once chairman. He is a member of the Committee on Pensions, a committee which at times, just before election especially, gets very busy; and as an election is now approaching that committee will need some of his time. He is a member also of the Finance Committee, a committee which has been working for three years on one proposition but has not been able to get together, though they are slowly approaching the end. That committee calls for a great deal of the time of the Senator from Utah. It is impossible for these hard-worked men to take on additional burdens. In the interest of humanity this should not be done.

There are other Senators who are in similar positions. The senior Senator from Washington [Mr. JONES] is one of the hardest-working Senators in this body. He is in attendance on the floor of the Senate whenever he is not in attendance upon one of the committees, but he is in attendance on the Committee on Appropriations so much that he is not very often on the floor of the Senate. He is here now, because this rule is being considered; but the Senator from Washington is on other Committees. He is chairman of the powerful Commerce Committee.

It will take weeks and months for them to consider this new proposal to give a subsidy to the Shipping Trust. They have to work that out, and it will take time. The rivers and harbors bill must also be considered. They can not make the appropriation, but they can pass on some kind of a bill. He is on other committees. He is on the Committee on the District of Columbia. What committee is of more importance, especially to the people of Washington, than the great Committee on the District of Columbia? It takes a lot of his time. Many bills he has championed now bear his name. He is on the Committee on Irrigation and Reclamation. I understand that committee has before it the McNary bill, an important measure for the great western sections of this country. That takes part of his time. I say that it is humanly impossible for these members of the Committee on Appropriations to take on additional work, when they have now more than they can possibly do.

The senior Senator from Kansas [Mr. CURTIS] is chairman of the Committee on Rules, and that takes a great deal of his time. It would naturally take the time of any Senator to try to keep the Senate straight. He is on the Finance Committee also, and they have been working hard trying to get the tariff bill out. The Senator from Kansas, who is usually on the floor of the Senate, has not been here for days and weeks. They are trying to evolve this bill, which has been in the minds of a few Senators for three years. I hope he will not be taken away from it. If he is, and given these increased burdens, we will never get a tariff bill out. Let us not give the Senator from Kansas and the Senator from Indiana [Mr. WATSON] more excuse for longer delay in passing the tariff bill. Yet if this proposed change in the rules is made, they will use it as an excuse for not having time to consider the tariff question; they will claim that they had to go on to the Appropriations Committee and make these appropriations.

Mr. WATSON of Indiana. I did not quite understand what the Senator said.

Mr. HARRISON. The Senator would have agreed with me thoroughly if he had. There would not have been any difference about it.

Mr. WATSON of Indiana. In order to be absolutely sure about it, will the Senator repeat what he said.

Mr. HARRISON. No; I am afraid it would not please the Senator.

Mr. WATSON of Indiana. If it would not please me, I would not agree with it.

Mr. HARRISON. I do not want the Senator to feel badly, because he has enough troubles now.

Now I come to the junior Senator from Maine [Mr. HALE]. Of course, the Senator from Maine is worthy and well qualified, a very powerful member of the Committee on Appropriations. He is also on the Naval Affairs Committee, and he has other duties to perform on other committees.

Then he is upon the Committee on Rules. Now, it is not fair to Senator HALE, and it is not fair to his friends in Maine or to the great State of Maine that has sent so many distinguished and illustrious men to the Senate and the House, to place so much on the shoulders of Senator HALE that he could not bear it, and that he would have to surrender some of his hard work. He has enough duties to perform. He is upon the Committee on Rules, the Committee on Naval Affairs, and the Committee on Appropriations, and yet you want to give to him the right to recommend all the appropriations for agriculture, for military affairs, for the merchant marine, for Indian affairs, for post offices and post roads, for everything. He can not stand that. He is not a strong man as it is. If he were hale and hearty and big in physique he could do it, but he can not stand the strain under the circumstances.

Then here is the Senator from Missouri [Mr. SPENCER], a member of the Committee on Appropriations. He is on a number of other committees. He must give some of his time to them. He is chairman of the Committee on Indian Affairs. He is upon the Committee on Claims. He has to consider all the claims against the Government of the United States. He is a member of the Committee on Military Affairs, a most important committee. He is a member of the Committee on Privileges and Elections. He has the peculiar position, the responsible position, of granting the privilege to those who may apply for seats in this august body. He is the man who looks over contested elections and says whether or not Senators are entitled to their seats. We should not burden him with greater responsibility. He has been under a severe test for months. He can not carry more burdens. He is working now morning, afternoon, and night, and yet you want to place on him additional responsibilities, to appropriate for agriculture, for the merchant marine, for Post Office and Post Roads, and for every other branch and activity of the Federal Government.

Now I come to the senior Senator from Colorado [Mr. PHIPPS]. He is on important committees—Education and Labor, Irrigation and Reclamation, Post Offices and Post Roads, and he is also a member of the powerful Committee on Appropriations.

The junior Senator from Michigan [Mr. NEWBERRY] is a member of the powerful Committee on Appropriations, and yet they want to give him more responsibility in this body. I am not surprised at that, but, considering the strain through which he has gone, he can not stand to have new burdens placed upon him. In addition to being a member of the Committee on Appropriations, Senator NEWBERRY is a member of the Banking and Currency Committee, and there are a lot of matters of importance before that committee. He is also a member of the Committee on Mines and Mining and a member of the Committee on Naval Affairs, and yet you want to enlarge his jurisdiction and add greater responsibilities.

The junior Senator from Illinois [Mr. MCKINLEY] has not been here long, but he is in the harness and is working well. He is on other committees besides the Committee on Appropriations. He is a member of the Committees on Interoceanic Canals, Manufactures, and Public Buildings and Grounds, and yet you want to give him at this early stage of his senatorial career additional powers to make appropriations for all the other interests of the country.

Mr. President, I do not care how high Senators may be in this body or what influence they wield, this proposed rule is wrong. The public interests will not be safeguarded by placing in the hands of a few men all the responsibility for all the appropriations for all the interests of the country. Seventeen members of the Appropriations Committee, selected without any respect to section or interest, are certainly bequeathed this great additional power. If you want one body to make the appropriations, well and good.

I was for the Budget system. The amendment which I have offered takes care of the situation under the circumstances. When the Senator from Wyoming [Mr. WARREN] presented this measure to the Committee on Rules he presented it "because," he said, "Senators, I must do it because of the peculiar rules of the House. They have a single Committee on Appropriations and all bills appropriating money will come here from that one committee. Those bills are so interlocked and interlaced that it is impossible to segregate them, and there must be one Senate committee to handle all appropriation bills."

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly; although what the Senator holds in his hand has been read fourteen times already.

Mr. WATSON of Indiana. I am going to make it fifteen, in order that it may be appropriately impressed upon the mind of the Senator.

Mr. HARRISON. I am going to let the Senator put it in my remarks.

Mr. WATSON of Indiana. No; I do not want to do that. I do not want to interrupt the harmonious and mellifluous flow of the Senator's modulated speech, but I just want to read this clause:

> The appropriation bills should be considered by single committees of the House and Senate.

The Senator, I believe, made a speech in the Democratic national convention, and perhaps presided for a time over that body——

Mr. HARRISON. It did not do much good.

Mr. WATSON of Indiana. He presided, I believe, for a time in the absence of my friend, the Senator from Arkansas [Mr. ROBINSON], who was the presiding officer of that convention. Did the Senator indorse that part of the plank in the Democratic platform?

Mr. HARRISON. Is the Senator querying me?

Mr. WATSON of Indiana. Yes; I am asking the Senator from Mississippi a question.

Mr. HARRISON. When the Senator has finished I am going to talk about that. It is one of the principal things about which I rose to speak.

Mr. WATSON of Indiana. Did the Senator indorse it at the Democratic convention?

Mr. HARRISON. I voted for the platform.

Mr. WATSON of Indiana. The Senator upheld the platform, then. Was there anything said about it in the campaign?

Mr. HARRISON. Not a thing.

Mr. WATSON of Indiana. Does the Senator know whether or not this plank in regard to the Budget system and the clause I read from that particular plank was discussed generally throughout the campaign?

Mr. HARRISON. I may say to the Senator that, of course, the party to which I belong has always believed in a Budget system, and that plank was intended to indorse the Budget system. We passed it long before and President Wilson vetoed it. You know why he vetoed it. It was on a technical objection that was later acquiesced in by the Republican Congress. It was finally passed with the technical objection eliminated from the provision. The provision in the platform to which the Senator calls my attention was not discussed in the committee on resolutions. It was evidently presented, but I did not know it was in there until it was read by some alert Senator the other day.

Mr. CARAWAY. Mr. President——

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. This particular platform did not get us many votes?

Mr. WATSON of Indiana. That is quite true, but that is no reason why Democratic Senators should repudiate it.

Mr. CARAWAY. We believe in the people's rule.

Mr. HARRISON. What the Senator called my attention to was a provision about one committee on the House and the Senate and not about the Budget particularly. That is all right. If you want one committee, I am willing to go through and vote for one committee, but when the House of Representatives adopted this proposal the membership of the Appropriations Committee over there was 17. They have increased it and reorganized it.

Mr. WARREN. The membership was twenty-odd before the reorganization.

Mr. HARRISON. When I was in the House I think it was 17. It never was over 21. I ask the Senator from Wisconsin [Mr. LENROOT] if I am not right in that respect? He responds yes. It never was over 21, and I think when I was a Member there three years ago it was only 17. Anyway, it was reorganized, increased in membership to 35, and was increased with a view of taking care of every interest in the country. It was made permanent and was not a piecemeal arrangement with some ex officio members involved in the proposition.

This matter should have come up in the beginning of the present session of Congress. The plan should have been conceived then for one committee to handle all appropriations. The committee should have been organized with a view to taking care of the agricultural interests, Indian affairs, the merchant marine, and every other interest in the country, giving them all a fair, square deal, and yet we are asked here to turn it all over to a committee that has been named years ago in part and added to by 1 or 2 at a time for years and now is made up of 16 members without respect to any interest or anything else.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER (Mr. BALL in the chair). Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. HARRISON. Certainly.

Mr. WATSON of Indiana. Of course, the Senator is aware, if he will permit the interruption, that the Budget system has been adopted within the last few months, and that this single committee proposition is naturally a direct outgrowth of the Budget system. That the House adopted the single committee plan is in consonance and harmony with the Budget system.

Mr. HARRISON. I think that is right.

Mr. WATSON of Indiana. After the Budget system was adopted in the House and appropriation bills were all referred to one committee for the purpose of carrying out the Budget system, they send their bills over here in such form that it makes it much easier and so frees us from accompanying involvements and complexities that all appropriation bills should be referred here to one single committee. As the Senator is aware, the Committee on Rules, of which he and I alike are members, reported favorably on the proposition.

Mr. HARRISON. I did not vote for it. I was one of two members on the committee who did not vote for it.

Mr. WATSON of Indiana. Yes; I think there were two. I understand the Senator did not vote for it, but the majority did vote for it, and the honorable Senator from Arkansas [Mr. ROBINSON], now present, was one of those who supported it.

Mr. HARRISON. As the Senator recalls, the proposed resolution was reported to the Committee on Rules and presented to the Senate because of the peculiar situation in which they found themselves in the House because of there being one committee, and the various bills coming to the Senate from that committee might have various subjects in them to be appropriated for. That is true. That was the sole purpose of it, or it never would have been presented. I do not think there is any dispute about that. The amendment which I have offered in the form of a substitute will take care of that situation in the Senate and will not affect the present arrangement.

There is no politics in this. There will be more Senators affected on the majority side than on this side of the Chamber; but it is not fair to those new Senators who have come here within the last year and now occupy places on important committees, way down on the list, to have all of their responsibilities taken away from them to vote for appropriations, and to give those responsibilities over to a committee made up of only 16 Senators selected without regard to section and without regard to interest.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly.

Mr. WALSH of Massachusetts. The Senator will be interested to know of the practical result of the rule which they have in the House. The Post Office Department appropriation bill is now before the Senate Committee on Post Offices and Post Roads. It was the unanimous opinion of the Republican members of that committee that it was the poorest drafted Post Office Department appropriation bill they had ever had under consideration, and that it was evidently drafted by men who knew nothing about the Post Office Department. That was the comment in that committee about the bill which came from the House under the new rules of the House.

Mr. HARRISON. Yes; and I suppose other bills will be found in the same condition, drafted by men who had not studied the questions and knew nothing about the subject matter.

Mr. WALSH of Massachusetts. And drafted in the House.

Mr. HARRISON. No Senator could speak with greater authority than the distinguished senior Senator from Massachusetts [Mr. LODGE]. He had experience with both propositions. He was in the House and he saw how it worked there with several committees making the appropriations. He knows that it did not breed extravagance and it did not cause delay in the passage of the appropriation bills, but it worked well and everybody was satisfied. He saw in this body one committee handling all the appropriations and he had the courage and the wisdom to assist in destroying that system, and he voted to segregate and send appropriation matters into the hands of various committees.

I read to the Senate on Saturday last from the speech of the Senator from Massachusetts [Mr. LODGE] on that subject. The situation is right in line to-day with that which existed then. The same conditions confronted us then that confront us now. We will have a jam here that will prevent us from passing appropriation bills if you give them all to one committee made up of 16 members. You will find yourselves in the end in the worst confusion that has ever confronted this body.

The amendment I have offered I care nothing about except that I want to see the present situation taken care of with the least feeling about it and with as little disarrangement as possible. The substitute that I have offered will accomplish that purpose. The rule proposes that all appropriation bills shall go to the Appropriations Committee, and it will give to that committee greater powers than they have had in the past. They have had no power heretofore in the Committee on Appropriations to appropriate for agriculture, for Indian affairs, for post offices and post roads, for naval affairs, or military affairs; but the substitute which I have offered gives to the Committee on Appropriations, through its chairman, the power to name a subcommittee of three who will sit, not with three members from the Committee on Agriculture and Forestry when appropriations for agriculture are under consideration, but with the whole Committee on Agriculture and Forestry acting as ex officio members of the Committee on Appropriations.

They will consider it as they have previously done; they will pass on it and the Appropriations Committee will make its report. There will be no trouble about it; everything will be held intact, everything will run smoothly. Then at the next Congress, if it is desired to change the system and to have one big Appropriations Committee, let that committee be appointed, and let it do the work. The present personnel of that committee was not made up with a view of giving to it all the power to provide appropriations for all the interests of the country. Therefore, if that committee is to be given this additional power, let us put additional Senators on the committee, thereby enlarging it. So, I say, instead of providing that the whole Appropriations Committee and three members from other committees, acting as ex officio members, shall frame the appropriation, let us reverse the process so that the entire legislative committee which has studied the subject matter now coming within the jurisdiction may consider the appropriation bill together with a subcommittee acting for and representing the Appropriations Committee.

The Senator from Wyoming [Mr. WARREN] on Saturday last stated that such a method would destroy the Appropriations Committee, but I contend that it would not affect that committee one particle, except that as to deficiency bills the additional ex officio members of the Committee on Appropriations would help in the consideration of those subjects. Why should they not do so? If there is a deficiency in the appropriations for agricultural purposes, why should not the Committee on Agriculture and Forestry consider that deficiency? Why should the Appropriations Committee alone consider it? If there is a deficiency in the appropriations for naval operations, then the substitute provides that the Naval Affairs Committee shall be brought in as a whole in considering that deficiency. Why should it not be so? However, instead of taking power away from the Appropriations Committee it would give them more power, because now as to appropriations for agricultural interests, for the Navy, for the Army, for post offices and post roads, for Indian affairs, the Appropriations Committee have nothing to do.

We now propose to let that committee have something to do with the appropriations for those purposes. They would have three members sitting with the various legislative committees which have to study the respective subject matter questions and make their report. So far, however, as concerns matters coming up in the sundry civil bill, in the legislative bill, and in other bills of which the Appropriations Committee have had exclusive control in the past, my amendment would not affect them in the slightest degree and will take no power away from that committee.

How jealous this powerful committee is lest some little power should be taken from it! And, at the same time, it is always grasping for more power.

Mr. LODGE. Mr. President——

Mr. HARRISON. I yield to the Senator from Massachusetts.

Mr. LODGE. I only wish to say, as the Senator referred to me and the argument which I have previously made, that when the appropriation bills were distributed here amongst the committees—and I have served under both systems—I did not believe in concentrating all appropriation bills in one committee. That practice may work well in the other House; it never worked well here; and I thought we got better results and I still think we did from a distribution of bills amongst the committees. Now, however, after full deliberation, Con-

gress has adopted the Budget system. Our whole system of appropriating has been changed by adopting the Budget plan.

The House has changed its system of making appropriations, and I do not really see how we can possibly get along or transact the business of the Government unless we conform to the requirements of the Budget system and to the requirements which the House system has forced upon us. However much I may dislike it theoretically as a general system, we can not repeal the Budget law, and I think the Budget law makes necessary some arrangement of this kind, and the one which is proposed by the Committee on Rules seems a reasonable one.

Mr. HARRISON. I agree with the Senator that some kind of arrangement has to be made between the other House and the Senate about this matter, since the House has adopted the single appropriating committee plan; but I desire to ask the Senator a question. Instead of the arrangement which is suggested in this proposed change of the rules, allowing all the appropriation bills to go to the Committee on Appropriations to be considered by that committee in conjunction with a subcommittee representing the various legislative committees acting as ex officio members on matters pertaining to the subjects of which the respective committees have jurisdiction, does not the Senator think that we can achieve the same results and that it will cause less friction if we continue to allow the various legislative committees as a whole to act with subcommittees of the Appropriations Committee, the bills being referred to the Appropriations Committee and still being reported back from that committee, the only difference in the two plans being that instead of having three members, say, of the Committee on Agriculture and Forestry acting as ex officio members of the Committee on Appropriations we would have the whole committee acting as ex officio members, together with a subcommittee of the Appropriations Committee?

Mr. LODGE. I am inclined to think, Mr. President, that the new system proposed by the Committee on Rules would work better than the plan which the Senator from Mississippi proposes. I think, under the Budget system, we have got to have the appropriation bills centralized; and, furthermore, the appropriation bills themselves have been so changed that they no longer can be distributed as they have been heretofore. Subjects have been joined together in one bill which heretofore have been in separate bills. For instance, the small appropriation bill pertaining to the Diplomatic and Consular Service, of which my committee has heretofore had charge, as I understand, is mingled with a bill covering the Department of Justice. I will inquire of the Senator from Wyoming if I am correct as to that?

Mr. WARREN. All items pertaining to the State Department and the Department of Justice are included in one bill.

Mr. LODGE. So there are two different subject matters embraced in one bill.

Mr. HARRISON. I understand that.

Mr. LODGE. Of course my committee has no relations with the Department of Justice, and we would have to have, I presume, representation from the Committee on the Judiciary when the bill for the State Department was being considered.

Mr. HARRISON. In the instance cited by the Senator from Massachusetts, if the proposed rule presented by the Committee on Rules should be adopted three members of the Committee on Foreign Relations would be called in to sit with the Committee on Appropriations or with a subcommittee of that committee.

Mr. LODGE. Yes.

Mr. HARRISON. So that that part of the bill as it came from the House which related purely to the State Department affairs would be segregated, considered, and studied by a subcommittee together with the ex officio members from the other committees.

Mr. LODGE. Yes.

Mr. HARRISON. Could not that be done equally well under the proposal which I submit, inasmuch as the items would have to be segregated in any event? The Committee on Appropriations works through subcommittees, as I understand.

Mr. LODGE. I see the point the Senator has in mind; but it seems to me under the proposal of the Senator from Mississippi the bill embodying items for the State Department and Department of Justice would have to be carried around from one committee to another. It seems to me better to have the bill in the possession of one committee and members of the other committees interested coming to that committee to deal with it. I think that three members will represent the various committees in a perfectly fair way.

Mr. HARRISON. Under the amendment in the nature of a substitute which I have offered the bill referred to would not have to go from one committee to the other. The only difference would be the necessity of providing instead of 3 seats perhaps 17 seats, or whatever the membership of the committee might be.

Mr. LODGE. The bill to which I refer would first have to be considered by the Foreign Relations Committee and then by the Committee on the Judiciary.

Mr. HARRISON. But that would have to be done in any event.

Mr. LODGE. No; not under the system proposed by the Committee on Rules.

Mr. HARRISON. The items would have to be segregated.

Mr. LODGE. In the one case the bill would be considered by different committees, while in the other case it would be considered by the same committee with the addition of some other Senators.

Mr. HARRISON. Of course, there would not be as many Senators considering the bill under the plan proposed by the committee.

Mr. LODGE. It seems to me the plan proposed by the Senator from Mississippi would make the system clumsier than it should be.

Mr. HARRISON. The only difference is that there would be more Senators looking after the bill under my substitute than under the committee plan.

Mr. LODGE. I think the system proposed by the Committee on Rules will work better than that suggested by the Senator from Mississippi.

Mr. HARRISON. I should like to see the scheme worked out in this way for a while, and then when a new committee is created it could be enlarged so that all interests would be taken care of.

Mr. President, I have no desire to prolong this discussion or to say more about the pending amendment. I have offered it in the hope that it will be accepted, because I am quite sure that it treats fairly and justly the new membership in the Senate, and that under it the same results will be obtained as will follow under the proposed amendment to the rules reported by the Committee on Rules. Furthermore the plan proposed by me will keep one committee from having too much power and being overburdened with too many duties. We are going to have a congestion here if the proposed rule is adopted and confusion will ensue.

I have two more amendments to offer if the substitute should be defeated. One is to strike out the provision that the bill shall be recommitted to the committee if a point of order is made and sustained against an item as being new or general legislation. The other amendment I will discuss later. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. WARREN. Mr. President, I have listened with great admiration to the Senator from Mississippi, who has assumed to speak in defense of a number of Senators whom he has named, but who do not themselves care to be represented, I imagine, in the way he has represented them. I trust that he has their authority, or, if not, that at least he has their consent to make the suggestions in regard to them which he has made; but I doubt whether he has such authority. However, be that as it may, this is the first time in a somewhat long service in the Senate that I have ever heard such heart-rending appeals, such bursts of eloquence, and such feeling displayed over the hardships which may be imposed upon Senators from 48 States by a Senator from one State only, especially when, according to my information, no considerable number, and perhaps none, of them have asked for that kind of defense, if it is defense, which the Senator from Mississippi has undertaken to make. On the other hand, the Senator knows, as we all know, that there are 96 Members of this body from the 48 States, and there are only 16 members of the Appropriations Committee. Now the Senator seems to have switched from his first proposition, in that now he would vote for placing all appropriation bills in the hands of one committee, without representation from the others; but I observe that his vote was not recorded for the amendment to that effect offered by the Senator from Nebraska [Mr. NORRIS], who proposed to do that very thing.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. WARREN. Yes.

Mr. HARRISON. I did not vote for the amendment offered by the Senator from Nebraska. The Senator from Nebraska wanted to give these additional powers to the committee of which the Senator is chairman without adding new members to that committee. I do not want to overwork the Senator.

Mr. WARREN. I judge, however, from what the Senator says that he is satisfied with the size of the House committee, which is represented, as he says, by 35 Members out of the

four hundred and odd Members of the other House. I think the number is 36, but as 35 or 36 is to four hundred and odd is the ratio in the House of representation upon the Committee on Appropriations. The size of the Appropriations Committee is not demanded by the chairman of that committee, nor by any members of the committee. The size of that committee, and the selection of the men on it, are intrusted to the duly organized Committee on Committees. Those of us who have served on the Committee on Appropriations accept with grace and without comment the Members who are placed upon our committee. Not long ago the membership of our committee was cut from 20 or 21 to 16. So far as I know, no complaint has come from any one of its members.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WARREN. Certainly.

Mr. ROBINSON. The main complaint of the Senator from Mississippi seems to be that this rule reposes too much power in the Appropriations Committee. If the rule should be adopted as it was reported from the committee, it would deprive the Appropriations Committee of the power to report legislation——

Mr. WARREN. As it ought to do.

Mr. ROBINSON. And the functions of the Appropriations Committee would be confined to providing for the expenditure of money already authorized by law, so that in practical effect the power of the Appropriations Committee will be diminished in a very important particular. The committee no longer will have the power to report legislation, under the penalty of having its bills sent back to it.

I have heretofore expressed the opinion that under the Budget system, and the method of procedure which has become well established in the House of Representatives, it is almost imperative that the Senate adopt this rule. I reaffirm that position.

Mr. WARREN. The Senator is absolutely right.

I observe that the Senator from Mississippi predicts confusion and delay. I will acknowledge to the Senator that it is within his power, under the present rules, to make confusion and delay; and I shall have to acknowledge that he and some colleagues have quite considerably delayed some appropriation bills heretofore. That, however, is all within the game. The Senator had a right to do it.

Mr. HARRISON. Mr. President, the Senator from Mississippi has only delayed to the extent of arguing against any appropriation that he thought was outrageous. As a rule, the Senator from Mississippi has not even discussed the appropriation bills reported by the Senator from Wyoming. He looks over them, generally, and if he thinks everything is all right he does not say a word. I have not discussed any appropriation made in any of the appropriation bills at this session, as I recall, except some items for the Shipping Board which I thought were not just and right.

Mr. WARREN. And the Senator very justly, and with perfect good feeling and grace upon the part of the chairman of the committee, discussed in an able manner and at considerable length those items; and he will acknowledge that other Senators had the same right as to other matters that he had as to the Shipping Board matters. At present we often find here three or four appropriation bills seeking the floor at once, because there is no coordination of these appropriating committees, or perhaps it is impossible for them to coordinate, whereas if the entire subject were placed in the management of one committee that committee would seek the convenience of the committees from which other Senators served ex officio on the Committee on Appropriations, so that they would not all come to the floor at once. That committee will undertake, in the case of those that it has had heretofore, and also the new bills that it has been forcing through here I think almost without precedent as to the number of bills early in the long session, first to ascertain, as to these five or six bills where we have Senators serving ex officio, their convenience, when they can consider them, and how. Of course, we must wait to get them from the House, but subsequently to the receipt of those bills from the House we will follow an arrangement that will avoid the confusion and avoid the congestion that the Senator mentions. The congestion that we have had already will be done away with, with the one exception that I make. Of course, Members now have the privilege, or they have taken the privilege, and I think I have never objected to it, of talking on subjects entirely foreign to the subject before the body, and talking for hours.

Mr. OVERMAN. Mr. President, the best illustration of the efficiency produced by this rule is given by the appropriations for the Interior Department. Heretofore the Indian bill has taken weeks and weeks to discuss, and the pension bill has taken a week to discuss. At the present session the Interior Department appropriation bill has passed the Senate, and is now in conference. Therefore we have passed the Indian bill, the pension bill, the land bill, and the reclamation appropriation bill all in one bill within three days, whereas in every previous session that I have been here it has taken weeks and weeks to pass them.

Mr. JONES of Washington. Mr. President, I do not intend to delay a vote on the amendment of the Senate from Mississippi [Mr. HARRISON], nor do I intend to discuss it now. I do want, however, to call attention to an amendment which I have had printed and which I intend to propose to this rule. I do this because of the agreement we have made that at 4 o'clock we will vote on this rule, all amendments that may be pending, and all amendments that may be proposed, without further debate.

A few days ago I gave notice that I intended to propose an amendment to the rules of the Senate with reference to debate on appropriation bills. At the same time I gave notice that I intended to propose it as an amendment to this bill. On the calendar day of March 2 I gave notice of my intention to propose the following amendment:

When an appropriation bill is under consideration by the Senate debate shall be confined to the bill, unless otherwise ordered by unanimous consent. A point of order that a Senator is not speaking to the bill shall be decided by the Presiding Officer, and an appeal from his decision shall be decided without debate.

I simply call attention to this so that if it is desired to discuss it before 4 o'clock that may be done. I expect to propose it as an amendment to the resolution, and to have it voted on.

Mr. ROBINSON. Mr. President, the proposal of the Senator from Washington [Mr. JONES] is to limit debate in the Senate. Under the Constitution and under the practice both Houses of Congress within the limitations of the Constitution determine their own procedure. I doubt the propriety of attempting to prescribe one method of procedure in this body when an appropriation bill is being considered and leave in force a different rule as to other measures.

The provision of the Senator's amendment has been the subject matter of proposed amendments to the rules ever since my service in the Senate began. For many years there have been Senators who advocated a more effective method than is now found in our rules of confining debate to the subject immediately under discussion. So far as I know, there has never before been submitted to the Senate or to the House of Representatives——

Mr. OVERMAN. Mr. President, will the Senator allow me to call for a quorum? This is a very important amendment which has been brought up here.

Mr. ROBINSON. I have no objection.

Mr. OVERMAN. I suggest the absence of a quorum. I want the other Senators to hear the Senator discuss this amendment. It is a very important one.

Mr. ROBINSON. The Senator from North Carolina has suggested the absence of a quorum, and, of course, under the rules of the Senate it becomes the duty of the Presiding Officer to order the call of the roll.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	Norris	Stanfield
Ball	Harrison	Oddie	Stanley
Brandegee	Heflin	Overman	Sterling
Broussard	Johnson	Page	Sutherland
Bursum	Jones, N. Mex.	Pepper	Swanson
Cameron	Jones, Wash.	Phipps	Townsend
Capper	Kellogg	Poindexter	Underwood
Caraway	King	Pomerene	Wadsworth
Colt	Lenroot	Ransdell	Walsh, Mass.
Culberson	McCormick	Rawson	Walsh, Mont.
Cummins	McKellar	Reed	Warren
Edge	McKinley	Robinson	Watson, Ga.
Fernald	McNary	Sheppard	Weller
Fletcher	New	Shields	Willis
Gerry	Newberry	Shortridge	
Gooding	Nicholson	Smith	
Hale	Norbeck	Spencer	

Mr. JONES of Washington. I desire to announce the absence of the senior Senator from Vermont [Mr. DILLINGHAM], because of a death in his family. I also desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], and the Senator from Indiana [Mr. WATSON] are in attendance on the Committee on Finance.

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, when the absence of a quorum was suggested I was attempting to discuss an amendment proposed to this rule by the Senator from Washington [Mr. JONES], which, in my opinion, has no immediate relationship to the subject matter of the rule proper, and which, if

adopted, would probably prevent many Senators who are in favor of the rule as reported from the committee from supporting it.

The proposal of the Senator from Washington in his amendment is a limitation on debate while the Senate has under consideration an appropriation bill. Under the rules of the Senate as they now exist, a Senator is technically required to address his remarks to the subject before the Senate. The precedents, however, hold that when a point of order is raised to the effect that the Senator speaking is not discussing the subject before the Senate, the Chair does not pass upon that question as other points of order are disposed of, but the Chair, according to the precedents, inquires of the Senator having the floor whether he is discussing the subject before the Senate, and if the Senator who is speaking answers that he is, no matter what he is in fact saying, the Chair overrules the point of order. It is a strained form of senatorial courtesy, perhaps, but it does operate to protect the freedom of debate.

The amendment of the Senator from Washington would prescribe one rule for the Senate while the Senate is considering an appropriation bill, and leave in force the existing rule while the Senate may be considering other bills. I think manifestly that whatever rule the Senate may agree to concerning the limitation of debate ought to apply to all subjects before the Senate. There should not be one rule which expressly requires the Presiding Officer to determine whether a Senator is discussing the matter before the Senate when an appropriation bill is under consideration, and another rule leaving it to the Senator who is speaking himself to determine whether he is observing the rule when another matter is under consideration.

Another objection to this amendment is one I have already implied; it is foreign to the subject matter of this resolution. As I stated, when the resolution was first presented to the Senate I was induced to support the amendment to the rules providing for the consideration of all appropriation bills by a single committee of the Senate, namely, the Committee on Appropriations, because after investigating the subject I had reached the conclusion that under the Budget system and the method of procedure which the House of Representatives has adopted it will be very inconvenient, if not impracticable, for the Senate to pursue any other rule than that which is proposed by the Committee on Rules. I had not the slightest idea that into this controversy would be injected a question of limitation on debate.

The House of Representatives has no such rule as this amendment contemplates. When an appropriation bill is in Committee of the Whole in the House of Representatives almost universally there is allowed what is called general debate. Usually by agreement some period is fixed for that general debate, and while the general debate is in progress any Member who can secure the floor may address his remarks to any subject he chooses. He is not required, under the rules of the body at the other end of the Capitol, to confine his remarks to the bill under consideration or to any other special subject.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. ROBINSON. I yield.

Mr. JONES of Washington. While, as I have stated, I offered this amendment several days ago and called attention to it at the time, I offered it entirely on my own responsibility, without conference with the chairman of the Committee on Appropriations or any other member of the committee. I do not want to press this to a vote if Senators feel that they did not have any notice of it. I know the amendment is quite different from the general terms of the proposed rule, so I can see how Senators may justly feel that they did not have a right to expect that anything of this kind would come up. I would like, some time, to get a vote upon the rule which I proposed, but I feel that under the circumstances it would probably be better for me to state that I will not offer the amendment. I do not want to embarrass any Senator, I do not want to embarrass the rule which is pending, and I do not want any Senator to feel that any advantage has been taken in any way, shape, or form.

So I say to the Senator from Arkansas that I will not propose the amendment in accordance with my notice. I do wish to express the hope that in the near future we can get a vote on the rule anyhow. If a majority of the Senate do not desire to adopt it, well and good; but I shall not propose the amendment when the time comes to vote.

Mr. ROBINSON. In view of the statement just made by the Senator from Washington, that he has decided not to propose the amendment to which he called the attention of the Senate just before I rose, and to which I was addressing my remarks, I find no further justification for inflicting my observations on the Senate at this time further than to reply to one statement which the Senator from Washington made when he announced his purpose to present the amendment.

He expressed the hope that a vote on this amendment, or a measure along this line, might be had in the Senate at an early date. The subject of this amendment was submitted to the Committee on Rules some time ago. The rule proposed was then offered by the Senator from Washington [Mr. JONES], but it was made applicable to all matters under consideration before the Senate, and was not limited to appropriation bills. The Senate Committee on Rules decided by a very large majority not to report that rule. Of course, the Senator from Washington is at liberty to take any course he chooses to secure a vote on the question at another time.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the committee amendment.

Mr. HARRISON. Mr. President, I merely desire to say that I know when the forces here have the machinery well oiled, and in this instance they certainly have it well oiled. So I shall not ask for the yeas and nays on this proposition. I know the Senate is not going to adopt my substitute, but is going to adopt the proposed change in the rule. There are enough votes; the scheme is well carried out; so I shall content myself with a division, not asking for a roll call.

On a division, the amendment to the committee amendment was rejected.

Mr. HARRISON. There are two more amendments I desire to offer. On page 2, I move to strike out lines 4, 5, 6, 7, 8, 9, and 10, to the words "*Provided, however.*"

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. On page 2, strike out lines 4 to 10, as follows:

> The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

Mr. HARRISON. If that amendment should be adopted, it would leave the rule the same as it is now touching provisions in general appropriation bills which are not authorized by law. Under the present rule if a provision is put in a general appropriation bill which is subject to a point of order, and the point of order is made and sustained, that particular provision is eliminated from the bill. Under the part of this proposed rule which I desire to strike out it is provided that if a provision is incorporated in a general appropriation bill which is subject to a point of order and the point of order is made and sustained, the bill will be referred back to the committee.

I put Senators on their guard that there are few, if any, appropriation bills reported out of the Appropriations Committee some parts of which are not subject to points of order, and if this provision is adopted there will be confusion here; practically every appropriation bill will be sent back to the Committee on Appropriations.

I ask for a vote on my amendment.

On a division, Mr. HARRISON's amendment to the committee amendment was rejected.

Mr. HARRISON. I desire to offer an amendment to be inserted at the end of the resolution.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. Add at the end of the proposed amendment of the committee the following proviso:

> *Provided*, That in cases where points of order are made against amendments offered by individual Senators to general appropriation bills it shall not be necessary for the Senator proposing the amendment, or for a Senator favoring it, to give "one day's notice" of an intention to move a suspension of any rule or part thereof in order to gain consideration for and a vote upon said amendment, nor shall it require a two-thirds vote to secure such suspension, anything in Rule XL or in the precedents of the Senate in construing such rule to the contrary notwithstanding.

Mr. HARRISON. Mr. President, under the rule as it is now framed, where a point of order is made against any provision not authorized by law, the bill will be referred back to the Committee on Appropriations, and consequently there will be no legislation on a general appropriation bill. Well and good. Many believe that there should not be. I believe in exceptional cases there might be and should be. But Senators now, under the proposed arrangement, must make their fight on general appropriation bills upon the floor of the Senate. Amendments must be offered to the bills by the individual Senators and the fight will be waged here. The great influence that has been exerted and wielded by the Appropriations Committee will be manifested against every amendment that is proposed upon the floor of the Senate by any Senator on any general appropriation bill. They can exercise their right or any Member can exercise his right by making the point of order. Then the individual Senator who is interested in his amendment must give his day's notice and get a two-thirds vote of the Senate to pass his amendment. My amendment merely proposes to change that rule as far as the day's notice and the two-thirds vote are concerned.

The VICE PRESIDENT. The question is on the adoption of the amendment offered by the Senator from Mississippi to the committee amendment.

The amendment to the amendment was rejected.

Mr. HARRISON. Mr. President, those are all the amendments I have to offer. The resolution is now upon its final passage and will be passed. I serve notice as an individual Senator that if there are any amendments or any provisions in any general appropriation bill from now on not authorized by law there will be a point of order made against them and the bill will go back to the Committee on Appropriations.

Mr. NORRIS. I believe if the Senator does that and follows it faithfully he will perform a great service for the country.

Mr. HARRISON. And it will create a lot of confusion, too.

Mr. WARREN. Mr. President, notwithstanding the threat of the Senator from Mississippi, I shall venture to offer an amendment myself.

In the amendment offered to the original resolution the Committee on Rules, in enumerating the committees, overlooked the proper title of the Committee on Agriculture and Forestry. In the resolution amendment it was designated merely as the Committee on Agriculture. I move to insert the words "and Forestry" after each place in the bill where the Committee on Agriculture and Forestry is erroneously named.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. In the reprint, on page 2, line 11, and on page 2, line 17, after the word "Agriculture," in each place insert the words "and Forestry."

The amendment to the amendment was agreed to.

Mr. REED. Mr. President, not because I expect to change the situation, which is arranged, but because I want to put on record a protest, I desire to take a few minutes of the Senate's time.

The proposed rule concentrates control of all appropriations in the hands of one committee. The committee, already very powerful, will be made almost omnipotent. The movement is in direct opposition to the general talk we constantly hear of democratizing the public business. It is a process of concentration which is well nigh revolutionary.

Every man experienced in legislative bodies knows that a power such as is here conferred can be employed in many ways to influence legislation not coming strictly within the purview of the committee's authority. The movement is well disguised and is brought here with the excuse that it is compelled by virtue of the action of the House of Representatives; but the originators of the plan of concentration saw fit to begin in the House of Representatives. They there secured the action they desired, which places the House of Representatives in a control which will be far more potential than was the control under the Cannon rule. Because that has been done in the House, the excuse is made that it must be done here; and members of the Democratic Party upon the Committee on Rules have accepted the situation with a pliability that must be very welcome to those who are back of this scheme of concentration.

Mr. OVERMAN. It complies with the Democratic platform.

Mr. REED. Oh, my friend says it complies with the Democratic platform. In the first place, the rule was not before the Democratic convention. There was a resolution there to the effect that appropriations should be placed in the hands of single committees in the House and Senate. That does not mean an indorsement of this rule; and if it did I wonder who would think it binding? What did the Democratic national convention know regarding legislative proceedings in the two bodies of Congress? All that this character of resolution in the platform means is that somebody was present who saw fit to slip the resolution through the committee, and when it went on the floor of the convention it was accepted as a matter of course.

Mr. WARREN. Mr. President, will the Senator yield a moment?

Mr. REED. I yield.

Mr. WARREN. Were there not a great many Members of Congress, from both the House and Senate, in the Democratic national convention?

Mr. REED. Yes; there were a great many Members of Congress, from both House and Senate, in that convention.

Mr. WARREN. They ought to know the method of procedure in Congress.

Mr. REED. Not a single one of them probably, except the man who introduced the resolution, paid any attention to it. They probably never heard it read from the desk.

There are certain principles which go into a political platform that represent the sentiments of the people, that are understood when they are brought forward, and every party man regards them as very persuasive, if not binding. But a thing like this had no more business in a party platform than a resolution in regard to the character of collar that should be put on every dog in the country. It has not anything to do with a political party's business and has nothing to do with political principles. It has to do with the technical work of the two bodies of Congress, and I do not propose to dignify it by discussing it.

This is a deliberate plan brought forward by the masters, or the leaders, I should say, of the majority party for the purpose of concentrating the power of Congress in the two committees. They put it through the House, and then the members of the Senate on the committee, to use a slang expression, "fell for it," and are aiding and abetting in the passage of the rule.

Mr. WARREN. Mr. President, will the Senator allow me?

Mr. REED. I yield.

Mr. WARREN. Has the Senator overlooked the fact that President Wilson in the strongest terms appealed to Congress to do the very thing of putting appropriations in one committee of the House and one committee of the Senate?

Mr. REED. I do not want to say a single word reflecting upon the former President, and I will not, but Congress might just as well have gone down and told the President whom he should have for his doorkeeper and whom he should have for his clerks and how the clerks should do their work, as for the President to have come to Congress to tell us what kind of committees we should have. If that is the only reason, you have to advance for the rule you had better withdraw it even with all the majority you have here. Somebody else at some other time said it ought to be done, whether it was a Democratic national convention or whether it was a very fine man who was at one time President of the United States.

The rule gives to a few men in the Senate control to a very large extent, and it is intended back of that to give to one man known as the Director of the Budget, a control over the committees themselves, and to give to the man who appoints the Director of the Budget, to wit, the President, the power through the Director of the Budget and through the committees to control the acts of Congress with reference to what? With reference to revenue matters. For 500 years and more the English-speaking race have maintained their independence and enlarged their liberties by the exercise of one power, the power to control the revenues, by holding it within their own hands, away from the domination of any Executive whatsoever.

When one king at least undertook to override that power he went to the block, as he should have gone.

The concentration of legislative power in the hands of the Executive has been going on in this country until to-day there are a large number of people who believe that it is the duty of those who are members of the same political party to which the President happens to belong to obey the presidential will just as the Reichstag obeyed the mandate and will of the German Emperor. I voted against the bill creating the Budget Bureau, and every day I live and hear about the Budget Bureau the more certain I am that I was right. Let me tell Senators of an incident. The last river and harbor bill carried something like $13,000,000. The amount recommended by the Budget Bureau this year, I believe, is $12,500,000. Inquiry was made as to why the amount was made $12,500,000, and the head of the Budget Bureau admitted, so I am informed, that he had found that in one year we had appropriated $12,000,000; that in another year we had appropriated $13,000,000; and that he had split the difference and made it $12,500,000. He did not know that the reason we had appropriated only $13,000,000 last year was because there were $48,000,000 unexpended of former appropriations, and therefore we had cut the amount to $13,000,000, because that left a total of $61,000,000.

Under the Budget system we go outside of Congress and appoint one man, whose chief title to fame is that he came down and cursed a committee of Congress, who is supposed to tell a committee of Congress how much money they should appropriate. Then that committee of Congress, being all powerful under this resolution, will follow his mandate, or at least it is expected that they will follow his mandate.

This resolution ought to be entitled "a resolution to authorize the President of the United States to regulate the appropriations of Congress." That is exactly the way it will work out. I know Senators are going to vote for it; I know it is idle to stand here expecting to change any votes in the Senate; but I simply want to state the case, so that it may be in the RECORD,

in order that the few people in the country who may hear of these debates may have the suggestion made to them.

The next observation I want to make is that inevitably by this action we are going to lessen the real guardianship of the public revenues. All this talk about the various committees not doing proper work in looking into revenue measures is, in my opinion, idle. I have served upon committees, as have all of us, that have had to do with appropriations for various departments, and I have never yet seen a committee fail to study a bill carefully and to bring to its consideration a knowledge relative to the particular department whose needs they were considering that could not be possessed by any committee that had not intimately and closely studied the particular question under consideration. The Agricultural Committee will know a very great deal about agricultural problems, and when it sits down to study the question of an appropriation it brings to that question the knowledge it possesses with reference to the subject of agriculture. When the business is transferred over to the general committee the knowledge is not at the same time transferred to that committee. What I have said of the Agricultural Committee is true as to the Naval Committee, the Committee on Military Affairs, and of all of the great committees.

A palliation of that manifest evil is undertaken to be offered by the scheme of having the chairman of these various committees and one or two members meet with the general Appropriations Committee, but when they meet with the general Appropriations Committee they only represent a minority of the committee. They can not lay before the committee the knowledge of the committee; they can only lay their individual views before the committee. Then when it comes to voting they have nothing to say about that, because they are so small a part of the membership of the committee that their votes do not count.

The bill having thus been formulated and having been reported by the dominant majority of the Appropriations Committee, it is brought here to this floor. Every Senator who has heard appropriation bills discussed knows that if they have not been properly thrashed out in committee they very seldom get real consideration upon the floor of the Senate. Accordingly, this great bill, embracing many items, will be thrust here upon the Senate, five or six or a dozen Senators will be willing to stay here and follow the items through, but no Senator will be familiar with the bill except a few who are on the general Appropriations Committee.

Mr. WARREN. Will the Senator allow me to interrupt him?

Mr. REED. Just let me finish the sentence. The result will be that the Appropriations Committee will be omnipotent and will absolutely control the situation.

Mr. WARREN. I think the Senator from Missouri knows that some of the members of the Appropriations Committee have served for a long time upon various other committees, so that in addition to the ex officio members of the particular committee a majority, I might say, in most cases, or, at any rate, a considerable number of Senators on the regular Appropriations Committee will have severally served on the other committees.

Mr. REED. There will be some Senators who will have served on other committees; but this is a concentration of the power of the Senate in one committee. All the quibbling and dodging and twisting and excuses that can be put forward will deceive no man who has any sense or who has had any experience. If the amendment to the rules is not going to make any change, why is it proposed? If it is not going to concentrate power, why is not the rule left just as it is? You all know what you are doing. I merely want you to know that I know what you are doing.

Mr. WARREN. I somewhat doubt it.

Mr. REED. The Senator may doubt it, but when I get so far into the dark that I can not see my way out I will get the Senator to carry an intellectual torch for me so that I may find my way out.

Mr. WARREN. I thank the Senator.

Mr. REED. The next observation I desire to make—and it is the last one—is that when we try the new system out we are going to find such a congestion in this one committee that in all human probability we will find that, instead of facilitating the business of the Senate and of the country, we will have produced exactly the opposite result; but you are going to do it, and—

"Were well
It were done quickly."

For one I want to record my protest, and having done so I am content.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	New	Smith
Ball	Hale	Newberry	Smoot
Borah	Harreld	Nicholson	Spencer
Brandegee	Harris	Norbeck	Stanfield
Broussard	Harrison	Norris	Stanley
Bursum	Heflin	Oddie	Sterling
Calder	Jones, N. Mex.	Overman	Sutherland
Cameron	Jones, Wash.	Page	Swanson
Capper	Kellogg	Pepper	Townsend
Caraway	Keyes	Phipps	Underwood
Colt	King	Poindexter	Wadsworth
Cummins	Ladd	Pomerene	Walsh, Mass.
Curtis	Lenroot	Ransdell	Walsh, Mont.
Edge	Lodge	Rawson	Warren
Fernald	McCormick	Reed	Watson, Ga.
Fletcher	McCumber	Robinson	Watson, Ind.
France	McKellar	Sheppard	Weller
Frelinghuysen	McKinley	Shields	Williams
Gerry	McNary	Shortridge	Willis
Glass	Nelson	Simmons	

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

Mr. HARRISON. Mr. President, is the question on the final passage of the resolution?

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. There is one further amendment of the Committee on Rules, which will be stated.

The first amendment of the Committee on Rules was, on page 2, line 2, to strike out the words "of the head of some one of the departments," and to insert "submitted in accordance with law," so as to read:

Resolved, That clause 1 of Rule XVI of the Standing Rules of the Senate be amended so as to read as follows, to wit:

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law."

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the resolution as amended.

Mr. HARRISON. On that I ask for the yeas and nays.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SMITH. I desire to know if the yeas and nays have been ordered previously on this question?

The VICE PRESIDENT. They have not been, and perhaps the Chair was in haste in concluding that a sufficient number of Senators had joined in the demand.

Mr. SMITH. I observed only one hand going up.

Mr. HARRISON. I suggest that the roll call has started, and I make the point of order that the roll call is proceeding.

The VICE PRESIDENT. The Chair thinks, without objection, that he ought to inquire whether the demand is supported. If there is no objection, those who join in the demand for the call of the yeas and nays will raise their hands. [A pause.] The supposition of the Chair was correct, and the Secretary will call the roll.

Mr. WALSH of Montana. Mr. President, may the question be stated?

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. WALSH of Montana. Is it in the Senate or in Committee of the Whole?

The VICE PRESIDENT. It is a Senate resolution and does not go into the Committee of the Whole.

Mr. WALSH of Massachusetts. I ask to have the resolution, as amended, read from the desk.

The VICE PRESIDENT. The resolution, as amended, will be read.

The Assistant Secretary read as follows:

Resolved, That Clause 1 of Rule XVI of the Standing Rules of the Senate be amended so as to read as follows, to wit:

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments

proposing new or general legislation, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations: *Provided, however*, That three members of the Committee on Agriculture and Forestry, to be selected by said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of Agriculture is being considered by the Committee on Appropriations, and at least one member of the Committee on Agriculture and Forestry shall be a member of the conference committee appointed to confer with the House upon said agricultural appropriation bill; that three members of the Committee on Post Offices and Post Roads, to be selected by said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Post Office Department is being considered by the Committee on Appropriations, and at least one member of the Committee on Post Offices and Post Roads shall be a member of any conference committee appointed to confer with the House upon said Post Office appropriation bill; that three members of the Committee on Military Affairs, to be selected by said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of War is being considered by the Committee on Appropriations, and at least one member of the Committee on Military Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of War; that three members of the Committee on Naval Affairs, to be selected by said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the Department of the Navy is being considered by the Committee on Appropriations, and at least one member of the Committee on Naval Affairs shall be a member of any conference committee appointed to confer with the House upon said bill making appropriations for the Department of the Navy; that three members of the Committee on the District of Columbia, to be selected by said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the bill making appropriations for the District of Columbia is being considered by the Committee on Appropriations, and at least one member of the Committee on the District of Columbia shall be a member of the conference committee appointed to confer with the House upon said District of Columbia appropriation bill; that three members of the Committee on Commerce, to be selected by said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the items pertaining to rivers and harbors are being considered by the Committee on Appropriations in the bill making appropriations for the Department of War, and at least one member of the Committee on Commerce shall be a member of any conference committee appointed to confer with the House upon items pertaining to rivers and harbors contained in the bill making appropriations for the Department of War; and that three members of the Committee on Foreign Relations, to be selected by said committee, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the items pertaining to the Diplomatic and Consular Service are being considered by the Committee on Appropriations in the bill making appropriations for the Departments of State and Justice, and at least one member of the Committee on Foreign Relations shall be a member of any conference committee appointed to confer with the House when the items pertaining to the Diplomatic and Consular Service are being considered in the bill making appropriations for the Departments of State and Justice: *Provided*, That this rule shall not apply to the bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1923.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended, on which the yeas and nays have been ordered.

Mr. KING. Mr. President, I should like to inquire of the Senator from Wyoming whether, under the first paragraph of this resolution, the Senate would be prevented, when a bill was before the Senate, from adopting an amendment increasing any item found in the bill?

Mr. WARREN. No more so than now. It can not be done now, as the rules stand, if a point of order is made. The only difference is that now, when attention is called to the fact, the amendment can be stricken out and the remainder of the bill can be considered at once. Under this new attachment to the old rule, a point of order can be made which, if sustained, will send the bill back to the committee.

Mr. KING. Mr. President, do I understand the Senator to mean that under the provision of the Budget law no increase may be made upon the floor of the Senate in any item carried in any appropriation bill?

Mr. WARREN. No; that is incorrect. If the Budget estimate is higher than the amount contained in the bill, the difference between the two amounts can be offered as an amendment by any Senator, and it will be in order. If the matter itself is in order, the amendment is in order.

Mr. KING. Suppose the Budget Committee had recommended an appropriation of $100,000 for a given purpose, and the Appropriations Committee had made it $150,000, and the Senate was convinced that it should be $160,000. As I understand this amendment to the rules, that amount can not be increased.

Mr. WARREN. That does not change the situation a single iota from what it is now. Of course the ability of the Senate or of the House to allow more money than the Budget calls for is acknowledged, although so far at this session I do not recall a single item, either on the House side or on this side, that has been increased above the limit that the Budget has proposed.

Mr. KING. Mr. President, my understanding has been that in the past there was no limitation upon the authority of either branch of Congress to increase any appropriation that was reported by any Appropriations Committee of the Senate or the House.

Mr. WARREN. It had to be, under the rules. There are several rules relating to this. First, if it is sought, as the Senator will see if he reads the old rule, to raise the amount over what the committee has recommended, it must be sustained by another point. It must not be legislation. It must be by an amendment offered the day before and sent to the Committee on Appropriations, or it must be something that has been reported regularly from some other committee or to carry out a law or a treaty that has already passed the Senate. Those rules are not changed in any way whatever.

Mr. KING. Then, as I understand the Senator, an amendment may be offered for the purpose of increasing any item of appropriation in an appropriation bill, notwithstanding the rule which is now proposed, to the same extent as if this rule were not adopted?

Mr. WARREN. Precisely, except as to the one item of the late rule I mentioned; and instead of knocking one item out, leaving the bill before the Senate, the bill would have to go back before the committee if so demanded.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TRAMMELL]. I transfer that pair to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], which I transfer to the senior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], who is necessarily absent. I am informed that he would vote on this question as I shall vote, and I therefore vote. I vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS], which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. GERRY (when Mr. KENDRICK's name was called). The junior Senator from Wyoming [Mr. KENDRICK] is paired with the Senator from Wisconsin [Mr. LA FOLLETTE]. The junior Senator from Wyoming is detained from the Senate on official business. If he were present, he would vote "yea," and the Senator from Wisconsin would vote "nay."

Mr. PHIPPS (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the senior Senator from Vermont [Mr. DILLINGHAM] and vote "yea."

The roll call was concluded.

Mr. JONES of Washington. The Senator from Vermont [Mr. DILLINGHAM] is absent on account of a death in his family. If present, he would vote "yea."

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. In his absence, I withhold my vote.

Mr. GERRY. I desire to announce that the Senator from South Carolina [Mr. DIAL] is absent on account of illness. He is paired with the senior Senator from Colorado [Mr. PHIPPS].

The result was announced—yeas 63, nays 14, as follows:

YEAS—63.

Ball	Hale	Nicholson	Simmons
Brandegee	Harreld	Norbeck	Smith
Bursum	Harris	Norris	Smoot
Calder	Jones, N. Mex.	Oddie	Spencer
Cameron	Jones, Wash.	Overman	Sterling
Colt	Kellogg	Page	Sutherland
Cummins	King	Pepper	Swanson
Curtis	Lenroot	Phipps	Townsend
Edge	Lodge	Poindexter	Underwood
Fernald	McCormick	Pomerene	Wadsworth
Fletcher	McCumber	Ransdell	Walsh, Mont.
France	McKellar	Rawson	Warren
Frelinghuysen	McKinley	Robinson	Watson, Ind.
Gerry	Nelson	Sheppard	Weller
Glass	New	Shields	Willis
Gooding	Newberry	Shortridge	

NAYS—14.

Ashurst	Caraway	McNary	Watson, Ga.
Borah	Harrison	Reed	Williams
Broussard	Heflin	Stanfield	
Capper	Ladd	Walsh, Mass.	

NOT VOTING—19.

Crow	Elkins	Kayes	Owen
Culberson	Ernst	La Follette	Pittman
Dial	Hitchcock	McLean	Sanley
Dillingham	Johnson	Moses	Trammell
du Pont	Kendrick	Myers	

So the resolution as amended was agreed to.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. Mr. President, I move that the Senate proceed to the consideration of House bill 9103, an act for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

This is what is commonly known as the "judges'" bill. I think Senators are generally familiar with its main provisions, and I need say no more until after the motion I have made is submitted to the Senate.

Mr. KING. May I inquire of the Senator whether he expects to prosecute the consideration of the bill to a conclusion this afternoon?

Mr. CUMMINS. That I can not predict. I do not know whether there is to be any opposition to the bill or not. If there is no opposition to it, I see no reason why it should not be disposed of this afternoon.

Mr. KING. I think there will be some opposition to it.

Mr. CUMMINS. I can easily understand that there will be some opposition.

Mr. SHIELDS. Mr. President, I want to inform Senators, so that they may govern their actions accordingly, that there will be a great deal of opposition to the bill, and it will be impossible to dispose of it this afternoon.

Mr. CUMMINS. The fact that we may not be able to dispose of it this afternoon should not be a reason for not taking it up.

Mr. SHIELDS. I do not object to taking it up.

Mr. CUMMINS. I have understood that the Senator from Tennessee has been willing for some time that it should be taken up.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. I yield to the Senator from Alabama.

Mr. HEFLIN. On Saturday, when the Senator from Wyoming [Mr. WARREN] asked unanimous consent to fix the hour for voting upon the resolution just agreed to at 4 o'clock, I suggested that he couple with that my request to vote upon the motion of the Senator from New Jersey [Mr. EDGE] to refer my resolution to investigate the Federal reserve bank at Atlanta to the Committee on Banking and Currency. The Senator from Wyoming prevailed on me to withdraw my request, and the Senator from New Jersey assured me that he thought there would be no objection on the other side to having a vote on my resolution following the vote we have just taken. I would like to have that vote taken if possible, and if the motion to send the resolution to the Committee on Banking and Currency is defeated, as I hope it will be, I shall move to refer the resolution to the Committee on Rules.

Mr. WARREN. Let me say to the Senator from Alabama that I recall the incident to which he has referred. The Senator from Iowa [Mr. CUMMINS] gave notice long ago that he would bring up his judiciary matter in order to make it the unfinished business. I am hoping that he will be willing to lay it aside after he gets it up in order to allow the Committee on Appropriations to bring up the District of Columbia appropriation bill; but I am sure that the Senator from Colorado [Mr. PHIPPS], who has charge of that bill, would be glad to yield to the wish of the Senator from Alabama for a vote, if it does not lead to long debate.

Mr. HEFLIN. I have no desire to delay the Senator from Colorado in the consideration of the bill in his charge, nor to delay the Senator from Iowa in his matter. I merely ask that a vote may be had.

Mr. CUMMINS. I gave notice, I think, quite two weeks ago that at the very first opportunity I would move that the Senate take up the bill to which I have referred. I have been as patient as I think Senators usually are, and have given way to matters which seemed to be of immediate, momentary importance. I do not feel that I can give way longer. What may be the proper thing to be done after the Senate shall proceed to the consideration of this bill is yet to be determined. I have never felt disposed to insist upon any general legislation of this character preventing the consideration and passage of appropriation bills, because they must be considered; but I feel that I must insist upon the motion I have made.

CONSIDERATION OF WASHINGTON CONFERENCE TREATIES.

Mr. LODGE. Mr. President, I have no objection, of course, to the motion which the Senator from Iowa has made. I have no objection to his making the bill the unfinished business or to his allowing the District of Columbia appropriation bill to come up and giving way temporarily to that, if that is the desire; but I do not want any misunderstanding in regard to the treaties. I think the treaties are a matter of first importance for the Senate to dispose of. It is my intention to call up the four-power treaty to-morrow immediately after the assembling of the Senate, whether in recess or in adjournment. I shall keep them before the Senate in order to reach, as soon as possible, a vote upon them. They are of very first importance, and, though I do not mean to press them unduly and do not desire to inconvenience Senators, I must press them for discussion and to a vote.

Mr. CUMMINS. I recognize the right of the Senator from Massachusetts to move at any time that the Senate shall proceed to the consideration of the treaties to which he refers. I do not conclude myself by any promise with regard to the matter. All I am interested in now is that the Senate shall agree to the motion I have made to take up the judges' bill for consideration.

Mr. LODGE. May I say just one more word? I have not quite concluded. I ask Senators who desire to speak and intend to speak on the treaties to do so as soon as possible, and to be prepared. I do not want to put the treaties over any further on the ground that there is no one ready to speak. I should like Senators who intend to speak to prepare to do so. I want to have the fullest debate, and I ask Senators to be ready to speak, so as to enable me to press the treaties to a conclusion.

Mr. JOHNSON. Mr. President, will the Senator permit an inquiry?

Mr. LODGE. Certainly.

Mr. JOHNSON. The four-power treaty was presented by the Senator from Massachusetts, as the leader upon the Republican side, and the Senator from Alabama [Mr. UNDERWOOD], as the leader upon the Democratic side. It is my hope to make some observations upon it, but it is my hope as well to have a clear explanation of the treaty by the two Members of the Senate, who are parties to it, before general debate ensues. May I ask, therefore, whether the Senator from Massachusetts and the Senator from Alabama are not going at least to indulge in some exposition of the treaty?

Mr. LODGE. The Senator from Alabama told me this morning that it is his intention to speak as soon as possible, and it is my own intention to speak as soon as possible. I shall not interfere with the Senator from Minnesota [Mr. KELLOGG] to-morrow, but I shall speak at a very early date and give the best explanation I can.

Mr. JOHNSON. I am sure of that, and that it will be a very excellent one, but some of us will desire to respond to it as well.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. EDGE. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Jersey.

Mr. EDGE. In reply to the suggestion of the Senator from Alabama [Mr. HEFLIN], he is entirely correct in his statement that it seemed to have been a matter of mutual consent, without any unanimous-consent agreement being entered into, that following the vote on the resolution changing the rule, which has now been completed, a vote without further debate would be taken upon my motion that the resolution introduced by the Senator from Alabama be referred to the Committee on Banking and Currency. I trust that that may be done, because it will not require any time of the Senate beyond a call of the roll. As I recall, it was the suggestion of the Senator from Alabama that the vote should be taken without further debate.

Mr. ROBINSON. Mr. President, may I suggest to the Senator from New Jersey, as a means to relieve the Senate from the controversy which has been pending so long, why not refer the resolution to the Committee on Rules?

Mr. EDGE. It seems to me that that suggestion is entirely out of order. The proponent of the measure himself has made the request that the pending motion be voted upon, and I acquiesced in that request so far as an individual Senator could do so. It seems to me that it would require very little time of the Senate to have a roll call to dispose of the motion, if the Senator from Iowa will permit that to be done.

Mr. ROBINSON. I had not understood that the proponent of the resolution was ready to have the motion voted upon without further debate. If that is the case, of course I withdraw my suggestion.

Mr. EDGE. That was the suggestion of the proponent of the resolution.

Mr. HEFLIN. I suggested that if the motion to refer the resolution to the Committee on Banking and Currency was defeated, then I would ask to have it referred to the Committee on Rules. I am ready to have a roll call. Let us have a vote.

ADDITIONAL DISTRICT JUDGES.

Mr. EDGE. If I may, I will ask the Senator from Iowa if he will permit us to have unanimous consent——

Mr. CUMMINS. I must object to that until my pending motion is disposed of.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa that the Senate proceed to the consideration of House bill 9103.

The motion was agreed to, and the Senate as in Committee of the Whole proceeded to the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS. In view of the complications which seem to have arisen and in view of the desire of the chairman of the Committee on Appropriations to proceed with an appropriation bill, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. NORRIS. Mr. President, what is the unfinished business?

Mr. CUMMINS. The so-called judges bill.

Mr. NORRIS. When did that become the unfinished business?

The VICE PRESIDENT. Just now.

Mr. NORRIS. Does that make it the unfinished business to-morrow?

The VICE PRESIDENT. It does.

Mr. NORRIS. This is the first time any such thing as that ever happened.

Mr. LODGE. It was taken up in legislative session after 2 o'clock.

Mr. NORRIS. It depends on what happens in the meantime whether it is the unfinished business or not.

Mr. PHIPPS. Mr. President, on February 28, for the Committee on Appropriations I reported to the Senate the District of Columbia appropriation bill, making appropriations for the District of Columbia for the fiscal year ending June 30, 1923. I am going to ask that, the judges bill being temporarily laid aside, the District of Columbia appropriation bill may be taken up for consideration, but I have no objection whatever to consenting that a vote be taken immediately on the motion of the Senator from New Jersey with reference to the resolution introduced by the Senator from Alabama. As I understand, that vote is to be had without debate.

Mr. HEFLIN. Yes.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. EDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. EDGE. Will the Secretary please state the pending question, so Senators may thoroughly understand it?

The VICE PRESIDENT. Without objection, the pending business is temporarily laid aside in order that a vote may be taken on the motion of the Senator from New Jersey. The Assistant Secretary will state the motion.

The ASSISTANT SECRETARY. Senate resolution 242, by Mr. HEFLIN, providing for the appointment of a committee to investigate certain alleged political activities of officials of the Federal reserve bank in Atlanta, Ga., with a motion by the Senator from New Jersey [Mr. EDGE] pending that the resolution be referred to the Committee on Banking and Currency.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey.

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nevada [Mr. PITTMAN], and vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as before regarding my pair and its transfer, I vote "yea."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. EDGER]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Wyoming [Mr. KENDRICK], who is absent on official business. He is paired with the senior Senator from Illinois [Mr. McCORMICK].

I also desire to announce the absence of the Senator from South Carolina [Mr. DIAL], who is absent on account of illness and is paired with the Senator from Colorado [Mr. PHIPPS].

Mr. BROUSSARD. I am paired with the Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WATSON of Indiana. I transfer my pair with the Senator from Mississippi [Mr. WILLIAMS] to the Senator from North Dakota [Mr. McCUMBER] and vote "yea."

Mr. McCORMICK. I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK], who is not present. I transfer that pair to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

The result was announced—yeas 37, nays 32, as follows:

YEAS—37.

Bell	Harreld	Nicholson	Sutherland
Brandegee	Jones, Wash.	Oddie	Townsend
Bursum	Kellogg	Page	Wadsworth
Caldor	Keyes	Phipps	Warren
Cameron	Lenroot	Poindexter	Watson, Ind.
Colt	Lodge	Rawson	Weller
Curtis	McCormick	Shortridge	Willis
Edge	Nelson	Smoot	
Frelinghuysen	New	Spencer	
Hale	Newberry	Sterling	

NAYS—32.

Ashurst	Harris	McNary	Simmons
Broussard	Harrison	Norris	Smith
Capper	Heflin	Overman	Stanfield
Caraway	Johnson	Ransdell	Stanley
Fletcher	Jones, N. Mex.	Reed	Underwood
France	King	Robinson	Walsh, Mass.
Gerry	Ladd	Sheppard	Walsh, Mont.
Gooding	McKellar	Shields	Watson, Ga.

NOT VOTING—27.

Borah	Elkins	McCumber	Pepper
Crow	Ernst	McKinley	Pittman
Culberson	Fernald	McLean	Pomerene
Cummins	Glass	Moses	Swanson
Dial	Hitchcock	Myers	Trammell
Dillingham	Kendrick	Norbeck	Williams
du Pont	La Follette	Owen	

So Mr. HEFLIN's resolution was referred to the Committee on Banking and Currency.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. PHIPPS. I ask that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Without objection——

Mr. HARRISON. Mr. President, that means that the bill will not be taken up and read from the beginning, paragraph by paragraph.

Mr. PHIPPS. If my request be granted, the bill must be read, Mr. President.

Mr. HARRISON. I think the bill should be read paragraph by paragraph, so that we may follow the reading. If the other procedure is followed, we can not follow the reading of the bill.

Mr. LODGE. Mr. President, of course the bill must be read in the way the Senator has suggested, but if it is read for amendment, of course amendments may be offered. The Senator, I presume, has no objection to that?

Mr. HARRISON. I should like the reading of the bill to start at the beginning and go to the end, so that we may the better keep up with it.

Mr. JONES of Washington. Let me say to the Senator from Mississippi that, as I understand, if the request of the Senator from Colorado be granted the bill has to be read through entirely, and it will be read paragraph by paragraph, but an amendment may be offered at any place in the bill.

Mr. HARRISON. I understand that.

Mr. PHIPPS. My request was that the formal reading of the bill be dispensed with and that it be read first for committee amendments, other amendments to be in order after the committee amendments shall have been disposed of.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. HARRISON. It requires unanimous consent to change the rule that the bill shall first be read.

Mr. LODGE. Certainly it does.

Mr. HARRISON. And I have objected to the request. I desire that the bill shall be read, so that we may keep up with it.

Mr. WARREN. Mr. President, I desire to say to the Senator from Mississippi that the bill, of course, must be read, but under the rule a formal reading is required. If that is insisted on, we must sit here during that time and do nothing except listen to the reading of the bill, as no amendment or interruption can be allowed; but by consenting to the request for unanimous consent, made by the Senator from Colorado [Mr. PHIPPS], to dispense with the formal reading of the bill, the bill will be read for amendment, the committee amendments will first be considered and acted on, and then other amendments will be in order. In that way the consideration of the bill will be expedited. I know that the Senator from Mississippi does not intend needlessly to delay the consideration of the bill, because he is anxious to have it passed.

Mr. HARRISON. I do not desire to delay the bill at all.

Mr. WARREN. The Senator will lose no advantage nor will his privilege of making any point he may desire be interfered with by allowing the first formal reading of the bill to be dispensed with, as has been requested by the Senator from Colorado.

Mr. HARRISON. I object to the request of the Senator from Colorado, because I think it is the better practice to begin the reading of the bill at the beginning and to read it paragraph by paragraph. When the Secretary comes to a committee amendment, then we may vote on that amendment; and if it is desired to offer an amendment to the bill, that should be permitted to be done. So, I repeat, I think we should begin at the beginning and read the bill through.

Mr. LODGE. That is what will have to be done.

The VICE PRESIDENT. The Chair understands there is objection to the request of the Senator from Colorado.

Mr. PHIPPS. Then I ask that the Secretary proceed with the reading of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. WADSWORTH. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WADSWORTH. During the formal reading of the bill there is nothing in order, is there?

The VICE PRESIDENT. During the formal reading of the bill nothing else is in order.

Mr. WADSWORTH. The Senator from Mississippi by his objection insists upon the letter of the rule being observed.

Mr. LODGE. I did not understand that the Senator from Mississippi had insisted on the formal reading of the bill.

Mr. WADSWORTH. That is what the Senator is insisting on, in order that he may keep up with the matter.

Mr. LODGE. Then the bill has to be read in its entirety, without considering amendments.

Mr. WADSWORTH. The objection is made in order to consume time.

Mr. HARRISON. I care nothing about the reading of the bill as a formality or the consideration of committee amendments, as well as any other amendments that may be offered when there is no committee amendment pending; but I think that we should begin with the first line of the bill and read it through.

Mr. WADSWORTH. If I may say so, the Senator from Colorado asked that that very thing be done, and the Senator from Mississippi objected.

Mr. HARRISON. The Senator from Colorado asked that the committee amendments be first considered. I objected to that.

Mr. WADSWORTH. The Senator from Mississippi is mistaken. The Senator from Colorado asked that the bill be read for committee amendments.

Mr. HARRISON. That it be read for committee amendments?

Mr. WADSWORTH. Yes.

Mr. HARRISON. I have objected to that.

Mr. LODGE. The Senator has no objection to the bill being read for amendments, but he does not wish to give precedence to committee amendments?

Mr. HARRISON. Absolutely, that is my position.

Mr. PHIPPS. I have no objection——

The VICE PRESIDENT. Without objection, the bill will be read for amendment.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, after line 2, to strike out:

> That 40 per cent of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and 60 per cent out of the revenues of the District of Columbia, for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, only, namely:
>
> If the estimated net revenues of the District of Columbia for the fiscal year ending June 30, 1923, are not sufficient to meet the proportion of the appropriations for that fiscal year charged against such revenues by this and all other acts, or which may be estimated to be charged against such revenues by acts that may be approved during such fiscal year, the Commissioners of the District of Columbia shall increase the rates of taxation on real estate and tangible personal property sufficiently to make up the difference: *Provided, however*, That such rates of taxation shall in no event be less than 1½ per cent nor more than 2 per cent.

And in lieu thereof to insert:

> That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States.
>
> For the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues derived from this source shall be covered into the Treasury of the United States as miscellaneous revenue.
>
> Until otherwise provided by law the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 per hundred, and other taxes shall be as now provided.
>
> The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenue shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States in addition to the estimates submitted for the next fiscal year is hereby authorized, and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.
>
> In fixing the value of improvements on any lot or tract of real estate for the purpose of taxation the first $2,000 of value thereof shall be exempt, and shall not be taken into consideration in fixing such value.

Mr. HARRISON. I make the point of order against that amendment. I do not think there is any authority of law for changing the present law which governs this matter and to substitute what is proposed by the committee amendment.

Mr. PHIPPS. Mr. President——

Mr. JONES of Washington. Mr. President, if the Senator from Colorado will permit me, I should like to ask that this amendment may be passed over temporarily. I think I can find some rulings by Presiding Officers of the Senate covering the point which the Senator from Mississippi makes. At any rate, I should like to have it passed over temporarily, if the Senator has no objection.

Mr. HARRISON. I do not think that any Senator could contend that this is not new legislation, and if it is new legislation, in view of the adoption of the new rule which has just been imposed upon us, the bill should go back to the Committee on Appropriations.

Mr. JONES of Washington. I wish to submit some observations on the point the Senator has made.

Mr. HARRISON. There is no use in taking up the time of the Senate on this question, because the rule that has been adopted provides that if new matter is reported in a general appropriation bill and a point of order is made against it and sustained the bill shall go back to the committee. So I make the point of order.

Mr. JONES of Washington. Mr. President, I will not take very much time in discussing the question, but I desire to look up the precedents. I will present my reasons in perfect good faith. I think the amendment is in order, and I desire to give my reasons for so thinking; but I wish to have an opportunity to look up the record and some decisions by former Presiding Officers bearing on this very question. I am sure the Senator would have no objection to passing the amendment over temporarily.

Mr. HARRISON. I desire to help the other side expedite the public business——

Mr. LODGE. That is perfectly obvious——

Mr. HARRISON. And there is no use in discussing an item in the District of Columbia appropriation bill if, under the rule which has just been adopted, when a point of order is made

against an amendment and sustained the item has got to go out and the bill go back to the committee.

Mr. JONES of Washington. Certainly; but I contend that that is not the correct position; that is all.

Mr. HARRISON. Why would it not be better to lay this bill aside until to-morrow and allow the Senator from Iowa to go on with his judiciary bill?

Mr. JONES of Washington. There are many provisions in this bill, some of which, probably, will create discussion.

Mr. HARRISON. Yes; but what is the use of discussing these provisions if, under the new rule just adopted, the bill must go back to the committee if a point of order is made and sustained that it contains new or general legislation?

Mr. ASHURST. Mr. President, if the Senator will yield; take, for instance, page 100, on which there is obviously new legislation, to which a point of order will be made, which will send the bill back to the committee. Senators in the majority may just as well face the new rule, which they put through with an iron hand on their side and with blandishments to this side, which were successful. They have adopted the new rule, and now within 40 minutes they refuse to take the medicine which they have prepared. Mr. President, the question should be tested and fought out now. This bill is filled with new legislation. On page 100, for instance, several hundred thousand dollars are appropriated in an amendment embodying new legislation for which there is no authorization under existing law.

Mr. LODGE. Mr. President, if the Senator will allow me——

Mr. ASHURST. I have not the floor.

Mr. LODGE. With all deference, the statement of the Senator from Mississippi that the first amendment embodies new legislation and the statement of the Senator from Arizona that something else is new legislation do not make those items new legislation.

Mr. ASHURST. I understand that, but I am expressing my opinion.

Mr. LODGE. The question is open to decision by the Chair.

Mr. ASHURST. I understand that.

Mr. HARRISON. The Senator does not contend that the first amendment is not new legislation, does he?

Mr. LODGE. I have not examined it at all; I never saw it until this moment.

Mr. ROBINSON. Mr. President, I invite the attention of the Senator from Mississippi to this proposition: Does the Senator from Mississippi think that the rule which has just been adopted is retroactive? In other words, does he think that it would apply to an appropriation bill which was reported to the Senate a week before the new rule was adopted?

Mr. HARRISON. I think it would be a violation of the very spirit of the rule if it should be held not to apply in this instance.

Mr. ROBINSON. The spirit of the rule is one thing, but the question as to whether the rule is retroactive is another. The Committee on Appropriations reported this bill under the rules of the Senate as they then existed. The question which I have raised is as to whether or not the rule is retroactive; that is to say, whether, in the case of a bill which was reported before the new rule was adopted, a point of order that an amendment embodied new or general legislation, if sustained, would send the bill back to the committee. I do not think it would.

Mr. LODGE. The item itself would go out of the bill.

Mr. ASHURST. In other words, in order to get business done, it is necessary to work under the old rule, thereby demonstrating the folly of the new rule.

Mr. LODGE. I suggest the advisability of taking three days more to discuss the rule we have just adopted.

Mr. ASHURST. We would do a very great service to the country if we would go back to the old rule.

Mr. ROBINSON. Mr. President, there is not the least cause for excitement about this matter.

Mr. ASHURST. The Senator from Arkansas is excited.

The VICE PRESIDENT. The Chair is ready to rule.

Mr. ROBINSON. I think that the rule is not retroactive and that it would not apply to a bill reported before the rule was adopted.

Mr. HARRISON. Mr. President, if the Chair is going to rule just on the letter of the rule and not on the spirit of the rule, if what has been done to-day and all the arguments that have been made are to be held for naught, of course the Chair would not sustain a point of order to send the bill back to the committee. I am sure, however, that the Chair would not by a decision violate the very spirit that pervaded this Chamber to-day—namely, that new legislation should not be placed upon a general appropriation bill—and rule that it should continue to be considered by the Senate even after a point of order is made and sustained to matter that has no place in the bill.

Mr. PHIPPS. Mr. President, I ask the Senator from Mississippi if there was anything for the Committee on Appropriations to do but to follow the line that the Senate itself had laid down in passing the Jones bill? Could they ignore the express declaration of this body that instead of some 50-50 or 60-40 proposition there should be a flat rate of assessment for purposes of taxation which the District should pay into the Federal Treasury as its contribution to the upkeep of the District?

Mr. HARRISON. I may say to the Senator that if this new provision in the bill touching taxation in the District of Columbia follows the law, it, of course, is not subject to a point of order.

Mr. PHIPPS. I have stated that it follows the expression of the Senate. The House has not yet passed upon the Senate bill known as the Jones-Carraway bill.

Mr. HARRISON. That is not what the rule that we adopted said. It said that the item must be to carry out the provisions of some law. Of course, the Senator knows that the mere action of the Senate in passing a proposition, without the sanction of the House, does not make it a law.

Mr. PHIPPS. I said that this bill was reported to the Senate on February 28, before the new rule was adopted. I ask for the ruling of the Chair.

Mr. CARAWAY. Mr. President, may I ask the Senator from Mississippi a question?

Mr. HARRISON. Yes.

Mr. CARAWAY. Is there anything in the new rule that we have just adopted that says that it shall apply to legislation that comes after its adoption, but that it does not have anything to do with bills now pending?

Mr. HARRISON. No; I do not think so.

Mr. CARAWAY. Then how do we except one class of bills from it and make it apply to another? When does it become operative?

Mr. HARRISON. It became operative immediately after its adoption.

Mr. CARAWAY. Evidently that is not going to be the ruling of the Chair. Then when does it become operative?

Mr. HARRISON. I think it becomes operative at the time it is passed.

Mr. CARAWAY. In other words, there is something in it that we can not see that says that it shall not affect bills that we do not want it to apply to, but that it shall affect those that we do want it to apply to.

Mr. HARRISON. Mr. President, to get this matter straight, and in order to carry out the spirit of the Senate as expressed by the adoption of the resolution to-day, I move that the District of Columbia appropriation bill be recommitted to the Appropriations Committee.

Mr. LODGE. I make the point of order that the ruling of the Chair must be had first. A point of order has been made, and I think we are entitled to the ruling of the Chair.

The VICE PRESIDENT. The Chair rules that the rule which reads—

> The Committee on Appropriations shall not report an appropriation bill—

And so forth, can not apply to reports made before the adoption of the rule.

Mr. HARRISON. Then, Mr. President, to carry out the spirit of the ruling of the Chair and the spirit of the Senate as expressed in the adoption of the rule to-day, I move that this bill, carrying appropriations for the District of Columbia, be recommitted to the Committee on Appropriations.

Mr. FLETCHER. Mr. President, let me suggest to the Senator that it has been decided by the Chair that the new rule does not apply to this bill; but that does not dispose of the point of order. Under the old rule, if this is new legislation, the point of order is good as to this particular item; so the Senator has a right to insist upon that point of order.

Mr. LODGE. Oh, yes; that point of order can be made, but the result under the old rule would be simply to throw out that item, and not carry back the entire bill to the committee.

Mr. FLETCHER. Precisely.

Mr. PHIPPS. I move that the motion of the Senator from Mississippi be laid on the table.

The VICE PRESIDENT. The Senator from Mississippi [Mr. HARRISON] moves that the bill be recommitted to the Committee on Appropriations. The Senator from Colorado moves that the motion to recommit be laid on the table. The question is on the motion of the Senator from Colorado.

Mr. REED. Mr. President——

The VICE PRESIDENT. That question is not debatable.

Mr. REED. I understand that it is not debatable, but I wanted to ask the Senator a question, to wit, if he does not think that a proceeding of that kind is very likely to make some trouble in getting this bill through?

Mr. PHIPPS. I think not.

Mr. REED. Here is a motion made, on which we are entitled to a vote.

Mr. PHIPPS. I think we might as well have the vote this way instead of the other way.

Mr. REED. Very well. We shall be very glad to stay with you a while.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado [Mr. PHIPPS] to lay on the table the motion of the Senator from Mississippi [Mr. HARRISON]. [Putting the question.] The Chair is in doubt.

Mr. REED and Mr. HARRISON called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I transfer my pair with the Senator from New Hampshire [Mr. MOSES] to the Senator from Texas [Mr. CULBERSON] and will vote. I vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I am sure that if that Senator were present he would vote as I shall vote, and therefore feel at liberty to vote. I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as before regarding my pair and its transfer, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement as before with reference to my pair with my colleague [Mr. ERNST] and its transfer to the Senator from Nebraska [Mr. HITCHCOCK], I vote "nay."

The roll call was concluded.

Mr. LODGE (after having voted in the affirmative). I am paired with the Senator from Alabama [Mr. UNDERWOOD], who did not vote. I transfer that pair to the Senator from Delaware [Mr. DU PONT] and will allow my vote to stand.

Mr. KING (after having voted in the negative). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I am advised that that Senator has not voted, and in his absence I withdraw my vote.

Mr. JONES of Washington. I desire to announce that the senior Senator from Vermont [Mr. DILLINGHAM] is absent on account of a death in his family.

The result was announced—yeas 40, nays 18, as follows:

YEAS—40.

Brandegee	Jones, Wash.	Norris	Smith
Bursum	Keyes	Oddie	Spencer
Cameron	Ladd	Overman	Sterling
Capper	Lenroot	Page	Sutherland
Curtis	Lodge	Pepper	Townsend
Frazier	McKinley	Phipps	Wadsworth
Frelinghuysen	Nelson	Poindexter	Walsh, Mont.
Gooding	New	Ransdell	Warren
Hale	Newberry	Robinson	Watson, Ind.
Harris	Nicholson	Shortridge	Willis

NAYS—18.

Ashurst	Gerry	Reed	Walsh, Mass.
Borah	Harrison	Sheppard	Watson, Ga.
Broussard	Heflin	Shields	Williams
Caraway	McKellar	Stanley	
Fletcher	Ransdell	Swanson	

NOT VOTING—38.

Ball	Elkins	King	Pittman
Calder	Ernst	La Follette	Pomerene
Colt	Fernald	McCormick	Simmons
Crow	Gooding	McCumber	Smoot
Culberson	Harreld	McLean	Stanfield
Cummins	Hitchcock	McNary	Trammell
Dial	Johnson	Moses	Underwood
Dillingham	Jones, N. Mex.	Myers	Weller
du Pont	Kellogg	Norbeck	
Edge	Kendrick	Owen	

So Mr. HARRISON's motion to recommit the bill to the Committee on Appropriations was laid on the table.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. HARRISON. Mr. President, I make a point of order against the amendment.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. HARRISON. My point of order is that it changes existing law.

Mr. NORRIS. The point of order made by the Senator from Mississippi is in reference to the first amendment on the first page of the bill, I understand, on the ground that that changes existing law?

The VICE PRESIDENT. On the ground that it is general legislation on an appropriation bill.

Mr. NORRIS. I want to call the attention of the Chair to a principle to which I think he will find no exception in any of the precedents. Generally speaking, that point of order would be good as to this language, but the amendment of the committee is in reference to the language of the House, which of itself, if it were original language here, would be subject to the same point of order. In other words, the language of the House text is subject to the same point of order to which the Senate committee amendment is subject.

I think the principle of parliamentary law is as old as the hills, that an amendment to a provision in a bill which would be of itself, if other things were taken away, subject to a point of order, is not subject to a point of order because it is new legislation or because it is a change of existing law. We can not make the point of order as to the House text, and the point of order could not be good as to the Senate committee text, which violates the very rule violated by the House text.

The Chair can see in a moment where we would be left if that were the rule. The House could send a bill here with ever so much legislation in it, and it would be a physical impossibility for us to amend it. The point of order made in the House when the House had this bill before it would have been good and would have been sustained, but the bill passed the House and comes here in the shape of a bill which has passed the House, and therefore we have a right to change it by any amendment which is germane to the subject.

The VICE PRESIDENT. The principle stated by the Senator from Nebraska is undoubtedly correct. The Chair is not informed as to whether the part that is proposed to be stricken out is new legislation. As far as the Chair knows, it is not new legislation, but a statement of existing law.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. NORRIS. Will the Senator permit me?

Mr. JONES of Washington. I was about to state to the Chair the fact.

Mr. NORRIS. I will yield in a moment. I want to be fair with the Chair. Of course, if the last statement of the Chair were correct, then the point of order ought to be sustained, I will admit; but I think the Senator from Washington will be able to convince the Chair that that is not the fact. He has the floor, and is about to speak to that point.

Mr. BRANDEGEE. Mr. President, I wish to make a suggestion to the Senator from Nebraska. I do not think a point of order can be made in the Senate on the ground that a matter changes existing law. That is ground for a point of order in the House, but the point of order in the Senate must be based on the ground that the language is general legislation on an appropriation bill, as I understand it.

Mr. NORRIS. That is true. My point was that the language was general legislation, but that it was an attempt to change what had passed the House, which was itself general legislation.

Mr. BRANDEGEE. Whether it changes it or not, if it is general legislation it is subject to a point of order in the Senate, not because it changes the law, but because it is legislation.

Mr. JONES of Washington. Mr. President, the general law with reference to the District of Columbia now provides that the expenses of the District shall be divided equally between the Federal Treasury and the people of the District; in other words, that 50 per cent of the expenses of the District shall be paid out of the Treasury of the United States and 50 per cent from the revenues of the District. That is one provision of the law. I am talking about general legislation now, not about the provisions in past appropriation bills. The general legislation, passed in 1878, is that the expenses of the District shall be borne equally from the United States Treasury and from taxes raised in the District.

Then there is another law with reference to the rate of taxation in the District to the effect that the rate of taxation on tangible personal property and real estate in the District of Columbia shall be 1.50 per cent. The House has changed both those provisions in this bill. The House provides that instead of these appropriations being made on the 50-50 basis, they shall be made on the basis of 60 per cent out of the revenues of the District, and 40 per cent out of the Treasury, and the House has provided that the rate of taxation may be changed from 1.50 to not exceeding 2 per cent.

It is true that this applies only for the fiscal year ending June 30, 1923; but the House has opened the door. It has changed

the law for that time. I have not had time to look up the rulings of Vice President Marshall, but I remember very distinctly that he held that when the field was opened, it was as wide as it could be for legislation, and that when the House opened the door for legislation, no matter how slightly, the whole field of legislation is open to the Senate; in other words, that the Senate is within its rule, even when it is amending the provision of the House, because, as the Senator from Nebraska says, if the House can put provisions in a bill in the nature of legislation, no matter how restricted they may be, and the Senate can not amend such legislation, of course the Senate is helpless in that respect.

The point I make is that the House has opened the door, however slightly, for legislation; that it has changed the law which applies to the District of Columbia, not only in the matter of determining the ratio which shall be borne by the District and borne by the Federal Treasury, but that it has also changed the rate of taxation, and has permitted the law to be changed by the commissioners from 1.50 up to as high as 2 per cent. When it has opened the door in that way——

The VICE PRESIDENT. The Chair understands the point the Senator is making. Has the Senator in mind the act of the Sixty-sixth Congress, which appears to the Chair to contain the exact language which has been stricken out by the Senate committee?

Mr. JONES of Washington. The Chair refers to the appropriation act of the Sixty-sixth Congress?

The VICE PRESIDENT. Yes.

Mr. JONES of Washington. Certainly; that is not legislation at all. There the House again violated the rule, and the Senate changed that for the year. That was only an appropriation bill. That might go on for 40 years, and yet it would not become permanent at all. I am citing the Chair to the permanent legislation of 1878; that is, the permanent legislation which makes this legislation of the House out of order.

Mr. LENROOT. Will the Senator yield?

Mr. JONES of Washington. I yield to the Senator from Wisconsin.

Mr. LENROOT. If both the House provision and the Senate committee amendment were stricken out, the permanent legislation would at once apply for the next fiscal year?

Mr. JONES of Washington. Yes; on the basis provided in the law of 1878, and by the tax law; in other words, the organic law. I do not want the Vice President to become confused by the fact that for two or three years past we have been providing in appropriation bills for a different ratio than 50-50. That is true. The House and the Senate have had quite a controversy in conference, and some of the District of Columbia appropriation bills have been held up until almost the last day of the session, then the yielding has been had simply in order to get the legislation; but those provisions apply only to the one year, that is all. They do not change the permanent law, except for that year.

The Senate committee has seen fit to take advantage of the situation which is presented by the House language in this bill. We have attempted to put in a provision which, if adopted, will change the annual controversy which has been going on between the House and the Senate. We think we are clearly within our rights, that we are clearly within the rules of the Senate, and clearly within the precedents made by the rulings of the Vice President heretofore, that the House having opened the door, the Senate can enter the field of legislation.

The VICE PRESIDENT. The Chair understands that the Senator says the act of last year was to apply only to one year?

Mr. JONES of Washington. That is all.

The VICE PRESIDENT. And at the end of the year, or whenever its terms were carried out, it goes out of existence and the old law of 1878 comes into existence?

Mr. JONES of Washington. That is true.

The VICE PRESIDENT. That the part proposed to be stricken out is the attempt of the House to begin an amendment of the act of 1878?

Mr. JONES of Washington. It changes the act of 1878 so far as the coming fiscal year is concerned.

The VICE PRESIDENT. That the House having begun it, the rule is that it is not to be construed as a proposal of new legislation when the Senate starts to amend the new legislation which the House has placed in the bill?

Mr. JONES of Washington. That is correct.

Mr. HARRISON. My point of order is raised not to the House provision but to the Senate committee amendment to the House provision.

The VICE PRESIDENT. The Chair understands that; the question then arises, when a bill comes over to the Senate from the House in which there is a proposal to amend existing law and enact new legislation, whether the Senate has a right to amend it by inserting new legislation.

Mr. ASHURST. Mr. President, this point of order is made under Rule XVI, and particularly, I assume, under paragraph 3 of that rule, and no amount of arguing, no sophistry can change the plain language of that rule. There are no exceptions mentioned in it. It reads:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

Human language could not be plainer. There are no reservations, absolutely no qualifications of any kind.

The VICE PRESIDENT. Does the Senator doubt the principle laid down by the Senator from Nebraska [Mr. NORRIS]?

Mr. ASHURST. I do indeed, Mr. President. If the House sees fit, under its rules, to change existing law it may do so, but upon that domain the Senate is not permitted to enter unless by a two-thirds vote or by unanimous consent.

One of the wisest rules we have set up to guard the Treasury, one that by unanimous consent Senators seem to agree should be the rule, is that new legislation shall not be placed upon a general appropriation bill. To say that because the House entered that domain, therefore the House has stricken down the Senate rule, would mean that the House is making our rules. If, because the House enters the domain, this point of order is of no value, we are without a rule, and the House is making our own rule.

Mr. President, it may be that in justice and in morals when the House enters a domain the Senate should be permitted also to go into the matter and enter into new legislation; but that is not the rule. The rule is written specifically the other way. I call attention to the first two lines, and two lines only, of paragraph 3 of Rule XVI.

The VICE PRESIDENT. Then, the Senator must hold that if the House undertakes to propose new legislation contrary to its rule, the Senate can not change it, but must accept it?

Mr. ASHURST. Not at all. It is within the power of the majority of the Senate to change it. It is within the power of the Senate by a separate bill to change it. It is within the power of the House to disagree to it. It is within the power of the Senate to disagree to the House provision. But the right of the Senate to protect itself against new or general legislation upon an appropriation bill can not be swept aside by the action of the House. If the Vice President holds that the point of order is good, then the Vice President is inevitably bound to hold, in effect, that the House sweeps away a part of our rule.

The VICE PRESIDENT. Then the Senator would hold that the Senate can agree to a part of it, but can not disagree to a part of it?

Mr. ASHURST. It can disagree to a part of it, but it can not propose new or general legislation which is obnoxious to a point of order.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. ASHURST. Certainly.

Mr. NORRIS. If the Senator is right, then does it not follow in the case now before the Senate that it would be an impossibility for the Senate to amend the House text?

Mr. ASHURST. Why, no.

Mr. NORRIS. How could we do it?

Mr. ASHURST. In the first place, the Senator claims that the House text is general legislation, does he not?

Mr. NORRIS. Of course I do. That is the reason why I agree to the amendment.

Mr. ASHURST. Then let us require the other House to live up to that salutary rule of not putting general legislation upon an appropriation bill.

Mr. NORRIS. How can we do it without an amendment?

Mr. ASHURST. Live up to the existing law.

Mr. NORRIS. How are we going to live up to the law when the House text is in violation of it and we are prohibited from offering an amendment to it?

Mr. ASHURST. Then the Senator will admit, will he, or will he not, that we are driven to violate or set aside a Senate rule in order to deal with the House text?

Mr. NORRIS. No. My contention is that the rule does not apply.

Mr. ASHURST. The Senator will admit that if this language stood alone and we had no House text, it would be subject to a point of order?

Mr. NORRIS. Yes.

Mr. ASHURST. If the Senator admits that, and the House therefore swept away the Senate rule, his very admission puts him out of court.

Mr. NORRIS. No; the House text repeals the law. We can offer an amendment to it or we can not. If we offer an amendment to it, then, if the Senator's position is correct, it is subject to a point of order under the Senate rule, and therefore we are prohibited from amending it.

Mr. ASHURST. Not at all, Mr. President.

Mr. NORRIS. I wish the Senator would tell me how it can be amended.

Mr. ASHURST. Mr. President, for 500 years in the English-speaking world the policy of passing general legislation on a general appropriation bill has been condemned as a vicious policy. For 100 years in this Government nothing was considered more pregnant with vice than to attach general legislation to an appropriation bill. So unanimous was the idea in the Senate and in the Congress that this wise rule, which prevents general legislation on an appropriation bill, was set up. The way to reach the evil is to refuse to agree to the House text, remand them to the old parliamentary law, and send the bill back in that way.

Mr. NORRIS. But how are we going to refuse to agree to the House text without an amendment? Tell me that.

Mr. ASHURST. We are substituting new and altogether different legislation.

Mr. NORRIS. I understand that; but the Senator is going to take some other method. If we did not agree to the House text we would be obliged to have a Senate amendment striking it out or modifying it in some manner. How can we disagree without an amendment?

Mr. McKELLAR. The House has rules against general legislation on appropriation bills.

Mr. NORRIS. But the House did not enforce those rules in this case.

Mr. McKELLAR. And the Senate has a rule. If the argument of the Senator from Nebraska is right, of course, whenever the House violates its rule, then, perforce, the Senate must violate its rule. We have no such exception in our rules. The Senator asks what we shall do in a case like that. We shall have to vote it down or change our rules.

Mr. NORRIS. How can we vote it down without an amendment?

Mr. McKELLAR. There can not be any doubt about our rule. Because the House violates its rule is certainly no reason why the Senate should violate its rule.

Mr. NORRIS. Still the fact remains that the Senate will have to accept the House text in an appropriation bill wherever it legislates, if the Senator's contention is correct——

Mr. ASHURST. Or reject it.

Mr. NORRIS. How can we reject it? Could we reject the whole bill?

Mr. McKELLAR. Amend it by striking it out.

Mr. NORRIS. But that is an amendment.

Mr. ASHURST. No; an amendment is general legislation, and the pungent brain of the Senator from Nebraska is not going to pretend that to strike out language is general legislation. He is not going to contend that, because he would not make a specious argument. He really does not believe that. The rule does not say we shall not amend the bill. It says general legislation shall not be added.

Mr. NORRIS. And the proposition is that there is only one motion to amend which we can make, and that is to strike out the language of the House text?

Mr. McKELLAR. That is the only thing we have ever done under our rules.

Mr. NORRIS. That is the only thing that can be done?

Mr. ASHURST. It is the only thing that ought to be done or need to be done under the circumstances.

Mr. McKELLAR. It ought to be done if we are going to live up to our rules.

Mr. LENROOT. Mr. President, may I suggest that it seems to me this is a very simple proposition. Our rules prohibit an amendment in the Senate proposing general legislation on an appropriation bill, but if the House chooses to send us general legislation on an appropriation bill it is the duty of the Senate to consider it. When an amendment is proposed it is not a proposal of the committee proposing new or general legislation, because the original proposal has come from the House. The proposal is in the bill and that is not subject to a point of order. All the committee does in this amendment is not to propose general legislation but to modify the legislation which has been proposed by the House.

Mr. HARRISON. Mr. President, the Senate to-day adopted a resolution changing the rule, and some Senators voted for that change in the rules, notably the Senator from Nebraska [Mr. NORRIS], because of that part of the rule which provided that new matter could not be included on a general appropriation bill, and, if it should be, a point of order being sustained against it, it would send the bill back to the committee, thus making the new rule stronger than the present rule. But the rule which was adopted to-day did not say that simply because there is a provision in a general appropriation bill, which is there without authority of law, that in itself shall send the bill back to the committee. The point of order must be made to it, and it must be sustained by the Chair before the bill goes back to the committee.

Here is a provision which was incorporated in the bill by the House, called the 60-40 plan. That is not now the existing law. The existing law is the 50-50 plan. The bill comes to the Senate. The Senate committee places an amendment on it. The first question is on the Senate amendment. I have made a point of order against the Senate amendment. All must concede that this is a change in existing law. It is on a general appropriation bill. If the Senate committee amendment had not been included in the bill, the provision which was adopted by the House would be subject to a point of order.

Mr. LENROOT. Oh, no; it would not.

Mr. HARRISON. The Senator says it would not be subject to a point of order?

Mr. LENROOT. Certainly it would not. The House provision, under either the old rule or the new rule, would not be subject to a point of order.

Mr. HARRISON. After the adoption of the rule to-day?

Mr. LENROOT. Of course not.

Mr. HARRISON. I do not understand it in that way.

Mr. LENROOT. The rule is very clear. The rule prohibits amendments proposing new or general legislation from being reported upon an appropriation bill, but it has nothing to do with the language in the bill as it came from the House.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. LENROOT. Certainly.

Mr. ASHURST. I think we can find a common denominator on which we can all agree. Under the new rule it would clearly be subject to a point of order.

Mr. LENROOT. The House provision?

Mr. ASHURST. No; the Senate committee provision.

Mr. LENROOT. The rule would be the same in either case. As the Senator knows, the point of order must first be made and a ruling made whether the point of order would apply or not.

Mr. ASHURST. Under the present rule the Senate committee text standing alone would be subject to a point of order, would it not?

Mr. LENROOT. I agree.

Mr. ASHURST. The Senator is frank and always intellectually honest. So we agree about that—the Senate committee text standing alone would be subject to a point of order. Although the text standing alone, if the Senate committee brought it in, would be subject to a point of order, yet because it relates to a matter upon which the House entered, but is general legislation nevertheless, and we are attempting to change that general legislation, the Senator says it is not subject to a point of order.

Mr. LENROOT. Does not the Senator see the distinction?

Mr. ASHURST. Frankly, I do not.

Mr. LENROOT. In the one case the new legislation is proposed by the House and is sent over here by the House, but in the other case the legislation is proposed by the Senate committee, which is prohibited.

Mr. ASHURST. That would be a good argument, and I admit the force of the argument, but we must take these rules as they are written. We can not go out in the byways and highways to find exceptions. All there is in the rule is contemplated within the first line of paragraph 3, which reads:

No amendment which proposes—

It is not an affirmative proposition; it begins by negativing all other propositions.

No amendment—

It is a negative proposition. Now, it is a rule under which we have operated a long time, and if it were intended not to apply to the House text it would have stated so. We can not go out in the unreturned parabola of distant fields and find some reservation to this rule. It plainly says "no amendment." It does not say "no amendment, except to the House text."

There is no need to talk about it any further, but it seems that we find a rule that will not work and then we vote for rules in the Senate under which we are supposed to work, and the very first thing we find some hesitancy on the part of able Senators about allowing individual Senators to make points of order upon matters never debated or doubted before.

Mr. LENROOT. I can not put my hand upon the decisions now, because they are not yet reported in the Precedents, but

does not the Senator remember that this very question came up and Vice President Marshall ruled that an amendment standing by itself would be held to be general legislation and not in order, but the door being opened by a proposal that is not subject to a point of order the amendment itself is in order because the amendment does not in that case propose general legislation?

Mr. ASHURST. I am not going to dodge or evade that question. I believe that a careful search of the Precedents, though I am unable to lay my hand on it, will disclose that such a rule has been announced from the Chair, but my learned friend knows that there are at least 80 or 90 the other way. Certainly he is not going to pin his faith on that one lone decision.

Mr. LENROOT. I wish to say that I have searched the precedents very diligently and I have been able to find only this one.

Mr. ASHURST. I am sure there are 100 which prevent and preclude general legislation on an appropriation bill.

Mr. LENROOT. Oh, yes; but not on an amendment going to general legislation which has been put in the bill by the House.

Mr. ASHURST. I presume that there is a case where some temporary Presiding Officer, though some say the Vice President, might have held thus, but the common law of the Senate, the common opinion of every Senator here is and always has been, since I have been here, that general legislation would not be permitted on an appropriation bill. Suppose the House makes an appropriation for a particular purpose unknown to the law of the land and then the Senate says, "Ah, but the House entered that domain. There is no existing law for it, but the House appropriated $30,000, and we will appropriate $60,000 because the House entered that domain." Can not Senators see that they would be striking down one of our most salutary rules? The rules provide that the amount of an appropriation may not be increased by way of amendment, except under certain conditions, and an amendment providing such an increase would be obnoxious to a point of order, if raised. Are Senators going to argue that because the House entered that domain we will—if the Senators will pardon the expression—"go them one better" and will appropriate even more, notwithstanding the plain language of the rule that the amount of an appropriation can not be increased?

"But," it is said, "the House entered that domain. Can the House enter a domain and we not be permitted to enter it?"

The rule is for the very purpose of saying to the House, "You must change existing law by general law. We have here a precious parliamentary weapon when it is wielded in behalf of the Treasury, the people, and law in general, which will prevent and preclude you from raising appropriations." Even though the House did go into it, we can strike it out if the House entered a domain that it should not enter. It seems to me we can not escape that reasoning. If we can say that because the House entered the domain of new legislation we can follow, it must inevitably be held that when the House enters the domain and provides an appropriation theretofore unknown to the existing law we must have the power to increase it; and we know the rules do not permit that.

I do not see, Mr. President, how we can escape applying the same construction to both provisions of the rule.

The VICE PRESIDENT. The Chair is ready to rule.

Mr. ASHURST. I thank the Chair for the patience with which he has listened to me.

The VICE PRESIDENT. The Chair is glad to hear the Senator.

Mr. HARRISON. Before the Chair rules I desire to say that the Senator from Wisconsin [Mr. LENROOT] called attention to some decision of former Vice President Marshall. I do not recall any decision such as the Senator cited. I remember a decision to the effect that if a provision was subject to a point of order and the point of order was not made, another amendment could be offered to it which was not in order and the point of order would not be sustained.

Mr. LENROOT. That could hardly have arisen, because under the practice of the Senate a point of order may be made at any time, so it could not have been the kind of case to which the Senator from Mississippi refers.

Mr. HARRISON. That is the rule of the other House.

Mr. LENROOT. In the House that is true; that is the rule of the House.

Mr. HARRISON. But in this instance, Mr. President, if the Chair will note, he will observe that the Senate committee amendment proposes to place permanent legislation in the bill. The House provision is only for the coming fiscal year, but the Senate committee amendment proposes to provide for the fiscal year 1923 and annually thereafter, proposing permanent legislation. Certainly we would not adopt any rule here as a precedent to be followed that, simply because the House had exceeded its authority and written into a general appropriation bill a provision without authority of law, then the Senate could widen it and make it permanent authority. The Senate committee then, in order to make legislation in order, could insert simple provisions which would be incorporated in a general appropriation bill, and add to them in order to carry out its point and undo what was done to-day by the resolution proposing to change the rules of the Senate.

I submit that the point of order being made merely to the Senate committee amendment does not affect the House provision at all; that it is left for the Senate upon motion either to strike out or adopt it.

Mr. JONES of Washington. The action of the Senate committee, being an amendment to strike out the House provision and insert other matter, is one amendment.

Mr. HARRISON. Yes; but the Senate committee proposes to provide a permanent law, a law not only for the fiscal year 1923 but for years hereafter, while the House amendment pertains only to this year.

Mr. JONES of Washington. Certainly; because the House opened the door in changing existing law.

The VICE PRESIDENT. The rule is perfectly plain that no amendment which proposes general legislation shall be received on any general appropriation bill. If this provision came up as an original proposition, the Chair would be inclined to rule that the point of order was well taken. It seems, however, to be established by precedents, which nobody denies, that the Senate has adopted the other conclusion—and there is a great deal of force to it—that, as the proposition for the new legislation does not originate in the Senate but comes here on a bill from the House of Representatives, therefore the Senate has an inherent right to amend the proposed legislation of the House of Representatives. The Chair therefore rules that the point of order is not well taken.

Mr. HARRISON. Mr. President, I respectfully—because I have never yet done so—appeal from the decision of the Chair, for this decision, if followed, would absolutely nullify the provisions of the resolution which the Senate adopted to-day.

The Senator from Nebraska [Mr. NORRIS] contended that one reason why he favored that resolution was that it prevented the placing in general appropriation bills of general or new legislation not authorized by law. Now, under the ruling which the Chair has just made since the resolution was adopted to-day, that whole contention is nullified; and so here we are in a position where we find that the Senate now proposes to undo what they did only a few moments ago. I respectfully appeal from the decision of the Chair, but shall not ask for the yeas and nays on my appeal. I do, however, ask for a division on it. I do not make the appeal because the present occupant of the chair has made the ruling.

The VICE PRESIDENT. The Chair understands that.

Mr. HARRISON. I make the appeal more on account of the action of the Senate to-day in adopting the resolution. I wish to know if Senators acted in good faith and meant what they said when they adopted the resolution.

The VICE PRESIDENT. The question is: Shall the ruling of the Chair stand as the judgment of the Senate?

On a division, the decision of the Chair was sustained.

Mr. HARRISON. Mr. President, if I understand, then, the point of order is overruled?

The VICE PRESIDENT. It is.

Mr. HARRISON. Then, the vote will come first on the adoption of the committee amendment, will it not?

The VICE PRESIDENT. It will.

Mr. HARRISON. Does the Senator in charge of the bill expect to proceed with the discussion of this matter to-night?

Mr. PHIPPS. Not for any length of time. If the item would lead to any considerable discussion, I think it would, perhaps, be better to allow it to go over for later consideration, so that Senators may be thinking the matter over. We could then proceed for a short time with the reading of the bill before adjourning, as it will not be possible to conclude the consideration of this bill to-night.

Mr. HARRISON. It is such an important matter that we would hardly be able to finish it to-night. I therefore ask that the amendment be passed over for the present.

Mr. PHIPPS. It is not the intention to conclude the consideration of the bill to-night. I have no objection to the item going over, and proceeding a short time with the reading of the bill.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the items for build-

ing inspection division, on page 4, line 8, after the word "buildings," to strike out "principal $2,000," and to insert "five at $2,000 each," and in line 12, after the figures "$1,800," to insert "one $1,140," so as to make the paragraph read:

Building inspection division: Inspector of buildings, $3,000; assistant inspectors of buildings, 5 at $2,000 each, 1 $1,500, 1 $1,400, 9 at $1,260 each; fire-escape inspector, $1,400; civil engineers or computers—one $2,000, one $1,800, one $1,500; clerks—chief $1,800, 1 $1,140, 1 $1,050, 1 $1,000, one (who shall be a stenographer and typewriter) $1,000, 1 $900; messenger, $660; assistant inspector, $1,500.

The amendment was agreed to.

The next amendment was, in the items for plumbing-inspection division, on page 4, line 16, after the word "plumbing," to strike out "principal, $1,550," and to insert "two at $1,550 each"; in line 20, after the word "necessary," to strike out "$2,000" and to insert "$3,000," and in line 21, to strike out "sewer tapper, $1,000"; so as to make the paragraph read:

Plumbing-inspection division: Inspector of plumbing, $2,600; assistant inspectors of plumbing—two at $1,550 each, six at $1,320 each; clerks—two at $1,200 each, one $900; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $3,000; draftsman, $1,350; three members of plumbing board, at $150 each.

The amendment was agreed to.

The next amendment was, on page 4, line 23, to increase the total for the executive office from "$126,520" to "$137,210."

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I ask unanimous consent that the Secretary may be authorized to correct all totals in the bill where it becomes necessary to correct them because of any change in the items of appropriation.

The VICE PRESIDENT. Without objection, it will be so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for care of District Building, on page 5, line 3, before the words "assistant engineers," to strike out "three" and to insert "four," and in line 13 to change the total from "$40,060" to "$41,200."

The amendment was agreed to.

The next amendment was, in the items for assessor's office, on page 5, line 22, to increase the number of clerks at "$1,400" each from "three" to "four"; in the same line, to increase the number of clerks at $1,200 each from "two" to "three," and on page 6, line 3, to increase the total appropriation for assessor's office from "$56,920" to "$59,520."

The amendment was agreed to.

The next amendment was, in the items for license bureau, on page 6, line 21, after the figures "$600," to insert "temporary clerk hire, $1,500," and in line 22, to increase the total appropriation for license bureau from "$11,700" to "$13,200."

The amendment was agreed to.

The next item was, in the items for collector's office, on page 7, line 2, before the word "bailiffs," to strike out "two" and to insert "three," and in line 5, to increase the total appropriation for collector's office from "$52,420" to "$53,620," so as to make the paragraph read:

Salaries: Collector, $4,000; deputy collector, $2,000; chief clerk, arrears division, $2,000; cashier, $1,800; two assistant cashiers, at $1,500 each; bookkeeper, $1,600; three bailiffs, at $1,200 each; clerks—6 at $1,400 each, 15 at $1,200 each, 4 at $1,060 each, 5 at $900 each, 1 $720; clerk and bank messenger, $1,200; two messengers, at $600 each; in all, $53,620.

The amendment was agreed to.

The next amendment was, under the subhead "Office of corporation counsel," on page 7, after line 22, to insert:

Sinking-fund office, under control of the Treasurer of the United States: For additional compensation to the clerk in the office of the Treasurer of the United States designated by the Treasurer to perform the necessary clerical service in connection with the sinking fund and payment of interest on the debt of the District of Columbia, $500.

The amendment was agreed to.

The next amendment was, in the items for coroner's office, on page 8, line 6, after the figures "$600," to insert "hostler and janitor, $480," and in line 7 to strike out "$3,120" and to insert "$3,600," so as to read:

Salaries: Coroner, $1,800; morgue master, $720; assistant morgue master and janitor, $600; hostler and janitor, $480; in all, $3,600.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the words "Office of," to strike out "superintendent" and to insert "department," so as to make the subhead read: "Office of department of weights, measures, and markets."

The amendment was agreed to.

The next amendment was, in the items for the engineer commissioner's office, on page 9, line 7, after the word "inspectors," to strike out "one $1,400," and to insert "two at $1,400 each"; in line 9, after the word "five," to strike out the words "including two of streets"; in line 17, before the words "steam engineers," to insert "janitor, $720"; and in line 22 to increase the total appropriation from "$180,810" to "$182,930," so as to make the paragraph read:

Salaries: Engineer of highways, $8,000; engineer of bridges, $2,500; superintendents—one of streets, $2,000, one of suburban roads, $2,250; sanitary engineer, $3,500; inspector of asphalts and cements, $2,400; trees and parkings—superintendent $2,000, assistant superintendent $1,350; assistant engineers—2 at $2,200 each, 4 at $1,800 each, 2 at $1,600 each, 4 at $1,500 each, 2 at $1,350 each, 1 $1,200; transitmen—3 at $1,200 each, 1 $1,050; rodmen—8 at $900 each, 4 at $780 each; chainmen—6 at $720 each, 6 at $650 each; draftsmen—1 $1,500, 2 at $1,200 each, 1 $1,050; general inspector of sewers, $1,800; inspector of sewers, $1,200; bridge inspector, $1,200; inspectors—2 at $1,400 each, 5 at $1,200 each, 1 $1,000, 1 $900; foremen—12 at $1,200 each, 4 at $1,050 each, 8 at $900 each; bridge keepers—1 $650, 2 at $600 each; chief clerk, $2,250; permit clerk, $1,540; assistant permit clerk, $1,000; clerks—1 $1,800, 3 at $1,500 each, 1 $1,400, 2 at $1,350 each, 7 at $1,200 each, 2 at $1,000 each, 1 $900, 3 at $840 each, 1 $720, 1 $600; 7 messengers, at $600 each; skilled laborer, $625; laboratory assistant, $1,200; janitor, $720; steam engineers—principal, $2,000, 1 $1,800, 2 at $1,760 each, 3 assistants at $1,480 each; 6 oilers, at $960 each; 6 firemen, at $1,160 each; storekeeper, $900; superintendent of stables, $1,500; blacksmith, $975; 2 watchmen, at $630 each; 2 drivers, at $630 each; in all, $182,930.

The amendment was agreed to.

The next amendment was, on page 9, line 24, after the word "mechanics," to insert "and drivers," so as to read:

CENTRAL GARAGE.

Salaries: Superintendent, $1,500; two mechanics and drivers, at $1,000 each; in all, $3,500.

The amendment was agreed to.

The next amendment was, in the items for municipal architect's office, on page 10, line 6, after the figures "$1,800," to insert "boss carpenter, boss tinner, boss painter, boss plumber, boss steam fitter, boss grader, six in all, at $1,200 each"; and in line 10 to increase the appropriation for municipal architect's office from "$23,080" to "$30,260," so as to make the paragraph read:

Salaries: Municipal architect, $3,000; engineering assistant, $2,400; superintendent of construction, $2,000; chief draftsman, $1,800; draftsmen—one $1,400, one $1,300; heating, ventilating, and sanitary engineer, $2,000; superintendent of repairs, $1,800; boss carpenter, boss tinner, boss painter, boss plumber, boss steam fitter, boss grader, six in all, at $1,200 each; assistant superintendent of repairs, $1,350; clerks—one $1,200, one $1,050, one $1,000, one $720; copyist, $840; driver, $600; in all, $30,260.

The amendment was agreed to.

The next amendment was, in the items for Public Utilities Commission, on page 10, line 12, to increase the salary of "executive secretary" from "$3,500" to "$4,000," and in line 18 to increase the appropriation for Public Utilities Commission from "$31,020" to "$31,520."

Mr. HARRISON. Mr. President, will the Senator explain the reason for the increase in the salary of the executive secretary of the Public Utilities Commission from $3,500 to $4,000?

Mr. PHIPPS. Yes. The salary at the present times is $4,000, and it has been at that figure, I think, for two or possibly for three years past. The reduction was made in the Budget Commission before the item came to the House.

Mr. HARRISON. The Director of the Budget recommended that it be $3,500?

Mr. PHIPPS. He recommended that it be $3,500.

Mr. HARRISON. This officer has been getting $4,000 for the past three or four years?

Mr. PHIPPS. The position has paid $4,000 for two or three years past.

Mr. HARRISON. Was any reason assigned by the Director of the Budget for reducing it from $4,000 to $3,500?

Mr. PHIPPS. I am not informed as to that, but I do know that the Senate committee made inquiry and had the point up with the commissioners before restoring the figure of $4,000. The Senator will find it in the Senate hearings.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 10, line 21, after the word "law," to insert "including the employment of expert services where necessary, and including the purchase of one automobile not to exceed $650, and for the maintenance of the same, $8,000," so as to make the paragraph read:

For incidental and all other general necessary expenses authorized by law, including the employment of expert services where necessary, and including the purchase of one automobile not to exceed $650, and for the maintenance of the same, $8,000.

The amendment was agreed to.

The next amendment was, in the items for the department of insurance, on page 11, line 16, after the figures "$1,000," to insert "temporary clerk hire, $600"; and in line 17, to change

the total of the appropriation from "$11,400" to "$12,000," so as to make the paragraph read:

Salaries: Superintendent of insurance, $3,500; deputy and examiner, $2,000; statistician, $1,700; clerks—one $1,200, two at $1,000 each; stenographer, $1,000; temporary clerk hire, $600; in all, $12,000.

The amendment was agreed to.

The next amendment was, on page 12, line 3, after the word "teams," to strike out "$7,000" and to insert "$8,000," so as to make the paragraph read:

For services of temporary draftsmen, computers, laborers, additional field party when required, purchase of supplies, care or hire of teams, $8,000, all expenditures hereunder to be made only on the written authority of the commissioners.

The amendment was agreed to.

The next amendment was, in the items for the Minimum Wage Board, on page 12, line 7, after the word "secretary," to strike out "$2,400" and to insert "$2,500"; in line 8, after the word "expenses," to strike out "$1,600" and to insert "$2,500"; and in line 9, to strike out "$4,000" and to insert "$5,000," so as to make the paragraph read:

Salaries: Secretary, $2,500; clerical, contingent, and miscellaneous expenses, $2,500; in all, $5,000, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "Park," to strike out "branch" and to insert "and southeast branches," so as to make the subhead read:

Free Public Library, including Takoma Park and southeast branches.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to insert:

Southeast Branch Library: For salaries in connection with the organization of the Southeast Branch Library, $5,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,500 per annum.

The amendment was agreed to.

The next amendment was, in the items for free public library, on page 13, line 24, to increase the appropriation for substitutes and other special and temporary service from "$3,000" to "$3,500."

The amendment was agreed to.

The next amendment was, on page 13, after line 24, to strike out:

Provided, That no money appropriated by this act shall be expended in conducting library stations not now in existence, but this limitation shall not apply to public-school buildings.

The amendment was agreed to.

The next amendment was, on page 14, line 6, after the name "Takoma Park," to strike out "branch" and to insert "and southeast branches," and in line 10, after the word "publications," in line 9, to strike out "$12,500" and to insert "$17,500," so as to make the paragraph read:

Miscellaneous, including Takoma Park and southeast branches: For books, periodicals, and newspapers, including payment in advance for subscriptions to periodicals, newspapers, subscriptions books, and society publications, $17,500.

The amendment was agreed to.

The next amendment was, on page 14, line 16, after the word "expenses," to strike out "$12,500" and to insert "$11,000," so as to make the paragraph read:

For maintenance, repairs, fuel, lighting, fitting up buildings, lunch-room equipment; purchase, exchange, and maintenance of bicycles and motor-delivery vehicles, and other contingent expenses, $11,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

For repairs and improvements to the buildings and equipment of the free public libraries, $3,000.

The amendment was agreed to.

The next amendment was, in the items for contingent and miscellaneous expenses, on page 15, line 6, after the word "board," to insert "sinking-fund office," and, in line 14, to increase the appropriation from "$45,000" to "$50,000," so as to make the paragraph read:

For printing, checks, books, law books, books of reference, periodicals, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; purchase of laboratory apparatus and equipment and maintenance of laboratory in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies and bicycles not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed $800 in the aggregate; and other general necessary expenses of District offices, including the personal-tax board, sinking-fund office, harbor master, health department, surveyor's office, office of superintendent of weights, measures, and markets, department of insurance, and Board of Charities, including an allowance to the purchasing officer of the District and to the secretary of the Board of Charities, not exceeding the rate of $25 per month for each, for the maintenance of an automobile to be furnished by them, respectively, and used in the discharge of their official duties, $50,000.

The amendment was agreed to.

The next amendment was, on page 16, line 3, after the words "provided for," to insert "including such personal services in connection therewith not otherwise herein authorized as the commissioners shall in writing specially order," so as to make the paragraph read:

For maintenance, care, and repair of automobiles, motor cycles, and motor trucks owned by the District of Columbia, that are not otherwise herein provided for, including such personal services in connection therewith not otherwise herein authorized as the commissioners shall in writing specially order, $30,000.

The amendment was agreed to.

The next amendment was, on page 18, line 6, to increase the appropriation for postage for strictly official mail matter from "$12,500" to "$15,000."

The amendment was agreed to.

The next amendment was, on page 18, line 13, after the words "total of" to strike out "$7,000" and to insert "$8,000," so as to read:

The commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of street car and bus fares from appropriations contained in this act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of $8,000.

The amendment was agreed to.

The next amendment was, on page 19, line 8, to increase the appropriation for general advertising, authorized and required by law, etc., from "$6,000" to "$8,000."

The amendment was agreed to.

Mr. KING. Mr. President, I have been called from the Chamber. May I inquire of the Senator whether the item with respect to increase in the number of policemen will come up to-night?

Mr. PHIPPS. If it does, we shall be glad to let it go over until to-morrow. We shall run along for only a very few minutes longer. We are making progress, and I should not like to stop just at this moment.

Mr. KING. I am advised that there has been an increase of 75 in the number of policemen.

Mr. PHIPPS. That is correct.

Mr. KING. I think that is too many, and I desire to have some explanation of the matter. If it may go over until to-morrow, I shall be much obliged.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, line 18, after the words "office of" to strike out "superintendent," and to insert "department," so as to make the subhead read: "Office of department of weights, measures, and markets."

The amendment was agreed to.

The next amendment was, on page 21, line 21, to increase the appropriation for purchase of small quantities of groceries, ments, provisions, etc., from "$100" to "$300."

The amendment was agreed to.

The next amendment was, on page 22, line 8, to increase the appropriation for personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, from "$5,000" to "$7,500."

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to insert:

HISTORICAL PLACES.

For erection of suitable tablets to mark historical places in the District of Columbia, $500.

The amendment was agreed to.

The next amendment was, on page 22, after line 11, to insert:

PROPERTY YARD.

For alterations and improvements to the old Mott School for use as a property yard, to be immediately available, $3,500.

The amendment was agreed to.

The next amendment was, on page 22, line 19, to increase the appropriation for assessment and permit work, including maintenance of motor vehicle, from "$225,000" to "$285,000."

The amendment was agreed to.

The next amendment was, on page 22, after line 19, to insert:

PAVING ROADWAY UNDER PERMIT SYSTEM.

For paving roadways under the permit system, $50,000.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, in view of the lateness of the hour, and the fact that many Senators probably will be interested in the next paragraph, which includes the items for streets, I think we might stop now for this evening and take an

adjournment. Of course the understanding is that the treaties will have precedence after the morning hour if it is desired by the committee to take them up.

I move that the Senate adjourn.

MICHIGAN SENATORIAL ELECTION.

Mr. CARAWAY. Mr. President, will the Senator withhold that motion for just a moment?

Mr. PHIPPS. I yield.

Mr. CARAWAY. I wish to ask unanimous consent for the introduction out of order and immediate consideration of a resolution. If it leads to any discussion, I shall ask its reference.

The PRESIDING OFFICER. Is there objection?

Mr. WADSWORTH. Let it be read.

The PRESIDING OFFICER. The resolution will be read from the desk.

The reading clerk read the resolution, as follows:

Whereas by unanimous consent, first obtained, the junior Senator from Washington, Mr. POINDEXTER, on the 3d day of February, 1922, caused to be inserted in the CONGRESSIONAL RECORD a copy of a letter by him written to a constituent, Mr. Thomas Marshall, of the State of Washington; and

Whereas in said letter the said Senator charges that certain malign and unlawful influences were used, or attempted to be used, to prevent Senators from voting to declare that TRUMAN H. NEWBERRY was a duly elected Senator from the State of Michigan and entitled to his seat, a resolution so to declare the said TRUMAN H. NEWBERRY entitled to his seat being then pending in the Senate. Among other charges in said letter appears the following paragraphs:

"Various false assertions have been made as to influences brought to bear to secure votes in NEWBERRY's behalf in the Senate. I notice a detailed statement in that connection published in several Washington State papers as to my own vote. This statement is libelous and false from beginning to end, as no such influences were brought to bear and no such statements or anything resembling them or anything to that effect were made to me.

"On the contrary, certain multimillionaire organizations, profiting financially by any popular excitement which they can arouse, were seeking by every means in their power to influence and intimidate Senators to vote against NEWBERRY. This may be referred to in more detail later on."

Now, therefore, be it

Resolved, That the Chair appoint a special committee of three Senators to investigate the charges made by the Senator from Washington, Mr. POINDEXTER.

Further, that the committee be authorized to subpoena witnesses, send for and examine books and papers, and administer oaths, and do all things necessary to procure the evidence in this case, and the expenses hereof shall be paid out of the contingent fund of the Senate.

Mr. WADSWORTH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CARAWAY. Just one moment. Does the Senator from New York object?

Mr. WADSWORTH. I certainly do.

Mr. CARAWAY. All I wish to say is that the Senator from Washington [Mr. POINDEXTER] said he would be glad to have it done. Of course, if the Senator from New York does not desire that it shall be done——

Mr. WADSWORTH. No, Mr. President; I object.

Mr. CARAWAY. I will ask then that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES of Washington. Mr. President, should not the resolution go to the Committee on Privileges and Elections?

Mr. WADSWORTH. Mr. President, I understand that——

The PRESIDING OFFICER. Under the rule, the Chair is advised that the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES of Washington. Of course, eventually it would have to go to that committee, before any warrants could be paid under it; but it does seem to me that the committee that would have jurisdiction over the merits of the proposition should consider it first, and see whether or not an investigation should be made. If it should so decide, then, of course, the resolution would have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Does the Senator from Washington move——

Mr. WADSWORTH. Mr. President, just a moment.

The PRESIDING OFFICER. The Senator from New York.

Mr. WADSWORTH. I understand that the Senator from Arkansas asked unanimous consent to present the resolution.

Mr. CARAWAY. No; I asked unanimous consent to present it and have it immediately considered. Does the Senator from New York object?

Mr. WADSWORTH. It takes unanimous consent to do either, does it not? I asked that the resolution be read. It takes unanimous consent to do either. We are not in the order of business of the introduction of resolutions.

The PRESIDING OFFICER. The Chair understood the Senator from Arkansas to request permission for consideration, whereupon the Senator from New York asked that the resolution be read. That is the status now.

Mr. KING. Mr. President, I understand that the resolution having been read, it is now before the Senate.

Mr. WADSWORTH. No, Mr. President. It was I who asked that the resolution be read in order that I, for one, could pass upon the question whether or not the Senator should have unanimous consent to introduce it at this time.

The PRESIDING OFFICER. The Chair understands that the resolution was read for information——

Mr. WADSWORTH. That is all.

The PRESIDING OFFICER. And that the Senator from New York now has a right to object to its present consideration.

Mr. CARAWAY. That is not the status of the matter at all. I asked, out of order, to introduce the resolution, and then I asked unanimous consent for its immediate consideration; and then the Senator wanted it read, so that he might determine whether he would consent to its immediate consideration. The resolution is before the Senate, and the Presiding Officer will refer it to some appropriate committee. That is the way the resolution stands.

Mr. WADSWORTH. Mr. President, that was not my intention in asking that the resolution be read. The Senator from Arkansas must get unanimous consent to introduce the resolution at this time, much less have it referred; and when he asked consent to introduce it—and he must ask consent to do so—I asked that it be read.

My reason for objecting is just this: There are only about seven or eight Senators here. The preamble is very long. It recites a lot of things and contains some assumptions. I want the Senate to hear the resolution read and then decide what it wants to do with it. The Senator from Arkansas wants it read and then referred to a committee. I do not know whether that is the right committee, whether it should go to the Committee on Privileges and Elections or the Committee to Audit and Control the Contingent Expenses of the Senate or the Committee on Rules, and I do not think that a few Senators sitting here in the last waning hours of the evening should permit a thing like this to go through and be referred to a committee.

Mr. CARAWAY. That is not what the Senator from New York had in his mind, Mr. President.

Mr. WADSWORTH. It most certainly is. The Senator from Arkansas can not read the mind of the Senator from New York.

Mr. CARAWAY. No; I do not think I could. I do not make any pretense of doing that. The status was that unanimous consent was asked to introduce the resolution and have it immediately considered.

Mr. WADSWORTH. I object to its introduction.

Mr. CARAWAY. That was not what the Senator did object to; I do not care what he says now. He objected to its immediate consideration. I am not going to quibble with the Senator about it.

The PRESIDING OFFICER. The Chair understood that when the resolution was sought to be offered by the Senator from Arkansas, the Senator from New York reserved his right to object to the introduction of the resolution. That was the understanding of the Chair, and the Chair so rules.

Mr. CUMMINS. I ask that the unfinished business be laid before the Senate.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. I understood that we were considering the District appropriation bill. Is it contemplated now that that bill shall be laid aside for the purpose of taking up, as the unfinished business, the so-called judges' bill?

The PRESIDING OFFICER. The present occupant of the chair understood that the unfinished business was temporarily laid aside to permit the consideration of the District appropriation bill. Now the unfinished business has again been laid before the Senate.

Mr. CUMMINS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 7, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 6, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, we are grateful for the manifestation of Thyself through the dawn of a new day. Rich and abundant art Thou in depths of mercy, and may we fear not. Continue to enlarge our conception of Thee, of life, and of our obligations. Again we would take the pledge of service; and may we feel the high honor which is ours in serving our country and our fellow men. May all intelligence work toward purity and strength, and fill us with faith as we approach, with joyful confidence, the duties of the day. Lift up all nations, and may the long night soon be dissolved into the hope and promise of the world's morning. Through Christ. Amen.

The Journal of the proceedings of Friday, March 3, 1922, was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This being the first Monday in the month, business on the Calendar for Unanimous Consent is in order. The Clerk will report the first bill on the calendar.

AMERICAN RED CROSS BUILDINGS, WASHINGTON, D. C.

The first business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MANN. Reserving the right to object, may I suggest to the gentleman from Massachusetts [Mr. LUCE], who is a member of the Committee on the Library, that these buildings of the Red Cross are there by permission of Congress, the time for their remaining there having expired. The Senate joint resolution as amended by the House Committee on the Library proposes to extend the time for the buildings to remain there until December 31 next. Practically that would be of no advantage to the Red Cross. I am inclined to think that the buildings ought to be permitted to remain there much longer. They are in nobody's way, and they are necessary in the administration of the work of the Red Cross. Would it not be well to send this resolution back to the Committee on the Library and let that committee investigate the subject very thoroughly?

Mr. LUCE. Mr. Speaker, I am grateful to the gentleman from Illinois [Mr. MANN] for having held up this matter on a previous occasion, because it has led to my familiarizing myself with the situation, not alone as to the buildings but as to the work of the Red Cross.

There are on the ground now four buildings. There is first the marble building in front. Behind this is a building which is not discreditable in appearance and which it would be a pity to tear down soon. It will serve the purposes of the organization for some years yet to come.

There is a third building which the officials of the Red Cross had contemplated destroying immediately, but they are now weighing the merits of a proposition to transfer to Washington the work of two of their regional offices, and until that has been decided upon—and if decided upon, carried out—they can not well tell how long the third building should stay.

The fourth building is the brick church which was there when the property was acquired.

I will ask unanimous consent, Mr. Speaker, to put into my remarks a brief statement of the work being done by the Red Cross, not alone as bearing upon this proposal but also in order that there may be accessible a concise record of the extent of the activities of this very noble philanthropy.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by inserting the statement referred to. Is there objection?

There was no objection.

The statement is as follows:

The report of chapter activities for the month of November, 1921, the last complete report available, is typical of the Red Cross activities throughout the United States.

The high lights of this report are as follows:

Number of active Red Cross chapters	3,452
Number of chapters continuing war work (largely for disabled soldiers and sailors and their families)	2,657
Chapters employing Public Health nurses	938
Chapters engaged in some form of production (for local hospitals or work overseas)	1,400
Chapters giving courses in home hygiene and care of the sick	636
Chapters carrying on some form of health work, such as health centers or community clinics	699
Chapters giving instruction in life saving	272
Chapters giving courses in first aid	316

The total adult and junior membership is approximately 10,000,000.

Home service of some character was extended to 120,000 disabled men or their families by the chapters in November. Eight disasters were served by the Red Cross. More than 123,000 visits were made by the Public Health nurses. Approximately 20,000 students are enrolled in the courses in home hygiene and care of the sick. More than 2,500 students are enrolled in courses in first aid, and members enrolled in the life-saving corps exceed 2,000.

In the calendar year 1921 the Red Cross spent $9,782,000 in assisting the disabled veterans of the World War. Of this sum approximately $7,000,000 was disbursed by Red Cross chapters and the balance by the national organization. National headquarters' expenditure includes an item of $72,000 expended for the Red Cross Institute for the Blind at Evergreen, Roland Park, Md.

The foreign work is mainly concerned with the operation of 225 child health stations. In Poland the organization has been very successful in its efforts to aid in the establishment of schools for the training of nurses.

The juniors are carrying on a number of special projects, such as playgrounds and vacation colonies for the destitute children. The juniors have also developed the system of the interchange of school correspondence between designated schools in the United States and the schools abroad. This activity is an outstanding feature in the development of a closer understanding between those who later will be called upon to carry public responsibility in their respective countries in years to come.

Mr. LUCE. This statement shows quite clearly that the work of the central office could not well be conducted in less than two of these buildings, and inasmuch as by the time the ink was dry upon the signature to this bill the Red Cross people would have to begin again to get a further extension of time, I quite agree with the gentleman from Illinois that there should be such an extension made now. I do not believe that the members of my committee would demur if when the bill is considered this morning I should move to strike out the limitation of one year and make it three years.

Mr. MANN. Personally I have no objection to the language of the Senate resolution providing that in such time as may hereafter be provided by Congress the buildings shall be removed, because I feel very certain that these buildings, or a portion of them, will be needed permanently, and probably ought to remain there until the Red Cross is prepared to put up some better buildings.

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STAFFORD. Does not the gentleman believe it would be better to follow the suggestion of the gentleman from Massachusetts and limit it to three years more? There is one building, Annex No. 2, a frame building, which in three years from now will be in a more or less dilapidated condition. Annex No. 4 is a rather well-constructed building that may last 10 years, but I believe that Annex No. 2, the one in the rear of the church, will in a couple of years be in a dilapidated condition, and should not be continued there indefinitely by act of Congress.

Mr. MANN. Probably that will be removed, and under the Senate resolution it could be removed at any time.

Mr. STAFFORD. Yes; but there is the difficulty of legislative inertia.

Mr. MANN. What is the use of making them come before Congress in order to get an extension for a building which ought to remain there?

Mr. STAFFORD. In my opinion that other building should not remain there. Annex No. 4 might consistently remain, perhaps, five years.

Mr. MANN. We could order it removed whenever we desired.

Mr. STAFFORD. But with the legislative inertia it is not likely to be removed then, and if they should come back in three years we would know the condition of the building.

Mr. MANN. We are experiencing the result of legislative inertia now. Their building is there, although under the act of Congress it should have been removed before this. I do not like to make them violate the law, because they are law-abiding people, I think.

Mr. CHINDBLOM. I wish to suggest that if this is postponed for three years, that will carry it to a time when Congress will have a short session.

Mr. MANN. Let us hope so, for we have not had many short sessions lately.

Mr. CHINDBLOM. It might be more difficult to get the action of Congress in a short session than during a long session.

Mr. LUCE. I think that, following the practice of the Committee on the Library, on the whole it is more prudent to require affirmative action on the part of Congress than the reverse procedure. Personally, I do not feel strongly at all in the matter.

Mr. STAFFORD. The gentleman intends to offer an amendment to make it three years from date?

HOUSE OF REPRESENTATIVES.

MONDAY, *March 6, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, we are grateful for the manifestation of Thyself through the dawn of a new day. Rich and abundant art Thou in depths of mercy, and may we fear not. Continue to enlarge our conception of Thee, of life, and of our obligations. Again we would take the pledge of service; and may we feel the high honor which is ours in serving our country and our fellow men. May all intelligence work toward purity and strength, and fill us with faith as we approach, with joyful confidence, the duties of the day. Lift up all nations, and may the long night soon be dissolved into the hope and promise of the world's morning. Through Christ. Amen.

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The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MANN. Reserving the right to object, may I suggest to the gentleman from Massachusetts [Mr. LUCE], who is a member of the Committee on the Library, that these buildings of the Red Cross are there by permission of Congress, the time for their remaining there having expired. The Senate joint resolution as amended by the House Committee on the Library proposes to extend the time for the buildings to remain there until December 31 next. Practically that would be of no advantage to the Red Cross. I am inclined to think that the buildings ought to be permitted to remain there much longer. They are in nobody's way, and they are necessary in the administration of the work of the Red Cross. Would it not be well to send this resolution back to the Committee on the Library and let that committee investigate the subject very thoroughly?

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There are on the ground now four buildings. There is first the marble building in front. Behind this is a building which is not discreditable in appearance and which it would be a pity to tear down soon. It will serve the purposes of the organization for some years yet to come.

Chapters giving courses in home hygiene and care of the sick	8[illegible]
Chapters carrying on some form of health work, such as health centers or community clinics	699
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The total adult and junior membership is approximately 10,000,000.

Home service of some character was extended to 120,000 disabled men or their families by the chapters in November. Eight disasters were served by the Red Cross. More than 123,000 visits were made by the Public Health nurses. Approximately 20,000 students are enrolled in the courses in home hygiene and care of the sick. More than 2,500 students are enrolled in courses in first aid, and members enrolled in the life-saving corps exceed 9,000.

In the calendar year 1921 the Red Cross spent $9,782,000 in assisting the disabled veterans of the World War. Of this sum approximately $7,000,000 was disbursed by Red Cross chapters and the balance by the national organization. National headquarters' expenditure includes an item of $72,000 expended for the Red Cross Institute for the Blind at Evergreen, Roland Park, Md.

The foreign work is mainly concerned with the operation of 325 child health stations. In Poland the organization has been very successful in its efforts to aid in the establishment of schools for the training of nurses.

The juniors are carrying on a number of special projects, such as playgrounds and vacation colonies for the destitute children. The juniors have also developed the system of the interchange of school correspondence between designated schools in the United States and the schools abroad. This activity is an outstanding feature in the development of a closer understanding between those who later will be called upon to carry public responsibility in their respective countries in years to come.

Mr. LUCE. This statement shows quite clearly that the work of the central office could not well be conducted in less than two of these buildings, and inasmuch as by the time the ink was dry upon the signature to this bill the Red Cross people would have to begin again to get a further extension of time, I quite agree with the gentleman from Illinois that there should be such an extension made now. I do not believe that the members of my committee would demur if when the bill is considered this morning I should move to strike out the limitation of one year and make it three years.

Mr. MANN. Personally I have no objection to the language of the Senate resolution providing that in such time as may hereafter be provided by Congress the buildings shall be removed, because I feel very certain that these buildings, or a portion of them, will be needed permanently, and probably ought to remain there until the Red Cross is prepared to put up some better buildings.

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STAFFORD. Does not the gentleman believe it would be better to follow the suggestion of the gentleman from Massachusetts and limit it to three years more? There is one building, Annex No. 2, a frame building, which in three years from now will be in a more or less dilapidated condition. Annex No. 4 is a rather well-constructed building that may last 10 years, but I believe that Annex No. 2, the one in the rear of the church, will in a couple of years be in a dilapidated condition, and should not be continued there indefinitely by act of Congress.

Mr. MANN. Probably that will be removed, and under the Senate resolution it could be removed at any time.

Mr. STAFFORD. Yes; but there is the difficulty of legislative inertia.

Mr. MANN. What is the use of making them come before Congress in order to get an extension for a building which ought to remain there?

Mr. LUCE. Yes.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Whereas by joint resolution of Congress approved the 22d day of May, 1917, authority was granted to the American National Red Cross to erect temporary structures upon square No. 172 in the city of Washington, District of Columbia, for use in connection with its work in cooperation with the United States Government, provided said buildings erected under said authority should be removed and the site or sites thereof placed in good condition within such time as may hereafter be provided by Congress; and

Whereas the buildings erected pursuant to said resolution are still needed for use in connection with its work in cooperation with the United States Government. Therefore be it

Resolved, etc., That authority be and is hereby given to the central committee of the American National Red Cross to continue the use of such temporary buildings as are now erected upon square 172 in the city of Washington, for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States: *Provided*, That any building or buildings, the use of which is extended under this authority, shall be removed and the site or sites thereof placed in good condition within such time as may hereafter be provided by Congress. *Provided further*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred.

The following committee amendment was read:

Page 2, lines 12 and 13, strike out "within such time as may hereafter be provided by Congress," and in lieu thereof insert the following: "not later than December 31, 1922." Strike out the preamble of the resolution.

Mr. LUCE. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 13, strike out the figures 1922 and insert in lieu thereof the figures 1924.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LUCE, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

STATUE OF JEANNE D'ARC.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 108) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

The SPEAKER. Is there objection to the present consideration of the joint resolution.

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant the Société des Femmes de France à New York permission to erect on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, a copy of the statue of Jeanne d'Arc by Paul Dubois: *Provided*, That the site chosen and the design of the pedestal shall be approved by the National Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LUCE, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

FURNISHING CLOTHING TO EX-SERVICE MEN.

The next business on the Calendar for Unanimous Consent was House joint resolution 221, directing the Secretary of War to furnish clothing to ex-service men while patients in Public Health Service hospitals.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if he does not think that if this resolution were recommitted to his committee a proper amendment might be put into the measure so as to have it accomplish just what the committee desires to accomplish rather than to leave it as it is now.

Mr. GARRETT of Texas. Mr. Speaker, I have an amendment that I would like to have the Clerk read for information, which I propose to offer.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Amend House joint resolution 221 by striking out everything after the word "assembled," in line 2, and add the following:

"That the Secretary of War be, and he is hereby, authorized and directed, upon requisition made upon him by the Surgeon General of the Public Health Service, to furnish all ex-service men of the World War now in the United States Public Health Service hospitals, or who may hereafter be admitted to such hospitals, who are without financial means and who are not receiving compensation, with necessary and suitable clothing and wearing apparel for their comfort while patients in such hospitals receiving treatment or convalescing;

"Such clothing to be furnished out of any reserve material now on hand for the use of the Army, under rules and regulations to be adopted by the Surgeon General of the United States Public Health Service and the Secretary of War;

"And all clothing and wearing apparel so furnished such patients while retained in such hospitals shall, upon their discharge from such hospitals, become the property of such ex-service men."

Mr. MONDELL. Mr. Speaker, the amendment proposed to be offered by the gentleman from Texas indicates very clearly how little consideration this measure must have had in the committee. It was so drawn originally that it is very uncertain who would receive the benefits it proposed. Both of the Government agencies involved, the War Department and the Public Health Service, protested against the legislation, and no one knew how much it might cost. The cost might be trifling or it might run into hundreds of millions. Now, the gentleman from Texas has proposed an amendment changing vitally the character of the bill, and really establishing a new compensation or pension system. Manifestly in the consideration of measures by unanimous consent a matter as involved and uncertain as this can not be considered intelligently. This measure deals with matters that properly relate to the Veterans' Bureau. It is not a War Department matter, and therefore should not be considered by the Military Committee. If there is any feature of aid to ex-soldiers that has not been provided for, it should be referred to the committee having charge of such matters. Therefore, I object to the consideration of this matter at this time.

The SPEAKER. The gentleman from Wyoming objects.

SEQUOIA NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7452) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from California asks that the bill be passed over without prejudice. Is there objection?

There was no objection.

CREDIT FOR MILITARY SERVICE IN THE WORLD WAR.

The next business on the Calendar for Unaimous Consent was the joint resolution (H. J. Res. 180) extending the provisions of the act of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of public resolution No. 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry to citizens of the United States who served with the allied armies during the World War.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I doubt the propriety of extending these special privileges to men who served in the allied armies, however noble that service may have been. As no one seems to want to be heard upon the resolution, I object.

The SPEAKER. Objection is made by the gentleman from Illinois.

Mr. GARRETT of Texas rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. GARRETT of Texas. Mr. Speaker, I rise to move to suspend the rules and pass House joint resolution 221.

The SPEAKER. The Chair can not recognize the gentleman at present for that purpose. He should consult the Chair in advance.

The Clerk will report the next bill.

AMENDING THE NATIONAL DEFENSE ACT.

The next business on the Calendar for Unanimous Consent was the bill (S. 2307) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, in my opinion this bill is too important to be taken up under the Unanimous Consent Calendar. There are various amendments proposed to the national defense act, and I think it would require the consideration of half an hour or more if we should get into it. It involves a change of policy upon the part of the Government in certain particulars.

Mr. CRAGO. Mr. Speaker, I have no disposition to take up the time of the House in arguing with the gentleman from Wis-

consin [Mr. STAFFORD] in regard to the bill. I would be very glad to explain the purpose of the bill, but if the gentleman intends to object, that would be hardly worth while. This bill was given very careful consideration by the subcommittee of the Military Affairs Committee and by the full committee. The matters which are incorporated in the bill are matters which have been under consideration for something like a year, and they are recommended by the legislative committee of the National Guard Association of the United States, by the Secretary of War, and by the Chief of the Militia Bureau. In my opinion, and in the opinion of these men who have given a careful study to the development and building up of the National Guard these amendments to the national defense act are very important. In fact, they have been insisting on them and claiming that the lack of these amendments is hampering them in their work. The bill, of course, is rather lengthy; but, as the gentleman from Illinois [Mr. MANN] remarked the other day, that is because it is a reenactment of the present legislation, with a few minor changes in each of the paragraphs or sections.

Mr. STAFFORD. Mr. Speaker, I believe there are six or eight or more amendments affecting the act that are incorporated in the bill.

Mr. CRAGO. There are four.

Mr. STAFFORD. Oh, there are more than four. There are some that I take issue with, particularly in respect to authorizing the hiring of clerks for the property and disbursing officers of the National Guard, work now being performed by the Quartermaster Corps. I think the bill is too important to be considered under unanimous consent, and therefore I object.

FORT FETTERMAN MILITARY RESERVATION, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10002) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation, in the State of Wyoming.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to know what abandoned lands there are in this fort in Wyoming.

Mr. MONDELL. Mr. Speaker, Fort Fetterman Military Reservation comprises a comparatively small area. At one time there was an Army post there on the overland trail. When the post was abandoned and the lands were opened for settlement, we did what we ordinarily do in such cases. We opened the lands for settlement only under the homestead law, the purpose being to give the homesteader the first opportunity to take the better of the lands, and there are none that are very choice. Applying to the public lands generally there is a law under which after public lands have been surrounded by entered lands for a certain length of time, these isolated tracts being rocky, broken, not valuable for cultivation, may be sold at not less than an appraised price by the Secretary of the Interior in areas not exceeding 160 acres. That general law does not apply to this small area, because the lands were opened to entry not under the general land laws but under the homestead laws. Notwithstanding that fact there were some isolated tracts sold. This bill comes from the Secretary of the Interior to the chairman of the committee, and it proposes to extend the isolated tract law that applies to other public lands in the country of this sort to this comparatively small area of abandoned reservations. It was abandoned over 20 years ago.

Mr. WALSH. So that they might be disposed of?

Mr. MONDELL. They can now be disposed of under the homestead law, but so that the isolated areas within this tract may be sold at auction.

The SPEAKER. Is there objection?

Mr. GARRETT of Texas. Mr. Speaker, in view of the long explanation made by the gentleman from Wyoming of this bill it is very evident to my mind that the matter has been very ill considered in the committee. It is on the Unanimous Consent Calendar now and is not understood even by the gentleman from Massachusetts [Mr. WALSH]. I think it has no business on the calendar in that sort of condition. It opens up the great public-land question and is liable to cost millions and millions of dollars to the people of this country. If we can not get a few old clothes for the soldiers, you can not get this bill, and, Mr. Speaker, I object.

POST-OFFICE SITE AT MADISON, WIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9604) for the acquisition of a post-office site at Madison, Wis.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provision of the act of Congress approved September 7, 1916 (39 Stats., p. 742), which authorizes the acquisition of a site and the erection and completion thereon of a suitable building for the use and accommodation of the post office, United States courts, and other governmental offices in the city of Madison, Wis., at a limit of cost of $550,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a suitable site in said city at a cost of not exceeding $350,000.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to make an inquiry or two about the bill if the gentleman will yield. I believe the objection stage is passed. Is this a new project?

Mr. J. M. NELSON. No; it is not. It was first authorized in 1913.

Mr. GARRETT of Tennessee. If the gentleman will permit, was it one of the bills which was carried in the omnibus bill of 1913?

Mr. J. M. NELSON. It was. Briefly the history of the project is as follows: In the omnibus bill of 1913 the amount authorized for the construction of a post office and a courthouse at Madison was $550,000. It was subsequently found that the ground was not large enough for the erection of a suitable building. In 1916 I secured by special act an amendment to this project, which provided for the sale of the present Federal building property and the purchase of a suitable site elsewhere in said city.

Pursuant to this authorization the Committee on Appropriations in 1915 appropriated $200,000 for commencement and $15,000 for expenses incidental to the acquisition of temporary quarters. As condemnation proceedings had begun another appropriation of $400,000 was made in 1919, so that there is now available the appropriation of $415,000, out of which some incidental expenses have been incurred.

In 1917 the Committee on Public Buildings and Grounds reported favorably on my bill to increase the limit of cost to $1,050,000. On account of conditions in the Senate, owing to a filibuster, I did not press its passage.

In 1919 in an omnibus bill which passed the House, but did not pass the Senate, the Madison post-office project was increased to $1,075,000.

That, in brief, is the history of the legislation.

It being apparent at this time that no omnibus bill is likely to be enacted, an emergency has arisen. By my personal work, assisted by representative business men of Madison, we were able to find a suitable site only one block away from the capitol square. But on account of the delay the lot owners complained. Some of them wished to erect buildings on the grounds. I persuaded them to be patient and through the active aid of the chamber of commerce and Postmaster Devine options have been obtained on these lots at about $360,000. Condemnation proceedings had been begun, but were abandoned because the price of the lots reached too high a figure. I shall print with my remarks some letters that I have received from Postmaster Devine and also from officials of the Treasury Department. These letters show the nature of this emergency. If we do not purchase these lots now it is likely that the lot owners will erect buildings on them, in which event the site may be lost or cost the Government as much more as these buildings shall be worth:

UNITED STATES POST OFFICE,
Madison, Wis., May 27, 1921.

Hon. J. M. NELSON, M. C.,
Washington, D. C.

MY DEAR MR. NELSON: It seems like old times again to write you regarding the status of a Federal building for Madison. I would not have written you at this time but for the reason that Mr. A. A. Packard, superintendent of public buildings at Chicago, visited Madison May 25 to investigate conditions regarding the Monona Avenue site, which is generally conceded by all concerned to be the most logical location for the new Federal building.

Mr. Packard suggested that I write you and explain conditions at the present time. On the opposite corner of the proposed site, next to the Orpheum Theater on Monona Avenue, the Beavers' Fraternal Association have started to erect a five-story building, and this no doubt will enhance the value of adjoining property, and it is the opinion of many people that this is the opportune time to purchase the proposed site for the Federal building, as the Government will be able to save many thousands of dollars by purchasing as soon as possible.

Mr. Packard is also of the opinion that the entire block should be secured at this time, and I heartily concur in his opinion. If the 66 feet will be left running along Pinckney Street it will be a detriment and drawback to the new building. I feel satisfied that the entire block can be purchased for $300,000, or a shade under that figure. This amount is very reasonable when the location is considered, and a space of 264 by 330 feet can be secured right in a business district and within a few blocks of the Chicago & Northwestern and Chicago, Milwaukee & St. Paul East Side stations. About 80 per cent of our mail

is received from the Chicago & Northwestern station. The transportation of mail from depots to post office and vice versa is a big factor in determining the location of Federal buildings. The present transfers from Chicago & Northwestern station to the Chicago, Milwaukee & St. Paul West Side and Illinois Central stations are made on West Wilson Street, passing the proposed post-office site.

If some arrangement could be made to purchase the site at an early date and the property owners were assured that the Government meant business, I have no doubt that the entire block could be purchased at a very reasonable figure.

It must be remembered also that the valuation of the present old post-office site is increasing in value, and no doubt when the time comes will bring at least $250,000. When this amount is considered, the new site will not cost the Government a great sum of money even though the entire block is acquired.

I know, as every Madisonian knows, that you will be on the job and do everything you properly can to secure the purchase of a site and Federal building for Madison.

Very sincerely, yours,

W. A. DEVINE, *Postmaster.*

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UNITED STATES POST OFFICE,
Madison, Wis., October 13, 1921.

Hon. J. M. NELSON, M. C.,
Washington, D. C.

MY DEAR MR. NELSON: Referring further to my letter to you under date of May 27, 1921, I beg to inform you that on the strength of a report made to the Secretary of the Treasury by Mr. A. A. Packard, superintendent of public buildings, Chicago, Ill., who was sent to Madison May 26 to confer with me regarding the possibility of securing the Monona Avenue property for a post office site.

On June 9, 1921, I received the following letter from Mr. J. H. Moyle, Assistant Secretary, Treasury Department:

WASHINGTON, *June 9, 1921.*

THE POSTMASTER, *Madison, Wis.*

SIR: Reference is made to the matter of the acquisition of a new Federal building site in your city, and to the recent investigation of conditions relative thereto by Supervising Superintendent Packard, of this department.

It appears from his report that the owners of the site which the department attempted to acquire by condemnation proceedings are now willing to dispose of their land by voluntary conveyance if the department would take action within a reasonable time. It is also understood from his report that the entire block bounded by Pinckney Street on the north, Wilson Street on the east, Monona Avenue on the south, and Doty Street on the west may be obtained at an amount which the Government is justified in paying.

Will you please communicate with the owners of the above block and request them to submit proposals for the sale of their land upon the inclosed forms. This site matter has been pending for some time, and the department is anxious to take definite action regarding same if proposals for the sale of the land desired are submitted to which the department can give consideration.

Your prompt attention to this matter will be appreciated.

Respectfully,

J. H. MOYLE, *Assistant Secretary.*

I immediately called in the property owners of the entire block bounded by Pinckey Street on the north, Wilson Street on the east, Monona Avenue on the south, and Doty Street on the west, as it was the intention and was so recommended by Mr. Packard to secure the entire block, and I secured what I considered very reasonable proposals from the owners in said block and submitted them to the Treasury Department on July 19, 1921. On August 26 I submitted a new proposal from Mr. Edward James Fisher, the present owner, for at the time he had given an option on said property to another man, and the option expired. In reply to my letter of above date I received a letter from the Assistant Secretary stating that the proposal would be placed with the other papers in the case, and that the department was now giving consideration to the matter.

It was the intention, as I understand it, to purchase the site with the original appropriation of $550,000 without waiting for an additional appropriation which would take some time. The property owners are getting anxious to know what the Treasury Department intends to do in regard to the matter. The property is increasing in value right along, and if it could be purchased at the price for which I received proposals, $336,440, I feel satisfied that the Government would be saving many thousands of dollars, for I am sure within a few years this block will be worth at least $500,000. Therefore I sincerely hope you will make every possible effort to have the site purchased at an early date.

Very sincerely yours,

W. A. DEVINE, *Postmaster.*

We have secured options on these lots at a cost not to exceed $336,000, which is considered to be a very reasonable price. Indeed, I am assured by Mr. Don E. Mowry, secretary of the chamber of commerce, and by Postmaster Devine that these lots probably are worth $500,000. I attribute this favorable proposition not only to the activity of members of the chamber of commerce but also to the public spirit of the citizens of Madison.

I have been very fortunate in having the cooperation of the Acting Supervising Architect, and before I introduced my bill I secured the assurance of the Treasury Department that the funds necessary would be applied at once for the purchase of this site. I received that assurance in the following letter:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, October 13, 1921.

Hon. J. M. NELSON,
House of Representatives.

MY DEAR CONGRESSMAN: Reference is made to your call at the department relative to the acquisition of a new Federal building site at Madison, Wis., and particularly to your inquiry as to what would be the attitude of the department if legislation could be passed authorizing the Secretary of the Treasury to purchase a site without regard as to whether the balance of the appropriation remaining was sufficient for the erection of a building, leaving that question for future legislation.

The existing legislation for this project authorizes a site and building at a limit of cost of $550,000. Of this amount $415,000 has been appropriated.

If a bill is introduced in Congress by you and forwarded here for consideration, authorizing the Secretary of the Treasury to acquire a site at Madison, Wis., and the appropriations heretofore made for site and building are made available for the acquisition of a site only, said bill will be reported upon favorably.

Very truly, yours,

EDWARD CLIFFORD,
Assistant Secretary.

I was also greatly assisted by the Committee on Public Buildings and Grounds, before which I appeared several times. The committee instructed the chairman to ascertain from the Treasury Department its attitude as to my bill and also whether or not a favorable report on my project would involve the committee in a charge of partiality to me. In reply to the inquiry the Treasury Department replied as follows:

TREASURY DEPARTMENT,
Washington, February 10, 1922.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Reference is made to your request of January 14, 1922, for a recommendation in regard to the above-mentioned bill, which provides that the act of September 7, 1916, authorizing the acquisition of a site and erection of a post-office building thereon at Madison, Wis., at a limit of cost of $550,000, be amended so as to authorize the acquisition of a site at a limit of cost not to exceed $350,000.

Following the enactment of the legislation above referred to an effort was made to obtain a site in the city of Madison at a price that would leave a sufficient amount under the limit for the construction of the building, but without success. On account of the location of the city on a narrow strip of land between two lakes building sites are limited and the prices consequently high. The opinion of the local officials, as well as that of the department representatives sent to investigate the situation, is that prices will advance, and, owing to the rapid growth of the city, there will be increasing difficulty in obtaining a site suitable as to size and location for a Government building.

In view of the situation it would appear very much to the advantage of the Government to take prompt steps to obtain a site in this city, therefore it is recommended that the proposed bill be enacted into law at an early date, the amount of $350,000 being considered sufficient to purchase the necessary land.

Information as to places where conditions may be similar to those at Madison, requested in the last paragraph of your letter, will form the subject of a separate communication.

Respectfully,

A. W. MELLON, *Secretary.*

—

TREASURY DEPARTMENT,
Washington, February 16, 1922.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Referring further to your letter of the 14th ultimo, in which you request a report on H. R. 9604, a bill for the acquisition of a post-office site at Madison, Wis.; also requesting a statement showing the number of propositions of a similar nature now pending before the department, I have the honor to inform you that, so far as this department is aware, there are no other similar cases.

A report upon the Madison project was submitted to your committee on the 10th instant.

Respectfully,

A. W. MELLON, *Secretary.*

Thereupon the Committee on Public Buildings and Grounds unanimously recommended the bill. I then had it placed upon the Unanimous Consent Calendar, believing that no Member of the House would oppose its consideration. In that belief I have not been disappointed.

The passage of this bill, Mr. Speaker, will relieve me from considerable anxiety, for I have given a great deal of attention to this project. I would not like to lose or endanger this very suitable site. It will also be of great satisfaction to many leading business men of my city, who have cooperated with me in locating the site and securing these lots. But it will especially be profitable for the Government. It secures this building at something like $150,000 less than its real value; and by acquiring it now, it avoids the necessity of the purchase of new buildings, which might add $100,000 or $150,000 to the final cost.

Having secured the site, I shall, of course, await the passage of an omnibus bill before I ask for the funds with which to construct the post-office and courthouse building, which must be in keeping with the setting of our beautiful capital city.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. J. M. NELSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 5586) to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, reserving the right to object, when we passed the act for the creation of this park, I believe, several years ago, the bill as reported to the House or as introduced in the House had a limit of cost on the appropriation

of $10,000 annually. The bill was introduced, I think, by the distinguished gentleman from California [Mr. RAKER], and the Committee on Public Lands, of which he was a member, reported an amendment reducing the amount of the annual appropriation from $10,000 to $5,000, and with that amendment the bill passed. First it was purposed to have a limit of $10,000, which was reduced by the committee and Congress to $5,000. Now it is proposed to take the limit off altogether. Is that statement correct, may I ask the gentleman from California?

Mr. RAKER. In greater part.

Mr. MANN. What part was not correct?

Mr. RAKER. I will say we were compelled to do this by the attitude of gentlemen on the Committee on Appropriations. They did the same thing in regard to the Rocky Mountain National Park, and to get the legislation through we had to do that. It just tied us up.

Mr. MANN. When the Rocky Mountain Park bill was up before the House it is true the committee reported a limitation of a small amount. It was also true I warned them at the time that it ought not to be done. It is also true that since then they have removed the limitation.

Mr. RAKER. The Rocky Mountain Park bill went through first. To get it through the amendment was suggested. Now people all over the northern part of the State are using every endeavor on earth to develop this park, and they can not do it with this restriction.

Mr. MANN. Well, does it not seem a little odd that the original proposer of the park should say that he would be satisfied with the appropriation of $10,000 a year and put a limitation in to that effect and then report the bill with a limitation in it reduced to $5,000 a year, and then when the bill becomes a law it is proposed to remove the limitation entirely? Is not that a little odd?

Mr. RAKER. Will the gentleman yield? I was compelled to do that by the statement of gentlemen on the Committee on Appropriations. Our people wanted the bill put through, and I thought I could let it go a couple of years——

Mr. MANN. This bill did not come from the Committee on Appropriations.

Mr. RAKER. Oh, no. But the Committee on Appropriations were standing ready to object. Mr. TAYLOR had to amend his bill, and I was in the same fix and I said, "Let the bill go through, and in the next Congress or two we may come back and get the limitation off."

Mr. MANN. That is sort of working a confidence game either on the Congress or on the Committee on Appropriations.

Mr. RAKER. It is not exactly. I think it was public spirited.

Mr. MANN. It is a sort of confidence game.

Mr. RAKER. I should call it public-spirited legislation; I know it is.

Mr. MANN. Putting the limitation on was public spirited.

Mr. RAKER. No; because we were compelled to do it.

Mr. MANN. Well, it seems that way to me.

Mr. RAKER. Well, it was only in order to get it through.

Mr. MANN. If the committee consented to make an agreement, to pass the bill with the limitation in it and makes an agreement to pass the bill with that limitation in it, and as soon as it is passed it is proposed to revoke the agreement, that is what I call reneging.

Mr. RAKER. Will the gentleman yield there? They had us squeezed so we could not help ourselves.

Mr. MANN. This agreement only lasted a very few years.

Mr. RAKER. About two years.

Mr. MANN. It was to be binding only on one side——

Mr. RAKER. It was never intended to be binding——

Mr. MANN. Only on one side.

Mr. RAKER. That is all.

Mr. GARNER. The limitation ran out.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916, which is in the words and figures following:

"SEC. 5. That no appropriation for the maintenance, supervision, or improvement of said park in excess of $5,000 annually shall be made, unless the same shall have first been expressly authorized by law," be, and the same is hereby, repealed.

The committee amendment was read as follows:

Strike out all of line 6, page 1, after the figures "1916," lines 7, 8, 9, and all of lines 1 and 2, page 2, and insert "(Thirty-ninth Statutes at Large, page 442)."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time and passed.

On motion of Mr. RAKER a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS IN COCONINO COUNTY, ARIZ.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2471) to amend an act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stat. L., p. 558).

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, I wish to inquire as to this measure, what is the need of the last sentence as found in the act, granting the privilege to purchase this land at $1.25 per acre?

Mr. MANN. That is a customary provision where land is thrown open for settlement in this way.

Mr. SINNOTT. That is the land not covered by the valid applications. It is really a sale of isolated parks.

Mr. STAFFORD. As I understand the law, when there is a sale of isolated parks they are put up at auction?

Mr. SINNOTT. Yes.

Mr. STAFFORD. Here you do not do that, but enable them to be sold at a limited price—to be entered on at $1.25 an acre.

Mr. SINNOTT. Yes.

Mr. STAFFORD. I am asking why you make an exception to the general law in this particular?

Mr. SINNOTT. I think that was in the original act.

Mr. MANN. Yes; that was in the original act. The only amendment in this bill from the existing law is striking out "twenty" and inserting "eighty," and leaving off the letter "s" on "applications."

Mr. STAFFORD. I was anxious to know why the original law did not apply, so as to have the disjointed tracts put up at public auction and sold at the price they would bring at auction.

Mr. SINNOTT. The land would have to be isolated for two years before it could be sold under the isolated tract law.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2471) to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stat. L., p. 558).

Be it enacted, etc., That section 3 of the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stat. L., p. 558), is amended to reads as follows:

"SEC. 3. That any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupancy of and improving one or more of said tracts for agricultural purposes, not exceeding in all 80 acres, and have maintained the same in good faith for said purposes, upon the filing of an application to enter the same within six months from the filing of the plat of said survey in the local land office, shall be entitled to a patent for such tract or tracts upon paying the sum of $1.25 per acre therefor. All such tracts not covered by valid application at the expiration of said six months shall thereafter be subject to cash entry upon payment of $1.25 per acre."

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE FOR ADJUSTMENT OF PAY, ARMY AND NAVY DEPARTMENTS.

The SPEAKER. The Speaker appoints as the committee, under the resolution passed last week, for the adjustment of pay of the Army and Navy Departments:

Mr. MCKENZIE, Mr. TILSON, Mr. KRAUS, Mr. BYRNES of South Carolina, and Mr. OLIVER.

CONFLICTING LAND CLAIMS IN MOHAVE COUNTY, ARIZ.

The SPEAKER. The Clerk will report the next bill.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9257) to permit adjustment of conflicting claims to certain lands in Mohave County, Ariz.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9257) to permit adjustment of conflicting claims to certain lands in Mohave County, Ariz.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and empowered, in his discretion, to accept a relinquishment from the owners of the odd-numbered sections of land

falling within townships 16, 16½, and 17 north, of range 13 west, Arizona, and permit said owners to select and receive in exchange therefor patents of an equal area of vacant surveyed, nonmineral, nonimbered public land of the United States in the county of Mohave, State of Arizona.

Also the following committee amendment was read:

Line 4, after the word "empowered," insert "in his discretion."

The SPEAKER pro tempore (Mr. WALSH). The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIMBER-CUTTING RIGHTS, NATIONAL FOREST, ARIZONA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7812) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to inquire what is the need of extending for so long the privilege to this private timber company of the right of cutting timber on lands on which the privilege expires in 1925?

Mr. HAYDEN. The gentleman from Wisconsin is aware that only six sections of land are involved in this bill, a comparatively small area, and that the Arizona Lumber & Timber Co. is engaged in very large logging and sawmill operations in the national forests in my State. This bill is practically a duplicate of a bill passed in 1918 for the benefit of the Saginaw & Manistee Lumber Co., of Williams, Ariz., whose timber holdings were in the Tusayan National Forest. If the Arizona Lumber & Timber Co. is compelled to cut its timber on these six sections of land before December 31, 1925, it will be necessary to immediately build a line of logging railroad and to leave the timber on the intermediate sections of Government land uncut. The company is buying timber from the United States, and the timber on these sections can be handled in a more satisfactory manner if its cutting is continued to some future time as provided in this bill. The Forest Service is thoroughly satisfied that the term be extended to 1950.

Mr. STAFFORD. Are we to understand that on all the other sections of land than these sections the Government is going to have the right to the growing timber from this time on?

Mr. HAYDEN. Absolutely. The Forest Service will have the right to regulate the cutting, so that a seed tree will be left on each acre, and the tops and waste will be gathered up and burned in order to protect the forest against fire. All of the logging operations will be carried on as required by the Forest Service elsewhere, which is a real advantage to the United States.

Mr. STAFFORD. In the past few years they have asked a liberal extension of 25 years, when before they only asked for 10 years.

Mr. HAYDEN. The gentleman should understand that this company will in all probability continue its lumbering operations much longer than the next 25 years. In a letter written to me Mr. T. A. Riordan, president of the Arizona Lumber & Timber Co., makes the following statement:

The basis upon which the extension is asked has been thoroughly discussed with the Forestry Department. The extension will be of advantage to us, since it will not force us to build considerable trackage to secure this timber within the time limit, and which track would be useless at this time for the handling of any other timber, while with the extension granted us the timber can be cut when we are cutting adjoining timber, and, consequently, with a great saving in the matter of railway and other operating costs. In exchange for this extension we are giving the Forestry Department a very liberal consideration in the way of relinquishment of rights that we hold on certain lands reconveyed to the United States, the leaving of additional seed trees other than those stipulated in our present contract, and advantages in respect to the disposal of brush and waste, all of which considerations in favor of the Forestry Department were proposed by the department itself and agreed to by us. There is a well-defined consideration between the parties to the agreement, as we have no doubt you will find confirmed upon inquiry at the Forestry office.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7812) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz.

Be it enacted, etc., That the rights of the Arizona Lumber & Timber Co. and its successors in interest to cut and remove the timber from such of the lands within the Coconino and Tusayan National Forests, Ariz., as have been reconveyed, or are under contract to be reconveyed, to the United States, subject to outstanding timber-right contracts held by said company under the rules, regulations, and conditions imposed by the Secretary of the Interior at the time of said reconveyance or contract to reconvey, are hereby extended to and until December 31, 1950: *Provided*, That said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration: *Provided further*, That all its rights to cut and remove timber from any lands within said national forests are to terminate on the 31st day of December, 1950, but this act shall not be construed to confer upon said company any rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement this act shall neither extend nor restrict the present rights of said company.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert:

"That the Secretary of Agriculture is hereby authorized to extend the rights of the Arizona Lumber & Timber Co. and its successors in interest to cut and remove the timber from such of the following-described lands: Sections 3 and 9, township 19, north, range 5 east; section 33, township 20 north, range 5 east; section 31, township 21 north, range 5 east; section 35, township 20 north, range 6 east; section 31, township 20 north, range 7 east; all of the Gila and Salt River principal base and meridian, within the Coconino and Tusayan National Forests, Ariz., as have been reconveyed, or are under contract to be reconveyed, to the United States, subject to outstanding timber-right contracts held by said company under the rules, regulations, and conditions imposed by the Secretary of the Interior at the time of said reconveyance or contract to reconvey until such time as he may determine to be in the public interest, but not later than December 31, 1950: *Provided*, That said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements upon the above-described lands and any other lands for which timber rights are claimed by said company within the Coconino and Tusayan National Forests, as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration: *Provided further*, That all of its present rights to cut and remove timber from any lands within said national forests are to terminate on the date fixed by the Secretary of Agriculture and agreed to by the company; but this act shall not be construed to confer upon said company rights in addition to those held by the company at the time of said reconveyances, and in the absence of the execution of such an agreement this act shall neither extend nor restrict the present rights of said company."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsidered the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. GREENE of Massachusetts, by unanimous consent, was granted leave of absence for one week on account of important business.

RESIGNATION OF A MEMBER.

The SPEAKER pro tempore. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

FEBRUARY 27, 1922.

Hon. F. H. GILLETT,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I have this day transmitted to Gov. Miller, of New York, my resignation, to take place at midnight, February 28, 1922.

Yours, very truly,

A. B. HOUGHTON.

The SPEAKER pro tempore. The Clerk will report the next bill on the Unanimous Consent Calendar.

SITE FOR ADMINISTRATION BUILDING, ROCKY MOUNTAIN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8675) to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. MANN. Reserving the right to object, Mr. Speaker, this bill proposes to authorize the acceptance as a gift of the title to property upon which an administration building would be erected, with the provision that the gift is not to be effective unless the administration building is constructed by December 31, 1923.

Mr. VAILE. That is correct.

Mr. MANN. That is, during the year after the close of this fiscal year?

Mr. VAILE. That is right.

Mr. MANN. There is no proposition for an appropriation pending now that would authorize the construction of this administration building?

Mr. VAILE. That is also correct.

Mr. MANN. I doubt very much whether it would be possible, if a Government appropriation were made next year, to construct the building within six months' time.

Mr. VAILE. Let me suggest this to the gentleman: The building which is now being used for administration purposes is a small frame building, not over 25 feet wide. Of course, we hope that a two-story building, perhaps of brick or stone, could be constructed; not an expensive building but a building which would be ample for the purposes of administration of that park.

It need not be a very expensive building. I presume it could be built within six months.

Mr. MANN. Not as Government work goes. It is time enough to accept title when we determine to erect the building.

Mr. VAILE. I think we can accept title now. That does not impose any immediate obligation upon us. It is not the intention to put up an expensive building, but simply a small one sufficient for the purpose. We are now renting a small frame building there at $50 a month. These ladies have volunteered to donate a lot. It is centrally located.

Mr. MANN. Very likely; but I do not like to do things under compulsion. The gentleman from Colorado knows, and everybody else knows, that if you accept title to a piece of land with the agreement that the Government shall erect a building by December 31, 1923, then you will insist that we must construct the building within that time, whether we want to or not.

Mr. VAILE. Of course, I expect to urge the Committee on Appropriations to erect a small building there. It will be a saving to the Government. There are not many buildings in that village. We are now paying rent for the present administration building at a rather high rate of rent.

Mr. MANN. Yes. That is a case where they soak the Government. I can not see any warrant for this.

Mr. VAILE. If we do not put up the building, of course then our action is nugatory to-day. The lot will revert, or else we would have to ask these ladies to donate it again.

Mr. MANN. We can not put up the building within the next fiscal year unless it is the intention of the gentleman to go before the Senate committee, and I do not know but that it is too late for that. If an appropriation is not carried for this building in the appropriation bill under the Interior Department they can not get it. You can not get the appropriation for the next fiscal year unless the item passes the Senate. What is the hurry about getting title to property on an offer that soon runs out?

Mr. VAILE. The suggestion the gentleman makes in regard to the Senate was not brought to my attention. I did not think of that, as the appropriation bill had already been acted upon by the House.

Mr. MANN. It is too late now.

Mr. VAILE. This is a generous offer.

Mr. MANN. I do not think it is such a generous offer to say that they will give title limited to a certain time when we shall not be able to put up the building within that time.

Mr. VAILE. If the gentleman wants to move an amendment to have the time extended and have the gift extended on those conditions, I shall not object.

Mr. MANN. You can not do that. That is in the deed.

Mr. VAILE. We can say to these ladies that we will accept if they extend it; otherwise we will not accept it. If the gentleman wants to make it a year later, that is perfectly agreeable to me.

Mr. MANN. That is not in the bill.

Mr. VAILE. But we will accept it on these conditions.

Mr. MANN. Let it go over until you figure that out.

Mr. VAILE. Then, Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, by direction of the Committee on Appropriations I present a privileged report, it being a report on the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER pro tempore. The gentleman from Minnesota reports a bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. BYRNES of South Carolina. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER pro tempore. The gentleman from South Carolina reserves all points of order on the bill. The bill is referred to the Committee of the Whole House on the state of the Union and ordered to be printed. The Clerk will report the next bill on the Calendar for Unanimous Consent.

COMMISSIONING OF MIDSHIPMEN IN THE MARINE CORPS.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of midshipmen under certain conditions.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the House joint resolution.

The Clerk read as follows:

Resolved, etc., That any midshipman of the United States Naval Academy who has heretofore failed to graduate therefrom and who shall have served honorably in the Marine Corps for a period of one year, and who has passed satisfactorily the examination for appointment as a commissioned officer of the Marine Corps, may be commissioned prior to the graduation of the class at the Naval Academy of which he was a member.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

CERTAIN APACHE INDIANS OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6512) for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, does it not seem like a rather large amount to appropriate $42,500 for the benefit of 13 people because they were prisoners of the United States?

Mr. ROACH. I will say to the gentleman from Illinois that the $42,500 carried in this bill was the estimate submitted to our committee by the Secretary of the Interior, and it is our information that there were some 85 Indians who were held as prisoners of war at Fort Sill, and that upon their discharge and removal from Fort Sill there was an agreement or understanding that they were to be given certain land allotments and given rations for one year, and that all of these Indians, except the 13 for whom this bill undertakes to provide, were given land allotments and were furnished the rations provided for under that agreement. It seems that the Interior Department looks upon this agreement to supply these 13 Indians, 12 of whom are minors, with these land allotments and rations, that were promised them, as a sacred obligation.

Mr. MANN. Where do they say it is a sacred obligation?

Mr. ROACH. In the report of the Commissioner of Indian Affairs to our committee, if the gentleman cares to read it, it is stated that they regard it as a sacred obligation to fulfill this promise. But the point is this: Whether they so regard it as a sacred obligation or not, if the agreement was made it should be carried out.

Mr. MANN. There was no agreement made by any authority.

Mr. ROACH. Apparently there must have been some understanding with these Indians that they were to be furnished land allotments and these rations. At any rate, the Government has given these things to all of them except the 13, and inasmuch as that has been done for all the others it would seem only fair and just that these 13 should be similarly treated.

Mr. MANN. A lot of these Apache Indians were taken as prisoners of war. They were confined—and the word "confined" should have a question mark after it—theoretically confined at Fort Sill for many years, living off the Government during that time. Then the Government authorized them to leave and to take certain lands.

I believe most of them did. I think some of them refused to go on those lands, although my recollection is a little bit hazy on that subject. Now, there is one of these adults left who has 12 minor children, and it is proposed to give to each of them nearly $2,500, because they were prisoners of war and because they were supported by the Government for many years, without any expense to them. As for this talk about an agreement, I do not know what some agent of the Indian Office may have promised them, except as stated here. Whatever promises were made were without authority, and, I assume, without authority from the War Department. This is quite a sum of money to appropriate for 1 adult and 12 minor children just because they were prisoners. To an ordinary prisoner we give a suit of clothes and railroad fare to take him some place—not very much, and not a very expensive suit of clothes.

Mr. ROACH. I am not sufficiently familiar with the facts leading up to the allotments made to these 85 Indians to be able to state what the agreement was, but if there was any justice and merit in alloting to them land and rations, which was evidently done, then certainly Congress is justified in seeing that the remainder receive equally fair treatment.

Mr. MANN. Oh, we supposed we had settled the whole thing years ago. This matter has been pending around Congress for years, and we supposed it was settled a number of years ago.

Mr. ROACH. I will state to the gentleman for his information that other appropriations similar to this have been made, and the allotments have been made and the rations furnished to the other Indians who were held as prisoners at Fort Sill, and they were not made to these Indians because the appropriations were exhausted before they got to them.

Mr. MANN. It may be that we have appropriated money heretofore, and the department, entirely disregarding the will of Congress limiting the amount, has gone ahead and spent the money for a part of the service to be performed instead of for the whole of the service. That would be very much like the administration which has frequently prevailed in the Indian Office.

Mr. ROACH. I am not so well informed on the history of these Indians and their rights or the agreement made by the Government with them as my friend from Oklahoma [Mr. GENSMAN], to whom I now yield.

Mr. MANN. I have been making these remarks for the purpose of trying to get a rise out of the gentleman from Oklahoma. [Laughter.]

Mr. SNYDER. My idea about this matter was very similar to that stated by the gentleman from Illinois [Mr. MANN]; but we had the Assistant Commissioner of Indian Affairs before us and we had the report of the Interior Department, and it is a fact that they insist that there was an agreement made originally whereby these Indians are now entitled to this consideration at the hands of the Government.

Mr. MANN. An agreement for what? The Indians were prisoners of war. To say that we had to pay them $2,000 or $3,000 each to discharge them is ridiculous.

Mr. SNYDER. The Bureau of Indian Affairs maintain that these other Indians were allotted lands and that this money will be spent directly to buy a farm for each one of these minors.

Mr. MANN. Which he will not cultivate and can not lease and can not dispose of.

Mr. SNYDER. I appreciate that, and if the gentleman will read the testimony he will see that my statement was practically the same as that which he is making now; but I was finally convinced that the matter ought to go to a subcommittee, and I appointed these gentlemen on that subcommittee, and they made an investigation, and they are making the best argument that they can for the measure.

Mr. ROACH. I yield to the gentleman from Oklahoma [Mr. GENSMAN].

Mr. GENSMAN. To begin with, there were about 100 Indians, and the rest of them have received their part under an absolute contract with the agent or the proper authority. They have all received their money except these 13. This does not only apply to allotments, but at the time these Indians were sent down to the Mescalero Reservation it was agreed that they were to be given $144 each in lieu of a year's rations. None has ever been paid to these.

Mr. MANN. Will the gentleman allow me to ask a question?

Mr. GENSMAN. Certainly.

Mr. MANN. The fact is that these Indians were prisoners of war, were they not?

Mr. GENSMAN. Yes.

Mr. MANN. With no rights whatever so far as the land itself was concerned. But in order to get rid of them somebody promised them something. They would not go, they liked to be prisoners of war; but the Government was not obliged to keep them as prisoners of war. Thereupon an agent made an agreement to pay them a sum of money if they would accept a dismissal from confinement.

Mr. GENSMAN. The gentleman does not take the right view of it.

Mr. MANN. Oh, I have been all through this several times.

Mr. GENSMAN. But the gentleman has not been around with the Apaches as much as I have.

Mr. MANN. That may be.

Mr. GENSMAN. The Indians were originally captured down at the Adobe Walls, and they wanted to go back there, and the Government had the Indians on their hands and was responsible for them.

Mr. MANN. While they kept them as prisoners of war.

Mr. GENSMAN. Yes. The Government wanted to send them back to Arizona to the Adobe Walls and get rid of them, and the Government was very fortunate to get rid of them.

Mr. MANN. Did not some of them refuse to go?

Mr. GENSMAN. Yes; 13. I do not blame them for not wanting to leave Oklahoma and go to Arizona. [Laughter.]

Mr. MANN. The gentleman does not blame any Indians who have received their support from the Government, who are theoretically prisoners of war and do not want to go to work. There are a good many white prisoners who do not want to go to work, but we do not pay them money.

Mr. GENSMAN. The gentleman from Illinois has the idea that these Indians did not do anything. That is not correct. They had large fields on the reservation, large herds of cattle, and, really, the Apache Indians are the most industrious of all the Indians. They come from a country where they had to farm.

Mr. SNYDER. Will the gentleman yield? These are not the people who were held as prisoners of war; they have all passed away except one. If there was an agreement made with the old people, the heirs are entitled to this consideration, or to some consideration. That is why I listened to the argument on the proposition. If we held the Indians in jail——

Mr. MANN. They were never in jail; they were theoretically prisoners of war. Perhaps the Government was under some obligation to them after they took them prisoners of war. But does any gentleman on the committee think that if we pass this appropriation that that will end it?

Mr. GENSMAN. Absolutely.

Mr. MANN. This matter has been before Congress in various forms many years. I came here before they got out of the theoretical confinement.

Mr. SNYDER. I do not think there is any possible way that you can fix it so as to end all these propositions.

Mr. MANN. The trouble with the department or the Indian Office is that it does not close up anything. Even the gentleman from New York was not here before, but the gentleman from Oklahoma and the gentleman from Missouri were not familiar with the history of this. Well, after we are all gone they will come here and say that we ought to carry out the obligations we owe them, and we must do that for these Indians; we must do this for these Indians.

Mr. SNYDER. I want the gentleman to know that so far as I am personally concerned as chairman of the committee there never has been any bill soft pedaled out of the committee. They have always had to have some merit.

Mr. MANN. I think the gentleman from New York makes a mighty good chairman of the Committee on Indian Affairs.

Mr. SNYDER. I am not fishing for compliments, but that is the fact.

Mr. MANN. We all know perfectly well that the committee acted on the recommendation of the Indian Office. The committee does not know anything about it except the information they get from the Indian Office.

Mr. SNYDER. The only thing we acted on was the information we got from that source. None of these people are living. We got most of our information from the gentleman from Oklahoma [Mr. GENSMAN]; that is, our real, authentic information.

Mr. MANN. I have a good deal of confidence in information furnished by the gentleman from Oklahoma.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to continue relief to the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, for their subsistence and for the purchase of lands for their settlement thereon, to be selected for them by the Secretary of the Interior and the Secretary of War; and there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $42,500 for said purpose, to be immediately available and to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe.

With the following committee amendments:

Page 1, line 4, strike out the words "and directed."

Page 1, line 9, after the word "hereby," insert the words "authorized to be."

Page 1, line 10, and page 2, line 1, strike out the words "not otherwise appropriated."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GENSMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSOLIDATING NATIONAL FOREST LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 490) to consolidate national forest lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, let us have the bill read for information.

The SPEAKER. The Clerk will read the bill for information.

The Clerk read the bill, as follows:

Be it enacted, etc., That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State, the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest in which they are located.

With the following committee amendments:

Page 1, line 10, after the word "land," insert the words "in the same State."

Page 2, line 5, after the word "published," insert the words "without expense to the United States."

Page 2, line 17, strike out the words "in which" and insert in lieu thereof the words "within whose exterior boundaries."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, with the passage of this act are we to understand that Congress will be relieved of the consideration of various bills we have had up in the recent past for the taking over of privately cut-over lands and exchanging them for Government-owned lands in the national forests?

Mr. SINNOTT. Yes. We will be relieved of all the usual exchange bills, the terms of which are confined to the lands within the exterior boundaries of the national forests. Of course, bills may be reported hereafter where it is important to add outside lands to national forests or bills containing special features dealing with outside lands. This has nothing to do with the lands outside of national forests, except lands technically outside but within the exterior boundaries of the forests.

Mr. STAFFORD. This bill has been pending before the committee for many months past, while the committee has been reporting separate bills. What was the occasion for the change of heart on the part of the committee in bringing in this general legislation and saving the time of Congress in passing separate bills?

Mr. SINNOTT. If it is permissible to state committee matters on the floor of the House, we desired to give the matter very full consideration, and some members of the committee were opposed to the ordinary exchange bill applying to all the national forests. After full consideration some of the members of the committee opposed to such legislation withdrew their opposition.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. WALSH. One effect of this possibly may be to dispense with the veto of a particular bill where a delegation from a certain State changed their views on the advisability of the legislation.

Mr. SINNOTT. That was an entirely different bill from this bill. That bill embraced public lands on the outside of national forests.

Mr. WALSH. But it was an exchange bill.

Mr. SINNOTT. But controversy arose regarding the outside lands.

Mr. WALSH. This limits it to the exterior boundaries?

Mr. SINNOTT. To lands within the exterior boundaries of the forests.

Mr. STAFFORD. Who has to pay for the advertising in the restricted amendment which the committee has recommended?

Mr. SINNOTT. The private landowner pays for that. He does that now. Really this is writing into the law what they do to-day in all these exchanges.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, will the gentleman explain the provisions of the bill which require that timber that may be given in exchange shall be cut and removed under the laws and regulations relating to national forests? Can the gentleman briefly tell us what that means in practice? It seems to me that the timber provision here is the important feature of the bill.

Mr. SINNOTT. Under the rules and regulations of the Forest Service only timber of a certain size may be cut, and it has to be cut in a certain way, and the tops and the branches must be piled up so as to not to become a fire menace.

Mr. MOORE of Virginia. Has it been found in practice that that is a sufficient requirement in order to protect the interest of the Government?

Mr. SINNOTT. That is found to be a very great protection to the Government.

Mr. MOORE of Virginia. Mr. Speaker, I withdraw the reservation of the objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk again reported the bill.

The Clerk reported the first committee amendment, as follows:

Page 1, line 10, after the word "land" insert the words "in the same State."

Mr. RAKER. Mr. Speaker, a number of bills have been reported out by the committee relating to exchange of national forest lands. A number have been passed by the House and some by the Senate. Some have already been signed by the President. Most of the separate exchange bills that have passed contain a different provision than the one in this general bill. Some allow lands to be exchanged within 6 miles of the exterior boundaries of the land, and some not so much, and some specify other particular conditions. Of course, those special provisions will not be changed by the passage of this present proposed legislation, because the provision in this proposed general law is not in conflict with the provisions in the separate bill. The special bills that we have already passed, so far as the different character of exchange allowed is concerned, will not be affected by this bill.

This bill has several important features. First, the one suggested, "within the same State." Some have been "within the same forest." The next, "expense to be borne by the private owner," and, third, "when the land exchanged is in the forest it should become a part of the forest." While all this legislation was before the committee, general legislation, I felt then and I feel now that a general bill is inadvisable. Of course, it covers the principle of exchange. The question that it takes the time of Congress to pass private bills ought not to be considered as affecting the general welfare of the Government. I just say this now in advance. The land that is now owned by private individuals is something over 25,000,000 acres. If each individual bill came up to be considered you get a perspective of the value of the exchange from the private individual; but now, with the general legislation going through, it will double and quadruple the privately owned land in value, and for which the Government will have to exchange what it receives from the private owner.

I simply judge from what I have seen in the past, and I am afraid that will be the effect in the future. Personally, I have several bills for California. They are suspended pending adjustment of affairs at home. We want to arrange for proper compensation from the Federal Government. The subject has been gone into with the private owners before the department would consider the question of reporting on the bills. I trust the matter will be arranged some way with the people in the counties in which the land is located and in which the particular national forest is located. The people are very intent and fearful that they are going to lose a large proportion of their revenues, and their thought is that if the exchange is permitted, there should be a general law covering or authorizing or directing compensation to the county in which the land is exchanged by reason of the fact that they lose their revenue upon this land. This general exchange bill will authorize the exchanges of lands within the national forests, but no privately owned lands lying without the exterior boundaries of the national forests. Just compensation should be made to the counties in which the national forest is located. Of course, that is met by the argument that if it is an equal exchange of land, the land obtained will pay its taxes, but upon the timber the most of it will be disposed of before the tax collector can get at it, and therefore they will lose the amount of taxes that would otherwise be theirs.

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. I would ask for five minutes more; I will not take more time.

The SPEAKER. The gentleman from California asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Under the present law there is 10 per cent for general administration paid out of the receipts from the sale of timber and permits of the national forest and 25 per cent of it goes to the various States, to be divided by the States in turn to the counties in which the forests are located, for public roads, school purposes, and so forth. And it clearly does not meet the contention that these people in the counties, who pay taxes for the upkeep of the civil government of the county, for the protection of Federal Government public property, are not paid a sufficient amount in return, and they place it on these grounds, and there is a good deal to it and there is real justice in it, that if the Government of the United States through its representatives believes in having a national forest for the purpose of maintaining a timber supply in the future for the Government generally, the General Government should step in and pay its proportion of the taxes to the county in which the national forest is located because there are some counties of which practically half of the entire county is within the national forest; so the more you add to the national forest of necessity the less taxes will be paid to the county to pay its administrative functions and keep up its public duties to its citizens, the maintenance of order, and so forth. Just how and by what method they can obtain this compensation, this just payment on behalf of the Government for its property, is not as easy as it might be. It must be provided for by the Congress. It seems as though it will be the law. This bill will no doubt pass, and we must hereafter provide for the tax or compensation feature above stated. Congress seems to be inclined to put a blanket legislation through rather than to take a little time as each particular matter comes up and dispose of it. I think it is——

Mr. ARENTZ. Will the gentleman yield?

Mr. RAKER. I will.

Mr. ARENTZ. What does the gentleman contemplate doing with this bill to exchange of lands in the Tahoe Reservation with this committee amendment, page 1, line 10, "in the same State," inserted in this bill? Does the gentleman decide not to press the bill?

Mr. RAKER. I will press them as far as I can, but here is the situation. The people in the community where these forests are located are in favor of exchanges, but they want the counties properly compensated for caring for the National Government property when it is for all the people. They say they want to be given time to fully present their side of the case. They want me to assist in legislation to compensate the counties. I am with them on that, and I am going to do my best to see the Government pays its proportion of taxes to the county by reason of the large extent of national forest lands, which are for the benefit of all people of the United States. No one county or no one State should bear the burden which in justice should be borne by all. I was in hopes that there would be an opportunity to amend this bill so as to place such legislation upon it. But under the rules of the House it is not in order, and then again it being a question of such large proportions. It has not had the consideration of the proper committee of the House.

The SPEAKER. The time of the gentleman has again expired.

Mr. RAKER. I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Under the permission given me by the House to extend my remarks, I will insert here certain correspondence regarding this matter.

I feel it is of that importance as to justify the inserting in the RECORD of such correspondence as directly relates to the question presented.

The Chamber of Commerce of Placerville, Calif., through its committee, Jos. Scherrer, chairman, and Hon. C. E. Hand, secretary, under date of December 30, 1921, present their views as follows:

EL DORADO NATIONAL FOREST EXCHANGE BILL.

PLACERVILLE, *December 30, 1921.*

Hon. JOHN E. RAKER,
Washington, D. C.

DEAR MR. RAKER: In the Bee of Saturday, December 24, 1921, under the heading, "Early action expected on land-exchange bills," there appeared two articles, one written by Leo A. McClatchy under a Washington date, and the other a statement issued by the district forester at San Francisco. Mr. McClatchy states that "Early action is expected in the House on the four bills of Representative JOHN E. RAKER, authorizing the Secretaries of Agriculture and Interior to make exchange for privately owned lands within the Shasta, Plumas, El Dorado, and Tahoe National Forests in California."

The district forester in his statement on the subject announces the policy of the Government as follows: Our first energies should be directed toward acquiring lands which are already within the national forest boundaries and are chiefly valuable for timber production and watershed protection, etc.

Secondly, our energies should be directed to a logical rounding out of present forest units. It is a fact that our present boundaries are in many cases unsatisfactory, many irregularities being made for the sole purpose of excluding private lands at the borders of the forests where the excluded areas are absolutely forest lands. It is extremely desirable to acquire them and reform our boundaries along permanent physical lines.

The forest service was consulted in drawing the boundaries of the various bills introduced, and that the boundaries of the forests mentioned do not now include areas of fine timber-producing lands which should ultimately be in public ownership, and it is hoped that through land-exchange legislation that they may be gradually acquired.

The matter was brought to the attention of the El Dorado County Chamber of Commerce, and was by that body referred to its legislative committee and Mr. Hand was added as a special member for the occasion. In the discussion in the chamber and also at the meeting of the legislative committee the policy of the Government acquiring privately owned lands, within the present boundaries, and also acquiring privately owned lands within the new or proposed boundaries of the forests were considered very objectionable because of the fact that every additional acre acquired by the Government ceases to be revenue producing, thus adding to the already overburden of the counties. Our chamber of commerce believes the principle on which the national forests were created to be right, in so far as conservation is concerned, and we have no objection to the Government acquiring privately owned lands, within or without the forests, provided legislation whereby the National Government would reimburse the counties along the lines suggested later in this letter, and which the bill prepared by you two years ago at the request of Mr. Hand would remedy, thus relieving the counties, and placing the burden where it belongs, even though we are not fully satisfied with the exchange provisions in the four bills introduced by you, for we view them as along similar lines as the old scrip and lieu land acts, and just as wide open to fraud.

A little over a year ago Mr. Paul G. Redington, district forester at San Francisco, sent out a circular letter to the various forest supervisors in his district, in which he quotes from a paper on the subject of exchange of lands within forests, which was read at Spokane by Mr. Huntington Taylor, general manager of the Edward Rutledge Timber Co., and which Mr. Redington advised "will form a basis to argue on should you (meaning his forest supervisors) have the opportunity to discuss the general subject with boards of supervisors and other public officials."

In the paper read by Mr. Taylor he says that "The question of the effect of land exchange on the tax receipts of the States and counties is important, but there seems to be small cause for public alarm." We certainly believe the effect on the counties to be "important," so much so that unless relief measures are forthcoming some, if not all, of the counties will be seriously injured in their sources of revenue from taxation. Mr. Taylor says that "In the timber regions the stumpage owner will have a keen interest in tax matters for a good many years to come, and there will be small likelihood of his supporting any measure which will mean an abrupt increase in his taxes," all of which means that they are on the job. The big timber interests are behind and backing the exchange bills, consequently they must be satisfied; so also is the district forester, Secretaries of Agriculture and Interior, but how about the counties, and what provision has been made for reimbursing them for this loss of revenue? Have the county boards of supervisors been consulted? Are they willing that the boundaries of the forests be enlarged by the taking in of vast areas of lands outside the present boundaries and from which they are now receiving tax revenue, said lands by your bills to become publicly owned, and therefore not subject to taxation? Are the taxpayers who maintain county government in counties a portion of which is in the Shasta, Plumas, El Dorado, and Tahoe Forests willing that cut-over lands now owned by private individuals be taken in exchange for standing timber, thus losing their percentage on stumpage sales? We do not think so and believe that they are entitled to consideration and to be heard in the matter.

On the subject of cut-over lands owned by private individuals within the forests Mr. Taylor mentions the possibility of the timber concerns allowing the taxes to become delinquent, and uses the following language: "Unquestionably, as time goes on and the accumulated burden of taxes becomes heavier the private owner will be forced to unload his cut-over lands." This, Mr. RAKER, is a serious problem, for should it happen the lands would become delinquent, be sold by the State for taxes, and would cease to be revenue producing or would fall into the hands of stock raisers and would lose much of their value as forest-producing lands. I am convinced that the Government should acquire the cut-over lands and allow them to reforest, but this should not be done at the expense of the counties in which the forests are located. The Federal Government should reimburse the counties, thus placing the burden where it belongs—that is, upon all of the people of the United States—and the counties should not be compelled to bear this burden for possibly 200 years, which time it would take for reforestation.

Quoting again from Mr. Taylor, "The national forests now turn over 25 per cent of their gross incomes to the counties in which they are situated. In some localities this already overbalances the tax returns which would have been secured if the lands had passed to private ownership, etc." If the statement of Mr. Taylor is true, then from the standpoint of the National Government, it is but another argument in favor of reimbursing the counties on a valuation basis, as it would be a gain for the Nation, and there is no question but that the counties would be better satisfied. I disagree with and doubt if there is a forest in the United States where the above is true, unless it be in one particular year, but surely it is not true covering a period of years. It is not so with any of the forests in California. Plumas County is, perhaps, receiving more revenue from stumpage sales than is any other county in this State. I have heard from most of the counties in all of the forests in this State and am informed that they are receiving very little returns from the sale of Government-owned timber. The greater part of the Eldorado National Forest is in Eldorado County, and is in part in Placer, Amador, Alpine, and a small part in Nevada. In the year 1915 the Federal Government paid into the treasury of Eldorado County, as returns from all sources, including timber sales, pasturage, etc., the sum of $1,271.54; in 1916, $1,947.44; in 1917, $466.22; in 1918, $1,823.88; in 1919, $2,485.80; and in 1920 the sum of $2,828.02, making a grand total for a period of six years, $11,782.80. The figures I quote are taken from the books of the treasurer of Eldorado County and his certificate accompanies this letter, and are not based on the mere say so of some person who is trying to create the impression that the counties are receiving substantial revenue from the forests. Trinity County alone has upward

of 16,000,000 feet of Government-owned standing timber, and practically none of it is being sold, hence no revenue, and such is the case in the other counties parts of which are in forest reserves. The large timber concerns now operating are not buying timber from the Government on a stumpage basis, but are cutting over their own lands, thus decreasing their assessed valuation, and in this county they get a reduction in assessed valuation of $13 per acre on each acre cut over, so you see it means decreased valuation of privately owned lands within the forests, and increased valuation on lands outside the forest to produce revenue sufficient to maintain county government.

About two years ago you prepared a bill which if enacted into law would result in reimbursing the counties in which national forests are located. We respectfully and urgently request that you again take the matter up and press it in the present session of Congress, for we believe that the justice of such a bill should insure its passage.

A glance at the map of the United States showing the national forests thereon will convince you of the importance to the West of a relief measure such as we ask, and more particularly to California and to your district, with a series of national forests along almost the entire east side of the State and for many miles along the coast. The legislation we ask would provide for the National Government reimbursing the forest counties on a valuation basis of Government-owned lands, the valuation to be fixed as per privately owned lands within the same forest or upon a standing-timber basis, either of which we believe to be just and equitable ways to solve the problem.

We wish to make our position clear, and being more familiar with the El Dorado National Forest than with any of the other forests we will use it as an example. This forest contains 840,128 acres of land, 553,388 acres of which are Government-owned lands, and being in a national forest are not subject to entry or to taxation. There are 246,740 acres of land in this forest owned by private individuals, and the average assessed valuation of this privately owned land is about $12 per acre. As above stated, there are 553,388 acres owned by the Government, which said last number of acres of land at the average assessed valuation of $12 per acre as per privately owned lands within said forest is a loss to us in assessed valuation of $6,500,000, and will continue to be so long as the law remains as it is.

The fact that $6,500,000 is lost to Placer, El Dorado, Amador, Alpine, and a part of Nevada in assessed valuation means that at our present rate of taxation we are losing in taxes annually about $150,000. I am assuming that you who are familiar with the rapidity with which timberlands and grazing lands have been taken up in the past will realize that every acre of available land within all forests would long ago have been in private hands had not the reserves been created.

The Government-owned timber on this reserve has been cruised and estimated, and the figures disclose that there are 4,841,862,000 feet board measure. An estimate of $1.50 stumpage per thousand feet, which is a low estimate, indeed, would fix a valuation of more than $7,000,000 on the timber alone, and with the land values would make a total valuation of upward of $10,000,000.

We are firm believers in the conservation of our natural resources and consider ourselves as friends of the Forest Service, and are sure that the enactment of a law such as we ask will result in placing them on a more firm basis, but under the present law do not believe the burden properly distributed. Instead of the few people who reside in counties a part of which happens to be in a district forest being compelled to bear the burden, the 110,000,000 who reside in all of the United States should assume their just proportion, for surely they are as much interested in conservation as are the people who live in a county or combination of counties comprising a district forest. The man who contemplates building in New York, Washington, or San Francisco, on the farms of the Middle West, or in the Prairie States must have timber; his interests in that respect lie in our national forests, yet the community in which he lives is not restricted as are the counties in which the forests are, because of the fact that all of their lands are open to entry and to taxation. No part of Sacramento or any of the other valley or bay counties are in a forest reserve; the forest counties have been cut in two so far as taxation is concerned for the benefit of these counties and also for the benefit of all of the people of the United States.

The entire California delegation in Congress should be behind you in this matter, for they can not say that they are not interested in the welfare of their sister counties, for they are; our prosperity adds to their prosperity; we are decreasing in population, all of which hurts business in their counties, and such is the case in nearly all of the counties in which district forests lie. The outside counties must look to these forests for material for their factories and shops, and if they carry out their building program they must have timber, they must have box stuff for their orchards, and must look to these forests for electricity for lights and power, and for water for domestic and irrigation purposes. We perform all police powers, furnish the courts, finance the prosecutions of all persons committing crimes within the forest; we must construct roads, build bridges, and erect and maintain schools within the forests. Then why are we not entitled to be reimbursed?

We will be pleased to hear from you, and hope that you will take vigorous hold of this matter and push the same until final enactment into law. We respectfully ask that you defer action on the four exchange bills until such time as we have an opportunity to take the matter up with the other counties in the four districts, which we will proceed to do at once.

Wishing you the compliments of the season, we remain,

Very truly, yours,

JOS. SCHERRER, *Chairman.*
C. E. HAND, *Secretary.*
N. G. PATTON.
TED C. ATWOOD.
H. E. DILLINGER.
E. FITZGERALD.

—

EL DORADO COUNTY,
Placerville, Calif., December 30, 1921.

I, Don H. Goodrich, treasurer of the county of Eldorado, State of California, do hereby certify that the books of my office disclose that the Federal Government paid into the treasury of the county as returns from all sources, including stumpage, sales, pasturages, etc., in the Eldorado National Forest, the following sums from 1915 to 1920, inclusive:

1915	$1,231.74
1916	1,947.44
1917	1,466.22
1918	$1,823.88
1919	2,485.80
1920	2,828.02
Total for six years	11,783.10

DON H. GOODRICH,
Treasurer Eldorado County, Calif.

—

"Be it resolved by the grand jury of the county of Eldorado, State of California, That we heartily indorse the proposition now pending for the reimbursement of the counties by the National Government for the loss of revenue by inability to tax lands within the national forest reserves; and we ask our Representatives in Congress to use their efforts for the enactment of such a measure; and be it further

"*Resolved,* That our secretary be instructed to send a copy of this resolution, together with a copy of a letter given to us by Mr. Charles E. Hand and fully explaining the proposed legislation and the necessity for the same, to Congressman JOHN E. RAKER."

The foregoing resolution passed and adopted by the grand jury of the county of Eldorado, January 5, 1922.

R. L. DODSON, *Foreman.*
MAUDE A. HORN, *Secretary.*

My reply to the Placerville Chamber of Commerce is of date January 20, 1922, and is as follows:

JANUARY 20, 1922.

Mr. JOSEPH SCHERRER,
Chairman Eldorado County Chamber of Commerce,
Placerville, Calif.

In re: Exchange bills.

MY DEAR MR. SCHERRER: Yours of December 30, 1921, reached Washington in my absence and receipt thereof was acknowledged on January 5.

I have now fully and carefully gone over the presentation of this matter in your letter of above-named date. Such presentation is very clear and distinct, couched in language that one can not fail to understand. Statement by Hon. Don H. Goodrich, treasurer, of date December 30, 1921, showing receipts by the treasurer of Eldorado County from Eldorado National Forest, received.

The subject involved in these bills was discussed before the Committee on Public Lands of the House during the Sixty-sixth Congress. You will find my position therein expressed as to a general exchange bill, thinking local bills covering separate forests would be better, so that in each instance the county in which the national forest was situated might first be heard, since which time I have tried to follow that procedure. I am sending you a copy of such hearing, also copy of the four bills referred to in your letter, together with the reports thereon.

Before I asked for a hearing on these bills by the Public Lands Committee I had sent out quite extensively copies of the bills to public officials and to practically all the newspapers in the district, hoping thereby to obtain the sentiment of the localities and counties specifically affected. The only responses I obtained were favorable. I also on numerous occasions, while through California a year ago last summer, discussed this subject off and on with many parties and my understanding from such interviews was that such proposed legislation would be satisfactory, and, in the long run, beneficial. I during all the time had in mind and realized the taxation question so clearly presented in the letter of your Chamber of Commerce. The matter standing thus, I proceeded with the proposed legislation.

The Hand proposition is right, and, to my mind, unanswerable; but while I have been working on it in the House certain Senators have been working on it on a little different line in the Senate. We have not proceeded very far because of the general opposition in the East to provide for taxation for western counties in which forest reserves are situated, and then the contention that we are receiving now as much, if not more, than we could by direct taxation, from the revenue and receipts from permits, timber, etc., from the national forests. However, notwithstanding this contention and opposition, the Hand proposal will continue to have my favorable and earnest consideration and attention.

I note the last paragraph of this letter, which reads as follows:

"We respectfully ask that you defer action on the four exchange bills until such time as we have an opportunity to take the matter up with the other counties in the four districts, which we will proceed to do at once."

This request is but fair and will be complied with, notwithstanding the present status of such bills, or either of them, now on the calendar of the House.

Since receiving your letter I received a telegram yesterday from the Amador Chamber of Commerce, by W. D. Tam, president, and the Amador County Board of Supervisors, by D. V. Ramazzotti, chairman, indorsing the position of Eldorado County, its grand jury, and chamber of commerce in regard to the forest exchange bills, and they unite with you in asking that, before passage, compensation to the counties be made a part of the measure.

The matters will be held in abeyance, therefore, until all parties are given opportunity for hearing and every effort be made to secure an enactment of the Hand proposition.

Kindly advise your associates accordingly. I am acknowledging their joint letter, advising each one that I have written to you fully on the subject.

With personal regards, I am,

Yours, most truly,

JOHN E. RAKER, *M. C.,*

Mr. Scherrer, under date of January 31, 1922, wrote on this subject as follows:

SHERIFF ELDORADO COUNTY,
Placerville, Calif., January 31, 1922.

Hon. JOHN E. RAKER,
Washington, D. C.

DEAR JUDGE: Replying to your letter relative to forest matters, will say that we are pleased to note that you consider our position right and just, and that you propose using your efforts in an endeavor to have enacted into law a measure which will reimburse the counties for loss of revenue caused by the creation of forest reserves.

We have examined the exchange bill relative to the Eldorado Forest and find that in addition to the 840,128 acres already within the old forest boundaries this bill, if enacted into law, would take in

123,000 additional acres. 125,551 of which additional acres are in Eldorado County.

A careful study and examination has been made and we find that a large portion of the 125,551 acres aforesaid is privately owned and on which taxes are now being paid to the county, and that the present assessed valuation of what is in private hands is $905,924; this valuation, computed at our average tax rate of $2.25 on the $100 valuation, means that we will lose in taxes upward of $20,000 per year, in addition to what we are already losing in the original forest, should the boundaries proposed in the exchange bills relative to this forest, and the spirit of the bill and declared policy of the Government that "of acquiring all privately owned lands" be carried out, and if it is not carried out, then what is the purpose of the bills?

In the matter of the exchange of lands on the checkerboard plan, of which so much has been said, we submit that this will not decrease the number of acres of privately owned lands. If you exchange 40 acres here for 40 acres elsewhere, how will that decrease the privately owned acreage? Nor will the exchange of lands in one forest for lands in another forest decrease the privately owned lands. It will result in a change of holdings, and nothing more. We admit that the exchange of virgin timber for cut-over lands will decrease the privately owned acreage, but none of the above plans will result in a lessening of the fire hazard, unless campers and hunters are to be kept outside the forests, for experience has taught that most of the fires come from this source.

In the matter of the Tahoe Forest, will say that we have computed the acreage that bill will add to the present forest, and we find 452,450 acres will be annexed to the already large acreage of the old forest should that bill become the law.

The matter of the loss of an assessed valuation to Eldorado County of $905,924 and an annual loss of upwards of $20,000 in taxes may not be considered much to some of the large counties in the United States, but to us, with a total assessed valuation of about $10,000,000 and a population of about 7,000, seems to us to be quite a considerable sum, and prompts us to again ask that before the exchange bills pass provision be made to reimburse the counties. The Department of Agriculture should see these things and the justice of what we ask should appeal to its officials, as well as to the Congressman and Senator from east or west, north or south.

You will hear from this committee again and also from other counties soon. Wishing you success and hoping that you have been successful in lining up the California Representatives and others, we remain,

Very truly, yours,

JOS. SCHERRER,
T. G. PATTON,
TED C. ATWOOD,
W. H. DILLINGER,
CHARLES E. HAND.

My reply to Mr. Scherrer's letter of January 31, 1922, is as follows:

FEBRUARY 18, 1922.

Mr. JOSEPH SCHERRER,
Placerville, Calif.

MY DEAR MR. SCHERRER: The letter from yourself, T. G. Patton, Ted C. Atwood, and W. H. Dillinger, as committee, and Chas. E. Hand, as secretary, of date January 31, 1922, at hand.

I note that you received the exchange bills. I have read very carefully your presentation of the matter after your study and examination, as it relates to the Eldorado Forest. While I have had Mr. Hand's proposition before me for some time, namely, a law which will reimburse the counties for loss of revenue caused by the creation of forest reserves, I find I have a difficult task on hand in properly framing such legislation.

I have written to Mr. Hand to give me his best suggestion and judgment on the matter so that I might be able to consummate the drawing of this legislation at the earliest time possible.

I note your statement in your letter of above date "that before the exchange bills pass, provision be made to reimburse the counties." I find that I have a task on hand that is not easy to prepare in the first instance, and then a Herculean task to have it effected. However, I shall continue to give it my every attention as suggested by your committee. Therefore, be assured there is no you can, and your committee and Mr. Hand consider yourselves free to make such suggestions as will assist in bringing about the proper inauguration of the policy suggested.

Kindly remember me to your associates, as this letter is for all of you. With kindest personal regards, believe me, I am,

Yours, most truly,

JOHN E. RAKER,
Member of Congress.

Sheriff C. E. Hand, of Placerville, Calif., under date of February 18, 1922, writes as follows:

SHERIFF OF ELDORADO COUNTY,
Placerville, Calif., February 18, 1922.

Hon. JOHN E. RAKER,
Washington, D. C.

DEAR JUDGE: I am mailing you under separate cover some copies of a booklet on the exchange bills and county reimbursement plan, and I would be pleased to have you see that each of the California Representatives and Senators receives a copy.

The booklet contains about all of the data I have collected, or at least all that I have had the time to prepare or tabulate up to the present time. I find it to be a big job.

I am told that one of the exchanges contemplated in that of the Central Pacific Railroad holdings in the forests of California for lands in Nevada; and here is where the checkerboard, so called, comes into operation, as the holdings of that company are the odd-numbered sections. Should this exchange be brought about, it will mean that El Dorado County would lose 68,000 acres of lands from which we are now receiving revenue from taxation, and Placer, Nevada, and Sierra, and some of the other counties will lose even more.

I realize that this exchange can not be made under the provisions of the bills introduced by you, as it is interstate, but it can be done under the Snell or general bill, which makes no provision for State lines. This exchange should not be allowed unless the interests of the counties are taken care of.

The Forest Service is citing the fact that the Government has millions of dollars invested in custom houses, ports, post offices, etc., in various cities throughout the country which are not subject to taxation, and are claiming they are parallel cases with the national forests.

I submit they are not parallel cases and are not so considered by the legislative branch of the Government or by the heads of the various departments of Government. If so, the cities would be receiving 25 per cent of the revenue from the customhouses, internal revenue, and post offices. There is a vast difference; one is for revenue and profit and the other is conservation, the conserving of resources created by nature, and narrow, indeed, is the vision of the person who claims to be a friend of conservation and can not see this.

The Government purchased the sites in cities from individuals and expended large sums of money for the erection of buildings; in other words, the Government created something. On the other hand, the Government did not even create one of the flakes of snow that falls direct into the forest lake and commingles with the waters thereof or that spreads its white mantle over the forest. Nature did that.

The Government did not create one particle of the soil that furnishes the nourishment for plant life, nor create even one of the needles on the stately pine. If conservation of our natural resources is to be measured in dollars and cents, then it is a failure, for it costs about $40,000 per year to administer the Eldorado National Forest and the revenue is but about $8,000 per year; it is not based on dollars and cents; its plan is broader.

When our State was formed boundaries were established between the various counties; the resources within the counties were a part of county assets. All of the lands were open to entry and to taxation. Later the National Government wisely took from us many of the resources we enjoyed in the beginning and set them aside for the benefit of all of the people, and no provision was made to reimburse us except the 25 per cent, which is inadequate. All of the revenue derived from the forests should be retained by the Government and the counties reimbursed on a valuation basis.

I will be pleased to hear from you, letting me know how you are progressing. With kindest regards, and assuring you of my support and best wishes, I remain,

As ever,

C. E. HAND.

My reply to Mr. Hand's letter, of date February 18, is as follows:

FEBRUARY 25, 1922.

Mr. C. E. HAND,
Placerville, Calif.

In re: Forest exchange bills.

DEAR MR. HAND: Yours of February 18, regarding the forest exchange bills and county reimbursement plan, at hand. The booklets on this subject were received, and, as you requested, I have presented a copy to the Senators and each of the California Representatives.

I am giving the data furnished in the booklet my best consideration. As I wrote Mr. Scherrer, this is not an easy task to accomplish, but it will be given my best personal consideration and attention, with a view to favorable results, difficult though they may be.

The general exchange bill passed the Senate and was reported out favorably by the House Committee on the Public Lands, and beyond doubt within the next couple of weeks it will pass the House and go to the President for his approval. The reimbursement plan legislation can go on, notwithstanding this enactment of the general exchange legislation. We are going to get but little encouragement from the Eastern and Middle Western States in any attempt for reimbursement, for they feel now that we are getting more than we are entitled to by virtue of the 25 per cent and then the amount allowed for road construction. Taking it all in all, we will have no easy sledding, but when a thing is worth while it is wholly immaterial the time and labor it takes to obtain it.

With personal regards, I am,

Yours, most truly,

JOHN E. RAKER,
Member of Congress.

On this same subject and directly bearing on the importance of it, I am inserting a letter written to Mr. Hand by Hon. Paul G. Redington, of San Francisco, of date February 21, 1922, which was sent to me by Mr. Hand, the letter reading as follows:

FEBRUARY 21, 1922.

ELDORADO COUNTY CHAMBER OF COMMERCE,
Placerville, Calif.

GENTLEMEN: I have been greatly interested in the discussion that has been going on in Eldorado County regarding the effect of a proposed land exchange bill in Congress on the county revenue. Some of the articles published in the Placerville Republican contain figures which do not at all accord with those shown in our official records. Nor does the real working of a land-exchange transaction seem to be locally fully understood by those arguing for relief from threatened loss of revenue. Conceiving that there will be no objection to my entrance into the discussion as the local representative of one of the main parties at interest, viz., Uncle Sam, I offer in the following a statement of the national forestry situation, the place of the exchange method of acquisition of lands in the forestry program, the operation of land-exchange legislation, and its immediate bearing on the finances of El Dorado County. I offer this with the hope that it may clear up some existing uncertainties and bring out points not heretofore considered in any of the discussions I have seen in the newspapers.

There has been a nation-wide discussion of the forestry question in the last three years, based on accepted premises, as follows:

1. Timber is a renewable resource if given adequate protection.

2. All lands chiefly valuable for production of timber should be kept in productive shape to avoid huge economic loss.

3. Our timber supplies are being cut much faster than they can be replaced by growth of young timber. Virgin supplies of timber have been depleted to an alarming extent in all forest regions of the United States except in the West, where cutting is being carried on at a rapid pace. There exists no doubt as to coming stringency of forest products.

4. To ameliorate the situation described under 3 above there is needed (a) a larger area of forest land in public ownership, (b) Federal or State legislation, or both, to insure the application of fire protection and reasonable forest practice to privately owned lands.

Two forestry bills have already been given much consideration in committees of the National Congress, namely, the Snell and Capper bills. They differ in the matter of the agency which shall regulate, but both include a provision for acquisition of forest lands by the Federal Government through exchange with private owners.

Many exchange bills have already passed Congress and are in operation. Many others are now pending, including the one which is applicable to the Eldorado Forest and against which Eldorado County has protested. The class of land which the Federal Government prefers to acquire under exchange is cut-over land. Please note this, as it has a direct bearing on the published statements of individuals of Eldorado County and on the figures given by them in support of their protest. Privately owned cut-over lands are not now being adequately protected by the majority of owners, although there is a growing appreciation on the part of many of them that they have a public responsibility in this regard. The Government and State are at present the only agencies who can give reasonably adequate protection to such lands, and the State is not yet largely in this business.

Under the exchange bills the Government may trade (1) land and timber for equal values of land and timber, or if may acquire (2) privately owned cut-over land in return for Government stumpage. The first method is to be used to consolidate scattered holdings for more facile administration. Under such kind of exchange, the values being equal, the county taxes would not be involved.

The second method is the one in which the Government is most greatly interested, because of the very great need of keeping up the production of timber on cut-over lands. It is the sole method with which the counties are concerned with respect to their tax returns.

It operates in this way: Cut-over land has a value of $2.50 per acre (assumed). Stumpage per thousand feet board measure has the same value (assumed). Therefore if the Government saw that it was to its advantage to acquire 10,000 acres of cut-over land worth to the owner $25,000, it would negotiate to give the owner $25,000 worth of merchantable timber. If the deal was consumed the title of the 10,000 acres of cut-over land would pass to the Government. The title of 10,000,000 feet of timber worth $25,000 would pass to the private owner. This timber is taxable by the county as long as it remains in private ownership. The title to the land on which the merchantable timber is located remains with the Government, and the timber when cut by the private owner must be cut under Government supervision.

Keeping in mind that the Government is interested in the acquisition of cut-over land primarily, the figures which follow will be of interest to your taxpayers. I think also they may be of value as showing that the statements and figures published by those in Eldorado County, who are arguing for relief from the Government, are based on misapprehension as to the operation of the exchange and its effect on county revenue.

Area of privately owned timberland in Eldorado County within Eldorado Forest, 188,700 acres.

Of this area there are 152,500 acres of land having a stand of merchantable timber and 36,200 acres of cut-over land.

The 36,200 acres of cut-over land have an assessed valuation of $2.50 per acre, a tax of $2 per hundred. Present county revenue from this class of land is $1,810.

Annually through operation of logging companies there is added 1,600 acres to the area of cut-over land. At the same valuation and rate this land would bring an annual return in taxes to the county of $80.

If, then, the Government acquired at once the 36,200 acres of cut-over land, the county would lose an annual revenue of $1,810. If the Government acquired thereafter acquired annually the 1,600 acres of current cut-over land, the county revenues would suffer an annual loss of $80. The Chief Forester, appreciating the possible loss of revenue to the counties through land-exchange operations on any large scale, has plainly stated his policy that in no event should exchanges be made so as to cause more than 25 per cent reduction yearly in the annual revenue which counties receive (through the State) from the Federal Government as their share of the receipts from sales of forest resources. The amount of this fund received during the fiscal year 1920 by Eldorado County was $2,828. (The 1921 return figures are not available, but should be greater than 1920.) If an exchange was started with a private timberland owner immediately, we could not, under the forester's policy, negotiate a trade which would operate to annually decrease the forest return to the county more than $707. One of your citizens is stated, in an article published in the January 31 issue of the Placerville Republican, to have found that the exchange bill for the Eldorado Forest would take over 138,000 acres from the county and would bring an annual loss of $20,000 in revenue to Eldorado County. This gentleman has apparently concluded that the exchange bill would operate immediately on passage to transfer all the privately owned merchantable timberland into Government ownership. I trust that I have shown this as not within the realm of possibility.

As an offset to the slight reduction in Eldorado County's revenue which would result in a land-exchange transaction, there is to be considered the increasing value of the young timber on the transferred cut-over land. There is to be considered the increasing 25 per cent road and school and 10 per cent road funds with increase of Government-owned acreage within the county. There is to be considered the fact that the very existence of this valuable public property within the borders of the county has been responsible for direct congressional appropriations for road and trail projects, this appropriation amounting to thousands of dollars. As the Government acreage slowly increases, there should surely be no diminution of Federal aid in this respect.

There are other offsets which might be mentioned, but space does not permit.

I want to make clear to the counties that we have absolutely no quarrel with them in their desire to fully protect their county revenues. I think, however, you will agree with me that upon the receipt of such an appeal as you have made to your Representatives in Congress they will naturally desire to be in possession of all facts bearing on this problem. I have therefore endeavored in this letter to put up to you certain pertinent phases of this land-exchange plan which Congress would most certainly desire to consider before acting on your request.

If I can give you further information by letter or through personal conference, please do not hesitate to call upon me. Supervisor Smith, at Placerville, can also give you considerable data on this question and will be glad to do so.

Copies of this letter are being sent to the county boards of supervisors, chamber of commerce, and others who I have learned are interested in El Dorado County's appeal for relief.

Assuring you of the earnest desire of this organization to work closely in harmony with you at all times, I am,

Very truly, yours,

PAUL G. REDINGTON,
District Forester.

Mr. Hand replied to Mr. Redington's letter, which letter is as follows:

PLACERVILLE, CALIF., *February 25, 1922.*

Mr. PAUL G. REDINGTON,
United States District Forester, San Francisco, Calif.

DEAR SIR: In your letter of February 21, 1922, relative to exchange bills now pending in Congress we note the following: "Some of the articles published in the Placerville Republican contain figures which do not at all accord with those shown in our official records." We are not surprised at this, for at no time have you taken the counties' taxable interests into consideration, you figure along different lines.

We are surprised, however, at the arbitrary manner in which you fixed the new boundaries of the forest and the way in which you attempted to have this legislation passed, and your ignoring of boards of supervisors and other civic bodies in the counties concerned, and we shall make a strong endeavor to have the exchange bills now pending so amended that notice of proposed exchange be published locally and furnished the boards of supervisors in interested counties.

Again, you say, "Nor does the real working of a land-exchange transaction seem to be locally understood by those arguing for relief from threatened loss of revenue." We have the Shasta, Plumas, Tahoe, and Eldorado Forest exchange bills, also the reports thereon. We have the Snell and Capper bills, and all committee reports, views of the Secretaries of Agriculture and Interior, the testimony of Mr. Sherman, and all of the witnesses who testified before the Sinnott committee of the House, and if there is more information to be had we should be glad to receive it.

We understand, however, some of the provisions of the bills the same as you have explained them, but you are not frank in the matter; you are attempting to have the public believe that exchange can only be made in the same forest, while, as a matter of fact, they are interforest, intercounty, and interstate exchangeable. Why do you not tell the public that the real checkerboard proposition, so called, applies principally to the railroad holding every odd-numbered section and that you are contemplating acquiring these holdings in exchange for lands in Nevada? We know this exchange can not be made under either the Shasta, Plumas, Tahoe, or Eldorado exchange bills, but it can be done under the general bill, which makes no distinction as to State lines.

Why do you not tell the people that this single exchange of railroad holdings within national forests in this State would result in a loss of revenue on hundreds of thousands of acres to the counties? Eldorado County alone would lose in values on approximately 60,000 acres and several thousand dollars annually in taxes. By this exchange, based on past payments, we would lose more in one year in taxes than the National Government pays to this county as returns from stumpage and grazing on the entire forest area within the county in several years.

Quoting again from your letter, "Conceiving that there will be no objection to my entrance into the discussion as the local representative of one of the main parties at interest, viz, Uncle Sam," we accord to you as a citizen of the United States the right to enter into any discussion you may see fit, provided the same is of a lawful nature, but we question your wisdom as an administrative officer in attempting to dictate what legislation should be passed, particularly when you fail to take into consideration the best interests of the counties in which district forests lie.

Why should you oppose adequate reimbursement of counties and be so active in having passed legislation we deem not to our best interests, particularly when that legislation is so eagerly sought by the timber interests? All we are asking is that we be reimbursed and that the exchange bills be held until provision is made to reimburse us. What objection can you or the Forest Service have to this just demand? We wish to know, so that we may tell it to our people.

Nowhere in your letter have you touched on the point at issue, and what we maintain to be right—that is, that the forest counties are entitled to adequate reimbursement, and that the burden of forests be placed where it belong—that is, on the 110,000,000 people who reside in all of the United States. Please let us know on what grounds you oppose this demand.

We can not conceive that you will argue in the face of the fact that for the year 1921 Eldorado County received as compensation from forest-timber sales, pasturage, etc., the sum of $1,984, and the 39 forest counties of the entire State the sum of $132,400. Will you maintain that this is adequate reimbursement, or that what you have been claiming in the past "that the counties are receiving as much from the national forests as if the property had passed to private ownership and being taxed"?

Quoting from your letter, "cut-over land has a value of $2.50 per acre ($3 in this county), stumpage per board measure has the same value. Therefore if the Government saw that it was to its advantage to acquire 10,000 acres of cut-over land worth to the owner $25,000, it would negotiate to give to the owner $25,000 worth of merchantable timber. If the deal was consummated, the title to the 10,000 acres of cut-over land would pass to the Government. The title to the 10,000,000 feet of timber worth $25,000 would pass to the private owner. This timber is taxable by the county as long as it remains in private ownership, title to the land remaining in the Government." We will say that you make such an exchange with either the California Door Co. or the Michigan-California Lumber Co.; both of said companies have been approached on the subject of exchange of lands by your department.

The first-named company cuts some 18,000,000 or 20,000,000 feet per year, and the latter much more; so you see your timber may be cut and sold before the county has an opportunity to tax it, or it may stand for one or two years. Then what? As you say, "The figures will be of interest to your taxpayers." They are of interest and we are endeavoring to look out for our interests; that is why we are asking that we be reimbursed for this loss.

On the subject of cut-over lands, the Chamber of Commerce of Placer, Amador, and Eldorado Counties, and also the boards of supervisors of the three counties are squarely on record as follows:

"We are convinced that the Government should acquire the cut-over lands and allow them to reforest, but this should not be done at the expense of the counties in which forests are located, the counties should not be compelled to bear this burden for possibly 200 years, which time it would take for reforestation."

We aim to be just and right, and if there is injustice in this demand, please point it out, as we are seeking information and desire to accomplish nothing but what is right. If, on the other hand, you find honesty and justice of purpose on our part, then tell us just why you are so actively opposed to justice and right.

Quoting again from your letter, "One of your citizens is stated in an article published in the Placerville Republican to have found that the exchange bill for the Eldorado Forest would take over

138,000 acres from the county and would bring an annual loss of $20,000 in revenue from Eldorado County. This gentleman has apparently contended that the exchange bill would operate immediately on passage." The gentleman is assuming nothing of the kind; he is simply taking you at your word when you say, "It is extremely desirable to acquire them and reform our boundaries along permanent physical lines. * * * and it is hoped that through land-exchange legislation they may be gradually acquired." If you do not intend to acquire the lands, then why are you extending the boundaries?

The article above referred to gave the name of the person responsible for it and the subject was discussed by that person with Forest Supervisor Smith. Why do you not name him?

The computation was made from the description in the Eldorado Forest exchange bill itself, then checked with the 1921 tax rolls to ascertain loss of revenue. What was said on the subject follows:

"We have examined the exchange bill relative to the Eldorado Forest and find that in addition to the 840,128 acres already within the old forest boundaries this bill, if enacted into law, would take in 138,000 additional acres, 125,551 of which additional acres are in Eldorado County.

A careful study and examination has been made and we find that a large portion of the 125,551 acres aforesaid is privately owned and on which taxes are now being paid to the county and that the present assessed valuation of what is in private hands is $905,924. This valuation, computed at our average tax rate of $2.28 on the $100 valuation, means that we will lose in taxes upward of $20,000 per year, in addition to what we are already losing in the original forest, should the boundaries proposed in the exchange bills relative to this forest, and the spirit of the bill and declared policy of the Government that "of acquiring all privately owned lands" be carried out, and if it is not carried out what then is the purpose of the bills?

You state that "copies of your letter are being circulated to boards of supervisors, chambers of commerce, and others who, I have learned, are interested in Eldorado County's appeal for relief." Eldorado County is not appealing for relief, we are demanding justice; and you know that this movement is not confined to this county or even this State, but is a live issue in several of the States.

Inasmuch as you have circulated your letter, it is up to us to circulate this our reply.

JOSEPH SCHRAMM,
THOS. C. ATWOOD,
H. K. DILLINGHAM,
Legislative Committee.
CHARLES SCHMOMEN,
Board of Supervisors.
CHAS. E. HAND,
Secretary Committee.

The importance of this matter is such that I feel it my duty to present it here and now. The question will have to be met and settled and settled right at that.

The counties in which national forests are located are deeply and vitally concerned.

Some method to compensate them must be devised and that at an early date.

The above will call it to the attention of the House, with the hopes of favorable action. Relief is what these counties ask. Let all of the people share in the burden of maintaining the Government's future timber supply.

The SPEAKER. The question is on the committee amendment.

The question was taken, and the first committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 5, after the word "published," insert the words "without expense to the United States."

Mr. MANN. Mr. Speaker, I somewhat doubt the practicability of inserting that language in the law. As I understand as a rule the department requires people with whom it makes transfer to pay such expenses if there be such expenses. I do not think we want to require them to make publication by advertisement frequently; I should think generally it is the department that wants to make the exchange, not the private individual, and it is the Forest Service that really puts through the bill, and they want to get the land which is in private ownership in the forest. Now they will be required to publish an advertisement, inserted by the Government agent, Government official, and I suppose in a way the Government becomes responsible to the payment to the newspapers, although they may require the private individual to put up the money for it. I think it would complicate matters to put in a provision requiring the publication by the National Government of an advertisement without expense to the United States.

Mr. SINNOTT. Where a private person is compelled to pay he puts up in advance in the Land Office and we were informed this was their practice. We thought there was enough mutuality between the private owners and the Government that the Government might cause the private owner to advance the money for the exchanges.

Mr. MANN. Very likely they would usually do that, in which case this is necessary, although the bill for the advertisement has to be rendered to the Government officials and is an obligation of the United States.

Mr. SINNOTT. I am not a stickler for that. I think we would be willing to acquiesce in the gentleman's premises.

Mr. MANN. I think we ought to do it, as a practical matter.

Mr. SINNOTT. Possibly it is wise to do so, and I trust the House will disagree to that second committee amendment.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 17, after the word "forest," strike out the words "in which" and insert "within whose exterior boundaries."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF DISBURSING OFFICERS, WAR AND NAVY DEPARTMENTS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10429) authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARRETT of Texas. Mr. Speaker, reserving the right to object, I would like to get some information from the gentleman who reported this bill, the gentleman from Massachusetts [Mr. WALSH], from the Committee on the Judiciary. I will say that the report bears the earmarks of the bill having been well considered in the committee, in that it cites precedents for the passage of the bill beginning on March 3, 1849, and coming down to date. But the bill has this sweeping language in it:

To relieve disbursing officers or special disbursing agents of the War and Navy Departments from accountability or responsibility for losses occurring between April 6, 1917, and November 18, 1921, of funds or accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible.

In the report of the gentleman he says:

These suspended accounts in the two departments are more than 7,000 in number

But there is no mention whatever made of the amount of money involved. Then at the conclusion of his report I find these remarkable statements that I do not understand, and that is what I want to invite the gentleman's attention to:

The subject matter dealt with by this bill is purely one of accounting, the money involved in every instance having been disbursed.

Now comes this proposition. First—

The money involved in every instance having been disbursed.

And—

The enactment of the bill can give rise to no claims whatever against the Government. Further, the legislation in no way abrogates any of the rights of the Government to proceed against its agents where it has cause to do so.

I am wondering just what the bill would do. What effect would this bill have on these lost accounts, with nobody responsible, and everybody relieved, and the Government in no way estopped? What good would it do to pass the bill?

Mr. WALSH. If the gentleman desires information, I will state that with the many hundreds of thousands of transactions involving expenditures of Government money for war purposes, the accounting office finds when the accounts finally come to them the vouchers are missing; that bids and proposals do not accompany the accounts; that in many instances overpayments have been made of small amounts; and that in all these cases money has been paid and disbursed by the officers of the War and Navy Departments; that in some instances ships were torpedoed or sunk on the way back to the United States, having aboard large quantities of vouchers and supporting data. It is obviously impossible, of course, to have those produced in order to be filed in the accounting office. In other instances, small sums of money varying in amounts were given to Army officers when they were going out with small detachments of troops in order to have them buy coffee and rations—what is called "liquid coffee" money, in order to procure refreshments while they were out upon an expedition—and the officers in charge of the troops failed to get signed vouchers showing how the money was expended. His report shows he did expend a certain amount of money, but it is not separated by the vouchers from other data. Then, there are various other transactions in which the regulations and the law existing at the time were not complied with. But the expenditures of the money have been made. Now, the general accounting office states in the hearings before the Judiciary Committee that these accounts are known as "suspended accounts." They have all been filed with the comptroller, but he is not able to say upon the books of the Government what this money has been

expended for. He shows the money was placed to the credit of the War and Navy Departments, but it has not been expended because of losses or irregularities.

Mr. GARRETT of Texas. Is there anything before the committee to indicate the amount?

Mr. WALSH. Yes. The amount runs up into several hundreds of millions of dollars in toto—I am not sure, but nearly $2,000,000,000—of all classes of expenditures that were made during the war.

Mr. GARRETT of Texas. In view of the language used in the report, what would be the status of these claims if this legislation was never enacted?

Mr. WALSH. The Government would never be able to close its books. They would have these charges against the War Department and Navy Department, and the general accounting office would have 7,000 suspended accounts which are now disallowed because not in compliance with law or regulation, and they would go right along from year to year, or it would show from year to year that this tremendous sum and this vast number of accounts had never been closed.

I will say to the gentleman that the accounting officers will not construe this liberally. The assistant comptroller has stated that in every instance where it is possible to secure secondary evidence, if primary evidence is missing, the officers will be called upon to produce it, and that they will make a very earnest effort to do so because, of course, it is to the interest of the comptroller and of the accounting office to have these accounts in such a shape as to satisfy either a committee of Congress or the General Comptroller that everything pertaining to a transaction is proper and that there is no fraud or collusion apparent. So we inserted in the bill a provision that where it involves transactions of over $1,000 it can only be done on the recommendation of the Secretary of War or the Secretary of the Navy; that he must have in support of his action the recommendation of the head of the department in which the expenditure or transaction occurs.

Mr. GARRETT of Texas. Do I understand from the gentleman's statement that even after the passage of this act the department will construe it strictly and demand evidence?

Mr. WALSH. Yes. The Assistant Comptroller General stated that after this act is passed he would require the best evidence obtainable relating to each transaction. In many instances the evidence is already on file in the accounting office.

Mr. GARRETT of Texas. I submit to the gentleman as a member of the Committee on the Judiciary that under this act, as reported and if passed in this condition, if they could not settle all these accounts simply as a matter of bookkeeping under this act, and that no secondary evidence or any other kind of evidence need be required?

Mr. WALSH. Yes; but the gentleman will understand that the comptroller's office is the one bulwark, so to speak, that is standing out against all Government departments where an expenditure of money is made, and in these cases they will at least have to be satisfied of the absence of fraud and collusion, and also have to be satisfied that there is a loss or some irregularity that can not be explained or supplied by other data.

Mr. GARRETT of Texas. I wish to ask one further question, and I see other gentlemen have questions in mind to submit. After this act is passed suppose the Government has a charge against an officer of the Government for so many dollars where the vouchers have not been found, and he says that he did pay the amount of money that he says he paid, and the voucher was lost on a ship, or was lost in some way on a train from Philadelphia to Washington, or lost in any other way, but in the absence of all of that he pleads this statute, that Congress has relieved him of that matter, and you have no further evidence of it?

Mr. WALSH. Congress has not relieved him. It confers authority simply on the Comptroller General and leaves discretion with him as to when the relief will be granted. As I recall the hearings, the assistant comptroller said that it was very possible that there are cases pending of suspended accounts where, if the evidence is not forthcoming, the allowance or credits will not be granted.

I will say, if the gentleman will permit me further, that this is along the line of what Congress has found to be absolutely necessary to do after each war in which the Government has participated. It has found that bringing into the service a great number of men unfamiliar with Government accounting, and with great haste in the expenditure of money and great pressure connected with various transactions, a great many failures to comply with the law and regulations result.

Mr. GARRETT of Texas. I agree with the gentleman as to that, but in view of the fact that $2,000,000,000 is involved in this in a sweeping act to be passed like this on unanimous-consent day it might be well to have it explained.

Mr. WALSH. I am glad the gentleman asked the questions, and I am very glad to give him information.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to ask the gentleman as to the reason for extending the date down to as late a day as November 18, 1921?

Mr. WALSH. I will say to the gentleman that the request was to make the period range from April 6, 1917, to March 4, 1921, but when an examination was made of some prior acts it was found that the date was either extended to the termination of the war or the mustering of troops out of the service. I will say to the gentleman that it is better, inasmuch as it is to cover war expenditures, to include the duration of the war. The latter date is the day after the President's proclamation declaring that the treaties had been ratified and exchanged.

Mr. STAFFORD. I notice in some prior relief acts following other wars that the amount that could be checked off in this way is limited to $5,000, for example. Here you place no limit at all and allow the accounting officers to wipe out the entire amount. Can the gentleman tell us what is the largest amount in any case?

Mr. WALSH. The largest individual voucher, as I recall, was one for $97,000.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARNER. How much will be the total charge on the Treasury by virtue of the passage of this act?

Mr. WALSH. There will be no charge on the Treasury at all. This money has already been paid.

Mr. GARNER. Does the gentleman mean to say that by virtue of the passage of this law no money will go out of the Treasury?

Mr. WALSH. None. The money has already gone out of the Treasury, and in a number of instances overpayments have been made, and if this law is not enacted, of course, the Government would have a claim against the officer. There are several thousand of them. The overpayments run, I think, from a dollar up to $60 or $70.

Mr. GARNER. What would be the total amount of claims affected by this bill?

Mr. WALSH. I will say to the gentleman that there are 7,000 suspended accounts. Many of the accounts have thousands of separate items in them, and we were told that as to these disallowance sheets, in order for the Comptroller General to make a complete schedule for each account and present it to the committee, it will take from 5 to 10 clerks from two to three weeks to go over all these papers and classify them.

Mr. GARNER. But he could not give an estimate of the total amount of claims that would be settled under this bill?

Mr. WALSH. These are not claims, I will say to the gentleman from Texas. These are accounts. These are accounts that are suspended. It is shown in one case, which, I think, happened down in South Carolina or Georgia, that they purchased a large number of turkeys for the soldiers' Christmas or Thanksgiving dinner. They received the bill for the turkeys, showing that so many pounds of turkeys were supplied at so much per pound, and that so-and-so received so much money for them, but it was not accompanied by the bid and proposal to furnish those turkeys. Consequently that account was disallowed.

Mr. GARNER. The gentleman made the statement a moment ago that there were claims against certain officers of the Government, and that this would seek to relieve the officers from the claims. What is the total amount of claims pending against various officers of the Government?

Mr. WALSH. We were unable to get the total, but the claims in many instances are so small that it would cost a great deal more to institute proceedings to collect them than they are worth. They run in individual instances from $1 up to $60 or $70, which, if I remember correctly, is the maximum of any of these various claims resulting from overpayments or the expenditure of money irrespective of regulations.

Mr. STAFFORD. Does the testimony before the committee disclose how much is involved in suits that are now pending or that have been brought to recover excess payments where error or fraud is involved?

Mr. WALSH. There are no suits pending that have been brought to the attention of the committee, and if the Comptroller General finds any of these accounts to be tainted with fraud or collusion he is not authorized to apply this remedy.

Mr. NEWTON of Minnesota. I have in mind the case of an officer who in the handling of supplies was billed with them

and there was an error made in the extension. In settling the account that error was not discovered. He sold for cash and is only accountable for the cash which he disbursed. Three years after he left the Army the Government, noticing the error in the extension, charged him with the $100 which had been erroneously extended, and apparently they can not do anything except charge him with it, although they admit that there was an error in the extension and that he is not short in his cash account. I understand there are a large number of claims of that character.

Mr. WALSH. Errors in computation.

Mr. NEWTON of Minnesota. And the only way they can be settled is by legislative enactment.

Mr. WALSH. In a great many cases they are the result of errors in extension, in the carrying out of totals.

Mr. NEWTON of Minnesota. But so far as the Government is concerned, and so far as involving any substantial claim against the officer, there is nothing at all to it.

Mr. WALSH. No. We are advised that if there exist any instances where overpayment should be recovered, those claims when they are analyzed will be referred to the solicitor or the proper legal officer to institute proceedings.

Mr. CHINDBLOM. Will the gentleman yield for a moment?

Mr. WALSH. Yes.

Mr. CHINDBLOM. Some of the hardships in these cases have arisen, and, as I have personal knowledge, where paymasters in the Navy are involved.

Mr. WALSH. This includes the Navy Department.

Mr. CHINDBLOM. And the department has threatened to bring suit not only against the paymasters but against the sureties on their bonds, and these matters have been held in abeyance only upon the request of Members of Congress and others who have interceded. I consider this very important and desirable legislation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized, through such officer as he may designate, and within two years from the passage of this act, (a) to relieve disbursing officers or special disbursing agents of the War and Navy Departments from accountability or responsibility for losses occurring between April 6, 1917, and November 18, 1921, of funds, or of accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible; and (b) to allow credits, in the settlement of accounts of said officers or agents, for payments made in good faith on public account during said period, notwithstanding failure to comply with requirements of existing law or regulations pursuant thereto: *Provided*, That in cases of losses or payments involving more than $1,000 the Comptroller General shall exercise the authority herein only upon the written recommendation of the Secretary of War or the Secretary of the Navy, which recommendation shall also set forth the facts relative to such loss or payment: *Provided further*, That the Comptroller General in all cases shall certify that the transactions, expenditures, losses, or payments appear to be free from fraud or collusion.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. WALSH, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. J. M. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Post Office bill, including the printing of some letters.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the Post Office bill. Is there objection?

There was no objection.

Mr. HAUGEN and Mr. MAPES rose.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. I have a bill on the calendar.

The SPEAKER. The Chair will recognize the gentleman from Iowa [Mr. HAUGEN].

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MAPES. Will the gentleman withhold that for a moment?

Mr. MANN. I suggest to the gentleman from Michigan that his matter will be reached later.

The SPEAKER. The Chair is going to recognize the gentleman from Iowa [Mr. HAUGEN].

Mr. GARRETT of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present.

CALL OF THE HOUSE.

Mr. HAUGEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Frear	London	Rearis
Anderson	Funk	Longworth	Reber
Ansorge	Gallivan	Lowrey	Riordan
Anthony	Glynn	Luhring	Robertson
Bacharach	Goldsborough	Lyon	Rogers
Bell	Gould	McKenzie	Rossdale
Bexham	Green, Iowa	McLaughlin, Pa.	Ryan
Bond	Greene, Mass.	McSwain	Sabath
Bowers	Hadley	MacGregor	Sanders, N. Y.
Brennan	Hawes	Madden	Siegel
Britten	Hawley	Mansfield	Siemp
Brooks, Pa.	Hays	Martin	Snell
Bulwinkle	Himes	Michaelson	Speaks
Burdick	Ireland	Moore, Va.	Stevenson
Burke	Jeffers, Ala.	Morin	Stiness
Butler	Jones, Pa.	Mudd	Sullivan
Campbell, Pa.	Jones, Tex.	Norton	Taylor, Ark.
Cantrill	Kahn, Calif.	O'Brien	Taylor, Colo.
Chandler, N. Y.	Kelley, Mich.	Ogden	Tillman
Chandler, Okla.	Kendall	Olpp	Timberlake
Clague	Kiess	Padgett	Upshaw
Clark, Fla.	Kitchin	Parker, N. J.	Valle
Cockran	Knight	Parker, N. Y.	Vare
Codd	Kopp	Parrish	Vestal
Coughlin	Kraus	Patterson, Mo.	Volk
Cramton	Kreider	Perkins	Ward, N. Y.
Crowther	Kunz	Perlman	Watson
Cullen	Lampert	Petersen	White, Me.
Drane	Lankford	Porter	Williamson
Drewry	Larson, Minn.	Pou	Wingo
Dunn	Layton	Pringey	Wise
Edmonds	Lazaro	Radcliffe	Wurzbach
Ellis	Lea, Calif.	Rainey, Ala.	Yates
Fairfield	Lee, N. Y.	Ramsey	
Fenn	Linthicum	Rayburn	

The SPEAKER pro tempore. On this call 292 Members have answered to their names. A quorum is present. Without objection, further proceedings under the call will be dispensed with.

There was no objection.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 10161) authorizing the use of special canceling stamps in certain post offices.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7158. An act to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor; and

H. R. 8842. An act to provide for agricultural entries on coal lands in Alaska.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 125. Joint resolution to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law;

S. 2492. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921; and

S. 1312. An act to amend the charter of the Potomac Insurance Co. of the District of Columbia.

PURCHASE OF SEED FOR THE RELIEF OF FARMERS.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and pass the bill S. 2897, striking out all after the enacting clause and inserting the following——

The SPEAKER pro tempore. The gentleman from Iowa moves to suspend the rules, pass the bill S. 2897, striking out all after the enacting clause and inserting the matter to be reported by the Clerk.

The Clerk read as follows:

AN act (S. 2897) to authorize the appropriation of $1,000,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized, for the crop of 1922, to make advances or loans to farmers in the crop-failure areas of the United States, where he shall find that special need for such assistance exists, for the purchase of wheat, oats, barley, and flaxseed, for seed purposes, and, when necessary, to procure such seed and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including

an agreement by each farmer to use the seed thus obtained by him for the production of grain or flaxseed. A first lien on the crop to be produced from seed obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $300. All such advances or loans shall be made through such agencies as the Secretary of Agriculture shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,000,000, to be immediately available, and not more than $20,000 may be used in the District of Columbia or elsewhere by the Secretary of Agriculture in the administration of this act.

SEC. 2. That any person who shall knowingly make any false representation for the purpose of obtaining an advance, loan, or sale under this act shall, upon conviction thereof, be punished by a fine of not exceeding $1,000 or by imprisonment not exceeding six months, or both.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the motion to suspend the rules may include the following amendment to the title:

Strike out the word "appropriate" in the first line of the title and insert the words "to authorize the appropriation of."

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the motion to suspend rules may include a motion to amend the title which the Clerk will report.

The Clerk read as follows:

Strike out the word "appropriate" and insert in lieu thereof the words "to authorize the appropriation of."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is a second demanded?

Mr. JACOWAY. Mr. Speaker, I demand a second.

Mr. HAUGEN. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is entitled to 20 minutes and the gentleman from Arkansas to 20 minutes.

Mr. HAUGEN. Mr. Speaker, the Senate bill carried an appropriation of $5,000,000; the bill as amended carries $1,000,000 for the purchase of seed for the farmers in these drought-stricken areas where they lost their crops. It provides that the loan shall be made on terms prescribed by the Secretary of Agriculture. Two million dollars were advanced last year and up to the present time more than $600,000 of it has been collected. Judging from the correspondence received, there seems to be an urgent demand for the appropriation.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. JOHNSON of Mississippi. The hearings show that $2,000,000 were advanced and $600,000 collected. The statement of the party representing the Agricultural Department was that the probabilities were that the Government would lose the other $1,400,000.

Mr. HAUGEN. The Secretary of Agriculture appeared before the committee and stated that over $600,000 had been collected of the $1,900,000 loan, and that it was probable that other collections would be made, but he did not state definitely what amount.

Mr. JOHNSON of Mississippi. The representative of the Agricultural Department who appeared before the Committee on Appropriations in this matter stated that they had not had a crop within four years, and that probabilities were that it was longer than four years, and that these places where they are loaning the money are not suited to raising grass and oats but adapted to grazing.

Mr. HAUGEN. I am familiar with the situation. In some localities that is true, but in some areas they have had crops. They had a fairly good crop a year ago in the western part of North Dakota, where they had in some instances as high as 20 bushels to the acre.

Mr. JOHNSON of Mississippi. Is it not a fact that the banks out there loaned the money to these farmers to make these crops and to buy the seed, and that they had all the seed and instead of loaning the money to the farmers the actual fact is the money was deposited in the banks and the banks gave them credit and took the money?

Mr. HAUGEN. I have no knowledge of that.

Mr. JOHNSON of Mississippi. I understand they admitted that fact before the Appropriations Committee, that instead of the farmers getting the money the banks got it. What does the gentleman say?

Mr. HAUGEN. I have no knowledge of it whatever. It was loaned through the banks, and I assume the banks loaned the money to the farmers or furnished the seed. Mr. Speaker, I reserve the balance of my time.

Mr. JACOWAY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, last year we passed an appropriation bill giving $2,000,000 for the purchase of seed for these same States. Recently we had a hearing before the Appropriations Committee as to the administration and expenditure of that fund. We found that about $50,000 of that has been spent for overhead administration expenses. We found that it cost about $130 per farmer advanced for supposed purchase of seed. We found that they loaned to about 13,900 farmers money to buy seed, and we found that they collected back of that fund about $600,000, making a loss to the Government of a million and a quarter dollars on that enterprise. We further found at this hearing that this money, or a great portion of it, did not go for the purchase of seed to the farmers themselves, but the date was so late that the farmers already had the seed by virtue of advances from the banks or merchants and business men, and these bankers who had advanced money got the cash from the Government and credited the farmers' accounts with it. These facts appeared in the hearings before the Appropriations Committee a few days ago. We further find that not since 1916 has this particular section of our country made a success of farming, and, further, that it is a grazing and not an agricultural country; that the great majority of Government advances are to landowners.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. BURTNESS. I understood the gentleman to say that the overhead expenses amounted to about $50,000.

Mr. BUCHANAN. That is correct.

Mr. BURTNESS. I have here a letter from the chairman of the seed-loan committee and the chief of that department, in which he states that the expense involved in making the loans was approximately $10,000, with about $5,000 additional for recording the chattel mortgages taken on crops as security for the repayment of loans.

I can not quite see why there should be such a difference between the recollection of the gentleman and the statement of a member of the department who was in charge of this work, or why the discrepancy between the testimony as appears from the statement.

Mr. BUCHANAN. I care not what the letter states. I am telling what appears in the hearings; and if the gentleman will take the hearings recently held before the Committee on Agriculture, on page 833, he will find that it is stated there that $50,000 approximately has all been used up in making loans, recording mortgages, and collecting those mortgages.

Mr. MANN. There has been about $30,000 expended in making the collection.

Mr. BUCHANAN. Thirty thousand dollars in making the collection and the balance of it in making the loans. That is the administrative overhead charge, and it is entirely too much. If we pass this bill authorizing this $2,000,000 appropriation we must do it realizing that we get more than one-quarter, or at the most one-half, of the money back. If we are going into the alms business, let us make it general and treat all sections of the country alike. We have poverty in the big cities of the land and throughout the farming sections; and if we are going to dispense alms, let us treat them all alike, and not select four States of the Northwest to shower favors upon. Farming in that country is a failure, and will be until irrigation comes; and the longer we keep this up the greater injustice we are doing.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. HAUGEN. Mr. Speaker, I call the attention of the gentleman to the proviso in the bill that not more than $20,000 may be used in the District of Columbia and elsewhere by the Secretary of Agriculture in the administration of this act.

I yield one minute to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Speaker, the greatest achievement of the Harding administration is the work of the Conference on Limitation of Armament as concretely embodied in the treaties submitted to the Senate by the President for ratification. This achievement reflects great credit upon the Republican Party, of which President Harding is the chief, but it is not alone a party achievement; it is a nonpartisan, American achievement, in which Senator UNDERWOOD, Democrat, cooperated with Senator LODGE, Republican, for the benefit of America and the whole world. [Applause.] Through these two Senators, representing the two great parties in this Nation, the Senate performed a constitutional function in assisting in the preparation of the treaties which it now has before it for final ratification. Theodore Roosevelt said that no man with any sense wanted war, and I think the American people feel that no man to-day who

thinks with large vision can possibly oppose the greatest step toward peace which has been made since the ending of the World War.

The Senate rules permit unlimited debate, and that sometimes means more or less inconclusive talk, but I can not conceive that ultimately the Senate will vote against the treaties which embody the work of the Conference on the Limitation of Armament; I can not conceive that Democratic Senators will vote to disapprove the work of Senator UNDERWOOD, for this is not a time for party or personal politics in the Senate. Nor can I conceive that any Republican Senator will vote against these treaties and be able still to claim to be a member of that party, of which Harding, Hughes, Root, and Lodge are leaders. Should any Senator from Maryland vote against these treaties, I feel sure that he would not represent the sentiment of the people of that historic State of Maryland, whose soldiers fought under that same Washington, whose principles of Government are today so often misinterpreted. I feel that we here in the House, in this crucial moment of the consideration of the treaties, should let our Senators know that we stand for the treaties.

On Wednesday, November 23, 1921, here in the House I quoted from the words of the President, "Less of armament and none of war," and I said that thus while the hush of sorrow for the unknown American soldier dead still hung over us the President of the United States, speaking to all the peoples of the world, voiced, as he opened the Conference on Limitation of Armament, the aspiration and the policy of the American people. Echoing his expression of our policy of peace, throughout the land rose a prayer against war:

> O God of Love, O King of Peace,
> Make wars throughout the world to cease;
> The wrath of sinful men restrain,
> Give peace, O God, give peace again.

I rise to say to you to-day that the people of Maryland and, I believe, the whole American people are behind the President and the work of the Conference on Limitation of Armament and desire the immediate ratification of the treaties. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, we try our best to have our land settled on and cultivated. We have a large area of land in the country which is not as tillable as the land in the section of the country from which I come. Men have gone out to this—I would call it—semiarid region, pledging their lives and all they have in the effort to cultivate the soil, not merely in their own interest but in the interest of the country and the whole people. They have undertaken a task commensurate with any of the tasks of the old pioneers. I sometimes have wondered at their courage and their hardihood. Comes along a time when these men, with no accumulation of property, meet with adverse climatic conditions. They can not raise a crop. In the course of time we will perhaps better learn how to handle the soil or the cultivation of the soil in those localities. I can remember back to the day when the pioneers who went to western Kansas came flocking back to the eastern portion of the country, and yet civilization and man have practically captured Kansas and the cultivation of the soil there. These men who meet these temporary failures of crops must either leave the ground there bereft or they must be helped by some one. They are asking now that we give them the money with which to buy the seed to sow. We just appropriated $20,000,000 to furnish corn for consumption and for seed to the starving in Russia. We have frequently appropriated money to aid where there was famine or drought in foreign lands. Here it is close at home among our own people, and I like to think that the great mass of American citizenship and the great country and the Government are willing in time of necessity to give a man another chance, not to drive him out to starvation, but to give him a chance to sow the seed and cultivate the soil and, let us hope, reap the crops. I think the people there have been extremely moderate in their requests and I believe that we are big enough to do this. [Applause.]

Mr. JACOWAY. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, I think this bill should be termed a bill for the relief of the Nonpartisan League of North Dakota. The reason I make that statement is because I have read the Senate hearings on the bill, and there are 29 letters and telegrams printed in those hearings asking for legislation of this kind. Every one of them is from the State of North Dakota. I have not opposed and do not expect to oppose constructive legislation for the benefit of the farming interests of the country. I gladly voted for the bill which passed the House several months ago directing the Secretary of the Treasury to deposit up to $25,000,000 with the farm loan banks during periods when their funds run low and they are waiting to sell their bonds, such sums of money to be repaid to the Treasury when the bonds are sold. That legislation is working well and will not cost the Treasury of the United States any loss and is wise and constructive relief. I voted for the provision amending the War Finance Corporation act so as to enlarge and extend its facilities for making agricultural and live stock advances, and as a member of the Committee on Banking and Currency I assisted in every way I could to get that legislation passed. It is along proper lines; the Government will not lose any money by this operation, and the loans which the corporation is making are materially relieving the financial pressure in the agricultural and live stock States.

Let us see what the War Finance Corporation is doing in the State of North Dakota. I received a letter a few days ago from Mr. A. W. McLean, one of the managing directors of the War Finance Corporation, and he says that up to the date of his letter—February 14, 1922—there has been loaned for agricultural and live-stock advances to banking and financial institutions in the United States $154,000,000, and something over $48,000,000 to cooperative organizations of farmers throughout the country. The State of North Dakota has borrowed of this amount $12,460,000, which is more than any other State except the State of Iowa, which State has borrowed $19,500,000, in round numbers.

We all know that the State of Iowa, next to the State of Texas, produces the largest amount of agricultural products of any State in the Union, and naturally we would expect large loans there; but the State of North Dakota, which takes much smaller rank in the value of its agricultural products, is ahead of even the State of Texas in this borrowing from the War Finance Corporation, Texas having borrowed $12,313,000. I submit that these figures show that we have provided ample means to take care of the North Dakota and Montana situation without making a direct appropriation of this kind. The overburdened taxpayer is needing some relief himself, and we will certainly never be able to give it to him if we keep on voting money out of the Public Treasury. I therefore shall vote against this bill. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Will the gentleman from Arkansas yield some of his time?

Mr. GARRETT of Tennessee. Has the gentleman only one more speech on his side?

Mr. HAUGEN. The gentleman from Arkansas has 12 minutes and I have 8. Will he use part of his time?

Mr. JACOWAY. Has the gentleman one more speech?

Mr. HAUGEN. Probably two. I yield three minutes to the gentleman from Montana [Mr. RIDDICK].

Mr. RIDDICK. Mr. Speaker and gentlemen, if it were not for the fact that there is a real emergency in this western country, I would not ask for this legislation. In the State of Montana there are 30,000,000 acres of agricultural land, a section as large as the State of Illinois or of New York. Some of this agricultural land is equal to the best farm land in the United States. Land-hungry people have gone to that western country from every State in the Union——

Mr. JACOWAY. If the gentleman will permit a moment. I stated there was only one more speech, whereas I find there will be two more.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RIDDICK. I do not.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. GARRETT of Tennessee. I ask that this be not taken out of the time. The gentleman from Arkansas simply wanted to correct an error which he had made, and I hope it will not be taken out of the time of the gentleman from Montana. The gentleman from Arkansas inadvertently stated that there would be only one other speech on this side. He was under a misapprehension, as he later ascertained that there would be two, and he wanted to correct that error. We want to tote fair in the matter.

Mr. RIDDICK. People in search of homes of their own have gone to Montana and other western country from every State in the Union. As a rule, they are people of very limited means. Severe and unusual drougths have temporarily blighted portions of that country for a period of years, until of my own personal knowledge I am able to advise you that there is actual want and suffering, and unless relief is afforded there is certain to follow more of real suffering that should appeal to the Congress.

In those sections the land and homes and all the other property is mortgaged to the limit. All assets have been exhausted except the fine courage, the splendid determination, and the

eternal hope of those pioneer people. They do not want to abandon their homes and depopulate that country and add to the numbers of destitute unemployed. They are willing to continue uncomplainingly to face hardships and privations, to labor long hours, and to courageously carry on in their laudable efforts to make for themselves happy farm homes in that new country, which is a part of the United States of America. But they have expended all of their means and all of their credit. They have the land and the tools and the will to work, but they have no seed for spring planting, and they have no way to get any, unless the Federal Government will now come to their aid. They ask no charity or alms. They do ask a modest loan for each needy farmer, who will repay the loan as soon as he will raise a crop. Without this aid their last hope is gone. Homes will be lost to them forever. There will be hunger and suffering, and want will be actually felt right here in our own land, and whole sections will be depopulated.

I much regret the fact that every speech that has been made against this measure has come from the Democratic side of this House, and that the Democratic floor leader is seeking to unite his party to defeat this bill. The northwestern farmer has learned during the past eight years to expect little interest in his welfare and section of the country from the party that looks to the South for its leadership. But in a case like this, where there is actual want and suffering, it seems to me that sectional lines and party lines should be forgotten in a general desire to deal as generously with our own people in their hour of need as we have been ready to help those in Russia.

This measure provides that as much as $300 may be loaned to farmers who have suffered crop losses, and who have no means or credit whereby they may secure seed to carry on further farming operations. The loan is to be secured by a lien on the crops to be raised. The loans are to be made by the Secretary of Agriculture under regulations he shall prescribe. There are many precedents for this kind of legislation to prevent suffering. Last year a similar loan was made, and much suffering and great losses were prevented, and nearly half of the money loaned has been paid back into the Treasury. It is thought this loan will be the last that will be necessary in this section of the country. We have not loaned, but have given generously to alleviate suffering and save life in Russia and other foreign countries, and we can not in justice turn a deaf ear to actual suffering among our own people and their requests for a loan, which they will repay, so they may feed themselves, and save their homes, and work out their own salvation.

The particular section of country where these loans are needed are in portions of the Dakotas and in eastern Montana. In some of these sections there have been four successive years of drouth. That country is not settled through real estate dealers, but by men and women of all the States, who have read Uncle Sam's official documents, and who then have migrated to that western country and settled upon Government homestead land to satisfy their longing to own a farm home that they could call their own. Most of these people are poor, and most of them are young folks. They lack the money to purchase live stock or machinery to carry on diversified farming, erect silos, or to carry them through bad years. They are compelled by the force of circumstances to confine their labor largely to the raising of wheat as a quick money crop.

Some sections of Montana hold the world's record at national and international grain shows for raising the finest grades of wheat, oats, barley, corn, flax, and timothy in the world. First prizes have been taken by Montana grain in competition with all other States and with all countries of the world. Moreover, for a 10-year period immediately preceding the drougth years the official statistics published by the United States Department of Agriculture show that Montana holds the record for larger yields per acre of wheat, oats, rye, potatoes, and hay than any other State in the Union.

In view of those established facts, it is not strange that people flocked to that country from every State and sought to make a successful farm home for themselves on Uncle Sam's domain, in a section that had made such a remarkable record for agricultural production. In addition to its mountains and forests and ranges, Montana has 30,000,000 acres of farm land, a territory as large as the State of Illinois, Wisconsin, or New York, and over that vast territory are many varieties of soil, altitude, rainfall, and climatic conditions.

Although this great territory was formerly all regarded as an arid country and a part of the great American desert, unsuitable for farming, it has been demonstrated that parts of the State have land and climate unexcelled by any other State in the Union for quality and quantity of crop production. But during the past five years in parts of the State there have been some most unusual and distressing conditions. There has been a new low record made for lack of rainfall. In some sections crops that gave promise of generous yield were later eaten up completely by grasshoppers. During last summer, at the time when the wheat kernels were in the milk, there were several days of unprecedented hot and dry winds that shriveled up the kernels, resulting in complete failure of the crop to produce a bushel of wheat. In still other sections fine fields of wheat already turning a golden brown and almost ready to be harvested, were swept by terrific hailstorms and the crops completely destroyed.

During the war, at the request of the Government, these farmers strained their resources and their credit and the resources and credit of their banker and merchant friends in order to raise grain more abundantly to help win the war. This they continued to do despite the fact that the Government fixed the price of the wheat they raised at less than the market price, and in some cases less than the cost of production, while at the same time permitting the prices of everything the farmer had to buy to soar without limit. The droughts following the war period of high costs have brought many of these farmers to absolute ruin and to a state where there is absolute hunger and lack of necessary clothing and real suffering. They are about to lose their homes, and they have no place to turn. They literally have no more assets and can secure no more credits from any source unless the Government gives aid. The banks and the merchants can go no further. The State has authorized the counties to aid, and the counties have given aid until they can go no further. The War Finance Corporation, through reconstruction legislation passed by this Congress, has been able to splendidly meet the needs of the larger live-stock men of the West, of the sugar-beet raisers, and of the cotton planters of the South, but have been absolutely unable to give loans to the small farmers in drought-stricken sections of the Northwest who have no liquidable assets as a basis for credit.

As a public policy it would be a mistake to permit the farmers who have settled upon and made their homes upon the land in these pioneer sections of country to leave their homes destitute and to add to the suffering and the unemployment in the country, as they will be compelled to do unless aid is given. No one dare say in the light of the agricultural experience of this country that this or that locality will not permit of successful farming. Such things were said of parts of Kansas, Nebraska, the Dakotas, and of Montana, that have since become recognized as among the successful farming sections of our country. Some of these sections were totally abandoned and again resettled. True, it is costly to make the experiment to determine how to successfully farm in new and undeveloped country, and it is a costly experiment sometimes to discover if a country will make a success as a farming country. It is costly not alone in money, but in sacrifice, in hardships, and in the hardest kind of toil, as I can personally testify as one who has developed a home from the open land of the public domain. The western home seekers are willing to make the attempt, and as a public policy they should be given every reasonable encouragement. In view of the unusual hardships that have overtaken some of them, that have now brought them to actual suffering and want, it is time for the Government to step in and give a loan to those who still desire to continue the experiment and who have not the seed wherewith to continue longer. There is precedent for this kind of legislation. A similar loan was made last year in certain sections of the West. It accomplished untold good in preventing loss of homes and actual suffering and in preventing a depopulation of large sections of country. Nearly one-half of that loan has been paid back into the Treasury, and practically all would have been paid back had it not been for the losses occasioned by hail, grasshoppers, hot winds, and drought, all of which were unusual and extraordinary conditions that were met by these pioneer farmers last year. Loss and actual suffering will be saved, the country will not be depopulated, homes will not be abandoned, if this bill is passed promptly, and most, if not all, the money loaned in this worthy cause will promptly be repaid, and in the hearts of thousands of loyal American citizens there will be established increased love and regard for their country, which came to their aid generously in the hour of their distress and need.

Mr. JACOWAY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Speaker and gentlemen of the House. I think in the light of the evidence before the Committee on Agriculture there is no doubt but what a very serious situation confronts many farmers of the Northwest, but at the same time I think it will dawn upon every man who has given any study to the agricultural interests of this country that a serious condition confronts the farmers all over the country. Now, an amendment to the agricultural appropriation bill came into the House last year and we appropriated $2,000,000 with which

to purchase seed for the farmers of the Northwest, and I do not want any Member to deceive himself by this bill. It is a question of whether you are going to embark on this policy or not, because talk about this being a loan, it is going to be a gift, and it is a question, if you are going to embark upon that policy why make the farmers of the Northwest wards of the Government and the farmers of the other parts of our country not only not the wards of the Government but contribute their share of the taxes to pay this. There is a bill pending before the Committee on Agriculture now to relieve the farmers who were the beneficiaries of the appropriation of last year of the $2,000,000 from the payment of this seed bill. If this becomes the law, these same fellows next year will be before the Congress again wanting to be relieved of this situation.

Mr. RIDDICK. I want to say to the gentleman that the bill pending before the Committee on Agriculture provides for the relief of those who had an absolute failure this year, and more than one-half——

Mr. KINCHELOE. Absolutely relieves those who had a failure. Then others want to put in an amendment reimbursing those who have already paid in money and give it back to them. This bill as it originally passed the Senate—we know how legislation is conducted over there—provided for $5,000,000 as it came to our committee, and the other day the Agricultural Committee, not unanimously, however, reported this bill to the House carrying $2,000,000, with the provision that not over $1,000,000 should be used for the purchase of feed for live stock.

One man came before the Committee on Agriculture carrying a message from some of the farmers of the Northwest, saying, "If you do pass this bill limiting the amount to $300 to each farmer, do not compel him to buy seed with it, but give him a part of that $300 with which to buy stock." I live in a section where the agricultural interests are in bad shape. I have seen the tenants of the tobacco fields of Kentucky and Tennessee absolutely on the verge of starvation, not making as much as 20 cents a day. Every man here who represents an agricultural district knows the condition of the farmers. As a Member of Congress are you going to put the hands of the farmers of the Northwest into the Government's Treasury in order that they may be relieved, granting that they are in bad shape, and take the money from your farmers who are already overburdened with taxes and get no relief at all? I agree with the gentleman from Texas [Mr. BLACK]. I am for all agricultural legislation that is of a constructive character and that will do something to relieve the great agricultural interests of the country, no matter whether they live in the Northwest or in the East or the South or the central part of the United States, but we should not embark upon a policy like this. One of the other bills that is pending before our committee is to fix the price of agricultural products. These same people are for that. They say to you, "Give us money to buy seed; let us raise the crop, and then guarantee a minimum price for the crops that we raise, and if the law of supply and demand does not bring that minimum price, then Uncle Sam shall go in his pocket again and make the guaranty good." That is the policy you are establishing. As I say, do not deceive yourselves. Whenever you vote for this as a loan you are voting it as a gift. That is the question for you to decide on this proposition. As a true friend to all the farmers of the country I can not support this discriminatory legislation.

Mr. JACOWAY. Mr. Speaker, I yield seven minutes to the gentleman from Tennessee [Mr. GARRETT], the remainder of my time. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, it seems to me, in all seriousness, that it is high time that those of us here, and particularly the responsible majority, who are disposed to make even a pretense of economy should step and inquire about this legislation, "Quo vadis—whither are we drifting?" This is the third time that precisely this character of relief has been suggested for that particular section of the country. Out of the President's fund, appropriated during the war if I remember correctly, there was set aside a certain amount—I do not recall now just what amount—to be loaned under the same conditions practically that are provided for in this bill. And, then, last year the Congress itself made a direct appropriation, as has been pointed out, of $2,000,000. Now, again, it is proposed this year to make an appropriation of $1,000,000. For what? To buy seed. Upon what basis? According to the testimony given before the Appropriations Committee by Mr. Warburton, 80 per cent of those who availed themselves of the fund last year were landowners. Now, there is not a word of testimony introduced before the Committee on Appropriations or, so far as I can ascertain, before the Committee on Agriculture to show that those landowners have exhausted their credit. Why is it the gentleman from Iowa [Mr. HAUGEN] can not present some facts to show destitution, if destitution exists? What more? It is only an exceptional year that grain crops can be made in this part of the country. It is not a grain-producing section. The same gentleman whom I quoted a few minutes ago said it was a grazing section. Of course, I suppose grain can be grown there. You could grow oranges in the potato region of Maine and crowd out the potatoes if you were willing to pay the price. But is that statesmanship? Bear in mind there is no destitution shown here. Bear in mind it was shown that last year before these loans were made the farmers had received credit from the banks, had borrowed money from their local banks with which to buy the wheat and other grain seeds, and by the time the Government fund got there they already had their seed on their own credit, and this Government fund simply operated to repay to the banks some of the credit that had been extended. The same thing will be true again this year, I dare say. And there is no way of getting all this money back.

The gentleman from Kansas [Mr. TINCHER] just a short while ago reported from the Committee on Agriculture a Senate bill designed to wipe out the debt that the Government holds against every man who did not make 5 bushels of grain, as I recall. In other words, it defines as a crop failure one that did not make 5 bushels per acre, and relieves the borrower of liability.

How far are we going with this, gentlemen? Where is the end to be? The gentleman from Illinois [Mr. MANN] spoke of it as though it were a case of suffering. The testimony does not show any such thing. There is nothing in the record to indicate it. It is really a matter of extending direct credits without there being even a showing that direct credit is extended. Already, as the gentleman from Texas [Mr. BLACK] pointed out, one of the States at least had been loaned large sums of money to be expended in this way. It is time, it seems to me, that there should be a cessation of this holding up the hands of the Government along these lines. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. HAUGEN. Mr. Speaker, I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for six minutes.

Mr. MONDELL. Mr. Speaker, beginning at about the one hundredth meridian there is a great territory where the settler has been called upon to carry on a great experiment. Can the country be farmed or must it be left to the uses of grazing wholly? From time to time crops have failed. When the failure was only for a year or two the people have been able to tide over the time of stress, but in the Dakotas and in Montana there has been a succession of failures, and the failures have come at a time when costs were high and what products were produced were very low in value. And as to some of the area in these States it is a question whether the settlers, homesteaders in a large number of cases, are to abandon their homes, abandon the struggle, or are to be given an opportunity to pursue the experiment that means so much to the country, much more to the country as a whole than to any one of them individually or all of them collectively.

Last year we appropriated $2,000,000 to loan to buy seed; and I think it speaks well for those people in a year of drought, they have repaid $600,000 of it and are steadily repaying. The gentleman from Tennessee [Mr. GARRETT] says that the funds we appropriated last year in some cases were paid to banks. That is true. The Secretary of Agriculture gave notice immediately upon the passage of the bill that where moneys were advanced to these settlers for the purchase of seed, those advancing them would be reimbursed in worthy cases. It was necessary to do that in order to have the seed purchased and supplied and sown; otherwise there might have been a delay that would have prevented cropping. That procedure was a wise one. It was necessary under the circumstances.

I hope we shall not be called upon to continue these loans, a part of which we shall inevitably lose. But we have been pretty liberal in other parts of the country. As some gentlemen who have already spoken have said, we have used some $6,000,000 or $7,000,000 of the people's money for the eradication of the boll weevil. We have spent millions of the people's money in the eradication of the Texas tick, and properly, for it is a scourge that ought to be eradicated in the interest of all the people. But we have given those funds. We have not loaned them. We have asked no man who has received the benefit of those funds to repay any part of them.

Here we are simply making a loan to these people in the hope that this small loan, which can not be over $300 in any individual case, will tide them over this trying period, will enable them to remain on their lands and fight out this contest, which will, we hope, prove that that great area need not be aban-

doned by the home builder, but may be utilized for the establishment of permanently prosperous homes, made prosperous by mixed farming. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired. The question is on agreeing to the motion of the gentleman from Iowa [Mr. HAUGEN] to suspend the rules and pass the bill with an amendment to the title and the text.

The question was taken.

The SPEAKER pro tempore. Two-thirds having voted, in the judgment of the Chair, in the affirmative——

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Tennessee asks for a division.

The House divided; and there were—ayes 107, noes 55.

The SPEAKER pro tempore. Two-thirds not having voted in the affirmative——

Mr. MONDELL. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Wyoming asks for the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present and voting.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present and voting. It is clear that there is no quorum present and voting. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the motion to suspend the rules and pass the bill with an amendment to the title and the text will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 191, nays 100, answered "present" 4, not voting 134, as follows:

YEAS—191.

Ackerman	Dempsey	Kline, Pa.	Rose
Almon	Denison	Knutson	Rosenbloom
Anderson	Dickinson	Lampert	Sanders, Ind.
Andrews, Nebr.	Doughton	Lawrence	Sandlin
Anthony	Dowell	Lea, Calif.	Schall
Arents	Dupré	Leatherwood	Scott, Mich.
Aswell	Echols	Lehlbach	Scott, Tenn.
Atkeson	Elliott	Lineberger	Shaw
Bankhead	Evans	Little	Shelton
Barbour	Fairchild	Logan	Shreve
Barkley	Faust	Lubring	Sinclair
Beck	Fairfield	McCormick	Sinnott
Beedy	Favrot	McFadden	Smith, Idaho
Benham	Fish	McLaughlin, Mich.	Smith, Mich.
Bird	Fitzgerald	McLaughlin, Nebr.	Smithwick
Bixler	French	Mann	Stedman
Boies	Fuller	Mapes	Steenerson
Brennan	Funk	Martin	Strong, Kans.
Briggs	Gahn	Michener	Strong, Pa.
Brooks, Ill.	Gensman	Miller	Summers, Wash.
Brown, Tenn.	Gernerd	Millspaugh	Sweet
Browne, Wis.	Graham, Ill.	Mondell	Swing
Burtness	Griest	Montoya	Taylor, Tenn.
Cable	Hardy, Colo.	Moore, Ill.	Temple
Campbell, Kans.	Haugen	Moore, Ohio	Thomas
Campbell, Pa.	Hawes	Morgan	Thompson
Cannon	Hayden	Mott	Tincher
Chalmers	Herrick	Murphy	Towner
Chindblom	Hersey	Nelson, A. P.	Valle
Christopherson	Hill	Nelson, J. M.	Vestal
Clague	Hoch	Newton, Mo.	Voigt
Clarke, N. Y.	Huddleston	Nolan	Volstead
Classon	Hukriede	O'Connor	Walters
Clouse	Hull	Oliver	Weaver
Codd	Jefferis, Nebr.	Osborne	Webster
Cole, Iowa	Johnson, Ky.	Patterson, Mo.	Wheeler
Cole, Ohio	Johnson, S. Dak.	Purnell	White, Kans.
Collins	Johnson, Wash.	Quin	Williams
Colton	Keller	Raker	Williamson
Cooper, Ohio	Kelly, Pa.	Ramseyer	Wilson
Cooper, Wis.	Kendall	Rankin	Wood, Ind.
Crago	Ketcham	Reece	Woodruff
Cramton	Kiess	Reed, N. Y.	Woodyard
Crowther	King	Reed, W. Va.	Wurzbach
Curry	Kinkaid	Rhodes	Wyant
Dallinger	Kissel	Riddick	Young
Darrow	Kleczka	Roach	Zihlman
Davis, Minn.	Kline, N. Y.	Robsion	

NAYS—100.

Andrew, Mass.	Crisp	Garrett, Tex.	Kirkpatrick
Appleby	Dale	Gilbert	Kraus
Begg	Davis, Tenn.	Glynn	Lanham
Black	Deal	Graham, Pa.	Larsen, Ga.
Bland, Va.	Dominick	Hammer	Lee, Ga.
Blanton	Drane	Hardy, Tex.	Luce
Bowling	Dyer	Hickey	McClintic
Box	Fess	Hicks	McDuffie
Brand	Fields	Hooker	McPherson
Buchanan	Fisher	Hudspeth	Madden
Burroughs	Foster	Hutchinson	Magee
Burton	Freeman	Jacoway	Maloney
Byrnes, S. C.	Frothingham	Johnson, Miss.	Merritt
Byrns, Tenn.	Fulmer	Kearns	Mills
Carter	Garner	Kennedy	Montague
Connally, Tex.	Garrett, Tenn.	Kincheloe	Moore, Va.
Moores, Ind.	Rouse	Stephens	Tinkham
Oldfield	Rucker	Stevenson	Tyson
Overstreet	Ryan	Stoll	Underhill
Paige	Sanders, Tex.	Sumners, Tex.	Vinson
Park, Ga.	Sears	Swank	Walsh
Parks, Ark.	Sisson	Tague	Ward, N. C.
Rainey, Ill.	Snyder	Taylor, N. J.	Wason
Ransley	Stafford	Tillman	Winslow
Ricketts	Steagall	Tilson	Woods, Va.

ANSWERED "PRESENT"—4.

Cockran	Collier	Gorman	Humphreys

NOT VOTING—134.

Ansorge	Free	Lee, N. Y.	Rayburn
Bacharach	Gallivan	Linthicum	Reavis
Bell	Goldsborough	London	Reber
Blakeney	Goodykoontz	Longworth	Riordan
Bland, Ind.	Gould	Lowrey	Robertson
Bond	Green, Iowa	Lyon	Rodenberg
Bowers	Greene, Mass.	McArthur	Rogers
Brinson	Greene, Vt.	McKenzie	Rossdale
Britten	Griffin	McLaughlin, Pa.	Sabath
Brooks, Pa.	Hadley	McSwain	Sanders, N. Y.
Bulwinkle	Harrison	MacGregor	Siegel
Burdick	Hawley	Mansfield	Slemp
Burke	Hays	Mead	Snell
Butler	Himes	Michaelson	Speaks
Cantrill	Hogan	Morin	Sproul
Carew	Husted	Mudd	Stiness
Chandler, N. Y.	Ireland	Newton, Minn.	Sullivan
Chandler, Okla.	James	Norton	Taylor, Ark.
Clark, Fla.	Jeffers, Ala.	O'Brien	Taylor, Colo.
Connell	Jones, Pa.	Ogden	Ten Eyck
Connolly, Pa.	Jones, Tex.	Olpp	Timberlake
Copley	Kahn	Padgett	Treadway
Coughlin	Kelley, Mich.	Parker, N. J.	Upshaw
Cullen	Kindred	Parker, N. Y.	Vare
Drewry	Kitchin	Parrish	Volk
Driver	Knight	Patterson, N. J.	Ward, N. Y.
Dunbar	Kopp	Perkins	Watson
Dunn	Kreider	Perlman	White, Me.
Edmonds	Kunz	Petersen	Wingo
Ellis	Langley	Porter	Wise
Fenn	Lankford	Pou	Wright
Focht	Larson, Minn.	Pringey	Yates
Fordney	Layton	Radcliffe	
Frear	Lazaro	Rainey, Ala.	

So, two-thirds not voting in the affirmative, the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. CHANDLER of Oklahoma with Mr. MEAD.
Mr. DUNBAR with Mr. WISE.
Mr. EDMONDS with Mr. KINDRED.
Mr. SPEAKS with Mr. BULWINKLE.
Mr. VARE with Mr. DRIVER.
Mr. MACGREGOR with Mr. SULLIVAN.
Mr. MORIN with Mr. PADGETT.
Mr. COUGHLIN with Mr. TAYLOR of Colorado.
Mr. HOGAN with Mr. JONES of Texas.
Mr. NORTON with Mr. LONDON.
Mr. RADCLIFFE with Mr. LINTHICUM.
Mr. OGDEN with Mr. RAINEY of Alabama.
Mr. VOLK with Mr. RAYBURN.
Mr. ROSSDALE with Mr. MANSFIELD.
Mr. PORTER with Mr. LYON.
Mr. PERLMAN with Mr. SABATH.
Mr. TREADWAY with Mr. COLLIER.
Mr. LANGLEY with Mr. CLARK of Floria.
Mr. BUTLER with Mr. WRIGHT.
Mr. ELLIS with Mr. HUMPHREYS.
Mr. DUNN with Mr. O'BRIEN.
Mr. IRELAND with Mr. BELL.
Mr. PATTERSON of New Jersey with Mr. CULLEN.
Mr. SNELL with Mr. UPSHAW.
Mr. MICHAELSON with Mr. LAZARO.
Mr. FORDNEY with Mr. MCSWAIN.
Mr. KREIDER with Mr. CAREW.
Mr. FREE with Mr. GALLIVAN.
Mr. MUDD with Mr. RIORDAN.
Miss ROBERTSON with Mr. DREWRY.
Mr. KAHN with Mr. BRINSON.
Mr. CONNOLLY of Pennsylvania with Mr. POU.
Mr. HIMES with Mr. TEN EYCK.
Mr. GORMAN with Mr. GOLDSBOROUGH.
Mr. BACHARACH with Mr. CANTRILL.
Mr. BLAND of Indiana with Mr. PARRISH.
Mr. CONNELL with Mr. TAYLOR of Arkansas.
Mr. BLAKENEY with Mr. HARRISON.
Mr. KNIGHT with Mr. LANKFORD.
Mr. MCARTHUR with Mr. WINGO.
Mr. REBER with Mr. GRIFFIN.
Mr. OLPP with Mr. KUNZ.
Mr. GREENE of Massachusetts with Mr. KITCHIN.
Mr. SPROUL with Mr. LOWREY.
Mr. HAYS with Mr. JEFFERS of Alabama.

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, I am paired with my colleague [Mr. BUTLER], but I understand that if he were present he would vote "yea," and as I have voted in the affirmative, I desire my vote to be recorded.

The result of the vote was announced as above recorded.

COAST GUARD STATION ON GREEN BAY, WIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2874) to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WALSH). Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, this is to authorize a Coast Guard station at Green Bay, Wis. It is usual to carry a limitation of cost in bills of this character. There seems to be no limitation of cost in this bill. I notice that the Secretary of the Treasury estimates the cost of the buildings and equipment at $35,000. Is the gentleman in charge of the bill willing to agree to an amendment providing that the limit of cost of the station buildings and equipment thereof shall be $35,000?

Mr. MAPES. Mr. Speaker, it is the testimony of the captain commandant of the Coast Guard Service that that will be the limit of cost, and I see no particular objection to putting that amendment into the bill.

Mr. MANN. Very well. I have no objection to the consideration of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis., in such locality as the captain commandant of the Coast Guard may recommend.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: At the end of the bill add the following: "At a limit of cost for station buildings and equipment thereof of $35,000."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDIANA HARBOR, IND.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2993) authorizing a modification of the adopted project for Indiana Harbor, Ind.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent for the present consideration of Senate bill 2993, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the project adopted in the river and harbor act of June 25, 1910, for the improvement and maintenance of Indiana Harbor, Ind., is hereby so modified as to eliminate that part of the projected inner canal extending from the northwest corner of the southwest quarter of section 20, township 37 north, range 9 west of the second principal meridian, westwardly to Lake George; and the Secretary of War is hereby authorized to quitclaim and convey to local interests, on such terms and conditions as he may deem just and equitable, the rights of way which have been heretofore donated by local interests to the United States for the said section of the canal and for connecting the said Lake George with Wolf Lake.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARNER. Mr. Speaker, I understand this is a unanimous report from the Committee on Rivers and Harbors?

Mr. WOOD of Indiana. The bill passed the Senate unanimously and is also unanimously reported from the Committee on Rivers and Harbors.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. WOOD of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

REQUEST TO EXTEND REMARKS.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed an editorial published in the Boston Evening Transcript on March 3 entitled "Our Republican House."

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

Mr. GARNER. Will the Chair state the purpose?

The SPEAKER. To publish in the RECORD an editorial from the Boston Transcript entitled "Our Republican House."

Mr. MANN. Reserving the right to object, it has not been customary to insert newspaper editorials in the RECORD. What is there special about this?

Mr. TINKHAM. It has often been done.

Mr. MANN. I have seen it done several times in the course of 25 years, but I have seen it objected to usually.

Mr. TINKHAM. The honorable Representative from Massachusetts [Mr. GALLIVAN], had an editorial published in the RECORD a few days ago.

Mr. GARNER. It is a splendid article; I read it myself, and I think it ought to go into the RECORD.

Mr. MANN. The gentleman from Massachusetts read an editorial the other day and said it was an editorial after he read it. We all thought it was original. This is on the bonus question, is it not?

Mr. TINKHAM. It is not. It expresses an opinion of the honorable Members of this Congress, and should be read by them.

Mr. MANN. I object.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 7, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

557. A communication from the President of the United States transmitting correspondence from the Secretary of War and the Director of the Bureau of the Budget concerning proposed legislation to create a commission to erect suitable memorials commemorating the services of the American soldiers in Europe, and making an initial appropriation therefor (H. Doc. No. 197); to the Committee on Foreign Affairs and ordered to be printed.

558. A communication from the President of the United States transmitting a communication from the Assistant Secretary of Commerce submitting an estimate of appropriation in the sum of $107.02 required for the payment of claims for damages by lighthouse vessels (H. Doc. No. 198); to the Committee on Appropriations and ordered to be printed.

559. A communication from the President of the United States transmitting a supplemental estimate of appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, amounting to $975,000—$900,000 for the payment of indemnities in the work of eradication of tuberculosis among cattle and $75,000 for prevention of the spread of the European corn borer (H. Doc. No. 199); to the Committee on Appropriations and ordered to be printed.

560. A communication from the President of the United States transmitting memorial of a delegation of former service men from Mount Alto Hospital regarding the adjusted-compensation measure; to the Committee on Ways and Means.

561. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Little Caillou Bayou, La. (H. Doc. No. 200); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KRAUS: Special Committee on Readjustment of the Pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. Report No. 753. Minority views. Ordered to be printed.

Mr. McCORMICK: Committee on Indian Affairs. H. R. 2452. A bill for the relief of certain nations or tribes of Indians in Montana; with amendments (Rept. No. 773). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Indian Affairs. H. R. 6568. A bill for the relief of the Red Lake Band of Chippewa Indians of the State of Minnesota, and for other purposes; with amendments (Rept. No. 774). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROACH: Committee on War Claims. H. R. 8214. A bill to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor; with an amendment (Rept. No. 768). Referred to the Committee of the Whole House.

Mr. JEFFERS of Alabama: Committee on the Public Lands. H. R. 9026. A bill granting a deed of quitclaim and release to the Traders' Brokerage Co., a corporation, of certain land in the city of Pensacola, Fla.; with an amendment (Rept. No. 770). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 10234. A bill for the relief of Edward A. Purdy; with an amendment (Rept. No. 771). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 8025. A bill for the relief of J. W. Harreld; with an amendment (Rept. No. 772). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8426) granting a pension to Hattie Ousley, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. LINEBERGER (by request): A bill (H. R. 10731) to preserve the peace and welfare of the United States, its States, Territories, and possessions, and to secure protection against disloyal acts, and to that end securing protection from undesirable foreign born in the United States, its Territories, and possessions, and providing penalties for violations thereof; to the Committee on the Judiciary.

By Mr. HICKS: A bill (H. R. 10732) for the restoration and transfer of the U. S. S. *Hartford* from the navy yard at Charleston, S. C., to Washington, D. C.; to the Committee on Naval Affairs.

Also, a bill (H. R. 10733) to reorganize the Navy Yard Band, Washington, D. C., and for other purposes; to the Committee on Naval Affairs.

By Mr. McKENZIE: A bill (H. R. 10734) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Special Committee on Adjustment of Pay, etc.

By Mr. PORTER: A bill (H. R. 10735) to authorize the establishment and maintenance of post lantern lights and other aids to navigation on the Allegheny River, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. TEN EYCK: A bill (H. R. 10736) to amend the paragraph of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918, relating to the pay and allowances of members of the Naval Reserve Force (40 Stat., 712); to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 10737) for the creation of an American battle monuments commission, to erect suitable memorials commemorating the services of the American soldier in Europe; to the Committee on Foreign Affairs.

By Mr. HAYDEN: A bill (H. R. 10738) to prohibit the transportation of peyote and marihuana; to the Committee on the Judiciary.

By Mr. FOCHT: A bill (H. R. 10739) to further regulate certain public service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ANDREW of Massachusetts: A bill (H. R. 10740) providing for use of a special canceling stamp in the Gloucester (Mass.) post office in connection with three hundredth anniversary celebration, August, 1923; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10741) to eliminate from our Julian calendar all numbers in it prompted by the pride of Augustus and to incorporate in their places the original uniform numbers written by Caius Julius and enacted by the Roman Senate; to the Committee on the Judiciary.

By Mr. HICKS: A bill (H. R. 10742) to authorize the conversion of battle cruisers into airplane carriers; to the Committee on Naval Affairs.

By Mr. SANDERS of Texas: A bill (H. R. 10743) to prevent the sale of cotton in future markets; to the Committee on Agriculture.

By Mr. STEAGALL: A bill (H. R. 10744) amending section 13 of the Federal reserve act as amended; to the Committee on Banking and Currency.

By Mr. GRAHAM of Pennsylvania: Resolution (H. Res. 299) in behalf of Ukrainians and East Galician naturalized citizens of the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 10745) granting an increase of pension to Louise Schenkel; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 10746) granting a pension to Charles E. Kidder; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 10747) granting a pension to Elizabeth Eutsey; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 10748) granting a pension to Mollie Cole; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 10749) granting a pension to Sarah Patterson; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 10750) granting a pension to Mary E. Sage; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 10751) granting a pension to E. H. Clark; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 10752) granting an increase of pension to Edward H. Dalton; to the Committee on Pensions.

By Mr. LARSON of Minnesota: A bill (H. R. 10753) granting an increase of pension to William R. Gallagher; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 10754) for the relief of Harry B. Shaw; to the Committee on Claims.

By Mr. McCORMICK: A bill (H. R. 10755) granting an increase of pension to Annie Veuve; to the Committee on Pensions.

Also, a bill (H. R. 10756) for the relief of Millie E. Clark and the minor children of Ernest B. Clark; to the Committee on Claims.

By Mr. McPHERSON: A bill (H. R. 10757) for the relief of Luke Stinnett; to the Committee on Military Affairs.

By Mr. MILLS: A bill (H. R. 10758) for the relief of Lanman & Kemp (Inc.); to the Committee on Claims.

By Mr. ROACH: A bill (H. R. 10759) granting a pension to Samuel G. Riggs; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 10760) granting a pension to George W. Huff; to the Committee on Pensions.

Also, a bill (H. R. 10761) granting a pension to Wright Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10762) granting an increase of pension to Chester A. Herd; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 10763) for the relief of C. R. Shaw; to the Committee on Claims.

By Mr. TOWNER: A bill (H. R. 10764) granting a pension to Floyd A. McPherren; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 10765) granting a pension to Jack B. Mills; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4437. By the SPEAKER (by request): Cablegram from Moat Reily, governor of Porto Rico, relative to certain conditions there, tending to injure him; to the Committee on Rules.

4438. Also (by request), resolutions passed at a meeting of the court of common council, of Hartford, Conn., urging that the existing prohibition laws be modified and amended to permit the sale of light wines and beer; to the Committee on the Judiciary.

4439. Also (by request), telegrams from the postmaster and the chairman of the board of supervisors of Hume Township, N. Dak., urging relief for the farmers in that drought-stricken section; to the Committee on Agriculture.

4440. Also (by request), resolution adopted by the Common Council of Rome, N. Y., urging the modification of the existing

prohibition laws to permit the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4441. Also (by request), resolutions adopted by the Lithuanians of Chicago, held at the Ashland Boulevard Auditorium, in commemoration of Lithuania's fourth anniversary of her declaration of independence; to the Committee on Foreign Affairs.

4442. Also (by request), cablegrams from C. Coll Cuchi, president of the Porto Rican house of representatives, and many others, indorsing the charges made by the Senate against E. Mont Reily and urging an investigation of his official acts; to the Committee on Rules.

4443. By Mr. BARBOUR: Petition of the Board of Supervisors of Alameda County, Calif., indorsing Senate bill 3061, providing for a forest experiment station in cooperation with the University of California; to the Committee on Agriculture.

4444. By Mr. COPLEY: Petition of R. E. Storm and other citizens of Aurora, Ill., protesting against the passage of House bills 4388 and 9753 and Senate bill 1948, or any other Sunday-observance bill; to the Committee on the District of Columbia.

4445. By Mr. DALLINGER: Resolution of the Lend a Hand Society of Boston, Mass., favoring proposal made by Gen. Pershing in regard to reduction of Army officers be carried out and also that the appropriations in regard to the Army and Navy be made as low as possible; to the Committee on Military Affairs.

4446. By Mr. FULLER: Petition of W. E. Fitch, of La Salle, Ill., general manager Laundry Owners' National Association, protesting against a tariff on certain oils used in the manufacture of soap; to the Committee on Ways and Means.

4447. By Mr. GALLIVAN: Petition of committee for international reduction of armament, of Boston, Mass., urging speedy ratification of the treaties adopted by the Washington conference and a drastic reduction of Army and Navy appropriations; to the Committee on Foreign Affairs.

4448. Also, petition of Boston College, of Boston, Mass., opposing pending legislation to impose duty on the importation of foreign books more than 20 years old and on other books written in foreign languages; to the Committee on Ways and Means.

4449. By Mr. KIESS: Petition of residents of Westfield, Pa., protesting against the passage of House bills 9753 and 4388 or any other Sunday observance bill; to the Committee on the District of Columbia.

4450. By Mr. KISSEL: Petition of William E. Williams, of New York City, N. Y., opposing the soldiers' bonus; to the Committee on Ways and Means.

4451. Also, petition of George C. Murphy, Esq., of Brooklyn, N. Y., favoring the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

4452. Also, petition of Walter Farwell, of Soyosset, N. Y., relating to the soldiers' bonus bill; to the Committee on Ways and Means.

4453. Also, petition of the Brooklyn Chamber of Commerce, of Brooklyn, N. Y., protesting against the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

4454. Also, petition of Misses Molly and Annie Rifkin, both of Brooklyn, N. Y., protesting against the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

4455. By Mr. PAIGE: Resolutions from Clarence Pike and others of Massachusetts, urging the extension of Austria's debt to the United States for at least 20 years; to the Committee on Ways and Means.

4456. Also, petition of Joseph J. Dearborn and other citizens of Athol, Mass., protesting against the passage of any bill to regulate Sunday observance by civil force; to the Committee on the District of Columbia.

4457. By Mr. ROSSDALE: Petition adopted by residents of New York on the tariff law; to the Committee on Ways and Means.

4458. By Mr. SINCLAIR: Petition of Harry Hakonson and 41 others, of Englevale, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4459. Also, petition of B. J. Anderson and 16 others, of Minot, N. Dak., in support of House bill 9461, providing for a set price on wheat; to the Committee on Agriculture.

4460. Also, petition of T. J. Meekma and 19 others, of Sherwood, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4461. Also, petition of H. J. Zehner and 45 others, of Epworth, Palermo, and Belden, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4462. Also, petition submitted by Hon. J. B. Hagelbarger, of Beulah, N. Dak., signed by 60 farmers and their wives, in support of House bill 9461, fixing the price of wheat and other farm products; to the Committee on Agriculture.

4463. By Mr. SNELL: Resolutions adopted by Chase Mills Grange No. 986, of Chase Mills, N. Y., favoring the passage of the Voigt bill (H. R. 8086), which seeks to prohibit the movement of bogus milk in interstate commerce; to the Committee on Agriculture.

4464. By Mr. THOMPSON: Resolution of Harrison Township Grange, Paulding County, Ohio, urging the passage of the truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

4465. Also, resolution of Springfield Grange, No. 499, favoring the early passage of the truth in fabric bill, signed by the grange members of Stryker, Ohio; to the Committee on Interstate and Foreign Commerce.

4466. By Mr. TILSON: Petition of Meriden Personal Liberty League, for amendment of the Volstead Act; to the Committee on the Judiciary.

4467. By Mr. TIMBERLAKE: Petition of citizens of Colorado, urging the revival of the United States Grain Corporation and to fix the price on wheat; to the Committee on Agriculture.

4468. By Mr. YOUNG: Petition in the form of a resolution of the directors of the Commercial Club of Grand Forks, N. Dak., urging the passage of the Mapes bill (H. R. 9575) in respect to the St. Lawrence deep waterway; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *March 7, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O God, Thou art the author of our being. In Thee we live, move, and have our being. We recognize the blessings vouchsafed unto us day by day, and we do ask that the wisdom which cometh from Thee may always be at our command, and that we may willingly obey every impulse which leads us constantly to recognize our dependence upon Thee. Give us Thy presence this morning, and through every day manifest Thyself as our Father loving us. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, February 23, 1922, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE FOUR-POWER TREATY.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that the resolution of ratification of the four-power treaty, which was offered by the chairman of the Committee on Foreign Relations of the Senate when the treaties were reported to the Senate, may be read by the Secretary, so that it may appear in the RECORD. I make the request because many Senators have asked me if I knew where the proposed reservation reported by the committee could be found. I ask that it may be printed in the RECORD in 8-point type.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

"The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense."

Mr. BRANDEGEE. I wish to state, for the information of the Senators who may be present and so that it may appear in the RECORD, that the reservation which has just been read by the Secretary at the desk appears on the last page, page 8, of the Senate document which is called Executive N, and which I think has been distributed on the desks of Senators this morning.

HIGH COMMISSIONER IN HAITI.

Mr. NORRIS. Mr. President, I have here a protest signed on behalf of the Haiti-Santo Domingo Independence Society in relation to the alleged Executive creation of the office of high

commissioner in Haiti. I ask that the accompanying letter and the protest itself be printed in the RECORD and referred to the special committee appointed to investigate conditions in Haiti.

There being no objection, the letter and accompanying communication were referred to the Special Committee to Inquire into the Occupation and Administration of the Territories of the Republic of Haiti and the Dominican Republic by the Forces of the United States, and ordered to be printed in the RECORD, as follows:

HAITI-SANTO DOMINGO INDEPENDENCE SOCIETY,
Washington Office, March 7, 1922.

To the Senate of the United States:

The Haiti-Santo Domingo Independence Society respectfully submits to the Senate of the United States its protest against the Executive creation of the office of "high commissioner in Haiti, with the rank of ambassador extraordinary," without authority of Congress, and against the appointment to this office, should its creation be judged constitutional, of Brig. Gen. John H. Russell, of the United States Marine Corps, without the advice and consent of the Senate.

By order of the executive committee of the Haiti-Santo Domingo Independence Society.

HELENA HILL WEED, *Secretary.*

Without the advice and consent of the Senate, Brig. Gen. John H. Russell, high commissioner, clothed with extraordinary ambassadorial powers, has left for Haiti to assume the duties of his post. The following announcement appeared in the press February 10, 1922 (Washington Post, Official Service News), and the facts were confirmed by State Department officials, who also stated that this nomination would not be sent to the Senate for confirmation:

"Quite unusual are the powers given to Brig. Gen. John H. Russell, of the Marine Corps, by the instructions issued to him by the State Department in connection with his designation as 'high commissioner in Haiti with the rank of ambassador extraordinary,' this designation having been given him after his recent appointment as special representative of the President in that country.

"He will have, in effect, plenary authority over all the affairs of the country, both civil and military, including the marine forces and the gendarmerie d'Haiti, and of the United States legation, which will be in the immediate custody of the chargé d'affaires.

"All officials from this country appointed in accordance with the treaty of September, 1915, as well as the native appointees, and including the collector of customs, financial adviser, sanitary and public-health officers, etc., will come under the high commissioner, who will be in complete control of the country."

Such an appointment is without precedent in American history. True, special envoys, commissioners, etc., have been appointed whose nominations have not been referred to the Senate, but these have invariably been for purposes of investigation or to perform certain distinctly specified duties; and the authority of the President to make even such appointments has been questioned and never definitely established.

The appointment of an American high commissioner over a free and independent Republic, whose technical independence is still recognized by the United States in common with every other country, is the more extraordinary in that it is made before the Senate has accepted the report of the select committee which is still investigating our occupation of Haiti and Santo Domingo. The appointment therefore precedes the creation of such an office by Congress.

The appointment of Brig. Gen. Russell to be absolute dictator over a friendly and inoffensive neighbor people is the more unjustifiable in that his previous administrations, covering three years as commander in chief of the forces of occupation in Haiti, are the subject of grave indictment by the Haitian people. The abuses during his administration are still under investigation by the Senate select committee.

It is significant, however, that Gen. Russell, alone among the various commanders in Haiti since 1915, has not yet been called upon to appear before the committee for examination.

Two days after the announcement by the State Department that Brig. Gen. John H. Russell had been appointed by the President as "high commissioner in Haiti, with plenary authority, as the personal representative of the President of the United States, over all the affairs of that country," the announcement was made by the Navy Department that this appointment was made in conformity with the recommendation of the special committee of the Senate which had just returned from an investigation of the American occupation of Haiti.

This officer, it is to be noted, is to be in command of all the affairs of the country, both civil and military, including:

1. The American marine forces of occupation.
2. The gendarmerie of Haiti.
3. The United States Legation and its minister, appointed and confirmed by the Senate as the official representative of the United States in Haiti.
4. The American treaty officials appointed in accordance with the treaty of 1915.
5. The American financial adviser of Haiti.
6. The American collector of customs.
7. The Haitian officials appointed in accordance with the treaty of 1915.
8. The Haitian sanitary officers.
9. The Haitian public health officers.

The Haiti-Santo Domingo Independence Society points out that no such officer as "high commissioner in Haiti," with the sweeping powers named in this appointment, has ever been created by any competent authority in the United States.

No such office is created or contemplated in the treaty of 1915, even supposing that treaty is valid, a matter that is open to gravest doubt, in view of the established fact that this treaty was imposed on the Haitian people by military force and financial coercion.

No power was ever given to the Special Committee of Investigation, appointed by the Senate to investigate for that body the military occupation of Haiti and Santo Domingo, to put into effect the judgments of its individual members, through the executive departments of the Government, prior to its report to the Senate and to congressional action thereon.

No power has ever been invested in any of the executive departments of the United States Government to invade Haiti, an unoffending, friendly nation, whose independence and sovereignty we, in common with all the nations of the civilized world, recognize, or to wage war upon her, occupy, and govern her as a conquered nation.

No power has ever been given to the President of the United States to appoint, nor does any precedent exist in the history of the country for the appointment of "an ambassador extraordinary" to a friendly nation, with which we are at peace, to govern that country "as the personal representative of the President of the United States."

Even did the authority exist for the creation of such an office—and this society denies such authority in the absence of congressional action—this society would protest the appointment of Brig. Gen. John H. Russell to fill the post, on the following grounds:

His two administrations, as chief of the American Forces of Occupation in Haiti, are the subject of gravest indictment by the Haitian people and are still under investigation by the special Senate committee.

These two periods of duty, as the responsible head of the marine forces of occupation, covered the periods from November 27, 1917, until December 7, 1918, and from October 1, 1919, until January of the present year. It was during these periods that the following serious abuses are alleged to have occurred:

1. Illegal corvee or forced, unpaid road labor, involving abuse, imprisonment, and illegal killings of native Haitians.
2. "Indiscriminate killings" of untried native prisoners by marines.
3. Illegal imprisonment and torture of native Haitians with no charges against them.
4. Illegal imprisonment, at hard labor, for long periods of time, of natives who were only under suspicion of crimes.
5. Illegal imprisonment, at hard labor, of natives who were only suspected of opposing the American occupation of their country.
6. Jim-crowing of the cultured and intellectual classes of Haitians; this humiliation extending to the altars of their churches.
7. Overriding of the native courts by marine provost courts.
8. Suppression of legitimate criticism of the occupation and of all opposition to it by an arbitrary, illegal administration of martial law.
9. Using the military pressure to secure from the helpless Haitian officials special financial privileges for American private interests and for agricultural exploiters.
10. The imposition upon the Haitian people by military force of the constitution of 1918 by means of an illegal plebiscite, fraudulently carried out by the marines under his command.

This rape of the Haitian constitution was frankly demanded by the American agricultural interests that sought to exploit Haiti by securing ownership in the land. It was planned by Assistant Secretary Franklin Roosevelt by his own boast and was carried out under Col. John H. Russell's personal command, in the face of the protests of the Haitian people and the pleas of Americans living in Haiti that the "plebiscite" be postponed until the real facts of the situation could be presented to the authorities at Washington. According to the testimony before the special Senate committee Col. Russell not only refused to allow protests to be telegraphed to Washington and the facts of the case to be made clear, but he refused to send a statement himself giving the truth of the situation.

Brig. Gen. Eli K. Cole, in his testimony before the Senate committee (p. 694 et seq.), said that the reason the constitution of 1918 was "ratified" by means of a "plebiscite" was that he was satisfied that no elected national assembly would ever agree to the provisions demanded by the United States, and that it was necessary, in order to carry out the plans and policies of the United States in Haiti, to have a constitution adopted in some way embodying these provisions.

There were three provisions to which the Haitian people were unalterably opposed, and Gen. Russell was the officer who, with an iron hand, blocked all efforts of those who sought to explain their real meaning to Washington prior to their enforced adoption by the illegal "plebiscite."

1. The article granting to foreigners the same rights as Haitians in the Haitian courts was strongly opposed, although this article might have been compromised had not the remaining two articles been insisted upon.

2. Every element in the Haitian nation was unalterably opposed to granting to foreigners the right to own land. This was the absolutely unsurmountable objection which no power could overcome in the elected assembly and resulted in the illegal "plebiscite."

3. The special article ratifying and legalizing all the acts of the occupation and making it impossible for the Government or people, collectively or individually, to secure reparation for injury or loss as a result of the invasion and occupation of Haiti, was written into the Haitian constitution by the military force of the armed marines under the command of Gen. John H. Russell—the same officer who is now nominated by the President to govern Haiti as his personal representative. This article reads as follows:

SPECIAL ARTICLE.

"All the acts of the United States during its military occupation of Haiti are ratified and legalized.

"No Haitian may be liable for civil or criminal suits for any act committed by virtue of the orders of the occupation or under its authority.

"The acts of the courts-martial of the occupation, without in any way affecting the right of pardon, will not be subject to revision.

(The right of pardon was later taken over by the occupation.)

"The acts of the Executive power (the President) up to the promulgation of the present constitution, are equally ratified and legalized."

As a result of his part in conducting the "plebiscite" under these conditions, and of the fact that he participated, as chief of the occupation, in the attempted coercion of the President of Haiti to secure special financial privileges for the National City Bank, in 1920, he stands convicted, according to the testimony before the special Senate committee, of participation in acts which have been characterized as "international brigandage."

In addition to the indefensibility of the invasion and occupation itself these two acts of violation of the sovereignty of Haiti, as well as the forcible dispersal of the Haitian National Assembly in 1917 by armed American marines, are the insurmountable obstacles to any understanding between Haiti and the United States.

This society contends that no officer who participated in these indefensible acts should be sent to Haiti, even in the temporary period that must intervene between this time and the nearest date that the forces of occupation can be withdrawn.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate resolutions adopted at a meeting of the Committee for Treaty Ratification, held at the Hotel McAlpin, New York City, March 1,

1922, favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also laid before the Senate a petition of Richard J. Harden Camp, No. 2, United Spanish War Veterans, of Washington, D. C., praying for the prompt passage of House bill 4, providing increased pensions for widows of veterans of the Spanish War, which was referred to the Committee on Pensions.

Mr. LODGE presented resolutions adopted at a meeting of the Committee for Treaty Ratification, held at the Hotel McAlpin, New York City, March 1, 1922, favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table and to be printed in the RECORD, as follows:

COMMITTEE FOR TREATY RATIFICATION,
Office of the Secretary.

Resolutions adopted at a meeting held in the Hotel McAlpin, New York, March 1, 1922, submitted by the committee to the President and Senate of the United States.

Whereas the conference of representatives of the United States and those of eight other nations called to consider the limitation of naval armaments and the problems of the Pacific, after three months' deliberation, under the wise and efficient leadership of President Harding and Secretary of State Hughes, has agreed upon a number of important international treaties. Six of these, in which the United States is a party, have been submitted by the President to the Senate of the United States for its constitutional approval; and

Whereas one of these treaties—between the United States, the British Empire, Japan, France, and Italy—provides for the reduction of naval armaments by the destruction of a large number of capital ships and the fixing of a ratio of naval establishments between the parties and the maximum number and strength of such ships to be possessed by each power during a period of 10 years, thus inaugurating an era of naval limitation in lieu of competition in naval establishments hitherto prevailing, a treaty which Secretary Hughes has declared "ends, absolutely ends, the race in competition of naval armament. At the same time it leaves the relative security of the great naval powers unimpaired"; and

Whereas another of such treaties adopts rules and regulations restricting the operation of submarines in time of war, making impossible such outrages upon common humanity as the destruction of the *Lusitania*, except at the cost of international outlawry, and further establishes rules against the use of noxious and poisonous gases; and

Whereas by another of these treaties made between the United States, Great Britain, Japan, and France, the parties agree to respect each other's rights in their insular possessions and insular dominions in the region of the Pacific, and agree to meet in conference to discuss any controversy which may arise between them respecting such rights, and in the event of any external aggression upon the rights of any of the parties to communicate fully and frankly with each other in order to determine what action shall be taken in view of such exigency, and which treaty, upon ratification, is to supersede the existing treaty creating the Anglo-Japanese alliance; and

Whereas other of such treaties bring to an end the policy of aggression by other nations upon the sovereignty of China and provide for the recognition of the unimpaired sovereignty of that country, and confirm the policy of equal opportunity for all nations in their trade and commerce with China, provide for a revision of her import duties, and establish a commission of the nine powers to deal with alleged infringements of the "open-door" agreements; and

Whereas a treaty between the United States and Japan settles the disputed question of the right of the United States to equal rights with Japan in the use of the island of Yap for ocean cable purposes, and also to equal rights with members of the League of Nations in the mandated islands of the Pacific north of the Equator; and

Whereas all of these treaties supplement each other and together constitute "a great and successful effort to diminish the burdens of peace and to render more remote the horrors of war"; and

Whereas the President of the United States in submitting these treaties to the United States Senate stated: "Either these treaties must have your cordial sanction or every proclaimed desire to promote peace and prevent war becomes a hollow mockery":

Resolved, That such treaties constitute great and important steps toward insuring world peace by providing for the peaceful settlement of questions which otherwise might disturb amicable relations between nations and by ending international competition in the building of navies and all its inevitable burdens and evil consequences.

Resolved further, That this committee does hereby emphatically commend the work of the Washington Conference on Limitation of Armaments and most earnestly urges the Senate of the United States promptly to ratify the treaties agreed upon by such conference, and as submitted to the Senate by the President of the United States.

In behalf of George W. Wickersham, chairman.

CHARLES S. MACFARLAND,
Secretary.

Mr. LODGE also presented a resolution adopted by the city council of Revere, Mass., favoring the passage of the so-called soldiers' adjusted compensation bill, which was referred to the Committee on Finance.

Mr. McCUMBER presented a petition of sundry citizens of North Dakota, praying that an appropriation of $15,000 be made for the investigation of the manufacture of flax straw into paper and pulp, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted at the Twenty-fifth Annual Convention of the American National Live Stock Association at Colorado Springs, Colo., January 12, 1922, favoring the repeal of section 15a of the so-called Cummins-Esch Act and the further modification of the transportation act, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by Woodson Post, No. 185, Grand Army of the Republic, Department of Kansas, at Yates Center, Kans., favoring the passage of the so-called Morgan bill, providing increased pensions for veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. BORAH presented petitions of sundry citizens of Cambridge, Fairfield, Blaine, Berger, Rogerson, Twin Falls, Hollister, Filer, Jerome, and Bliss, all in the State of Idaho, praying for the revival of the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. CALDER presented a resolution adopted by the State executive committee of the American Legion, Department of New York, at New York City, on February 25, 1922, favoring the passage of the so-called fivefold adjusted compensation plan for veterans of the World War, which was referred to the Committee on Finance.

He also presented a resolution adopted by the State executive committee of the American Legion, Department of New York, at New York City, on February 25, 1922, praying for the prompt passage of the so-called Langley bill providing proper hospitalization covering the needs of wounded ex-service men, which was referred to the Committee on Finance.

Mr. WILLIS presented the memorial of Robert R. Evans and sundry other citizens of Columbus, Shepard, and Godie, all in the State of Ohio, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of P. H. Wagner and 212 other employees of the Owen China Co., of Minerva, Ohio, favoring inclusion of the American valuation plan in the pending tariff bill, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 1087) for the relief of H. L. McFarlin, reported it with an amendment and submitted a report (No. 532) thereon.

He also, from the same committee, to which was referred the bill (S. 1651) for the relief of Prairie View State Normal and Industrial College, reported it without amendment and submitted a report (No. 539) thereon.

He also, from the same committee, to which was referred the bill (S. 820) for the relief of the Hunter-Brown Co., reported it with an amendment and submitted a report (No. 540) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 288) for the relief of John T. Eaton (Rept. No. 533);

A bill (S. 289) for the relief of Kate Canniff (Rept. No. 534);

A bill (H. R. 1274) for the relief of Maude H. Mosher (Rept. No. 535);

A bill (H. R. 3057) for the relief of George Van Derburgh Brown (Rept. No. 536); and

A bill (H. R. 4504) for the relief of Annie M. Lepley (Rept. No. 537).

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, reported it with an amendment and submitted a report (No. 538) thereon.

Mr. NEW, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to and the bills were indefinitely postponed:

A bill (S. 586) for the relief of Alvin Harder;

A bill (S. 1454) for the relief of John Scott; and

A bill (S. 1455) for the relief of John W. Mercer.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3245) in reference to pleas of guilty in the district courts of the United States by persons charged with certain criminal offenses; to the Committee on the Judiciary.

By Mr. KENDRICK:

A bill (S. 3246) granting a pension to John W. Jenkins (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 3247) to transfer to the classified service agents and inspectors in the field service, including general prohibition agents and field supervisors appointed and employed pursuant to the national prohibition act, and for other purposes; to the Committee on Civil Service.

By Mr. HARRELD:

A bill (S. 3248) to provide for the issuing of a patent to Richard Murphy for a certain tract of land in what is known as the Big Pasture of Oklahoma, and upon which he has made full payment of purchase price; to the Committee on Public Lands and Surveys.

By Mr. McCUMBER:

A bill (S. 3249) for the purchase of a site and the erection of a post-office building at Larimore, N. Dak.; to the Committee on Public Buildings and Grounds.

A bill (S. 3250) granting a pension to W. H. Chapel; and

A bill (S. 3251) granting an increase of pension to William Shoemaker; to the Committee on Pensions.

MICHIGAN SENATORIAL ELECTION.

Mr. CARAWAY. Mr. President, I offer a resolution for reference. The resolution was offered yesterday afternoon, read and objected to. It seeks an investigation with reference to the charge that certain corrupt influences had been exercised to restrain Senators from voting to seat the junior Senator from Michigan [Mr. NEWBERRY]. I have no particular choice of the committee to which it shall go. I suggest, if there is no objection, that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES of Washington. Mr. President, I think the resolution ought to go to the Committee on Privileges and Elections to investigate the merits of the proposition and see whether the committee think an investigation should be had. Then, if they report favorably, the resolution can go to the Committee to Audit and Control the Contingent Expenses of the Senate to recommend the expenditure of the money.

I may be wrong about it, but this is the view I have always taken with reference to these various resolutions. I think they ought to be referred first to the committee that passes upon the merits involved in the resolution. Then, if that committee reports and recommends the adoption of the resolution, it should go to the Committee to Audit and Control the Contingent Expenses of the Senate with reference to the financial expenditure involved. Otherwise, I have no objection whatever to the reference of the resolution as suggested by the Senator from Arkansas.

Mr. CARAWAY. I have no preference. I hope that the committee to which it may go will see fit to report it. It is not fair, it is not decent, for some Senator who wants to excuse his vote in this matter to pretend that he was beset by corrupt influences and that corrupt influences were exerted to compel Senators to vote one way or the other. A Senator may vote as he pleases, but after he has done so let him carry the responsibility for so voting without trying to besmirch the integrity of every other Senator who differs from him.

I want to see this resolution reported and the Senator who makes that sort of a charge given an opportunity to make good, or else let us determine that he had no information on which to base the charges. Therefore I do not want the resolution to go to a committee that is going to chloroform it; and I very greatly fear we will never hear of it if it goes to the Committee on Privileges and Elections.

Mr. JONES of Washington. I agree absolutely with the Senator from Arkansas with reference to the merits of the resolution. I can not conceive of the Committee on Privileges and Elections stifling or attempting to stifle the resolution. If I thought that would be the case, I would not favor its going there at all.

Mr. CARAWAY. I feel absolutely certain that the Senator from Washington feels that way about it. I have an apprehension, which may be absolutely unfounded, but I am not going to protest about where it shall go. However, I do intend to insist later on that we shall get some kind of a report on the resolution.

Mr. JONES of Washington. I think the Senator is entirely right in that, and I will vote with him. If the committee does not act on it within a reasonable time, I shall vote to discharge it from the consideration of the resolution.

Let me say that I voted to refer the resolution of the Senator from Alabama [Mr. HEFLIN] to the Committee on Banking and Currency, and I voted that way on the theory I have just expressed, that the resolution should go to the committee which deals with the merits of the proposition.

Mr. CARAWAY. I have no objection to the reference of the resolution to the Committee on Privileges and Elections if the Senator thinks we will get a report from that committee.

Mr. JONES of Washington. If the Senator from Arkansas has no objection, I ask that the resolution be referred to the Committee on Privileges and Elections.

The resolution (S. Res. 252) was referred to the Committee on Privileges and Elections, as follows:

Whereas by unanimous consent, first obtained, the junior Senator from Washington, Mr. POINDEXTER, on the 3d day of February, 1922, caused to be inserted in the CONGRESSIONAL RECORD a copy of a letter by him written to a constituent, Mr. Thomas Marshall, of the State of Washington; and

Whereas in said letter the said Senator charges that certain malign and unlawful influences were used, or attempted to be used, to prevent Senators from voting to declare that TRUMAN H. NEWBERRY was a duly elected Senator from the State of Michigan and entitled to his seat, a resolution so to declare the said TRUMAN H. NEWBERRY entitled to his seat being then pending in the Senate. Among other charges in said letter appears the following paragraphs:

"Various false assertions have been made as to influences brought to bear to secure votes in NEWBERRY's behalf in the Senate. I notice a detailed statement in that connection published in several Washington State papers as to my own vote. This statement is libelous and false from beginning to end, as no such influences were brought to bear and no such statements or anything resembling them or anything to that effect were made to me.

"On the contrary, certain multimillionaire organizations, profiting financially by any popular excitement which they can arouse, were seeking by every means in their power to influence and intimidate Senators to vote against NEWBERRY. This may be referred to in more detail later on."

Now, therefore, be it

Resolved, That the Chair appoint a special committee of three Senators to investigate the charges made by the Senator from Washington, Mr. POINDEXTER.

Resolved further, That the committee be authorized to subpœna witnesses, send for and examine books and papers, and administer oaths, and do all things necessary to procure the evidence in this case, and the expenses hereof shall be paid out of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment bills and a joint resolution of the following titles:

S. 2471. An act to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stat. L., p. 558);

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; and

S. J. Res. 108. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

The message also announced that the House had passed a bill and a joint resolution of the following titles, each with amendments, in which it requested the concurrence of the Senate:

S. 490. An act to consolidate national forest lands; and

S. J. Res. 43. Joint resolution to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.

The message further announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.;

H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 6512. An act for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes;

H. R. 7812. An act to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz.;

H. R. 9257. An act to permit adjustment of conflicting claims to certain lands in Mohave County, Ariz.;

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts; and

H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and a joint resolution, and they were thereupon signed by the President pro tempore:

S. 1312. An act to amend the charter of the Potomac Insurance Co. of the District of Columbia;

S. 2492. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921;

H. R. 244. An act to provide for the disposition of abandoned portions of rights of way granted to railroad companies;

H. R. 5018. An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials;

H. R. 7158. An act to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor;

H. R. 8542. An act to provide for agricultural entries on coal lands in Alaska;

H. R. 10165. An act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes; and

S. J. Res. 125. Joint resolution to continue the military status of persons deserting the military or naval service during the World War and the amenability to trial of these persons who failed to comply with the terms of section 3 of the selective service law.

THE PNEUMATIC TUBE SYSTEM.

Mr. McKELLAR. I ask unanimous consent that there may be placed in the RECORD the views of the three members of the Postal Commission in reference to the pneumatic tube system.

There being no objection, the views referred to were ordered to be printed in the RECORD, as follows:

MINORITY REPORT ON PNEUMATIC TUBES.

The following is quoted from a former report, July 26, 1921:

The pneumatic tubes have been a subject of a greater number of investigations by congressional and departmental commissions than any other postal facility, and in practically every instance reports have been submitted opposing as well as favoring the tubes. Their use in New York was abandoned after a thorough investigation by unbiased and unprejudiced postal experts. Those employed by this commission did not consider the question of the cost of the tubes but only the question as to whether mail could be expedited by their use. It is admitted that a small percentage of the mail could be expedited by pneumatic tubes, but the quantity expedited does not warrant the enormous expenditure necessary to obtain the service. The cost of tubes as compared to automobile service can best be illustrated by the fact that letter mail comprises about 12 per cent of the entire volume of mail. When the tubes were in use in New York less than 50 per cent of the letter mail, or 6 per cent of the entire volume of mail, was handled by this means of transportation. It is claimed that approximately 450,000 letters may be expedited daily by the tubes in New York City. The majority report shows at the time of their use 10,000,000 letters were transported daily on two occasions. If only 450,000, or 4½ per cent, would be actually advanced, it would mean that one-half of 1 per cent of the entire volume of mail in New York City was advanced by the use of the tubes. It is estimated by the engineers that it would cost from $850,000 to $1,000,000 per annum, approximately one-half of the entire cost for automobile service, to give the proposed tube service. The majority would therefore spend one-half as much to expedite one-half of 1 per cent of the entire volume of mail as is now spent for transporting the other 99½ per cent. The facts before the commission do not warrant the statement that half a million letters would be advanced daily, as this statement is based on theoretical conclusions and is arrived at by assuming that the amount of mail dispatched the next 30 minutes after the present closing would be expedited. This is only conjecture and would not work out in actual practice.

It has been estimated that there will be a saving of $200,000 in automobile service by the use of tubes, but to save this amount it will be necessary to reduce the frequency of the service from half-hour to hourly basis, which would greatly delay other classes of mail. If it is proposed to so delay mails, the frequency of these trips can be reduced without the establishment of pneumatic-tube service as an excuse to do it.

The majority states that for each letter delayed by tubes 3,900 letters are delayed by motor-vehicle service. To arrive at this conclusion there must be placed upon the auto service the responsibility of delays to trains, ferries, and other causes beyond its control. The letters delayed by the late arrival of trains and ferries were delayed just as much when handled by pneumatic tubes. The majority also states that tube service is not subject to the same interference as auto service, which is, no doubt, true; but, on the other hand, it is subject to even a more serious disturbance, which does not affect the auto service at all, such as cave-ins in the streets, construction work, and other causes. When a tube line fails in service the entire service is then out of commission.

Tubes may have had some value when first installed, but, owing to the great increase of the volume of mail, which naturally increased the frequency of the surface transportation, they have lost their original value. It is still true that they would expedite a small volume of mail, but their value as a postal facility is only equal to the expenditure justified by their use, which would be to measure in dollars and cents and benefits accruing from the advancement of mail, and which would be insignificant when compared to their enormous cost.

All the testimony before the commission is based solely on theory. First, it is claimed that half a million letters would be advanced daily by the use of the tubes; but this is based on the theoretical conclusion that all letters accumulating during the next 30 minutes after each closing would be advanced. Any person with an intimate knowledge of the Postal Service knows this can not be true. It is claimed $200,000 can be saved in autotruck service by the use of the tubes. To do so it is admitted that a large number of trips between stations must be discontinued and all other classes of mail delayed. Is it the purpose of the Post Office Department to deliberately delay all other classes of mail in New York in order to use the pneumatic tubes? The public would not and should not be compelled to submit to such delay of their mail, and there would not be a single auto trip omitted or a dollar saved.

The best evidence as to whether the tubes performed efficient service can only be gleaned from what they actually did while in service. When they were used it was necessary to revert to wagons frequently to dispatch the mails. E. M. Morgan, who served as postmaster under the last Republican administration and has again been appointed to that position, says in letters addressed to the postmaster:

UNITED STATES POST OFFICE,
New York, N. Y., January 6, 1917.

Mr. E. M. MORGAN,
Superintendent Railway Mail Service,
Second Division, New York, N. Y.

SIR: Assistant Superintendent of Delivery Jacob Abelee was assigned to observe if there was any congestion of the pneumatic tubes at station O on the evening of January 5, 1917. He reported that between the hours of 7.20 and 8.05 p. m. there were on an average of from 12 to 14 tube carriers ready for dispatch to Grand Central and Pennsylvania Terminal Stations which were delayed about 15 minutes each, due to the fact of the constant arrival of tube carriers from the general post office and stations V, A, and C, which had to be relayed to the Grand Central and Pennsylvania Terminal Stations. At 8.05 p. m. there was only one tube carrier left on the floor ready for dispatch, and there was no further congestion.

Assistant Superintendent of Delivery T. W. Collins was assigned to station D, and he reports that there was no congestion of the pneumatic tubes between 5.30 and 8 p. m. on January 5, 1917.

Very respectfully,

E. M. MORGAN, *Postmaster.*

UNITED STATES POST OFFICE,
New York, N. Y., January 11, 1917.

Mr. E. M. MORGAN,
Superintendent Railway Mail Service,
Second Division, New York, N. Y.

SIR: Assistant Superintendent of Delivery Jacob Abelee was assigned to observe if there was any congestion of the pneumatic tubes at Madison Square station on the evening of January 8, 1917. He reported that there was no congestion up to 7 p. m. At 7.05 p. m. there were 10 tube carriers containing mail on the floor ready for dispatch, and the last of these carriers was dispatched at 7.21 p. m., a delay of 16 minutes. At 7.32 p. m. there were 14 tube carriers on the floor, and the last one was dispatched at 7.44 p. m., a delay of 12 minutes. At 7.50 p. m. all tube carriers had been dispatched, and there was no more congestion.

Assistant Superintendent of Delivery T. W. Collins was assigned to Times Square Station and reports that there was no congestion of the pneumatic tubes between 5.30 and 8.30 p. m. on January 8, 1917.

Very respectfully,

E. M. MORGAN, *Postmaster.*

Post Office inspectors observed the operation of the tubes in New York on January 26, 1917, between the hours of 6.45 and 11 p. m. These observations were made of actual operation with full knowledge of the Post Office and pneumatic tube officials. It is natural to presume the tubes were being worked to their fullest capacity and utmost advantage. They reported as regards their observation as follows:

GRAND CENTRAL TERMINAL.

Inspectors Miller and Sharp report as follows: Eleven containers filled at this station at 8.30 p. m., 12 at 8.40 p. m., and 15 at 9.50 p. m., containing mails for train connection via Pennsylvania Terminal were delayed, the last containers being forwarded at 8.35 p. m., 8.46 p. m., and 8.54 p. m., respectively.

Three transit containers arriving between 7.12 and 7.19 p. m. were delayed 7 minutes, and three arriving at 8.40 p. m. were delayed 3 minutes.

MADISON SQUARE STATION.

Inspectors Mundell and McKew report as follows: The northbound tube line was more or less congested between the hours of 6.53 p. m. and 9.39 p. m., the greatest congestion occurring from 7.27 p. m. when 39 containers were on the floor until 9.20 when there were 19 containers awaiting dispatch. The average number of containers awaiting dispatch for each two-minute period during this interval was 36.

One of the containers which was ready at 7.09 p. m. was not dispatched until 7.44 p. m., resulting in a delay of 35 minutes, and another which was ready at 8.37 p. m. was not dispatched until 9.27 p. m., a delay of 50 minutes.

At 8.05 p. m. a tie out of approximately 20 containers for Grand Central Terminal was dispatched in an extra wagon, and at 8.19 p. m. another tie out of about the same quantity of mail was dispatched to Pennsylvania Terminal in an extra wagon. This was close-connection mail for outgoing trains, and an endeavor to dispatch it through the congested tubes at this hour would have caused excessive delay and failure to make train connection. (It is the custom at this and several other stations to revert to the use of wagons when train connections are jeopardized by reason of congestion in the tubes.)

TIMES SQUARE STATION.

Inspectors Neil and Kenyon report as follows: Eighteen containers waited dispatch at 7 p. m., 15 at 7.10 p. m., and 12 at 7.20 p. m. The last containers of each consignment were dispatched at 7.09 p. m., 7.16 p. m., and 7.38 p. m.

PENNSYLVANIA TERMINAL.

Inspectors Larahee and Lamiell report as follows: On several occasions, between 7.05 p. m. and 9 p. m., from 6 to 15 containers were on hand, and at 8.57 p. m. 27 were on hand, the last container of this consignment being dispatched eight minutes late. One container was dispatched three minutes late at 7 p. m., three five minutes late at 7.45 p. m., and three five minutes late at 8.30 p. m.

STATION P.

Inspector Clarahan reports that the first container in a consignment of 15, which were ready for dispatch at 5.45 p. m., was forwarded at 7.05 p. m. and the last at 7.24 p. m. He also reports that 19 containers were ready at 7.23 p. m., the first of which was dispatched at 7.41 p. m. and the last at 7.51 p. m.

STATION O.

Inspector Spillman reports as follows: Between 6.23 and 6.30 p. m. 2 containers were delayed an average of five minutes. From 6.45 to 6.55 p. m. 6 containers were delayed 10 minutes. From 7.08 to 7.15 p. m. 2 containers were delayed 12 minutes, and 1 container was delayed from 7.16 to 7.45 p. m., 10 containers were delayed 15 minutes, from 7.30 to 7.45. From 7.45 to 8 p. m. 6 containers were delayed 15 minutes. From 8 to 8.10 p. m. 4 containers were dispatched which had been delayed 15 minutes. One container was delayed from 7.45 to 8.10 p. m., 25 minutes. From 8.10 to 8.20 p. m. 2 containers were delayed 10 minutes. From 8.20 to 8.35 p. m. 11 containers were delayed 15 minutes. From 8.35 to 8.50 p. m. 2 containers were delayed 15 minutes, and 11 were dispatched which had been delayed 30 minutes. At 7.45 p. m. to 9 p. m. 1 container was dispatched which had been delayed 15 minutes and another which had been delayed 45 minutes.

HUDSON TERMINAL STATION.

Inspector Martin reports that containers which had been awaiting dispatch were delayed as follows: At 7.34 p. m. several containers were delayed from 1 to 3 minutes; at 7.51 p. m. 20 containers were delayed from 1 to 17 minutes; at 7.54 p. m. 9 containers were delayed from 1 to 3 minutes; at 8.02 p. m. 7 containers were delayed from 1 to 3 minutes; at 8.11 p. m. 4 containers were delayed from 1 to 7 minutes; at 8.14 p. m. 7 containers were delayed from 1 to 3 minutes; at 8.23 p. m. several containers were delayed from 1 to 7 minutes; at 8.25 p. m. several containers were delayed from 1 to 3 minutes; at 8.31 p. m. several containers were delayed from 1 to 8 minutes; at 8.44 p. m. 6 containers were delayed from 1 to 4 minutes; at 9.16 p. m. several containers were delayed from 1 to 12 minutes; at 9.54 p. m. 9 containers were delayed from 1 to 7 minutes; at 10 p. m. 10 containers were delayed from 1 to 6 minutes.

GENERAL POST OFFICE.

Inspectors Enteman, Opdyke, Hughes, and Keyes report as follows: At this station 319 containers were delayed from 1 to 20 minutes, but the delays occurred with such frequency that it was not found possible to record the details as to the time and number of containers involved in each dispatch.

The tube lines were in perfect running order and the employees of the tube company were fully aware of the fact that the delays were being recorded by inspectors, and the employees made every endeavor to expedite the dispatches.

In this connection attention is invited to the fact that, since a somewhat similar record was made by the New York office about two months ago, additional motor-wagon trips have been added to route 407012, between stations D, O, Madison Square, and Penn Terminal, in order to relieve the congestion in the tubes and to assure train connections.

F. H. GALBRAITH,
Superintendent of Mails.

These delays to letter mail would not in the ordinary course of business be reported, and accounts for the small number of letters reported by the engineers of the commission as being delayed. Some of the other delays to mail when the tubes were in actual use in New York are as follows:

(Minority report.)

NEW YORK, N. Y.

September 5, 1917: Northward line of pneumatic-tube service between general post office and Madison Square Station suspended operation from 8.40 p. m. to 9.50 p. m. Owing to this suspension the dispatch of approximately 6,000 pieces of mail was delayed.

October 30, 1917: As a result of the foregoing suspensions of service, the dispatch of approximately 25,000 pieces of mail was delayed from two to eight hours.

October 20, 1917: Northward line of tube service between Madison Square Station and Grand Central Station suspended operation from 1.07 p. m. and 3 p. m., delaying the dispatch of approximately 20,000 pieces of mail from three to eight hours.

February 8, 1917: The southward line of tube service between Times Square and Pennsylvania Terminal Station and Station O was interrupted from 4.10 a. m. to 11.08 a. m., mail intended for dispatch over the west side circuit was diverted and received at the main office over the east side circuit, resulting in delaying approximately two hours 400 letters addressed to Philadelphia.

The service between the general post office and the Hudson Terminal Station and between Hudson Terminal Station and the general post office was suspended from 4 p. m. and from 4.30 to 4.37 p. m., so that approximately 2,500 letters were delayed in dispatch from one-half to two hours.

May 18, 19, 1917: Tube service between stations Madison Square, D, and the general post office suspended from 9.35 p. m. (closing time) on May 18, and from 4 a. m. to 11 a. m. May 19. Approximately 2,100 letters delayed in transit on account of suspension of service from 8 to 20 hours, were turned over to the post office after being taken from the line by representative of tube company.

July 30, 1917: Northward line of tube service between Madison Square and Grand Central Station suspended operations 9.18 p. m. to 9.30 p. m., thereby delaying the dispatch of approximately 1,800 letters from two to five hours. The southward line of tube service between Station F, Grand Central, and Madison Square Station ceased operation from 10.05 p. m. until closing time, 11 p. m.

Mr. Morgan, postmaster of New York, who seems to favor the reestablishment of the pneumatic-tube service, has evidently changed his opinion from that of former years. He served as chairman of a committee appointed by former Postmaster General Hitchcock to study the transportation of mails in New York City, which committee, in their report on February 1, 1915, reached the following conclusion:

BRIEFS AND DATA.

"It is easily determinable that the most serious problem with which the postal authorities in New York City will be confronted as soon as the new building on Eighth Avenue is occupied is the moving of mails from the district of the present down-town general post office to the new building for dispatch over the Pennsylvania Railroad. According to present plans, the mails which are now worked in the main down-town office and at the Hudson Terminal Station will be worked in the new down-town building, and it is apparent that a condition will soon be reached when a tube of large dimensions or other system of rapid transportation will be essential between the down-town and uptown offices.

"It is recommended, therefore, that steps be taken looking to the establishment of a service by tunnel or tube operating carriers of not less than 24 inches in diameter between the central down-town post office, the new post-office building on Eighth Avenue, and the Grand Central postal station."

If the 8-inch tube was inadequate in 1913 to transport the mails in New York City, it is certainly useless at this time. The conclusions reached by the committee of post-office inspectors who made a thorough investigation of the pneumatic-tube service in New York City as set forth in their report of March 31, 1917, are as follows:

BRIEFS AND DATA.

In our efforts to offer the best solution of the transportation problem we are forced to the conclusion that the pneumatic-tube service should be abandoned entirely and that a complete and efficient motor-driven vehicular service should be inaugurated. It is recommended such action be taken, and that the advertisements as related to routes Nos. 407012 and 407013 be amended to provide for the employment of additional lightweight cars.

G. B. MILLER,
E. F. MARTIN,
C. E. ERTHMANN,
C. A. LARAHEE,
P. D. COLVIN,
J. E. LAMIELL,
W. J. OPDYKE,
E. F. SHARP,
Post-Office Inspectors.

It is the judgment of the ablest men in the Postal Service that the pneumatic tube as was used is obsolete and practically useless as a factor in the transportation of mail. This view was also early expressed by a congressional committee which investigated the Postal Service, and in a report dated January 14, 1901, reported as follows regarding the tubes:

SENATE HEARINGS.

"While we believe that all reasonable means should be utilized to insure the most rapid transmission and delivery of mails possible, we do not believe that pneumatic-tube service in its present stage of development is sufficiently expeditious to warrant the enormous outlay of public money that must be called for if this service were generally extended. We might enter the field of discussion and suggest that if a tube could be constructed and operated which would transmit a full pouch of mail from post office to railroad station or railroad station to post office for a reasonable amount of money, or that a smaller and less expensive tube might be used for city service for the transmission of letters from post-office station to post-office station which should bear an additional charge to reimburse the Government, that it might be for the best interests of the service and the people to continue an appropriation for that purpose.

"But we prefer to confine ourselves to present conditions and the conclusions that we have reached from our examinations and the testimony before us.

"We therefore recommend that under existing conditions the pneumatic-tube service be discontinued."

To reestablish the pneumatic-tube service in New York in the face of these facts would be a step backward in efficient postal service, an extravagant waste of public funds, and a useless expenditure at the time when the public is already overburdened with taxation without benefit to the Postal Service.

A. B. ROUSE.
KENNETH MCKELLAR.

My views on this subject can be stated very briefly. There is only one question here for the consideration of the Congress, to wit, Is the amount of money necessary to have pneumatic-tube postal service in New York City warranted by reason of increased efficiency and expedition in the handling of the mail?

It can not be denied but that a limited percentage of the mail can be expedited by the use of pneumatic tubes, but I am not satisfied that those upon whom rests the burden of proving that the great expenditure necessary to give pneumatic-tube service to the postal service of New York have made out a case. In other words, I am not satisfied that the expedition of the mails is sufficient and the benefits to the service enlarged to such an extent as to justify the expenditure of over half a million dollars annually for this service in New York City alone.

Even if pneumatic-tube service is to be reestablished, I am firmly convinced that it should be done only through Government ownership of the tubes and Government operation of them. No sound reason has been advanced for adding this adjunct to our Postal Service (if it is as valuable as is claimed by its proponents) through a policy of permitting the tubes to be owned by a private corporation and leased by the Government.

Unquestionably in time it will be necessary to have some underground postal transportation system in New York City, but when that time comes the system set up must be capable of transporting all classes of mail with celerity and reasonable cost and owned and operated by the Government.

In view of the foregoing decision I can not support an appropriation for this service in the annual Post Office Department appropriation bill.

DAVID I. WALSH.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay, at or in the vicinity of Strawberry Passage, in Door County, Wis.; to the Committee on Commerce.

H. R. 6512. An act for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma, lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes; to the Committee on Indian Affairs.

H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 7812. An act to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz.; and

H. R. 9257. An act to permit adjustment of conflicting claims to certain lands in Mohave County, Ariz.; to the Committee on Public Lands and Surveys.

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.; to the Committee on Public Buildings and Grounds.

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts; to the Committee on the Judiciary.

H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions; to the Committee on Naval Affairs.

AMBASSADOR EXTRAORDINARY TO HAITI.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, the resolution of the Senator from Utah [Mr. KING] relative to the appointment of Brig. Gen. John H. Russell as high commissioner to Haiti.

Mr. KING. Let the resolution be read.

The PRESIDENT pro tempore. The Secretary will report the resolution.

The reading clerk read the resolution (S. Res. 249) submitted by Mr. KING yesterday, as follows:

Whereas the President of the United States has designated Brig. Gen. John H. Russell as high commissioner to Haiti, with the rank of ambassador extraordinary to the Government of that country, without having sent the nomination of said Brig. Gen. John H. Russell to the Senate for the advice and consent of the Senate with respect to his appointment to said office: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby requested to investigate the question as to the power of the President under the Constitution to appoint an ambassador extraordinary to Haiti, without the advice and consent of the Senate in that behalf, and report their findings and opinion to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. LODGE. Mr. President, there is an error in the resolution to which I wish to call attention. The President, in reply to the inquiry of the Senate, sent the orders given by him to Gen. Russell and stated that he was sending him as commissioner, with the rank of ambassador, as his agent. Of course, he is an officer of the Army, and the President is sending him there with that rank. But I think in the absence of the Senator from Illinois [Mr. MCCORMICK] and the Senator from Ohio [Mr. POMERENE], who have special charge of matters relating to Haiti, it would be better if the Senator would allow the resolution to go over.

Mr. HARRISON. Mr. President, may I ask the Senator from Utah in considering the question whether he considered also that Lillian Russell was sent over to Europe to settle the immigration question under similar circumstances?

Mr. KING. I might say that this administration seems to have a penchant for the name "Russell," and there may be other Russells clothed with extraordinary powers and sent with roving commissions throughout the world. I can not answer the Senator from Mississippi any more in detail than that.

Mr. President, there ought to be no objection whatever to the adoption of the resolution. I do not wish, however, to seem to take advantage of the absence of any Senator who may be interested in the resolution, and if the Senator from Massachusetts so requests, out of deference to his request I will let the resolution lie on the table, to be called up when I can get the floor during the day.

Mr. LODGE. I am much obliged to the Senator. Of course, this appointment is one of the kind which all Presidents have made; it is not an office in any sense of the word; but I am not going to argue the question, because I think it is one that should, with reasonable deference to the Senator from Ohio and the Senator from Illinois, remain unacted upon until they can be present.

Mr. KING. Mr. President, I will, without prejudice to its further consideration, ask that the resolution go over, and I now give notice that I shall again call it up.

Mr. LODGE. Let the resolution lie upon the table, and the Senator from Utah may call it up at any time.

Mr. KING. I shall call the matter up to-morrow morning, if I can get the floor for the purpose during the day.

The PRESIDENT pro tempore. The resolution will lie over until to-morrow without prejudice.

ATTORNEYS EMPLOYED BY ALIEN PROPERTY CUSTODIAN.

Mr. KING. Mr. President, I submit the resolution which I send to the desk and move its adoption.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 253), as follows:

Whereas the Senate on January 5, 1922, passed a certain resolution requiring the Alien Property Custodian to report to the Senate the names of all attorneys who have been appointed or employed by the Alien Property Custodian, together with certain other information specified in said resolution; and

Whereas the Alien Property Custodian has failed and neglected to respond to said resolution, although ample time has intervened since the passing of the same for him to report to the Senate the information requested: Now, therefore, be it

Resolved, That the Alien Property Custodian be, and he is hereby, directed to forthwith report to the Senate the information requested of him in said resolution.

The PRESIDENT pro tempore. The Chair understands that the Senator from Utah asks unanimous consent for the immediate consideration of the resolution?

Mr. KING. I do.

The PRESIDENT pro tempore. Is there objection?

Mr. WADSWORTH. Mr. President, I have no particular objection to the resolution unless some other Senator may desire to have it go over. I merely wish to state in this connection that, quite by accident, I happened to discuss with one of the officials in the office of the Alien Property Custodian some of the work being done by that office, and he mentioned to me the terrific task which had been imposed upon the office in its effort to reply to the resolution originally introduced by the Senator from Utah [Mr. KING].

Mr. KING. Let me say to the Senator, if I may interrupt him——

Mr. WADSWORTH. I have no right to speak for the official to whom I have referred, and I can not recollect the figures which he gave me, but I gathered the impression that, in order to furnish the information required, a large number of clerks had to be employed in the production of a very bulky document on which they were hard at work.

Mr. KING. Let me say to the Senator from New York that if the Alien Property Custodian had complied with the law, and had filed, as should have been done, on the 1st of January, a full and detailed report of all his proceedings, this resolution would not be necessary. If he has the data on hand which he should have, as by law required, it would be a very easy task to assemble the information called for by the resolution which was adopted by the Senate some time ago.

Mr. MCCORMICK. I ask that the resolution go over until to-morrow.

Mr. KING. I suppose under the rule I can do nothing but submit.

The PRESIDENT pro tempore. The resolution will go over.

UNEMPLOYMENT OF EX-SERVICE MEN.

Mr. HARRIS. Mr. President, some days ago I called attention to a statement which had been made that there were 200,000 unemployed in the city of New York, 75,000 of whom were ex-service men. I ask that the Secretary may read a statement which I send to the desk from the head of the American Legion showing that there are 700,000 ex-service men unemployed, and that he is asking the President of the United States to set aside a day in order to help remedy the situation. We are allowing between 300,000 and 400,000 immigrants each year to come into this country when at the same time several million of our own citizens, including hundreds of thousands of ex-service men, are unemployed. I have heretofore urged that all immigration be stopped for five years, and I shall continue my efforts to accomplish this.

I have also offered an amendment, now pending before the Senate Immigration Committee, which would require all aliens to come to the United States in American ships.

The PRESIDENT pro tempore. Is there objection to the reading of the statement presented by the Senator from Georgia?

There being no objection, the statement was read, as follows:

LEGION TO CAMPAIGN TO FIND JOBS FOR 700,000—MACNIDER ASSERTS CONCERTED EFFORT WOULD FIND EMPLOYMENT FOR 500,000.

[By the Associated Press.]

CHICAGO, *March 4*.

A campaign by the American Legion to obtain employment for 700,000 veterans of the World War now idle and in need has been under consideration by the legion, Col. Hanford MacNider, national commander, announced to-night in an address at a dinner given in his honor by the Illinois department.

National business, civic, fraternal, and welfare organizations have been asked to cooperate and a survey of conditions in each locality will be completed before March 20, which will be known as American Legion employment day, he said.

"Properly supported, this concerted, localized national effort will result in the relief of 500,000 men in 30 days," Col. MacNider asserted. President Harding has been requested to set aside the day by proclamation to obtain relief for unemployed veterans, and governors, mayors of cities, and local leaders have been asked to cooperate, it was announced.

"Resplendent dignitaries, great addresses, and solemn music paid homage to the unknown soldier last November," Col. MacNider said. "This unknown soldier even now is passing your door. Your faith and appreciation will inspire him. Give him work."

THE FOUR-POWER TREATY.

The PRESIDENT pro tempore. Morning business is closed.

Mr. LODGE. I move that the Senate proceed to consideration of executive business in open session in order that the four-power treaty may be considered.

The motion was agreed to; and the Senate as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LODGE. I now make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harreld	Newberry	Shortridge
Ball	Harris	Nicholson	Smith
Borah	Harrison	Norbeck	Spencer
Brandegee	Hefin	Norris	Stanley
Cameron	Jones, Wash.	Oddie	Sterling
Capper	Kellogg	Overman	Sutherland
Caraway	Kendrick	Page	Townsend
Colt	King	Pepper	Underwood
Culberson	Ladd	Phipps	Wadsworth
Cummins	Lenroot	Pittman	Walsh, Mass.
du Pont	Lodge	Poindexter	Walsh, Mont.
Fletcher	McKellar	Pomerene	Warren
France	McKinley	Rawson	Watson, Ga.
Gerry	McNary	Reed	Williams
Gooding	Nelson	Robinson	Willis
Hale	New	Sheppard	

Mr. JONES of Washington. I desire to announce that the Senator from Vermont [Mr. DILLINGHAM] is absent on account of a death in his family.

I also wish to announce that the following Senators are detained from the Senate in connection with the work of the Committee on Finance: The Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. KELLOGG. Mr. President, when we consider the circumstances under which the conference of Washington was called, the condition of the world after the Great War, the burden of taxation under which the peoples of the belligerent nations are suffering, and what has been accomplished under the leadership of the United States, the Senate ought to ratify these treaties without the slightest hesitation. They were acclaimed by the people of all nations, and approved by the most enlightened sentiment of the world.

In June, 1921, the President announced his intention to call a conference in Washington for the purpose of the limitation of naval and land armament. So strong was the sentiment in the Congress for such a movement that on July 12, 1921, there was passed and approved an amendment to the naval appropriation bill authorizing and requesting the President to invite the Governments of Great Britain and Japan to send representatives to a conference—

which shall be charged with the duty of promptly entering into an understanding or an agreement by which the naval expenditures and building programs of each of said Governments shall be substantially reduced.

On August 11, 1921, the President issued his formal invitation for a conference to meet in Washington on November 11, 1921, for the limitation of armament and the settlement of the Pacific and Far Eastern questions. This conference therefore was called pursuant to a mandate adopted by substantially a unanimous vote of the Congress of the United States, and backed by the enthusiastic approval of the people of this country. The United States is probably the only country which could have taken the lead in this great movement with any hope of success. The war had left Europe torn by factions, inspired by rivalries, jealousies, and racial hatreds, which the treaty of Versailles had not allayed. This Government had held aloof from these disputes, though deeply interested in the peace of the world, for past experience had taught us that any great world conflagration involved the peace and security of this Nation.

The conference met in Washington on the anniversary of the armistice ending the Great War. I believe that few people expected such great accomplishment in so short a time. Various attempts had been made in the past without success. The competition in building navies and raising and equipping land forces had continued uninterruptedly until the war burst with all its fury upon Europe in 1914. Even when the leading statesmen of Europe were, in 1918 and 1919, discussing a proposed league or concert of nations, little if any hope was expressed that a limitation of armament could be agreed upon. This was particularly true of the discussions in the House of Commons and in the House of Lords, I believe, in 1919. But the peoples of the belligerent nations—yes, of all nations—were weary of war. They had passed through four years of ruin, devastation, and suffering unparalleled in history, leaving them burdened with debt and oppressed with taxation. They were determined to end the competition between nations in building armaments, the inevitable result of which must be another war.

With the vision of a statesman, realizing his responsibility as Executive head of a great Nation, the President decided to make a determined effort toward an understanding for the limitation of armament, which, confessedly, he knew must include the leading maritime nations of the world. In order to accomplish it the President realized, as I think all statesmen did, that to obtain an agreement for limitation of armament there must be a settlement of the disputes in the Far East and the Pacific which would remove the cause of war. The treaty of Versailles had not adjusted these questions. If anything, the disagreements between Japan and China over the 21 points, the possession of Shantung, and the open door had been aggravated rather than allayed. Japan had been given a mandate over the German islands north of the Equator. This country had not recognized that mandate, and insisted upon the right of constructing and maintaining a cable station upon one of those islands. Japan was proceeding to fortify its outlying islands and carrying on a large program of naval construction. England and the United States were also carrying on programs of naval construction. The burdens of naval armament were to increase instead of decrease. The next war was predicted in the East, and many thought it would come in the near future.

Under these conditions the conference met in Washington. The distinguished statesmen representing the various Governments were inspired with the highest motives and a determination to accomplish something substantial, and they have submitted their labors to the candid judgment of the world. The result of that conference was the following treaties:

(1) The four-power treaty between the United States, the British Empire, France, and Japan, wherein they agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific and agree to confer together to settle any disputes which may thereafter arise. This treaty canceled the Anglo-Japanese alliance.

(2) The treaty between the five powers for the limitation of naval armament and the limitation upon building fortifications on the Pacific islands.

(3) A treaty by the same powers limiting the use of submarines and noxious gases in warfare.

(4) A treaty between the nine powers relating to the principles and policies to be followed in matters concerning China, and to provide for an open door and equality of opportunity of trade and commerce.

(5) A treaty between the nine powers relating to the Chinese customs tariff.

(6) A treaty and an understanding recorded in the minutes between Japan and China adjusting and settling the disputes between those two countries, especially restoring to China the German territory and rights in Shantung which had been taken by Japan, including the railway.

I shall not at this time attempt to discuss in detail these various treaties, but in passing it seems to me important to emphasize those in relation to China. The limitation of armament treaty is well understood by everyone. It will be discussed in the Senate, undoubtedly, at great length. It is the first great constructive effort in the world in all the long centuries of war to limit the construction of naval armament, which, if it were to go on, undoubtedly would produce another conflict, and meanwhile burden the peoples of this country and of the world. I shall not, therefore, stop to discuss that treaty, because it was the object of this conference. All the other treaties are auxiliary to it and in aid of it, in order that this object might be attained.

The nine-power treaty between the powers and China in relation to the open door of China, I think, deserves brief consideration. The treaty between these nine powers relating to the principles and policies to be followed in matters concerning China is of very great importance to this country. It contains stipulations for the open door, which have been advocated by this country from the time John Hay was Secretary of State; and the nine powers having established in the principles of the sovereignty and independence of China the open door and equal

opportunity for trade and commerce, I believe that they will be adopted by all the other nations of the world.

So far as this country is concerned, it carries out a cherished policy, and I believe is of very great importance in settling the difficult problems in the Far East.

By article 1 of this treaty the contracting powers agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China; to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government; to use their influence for establishing and maintaining equal opportunity for commerce and industry of all nations throughout the territory of China; and to refrain from making any agreements for special rights or privileges.

By article 2 the powers agree not to make any treaty infringing upon the principles laid down in article 1, and in article 3 they agree that they will not support their nationals in obtaining any superior rights to commercial and economic development, or any monopoly of trade and industry in China.

By article 4 the contracting powers agree not to support any agreement by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

Article 5 provides that there shall be no discrimination upon the Chinese railways in respect of charges or of facilities for shipment between the nationals of different countries.

Mr. President, I listened yesterday to a resolution introduced by the Senator from Idaho [Mr. BORAH] requesting information from the President as to whether the Lansing-Ishii agreement was now in force, and a like question was addressed to the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Massachusetts [Mr. LODGE], both of whom said that it was not in force.

Just for a moment let us see what the Lansing-Ishii agreement was. The question was undoubtedly asked with a view to raising the question of whether there was not now in existence an understanding between the State Department and Japan, whereby the latter retained special interests in China, which has not been abrogated by this nine-power treaty.

The Lansing-Ishii agreement, to commence with, is not a treaty. It was merely an exchange of notes between Mr. Lansing and Viscount Ishii, the special representative of Japan. I shall not read these notes, but two or three clauses will illustrate the point I am making.

In the note of November 2, 1917, to the ambassador extraordinary of Japan, Viscount Ishii, Mr. Lansing said:

> The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and consequently the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which their possessions are contiguous.
>
> The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.
>
> The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principles of the so-called "open door" or equal opportunity for commerce and industry in China.

Mr. President, to commence with, those special interests were defined by the representative of Japan at the last conference as not conferring any sphere of influence or special interest other than that which would arise from the nearness of the Chinese territory to Japan, and Japan's necessary interest in the trade and commerce of China which were open to all countries.

Baron Shidehara, in the declaration he made in the conference, made clear what is meant by Japan when referring to special interests in China. As thus defined, these special interests are not claimed to connote either political domination or exclusive privileges, or any claim or pretension prejudicial to China or any other foreign nation, or any antagonism to the principles of the open door and equal opportunity. He said:

> To say that Japan has special interests in China is simply to state a plain and actual fact. It intimates no claim or pretension of any kind prejudicial to China or to any other foreign nation.
>
> Nor are we actuated by any intention of securing preferential or exclusive economic rights in China. Why should we need them? Why should we be afraid of foreign competition in the Chinese market, provided it is conducted squarely and honestly? Favored by geographical position, and having fair knowledge of the actual requirements of the Chinese people, our traders and business men can well take care of themselves in their commercial, industrial, and financial activities in China without any preference or exclusive rights.
>
> We do not seek any territory in China, but we do seek a field of economic activity beneficial as much to China as to Japan, based always on the principle of the open door and equal opportunity.

Then, he goes on to explain that the special interests arise simply from propinquity, and by reason of the fact that Japan has a large trade and commerce, and is dependent a great deal upon China for her raw materials, and so forth.

That this note was in the minds of the representatives of this Government and of the other Governments is perfectly evident from the discussion by Mr. Balfour on the 8th day of December, in the fourteenth meeting of the conference, reported on page 563 of the proceedings of the conference. He said:

> It might, of course, be said that China, not being a party to such treaties, need in no way recognize them nor consider herself bound by any of their provisions. That was legally true. But the political effect produced by a group of such treaties, just as in the case of spheres of influence, tended so to modify the political and economic situation in China that no efforts on the part of the Chinese Government would succeed in preserving its liberty of action. Should recognition be given to the practice that China need not be consulted, the total results of a group of such cases must be examined. In that case it was claimed that vital interests of China would be affected, and that the nature of activities and interests within China would be determined entirely by the action of outside powers. The Chinese Government would then find itself obliged to move along grooves laid down by others without having once had an opportunity of insisting upon her own life needs as seen by herself.
>
> It must therefore be concluded that though an individual agreement might, on the face of it, concern only the action of outside powers, if that action related to China, the Chinese Government could not remain indifferent to it because of the effect which the continued practice of making agreements of this kind would have upon the liberty of movement and the development of the Chinese Government and the nation itself.

This had been preceded, as the Senator from Massachusetts well remembers, by a statement of Mr. Koo substantially to the same effect. It shows, therefore, that the representatives of this Government had in mind exactly such a situation as would arise from any possible claim by the Japanese Government that this Lansing-Ishii note granted to her any special rights, like a sphere of influence or an exclusive right to trade within China.

When, therefore, we find a disclaimer by Japan, a statement in the open conference, of the class of treaties and notes and agreements and understandings between powers other than China which were intended to be covered by this treaty, and when we read the fourth provision of article 1, whereby the Governments agree to refrain from taking any advantage of conditions in China, or to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing any action inimical to the security of separate States, we can see that there is not anything left whatever that may have existed in the Lansing-Ishii agreement.

In any event, it seems by the declaration of Japan that all she claimed from that instrument was a superior right by reason of her contiguity to the Chinese territory. We were seven or eight thousand miles away. While we had trade in China, Japan was near China. Her interest, therefore, was greater and more vital to her national life than ours, although they were not special privileges which were not in the reach of any other country, and if they were they were rendered absolutely void by this treaty.

We all remember the discussion which took place in the Senate when the question of Shantung was before the Senate. I am not going to stir up the embers of the old Versailles treaty debate, but I believe that there was no question which interested the American people more than the provision of that treaty which gave the German leased territories in Shantung to Japan. There was a treaty made at this conference between Japan and China—although, to be sure, this country was not a party to it—undoubtedly induced by the good offices of representatives of this Government as well as those of other Governments. In one moment I shall mention the nature of this treaty.

This was a treaty, and also a resolution, which may be taken as a part of the whole document executed by the Japanese and Chinese representatives. This treaty is entirely a treaty for the settlement of outstanding questions relative to Shantung. It provides for an adjustment of nearly all the questions between those countries which were left unsettled by the treaty of Versailles and which resulted in the failure of China to sign that treaty. Japan agrees to transfer to China the former German leased territory of Kiachow, with all public property therein, and the Japanese troops are to be withdrawn from China. The customhouses are to be turned over to China. Japan also agrees to transfer the Tsing-Tao Railway and its branches, with all properties appertaining thereto, and China agreed to pay Japan 53,406,141 gold marks, being the assessed value of the railroads in the hands of the Germans, and to pay Japan for all permanent improvements made since that time. This sum to be secured upon the revenues of the railway for a period of 15 years and to be payable at the option

of China at any time after 5 years. All mines for which rights were formerly granted to Germany are to be turned over to a Chinese corporation, in which the capital of the two countries may be equally represented. Japan agrees that it will not seek any establishment of exclusive Japanese settlement or international settlement in the former German leased territory and China agrees that the same will be open for foreign trade and foreign nations will be permitted to freely reside and carry on commerce, industry, and other lawful pursuits within such area. The salt industry is to be transferred to China, and China agrees that exportation of salt to Japan shall be permitted on reasonable terms. The former German cables are to be transferred to China, with the exception of two cables which have been utilized by the Japanese Government. All wireless stations to be transferred to China for a fair compensation. These are the principal features of this most important treaty.

Mr. President, I think it was not one of the least of the accomplishments of the American delegates and the other delegates to this conference to bring about an adjustment and settlement of the questions in China and the maintenance of the open door, for which this country has struggled for many, many years.

It is not, however, my intention at this time to go into any detailed discussion of these various treaties. It is sufficient to say that, as a whole, they were made necessary in order that we might enter into an agreement with the naval powers for limitation of armament. Everyone knows that without these treaties we could not have brought Japan into an agreement—and Japan was a great naval power—which would have been accepted by her for the limitation of the building of armament.

This was evident to the President—to everybody attending the conference—and it must have been evident to the Congress when it passed the resolution calling for a limitation of naval armament, that it could never be accomplished without an adjustment of these differences and disputes in the Far East. There is no way of settling disputes between nations except by treaties, as there is no way to obtain a limitation of armament but in the same way, and it seems to me that Senators will take a heavy responsibility in attempting to defeat any one of these treaties so necessary to the accomplishment of the great object of this conference. The treaties may not in detail meet the ideas of every Senator, but we must remember that every Senator can not have his own way, and that if they are to be ratified and the work of the conference consummated there must be accommodation of views and a broad-minded attitude in order that this great work may be accomplished.

THE FOUR-POWER TREATY.

I now invite the Senate's attention to the four-power treaty, which seems to be the storm center of opposition. It was the first and one of the most necessary steps in arriving at the limitation of armament, and properly to understand the reasons for making it we must take into consideration the conditions existing in the Far East.

The United States, Japan, France, and England had possessions in the western and southern Pacific, and Japan and the British Empire had obtained mandates over certain of the Pacific islands. There existed a defensive alliance between the British Empire and Japan, known as the Anglo-Japanese alliance, under which it was agreed as follows:

> If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once come to the assistance of its ally, and will conduct the war in common and make peace in mutual agreement with it.

This was the Anglo-Japanese alliance that stood in the face of this conference when limitation of armament was proposed to the world.

This treaty was viewed by the United States and by other powers with suspicion, and it was thought by the distinguished statesmen representing this country that if we were to find a firm basis of mutual friendship and permanent peace there should be no offensive or defensive alliances existing in the East, especially in view of the fact that Japan and the British Empire were two of the great naval powers of the world. It was therefore agreed that upon the ratification of the four-power treaty the agreement made between Great Britain and Japan, which was concluded in London on July 13, 1911, known as the Anglo-Japanese alliance, should terminate.

I saw an article this morning in The Outlook which seemed to me to put this question in a very few words:

A vote—

Says The Outlook—

> against the treaty is a vote for an alliance—a vote, in fact, for an alliance in which America has no part. A vote for the treaty is a vote not only against this alliance but against all alliances in the Far East. If the treaty is adopted, the Anglo-Japanese alliance is at an end; if it is not adopted, the Anglo-Japanese alliance will continue and will have added significance by the very fact of the rejection of its substitute.
>
> We can hardly believe that the country wishes the Senate to say virtually to Great Britain and Japan, "We decline to promise to respect your rights; we do not wish in any case of dispute even to confer with you; and we prefer that you should keep up your military partnership."

Very well said.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. KELLOGG. I yield.

Mr. POMERENE. I would like to ask the Senator a question, not in a controversial spirit, because I expect to vote for the treaty, possibly with a reservation. I would like the Senator's view with respect to this situation.

Great Britain and Japan have both ratified the Versailles treaty. Great Britain and Japan are both parties to the four-power pact. Under the Versailles treaty any controversy which may arise between any two of the signatory powers goes before the assembly or, under certain conditions, before the council of the League of Nations. Under the four-power pact any controversy which is the subject matter of consideration in the four-power pact must be considered by the four powers.

Query: Assume that a controversy arises between Great Britain and Japan relative to some island possession in the Pacific region. Under the terms of the Versailles treaty the assembly might have jurisdiction of it. Under the four-power pact the four signatory powers would have jurisdiction of it. Would that controversy have to be submitted to the two tribunals for consideration, or what would happen in the event that such a controversy as I have indicated should arise?

Mr. KELLOGG. I do not think it would have to be submitted to the League of Nations at all. We are not a party to the League of Nations——

Mr. POMERENE. Oh, no; Mr. President——

Mr. KELLOGG. Let me complete my answer, please. The league does not prohibit, so far as an outside country is concerned, Great Britain and Japan entering into an agreement with the United States whereby they agree to consult together as to any dispute which may arise between them or between those parties and any outside nations as to this particular subject. I do not think that the League of Nations could have any jurisdiction, because those countries have made, not agreements of arbitration with us, not binding agreements to submit to the decision of any conference or league, but simply an agreement to consult together as to any question in which they may be mutually interested.

Mr. POMERENE. If the Senator will pardon me, the Senator is answering me from the standpoint of the United States. That was not the phase of the problem which was in my mind or which was contemplated by my question. Looking at it from the standpoint of Great Britain and Japan, who are, in the hypothetical case I have submitted, parties to the controversy, should they submit it to the assembly under the treaty of Versailles or should they submit it for consideration to the conference of the four powers under the four-power treaty; and if either the one or the other or both, what would be the result?

Mr. KELLOGG. The four-power treaty is the latest treaty. This is a treaty made simply for conference as to the particular subjects with a country not a member of the League of Nations, and I see no reason whatever why this conference would have to go to the League of Nations. The League of Nations covenant does not provide that nations shall not confer over subjects in which they are mutually interested. That is the best answer I can make.

Now let us see what the four-power treaty provides for. The preamble of this treaty states that it is made with a view to the preservation of the general peace and the maintenance of the rights of the respective nations in their insular possessions in the region of the Pacific; and, in order to accomplish this, article 1 of the treaty provides that the high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and dominions in this region. It is true that there is no definition as to just what those rights are, and no definition is necessary. We have absolute dominion over the Philippine Islands, and the other powers agree to respect those rights. The other powers have absolute dominion or mandatories over other islands, and we agree to respect their rights. There is little, if any, chance for disagreement as to what those rights are. But assume that the title of any country should be questioned, we do not agree to submit that question to arbitration or to the decision of any conference or to be bound by any finding, but simply to consult together with a view to the adjustment of any disagreements.

Has it come to this that this country can not agree to respect the rights of other countries in order that there may be a better understanding and a preservation of the peace of the world? Shall we decline to meet in conference or to communicate with other nations with a view to settling international difficulties and maintaining peace? Shall we follow a policy of isolation and competition in building navies and land armaments, a policy which brought on the great European war? In my judgment conferences, communications as to disputes, and intimate associations are the surest means for preservation of peace. If nations can be induced to talk over their disputes and controversies, war is very unlikely. Had Germany consented to a European conference, the Great War would, in all probability, have been prevented.

But it is said that we are entering into an alliance which will involve us in the disputes of the Far East and may bring on a war. An alliance is generally understood to be an agreement between nations whereby if one is attacked the other agrees to go to war in its defense, like the Anglo-Japanese alliance, terminated by this treaty, the triple alliance, the Franco-Russian alliance, or the alliance between the United States and France of 1778. If this four-power treaty constitutes an alliance, then practically all the treaties we have ever made, by which we agree to consult together to arbitrate questions, to lay down rules of action in war or in peace, to limit armament upon the Great Lakes, are alliances. Have any of those treaties ever drawn us into war? Again, are we liable to be drawn into disputes in the Far East by consulting with interested nations more than by holding aloof and taking the position that we will look after our own affairs? The questions and differences are more liable to arise without this treaty than with it; and if differences arise in which we are interested they are much more liable to be adjusted after consultation with other nations than by taking the attitude that we will protect our own rights and they must look out for theirs. The treaty does not create the questions; the questions exist to-day and are bound to exist, whether we ratify the treaty or whether we do not. For nearly three years we held absolutely aloof from the war in Europe, and yet we were drawn into it.

I do not say that had a treaty existed by which the European nations had agreed to consult with each other before war should be declared it would certainly have prevented the conflict, because Germany had built up a great war machine and believed she could dominate Europe. But I do believe that had there been in existence an understanding for the limitation of armament, whereby armament had been kept down to a reasonable basis and an agreement to consult together before resorting to arms, there would have been no war in Europe in 1914. That is exactly what this country is now trying to do by the conference which has just adjourned. In view of the appalling calamity of the World War and the present disordered condition of the world, is it possible that the United States Senate is willing to take any chances whatever of defeating the objects sought to be attained by the leadership of the United States? The results of this conference have been hailed as the hope of the world by the afflicted nations of Europe. As this country led in the conference, it should lead in the consummation of its labors.

But why this sudden opposition to entering into a treaty whereby we agree to consult with other nations in order to prevent misunderstanding and avoid war? We have been making conventions and agreements with other nations for mutual action and understandings for many years, notably the following: Treaties with all the leading nations of the world, entered into by Mr. Bryan as Secretary of State, for arbitration and settlement of disputes. These treaties are substantially in the same form. Article 1 is as follows, and I invite attention to its language:

> The high contracting parties agree that all disputes between them, of every nature whatsoever, which can not be adjusted through diplomatic methods, or are not submitted to arbitration, shall be referred for investigation and report to a permanent international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Then article 2 provides for the creation of an international commission. There is much more of an alliance under every one of those treaties than there is under the four-power treaty, whereby we simply agree to consult with the other powers in the event of a dispute arising in the East or in the event of an aggression by any outside power on the rights of any of the signatory nations.

An agreement between Great Britain, Russia, and Japan for the protection of fur seals; a convention between Great Britain and the United States, entered into in 1817, regulating the naval forces upon the Great Lakes; the postal convention; the international wireless and telegraph convention; the international law commission; an agreement for the unification of rules with respect to assistance and salvage at sea; international prize court convention; international naval conference; international sanitary convention; convention relating to patents, designs, and industrial models; and many others too numerous to mention. These agreements require constant cooperation with other countries. Some of them affect territory and rights of citizens, regulate rules of warfare, rights upon the high seas, and questions of armament on the Great Lakes. Why not an agreement between the four leading powers to respect their rights in the Pacific and to consult together with a view of settling any disputes? Is there any more danger of involving us in entangling alliances by reason of this agreement to respect each other's territory than by reason of all the other numerous treaties, agreements, conventions, and arbitration tribunals heretofore made and now in existence with other nations?

Mr. President, it has been said that this treaty constitutes, or at least from it there may be implied, some agreement to defend the possessions of the other parties to it, and in order to satisfy those who are afraid of committing this country to anything of that kind a reservation was adopted by the majority of the Committee on Foreign Relations reading as follows:

> The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

This, therefore, brings me to a discussion of the particular language of this treaty to ascertain if it implies any agreement to come to the defense of the other parties to it, or any obligation to use force, or, as the Senator from Massachusetts said in presenting the treaty, if any force lurks in the background.

Some, at least, of the members who voted for this reservation did not believe it was necessary, but apparently did so because they thought it could do no harm. I voted against the reservation in the committee, and I desire to state my reasons for doing so, for they involve a construction of the four-power treaty. It has been claimed on the floor of the Senate that there is at least a moral obligation to defend the territory of other countries and to come to their assistance with armed forces, and that in this regard the treaty resembles article 10 of the League of Nations covenant. I submit there is no semblance of similarity. There is no agreement to maintain any nation's rights to territory, no commitment to any force whatever, no obligation, expressed or implied, resembling article 10, except to respect the rights of the other nations. It will be remembered that article 10 of the League of Nations covenant not only undertook to respect the territorial integrity and existing political independence of all members of the league but to preserve the same as against external aggression. Here was a direct, individual obligation, and the article further provided that in case of any aggression the council of the league should advise upon the means by which the obligation was to be fulfilled.

I am aware that some Senators believed there was no obligation without the advice of the league, and that we were under no obligation to accept that advice. If that is true, then there is certainly no obligation here. I do not think that was the proper construction, but I know other Senators differ from me. Does anyone believe, in view of the record of the Senate, and the expressed wish of the Nation, that the distinguished statesmen who negotiated this treaty—Messrs. Hughes, Lodge, Underwood, and Root—undertook to bind this country to any defense of other nations' territory? I do not believe the most vivid imagination can conjure up, from the language of this treaty, any obligation of this kind whatever. Let us examine the language.

Under section 1, if there should develop a controversy between the high contracting parties, arising out of any question involving their said rights, which is not settled by diplomacy and is likely to affect the harmonious accord subsisting between these countries, it is agreed that—

> They shall invite the other high contracting parties to a joint conference, to which the whole subject will be referred for consideration and adjustment.

There is absolutely no binding agreement for us to do anything else than to meet and discuss any differences in order to avoid the calamities of war. No principle is better settled, by the universal practice of nations, by the principles of international law, by the history of all conferences, than that this simply provides for a conference, subject to all the rules of such conferences. The language is plain and unambiguous. There is no agreement for arbitration, there must be unanimity, and no action can be taken except by the respective Governments through their constitutional authority.

I shall not attempt to go into the authorities on this question, but I desire to refer to a decision of the Supreme Court of the United States which bears upon it. What I have stated would

be true even as between private parties; how much more so between sovereign nations? To show the Senate how different the language in agreements referring matters for consideration and adjustment is from the language used in arbitration agreements, let me cite the decision of the Supreme Court of the United States in the case of Gordon against the United States, reported in Seventh Wallace.

That case involved the construction of an act of Congress referring claims against the Government to the Secretary of War "to examine and adjust their claims on principles of equity and justice, having due regard to the proofs for the value of the property taken or destroyed." "Examine and adjust" is the language of the act of Congress. The language of this treaty is "they shall invite the other high contracting powers to a joint conference, to which the whole subject will be referred for consideration and adjustment." It was claimed that the act of Congress constituted the Secretary of War an arbitrator, and that the Government was bound by his adjustment. The Supreme Court held to the contrary. The court said:

> It is asserted that this is a case of arbitrament and award, and was binding as such on the Government, and that the repeal of the resolution of Congress could not affect or invalidate the rights vested by the award previously made under it. But the Secretary of War was not an arbitrator. An arbitrator is defined as "a private extraordinary judge chosen by the parties who have a matter in dispute invested with power to decide the same." The Secretary of War acted ministerially. The resolution conferred no judicial power upon him.

Here is the language to which I wish to invite especial attention:

> In order to clothe a person with the authority of an arbitrator the parties must mutually agree to be bound by the decision of the person chosen to determine the matter in controversy.

Now, of course, that is the universal rule as to conferences in international law and as to conferences between private parties. How much more so, as I have said, would it be in the case of sovereign governments?

The same principle applies to section 2 of the treaty. If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly, in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Here, again, there is nothing but an understanding to communicate fully and frankly with each other in order that the threatened aggression may be warded off or adjusted, and the same principle applies—there is no binding agreement, no arbitration; there must be unanimity, and any action is subject to the approval of the home Government, according to its constitutional methods. But it is said that as, under article 2, the powers agree to communicate with each other in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation, the power to act and bind this Government to defensive means is implied. I submit that no power to bind this Government to go to war or to assist in the defense of any territory of another power can possibly be implied from the language here used, especially in view of the constitutional limitations of this Government. Every presumption would be against such implied power.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator if he believes that by this language this country can be bound to go to war by an implication or in any other way except by the most express language?

Mr. KELLOGG. Certainly not. The claim that by the language of this treaty this country is bound to go to war in the defense of other territories is one that no lawyer would make for a moment in a court of justice. It could only be made in the Senate of the United States.

Mr. KING. Mr. President, if the Senator will pardon me, I think our treaty with Panama is an obligation which compels us to protect that country; and if that protection eventuated in war, then the guaranty of protection would lead us into war.

Mr. KELLOGG. What is in the Panama treaty is entirely lacking here. There is an agreement in the Panama treaty to protect her territory; and while, as the Senator from Washington says, that is what is called a treaty obligation, of course even that could not be carried out without the action of the Congress. There, however, was a treaty obligation. Here it is entirely lacking.

Mr. KING. Mr. President, if the Senator will pardon me, I was not attacking the provision here or differing from the construction which the Senator was placing upon it. I was attempting to answer what I understood to be the position of the Senator from Washington [Mr. POINDEXTER], namely, that there could not be a treaty obligation which imposed upon the United States the obligation of going to war. Of course, I agree that notwithstanding the treaty obligation the Senate might refuse to declare war.

Mr. KELLOGG. The Senator from Washington did not make any such statement.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Minnesota yield; and if so, to whom?

Mr. KELLOGG. I yield to the Senator from Washington.

Mr. POINDEXTER. I made no such statement as that just quoted by the Senator from Utah. I do not believe there is any such limitation on the treaty-making power. What I said was that the United States can not be bound to go to war by an implication. There must be an express agreement before such a radical obligation as war is imposed upon a nation. I did not say that a treaty can not be made in express terms to that effect. On the contrary, I said that in all probability it could be made, and the Panama treaty does contain the express obligation on our part to protect that country.

Mr. KING. Mr. President, so that it may not be left as though I did any injustice to the Senator, permit me to say that I understood him differently from the statement which he now makes. With the statement which he now makes I have no controversy whatever.

Mr. KELLOGG. I understood the Senator. I am speaking now from the plain, simple, well-understood language of this instrument. It was so understood by every delegate at the convention, so announced when the treaty was adopted, and this announcement clearly accepted; but it was not necessary to announce this, because the language is so plain that it is not subject to any other construction, and I doubt if any member of the conference ever dreamed that such a construction would be placed upon it until he read the proceedings of the Senate.

It was so understood by the delegates framing the treaty, the understanding expressed at the meeting of the conference when it was adopted, so understood by the President, and I am at a loss to see how it could be understood otherwise.

In reporting the treaty to the joint conference, Senator LODGE stated as follows:

> To put it in a few words, the treaty provides that the four signatory powers will agree as between themselves to respect their insular possessions and dominions in the region of the Pacific, and that if any controversy should arise as to such rights, all the high contracting parties shall be invited to a joint conference looking to the adjustment of such controversy. They agree to take similar action in the case of aggression by any other power upon these insular possessions or dominions. The agreement is to remain in force for 10 years, and after ratification under the constitutional methods of the high contracting parties, the existing agreement between Great Britain and Japan, which was concluded in London on July 13, 1911, shall terminate. And that is all. Each signer is bound to respect the rights of the others and before taking action in any controversy to consult with them. There is no provision for the use of force to carry out any of the terms of the agreement and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

As said by the American delegates in their report to the President:

> This statement was made in open conference, in the presence of the delegates who signed the treaty, and must be regarded as an authority of accepted exposition of its import.

If anything was necessary, here is a plain statement of what the document means. The President, in his speech to Congress, stated substantially the same thing, but no construction is necessary. There is no doubtful language, no real opportunity for disagreement. No principle is better settled than the one that if a sovereign nation is to be bound by a joint conference, there must be the clearest and most specific language to that effect, and that if a representative of the United States in such conference is to bind his country to any course of action, there must be clear and specific language conferring the power for him to do so. Any such language is lacking in this instrument. It was not lacking in article 10 of the League of Nations covenant; that is, if that covenant had been ratified. While it was admitted in the discussion in the Senate upon the ratification of the Versailles treaty that the council of the league could not bind this country to go to war without the vote of Congress, it could not be denied, I think, that there was a positive agreement to preserve the territorial integrity and political independence of every member of the league, and when the council had advised upon the means of enforcing the obligation, there was a treaty obligation for this country to act. There is no such language here.

Again, it is said some country may claim there is a moral obligation for us to defend its territory in the case of such aggression. In view of the contemporaneous construction placed upon this treaty by the delegates at the open conference when it was adopted, what standing would any country have to claim that any such obligation, moral or legal, existed? On what ground could any country appeal to the judgment of the

world in view of this construction? Everyone knows the controlling influence of contemporaneous construction placed upon treaties. But suppose some nation should make the claim? Our position, in the light of these declarations, would strongly appeal to the judgment of the nations of the world. We can certainly not be drawn into a war any more than we would be if we had not attended the conference. We certainly would have the right to rely upon the plain language of the instrument as interpreted by all of the delegates at the time of its adoption.

Mr. President, I listened the other day to a statement by the Senator from Nebraska [Mr. HITCHCOCK]. I think, on mature consideration, he will change his view. He stated that he spoke without much preparation, because he was leaving the Senate; but let me read in that connection the statement that he made about the Versailles treaty in 1919.

On March 2 of this year, when this treaty was before the Senate, the Senator from Nebraska said:

> Mr. President, I have expressed in a somewhat rambling way my criticisms of the treaty. I would be glad to see such reservations and amendments as can, first, make it definite and certain that we are not bound to assist any of the other nations in any way against an aggression from any other country unless it is unprovoked; and, again, that if the President of the United States is to have the power to enter into an agreement with other nations at a conference as to taking efficient action for their protection, his agreement must be subject to the approval of the Congress of the United States, or at least, of the Senate of the United States.

Now let me show the Senate what the Senator from Nebraska said about article 10 of the League of Nations. I was claiming in the Senate that article 10 contained a distinct and separate obligation on the part of each country to preserve the territorial integrity and political independence of each other member of the league. The Senator from Nebraska said:

> I am very much surprised that the Senator should insert something into the league which is not there at all. I think there is not a word in the constitution of the league anywhere which justifies any nation in calling upon any other for protection. On the other hand, specific provision is made that the advice must come from the council of nine nations, which must be unanimous, and we constitute one of the nine.

If there was no obligation in article 10 that needed a reservation—and that was the position of the distinguished Senator—how he can conjure up any obligation from this language is beyond my comprehension.

Mr. POINDEXTER. Mr. President, to show that the phase of this question which the Senator is now discussing is a very practical political question before the country, I want to call his attention to and ask his views about a brief statement published a few days ago in the Seattle Post-Intelligencer, one of a series of papers owned by Mr. Hearst, which has taken a very active part throughout the country in the discussion of this question:

> Suppose there should be war between Russia and Japan! Suppose Russia, big but inactive, now a sleeping Goliath, should awake and demand a return of her Siberian territory! Suppose she attacks Japan and her insular possessions by force of arms, as is quite possible, what then?
>
> Under the terms of the European and Asiatic four-party alliance the United States would be morally and legally bound, at the instance of Japan, to come to her aid—to send the pick of our youth to help preserve the Japanese Empire and all its war grabs.
>
> Is Senator MILES POINDEXTER, of Washington, in favor of such a course? Is he willing that the blood of our American boys be shed that an Oriental dynasty might flourish and grow more powerful?

I should like to get the views of the Senator from Minnesota as to whether we would be under such a fearful obligation as that.

Mr. KELLOGG. Mr. President, there is not a word in this document that even implies any such obligation. I know that just such statements as that have been circulated industriously over the country, to give the impression to those who have not studied this treaty that we are entering into an alliance whereby we bind ourselves to go to war in defense of any territory of another country if attacked by a third party, or in the event of any dispute between the four powers. There never was such a propaganda with less foundation. Of course, it was started for effect, and some of it has been industriously encouraged in the Senate.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. KELLOGG. I do.

Mr. KING. In the absence of the Senator from Nebraska, may I inquire whether the Senator from Minnesota, in reading from the speech delivered by the Senator from Nebraska and last quoted by him, takes issue with the statements there made by the Senator from Nebraska.

Mr. KELLOGG. I was not of the same opinion as the Senator, as my speech at that time showed. I thought there was a distinct several obligation on each country to preserve the territorial integrity and political independence of the other countries. I know many Senators disagreed with me.

Mr. KING. The Senator understands that the position of the Senator from Nebraska was that whatever obligation there was, it was merged in the action of the council, and when the council took action the obligation, if there was one, would be called into life.

Mr. KELLOGG. Oh, yes; but it was also the opinion of the Senator, I think, and many other Senators, that that was merely advice, and that we were morally and legally entitled to use our own judgment as to whether we would follow it or not.

As the Senator calls it to my attention, let me illustrate it by reading a clause from the speech of the Senator from Virginia [Mr. SWANSON] in which he said, as to article 10:

> The unanimous recommendation of the council is only advisory and must be approved by the Governments of the several members of the league. This insures that the burden under this article will be fairly and properly distributed. While each member of the league makes a solemn pledge of mutual protection, yet each reserves its right of judgment as to duty and obligation in each case as it arises and the means by which it shall be discharged. Thus, under article 10, no troops of the United States could be sent to engage in war without the advice of her representatives in the council and the approval of her Congress. This insures us against undue burdens and impositions. It leaves the extent of our moral and political obligations to our own sense of honor, and we ourselves measure the just demands upon our plighted promise.

If it be true as to article 10, how can anyone believe that there is a moral obligation to go to war under this treaty?

Mr. KING. If I may interrupt the Senator, I am inclined to think, speaking for myself, that the Senator's construction was right, and I think that was the view of President Wilson; but may I say to the Senator that that view is not the one which has been more recently taken by the league itself. They have announced that the obligation rested upon the several members of the league to act as they might determine, regardless of the recommendation of the council.

Mr. KELLOGG. But the Senator realizes the difference between that obligation and any conference called under this treaty?

Mr. KING. Oh, yes; I did not mean to institute any comparison.

Mr. KELLOGG. The senior Senator from Montana [Mr. WALSH], a very distinguished lawyer, gave this subject very careful consideration. In a colloquy between him and the senior Senator from Idaho [Mr. BORAH], referring to article 10 of the covenant of the League of Nations, he stated as follows:

> The purpose of this clause is obviously to secure concert of action, but it is left to each nation to determine for itself, the recommendation of the council notwithstanding, whether the occasion calls for action in fulfillment of its obligation and how that obligation ought to be discharged.
>
> Mr. KELLOGG. But I understand the Senator from Virginia [Mr. SWANSON] claims that not only are the recommendations of the council merely advisory, but as to the extent of our obligation it is for the Congress of the United States to determine the justness of the demand.
>
> Mr. WALSH. I agree with that.

Again, in a colloquy between the Senator from Montana [Mr. WALSH] and the Senator from Idaho [Mr. BORAH] the following occurred:

> Mr. BORAH. The Senator may look it up later, but let me ask the Senator—I may have misconstrued his speech—what is the Senator's position now? May we disregard at our own discretion the advice of the council?
>
> Mr. WALSH of Montana. Undoubtedly we may.
>
> Mr. BORAH. May we do so without any discredit and dishonor to ourselves?
>
> Mr. WALSH of Montana. Undoubtedly we may do so without any discredit or dishonor to ourselves. I have called the attention of the Senate to the fact that the language is that the council may advise. We do not undertake to follow the advice. Mr. President, the question as to whether we ought to act in accordance with the advice as a question of policy or wisdom is one thing, but we have not bound ourselves to do so.

As I have said before, this conference was called in Washington by the President, and by the authority of Congress, in response to the overwhelming sentiment of the American people. A number of treaties, adjusting and settling questions in the Pacific and the Far East, have been adopted in order to make possible an agreement for the limitation of naval armament, and while I recognize the perfect right and the duty of the Senate, in the event it believes American rights are jeopardized, to place reservations upon, to amend, or to refuse to ratify a treaty, this should not be done upon unsubstantial grounds and mere vague suspicions and fears. The United States today, I believe, is the greatest moral force in the world, whose strength and leadership made possible the work of this conference.

I hope we will not weaken that leadership or discredit the work of the conference by throwing obstacles in the way of making these treaties by inviting criticism and changes by other countries. It will undoubtedly be said that if my construction of the treaty is correct, the reservation can do no harm. This may be so; but what assurance have we that it is so? There should be stronger ground for the adoption of reser-

vations by the Senate than the argument that they can do no harm. If we are going to ratify the treaty covered over with unnecessary reservations because they can do no harm, we may find that other countries will do the same, and some of the reservations—theirs or ours—may hinder the ratification or weaken the effect of the treaty.

I have tried to present this matter to the Senate candidly, with due regard to the responsibilities of a Senator, and in no dogmatic spirit or in any spirit of criticism of Senators who disagree with me. I realize that the opinion of others is entitled to the same weight as my own, if not greater. All I am trying to do is to aid as much as possible in the ratification of these treaties, and I shall do everything in my power to that end. I do think, however, that the judgment of the distinguished statesmen representing this country, who participated in the conference, should be given great weight in the deliberations of the Senate.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading cerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKinley	Rawson
Borah	Harreld	McNary	Robinson
Broussard	Harris	Nelson	Sheppard
Calder	Harrison	Newberry	Shields
Cameron	Heflin	Nicholson	Shortridge
Capper	Johnson	Norbeck	Smith
Caraway	Jones, Wash.	Norris	Smoot
Colt	Kellogg	Oddie	Spencer
Cummins	Kendrick	Overman	Sutherland
Curtis	King	Page	Townsend
du Pont	Lenroot	Pepper	Underwood
Fernald	Lodge	Phipps	Wadsworth
Fletcher	McCormick	Pittman	Warren
Glass	McCumber	Poindexter	Watson, Ga.
Gooding	McKellar	Pomerene	Willis

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM], on account of a death in his family.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably detained and will be all through the day. I ask that this announcement may stand for the day.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is necessarily absent on account of serious illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty Senators having answered to their names, a quorum is present.

Mr. LODGE. Mr. President, I should like to ask if there is any Senator who desires at this time to continue the discussion of the treaty now pending? [After a pause.] There appears to be no Senator present ready to go on. I wish to give notice that to-morrow I shall ask the Senate to vote if there is no one ready to speak. I have allowed the treaty to go thus far without pressing anyone, but I think the time has come when we at least ought to debate it, if we are going to debate it, and if we are not going to debate it, then the sooner we get a vote the better. I merely give this notice so that there need to be no misunderstanding.

I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed legislative session.

SUPPLEMENTAL AND DEFICIENCY ESTIMATES (S. DOC. NO. 148).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental and deficiency estimates, fiscal year 1923 and prior years, for the General Accounting Office, $466,333.33; for the Department of State, $1,823.41; for the Treasury Department, $27,468,000; for the War Department, $94,703.44; for the Interior Department, $2,500; and for the District of Columbia, $9,736.26; in total amount, $28,043,096.44, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF COMMERCE, 1923 (S. DOC. NO. 146).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, fiscal year ending June 30, 1923, for repairs and improvement at Barnegat Light Station, N. J., $100,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA, 1923 (S. DOC. NO. 147).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia, fiscal year ending June 30, 1923, for buildings and grounds, public schools, $150,000, and for salaries, office of the inspector of buildings, $9,140, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

GOV. REILY OF PORTO RICO.

The VICE PRESIDENT laid before the Senate the following resolution of the senate of Porto Rico, with an accompanying letter of transmittal, which were referred to the Committee on Territories and Insular Possessions:

SENADO DE PUERTO RICO,
San Juan, Porto Rico, February 28, 1922.

Hon. CALVIN COOLIDGE,
President of the Senate, Washington, D. C.

SIR: To give due course to the request contained in the second paragraph of the Senate resolution relative to the Governor of Porto Rico, E. Montgomery Reily, adopted by said body on February 25, I have the honor to inclose herewith a certified copy of said resolution.

Respectfully,

JOSÉ MUNOZ RIVERA,
Secretary of the Senate.

Certified copy of a resolution adopted by the Senate of Porto Rico on February 25, 1922.

I, José Munoz Rivera, secretary of the Senate of Porto Rico, do hereby certify that on February 25, 1922, the Senate of Porto Rico adopted the following resolution:

Resolution.

Whereas E. Montgomery Reily was appointed by the President of the United States to the office of Governor of Porto Rico, said appointment having been made under the provisions of the organic law known as the Jones Act;

Whereas immediately after said appointment and before he knew the country upon whose government he was about to enter, said E. Montgomery Reily expressed himself in the press of Kansas City, Mo., in a manner unbecoming a fair and even-minded man by making public statements in conflict with the dignity and rights of Porto Rico;

Whereas E. Montgomery Reily has shown that he lacks the most elementary qualifications of rectitude, tact, impartiality, and mental training required by the office held by him, as has been shown by his public and official acts in violation of the organic act of Porto Rico, such as the appointment of incompetent persons to public office, the corruption of the judiciary by threatening and removing judicial officers without just cause, and the attempted coercion of the liberty of the courts of justice;

Whereas said E. Montgomery Reily, on an official trip made by him over the island, acted as a vulgar agitator, and in several speeches delivered by him expressed himself in the most insulting language against the Porto Rican flag, which is a symbol of local sentiment, and as such is consecrated and respected by the entire Porto Rican community;

Whereas the conduct of E. Montgomery Reily, in refusing to execute important laws of a financial nature, duly passed by the legislature and approved by the preceding chief executive, has created a chaotic condition in the public administration, greatly injuring the community and the credit of the island;

Whereas said E. Montgomery Reily has not only endeavored to corrupt and defame insular judicial officials, but has also tried to exercise undue influence on the federal administration of justice by publicly, personally, and notoriously seeking the modification of a sentence pronounced by the judge of the United States District Court on an officer of the insular government for having committed contempt of court, thus weakening the moral support due by all citizens to the United States District Court and to the magistrate presiding over said court;

Whereas far from being a faithful interpreter of the law and an assurance of the constitutional rights granted to Porto Rico by the fundamental law approved by Congress, E. Montgomery Reily has become an irresponsible autocrat, ignoring and despising the Senate of Porto Rico in his appointments to the highest offices in the insular government, having sought in his purpose the sole advice of members of the minority, in detriment and mockery of the rights of the legitimate representatives of the greater part of public opinion;

Whereas the conduct of E. Montgomery Reily prior to his appointment as representative of the national sovereignty in Porto Rico has been incorrect and immoral to such a degree as to deprive him of the prestige and authority indispensable in the chief executive of a community of American citizens jealous of their culture and high civilization;

Whereas the continuance of said E. Montgomery Reily at the head of the insular government is an offense against the decorum and dignity of the people of Porto Rico, and determines a state of insecurity and distrust throughout the whole of Porto Rican society: Now, therefore, be it

Resolved by the Senate of Porto Rico,

First. Solemnly to accuse E. Montgomery Reily before the Congress of the United States of having violated the organic act and other statutes of Porto Rico, and of having done everything possible to discredit in Porto Rico the great Nation which is the cradle of liberty and democracy, by acting not as a true representative of the United States of America but as a vulgar agitator and an irresponsible despot.

Second. To request the United States Congress to direct a number of Members thereof to make an investigation of the conditions brought about in the administration and society of Porto Rico by E. Montgomery Reily.

Third. To request the President of the United States of America to remove E. Montgomery Reily from the office of Governor of Porto Rico for the good of the island and to vindicate the prestige and good name of the United States as assailed by their representative in Porto Rico.

Given under my hand, at San Juan, P. R., this 28th day of February, A. D. 1922.

[SEAL.]

JOSÉ MUNOZ RIVERA,
Secretary of the Senate of Porto Rico.

DEPARTMENTS OF COMMERCE AND LABOR APPROPRIATIONS.

Mr. JONES of Washington. From the Committee on Appropriations I report back favorably with amendments House bill 10539, making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 541) thereon. I will state that as soon as possible after the District of Columbia appropriation bill is disposed of I shall call up this bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

ADDITIONAL DISTRICT JUDGES.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. PHIPPS. Mr. President, I ask that the reading of the appropriation bill be continued for action on the committee amendments.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 24, after line 6, to insert:

Northwest: For paving west side of Connecticut Avenue, Ingomar Street to Chevy Chase Circle, 60 feet wide, $45,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 8, to insert:

Northeast: For paving East Capitol Street, Fifteenth Street to Eighteenth Street, 50 feet wide, $37,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to insert:

Northeast: For paving Rhode Island Avenue, Twelfth Street to Sixteenth Street, 50 feet wide, $45,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to insert:

Northeast: For paving Twelfth Street, Michigan Avenue to Upshur Street, 40 feet wide, $17,200.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to insert:

Northwest: For paving Randolph Street, Thirteenth Street to Fourteenth Street, 30 feet wide, $10,700.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to insert:

Northwest: For paving Twenty-eighth Street from Woodley Road to Cathedral Avenue, $10,000.

The amendment was agreed to.

The next amendment was, on page 24, line 19, to increase the total of the appropriation for "street improvements" from "$113,000" to "$278,500."

The amendment was agreed to.

Mr. HARRISON. Mr. President, the several amendments just agreed to apparently contemplate increased amounts for paving streets. Is that due to the recent snowstorm and that the streets are in such bad condition, or are these new streets which are being opened up?

Mr. PHIPPS. These are new streets where the houses have been built up practically 100 per cent and where the grading has all been done, and the sewer, water line, and other underground work has been completed. These appropriations are 50 per cent reimbursable. The owners of abutting property repay into the Treasury 50 per cent of the cost of the improvements. All these items have been approved by the Budget Bureau.

Mr. FLETCHER. Mr. President, among the items just referred to for the pavement of streets is an item for the paving of Randolph Street, Thirteenth Street to Fourteenth Street, 30 feet wide, $10,700. That, of course, is just one block. It connects Thirteenth Street with Fourteenth Street, I believe.

Mr. PHIPPS. Yes.

Mr. FLETCHER. My understanding is that the public needs out there would be very much more conserved if Thirteenth Street itself were paved from Spring Road to Shepherd Street. Would it be possible to insert a provision for that at this time? I do not know whether an estimate has been made for it or not.

Mr. PHIPPS. I will say to the Senator that there was no estimate made for the paving of Thirteenth Street at that point. The subcommittee inspected Randolph Street and ascertained the situation there. It is not quite 100 per cent complete in buildings, but the buildings are to go up within a year in the remaining section of that street. It was the judgment of the committee that it was best to complete Randolph Street this year and to allow the Thirteenth Street item to come in next year.

Mr. FLETCHER. The committee, then, has in mind continuing the paving of Thirteenth Street, which is now paved as far north as Spring Road, I understand, on up to Shepherd Street? That would accommodate the whole region out there, as I understand it. It is a very important street.

Mr. PHIPPS. As the Senator knows, that section has grown up very rapidly, and within a year or two it will be almost solidly built up, judging from present indications.

Mr. FLETCHER. The Senator then proposes in the next District appropriation bill to take care of Thirteenth Street between Spring Road and Shepherd Street?

Mr. PHIPPS. That is in contemplation, I will say to the Senator.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 24, line 24, after the word "horses," to strike out "$35,000" and insert "$50,000," so as to make the paragraph read:

STREETS, ALLEYS, AND ROADS.

Grading: For labor, purchase and repair of carts, tools, or hire of same, and horses, $50,000.

The amendment was agreed to.

The next amendment was, on page 25, line 15, after the word "material," to insert "and including the purchase of a motor truck at a cost not to exceed $2,000," and in line 20, after the word "purposes," to strike out "$431,250" and insert "$500,000," so as to read:

For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavements with the same or other not inferior material, and including the purchase of a motor truck at a cost not to exceed $2,000, and including the maintenance of motor vehicles used in this work, and including an allowance of not to exceed $20 per month for an automobile for use for official purposes, $500,000.

The amendment was agreed to.

The next amendment was, on page 26, line 15, to increase the appropriation for construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings from "$15,000" to "$20,000."

The amendment was agreed to.

The next amendment was, on page 26, line 19, to increase the appropriation for current work of repairs to suburban roads and suburban streets, including maintenance of motor vehicles used in this work, from "$200,000" to "$250,000."

The amendment was agreed to.

The next amendment was, in the items for "Bridges," on page 26, line 22, after the word "repair," in line 21, to insert "including the purchase of one special motor vehicle at a cost not to exceed $2,000, and," and on page 27, line 1, to strike out "$27,500" and to insert "$30,000," so as to read:

Construction and repair: For construction and repair, including the purchase of one special motor vehicle at a cost not to exceed $2,000, and including the allowance to the overseer of bridges for the maintenance of an automobile for use in performance of his official duties of not to exceed $26 per month, $30,000.

The amendment was agreed to.

The next amendment was, in the items for "Sewers," on page 28, line 18, to increase the appropriation for main and pipe sewers and receiving basins from "$120,000" to "$125,000."

The amendment was agreed to.

The next amendment was, on page 28, line 21, to increase the appropriation for suburban sewers from "$125,000" to "$150,000."

Mr. KING. Mr. President, may I inquire of the Senator regarding this item? A great many criticisms have been made to me by residents concerning the management of the street department. Was anything brought out before the committee which would indicate a lack of proper care and executive or administrative activity and ability upon the part of those in charge?

Mr. PHIPPS. The testimony of the commissioner in charge of that particular branch of the work and of the officer in charge of street construction and street repair was not such as to disclose any lack of organization in doing the work, but rather a lack of money. I should say for the subcommittee that we were very favorably impressed with the testimony of Col. Keller,

Maj. Besson, and Maj. Brown, all of whom showed a very intimate knowledge of the condition of the streets and the requirements of the city. As the Senator knows, the area is very large, and there is quite an extensive mileage of streets that must be cared for. We talked with them regarding the types of machines that are used in cleaning up the streets and the methods used for dust prevention and for the removal of snow where that is necessary, which, fortunately, is not frequent. We found them very much alive to the situation and the needs of the city.

Mr. KING. Let me say to the Senator that the criticisms which came to me preceded the advent of Col. Keller. They were not directed against the commissioner but against the subordinates in the street department. There has been a great deal of complaint made because of extravagance in the laying of asphalt pavement in various sections where it was not needed. That is, they tore up asphalt where they ought not to have done it—where slight repairs would have been adequate—so it is claimed. I recall one place which was called to my attention on Florida Avenue. It was claimed generally that there was laxity and extravagance upon the part of subordinates in the resurfacing of streets. I have no personal information.

Mr. PHIPPS. I may say to the Senator in this connection that, estimating the average life of asphalt at 20 years, we have been doing less than replacing what would wear out in the course of a year. When the streets are allowed to go to a point where the water and the frost get under the asphalt, the deterioration is so rapid that the street is ruined, whereas repairs made promptly will prevent a lot of that loss. I know that these men are wide awake and are organizing the department in the best possible manner.

Mr. KING. Does the Senator think there ought to be this increase over the House bill?

Mr. PHIPPS. The committee were unanimous in feeling that it was a very moderate increase. We are still within the amount which was estimated for, although, as I recall, the allowance we proposed putting in the bill is the exact figure the Bureau of the Budget approved.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 29, line 10, to increase the appropriation for dust prevention, cleaning, and snow removal from "$350,000" to "$400,000."

The amendment was agreed to.

The next amendment was, on page 29, line 25, after the name "District of Columbia," to strike out "including the purchase and maintenance of a dead-animal wagon, and no contract shall be let for the collection of dead animals," and on page 30, in line 17, after the word "business," to strike out "large apartment houses, and large" and insert "and apartment and," so as to make the paragraph read:

To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, and including inspection and allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $20 per month for each inspector for horse-drawn vehicles, $26 per month for automobiles, and $13 per month for motor cycles; fencing of public and private property designated by the commissioners as public dumps; and incidental expenses, $750,000: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as the appropriations for such purposes are paid from the Treasury of the United States and the revenues of the District of Columbia: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels, places of business, and apartment and boarding houses.

The amendment was agreed to.

The next amendment was, on page 30, line 19, to change the subhead from "Trees and parkings" to "Parking commission."

The amendment was agreed to.

The next amendment was, on page 32, after line 11, to insert:

For the purchase or condemnation of a piece of ground to take the place of Columbia Heights Playground, $50,000.

Mr. KING. May I inquire of the Senator in charge of the bill whether the purchase of this additional property for $50,000 will commend itself to the judgment of the House? Is not that bound to lead to a controversy which will in the end require the Senate to recede?

Mr. PHIPPS. I confess that the subcommittee in deciding in its judgment that the grounds should be acquired and is necessary to provide playgrounds in that neighborhood, where we have been using property by permission of the owners, which property is going to be improved and will no longer be available, did not consider whether or not the House would consent, but the committee decided on the necessities as we saw them. Of course, we are aware of the fact that the estimate had been made and that the estimate had received the approval of the Bureau of the Budget.

The amendment was agreed to.

The next amendment was, on page 32, line 21, after the word "playgrounds," to strike out "$100,220" and insert "$159,220," and, in the same line, to strike out "to be paid wholly out of the revenues of the District of Columbia," so as to make the paragraph read:

In all, for playgrounds, $159,220.

The amendment was agreed to.

The next amendment was, on page 33, line 7, to increase the appropriation for the board for condemnation of insanitary buildings from "$2,000" to "$2,500."

The amendment was agreed to.

The next amendment was, on page 34, line 20, after the words "public spaces," to insert "including the Highway Bridge across the Potomac River and its approaches," so as to make the paragraph read:

Lighting: For purchase, installation, and maintenance of public lamps, lamp-posts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, including the Highway Bridge across the Potomac River and its approaches, and for all necessary expenses in connection therewith, including rental of stables and storerooms, livery and extra labor, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia appropriation act for the fiscal year 1912 and with the provisions of the District of Columbia appropriation act for the fiscal year 1913, and other laws applicable thereto, $430,000.

The amendment was agreed to.

The next amendment was, on page 35, line 11, before the word "bidder," to insert the word "responsible," so as to read:

For replacing gas lamps and fixtures and older and less effective electric lamps and fixtures, on streets, avenues, roads, and public spaces by improved electric installations, purchase of posts and fixtures of all kinds, and for all necessary expenses in connection therewith, $20,000: *Provided*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

The amendment was agreed to.

The next amendment was, in the items for public schools, on page 35, line 24, after "$6,000," to insert "business manager, $4,000"; and, on page 36, line 9, to strike out "$72,220" and insert "$76,220," so as to make the paragraph read:

Salaries: Superintendent, $6,000; business manager, $4,000; two assistant superintendents, at $3,750 each; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of $2,400 each; secretary, $2,000; financial clerk, $2,000; clerks—one $1,600, two at $1,500 each, one $1,400, three at $1,200 each, four at $1,000 each (one of whom to carry out the provisions of the child labor law); two stenographers, at $1,000 each; messenger, $720; in all, $76,220.

The amendment was agreed to.

Mr. KING. May I inquire of the Senator whether there have been any changes from existing law in the items regarding the school-teachers?

Mr. PHIPPS. There have been no changes whatever. The schedule is identical with that of the current year.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the items for night schools, on page 41, line 23, to increase the appropriation for teachers and janitors of night schools, etc., from "$75,000" to "$90,000."

The amendment was agreed to.

The next amendment was, on page 41, after line 23, to insert:

Section 6 of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended by the naval appropriation act, approved August 29, 1916, shall not apply to persons in the employ of the Federal Government who are also employed as teachers of night schools and vacation schools in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 42, line 10, to increase the appropriation for payment of teachers' annuities from "$36,500" to "$40,500."

The amendment was agreed to.

The next amendment was, on page 43, line 1, after the word "engineers," to strike out "four" and to insert "five"; in line 3, after the word "each," to strike out "twenty-three" and to insert "twenty-eight"; in line 4, after the figures "$800," to strike out "seventy-one" and to insert "sixty-nine"; in line 6, after the word "janitors," to strike out "six" and to insert "seven"; in line 7, before the word "firemen," to strike out "nine" and to insert "ten"; in line 8, before the words "coal passers," to strike out "four" and insert "five"; in the same line, after the word "each," to strike out "five" and insert "six"; in line 9, after the word "each," to strike out "10 skilled laborers, at $720 each; 96," and to insert "one hundred

and thirteen"; and, in line 12, to strike out "$236,810" and insert "$249,350," so as to make the paragraph read:

JANITORS AND CARE OF BUILDINGS AND GROUNDS.

Salaries: Superintendent of janitors, $1,500; engineers and instructors in steam engineering—1 $1,500, 1 $1,200; engineers—1 $1,500, 1 $1,200, 2 at $1,000 each; assistant engineers—3 at $1,000 each, 1 $900; 2 electricians at $1,200 each; janitors—2 at $1,100 each, 28 at $1,000 each, 1 $900, 24 at $840 each, 1 $800, 69 at $720 each, 13 at $600 each, 3 at $250 each; assistant janitors—7 at $900 each, 2 at $720 each; 10 firemen at $720 each; gardener, $840; 5 coal passers at $600 each; 6 night watchmen at $720 each; 113 laborers at $720 each; 11 matrons at $600 each; 5 charwomen at $480 each; in all, $249,350.

The amendment was agreed to.

The next amendment was, on page 45, line 4, to strike out "$200,000" and to insert "$250,000," so as to make the paragraph read:

For repairs and improvements to school buildings and grounds and for repairing and renewing heating, plumbing, and ventilating apparatus, and installation of sanitary drinking fountains in buildings not supplied with same, $250,000.

The amendment was agreed to.

The next amendment was, on page 45, line 22, to strike out "$101,760" and to insert "$125,000," and in line 26, to strike out "$110,000" and insert "$133,240," so as to make the paragraph read:

For furniture, including clocks, pianos, and window shades for additions to buildings, equipment for kindergartens, and tools and furnishings for manual-training, cooking, and sewing schools, as follows: Twelve-room addition to the Wheatley School, 8-room addition to the Mott School, 8-room addition to the Eaton School, 4-room addition to the Smothers School, 4-room addition to the Monroe School, 8-room addition to the Buchanan School, 8-room addition to the Bell School, for the Iowa Avenue Junior High School (24 rooms), Eckington Junior High School (24 rooms), school in the vicinity of Lincoln Park (8 rooms), $125,000, to be immediately available; three kindergartens, $2,400; two sewing schools, $800; two housekeeping and cooking schools, $2,000; two cooking schools, $1,400; two manual-training shops, $1,640; in all, $133,240.

The amendment was agreed to.

The next amendment was, on page 47, after line 7, to insert:

For equipment, grading, and improving six additional school yards for the purposes of play of pupils, $2,400.

The amendment was agreed to.

The next amendment was, in the item for community center department, on page 48, line 17, after the figures "$35,000," to strike out ", to be paid wholly out of the revenues of the District of Columbia," so as to read:

For salaries of directors, supervisors, teachers, clerks, and other employees for civic, educational, recreational, and social activities under the direction of the board of education; for payment of janitor service; for equipment and supplies; for lighting fixtures; for maintenance of automobiles. Employees of the day schools may also be employees of the community center department; in all, $35,000.

The amendment was agreed to.

The next amendment was, on page 48, line 21, after the word "teachers," to strike out "clerks, and janitors" and to insert "and clerks," so as to make the proviso read:

Provided, That not more than 60 per cent of this sum shall be expended for salaries of directors, supervisors, teachers, and clerks.

The amendment was agreed to.

The next amendment was, on page 49, line 2, after the word "Navy," to insert "and children of other employees of the United States," so as to make the paragraph read:

The children of officers and men of the United States Army and Navy and children of other employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition.

The amendment was agreed to.

The next amendment was, on page 49, after line 5, to insert:

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended, shall not apply from July 1 to September 15, 1921, to teachers of the public schools of the District of Columbia when employed by any of the executive departments or independent establishments of the United States Government.

The amendment was agreed to.

The next amendment was, on page 49, after line 16, to insert:

For the erection of an eight-room addition to the Lovejoy School, including additional land, $140,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 18, to insert:

For the erection of an eight-room addition to the Phillips School, including additional land, $140,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 20, to insert:

For the purchase of a new site on which to locate a 16-room building to take the place of the Tenley School, $25,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 22, to strike out:

For completing the construction of a junior high school north of Taylor Street and east of Fourteenth Street, $200,000.

And to insert:

For continuing the construction of a junior high school north of Taylor Street and east of Fourteenth Street, $200,000, and the limit of cost is hereby increased to $400,000, and the commissioners are authorized to enter into contract or contracts to the extent of the increased limit herein authorized: *Provided*, That this building shall, when completed, contain not less than 24 classrooms.

The amendment was agreed to.

The next amendment was, on page 50, after line 7, to strike out:

For completing the construction of a junior high school on the site in the vicinity of the Gage, Emery, and Eckington Schools, $200,000.

And to insert:

For continuing the construction of a junior high school on the site in the vicinity of the Gage, Emery, and Eckington Schools, $200,000, and the limit of cost is hereby increased to $400,000, and the commissioners are authorized to enter into contract or contracts to the extent of the increased limit herein authorized: *Provided*, That this building shall, when completed, contain not less than 24 classrooms.

Mr. KING. Mr. President, may I inquire of the Senator from Colorado why the limit of cost in this case was increased from $200,000 to $400,000? It seems to me that 100 per cent is a very large increase.

Mr. PHIPPS. I will say to the Senator that the limit of cost was originally $300,000.

Mr. KING. When was that fixed?

Mr. PHIPPS. That was fixed in the bill passed at the last session making appropriations for the government of the District of Columbia for the fiscal year 1922, the present fiscal year. The building was authorized and work on the plans has advanced to the point where the authorities are prepared to begin construction; but it was found impossible to construct the building within the limit of cost. The Senator will notice a proviso similar to that contained in the preceding item, which has been agreed to, that the building when completed shall contain not less than 24 classrooms; so that there will be erected a 24-room building instead of an 18-room building, as was originally contemplated. We find the demand for space in junior high schools is so great that they are coming to be a very important feature in the scheme of education.

Mr. KING. I do not want the Senator to misunderstand me. A subcommittee, of which I am a member, have been making rather extensive investigations in regard to this matter; and I think I am betraying no confidence when I say that the members of the subcommittee are deeply interested in the junior high schools as well as in the senior high schools. I am sure we shall recommend that suitable junior high schools be constructed. The point that challenged my attention was not the fact that it was proposed to construct a junior high-school building, but that there should be a 100 per cent increase in the amount allowed for that purpose in one year.

Mr. PHIPPS. It is only an increase of one-third, for the amount originally authorized was $300,000, and it has been raised to $400,000.

Mr. KING. A year ago, as I understand the Senator, estimates were submitted, based, of course, upon investigations made and the statement of the architect, calling for $300,000, but we are now increasing that amount to $400,000.

Mr. PHIPPS. Yes; with the proviso that the building must contain not less than 24 classrooms.

Mr. KING. Does the difference in the size account for the additional $100,000?

Mr. PHIPPS. It accounts for it very largely.

Mr. KING. Or is it due to an increase in the cost of building in the District of Columbia?

Mr. PHIPPS. Oh, no; on the other hand, the cost of building has decreased slightly, and we are hoping for a further decrease in the cost of construction.

Mr. KING. We will not get very much of a decrease until the grand jury indicts some of the conspirators in the District who are holding up building prices.

Mr. SPENCER. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. SPENCER. I should like to say to the Senator that we could erect a building for $300,000, precisely as was estimated last year, the plans for which are already drawn, but if that $300,000 structure were completed, as was originally intended, it would take care of but 500 students. There are now 800 students who are waiting for this building. When those facts were presented before the committee they provided for a 24-room school to cost $400,000, rather than an inadequate school which would cost only $300,000.

Mr. KING. I want to repeat that I am not complaining about the increase in size; indeed, the evidence before our committee—and we heard the testimony of some of the leading educators of the United States—demonstrated that the larger units are

not only economically superior but accomplish better results. I have favored, and shall continue to favor, even larger units than 24 rooms certainly for the senior high schools, and, I think, for the junior high school as well. I heartily approve of the plan to erect buildings of not less than 24 rooms instead of 18; but I do complain against the high cost of building and of building materials and building accessories in the District of Columbia. They are now more than 100 per cent in the excess of the prices before the war, and all the efforts made to secure reductions have proven abortive.

Rents have gone up here nearly 100 per cent in the past year, instead of going down, and there seems to be a conspiracy upon the part of some real estate men and builders and certain labor leaders to continue in the District extortionate prices for building. So long as that condition exists we will have a housing shortage and all of the inconveniences and hardships which come to Government employees and to people of moderate means who wish to make their homes in the District of Columbia.

I regret very much that the Department of Justice and the district attorney do not make an investigation, even if they have to turn it over to the grand jury, in regard to these conditions in the District of Columbia. Instead of improving, the conditions in some respects have grown worse, and when the Ball Rent Act expires, unless there shall be supplemental legislation, undoubtedly there will be an enormous advance not only in the rent of buildings for residence purposes, but for business as well. It is regrettable that such conditions exist. We will have to have a Lockwood committee here to make an investigation and indict a number of people and prosecute them, as has been done in New York. The result there has been very salutary; building now is going forward in New York with considerable celerity, and prices have gone down very greatly. I have read recently that across the river in Alexandria a schoolhouse may be erected for a certain figure, whereas in Washington the cost is nearly 100 per cent greater. That shows the condition that exists with respect to building.

Mr. POMERENE. Mr. President, does the Senator mean that the difference is due to the greater cost both of labor and of material?

Mr. KING. The cost of construction in the District is very much higher than across the river in Alexandria.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

THE FEDERAL RESERVE BOARD.

Mr. WATSON of Georgia. Mr. President, I wish to call the attention of the Senate and the country to a very remarkable process that is going on in the Federal reserve system. The law limits the stockholders of Federal reserve banks to net profits of 6 per cent. One of the results of the war was to increase the lust for big earnings, and that fever has not yet subsided. The Federal reserve banks have appropriated to themselves over and above the 6 per cent profits, $67,000,000 of the net earnings of these banks, and they have done most of this within the last two years.

Mr. President, as I understand the law, the title to the land and the buildings erected upon the land vests in the stockholder banks. Therefore, they are appropriating to themselves money which belongs to the Federal Government and to the people, and they are doing this at a rate that is startling. The country does not know it, and I crave the pardon of the Senate for a few minutes, while I put the information in the RECORD.

In the city of Atlanta they have signed contracts for a lot and a building that will cost $1,700,000. The Washington Monument, begun in 1853 and finished in 1884, cost $1,187,000. Therefore, this regional bank in Atlanta has appropriated to itself from the Government's money a larger sum than Congress and the States together during 30 years devoted to the erection of this loftiest monument that ever was reared to the memory of a great man.

The bank in Cleveland is to cost $10,000,000, five times as much as the memorial hall to Abraham Lincoln.

The bank in New York City paid $4,000,000 for the lot and is to spend twenty-odd million dollars upon the building. To that extent Gov. Strong and his associates have appropriated to their own personal use a sum of money greater than that which Louis XIV, the grand monarch, spent on the palace building at Versailles.

As I say, Mr. President, these pieces of property, aggregating now $67,000,000, become the private estate of these bankers. Are we to remain idle and allow them to commit what is really larceny after trust on so grand a scale as this? Will not the Senate investigate?

In the future, thanks to the amendment offered by my colleague [Mr. HARRIS], Congress will control these building contracts.

Here is the Secretary of the Treasury, Mr. Mellon, who is disqualified by law to hold his office. I have said so twice; I say it now thrice, and I should like to have any lawyer on the other side dispute the proposition. I am ready to debate it with him. He is holding his office in violation of section 243 of the Revised Statutes, one of the first laws that the First Congress ever passed. It is a part of the structure of the Treasury Department that the man who holds the office shall not own Government bonds, shall not be engaged in trade or commerce, shall not own a single ship. If he does so, he violates a penal statute whose penalty is a $3,000 fine, a term in the penitentiary, and a disqualification forever afterwards to hold office. Why do we allow this man to violate the law in that way? Why do we not impeach him? Instead of that, he was placed on the board to handle the $11,000,000,000 that Europe owes us, and that Europe never intends to pay. Even now he is building a $3,000,000 banking house in Pittsburgh.

Mr. President, without taking up further time of the Senate——

Mr. HEFLIN. Mr. President, one minute, if the Senator will yield to me.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. WATSON of Georgia. With pleasure.

Mr. HEFLIN. Referring to this money that is invested in the lot and the building in New York, if it had not been so invested some of it would have gone into the Public Treasury and would have become the funds of the United States Government?

Mr. WATSON of Georgia. Absolutely.

Mr. HEFLIN. Does the Senator mean to say that since they have appropriated this money for this purpose this lot and this building are going to belong to private individuals and the Government will not have an interest in them?

Mr. WATSON of Georgia. Unquestionably. They are diverting that much of the net earnings from the channels through which they should flow into the common funds of the Treasury. In morals it is larceny after trust. They are the only body of men on earth that exercise the function of fixing their own salaries. Gov. Strong assigned himself a salary of $50,000. Some of his assistants get $35,000.

Mr. HEFLIN. And all of these salaries were approved, of course, by the Federal Reserve Board.

Mr. WATSON of Georgia. Precisely; after Congress had fixed the standard by allowing the governor of all the banks a salary of $12,000 a year. Here we Senators draw only $7,500 a year, and we are constantly creating new offices and paying salaries that range from $5,000 to $50,000. We have to pay our own expenses of living here. These men are paid these tremendous salaries, and then we allow them the expenses. Why, some of the allowances shown in the last report of the Secretary of the Treasury are amazing. You wonder how on earth those men traveled to that extent and went to personal expenses to that extent. It is a scandal, and the Senate ought to do something about it.

We all read in the newspapers a few days ago where a trifling sum of money was loaned out at 10 per cent interest, to be compounded every month, 25 years ago, and when the judge came to render a judgment in favor of the plaintiff, in a suit upon that note, the amount ran up not into millions, not into billions, but into trillions—thirty-four, as I remember—$34,000,000,000,000. Napoleon once said, after rising from a study of the compound-interest table: "The principle in those tables will devour the human race." That is what it is doing right now. These Federal reserve banks are making from 100 per cent to 200 per cent profit, after allowing themselves expense accounts which are shocking.

For instance, Mr. President, in Boston the gross earnings were, in round numbers, $7,000,000 for 1921. The expense account was $2,684,000; and after taking out that tremendous amount of money for operating expenses the net earnings were $4,283,000; being, as you will see, more than 50 per cent on the investment after they had gouged the gross earnings to the extent I have mentioned.

The Atlanta Federal Reserve Bank, which has been after my friend the Senator from Alabama [Mr. HEFLIN], and after which I am going now, earned gross earnings of $7,476,000. They took out, in round numbers, $2,000,000 for salaries and other operating expenses.

Mr. KING. Was part of that for rent?

Mr. WATSON of Georgia. Yes; I think so; and they had left $5,505,000; and these are the men who are going into

not only economically superior but accomplish better results. I have favored, and shall continue to favor, even larger units than 24 rooms certainly for the senior high schools, and, I think, for the junior high school as well. I heartily approve of the plan to erect buildings of not less than 24 rooms instead of 18; but I do complain against the high cost of building and of building materials and building accessories in the District of Columbia. They are now more than 140 per cent in the excess of the prices before the war, and all the efforts made to secure reductions have proven abortive.

Rents have gone up here nearly 100 per cent in the past year, instead of going down, and there seems to be a conspiracy upon the part of some real estate men and builders and certain labor leaders to continue in the District extortionate prices for building. So long as that condition exists we will have a housing shortage and all of the inconveniences and hardships which come to Government employees and to people of moderate means who wish to make their homes in the District of Columbia.

I regret very much that the Department of Justice and the district attorney do not make an investigation, even if they have to turn it over to the grand jury, in regard to these conditions in the District of Columbia. Instead of improving, the conditions in some respects have grown worse, and when the Ball Rent Act expires, unless there shall be supplemental legislation, undoubtedly there will be an enormous advance not only in the rent of buildings for residence purposes, but for business as well. It is regrettable that such conditions exist. We will have to have a Lockwood committee here to make an investigation and indict a number of people and prosecute them, as has been done in New York. The result there has been very salutary; building now is going forward in New York with considerable celerity, and prices have gone down very greatly. I have read recently that across the river in Alexandria a schoolhouse may be erected for a certain figure, whereas in Washington the cost is nearly 100 per cent greater. That shows the condition that exists with respect to building.

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Alabama and trying to create opposition to one of her Senators. Well, we will try to create some opposition to them.

Take the New York bank, Mr. President. The gross earnings were, in round numbers, $35,000,000. They took out for expenses more than $8,500,000 for their salaries and had left $20,500,000 as net profits. That was 200 per cent upon the cash actually invested.

If a trifling sum of money like $25 loaned out at compound interest for 25 years will run up into the trillions, what will these banks do when they have already earned $246,000,000 in the space of two years? Suppose they roll that over from year to year at compound interest. What will be the result as to our people?

During the whole time that they were making these enormous profits—and, mind you, I have not stated the surplus at all; the surplus is $215,000,000—the tax they paid the Government was $125,000,000.

The original capital invested was $36,000,000, and the present paid-up capital is $103,000,000 and the surplus carried over is $215,000,000. Let them keep on compounding that for 25 years, and where will our people be? The man who controls the money controls the country. That is a truism. Every Senator here is aware of it. From Aristotle's time down to now it has been conceded that the man who controls the money controls the life of the country—necessarily so, it being its life blood so far as commerce is concerned—and if the industrial system withers and dies, the man dies with it.

I have spoken already longer than I had intended. I ask unanimous consent, Mr. President, that the editorial from the Manufacturers' Record of March 2, 1922, entitled, "Net earnings that may well startle the country" be published in the RECORD in 8-point type.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The matter referred to is as follows:

[From the Manufacturers' Record of Mar. 2, 1922.]

NET EARNINGS THAT MAY WELL STARTLE THE COUNTRY.

The Wall Street Journal in its issue of February 6, in a comprehensive review of the operations of the Federal Reserve Board, gave some remarkably interesting facts regarding the earnings and the building operations of that system. Since the Wall Street Journal is an upholder of the Federal reserve system, none of its statements, of course, can be credited to any desire on the part of that paper to criticize the earnings or the management of the Federal Reserve Board or the Federal reserve banks.

According to the Journal the paid-in capital and surplus and original capital of each of the Federal reserve banks is as follows:

[Last three figures omitted.]

Cities.	Original capital.[1]	Present paid-in capital.	Present surplus.
Boston	$3,217	$7,935	$16,493
New York	6,649	26,954	60,197
Philadelphia	4,156	8,728	17,945
Cleveland	4,009	11,134	23,589
Richmond	2,211	5,430	11,030
Atlanta	1,596	4,192	9,114
Chicago	4,605	14,312	29,523
St. Louis	1,881	4,600	9,588
Minneapolis	1,634	3,569	7,468
Kansas City	1,863	4,575	9,646
Dallas	1,395	4,201	7,394
San Francisco	2,605	7,380	15,199
Total system	36,123	103,020	215,398

[1] Apr. 2, 1915.

In the aggregate these banks have paid to the Government as franchise tax since they were established nearly $125,000,000.

With an accumulated surplus of $215,000,000 added to $125,000,000 paid to the Government, this shows a total of $340,000,000 as earnings since 1915, and mainly since 1919, on an original paid-in capital of $36,123,000, in addition to the earnings paid to the stockholders.

For the first three years of operation from 1915 to 1917, inclusive, the gross earnings amounted to $22,500,000, but during the next three years the gross earnings amounted to $351,000,000, and in 1921 to $122,000,000, making $473,000,000, in round figures, for the last four years of operation. That any business organization of any kind in the world can start with $36,000,000 capital, even though the capital was later increased partly by new banks joining the system, to $103,000,000, and within seven years, after paying all operating expenses, earn net $340,000,000, holding on to $215,000,000 as surplus, indicates a degree of profiteering which it seems to us puts to shame any profiteering made by any other business organization in the United States within that period.

These enormous earnings have been at the expense of the public, but they do not begin to measure the cost to the public of the management of this system, for as the rate of usury was increased by the Federal reserve system the rate of interest to the business people of the country was advanced on every dollar that they had to borrow from banks in all parts of the land, and thus an enormous additional expense was added to the burden of carrying the business operations of the country, and the inevitable result of high money rates was to destroy values, and thus the borrower and the producer were cut with a two-edged sword.

In giving the details of the earnings of the Federal reserve banks the Wall Street Journal says:

From the returns of the Federal reserve banks to hand it appears that their smaller net earnings last year, a little over half of what they were in 1920, were due in a large measure to actually higher expenses. Their gross earnings are estimated at $122,000,000, compared with $181,000,000 in 1920. Expenses in 1921 were about $38,000,000, or 31 per cent of gross earnings. Included in these expenses are deductions for sundry reserve accounts and depreciation, etc. It is evident that the Federal reserve banks had not adjusted their expenses last year in keeping with smaller rediscounts and advances. Curtailment of office forces and salaries were not such as to make much of an impression upon the 1921 figures.

Details of the earnings and expenses of the different Federal reserve banks for last year as given by the Wall Street Journal were:

As a criterion of the reduced business done last year the case of the New York Federal Reserve Bank may be cited. At the close of the year that institution had only $385,000,000 in loans to members and in investments, compared with $1,646,000,000 at the close of 1920. Discounts and advances handled during the year aggregated $30,700,000,000, compared with $50,500,000,000 in 1920 and $42,400,000,000 in 1919.

Following table shows gross earnings, expenses (including certain reserves and depreciation) and net earnings of the 12 Federal reserve banks in detail, totals being compared with previous years. In the case of Dallas and San Francisco the three items are estimated. In the case of Cleveland, only net earnings are definite. The totals for 1921 can only therefore be estimated.

	Gross earnings.	Expenses, etc.	Net earnings.
1921.			
Boston	[illegible]	$2,664,928	$4,263,734
New York	34,767,268	8,673,436	26,093,832
Philadelphia	8,016,282	2,676,828	5,339,454
Cleveland	[1] 10,000,000	[1] 3,716,000	6,284,000
Richmond	6,729,679	2,336,052	4,393,627
Atlanta	7,478,431	1,980,213	5,498,218
Chicago	20,392,170	5,887,054	14,505,116
St. Louis	5,164,314	1,866,212	3,298,102
Minneapolis	4,963,991	1,327,554	3,636,437
Kansas City	5,712,858	2,696,763	3,056,095
Dallas	[1] 3,500,000	[1] 1,800,000	[1] 2,000,000
San Francisco	[1] 9,000,000	[1] 3,000,000	[1] 6,000,000
Total	[1] 122,000,000	[1] 38,000,000	[1] 84,000,000
1920	181,397,338	32,[illegible]	149,294,774
1919	102,380,583	24,013,079	78,367,504
1918	67,584,417	12,137,438	55,447,979
1917	15,438,858	4,235,866	11,202,992
1916	4,953,243	2,204,344	2,750,999
1915	2,140,457	1,500,576	639,881

[1] Estimated.

The building operations of the Federal reserve banks were given as follows:

Federal reserve building cost.

[000 omitted.]

Operations.	Original investment.	Building cost to Sept. 30.	Total cost to Sept. 30.	Approximate additional cost.	Estimated final cost.
Boston	$1,296	$3,160	$4,456	$8000	[illegible]
New York:					
Main building	4,798	758	5,556	12,078	[1] 17,634
Annex	681	1,529	2,210		
Philadelphia	600	[2] 1,099	1,699		1,700
Cleveland [3]	910	1,197	2,107	4,000	6,107
Cincinnati	393	(4)	393		390
Pittsburgh	515	[5] 406	921		[illegible]
Richmond	208	2,103	2,311	300	[illegible]

[1] Net after sale of annex building.
[2] Remodeling bank buildings purchased.
[3] Contracted for purchase of additional property, $375,000.
[4] Building not begun.
[5] Cost of remodeling.

Federal reserve building cost—Continued.

Operations.	Original investment.	Building cost to Sept. 30.	Total cost to Sept. 30.	Approximate additional cost.	Estimated final cost.
Baltimore	$451	(1)	$451		$451
Atlanta	282	$504	786	$923	1,709
Jacksonville [2]		(1)			
Nashville	85	(1)	85	90	175
New Orleans	201	[1] 2	203	500	703
Chicago	2,936	2,000	5,936	4,529	10,465
St. Louis	1,051	(1)	1,051		1,051
Little Rock	85	(1)	85		85
Louisville	175	(1)	175		175
Minneapolis	600	[1] 91	691	3,000	3,691
Helena	15	[3] 161	176		176
Kansas City	500	2,722	3,222	1,180	4,472
Denver [4]				600	700
Oklahoma City	65	(1)	65	450	515
Omaha	165	[1] 33	198	300	498
Dallas	295	1,563	1,858	30	1,888
El Paso	39	108	147		147
Houston	66	143	209	195	404
San Francisco	405	682	1,087	3,100	4,187
Salt Lake City	115	(1)	115		115
Total	16,023	19,234	36,158	32,870	66,818

[1] Building unplanned or plans uncompleted.
[2] Authorized to purchase property, $45,000.
[3] Remodeling bank buildings purchased.
[4] Authorized to purchase property for $100,000.

The Journal adds:

According to a recent compilation, the Federal banks had incurred a cost of over $36,000,000 for new buildings. Of this, nearly $17,000,000 was for original investment of land, etc., and over $19,000,000 for building costs or remodeling. Plans for additional construction, in some cases held up on account of the present congressional investigation, called for outlays of nearly $35,000,000. This means that exclusive of undeveloped plans, the Federal reserve banks have already buildings of about $67,000,000. It is probable that when in prospect an aggregate of real estate investment for bank finally consummated in home cities and in branches, Federal reserve bank buildings may represent a total investment of about $75,000,000 or $80,000,000.

Perhaps the greatest evil to the country which has come from this profiteering system of enormous earnings by the Federal reserve banks has been the change of the moral tone or the ethical spirit of a great many bankers who have felt that if this system could be permitted to earn such enormous profits they might follow its example and do some profiteering on their own account.

Banking should be a profession of the highest ethics, if it would set an example to the business men of the country as to morality in business. To a large extent in the past this has been its policy. In the past most bankers have felt a sense of personal moral responsibility in the great work which they have done, feeling that upon their ethical standards the country at large would base its operations. But when a great banking organization, representing the National Government, carries on a definite campaign, through various reserve banks, to wreck other banks which do not comply with its demands, and which is guilty of profiteering to an extent such as indicated by the figures which we have given from the Wall Street Journal, it sows the seed for unethical conduct in banking to an extent which endangers the moral sense of the entire Nation. Business men will say if these things can be done by our bankers and great financial interests, why should we not follow their example?

The Wall Street Journal's figures were taken from the annual report of the Federal Reserve Board, but we have preferred to use its details and comments since no one can possibly charge that publication with any unfriendly feeling for the management of the reserve system.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10101), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 50, line 20, to insert the following proviso: "*Provided*, That the unexpended balance of the appropriation of $40,000 for the purchase of a site for this building is made available, to such extent as may be necessary, for the erection of the building," so as to make the paragraph read:

For the erection of an eight-room extensible building on a site west of Sixteenth Street NW., in the Ingleside section, $140,000: *Provided*, That the unexpended balance of the appropriation of $40,000 for the purchase of a site for this building is made available, to such extent as may be necessary, for the erection of the building.

Mr. HARRISON. Mr. President, I have just noted the various items which go to the construction of new school buildings, and the Committee on Appropriations is to be congratulated, and especially the Senator from Colorado, on bringing out these very splendid provisions which take care of what has been a want of the city for a long time.

I wanted to ask the Senator touching the recommendation of the commissioners as to the Western High School and the appeal of the patrons of that school. There is an instance, I understand, where the present accommodations do not take care of the number of children who seek entrance to that school, and the gymnasium facilities are not very good, and there are various other things needed. Did the committee give any consideration to that project?

Mr. PHIPPS. I will say to the Senator that the committee did. The Senator is quite correct in his statements as to the needs of that section for additional high-school accommodations. However, your subcommittee on inspection of the building talked with the superintendent of the buildings and talked with the superintendent of the schools and others and found that no estimate had been prepared at the time estimates for other school buildings were prepared, but that the estimate for the Western High proposed addition was brought in much later; in fact, was passed upon by the Budget Bureau after the bill we are now considering had been passed by the House.

Your committee felt that not sufficient time and consideration had been given to the proposed plans, which, of course, are only tentative, but which, in the judgment of your committee, would not afford relief that would justify an expenditure of about $550,000.

The cost per room was figured at about $30,000, but of course that included an assembly hall and a new gymnasium. I want to say now that those facilities are needed for that high school. They have no fit place of assemblage for the pupils. There is one large room, perhaps almost of the extent of this Chamber we are sitting in, but the ceiling is only about 12 feet high, so Senators can see how impossible it would be to use that for any form of entertainment.

Your committee could not see its way clear to either the acceptance of the estimate based on the plans which were presented, or at this time to include in this bill an additional sum of $550,000 for school purposes. Therefore, the thought of the subcommittee, which had the approval of the entire Committee on Appropriations, was that this item should be allowed to go over until next year, and in the meantime proper plans could be prepared and made, and perhaps next year the District funds will be in better shape to afford this expenditure. I may say that not one member of the committee advocated the inclusion of an item for the Western High School this year.

Mr. HARRISON. Outside of the provisions which go toward the construction of the new buildings which are provided for, does the Senator know of any other instance in the District which really calls for more urgent action upon the part of Congress than the Western High School?

Mr. PHIPPS. Not in the high-school class.

Mr. HARRISON. That being true, then, if these buildings which are provided for are constructed, the Western High School will receive the attention of Congress next, in the opinion of the Senator?

Mr. PHIPPS. That is my judgment.

Mr. HARRISON. I had thought I would offer an amendment to provide $550,000 for the alteration of the existing building, the Western High School, but in view of what the Senator has said, I shall not do that. Would the Senator object to having incorporated in the bill a provision directing the commissioners to have plans prepared for an addition to and the alteration of that building?

Mr. PHIPPS. Will the Senator specify what character of building?

Mr. HARRISON. I offer the amendment I send to the desk.

The PRESIDING OFFICER. The Senator from Mississippi offers an amendment, which the Secretary will report.

Mr. HARRISON. It is to be inserted on page 52, after line 9.

Mr. PHIPPS. That will bring this amendment in at the end of all the items.

Mr. HARRISON. I will just withhold the amendment for the present.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 50.

The amendment was agreed to.

Federal reserve building cost—Continued.

Operations.	Original investment.	Building cost to Sept. 30.	Total cost to Sept. 30.	Approximate additional cost.	Estimated final cost.
Baltimore	$451	(1)	$451		$451
Atlanta	[illegible]	$504	796	[illegible]	1,709
Jacksonville [3]		(1)			
Nashville	85	(1)	85	[illegible]	175
New Orleans	[illegible]	[1] 2	[illegible]	500	[illegible]
Chicago	2,936	[illegible]	5,[illegible]	4,[illegible]	10,465
St. Louis	1,051	(1)	1,051		1,051
Little Rock	[illegible]	(1)	85		85
Louisville	175	(1)	175		175
Minneapolis	[illegible]	[illegible]	[illegible]	3,000	3,691
Helena	15	[3] 161	176		176
Kansas City	[illegible]	2,792	3,292	1,180	4,472
Denver [4]				[illegible]	700
Oklahoma City	65	(1)	65	450	515
Omaha	[illegible]	[illegible]	[illegible]	200	398
Dallas	[illegible]	1,563	1,858	[illegible]	1,888
El Paso	39	[illegible]	147		147
Houston	66	143	[illegible]	195	[illegible]
San Francisco	[illegible]	631	1,087	3,100	4,187
Salt Lake City	115	(1)	115		115
Total	16,023	19,234	38,158	32,870	66,818

[1] Building unplanned or plans uncompleted.
[2] Authorized to purchase property, $45,000.
[3] Remodeling bank buildings purchased.
[4] Authorized to purchase property for $160,000.

The Journal adds:

According to a recent compilation, the Federal banks had incurred a cost of over $36,000,000 for new buildings. Of this, nearly $17,000,000 was for original investment of land, etc., and over $19,000,000 for building costs or remodeling. Plans for additional construction, in some cases held up on account of the present congressional investigation, called for outlays of nearly $35,000,000. This means that exclusive of undeveloped plans, the Federal reserve banks have already buildings of about $67,000,000. It is probable that when in prospect an aggregate of real estate investment for bank finally consummated in home cities and in branches, Federal reserve bank buildings may represent a total investment of about $75,000,000 or $80,000,000.

Perhaps the greatest evil to the country which has come from this profiteering system of enormous earnings by the Federal reserve banks has been the change of the moral tone or the ethical spirit of a great many bankers who have felt that if this system could be permitted to earn such enormous profits they might follow its example and do some profiteering on their own account.

Mr. HARRISON. Mr. President, I have just noted the various items which go to the construction of new school buildings, and the Committee on Appropriations is to be congratulated, and especially the Senator from Colorado, on bringing out these very splendid provisions which take care of what has been a want of the city for a long time.

I wanted to ask the Senator touching the recommendation of the commissioners as to the Western High School and the appeal of the patrons of that school. There is an instance, I understand, where the present accommodations do not take care of the number of children who seek entrance to that school, and the gymnasium facilities are not very good, and there are various other things needed. Did the committee give any consideration to that project?

Mr. PHIPPS. I will say to the Senator that the committee did. The Senator is quite correct in his statements as to the needs of that section for additional high-school accommodations. However, your subcommittee on inspection of the building talked with the superintendent of the buildings and talked with the superintendent of the schools and others and found that no estimate had been prepared at the time estimates for other school buildings were prepared, but that the estimate for the Western High proposed addition was brought in much later; in fact, was passed upon by the Budget Bureau after the bill we are now considering had been passed by the House.

Your committee felt that not sufficient time and consideration had been given to the proposed plans, which, of course, are only tentative, but which, in the judgment of your committee, would not afford relief that would justify an expenditure of about $550,000.

The cost per room was figured at about $30,000, but of course that included an assembly hall and a new gymnasium. I want to say now that those facilities are needed for that high school. They have no fit place of assemblage for the pupils. There is one large room, perhaps almost of the extent of this Chamber we are sitting in, but the ceiling is only about 12 feet high, so Senators can see how impossible it would be to use that for any form of entertainment.

Your committee could not see its way clear to either the acceptance of the estimate based on the plans which were presented, or at this time to include in this bill an additional sum of $550,000 for such purpose.

The next amendment was, in the item for the erection of an eight-room addition to the Garrison School, $149,000, on page 51, line 2, to strike out the following provises:

Provided, That none of the money appropriated by this act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which shall not have been awarded in one or a single contract to the lowest bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided further*, That this limitation shall in no wise apply to contracts already awarded; nor shall it be construed to impair the legal rights of status of any unsuccessful bidder on a contract already awarded: *Provided further*, That no architect's fee shall be paid or obligated for plans, specifications, or any professional services whatever, unless they are such as will enable the Commissioners of the District of Columbia, or those letting a contract, to secure a legal bid within the amount authorized by Congress for the building or other project: *Provided further*, That nothing herein shall be construed as repealing existing law giving the commissioners the right to reject all bids.

Mr. KING. I would like to inquire of the Senator why these lines were stricken out. There seemed to be some proper, legitimate restrictions upon the contractor and those who attempted the construction of the building.

Mr. PHIPPS. I will say to the Senator that in contracting for a structure such as a school building it is often found possible to make separate contracts for certain parts of the building, thereby dealing directly with the contractors, whereas if you stipulate that the contract for the entire building, finished completely, must be given to one contractor in a single contract, that contractor will add his profit to the two or three single bids. Take, for instance, a heating plant or the electrical equipment which is necessary in one of these large buildings. It is not economical to contract for such a building complete, including those various items. That was the sense of your committee, and for that reason the language was stricken out.

The amendment was agreed to.

The next amendment was, on page 51, after line 22, to insert:

For the purchase of land adjoining the Dunbar High School, $50,000.

The amendment was agreed to.

The next amendment was, at the top of page 52, to insert:

For the purchase of land adjoining the Armstrong Manual Training School, $50,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of $500,000 which is hereby authorized, $100,000, and the commissioners are authorized to enter into contract or contracts for said addition at a cost not to exceed $500,000.

The amendment was agreed to.

Mr. PHIPPS. At this point the amendment offered by the Senator from Mississippi would appropriately come in, if it should be adopted.

The PRESIDING OFFICER. Let the amendment be reported.

The READING CLERK. On page 52, after line 9, insert the following:

The Commissioners of the District of Columbia are hereby authorized and directed to have plans prepared for an addition to Western High School, including repairs to the present building, with a view to providing not less than 24 additional classrooms.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. PHIPPS. I desire to say that the amendment will have my support, and, so far as I may, on behalf of the committee, I accept it.

The amendment was agreed to.

The reading was continued to page 54, line 17.

Mr. HARRISON. I ask unanimous consent to return to page 10 for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent to return to page 10 of the bill for the purpose of submitting an amendment. Is there objection? The Chair hears none, and the Senator from Mississippi may submit his amendment, which the Secretary will report.

The READING CLERK. On page 10, at the end of line 19, after the figures "$31,520," insert the following proviso:

Provided, That this appropriation shall not become available until the Public Utilities Commission shall have issued and made effective an order requiring the street railway companies operating in the District of Columbia to give transportation to any one passenger for each continuous ride between all points of its main and branch lines within the District of Columbia at the rate of fare not exceeding 5 cents, and to sell six tickets or tokens to their patrons for not exceeding 25 cents, all transfer requirements and regulations as now existing and in force to be continued and respected.

Mr. HARRISON. I have offered this amendment because the fares which have been charged by the street car companies here have been very exorbitant for some time; but they were raised to the high limit, and they gave as an excuse the war and the consequent high cost of things.

The Utilities Commission have recently passed an order that the companies can sell six tokens for 40 cents. They reduced it from the old amount about one-third of a cent. One can not buy three tokens for 20 cents. If a person buys one token, he is charged 8 cents. Of course there are many poor people who never get as much as 40 cents together at one time, and consequently they have to pay the full fare, while those who are better able and have 40 cents in their pockets, get the reduced rate of 6⅔ cents a token.

The charters which were granted to these traction companies expressly provided that they were not to charge a fare of over 5 cents a person, and that they might sell six tokens or six tickets for 25 cents. So the amendment I have proposed merely places a limitation upon the appropriation, and will compel the companies, if they utilize this appropriation, to reduce their fares, so that they may charge not over 5 cents a person for a ride on the street cars.

Mr. PHIPPS. Mr. President, I regret that I can not see my way clear to accept the amendment. I think it is clearly subject to a point of order, and it is my duty to make the point of order.

The PRESIDING OFFICER. What is the point of order?

Mr. PHIPPS. The point of order is that it is legislation on an appropriation bill.

Mr. HARRISON. Of course, Mr. President, it is purely a limitation upon the appropriations, and it does not change existing law.

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi is in the following language:

Provided, That this appropriation shall not become available until the Public Utilities Commission shall have issued and made effective an order requiring the street railway companies operating in the District of Columbia to give transportation—

And so forth.

Under the form in which the amendment is presented, the Chair——

Mr. JONES of Washington. Will the Chair permit me to suggest that we have no rule in the Senate similar to that in the House permitting limitations upon appropriations. The House has an express rule, according to my recollection, making in order a limitation upon an appropriation, but the Senate has no such rule as that, and it seems to me this really is legislation on an appropriation bill.

I want to say that personally I am in favor of the proposition. I have been urging for quite a good while a reduction in the passenger rates on street cars in the District. I have thought that these companies have been charging exorbitant rates; but I would not like to see the principle established in the Senate that by a limitation on an appropriation we can nullify existing law, and that is what it would amount to. We nullify it for a year, we nullify it for two years, we nullify it for three years. I think it is very unfortunate that there is a rule of that kind in any legislative body.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. LENROOT. I think the Senator is mistaken. There is no such rule in the House. The limitation rule applies upon general principles, that a limitation does not change existing law, that a limitation upon an appropriation is not either new or general legislation.

Mr. JONES of Washington. My recollection was that there was an express rule. I may be mistaken in that respect. I know it is the uniform practice.

Mr. LENROOT. Of course there is the Holman law, so called, but that has no application.

The PRESIDING OFFICER. The Chair thinks it is competent for the Senate to limit the use of any appropriation that it authorizes——

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from New York.

Mr. WADSWORTH. I did not mean to interrupt the occupant of the Chair. I wanted to ask a question before the Chair rules finally.

The PRESIDING OFFICER. The Chair will hear the Senator from New York.

Mr. WADSWORTH. Is this in effect a limitation on an appropriation?

The PRESIDING OFFICER. The Chair is just about to pass upon the matter, which will answer the Senator's question.

Mr. WADSWORTH. I desired to ask the question in that categorical form. My understanding of a limitation on an appropriation is some provision, mandatory or otherwise, limiting the purpose of the appropriation. The amendment of the Senator from Mississippi does not go to the purpose of the appropriation, either in whole or in part. It simply provides that none of the money shall be spent unless the utilities commission issue a ruling. If that is in order, we can legislate on pretty nearly any item in an appropriation bill. We could say to the Federal Trade Commission, "The salaries herein appropriated are not to be paid until the Federal Trade Commission does a certain thing in the matter of a ruling or order," and practically legislate in that way. I think it is not truly a limitation upon the appropriation.

The PRESIDING OFFICER (Mr. ROBINSON). It is true that any limitation may have the practical effect of accomplishing legislation in advance. Under the rules of the Senate the present occupant of the chair thinks that it is competent for the Senate, in providing an appropriation, to limit its use, and that that limitation is accomplished by the specification of a condition under which the appropriation may be used just as well as otherwise.

Under the form in which the amendment is presented the Chair thinks that it is not general legislation in the sense of Rule XVI of the Senate and that it is not obnoxious to the rule, and therefore the Chair overrules the point of order. The question is on the amendment offered by the Senator from Mississippi.

Mr. HARRISON. I ask for the yeas and nays on agreeing to my amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I have promised to take care of him for the day with a pair, and therefore I withhold my vote.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote.

Mr. PHIPPS (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce the necessary absence of my colleague [Mr. SIMMONS], who is paired with the Senator from Minnesota [Mr. KELLOGG].

The roll call was concluded.

Mr. HALE (after having voted in the negative). I transfer my pair with the Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Utah [Mr. SMOOT] and allow my vote to stand.

Mr. KELLOGG. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from New York [Mr. CALDER] and vote "nay."

Mr. ROBINSON. Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. ROBINSON. I have a pair with that Senator and in his absence withhold my vote. If I were at liberty to vote I would vote "yea."

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I am unable to vote.

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the senior Senator from Kansas [Mr. CURTIS] and vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. McKELLAR. Has the junior Senator from Indiana [Mr. NEW] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. McKELLAR. I have a general pair with that Senator, which I transfer to the senior Senator from Arizona [Mr. ASHURST], and vote "yea."

Mr. KENDRICK. Has the senior Senator from Illinois [Mr. MCCORMICK] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. KENDRICK. I have a pair with that Senator which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from New York [Mr. CALDER], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from West Virginia [Mr. SUTHERLAND] are detained at a hearing before the Committee on Finance.

Mr. WILLIAMS. I transfer my pair with the Senator from Indiana [Mr. WATSON] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. JONES of Washington. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The senior Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 21, nays 27, as follows:

YEAS—21.

Broussard	Harrison	Nelson	Walsh, Mass.
Capper	Heflin	Norbeck	Watson, Ga.
Caraway	Johnson	Overman	Williams
Fletcher	Kendrick	Sheppard	
Gerry	Ladd	Smith	
Harris	McKellar	Underwood	

NAYS—27.

Ball	Fernald	Lodge	Spencer
Brandegee	France	McKinley	Sterling
Bursum	Gooding	Newberry	Townsend
Cameron	Hale	Oddie	Wadsworth
Colt	Kellogg	Page	Warren
Cummins	Keyes	Phipps	Willis
du Pont	Lenroot	Rawson	

NOT VOTING—48.

Ashurst	Glass	Myers	Shields
Borah	Harreld	New	Shortridge
Calder	Hitchcock	Nicholson	Simmons
Crow	Jones, N. Mex.	Norris	Smoot
Culberson	Jones, Wash.	Owen	Stanfield
Curtis	King	Pepper	Stanley
Dial	La Follette	Pittman	Sutherland
Dillingham	McCormick	Poindexter	Swanson
Edge	McCumber	Pomerene	Trammell
Elkins	McLean	Ransdell	Walsh, Mont.
Ernst	McNary	Reed	Watson, Ind.
Frelinghuysen	Moses	Robinson	Weller

So Mr. HARRISON's amendment was rejected.

Mr. FRANCE. Mr. President, I ask unanimous consent to return to page 33 of the bill in order that I may offer an amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. FRANCE. On page 33, line 13, I move to strike out the numerals "$1,200" and insert in lieu thereof the numerals "$1,500."

I will say that the amendment proposes to increase the salary of this electrical expert, who has been in the employ of the city government for some time; he is a very skilled worker, and has not, in my judgment, been adequately compensated for a long time. I think he should receive this increase in salary, if any increases of salary are to be granted.

The VICE PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The ASSISTANT SECRETARY. On page 33, after the word "expert," at the end of line 12, and under the heading of "Electrical department," it is proposed to strike out "$1,200" and in lieu thereof to insert "$1,500."

Mr. PHIPPS. Mr. President, the Committee on Appropriations in considering this bill have felt that, in view of pending legislation in the reclassification bill which is now before Congress, it should not go into the question of salary adjustments at this time. No changes have been made in basic salaries in any part of the bill. If we were to open the door and grant increases in certain instances we should, in justice, go through the entire salary list and adjust all salaries. Therefore I regret that I can not, for the committee, accept the amendment which has been offered by the Senator from Maryland.

Mr. FRANCE. Mr. President, I realize the force of what the Senator from Colorado has said, and I shall not, therefore, take the time of the Senate to continue to urge the amendment. I

also realize that the committee is acting wisely in deferring increases of salary until action is taken on the reclassification bill. I happened to know, however, of this very meritorious case, and felt it my duty to offer the amendment, which I wish might be accepted. However, I understand the position of the committee with reference to the matter. I shall not ask for a yea-and-nay vote on the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Maryland.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Metropolitan police," on page 55, line 16, to increase the number of privates at $1,400 each from "17" to "92"; in line 22, after the words "allowance of," to strike out "$480 to one inspector" and to insert "$312 to each of two inspectors"; and on page 56, line 4, to increase the total from "$1,658,296.36" to "$1,767,930.86," so as to make the paragraph read:

Major and superintendent, $4,500; two assistant superintendents, at $3,000 each; 3 inspectors, at $2,400 each; 12 captains, at $2,400 each; chief clerk, who shall also be property clerk, $2,400; clerk (who shall be a stenographer), $1,800; 3 clerks (who shall be stenographers), at $1,500 each; clerks—one (who shall be assistant property clerk), $1,200, one $1,020, three at $1,000 each, one $700; four surgeons of the police and fire departments, at $1,600 each; additional compensation for 35 privates detailed for special service in the detection and prevention of crime, $16,800; additional compensation for 14 privates detailed for special service in the various precincts for the prevention and detection of crime, at the rate of $120 per annum, $1,680; additional compensation for 3 inspectors or captains and 1 lieutenant detailed for special service in the detection and prevention of crime, at $400 each; 21 lieutenants, 1 of whom shall be harbor master, at $2,000 each; 56 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at $1,800 each; privates—350 of class 3 at $1,660 each, 237 of class 2 at $1,560 each, 92 of class 1 at $1,460 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1923, $6,686.36; 9 telephone clerks, at $900 each; 18 janitors, at $600 each; laborer, $720; messenger, $600; motor-vehicle allowance of $312 to each of two inspectors; 38 captains, lieutenants, sergeants, and privates, mounted on horses, at $540 each; motor-vehicle allowance to 20 sergeants and privates, at $480 each; 64 lieutenants, sergeants, and privates, mounted on bicycles, at $70 each; driver-privates—36 of class 2 at $1,560 each; 6 police matrons, at $720 each; in all, $1,767,930.86.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, the amendment on page 55, line 16, in the items for the Metropolitan police has been agreed to. The junior Senator from Utah [Mr. KING] last evening on the floor made a remark about the item which proposes to increase the number of police. I think it only proper to give him an opportunity to discuss the item if he wishes to do so. I shall send word to him, and if he cares to reopen the matter I would reserve that privilege.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 57, line 14, to increase the appropriation for additional motor vehicles from "$5,000" to "$10,000."

The amendment was agreed to.

The next amendment was, on page 57, after line 17, to insert:

Additional amount required for the erection of a station house in the suburban section of the District of Columbia, $20,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 20, on page 59, the last paragraph being as follows:

FIRE DEPARTMENT.

Chief engineer, $4,000; 2 deputy chief engineers, at $3,000 each; 8 battalion chief engineers, at $2,400 each; fire marshal $2,400; deputy fire marshal, $2,000; 4 inspectors, at $1,660 each; chief clerk, $2,400; clerk, $1,460; clerk (who shall be a stenographer and typewriter), $1,660; 28 captains, at $1,800 each; 41 lieutenants at $1,700 each; 41 sergeants, at $1,700 each; superintendent of machinery, $2,500; assistant superintendent of machinery, $2,000; 2 pilots, at $1,700 each; 2 marine engineers, at $1,700 each; 2 assistant marine engineers, at $1,660 each; 2 marine firemen, at $1,460 each; privates—428 of class 3, at $1,660 each, 71 of class 2, at $1,560 each, 12 of class 1, at $1,460 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3, and private of class 1 who will be promoted to class 2, during the fiscal year 1923, $2,455.44; hostler, $1,080; laborer, $1,000; in all, $1,120,595.44.

Mr. CAMERON. Mr. President, on page 59, line 16, I move to strike out the word "twelve" and to insert in lieu thereof the word "twenty-five." I hope the Senator in charge of the bill will agree to that amendment.

Mr. PHIPPS. The Senator's amendment proposes to increase from 12 to 25 the number of firemen of class 1, 25 being the number asked for by the fire department. I frankly state that those preferring that request made a very strong argument and a good showing in behalf of the increase. We are giving the fire department additional fire apparatus. Personally I am convinced that the department does not have a sufficient number of firemen to handle the heavy hose, particularly when it becomes necessary to deal with a fire in a three or four story building, for only four men in each company are available to drag the hose line up the stairways. The Budget Bureau approved the item for 25 men; it has been estimated for; and, so far as I may for the committee, I am willing to accept the amendment offered by the Senator from Arizona.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arizona.

The amendment was agreed to.

Mr. CAMERON. On page 59, in line 20, I move to strike out the figures "$1,120,595.44" and to insert in lieu thereof the figures "$1,139,575.44." I offer that amendment in order to take care of the additional firemen who have been provided for by the amendment just adopted by the Senate.

Mr. PHIPPS. The clerks have authority to change the totals to correspond with any amendments which may be agreed to in the bill.

The VICE PRESIDENT. Without objection, the amendment proposed by the Senator from Arizona is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Fire department," on page 60, line 8, to increase the appropriation for hose from "$12,000" to "$15,000."

The amendment was agreed to.

The next amendment was, on page 60, line 11, after the words "fire boat," to strike out "$1,500" and to insert "$2,000, to be immediately available," so as to read:

"For repairs and improvements of fire boat, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in the item for permanent improvements, fire department, on page 60, line 19, to strike out "for one combination chemical and hose wagon, motor driven, $8,150," and to insert "for two combination chemical and hose wagons, motor driven, at $8,150 each."

The amendment was agreed to.

The next amendment was, at the top of page 61, to strike out: "For one pumping engine, triple combination, motor driven, $12,500," and to insert: "For two pumping engines, triple combination, motor driven, at $12,500 each."

The amendment was agreed to.

The next amendment was, on page 61, after line 6, to insert:

For repairs, improvements, and alterations to engine house No. 16, D Street between Twelfth and Thirteenth Streets NW., $5,000.

The amendment was agreed to.

The next amendment was, under the head "Health Department," on page 63, line 18, to increase the appropriation for maintenance of disinfecting service, etc., from "$6,000" to "$7,000."

The amendment was agreed to.

The next amendment was, on page 63, line 24, to increase the appropriation for enforcement of the provisions of an act to provide for the drainage of lots in the District of Columbia, etc., and for the abatement of nuisances in the District of Columbia, etc., from "$1,000" to "$2,000."

The amendment was agreed to.

The next amendment was, on page 64, line 3, to increase the appropriation for special services in connection with the detection of the adulteration of drugs and of foods, including candy and milk, from "$100" to "$200."

The amendment was agreed to.

The next amendment was, on page 64, line 18, to increase the appropriation for maintaining the chemical laboratory from "$750" to "$1,500."

The amendment was agreed to.

The next amendment was, on page 65, after line 16, to insert:

For necessary repairs to the annex (contagious-disease ward) of the Garfield Memorial Hospital, $5,000.

The amendment was agreed to.

The next amendment was, on page 66, line 2, before the word "persons," to insert "indigent"; in line 4, after the word "service," to insert "rent"; and in line 5 to strike out "$12,500" and insert "$13,500," so as to read:

For the maintenance of a dispensary or dispensaries for the treatment of indigent persons suffering from tuberculosis and of indigent persons suffering from venereal diseases, including payment for personal service, rent, and supplies, $13,500.

The next amendment was agreed to.

The next amendment was, on page 66, line 15, to increase the appropriation for clinical examination, advice, care, and maintenance of children under 6 years of age, from "$15,000" to "$18,000."

Mr. ROBINSON. Mr. President, I propose an amendment to the committee amendment, to strike out "$18,000" and insert

in lieu thereof "$20,000." The welfare work to which this fund is devoted has accomplished great good. A number of ladies who are giving their time and services to this work have advised me that it will require at least $20,000 to accomplish their purposes during the next fiscal year, and the nature of the work is such that I feel this small additional amount should be provided in order that it may not be embarrassed.

Mr. PHIPPS. The officers of the Child Welfare Society interviewed some of the members of the committee, myself included, and called attention to the fact that they had $18,000 in the bill for the current year, and that for the ensuing fiscal year the House cut that allowance down to $15,000, although $18,000 had been approved by the Budget Bureau. Our committee have restored the figure to $18,000; but I am inclined to agree with the Senator from Arkansas. I believe this is a worthy work, indeed; that it is really a necessary work; and we do not provide a great deal in this bill for strictly charitable purposes. I shall make no objection to the amendment offered by the Senator, and for the committee, so far as I may, I accept it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 66, after line 15, to insert:

To aid persons of moderate means who are suffering from tuberculosis, to obtain adequate sanitarium and hospital care, $3,000.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, on page 69, line 22, I offer an amendment striking out "$9,000" and inserting "$10,000" for compensation of jurors.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 69, line 22, in the item of $9,000 for compensation of jurors, it is proposed to strike out "$9,000," and in lieu thereof to insert "$10,000."

Mr. JONES of Washington. I will say that is in accordance with the estimate. I understand that a deficiency appropriation has been asked for, running it up probably to twelve or more thousand dollars; but I am not in favor of offering amendments exceeding the estimate, so I have confined my amendment to $10,000.

Mr. PHIPPS. Mr. President, I have no objection to the adoption of that amendment and accept it for the committee as far as I may.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. Now, I move to strike out the two provisos beginning in line 22, page 69, and ending in line 8 on page 70, in the following words:

Provided, That none of the money appropriated in this act shall be available for the payment of jurors' fees unless the actual cost of the trial jury be taxed as part of the costs and judgment rendered therefor, to be paid by the unsuccessful litigant: *Provided further*, That no person in default of payment thereof shall be imprisoned on that account.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 71, line 4, to increase the appropriation for expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to St. Elizabeths Hospital, etc., from "$5,500" to "$6,500."

The amendment was agreed to.

The next amendment was, on page 71, line 7, to insert: "payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated," so as to read:

For interest and sinking fund on the funded debt, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated, $400,000.

The amendment was agreed to.

The next amendment was, on page 71, line 15, after the word "character," to strike out "$3,000" and to insert "and in all cases of emergency not otherwise sufficiently provided for, in the discretion of the commissioners, $3,000," so as to read:

EMERGENCY FUND.

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire or storm, and of like character, and in all cases of emergency not otherwise sufficiently provided for, in the discretion of the commissioners, $3,000.

The amendment was agreed to.

The next amendment was, under the head "Courts and prisons," on page 73, line 7, to increase the appropriation for fees of jurors from "$55,000" to "$80,000."

The amendment was agreed to.

The next amendment was, on page 80, line 3, to increase the appropriation for the Eastern Dispensary and Casualty Hospital from $5,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 80, line 17, after the name "United States," to strike out "to the credit of the United States and to the credit of the District of Columbia in the same proportions as the appropriations for such institution are paid from the Treasury of the United States and the revenues of the District of Columbia," so as to make the paragraph read:

COLUMBIA HOSPITAL AND LYING-IN ASYLUM.

For general repairs and for additional construction, including labor and material for each and every item connected therewith, $5,000; for expenses of heat, light, and power required in and about the operation of the hospital, $15,000; in all, $20,000, to be expended in the discretion and under the direction of the Architect of the Capitol, and on July 1, 1922, the sum of $25,000 of the surplus revenues of the hospital shall be deposited and covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 81, after line 16, to insert:

Hereafter patients may be admitted to the Tuberculosis Hospital for care and treatment at such rates and under such regulations as may be established by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Gallinger Municipal Hospital," on page 82, line 2, to strike out the provisos in the following words:

Provided, That during the fiscal year 1923 the number of persons whom it may be actually necessary to employ at any one time shall not exceed the proportion that the force to attend the actual number of beds available shall bear to the force required to attend the ultimate maximum capacity of 500 beds: *Provided further*, That no person employed hereunder shall be paid at a rate in excess of the rate specifically appropriated for a similar grade of work for the Washington Asylum Hospital for the fiscal year 1922.

The amendment was agreed to.

The next amendment was, on page 82, line 13, to increase the appropriation for maintenance of Gallinger Municipal Hospital from "$45,000" to "$90,000."

The amendment was agreed to.

The next amendment was, on page 82, after line 19, to insert:

For repairs to buildings, including repairs and alterations of old psychopathic hospital building to make it available for female nurses and employees, $10,000.

The amendment was agreed to.

The next amendment was, on page 82, after line 22, to insert:

Hereafter patients may be admitted to the psychopathic ward of the Gallinger Municipal Hospital for care and treatment at such rates and under such regulations as may be established by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Board of Children's Guardians," on page 83, line 25, after the figures "$1,800," to insert "two supervisors, at $1,740 each; two investigators, at $1,500 each"; on page 84, line 1, after the figures "$900," to insert "stenographer, $1,200"; and, in line 4, to increase the appropriation from "$24,900" to "$32,580," so as to make the paragraph read:

Salaries: Agent, $1,800; two supervisors, at $1,740 each; two investigators, at $1,500 each; clerks—one $1,200, one $900; stenographer, $1,200; stenographer, $900; placing and investigating officers—6 at $1,200 each, 2 at $1,000 each, 10 at $900 each; record clerk, $900; messenger, $360; laborer, $500; in all, $32,880.

The amendment was agreed to.

The next amendment was, on page 84, after line 6, to insert:

The Commissioners of the District of Columbia are authorized and directed to acquire a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia or in the State of Maryland or in the State of Virginia, and to erect thereon suitable buildings at a total cost not exceeding $300,000, of which not more than $40,000 shall be expended for a site, and toward said purpose there is appropriated the sum of $125,000; if the land proposed to be acquired is within the District of Columbia, and the same can not be acquired by purchase at a price satisfactory to the commissioners, they are authorized to condemn the same under the provisions of chapter 15 of the Code of Law for the District of Columbia. If the land can not be acquired within the District of Columbia, the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected for said site either in the State of Maryland or in the State of Virginia in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site.

The amendment was agreed to.

The next amendment was, under the subhead "Industrial Home School for Colored Children," on page 87, line 12, to strike out "$25,000" and insert "$22,500," so as to read:

For maintenance, including care of horses, purchase and care of wagons and harness, and maintenance of motor vehicle, $22,500.

The amendment was agreed to.

The next amendment was, on page 87, line 14, to strike out "$5,000" and insert "$3,000," so as to read:

For repairs and improvement to buildings and grounds, $3,000.

The amendment was agreed to.

The next amendment was, on page 88, line 16, after the word "motor," to insert "vehicle and," so as to read:

For provisions, fuel, forage, harness, and vehicles and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, including maintenance of motor vehicle and trucks, $50,000.

The amendment was agreed to.

The next amendment was, on page 88, line 22, to strike out "$6,000" and insert "$7,500," so as to read:

For building and equipment for ice making and refrigeration, $7,500.

The amendment was agreed to.

The next amendment was, under the subhead "Municipal lodging house and wood yard," on page 89, line 4, after the figures "$360" in line 3, to insert "night watchmen, for six months, at $40 per month"; in line 5, after the word "maintenance," to strike out "$2,000" and insert "$3,000"; and at the end of the same line to strike out "$4,040" and insert "$5,280," so as to read:

Superintendent, $1,200; foreman, $480; cook, $360; night watchmen, for six months, at $40 per month; maintenance, $3,000; in all, $5,280.

Mr. PHIPPS. Mr. President, on line 4, page 89, there is a typographical error. The word "watchmen" appears in the bill. It should be "watchman." I ask that that correction may be made.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 90, to insert:

National Library for the Blind: For aid and support of the National Library for the Blind, located at 1729 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $5,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 5, to insert:

Columbia Polytechnic Institute: To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $1,500.

Mr. KING. Mr. President, may I inquire whether these institutions for the blind are owned by the Government, or are they private institutions, and is the District making contributions to private institutions?

Mr. PHIPPS. They are private institutions, but these allowances always have been made year by year. For some reason the House declines to insert the items in the bill, but invariably it has agreed in conference to allow them. They are well-conducted establishments, both of them.

Mr. KING. Is there any Government institution for the blind in the District?

Mr. PHIPPS. None whatever within the District. We have them for the deaf and dumb and for persons suffering from other infirmities, but none whatever for the blind.

Mr. KING. And does the Government, aside from these two items, make any contribution for the care of the blind?

Mr. PHIPPS. There is an appropriation made, I believe, but it is carried now in the Interior Department bill. I believe the allowance is about $12,000.

Mr. KING. Does the Senator know whether any appropriation is made for caring for the blind in some institution in Maryland or Virginia?

Mr. PHIPPS. Provision is made. It is carried in a bill with which I have not been familiar, however.

Mr. KING. I was about to say that if the items to which the District makes contribution—namely, $6,500—carried in this bill are all that are paid by the District for the blind, I think the District is escaping very lightly.

Mr. PHIPPS. I will say to the Senator that I hope in another year all of these items will be brought together in one bill, as they should be, so that upon looking at a bill Senators may know how the different establishments are cared for.

Mr. KING. I was wondering whether the appropriation carried in the other bill all came out of the Treasury of the United States, or whether half of it was chargeable to the District.

Mr. PHIPPS. It has been charged for the last three years on the 60-40 basis. The District has been paying 60 per cent.

Mr. KING. The Senator now alludes to the other bill, the Interior Department bill?

Mr. PHIPPS. I refer to the other bills, one carrying $12,000, and I do not recall what the other item is, but I think it is about $6,500.

Mr. KING. Is there any supervisory care over these private institutions which are receiving contributions from the treasury of the District?

Mr. PHIPPS. Our Board of Charities are supposed to exercise proper supervision, and unless they recommend the institution as being properly conducted and under good management, they refuse to pass upon or approve any estimate.

The amendment was agreed to.

The next amendment was, on page 90, line 11, to strike out the subhead "Hospital for the Insane," and to insert in lieu thereof "St. Elizabeths Hospital."

The amendment was agreed to.

The next amendment was, on page 90, line 14, to strike out "$850,000" and insert "$900,000," so as to read:

For support of indigent insane of the District of Columbia in St. Elizabeths Hospital, as provided by law, $900,000.

The amendment was agreed to.

The next amendment was, under the head "Public buildings and grounds," on page 94, line 13, to increase the appropriation for contingent and incidental expenses, office of public buildings and grounds, from "$700" to "$800."

The amendment was agreed to.

The next amendment was, under the subhead "Park police," on page 94, line 16, before the word "privates," to strike out "fifty-three" and insert "sixty-one," and in line 17, to strike out "$78,840" and insert "$89,720," so as to read:

Salaries: Lieutenants, $1,900; first sergeants, $1,700; 2 sergeants, at $1,580 each; 61 privates, at $1,360 each; in all, $89,720.

Mr. KING. An item was passed a moment ago, when I was absent from the Chamber, increasing the police of the District by 75. I notice that one of the newspapers this morning stated that my objection yesterday went to the inspectors. I had no objection whatever to the inspectors.

Mr. PHIPPS. Inspectors of buildings?

Mr. KING. Yes; inspectors of buildings. I did challenge attention to the large increase in the number of policemen in the District, and I observe that the number of park police has also been increased.

Mr. PHIPPS. Only an increase of eight.

Mr. KING. From 53 to 61.

Mr. PHIPPS. An increase of eight. There are in Rock Creek Park alone 13 miles of driveways, not counting bridle paths or foot paths. The park police not only cover that area of some 1,740 acres, but also care for Potomac Park. Complaint has been made by people driving through the park as to the lack of sufficient police supervision. It may not be the direct or proper duty of a policeman to see that citizens who own property adjoining park land are prevented from dumping refuse on the park property, but, as a matter of fact, they have had to pay quite a little attention to that.

The committee very carefully heard the commissioners, and particularly Col. Sherrill, who has that department in charge, regarding the necessity for these park policemen. As the Senator knows, there is quite a tendency on the part of the people to congregate in the parks, particularly on summer evenings, and stay there late at night. A very great number of complaints have been made by residents of the District as to the conduct which is sometimes carried on in the parks after nightfall.

Mr. KING. Does the Senator think there should be such a large increase in the police force within the city? During the war, of course, there was a very large congestion of population in the District. I think, perhaps, the tide is receding somewhat, and it occurs to me that if we got along during the war and for the three years following the war with the personnel at the standard which it has attained there would be no necessity for increasing it now, at least increasing it by such a great number as 75.

Mr. PHIPPS. While it is true that that is about 9 per cent increase, it is further true that we have not given them increases during the preceding three years. Our force consists of 904 policemen this year. That is less than 1 man for every 560 inhabitants, and compared with the number of policemen who are employed in other large cities comparable to Washington we find that that figure is much under the average, notwithstanding the fact that the District covers a larger area than the majority of those cities with which we compared it. The committee has the figures giving the records of various cities, and we gave very careful consideration to that item of increase in the police force. The committee was convinced

that it was a proper increase to make at this time, and the finding and recommendation of the subcommittee met with the approval of the entire committee.

Mr. SPENCER. May I add that during the war the park policing was very much neglected? The present force of the park police—and this has only to do with the park police——

Mr. KING. I challenged attention to the other item.

Mr. SPENCER. But, so far as the park police are concerned, there are now 1,000 acres more under their charge, running from Rock Creek Park to the Potomac, than there were when the original number of policemen was used. That is the reason why the police department requested the increase from 53 to 61. There are 500 reservations which are under the control of the park police of the city, and the Senator will see in a moment that 61 is almost an inadequate number for them, and from the testimony as it appeared before the committee, even with the 61 the parks will be nowhere near adequately protected. The number ought to be very much larger.

Mr. KING. I express no opinion in regard to the parks. I have not made sufficient investigation to determine whether or not the 61 which this bill provides for are needed. It would occur to me, however, that the number was rather too large. The population of Washington—I think we might compliment it—is very much different from that in many of the industrial centers, to which are attracted a very large number of transients and those who have the wanderlust; but, speaking generally, the inhabitants of the city of Washington are law-abiding; a great number of them are employees of the Government, and thousands have come here for the purpose of enjoying the benefits which are derived from living in the Capital of the Nation. Thousands of them are retired business men, men of means, and business women, and, generally speaking, I submit that the population of Washington is not to be compared with the population of other cities.

The needs of police protection here would be less in proportion to the number of population than would be found in many of the industrial centers and in other cities of the United States to which I might call attention, but which I shall not refer to for fear of any invidious comparison.

Mr. TOWNSEND. Mr. President, I think that as a general proposition what the Senator states is true; but I have been surprised at the statements which I have read in the papers relative to the amount of crime in the District of Columbia. I myself know that there have been many crimes committed here, such, for instance, as stealing automobiles or breaking into garages and stealing tires. It has come to be almost a profession with some people to break into garages or to take a car from the street or to take the tires off a car, and when talking to the police about it I have been informed by them that the department is altogether inadequate; that they can not cover even the most thickly settled portions of the city with the present police force.

I will not attempt to state the amount of area one policeman must cover, but I think one beat runs from K Street to S Street; at any rate, the area which he guards is altogether too large, and he reported that right in that district there would be theft after theft, and they seem to be absolutely helpless, because the thieves can watch the policemen, know where they are, and go into the section of the beat which the policeman has left and perpetrate these crimes.

I know it is a general complaint upon the part of the policemen that they do not have enough on the force to properly guard the city, and I repeat, I was startled by a comparison of the number of crimes committed in the District of Columbia and those committed in other cities, where, I agree with the Senator, we would naturally expect a larger amount of crimes; but I do not think the statistics bear out that statement. The crime here is far beyond what it ought to be, and the policemen insist that it is because they do not have a sufficient force.

Mr. PHIPPS. I ask the Senator if that is not partly accounted for by the fact that we have a much larger percentage of visitors coming to the Capital City than go to other cities of like size? It is not our own population alone whom the police must keep in mind, but they must look after the "trippers," the excursionists, and those who come here to prey upon our people.

Mr. BALL. Mr. President, I do not agree at all with the Senator from Utah that we do not need a greater number of policemen in Washington in comparison with the population than in other cities. Just as the Senator in charge of the bill has said, it is not the population of Washington which has to be looked after, but at all times Washington is the Mecca of many visitors. Many drive in in their automobiles from other cities and there are many crossing accidents. There is no city which can be compared wth Washington in the necessity for protection along that line.

Mr. KING. Does the Senator mean automobile accidents?

Mr. BALL. Automobile accidents, as well as looking after visitors of all classes who come here, because they know that the crowds are in Washington. The daily visitors to Washington are many more than to any other city, compared to the population.

Mr. KING. I would like to ask the Senator from Delaware, the chairman of the Committee on the District of Columbia, if complaints have been made to him, as they have been to me as a member of the committee, that in the past, particularly the past two or three years, the police organization has not been as efficient as it should have been, and if there have not been very many complaints about the administration of the department?

Mr. BALL. Complaints have been made, and the reply from the commissioners has always been that they had not a sufficient number, and they very frequently cited to me the fact that they have to transfer their traffic policemen from one place to another in the city as the accidents seem to occur, and people driving in their machines comment on that very freely. If there is an accident in one place there will be a traffic policeman there the next morning and for a week or two, then they have to transfer him to some other street. They have not a sufficient number to take care of the dangers on the streets. Further than that, the streets of Washington have so many avenues cutting across them that it makes it more dangerous for traffic. Instead of having only the cross streets, as there are in those cities to which the Senator refers, we have here avenues cutting in from every direction, which require more protection, especially of traffic policemen, than in the ordinary city.

Mr. KING. I have made some investigation with regard to the police situation in Washington. I think Washington has some of the finest police that can be found in any municipality. Some of the officers and some of the men on the beats are of very high character. I do believe that there have been some members of the police force who have not been up to the standard. I believe that for the past two years the efficiency of the organization has not been as great as it should have been, and there has been a lack of discipline. I think that a careful examination will disclose the accuracy of that statement. The new person in charge, I feel sure, will make some improvement, and I have no doubt that, if he will apply himself as I think he will, some of the evils that have existed will be corrected.

I do not think we need an increase of 75 in the police force. I would be willing to have an increase of 40 or 50. I will ask the Senator in charge of the bill if he will consent to make it 50 instead of 75?

Mr. PHIPPS. I would like to suggest to the Senator from Utah that this item, if agreed to in the Senate providing for an increase of 75 as recommended by the committee, will have to go to conference necessarily, and we will there develop the views of the House regarding the matter. Personally, I would like to go a little further and elicit some further information on this very point. I would prefer to have the item go in the bill as recommended by the committee, and hold an open mind when it comes into conference with the House.

Mr. KING. Will the conferees make further investigation in regard to this question?

Mr. PHIPPS. I shall be very glad to cooperate with the Senator in any possible way to elicit further information.

Mr. KING. I shall not press the motion which I was about to submit to strike out "75" and insert "50," trusting to the assurances given by the distinguished Senator from Colorado.

Mr. PHIPPS. We are only 25 apart in the number.

Mr. KING. He has devoted himself with a great deal of ability to the preparation of the bill. I feel that the Senator from Colorado ought to be complimented for the splendid work he has performed in the preparation of the bill.

Mr. UNDERWOOD. Mr. President, I want to say just a word in reference to the pending item. I am not opposed to the item increasing the police force 75 men. I think the first duty any Government owes to its citizens is protection. I am not sure that the citizens of the District of Columbia are now getting the proper kind of protection at this time.

I have not any sympathy whatever, though, with the cry of the Commissioners of the District. Whenever they are called upon to do anything or to accomplish any result they fall back in their chairs and say, "Congress will not give us the money." Sometimes that may be true, but often it is merely a smoke cloud to hide inefficiency. The man who, when he is charged with not fulfilling to the utmost a public duty, especially where he is charged with the duty of protecting the lives and limbs of the people of a community, contents himself with falling back and saying, "Somebody else is at fault, because I have

not get enough money," is not the proper man to hold public office. If I had the authority and an officer under my charge should come to me with excuses of that kind, I would find another man to fill the job.

I have not heard a more severe indictment of the administration of public affairs than the chairman of the Committee on the District of Columbia [Mr. BALL] has just delivered against the Commissioners of the District. I know he did not intend it as an indictment, but it seemed to me that it was an indictment. Everyone knows there are more automobile accidents in this city than in any city of its size in America or in any city near its size. We pick up the papers and almost every day find that another man is dead because he has been run over by an automobile.

Mr. BALL. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Delaware.

Mr. BALL. Does not the Senator realize, from the construction of the avenues and streets in Washington and the fact that there are drivers from so many different States not entirely familiar with the traffic rules of Washington, that there would be a cause of more accidents here than elsewhere?

Mr. UNDERWOOD. No; I do not at all. I think that is merely an excuse to hide inefficiency. As has just been suggested to me by the Senator from Arkansas [Mr. CARAWAY] it is not the nonresidents who are running over and killing these people; it is people who live in the District of Columbia and near-by Maryland and Virginia, who transact business in this city.

No; the trouble is that we are palliating offenses, which I will not call murder but which are often manslaughter, with excuses instead of trying to remedy them, just as the Senator from Delaware is giving excuses now. Because some of the streets run into avenues and there are four or five cross streets at a given point there is no reason in the world why men and women should be injured there any more than at any other place if the traffic laws of the District of Columbia were enforced and obeyed. The reason why an accident happens at places of that kind is because men drive into those places at reckless rates of speed and the Commissioners of the District of Columbia will not order the police force of the city to arrest men for violating the speed regulations, but content themselves, when a man is injured or killed on the street, with sending a policeman around there for a day or two to see if another accident is going to happen in that street at that particular point.

Mr. BALL. Mr. President——

Mr. UNDERWOOD. I yield if the Senator wants to interrupt me.

Mr. BALL. Does not the Senator realize that the commissioners are limited in the number of employees granted by Congress?

Mr. UNDERWOOD. Oh, that is just another excuse.

Mr. BALL. Oh, no.

Mr. UNDERWOOD. That is all it is; it is just another excuse. Of course, they are limited.

Mr. BALL. If Congress would allow the commissioners to employ only half the number of policemen they have now, would it still be only an excuse for accidents?

Mr. UNDERWOOD. Oh, no; but if Congress would double the police force in this town and there was not a more intelligent administration of the laws in the District of Columbia, we would still have the accidents. That is my viewpoint. It is because of a lack of intelligent enforcement of the law. If the Senator will allow me, I have no patience with that sort of excuses. When men, women, and children are killed daily in the streets, I have no patience with the men who are charged with the authority to administer the law idling in their chairs and, when some one calls their attention to the fact that these conditions exist, say that they can not enforce the law because Congress has not given them enough money or Congress has not given them enough men. If they would show by their actions that they are trying to enforce the law, they would have a Congress to appeal to that would respond if they need more money to protect the lives and limbs of the people of the District.

No, Mr. President, I am not opposed to giving the administration of the District of Columbia a sufficient force. I shall cheerfully vote for the amendment brought in by the committee to increase the police force 75 men. I would increase it more than that if necessary, because I want to cut out any opportunity for excuses for failing to enforce the law of the land. But I can stand for 15 minutes on any of the prominent corners of this town, at dusk in the evening, when the departments are closed and the business people and the clerks are returning home, and count in those 15 minutes from 10 to 15 or 20 automobilists who will drive across those corners at reckless rates of speed, and the only reason why they do not kill some one is because the pedestrian has reached the curb and is staying there. But whenever you find the halt, the lame, and the blind trying to cross a street in the city of Washington at hours of that kind, the next morning you read in the papers of a death.

If the commissioners are going to enforce the law, they would not wait for a post-mortem examination after a man has been killed. They should put a policeman on the prominent corners, and when a man drove past at 30 or 40 miles an hour, as they so frequently do, he should arrest that man, and the second time he violated the law, they should take his license away from him and not let him operate an automobile again.

I have no patience with these excuses. I am not given to criticism. I realize that men in public office labor under great difficulties. This is not the first time I have made these statements.

Right in front of my house on a quiet corner within the last three weeks I saw the reckless driver of a truck collide with a street car crossing a street. It did not hurt anybody, it did not kill anybody, because he hit only the corner of the street car and tore a piece off of it, but if he had hit the car in the middle he might have killed several people.

There is only one way in which this reckless driving can be prevented, and that is not to wait until the automobile driver has killed somebody, but to start out and arrest men every day when they violate the laws of the District, and either put them in jail or take their licenses away from them. When that is done we shall have a proper administration of the law.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Buildings and grounds in and around Washington," on page 96, line 16, to increase the appropriation "for laying cement and other walks in various reservations" from "$3,000" to "$3,500."

The amendment was agreed to.

The next amendment was, on page 96, line 18, to increase the appropriation "for broken-stone road covering for parks" from "$7,000" to "$10,000."

The amendment was agreed to.

The next amendment was, on page 96, line 22, after the word "Parkway," to strike out "exclusive of building for superintendent's residence," so as to read:

For care and improvement of Rock Creek Park and the Piney Branch Parkway, $30,000.

The amendment was agreed to.

The next amendment was, on page 96, line 26, to strike out "$25,000" and insert "$30,000," so as to read:

For improvement, care, and maintenance of West Potomac Park, including grading, soiling, seeding, planting, and constructing paths, $30,000.

The amendment was agreed to.

The next amendment was, on page 97, line 3, to increase the appropriation "for care and improvement of East Potomac Park" from "$30,000" to "$35,000."

The amendment was agreed to.

The next amendment was, on page 97, after line 8, to insert:

For the maintenance of a tourists' camp in East Potomac Park, $5,000.

The amendment was agreed to.

The next amendment was, on page 97, line 9, to strike out "$10,000" and to insert "$15,000," so as to read:

For placing and maintaining special portions of the parks in condition for outdoor sports, $15,000.

The amendment was agreed to.

The next amendment was, on page 97, line 19, to increase the appropriation "to provide for the increased cost in park maintenance" from "$50,000" to "$65,000."

The amendment was agreed to.

The next amendment was, on page 97, line 21, to strike out "$2,000" and to insert "$2,500," so as to read:

For care of the center parking in Pennsylvania Avenue between Second and Seventeenth Streets SE., $2,500.

The amendment was agreed to.

The next amendment was, on page 97, line 25, to strike out "$10,000" and insert "$12,000," so as to read:

Tidal Basin bathing beach: For purification of waters of the Tidal Basin and care, maintenance, and operation of the bathhouse and beach, $12,000.

The amendment was agreed to.

The next amendment was, on page 98, line 2, to strike out "$25,000" and insert "$50,000," so as to read:

For construction of bathing beach and bathhouse for the colored population of the city, $50,000.

The amendment was agreed to.

The next amendment was, on page 98, line 4, to strike out "$2,000" and insert "$2,500," so as to read:

For necessary repairs to the statue of Gen. Washington in Washington Circle, $2,500.

The amendment was agreed to.

The next amendment was, on page 98, after line 4, to strike out:

For continuing the construction of a sea wall along the water front, between the foot of New Hampshire Avenue and the north building line of G Street, including the grading and filling incident thereto, $20,000.

The amendment was agreed to.

The next amendment was, on page 98, after line 8, to insert:

For care and maintenance of Mount Vernon Park, $1,000.

The amendment was agreed to.

The next amendment was, on page 98, after line 10, to insert:

For operation, care, repair, and maintenance of the pumps which operate the Dupont Fountain in Dupont Circle, $2,500.

The amendment was agreed to.

The next amendment was, on page 98, line 24, to strike out "$4,500" and insert "$6,000," so as to read:

For heating offices, watchmen's lodges, and greenhouses at the propagating gardens, $6,000.

The amendment was agreed to.

The next amendment was, on page 100, after line 5, to insert:

The jurisdiction of the Rock Creek and Potomac Parkway Commission, as granted in section 22, public buildings act, approved March 4, 1913 (Public, No. 432), is hereby extended to cover the following tracts of land for park purposes, to wit: The tract known as the Klingle Road Valley Park, containing about 17.21 acres, as shown on map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 647 D, the Piney Branch Valley Park, containing about 16½ acres, as shown on a map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 291, and the Patterson tract, known as parcel 129 (sub 2), containing about 81.76 acres; the commission is further authorized to reduce the area to be acquired in either of said tracts, where, by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgments the public interests may require and the limit hereinafter fixed to be paid for said tracts shall be reduced accordingly: *Provided*, That if acquired by purchase the cost of the respective tracts shall not exceed the following sums: The Klingle Road Valley Park, $186,600; the Piney Branch Valley Park, $237,700; and the Patterson tract, $600,000; and there is hereby appropriated toward the purposes authorized herein the sum of $300,000: *Provided further*, That the tracts authorized to be acquired by this act shall become part of the park system of the District of Columbia and be under control of the Chief of Engineers of the United States Army: *Provided further*, That an agreement of purchase shall be entered into or condemnation proceedings begun with reference to the Patterson tract within one year from the approval of this act.

The amendment was agreed to.

The next amendment was, on page 102, after line 6, to insert:

INCREASED WATER SUPPLY.

For increasing the water supply of the city of Washington in accordance with the project E submitted in Senate Document No. 403, Sixty-sixth Congress, third session, including the purchase of land, $1,500,000, to be immediately available and to be expended in such manner as will afford an increased water supply at the earliest possible date: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,450,000, exclusive of the amount herein appropriated: *Provided further*, That the Secretary of War is authorized to acquire any lands, easements, or rights of way that may be needed in connection with this project; and whenever he causes proceedings to be instituted for the acquirement by condemnation of any such lands, easements, or rights of way, the United States, upon the filing of the petition in such proceedings, shall have the right to take immediate possession of said lands, easements, or rights of way, to the extent of the interest to be acquired, and use the same in the prosecution of the said project.

The amendment was agreed to.

The next amendment was, under the subhead "Water department," on page 106, line 3, to strike out "$30,000" and insert "$40,000," so as to read:

For installing water meters on services to private residences and business places as may not be required to install meters under existing regulations, as may be directed by the commissioners; said meters at all times to remain the property of the District of Columbia, $40,000.

The amendment was agreed to.

The next amendment was, on page 110, line 20, after the word "supplies," to insert "passenger-carrying and other motor vehicles," so as to make the section read:

SEC. 6. That the commissioners and other responsible officials, in expending appropriations contained in this act, so far as possible, shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, from the various services of the Government of the United States possessing material, supplies, passenger-carrying and other motor vehicles, and equipment no longer required because of the cessation of war activities. It shall be the duty of the commissioners and other officials, before purchasing any of the articles described herein, to ascertain from the Government of the United States whether it has articles of the character described that are serviceable. And articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government of the United States are authorized to sell such articles to the municipal government under the conditions specified and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. The committee amendments have been completed, except the one which was passed over.

Mr. PHIPPS. The amendment passed over is on the first page of the bill, and I ask that it now may be taken up for consideration.

The VICE PRESIDENT. The amendment passed over will be stated.

The READING CLERK. The amendment passed over is on page 1, beginning in line 1, to strike out:

That 40 per cent of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and 60 per cent out of the revenues of the District of Columbia, for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, only, namely:

If the estimated net revenues of the District of Columbia for the fiscal year ending June 30, 1923, are not sufficient to meet the proportion of the appropriations for that fiscal year charged against such revenues by this and all other acts, or which may be estimated to be charged against such revenues by acts that may be approved during such fiscal year, the Commissioners of the District of Columbia shall increase the rates of taxation on real estate and tangible personal property sufficiently to make up the difference: *Provided, however*, That such rates of taxation shall in no event be less than 1½ per cent nor more than 2 per cent.

And in lieu thereof to insert:

That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States.

For the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues derived from this source shall be covered into the Treasury of the United States as miscellaneous revenue.

Until otherwise provided by law the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 per hundred, and other taxes shall be as now provided.

The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenue shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States in addition to the estimates submitted for the next fiscal year is hereby authorized, and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

In fixing the value of improvements on any lot or tract of real estate for the purpose of taxation the first $2,000 of value thereof shall be exempt, and shall not be taken into consideration in fixing such value.

Mr. HARRISON. Does the Senator from Colorado expect to conclude the consideration of the bill this afternoon?

Mr. PHIPPS. I do not know of any reason why the bill should not be concluded this afternoon. The hour is not late. The bill has been read through; all the amendments have been acted upon except the one on page 1, and I do not know of any other amendments which are to be offered. We have disposed of all of the amendments as we have progressed with the consideration of the bill. It now comes down to the question of agreeing to the first amendment recommended by the committee.

Mr. HARRISON. Mr. President, this amendment is an amendment of great importance; it proposes to change completely the fiscal relations between the General Government and the District of Columbia; and it would seem to me that the advocates of the amendment certainly ought to present their views in support of it and to give some reasons why it, instead of the 60-40 plan, should be incorporated in the bill. The Senator from Colorado on yesterday stated that the Senate had passed a bill in reference to this matter but that the House had not yet passed it, and that the committee amendment was for the purpose of carrying out the idea embodied in that proposed legislation.

Mr. PHIPPS. The Senator from Mississippi is correct in his statement.

Mr. HARRISON. It would seem to me there ought to be some explanation made of that proposition.

Mr. PHIPPS. I referred, of course, to the so-called Jones bill. The amendment reported by the committee is copied verbatim from that bill as it was sent to the House after receiving the approval of this body. The Jones bill is now in the House, although, as I stated on yesterday, I have not been informed of the House having taken any action regarding it up to date. Of course, the Senate might reverse itself, but it would have to reverse itself in order to change the language of the first section of the bill.

Mr. JONES of Washington. Mr. President, I desire to say a word or two in reference to this matter. The general law governing the fiscal relations between the District of Columbia and

the Federal Government is embodied in the act of 1878 and provides for what is known as the 50-50 plan, whereby appropriations to meet the expenses of the District government are contributed equally from the Federal Treasury and taxes raised in the District. As the Senator from Mississippi knows, there has been quite a controversy over this question between the House and the Senate. As the Senator will remember, the House has been contending that the law of 1878 was not just and that reasonable taxes should be assessed against the people in the District, and then that the balance of the money which was needed to carry on the government of the District should be appropriated out of the Treasury. In the preceding Congress a bill passed the House known as the Mapes bill, which provided substantially that taxes raised by the District should go into the Federal Treasury, and then whatever was necessary for carrying on the expenses of the District should be paid by appropriation out of the Federal Treasury. The Senate has long been quite strongly in favor of what is known as the 50-50 plan, but the House has insisted for two or three years upon inserting in the District of Columbia appropriation bills a provision making the appropriations on a 60-40 basis. According to my recollection, the first time that that was done by the House an amendment was adopted in the Senate making the basis 50-50 instead of 60-40, and then we had quite a controversy with the House. On several occasions the District of Columbia appropriation bill has been held up on that account, particularly in the short sessions, until the closing days of the session, when finally the Senate conferees gave way in order to insure the passage of the bill.

During the present Congress this matter has again come up. It was hoped that we might obtain general legislation under which this annual controversy between the House and the Senate would be terminated. The Senate Committee on the District of Columbia reported a bill to the Senate providing for the 50-50 basis and establishing, or reestablishing, it, I might say, as permanent law. That bill came up in the Senate for consideration; after consideration it was amended and as amended passed the Senate without even a division. The bill as it passed the Senate has been incorporated as an amendment to the pending appropriation bill as embodying the last expression of the Senate upon this question.

Let me say that the committee amendment is substantially in almost complete accord with the position heretofore taken by the House of Representatives; in other words, to use a very common expression, the Senate has "called the bluff" of the House on this proposition. Now we want to see what they will do. It is rather amusing to me to see interviews in the newspapers with the prominent leaders of the House who have heretofore supported substantially the same proposition which we have put in the pending bill, in which they are quoted as saying that the District will be ruined and that they are going to organize their forces to prevent the adoption of this amendment and adhere to the 50-50 plan or whatever it may be.

The committee felt that they should like to get this controversy at an end, and so they put in the last expression of the Senate with the view to sending the question to conference, in the hope, especially as the Senate committee amendment is very similar to the provision which the House has heretofore adopted as an expression of its views, of securing an agreement that will terminate this controversy. We may not be able to do so. The bill which we passed through the Senate is now before the District Committee of the House. Of course, if we are not able to reach an agreement in conference and get this question satisfactorily settled, we will have to go back, probably, to the 60-40 basis. It may be that the House committee will act upon the Senate bill, but if they do not see fit to adopt it, we will then try to work the problem out in conference on the appropriation bill. Briefly, that is the situation, and that is what the committee hope to accomplish. I trust that the amendment will be agreed to, so that the matter may go to conference and that we may endeavor to settle the question.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. HARRISON. Mr. President, of course, I would not be precluded in the Senate from raising a point of order against this provision; the point of order was made yesterday but was overruled; but when the bill reaches the Senate, I expect to renew the point of order.

I may say that I have voted in every instance for the 60-40 plan as against the 50-50 plan. The reason why I thought some explanation should be made of the proposition is that it is new. I thought the fight heretofore had been as between the 50-50 plan and the 60-40 plan; I did not know this proposition had come up heretofore.

Mr. JONES of Washington. That has been the controversy, so far as the appropriation bill is concerned, but the Mapes bill was substantially the same as the committee amendment. That bill passed the House, came over to the Senate, and the Senate amended it by restoring the 50-50 plan, with certain tax provisions. The bill went to conference, but we were never able to agree, the House conferees insisting upon their provision. The Senator will realize, therefore, that we have attempted to solve the problem by means of general, independent legislation.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HARRISON. Mr. President, I desire to make the point of order that I made yesterday against the first provision in the bill, on page 2, lines 13 to 26, inclusive, and page 3, lines 1 to 11, inclusive. That is the amendment that was just adopted, changing the fiscal policy touching the District of Columbia.

On yesterday the Chair overruled the point of order on the theory, as I understood—because the arguments were presented in that way—that Vice President Marshall had ruled heretofore in one case that where an amendment had been placed on a general appropriation bill in the House and was subject to a point of order, when it came to the Senate the Senate Appropriations Committee was permitted to put in another provision enlarging that provision, even though it might be subject to a point of order.

I have looked into that decision, Mr. President, and if the decision of the Vice President in that case is to be followed the point of order should be sustained.

The amendment that was placed in this bill by the House Appropriations Committee applies to the coming fiscal year. The amendment to that amendment incorporated in the bill by the Senate Appropriations Committee does not apply merely to the coming fiscal year, but it is permanent legislation. It applies during the fiscal year 1923, and thereafter through the coming years; and that is the distinction between this case and the case decided by Vice President Marshall.

The case that has just been referred to arose on the Post Office appropriation bill, and touched only the appropriation for that year. When it came to the Senate the amendment was enlarged, but it was not made permanent legislation at all; and here is what the Vice President said at that time:

> What has the Senator from Georgia to say about the contention of the Senator from Florida that the provision of the House bill is nothing more nor less than a limitation upon the appropriation; that it is not legislation with reference to motor-drawn vehicles, but simply a limitation on the appropriation? What has the Senator from Georgia to say to that?

Again:

> The Vice PRESIDENT. The difficulty with the ruling on the part of the Chair is a difficulty of fact and not one of law, and it arises in the disputed statement of fact between the Senator from Florida and the Senator from Georgia.
>
> The Chair has no doubt that Rule XVI, with reference to general legislation upon an appropriation bill, does not apply where the House puts general legislation in the bill.

That was what was cited to the Chair yesterday, and on that the Chair overruled the point of order; but the following was not read to the Chair, and the Chair did not at that time see what else the Vice President said. He further said:

> The Chair believes that when the House enters into that field the Senate has a right to pursue the field. But here is a disputed question of fact between the two Senators about which the Chair knows nothing and has no way of ascertaining as far as the Chair can see.
>
> The Senator from Florida is insisting that the House provision is nothing in the world save a limitation upon the expenditure of money provided by the bill for rural free service, in that it provides that the money shall not be expended upon a motor-vehicle route "until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route." * * *
>
> If this provision does apply to all motor-vehicle routes to be hereafter established by the Post Office Department, then, in the opinion of the Chair, the Senator from Georgia is right, and the Senate has the right to legislate upon the question. On the other hand—

Says the Vice President—

> if it applies only to those motor-vehicle routes that are now in existence, then clearly it is only a limitation upon the appropriation, and the point of order to the amendment should be sustained.
>
> The Chair, not being able to settle that question of fact, will submit the point of order to the Senate.

And so he did.

The Vice President again said:

> There is a clear conflict as to what this House provision means. It may mean either of two things: It may apply only to the present motor-vehicle routes or it may apply to those that are to be established hereafter. If it applies to those to be established hereafter, the amendment is in order. If it applies only to the routes now in existence, it is not in order.

Mr. President, such is this case. The House provision applied only to this year, and we have placed on it an amendment that enlarges it and makes it permanent legislation, applying hereafter as well. I submit, therefore, that it would be a very dangerous proposition if a ruling such as was announced here yesterday should be followed in the future. If the amendment offered by the Senate committee did not have the word "hereafter" in it and were not permanent legislation, then the ruling of Vice President Marshall might be followed. I submit, however, that under the ruling of Vice President Marshall the ruling of yesterday was incorrect, so I make the point of order again.

Mr. JONES of Washington. Mr. President, I do not know how the President of the Senate feels about the matter, but I think the situation is entirely different. Vice President Marshall said that the difference there was upon the facts. There is not any question about the facts here. The fact is here, and this is not pretended to be a limitation upon the appropriations in this bill. This is a change in the law relating to the payment of money for the expenses of the District for the year. Of course, the House provided that. It does not provide it by way of limitation, but it simply says that for the year the existing law shall not be followed; that instead of the 50-50 plan being followed the District shall pay 60 per cent and 40 per cent shall be paid out of the Treasury. That opens the door wide so far as the year is concerned, and it is legislation. It not only makes that change, but it changes the rate of taxation that is fixed by law. There is no limitation in that, but it actually changes the rate of taxation.

The fact that the House makes that apply only for a year does not limit the Senate in dealing with the subject. The House has gone into it, not by putting a limitation upon it but by changing for the year the terms upon which the expenses of the District shall be met. It has also, not by way of limitation, actually changed the way in which the tax rate shall be determined and the taxes shall be raised. If the House has done that for a year it is very proper for the Senate to insert an amendment making it any time that it sees fit, and then the two Houses can work the matter out. In other words, the House opened the door—entered the field, as the Vice President said—as a principle, and therefore the Senate can follow it up.

Mr. BRANDEGEE. Mr. President, I confess that while the Senator from Mississippi was speaking I thought he was right about the matter; but the Senator from Washington has called attention to the fact that on page 1 of the bill the limitation spoken of is simply a limitation in time as to when this appropriation shall be made, and it is not a limitation upon the expenditure of the funds; so the limitation of time is immaterial so far as it relates to the point of order.

Mr. JONES of Washington. Yes; it is an appropriation for a year.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. JONES of Washington. Yes.

Mr. NORRIS. Is not this the same point that the Chair decided yesterday, raised over again?

Mr. JONES of Washington. It is.

Mr. BRANDEGEE. The bill is in the Senate now.

Mr. NORRIS. There was an appeal taken from the ruling of the Chair, was there not?

Mr. JONES of Washington. Yes.

Mr. NORRIS. And the Senate sustained the Chair?

Mr. JONES of Washington. Yes.

Mr. NORRIS. I take it, then, that it is unnecessary to take up time in debating it now.

Mr. JONES of Washington. I think so. I only want to say that I think the Chair stated most clearly the rule that should govern and the real basis for the ruling, namely:

> Therefore the Senate has an inherent right to amend the proposed legislation.

When the House sees fit to enter into that sort of a field, the Senate has an inherent right to make such amendments as it sees fit to make, and then allow the matter, of course, to be worked out in conference.

Mr. HARRISON. Mr. President, may I say for the information of the Senator from Nebraska that the ruling of the Chair yesterday was based on a ruling by Vice President Marshall that was cited to the Chair. I read the ruling and analyzed it to show that the Chair did not follow the ruling in that instance; but in all fairness to the Chair, that part of the ruling was not read to him, and he did not see it at that time. If he had followed the ruling of Vice President Marshall he would have sustained the point of order.

Mr. NORRIS. Mr. President, if I may be permitted, I was not in the Chamber and did not hear the point of order argued here to-day, but I was here yesterday. The matter got beyond the Chair, unless the Chair wants to go in the face of the decision of the Senate. The Senate on a vote yesterday decided this question, as I understand. If there is a different question now, I shall be glad to be informed to that effect; but it seems to me it is not a question of the Chair's decision, because, right or wrong, the Senate passed on it yesterday.

Mr. HARRISON. May I say that this matter is of no interest at all to me except as it is to every other Senator here. If the decision made yesterday is to be sustained to-day, and that rule is followed, then, of course, that would be the rule hereafter in the Senate; but I call the attention of the Chair to it because I thought yesterday he did not have all of the decision before him, and I am sure he wanted to rule according to precedent and correctly upon the proposition.

Mr. JONES of Washington. Let me say that while I do not think the decision that the Senator has referred to is contrary to the ruling of the Chair yesterday, I know that there are other rulings of Vice President Marshall along the same line. I did not think about this matter coming up again, or I should have looked them up. I remember one or two decisions that he made upon points that I made myself in connection with the Post Office appropriation bill; and I think the precedents are clearly in line with the decision of the Chair on yesterday.

Mr. HARRISON. Would the Senator in charge of the bill have any objection to letting this matter go over until tomorrow, so that the Senator from Washington can get those decisions?

Mr. PHIPPS. On account of the business that is pending, I think I shall ask for a ruling of the Chair on the point now.

The VICE PRESIDENT. The question does not seem to be one of great difficulty. The former Vice President stated the rule, and stated it correctly. When the House institutes general legislation the Senate has a right to amend it. That was the principle that was enunciated in the decision that the Senator from Mississippi has just read. The only element of difficulty in that decision was the question of fact. After enunciating the rule clearly and distinctly, the Vice President there said that he did not know whether the House had instituted general legislation or whether it had merely made a limitation on a proposed appropriation. That difficulty does not seem to arise here, because it seems to be perfectly plain that the proposed legislation of the House is general legislation, and, therefore, that the Senate can amend it by general legislation when it comes here.

The point of order, therefore, is overruled.

The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

UNITED STATES HOUSING CORPORATION.

Mr. FERNALD. Mr. President, I ask unanimous consent to have taken from the calendar the bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918. I think there can be no objection to it. It is simply to give the United States Housing Corporation authority to close up the affairs of the corporation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 4, line 3, after the word "law," to strike out the colon and the proviso down to and including the word "record" in line 11, as follows:

> *And provided further*, That no settlement or adjustment of any contract or other obligation, made or incurred with any municipality, or other political subdivision, under the provisions of this act, may be made until all taxes and special assessments upon the property of the United States of America, the title to which is in the name of the United States Housing Corporation, and which is situate within such municipality, or other political subdivision, shall have been first canceled or otherwise satisfied or record.

So as to make the bill read:

> *Be it enacted, etc.*, That section 5 of an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended by an act approved July 19, 1919, be, and the same is hereby, amended to read as follows:
>
> "SEC. 5. That the power and authority granted herein shall cease with the termination of the present war as formally proclaimed by the President, except the power and authority to care for, rent, operate, and sell such property as remains undisposed of; to conclude, execute, settle, and adjust all contracts or other obligations made or incurred during the war, or in carrying out the provisions of this act, including contracts or other obligations made or incurred with municipalities or

other political subdivisions for the furnishing of services and facilities to the property of such corporations, and for the construction of public utilities by such municipalities or other political subdivisions in pursuance to the terms of said contracts or other obligations; to collect the principal and interest of loans made or other sums due under obligations entered into under this act; and to take such other steps as are necessary to protect the interests of the Government and to fulfill the obligations duly incurred in carrying out the powers granted by said act. All property shall be sold at its fair market value as soon as can be advantageously done, and a reasonable effort shall be made to sell the houses direct to prospective individual home owners for their own occupancy before they are offered for sale in bulk or to speculative investors. Full power and authority is hereby given to sell and convey all such property remaining undisposed of after the termination of the present war. All deeds, contracts, or other instruments of conveyance executed by the United States Housing Corporation by its duly authorized officer or officers where the legal title to the property in question is in the name of the said corporation, and by the United States of America by the Secretary of Labor where the title to the property in question is in the name of the United States of America, shall be conclusive evidence of the transfer of title to the property in question according to the purport of such deeds, contracts, or other instruments of conveyance, and in no case shall any purchaser or grantee thereunder be required to see to the application of any purchase money: *Provided*, That no sale or conveyance shall be made hereunder on credit without reserving a first lien on such property for the unpaid purchase money: *Provided further*, That in no case shall any such property be given away; nor shall rents be furnished free, but the rental charges shall be reasonable and just as between the tenants and the Government. The United States Housing Corporation (a corporation organized by authority of the President of the United States, pursuant to the provisions of an act approved May 16, 1918, entitled 'An act to authorize the President to provide housing for war needs,' and an act approved June 4, 1918, entitled 'An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes') shall wind up its affairs and dissolve as soon as it has disposed of said property and performed the duties and obligations herein set forth: *And provided further*, That the corporation shall report to Congress on December 31, 1919, and on June 30, 1920, all sales made and the amounts received therefrom, together with a detailed statement of receipts and expenditures on account of the other activities authorized by law; and said corporation shall report to Congress from time to time all settlements or adjustments made under the authority hereof."

The amendment was agreed to.

Mr. BRANDEGEE. The bill comes from the Committee on Public Buildings and Grounds?

Mr. FERNALD. It does.

Mr. BRANDEGEE. Let me ask the Senator from Maine a question about it. I had a letter from a Member of the House from my State, I think, about this bill, though I am not sure that this is the bill. I do not intend to object to it, but I simply want to ask the Senator a question, in view of the fact that there are several cities in the country which have claims for taxes against this Housing Corporation.

Mr. FERNALD. This is to take care of those particular cities.

Mr. BRANDEGEE. I understood the Senator to announce, or the Secretary to state, that the bill provides for winding up the affairs of the corporation.

Mr. FERNALD. It does.

Mr. BRANDEGEE. I did not want the corporation to go out of business until it paid its debts.

Mr. FERNALD. It can not go out of existence until its debts are settled. The bill was introduced to take care of those matters.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORT BANKS MILITARY RESERVATION.

Mr. WADSWORTH. Mr. President, I ask unanimous consent to report favorably from the Committee on Military Affairs two bills of comparatively small importance, to which I call the attention, respectively, of the Senator from Massachusetts [Mr. LODGE] and the Senator from Nebraska [Mr. NORRIS].

The first bill I report favorably without amendment from the Committee on Military Affairs is the bill (H. R. 9047) authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street at or near the intersection of Hutchinson Street in said town of Winthrop, Mass., upon such location as the Secretary of War may approve, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT ROBINSON MILITARY RESERVATION.

Mr. WADSWORTH. I report back favorably from the Committee on Military Affairs without amendment the bill (H. R. 8193) to amend the first proviso in an act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906.

Mr. NORRIS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the first proviso contained in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906, is amended to read as follows: "*Provided*, That the said tract shall be used for park and water-power purposes, and that not to exceed 5 acres thereof may also be used as a site for a pavilion to be used for the exhibition and sale of live stock, and for auditorium purposes."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF HOBOKEN, N. J.

Mr. WADSWORTH. The senior Senator from New Jersey [Mr. FRELINGHUYSEN] has just sent word asking me to offer for him a Senate resolution. I ask that it be printed and lie on the table for proper disposition, as I am not aware of the disposition the Senator wants to make of it.

The resolution (S. Res. 254) was read and ordered to lie on the table, as follows:

Resolved, That a committee composed of three Senators, of the Committee on Commerce, to be appointed by the chairman of such committee, is authorized and directed to investigate the claims of the city of Hoboken, N. J., for losses and damage sustained by such city as a result of the acquisition and retention by the United States of certain docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leaseholds, easements, rights of way, riparian rights, and other rights, estates, and interests therein or appurtenant thereto, on the Hudson River, formerly the property of the North German Lloyd Dock Co. and the Hamburg-American Line Terminal & Navigation Co., and to report its findings to the Senate with such recommendations as it deems proper. Such committee is authorized to hold hearings and to sit during the recesses or sessions of the Sixty-seventh Congress, at such times and places as it may deem advisable, to send for persons and papers, to administer oaths, and to employ a stenographer to report such hearings and findings at a cost not exceeding $1.25 per printed page, the expenses of such investigation to be paid from the contingent fund of the Senate.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened.

THE FOUR-POWER TREATY—RECORD.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open session, with a view to the consideration of the four-power treaty.

The motion was agreed to, and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LODGE. I move the adoption of the reservation in the resolution of ratification reported by the Committee on Foreign Relations.

SEVERAL SENATORS. Let it be read.

The reservation was read, as follows:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

Mr. LODGE. I desire to give notice that immediately upon the assembling of the Senate to-morrow I shall address it on the pending treaty.

I move that the Senate take a recess, in open executive session, until 12 o'clock to-morrow.

The motion was agreed to, and (at 5 o'clock p. m.) the Senate, in open executive session, took a recess until to-morrow, Wednesday, March 8, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 7, 1922.

FIRST ASSISTANT POSTMASTER GENERAL.

John H. Bartlett, of New Hampshire, to be First Assistant Postmaster General, vice Hubert Work, appointed Postmaster General.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Gerhard A. Bading, of Wisconsin, to be envoy extraordinary and minister plenipotentiary of the United States of America to Ecuador.

UNITED STATES MARSHALS.

Thurston R. Porter, of New York, to be marshal of the United States court for China.

James C. McGregor, of Pennsylvania, to be United States marshal, Western District of Pennsylvania, vice John F. Short, resigned, effective April 1, 1922.

UNITED STATES COAST AND GEODETIC SURVEY.

Ernest Lester Jones, of Virginia, to be hydrographic and geodetic engineer, with relative rank of captain in the Navy, in the United States Coast and Geodetic Survey.

PROMOTION IN THE REGULAR ARMY.

MEDICAL CORPS.

To be captain.

First Lieut. Wilbur Manson Blackshare, Medical Corps, from February 25, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

FIELD ARTILLERY.

Capt. Charles Porterfield, jr., Infantry, with rank from October 12, 1917.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

Second Lieut. Paul R. Cowley to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Edward G. Hagen to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Dan E. Root to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. George D. Hamilton to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Conrad S. Grove, 3d, to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Cleghorn Foote to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Francis B. Reed to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Samuel A. Milliken to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. William E. Quaster to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Charles W. Laviett to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. James D. Waller to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Leo Healey to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Clifford Prichard to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Francis I. Fenton to be a first lieutenant in the Marine Corps from the 3d day of September, 1921.

Second Lieut. Ralph W. Luce to be a first lieutenant in the Marine Corps from the 18th day of October, 1921.

POSTMASTERS.

ALABAMA.

Tommie P. Lewis to be postmaster at Seale, Ala. Office became presidential October 1, 1920.

CALIFORNIA.

Oliver A. Washburn to be postmaster at Nelson, Calif. Office became presidential January 1, 1922.

John W. G. Mauger to be postmaster at Standard, Calif. Office became presidential January 1, 1922.

COLORADO.

Thomas J. Bradshaw to be postmaster at Ignacio, Colo. Office became presidential October 1, 1920.

IDAHO.

Charles H. Hoag to be postmaster at Worley, Idaho. Office became presidential January 1, 1922.

ILLINOIS.

Myron N. Hughes to be postmaster at Wauconda, Ill. Office became presidential January 1, 1921.

IOWA.

Alvin G. Rollins to be postmaster at Rembrandt, Iowa. Office became presidential January 1, 1921.

Leo E. Perry to be postmaster at Rhodes, Iowa. Office became presidential January 1, 1921.

Ralph S. Van Hooser to be postmaster at Terril, Iowa, in place of M. E. Nefzger. Incumbent's commission expired January 24, 1922.

Charles P. Warrell to be postmaster at Whiting, Iowa, in place of Elmer Hopkins. Incumbent's commission expired January 24, 1922.

KANSAS.

Minnie Temple to be postmaster at Bennington, Kans. Office became presidential July 1, 1920.

KENTUCKY.

Jackson L. Montgomery to be postmaster at Valley Station, Ky. Office became presidential January 1, 1921.

LOUISIANA.

Eugenie L. Richard to be postmaster at Bayou Goula, La. Office became presidential April 1, 1921.

Augustine M. Dugas to be postmaster at Centerville, La. Office became presidential April 1, 1921.

Beatrice Joseph to be postmaster at Edgard, La. Office became presidential July 1, 1921.

William E. Phillips to be postmaster at Greensburg, La. Office became presidential April 1, 1921.

Esther Malmstadt to be postmaster at Ludington, La. Office became presidential April 1, 1921.

Theodore A. Rains to be postmaster at Marthaville, La. Office became presidential April 1, 1921.

Eula M. Jones to be postmaster at Trout, La. Office became presidential April 1, 1921.

Russell A. Dilly to be postmaster at Clinton, La., in place of W. H. Bennett. Incumbent's commission expired January 31, 1922.

H. Ernest Benefiel to be postmaster at Kenner, La., in place of H. E. Benefiel. Incumbent's commission expired January 31, 1922.

MARYLAND.

William A. Brown to be postmaster at Cecilton, Md. Office became presidential July 1, 1920.

MASSACHUSETTS.

Benjamin Taylor to be postmaster at South Barre, Mass. Office became presidential July 1, 1920.

Effie M. Ellis to be postmaster at East Wareham, Mass. Office became presidential July 1, 1920.

MICHIGAN.

Augustus J. Bills to be postmaster at Grand Ledge, Mich., in place of J. W. Ewing. Incumbent's commission expired January 24, 1922.

MISSOURI.

Victor N. Remley to be postmaster at Orrick, Mo., in place of C. D. Perdue. Incumbent's commission expired January 24, 1922.

MONTANA.

James S. Honnold to be postmaster at Joliet, Mont., in place of J. S. Honnold. Incumbent's commission expired March 8, 1922.

OHIO.

Fred J. Gillam to be postmaster at Bloomville, Ohio, in place of C. A. Weidaw. Incumbent's commission expired January 31, 1922.

Harry H. Davis to be postmaster at New Holland, Ohio, in place of William Briggs. Incumbent's commission expired January 31, 1922.

Theodore S. Hephinger to be postmaster at New Philadelphia, Ohio, in place of W. T. Alberson. Incumbent's commission expired January 31, 1922.

William T. Sprankel to be postmaster at New Straitsville, Ohio, in place of E. E. Curran. Incumbent's commission expired January 31, 1922.

PENNSYLVANIA.

Maurice L. Zimmerman to be postmaster at Soudersburg, Pa. Office became presidential July 1, 1921.

Thomas H. Probert to be postmaster at Hazleton, Pa., in place of Hugh McKenna, deceased.

SOUTH CAROLINA.

James J. Vernon, jr., to be postmaster at Wellford, S. C. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Harry E. Kjenstad to be postmaster at Brandt, S. Dak. Office became presidential January 1, 1921.

TENNESSEE.

John L. Sullivan to be postmaster at Lexington, Tenn., in place of S. M. Barnett, resigned.

TEXAS.

Isaiah Sadler to be postmaster at Gustine, Tex. Office became presidential April 1, 1920.

Silas T. Compton to be postmaster at Mount Enterprise, Tex. Office became presidential January 1, 1921.

Henry Bernauer to be postmaster at Muenster, Tex. Office became presidential October 1, 1920.

Francis M. Bell to be postmaster at North Zulch, Tex. Office became presidential July 1, 1921.

Royce E. Dowdy to be postmaster at Trent, Tex. Office became presidential January 1, 1921.

Collins M. Click to be postmaster at Lovelady, Tex., in place of C. B. Moore. Incumbent's commission expired July 21, 1921.

VIRGINIA.

Harry L. Johnson to be postmaster at Belle Haven, Va. Office became presidential January 1, 1921.

Roland L. Somers to be postmaster at Bloxom, Va. Office became presidential April 1, 1921.

James C. Huff to be postmaster at Cheriton, Va. Office became presidential January 1, 1921.

Silverius C. Hall to be postmaster at Hallwood, Va. Office became presidential July 1, 1921.

Arthur P. Bundick to be postmaster at Keller, Va. Office became presidential April 1, 1920.

John R. Brittingham to be postmaster at Wachapreague, Va. Office became presidential July 1, 1920.

WASHINGTON.

Robert J. Chamberlain to be postmaster at Charleston, Wash., in place of W. H. Brown. Incumbent's commission expired December 20, 1920.

WEST VIRGINIA.

Henry N. Murphy to be postmaster at Anawalt, W. Va. Office became presidential July 1, 1920.

Sherman Pullen to be postmaster at Branchland, W. Va. Office became presidential October 1, 1921.

Alexander W. Ewing to be postmaster at Pickens, W. Va. Office became presidential October 1, 1921.

George A. Brooks to be postmaster at Pineville, W. Va. Office became presidential October 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 7, 1922.

DIRECTOR OF THE MINT.

F. E. Scobey to be Director of the Mint.

PUBLIC HEALTH SERVICE.

Clifford E. Waller to be surgeon in the United States Public Health Service.

UNITED STATES COAST GUARD.

Eugene A. Coffin to be lieutenant.
John S. Baylis to be lieutenant.
Merlin O'Neil to be lieutenant (junior grade).
Norman H. Leslie to be lieutenant (junior grade).
Carleton T. Smith to be lieutenant (junior grade).

UNITED STATES ATTORNEY.

Charles F. Cole to be United States attorney, eastern district of Arkansas.

POSTMASTERS.

ALABAMA.

Nell L. Brady, Searles.

ARIZONA.

Charles A. Overlook, Douglas.
Donald McIntyre, Yuma.

COLORADO.

John W. Moore, Las Animas.
Kiah C. Brown, Merino.

DELAWARE.

Gertrude West, Dagsboro.
William H. Rogers, Frederica.
John J. Jolls, Middletown.

HAWAII.

John F. Rapozo, Kapaa.
Louis W. Jongeneel, Wahiawa.
Elizabeth H. Travis, Waipahu.

LOUISIANA.

Leonard L. Thompson, Montgomery.
James W. Campbell, Morganza.
Kate P. McDonnell, Pelican.
Maria G. Avedin, Plattenville.
Lewis A. Wood, Ponchatoula.
Dorothy J. Feizer, South Mansfield.

MAINE.

Harold S. Chase, Limestone.
Theresa M. Tozier, Patten.

MARYLAND.

Samuel G. Nuttle, Denton.
Mary W. Stewart, Oxford.
Morris L. Rouzer, Thurmont.

MASSACHUSETTS.

George L. Minott, Gardner.
Harry L. Claflin, Hubbardston.
Frances C. Hill, Templeton.

MICHIGAN.

Isaac Hurst, Akron.
Edwin L. Fox, Athens.
John N. Kart, Augusta.
Webster C. Casselman, Baroda.
Percy W. Totten, Brooklyn.
Duncan McRae, Harrisville.
Olin M. Thrasher, Mount Morris.
Amos H. Crosby, New Buffalo.

MISSISSIPPI.

George C. Gunn, A. & M. College (late Agricultural College).

NEW MEXICO.

Elizabeth A. Gumm, Carrizozo.
Frank P. Brown, Hachita.
Henry L. Kelly, Mogollon.

NEW YORK.

John D. Davies, Camden.
Melvin A. Marble, Clayton.
Norman S. Taylor, Clayville.
Earl A. Wheeler, East Randolph.
Harry J. Goodfellow, Fayetteville.
Lena M. Johnson, Interlaken.
Darwin A. Sanders, Keene Valley.
Charles L. Huggins, Lewistown.
David C. Gilmour, Morristown.
John B. Mullan, Rochester.

OKLAHOMA.

Leo C. Sharp, Antlers.
Thomas H. W. McDowell, Blackwell.
William C. Cooley, Cushion.
Dallas M. Rose, Davis.
William J. Krebs, Kaw.
Marshal H. Whaley, Morrison.
Etta B. Henderson, Wayne.

PENNSYLVANIA.

Lois Hill, Baden.
Harry N. Beazell, Belle Vernon.
Samuel W. Hodgson, Cochranville.
Robert B. McCaa, Gallitzin.
Katherine A. White, Mildred.
Henry N. Hoff, Mount Wolf.
Howard S. Madeira, Shoemakersville.
George N. Turner, Toughkenamon.
Joseph H. Dalton, Upland.
Clara S. Lewis, Wysox.

TEXAS.

Emil Gold, Kerrville.

UTAH.

James M. Whiteside, Layton.

VERMONT.

Burton L. Hard, Arlington.
Milton B. Hoag, Grand Isle.
Otto R. Bennett, Manchester.
Arthur G. Hinman, Middlebury.

WEST VIRGINIA.

Archie N. Cook, Cameron.
Thomas H. Hurt, Hemphill.

WISCONSIN.

Annie Jordan, Barneveld.
G. Andrew Braemer, Blackcreek.
Royal C. Taylor, Boyceville.
Leo O. Dietrich, Cassville.
Benjamin F. Querhammer, Cazenovia.
Clarence L. Jordalen, Deerfield.
Henry E. Johnson, Frederic.
Kate C. Conrad, Hammond.
John T. Johnson, Hollandale.
Bogue S. Burnett, Mosinee.
Emmet W. Zimmerman, Phelps.
William T. Hoyt, Rosendale.
Joseph F. Matts, Verona.
Christian R. Mau, West Salem.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 7, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord hear us while we pray: We would register our allegiance to Thee and own Thee as our God. Sustain us as we try to hold our loyalty in all integrity and in the uttermost meaning of goodness. We are before Thee not with self-approval but to ask wisdom and that it may be manifested in the ardor of our labor and in the loftiness of our purpose. Give us the mind that sees and understands and the filial spirit that counts obedience an acceptable oblation to lay at Thy altar. May Thy spirit have open access to all plans and thus symbolize Thy love so great, so free, and so impartial. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMPROVEMENTS OF RIVERS AND HARBORS.

Mr. DEMPSEY, by direction of the Committee on Rivers and Harbors, reported the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union.

Mr. GARNER. Mr. Speaker, I desire to submit a parliamentary inquiry as to whether or not it is necessary to reserve points of order when appropriation bills and bills similar to this are introduced in the House. It has been the custom ever since I have been here, but I have never been able to discover the philosophy of that rule which requires points of order to be reserved at this time in order that they might be made in Committee of the Whole House on the state of the Union. Is it necessary to reserve the points of order now in order to make the points of order in the Committee of the Whole?

The SPEAKER. It is simply a matter of precedent. It has always been the custom that points of order must be reserved in the House in order that they may be then made in the Committee of the Whole.

Mr. GARNER. Mr. Speaker, I reserve all points of order on the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, there is considerable reasoning about the matter in Hinds' Precedents, and while, as the Speaker says, it is a matter of precedent, yet it seems to be a precedent based on very good reason, as I have read the statements of Mr. Hinds in regard to it. Immediately upon being presented, the matter is referred to the Committee of the Whole House on the state of the Union, and he argues, and it seems to me with a good deal of force, that that being the case it is necessary that all points of order shall be reserved in the House. It is some time since I refreshed my memory by reading over those statements of Mr. Hinds.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed Senate joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 173. Joint resolution authorizing the President to appoint a commission to represent the Government of the United States at the centennial celebration of the independence of Brazil, to be held at Rio de Janeiro in September next; and

S. 2716. An act to give effect to certain provisions of conventions with foreign Governments for facilitating the work of traveling salesmen.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 173. Joint resolution authorizing the President to appoint a commission to represent the Government of the United States at the centennial celebration of the independence of Brazil, to be held at Rio de Janeiro in September next; to the Committee on Foreign Affairs.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10750) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes. Pending that I desire to make some arrangements with the gentleman from Texas [Mr. BUCHANAN] with respect to the time to be used in general debate.

Mr. BUCHANAN. Mr. Speaker, I have had requests on this side for four hours. I might perhaps eliminate 45 minutes of those 4 hours, making it 3 hours and 15 minutes for which I have very urgent requests.

Mr. ANDERSON. I have requests for about three hours. Would not the gentleman be willing to agree to six hours of general debate?

Mr. BUCHANAN. That would take off only 15 minutes of the requests that I have had, and I would regret very much to discriminate against one man out of so many.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to six hours and one-half, one-half to be controlled by the gentleman from Texas [Mr. BUCHANAN] and one-half by myself.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill, with Mr. HICKS in the chair.

The Clerk reported the title of the bill.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, the total appropriations carried for the regular work of the Department of Agriculture during the present year amounts to $38,688,059. The amount recommended in the bill now pending is $34,978,033. This sum, compared with the present appropriations, is $3,710,026 less than the appropriations for the current year and $1,554,835 less than the estimates submitted by the Director of the Budget through the President. It should be remembered, however, that the current law carries an appropriation of $1,000,000 for the purchase of forest lands in the Appalachian Mountain Range and also carries an appropriation of $2,000,000, to be loaned to farmers in the Great Plains area of the country for the purchase of seed, so that the bill in fact, eliminating new items which have been added, is approximately $700,000 less than the regular items carried in the current appropriation bill. It should also be considered that the pending bill carries three or four new items, one for the operation of the Center Market, carrying, as I now recall, about $165,000; an item for the enforcement of the packers and stockyards act carrying $410,500; and an item for the enforcement of the futures trading act which carries, I think, $108,600 or thereabouts, making the total carried in this bill, which is not carried in the prior bills, approximately $700,000.

Of the total appropriations for the Department of Agriculture, speaking roughly and generally, $18,000,000 is spent for the conduct of regulatory services, many of which are as directly of interest and concern to the consumers of the country as they are to the farmers of the country. Approximately $8,000,000 is spent for research of various kinds. Three million dollars is spent for service work, such as that involved in the inspection of fruit and vegetables; and approximately $4,000,000 is expended for extension.

There is very little change in the language of the items of the bill. Quite a number of limitations have been carried, however, and there are a number of increases and decreases to which it seems to me it is proper at this time to call the attention of the committee. The first of these limitations or legislative provisions is contained on page 3, which provides for the reimbursement of the appropriation for the general repair and mechanical work of the department from the funds of the bureaus on account of the work done by the mechanical force for those bureaus. In consideration of that provision the committee has reduced the estimate, cutting it from $100,000 to $90,000.

There is also a provision on page 4 of the bill which provides for the construction of a vault for the storage of inflammatory material now stored in various buildings of the department. This vault, it is estimated, will cost $2,500, and the cost will be prorated out of the appropriations carried for the various bureaus which will store inflammatory material in this vault. The item for the eradication of tuberculosis in cattle, at page 12, as proposed by the committee, carries $2,578,800, which is the

same amount as has been spent or is being spent by the department for this work this year, including a deficiency of $600,000. The division between the administrative expenses and the amount allotted for the payment of indemnities under this bill is very different from that carried in the current bill. The current bill provides for a division between administration and the payment of indemnities of approximately 50 per cent each, while this bill calls for a division of 33 per cent for administration and 67 per cent for the payment of indemnities. It is impossible to tell exactly the amount which will have to be paid out for indemnities in any one year owing to the fact that the amount of indemnities depends upon the prevalence of tuberculosis in the territory in which the money is expended; that is to say, upon the area in which work is done and the percentage of tuberculosis of the herds that are actually tested. The testimony before our committee was that owing to the discovery of a new method of testing the cattle a much larger amount of work could be done with the same appropriation in the future. The probable ratio of administrative expenses and the cost of indemnities would be about 33-67, so the committee adopted that ratio, and we felt that its adoption would prevent the probability of any deficiency arising under this item in the next fiscal year. There is also on page 20 an increase of $75,000 in the appropriation for the eradication of the white-pine blister rust.

Up to this last year the white-pine blister rust was confined, so far as it was then known, to the section of the country east of Minnesota. During the last year considerable infection has been found in Oregon and Washington. That, however, is being taken care of in the deficiency bill. It is necessary, however, that the work of the control of the white-pine blister rust should be expanded somewhat in order to prevent the extension of the disease into new territory.

There is also a small item included for a heating plant at the Arlington Farm. The boilers in the heating plant are now more than 20 years old. Two of them were second hand at the time they were put into the plant. They are worn out, and the engineers to whom the matter was submitted by the Budget Director's office were of the opinion that they should be renewed. There is a very large collection of plants in the greenhouses at Arlington, representing a very large investment of money and also a very great expenditure of time and research, which would be entirely wiped out if there should be a failure of the heating plant during severe weather, and in order that that chance may be avoided, as well as the danger which is incident to the condition of these boilers, an appropriation of $50,000 for the installation of new boilers and a new house for them is carried in this bill.

Prior to this year the appropriation for the individual forests controlled and operated by the Forest Service have been carried in something like 139 separate forest items. It has never been possible for the committee to examine each one of these forest-reserve items and determine whether the allocation made to each of the individual forests specified in the estimates was a sound allocation or not. The amount which will have to be spent on a forest reserve depends somewhat on contingencies which can not be definitely foreseen in advance; in other words, the expenditure depends in part upon whether there are sales of timber in the forest which are consummated during the year and in part upon the number of forest fires which occur in one forest in comparison with another. In accordance with the suggestion made by the Forest Service to the Director of the Budget, the items for the 139 individual forests have been consolidated into eight forest-district items without any increase in the total appropriation for the forests with this exception, that there is allocated to the current appropriations in these districts an additional appropriation of $80,000, which is divided in this way: $50,000 additional for fire guards; $20,000 for additional technical men in these forests where the sales of timber are increasing or likely to increase; $10,000 for additional employment in connection with the grazing in the national forests.

The committee was in part influenced in granting this increase by the fact that the air patrol service, which has heretofore been conducted by the War Department in the national forests and in conjunction with the Forest Service, will be discontinued next year owing to the fact that the War Department was not willing to continue it, and in order to get an approximate amount or an equal amount of fire protection we have provided for these additional fire guards. There is also on page 32 a provision for the construction of some sanitary facilities in connection with the experimental farm at Beltsville, Md. This is quite a large farm of some 400 acres and employs 20 or 30 men altogether. There are more than 100 cattle, mules, horses, and the sewage from this farm has been deposited heretofore in a small creek or river which flows through the village of Beltsville. There has been a great deal of complaint about it, and the public health authorities of the State of Maryland have notified the Government that it should install a sewage-disposal plant to take care of this sewage. The committee has provided an appropriation of $5,000 for the purpose of construction of this sewage-disposal plant at the Beltsville Farm. There is also a new item——

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. SUMMERS of Washington. Returning to the protection of the forests, other than the air patrol, how does the amount this year compare with the previous amount?

Mr. ANDERSON. The gentleman means the total amount for the Forest Service?

Mr. SUMMERS of Washington. Well, for fire protection?

Mr. ANDERSON. It is approximately the same as it was last year.

Mr. MONDELL. I am very much interested in what the gentleman says with regard to the consolidation of forest reserve items. It seems to me it is probably wise to make the consolidations that have been made. Certainly it is better practice if we shall have very careful administration. It seems to me that the service should be able to get along with a somewhat smaller appropriation where the appropriations are consolidated, assuming the same area is to be cared for and the same amount of work is to be done, than when the appropriations are made for each individual forest. Necessarily in the case of appropriations for each individual forest there was some unexpended balance, or likely to be some unexpended balance, in the appropriations for every forest. With the items consolidated there are only eight items, as I understand it. Am I correct?

Mr. ANDERSON. Yes.

Mr. MONDELL. Therefore the service would undoubtedly be able to draw more closely upon its appropriations and ought to be able to get along with less total of appropriations for the same activities. However, the work on the reserves is growing, I realize. I am not criticizing the action of the committee, because I have no doubt but that they had good and sufficient reason for making the appropriations as they have. I think we shall all be very much interested, however, in watching the effect of this new policy. I think the committee will find it very interesting next year to inquire very closely as to the effect of it. At one time, if my memory serves me right, we had a lump-sum appropriation. There was some complaint of that on the ground that a very large part was used on certain national forests and very little used on other forests where it was claimed there was a real need and demand. There is just a little chance for favoritism, a little more chance for favoritism, perhaps, under the consolidated method than under the method of dividing appropriations, although of course there is a chance for favoritism in making up the estimates when the appropriations are divided.

I am very glad that the committee has modified this appropriation in this way, and I hope the new policy will prove to be a wise one. That will depend wholly upon the character of the administration of the reserves.

Mr. ANDERSON. The gentleman well knows there has been a deficiency in this item practically every year, running from $57,000, or thereabouts, to over $3,000,000 in one year. The deficit, I think, has averaged $567,000. The forester has for a long time felt that the deficiencies could be reduced and the total expenditure of the Forest Service diminished by increasing the regular force on the national forests and catching the fires at their inception, instead of following the policy which we have had to follow heretofore of keeping the regular force in the forest at a rather low point and taking care of the forest fires on an emergency basis, with a resulting deficiency. As a matter of fact, in the last two or three years we have very gradually and very slightly increased the appropriations for the regular fire-fighting force in the forests, bringing a gradual decrease in the number of fires and a gradual decrease in the damage done in these forests and a gradual decrease in the deficiency appropriations. On the whole, I think the policy so far has rather proven itself.

Mr. MANN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. MANN. Does the gentleman happen to have before him the figures which show the appropriation for the Forest Service in the last fiscal year, the total receipts from the sale of timber, and the total receipts from the sale of grazing privileges?

Mr. ANDERSON. I do not have the total appropriations in a statement combined with the sales of timber and the receipts from the sale of grazing privileges. I can, however, give the

gentleman the figures of the receipts from the sale of forest timber and the receipts from the sale of grazing privileges. How far back does the gentleman want to go?

Mr. MANN. I just asked for the last fiscal year.

Mr. ANDERSON. The last fiscal year. In 1921 the receipts from the sale of timber amounted to $1,775,901, as compared with $2,067,295 in the preceding year, while the receipts from the grazing privileges in 1920 were $2,486,040. It has not all been paid in, but the grazing receipts for 1921 will amount to about $2,130,174.

Mr. MANN. That is between $3,000,000 and $4,000,000?

Mr. ANDERSON. Yes.

Mr. MANN. What are the total appropriations carried in this bill for the Forest Service?

Mr. ANDERSON. The total appropriations carried in this bill for the Forest Service is $8,532,302, as compared with an expenditure last year, including deficiencies, of $6,990,302.

Mr. MANN. A considerable proportion of the amount expended is recovered back to the Treasury?

Mr. ANDERSON. About two-thirds of it. Of course, the last fiscal year was not a fair guide, because the sales of timber and the grazing receipts from the forests were affected by the conditions which have affected other industries, and were considerably lower last year than in the preceding year.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. KINCHELOE. I do not want to destroy the continuity of the gentleman's thought, but I wish to refer to another branch of this service, on page 71, under miscellaneous items, for the acquisition of additional lands at the headwaters of navigable streams, under the act of March 4, 1911. I presume that is the Weeks Act, is it not?

Mr. ANDERSON. Yes.

Mr. KINCHELOE. The Committee on Agriculture has been holding quite extensive hearings on the question of extending that act, and I think the sentiment of the committee is very much in favor of it, and I am, but we got indirect information from your committee that you took the position that you did not have the power to appropriate additional amounts unless the organic law was extended, and I was anxious to know if that is the gentleman's opinion about the matter?

Mr. ANDERSON. Well, my opinion about it is just this, and arises from this situation: I have been of the opinion ever since I knew anything about this particular item, that whatever policy is adopted ought to be a continuing policy. That is to say, there is no economy in spending a million dollars in the purchase of these various lands in one year and building up the organization necessary to survey and consummate those purchases, and then the next year make no appropriation at all, necessitating the destruction of the organization you have built up and which cost money to build up.

But it seemed to me that the policy, whatever it was, should be determined not by the Committee on Appropriations but by the Committee on Agriculture, and that the Committee on Agriculture should determine whether or not this policy hereafter was to be a policy of spending a million or two million or three million or four million dollars a year. When those favoring this policy came before us last year I told them I was willing to give them an appropriation last year with the understanding that before the item came up in the next year in the appropriation bill they would go to the Committee on Agriculture and ask that committee to determine the policy by which we should be guided in the future. I told them that so far as I was concerned a further appropriation should not be made until this policy was determined.

Mr. KINCHELOE. I agree with the gentleman. Now, I want to ask the gentleman what is this $50,000 supposed to take care of? Is that simply to keep the organization together, or what is it for?

Mr. ANDERSON. That will simply enable them to consummate the contracts already made, to make the surveys and do the work incident to the consummation of the purchases that have already been made or the purchases that are in contemplation of making and which there is moral obligation at least to consummate.

Mr. KINCHELOE. But, of course, it is not sufficient to extend the work any?

Mr. ANDERSON. It will not be sufficient to provide surveys of additional land in case an additional appropriation is made for purchase, as I understand it. Now, in addition to the items to which I have referred, there is an increase in the appropriation on pages 44 and 45 of the bill of $200,000 for the control of the brown-tail and gypsy moth. There are now two infestations, one in New England and one in New Jersey. That in New England has been there for several years, and that in New Jersey for two years. There is a possibility of eradicating it in New Jersey, and it is clearly desirable that this be done if possible, if it can be done with something like a reasonable expenditure of money. In other words, it is cheaper to eradicate these infestations by a considerable expenditure of money at the outset, if you can, than to attempt to control them, which involves a considerable expenditure for all time to prevent the spread. The committee was convinced that an additional appropriation was absolutely necessary for this purpose if there was to be any hope at all of regulating the moths in the New Jersey district and keeping them from spreading very rapidly throughout the West.

In the division of publications, on page 49, there have been consolidated all of the mimeographic activities of the Government, so that this work, instead of being done throughout the various bureaus, is now done under the division of publications. We have also consolidated eight small items which covered expenses for labor-saving devices, for stationery, twine, and a number of other small items, which we thought would be more economically and more conveniently handled under one general item.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman permit a question?

Mr. ANDERSON. Yes.

Mr. CLARKE of New York. Has the appropriation for the distribution of seeds for buncombe purposes been eliminated from this bill?

Mr. ANDERSON. I will say to the gentleman that the committee did not report the provision for the congressional seed distribution. That is not included in the bill.

Mr. CLARKE of New York. Thank God for that. I am glad of it.

Mr. ANDERSON. There is one considerable reduction on the face of this bill in the items for the extension of activities of the Department of Agriculture along the line of the work now being done under the Smith-Lever Act. These items are now carried in four separate items. The first of these items carried $715,720 and was for farm demonstration work in the North. The second carried $634,800 for the same sort of work in the South under a general camouflage of boll-weevil eradication and control, the third was a small item of $16,380 carried for supervising expenses in connection with the extension services of the Government, and the fourth was a general item of $1,500,000, which was originally made for the purpose of advancing the maturity of the Smith-Lever Act by three years. The first three items have been consolidated in one item in this bill with a reduction of $53,280, and the fourth item, which is now the second item, has been reduced from $1,500,000 to $1,000,000.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. JOHNSON of Mississippi. I was interested to know why the gentleman made the statement that this work was done throughout the South under the camouflage of exterminating the boll weevil.

Mr. ANDERSON. I did not mean that in any invidious sense. What I meant to say was simply this: It has been carried as an item for the extermination of the boll weevil. As a matter of fact the work has been exactly the same as the farm demonstration work done in the North, and I do not think there is any reason why they both should not be carried in the same language and under the same head. There is no difference in the character of the work done under them.

In explanation of the reduction of $500,000 in this item on page 55 I would like to say this: As I have just indicated, this appropriation of $1,500,000 was first made in 1920, on the theory that it was necessary to expand production and that there ought to be a county agent in every county in the United States. In order to provide for that we appropriated $1,500,000, which had the effect of maturing the Smith-Lever Act three years earlier than it otherwise would have been. This was done with the idea that as $500,000 became available under that act the committee would deduct from this appropriation. However, that was not done until this year. This year the $500,000 matures under the act, and we have reduced the item in this bill by $500,000, so that the department next year, notwithstanding this reduction, will have the same amount to spend for these activities as last year.

It might be interesting to know that during the current fiscal year the total amount for extension purposes contributed by State, county, and Federal Governments is in excess of $18,000,000, and next year will be very close to the $20,000,000 mark.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. Can the gentleman tell us just how much the State, county, and local authorities have expended? Or just approximately?

Mr. ANDERSON. I have not the exact figures here, but approximately my recollection is that of that $18,000,000, $7,433,280 represents the expenditures of the Federal Government.

Under this bill the Bureaus of Markets and Crop Estimates are consolidated with the Bureau of Farm Management and Farm Economics, so that on the basis of two years ago the Bureau of Agricultural Economics now includes under this bill the Bureau of Markets, the Bureau of Crop Estimates, and the Bureau of Farm Management.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. Does the bill show how much money is appropriated for each of these several divisions?

Mr. ANDERSON. I can not give the gentleman that information.

Mr. GREEN of Iowa. I mean in the total, whether it is segregated in the bill.

Mr. ANDERSON. It is not segregated in the bill. It would have to be calculated out of the bill to determine just how much is for each individual service.

Mr. GREEN of Iowa. I was speaking more particularly of the expenditure for the Bureau of Markets and the Bureau of Crop Estimates.

Mr. ANDERSON. I will say to the gentleman that there is no change in the lump-sum items of the bill at all. In other words, we simply took the general farm-management item, of which there is only one, and carried it bodily over into this consolidation without changing the language at all. The only consolidation that is made is a consolidation of the statutory rolls of the two bureaus, which are consolidated exactly on the existing basis, with the exception that the head of the Bureau of Crop Estimates is eliminated and the head of the Bureau of Farm Management is eliminated and one or two other employees are eliminated as a result of the consolidation of the statutory rolls.

Mr. GREEN of Iowa. As far as I am concerned, I should not feel very badly if they were all eliminated, because I have not been able to discover any great benefit from either of these two activities which I mentioned last.

Mr. ANDERSON. The gentleman will find the same target to shoot at this year as he did last.

Mr. WHITE of Kansas. Will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. WHITE of Kansas. Is the chairman of the subcommittee prepared to give his own opinion as to the value of the daily market reports published by the Bureau of Markets?

Mr. ANDERSON. Of course, that is a general question, which can be answered only by generalization. There has been a good deal of complaint recently, particularly with reference to the cotton statistics, and occasionally there has been very great complaint on account of the grain statistics. Two or three years ago there was complaint that the live-stock statistics did not go out as promptly as they should, but I am under the general impression that live-stock statistics are now being gotten out fairly promptly and with a fairly wide degree of dissemination.

Mr. WHITE of Kansas. If the gentleman will yield further, I think the annual report of the Department of Agriculture states the number of subscribers to whom copies go out as something like 43,000, and these market reports are all issued from Washington, as I understand it.

Mr. ANDERSON. No; I think the gentleman is mistaken about that.

Mr. WHITE of Kansas. The information is collected daily at Washington; and my understanding has been—I may be mistaken—that it is circulated from Washington. If the gentleman will pardon the further interruption, he knows that the markets at Chicago, Kansas City, Omaha, St. Louis, Indianapolis, and all the great centers for grain and stock furnish their subscribers daily with a market report which reaches them much earlier than the Government report, and it is a feeling quite general that these reports are fully as reliable as those which emanate from the Bureau of Markets. I have wondered if the duplication is really necessary and if it is worth much to the individual subscribers.

Mr. ANDERSON. I think if the gentleman will just cast his memory back over the period before we had any Government statistics on live-stock prices he will agree that the service is very much better on both sides since the Department of Agriculture entered the field.

Mr. WHITE of Kansas. "The gentleman from Kansas" casts his memory back, and he has been very familiar with this subject as a practical stockman and shipper for 45 years, and he has not become convinced that there is great benefit to the subscribers to the Government market reports, taking into consideration the limited number of personal subscribers who receive these reports as compared with the enormous number who are served by the daily reports published at the markets I have mentioned.

Mr. ANDERSON. I would not be surprised if the gentleman should find that a good many of the private reports to which he refers are based largely upon original information obtained from the Bureau of Markets.

There is some new language on page 71 designed to eliminate an experimental station which has been established for some years at New Iberia, La. There is a good deal of history connected with the establishment of this station. Gentlemen will remember that when sugar was placed on the free list in the tariff bill of some years ago there was a great deal of apprehension as to what might be the effect upon the sugar-cane growers of Louisiana, and it was thought necessary that they have some assistance in converting their production from sugar cane to live stock or something of that sort, and this station was established with that in mind. It has gone along now for seven or eight years at a cost of about $50,000 a year, and a large amount, perhaps $60,000, has been spent on buildings.

It is now discovered that the land on which the station is located will produce very little, if anything. It is only a few inches above the water table in the region, and the whole proposition is badly located. It should be redirected and relocated if it is to be conducted at all. So we carry a provision authorizing the Secretary of Agriculture to dispose of the property and the cattle owned by the Government at this point with the idea that if a showing can be made it will be relocated at some other point.

Mr. MANN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. MANN. If the commissioners did not have sense and knowledge enough to locate the experimental station in a proper place, what hope is there that they will have knowledge and sense enough to do anything of benefit with the experiment hereafter?

Mr. ANDERSON. I do not think they are doing any good with it at present, and we have proposed to eliminate it.

Mr. MARTIN. Will the gentleman yield?

Mr. ANDERSON. Certainly.

Mr. MARTIN. Did the department recommend the elimination of this station?

Mr. ANDERSON. It did not.

Mr. MARTIN. Upon whose recommendation was the provision put in?

Mr. ANDERSON. The committee arrived at the conclusion as a result of the testimony brought before it. Of course, the department did not recommend its elimination; it seldom recommends the elimination of anything. [Laughter.]

Mr. MARTIN. I think the gentleman is mistaken in saying that it is not doing good work. I think it is doing remarkably good work for that section of the country.

Mr. ANDERSON. It is not well located and can not produce the feed necessary for the stock that they have at the station. It is not a question of genetics; it is not a question of breeding, but a question of the variety of cattle feed that can be raised in this section of the country to sustain live-stock production, and from that point of view it is badly located.

Now, I think that completes, in a general way, the principal items involved in the bill.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. I would like to inquire something about this item of $165,000 for the Center Market.

Mr. ANDERSON. That appropriation represents something less than the amount that is now being expended in the operation of the Center Market. The salary roll basis is substantially the same as the present salary roll, with the exception that some supervising officials have been eliminated.

Mr. GREEN of Iowa. I thought the Center Market was leased out.

Mr. ANDERSON. The gentleman does not have any idea of what is down there.

Mr. GREEN of Iowa. Likely not, but I do not see why this expenditure should be made.

Mr. ANDERSON. In the first place, there is a large refrigerating plant which had to be operated, and in the second place, there is a large amount of service in connection with the icing and refrigerating, and the whole business has to be superintended under the law.

Mr. GREEN of Iowa. I might say that they have in my town an icing plant beside which anything that they have at the Center Market, even if they had the whole building full of ice, would be very small, indeed, and if it requires any such expense to carry it on, I am mistaken.

Mr. ANDERSON. This involves an administration expense to the Government, including the warehouse foreman, the receiving clerks, assistant superintendents, chief engineer, administration assistants, and accountants of $28,680 as compared with the salary roll of the market company of $39,008. It involves a personnel in the engine and boiler rooms of the average of $12,840 as compared with $12,960 by the market company. It involves an expenditure of $12,000 for salaries in the repair shop of the Government as compared with $12,077 of the market company. It involves the payment of salaries to provide a porter force in the storage plant of $8,520 as compared with $8,792 for the market company.

There is an item of approximately $58,000 for repairs and remodeling of the plant, which is an expense somewhat higher than the expense of the Market Co. The whole interior has to be repainted and the refrigerating plant has to be rebuilt and some new machinery purchased, all of which was not involved by the Market Co. last year.

Mr. GREEN of Iowa. How much revenue does the Government get out of it?

Mr. ANDERSON. I have not the exact figures, but it is larger than the expense of operation.

Mr. GREEN of Iowa. A little larger than the expense of operation?

Mr. ANDERSON. $280,000 last year.

Mr. GREEN of Iowa. Can the gentleman tell us how much the plant cost?

Mr. ANDERSON. It has never been ascertained yet. A commission was created and has been at work on it for three or four months, and I am sure the gentleman would not expect me to have in my head information that they have not been able to get in that time.

Mr. GREEN of Iowa. I should not expect the commission to get through with it inside of 10 years, judging from the way other commissions have proceeded. I had forgotten that for the moment or I would not have asked the gentleman the question, but in any event there ought to be some profit out of this thing.

Mr. ANDERSON. The profit this year will be very largely absorbed by the expense incident to the reconstruction of the refrigerating plant and work of that kind which is to be done. The gentleman can realize that in property of that kind about to be taken over by the Government the repairs to the plant would not be kept up to a high degree, with the result that the plant has greatly run down.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. NEWTON of Minnesota. With reference to the eradication of the barberry, is there any change in the amount given for the next fiscal year as compared with what is in effect for the present year?

Mr. ANDERSON. There is no change in that item.

Mr. NEWTON of Minnesota. Did the department recommend any increase in the item?

Mr. ANDERSON. There was no increase recommended in the Budget.

Mr. NEWTON of Minnesota. What about the appropriation for white-pine blister rust?

Mr. ANDERSON. There is an increase in that appropriation of $75,000.

Mr. Chairman, in this somewhat materialistic age we are rather prone to gauge the value of things by their money return. I have asked the Department of Agriculture to make a statement showing some of the accomplishments of the department along scientific research lines and in connection with the regulatory services, and as well in connection with the services like the fruit and vegetable inspection, and I ask unanimous consent to extend my remarks in the RECORD by inserting a statement which the department prepared.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The statement referred to is as follows:

RECENT DEVELOPMENTS IN AGRICULTURE.

Those who have watched the progress of agriculture in recent years, the striking increase in the demand for scientific information regarding the multitude of processes in growing, marketing, and producing farm crops constitutes one of the striking features. The demand for information and the demand for increasing investigation by which this information is discovered or created is continually increasing. The application of this information to actual practice is much more prompt and much more general than even a decade ago.

LENGTH OF DAY.

It has been known and recognized for centuries that native plants are adapted to their particular environment, so that they develop seeds, fruits, bulbs, or tubers, as the case may be, in time to serve for the propagation of the species. Just what the factor was that provided this regulation of the activities of the plant has never been known.

It has been thought that it was the difference in the intensity and composition or quality of the sunlight, the range of temperature, the fluctuation of day and night temperature, and other factors have been investigated.

Recently a study of the effect of the length of day was undertaken, and it was found that by artificially regulating the length of the daily light period many plants are readily forced into flowering and fruiting out of season, or, on the other hand, these activities may be indefinitely delayed. In a similar manner it has been shown that the formation of bulbs and tubers is largely conditioned by seasonal change in the length of day.

It now appears that a very large number of the phenomena of the adaptation of plants to different environments are controlled by the length of the daylight period. These discoveries open up a tremendous field for further scientific development. It is probable that this is one of the factors that explains the constant movement of civilization toward the more temperate regions during the many centuries past. It has long been known that the maximum productivity of most of the food plants is found near the northern limit of their adaptation, and it is probable that the explanation for this will be found in the influence of length of day.

This discovery will enable the scientists to test the possibilities of modifying a plant so as to adapt it to different environments in a preliminary way without the expense of testing it in each one of these different regions. In this way it will undoubtedly be possible to extend beyond the northern and southern range of many plants far beyond their present limitations by subjecting them to extreme changes and selecting those that more readily respond to the process. It will enable the plant breeder to force plants into flowering at any given time, and thus enable him to hybridize plants that can not normally be utilized on account of difference of time in flowering. The commercial applications of this discovery will undoubtedly be very numerous; one is already in operation. The Maryland Mammoth tobacco is a very valuable type but does not mature seed in this section. By growing the seed plants in Florida in the short days of the winter period it is found to seed abundantly. It has already been found that the adaptability of different varieties of alfalfa to different regions can be more rapidly determined by subjecting them to tests with different lengths of daylight than by any other method.

This reaction to the length of day has been found to be a very wide application in nature. It has been experimentally proven that lower forms of animal life respond to changing day length, and this seems to be the most satisfactory explanation of the phenomena of bird migration that has been suggested. Many other applications will undoubtedly be found.

IMPROVEMENT THROUGH BUD SELECTION.

It has long been held that by budding and grafting the valuable features of a given variety of fruit might be transmitted to all the progeny unchanged. Recently investigations have proved that there are wide differences in the productive power and commercial value of budded stock. This has been worked out by the department in a careful study of the oranges, lemons, and grapefruits in California and certain strains of high production have been selected.

From these proven high-producing varieties scions and buds have been distributed in large numbers. This work has already proven so valuable that the California Fruit Growers' Exchange has organized a bud department, through which the propagating work of the high-producing trees is made available to nurserymen and fruit growers, thereby insuring so far as possible the production of a uniform, highly desirable quality of fruit for marketing in future years. Nearly 1,300,000 buds have already been distributed and the demand is increasing. Two hundred and seventy-five thousand buds were supplied in three months of the past year.

Undoubtedly this discovery will only be a stepping-stone to others in other lines of production. The apple, pear, peach, plum, and grape are similarly propagated, and if uniform and high-yielding varieties of these fruits can be definitely established it will be of tremendous importance in the development of the fruit industry.

EXPANSION OF DATE CULTURE.

The United States has within its borders almost an endless variety of climatic conditions, a variation far greater than can be found within the confines of any other great nation. From the extremely short season of our northern borders and high altitudes to the extreme Southwest, which contains the hottest place in the world from which meteorological reports are obtained, is an extremely wide variation. Rainfall also varies from 4 inches to over 100 inches in different regions under many variations in temperature. The earlier settlements of this country were started in the temperate regions and have spread from there outward in all directions, usually taking with them the plants and animals adapted to this median climate. Recent researches have shown that other plants and animals are much more highly adapted to some of these extremes, and will give far more profitable returns when once their requirements are ascertained.

The date industry, which has flourished on the Sahara Desert, has in recent years been partially transferred to the deserts of the Southwest. In southern California, Arizona, and Texas nearly 200 varieties have been tested, and out of these two have been selected of outstanding value. The first to be established in the Southwest, the Deglet Noor, the choicest of the dates of the western Sahara, has been growing in the Southwest for 10 years, and there are now nearly 10,000 plants in this country. There is a Deglet Noor Date Growers' Association, using up-to-date scientific methods for the curing, standardizing, packing, and marketing of this variety. The second valuable variety, the Saidy, which, unlike the other, improves rather than deteriorates in storage,

was found just before the war in the oases of the Libyan Desert. This date has shown so much promise that heavy importations are now being made, and 10,000 offshoots will be planted in America before the end of this season.

The experts who have studied it have no doubt but that date culture will prove to be an important new fruit industry where the climate is suitable and irrigation water is available. Several million dollars have already been invested, and there is every reason to expect that it will develop to a twenty-five or fifty million dollar industry. The natural development of this industry must, however, be slow, because the date palm is only propagated by offshoots, of which only a limited number are produced during the early life of the palm.

The department has only been studying date culture for 20 years, but has accomplished more in a scientific way than has been accomplished in the Old World in 20 centuries.

CEDAR RUST OF APPLE.

Pathologists discovered the relation of the cedar fungus to the disease of apples over 30 years ago, but little practical application was made of it until recent years. Within the past two or three years these investigations have reached the point where methods of commercial protection could be recommended. Organized efforts to eliminate the cedars from the apple regions most seriously affected had been made and great saving to the apple growers and an increased production of apples for market have resulted.

APPLE SCALD.

Immense losses have been suffered annually from this storage disease of apples. After long investigation the disease was recently found to be due to gases emanating from the apple itself and deadly in its effect when directly confined in the package. Two methods were then tried for its control—one by ventilation, the other by absorbing the poisonous gases with oil wrappers. The first method has been only partially successful under ordinary storage conditions. The oil-wrapper method has proven to be a complete commercial success.

APPLE ROSETTE.

Immense loss to fruit growers has been suffered for years through the western region due to an obscure physiological disease called apple rosettes, or chlorosis. Much time and money have been spent in the investigation of these problems with but little success. Recently it was discovered that the planting of a legume, such as alfalfa and clovers, have proved to be a specific remedy for these diseases. In the same way cowpeas and velvet beans have had the same effect on citrus chlorosis and the pecan rosette and allied diseases which were seriously threatening these industries.

WHEAT IMPROVEMENT.

The varieties of spring wheat in the great wheat producing regions have almost all been changed in the past 30 years. The rapid increase in results in plant breeding work in the past few years has enabled the development of still better varieties either because of their higher yielding value, better quality, or greater rust resistance, with the result that 11,000,000 acres of one new variety (the Marquis) were planted last year, and much of the remainder was planted to other improved strains. Even in the winter wheat sections improved varieties of Turkey and such as the Kanred, which have been proved to be highly rust resistant, have been substituted for the varieties previously grown.

LEGUMES.

Tests of different varieties of leguminous crops have resulted in the selection of satisfactory varieties of soy beans with a resultant tremendous increase in the number of acres devoted. A number of oil mills have been established for the handling of this product, and America bids fair to successfully compete with the Old World in this item.

Continued studies and improvement of varieties of sweet clover have resulted in a similar increase in the plantings of this soil renovating crop. Red clover has been rapidly failing throughout the United States for reasons that are not well understood, and the sweet clover is coming just in time to take its place.

The development of early maturing varieties of velvet beans have rendered this crop available to large areas, especially of the southern region, and has resulted in a tenfold increase in the acreage devoted to this crop.

The increase in the use of legumes in one of the most hopeful factors in the fight for the establishment of a permanent agriculture which is to mean so much for the future prosperity of the Nation.

TUBERCULOSIS.

Tuberculosis work was originally started with the idea of testing and preventing the interstate shipment of tubercular animals. This rapidly developed into the accredited herd plan whereby instead of testing individuals tests were limited to herds in which all individuals would be subjected to tests, and when a herd had been found to be free it was given an accredited certificate. This work proved to be so popular and successful that the demand has always exceeded the ability of the department to carry it out. Eight thousand two hundred herds have been tested and fully accredited as free from tuberculosis, while at the close of 1921 more than 27,000 herds were on the waiting list, showing the widespread appreciation of this effort. In the course of this work this disease has been practically eliminated from 100 counties in 22 States, and has resulted in the gradual but steady decrease in the amount of tuberculosis found in the herds that are being tested.

The wonderful success of this movement gave encouragement for extending the work to a definite program of complete eradication of the disease. Taking the county as a unit it was found possible to secure cooperation in the testing of every herd in the area, and in the course of time of the eradication of the disease and the accrediting of the entire herd. Within the year the first county was officially declared to be free from this process, and the work is under way in a large number of counties in various States. As in the accredited herd work, the limitation of funds available has prevented the inauguration in all of the herds desiring it. In Michigan 29 counties are actively engaged in the work and 4 others are ready to begin. In Iowa 2 counties are at work and 12 other counties have made application. In Wisconsin the entire northern section is working toward this basis. Tuberculosis eradication is moving with very much greater rapidity at the present time than tick eradication did at its inception, and bids fair to rival the wonderful success of that other movement in eradicating this disease, with its tremendous losses from large areas of the cattle-producing region.

TICK ERADICATION.

In the United States tick eradication is 70 per cent completed, and is going forward at the rate of about 40,000 square miles per year. A large amount of well-bred live stock, especially of dairy herds, is now flourishing in the area freed from the tick. This work is costing about 32 cents per acre. The extra milk given by one good cow in one day would be more than enough to pay for the cost of eradicating ticks from an acre.

HOG-CHOLERA CONTROL.

Hog cholera was up until a few years ago a scourge which menaced the swine industry, and spread swiftly from time to time through entire herds, leaving death and destruction in its wake. Although due to several causes, this achievement is essentially the outcome of the preventative-serum treatment, combined with active field-control work. As the result of this campaign losses from hog cholera have declined from about 120 per thousand in 1914 to 38 per thousand in 1921, the lowest swine mortality figure on record.

One of the most recent of the many important scientific and practical discoveries in parasite control has been the method of handling the deadly round worm of the hog. This method has received thorough and practical tests under farm conditions in Illinois with striking results, and is now ready for practical application throughout the industry. The announcement of this discovery has aroused widespread interest, and 26 copies of the motion-picture film showing the process are in almost constant use carrying this message to the people.

NEW BREED OF SHEEP.

The department's sheep-breeding work for range conditions has developed a new type, the Columbia, which had on the average more wool, mutton, and heavier lambs than the best types of range sheep heretofore used.

HORSE BREEDING.

The utility horse being developed at the Wyoming station has proved so popular that there has been a large demand for this breed in the western section.

BETTER CHEESES.

The dairy division has so perfected its method of standardizing the production of high quality Swiss cheese that it has become well established in the commercial industry of this country. In fact, American-made Swiss cheese was recently shipped to Switzerland. Similar success has been achieved in the production of Roquefort and Camembert and other types of cheese formerly obtainable only from abroad.

PEACH CURCULIO.

A year ago the peach growers of Georgia and the southern section generally were in the depths of despair. One-half of their expected peach crop had been destroyed by the extraordinary attack of plum curculio and brown rot. The department was appealed to, experts were sent to study the situation, clean-up methods were employed, and an active spraying and dusting campaign was inaugurated with a net result of the shipment the past year of the largest crop that the State has ever marketed. The entire situation of these fruit growers has been changed from one of extreme pessimism to one of confident optimism.

THE PEACH BORER.

The new remedy for this insect—para-dichlorobenzene—has been demonstrated as successful beyond the slightest doubt and has been adopted by the growers with remarkable promptness. The extreme injury of this pest has threatened the industry and the growers are turning to this remedy with such rapidity that its use apparently will be almost universal in the course of two or three years with savings running into the millions of dollars.

SAN JOSE SCALE REMEDY.

If the tests of the last year or two are confirmed during this season the department expects to announce a more efficient and cheaper remedy for the San Jose scale than has been established heretofore.

SWEET POTATO WEEVIL ERADICATION.

Only two small infestations of this weevil remain in Georgia and a similar area in northern Florida. Every condition looks favorable for the complete extermination of this insect in this large commercial area, thus saving losses running into the millions of dollars that would otherwise have occurred.

CELERY STRAWING.

The celery industry of two counties in southern California dropped from 11,000,000 acres to 2,000,000 acres owing to the attack of a celery insect. A method of control has been worked out so that there is no reason why the industry should not again resume its original proportions.

TIPBURN OF POTATOES.

Tipburn of potatoes has caused serious and widespread losses to the potato industry throughout the northern region in the past few years. This has been discovered to be caused by a leaf hopper, and experiments have demonstrated a practicable and efficient method of control by spraying with Bordeaux mixture. Potato production was doubled in many commercial fields last year where this remedy was applied.

OX WARBLE.

Methods of treatment of cattle infested with warbles have been developed which make it possible to rid the herds of this grub with a minimum of effort and expense. During the coming season it is planned to demonstrate its effectiveness when applied to a whole county with the expectation that the use of this remedy will become widespread and that ultimately it may result in an organization for the entire eradication of this pest.

PINE BEETLE CONTROL.

This beetle has killed trees with 1,500,000,000 board feet of lumber value in the past 10 years. During this period methods of control have been constantly increasing in success, until recently the department has been able to put on control of considerable areas. Its success in this small area work has been so pronounced that the States of California and Oregon united in requesting the United States Government to join with them in a clean-up of over 1,000,000 acres of Federal, State, and private land with a stumpage value of over $25,000,000. The protection of this entire area is expected to be accomplished with the expenditure of less than $150,000.

THE GIPSY MOTH.

A widespread outbreak of this seriously injurious insect was discovered in New Jersey less than two years ago. Already the Department has the infestation reduced to a small fraction of its previous

numbers and hopes by unceasing watchfulness to be able to continue this reduction to a point where eradication may be brought about. This insect spreads rapidly by means of the wind, and if the New Jersey area is not entirely eradicated, it will undoubtedly spread through the New England region and westward to the Alleghenies where its proclivities for stripping and killing the forests will make it a pest of tremendous magnitude.

FOREST FIRES.

The Forest Service has been gradually increasing in economy and efficiency of fire control until now its fire-suppression cost is $16,000,000 and the number of fires and the area burned have been gradually but steadily decreasing from year to year.

FOREST RESOURCES.

Nearly a billion feet of timber are now being cut annually from the national forests, and at the present rate of increase this will be doubled within a short time. The national forests can furnish seven times as much timber as at present and still keep within the current growth and replacement. As other supplies are exhausted this reserve will be called on and the forests of the Nation will become a resource.

The forests furnish grazing for over 9,500,000 head of live stock, and with all their efforts toward increasing the carrying capacity they have not been able to keep up with the demand.

The forest products laboratories have eliminated enormous losses in the use of timber by perfecting methods of seasoning and preservation and by eliminating wastes in the manufacture of commercial products. They have tested out the paper-making quality of over 100 species of American woods and have brought into commercial use a number of species formerly discarded as waste.

INFECTED CANE SIRUP.

The department has perfected a process for preventing cane sirup from fermenting or crystallizing under ordinary conditions, and has succeeded in getting this established on a commercial scale. This will enable the cane producer to make a sirup of uniform and satisfactory consistency which should be acceptable on all markets and should result in a great expansion in the industry.

CITRUS BY-PRODUCTS THROUGH INVESTIGATIONS OF THE DEPARTMENT.

It has been possible to utilize the cull and surplus oranges, lemons, and grapefruit, and those that have been bruised in handling as the result of investigations of the department in processes of utilization. As the result of an experimental laboratory in Los Angeles 4 companies are manufacturing lemon by-products and 20 concerns are producing orange by-products. This work has created an outlet for practically all of the cull and surplus citrus fruits of the California region and has developed a new American industry.

SWEET POTATO SIRUP.

Sirup from sweet potatoes is now being manufactured on a commercial scale and is being introduced into the trade for baking, candy making, and table purposes. The possibilities of this as a commercial industry lie largely in the utilization and marketing on the part of the sweet potato crop which hitherto it has not been practical to either store or ship to northern markets. Potatoes that are too small or too large for table use or for commercial canning are as useful for sirup making as the perfect ones.

DUST EXPLOSIONS.

As the result of the investigations of the department the number of explosions in thrashers in the Pacific Northwest has been reduced from 200, with a property loss of $1,000,000, in 1914 to less than 60, with a property loss of $15,000, at the present time. Practically no explosions have occurred in thrashers equipped with safety devices as recommended. The work on the prevention of explosion in flour mills and grain elevators has been equally successful. During 20 months previous to 1917, 5 disastrous explosions occurred, resulting in the loss of 36 lives and a property loss of $6,500,000. A nation-wide campaign was put on at that time, and not a single explosion occurred in a plant where the precautionary measures recommended by the department had been adopted during the next 20 months.

FARM MANAGEMENT.

This work has furnished much information of value on the cost of production of different farm crops and live stock and the relative cost under different methods of handling, thereby leading to the adoption of more efficient and economic methods. It has studied the relative cost and usefulness of the horse and tractor. It has studied the problems of tenancy and helped bring about uniformity in leasing contracts. It has studied the problem of the economic use of the present farming area and the possibilities of extension. It has furnished valuable information with reference to the shifts in American agriculture and their causes, and will be in a position to recommend bases for further readjustments in relation to conditions as they arise.

CONTROL OF PREDATORY ANIMALS AND REDUCTION OF STOCK LOSS.

The Biological Survey has in the past few years organized an almost nation-wide attempt at the control of predacious animals and rodent pests, and has as a result of this interested the States and communities very largely in the support of the enterprise. As a result of this campaign over 300,000 coyotes and 4,000 big gray wolves have been killed, and stock losses that used to amount to over $20,000,000 a year have been rapidly reduced. In the same way the losses from prairie dogs and ground squirrels have been notably decreased in many areas, and the methods of controlling them have been so thoroughly perfected that they will be carried out in many more in the near future.

RABIES OUTBREAK.

An outbreak of rabies on the Pacific coast which spread from Oregon southward to California and extended across the deserts into the Wasatch Mountains, and in which more than 2,100 people were bitten, 50 of whom died; more than a million dollars' worth of live stock was destroyed by this same outbreak by the rabid animals. This menace at one time threatened to spread to the entire United States, but prompt action on the part of the Biological Survey in poisoning and trapping the coyotes which were spreading the disease absolutely exterminated it in five out of six States and brought it under practical control in the sixth, thus eliminating what appeared at one time to be a national menace. The campaign for the eradication of the house rats is just now reaching the stage in which the predatory animal work was a few years ago, and undoubtedly tremendous losses by these pests will be prevented in the near future.

NEW POISON.

A new and more effective method of poisoning predatory animals has been worked out within the last year. Two men working in northern Arizona for one month during the past season destroyed coyotes on such a scale that the carcasses of over 300 were found. These results with those achieved in the rodent work indicate the probability of eventually eliminating these pests and relieving agriculture and stock growing from the heavy drain to which it has long been subjected from the inroads of these animals.

The fur-farming industry has now reached a growth of approximately $8,000,000. The reindeer industry of Alaska, which has been hampered by lack of proper methods, is believed to be capable of development from the present size of 200,000 animals up to 4,000,000 and thus provide Alaska with an industry the income of which will exceed that of the precious metals and be second only to the fisheries.

THE PINK BOLLWORM.

The pink bollworm menace to cotton has been kept in control and very notable progress toward the elimination of this pest from the United States has been made.

The State of Louisiana was entirely free from this pest in 1921 so far as could be determined by the most intensive field inspection, and the large area in the southwestern part of the State has been free from this pest now for over two years, and cotton growing in this section under regulation will be resumed.

The areas in eastern and central Texas have been enormously reduced; in fact, but a single infested boll and a single bollworm were found in the huge Trinity Bay area in 1921.

The pink bollworm has never reappeared in the Hearne area, one of the original points of infestation, now for a period of five years, and extermination is apparently assured for that district.

All of the States concerned—Louisiana, Texas, and New Mexico—are giving adequate cooperation and particularly in the case of Louisiana and also in Texas have made considerable cooperative appropriations. The outlook, therefore, is more favorable than ever before and if this pest can be eradicated and kept out of the United States it will mean the saving of hundreds of millions of dollars annually to the cotton crop.

THE POTATO WART.

The potato wart has been held to the limited districts in mining sections of Pennsylvania, western Maryland, and West Virginia. The determination of the fact that many important varieties of potatoes are immune to this disease and the enforcement of the growing of such immune varieties in the invaded section, together with quarantine control, has accomplished this purpose and eliminated very largely the dread of disaster to the potato crop of this country which the discovery of the invasion of this disease first occasioned.

QUARANTINES AGAINST INSECT PESTS AND PLANT DISEASES.

The department is enforcing quarantines against the importation of injurious insect pests and plant diseases from all the countries of the world. With the cooperative assistance of Florida and California especially, this quarantine is maintained at every port of entry to the United States and is serving as a constant protection to the agricultural, horticultural, forestry, and nursery interests of this country. In this work it annually inspects and safeguards importations totaling several hundred million dollars. Last year over 8,000 contraband shipments were intercepted at other ports than those on the Mexican border. Many of these were infested with injurious pests.

On the Mexican border 20,000 cars were fumigated in the past six months and 31,000 contraband parcels and shipments were seized. Many of these parcels contained cotton seed, much of which was infested with the pink bollworm. Others contained fruits infested with fruit flies and other injurious insects. A few examples may give a better understanding of this service.

There have been intercepted during the short period since this service was inaugurated 192 brown-tail moth nests filled with half-grown larvæ, 38 egg masses of the gipsy moth, each one of which may contain from 500 to 1,000 eggs, 59 examples of the pink bollworm with cotton seed, a good many of which came in through northern and eastern ports of entry, one big shipment of broomcorn from Italy heavily infested with the European corn borer, numerous interceptions of Mediterranean and other fruit flies with imported fruits from tropical countries, 35 shipments of citrus fruits infected with citrus canker, and some hundreds of other pests, involving at least a dozen of probably great importance not yet established in this country. Two specific illustrations of these interceptions follow:

Exclusion of a potato enemy, probably worse than any now occurring in the country: Early in February an inspector of the board discovered on a vessel coming into the port of New Orleans 1,000 pounds of potatoes taken on in Mexico. These potatoes proved to be riddled with the large grubs of a potato weevil, the entry and establishment of which in the United States might very easily jeopardize the entire potato crop of America. This lot of potatoes was burned. This and closely related weevils infest potatoes on the Andes Mountains of South America and apparently also in Mexico. Fortunately, with the original distribution of the potatoes from these regions to other quarters of the world this weevil was left behind. No tuber-destroying pest of this kind is known anywhere else in the world and the potato tuber has been practically free from injury. This is only one of several interceptions of this pest.

A new establishment of the pink bollworm prevented: A regular Pandora's box was intercepted by the inspector of the department at Baltimore, Md., February 23. It contained, among many other things—plants and seeds—50 small packages of cotton seed from Brazil, infested with living larvæ, pupæ, and adults of the pink bollworm. Incidentally, this interception indicates the grip which this great cotton pest has obtained on Brazil in the course of a very few years. If this seed had not been intercepted through the effective work of the plant quarantine inspector, the innocent-looking personal package would have carried to the heart of Mississippi, the destination of the passenger, enough pink bollworms to have started an invasion in that State which might have gotten entirely out of control before discovery. This interception alone is worth to the country many times the cost of the administration of the entire port inspection service, State and Federal.

CITRUS CANKER.

Three or four years ago the citrus canker was threatening to absolutely annihilate a $200,000,000 citrus industry in the Gulf States, and its presence there was seriously threatening the entire citrus industry of California, of approximately twice that magnitude. To-day the citrus canker has apparently been eradicated from every commercial orchard district in the South and there only remains the task of watching the formerly infested centers and the clearing up of scattered infestations in outlying regions in Louisiana and Texas.

SOIL SURVEY.

The survey, in cooperation with the States, is progressing at a rate of a little less than 40,000 square miles per year and has covered about 37 per cent of the total land area of the United States. These surveys furnish the basis for further studies by the department and experiment stations on the fertilizer needs and methods of handling these soils. They also furnish the basis for accurate extension work of methods already worked out on similar soils in other regions.

ROAD WORK.

The department has studied the effect of hard tires, rubber-cushioned tires, and inflated tires on trucks and their relative disintegrating effect on concrete. This study has shown immensely greater destructive effect of the heavy truck, especially on slight inequalities in the road or worn places in the solid rubber tires. These studies will enable us to build roads that will withstand reasonable truck service and formulate regulations for the prevention of the abuse of roads.

Other studies have shown that the failure of many concrete roads has been due to conditions of the subgrade, and pointed out methods of remedying these conditions so that permanent roads can be built in the future. With the road-building program involving as much expenditure as at present, these studies are highly important and will effect tremendous savings in increased efficiency of the roads built. With highway improvements going forward at the rate of 24,000 miles annually, with 10,000,000 motor vehicles out on these roads, and with an army of a million men, with a total annual expenditure by the Federal, State, and local governments almost double the whole cost of the Panama Canal, these discoveries, which go directly to the foundation of the science of road building, will yield their return to the people of this country so great and far-reaching as to be practically beyond estimation.

SERVICES.

The department is furnishing a large number of valuable services to the public. Many of these—in fact, the majority of them—are of much more value to the consumer than to the producer. All of these services are being improved from time to time, their efficiency increased, and more economical methods introduced. The meat inspection protects all importations of meat and all meat in interstate commerce. As all meat concerns do interstate work, it results in the protection of practically all meat in the country except the local butcher shop.

The weather service is furnished daily to all the people in the country and even hourly in emergencies in the form of storm warnings, frost warnings, floods, and other emergencies. The development of the frost-warning service has enabled whole orchard valleys to protect their holdings against frost danger. The flood warnings have enabled the saving of millions of dollars of property and many human lives. Hurricane warnings reduce to a tremendous degree the hazards of the shipping industry.

The Crop Reports give us a monthly basis of estimation of production and the Market Reports a daily index of market trends. They also furnish annual summaries, estimates of stocks from time to time, and all available information with reference to production in foreign countries.

The department supervises the pure-food legislation, preventing fraud, adulteration, and misbranding of the thousands of articles that make up the foodstuffs of the country.

The extension work carries the message of every new discovery directly to the community to which it is applicable and encourages its use. It encourages the organization of cow-testing associations, of better-sire associations, of community improvement, of crops and live stock, and in general serves as a connecting link between the progress of organized science of agriculture and the farmer in the field.

The Forestry Service protects the forests from fire, arranges for the sale of timber and supervises its cutting so as to insure reforestation, regulates grazing, and in general acts as a manager of the Nation's most important single asset in such a way as to annually increase its productive value and its future potential worth.

The road department supervises and directs the building of every mile of highway on which Federal funds are expended, thus tying the State and Federal expenditures into a single uniform system. The requirements for Federal cooperation are such as to have brought about a tremendous improvement in the efficiency of the personnel of the State highway commissions, and thus indirectly has contributed to an increased efficiency in the expenditure of every dollar of State as well as national funds.

The department as a whole considers itself intrusted with the development of the agricultural interests of the Nation in their broadest and most comprehensive sense. It recognizes that the development of an adequate supply of food and raw materials is fundamental to the development of a prosperous, enduring Nation, and directs its efforts to that end.

Mr. BUCHANAN. Mr. Chairman, I would say to my colleagues on this side of the House that at this time I think it is unnecessary for me to make any speech on this bill. I want to say, however, that in the deliberations of the subcommittee preparing the bill there was absolutely no politics, and nothing was done which was actuated by sectional prejudice or discrimination. The entire committee had their heads and hearts together in an effort to bring back a bill that would forward the interests of agriculture in the United States, and we think we have done it. [Applause.]

I yield 40 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ROUSE. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-five Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Bankhead	Bitnam	Burdick
Anthony	Bell	Britten	Burke
Ba[illegible]	Blakney	Mal[illegible]	Burtness
Cantrill	Ireland	Montoya	Tucker
Chandler, N. Y.	James	Morin	Ryan
Chandler, Okla.	Jeffers, Ala.	Mudd	Smith
Clark, Fla.	Johnson, S. Dak.	Nolan	Sanders, N. Y.
Coughlin	Jones, Pa.	Norton	Sinnott
Doughton	Kahn	O'Brien	Slemp
Dupre	Kitchin	Ogden	Snell
Drewry	Kline, N. Y.	Oliver	Speaks
Edmonds	Kopp	Osborne	Stiness
Ellis	Kreider	Parrish	Sullivan
Fairchild	Kunz	Patterson, N. J.	Taylor, Ark.
Fordt	Langley	Perlman	Taylor, Colo.
Goldsborough	Lankford	Pou	Tillman
Gould	Larson, Minn.	Rainey, Ala.	Timberlake
Graham, Pa.	Layton	Rainey, Ill.	Vare
Greene, Mass.	Lee, N. Y.	Rayburn	Ward, N. Y.
Greene, Vt.	Linthicum	Reavis	Weaver
Griffin	McClintic	Reber	Wingo
Hays	McCormick	Riordan	Winslow
Herrick	McLaughlin, Pa.	Romjue	Wise
Himes	McSwain	Rodenberg	Woods, Va.
Hogan	MacGregor	Rogers	Yates
Husted	Mansfield	Rossdale	Zihlman

The committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10730, that it found itself without a quorum, and he caused the roll to be called, whereupon 325 Members responded to their names, a quorum, and he handed in a list of the absentees to be printed in the Journal.

The committee resumed its session.

The CHAIRMAN. The gentleman from Louisiana is recognized for 40 minutes. [Applause.]

Mr. ASWELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Chairman, much has been said recently with reference to the appropriations by this Congress and by the last Congress. Senator LODGE, of Massachusetts, juggled the figures down to about a billion and some odd dollars. The gentleman from Ohio [Mr. FESS] did some more juggling and brought them down to something over a billion dollars the other day, but it is not a question of opinion, it is a question of the facts of record. I hold in my hand the actual records made up by the clerks of the Committees on Appropriations in both Houses. The Congress for the fiscal year of 1922, under discussion, appropriated $4,780,829,510. It is not a question of debate or of opinion. This statement carries also with it the appropriations for the Department of Agriculture since 1882, and I call the attention of the committee to the astounding fact that in spite of the depressed conditions of agriculture at this time and the struggle that is being made in behalf of that industry, the Republican Congress in this bill, while finding plenty of money for other activities in support of special privileges, for the first time in 15 years has reduced the appropriation for agriculture over $3,000,000.

I am a member of the Committee on Agriculture and I think I am within my rights when I present the record of a most extraordinary procedure a few days ago. This is not a personal matter; it is a matter of principle. If my own floor leader, the gentleman from Tennessee [Mr. GARRETT] were to come before the Committee on Agriculture, of which I was at the time a member, and should undertake to dictate to that committee what its duties are, what it can do and can not do, what it should do and should not do, what it must do and must not do, if he were to presume to have that autocratic authority and that notion of his duties, I would speak of his procedure precisely as I shall of the dictatorial procedure of the gentleman from Wyoming [Mr. MONDELL], the Republican floor leader of this House.

I want it particularly understood that the gentleman from Wyoming [Mr. MONDELL] let it be known that he wanted to appear before the Committee on Agriculture. On page 14 of the official stenographer's report he so states that fact. The Committee on Agriculture, eager to do everything possible for the distressed agricultural conditions in this country, gladly invited him, for it had been announced that he wanted to come. So last Tuesday he came to the Committee on Agriculture, and for an hour and a half proceeded to assail the bills pending before that committee for the benefit of agriculture in this country in these depressed times. I do not know with what authority the gentleman from Wyoming came to that committee. He appeared to have commanding authority, but I do not know whether his authority was from the White House, authority from Dr. FESS, Republican chairman of the congressional committee, or authority from the millionaire steering committee, or authority from the organization of his party. He certainly appeared to have commanding authority, and he appeared to

speak with a superabundance of wisdom superlative in form of a certain kind, but he was shockingly short on information as to the contents of the measures pending for relief of agriculture. I do not know whether it was a mosaic or composite from the White House, Dr. FESS, and the steering committee, or whether it was the effusion of a great single individual intellect; I do not know which, but he seemed to possess much wisdom, telling the committee what it should do and what it should not do. Why did he come? He knew that these pending bills before the Committee on Agriculture were so strong before that committee, right as they are and worthy as they are, that that committee was about to report them out unanimously, and he knew, too, that if the Purnell bill reached the floor of this Chamber increasing the service of experimental stations in every State in this Union—he knew that if that bill reached the floor of this Chamber it would pass in spite of him, and he went there to assault it on the side. He did. Now, gentlemen, I hold in my hand a report of the official stenographer. It is not revised and it is not compressed or extended. It is exactly what he said. Gentlemen will recall when he wanted to say something he did not want the country to know about he always told the stenographer to lift his pen.

I remember what he said when the pen was lifted—and the committee members do. He took us through a most charming trip; he journeyed us over the vast plains of the great West and portrayed what seemed to be his young, innocent, and heroic life individually—his early career. He finally reached the point on the thirteenth page of this closely written stenographer's report. Mr. RIORDAN asked, What about the stabilization of agricultural products? The gentleman from Wyoming spewed it from his mouth, scorned it, denounced it, and ridiculed it until nobody else said a word about it while he was in the room. Then, on page 14, he came to the bill he came there to assault. Referring to the Purnell bill, which is a bill to enlarge and extend the experimental stations in the different States of the Union, he attacked it vigorously, persistently, and forcibly, and, of course, he rambled around it for 14 pages before he got to it. But he said it was out of the question, substantially, to consider any bill on agriculture that entailed additional appropriations. He said, "I have expressed a willingness to come and talk about this bill," and then he wandered away again. It was very entertaining—delightful. He wandered on and on again and on again until he came to the nineteenth page, and then he said that the Purnell bill was a bill that he knew something about. Mr. PURNELL insisted that his bill meant to reduce the cost of production to the farmer, and the gentleman from Wyoming startled the committee with this astounding statement. He said: "I think I know quite a bit about experiment stations." Now, we never found out what "quite a bit" was, and we do not know yet; and when Mr. PURNELL insisted that it was to improve farming the gentleman from Wyoming made this statement. He said: "You claim it will help the farmers to help themselves. What is proposed in the bill is to help the professors." That is "quite a bit" about the subject of experiment stations.

If the gentleman from Wyoming [Mr. MONDELL] will spend one hour eagerly studying the testimony presented before the Committee on Agriculture by Dean Russell, of the University of Wisconsin, proving the value and imperative need of the Purnell bill to the farmers of the country, I confidently predict that the gentleman from Wyoming will come back to the Committee on Agriculture and apologize for his assaults upon the Purnell bill.

Now, Mr. Chairman and gentlemen, when we brought up the question of these various activities for the relief of the farmers, Mr. MONDELL said that there was no money for public buildings, no money for anything we would like to do for the farmers. He said, "We will cut the river and harbor appropriations to the bone. We propose to cut everything." Then I said to him, "What about the Sheppard-Towner education bill?" and that is when he told the reporter to lift his pen, but I am going to tell you what he said. He said, "Oh, no. No gentleman informed would for a moment believe that the Sheppard-Towner bill or any bill of that kind will be even considered by this Congress." Is not that what he said? Of course he said that. [Applause on the Republican side.] He sent aglimmering the ambitions of a lifetime of Mr. TOWNER in his education bill and the great soldier, Brig. Gen. Sawyer, in his ambitious Department of Public Welfare schemes.

Mr. MONDELL. Will the gentleman yield?

Mr. ASWELL. I will yield, gladly, but do not take up so much of my time. You are taking a lot of my time before you start. [Laughter.]

Mr. MONDELL. I did not say before the committee——

Mr. ASWELL. Did not say what?

Mr. MONDELL. I did not say before the committee that no bill like the Sheppard-Towner bill would ever be considered by the Congress. I did say that it would not in my opinion be considered this session of this Congress, and that was what I was talking about in regard to all these bills—that I did not think they should be considered this session of Congress.

Mr. ASWELL. Now, let me see what the gentleman did actually say. It is not a question of veracity. I will read his own language in the official stenographer's report. Let me answer that question. The gentleman from Wyoming, discussing this agricultural legislation, said that there is no constitutional warrant or authority to do this thing and that there is no authority to do any of this sort of thing we were discussing before that committee. That was his language. I will read it again:

> I do not know of any authority in Congress to do anything of that kind.

I do not say, sir, that you said you would never consider this bill, but you said that this Congress would not.

Mr. MONDELL. Will the gentleman yield?

Mr. ASWELL. I can not yield further.

Mr. MONDELL. The gentleman must not misstate what I said before that committee.

Mr. ASWELL. What better evidence can I have than the stenographer's report?

Mr. MONDELL. Whatever there is in the stenographer's report stands, but the gentleman's alleged recollection is quite another thing, and when I spoke about unconstitutionality——

Mr. ASWELL. I did not yield for a speech.

Mr. MONDELL. I was talking about the fixing of prices in time of peace.

Mr. ASWELL. I want to call your attention to this fact, that after the gentleman from Wyoming came and insisted that no constitutional authority existed to aid the farmers, in 30 minutes we were assembled in this Chamber and we listened to the President of the United States call upon Congress to stabilize shipping in the country.

The question arises, How does it happen, in the opinion of the gentleman from Wyoming, that there is no constitutional authority to stabilize agriculture when the same Constitution permits the Congress to stabilize railroad and ship owners of the country? That is the question. [Applause on the Democratic side.]

Why, Mr. Chairman, the gentleman from Wyoming in his philosophy reminds me of the young fellow who was studying medicine and practicing with an old doctor. The old doctor took him to see a sick Irishman. The patient had a high temperature, and the old doctor said, "Get up and eat some corn beef and cabbage." The next day the Irishman was back at work. Then the young doctor went to see a sick German, who had a high temperature, and he told him to eat corn beef and cabbage. The next day the German was dead. The young fellow made a note, "Corn beef and cabbage will cure an Irishman of high fever, but will kill a German." That is the philosophy of the gentleman from Wyoming. The Constitution cures the difficulties of railroads and shipping, but is death for the farmer.

I was in Wyoming twice. It was my impression that there are farmers in that great State, but after hearing Mr. MONDELL's assaults upon what the Committee on Agriculture is trying to do for the farmers, I am convinced that I was mistaken, because he could not possibly have farmer constituents. I am sure now that he represents not farmers, but railroad and ship owners, as revealed by his interpretation of the Constitution against the farmer, but in favor of private corporate interests.

We had a most interesting speech here the other day. I wonder if the gentleman from Ohio [Mr. FESS] is in the building. I wish you would send for him, because I want to make some observations about his speech. Dr. FESS is a schoolmaster; so am I. But Dr. FESS has strayed away from the tenets of the faith. The ideal of the schoolmaster is to learn the truth and speak it with exactness. Dr. FESS has strayed away in political discussion. I saw a Negro in France, black and sleek, meet a Moroccan.

Our American Negro undertook to talk to the French Negro. The American Negro spoke in English, of course, and the Moroccan in French. Finally the American Negro turned away in disgust and said, "That fool has been over here so long he has forgot how to talk his own language." Dr. FESS has played cheap partisan politics in Congress for so long he has forgotten to speak the language of the schoolmaster, which puts accuracy above everything else in the world. [Applause on the Democratic side.] He makes one accurate statement in reference to this administration. He makes one statement that is accurately true, but it is astounding; it amazes you in the fact that it reveals so much. He gives five specific policies of

this Harding administration. He names four, and then the climax, the fifth one, is that the policy is to delay every new thing carrying a burden on the Treasury. Why, of course, the country knows the policy is to delay everything, but it is amazing that the gentleman from Ohio would confess it and print it in the RECORD. Delay is the policy and is so asserted by the gentleman from Ohio. In enumerating the achievements of this administration, asserting that only a billion and a half would be appropriated for the expenses of the Government and that the administration now has a balanced budget, claiming credit for the Federal reserve banking system and highway construction acts, he puts foremost in achievements the emergency tariff bill. Ah, gentlemen, it is an unfortunate claim.

The emergency tariff bill became the law on May 27, 1921. Chicago wheat No. 2 was selling on that date at $1.57½. It went down and still down until wheat got out of the farmers' hands, and then the Republican Congress thrust $20,000,000 into the market for buying grain for Russia in an effort to force the price back—although the grain was out of the hands of the farmer before that was done; to-day the price of the same wheat in the same market is $1.32½—25 cents a bushel cheaper than when the tariff bill passed. That is an achievement of the administration.

Corn was selling on that day at 60 cents and is selling to-day at 57 cents. These figures are taken from Wallace's Farmer, owned by the Secretary of Agriculture, certainly the highest authority on questions of that kind. To verify that, here are some figures gotten up by the legislative reference service of the Library of Congress. The same trend of prices on wheat and corn is shown in Boston and New York as in Chicago—the same ratio of differences. The price of sugar, for example, under the emergency tariff bill declined 1.1 cents a pound, and all other farm products have met the same disaster. I could name a dozen articles, but these are sufficient to prove the principle. And the emergency tariff has not done one solitary thing to help any farmer. [Applause on the Democratic side.] While the gentleman from Ohio [Mr. FESS] makes so much noise and so much ado about it, it has not been worth one nickel to a farmer. If he could find anything in the administration worth a dime, I do not know what he would do.

But I must hurry on. He claims that this administration deserves credit for adding $25,000,000 to the farm loan banks of the country. The record shows that the Democrats in this Chamber undertook to make it $50,000,000. Mr. WINGO made the motion, and the gentleman from Wyoming [Mr. MONDELL] made a speech against it, and the gentleman from Ohio [Mr. FESS] joined the gentleman from Wyoming on the roll call and voted against the $50,000,000 and helped to vote it down to $25,000,000 for the farm banks of this country.

Yet he claims that that is one of his party's achievements. He speaks of the packers' bill and the grain futures bill. I voted for those bills after listening to the hearings for months, but I decided it was the best thing to be gotten from a Republican Congress. The packers were for the packers' bill and the gamblers were for the grain futures bill. Neither bill is of any value to the farmer or grower.

Now he speaks of the work of the Commission on Agriculture, a commission made up of splendid men. They have made two reports, and they have brought out two astounding facts. Do you know what they are? The first fact is that the serious difficulty for the farmer is the high railroad rates; and that is a Republican measure, put through by a Republican Congress in the Esch-Cummins bill.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. I will.

Mr. JOHNSON of Mississippi. In my committee we have been conducting for several weeks past hearings as to paragraphs 3 and 4 of section 13 and section 15a for the purpose of reducing rates and giving to the State railway commissions the authority they had before the Esch-Cummins Act was enacted. I want to make this observation, that a banking concern in New York has sent out a letter in which it advised people to buy stock in railroads, for the reason that the administration had given assurance that there will be no change in railroad rates.

Mr. ASWELL. That is very interesting, although very discouraging from the standpoint of the farmers and the average man, but fine for big business and special privilege in control of this administration.

The gentleman from Ohio says the banking system is first class. Of course it is. It is a Democratic creature.

The only time you tried to change it was when you opposed the Democratic plan of adding $50,000,000. The gentleman boasts that they have given $75,000,000 for public roads. The Democratic administration never gave less than $100,000,000 when in power.

But here is an amazing claim that I do not understand. The gentleman from Ohio says, "Our managerial ability is first class." It must be a misprint. He must mean menagerie ability. [Laughter.] The gentleman from Ohio speaks of lower interest rates to the farmer. The rates that the farmers are paying never approached the rates you recommended the other day of 2 per cent for the benefit of big business.

Gentlemen of the committee, the gentleman from Ohio makes the astounding statement that "The symptoms of the farmer are altogether encouraging," and that "freight rates must come down." Ah, it is a most amazing and amusing situation, Mr. Chairman and gentlemen of the committee. This proposition of letting the farmer drift, letting the conditions go as they may or may not go, has reached the point where the American people individually know that they are being camouflaged and deceived, and that the party in power is trying to use them for its own promotion and continuance in power.

Let me ask you this question: Would you tax the farmers in your district to give $32,000,000 a year to the private owners of ships and to force now the giving away of the ships owned by this Government? Why, the private owners would get them at a song, and set the tune themselves. Would you be willing to give them a bonus of 10 per cent on the imports of the country, and then permit the railroads to own the ship lines while they now get 6 per cent profit, thereby enabling them to make an average of 8 per cent on the shipping and railroads together?

Gentlemen, the proposition is unthinkable and intolerable.

You ask me, What shall we do? The gentleman from Wyoming [Mr. MONDELL], the Republican floor leader of the House, and the gentleman from Ohio [Mr. FESS], chairman of the Republican campaign committee, and all your other spellbinders constantly shout that under this Republican administration the industrial, agricultural, and economic conditions of the country are about to begin to improve, that there are signs of the dawning of a better day. Well, with the vigor, the industry, and the genius of the American people, if there can be seen no sign yet of improved conditions, three years after the war, then in Heaven's name when may we hope again to become a happy and prosperous people? Why do your leaders sit here for days whimpering in public with dim-eyed pity for the farmer, saying—I quote from the language of Dr. FESS:

> His symptoms indicate a promising future, and railroad rates must come down—

On the theory, I suppose, that everything that goes up must come down, and therefore railroad rates some time, somewhere, somehow, will come down.

But here are the facts, gentlemen: The farmer does not want or need your maudlin sympathy. He wants available credit at a fair rate of interest and an accessible market, and money in return for the products of his labor. He resents your taxing him and his children to give a subsidy or bonus to the private corporations in the interest of your national campaign fund. He demands a square deal in business; the right to earn a decent and honorable living. He resents your shutting him off from the markets of the country and from the business of the world by oppressive and prohibitive railroad rates, for which a Republican Congress is wholly responsible. If you are sincere, pause a moment.

If you are sincere, why not forthwith force down railroad rates that the farmer may live? Mr. Fechner, of the Federation of Labor, and head of the machinists' union, testified before the Committee on Agriculture the other day that the unemployment situation is worse than it was six months ago. He declared that since the unemployment conference the situation, regardless of reassuring statements from the White House, is growing not better but worse. He declared that 250,000 expert machinists belonged to his union and that more than 100,000 of these expert machinists were now walking the streets seeking work to-day.

The CHAIRMAN. The gentleman from Louisiana has consumed 30 minutes.

Mr. ASWELL. I thank the Chairman.

Mr. BEGG. Will the gentleman yield for a question?

Mr. ASWELL. Yes.

Mr. BEGG. About 20 minutes ago the gentleman made the statement that my colleague, Dr. FESS, in his speech had made a great many inaccurate statements. In fact, the gentleman said my colleague misstated the truth.

Mr. ASWELL. I said he told the truth about one thing.

Mr. BEGG. I have listened for 20 minutes to the gentleman from Louisiana and I have not heard him disprove a single statement made by my colleague, Dr. FESS. Now, in the rest of his time will the gentleman disprove some of the statements that Dr. FESS made?

Mr. ASWELL. You do not have to disprove a thing that is so patent on its face that everybody knows it.

Mr. BEGG. The gentleman does not mean just to call everybody untruthful and not prove it, does he? I think the gentleman owes it to my colleague to prove wherein he misstated anything.

Mr. ASWELL. What do you want me to prove he said?

Mr. BEGG. I want you to prove that anything he said is not true. We all know it is true, and I want you to prove that it is not.

Mr. ASWELL. That depends entirely upon who "we all" are.

Mr. BEGG. That is your own challenge that you laid down, and I think you owe it to this reputable body to prove that my colleague, Dr. FESS, misstated conditions. If you can prove that, he owes it to the Congress to apologize. Otherwise we know that you do not mean what you say.

Mr. ASWELL. I do not yield to the gentleman for a speech.

Mr. BEGG. I will say that he can, against this kind of competition.

Mr. ASWELL. Everybody knows that the claims which the gentleman from Ohio [Mr. FESS] made for this administration were exaggerated and extended and expanded. He claimed that the Congress will appropriate for the 1923 expenses only $1,500,000,000 and that this Government has a balanced budget. Everybody knows these statements are not correct. These misstatements are amply sufficient to condemn his entire political speech. I said he told one exact truth. That was that this administration seeks to delay everything that it talks about, and I can prove that statement to be true. We were told about the ship subsidy bill of $32,000,000, and the next day from the White House the message went out that that would be delayed until after the November election. I do not know by whose authority. All the gentleman from Ohio [Mr. FESS] said about delay shines out in brilliant truth. But allow me to proceed.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. ASWELL. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. ASWELL. The statements of Mr. Fechner as to unemployment were corroborated by Mr. Wallace, of the Federation of Labor. It is estimated that there are altogether 4,000,000 men out of work. They could earn an average of $5 a day—$20,000,000 a day lost and wasted for lack of work, or $6,000,000,000 wasted by unemployment during the first year of the Harding administration! This is the promised Harding prosperity!

What is the remedy? The remedy is definite, concrete, and clear. If this Republican administration, in complete control of all branches of the Government, would eagerly seek to help the average citizen, freight rates would be at once forced back to normal and the unemployment calamity that has befallen the country by the stupidity of reactionary leaders would be remedied in 30 days. You know well that this is true. How?

First, cease quibbling and dickering for big-business political advantage while truckling to corporate interests, for the fertilizer and the automobile trusts. Turn over Muscle Shoals at once to Henry Ford [applause] who would employ a million men in that one enterprise, to say nothing of the vast wealth he would bring to the country as by a magic hand. It would be ultimately economical for the Government to give Muscle Shoals to Henry Ford rather than to sell it or lease it to other applicants.

Then, find work for the other 3,000,000 idle men in internal improvements. Put millions of money into a sanitary system—invest money and labor to help the citizens keep well. It will pay. It is our duty to do it. Nothing that we can legislate on is more important. Then put an additional million men to work in highway construction, which is the imperative need of this hour.

As I look at the picture to-day, I see 4,000,000 of workers idle. Think of the tragedy! Nothing to do! Breeder of anarchy and bolshevism! They are asking for work, but what are you Republican leaders doing except talking and promising? On the other hand, I see public roads to be built, public buildings in each State, including hospitals for the disabled soldiers, to be erected, great sanitary systems to be constructed, light and power and other far-reaching public utilities to be developed, a million homes to be built, reclamation work to be done, our forests to be preserved, terminal facilities, and rivers and harbors to be improved—all calling for workers—when 4,000,000 workers are idle.

In the face of these plain facts the country is staggered to behold Republican leaders in control talking and jabbering and writing and wondering what to do. There is a plain thing to do. Put the workers and the works together.

The Government should do these things and do them now, because they represent the highest functions of serviceable government. They are the things that concern vitally the general welfare for which governments exist. This is the favorable time to act. The existing economic crisis offers opportunity and demands action.

Let the Republican majority wake up and make haste now to authorize the War Finance Corporation to invest $3,000,000,000, not in throwing credits across the Atlantic but in stopping the loss of six billions a year in unemployment. Utilize this vast sum in stimulating internal improvements of all kinds—sanitation, reclamation, levees, highways, public buildings, public utilities, and waterways. Do this and there will be money in the country. The farmer will have a home market for his products, money for his taxes, and money upon which to operate his business. There is no excuse or defense in this country now for unemployment or for agricultural or industrial depression. The opportunity for relief is here. The remedy is clear. Will the reactionary Republicans in control stand erect and permit us to apply the remedy, or will they wobble on, contenting themselves with vain promises and claims for services not rendered? [Applause.]

Mr. WASON. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I do not know just how much time it ought to take to answer the political argument that is based on the suggestion that we give Henry Ford Muscle Shoals, and he will put a million men at work on it at once. That is a little like a statement made a little while ago by a man with reference to the German mark. There was complaint made that the German mark was too cheap, and some politician advocated the raising of the price by printing more of them.

I rise for the purpose of giving the committee the benefit of facts concerning the visit of the floor leader of the House to the Agricultural Committee. He was invited to appear before the committee by the majority members of the committee for the reason that we had been holding hearings for several weeks on several important measures, and we wanted to discuss with the floor leader the program for legislation. My genial friend did not hear all of the statement of the gentleman from Wyoming. In the first place, the first bill he discussed was a regulatory bill which the lumber interests advocated, prepared by the lumber interests and introduced at their suggestion, which involved the expenditure of several millions of dollars a year to regulate them in the way that they wanted to be regulated. We had extensive hearings before the committee. The floor leader suggested to the committee that in his judgment it was no time for the American Congress to engage in that expense. I agreed with him. I do not think there will ever come a time when it will be the duty of the American Congress to engage in that expense. Most of the committee that heard the evidence except, perhaps, our friend from Louisiana, expressed the opinion that the other plan advocated in another measure before Congress was the better plan. That plan proposed to make them pay the expenses of their own regulation; that it was better than to take the money out of the Federal Treasury. The floor leader did on that occasion suggest to our committee that on all measures contemplating a large expenditure of public funds we ought to go slow and be careful. [Applause.] I claim that we should take that advice.

I suppose this speech of the gentleman from Louisiana which we just listened to was made for only one purpose. It is patent to anyone that it was made for the purpose of circulating it in the State of Wyoming in the coming election, and I predict that it is such a horrible failure that it never will be used for the purpose for which it was intended. [Applause on the Republican side.] I want to defend any man that stands for right. FRANK MONDELL was floor leader of the House during the last session, when we had a Democratic President and we could not pass agricultural legislation. He told me then as one member of the Agricultural Committee, when we could not procure this legislation, that when we had an administration in sympathy with legislation favorable to the agricultural interests we would pass these measures. Congress convened on April 11, and under his leadership, and being as much responsible for it as any other one man in Congress if not more, we passed many measures, one regulating the packers and the other regulating the grain exchanges, that had been pending in Congress for more than a quarter of a century. They were signed by the President and are now law. Also every stockman in America is a beneficiary by the amendment to the War Finance Corporation act, and I say that no man in the history of the American Congress can claim credit for more legislation friendly to the interests of the farmer than the gentleman from Wyoming [Mr. MONDELL] who has been attacked here. [Applause on the Republican side.]

You say he stood in this Congress and pleaded against the demagogic amendment making $50,000,000 available for the farm-loan banks when only $25,000,000 was asked for the farm-loan banks. The former chairman of the Agricultural Committee, one of the gentleman's associates [Mr. LEVER], only asked for $25,000,000, and said it was all the money desired by the farm-loan banks and all they needed to function. Was he right? He said that with the revolving fund they could sell the bonds. Was he right? They offered $75,000,000 in bonds for sale, and while they thought it would take weeks they sold them in two days. This Congress stands ready to appropriate $100,000,000 if needed, but not one dime to be demagogic and try to fool somebody.

I do not know how you can condemn Mr. MONDELL for that attitude, when every one on the Democratic side of the aisle knows that Frank Lever was on the square when he asked for only $25,000,000.

My friend says that the legislation that we have passed has not benefited the farmer. Ask the farmer. I challenge any man to say that it is not a fact that every day since the packer regulation act went into effect that every stockman on the market will tell you that conditions have improved. I challenge any man to cite me a farmer who will say that there has been a single day since the grain futures act went into effect on the 24th of December when the condition of the producers of grain in this country have not improved. Oh, I suppose my genial friend, when separated from his Chautauqua duties, will question that—and, by the way, I was reminded this morning of the first time I ever had the pleasure of meeting the gentleman. I remembered him by that whisper. The gentleman was a Member of this body. During all those years why did you not pass some of those laws? I say that this Congress will go down in history as having been the hardest-working and most effective Congress this country has ever had.

The gentleman says that conditions are bad. They are. But who made them bad? When this Congress assembled on the 11th of April, 1921, what was the economic condition of this country? Could it have been worse? Is there any way to draw a picture of a worse condition? No one representing a majority in this Congress has ever predicted to the American people that a magic wand might be waved that will save them. You get that kind of a story from speeches like the one we just listened to, where war prices are compared with peace prices, and then some political party blamed for it.

FRANK MONDELL was invited before our committee. He came before it, and while he might have gone a little further in his economy advice and advised against spending every dollar that every member of the committee wanted to spend, yet I challenge my friend to find another member of that committee, Democrat or Republican, who will question the soundness, the propriety, and the honest intention of Mr. MONDELL in being for America in his advice to the committee. [Applause on the Republican side.] He did say that there was a constitutional question with reference to price fixing in peace times, and there is. I invited the advocates of the bill to fix prices on all products to come before the committee and show us wherein under the Constitution we can enact such legislation. I wonder if my friend, in reading that part of his speech applying to Mr. MONDELL, meant to be categoried with those that favor the extensive price-fixing program which is advocated by some before our committee, and I now yield time to my friend to declare himself on the proposition of price fixing, as advocated by those measures.

Mr. ASWELL. Mr. Chairman, it is not my purpose or desire or intention to make any report to the gentleman from Kansas on this or any other subject.

Mr. TINCHER. I did not know. I thought, perhaps, because he had criticized Mr. MONDELL for wondering about the constitutionality of such proposed legislation, that he had some fixed ideas upon it. I still persist, though I may be wrong, that that speech will never be used in Wyoming for what it was intended for. [Laughter on the Republican side.]

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND. Mr. Chairman, before I begin to discuss the subject I wish to bring to the attention of the House I want to answer one or two statements made by the gentleman from Kansas [Mr. TINCHER] who just left the floor. He made the statement here just now that Frank Lever asked for only $25,000,000 at the hands of this Congress because he thought that was enough to meet the demands of the farmers. That is not the reason. The reason that Mr. Lever never insisted on more than $25,000,000 when that bill was before the Congress was because he knew very well that he could not get any more at the hands of the Banking and Currency Committee, because of orders from Mr. Mellon, the Secretary of the Treasury. I notice the gentleman from Kansas [Mr. TINCHER] is leaving the Hall. He knows that I know more about it than he does, because I was on that committee. In addition to this I wish to answer his talk about this little appropriation being sufficient to satisfy the farmers of the country. It is all poppy-cock to make such a contention. The Senate passed an amendment to one of the appropriation bills authorizing a loan to the farmers through the Federal Farm Loan Board of $100,000,000, and the Banking and Currency Committee of this House refused to agree to the amendment, and subsequently, when the Democrats made an effort to restore the Senate amendment to the bill, this House voted it down and let the amount stand at $25,000,000, as agreed upon by the committee. The western Members agreed to the small amount simply for the reason that Mr. Mellon and others had arranged for a private loan with bankers in the North and East amounting to $50,000,000 for the western farmers. Mr. Lever did not ask for any more at the hands of our committee because he knew he could not get any more, as we Democratic members from the South did not have the backing of the western members of the Banking and Currency Committee.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BRAND. Yes.

Mr. STRONG of Kansas. I want to say to my friend that when that bill was being considered before the Banking and Currency Committee Mr. Lever did state that $25,000,000 was all they needed.

Mr. BRAND. I was there when Mr. Lever appeared before our committee.

Mr. STRONG of Kansas. Oh, I beg the gentleman's pardon. It is right out here in the Hall of the House.

Mr. BRAND. I mean in the committee.

Mr. STRONG of Kansas. Mr. Lever and Charlie Lobdell were together, and they agreed on $25,000,000.

Mr. BRAND. Of course, Mr. Lobdell would agree to this amount, because, according to my information, though a splendid man and in sympathy with the farmers, he never has been in favor of the Federal farm loan system.

Mr. STRONG of Kansas. Frank Lever was in favor of it, was he not, and he agreed to $25,000,000?

Mr. BRAND. He did not.

Mr. STRONG of Kansas. I say that he did agree to it in the conference which finally determined the form of the bill.

Mr. BRAND. Not in the committee room.

Mr. STEAGALL. Mr. Chairman, if the gentleman from Georgia will permit, the gentleman from Kansas is not talking about what happened before the Banking and Currency Committee in the House. He is talking about what happened in conferences between certain members of the Farm Loan Board and the steering committee of the House.

Mr. STRONG of Kansas. Oh, I beg the gentleman's pardon.

Mr. STEAGALL. The steering committee had before it at the time a bill providing for $50,000,000 of aid. It had been reported by the committee, and the chairman of the Banking and Currency Committee had been asked to get a rule for the consideration of that measure.

Mr. BRAND. Mr. Chairman, I decline to yield further.

Mr. STRONG of Kansas. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. BRAND. No; I do not.

The CHAIRMAN. The gentleman declines to yield.

Mr. BRAND. When I finish with the speech which I want to deliver, I will yield to the gentleman, because I am very fond of him, and I shall be glad to argue this thing out with him right here.

Mr. STRONG of Kansas. What is that?

Mr. BRAND. I say I am very fond of the gentleman from Kansas, and I will argue it out——

Mr. STRONG of Kansas. I would just like——

Mr. BRAND. Let me get through with my speech first. [Laughter.] Mr. Chairman, I ask permission to revise and extend my remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BRAND. Mr. Chairman, I want to call the attention of Congress to a matter of the utmost importance which is in no sense political or partisan. While the Senate is investigating the eligibility of Senator WATSON and Representative BURTON to act as members of the refunding commission, I think it advisable that they include in this investigation the qualifications and eligibility of Secretary Mellon as Secretary of the Treasury to act upon this commission. The question involved is one in which every taxpayer of the United States is interested. It

is world-wide known fact that certain European nations owe the United States about $11,000,000,000. It is generally known also that they owe a group of international bankers about $5,000,000,000. The taxpayers of the United States are becoming intensely interested in the collection of the debts due them. This group of international bankers are bent on having their money and are interested in collecting it whether the United States ever collects a dollar or not. Here are two classes of creditors with claims against a common debtor which is generally reputed to be bankrupt. Their interests are in conflict and are adverse. Therefore it becomes a very important matter to know whether or not Mr. Mellon is the owner of any of these obligations due these private bankers or whether any of his kinfolks within the prohibited degree are the owners of them, or whether any of the great banking and financial institutions to which he belongs are the owners of any of them or are interested in any of these debts.

These debts can not be collected by law, as everybody knows. The only way if the debtors refuse to pay them is to collect them by war. The question which I raise, and I do it in all seriousness, Is Mr. Mellon disqualified to act on the Refunding Commission by reason of interest? The answer to this inquiry depends upon the question whether Mr. Mellon owns any of these obligations that are due these private bankers, or whether any of his kinfolks within the prohibited degree do, or whether any of the great banking and business institutions of which he is a director and stockholder and to which I shall call attention in a few moments, own any of them. If he owns any of these obligations, or is financially interested in their collection, he is disqualified by every rule of law known laid down by any law writer from acting on this commission.

A short time ago, and when the refunding bill was on its passage, Senator WATSON of Georgia called the Senate's attention to a statute passed in 1789 at the first session of the American Congress. I do not believe there are a half dozen men either in the House or Senate who knew such a law was in existence until Senator WATSON called the Senate's attention to it. This statute is now a part of the Revised Statutes of the United States, second edition of 1878, and I will incorporate it as part of my remarks. The substance of it is that the Secretary of the Treasury is disqualified from acting in this capacity if he is engaged in the business of trade or commerce or if he owns any State or national securities. The point made by Senator WATSON is different from the one I am making. This act reads as follows:

SEC. 243. No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register, shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall, upon conviction, be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

The validity of this statute was brought into question, as shown by Senator WATSON. When President Grant appointed A. T. Stewart, then the king merchant of this country, to be Secretary of the Treasury. The Senate had confirmed Mr. Stewart and he had qualified before this statute was called to the attention of the President. After it was discovered it appears, Senator WATSON quoting from Mr. Blaine's "Twenty Years in Congress," that an effort was made, led by Mr. Sherman, of Ohio, to repeal so much of this act as applied to the Secretary of the Treasury. Mr. Sumner objected. The Senate failing to come to his rescue, Mr. Stewart resigned and Hon. George S. Boutwell was nominated and confirmed as Secretary of the Treasury. Senator WATSON contended under the terms of this act that Mr. Mellon, being engaged in the business of trade and commerce, is disqualified from acting as Secretary of the Treasury and that he is violating the law every day he holds this office, for which he could be arrested and convicted.

Mr. LONDON. Will the gentleman yield?

Mr. BRAND. I will yield, but I have not much time.

Mr. LONDON. For just a short question. Does not the same principle apply to a legislator, to a Member of the House or of the Senate, who legislates on matters directly affecting his personal interest?

Mr. BRAND. It does.

Mr. LONDON. But we have no prohibition, however, either in present morals or present law against it.

Mr. BRAND. Yes; we have ample law which disqualifies anybody in interest from serving in any capacity where his interests are involved.

Mr. CRISP. But if the gentleman will permit, the rules of this House expressly provide that a Member can not vote on any question in which he is personally interested.

Mr. LONDON. And that would prevent a man engaged in industry from voting for a protective tariff; that would prevent a banker from voting on any matter affecting the financial interests; that would prevent a Member from exercising the right to legislate.

Mr. BRAND. The gentleman speaks very often and well, but as my time is limited I can not yield further.

Mr. LONDON. I beg the gentleman's pardon.

Mr. BRAND. The contention of Senator WATSON is confined to the disqualification of Secretary Mellon under this act of Congress. My contention is, Mr. Mellon is disqualified to act as a member of the Refunding Commission on account of interest, if he is the owner of any of the obligations due these private bankers, or if any of the business and banking institutions in which he is a director or stockholder are the owners thereof, or if he has any kinspeople who own any of these obligations, who are related to Mr. Mellon within the prohibited degree.

This question Mr. Mellon can decide for and answer to the country himself without an investigation, if he chooses to do so. If he will not do so, then the investigation ought to be had to determine whether he is interested as I have indicated. If he is not disqualified from interest, it is easy for him to say so. If he is disqualified, he ought not to serve on this commission, because every intelligent man knows that the interest of the taxpayers of the United States and the interest of the international bankers who own these obligations against the same debtors is adverse.

Subsequently Senator WATSON again brought this matter before the Senate, at which time he inserted in the RECORD an article from Current Opinion, which shows Mr. Mellon's business connections in the United States. The editorial is entitled a "Rival of Rockefeller is Secretary of the Treasury." Says the author:

The record of the personal activities of Secretary Mellon includes 4 banks, of one of which he recently resigned the presidency to enter the Cabinet, 4 insurance companies, 7 educational and philanthropic institutions, and 62 other corporations. Their products—oil, aluminum, railway cars, locomotives, steel, plate glass, radiators, carborundum, bolts and rivets, motor trucks, and a hundred other things—go all over the world. The Mellon National Bank, of Pittsburgh, has resources of $132,000,000 and deposits aggregating $105,000,000. The concerns in which he was actively interested prior to March 4 have resources in excess of $800,000,000.

Senator REED, in discussing the question of Mr. Mellon's business connections, identifies among these 62 corporations in which Mr. Mellon is a stockholder the following:

The Mellon National Bank, the Pittsburgh Coal Co., the Union Trust Co.

The Aluminum Co. of America; capitalization, $20,000,000; controlling five companies with a combined capital of $20,000,000.

The American Locomotive Co.; capital, $50,000,000.

The American Metal Co., a holding company, $25,000,000 capital, which controls 12 companies with combined capitalization of $8,000,000.

The Baltimore Car & Foundry Co., $1,500,000.

The Carborundum Co., $2,500,000.

The Gulf Oil Corporation, $60,000,000, which controls nine companies with a combined capitalization of $24,000,000.

This makes a total capitalization of $210,000,000.

Banks and trust companies, $33,500,000. Total capitalization, $243,500,000.

National Bank of Commerce of New York; capitalization, $25,000,000; surplus, $25,000,000; deposits, $363,000,000. Mellon National Bank; capitalization, $6,000,000; surplus, $5,000,000; deposits, $102,000,000. Union Savings Bank; capitalization, $1,000,000; surplus, $1,000,000; deposits, $20,000,000. Union Trust Co.; capitalization, $1,500,000; surplus, $35,000,000; deposits, $100,000,000.

Pennsylvania Railroad Co., of which prior to January, 1921, he was a director, with a total capital of $440,000,000. Grand total capitalization, $683,500,000.

I summon Mr. Mellon to the witness stand and ask him if he or any of these great moneyed institutions own or have any interest in the debts due these private bankers.

It must not be forgotten that when this question of refunding the allied debt was first raised it was contended by the administration, if not by Mr. Mellon himself, that he should be given entire control of refunding the $11,000,000,000 due the United States by the European debtors. The Senate very properly refused consent to this, and instead of giving him full control over the matter it was provided that a commission be appointed to have jurisdiction of this question, of which the Secretary of the Treasury should be a member.

Congress should have gone further and provided that no final action could be taken by the commission without first obtaining the approval of the Congress, which Congress refused to do.

The truth is, some of these international bankers want the debts due the United States canceled, knowing, if this is done, that it will make their debts against the European nations

worth a hundred cents on the dollar. Those who do not come out squarely for cancellation of these debts are intensely interested in having the United States agree to a long-time postponement of the collection of its loans. Mr. Mellon believes in this. The minute this is done, and it is going to be done, the debts of the private bankers will increase in value and every dollar of the same will be collected before the United States collects a dollar of its principal debt. It will be remembered when this question was first raised Mr. Mellon himself wanted to have entire control of this refunding proposition. The administration wanted him to take entire control of it. If he had entire control of it he could regulate the rate of interest, when payments should be made, and how long a time they should be postponed. He wanted it all in his own hands.

In submitting this question I do not for a minute impugn the honesty and integrity of Mr. Mellon. His life and character as a private citizen and as a public man, from what I have read of him, seem to be above reproach; and yet, being moved by self-interest, as all humanity is, he can not disassociate himself from Mr. Mellon as an owner or an interested party in these private debts and Mr. Mellon as a representative of the United States Government. As such owner or interested party his interests first, last, and all the time will be to collect his debts first. This is natural. Self-interest has been from the beginning of time and will be until the end of the human family the first concern of all men. In The Last of the Barons a colloquy is recorded in regard to the purpose of King Edward, who was trying to increase his power abroad and to repair what he has lost in the eyes of Europe, through his marriage with Elizabeth Grey, by allying his sister Margaret with the brother of Louis XI, when one of Bulwer's characters said:

> He was not overpleased with this French marriage making, and asked: "What will become of our trade with Flanders—answer me that, Master Stokton? The House of York is a good house, and the king is a good king, but trade is trade. Every man must draw water to his own mill."

Every State of the Union has enacted statutes providing for the disqualification from interest from the humblest officer in the smallest division of the State to the judge of the highest court.

There is not a court of last resort who would not hold, if Mr. Mellon is interested as indicated and the issue is properly presented, that he is disqualified.

There is not a judge on earth who would not rule that a juror who was thus interested in a case was disqualified.

There is not a judge of any important court in this Republic if thus interested in a case pending before him who would not disqualify himself.

The President would not appoint Senator SMOOT if he owned or was interested in any of these private obligations. He would not appoint Mr. BURTON if he was likewise interested.

I do not believe he would knowingly appoint Mr. Mellon as a member of this commission if he knew he owned or is interested in any of these private obligations.

There is no rule of law laid down in any law book which has ever been written which would authorize Mr. Mellon to be a qualified member of this commission if he is interested as I have indicated, with one exception, and that is the one known to the law as the "rule of necessity."

If the President could not get anyone else in the country to act who was qualified under the law, then under the "rule of necessity" the President would be authorized to appoint Mr. Mellon.

For instance, when a member of the Supreme Court of the United States has any interest in a case or any of his kinfolks within the prohibited degree have any interest, he declines to preside. In an extreme case there might come before this court a case where all the members of the court were disqualified from interest or otherwise, in which event, there being no law to appoint a judge pro hac vice for this court, there would be no qualified court to try the case. Then under the "rule of necessity" the members of the court could preside, notwithstanding their disqualification.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LEE of Georgia. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. BRAND. In the Senate a short time ago Senator BORAH, in discussing this question, said:

> Mr. President, I was going to say that in a conversation a few days ago with a gentleman, perhaps well known to all Members of the Senate, a man of national reputation, whose name possibly I am not privileged to use in public discussion, a man who has just returned from a four months' stay in Europe, he said the only place he knows of where the payment of this debt is still discussed is in the United States; that in the chancelleries of Europe, among the bankers of Europe, among the business men of Europe, among the economists of Europe, it is considered that the debt will never be paid, and that it is simply a question of postponing the settlement until, as they say, the public mind of America will accede to the wisdom of canceling the debts.

I concur in this view, because I do not believe there is a man in this House who will live to see any part of the principal of these debts paid.

If section 243 disqualifies Mr. Mellon from acting as Secretary of the Treasury—and from this conclusion there seems to be no escape; and there certainly has been no answer to this point raised by Senator WATSON—then he can not act on this commission. If this statute is to be ignored and treated as a dead letter, then, I insist in all seriousness and fairness, an investigation ought to be had to determine whether Mr. Mellon is disqualified from acting as a member of said commission from interest, because it is manifest in his case that the "rule of necessity" can not be invoked.

If anything is willfully done or left undone by those who may be charged with the collection of the loans which this country made to the European nations whereby these loans are not collected or the payment of the same is indefinitely postponed, those who are parties to this calamity will go to their graves disgraced and dishonored and with the scorn and curses of their fellow countrymen, and history will brand their memory with the mark of eternal infamy. [Applause.]

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. BRAND. Yes.

Mr. STRONG of Kansas. I want to say that my friend [Mr. STRAGALL] is very much mistaken. The fact is that Mr. Lever and Mr. Lobdell never had any meeting with any member of the steering committee. We disagreed in the Committee on Banking and Currency as to how much money was necessary to deposit with farm loan banks to make them function. Mr. Lever and Mr. Lobdell, as members of the Farm Loan Board, were sent for, and they agreed in my presence that $25,000,000 was all they needed. And we appropriated that amount and the system has functioned.

Mr. BRAND. The thing had been fixed before they ever saw you.

Mr. MONDELL. Will the gentleman yield?

Mr. BRAND. I will.

Mr. MONDELL. I would like to bear testimony in this matter. Both Mr. Lever, for whom I have a high regard——

Mr. BRAND. I have, too.

Mr. MONDELL (continuing). And Mr. Lobdell came to my office and without any persuasion on my part told me that the sum of $25,000,000 would meet the situation and care for it and provide all that was necessary. And that their judgment was sound has been proven by the facts.

Mr. BRAND. The people of my district have been trying for nine months to get what they need and applied for from this sluggish Federal Farm Loan Board here in Washington and the bank at Columbia, S. C., in order to save themselves from bankruptcy. It is silly to claim that this system as operated has been equal to the emergency. In one county of my district there were advertised for sale last month 35 farms for State and county taxes. The bank at Columbia claims it has not had enough money to supply the demands. This bank went so far as to notify some of the loan associations not to make any more applications for loans. And yet we are told that $25,000,000 was all the country needed. This statement is not true. We not only need more money, but we need to vitalize, if not revolutionize, the present operations and activities of the system, particularly of the bank at Columbia, so that, whatever may be the cause or whoever may be guilty of negligence, there may be an end to the inexcusable and intolerable delay in granting loans. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. ANDERSON. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana is recognized for 15 minutes.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, criticism, ever alive, is always more active in periods of depression. When we have not got anything else to do we busy ourselves by criticising. Much criticism is heard now throughout the land, and some of it is not founded, certainly, upon fact.

I wish briefly to advert to the criticism that we hear that not enough has been done or is being done for the soldiers of the World War. I wish to invite the attention of the committee for a few moments to some of the facts of history in order that we may make comparisons, because it is only by comparison that we can have intelligent thought as to what has been done and is being done by the Congress of the United

States for the World War veterans, all of whom we respect and all of whom we desire to honor.

It was two years after the close of the Civil War before a single dollar was voted by the Congress for the benefit of the survivors of the Civil War. It was 25 years after the close of the Civil War before a pension in excess of $8 per month was granted to a survivor. To-day the minimum compensation received by a soldier of the World War is equal to what the maximum was for 25 years to the soldier of the Civil War, and after 60 years the greatest amount that a soldier of the Civil War can receive is $50, unless he establishes to the satisfaction of the Commissioner of Pensions that he is totally disabled, and then he may receive a pension of $72 per month. On the other hand, the maximum that we are to-day paying the soldier of the World War is $157 per month.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield right there?

Mr. WOOD of Indiana. No; I can not yield.

The Spanish-American War veterans for 20 years after the close of the Spanish-American War were allowed only $30 per month for commissioned officers of the rank of lieutenant colonel and higher rank who were totally disabled, and $6 per month for noncommissioned officers and privates who were totally disabled. Spanish-American War veterans are now limited to a maximum of $90 per month and a minimum of $12 per month, depending upon the degree of disability.

It may be interesting to call the attention of the committee to the amount of money that the American Congress since the beginning of our Government has appropriated as pensions and compensations:

Table showing total amounts paid to soldiers of the various wars in which the United States has been engaged from 1790–1917.

Revolutionary War	$70,000,000
War of 1812	46,094,572
Indian wars	20,017,919
Mexican War	54,471,001
Civil War	5,749,030,456
War with Spain and Philippine insurrection	76,000,000

It is well also to take into consideration, when we are comparing and contrasting the amount that has been paid by the American Government to her protectors, what we have paid in comparison with what other Governments are paying, and for that purpose I have compiled the figures showing what our allies have done in this war, as follows:

Rates of pay for enlisted men.

	Per month.
Great Britain	$11.40
France	1.50
Japan	1.78
Italy	1.58
United States (if overseas, $33 per month)	30.00

Comparative table of annual pensions of allied countries in comparison with compensation paid by United States, per annum.

TOTAL PERMANENT DISABILITY (MAN ALONE).

Great Britain (Value in United States dollars, $376.48.)	£104
Canada (Value in United States dollars, $540.)	$600
France (Value in United States dollars, $314.) francs	4,000
Italy (Value in United States dollars, $55.44.) lire	1,200
United States	$1,200

N. B.—In addition to compensation benefits above referred to, the United States also pays insurance. If ex-soldier becomes permanently and totally disabled, this policy matures and he receives such payments in addition to payments of compensation.

The allowances of various countries for the benefit of families of soldiers when they were in the war were these:

Allowances by the various Governments for benefit of families of soldiers while they were absent in the military or naval service.

	Per annum.
France	$50.14
Great Britain	202.36
Italy	11.24
United States	360.00

I now wish to invite your attention to some figures that show the operations with reference to the Veterans' Bureau and the amount of money that we have expended:

Principal operations as of Feb. 1, 1922.

INSURANCE.

Number of claims received	172,849
Number of claims allowed	150,971
Commuted value of claims allowed	$1,328,206,545.98
Amount paid in awards to date	$294,621,689.83
Amount paid out in January	$9,432,913.51

COMPENSATION.

Claims received	775,812
Claims allowed	388,069
Claims active	204,133
Commuted value of claims allowed	$13,138,758.32
Amount paid in awards to date	$310,149,692.17
Amount paid in January	$10,194,506.82

VOCATIONAL TRAINING.

1. Number of applications	508,726
2. Number entered training	138,524
3. Number now in training	104,923
4. Disbursements to date	$226,293,239.70
5. Disbursements in January	$15,012,960.75

HOSPITALIZATION.

1. Total number of admissions to hospitals to date		212,131
2. Number in hospitals:		
Tuberculosis	12,198	
Neuropsychiatric	8,833	
General and surgical	9,614	
Total		30,645
3. Disbursements for medical and hospital services		$105,655,210.91
4. Disbursements monthly		$6,500,000.00

Summary of expenditures.

Vocational training	$226,293,239.70
Insurance	294,621,689.83
Compensation	310,149,692.17
Allotments	800,947,327.60
Medical and hospital services	262,107,540.78
	105,655,210.91
Administrative	47,561,869.53
Total	1,347,336,790.52

The assumed liability of the Government by reason of insurance awards amounts to $860,154,495.65 in addition to amounts already paid.

The assumed liability of the Government by reason of the insurance awards amounts to $860,154,495.65, in addition to these amounts to which I have called attention.

Mr. LINEBERGER. Will the gentleman yield right there for one short question?

Mr. WOOD of Indiana. Make it very brief. I have not much time.

Mr. LINEBERGER. I think it is very important, and I should like to direct the gentleman's attention to the fact that a great many of these figures which he has presented are for insurance paid out, for which the men have paid.

Mr. WOOD of Indiana. I gave those figures, and it is a very easy matter to make the computation.

Mr. LINEBERGER. The gentleman has made no observation to that effect.

Mr. WOOD of Indiana. If the gentleman will allow me to proceed, perhaps I may before I get through.

Mr. LINEBERGER. The gentleman is disinclined to yield.

Mr. WOOD of Indiana. My time is very short. The United States has spent $1,567,336,790.52 for benefits for ex-service men and women; also $256,289,900 for the $60 bonus given each man on his discharge from the service. Also it has assumed a definite liability as concerns insurance awards for death and disability, exclusive of premiums received from soldiers and sailors, of $860,154,495.65.

The Government has spent and definitely obligated itself to date for ex-service men and women the sum of $2,683,731,186.17. Or in other words we have appropriated and obligated ourselves for the benefit of the survivors of the World War and their dependents an amount equal to one-half of what we have appropriated in 60 years to the survivors of the Civil War, and there were more than half as many engaged in the Civil War as were engaged in the World War.

I also want to call attention to some comparative statements showing the annual pensions allowed by different countries.

In Great Britain the total amount allowed for permanent disability is $376.48 per year; in Canada, $540; in France, $314; in Italy, $55; and in the United States, $1,200.

In addition to the compensation and benefits above referred to the United States also pays insurance. If the ex-soldier becomes permanently and totally disabled his policy matures and he receives that payment in addition to his other payments and compensations.

The United States has approved for vocational training 303,276 applications, and 104,923 are still in training. The minister of labor states that England under the labor ministry's scheme has approved 58,000 ex-service men for training and that 24,000 are still in training.

The United States has spent as much as both France and Great Britain combined for benefits in favor of ex-service men, despite the fact that the casualties of France and Great Britain were fifteen times greater than those of the United States. The English casualties were 1,400,000, with 9,000,000 men engaged. The French casualties were 1,800,000, with 9,500,000 men engaged. The United States casualties were 205,000, with 2,085,000 men engaged in warfare upon the other side of the sea. There were 4,000,000 men enrolled, but only 2,085,000 were at the front.

I have felt, in view of the criticism that is being made and continually made that the Congress of the United States is not doing what it should do for the survivors of the World War,

that it was only due to the committee and due to the country that these figures be presented and these comparisons made.

Never since the beginning of time has there been a republic more grateful to its defenders than the United States, and I hope the time will never come when the doors of the United States Treasury will be closed against the afflicted soldier, against the wounded soldier, and against those who are dependent upon them. I know that it is the duty and the desire of the generous-hearted American people that the utmost care be given to those who are in need by reason of the sacrifice made upon the altar of their country, but I do think it comes with bad grace for anyone, without knowing the facts, to criticize the American Congress and the American people as being niggardly in the treatment of those who served them on the battle front. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. BUCHANAN. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, three and seventy years ago to-day there was born in the State of Kentucky a man child who became one of the glories of his generation. One year ago to-day all that was mortal of him was entombed in his beloved adopted State of Missouri. The record of his life was fresh in the memories of all of us who are here assembled, and even his personal presence is vivid in the recollection of practically every person who sits within the sound of my voice. In view of the eminent position which he occupied in the country, and particularly in this House, and in view of the affection and esteem in which he was held by all of those who are now listening to me, I trust there may be thought to be nothing inappropriate in expressing a fond and tender recollection of our beloved friend and statesman, the Hon. Champ Clark. [Applause, the Members rising.]

Mr. BUCHANAN. Mr. Chairman, I yield 10 minutes to my colleague the gentleman from Georgia [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Chairman, in the remarks I shall make I do not intend to reflect upon the members of the Farm Loan Board, because from what I know of this board as now constituted the services they have rendered in other fields of public endeavor entitle them to fair and courteous treatment at our hands. One of the distinguished gentlemen on the board is a friend of mine, and in recent years no one who has served in this House is held in higher esteem by the membership of this body than he. But the farming industry of this country is in a deplorable condition, as we all know, and I want to do something, if I can, to help relieve the financial distress among the people in my State.

The Congress in recent years has been responsive to the needs of agriculture, and in 1916, under a Democratic administration, there was passed a law known as the Federal farm loan act that established a firm basis for the development of agriculture. If this law is administered according to the intentions and purposes of the act it will prove most helpful and beneficial in meeting the financial needs of a great many of our citizens who, unless they get relief from this agency of the Government, are desperately, and I might say hopelessly, involved. There is no need for me to tell you that the situation is serious. Reports from the daily press would seem to indicate that business in certain lines is on the upgrade, but I can speak from an intimate and painful knowledge of conditions as they exist in my part of the country, and I declare to you that they are distressing beyond exaggeration. Pick up almost any newspaper published in Georgia and you will see farms upon farms advertised by the sheriff to sell at public auction for the payment of State and county taxes, and this has been going on for months and months. These people have land, live stock, farming implements, and almost anything else but the ready cash, and they can not get that. Some may ask, "Why do they not go to the banks and private money lenders and borrow from them?" The reply is the banks have no money, and what money the private lender had was loaned out long ago, and he can not get it back. That is the situation in Georgia, and my information is that practically the same conditions exist in other Southern and Western States. Upon investigation, I have ascertained that there have been 87 State bank failures, or suspensions, in Georgia since October, 1920, and they are still closing their doors. I am actually ashamed to say how many such failures have occurred in my own district during this dreadful period of depression. And not only banks have failed, but cotton factors, merchants, farmers, machinists, individuals, and so forth, and the bankruptcy courts are doing more business than they have ever done.

We think that the rapid deflation of our national currency was largely caused by the action of the Federal Reserve Board, and this brought about a great shrinkage in the value of all farm products; therefore we feel that we are justified in coming to another agency of the Government, the Farm Loan Board, for assistance.

The Federal farm loan act is an act "to provide for agricultural development." It says:

> No loan shall be made to any person who is not at the time engaged in the cultivation of the farm or shortly to become engaged in the cultivation of the farm mortgaged.

It is clearly the purpose of the act to afford assistance to all those who comply with this simple requirement. In pursuance of the provisions of this act there have been established in different parts of the United States 12 farm land banks; and I cheerfully admit that these banks have given timely assistance to a number of persons who were fortunate enough to have their application for a loan approved. But where one person secures a loan a half dozen, perhaps, are turned down. These people are not asking charity of the Federal Treasury. They are only asking fair and equitable treatment at the hands of the Government they are helping to support.

In this connection, if you will permit, I will read an utterance made by a former Secretary of the United States Treasury. He says:

> The American farmer is not a pauper seeking alms. Neither is he a ward of the Government, to be treated as an irresponsible child.
>
> Up to the time of the passage of the farm loan act the system of farming credits in operation in this country was exceedingly cumbersome. It was so cumbersome that it would not furnish the kind of service the farmer required at any price; that is, it could not furnish loans on the long-term amortization plan. Also, the entire field of farm credits was without anything more than the most primitive, and therefore futile, regulations as to rates of interest and commission charges.
>
> After an exhaustive study of the needs of the country, and after another exhaustive study of the credit system of the European countries, Congress decided to adequately finance agriculture as a great underlying industry essential to the life of the Nation.
>
> Congress did not contemplate any petty remedy. It did not contemplate charity for the small farmer. It did not contemplate a special privilege for the big farmer.
>
> But Congress did contemplate establishing a practical system of rural credits by which the farmer would be enabled to secure as a right—not as a favor—adequate funds at reasonable rates.

I will quote briefly from a speech made in the Senate February 3, 1922, by Hon. DUNCAN U. FLETCHER, of Florida, who, I understand, originated the scheme or plan embodied in the act I have been discussing. On that occasion the distinguished Senator spoke as follows:

> The system was intended as a system of farm finance, based upon the cooperative principle, to be controlled by the farmers, managed by them, and independent of private capital and independent of political influence.
>
> Conclusive evidence has come to me to the effect that although the needs of the farmers of the country have never been as great as they are to-day for the use of the facilities provided by this act they have been denied the benefits which they were entitled to have and should have had if the act had been allowed its proper scope and function and operation.

A ready and plausible excuse can always be given by those selected to administer the law when they are called upon to give a reason why a certain application for a loan has been denied. To illustrate, the Farm Loan Board have been contending and still contend that sufficient funds are not available to accommodate all those who applied for loans, and for that reason they separated the borrowers into three classes. First, the farmer who lives on his farm and is engaged in no other occupation except cultivating the soil; second, the farmer who lives in a town or city, but is engaged exclusively in agriculture; and, third, a person while engaged in agriculture is engaged in other business enterprises in addition to that of farming. Those in the first class have been given preference in passing upon application for loans, and I can find no objection to this arrangement. But I want these farm land banks to accommodate every farmer who can furnish the security for a loan and comply with the provisions of the law. And that is the purpose of the farm loan act. It was not intended that these banks should single out a person here and there for a loan and turn the rest down because funds are not available. In the United States there are 6,449,242 farms. Of these, 3,924,851 are operated by the owners, 68,512 by managers, and 2,455,879 by tenants. The value of these farms, as shown by the last census, is a little over $54,000,000,000, and the value of the improvements thereon is over $11,000,000,000, making a total value of farms, with improvements, of over $65,000,000,000. It has been nearly six years since the farm loan act was passed and yet there has been loaned to the farmers of the whole country only $573,666,713—a mere pittance, a drop in the bucket compared to the actual needs and the value of the security they have to offer.

Under the act the money which is loaned to farmers is obtained by the sale of farm-loan bonds, which are issued upon the authority of the Federal Farm Loan Board, who are clothed with wide discretion and broad powers in issuing them. One trouble in administering the law has been the timidity,

you might say, of the members of this board in offering these bonds to the investing public for fear they would not be readily absorbed. And the members of this board have given that as a reason why loans have not been made in greater numbers to the farmers throughout the country. Only a few days ago, I understand, this Farm Loan Board, with some degree of trepidation, had issued and put upon the market $70,000,000 worth of bonds, and they were subscribed for in less than two days. I am trying to impress upon the Members of this House and upon the country that it is the solemn duty of this board, clothed with such broad discretion and almost unlimited powers, to exercise that discretion less grudgingly, and to have and to hold available at all times the funds necessary to supply the needs of the people this law was intended to benefit. Every day's delay puts out of business some good farmer who ought to be helped, and this is no time to procrastinate and experiment with this legislation. The law has ample safeguards to protect the Government, and I say let the Farm Loan Board sell enough bonds to take care of all the applications that ought to be approved, and in this way they will effectually administer an act of Congress that was made to serve a good purpose in a time of great need. [Applause.]

Mr. HARDY of Texas. Will the gentleman yield?

Mr. OVERSTREET. Certainly.

Mr. HARDY of Texas. Is it not true that if the bonds were issued to supply the market and the demands of all the landowners, that would help to increase the supply of a circulating medium, and indirectly in that way also lead to an added price of commodities?

Mr. OVERSTREET. It would greatly increase the supply of a circulating medium, because they would lend the money out to the farmers and that would materially help the circulation.

Mr. HARDY of Texas. That would again inure to the benefit of those who have things to sell, to the farmer, and thereby tend to elevate the market price and thus relieve the stagnation to some extent.

Mr. OVERSTREET. I think that would furnish considerable relief. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. WASON. Mr. Chairman, I yield seven minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and Members of the House, I have asked for a few minutes to address the House at this time on a question which I believe of great national importance to the people of our country. The newspapers of Monday, February 27, published articles relative to the action taken by the executive council of the American Federation of Labor in attacking the Volstead law and calling upon the voters of the country to support only such candidates for Congress who would pledge themselves to the modification of the prohibition enforcement law in such a way as would permit the manufacture and sale of wine and beer.

Upon this question the statement of the American Federation of Labor council is as follows:

> We urge, therefore, that all citizens in every walk of life demand from their Representatives and Senators in Washington immediate relief from the restrictions contained in the Volstead Act, bearing in mind their attitude toward this issue in the coming election in order that there may be restored to the people light wines and beer.

INTERESTED IN LABOR LEGISLATION.

I have taken a great interest in the activities and efforts of the American Federation of Labor on behalf of the working people of the country, and while I have not at all times supported their views on legislation, yet I believe that my record in Congress will show that I have tried to be fair upon all legislation for the benefit of those who labor.

As one who has been a member of a labor organization for the past 20 years I can not subscribe to the action of the executive council of the American Federation of Labor in asking for the modification of the Volstead Act in order to permit the sale of wine and beer, and I believe that my attitude will be approved by a very large proportion of the men and women who are affiliated with the labor organizations of our country.

Mr. Chairman, I wish briefly to take up point by point the reasons given by the council of the American Federation of Labor in demanding the manufacture and sale of beer and wine. The council's action is based on the following claims:

1. A GENERAL DISREGARD OF THE LAW AMONG ALL CLASSES OF PEOPLE, INCLUDING THOSE WHO MADE THE LAW.

In answer to statement No. 1, I reply by saying that prohibition has not made liquor dealers lawless. They have always been lawbreakers. They started the whisky rebellion in 1794, and have been in rebellion against the Government ever since. The statement that those who made the law have great disregard for it is not borne out when we remember that recently both Congress and State legislatures have strengthened the prohibition law. Those who opposed prohibition in and out of Congress have for the most part kept up their fight against it.

2. CREATION OF THOUSANDS OF MOONSHINERS AMONG BOTH COUNTRY AND CITY DWELLERS.

Of course, everyone knows the moonshiner was on the job before prohibition. When the first revenue laws were enacted the moonshine business throve in order to furnish liquor without paying the tax and that the makers might make an easy living out of the liquor business. The increased value of whisky now may induce an increased number to engage in the hazardous business. If we are to repeal a law, however, because some people break it, every law on the statute books will be repealed. It must be remembered also that many of these moonshiners are criminals of other classes and transferred their efforts to this line because it proved more profitable.

3. THE CREATION OF AN ARMY OF BOOTLEGGERS.

Mr. Chairman, the bootleggers and the moonshiners are not as a rule creations from heretofore law-abiding citizens. They are former liquor dealers or criminals in some other line of activity. The reason why the bootlegger is so conspicuous is that selling liquor is a crime. When we had the licensed saloons statistics show that in many States there were more illicit dealers than in the same States after they voted for prohibition. The illicit dealer under license was not fought aggressively by the temperance people, because his suppression only meant more sale for the regular dealers. The regular dealer was afraid to oppose him because he feared the outlaw would retaliate on him. Nearly every one of the liquor dealers violated some regulative law.

4. AN AMAZING INCREASE IN THE TRAFFIC IN POISONS AND DEADLY CONCOCTIONS AND DRUGS.

Investigations show there is no evidence that there is an increase in the use of drugs due to the prohibition of liquor. Prohibition has not increased narcotic-drug consumption, is the verdict of the narcotic officials who were asked by Commissioner Haynes to investigate the subject, and in this they are corroborated by Miss Rose Rosenberg, woman district attorney of New York, who recently declared:

> Since prohibition there is a great decrease in the number of women appearing in the police courts. Less of them spend their evenings in barrooms or drug joints. Even some of the hardened women are dropping from the notice of the police, and we attribute this to the difficulty in obtaining both liquor and drugs.

Dr. Doane, of the Philadelphia General Hospital, is reported to have said:

> I have made a point of asking all drug patients if lack of alcohol has turned them to drugs, but have yet to find such the case. I can say positively there has been no increase in the use of drugs since prohibition.
>
> Alcoholic drinkers have not become drug addicts—

Is the testimony of William L. Woodward of a large Portland, Oreg., drug concern.

Commissioner Haynes says:

> Our experience clearly indicates that those who sought alcoholic stimulants do not turn to drugs.
>
> It has not been proven there is any connection between the dope habit and alcohol, nor has the eighteenth amendment caused an increase of addicts.

5. AN INCREASED RATE OF INSANITY, BLINDNESS, AND CRIME AMONG THE USERS OF THESE CONCOCTIONS AND DRUGS.

Of course, there is much blindness and probably some insanity caused by drinking bootleg whisky and denatured alcohol. The number of deaths from alcohol in most places has not increased in spite of the death of the unfortunate victims of wood alcohol. In New York City in 1917 deaths from alcohol were 569; in 1921, 119. These fatalities from wood alcohol are slowly teaching the people the dangerous character of liquor. With all of these deaths from wood alcohol, however, there is not one killed to-day by it to where half a dozen died through the use of liquor under the license system.

6. INCREASE IN UNEMPLOYMENT DUE TO LOSS OF EMPLOYMENT BY WORKERS IN 45 INDUSTRIES DIRECTLY OR INDIRECTLY CONNECTED WITH THE MANUFACTURE OF LIQUORS.

Mr. Chairman, a large number of these factories, breweries, and distilleries are now used for legitimate business.

At least 90 per cent of former saloon, brewery, and distillery property has been converted to legitimate uses. For example: National Capital Brewing Co., Washington, D. C., now Carry Ice Cream Co.; House of Correction, Ipswich, Mass., now a shoe factory; Coors Brewery, Golden, Colo., now making malted milk; Lone Star Brewery, San Antonio, Tex., now cotton mill; at New Orleans one brewery is now operated by Farmers' Co-

operative Rice Milling Co. (Inc.), and another brewery plant has erected a four-story chocolate products manufacturing plant and is planning to convert its brewing plant into fruit and vegetable dehydrating plant; the Manila-Anchor Brewery, Dobbs Ferry, is being run by Pacific Trading Corporation, which manufactures butter substitute; the Wahl-Henius Institute, Chicago, formerly devoted to research in connection with brewing industry, purchased by American Institute of Baking for research work; in New York City three famous old cafés have been leased by Nedick Orange Drink Co., they are Bridge Café, old Easter Hotel, and Miller's Café; Sherry's Restaurant, New York City, has become a candy shop.

Many of these places are reported as employing more men than before being converted.

7. INCREASE IN TAXES TO CITY, STATE, AND NATIONAL GOVERNMENTS AMOUNTING TO APPROXIMATELY $1,000,000,000 A YEAR.

Oh, yes; it is true there has been some loss of revenue. The people understood this when they prohibited liquor. They reached the conclusion that it is just as bad for the Government to take money from a business which debauches the people as it would be for a parent to take money from an individual who would drunkardize or debauch a member of the family. We can not build a great Nation out of blood money. There are many compensations for the loss of the revenue: less drunkenness, less crime and misery coming from the drink craze; increased wealth, health, and happiness.

WORKERS VOTE DRY.

Mr. Chairman, it is not the working people of our country who are clamoring for the return of the liquor traffic. It is a known fact that during the last six years whenever the question has been voted upon in industrial States and the great manufacturing centers, prohibition of the liquor traffic has been sustained by increasing majorities.

Some time ago the Literary Digest desired to learn the attitude of the workingmen regarding prohibition and sent out a questionnaire to labor leaders in the different States of the Union. The question asked was:

HAS PROHIBITION BEEN A BENEFIT TO THE WORKINGMAN AND HIS FAMILY?

Replies came from every State in the country, and 345 of the spokesmen of labor who replied stated unreservedly that prohibition has been a great benefit to the workingman and his family. Only 143 were of the opposite opinion.

I desire to read one or two of the answers submitted by union labor officials to the questionnaire:

STRONG FOR PROHIBITION.

One Washington union official declares that he has worked for prohibition in that State for 20 years and that his organization is unreservedly for prohibition. A Pennsylvania secretary claims that prohibition has been a great cause for clear thinking among the workers, and another Washington district organizer tells us that prohibition has developed independence in the worker.

An Illinois secretary says that he is not a "dry man," but that it is his honest conviction that "booze will ruin the best of men," and another Illinois union official from a coal mining community gives as his interesting opinion the fact that in that vicinity they attribute the success of the coal miners' negotiations to the fact that prohibition was the rule. "It kept men's brains clear and kept a little money in their pockets while the negotiations were going on," he adds.

A Kansas official tells us that his organization believes that prohibition has been a benefit to workingmen and their families. Out in Montana, where "bad booze brings 50 cents a drink," a union secretary favors us with the following interesting news:

HOW "WETS" WORKED.

"During the prohibition fight certain officials of labor unions, at the instigation and in the pay of the 'wet' interests, campaigned the State in autos, proclaiming that they represented a certain number of union men and women who were opposed to making Montana dry.

"Other members of the same unions, in several instances, inserted advertisements in the daily papers to the effect that the campaigners were representing nothing but their own interests and the interests of the persons who were financing the propaganda work."

From Texas comes the theory that "with booze gone and reason restored" the era of unrest will soon pass, while other union secretaries in New York and Michigan give identical statements to the effect that "since prohibition is in force the workers are capable of clearer thinking and do more of it. Consequently, the labor movement is sure to advance as private stocks and 'bootleggers' decrease." A Massachusetts secretary tells us that "money which formerly bought whisky is now buying happiness for the workingman's family."

GLAD TO VOTE DRY.

"Prohibition now, henceforth, and forever!" is the slogan of a New Orleans union official, and a Florida secretary declares emphatically that prohibition has been a benefit to workingmen and their families, and thanks us for the opportunity of voting. From Iowa comes detailed reasons why the majority of the executive board of the State federation of labor favors prohibition:

"Prohibition has been a benefit to organized laboring men and women. Trade-union activities are directed principally along two lines—the securing of better wages and working conditions, and legislation that will be beneficial to labor.

"If a union is to be successful in bettering the condition under which its members work and increasing their wages, it is necessary that the membership give the organization their cooperation and support. This can be done in no better way than by attending the meetings and taking an interest in affairs. Practically all business of the union originates in the meetings. In the days when the union meeting was competing with the saloon for attendance it was usually the rule that the saloon was more attractive to some than the union meeting. This fact alone deprived the union of a number of men who would have been active workers and whose counsel would have been beneficial. Many of the best workers we have in the trade-union movement to-day were a few years ago taking little interest in union affairs. You ask about their families. I take the position—and it is not original—that anything that is of real benefit to the workingman is of equal benefit to his family. I believe that a dollar invested in the home or for food or clothing is better for the family than the same dollar invested in liquor would be.

"Before prohibition became effective the wet and dry issue entered into nearly every political campaign in the Nation, State, county, and municipality. The result was that a great number of laboring men voted for a candidate who was wet or dry and paid little attention to his attitude on questions which were of vital interest to laboring men and women. It was a difficult matter to get laboring men to unite on a candidate who was fair with labor, as they were usually split by the injection of the wet and dry issue. We have now eliminated this question, and it will be easier to get our own membership aligned with candidates for public office who are fair when labor legislation is being considered. I believe that the future elections will show that to be a fact."

FAMILIES BETTER FED AND CLOTHED.

"We are now building homes for families and children with the money which we used to spend for whisky, and our families are better fed and clothed," asserts a California union official, and a Colorado secretary echoes this sentiment.

"God bless our prohibition leaders!" cries a Louisiana union official; "prohibition is a blessing to the workingmen of America." A Maine secretary believes that prohibition "protects the weak man or boy not only from himself but from his friends; it is making new men out of derelicts every day," he adds. One secretary from Massachusetts, who is for prohibition nevertheless, protests against the "bitter hop beers sold since 1914," and another Massachusetts union official "hankers for his beer," although he admits that "prohibition is doing a lot of good." The desire for beer is echoed by many other officials in different States, although each agrees that whisky and brandy should be under the prohibition ban. One secretary in Missouri, who represents 225,000 members, tells us that the majority are in favor of prohibition, and another Missouri assistant chief of police declares that "the more the workingmen see of prohibition the better they like it."

WHISKY A CURSE.

"Whisky has been a curse to the workingman," declares a New Jersey union official, and a New Hampshire secretary is glad that prohibition is being enforced, and asserts that it will "improve the morals of the workingman and raise his standard of living." Another New Jersey secretary votes for prohibition "with reservations," and believes that our digest "will lead to a better understanding of this important question, and that in handling it you will have accomplished a great work." Says this man, who tells us he represents the attitude of the majority of the 50,000 workers in his organization:

"There can be no question but that prohibition is beneficial to workingmen and their families. Still its enforcement appeals to our men as an infringement on their personal liberties. It also seriously affects thousands of workers who for years have made their living in breweries, saloons, and kindred places. Some of these men may be able to adjust themselves in new employments in many instances, while others will find it next to impossible to do so. We find that our men want prohibition for their children, but not for themselves."

SALVATION OF UNION LABOR.

"Prohibition means the salvation of union labor," we are told by a business agent of the Shipping Union of California, and a Montana secretary submits the interesting fact that 6,000 workingmen in his State voted themselves dry and would not care to go back to the old conditions. "Many notorious drunkards have paid up their debts and are now well dressed, happy, and contented," he adds. "The passing of the saloon is welcomed by all," agrees a New Jersey union official, and a New York secretary declares that its passing has meant to the laboring man "better health, a happier home, and more comforts for his children."

We are told by a union secretary from New Jersey that "outside the Declaration of Independence the prohibition amendment is the best thing that has happened to this glorious country." From Alabama, Illinois, Washington, and Massachusetts come statements to the effect that crime has decreased during the era of prohibition. A union official of Portland, Oreg., declares that while the organization of which he is the secretary is made up of Greeks, Italians, Turks, and Negroes, "they are unanimously for prohibition." A Montana secretary tells us that 95 per cent of the organized workers are benefited by prohibition, and a Washington secretary of an international union wishes to go on record as saying that "prohibition has been one of the greatest blessings to the workers, and that they are truly grateful for it." In conclusion, he adds, "in making this statement I speak for the great majority."

THE REAL PURPOSE.

Mr. Chairman, what is the real purpose of the agitation for light wine and beer? It is nothing more nor less than an attempt to resurrect the legalized liquor traffic, with its inevitable trail or misery, waut, and crime. It would be only the opening wedge. If beer and wine are only the harmless beverages that their advocates claim, does anybody honestly think that those who crave intoxicating drink would be satisfied? Of course not. They would still insist on their whisky, their brandy, and their gin.

How could the sale and distribution of beer and wine be regulated? Is it proposed to permit the traffic in these liquors indiscriminately in public places, restaurants, hotels, and cafés, and throw the cloak of respectability about the business, thus making it an even greater temptation to young men and women than the old-time saloon? Is it proposed to permit the sale of beer and wine over the grocery-store counter and encourage the use of alcohol in the homes?

No; this Nation knows that the liquor traffic can not be regulated. Years of experience all over the country have proven

that. It always has defied the law of the land, as much or more before prohibition as since. Traffic in beer and wine would only vastly increase the opportunity for the sale and use of illicit hard liquors and bootleg whisky. The country would be far worse off from the standpoint of prohibition enforcement than it is now even if the present laws are being violated as generally as the advocates of beer and wine contend. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUCHANAN. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. STOLL].

Mr. STOLL. Mr. Chairman, the condition of the country since the close of the World War, and the slowness with which we have returned to normal conditions, have been cause for deep concern to all. While a reaction was due to follow this cataclysm that affected the world, it was confidently expected that America would be able to rapidly readjust herself. But this was an error. Unfortunately, at the close of the war and since, the Congress has been in control of the Republican Party and the policies pursued have been both ill timed and ill conceived. It has been a case of the blind leading the blind. The country has continued to grope its way in darkness through a labyrinth of business depression and general confusion, and our ship of state has been as an unmanned barque on an unknown sea. The Republican Party, true to form, set out to legislate for the special interest, unmindful of the crying needs of the masses, with the result that the country is still suffering, and as yet no relief is in sight. Great promises were made, the so-called great minds were called into conference, a great hue and cry were made to chase away the bugaboo of hard times, the Congress was called in extra session, and with great ado and pomp proceeded to do nothing.

The people are dissatisfied, millions are without employment, financial ruin is staring hundreds of thousands in the face, chaotic conditions are existing in many sections, our strong young men who answered the call in time of war and fought our battles beyond the seas are apparently forgotten and many are unable to get employment.

In the meantime the country is suffering, and it will continue to suffer until Congress turns its back on the insistent demands of the special interest and seeks to find a solution of the troubles of the great mass of the people who are murmuring under their present-day burdens.

In seeking to find the real problems that confront us and the proper solution of them we frequently go far afield in our search, and oftentimes undertake to remedy a supposed trouble of the body politic before we ascertain the truth concerning it. A country as big as ours of necessity has manifold resources, and the development of these various resources makes many problems. There are problems peculiar to different sections of the country, and they each in turn present problems, some small and some large, some local and some national.

It is the duty of the Government to promote certain commercial or business activities for the common good, and it is equally the function of the Government to regulate certain commercial or business activities for the protection of the Government. For instance, any business that grows so big that it absorbs all competition and arbitrarily undertakes through its monopoly to control trade for its own selfish ends and to the detriment of the masses of the people should properly be regulated by the Government through salutary laws. This is supposed to be a Government of the people, and as such should so function year by year as to make possible living conditions that guarantee a prosperous and happy people, and which compel all agencies that function under it to stay all operations that work an injustice on the whole people for the benefit of the few. Interference by the Government with private business is not desirable and should only be done when the public welfare demands it; but when it becomes necessary to do so to safeguard the interest of the people, then we should not hesitate to act. This Government must be kept a Government of the people.

In order to keep this a Government of the people and at the same time make possible a minimum regulation of private business it is necessary for the Government to promote certain commercial or business activities for the common good.

There is a particular business that needs attention and which has long been neglected that I desire to call to the attention of the Congress, with the hope that some efforts will be made to establish a new basis on which it can be operated. I refer to the business of farming. There are some who are always ready to decry any legislation that refers to this particular interest, on the ground that it is class legislation. This is untenable. The farming interest is so large that it touches every other industry and directly affects every individual.

I can not conceive of legislation that benefits the farming interest that can be unfair to the balance of the people of the country. Agriculture is not sectional; if the farmers are prosperous, the balance of the country will be prosperous also; and legislation which helps the condition of the farmer helps also the rest of the country, and therefore can not be properly designated as class legislation.

The census of 1920 gives some valuable information relative to our agricultural operations, and it is advisable for those whose business it is to legislate to study this most interesting compendium. In it we find that there are 6,448,343 farms in the United States. By "farms" is meant a given acreage of land which is farmed by one person directing agricultural operations by his own labor or by assistance of others. A farmer, according to the census definition, must direct the operations of his farm, and does not include owners of farming land cultivated by others under rent contracts. Of these farms 3,925,090 are operated by owners, 2,454,804 by tenants, and 68,449 by managers.

The total acreage in farms in 1920 was 955,883,715 acres, and of this 503,073,007 acres were classified as improved land. The average acreage per farm was 148.2 acres. The value per farm is fixed at $12,084. It is interesting to note that of the total number of farms 796,535 have an average of less than 20 acres each, that there are 1,508,732 farms with an acreage between 20 and 49 acres, and that of farms with acreage of 50 to 99 acres there are 1,474,745. This means that of all the farms in the United States more than one-half of them, or to be exact 3,775,012, are small farms of less than 100 acres, and that of this number 2,300,267 are farms of less than 50 acres. In other words, more than one-third of the farmers of the United States are small farmers, and tend less than 50 acres of land. It is also worthy of note that there are 261,719 farms that are operated by females, and that of the total number of farms in the United States in 1920, 76.3 per cent were operated by native white farmers, 9 per cent by foreign-born white farmers, and 14.7 per cent by colored farmers.

Of the total farms in the United States operated in 1920 by their owners, 1,416,306, or 37.2 per cent, were mortgaged, while in 1910 census 33.2 per cent were reported as mortgaged. These figures do not include the farms operated by tenants of managers; if these were included it would probably bring the per cent of mortgaged farms up to about 50 per cent. Of the total number of farmers reporting a mortgage, only 1,193,047 gave the amount of the debt, which in the aggregate amounted to $4,003,767,192. On this same property the value was placed at $13,775,500,013, showing the property to be mortgaged to about one-third of its value.

These statistics show how big the farming industry is, how necessary it is to the Nation, and the general condition it is in, and it behooves the Congress to consider it the first big business of the country and to treat it accordingly. When we stop to reflect that there are nearly 6,500,000 individual farmers in the United States and there are more than 12,000,000 men who are engaged in this work; that the permanent investment of these farmers in land and equipment amounts to approximately $80,000,000,000, and that the output of these farms is worth $25,000,000,000 annually, can we longer dispute the right of the farmer to demand the necessary legislation to safeguard his interest?

To properly equip his farm so as to successfully produce the soil crops and raise his live stock, the farmer must annually purchase great quantities of manufactured material, and to enable his family to enjoy the comforts to which they are entitled he must purchase on the open market wares and merchandise of all kinds. This means, in the aggregate, an expenditure of many billions of dollars. For the farmer to purchase on the market as his needs require, he must be prosperous. And to be prosperous he must get a fair price plus his cost in putting his products on the market, otherwise he will have nothing with which to buy, and in the proportion that he fails to realize a profit on his produce the general business of the country suffers.

In considering the business of farming there are three primary questions that must be given consideration, namely, production, transportation, and marketing. Neither of these questions have been given the attention to which they are entitled. They are interwoven each with the other and bear on the general question so proportionately that each must be solved in order to reach the farmer's basic trouble. And until it is done we need not expect peace, happiness, and contentment to abound; when solved we may expect an era of unprecedented prosperity.

The first problem that confronts the farmer is production. He must produce intelligently and economically. In other

words, he must produce that for which there is a market; he must produce only in such quantities as the market requires; and he must produce as economically as possible.

In considering the question of production, if we give it intelligent consideration, we must take notice of irrigation and drainage, both of which are most important adjuncts of cultivation. One of the greatest expenses of farmers is the failure of his farm to produce. To prepare his soil, plant and cultivate, and then fail to make a crop is most disastrous, yet it frequently happens, and in this way heavy financial losses annually befall the farmer. There is uncertainty as to what the yield of his fields will be, as he has to depend entirely upon what the seasons will be. In certain sections there is too much moisture, and in other sections there is too little. It is, therefore, of paramount importance that the dry zones should be irrigated and the moist zones should be drained. If this is done, the farmer can plant with a reasonable assurance that he will get a fair yield. To irrigate and drain properly there must be Federal aid. Already forward steps have been taken in irrigating the arid areas of the West, but to date nothing has been done to drain the fertile lands that are now useless for cultivation because of an excess of moisture. In the South nothing has been done by the Federal Government to aid in making the swamp lands fit for agricultural purposes, while in the West the Government has been reclaiming arid lands by irrigation for two decades. In the South there are millions of acres of swamp and low lands that are now unfit for cultivation that would be the most productive of our farm lands if properly drained. In my own district there are thousands upon thousands of acres of land that do not yield revenue sufficient to pay the taxes on it, and yet this same land if drained would produce abundantly. Our rivers are as crooked as the proverbial ram's horn, and so sluggish that they fail to act as drainage basins to any appreciable extent. If these rivers were straightened and the beds lowered a few feet they each would drain great areas that are now useless swamps.

The real problem of reclaiming our swamp lands by drainage is a financial one, and the Federal Government is the only source from which adequate aid can be secured. To drain successfully large areas must be included in any given drainage basin, and this means large expenditures, so large in fact that few drainage projects in my section have been successfully financed. The average drainage district in South Carolina, in which a small creek is the drainage basin for the area to be drained, the average cost is about $20 per acre. To drain 50,000 acres means, therefore, an expenditure of $1,000,000. This presents a financial problem not easy to solve, and unless provision is made for Federal aid, by which the landowners can borrow the necessary money from the Government on a plan that permits amortization to extend over a period of years, these swamp lands will ever remain as they now are—a liability rather than an asset to the farmers who own them.

And in this connection I desire to call attention to the Bankhead bill, H. R. 6048. Under the provisions of this bill a great forward step would be taken in developing our natural resources, and would make possible the drainage of thousands of acres of land that are now useless, but which once drained would prove among the most fertile lands known to agriculture. To my mind it is most expedient at this time to enact such legislation. To reclaim our rich lowlands would make it possible for the farmer to produce at a reduced cost of production. He could plant with more definite ideas of what his yield would be, for with drainage his hazards would be materially lessened. Not only would the farmer be benefited but the country at large would also be benefited in the general prosperity incident thereto accruing in the savings in cost to producer and in cost to consumer.

It is rather remarkable that our Government has given so little attention to drainage, and it is as inexcusable as it is remarkable. Drainage statistics were gathered for the first time with the taking of the last census. Only 5.5 per cent of all the lands in the United States is provided with sufficient artificial drainage to benefit it for agricultural purposes. To-day 40,000,000 acres of our land need drainage. And yet the question is not apparently receiving serious consideration, despite the fact that the average cost of draining in the United States is only $8.64 per acre as against $26.80 per acre for irrigation. The value of the crops raised on irrigated lands of the West in 1919 was $930,000,000, or an average of $78.41 per acre. With the climate of the South and the natural fertility of its soil as factors the drainage of its lowlands is a better agricultural proposition than is irrigation of arid lands, and it is a crime that its sectional location should have caused Federal aid to be denied all these years to the most fertile, if drained, agricultural lands in our country.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. STOLL. Yes.

Mr. ARENTZ. Would it not be well for the gentleman to mention the fact that in addition to the cost of six dollars and some odd cents for drainage, in the lands of the South, there is also a clearing charge which must be met and which is a much larger item than even the cost of drainage?

Mr. STOLL. That is true, but that is a question which will solve itself.

Mr. ARENTZ. That must follow the drainage, because without clearing the drainage would do no good.

Mr. STOLL. Oh, there is a great deal of land that needs drainage, that is already cleared—a great deal of it.

Of all businesses farming is the biggest and it is also the most important, and yet it is the most loosely run. The farmer takes more chances, does more disagreeable work, works longer hours, takes less vacation, undergoes more hardships, gets the minimum of thanks for what he does, is given more promises, is humbugged by more people, swindled more in the marts of trade, and gets less for his year's work than any other business man in the world. And there is a reason for it. Scattered here and there throughout the country he plants, cultivates, harvests, and markets his produce almost wholly independent of his fellow farmers. As a result they are unconsciously antagonistic one to the other and frequently what one does is detrimental to the interest of his neighbor. The great majority of farmers plant without any knowledge of what the market conditions are and without any idea of what will be realized in money from the sale of their produce. There is absolutely no system among them and the law of supply and demand is utterly ignored, primarily because of the farmer's isolation from his fellow farmers and his inability to obtain the necessary information on which to plan and work out successfully these economic problems.

A farmer plants for two purposes—to supply his own needs and to exchange his surplus and raw material crops on the markets for its equivalent in money. He plants with the idea of selling the bulk of his produce on the market. Our lands are fertile, our farmers hard working, and the crops raised by them are abundant, and yet the great majority of our agriculturists are needy and very few really make any money. At best the average farmer gets only a poor living for himself and family. To-day farming is not a profitable industry. That this is the case shows that there is something radically wrong.

The question of farm production is one that should receive our most serious consideration. It is not merely a question for the individual farmer, but it is one for the Nation. It is too big a proposition for the individual farmer or a group of farmers to undertake to solve. The individual producers of a given farm product can not even begin to solve the problem of production, and even one State of a belt of States that grow a certain farm product can not of itself successfully solve it. There must be a united effort of all growers of a given product along stated plans in order to effect any results. Of all businesses farming is the only one where billions of dollars worth of stuff is placed upon the market every year without any thought as to the demands of the markets. Farmers alone blindly produce, blindly throw their produce on the market, and blindly accept the buyer's price as the market value of their produce. Manufacturers of leather goods, cotton goods, woolen goods, farm implements, and so forth, manufacture according to orders received for their product or upon accurate knowledge as to what supply the market will demand. A farmer plants his crop without knowledge of what the supply on hand is and not knowing what the demand for his product will be. He just trusts to luck and plants. If the seasons are bad generally for a given belt and the yield is small, perhaps he realizes a fair price for what his farm produces. But if it is a good crop year, and usually it is, he finds that there is an overproduction and he is forced to sell for what he can get, and frequently finds out that he can not sell at all. But even when he can find a market he frequently has to sell at a price that is below the cost of production, and he gets no interest on the money he invested in his farming, no wages for the work that he did, and often finds that his capital is impaired as a result of his year's farming.

For the farmer to get what he is rightfully entitled to there must be some new rules in his economics. For a farmer to be a business success he should realize a sum that would represent a fair interest on the money he has invested in farming lands and equipment; a sum that would represent a fair wage for his daily labors, and then a sum that would represent a fair profit on the output of his farm. He is entitled to this, and when he fails to get it, his business can not be considered successful. As it is, however, the average farmer does not even get a profit on what

he sells. There are many expenses incident to planting, harvesting, and marketing a crop, or to raising and marketing live stock, or to producing whatever goes to the market from the farm, and the farmer should get a reasonable profit above what it cost him. To do this there is one eternal law of economics that must be observed, and that is the law of supply and demand. To realize a fair price there must be a healthy demand, and in proportion that the supply is greater than the demand in that same proportion will the price decrease.

To observe the law of supply and demand there must be some source that will give information and intelligent direction to the farmer. This can not be done successfully by county or State bureaus because its scope is too restricted. Therefore, if it is done, it must be done by an agency of the Federal Government. It is the duty of the Congress to establish such an agency and see that it functions properly.

The second problem of the farmer is transportation. There is little demand for a farmer's produce on his farm; he must get it to the market, and the transportation of his produce is one of the most serious of his problems. There are three methods of transportation. The first is to the local market over the county highways; the second is over the railroads; and the third is over the waterways.

The highway that connects the farmer with the local market and shipping point is very important, though in this discussion it is secondary. It is sufficient to say that the aid that the Federal Government is giving to the States in building its highways is giving a great impetus to road building, and that if the progress that has been made in the last few years continues we will soon have comparatively good roads throughout the Nation. By all means the present policy of Federal aid to the State highways should continue, and every effort made to encourage the States to build permanent roads.

Rail and water transportation is a more serious problem and one which should receive immediate attention. The policy of our Government to foster the railroads to the detriment of the waterways has proven most disastrous. I am not hostile to railroads and am not adverse to legislation to aid them in solving their transportation problems, but I am unalterably opposed to the present policy of strangling inland water transportation in order to give the railroads a monopoly. Nature has given us many rivers that could be made navigable and which would give outlets to isolated sections and make possible a general development. In many sections profitable water transportation can be acquired by canals, and on the Atlantic seaboard, from Maine to Florida, untold development is possible through the perfecting of the intracoastal waterway projects. By cutting a few short canals, notably connecting Conway, S. C., with Wilmington, N. C., and Georgetown, S. C., and Charleston, S. C., inland transportation by water would be possible from the Gulf to New England. This would mean the cheapest possible transportation, and the freight rates which are now so prohibitory would of necessity have to be reduced by the railroads.

Water transportation by means of light-draft boats would be most economical. While it would be slower than by rail, the economy of it would make it worth while. Nonperishable goods can be shipped as well by boat as by rail, and the saving that would result in this cheaper mode of transportation would revolutionize business. To continue our present policy of neglecting our waterways in order to give the railroads a monopoly of the freight of the country is suicidal. Our inland waterways should become great carriers of freight, and if sufficient appropriations were made to open these natural highways of commerce between the States and protection withheld from the railroads in discriminating rates one of the country's real problems would be solved.

One of the principal causes that brought about the bankruptcy of the farmer is the high freight rates that they have been compelled to pay the railroads. It is estimated that the farmer purchases almost 50 per cent of all products of this country, and that they furnish about 40 per cent of the transportation. With the farmer buying and selling this large per cent of the country's produce, and having to pay the confiscatory rates that are now charged on all freight shipments, there is no wonder that he has reached a condition that borders on collapse. One cheek of the farmer is slapped when he buys and the other cheek slapped when he sells, and now he has no other cheek to turn, and from now on he is proposing to fight it out with all who conspire to his undoing. The farmer is in reality the foundation of our national prosperity, and in proportion that he is depressed in the same proportion will the country be depressed. He can not prosper when the railroads are paid more for hauling his produce than he receives for producing it. As it is, he is a vassal to the railroads. The Congress should act, and the most direct way to remedy the existing wrongs of interstate transportation is by developing our inland waterways.

While the development of our inland waterways is most important and its direct bearing on interstate and intrastate commerce can not be overestimated when considered from the viewpoint of the interest of the producing and consuming masses, still, to get the relief that the country is entitled to, the railroads must be compelled to adjust their freight rates. Farmers who specialize in truck, dairy products, and so forth, must rely on the quick transportation that the railroads furnish, for perishable stuffs must of necessity get a quick market. But it is poor business to both the farmer and the railroads for the freight and express charges to be greater than the selling price of the commodity, for when the farmer pays more freight than his product is worth he will quit shipping, and in the same proportion will the business of the railroads decrease. It is therefore urgently necessary that something be done at once to lower the tariffs that the farmer has to pay on freight shipments. Once the question of transporting the produce of the farmer to market on a fair and equitable basis is solved, a great barrier that now obstructs his road to prosperity will be removed and the first forward step in reducing the high cost of living will have been taken.

For the farmer to really prosper he must not only be assisted by the Government in producing economically and in accord with the law of supply and demand and in getting his produce to market at a reasonable cost, but he also must be assisted in marketing his produce in a business way. And the only way to do this is on a cooperative marketing plan. For this to be done successfully by the farmer it is necessary for the Federal Government to assist. Loans must be made available to cooperative marketing association so as to properly finance them. Farmers' marketing associations are not incompatible with the common good, for they can be so regulated as to protect the consumer. To the farmer they are absolutely necessary if he ever expects to sell in a businesslike way the produce which his farm yields him. The farmer of to-day takes the price fixed by the purchaser of his commodity; I hope the farmer of to-morrow will be able to fix his own price on what he sells. Other business men do, why not the farmer? To do this successfully he can not act independently or without due consideration of existing market conditions. The growers of a given farm product must act together, otherwise they will be at cross purposes, and thereby fulfill the prophecy that a house divided against itself must fall. Cooperative marketing means business methods applied to selling of his produce by the farmer.

I want to recapitulate what I have tried to give expression to in these remarks—that the Congress can by legislation give help to the farmers, and, I believe, very materially, in the following particulars:

First. Assist the farmers in regulating production, so as to keep within the well-defined rules of supply and demand, by furnishing them through Federal agencies accurate information as to the supply of every known farm product at the time of planting and the probable demand at the time of harvest, with an estimate of the acreage necessary to produce a reasonable supply.

Second. Assist the farmers in reducing the cost of production by Federal aid in irrigating arid areas and draining moist lands, thereby making possible to a reasonable certainty the yield farmers may expect on acreage planted and reduce to a minimum the loss now incident to too much or too little moisture.

Third. Continued assistance to the States in building good roads, thereby aiding the farmer in getting to the local market and shipping point his produce with the least possible delay and at the smallest expense.

Fourth. Necessary legislation to provide a system of inland waterways that will make available all navigable inland waters for purposes of transportation by means of light-draft boats, and thereby reduce freight tariffs.

Fifth. Regulation of railroad freight rates so as to guarantee fair rates to the shipper.

Sixth. Necessary legislation to provide loans for financing farmers' cooperative marketing associations, thereby making it possible for the individual farmer to operate in harmony with his fellow farmers in marketing his produce on a business basis that will give him a fair profit on what his farm produces.

This outline of legislation contains nothing revolutionary and would prove, if enacted into law, salutary upon the whole country. I am firmly convinced that if legislation as I have outlined were enacted wide development of the farming industry would result. Conferences and propaganda may have their proper place and may do some good, but what the country now needs is some affirmative action. The farming interest can not longer be made secondary in the scheme of restoring this country to normal conditions, for of all our industries the farming industry stands first in its need for legislation that will rehabili-

into it. The work done by the farmer is most unique, for he creates. The manufacturer of cotton, wool, and leather depends on the farmer for his raw material and upon mother earth for the fuel or waterpower to run his machinery with which to manufacture it. The great steel and iron industries dig from the bosom of the earth the raw material that they manufacture into the finished product. For millions of years old mother earth has been storing for the kings of industry fuels and ores that make possible these great industrial plants. But not so with the farmer. He must dig, plant, and cultivate; he must take the hazards of the seasons and risk the ravages of insects and pests; his work is that of making fertile the spots that are barren, of transforming waste lands into fields of production, of cultivating from the sprouted seed to the fruition of harvest, of creating from the soil the substance for the world's millions.

I want to see prosperity return again to America, not to one section but to all sections, not to one industry or class but to all industries and to all classes. But the needs of my people—the people of my district and of my State I know more of, and it is them that I especially would serve. They have suffered long and as no other section of our land has suffered, and long have they looked for the coming of the day when they would shake the shackles of their oppression from them and achieve their commercial freedom. The fields of the sunny South are the Nation's most fertile; her husbandmen are skilled in the art of producing from the soil, yet they are still denied the recompense that should be given honest labor.

I shall continue to look toward the dawn and hope for the sunshine of the day when the southren will stand firm and serene, unburdened by debt and undisturbed by the exigencies of the moment, monarch of his own bread acres, glorifying his Creator in making his fields yield the fruits of its kind, and serving his country as a planter and patriot.

Mr. ANDERSON. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman, I may not be able to get through with my remarks in the allotted time, and I also have some tables that I want to insert in the RECORD. Therefore I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, we have up for consideration to-day the annual appropriation bill for the Department of Agriculture, the department of the Government having to do with the most important of all of our basic industries. In view of some things that have occurred of late, and what a patient public has had to put up with for a long time, it seems to me that this is an appropriate time for presenting to the House and to the country some information with reference to another basic industry which is second only to agriculture. I refer to the coal industry.

The coal industry is basic because our economic and industrial life is absolutely dependent upon a supply of coal. Industry in this age of mechanics and machinery depends upon power to run the various agencies of production and distribution. The source of the major portion of this power is coal. The maintenance of civilization as we know depends upon maintaining industry, and the maintenance of industry depends upon coal. There is nothing that can better command the attention of Congress, therefore, than the maintenance of our coal supply. Nature has done well by the United States, for we have inside of our own territorial limits one-half of the total world's supply of coal. It is estimated to be from three to four thousand billion tons. What a great advantage that is to us commercially and from the standpoint of national defense. The coal fields of Europe and the struggle for their possession has brought nations to war. Of this supply we are consuming something like 500,000,000 to 600,000,000 tons of coal a year, divided up approximately as follows: For manufacturing purposes, 50 per cent; for railroads, 25 per cent; for domestic uses, 18 per cent; for export purposes, 7 per cent. Bituminous coal can be found in various parts of the country, but the anthracite coal is located almost exclusively in a very small district of the State of Pennsylvania. It is estimated that 90 per cent of the coal mined goes into interstate or foreign commerce. Notwithstanding that the coal industry forms the very foundation of our economic and industrial life, the Nation finds its supply again threatened. Just as industry is emerging from a period of depression it is confronted with a coal strike and its attendant ills. The wage contract between the miners and the mine operators expires on April 1 next. The operators refuse to renew the present wage scale, claiming that the wages paid are excessive. The miners claim that they are underpaid now, and that they work only about 200 days a year instead of 300 days, as other people do. They demand a 6-hour day and a 5-day week, and to have their work better distributed over the 365 days in the year. As the operators and the miners quarrel, the public stands by practically helpless.

The public first fears that the strike will not be settled. Then it fears that it will be settled. It knows full well from past experiences that the interests of the public will be a matter of secondary consideration to both. Each group is principally interested in itself. If the strike comes and the President should follow the precedent of Roosevelt in 1903, an impartial tribunal will be established to adjust the differences between the mine operators and the workmen. But the tribunal will not have authoritative information as to the costs and profits of the owners or the yearly earnings and purchasing power of the workmen. It must depend upon information furnished by both operators and workmen, both of which are interested parties.

The miners claim that the value of anthracite coal has increased far more than wages. We know this, that in the hearings before the Senate Committee on Reconstruction it was undisputed that for the period 1914 to 1918, inclusive, the increase of labor costs at the mouth of the mine was $1.41 per gross ton. During the same period the increase of the retail price in New York City was $4.45 per gross ton. This is three times the labor cost increase during the same period.

There should be some governmental agency clothed with power to gather information currently and to keep it available for emergencies such as we had in 1920 and such as we are about to confront this spring. As it is, it must listen to the claims and proofs of both groups and practically confine itself to the evidence submitted by these groups who, as I have said, are primarily interested in themselves and the advancement of their own interests.

If my recollection is correct, anthracite coal in my own city of Minneapolis sold for about $9 per ton during the period 1914–15. To-day the retail selling price is about $18. Bituminous coal has increased in a similar proportion.

The farmer and the great user of coal, the manufacturer, have seen the prices of their products go down materially during the past two years. The farmer feels that the prices for his product have, in fact, reached the bottom. At the same time, the manufacturer and the farmer have witnessed the price of coal advance steadily year by year until at the present time it is considerably above the price charged during the war. The coal operator alone appears to be able to not only maintain war-time prices but to materially advance them.

Is this 100 per cent advance during the past six or seven years justified or is it the result of profiteering? The retailer denies any profiteering on his part, and substantiates his claim by the submission of proof. In any event, retailing is largely an intrastate transaction and is without the jurisdiction of the Federal Government.

The coal operator and the wholesale dealer blame the railroads and attribute the advance to increased freight rates. The horizontal increases in freight rates have borne heavily on commodity rates, and in my judgment the rates on coal bear an undue proportion of the advances in recent years. It is particularly true of the anthracite coal carrying railroads. The impression seems to be quite general that these rates should come down.

The lake and rail rate from the anthracite fields of Pennsylvania to Minneapolis was $9.30 per ton last fall, and is made up as follows:

Approximate cost of a ton of anthracite at Minneapolis, Sept. 1, 1921.

(Prepared sizes, net ton—2,000 pounds.)

Freight rate to Buffalo (dumping charge included)	$3.50
Tax on same	.105
Vessel rate	.50
Tax on same	.105
Insurance	.005
Dockage (including unloading from boats, storing, handling, reloading, and degradation cost)	1.60
Freight rate to Twin Cities	2.23
Tax on same	.0669
	8.2019
Price per ton at mines ($8 per gross ton of 2,240 pounds) or per net ton of 2,000 pounds	7.14
Cost on cars Twin Cities	15.44

These figures were given me by the Director of the Geological Survey.

But while the freight rates are high and should, in my judgment, come down, the big factor in the present high prices of coal is not the retailer or the ordinary railroad company, but the coal operator and the mine owner.

In 1902, according to the figures furnished by the anthracite operators themselves, anthracite sold for $3.75 per ton at the mouth of the mine. It remained at this figure until June, 1912, when it was raised to $4 per ton.

The advances since then are as follows:

June, 1912	$4.00
May, 1916	4.40
May, 1917	4.70
December, 1917	5.05
November, 1918	6.10
August, 1919	6.60
April, 1920	7.45
October, 1920	7.95

A portion of one of these advances was made to cover an alleged increased cost of mining coal due to the imposition of a tonnage tax by the State of Pennsylvania. The tax was equivalent to a tax of about 10 cents per ton. The price of the coal at the mouth of the mine was increased 25 cents per ton, which the consumer, of course, paid. The operators contested the constitutionality of the law and refused to pay the tax, and the law was eventually held unconstitutional. The consumer paid to the operator, but the operator did not pay out the tax to the State.

Is this increase of 100 per cent in the cost of anthracite coal at the mouth of the mines justified? About one year ago the Federal Trade Commission endeavored to find out. With full appreciation of the effect of these advances and the added burden upon industry and the ultimate consumer, the Federal Trade Commission sought information from the coal operators as to the cost of operation, wages paid, sales realization, and margin of profits. Some of the companies complied. This information was published in groups and districts containing a considerable number of mines. The names of the individual operators were wholly eliminated and shielded. This order was contested by the attorneys for the National Coal Association, which comprises about 60 per cent of the coal operators of the country. They contended that the production of coal did not involve a question of interstate commerce, and therefore the Federal Government was without jurisdiction. An injunction was secured, and upon the granting of this injunction the Government appealed. That appeal is still pending in the courts in the District of Columbia.

Therefore, through the efforts of the operators the Government has been prevented from acquiring information which, in the face of the threatened strike and the effort that the Government is making and will continue to make to settle it, it would be found to be very helpful.

Note that the injunction was applied for and granted upon the theory that the production of coal did not involve interstate commerce.

About the same time, the regulatory commission of the State of Indiana issued an order from certain coal companies in Indiana requiring them to file with the State authorities a statement of the cost of mining coal. The National Coal Association, or some of its members, contested this order on the ground that almost the entire output of these mines would go largely into interstate commerce, and that the order therefore constituted an interference with interstate commerce and was wholly without the jurisdiction of the State of Indiana, and that only the Federal Government had the jurisdiction to require any such information. I quote from the opinion of the trial judges in the case of Vandalia Co. against Coal Commission of Indiana:

> When coal is severed from ground it becomes an article of commerce, and the owner, under the interstate commerce clause of the Federal Constitution, which recognizes no State lines, has the right, so far as any State is concerned, to contract to sell entire his output to citizens of other States.

In other words, the mining of coal is intrastate commerce when the Federal Government steps in for regulatory purposes, but it becomes interstate commerce when one of the States of the Union attempts to pass regulatory legislation. The National Coal Association and its members have, by these two proceedings, placed the public in a sort of constitutional "no man's land," where it is being shot at from both sides through the levying of increased prices for this necessity of life.

If these increased prices are justified, why the necessity for such tactics? If there is nothing to hide and conceal, there should be nothing to fear upon the part of the coal operators or its association.

However, the case against the coal operators for profiteering during the past two years does not rest upon conjecture and suspicion due to the suppression of information as to the cost of production and extent of earnings. It is proved by their own statements and dividend sheets.

It may be interesting to know that one coal operator, defending the industry before the Senate Committee on Manufacturing in the Sixty-sixth Congress, admitted that the coal profiteering in 1920 may have cost the American consumer $200,000,000 or, even, perhaps, six hundred millions.

Both bituminous and anthracite operators and mine owners have profiteered, as the several tables I shall place in the RECORD will show. These tables have been prepared by the Federal Trade Commission, or prepared by others and checked by the commission from figures submitted by the coal companies, either to the commission or the various financial publications.

Table 1, which follows, gives the net income of certain large bituminous coal companies during the period of 1912–1919:

LAUCK TABLE 1.—*Profits of bituminous coal companies—Net income.*

	Total net income.								Average for period.[1]	
	1912	1913	1914	1915	1916	1917	1918	1919	1912–1915	1916–1919
Pocahontas Fuel Co. (Inc.)	$438,697	$1,077,252	$1,027,190	$1,161,794	$1,655,080	$4,354,514	$3,016,580	[2] $7,452,328	$922,608	$2,921,378
Pittsburgh Coal Co.[3]	2,025,493	2,720,288	1,371,059	1,653,574	3,148,927	14,076,852	7,167,284	3,431,489	1,944,006	6,964,901
Island Creek Coal Co.[3]	677,132	723,672	823,481	690,252	1,125,597	2,186,520	1,245,060	1,194,002	728,634	1,435,030
Consolidation Coal Co.[3]	2,803,358	2,459,729	2,009,733	2,535,681	4,075,556	8,511,224	5,215,920	3,207,425	2,377,125	5,252,031
Central Coal & Coke Co.	621,709	544,004	318,921	213,757	334,234	819,583	1,316,559	65,447	427,948	883,956
Jefferson & Clearfield Coal & Iron Co.	47,947	128,320	134,354	9,316	103,476	789,745	326,082	450,724	79,035	425,507
American Coal Co. of Allegheny County	102,318	146,187	120,914	162,488	187,471	513,376	243,525	190,966	132,977	283,805
Battle Creek Coal & Coke Co.	10,990	22,[illegible]	7,269	1,752	[4] 18,383	636	44,264	37,983	10,673	16,600
Carnegie Coal Co.[4]	129,558	198,309	198,223	74,059	146,587	1,054,785	862,238	885,725	146,449	762,138
Rochester & Pittsburgh Coal & Iron Co.	217,572	377,522	148,263	27,629	43,077	1,124,530	911,148	236,488	173,934	578,811
West Kentucky Coal Co.	[4] 178,806	[4] 104,183	[4] 74,988	100,388	126,569	220,064	401,184	254,414	[4] 64,397	250,558
Total of 11 companies	6,591,673	8,294,278	6,072,724	6,574,419	10,925,150	33,654,818	21,020,013	12,604,001	6,883,273	19,576,002
Montana Coal & Iron Co.	.....	6,735	23,372	54,441	76,358	214,614	235,482	123,155	21,516	162,403
New River Collieries Co.[5]	9,785	47,327	64,159	197,137	350,316	555,498	649,440	.....	79,102	518,418
Altoona Coal & Coke Co.[5]	.....	15,914	15,914	15,914	[4] 2,935	58,959	39,302	[4] 14,760	15,914	31,257
Jamison Coal & Coke Co.[5]	.....	882,776	1,316,412	1,204,574	1,238,723	3,389,715	2,017,511	1,186,707	1,152,930	2,052,154
Clinchfield Coal Corporation	.....	.....	215,574	147,418	74,675	2,033,349	2,120,375	426,616	181,496	1,156,008
Selvay Collieries Co.	.....	.....	98,407	146,374	114,923	306,453	321,368	95,635	119,291	209,872
De Bardeleben Coal Co.	.....	.....	78,[illegible]	76,931	56,441	92,774	136,796	133,862	77,709	104,208
Pond Creek Coal Co.	.....	.....	[4] 19,456	[4] 25,318	200,000	750,727	571,395	207,770	[4] 22,087	432,678
Victor-American Fuel Co.	223,444	267,107	[4] 64,009	106,188	[4] 51,430	141,022	.....	.....	154,943	44,796
Vesper Coal & Coke Co.	.....	.....	.....	25,500	158,243	679,432	316,967	2,305	25,500	292,746
Fairmount & Cleveland Coal Co.	.....	.....	.....	.....	189,941	345,288	200,223	140,333	.....	(7)
Hillman Coal & Coke Co.	.....	.....	.....	.....	.....	911,838	654,073	851,813	.....	(7)
Rocky Mountain Fuel Co.	.....	.....	53,526	[4] 101,857	17,163	33,482	[4] 5,114	[4] 38,452	[4] 10,185	3,179
Elk Horn Coal Corporation	.....	.....	.....	.....	688,828	1,723,198	1,250,645	64,567	.....	(7)
Elkins Coal & Coke Co.	.....	.....	.....	57,316	99,265	417,917	454,334	.....	57,316	323,879
Grand total	6,[illegible]	9,495,137	7,882,126	8,505,189	14,384,271	45,289,089	29,994,012	15,764,882	8,722,124	26,877,[illegible]

[1] Where data is shown for less than 4 years of period, the average is based on years included.
[2] Before deducting Federal taxes.
[3] Federal taxes shown as deducted. Unless specifically noted otherwise, taxes are presumed to have been deducted.
[4] Deficit.
[5] Net earnings.
[6] Figures for 1913, 1914, 1915 are averages.
[7] As average for 1912–1915 could not be computed, average for 1916–1919 is omitted.

Table 2 gives the yearly production of bituminous coal in tons during the period mentioned; also the yearly average net income in cents per ton:

LAUCK TABLE 2.—*Net income per ton.*

	Production of coal (tons).							
	1912	1913	1914	1915	1916	1917	1918	1919
Pittsburgh Coal Co	18,383,417	24,707,204	18,285,851	19,134,436	18,709,926	16,388,730	17,157,169	13,852,515
Island Creek Coal Co	2,039,887	1,916,100	2,307,444	2,213,616	2,280,661	1,933,805	1,891,375	1,781,413
Consolidation Coal Co	10,347,100	11,154,987	10,710,016	11,722,384	11,107,634	9,543,543	8,053,010	7,200,333
American Coal Co., of Allegheny County	592,378	677,838	557,687	708,155	680,543	627,961	568,446	518,731
West Kentucky Coal Co	675,577	836,987	970,610	1,108,854	1,166,453	998,675	895,895	811,281
Montana Coal & Iron Co	90,945	122,476	141,282	160,754	169,693	230,479	282,822	243,805
Total	32,169,304	39,495,572	32,982,270	35,048,199	34,114,980	31,683,202	28,848,717	24,408,078
Jefferson & Clearfield Coal & Iron Co				1,711,825	2,142,980	2,609,676	2,598,477	1,252,627
Carnegie Coal Co		1,500,000				1,263,151		
Rochester & Pittsburgh Coal & Iron Co	3,159,232	3,693,284		2,803,090	2,981,189	3,107,429	2,958,044	1,369,813
New River Collieries Co	983,727	990,356	933,091	1,019,812	1,125,048	1,008,483	848,443	
Altoona Coal & Coke Co			312,701		185,421		144,250	
Jamison Coal & Coke Co		3,833,210				3,599,270		
Clinchfield Coal Corporation						2,301,718	2,134,190	1,980,836
Solvay Collieries Co				1,136,218	1,203,157	1,142,097	1,272,010	
De Bardeleben Coal Co		145,758		279,985	285,381	264,539	255,221	206,722
Pond Creek Coal Co		505,985	680,653	757,798	942,951	1,038,296	1,080,602	801,454
Victor American Fuel Co	2,121,986	2,087,935	1,308,137	1,240,465	1,543,352	1,584,981		
Verner Coal & Coke Co		297,600				447,427		
Fairmount & Cleveland Coal Co							240,216	391,082
Hillman Coal & Coke Co		1,079,107				1,774,388		
Rocky Mountain Fuel Co					1,175,833		1,224,515	1,084,763
Elkins Coal & Coke Co		644,360		730,060		565,016	558,101	
Grand total	38,324,240	54,194,347	35,926,842	44,743,383	45,648,399	52,399,642	42,181,695	31,343,977

	Net income per ton.							
	1912	1913	1914	1915	1916	1917	1918	1919
Pittsburgh Coal Co	11.00	11.00	7.50	8.60	16.80	78.50	41.80	34.80
Island Creek Coal Co	33.20	37.80	37.30	31.20	49.40	113.00	65.80	66.50
Consolidation Coal Co	24.20	22.10	18.80	21.60	36.70	89.30	64.70	44.50
American Coal Co., of Allegheny County	17.27	21.57	21.68	22.95	27.55	81.75	42.84	36.83
West Kentucky Coal Co	[1]26.50	[1]12.60	[1]7.70	9.10	10.90	22.30	44.80	31.40
Montana Coal & Iron Co		[1]5.50	16.50	21.40	45.00	97.30	83.30	30.50
Total	[2]16.50	15.10	13.60	14.80	25.60	81.20	30.30	34.40
Jefferson & Clearfield Coal & Iron Co				.50	4.80	30.30	28.00	26.00
Carnegie Coal Co		15.10				83.80		
Rochester & Pittsburgh Coal & Iron Co	6.80	16.22		1.88	1.47	38.20	30.80	18.60
New River Collieries Co	1.60	5.10	7.70	19.10	31.10	55.10	76.50	
Altoona Coal & Coke Co			7.50		5.60		40.90	
Jamison Coal & Coke Co		22.10				94.20		
Clinchfield Coal Corporation						88.30	99.80	21.80
Solvay Collieries Co				12.50	8.60	28.80	25.40	
De Bardeleben Coal Co				27.30	19.50	35.10	51.60	45.70
Pond Creek Coal Co			[1]2.90	[1]3.00	21.20	72.30	52.90	25.90
Victor American Fuel Co	16.90	12.30	[1]4.90	5.50	[1]3.30	8.90		
Verner Coal & Coke Co						1.47		
Fairmount & Cleveland Coal Co							83.40	48.20
Hillman Coal & Coke Co						51.40		
Rocky Mountain Fuel Co					1.30		1.25	[1]3.6
Elkins Coal & Coke Co				7.60		74.00	80.00	
Grand total								

[1] Deficit.
[2] Production of Montana Coal & Iron Co. deducted for 1912 in computing total income per ton, as no income was shown.

Table 3 gives the percentage of what the companies designated earned on their capital stock during the period referred to:

LAUCK TABLE 3.—*Profits of bituminous coal companies.*

	Capital stock.							
	1912	1913	1914	1915	1916	1917	1918	1919
Pocahontas Fuel Co. (Inc.)	$7,251,600	$7,320,000	$7,155,700	$7,148,100	$7,097,300	$7,097,300	$7,092,300	$7,092,300
Pittsburgh Coal Co	64,000,000	64,000,000	64,000,000	64,000,000	64,000,000	68,169,200	68,169,200	68,169,200
Island Creek Coal Co	4,497,016	4,493,974	4,502,355	4,507,313	4,507,313	[1]188,671	158,671	158,671
Consolidation Coal Co	25,000,000	25,000,000	25,000,000	25,000,000	25,094,600	26,121,304	40,205,448	40,205,448
Central Coal & Coke Co	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
Jefferson & Clearfield Coal & Iron Co	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
American Coal Co. of Allegheny County	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,214,950	1,214,950
Battle Creek Coal Co	700,000	700,000	700,000	700,000	700,000	700,000	700,000	700,000
Carnegie Coal Co	694,450	694,450	670,850	715,000	500,000	500,000	500,000	500,000
Rochester & Pittsburgh Coal & Iron Co	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
West Kentucky Coal Co	500,000	500,000	500,000	500,000	500,000	2,500,000	2,500,000	2,500,000
Total of 11 companies	113,133,466	113,173,824	113,017,905	113,070,413	117,829,213	129,735,475	134,590,569	134,590,569
Montana Coal & Iron Co		1,955,600	1,955,600	1,955,600	1,955,600	1,955,600	1,955,600	1,955,600
New River Collieries Co	6,588,300	6,588,300	6,588,300	6,588,300	6,588,300	6,588,300	6,588,300	
Altoona Coal & Coke Co		250,000	250,000	250,000	250,000	250,000	250,000	250,000
Jamison Coal & Coke Co		6,000,000	6,000,000	6,000,000	6,000,000	5,146,000	5,146,000	5,146,000
Clinchfield Coal Corporation			18,000,000	18,000,000	17,908,400	17,383,540	17,313,300	17,267,200
Solvay Collieries Co			1,000,000	1,000,000	1,000,000	1,000,000	1,650,000	1,649,800
DeBardeleben Coal Co			600,000	600,000	600,000	600,000	600,000	600,000
Pond Creek Coal Co			2,000,000	2,000,000	2,000,000	2,000,000	2,139,200	2,139,200

LAUCK TABLE 3.—*Profits of bituminous coal companies*—Continued.

	Capital stock.							
	1912	1913	1914	1915	1916	1917	1918	1919
Victor American Fuel Co	$9,400,000	$9,400,000	$9,400,000	$9,400,000	$9,400,000	$9,400,000		
Verner Coal & Coke Co				200,000	200,000	200,000	[illegible]	[illegible]
Fairmount & Cleveland Coal Co					561,800	561,800	600,000	600,000
Hillman Coal & Coke Co							9,746,500	9,832,500
Rocky Mountain Fuel Co			8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Elk Horn Coal Corporation					28,600,000	18,900,000	18,600,000	18,600,000
Elkins Coal & Coke Co				6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
Grand total	[illegible]	149,265,924	171,732,095	177,979,513	206,808,513	217,672,415	213,130,369	200,275,869

	Percentage earned on capital stock.							
	1912	1913	1914	1915	1916	1917	1918	1919
Pocahontas Fuel Co. (Inc.)	5.3	14.7	14.4	16.3	26.3	61.3	42.3	17.5
Pittsburgh Coal Co	1.2	4.3	2.1	2.6	4.9	20.6	10.5	5.0
Island Creek Coal Co	15.1	16.1	18.3	15.7	25.0	1,296.7	1[illegible].8	[illegible]
Consolidation Coal Co	10.8	8.5	8.0	10.1	16.3	36.3	15.0	8.0
Central Coal & Coke Co	8.0	7.8	4.6	3.1	4.8	11.7	18.8	.94
Jefferson & Clearfield Coal & Iron Co	1.6	4.1	4.5	.3	3.4	16.3	19.7	15.0
American Coal Co. of Allegheny County	5.82	9.7	8.1	10.8	12.5	84.2	20.0	15.7
Battle Creek Coal Co	1.6	3.2	1.0	.3	[2]2.9	.1	6.3	5.4
Carnegie Coal Co	14.5	29.8	28.2	15.2	26.3	211.8	172.5	177.2
Rochester & Pittsburgh Coal & Iron Co	5.44	9.4	3.7	1.7	1.05	28.1	22.8	5.8
West Kentucky Coal Co	[1]35.8	[1]20.8	[1]15.0	20.1	25.3	8.8	16.0	10.2
Total of 11 companies	5.6	7.0	5.1	5.6	8.3	25.9	15.6	9.4
Montana Coal & Iron Co		.7	1.2	1.8	3.9	11.0	19.0	6.3
New River Collieries Co	.2		1.0	3.0	5.4	8.5	10.0	
Altoona Coal & Coke Co		6.4	6.8	6.4	[1]1.2	23.6	15.7	[1]5.6
Jamison Coal & Coke Co		14.1	21.9	21.5	25.6	65.9	59.3	19.1
Clinchfield Coal Corporation			1.2	0.9	0.4	11.7	13.3	2.5
Solvay Collieries Co			9.3	14.2	11.5	39.4	18.5	5.9
DeBardeleben Coal Co			13.1	12.8	9.2	18.5	25.6	23.5
Pond Creek Coal Co			[1]1.0	[1]1.1	10.0	35.9	26.4	8.4
Victor American Fuel Co	3.8	2.7	[1].7	.7	1.5	1.5		
Verner Coal & Coke Co				12.6	78.1	228.7	158.5	1.2
Fairmount & Cleveland Coal Co					25.3	81.5	23.4	23.4
Hillman Coal & Coke Co				8.9		9.4	7.0	
Rocky Mountain Fuel Co			1.0	[1]1.3	.2	.42	1.04	1.5
Elk Horn Coal Corporation					2.2	2.3	6.7	.3
Elkins Coal & Coke Co				1.0	1.7	7.0	7.0	
Grand total	5.2	6.7	4.6	4.8	9.9	20.9	14.1	7.9

[1] Book value only of stock reduced.

Table 4 covers one-sixth of the bituminous operators of the country. They are scattered through several of the States. It gives comparative margins of profits during the period indicated. The average net income of this group in the year 1917 was 295 per cent over and above that of 1916. The average net income of 1918 was 185 per cent over that of 1916:

TABLE 4.—*Comparative margins of coal operators, 1916, 1917, and 1918, as shown by Federal Trade Commission reports.*

	1916		1917		1918		Per cent increase in margin.	
	Production.	Margin.	Production.	Margin.	Production.	Margin.	1917 over 1916	1918 over 1916
Pennsylvania:								
(1) Southwest field	23,121,579	0.17	23,142,428	1.12	22,373,904	5.60	558.8	[illegible]
(2) Central field	9,046,567	.08	8,958,147	.42	9,007,989	.78	1,050.0	875.0
Illinois:								
(3) District No. 1	2,279,028	.09	2,570,975	.32	2,247,384	.42	1,000.0	1,300.0
(4) District No. 2	[1]863,458	.20	1,687,322	.33	1,532,628	.42	65.0	110.0
(5) District No. 3	[2]5,008,303	.23	13,344,382	.42	12,751,131	.48	82.6	110.0
(6) District No. 4	1,501,890	.10	2,121,088	.34	2,387,902	.40	210.0	300.0
(7) District No. 6	[3]5,017,276	.26	11,260,174	.68	12,600,088	.45	161.5	73.1
Tennessee:								
(8) District No. 1	1,497,360	.01	1,335,032	.74	1,337,986	.44	7,300.0	4,300.0
(9) Blue Gem district	210,889	.27	195,249	.89	176,488	.67	229.6	148.6
Kentucky:								
(10) District No. 1	[4]1,806,837	.11	3,589,983	.80	3,413,104	.69	554.5	472.7
(11) District No. 3	1,622,459	.19	1,494,316	1.11	1,445,623	.66	484.2	247.4
Ohio:								
(12) District No. 2	256,701	.17	245,944	.76	238,987	.59	311.8	247.1
(13) District No. 3	2,502,375	.21	2,977,561	.32	2,729,262	.55	290.5	161.9
(14) District No. 4	488,527	.31	883,239	1.08	569,541	.81	248.4	161.3
(15) Districts Nos. 5 and 9	4,965,586	.21	4,515,960	1.13	4,733,541	.96	438.1	356.5
(16) District No. 6	1,693,822	.30	1,749,040	1.26	1,861,784	.73	320.0	143.3
(17) District No. 7	[illegible]	.34	382,885	1.17	404,339	.97	244.1	185.3
(18) District No. 9	7,264,571	.30	7,398,937	1.09	8,135,207	.68	263.2	126.7
Indiana:								
(19) District No. 1	[5]7,985,564	.28	12,901,208	.63	16,374,364	.48	175.0	108.7
(20) Brazil block district	189,670	.11	308,456	.80	288,649	.50	627.3	354.5
Michigan:								
(21) State	[6]491,822	.49	1,101,926	.89	1,298,488	.59	81.2	18.4

[1] 8 months of year, May to December only.
[2] 6 months of year, July to December only.
[3] 9 months of year, April to December only.
[4] 6 months of year, July to December only.

TABLE 4.—*Comparative margins of coal operators, 1916, 1917, and 1918, as shown by Federal Trade Commission reports*—Continued.

	1916		1917		1918		Per cent increase in margin.	
	Production.	Margin.	Production.	Margin.	Production.	Margin.	1917 over 1916	1918 over 1916
Maryland and West Virginia:								
(22) Upper Potomac, Cumberland, and Piedmont district	1,013,861	[illegible]	[illegible]	1.06	[illegible]	[illegible]	[illegible]	[illegible]
West Virginia:								
(23) Pocahontas district	9,016,755	.37	[1] 7,313,262	1.15	[illegible]	.89	210.8	140.5
(24) Tug River district	1,810,749	.33	1,659,542	1.19	1,532,616	.33	417.4	130.1
(25) New River district	[2] 5,642,542	.27	[1] 5,919,479	.93	6,436,599	.79	244.5	192.6
Total and weighted average	85,635,360	.213	117,812,953	.843	123,737,117	.605	295.8	194.0
Per cent increase over 1916								

[1] June and July, 1917, not included for reasons shown on page 86 of report.

[2] 9 months of year, April to December only.

Now, let us take a glance at the anthracite operators. Anthracite coal is located in a tract covering about 490 square miles in Pennsylvania. Geographically nature made it a monopoly. Taking lessons from nature, a group of men have made it a business monopoly, for seven or eight corporations control 75 to 80 per cent of the anthracite output.

Table 5 shows the percentage of net income of these large anthracite companies on their capital stock. It means the percentage of net income in the war period over the prewar period. It will be observed that increases range from 9.2 per cent minimum to a maximum of 494 per cent. The general average was 89 per cent.

TABLE 5.—*Profits of anthracite coal companies, 1910–1918, as shown by their published financial statements.*

NET INCOME, BY YEARS.

Name of company.	1912	1913	1914	1915	1916	1917	1918	Total net income for period— 1912–1914	Total net income for period— 1916–1918	Per cent increase, war period over prewar period.
Railroad companies:										
Lehigh Coal & Navigation Co.	$2,288,255	$2,372,511	$2,483,579	[illegible]	$2,788,348	$3,362,400	$2,805,089	$7,144,346	$8,955,837	[illegible]
Lehigh & Wilkes-Barre Coal Co.	2,485,971	4,423,051	3,343,478	[illegible]	2,730,929	[illegible]	3,099,281	9,709,522	11,196,649	9.2
The Lehigh Valley Coal Co.	1,151,317	227,603	511,446	[illegible]	882,329	2,431,465	2,431,465	1,890,366	7,204,525	281.1
The Delaware & Hudson Co.	586,037	1,295,692	905,980	1,343,971	738,393	2,925,000	1,610,572	2,846,718	5,273,965	85.3
Delaware, Lackawanna & Western Coal Co.	2,111,807	1,270,020	2,355,562	1,536,916	2,899,309	4,321,268	3,626,710	5,737,479	10,847,287	89.1
Philadelphia & Reading Coal & Iron Co.	171,576	1,139,592	715,390	60,572	2,463,790	5,436,633	4,160,162	2,026,558	12,050,585	494.6
Total	8,795,054	10,729,469	10,373,444	8,753,057	12,472,181	23,908,685	19,148,003	29,354,989	55,528,849	83.2
Temple Coal Co.	733,168	[illegible]	1,151,515	987,057	[illegible]	1,691,324	(3)			
Grand total	9,528,223	11,632,465	11,524,959	9,740,724	13,426,140	[illegible]	19,148,003	[illegible]	55,528,849	83.2

During this war period the Government was calling upon everyone to increase production. It was likewise true of coal. Did the production likewise increase? During the period 1912 to 1914—prewar—the total production in tons by these operators was 132,756,451, as against 148,118,826 for the 1916 to 1918 war period. The average increase in tons of war production over prewar production was 11.6 per cent, as against 89 per cent average percentage of increase of net income.

Mr. LONDON. Will the gentleman yield for a short question?

Mr. NEWTON of Minnesota. I will.

Mr. LONDON. Will the gentleman give the source of his information?

Mr. NEWTON of Minnesota. Yes. The authority for my information is the Federal Trade Commission, as they have obtained their figures from the carriers, the coal companies, or other sources.

Table 6 gives the large anthracite coal companies for the period 1912 to 1920, inclusive, and shows, so far as can be ascertained from the figures available, the capital stock, surplus, net worth, and bonded indebtedness. I call special attention to the marked increases in surplus and net worth during the period.

TABLE 6.—*Capital, dividends, and percentages of profit of anthracite coal companies, 1912 to 1920.*

[Figures taken from annual reports to stockholders and Moody's Manuals.]

Name of company.	Capital stock, surplus, net worth, bonded indebtedness, and capital invested.								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
Lehigh Coal & Navigation Co.:									
Capital stock	[illegible]	[illegible]	$26,557,950	$26,557,950	[illegible]	$28,736,570	$29,173,950	$29,173,950	$29,173,950
Surplus [1]	1,655,466	1,884,385	[illegible]	2,769,937	3,452,001	16,338,421	16,905,359	[2] 17,421,204	[3] 18,678,452
Net worth	28,212,416	28,442,335	28,948,040	29,327,887	30,010,041	45,074,991	[illegible]	46,595,154	47,852,402
Bonded indebtedness	21,430,333	22,722,520	26,653,000	26,518,000	26,980,000	26,674,000	[illegible]	[illegible]	25,188,000
Capital invested	[illegible]	51,164,855	55,601,040	55,845,887	56,990,041	71,748,991	72,531,309	72,678,154	73,040,402
Lehigh & Wilkes-Barre Coal Co.:									
Capital stock	9,212,500	9,210,000	9,210,000	9,210,000	9,210,000	9,210,000	9,210,000	9,210,000	9,210,000
Surplus	3,569,564	6,795,280	8,398,480	9,932,110	11,430,279	15,222,476	16,994,850	[3] 21,466,073	[3] 27,023,286
Net worth	12,782,191	16,005,280	17,608,480	19,142,110	20,640,279	24,432,870	26,204,850	30,676,073	36,233,286
Bonded indebtedness	10,587,000	15,996,000	16,996,000	14,509,000	14,495,000	7,719,000	8,186,000	5,068,000	5,364,000
Capital invested	23,369,191	32,001,280	34,604,480	33,651,110	35,135,279	32,151,870	34,390,850	35,744,073	41,797,286
The Lehigh Valley Coal Co.:									
Capital stock	1,965,000	1,965,000	1,965,000	1,965,000	1,965,000	9,465,000	9,465,000	9,465,000	9,465,000
Surplus	3,486,637	3,714,239	4,225,685	5,108,015	5,994,898	6,238,690	[illegible]	10,606,832	2,616,822
Net worth	5,451,637	5,679,239	6,190,685	7,073,015	7,959,898	15,703,690	17,580,250	20,065,832	12,081,822
Bonded indebtedness	20,296,000	20,296,000	20,296,000	19,892,000	19,688,000	11,815,000	11,685,000	11,683,000	11,673,000
Capital invested	25,747,637	25,975,239	26,486,685	26,965,015	27,647,898	27,518,690	[illegible]	31,748,832	[illegible]
Lehigh Valley Coal Sales Co.:									
Capital stock	6,000,000	6,000,000	7,588,575	7,588,575	7,588,575	9,778,435	9,778,435	9,778,435	9,801,435
Surplus [4]	1,589,059								
Net worth	7,629,859								
Bonded indebtedness	None.	None.	None.	None.	None.	None.	None.	None.	None.
Capital invested	7,629,859								

[For footnotes see p. 3525.]

TABLE 6.—*Capital, dividends, and percentages of profit of anthracite coal companies, 1912 to 1920*—Continued.

Name of company.	Capital stock, surplus, net worth, bonded indebtedness, and capital invested.								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
Delaware, Lackawanna & Western Coal Co.: [5]									
Capital stock	$6,390,700	$6,390,700	$6,390,700	$6,390,700	$6,390,700	$6,390,700	$6,390,700	$6,390,700	$11,533,735
Surplus [6]	4,698,383	4,617,953		2,513,478					
Net worth	11,089,083	11,208,653		8,904,178					
Bonded indebtedness	None.	None.	None.	None.	None.	None.	None.	None.	None.
Capital invested	11,089,083	11,208,653		8,904,178					
Philadelphia & Reading Coal & Iron Co.:									
Capital stock	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Surplus	1,490,694	2,599,287	3,314,676	3,375,249	4,655,237	11,986,307	16,146,469	19,013,208	[illegible]
Net worth	9,490,694	10,599,287	11,314,676	11,375,249	12,655,237	19,986,307	24,146,469	27,013,208	[illegible]
Bonded indebtedness	1,110,000	1,080,000	1,050,000	1,020,000	990,000	[illegible]	931,000	900,000	870,000
Capital invested	10,580,694	11,679,287	12,364,676	12,395,249	13,645,237	20,943,307	25,078,469	27,913,208	34,355,429
Temple Coal Co.: [7]									
Capital stock	2,500,000	2,500,000	3,000,000	3,000,000	2,200,000	2,200,000	1,000,000	1,000,000	1,000,000
Surplus									
Net worth									
Bonded indebtedness	462,000	462,000	2,230,000	2,027,000	1,764,000	1,515,000	1,382,000	894,000	555,000
Capital invested									

[1] Includes $11,100,151 unrealized surplus through appraisal of assets in 1917, and $11,244,151 in 1918.
[2] Includes $11,244,151 unrealized surplus through appraisal of assets.
[3] Includes $547,502 through revaluation in 1919 and $1,005,004 in 1920. See note (4) on dividend sheet.
[4] No balance sheet 1913 to 1918.
[5] Capital stock only shown after 1915; increased Dec. 21, 1920; authorized $20,000,000.
[6] No balance sheet for 1914, 1916, 1917, 1918.
[7] Temple Iron Co. in 1912 and 1913, dissolved by order of court: Temple Coal Co. incorporated June, 1914; no balance sheet; $2,000,000 preferred stock, $1,000,000 common stock in 1914; $800,000 preferred retired May 1, 1916; balance preferred Oct. 1, 1917.

THE LEHIGH VALLEY COAL CO.

In 1905 the coal company borrowed large sums from the railroad, and in return gave its certificates of indebtedness in the amount of $10,537,000. A part of these certificates were given in return for the stocks of some coal companies which were purchased from the railroad, and the remainder represented an exchange for some bonds of the coal company which had been held by the railroad. (Transcript of Record in Sherman Antitrust Case, v., p. 793.) It was not intended that any interest should be paid on these certificates, and up to 1912 none was paid. But in 1911 the Interstate Commerce Commission, in the case of Meeker & Co. v. Lehigh Valley Railroad, held that the interest on these certificates, amounting at 5 per cent to $526,850, constituted in all substantial respects a rebate to the Lehigh Valley Coal Co. (I. C. C. Reports, xxi, p. 161.) As the result of this finding the coal company, in March, 1912, paid up the arrearages of interest at the rate of 4 per cent, and canceled the certificates of indebtedness, payment being made partly in cash and partly by a new issue of 4 per cent bonds, which were given to the railroad. (Annual Report of the Lehigh Valley Coal Co., 1912, p. 7.)

Using the $9,465,000 as capital reduces the percentage of net income from 128.7 to 25.7 for 1917 and from 197.8 to 41.1 for 1918. This will also alter the total capital stock of all companies for 1917 and 1918; also the total percentage of net income would be 31.8 and 24.9, respectively, instead of 36.6 and 28.8. However, see note 4 to this company, page 1584.

Temple Coal Co. This was originally the Temple Iron Co. in 1912, with capital stock outstanding of $2,500,000. In June, 1914, the Temple Coal Co. was organized and took over the coal properties of Temple Iron Co. Capital stock issued $1,000,000 common and $2,000,000 cumulative preferred. May 1, 1916, $800,000 preferred was retired at $105 and accrued dividends, and October 1, 1917, balance of preferred, $1,200,000 was retired at $105. (Moody's 1913, p. 4684; and 1918, p. 1616.) No balance sheet given or referred to in Moody's.

Table 7 shows the net income per annum during the period 1912–1920. The very large increases will be noted:

TABLE 7.—*Profits of anthracite coal companies, 1912–1920.*

Name of company.	Net income, by years.								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
Lehigh Coal & Navigation Co.	$2,288,255	$2,372,511	$2,483,579	$2,298,340	$2,788,348	$3,362,400	$2,805,089	$2,674,883	$4,045,053
Lehigh & Wilkes-Barre Coal Co.	2,485,971	4,423,051	[1] 3,343,478	2,730,929	2,695,469	[2] 5,431,899	3,099,281	4,819,980	5,142,939
The Lehigh Valley Coal Co.	1,151,317	227,603	511,446	882,329	[1] 1,096,988	2,431,465	2,986,189	3,307,876	4,729,902
The Delaware & Hudson Co.	586,037	1,296,692	905,980	1,243,971	738,393	2,925,000	1,610,572	(4)	
Delaware, Lackawanna & Western Coal Co.	2,111,807	1,270,020	2,355,562	1,536,916	2,899,309	4,321,268	3,626,710	(5)	
Philadelphia & Reading Coal & Iron Co.	171,576	1,139,592	715,390	60,572	2,463,790	5,436,633	4,160,162	2,986,737	6,672,222
Temple Coal Co.	733,168	902,996	1,151,515	987,057	[illegible]	1,691,324	1,511,448	884,848	1,211,224

[1] Difference of $542,978 between figures in Mr. Lauck's table, and these figures is that amount charged to "New breakers and shop," which is in the nature of investment rather than operating expense and is added back to agree with figures in Moody's. (See Cumulative Corporation News, July, 1914.)
[2] Represents 18 months ending Dec. 31, 1917, when fiscal year changed from June 30.
[3] Difference of $210,116 between Lauck's figures and the above due to addition of that amount of net income for the period July 1 to Dec. 31, 1918, omitted by Lauck. Fiscal year changed.
[4] Not reported in Poor's Railroad Manual.
[5] Not reported in Moody's.

Table 8 gives the percentage of net income to capital stock, net worth, and capital investment during the same period:

TABLE 8.

	Percentage of net income to capital stock, to net worth, and to capital investment.								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
Lehigh Coal & Navigation Co.:									
Capital stock	8.6	8.9	9.4	8.7	10.5	11.7	9.6	9.35	13.86
Net worth	8.11	8.34	8.58	7.84	9.29	7.46	6.08	6.47	8.45
Capital investment	4.61	4.64	4.47	4.12	4.89	4.69	3.87	3.95	5.54
Lehigh & Wilkes-Barre Coal Co.:									
Capital stock	27.0	48.0	36.3	29.7	29.3	58.9	33.3	52.33	55.84
Net worth	19.45	27.64	18.99	14.27	13.06	22.23	11.71	15.71	14.19
Capital investment	7.08	13.40	9.66	8.11	7.67	18.89	8.69	13.44	12.30
The Lehigh Valley Coal Co.:									
Capital stock	58.6	11.6	16.0	44.9	55.8	29.7	41.1	[illegible]	48.07
Net worth	21.12	4.01	6.26	12.47	13.78	13.48	22.13	16.49	39.13
Capital investment	4.47	.88	1.93	3.27	3.97	5.64	11.38	15.47	19.81

TABLE 9.—Continued.

	Percentage of net income to capital stock, to net worth, and to capital investment.								
	[illegible]	[illegible]	1914	1915	[illegible]	1917	1918	1919	1920
Delaware, Lackawanna & Western Coal Co.:									
Capital stock	27.3	15.1	15.7	23.3	34.6	62.4	53.7		
Net worth	14.84	11.34		16.88					
Capital investment	10.06	11.34		16.38					
Philadelphia & Reading Coal & Iron Co.:									
Capital stock	2.1	14.2	8.9	.8	30.8	55.3	32.0	35.9	35.4
Net worth	1.91	10.74	6.32	.59	19.40	27.20	17.23	16.61	19.63
Capital investment	1.62	9.76	5.74	.49	13.05	22.65	16.39	16.27	19.31
Temple Coal Co.: Capital stock	25.1	16.1	18.4	22.3	61.4	78.9	151.1	88.5	121.1

Table 9 gives the production in tons of anthracite per annum from 1912–1920. I commented a few minutes ago on bituminous and the increase of production of war period over prewar period of but 11.6 per cent. In other words, the increased profits heretofore shown and to be shown has been due not to increased production and increased tonnage sold but to practically the same tonnage at vastly greater margins of profit:

TABLE 9.—Net income in relation to tonnage.

	Production (tons).								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
Lehigh Coal & Navigation Co.	3,673,945	4,324,562	4,369,777	4,084,862	3,822,186	5,042,427	5,146,475	4,354,827	4,377,572
Lehigh & Wilkes-Barre Coal Co.	5,130,450	5,678,373	5,297,047	4,738,745	4,903,623	6,806,684	4,398,231	4,126,308	3,916,757
The Lehigh Valley Coal Co.	8,504,481	9,230,137	8,498,121	8,347,188	8,364,194	9,403,934	9,893,728	7,878,989	8,820,865
The Delaware & Hudson Co.	6,438,555	7,170,553	7,400,695	8,100,767	7,186,380	8,643,934	9,059,288	8,305,486	8,088,182
Delaware, Lackawanna & West. Coal Co.	9,233,290	9,344,768	9,427,905	9,113,144	9,866,397	11,558,476	10,850,474	9,280,897	9,098,674
Philadelphia & Reading Coal & Iron Co.	10,198,600	10,748,603	8,747,643	8,083,487	10,006,684	11,517,994	11,572,061	10,097,588	10,786,251
Temple Coal Co.	1,730,367	1,881,888	1,881,888	1,914,135	1,400,986	1,625,155	1,383,964	1,076,987	1,144,562

Table 10 gives the average yearly net income in cents per ton of coal mined during the period 1912–1920. Note the increase of the Philadelphia & Reading Coal Co. from 1.7 cents in 1912 to 61.9 cents in 1920. Furthermore, it will be observed that the Lehigh & Wilkes-Barre Coal Co. increased from 48 cents per ton to 134.7. This again illustrates that increased earnings and profits have been due to greater margins per sale rather than to increased tonnage sold.

TABLE 10.

	Net income per ton (cents).								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
Lehigh Coal & Navigation Co.	62.3	54.9	58.8	58.1	73.0	86.7	84.5	66.0	92.4
Lehigh & Wilkes-Barre Coal Co.	48.0	77.9	84.2	57.6	55.9	78.8	66.9	116.8	134.7
The Lehigh Valley Coal Co.	19.5	2.3	6.2	19.6	24.14	25.3	46.1	42.0	56.8
The Delaware & Hudson Co.	8.1	18.1	14.0	15.4	16.2	18.8	17.8		
Delaware, Lackawanna & Western Coal Co.	22.9	13.7	25.9	16.9	18.4	37.4	33.4		
Philadelphia & Reading Coal & Iron Co.	1.7	18.8	8.2	.7	29.6	47.2	33.9	38.5	61.9
Temple Coal Co.	42.2	46.9	58.1	56.6	85.3	113.7	110.5	82.2	134.4

Table 11 is the dividend table for the period 1912 to 1920:

TABLE 11.—Profits of anthracite coal companies, 1912–1920.

Name of company.	Dividends paid.								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
Lehigh Coal & Navigation Co.:									
Per cent	8	8	8	8	8	8	8	8	8
Amount	$2,124,635	$2,124,635	$2,124,635	$2,124,635	$2,124,635	$2,124,635	$2,283,673	$2,283,918	$2,283,918
Lehigh & Wilkes-Barre Coal Co.: [1]									
Per cent	13	13	13	13	13	13	13	13	13
Amount	$1,197,300	$1,197,300	$1,197,300	$1,197,300	$1,197,300	$1,795,950	$1,197,300	$1,197,300	$1,197,300
Lehigh Valley Coal Co.:									
Per cent	None.	None.	None.	None.	None.	25	50	8.5	100.3
Amount						$2,367,777	$3,080,[illegible]	$803,474	$12,713,[illegible]
Lehigh Valley Coal Sales Co.: [2]									
Per cent	5	15	1.0+25	10	10	14+30	10+10	10+5	10
Amount	$[illegible]	$908,080	$2,270,857	$[illegible]	$[illegible]	$3,540,623	$2,542,269	$2,[illegible],421	$1,[illegible],230
Delaware & Hudson Co.: [3]								(5)	(5)
Delaware, Lackawanna & Western Coal Co.: [4]									
Per cent	10	10+20	10+25	10+50	10+20	10+90	10+10	10	[6] 10
Amount	$839,070	$1,077,230	$1,318,140	$3,954,420	$1,318,140	$6,590,700	$2,636,280	$839,070	$5,009,095
Philadelphia & Reading Coal & Iron Co.: [6]								[7] None.	[7] None.
Temple Coal Co.: [8]									
Per cent	6	6	(9)	8	8	8		None.	None.
Amount	$600,000	$180,000	$[illegible]	$[illegible]	$117,333	$72,000			

[1] 13 months in 1917. A special cash dividend of 150 per cent was paid Mar. 5, 1921. (Poors & Moodys, 1921, p. 901.)
[2] Jan. 17, 1914, 25 per cent cash dividend, with permission to subscribe for 25 per cent of new stock. July 14, 1917, 30 per cent cash dividend, with permission to subscribe for 30 per cent of new stock. Ten per cent extra in 1919 paid in Second Liberty loan 4 per cent bonds. 1920 paid partly from surplus of former years. On Dec. 6, 1920, the United States Supreme Court ordered Lehigh Valley R. R. to dissolve the combination of the railroad and its principal subsidiary companies, and to redistribute stocks, bonds, and properties to make each component part in fact independent and competitive. Lehigh Valley Coal Co. was specifically named in the decree. (Poors & Moodys Manual of Industrials, 1921, p. [illegible].)
[3] Stock owned by railroad company. No dividends paid.
[4] Coal department Delaware & Hudson R. R. No information.
[5] 1917, 40 per cent paid as follows: $[illegible] in British notes at par; $3,647,475 in United States Liberty loan 4 per cent bonds at par. 1918, $2,977,300 in 4½ per cent Liberty Loan bonds at par.
[6] And 75 stock dividend.
[7] All stock owned by Reading Co.
[8] No dividends paid on common stock. 1916, $40,000 (5 per cent) premium paid on $800,000 preferred stock retired; 1917, $80,000 (5 per cent) premium paid on $1,[illegible] preferred stock retired.
[9] 6 first half, 5 last half.

It will be observed that the Lehigh Coal & Navigation Co.'s net income averaged 10.12 per cent during the period. The Lehigh & Wilkes-Barre Coal Co. was 41.20 per cent. The Lehigh Valley Coal Co. averaged 38.36 per cent. The Delaware, Lackawanna & Western Coal Co. from 1912 to 1918, inclusive, averaged 39.2 per cent. The Philadelphia & Reading Coal & Iron Co. during the period 1912 to 1920 averaged 32.9 per cent. The Temple Coal Co. during the same period averaged 69.6 per cent. The average percentage of net incomes to capital stock of the six companies as given above during the period 1912–1920 was 38.2 per cent. It will be observed that one company's next income during the year 1918 was 50 per cent more than its capital stock. Lehigh Coal & Navigation Co. averaged 8 per cent throughout the 1912–1920 period; that the Lehigh & Wilkes-Barre averaged 13 per cent throughout the same period; that the Lehigh Valley Coal Co. totaled 100 per cent in dividends during that period; that the Lehigh Valley Coal Sales Co., the selling agent of the Lehigh Valley Coal Co., totaled 177½ per cent during that period; that the Delaware, Lackawanna & Western Coal Co. totaled 375 per cent during the same period. These coal companies were controlled during this period by the anthracite railroads, and later I shall call attention to the goodly earnings and dividends of these anthracite carriers.

Table 12 gives the common stock dividends. It will be noted that the maximum was as high as 85 per cent in one instance:

TABLE 12.—Common stock dividends paid by the anthracite carriers, 1898–1920.

Year.	Reading Co.	Central of New Jersey.	Lehigh Valley.	Delaware, Lackawanna & Western.	Delaware & Hudson.	Pennsylvania.	New York, Ontario & Western.	Lehigh Coal & Navigation Co.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
1898		4.00		7.00	5.00	5.00		4.00
1899		4.50		7.00	5.00	5.00		4.00
1900		5.00		7.00	5.00	6.00		5.00
1901		5.75		7.00	7.00	6.00		5.00
1902		(1)		7.00	7.00	6.00		[2] 15.00
1903		12.00		7.00	7.00	6.00		6.00
1904		8.00	1.00	17.00	7.00	6.00		[2] 17.00
1905	3.00	8.00	4.00	20.00	7.00	6.00	4.50	8.00
1906	4.00	8.00	4.00	20.00	7.00	6.50	2.00	8.00
1907	4.00	8.00	6.00	20.00	9.00	7.00	3.00	8.00
1908	4.00	8.00	6.00	20.00	9.00	6.00	2.00	[2] 18.00
1909	4.00	8.00	8.00	85.00	9.00	6.00	2.00	8.00
1910	5.00	12.00	6.00	30.00	9.00	6.00	2.00	[2] 23.00
1911	5.00	12.00	10.00	35.00	9.00	6.00	2.00	8.00
1912	5.00	13.00	20.00	20.00	9.00	6.00		8.00
1913	7.00	13.00	10.00	20.00	9.00	6.00	2.00	8.00
1914	8.00	13.00	10.00	30.00	9.00	6.00		8.00
1915	8.00	12.00	10.00	20.00	9.00	6.00		8.00
1916	8.00	13.40	10.00	20.00	9.00	6.00	1.00	8.00
1917	8.00	15.00	10.00	25.00	9.00	6.00	2.00	8.00
1918	8.00	13.00	10.00	20.00	9.00	6.00		8.00
1919		20.03	18.55	6.18	36.46	5.47	8.63	1.55
1920		26.28	10.27	22.29	21.20	6.44	6.72	1.26

[1] The Central of New Jersey paid regular quarterly dividends of 2 per cent in 1902, but none are shown because of a change in the date of the annual report.
[2] Including a 10 per cent stock allotment at par.
[3] Including a 10 per cent stock allotment at par and a 15 per cent scrip dividend.

I shall now analyze some of these figures.

LEHIGH COAL & NAVIGATION CO.

a. Increased surplus from 1912 of one and one-half millions to over eighteen and one-half millions in 1920. An increase of about 1,150 per cent.

b. At same time paid dividends of 8 per cent per annum.

c. Increased average yearly net income per ton of coal mined from 62.3 cents to 92.4, or approximately 50 per cent.

d. Only increased production in 1920 over 1912 of but 20 per cent.

LEHIGH & WILKES-BARRE COAL CO.

a. Tonnage production reduced from 1920 below that of 1912 about one and one-third million tons, approximating a reduced production of about 30 per cent.

b. Increased average yearly net income per ton of coal mined from 48 cents in 1912 to 134.7 cents in 1920.

c. Increased surplus of three and one-half million in 1912 to twenty-seven millions in 1920, or nearly 900 per cent.

d. Total dividends paid during this period amounted to 305 per cent.

The stock of this coal company was owned largely and controlled by the New Jersey Central Railroad, known as an anthracite carrier. During the period of 1898–1918 this railroad paid 200 per cent in dividends. During the period 1903–1913 its net earnings on capital stock was 20.4 per cent.

LEHIGH VALLEY COAL CO.

a. Decreased its tonnage production of eight and one-half millions in 1912 to eight and one-third millions in 1920.

b. During same period increased average yearly net income per ton of coal mined from 13.5 cents to 56.8 cents.

c. Reduced bounded debt from twenty millions to eleven and one-half millions.

d. Increased net worth from five and one-half millions to twelve millions.

e. And paid dividends during period of 190 per cent.

This coal company's stock is largely owned and the company controlled by the Lehigh Valley Railroad Co., which averaged during the same period 10 per cent yearly dividends.

LEHIGH VALLEY COAL SALES CO.

This company is the selling agency for the Lehigh Valley Coal Co. In the period 1912–1920 it paid in dividends 177½ per cent, equaling approximately 20 per cent per annum throughout the period. The combined dividends of railroad company, coal company, and sales company during this period totaled 457½ per cent, constituting an average combined dividend for these allied companies of 51 per cent per annum.

DELAWARE, LACKAWANNA & WESTERN COAL CO.

a. Tonnage production in 1912 was 9,233,000 tons. Reduced in 1920 to 9,098,000 tons, or a decreased production in tons of 2½ per cent.

b. At same time increased average yearly net income per ton from 22.9 cents in 1912 to 33.4 cents in 1920, or 50 per cent.

c. Paid in dividends during period a total of 375 per cent. I understand that during the period of 1898–1918 this coal company was under the control of a railroad company by the same name. This D., L. & W. R. R. Co. during the period of 1899–1918 paid in dividends a total of 444 per cent, constituting an average dividend per annum of 22½ per cent. The total dividend of coal company and coal carrier in the period of 1912–1920 is 580 per cent or an average combined dividend of 60 per cent per annum.

PHILADELPHIA & READING COAL CO.

a. Increased tonnage production from approximately 10,200,000 tons in 1912 to 10,800,000 tons in 1920—an increase of production of 6 per cent.

b. At same time increase average yearly net income per ton of coal mined from 1.7 cents in 1912 to 61.9 cents in 1920.

c. Increased surplus from one and one-half millions in 1912 to twenty-five and one-half millions in 1920—an increase of 1,700 per cent.

d. Increased net worth from nine and one-half millions to thirty-three and one-half millions, or 360 per cent.

e. No dividend information available.

During the period 1903–1913 the Philadelphia & Reading Railroad Co., controlling this coal company, paid dividends averaging 22.7 per cent per annum. During the same period their net earnings averaged 31.65 per cent of the capital stock.

TEMPLE COAL CO.

a. Decreased production from 1912 of 1,730,000 tons to 1,144,000 tons in 1920. Approximately 33⅓ per cent decrease.

b. At same time increased average yearly net income per ton of coal mined from 42.2 cents to 106.8 cents.

c. Increased percentage of net income on capital stock of 29.3 per cent in 1912 to 121 per cent in 1920.

While the coal companies were making these excessive profits the anthracite carriers owning or controlling the stock in the coal companies were paying good dividends or making large earnings. I have already called attention to some of them.

The Interstate Commerce Commission in its report of 1915 on anthracite rates recognizes the fact that the anthracite roads dominated anthracite coal production. I quote from the report as to ownership of stock, as follows:

Coal company.	Owner of stock of coal company.	Par value of stock owned.	Date stock was acquired by owner.
Lehigh & Wilkes-Barre Co.	Central Railroad of New Jersey	$8,491,150	1874-1900.
Philadelphia & Reading Coal & Iron Co.	Reading Co.[1]	8,000,000	Dec. 1, 1896
Hillside Coal & Iron Co.	Erie Railroad Co.	1,000,000	Dec. 1, 1895.
Pennsylvania Coal Co.	do.	5,000,000	March, 1901.
Lehigh Valley Coal Co.	Lehigh Valley Railroad Co.	1,985,000	1875-1903.
Coxe Bros. & Co. (Inc.)	do.	2,910,150	1903.
Scranton Coal Co.	New York, Ontario & Western Railroad Co.	300,000	Feb. 2, 1899.
Elk Hill Coal & Iron Co.	do.	60,000	Mar. 1, 1899.
Susquehanna Coal Co.	Pennsylvania Railroad Co.	2,138,900	1873-1898.
Mineral Railroad & Mining Co.	do.	100,002	1877-1891.
Summit Branch Mining Co.	do.	25,000	Mar. 12, 1902.
Mineral Railroad & Mining Co.	Northern Central Railway Co.	199,998	1887-1891.
Hudson Coal Co.	Delaware & Hudson Co.	2,400,000	1901-1915.

[1] Holding company.

The carriers own the entire outstanding stock of the coal companies named above with but one exception; the Central Railroad Co. of New Jersey owns $8,491,150 of the $9,210,000 stock issued by the Lehigh & Wilkes-Barre Coal Co.

The claim was made before the Senate Committee on Reconstruction that the railroad rates for the carrying of anthracite coal by the anthracite carriers averaged two and one-half to three times the operating cost. The receipts from carrying coal constitute a great percentage of the gross income of these roads. The complaint is that these unreasonable and unjust rates have had their unreasonableness multiplied by the horizontal increases in commodity rates during the past four or five years. I again quote from this Interstate Commerce Commission report showing the tonnage shipped during the month of November, 1912, by the coal companies over the anthracite roads. This tonnage constitutes a very large proportion of the total tonnage.

Carrier.	Coal company.	Tons (2,240 pounds) shipped by affiliated coal company.	Ratio to total tonnage shipped by all shippers.
			Per cent.
Central R. R. Co. of New Jersey.	Lehigh & Wilkes-Barre Coal Co.	[illegible]	52.45
Do.	Lehigh Coal & Navigation Co.	238,076	[illegible]
Philadelphia & Reading Ry. Co.	Philadelphia & Reading Coal & Iron Co.	1,074,443	[illegible]
Delaware, Lackawanna & Western R. R. Co.	Delaware, Lackawanna & Western Coal Co.	881,053	96.01
Lehigh Valley R. R. Co.	Lehigh Valley Coal Sales Co.	[illegible]	77.34
Delaware & Hudson Co.	Hudson Coal Co.	844,084	78.25
Pennsylvania R. R. Co.	Susquehanna Coal Co.	555,330	86.71
Northern Central Ry. Co.	Pennsylvania Coal Co.	486,000	76.42
Erie Lines	Hillside Coal & Iron Co.	126,000	19.15
New York, Ontario & Western Ry. Co.	Scranton Coal Co.	277,503	90.50

I have several other tables pertaining to these anthracite carriers, which I shall place in the RECORD with brief explanations.

Table 13 gives the average yearly percentage of net income to capital stock for the period indicated:

TABLE 13.—*Net income earned by anthracite carriers on their capital stock.*

Year.	Reading Co.	Central of New Jersey.	Lehigh Valley.	Delaware, Lackawanna & Western.	Delaware & Hudson.	Pennsylvania.	Erie.	New York, Ontario & Western.	Lehigh Coal & Navigation Co.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
1913	7.24	[illegible]	14.46	12.25	16.42	8.00	8.16	2.98	[illegible]
1914	7.73	[illegible]	11.65	24.43	9.88	7.16	.51	1.14	[illegible]
1915	8.15	19.38	10.79	25.72	13.04	[illegible]	.67	1.08	8.42
1916	8.75	30.77	13.00	29.88	14.46	10.40	[illegible]	1.88	15.48
1917	8.75	36.48	11.80	35.40	11.72	7.50	1.05	1.88	11.71
1918[1]		13.11	10.90	33.90	11.98	8.88	4.14	1.89	
1919[2]	[2] 7.38	14.34	2.92	26.39	5.82	.47			9.30

[1] Guaranteed income account.
[2] Combined Federal and corporate income account.
[3] Corporate income account.

Table 14 is taken from figures presented by Mr. Lauck, an economist who appeared before the Calder committee on reconstruction. These figures have not been checked by the Federal Trade Commission. They purport to give the actual investment in these anthracite coal companies with watered stock and fictitious values eliminated:

TABLE 14.—*Per cent of income earned by anthracite railroads on that proportion of their capital stock which represents actual investment.*

Year.	Reading Co.	Lehigh Valley.	Delaware, Lackawanna & Western.	Delaware & Hudson.	Pennsylvania.	Erie.	New York, Ontario & Western.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
1913	37.52	19.63	52.04	27.22	11.19	51.17	5.91
1914	40.08	15.41	35.23	12.93	9.71	11.98	[illegible]
1915	31.99	14.86	37.14	17.41	8.87	8.43	4.48
1916	35.01	17.85	38.42	19.23	14.34	16.57	1.48
1917	36.02	16.02	46.64	15.69	8.90	15.43	7.11
1918[1]		14.77	46.83	14.83	11.92	20.83	1.38
1919[2]	[3] 24.00	8.87	14.91	2.42	6.23		

[1] Guaranteed income account.
[2] Combined corporate and Federal income account.
[3] Corporate income account.

The figures for the period 1919-20, as furnished by the Interstate Commerce Commission, are as follows:

Name of company.	Per cent of net income to capital stock.		Dividends declared on common stock.	
	1919	1920	1919	1920
	Per cent.	Per cent.		
Central R. R. Co. of New Jersey	19.38	10.27	[illegible]	[illegible]
Delaware & Hudson Co.	5.47	6.44	5,823,234	5,825,234
Delaware, Lackawanna & Western R. R. Co.	[illegible]	[illegible]	5,444,087	5,444,110
Erie R. R. Co.	2.42	1.05		
Lehigh Valley R. R. Co.	8.18	22.29	4,088,982	4,236,119
New York, Ontario & Western Ry. Co.	1.55	1.20	936,974	980,077
Pennsylvania R. R. Co.	8.65	6.74	[illegible]	[illegible]
Philadelphia & Reading Ry. Co.	[illegible]	28.29	4,248,170	5,372,355

Table 15 gives some interesting figures on the earnings of two anthracite carriers—the Philadelphia & Reading Railroad Co. and the Central Railroad Co. of New Jersey:

TABLE 15.—*Extract from condensed income and profit and loss statement.*

PHILADELPHIA & READING RAILWAY CO.[1]

Year ended June 30—	Gross surplus.					Deductions from surplus.					Net surplus at end of year.
	Net income for year.		Surplus at beginning of year.	Miscellaneous credits.	Total.	Dividends declared.		Provisions for additions and betterments and new lines, etc.	Miscellaneous deductions.	Total.	
	Amount.	Ratio to capital stock.				Rate.	Amount.				
		Per cent.				Per cent.					
1913	$12,080,170	[illegible]	[illegible]		[illegible]	15	$6,372,255	$2,201,562	$[illegible]	$[illegible]	[illegible]
1912	8,138,578	19.16	9,555,287	$44,061	17,838,626	15	6,372,255	2,629,740	70,651	9,072,646	[illegible]
1911	7,663,005	18.04	11,372,906	[illegible]	19,134,171	15	5,000,000	3,353,530	1,124,625	9,478,184	[illegible]
1910	8,768,098	[illegible]	9,721,612	[illegible]	18,507,266	25	5,000,000	2,070,661	[illegible]	7,136,360	[illegible]
1909	6,365,358	15.03	10,162,966		16,527,324	25	5,000,000	1,805,722		6,805,722	9,721,612
1908	7,290,878	16.45	9,815,427		17,107,305	30	6,000,000	537,866	7,579	6,945,239	[illegible]
1907	7,892,359	20.46	9,772,002		17,664,361	30	6,000,000	1,947,934		7,947,934	9,816,427
1906	8,234,908	44.62	10,267,530		19,312,438	30	6,000,000	3,339,352	1,086	9,340,438	9,772,002
1905	8,338,906	41.69	7,028,268		15,367,173	20	4,000,000	979,643		4,979,643	[illegible]
1904	5,460,030	12.45	5,112,103		10,602,133	12	2,400,000	1,173,765		3,573,765	[illegible]
1903	3,546,276	17.73	2,794,867		6,341,052			1,228,760		1,228,760	5,112,103
Average		21.65				22.7					

CENTRAL RAILROAD CO. OF NEW JERSEY.[1]

1913	$7,332,882	26.73	$13,989,878	$731,371	$22,034,131	12	$3,292,416	$4,040,466	$[illegible]	$7,886,274	$14,137,857
1912	6,018,062	21.94	13,519,534	41,360	19,579,956	12	3,292,416	2,009,000	317,362	5,618,778	13,959,878
1911	6,762,503	24.65	12,306,846	667,109	20,236,108	12	3,292,416	3,000,000	474,168	6,766,674	13,469,434
1910	8,957,288	32.65	10,929,487	192,111	20,078,886	12	3,292,416	4,080,000	348,672	7,721,040	12,357,846
1909	4,537,956	16.54	10,582,305	550,577	15,671,839	8	2,194,912	2,000,000	537,440	4,732,352	10,939,487
1908	3,123,441	18.67	9,579,874	625,070	13,328,385	8	2,194,912	2,000,000	551,167	4,746,079	10,583,306
1907	5,788,878	35.08	9,345,052		15,233,930	8	2,194,944	2,362,002	1,161,730	5,718,676	9,570,874
1906	5,669,795	35.63	9,211,227	212,922	15,093,955	8	2,194,424	1,984,444	1,419,355	5,598,223	[illegible]
1905	5,032,422	18.33	8,739,227	330,984	14,102,633	8	2,195,704	1,072,702	1,625,020	4,891,426	9,211,207
1904	4,339,204	15.78	8,840,981		13,167,095	8	2,195,464	665,146	1,369,249	4,227,858	8,739,237
1903	2,134,796	7.79	6,952,228		11,087,020	8	2,195,264		82,674	2,278,110	8,808,910
Average		25.41				9.4					

[1] Transcript of record, U. S. v. Reading Co. et al., United States Supreme Court, 1916, vol. 2, p. 118.

The Philadelphia & Reading average dividend for the 10-year period is 22.7 per cent. In addition it increased its net surplus from five millions to eleven and one-half millions, or over 100 per cent. Almost as good a showing is made by the Central Railroad of New Jersey, which increased its surplus from nine millions to over fourteen millions and at the same time paid dividends of a yearly average of 9.4 per cent.

Mr. STEVENSON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. STEVENSON. Is there any reason, then, why the rate on coal should not be reduced on those coal-carrying roads?

Mr. NEWTON of Minnesota. There is certainly no reason, so far as I can find out, why the rates on the coal-carrying roads should not be reduced.

Mr. STEVENSON. Then the rate on all coal should naturally be reduced. They are getting more for it than is necessary to earn their 6 per cent.

Mr. NEWTON of Minnesota. But the beneficiary of the high rates on coal are not the roads or the lake companies that carry it, but these same interests that own the mines. They get a big price and a short haul.

Mr. CAMPBELL of Kansas. Does the excess of over 6 per cent go into the Treasury for the benefit of the smaller roads?

Mr. NEWTON of Minnesota. The anthracite roads are under the terms of the transportation act.

Mr. CAMPBELL of Kansas. Then the excess over the 6 per cent would not go into their fund?

Mr. NEWTON of Minnesota. Not since the passage of the transportation act. However, these figures are prior to 1920.

Mr. STEVENSON. That depends on whether the roads have signed the contract. They were not required to sign the contract to accept the first compensation during the first six months.

Mr. NEWTON of Minnesota. That was the 6-month period. That was a question of contract. But as to the standard return, following the 6-month guaranty period there is a recapture clause. But I want to say to the gentleman from South Carolina [Mr. STEVENSON] and the gentleman from

Kansas [Mr. CAMPBELL] that up to the present time no railroad, so far as I am advised, has paid over a penny on this provision. I do not know whether they ever will. They have not paid up to the present time.

Mr. LONDON. And under the Esch-Cummins Act the railroad companies have to turn over to the Government one-half of the amount earned above 6 per cent, do they not?

Mr. NEWTON of Minnesota. That is approximately correct.

Mr. LONDON. And if they earn a dividend, say, of 12 per cent they retain 9 per cent—only one-half of the excess?

Mr. NEWTON of Minnesota. That is the provision of the act; but, as I say, there is no railroad that has turned over any proportion of that under the terms of the act.

Mr. STEVENSON. That is put into a general fund for the purpose of advancing money for equipment to roads that have not sufficient equipment, but they have to pay that money back some time and have to pay interest on it. The road has not lost what it put in there itself—an investment on a certain trust fund.

Mr. NEWTON of Minnesota. The provision referred to was to help out the weaker roads.

Now, bear in mind that the figures that I have given here have in large part been based upon figures furnished by the companies voluntarily at some time or other, either for investment purposes in the various financial journals or publications or voluntarily through some governmental agency during the period of the war.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. I was told just a moment ago, Mr. Chairman, that I had seven minutes, and I am positive since then I have not used three.

The CHAIRMAN. The Clerk said that was a mistake.

Mr. NEWTON of Minnesota. I know; but it seriously interferes with my presentation.

Mr. ANDERSON. Mr. Chairman, I yield five additional minutes to the gentleman.

The CHAIRMAN. The gentleman from Minnesota is recognized for five additional minutes.

Mr. NEWTON of Minnesota. Mr. Chairman, I have no hesitancy in submitting to the committee that these earnings and profits, as shown by coal company and coal carrier, are excessive and constitute an unjust charge, not only on the domestic consumer but upon business and industry. Yet, I venture to say, if the payment of excessive prices for coal would bring real service and a steady maintenance of supply, that the country might be disposed to pay these excessive prices and say little. But the payment of these prices does not insure a maintenance of our coal supply. It is not a price paid for efficient service. Every year or two the maintenance of our coal supply is threatened. It either is a breakdown of production through a strike or a breakdown of distribution through lack of proper distributing facilities. The country is again threatened with a strike. If it comes, there is no counting its cost or duration. The coal famine or threatened coal famine of a year ago cost the country several hundred millions of dollars. What this strike will cost if it comes no one can predict. Truly, Mr. Secretary Hoover—I think it was he—was right in characterizing the coal industry as the worst run basic industry in the country.

Furthermore, we not only face a strike but we face it unprepared. We know nothing about the operators' business, except as here and there they have chosen to furnish information to the Government or public for reasons of their own. As to capitalization, costs and profits, depreciation charges, overhead expenses, and their reasonableness, the Government knows practically nothing. Wrapped up in the coal business are numerous contracts and leases skillfully drawn to baffle the understanding of the most expert lawyers. While the Government knows little about the business details of the operators, it knows little more by way of accurate, authoritative information as to the yearly earnings of the workmen, the number of days employed per year, and the purchasing power of the wage in the locality of the mine.

It seems to me that the Federal Government should have all this information, and it is the duty of this Congress, in my judgment, to confer this power in express terms upon some governmental agency, so that these coal companies can be compelled to currently report this information. It will then be available for use at any time for any emergency. [Applause.]

One year ago the Senate Committee on Reconstruction recommended such a measure. I introduced a similar measure in the House. It starts out on the broad premise that in this country coal is a public necessity and essential to the health and for the life of the people. It therefore expressly charges coal with a public use. It does this on the theory that the Federal Government is necessarily concerned with the health and lives of its citizens. Ninety per cent of the coal mined goes into interstate-commerce channels. In my judgment, the Federal Government has jurisdiction under the commerce clause, but this bill predicates jurisdiction not only on the commerce clause but upon the general obligation resting upon all governments, and our own Government in particular, to protect the health and lives of its citizens.

The power to ascertain this information is conferred upon the Federal Trade Commission. Soon the attention of everyone will be directed to the question of coal supply, owing to the threatened strike and the country's unpreparedness for meeting it. It occurs to me, therefore, that this is an appropriate time for Congress to consider a measure of this kind.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. STEVENSON. If the gentleman will permit, if the Federal Trade Commission's power is contested in the courts on the ground that the mining of coal is not an interstate effort, will not your legislation be subject to the same controversy?

Mr. NEWTON of Minnesota. In part, yes; but the Government would rest its case not only upon the interstate-commerce clause in the Constitution but on the broader ground that coal is a public necessity, and that it is required for the health and general welfare of the people, and that the commission, as an agency of Congress, has the right to acquire information pertaining to matters of such vital moment to all the people.

Mr. STEVENSON. If the gentleman will permit, flour or wheat is also in the nature of a public necessity, and we have not the right to go into the production of wheat unless it goes into interstate commerce.

Mr. NEWTON of Minnesota. I am sorry, but my time is so short and will not permit further discussion. But we regulate banks, and yet they are no more important than the mines and the distribution of coal at a reasonable price. We regulate public utilities and the railroads vastly more than is contemplated in this legislation, and yet the railroads can not run when the mines do not run.

Mr. LONDON. Mr. Chairman, will the gentleman yield for a short question?

Mr. NEWTON of Minnesota. Yes.

Mr. LONDON. Does not the gentleman draw a distinction between natural resources and things created by the effort of man?

Mr. NEWTON of Minnesota. Yes. But I could not take the time to enter into a discussion with the gentleman.

Mr. Chairman, the tables I have presented show gross profiteering upon one of the great necessities of life. Thousands of home owners in the north section of our country simply must use anthracite coal and they can not pay $18 per ton. There is no reason why they should pay it. The earnings made by these coal companies could not have been made if they had sold their coal at only a just and reasonable margin of profit. How much more they have made only they themselves know. The public is entitled to full and complete information regarding this basic industry. If the Government does not take steps to acquire this information it is not showing that regard for the health and lives of its citizens that it should. This bill is not a drastic, restrictive, regulatory measure; it only seeks information, and relies upon an informed and aroused public opinion to correct any abuses ascertained in acquiring the information.

The Director of our Geological Survey has aptly called coal "the staff of life of industry and the lifeblood of transportation." The statement is an accurate one. It is time for the Government to so consider this industry, and to that end, Mr. Chairman, this Congress ought to hasten the enactment of some legislation of this character. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. GENSMAN] such time as he desires.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. GENSMAN. Mr. Chairman, I take this opportunity of calling to the attention of the House a condition that exists in very few States of the Union. I recognize the fact that it is peculiar to only a few States, and on account of that fact in the past the House has not given the matter a great deal of consideration. I am not altogether certain that it has ever

been called to the attention of the House, but it is a matter that should receive the careful consideration of the Members of this great law-making body.

A number of the leading educators of my district and State have communicated with me on the subject, expressing their desires and wishes and offering such advice and suggestions as they have with regard to remedying the situation. I have taken all these suggestions into my most careful consideration and from the mass of information I have received I have prepared and introduced a bill for the consideration of the proper committee and the House, with the hope that at an early date this situation will be taken care of.

In every State where Indians have received allotments these tracts of land are intermingled with lands belonging to the white man, the Indian allotment being nontaxable and the white man's land being taxable, which results in whole geographical townships and school districts in some instances being principally nontaxable land.

The gradual trend toward the policy of sending Indians in districts of this kind to the State schools upon paying a certain inadequate amount daily per scholar results in the white man being overtaxed and having a very poor school and in the Indian paying for sending his children to a very poor school, to the disadvantage and detriment of Indians and whites alike.

The policy of the Government has been to discontinue such schools as Rainy Mountain and other Indian schools as rapidly as possible. I tried the other day on the floor of the House to get an appropriation for the Rainy Mountain school, with no success other than to have my esteemed and distinguished friend, the gentleman from Illinois [Mr. MANN], say to me, "Young man, you made an excellent presentation of the matter and a good fight." The amendment carrying the appropriation lost by three or four votes.

I feel that the Government ought to educate the Indian in separate schools or to arrange for adequate facilities for educating him in the white schools. We advocate the education of the Indian. Every Member seems to have his own theory on this proposition. We are trying to discontinue a system that has long been in vogue and inaugurate a new one. In some instances we are taking care of the education of the Indian in Government schools, while in others trying to send him to the white schools, with the inevitable result that, with a mixed-up system of this kind, the Indian is but poorly educated, or at least is not getting the full benefit of the money expended in his behalf, and the white children alike are not receiving what they are entitled to.

What I have said with regard to schools applies alike to other improvements in the various townships, precincts, and school districts. In townships where there are a great many Indian allotments the roads are neglected, the bridges inadequate, and general improvements are poor.

In discussing this subject, the Indian question, which is an old question in this House, in a general way comes up for debate. To begin with, the Government has agreed in various treaties with the Indian to take care of his needs. He is known as the ward of the Government. The responsibility rests alone and entirely upon the Government. The Government, representing all the people, should under the circumstances be solely and entirely responsible to the Indian for his care. That responsibility should not be shifted from the shoulders of the Government to those of the few white people who happen to live in close proximity to the Indian. The responsibility should be borne by all of those comprising our great Government. The fact that a small number of white people own and live upon lands within the township or subdivision where numerous Indian allotments have been selected is no reason why they should assume the responsibility. A few shoulder the major portion of the responsibility, which in all justice rests upon all. A few are compelled to travel over poorly kept roads, live in a township or county with few and poor schools, and poorly paid teachers, while at the same time these men pay more taxes to the county, State, and school district than the man who has better facilities.

In addition to the responsibility a man owes to his family, he owes to the Government the responsibility to raise his family in such a manner as to make of them citizens who will be a credit to it. The Government, on the other hand, has responsibilities to its citizens, one of which is equity of taxation among and upon its members. The contractual responsibility to the Indian embodied in the various treaties should be shared equally by all and should not be shifted so as to be borne principally by those who happen to live in certain localities. My opinion of the matter is that it is high time for us to determine whether we will educate the Indian in the white schools or in the Indians' school. The present "50-50" proposition is not conducive to the best interests of the Indians or the whites. Let us take one horn of the dilemma.

In my bill I propose that the Indian allotments be valued, and that, in lieu of taxes, the Government pay a sum equal to the taxes paid upon like property owned by whites. In that way every member of the Government shoulders his portion of the governmental responsibility. It would be of great benefit to the Indians and alike to the whites. To say the least of it, it would be an equitable distribution of the responsibility; but as it now stands, in a great many places not only do a few of the mature assume the burden of the entire people but the school children are adversely affected by this inequitable situation, and under no circumstances should they be called upon to suffer because of a responsibility which all the people assumed in the various contracts or treaties made between the Government and the Indians.

Mr. BUCHANAN. Mr. Chairman, I yield 30 minutes to my colleague from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, on last Thursday, March 2, in this Chamber the gentleman from Ohio [Mr. FESS], speaking no doubt as the chairman of the Republican congressional campaign committee, delivered a speech in which he gave a glowing account of what he termed the accomplishments of the Republican administration. Prepared and delivered as a campaign document for use in the congressional elections, it may be regarded as the official pronouncement of the Republican political organization. On the buoyant bosom of that river of dreams float Republican hopes for success in the election this fall. In its fine phrases can be heard the plea of the mendicant for votes, and wrapped up in its partisan platitudes is the anxious appeal of a desperate and perplexed party begging for two more years of public patience and forbearance. [Laughter.]

The fervid orator, as he stood on this floor, pointed with pride to the emergency tariff act as a monumental accomplishment. Through the magic of that measure the rehabilitation of agriculture had been hastened and much progress made along the road of national rehabilitation. How vain, gentlemen, how empty is that boast revealed when we consult the real facts of the operation of that piece of legislative quackery! Now, we all know that in an effort to delude the farmer, in an effort to commit the agriculturists of the United States to the Republican protective tariff theory, this measure which levied a duty of 35 cents per bushel on wheat, 15 cents per bushel on corn, 20 cents a gallon on cottonseed oil and some other vegetable oils, 28 cents a gallon on peanut oil, 30 per cent ad valorem on cattle, $2 per head on sheep, and 15 cents per pound on unwashed wool, was enacted by the Republicans and became effective on the 27th day of May, 1921.

Those duties were levied because the Republican politicians were trying to make the farmer believe that if imports of agricultural products could be taxed at the customhouse, by the operation of law, the price of his products would be increased and prosperity would be assured.

Mr. CAMPBELL of Kansas. Will the gentleman yield for just a very short question?

Mr. CONNALLY of Texas. Yes.

Mr. CAMPBELL of Kansas. In order to make the RECORD entirely accurate, will not the gentleman say that some Texas Members who are Democrats voted for that measure?

Mr. CONNALLY of Texas. I do not deny that. I shall answer the gentleman. The gentleman from Kansas is never so sure that he is right as when he finds some Democrat from Texas voting with him. [Laughter and applause.] I will say to the gentleman that there were some Members of the Texas and other delegations who are Democrats who were so desperate, so anxious to do something for agriculture, knowing that the Republican Party was in control, knowing that it was only through your party that any relief could be granted, knowing that you would propose nothing else, grasped at that straw and voted for the emergency tariff. But deep down in their hearts, if they had taken counsel of the past, they would have known that your political nostrum could not have been of any substantial benefit to the agricultural interests of this Nation.

Mr. CAMPBELL of Kansas. Will the gentleman yield for another question?

Mr. CONNALLY of Texas. No; I regret I can not yield any more. I have only 30 minutes. When I get along a little further I shall yield again. I do not want to be discourteous to the gentleman from Kansas, because I realize that he is one of the outstanding agricultural figures in this body. He is successful each two years in cultivating the farmers, even more assiduously than they cultivate the soil. [Laughter and applause.]

But what in fact did the emergency tariff do for the agricultural interests? To what dizzy heights did agricultural prices soar on its powerful pinions? Where is the hoarded gold touched by this modern Midas and brought into the farmers' treasury? Let us see what are the statistics.

I want to say that in quoting these figures and statistics I quote the Bureau of Markets of the Department of Agriculture, the Department of Commerce, and the Joint Commission of Agricultural Inquiry, of which the gentleman from Minnesota [Mr. ANDERSON] was chairman. With information from these sources I want to call the attention of the country and of this House to the real operation of the Fordney emergency tariff.

The Bureau of Markets and Crop Estimates reports that for May, 1921, the month in which the cry of despair went up, the month in which the Republicans proposed the remedy, No. 2 red wheat was selling in Chicago at $1.67 a bushel. It declined in June to $1.47, and in December it went to the low point of $1.18 per bushel, from the point of $1.67, with a 35 cents per bushel duty.

And what else do we find? We find that the department reports disclose that for that entire time, with one exception, the export price of wheat was greater than the domestic price. It discloses that the price of wheat going out of the United States was greater than the price of wheat sold within the United States. It discloses that the markets in Great Britain were always higher than the domestic markets within the United States. It simply disclosed what we have always said, that for the farmers' surplus products over and above what is consumed within the United States, the export market fixes the domestic price. You can not fix it by any political or legislative legerdemain, as was sought to be done in the farmers' emergency tariff. It may be worth while to refer to other data showing the prices for wheat for each month since May, 1921, at Chicago, under the tariff, in comparison with prices for the year previous without a tariff, and in comparison with British prices.

At Chicago in June, 1921, No. 2 red winter was worth $1.47 per bushel, against $2.89 for the same month in 1920. In Great Britain for June, 1921, wheat was selling at $1.72, against $1.47 at Chicago.

July, 1921, found it at $1.24 at Chicago, against $2.59 in 1920. In July, 1921, it was $1.58 in Great Britain, against $1.24 at Chicago.

In August, 1921, the market at Chicago was $1.22, against $2.50 for 1920, and in Great Britain in August, 1921, it was $1.48, against $1.22 at Chicago.

In September, 1921, the price was $1.29 at Chicago, against $2.53 for 1920. In September, 1921, it was $1.47 in Great Britain, against $1.29 in Chicago.

October, 1921, found it at $1.18 at Chicago, against $2.20 for 1920. In Great Britain in October, 1921, it was $1.21, against $1.18 at Chicago.

For November, 1921, it was $1.23 at Chicago, against $2.01 for 1920. In Great Britain it was $1.17, against $1.23 at Chicago.

In December, 1921, it was $1.18 at Chicago, against $2.02 for 1920. In December, 1921, it was $1.32 in Great Britain, against $1.18 at Chicago.

In January, 1922, the Chicago market was $1.21, and for February it was $1.34.

From a table prepared by the Department of Commerce these facts are made to appear: In June, 1921, the farm price of wheat in the United States was $1.27, against an export price of $1.36; for July, $1.12 against $1.50; for August, $1.048 against $1.40; for September, $1.01 against $1.34; for October, $1.06 against $1.30; for November, $0.94 against $1.18; for December, $0.929 against $1.21. The foreign market, the export market, the free world market, was always higher than the domestic market, and the domestic market itself declined from May, 1921, until it went as low as $1.18 in December, 1921, after seven months of the operation of the emergency tariff. In January of the present year—January, 1922—the Chicago wheat market was only $1.21, and for February it was only $1.34. In these instances it rose because the world market rose first.

I hold in my hand an Associated Press report dated at Chicago February 14, 1922, detailing a sensational rise in the wheat market of 6½ cents. This report stated that wheat had risen 6½ cents a bushel at Chicago. Why? "The reason was the sensational advance of Liverpool and other foreign market centers over yesterday's holiday," says the dispatch. This morning's Washington Post carried the following:

CHICAGO GRAIN.

CHICAGO, *March 6.*

Export buying of United States wheat, together with an unexpected advance of prices at Buenos Aires, led to substantial gains here to-day in the value of wheat.

Well, if it did not help wheat, surely it helped corn in Iowa and Kansas. Let us see what it did for corn. Corn carried a duty of 15 cents a bushel. In June, 1921, the price at Chicago was 62 cents under the tariff as against $1.89 for the year preceding without a tariff, the year 1920. When it was 62 cents in Chicago it was 97 cents in Great Britain. Its performance was like that of wheat.

In July, 1921, it was 60 cents at Chicago against $1.58 in 1920. When 60 cents at Chicago it was 98 cents in Great Britain.

In August, 1921, it was 56 cents against $1.58 for 1920. When it was 56 cents in Chicago it was 93 cents in Great Britain.

September, 1921, it was 53 cents against $1.31 for 1920. When it was 53 cents in Chicago it was 82 cents in Great Britain.

In October, 1921, it was 45 cents against 91 cents for 1920. When it was 45 cents in Chicago it was 71 cents in Great Britain.

In November, 1921, it was 47 cents against 77 cents in 1920. When it was 47 cents in Chicago it was 74 cents in Great Britain.

In December, 1921, it was 47 cents against 74 cents for 1920. When it was 47 cents in Chicago it was 86 cents in Great Britain.

By a table prepared by the Department of Commerce it is shown that the farm prices of corn in the United States for 1921 compared with the export prices were as follows: June, $0.625 against $0.743; for July, $0.622 against $0.71; August, $0.617 against $0.64; September, $0.562 against $0.60; October, $0.51 against $0.596; November, $0.411 against $0.612; December, $0.423 against $0.635.

When in December, 1921, corn was 47 cents in Chicago it was 86 cents in the British foreign market. These instances, gentlemen of the House, simply disclose the fact that the prices of surplus agricultural products of the United States are fixed in the markets of the world. They are not fixed by tariff tinkering with importations. The United States is a great exporter of wheat and the foreign market will always continue the free market, and that free foreign market will continue to fix the domestic price of wheat, because if a purchaser wants to buy wheat or corn in the United States he will not buy except at a price less than is offered for it at the seaboard. Whenever wheat stops going abroad the price drops at home, because the domestic surplus naturally reduces the price.

Now, let us see about some of the other articles. They tried to delude some of us into the belief that if there be levied a tariff on cottonseed oil it would immediately raise the price of cotton seed. So they levied a tariff on a great number of vegetable oils. What happened? Cottonseed oil was provided with a duty of 20 cents a gallon, and from May, 1921, to January of the present year it increased in the New York market from $0.0713 to $0.0865 per pound, or a little over 20 per cent, but cotton seed, out of which the oil is manufactured and upon which there was not levied a cent of duty, increased for the same time from $20 to $35.50 per ton at Memphis—not 20 per cent, but an increase of over 75 per cent on the free markets of the world.

The following are the farm prices for cotton seed per pound, compared with the export prices as reported by the Department of Commerce for the last seven months of 1921: June, $0.009 against $0.037; July, $0.009 against $0.017; August, $0.011 against $0.019; September, $0.014; October, $0.015 against $0.026; November, $0.015 against $0.021; December, $0.014 against $0.054.

The market quotations further show that during all the period the British market for cottonseed oil and the market for cotton seed were always higher than the domestic market.

In June, 1921, cotton seed was $18.50 per ton at New Orleans, against $41.87 for Egyptian spot cotton seed in the British market; in July, $22.50 against $49.17; in November, $37 against $47.94; and in December, $36 against $54.56.

The following were the export prices of cottonseed oil for the last seven months of 1921: June, $0.078; July, $0.077; August, $0.092; September, $0.092; October, $0.093; November, $0.089; December, $0.084.

And the British market was: For June, 1921, $0.072 to $0.0827; July, $0.0776 to $0.0887; August, $0.0832 to $0.0946; September, $0.0864 to $0.0956; October, $0.0971 to $0.1067; November, $0.0890 to $0.0934; December, $0.0811 to $0.0904.

The domestic market did not lead but followed the foreign markets.

Peanuts carried a duty of 3 cents per pound and peanut oil one of 20 cents a gallon. Surely peanuts must have gone skyward. In June, 1921, the domestic price per pound was $0.038, but the export price was $0.063; for July, $0.038 against $0.071; August, $0.039 against $0.061; September, $0.04 against $0.063; October, $0.04 against $0.063; November, $0.037 against $0.074; and December, $0.035 against $0.058.

At no time was the advance more than two-tenths of a cent over the June price, and December found them three-tenths of a cent lower. The price for foreign export was always much higher than the home price. Virginia Jumbo cleaned peanuts in the New York market in May, 1921, were $0.115 per pound. In January, 1922, they had declined to $0.093 and to $0.088 in February. The simple truth is that the United States before the war and since the war exported more vegetable oils than she imported, and the foreign market fixes the price at home.

Mr. SNYDER. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. SNYDER. Can the gentleman assure us by any information he may have at hand that if the emergency tariff had not been enacted the prices would not have gone lower than they did?

Mr. CONNALLY of Texas. Oh, I would prefer not to speculate on that now. I have not quite got to the object of the emergency tariff. The real object of the emergency tariff was not to raise the price of agricultural products. As a price for getting the agricultural schedules in that bill, what did the Republican Ways and Means Committee demand at the hands of the farmers? They demanded that there should be written into it an embargo on dyes, and they demanded as the price for the alluring bait that they held out the insertion in the tariff bill of an antidumping clause, which prohibits in a large measure the importation of foreign merchandise into the United States on the theory that it was being brought here at a price less than the cost of production.

Mr. SNYDER. One other suggestion: Does the gentleman realize that when the emergency tariff was enacted we were at the crisis of our speed of deflation, and the gentleman does not know, nor anyone else know, how far we would have gone if the emergency bill had not been enacted?

Mr. CONNALLY of Texas. How far would they have gone?

Mr. SNYDER. I do not know, and neither does the gentleman.

Mr. CONNALLY of Texas. I have not pretended to know; I only know that the legislative concoction prescribed by the political doctors on the Republican side of the House when administered did not improve the patient. [Laughter.] You said it was done to improve and cure the sick, and now because the patient has not already died the gentleman wants to believe that but for the administration of this medicine he would have died.

Mr. SNYDER rose.

Mr. CONNALLY of Texas. I can not yield again, because my time is limited and there are other phases I want to talk about. When I have time I am always very glad to yield to the gentleman, because he generally contributes enlightenment to the debate.

A little while ago the gentleman from New York [Mr. SNYDER] wanted to know if the prices of agricultural products would not have declined to still lower levels if the tariff had not been imposed. It is difficult to see how that could have occurred, because the export prices, the prices in foreign markets, were higher than domestic prices, and prevented home prices from going lower. Foreign prices held home prices up instead of driving them down. This is true, although whatever imports were shut out of the United States were forced upon the foreign market.

On the other hand, if deflation, the decline of European exchange, and the collapse of European markets caused prices to decline, the cure should have been applied to the cause.

What else do we find? We find, as I have already said, that the object in passing the emergency tariff legislation was to make it harder to import European merchandise and manufactured goods, because it was said that they were being brought in at a price less than the cost of production. The Agricultural Commission has reported that the crop of 1920 was sold at less than the cost of production; and if so, was it a crime that the farmer should have been able to exchange some of his goods, sold for less than the cost of production, for a few manufactured goods that were sold for less than the cost of production? Money is a relative value. If all of us go down together, we all sustain the same relative position, but if by law you pull up the manufacturer and the industries, you also by the same act let the farmer down toward the bottom of the scale.

How about wool? I may say here that wool is one agricultural product that in normal times would benefit by a tariff. A tariff in ordinary times would without doubt raise the price of wool, because we do not normally produce as much as we consume, but at the time the emergency tariff was enacted, and for some time thereafter, it did not benefit the woolgrower, and the figures disclose that fact.

What happened to wool? The report of the Agricultural Commission discloses that at the time of the passage of the emergency tariff law there were 4,000,000,000 pounds of wool in the world, and that the normal supply of wool was only 2,000,000,000 pounds. In other words, the world had more than twice as much on hand as it normally had, and until that surplus was somewhat reduced the world's price of wool was going to remain low. The Department of Commerce reports that the farm prices for wool in the United States were $0.154 in June, 1921, as against $0.232 for export; July, $0.155 against $0.216; August, $0.154 against $0.213; September, $0.155 against $0.24; October, $0.158 against $0.224; November, $0.156 against $0.212; December, $0.169 against $0.184.

The figures disclose that even during the operation of the emergency tariff act the export prices on wool were always higher than the domestic price. The domestic price of wool varied from about 15.5 cents until it rose to 16.9 cents, I believe in December, and wool is up some at the present time.

Mr. LONGWORTH. What does the gentleman mean by "some"?

Mr. CONNALLY of Texas. I can not find the exact figures. It is up over what it was in December.

Mr. LONGWORTH. It is over 40 cents a pound to-day.

Mr. CONNALLY of Texas. As I have already pointed out, a tariff will eventually raise the price of wool when stocks are reduced. The gentleman will not dispute the fact, however, that wool was much lower during the last six months of 1921, with his tariff, than it was the first six months without a tariff. The world price had declined.

Mr. LONGWORTH. At the time the emergency tariff act was passed there was no market for wool, and now it is worth over 40 cents a pound.

Mr. CONNALLY of Texas. If the emergency tariff act made it 40 cents a pound in February and March, 1922, why did not the gentleman's bill make it rise at least 1 cent in May or June, or July or August, 1921, when the emergency tariff act went into operation? In the hands of the farmer it rose only one-fifth of a cent from June to November.

Mr. LONGWORTH. I will answer the gentleman very briefly by saying that at that time the importations under the Underwood law had been so enormous that it took some time before the market was affected.

Mr. CONNALLY of Texas. The gentleman seems to contradict himself. He said a moment ago there was not any market for wool at that time; there was practically no market—no world market—for wool. Our tariff laws do not operate beyond our boundaries, and the 4,000,000,000 pounds of wool in the world were neither increased nor decreased by the Underwood Tariff Act, and the gentleman ought to know that.

The agricultural commission made a careful study of the situation. I quote from its report on page 112:

> Most of the Governments engaged in the war had built up large surplus stocks of wool in anticipation of war demands, and with the decline of this demand consumption rapidly fell the world over. This, coupled with the surplus stocks which came on the market in 1920, was without doubt the major factor in inducing the rapid and disastrous decline in wool prices which occurred the last half of 1920 and the first half of 1921.
>
> The peak of consumption of wool in the United States was reached in January, 1920, since which time it has steadily declined. This decline in consumption was doubtless a factor in reducing the price, although the enormous surplus stock of wool in this country as well as in the world was the major factor in bringing about that result.

The tremendous war surplus is shrinking. Wool has gone up the world over in recent months. It rose in the foreign markets before it rose here. The prices quoted by me were farm prices received by the producer. The quotation by the gentleman from Ohio is doubtless the Boston market for wool after it reached the hands of the wool merchant and the speculator.

Sheep over 1 year old carried a duty of $2 per head and $1 on less than 1 year old. How much did it help the price? The Department of Commerce says the farm price of sheep per hundred pounds was as follows: June, 1921, $4.74; July, $4.34; August, $4.38; September, $4.11; October, $3.96; November, $3.84; and December, $4.10. Sheep were selling for less in

December, 1921, than in June of the same year. At Chicago sheep in May, 1921, were worth $6.33, but declined to $4.92 in December, 1921. Sheep now are much higher. No doubt the rise in wool is reflected in sheep.

With a duty of 20 per cent ad valorem, how did cattle fare? The farm price of cattle per hundred pounds varied, as follows: June, 1921, $5.65; July, $5.40; August, $5.30; September, $4.98; October, $4.81; November, $4.67; December, $4.62. Cattle were selling for $1 per hundred pounds less in December, 1921, than in June of the same year, when the act first became effective. The Department of Agriculture reports that beef cattle at Chicago were $8.33 in May, 1921, and $7.12 in January, 1922, and $7.00 in February.

If the emergency tariff did not enhance farm prices measured in dollars, what was its effect? As I have said, money is a relative thing. It is only valuable in that it represents a purchasing power measured in other commodities.

The Joint Commission of Agriculture, composed of five Senators and five Members of the House, in its report says:

> Measured in terms of purchasing power, the farmers' dollar in 1920 was worth 89 cents. In May, 1921, it was worth 77 cents. During the past 12 months it has been worth less than in any preceding 12 months in 30 years.

It also states that a bushel of corn in 1921, measured in other commodities, would only purchase 59 per cent of what it would for the five-year average before the war; wheat, 78 per cent; cotton, 48 per cent; cotton seed, 48 per cent; beef cattle, 71 per cent; sheep, 64 per cent; wool, 63 per cent; and the average of 31 farm products, 67 per cent.

What was a farmer's dollar worth in other goods—not in money? The commission discloses that in 1921 a dollar received by the farmer for his agricultural products was worth a dollar anywhere in the world, of course, because gold is standard, but in 1921 a dollar's worth of agricultural products, measured by the average for five years preceding the war, was worth only 67 cents.

What does it mean? It means that the products of the farmer which are worth a dollar in gold in the market of the world, when measured in the United States domestic market, tariff protected, is only worth 67 cents in other goods. It means that an artificial market has been maintained here for manufactured goods at the expense of the farmer. That same table discloses that corn which is worth a dollar in the markets of the world in other goods of the United States is only worth 50 cents, measured by the standard of the five years preceding the war. It shows that cotton, although it is worth a gold dollar in the markets of the world, when measured in the domestic market in the United States in other goods which the farmer has to buy is only worth 48 cents. What does it mean? Does it mean that the farmer's labor is lighter or that his hours are shorter? No. It means that he must sell in a free world market and must buy in a tariff-protected market. It means that he must take what he can get—what the foreign market forces the domestic buyer to pay—and that he must buy in a highly organized domestic market, in which foreign goods are not allowed to compete.

The report also contains a table showing the average annual earnings of employees normally engaged in different industries; for 1909 average of all industries $622, against $302 for agriculture; for 1910, $656 against $301; for 1911, $648 against $317; for 1912, $682 against $319; for 1913, $723 against $328; and for 1918, $1,094 against $500. It is said that though about 30 per cent of the persons gainfully employed in the United States are engaged in agriculture, normally they received only about 17 or 18 per cent of the national income. These things, gentlemen, go to the very heart of the whole economic situation. These things disclose that the protective tariff principle of the Republican Party is responsible for building up an artificial stimulation for the manufactured products of the land and for the industries of this country at the expense of agricultural interests and the consuming public. But the tariff is the Republican cure-all. It has been its standard prescription from the beginning. Once there was a school of medicine that invariably prescribed bleeding, whatever the disease or condition of the patient. With lancet and cup, these cruel surgeons weakened their victims while professing to coax them back to health and strength. This political doctor, like the leech of old, prescribes bleeding for sick agriculture and is preparing now a permanent tariff bill for his weakened and debilitated patient. In the tariff laboratories he is sharpening the knife and preparing the anesthetic for another operation. You need not doubt when the American valuation clause is tacked on the tariff bill, or some substitute as unjust and inequitable, but that the agricultural interests and consuming public of the country will know that they have had a prescription of heroic proportions. [Applause on the Democratic side.] And that is what they are fixing to do. That is their chief treatment. The gentleman from Michigan (Mr. FORDNEY) said on the floor here, when sponsoring the permanent tariff bill through this body, when asked some question, I think by the gentleman from Texas [Mr. GARNER], as to what the Republicans were going to do to improve the conditions under which the country was suffering, held aloft the ponderous Fordney tariff bill and, in effect, said, "Here is our remedy for all ills and conditions." That is the Republican doctrine.

The gentleman from Ohio [Mr. FESS] the other day in making a catalogue of the accomplishments of the Republican Party did not point out that the emergency act contained the antidumping clause, which, in fact, shuts off the foreign market for the product of the farmer. The trouble with the farmer was he had no foreign market. The antidumping clause tended to shut out importation and hurt his market in foreign countries. Another trouble was that he had to buy in the domestic market, whereas his product is fixed in the market of the world, and at one fell swoop you injure the foreign market, where he sells, and protect the home market, in which he buys.

Gentlemen, these permanent tariff restrictions are being compounded in the face of the fact that Europe owes us $11,000,000,000 in gold, and has no gold with which to pay and can only pay in goods. The Republican Party is preparing to build up a barrier to shut out those goods, and whenever that time comes that $11,000,000,000 of debt must remain a debt.

Why is a protective tariff levied? What is the purpose of it? The purpose of it is to raise the price. Raise the price to whom? To the man who buys. Where? To raise the price in the United States. Raise the price in the domestic market, make it cost more for the consumer, whether he is a farmer or whether he is a machinist or whether he is a laborer or merchant or lawyer or doctor or whatever he may be. The object of a tariff is to make it cost more to the man that buys it or wears it or toils with it in his hands. That is the object of a tariff. To tax one man and give to another, to make one man work harder and longer that another man may get more money and work less.

But, gentlemen, the picture that the gentleman from Ohio [Mr. FESS] painted the other day was to him a pleasing prospect. He is marvelously endowed with the skill of the old-time photographers, who after producing a negative erased all the facial blemishes, rubbed out the wrinkles, retouched the rough places, blotted out the disfigurations with real architectural genius, until there remained a handsome, smooth picture, as pleasing as it was unlike the subject.

Now, the gentleman from Ohio said in his address that "freight rates must come down before agriculture and general business can become normal." The Commission on Agriculture, in its report, says: "In other cases commodities could not be moved at all, because the prices at the terminals would be entirely absorbed by the freight charges in transporting them"; that "no industry can survive or prosper under such conditions. An immediate reduction in freight rates is absolutely essential to anything approximating a normal return of profits for farming operations." However, although the gentleman from Ohio said freight rates must come down, the gentleman failed to point out that he and his party have done nothing whatever to reduce freight rates to where business and agriculture and commerce can live. Why did not the gentleman from Ohio decorate the list of Republican achievements with that signal performance?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. I yield three minutes more to the gentleman.

Mr. CONNALLY of Texas. The gentleman from Ohio failed to point out in his political panegyric of his party that the present administration is preparing to sell the great fleet of steel ships, for which the people of the United States paid $220 per ton—is preparing to sell them now on the worst and lowest market in the history of the shipping industry—for something like one-tenth of their cost. Why did not the gentleman from Ohio rise in his place and point with pride to that achievement?

The gentleman from Ohio failed to point out that his party and his administration have done nothing to restore foreign markets for American goods—foreign markets in which our produce and our manufactures must be sold if they are to be sold profitably.

The gentleman from Ohio failed to point out that the War Finance Corporation, for whose extension he took so much pride, was a Democratic accomplishment and a Democratic conception, and that its revival was urged by Democrats on this floor.

The gentleman failed to point out that during the time his party was in power unemployment has increased throughout the length of this Republic. The gentleman failed to point out that of the $818,000,000 which he claimed was lopped from the tax roll of the people $450,000,000 was lopped from the excess profits of great corporations rather than the ordinary man of the street, and that $90,000,000 more of it was cut from extremely high incomes of the land rather than from off the back of the man of moderate income or the man who works and toils with his hands.

The gentleman from Ohio failed to point out that the accomplishments of his administration toward world disarmament were successful only to the degree that they were patterned on the conception and inspiration of a Democratic administration. [Applause on the Democratic side.]

The gentleman from Ohio failed to point out that economies effected through a reduction in the personnel of the Army were forced upon the Republicans by the Democrats.

The gentleman from Ohio failed to point out that his party has failed to inspire confidence in business or enterprise.

The gentleman from Ohio failed to point out that his party now proposes to pass an iniquitous tariff measure with an American valuation clause.

Above all other things, the gentleman from Ohio carefully and studiously declined to point out that his party and his administration had approved and confirmed an election in which $200,000 had been admittedly spent in a campaign for high office. He avoided reference to it as he would shun a foul and unclean thing. He failed to point out that his party and his administration had adopted as its own the most notorious election in the history of any State. He failed to point out that his party and his administration stand before the people of the United States as sponsors of that disgraceful example of debauchery. Why did not the gentleman from Ohio point to that scandalous thing? Was he ashamed or did he forget? No. He did not forget—nor can he forget. I must remind the gentleman from Ohio that no catalogue of Republican achievements, no list of things done, no placard of partisan performance is complete unless it sets forth in letters of scarlet that bold, that shameful, that outrageous political scandal in the State of Michigan. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANDERSON. Mr. Chairman, I yield 25 minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, I do not think I shall take up that much of the time of the House. It is getting pretty late, and rather than impose on the House I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, I further ask unanimous consent to insert in the RECORD, in 8-point type, certain statutory citations which I desire to make.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to insert in the RECORD, in 8-point type, certain citations as indicated. Is there objection?

There was no objection.

FEDERAL FARM LOANS ON UNITED STATES RECLAMATION PROJECTS.

Mr. SINNOTT. Mr. Chairman, to-morrow is Calendar Wednesday, and I understand that the Committee on Irrigation of Arid Lands will call up the bill H. R. 4382 to-morrow, and inasmuch as under the Calendar Wednesday rule there can be only one hour devoted to debate on the bill on each side, obviously there will not be sufficient time to-morrow to explain this bill, and for that reason I desire to-day to explain some features of the bill, so that the membership of the House may read the RECORD in the morning and get some information regarding the bill which the time allotted to-morrow will not enable it to obtain from the debate on the floor.

The following is a copy of the bill:

A bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

Be it enacted, etc., That in carrying out the purposes of the act of June 17, 1902 (32 Stats., p. 388), and acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 1, 2, 3, 5, and 6 of the reclamation extension act approved August 13, 1914 (38 Stats., p. 686). The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this act shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid.

SEC. 2. That patents and water-right certificates which shall hereafter be issued under the terms of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (37 Stats. L., p. 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released under this act the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation.

SEC. 3. That upon the execution of any contract between the United States and any irrigation district pursuant to this act the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the act entitled "An act to promote the reclamation of arid lands," approved August 11, 1916: *Provided*, That no map or plan as required by section 3 of the said act need be filed by the irrigation district for approval by the Secretary of the Interior.

This bill, H. R. 4382, is a bill which will not only give the Government better security than it now has under the reclamation law for governmental expenditures, but in addition to that it will enable the farmers upon Government reclamation projects to obtain farm loans which now they are unable to obtain.

Mr. GARNER. Mr. Chairman, will the gentleman yield there?

Mr. SINNOTT. Yes.

Mr. GARNER. Do you mean from the Federal Farm Loan Board?

Mr. SINNOTT. Yes; from the Federal Farm Loan Board.

Mr. GARNER. While I am on my feet, I would like to ask the gentleman what the prospects are of passing the so-called western reclamation act, carrying $250,000,000 for the next 10 years?

Mr. SINNOTT. I am unable to say what the prospects are for the passage of that bill, but I hope for its passage.

Mr. Chairman, farmers on Government reclamation projects labor under a great handicap because they can not secure loans under the Federal farm loan act. The reason they can not secure these loans is because under section 12 of the Federal farm loan act, approved July 17, 1916, it is provided:

> SEC. 12. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:
>
> 1. Said loans shall be secured by duly recorded first mortgages on farm land within the land bank district in which the bank is situated.

Section 2 of said Federal farm loan act provides:

> SEC. 2. That wherever the term "first mortgage" is used in this act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal Farm Loan Board, and the credit instruments secured thereby.

Farmers on Government reclamation projects can not comply with the provisions of said sections 12 and 2 of the Federal farm loan act, because they can not give a first-lien mortgage upon their farms for the reason that the Government, under the provisions of sections 2 and 3 of the act approved August 9, 1912, Thirty-seventh Statutes, 264, reserves a first lien. The pertinent provisions of section 2 of said act are as follows:

> That every patent and water-right certificate issued under this act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens,

claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

SEC. 2. That upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance.

The Federal Farm Loan Board's opinion on this subject, printed in the report on H. R. 4382, is as follows:

Board is unanimously of the opinion that loans can not be made on lands under reclamation projects where Government reserves lien in patent and such lien remains unsatisfied. We distinguish between above cases and those projects where irrigation charge is a fixed annual assessment and collected as taxes, complete title being in borrower. * * * Where the water assessment is merely a fixed annual charge, collectible as taxes, and the borrower's legal title is unimpaired, we feel that loans can be made, the question in this instance to consider being the effect of the assessment on the borrower's net earning power. Where the title reserves a specific lien for a specific amount, clearly the borrower does not have such title as enables him to give a first mortgage, construing the term first mortgage, as we meet, to mean a paramount lien.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. STEVENSON. Why can not the man who has the land borrow and discharge the lien of the United States, just as he discharges the first mortgage and gets out of the lien, and get his title clear?

Mr. SINNOTT. Well, the construction charges run over a period of 20 years. Then when the settler receives his patent for the land the patent reserves a lien for the Government not only for the construction charge but for the future yearly operation and maintenance charges.

Mr. STEVENSON. But as I understand that opinion which the gentleman just read, that charge will be treated as taxes and not as a lien.

Mr. SINNOTT. Under the United States reclamation law they are not so treated, but will be so treated as taxes provided we pass this bill. This bill meets the objection of the Federal Farm Loan Board. The Federal Farm Loan Board in its decision is really speaking of the ordinary irrigation district project, disconnected from and dissociated with the Government reclamation project which retains the annual lien. Loans are made on lands in such an irrigation district. Now, the proposition of the Federal Farm Loan Board is that the irrigation project, disconnected with the Government irrigation project, although it may bond itself, those bonds are paid by yearly assessments which are collected just the same as taxes are collected. Now, they say that such obligations are not liens that militate against the Federal farm loan banks granting a mortgage.

Mr. STEVENSON. Then what does the bill that you speak of propose as to relieving the situation?

Mr. SINNOTT. I will insert in the RECORD a letter that I have received from J. F. McNaught, president of the Hermiston irrigation district, inclosing a letter from the president—D. G. O'Shea—of the Federal farm loan bank at Spokane, Wash., showing why loans can not be made to the farmers on the irrigation district upon the Umatilla project:

HERMISTON IRRIGATION DISTRICT,
Hermiston, Oreg., January 30, 1922.

Hon. N. J. SINNOTT,
House of Representatives, Washington, D. C.

DEAR MR. SINNOTT: I am inclosing herewith copy of letter received by Mr. S. C. Lochrie, cashier of the First National Bank of Hermiston, from D. G. O'Shea, president of the Federal land bank at Spokane, has stated the case very succinctly. This is in answer to Mr. Lochrie's letter accompanying the application for a Federal loan of a farmer residing on this project, and is self-explanatory. You will recall that all lands in reclamation projects going to patent since the passage of the act of August 9, 1912, are by the terms of the patent made subject to a Government lien for the unpaid portion of the construction charge. The application which Mr. Lochrie sent to the Federal bank, perfect in every other respect, was sent in as a test case to ascertain definitely what the bank would do in such cases.

I beg to advise you that fully one-half of the lands in this project fall within that category, and I assume the situation is similar in other projects. I beg to further advise you that about two years ago the water users of this project were induced to form and enter into an irrigation district under the State law, and to enter into a contract with the Government in which the district obligated itself to pay all claims of the Government against the individual landowners, and the Government agreed to, and did, cancel all liens against said lands except the liens created by the said act of August 9, 1912, and that it was represented at the time of the execution of that contract that immediate steps would be taken to secure the repeal of said act and to secure the release of the lands which had heretofore gone to patent from the liens.

As further security goes, this provision in the patent is like the fifth wheel to a carriage, superfluous, as the district is bound to pay all Government claims against the lands whether they went to patent before or after the passage of the act of August 9, 1912. Under the conditions that prevail, where a district has been formed and a contract has been entered into, as set forth above, the act in question creates an unjust discrimination and precludes the owners of one-half of the lands from securing much-needed Federal loans, a right which they are rightfully entitled to.

Can we not look to you to introduce and foster a bill repealing this now unjust law? We suggest that the repealing act should be so worded as to release all lands from the lien heretofore created by the provisions of the original act. We are sending a copy of this letter to Secretary Fall, Senator McNary, and Director Davis, asking them to support the measure.

Very truly, yours,
J. F. MCNAUGHT,
President Hermiston Irrigation District.

Mr. S. C. LOCHRIE,
Hermiston, Oreg.

DEAR SIR: We are in receipt of your letter of the 14th instant having reference to former correspondence on the matter of the consideration of applications for loans by farmers under a Government reclamation project on lands to which patent contains the reservation provided for under the act of Congress approved August 9, 1912.

We have read same and have noted the case set forth in the patent submitted by you for consideration.

We return the patent herewith.

In your letter of the 11th instant you stated as follows: "In our particular case we have many farmers whose lands have been patented since 1912, but at the same time their liens have been released by the United States Reclamation Service and the Umatilla River Water Users' Association." That is a pretty straight statement of a thing we thought could not be done, and we asked you to furnish us a record of a specific case, and we expressed also the thought that no public officer would execute a satisfaction of a lien unless authorized and empowered so to do. The abstract of title on page 2 thereof referred to by you shows record of patent from the Government to Mr. Carl Vertner, which patent is issued under the provisions of the act of August 9, 1912, and it contains a specific lien prior and superior to all and other liens, etc., to secure payment to the Government for the sums due and to become due for water furnished. The release of water lien shown on pages 17 and 18 of the abstract executed by the Acting Secretary of the Interior and for the Government satisfies the liens mentioned therein, but it clearly and specifically does not release or attempt to release the liens reserved to the United States in connection with patents issued under the act of August 9, 1912. We have marked with red pencil the particular clause in the release which excepts from the provisions of the release liens reserved in patents as aforesaid, wherefore the statement in your letter of the 11th that the liens had been released is not correct, for the liens reserved in the patents have not been released.

We will again say, where a lien has been reserved in the patent from the Government for irrigation construction charges we know of no way in which same can be satisfied except by payment of the construction charges in full; that it would not be considered advisable for the farmer to pay off a noninterest-bearing lien of the kind; and the Federal land bank under the law would not be authorized and can not make loans on lands the patents to which contain the reservation mentioned until such reservation be satisfied.

Yours, very truly,
D. G. O'SHEA, *President.*

The bill H. R. 4382 proposes that the Secretary of the Interior may enter into a contract with the irrigation district, which is a corporate entity. The moment that contract is entered into with the irrigation district all the lands of the irrigation district by operation of law become liable for the payment of the expenditures made by the Government. Now, that liability is not the technical lien referred to in the Federal farm loan act. In other words, that obligation on the part of the irrigation district will not prevent the Federal farm loan banks from making the necessary loans to the farmers upon the irrigation project, because under the laws of the various Western States the amount due the Government will be collected by annual assessments just the same as the ordinary county or city or municipal taxes are collected.

Mr. STEVENSON. And the debt that is due the Government, then, will just simply bear the same relation to the land in that irrigation district that the bonded debt of a county bears to the lands in the county?

Mr. SINNOTT. Yes; and it will really give the Government a better security for its expenditures than the Government has to-day. The security for the Government expenditures to-day is a lien upon each individual tract, upon each individual fund. Now, under the proposition contained in H. R. 4382 the Government will substantially have a lien upon every acre of the land in the district as a whole for the entire governmental expenditure. Suppose that on an irrigation project to-day some one's land becomes water-logged and thereby becomes worthless and irreclaimable. In that event the Government loses its investment in that particular tract of land; but under the operation of this bill the Government would not lose its expenditure in that particular tract of land, because the entire obligation is assumed by the entire district. Now, I have prepared a synopsis of the Oregon irrigation district laws regarding these contracts of irrigation districts with the United States, which I shall insert in the CONGRESSIONAL RECORD.

SYNOPSIS OF OREGON IRRIGATION DISTRICT LAWS REGARDING CONTRACT OF IRRIGATION DISTRICTS WITH THE UNITED STATES—FROM OLSON CODE.

"Section 7305 authorizes 50 or a majority of the owners of land irrigated or susceptible of irrigation to petition the county court to organize an irrigation district for the construction of irrigation works 'or for the assumption as principal or guarantor of indebtedness on account of district lands to the United States under the Federal reclamation laws.'

"Section 7308 authorizes the county court to declare the district duly organized when three-fifths of the votes cast are in favor of the district.

"Section 7300 provides 'that in case any district organized under this act is appointed fiscal agent of the United States or by the United States is authorized to make collections of moneys for and on behalf of the United States in connection with any Federal reclamation project, the treasurer and each director shall execute a further and additional official bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties as fiscal or other agent of the United States under any such appointment or authorization.'

"Section 7316 provides 'that any water the right to use of which is acquired by the district under any contract with the United States shall be distributed and apportioned by the district in accordance with the acts of Congress, and rules and regulations of the Secretary of the Interior, and the provisions of said contract in relation thereto.'

"SEC. 7322. District may contract with the United States: For the purpose of acquiring control over Government land within the district and of complying with the provisions of the act of Congress entitled 'An act to promote reclamation of arid lands,' approved August 11, 1916, the board shall have authority to make such investigations, and based thereon, such representations and assurances to the Secretary of the Interior as may be requisite; and said board may enter into any obligation or contract with the United States for the construction, operation, and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the Federal reclamation act and all acts amendatory thereof or supplementary thereto and the rules and regulations established thereunder, and may contract for the refusal of water service to any lands which are in default in the payment of any assessment levied to carry out any contract between the district and the United States, or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands; or the board may contract with the United States for a water supply or drainage works under any act of Congress providing for or permitting such contract, and in case contract has been or may hereafter be made with the United States as herein provided, bonds of the district may be deposited with the United States, at 90 per cent of their par value, to the amount to be paid by the district to the United States under any such contract, the interest on said bonds, if bearing interest, to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract; and if the bonds of the district are not so deposited, it shall be the duty of the board of directors to include as part of any levy or assessment provided for in this act an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the board may accept, on behalf of the district, appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collections of money for or on behalf of the United States in connection with any Federal reclamation project, whereupon the district shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said board shall have full power to do any and all things required by the Federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the Federal Government in regard thereto.

"Any property acquired by the district may be conveyed to the United States in so far as the same may be needed by the United States for the construction, operation, and maintenance of works for the benefit of the district under any contract that may be entered into with the United States pursuant to this act.

"SEC. 7323. Election for bonds and contract with United States: This section provides for an election to determine 'whether the right to enter into an obligation or contract with the United States shall be authorized.' This section further provides, 'If a majority of the votes cast are "Contract with the United States—Yes," the board, acting in pursuance of said election, may negotiate and execute a contract with the United States.'

"SEC. 7324. Provides 'The contract provisions for the payment of construction charges to the United States, and the bonds securing the payment of the same, if any be issued and deposited, may be of such denominations and may call for the payment of such interest not exceeding 6 per cent per annum, may provide for such installments and for repayment of the principal at such times as may be required by the Federal laws and as may be agreed upon between the board and the Secretary of the Interior.'

"SEC. 7326. Bonds, how paid—Character of the obligation: Said bonds and the interest thereon and all payments due or to become due to the United States under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States as provided in this act, and all obligations for the payment of money authorized and incurred under this act, shall be paid by the revenue derived from the annual assessments upon the land in the district, and all the lands in the district shall be and remain liable to be assessed for such payments as herein provided and under and subject to the provisions of this act.

"In case the amount assessed against any tract of land shall not be paid the next assessment against the land in the district shall be so increased as to take care of such default. In addition to the provision for the payment of said bonds and interest by taxation and other provisions of this act, all the property of the district, including irrigation and other works, shall be liable for the indebtedness of the district, and the holder of the bonds or the United States, in case contract has been executed by the United States, may, in case of default in the payment of interest or principal on the bonds, or the amount due on the contract, upon the order of the circuit court, take possession of the irrigation and other works of the district and operate the same until the amount in default shall have been fully paid.

"Any assessment upon land shall be a lien against the property assessed, and such lien for all payments due or to become due under any contract with the United States or for the payment of principal or interest of bonds deposited with the United States shall be a preferred lien to any assessments for bonds issued subsequent to the date of such contract or the issuance of said bonds deposited with the United States, and no district assessment lien shall be removed until the assessments are paid with interest and penalties or the property sold for the payment thereof.

"SEC. 7327. Payment of coupons—Redemption of bonds: The treasurer shall keep a 'bond fund' account or a 'United States contract fund' account, or a 'bond and United States contract fund' account, as the case may be, into which shall be covered all moneys arising from the sale of refunding bonds and assessment and levy until there is sufficient money in such fund to meet the next installment of principal and interest upon bonds of the district and to meet all payments for construction and all other purposes to the United States. From said fund he shall pay moneys due as principal and interest on bonds as they shall mature and the bonds and coupons be presented and as payments to the United States shall fall due.

"SEC. 7328. Assessments: This section provides, among other things, 'that where contract has been made with the United States in addition to the amount hereinbefore determined and apportioned, the board of directors shall fix the amount payable by each tract within such district, and the amount so fixed shall be in accordance with the reclamation laws and the public notices, orders, and regulations issued thereunder, and shall be in compliance with any contract made by the United States with the owners of said lands and in compliance further with the contracts between the district and the United States, * * * and the amounts so determined, fixed, and apportioned shall constitute an assessment upon the lands of the district, * * * and the assessment and apportionment made by the board of directors as in this act provided is prima facie evidence that all of the requirements of the law in relation thereto have been complied with and that the same are liens against the property to the same extent as other taxes lawfully levied.'

"SEC. 7331. Levy of assessment and collection: This section provides for the entering of the apportionment against each land upon the county assessment roll in the same manner that other municipal assessments are entered, except that it is entered 'as the irrigation district tax against same.' This section provides that such tax shall be collected as the other taxes of the county. This act further provides 'In case of neglect or refusal of the board of directors to cause assessment and levy to be made, as in this act provided, then the assessment and levy herein provided for shall be made and equalized by the county court of the county in which the office of the board of directors is situated, sitting for the transaction of county business, in the same manner that said court levies county taxes, with like effect as the board of directors is required to make the same, and all expenses incident thereto shall be borne by such district, and such levy and assessment shall be entered on the county tax roll by the county assessor in the manner in this section provided.'

"SEC. 7339. This section provides in case a contract has been entered into by the district and the United States no change shall be made in the boundaries of the district unless the Secretary of the Interior shall assent thereto in writing.

"SEC. 7341. This section provides that the exclusion of lands from the district shall not affect, impair, or discharge any contract, obligation, lien, or charge for which the district is liable.

"SEC. 7343. This section provides in case a contract has been made between the district and the United States the board shall have no jurisdiction to consider a petition for dissolution of the district until it shall have been certified to the board of directors by the Secretary of the Interior that all payments and obligations due or to become due to the United States under such contract shall have been fully paid or that the Secretary of the Interior consents to such dissolution.

"SEC. 7354. May turn lands over to United States for development and colonization—To levy assessments to pay cost—Powers to contract: Any irrigation district organized pursuant to the laws of the State of Oregon may turn over to the Federal Government, or any agency thereof, any lands owned or controlled by said district for the purpose of having the same developed and colonized by said Federal Government, or any agency thereof, and may levy assessments for the repayment to the Federal Government, or any agency thereof, the sum expended in the development of such lands, with the interest thereon not to exceed 6 per cent per annum, and may pay such moneys over to the Federal Government, or any agency thereof, as the same is collected. Said districts may also assess such lands to cover repayment to the district of the cost, with interest thereon not to exceed 6 per cent per annum, and shall deposit the same in the 'bond fund' account, or the 'United States contract fund' account, or the 'bond and United States contract fund' account, as the case may be, and said assessments shall be in addition to the assessments which may be levied to meet the reclamation charges, interest thereon, and maintenance. Irrigation districts may enter into such contracts and assume such obligations with the Federal Government, or any agency thereof, as may be necessary, expedient, or desirable to bring about the development of the lands in said irrigation district by the Federal Government, or any agency thereof.

"SEC. 7358. This section provides for the commencement proceedings to secure a judicial determination of the regularity and legality of all the proceedings of the district including the regularity and legality of the authorization of contract with the United States, and as to the validity of said contract, whether or not the same shall have been executed, and whether or not bonds are to be deposited with the United States.'"

The chief counsel of the Reclamation Service, Mr. Hamele, informs me that the other Western States have irrigation district laws embracing these governmental contracts that are very similar to the Oregon irrigation district law. For that reason I am inserting only the Oregon irrigation district laws in the RECORD so that they may be studied to-morrow. I think the House will find that every contingency that may arise has been anticipated; that the interests of the Government are fully safeguarded. The Oregon irrigation district law, as well as the laws of other Western States, was really prepared by or in cooperation with the chief counsel of the Reclamation Service. They are designed really to correlate and to be linked into this bill, H. R. 4382, and I believe when Members of the House study the various provisions of the Oregon district law, which would take too much time to explain this evening, they will find that the entire matter has been very thoroughly and very carefully covered. These contracts can not be entered into unless there is a vote of the farmers in the district approving the contract. Thereafter the contract must be reviewed by the court and the court must pronounce all the proceedings of the district, the calling of the election, the election itself, and the negotiation and consummation of these negotiations with the Secretary of the Interior—all of these must be validated by the court before the contract is valid.

I shall also insert in the RECORD a memorandum prepared by the chief counsel of the Reclamation Service, Mr. Hamele, who gives further valuable information and citations regarding this bill and regarding the validity of such contracts as are proposed to be entered into between the Secretary of the Interior and the irrigation district in case this bill is passed.

The following is the memorandum of Mr. Hamele, chief counsel of the United States Reclamation Service:

Memorandum by chief counsel of the United States Reclamation Service regarding contracts between irrigation districts and the United States providing for the payment of water charges under Federal irrigation projects.

1. The irrigation district is a quasi municipal public corporation with the power to levy assessments against its lands for the payment of its obligations.

2. Congress has in a general way during the past 19 years approved the plan of making contracts between the United States and irrigation districts to provide for the payment of water charges due the United States on Federal irrigation projects. The Warren Act of February 24, 1911 (36 Stat., 925), provides for contracts with irrigation districts, and the extension act of August 13, 1914 (38 Stat., 686), at section 5, authorizes the transfer of the care, operation, and maintenance of Federal irrigation projects to irrigation districts. In section 7 of the last-named act the Secretary of the Interior is authorized to appoint irrigation districts as fiscal agents on Government projects. In the Smith Act of August 11, 1916 (39 Stat., 506), public lands of the United States were made subject to the assessment and levy of irrigation districts. The sundry civil appropriation act of June 12, 1917 (40 Stat., 148), provides that no moneys shall be expended for drainage on the Rio Grande project except in irrigation districts formed under State laws and upon the execution of agreements for the repayment to the United States of all project investments. A similar provision appears in the sundry civil appropriation act of July 1, 1918 (40 Stat., 674), and in the sundry civil appropriation act of July 19, 1919 (41 Stat., 200). In the act of July 1, 1918, Congress specifically approved an agreement by which a developed Carey Act project in Idaho, which had been organized into an irrigation district, known as the King Hill irrigation district, contracted with the United States for the further development of the project and for repayment to the United States under the irrigation district plan. The sundry civil appropriation act of June 5, 1920 (41 Stat., 913), approves a further agreement with the King Hill irrigation district and also provides that no part of the appropriation made for the Boise Federal irrigation project in Idaho shall be expended for drainage except in irrigation districts formed under State laws and upon the execution of agreements for the repayment to the United States of the cost thereof.

Each of the arid States of the West, in which a Federal irrigation project is located, has passed a specific statute authorizing contracts between the United States and irrigation districts of the kind in question. These statutes are as follows:

Arizona Laws, 1921, page 324, section 1; California Laws, 1917, page 243, section 1; Colorado Laws, 1921, pages 496, 498; Idaho Laws, 1915, page 304; Idaho Laws, 1917, page 297; Montana Laws, 1915, page 360; Montana Laws, 1917, page 333; Montana Laws, 1919, page 235, section 1; Nebraska Laws, 1915, page 461, sections 1 and 2; Nebraska Laws, 1917, page 467, section 1; Nebraska Laws, 1917, page 464, section 1; Nevada Laws, 1921, page 85, section 24; New Mexico Laws, 1917, page 66, section 11; North Dakota Laws, 1917, page 157, sections 68–69; Oregon Laws, 1917, page 246, sections 1–2; South Dakota Laws, 1917, page 583, section 68; Texas Laws, 1917, page 188, section 52; Utah Laws, 1917, pages 87–97, sections 15–41; Washington Laws, 1917, page 726, section 3A; Washington Laws, 1921; page 449; Wyoming Laws, 1921, page 167, section 963.

3. In each irrigation-district contract providing for the payment of water charges to the United States the following article is inserted:

"The district as a whole is obligated to pay to the United States the full amount herein agreed upon, according to the terms stated, regardless of any individual default in the payment of any assessment levied by the district."

4. Before the United States incurs any obligation under any of these contracts the contract is submitted to a vote of the electors of the district and thereafter such election on the contract and the execution of the contract are confirmed by a proceeding in court, which is binding upon all the electors of the district. No expenditure is made by the United States under any such contract until these confirmation proceedings have been had and until time for appeal therefrom has expired. We have many contracts of this nature, and in no case has any objection to their validity been sustained by the court. Usually no objections are raised, but the validity of such contracts was expressly decided in the State of Idaho in the case of Nampa and Meridian Irrigation District v. Petrie (153 Pac., 425).

5. The State statutes referred to above, which authorize the making of such contracts, are of a generally uniform nature. A leading case upon the right of such an irrigation district to reassess lands to make up delinquencies is that of Norris v. Montezuma Valley Irrigation District (248 Fed., 369), decided in 1918 in the United States Circuit Court of Appeals, eighth district. We quote the following from the opinion:

"The trial court was of the opinion that the Colorado statutes relating to irrigation districts impliedly prevented an additional levy as demanded by plaintiffs because the statute provided for taxation by special assessments to pay these bonds, that each acre was subject to only the same burden as every other acre for this purpose, and that a requirement of a new levy as prayed would impose an unequal burden on the lands on which the prior levy had been paid, as compared to those lands on which the levies remained unpaid. Undoubtedly the cost of the improvements in a local assessment district must be apportioned in some just mode according to the benefits received by the several portions of the district. (Gast Realty Co. v. Schneider Granite Co., 240 U. S., 55; 36 Sup. Ct., 254; 60 L. Ed. 523; Hagar v. Reclamation District No. 108, 111 U. S., 701, 4 Sup. Ct., 663; 28 L. Ed. 569; Illinois Central Railroad Co. v. Decatur, 147 U. S., 190; 13 Sup. Ct., 293; 37 L. Ed., 132.) * * *

"The legislature is presumed to have knowledge of the fact that under any system of taxation by assessment hitherto devised a portion of the taxpayers neglect to pay the taxes levied against their property for a long period after they become due. In partial recognition of this fact these statutes provide that the county board shall increase the rate of levy on an irrigation district 15 per cent to cover delinquencies. If the objection that is made to a reassessment be carried to its logical conclusion, the regular annual assessment would be excessive in part because of the practical certainty that some taxpayers would not pay their taxes before the obligations of the district became due. Such a strict requirement of equality of collection would make a system of taxation that would be unworkable in practice. The ordinary machinery for the collection of taxes is not so perfect that it induces payment at the same time from all alike and usually large portions of taxes upon real property, and larger portions of poll and personal-property taxes are never collected. It is supposed that the interest and penalties exacted from those who delay prompt payments and the summary means of enforcement of collection will somewhat equalize the burden that falls on those who pay promptly, but any final unpaid balance is a loss that falls uniformly upon the entire body of taxpayers. It is a common provision in the State constitutions and statutes that assessments or levies for taxation shall be uniform upon the same class of subjects or by value. Such provisions are not violated, when, after the lapse of a reasonable time and after reasonable efforts have been made to collect the first levy, an additional levy is made upon all the property in the district because of the failure of some of the taxpayers to

pay their portion of the first levy. (State v. Common Council, 15 Wis. 30; Sheridan v. Fleming, 92 Mo. 321, 5 S. W. 813; State v. Holt County Court, 135 Mo. 533, 37 S. W. 521; Wayne County Savings Bank v. Supervisor of Township of Roscommon, 97 Mich. 630, 56 N. W. 944; Huey v. Police Jury, 23 La. Ann. 1094. See Bates County v. Willis, supra; Francis v. A. T. & S. F. R. R. Co., 19 Kans. 303.) In the case of State v. Common Council it was said:

"'Nor is it of any importance, in a legal point of view, that many of the citizens have contributed their full proportions of the money which should have been applied in payment of these debts whilst others have refused. It matters not whether rightfully or wrongfully. It seems oppressive, and is in some respects, no doubt, a great hardship, that those who are diligent and prompt in the discharge of their obligations to the public should be compelled to suffer on account of the delinquencies of others, occasioned sometimes by the mistakes of the officers of the law, or, it may be, of the legislature, but more frequently the fault of the delinquents themselves. It is an evil inseparable from every system of taxation, a subject always difficult and never free from vices and imperfections—a misfortune which must ever attend those who dwell in communities where any are unwilling to bear their just share of the public burdens. In such affairs the taxpayers are, as it were, sureties for one another. What one gains by accident or fraud the other must lose. No deductions are ever made from the public revenues for such causes. The deficiencies of one year must be made up the next and diverted funds restored. If these inequalities, often inevitable, were to constitute an excuse for the nonpayment of taxes, public faith would be at an end and government must cease. Who doubts, for instance, that under our present law, rigid and impartial as the legislature have endeavored to make it, great injustice is frequently done; that some are charged beyond their due proportion, whilst very many fall far short of it? So long as men suppress truth and make false and corrupt statements of the amount and value of their property, and so long as mistakes occur so long these things will continue. But the remedy does not consist in a refusal to pay all taxes. The evils, so far as possible, are to be obviated by the rigid enforcement of the law, the punishment of those who transgress its provisions, and the election of faithful and competent officers. Clearly such grievances, however perplexing and burdensome, are nothing to the public creditor, who has the right to look to the whole people for the payment of his demand. The duty of the common council is continuing, and does not cease with the levying of one tax which is in part unsuccessful. It ends only when the whole money is collected and the debt actually paid. They can not, therefore, say that their powers are exhausted and no new tax can be levied.'"

OTTAMOR HAMELE, *Chief Counsel.*

Mr. ANDERSON. Mr. Chairman, I yield three minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GREENE of Vermont. Mr. Chairman, I simply want to employ the short time given me to make a suggestion or two about the development of agriculture and animal industry in my own State of Vermont. I know that it is natural for some people who do not live in that State often to think of it as they see it on the map, a little place sprinkled all over with mountains. We do not have the vast areas for cultivation or grazing that are part of the wealth of the larger States of the West, but we do make good use of the land that we have and it is good soil and fertile and amply repays the labor put upon it. Yet there is little popular information to the effect that we have considerable agricultural resources or that they are highly specialized and intensely developed.

If I were to cite to you by way of one hint, for instance, that Vermont's average yield of corn per acre was larger than that of any other State in the Union and was nearly twice that of the average for the United States, gentlemen would get some idea about what intensive agriculture means in a little State like ours where people are really devoting their minds and energies to it. I have other figures and statistics that will tend to show something of what the people of my State through their energy and enterprise have done on the sides of the old Green Mountains and in the pleasant valleys that lie among them, and desire to place the statement in the RECORD as I have indicated. [Applause.]

The statement referred to is as follows:

Statistics compiled by the State publicity department, of which Walter H. Crockett is director, show that in 1921 Vermont's average yield of corn per acre was larger than that of any other State and was nearly twice that of the average for the United States; that only four States exceeded Vermont in value of oats per acre; that three States exceeded Vermont in value of spring wheat per acre; that six States exceeded Vermont in per acre yield of barley; that three States were better than Vermont in buckwheat per acre; that Vermont's potato yield was exceeded by four States in per acre value; that Vermont was eleventh State in hay yield per acre.

The average yield per acre in Vermont and the United States follows:

Corn: Vermont, 55 bushels; United States, 29.7. Oats: Vermont, 33; United States, 33.7. Barley: Vermont, 25; United States, 20.9. Spring wheat: Vermont, 14; United States, 10.5. Buckwheat: Vermont, 22; United States, 21. Potatoes: Vermont, 150; United States, 90.9. Hay: Vermont, 1.05 tons; United States, 1.30.

Following are the total yields in Vermont for the years 1921 and 1920:

Corn: 1921, 4,150,000 bushels; 1920, 3,807,000 bushels.
Oats: 1921, 2,673,000 bushels; 1920, 2,835,000 bushels.
Spring wheat: 1921, 128,000 bushels; 1920, 200,000 bushels.
Barley: 1921, 200,000 bushels; 1920, 208,000 bushels.
Buckwheat: 1921, 88,000 bushels; 1920, 94,000 bushels.
Potatoes: 1921, 3,750,000 bushels; 1920, 3,510,000 bushels.
Hay: 1921, 945,000 tons; 1920, 1,234,000 tons.
Apples: 1921, 400,000 bushels; 1920, 933,000 bushels.
Pears: 1921, 6,000 bushels; 1920, 10,000 bushels.

The farm values of Vermont crops for 1921 and 1920 follow:

	1921	1920
Corn	$4,428,000	$4,797,000
Oats	1,577,000	2,126,000
Spring wheat	156,000	418,000
Barley	180,000	370,000
Buckwheat	79,000	143,000
Potatoes	3,900,000	4,388,000
Hay	20,790,000	28,382,000
Apples	1,110,000	1,400,000
Pears	18,000	28,000
Total	31,281,000	42,411,000

This list does not include rye, field beans, tobacco, or garden truck. Rye is omitted for the first time. Its acreage in the State has been small for several years.

The average value per acre for the United States for the staple crops combined is $14.52. Three of these crops—cotton, rye, and tobacco—are not included in the Vermont report, but the average value per acre for the seven staple crops grown in this State is $42.52, or nearly three times the national average. The United States average for the 10 staple crops for a period of 56 years is $14.04.

Mr. BUCHANAN. Mr. Chairman, may I ask the status of the time?

The CHAIRMAN. The gentleman from Minnesota has 54 minutes remaining and the gentleman from Texas has 68 minutes remaining.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Agricultural appropriation bill and had come to no resolution thereon.

ADJUSTED COMPENSATION.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the bill (H. R. 10769) to provide adjusted compensation for veterans of the World War, and for other purposes, introduced by the gentleman from Michigan [Mr. FORDNEY] to-day, be printed in the RECORD in 8-point type.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill referred to be printed in the RECORD in eight-point type. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, is that the bonus bill?

Mr. LONGWORTH. That is the soldiers' adjusted compensation bill, sometimes referred to as the bonus bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, can the gentleman from Ohio [Mr. LONGWORTH] give us any idea as to when the adjusted compensation bill will be called up for consideration?

Mr. LONGWORTH. I can only say that it is contemplated that the committee will be called together on Saturday next for the purpose of reporting the bill, so that, of course, nothing will be done on the bill before next week under any circumstances. I can not answer further than that.

The bill referred to is as follows:

A bill (H. R. 10769) to provide adjusted compensation for veterans of the World War, and for other purposes.

Be it enacted, etc.—

TITLE I.—DEFINITIONS.

SECTION 1. This act may be cited as the "World War adjusted compensation act."

SEC. 2. As used in this act—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "overseas service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands; and service afloat, not on receiving ships; including in either case the period from the date of embarkation for such

service to the date of disembarkation on return from such service, both dates inclusive;

(c) The term "home service" means all service not overseas service;

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Title II; and

(e) The term "person" includes a partnership, corporation, or association, as well as an individual.

TITLE II.—ADJUSTED SERVICE CREDIT.

SEC. 201. The amount of adjusted service credit shall be computed by allowing the following sums for each day of active service, in excess of 60 days, in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran: $1.25 for each day of oversea service, and $1 for each day of home service; but the amount of the credit of a veteran who performed no oversea service shall not exceed $500, and the amount of the credit of a veteran who performed any oversea service shall not exceed $625.

SEC. 202. In computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Porto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian Scout—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or the Navy;

(g) Any individual granted a farm or industrial furlough—for the period of such furlough; or

(h) Any individual detailed for work on roads or other highway construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 9 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919.

SEC. 203. (a) The periods referred to in subdivision (e) of section 202 may be included in the case of any individual if and to the extent that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 307.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 202 which are applicable.

(c) If part of the service is oversea service and part is home service, the home service shall first be used in computing the 60 days' period referred to in section 201.

(d) For the purpose of computing the 60 days' period referred to in section 201, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 202, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included.

(e) For the purposes of section 201, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States.

TITLE III.—GENERAL PROVISIONS.

OPTIONAL PLANS.

SEC. 301. Each veteran shall have the right to avail himself of any one, but only one, of the following plans:

(1) To receive "adjusted service pay," as provided in Title IV; but the veteran can not choose this plan if the amount of his adjusted service credit is more than $50;

(2) To receive an "adjusted service certificate," as provided in Title V;

(3) To receive "vocational training aid," as provided in Title VI;

(4) To receive "farm or home aid," as provided in Title VII; or

(5) To receive "land settlement aid," as provided in Title VIII.

APPLICATION BY VETERAN.

SEC. 302. (a) The veteran's choice among the plans enumerated in section 301 shall be made by application filed with the Secretary of War, if he is serving in, or his last service was with, the military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made on or before July 1, 1923, and if not made on or before such date shall be held void; but if application for land settlement aid is made on or before such date, the time for receiving the credits and exercising the preferences provided for in Title VIII shall be as specified in such title.

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section.

PROOF OF VETERAN'S CHOICE OF PLAN.

SEC. 303. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Secretary of the Treasury, if the veteran has chosen an adjusted service certificate, or to the Director of the United States Veterans' Bureau if the veteran has chosen vocational training aid, or to the National Veterans' Settlement Board if the veteran has chosen farm or home aid or land settlement aid, a certificate setting forth—

(1) That the applicant is a veteran;

(2) His name and address;

(3) The plan chosen; and

(4) The amount of his adjusted service credit.

(b) Upon receipt of such certificate the officer or board to which it is transmitted shall proceed to extend to the veteran the benefits conferred by the plan chosen, as provided for in this act.

PUBLICITY.

SEC. 304. (a) The Secretary of War and the Secretary of the Navy shall, as soon as practicable after the passage of this act, jointly prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act, accompanied by such statements as to the comparative advantages of each of the plans enumerated in section 301 as may be of assistance to veterans in making their choice among such plans; and shall from time to time thereafter jointly prepare and publish such additional or supplementary information as may be found necessary.

(b) The officer or board having charge of the administration of any plan or part thereof enumerated in section 301 shall transmit to the Secretary of War and the Secretary of the Navy as soon as practicable after the passage of this act full information and explanations as to the matters of which such officer or board has charge, which shall be considered by the Secretary of War and the Secretary of the Navy in preparing the publications referred to in subdivision (a).

(c) The publications provided for in subdivision (a) shall be distributed in such manner as the Secretary of War and the Secretary of the Navy may determine to be most effective to inform veterans of their rights under this act.

STATISTICS.

SEC. 305. Immediately upon the passage of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2 and, as to each veteran, the number of days of oversea service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit; and their decisions shall not be subject to review by the general accounting office.

ADMINISTRATIVE REGULATIONS.

SEC. 306. Any officer or board charged with any function under this act shall make such regulations, not inconsistent with this act, as may be necessary to the efficient administration of such function.

REPORTS.

SEC. 307. Any officer or board charged with the administration of any plan under this act, or of any part thereof, shall make a full report to Congress on the first Monday of December of each year.

EXEMPTION FROM ATTACHMENT AND TAXATION.

SEC. 308. No sum payable under this act to a veteran, or to his estate, or to any beneficiary named under Title V, no adjusted service certificate, and no proceeds of any loan made on such certificate, shall be subject to attachment, levy, or seizure under any legal or equitable process, or to national or State taxation.

UNLAWFUL FEES.

SEC. 309. Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than $500, or imprisonment for not more than one year, or both.

TITLE IV.—ADJUSTED SERVICE PAY.

SEC. 401. There shall be paid to any veteran, as soon as practicable after receipt of an application in accordance with the provisions of section 302, and in addition to any other amounts due him in pursuance of law, the amount of his adjusted service credit, if, and only if, such credit is not more than $50.

SEC. 402. Payment shall be made by the Secretary of War if the veteran is serving in, or his last service was with, the military forces; and by the Secretary of the Navy if he is serving in, or his last service was with, the naval forces.

SEC. 403. If the veteran dies after making application in accordance with the provisions of section 302 for adjusted service pay and before receiving payment, payment shall be made to his estate.

SEC. 404. No right to adjusted service pay under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. The Secretary of War and the Secretary of the Navy shall not pay the amount of adjusted service pay to any person other than the veteran or his estate or such representative of the veteran as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe.

TITLE V.—ADJUSTED SERVICE CERTIFICATES.

SEC. 501. The Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to issue without cost to the veteran designated therein an adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the sum of (1) the adjusted service credit of the veteran increased by 25 per cent, plus (2) interest thereon for 20 years at the rate of 4¼ per cent per annum, compounded annually (such amount being approximately equal to 3.015 times the adjusted service credit of the veteran). The certificate shall be dated, and all rights conferred under the provisions of this title shall take effect as of, October 1, 1922. The veteran shall name the beneficiary of the certificate and may from time to time, with the approval of the Secretary of the Treasury, alter such beneficiary. The amount of the face value of the certificate (unless the certificate has been canceled as hereinafter in this title provided) shall be payable (1) to the veteran on September 30, 1942, or (2) upon the death of the veteran prior thereto, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran.

LOAN PRIVILEGES BEFORE OCTOBER 1, 1925.

SEC. 502. (a) A loan may be made to any veteran prior to September 30, 1925, upon his adjusted-service certificate only in accordance with the provisions of this section.

(b) Any national bank, or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia (hereinafter in this section called "bank"), is authorized to loan to any veteran upon his promissory note secured by his adjusted-service certificate (with or without the consent of the beneficiary thereof) any amount not in excess of 50 per cent of the loan basis (as defined in subdivision (f) of this section) of the certificate, such loan to mature on or before September 30, 1925. The rate of interest charged upon the loan by the bank shall not exceed by more than 2 per cent per annum the rate charged at the date of the loan for the discount of commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which the bank is located.

(c) If the veteran does not pay the principal and interest of the loan within six months after its maturity (or on or before Sept. 30, 1925, if the loan matures on or after Mar. 30, 1925), the bank shall present the certificate and the note to the Secretary of the Treasury not earlier than May 30, 1925, and not later than October 15, 1925. The Secretary shall thereupon cancel the note and the certificate and pay to the bank the amount of the unpaid principal due it, and the unpaid interest accrued, at the rate fixed in the note up to the date of the check issued to the bank. The difference between 80 per cent of the loan basis of the certificate at the time of its receipt by the Secretary and the amount so paid to the bank shall be immediately paid by the Secretary to the veteran, if living. If the veteran dies before such difference can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran.

(d) If the veteran dies before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued up to the date of his death shall be immediately due and payable. In such case, or if the veteran dies after the maturity of the loan (but either before the expiration of six months after the maturity of the loan or before Oct. 1, 1925), the bank shall, upon notice of the death, present the certificate and note to the Secretary, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the Secretary of the Treasury and fails to present the certificate and note to the Secretary within 15 days after the notice, such interest shall be only up to the fifteenth day after such notice. The Secretary shall deduct the amount so paid from the face value (as determined under section 501) of the certificate and pay the remainder in accordance with the provisions of section 501.

(e) When any loan becomes in default, the bank shall within 30 days thereafter notify the Secretary of the Treasury of the facts relative to the note, the name of the veteran, and the number of his certificate.

(f) The loan basis of any certificate at any time shall, for the purposes of this section, be the amount of the adjusted service credit, plus interest thereon from October 1, 1922, to such time at the rate of 4¼ per cent per annum, compounded annually.

(g) No payment upon any note shall be made under this section by the Secretary of the Treasury to any bank unless the note when presented to him is accompanied by an affidavit made by an officer of the bank before a notary public or other officer designated for the purpose by regulation of the Secretary, and stating that the bank has not charged or collected, or attempted to charge or collect, directly or indirectly, any fee or other compensation (except interest as authorized by this section) in respect to or because of any loan made under this section by the bank to a veteran. Any bank which, or director, officer, or employee thereof who, does so charge, collect, or attempt to charge or collect any such fee or compensation shall be liable to the veteran for a penalty of $100, to be recovered in a civil suit brought by the veteran.

LOAN PRIVILEGES AFTER SEPTEMBER 30, 1925.

SEC. 503. The Postmaster General is hereby authorized and directed to instruct postmasters of the first, second, and third classes to take applications of veterans for Government loans and collect payments thereon.

SEC. 504. (a) Application for Government loans may be made at any post office of a first, second, or third class. Such loans,

secured by the adjusted-service certificate, shall be made by the Secretary of the Treasury, with or without the consent of the beneficiary, and payments thereon collected, in accordance with the provisions of this title, under rules and regulations prescribed by him. He shall supply postmasters of the first, second, and third classes with blanks upon which veterans may make applications for Government loans. Such applications shall be in the form prescribed by the Secretary of the Treasury, and have attached thereto a form of promissory note to be executed by the veteran, and a receipt, to be delivered to the veteran, which shall be signed by the postmaster receiving the application, and which shall acknowledge the receipt of the note and the certificate, and contain a description of each. The postmaster shall thereupon transmit to the Secretary of the Treasury the application, note, and certificate. Upon the approval of the loan by the Secretary of the Treasury, he shall transmit to the veteran a check for the amount of the loan. He shall also issue in triplicate a statement showing the name and service of the veteran, the number of his certificate, and a schedule of the amounts of the several payments and the dates when due. The original of the statement shall be retained with the application, the duplicate shall be transmitted to the postmaster receiving the application and the triplicate to the veteran. The postmaster holding such statement shall receive and indorse thereon the payments made by the veteran; shall give a receipt to the veteran; and shall promptly transmit payments to the Secretary of the Treasury. Such payments shall be covered into the Treasury as miscellaneous receipts. The veterans shall make repayment of the loan upon an amortization plan by means of a fixed number of annual installments sufficient to cover (1) interest on the unpaid principal at the rate of 4½ per cent per annum and (2) such amount of the principal as will extinguish the debt within an agreed period not exceeding the life of the certificate.

(b) If the veteran fails to make any payment when due, and such default continues for the period of one year, thereupon the Secretary of the Treasury shall declare the certificate of the veteran to be forfeited and cancel and surrender the note to the veteran; but if the Secretary of the Treasury subsequently finds any such certificate was forfeited by mistake, or under any misapprehension of fact, he shall reinstate the same upon payment of the amount then due the Government on the loan, and upon the receipt of a new note from the veteran on the same terms as the original note for the remaining amount due.

(c) If the veteran is in default and his certificate is forfeited, when he has borrowed an amount less than the maximum authorized under either subdivision (a) or (b) of section 505, the Secretary of the Treasury shall pay to him 80 per cent of the difference between what he has borrowed and the maximum which he was authorized to borrow under either subdivision (a) or (b) of section 505. If the veteran dies before such 80 per cent can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran.

SEC. 505. No Government loan shall be made upon any certificate prior to October 1, 1925. The amount of such loans to any one veteran outstanding at any time shall not exceed:

(a) If the loan is made on or after October 1, 1925, and before October 1, 1928, 85 per cent of the sum of (1) the adjusted service credit of the veteran plus (2) interest thereon from October 1, 1922, to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually, or

(b) If the loan is made on or after October 1, 1928, and before October 1, 1942, 70 per cent of the sum of (1) the adjusted service credit of the veteran increased by 25 per cent, plus (2) interest thereon from October 1, 1922, to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually.

SEC. 506. No certificate issued or right conferred under the provisions of this title shall, except for the purpose of securing a loan under the provisions of section 502 or 504, be negotiable or assignable or serve as security for a loan. Any negotiation, assignment, or loan made in violation of any provision of this section shall be held void.

SEC. 507. In the case of the death of the veteran or the forfeiture of his certificate, any Government loan made upon the certificate, and the note in respect thereto, shall be canceled; and in case such loan has been canceled as a result of the death of the veteran, the Secretary of the Treasury shall deduct the amount of the unpaid principal and interest of the loan from the amount of the face value of the certificate in respect to which the loan is made.

SEC. 508. Any certificate issued under the provisions of this title shall have printed upon its face the conditions and terms upon which it is issued and to which it is subject, including loan values under sections 502 and 505.

SEC. 509. If the veteran dies after making application in accordance with the provisions of section 302 and before October 1, 1922, the amount of the adjusted service credit of the veteran shall be paid by the Secretary of the Treasury to his estate.

TITLE VI.—VOCATIONAL TRAINING AID.

SEC. 601. The Director of the United States Veterans' Bureau (hereinafter in this title referred to as the "director") upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to pay to the veteran designated therein (if he is not receiving the benefits of the vocational rehabilitation act, as amended) the sum of $1.75 for each day of his attendance (on or after January 1, 1923), on a course of vocational training previously approved by the director as suitable for such veteran. Such payments shall be made without deduction for Sundays, holidays, or vacations not exceeding two weeks in duration, or for absence for other cause which the director deems justifiable; but the total payment shall not exceed 140 per cent of the amount of the adjusted service credit of the veteran.

Payments under this section shall be made monthly, or at more frequent intervals, as the director may determine generally or in special cases.

SEC. 602. The director shall establish such regulations as will insure the regular attendance of the veteran on his course of training, and no sum or sums shall be payable under this title unless the director has been furnished proof of such regular attendance. For each day of unjustifiable absence the veteran shall forfeit the sum payable for that day, and shall receive no reimbursement for it in any other form.

SEC. 603. If the payment under section 601 plus the amounts forfeited under section 602 is less than 140 per cent of the adjusted service credit, either by reason of the duration of the course approved, or by reason of the veteran's discontinuing, with the approval of the director, his attendance on his course of training, he shall be entitled to receive an amount equal to the difference between (1) his adjusted service credit and (2) that proportion thereof which the payments made or accrued under section 601 plus the amounts forfeited under section 602 bear to 140 per cent of his adjusted service credit: *Provided*, That from the amount thus computed there shall be deducted an amount equal to the sums forfeited under section 602.

SEC. 604. If before the completion of the payments under this title the veteran is separated from the military or naval forces under other than honorable conditions, or is discharged therefrom on account of his alienage, no further payments shall be made under this title.

SEC. 605. (a) If the veteran dies after making application in accordance with the provisions of section 302 and before any payments have been made or have accrued under this title, the amount of the adjusted service credit of the veteran shall be paid by the director to his estate.

(b) If the veteran dies after the course of training has begun, his estate shall be paid by the director the same amount as would have been paid to the veteran under section 603, treating for such purposes the date of his death as the date of discontinuance of attendance on his course of training.

SEC. 606. (a) The director is hereby authorized to cooperate with State boards for vocational education in such manner as will secure their assistance in the approval of courses of training for veterans and other assistance in carrying out the provisions of this title.

(b) Whenever any State provides funds for assistance to veterans in attendance upon approved courses or provides for free tuition in approved educational institutions, the director is authorized and directed to cooperate with the State board for vocational education of such State in securing the maximum educational opportunities to veterans entitled to the benefits of this title.

TITLE VII.—FARM OR HOME AID.

SEC. 701. (a) The National Veterans' Settlement Board created by Title VIII (hereinafter in this title referred to as the "board") upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 306, is hereby directed, on or after January 1, 1923, to pay to the veteran designated therein, in one payment or in installments, an amount equal to his adjusted service credit increased by 40 per cent.

(b) Such payment shall be made for the purpose, and only for the purpose, of enabling the veteran to make improvements on a city or suburban home, or a farm not selected under Title VIII, or to purchase or make payments on such a home or farm.

SEC. 702. No such payment shall be made unless and until the board has approved the purpose for which it is desired by the veteran, and has suitable assurance that the money will be

expended for such purpose. The board may, at the option of the veteran, or on its own motion, make the payment directly to the vendor or other person to whom such payment is due from the veteran.

SEC. 703. For the purpose of enabling it to pass upon the desirability of the investment the board may make use of the services of land bank appraisers of the Federal Farm Loan Board, to be designated by the latter board.

SEC. 704. (a) If the veteran dies, after making application in accordance with the provisions of section 302 for farm or home aid and before a contract has been entered into with the approval of the board, the amount of his adjusted service credit shall be paid by the board to his estate, but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If before the veteran's death a contract has been entered into with the approval of the board, and payments under this title on such contract are still due, such payments shall be made by the board to the vendor or other person to whom such payments are due from the veteran.

TITLE VII.—LAND SETTLEMENT.

NATIONAL VETERANS' SETTLEMENT BOARD.

SEC. 801. (a) There is hereby established a board to be known as the "National Veterans' Settlement Board" (hereinafter in this title called the "board") and to be composed of five members as follows:

(1) The Secretary of the Interior (hereinafter in this title called the "Secretary") and

(2) Four members to be appointed by the President by and with the advice and consent of the Senate.

(b) No veteran retired for age or longevity of service from active service in the military or naval forces shall be eligible for appointment to, or remain eligible for membership upon, the board. Any vacancy in the office of an appointed member shall be filled in the same manner and under the same limitations as in the case of the original appointment.

(c) The Secretary shall be the executive and administrative officer to carry out the plans and purposes adopted by the board under the provisions of Title VII and of this title. The members of the board, except the Secretary, shall receive an annual salary of $7,500. Of the members appointed to the board in the first instance, one shall be appointed for a term of two years, one for three years, one for four years, and one for five years. Their successors shall hold office for terms of five years; except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds.

ESTABLISHMENT OF PROJECTS.

SEC. 802. The board is hereby authorized to establish veteran settlement projects (hereinafter in this title called "projects") for the reclamation and settlement of lands by means of irrigation, drainage, or other manner or method of development and improvement thereof, including the building of necessary public roads within the projects. Projects shall be selected by the board with a view to the development of one or more projects in each of the several States where the establishment of a project is feasible.

SEC. 803. (a) The board may by gift, purchase, deed in trust, or otherwise acquire lands suitable for any project; but no project shall be finally selected, and no lands shall be acquired by purchase, unless the price and other conditions of acquisition have been submitted to and approved by (1) the governor of the State in which the lands are located, (2) as to price only, a land bank appraiser to be designated by the Federal Farm Loan Board, and (3) the board. If the governor of the State fails to signify his approval or disapproval within such time as the board by regulation shall determine, the land commissioner, or if there is in the State no official of such title, then the agency which under the laws of the State is authorized to perform the functions ordinarily exercised by a land commissioner, may act in lieu of the governor.

(b) In case any project includes privately owned land, no construction work shall be commenced upon the project until the owners of all such land in the project have each conveyed or agreed to convey to the United States title to all land owned by him in excess of a farm unit as established for the project under the provisions of section 806.

(c) The Secretary (1) may withdraw from location, sale, settlement, entry, or other disposition and place under the control of the board such unappropriated public lands as he deems necessary for any project, and (2) shall restore to public entry lands so withdrawn, if subsequently the board finds that such lands are not so required.

(d) The board may in its discretion contract with any irrigation or drainage district or other public corporation organized under the laws of the State in which the project is located to establish, develop, improve, and otherwise cooperate (in accordance with the provisions of this title) in the execution of, and the administration of the affairs of, any project comprising only the lands of such district or corporation.

COOPERATION WITH FEDERAL AND STATE AGENCIES.

SEC. 804. The board may, in executing the provisions of this title—

(a) Make use of, cooperate with, and allot moneys appropriated for its use to, any existing agency of the Federal Government which agrees to act as the agent of the board. Such agency is hereby authorized, within the limits of the moneys allotted it and under the direction of the board, to perform work in connection with any project.

(b) Whenever a State provides funds to be expended by the board in the establishment, development, and improvement of any project within the State, the board may contract with the State, or any agency thereof designated by the governor, to cooperate with the board, to such extent as the board deems advisable, in the work in connection with the project. The board may further establish a branch office in the State to administer matters arising in connection with projects in the State.

(c) Whenever a State provides not less than 25 per cent of the amount of the funds which are, in the opinion of the board, necessary to be expended by it in the establishment, development, and improvement of any project within the State, the board shall authorize the State, or any agency thereof designated by the governor, to undertake, subject to the general supervision of the board, (1) the selection, acquisition, and subdivision of lands for, and the improvement of farms within, any project, and (2) the development thereof after the project is open to settlement.

SEC. 805. So far as practicable, veterans shall be employed and their services utilized in the administrative and field work necessary to the establishment and development of any project by the board and all Federal agencies cooperating therewith. All contracts or other agreements of the board with any cooperating State or agency thereof shall contain a like stipulation. At the earliest practicable date each veteran so employed upon a project shall be allowed to select and shall be allotted, as hereinafter in this title provided, a farm unit upon which he may construct a dwelling and make other improvements.

ALLOTMENT AND SALE OF LANDS.

SEC. 806. (a) The board shall establish for each project or portion thereof (1) farm units of an acreage sufficient, in the opinion of the board, for cultivation by and the support of a family, and (2) farm worker's units of a small acreage sufficient, in the opinion of the board, for part-time cultivation by a farm worker's family.

(b) The board may set apart and reserve tracts within any project for use free from all charge for community and other public purposes, but the title to such lands shall remain in the United States. Whenever any such tract fails to be used for the purpose for which it was set apart and reserved, the board shall, after due notice and hearing, declare the tract forfeited to the United States. Such tract shall thereupon resume its original status.

(c) The board may establish town sites within any project and develop and sell lots therein to veterans and repatriates only, under such regulations and upon such terms as it shall prescribe.

SEC. 807. (a) When used in this title, the term "repatriate" includes (1) any citizen of the United States who has served with the military or naval forces of any nation allied against the German Government or its allies without loss of citizenship, and (2) any former citizen of the United States who has so served with loss of such citizenship but has since been repatriated; except that such term shall not include a veteran or any individual who was separated from such forces under other than honorable conditions.

(b) Whenever in the opinion of the board farm units or farm workers' units, within any project, are available for settlement, the board shall give public notice and description thereof, together with a statement of the construction charges and other conditions incident thereto, and shall mail individual notices to any veteran whose name has been certified to the board under the provisions of section 306. The board shall allot a farm unit or a farm worker's unit to any such veteran or repatriate who applies therefor in such manner as the board shall by regulation prescribe. As between applicants, preference in making allotments shall be given, first, to a veteran who has been employed upon and who has rendered substantial service in the development of any project; and, second, to a veteran or repatriate who, in the opinion of the board, is least likely to fail in his enterprise or to cause the United States loss.

(c) The board shall allot farm units, farm workers' units, and town lots to veterans and repatriates only.

SEC. 808. (a) The cost of construction, including the purchase price of any lands acquired for the project, but excluding administrative expenses and the expenses of maintaining general offices and exercising general supervision over projects, shall be apportioned equitably among the farm units, farm workers' units, town lots, and other tracts within the project in proportion to the selling value of each unit, lot, or tract; and the total sale price of all lands within the project shall be fixed with a view of repaying the total of such construction cost of the project.

(b) Each allottee of a farm unit or farm worker's unit shall pay to the board such price as the board shall fix for the unit in pursuance of the provisions of subdivision (a) of this section; except that in case the allottee is a veteran there shall be deducted from such price the amount of his adjusted service credit.

(c) A veteran or repatriate may, at his option, in lieu of payment in full at the time of entry, pay all balances due upon the purchase price for his unit upon an amortization plan by means of a fixed number of annual installments sufficient to cover (1) interest on the unpaid principal at the rate of 5 per cent per annum and (2) such amount of the principal as will extinguish the debt within an agreed period, not exceeding 25 years from the making of the contract of purchase. In the case of a veteran, the installments shall be so arranged that he will not be required to pay any installment until two years after the making of the contract of purchase. The board may in its discretion, whenever it is of the opinion that any emergency has caused default in the payment of any installment of the veteran or repatriate, postpone the payment of such installment until such date as it deems expedient. Such postponed payments shall continue to bear interest on the unpaid principal at the rate of 5 per cent per annum from the date of the contract of purchase. The board shall make such regulations as to residence upon, and use or cultivation of, units by a veteran or repatriate as in the opinion of the board will carry out the purpose of making the unit his permanent home.

SEC. 809. A patent or deed, as the case demands, shall immediately be issued to a purchaser who has paid the full price for his unit, and may be issued at any time more than five years after the date of purchase to any purchaser under the amortization plan who has met all payments then due from him to the board and has observed all conditions prescribed by regulations issued under the provisions of subdivision (c) of section 808. Each such patent or deed shall expressly reserve to the United States a prior lien on the land patented or deeded, superior to all other liens, claims, or demands whatsoever, for the repayment of all sums due or to become due to the board.

SEC. 810. (a) If the veteran dies after making application in accordance with the provisions of section 802 for land settlement aid and before having entered into a contract of purchase under section 808, the amount of his adjusted service credit shall be paid by the board to his estate, but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If the veteran or repatriate dies previous to the completion of his contract of purchase the successor by law to his interest in the land, if a widow or heir at law, may assume the contract of purchase. If the successor is other than a widow or heir at law the balance due the board under the contract of purchase shall be due immediately and shall be paid the board within such time after the death of the veteran as the board shall by regulation prescribe.

SEC. 811. No lands within any project shall in any event become liable to the satisfaction of any debt contracted prior to the issue of the deed or patent therefor. No transfer, assignment, mortgage, or lease of the interest of any purchaser of a unit shall, unless approved by the board, be valid previous to the issue of the deed or patent for the land, or within five years after the date of purchase.

SEC. 812. Prior to the issue of a deed or patent, as the case may be, for any unit, lot, or tract within a project, such unit, lot, or tract shall be subject to taxation by any State, or political subdivision thereof, but only upon the appraised value of the owner's interest in the land and improvements thereon. If the owner fails to pay any such tax or assessment, the board is authorized to pay such tax or assessment and to include the amount of the payment, together with interest and penalties at the rate provided by law for delinquent taxes in the State in which the land is located, in the installments payable under the contract of purchase.

SEC. 813. Upon the default of any payment due to the board under, or upon the violation of, the provisions of subdivision (c) of section 808, or of section 810, 811, or 812, the interest of the purchaser in the unit shall revert to the United States free of all encumbrances, but subject to the right of the defaulting debtor, or any mortgagee, lien holder, judgment creditor, or subsequent purchaser, to redeem the land, within one year after the board gives notice of such default, by payment of all moneys due with interest at 8 per cent per annum from the date of default, and costs. The board, at its option, may cause the land to be sold at any time after such failure to redeem. From the proceeds of the sale the board shall retain all moneys due, with interest as provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee. In the case of sale after failure to redeem under this section, the board is authorized to bid in such land at not more than the amount in default, including interest and costs.

SEC. 814. In case a veteran has entered upon land reclaimed under the reclamation law, the board shall, upon application of the veteran, pay to the reclamation fund the amount of the adjusted service credit of the veteran, and the Secretary of the Interior shall thereupon credit such sum to the amount payable to the fund by the veteran.

RECEIPTS FROM PROJECTS.

SEC. 815. All moneys received by the board as payments in respect to lands within any project shall be covered into the Treasury of the United States as miscellaneous receipts; except that from such receipts shall be deducted the amounts required to make such repayment or reimbursement to any State or designated agency thereof, or to any district or other public corporation, as is necessary to carry into effect the provisions of subdivision (d) of section 808 and of subdivisions (b) and (c) of section 804.

APPLICABILITY OF RECLAMATION LAW.

SEC. 816. The board shall, so far as possible, in executing the provisions of this title, make use of existing agencies in the Department of the Interior and comply with the reclamation law in so far as such law is applicable and not inconsistent with the provisions of this title. Such reclamation law shall, for the purposes of this title, be deemed applicable to the reclamation of lands by drainage or by any other manner or method, as well as to reclamation by irrigation. This section shall not be construed to give the board any control over the disposition of moneys in the reclamation fund.

EFFECTIVE DATE.

SEC. 817. Sections 802 to 816, both inclusive, shall take effect on January 1, 1923.

TITLE IX.—MISCELLANEOUS PROVISIONS.

SEC. 901. The officers and boards having charge of the administration of any of the provisions of this act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this act and as may be provided for by the Congress from time to time. With the exception of such special experts as may be found necessary for the conduct of the work, all such appointments shall be made subject to the civil service laws; but for the purposes of carrying out the provisions of section 305 such appointments may be made without regard to such laws until the services of persons duly qualified under such laws are available. In all appointments under this section preference shall, so far as practicable, be given to veterans.

SEC. 902. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 903. Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Title III, IV, V, VI, VII, or VIII, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than five years, or both.

SEC. 904. The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Director of the United States Veterans' Bureau, and the National Veterans' Settlement Board shall severally submit to Congress in the manner provided by law estimates of the amounts necessary to be expended

in carrying out such provisions of this act as each is charged with administering, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, amounts sufficient to defray such expenditures.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; to the Committee on the Library.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10185. An act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes;

H. R. 5013. An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials; and

H. R. 244. An act to provide for the disposition of abandoned portions of rights of way granted to railroad companies.

LEAVE OF ABSENCE.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent for leave of absence for my colleague [Mr. BURTON] until next Monday, on account of death in his family.

The SPEAKER. Is there objection?

There was no objection.

PERMITTING CERTAIN ALIENS TO REMAIN WITHIN THE UNITED STATES.

Mr. BOX. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Immigration be given until midnight to-night to file their views on House joint resolution 279, to permit to remain within the United States certain aliens admitted temporarily under bond, in excess of quotas fixed under authority of the immigration act of May 19, 1921.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 8, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

562. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1921 (H. Doc. No. 222), was taken from the Speaker's table, referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. J. Res. 279. A joint resolution to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921; with an amendment (Rept. No. 776). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Claims. H. R. 6926. A bill for the relief of Abraham Leibovitz; with an amendment (Rept. No. 777). Referred to the Committee of the Whole House.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. BULWINKLE: Committee on Claims. S. 464. An act for the relief of the estate of Moses M. Bane (Rept. No. 778). Laid on the table.

Mr. BOX: Committee on Claims. H. R. 4179. A bill for the relief of Ida F. Baum (Rept. No. 779). Laid on the table.

Mr. BULWINKLE: Committee on Claims. H. R. 5832. A bill for the relief of James Doherty (Rept. No. 780). Laid on the table.

Mr. BULWINKLE: Committee on Claims. H. R. 4814. A bill for the relief of Mrs. M. P. Rodgers (Rept. No. 781). Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. SWING: A bill (H. R. 10767) to exempt from cancellation certain desert-land entries in San Bernardino County, Calif.; to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 10768) to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat., 670); to the Committee on the Judiciary.

By Mr. FORDNEY: A bill (H. R. 10769) to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. LARSON of Minnesota: A bill (H. R. 10770) granting the consent of Congress to the county of Itasca, State of Minnesota, to construct, maintain, and operate a bridge across the south arm of Pokegama Lake; to the Committee on Interstate and Foreign Commerce.

By Mr. VAILE: A bill (H. R. 10771) authorizing the Postmaster General to investigate conditions arising from contracts in star-route, screen-wagon, and other vehicle service entered into prior to January 1, 1919; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: A bill (H. R. 10772) providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family, shall be a charge against the said Indian or his estate; to the Committee on Indian Affairs.

By Mr. GENSMAN: A bill (H. R. 10773) to authorize the appraisal of the taxable value of Indian lands now not subject to taxation in the several States to determine the amount of taxes which would accrue to the several States if the Indian lands were subject to taxation by the States; to the Committee on Indian Affairs.

By Mr. LEHLBACH: Joint resolution (H. J. Res. 294) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 2,000 tons of sugar imported from the Argentine Republic and adjust the loss sustained thereby; to the Committee on Agriculture.

By Mr. RIDDICK: Joint resolution (H. J. Res. 295) for the purpose of aiding agriculture by providing facilities for nitrate plants, water for irrigation, and for promoting more efficiency in travel and transportation through the elimination of the expense or labor for motive power, and for other purposes; to the Committee on Patents.

By Mr. KAHN: Resolution (H. Res. 309) authorizing the Committee on Military Affairs, or any subcommittee thereof, to go to Muscle Shoals and Gorgas, Ala., for the purpose of investigating the advisability of completing the same; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 10774) for the relief of John H. Lang; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 10775) granting a pension to Elvira E. Clark; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 10776) to place John Bowles Jeffery upon the retired list of the Army with the rank of major; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 10777) granting a pension to Ida B. Sechler; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 10778) granting a pension to Mary A. O'Neil; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 10779) for the relief of Willard Taylor Schell; to the Committee on Claims.

By Mr. LYON: A bill (H. R. 10780) granting a pension to James H. Brittain; to the Committee on Invalid Pensions.

By Mr. OLPP: A bill (H. R. 10781) authorizing and directing examination and survey of the Hudson River Channel along the Weehawken-Edgewater water front; to the Committee on Rivers and Harbors.

By Mr. RAMSEYER: A bill (H. R. 10782) granting an increase of pension to Malissa A. Hanes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10783) granting a pension to Elizabeth Graft; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 10784) granting a pension to John M. Tester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10785) granting a pension to Bonnie O'Mara; to the Committee on Pensions.

Also, a bill (H. R. 10786) granting a pension to Malissa E. Hurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10787) granting a pension to Judie Cable; to the Committee on Pensions.

Also, a bill (H. R. 10788) granting an increase of pension to Marcus C. Luttrell; to the Committee on Pensions.

Also, a bill (H. R. 10789) granting a pension to Robert J. Jones; to the Committee on Pensions.

Also, a bill (H. R. 10790) granting a pension to John H. Bellamy; to the Committee on Pensions.

Also, a bill (H. R. 10791) granting an increase of pension to Carry D. Shultz; to the Committee on Pensions.

By Mr. RIDDICK: A bill (H. R. 10792) authorizing the Secretary of the Interior to allow the additional homestead application of Otha Potter; to the Committee on the Public Lands.

By Mr. ROBSION: A bill (H. R. 10793) granting a pension to Syntha Black; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 10794) for the relief of William Black; to the Committee on Military Affairs.

By Mr. TINCHER: A bill (H. R. 10795) for the relief of Blanche Winters; to the Committee on War Claims.

By Mr. WASON: A bill (H. R. 10796) granting a pension to Susie C. York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10797) granting a pension to Nellie Knight; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4469. By Mr. BRIGGS: Letter from T. E. Flick, of Galveston, Tex., urging an amendment to House bill 9105, Sixty-seventh Congress, first session, by adding at the end thereof the words "now valid and legal for postage or revenue;" to the Committee on the Judiciary.

4470. By Mr. CRAGO: Petition of 23 residents of Pennsylvania, protesting against House bill 9753; to the Committee on the District of Columbia.

4471. Also, resolution adopted by Hill Top Memorial Post, No. 438, American Legion, of Knoxville, Pa., protesting against the reported remarks of the Chamber of Commerce of Pittsburgh, in which its members openly slandered and castigated the ex-service men by comparing them with profiteers, by impugning their patriotism, and by vilifying the ex-service men who is unable to obtain employment; to the Committee on Ways and Means.

4472. By Mr. CAREW: Petition of the Central Mercantile Association, urging the passage of an amendment to the post roads bill for reestablishing pneumatic-tube service in New York City; to the Committee on Appropriations.

4473. By Mr. FENN: Petition of the Meriden Personal Liberty League, amending the Volstead Act with a tax on beer and light wines; to the Committee on the Judiciary.

4474. By Mr. FUNK: Petition of citizens of Logan County, Ill., requesting the repeal of the Adamson law, etc.; to the Committee on Interstate and Foreign Commerce.

4475. By Mr. KISSEL: Petition of Battle Pass Chapter, Daughters of the American Revolution, of Brooklyn, N. Y., urging an amendment to the Barbour bill (H. R. 7452); to the Committee on the Public Lands.

4476. Also, petition of the Riley School of Chiropractic, of Washington, D. C., opposing the passage of Senate bill 2283; to the Committee on the District of Columbia.

4477. Also, petition of the New York Boat Owners Association (Inc.), of New York City, opposing the passage of House bill 5351; to the Committee on the Judiciary.

4478. Also, petition of Loggia Liberta'e Concordia, No. 769, of Mount Carmel, Pa., urging the early passage of the Calder-Kissel bill making the 12th of October each year a legal public holiday to be known as Columbus day; to the Committee on the Judiciary.

4479. Also petition of Allegheny Lodge, No. 339, Benevolent and Protective Order of Elks, of Pittsburgh Pa., urging the modification of the existing prohibition laws; to the Committee on the Judiciary.

4480. Also, petition of the Brooklyn Real Estate Board, of Brooklyn, N. Y., opposing the pending bonus bill; to the Committee on Ways and Means.

4481. By Mr. SPROUL: Petition by sundry citizens of the third congressional district of Illinois, protesting against the enactement of House bill 9753 and other Sunday enforcement laws; to the Committee on the District of Columbia.

4482. By Mr. SWING: Resolutions of the Orange Community Chamber of Commerce, of Orange, Calif., indorsing the adjusted compensation bill; to the Committee on Ways and Means.

4483. By Mr. TINKHAM: Petition of L. T. Price and others, favoring legislation for the suspension of Austria's debt to the United States for at least 20 years; to the Committee on Ways and Means.

4484. Also, resolution passed by the midwinter conference of Lend a Hand Clubs, supporting the proposal of Gen. Pershing relative to the size of the Army; to the Committee on Military Affairs.

4485. Also, resolution adopted at a meeting of the corporation of Simmons College, opposing the imposition of a duty on the importation of foreign books; to the Committee on Ways and Means.

4486. Also, resolution of Rose P. Neinzen, urging the extension of Austria's debt to the United States be extended for at least 20 years; to the Committee on Ways and Means.

4487. Also, resolution adopted by the Charlestown (Mass.) United Veterans of the Republic, opposing the adoption of the four-power treaty; to the Committee on Foreign Affairs.

4488. By Mr. WILLIAMSON: Petition of South Dakota Conference, Seventh-Day Adventists, protesting against enactment of House bill 4388; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *March 8, 1922.*

(Legislative day of Tuesday, March 7, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. CUMMINS. Mr. President, I ask unanimous consent, as in legislative session, to submit the following resolution and ask for its immediate consideration.

There being no objection, the Senate, as in legislative session, considered the resolution (S. Res. 255) and it was agreed to, as follows:

Whereas the Attorney General of the United States has rendered an opinion to the President of the United States touching the eligibility of Senator REED SMOOT and Representative THEODORE E. BURTON for membership on the commission created by the act of Congress approved February 9, 1922, entitled "An act to create a commission to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes"; Be it therefore

Resolved, That the President is requested, if not incompatible with the public interest, to furnish to the Senate a copy of said opinion.

SERVICES FOR SOLDIER DEAD AT BROOKLYN, N. Y.

As in legislative session.

The VICE PRESIDENT laid before the Senate a communication from E. A. Simmons, chairman of the committee for the reception and disposition of bodies from overseas of the American Legion, Department of New York, of New York City, requesting the appointment of a Senate committee to attend the services to be held at Brooklyn, N. Y., on Sunday, April 2, 1922, in honor of the last reception of bodies of American soldiers who died overseas in the World War, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LODGE. Mr. President, I ask that the telegram which I send to the desk, which has been received here, containing a resolution relating to the ratification of the treaties, may be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

CAMBRIDGE, MASS., *March 7, 1922.*

Hon. CALVIN COOLIDGE,
Vice President of the United States and
President of the Senate, Washington, D. C.

Harvard University and the Cambridge community in a crowded meeting to-night voted unanimously the following resolution:

We urge upon the Senate the ratification of the treaties of the Washington conference without reservation and without delay.

EDWIN CALDWELL MOORE.

Mr. KELLOGG. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Sheppard
Ball	Harreld	Nelson	Shields
Borah	Harris	New	Shortridge
Brandegee	Harrison	Newberry	Smith
Broussard	Heflin	Nicholson	Spencer
Cameron	Hitchcock	Norbeck	Sterling
Capper	Johnson	Norris	Townsend
Caraway	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mont.
Cummins	Keyes	Phipps	Warren
du Pont	King	Pittman	Watson, Ga.
Fernald	Ladd	Poindexter	Weller
Fletcher	Lenroot	Pomerene	Williams
France	Lodge	Ransdell	Willis
Gerry	McCormick	Rawson	
Glass	McKellar	Reed	
Gooding	McKinley	Robinson	

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is necessarily absent on account of serious illness in his family. I ask that this announcement may stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Pennsylvania [Mr. PEPPER] are detained at a hearing before the Committee on Finance.

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM] on account of a death in his family.

The VICE PRESIDENT. Sixty-nine Senators having answered to their names, there is a quorum present.

Mr. LODGE. Mr. President, in speaking to-day in regard to the four-power treaty, I desire first to trace briefly the negotiations which resulted in the adoption of that treaty by the four signatory powers.

The chief and most important point in the treaty is the termination of the Anglo-Japanese alliance. That was the main object of the treaty. The subject had been under discussion for some time before the conference met. It had been under discussion in the conference which was held in London last June between representatives of the British self-governing dominions and the Government of Great Britain itself. There was in that conference, although it has never been fully published to the world, a well known and very marked difference of opinion, to which I shall presently allude more in detail. No settlement was reached of the differences which arose upon the Anglo-Japanese alliance. During the time when that conference was in being, and later, during the summer, there was correspondence, I believe, and there certainly were conversations between the Secretary of State and representatives of the British Government in regard to this alliance, and the view of the United States upon it was very frankly and fully stated to the representatives of Great Britain.

At the imperial conference Canada was very strongly opposed to the continuation of the alliance. The feeling in Canada did not differ materially from that which was held in this country by all people who had given the subject consideration. Canada was anxious to see the alliance terminated. The New Zealand and Australian attitude was somewhat different. Both those dominions are extremely hostile to Japanese and Asian immigration, and have very stringent laws on the subject; but they felt that they were much more exposed, owing to their geographical position, than was Canada, and it seemed to them that the Anglo-Japanese alliance contained a measure of protection to them against any Japanese encroachments. They were, therefore, unwilling to have the alliance terminated unless some other arrangement was made; but Australia and New Zealand, through their prime ministers, and South Africa as well, stated that they favored no alliance between Great Britain and Japan which was not in all respects satisfactory to the United States.

When the conference met, after the preliminaries, after the appointment of committees and the presentation of the American proposition for the reduction of armament, the question of the Anglo-Japanese alliance was taken up almost at once for negotiation, and was very promptly disposed of, as the date of the treaty, December 16, shows. The Senator from Nebraska [Mr. HITCHCOCK] was very much distressed by the secrecy which, in his opinion, shrouded the negotiations which resulted in the four-power treaty. That the subject was under consideration, that the delegations of the four signatory powers were considering it, that there were meetings between them and the heads of the different delegations, were facts well known to the press, and about which no secrecy ever existed. The discussions were informal; no minutes were kept; no stenographers were present, for the simple reason that it was not thought necessary, I believe, by anyone; certainly it was suggested by nobody. The four delegations had many talks amongst themselves in regard to the subject, and with each other, but it was agreed, without objection on the part of anyone, that the delegations should be represented by their respective heads. So Mr. Hughes, Mr. Balfour, Baron Kato, or Baron Shidehara, and Mr. Viviani represented their respective delegations in the conferences, comparatively few in number, which were held. Everything that was proposed was submitted first to the delegations by their representatives and reported to the delegations subsequently. That is the whole story of the negotiation, and that is all that the secrecy amounted to. There was really nothing to conceal. The purpose of the meetings was the termination of the Anglo-Japanese alliance and the agreement on the two very simple articles which preceded it.

I may say at this point that no negotiations of which I have any knowledge—and I am speaking now of the conference and its work generally—were ever conducted with so little secrecy as were those held by the conference which has recently adjourned. Stenographers were present at all the meetings of the committees, communiqués were published every day after the meetings of the committees of the conference, and all that happened and all that was said in those meetings is in print in the volume of minutes which is now before the Senate.

In the particular case of the four-power treaty only the four powers represented were engaged and the negotiation was carried on as it was simply because it seemed the quickest and most direct way. The whole purpose was so obvious that the story was told by the result without any need of having stenographers to listen to informal conversations, a method which, I may say, if enforced, would probably put an end to all negotiations, for informal conversations amongst the representatives of the powers must be carried on, if at all, without the presence of stenographers. The fact that there were tentative drafts, of which some point was made by the Senator from Nebraska, seems to me, I must confess, wholly unimportant. Of course, different drafts were made and amended and considered and discussed in the conferences of the delegations and afterwards in the meetings of the heads of the delegations, just exactly as a committee of the Senate or a subcommittee in framing a bill will discuss amongst themselves various drafts and various amendments to the bill or the drafts.

Now, Mr. President, let me state, first, to what this treaty applies.

Mr. REED. Mr. President, is the Senator about to leave the topic he has been discussing?

Mr. LODGE. I was; yes.

Mr. REED. If the Senator does not object, I should like to ask him a question or two about it. Has anything been made public except the proceedings of the general meetings which were held in public?

Mr. LODGE. The Senator is speaking now of the conference generally?

Mr. REED. Yes.

Mr. LODGE. Everything has been made public. Of course, the proceedings at all the sessions of the plenary conference have been made public and all the meetings of the committees of the conference and subcommittees are published in the minutes. Stenographic minutes were taken of all of them and were published.

I will say to the Senator that there were two committees—one the committee on naval armaments, consisting of representatives of five powers, and one on questions affecting the Far East, consisting of representatives of nine powers. Those were the two committees appointed by the conference. There were subcommittees appointed by those committees for the consideration of specific subjects, and all that was said and done by those committees of the conference and by the subcommittees was taken down stenographically and printed.

Mr. REED. And distributed?

Mr. LODGE. They are in the hands of every Senator here and in our document room.

Mr. REED. In this volume which I hold in my hand?

Mr. LODGE. Yes.

Mr. REED. I do not wish to take the Senator's time, but the Senator stated the meetings of all the subcommittees were known to the press.

Mr. LODGE. In regard to the four-power meetings, I used the expression that the fact of those meetings was known to the press.

Mr. REED. The fact that they were having meetings?

Mr. LODGE. Yes. Of course, as to the others, all that was said was given to the press the same day.

Mr. REED. The fact that meetings were to be held was given to the press, but what took place at the meetings was not recorded?

Mr. LODGE. No; it was not recorded; there were no stenographers present.

Mr. REED. And never was given to the press?

Mr. LODGE. There were no minutes.

Mr. REED. What took place was never given to the press in any form?

Mr. LODGE. No; I do not think anybody repeated the conversations and gave them to the press.

Mr. REED. Were the conclusions given to the press?

Mr. LODGE. They were, as soon as they were reached. There was only one very simple conclusion.

Mr. REED. I wish to call the Senator's attention to one matter, in order to clear up the question we are on. I will state the facts as I understand them to be: That the President stated under the four-power pact the United States would be under no obligation with reference to what we call the mainland of Japan. Subsequently, on the same day, a statement was given to the press that the President had been informed that there had been an understanding between our representatives and the British, the French, and the Japanese representatives that the terms of the treaty did embrace the mainland of Japan, and thereupon the President gave a statement, according to the press, that he had been in error. Had such an understanding as that referred to been arrived at?

Mr. LODGE. There was no understanding about it at all; that was the clear meaning of the words used.

Mr. REED. The newspapers went further than that.

Mr. LODGE. I am not saying what the newspapers did; I am not responsible for them; I am saying what the view of the delegates was.

Mr. REED. I am only stating what the newspapers stated in order that I may ask a question. The newspapers went further and stated that the construction which had been put upon the language of the treaty by those who had framed the language was that it did embrace the mainland of Japan.

Mr. LODGE. Undoubtedly; in my opinion, there could be no question about it as originally phrased.

Mr. REED. Had such a construction been arrived at, discussed and talked over, by the representatives at the meetings which were not public?

Mr. LODGE. Under the language adopted that was the perfectly natural and inevitable interpretation. I quote from the second paragraph of the treaty:

> With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions of the Pacific Ocean—

"Insular possessions and insular dominions," in my opinion, and I think in the opinion of every delegate, could not help covering Japan. Her own islands were her insular dominion.

Mr. REED. But the general public construction and the construction which the President put upon the language was that it did not cover what we call, for want of a better term, the mainland of Japan; and I am inquiring now not as to the construction which the Senator gets from the words themselves but whether in the discussions between the representatives of these countries it was understood and talked over that the words would cover the mainland of Japan.

Mr. LODGE. No one that I know of who was concerned in making the agreement had any doubt that they did cover the mainland of Japan. The only discussion that occurred was that the representative of Japan objected, not to the construction, because there could be no other, but to the inclusion of Japan, and asked for time to consider it, did consider it, and then informed the other delegations that though he was reluctant to accept it he withdrew his objection.

Mr. REED. And, if I correctly understand the Senator, the representative of Japan did not want the mainland of Japan to be included within the protectorate of this treaty?

Mr. LODGE. He did not desire it at first, and then agreed to it.

Mr. REED. So that makes it perfectly plain, then, that there was a discussion between the delegates as to whether the language of the treaty——

Mr. LODGE. I have stated to the Senator the only discussion that occurred. There was no discussion as to what it meant. The only discussion was as to whether Japan was willing to have the mainland of Japan, Japan proper, included in the treaty at all.

Mr. REED. Would the Senator object to telling us why the representative of Japan objected to having the mainland of Japan—as we will call it for want of a better term—included in this protectorate?

Mr. LODGE. As I have said, that objection was withdrawn, and the treaty appeared as first drafted.

Mr. REED. I know it was withdrawn and afterwards was incorporated in the supplemental treaty.

Mr. LODGE. I can tell the story better if the Senator will allow me to tell it without interrupting me before I can get the words out of my mouth.

Mr. REED. Certainly; I thought the Senator had concluded.

Mr. LODGE. I had just started to tell the story.

Mr. REED. Very well.

Mr. LODGE. I am perfectly willing that the Senator shall ask any questions he desires, but when I am trying to answer one question I can not get far if I am interrupted at the end of my first half sentence.

Mr. REED. I simply misunderstood the Senator's attitude and manner of speech. All that I want is for the Senator to tell us all about it, and he shall take all the time he will.

Mr. LODGE. That is what I am trying to do, and I shall get on more rapidly if I am allowed to proceed.

Mr. REED. Very well.

Mr. LODGE. The Japanese representative made that objection and said he should like to consider it further. He then, the next day, informed the other delegations that he withdrew his objection. Subsequently it appeared that the Government of Japan and the people of Japan were also opposed to it, and the representative of Japan renewed his objection. That is, he renewed his request that the mainland, the home territory of Japan, should be specifically excluded, as was done by the supplementary treaty.

Mr. ROBINSON. Mr. President, will the Senator permit me to ask a question in that connection?

Mr. LODGE. Certainly.

Mr. ROBINSON. When Japan objected to her mainland being included, why did the other powers insist upon its being included?

Mr. LODGE. They did not insist.

Mr. ROBINSON. Why was it included?

Mr. LODGE. Because that was the natural meaning of the words used.

Mr. ROBINSON. What was her original objection?

Mr. LODGE. The original objection of Japan?

Mr. ROBINSON. Yes.

Mr. LODGE. I was going to explain that. As I understand it, the objection of Japan was that the mainland, the homeland, of the other three powers was not included, and they felt that it might be a reflection on her if she alone were included. In stating the Japanese position I am, of course, stating only what I understood. I have no right to speak for them.

Mr. ROBINSON. When Japan made that objection, whatever the ground upon which it was based, why did not the other powers yield to the objection at once and permit the mainland of Japan to be excepted?

Mr. LODGE. I am afraid I did not make myself clear. This language was agreed to by all. The Japanese representative, who was the Japanese ambassador at that time, said that he should like time to think it over before he assented. He did not ask that it be stricken out; he said that he should like time to think it over and consider it before he assented. He did consider it over one night and assented the next morning and withdrew any objection. To tell the truth, I do not think any of the other powers cared one way or the other about it.

Mr. REED. If the language included the mainland of Japan in the first instance, and was so understood, why was the treaty prepared in that way? Why was that language in the treaty?

Mr. LODGE. The purpose of the treaty was to include all the insular dominions and possessions of the four signatory powers, and, by using the words "insular dominions and insular possessions," carefully to exclude continents; and that was the phrase selected in order to reach that purpose. When

we said "insular dominions and insular possessions," of course, the main island of Japan, for instance, is an insular dominion of Japan in the Pacific Ocean and would be included.

Mr. REED. I understand that it is included in the term; but that is not the only term in the English language that could have been employed.

Mr. LODGE. No; no doubt the Senator could have found a better one, but that was the one that seemed to the delegations to cover it. After a good deal of consideration, that was thought to be the best descriptive term.

Mr. REED. And when you adopted it, you found it necessary afterwards, in order to straighten out the matter, to make a second treaty?

Mr. LODGE. We found it necessary to comply with the wishes of Japan; that is to say, we thought it desirable. Nobody considered it of any importance whether the home islands of Japan were included or whether they were not.

Mr. REED. It afterwards became of sufficient importance, so that a second treaty was made?

Mr. LODGE. Certainly, in compliance with the wishes of Japan; yes.

Mr. REED. And in that second treaty you specified what particular islands should be included. The clause to which I call the Senator's attention in the supplemental treaty is this:

> The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

Why were the particular islands that have been named specified as being within the treaty?

Mr. LODGE. Because that was the most direct way of excluding the homeland of Japan.

Mr. REED. I know it would exclude the homeland of Japan, but why was the island of Sakhalin put in?

Mr. LODGE. The southern portion of the island of Karafuto, I believe they call it, belongs to Japan.

Mr. REED. Why is it that that particular island, which was not one of the mandated islands, was put within the terms of the four-power treaty and under its protection?

Mr. LODGE. It was put there for the simple reason that the islands of Japan, which they consider part of their homeland, as I am informed, when they speak of the homeland of Japan, are under the direct government of Japan and form a part of the Government. These other islands have separate governments. Of course they are controlled by Japan, but they have separate governments. They are not under the home government. They are not places where the writs run.

Mr. REED. There is no question about the southern half of Karafuto or Sakhalin being Japanese territory?

Mr. LODGE. None whatever; neither is there any about Formosa or the Pescadores.

Mr. REED. Was anything said about liability of controversy arising over this island of Karafuto or Sakhalin?

Mr. LODGE. No suggestion at all was made about it that I am aware of.

Mr. REED. Nothing was said about it?

Mr. LODGE. As a matter of fact, it lies just off of Vladivostok.

Mr. REED. It lies just north of the main islands of Japan. The Senator says it lies just off Vladivostok?

Mr. LODGE. Yes; it is off the coast of Siberia.

Mr. REED. The Japanese are now on the mainland of Russia, are they not?

Mr. LODGE. Yes; they have an army in eastern Siberia.

Mr. REED. This island is a very useful and important base for the Japanese in their occupancy of the mainland?

Mr. LODGE. I should not think so.

Mr. REED. Why not?

Mr. LODGE. I should not think it was of any particular importance to them. They have the mainland; that is, they have their troops on the mainland.

Mr. REED. Exactly; they have their troops on the mainland. If there is an effort made to push those troops out, does not the Senator think that this island might be very important for Japan to hold?

Mr. LODGE. It might be of value, of course. Japan owns half of it, and holds the other half on account of an uprising and a massacre which occurred there. It would be of military value to anyone attacking Vladivostok, no doubt; but, as far as being a base of support is concerned, they are practically as near their own islands as they are to Sakhalin.

Mr. REED. Are there valuable oil deposits in this island?

Mr. LODGE. Not that I am aware of.

Mr. REED. Is it not almost inevitable that if Russia undertakes to expel the Japanese from Russia, the fight will be carried to this island?

Mr. LODGE. Really, I can not undertake to predict what future wars may do.

Mr. REED. But the Senator is here engaged in making a treaty——

Mr. LODGE. I am.

Mr. REED. A treaty which has to do with the future, and with future wars.

Mr. LODGE. I hope not with future wars.

Mr. REED. With the prevention of future wars.

Mr. LODGE. That is what I hope.

Mr. REED. Therefore, the strategic questions must have been considered, and I want to ask if the question of the strategic importance of this island was not considered?

Mr. LODGE. Not to my knowledge. I never heard of its strategic importance being considered at all. I think it has little or none. That is a mere matter of opinion, where my opinion is just as good as that of the Senator from Missouri and no better.

Mr. REED. I am obliged to the Senator. We get on an equality for a moment.

Mr. LODGE. I am glad to do it even for a moment.

Mr. REED. The question, then, of the strategic importance of this island, and of its liability to be drawn into a war between Japan and Russia, was not even considered or thought of by the American delegation?

Mr. LODGE. I do not think we thought it of importance.

Mr. REED. Yet we agree to sit down at the table with the other three powers in the event any of these islands are attacked, this particular island now being named, and consult with them with reference to the best means of repelling the attack.

Mr. LODGE. Mr. President, I meant to give every opportunity to the Senator, but I should rather discuss that question in my own way when I come to it.

Mr. REED. Very well.

Mr. LODGE. I am going to say something about that later.

Mr. REED. I shall be glad to listen.

Mr. LODGE. The Senator was going on to speak of the terms of the treaty.

Mr. REED. I was.

Mr. LODGE. And they, of course, include that question.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. WALSH of Montana. Before the Senator closes on that point will he tell us, if he can, just why Japan desired to exclude the homeland from the operation of the treaty?

Mr. LODGE. It is difficult to explain the motives of other nations, or of other people, but as I understood it, the homelands of all the other signatories not being included, Japan regarded it, and apparently deeply regarded it, as some reflection on her national dignity.

Mr. POMERENE. Mr. President, will the Senator yield for just one question?

Mr. LODGE. Certainly.

Mr. POMERENE. It developed during the deliberations of the committee, and was later stated on the floor of the Senate, that there were probably other drafts of the four-power pact, tentative in character, perhaps, and we sought to get them. It was thought, I believe, at one time that if those drafts were in existence they were in the possession of the Secretary of State.

Mr. LODGE. I do not know whether they are in his possession, or whether they were kept at all.

Mr. POMERENE. I was simply going to ask the Senator whether he had received any further information on that subject since the Secretary of State had returned?

Mr. LODGE. None whatever. I have not talked with him on the subject, and I have received no further information.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. FRANCE. The Senator from Massachusetts has indicated that he would prefer to proceed with the discussion in his own way.

Mr. LODGE. I am perfectly willing to answer any questions.

Mr. FRANCE. I would be very much pleased if, in the course of his remarks, the Senator would give us some information—information which for the moment I do not possess—as

to how the southern portion of Sakhalin came to be under the dominion of Japan.

Mr. LODGE. I am surprised that the Senator, who is so familiar with all Russian questions, should not know that that was ceded to Japan under the treaty of Portsmouth.

Mr. FRANCE. I would also like to ask the Senator if it is not true that, so far as the northern portion of Sakhalin is concerned, that is a matter already in controversy between Japan and Russia, and that controversy arose out of the valuable mineral deposits in the northern part of Sakhalin, particularly oil?

Mr. LODGE. That information was not presented to the conference in any way. There was a massacre at Nicolaievsk, on the island, in which a considerable number of Japanese citizens, including the Japanese consul, were killed. I have seen the number put as high as 700; but it was a large number. Japan thereupon took military possession of the northern half of Sakhalin, as she states, in order to hold security for reparation for this attack upon her nationals. She makes no claim of right to Sakhalin, but holds it only for the purpose of getting reparation for the massacre of her nationals. I am stating her position.

Mr. FRANCE. I would say that I was quite aware of the fact that all of Sakhalin was formerly Russian territory. I did not remember at the moment under what conditions the Japanese had acquired sovereignty over the southern portion of the island; but does not the Senator think that this question of Sakhalin might possibly develop into a serious controversy between Japan and Russia, which might involve a war?

Mr. LODGE. I can not possibly tell about future wars. I know it can not involve the United States. What involves Russia and Japan I have to bear with such philosophy as I may possess.

Mr. FRANCE. Unfortunately, countries are not always able to determine whether they shall have war or not.

Mr. LODGE. Are they not? I think the United States is able to determine it.

Mr. FRANCE. Sometimes nations have war thrust upon them, unfortunately, under conditions which prevail, conditions which I hope may be corrected.

Mr. LODGE. Now I return to the point at which I was interrupted, as to just what this treaty covers.

I have here some tables I am going to ask to have printed. They have been very carefully prepared for me by my secretary at the conference, Mr. Laughlin. The figures and other data were furnished by the hydrographic office of the Navy Department and by the Bureau of Eastern Affairs of the State Department. I think that they are nearly as correct in point of areas and population as it is possible to be, although it is very difficult to get the exact populations of these islands. I will read only enough to show in round numbers the areas and the populations and then I shall ask to have the tables printed, both in respect to these islands and the mandated islands of the Pacific. They contain information which I think will be very valuable to the Senate.

I will simply call attention to the total areas in square miles of the islands covered by this treaty. These are the possessions of the various powers in the Pacific after the war, corrected according to the mandates.

The United States has 126,000 square miles and 10,627,000 population.

The total British Empire, including Australia's and New Zealand's possessions, not the islands of Australia and New Zealand themselves, has 191,000 square miles and 1,491,000 population.

The Anglo-French condominium has an area of 6,000 square miles and about 60,000 population.

France has 8,588 square miles and 79,000 population.

The Netherlands has 683,000 square miles and 47,000,000 population.

Portugal has 7,230 square miles and 378,000 population.

Japan has 27,214 square miles and 3,006,000 population.

It will be observed that the Netherlands, for whose possessions provision was made by an exchange of notes, has the largest area and far the largest population. The next is the British Empire, with 191,000 square miles, but with only 1,491,000 population.

The United States is third, five times Japan's area, with 126,000 square miles and 10,000,000 population.

I read these to show the comparative interest of the United States in the Pacific islands.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. LODGE. Certainly.

Mr. ROBINSON. The statement the Senator from Massachusetts has just read shows that both the Netherlands and Portugal have substantial possessions in the regions of the Pacific indicated.

Mr. LODGE. The Portuguese possessions are very small.

Mr. ROBINSON. Particularly the Netherlands have substantial possessions in the regions of the Pacific comprehended by this treaty. Why were they not invited to participate in the four-power treaty?

Mr. LODGE. In the case of Portugal it was because their interest was a very small one, indeed. In the case of the Netherlands, specific notes were written by the powers extending a pledge to respect the possessions of the Netherlands.

Mr. ROBINSON. Why were not the Netherlands included in the treaty?

Mr. LODGE. Because their islands are almost all in the Indian Ocean, and not in the Pacific Ocean.

Mr. REED. Did we join in such a note as the Senator speaks of?

Mr. LODGE. We did. The note is printed.

Mr. REED. The Senator has been dealing with the areas of the possessions of the various countries in the Pacific. I have forgotten the figures he gave with reference to the United States.

Mr. LODGE. One hundred and twenty-six thousand square miles, and 10,000,000 population, in round numbers.

Mr. REED. That includes the Philippines, does it not?

Mr. LODGE. That includes the Philippines and Hawaii. I will give the Senator the exact figures.

Mr. REED. How about the island of Wake?

Mr. LODGE. I will give the Senator the exact figures. They cover the Philippines, Hawaii, Guam, American Samoa—that is, the island of Tutuila—and Wake Island, 4 square miles, and population negligible.

Mr. REED. All that territory we had before the European war?

Mr. LODGE. We did.

Mr. REED. That was ours. Every foot of the territory acquired as a result of this war is by these treaties turned over to Japan or Great Britain, is it not?

Mr. LODGE. We have made no treaty with Great Britain. That is to come.

Mr. REED. Every foot of it?

Mr. LODGE. As to the mandated islands we recognize the mandates of Japan. The islands are very small and trifling in value and population.

Mr. REED. Can the Senator give the area of the islands that Japan acquired by virtue of the European war?

Mr. LODGE. Yes. In round numbers it is 1,000 square miles and 47,000 population in all of them.

Mr. KING. I think the area given by the Senator is too large.

Mr. LODGE. I do not think the area is quite as much as that just stated, but I will give the exact area:

The mandated islands of Japan include the Caroline Islands, in which the Pelews are included, the Mariana or Ladrone Islands, and the Marshall Islands.

Germany attempted seizure of the Carolines in 1885. Spain objected. The matter was referred to the Pope for arbitration and decision rendered in favor of Spain. Germany finally secured the Carolines and the Marianas (except Guam) by purchase from Spain in 1899 for about $4,000,000. The Marshall Islands were secured by Germany in 1885 by occupation from native chiefs, and the acquisition was not contested.

I have the exact figures for Japan:

The islands which Japan now holds as a mandate include all the former German islands north of the Equator; that is, all the Carolines, the Marianas, with the exception of the most important one, Guam, and the Marshalls with the exception of Nauru (included in the British mandate) which has the greatest economic value of the group, on account of its extensive deposits of phosphates.

These three archipelagoes consist of hundreds of small scattered islands, the Marshalls being low-lying coral islands, the Marianas of volcanic origin, their highest elevation ranging from 1,000 to 3,000 feet, and the Carolines chiefly atolls, some of the larger islands of this group having high volcanic peaks in the center.

The Carolines (which include the island of Yap) consist of about 500 islands and islets with a total area of about 550 square miles. This archipelago consists of a number of good, though small, well-protected harbors and extended anchorages within some of the lagoons.

The Marianas, or Ladrones, consist of 15 principal islands, of which only 5 are inhabited, with a total area of about 241 square miles. They contain practically no good harbors, with the exception of that of the island of Guam. The population of the Marianas, exclusive of Guam, is about 2,600, and that of the Carolines about 40,000.

The Marshall group consists of over 30 atolls with an estimated population of 15,000 and an area of about 160 square miles.

Totals: These are about 550 islands with an area of about 950 square miles and a population of about 55,850. That is the entire Japanese mandate.

Mr. REED. May I ask the Senator how many harbors there are in these islands?

Mr. LODGE. I just read that.

Mr. REED. The Senator read with reference to one group and not with reference to all.

Mr. LODGE. With reference to the Carolines it is said:

This archipelago contains a number of good, though small, well-protected harbors and extended anchorages within some of the lagoons.

The Marianas or Ladrones "contain practically no good harbors, with the exception of that of the island of Guam." The Marshall Islands I think contain nothing. They are very trivial islands.

These tables and statements I ask to have printed at the end of my remarks.

The PRESIDENT pro tempore. Without objection it is so ordered.

Mr. LODGE. Mr. President, passing from the islands covered by the treaty I come to the main point, which is the termination of the Anglo-Japanese alliance by the terms of the treaty. It will be noticed that the Anglo-Japanese alliance is terminated. There is no relation whatever between the Anglo-Japanese alliance and this treaty in character or in terms.

The agreement between the United Kingdom and Japan in article 2, provides that—

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once go to the assistance of its ally, and will conduct the war in common and make peace in mutual agreement with it.

That is a treaty of alliance offensive and defensive. There is nothing of that sort in the four-power treaty. The removal or the termination of the Anglo-Japanese alliance was necessary to the successful conclusion of the naval treaty. The only obligation in the four-power treaty, in my judgment, and I think I express the views of the other American delegates, is the obligation to consult in the case of controversy or of aggression from a power outside the treaty. All decisions must be unanimous.

I say there is no alliance, and I make that statement broadly and with the full consciousness of what it means. It is idle to take the loose dictionary definition that an alliance is a compact between nations. An alliance in international law is a perfectly well understood form of agreement between nations. If we take the loose general interpretation that it is a compact between nations, it would mean that when we agreed to an extradition treaty with Costa Rica the other day we made an alliance with Costa Rica. That is absurd on its face.

When Washington spoke about a "permanent alliance" he was not referring to a treaty with another power to settle specific questions. He had just made a treaty with England, the famous Jay treaty, by which he settled certain questions in the West Indies and removed the British posts which were thwarting our western advance. Do you imagine when he made that treaty, which was permanent in its character, that he regarded it as a permanent alliance? He regarded it as a treaty for a specific purpose to settle certain outstanding questions. When Jefferson referred in his first inaugural address to an "entangling alliance" he did not have in mind treaties, of which there were more than one made in his time; he did not have in mind the treaties of commerce and amity for the exchange of consuls or ministers, or anything of that sort. He had in mind that which is a real alliance and what the whole world knows is meant by an alliance. When we had the exchange of the Rush-Bagot notes in 1821, those notes were approved by the Senate. They settled the question of armed vessels on the Lakes, limiting them to such a point that there are practically no armed vessels on the Great Lakes. That agreement made by note has lasted for a century unquestioned. Does anybody consider that an alliance? It is a simple agreement as to certain arrangements in regard to the Great Lakes in which the two countries, Canada and the United States, have a joint interest. An alliance is when two countries are bound to act together under certain given conditions, which may be offensive or defensive, or both. We can find any number of purely offensive alliances where countries join together to conduct a war, and for no other purpose. We can find purely defensive alliances, and we can find alliances which contain both agreements, and those are also true alliances because they bind the nations to perform certain acts under certain contingencies and put force behind them. There is absolutely nothing of that sort here and no torturing of words can put it here.

It was recognized by all the signers that this was the true interpretation. I say that because official declarations were made. In presenting the treaty to the conference I made the statement that no force lurked in those paragraphs, that it was not a treaty of alliance. That was accepted without question by all the signatories and all seated at that table. It was accepted a second time when the records of that meeting were approved at the next plenary conference. It was stated again in the report of the delegation. It was stated again by the President. No signatory of that treaty and no one of the nine powers assembled in Washington ever has questioned it and none ever will, in my judgment, question that interpretation.

Let me, in this connection, read a brief paragraph from Frank Simonds, whose writings on all these subjects are very well known, who speaks with authority, who was not particularly friendly to the Washington Conference, but who, after it was all done, made this statement:

Thus amended the four-power pact provides for peace in the Pacific, guaranteed by a mutual pledge of all the signatory powers to respect the integrity of the territory of each, and in case of difference between the signatory nations to confer. In the case of difficulties between a signatory power and a nonsignatory nation the four powers are to exchange notes as among the four, explaining the situation and looking to a common policy.

With the ratification of this four-power treaty, then, there will disappear any real cause or opportunity for war between the four great sea powers in the Pacific. Arrangements have also been made for separate agreements between the signatory powers and Holland to extend to the Dutch East Indian possessions that same guaranty of protection and recognition of integrity which the four-power treaty bestows upon the signatory nations. This agreement removes one of the gravest criticisms leveled at the four-power treaty, and it is an act of signal justice to Holland, whose participation in the conference was distinguished and whose interests in the region of the Pacific, at least on the material side, are more considerable than those of any other western nation.

In sum, then, we have as a result of the four-power treaty and the extension of this treaty to the Dutch East Indies a solid basis for peace between Japan, Great Britain, France, the Netherlands, and the United States. It is inconceivable hereafter during the life of a treaty that any difference of opinion or conflict of interests can lead to war. A regional agreement has been made, satisfactory and honorable to all concerned, entered into in full peace, representing no infrangements of the rights or alienation of the territories of any signatory nation, which must hereafter serve as a model for all regional agreements.

Mr. President, I have taken more time than I intended; but before I close I desire to tell the Senate with entire frankness of the attitude and views of the American delegation in regard to this treaty. For a month and more before the conference met the American delegation was in session almost every day. We discussed the subjects to come before the conference and especially the difficult and detailed subject of the reduction of naval armaments. We tried to determine and mark out the course which the American delegation, with whom rested the responsibility of initiating all the work of the conference, should follow. Let me also mention what I think all the world knows that the American delegation was in complete accord as to the policies to be pursued and, although they discussed every question, great and small, carefully and elaborately, they remained in complete accord and without any differences as to what should be done. The shadow of politics or of personal feeling never rested for a moment upon the deliberations of the American delegation. They were there simply as Americans to do their utmost to serve their country, and they believed that in serving their country as best they could they would best serve mankind.

Let me first say that the American delegation were united in the desire to secure results from the conference which would promote the peace of the world, reduce in some measure the burdens of taxation imposed by the existence of armies and fleets and the competition of armaments, and protect the future peace and safety of the United States. We were of one mind in agreeing that if we were to have any measure of success in securing the results for which we hoped from the conference we must think in terms of peace and not in terms of war. If we had thought in terms of war, there was no use in conferences or efforts for the maintenance of peace. It was our earnest hope that in a portion of the earth's surface at least we could do something to substitute the assurance of peace for the arrangements and calculations of war and in so doing keep clear of all alliances of any sort which are in their very nature ultimate breeders of war and which always have hidden behind them penalties and force.

Actuated by these beliefs and by this spirit we were clearly of opinion that there lay before us three great objectives, three dominant purposes to be attained. One was the termination of the Anglo-Japanese alliance. The next was an agreement between the five principal allied and associated powers seated at the table for a reduction of naval armament. The third was to accomplish all that was possible to aid China in such ways as to help her in the establishment of a free and independent government and particularly to secure the restoration of the great Province of Shantung to the Chinese Empire, to which it rightfully belonged. We succeeded before the close of the conference in attaining all these objects. The treaty now before us terminates the Anglo-Japanese alliance. Personally I believe, as I have already indicated, that it involves the United States in no obligation except to meet with the other signatories and consult in case of any controversy arising or in case of aggression by some outside power not a signatory. I repeat that I think the obligation to meet and consult is the only obligation existing in

this treaty, and the main purpose of the treaty is attained by the termination of the Anglo-Japanese alliance.

It is not necessary for me to go into detail as to the reasons for my opinion as to the great importance of this single achievement. It is sufficient to say that in my judgment the Anglo-Japanese alliance was the most dangerous element in our relations with the Far East and with the Pacific. Wars come from suspicions which develop into hatreds and hatreds which develop into wars. The Anglo-Japanese alliance caused a growing feeling of suspicion not only in the United States but in Canada. On the other side it tended to give a background to Japan which encouraged the war spirit and large preparations both by land and sea for future conflict. It immobilized England and prevented the exercise of her influence in the east for the cause of peace, and peace is distinctly in her interest in that great region. That menace to peace is removed by the four-power treaty. I have already shown the total difference which exists between this treaty and the Anglo-Japanese alliance. There is no likeness between that alliance and this treaty. Far from taking the place of the other, this treaty simply enabled England and Australia and New Zealand to take part in terminating the alliance. The removal of the Anglo-Japanese alliance, which is complete, created the situation in which it was possible to bring about an agreement for the reduction of naval armament. While that alliance existed a reduction of naval armament was difficult, if not impracticable. Senators should bear in mind that the defeat of the four-power treaty would endanger the treaty for the limitation of naval armament, and the failure of the naval treaty would shock and startle the world and bitterly disappoint the American people. We must not forget the close relation between the two treaties. The defeat of the four-power treaty would mean the failure of the conference. Let there be no illusion on that point. The purpose of the American delegation in the conference, and, I think, of all other members of the conference besides those of the United States, was to endeavor to do something at once practical and concrete which would promote the peace of the world. They believed that this could be done without alliances or penalties. I felt very strongly, and I believe I am expressing the feelings of my colleagues, that the time had come to make this experiment. I do not mean to say that such experiments have not been made in the past in isolated instances, but I venture to assert that never has the experiment been attempted on such a scale or under similar conditions. We hope and believe that agreements resting on the good faith, the honest purpose, and the highest aspirations of nations and peoples, carried out as they have been here, will have a permanent and lasting effect. We have passed through a war the like of which the world has never seen. The sacrifice of human life, of the young men upon whom the future of the race depended, the destruction of property, the dislocation of the social and industrial fabric, the suffering and poverty bequeathed to the world by the Great War, stagger the imagination. The misery and the horrors of the Great War must never come again if we can do anything to stop it. We must try our best to secure this beneficent result. We who have passed through the valley of the shadow in these last years must leave nothing undone that we can do to save our children and our children's children from the awful calamity which we of this generation have been compelled to endure. It was with this hope, with this purpose, that the conference met.

I know it is only a beginning. I know it is only an experiment, but I have faith to believe that the better instincts of mankind are all with us in the effort. If we continue to preach suspicion and hatred of other nations, if we decline to deal with them and feel in our hearts that they are all actuated by the basest of motives, nothing can ever be done. But if we are right in thinking that men and women alike have learned the lesson of the war, then much can be accomplished by the agreements reached in Washington, and the door will stand open for further attempts to breed a larger kindliness and a more forbearing spirit among the nations of the earth and in this way help us to take further and ever more assured and steady steps in the same direction. I have faith to believe that this effort, illustrated by this treaty now before us, will have a large and real result in maintaining the world's peace. I believe it can be done in this way without alliances or penalties or the sanction of force lurking in the background. If we fail, the outlook for the future is dark indeed, but if we succeed, and I think we shall succeed, the future of mankind will be brightened and we may hope in leaving behind us a better world than that which has been wounded, maimed, and tortured by the Great War which closed in November, 1918.

The best hope of the world for a future where peace may prevail and wars diminish is in the people of the United States. If we fail, who can hope to succeed? We called this conference. We proposed the treaties, agreements, and declarations in which the conference culminated. Are we now to stumble and fall at the threshold of the undertaking which we designed and brought to fulfillment? Are we to sink back into a sullen solitude, a prey to dark suspicions, a hermit nation armed to the teeth and looking forward always to wars as inseparable from the existence of mankind upon the earth? Untrammeled and unhampered, free from the hatreds and rivalries of Europe, we have believed that we could best help the world of men beyond our gates by maintaining our own strength and complete independence. If we can not do this, then no one can, and the clouds of war will again settle heavily over the future of civilization. This must not be. The United States has never yet permitted failure or defeat to be written in her history. She will not permit it now. Under her lead a beginning has been made to secure the world's peace in the coming years. Let us not blight or wither this new hope.

Can we not say now, as we have always said, to a doubting, weary, and waiting world:

And not by eastern windows only,
When daylight comes, comes in the light,
In front the sun climbs slow, how slowly,
But westward, look, the land is bright.

APPENDIX.

MANDATES IN THE PACIFIC OCEAN.

JAPANESE MANDATE.

The islands which Japan now holds as a mandate include all of the former German islands north of the Equator; that is, all of the Carolines, the Marianas, with the exception of the most important one—Guam—and the Marshalls, with the exception of Nauru, included in the British mandate, which has the greatest economic value of the group on account of its extensive deposits of phosphates.

These three archipelagoes consist of hundreds of small, scattered islands, the Marshalls being low-lying coral islands; the Marianas of volcanic origin, their highest elevation ranging from 1,600 to 2,040 feet; and the Carolines, chiefly atolls, some of the larger islands of this group having high volcanic peaks in the center.

The Carolines, which include the island of Yap, consist of about 500 islands and islets, with a total area of about 550 square miles. This archipelago contains a number of good, though small, well-protected harbors and extended anchorages within some of the lagoons.

The Marianas, or Ladrones, consist of 15 principal islands, of which only 8 are inhabited, with a total area of about 241 square miles. They contain practically no good harbors, with the exception of that of the island of Guam. The population of the Marianas, exclusive of Guam, is about 2,650, and that of the Carolines about 49,000.

The Marshall group consists of over 30 atolls, with an estimated population of 15,000 and an area of about 160 square miles.

TOTALS.

Islands: About 550.
Area: About 950 square miles.
Population: About 56,650.

BRITISH MANDATE.

The island of Nauru was granted as a mandate to the British Empire. It is geographically considered as a part of the Marshall group and is situated just below the Equator. It has an area of about 10 square miles and a population in 1916 of 2,101. Its importance is due entirely to its extensive and deep phosphate deposits.

AUSTRALIA.

The mandate held by Australia includes all the former German possessions in the Pacific Ocean south of the Equator with the exception of German Samoa (New Zealand mandate) and Nauru (British Empire). That is, it comprises Kaiser Wilhelms Land, the Bismarck Archipelago, and the northern Solomon Islands. The actual number of islands is indeterminate, but their total area is about 91,810 square miles, approximately the size of the States of New York and Pennsylvania combined. The greater portion of this area is comprised in Kaiser Wilhelms Land (70,000 square miles), the northeastern portion of the island of New Guinea. The population of the islands included in the Australian mandate is approximately something over 500,000.

NEW ZEALAND.

The New Zealand mandate consists of the two main islands of the Samoan Group, Savaii, and Upolu, with a few much smaller ones. Their area is about 1,000 square miles, and the present population about 85,000.

TOTALS.

Islands: Two principal islands (some of which, such as New Britain, in the Bismarck Archipelago, with an area of about 10,000 square miles, are of considerable size), about a quarter of the island of New Guinea, and an indeterminate number of small islets.
Area: About 92,820 square miles.
Population: About 540,000.

MEMORANDUM ON THE MANDATED ISLANDS OF THE PACIFIC.

(Particulars: Answers to Senator LODGE's questions.)

Question. The mandated islands of Japan (the Caroline Islands, in which the Pelews are included, the Marianas or Ladrone Islands, and the Marshall Islands) all from Germany?—Answer. Yes.

Question. Did Germany get them all from Spain or where?—Answer. Germany attempted seizure of the Carolines in 1885. Spain objected. The matter was referred to the pope for arbitration, and decision rendered in favor of Spain. Germany finally secured the Carolines and the Marianas (except Guam) by purchase from Spain in 1899 for about $4,000,000. The Marshall Islands were secured by Germany in 1885 by occupation from native chiefs, and the acquisition was not contested.

Question. Where did the Marshall Islands come from?—Answer. See above.

Question. Mandated islands south of the Equator all from Germany?—Answer. Yes.

Question. Where did Germany get them and when?—Answer. The island of Nauru (now included in the British mandate) was secured by occupation in 1888 directly from native chiefs.

NEW ZEALAND MANDATE.

Former German Samoa, now called Western Samoa. Germany had various claims to these and neighboring islands, finally adjusted by the convention of December 2, 1899, between the United States, Great Britain, and Germany.

AUSTRALIAN MANDATE.

Former German New Guinea (Kaiser Wilhelm's Land), together with the adjacent islands, more particularly the Bismarck Archipelago, the northern Solomon, and the Admiralty group, were obtained from the natives after a long dispute with Great Britain, lasting from 1884 to 1886.

[NOTE.—The United States possesses the island of Tutuila, in the Samoan Group, with the harbor of Pago-Pago, the best natural naval base in the Pacific, which was secured by the treaty of 1878. (See Malloy, Treaties, II, 1574.)]

PACIFIC ISLANDS—AREAS AND POPULATIONS.

Explanatory notes to accompany table giving areas and populations in the Pacific.

REGION COVERED.

The region covered is, broadly speaking, "The Pacific," though in certain cases, notably that of the Dutch East Indies, the islands extend into the Indian Ocean. Authorities differ as to the exact line of demarcation between the Pacific and Indian Oceans. It was thought best, however, to include the entire Dutch islands in the tabulation.

AREAS CONSIDERED.

The areas and populations are given for the principal islands and island groups. No attempt has been made to prepare estimates covering small uninhabited islands and rocks.

CHARACTER OF DATA.

It will be readily understood that data regarding areas and populations in the South Seas are more difficult to obtain and relatively not as accurate as that which may be procured with respect to other regions. The data in this schedule, however, are taken from the best authorities and cover the latest census reports, which range from 1910 to 1914. The round figures given are naturally estimates, but on the whole the information may be regarded as substantially accurate.

UNITED STATES.

All of the island possessions of the United States are given except the Aleutian Islands, which are usually considered as part of Alaska.

JAPAN.

The area and population of Japan proper includes those of the Kurile Islands (area, 6,058; population, 500,000) and the Luchu Islands (area, 900; population, 571,000), which are usually regarded as an integral part of Japan.

GERMANY.

The various prewar possessions of Germany have been allocated by mandate as follows:

Kaiser Wilhelm's Land to Australia.
Bismarck Archipelago to Australia.
Caroline and Pelew Islands to Japan.
Marianas Islands (except Guam) to Japan.
Marshall Islands (except Nauru) to Japan.
Nauru Island to Great Britain.
German Samoa to New Zealand.

NOTE.

Marshall Islands (except Nauru), area 167, population 9,500.
Nauru, area 8, population 1,500.
(Areas given are without exception square miles.)

Possessions of the various powers in the Pacific before the war, giving areas in square miles and populations.

Name of islands.	Area (square miles).	Population.
UNITED STATES.		
Philippines	119,542	10,350,460
Hawaii	6,450	256,000
Guam	234	13,275
American Samoa	102	8,056
Wake	1	(1)
Total	126,333	10,627,791
British Empire.		
GREAT BRITAIN.		
British Solomon	14,880	131,300
Santa Cruz	380	5,000
Gilbert	166	25,000
Ellice	14	3,000
Union	7	900
Phoenix	11	150
Fanning and Washington	13	280
Fiji and Rotuma	7,083	163,000
Tonga	200	25,000
British "Line"	20	100
Pitcairn	16	165
British Borneo	77,000	935,000
Total	95,903	1,177,595
AUSTRALIA.		
Australia proper	2,974,581	4,455,000
Papua	90,500	250,000
Norfolk	13	731
Total	90,513	500,731

[1] Negligible.

Possessions of the various powers in the Pacific before the war, giving areas in square miles and populations—Continued.

Name of islands.	Area (square miles).	Population.
NEW ZEALAND.		
New Zealand proper	103,861	1,080,600
Lord Howe	5	107
Cook and Harvey	260	10,297
Kermadec	13	(1)
Chatham and Pitt	35	400
Auckland	290	(1)
Total	703	12,373
Total, British Empire	191,217	1,491,669
FRANCE.		
New Caledonia and Huron	6,274	57,000
Isle of Pines	60	[illegible]
Chesterfield	2	(1)
Loyalty	980	18,000
Hoorn	61	(1)
Wallis	37	(1)
Clipperton	2	(1)
Society	650	28,000
Austral	67	[illegible]
Tuamoto	330	[illegible]
Gambier	11	[illegible]
Marquesas	481	[illegible]
Total	8,588	79,100
THE NETHERLANDS.		
Dutch East Indies	683,000	47,000,000
PORTUGAL.		
Portuguese Timor	7,330	378,000
JAPAN.		
Japan, proper	256,718	77,000,000
Saghalin (south part)	13,243	105,000
Formosa	13,914	3,500,000
Pescadores	47	800
Total	27,214	3,605,800
GERMANY.		
Kaiser Wilhelmsland	70,100	546,000
Bismarck Archipelago	14,700	200,000
Caroline and Pelew	550	46,000
Marianas (except Guam)	241	5,000
Marshall (with Nauru)	178	11,000
German Samoa	1,000	33,000
Total	93,777	893,000
GREAT BRITAIN AND FRANCE.		
Anglo-French condominium (New Hebrides)	5,000	80,000
Grand total	1,143,479	64,136,883
RESUME OF TOTALS		
United States	126,333	10,627,791
Great Britain	99,998	1,177,595
Australia	2,974,581	4,500,731
New Zealand	706	1,491,671
Anglo-French condominium	5,000	80,000
France	8,588	79,100
Netherlands	683,000	47,000,000
Portugal	7,330	378,000
Japan	28,164	3,605,800
Grand total	1,143,479	64,136,883

[1] Uninhabited. [2] Negligible.

Possessions of the various powers in the Pacific after the war corrected according to the mandates.

Powers.	Area (square miles).	Population.
United States	126,333	10,627,791
Great Britain	99,998	1,179,595
Australia	1,942,581	4,500,731
New Zealand	1,706	1,491,671
Total, British Empire	2,044,287	2,028,868
Anglo-French Condominium	5,000	80,000
France	8,588	79,100
Netherlands	683,000	47,000,000
Portugal	7,330	378,000
Japan	28,164	3,605,800
Total	1,143,472	64,137,000

NOTE.

This result shows a small discrepancy of 7 miles less in area and a difference of about 290,000 fewer in population, which may be explained by the fact that some areas and populations are given by the various authorities as merely approximate; furthermore, some of the population statistics are not only estimates but about 10 years old, and the populations of given areas in the Pacific Islands seem to be subject to great fluctuations.

Nearly all of the difference in population is to be found in the statistics given for Kaiser Wilhelmsland (German New Guinea) and the Bismarck Archipelago.

Mr. REED. Mr. President, I should like to ask the Senator from Massachusetts a question or two if he will permit me.

Mr. LODGE. I shall be very glad to answer if I can.

Mr. REED. I understood the Senator to say that this treaty does not bind us to any action unless there shall be unanimous agreement.

Mr. LODGE. No; I did not say that, Mr. President. I said that all agreements must be unanimous.

Mr. REED. Very well.

Mr. LODGE. Unanimous or not, I do not think it binds us to anything.

Mr. REED. Very well. All agreements, then, which would or might bind us, must be unanimous?

Mr. LODGE. Yes.

Mr. REED. That, of course, is not expressed in the language of the treaty as the treaty now is drawn. Would the Senator object to a plain statement in the form of a reservation or amendment stating that no country shall be bound by any action at any conference without its consent?

Mr. LODGE. Mr. President, I do not think that any reservation is necessary; but I agreed to a reservation proposed by the Committee on Foreign Relations, and for that reservation I shall vote.

Mr. REED. Very well. If the treaty does not bind us to any action that may be agreed upon at any conference between the four powers, then of course it does not bind any other power without its consent.

Mr. LODGE. Obviously.

Mr. REED. The result of the whole matter, therefore, is that if a dispute arises between the four powers or any of them with reference to any question, a conference will be called, and the action of the conference will be binding upon no nation unless that nation wants to be bound?

Mr. LODGE. Absolutely.

Mr. REED. If, then, Japan were to attack the United States, and if a conference were called by the United States to consider the action of Japan, Great Britain and France would sit down at the table with us and with Japan and talk the matter over, but they would be under no obligation whatsoever?

Mr. LODGE. Mr. President, this treaty does not touch in any way the continental possessions of the United States. It applies only to the islands. Let us keep it where it belongs.

Mr. REED. Very well; I will keep it exactly where it belongs. If Japan were to attack the Hawaiian Islands or the Philippine Islands or Guam, and the United States were to ask a conference such as is contemplated in the treaty, and Great Britain and France came to that conference, although they might believe that Japan's attack was wanton, without cause, they would be under no obligation to insist that Japan should cease her attack?

Mr. LODGE. Mr. President, if an act of war is committed by one power on another, that is a question of an act of war. It would not come before this conference at all.

Mr. REED. Why would it not come before this conference, under this language?

Mr. LODGE. When one nation attacks another, it does not go before any conference.

Mr. REED. Why does it not come within this language:

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

That language does not except war; it includes war.

Mr. LODGE. Mr. President, I think it excepts war absolutely and necessarily.

Mr. REED. Why?

Mr. LODGE. Because if one country attacks another, that is not a controversy to be settled by diplomacy and waiting for six months. It has to be met at once.

Mr. REED. Exactly.

Mr. LODGE. The treaty is not a foolish thing.

Mr. REED. I am not so sure about that.

Mr. LODGE. Perhaps not. It may strike the Senator as foolish. He did not make it.

Mr. REED. No. The Senator does not assume any superior wisdom about this matter.

Mr. LODGE. Not a bit.

Mr. REED. The Senator from Missouri is trying to get the viewpoint of the Senator from Massachusetts and is trying to proceed with due politeness and with the courtesy that ought to exist between gentlemen, even if they are Senators. I asked the Senator a very plain question, which can not be answered by a sneer.

Mr. LODGE. I had no intention of answering it by a sneer—none whatever. I answered it to the best of my ability, that I do not think there is anything in the point.

Mr. REED. (Reading:)

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question—

Why does not that controversy include war?

Mr. LODGE. I do not think it does, and I do not think anybody could torture it into that meaning. If the fleet of Japan were to attack the Hawaiian Islands, that would be an act of war. It would not be a controversy to be discussed under this treaty.

Mr. REED. Very well. Then we agree that if Japan were to attack any of the American possessions—the Philippine Islands, Guam, Wake, or the Hawaiian Islands—that attack is not included at all within this treaty and does not come within the jurisdiction or the terms of the treaty?

Mr. LODGE. I do not regard it as a controversy for discussion or that can be so regarded.

Mr. REED. Very well. So we know now, to start on, that this proposed treaty will not bring to our aid or to our assistance, either at the council table or upon the high seas, a single whit of protection in the event of an attack.

Mr. LODGE. No; it is not a treaty of alliance in any sense.

Mr. REED. Very well.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. Yes.

Mr. BRANDEGEE. Of course, the Senator understands that the case he quotes would of itself be a violation of the treaty. Of course, if Japan attacks our islands in the Pacific, she violates the first article of the treaty, which is that each of us will respect the possessions of the other.

Mr. REED. Exactly. She violates the first article of the treaty, and yet the Senator from Massachusetts insists that the other signatories to the treaty are in no manner bound to proceed against her for that violation.

Mr. LODGE. They are not bound to proceed to war for that violation.

Mr. REED. Very well.

Mr. LODGE. It is not a treaty of alliance. We are not bound to proceed to their help and they are not bound to proceed to ours.

Mr. REED. Under no obligation, moral or legal or in any other way?

Mr. LODGE. Moral or legal.

Mr. REED. Very well. I am glad to know that, because I have now had removed from my mind the conclusion which has been insisted upon by the press, that this treaty is so drawn that if Japan should ever attack us we would have the protection of all these other nations. We know now that we will get no protection from them.

Mr. LODGE. Of course, I do not know what has been insisted upon in the press. Many burdens are put on the press, but I have not seen a newspaper yet that has made the suggestion the Senator has just made.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. REED. Yes.

Mr. ROBINSON. Does not the Senator also learn that if the arrangements contemplated by these treaties are effectuated, and Japan should violate her treaty and attack us, we would have placed ourselves in the meantime where it would be impossible for us to defend our island possessions?

Mr. REED. I understand that that would be absolutely the case, except with reference to the Hawaiian Islands, which we probably could defend, although we would have placed them in a position of much greater danger than they would be in if we proceeded to the fortification of Guam.

Mr. President, I do not intend to discuss this treaty; but while I am on my feet I think it important to call attention to what has just been developed.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. Certainly.

Mr. WATSON of Georgia. There must be some misunderstanding, must there not, on the other side as to what this treaty does mean, since the Senator from Washington [Mr. POINDEXTER] stated here months ago that it would add to our protection on the Pacific coast?

Mr. REED. Why, undoubtedly, there seems to have been a general misunderstanding.

Allow me, for a few moments, to deal with the matter. I am not going to try to discuss the treaty, but simply to sum up the statements made by the Senator from Massachusetts, denude them of their poetic fancies, and reduce them to plain, hard English.

First, the treaty as drawn binds no nation to do any one thing except to sit down and talk. As the result of the talk they may agree and they may not agree, and no nation is to be bound in any way unless by its own consent.

Second, if any nation violates the treaty and attacks the insular possessions of any other nation, it can do so without the slightest interference by the other signatories to the treaty except the one whose territory has been attacked, and it is left exactly where it was before the treaty was made, namely, it must proceed to its own defense single-handed and alone; and yet we are told that this treaty guarantees the peace of the Pacific and guarantees us from attack. The solitary thing agreed upon is, that in the event a dispute arises between the powers, they agree to talk it over, and that when they have talked it over they are not obliged to do anything—to do a single act of any kind or character, to pursue any kind of policy that may be agreed upon. The two nations engaged in the controversy may proceed with the controversy exactly the same as though this treaty never had been written. Moreover, if the nations signing this treaty do not come together in conference in accordance with its terms, there is no obligation resting upon any of the nations to do anything whatsoever to the nation that has refused to comply with its agreement to come in and talk matters over. Again, the whole controversy is left to a settlement between the two nations directly concerned. That is to say, we have done absolutely nothing except to agree that we will talk over certain matters. Wherein does this agreement change the present situation?

At the present time we have treaties of peace with every one of these countries. In nearly every instance, and with nearly every country, there is an agreement already in existence by which the United States already agrees to talk controversies over, and in some instances agreements of arbitration exist. There is an agreement in every instance, I think, with all of these nations, except, perhaps, with Great Britain, for a lapse of time which must exist before an act of war is committed.

Since we have these separate agreements with all of these powers to-day, of what value or virtue is the further provision that four of them will meet to talk matters over instead of the nations dealing directly, each with the others? Always they could call upon other nations if they saw fit to arbitrate, and provisions for arbitration, as I have said, have already been made. This is the guaranty of the peace of the Pacific!

The Yap treaty, so called, and there never was a greater misnomer, confirms the title of Japan to all of the German islands which were seized in the north Pacific. It brings Japan something like 3,000 miles nearer the coast of the United States. It gives her command of two belts of islands lying between Hawaii and the Philippines. We have not reserved one single foot of that ground. That was called the Yap treaty, and Yap was in fact only a flyspeck. The great thing Japan secured was the complete dominance of all of these islands—the Marshall Islands, the Caroline Islands, and the other islands which make up these archipelagos.

I agree with the Senator from Massachusetts that neither he nor any of his associates gave any consideration to the strategic importance of the question, a singular admission to be made by a man who has been dealing with the question of war and with the question of disarmament. I warrant you that there was no Jap statesman here stupid enough to not give consideration to the strategic importance of these islands. We now find that we have not even a paper guaranty from any nation to come to the defense of the United States in case it is attacked, and under those circumstances, without considering the strategic importance of what we were doing, we have proceeded to yield to Japan the absolute control of all of the islands in the north Pacific which she secured as the result of the war and which we were as much entitled to as she was.

We have not considered the strategic importance, I suppose, of any other islands, and the other treaties which are part of this same plan provide that we shall not proceed with our fortifications in Guam, and, as I understand, they stop our fortifications in the Philippines.

If we fail to complete these fortifications, Japan, bound by this treaty no more than she was bound by previous treaties of peace with us, could attack and take the Philippines or Guam in less than a week's time. We never could retake the Philippines without retaking Guam, which Japan can fortify in one week's time; so that probably we could never retake it except at a frightful cost. We can not proceed to retake the Philippines without first taking Guam, for the simple reason that the distance is so great that our vessels can not traverse the immense distance, fight a battle, and return to our own shores without recoiling, and there will be no place to recoal.

I agree that our representatives did not consider the strategic importance; yet they seek to disarm us, to deprive us of fortifications, to deprive us of bases, to deprive us of points where we can outfit our vessels and replenish them with coal.

Let it go to the country now that this treaty guarantees us nothing except talk around a council board, that any nation seeing fit not to come to that conference can remain outside, and that no other nation is under the slightest obligation, moral or otherwise, to insist that the nations signing this agreement shall keep faith and abide by the terms of the agreement.

Let it be understood that we have a paper agreement, in which we agree to do nothing to any nation which does not abide by the terms of this agreement, and that what we have here is a paper transaction, without an obligation back of it that anybody or any nation is bound to observe under penalty of incurring the displeasure and punishment of the other signatories to the treaty. Let that be understood, and then we will know what a farce was enacted here if that conception be the correct conception.

The distinguished Senator is driven to that position, because he dare not stand before this body or before the country and say that they have made an agreement binding America to do anything. In order to escape from that conclusion, he is driven to the further statement that the treaty binds no nation to do anything. Yet, as a part of this treaty, he proposes that we shall sink our men-of-war, that we shall cease to fortify our possessions, and that in the end we have nothing to trust to but the Punic faith of Japan, a country which invariably attacks before it declares war.

All the beautiful sentences which may be coined will not do away with the grim reality we must face. How many glorious speeches were made about the permanent peace of the world, about Christian civilization having advanced to the point where war would never come? How many songs of peace were composed? How many mothers were going about singing, "I did not raise my boy to be a soldier"? How many pacifists were upon the platform telling this country that it never would be in war and that the world would never be brought to war again? Yet a single shot was fired in a remote Province of Europe, and that shot lighted the conflagration into which we were finally drawn.

If this treaty had solemnly engaged the four powers each to protect the peace of the Pacific, it would, of course, have imposed an obligation upon us to which I might have objected and to which others who do not believe in alliances might have objected; but it at least would have furnished an argument that we were guaranteed against attack by the solemn faith of all the signatories to the compact. We are told, however, that the compact contains no agreement, gives us no assurance, and imposes no obligation except upon each nation that it will keep the faith. We already possess such agreements with nearly every one of the nations of the earth. They are already signed and laid up in the archives of our State Department.

The Senator from Massachusetts says we began this program, and therefore we must carry it through; that America never fails. Who began it? Did the American people begin it? No. Did the American Congress begin it? No. This body passed a resolution asking for a disarmament conference. It did not ask for a four-power treaty. This body asked for consideration of the question of disarmament. It did not ask for a Chinese pact. The President saw fit to call this conference and to enlarge it. If we, then, do not subscribe to that which he and the men he named have brought forth, is America failing? Are we obliged to proceed because America never fails? That is a strange argument to come from the lips of the Senator from Massachusetts, for I remember another President, who went to a much greater conference than this, who had a plan, and who insisted that that plan was America's plan. He also, I suppose, thought that America should not fail; yet, with all the sagacity, with all the shrewdness, with all the tireless energy of which he was possessed, the senior Senator from Massachu-

setts sought to bring that to failure, because he said it was wrong. He did not then surrender and supinely fall in line and take step with the President upon the hypothesis that America could never begin anything and fail. We did not hear that argument then.

It is not a sound argument to-day, and it was not a sound argument then. The question is not whether the President has proposed something; the question is whether the thing proposed is a sound and a wise measure. That was the doctrine the Senator from Massachusetts talked when there was a Democratic President. Now he talks out of the other corner of his mouth.

It is an unsound doctrine. The business of the Senate, as a part of the treaty-making power, is to examine every proposed treaty upon its merits, and to pass upon it an independent, an unbiased, an unterrified judgment. It is not the business of the Senate to ratify any treaty on the theory that our country is bound because the President and four or five other individuals have embarked upon it. There are 110,000,000 people in this country, and every one of them is as much entitled to his judgment on a question of this kind as is the President himself, although the President is authorized to negotiate the treaty.

They are as much entitled to it as we are, although it is our business to examine the treaty and either approve or disapprove, as in our judgment we think we ought to do.

Mr. NEW. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER (Mr. McKINLEY in the chair). Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. NEW. The Senator has just concluded a statement to the effect that another enterprise which was called by an American President was resisted by the Senator from Massachusetts [Mr. LODGE]. I call attention to the fact that the other enterprise, the League of Nations, to which the Senator undoubtedly refers, was not an American proposal and it was not called by an American President at all. True, an American President participated, but the proposition did not originate with us at all.

Mr. REED. Oh, I am surprised that the Senator can make that statement. The President of the United States outlined his scheme of a league of nations months before the Versailles conference was called, and it is of record.

Mr. NEW. Oh, yes.

Mr. REED. It was in its essentials the language that afterwards came forth as part 1 of the Versailles treaty.

Mr. NEW. But it never was an American proposition at all.

Mr. WATSON of Georgia. Mr. President, will the Senator from Missouri permit me to ask the Senator from Indiana a question?

Mr. REED. Certainly.

Mr. WATSON of Georgia. Will the Senator from Indiana allow me to ask him a question?

Mr. NEW. Certainly.

Mr. WATSON of Georgia. What did the Senator mean in his speech the other day when he called this an association of nations?

Mr. NEW. I said it was an association, not a league. I never said it was a league.

Mr. WATSON of Georgia. No. The Senator said repeatedly that it was an association of nations.

Mr. NEW. That is right.

Mr. WATSON of Georgia. Can the Senator draw a distinction between an association of nations and a league of nations?

Mr. NEW. The Senator from Indiana certainly never, in that speech or anywhere else, said he believed that there was any similarity whatever between the present association and the League of Nations, and the Senator from Georgia does not think so either.

Mr. WATSON of Georgia. If the Senator from Missouri will allow me again, the Senator not only called it repeatedly an association of nations, but he compared it specifically with what he called the Grand Design of Henry V, and said it was a stronger, more enduring association than the Grand Design of Queen Elizabeth and King Henry.

Mr. NEW. I think if the Senator from Georgia will do me the honor to read what I said the other day, he will see that the Senator from Indiana devoted a good deal of his speech to pointing out the differences between this association and the others, including the Grand Design.

Mr. REED. Why, Mr. President, of course there are differences. The point on which the Senator from Indiana has just called me down is that I have said the League of Nations compact also originated in this country. I decline to take time to discuss a question that is so historically settled as that. It is true that the draft, perhaps, was from the pen of a South African general, but the plan was taken from this country; it was the one great thing that the President insisted upon specifically.

I do not say because the President insisted upon it that it should have been done then. What I say now is that because President Harding insists upon this treaty, it affords no greater reason why the treaty should be indorsed. This is not a one-man Government. It does not consist of a President. It is a Government of the people, established under the Constitution consisting of three coordinate branches, every one of them bound and circumscribed by the language of the Constitution.

But the Senator from Massachusetts [Mr. LODGE] said that the treaty does away with the Anglo-Japanese alliance. Let us pause a moment and consider that. Has the United States reached the position that in order to get Great Britain to abrogate a treaty between herself and Japan we must enter into a treaty with four powers? Are we so helpless and so defenseless that we must resort to such means to protect ourselves?

The philosophy seems to be that of the old Irish politician in my town who found himself thoroughly beaten by his antagonist. He was consulted by one of his lieutenants who said to him, "Now, Pat, what are we going to do?" He said, "If we can't bate 'em, we must jine 'em."

So it seems to me that in this instance we must make a treaty to get rid of the Anglo-Japanese alliance. We are getting rid of nothing.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. REED. Certainly.

Mr. ROBINSON. Does the Senator from Missouri or any other thinking person imagine that Japan and Great Britain, who have regarded the Anglo-Japanese alliance as of the greatest importance, would rescind or abandon it for a mere agreement of four nations to hold conversations?

Mr. REED. Why, certainly not. I was about to come to that point, but the Senator has stated it so well in his question that I will let it rest on the question. It answers itself.

Mr. ROBINSON. Mr. Balfour, now Sir Arthur, and others in the conference stated publicly that the necessity for the Anglo-Japanese alliance had passed, or would pass with the ratification of this treaty, and that the reason why England had not rescinded the arrangement was the necessity for some treaty that would accomplish the same or substantially the same purpose in the regions affected by it.

Mr. FRANCE and Mr. ROBINSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Arkansas.

Mr. ROBINSON. It is apparent that Japan and Great Britain did regard that treaty of sufficient importance to justify them in renouncing the Anglo-Japanese alliance.

Mr. REED. Absolutely they renounced it. The Senator is right. It is a question which I propose to discuss in a moment.

I yield now to the Senator from Maryland.

Mr. FRANCE. I have been interested in what the Senator is saying and also the argument of the defenders of this treaty that a great boon to be derived from it is the abrogation of the Anglo-Japanese alliance. Is it not true that that treaty probably would have been abandoned anyhow under the pressure from representatives of the British colonies, and is it not true that the British Empire was practically prevented from renewing that agreement because of the position of the representatives of the colonies at the last imperial convention?

Mr. BORAH. Let us assume that so far as the written agreement known as the Anglo-Japanese alliance is concerned it terminates with the ratification of this treaty. Does anyone suppose that there will be any difference in the relationship between Great Britain and Japan by reason of the mere termination of the written instrument so long as Japan is pushing her interests in Siberia and so long as Great Britain owns India? The very object which brought them together and created the community of interests will be retained and supported by the physical conditions regardless of any written agreement; and it was for that reason, as Lloyd-George so well said, that the Anglo-Japanese alliance or some other situation would have to be produced, because they could not afford to announce to Japan that they even intended to attempt to dissolve the relationship which their community of interests in that region created. They will always act together, not because of contracts made and published but because they are bound together by a common program and a common interest. We may become a member of a common contract, but Great Britain

and Japan will have their particular relationship and will hang together.

Mr. REED. I was about to offer a very similar observation, but it is well stated by the Senator and again I let it stand at that.

I call attention to the absurdity of saying that Japan and Great Britain were bound together by a treaty of such importance that they would not relinquish it unless a new treaty was made, and that the new treaty, having been made, binds no nation to do anything except to keep the peace which was already provided for in numerous treaties. For no such paltry consideration have they yielded a treaty which they regarded as important and paramount. In a word, the position that is taken is that England and Japan had something of great value, of great importance, and that they threw it aside for something of no value and of no importance. That is exactly the position in which Senators find themselves.

Now, replying to the inquiry of the Senator from Maryland [Mr. FRANCE], the Anglo-Japanese treaty and all such treaties were presumptively wiped out by the treaty of Versailles. While we did not sign that treaty, many other nations did, including Japan, Great Britain, and France. In the treaty series for September, 1920, published as a supplement to the official journal of the League of Nations I find this, under date of the 8th of July, 1920:

ANGLO-JAPANESE DECLARATION.

English official text of the Anglo-Japanese declaration forwarded on July 8, 1920, by the foreign office and the Japanese Government. The declaration was registered by the secretariat of the League of Nations on July 8, 1920.

The Governments of Great Britain and Japan have come to the conclusion that the Anglo-Japanese agreement of July 13, 1911, now existing between the two countries, though in harmony with the spirit of the covenant of the League of Nations, is not entirely consistent with the letter of that covenant, which both Governments earnestly desire to respect. They accordingly have the honor to inform the league that they recognize the principle that if the said agreement be continued after July, 1921, it must be in a form which is not inconsistent with that covenant.

(Signed) CHINDA.
(Signed) CURZON OF KEDLESTON.

So it appears that to all intents and purposes they had already agreed to rewrite their treaty.

Again I inquire, as I have several times inquired, and as I intend to continue to inquire, why we need fear the Anglo-Japanese alliance, supposing that it exists just as it is written? In the first place, the United States, as we well know, proposes to regard its treaty obligations with every country. It does not propose to steal an acre of land, and land stealing by land thieves has been the basis fundamentally of nearly every war that has been fought. We propose to stay at home and to attend to our own affairs. We want peace with all the world. If we are ever attacked by Japan or Great Britain, it would be a war of aggression, waged without cause. Are we to suppose, then, that if Japan were to attack the United States, Great Britain would join Japan in that attack because of the existence of the Anglo-Japanese treaty? If we are to suppose that, then let us for a moment examine the question.

In the World War England found herself with her back literally to the wall. France, with the enemy's feet upon her soil and the enemy's hand almost upon her throat, beheld her exhausted armies fall back day after day. These countries sent emissaries to this country and appealed to us to send at least a few regiments over, although we were unprepared, in order that the sight of the American soldier might hearten their people. That appeal was made in this Chamber by the representative of Great Britain, and the proud Britisher does not make an appeal of that kind until the situation is desperate. We sent our troops there. I do not intend to recount the story, but when the American troops had once taken their position upon the battle line the retreat ended. I do not claim that America alone won the World War, but I do claim that without America defeat of the allied armies was inevitable. We therefore came in with our arms, with our men, and with our money. We loaned them $10,000,000,000; we put our factories to work and produced the machinery of war. All that has been done. If that does not tie Great Britain to us by bonds stronger than treaty obligations, if that does not make Great Britain and France our friends forever, then all the words that can be put upon paper will be no guaranty. If Great Britain would join Japan in an attack upon the United States, then she is so base, she is so treacherous, that I would not trust her paper obligation. If the blood spilled upon the soil of France has not written an obligation deeper, more indelible than can ever be written upon parchment, then I will not trust the signature on the parchment.

Is there any danger of Great Britain joining Japan to attack us? If so, then some word stronger than the word "perfidy," some word stronger than the word "treachery," some word stronger than has ever yet been penned by man must be invented to describe the baseness of their souls, the treachery of their hearts, the sordid iniquity of a nation. I do not believe it, sir.

I have many times criticized the British Government; but the British people are a noble people, a courageous people, an intelligent people, and the British people would not permit any Government to embark on such an enterprise. Moreover, I do not believe that the Canadian people would permit it. I venture the statement that, if an unprovoked war were to be made upon us by Japan and if Great Britain were to call upon Canada to help a brown race attack the United States of America, Canada would be in a flame of revolt and would take her position beside the Christian civilization of North America as against the paganism of the Orient.

What would Australia do? We have been told that Australia and New Zealand are already so saturated with dislike and distrust of Japan that they exclude the Japanese from their soil. The Senator from Massachusetts tells us that they are so distrustful of Japan that they have insisted that this treaty should be made before the Anglo-Japanese alliance was wiped out.

I want to ask another question: What has become of the Franco-Japanese alliance? Is there any such alliance?

Mr. LODGE. Yes; it exists.

Mr. REED. Is it wiped out?

Mr. LODGE. No.

Mr. REED. I thought not.

So, Mr. President, the argument that there is no alliance, no binding agreement, no contract, simply brings us to this, that there is no protection except the good faith of each nation, and that good faith is already pledged in treaties, and pledged as solemnly as it is pledged in this treaty. Therefore, the argument made by the Senator from Massachusetts is that we meet, confer, spend six or eight months in deliberating, and end by doing nothing that binds anybody any further than they are already bound to-day. And this is the hope of the world! I have heard phrases of that kind very often. Let us see how much hope there is for the world in it.

There are four nations parties to this treaty. There never has been a quadruple alliance formed on this earth that has not brought forth another quadruple alliance; there has never been a quintuple alliance that has not brought forth another five-power or six-power alliance. The inevitable result of an alliance between four powers is an alliance between four or more other powers.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED. I yield.

Mr. FRANCE. I desire to ask the Senator also if it is not true that a mere entente between certain powers is often sufficient to bring about an alliance between the powers not included in the entente?

Mr. REED. Oh, yes; but what is the difference between ententes and alliances? Why cavil about terms? In each case they are mere understandings, and they are made no more binding by having been written in harsh terms than if they are written in general terms.

The long story of the ages proceeds with one unbroken line of precedents. Combinations between two nations produce counter combinations. It is the law of self-defense. It is true of individuals. It has brought peoples together in tribes, and the combination of tribes has produced opposing combinations of tribes; and combinations between nations have produced opposing combinations between nations. There is no exception to the rule in all history; there will be no exception to the rule in this instance.

You propose a combination between four nations, and no matter how much honey may be put upon the tongues of its advocates, every wise man who is the leader of another nation will know that the treaty is intended to mean something, and he will give it its worst construction. He will say, "the four great powerful nations of the world, two of them the most imperialistic nations that have existed since the days of Rome, are parties to that treaty; they are backed by the most puissant power there is in the world, the United States." He will ask himself, "What does this mean except that in case of a dispute in the Pacific Ocean these other powers will be massed against us?" He will know, more than that. No war can be confined to the waters of any sea, and a combination which controls the Pacific will be found to be interested in every controversy arising between first-class nations wheresoever they may be. So you are as certain to produce a combination between Germany and Russia, and perhaps other powers, as day is to follow night. You are forcing into each other's arms the two giants of the eastern world—one of them to-day prostrate because the

was conquered in the war, the other prostrate because she was exhausted by the war, but each of them with tremendous power, and each of them bound to take her place once more among the nations of the world. Germany, with her 65,000,000 people, still exists. Russia, with her 180,000,000 people, is still a part of the world. Combine German scientific knowledge, German intelligence, German workmanship, with the vast powers of Russia, her man power and her resources, and you have a force almost irresistible. Are you combining them? Every time you make combinations outside between three or four nations you drive those two nations together.

German schoolmasters are flocking into Russia by the thousands. German artisans and mechanics and German capitalists and German scientists are going there by the thousands. We conquered Germany. We overran Russia without the slightest cause. Three of the powers withdrew. Japan remains upon Russian soil. Will she be permitted to stay there forever? I venture the prediction that before 10 years have passed Russia, gathering again the strength of her sinews, will insist that her soil belongs to the white race, and that her people will make war to drive out the Japanese. When they do that they will find that one of their chief ports, Vladivostok, is menaced by an island one-half of which is in the possession of Japan; and when they move to eject the Japanese from that base they will have directly violated the terms of this treaty. We shall be bound to sit down and confer with Japan and Great Britain and France with reference to the question.

The Senator from Massachusetts [Mr. LODGE] says there is no danger in that, because we have agreed to do nothing except to talk. I say that, in my judgment, the treaty will be construed to mean that we are to talk, we are to come to a conclusion, and we are to act upon that conclusion. I can find nothing in the language which will warrant any other deduction.

If the said rights are threatened by the aggressive action of any other power—

That means by war—

the High contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The action we are now speaking of is aggressive. That is war, and we are to confer with reference to the most efficient measures to be taken, jointly or separately, to meet the war conditions. How do you meet war? By passing resolutions, or by passing shells out of the mouths of cannon? How do you meet war? By sitting around a table and talking it over, and at the end of the talk doing nothing? Is that what you are to consult about? Are "the most efficient measures to be taken" simply to pass a resolution or take a vote, or are you to do the obvious thing intended by this language, to meet force with force, arms with arms, ships with ships, men with men? Plainly, that is what is intended.

I do not care how many speeches may be made about this; 10 years from to-day, with Russian troops possibly driving the Japanese into the sea, with Russians crossing the narrow neck of the sea to the island of Sakhalin and there undertaking to eject the Japanese from that base, when we sit down at the council table to consult with reference to the most efficient measures to be taken to protect that island we will be laughed to scorn if we say, "We did not understand that we were to do anything except to sit down and talk about it, and when we have talked about the most efficient measures and found out what they were then we were not going to do anything at all, but just let it end in talk."

The construction is manifestly and plainly absurd, and I say that with all respect to the distinguished Senator who has spoken. Similar language has been found in other instruments, and has been given a construction that means war. I think I can find without much difficulty discussions in this body by many Senators to the effect that language almost identical with that which I have read, found in the Versailles treaty, was construed by them just as I construe this language, to be an obligation resting upon the parties to support each other by force of arms.

The astonishing thing about it all is that the country was told, "Here is a guaranty of the peace of the Pacific." Now Senators are told that we guarantee nothing; nobody agrees to do anything; and therefore we should accept this thing because it is absolutely innocuous, to wit, absolutely worthless.

Mr. FRANCE. Mr. President, as I listened to the eloquent words of the distinguished Senator from Missouri [Mr. REED], there came to my mind the words of Lincoln when he asked:

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?

Mr. President, when the history of the last five years shall be written, the most astonishing truth about it all will be that while the statesmen of the world have blundered, the people have wondered. The statesmen of the world have not known how to make peace. They have been unable to see the obvious truths enunciated by the great Senator from Missouri [Mr. REED], while the people of all the nations understand exactly where the difficulties lie, how they might be removed, and how a lasting peace might be secured.

Mr. President, I rise merely to say that I only wish that the consideration of these treaties might be long enough delayed to enable the people, in whose ultimate justice and in whose final judgments I have perfect confidence, to express themselves to the Senate of the United States. I rise to read into the RECORD the first returns from the State of Maryland; and in so doing I will say that many petitions and memorials from the people, with unperverted judgments, have been thrown by committees into scrap baskets or placed upon dusty files, when, if they had been read and considered, they might have resulted not only in the edification of the members of the committee but in their proper direction.

I am reading the resolutions adopted by a meeting of women at Easton, Md., on Sunday evening, March 5, 1922. It contains the whole argument against these treaties; and this petition proves that the women of Easton, Md., can see the results which would ultimately follow the adoption of this treaty, even if the statesmen at Washington can not:

Whereas the Pacific compact, commonly known as the four-power pact, recently negotiated at the Washington conference and now before the United States Senate for consideration, omits from its signatory membership numerous nations having extensive actual and potential rights and interests in the regions of the Pacific Ocean and constituting in population about one-third of the entire human family; and

Whereas exclusion of such nations from participation in such a pact or alliance will sooner or later lead to the formation of a counter-alliance to the end of securing a balance of world power and thus ultimately to war; and

Whereas already two of such nations have notified the Department of State of the United States Government that they regard the negotiation of this pact as an act unfriendly to them: Therefore be it

Resolved, That the mass meeting of citizens of Easton and Talbot County, Md., called by League of Women Voters and gathered here in Easton this 5th day of March, 1922, express to the two United States Senators from Maryland, to the leaders of the majority and the minority in the Senate, to the Secretary of State, and the President of the United States its disapproval of the Pacific treaty, or said four-power pact, in its present form, as containing the seeds of war rather than of peace, and its earnest hope that this alliance shall not be ratified unless so amended as to eliminate the seeds of war and thus insure the peace of the Pacific.

Resolved further, That the United States Senators from Maryland be requested to have these resolutions printed in the CONGRESSIONAL RECORD.

CAROLINE BURNITHE WALKER,
Chairman of the Meeting.
(Mrs.) LINAS BARNES,
Secretary of Meeting, Royal Oak, Md.
Mrs. M. T. JOHNSTON.

I appeal to all patriotic citizens who look earnestly forward with the hope of world peace; I appeal to the congregations of churches, to the peace societies of the United States, to labor organizations, to all societies and associations who hope to see the reconciliation of all peoples and the establishment of a basis of permanent peace; I appeal to all these to read the words of this resolution and to pass resolutions of a similar character or to express in letters to their representatives in the United States Senate sentiments similar to those contained in this resolution. I feel that by immediately so doing they will subserve the interests of the people and that they will be rendering a valuable service not only to their own country but to the whole world.

WORLD WAR FOREIGN DEBT COMMISSION (S. DOC. NO. 151).

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

THE WHITE HOUSE,
Washington, March 6, 1922.

Hon. CALVIN COOLIDGE,
President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: Agreeable to the request of the Senate, expressed in a resolution, concerning the passage of which I have just been informed, I am sending to you an opinion of the Attorney General relating to the eligibility of Senator SMOOT and Representative BURTON to serve on the World War Foreign Debt Commission.

Very truly, yours,

WARREN G. HARDING.

The VICE PRESIDENT. Without objection, the message will be printed and lie on the table.

Mr. WALSH of Montana. I ask unanimous consent that the communication just read, with the accompanying opinion of the Attorney General, be printed as a public document for the information of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

THE LANSING-ISHII AGREEMENT (S. DOC. NO. 150).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read.

TO THE SENATE:

I have received the resolution (S. Res. 251) requesting me, if not incompatible with the public interest—

to advise the Senate as to the present status and binding effect of what is known as the Lansing-Ishii agreement between the United States and the Empire of Japan.

Secondly, as to whether or not the four-power pact, now before the Senate for consideration, if ratified, will abrogate, nullify, or in any way modify such agreement, and as to what will be the status of said agreement after the ratification of said four-power pact.

The so-called Lansing-Ishii agreement, signed November 2, 1917, was not a treaty, but was an exchange of notes between the Secretary of State of the United States and Viscount Ishii, ambassador extraordinary and plenipotentiary of Japan on special mission. It was described in the notes themselves as a public announcement of the desires and intentions shared by the two Governments with regard to China. This exchange of notes, in the nature of things, did not constitute anything more than a declaration of executive policy. It is hardly necessary to point out that such a declaration, or exchange of notes, could not have any effect whatever inconsistent with treaty obligations whether existing or thereafter coming into force.

The statement in the notes in question which apparently called forth your resolution is as follows:

The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, and particularly in the part to which her possessions are contiguous.

In the light of the other declarations of the notes in question, it has been the view of the Government of the United States that this reference to special interests in China did not recognize any right or claim inconsistent with the sovereignty or political independence of China or with our "open-door" policy.

That this was not an erroneous construction appears from the meaning ascribed to the phrase "special interests in China," which is found in the final statement made on behalf of Japan at the recent conference (S. Doc. No. 126, 67th Cong., 2d sess., p. 223). The phrase was interpreted to mean that propinquity gave rise to an interest differing only in degree, but not in kind, as compared with the interests of other powers. It was said to intimate "no claim or pretention of any kind prejudicial to China or to any other foreign nation," and not to connote "any intention of securing preferential or exclusive economic rights in China."

Happily, as a result of the conference, it is not now necessary to consider any possible ambiguity in the expressions used in the Lansing-Ishii agreement of 1917, as any question which they might have raised has been completely set at rest by the treaty now before the Senate, to which the United States and Japan are parties. I refer to the treaty between the nine powers which explicitly sets forth the principles and policies to be maintained by the signatory powers in relation to China.

It is thus agreed to respect the sovereignty, the independence and the territorial and administrative integrity of China; to provide the fullest and most unembarrassed opportunity to develop and maintain for herself an effective and stable government; to use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China; to refrain from taking advantage of conditions in China in order to secure special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

More specifically the signatory powers agree that they will not seek, nor support their respective nationals in seeking, any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China, or any such monopoly or privilege as would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government or with any local authority, in any category of public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

And, further, the signatory powers agree not to support any agreements by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

The negotiation of this treaty is in itself the most formal declaration of the policy of the Executive in relation to China, and supersedes any Executive understanding or declaration that could possibly be asserted to have any contrary import. If the Senate assents to this treaty, the principles and policies which the treaty declares will be supported and enforced by a binding international agreement.

My answer, then, to your first question is that the so-called Lansing-Ishii agreement has no binding effect whatever, either with respect to the past or to the future, which is in any sense inconsistent with the principles and policies explicitly declared in the nine-power treaty to which I have referred.

As to your second question, I may say that the four-power treaty does not refer to China, and hence does not directly bear upon the Lansing-Ishii notes which related exclusively to China. The four-power treaty, however, is an essential part of the plan to create conditions in the Far East at once favorable to the policies we have long advocated and to an enduring peace.

WARREN G. HARDING.

THE WHITE HOUSE, *March 8, 1922.*

Mr. BORAH. Mr. President, as I understand the message of the President, the Lansing-Ishii agreement is supposed to be annulled or abrogated and henceforth to be disregarded, because it will be found to be in contravention to the terms of the nine-power treaty. That is not the view which some officials of Japan take of the nine-power treaty. I am very happy, however, to have the declaration of the Executive that that is the American view. This is an Executive agreement, as it were, and I presume, therefore, that the highest authority, and practically the sole authority, upon its continuance is the Executive, and I trust that the Japanese nation will understand that the Lansing-Ishii agreement is now at an end, provided the nine-power treaty is ratified.

I only desire to say, however, that after a very careful rereading of the nine-power treaty, I find nothing in it which conflicts with the Lansing-Ishii agreement, as that agreement was construed by the Japanese Government. Indeed, the Lansing-Ishii agreement contained within itself a specific declaration that the parties to the agreement would respect the territorial integrity of China. According to Mr. Lansing, it was for the purpose of reannouncing what is known as the Hay doctrine more specifically, and it was incorporated, therefore, in the Lansing-Ishii agreement.

The nine-power treaty is supposed to reannounce and to confirm more in detail the Hay doctrine of the open-door policy, but the Japanese Government always contended that the other provisions of the Lansing-Ishii agreement, which purported to give Japan a special interest in China, were not in conflict with the Hay doctrine and not in conflict with the agreement which they had made in regard to it, and I think the official statements of high officers of Japan are available now, and may be presented later, to the effect that the nine-power treaty is not in conflict with the special interests of Japan.

Only a short time ago one of the officials of Japan stated that Japan's interest in Manchuria was by reason of her special interest, her propinquity to China, reannouncing, as it were, the very doctrine which they claim was announced and conceded by the United States in the Lansing-Ishii agreement.

I rise to say, therefore, that, as I construe this message of the President, it is a renouncement of the Lansing-Ishii agreement—that is, provided the nine-power treaty is ratified—that he regards the nine-power treaty as in absolute conflict with the Lansing-Ishii understanding. That ought to terminate the Lansing-Ishii agreement. I trust it will be so understood and accepted.

The VICE PRESIDENT. The message will lie on the table and be printed.

THE FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. FLETCHER. Mr. President, with reference to the four-power treaty I desire to say that I long ago favored a conference looking to the limitation of armament, and therefore welcomed the opportunity to hold the one just ended here. I have heretofore favored steps looking to cooperative efforts to secure peace and avoid misunderstandings and war. The word "alliance" has been misused. Every agreement among nations is not an "alliance." Even if it were, the alliance may be such as to promote peace rather than an alliance of a military

character in contemplation of war. There can surely be no objection to such an alliance which would eliminate the probability of dispute and war.

I regard the four-power treaty as a part of the whole work of the conference, and its rejection would greatly minimize, if it did not destroy, the value of the other and closely related treaties.

To reject this treaty would to a very great extent defeat the sound policy which the country approves lying back of them all; that is, the reduction of armament, relief from excessive burdens which large army and navy establishments would impose, and the promotion of that relation among nations so essential to the world's economic recovery.

The agreement is to respect the rights of the parties concerned severally in relation to the islands of the Pacific. Why should we hesitate to agree to "respect the rights" of the British Empire, France, and Japan in the Pacific, or anywhere else, they each doing the same as to our rights?

If any controversy should arise out of any Pacific question involving such rights which is not satisfactorily settled by diplomacy, the agreement is to join in a conference for the consideration and adjustment thereby of such controversy.

If nations may not confer in case of any controversy or question, it would seem impossible to adjust any differences. It follows disputes would accumulate and war would be inevitable if we deny the propriety, the wisdom, or the possibility of nations holding a conference to adjust matters about which there may appear contrary views.

Mr. REED. Mr. President——

Mr. FLETCHER. I yield to the Senator from Missouri.

Mr. REED. Does the Senator mean to say that if we do not ratify this treaty we can not sit down and confer about matters?

Mr. FLETCHER. I presume we could do it, but there is no agreement to do it and there is no practice of that kind in case of any question which is not adjusted by diplomatic negotiations.

Mr. REED. We always have done it, have we not?

Mr. FLETCHER. There is no obligation to confer and no such conferences have been held.

Mr. REED. Is there not an obligation of that kind, in spirit substantially, that already exists with all of these countries?

Mr. FLETCHER. There is no obligation to confer about controversies of the sort mentioned in this treaty. There were treaties negotiated in 1914 whereby controversies might be referred to an international commission, and that international commission was to have jurisdiction to determine those questions; but there is no treaty arrangement anywhere now whereby nations shall confer, where diplomatic action has failed, and even by the treaties of 1914 made between nations individually, some 28 treaties, between each of those countries and the United States, those treaties contemplated the reference of questions in dispute and requiring settlement to an international commission that might be constituted as provided in those treaties.

Mr. REED. Does not the Senator know that from time immemorial all questions between our Government and other Governments have been taken up through regular diplomatic channels and discussed in a friendly way, and that that right exists to-day just as it has always existed?

Mr. FLETCHER. Precisely, and the pending treaty provides that if those questions can be settled by diplomatic negotiations that course will be followed, and that is the end of the matter. It is proposed to continue all those diplomatic activities that were possible before and as has been the practice heretofore. The proposed treaty does not interfere with that at all. It continues that practice, but if diplomatic efforts are ineffective and the controversy remains unsettled then the powers will be obligated to confer.

Article 2 provides in substance that if such rights are threatened by the aggressive action of any other power these parties to the treaty shall communicate with one another to determine the most efficient measure to be taken, jointly or separately, to meet the situation.

There is no agreement to resort to force. The agreement is to hold council, to determine who is in the wrong, to let the world know the conclusions reached, the idea no doubt being that the public opinion of mankind would very likely exercise powerful weight to prevent war. There is no pledge or agreement or obligation to go to the assistance of any one of the parties. There is no contract to follow any conference by any act, much less any act behind which lies force. We make that clear in the resolution of ratification, in which we propose to expressly state that there shall be "no commitment to armed force, no alliance, no obligation to join in any defense" on our part. That provision ought to satisfy the most sensitive on that point. I will support the treaty in spite of it rather than by reason of it. In each of the 28 treaties negotiated by the Secretary of State W. J. Bryan, and submitted by President Wilson, and ratified in 1914, there was a provision that the high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted. This treaty is of the same general purport and character as those we ratified in 1914.

Under article 3 the treaty is to remain in force for 10 years.

The military alliance between Great Britain and Japan will be ended by this treaty. In its stead will be, not an alliance directed against any nation but an agreement between the four powers having rights and interests in the Pacific to respect one another's rights, and in case of any controversy to confer.

Without these treaties the situation in the Far East is one of more or less apprehension, suspicion, and fear. These elements do not usually improve, but lead to worse conditions. This treaty would remove the suspicion and the fear which often occasion force. It amounts to a mutual pledge for the respect of one another's rights, which it would seem we ought always to be willing to make.

It abolishes an alliance now highly objectionable and removes the causes which often develop a spirit of domination.

The vote against the treaty would be to help continue an alliance in which we have no part, whereas to ratify this treaty would be to do away with all alliances in the Far East.

We surely do not wish to have Great Britain and Japan continue their military partnership, we surely ought to be willing to respect the rights of others, we ought not to decline to confer with any nation in case of any dispute not satisfactorily settled by diplomacy, we should desire to remove all causes for possible trouble in the Pacific, and feel, regarding all our possessions and rights in that region, that all our neighbors respect our rights, as we do theirs, and will not interfere with them.

I would like it better if all the nations of the world were parties to the agreement, as might have been the case if we had ratified the Versailles treaty. But having been driven from that by the overworked "entangling alliance" false alarms, this appears to me the next best thing in the same direction of promoting peace in the world, doing away with competitive armament, and removing, to a great extent, the excuses and probabilities of war.

I would have no objection if some provision could be made, although I would hesitate to undertake to amend this treaty, whereby other States might be admitted to such conferences as may arise or be called pursuant to this treaty, on an equal footing with the powers which are parties to the treaty, in case of any controversy involving such nonmember States. That would not be objectionable to me, although I would not jeopardize this treaty if that would be the result of such an amendment. It would include China and Russia, if they were invited in, and that might possibly alleviate some difficulties that might arise in the future. I can see no reasonable objection to the ratification of this treaty, and I believe the possibilities are very great for advantages to all concerned and to world order flowing from it. It is so related to the other treaties coming out of the conference, particularly the one respecting the reduction of armaments, that I feel it should be regarded as a part of the whole work and should be ratified.

Mr. WATSON of Georgia obtained the floor.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. WATSON of Georgia. I yield.

Mr. HARRISON. I make the point of no quorum.

Mr. WATSON of Georgia. Oh, Mr. President, I hope the Senator will not do that.

Mr. HARRISON. The point has been made now, and I can not withdraw it.

Mr. WATSON of Georgia. Very well.

The VICE PRESIDENT. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	Nelson	Sheppard
Borah	Heflin	New	Shields
Brandegee	Johnson	Newberry	Smith
Broussard	Jones, Wash.	Nicholson	Spencer
Calder	Kellogg	Norris	Sterling
Cameron	Kendrick	Overman	Townsend
Capper	Keyes	Page	Underwood
Caraway	King	Pepper	Wadsworth
Cummins	Ladd	Phipps	Walsh, Mont.
Fletcher	Lenroot	Poindexter	Warren
Gerry	Lodge	Pomerene	Watson, Ga.
Gooding	McKellar	Rawson	Williams
Hale	McKinley	Reed	Willis
Harris	McNary	Robinson	

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the

Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from West Virginia [Mr. SUTHERLAND] are detained at a hearing of the Committee on Finance.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Fifty-five Senators having answered to their names, a quorum is present. The Senator from Georgia will proceed.

Mr. WATSON of Georgia. Mr. President, the Senator from Florida [Mr. FLETCHER] argued that we would get rid of the menace of the Anglo-Japanese treaty if we ratified the pending treaty. He also argued that we could not defeat this treaty without endangering the other treaties. He further argued that there was no contract in this treaty. None of those contentions, in my judgment, is well founded.

For months and months the representatives of the great nations sat here in Washington, and, so far as the pending treaty is concerned, they sat in secret. Not a word came from the council room to the outside world. Senators who are asked to vote to ratify this compact are told virtually nothing of the approaches by which it was reached. The language of the document seems to me to make a contract. The purpose is "the preservation of the general peace and the maintenance" of the rights of these nations. Having that in view, these nations make a treaty. In Section II we bind ourselves, in honor and in law, to meet in further conference with the other three nations and to agree upon methods by which they may defend themselves, in the maintenance of those rights which are specified in the preamble of the treaty. We should have no option if called upon to go into that conference. We are, in honor and in law, bound to adopt methods to defend the rights of Japan, of Great Britain, and of France. If we should hesitate our sense of honor would be appealed to, war propaganda would again take possession of the country, and the Senate and House of Representatives would be compelled to keep the plighted faith of this Republic. I do not see how any Senator can escape that conclusion. It is a contract; it is a treaty in the truest sense. It forms a quadruple alliance.

The Senator from Florida further said we could not defeat this treaty without endangering the others. That does not follow. The treaties come here separately; they are debated separately; and they are ratified or rejected separately. Each one stands upon its own merits.

Is the Anglo-Japanese treaty a menace to us? If so, the two nations which are bound by it are already our enemies. How can anybody escape that conclusion? If, as the Senator from Florida says, that alliance is a menace which endangers our future, then the hearts from which it sprang can not be friendly to America and to American interests. If Great Britain is our friend, either in the Atlantic or the Pacific, she should not have endangered us by going into such an alliance. If Japan is our friend, she should not have endangered us by this compact, this military alliance, as the Senator from Florida calls it.

The Senator from Florida refers to the resolution of ratification as safeguarding us from the necessity of ever taking up arms for one of these allies. Whom does that reservation bind? When and where did Japan, Great Britain, or France agree that the contract could be changed, after they had signed it? The proposed change is a novation of contract, and it would not stand in morals or in law for one moment.

The Senator from Massachusetts [Mr. LODGE], especially toward the conclusion of his speech, during which he spoke a long time and revealed nothing of the secret workings of that conference, spoke in language that Woodrow Wilson might have used when he appeared before Congress and asked for the ratification of the covenant of the League of Nations. The Senator from Massachusetts, in going into this fight, borrowed the plumes of Woodrow Wilson and wore them in the battle. The Senator from Massachusetts says that dark clouds are on the horizon and the only way to dispel them is to ratify this treaty and go into the quadruple alliance. Where are the clouds? What are the dangers? Does the Senator mean to be understood as saying that Great Britain has designs against us, or that Japan has, or that France has? As usual, the Senator retires when questions are asked that he can not answer. He has borrowed from Woodrow Wilson, but the loan is so recent that he does not wear very gracefully the plumage which he has appropriated to himself.

"Let us not blight the hope of the world," says the Senator from Massachusetts. That reminds me of what President Wilson stated to Congress when he said if they rejected the League of Nations it would "break the heart of the world." The thoughts are the same. Here are two hearts that beat as one, at last. [Laughter.]

Whoever thought that the Senator from Massachusetts, who achieved fame throughout the world by his great campaign against the League of Nations, would now be clothing his thoughts in the classic verbiage of Woodrow Wilson?

Break the heart of the world! Will we break the heart of Germany if we do not go into this alliance with France? Will not the German heart rather be broken if we do? We will not break Germany's heart by staying out of an alliance with France. By staying out of an alliance with Japan we will not break the Russian heart, whose wounds are now bleeding from the cruel blows of Japan. We could not do a more popular thing in Germany and Russia, both of which nations are going to come back and come back strong, than by staying away from the Orient and refusing to ratify this treaty.

Mr. President, Senators sometimes reverse their policies and change their minds, but I think this morning was the first time when I have seen a Senator on one day forget the speech he had made on a preceding day. The Senator from Indiana [Mr. NEW] did that very thing. He said, if I should do him the honor of reading his speech, I would see so and so. Well, I did read his speech, and that is the reason I know he had forgotten it. Here is his speech, on page 3408 of the CONGRESSIONAL RECORD of March 6 of this year. In that speech again and again he calls the four-power treaty an association of nations. To be effective, an association must be as strong as a league, and an effective league would be equivalent to an effective association; they are interchangeable terms.

The Senator from Indiana went further. He referred at length to the grand design of Henry IV, but he said that that was defective because it was not founded upon the grand principles which are the base of this association of nations. He went from the grand design to the Holy Alliance, and was comparing in his mind throughout this quadruple alliance with the quadruple alliance of a hundred years ago. I am almost tempted to read some of the beautiful language in the Senator's speech:

> Because the alternative to life under free, common understanding, with mutual trust and forbearance, in an association of recognized, unrestrained peers is domination by one or by few under such a rule of brute force as will plunge the world into chaos and threaten humanity with oblivion. No; we may not cast aside these treaties as mere idle words under penalty of being overwhelmed by the outburst of righteous condemnation from all the peoples of the world.

Will China overflow with joy if we refuse to ratify this treaty? Will Siberia chant hallelujahs if we refuse to ratify this treaty? Talk about rejoicing if this treaty is ratified. Will the 7,000,000 majority who voted for Harding and Coolidge in November, 1920, rejoice? They went millions strong to vote down a League of Nations which they understood to compromise their independence. Who dreamed then that the Republicans would so soon forget the lessons of that election and would be going into a quadruple alliance which binds us to defend the right of Japan in the Pacific?

Have you referred this question to the people? Have they had an opportunity to be heard? Have we the authority to bind them in a matter like this that changes the policy of a hundred years?

Mr. KING. Mr. President, will the Senator yield?

Mr. WATSON of Georgia. With pleasure.

Mr. KING. I have not heard all of the Senator's argument. I heard a portion of the speech of the Senator from Massachusetts [Mr. LODGE]. As I understood the position of the Senator from Massachusetts, the treaty now before us is innocuous. It does not bind us to do anything except to sit down at a table and talk over any possible controversy. As I understood his position, if Japan should be the aggressor, and that aggression should constitute an overt act, an act of war, then the treaty forbids even consultation, because consultation could exist only if war were nebulous or if there were a controversy which had not resulted in any overt act. If that is the interpretation which the Senator places upon the pact, obviously it is somewhat different from the interpretation placed upon it by the Senator from Georgia, who has just now said that it is a quadruple alliance which binds the United States to come to the aid of Japan in the Pacific. I should like the Senator to explain what he thinks the treaty is, and wherein the Senator from Massachusetts has wrongly interpreted it, from the Senator's point of view.

Mr. WATSON of Georgia. Mr. President, when this treaty was first mentioned some months ago, the Senator from Washington [Mr. POINDEXTER] said that it would add to our security on the Pacific slope, and I asked him then if he believed that Japan would give up the Anglo-Japanese treaty and accept this if she did not consider this better than that. That question remains unanswered. In fact, it answers itself; but the very language of this treaty binds us to future conference and binds

us is adopt the measures that are necessary to protect the rights of Japan or of France or of England. How on earth any other construction can be put on it, except that we do bind ourselves to attend a future conference and to adopt those means which will most effectively accomplish the purpose of protecting the rights of these nations in the Orient, I do not understand.

Mr. President, China deserves the sympathy of humanity throughout the world. It is a country where, even in the old times, when a stranger was looked upon as an enemy in every country of Europe, China was so pacific in her nature, so kind in her treatment of the stranger, that travelers from Europe could go from one part of the Empire to the other and everywhere they received hospitality and kindness. It is the only country of which that can be said, and it can be said of her with absolute truth. She became our ally during the Great War. She sent laborers to France who did the heavy manual labor which otherwise would have taken French soldiers from the ranks, where they were so much needed. Time and again these Chinese coolies fed our soldier boys when those soldier boys were starving and needed the food. Instance after instance has been given this country. She came with actual help. She proposed even to send troops.

What did Japan do? She did nothing except for Japan, and in the future she will be found pursuing the same course. She is for Japan. Not a soldier, not a marine, not a ship in action, did she put in European waters. Her activities were confined strictly to seizing those territories which the Germans had seized, and to holding them after she got them. Not one loan, not one vessel full of provisions, no material aid whatever, did Japan give to us or to France or to England during the terrible ordeal when victory hung in the balance.

Now, Mr. President, we are asked by this quadruple alliance to ratify what Japan did, to condone her crimes against Korea, Siberia, and China. Who knows what we are getting into? There are hundreds of those islands down there, and not one European in a million knows a thing about them.

We loaned England, in round numbers, five thousand million dollars. She owes us now as interest something like $500,000,000. She will not pay us. She paid her soldiers a bonus in part out of our money, while our soldiers go destitute and despairing without a bonus. She compelled us to pay her for the old cattle ships which transported our boys, crowded like sardines, to her relief, going to her salvation, asking no reward for their services or their sacrifices. We actually paid her here, since I have been serving, $46,000,000, the last installment on the freightage of our troops, and even then she was refusing to pay a cent of interest, and was starting a propaganda that looked as if they wanted the debts canceled. I believe they do want them canceled, and I am very much afraid that is what will be the result of these final refunding negotiations.

Mr. President, partly with our money Great Britain has dammed the blue Nile in the Soudan, and will soon have 3,000,000 acres of the best cotton land in the world to compete with ours. The soil will need no fertilizer. It will not depend upon the skies for the moisture to develop the crop. It never will be too hot nor too cold for her young cotton plants. No boll weevil will devastate her cotton belt, and on 3,000,000 acres she will raise sufficient cotton for all her mills and a large part of what the German mills consume. Therefore, in part, with our money she is building up a competition that may mean destruction to the great industry, the only money crop, of the South. In like manner she is using in part our money to develop the wheat fields of Mesopotamia, the fields which, under proper irrigation, used to give bread to the whole eastern world. That area is now coming into cultivation again, and under the irrigation system the yield will be two or three times as much as the best wheat fields of the West can produce. Therefore, with our money she is building up competition, ruinous rivalry, to our two great staples, wheat and cotton.

We are asked to go into a binding contract with her which would enormously increase the difficulties of handling that debt proposition; and, as to Japan, it will add enormously to the difficulties of handling the Japanese question on the Pacific coast. The time will soon come, if this treaty be ratified, when we will hear it said that California ought to yield to the common interest of the Union, and not give Japan a just cause of quarrel in reference to the State laws, the citizenship laws, of California.

Mr. President, from every possible point of view this treaty is dangerous, and I hope it will not be rushed through here until we can hear from our constituents. If the people learn what this treaty really means, and how it revolutionizes the traditional policy of our Government, I believe there will be a protest against it, from Maine to California, and from Michigan to Florida.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] to agree to the reservation reported by the Committee on Foreign Relations.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Borah	Harris	Newberry	Sheppard
Brandegee	Harrison	Nicholson	Shields
Broussard	Hefin	Norris	Smith
Bursum	Jones, Wash.	Oddie	Spencer
Cameron	Kellogg	Overman	Sterling
Capper	Kendrick	Page	Townsend
Colt	King	Pepper	Wadsworth
Cummins	Lenroot	Phipps	Walsh, Mont.
Fletcher	Lodge	Pittman	Warren
France	McKellar	Poindexter	Watson, Ga.
Gerry	McKinley	Pomerene	Weller
Glass	McNary	Ransdell	Willis
Hale	Nelson	Reed	
Harreld	New	Robinson	

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is necessarily absent.

Mr. JONES of Washington. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from West Virginia [Mr. SUTHERLAND] are in attendance on a meeting of the Committee on Finance.

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present.

Mr. REED. Mr. President, the Senator from Massachusetts [Mr. LODGE] and the Senator from Florida [Mr. FLETCHER] alike dwelt upon the fact that this proposed treaty permits nations to get together and talk their differences over. One would have naturally inferred from their statements, although they did not say so in direct terms, that the proposed treaty is the first suggestion which has ever been made that in case of dispute between this and other countries there may be a conference or talk before we go to fighting, and that this treaty we are now making with reference to the islands in the Pacific is the first real suggestion we have ever had that we shall keep the peace each with the other.

It might be interesting in that behalf to call attention to the fact that so long ago as 1800 we made a treaty with France, the first article of which provided:

> There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French Republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of person or places.

That would seem to be at least a convention of peace. Then in 1908 we made a treaty with France, which reads in part as follows:

ARTICLE I.

> Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.

ARTICLE II.

> In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.

That would seem to have afforded a time to talk things over and to give a chance for peaceful adjustment, and for a decision upon the matters in dispute by a tribunal as nearly impartial as has yet been devised.

In that connection it is proper to call attention to the fact that we have had a treaty with Japan since 1854 which recites that there shall be a perfect, permanent, and universal peace and a sincere, cordial amity between the United States of America on the one part, the Empire of Japan on the other part, and between their people, respectively, without exception of persons or places.

We have other treaties with both these powers relating to navigation, the rights of ships, and the rights of nationals, guaranteeing rights of religious worship, and so forth.

We have a treaty with Great Britain containing clauses similar to the first article of the treaty with Japan and the treaty with France. In 1911 we made a treaty which recites, among other things:

> The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;
>
> The high contracting parties have, therefore, determined in furtherance of these ends to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty—

And so forth.

Article 1 provides that—

> All differences hereafter arising between the high contracting parties which it has not been possible to adjust by diplomacy relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

Then follow the clauses providing for the creation of the arbitral commission and the procedure to be followed.

We have a similar treaty of arbitration with France, so that with the three powers which are parties to this treaty with us we have treaties of peace of the most solemn character which contemplate the settlement of our disputes through ordinary diplomatic channels, and if the diplomats can not agree it is then solemnly recited that the matter in dispute shall be submitted to arbitration or to the Hague tribunal.

Therefore, we have not only all that this treaty gives us if the construction now placed upon it be correct but we have something better. We have an arbitration provided for, all of which contemplates consulting, talking matters over in a diplomatic way, and then submitting the question for decision, if a decision can not be agreed on by mutual consent, to a properly organized arbitration tribunal. The Bryan treaties, so called, which have been made with a large number of countries, contain largely the same provisions for settlement and provide for what we might call in law a stay of execution or rather for a period during which matters of negotiation can be carried on.

If, therefore, we take the view which has been expressed with reference to the four-power alliance, that this is in fact no alliance, that we have agreed to do nothing except sit around and talk, and that as a result of the talk we are not to be bound morally or legally to anything that may be agreed upon, then we are substituting for the treaties now existing a rule not nearly so effective, not nearly so clear, and not nearly so likely to avoid differences and difficulties in the future.

The construction placed by the Senator from Massachusetts [Mr. LODGE] and the Senator from Florida [Mr. FLETCHER] upon this treaty is that we are perfectly safe to go into it because it does not bind anybody to do anything. It is a rope of sand that vanishes at touch. It does not draw a single pound. It accomplishes nothing.

It is an agreement that we will sit down and talk matters over, which has always been our right and has always been the right of every nation. If that is all there is to this treaty why is it, when the construction was placed upon it that it included all of Japan, that it was found necessary to make a subsequent or supplemental treaty excluding what we will call the mainland of Japan? Why should we object or why should any nation object to sitting down and talking about our mainland as well as our islands, if as the result of the talk nothing was to be done and nobody was to be bound?

Why not include the whole world in it? Why not in fact have every nation of kindred people and tongue come into a general gabfest with reference to everything? No harm could come of it. When a treaty is drawn that implies nothing more than a tea party, at which everybody is privileged to say what he pleases and then get up and go away—if that is the true construction of this treaty—why should they have excepted from its terms all of Japan except certain particular islands that are named? Why should they have carefully included in the number of islands named that are to be included within the treaty that particular island which is bound to be the scene of a bloody conflict between Russia and Japan within the next few years? I said "bound to be." No one can look into the future with certainty, but the conditions and circumstances are of the most menacing character.

The trouble with the argument that has been advanced is that it leaves the proponents of the treaty in the position that they have met and done nothing. The argument contends that the

mountain has not even brought forth a mouse capable of nibbling at a bit of cheese, that the army marched up the hill and marched down again without leaving any tracks in the mud, that the result of all the conference is that we have agreed, in case there is any dispute between ourselves and our new allies, that we will talk it over, and then we will do just as we please after we have talked it over. If any other nation proposes to come in and attack, we will meet and solemnly determine on the best means of repelling that attack, and then we will all take our hats and go home, and nobody will be bound to do anything, morally, legally, or any other way. There will not be the slighest obligation.

Mr. KING. Mr. President——

Mr. REED. I yield to the Senator from Utah.

Mr. KING. If I understand the Senator from Massachusetts correctly, whenever there is an overt act, whether upon the part of either of the signatories to the treaty or upon the part of some other power, then the treaty ceases to function at all, and we are not obligated to meet.

Mr. REED. Yes; it then becomes something less than nothing.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I yield.

Mr. ROBINSON. The conference which negotiated this treaty adopted two declarations in the nature of reservations to the treaty itself, and in one of those declarations it expressly reserves, by the provisions of the treaty, all domestic questions. If the effect of the treaty is merely to arrange for a conference, what would be the objection to conferring about domestic controversies which are likely to occasion conflict between the nations parties to the dispute?

We all know that the only matters of controversy which may disturb the condition of harmony existing between the United States and Japan are domestic questions, namely, the immigration of Japanese to the United States, racial equality in some vague form, and the claim of the Japanese to a right to own land in California. Why should we except these controversies from conference if there is nothing binding in the conference, but it is merely an attempt to reach a harmonious agreement?

Mr. REED. Certainly that is true. Why except a matter from the subject of conversation if nothing is to be done and if nobody is to be bound? The construction is absurd. It leaves the treaty absurd. I will not say the construction is absurd, but either the treaty is absurd or the construction is absurd. We are to talk things over and be bound by nothing. We are not to make a contract to do anything except that we will talk. It reminds me of the incident in the somewhat ancient story of the young man who asked the young lady if she would marry him. She replied indignantly "I would not think of marrying a fellow like you." He said, "Don't get mad about it. I did not want to marry you. I just asked for information." There was not to be any contract; he merely wanted to get the state of her mind. That is all we are to do by these conferences.

But we can have such conferences to-morrow with any nation, and we do have them regularly. Almost daily matters are coming up between our State Department and the foreign offices of other nations. Communications take place and matters are settled. It may be nothing more than the right of one of their nationals to land in the United States, or the right of one of our nationals to visit in their country, or the right of somebody who has lost his baggage over there, or it may involve more serious questions. They are talked over constantly. It is for that reason that great legations are maintained at enormous expense in Washington, and that we maintain legations in the capitals of every first-class nation on the earth.

The whole truth is that this was intended to be an alliance so powerful and so potential that the nations could rely upon it as a matter of defense against the outside world, or attack, if you please, and could afford, because of a mutual obligation of defense and assistance, to cut down their navies.

We are told that we could not have disarmament without having the four-power treaty. Why? Because the power of the four-power treaty was to take the place of the power of the navies and armies of these countries. We were to abrogate them and consolidate them and put them in a position where they would operate together, and with such an arrangement as that we could all afford to cut down our armament. Now, that argument having been put forth, we are told that this treaty is not a treaty of alliance, not a treaty of mutual support and help, not a treaty wherein the majority of nations will compel an offending member to obey the terms of the treaty, but it is a mere sounding of brass and tinkling of cymbals, a thing not even of shreds and patches, a mere false pretense, a mere piece

of international buncombe by which the nations agree solemnly that they will sit down and talk matters over and be bound by nothing that takes place.

Mr. LODGE. Why does the Senator carefully avoid saying that it terminates the Anglo-Japanese alliance?

Mr. REED. I have already discussed that.

Mr. LODGE. That is definite enough.

Mr. REED. The Senator went out of the Chamber about the time I reached that in my discussion. It will all appear in the RECORD. I said then and I say now that if Japan and England, under any paper treaty that has ever been written, would unite in an attack on the United States, then especially Great Britain is a country so numbed of all sense of decency and of all the sacredness of obligations that nothing would bind her. I said then and I say now that if the blood we spilled has not created a bond between Great Britain and the United States more lasting and more sacred than any we can ever have placed upon parchment by pen and ink, then we can put no reliance in the parchment words of Great Britain.

What is an obligation? Is it only to be expressed upon a piece of paper? Is that all we can rely upon? If so, then our reliance is based upon a shadow. The thing that makes an obligation sacred is the honor of a nation. If a nation rescued from certain defeat by the prowess of American soldiers, saved from bankruptcy by dollars from the American Treasury, enriched with a territory greater than that controlled by Rome in the proudest days of the Cæsars, would turn upon her friend and benefactor, would repudiate the blood obligation, would make war against the very soldiers who had protected her—if a nation will do that, then her signature to a document amounts to nothing. If she would repudiate this obligation, established before High Heaven and recorded by God Almighty Himself in His memoirs of man, then there is no use in asking her to sign a piece of paper agreeing to discontinue her alliance with Japan.

Are there no obligations that nations will observe except those written with a pen? What becomes of all the fine phrases of "Hands Across the Sea"? What becomes of the doctrine that "we both speak the same language and are natural allies"? What becomes of the claim that "we are the two leading Christian nations marching along parallel lines to the heights of civilization and glory"? Is that all idle talk? If it be idle talk, then will not this be an idle piece of paper? But if you give to the piece of paper all the virtue you ascribe to it, it is merely that we will remain on friendly terms; it is merely that we will not impinge upon each other's rights; and that is already provided in treaties solemnly set down.

In considering the method of treatment of this particular document, as compared to that accorded the Versailles treaty, I am afraid that my friend from Massachusetts [Mr. LODGE] takes a little different view of something which emanates from the White House to-day and something which came from the White House about three years ago.

Mr. President, there are a number of Senators who want to speak on this treaty. Is it the purpose of the Senator from Massachusetts to try to get a vote on it to-day?

Mr. LODGE. Mr. President, I do not expect to get a vote on the treaty to-day, but I am desirous of proceeding with the debate as long as possible this afternoon. I think it is not unreasonable to ask that the treaty shall be debated and voted on at the earliest possible moment.

Mr. REED. So far as I am concerned, I expect really to discuss the treaty one of these days pretty soon, but I am not prepared to do so now.

Mr. LODGE. Then, Mr. President, I think we might go ahead and deal with the articles of the treaty.

Mr. REED. If we are to vote on the articles, we might as well vote on the treaty, for there are only four articles.

Mr. LODGE. I have no desire to hurry any Senators, but I think it is not unreasonable, after a week's time has been given, to ask that the debate shall go forward.

Mr. ROBINSON. Mr. President, I suggest to the Senator from Massachusetts that the Senator from Iowa [Mr. CUMMINS] has heretofore brought before the Senate a bill of importance and is probably now ready to discuss it. It seems that there is no Senator who cares to go on with the discussion of the treaty this afternoon. I myself expect to submit some remarks on the treaty, but I should prefer not to do so this afternoon. I suggest, if the Senator from Massachusetts is not ready to have the Senate adjourn, that the Senator from Iowa be permitted to take up what is known as the judiciary bill.

Mr. LODGE. Mr. President, it is my desire to get these treaties out of the way in order to clear the path for the bill of the Senator from Iowa, the appropriation bills, and the tariff bill, but I shall not be able to do so if the treaties are put over day after day and day after day and debate is permitted to drag. All I ask is debate. I do not expect a vote on the treaty now.

Mr. ROBINSON. So far as I am advised—and I think I am pretty well informed respecting the situation—there is no disposition among Senators unduly to prolong the debate. It is the desire of all Senators that within a reasonable time the debate shall be brought to an end and that the treaty be disposed of. We have to-day been proceeding for some hours; it is rather late to begin my speech; I could not conclude this afternoon; and I should, therefore, prefer not to go on now.

Mr. LODGE. I do not want to press the Senator from Arkansas to go on this afternoon if he does not desire to do so.

Mr. ROBINSON. If the Senator from Massachusetts insists upon it, however, I shall have to do so.

Mr. LODGE. But I thought we ought to try to continue the debate on the treaty and devote the days to it steadily or else fix a day when a vote on it may be taken.

Mr. ROBINSON. In connection with that suggestion, I wish to point out the fact that on yesterday, before any advocate of the treaty had discussed it, the Senator from Massachusetts announced that unless some Senator was ready to take the floor to-day he would insist upon a vote on the treaty. Subsequently, however, he announced that he himself would discuss it, and to-day he has delivered an address respecting the subject.

Mr. LODGE. Mr. President, if the Senator from Arkansas will allow me to interrupt him, I desire to say that the Senator from Indiana [Mr. NEW] spoke at length upon the treaty on Monday; the Senator from Minnesota [Mr. KELLOGG] spoke at length on Tuesday; therefore there have already been three speeches made in behalf of the treaty.

Mr. ROBINSON. But there have been an equal number of speeches made to-day in what may be termed opposition to the treaty.

Mr. LODGE. Yes; I am aware of that, but I want all of the speeches on both sides to be made as soon as possible; that is all. I think that is not unreasonable. I am glad that the Senator from Arkansas thinks there is no disposition unduly to delay the treaty.

Mr. ROBINSON. I am sure there is not; and I am sure that the Senator from Massachusetts will accomplish nothing by attempting to press the debate at this time. I think it is only reasonable that the Senate be afforded an opportunity to consider the subject with some degree of deliberation. If there were the slightest disposition to conduct what is commonly called a filibuster, I should not make the statement that I now make, but there is no such disposition.

Mr. LODGE. I am sure there is not.

Mr. ROBINSON. The treaty should not be disposed of immediately.

Mr. LODGE. I do not expect to vote to-day; I want to give all reasonable time for debate; but I know from long experience in the Senate that if but one speech is made on the subject in a day, and then the Senate proceeds with something else, the treaty will drag on for a long time. I do not want these treaties to drag on; I want to get a vote. I do not desire to inconvenience Senators, and if they will name some reasonable day when we may agree to take a vote I shall be content.

Mr. ROBINSON. It would not be possible at this time, I am sure, to fix a day for a vote, although that may be done later on.

Mr. LODGE. Then, of course, the Senator must see that, being in charge of the treaty and being anxious to get results, I have no choice except to keep Senators here and press the treaty for consideration.

Mr. ROBINSON. Of course, the Senator recalls that there was another treaty a year or two ago which was before the Senate for many months, and it was chiefly through his instrumentality and his leadership that it was kept here for that length of time. I repeat the statement that there is no disposition, certainly not on this side of the Chamber, to protract the debate unduly; but it is now approximately 4.30 o'clock, within 30 minutes of the time when the Senate usually adjourns, and if the Senator is unwilling to adopt some other course of procedure, I shall ask that the Senate adjourn or recess, although I prefer not to do that.

Mr. LODGE. I do not mean, in any event, to keep the Senate here after 5 o'clock on this question, and I am perfectly willing that the Senate take a recess now, but——

Mr. ROBINSON. I suggest that the Senator ask that that be done.

Mr. LODGE. I am perfectly willing that that shall be done, unless the Senator from Iowa cares to go on for a time with the bill which he has in charge. I do want to give notice, however, that I feel I have no choice, and that I must ask that

the Senate either agree to a day to vote or else proceed with the debate on the treaty. I think that is not an unreasonable request.

Mr. ROBINSON. I think the Senate has been debating this subject with fair diligence.

Mr. LODGE. It has to-day; yes.

Mr. ROBINSON. Since the treaty has been before the Senate, the Senator from Massachusetts himself has not discussed it until during the present day.

Mr. LODGE. That is so.

Mr. ROBINSON. Of course, I hardly think that, with his experience and training in these matters, he would expect the Senate to take a vote on so important a question until the chief proponents of the treaty have discussed it and given others an opportunity to reflect upon their judgment.

Mr. LODGE. I think it is only proper that there should be a reasonable time allowed Senators who desire to speak; but, as I look at it, I have no choice, except to press the treaty for discussion or for a vote; that is all.

Mr. CUMMINS. Mr. President, I may say, for the information of the Senator from Massachusetts, that I am very anxious to secure consideration for the bill to which reference has been made; but I think it would serve no useful purpose to bring it up at this hour in the afternoon. I, at least, want enough time to explain the bill continuously, and not to be interrupted by a recess or an adjournment. That I could not promise to do by 5 o'clock. Therefore it seems to me wise not to bring it up at this time.

Mr. LODGE. There is no necessity of adjourning at 5 o'clock, if the Senator desires to go on with the bill.

Mr. CUMMINS. I thought the Senator from Massachusetts suggested that we would not continue the session after 5 o'clock.

Mr. LODGE. I stated what my intention had been. I should be very glad, however, to continue, so far as I am concerned, until the Senator has had time to present and explain his bill. We make rather short hours in the Senate now.

Mr. OVERMAN. Mr. President, it would not be wise to proceed now with the consideration of the bill of which the Senator from Iowa is in charge. There is going to be considerable debate upon that bill; there will have to be a quorum called. It is now half-past 4 o'clock, and I suggest that we should not proceed with that bill at this time.

Mr. CUMMINS. I am quite willing to take it up if I can have any assurance that the Senate will remain in session for an hour or an hour and a quarter.

Mr. LODGE. I think that that assurance ought to be given. I am ready to give that assurance, so far as I am concerned.

Mr. POMERENE. Mr. President, I wish to suggest, with regard to the four-power treaty, that whatever opposition there is to the various treaties for the most part surrounds this particular treaty, in which there are some important questions involved. I am one of those who expect to support that treaty on the final vote, and I think we have been making reasonable progress thus far. The Senator from Alabama [Mr. UNDERWOOD], I understand, intends to address the Senate upon the subject, and the Senator from Arkansas [Mr. ROBINSON] has just indicated his intention so to do, and there are some other Senators who perhaps will speak. I do not think it can be said that we have not been making reasonable progress; and I hope that at this particular time an effort will not be made to fix an hour for a vote. I do not believe anything will be gained by it.

Mr. LODGE. I shall not attempt it at this time. On the contrary, I am perfectly willing to move that the Senate proceed to the consideration of legislative business.

Mr. SHIELDS. Mr. President, before the conclusion of this debate I shall make some observations myself with regard to the treaty. I am not prepared to do it now, but I am sure there will be no delay from anything I say. Of course, the argument I shall make against the ratification of the treaty is simply the argument that I presented against the covenant of the League of Nations some two years ago. There is so little difference that I think it will fit this case, and I certainly shall not cause any delay.

Mr. CUMMINS. Mr. President, I think probably it would be wiser not to proceed with the so-called judges' bill this afternoon. It will be necessary to secure a quorum, because many Senators who are interested in the bill are not present.

Mr. ROBINSON. I suggest to the Senator from Massachusetts that we take a recess or adjourn, whichever he prefers.

Mr. LODGE. I am going to ask for an executive session with closed doors.

Mr. KING. Mr. President, would the Senator object to going into legislative session and permitting me to call up for consideration the resolution that I asked to have considered yesterday in regard to the furnishing of certain information by the Alien Property Custodian?

Mr. LODGE. No; I have no objection to going into legislative session for that purpose.

I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed its legislative session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that Hon. JOSEPH WALSH, of Massachusetts, was elected Speaker pro tempore of the House to discharge the duties of the Chair during the absence of the Speaker, not to exceed 10 days.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DAVIS of Minnesota, Mr. EVANS, and Mr. JOHNSON of Kentucky were appointed managers of the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed the enrolled bill (H. R. 10161) authorizing the use of special canceling stamps in certain post offices, and it was thereupon signed by the Vice President.

PRINTING OF TREATIES OF 1914.

Mr. LODGE. I am informed that the print of the general peace treaties of 1914 is exhausted, and as there is some demand for copies I ask leave to have it reprinted.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a petition of the commerce and marine commission of the American Bankers' Association, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament without inconsequential and discrediting reservations, which was ordered to lie on the table.

Mr. FRANCE presented a resolution adopted at a mass meeting of citizens of Easton and Talbot County, Md., called by the League of Women Voters, protesting against the ratification of the pending four-power treaty in its present form, which was ordered to lie on the table.

Mr. NELSON presented a letter in the nature of a memorial from Charles E. Cotton, secretary and executive officer of the Minnesota Live Stock Sanitary Board, of St. Paul, Minn., remonstrating against a change in the policy of the Department of Agriculture as to indemnities paid for cattle killed in the eradication of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented petitions of the Greenfield Community Club, of Greenfield; P. Mauch and 12 others, of Goodrich; A. M. Willey, of Cleveland; Alfred Solberg and 3 others, of Quinion; and Otto Olson and 3 others, of Oriska, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as, to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted at the Twenty-fifth Annual Convention of the American National Live Stock Association, at Colorado Springs, Colo., January 12, 1922, favoring the imposition in the pending tariff bill of ad valorem duties of 20 per cent on hides, 30 per cent on live stock, and 20 per cent on fresh and prepared meats, with a minimum of 4 cents per pound, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a resolution adopted by the Michigan State Veterinary Medical Association, favoring inclusion in the so-called Lehlbach reclassification bill of Federal employees in the field service outside of the District of Columbia as well as those in the District of Columbia, which was referred to the Committee on Civil Service.

He also presented a resolution adopted by the Cheboygan County (Mich.) Farm Bureau, favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented three petitions of sundry citizens of Detroit, Mich., praying for the acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which were referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented petitions signed by 48 employees of the Glastonbury Knitting Co., of Glastonbury; 42 employees of the Abbott Ball Bearing Co., of Hartford; 160 employees of the Berbecker & Rowland Manufacturing Co.; 45 employees of the Blake & Johnson Co.; 40 employees of the Waterbury Fastener Co., and 37 employees of the Waterbury Steel Ball Co., of Waterbury, Conn.; and 6 employees of the Henderson Bros. Co., all in the State of Connecticut, praying for inclusion of the American valuation plan in the pending tariff bill so as to better meet foreign competition and maintain the American standard of living, which were referred to the Committee on Finance.

He also presented petitions of sundry members of Charles R. Bowen Camp, No. 2, of Meriden; A. C. Tyler Auxiliary, No. 14, Department of Connecticut, of Willimantic; and Frederick A. Hill Camp, No. 15, of Stamford, all United Spanish War Veterans in the State of Connecticut, praying for the passage of the so-called Knutson bill providing increased pensions for widows of Spanish War veterans, which were referred to the Committee on Pensions.

He also presented a letter in the nature of a petition of sundry citizens of Hartford, Conn., praying for the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by Local Union No. 90, International Brotherhood of Electrical Workers, of New Haven, Conn., favoring the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented the petition of E. Stanley Welles, of Newington, Conn., praying for the relief of the suffering peoples of Austria by deferring payment of Austria's debt for 20 years, which was referred to the Committee on Finance.

He also presented a telegram and letters in the nature of memorials from the Rotary Club, the chamber of commerce, and the principal of the New London Vocational School, all of New London, Conn., remonstrating against the removal of the submarine base located at New London, which were referred to the Committee on Naval Affairs.

He also presented a resolution adopted at a mass meeting of sundry citizens of Lithuanian descent held at the St. George Lithuanian Parish Hall, Bridgeport, Conn., on February 16, 1922, protesting against the occupation of Vilna, Lithuania, by the Polish Government and urging the recognition of the Republic of Lithuania by the United States, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by Lady Parnell Branch, No. 1050, Irish National Foresters, of Hartford, Conn., favoring the sending of an American ambassador to Ireland, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Court of Common Council, of Hartford, and the Personal Liberty League, of Meriden, both in the State of Connecticut, favoring amendment of the Volstead Act so as to permit the manufacture and sale of light wines and beers and the levying of a nominal tax thereon to pay the soldiers' bonus, which were referred to the Committee on Finance.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 7, 1922, they presented to the President of the United States the following enrolled bills and joint resolution:

S. 1312. An act to amend the charter of the Potomac Insurance Co. of the District of Columbia;

S. 2492. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921; and

S. J. Res. 125. Joint resolution to continue the military status of persons deserting the military or naval service during the World War and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3252) to amend paragraph 8 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended; and

A bill (S. 3253) to amend an act entitled "An act for the prevention of smoke in the District of Columbia, and for other purposes," approved February 2, 1899; to the Committee on the District of Columbia.

By Mr. CALDER:

A bill (S. 3255) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations; to the Committee on Banking and Currency.

By Mr. FLETCHER:

A bill (S. 3256) for the relief of A. L. Gramling (with accompanying papers); and

A bill (S. 3257) for the relief of H. B. Stout (with accompanying papers); to the Committee on Claims.

RURAL HOMES.

Mr. McNARY, from the Committee on Irrigation and Reclamation, reported a bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, and submitted a report (No. 542) thereon. The bill was read twice by its title.

ATTORNEYS EMPLOYED BY ALIEN PROPERTY CUSTODIAN.

Mr. KING. Mr. President, I ask for the present consideration of the resolution submitted by me on yesterday. I ask to have it read.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read Senate resolution 253, submitted by Mr. KING on the 7th instant, as follows:

Whereas the Senate on January 5, 1922, passed a certain resolution requiring the Alien Property Custodian to report to the Senate the names of all attorneys who have been appointed or employed by the Alien Property Custodian, together with certain other information specified in said resolution; and

Whereas the Alien Property Custodian has failed and neglected to respond to said resolution, although ample time has intervened since the passing of the same for him to report to the Senate the information requested: Now, therefore, be it

Resolved, That the Alien Property Custodian be, and he is hereby, directed to forthwith report to the Senate the information requested of him in said resolution.

Mr. KING. Mr. President, out of consideration for the Alien Property Custodian, as I have not heard his excuse, I ask that the words "and neglected" be stricken out, so that it will read "has failed." I do not want to pass judgment in advance, but will rest the matter entirely upon the failure of the custodian to furnish the information required.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent for the immediate consideration of the resolution. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. WADSWORTH. Mr. President, upon yesterday the Senator from Utah introduced this resolution, which, in mandatory fashion, directs the Alien Property Custodian immediately to comply with Senate resolution No. 191, introduced by the Senator from Utah on January 5 last, the implication, of course, being that the Alien Property Custodian has been negligent in failing to comply with the request of the Senate for this information. I think when the Senate realizes what the resolution of the Senator from Utah required the Alien Property Custodian to do, it will understand why that officer has been utterly unable to comply with the request prior to this time.

I have before me a copy of the original resolution. The Alien Property Custodian is required to report to the Senate the names of all attorneys who have been appointed or employed by the Alien Property Custodian and their compensation; the names of all attorneys, directors, supervisors, managers, auditors, or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property, with the compensation paid to each; the names of all attorneys appointed or employed by corporations, agents, or individuals who have been or are acting as administrators or caretakers of property, and the compensation paid to each; the names of all attorneys who have represented or who now represent claimants to property under the control of the Custodian; the names of all attorneys who have represented claimants to whom property has been returned and the compensation allowed each of them; and a statement and description of all property sold by the Alien Property Custodian, with the names of the corporations or persons to whom sold and the amount received therefor.

Mr. President, I am informed from the Alien Property Custodian's office that ever since the receipt of this request from the Senate a force of clerks in that office of varying size has been steadily at work. The task of complying with this request is not yet finished; but up to date, let me say for the information of the Senate, the report comprises 3,500 typewritten pages, and it is not finished yet.

Mr. KING. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. KING. The law, as the Senator knows, requires the Alien Property Custodian to submit on the 1st of January of each year a full and detailed statement of all of his proceedings under the trading with the enemy act. I am advised that for the present year no report has been filed. Indeed, only one report has been filed since the appointment of an Alien Property Custodian.

Mr. WADSWORTH. Has the Senator looked up the law?

Mr. KING. I have read the law to which I refer, requiring the filing of a report by the President on the 1st day of January of each year.

Mr. WADSWORTH. Is it not a fact that the Alien Property Custodian makes the report upon the request of the President?

Mr. KING. The President of the United States is directed to file the report on the 1st of January of each year; and I presume, of course, that the Alien Property Custodian is the one who will make the report.

Mr. WADSWORTH. But the Senator will find that no such report as the one which he now requires is contemplated, or could have been contemplated.

Mr. KING. Of course, I differ from the Senator as to that.

Mr. WADSWORTH. I have sample pages of the report which the Senator insists upon. It is going to cost hundreds and hundreds of dollars to print it as a Senate document, in addition to the expense required by the clerical force, which has been working on it up to date every day. It now consists of 3,500 pages, and the end is not in sight.

When a resolution goes up to the Alien Property Custodian which asks him for a statement and description of all property sold by the Alien Property Custodian, with the names of the corporations or persons to whom sold, and the amount received therefor, we had better understand what we are asking for. There are properties sold here for as small a sum as $1; others for $1.25, for $2, for $4—tiny, little, trifling sums. Every one of them has to be hunted up, the name of the person to whom sold, and the amount. There are 8,000 attorneys under one category, I am told by the Alien Property Custodian; that is, the attorneys who have represented claimants to whom property has been returned. Ten different branches of work have to be investigated in order to get all this information together. Ten groups of employees at one time or another have to cooperate in getting it all together.

I am quite certain that neither the Senator from Utah nor the Senate itself understood that it was imposing such a terrific task upon the Alien Property Custodian.

I am not moving to rescind, if it were possible in a parliamentary sense to do so, the original resolution, but I do protest against the adoption of this resolution, which implies that the Alien Property Custodian has been negligent. He has not been negligent. We have burdened him with an amount of work which his office is utterly unfitted to undertake, especially as that office has been cut down to a considerable degree, due to the reduction in appropriations, from the personnel as it existed prior to the advent into office of the present custodian. Instead of 175 clerks, which was the number in the office a year ago, there are to-day 130. Instead of an appropriation of $455,000, it has to-day an appropriation of $375,000. If the Congress is going to impose these burdens on these officers in compiling a report which will weigh pounds and pounds—it will be difficult for a man to carry it in here—we shall have to be a little patient with them and display some confidence in their loyalty to the Government and some understanding of the difficulty of the task that we have imposed upon them.

Mr. President, I therefore move that this resolution be referred to the Committee on Finance.

Mr. KING. Mr. President, the law which was passed by Congress created the office of Alien Property Custodian. Under that law Mr. Palmer was appointed. Subsequently, when he went into the Cabinet, Mr. Garvan was appointed, and later the present occupant of the office, Mr. Miller, was appointed. The law requires that there shall be submitted by the President to Congress on the 1st of January of each succeeding year a full and complete report of the proceedings under the law. If the information called for by this resolution is not available, it exhibits the fact that the office has not kept suitable records and suitable books.

Mr. WADSWORTH. Mr. President, has anybody said that the information is not available? Every bit of it is available.

Mr. KING. I am not so sure what the implication is that others might have drawn from the remarks of the Senator, but I drew from his remarks the inference that much of that information was not available.

Mr. WADSWORTH. I do not see how the Senator could. I merely said that this was a tremendous task, which they had not finished.

Mr. KING. I submit that if the books of the department had been kept in a proper way—and perhaps they have been kept in a proper way—the information, or much of it, could have been collated and put into proper form in a very short time. I think all of that information ought to be available for the use of the Congress. We seized several hundred million dollars' worth of property belonging to German and Austrian nationals and to American nationals and to nationals from Switzerland and from other countries. Some of the seizures were improper. We have sold considerable property which was seized by the Alien Property Custodian, though there may be a very serious question as to the rightfulness of the sales which were made. We ought to know to whom property has been sold, and the Alien Property Custodian ought to know to whom property has been sold, and the amount received therefrom.

Whenever property is seized the Alien Property Custodian ought to have a record of it, a record of from whom it was taken, the character of trust which is created, and the person in whom possession of the property is left. Considerable of the property which was seized consisted of corporations or the corporate property of corporations. Many of those corporations have been continued in the charge of directors nominated by, or perhaps indicated by, the Alien Property Custodian. Those directors have employed superintendents and lawyers, and those superintendents and lawyers in many instances have been paid for their services, I will not say large sums, but sums out of the funds which came into their hands.

The office of the Alien Property Custodian ought to be familiar with all the attorneys, the agents, and persons in charge of these properties, and they ought to know what has been paid to them, because sooner or later we will have to give an account of our stewardship, we will have to make an accounting to the owners of the property, and if we have sold the property we will have to account for it. If we have converted it, we must make reparation. If we have paid large sums to lawyers and to custodians, we will have to give the names of those to whom payments have been made and the amounts which have been paid to them. If that information is not in the possession of the Alien Property Custodian, it should be. If it is in his possession, it ought to be in such shape that it could be easily collated.

I am not asking anything unreasonable. If the time which has been given is inadequate, if the Alien Property Custodian in good faith is proceeding to obtain this information, and to answer the demands of the Senate and requires additional time, I have not the slightest objection to giving him whatever reasonable time may be required.

If I understand the Senator from New York, he has had some conferences with the Alien Property Custodian, and as a result of those conferences, or as a result of information which he has received, it is his opinion that an unreasonable time has not been consumed in the preparation of the data asked for, and that additional time should reasonably be granted for that purpose. Is that the position of the Senator?

Mr. WADSWORTH. Most certainly. I think the adoption of the resolution would be a useless reflection upon an honest officer.

Mr. KING. I think the officer should have communicated more fully with the Senate, stated the length of time which he thought would be required, and asked for additional time, or stated that he could not furnish the information within the time which the resolution seemed to contemplate.

Mr. WADSWORTH. It is hard to say just what the duty of an officer is under circumstances of that sort; but, Mr. President, the Senator from Utah might have informed himself before offering this second resolution.

Mr. KING. Mr. President, the person who was directed to furnish the information might have informed the Senate.

Mr. WADSWORTH. There was no time limit fixed in the resolution.

Mr. KING. There was no obligation resting on me to run down to the office of the Alien Property Custodian and ask him why he had not answered the resolution adopted by the Senate. I do not know the purpose of the Senator from New York in conferring with him. Of course, it was entirely proper. He may have gone there for the purpose of informing himself as

to the reason why the resolution had not been complied with. I might have done it, but I did not. The Senator from New York, who did not offer the resolution, apparently did.

Mr. WADSWORTH. And as a result I got the correct information, and the Senator from Utah got none.

Mr. KING. I am not sure that the information the Senator has been given is correct. No doubt the Senator got some information. As to its correctness, that is a matter about which there may be a difference of opinion. I repeat that the Alien Property Custodian could have informed the Senate of the alleged magnitude of the task, and have indicated that further time was desired before complying with the request. I am perfectly willing that the resolution may go over for a few days so we may determine just exactly what course ought to be pursued, and I do that upon the strength of the statement made by the Senator from New York.

Mr. WADSWORTH. I move that it be referred to the Committee on Finance.

Mr. KING. I do not think it ought to be referred to the Committee on Finance. The first resolution was adopted by the Senate without being referred to the Committee on Finance. If the matter was worthy of reference to the Committee on Finance the first resolution should have gone to that committee. This is simply to determine whether certain information which has been demanded shall be produced.

Mr. WADSWORTH. Can not the Committee on Finance determine whether this man has been negligent or not?

Mr. KING. It does not need the Committee on Finance to determine whether he has been negligent. The resolution calls for this information. If the Alien Property Custodian requires additional time he can very easily communicate with the Vice President or with the Senate and state the facts, and there is no doubt in the world but what upon such representations the Senate will give him such reasonable time as he might require, and for that reason I am asking that the resolution lie over, in order to give him the time he might desire.

Mr. SPENCER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. KING. I yield.

Mr. SPENCER. The resolution as it is now framed does two things. In the first place, it clearly censures the Alien Property Custodian for not having more promptly answered the original resolution offered by the Senator from Utah. In the second place, it directs him to give the information which the original resolution called for.

Mr. KING. What words does the Senator construe as implying a censure?

Mr. SPENCER. When a resolution is offered requesting that certain things be done, and then, after a certain time a resolution is offered directing that it shall be done, there is no stronger censure which can be implied, and undoubtedly the Senator intended that there should be a censure of the Alien Property Custodian.

Mr. KING. The Senator knows that nearly every resolution which goes to a department directs them to furnish the information desired.

Mr. SPENCER. They are requests.

Mr. KING. No; most of them are directory.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. I yield.

Mr. ROBINSON. The approved form, and one almost universally adopted when a resolution is sent to an executive department, is to direct the action of the department. When submitted to the President, the word "request" is used.

Mr. KING. I may say to the Senator that the first resolution I offered in the Senate, or was about to offer, I submitted to the Republican leader and to the Democratic leader, and in that resolution I had used the word "request," but they said that the universal practice when asking for information from departments was to use the word "direct."

Mr. SPENCER. The Senator is right.

Mr. OVERMAN. What was the interval of time from the offering of the first resolution and the offering of the second one?

Mr. SPENCER. Two months.

Mr. OVERMAN. Then he should be censured. The Senate adopted a resolution asking one of the officers of this Government to furnish a report, and he did not do it.

Mr. WADSWORTH. Does the Senator realize what was asked for?

Mr. OVERMAN. I do not realize at all what was asked for. Of course, the head of a department ought to be directed when the information is desired, but the Senator was unusually polite and requested him to furnish the information. I understand he has taken two months to answer the resolution. I do not know what was in the resolution. I did not hear what the Senator from New York said.

Mr. SPENCER. I thought I was recognized by the Chair. Am I mistaken?

Mr. KING. I have the floor, and I yielded to the Senator to ask me a question.

Mr. SPENCER. Then I will wait until I can get the floor, because I have something to say.

Mr. OVERMAN. The Senator from New York informs me that there is a large amount of information being gotten up, and that it is impossible for them to send it now. Of course, I do not want a man to do an impossible thing, but when a department head absolutely ignores a request of the Senate there ought to be something done by the Senate about it.

Mr. LODGE. During the last administration there were over 60 resolutions offered inquiring in regard to Mexico, and I do not think any of them were answered.

Mr. OVERMAN. The responsible parties should have been censured if they did not answer them. That does not alter this case at all. If they can furnish the information and do not, they ought to be censured.

Mr. SPENCER. The Senator from Utah [Mr. KING] and the Senator from Arkansas [Mr. ROBINSON] are entirely right; it was a direction in the first instance, and not a request, as I thought. But the difference in the two resolutions is precisely as great as it would have been if the one had been a request and the other a direction, because the original resolution directed that the information be given, in accordance with what the Senator has said is the usual custom. The pending resolution is that he be directed to forthwith report to the Senate, which, of course, implies that he has information which he ought to have transmitted to the Senate before, and that he must do it at once.

Those resolutions are a fair illustration of what I have seen more than once in the Senate; that is, the extravagant demand for the impossible. I wonder if the Senator from Utah has any idea that there are 40,000 trusts——

Mr. KING. I have said that on the floor twenty times.

Mr. SPENCER. That they differ in amount from $1.79 in one trust of which I happen to know, to $4,784,000 in another trust of which I happen to know. There may be larger amounts; there may be smaller amounts. In each one of those there are diversified interests. In some of them there are at least 12 parties having an interest, and when the Alien Property Custodian has a trust involving a certain sum of money, if any part of it is sold, if it is the furniture of a house and a single chair is sold an account must be kept of it, there may be literally hundreds of items in connection with each trust, or with each individual interest in each trust, and I would like to know as a matter of curiosity how much money it will cost to make up the report which I understand is being made up, at a length of which the Senator from New York has already spoken, in order to comply with this resolution. It is stupendous. It is not a request for a statement of fact or for a little information. It is a demand for the compilation of a tremendous volume. Sooner or later, of course, that will be compiled.

Mr. WADSWORTH. And it will never be read.

Mr. SPENCER. Of course it will never be read. Sooner or later that will be compiled, and, as the Senator from Utah says, it must be compiled. We must render to every estate a full account of everything we do in regard to it. But to say to the Alien Property Custodian that he must forthwith return to the Senate a report as stupendous as that is unfair, and the resolution ought to go to a committee to find out what the exact facts are. I doubt if the Senator from Utah knew the facts.

Mr. KING. Yes; I did.

Mr. SPENCER. I have confidence enough in his judgment to think that he would never ask for such an expensive, tremendous report, and then insist that within 60 days it be returned or that the Alien Property Custodian be censured by the Senate for not returning it.

Mr. KING. Mr. President, just a word or two in reply to my very vehement friends on the other side who have rushed with great impetuosity to the defense of the Alien Property Custodian. I know exactly what was in the resolution, and I drew it with deliberation; I will not say with malice aforethought, in the language of the indictments.

I knew that the information ought to be in the office of the Alien Property Custodian. I knew that the Alien Property Custodian ought to have a record of every trust. I knew from general report and from what little information I could obtain from the office that there were 40,000 or more trusts. I knew that some of the property had been disposed of. I knew that a large number of attorneys had been employed by the Alien Property Custodian and a still larger number had been employed by organizations, corporations, and agents who had been intrusted by the Alien Property Custodian with the possession of property which had been seized. I knew that many of those corporations were paying to those attorneys, to agents, to superintendents, and to supervisors large sums of money out of the funds which they had seized, funds which ought to be conserved in order that in the end they might be returned to the legitimate and proper owners. I was apprehensive, I will say, that some of the information has not been kept or was not available. I knew that the information would be called for sooner or later, and I thought this was an appropriate time to call for the information.

I made inquiry for the report which was due on the 1st of January. It was not available. None had been filed. I made inquiry for the report which ought to have been filed on the 1st of January, 1920, as to the proceedings of the Alien Property Custodian for the preceding year. I was advised that that report had not been filed. My recollection now is, although I may be in error in regard to this, that only one report has been filed since the office of Alien Property Custodian was created.

Mr. OVERMAN. Mr. President, what does the resolution require the Alien Property Custodian to furnish? My first idea was that it asked him to furnish the number of employees. I did not know it had reference to every trust and all the property involved.

Mr. SPENCER. Mr. President, may I read to the Senator, by the courtesy of the Senator from Utah, what the Senator from Utah asks from the Alien Property Custodian?

Mr. KING. I yield.

Mr. SPENCER. The original resolution of the Senator from Utah reads as follows:

Resolved, That the Alien Property Custodian is directed to report to the Senate the names of all attorneys who have been appointed or employed by the Alien Property Custodian and the compensation which has been allowed to each, and the character of services performed by each; the names of all attorneys, directors, supervisors, managers, auditors, or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property under the control of the Alien Property Custodian, with the compensation paid to each, or to be paid to each, by the Alien Property Custodian, or out of the trusts or trust funds in his custody; the names of all attorneys appointed or employed by corporations, agents, or individuals who have been or are acting as administrators or caretakers of property for the Alien Property Custodian, and the compensation paid to or to be paid to each; the names of all attorneys who have represented or who now represent claimants to property under the control of the Alien Property Custodian; the names of all attorneys who have represented claimants to whom property has been returned under section 9 of the trading with the enemy act—

The Senator from New York [Mr. WADSWORTH] informs me there are 8,000 of those alone—

and the compensation allowed each of such attorneys out of the trusts or trust funds subject to such claims—

And here is a bigger thing than all the others put together:

A statement and description of all property sold by the Alien Property Custodian, with the names of the corporations or persons to whom sold, and the amount received therefor; and a statement and description of all property seized or demanded by the Alien Property Custodian since the passage of the resolution declaring a state of peace to exist with Germany, Austria, and Hungary.

Every bit of that information ought to be on file in that office. Every bit of it ought to be subject to the inspection of those who are interested in it. Sooner or later it all ought to be published, and it ought to be available in case of need at any time. But to say that within a definite time it should be submitted to the Senate of the United States is an unfair imposition upon that office, and to criticize the Alien Property Custodian for not presenting it within 60 days is unjust.

Mr. KING. I do not know what criticism may be implied from the direction. I am not particular about that. Three months ago a resolution was presented and adopted asking for this information. I repeat, that if the Alien Property Custodian has not had ample time to submit it, and the task is very great, there is no doubt that he could have asked for additional time.

Upon a number of occasions since I have been in the Senate, when information has been asked by the Senate from the Secretary of War, he has communicated with the Senate and stated that it was impossible to furnish the information within a reasonable time, and asked if additional time would be permitted. If the Alien Property Custodian needs additional time, there is no difficulty in his obtaining it, and the Senate undoubtedly would extend whatever time was reasonable. I am not asking that he furnish information which he may not furnish, but when two months have gone by and he has not asked for any additional time I feel justified in offering the resolution to which I have referred.

Mr. WADSWORTH. Mr. President, it was apparent that the Alien Property Custodian understood and was aware of the size of the task and that he wanted the Senate to know something about it when he received the resolution when it was first passed. The Senator from Utah has left the impression here, or endeavored to leave it, that it was the duty of the Alien Property Custodian to inform the Senate of the size of the task. It so happens that under date of January 13 the Alien Property Custodian addressed a letter to the President of the Senate reading as follows:

ALIEN PROPERTY CUSTODIAN,
Washington, D. C., January 13, 1922.

To the PRESIDENT OF THE SENATE,
The Capitol, Washington.

SIR: Will you please inform the Senate, in answer to resolution No. 191, that I shall transmit the facts requested as soon as the same may be compiled.

It is respectfully suggested that the resolution covers the work of this office, from its beginning, October 6, 1917, to date, and thus the completion of the information will require a reasonable time consistent with the usual work.

The Senate is further advised that prior to the passage of the resolution this office had begun the preparation of a report substantially covering the information requested as covered in that section of the trading with the enemy act requiring an annual report to be transmitted to the President as soon after January 1 each year as is practicable.

Respectfully, yours,
THOMAS W. MILLER,
Alien Property Custodian.

So the Senator was mistaken.

Mr. KING. Oh, no; the Senator was not mistaken.

Mr. WADSWORTH. Mr. Miller wrote to the Senate, calling attention to the fact that he had received the resolution and would comply with it as soon as possible, and that it would take some time to do it. The Senator from Utah gave the impression a little while ago that it was the duty of the Alien Property Custodian to send some such message to the Senate, but that he had not done it.

Mr. OVERMAN. That was the cause of my remark. I thought he had treated the Senate with contempt.

Mr. KING. The impression which I sought to convey was that if the time—two months—which had been allowed was not sufficient, particularly in view of the mandatory provisions of the statute, and that on the 1st day of January the report which he says was being prepared was not filed, it seemed to me that it was quite proper that a resolution of that character should be introduced.

I think the Senator will bear me out that in some instances, where the statute is apparently mandatory, the report shall be made on the 1st of January, and if it is not made because of circumstances beyond the control of some executive officer, the time is extended within which to file the report. The Alien Property Custodian was required to file a full and detailed report——

Mr. WADSWORTH. Oh, no; I have the statute before me.

Mr. KING. I submit that that is a proper construction.

Mr. WADSWORTH. No such report as the Senator calls for.

Mr. KING. It was to be filed on the 1st day of January. The letter which the Senator has just read from Mr. Miller indicates that he is preparing the report which is called for by the statute and that it is substantially the same information as that called for by the resolution.

Mr. WADSWORTH. But not in such detail.

Mr. KING. The Senator read the language. I do not have it in mind.

Mr. WADSWORTH. I have the statute before me.

Mr. KING. The language I was speaking of is that contained in the letter. Will the Senator call attention again to the language of the letter wherein he refers to the statute and to the report which he is preparing?

Mr. NORRIS. What is the date of the letter?

Mr. WADSWORTH. January 13. The language is:

This office had begun the preparation of a report substantially covering the information requested as covered in that section of the trading with the enemy act requiring an annual report to be transmitted to the President as soon after January 1 each year as is practicable.

Mr. KING. Obviously the Alien Property Custodian considers that a report covering substantially the information which I have asked is required in January of each year, and had that report been forthcoming and filed this resolution would not have been introduced.

Mr. WADSWORTH. If that report had been forthcoming it would not have satisfied the Senator from Utah. His request contains much more than the custodian is required to submit to the Senate—infinitely more. If the Senator will read the statute he will see that is correct. The truth of the matter is that the Senator from Utah has embarked upon a fishing excursion, and that he did not realize the ocean was so big and deep.

The act reads in part as follows:

Provided further, That the President shall cause a detailed report to be made to Congress on the 1st day of January of each year of all proceedings had under this act during the year preceding. Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each.

Read in context with the rest of the section, that refers to the employees or appointees made by the President in the administration of the office of the Alien Property Custodian, not all the attorneys of claimants, former claimants, attorneys for existing claimants, not all the directors, storekeepers, guardians, and watchmen employed by corporations taking care of property which has been taken over by the Government. Nothing like that was ever intended, nor does it require a detailed statement of every single sale, even down to something that was worth $1.48, which I saw was the amount of one of the items. The law calls for—

A statement of the different kinds of property taken into custody and the disposition made thereof.

In other words, a general classification into kinds and character. It was never intended, and surely the Senator from Utah will not contend that this annual report was to cover all the details which his original resolution would cover. It could not possibly be.

Mr. KING. May I say to the Senator that I have no doubt the Alien Property Custodian under law, as trustee, owed it to the Government, as well as he owed it to the persons whose property was sequestered, to——

Mr. WADSWORTH. It is all a matter of public record. Anyone who is interested can go to the office and examine it.

Mr. KING. I was not able to complete my sentence. It was his duty to file a complete statement or to have a complete statement in his office of all property seized and all property disposed of. If the trustees of the property——

Mr. WADSWORTH. Mr. President, I did not yield for a speech. I should like to finish, if the Senator does not mind.

Mr. KING. I beg the Senator's pardon.

Mr. WADSWORTH. I have a letter from Mr. Miller, Alien Property Custodian, addressed to the Senator from New Jersey [Mr. FRELINGHUYSEN], who is absent to-day. The Senator from New Jersey had this letter placed in my hands. It is addressed to him under date of February 23, 1922, and I think it well that the letter should go into the RECORD. In that letter Mr. Miller said:

Replying to your personal note of February 20, I have not as yet sent to the Senate the information requested in Senate resolution 191, introduced by Senator KING.

It would seem, may I interpolate, that another Senator took the trouble to inquire why it had not come.

To date the compilation has taken 2,500 typewritten pages and my office is working overtime on same. I can not predict as to just when they will have it finished, but it will be some weeks, as I have reduced my force considerably and all this work has to be done in addition to the routine daily work, which is taxing them to the utmost as it is. You can see this information if you want, if your colleague from Utah complains about our delay on the floor of the Senate again.

Mr. KING. Mr. President, in view of the letter submitted and the statement of the Senator from New York, I have no objection to the resolution lying over, but I shall give notice to call it up again if, after a reasonable time, no further information is obtained. I shall not ask for its adoption, but I ask that it go over.

Mr. SPENCER. Mr. President——

The VICE PRESIDENT. Without objection——

Mr. SPENCER. Just a moment, Mr. President. I was in hopes the Senator would withdraw the resolution or else let it go to the committee. It is not fair to have the resolution lying on the table subject to being called up at any time when there may be few or many in the Chamber.

Mr. KING. I shall give notice to the Senator, who seems to be such an ardent champion of the Alien Property Custodian, when I intend to call it up.

Mr. WADSWORTH. Mr. President, I do not feel like withdrawing my motion.

Mr. KING. I suggest the absence of a quorum.

Mr. NORRIS. Oh, no; wait a minute and let us see if we can not reach a compromise.

Mr. KING. Very well.

Mr. NORRIS. I have been trying to get the floor in order to conciliate these fighting brigades which are on each side of me and which have filled me with a great deal of fear and trepidation.

Mr. President, the resolution, of course, in view of the disclosure of facts that has been made, ought not to be passed by the Senate. There is no reason why such a resolution should go to a committee calling for information. If we do anything with it at all, it ought to pass, but it is conceded now that the resolution ought not to pass, because the Alien Property Custodian is doing all he can to comply with the requirements of the first or original resolution. That is developed from the disclosure of the facts, particularly from the letter which has been read.

The Senator from Utah is willing that the resolution should lie on the table. It seems to me that is a reasonable compromise. I would not want to censure the Alien Property Custodian, and would not want to take any action that could possibly be construed into censure. It seems to me, and I think I am a disinterested witness, that he has been doing his duty, and has been doing the best he can to comply with the request of the Senate. At the same time I can see how the Senator from Utah might become impatient and offer the second resolution. It is all made plain now, and it seems to me that we ought to let the matter rest in statu quo.

I wish to say, Mr. President, I think the Senator from Utah, in introducing this resolution, is performing a public service. Everyone knows that there has been a great deal of talk and censure concerning the conduct of the Alien Property Custodian's office. We hear it everywhere on the streets; we receive inquiries in the mail; we hear Senators talking about it. Suggestions are being made, frequently vague and indefinite, about things that have been going on in regard to the conduct of that office and the immense millions of property that have come under its control. It is charged very often that favorite attorneys have been paid fabulous fees, and that other things along similar lines have happened.

The law provides that a report shall be made on the 1st of every January, but that report has not been made. That practically gives some ground for suspicion; but I hope when the report comes in it will make everything clear and that no fraud or any wrongdoing will be found to attach to the skirts of any person. At least, however, under the circumstances, the country ought to know the facts which are called for by the resolution of the Senator from Utah.

It is a difficult task to compile the information, perhaps, but it would not be so difficult if this office had been doing its duty and making the report which the law provides shall be made by the 1st of January in each year. That, I repeat, has not been done. It may cost considerable money to comply with the resolution, but we can not afford to let the question pass unnoticed. The country wants to know, and has a right to know, just what has been done with this property which is held in trust and which it is conceded belongs to somebody else, and Congress ought to be interested in knowing that it has been handled properly. I hope the information which may be obtained will disclose that none of the prevalent rumors are well founded and that the Government officials who have been holding trust property have clean skirts.

I should not like to have this resolution referred to a committee. It seems to me, I will say to the Senator from New York, if it is referred to a committee, under the circumstances, such action might be construed as a reflection upon the Alien Property Custodian. It would have been more reasonable to refer the first resolution, it seems to me, which merely called for information. Of course, nobody wants to see the resolution passed now, and if I were compelled to vote now I would vote against it; and yet I would not want to be required to vote, because a vote against the adoption of the resolution might be construed as an indication that the Senate does not want this information. The only question is whether the custodian should not be given a reasonable opportunity to furnish the information, which it seems to me, under the circumstances, he has not yet had. So, in my opinion, we ought to let the matter rest where it is for the time being.

Mr. WADSWORTH. Mr. President, if I can have a complete understanding with the Senator from Utah that he will not again bring up the resolution without due and proper notice, I shall withdraw my motion to refer, because I realize that there is not a quorum present, and I do not want to put the Senate to the inconvenience of having a quorum called.

Mr. KING. Of course, I shall be glad to give ample notice.

The VICE PRESIDENT. Without objection, the resolution will lie on the table.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PHIPPS. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PHIPPS, Mr. JONES of Washington, and Mr. GLASS conferees on the part of the Senate.

RIVER AND HARBOR IMPROVEMENTS.

Mr. JONES of Washington. Mr. President, I have two letters from the Chief of Engineers of the Army with reference to river and harbor projects which ought to be printed as Senate documents for use in connection with consideration of legislation having to do with the subject. I therefore ask unanimous consent that the two letters may be printed separately as Senate documents.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. JONES of Washington. If there is no further legislative business to be considered, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. LODGE. I move that the Senate adjourn until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Thursday, March 9, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 8 (legislative day of March 7), 1922.

FIRST ASSISTANT POSTMASTER GENERAL.

John H. Bartlett to be First Assistant Postmaster General.

PROMOTIONS IN THE ARMY.

Bradfield Smock to be captain, Medical Corps.
Joseph Ignatius Martin to be captain, Medical Corps.
William Joseph Adlington to be captain, Dental Corps.
Frank Leslie Thompson to be captain, Field Artillery.
Robert Henry Lee to be major, Ordnance Department.
Charles Rocheld Forrest to be first lieutenant, Field Artillery.
Wykeham Dichman to be first lieutenant, Air Service.

POSTMASTERS.

ALABAMA.

Lucy Downing, Moulton.

COLORADO.

Charles Lawton, Fort Logan.
John W. Hultquist, Wray.

GEORGIA.

William H. Bowman, Alto.

ILLINOIS.

Charles Koenig, Brookfield.
Luther R. Trescott, Chebanse.
Henry P. Miller, Colden.
Harry W. Corpe, Colfax.
Fred W. Diefenbach, Herscher.
Arthur L. Johnson, Rockford.
Frank B. Courtright, Sheridan.
Charles De Keuster, South Pekin.
John R. Fornof, Streator.

INDIANA.

Alice H. Firebaugh, Medaryville.

IOWA.

John H. Taylor, New Sharon.
Thomas F. Fawcett, Ocheyedan.

MISSISSIPPI.

John M. King, Durant.
Willie R. Smith, Richton.
Halbert M. Burch, State Line.

MISSOURI.

Arthur C. Packer, Adrian.
Arthur Rice, Alton.
Lester C. Snoddy, Ash Grove.
Walter C. Ruferkamp, Augusta.
Thomas G. Leach, Buffalo.
Percy B. Kidney, Darlington.
Leland G. Riley, Eagleville.
John M. Atkinson, jr., Eldorado Springs.
Herold D. Condray, Ellsinore.
Edwin H. Vommer, Gerald.
Clyde E. Jennings, Hallister.
Jesse L. Martin, Independence.
Albert D. Walker, Lathrop.
Guy Ridings, Middletown.
Taylor Fisher, New Franklin.
George W. Davies, Osceola.
Gustav C. Rau, Pacific.
Louis Alt, St. Louis.
John J. Schaper, Warrenton.
Oscar F. Schutte, Washington.
Albert W. Selway, Williamstown.

NEW JERSEY.

Charles H. Conner, Bayonne.
Joseph P. Quin, Hillsdale.
Michael A. Eganey, Lincoln.

NEW YORK.

Robert A. Weir, Canaan.
Otis G. Fuller, Central Square.
Joseph Cooper, Stanley.

NORTH CAROLINA.

Dan W. Hill, Asheville.
Walter F. Justus, Flat Rock.
Wiley C. Ellis, Garysburg.
Jenks Terry, Hamlet.
John M. Joyce, Madison.
Thomas H. Peele, Rich Square.
John W. Chambers, Roxboro.
John K. Brock, Trenton.
Hattie Speir, Winterville.

NORTH DAKOTA.

Ira L. Walla, Arnegard.
M. Evelyn Peavy, Egeland.
Olaf J. Bjella, Epping.

OHIO.

Charles E. John, Elida.
John W. Cole, South Webster.

OKLAHOMA.

Zack T. Pryse, Mangum.
James S. Goodwin, Stratford.
Claude Callaway, Tupelo.

PENNSYLVANIA.

Althea D. A. Busch, Fairview.

SOUTH DAKOTA.

William J. Ryan, Bridgewater.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 8, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Blessed Heavenly Father, we give Thee thanks for the sacred gift of life. With us may the fundamental thing be to live wisely. For this high purpose may this great, strange, wondrous world be a schoolhouse in which we have a yearning sense of incompleteness. Let us remember each day to stress the unrealized, and thus grow in knowledge and wisdom. May thoughts, aspirations, and loves—all fine nobilities—fill up the open spaces of our lives. Let the full-toned music of peace bless our land and rest like a divine benediction everywhere. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair would like to state to the House that he expects to leave to-night for an absence of about a week. He has the right under the rules to designate a Speaker pro tempore for three days, but he thought, perhaps, it would be preferable to the House instead of waiting until the three days were up and electing a Speaker pro tempore to do it now. He makes that suggestion.

Mr. MONDELL. Mr. Speaker, in view of the statement of the Chair and following the wish of the Chair I offer the following resolution.

The SPEAKER. The gentleman from Wyoming offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Hon. JOSEPH WALSH, of Massachusetts, be elected Speaker pro tempore to discharge the duties of the Chair during the absence of the Speaker, not to exceed 10 days.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Clerk will notify the President and the Senate.

Mr. GARRETT of Tennessee. Mr. Speaker, I hope and the House hopes that the Speaker will return entirely recovered. [Applause.]

The SPEAKER. The Chair thanks the gentleman.

Mr. MONDELL. And, Mr. Speaker, if I may add, we hope the Speaker will have a good time during his recovery. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Fish	Kleczka	Emmerson
Anthony	Fordney	Kunz	Rodenberg
Barkley	Free	Lampert	Rogers
Beedy	Gallivan	Lankford	Rossdale
Bell	Goldsborough	Larson, Minn.	Rucker
Blakeney	Gould	Layton	Ryan
Brinson	Graham, Ill.	Lehlbach	Schall
Britten	Graham, Pa.	Linthicum	Sanders, N. Y.
Bulwinkle	Greene, Mass.	McClintic	Sisson
Burton	Greene, Vt.	McLaughlin, Nebr.	Slemp
Carter	Griffin	McLaughlin, Pa.	Snell
Chandler, N. Y.	Harrison	McSwain	Speaks
Chandler, Okla.	Hersey	Macllregor	Stafford
Clark, Fla.	Hawes	Mansfield	Steenerson
Connally, Tex.	Herrick	Merritt	Stiness
Coughlin	Hill	Mills	Sullivan
Crago	Hinds	Martin	Sweet
Crowther	Hogan	Newton, Minn.	Taylor, Colo.
Curry	Ireland	Norton	Ward, N. Y.
Davis, Tenn.	James	O'Connor	Wainge
Doughton	Jeffers, Ala.	Ogden	Winslow
Drewry	Johnson, S. Dak.	Parrish	Wise
Dupre	Jones, Pa.	Patterson, N. J.	Wood, Ind.
Ellis	Kahn	Pringman	Young
Fairchild	Kennedy	Rainey, Ill.	
Fess	Kiess	Reber	
Fields	Kitchin	Riordan	

The SPEAKER. Three hundred and twenty-four Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Chair appoints as consulting trustee of the National Training School for Boys Mr. NEWTON of Minnesota.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the roll.

When the Committee on Irrigation of Arid Lands was called—

APPLICATION OF THE RECLAMATION LAW TO IRRIGATION.

Mr. KINKAID. Mr. Speaker, by authorization of the House Committee on Irrigation of Arid Lands I call up for consideration the bill H. R. 4382.

The SPEAKER. The gentleman from Nebraska calls up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union——

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. How much time is to be given to debate, and how is it to be divided? I am a member of the committee, and I am opposed to the bill.

The SPEAKER. That is to be decided by the committee; but the rule provides two hours of general debate, one to those in favor of the bill and one to those against. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4382, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4382, which the Clerk will report.

Mr. LITTLE. Mr. Chairman, I desire to inquire as to the division of the time.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KINKAID. Mr. Chairman, as I understand, there are two hours of time allotted, and I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. CANNON. Mr. Speaker, it is a short bill; let it be read.

The CHAIRMAN. Objection is heard, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

Be it enacted, etc., That in carrying out the purposes of the act of June 17, 1902 (32 Stats., p. 388), and acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 1, 2, 3, 5, and 6 of the reclamation extension act approved August 13, 1914 (38 Stats., p. 686). The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this act shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid.

SEC. 2. That patents and water-right certificates which shall hereafter be issued under the terms of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (37 Stats. L., p. 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no lien reserved to the United States in any patent or water-right certificate heretofore and hereafter issued under the reclamation law shall be released unless and until the patentee or water-right applicant shall consent in writing to the assessment, levy, and collection of such tax by and through such irrigation district for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released as provided in this act the Secretary of the Interior shall first favorably find and file a report in writing, which shall show that the irrigation district is legally formed and organized under the State law in which the irrigation district is situated, with full power to enter into such contract with the United States; and full power and authority to collect by assessment and levying all of the money then due, or to become due, and payable to the United States, by the irrigation district on all valid and now effective contracts and obligations by and from all water users holding land or entries within the district due the United States; and that the lands should be subject to assessment and levy, in accordance with the law under which the irrigation district is organized, for the collection of all money due the United States.

SEC. 3. That upon the execution of any contract between the United States and any irrigation district pursuant to this act the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the act entitled "An act to promote the reclamation of arid lands," approved August 11, 1916: *Provided*, That no map or plan as required by section 2 of the said act need be filed by the irrigation district for approval by the Secretary of the Interior.

The committee amendment was read, as follows:

Page 4, strike out, beginning with line 6, the remainder of section 2 and insert in lieu thereof the following: "*Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall

consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released under this act the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation."

The CHAIRMAN. The gentleman from Nebraska is recognized for one hour.

Mr. KINKAID. Mr. Chairman, I wish to be informed when I have spoken for five minutes.

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Nebraska yield for a parliamentary inquiry?

Mr. LITTLE. As to the other hour, who controls that?

The CHAIRMAN. Under the rule the Chair would recognize some member of the committee who is opposed to the bill for one hour.

Mr. LITTLE. I am opposed to the bill, and I ask for recognition.

Mr. KINKAID. The gentleman from Kansas will be allowed to control half the time.

The CHAIRMAN. Is the ranking member on the minority side opposed to the bill?

Mr. HAYDEN. No; I think the gentleman from Kansas is entitled to recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas to control the other hour.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise for the purpose of permitting me to ask for a conference on the District of Columbia appropriation bill.

Mr. KINKAID. I have no objection to that, and I yield for that purpose.

The CHAIRMAN. The gentleman from Minnesota moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4382, and had come to no resolution thereon.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10101, being the District of Columbia appropriation bill, just passed by the Senate with certain amendments, disagree to all the amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 10101, disagree to the Senate amendments, and ask for a conference on a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10101) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Speaker appointed the following conferees:

Mr. DAVIS of Minnesota, Mr. EVANS, and Mr. JOHNSON of Kentucky.

APPLICATION OF RECLAMATION LAW TO IRRIGATION.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4382), and the gentleman from Connecticut will take the chair.

The committee resumed its session, with Mr. TILSON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The CHAIRMAN. The gentleman from Nebraska [Mr. KINKAID] is recognized.

Mr. KINKAID. Mr. Chairman and gentlemen, this Congress very laudably has passed several enactments for the benefit of agriculture. The bill which is before us for consideration now is intended for the further benefit of agriculture and it is intended to benefit real dirt farmers. It is intended to put all dirt farmers on an equal footing so far as the benefits of the Federal farm land bank act go. Its purpose is to afford farmers under Government reclamation projects equal opportunity with farmers in the humid regions to secure a loan of the Federal farm land banks. The Federal farm land bank act very appropriately provides that the mortgages taken shall constitute a first lien upon the mortgaged farm. The Federal reclamation law as amended provides that in the issuance of patents for farm units in certain cases—that is, where the payments have not all been made—in those patents it shall be specified that the Government retains a lien for the unpaid cost of construction.

This specific lien provided in the law stands in the way of farmers under irrigation projects, where they have not paid up for all the construction charges, securing loans from the Federal farm land banks. Now, the principal purpose of the bill in behalf of farmer water-users is to remove that obstacle, but at the same time not to impair the lien of the Government for the amount due it for the construction of the irrigation works, and the provisions of the bill will effect that end.

Mr. LONDON. Will the gentleman yield?

Mr. KINKAID. Just for a question.

Mr. LONDON. Now, the new lien that this law contemplates is a lien for taxes?

Mr. KINKAID. Yes; when an assessment and levy thereof is made, perhaps that becomes equivalent to a lien.

Mr. LONDON. Then it is a lien on the farm anyway; is it not?

Mr. KINKAID. Yes; it may be for that single assessment and levy thereof.

Mr. LONDON. What difference will that make, then, to the bank who is asked to make a loan to the farmer? Now, there is a lien called a mortgage. You intend to substitute for the now existing lien a lien for taxes. The amount of the lien will be the same. You are merely changing the name.

Mr. KINKAID. I am just getting to that. If I do not explain it sufficiently, ask further questions and I will undertake to answer them.

The bill provides in the first section that in carrying out the purposes of the act of June 17, 1902—in other words, the general reclamation law—that the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. This language authorizes the taking of the district collectively, taking the lands of the district collectively, for the payment of the cost of the construction of the irrigation works, in lieu of holding each farm unit singly for its proportionate share of the cost of the construction.

The CHAIRMAN. The gentleman from Nebraska has consumed five minutes.

Mr. KINKAID. I shall have to take five minutes more until I can explain the bill.

The bill further provides that no contract with an irrigation district shall be binding until the proceedings organizing the district and contracting therewith shall be confirmed by a court of competent jurisdiction. And it further provides that after such confirmation it will be further necessary for the water users in each case, or the owner of the farm unit in each case, to contract in writing with the Secretary of the Interior that he will be bound by the new arrangement and will pay his proportionate share. The bill further requires that before the individual water user's lands are released from liability the Secretary of the Interior shall find that the proceedings are correct; that the district is formed in accordance with the laws of the State in which the district is situated, and that the contract binds the district fully for the liability of the payment of all the construction charges, which liability hitherto rested upon the separate farm units.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. KINKAID. Yes.

Mr. SANDERS of Indiana. Referring to the proviso at the bottom of page 2, just how is it meant that the proceedings shall be drawn into court? Is that an ex parte proceeding?

Mr. KINKAID. All parties are given notice. The laws provide specifically for that. The irrigation laws in each State provide specifically how they shall be brought into court.

They are to notify the individual water user, and a public notice is to be given that will bind the land, and in the decisions of the several courts it is held that it is an action in rem, and jurisdiction of the lands will be secured; even an individual owner may personally be missed.

Mr. SANDERS of Indiana. This proviso seems to contemplate that the authorization of the execution of a contract shall be brought in question in some way and decided by a court.

Mr. KINKAID. The Government may raise that question. The Government is at liberty to raise that question and any water user is at liberty to raise that question.

Mr. SANDERS of Indiana. That is just the point I wanted to clear up. Is it meant that none of these proceedings shall be considered legal until some one shall draw them in question,

and then the court shall adjudicate the question? Is it meant that a friendly suit shall be instituted?

Mr. KINKAID. It is meant that a confirmatory decree shall be essential before the contract shall go into operation.

Mr. SANDERS of Indiana. I wondered whether a friendly suit should be instituted to test the validity of the contract.

Mr. KINKAID. It is understood that a legally instituted suit shall be essential, and there need not necessarily be any strife, but it must conform with the statute. All the phases of the case must be placed before the court for its consideration.

Mr. SANDERS of Indiana. I think our Federal courts have held that before they take jurisdiction of matters of this kind it must be a real adversary proceeding and not for the purpose of settling the constitutionality. I wondered whether we were to authorize a friendly suit to be brought.

Mr. KINKAID. The courts have recognized that the confirmatory proceedings are adequate in every respect.

Mr. SANDERS of Indiana. This proviso seems to indicate that this contract to take over this lien must be adjudicated in some court, in some form of proceeding, before it shall be effective.

Mr. BIRD. In the nature of a declaratory judgment.

The CHAIRMAN. The gentleman from Nebraska has consumed five minutes more.

Mr. KINKAID. I shall have to take a few minutes more.

The lien having been properly discharged in consequence of the confirmatory decree of a court having competent jurisdiction, and that being followed by a favorable decision of the Secretary of the Interior, then the contract goes into operation, and thereafter the Government, instead of that specific lien, enjoys the right to make an assessment and levy through the irrigation district, or rather the irrigation district is required to make an assessment and tax levy for the amount required by the Government, and this assessment, when made and levied, becomes an obligation upon all the land within the district for the amount due the Government, and can be enforced by law as a levy and collection of a tax for municipal purposes may be enforced.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. KINKAID. Yes.

Mr. STEPHENS. The district is responsible, then, for the collection?

Mr. KINKAID. It is an agency for the collection.

Mr. STEPHENS. Also for the payment?

Mr. KINKAID. Also for the payment and itself liable therefor, and aside from the benefit it will be to these borrowers of the farm land banks, the Government, I am assured by the reclamation officials, will be provided with better security in every instance, because without this a good many of the lands that have been brought under irrigation will be subject to the payment required of the district, which, without this act, would not be so subject, and in many instances the security of the Government for the amount due it is materially increased.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. KINKAID. Yes.

Mr. JOHNSON of Mississippi. How much does it cost to irrigate an acre of that land?

Mr. KINKAID. It may reach all the way from $20 to $100 an acre.

Mr. JOHNSON of Mississippi. I am speaking of this particular land in question.

Mr. KINKAID. All the semiarid West is involved.

Mr. JOHNSON of Mississippi. Not more than $100 an acre?

Mr. KINKAID. Well, there may be some instances where it costs more than $100 an acre.

Mr. JOHNSON of Mississippi. It averages from $20 to $100?

Mr. KINKAID. It might average $40 or $50.

Mr. STEPHENS. Mr. Chairman, will the gentleman again yield?

Mr. KINKAID. Yes.

Mr. STEPHENS. How does a district form an organization?

Mr. KINKAID. The district is formed first by the water users circulating a petition, embracing all the water users and all the territory to be affected and comprehended within the boundaries of the district; and then if a sufficient number shall sign the petition the county board is required to call an election for that purpose, and when the election is called and a majority votes for a district, then it is declared to be carried, and they take the further steps.

Mr. STEPHENS. That will comprise that irrigation district?

Mr. KINKAID. Yes; that will comprise that irrigation district.

Mr. LONDON. Is that by operation of State laws?

Mr. KINKAID. Yes; that is by operation of State laws exclusively.

Mr. BIRD. Mr. Chairman, will the gentleman yield for a question?

Mr. KINKAID. Yes.

Mr. BIRD. In the event a particular landowner has discharged all his obligations to the Government, will this permit the district then to put back the lien on his title?

Mr. KINKAID. Yes; even if he has paid his share. But those matters are thoroughly adjusted by the district as between water users. No one pays more than his share finally if it can be avoided.

Mr. BIRD. Does it make a lien of the district on his title?

Mr. KINKAID. No.

Mr. BIRD. Then the lien would not be against the entire district?

Mr. KINKAID. A lien would accrue to the Government eventually if it were necessary to a complete recovery on all the property in the district.

Mr. BIRD. That will be adjusted?

Mr. KINKAID. That will be adjusted by the district.

Of the numerous decisions made by the courts of last resort of the irrigation States of the semiarid West upholding the irrigation district laws passed by the States I shall cite a few of those estimated to be the leading cases.

They are Pioneer Irrigation District v. Walker (20 Idaho, p. 605), Knowles v. New Sweden Irrigation District (16 Idaho, p. 217), Little Walla Walla District v. Preston (46 Oreg., p. 5), Hall v. Hood River District (57 Oreg., p. 69), Anderson v. Grand Valley Irrigation District et al. (35 Colo., p. 525), O'Neill v. Yellowstone Irrigation District (44 Mont., p. 492), Board of Directors v. Peterson (4 Wash., p. 147), San Diego v. Linda Vista Irrigation District (108 Calif., p. 189), Modesta v. Tregea (88 Calif., p. 324), Board of Directors of Alfalfa Irrigation District v. Collins (46 Nebr., p. 411), Clark v. Cambridge et al. (45 Nebr., p. 798), Paxton-Hershey Co. v. Farmers' & Merchants' Co. (45 Nebr., p. 884), and Cummings v. Hyatt (54 Nebr., p. 35).

Of the several decisions made by the Supreme Court of the United States upholding the constitutionality of the irrigation district laws passed by the semiarid States of the West I cite the following: Fallbrook Irrigation District v. Bradley (164 U. S., p. 112, and 87 U. S., p. 165).

On the principle involved I cite also Cooley on Constitutional Limitations, pages 749, 750.

Mr. Chairman, I reserve the balance of my time.

Mr. KINKAID. Mr. Chairman, I yield five minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, when the reclamation act was passed in 1902 the law relating to the formation of irrigation districts in the Western States was not well developed. In the 20 years that have elapsed since that time every State where irrigation agriculture is practiced has adopted an irrigation district law. These State laws have been construed and interpreted by the courts until to-day there exists well-defined body of law with respect to irrigation districts, how they shall be created, what their functions and limitations are.

It was therefore but to be expected that when the original reclamation act was passed Congress should and did provide that for the money advanced by the United States for the construction of reclamation projects there should be obtained an individual promise to pay from each water user upon the several projects. If private land was included within a project there was a contract in the form of a water-right application between the owner of the land and the Government providing for the payment of the construction charge. If it was public land there was a reservation in the patent providing that the entryman would pay the amount due the United States. In each case there was created a first lien upon the land.

It has been demonstrated in the past two decades that by forming irrigation districts the community effort that is necessary to successfully develop a reclamation project can best be carried out. Anyone who stops to think will agree that a promise to pay made by all of the water users on a project, each one standing as surety for the other, is vastly better security for the repayment of the sums due to the United States than the individual obligations of water users, and that is why I unhesitatingly assert that the enactment of this bill provides a means whereby there will be less risk of the loss of any part of the money expended out of the reclamation fund. And this is the reason why it has been the practice of the Reclamation Service of late years, wherever a new project is to be undertaken, to require that an irrigation district be

organized under the laws of a State wherein the project is located.

The Federal farm loan act provides that nothing but a first mortgage shall be the basis for a loan, so that when applications were made by water users for loans on lands within projects where individual first lien contracts existed the Federal Farm Loan Board ruled that a first mortgage could not be given because of this first lien to the Government, and therefore no Federal farm loans have been made to water users on such Federal reclamation projects. But wherever an irrigation district exists the Federal land banks freely make loans exactly as if the land was within a drainage district, or a road district, or other legally organized municipal corporation having the power to tax the lands within its limits.

The Federal Farm Loan Board holds that the lien created by assessments levied by an irrigation district are no different than the lien for taxes due to a county or to the State, and therefore the water user can give a first mortgage upon his land.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. MANN. I asked the gentleman from Kansas [Mr. LITTLE] if irrigation districts were not organized now which agreed to pay taxes for water rights. I understood him to say that he did not know of any, and that no member of the committee had called his attention to any such case. May I ask the gentleman if that is not a very frequent method pursued under the reclamation act?

Mr. HAYDEN. Yes. The latest example is the King Hill project in Idaho, authorized three years ago by the sundry civil appropriation act, wherein it is specifically provided that a contract shall be entered into between the United States and an irrigation district organized under the laws of that State. There is no kind of an individual contract with any water user under that project.

Mr. LITTLE. Has it ever been decided in the courts of the United States?

Mr. HAYDEN. There has been no necessity for such a test, because the legality of the district was first decided by the courts of the State.

The question is asked, "If a water user had paid the full amount due can he then be taxed to make up the delinquency of his neighbor?" If a person is to receive no benefit his land should be left out of the district. But if his land is included in the district, the assessments are levied according to the benefits. There are many instances where one man must of necessity, because he receives a greater benefit, pay a greater tax, and as a practical matter the tax can be thus collected without difficulty.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. STEPHENS. Then the man who has already paid his assessments to the Government will not be retaxed?

Mr. HAYDEN. There is no practical difficulty about that.

Mr. BIRD. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. BIRD. Could he be forced into the district?

Mr. HAYDEN. As I understand the law relating to the creation of a drainage district, or an irrigation district, or a road district, or a school district, or any other municipal organization, when the time comes to fix its limits, any person can successfully resist having his land included within the district by showing that he will receive absolutely no benefit from it. That is the general rule in regard to the creation of special municipal districts for particular purposes.

I can discuss this bill without prejudice because the two United States reclamation projects in my State have not been organized as irrigation districts and there is no immediate prospect that either of them will be. The Salt River Valley Water Users' Association, now in control of the Salt River project, was organized in the ordinary manner under the incorporation laws of the then Territory of Arizona. The association, as a corporation, has contracted with the Secretary of the Interior to pay the entire amount due each year for the construction of the project. For that reason this water users' association has been deemed by the Federal Farm Loan Board to be, in effect, an irrigation district and loans have been made to many farmers under the project.

The only applications that have been denied, which otherwise would have been approved, are in cases where there is a reservation in the patent as issued of a first lien to the United States for the construction charges remaining unpaid. In my opinion this is a mere technical objection, which should be waived by the Farm Loan Board, because, after all, the Salt River Valley Water Users' Association, as a whole, is fully and completely responsible for the entire sum due to the United States, and therefore this individual lien will never be enforced.

The operation and maintenance of the Yuma reclamation project is still in the hands of the United States Reclamation Service. The Yuma County Water Users' Association has not agreed to pay the entire construction charge, so that the only security that the Government has is evidenced by the promises to pay contained in the water-right applications made by the water users, each for himself and not for his neighbors. The existence of these individual first liens is the reason given by the Federal land bank for its refusal to make loans on lands within this project.

It is my honest judgment that such loans would be just as safe and without the slightest increase of risk of loss as loans now being made on lands within irrigation districts. The land is absolutely valueless without water, and, therefore, whoever owns it is certain to protect his water right by paying the sums due for reclamation charges. The Federal Farm Loan Board, however, insists that there can not be two first liens in existence at the same time on the same tract of land, and has thus far declined to approve applications for loans on lands within the Yuma reclamation project.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KINKAID. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Chairman, I do not think I shall use that much time.

Mr. Chairman, the national reclamation law provides that the construction charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project and shall be apportioned equitably. In practice the charges apportioned against the land are apportioned in proportion to the benefit derived from the construction of the project, and they may be much more per acre on one part of a project than upon another, depending upon the greater cost of construction on a particular unit of the project; depending upon whether or no the land had a partial water right before the project was undertaken, and therefore did not require a full and complete additional water right.

Several difficulties have arisen under the reclamation law that are sought to be cured by this legislation. Some of them grow out of the fact that the water user desires to have more to say and ought to have greater responsibility in connection with the management of the project. There are difficulties that arise from the collection of the charges from the individual. Much complaint arises from the fact that the water user on a reclamation project, although he may have paid a large proportion of the charges against his tract and may have a very large equity over and above the sum due the Government, can not secure a loan under the farm loan act because the reclamation lien is a prior and first lien upon his land. Those who propose this legislation have hoped to cure these situations by this bill.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I do.

Mr. LONDON. The gentleman from Arizona [Mr. HAYDEN] made a statement a moment ago to the effect that the Farm Loan Board during the last year or two had been considering these liens in the nature of a tax instead of a mortgage, and that they have been loaning money to farmers despite that. I understood the gentleman from Arizona to have made that statement a little while ago.

Mr. MONDELL. I did not hear the statement of the gentleman from Arizona. But it is clear that, as matters now stand, the Farm Loan Board can not make a loan to an individual upon these projects, the security for which shall be the land upon which the Federal Government has a prior lien. It is believed that it is wise to have organizations to which the Government shall look for the charges against the land on reclamation projects, rather than look to the individual directly. The Reclamation Service has for years encouraged the organization of irrigation districts, and there are now a dozen or more contracts outstanding, as I understand it, whereby the water users as a body, as a whole, become responsible for all of the charges. A very conspicuous case of that kind is the Salt River project, in Arizona. More recently the King Hill project has been organized into what I understand to be a municipal corporation. The Salt River project is not a municipal corporation, but is an organization of water users contracting with the Government.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. SANDERS of Indiana. In those districts to which the gentleman has just referred, does the United States Government retain no lien upon the land itself?

Mr. MONDELL. The United States Government has a contract with these people, and in case the contract is not carried out, then the original Government lien attaches. That is the form of those contracts.

Mr. SANDERS of Indiana. Yes. It strikes me under this proposed measure the Government is giving up its lien, that it has no lien whatever upon the real estate for the payment of these amounts due from the water users, and in lieu of the lien is obtaining a contract right with the irrigation district.

I have no doubt it is a very valuable contract right, and that the amounts will be paid; but, as I understand the act, the United States Government is surrendering all liens upon the land, so that the United States has no way of enforcing the liens as such, but must be dependent upon the irrigation district to get its money paid to it.

Mr. MONDELL. Assuming the organization of a legally formed municipal corporation, pledging all the land values within the project, it is very patent to everyone that the Government loan is better secured in that way than it would be by a direct lien upon the land held by the individual.

Mr. LITTLE. Will the gentleman yield right there?

Mr. MONDELL. In a moment. There has been some question raised by the gentleman from Kansas [Mr. LITTLE] and others as to whether or no it is possible to organize these districts in a legal form under which the obligation would clearly and unquestionably be binding; but there can be no question but what all of the water users who desire to do so may obligate themselves jointly on behalf of each and all, and if that is done, then there is no such thing as laying an obligation upon an unwilling party; and I assume that the gentleman from Kansas [Mr. LITTLE] will not take the position that men can not voluntarily obligate themselves as provided in this act.

Having already severally obligated themselves in a very broad way individually, I do not know how far we could go in obligating them jointly if they were not agreeable to the arrangement. But clearly such an organization as has been perfected on the Salt Creek project is legal and binding. It is believed that the municipal corporation on the King Hill project is binding.

Mr. COLTON. Will the gentleman yield for a question there?

Mr. MONDELL. In just a moment. I assume that if this act passes, the Government authorities having the administration of the reclamation law will be quite certain that the corporations which are formed are legally formed under the State law. Now I yield.

Mr. LITTLE. I understood the gentleman from Wyoming to tell the gentleman from Indiana a minute ago that in this King Hill project the Government still retains its lien on the individual land.

Mr. MONDELL. I do not know that I am familiar with all the details of that particular engagement.

Mr. LITTLE. If that is correct, the gentleman from Arizona [Mr. HAYDEN] was quite wrong in his reply to the gentleman from Illinois.

Mr. MONDELL. But my understanding is that it is in the nature of a municipal corporation which assumes responsibility for all the sums due the Government.

Mr. LITTLE. But still retains its lien upon the individual's land.

Mr. COLTON. Is it not a fact that before the bonds are issued or any steps taken, a court of competent jurisdiction finds by a decree that every step has been taken legally?

Mr. MONDELL. I am rather inclined to think that the point raised by the gentleman from Kansas [Mr. LITTLE], as affecting the bill as now amended, while very interesting from the lawyer's standpoint, does not necessarily affect the validity of the legislation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. May I have two minutes more?

Mr. KINKAID. I yield two minutes more to the gentleman from Wyoming.

Mr. MONDELL. Because, in the first place, even though it may be true that not every water user on a project could be brought within the district, yet districts could be formed and be workable, even though there were a few under the project who did not expressly individually accept its terms. And furthermore, as we understand the opinion of the people on the project, I assume there would be no difficulty in securing the agreement contemplated by the act, which as a matter of contract would undoubtedly be legal. So much for that.

If we can perfect these organizations the Government will have a better lien for the return of its money than it now has. It would be easier to collect from a single organization than from individuals as a matter of administration, and there could be a very considerable saving to the water users in management.

Further, the settler would then be in a position in which, if his equities were sufficient to warrant, he could secure a loan from the Farm Loan Board.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired. The time remains as follows: The gentleman from Nebraska [Mr. KINKAID] has 28 minutes remaining and the gentleman from Kansas [Mr. LITTLE] has 26 minutes remaining.

Mr. KINKAID. Mr. Chairman, I wish to take three minutes in which to answer a little further the question propounded by the gentleman from Kansas [Mr. LITTLE] in regard to the nature of the lien remaining after the contract is made. The Government gives up its lien on the individual land on consideration that the district becomes responsible as a whole, the Government having a right to have an assessment made on the land and a levy made pursuant to that assessment for the amounts as they become due. When that assessment and levy is made it becomes a liability against the particular farm unit. The amount of the assessment is in proportion to the benefit received by the particular farm unit. Now, that brings me to the further proposition made by the able jurist from Kansas [Mr. LITTLE], which involves the question whether it is for a private purpose or for a public purpose.

I have great respect for the decision in the case of Loan Association against Topeka, cited by the gentleman from Kansas. It is sound, and it makes the correct distinction in that case why the statute of Kansas was void, authorizing the voting of those bonds, which was that it authorized the taking of private property for private purposes. The court held that it was a taking of the private property of an individual taxpayer for the benefit of a bridge manufacturing company, a private corporation. In principle this decision sustains the pending bill. But the question involved in the pending bill is whether you can assess these farm units and collect the assessment for the individual benefit each farm unit will receive, all for the public purpose of irrigation of arid lands.

The Supreme Court of the United States in the case of Fall Brook Irrigation District against Bradley, a case which went up from the State of California——

Mr. LITTLE. In which volume of the reports is that to be found?

Mr. KINKAID. In 164 United States, at page 112. The court holds that the purpose of these irrigation districts and of the assessments made on the water users is a public purpose.

It is a public purpose and not a private purpose, and the court comments upon the case of the Loan Association against Topeka cited by the gentleman from Kansas this morning, and says that its decision is in harmony with that case. In other words, they distinguish between the case before the court and the one cited by the gentleman from Kansas, and hold that the Kansas act or statute in the Topeka case was unconstitutional because it was taking private property for private uses, but the court holds in this case that irrigation is a public purpose. Both decisions are sound and in principle both sustain the constitutionality of the pending bill on the identical question raised by the gentleman from Kansas. Water used for irrigation is devoted to a public purpose.

Mr. LITTLE. Nobody said it was not.

Mr. KINKAID. It is a public matter, even national, because it covers the whole semiarid West. It is even an international matter, because rivers rising in the United States extend into Canada on the north and the Republic of Mexico on the south. The Milk River flows from Montana into Canada and then back again into the United States. By comity between the two nations they have settled their respective rights. The Colorado runs through several of our States and then into the Republic of Mexico. The Rio Grande River for a long distance constitutes the international boundary line between the two Republics. It is not only a national, but an international matter, hence of wide importance to the public. It is a public matter because of the extent of the semiarid West. It is of concern to the public because the United States has invested $130,000,000 in it. It is a public matter because the semiarid West will produce but little without irrigation.

Mr. Chairman, the Supreme Court of the United States held in the case cited by the gentleman from Kansas that the statute was unconstitutional because of the attempt to authorize

taxation for a private purpose, but it held that the statutes of California providing for irrigation districts and all the other States that have provided for irrigation districts, these statutes are constitutional because the purpose thereof is for the public benefit.

Now, what does the court say? It says:

> If the act violate any provision, expressed or properly implied, of the Federal Constitution, it is our duty to so declare it; but if it does not, there is no justification for the Federal courts to run counter to the decisions of the highest State court upon questions involving the construction of State statutes or constitutions on any alleged ground that such decisions are in conflict with sound principles of general constitutional law. The contrary has not been held in this court by the case of Loan Association v. Topeka (20 Wall., 655), relied on by the gentleman from Kansas. In that case a statute of Kansas was held invalid because by its provisions the property of the citizen under the guise of taxation would be taken in aid of a private enterprise, which was a perversion of the power of taxation. The case was brought in the United States circuit court for the district of Kansas, and was decided by that court in favor of the city. There had been no decision of the highest State court upon the question whether the act violated the constitution of Kansas, and consequently there was none to be followed by the Federal court upon that question. The court held that a law taxing the citizen for the use of a private enterprise conducted by other citizens was an unauthorized invasion of private rights. Mr. Justice Miller said that there were such rights in every free government which were beyond the control of the State.

Mark you, such is the language of the Supreme Court of the United States in the case of Fall Brook against Bradley.

The CHAIRMAN. The gentleman from Nebraska has consumed seven minutes.

Mr. KINKAID. Just three minutes more. In Idaho, Oregon, Washington, Montana, Colorado, and Nebraska all the courts of last resort of those States have upheld the constitutionality of their irrigation district laws, and the acts are all alike in the main.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. KINKAID. I will.

Mr. SANDERS of Indiana. How much money has the Government invested in irrigation throughout the country? I understood the gentleman to say $70,000,000 were involved.

Mr. KINKAID. Much more than that, and the obligation is as good as a gold bond, but it is not yet all due; only a small portion thereof is due.

Mr. SANDERS of Indiana. The gentleman agrees with me that in this measure we surrender the lien of the United States upon these lands. We may get something better?

Mr. KINKAID. No; it is like a man selling a farm and giving a deed and taking a mortgage back. He has a vendor's lien, but he gives the deed and takes back a mortgage, and it is practically the same in this case. It is a simultaneous transaction. As soon as the Government wants payment an assessment is made, and it is collected like a tax and can be enforced like a tax. The lands can be sold as they are for tax sales. The collection is as certain as death.

Mr. SANDERS of Indiana. I do not construe the act as leaving the United States with any lien whatever upon any of these lands. I construe the measure as releasing the lien on the land itself and taking in place a contract obligation of these several districts, fortified by the agreement of the arid district that collects the tax and strengthened by individual agreement by which persons whose land is released shall be subjected to a tax by the district. I understand the obligation of the Government, if this bill is passed, will be to collect from the irrigation district.

Mr. KINKAID. Yes.

Mr. SANDERS of Indiana. And the Government has no lien on the land itself which the United States Government could enforce.

Mr. KINKAID. It has a right which it can enforce at any time to have an assessment and levy made whereby payment may be realized. Now, Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, not much can be said in three minutes. It seems to me that this is a tempest in a teapot in regard to something that is largely already in operation, as was pointed out in a letter from the chief counsel of the Reclamation Department, inserted in the RECORD of yesterday by the gentleman from Oregon [Mr. SINNOTT], in which letter he says:

> 1. The irrigation district is a quasi municipal public corporation with the power to levy assessments against its lands for the payment of its obligations.
>
> 2. Congress has in a general way during the past 10 years approved the plan of making contracts between the United States and irrigation districts to provide for the payment of water charges due the United States on Federal irrigation projects.

Then he cites the Warren Act of February 24, 1911, which provides for contracts with irrigation districts, and the extension act of August 13, 1914, section 5 of which authorizes the transfer of the care, operation, and maintenance of Federal irrigation projects to irrigation districts. In section 7 of the last-named act the Secretary of the Interior is authorized to appoint irrigation districts as fiscal agents on Government projects. In the Smith Act of August 11, 1916, the public lands of the United States were made subject to assessment and levy of irrigation districts. The sundry civil appropriation act of June 12, 1917, provides that no money shall be expended for drainage on the Rio Grande project except in irrigation districts formed under State laws and upon the execution of agreements for the repayment to the United States of all project investments.

The individuals are not obligated at all, and the project was founded on that basis, and the same thing is asked for other projects at this time. A similar provision appears in the sundry civil appropriation act of July 10, 1918. There are many other laws cited covering this same point showing this plan is already in operation at this time and has been for 10 years.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LITTLE. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. CLOUSE].

Mr. CLOUSE. Mr. Chairman and gentlemen of the committee, I think that when the Government stands a chance to lose a sum estimated at from $70,000,000 to $100,000,000 it deserves some consideration at the hands of this Committee of the Whole before we take action. I can not quite agree with the reasoning of the proponents of this bill in respect to the effect that it is going to have on this indebtedness to the United States. I can not agree that the Government would have a lien securing this loan or these advances if this bill is passed. It is manifestly true that if the bill be passed we relinquish the lien that the United States now has and substitute for it an irrigation district, with which the Secretary of the Interior is authorized to enter into a contract about these advancements and these liens and this indebtedness. If the irrigation district should undertake to organize, I presume it is the intention of everyone that the territory constituting the district will be contiguous, adjacent territory, owned probably by 500 different individuals. Three hundred of these may be heartily in favor of the organization of the district. Suppose they hold a popular election and 300 votes are cast for it and 200 are cast against it. Three hundred of them are obligated and indebted to the United States Government, while 200 have liquidated their taxes and have settled their indebtedness with the Government.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. CLOUSE. In just a moment. This district is declared to have been organized. The Secretary of the Interior undertakes to negotiate a contract with this supposed district and does, as a matter of fact, enter into a contract and thereby relinquishes and releases the rights that the Government then has by virtue of the lien on every acre of land embraced within the territory. Let us suppose also that the district decides that it does not intend to pay its obligations for this year. What remedy has the Government to enforce that obligation? None other than to institute a civil suit against the corporation, municipal, quasi public, or private, and take a judgment. That is the remedy that is available at law. Suppose the tax is not levied by the district, and the United States Government undertakes an additional step to enforce it, and issues—if such could be done, and I doubt that it can—a mandamus to compel the irrigation district to levy a tax sufficient to pay the obligations. When that step is taken suppose there be some one taxpayer who was opposed to the plan in the first place, some one who had paid his tax and who owed nothing. Under this proceeding it is attempted to levy that tax, and when it comes to levying that tax on his land he has a right in court, because he has not had his day there as yet, and he institutes an injunction proceeding against the collection of such tax. Would any man say that he could not successfully maintain that suit and enjoin them from imposing a tax on his property with which to liquidate the debts of these delinquent taxpayers?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, the contention of my friend from Kansas [Mr. LITTLE], in which he cites one lone case, would be correct if this were a private purpose. The case that he cites, of the Loan Association against Topeka, which he calls so frequently the King Bridge case, is the only case upon which he refers in reference to this question. Now, what was involved under this decision? The city of Topeka issued bonds. For what? To build bridges, to a manufacturer to build bridges for a private purpose.

Mr. KINKAID. To help a bridge manufacturer, not to build bridges.

Mr. HUDSPETH. I said for a bridge manufacturer, a private purpose. Well, if it were a private purpose—and there

has been a long line of decisions from that good hour to the present—every decision by the State courts and the Supreme Court has overruled the decision cited by the gentleman from Kansas. Now, this is what Judge Peckham said in the supreme court in the case of the Fallbrook Irrigation District against Bradley. This Fallbrook irrigation district was formed, and Mrs. Bradley enjoined the collection of taxes, and it went to the circuit court of appeals, and it was said that it was taking private property without due process of law, and this is what the court said in that case:

> We should not be justified in holding the act to be in violation of the State constitution in the face of clear and repeated decisions of the highest court of the State to the contrary, under the pretext that we are deciding principles of general constitutional law. If the act violates any provision, expressed or properly implied, of the Federal Constitution, it is our duty to so declare it; but, if it do not, there is no justification for the Federal court to run counter to the decisions of the highest State court upon questions involving the construction of State statutes or constitutions, on any alleged ground that such decisions are in conflict with sound principles of general constitutional law. The contrary has not been held in this court in the case of Loan Association v. Topeka (20 Wall. 655). In that case a statute of Kansas was held invalid because by its provisions the property of the citizens under the guise of taxation would be taken in aid of a private enterprise, which was a perversion of the power of taxation. The case was brought in the United States Circuit Court for the District of Kansas, and was decided by that court in favor of the city. There had been no decision of the highest State court upon the question whether the act violated the constitution of Kansas, and consequently there was none to be followed by the Federal court upon that question.

And that case is the only case upon which the gentleman from Kansas relies.

Mr. LITTLE. That is the only case there is on the subject.

Mr. HUDSPETH. But that case has been referred to in this decision and every other decision, I will say to the gentleman from Kansas, in which it stands alone and refers to a private purpose and not a public purpose.

Mr. LITTLE. Will the gentleman yield?

Mr. HUDSPETH. I have not the time; I have only five minutes. The organization of an irrigation district is for a public purpose——

Mr. LITTLE. I know.

Mr. HUDSPETH. If you know you ought to state it upon the floor of the House, but the gentleman has not so stated it. Do you know it? Tell the committee so.

Mr. LITTLE. I have.

Mr. HUDSPETH. The gentleman said awhile ago that you could not take his home and sell it to pay my debts. I will say to the gentleman that they did it in this very case. They took the home of Mrs. Bradley and sold it to pay the taxes in the irrigation district. That is what this decision states. She enjoined the Supreme Court to reverse the decision of the circuit court of appeals and remanded the case. What are we doing? We are setting a lien upon the individual's land, something that has been done in my State for 25 years, and I dare say in three-fourths of the Western States they have that law permitting the organization of irrigation districts and permitting the collection of taxes. That is all we are doing here. And the gentleman from Tennessee said a few moments ago, "Suppose some citizens of that district object to the collection of the taxes?" That is exactly what they did in this Fall Brook irrigation case. They sold Mrs Bradley's land. The Supreme Court said they had a right to do it.

Now, gentlemen, there is a long line of decisions here that I could cite, but I want to say this, that this is certainly permitting the borrowing of money on these lands, for which the Federal farm loan act was passed.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KINKAID. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon [Mr. SINNOTT].

The CHAIRMAN. The gentleman from Oregon is recognized for 10 minutes.

Mr. SINNOTT. Mr. Chairman, the persuasive eloquence of the gentleman from Kansas [Mr. LITTLE] and his charming ways almost make us lose sight of the real substance and cause us to follow off after shadows. He talks about waiving the lien of the Government. Now, while it is true that we waive a sort of statutory, technical lien against the individual tracts of land, we really get in substance a better lien upon every acre of land in the district than we have under the present reclamation law.

Mr. LITTLE. Mr. Chairman, will the gentleman yield right there?

Mr. SINNOTT. No; not now.

Now, Mr. Chairman, under the present reclamation law the United States has a lien upon each farm unit. It has a lien upon my land for what it cost the Government to irrigate my land. But if my land becomes worthless by being water-logged the Government will lose every dollar that it put into my particular farm unit, whereas under the provisions of this bill, a bill drafted in the Reclamation Service, approved by the Reclamation Service and its attorneys under the last administration and under this administration, this technical lien that we have to-day is transformed into the obligation of the entire district, and every acre of land in the irrigation district is made liable to pay the contract obligation of the district to the Secretary of the Interior.

Mr. LITTLE. Why should I be taxed to pay your debts?

Mr. SINNOTT. These laws authorizing contracts with the United States have been upon the statute books in the irrigation States for a number of years. They provide, first, in the organization of a new irrigation district they shall vote as to whether or not they shall enter into this contract with the United States.

A new district requires two-thirds of the voters in the district to approve of the contract. In an established irrigation district it is provided that the contract is valid upon the approval of the majority of the landowners in the district. In each instance before the contract is a valid, consummated contract, all of the proceedings must be approved by the court. Then, when those proceedings are approved, the irrigation district laws provide for the levy of an assessment by the board of directors to pay the amounts due the United States. In case the board refuses to make that levy—a thing not to be anticipated—they provide that then the county court must make the levy. It is further provided that in case of the default of the district the United States may take possession of every acre of land in the district and operate the district until the amount in default is fully paid. It is further provided that all the land in the district shall be and remain liable to be assessed for such payments as are covered by the contract with the United States. While that may not technically be called a lien, for all practical purposes it is a lien, and the Government has thus a lien upon every acre of land in the district for every dollar of the district's obligation. Is not that a better lien than one upon each individual holding?

Mr. LITTLE. Will the gentleman yield now?

Mr. SINNOTT. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SINNOTT. And it further provides that in case the amount assessed against any tract of land shall not be paid the next assessment against the land in that district shall be so increased as to take care of such default. There is no provision like that in the Federal reclamation laws.

If somebody defaults under the United States reclamation law, the only recourse the Government has under the present reclamation law is to sell the land; but if this bill is passed and this contract is entered into, why then, if anybody defaults in his payment, the next annual assessment will take that up and that will be an obligation and practically a lien against every acre of land in the district.

The gentleman from Kansas [Mr. LITTLE] has made an argument to the effect that he can not be held for the debt of another person. That very matter has been decided in one of these irrigation district cases. I inserted it in the RECORD yesterday, and it is found on page 3538 of the RECORD which came to us this morning. That was a case involving the Montezuma Valley irrigation district. It is cited in 248 Federal Reporter, page 369. In that case delinquencies were added to the next levy. The court goes on to say:

> The trial court was of the opinion that the Colorado statute relating to irrigation districts impliedly prevented an additional levy as demanded by plaintiff, because the statute provided for taxation by special assessment to pay these bonds, that each acre was subject to only the same burden as every other acre for this purpose, and that a requirement of a new levy as prayed would impose an unequal burden upon the land on which the prior levy had been paid.

Then the court goes on to say:

> It is a common provision in the State constitutions and statutes that assessments or levies for taxation shall be uniform upon the same class of subjects, or by value. Such provisions are not violated when, after the lapse of a reasonable time and after reasonable efforts have been made to collect the first levy, an additional levy is made upon all the property in the district because of the failure of some of the taxpayers to pay their portion of the levy.

And the opinion goes on to hold that the reassessment and the relevying to take up the delinquencies is valid and constitutional. That is an additional protection that the Government secures by virtue of the passage of this bill and the execution of the contracts contemplated thereunder.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. SINNOTT. I yield to the gentleman from Kansas.

Mr. LITTLE. The gentleman suggests that if this agreement was made you would have a sort of a lien upon the whole district. If the contract is void, you would not have a lien at all?

Mr. SINNOTT. If the contract is void?

Mr. LITTLE. Yes.

Mr. SINNOTT. The gentleman is begging the question. You want to remember that under this bill we are not depending solely upon the validity or the constitutionality of State laws, because before this contract can be entered into, before there is any release by the Government of the lien upon any individual tract of land, that individual must consent in writing to the assessment, levy, and collection by the irrigation district of taxes to pay the United States. He must consent that the irrigation district has the right to make the assessment and levy against his land for the payment to the United States of the contract obligation. We really make it contractual as well as statutory.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

> *Be it enacted, etc.*, That in carrying out the purposes of the act of June 17, 1902 (32 Stats., p. 388), and acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 1, 2, 3, 5, and 6 of the reclamation extension act approved August 13, 1914 (38 Stats., p. 686). The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this act shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid.

MESSAGE FROM THE SENATE.

The Committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendments bills of the following titles:

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street;

H. R. 8193. An act to amend the first proviso in an act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 10161. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes; and

H. R. 9697. An act to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

APPLICATION OF THE RECLAMATION LAW TO IRRIGATION DISTRICTS.

The committee resumed its session.

Mr. LEATHERWOOD. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. LEATHERWOOD. Mr. Chairman and members of the committee, I fear that in the discussion of this proposed measure we are attempting to make difficult some things which, if we proceed in an orderly way, step by step, offer very little, if any, difficulty in applying the provisions of the act toward the object sought to be attained.

I shall not attempt to discuss in detail the provisions of the act. That has already been done by other members of the committee. The principal feature of the bill is that which makes it possible for landowners in legally organized irrigation districts to obtain loans from the Federal land banks at a reasonable rate of interest.

There are one or two features of the bill which have been discussed, principally by the gentleman from Kansas [Mr. LITTLE], that I think we should consider fully before voting upon the bill. It is contended that any contract entered into under the provisions of this act between an irrigation district and the Government whereby the water district undertakes to pay construction or operation and maintenance charges would be ultra vires; that the lien now held by the Government against the individual tracts of land can not be released and a contract entered into whereby the water district agrees to pay the charges; that the officers of the irrigation district could not lawfully levy a tax upon the landowners to raise funds to satisfy the obligation of the contract.

I think no gentleman of the committee would knowingly vote for a measure that he felt was unconstitutional or that would not be legally enforcible.

If it be true, as contended, that the irrigation district or water users' association has no power to tax, then, of course, this bill ought not to pass. The opponents of the bill overlook the fact that in all the so-called arid-land States laws have already been enacted which provide in great detail for the organization of irrigation districts and water users' associations.

Among other powers conferred upon them they are given the right to levy assessments, to tax the property of the district, and to enter into contracts with the Federal Government for the payment of construction and operation charges.

The gentleman from Kansas [Mr. LITTLE] denies that the district can tax the landowners to raise money to pay construction and maintenance charges, which under existing law constitute a lien against the land of the individual owner. He relies upon the case of Loan Association v. Topeka (87 U. S., 655). The decision in this case answers every objection that has been urged against this bill. It is true that in the case just cited the court held that the levy of the tax must be for a public purpose. Would the collection of a tax for the purposes mentioned in this bill be for a public purpose? The Supreme Court of the United States has decided in a case arising under a California statute creating irrigation districts that the district had the right to tax and that the use of water for irrigation purposes is a public use.

Under the statutes of the arid-land States the irrigation district created by legislative act is at least a quasi municipal corporation. It levies its taxes in much the same manner as a city or town does. In my own State the officers of the irrigation district determine the amount of money to be raised for any purpose and certify it to the county commissioners, they in turn determine the amount of the levy, and the county assessor extends it upon the tax rolls. The tax is then collected the same as any other special tax.

Now, if the use of water for irrigation is a public use, then the tax to pay construction and maintenance charges is levied for a public purpose.

As I stated a moment ago, these irrigation districts are created by legislative act and are sometimes given broad powers. So long, however, as no right guaranteed to the individual by the constitution of his State or that of the United States is violated the power granted may be broad. It may be even unwise, unjust, or inexpedient, but unless it be repugnant to the Federal Constitution or that of the State the courts can not declare it void.

The courts, as has been well said, are not the guardians of the rights of the people, save when those rights are secured by some constitutional provision. Unless the legislative acts creating these irrigation districts and conferring upon them the power to tax violate some constitutional right of the individual, then the courts themselves can not set them aside. They must be considered as binding and absolute.

I know of no arid-land State that has any provision in its constitution which forbids the creation of these municipal corporations and the conferring upon them of the right to tax, provided that the tax is for a public purpose and affects all persons similarly situated in the same way.

It is difficult, then, to understand why any member of this committee would question the validity of any contract authorized by the terms of this bill. The tax that would be raised to pay the obligation of the contract would be for a public purpose and would affect all similarly situated alike. The granting of the power to tax has not violated any constitutional right, either State or Federal, of the individual. It seems to me plain, then, that the courts would have no power to hold the grant of power to the irrigation district void.

But we do not need to stop here in examining the provisions of the proposed legislation. It is specifically provided that before the Secretary of the Interior shall approve any contract

or accept any obligation under the terms of the bill that it shall be made to appear that a court of competent jurisdiction has passed upon the question of organization of the district and has rendered its solemn decree that all preliminary acts have been done as required by law and that all things necessary to validate the contract have been done. In other words, you get just such a decree protecting the Government as is had in most cases before investments are made in municipal bonds.

In addition to all the safeguards to which I have called your attention, this bill requires the Secretary of the Interior to secure the consent of each individual landowner to the proposed contract about to be entered into between the Government and the irrigation district. Each individual must consent to the contract and the tax levy before the Government releases the lien upon his land and looks to the terms of the contract for its money.

So if any question existed, as suggested by some of the members of the committee here on the floor of the House, as to the security of the Government under the contract contemplated by the bill, I maintain as a legal proposition that the individual landowner would be bound by his agreement and estopped to deny the right of the Government to proceed and enforce the contract with the district.

Mr. BEGG. Will the gentleman yield?

Mr. LEATHERWOOD. I will.

Mr. BEGG. Take a concrete case. Suppose a piece of land is sold under this bill at a forced sale and brings $2,000. The irrigation charges against it, collectible through taxes, are $1,000. They have put a Federal farm loan of $1,500 against it and sold the bond with the Government's sanction that the bond is a mortgage. Who would lose the $500, the Government or the man who in good faith put his money into it with the assurance that the Government had guaranteed it? Suppose the bond of the land bank is sold to a man in Ohio, and under a forced sale the project brings $2,000, who is going to lose the $500?

Mr. MANN. They have a surplus fund in the land banks to cover just such cases.

Mr. LEATHERWOOD. The gentleman's illustration is somewhat exaggerated, although it does not exaggerate the legal effect. I can not conceive of any assessment of $1,000 against a farm worth only $2,000. But before the land bank's lien attaches the preliminary steps must have been taken and complied with so that the lien of the land bank becomes a first mortgage on the property. If the land bank has such a lien, it would be simply a case of poor judgment on the valuation of the property, the same as a private individual going out and loaning his money on property that was overvalued. The lien of a legal tax of course would take priority over that of the mortgage.

Mr. BEGG. The point I want to bring out is, Is it possible to put a first mortgage on land that will go ahead of taxes?

Mr. LEATHERWOOD. I do not think it is. You can take an exaggerated example under almost any law that makes it possible to tax a municipality and make it appear that the lien of a special tax would exhaust the property and leave nothing for the mortgagee. But the amount of the liens against these lands of necessity will never be very large in proportion to the value of the property. Of course the land banks will take these taxes into consideration in making loans after the passage of this act, the same as they do any other tax that might be levied against the property.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. LEATHERWOOD. Mr. Chairman, I ask for an additional minute.

The CHAIRMAN. The gentleman from Utah asks for one minute more. Is there objection?

There was no objection.

Mr. LEATHERWOOD. I shall be glad now to entertain any questions.

Mr. BEGG. Mr. Chairman, I think the gentleman has attempted to answer the point that I made, but I do not think that he has answered it. Anyone who has had any dealing in real estate knows that you can not give a first mortgage that will supersede a tax claim.

Mr. LEATHERWOOD. That is self-evident under the law, and I have so stated.

Mr. BEGG. Whether it is a sidewalk assessment or whatever it may be; and you are either weakening the security of the Federal Government or else you are fooling the buyer of the farm bonds.

Mr. STEVENSON. Mr. Chairman, will the gentleman permit me to call his attention to the fact that the Federal farm loan mortgages are all made with that very infirmity, that taxes stand ahead of them everywhere, and there is not a bondholder who has a bond against any particular piece of land.

Mr. LEATHERWOOD. That is exactly right. I say that when you consider the provisions of this act together with the existing laws of the several States upon this question the Government gets better security than it is getting under the provisions of the law as it now exists. [Applause.]

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, this act briefly summarized provides for the reclamation of arid lands by irrigation districts instead of the Government doing the work and taking liens against individuals in the district where the reclamation is made. Two objections are urged to the bill. The first objection is that the bill is unconstitutional. That question is not involved, it is not even at issue and is not debatable for the very obvious reason that the bill itself provides that unless the irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into a contract and to collect by assessment and levy against the lands of the district the amount of the contract obligations, the Government lien is not waived. So that your question of whether it is constitutional or not is not important, because you do not waive your lien unless the act is constitutional.

The second question is this: Does the Government by taking the obligation of this district organization waive its lien upon the land and does it thereby lose an advantage? A reading of the bill convinces me that it does lose its lien upon the land, but that is not as important as the gentlemen who are attacking the bill deem it to be. Here are liens upon the land legally made and by the terms of the bill they are made repeatedly throughout the bill for the benefit of the United States. Suppose the gentleman from Ohio makes a contract with the gentleman from Idaho for my benefit, by which the gentleman from Ohio promises to pay to me, and I am not a party to the contract at all, the sum of $10,000. Suppose the gentleman from Ohio defaults upon that contract. There is no question in law at all but that I could sue the gentleman from Ohio directly and collect the $10,000, and there is no question at all that if these associations fail or default in the payment of their obligations the Government from that moment on, if the irrigation district is a private corporation (as I am told they are in some States), is subrogated to the rights of the district and can collect the balance of the assessments due at that time, and the only chance which the Government is taking is that the association may have collected something up to the time the Government is subrogated, or up to the time when the district defaults, and the Government will lose the amount which the association has collected up to that time. If, on the other hand, the irrigation district is a public corporation or body, the Government can mandamus it, and thus compel it to levy, collect, and pay over the assessments.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Wait a moment, please. I do not regard the chance of making a small loss as important. I do not regard that as a crucial test. I do not regard that as the vital thing in this bill, and if I had to vote against this bill or vote for it without an amendment I would vote for it as it is. It does seem to me, however, that the bill can be amended.

I would vote for it as it is, because I do not believe the Government is going to collect from these individuals with the ease, with the certainty, or in the amount that it will collect from the irrigation districts. I believe that it will make larger collections; that it will get in larger amounts; that the percentage of collections will be very much larger from these irrigation districts than from individuals. It is very easy to correct even this small defect, where the irrigation districts are private corporations, as I am told in some cases they are, and where they take liens for the full assessments on completion of the work, and I suggest that it be corrected in this way by adding, on page 2, line 3, after the words "the United States," the following:

and shall assign the assessments to be collected by the irrigation district from the lands in the district as collateral security to its said agreement to pay.

You then have all that can be obtained; you have the agreement of the irrigation districts, which I assume will be responsible bodies; you have bodies which are not going to run away, which are not in business for the purpose of defrauding, which do not intend to default, which intend in good faith to fulfill their obligations, and which in nine cases out of ten will

fulfill their obligations. You have, where the irrigation districts are public corporations, the right to mandamus, and where they are private corporations, if there be such, you have in addition to that the assignments and you hold as collateral to it these very assessments upon these lands. You are not releasing them at all, because where there are public corporations you retain the right to mandamus, and if there should be private corporations, instead of holding them as an original holder, instead of holding them as the lienor, you hold them as the assignee, you hold them all from the one party, and if that party fails to collect you can go on and collect yourself.

I believe that this bill is a bill in the right direction. I believe it is a worthy bill; I believe it should pass, even without the amendment that I suggest; but I do believe, on the other hand, that the amendment which I have suggested will strengthen it, will add to its security to the Government, will make it impossible to say that we are imperiling the $60,000,000 or the $70,000,000 which are owing to the Government, and will free it from all objection and make its passage certain. [Applause.]

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CLOUSE. If the right of subrogation exists, as the gentleman says, what would be the remedy of the United States Government in enforcing or collecting these taxes?

Mr. DEMPSEY. It would simply make the irrigation district a party, and it would make each of the landowners a party, and it would simply say, "and the United States hereby asserts that it is subrogated to and claims the benefit of said lien and asks as a remedy to enforce it."

Mr. CLOUSE. But you have no lien; you have released the lien on the land, and you have to levy a tax.

Mr. DEMPSEY. Oh, no. When a man makes a promise for the benefit of another, the party for whose benefit the promise is made, as a matter of law, always has the right to enforce it.

Now, as far as the gentleman from Ohio is concerned, in his question to the gentleman who preceded me, that question is not involved here at all. The question whether the taxes precede a mortgage will remain whether the United States remains the owner of these liens or whether it remains the mere holder of its contract with the irrigation district. In either event there will be assessments on the land which will be liens prior to mortgages given by the landowners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I ask unanimous consent to revise and extend my remarks, and I send to the Clerk's desk the amendment which I desire to offer.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none. Does the gentleman offer his amendment now?

Mr. DEMPSEY. Yes; I offer the amendment now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the words "United States," insert "and shall assign the assessments to be collected from the irrigation district from the lands in the district as collateral security to its said agreement to pay."

Mr. BEGG. Mr. Chairman, I move to strike out the last two words. Mr. Chairman and gentlemen of the committee, I can not say I am opposed to the intention of this bill. I believe if the farmers under this irrigation bill need any of the benefits of the Federal farm loan bill or the joint-stock Federal farm loan banks they ought to be enabled to get it, providing they can meet the requirements of the Federal farm loan act.

Mr. HAYDEN. Will the gentleman yield?

Mr. BEGG. I do.

Mr. HAYDEN. We were told at the time the Federal farm loan act was passed that we would be in exactly the same situation that the gentleman from Ohio [Mr. STEPHENS] is in a drainage district in that State, but as a practical matter we find that we are not, and we are trying to seek this relief. The situation is parallel between a drainage district and an irrigation district.

Mr. BEGG. I will not either argue or dispute that, because I do not see it is relevant to what I want to say. In the first place, what are the bases under which you can get a loan under the Federal farm loan act. Now, the first requisite is that you shall be able to give a first mortgage on the property free of any other lien. Now, that is the first thing. The Government undertakes to tell the buying party of these bonds, we will protect them in so far as we will see that they are free of any encumbrance. We will see that the lenders of the money or the acceptors of the mortgage for which we issue bonds will not loan you more than 50 per cent of the value, and we will see that there is an appraisal over the property on which the loan is to be made. Now, the Government, having accepted that responsibility of the buying public, how can you continue that same security if it is admitted that here is a loan for construction purposes on the property, 90 per cent of which value goes into the land? In other words, if it were not for the irrigation the land would not be worth anything. Now, 90 per cent of the value is an irrigation project, and it is admitted that the Government is now the creditor to the extent of a total of some $60,000,000 or $70,000,000. Let us take a concrete proposition: Say there are 10 farms on 10 irrigation projects. They form an irrigation association and accept as the responsibility of the organization the responsibilities of the individuals. My friend from Cincinnati, Congressman STEPHENS, tried to make a parallel between this condition and the city. Why, there is no parallel between the two. It is true that if a paved street passed my property, even though I do not want it, they can assess against my property and collect it by taxation. That is exactly all you can do by this project. So far they are parallel. But I can not borrow money on my city property with that as a lien against it, because I can not comply with the Federal farm loan statute, and if I sell my property and give a title in clear, tell the buyer I will give him a title free of all encumbrance, and there is an assessment of any amount against that property, whether $2,000 or $5,000, it does not make a bit of difference.

Mr. LINEBERGER. But he does not, as a matter of fact.

Mr. BEGG. He does it. I made a real estate deal within the past six months in which there was a lien against it for street, sewer, and sidewalk assessment. The seller gives it free of all encumbrance, a first-mortgage deed. I put that in, and after it was checked up in court we found a good many dollars of lien in the way of street and sewer assessment against that property. Now, who loses it? I certainly do not, because I have a guarantee warranty deed from the man who sold it. Now, I maintain this is the identical situation in regard to these irrigation situations. Of course, if these irrigation assessments are only $5 or $10 I do not know, but my understanding is that some of these irrigation assessments are pretty high as compared with a forced sale price. But to go back to my illustration I gave my friend from Utah on the floor a while ago, suppose that a plat of land brings $2,000 under a forced sale. Say that they borrowed under the farm loan act $1,500 and the assessment against it is $1,000. There is certainly a shrinkage of $500 which somebody has to bear. Now, the United States is the quasi creditor in one instance and it is the absolute creditor in the other instance. It is the creditor for construction work in an irrigation project. Will the United States lose? No; because this bill says that the irrigation project assessment can be levied and collected as taxes, and all taxes come ahead of a lien.

Then, on the other hand, who will lose? Will the bank, which loaned $1,500 to the man, lose the $500? Certainly not, because he has certified to the Federal Farm Loan Board here in Washington that that title has been examined and has been found free of all encumbrances, except from these taxes which we are trying to legalize. He holds a bond of $1,500, and on the market it is worth only $1,000. I am in favor of the proposition, if we can do it without impairing our moral honesty to protect the public buyers of bonds. Who is going to be responsible for the $500 shrinkage in that hypothetical case?

Mr. DEMPSEY. Will the gentleman yield?

Mr. BEGG. I yield to the gentleman.

Mr. DEMPSEY. Suppose the Federal farm loan bank has a loan of $2,000 on a parcel of land involved in this bill and suppose there is a lien on that land for reclamation purposes of $500, does it make any difference to the Federal farm loan bank whether that loan is held by the United States or whether it is held by the irrigation district? It is a lien in exactly the same way.

Mr. BEGG. He could not get his loan unless he nullifies the lien.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for five minutes more. Is there objection?

Mr. KINKAID. Mr. Chairman, I would like to ask as to the parliamentary situation. Is it on the motion to strike out the enacting clause?

The CHAIRMAN. The question is on the pending amendment offered by the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Now, if it makes no difference whether this $500 loan is held by the irrigation district or by the United States, how can this bill affect the question in which the gentleman is interested?

Mr. BEGG. Simply in this way: You are undertaking by the passage of this bill to nullify the Federal Government's lien for irrigation purposes so far as the ability of the Farm Loan Board goes to make a loan, but you are not surrendering your priority rights in the collection of the lien.

Mr. DEMPSEY. I do not find anything here that affects——

Mr. BEGG. That is the whole tenor of the argument, as I understand it.

Mr. DEMPSEY. I will be glad to see anything in the bill to that effect. I can not find it.

Mr. BEGG. If I understand the bill, that is all it is.

Mr. MANN. Can the gentleman state a hypothetical case that would not apply to the Farm Loan Board anywhere?

Mr. BEGG. No. The Federal Farm Loan Board loans money on farming land free of any encumbrances at 50 per cent of its appraised value.

Mr. MANN. He stated it could loan more money than the land would sell for.

Mr. BEGG. The gentleman misunderstood me. The hypothetical case I stated was that the Federal Farm Loan Board will loan 50 per cent of its value, and here is the added assessment against this property.

Mr. MANN. The gentleman stated a case of the Farm Loan Board loaning $1,000 on property that was worth only $1,000.

Mr. BEGG. I think the gentleman misunderstood me. I said a farm forced to sell for $2,000.

Mr. MANN. Now, the $1,000 is due, just as stated, for the water rights, but that is still on the land. If they loan without regard to that, they make an improvident loan.

Mr. BEGG. They can not loan except we, by our action, nullify the lien the Government holds for irrigation purposes. They can not make the loan to-day unless we nullify it so far as the loan applies.

Mr. MANN. That does not require them to make an improvident loan.

Mr. BEGG. Certainly not.

Mr. MANN. The gentleman's case lets them make an improvident loan.

Mr. CHALMERS. Mr. Chairman, I want to ask my colleague a question in line with the question of the gentleman from Illinois [Mr. HAHN]. I happen to know that the gentleman who has the floor is well posted on the farm loan situation. I happen to own a 40-acre farm in his district. It is worth about $6,000; and if I apply to the bank for $3,000 loan on it, who is going to lose the $1,000? It is a parallel case to the case stated by the gentleman from Ohio.

Mr. BEGG. Mr. Chairman, I want to call the attention of the committee to what the chairman of the Farm Loan Board, Mr. Lobdell, says on this proposition. He says that the farm is not free of a lien—he does not say whether it is free of an irrigation lien or not—he says, where the title reserves a specific lien for a specific amount, clearly the operator does not have such title as enables him to get a first mortgage. There is a charge against this land now for irrigation building. You are trying to nullify that first mortgage and still retain the Government's right. You are either playing in bad faith with the Government, or with the joint stock land bank, or the Federal farm loan bank. You can take your choice. You can not cancel it and still hold it.

Mr. SINNOTT. The gentleman has read the last two lines of Mr. Lobdell's statement.

Mr. BEGG. I will say to the gentleman that I have read the whole thing.

Mr. SINNOTT. Then you will find that he makes the same statement as the gentleman from Illinois made, that he takes those things into consideration.

Mr. BEGG. He says, of course, if you nullify by legislative action the lien as a lien and change it into taxes, why then we can make the loan. But that is just exactly what I maintain. If you stultify yourself by canceling the loan that continues to be a lien and then make a loan against it and take it by the Government as a first mortgage, and sell it, you can do it, but I will not subscribe to anything of that kind.

Mr. MANN. Mr. Chairman, it is a surprise to me that a gentleman so intelligent as the gentleman from Ohio [Mr. BEGG] can get under such a misapprehension. The Government now has an individual lien on the property in irrigation districts, against the different pieces of property—a farm loan for construction charges.

The Farm Loan Board holds that that is such a lien that the man's mortgage upon the property does not convey a first lien upon his property. I have no disposition to quarrel with the construction of the Farm Loan Board. All over the country in various places people have organized drainage districts under the laws of the States. Those drainage districts are organized in such a way that the drainage district levies a special tax against the property which is benefited by the construction of the drainage work. That special assessment might be payable in one year, but I think it never is. It extends over a period of various numbers of years, 5, or 10, or 15 years. It is a first lien upon the property, with the taxes, just as much a first lien as the lien of the Federal Government upon the individual holding. But the Federal Farm Loan Board holds, and I think properly, that as that is a matter of taxes it is not considered as preventing a first mortgage upon the property being a first lien upon the property.

It may be just as high an assessment as the construction charges of the Government for the construction of irrigation works, and of course in either case the Federal Farm Loan Board takes into consideration, as any purchaser of the land would take into consideration, the fact that the land has an underlying claim against it for a certain amount that has given its present value to it, just like a street improvement that is not paid for on date. It may be paid for in a series of 10 years, and the owner of it may sell it to-morrow for a high price because of the street improvement. Unless he excepts the payment, if he gives a straight guaranty deed, the owner must pay the special assessments for the street improvement.

Now, here is a proposition merely to permit the irrigation districts to join together to relieve the Government lien upon an individual piece of ground here and another lien upon another individual piece of ground there, and to combine them so that all the pieces of ground shall be subject to a lien for the combined amount due, but that, when done, will not be considered as preventing a first mortgage upon the land being a first lien upon the land.

If the Federal Farm Loan Board had held that because taxes are a lien always a long time before they can be paid, it could not take a mortgage as a first lien because taxes were due on it, we would see that the ruling would be so ridiculous that nobody could do it. They could not have loaned a dollar. I am not quarreling with their decision. This is to relieve it. But the gentleman from Kansas [Mr. LITTLE] said the whole thing is illegal; that because A owns plat A and B owns plat B A can not contract in any way to help pay the assessments against plat B, which is owned by B. But the first section of this bill contains this provision:

> No contract with an irrigation district under this act shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction or pending appellate action if ground for an appeal be laid.

Every man in the district has his rights. He can go into court when the question of confirming the authority is being disposed of by the court. But when the court has declared by decree that the district has the authority to make the contract it is res adjudicata. Nobody can raise the question after that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANN. Now, the gentleman from Kansas says that in the case of proceedings which are null and void the question can be raised at any time. If the court enters a decree in such a proceeding, to which an individual is a party, and the court enters a decree against him, it makes no difference whether it was null and void or not; it is settled. He can not raise it except on appeal, and when the appeal is disposed of he can not raise it again.

Now, I can not see the purpose of the amendment proposed by the gentleman from New York [Mr. DEMPSEY]. I know the gentleman did not offer the amendment for the purpose of making uncertain the provisions of the bill, but I do not see what else his amendment does. There is nothing to assign. The gentleman talks of an assignment as collateral security. There is nothing to assign.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. DEMPSEY. I offered the amendment, I will say, with all diffidence, because I had not studied the bill. But I will tell the gentleman what my idea is. The contract with the Secretary may well provide this, that as soon as the reclamation work shall have been completed and the assessments laid, thereupon the assessments shall be assigned to him, and the contract made shall be deemed to be the assignment of them when made, but the Secretary may demand a further assignment when they have actually been made.

Mr. MANN. They can not assign an assessment.

Mr. DEMPSEY. Why can not a man assign an assessment just as much as a mortgage? It is a lien, and a lien for a specific amount.

Mr. MANN. You mean the assignment made by the taxing body?

Mr. DEMPSEY. Surely.

Mr. MANN. They can not assign the assessment.

Mr. DEMPSEY. Why can they not assign the assessment? The assessment is a tax.

Mr. MANN. They can not assign the assessment. They certify to the taxing officers that a certain amount must be raised. They have it figured out. They can not assign the assessment. The assessment is put into collection. That is not assignable. The proceeds are already assigned by the contract.

Mr. DEMPSEY. But why can not the irrigation district, which is the owner of these liens, assign the liens? They are the lien, but the instant the legal process has been followed and completed the irrigation district is the owner of it.

Mr. MANN. The irrigation district is not the owner of anything. It is not the owner of a lien.

It is provided under the law with the power and the requirement that it shall levy an assessment for the collection of the money; that is all. It is an instrumentality for collecting the money which is a lien upon all the property in the district. But the very purpose of this bill is to relieve any question about there being an assessment against the property, except as there is an assessment levied each year by this taxing body, just as we levy taxes anywhere.

Mr. DEMPSEY. My understanding of it was that the only difference between this bill and the present system was that the lien became levied on the property in the one case just the same as in the other, but that the lien as it exists to-day is the property of the United States and the lien under this bill would be the property of the irrigation district.

Mr. MANN. If this bill goes through, we trade off a lien for a promise under a contract and a law which requires the lawful authority to levy a tax annually for the payment of the amount that is due; and they have to do that. Now, that is all they have to do, and if they do not do it we can sue the district for the amount due the Government and mandamus them and require them to do it.

Mr. DEMPSEY. I was just going to suggest to the gentleman that I quite agree in that view. My amendment was offered under a misunderstanding, and I will withdraw it; but I quite agree with the gentleman that the remedy should not be by a simple suit but should be by mandamus to compel them to levy the tax.

Mr. MANN. I had thought of offering an amendment to this bill—but I am not going to do it, although I would not oppose it—giving the right to the Government directly to bring an action in a Federal court to mandamus the taxing authorities and require them to levy the tax. To be honest with you, we trade off a lien which we can collect by sale of the property for the right to compel the taxing body to levy a tax. Perhaps they will not do it and will go to jail instead; and if they do we will never get the money, but I am not much afraid of that. [Applause.]

Mr. BUTLER. No; we need not be afraid of that.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to proceed for one-half minute.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for one-half minute. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, I wish merely to answer the insinuation of the gentleman from Ohio [Mr. BEGG] regarding the possible deception that might be worked on the public in these farm loans should we pass this bill. Mr. Lobdell, of the Farm Loan Board, has taken into consideration these assessments, and he says, as is shown in the report on this bill, on page 5:

> In making the loan we feel that loans can be made, the question in this instance to consider being the effect of the assessment on the borrower's net earning power.

So they take all that into consideration when they make the loans on these irrigation projects.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to proceed for one minute. Mr. Lobdell, commissioner and chairman of the Federal Farm Loan Board, wrote me a letter yesterday indorsing the provisions of this bill after having carefully examined the same. In a conversation over the phone he stated that in making the loan the amount that the water user has to pay or that the farm has to pay to the Government will be taken into consideration. In making these loans they will look into that very carefully in every case. I have mislaid the letter of Mr. Lobdell this afternoon; therefore I ask unanimous consent to insert the letter as a part of my remarks.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks as indicated? Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Will the gentleman yield for one question?

Mr. KINKAID. Yes.

Mr. PARKER of New Jersey. Is not the sense of this bill that it authorizes the Farm Loan Board to loan on a second mortgage by calling what was a lien a tax?

Mr. KINKAID. Oh, no.

Mr. PARKER of New Jersey. That is the effect of it.

Mr. KINKAID. Oh, no.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Porto Rico [Mr. DAVILA] may proceed out of order for seven minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Porto Rico [Mr. DAVILA] may proceed out of order for seven minutes. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Chairman, I ask that the Clerk read in my time a communication that I have received from the Senate of Porto Rico.

The CHAIRMAN. Without objection, the Clerk will read the communication indicated.

There was no objection.

The Clerk read as follows:

On February 25, 1922, the Senate of Porto Rico adopted the following resolution:

Resolution.

Whereas E. Montgomery Reily was appointed by the President of the United States to the office of Governor of Porto Rico, said appointment having been made under the provisions of the organic law known as the Jones Act;

Whereas immediately after said appointment and before he knew the country upon whose government he was about to enter, said E. Montgomery Reily expressed himself in the press of Kansas City, Mo., in a manner unbecoming a fair and even-minded man by making public statements in conflict with the dignity and rights of Porto Rico;

Whereas E. Montgomery Reily has shown that he lacks the most elementary qualifications of rectitude, tact, impartiality, and mental training required by the office held by him, as has been shown by his public and official acts in violation of the organic act of Porto Rico, such as the appointment of incompetent persons to public office, the corruption of the judiciary by threatening and removing judicial officers without just cause, and the attempted coercion of the liberty of the courts of justice;

Whereas said E. Montgomery Reily, on an official trip made by him over the island, acted as a vulgar agitator and in several speeches delivered by him expressed himself in the most insulting language against the Porto Rican flag, which is a symbol of local sentiment and as such is consecrated and respected by the entire Porto Rican community;

Whereas the conduct of E. Montgomery Reily in refusing to execute important laws of a financial nature, duly passed by the legislature and approved by the preceding chief executive, has created a chaotic condition in the public administration, greatly injuring the community and the credit of the island;

Whereas said E. Montgomery Reily has not only endeavored to corrupt and defame insular judicial officials but has also tried to exercise undue influence on the Federal administration of justice by publicly, personally, and notoriously seeking the modification of a sentence pronounced by the judge of the United States district court on an officer of the insular government for having committed contempt of court, thus weakening the moral support due by all citizens to the United States district court and to the magistrate presiding over said court;

Whereas, far from being a faithful interpreter of the law and an assurance of the constitutional rights granted to Porto Rico by the fundamental law approved by Congress, E. Montgomery Reily has become an irresponsible autocrat, ignoring and despising the Senate of Porto Rico in his appointments to the highest offices in the insular government, having sought in his purpose the sole advice of members of the minority, in detriment and mockery of the rights of the legitimate representatives of the greater part of public opinion;

Whereas the conduct of E. Montgomery Reily prior to his appointment as representative of the national sovereignty in Porto Rico has been incorrect and immoral to such a degree as to deprive him of the prestige and authority indispensable in the chief executive of a community of American citizens jealous of their culture and high civilization;

Whereas the continuance of said E. Montgomery Reily at the head of the insular government is an offense against the decorum and dignity of the people of Porto Rico, and determines a state of insecurity and distrust throughout the whole of Porto Rican society: Now, therefore, be it

Resolved by the Senate of Porto Rico, First, Solemnly to accuse E. Montgomery Reily before the Congress of the United States of having violated the organic act and other statutes of Porto Rico and of having done everything possible to discredit in Porto Rico the great Nation which is the cradle of liberty and democracy, by action, not as a true representative of the United States of America but as a vulgar agitator and an irresponsible despot.

Second. To request the United States Congress to direct a number of Members thereof to make an investigation of the conditions brought about in the administration and society of Porto Rico by E. Montgomery Reily.

Third. To request the President of the United States of America to remove E. Montgomery Reily from the office of Governor of Porto Rico for the good of the island and to vindicate the prestige and good name of the United States as entailed by their representative in Porto Rico.

Given under my hand at San Juan, P. R., this 28th day of February, A. D. 1922.

[SEAL.] JOSÉ MCDOUL QUESADA,
Secretary of the Senate.

Mr. DAVILA. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Chairman, this resolution was adopted by the Senate of Porto Rico by a vote of 15 to 3. In this connection, Mr. Speaker, I wish to say that I have complete confidence in the spirit of justice of the national administration as I also have in the justice of our cause.

Whoever knows the views of the President of the United States about the Latin American people, and the West Indies in particular, must agree that the President of our Nation will not tolerate in Porto Rico identical conditions to those criticised by him when he was making his plea for the suffrages of the American electorate.

The President in a speech at Marion, Ohio, on August 28, 1920, said:

> So many things have been done by the present expiring administration that no power on earth could induce me to do that I can not even attempt to recount them. I may remark casually, however, that if I should be, as I fully expect to be, elected President of this just and honorable Republic, I will not empower an Assistant Secretary of the Navy to draft a constitution for helpless neighbors in the West Indies and jam it down their throats at the point of bayonets borne by United States marines. We have a higher service for our gallant marines than that. Nor will I misuse the power of the Executive to cover with a veil of secrecy repeated acts of unwarranted interference in domestic affairs of the little republics of the Western Hemisphere, such as in the last few years have not only made enemies of those who should be our friends but have rightfully discredited our country as their trusted neighbor.

I can not allow to go unchallenged the remarks of the gentleman from Kansas [Mr. TINCHER] when he stated that Gov. Reily hoisted the American flag over the schools of Porto Rico over the protests of the people whom I said he removed from office. When the gentleman made this statement I arose and said: "I deny that most emphatically. The gentleman is entirely incorrect." As the gentleman did not yield to me when I denied his assertion, he struck out my remarks from the RECORD. I want to repeat again that the information received by the gentleman is entirely false. The Governor of Porto Rico has never hoisted American flags over schools or elsewhere over the protests of the loyal people of the island. It is very easy to speak about loyalty in times of peace while it is very difficult to prove loyalty in times of war. The record of Porto Rico during the recent world crisis speaks for itself and is second to none. No State of the Union can exhibit a better record than ours. The majority party, this party criticized by Gov. Reily and totally disregarded by him, immediately after the declaration of the war sent a cable to President Wilson which reads as follows:

SAN JUAN, P. R., *May 6, 1917.*

Hon. WOODROW WILSON,
Washington, D. C.

> The Unionist Party of Porto Rico, gathered in an assembly at San Juan, pledges its unconditional support to the American Nation and to its illustrious President in the present conflict, and expects that Porto Rico be assigned its share of sufferings and sacrifices until victory is obtained.
>
> ANTONIO R. BARCELÓ,
> *President of the Senate.*

At the very time that this cable message was dispatched, Manuel F. Rosaly, president of the Republican Party which now supports Gov. Reily, was being quoted in the San Juan Tiempo as saying:

> If our countryman (Blanco) goes to France, he does so not through his own volition, but because he is sent by law and by the national will.

During the remarks of the gentleman from Kansas [Mr. TINCHER] the gentleman from California [Mr. NOLAN] made the statement that E. Mont Reily on his return to Porto Rico received a tremendous reception at the hands of the common people. It is true that the governor was received by his friends, the Socialists and the Republicans, to the number of about 3,000 people, more or less, but I want to state that I have reliable information that when the commission that came to Washington to protest against Reily returned home it received a tremendous reception by nearly 40,000 people. It is very easy to get a crowd such as welcomed the governor at any time, but it is impossible to obtain the love and affection of a people by oppression and force.

Mr. KINKAID. Mr. Chairman, I move that all debate on the section be now closed.

The CHAIRMAN. The gentleman from Nebraska moves that all debate on this section and amendments thereto be now closed.

The motion was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, at the request of the gentleman from New York [Mr. DEMPSEY], I ask unanimous consent that the amendment offered by him may be withdrawn.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment of the gentleman from New York [Mr. DEMPSEY] be withdrawn. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 2. That patents and water-right certificates which shall hereafter be issued under the terms of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (37th Stats. L., p. 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no lien reserved to the United States in any patent or water-right certificate heretofore and hereafter issued under the reclamation law shall be released unless and until the patentee or water-right applicant shall consent in writing to the assessment, levy, and collection of such tax by and through such irrigation district for the payment to the United States of the contract obligation: *Provided, further*, That before any lien is released as provided in this act the Secretary of the Interior shall first favorably find and file a report in writing, which shall show that the irrigation district is legally formed and organized under the State law in which the irrigation district is situated, with full power to enter into such contract with the United States; and full power and authority to collect by assessment and levying all of the money then due, or to become due, and payable to the United States, by the irrigation district on all valid and now effective contracts and obligations by and from all water users holding land or entries within the district due the United States; and that the lands should be subject to assessment and levy, in accordance with the law under which the irrigation district is organized, for the collection of all money due the United States.

The following committee amendment was read:

Page 4, line 6, strike out lines 6 to 25, inclusive, and page 5, strike out lines 1 and 2, and insert in lieu thereof the following:

"*Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation.

"*Provided further*, That before any lien is released under this act the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation."

The CHAIRMAN. The question is on the committee amendment.

Mr. STEPHENS. Mr. Chairman, in considering this question it occurs to me that this district is in the same position as the municipality where all improvements, water, streets, sidewalks, sewers, or what not, are assessed against the abutting property. Bonds are issued and the whole municipality is obligated to pay these bonds. The district composing these water takers could issue bonds if they cared to and assess each individual owner according to the benefit he received. But in this case, as I understand it, the Government is furnishing the money and taking a mortgage upon each individual property, and now the question is, shall the Government release this lien and place the obligation upon the whole municipality or corporation or district. In this case each particular property will be assessed according to its valuation, according to its benefits. If there is property that has already paid its assessments it will be relieved from any further assessments. The assessments will be placed against each particular piece of property and collected in installments—perhaps in 5 or 10 years, I do not know, but under whatever arrangement they may make. These assessments would be the same kind of a lien against the property as ordinary taxes. Therefore, answering the question of the gentleman from Ohio about this lien or assessment, the person who would loan money on a first mortgage would take into consideration any taxes or any assessments upon the property. They would probably subtract

the amount of the assessment that would be due, payable in 10 years, from the valuation in establishing a valuation of the property with the lien upon it. So, I do not believe the argument of the gentleman from Ohio is very logical in regard to the matter of making loans.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. TINCHER. As I understand this bill, it proposes to give to the man that has a lien on his property for getting water on it the same treatment and the same rights that a man now has who has a lien on his property in an effort to get water off it. That is, treat irrigation and drainage districts exactly the same.

Mr. STEPHENS. That is the understanding that I have of this particular measure, but I was just following out the position that it would place the district in in collecting the assessments, and I believe that the assessments should be collected, and the district itself would collect these assessments, and as a whole would be responsible to the Government. The Government would be in a position to collect this debt just the same as any bondholder of any municipality. You would be able to collect this debt by using the same means that creditors of any particular municipality in this country would use.

Mr. LITTLE. Do I understand that Cincinnati has authority to pay off the liens on the gentleman's property?

Mr. STEPHENS. Cincinnati has not the authority to pay the mortgages on the property, but it has authority to collect any assessments.

Mr. LITTLE. Or pay any lien that the Government might hold upon it?

Mr. STEPHENS. Cincinnati has not the authority to pay your mortgages.

Mr. LITTLE. Suppose the Government of the United States had a lien on the gentleman's property, could the city pay it for him?

Mr. STEPHENS. I think not. It may be, according to what kind of lien the Government would have.

Mr. LITTLE. I think the gentleman must know that Cincinnati could not undertake to pay the United States any debt that he owed it.

Mr. STEPHENS. I know this: That in making assessments, if the whole district is to assume the assessments, it will be placed in the same position as the municipality that collects assessments for improvements in that municipality.

Mr. LITTLE. The difficulty with that is that there is no relation whatever between the assessment the gentleman speaks of and the debts which an individual owes the Government of the United States. The two have no relation to each other and there is no similarity.

Mr. STEPHENS. I have not the time to discuss that part of it.

Mr. LITTLE. But that is all there is of this debate.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KINKAID. Mr. Chairman, I move that all debate upon this section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. KINKAID. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. KINKAID. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. LITTLE. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. Mr. Speaker, would an automatic roll call come now if the point of no quorum be made without a division?

The SPEAKER. That is a point which the Chair has never settled.

Mr. MANN. I think it is clear under the rules that it would.

The SPEAKER. The Chair thinks that it would come.

Mr. LITTLE. Then, Mr. Speaker, I shall not ask for a division, but I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kansas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 287, nays 10, answered "present" 3, not voting 129, as follows:

YEAS—287.

Almon	Elliott	Lazaro	Roach
Andrew, Mass.	Evans	Lea, Calif.	Robsion
Andrews, Nebr.	Fairfield	Leatherwood	Ross
Appleby	Faust	Lee, Ga.	Rouse
Arentz	Favrot	Lee, N. Y.	Ryan
Aswell	Fenn	Lehlbach	Sanders, Tex.
Atkeson	Fish	Lineberger	Sandlin
Bacharach	Fisher	Logan	Schall
Bankhead	Focht	Lobdon	Scott, Tenn.
Barbour	Foster	Longworth	Shaw
Barkley	Free	Lowrey	Shelton
Beedy	Freeman	Luce	Shreve
Bird	French	Luhring	Siegel
Bixler	Frothingham	Lyon	Sinclair
Bland, Ind.	Fuller	McClintic	Sinnott
Bland, Va.	Fulmer	McDuffie	Sisson
Blanton	Gahn	McFadden	Smith, Idaho
Boies	Gallivan	McKenzie	Smith, Mich.
Bond	Garner	McLaughlin, Mich.	Smithwick
Bowers	Garrett, Tenn.	McLaughlin, Nebr.	Snyder
Bowling	Gensman	McLaughlin, Pa.	Sproul
Box	Gernerd	McPherson	Steagall
Brand	Gilbert	McSwain	Stedman
Brennan	Glynn	Madden	Stephenson
Briggs	Gorman	Magee	Stephens
Brooks, Ill.	Green, Iowa	Maloney	Stevenson
Brooks, Pa.	Greene, Vt.	Mann	Stoll
Browne, Wis.	Griest	Mapes	Strong, Kans.
Buchanan	Hadley	Mead	Strong, Pa.
Burdick	Hammer	Michaelson	Summers, Wash.
Burroughs	Hardy, Colo.	Michener	Sumners, Tex.
Burtness	Hardy, Tex.	Miller	Swank
Butler	Harrison	Millspaugh	Sweet
Byrnes, S. C.	Haugen	Montoya	Swing
Byrns, Tenn.	Hawes	Moore, Ill.	Tague
Cable	Hawley	Moore, Ohio	Taylor, Ark.
Campbell, Kans.	Hayden	Moore, Va.	Taylor, N. J.
Campbell, Pa.	Herrick	Morgan	Taylor, Tenn.
Cantrill	Hersey	Mott	Temple
Carew	Hickey	Murphy	Ten Eyck
Chalmers	Hicks	Nelson, A. P.	Thompson
Chindblom	Hoch	Nelson, J. M.	Tillman
Christopherson	Hogan	Nolan	Tilson
Clague	Hooker	O'Brien	Tincher
Clarke, N. Y.	Huddleston	O'Connor	Tinkham
Cockran	Hudspeth	Oldfield	Towner
Cole, Iowa	Hull	Oliver	Treadway
Collier	Jacoway	Olpp	Tyson
Collins	Jefferis, Nebr.	Osborne	Vaile
Colton	Johnson, Ky.	Overstreet	Vestal
Connell	Johnson, Wash.	Padgett	Vinson
Connolly, Pa.	Jones, Tex.	Park, Ga.	Tolk
Cooper, Wis.	Kearns	Parker, N. Y.	Volstead
Crisp	Keller	Parks, Ark.	Walsh
Cullen	Kendall	Petersen	Ward, N. C.
Curry	Ketcham	Porter	Wason
Dale	Kincheloe	Pou	Watson
Dallinger	Kinkaid	Purnell	Weaver
Darrow	Kirkpatrick	Quin	Webster
Davis, Minn.	Kissel	Radcliffe	White, Kans.
Davis, Tenn.	Kleczka	Rainey, Ala.	White, Me.
Deal	Kline, N. Y.	Rainey, Ill.	Williams
Dempsey	Kline, Pa.	Raker	Williamson
Denison	Knight	Ramseyer	Wilson
Dickinson	Knutson	Rankin	Woodruff
Dominick	Kopp	Ransley	Woodyard
Drane	Kraus	Reece	Wright
Driver	Kreider	Reed, N. Y.	Wurzbach
Dunbar	Lampert	Reed, W. Va.	Wyant
Dupré	Lanham	Rhodes	Yates
Echols	Larsen, Ga.	Ricketts	Young
Edmonds	Lawrence	Riddick	

NAYS—10.

Ackerman	Cramton	Newton, Mo.	Sanders, Ind.
Begg	Fitzgerald	Parker, N. J.	
Clouse	Little	Perkins	

ANSWERED "PRESENT"—3.

Dowell	Humphreys	Langley

NOT VOTING—129.

Anderson	Blakeney	Cannon	Cole, Ohio
Ansorge	Brinson	Carter	Connally, Tex.
Anthony	Britten	Chandler, N. Y.	Cooper, Ohio
Beck	Brown, Tenn.	Chandler, Okla.	Copley
Bell	Bulwinkle	Clark, Fla.	Coughlin
Benham	Burke	Classon	Crago
Black	Burton	Codd	Crowther

Doughton	James	Montague	Sears
Drewry	Jeffers, Ala.	Moores, Ind.	Slemp
Dunn	Johnson, Miss.	Morin	Snell
Dyer	Johnson, S. Dak.	Mudd	Speaks
Ellis	Jones, Pa.	Newton, Minn.	Stafford
Fairchild	Kahn	Norton	Stiness
Fess	Kelley, Mich.	Ogden	Sullivan
Fields	Kelly, Pa.	Paige	Taylor, Colo.
Fordney	Kennedy	Parrish	Thomas
Fuller	Kiess	Patterson, Mo.	Timberlake
Funk	Kindred	Patterson, N. J.	Underhill
Garrett, Tex.	King	Perlman	Upshaw
Goldsborough	Kitchin	Pringey	Vare
Goodykoontz	Kunz	Rayburn	Volgt
Gould	Lankford	Reavis	Walters
Graham, Ill.	Larson, Minn.	Reber	Ward, N. Y.
Graham, Pa.	Layton	Riordan	Wheeler
Greene, Mass.	Linthicum	Robertson	Wingo
Griffin	McArthur	Rodenberg	Winslow
Hays	McCormick	Rogers	Wise
Hill	MacGregor	Rosenbloom	Wood, Ind.
Himes	Mansfield	Rossdale	Woods, Va.
Hukriede	Martin	Rucker	Zihlman
Husted	Merritt	Sabath	
Hutchinson	Mills	Sanders, N. Y.	
Ireland	Mondell	Scott, Mich.	

So the bill was passed.

The Clerk announced the following pairs:

General pairs:

Mr. RODENBERG with Mr. BELL.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. ELLIS with Mr. HUMPHREYS.

Mr. BURKE with Mr. RIORDAN.

Mr. PATTERSON of Missouri with Mr. WINGO.

Mr. IRELAND with Mr. BLACK.

Mr. HIMES with Mr. SULLIVAN.

Mr. TIMBERLAKE with Mr. DREWRY.

Mr. DUNN with Mr. KITCHIN.

Mr. CANNON with Mr. MONTAGUE.

Mr. HILL with Mr. RAYBURN.

Mr. MORIN with Mr. THOMAS.

Mr. WINSLOW with Mr. CARTER.

Mr. PATTERSON of New Jersey with Mr. GARRETT of Texas.

Mr. REBER with Mr. DOUGHTON.

Mr. KIESS with Mr. GRIFFIN.

Mr. DOWELL with Mr. LINTHICUM.

Mr. JOHNSON of South Dakota with Mr. SABATH.

Mr. NORTON with Mr. JOHNSON of Mississippi.

Mr. SNELL with Mr. BULWINKLE.

Mr. KING with Mr. SEARS.

Mr. VARE with Mr. TAYLOR of Colorado.

Mr. HUKRIEDE with Mr. MARTIN.

Mr. GRAHAM of Pennsylvania with Mr. PARRISH.

Mr. GREENE of Massachusetts with Mr. KINDRED.

Miss ROBERTSON with Mr. JEFFERS of Alabama.

Mr. CHANDLER of Oklahoma with Mr. FIELDS.

Mr. MONDELL with Mr. CONNALLY of Texas.

Mr. HUTCHINSON with Mr. BRINSON.

Mr. KAHN with Mr. WOODS of Virginia.

Mr. COUGHLIN with Mr. UPSHAW.

Mr. BURTON with Mr. KUNZ.

Mr. FESS with Mr. LANGFORD.

Mr. SPEAKS with Mr. WISE.

Mr. ROSSDALE with Mr. RUCKER.

Mr. MUDD with Mr. MANSFIELD.

Mr. OGDEN with Mr. GOLDSBOROUGH.

The result of the vote was announced as above recorded.

On motion of Mr. KINKAID, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESIGNATION FROM A COMMITTEE.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of Election Committee No. 3.

FRANK D. SCOTT.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. L. B. RAINEY, for 30 days, on account of business.

To Mr. FIELDS, for the day, on account of illness.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks on the bill just passed.

The SPEAKER. Is there objection?

Mr. KNUTSON. Mr. Speaker, reserving the right to object to the request, will they be his own remarks or somebdy else's?

Mr. RAKER. It will be my own remarks, supplemented by some notations from the Supreme Court.

Mr. MANN. Oh, this is his bill, and he did not speak on it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

Mr. RAKER. Mr. Speaker and gentlemen of the House, I want to present my views on this legislation. Being a member of the committee, I shall use the language of the report on the bill by the Committee on Irrigation of Arid Lands in presenting it to the House. This shows quite clearly the objects and purposes of the proposed legislation, and I take this opportunity to make the same of record so the question may be clearly and distinctly understood in its further consideration.

The enactment of this legislation will accomplish two beneficial effects.

First. The United States will have better security for the money expended in the construction of reclamation projects. Instead of the individual obligation of the water users, the Government will have the obligations of legally organized irrigation districts, being municipal corporations possessing the power to assess and collect taxes on all of the lands within the district.

Second. The landowners within such irrigation projects will be enabled to obtain loans from the Federal farm loan system.

The primary object of bill H. R. 4382 is to pave the way for farm loans on irrigation projects without subordinating security for the reimbursement of the reclamation fund or interfering with the Government's present security contained in the guaranty contract with individual water users' associations.

The committee in considering this bill and reporting it to the House did so with the idea in view that it will give much relief financially to those engaged in production of foodstuffs throughout the country under irrigation projects. No enterprise in which the Government may be considered a silent partner makes such bounteous returns as the irrigation projects fostered and protected by Government aid. At the same time the aid rendered is an advancement only to enable the worker of irrigated soil to bring to his assistance the necessary implements and tools to accomplish greater results.

The purpose of this bill is to enable the owners, entrymen, and occupants of lands under Government constructed and operated irrigation projects to form irrigation districts under the State law of the State wherein the irrigated lands are located, and when formed in accordance with the State law they shall be recognized as a public corporation, and as such be empowered to make application for and receive funds from Federal farm loan banks as owners of farms in the nonirrigated sections of the United States may do and are now doing. Taxes for the payment of the contractual obligations of the district may be assessed, levied, and collected against the acreage of the district and is not chargeable by the Government to any individual within the confines thereof. And any lien the Government may have for moneys expended in the procuring of water for the acreage in the district to the individual owner of lands under such ditch or works constructed by the Government is released and passes by virtue of this act to the district body as a whole and is cared for by district assessment and levy, which assessment so levied is chargeable and recovered against the land of the individual owner as debtor. In other words, the Federal Government is dealing with the irrigation district instead of the individual owner or water users' association.

The formation of irrigation districts is entirely voluntary with the water users. These corporations are uniformly held to be public corporations and are susceptible of being formed under the State laws only upon a vote of such majority of landowners as may be prescribed by the statute. There is nothing in the bill which enjoins upon the water users reorganizing as districts, but the bill is in effect an enabling act whereby cooperation can be carried on by the United States in a more perfect manner than heretofore.

The formation of an irrigation district, while it is a step of great importance, being from a private corporation to a municipality, yet in several respects is not so radical a change as might be supposed. There is nothing in the formation of the irrigation district which necessitates the transfer from the Government of the operation and management of the project. There is no implied repeal of the provisions of the present reclamation law—

That when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby * * *. (Reclamation act, sec. 6, 38 Stat., 388.)

Nor of the amendatory provision—

That whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. (Reclamation extension act, Aug. 13, 1914, sec. 4, 38 Stat., 686.)

The passage of this act followed by organization as an irrigation district does not involve the turning over to the water users of management and control unless the Secretary of the Interior approves such step and the water users vote favorably upon the plan, at least prior to the payment for the major part of the land irrigated under the project as provided by the original reclamation act. It would, however, facilitate the transfer if both the water users and the Government deemed the change advisable, since municipal powers would greatly aid in the solution of the problems of management and control.

The formation of the irrigation district would not involve the issuance of bonds in favor of the United States nor the payment of interest. The projects would still have the advantages of the reimbursement plan prescribed by sections 1 and 2 of the reclamation extension act above quoted in mutual cooperation with the United States.

This cooperation can best be conducted so as to make as little change as possible in the ordinary machinery of these corporations under the State statutes. The funds of the district are secured by levy and assessment in common with the methods of other municipal corporations formed for the purpose of public improvement. Hence it is highly desirable that the Federal law be in such shape that the machinery for the collection of assessments to carry out the contracts with the United States shall be identical with that employed to secure other funds or irrigation districts.

Express authority of Congress therefore is conferred by section 1 of the bill to contract with irrigation districts for the payment of moneys required to reimburse the reclamation fund, with provision that in such cases water-right applications need not be filed and that the dates of annual payment of penalties and interest charges named in the contract shall be discretionary with the Secretary of the Interior.

In case irrigation district contract is made with the United States, the security furnished for the reimbursement of the reclamation fund is preferable, both in value and in workability, to the security through the water users' association, and where such contract is made water-right application liens are no longer necessary to the United States, and section 1 expressly provides for their release. The water users' association, of course, is replaced by the irrigation district, and accordingly may properly be dissolved through the Secretary's consent and the stock subscription liens released of record.

This step will pave the way for affording the farm loans to reclamation projects which elect thus to reorganize as districts, since there will be no first mortgage on project lands for the reimbursement to the United States. The moneys due from irrigation districts are not first mortgages any more than the assessment to be made for road or school purposes by similar public corporations. They become liens only annually as assessment and levy is made. Under the farm loan act the money payable to the district for the United States must, of course, be considered and have its bearing upon the amount which may properly be loaned, but the legal barrier as regards the existence of first mortgages will be removed by the formation of an irrigation district, the execution of contract with the United States by such district, and the release of the liens on private lands now existing to secure the Government.

The act of August 9, 1912, requires that patents to lands entered subject to the reclamation law shall reserve a lien in favor of the United States for any sums remaining unpaid. Similar liens are reserved where final water-right certificate is issued. Where irrigation districts are formed this type of security is no longer necessary, since the irrigation district as a whole can be required to pay, and all lands therein are subject to sale for nonpayment of charges.

The Farm Loan Board has already rendered an opinion, and Judge Lobdell of the board appeared before the committee in recognition of the distinction between the lien reserved under the act of 1912, the lien created by water-right application and by stock subscription, on the one hand, as constituting first mortgages, and the assessments of districts annually becoming a lien, on the other hand, as not constituting first mortgages, but, rather, to be classed with the taxes and improvement assessments of public corporations. In the first class the farm loans are held barred, while in the other they are permissible.

The Federal Farm Loan Board's opinion is as follows:

Board unanimously of the opinion loans can not be made on lands under reclamation projects where Government reserves lien in patent and such lien remains unsatisfied. We distinguish between above cases and those projects where irrigation charge is a fixed annual assessment and collected as taxes, a complete title being in borrower. * * * Where the water assessment is merely a fixed annual charge collectible as taxes and the borrower's legal title is unimpaired, we feel that loans can be made, the question in this instance to consider being the effect of the assessment on the borrower's net earning power. Where the title reserves a specific lien for a specific amount, clearly the borrower does not have such title as enables him to give a first mortgage, construing the term "first mortgage," as we must, to mean a paramount lien.

The result of the act, therefore, would be to encourage the formation of irrigation districts and provide cooperation therewith, to release the liens now constituting present or prospective encumbrances on both private land and the entered lands within all projects reorganized as irrigation districts when the district itself made contract for the repayment of the charges, thus facilitating farm loans.

The irrigation district is by no means an experiment, but the principles applicable have been thoroughly thrashed out in the State courts of the West and in the Supreme Court of the United States.

The irrigation district statutes apply to the public work of reclaiming arid lands the principles applicable to public corporations. These laws have been upheld by the courts of last resort in practically all reclamation States. The Supreme Court of the United States has upheld the constitutionality of the California law, which is entirely typical, in the case of Fallbrook Irrigation District v. Bradley (164 U. S., 112). The courts have upheld the power of these districts to assess and levy for construction purposes with entire uniformity. After an irrigation district is once organized as a de facto corporation, it has been held that no one but the State can question its organization. (Tulare Irrigation District v. Shepard, 185 U. S., 1.)

The various irrigation district laws contain confirmation provisions whereby an obligation, before being incurred by the issuance of bonds or by contracts to reimburse the reclamation fund of the United States, can be judicially passed upon and approved. Upon the successful determination of such proceedings the decree is binding upon the world under the decisions of all State courts. It has been held in California that even the State is bound by the confirmation decree (People v. Linda Vista Irrigation District, 128 Calif., 477, 61 Pac., 86.)

The Secretary of the Interior had the following to say in support of the proposed legislation:

The purpose of the bill is to adjust certain procedure relating to cooperation between the United States and irrigation districts organized under State laws in connection with contracts providing for the repayment of water charges upon Federal irrigation projects.

The use of the irrigation-district plan of securing repayments of water charges on Federal irrigation projects has been approved in a general way by Congress for the past 10 years. The Warren Act of February 24, 1911 (36 Stat., 925), provides for contracts with irrigation districts, and the extension act of August 13, 1914 (38 Stat., 686), at section 5 authorizes the transfer of the care, operation, and maintenance of Federal irrigation projects to irrigation districts. In section 7 of the last-named act the Secretary of the Interior is authorized to appoint irrigation districts as fiscal agents on Government projects. In the Smith Act of August 11, 1916 (39 Stat., 506), public lands of the United States were made subject to the assessment and levy of irrigation districts. The sundry civil appropriation act of June 12, 1917 (40 Stat., 148), provides that no moneys shall be expended for drainage on the Rio Grande project except in irrigation districts formed under State laws and upon the execution of agreements for the repayment to the United States of all project investments. A similar provision appears in the sundry civil appropriation act of July 1, 1918 (40 Stat., 674), and in the sundry civil appropriation act of July 19, 1919 (41 Stat., 200). In the act of July 1, 1918, Congress specifically approved an agreement by which a developed Carey Act project in Idaho, which had been organized into an irrigation district, known as the King Hill irrigation district, contracted with the United States for the further development of the project and for repayment to the United States under the irrigation-district plan. The sundry civil appropriation act of June 5, 1920 (41 Stat., 913), approves a further agreement with the King Hill irrigation district and also provides that no part of the appropriation made for the Boise Federal irrigation project in Idaho shall be expended for drainage except in irrigation districts formed under State laws and upon the execution of agreements for the repayment to the United States of the cost thereof. All of this legislation is general in nature and contains no specific amendment to the details of existing procedure designed to apply to dealings with individual water-right applicants.

A general rule upon Federal irrigation projects is to require each person applying for a right to the use of water to file a formal water-right application. This procedure, however, is inconsistent with the irrigation-district plan for the reason that in the latter case the water right vests in the irrigation district, which is a quasi public corporation, and the individual water user has no separable water right, being entitled by the laws of the State to his proportionate share of the water available for the district. Accordingly, the requirement of a water-right application in a case where a contract has been made with an irrigation district compels an unnecessary amount of work and possible complications. The first section of this bill would eliminate the requirement of water-right applications where contract for repayment of water charges has been made with an irrigation district. It also would modify the requirements of the extension act of August 13, 1914 (38 Stat., 686), relating to dates and conditions of payment so as to comply with the provisions of State laws in regard to the collection of taxes to provide funds for making payments upon water rights.

The act of August 9, 1912 (37 Stat., 265), reserves a lien to the United States in certain patents and water-right certificates issued prior to full payment of water-right charges. This lien can not be released except upon full payment of the construction charges. When a contract has been made with an irrigation district providing for payment of all water charges, the United States then has ample security for the collection of such charges, and the lien reserved by the act of August 9, 1912, is no longer necessary. In such cases it is advisable

to release the lien as the farmers may be able to secure loans either from the Federal Farm Loan Board or from other loan agencies which consider this lien a first mortgage and will therefore not make loans upon lands subject thereto. The liens of assessments made by irrigation districts to provide money for payment of Government water charges are of the same general nature as assessments made by towns, counties, and school districts, and are not regarded as obstacles to the making of loans.

Section 2 of the bill would authorize the Secretary of the Interior, in a case where contract has been made with an irrigation district providing for payment of all Government water charges, to release the liens under the act of August 9, 1912, as to lands within such irrigation district, and would also do away with those liens in the future as to such lands. This section would also authorize for the same reason the release of liens which arise under our water-right applications. These liens, however, are provided by regulation and not by law, and it would therefore seem that the Secretary now has the authority to make such releases. There is no objection, though, to having this provision included in the bill.

It is suggested that the intent of the first proviso of section 2 of the bill would possibly be more clearly expressed in the following form:

"*Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation."

The second proviso of section 2 is apparently surplusage, as the matter therein referred to seems to be fully covered by the provision for judicial confirmation in section 1. If, however, your committee desires to retain the second proviso of section 2, the following form is suggested:

"*Provided further*, That before any lien is released under this act the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation."

The act of August 11, 1916 (39 Stat., 506), provides for the taxation of public lands within irrigation districts under certain conditions. This law requires the filing with the Department of the Interior of a map or plan showing the irrigation system. This procedure seems unnecessary in cases where a contract has been made between the United States and an irrigation district under which the Government becomes the builder of the irrigation system, and section 3 of the bill proposes to eliminate the requirement of filing such a map.

I am of the opinion that it would be advisable to amend the bill as herein suggested, and that it should then be enacted into law.

The general advantages of this proposed legislation may be briefly stated as follows:

1. The organization, financing, and operation of irrigation districts are fully under popular control.

2. This increases the sense of local civic responsibility.

3. The projects are much more rapidly organized by the holding of an election after a petition for organization than is possible where individual contracts from the landowners must be secured.

4. Examination of abstracts of title is of no importance under the district plan.

5. Complete control over the lands of the dissenting minority is secured so that all of the lands benefited are bound.

6. No profit other than interest on the bonds is paid to the creditors or for promotion.

7. The method of public assessment is applied to all lands benefited, affording priority over private mortgage liens and the same machinery for collection as in the case of taxes.

8. The collection of the needed funds by public assessment results in a better attitude on the part of the average landowner toward the payment of the moneys required for irrigation.

9. Control is secured over public lands of the United States when entered and against unentered lands awaiting entry assessments accumulate.

10. The status of a public corporation gives the irrigation district a much better standing in financial markets.

11. The State district laws supply the best means for cooperation with the United States under Federal reclamation laws.

12. Several States provide for exemption of taxation of irrigation-district property and others for the registration of bonds so that they become lawful securities for the investment of State school funds and for private fiduciary moneys.

13. The laws of all States provide for confirmation proceedings, jurisdiction over all persons being secured by publication, whereby the decree becomes conclusive upon all the world as to the organization of the district and the validity of the debts incurred.

14. The speculative feature is eliminated, landowners speculatively inclined, being taxed for the cost and operation of the works, are unable profitably to "hold on."

15. The land is accordingly early put into cultivation in order to make it possible to meet the assessments.

16. The project in this manner is more rapidly developed and achieves more prompt success.

17. Where irrigation districts are formed and assume the indebtedness to private creditors or the United States, the liens for construction costs, etc., may be discharged as regards private lands. Then, after the district makes the necessary collections by assessment and levy, as in the case of other municipal corporations, and the only lien required is that which comes into existence annually for the current assessment, such an obligation and lien are not in any sense a legal bar to the enjoyment of the privileges of the Federal farm loan act.

This bill is similar and practically the same as H. R. 2702, Sixty-sixth Congress, second session, upon which the committee made unanimous report on May 29, 1920, being Report No. 1065 of said Sixty-sixth Congress. Full hearings were had on said bill H. R. 2702, which, together with Report No. 1065 and such hearings theretofore had by the committee, were before and considered by the committee in consideration of H. R. 4382 and in making their report thereon to the House.

Any Member of the House desiring to familiarize himself with the irrigation laws of the 17 Western States and decisions of the various courts of such States and the Supreme Court of the United States thereon, together with the Federal reclamation laws of the United States, will be able to find the same in two publications published by the direction of the Committee on Irrigation of Arid Lands entitled:

(1) Compilation of the Irrigation District Laws of the Seventeen Western States of the United States, January 1, 1920.

(2) Federal Reclamation Laws of the United States (annotated), a chronological compilation of the public statutes of the United States relating to Federal irrigation of arid lands, with notes of decisions of the courts, the comptroller, the Attorney General, the Department of the Interior, and Reclamation Service, by Ottamar Hamele, counsel, United States Reclamation Service, January 1, 1920.

Much discussion was had during this debate on the question of whether irrigation districts were for "public purposes" or for "private enterprises."

In addition to the cases above cited, I desire to present the following:

(Judson on taxation. Second edition, sec. 380.)

SUPREME COURT ON LOAN ASSOCIATION V. TOPEKA.

In the California irrigation case (Fallbrook Irrigation District *v.* Bradley, 164 U. S., 112) the Supreme Court of California had adjudged that the purpose of the assessment was public. But it was contended that the United States Supreme Court was not concluded by this and had the power "under general constitutional law" to determine whether the purpose was public or private. The court held, however, that it could only review the decision of the State court on this question to determine whether the assessment was valid under the fourteenth amendment, and that it could not overrule the State court on principles of general constitutional law, saying, at page 155:

"We should not be justified in holding the act to be in violation of the State constitution in the face of clear and repeated decisions of the highest court of the State to the contrary under the pretext that we were deciding principles of general constitutional law. If the act violates any provision, expressed or properly implied, of the Federal Constitution, it is our duty to so declare it; but if it do not, there is no justification for the Federal courts to run counter to the decisions of the highest State court upon questions involving the construction of State statutes or constitutions on any alleged ground that such decisions are in conflict with sound principles of general constitutional law. The contrary has not been held in this court by the case of Loan Association *v.* Topeka (20 Wall., 655). In that case a statute of Kansas was held invalid because by its provisions the property of the citizen, under the guise of taxation, would be taken in aid of a private enterprise, which was a perversion of the power of taxation. The case was brought in the United States Circuit Court for the District of Kansas and was decided by that court in favor of the city. There had been no decision of the highest State court upon the question whether the act violated the constitution of Kansas, and consequently there was none to be followed by the Federal court upon that question. This court held that a law taxing the citizen for the use of a private enterprise conducted by other citizens was an unauthorized invasion of private rights. Mr. Justice Miller said that there were such rights in every free government which were beyond the control of the State. The ground of the decision was, as stated, that the act took the property of the citizen for a private purpose, although under the forms of taxation. In thus holding there was no overruling or refusing to follow the decisions of the highest court of the State respecting the constitution of its own State.

"We are, therefore, practically confined in this case to the inquiry whether the act in question, as it has been construed by the State courts, violates the Federal Constitution."

It was held that the assessment was for a public purpose sufficient to constitute due process of law.

(Limitations of taxing power and public indebtedness. By James M. Gray. Section 248.)

TAXATION FOR DRAINAGE, IRRIGATION, LEVEES, AND DIKES.

The enforcement of such sanitary regulations and the employment of such sanitary methods as are necessary or conducive to the general health of the community are public purposes which are justifiable under the police power of the State, and the power of taxation may properly be used in furtherance of such purposes. The danger to the public health and the public inconvenience which arise from wet lands, marshes, ponds, and swamps are well known; consequently the drainage of such lands, marshes, and swamps is of public utility, and taxes or special assessments may be levied to perform such work.

(Limitations of taxing power and public indebtedness. By James M. Gray. Section 253.)

TAXATION FOR DRAINAGE, IRRIGATION, LEVEES, AND DIKES.

The principles which justify the drainage of swamp lands justify also the irrigation of arid lands, although the public benefit is not so much a matter of health as of profit. If it be essential or material to the prosperity of the community, the lands may be irrigated at the public expense; and if the improvement be one in which all the landowners of a district have to a certain extent a common interest, it may be made at their joint expense by way of special assessment; and the questions of the public utility and the common benefit are both generally within the discretion of the legislature. It is settled that "the irrigation of really arid lands is a public purpose, and the water thus used is put to a public use." (Fallbrook Irrigation District *v.* Bradley, 164 U. S., 112; 41 L. ed., 369; 17 Sup. Ct. Rep., 56. Tregea *v.* Modesto Irrigation District, 164 U. S., 179; 41 L. ed., 395; 17 Sup. Ct. Rep., 52. In re Madera Irrigation District, 92 Calif., 296; 27 Am. St. Rep., 106; 28 Pac. Rep., 272, 675; 14 L. R. A., 755. Ellinghouse *v.* Taylor, 19 Mont., 462; 48 Pac. Rep., 757. Prescott Irrigation Co. *v.* Flathers, 20 Wash., 454; 55 Pac. Rep., 635. Cummings *v.* Hyatt, 54 Nebr., 35; 74 N. W. Rep., 411.)

The United States Supreme Court, in Jones *v.* Portland (245 U. S., p. 217), speaking on this question, says:

Municipal taxation to raise the money necessary to enable the municipality to establish and maintain a permanent coal and fuel yard for the purpose of selling wood, coal, and fuel to its inhabitants without financial profit, conformably to State legislation purporting to be passed in the public interest, and so declared to be by the highest court of the State, can not be said to deny the taxpayers the protection which the constitutional guaranty of due process of law affords against the taking of their property for uses that are private. (For other cases see Constitutional Law, 445–449; Eminent Domain, 59–58, in Digest Sup. Ct., 1908.)

The contention is that the establishment of the municipal wood yard is not a public purpose; that taxation to accomplish that end amounts to the taking of the property of the plaintiffs in error without due process of law.

The decision of the case turns upon the answer to the question whether the taxation is for a public purpose. It is well settled that moneys for other than public purposes can not be raised by taxation, and that exertion of the taxing power for merely private purposes is beyond the authority of the State. (Citizens' Sav. & L. Assoc. *v.* Topeka, 20 Wall., 655; 22 L. ed., 455.)

The act in question has the sanction of the legislative branch of the State government, the body primarily invested with authority to determine what laws are required in the public interest. That the purpose is a public one has been determined upon full consideration by the supreme judicial court of the State, upon the authority of a previous decision of that court. (Laughlin *v.* Portland, 111 Me., 486; 51 L. R. A. (N. S.), 1143; 90 Atl., 318; Ann. Cas. 1916C, 734.)

The attitude of this court toward State legislation purporting to be passed in the public interest, and so declared to be by the decision of the court of last resort of the State passing the act, has often been declared. While the ultimate authority to determine the validity of legislation under the fourteenth amendment is rested in this court, local conditions are of such varying character that what is or is not a public use in a particular State is manifestly a matter respecting which local authority, legislative and judicial, has peculiar facilities for securing accurate information. In that view the judgment of the highest court of the State upon what should be deemed a public use in a particular State is entitled to the highest respect. (Hairston *v.* Danville & W. R. Co., 208 U. S., 598, 607; 52 L. ed., 637, 641; 29 Sup. Ct. Rep., 331; 13 Ann. Cas., 1008.) In Union Line Co. *v.* (222) Chicago & N. W. R. Co., 233 U. S., 211; 58 L. ed., 924; 34 Sup. Ct. Rep., 522, this court declared that a decision of the highest court of the State declaring a use to be public in its nature would be accepted unless clearly not well founded, citing Fallbrook Irrig. Dist. *v.* Bradley, 164 U. S., 112, 160; 41 L. ed., 369, 389; 17 Sup. Ct. Rep., 56; Clark *v.* Nash, 198 U. S., 361, 369; 49 L. ed., 1085, 1088; 25 Sup. Ct. Rep., 676; 4 Ann. Cas., 1171; Strickley *v.* Highland Boy Gold Min. Co., 200 U. S., 527, 531; 50 L. ed., 581, 583; 26 Sup. Ct. Rep., 301; 4 Ann. Cas., 1174; Offield *v.* New York, N. H. & H. R. Co., 203 U. S., 372, 377; 51 L. ed., 231, 236; 27 Sup. Ct. Rep., 72; Hairston *v.* Danville & W. R. Co., supra. This doctrine was reiterated in O'Neill *v.* Leamer, 239 U. S., 244, 253; 60 L. ed., 249, 265; 36 Sup. Ct. Rep., 54.

(5, 6) 2. This presumption in favor of laws imposing taxes is, as Judge Cooley says in his work on Taxation (3d ed., p. 185), "applicable with peculiar force to the case of a legislative decision upon the purpose for which a tax may be laid. For in the first place there is no such thing as drawing a clear and definite line of distinction between purposes of a public and those of a private nature. Public and private interests are so commingled in many cases that it is difficult to determine which predominates; and the question whether the public interest is so distinct and clear as to justify taxation is found embarrassing to the legislature and no less so to the judiciary. * * * To justify the court in declaring the tax void, the absence of all possible public interest in the purpose for which the funds are raised must be clear and palpable—so clear and palpable as to be perceivable by every mind at first blush."

3. "Limitations or restrictions upon the exercise of this essential power of sovereignty can never be raised by implication, but the intention to impose them must be expressed in clear and unambiguous language." (Cooley on Taxation, p. 177.) What constitutes a public purpose will vary in different communities and different periods. (Fallbrook Irrigation District *v.* Bradley, 164 U. S., 112; 117 Supt. Ct., 56; 41 L. Ed., 369; 4 Ann. Cas., 1171; Clark *v.* Nash, 198 U. S., 362; 25 Sup. Ct., 676; 49 L. Ed., 1085; 4 Ann. Cas., 1171; O'Neill *v.* Leamer, 239 U. S., 244, 253; 36 Sup. Ct., 54; 60 L. Ed., 249; Noble State Bank *v.* Haskell, 219 U. S., 104; 31 Sup. Ct., 186; 55 L. Ed., 112; 32 L. R. A. (N. S.), 1062; Ann. Cas., 1912A, 487.)

4. The fourteenth amendment contains no express language limiting the taxing power of States. Laws have been condemned by holding that a tax for a purely private purpose deprives the taxpayer of his property without due process of law. When is a tax for a "purely private purpose" within this rule?

(a) The only cases in the Federal courts in which laws have been condemned are those in which bonds or public funds were given as a mere gratuity to a privately owned manufacturing enterprise to encourage its establishment within the city. Such are the cases cited by counsel for plaintiff. (Loan Association *v.* Topeka, 20 Wall., 655; 22 L. Ed., 455; City of Parkersburg *v.* Brown, 106 U. S., 487; 1 Sup. Ct. 442; 27 L. Ed., 238; Cole *v.* City of La Grange, 113 U. S., 1; 5 Sup. Ct., 416; 28 L. Ed., 896; Dodge *v.* Mission Township, 107 Fed., 827; 46 C. C. A., 661; 54 L. R. A., 242.)

(b) I have not been able to discover any instance in which the Supreme Court has held invalid an exercise of the taxing power of the State for establishing and maintaining an industry which was owned by the State or a municipality. Such is the character of all the laws here assailed. The industries are to be owned by the State or cities. The latest expression of the Supreme Court on the subject is Jones *v.* City of Portland (245 U. S., 217; 38 Sup. Ct., 112; 62 L. Ed., 252; L. R. A., 1918C, 765; Ann. Cas., 1918E, 650), sustaining a statute of the State of Maine authorizing cities to establish and maintain wood, coal, and fuel yards for the purpose of selling at cost wood, coal, and fuel to their inhabitants. This decision is the more impressive because a similar law has been held invalid by the Supreme Court of Massachusetts and by some other State courts. (Scott *v.* Frazier, 258 Fed., 669–675, 676.)

In answer to the statement of the gentleman from Kansas as to the objector or minority, the following might be quoted:

Whatever damages the plaintiffs in this case may suffer, they will suffer as members of the democratic family associated as the government of the State. I know of no way a citizen in a democracy can be relieved of his share of the burden incident to the character of the Government, and as a matter of reciprocity it may be noted that all the blessings of a democratic Government are thrust upon an unassenting minority. (Green *v.* Frasier, 176 N. W., 24.)

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10161. An act authorizing the use of special canceling stamps in certain post offices.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that March 7 they had presented to the President of the United States, for his approval, the following bills:

H. R. 10185. An act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes;

H. R. 244. An act to provide for the disposition of abandoned portions of rights of way granted to railroad companies;

H. R. 8842. An act to provide for agricultural entries on coal lands in Alaska;

H. R. 5013. An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials; and

H. R. 7158. An act to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor.

ADJOURNMENT.

Mr. KINKAID. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, March 9, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. Report No. 782. A report on useless papers in the Department of the Interior. Ordered to be printed.

Mr. CURRY: Committee on the Territories. H. J. Res. 282. A joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923; with an amendment (Rept. No. 783). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BECK: A bill (H. R. 10798) authorizing the Interstate Commerce Commission to approve or disapprove contracts involving the construction or repair of locomotive engines, cars, and maintenance work, such as building, maintaining, and repairing tracks, roadbeds, bridges, buildings, coal docks, and water stations owned and operated by common carriers by railroad engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. DARROW: A bill (H. R. 10799) to authorize the Secretary of War to grant permission to the city of Philadelphia, Pa., to widen Haines Street in front of the national cemetery in said city; to the Committee on Public Buildings and Grounds.

Mr. SUTHERLAND: A bill (H. R. 10800) authorizing the development of the resources of the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. PORTER: A bill (H. R. 10801) for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 296) authorizing the President to appoint a commission to represent the Government of the United States at the centennial celebration of the independence of Brazil, to be held at Rio de Janeiro in September next; to the Committee on Foreign Affairs.

By the SPEAKER (by request): Memorial of the Senate of Porto Rico regarding the Governor of Porto Rico, E. Montgomery Reily; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Pennsylvania: A bill (H. R. 10802) granting a pension to John W. Heller; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 10803) granting an increase of pension to Henry Clay Warner; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 10804) granting a pension to Alice Kingrey Foster; to the Committee on Invalid Pensions.

By Mr. GOODYKOONTZ: A bill (H. R. 10805) granting a pension to B. A. Lundy; to the Committee on Pensions.

Also, a bill (H. R. 10806) granting a pension to Lexie Fuller; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 10807) for the relief of Edward Flanagan; to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 10808) granting an increase of pension to Augusta L. Simpson; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 10809) granting a pension to Mary Jane Points; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 10810) granting a pension to Mary J. Lake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10811) granting an increase of pension to Lucinda Welch; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10812) granting a pension to Millie Campbell; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 10813) for the relief of Peter Laskis; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4489. By the SPEAKER (by request): Petition of Caballeros Estrella Solitaria, respectfully requesting the removal of Gov. Reily from Porto Rico; to the Committee on Rules.

4490. Also (by request), memorial adopted by a convention of manufacturers, held under the auspices of the National Association of Manufacturers of the United States of America at Washington, D. C., relative to the Fordney tariff bill and urging the retention of the American-valuation plan; to the Committee on Ways and Means.

4491. Also (by request), resolution adopted by the City Council of Philadelphia, respectfully requesting the President, Congress, and the Departments of War and Navy not to close the Philadelphia Navy Yard but to continue it in use as a repair and supply station and as a reserve basin for vessels allowed by the treaty fleet; to the Committee on Naval Affairs.

4492. By Mr. BIXLER: Petition of residents of Mercer County, Pa., against House bill 9753 or any like bill; to the Committee on the District of Columbia.

4493. By Mr. BURTNESS: Petition of residents of Dickinson, N. Dak., protesting against the enactment of House bills 4388 or 9753; to the Committee on the District of Columbia.

4494. By Mr. CAREW: Resolution adopted by the City Council of Philadelphia, urging that the Philadelphia Navy Yard be not discontinued; to the Committee on Naval Affairs.

4495. By Mr. CONNOLLY of Pennsylvania: Evidence in support of House bill 10803, granting an increase of pension to Henry Clay Warner; to the Committee on Pensions.

4496. Also, papers in support of House bill 9861, granting a pension to Catharine Longshore; to the Committee on Invalid Pensions.

4497. Also, petition of 249 employees of North Bros. Manufacturing Co., of Philadelphia, Pa., urging the early enactment of a tariff law based on the American valuation plan; to the Committee on Ways and Means.

4498. Also, copy of resolution passed by the City Council of Philadelphia on the 2d day of March, 1922, requesting that the Philadelphia Navy Yard be continued in operation and used as a repair and supply station and as a reserve basin for vessels allowed by the treaty fleet; to the Committee on Naval Affairs.

4499. By Mr. CULLEN: Resolution adopted by the City Council of Philadelphia urging that the Philadelphia Navy Yard be not discontinued; to the Committee on Naval Affairs.

4500. By Mr. DARROW: Resolution of the City Council of Philadelphia, Pa., in behalf of the continued operation and maintenance of the Philadelphia Navy Yard; to the Committee on Naval Affairs.

4501. By Mr. FITZGERALD: Petition of two citizens of Columbus, Ohio, against the Sunday observance bill (H. R. 9753); to the Committee on the District of Columbia.

4502. By Mr. FULLER: Petition of 89 citizens of Rockford, Ill., asking for early passage of a protective tariff bill based on American valuation; to the Committee on Ways and Means.

4503. Also, resolutions of the Streator (Ill.) Chamber of Commerce, favoring the Hill bill (H. R. 9691) for the creation of Federal local option districts; to the Committee on the Judiciary.

4504. By Mr. GALLIVAN: Petition of the Sampson & Murdock Co., of Boston, Mass., protesting against assessment of a tax on first-class postage; to the Committee on Ways and Means.

4505. By Mr. GOODYKOONTZ: Evidence in support of House bill 10806, granting a pension to Lexie Fuller; to the Committee on Invalid Pensions.

4506. Also, evidence in support of House bill 10805, granting a pension to B. A. Lundy; to the Committee on Pensions.

4507. By Mr. KAHN: Resolution by the Bay Cities Metal Trades Council, urging that repairs on ships be done by American workmen; to the Committee on Naval Affairs.

4508. By Mr. KISSEL: Petition of the National Inside Association of America, of Geneva, Ohio, relative to its beliefs; to the Committee on the Judiciary.

4509. Also, petition of the Brotherhood of Locomotive Engineers, of Cleveland, Ohio, relative to the railroads; to the Committee on Interstate and Foreign Commerce.

4510. Also, petition of J. M. Huber, of New York City, N. Y., urging favorable action on House bill 7452 as amended; to the Committee on the Public Lands.

4511. By Mr. OSBORNE: Petition of Mrs. P. C. Payne, of 838 Marco Place, Venice, Calif., and 32 other residents of that community, urging favorable action on the bill providing for a pension to mail carriers after not exceeding 30 years' service; to the Committee on Reform in the Civil Service.

4512. By Mr. RADCLIFFE: Petition of citizens of Passaic, N. J., for passage by Congress of an adequate tariff law based upon American valuations; to the Committee on Ways and Means.

4513. By Mr. RAKER: Petition of the Chamber of Commerce of the State of New York, relative to the consolidation of Federal investigating agencies; to the Committee on Reform in the Civil Service.

4514. Also, petition of the Western White Pine Blister Rust Conference, by C. S. Chapman, of Portland, Oreg., relative to blister-rust control; to the Committee on Appropriations.

4515. Also, petition of the Chamber of Commerce of the State of New York, relative to immigration legislation; to the Committee on Immigration and Naturalization.

4516. Also, petition of Mare Island Local, No. 8, of the American National Association of Supervisors, urging support of the amendment to the retirement act of May 22, 1920, known as House bill 10246; also, petition of engineers, architects, draftsmen, and clerical force of the public works office, San Diego, Calif., indorsing the reclassification bill introduced by Senator Sterling; to the Committee on Reform in the Civil Service.

4517. Also, petition of the board of supervisors of Alameda County, Calif., indorsing Senate bill 3031, providing for a forest experiment station in cooperation with the State University of California; to the Committee on Agriculture.

4518. Also, petition of the American Association for Labor Legislation, of New York City, indorsing the Fitzgerald accident compensation bill (H. R. 10634), and urging its passage; to the Committee on the District of Columbia.

4519. Also, petition of the Retail Furniture Association of California, of San Francisco, Calif., indorsing the American-valuation plan and urging the passage of the tariff bill; to the Committee on Ways and Means.

4520. By Mr. RIDDICK: Petition of farmers of Sweet Grass, Dagmar, Circle, Conrad, Great Falls, Garfield County, Cheadle, and Enid, all in the State of Montana, urging the revival of the United States Grain Corporation and a fixed price on the 1922 crop of wheat; to the Committee on Agriculture.

4521. By Mr. SINCLAIR: Petition of 15 citizens of Williston, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4522. Also, petition of the Kiwanis Club of Minot, N. Dak., indorsing the bill introduced by Senator Cummins providing for the opening of the Mississippi River for traffic between St. Louis and Minneapolis; to the Committee on Interstate and Foreign Commerce.

4523. By Mr. SNYDER: Petition of certain residents of Utica, N. Y., against the passage of legislation forbidding religious liberty in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

THURSDAY, *March 9, 1922.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our gracious Father, Thou hast been very indulgent in Thy mercies toward us. Thou hast remembered our needs, and as a father pitieth his children, so hast Thou pitied us in our waywardness and wanderings. We rejoice this morning that Thou art the same loving, tender-hearted, gracious God. Multiply Thy mercies unto us, we humbly beseech Thee.

Grant Thy blessing to all in authority. May the President be under Thy gracious keeping at this time; and so manifest Thyself to each one in the deliberations of this day that great mercy and peace may be multiplied. Through Jesus Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, March 7, 1922, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CARE AND CUSTODY OF ALASKAN INSANE (S. DOC. NO. 154).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Interior Department, fiscal year 1922, for care and custody of the insane of Alaska, $8,800, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DEFICIENCY ESTIMATE, GENERAL LAND OFFICE (S. DOC. NO. 153).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a deficiency estimate for the Interior Department, General Land Office, fiscal year 1921, for payment to the Underwood Typewriter Co., $707.50; for credit in the accounts of Frank P. Trott, United States surveyor general of Arizona (no account shown), and for payment to the Cresmer Manufacturing Co., of Riverside, Calif., $210, which, with the accompanying papers, was referred to the Committee on Appropriations.

ACCOUNTS OF GEORGE W. EVANS (S. DOC. NO. 156).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a letter from the Secretary of the Interior requesting passage of a paragraph of legislation directing the General Accounting Officer to credit the accounts of George W. Evans, chief disbursing clerk, Department of the Interior, with the payment of $480, made to F. W. Bolgiano & Co., Washington, D. C., for three snow plows for the use of the Office of the Architect of the Capitol, etc., proposed to be included in the deficiency appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

WATER SUPPLY AT ELLIS ISLAND, N. Y. (S. DOC. NO. 155).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a letter from the Secretary of Labor requesting the reenactment with modified phraseology of the appropriation for the current fiscal year for new service pumps for water supply, including installation, at Ellis Island, N. Y., $11,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LADD presented the petitions of Carl J. Meyer and 22 others, of Temple, and L. H. Kitteison and 17 others, of Deslacs, both in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented resolutions adopted by the Eighty-second Division Association, of New York, N. Y., and by a meeting of commanders and adjutants of American Legion posts of the first congressional district of Georgia, favoring the passage of the so-called fivefold adjusted compensation plan for veterans of the World War, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Kiwanis Club of Americus, Ga., favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented a resolution adopted by Hollingsworth Division, No. 100, Order of Railway Conductors of America, at Columbus, Ohio, protesting against the passage of the so-called Volk sales tax bill and favoring the passage of Senate bill 2901, the so-called La Follette estates tax bill, in connection with raising funds to pay the proposed soldiers' bonus, which was referred to the Committee on Finance.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. STANFIELD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1026. An act for the relief of Albert E. Magoffin (Rept. No. 543); and

S. 2346. An act for the relief of Ellen B. Monahan (Rept. No. 544).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. UNDERWOOD:

A bill (S. 3258) to provide for the renting of the Old Government Building in Birmingham, Ala.; to the Committee on Appropriations.

By Mr. JONES of Washington:

A bill (S. 3259) authorizing leases for commercial attachés, authorizing an appropriation to defray the expenses of an advisory committee for the Fisheries Bureau, Department of Commerce, and for other purposes; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 3260) granting a pension to George G. Ham;

A bill (S. 3261) granting a pension to Hattie E. Rust (with accompanying papers); and

A bill (S. 3262) granting an increase of pension to Charles H. Trudeau (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3263) to extend the provisions of section 127-A of the national defense act as amended; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 3264) granting an increase of pension to John A. Avirett; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 3265) construing the expression "All employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes"; to the Committee on Civil Service.

WORLD WAR FOREIGN DEBT COMMISSION (S. DOC. NO. 157).

Mr. WALSH of Montana. Mr. President, on yesterday the Attorney General, pursuant to a resolution of the Senate, submitted an opinion touching the question of the eligibility of the senior Senator from Utah [Mr. SMOOT] and Representative BURTON for service upon the Foreign Debt Funding Commission. In the opinion then submitted to the Senate the Attorney General referred to a former opinion of the Attorney General appearing in the twenty-second volume of the Opinions of the Attorneys General at page 184. The opinion thus published was the subject of some brief comment by myself before the Judiciary Committee this morning, and I ask unanimous consent that the opinion of the Attorney General referred to in the opinion of the Attorney General sent to the Senate on yesterday, together with my remarks before the Judiciary Committee, be published as a public document for the information of the Senate in connection with this matter.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NELSON. I ask unanimous consent for an extension of time within which the Committee on the Judiciary may report on what is known as the Walsh resolution (S. Res. 244). The committee has made progress in the consideration of the subject, but it has not been able to come to a conclusion.

The VICE PRESIDENT. Is there objection to granting further time to the Committee on the Judiciary to report on the resolution referred to? The Chair hears none, and the time is extended.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 8, 1922, the President approved and signed acts and a joint resolution of the following titles:

S. 1312. An act to amend the charter of the Potomac Insurance Co. of the District of Columbia;

S. 2492. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921; and

S. J. Res. 125. Joint resolution to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I present a conference report, which is only a partial agreement on House bill 9981, the independent offices appropriation bill. It is necessary to adopt this report and send the items in disagreement back for a further conference. This will have to be done before the House can act, and then there will be a delay of one day.

So I present the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 12, 13, 14, 15, 26, 27, 33, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 7, 8, 9, 10, 11, 18, 22, 23, 24, 32, 34, 37, 38, 39, 41, and 42; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,940"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lines 9 and 10 of the matter inserted by said amendment strike out the following: "and to continue available during the fiscal year 1923, $10,000" and insert in lieu thereof "$5,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No part of the moneys appropriated or made available by this act shall, unless the President shall otherwise direct, be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government, if the expense of such repair or reconditioning is in excess of $100,000, until a reasonable opportunity has been given to the available Government navy yards or arsenals to estimate upon the cost of such repair or reconditioning if performed by such navy yards or arsenals within the limit of time within which the work is to be done: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost: *And provided further*, That the provisions of this clause shall take effect upon the passage of this act"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided further*, That no part of the foregoing appropriation shall be expended for construction work except necessary repairs"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 2, 19, 21, 28, 29, 31, 35, and 36.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
EDWARD H. WASON,
T. W. HARRISON,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move that the Senate insist upon its amendments still in disagreement, request a further conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate, appointing, if it please the Chair, those whose names are signed to the report just submitted.

The motion was agreed to; and the Presiding Officer [Mr. FERNALD] appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees at the further conference on the part of the Senate.

CLAIMS OF THE GOVERNMENT OF CHINA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State in relation to four claims presented by the Government of China against the Government of the United States arising out of the negligent or unlawful acts in China of persons connected with the military and naval service of the United States, and I recommend that as an act of grace, and without reference to the question of the legal liability of the United States, an appropriation in the amount of $5,913.79 be made to effect settlement of these claims in accordance with the recommendation of the Acting Secretary of State.

WARREN G. HARDING.

THE WHITE HOUSE, *March 9, 1922.*

UNIFORM FOR AMBASSADORS.

Mr. HARRISON. Mr. President, on the 7th instant there appeared an editorial in the Chicago Tribune, a great western Republican newspaper, which I desire to have read at the Secretary's desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

UNIFORMS FOR AMBASSADORS.

The English who saw Ambassador Harvey in his knee breeches and with his sword at the wedding of Princess Mary seem to agree that he was funny. His countrymen at home are afraid he must have been. They are glad he did not trip on his sword and land on his nose. There are so many ways in which an American ambassador, especially to the British, can trip. It seems unnecessary to hang a sword on him and have it get between his legs. He can trip over his tongue.

When a Chinaman goes officially to a British state event he goes as a Chinaman in the garments his own national taste tell him are proper. He has his own traditions and customs and they are accepted as good. No British chamberlain would tell a Persian, Turk, or Congo chieftain what to wear. Sitting Bull could have entered Westminster Abbey in feathers and buffalo skins, but Mr. Harvey is informed that the mode requires knee breeches, and for them he has neither the knees nor the calves. If he had been permitted to hang a pen from his belt he at least would have been physically safe. With the sword we know he was not, but he avoided the worst disaster.

American military men know what to do, because they have their uniforms for occasions. It would be just as sensible to compel Pershing to get into a Cossack suit for an occasion as to make Harvey get into something he can wear only by having all his countrymen laughing and swearing at him.

The State Department ought to call in some tailors and design and promulgate the standards of dress which the United States will consider adequate and fitting for any occasions of state which require the presence of its ambassadors. The dictates then will be the dictates of the Nation represented and thus they never can be questioned.

Mr. OVERMAN. Mr. President, I should like to inquire of the Senator from Mississippi whether any ambassador of the United States to any country in the world has ever appeared clothed in breeches and a sword? Is not such a costume contrary to the rules and customs which have governed United States ministers and ambassadors in the past?

Mr. HARRISON. Our present ambassador, I think, has appeared in the manner described in order to attract attention and set a precedent for others to follow.

CALL OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. JONES of Washington. Mr. President, I wish to call up the bill making appropriations for the Departments of Commerce and Labor, but I think we had better have a quorum before I ask unanimous consent to do so. Therefore I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	Nelson	Robinson
Bell	Harrison	New	Sheppard
Brandegee	Heflin	Newberry	Shields
Bursum	Johnson	Nicholson	Smith
Cameron	Jones, Wash.	Norbeck	Spencer
Capper	Kellogg	Oddie	Stanfield
Caraway	Kendrick	Overman	Stanley
Colt	Keyes	Page	Sterling
Culberson	King	Pepper	Sutherland
Cummins	Ladd	Phipps	Townsend
du Pont	Lenroot	Pittman	Underwood
Fernald	Lodge	Poindexter	Walsh, Mass.
France	McCormick	Pomerene	Walsh, Mont.
Glass	McKellar	Ransdell	Warren
Gooding	McKinley	Rawson	Watson, Ga.
Hale	McNary	Reed	Willis

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM] on account of death in his family.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from New York [Mr. CALDER], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from Connecticut [Mr. MCLEAN], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

Mr. FLETCHER. I desire to announce that the Senator from Florida [Mr. TRAMMELL] is necessarily absent because of illness in his family.

The VICE PRESIDENT. Sixty-four Senators having answered to their names, a quorum is present.

COMMERCE AND LABOR APPROPRIATIONS.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES of Washington. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill may be read for amendment. I am not particular whether or not we follow the usual rule of acting first on committee amendments. I will merely ask that the bill be read for amendment.

Mr. KING. I think that is the better way.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. ASHURST. Mr. President, I understand the request to be that the formal reading of the bill may be dispensed with and that the bill may be read for committee or other amendments.

Mr. JONES of Washington. Yes.

Mr. ASHURST. I have no objection to that course. I think that is a very proper way to proceed.

The VICE PRESIDENT. Without objection, it will be so ordered.

NATIONAL SCREW THREAD COMMISSION.

Mr. MCNARY. Mr. President, will the Senator from Washington yield to me, in order that I may call up a House joint resolution the consideration of which will take but a moment?

Mr. JONES of Washington. I yield.

Mr. MCNARY. I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 227) extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922.

The VICE PRESIDENT. Is there objection?

Mr. KING. Let the joint resolution be read, Mr. President.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, etc., That the term of the National Screw Thread Commission, created by an act approved July 18, 1918, as amended by an act approved March 3, 1919, is hereby extended for a period of five years from March 21, 1922.

Mr. KING. May I ask the Senator from Oregon whether he considers that this commission has been of any utility whatever and whether the prolongation of its life will be of any benefit to the people?

Mr. MCNARY. I will say to the Senator from Utah that, according to the report of the committee of the House of Representatives, which was followed by a unanimous vote extending the term of the commission, the commission have standardized to a very large extent the use of bolts and screws in the country. The passage of the resolution is heartily recommended by Mr. Hoover. It is a commission which receives no compensation; its services are entirely voluntary and without remuneration.

Mr. KING. I had in mind the fact that by the pending appropriation bill as well as by previous legislation the work of standardization of many things comes within the jurisdiction of the Department of Commerce; and I was wondering if on some of the numerous officials who are under the jurisdiction of the Department of Commerce, and for whom we are making appropriations in order to aid them in bringing about standardization, should not devolve the duties that are discharged by this commission?

Mr. MCNARY. The clerical personnel of the commission is supplied by the Secretary of Commerce, and the activities of the commission involve no additional cost to the Government. The commission is doing a good work, but its life expires on the 21st of this month. This joint resolution is simply to extend the life of the commission for a period of five years.

Mr. KING. Have they as yet made any report whatever of their proceedings?

Mr. MCNARY. I regret that I can not answer the question of the Senator, much as I should like to do so.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMERCE AND LABOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Contingent expenses, Department of Commerce," on page 3, line 20, after the word "foregoing," to strike out "$50,000" and to insert "$80,200," so as to read:

For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500); stationery; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting, and heating; purchase and exchange of motor trucks and bicycles; maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles and of motor trucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; repairs to buildings occupied by offices of the Secretary of Commerce; rental of water-cooling plant in Commerce Building, not to exceed $1,400; first-aid outfits for use in the buildings occupied by employees of this department; street car fares, not exceeding $800; and all other miscellaneous items and necessary expenses not included in the foregoing, $80,200.

Mr. KING. Mr. President, in view of the fact that the House committee went into this matter very fully, may I ask the Senator from Washington why the committee provides an increase in the appropriation?

Mr. JONES of Washington. Mr. President, the Secretary came before us with reference to the item, and stated that he thought the House must have acted under a misapprehension of the situation. Items for the Census Bureau are being taken out of the lump-sum appropriation because that bureau is returning to the normal period. The Secretary says that in view of that situation the contingent expenses of the Census Bureau must come out of the expenses of the Secretary's office, which

will take $30,200 out of the $50,000 appropriation. That will leave only $20,000 for the Secretary's office, which he stated would be utterly inadequate. He thought that the House must have been under a misapprehension, and therefore the committee felt, in view of the circumstances, that they should increase the appropriation.

Mr. KING. The amendment of the committee increases the appropriation which was allowed by the House.

Mr. JONES of Washington. That is correct; but it was done upon the statement of the Secretary to which I have referred. I have here the statement and will read it to the Senator, if he desires to have it read.

Mr. KING. While I have the floor, may I inquire of the Senator how the appropriations in this bill dealing with or relating to the same objects and matters and the same Federal agencies, bureaus, and departments compare with the appropriations for the same agencies, bureaus, departments, et cetera, in former years? The bill now seems to be sui generis, and we can not by following it institute any comparison with the bills of former years, because there have been drawn into this appropriation bill appropriations which previously were carried in various other bills.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. OVERMAN. Mr. President, the bill which we are now considering provides for the maintenance of the department of the ideal Cabinet minister, Mr. Hoover. It is alleged in the public press that there have been great economies brought about in that department and other departments of the Government. However, I will read the Senator a comparison of the figures for the current fiscal year with those of the next fiscal year as provided in this bill. For commercial attachés in the last bill the appropriation was $171,000, while in this bill it is $200,000. In the bill of last year the appropriation for foreign and domestic commerce, and the promotion and development thereof, was $325,000, while in this bill it is $450,000.

The appropriation for the promotion of commerce in Central and South America last year was $100,000. In this bill it is $170,650.

The appropriation for the promotion of commerce in the Far East last year was $150,000. This year it is $166,150.

The appropriation for export industries last year was $250,000. This year it is $450,000.

Thus it appears that the total amount appropriated last year for these purposes was $1,228,510, while the total for those purposes in this bill is $1,639,310. This is the kind of economy that is going on in all departments—economizing upward instead of downward.

Mr. KING. And the Senator does not furnish figures showing what the increases have been in the other branches of the Department of Commerce.

Mr. OVERMAN. No, Mr. President.

Mr. KING. The Senator calls attention only to what might be denominated the export and the import agencies or bureaus of the department.

Mr. OVERMAN. I do not know how it is about the others; but since there have been allusions in the papers to the so-called economies that have been shown by the administration in this particular department, I wanted to show that instead of economizing downward they are economizing upward, and this work is costing more this year by $400,000 than it did last year, even.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I do.

Mr. WILLIS. Does the Senator from North Carolina think that the increased expenditures in the Bureau of Foreign and Domestic Commerce which are brought about through the enlarged efforts of that department to find a market for American products abroad are unwise expenditures?

Mr. OVERMAN. Mr. President, I have heard a great deal of criticism on the other side of our former Secretary of Commerce, Mr. Redfield, accusing him of extravagance. We gave him appropriations for these commercial attachés and all these matters. Regardless of whether it is wise or not, I am talking about the reports in the papers that there is economy in this department, when there is not economy but an increase of expenditures by over $400,000. Whether they are wise or not is a question that I am not arguing. I am just talking about the reports in the papers that there has been a decrease in the appropriations for this department when it is not true.

Mr. WILLIS. Does the Senator think it is proper to say that that is lack of economy, when he knows that this expenditure is made effectively to increase the markets for American products and thereby relieve the industrial situation of this country?

Mr. OVERMAN. That is another question.

Mr. KING. Mr. President, let me say to the Senator from Ohio that if we are to judge from the results, we should expect condemnation of the Department of Commerce instead of commendation, for the reason that every month during the past year our foreign commerce has shrunk. This last month it is approximately 50 per cent, if not more, less than it was a year ago. As I recall, a year ago it was $370,000,000 for one month, and this last year it was $160,000,000 or $170,000,000. Our imports were less the last month than they were the preceding month, and our exports were very much less than they were, perhaps 50 per cent or more less than they were a year ago; so that if the Department of Commerce had been interested in finding foreign markets for our products it has signally failed.

Mr. WILLIS. If the Senator will permit me to interrupt him there, I do not see how he can draw the conclusion from the statement he makes that the department has failed. Here is a world condition. The Senator with others, I think, joined in the effort to enable this country to help the financing of organizations to permit the larger exportation of American products. Here is a condition with which we have sought to deal. I think the Senator will find that the work of the department has been very efficient. The mere fact that because of this world condition exports for a certain time have fallen off does not at all prove the Senator's contention that this department has not been efficient.

Personally, I believe, and I think the Senator will find that the business men of the country will sustain that view, that this expenditure in the effort to enlarge markets for American products is money very well expended.

Mr. KING. The Senator from Ohio rose, as I understood him, to combat the proposition which was made by the Senator from North Carolina, namely, that the expenditures of the Department of Commerce as well as other departments were greater than they were a year ago, and that notwithstanding these increases the Republican newspapers and the publicity advocates of the Republicans are constantly announcing great reforms and great economies; and the Senator from North Carolina called attention to just a few items in this bill showing that the increases were more than $1,000,000 over the same items for a year ago.

Mr. WILLIS. Mr. President, I rose to comment on what I thought was the mistaken view of the Senator from North Carolina that this was an unwise expenditure. Perhaps I misunderstood him; but since the Senator from Utah now goes into this larger field, I call his attention to the fact that economies are being wrought; that in the period of four months, through the transfer of material and supplies from one department where they are not needed to another department where they are needed, there has been a saving of $112,000,000. That is at the rate of about $7,000,000 per week, or about a million dollars a day. That saving has already been wrought.

Mr. OVERMAN. No, Mr. President.

Mr. WILLIS. Just let me finish this statement, if the Senator please. Furthermore, the expenses of the Government this year are some $580,000,000 below the estimates, and something like a billion and a half below the expenditures of last year; so economies have been wrought and are being wrought.

Mr. OVERMAN. Mr. President, here is one department that shows an increase instead of a decrease. There has been a great deal of cutting off of war supplies and property increased on account of the war in every department; but as to the legitimate expenses of the Government, the Senator will find, if he will examine all the appropriation bills as compared with those of last year, that there is no economy, but that more has been appropriated than was appropriated before. I am talking about the legitimate expenses of the Government.

Mr. WILLIS. I do not know just what the Senator means by that expression; but he does not question the statement that the expense of the Government this year has been decreased beneath the expense last year by about a billion and a half dollars. He does not deny that, does he?

Mr. OVERMAN. Not the legitimate expenses of the Government.

Mr. WILLIS. I do not know what the Senator means by "legitimate expenses." The amount that it has been found necessary to expend has been cut off a billion and a half in a year.

Mr. OVERMAN. I do not think the ordinary expenses of the Government will show any decrease.

Mr. WILLIS. The Senator from North Carolina contends and the Senator from Utah contends that there has been no economy, when the fact is that there has been economy.

Mr. KING. Mr. President, I am glad that the administration has such an eloquent defender of its rather dark, devious, and unsatisfactory record not only in the matter of economy but its record relating to general legislation, both foreign and domestic. I have not time, nor is it my purpose, to discuss that broad field at this time; but we hear so much, and the Senator from Ohio now repeats some of what we constantly hear, of the economies of the administration that some who are of inquisitive mind are led to inquire where are the manifestations of this economy?

I read in the press this morning that the Secretary of the Treasury is compelled immediately to negotiate loans; short-time certificates are to be issued amounting to more than $250,000,000; the revenues that are flowing into the Treasury are inadequate to meet maturing interest upon national obligations, as well as various forms of obligations which will be presented for payment within a few weeks. The Government will be compelled to borrow, in times of peace, within the next few days, more than $250,000,000. How much more the Government will be compelled to borrow during the present fiscal year it is impossible to determine; but I say to the Senator now, and I hope he will take the trouble to verify my prophecy at the expiration of the year, that when this fiscal year shall have ended there will have been presented to the Senate of the United States deficiency bills aggregating more than $500,000,000, and that the deficit—that is, the expenditures over the receipts—for the fiscal year will be more than $500,000,000. And that enormous deficit will exist notwithstanding the oppressive burdens of taxation imposed upon the people. It was claimed by the Republicans that when they got control of the legislative branch of the Government they would repeal war-time legislation, particularly that dealing with revenue and taxation, and that a fair and liberal tax bill would be presented. They declared that the people were burdened by the war taxes and that immediate relief would be granted. The Republican Congress not only refused to enact a revenue bill during the two years they were in control of Congress when Mr. Wilson was President, but they passed appropriation bills which consumed all the taxes pouring into the Treasury. When they got control of all branches of the Government one year ago there were promises of great reforms and reduced taxation. The reforms have not come and the reduced taxation is caused by the deadly paralysis which Republican policies have produced.

I repeat, this Republican administration, pledged to important reforms and great economies, will at the end of the fiscal year have deficiencies of hundreds of millions of dollars, which will have to be met by extensive loans, evidenced by bonds or short-time certificates. In my opinion the record will show expenditures of more than 50 per cent over the aggregate expenses of the Government during either of the years 1914, 1915, or 1916.

Some time ago it was stated that there had been saved about $125,000,000. That was announced from the White House amid great applause. It was proclaimed throughout the country as a marvelous Republican achievement, and as an exhibition of the fine executive ability of the administration. I offered a resolution to try to find out what had become of this vagrant and fugitive $125,000,000, in order that it might be covered into the Treasury of the United States. The resolution is lost. The money has not been found. It has not yet been covered into the Treasury. Probably it has evaporated, or has started on a long journey, seeking to overtake the fugitive promises of the Republican Party. The fact is, there was no $125,000,000 saving, as announced by the White House, and there will be no return to the Treasury of this sum or of any part of it.

My good friend from Ohio [Mr. WILLIS] declares that there has been a saving of $112,000,000 in supplies. Mr. President, when the Republicans took charge of the legislative branch of the Government three years ago there were billions of dollars of surplus war supplies on hand. Efforts were made by many Democrats to secure the disposition of this property, and to cover into the Treasury of the United States at as early a date as possible the proceeds derived therefrom. Our Republican friends have proceeded in a leisurely way, and at this late hour there are still hundreds of millions of surplus property undisposed of. The costs involved in caring for this property has been enormous. If there has been any saving there is no concrete evidence of that fact. The Republicans have been in power in all branches of the Government for one year, and as stated, there are still hundreds of millions of dollars of these supplies on hand.

I am not quite able to understand what the Senator means by this saving of $112,000,000. During and immediately following the war there were important changes made in administrative procedure and coordination occurred in many executive agencies. There is a broad field for economy in the consolidating of purchasing divisions, and one would have thought that Gen. Dawes, clothed with the tremendous power which I assume he possesses and which it is generally understood he possesses, would have effectuated greater consolidation and coordination in executive agencies and departments of the Government. For years it has been recognized that there were too many scattered and disconnected agencies where labors and activities overlapped. Gen. Dawes was to improve these conditions and secure higher efficiency and greater economy. I am afraid his powers have been curtailed or that he has been unable to combat the resistance of executive bureaus.

I have examined the pending bill with a view to determining just what appropriations were carried in preceding years for the same objects as are provided for in this bill. Under the new method of preparing appropriation bills it is impossible to determine what the appropriations were in former years for the particular subjects and matters referred to in the reported bills. I will ask the Senator now if he has any tables which make possible a fair comparison between the pending bill and former bills, in order that we may ascertain whether there have been increases or decreases in the appropriations for the subjects and the items and the objects which are provided for and taken care of in the pending bill?

Mr. JONES of Washington. Mr. President, of course, it is rather difficult to compare this bill with any previous bill, because of the change in the methods of making the appropriations. Many of these items were carried in the sundry civil bill heretofore and many of them were carried in the legislative bill—the salaries and so forth—so that a comparison is difficult; but in the report made by the House on this bill, report No. 710, the Senator will find a comparative statement of the amounts appropriated for 1922, the estimates for 1923, and the amount recommended in the accompanying bill in the House. I will be glad to furnish this to the Senator, and it gives a tabulated statement. I want to say that in the aggregate we have increased the bill as it came from the House by over $400,000.

Mr. KING. The committee has increased the bill over the appropriation for the fiscal year 1922 to the extent of $2,684,629.25.

Mr. JONES of Washington. I was just coming to that. The bill increases the appropriations over those for 1922 by $2,684,629.25, but $1,240,000 of that increase is made necessary by the maternity law, which we passed just a short time ago. The item for that on page 54 of the bill is $1,240,000, and that accounts for that much of the increase.

Then, as the Senator from North Carolina [Mr. OVERMAN] has said, we have increased the appropriations for the Bureau of Foreign and Domestic Commerce, and so on. We have done it, we believe, in the interest of economy. I do not think the country will understand that we have necessarily been economical where we appropriate $10 this year for an item for which we appropriated $50 the year before, because by our failure to appropriate the amount appropriated last year, or a greater amount, we may cause a loss to the industries of the country, to the prosperity of the country, to the business of the country, of many millions of dollars. Economy is not measured by the difference in the number of dollars and cents we appropriate from one year to another. The House increased the appropriation for the Department of Commerce, and the Senate has increased the appropriations made by the House, because we believed that it was economy to do it, because we believe that this is the time when we want to take all reasonable steps we can take in order to hold up our commerce.

Of course, everybody knows, the Senator knows, that our foreign commerce can not be kept up to the level attained during the war. However, we want to do everything within reason to hold it up to that level as nearly as we can; but we must get down to normal conditions, and when we do, our imports and our exports will not be what they were during the war. We can not expect them to be.

Mr. KING. Does the Senator expect that we shall have any imports except those on the free list if the demands of some of those who are in Washington seeking legislation are complied with and there emerges from the deliberations of the Republicans who are framing the tariff bill in the Senate the kind of a bill which is promised? I am sure the Senator will reach the conclusion that we shall have but little foreign commerce if that policy is pursued.

Mr. JONES of Washington. I do not intend to discuss the doctrine of protection in this connection. I believe in protection and I believe I have just as good reasons for my belief as the Senator has for his belief on the other side. So we might stand here and argue from now until the middle of next year, and the Senator would have the same opinion he has now and I would probably have the same opinion I entertain.

Mr. KING. I hope the Senator is not so incorrigible.

Mr. JONES of Washington. I am pretty well set in the doctrine of protection to American industries.

Mr. OVERMAN. There is no use to discuss that in connection with the question of the importance of foreign and domestic commerce. As the Senator knows, I have been one of the chief advocates of the development of that.

Mr. JONES of Washington. I do.

Mr. OVERMAN. The only thing which led me to bring this up was that there had been a misstatement made. The public is being misled, whether this is a wise provision or not, when it is claimed that these appropriations have been decreased, when, as a matter of fact, they have been increased. I may vote for this provision, but I refer to the misrepresentation which has been made by the newspapers.

Mr. JONES of Washington. I do not fix or misrepresentation. I do not believe any party gains anything by misleading or attempting to mislead the people of the country. As far as I am concerned, I have tried not to do that.

Mr. OVERMAN. I think the Senator is one of the fairest and one of the ablest men on our committee, and the reason why I asked him the question is because it has been stated that there was a decrease in the appropriations, when that is not true.

Mr. JONES of Washington. Mr. President, I have not seen any statement from what I considered an authoritative source to the effect that the appropriations for the ordinary expenses of the Government are less than they were before we entered the war or equal to them. I did see a statement a short time ago, which I think was made on the floor of the House, that the appropriations for the normal operations of the Government would be about $250,000,000 more than the appropriations for the normal operations of the Government before we entered into the war, and if that is correct, I think it is a wonderful showing. If we have been able to get the normal expenses of the Government down to within $250,000,000 of what they were in 1914, I think we have been doing splendidly. I believe it is a record we have a right to be proud of.

Mr. KING. There will be some controversy as to what the normal expenses are.

Mr. JONES of Washington. Possibly so.

Mr. KING. Let me say to the Senator that if we get within $500,000,000 of what the prewar expenses were I shall be ready to crown the Senator with a laurel wreath.

Mr. JONES of Washington. I want to call attention to the fact that for the Census Office we have appropriated for this year a little over $1,600,000, while in 1922 the normal expenses of the Census were only $750,000; but the extraordinary work of the census was taken care of out of a lump sum, and we are now paying all of the appropriations for the census in the regular appropriations. We are making no lump-sum appropriations for that bureau. That accounts for seven or eight hundred thousand dollars.

Mr. OVERMAN. Last year they were closing up the census, and it cost $2,000,000. Now we have an appropriation of $1,600,000 carried in this bill, and the census is closed and gotten through with.

Mr. JONES of Washington. They had over $2,000,000 last year, which had been appropriated for, and that was used.

Mr. OVERMAN. That was for taking the census, but now there is no census being taken.

Mr. JONES of Washington. They have not closed up all the work of the census.

Mr. OVERMAN. They have closed up most of the work, except the publication.

Mr. JONES of Washington. I venture to say that there is not an item in connection with the census to which the Senator would make any objection. We have to take care of that. I am not saying we are making a smaller appropriation of money than heretofore; certainly not; we are increasing it. I do not believe we have increased these appropriations enough. I think it would have been wiser if we had made them nearer the Budget estimates than we have done; but I have not felt it wise, under all the circumstances, to go that far.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield to the Senator from Ohio, although I want to yield the floor in a moment.

Mr. WILLIS. I will wait until the Senator gets through, because I want to make some observations.

Mr. KING. I thought perhaps the Senator wanted to ask a question.

Mr. WILLIS. I want to answer a question.

Mr. JONES of Washington. The Senator from Utah asked me a question a while ago about the employees. I have a statement here of the employees of the different departments of the Government, which I got some time ago for other purposes than use in connection with this bill, but it will come in here very well.

Mr. KING. Does that show the number of employees in 1914, 1915, and 1916?

Mr. JONES of Washington. No; it does not show that. This is from the Bureau of Efficiency, a statement showing the number of civil employees in the Government service January 1, 1921, July 1, 1921, and December 31, 1921.

It shows that in the Department of Commerce on January 1, 1921, in the District of Columbia, there were 4,719 employees; and on December 31, 1921, there were 3,499.

In the field on January 1, 1921, there were 8,042, and on December 31, 1921, there were 7,989; or a total on January 1, 1921, of 12,761, and a total on December 31, 1921, of 11,488.

Mr. KING. Does the Senator know what that department had in 1916?

Mr. JONES of Washington. No; I do not.

Mr. KING. Does the Senator state that the number of employees in the Department of Commerce is over 12,000 now?

Mr. JONES of Washington. It is 11,488, in the field and in the District of Columbia.

Mr. KING. Would the "field" include those who are abroad?

Mr. JONES of Washington. Yes; I think so. I do not suppose that the Department of Commerce increased the number of its employees during the war as the other departments did. There was probably a sort of a normal increase, with the growth and development of the business.

I do not present this statement to show that there were more employees under the preceding administration than under this one. I do not know about that; I have not examined into that. I simply present it to show that since this administration came in it has been reducing the number of employees in the Department of Commerce. This gives some valuable information in reference to all the departments in that respect, and I am going to ask that it be inserted in the RECORD.

Mr. KING. I have no objection to that. Does the statement show the number of employees in the District of Columbia on December 31, 1921?

Mr. JONES of Washington. Yes; there were 75,786.

Mr. KING. That is more than double, or approximately double, the number of employees in the District of Columbia on January 1, 1917.

Mr. JONES of Washington. Probably so.

Mr. KING. It was somewhat less than 40,000 at that date.

Mr. JONES of Washington. I think this shows that during the last six months we have decreased the number of employees of the Government over 43,000. I have not any doubt but what there will be a further decrease, and I have no doubt that there ought to be a further decrease; but it takes time. We can not cut them off all at once.

I am not criticizing anyone because of the tremendous business which was built up during the war, and the Senator has never heard me criticize anyone on that ground, because I recognize that the administration had a tremendous task to perform and had to perform it under terrific conditions, and they did the best they could. They made a lot of mistakes, probably, which when we look back upon them we see could have been avoided; but that is gone; that is past. I feel they did the best they could. Of course, it is up to us, as long as we have control, to get things down to as economical a basis as we can. But we can not do it all at once. It takes time. If we try to do it all at once, we will cause more disorganization and more loss and inefficiency. I ask that this table may be put in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

UNITED STATES BUREAU OF EFFICIENCY,
Washington, February 4, 1922.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I inclose herewith a statement showing the number of civil employees in the Government service on January 1, 1921, July 1, 1921, and December 31, 1921. This is in response to your oral request made early in the week.

Yours, very truly,

HERBERT D. BROWN,
Chief, Bureau of Efficiency.

Statement showing the number of civil employees in the Government service, Jan. 1, 1921, July 1, 1921, and Dec. 31, 1921.

Department or establishment	Jan. 1, 1921.			July 1, 1921.			Dec. 31, 1921.		
	District of Columbia.	Field.	Total.	District of Columbia.	Field.	Total.	District of Columbia.	Field.	Total.
Department of State	692	2,392	[1] 3,084	637	2,273	[1] 2,980	580	2,531	[1] 3,121
Department of the Treasury	29,738	46,310	[2] 76,048	26,049	46,011	[3] 72,060	20,239	47,253	67,492
Department of War	10,119	91,881	[4] [5] 102,000	7,300	71,536	[6] 78,836	4,068	57,154	[6] 61,242
Post Office Department	[7] 700	[8] [9] 5,100	[5] 5,800	728	[8] [9] 4,885	[5] 5,613	713	[8] [9] 4,885	[5] 5,598
Department of the Navy	1,898	[10] 206,936	208,834	2,055	[6] 202,881	204,936	2,121	[6] 299,658	301,779
Department of the Interior	2,302	78,813	81,115	1,884	82,634	84,518	2,238	59,250	61,488
Department of Agriculture	5,954	11,642	17,596	6,139	14,288	20,427	5,748	11,652	17,400
Department of Commerce	4,585	13,907	18,492	4,635	14,239	18,874	4,624	14,056	18,680
Department of Labor	4,719	8,042	12,761	4,197	8,051	12,248	3,499	7,989	11,488
The White House	1,163	2,892	[4] 4,055	1,162	2,640	3,802	[4] 1,044	2,642	3,686
General Accounting Office	48		48	38		38	38		38
Civil Service Commission	(11)	(11)		1,710		1,710	1,400		1,400
Bureau of Efficiency	378	23	401	343	25	368	390	30	420
Smithsonian Institution	55		55	51		51	52		52
Superintendent of State, War, and Navy Buildings	457		457	506	2	508	477	2	479
Interstate Commerce Commission	1,511		1,511	1,252		1,252	1,140		1,140
Commission of Fine Arts	975	1,217	2,192	1,185	743	1,928	1,416	264	1,680
Lincoln Memorial Commission	3		3	3		3	2		2
Rock Creek and Potomac Parkway Commission				3		3	7		7
Federal Power Commission	3		3	3		3	2		2
Federal Trade Commission	1		1	1		1	1		1
National Advisory Committee for Aeronautics	316		316	315		315	276	21	297
Council of National Defense	60		60	24	47	71	22	49	71
Employees' Compensation Commission	39		39	(11)	(11)				
Shipping Board	75		75	82		82	81		81
Veterans' Bureau	2,530	4,827	7,357	2,104	5,983	8,087	1,937	3,464	5,401
Federal Board for Vocational Education				(11)	(11)		5,215	13,062	[12] 18,277
Tariff Commission	900	3,713	4,613	950	5,402	6,352	78		78
Railroad Administration	91		91	93		93	95		95
Office of Alien Property Custodian	1,148	116	1,264	1,201	119	1,320	1,119	100	1,219
Interdepartmental Social Hygiene Board	180	2	182	164		164	155		155
Railroad Labor Board	40	158	198	12	56	68	11	58	69
Board of Mediation and Conciliation		76	76		76	76		76	76
Government Printing Office	5		5	(11)	(11)				
Library of Congress	4,489		4,489	4,362		4,362	4,369		4,369
Botanic Gardens	590		590	618		618	587		587
	22		22	50		50	47		47
Total	75,786	568,047	643,833	69,876	561,891	631,767	63,822	524,196	588,018

[1] Does not include approximately 760 doormen, butlers, and attendants in the Diplomatic and Consular Service abroad.
[2] Includes personnel of the Bureau of War Risk Insurance and the General Accounting Office.
[3] Includes personnel of the Bureau of War Risk Insurance.
[4] Includes personnel of the Panama Canal.
[5] Approximate.
[6] Includes officials and employees of United States courts.
[7] Established July 1, 1921.
[8] Discontinued July 1, 1921.
[9] Established Aug. 9, 1921.
[10] Includes part of personnel of Public Health Service and all of Bureau of War Risk Insurance, formerly under the Treasury Department, and part of personnel formerly included under Federal Board for Vocational Education.

Mr. KING. The great increase in the number of employees during the war was in the War and Navy Departments, and in those agencies of the Government which were directly or indirectly connected with the war—with the Military and the Naval Establishments.

Mr. President, it seems to me that since the war the departments of the Government have been too indifferent to the requirements of economy and too slow in demobilizing the civil employees of the Government. We had in Washington, as the Senator knows, more than 100,000 employees during the war. More than three years after the war we have in Washington more than double the number employed in the departments prior to the war. I have heard no suitable excuse for the failure of the departments to bring about the reduction in the personnel which the situation demanded.

There is no reason why there should be 70,000 or more employees in the District of Columbia. The Senator will recall that one of the most severe criticisms made by his party during the last campaign was based upon the charge that there were too many persons in the employ of the Government, and it was said that the Republican Party, if it should win the election, would immediately proceed to reduce the number of employees in the Government service until the prewar status was reached. Notwithstanding our Republican friends have been in charge of the legislative department of the Government for three years and of the executive department for one year, the number of employees in Washington is double the number in service January 1, 1912, and my information is that the number outside of Washington is greatly in excess of the 1917 force.

Mr. President, there have been, of course, reductions in the general appropriations in the aggregate of the appropriations, but an examination will show that those reductions have been generally, if not exclusively, in those branches of the Government that we might denominate war branches. Of course, with the termination of the war and the demobilization of the Army, the military expenses would be materially reduced. We spent billions during the war for war purposes.

The Senator certainly can not claim credit for his party because in peace times we are not expending the huge sums which war demanded. During the war the Navy received billions of dollars. For the current fiscal year approximately $500,000,000 was appropriated, but that was $200,000,000 too much, and for the next fiscal year the naval appropriations should not exceed $250,000,000. I hope our Republican friends will make proper reductions in both the Army and Navy budgets. I doubt whether our Republican friends will have the courage to effectuate proper economies.

Mr. WILLIS. Mr. President, may I ask the Senator a question?

Mr. KING. I shall be glad to yield to the Senator in a moment.

I think it may safely be said that all the appropriation bills which deal with what the Senator from North Carolina has denominated the ordinary expenses of the Government and all the other appropriation bills in the aggregate will carry more than was appropriated for the fiscal year 1922, and of course will carry hundreds of millions of dollars more than was appropriated in 1914 or 1915 or 1916 for the ordinary expenses of the Government.

I am glad now to yield to my friend from Ohio.

Mr. WILLIS. The Senator from Utah, one of the leaders on the other side of the aisle, complains of the large expenditures for the Army and the Navy, and asserts that those expenditures ought to be reduced next year. Will the Senator aid in the reduction of those expenditures by supporting the treaty that makes possible the reduction of such expenditures?

Mr. KING. If the Senator refers to the treaty which limits the construction of capital ships, I am very glad to assure him that I shall vote for that treaty.

Mr. WILLIS. Fine!

Mr. KING. Why did not the Senator vote for my motion which I submitted when we were considering the naval appropriation bill since he has been in the Senate, referring it back to the Committee on Naval Affairs with instructions to reduce it $100,000,000? If we had done that some of the capital ships upon which money has been wasted would not have progressed to the degree of completion which we now find and we would have $100,000,000 more in the Treasury, or $100,000,000 less of outstanding bonds representing the appropriation which we wasted.

Mr. WILLIS. The Senator directs to me a question. I did not vote for that proposition, because I was unwilling to disarm this country until some arrangement should be made which would make such disarmament safe. Such an arrangement is now before the Senate, and yet the Senator by his statement leaves the implication that he proposes to oppose the arrangement which makes possible the reduction of armies and navies, and yet he will vote to reduce our armies and navies. That is why I did not vote for the Senator's amendment.

Mr. KING. I anticipated that the Senator would reply, if he did reply, as he has, namely, that to have reduced the appropriation for the Navy $100,000,000 would mean disarming. I think the position of my distinguished friend is not tenable. When we were spending $150,000,000 a year for the Navy, we were developing a strong and efficient Navy. It was not necessary to appropriate $400,000,000 for the Navy for the current fiscal year, and to have appropriated three hundred and ninety and odd million dollars would not have been to disarm the United States.

I do not think that my friend can convince the American people that we would have disarmed by appropriating $400,000,000 for the Navy for the present fiscal year instead of $500,000,000. The fact is that the attitude of the United States was a menace to the peace of the world. We were talking of war and denouncing Japan and Great Britain and demanding the greatest navy in the world. We proposed in the 1915–16 program a naval policy that would cost the American people the stupendous sum of $1,500,000,000. We proposed to carry out the program of 1915–16, which called for the construction of a large number of capital ships and the appropriations for ships of all classes, the necessary harbors and the necessary supplementary equipment, amounted to $1,500,000,000. It was to be expected that the militant attitude of the United States would cause Japan and other nations to look with anxiety upon our navalistic policy, a policy which to some seemed to portend an imperialistic ambition upon the part of the United States.

Notwithstanding our foolish reactionary naval policy, Great Britain broke up three of her capital ships which were upon the stocks, thus losing $16,500,000 that had been expended upon them. France broke up one great ship upon which some work had been expended.

Mr. LODGE. Mr. President, no money had been expended on the three new super-Hoods contemplated in the British program except in the way of designing and assembling material.

Mr. KING. The figures which were presented in the House of Commons showed that there had been expended—I do not know in what form the expenditures had been made——

Mr. LODGE. I do. That is why I was stating it on the authority of the first lord of the admiralty.

Mr. KING. I am not challenging the statement of the Senator from Massachusetts, but I know that Lord Lee and others in the House of Commons, when the question was under discussion, announced that there had been spent upon the three super-Hoods approximately $16,500,000.

Mr. LODGE. Approximately $16,000,000, that is true; but the Senator spoke of the breaking up of ships. Great Britain has not broken them up, because nothing had been made except in the way of designs and something in the way of assembling materials. No building had been done.

Mr. KING. The Senator may be correct in that. I shall not controvert his statement. I will qualify my statement to the extent of stating that notwithstanding our determination, as evinced by the appropriations which we have made, to continue the 1915–16 program, the Parliament of Great Britain did not approve of the policy of completing the super-Hoods and suspended any further work upon them. My recollection of the discussion is that some materials have been assembled and some little work has been done upon the hulls of these super-Hoods. But it is certain that Great Britain, notwithstanding the avowed purpose of the United States to complete the 1916 program, which would have made our Navy the most powerful in the world, ceased construction upon capital ships and also scrapped many war vessels after the war was ended. Her conduct was an invitation to the world to cease naval armament and to reduce the heavy burdens incident to military and naval operations.

Mr. LODGE. They appropriated for the super-Hoods, but suspended work upon them until the result of the conference was known, and nothing will be done if these treaties are ratified.

Mr. KING. I agree with the Senator that the conference and other causes will perhaps dispose of the three super-Hoods, either one of which would have been greater than any capital ship which we have.

Mr. LODGE. Very much greater. They were to be 49,000 tons.

Mr. KING. The super-Hoods were to be 55,000 tons.

Mr. LODGE. The figures they gave to the conference here were that they would not be over 49,000 tons, which is 15,000 tons larger than any ship in any other navy except the one Hood, which is 41,000 tons.

Mr. KING. My information is based upon the discussions in the House of Commons in which Lord Lee, who was a delegate here, participated, and my recollection of the discussions is that the super-Hoods were to be 55,000 tons and to carry 18-inch or 20-inch guns, so that those ships would have been superior to any ship which the United States now has or would have under the 1915–16 program.

Mr. LODGE. That is true. Our largest were 42,000 tons.

Mr. KING. Mr. President, Great Britain had abandoned the construction of the super-Hoods prior to the Washington conference; but, of course, the agreement as to naval disarmament which was made at the conference will end the building of these huge vessels.

The Senator from Ohio in a very cheerful and, I was about to say, boastful spirit—and I do not use the word "boastful" in any offensive way—called attention to the work of the conference in respect to the reduction of armament. I am sure that all on this side will welcome any policy that will result in reducing the cost of military and naval operations. It seems to me that all should support a policy which will relieve the people from the waste and burdens of huge naval and military establishments.

The United States, as a peace-loving, Christian Nation, ought to take the lead in efforts for world peace. It fears no nation, it covets no territory belonging to other nations. It should seek by example and precept to bring concord and justice into all international relations. The Senator from Massachusetts closed his notable address yesterday with an eloquent peroration, in which he pleaded for a spirit of peace and for the moral leadership of this great Republic. I rejoiced in his words and regretted that he had not uttered them when we were considering the Versailles treaty, which was fraught with so much consequence to the world. I believed then, as I believe now, that there should be not merely a concert of nations but an association of all nations of the world in the interest of world peace. The League of Nations sought the peace and freedom of all nations. We should have done our part to make its work effective. If we had, there would have been no Washington conference, the results of which are still uncertain and problematical. There is ground for apprehension that the four-power pact may be regarded by some as an attempt to set up a little entente or a little league of nations as an opponent of the League of Nations. Some may regard with resentment this quadruple alliance or association as an attempt to set up another organization rivaling the league, or an organization which seeks hegemony not only in the Orient but in all the world.

If resentments should be developed by the four-power pact, or if it should be regarded as a rival of the league created under the Versailles treaty, then the treaty before us might prove a menace to the peace of the world. There are some who have not yet been persuaded that the four-power pact will not be so regarded by nations of the world, but if it can be established that this treaty will promote peace and will be regarded with favor by the nations who are members of the League of Nations, I believe there will be some who will vote for its ratification who at present are inclined to vote against the treaty.

Mr. WATSON of Georgia and Mr. WILLIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I must yield first to the Senator from Georgia, who rose first.

Mr. WATSON of Georgia. I do not want to interrupt the Senator, but in direct line with his thought is the suggestion that the soviet principle, embodied by Russia and put in practice by Russia, is already knocking at the doors of China, and

there is no reasonable doubt that there will be a union in the policies of Russia and China and Siberia within a very short while.

Mr. KING. My information, may I say to the Senator, is that for over two years there have been representatives of the soviet government in various parts of China, a large number of representatives who have been carrying on an extensive propaganda for the purpose of establishing a dictatorship of the proletariat—governed by the principles of the third internationales, and to effectuate some sort of union between the Chinese Government and the soviet government of Moscow.

It is quite likely that in some parts of China their intrigues have been successful. I sincerely hope, however, that the pacific characteristics of the Chinese and their love of law and order, speaking generally of the Chinese people, will enable them to resist these intrigues and this propaganda of the soviet government. I believe that China will not ally herself with the Lenin and Trotsky government, but will develop along safe and sound constitutional lines—giving to the people a liberal and progressive government.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. LENROOT. I should like to ask the Senator if he does not think that if China does not ally herself with the soviet government it will be due more to the result of the Washington conference than to any other one cause?

Mr. KING. Mr. President, I wish that I could answer that question affirmatively. The Senator from Wisconsin may have information which I do not possess, but some of my informants tell me that the Washington conference has tended to divide the Chinese people, that schisms have been created, and that those schisms may result in a fratricidal conflict. I do not yet know what the results of the conference will be so far as China is concerned. I had hoped that the result of the conference would be to alienate China from Russia, if there was any disposition upon her part to form a hard and fast alliance with Russia, and to bring union to all factions in China, and also bring concord and peace not only in the Pacific but upon the mainland of Asia. I sincerely hope that Japan and China have been brought closer together, and that China will with zeal address herself to the great task of developing her mighty resources and fitting herself and her people to fill an important place in the affairs of the world. I am inclined to think that the result of the conference will, generally speaking, tend to improve the conditions in China and in the Far East.

Mr. LENROOT. Will not the Senator from Utah admit that one of the results of the Washington conference has been to remove the great menace which was contained in the treaty of Versailles with relation to Shantung?

Mr. KING. Oh, Mr. President, the treaty of Versailles, as it was argued so fully here upon the floor of the Senate when the treaty was before us, was not, as I interpreted it and as many others interpreted it, a menace to China. I believe that the treaty of Versailles and the machinery of that treaty afforded full opportunity for the settlement and would bring about a settlement of any controversy growing out of Shantung. Moreover, as the minutes of the Versailles conference disclose, Japan promised—and I believe she would have kept that promise—within a reasonable time to withdraw from Shantung and to restore to China whatever in Shantung Japan claimed to have succeeded to in virtue of her entrance into the World War and her expulsion of Germany from the Orient.

Mr. WATSON of Georgia. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I hardly see how the suggestion of the Senator from Wisconsin [Mr. LENROOT] could be well founded, in view of the fact that Japan's continued occupation of Korea is in violation of two very solemn treaties recently made and a standing insult and provocation to China, and the Washington conference leaves Japan with a title undisputed in Korea and also leaves her in the possession of two of China's largest Provinces, Manchuria and Mongolia.

Mr. KING. Mr. President, this is a digression from the bill which is before us. I arose only for the purpose of calling attention to an item in the bill and to ask the Senator from Washington [Mr. JONES] if he had any data which would show the amount of appropriations carried in this bill for the same subjects which had been provided for in former bills. I think the answer of the Senator from Washington shows that we have appropriated more for the same objects or purposes in the pending bill than was carried in appropriation bills for similar items a year ago; that instead of there being a reduction there is an increase. That is also true of a number of bills which have been brought before us which have carried appropriations for the ordinary expenses of the Government.

Mr. President, this Congress is not redeeming the pledges made by the Republican Party. It is bankrupting the Treasury, increasing expenditures, borrowing money, issuing short-term bonds for hundreds of millions of dollars. Economic disaster has overtaken the people, and in all parts of the land the cries of distress are heard. This is the Republican Party's record.

Mr. JONES of Washington. Let me say to the Senator from Utah that, of course, there are some items in the bill as to which I think there is a decrease and some items where there is an increase. In the aggregate there is an increase of probably $2,000,000 or something like that.

Mr. KING. I wish to make merely one further observation. The Senator from Washington stated that the pending bill proposes to appropriate less than was recommended by the Budget Bureau. Mr. President, that statement by the Senator is a refutation of the contention which was so vociferously made by those who were claiming that the millennium was at hand because we had passed the Budget law. A number of Senators when the Budget bill was under consideration stated that if economies were effectuated they would be brought about by the legislative branch of the Government rather than by the executive branch. The Budget Bureau is an executive branch of the Government and yet Congress, which is supposed to be profligate in its expenditures of the public money, has cut the Budget recommendations by millions of dollars. In this very bill the Budget Bureau recommended an appropriation of more than $2,000,000 in excess of the appropriation now carried by the bill; and yet Senators and Representatives on the committees dealing with the subjects have recommended appropriations in this bill less than were recommended by the Budget Bureau. That has also been true of the other appropriation bills which have been brought before us. So the Budget Bureau apparently has not effectuated any reforms; whatever reductions have been made have been made by Congress and not by the executive branch of the Government; all of which demonstrates that if there are to be economies brought about those economies must be worked out by the House of Representatives and by the Senate; if we are to cut expenses those expenses will have to be reduced by Congress itself and not by the executive branches of the Government.

I wish to say, however, that I believe President Harding has addressed himself with earnestness to a reduction in the expenditures of the Government. He certainly ought to have done so, when he perceived the constantly diminishing stream of revenue and the enormous drafts made upon the Treasury. The Chief Executive owes it to the country to utilize every force at his command to bring about reforms and economies. Of course, the Senate and the House of Representatives must second his efforts and even go beyond them, because the pressure upon the Executive and upon the heads of the executive departments for appropriations is so great that the President and the executive heads will in most cases ask for larger appropriations than Congress will be willing to make. The legislative branch will prove to be the check valve upon the executive departments of the Government if retrenchment and economy are to be accomplished.

Mr. WILLIS. Mr. President, I have no desire to impede the passage of the pending bill, and therefore I shall not follow the Senator from Utah into the many interesting fields into which he has gone. It is always a delight to listen to his prophecies, even though they are somewhat gloomy and Cassandralike at times, but our fear may be modified to a considerable extent by reflecting upon the fact that other prophecies which the Senator has made have not come true.

Now, there is a question raised here as to the credit of the Government and as to whether or not there have been economies. I think the people of the country who buy Government bonds are pretty fair judges of that question. If the Senator's view is correct that the expenses of the Government have gone on increasing and are to increase indefinitely, certainly that would have its effect on the quotations on Government bonds. I have before me——

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WILLIS. Certainly.

Mr. KING. I stated that the war expenditures and those which would come under the head of war expenditures necessarily had decreased and would decrease.

Mr. WILLIS. I so understood the Senator.

Mr. KING. What I said with respect to the increase in expenditures had reference to those which the Senator from North Carolina had denominated the ordinary expenditures of the Government.

Mr. WILLIS. The Senator from North Carolina, as I understood him, was discussing the expenditures of the particular

department provided for in this bill. We are now talking not only about that but about the larger expenditures of the Government. What I am now saying is that if the Senator's contention is true, that economy has been lacking, if there have been extravagant expenditures, surely that would have found some reflection in the condition of Government credit. Governmental expenditures are not the only thing that affects Government credit; they are one of the factors that do affect Government credit; and, generally speaking, as governmental expenditures go down Government credit goes up. So let us see how the Senator's contention works out, and ascertain what has been accomplished in a year.

The Senator has referred to the fact that the party to which I have the honor to belong has been in control of the Government for a year. Let us see what has happened to Government bonds in a year. Liberty 3½'s, 1932–1947, a year ago were selling at 90; they are now selling at 97. That does not look as though the people lack confidence in the credit of the Government.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. WILLIS. Certainly.

Mr. KING. The Senator has, I think, supported the view of some of our Republican friends and many Democrats, that there ought to be a constitutional amendment to prohibit the States and political subdivisions of States from issuing tax-exempt securities. I call the Senator's attention to the fact that it has been stated in financial circles that because of the depression in many industries and in business generally available funds for investment have been driven from business, that the only competition has been in Government bonds, and the demand for Government bonds has been so great because money could not be induced to invest in industrial securities and in business on account of hard times and precarious financial conditions in the United States. That has caused a rise in the bonds of the United States. I might say, further, to the Senator——

Mr. WILLIS. What was the Senator's question; I have been listening and trying to recognize it.

Mr. KING. I state now that the Senator has attributed the rise in the quotation of the price of Government bonds to the conduct of the Republican Party. If that is true, I call the attention of the Senator to the fact that under the Republican Party industry has languished, bankruptcy has come to business, and millions of dollars which, in good times under an administration where proper laws were enacted and wise regulations were enforced, would have been available for investment in industrial development have been invested in Government bonds, and that has tended to increase the price of Government bonds as well as many municipal securities.

Mr. OVERMAN. Government bonds are also purchased to escape the income tax.

Mr. WILLIS. I am still waiting for the Senator's question. All of the discussion is interesting, but I should like to ascertain what is the Senator's question.

Mr. KING. If the Senator has not apprehended it, I am afraid I shall be powerless to make it plainer.

Mr. WILLIS. The Senator has not stated his question.

Mr. KING. I ask the Senator if it is not a fact that the increase in the price of Government bonds has been because many persons who had money available for investment have sought tax-exempt securities rather than invest their funds in industries where the situation was so threatening and so menacing and where times were so hard as they have been since the Republican Party has been in power?

Mr. WILLIS. Mr. President, that is another question that I shall be glad to discuss with the Senator some day. I agree with him in the view that we have issued in this country too many tax-free securities. As to whether it is necessary to have a constitutional amendment to regulate that, I do not now express an opinion. I am informed that we have now perhaps $10,000,000,000 of tax-free securities. Undoubtedly that has an effect upon industry; but I want to pursue just a little further this, to me, rather interesting table. If, under the Republican administration, everything were going to pieces, it certainly would be reflected somewhere in these prices of bonds.

Here is another type of bonds, Liberty second fours, 1927–42, quoted a year ago at 87. They are now quoted at 97.1, and so on. I ask permission to print that table at the close of my very brief remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. WILLIS. The fact is that Liberty bonds have gone up something like 11 per cent. Those that were selling at 85 are now selling at about 95. While I recognize that it is not the only cause, the credit of the Government has something to do with that.

I do not intend to follow the Senator from Utah into the interesting field of discussion of the treaties just now. The remark that he made leads me to think that there is some hope in his case that he is open to argument. The only thing I want to say is that it seems to me that the treaty which undertakes to settle the questions which have been provoking the nations to this competition in armament is the most important treaty of the lot. So far as I am concerned, if the Senate shall refuse to ratify the so-called four-power treaty, that undertakes to remove the causes of war, I doubt whether I should vote to ratify the treaty that would undertake to limit naval armaments; but I shall not go further into that question now.

Something has been said by the Senator from Utah [Mr. KING] and the Senator from North Carolina [Mr. OVERMAN] about the number of employees in the Government service. I think the Senator from Washington [Mr. JONES] has covered that, perhaps, in the table that he has had printed in the RECORD. I simply call attention to the fact that there has been a constant, and, I think, a very reasonable decrease.

On the 11th day of November, 1918, the civil employees of the Government numbered 917,760.

On July 31, 1920, that number had been reduced to 691,116.

On December 1, 1920, the number had been reduced to 640,175.

On July 31, 1921, the number had been reduced to 597,482.

The latest report we have is of date November 11 last, as I have it, 568,326; and the Senator from Washington says that within the last six months there has been a reduction in the number of employees of something like 40,000. There has been a reduction. There is not any question about that.

The Senator talks interestingly about cooperation amongst the departments. He seems not to have been aware of the fact that that is exactly the thing that is now being had—a thing that we have not had heretofore. The difficulty heretofore has been that each department has tended to flock off by itself and build up an independent government, with all of its different functions. Under wise executive leadership the different bureaus and departments have been brought together, and they now understand that there is not to be so much effort at star playing, but more of teamwork; and as the result of that, as I have already pointed out, the expenses for the year have been reduced $582,000,000 below the estimates, and a billion and a half below the expenses of the preceding year.

APPENDIX.

RESULTS WITH LIBERTY LOANS.

On the 4th of March, 1921, the quotations were as follows:

Liberty three-and-a-halfs, 1932–1947	$90.92
Liberty first fours, 1932–1947	87.22
Liberty second fours, 1927–1942	87.00
Liberty first convertible four-and-a-quarters, 1932–1947	87.22
Liberty second convertible four-and-a-quarters, 1937–1942	87.04
Liberty third convertible four-and-a-quarters, 1928	90.26
Liberty third convertible four-and-a-quarters, 1928, registered	90.12
Liberty fourth four-and-a-quarters, 1933–1938	87.18
Victory three-and-three-quarters, 1922–23	97.50
Victory four-and-three-quarters, 1922–23	97.50
Victory four-and-three-quarters, 1922–23, registered	97.35

The prices of those bonds to-day are:

Liberty three-and-a-halfs, 1932–1947	$97.00
Liberty first fours, 1932–1947	97.10
Liberty second fours, 1927–1942	97.10
Liberty first convertible four-and-a-quarters, 1932–1947	97.54
Liberty second convertible four-and-a-quarters, 1937–1942	97.28
Liberty third convertible four-and-a-quarters, 1928	97.28
Liberty third convertible four-and-a-quarters, 1928, registered	97.02
Liberty fourth four-and-a-quarters, 1933–1938	97.56
Victory three-and-three-quarters, 1922–23	100.30
Victory four-and-three-quarters, 1922–23	100.16
Victory four-and-three-quarters, 1922–23, registered	100.02

Mr. KING. Mr. President, the reduction in the number of employees has been largely in the War Department and the Navy Department and in those agencies that had to do with the disposition of the war supplies, and, to use the common expression, the cleaning-up process following the war. For instance, I think about a year ago it was shown that there were employees in the War Department engaged in handling the supplies, guarding the various cantonments, and so forth, numbering approximately 90,000. I remember that something was said upon the floor of the Senate that there seemed to be nearly as many employees in the War Department as there were soldiers in the Army; and of course in the War Risk Insurance Bureau during that period, when millions of claims were being filed, sometimes 10,000 a day, the number of employees was prodigious. It exceeded 20,000. There necessarily must have been reduction if there was any efficiency.

In my opinion the reductions have not been sufficient. In the War Risk Bureau decentralization has been carried out,

with a view, among other things, to economy and a reduction in the number of employees, but large units have been established in various parts of the United States where thousands of persons were found positions costing the Government millions annually. The cost of the policy of decentralization has been very, very great. I am told by the Senator from South Carolina [Mr. SMITH] that there are 18,000 employees now in the War Risk Insurance Bureau.

Mr. SMITH. Mr. President, if the Senator will allow me, I think the table that the Senator from Washington [Mr. JONES] submitted to go into the RECORD showed that there were in the War Risk Bureau—which is now known as the Veterans' Bureau, having taken over the functions of the War Risk Bureau—18,277 employees.

Mr. KING. Mr. President, just one word further, amplifying the statement which I made to the Senator from Ohio.

The Senator made a very excellent point, and one which upon its face seems persuasive in support of his argument, when he quoted the rise in the market price of Government bonds. Let me say to my good friend that if he examines the quotations he will find that municipal bonds and many State bonds have responded to the rising bond market, perhaps more rapidly and in greater proportion than the Federal bonds. I have heard of State and municipal bonds selling above par, but I call the attention of the Senator to the fact that many persons have disposed of their real estate and other property, and instead of investing as they ordinarily would have done in business or in industrials, because of the unsettled conditions in our country and throughout the world they have sought investments where no risks were involved. Accordingly they purchased municipal and State and Federal bonds, which are exempt from taxation. They prefer a less rate of interest and perfectly secure investments.

I recall that quite recently a friend of mine purchased from one of the largest estates in New York a building for $250,000; and he told me that many persons were disposing of their real estate and other properties because of the high taxes and the small returns from their properties and investing in Government bonds or other tax-exempt securities. The heavy Federal and State taxes and the uncertain conditions in the business world have led those having available funds for investment to seek tax-exempt securities. This has led to competition in the bond market, thus forcing higher levels for tax-exempt securities. Before the war there were available for investments approximately $4,000,000,000 annually. Railroad and other enterprises were developed and capital sought fields in business activities. Now few business enterprises, in comparison with what we need, are being developed, and the capital that is required for the revival of business is being driven by high taxation—high taxation of the Federal Government and the State and the municipal governments—into tax-exempt securities. If we would have a proper revival in business we must free business from the enormous taxes and burdens and impediments now resting upon it. As long as the people are compelled to pay, as they are now, billions of dollars for State and Federal taxes, men who have money for investment will place it in tax-exempt securities rather than invest it in industrials and in business activities and enterprises. Business must be given a fair chance; industry must not be unduly hampered and shackled. The Government should attend to Government concerns and not seek to place the heavy and paralyzing hand of a deadly bureaucracy upon those who are seeking to bring back prosperity and rescue our country from economic and industrial destruction.

Mr. JONES of Washington. Mr. President, I do not desire to cut off any debate. I simply want to call the attention of the Senate to the fact that I probably shall have to give up the floor at 1 o'clock, and I should like to get as far along in the bill as possible.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the items for contingent expenses, Department of Commerce, on page 3, in line 21, to strike out "$75,250" and insert "$87,250"; on page 4, line 6, to strike out "$4,000" and insert "$13,000"; in line 8 to strike out "$20,000" and insert "$22,000," and in line 17 to strike out "$125,250" and insert "$167,450," so as to read:

For contingent and miscellaneous expenses of the offices and bureaus of the department for which appropriations for contingent and miscellaneous expenses are not specifically made, including professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500); stationery, furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting, and heating; purchase and exchange of motor trucks and bicycles; maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles and of motor trucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; repairs to building occupied by offices of the Secretary of Commerce; rental of water-cooling plant in Commerce Building, not to exceed $1,400; first-aid outfits for use in the buildings occupied by employees of this department; street car fares, not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $80,200, and in addition thereto sums amounting to $67,250 shall be deducted from other appropriations made for the fiscal year 1923 and added to the appropriation "Contingent expenses, Department of Commerce," in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (Stats. at L., vol. 36, p. 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made, as follows: Bureau of Foreign and Domestic Commerce—promoting commerce, $6,000; promoting commerce (South and Central America), $13,000, commercial attachés, $5,000; promoting commerce in the Far East, $5,000; export industries, $23,000; general expenses, Lighthouse Service, $8,500; contingent expenses, Steamboat-Inspection Service, $7,500; contingent expenses, shipping service, $500; instruments for measuring vessels, $500; instruments for counting passengers, $250; enforcement of wireless communication laws, $1,000; Bureau of Standards—equipment, $1,000; general expenses, $1,000; general expenses, Coast and Geodetic Survey, $4,500; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $167,450 shall be and constitute the appropriation for contingent expenses, Department of Commerce, to be expended through the central purchasing office (Division of Supplies), Department of Commerce, and shall also be available for objects and purposes of the several appropriations mentioned under the title "Contingent expenses, Department of Commerce," in this act.

The amendment was agreed to.

The next amendment was, on page 5, line 11, to increase the total appropriation for the office of the Secretary of Commerce from "$739,050" to "$769,250."

The amendment was agreed to.

The next amendment was, under the head "Bureau of Foreign and Domestic Commerce," in the item for commercial attachés, on page 6, line 13, after the word "officers," to insert "for necessary janitor and messenger service," so as to read:

Commercial attachés: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $2,500 per annum for each person so employed, traveling and subsistence expenses of officers, for necessary janitor and messenger service, rent outside of the District of Columbia, purchase of reports, books of reference, and periodicals, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $200,000.

The amendment was agreed to.

The next amendment was, on page 7, line 5, to strike out "$379,100" and insert "$450,000," and in line 7 to strike out "$86,200" and insert "$100,000," so as to read:

For all necessary expenses, including field investigations in the United States and abroad, purchase of documents, plans, specifications, manuscripts, and all other publications for the promotion of the commercial interests of the United States, rent outside the District of Columbia, to further promote and develop the foreign and domestic commerce of the United States, $450,000, to be expended under the direction of the Secretary of Commerce: *Provided*, That not more than $100,000 of the foregoing sum shall be used for the expenses of branch offices in the United States.

The amendment was agreed to.

The next amendment was, on page 8, at the end of line 20, to strike out "$385,000" and to insert "$450,000," so as to make the paragraph read:

To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing in so far as they relate to the important export industries of the United States, including personal services in the District of Columbia and elsewhere, and all necessary incidental expenses connected therewith, $450,000.

The amendment was agreed to.

The next amendment was, on page 8, line 22, to increase the total appropriation for Bureau of Foreign and Domestic Commerce from "$1,533,410" to "$1,669,310."

The amendment was agreed to.

Mr. JONES of Washington. I ask unanimous consent that the clerks may correct the totals in the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of the Census," on page 8, line 25, before the word "each," to strike out "$3,000" and insert "$3,600"; in the same line, after the words "chief clerk," to strike out "$2,500" and insert "$3,000"; on page 9, line 1, after the word "geographer," to strike out "$2,000" and insert "$2,600," and, in the same line, to strike out "stenographer, $1,500; nine" and to insert "fourteen"; in line 2, before the word "each," to strike out "$2,000" and insert

"$2,400"; in the same line, after the word "each," to insert "private secretary and stenographer to director, $2,100"; in line 4, before the words "of class 4," to strike out "twenty" and insert "sixty"; in the same line, before the words "of class 3," to strike out "thirty" and insert "seventy"; in line 5, before the words "of class 2," to strike out "sixty-five" and insert "one hundred"; in the same line, after the words "of class 2," to strike out "two hundred and eighty-five" and insert "two hundred"; in line 6, before the words "at $1,000 each," to strike out "ninety" and insert "eighty"; in line 7, before the words "at $900 each," to strike out "seventy-nine" and insert "fifty"; in the same line, after the words "skilled laborers," to strike out "three at $900 each, one $720," and insert "three at $1,000 each, one $900"; in line 10, before the words "unskilled laborers," to strike out "four" and insert "five"; and, in line 11, to change the total from "$737,440" to "$806,440," so as to make the paragraph read:

Salaries: Director, $6,000; 5 chief statisticians, at $3,000 each; chief clerk, $3,000; geographer, $2,600; 14 expert chiefs of divisions, at $2,400 each; private secretary and stenographer to director, $2,100; clerks—60 of class 4, 70 of class 3, 100 of class 2, 200 of class 1, 80 at $1,000 each, 50 at $900 each; skilled laborers—3 at $1,000 each, 1 $900; 3 messengers at $840 each; 8 assistant messengers, at $720 each; 5 unskilled laborers, at $720 each; 4 messenger boys, at $480 each; in all, $806,440.

The amendment was agreed to.

The next amendment was, in the items for collecting statistics, on page 10, line 12, to strike out "$964,000" and insert "$895,000," so as to make the paragraph read:

Collecting statistics: For securing information for census reports, provided for by law, semimonthly reports of cotton production, periodical reports of stocks of baled cotton in the United States and of the domestic and foreign consumption of cotton; quarterly reports of tobacco; per diem compensation of special agents and expenses of same and of detailed employees, whether employed in Washington, D. C., or elsewhere; not to exceed $100,000 for the temporary employment of clerks, stenographers, and machine operators in the District of Columbia, to be selected from the registers of the Civil Service Commission, and to be paid at the rate of not to exceed $100 per month, the same person to be employed for not more than six consecutive months; the cost of transcribing State, municipal, and other records; temporary rental of quarters outside of the District of Columbia; for supervising special agents and employment by them of such temporary service as may be necessary in collecting the statistics required by law, including $15,000 for collecting tobacco statistics authorized by law in addition to any other fund available therefor: *Provided*, That the compensation of not to exceed 10 special agents provided for in this paragraph may be fixed at a rate not to exceed $8 per day: *Provided further*, That not more than one person employed under this appropriation may be paid at a greater rate of compensation than the maximum rate fixed for employees in the Census Bureau for the fiscal year 1919, $895,000.

The amendment was agreed to.

The reading was continued to line 25 on page 13.

Mr. JONES of Washington. I desire to propose a committee amendment on page 13, line 25.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 13, line 25, under the subhead "Wireless communication laws," strike out "$10,900" and insert in lieu thereof "$17,600."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 14, line 3, to increase the appropriation for enforcement of the wireless communication laws from "$80,000" to "$130,000."

The amendment was agreed to.

The next amendment was, on page 14, line 20, to increase the total appropriation for the Bureau of Navigation from "$307,390" to "$357,390."

The VICE PRESIDENT. The total will be changed by the clerk at the desk, as ordered by the Senate.

The reading of the bill was continued:

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 28, line 26, to increase the appropriation for continuing researches in physical hydrography, relating to harbors and bars, etc., from "$15,000" to "$29,841."

The amendment was agreed to.

The next amendment was, on page 30, line 18, to increase the total appropriation for field expenses, Coast and Geodetic Survey, from "$632,019" to "$646,860."

The amendment was agreed to.

The next amendment was, on page 30, line 21, to increase the appropriation for repairs of vessels, including traveling expenses of persons inspecting the repairs, and exclusive of engineer's supplies and other ship chandlery, from "$75,000" to "$97,400."

The amendment was agreed to.

The next amendment was, on page 34, line 9, to increase the total appropriation for the Coast and Geodetic Survey from "$2,162,134" to "$2,199,375."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," beginning on page 35, after line 23, to strike out:

Afognak (Alaska) Station: Superintendent, $1,500; foreman, $1,200; two fish culturists, at $960 each; three apprentice fish culturists, at $900 each; cook, $900; in all, $8,220.

Alpena (Mich.) Station: Foreman, $1,200; fish-culturist, $900; in all, $2,100.

Baird (Calif.) and Battle Creek (Calif.) Stations: Superintendent, $1,500; foreman, $1,080; fish-culturist, $900; three apprentice fish-culturists, at $600 each; in all, $5,280.

Baker Lake (Wash.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Beaufort (N. C.) Biological Station: Superintendent and director, $1,500; scientific assistant, $1,400; fish-culturist, $900; apprentice fish-culturist, $600; in all, $4,400.

Berkshire (Mass.) Trout Hatchery: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Boothbay Harbor (Me.) Station: Superintendent, $1,500; fish-culturist, $900; engineer, $1,100; apprentice fish-culturists—one $780, two at $600 each; three firemen, at $600 each; custodian of lobster ponds, $720; in all, $8,000.

Bozeman (Mont.) Station: Superintendent, $1,500; fireman, $1,200; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $4,800.

Bryans Point (Md.) Station: Custodian, $360.

Cape Vincent (N. Y.) Station: Superintendent, $1,500; fireman, $720; apprentice fish-culturists—one $720, two at $600 each; engineer, $1,100; in all, $5,240.

Clackamas (Oreg.) and subsidiary stations: Superintendent, $1,500; foreman, $1,200; fish-culturist, $900; apprentice fish-culturists—three at $720 each, two at $600 each; in all, $6,960.

Cold Springs (Ga.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Craig Brook (Me.) Station: Superintendent, $1,500; fish-culturist, $900; three apprentice fish-culturists, at $600 each; in all, $4,200.

Duluth (Minn.) Station: Superintendent, $1,500; two fish-culturists, at $900 each; two apprentice fish-culturists, at $600 each; in all, $4,500.

Edenton (N. C.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Erwin (Tenn.) Station: Superintendent, $1,500; fish-culturist, $900; three apprentice fish culturists, at $600 each; in all, $4,200.

Fairport (Iowa) Biological Station: Director, $1,800; superintendent of fish culture, $1,500; scientific assistants—one $1,400, one $1,200; foreman, $1,200; shell expert, $1,200; clerk, $900; engineer, $1,000; two firemen, at $600 each; two apprentice fish-culturists, at $600 each; in all, $12,600.

Gloucester (Mass.) Station: Superintendent, $1,500; fish-culturist, $900; fireman, $720; three apprentice fish-culturists, at $600 each; in all, $4,920.

Green Lake (Me.) Station: Two fish-culturists (one to act as caretaker), at $900 each; in all, $1,800.

Homer (Minn.) Station: Superintendent, $1,500; foreman, $1,200; engineer, $1,000; two firemen, at $600 each; two apprentice fish-culturists, at $600 each; in all, $6,100.

Key West (Fla.) Biological Station: Superintendent, $1,800; engineer, $1,000; laboratory aid, $960; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $5,800.

Leadville (Colo.) Station: Superintendent, $1,500; foreman, $1,200; two fish-culturists, at $900 each; apprentice fish-culturists—one $720, two at $600 each; cook, $480; in all, $6,900.

Louisville (Ky.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,000.

Mammoth Springs (Ark.) Station: Superintendent, $1,500; fish-culturist, $900; three apprentice fish-culturists, at $600 each; in all, $4,200.

Manchester (Iowa) Station: Superintendent, $1,500; fish-culturist, $900; three apprentice fish-culturists, at $600 each; in all, $4,200.

Nashua (N. H.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Neosho (Mo.) Station: Superintendent, $1,500; fish-culturist, $900; apprentice fish-culturists—one $720, two at $600 each; in all, $4,320.

Northville (Mich.) Station: Superintendent, $1,500; foreman, $960; fish-culturist, $900; four apprentice fish-culturists, at $600 each; in all, $5,760.

Orangeburg (S. C.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Puget Sound (Wash.) Station: Three foremen, at $1,200 each; nine apprentice fish-culturists, at $600 each; in all, $9,000.

Put in Bay (Ohio) Station: Superintendent, $1,500; foreman, $1,000; machinist, $960; two apprentice fish-culturists, at $600 each; in all, $4,660.

St. Johnsbury (Vt.) Station and Holden (Vt.) Auxiliary Station: Superintendent, $1,500; foreman, $1,200; fish-culturist, $900; apprentice fish-culturists—one $720, four at $600 each; in all, $6,720.

San Marcos (Tex.) Station: Superintendent, $1,500; foreman, $1,200; fish-culturist, $900; three apprentice fish-culturists, at $600 each; in all, $5,400.

Saratoga (Wyo.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Spearfish (S. Dak.) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Springville (Utah) Station: Superintendent, $1,500; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $3,600.

Private John Allen Station, Tupelo (Miss.): Superintendent, $1,500; fish-culturist, $900; three apprentice fish-culturists, at $600 each; in all, $4,200.

Washington (D. C.) Central Station and Aquaria: Superintendent, $1,500; two apprentice fish-culturists, at $720 each; laborer, $600; in all, $3,540.

White Sulphur Springs (W. Va.) Station: Superintendent, $1,500; fish-culturist, $900; three apprentice fish-culturists, at $600 each; in all, $4,200.

Woods Hole (Mass.) Station: Superintendent, $1,500; machinist, $960; two fish-culturists, at $900 each; three firemen, at $600 each; four apprentice fish-culturists, at $600 each; in all, $8,460.

Wytheville (Va.) Station: Superintendent, $1,500; two fish-culturists, at $900 each; two apprentice fish-culturists, at $600 each; in all, $4,500.

Yes Bay (Alaska) Hatchery: Superintendent, $1,500; foreman, $1,200; two fish-culturists, at $960 each; three apprentice fish-culturists, at $900 each; cook, $900; in all, $8,220.

And to insert:

Employees at fish-cultural stations: Thirty-five superintendents, at $1,500 each; foremen—12, at $1,200 each; 1 $1,080, 1 $1,000, 1 $960; fish-culturists—4, at $960 each; 36, at $900 each; apprentice fish-culturists—6 at $900 each, 1 $780, 9 at $720 each, 85 at $600 each; custodian of lobster pound, $720; custodian, $360; laborer, $600; engineers—2 at $1,100 each; 1 $1,000; 2 machinists at $960 each; firemen—2 at $720 each; 8 at $600 each; cooks—2 at $900 each, 1 $480; in all, $188,160.

Employees at biological stations: Director, $1,800; superintendent, $1,800; superintendent and director, $1,500; superintendent of fish-culture, $1,500; scientific assistants—two at $1,400 each, one $1,200; laboratory aid, $960; shell expert, $1,200; foreman, $1,200; clerk, $900; two fish-culturists, at $960 each; five apprentice fish-culturists, at $600 each; two engineers, at $1,000 each; two firemen, at $600 each; in all, $22,800.

Mr. SMITH. I would like to ask the Senator who has this bill in charge just the status of the items under the Bureau of Fisheries. The amendment proposes to strike out all that part of the House text which names the various locations and put in a lump-sum arrangement, as it were.

Mr. JONES of Washington. The Senator will note that all these various items simply provide for the employees. We have provided for them by this amendment just as the House provided. Instead of naming each station, we provide for 35 superintendents, and so on.

Mr. SMITH. I rose to ask the Senator if that conforms to just what was in the House provision?

Mr. JONES of Washington. It does, except that we have increased one foreman.

Mr. SMITH. It does not eliminate any of the fisheries which are now established?

Mr. JONES of Washington. It does not.

Mr. SMITH. That is all right.

Mr. FLETCHER. On page 38 the House inserted a provision for the station at Key West, as follows:

Key West (Fla.) Biological Station: Superintendent, $1,800; engineer, $1,000; laboratory aid, $960; fish-culturist, $900; two apprentice fish culturists, at $600 each; in all, $5,800.

Mr. JONES of Washington. Those are all provided for.

Mr. FLETCHER. Are all those included in the Senate committee amendment?

Mr. JONES of Washington. They are.

Mr. FLETCHER. I do not know whether the committee had any hearings or investigated these matters, but my information is that these salaries are so low that the bureau finds it very difficult to obtain people to perform the duties of these different positions.

Mr. JONES of Washington. The bureau did not ask our committee for any increases.

Mr. FLETCHER. I had a communication from them not long since to the effect that they are having difficulty in keeping up the fish-cultural stations, and going on with the work at these stations, because the salaries are so low that they can not find competent men to take the positions.

Mr. JONES of Washington. Apparently the department accepted the provision of the House, because they did not ask us for any increase.

Mr. FLETCHER. This amendment provides for all the various stations?

Mr. JONES of Washington. It does. I desire to offer an amendment to the committee amendment.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. Amend the part proposed to be inserted, on page 41, line 15, after the word "each," where it occurs the first time, by changing the semicolon to a comma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 44, line 1, to increase the appropriation for inquiry respecting food fishes from "$40,000" to "$45,000."

The amendment was agreed to.

The next amendment was, on page 45, line 10, to increase the total appropriation for Bureau of Fisheries from "$1,205,610" to "$1,211,850."

The amendment was agreed to.

The next amendment was, on page 45, line 11, to increase the total appropriation for the Department of Commerce from "$18,494,064" to "$18,754,205."

The amendment was agreed to.

The next amendment was, under the head "Department of Labor, office of the Secretary," on page 46, line 16, to increase the appropriation for commissioners of conciliation from "$150,000" to "$200,000."

The amendment was agreed to.

The next amendment was, in the item for contingent expenses, Department of Labor, on page 47, line 1, before the word "exchange," to insert the word "purchase," so as to read:

For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, laundry, street car fares not exceeding $200; lighting and heating; purchase, exchange, maintenance, and repair of motor cycles and motor trucks; purchase, exchange, maintenance, and repair of a motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; repairs to the building occupied by the office of the Secretary of Labor; purchase of law books, books of reference, and periodicals not exceeding $2,000; in all, $50,000.

The amendment was agreed to.

The next amendment was, on page 47, line 26, to increase the total appropriation for office of the Secretary of Labor from "$564,380" to "$614,380."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Labor Statistics," on page 48, line 4, after the word "each," to insert "three experts, at $1,800 each," and at the end of line 13, after the words "in all," to strike out "$172,900" and insert "$178,360," so as to make the paragraph read:

Salaries: Commissioner, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,000; statistician, $3,000; 6 statistical experts, at $2,000 each; 3 experts, at $1,800 each; employees—3 at $2,760 each, 1 $2,520, 5 at $2,280 each, 1 $1,800, 6 at $1,600 each, 7 at $1,400 each, 2 at $1,200 each; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; clerks—6 of class 4, 7 of class 3, 10 of class 2, 17 of class 1, 5 at $1,000 each; 2 copyists at $900 each; messenger, $840; 2 assistant messengers, at $720 each; 2 laborers, at $660 each; in all, $178,360.

The amendment was agreed to.

The next amendment was, on page 49, line 7, to increase the total appropriation for the Bureau of Labor Statistics from "$242,260" to "$247,660."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Immigration," on page 50, line 5, before the words "necessary supplies," to insert "not exceeding $20,000 for personal services in the District of Columbia," so as to read:

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof; not exceeding $20,000 for personal services in the District of Columbia, necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax and maintenance bills upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $3,300,000.

The amendment was agreed to.

The next amendment was, under the subhead "Children's Bureau," on page 53, line 25, to increase the appropriation to investigate and report upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality, from "$80,000" to "$120,000."

The amendment was agreed to.

The next amendment was, on page 54, line 20, to insert the following proviso: "*Provided*, That no salary shall be paid from the portion of this appropriation allotted for administrative purposes at a rate exceeding $2,000 per annum except the following: One at $3,000, one at $3,500, and one at $3,000," so as to make the paragraph read:

Promotion of the welfare and hygiene of maternity and infancy: For carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, $1,240,000: *Provided*, That no salary shall be paid from the portion of this appropriation allotted for administrative purposes at a rate exceeding $2,000 per annum except the following: One at $3,600, one at $3,500, and one at $3,000.

The amendment was agreed to.

The next amendment was, on page 54, line 25, to increase the total appropriation for the Children's Bureau from "$1,511,040" to "$1,551,040."

The amendment was agreed to.

The next amendment was, under the subhead "Women's Bureau," on page 55, line 7, to strike out "$75,000" and in-

sert "$100,000"; in line 10, after the words and figures "one at $3,500," to insert "one at $3,000, one at $2,500, three at $2,200 each," so as to make the paragraph read:

For carrying out the provisions of the act entitled "An act to establish in the Department of Labor a bureau to be known as the Women's Bureau," approved June 5, 1920, including personal services in the District of Columbia and elsewhere, purchase of material for reports and educational exhibits, and traveling expenses, $100,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: "One at $5,000, one at $3,500, one at $3,000, one at $2,500, three at $2,200 each, and three at $2,000 each.

The amendment was agreed to.

The next amendment was, under the subhead "Employment Service," on page 56, at the end of line 4, to strike out "$225,000" and to insert "$250,000," so as to make the paragraph read:

To enable the Secretary of Labor to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices, and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment, and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; supplies and equipment, telegraph and telephone service, and printing and binding, $250,000.

The amendment was agreed to.

The next amendment was, on page 56, line 5, to increase the total appropriation for Department of Labor, from "$6,826,920" to "$6,972,320."

The amendment was agreed to.

The VICE PRESIDENT. This completes the amendments of the committee.

Mr. FLETCHER. May I inquire of the chairman of the committee whether the Bureau of Lighthouses requested any increases over the House provision?

Mr. JONES of Washington. They did not.

Mr. FLETCHER. I have made a good many inquiries with respect to aids to navigation, and the reply from the department has always been that they were short of funds. They recognized the merit of the matters presented, but stated that they did not have sufficient funds to supply the needed aids—lights, etc.

Mr. JONES of Washington. They did not ask for anything additional.

Mr. LODGE. I desire to offer an amendment to the provision relating to immigration, at the end of the provision on page 51. The amendment that I offer is to appropriate $100,000 for the fiscal year 1922—that is, for the present fiscal year. It is in the nature of a deficiency appropriation. I simply desire to call attention to it, and to say that the present conditions show the utter recklessness with which economies are made, some economies being the worst form of extravagance.

The appropriation for the Immigration Service was so inadequate that they will be obliged between now and the 1st of July to lay off most of the force by furloughing them for two weeks or a month at a time, and it will reduce it from a force which numbers only 1,200 men to from 400 to 700 officers.

The service is now inadequate, and this laying off of inspectors of immigration can have but one effect, an increase in the smuggling in of immigrants who are barred by the law, and an increase in the number of immigrants illicitly coming into the country.

I read an article in the New York Herald of Sunday last from which I wish to read just a few words because it expresses what has happened.

The VICE PRESIDENT. The Senator will suspend for a moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 9108) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. JONES of Washington. Mr. President, I think we can conclude the appropriation bill in a very few moments. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. LODGE. I hope that will be done, because I think we can finish the bill, and when that is done I intend to move that the Senate go into open executive session to further consider the treaties.

The VICE PRESIDENT. Without objection, the unfinished business is temporarily laid aside. The Senator from Massachusetts will proceed.

Mr. LODGE. I read from the New York Herald as follows:

In the face of positive information published by the New York Herald that thousands of undesirable aliens are being smuggled into the United States systematically in violation of the immigration laws, which since has been corroborated fully by Government reports, word was passed brazenly this week among the members of the smuggling fraternity up and down the southern Atlantic and Gulf coasts and along the Mexican and Canadian borders that "the lid is off" for the next four months. The word is correct.

At a time when the Federal immigration authorities admit that it is practically impossible for them to make any headway against the smuggling gangs, especially those who are operating from Cuba to the thousands of bays and inlets on the Florida coast, the Immigration Bureau of the Department of Labor has been forced to issue orders to lay off hundreds of inspectors between now and July 1 because of the restricted congressional appropriations.

Unless Congress acts immediately by passing a deficiency bill granting approximately $100,000 to the Immigration Bureau, between 400 and 700 men will be given two weeks' furlough every 30 days until the end of the fiscal year.

It is predicted in congressional circles that at least 10,000 alien immigrants denied admittance under the law will be able to slip into the United States. For each one of them the smuggling gangs that are operating small vessels or fast automobiles along the southern coasts and the borders will collect from $100 to $500.

The Immigration Bureau finds itself in the same position as the prohibition enforcement office at this time last year, when hundreds of enforcement agents had to be laid off for several months due to the lack of funds to pay salaries. The extent to which the immigration inspection force will be crippled by laying off between 400 and 700 men is shown by the fact that the total number of inspectors and field assistants is only about 1,200.

That is the case, Mr. President, and it is very serious. Of course Boston is one of the large immigration ports, and I have heard from there as well as from other points with regard to the situation. I do not say anything about the hardship to the men in the service, which is very great, but to break up the service and furlough inspectors, to take away the men from the smaller points, can result in nothing but the admittance illicitly of a large number of immigrants who ought to be excluded.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. SMITH. I should like to ask the Senator if his information is not to the effect, and if it is not the natural result of the present law restricting immigration, that it is most difficult of administration now and more so now than ever before? In place of laying off men we ought to have an increased and more efficient force.

Mr. LODGE. The Senator is absolutely right. The present law, instead of requiring a smaller force, requires a larger force. I refer to the regular force. The regular appropriation is altogether too small. This year the estimate is $4,050,000, while the bill allows $3,300,000, and here is this force, which is of the greatest service to the protection of the country, cut down in a perfectly stupid, ruthless way.

Mr. SMITH. The reason why I rose was that I have heard comments to the effect that since the law was enacted restricting the number of immigrants who could come in, placing it on a percentage basis, it has been easier of administration than heretofore, when, as a matter of fact, just the opposite is the truth of the situation, because now they are attempting to evade the law and come in, anyway. We need a greater and more efficient force to enforce our laws.

Mr. LODGE. We do.

Mr. JONES of Washington. I shall make no objection to the amendment. I will say to the Senator that the same proposition is now pending before the Appropriations Committee in connection with the next deficiency bill. However, if we can take care of it on this bill it will meet a very critical situation. It is a situation that affects my own State very much, I know.

Mr. OVERMAN. I understand this is estimated for on the deficiency bill and we shall have to look into it when that bill comes before us.

The VICE PRESIDENT. The Senator from Massachusetts offers an amendment, which will be stated.

The ASSISTANT SECRETARY. On page 51, after line 8, insert a new paragraph, as follows:

For the enforcement of the laws regulating immigration of aliens into the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1922, $100,000.

Mr. POINDEXTER. I should like to ask the Senator from Massachusetts if he thinks the amount of $100,000 will give substantial relief. It seems to me to be rather a small amount to cover the entire situation.

Mr. LODGE. I took the figures $100,000 from the statement in the New York Herald. I have heard that they need $150,000, but if we can get $100,000 I think it will relieve the most critical part of the situation.

Mr. POINDEXTER. I have a great deal of information from the Immigration Service in the State of Washington as to

the demoralized condition of affairs in that State which has resulted from the furloughing of a part of the force. I ask my colleague, who is in charge of the bill, if he thinks it would not be well, as long as we are taking care of this matter, to be sure to get an amount that is sufficient for the immediate needs of the service?

Mr. LODGE. I would be glad to modify my amendment and make the amount $150,000.

Mr. JONES of Washington. Mr. President——

Mr. POINDEXTER. One word further. Particularly on the northwest border of the country is there need for an efficient immigration service. The labyrinth of boundary waters and the sparsely settled international line between the State of Washington and the Province of British Columbia make it extremely difficult to enforce the law there. I am informed that large numbers of orientals and other aliens who have no right to come in are coming in there.

Mr. LODGE. They are; they are being smuggled in. They are brought across into New England, too. It is a very serious situation.

Mr. JONES of Washington. Mr. President, I made a misstatement a moment ago when I said this had been estimated for. It has not been. The clerk of the committee advises me that the amendment introduced by the Senator from Massachusetts [Mr. LODGE], proposing to appropriate $150,000, is pending before the Committee on Appropriations in connection with the deficiency appropriation bill. I thought when I got the information that it was estimated for, but it seems that it has not been estimated for.

Mr. OVERMAN. I understood it was estimated for to be put in the deficiency bill. Does the Senator know whether it has been before the Departments of Commerce and Labor?

Mr. LODGE. I wrote the Department of Labor and asked them to send in an estimate, but it has not yet been received. I hope the amendment may be agreed to and taken to conference at least and discussed there.

Mr. OVERMAN. I hope the Senator will leave it at $100,000, because there is no estimate for it. I understand there is an amendment now pending before the Committee on Appropriations in connection with the deficiency appropriation bill for the same amount.

Mr. JONES of Washington. It is for $150,000 in the form of an amendment on the deficiency appropriation bill. The Senator from Massachusetts offered that amendment and it is pending before the Committee on Appropriations in connection with the deficiency appropriation bill.

Mr. OVERMAN. There is no estimate here at all.

Mr. JONES of Washington. I understand there is no estimate. I am not going to make a point of order against the amendment. If any other Senator desires to do so he may. The situation is very critical, and in order properly to take care of the situation I suggest that we make the amount $150,000. We can then consider it in conference. If we take care of it in this bill, we shall not have to take care of it in the deficiency appropriation bill. That is the situation.

The VICE PRESIDENT. The Chair understands that the Senator from Massachusetts has modified the amendment so as to make the amount $150,000.

Mr. LODGE. I have.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. KING. Mr. President, I would like to ask the Senator from Massachusetts, or the Senator from Washington in charge of the bill, in view of the less number of immigrants coming to the United States under the present law than came formerly, whether so large a sum is required for the administration of the law?

Mr. LODGE. It has been cut far below the estimate of the department. As the Senator from South Carolina [Mr. SMITH] pointed out a few moments ago when the Senator from Utah was not here——

Mr. KING. I was attending a meeting of the Committee on Naval Affairs.

Mr. LODGE. The new law requires additional men. The service is perfectly inadequate now as a whole. The law is a very difficult one to enforce. Of course, the decreased number of immigrants represents the enforcement of the law, and that decrease is dependent on the way in which the law is enforced.

Mr. KING. I think I may say there have been a large number coming into the United States in violation of the law. A great many go to Cuba and Mexico from ports in Europe; and then they filter across the line, violating our law and the regulations.

Mr. LODGE. That is just the situation. For the next three or four months and until the 1st of July, of the 1,200 men in the service they are going to lay off from 400 to 700, who will be off all the time. Of course, they will shift the men. The same men will not bear the whole burden of being laid off. They will reduce their force in the neighborhood of 50 per cent in that way, and that means an utter lack of protection at the out-of-the-way points. On the northwest coast, where the Senator from Washington [Mr. POINDEXTER] described the situation, on the Florida coast and on the Canadian border, they will not have sufficient men to enforce the law. It is too small an amount. It is the kind of economy, as I said in the beginning, that is the worst kind of extravagance.

Mr. KING. It is going to be very difficult to enforce the law along those borders, because, as we know, a great many foreigners, among them bolsheviks and revolutionists, are coming from Russia, and they secretly enter the United States. Of course, we ought to appropriate whatever amount is necessary to properly enforce the law.

Mr. LODGE. I assure the Senator I would not ask for it if I did not know it was injuring the enforcement of the law very greatly not to have it.

Mr. OVERMAN. I suggest to the Senator from Massachusetts that he get an estimate for this if it is possible.

Mr. LODGE. I have written for an estimate.

Mr. OVERMAN. We will have trouble in conference without an estimate. I am in favor of the amendment.

Mr. LODGE. I have written for the estimate and hope to have it here to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts as modified.

The amendment was agreed to.

Mr. SPENCER. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 53, in line 26, strike out "8" and insert "12" so that the proviso will read:

Provided, That not exceeding 12 per cent shall be employed hereunder at a rate of compensation of $2,000 each per annum and above that sum.

Mr. JONES of Washington. That really complies with the other increases which we have made and I think it is a proper amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, on behalf of the Senator from New Jersey [Mr. FRELINGHUYSEN] I offer the following amendment, not as a committee amendment, but in his behalf. I will say that a supplemental estimate came down after the bill was reported from the committee and I have no objection to the amendment. We will take it to conference and consider it there.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 27, after line 19, insert the following:

For repairs and improvements at Barnegat, in the State of New Jersey, including protection of site against erosion by the sea, to be expended under the direction of the Secretary of Commerce, to be immediately available and continue available until expended, $100,000.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FOUR-POWER TREATY.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open executive session for the purpose of taking up the four-power treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. ROBINSON obtained the floor.

Mr. SMITH. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Caraway	Gooding	Jones, Wash.
Brandegee	Colt	Hale	Kellogg
Bransard	Culberson	Harris	Kendrick
Calder	Fletcher	Harrison	King
Cameron	Frelinghuysen	Heflin	Ladd
Capper	Glass	Johnson	Lenroot

Lodge	Norbeck	Randell	Sutherland
McCormick	Norris	Rawson	Swanson
McKellar	Oddie	Reed	Underwood
McKinley	Overman	Robinson	Walsh, Mont.
McNary	Page	Sheppard	Warren
Nelson	Phipps	Shields	Watson, Ga.
New	Pittman	Smith	Watson, Ind.
Newberry	Poindexter	Spencer	Willis
Nicholson	Pomerene	Stanley	

Mr. FLETCHER. I desire to announce that the Senator from Florida [Mr. TRAMMELL] is necessarily absent because of illness in his family.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Fifty-nine Senators have answered to their names. A quorum is present.

Mr. ROBINSON. Mr. President, I offer the amendment which I send to the desk, to be inserted at the end of article 1 of the four-power treaty, and I ask that it may be read by the Secretary.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which the Secretary will state.

The READING CLERK. At the end of article 1 of the treaty it is proposed to insert:

> Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas.

Mr. ROBINSON. Mr. President, the proposed amendment, from the viewpoint of those who doubt whether the pending treaty in its present form will tend to conserve the peace of the world, is of the utmost importance. Under the treaty as presented to the Senate the parties to it agree not to take aggressive action against the rights of one another in the region of the Pacific Ocean. They also agree that if such rights of any of them are threatened by the aggressive action of any outside power they will pursue a definite course in regard to the subject.

Mr. BRANDEGEE. Mr. President——

Mr. ROBINSON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I know the Senator from Arkansas does not wish to state it too broadly, and I desire to call his attention to the fact that the rights referred to are simply the rights in reference to their insular possessions.

Mr. ROBINSON. And their insular dominions.

Mr. BRANDEGEE. And their insular dominions.

Mr. ROBINSON. The Senator himself states the matter too narrowly.

Mr. BRANDEGEE. No.

Mr. ROBINSON. I have referred to the treaty as pertaining to the rights in the region of the Pacific Ocean.

Mr. BRANDEGEE. But that might mean continental rights.

Mr. ROBINSON. Mr. President, the obligation of both article 1 and article 2 of the treaty relates to insular rights and insular possessions. I shall have occasion during the course of my remarks to discuss the relationship which this treaty bears to the Asiatic mainland and to the very acute controversies that exist there growing out of the aggression by Japan against Siberia and China. The purpose of the amendment which I have offered is to fill a vital and inexcusable omission in the treaty. If the signatories to the four-power pact expect to hold their insular rights and insular dominions secure against the aggression of any other power, they must refrain from acts of aggression not only in the region of the Pacific but upon the Asiatic mainland and elsewhere.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Before the Senator from Arkansas proceeds further with his argument, I should like his view upon this thought: We have already been informed by the leading Senators who have charge of the pending treaty that they consider the Anglo-Japanese treaty a menace to our interest and our peace. If we get rid of the Anglo-Japanese treaty by the pending treaty, will not the other nations consider the four-power treaty a menace to them?

Mr. ROBINSON. Mr. President, there is no doubt in my mind that Great Britain and Japan and probably other nations construe the four-power pact as an alliance; and I shall demonstrate to such Senators as do me the honor to listen to what I have to say that this conclusion is inevitable from the statements made at the plenary session of the Washington conference when the four-power treaty was presented.

There is no use concealing well-known facts. Nothing can be accomplished by mincing words. The only menace which the United States now faces, either in the region of the Pacific Ocean or elsewhere, is that which arises from its relationship to the Empire of Japan and the policies which that Empire has put into practice respecting the mainland of Asia. Any remedy, then, which is intended to avert conflict or to adjust controversies must take cognisance of the fact that the object of the United States in entering any combination with any other nation is to avoid conflicts, secure her rights and the rights of her nationals, and to see that no injustice is done through her action or acquiescence to any other power.

Those who believe that as a result of the very affable proceedings conducted at the Washington conference the nations affected by this treaty have lost or abandoned all disposition to extend by economic penetration and political intrigue, supported by military power, their dominion over the territories and peoples of other nations friendly to the United States, may say no necessity exists for such an amendment, because the nations have become so righteous that hereafter they will prove themselves incapable of injustice. If you want to save the future from embarrassing complications, if you intend to do justice to China and Russia, if in fact Japan is ready to reverse her policy of aggression and to refrain from it in the future, why not make it clear in this treaty?

The four-power treaty is advanced by its advocates as the greatest achievement of modern times for the preservation of world peace.

Mr. REED. Mr. President, if the Senator will pardon me, that was the claim before the Senator from Massachusetts [Mr. LODGE] admitted yesterday that it was a cipher.

Mr. ROBINSON. I was just proceeding to show that the Senator from Massachusetts made that claim. I can quote his language. He said:

> If the four-power treaty be rejected, the Washington conference will fail.

He said, in substance, that if it be rejected the Senate would blight or wither the new hope of the world for peace.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. ROBINSON. I yield with pleasure.

Mr. CARAWAY. I thought he was merely quoting Woodrow Wilson's speech. I did not know that he was claiming that as original.

Mr. ROBINSON. Mr. President, to the amazement of Senators who heard him, the Senator from Massachusetts was putting the four-power treaty in the same relationship to human affairs, the adjustment of international controversies, and the preservation of world peace that Woodrow Wilson placed the League of Nations; and, consciously or unconsciously, he made a poor paraphrase of the language that Woodrow Wilson used.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. ROBINSON. I yield.

Mr. REED. I think the technical term is "unconscious cerebration." I believe that is the way that process is described.

Mr. CARAWAY. I think, if the Senator will permit me, that the word is "plagiarism," and not "paraphrase."

Mr. ROBINSON. Mr. President, the Senator from Massachusetts is a great scholar and a great statesman. He admits it. He is perhaps the most experienced man in the Senate of the United States touching international relations. During the last few years he has been on more sides of many subjects than any other intellectual gymnast I have ever known. In numerous speeches before the issue had developed to a specific treaty he declared himself for a League of Nations—just such a league as was afterwards presented. With eloquence and forcefulness he reversed his attitude on that subject and denounced the league as an instrument of oppression, inevitably to become subversive of the rights of the United States and of the liberties of her citizens. He denounced the Colombian treaty, when first presented to the Senate, as an outrage. Its ratification was characterized as an act of perfidy approaching bribery. With characteristic speed, he reversed that attitude and insisted on ratification of the treaty, and the prompt payment of the "tribe" which had already been too long delayed; and now he brings to the Senate a treaty upon the ratification of which, he says, depends the future peace of the world.

I think I am open to conviction. I want to conserve world peace. I do not desire or intend that any political considerations or any other considerations shall prevent me from discharging my duties here, from speaking and voting in what

seems to be the best interests of this Nation and the happiness and security of its people. The moment I become convinced that the four-power treaty means peace to the United States and security to her rights and citizens, I will gladly join the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Massachusetts [Mr. LODGE] in an effort to ratify it. The function of advising and consenting to the ratification of treaties was vested in the Senate of the United States for an important purpose. In view of the fact that this treaty was negotiated in part by Senators who in its negotiation committed themselves to the manner in which they should discharge their constitutional function of advising and consenting to the treaty, it becomes of the utmost importance that other Senators who are not so committed shall exercise their conscientious and independent judgment.

After having said that the treaty is of the utmost importance, the Senator from Massachusetts, in order to escape the force of the argument that it imposed upon this Government important obligations and new responsibilities and duties, committed an act of inconsistency which has not often characterized even his remarkable record for inconsistency. There is not a Senator hearing me who will not recall that the burden of the Senator's speech delivered on yesterday, when he reached the discussion of the terms of the treaty, was to show that it imposed no obligation on any member except the duty of taking part in a conference. If that be true, how can it be said by any intelligent man that the treaty is important to the future peace of the world?

Mr. President, if the argument of the Senator from Massachusetts be accepted that the treaty is only an undertaking in which the four powers who are parties to it bind themselves only to confer in case of threatened trouble, it is inconsistent, it is hypocritical to assert that such a treaty can bear any important relationship to the future peace of the world. If, when war becomes imminent, the nations in this compact are only to talk, if there is no obligation either legal or moral to decide what shall be done and then to do it, how can a great statesman like the Senator from Massachusetts yield to his poetic fancies and indulge in dreams that this treaty is inseparably connected with the future fate of mankind?

When he answers the argument that we will be bound by the treaty to grave and weighty responsibilities by saying that there are none, and that the most the treaty provides for is conversation, he proves better than anything I can say the incorrectness of his conclusion that the treaty is a great document. If the four-power treaty is the principal result and accomplishment of the Washington conference, and if it merely calls for conference in case of pending trouble, then the Washington conference failed when it negotiated that treaty, and the failure does not occur here when it is rejected. How can anyone escape that conclusion?

Sirs, I have no sympathy with the declaration that in this treaty the United States merely agrees to hold a friendly conference with France, Great Britain, and Japan if the insular rights and dominions of any one of them are assailed or threatened, or if a difficulty arises between any two of them. I propose to prove, by giving the language employed its ordinary meaning in diplomacy, that the four-power treaty is an alliance, and if it is not an alliance, it is nothing worth while.

Article 1 provides, in substance, that if any controversy arises among the high contracting parties which is not settled by diplomacy, all the parties to the compact will be invited to a conference to which the whole subject shall be referred for consideration and adjustment. The contemplation of the framers of this treaty was that the conference may be able to find a settlement for any difficulty which may arise between any of the parties to the treaty. No method whatever was suggested or provided in the treaty by which the settlement should be actually made if the conference failed to effect an adjustment.

Singularly, there were excluded by a declaration attached to the treaty, and signed by all the signatories, all domestic controversies. If the procedure under the treaty is merely intended to bring about a conference for the peaceful settlement of disputes, and if in no instance can it go to the extent of imposing any liability or obligation, why were domestic problems excluded from the conference?

We all know that the real trouble which has existed between the United States and Japan has arisen out of three principal subject matters, in so far as domestic affairs are concerned: First, immigration; second, so-called race equality; and, third, to the claim of the Japanese to the right of land ownership. The last controversy has proved peculiarly vexing as respects the people who live in the States along the Pacific seaboard. It has caused disputes between Japan and the United States for the last quarter of a century.

The Washington conference reports a treaty which, it says, settles all difficulties likely to cause trouble between the United States and other signatories to that treaty, and yet expressly reserves from the treaty the real causes likely to result in conflict.

I can understand why those were actually reserved. The United States was unwilling, Japan, perhaps, was not anxious, to submit purely domestic questions to the arbitrament of France and England; but if there is no power to decide and take action, what is the objection to talking about them in the conference? What objection is there to availing ourselves of the friendly offices of France and Great Britain in an effort to adjust these difficulties? The real reason why those reservations were made is that if immigration, land ownership, and kindred questions were submitted to such a conference as this treaty contemplates that conference would have the power to adjust them, and if no agreement resulted France, England, and Japan would be bound under the Versailles treaty, to which they are all parties, to take the controversy to the League of Nations council. Any nation refusing to abide the decision of the league would incur the antagonism of all members of the league and be subjected to the economic boycott and, perhaps, to war.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from California?

Mr. ROBINSON. I yield.

Mr. JOHNSON. May I inquire if the Senator's construction of this treaty is that without the reservation under article 1 the Japanese immigration question could have been taken cognisance of by the four powers, and could have been adjusted under this treaty?

Mr. ROBINSON. I will not go to the extent to say that such a question would have been comprehended within the jurisdiction of the conference unless it grew out of a dispute relating to the insular rights or insular possessions of the parties. If there had been no such reservation and a dispute as to immigration, land ownership, or race equality had arisen touching one of the islands which the United States owns, or one of the islands which Japan owns, without this reservation unquestionably it would have been subject to the jurisdiction of the conference.

Mr. JOHNSON. Evidently, then, the treaty was written with the design originally of putting the Japanese immigration question within the jurisdiction of the treaty.

Mr. ROBINSON. Mr. President, I can not say what the original intention of the framers of this treaty was. I have been trying in every way my humble mind can conceive to find out. I have looked for information in the printed records. I have asked for it from everyone who ought to know, and I have learned nothing. The Senator from California may have had better success than I have had.

Mr. JOHNSON. Oh, no; all information has been denied us, just exactly as it has been denied the Senator from Arkansas. It is denied, too, not only to us, but it is denied to the American people, who are entitled to it, after all.

But returning to the question I put to the Senator, apparently, in the minds of those who wrote this treaty, or of those who executed it, one of them being in the Chamber now, there must have been a question of the right of those who executed the treaty, under the treaty, to take into their jurisdiction the Japanese immigration and other domestic questions. That being in the minds of those who executed this treaty on our part, they, perhaps to make assurance doubly sure, as they may say, or perhaps because it was absolutely essential, wrote the reservation providing that the controversies which are mentioned shall not embrace the domestic questions of this country, or substantially that.

If, under the original treaty, the design and the purpose were to embrace domestic questions, I wonder if the Senator from Arkansas can suggest who wrote this treaty.

Mr. ROBINSON. Mr. President, I was going to discuss that question, and perhaps I might just as well anticipate the discussion and answer the question now.

Mr. JOHNSON. I did not want to interfere with the orderly procedure of the Senator's argument.

Mr. ROBINSON. I thank the Senator; I am not complaining in the least. I do not know who wrote this treaty; and the Senator from Massachusetts [Mr. LODGE] being unavoidably absent, I ask the Senator from Alabama now to tell us who wrote this treaty.

Mr. UNDERWOOD. If the Senator will yield to me, I will attempt to tell him.

Mr. ROBINSON. I take pleasure in yielding.

Mr. UNDERWOOD. I can say to the Senator that I am not as well informed about this treaty, and all the details of it, as I am about some of the other treaties before the conference, because in the midst of the negotiations in relation to this treaty I was called out of Washington on account of a death in my family, and the negotiations proceeded, of course, while I was gone; but I will be glad to tell the Senator all I know about it, which is not all that occurred, of course, as I was absent for more than a week.

When the American delegation first met, the proposition of our reducing naval armaments in accordance with the instructions of Congress raised the question of the effect of the Anglo-Japanese alliance on the navies if our proposals were to be accepted; and they were substantially accepted. The discussion then was as to whether or not the Anglo-Japanese alliance could be avoided, and it was left to the chairman of our delegation to take the question up with the chairmen of the delegations from Great Britain and from Japan, to see whether they would consider the question of the cancellation of the Anglo-Japanese alliance. That ran along for some time, and during that discussion there was no discussion of anything taking place.

Then the chairman of the American delegation reported to the American delegation that he thought an agreement could be reached by which the Anglo-Japanese alliance would be canceled provided something could be put in its place. Of course, what I know about it came to me second hand, because I did not engage in the negotiations. The negotiations were carried on by the Secretary of State.

The American delegation then were told that Great Britain was not prepared to cancel the Anglo-Japanese alliance without something put in its place, because Australia and New Zealand thought that the alliance was of some value to them and they wanted an agreement by at least three powers—the United States, Great Britain, and Japan—in substitution of the alliance which was to be canceled.

I think there was some little discussion in the delegation about the form of that new agreement before I left, but I do not recall the exact terms if there were any such discussions.

When I came back to Washington I was informed by the chairman of the American delegation that they had reached an agreement, and he stated what the agreement was, which is the present treaty without the subsequent understanding or the subsequent treaty that was signed. He explained at that time that it included the home islands of Japan, and asked me whether it would meet with my approval. After investigating the matter, I agreed to the treaty.

I can not say to the Senator what the facts were that led up to it because I was not here. I have given him all the information that I have. I have heard it said that there were some other drafts of the treaty. That may or may not be so. I did not see any, but I was absent from the city during the time and they may have been presented to the delegation during that time.

Mr. WATSON of Georgia. Mr. President, will the Senator from Arkansas permit me to ask the Senator from Alabama a question?

Mr. ROBINSON. Certainly.

Mr. WATSON of Georgia. The Senator from Alabama the other day in discussing the treaty said that we ought not to look a gift horse in the mouth.

Mr. UNDERWOOD. I was not then discussing this treaty.

Mr. ROBINSON. That had reference to the treaty with regard to the island of Yap.

Mr. WATSON of Georgia. We have all these things grouped in our minds, and should. Anyhow, the Senator, alluding to Japan, said we ought not to look a gift horse in the mouth.

Mr. UNDERWOOD. I was referring to the island of Yap treaty.

Mr. WATSON of Georgia. Does the Senator think we ought to ratify any treaty that puts us in the attitude of taking gifts from Japan?

Mr. UNDERWOOD. I did not say that regarding this treaty. I have no more objection myself to taking gifts from Japan than I would to taking them from England or France. As I called to the attention of the Senator the other day, one of the notable instances where we have taken gifts from Great Britain, in the sense of a concession, was in reference to the Canadian fisheries rights. But we have given to other nations and they have yielded to us in the past. Within proper lines, when it comes within high national morals, I have no objection in the world, as I had none to accepting the concession that Japan made to the nationals of the United States in reference to their cable landing in the island of Yap. But there is no concession of that kind in this treaty; it is all mutual.

Mr. WATSON of Georgia. In the case of the fisheries, did we not base our claim upon prescription?

Mr. UNDERWOOD. Yes; but as the Senator knows as well as I do, because there are very few men in the Senate so well informed on historic facts, when we signed the treaty of Ghent closing the war of 1812–1814, we yielded the prescription that we claimed when the Revolutionary War closed.

Of course, if I can inform the Senator from Arkansas with reference to anything further within my knowledge, I shall be very glad to do so.

Mr. ROBINSON. Mr. President, I do not care to yap any more about Yap now. I asked the Senator from Alabama, as one of the four representatives of the American Government in the Washington conference, who wrote the four-power treaty. Newspaper correspondents up in the press gallery have been trying to find out who wrote this treaty ever since it was brought before the plenary session of the Washington conference by the Senator from Massachusetts. When they send out their stories this evening I ask that they write the answer of the Senator from Alabama to my question, Who wrote the four-power treaty? I know the Senator from Alabama has given all the information that he has on the subject. He is a great man, a good man, and a true man, but he is not in possession of the information. He does not know, but he confirms the conclusion that I had reached upon the proceedings of the conference of the manner in which this treaty was put forward.

The four-power treaty originated with Mr. Balfour, now Sir Arthur, and he had the concurrence, the hearty concurrence, of those brilliant, astute, indomitable, all-knowing representatives of the Japanese Empire, Prince Tokugawa and T. Kato.

Mr. BORAH. Mr. President——

Mr. ROBINSON. I yield to the Senator from Idaho.

Mr. BORAH. It seems to me conclusive that the American delegation did not write the treaty or have anything to do with it. No American delegation would have written the treaty and asked the American people to include the homeland of Japan. It is a certainty that the nation which wrote it or dictated it had a different object in view than that which the American delegates would have had on that subject.

Mr. ROBINSON. Not only is that true, but the proceedings of the negotiators who conceived and framed the treaty were kept secret from the press, from the American people, and from the Senator from Alabama [Mr. UNDERWOOD], one of the representatives of the American Government. On the day that the Senator from Massachusetts gave out the first statement of the prospective terms, which ultimately entered into this proposal, Secretary of State Hughes said to men sitting in the gallery now, representing the press of the United States, that no such proposal as the four-power treaty was in contemplation. He declared that he knew nothing of the matter. I am speaking what I know to be true. The Senator from Massachusetts, acting as an American delegate, gave a statement of the four-power treaty to a reliable newspaper man, whose word every Senator would accept, and at the same time Secretary Hughes was telling a group of newspaper men, who had heard a rumor that the treaty was to be forthcoming, that no such treaty was in contemplation.

Mr. CARAWAY. Mr. President——

Mr. ROBINSON. I yield to my colleague.

Mr. CARAWAY. Is there any evidence, however, that the Senator from Massachusetts had read the draft when he gave it out?

Mr. ROBINSON. I can not answer that. If the Senator from Massachusetts, who informed me that he was unavoidably called from the Chamber and who I am satisfied is unable to be here, were now present, I would ask him the questions I have asked the Senator from Alabama. But I do not think the Senate would derive any more information than was obtained from the answers of the Senator from Alabama.

Mr. WATSON of Georgia. Mr. President, I read very carefully the first draft handed out, alluded to by the Senator from Arkansas, and saw that one word was used in three different senses in that short document. Therefore I knew that the Senator from Massachusetts had not written it or read it.

Mr. ROBINSON. That is absolutely conclusive proof that he had not written it, and persuasive that he had not read it.

Mr. REED. Mr. President——

Mr. ROBINSON. I yield to the Senator from Missouri.

Mr. REED. Speaking of the matter in a serious way, is it not about as remarkable a thing as the Senator ever heard of that the representatives of the United States Government, in considering the draft of the treaty which involved the right of the United States to fortify its own possessions and which yielded to Japan the complete dominance over thousands of

islands and did other things of an equally important character, never even inquired when the document came to them who prepared that document or where it came from? Is not that about the most remarkable thing the Senator ever heard of?

Mr. ROBINSON. It is incomprehensible to my mind.

Mr. JOHNSON. Mr. President——

Mr. ROBINSON. I yield to the Senator from California.

Mr. JOHNSON. May I call to the Senator's attention that in the very illuminating statement of the Senator from Alabama about what transpired, not a single word was said by him in response to the query that was put as to how this particular reservation, which is the first reservation to the treaty, was written into it? I beg the Senator to keep in mind that the first reservation to the treaty was written into it by the treaty makers themselves, because they did not understand it.

Mr. ROBINSON. There were two reservations written into it. I would not say it was because they did not understand it; but I would like to have somebody who knows explain why they did not incorporate in the treaty any statement they desired to make, and why they resorted to what we term reservations in order to make clear their own language.

But I do not want to be diverted now, if the Senator will pardon me, from the subject of who is responsible for the conception of the treaty, because I think it bears upon the true or, at least, practical interpretation that will be given it by the nations of the world and bears forcefully upon the effect which the treaty will have on world affairs.

The Senator from Massachusetts, in a burst of enthusiasm rhetorical beyond my powers to follow him, referred to the fact that one of the sublime benefits of this treaty is that it rids the United States of the menace of the Anglo-Japanese treaty.

Mr. President, in the beginning of my remarks I proposed to show that this treaty does not contemplate a mere conference for discussion, but that it contemplates a defensive alliance. I am going to call two witnesses and repeat the substance of their statements to the Washington conference when the four-power pact was reported by the Senator from Massachusetts.

There is not any doubt in my mind that the British Government and Japan regard the four-power pact as a substitute for the Anglo-Japanese alliance. The first reason that I assign for that conclusion is the statement made by Mr. Balfour, now Sir Arthur Balfour, in the Washington conference amid enthusiastic cheers, the fluttering of fans, and the display of costly millinery. The declaration by Mr. Balfour was that the British Government and Japan could not rescind the Anglo-Japanese alliance until something equally effective should be substituted in its place, and that the four-power treaty measured that test.

I do not have to look at the record. I was present, I heard and saw what happened there. The Senator from Massachusetts appeared and was graciously received by his audience. Many of his colleagues, including myself, felt a sense of pride in the prominence that he enjoyed, in the service that he had an opportunity to render to his country and to mankind. We awaited his utterances with eagerness and anxiety. It had been rumored that he was to make a great speech. We knew if he spoke he would make a great speech. He always does. The stage was set, the instruments tuned, the lights were on for a thrilling if not a dramatic performance.

The Senator from Massachusetts then informed his audience that in some mysterious regard this four-power treaty which he read was a great document inseparably linked with the fate and destiny of mankind. He proceeded to tell us that the islands to which it related and the territory which it affected were of little importance and were not destined to be of greater consequence in the future. He indulged in beautiful and meaningless poetry. He did not attempt to construe this treaty or to state its meaning and application in important controversies, but leaped to the conclusion that it was a masterful and far-reaching achievement, destined to make glorious the names and nations of those who had contributed to its conception and preparation.

When he had concluded and the sounds of applause had died away, Mr. Balfour, now Sir Arthur Balfour, arose in his benignant, benevolent way and thrilled and stirred the audience not beyond my power to recall, but beyond my power to describe. He said that he was the head of the British Government when the Anglo-Japanese treaty had been negotiated. He declared that by chance he was also the head of the British Government when the entente with France was arranged, and in language which no one who heard can forget he declared that the Anglo-Japanese alliance had stood the strain of war and had been the means of securing victory and triumph for Japan and Great Britain in more than one mighty conflict.

He declared that when the Anglo-Japanese alliance was framed it was not in his thought that that agreement should affect the interests of the United States, but that evil persons had conceived the erroneous thought; that the arrangement between Japan and Great Britain, known as the Anglo-Japanese alliance, by which they were to stand side by side, make common friends and fight common foes, had so endeared the two peoples to each other that, even though the necessity for the alliance may have passed, they could not be induced to rescind or abandon it and part company one from the other—Japan from Great Britain—unless something new which would be equally effective was substituted in its place. That is the language that Mr. Balfour used, and I have not the slightest doubt, then, that it was his brain which conceived and Prince Tokugawa's hand which wrote the four-power pact about which so little is known by the American delegation. I ask the Senator from Massachusetts now who wrote the four-power pact and who wrote the reservations which were reported with it?

Mr. LODGE. Mr. President, I think the articles of the four-power pact were written by many hands.

Mr. ROBINSON. How many?

Mr. LODGE. Well, there were four at least.

Mr. ROBINSON. Who were the four?

Mr. LODGE. The heads of the four delegations, and, perhaps, some of the delegates. There were suggestions made and the drafts were amended and redrafted.

Mr. ROBINSON. How many drafts were made?

Mr. LODGE. I can not tell the Senator.

Mr. ROBINSON. What?

Mr. LODGE. I can not tell how many drafts were made.

Mr. ROBINSON. Who made those drafts?

Mr. LODGE. I do not know.

Mr. ROBINSON. Who proposed that the four-power pact should be entered into as a substitute for the Anglo-Japanese alliance?

Mr. LODGE. I do not know who made the first proposition. I know the American delegates did at one time, but whether they were the first I can not tell.

Mr. ROBINSON. Very well.

Mr. LODGE. I can tell who drafted the declarations.

Mr. ROBINSON. The Senator means what I have termed reservations?

Mr. LODGE. I do not mean the supplementary treaty, but the reservations in the form of declarations. They were drawn by the Secretary of State.

Mr. ROBINSON. Was that because the Secretary of State thought that unless reservation No. 2 was incorporated the conference would take jurisdiction of domestic questions?

Mr. LODGE. He did not think the reservations were necessary, but thought it wise to put them in, so that there could be no possible misunderstanding.

Mr. ROBINSON. Mr. President, we have learned that many hands, unidentified, contributed to the preparation of this document.

Mr. CARAWAY. Mr. President, I think the Senator misunderstood the Senator from Massachusetts—not to the preparation, but merely to the drafting. Who wrote the first copy the Senator from Massachusetts has no knowledge.

Mr. ROBINSON. No; we do not know that and will never find out.

Mr. CARAWAY. I did not want my colleague to misrepresent the Senator from Massachusetts.

Mr. ROBINSON. We will never find out from any authentic source, but it is incomprehensible to me that the Senator from Massachusetts should be unable to answer more definitely than he has answered. The Senate heard the answer of the Senator from Alabama, which gave even less information than the reply of the Senator from Massachusetts.

Mr. REED. Mr. President, I ask permission of the Senator from Arkansas to ask the Senator from Massachusetts a question.

Mr. ROBINSON. I yield.

Mr. REED. When the draft was made or worked over was the Anglo-Japanese treaty before those who were drawing the four-power pact, or working it over?

Mr. LODGE. Of course; it was before the world.

Mr. REED. Of course, it was before the world, but——

Mr. LODGE. As I stated yesterday, it had been the subject of conversations, and I thought also of correspondence. I knew that it had been the subject of conversations between the Secretary of State and the British Government during the summer even before the conference was called.

Mr. REED. My reason for asking the question was I wondered who it was who copied into the four-power treaty whole sentences out of the Japanese-English treaty?

Mr. ROBINSON. The Anglo-Japanese alliance!

Mr. LODGE. I do not know that anybody did, and I can not tell the Senator. There were various drafts, and they were much changed and amended.

Mr. ROBINSON. Mr. President, it is a fact that if you compare the language of the Anglo-Japanese alliance with the terms of the four-power pact you will know at once that the person who actually wrote the four-power pact either was so familiar with the Anglo-Japanese alliance that he remembered the phrases and sentences in it, or had before him a copy of the Anglo-Japanese alliance.

Mr. CARAWAY. Possibly the same man wrote them both, and he would naturally follow the same language.

Mr. ROBINSON. I think that Sir Arthur suggested it, but did not soil his hands with the difficult and arduous task of actually preparing it. He had more important duties to perform.

Mr. McKELLAR. Mr. President——

Mr. ROBINSON. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, in the speech which Mr. Balfour made before the conference he stated that some years ago, I think while he was prime minister of England, he had written the Anglo-Japanese alliance.

Mr. ROBINSON. I have been through all of that.

Mr. McKELLAR. Very well; I beg the Senator's pardon.

Mr. ROBINSON. I quoted from memory Sir Arthur Balfour's speech, and if the Senator from Massachusetts or any other Senator thinks my memory is not accurate, recourse can be had to the record.

Mr. LODGE. Mr. President——

Mr. ROBINSON. I do not mean that I have quoted the exact language of it.

Mr. LODGE. Oh, no; I understand that. I was not going to correct that; but as to the making of the original Anglo-Japanese alliance, I suggest that the Senator from Tennessee—and perhaps the Senator from Arkansas has not seen it—read the account given by Baron Hayashi, who was the Japanese ambassador to England, who thought he had something to do with making it. The account is very elaborately given in his memoirs, the different things suggested, and so on.

Mr. ROBINSON. Oh, I care nothing about that. It is not important.

Mr. LODGE. I do not think it is at all important, but the Senator from Tennessee raised the question.

Mr. McKELLAR. Mr. President——

Mr. ROBINSON. I want to pursue my line of discussion. It does not matter who actually wrote the Anglo-Japanese alliance or who actually drafted the four-power pact so much as who conceived it, who proposed it, who promoted it, who secured its adoption. Sir Arthur took large responsibility for both. When Mr. Balfour and others had addressed the conference on the day that the Senator from Massachusetts reported to it the four-power treaty, a very modest-appearing gentleman arose from among the seats assigned to the Japanese Empire at the conference table and delivered a few brief sentences, the most significant one of which was:

> All Japan rejoices in this day's accomplishment.

Why should she not rejoice? In her conception and in the belief of Mr. Balfour, Great Britain and Japan were being relieved of the embarrassments incident to the Anglo-Japanese alliance by the substitution for it of a quadruple alliance in which France and the United States joined with Great Britain and Japan.

To those who say that the obligations under this treaty terminate when a conference has been held, I address myself immediately. Article 2 provides that if these rights—meaning insular rights and dominions—are threatened by the aggressive action of any other power, the high contracting parties will first communicate with one another fully and frankly, but the article does not end there. It binds them to do something. What is that obligation to be performed in the conference? It is to arrive at an understanding as to the most efficient measures to meet the exigencies of the situation. When the representative of the United States Government enters a conference called by any one of these three powers under a threat of aggression against these insular rights and dominions, he will be bound to seek to arrive at an understanding. To what does the understanding relate? The most efficient measures to be taken to meet the exigencies of the particular situation. Force will be met with force.

Let us suppose a case not unlikely to arise. Russia, recuperating, seeks to expel Japan from the mainland or from the northern half of Sakhalin. She or her allies attack Formosa or Sakhalin, and Japan sends out the S O S, and the United States, Great Britain, and France, in response to their undertaking, send their representatives to a conference.

Japan says, "Russia will recapture Sakhalin unless I resist it immediately with military or naval force, and while I am resisting Russia along the far-stretched Asiatic coast and on Sakhalin, Russia's allies will be striking anywhere and everywhere they can. The Empire is endangered. What shall I do? Fight! Call to arms in defense of the Empire every brown man who is loyal to the Japanese flag! But China and Russia and Germany threaten to overrun me. What measures shall we take?"

England says, "If Japan is conquered, my Empire is gone, and my far-spread possessions will pass from under the dominion of the British flag. England stands by her ally, Japan."

"Where is France?"

France replies, "I, too, have had alliances with Japan. I, too, have had arrangements long unknown to the United States and to the rest of mankind by which in the hour of extreme peril, when Germany was threatening to overrun civilization, Japan performed a part in stemming the tide of conflict against the Allies; and now, in repayment of that obligation, the tricolor of France is planted by the flag of the rising sun."

"Where is the United States?"

What will be your answer? Is there any Senator who thinks that duty or obligation will have been finally discharged under this treaty when the United States has had a conversation with Japan, Great Britain, and France around a conference table? The conference will decide what measures shall be taken and how the measures adopted shall be executed, whether jointly or separately.

Mr. President, some moments ago I spoke of the domestic controversies which heretofore have threatened to disturb peace between Japan and the United States. Let me turn now, for a moment only, to discuss some of the foreign questions relating to Japan, which have occasioned interest in the minds and hearts of the people of the United States.

We have not felt particularly concerned about maintaining the status quo of the islands in the Pacific Ocean. Our disputes with Japan, if I may call them disputes, have arisen out of questions affecting the Asiatic mainland. The foreign questions which have interested the United States arise out of the manner in which Japan has dealt with Korea, Shantung, Manchuria, the Chinese Eastern Railway, and Siberia. Japanese aggression in these spheres has been marked by political intrigue and economic penetration, supported always by military control. The United States throughout her history has had every reason to be friendly to both China and Russia, and has heretofore protested every insidious advance of Japan against them. The four-power treaty not only fails to guarantee a reversal of the Japanese policy, but strongly tends to commit the United States to a passive attitude, and to block our opportunity for securing fairness and justice in the dealings of Japan with China and Siberia. Russia like a great bear lies wounded, bleeding, famishing, her enemies striking from every side. Her friends have disappeared. But Russia will not always be stricken. She will not long continue helpless. When she rises to assert her rights, she may be compelled to attack Japan in order to expel Japanese invaders. How shameful, then, would be the position of the United States, bound by this treaty to give moral if not military support to Japan in her conflict with Russia!

Mr. President, China has been asleep for centuries. One day she is going to awake. When China awakens she and Japan will, indeed, constitute a yellow peril. This Government refused to enter into a combination dominated by white nations for the preservation of the peace of the world on the theory that it would constitute an entangling alliance. What, then, shall be said of this four-power treaty which, if it accomplishes anything, binds the United States, France, and Great Britain to the establishment and maintenance of Japanese supremacy and control throughout the Orient?

You may answer that the days of wars have ended and that the control of the earth through conferences has come, but, Mr. President, make no mistake. If ever the time may be hoped for when men will learn to do better than to destroy each other in the savagery of war, that day is far distant. I recall some sentences from a speech made by Gov. Black when he nominated Theodore Roosevelt for President. He said:

> The fate of nations is still decided by their wars. You may talk of orderly tribunals and learned referees. You may sing in your schools the gentle praises of the quiet life. You may strike from your books the last note of every martial anthem, still out in the smoke and the thunder will always be the tramp of horses and the silent, rigid, upturned face. Men may prophesy and women pray, but peace will come to abide forever on this earth only when the dreams of childhood shall become the accepted charts to guide the destinies of men.
>
> Events are numberless and mighty, and no man can tell which wire runs round the world. The nations basking in contentment and repose to-day may still be on the deadly circuit and to-morrow writhing in the toils of war.

> I hope and pray for peace through justice in international affairs, but advance toward that blissful end is slow and difficult.
>
> If ever the day shall dawn when men shall lay down their arms and settle their disputes in peace, the millennium will be at hand; but that day is distant. It is not in sight. Militarism or imperialism dominates the Governments of Europe and of Asia.

We are asked now by another treaty related to this to enter into a compact by which we will relinquish our right to fortify the islands we own in the Pacific Ocean. It is true that that provision is not in the pending treaty, but it follows that if the four-power treaty is ratified the naval arms limitation treaty shall be ratified.

I have hoped and I still hope to find myself in a position to support that treaty, but I can not forget that by the terms of the four-power treaty and the naval arms limitation treaty we are leaving the Philippine Islands at the mercy of Japan. If Japan keeps faith with us—as she has not done with Russia, China, or any other nation in modern times that I can recall, save in her alliance with Great Britain—if she respects our rights and refrains from aggressions against other nations, there will be no occasion for war; but if we surrender our right to fortify Guam and the Philippine Islands, what will be the result? Japan, with the acquiescence of Great Britain, can dominate the Pacific and the Orient, and the United States will be restrained from serious protest through fear for the safety of her own possessions in the Pacific Ocean. Think of it! No consideration given by the American delegates to the conference to strategic considerations.

In the North Sea, commanding the approach to the Elbe and the Weser, lies the rocky, barren island of Helgoland. In 1807, if I recall correctly, Great Britain wrested Helgoland from Denmark, who ceded it to her seven years later. In 1892, without taking thought of the strategic consequence, Great Britain ceded Helgoland to Germany, and Helgoland and her fortifications became a controlling factor in the World War, in which Germany fought so long and so persistently for the destruction of commerce on all the seas.

If Guam be not fortified and Japan ever conceives the idea that she desires to do so, she can take Guam within a few days and she can advance to the Philippine Islands and capture them within a week or 10 days and humiliate and destroy the power of the United States in the Pacific.

I know Senators are saying that I am anticipating a calamity which may never come. I pray God that it may never come, but I am not willing yet to put the United States, her flag, her people, and her commerce at the mercy of any other nation or any other people on this earth.

When the war broke in fury in 1914, a protest resounded from end to end of this continent against this Government for having failed to prepare herself for war. There is a reaction now. We all want to escape the burdens of militarism, but I ask is it safe to rely on Great Britain for naval protection?

Mr. WATSON of Georgia. Mr. President, I remind the Senator from Arkansas that when Lord Salisbury was proposing in the English Parliament to cede Helgoland to Germany, he was warned of the danger of doing that, just as the Senator from Arkansas is now warning the Senator from Massachusetts [Mr. LODGE], and Lord Salisbury laughed the warning scornfully aside, just as the Senator from Massachusetts is laughing our warnings scornfully aside.

Mr. ROBINSON. Our duty, of course, is to safeguard from seizure by any other power the possessions of the United States. Is it wise to overlook the strategic importance of strong fortifications on Guam and in the Philippines and the necessity for naval bases in the Pacific regions?

At the close of the war the people of the United States were so heavily taxed that they wanted to get rid of military burdens. They were willing to go to very great extremes to secure disarmament. The Washington conference, called primarily for the purpose of securing an agreement for naval disarmament, converted itself into an organization for the establishment of a new alliance to control affairs in the Pacific Ocean and in the Orient. I am willing to go as far as any Senator will go for disarmament. I am not willing now and shall not be at any other time to place the possessions of the United States at the mercy of any foreign power.

That great Massachusetts statesman, Samuel W. McCall, said in an article in the Atlantic Monthly, to which I shall refer again when occasion offers, that this treaty is an alliance pure and simple. He said, in substance:

> If you refuse to give it that effect, you condemn it as feeble and useless.

Such will be the construction which future events will place upon the instrument which we are asked to ratify.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the first article of the treaty.

Mr. REED. Does the Senator from Massachusetts want to press this matter this afternoon?

Mr. LODGE. Yes; I would like to go on and have it debated, or have a vote taken. The question comes on the first article, I believe.

The VICE PRESIDENT. The Senator from Arkansas has offered an amendment to article I.

Mr. LODGE. I was not aware of that. I was not in the Chamber when that was done. Of course, then, the question is on the amendment.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Borah	Heflin	Newberry	Stanfield
Brandegee	Johnson	Nicholson	Stanley
Broussard	Jones, N. Mex.	Norris	Sterling
Cameron	Jones, Wash.	Overman	Townsend
Capper	Kellogg	Page	Underwood
Caraway	Kendrick	Phipps	Walsh, Mass.
Colt	King	Pittman	Walsh, Mont.
Cummins	Ladd	Poindexter	Warren
Fernald	Lenroot	Reed	Watson, Ga
Fletcher	Lodge	Robinson	Weller
Gerry	McKellar	Sheppard	Williams
Gooding	McKinley	Shields	Willis
Hale	McNary	Shortridge	
Harris	Nelson	Smith	
Harrison	New	Spencer	

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from Connecticut [Mr. McLEAN], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are attending a hearing before the Committee on Finance.

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is necessarily absent on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty-seven Senator have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. REED. Mr. President, there are a number of Senators who desire to speak on the treaty, who are preparing their remarks. I have appealed privately to the Senator from Massachusetts [Mr. LODGE] to let the treaty go over. I think the Senate would gain time by doing that.

The Senator from Massachusetts yesterday for the first time gave his views on the treaty. In the natural course, we would have expected him to address the Senate when the treaty was first called for consideration in order that the Senate might have the benefit of his knowledge regarding the making of the treaty, and his views as to its import. Having delivered himself of such speech, we might well have expected a reasonable time in which to digest his observations and facts. The Senator from Alabama [Mr. UNDERWOOD], who was appointed on this commission along with the Senator from Massachusetts, and presumptively appointed to in a sense represent the Senate, has not given us the benefit of his observations yet. It seems to me, therefore, that it is out of all order to insist that the Members of the Senate shall discuss the treaty when those two Senators who have helped frame it have not yet spoken.

This is obviously all the more true, because the treaty received but slight consideration in the Committee on Foreign Relations. No witnesses were called. No hearings were had. No exposition was made of the effect of the treaty. I am credibly informed that officers high in the Navy have expressed views which, if they were laid before the Senate in an official way, would do much to enlighten the Senate and possibly directly affect the votes of Members; but those officers have not been called. Indeed, we are told by the Senator from Massachusetts that the strategic importance of the islands in the Pacific was not even considered, no attention paid to that importance, none given to that vital question. Under these circumstances, therefore, those who want to discuss the treaty must search for their own facts.

Mr. LODGE. Mr. President, will the Senator allow me? I made that remark in regard to the island of Sakhalin and in regard to this treaty. I did not say that the strategic value or importance of islands covered by the naval treaty was not considered.

Mr. REED. They could not have been considered with reference to any of these treaties unless they were considered with reference to all of them.

Mr. LODGE. Well, they were, as a matter of fact, considered in reference to the naval treaty, but there was no consideration given to the strategic value of the islands in connection with this treaty. This treaty did not concern the Navy.

Mr. REED. All the treaties were being considered together, and I asked the Senator yesterday if there had been any consideration given to the strategic value of these islands. The Senator said they were dealing with questions of peace and not with questions of war, and they had given no consideration to the matter of their strategic value.

Mr. LODGE. Unless I am very much mistaken, the Senator referred yesterday to the island of Sakhalin, and I said its strategic value had not been considered in connection with this treaty, and I repeat it.

Mr. REED. Very well, and yet it will in all probability be drenched in blood within a very short time.

Mr. LODGE. I dare say. The Senator knows the future far better than I do.

Mr. REED. No; I do not know it better than the Senator does, but I know it quite as well.

Mr. LODGE. The Senator knows it perfectly well.

Mr. REED. In so far as anyone can know anything about it.

Mr. LODGE. The Senator knows as much as I do about it, and I know nothing. I do not pretend to read the future.

Mr. REED. Except as we may judge the future by the past. The Senator has been dealing with the future, and it is for wise men to look into the future as far as they can, and they can only judge the future by the past and the present. The Senator can not properly make a treaty that has to do with the future and employ the slightest degree of common sense in making it unless he considers the results which may flow from existing conditions. The Senator expressly said that had not been done with reference to the island of Sakhalin.

Mr. LODGE. The island of Sakhalin, with reference to which the Senator inquired, was not considered in any way in connection with its strategic value. As to its being drenched in blood in a few years, that is something I know nothing about, and I do not think anybody knows anything about it.

If the Senator will permit me, I took occasion to examine the map after I had spoken here and found what I thought to be the case, that the island of Sakhalin is very distant from Vladivostok. The nearest point to Vladivostok is the main island of Japan.

Mr. REED. It is not so distant.

Mr. LODGE. It is the last place from which anybody would think of attacking Vladivostok.

Mr. REED. I am glad to have the Senator's opinion as a military expert and to know that as a result of these talks he has finally looked at the map and located the island.

Mr. LODGE. Yes; I have looked at the map a great many times and studied it. I frankly say that I did not realize the great distance of Sakhalin from Vladivostok. I knew it lay along the coast of Siberia, of course. Everybody knows that. I thought it was nearer Vladivostok than I find it is, but I am not ashamed in the least to say that I am still able to learn.

Mr. REED. I have not the slightest doubt that the Senator can still learn. I know he can learn if he tries, although his present expanse of learning is very broad, as broad as that of any man with whom I am acquainted. Nevertheless, in dealing with the question involving the rights of the United States, the startling thing is that the learning and industry of the Senator does not lead him to investigate the location and importance of this island over which Japan and Russia have been contending for some years, one half of which is occupied by the Russians or claimed by them, the other half claimed by Japan.

Mr. LODGE. The other half is owned by Japan under the treaty of Portsmouth.

Mr. REED. They having wrested it from Russia.

Mr. LODGE. They have the same title to the southern half of Sakhalin that we have to California.

Mr. REED. It has a relation, as I undertake to say I can prove without any difficulty, of the greatest importance in any military or naval adventure in Siberia. When I said, with perhaps a temerity that is reprehensible, that it would be drenched in blood, I had in mind the fact that Japan and Russia are as certain as anything in the future is certain to come to grips in Russia, and when that occurs Russia will find herself menaced by Japan employing the island of Sakhalin as a base of operations, which is simply the statement of a fact so obvious that any man is warranted in assuming it will occur. At least a man who has tried to study the question a little bit is quite as warranted in making an assumption as a Senator who states that he was for weeks on a commission drawing a treaty and that he never studied the question at all.

Mr. LODGE. No; I said I did not consider the strategic value, which is an entirely different thing. I am perfectly willing to admit that my memory had deceived me as to the southernmost point of Sakhalin. I found it much farther from Vladivostok, which is the strategic point the Senator was talking about yesterday, than I had supposed.

The Senator is criticizing me for not paying more attention to it. Yesterday I think the Senator had some doubt as to whether the termination of the Anglo-Japanese alliance was stated in the treaty.

Mr. REED. Oh, yes; in the running debate here I glanced at the treaty and my eye did not catch the particular clause, which I knew was in some one of these documents. I made a mistake and said it was not in the treaty, and it was there. I am glad to know that the Senator knew it was there. That is at least refreshing.

Mr. LODGE. Yes; I knew that much. My knowledge is not much, but I knew what was in that treaty.

Mr. REED. But evidently the Senator is not very well informed as to what he meant because he and his associates agreed to a treaty, then had to change it twice themselves before he reported it, and now brings forward another reservation changing it again.

Mr. LODGE. I may say I also made a mistake. The mistake I made was about the distance of Vladivostok from Sakhalin. The one the Senator made was in speaking of the island of Sakhalin as threatening Vladivostok.

Mr. REED. I still say so.

Mr. LODGE. Then the Senator ought to study the map, too.

Mr. REED. The Senator seems to be of the opinion that a few miles difference puts a point of land out of military consideration.

Mr. LODGE. I think that would suggest itself to the Senator's mind.

Mr. REED. I do not think he will find a military or naval expert in the world who will not say that this island is of the greatest importance in any attack that might be made upon the Russian coast or in any contest there arising.

Mr. LODGE. On the Siberian coast; yes; that is a different proposition.

Mr. REED. That is just what I was talking about, and I have not talked about anything else.

Mr. LODGE. Yesterday the Senator referred to its strategic value to Vladivostok, as he will find if he will examine the RECORD.

Mr. REED. The Senator from Massachusetts now is speaking, I suppose, about the particular point on the coast to which I referred.

Mr. LODGE. I am speaking about the point we had under discussion on yesterday when the Senator from Missouri referred to Sakhalin as threatening Vladivostok, and I answered that I did not remember how far away the island was.

Mr. REED. Really, is the discussion of that worth while?

Mr. LODGE. I do not think any of the debate we are having is worth while.

Mr. REED. I think not, and I think the most worthless part of it that I have yet heard, with the exception of the poetry about the lilies "that o'erlace the sea," was the dissertation of yesterday, which told us nothing, which was carefully and painfully prepared and as painfully listened to.

Mr. President, there is no reason for anyone to be petulant about this matter. The point I was discussing on yesterday was the importance of this island in any contest arising between Russia and Japan. Whether it was important to the particular port of Vladivostok or was important to some point a little farther north or south is utterly immaterial to the discussion. But that it is important to that particular port, I assert there will not be a respectable naval or military authority in the world found to enter a denial.

Mr. BORAH. Mr. President——

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. Really, Mr. President, it does not seem to me as I view this treaty and the relationship which it creates between the four contracting powers that it makes any difference in what part of the Pacific, or even in what part of the world, and controversy arises between these nations and any outside nation. The history of all wars, and particularly the Great War of 1914, shows that war would instantly call into action these four powers, because every part of their possessions would be involved whenever any part of them was involved. Whether it is an island that is attacked or the mainland that is attacked, nevertheless the attack will inevitably spread; so that this particular provision of the treaty will call into conference these nations for the purpose of taking care of their

interests and their rights. A shot was fired in a small country in Europe in the midsummer of 1914. At that time there were two political groups in Europe, one known as the Triple Alliance and the other known as the Triple Entente. Instead of these alliances or political groups assisting the cause of peace, or instead of helping to localize the conflict, they were the instruments by which the conflict was made world-wide. Yet both these alliances were, according to their terms, made to preserve the peace of Europe.

Mr. REED. Mr. President, that is unquestionably true. To talk about confining the operations of the treaty to the waters of a particular ocean is of as much avail as writing an agreement that the waters of one ocean shall not flow into another when there is nothing between them whatsoever.

Mr. BORAH. Mr. President, nothing better illustrates that than does the Anglo-Japanese alliance. There is no provision of the Japanese alliance, technically construed, under which Japan could have entered the Great War of 1914; technically construed, there was no occasion for her to act; but the interests of her ally, Great Britain, were involved; Great Britain called upon her—as a general principle, it would appear, because the technical terms of the alliance would not permit it—to cooperate with her in that part of the world, and she did so. This alliance recites that it was designed to maintain peace in the regions of the Far East. At the time Japan entered the war Germany was disturbing no one in the Far East. The peace in the Far East was first broken by the signatories of the alliance.

Mr. REED. That is true of all these agreements. Nations are held together by interests; they are not held together by paper treaties.

Now, either to show that I was right on yesterday or that the Senator from Massachusetts had not studied the question, my attention has been called to this reply, being the statement of the Senator from Massachusetts, on page 3549 of the RECORD:

It—

Referring to the island of Sakhalin—

might be of value, of course. Japan owns half of it, and holds the other half on account of an uprising and a massacre which occurred there. It would be of military value to anyone attacking Vladivostok, no doubt; but, as far as being a base of support is concerned, they are practically as near their own islands as they are to Sakhalin.

I imagine that if Russia were to become involved in war with Japan, if Russia had an ally, which she will have some day, and if that ally could take this island and use it as a base for an attack upon the Japanese fleet, it would be found to be of very great importance.

I repeat that if there is anything certain in the future, anything that may be safely prognosticated, not as something that we know will come but something that probably will come, it is this: Russia will insist on driving the Japanese from the mainland. When that occurs the conflict will be carried to this island and to other islands of the Pacific. Then if the construction of this treaty be that which the Japanese have placed upon it and which the British minister has placed upon it, as was shown by the Senator from Arkansas [Mr. ROBINSON] this afternoon, we shall be bound to enter the contest on the side of Japan and against Russia.

Mr. BORAH. Mr. President, the Senator from Missouri [Mr. REED] has prophesied that in the near future, in his opinion, there will be a contest between Japan and Russia. The Senator need not assume the rôle of the prophet, which is said to be a dangerous rôle. He may state it as a fact right now. If the news could be brought into this country of what has actually transpired it would disclose that there is a contest now going on in Siberia that is no different from a condition of war. The two peoples are now actually engaged in a struggle over territory in that country. In this connection I should like to read a statement made by the former foreign minister of Russia under Kerensky a few days ago, which was printed here in America. Speaking of the present transgressions in Russia by the Japanese, he says:

The methods used by the Japanese are not those of temporary occupation but of a lasting annexation, accompanied by a gradual dispossession and final elimination of the Russian population in the occupied territories. The Japanese are not only depriving the Russians of all means of subsistence; they are not only abolishing Russian laws, Russian courts, and Russian administration, they are formally treating Russians as "foreigners" in their own country; they are giving Japanese names to the streets in Russian towns; they permit no other official language but the Japanese. They are building railways and harbors; they are exploiting mines and fisheries; in short, they are behaving as actual masters. I need not mention how great is the strategic significance of their occupation, which corks up the Russians in Siberia, transforms the Japan Sea into an internal sea, and eliminates Russia from the Pacific. This fact seems to be well understood by the State Department.

Shall I mention the kind of feeling toward Japan which is thus being generated and perpetuated among the Russian masses? Bolshevism in Siberia is supported to a large extent by the fear and hatred inspired by the Japanese activities. The bolsheviki for a long time have been looked at by the population as liberators and real patriots. This is what made possible even events like that at Nicolayevsk.

I am sorry that there was no chance for discussing the Siberian question at the Washington conference. A well-prepared debate might have made clear all my points and much more. But we have the conclusion. The Japanese policy in Siberia is openly branded as untenable and irreconcilable with the democratic principles of a really sound policy toward Russia. Such has been and remains the policy of the United States.

Mr. President, as a matter of fact, the conflict is now going on; the strife is now at hand, and, while treaties may do something, I presume, toward insuring peace, if the Japanese had been willing to get out of Siberia, if they had been willing to get out of Manchuria, if they had been willing to surrender the 21 demands, or if they had been willing to reconcile the situation now existing in that country to a state of peace, it would have been worth more than all the treaties that could possibly be written. But they were not willing to get out; they were not willing to compromise; they were not willing that the question even should be discussed; and now, while we are considering a treaty which is supposed to advance the cause of peace, a contention is going on between the two great powers which is nothing more nor less than a state of war.

I desire to submit one further observation before I sit down. I read from a Washington paper of this morning a dispatch published from Honanfu, as follows:

Holding himself the champion of the Chinese people and condemning and supporting the Peking Government in the same breath, Gen Wu Pei Fu is preparing to hold the rich Provinces of Central China against all comers until a stable government has been created.

In the seven Provinces under his control, Gen. Wu has 700,000 troops, four modern arsenals, large clothing warehouses, and factories for manufacturing munitions and equipment for a larger force.

Gen. Wu is rapidly becoming a power for good or evil in China. He is seizing revenues right and left which would normally go to Peking.

"I hope that we will not have to fight," he said, as he strolled among the drilling troops, "but we must have China for the Chinese people."

Mr. President, according to statistics which have been furnished me from a reliable source 77½ per cent of the territory of China is now under the control and domination of foreign powers. The nine-power treaty and the four-power treaty, when ratified, will fix the status quo and in effect confirm in the possession of foreigners 77½ per cent of the entire territory of China. The result of that seems to be that the Chinamen who propose to rid China of foreign domination, which they hoped would result from the Washington conference, have raised the cry of "China for the Chinese," and that cry is sweeping China as no other call has in half a century. While we are here talking about a four-power treaty producing world peace and a nine-power treaty establishing the rights of China, China has fallen back on herself and armed. What for? To get rid of that which the nine-power treaty will in effect fasten upon them, and to resent the domination which the nine-power treaty places upon China.

So I repeat, Mr. President, if the Japanese had been willing to surrender their claims in Manchuria, claims which have no legal basis of right, if they had been willing to surrender in Siberia that which they call their "rights," founded upon force, or if when the question arose Great Britain had been willing to give up her possessions in China, which she objected to doing, we might have had an assurance of peace in the Far East; but it is perfectly useless to talk about peace when war is already on for the very reason assigned for the negotiation of these treaties. China knows the effect of these treaties is to recognize past aggressions. Russians know the effect of these treaties is to recognize the aggressions in Siberia. Those things make for war, not peace. Treaties must either rest upon justice or force. There is no justice in treaties which recognize these unconscionable aggressions.

Mr. REED. Mr. President, I am obliged to the Senator for his very forceful and illuminating contribution. Not only is it true that Japan is seeking to hold the mainland of Siberia, but it is also true, according to the best advices I have been able to get, that the Russians are actively preparing to eject her. I saw accounts the other day to the effect that the Russian troops are being gradually moved toward the points occupied by the Japanese, and that it is anticipated that when the spring opens hostilities will open about the same time.

Mr. President, the Senator from Idaho has put his finger upon the real cause of war. I myself mentioned it a few days ago. It is found in the violation of the commandment "Thou shalt not steal." If the nations of the earth would come to an understanding, and keep the understanding, that they would each and all stop stealing the lands of other peoples, practically

every great cause of war would be removed. The trouble with the Versailles treaty, however, was that it confirmed, or undertook to confirm, the titles to lands occupied by peoples who had been subjugated wrongfully and to transfer them at will from one government to another. A dominion greater than that of ancient Rome was transferred by a single stroke of the pen to the British Empire alone.

Japan for years has been invading the Asiatic mainland. She took Korea by treachery and force. She held it by cruelty and by the sword. She invaded Manchuria and wrested a large part of that country from China. Russia was engaged in the same buccaneering expedition, and the two thieves clashed over the right to despoil China, and that brought on the Japanese-Russian War. This treaty, I unhesitatingly say, the product of British diplomacy and Japanese cunning, has made the United States a pawn to be employed by Japan to sustain and protect Japan as against Russia when Russia undertakes to eject Japan from her mainland and from her island possessions. I do not wonder that they succeeded, when our delegates say they never considered the question of the strategic importance of the islands of the Pacific, and when they had not even located the island of Sakhalin.

It is not hard to understand how British and Japanese diplomats, who have studied every island, every harbor, every trade route, should have succeeded with gentlemen who say they were only considering peace and not thinking about war at all. Yet the certain cause of war is the inability of a people to defend themselves. Let it be known that the United States was absolutely defenseless and they would divide our raiment among them, and upon our vestments they would cast lots just as readily as in the olden times that office was performed for the garments of the Christ.

Mr. President, the best part of the argument of the Senator from Massachusetts [Mr. LODGE] yesterday was the portion he read from a magazine article written by Mr. Simonds. He was reading Mr. Simonds's deductions in part. Mr. Simonds's facts are always much better than his deductions. Let me read you some of the facts that Mr. Simonds recites in this same article:

It will be seen that the United States has made by all odds the largest sacrifice in the matter of nonfortification, as she did in the matter of the scrapping of new and old tonnage. Surprise has been and doubtless will be expressed over the fact that the Aleutian Islands have been included in the area covered by the nonfortifying agreement. This was unexpected and represents a concession out of all proportion to any made by any other signatory power. It represents a sacrifice of sovereignty which could only be defended by complete satisfaction in the terms of the four-power treaty.

The Senator from Massachusetts did not read that.

I continue reading from Mr. Simonds:

Yet it remains true that the United States never has fortified the Aleutian Islands.

Further the author says:

We have retired our naval frontier behind the Hawaiian Islands, but before doing this we have entered into solemn engagements with all the Pacific powers—

Now, this is the opinion of Mr. Simonds—

which constitute a guarantee for our islands at least as strong as any which could be found in the few fortifications Congress would be likely to permit in the near future. Actually our insular dominions west of Hawaii are indefensible.

Discussing the question which the Senator from Idaho [Mr. BORAH] so clearly stated, Mr. Simonds declares:

It remains, therefore, now to deal briefly with the question of Siberia and that of China.

As to Siberia, it would be idle to pretend that any settlement has been reached at Washington. In advance of a discussion of this subject there came from Tokyo a definite statement, made by Baron Uchida, that Japan would not discuss in Washington the date or conditions for the evacuation of Siberia. This declaration of policy was carried out to the letter in the subsequent days. It follows, therefore, that Siberia remains for the future.

The limit of attainment and of possible attainment was touched when Baron Kato and Mr. Shidehara renewed in the most solemn manner the pledges that Japan would retire from Siberia at the moment when such retirement would not risk the lives or property of Japanese nationals. Beside this declaration in the Washington conference was placed the statement of the American Secretary of State indicating what American policy had been and still was with respect to Siberia. Patently this was the sum total that could be achieved, since Japan was not prepared to retire and the United States was bound, in the nature of things, to accept the formal and categorical assurance of Japan. It is clear that if Japan does not retire, sooner or later we shall see war in the Far East, and that war will follow logically the reintegration of Russia.

Begging pardon for my prophecy, perhaps it was inspired in part by having read Mr. Simonds's article. Mr. Simonds seems to be the chief and only authority quoted by the Senator from Massachusetts in his speech. He ventures to say what common sense will indicate to any person, that certain conditions will bring certain results, and that these particular conditions spell war—inevitable and certain war.

I continue reading:

Japan remains in Siberia under pledge to quit. As long as she stays no one can regard the far eastern question as settled or believe that in this respect the Washington conference has done more than state without modifying an unsatisfactory condition.

Mr. Simonds further declared:

The same remains true in the matter of Manchuria. Japan has avoided a discussion of her occupation of the Manchurian territory acquired from Russia. She has agreed to certain modifications with respect of certain portions of Manchuria, such as permitting the investment of foreign capital and the waiving of exclusive commercial privileges. But she has not in any degree consented to weaken her hold upon the great Manchurian Province. Here, then, too, the Washington conference has necessarily failed to produce satisfactory results. It has failed because Japan was neither willing nor ready to evacuate.

Precisely the same position was taken by Mr. Balfour for Great Britain in the matter of Kowloon, which is the mainland shore facing Hongkong. The declaration of Mr. Balfour, on December 8, that Great Britain felt it necessary to retain this territory foreshadowed a similar statement by Japan in regard to Manchuria, and destroyed all hope of complete evacuation of the mainland of China by foreign nations.

Mr. President, why should not those observations go in along with the portion introduced by the Senator from Massachusetts? A little later the same distinguished writer states:

We had still another striking and peculiar situation. The battleship had long been the standard of sea strength. But our own Admirals Sims and Fiske; the British naval authority, Sir Percy Scott, who had guessed right about the submarine before the World War; and Admiral De Bon, of the French Navy, all agreed that the day of the battleship was over. The best experts in all navies were of the opinion that money put into battleships was wasted, even from the point of view of war strength, as a consequence of the development of aircraft and possible expansion of submarine warfare.

Now the fusion of all these reasons explained the success of the Hughes program in naval limitation. But they were all unusual reasons. I mean by that, reasons which existed with respect of a single engine of warfare. The proof lies in the fact that when the conference passed from battleship to submarine, agreement disappeared. Britain wanted to abolish, America to limit. France was willing to limit, but asked the maximum allotment granted any nation, while Italy, wanting submarines but not claiming the maximum, felt called upon to demand equality with France. As a result we had deadlock and failure both as to submarines and as to those auxiliary cruisers which are the defensive answer to submarines.

The same was true in another field, namely, land armaments. Here France as the supreme land power confronted the conference with the declaration that her people saw the question in one way, and had based their land strength upon this view. As a consequence, land armaments were dropped from the discussion of limitation of armaments.

Now, it follows, quite logically, both from the successes and the failures of the Washington conference, that it is not correct to conclude that there is a new spirit abroad in the world or a new era at hand.

I read a little more from the opinions of Mr. Simonds, as expressed in an article of January 30, 1922:

So far as the United States is concerned, we resign the right to fortify everything west of Hawaii. This includes the Aleutian Islands on the north, the Philippines and Guam on the west, and Samoa on the south. Thus the United States retires its naval frontier to the longitude of Hawaii. In resigning the right to fortify Guam we do two things: Abandon all possibility of defending the Philippines by the intervention of our fleet, and also the ability to attack Japan navally.

In an article dated February 4, the same author states:

For the Anglo-Japanese alliance, which was no longer of value, Japan has obtained a four-power treaty which adds greatly to her prestige as a world power, insures her against attack or challenge from the United States, and leaves her with hands free to deal with both China and Siberia as she may hereafter choose. Save as the United States might ally itself with Britain and make use of British naval bases, there would be in the future no way of American intervention in the Far East.

In other words, according to Mr. Simonds, we give up the Pacific Ocean very largely, and we give up specifically any chance for any real influence in the Far East, which must constitute one of our great markets. I continue reading:

British success was late in two things, in exchanging the Anglo-Japanese alliance for the four-power treaty, which to all British minds is a symbol of close association in the future between the two great English-speaking nations in the world. And in addition Britain has avoided a naval competition with the United States which promised either bankruptcy or ultimate resignation of equality upon the blue water which Britain has ruled so long.

As for the United States, in return for sacrifices which are by all odds the most considerable, we have abolished a danger of ultimate collision with Japan in the Pacific.

That is his opinion. I do not agree with him. The stronger you make Japan, the more dangerous Japan becomes.

The Senator from Massachusetts this morning remarked to the Senator from Arkansas that he could probably get some information by reading the memoirs of Count Hayashi, the Japanese statesman who negotiated the Anglo-Japanese pact. I have that work, and I want to read the Japanese statesman's opinion of that alliance. Of course, it was written in 1898, before the new treaty was negotiated:

The Anglo-Japanese alliance is the established policy of Japan. It is the basis of the country's foreign policy. It was concluded owing to the common interests of the two countries demanding it, a demand reported by the traditional relations of the two countries. The alliance

may, therefore, be regarded as resting on the most solid foundation. Every effort and every mischievous trick having for its object the splitting of the tie cementing the two countries must end in failure.

In view of Count Hayashi's statement, that the Anglo-Japanese treaty is a part of the traditional policy of Japan and of Great Britain; that it springs out of the mutual interests of the two countries, and that it rests upon the most solid foundation, how absurd it is to say that they bartered it for a treaty which promises nothing whatever except the opportunity to sit down around a table and discuss your grievances or your dangers, without any obligation to do anything as the result of the discussion. The mere statement of the matter proves its absurdity, and the quotation from the author to which the Senator from Arkansas [Mr. ROBINSON] was referred by the Senator from Massachusetts [Mr. LODGE] fortifies and demonstrates the argument made by the Senator from Arkansas.

Mr. President, the Senator from Arkansas made a very powerful speech, in which he dwelt upon the construction of the language of the treaty; but I want to call the Senator's attention and the country's attention to the fact that there is other language in this treaty which makes it perfectly clear, to my mind, that the Senator from Massachusetts is in error when he states that we have not agreed to do anything except talk; that this treaty is a pink tea, at which everybody is privileged to say whatever he pleases and nobody is responsible for anything he says.

If we turn to the preamble of the treaty, where its purpose is recited, we get much light with reference to the subsequent language.

With a view to the preservation of the general peace—

Not the peace of the Pacific, but the general peace—

and the maintenance of their rights in relation to the insular possessions and insular dominions in the region of the Pacific Ocean * * * the high contracting parties * * * have determined to conclude a treaty.

Now, notice the language:

With a view—

And I scan the sentence now—

With a view to the preservation * * * and the maintenance * * * of their rights * * * to their insular possessions, * * * the high contracting parties * * *

Have determined to conclude this treaty.

If said rights are threatened * * * the high contracting parties shall communicate * * * in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies.

That is, to repel the attack. The preamble recites that the object of the treaty is to defend the Pacific island possessions of the respective parties, and article 2 recites that when those possessions are menaced the parties shall meet and consult as to the most efficient means to repel the attack, either singly or jointly.

Mr. ROBINSON. Mr. President——

Mr. REED. I yield to the Senator from Arkansas.

Mr. ROBINSON. That provision not only contemplates that the conference shall determine what shall be done but how it shall be done, whether by one of the parties to it or all of them together.

Mr. REED. Unquestionably.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. I yield.

Mr. SHIELDS. The broad language certainly has impressed itself upon the Senator also, "to determine what shall be done." That does not confine the activities of the nations to the Pacific Ocean or to any contest or battle over these various insular possessions. It is a well-known part of the history of nearly every war that when a country gets into war you not only attack it in one hemisphere but in another, wherever it is weakest. Attacking it upon the opposite side from that where the war exists will compel it to withdraw its forces from the seat of war to protect its territory at the rear or anywhere else.

That has been illustrated by our own War with Spain. We went to war over Cuba, but the first battle was fought on the other side of the world. We struck Spain where she was weakest and unprotected.

It was so in the World War. Germany, France, and England were engaged in a war upon the fields of France and Belgium, and yet England, through her allies, struck Germany in China and had Japan to seize all of these islands that are not held by her by mandate.

The fact is that instead of this being a treaty concerning islands in the Pacific Ocean, it is only a mere electric button which, touched there, sends the deadly current of war wherever the four powers have any possessions. It would be the most common thing in the world if a war arose there between Japan and some European nation for us to attack that European nation, and the performance of this agreement to do whatever the exigencies required, and thus weaken it. You can not confine war to any part of the world as was demonstrated by the World War. Start the fire at one place and, where the nations have territories all over the world, it extends to the whole world.

Mr. REED. I think we had some illustration in the Revolutionary War of a French fleet coming over and striking England at Yorktown. We had some illustrations in our own case in the World War. Some vessels were sunk in the Atlantic. Under normal or ordinary conditions we probably would have had a war upon the sea with Germany. It might have begun there and ended there, but it was manifest to every man who understood the situation that the place to strike Germany effectively was in France; therefore we sent our soldiers to fight on the soil of France, although many who sat here and voted for the war thought we would never have to send a soldier outside of our own borders.

A little common sense applied to this thing and to the situation which will arise if there is ever any use for this treaty will illustrate the impossible position in which the philosophy of the Senator from Massachusetts would place us. Let us assume that Japan engages in a war with some other country, or that Great Britain engages in a war with some other country, and that some of the British islands held in the Pacific Ocean are threatened or are actually attacked, and thereupon Great Britain calls for a council of the four powers, and they meet.

Great Britain says, "We have been attacked. We signed a treaty with you in which we recited that it was made with a view to the preservation and maintenance of our rights in relation to these island possessions, and our right is to hold these islands. You agreed that if our rights were threatened by any power you would sit down with us in order to arrive at an understanding as to the most efficient measures to be taken, either jointly or separately, and to repel such an invasion. Now let us talk about the most efficient measures to be taken."

So we sit there and agree that as a war fleet is bearing down upon these islands, manifestly the most efficient thing to do is to get there with a bigger fleet and sink the enemy, and we come to that understanding. Then the question comes up for consideration, Shall it be done jointly or separately? It is agreed the joint action is more effective than single action. Then it is proposed that the United States shall furnish a part of the fleet, and the representative of the United States replies, "Oh, very true, we signed this treaty and we said we were going into it with the other powers in order to maintain the rights of all of the powers to their island possessions. These are the island possessions of Great Britain. It is very true we said if they were threatened by the aggressive action of any other power we would communicate with each other. They have been threatened. It is very true that we said we would communicate in order to arrive at an understanding as to the most efficient measures to be taken jointly or severally to meet the attack or the exigency. We agreed to all that. We now agree with you that the most efficient means is the joint action of our respective fleets, but we decline to do anything."

Can anyone imagine a representative of the United States Government taking that position? Can anyone imagine any self-respecting nation signing a treaty that left us and all the other signatories in a situation so they could refuse to do anything and that that would be accepted as a treaty guaranteeing peace when it guarantees nothing whatsoever? Why do we meet and talk in order to determine a question unless, when it has been determined, it is to be followed by action?

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I yield.

Mr. BRANDEGEE. Suppose the representative of the United States, under the circumstances detailed by the Senator, gave as the reason for his declining to do anything his statement that we never had bound ourselves to do anything?

Mr. REED. Suppose he did. He would stand before the world as a breaker of faith. The treaty's terms imply action, just exactly as similar terms and almost identical words in the League of Nations covenant implied action. At the proper time I shall put into the RECORD the discussion of those words by Senators on this floor and shall show that the arguments which

they then made they are retracting now. I think I shall be able to include in that language some very pertinent remarks then made by the Senator from Connecticut—at least, I think the remarks are pertinent.

Mr. BRANDEGEE. I think so, too; and I will say to the Senator that I think Japan or any of the other high contracting parties under the treaty, taking its preamble in connection with the body of the treaty, could very consistently claim that the treaty did, as it stands, create and imply an obligation to come to the aid of the other high contracting parties if their rights in relation to their insular possessions or dominions were threatened by the aggressive action of an outside power.

Mr. REED. I thank the Senator for that statement. It is a frank statement, and it is consistent with what he argued when construing similar language in the Versailles treaty.

Mr. LENROOT. Mr. President——

Mr. REED. I yield to the Senator from Wisconsin.

Mr. LENROOT. Does the Senator think that a construction placed upon a treaty by the parties who made the treaty at the time of making the treaty and who assent to it on behalf of their respective Governments should have any weight?

Mr. REED. The construction placed upon a treaty by those who draw it may be persuasive, just as comments made by Members of the Senate at the time of the enactment of a law may be somewhat persuasive; but the Senator from Wisconsin is well aware of the rule of law that a contemporaneous construction is never controlling and is never employed to overturn the plain intendment of the language of a law itself.

Mr. LENROOT. That is true where the language is not ambiguous; but where the language is susceptible of two constructions the Senator is very familiar with the rule that even debates in the Senate may be resorted to?

Mr. REED. Yes; but they are resorted to as the weakest kind of evidence and as an argument with the least force. The reason therefor is that in construing a statute the fact that certain men may have expressed an opinion does not prove that others may not have voted for the law because they were of a directly opposite opinion. So in this case the contemporaneous construction by one man does not bind the others. Moreover, it can not bind those legislative bodies which must become parties to the instrument, because those legislative bodies were not present, and they must judge the instrument by what appears within its four corners, instead of by the opinions expressed in speeches by individuals who may have had something to do with drawing the treaty. The Senator from Arkansas [Mr. ROBINSON], however, put into the RECORD this afternoon the construction of this document by both the British and the Japanese, and the construction was diametrically opposite to that presented by the Senator from Massachusetts [Mr. LODGE].

Mr. LENROOT. Does the Senator from Missouri take the position that the United States in entering into a treaty is bound by the construction given to that treaty by other parties to the treaty?

Mr. REED. I do not.

Mr. LENROOT. I should hope not.

Mr. REED. But the Senator just a moment ago was urging that the construction placed upon the treaty by those who had to do with its making was controlling, and I answered that by saying that it was not controlling, and giving the reason why it was not.

I further stated that the representatives of Great Britain and of Japan had, according to the statements put into the RECORD by the Senator from Arkansas, given a construction different from that given by the Senator from Massachusetts. Now, the Senator from Wisconsin is turning in his own tracks. A moment ago he was urging that contemporaneous construction was controlling, and now he turns upon me and asks me if I would assert that the contemporaneous construction by Japan or Great Britain was controlling. Certainly it would be as controlling as would be our construction; those Governments have as much right to construe the treaty as have we. The construction by none of these powers is controlling. Nothing will be controlling unless it be written in the form of an amendment, which is accepted by all the powers, or a reservation, which is acceded to by all of the powers.

Mr. LENROOT. When the representative of the United States, in presenting the treaty to the conference, undertakes to give the construction of the American delegates to that treaty, and that construction is implicitly accepted by the heads of all the other delegations, and in some cases expressly accepted, does the Senator think that the United States would ever be in a position of bad faith in following that construction?

Mr. REED. The United States would be absolutely in bad faith in the eyes of the world unless the construction were the true construction. It comes back to the same question.

Mr. SHIELDS rose.

Mr. REED. I will yield in a moment.

Contemporaneous construction is never accepted as controlling. It may be persuasive, and that is all. The reason that is so is that if there are ten parties to an agreement and one of them gets up and places a construction upon it which suits himself the other nine have the right to sit silent and say nothing except that "we stand upon the instrument"; for an instrument is written for the very purpose of putting the agreement into an instrument and not in outside desultory talk.

I yield to the Senator from Tennessee.

Mr. SHIELDS. Mr. President, I know that neither one of the Senators employs the expression "contemporaneous construction" in its strictly technical sense, which imports a construction immediately entered into by the parties after an agreement is executed and goes into force. Declarations made at the time as to what it means, which practically are in addition to it or amendments, are excluded, of course, upon the well-settled rule of evidence that oral statements and oral agreements can not be considered in construing and enforcing a written instrument, as the complete agreement of the parties is presumed to be in writing. Such discussions as are going on now may only be resorted to sometimes to relieve or explain an ambiguity.

As the Senator from Missouri stated, the Supreme Court and all the courts of the States have held that they are really the very weakest proof of the intention of the parties that may be adduced. Something to that effect was said the other day in an opinion by Chief Justice Taft, but the "contemporaneous construction" which is sometimes admitted to be controlling is that which occurs in the carrying out of the terms of an executed contract. This treaty is yet in the making; it has not been ratified by any country in the world; and, of course, no one is yet acting under it.

Mr. CARAWAY. Mr. President——

Mr. REED. I will yield in a moment.

The distinction made by the Senator is absolutely correct. The words "contemporaneous construction" in this instance, I take it, have been used in a loose sense. The construction which they may be putting upon this treaty now can be looked to only as throwing some possible light upon the question not as a determining factor. I repeat the reason is that, while I might make a speech upon this question and give it one construction, the Senator from Wisconsin might believe the language meant something entirely different. He might have determined to vote against it if my construction was correct, but, believing that the language meant something else entirely, he votes for the proposition. Of course, we can get nowhere by the kind of construction we are speaking of so far as determining the question is concerned.

Mr. SHIELDS. The court has given that very reason in explaining the weakness of such evidence, namely, that it is not a unanimous construction, but a construction of different members embodied in their speeches or utterances upon the subject.

Mr. REED. To apply it to these performances which we had in Washington—and that is what they were, stage performances, with somebody picked to appear upon a certain day in the spotlight and nobody else really privileged to say anything—and to hold that such constructions would bind any nation is ridiculous.

Mr. CARAWAY. Mr. President, I should like to ask the Senator from Missouri what he thinks of treaty drafting when it is necessary for one of the delegates to stand up and say, "This is what I mean when I sign the treaty"?

If that is what he meant, why was not that written into the treaty itself, so that there would be no necessity of standing up and explaining the document as it was being presented?

Mr. REED. Mr. President, I do not think it is hard to understand this whole matter. This treaty was prepared by somebody—we do not know whom, but the fact——

Mr. CARAWAY. I think it might be asserted that the Senator from Missouri knows as much about it as anybody who signed it upon the part of the American Government.

Mr. REED. I think so; quite as much, and I know nothing about it. There is an inference we can draw from this language. It contains much of the phraseology of the Anglo-Japanese treaty, and it, therefore, is fair to presume that it was drawn in its essence or at least doctored in its essentials by Japanese or British statesmen. It was agreed to probably without any real study or consideration. That must have been the case, because the President himself in discussing the treaty said that it did not cover the mainland of Japan. So secret were these alleged open negotiations that the President himself did not know what was going on. Now we are told by the Senator from Massachusetts that there had been considerable discussion about it and that Japan had demurred; but there could not have been that character of consideration which a document of this importance called for or the President certainly would have

known whether it embraced all of Japan or only a few outlying islands. It could not have been very maturely considered. Else why was it found necessary to amend it twice by subsequent treaties? Its meaning certainly could not have been very plain or very certain or the Senator from Massachusetts, who insists there is no doubt about it, would not come forward as the father of a reservation which gives to it a meaning entirely different from the plain import of the language of the document itself.

Either one of two things is true: Either they did not know what they were doing, or else, having acted with knowledge, when they brought this treaty to the Senate they found it necessary, when it began to be discussed by the public, to retreat from the ground they had expected to take and had taken. It was perfectly logical for the Senator from Massachusetts to think out reservations to the document known as the League of Nations, because he did not draw the document, but it would have been a little singular if the document had been brought over here to us by the President himself and, after having laid it down, saying that its meaning was perfectly plain, he then proceeded to draw reservations to his own instrument. We have here the case of one of the putative authors of this agreement proceeding to amend his own creation.

But, Mr. President, we must hasten through this treaty. It is true that one of our delegates has not even given us the benefit of his views. Another delegate did not give us the benefit of his views until yesterday. Therefore we are called upon to act, and to talk if we are not ready to act. Although there are Senators who are preparing addresses and studying the question, the order is haste.

Now, I should like to ask the Senator from Connecticut [Mr. BRANDEGEE], who is a member of the Foreign Relations Committee, why it is that in the consideration of these treaties which have to do with the armament of the United States no naval or military expert was called before the committee to enlighten it as to whether or not these treaties were safe for us to sign? Why was not that done?

Mr. BRANDEGEE. Mr. President, if the Senator expects me to answer the question, I will say that I know of nobody who requested that it be done.

Mr. REED. I do not suppose that anybody in the world would think it necessary to go to a committee charged with the duty of knowing what it was doing and suggesting to that committee, with such men on it as the Senator himself, that they ought to inquire and find out what was meant by this treaty.

Mr. BRANDEGEE. I do not mean any other Senator; I mean that no Senator on the committee thought it was necessary to summon military or naval experts before the committee, because, as we understood, those military experts had all given the benefit of their advice to the American delegation who made the treaty.

Mr. REED. We have no minutes of that kind. There seems to be preserved no record of that sort. Therefore it could not have been made before the members of the committee.

Mr. BRANDEGEE. The Senator asks me why they were not summoned, and I am telling him that so far as I know the reason was that the American delegation who negotiated the treaty had the benefit of the opinion of the naval experts.

Mr. REED. That is the first information of that sort we have had. That may have been the impression of the committee; but how could the committee, how could the Senator himself pass upon the question, employing his own judgment, until he had heard from these naval officers? Necessarily the Senator was assuming that the evidence had been produced and taking somebody else's judgment as to the meaning of that evidence. Does not the Senator think it would be a wise thing for us to ascertain whether or not it is true, as is now intimated, if not directly charged, that our disarmament program leaves us absolutely at the mercy of Great Britain, and that while we are at some time hereafter to have an equality of tonnage, we do not have an equality of gun power or an equality of speed, and that it is asserted by some naval authorities that a single vessel of the British Navy might put out of action half of the American Navy simply because she has 16-inch guns and can run 10 knots an hour faster than anything in the American Navy? Would not the Senator be interested in investigating that question and finding out what the facts are in that regard?

Mr. BRANDEGEE. The Senator asks me the direct question, and so I want to answer. I am not a naval expert nor a military expert, and I understand that the makers of this treaty consulted with the naval experts who were appointed by the Navy Department for that purpose, and I am taking their judgment also. If each Senator were to be his own military and naval expert, we probably would not come to a unanimous decision about what it was wisest to do. My understanding is that we are left in equally as advantageous a position, so far as effective naval armament and tonnage are concerned, as Great Britain is. I may be wrong about that, but that is my understanding. I have not attempted to summon or cross-examine naval experts. They were appointed to advise the American commissioners who were making the treaty, and they did so.

Mr. REED. May I inquire who they were?

Mr. BRANDEGEE. I would rather the Senator would make that inquiry of the commissioners who were in consultation with them. I know, in a general way, that the Assistant Secretary of the Navy, Col. Roosevelt, had the management of that matter, but the names of the individual officers whom he empowered to advise with them I do not know.

Mr. LODGE. Mr. President, the representatives of the Navy Department who met with the commissioners before the conference assembled—and they were with us a great deal when we were considering the reduction of armament—were, first, the Secretary of the Navy, who came only once or twice, as I remember; the Assistant Secretary of the Navy; Admiral Coontz, the chief of operations; and Admiral Pratt.

Mr. REED. Pratt and Coontz were the two?

Mr. LODGE. Yes. One was the chief of naval operations and the other was his assistant.

Mr. REED. May I ask the Senator if their testimony was taken?

Mr. LODGE. We discussed the whole question of naval disarmament.

Mr. REED. Was any memorandum made of it?

Mr. LODGE. No; we did not have stenographers present while we were talking it over with the naval officers.

Mr. REED. Did these naval officers say that we would be on a fighting equality with Great Britain?

Mr. LODGE. Under the treaty as it stands?

Mr. REED. Yes.

Mr. LODGE. Yes. It is perfectly clear on the face of the treaty, as to tonnage.

Mr. REED. As to tonnage?

Mr. LODGE. Yes; and as to limitation of tonnage, and as to limitation of calibers, and quality of capital ships.

Mr. REED. Did these naval experts tell the American commissioners that England had any ships that had any advantages over ours?

Mr. LODGE. They told us everything. There is one English ship, the *Hood*, of 41,000 tons. The other ships of England are all smaller than ours and less modern ships, older ships.

Mr. REED. The *Hood* has a speed 10 knots an hour greater than that of the fastest American ships; has she not?

Mr. LODGE. I do not think so. I can not tell without referring to the document.

Mr. REED. Have we any documents on the subject that were filed with the committee?

Mr. LODGE. Our modern ships, of which we have six of 32,000 tons—more than any other power—with 16-inch guns, are, I think, faster than any of the other ships.

Mr. REED. Faster than the British ships?

Mr. LODGE. I think so; and I do not think the *Hood* is a particularly fast ship. I have all those figures, if the Senator wants them. They are very easily found.

Mr. REED. I am interested in having them; and if we could get that much of the records of these committees I should be very glad.

Mr. LODGE. The Senator can get all those details. They are all stated in Mr. Hughes's statement to the conference, which was published, and the tables are all given, and they are all in print. The Senator can examine them all if he cares to take the trouble to do it.

Mr. REED. I have seen those statements. I was going to inquire if Admiral Benson or Admiral Fiske were called before the American delegation.

Mr. LODGE. No; we did not ask them to appear before us. They are both retired officers.

Mr. REED. Was the present head of the Navy there?

Mr. LODGE. Admiral Coontz is the Chief of Operations.

Mr. REED. I am speaking of the head of the Navy.

Mr. LODGE. The head of the Navy is Secretary Denby.

Mr. REED. I was trying to think of the name of the naval officer holding the highest rank.

Mr. LODGE. The officer holding the highest rank in the Navy, is, of course, the Chief of Operations.

Mr. REED. I want to be as specific as I can about this matter, because I am interested in knowing whether Admiral Coontz and Admiral Pratt informed the committee that in fighting strength we would be the equal of Great Britain.

Mr. LODGE. I think the Senator will find, if he will examine the figures of the ships—the Senator from Alabama [Mr.

UNDERWOOD] is here and can correct me if I am wrong—that we have six post-Jutland ships of the most modern type, more than any other power.

Mr. REED. What is their speed?

Mr. LODGE. They are 30-knot boats, as I remember; but I should have to look at the figures to be exact.

Mr. REED. Six 30-knot boats? Well, I have some figures that I will put in the RECORD to-morrow.

Mr. LODGE. Those figures are all very accessible, and I will have them here if the Senator wants them.

Mr. REED. I do.

Mr. SHIELDS. Mr. President, there recently appeared in the World's Work a very able article that throws a great deal of light upon the subject the Senator is discussing; and I will ask him, if he still has the floor, whether he will permit that article to be read?

Mr. REED. Certainly.

Mr. SHIELDS. It will not consume a great deal of time. I prefer that it be read from the desk, as the reading clerk has a much clearer enunciation than I have. I think it is very instructive, and worthy of consideration by the Senate in connection with the subject under discussion.

The VICE PRESIDENT. Without objection, the Secretary will read the article referred to.

The reading clerk proceeded to read the article, and read as follows:

[From the World's Work for December, 1921.]

WHY JAPAN WOULD BE MISTRESS OF THE SEAS—AMERICA'S GREAT NAVAL AUTHORITY, ADMIRAL MAHAN, WHOSE BOOKS HAVE GUIDED JAPAN'S NAVAL POLICY—WHAT THE POLICY MEANS TO THE UNITED STATES.

(By William Howard Gardiner.)

There is general recognition of the fundamental influence that Bismarck and the later Pan-Germans have had upon Japanese policy. But it does not seem to be as generally realized that while Japan has modeled her statecraft and army on the Prussian pattern, her maritime policy is largely the result of her study of the doctrines expounded by that great American teacher of sea power, the late Admiral Mahan. Yet, in his "Life of Admiral Mahan," Mr. C. C. Taylor gives us documentary evidence of the profound interest the Japanese were taking in these teachings as long ago as 1897; and many of us who have been watching the consequent evolution of Japanese power in the light of Mahan's precepts, have long since recognized that it is the maritime aspect of Japanese policy that is of direct concern to the United States, and that an understanding of the principal doctrines of Mahan is essential to an adequate appreciation of the trend underlying Japanese statecraft.

The record from which Mahan drew his deductions as to the influence of sea power upon history is the record of how weak and poor Elizabethan England, with but 5,000,000 inhabitants, expanded into the present world-wide English-speaking civilization in little more than three hundred years. From this he pointed out the source of sea power and showed how Britain's rise to preeminence was due to her naval power. Because she won the naval command of the Northern Atlantic she was able to defend her colonies here; and because Holland and France were unable to wring its command from her, they lost their colonies here and Britain took them over. To the naval preponderance of Britain in 1783 may be accredited the fact that the French did not dispute the claim on Australia that Britain set up in that year. Nelson's decisive victory at Trafalgar enabled Britain to carry on against Napoleon a strangling blockade and determining campaign of which Mahan wrote:

"The world has never seen a more impressive demonstration of the influence of sea power upon history. Those far distant, storm-beaten ships, upon which the grand army never looked, stood between it and the dominion of the world."

Such were some of the more prominent instances in which preponderant naval power determined the fate of continents through its command of the sea.

But Mahan teaches a far deeper lesson; for he shows that the naval power, adequate to win and hold the command of the seas, as British naval power did, was slowly evolved from overseas commerce and navigation. In this connection he says:

"The tendency to trade, involving of necessity the production of something to trade with, is the national characteristic most important to the development of sea power. * * * They (the English and Dutch) were by nature business men, traders, producers, negotiators. Therefore, both in their native country and abroad, whether settled in the ports of civilized nations or of barbarous eastern rulers, or in colonies of their own foundation, they everywhere strove to draw out all the resources of the land, to develop and increase them. * * * At home they became great as manufacturers; abroad, where they controlled, the land grew richer continually, products multiplied, and the necessary exchange between home and the settlements called for more ships."

Mahan indicates that this native desire for trade was one of the principal causes that led to the making of such colonial "plantations" as that of Jamestown, Va., in 1607, in order that the products of the new lands might be developed and their trading capacity with the home country increased. The ever-expanding trade led to a rapid rise in commercial prosperity which benefited a large element in the communities at home and overseas. This element, as well as the shipowners and navigators, saw to it that the nation furnished adequate naval protection to the possessions, commerce, and navigation from which the nation derived its prosperity. And, furthermore, the great merchant fleet served as the natural training school for the large numbers of seamen requisite on naval vessels driven by sail.

In short, Mahan's basic thesis is that broad-spread national prosperity, derived from overseas trade, fostered with overseas possessions, is the foundation of naval power.

Of these profound principles of sea power and of national power, as demonstrated in the expansion of the English-speaking civilization, and as expounded by Mahan, the Japanese have made a characteristically careful study—and one that well might be emulated by Americans, who seem to know less of the teachings of their great maritime scholar than do any other people largely dependent on sea power.

But the Japanese seem also to have taken note of a saying of Napoleon's, to the effect that an army is dependent on concentration for action (whether defensive or offensive), and upon dispersion for sustenance. The same might be said with even deeper meaning of naval power and of national power. Witness the world-wide dispersion of the English-speaking race for economic sustenance, the concentration of its constructive economic power in its great financial, mercantile, and industrial institutions, and the concentration of its defensive power in its navies.

Almost all of the great determining naval battles of the English-speaking race, from the Armada to Trafalgar and Jutland, have been fought in European waters, which heretofore have been the critical zone of concentration.

Mr. SHIELDS. The same purpose may be answered by having the balance of the article printed without reading, and Senators can read it in the RECORD, so I ask that the rest of the article be printed in the RECORD.

There being no objection, the balance of the article was ordered to be printed in the RECORD, as follows:

But, as the accompanying map of the English-speaking world shows, from the earliest days of our expansion we threw out long-voyage tentacles to remotely dispersed outposts in America and Asia for colonization and trade—i. e., economic sustenance—rather than first building up a central zone of relatively concentrated short-voyage trade that would have been easy to defend. On the face of it, this was poor strategy and very dangerous, for had any of our rivals cut our long and exposed lines of communication in the early days it is probable that to-day there would be no English-speaking United States, Canada, Australasia, and South Africa. It should be said, however, that this seemingly faulty strategy, which, fortunately, was not fatal, was dictated by the fact that England's continental neighbors were stronger on land than she was, and consequently inviolable, forcing her to span the oceans in her first moves.

Japan has been far better circumstanced in that her continental neighbors were relatively weak. This has enabled her to apply the trade doctrines of Mahan, first in the short-voyage and well-protected zone of concentration her navy has been able to command in her home waters, while she depended on the army it could convoy to conquer the continental areas with which she sought to build up sustaining trade. This operation, carried out in the last 16 years, has been preeminently successful, for not only has Japan brought under her sway the 450,000 square miles and more of continental land and the sea area indicated on the accompanying map, but she has virtually monopolized its trade and the resulting navigation; and, furthermore, she has become the local maritime common carrier of the Far East, which function, in turn, gives her great discriminatory powers over the trade of others with ports not under her political control.

In consequence of this trade and navigation Japan has developed a powerful group in her body politic whose prosperity is dependent on overseas trade, which trade has brought to Japan money wherewith to build a great navy. The result is that Japan is now spending more than one-third of her national income on her navy, while Americans talk as though our spending less than one-tenth of our national income on our Navy were an "intolerable burden," the abatement of which would go far to solve all our economic ailments. And this in the face of the fact that although to-day the United States Navy is about twice as big as that of Japan, in six years the effective Japanese Navy will be almost as large as ours, if present building programs are carried out.

The foregoing outline indicates that Japan, with extraordinary rapidity, is carrying out the teachings of Mahan in a systematic instead of in a sporadic way, building and progressively expanding the zone from which she draws most of her economic sustenance and in which zone her navy is so strong that the United States can not command there.

JAPANESE COLONIES.

But while developing her now inviolable zone of concentration in the Far East, Japan has not neglected to put into practice the lessons of Mahan as to dispersed or extensive trade and navigation. Indeed, it is noteworthy that it is since she recognized his teachings that the Japanese colonies have sprung up in Hawaii, in California, in South America, and have been attempted in Australasia. And it is also noteworthy that Japan runs specially subsidized lines of steamers to North and South America and to Australia.

As is well known, the pretext under which these colonial "plantations" are being pushed by Japan is that her home population is so overcrowded that it must be allowed to expand into other people's lands. In point of fact, only about half a million Japanese have left the Japanese archipelago during the last 35 years. If they had all remained in Japan, her present population density would be nearly 377 instead of 373 per square mile. In view of the fact that Japanese emigration during the last 35 years has lowered her present population density only 4 per square mile, there does not seem ground on which to argue that emigration has yet helped materially to ease Japan's alleged overcrowded condition—at any rate, not in proportion to the animosity that Japanese immigration has aroused in North America and in Australasia. Furthermore, if emigration were to be in such volume as to be really helpful by lowering the population density of Japan to, say, 200 per square mile, it would mean that 26,000,000 Japanese emigrants would have to be taken care of in other lands. It seems doubtful if the United States, Canada, and Australasia would be favorably inclined to receiving their quotas of these emigrants. Nor is it probable that the Japanese Government would look favorably on giving up 46 per cent of Japan's man power, unless this expatriated man power could be more useful to Japan in our countries than in Japan.

"CROWDED JAPAN."

In this connection it should be recalled that Japan is less crowded than are Holland, Belgium, and England. Furthermore, all of these European countries normally raise a smaller percentage of their food supplies than the 80 per cent and more that the Japanese now raise for their home consumption. England, in fact, raises much less than 40 per cent of the food her people consume, and yet supports over 700 inhabitants per square mile, thus showing that Japan could support far more than her present 373 inhabitants per square mile, if the Japanese would turn from militant imperialism to peaceful industrialism. And this is further emphasized by the fact that but one-fortieth of the Japanese are industrialist workers, whereas one-fourth of the inhabitants of England are industrialists. In other words, given adequate raw materials, industrial facilities, and markets, ten times as many Japanese as now do so could support themselves by industry in Japan.

The conclusion seems unavoidable that the whole fabric of the alleged necessity of Japanese emigration because of overpopulation must be dismissed as untrue. The student who has considered colonization, not only as a social operation but also as a maritime and military operation, will recognize under these circumstances that Japan's attempts at colonization in America and Australasia are designed to be "plantations" similar to the colonial "plantation" of Jamestown that England made in Virginia in 1607. It was the superior weapons and fighting ability of the English colonists that drove the American Indian from his lands. It is the superior working ability of the Japanese colonists that is driving the Californian from his lands. In both instances of colonization the result is the same—preemption of the land and means of livelihood.

These dispersed Japanese plantations are for the immediate purpose of developing an extensive long-voyage trade and navigation as distinguished from the intensive short-voyage operation in the concentrated home zone.

Without dispersion of major and vital forces and without setting up long and exposed vital lines of communication, as England had to do in the seventeenth century, Japan has built her concentrated zone of sea power and is progressively expanding it. But she is also supplementing it by widely dispersed extensive operations, designed to bring increased wealth and more extensive sea power to Japan.

If war were to come soon in the Pacific, each or all of these extended outposts could be sacrificed without vital loss, for they are yet but outposts. But if they are allowed to grow to full power, and if the resultant naval protection of their lines of communication with Japan is allowed to grow to commensurate strength, then these outposts will no longer be mere outposts in our countries, but strong Japanese bridgeheads on our shores, and a naval war in the Pacific will be a virtual impossibility because it will have become a Japanese ocean.

In outline the situation that confronts us is somewhat as follows: If Japan fails to abandon her imperialism voluntarily, the United States will be called on either to abandon the open-door doctrine or to make it effective by pressure on Japan. In order to uphold our open-door doctrine to protect China and her markets, as we have solemnly declared we would, we must command the Pacific even unto the China coasts. We can not do this, in fact, and in spite of the present statistical superiority of our Navy, not the United States but Japan commands the Pacific in those Far Eastern waters which we must command if we are to support effectively our open-door doctrine.

NAVAL COMMAND IN THE PACIFIC.

This statement may be doubted by those who measure the relative strength of navies by comparing tabulations of their vessels, tonnage, and gun power. The measure of comparative naval power is not to be found in the schedule of each navy at its base, but in the effective strength of each at the probable scene of contact. A glance at the accompanying map will show that in the Far Eastern waters, of which we would seek the command, the Japanese fleet would be close to its bases, whereas we have no naval bases worthy of the name west of Hawaii; and, in point of fact, nowhere on our Pacific coast have we bases commensurate to the demands our fleet would put upon them the instant war were to break out.

Remoteness from an adequate base subjects the effective fighting power of a fleet to a proportionate discount; and this because of fuel limitations, the risks and naval costs of maintaining a heavy supply train over a long line of communication, and the added dangers to which crippled ships are exposed if they have to limp thousands instead of only hundreds of miles back to their repair bases. On the other hand, the close proximity of adequate bases adds to the effective power of a fleet to a degree that can be realized perhaps only by those having intimate knowledge of the mechanical strains and transportation problems that arise in modern naval warfare.

Specifically stated, there is not in the United States Navy a capital ship, afloat or building, that could merely steam from Hawaii to Guam and return—and this without stopping at Guam long enough to carry out the necessary operations to retake it—if she had to travel much of the round trip at battle speed and zigzagging, as she would have to do if this sea area were infested by enemy submarines. Consequently we could not operate against Guam if we had no base nearer to it than Hawaii. The popular fancy that our great fleet could blockade Japan, if based on Hawaii or on our Pacific coast, therefore, is utterly mistaken.

As the entire strategy of the Pacific depends upon the certain possession of impregnable bases in the most advantageous relation to the theater of operations, if we are to command in Far Eastern waters in order to make Japan respect our open-door doctrine, we must have an adequate and impregnable base in the Far East; and its lines of communication with the United States must be adequately protected.

Here we are confronted with the fact, as astounding as it is deplorable, that although we have an ideal location for such a base at Guam or in the Philippines, and although we own a string of islands connecting these possessions with the United States, which would facilitate the defense of our line of communications, yet both the Philippines and Guam are practically undefended and without anything approaching adequate base facilities. And, furthermore, these Philippines, which we leave unprotected in the center of the scene of present world stress, would be extremely valuable to Japan, because they would command southern China, in both the naval and commercial sense; and their possession is essential to Japan if she is to carry out the plans she has developed for expansion to the southward.

Not only are we confronted by the fact that we can not conduct offensive naval operations for the command of Far Eastern waters because we are without an adequate naval base there, but all our valuable possessions in the Far East are so devoid of defenses that, as Mr. Hyvernat points out in his "Sea power in the Pacific," "within a fortnight after the beginning of hostilities the United States would find herself bereft of her insular possessions in the western Pacific, and consequently without a base (location) for naval operations in those waters. With Guam and the Philippines in enemy hands the problem confronting the United States would become well-nigh insolvable."

In these circumstances the first essential step would seem to be to give to all our vital possessions in the western Pacific such defenses that they can not be taken on short notice, or without notice.

The fact must be plainly stated that an adequate fleet base in the western Pacific, costing less than two battleships, would make our fleet all powerful there, would enable us to enforce our open-door doctrine, to stop the imperialism of Japan and her disruption of China, and would prevent war in the Pacific by making it suicidal for Japan to go to war against us. The single fact that we have not got such a base makes our great fleet impotent in the Far East. Our Nation is deprived of any power to enforce its open-door doctrine for the protection of China, for the stopping of imperialistic conquest, and for the preservation of the peace of the world. And by leaving undefended our Far Eastern possessions, which are so valuable to Japan, we invite war. If war comes, it will be primarily because we have saved this base cost amounting to less than that of two battleships. If war comes, we will lose many times two battleships; we will spend many billion dollars, and we will lose many thousand lives, all because we have saved the cost of a base amounting to less than that of two battleships.

It should be realized that the officers of our Navy Department have exhausted their resources in efforts to bring the former administration and Congresses to an appreciation of these facts. The naval appropriations bill for the current year, as passed by the Senate, carried several considerable items for Pacific bases, aircraft, and airplane carriers which were thrown out or greatly reduced by the House of Representatives. This action reflected the point of view of a large contingent of "first-term" Members of both parties in the House whose inexperience and ignorance of the situation in the Pacific does not relieve them of their direct responsibility for our present defenseless condition there, which invites war.

In conclusion, attention should be invited to the probability, amounting almost to a certainty, that a war between the United States and Japan would produce immediately much greater dangers to Britain than to America. The day that war was declared the British war office would have to issue the orders that would mobilize, equip, and transport to India more than 2,000,000 troops. It should be added that such a large part of the present British Navy would be required for operations connected with the manning of India, that little support could be added to the British naval forces normally in the Pacific.

If the United States were to fail to preserve the Philippines and they were to pass to Japan, it would be but a matter of time before Hongkong, other British interests in China, and French Indo-China would pass to Japan, for the Philippines command the coast of southern China and of Annam. And with the Philippines in the possession of Japan her route to the Dutch East Indies, India, and Australasia would be open.

With the possessions of both Britain and America very seriously menaced in the event of a Japanese-American war, it would seem inconceivable that both should not work as one at the Washington conference to show Japan that her only safety is in abandoning her imperialism entirely. For if she persists in her present course she will bring on the war of the English-speaking peoples for the freedom of the Far East. And though in this at first Japan would gain her immediate objectives, Japan would not be at war against other orientals or against semioriental Russians, but against the race that commands most of the resources of the world and that never turns back. If Japan can be brought to read our open mind as clearly as we penetrate her oriental adaptations of Prussian policies, she will see that not by imperialism but by peaceful industry is the true way for her to fellowship among the really great nations.

Mr. LODGE. I was about to say when the reading was begun, and I will say it now, that the United States has six modern post-Jutland ships—the *Maryland*, *California*, *Tennessee*, *Idaho*, *New Mexico*, and *Mississippi*—of 32,000 tons and over. Under the provisions of the treaty allowing Japan to keep the *Mutsu*, we were allowed to scrap two of the old ships, the *North Dakota* and the *Delaware*, holding two ships in the *West Virginia* class. So that we have eight of the modern ships. France has no ship of over 23,500 tons. Italy has none over 22,700 tons. Great Britain has only one ship of over 28,000 tons. Most of her ships are of 25,000 tons and under, only one being larger, the *Hood*, which is of 41,200 tons. Japan has two modern battleships of the first class, the *Hatsu* and the *Nagato*, of 33,800 tons, about 1,200 tons larger than our eight ships.

By the final arrangement we are left, in the most modern ships, much stronger than any other power. I hope to get a statement of the speeds of the different ships. I have not been able to get that yet, but I will have it to-morrow.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in secret session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business with closed doors. After five minutes spent in secret executive session, the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Friday, March 10, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 9, 1922.

APPRAISER OF MERCHANDISE.

Bert Kahn, of San Francisco, Calif., to be appraiser of merchandise in customs collection district No. 28, with headquarters at San Francisco, Calif., in place of Ed E. Leake, resigned.

ASSISTANT APPRAISERS OF MERCHANDISE.

Denis E. O'Keefe, of Redwood City, Calif., to be assistant appraiser of merchandise in customs collection district No. 28, with headquarters at San Francisco, Calif., to fill an existing vacancy.

Jacob Shaen, of San Francisco, Calif., to be assistant appraiser of merchandise in customs collection district No. 28, with headquarters at San Francisco, Calif., to fill an existing vacancy.

ASSAYER.

Burt G. Shields, of New York, to be assayer in the United States assay office at New York, N. Y., in place of George R. Comings, deceased.

UNITED STATES MARSHAL.

James F. Shea, of North Dakota, to be United States marshal, district of North Dakota, vice Stephen J. Doyle, removed.

RECEIVER OF PUBLIC MONEYS.

Charles W. Sederburg, of Holyoke, Colo., to be receiver of public moneys at Sterling, Colo., vice John W. Cloyd, whose term will expire March 15, 1922.

POSTMASTERS.

CALIFORNIA.

Nellie Pellet to be postmaster at Brawley, Calif., in place of Nellie Pellet. Incumbent's commission expired January 24, 1922.

Laura Teichman to be postmaster at Hydepark, Calif. Office became presidential January 1, 1922.

Claude A. Porter to be postmaster at Thermal, Calif., in place of K. A. Ivy, resigned.

Frank L. Huff to be postmaster at Mountain View, Calif., in place of J. I. C. Kennedy, resigned.

Byron Q. R. Canon to be postmaster at La Mesa, Calif., in place of B. Q. R. Canon. Office became presidential January 24, 1922.

Mary F. Stevenson to be postmaster at Imperial, Calif., in place of M. F. Stevenson. Incumbent's commission expired January 24, 1922.

Samuel N. Frost to be postmaster at Holtville, Calif., in place of P. B. Brown. Incumbent's commission expired July 21, 1921.

Tracy Learnard to be postmaster at Gilroy, Calif., in place of S. T. Moore. Incumbent's commission expired June 2, 1920.

COLORADO.

William M. Kintner to be postmaster at Swink, Colo., in place of W. M. Kintner. Incumbent's commission expired February 19, 1922.

Joseph E. Dennis to be postmaster at Golden, Colo., in place of J. A. Ferris, removed.

Annie Hurlburt to be postmaster at Norwood, Colo., in place of C. L. Spillman. Incumbent's commission expired January 24, 1922.

DELAWARE.

Ella W. Johnson to be postmaster at Newport, Del. Office became presidential October 1, 1920.

GEORGIA.

Jessie I. Crichton to be postmaster at Fort Benning (late Camp Benning), Ga. Office became presidential January 1, 1921.

Edgar H. Lawson to be postmaster at Sandersville, Ga., in place of A. J. Irwin. Incumbent's commission expired July 21, 1921.

HAWAII.

Joseph S. Ornellas to be postmaster at Koloa, Hawaii, in place of W. E. Smith, removed.

IDAHO.

Ira W. Moore to be postmaster at St. Anthony, Idaho, in place of F. A. Miller. Incumbent's commission expired August 6, 1921.

ILLINOIS.

Clarence L. Kiger to be postmaster at Cisne, Ill., in place of C. D. Resler. Incumbent's commission expired January 18, 1921.

Arthur F. Eberlin to be postmaster at Hardin, Ill., in place of A. B. Campbell. Incumbent's commission expired March 16, 1921.

INDIANA.

William O. Nelson to be postmaster at Centerpoint, Ind. Office became presidential April 1, 1921.

Minnie A. Walpole to be postmaster at Fairmount, Ind., in place of W. P. Vanarsdall. Incumbent's commission expired January 24, 1922.

Ernest W. Showalter to be postmaster at Brookville, Ind., in place of A. J. Shriner. Incumbent's commission expired July 21, 1921.

Edgar H. Newlin to be postmaster at Bloomingdale, Ind., in place of F. S. Coffin. Incumbent's commission expired January 24, 1922.

IOWA.

Charles P. Ell to be postmaster at Rudd, Iowa. Office became presidential October 1, 1920.

Otto Anderson to be postmaster at Ossian, Iowa, in place of J. J. McManus. Incumbent's commission expired July 15, 1920.

Daniel O. Clark to be postmaster at Ogden, Iowa, in place of C. B. Clark. Incumbent's commission expired January 24, 1922.

Lynn McCracken to be postmaster at Manilla, Iowa, in place of J. J. McDermott. Incumbent's commission expired January 24, 1922.

Armanis F. Patton to be postmaster at Gowrie, Iowa, in place of C. H. Woodard. Incumbent's commission expired January 24, 1922.

Cleon F. Wigton to be postmaster at Britt, Iowa, in place of A. W. Lee. Incumbent's commission expired January 24, 1922.

KANSAS.

William E. Ferguson to be postmaster at Latham, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Ben H. Lott to be postmaster at Lewisport, Ky. Office became presidential July 1, 1920.

Ludlow F. Petty to be postmaster at Louisville, Ky., in place of E. T. Schmitt. Incumbent's commission expired February 4, 1922.

LOUISIANA.

Paul T. Thibodaux to be postmaster at Donaldsville, La., in place of Wilfred Guigou. Incumbent's commission expired July 21, 1921.

Harry L. Truly to be postmaster at Harmon, La. Office became presidential October 1, 1920.

Dessie H. Ford to be postmaster at Pleasant Hill, La., in place of D. L. Ford. Incumbent's commission expired January 31, 1922.

Des Fuqua to be postmaster at Naborton, La., in place of Des Fuqua. Incumbent's commission expired January 31, 1922.

MASSACHUSETTS.

John Howe to be postmaster at North Brookfield, Mass., in place of John Howe. Incumbent's commission expired July 21, 1921.

William B. Gibson to be postmaster at West Bridgewater, Mass. Office became presidential October 1, 1920.

Ephrem J. Dion to be postmaster at Northbridge, Mass., in place of E. J. Dion. Incumbent's commission expired July 25, 1920.

Martin Hickey to be postmaster at Grafton, Mass., in place of Martin Hicky. Incumbent's commission expired July 21, 1921.

MINNESOTA.

Charley P. Fossey to be postmaster at Lyle, Minn., in place of Harvey Hildebrand. Incumbent's commission expired January 24, 1922.

Edgar Stivers to be postmaster at Dodge Center, Minn., in place of W. H. Franklin. Incumbent's commission expired January 24, 1922.

George W. Kiefer to be postmaster at Lewiston, Minn., in place of F. W. Kramer. Incumbent's commission expired January 24, 1922.

Johannes A. Bloom to be postmaster at Chisago City, Minn., in place of J. A. Bloom. Incumbent's commission expired March 16, 1921.

MISSISSIPPI.

Alma S. Evans to be postmaster at Ovett, Miss. Office became presidential October 1, 1921.

Davis Staples to be postmaster at Stewart, Miss. Office became presidential July 1, 1920.

John L. Hallmark to be postmaster at Belmont, Miss. Office became presidential April 1, 1921.

MISSOURI.

May Venard to be postmaster at Tina, Mo. Office became presidential July 1, 1920.

Abraham M. Smelser to be postmaster at Grandin, Mo. Office became presidential July 1, 1921.

Leland T. Moore to be postmaster at Warsaw, Mo., in place of G. D. Hart, resigned.

Fred Kelley to be postmaster at Puxico, Mo., in place of S. A. Norrid. Incumbent's commission expired January 24, 1922.

John J. Sleight to be postmaster at Montgomery City, Mo., in place of J. F. Ball. Incumbent's commission expired July 25, 1920.

Glenn S. Elliston to be postmaster at Montrose, Mo., in place of R. B. Wilson. Incumbent's commission expired July 25, 1921.

James H. Somerville to be postmaster at Mercer, Mo., in place of Ross Alexander, resigned.

MONTANA.

Erling B. Richardson to be postmaster at East Helena, Mont., in place of D. J. Kane, resigned.

NEBRASKA.

Frank A. Melvin to be postmaster at Murdock, Nebr. Office became presidential January 1, 1922.

Peter Rasmussen to be postmaster at Elba, Nebr. Office became presidential April 1, 1921.

Bert L. Strauser to be postmaster at Madrid, Nebr. Office became presidential January 1, 1921.

Elbert L. Taylor to be postmaster at Haigler, Nebr., in place of Ethel Chubb, resigned.

NEW JERSEY.

George W. Scurborough to be postmaster at Yardville, N. J. Office became presidential October 1, 1920.

Hillis K. Colkitt to be postmaster at Vincentown, N. J., in place of H. T. Allen. Incumbent's commission expired January 24, 1922.

Charles H. Ellis to be postmaster at Camden, N. J., in place of H. M. Knight. Incumbent's commission expired August 6, 1921.

William W. Yates to be postmaster at Bivalve, N. J., in place of R. A. Sheppard. Incumbent's commission expired January 24, 1922.

NEW YORK.

Winfield S. Carpenter to be postmaster at Horicon, N. Y. Office became presidential January 1, 1922.

Scott E. Phinney to be postmaster at Westport, N. Y., in place of J. E. Hoffnagle. Incumbent's commission expired January 24, 1922.

Howard M. Brush to be postmaster at Smithtown Branch, N. Y., in place of C. H. Hunting. Incumbent's commission expired January 24, 1922.

Robert L. Smith to be postmaster at St. James, N. Y., in place of A. J. Beck. Incumbent's commission expired January 24, 1922.

Frederick Harrigan to be postmaster at Roosevelt, N. Y., in place of R. J. Delap. Incumbent's commission expired January 24, 1922.

Benjamin S. Heimer to be postmaster at Mohonk Lake, N. Y., in place of Hugh Smiley, resigned.

William L. Buck to be postmaster at Mexico, N. Y., in place of H. D. Nichols. Incumbent's commission expired January 24, 1922.

Clarence E. Hirsch to be postmaster at Lindenhurst, N. Y., in place of W. F. Wild. Incumbent's commission expired July 21, 1921.

Earle L. Burdict to be postmaster at Belmont, N. Y., in place of W. A. Hosley. Incumbent's commission expired January 24, 1922.

Milton Jeffery to be postmaster at New Woodstock, N. Y. Office became presidential April 1, 1921.

Hugh M. Hall to be postmaster at Cassadaga, N. Y. Office became presidential July 1, 1921.

Gilford L. Hadley to be postmaster at Sandy Creek, N. Y., in place of G. D. Wart. Incumbent's commission expired January 24, 1922.

George P. Hammond to be postmaster at Pearl River, N. Y., in place of Edward Blackwell. Incumbent's commission expired July 21, 1921.

George E. Gladstone to be postmaster at Margaretville, N. Y., in place of J. W. Telford, resigned.

Charles D. Overacre to be postmaster at Manchester, N. Y., in place of C. D. Overacre. Incumbent's commission expired January 24, 1922.

Harvey S. Decker to be postmaster at Germantown, N. Y., in place of J. J. Hover. Incumbent's commission expired January 24, 1922.

Lincoln G. Hawn to be postmaster at Evans Mills, N. Y., in place of A. E. Helmer, resigned.

James E. McDonald to be postmaster at Cohoes, N. Y., in place of J. H. Bullock. Incumbent's commission expired July 21, 1921.

William J. Scott to be postmaster at Black River, N. Y., in place of J. H. Ten Eyck. Incumbent's commission expired January 24, 1922.

James Avery to be postmaster at Aurora, N. Y., in place of J. J. Maloney. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Warren G. Elliott to be postmaster at Wilmington, N. C., in place of H. M. Green. Incumbent's commission expired July 21, 1921.

Willie W. Seawell to be postmaster at Fuquay Springs, N. C. Office became presidential October 1, 1920.

Roscoe C. Jones to be postmaster at Manteo, N. C., in place of R. B. Etheridge. Incumbent's commission expired January 24, 1922.

James D. Andrews to be postmaster at Fairmont, N. C., in place of S. P. Wilson. Incumbent's commission expired January 24, 1922.

NORTH DAKOTA.

Andrew D. Cochrane to be postmaster at York, N. Dak., in place of A. D. Cochrane. Incumbent's commission expired January 24, 1922.

David J. Holt to be postmaster at La Moure, N. Dak., in place of Pearl Miller. Incumbent's commission expired January 24, 1922.

Anna A. Bjornson to be postmaster at Kulm, N. Dak., in place of A. A. Bjornson. Incumbent's commission expired August 26, 1920.

Charles E. Harding to be postmaster at Churchs Ferry, N. Dak., in place of C. E. Harding. Incumbent's commission expired January 24, 1922.

Anthony Hentges to be postmaster at Michigan, N. Dak., in place of Anthony Hentges. Incumbent's commission expired January 24, 1922.

Kathryn Savage to be postmaster at Braddock, N. Dak., in place of Kathryn Savage. Incumbent's commission expired December 20, 1920.

OHIO.

Leonard L. Harding to be postmaster at Milford, Ohio, in place of P. W. Guilday. Incumbent's commission expired January 31, 1922.

Clarence McKinniss to be postmaster at Hamden, Ohio. Office became presidential April 1, 1920.

John M. Sweeny to be postmaster at West Alexandria, Ohio, in place of O. V. Fritz. Incumbent's commission expired January 31, 1922.

Fred Mills to be postmaster at Sebring, Ohio, in place of G. J. Windle. Incumbent's commission expired January 31, 1922.

Mathias Tolson to be postmaster at Salineville, Ohio, in place of Barbara Crosser. Incumbent's commission expired January 31, 1922.

Adda B. Henkle to be postmaster at Larue, Ohio, in place of T. P. Dodd. Incumbent's commission expired January 31, 1922.

Cortelle B. Hamilton to be postmaster at Kinsman, Ohio, in place of B. C. Porter. Incumbent's commission expired July 21, 1921.

George F. Ruggles to be postmaster at Jefferson, Ohio, in place of O. D. Kemper. Incumbent's commission expired January 31, 1922.

Harry W. McKinstry to be postmaster at Athens, Ohio, in place of E. R. Lash. Incumbent's commission expired January 31, 1922.

Egbert H. Phelps to be postmaster at Andover, Ohio, in place of C. L. Burns. Incumbent's commission expired January 31, 1922.

OKLAHOMA.

James E. Elliott to be postmaster at Duncan, Okla., in place of R. E. Lee Woods, resigned.

PENNSYLVANIA.

Daniel L. Kauffman to be postmaster at Oley, Pa. Office became presidential April 1, 1921.

Harvey L. Sterner to be postmaster at Gardners, Pa. Office became presidential July 1, 1921.

Margaret W. Troxell to be postmaster at Egypt, Pa. Office became presidential October 1, 1921.

Clyde S. McNeely to be postmaster at Dauphin, Pa. Office became presidential April 1, 1921.

Thomas Powell to be postmaster at Patton, Pa., in place of W. H. Denlinger, sr., deceased.

Helen H. Rodgers to be postmaster at Fredericktown, Pa., in place of G. L. Horn, declined.

Lemuel L. Bosserman to be postmaster at Barnesboro, Pa., in place of T. H. McKenzie. Incumbent's commission expired August 7, 1921.

John F. Harshey to be postmaster at Penn (late Penns Station), Pa. Office became presidential October 1, 1920.

SOUTH DAKOTA.

Samuel E. Laurer to be postmaster at Canova, S. Dak., in place of W. T. Gough. Incumbent's commission expired March 16, 1921.

TEXAS.

John W. Osborne to be postmaster at West Columbia, Tex. Office became presidential January 1, 1920.

Lee Gray to be postmaster at Mabank, Tex., in place of W. J. Lamb. Incumbent's commission expired July 21, 1921.

John E. Clarke to be postmaster at Knox City, Tex., in place of Sam Anderson. Incumbent's commission expired January 24, 1922.

Gerhard Dube to be postmaster at Bishop, Tex., in place of C. H. Jones, resigned.

VIRGINIA.

Frank L. Schofield to be postmaster at University of Richmond (late Richmond College), Va. Office became presidential July 1, 1919.

Jessie M. Martin to be postmaster at Concord Depot, Va. Office became presidential April 1, 1921.

Grief C. Giles to be postmaster at Chatham, Va., in place of J. S. Haile. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

Emmett W. Williams to be postmaster at Stotesbury, W. Va. Office became presidential July 1, 1921.

Ralph S. Kaufeld to be postmaster at Star City, W. Va. Office became presidential April 1, 1921.

WISCONSIN.

Albert W. Priess to be postmaster at Maiden Rock, Wis., in place of H. G. Smith. Incumbent's commission expired September 8, 1921.

Halver Thorson to be postmaster at Hawkins, Wis. Office became presidential April 1, 1920.

Bert B. Powers to be postmaster at Fennimore, Wis., in place of J. J. Scanlan. Incumbent's commission expired January 11, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 9, 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Gerhard A. Bading to be envoy extraordinary and minister plenipotentiary to Ecuador.

POSTMASTERS.

CALIFORNIA.

Christian F. Richter, Auburn.
Vada M. Slye, Cucamonga.
Margaret G. Kerwin, Dorris.
James F. Van Matre, Downey.
Charles G. Heiser, Jackson.
Charles Osborne, Lankershim.
George L. Baker, Monrovia.
Charles H. Silva, Newcastle.
Roy E. Copeland, San Jacinto.
Samuel F. Ellison, Vacaville.
Clifford M. Moon, Victorville.

COLORADO.

Thomas J. Bradshaw, Ignacio.

GEORGIA.

Richard E. Lee, Concord.
Samuel K. Hogue, Hapeville.
Jimmie R. Studstill, Milan.
Ivey M. Cox, Newton.
Bernie C. Chapman, Porterdale.
Baxter Sutton, Rochelle.
Robert E. Hudson, Unadilla.
John W. Westbrook, Winder.
Edgar S. Hicks, Yatesville.

ILLINOIS.

William R. Barnstable, Chesterfield.
George A. Wollermann, Fillmore.
Joseph T. Stallem, Pearl.
Chester O. Burgess, Sigel.

MASSACHUSETTS.

Frank D. Babcock, Haverhill.

MICHIGAN.

Augustus J. Bills, Grand Ledge.

MISSOURI.

Victor N. Remley, Orrick.

OREGON.

Minta D. Lundberg, Wheeler.

TENNESSEE.

Bernard S. McMahan, Alcoa.
Will S. Hambright, Charleston.
William F. Campbell, Decatur.
Joe B. Taylor, Etowah.

WASHINGTON.

Katherine A. King, Carbonado.
George L. Den Pree, Marysville.
Austin I. Dickinson, Riverside.

WEST VIRGINIA.

Howard Cook, Lorado.

WISCONSIN.

George B. Archenbrener, Fifield.

WITHDRAWALS.

Executive nominations withdrawn from the Senate March 9, 1922.

POSTMASTERS.

GEORGIA.

Jessie I. Crichton to be postmaster at Camp Benning, in the State of Georgia.

MISSISSIPPI.

Homa M. Salley to be postmaster at Stewart, in the State of Mississippi.

VIRGINIA.

William T. Cross to be postmaster at Concord Depot, in the State of Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 9, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. WALSH].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To God, our Father in heaven, we offer our tribute of thanksgiving. We have neither worth or merit to match Thy wealth of mercy and truth. We turn to Thee in humility and ask again to give life and encouragement to our languishing virtues. Impart to us strength, joy, and willingness, and as we wait in quiet reverence may we feel Thy purpose for our Nation. Be Thou our refuge and defense when peril is nigh and always regard our country according to Thy loving kindness. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

HOUSING FOR WAR NEEDS—CONFERENCE REPORT.

Mr. LANGLEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. LANGLEY. I desire to make a motion to take from the Speaker's table the bill H. R. 9597, and to concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Kentucky calls from the Speaker's table the bill H. R. 9597, and moves to concur in the Senate amendment. The Clerk will report the bill by title and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 9597) entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

The Senate amendment was read.

The SPEAKER pro tempore. The Clerk will report the language stricken out by the amendment.

The language was read by the Clerk.

Mr. GARNER. Will the gentleman from Kentucky yield for a question?

Mr. LANGLEY. Yes.

Mr. GARNER. Was the provision that has been stricken out from this bill in the original bill that was reported to the House by the Committee on Public Buildings and Grounds?

Mr. LANGLEY. It was, as I recall; that is, it was a committee amendment. I may add that all of the proponents of the measure advise me that they are entirely satisfied with the Senate amendment, which really does not affect the main purpose of the bill.

Mr. GARNER. I wanted to call to your attention and to the attention of the House that here is a bill reported by the committee which the House amended. It goes to the Senate, and the amendment is stricken out there. The people in favor of the amendment were on the conference, and the House ought to be informed on those things.

Mr. CHINDBLOM. The fact is that this amendment was put on by the House Committee on Public Buildings and Grounds and concurred in by the House. I will say further to the gentleman that the matter came up before the Committee on Public Buildings and Grounds this morning at a very well attended session. I think nearly all the members were present, and the committee this morning agreed unanimously to concur in the Senate amendment.

Mr. GARNER. Did you have additional information this morning that you did not have when you put the amendment in?

Mr. CHINDBLOM. I will say that I took a part in framing this amendment, and at the time we thought it was a matter of proper precaution. We do not think it is of sufficient importance to stop the passage of the bill now.

Mr. MANN. The amendment was a matter of doubtful propriety, but the House let it go.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment to the bill H. R. 9597.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 61, noes 1.

So the Senate amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10101) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHIPPS, Mr. JONES of Washington, and Mr. GLASS as the conferees on the part of the Senate.

RESIGNATION FROM COMMITTEES.

The SPEAKER pro tempore laid before the House the following communication addressed to the Speaker:

MARCH 8, 1922.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committees on Reform in the Civil Service; Coinage, Weights, and Measures; and Expenditures in the Department of Commerce, to take effect immediately.

Very respectfully, yours,

A. PIATT ANDREW.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10730, with Mr. Hicks in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10730, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. When the committee rose on Thursday the gentleman from Minnesota [Mr. ANDERSON] had 56 minutes remaining of general debate, and the gentleman from Texas [Mr. BUCHANAN] had 68 minutes remaining.

Mr. BUCHANAN. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman and gentlemen of the committee, last week the gentleman from Wyoming [Mr. MONDELL] appeared before the Committee on Agriculture and urged, in effect, that the committee report no bills authorizing appropriations for new plans or policies not already well established. For this statement he was criticized by the gentleman from Louisiana [Mr. ASWELL]. The gentleman from Kansas [Mr. TINCHER] has undertaken to defend the gentleman from Wyoming and to justify the Republican floor leader's statement before the Agricultural Committee. The gentleman from Kansas is a very able member of the committee and one of the leaders of this House. He is a skilled lawyer and both by training and experience an ardent advocate. He is gifted in the art of so marshaling his facts as to make them appear in the most favorable light for his side of any question. I say this not by way of criticism but by way of description.

It may be assumed, therefore, that the gentleman made the best defense of the course pursued by the gentleman from Wyoming that could possibly have been made. It was artful in the manner in which it was stated and in that which it left unstated, but in spite of all this, in my judgment, it fails far short of justifying the position taken.

Now, what are the facts? The gentleman from Wyoming appeared before the Agricultural Committee and spoke for about 1 hour and 30 minutes. It is true that much of his language was indefinite; much of his logic was past finding out, and much of his thought was concealed in a wilderness of phrases. However, as I understand it, one thing shines through every part of his speech, and that is that he did not want the Committee on Agriculture to report any new legislation which might in any way authorize any kind of an appropriation for any new undertakings whatever, or for any others that were not already undertaken and well established. Oh, he was cautious——

Mr. MONDELL. Mr. Chairman——

Mr. JONES of Texas. I can not yield. I have not the time to yield. I have only 15 minutes.

Mr. MONDELL. But the gentleman must confine himself to the truth when he quotes me.

Mr. JONES of Texas. I am going to, in quoting from the gentleman from Wyoming. I expect to read the report of the stenographer's notes.

Mr. MONDELL. I want him to do that.

Mr. JONES of Texas. I will do that, and if it does not bear me out the House will judge of that fact.

The gentleman from Wyoming was cautious. He traveled all the way out to Wyoming to throw bouquets to the farmers. But after using enough verbal persiflage to cover about 16 typewritten pages he finally arrived at his destination and made this statement, which I am going to read. I will just read it direct from the stenographer's report in order that there may be no mistake about what it says. The gentleman from Wyoming had referred to some other measures, and then was evidently talking along general lines, when he used this language, and I ask you to note it carefully:

Whatever the merits are, this is not the time to consider any additional drains on the Federal Treasury, except for the carrying out of policies now undertaken and well established and proven in furtherance of purposes that seem to be essential to the restoration of prosperous conditions.

You will note the gentleman would limit the Committee on Agriculture to the carrying out of policies already undertaken which are "well established and proven." If that language has any meaning at all it means that the gentleman from Wyoming as floor leader was practically pronouncing the death knell of any legislation which the Committee on Agriculture might report which authorized any kind of an appropriation unless the work was already undertaken, already well established, and already proven.

It also means the death knell to the recommendations of the Agricultural Commission, which spent months investigating and which made numerous recommendations. What is to become of the results of the agricultural conference? That conference was called with a blare of trumpets and was a rather spectacular affair. The President went before that conference and made a "big" speech. I do not know whether the administration leaders like the recommendations made by the conference—I am sure they liked the publicity which they got out of it—but one thing is certain, and that is that the tactful way to destroy those recommendations is not to fight them directly, but to deny the necessary appropriations for the functioning of the activities that would take place under the recommendations if they should be carried out.

There are 10 recommendations set out by the Agricultural Commission, most of which call for legislation of a new character and most of which call for an appropriation on projects "not well established and not yet proven" and in many instances not yet undertaken.

I sympathize, and I am sure every member of the Committee on Agriculture sympathizes, with any effort at proper economy; but why pick on agriculture? Why start such a program with the committee that represents the farming interests of this country and which authorizes relatively an exceedingly small part of the appropriations of the Congress? The Agricultural appropriation bill carries less than one-fiftieth of the appropriations of the Congress, and yet a large portion of our citizens are farmers. I favor and have voted for tremendous cuts in appro-

priations, and I am against many of the large appropriations that have been made, but this is an attempt in the wrong place.

The gentleman from Wyoming may have gone before some other exclusive committee with an hour and a half speech urging that no more legislation be reported, but I have not heard of it if he did so. However that may be, the fact remains that this Congress has appropriated large sums for other purposes.

I do know that this Congress passed large appropriations for the railways, and while the gentleman from Wyoming has been floor leader we have authorized the refunding of what the railways owe us and authorized the payment of what we owe the railroads. I know that recently we appropriated more than $100,000,000 for the Shipping Board, with its high-priced officers and its 75 lawyers.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. I regret I can not yield. I have not the time.

I know this, that hardly had the echo of the voice of the gentleman from Wyoming died out of the committee room in which he gave utterance to what I read to you awhile ago until the President of the United States came on the floor of this House—the same day—and urged the appropriation of $30,000,000 annually as a subsidy to the big shipowners.

In view of this and other facts, it seemed strange that this should occur, because the gentleman from Wyoming was talking until nearly 12 o'clock about cutting down on agriculture and the President just after 12 o'clock was telling the Congress to make annual appropriations as a subsidy to the shipowners. Was there any connection between the two? Was it necessary to lop off a few paltry dollars from agriculture in order to subsidize the few shipping interests of this country?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. I regret I have not the time. I wish I could yield. I have only 15 minutes. I need more time than that.

Now, what is the attitude of the Republican Party generally toward the farmer? Everyone knows his plight. Everyone knows that farm products for months have been selling below the cost of production and that the men who have devoted their lives to these activities are in a deplorable state.

The Republican Party all along has rendered lip service to the farmers. They have been protesting their love for them. During the last campaign they walked down lovers' lane hand in hand with the farmer and whispered honeyed phrases in his ear. They sent him corsage bouquets of promises and uttered words that fell like liquid music on his ear, and they are willing to give him promises to-day.

Now, I just want to read to you again what the gentleman said in connection with the recommendations of the Agricultural Commission:

> Whatever the merits are, this is not the time to consider any additional drains on the Federal Treasury except for the carrying out of policies now undertaken and well established and proven in the furtherance of purposes that seem to be essential to the restoration of prosperous conditions.

The Agricultural Commission made a number of recommendations, and the agricultural conference, among other things, ratified the recommendations of the commission. That commission recommended that there should be a warehouse system which would provide a uniform liability on the part of warehousemen in which the moral and financial hazards would be fully insured. To this end the commission suggested the extension of the existing Federal warehouse law. In order to carry out this recommendation some appropriation must be authorized, and yet after the commission had made that recommendation the gentleman, it seems to me, undertakes to smother the activity by declaring against any authorizations for the purpose of carrying out any new proposals.

Again the commission recommended that there should be an extension of the statistical divisions of the Department of Agriculture. But after making the recommendation the floor leader slips over to the Committee on Agriculture and practically puts a ban on any legislation which would carry that activity into effect. It would take a very small amount of money to carry out its recommendations; but, no, we must feed the farmers on phrases in order to save money to contribute to the interest of the Shipping Board and the railroads. And, as a matter of fact, shining through the fine phrases which the gentleman used was the inevitable conclusion to which you are inexorably driven by the gentleman's language, that he wanted no legislation that would call for additional appropriations for any new activities for the relief of agriculture. I claim that is a natural inference from the language. If I am not justified, well and good.

But the next provision is that provision should be made by Congress for agricultural attachés in the principal foreign countries producing and consuming agricultural products. That most certainly would call for new legislation. Now, what did they mean when they called this conference, with all the agitation and publicity that accompanied it? I do not know what may have been the purpose with reference to this legislation, but I do know, gentlemen, that a very effective way to destroy these recommendations is to choke down the appropriations essential to the functioning of those activities. Is not that true?

During 1917 there was an old darkey who heard much talk about patriotism. It was new to him, and he said, "Boss, what's all this patriotism stuff what I hears so much about? What is patriotism, anyway?" The white man replied, "Why, Sam, patriotism is a man's love for his country. If a man is willing to fight for his country and die for his country he has patriotism. You would be willing to die for your country, wouldn't you?" The Negro studied a minute and said, "No, sah; I'se fooled around town so much the last few years I don't care nothin' much about the country." [Laughter.] These gentlemen of the Republican Party have fooled around big business interests so much in the last few years that they do not care much about the country and the country people in so far as doing anything practical is concerned. [Applause.]

Now, gentlemen, I am simply putting before you the recommendations of this commission, created since the Republicans have been in control of the Congress, which commission has done much of its work since the present President has been in the chair. An additional recommendation of that commission is as follows:

> That adequate Federal appropriations should be made for the promotion of better book and record keeping of the costs of production of farm products on the basis of the farm unit as a basis for the development of more efficient methods of farm management.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUCHANAN. I yield to my colleague five minutes more.

Mr. JONES of Texas. That is another recommendation that would come under the plan of the gentleman's logic, and thus would fall by the wayside.

Now, gentlemen, I do not undertake to say whether all of these recommendations should be carried out, but I do say that it is not fair to create a commission and have it make recommendations and have a conference of farmers or so-called farmers from all over the Union come to this town and ratify those recommendations and then not undertake to carry out any of them.

Another recommendation which the commission made was a provision for the extension and coordination of a program of a practical and scientific investigation through State and National departments of agriculture and through agricultural colleges and universities directed toward the reduction of hazards of climate and weather conditions and of plant and animal diseases and insect pests. Of course, this would carry some additional authorization.

I may have misunderstood the somewhat nebulous language of the gentleman from Wyoming [Mr. MONDELL], and I may not be justified in my conclusions, but I understood that he specifically condemned a bill which would have carried out substantially that recommendation.

Again, the commission recommended:

> More adequate wholesale terminal facilities, particularly for handling perishables at primary markets, and a more thorough organization of the agencies and facilities of distribution of the large consuming centers of the country.

That is a bouquet which the ardent lover of the farmer promises to send and then, secretly in his own mind, refuses to send.

Another recommendation was:

> The development of better roads to local markets, joint facilities at terminals connecting rail, water, and motor transport systems, and more adequate facilities at shipping points, with a view to reducing the cost of marketing and distribution.

A fine chance those recommendations have, in view of the attitude of the floor leader of the Republican Party of this Congress! Those recommendations vanish into thin air when submitted to the flaming crucible of the Republican tests which are applied to the legislation reported out of the committee—the tests of the party that is already wedded to big business, and therefore seems to feel that it could not take on another bride without being guilty of bigamy.

Now, my friends, what is it that they mean by taking these contrary positions? They first tell the farmers—and they give broad and wide publicity to that statement—"We are going to do all we can to support and further the interests of agriculture," and then in a quiet sort of a way, to which no publicity

whatever is given, after the recommendations are made, the floor leader walks over to the Agricultural Committee, the channel through which legislation of this character must necessarily come in reaching the House, and, as I construe his language, in effect says, "Stay, boys, stay; we can not carry out these recommendations." It reminds me a little bit of the old Negro who fell out of a peach tree and broke his leg. Instead of going to a doctor he went to a veterinarian, who set his leg all right, but he made the mistake of turning it so that the foot pointed backward, and after that the old Negro could steal all the chickens he wanted to, because no one could trail him or tell which way he was going. [Laughter.] The gentleman evidently intends to get away with almost anything by making his trail go both ways. Here are the recommendations in black and white, practically every one of which would come within the ban of the exact language which I read to you, according to my construction of it. I claim if you will read it, if the gentleman places it in the RECORD, you will probably agree with me.

The gentleman has been holding it out for revision. I tried to get a printed copy of it last week, but I could not get it, and I had to go to the stenographer's notes. It may be turned in now, but I was informed by the clerk of the committee the day before yesterday that it had not been turned in yet.

The commission made another recommendation:

> The commission believes that an immediate reduction of freight rates on farm products is absolutely necessary to a renewal of normal agricultural operations and prosperity, and recommends prompt action by the railroads and constituted public authority to that end.

My friends, I have just read you from a copy some of the recommendations of the commission.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BUCHANAN. Mr. Chairman, I yield to the gentleman from Texas 10 minutes more.

Mr. JONES of Texas. I thank my friend. Why are the recommendations, a part of which I have read and nearly all of which call for appropriations with reference to policies that are not well established and that are not thoroughly proven—otherwise, why are they ignored and why have the conference at all? If the gentleman can show that his language does not mean the thing that I have construed it to mean, if all of these recommendations by the commission and all of the recommendations by the conference are simply an extension of the activities already undertaken and well proved and established, what did the commission and the conference accomplish, and what was the use of having them?

Now, my friends, with reference to the railroad question: We passed a law here some time ago for the purpose of turning the roads back to the owners. It would take about four or five lines to do that, but we passed a bill containing 70 pages. Some of the legislation might have been necessary, it being a new project. But it seems to me that in the practical working of it we might have found some changes that should be made. That is my view, but I understand the view taken by the Interstate Commerce Commission is that no changes should be made, at least for the present. I know that no changes have been reported by the appropriate committees of this Congress. I do not know whether the gentleman went before the Committee on Interstate and Foreign Commerce and made the same speech that he made to our committee. If he did not go to the other big committees it seems to me that he was going far afield to talk about the meager appropriations for agriculture and stop there without going to the others. And if he did go, I wonder what his attitude was with reference to them.

It is absolutely essential that there be an adjustment of the present system of railroad rates, which are so high as to destroy a great portion of the traffic. Unless this is done the whole agricultural geography of the United States must be rewritten and placed on a different basis. One important step in this direction is to repeal the present law with reference to rate making and to restore, at least for the present, the control as it existed under prewar conditions.

On every side is heard a complaint of the high rates, especially as they apply to agricultural products and to live stock. The Interstate Commerce Commission is literally swamped with petitions and applications for reduction in freight rates. The only reductions that have been made, in so far as I have been able to learn, have been those that were voluntarily agreed to by the railways. There may have been some others, but they have been relatively few. In other words, since the enactment of the present law the making of rates has been practically in the hands of the railroads themselves. This does not seem to be fair in any sense. It would not be fair to permit the rates to be fixed wholly by the shipping and consuming public. They would perhaps want rates at practically nothing. On the other hand, it is manifestly unfair to let the railways fix rates and to have reductions only when they file voluntary schedules asking for reductions, because while the public would like to have free transportation, on the other hand the railways naturally want rates that produce the greatest revenue. Somewhere between these two extremes there should be a middle ground, where rates could be fixed that would be fair alike to the public and to the railroads. Yet in so far as I have been able to observe, they have been fixed practically by the railways themselves, and in their anxiety to get the rates high enough to suit themselves they have gotten them almost so high as to destroy themselves.

It is not so much the fault of the Interstate Commerce Commission as of the law itself, imposing, as it does, upon them the impracticable duty of fixing both intrastate and interstate rates, thus placing a greater burden upon them than anybody of its present membership can attend to. In the multitude of applications that come to them they have been relying in a large measure upon data and statistics furnished by the railroads themselves. But, even if the commission were a large enough body to do all the work that is placed upon them, as a practical proposition the giving of them charge of local rates and rate making makes a system that becomes absolutely unwieldy. Under the old system, if a local rate were too high, application could be made to the local commission and an adjudication had within a very short period of time by a body that kept in touch with the local conditions and which could get the facts much more quickly and accurately than any far-away commission can possibly do. As it is now, when a local rate is complained of the complaint is lost in a sea of other applications and the local shipper and producer can only cry for relief and has no language but a cry.

When a Texas producer in shipping vegetables is compelled to pay four or five times as much in freight rates as his produce brings there is something radically wrong. When a Texas farmer or a farmer from any other State is compelled to pay more for his freight rates than his corn or his milo maize will net him, when he has incurred the expense, done the labor, and suffered from the uncertainties of the season, a condition exists which must be remedied.

I have had letters showing that it costs more to ship horses from the Panhandle of Texas to Oklahoma than the horses would bring; that it costs as much to ship a carload of fruit from California to Texas as the fruit is worth; that corn must be burned for fuel because it can not be sold for enough to pay the shipping, and that the rates are so high that it makes it more economical to burn corn than to buy coal. Thousands of tons of vegetables rotted in the fields of Texas last year because of this condition, and much of the production of that and of other States—for what is true of Texas is true of other agricultural States—is sold below the cost of production.

Prior to the war we had the finest system of railroads that existed on the face of the earth. We had developed under the dual system of interstate and State commissions. Anyone who had a real complaint to make could always get a hearing and an early decision. But as the same has been managed since the passage of the present law it has been just as bad as if there had been no commission, for if rates are to be fixed only on voluntary acts by the railways themselves what boots it to have an Interstate Commerce Commission?

There must be a change if agriculture, business, and industry are to survive. Either we must go back to the old dual system or devise an entirely new system whereby a body will be established for rate making that will make rates that will be fair alike to the public as well as to the railroads.

There has been considerable complaint by officials in the administration of the so-called "farm bloc," and that an effort has been made to get them to desist. It seems strange that no complaint has been made of the manufacturers' bloc, the railway bloc, or the various other interests represented here. These others are not called "blocs," but they stand together in absolute unity, and if one is called upon the legislative carpet for a lecture, why should not the others be? The fact that the others stand together makes it essential that those representing the agricultural sections also work in unison in order that their rights may be in a measure maintained and secured.

From the early history of this country, from the time when Israel Putnam deserted his plow in the field, mounted his horse, and fought for the defense of his country, the farmer has been in the vanguard of battle and has always done his part in every national activity. Here comes a great party into power, creates a commission, calls a conference, has a wonderful demonstration, and then stops short, and stops, it seems to me, very unfairly. I ask the Members of this House if, in their judgment, it is fair and just to allow a thing of this kind

to go by unchallenged. I ask any of the gentlemen on that side who may undertake to reply to make an explanation of what I have read in connection with the recommendations of the agricultural conference. I ask you to place alongside in the deadly parallel the recommendations of the commission and the remarks of the gentleman from Wyoming and then reach your own conclusions. If you will do this I believe you will say that I am fully justified in reaching the conclusions I have stated, and that it is idle to expect any material relief for the interests of agriculture from the party now in power. [Applause.]

Mr. ANDERSON. Mr. Chairman, it is evident the speech of the gentleman from Louisiana [Mr. ASWELL] did not fill the bill, and we are therefore edified by a speech from the gentleman from Texas, which it is hoped will fill the bill by providing a campaign document in the campaign against the majority leader, Mr. MONDELL. The trouble with the gentleman from Texas is that he did not add the last chapter to his story. He has read the recommendation of the Joint Commission of Agricultural Inquiry. Every recommendation which that commission made has either been carried out or is in the process of being carried out or is covered by an increased appropriation in this bill. [Applause on the Republican side.]

The first of those recommendations was for the passage of the cooperative marketing bill. That bill has been passed.

The second of the recommendations was for an adequate rural credit law. That bill has been introduced and hearings are set for it in the Senate for to-morrow, Friday, and I understand that hearings will soon be had by the House Committee on Banking and Currency.

The third recommendation was for a national warehousing system and more adequate appropriations for carrying the national warehouse law into effect. An additional appropriation for that purpose is carried in this bill.

The fourth recommendation is for an immediate reduction in freight rates, and since the recommendation was made there have been reductions in freight rates on agricultural products aggregating more than $240,000,000 a year. [Applause on Republican side.]

The fifth recommendation was for an extension of the statistical divisions of the Department of Agriculture, particularly along the lines of procurement of live-stock statistics. An additional appropriation is carried in this bill to carry out that recommendation.

The sixth recommendation is for a provision for agricultural attachés in the principal foreign countries producing and consuming agricultural products. A small additional appropriation is made to carry out that purpose in this bill.

The seventh recommendation is for the development by trade associations and by State and Federal sanction of more accurate, uniform, and practical grades of agricultural products and standards of containers for the same. That does not call for legislation, but provision is made in this bill for continuing that work.

The eighth recommendation is for adequate Federal appropriations for the promotion of better book and record keeping on the part of farmers. While this bill does not carry, in terms, an added appropriation for that work, as a matter of fact that work is being expanded, because the total amount of the appropriation available for this purpose last year was not expended and will be expended in the next fiscal year.

The ninth recommendation is for an extended and coordinated program of practical and scientific investigation through State and national departments of agriculture and through agricultural colleges and universities, directed toward reducing the hazards of climate and weather conditions and of plant and animal diseases and insect pests. Appropriation after appropriation, carrying additional amounts for the elimination and control of animal and plant diseases, in cooperation with all the States of the Union, are carried in this bill in direct conformity with that recommendation.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. JONES of Texas. How did the gentleman give increased appropriations for all these things and yet reduce the total appropriations carried in the bill of last year?

Mr. ANDERSON. We have done it by taking them off where they do not need them. [Applause on the Republican side.]

The tenth recommendation is for more adequate wholesale terminal facilities, particularly for handling perishables at primary markets and a more thorough organization of the agencies and facilities of distribution of the large consuming centers of the country. That is a matter almost exclusively within the domain of the States, and was so contemplated by the commission when it made its recommendations.

The eleventh recommendation is for development of better roads to local markets, and in this bill we are carrying an additional amount designed to improve the method of road construction, and there is now under way a continuing program of Federal aid to road construction in the United States.

The rest of these recommendations I do not need to read, because they relate to matters the solution of which is more or less the result of the cooperation of all the elements combined rather than of legislation. I mention these things because it seems to me it is fair that the House and the country should understand that something has been done and is being done to carry out the recommendations which the commission made.

As a result of the wise, constructive, and far-seeing program inaugurated by this administration and proposed by the commission there is everywhere indication of improving agricultural conditions. The credit situation is gradually being relieved. Freight rates on farm products have been reduced and further reductions are in prospect. Prices of agricultural products are showing continued improvement. The price of corn has increased from 17 cents to 50 cents a bushel; wheat from $1 to $1.40 per bushel. The fat lambs, cattle, and hogs have shown similiar improvement. While, on the other hand, reductions in consumers' prices are slowly but steadily bringing the farmers' dollar to its prewar purchasing power.

Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause on the Republican side.]

Mr. MONDELL. Mr. Chairman, the ides of November are eight months away, but the campaign is already on. It started the other day down among the canebrakes of Louisiana and has finally gotten up to the short-grass country of Texas.

A MEMBER (on the Democratic side). And Wyoming.

Mr. MONDELL. Oh, the campaign is directed toward the coming senatorial campaign in Wyoming. That is very patent and evident to everyone.

There are a good many different brands of demagogy. I think the cheapest and most indefensible brand is that which assumes that the people are simple-minded enough that all that it is necessary to do is to invoke the name of a good cause and then assume that everything urged on behalf of it, to the bottom of the Treasury and to the extent of the Federal authority, is commendable. Certain gentlemen make a specialty of the farmer, and while they may never have farmed except to farm the farmer, and while they may know nothing and care less about agriculture, inasmuch as the farmer is perhaps the most highly esteemed of all classes of our people, they indulge in demagogy by claiming to be the particular champion of the farmer and by attempting to create the impression that other people are not friendly to him. That may go where the percentage of illiteracy is low, it may go where people do not hear unbiased political discussion, but it does not go in the country which I have the honor to represent or much of the country thereabout.

Those in position of considerable responsibility are not able to, at least they should not, indulge in the luxury that some gentlemen are tempted to indulge in, of camouflaging with regard to their views and purposes and assuming and pretending to be for anything and everything that may temporarily or locally seem popular. A man in a position of considerable responsibility, if he is worthy of his responsibility, must play his game in the open, and it must be known to all men what he stands for and why he stands for it. One of the duties of the position which I occupy is that of endeavoring to carry out the will and the wish and the purpose of the majority representatives of the party to which I belong, and the will and the wish and the purpose of that party is to overcome the frightful handicaps of the conditions that were bequeathed to us as the result of a great war and the grievous and countless mistakes of the Democratic administration, and to endeavor to restore prosperity to the Republic and its people and to bring conditions back to normal.

ABUNDANT PROVISION WITH ECONOMY.

While abundantly providing for every essential activity that may properly be aided by the Federal Government, it is our duty to keep the sum total of appropriations at the lowest figure consistent with good service and within the Nation's income. In doing that, it is necessary for one in my position, if he does his duty, to talk with members of committees relative to legislation and appropriations pending before them, to frequently, on the floor of the House and elsewhere, advise, advocate, and insist upon economy. I hope that as floor leader I have not forfeited the privilege of appearing before committees to express my views. In fact, I believe it to be my duty, especially when invited to appear before committees, to urge such action as will properly promote the progress and development of the

country and is essential to the restoration of prosperity. At the same time it is my duty to advise that we avoid unnecessary, uncalled-for, and nonhelpful expenditures of the public money.

I have frequently appeared before committees, I have talked to many Members relative to these matters, but no member of the Democratic minority assumed to take special notice of that or complain about it until I appeared before the Committee on Agriculture to discuss certain matters pending before that committee.

Having done this, lo! it dawned upon the minds of the gentleman from Louisiana [Mr. ASWELL] and the gentleman from Texas [Mr. JONES] that here was a wondrous opportunity in the name of the farmer to assail the floor leader. While I do not claim undue credit, I hope that I have had my proper part in the legislation of this Congress, and I say without fear of successful contradiction that no legislative body ever sat on earth which in the same length of time did so much for the farmer and the stock raiser as this Congress has done. [Applause on the Republican side.] And I have favored it, all of it, and have so far as I was able to do aided and advanced it.

SPLENDID RECORD IN AID OF AGRICULTURE.

The emergency tariff that so greatly benefited the grain raisers and cattle growers and sheep growers of the country, that restored to something like reasonable figures the prices of the great staples of agriculture; the packer bill, passed in the face of the opposition of the radicals, especially in another body, placing upon the statute books sound, sane, and sanitary measures of regulation affecting the great packing and allied industries; the antigambling in grain futures bill, originating in the House and now upon the statute books; the farmers' cooperative marketing act, which passed the House many months ago, lay for a long time in a comatose condition in the Senate, and finally, through pressure from the House, was resurrected and is now on the statute books. [Applause on the Republican side.] The legislation amending the war finance act, under which many millions of dollars have been loaned to the farmers and stockmen of the South and West, saving, actually saving, in a crisis the stock-growing business of the country; saving it temporarily for the men engaged in it, saving it permanently for the benefit of the entire people of the Union. [Applause on the Republican side.]

These and many other provisions of legislation have been placed upon the statute books which have mightily aided in the restoration of the agricultural industries of the country. Some folks have attempted to create the impression that this legislation, so helpful to the farmer, has been the outcome of the efforts of a group or alleged group from agricultural sections of the country. Most of this legislation originated in the House, where no one has pretended there was group action. This legislation, helpful to the farmers, has been reported from a number of committees and has had the support of Republicans from every section of the Union. It is not bloc but Republican legislation, and there has in every case been a Republican majority for it.

So far as our Democratic friends have supported our program they have evidenced good judgment or good political sense, but it would not have been enacted except for the Republican majority. The other day a member of the Committee on Agriculture, with whom I was discussing some bills before that committee, suggested that some of them if now enacted into law would lay burdens upon the Federal Treasury hardly justified under the policy we are following at this time, and I expressed a willingness to appear before the committee and make some observations touching some of that legislation. That appearance has been heralded forth by the gentleman from Louisiana and the gentleman from Texas as an assault upon the farmer.

What were the bills before that committee relative to which I made certain observations? The first bill I referred to before the committee I favored. It was a real farmers' bill. It proposes to save to farmers in Montana and the Dakotas, thousands of them, everything that they have on earth, and the gentleman from Louisiana and the gentleman from Texas not only opposed it, as presented here the other day, but the gentleman from Texas, who has just spoken, assaulted it viciously and temporarily helped to defeat it, a bill proposing a loan to furnish seed grain to the drought-stricken farmers of the Northwest, a practical measure, to help men try another year at least a real, practical experiment. We proposed to help the men who are actually doing the job.

Mr. ASWELL. Will the gentleman yield?

Mr. MONDELL. To enable men to extend agriculture in the Northwest and to hold aloft the standards of our civilization on those frontiers where we are fighting drought and hard and unfavorable conditions. [Applause on the Republican side.] I can not yield.

Mr. ASWELL. The gentleman does not want to make a misstatement and not yield?

Mr. MONDELL. If the gentleman from Louisiana did vote for that particular measure, I modify my statement, but I stand on my statement as to the record of the gentleman from Texas, who did vote and speak against it.

Mr. ASWELL. The gentleman from Wyoming did not indorse the bill before the committee. He expressed a carload of sympathy, but that is all; but he did not say a word about favoring it.

Mr. MONDELL. The gentleman from Wyoming——

Mr. ASWELL. Expressed sympathy, but did not say the bill should be passed.

Mr. MONDELL. Well, of course, there is a distinction, and if that pleases the gentleman, all well and good. I made the arrangement under which the bill was brought before the House and voted upon. However the gentleman voted, the majority on his side voted against it. I made an earnest appeal for the bill, and still the gentleman from Louisiana is not satisfied.

Mr. ASWELL. I would like to say to the gentleman——

Mr. MONDELL. I can not yield further.

Mr. ASWELL. The entire Louisiana delegation voted for the bill.

Mr. MONDELL. I am glad a majority of the Louisiana delegation was right.

One measure before the Agricultural Committee, the passage of which I opposed at least at this time, on the occasion which my friends from Louisiana and Texas are trying to make famous, was a measure which proposed an enormous expenditure, the ultimate limit of which no man can measure, for the care through Federal expenditure of private forest lands. I made no special argument against the bill, though one can easily be made. I did say that at this time we could not afford to start on any such experiment and expenditure as that. There was a bill before the committee proposing to add to the Federal expenditures in connection with agricultural experimental stations a sum amounting to about $5,000,000 per annum ultimately. I gave testimony to the value and benefits of the work of the stations, but said that in my opinion this was no time for that increased expenditure.

I thank the gentleman from Texas [Mr. JONES] for having quoted my statement in summing up my position. I stand by it. One of my general statements was:

> I do not think that under present conditions we are justified in enlarging Federal activities at the expense of the Federal Treasury beyond what we are already pledged to, except where there is something in the nature of an emergency.

Among the bills before the committee there was one, as I have said, proposing to expend enormous amounts of Federal money for taking care of other people's forest lands; another that proposed an expenditure of a million dollars for the buying of forest lands.

I said, and the gentleman from Texas quoted me as follows:

> Whatever the merits of these measures are, this is not the time to consider any additional drains on the Federal Treasury except for the carrying out of policies now undertaken, well established, and well proven, or in furtherance of purposes that seem essential to the restoration of prosperous conditions.

I stand by that declaration, and both party platforms indorsed the view there expressed.

Mr. GARNER. Will the gentleman yield for a question?

Mr. MONDELL. I yield.

Mr. GARNER. Why did the gentleman deem it necessary to go before the Committee on Agriculture to make a statement at all? Why was it necessary to go?

Mr. MONDELL. The gentleman from Texas is too old a Member of Congress, and he knows the procedure here too well, to have asked that question in absolute good faith.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask that I may have five minutes more.

Mr. ANDERSON. I yield five minutes more to the gentleman.

Mr. MONDELL. The gentleman knows perfectly well that it is my duty, as it is his as one of the leaders on his side, to advise against policies he does not believe to be in the public interest. And I am particularly charged with responsibility now of attempting to keep the public expenditures within the public income. I appear before committees repeatedly and discuss legislative matters with members of committees time after time, and it occurred to no one to question it until someone somewhere, probably outside of this Chamber, suggested to some gentleman in the Chamber that here was a chance to play a little politics by assuming that the floor leader must

not appear before the Agricultural Committee, wherever else he might make his arguments. Useless and unnecessary public expenditure for the care and preservation of private timberlands is just as unnecessary and just as useless and just as indefensible if reported out by the Committee on Agriculture as it would be if it were reported out by any other committee of the House. [Applause on the Republican side.]

An expenditure that is not justified or necessary acquires no merit in the minds of anyone, except somebody playing a demagogic game, because it happens to be reported out of some particular committee of the House. I repeat, we have done more for agriculture, directly and indirectly, in appropriations and in legislation, than any Congress that ever sat under this Dome or anywhere else on earth, and we have done it as a party and not as members of blocs or groups. And we shall do everything necessary and essential and proper from a Federal standpoint to advance this great and useful and essential national industry.

WORK OF JOINT AGRICULTURAL COMMISSION.

The gentleman from Texas [Mr. JONES], after having found fault with my attitude in trying to avoid useless and unnecessary expenditure, turned his attention to the gentleman from Minnesota [Mr. ANDERSON], chairman of the subcommittee and in charge of this bill and chairman of the Joint Agricultural Commission, and was rash enough to declare that certain recommendations of the commission had not been complied with and would and could not be complied with if we adhered to the attitude of economy which I had outlined.

The answer to these assertions of the gentleman from Texas just made by the gentleman from Minnesota [Mr. ANDERSON] is so complete and conclusive that it ought to discourage the gentleman from making assertions that can not be sustained. The gentleman from Minnesota, after noting the purely political character of the speeches of the gentleman from Louisiana [Mr. ASWELL] and the gentleman from Texas [Mr. JONES], put a complete extinguisher on the latter's assertions by calling attention to the fact that every recommendation of the Joint Commission of Agricultural Inquiry "has either been carried out or is in the process of being carried out or is covered by an increased appropriation by this bill." Then the gentleman from Minnesota proceeded in detail to tell how this had been done.

The cooperative marketing bill which the commission recommended has become a law. In fact it had passed the House long before; the commission was simply urging the Senate. The recommendation for an adequate rural credit law has been followed by the introduction of bills and by an arrangement for hearings. The recommendation relative to warehousing for agricultural products is met by an additional appropriation under the bill we are considering. Since the recommendation for reduced freight rates was made, freight rates on agricultural products have been reduced in the sum of $240,000,000 per annum, and more reductions are in sight.

The recommendations for increased live-stock statistics and for agricultural inquiries abroad in the interest of larger markets find a response in increased appropriations carried on this bill. The recommendation relative to improved standards of agricultural products and providing for uniformity in products and in containers for the same is not only met by appropriations in this bill, but so far as standards are concerned by measures now before the Congress from another committee. The recommendation for an extended and coordinated program for practical and scientific investigation toward reducing the hazards of climate and eradicating plant and animal diseases and insect pests finds its response in many items of the bill before us.

THE EVEN TENOR OF OUR HELPFUL WAY.

The gentleman from Minnesota concluded his complete refutation of the suggestion of the gentleman from Texas that we were not proceeding actively and successfully in our work in the interest of agriculture in the following clear and convincing statement made just before I took the floor:

As a result of the wise, constructive, and far-seeing program inaugurated by this administration and proposed by the commission, there is everywhere indication of improving agricultural conditions. The credit situation is gradually being relieved. Freight rates on farm products have been reduced, and further reductions are in prospect. Prices of agricultural products are showing continued improvement. The price of corn has increased from 17 cents to 50 cents a bushel; wheat from $1 to $1.40 per bushel. The fat lambs, cattle, and hogs have shown similar improvement, while, on the other hand, reductions in consumers' prices are slowly but steadily bringing the farmers' dollar to its prewar purchasing power.

Ours has been the party that has placed agriculture on a sound, sane, and stable basis. [Applause on the Republican side.] Recognizing the great usefulness of agriculture to the people, we shall pursue the even tenor of our helpful way, unaffected by the demagoguery of those who claim to want to plunge us into unnecessary expenditure on the theory that it is to aid agriculture or the farmer.

Mr. GARNER. I want to state to the gentleman that I know his wonderful influence in bringing about results. I want to suggest to him if he could come before the Ways and Means Committee he could do a power of good. As to legislation for the farmer, does he intend to pass an amendment to the Federal reserve law, which does not cost a dollar in the world, requiring agriculture to be represented in the Federal system? Do you intend to pass that legislation?

Mr. MONDELL. Under the proper administration of the law and with the present Republican President in the White House, agriculture will be represented on that board, not by one man but by the practical knowledge and sympathetic efforts of every member. [Applause on the Republican side, the Members rising.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 8, 1922:

H. R. 244. An act to provide for the disposition of abandoned portions of rights of way granted to railroad companies;

H. R. 5013. An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials;

H. R. 7158. An act to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor;

H. R. 8842. An act to provide for agricultural entries on coal lands in Alaska; and

H. R. 10185. An act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] has 22 minutes and the gentleman from Texas [Mr. BUCHANAN] 41 minutes remaining.

Mr. BUCHANAN. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, the gentleman from Wyoming made so many general statements, as usual, and said so little definitely that I think I will not need five minutes in which to reply.

A bill came to the Committee on Agriculture carrying $5,000,000 for the suffering, drought-stricken people in the West. The gentleman from Wyoming came before the committee and was asked numerous questions, and finally, on about the fifteenth page, some one asked him how he stood on that bill. He started in by expressing sympathy for the drought-stricken people in his own part of the country, and before he left expressing a carload of sympathy, but never said at any time that he was for the bill; but being close to that territory, living in Wyoming, he supported it on the floor of the House, as I did myself.

It is most extraordinary that a gentleman informed as the gentleman from Wyoming should be should stand here and make a statement for public consumption by declaring that his party in power had done so much for the farmer, when it was in power for 30 years and during the entire time failed to pass a farm loan act or a warehouse bill. It did not occur to you then that the farmer was a factor in this Nation's life. You do not look to him for your campaign funds, but in your legislation you look to big business and special privilege for your campaign funds. So the farmer heretofore has not counted for very much with the Republican Party.

He boasts of the packers' bill and the grain futures bill. They were before the Committee on Agriculture for many weeks, and I supported both of them, because it became evident that they were the best bills that could be gotten from a Republican-controlled Congress; and it is a fact undisputed and known to every man familiar with the facts of record that the packers' bill had the consistent and persistent support of the packers and that the grain futures bill was heartily supported and amended by the grain gamblers. There is no question about that. These laws do not help the farmer or grower of live stock.

Mr. NORTON. Will the gentleman yield?

Mr. ASWELL. I decline to yield.

Now, Mr. Chairman and gentlemen, the gentleman from Wyoming makes the assertion that by my calling the attention of this House to his unusual and extraordinary visit to the Committee on Agriculture to assault the farmer-aid bills before it was done by me for political purposes in Wyoming. I am frank to say—and I think I have a reputation here as a gentleman whose word is worth something—that it never occurred to me that MONDELL was trying to be Senator in Wyoming.

It was as foreign from my thoughts as it is possible to conceive. If I had known or thought of it I would not have been uneasy about his winning the senatorship in Wyoming from the present Democratic Senator, because the gentleman from Wyoming [Mr. MONDELL] has forsaken the progressive spirit of the great West and has allied himself completely and uniformly with the stand-pat reactionaries in your party. You know that is true, that he has lost the confidence and support of progressive Republicans; and you know, furthermore, that I have no concern about that.

Why did I bring that matter of his trip to the Committee on Agriculture to the attention of this House? This is the reason: I had an earnest and heartfelt interest in that great bill introduced by a Republican Member, the gentleman from Indiana [Mr. PURNELL], to enlarge and make efficient and valuable the experiment stations in the various States of this Union, and that bill has the indorsement of every farm organization in this country.

It has the indorsement—the principle was actually indorsed—by your farm conference, and therefore I speak the exact truth when I say that the bill that the gentleman from Wyoming slipped into that committee to assault and to strangle and not permit you to consider has the support of 40,000,000 people in this country, and yet he presumes to come into that Committee on Agriculture and assault it in the back and strangle it, if possible, by frightening Republican leaders of that committee from reporting the bill to this House.

That is the reason why I made this statement to the House, and I have no apology to make. I will go on the stump, if need be, and present the truth, as backed up by the statement of the gentleman from Wyoming, made before the Committee on Agriculture assaulting the pending bills to aid the farmers. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ANDERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. KNIGHT].

The CHAIRMAN. The gentleman from Ohio is recognized for 10 minutes.

Mr. KNIGHT. Mr. Chairman, if I have not completed my remarks when my time expires, I ask the unanimous consent of the House to extend them in the RECORD.

The CHAIRMAN. The gentleman from Ohio makes that request now, I presume?

Mr. KNIGHT. Yes, sir.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. KNIGHT. Mr. Chairman, I shall devote the time at my disposal to an argument against the soldier bonus bill.

The Congress of the United States must soon decide what in my humble judgment is the most important question that has come before this session. The proposal of this body to vote a bonus to the service men of the World War I regard as most unsound from any standpoint from which it is examined. Indeed, it is indefensible, whether we apply to it the logic of economics or that of patriotism. In reaching this conclusion I wish it distinctly understood that I have no patience with those who, having amassed great fortunes out of the war, now sneeringly characterize these men as Treasury raiders wholly lacking in the right spirit of patriotism. These service men may be misled, and I think they are, but we must remember that when a man no longer has means on which to live, and finds the gates of employment shut upon his honest efforts to get work, he is not in the most favorable position to judge soundly any question that promises to put a few dollars in his pocket.

These men remember the fulsome promises of factory managers when they went forth, as they were told to make the world safe for democracy, that their positions would be there awaiting them on their return. And now that they have found strangers in their old jobs—have found that those who bedecked them in the habiliments of heroes, turn a cold eye and an indifferent ear upon their just claims for consideration—they would be more than human if they failed to resent it.

It is for this, if for no other reason, that we should now appeal to the service man, not as a Treasury raider, but as an American citizen, who, when he understands the facts, will face them with the same patriotic sacrifice that he displayed when he willingly risked his life in the service of his country.

I realize there will be many who will ask the not unreasonable question why he should again be called upon to stand with empty hands while the 20,000 new war millionaires sun themselves in the luxury of the wealth that disgraces those who amassed it out of their country's necessities. No such conditions should ever have existed. The whole man power of the country should have been conscripted. Capital should have been conscripted along with labor, and not a dollar should have been made by anyone out of the war. But no such conditions obtained. Indeed, if they ever do, then in all the countries of the world the hinges on the doors of the war temples will grow red with rust, and the banners of battle will lie forever folded in the silent places of peace.

Furthermore, I want to say here and now that I wish it were possible to lay a capital tax sufficient to pay its entire cost on the men who made fortunes out of this war. [Applause.] But that can not be done, and we must face the facts as we find them. War means not only destruction and death but an ensuing demoralization that prevents any country from doing full justice to the living. The ragged Continentals starved at Valley Forge, reddened the snows of the North with bleeding feet and laid down their lives from Ticonderoga to Yorktown to establish freedom on the North American Continent, and yet the Government made possible by their sacrifice could offer no reward to the living commensurate with the sacrifices of either the living or the dead.

When before overwhelming force the thin gray line broke and the stars and bars went down at Appomattox, the great race that had suffered and endured all things and had made the most gallant fight in history, went back to ruined homes and the graves of their dead, content with the imperishable memories of the sacrifice which they had made for a cause they believed was right. [Applause.] And the men who saved the Union felt that in their service to the country they had a reward which time could not stale. When, 10 years later, some of their ill-advised friends had succeeded in getting through Congress a bonus bill, their great leader, who was then President, promptly vetoed it. Neither the fame of the Grand Army nor the finances of the country, he said, should be subjected to such an assault, and Gen. Grant sent the bill back with his disapproval.

I have said that the bonus legislation is indefensible from either the economic or the patriotic standpoint. Let us get down to facts.

The war has left us a heritage of debt which now amounts to $23,000,000,000. That is a burden of $1,000 on every family in the United States. Our interest charges are over a billion dollars a year, and State and Federal taxation in one form or another is laying another blighting weight of perhaps $350 on every family in the country. The result of all this has been to demoralize the business of the country almost to the breaking point. Indeed, it is wholly useless to look for any substantial or permanent revival of business, and consequently the disappearance of the vast unemployment rife throughout the land, until we take at least some of these burdens off the backs of the tax-ridden people.

Instead of doing this, we now propose to do exactly the contrary. We propose to pass a bill that inevitably must exaggerate the dangerous conditions in which the country is now placed. If anybody knows the extent of this new burden, I have not yet met him. Secretary Mellon has estimated it at $3,300,000,000, while others have placed the guess as high as $5,000,000,000. This estimate was based, I believe, upon a former bill. As I understand it, the bill now before the House increases the final expenditures that must be made in this behalf more than three times. In the meantime it sets up another commission which, under the guise of making homes for veterans, will open the way for land speculation upon a scale which would have rejoiced the heart of Col. Sellers and made J. Rufus Wallingford green with envy. Town building for veterans, along with its inevitable shoals of superintendents and swarms of inspectors, will follow, and any man in Congress who questions the certain waste that must follow will be assailed as a contemptible enemy of the country wholly lacking in patriotism.

Indeed, if the country knew what this section of the bill is going to let the taxpayer in for, there would be a mighty howl from Maine to California. But, as usual, the howl will go up when the damage has been done and is irreparable.

In the meantime, the financing of the plan is placed upon the banks for the next three years. They are now unable, or at least they say they are, to finance the business enterprises of

the country. If a billion or two are tied up in these certificates, which can not be rediscounted, the effect will be to still further retard the business revival of the country; and all of this is to be brought about to give these men a sum which can aid to them in making their way in life. Such be of very little a plan will be satisfactory neither to the men nor the country, and what it will eventually cost the people God only knows.

Again I want to ask, where, at the end, are we going to get the money? Within 14 months we must pay or else refund more than six billions of obligations. Others are to follow, and consequently we can not consider bonds. To those who say out of the interest on the foreign debt, I would reply that we have not received any interest on the foreign debt yet, and so inscrutable are the ways of fate and diplomacy that we may never get any. But if we do, it is already pledged by existing law to Liberty bond payments; and if we by legislation now divert that fund to bonus purposes, we must proceed at once to replace it, and there is no way of doing it except by more taxation.

Let us deceive neither ourselves nor the country, that we can allay the wrath of a threatening legion by legislation which at most will enable them to borrow at high interest only one-half what this measure states is coming to them. When we pass this bill it means that the taxpayers are going to have the burden added to those under which they are now staggering. There is no other way to get it. We can not make a pilgrimage to the tomb of either King George or Napoleon, tenderly lay a wreath upon them, and have the treasury doors opened to us. We can not milk it from the blue sky, nor jimmy it out of any foreign country, notwithstanding the success they all once met here.

The people must pay it, and this period of grace is going neither to lighten their burdens nor appease the demands of the service men. What they want is immediate cash, and if we are going to do the thing at all, I share in their feelings. Many of them are out of work, and such plans as have been proposed will help them little, if at all. Indeed, if it is the wise and patriotic thing to do, I am in favor of inspiring ourselves with at least enough courage to come out in the open even before election and perform the act as it should be performed. If it is wise at all, let us pass it with the taxes necessary to raise the money at once and take full responsibility for it. By such a course both the taxpayer and the soldier will know where he stands without waiting until after election. We can not decrease the burden on the public, nor decrease our own responsibility by delays or evasions. And in all candor, I say that if, in view of the fact that it took us 50 years to pay off less than three billions of war debts after 1865, we are now willing to add this three or five billions to the twenty-three we now already owe, it will raise our estimation, both in the eyes of the soldier and the country, to do so now and make an end of it, as we paraphrase the prayer with which the judge consoles other condemned offenders. Let us do it and say: Lord, have mercy upon our political souls.

I am convinced that to pass this bill now or at all is only to still further slow down the wheels of industry, to still further add a burden to the backs of the very people who can least stand it, and therefore to still further decrease the chances of these service men to get a fair and right start in life. That they can ever do so upon this dole we propose to offer is wholly unthinkable to me. If, indeed, we have reached the point where it is necessary to imitate decadent Rome and shower largesses upon our returning victorious soldiers, in my humble judgment it would be far better to use all this money to allot them lands and help such of them as desire it to set themselves up in life at Government expense, not only with 40 acres and a mule but with a complete farm and flivver. However, very few of them want lands. They want cash, and this is why I assert that they will be satisfied with nothing in the plan which will be offered.

Mr. Chairman, I come now to consider the service man's side of this question. My sympathies are all with the youth of this land who in a war not of their making risked all for their country. Such men can not accept what we propose here to give. It is the duty of the citizen to defend his country and in no land where patriotism is really alive can the idea be accepted that he does so for compensation. Therefore any talk of adjusted compensation is little better than insult to him. Yet, sir, we propose as a great patriotic duty to give him $2 a day because plumbers and ditch diggers were getting $8 and $10 while he was defending his country. Their services should never be placed upon a parity with the civilian, however necessary or useful the latter may have been.

The soldier is not a workman engaged for hire, and the moment we begin to try and adjust his wages to equal those of factory workers we take him off the pedestal of the hero and we will forget him as we do forget the innumerable throngs who have not risked their lives for the country. His claims upon the country he has served do not terminate with the close of war. If he has been wounded, the Government seeks to bind up those wounds and to rehabilitate him once more into an active and useful member of society. If those wounds have disabled him, if he lost health or limb, a grateful people are proud to pay whatever is necessary to provide for him and his dependents. They do not regard him as they do the laborer whose claims cease when he is paid for the job, but as a ward of the Nation who has suffered all in its defense and now receives back the care, protection, and honor of the people.

We are already spending $500,000,000 a year to rehabilitate our soldiers, and we are told this must increase until 1927. We do not care if the sum were double or treble that amount, a grateful Nation is glad to pay it. In all probability pension claims in 10 years from now will call for a billion and a half a year. That does not matter, and we shall gladly pay that or any other sum that may be necessary.

I am willing to vote every dollar of the country's resources to bind up the wounds of these soldiers; I am willing to vote every dollar of the country's resources to care for the infirm, the disabled, the aged, and their dependents, so long as one of them shall be left to deserve a grateful country's reverence and aid, but I hesitate to take a step which, if taken, will be regretted by everyone of these men, and his descendants to the third and fourth generation. If these men understood that by pressing such claims they are not only jeopardizing their own fame but are placing a burden upon the country which will disastrously affect every person in it for years to come, they would be the last to want to take such a step.

They do not want to increase unemployment, to make heavier the already heavy burden of living, for a pittance which can only slightly alleviate their own condition. Such a course may appeal to the politician, covetous of place and power, but the noble birthright of the American soldier, who served his country through a sense of duty, and not for money, should be sold for no such paltry mess of pottage. He served because duty called. All he hoped to get was honor, and that honor should be preserved uncompromised to him and his descendants forever. I hesitate to drag him by legislation from the proud pedestal he now occupies into the labor market, there to adjust his compensation upon the basis of some gas fitter or ditch digger. He did not enter this war for pay. All he could hope to get out of it was the imperishable glory that he offered his life for his country, and to talk now of adjusting his compensation is to tinge the whole heroic fabric with a touch of the sordid and ridiculous. We may make strong denials to the contrary, but words can not change the facts of life, and it is utterly impossible to take this proposed action without smearing the whole glorious story with a black streak of commercialism.

It is urged in behalf of this measure that a man can not live on glorious memories. That is true. But let us suppose that a soldier were presented with a sword as a grateful testimonial for some splendid act of gallantry, and that after listening to the speeches he should say, "I can not live on a sword and if it suits you gentlemen just as well, take it back and give me a ham that I can eat." That too, would be true. And yet such a course would be followed by consequences so disastrous that no man would risk it. And yet what we propose here differs in degree and not in kind at all. These men that are now pleading for the passage of this bill do not understand its inevitable consequences. I am unwilling to be a party to this act which writes upon the pages of our history such a story, for I am convinced that it would be even more unfortunate for these men than it would be for the country.

Mr. Chairman, in conclusion I want to call attention to just one more phase of this subject, and one which I believe has been generally overlooked. Our Government was founded upon theories which were utterly repugnant to the recognition of any class that should receive special favors at the hands of the public. I know, sir, that this idea has long since ceased to attract the interested attention of the American public. On the contrary, we have long since cast to the winds even the spirit, if not the letter, of some parts of the Constitution designed to prevent that great calamity in the experiment of government. Indeed, we have ceased to translate great and fundamental principles into laws of general application which are designed for the promotion of the general welfare of the whole people. Instead we are constantly busying ourselves in experimental legislation utterly at variance with the teachings of our founding fathers and of doubtful value to anyone except, perhaps, the small groups and classes that promote it. There is no portent upon the overcast skies of our country that is more ominous.

Once any Government commits itself to the fatal policy of singling out preferred classes for special benefits it is lost.

The testimony of all history is eloquent of this fact, and we can not escape the fate of the countless dead nations that strew thick the highways of the past because they disregarded this fundamental principle. I doubt, sir, if we are going to heed the warning. Those who would hold steadfastly to the principles of the fathers are growing fewer in numbers as the years go by. On the contrary, every breeze is vocal of the weird clamor of the ever-increasing throngs who are teaching that it is the function of government to make men happy and prosperous here, if, indeed, not to give them a harp and crown across the Great Divide. Those of us who oppose these strange doctrines as unsound must oppose this bonus bill upon that ground also, for, indeed, it is the cap sheaf upon the whole stack of class legislation.

I am aware, sir, that our efforts will be futile. We shall not only fail in our opposition but we will be misunderstood, and so far has it become possible for a class to organize and dominate Congress that there will be few votes cast against this measure.

Indeed it is exceedingly doubtful if the man who opposes this bill had not better now say farewell to his political ambitions. The public is largely indifferent to any principles except those that return quick and personal results, and under such conditions it is not difficult for a small and vociferous minority to completely control government. The success of its predecessors emboldens each subsequent effort, and if we may believe the press reports we have now reached the point where amidst the applause of the unthinking multitude the head of the American Legion uses language to the President of the United States which might have been expected from a captain of Prætorian Guard to a weak and pusillanimous emperor of decadent Rome, but hardly to the Chief Executive of this great Republic. Presumption of class rights could scarcely go further.

Many of us who in private life have been opposing this fatal drift to class government and State socialism no longer feel that the public can be awakened and rallied to the defense of constitutional government as it was handed down to us by our fathers.

In my humble judgment the die is cast, and coming generations will return no more to the ways of the fathers. I would not be so presumptuous as to assert that the new road may not lead to a more splendid destination than ever could have been reached by the old one. But I can not in conscience follow it and I trust that my colleagues may pardon me if this, which perhaps is my last speech in the House, is directed against so popular a measure as the soldiers' bonus, which, nevertheless, I believe to be wholly and indefensibly wrong, for which reason I shall vote against it. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUCHANAN. Mr. Chairman, I yield 18 minutes to the gentleman from Georgia [Mr. UPSHAW].

The CHAIRMAN (Mr. BEGG). The gentleman from Georgia is recognized for 18 minutes.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. UPSHAW. Mr. Chairman and gentlemen of the House, inasmuch as Congress has to be a sort of city council for Washington and the District of Columbia, it seems to me that something ought to be said on the floor of this House in honest commendation of the investigations that have proceeded thus far concerning the Knickerbocker Theater disaster, which was not only an unspeakable horror to Washington but a shocking national sorrow. Before the investigations of the coroner's jury and the grand jury began it was heard on every side that since such investigations are sometimes neither fearless nor faithful there might be some disposition not to do the square thing; but it has been a source of genuine gratification to every friend of humanity and of community righteousness that thus far there has been no evidence of a disposition to whitewash that investigation.

Not because this great tragedy touched my own home—although it is natural that my own interest has been accentuated by this fact—but because of the interest which all of us share in the sorrow which has come like a crushing avalanche upon thousands of others, I went to inspect the ruins and to try to discover the cause. I was accompanied by a prominent Washington physician, Dr. J. T. Wolfe, who was a student of engineering for several years before he became an expert physician and surgeon, and although only a layman myself concerning such construction, I saw at once through his interpretation that somebody connected with the building of the Knickerbocker Theater had been guilty of a selfish, careless neglect that was nothing short of criminal. Convinced that Congress owed a duty in this matter to the District, which it proposes to govern, I went to Senator CAPPER, who had introduced a ringing resolution calling for a senatorial investigation, and asked him to meet me at the ruins with several members of the Senate District Committee in order that personal investigation on their part might verify my conviction. Wednesday morning after the tragedy I met there Senators CAPPER, SHEPPARD, GOODING, JONES, and WELLER and two or three practical engineers, including Dr. Wolfe, helping in the investigation, and I am sure that every member of the committee was convinced, as I am, that the disaster is traceable directly to faulty construction and criminally careless inspection. I do not wish to be bitter toward any man. My heart is too full of that spiritual enrichment which always comes from personal sorrow and from "feeling another's woe" to permit me to indulge in bitter invective or groundless criticism. But as a Member of this Congress, to say nothing of my obligation as a citizen, I owe it to suffering humanity now, and to thousands more who may suffer if congressional lawmakers should hold their peace, to express my desperate conviction on this subject and to back up these investigations with every ounce and atom of my energy and influence. I believe that the Senate committee will leave no stone unturned until criminal and civil responsibility is established.

BARE WALLS SPEAK THEIR SILENT CONDEMNATION.

Somebody is grossly guilty. The bare walls that stand comparatively intact around that scene of horror witness with gaunt and silent condemnation against the builders of that theater. Their very existence after such a horrible crash spells condemnation in letters that blaze on the Washington sky. Anybody does not have to be a building engineer or an expert contractor or architect to know that the roof which fell was not properly fastened to the walls, or they would not now be standing so nearly perfect in appearance from the outside that a stranger passing along Columbia Road or Eighteenth Street would never suspect the indescribable tragedy that occurred but yesterday within those guilty walls. Think of it, if you can with equanimity! The girders supporting that roof rested on lintels set in hollow tiling and were not even keyed to their support. It is not enough to answer that those lintels had steel pillars for support—the girder slipped off the lintel on the Columbia Road wall when the roof sagged, for the main girder had only a 4-inch bearing. As an experienced builder who is a Member of this Congress said to me: "Human life was sacrificed in order to cheapen the cost of that roof." God save the tragic picture—money against humanity!

As an evidence of the fact that it was not merely the snow that made the roof fall, we see standing many other theaters that did not fall that night. It is positively inescapable that this Government has been paying inspectors salaries so unthinkable in their smallness that they were absolutely unable to command thoroughly capable men. One man who passed on those building plans—think of it—was a former bricklayer with no real, scientific experience in building. Another had been a mechanic in the navy yard, with the same lack of experience, while the man under whose eye the building in course of construction is supposed to have passed was a decrepid old man of 80 years who is now dead.

Securing their positions through political influence and holding them through governmental complicity and criminal neglect, they constitute the type of men before whom real architects, real engineers—graduates of such great schools as Boston "Tech," Georgia "Tech," and other famous engineering institutions—must lay their building plans and from whom these expert builders must secure permission to erect houses in the District. Is it little wonder that such inadequate and inefficient "officials" accepted plans for the Knickerbocker Theater drawn by an architect who furnished the plans of another playhouse in Washington that fell before it was finished?

Twenty-six inches of snow, weighing about the same as 2 inches of water, did not make enough weight to break any properly constructed roof. A roof that will not stand under 2 inches of water is a domestic and a community outrage. There was simply no stable connection between the roof and the wall. If there had been, the walls of the Knickerbocker would at least have been partly shattered when the roof went down with weight enough to destroy and maim the lives and bodies of hundreds. The main point is that the roof would not have fallen if the main girders had had sufficient bearing on the lintels. One contractor said, as he looked at the unprotected mortises from which those giant girders had slipped with such ease when the roof sagged, carrying such wholesale production of desolation and death: "I wouldn't build a roof like that for a house for my dog if I cared anything for the dog's life."

DO NOT BLAME THIS ON GOD.

Again I declare that I do not wish to be personally bitter. But we must be just enough to startle and protect the living, although our arms are too short to rescue the maimed and the suffering or bring back the dead. I speak with reverence now, but I must resent the apologetic declaration of one prominent man who piously exclaimed that "Nobody should be blamed—it was the act of God!" That remark was doubtless reverent in spirit, but it is impious in doctrine. I deny the imputation against the God I worship and try to serve. God made the snow fall—the beautiful snow—in obedience to His beneficent law, but God never taught any contractor to use faulty material in the construction of a house; and God never taught any careless builder to construct a roof with such palpable lack of protection that it would suddenly fall and cause so much suffering and death. God can overrule for our spiritual good any great sorrow through which He permits us to pass, but He must not be charged with the improvident, selfish sin of any man or set of men who would save money at the expense of suffering humanity. It was the human devil of religious intolerance that lighted up the Dark Ages with the martyr fires of the saints, but the Son of God, who walked in the furnace of persecution with the Hebrew children, carried those martyrs of faith to Heaven on the wreathing bosom of flame. Let me speak in personal frankness to my honored colleagues. Well-meaning friends actually say to me, "I think it was a good thing that God made you fall on that wagon and hurt your spine when you were a boy, for I think you have done lots more good in the world than you would have done if you had never been crippled."

Permit me to say that I honor the spirit and intention of such a remark, but I gravely and joyously question its theology. I really think that the Lord did not have anything to do with making me fall on that wagon. I think I was standing carelessly as well as awkwardly, or I would not have fallen. But I do reverently rejoice to believe that when that ambitious farmer boy fell on that wagon when he was hauling wood the Master to whom he had already trusted his soul caught his body in His everlasting arms and has held him ever since. He knew how to stand by the bedside of that disappointed boy, lying amid the wreckage of his shattered hopes and dreams, and make the valley of trial a mountain height of joy, even as the Christ of Calvary, the Prince of Peace, came to those trusting souls amid the wreckage and the débris and the impending death at the Knickerbocker playhouse and helped them to make the darkness and the suffering vocal and radiant with the songs of triumphant faith and the light that broke through that hideous darkness from over the everlasting hills. He can kiss the somber face of any sorrow into an angel of light and blessing.

Ah, Mr. Chairman, since that trying experience, enriched by personal sorrow and the sorrow that is always lightened and sweetened when it goes into the valley of the shadow with others, I am in no humor to be bitter, and I am in no humor to meet an infidel. I have seen "religion on the job." I am thinking of what I have seen of the marvelous wealth of human kindness and Christian sympathy and fellowship. Everything that humanity and Christianity could suggest has been done for those who have suffered. I am thinking of a great wonderful city in Georgia, hanging for eight terrible days over the bedside of one suffering girl. I am thinking of the brave little town of Douglasville, which holds her sacred ashes, the town where she was born 15 years ago, where she gave her young heart to Christ and to the clinging hundreds who loved her—the noble town that broke its heart in prayers and tears during those anxious days of tension and suffering; I am thinking of the wilderness of flowers whose beauty and fragrance spoke at once the mingled, measureless love of the friends in Washington and the friends in Georgia whom God had given in such wondrous and sustaining plentitude—flowers which overflowed her own untimely resting place and covered, as her unselfish loving heart would have had them do, the new-made grave of her noble Christian father, my brother, Lucius C. Upshaw, who had been my companion secretary, my mental flint, my spiritual mentor, my daily inspiration.

All the heart's wild longings ended,
All life's wearying struggles past,
And the suffering body resting
'Neath the sweet spring flowers at last.

Ah, my colleagues, you who have been so thoughtful in your beautiful expression of sympathy and friendship, it is only natural for those of us who are humanly human to be selfish in our sorrow, but we must not be. We must multiply the staggering sorrow of our stricken home by a kindred sorrow in more than 200 homes, where broken bodies or broken hearts are the tragic toll of man's selfish, blundering sin.

Let us, therefore, as individuals and lawmakers, wisely and fearlessly place the blame of this great tragedy on sinful man and not on a sinless God, and move with resolute wisdom to protect thousands, perhaps yet unborn, from such a tragedy as that under whose unspeakable shadow the Nation weeps to-day.

STARS IN THE NIGHT.

Determined on this course for the sake of the righteous protection of others, as well as the vindication of the good name of the National Capital, whose residents have a right to expect of the Government the vigilant guardianship of their lives in places of public assembly, we turn our faces from the appalling scene and look for "stars in the night"—the night that baffles human philosophy and issues a sharp and startling challenge to the faith that holds; an anchor in the storm; the faith that clings and sings in the darkness where comprehension stops; the faith that triumphs, thank God, over the very "gates of hell." We see the first gleam from the Star of Bethlehem in "the still, small voice" of Him who said, "I will not leave you comfortless; I will come to you"; we see another gleam not only in the Holy Presence that alleviates personal suffering, but that enables the children of faith to so forget self that they actually sing their songs of comfort to others until the message to wounded and dying comrades is stilled in the tide of death; we see another gleam—aye, more than a gleam—a sunburst of radiance from the cross that "towers over the wrecks of time" in the swift-footed kindness, the tender tear, the tireless touch, the sleepless vigil, on the part of princes in Israel and handmaidens of God who rushed to bear another's burden and "so fulfill the law of Christ." From every side these beautiful, wonderful manifestations have come all the way from the White House to the humblest home yonder in my district—from friends and strangers in this great Capital City and from far across the continent—and we thank God at a time like this for stars that shine in the night, for the voice of Him who spoke to the storm-tossed sea even as He speaks now to the raging Galilee of our sorrows, saying, "Peace, be still."

Verily, in such an hour of human desolation there is nothing left to the skeptic but a starless night and the "new-made graves of faith and hope"; but those who rejoice in a personal acquaintance with the Redeemer of Men in the miracle of regeneration can see the rainbow promise of God shining on every cloud as they exclaim in radiant triumph:

E'en sorrow touched by Thee grows bright
With more than rapture's ray.
As darkness shows us worlds of light
We never saw by day.

[Applause.]

The CHAIRMAN. The gentleman from Georgia yields back four minutes.

Mr. ANDERSON. I yield the remainder of my time to the gentleman from Massachusetts [Mr. LUCE].

The CHAIRMAN. The gentleman from Massachusetts [Mr. LUCE] is recognized for 13 minutes.

Mr. LUCE. Outside these walls it is not commonly understood that general debate on the appropriation bills furnishes to Members of the House the only opportunity to discuss the broader questions of public policy. I had thought it might not be inappropriate in connection with the bill under consideration to discuss the two parts of the report of the committee on the agricultural crisis that are already in our hands. It happens, however, that the circumstances of debate have brought the attendance to almost an irreducible minimum. I am not vain enough to think that the importance of my remarks would be such as to warrant my taking half an hour of time out of the people's Treasury, as an English statesman has called it, to secure the presence of a quorum. Furthermore, although I might ask for opportunity to revise and extend my remarks, it seems to me that this privilege should not be used except under extraordinary circumstances, and I have no desire, unless under such circumstances, to give my constituents the impression that I have said things which in fact have not been spoken on the floor. This brings me to the apparent desirability of refraining from delivering the eloquent, cogent, forceful, powerful speech which otherwise would have fallen upon your ears. Its gems of learning and eloquence, therefore, will never delight mankind.

I may say, however, that I had intended to pay as warm a compliment as I could to the chairman of the Commission of Agricultural Inquiry [Mr. ANDERSON] and his fellow members for their most remarkable report. At any rate, I may call the attention of Members to the fact that the two parts already printed contain ammunition that will be used in the political campaigns of the next 10 or 20 years, and to urge every fellow Member who desires to equip himself for the controversies before us to read these parts with diligence and sympathy.

I had not desired to take issue with much, if any, of what the commission concludes, but to emphasize some things in its report which seem to me worthy of especial attention. In that connection I had wanted to cite an English legislator, Edwin Chadwick, who, after serving on more than 20 commissions, made the astonishing declaration that he never knew an investigation "which did not reverse every main principle and almost every assumed elementary fact on which the general public, parliamentary committees, politicians of high standing, and often the commissioners themselves were prepared to base legislation." I think I could have pointed out, had the opportunity been presented in this instance, how a commission containing several members of the agricultural bloc, among them the gentleman recently elected chairman of that organization, had come to almost unanimous agreement—unanimous, indeed, except in one particular—as to positions directly the reverse of those that some of them had taken in previous discussion of the subject. Not only for the academic purpose of enforcing economic truth, but also for the sake of securing accurate political discussion based upon correct premises, I wanted to call attention to these facts. But under the circumstances, sir, I shall throw away the speech and use but a moment or two of the time remaining to me to comment upon one feature of debate in this body which may be pertinently brought to attention in view of the rumor that the so-called bonus bill will not be given adequate consideration in this House.

It is one of the misfortunes of large legislative bodies that they often show a lack of sense of proportion, dwelling at much length on minor matters, and refraining from giving adequate treatment to those of genuine and great consequence. I should like, in view of some of the debate we have been having to-day, to put on record my own approval of the Republican leader of the House in his course in the matter of appearing before the committees to urge economy. Indeed, I should like to record my own approval of the leadership of the House in general despite the criticism widespread throughout the country now aimed thereat. For one I believe that this criticism is in large measure undeserved. I think the Republican leadership of the House could as a whole be justified. Yet it is fair to point out that this criticism exists, and I would like to deplore the possibility of adding greatly to it by any course of action which shall deprive this body of an opportunity for full and free debate on one of the greatest questions it will have to consider.

It would fly in the face of the very purpose of parliamentary institutions, the very theory on which Congress meets, if the program should prevail of restricting to 40 minutes the opportunity to discuss the bonus bill. Therefore, not alone for the welfare of my party but also for the reputation of the House, for the safeguarding of parliamentary institutions and the preservation of orderly government, I beg that there may not be carried out the rumored plan, but that the Representatives of the people may know all the facts of the case, may listen to all the arguments in the case, may reach conclusion after that mature deliberation which alone justifies our presence in this Chamber.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. LUCE. I will.

Mr. HARDY of Texas. Is there any reason in the world why more time can not be given to that matter and less time to such desultory matters as we are having now when speeches on general subjects are being made? Could not we give more time to that and less to these others.

Mr. LUCE. Personally I wish that could be the case. I have not been without experience in legislative bodies and I have observed that it is their universal habit to reverse the telescope, giving a great deal of time to insignificant measures and not permitting adequate discussion of those of real importance. I criticize therein not the leadership but the nature of parliamentary bodies in general, for they have shown themselves from time immemorial to be without a sense of due proportion.

I hope in this particular instance that the Republican leadership may see the wisdom, the political wisdom, and more than that the ethical wisdom, the patriotic wisdom, of giving all arguments an opportunity to be heard. Down through the ages has come the cry of Themistocles to Eurybiades, "Strike, but hear me." Though I may be but a minority of one when the vote comes, I beg you to listen to that plea, "Strike, but hear me." If that be then granted, it will wipe out any regret that on this occasion you have by mischance been deprived of edification.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. All time has expired, and the Clerk will read the bill.

The Clerk read the bill, as follows:

For salaries and compensation of necessary employees in the mechanical shops and power plant of the Department of Agriculture, $90,000: *Provided*, That hereafter the Secretary of Agriculture may, by transfer settlement through the general accounting office, reimburse any appropriation made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of labor for such work.

Mr. MANN. Mr. Chairman, I reserve a point of order. You first appropriate $90,000 for the mechanical shops and power plant and then you propose to give authority to other branches of the service to have the work done there to be paid for by that branch. How much work is done and what is the necessity of having an appropriation for the shops if they have work to be reimbursed?

Mr. ANDERSON. This includes besides the mechanical shops the power plant, and also a considerable amount of mechanical work done under the Secretary's office not chargeable to the various bureaus. I understand the total amount of reimbursement would be in the neighborhood of $25,000.

Mr. MANN. There is a 10 per cent decrease in the appropriation, and I only desired to know whether a large share of the expenditure was not made where it would be reimbursed.

Mr. ANDERSON. I think not. The maximum amount, I think, would be about $20,000, and a part of that is being now reimbursed in any event because they do pay for the material used. This would only carry an addition to the cost of labor in making the mechanical appliances.

Mr. MANN. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE.

For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and mattings; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $161,000, of which not to exceed $5,000 shall be immediately available for the purchase of an automobile for the official use of the Secretary of Agriculture.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order to ask the gentleman from Minnesota if this automobile is for the use of the Secretary?

Mr. ANDERSON. The automobile is for the use of the Secretary, and it is expected that the horses and carriages that the Secretary now uses will be disposed of or sent to the farm.

Mr. HAUGEN. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

The Secretary of Agriculture is authorized to construct in the grounds of the Department of Agriculture, in the District of Columbia and at a point to be selected by him, a vault at a cost of not exceeding $2,500, for the safe storage outside of laboratories and buildings of supplies of highly inflammable materials, the cost of such vault to be prorated and paid from the appropriations provided for the bureaus occupying space therein.

Mr. MANN. Mr. Chairman, I reserve the point of order in order to get some information. Where is it proposed to locate this vault?

Mr. ANDERSON. Somewhere in the department grounds, near the buildings, I could not tell the gentleman exactly.

Mr. MANN. I do not imagine they would locate it improperly. Still, considering the criminal mistake they made about the erection of the Agricultural Department buildings themselves—and it was a crime that was committed at that time—when they were put up, I do not have the utmost confidence in the impossibility of their making a mistake now. The agricultural grounds now are quite extensive. I have no objection to the erection of a vault, but I do not want to see them do any injury to the grounds.

Mr. ANDERSON. This vault is to be entirely below the surface of the ground.

Mr. HAUGEN. These materials are now stored in the buildings.

Mr. ANDERSON. Yes; the materials are now stored in the buildings.

Mr. MANN. I have no doubt that, regardless of the question of danger, there is demand for all the room they have in the Agricultural Department buildings. This is a sort of hall of records for material.

Mr. HAUGEN. It would have to be placed where it is accessible.

Mr. MANN. Certainly, but I inquire simply to know if the location has been selected. We have been imposed upon so often in the construction of statues and buildings in the city of Washington that if we can get the information I would like to have it now, although I am not going to stand on that.

Mr. ANDERSON. I can not tell the gentleman exactly where it is to be located. I do not know. In fact, I do not think the Secretary has selected a particular place. They did not tell us that he had.

Mr. WALSH. What inflammable materials does this department have that would require the erection of a vault?

Mr. ANDERSON. There is a good deal of chemical material used in the chemical experiments in the plant and animal industry bureaus, and I take it that possibly some of the films which are very inflammable might be stored there. It would be only such as would be practically out of use.

Mr. MANN. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, $195,646: *Provided*, That only such part of this sum shall be available to pay rent for space which can not be furnished by the Public Buildings Commission in Government buildings located in the District of Columbia.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. This is a very considerable sum to be paid for rent in the District of Columbia. The buildings of the Agriculture Department are somewhat extensive. Is there any hope of a reduction in this rental bill?

Mr. ANDERSON. As the gentleman knows, we have a joint congressional committee which parcels out the emergency buildings, and I think has general charge of the rental situation. The department says that they have made application to the Public Buildings Commission for space in available buildings, but they have not been able to get enough. They are consequently forced to continue what they have been doing, namely, to rent such buildings as they require. As a matter of fact, I think the department is now housed in 40 different buildings.

Mr. TILSON. The amount in the report is $1,000 more than the appropriation last year, and at the same time it is $16,200 less than the estimates for this fiscal year. It seems the demands are still coming for more rent.

Mr. ANDERSON. That is due in part to a readjustment of buildings—that is, the discontinuance of one building and the rental of other buildings—and it is partly due to the fact that in the Forestry Building, on F Street, they have to pay this year $12,000 more rent for it than they paid last year.

Mr. TILSON. So that, as a matter of fact, you are not enlarging the amount of the quarters, but you have to pay a lot more for them?

Mr. ANDERSON. That is true.

The Clerk read as follows:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock, and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, $529,640: *Provided*, That not to exceed $15,000 shall be used for improvements and repairs to quarantine stations: *Provided further*, That no part of this sum shall be used for the manufacture, preparation, or distribution of blackleg vaccine.

Mr. HAUGEN. Mr. Chairman, I reserve the point of order on this proviso. Why the necessity for a proviso that no part of this sum shall be used for the manufacture, preparation, or distribution of blackleg vaccine?

Mr. ANDERSON. As the gentleman knows, the department has been distributing an inferior article of vaccine, which does not give complete immunity. Vaccine is made by private concerns which does, and we thought there was no use of spending $5,000 for the distribution of vaccine which really is not a satisfactory article.

Mr. HAUGEN. Is the department satisfied to discontinue it?

Mr. ANDERSON. Yes.

Mr. HAUGEN. And it is supplied by private concerns?

Mr. ANDERSON. Yes.

Mr. HAUGEN. And can be purchased at a proper price?

Mr. ANDERSON. Yes.

Mr. WHITE of Kansas. Are we to understand from the gentleman's statement that the department admits that they have less knowledge on this subject than have the private manufacturers?

Mr. ANDERSON. No. This is the situation: We either had to give them more money so that they could make a better product or else cut it out altogether, and we did not see any reason why the Government should be in the business of distributing vaccine when a commercial article at a reasonable price can be had, so we cut it out altogether instead of giving them more money to manufacture. The reason they have manufactured an inferior article is because they have not had money enough to manufacture a better article.

Mr. WHITE of Kansas. And in the hearings did the committee go into the matter sufficiently to convince themselves that the private manufacturers are manufacturing and sending out a vaccine that has been thoroughly demonstrated to be effectual in preventing blackleg?

Mr. ANDERSON. I understand that is what the representatives of the department say.

Mr. WHITE of Kansas. Of course, the private manufacturers will claim they are. There is grave doubt in the minds of cattlemen all over the country, so far as my own observation and investigation go, as to whether any of these preventives are effectual.

Mr. ANDERSON. In any event, the department admits that the vaccine now being manufactured by the private parties is a better article than the article that they have been manufacturing.

Mr. WHITE of Kansas. Well, I fully agree with the gentleman. If they have vaccine which is utterly inefficient, not effective, they should not send it out, because the stockmen throughout the country are sending constantly, very frequently, to the department to be supplied with this vaccine. I am surprised and yet interested very much in the gentleman's statement.

The Clerk read as follows:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities, $2,578,800, of which $850,000 shall be set aside for administrative and operating expenses and $1,728,800 for the payment of indemnities: *Provided, however*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere, out of the moneys of this appropriation, such sums as he shall determine to be necessary, within the limitations above provided, for the reimbursement of owners of animals so destroyed, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such animals shall take place; nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation, to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than $25 for any grade animal or more than $50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I am very much interested in this appropriation and I would like to ask the chairman of the committee in regard to it. How many claims are there on file now from the various States for animals that have been tested which should be paid?

Mr. ANDERSON. Claims for indemnity?

Mr. SNELL. Yes.

Mr. ANDERSON. I can not tell the gentleman; but there should not be any.

Mr. SNELL. The gentleman understands they have paid up to the present time for those that have been examined and condemned?

Mr. ANDERSON. My understanding is that as soon as they reach the limit of the appropriation for indemnity they stop work.

Mr. SNELL. They stop work. How many applications are there on file for examinations? Was that brought out in the hearing?

Mr. ANDERSON. Yes; I think there are 27,180 herds on the waiting list to be tested, and they comprise about 362,139 cattle.

Mr. SNELL. How long has it been since they stopped making examinations?

Mr. ANDERSON. I understand they have not stopped, because the last deficiency bill carried a deficiency appropriation of $000,000, which enabled them to continue.

Mr. SNELL. I note the appropriation is increased $125,000 over last year.

Mr. ANDERSON. More than that.

Mr. HAUGEN. The amount appropriated is $1,728,000——

Mr. SNELL. Will that be enough to carry on the work fairly consistently throughout the whole country?

Mr. ANDERSON. I think, with the division we have made, it will.

Mr. SNELL. They are having tests made throughout the year to take care of actual emergency cases over the country.

Mr. ANDERSON. I think so. There was a supplemental estimate made just a few days before this bill was reported requesting $900,000. We gave them $600,000, and that makes the appropriation for the next fiscal year exactly the same amount as for this fiscal year, including the deficiency appropriation of $600,000.

Mr. SNELL. Then they do not get any more than this fiscal year?

Mr. ANDERSON. No. They have an original appropriation which was approximately $2,000,000 and a deficiency of $600,000, and we give the same amount, including the deficiency.

Mr. SNELL. But they did not have enough to carry them through last year.

Mr. ANDERSON. Yes.

Mr. SNELL. But I understood that they stopped the examination and testing for some time?

Mr. ANDERSON. Because they had exhausted the amount carried in the original bill.

Mr. SNELL. And with the deficiency that will be enough to carry them next year?

Mr. ANDERSON. That is all they asked for.

Mr. CLARKE of New York. The gentleman understands that this bill provides enough continuity of appropriations to carry on this work?

Mr. ANDERSON. I believe so.

Mr. MANN. In view of the interest manifested by the two gentlemen from New York, is this one of the grafts which go to the State of New York?

Mr. CLARKE of New York. We are spending about a million dollars next year.

Mr. MANN. That being so, why any appropriation?

Mr. CLARKE of New York. New York appropriates one-third of every dollar asked of the United States.

Mr. MANN. I understand New York Members never favor anything that will put any money into New York in connection with State appropriation and——

Mr. SNELL. No; what we fought against was where the other fellow was not cooperating.

Mr. MANN (continuing). But when it comes home they all weaken.

Mr. COLE of Iowa. Is this appropriation divided among the States?

Mr. ANDERSON. It is allotted according to the State appropriation in part, and in part by the number of cattle to be tested.

Mr. COLE of Iowa. If some particular State does not use its share of the appropriation, can it be used by a State prosecuting this work?

Mr. ANDERSON. Yes; if reallotted by the Secretary.

Mr. COLE of Iowa. That is not so in regard to the last appropriation?

Mr. ANDERSON. I think it has always been so.

Mr. COLE of Iowa. No; the Secretary of Agriculture told our delegation that while there was a large unexpended appropriation he could not use it.

Mr. ANDERSON. But that unexpended appropriation has been allotted to these other States, and it was expended, in all probability, by those States.

Mr. COLE of Iowa. If there was an unexpended appropriation, what becomes of it?

Mr. ANDERSON. It goes back into the Treasury.

Mr. MANN. But it can be reallotted to the States.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. CROWTHER. Mr. Chairman, I move to strike out the last two words. The last two words are "quarantine regulations," and if the Fordney tariff bill has been quarantined since the 21st of July, 1921, it is high time the embargo was lifted. [Applause.] Let me say to the Members of the House and the country that yesterday there came to us a ray of sunlight out of the darkness and the gloom that encompassed the Members of this House and the people of the United States. And once more we are to rejoice that the hum of the spindle and the song of the loom are again to be music to the ears of the men and the women who make us a great industrial Nation. You may think that this statement is rather enigmatical at this time, but I will advise you that, on page 3564 of the RECORD, in the proceedings, not of this body, but in the Chamber occupied by the august body at the other end of the Capitol, there appears during a colloquy on the floor, on page 3564, a statement to which I will call your attention in a moment. I know the House rule as to mentioning a Senator's name, or criticizing the Senate, which we have to obey, but to which they pay no attention, and frequently call the Members of the House by name and attack them during discussion and debate. But I am not going to criticize them. I desire to extend full measure of appreciation for the statement to which I referred a moment ago. A distinguished gentleman stated, on page 3564, that it was his desire to get these treaties out of the way, for this reason:

In order to clear the path—

Mind you, the path is at last to be cleared—

clear the path for the bill of the Senator from Iowa, the appropriation bill, and the tariff bill.

The path is at last to be cleared for the tariff bill, and I call attention to the fact that that is the first time in this session I have heard of its being mentioned on the floor of the august body at the other end of the Capitol—not that its being reported makes any great difference, because it would take an Einstein to figure out the relativity as to the date of its being reported and the final passage of the bill.

But I am glad to call your attention to the fact that the tariff was mentioned yesterday, merely mentioned, of course, in that august tribunal at the other end of the Capitol, and we realize it is a crumb of comfort, it is a ray of hope, that may help to revive our stricken industries. It is a good message to send out to all the people of the country, the working folks, and the men who employ them, who are straining every nerve to keep their mills open in the face of the severest foreign competition they have ever known. So, whether it be threat, promise, or declaration, we realize that at last the path is to be cleared for the tariff bill. I congratulate the gentleman for mentioning it in that way.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. CROWTHER. Yes.

Mr. BANKHEAD. Who was the gentleman that is reported as making this statement?

Mr. CROWTHER. The gentleman knows the rules of the House forbid——

Mr. MANN. I beg the gentleman's pardon.

Mr. CROWTHER. Frequently these rules are violated, and the gentleman from Illinois [Mr. MANN], who interrupts, has frequently mentioned the Senate and quoted them——

Mr. MANN. I beg the gentleman's pardon. I have never done it in an unparliamentary way in 25 years of service.

Mr. CROWTHER. I do not know that he did it in an unparliamentary way, but he made suggestions, and referred to the body at the other end of the Capitol, and their peculiar idiosyncrasies, delays, and so forth, in his own original and inimitable way. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $284,320: *Provided*, That of the sum thus appropriated $58,640 may be used for experiments in poultry feeding and breeding: *Provided further*, That of the sum thus appropriated $8,000 is hereby made immediately available for the erection of necessary buildings at the United States sheep experiment station in Clark County, Idaho, to furnish facilities for the investigation of problems pertaining to the sheep and wool industry on the farms and ranges of the Western States.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to inquire about this item of $8,000 to be made immediately available for the erection of the necessary buildings for the United States sheep experiment station in Clark County, Idaho.

Mr. ANDERSON. The gentleman will remember that the estimates last year carried an ambitious program for buildings on this experimental farm, carrying altogether something over $16,000. We carried $8,000 last year and we carry $8,000 each year.

Mr. HAUGEN. What is the purpose of it? Is it to build barns, or what?

Mr. ANDERSON. It includes a storage reservoir at $3,000. As the gentleman knows, this plant is a long distance from town, and this storage reservoir is for the purpose of watering the stock and also for affording some fire protection to the buildings. Three thousand five hundred dollars is for fencing, and $1,500 covers an addition to the superintendent's residence, making $8,000 in all.

Mr. HAUGEN. What is the cost of the residence now?

Mr. ANDERSON. The residence, as I recall, originally cost something like $2,500.

Mr. HAUGEN. Was it not the understanding last year that the amount appropriated then would complete the project?

Mr. ANDERSON. I think not. My understanding is that we covered half of it last year and that we would continue the program this year.

Mr. HAUGEN. Have you a statement there as to what the money is to be used for?

Mr. ANDERSON. Yes.

Mr. HAUGEN. What is it for?

Mr. ANDERSON. Three thousand dollars for a storage reservoir, $3,500 for fencing, and $1,500 for addition to the superintendent's residence.

Mr. HAUGEN. That is what the $8,000 is appropriated for?

Mr. ANDERSON. Yes.

Mr. HAUGEN. What about the storage reservoir? What do they store in the reservoir?

Mr. ANDERSON. Water.

Mr. HAUGEN. I withdraw the point of order.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 14, line 22, strike out "$58,640" and insert "$62,860."

Mr. HAYDEN. Mr. Chairman, the object of my amendment is to increase the amount of this appropriation to the sum recommended by the Bureau of the Budget. Under the new Budget system I believe that Congress should pay some attention to recommendations made by that bureau which, after careful study, have been submitted to Congress. I am particularly interested in this item, because the sum of money here appropriated is intended for two poultry experiment stations, one at Beltsville, Md., and the other at Glendale, in the State of Arizona.

The work at the Glendale station is developing very satisfactorily, since the first poultry stock and equipment were only installed there on November 1, 1921. A foreman's cottage has been completed and an incubator cellar and feed house are well along in the process of construction. There are now over 300 head of poultry breeding stock on this farm and the plans for the coming year are to increase the houses, equipment, and stock very materially.

I am informed that the main lines of investigational work will be the feeding and breeding of poultry to develop lines of fowls which will do well in Arizona, and a study of methods of feeding peculiarly adapted to the Southwest. The chickens at this plant have been developed from the department's experiment station at Beltsville, Md., and the birds which have been carried in the Glendale station for one year have made splendid egg records.

In connection with the investigational work along breeding lines, I am told that artificial incubation will be used and methods studied which are found best adapted for climatic conditions there. Present plans are not only to increase the work with chickens very materially but at a later date to add work with turkeys, which have big possibilities in the Southwest, and later to develop work with ducks and geese.

Great interest is being shown in the poultry work and already a large number of visitors have been at the Glendale Experiment Station. The effect of good breeding stock and a poultryman well qualified in the poultry work adapted to that section is very marked in the improvement of the poultry in the Southwest and is creating greater interest in the raising and management of a much better grade of poultry.

There is an unsolved problem in poultry incubation for which the increase set forth in my amendment is asked. For some reason unknown, but nevertheless true, between the seventeenth and nineteenth day of incubation the largest number of chicks die in the shell. This loss is responsible for probably 25 per cent of the deaths of chicks in eggs that do not hatch. This is a fact, but no one knows why it is a fact, and the department wants to make a study which will explain this puzzle. The results of such investigations may be of immense benefit to the poultry industry all over the United States. The Bureau of Animal Industry was able to convince the Director General of the Budget that this sum should be allowed, and I would like to hear from some member of the Committee on Appropriations as to why it should not be authorized at this time.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. HAYDEN. Certainly.

Mr. MANN. The amendment of the gentleman does not propose to increase the appropriation, as I understand it, but to take away the money from some other service to give it to this service.

Mr. HAYDEN. If that is the case, why does the Committee on Appropriations in its report claim credit for a saving of $4,220 in this item?

Mr. MANN. Was the gentleman's amendment to increase the amount in line 21?

Mr. HAYDEN. No; but that can easily be done if a majority of the committee will follow my advice.

Mr. MANN. I know that. But that was not the amendment. The gentleman's amendment was to increase the appropriation for poultry feeding and take it away from somebody else.

Mr. HAYDEN. If the gentleman will now aid me in securing the adoption of this amendment I shall very quickly offer a subsequent amendment to increase the total. On this test vote I hope that I shall have the assistance of the distinguished gentleman from Illinois, who is not only an expert in gardening but I am sure is also deeply interested in poultry raising.

Mr. ANDERSON. Mr. Chairman, of course it is interesting to know why there is a loss of chicks on the seventeenth day or eighteenth day of incubation. There are yet many things to find out. But the general theory of this bill was that we should not include new projects except those of an emergency character, and upon that general theory this new item of appropriation was eliminated. I hope that the item will not be increased.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For all necessary expenses for the investigation, treatment, and eradication of dourine, $45,000.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 16, line 6, strike out "$45,000" and insert "$50,000."

Mr. HAYDEN. Mr. Chairman, I am merely seeking to have restored to the bill the full amount recommended by the Budget Bureau for the eradication of dourine. Congress has been appropriating considerable sums of money for the eradication of this disease of horses, beginning in 1919 with $97,000; in 1920, $88,000; 1921, $65,000; and $50,000 for the current year. I gather from the hearings that great success has attended this work, and if it is properly prosecuted the disease can be completely eradicated in the entire United States in the immediate future. The testimony as given before the Committee on Appropriations is that this disease is making its last stand in the Southwest, principally in the Navajo Indian country. The Indian appropriation bill annually carries a sum of money to pay for Indian ponies that are killed, but the work is not carried on by the Indian Service but by the Bureau of Animal Industry through its experts, who should be provided with ample funds.

The only way to completely eradicate this disease is to gather together the horses running on the range and test them, then kill every one of them that has it. The longer this work is postponed the more it will cost. Obviously it would be true economy to appropriate all the money that the Bureau of Animal Industry can wisely use, and they have demonstrated to the satisfaction of the Budget Bureau that they can use $50,000 a year. If by petty economy, trimming off a little this year and a little the next, the work is continued for four or five years, ultimately Congress will cause the expenditure of more money in eradicating this disease than would have to be spent if adequate and proper appropriations were promptly made. Let us furnish the funds and be done with it, and I therefore ask that this item be increased as recommended in the Budget.

I am advised that affected animals were found last year in South Dakota, Montana, New Mexico, and Arizona, most of them being in the last-mentioned State. During the fiscal year

1921, 22,179 animals were tested, of which 473 were found to be diseased. The figures for the previous fiscal year were 20,117 and 336, respectively.

A further reduction of $5,000 in this appropriation will not only prevent the bureau from prosecuting the work vigorously but will result in large numbers of animals, now healthy, contracting the disease in those areas in which they are unable to test all stallions and mares of breeding age and promptly slaughter those found to be affected.

During the last two years the bureau has been compelled to postpone this work on account of reduced appropriations. Each postponement has resulted in the spread of the disease to healthy animals and has very materially increased the cost of the work over what it would have been if sufficient funds had been available to cover all known infected territory.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the amendment?

Mr. ANDERSON. Yes. The department this year expended $47,000 on this job. The appropriation has been reduced little by little, year by year, as the disease has been closed in on and has gradually grown less, and the committee was thoroughly satisfied that the work could continue satisfactorily on the basis of $45,000. I hope in view of that fact that the proposal of the gentleman from Arizona will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEAT INSPECTION.

For additional expenses in carrying out the provision of the meat inspection act of June 30, 1906 (34 Stat. L., p. 674), as amended by the act of March 4, 1907 (34 Stat. L., p. 1256), and as extended to meat by the act of July 24, 1919 (41 Stat. L., p. 241), including the purchase of tags, labels, stamps, and certificates printed in course of manufacture, $891,180.

Total, Bureau of Animal Industry, $6,669,276.

Mr. HAUGEN. I desire to ask the gentleman from Minnesota how much money is carried for meat inspection this year?

Mr. ANDERSON. In addition to the sum which the gentleman will find on page 16 there is a standing appropriation of $2,000,000.

Mr. HAUGEN. That would make the total $2,891,180. How much was spent last year?

Mr. ANDERSON. Does the gentleman mean for the fiscal year 1922—this year?

Mr. HAUGEN. I call attention to the fact that the packers have been paying for overtime about $200,000 a year, and it is now suggested that the Government should pay for overtime. Will the $891,180 be sufficient to pay for the overtime, if that should be charged to the Government?

Mr. ANDERSON. I do not think so.

Mr. HAUGEN. Practically all of that amount was expended last year?

Mr. ANDERSON. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigations of plant diseases and pathological collections, including the maintenance of a plant-disease survey, $77,000: *Provided*, That $10,000 of this amount shall be used for research in brown-rot and kindred diseases of peach trees.

Mr. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NORTON: Page 18, line 23, strike out "$77,000" and insert in lieu thereof "$82,000"; also, on page 18, line 25, after the semicolon add "and that $5,000 of this amount shall be used for research in the eradicating of destructive diseases of raspberries."

Mr. NORTON. Mr. Chairman, I desire first to read a statement from the Secretary of Agriculture. This matter was brought to the attention of the Secretary of Agriculture after or about the time the bill was in the hands of the printer. The result was that it could not be changed by the committee. This is what the Secretary of Agriculture says on this subject:

DEPARTMENT OF AGRICULTURE,
Washington, February 25, 1922.

Hon. MINER G. NORTON,
House of Representatives.

DEAR MR. NORTON: I have your letter of this date, in which you refer to several diseases which are practically eradicating certain kinds of raspberries in the Western Reserve, particularly along Lake Erie, which have been brought to your attention by members of the leading agricultural societies of your State.

In reply I would say that destructive diseases of the raspberry have in recent years caused very serious reduction of the acreage devoted to this fruit in such States as New York, Ohio, and Michigan. While the exact cause of certain of the most destructive of these diseases has not yet been determined, investigations that have been prosecuted in the Bureau of Plant Industry during the past two years afford strong reason for hope that the blue stem, the most destructive of these diseases in the Great Lakes region, may be brought under control. While the work has not yet been under way long enough to permit an unqualified statement that effective and practical methods for controlling the disease are in sight, the experiments in northern Ohio are very promising, and the results of the work done by our specialists there are the basis for this expectation. The work thus far conducted is, however, on much too small a scale and during too short a time for prompt determination of the practicability of controlling the diseases under ordinary field conditions.

Our specialists who are making this investigation are strongly of the opinion that the most important step necessary in retarding the spread of the disease and rendering possible the resumption of profitable black raspberry growing where the disease is troublesome will be accomplished through the prompt and thorough eradication of all diseased plants from the fields and areas where the young plants for new acreage are grown. Unlike most fruit trees and vines, these young plants are not grown in nurseries, but are obtained in the form of rooted tips from the fields planted for fruit production. What appears to be necessary at this stage to promptly determine the practicability of this method is to thoroughly eradicate the disease from one or two typical raspberry-growing localities comprising areas of a few square miles each in order to provide a sufficient supply of disease-free plants to permit the development of new plantations with disease-free stock. Such work will, of course, need to be very carefully and thoroughly supervised by a specialist familiar with the obscure early symptoms of the disease, under whose direction the fruit growers can themselves eradicate the diseased plants.

This question is of such importance to the future of the black raspberry industry of the Lake region, which is now greatly reduced in acreage and production by these diseases, that it is a matter of importance that this phase of the work be thoroughly tested as promptly and effectively as possible. The department will consider making provision for it in connection with the estimates for the fiscal year 1924, but unfortunately this would not permit the undertaking of active work in the fields until another year has elapsed, which the raspberry growers of your region strongly desire to be undertaken at once, and which would be highly desirable to undertake if our funds permitted.

The appropriation of $5,000 for this purpose which you suggest would be sufficient for the effective handling of this work under the authority in the subappropriation for "Fruit investigations" under "General expenses in the Bureau of Plant Industry."

I want to say that this condition exists not only in northern Ohio, but I have heard that it prevails quite extensively in Michigan and northern New York and all along the Lakes, and that where they had thousands of acres a few years ago the industry is gradually being wiped out.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Ohio be extended three minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Does the gentleman know how much money the department is spending for this raspberry work now?

Mr. NORTON. Less than $5,000. I can not tell exactly. It is a very small amount.

Mr. McLAUGHLIN of Michigan. If the gentleman's amendment prevails, there will be danger that only the $5,000 mentioned in his amendment will be available. There is danger that the amount will be reduced below what the department is now spending for this purpose.

Mr. NORTON. I understand there is one person investigating this subject, but they say the disease has spread very rapidly in the last two or three years.

Mr. McLAUGHLIN of Michigan. The bureau now finds authority for spending more than $5,000. If the amendment of the gentleman is adopted, this expenditure may be limited to $5,000.

Mr. NORTON. That is possible. I had not thought of that phase of it. If I eliminate the last half of the amendment, that will cover it. I ask unanimous consent to strike out the latter part of the amendment, leaving it simply so as to increase the amount $5,000, which will then be used for this purpose.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. NORTON: Page 18, line 23, strike out "$77,000" and insert in lieu thereof "$82,000."

The CHAIRMAN. Is there objection to the request of the gentleman to modify his amendment?

Mr. MANN. Reserving the right to object, will the Clerk read the balance of the amendment?

Mr. NORTON. It was to provide that the $5,000 be used for this purpose.

The CHAIRMAN. Does the gentleman from Illinois ask that the Clerk report the original amendment?

Mr. MANN. Yes. I wish to hear the last part of it.

The Clerk read as follows:

Amendment offered by Mr. NORTON: Page 18, line 22, strike out "$77,000" and insert in lieu thereof "$82,000." Also on page 18, line 25, after the semicolon add "and that $5,000 of this amount shall be used for research in the eradicating of destructive diseases of raspberries."

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. I will not object.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

Mr. NORTON. I have learned since that this disease is quite extensive in the three States I have mentioned, even more than I knew, and the agricultural people of Ohio are very urgent about this matter.

They say that next year it will be far beyond what it is now because it is going all over the country.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I believe if the amount is increased to $82,000, if the amendment of the gentleman from Ohio is adopted, the department would take into account that fact that the amount was increased so that the amount available for the raspberry proposition would be larger than has heretofore been available.

Mr. MANN. The amendment may have been offered for that reason, but the membership of the House may not vote for it.

Mr. McLAUGHLIN of Michigan. I say if the amendment is adopted the department will take into consideration the purpose for which the amendment was adopted.

Mr. MANN. I would not vote for it for that reason.

Mr. McLAUGHLIN of Michigan. I think the gentleman from Ohio will be satisfied if the gentleman from Illinois votes for it for any reason.

Mr. MANN. But the department is not bound to take notice that the increase was for raspberry disease.

Mr. McLAUGHLIN of Michigan. I think the gentleman from Minnesota will bear me out when I say that the department does take notice of the purpose for which amendments are adopted and governs itself accordingly.

Mr. BANKHEAD. Mr. Chairman, it seems to me that the state of facts presented by the gentleman from Ohio makes this amendment a very meritorious proposition. I assume that in the absence of objection on the part of the committee it means their approval. Has the chairman of the committee any declaration to make?

Mr. ANDERSON. I do not object to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. NORTON] as modified.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments numbered 2, 19, 21, 28, 29, 31, 35, and 36, disagreed to by the House of Representatives, had asked a further conference with the House, and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For applying such methods of eradication or control of the white-pine blister rust as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem necessary to accomplish such purposes, and in the discretion of the Secretary of Agriculture no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, county, or local authorities, or by individuals or organizations for the accomplishment of such purposes, $175,000, of which $50,000 shall be immediately available: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed:

For the investigation of diseases of cotton, potatoes, truck crops, forage crops, hemp and related plants, $117,000.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman what is the reason for making this $50,000 immediately available?

Mr. ANDERSON. It is desirable if this increased work contemplated is to be done, that the work should commence as soon after the snow is off the ground as possible.

Mr. HAUGEN. How much was appropriated last year?

Mr. ANDERSON. The appropriation was $100,000.

Mr. MANN. What do they do with this money?

Mr. ANDERSON. This covers a large part of the organization activity in which the department furnishes the men who direct the gangs in destroying the gooseberry and currant bushes which are the hosts for the disease of white-pine blister rust.

Mr. MANN. Are these being destroyed?

Mr. ANDERSON. Yes; particularly in the Northern and Western States.

Mr. MANN. Domestic or wild?

Mr. ANDERSON. Wild gooseberries and currants.

Mr. MANN. Who destroys them?

Mr. ANDERSON. People employed by the private owners in some places and in others by the State. The Government expends nothing except for the organization——

Mr. MANN. I know the Government does not do it, but I wondered whether there was any effective organization.

Mr. ANDERSON. The experiment shows that if they are destroyed in a belt of 800 feet around the trees it will prevent the infection from the outside. If you eliminate the gooseberries inside that belt it will prevent the spread of the infection within the forest.

Mr. MANN. Some people have told me that the rust might be transmitted from 10 to 100 miles by the wind.

Mr. ANDERSON. I do not think that is true of white-pine blister.

Mr. SNELL. The investigations by the department indicate that it can not spread over 800 or 1,000 feet.

Mr. MANN. I visited a while ago a large wheat farmer and saw a lot of the common barberries scattered around and I expressed my surprise. This man is a very up-to-date farmer, and when I called attention to it he said, "Well, don't believe everything you read."

Mr. ANDERSON. The rust story is another story.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $379,705: *Provided*, That $147,200 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which such rust spores originate.

Mr. ANDERSON. Mr. Chairman, I move to strike out the word "such," on page 20, line 20.

The motion was agreed to.

The Clerk read as follows:

For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, $169,000: *Provided*, That no part of this appropriation shall be used in the free distribution, or propagation for free distribution, of cuttings, seedlings, or trees of willow, box elder, ash, caragana, or other common varieties of fruit, ornamental, or shelter-belt trees in the Northern Great Plains area, except for experimental or demonstration purposes in the States of North and South Dakota west of the one hundredth meridian, and in Montana and Wyoming east of the 5,000-foot contour line.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman in charge of the bill what advantage under the present circumstances the country may gain from spending $169,000 for the improvement of methods of crop production? If I rightly read the report of the commission of which the gentleman was a member, the present situation of the farmer is very largely due to the fact that already he is producing substantially more than can be sold. Is it quite fair that in the present need for great economy we should continue an appropriation of this sort for still further increasing the surplus of agricultural products?

Mr. ANDERSON. I think there would not be any economy in striking out this appropriation. The gentleman must remember that there are a large number of people on these arid and semiarid lands. They are farmers, and they need help in their problems if any farmers need aid, because they live in a section of the country where farming is a precarious business. If there are any farmers in the country who need assistance in their problems, these farmers do. While there is something in the suggestion which the gentleman makes with respect to the effect of agricultural production in the country, the fact is that these people are there, and they have to make a living out of the ground, and they are entitled to such assistance as the Government can give them under the circumstances.

Mr. LUCE. I do not criticize this particular item, but I would call the gentleman's attention to three quotations from the report in question, one to the effect that the increase in farm output in the last 10 years has been largely due to increase in acreage, and to a slight degree only has there been an increase in the output per acre. The second quotation to which I refer is to the same effect, that the per acre production of grain has increased at the rate of about one-half of 1 per cent per acre per annum in the last 30 years.

Mr. ANDERSON. At that point may I ask the gentleman a question?

Mr. LUCE. Certainly.

Mr. ANDERSON. Who was it that said, "Oh, that mine enemy would write a book"?

Mr. LUCE. I hope he would write as good a book as this one.

The report furthermore says that the quantity of fertilizer used in the production of farm crops as well as the total expenditure for farm fertilizer has more than doubled in the last 10 years. We have doubled the quantity of fertilizer and we have not increased in any appreciable measure the yield per acre, and we are confronted to-day with a bill appropriating practically twice as much as was expended for the Agricultural Department 10 years ago. What are we getting out of it?

Mr. ANDERSON. There has been an increase in the per acre production of about one-half of 1 per cent annually, and also there has been a tremendous increase in the per man production, a very considerable part of which in my judgment is due to more effective and efficient methods worked out as a result of scientific studies, such as are carried on here.

These studies have not only to be carried on in the laboratory but they have to be carried on on the character of land where eventually they are to be applied. Problems have to be worked out in the field, and these studies are established with the idea of working out these problems in the field under the conditions which the farmer himself is confronted with. It is altogether possible that the country and these farmers themselves would be better off if they had never seen this particular part of the country, which, as I said before, is exceedingly difficult and precarious as a farming country, but they are there, and we can scarcely leave them there with no assistance whatever in the solution of the problems which they have.

Mr. LUCE. Of course, the gentleman realizes that I am not addressing myself to this particular local problem. I am somewhat disturbed by the proof laid before me, that in spite of the fact that the Nation and the States together may have expended in the last generation $1,000,000,000 for the improvement of agriculture, it is still reported to us that there is very little increase per acre in the produce of our soil, and I am wondering whether the actual net results of the expenditure of these enormous amounts of money in the field of agriculture have been justified.

Mr. ANDERSON. I think it unquestionably has in the way I have suggested, by the increase in the per man production which in this country is greater than in any country in the world. The gentleman must remember that we have constantly increased our acreage, and the increased acreage has been of a low-production character, that the best acreage in the country was taken up first, and that as we go westward and take up poorer acreage, it has a tendency in the direction of keeping our average per acre production at a low point. The great development of agriculture in this country, in my judgment, in recent years has been in the increase of the per man production as distinguished from the per acre production.

Mr. LUCE. The gentleman must be aware that on the other side of the water the development of intensive agriculture has been the safety of the people. We seem to be making no progress in the development of intensive agriculture.

Mr. ANDERSON. Oh, if the gentleman lives another hundred years he will see the same development in intensive agriculture in this country he has witnessed on the other side. We have already made great strides in this direction in many sections of the country.

Mr. WHITE of Kansas. Mr. Chairman, I rise in opposition to the pro forma amendment. In the discussion of this particular paragraph I wish to make the statement that the chairman of the subcommittee has, I think, answered effectually the suggestion of the gentleman from Massachusetts [Mr. LUCE]. The extension of our agriculture into the arid sections of the country is responsible for the very slight increase shown in acreage production, because the average must include those low-producing areas.

I am a native of the great agricultural State of Iowa. I left there in 1875 and have revisited that State consecutively almost every year since I left there. I believe it will be borne out by comparative figures that the production of corn and oats in Iowa has been greatly increased through intensive cultivation. A great increase is shown, though I am not able to state the exact figures. We rediscover year after year important truths which have been known for centuries. Cato wrote a book on how to farm good pasture land profitably, and a further section was devoted to how to farm ordinary pasture land profitably and poor pasture land profitably. The farmers of the valley of the Nile, 300 years before the Christian era, knew that you could increase the product of wheat land by once mowing the wheat off, but we have rediscovered within the last decade or two in Kansas, and doubtless in the other wheat-producing areas of this country, that we can raise better wheat frequently if we pasture our wheat and get rid of the early luxuriant growth, which we believe, notwithstanding the specialists, induces and develops the rust that is often so destructive to wheat. We find by practical experience, although we can not prove it scientifically, that we raise better wheat and have less rust when we pasture our wheat. The surface methods of cultivation of arid land are well known to millions of farmers in this country. The French farmers 300 years ago knew thoroughly and well the advantages of surface cultivation and practiced it extensively.

But we have rediscovered and proclaimed it with a great hurrah and blare of trumpets within the last 15 or 20 years. Now, of course, I am pleased that the gentleman does not object to the appropriation. I think these facts are known by our practical farmers throughout the country, and the indifferent farmer gets more benefit from the example of the thoroughgoing intensive farmer in his own neighborhood than he gets from all the agricultural reports that have ever been printed by the Department of Agriculture. [Applause.] But if the indifferent farmer can have called to his attention the advantages that will follow from intensive agriculture or surface cultivation, through the methods which are now being followed and are in common use throughout the western country and which the department seeks to inculcate, I think that the money is well spent. But I do believe, Mr. Chairman, that these methods are already well established, and it seems to me that this money is almost uselessly expended, but if the result claimed can be achieved, if the attention of more farmers can be called to the object sought to be attained, the money will have been wisely appropriated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Kansas. I would ask for a three-minute extension.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. WHITE of Kansas. I would like to call the attention of this committee just in a single sentence to the statement of the gentleman from Massachusetts [Mr. LUCE], made by him, that there is a great overproduction in the United States to-day of agricultural products; that this is one of the complaints we hear from all over the country. So why should we seek to further increase those products? I call the attention of the gentleman and of the committee to the fact that within the last three months the prices of all staple agricultural products have been advancing gradually and constantly; that wool selling a year ago at 23 cents a pound is now being sold for 36 for the clip before it is taken off. That the price of live hogs on the market of the country at this time, when it is not usual to expect a great advance, when we might expect a dull market, has advanced within the last 90 days approximately $4 per hundred.

I further call attention of this committee to the fact that I saw a statement this morning from the Daily Drovers Telegram, of Kansas City, that a sheep raiser and feeder of the State of Utah marketed in Kansas City 400 head of lambs that cost him on the range $5.60 at $15.50. I want further to call attention, Mr. Chairman and gentlemen of the committee, to the fact that a shipper from Sterling, Tex.—that must be a good town for it has a splendid name—by the name of Foster—in whose district is Sterling located?

Mr. HUDSPETH. In the best district in Texas.

Mr. WHITE of Kansas. Then it must be in the district of my friend HUDSPETH, the gentleman from Texas. Well, he marketed 1,500 Texas lambs in the Kansas City market last week at a high price and said in a newspaper interview in substance that the sheepman is again on his feet and prosperous, and his herds are reorganized on a paying basis.

Mr. LONGWORTH. If the gentleman will yield, the gentleman will recall that the gentleman from Texas, to whom he refers, voted for the emergency tariff bill.

Mr. WHITE of Kansas. Not only voted for it, as the gentleman from Ohio suggests, but was one of its ablest champions. Had the gentleman from Texas, who was absent on account of sickness, been here upon that fateful day when we lacked just three or four votes of getting that little duty on hides in the general bill, it would have been like a blast of the bugle from Roderick Dhu. [Applause.] It would have been worth enough Democratic votes to have carried it through. [Applause.]

And since my attention has been called thereto, I can not refrain from further allusion to the words of my good Democratic friend from Texas, Mr. HUDSPETH. I think it must have been about the 14th of last April, speaking on this very subject of the emergency tariff, which provides for a stiff duty on wool and frozen meats and other products of the farm, the gentleman from Texas, describing the sheep industry in his State, said, "Our sheep and goats are practically worth nothing; it costs 30 to 50 cents per pound to produce wool and mohair, and when it sells, it sells from 10 to 20 cents per pound." It was a most distressing condition he pictured, but not in the least overdrawn.

Those loyal people, who had supported their Government splendidly throughout the ordeal of war, who sent their sons to do battle for their country, were in the spring of 1921 on the brink of ruin. No stronger appeal for relief has ever been presented in this House than was spoken by CLAUDE HUDSPETH, of the fourteenth Texas, in the interests of a distressed constituency.

But what is the situation to-day? In all my experience of 46 years in Kansas I do not recall when there has been so complete a reversal of conditions in the brief period of less than one year. The advance in the price of all classes of cattle exceeds 32 per hundred in 90 days. If, as is estimated, there are now 70,000,000 cattle in the United States, averaging 700 pounds, it shows an increase in value on the item of cattle of $980,000,000, or, in round numbers, $1,000,000,000.

And the same is true of swine, except in a greater degree. A net advance of $3.50 has been scored in the past 90 days and sold in Kansas City this week at $11.15 per hundred.

Seven million bushels of wheat were received in Kansas City from my own State of Kansas for the month of February, at $1.40 to $1.50 per bushel cash for standard wheat. More than $10,000,000 went to the farmers and country elevators of my State in the single month of February for wheat alone. The effect of the price improvement is being reflected in almost every line of business throughout the country.

And I am pleased, and more than pleased, that the sheep and wool industry and the cattle industry, forming so large a part of the investments of the people in the district of my Democratic friend from Texas [Mr. HUDSPETH] are sharing in the improved and constantly improving conditions.

And while it is true that the present upward trend in the prices of many of the products of the farm is most gratifying it is also true that one great obstacle to complete fair readjustment remains yet to be removed. And that is the reduction of transportation rates, which are so high as to be almost prohibitive in some particulars. And which are an incubus on the free interchange of commodities. The proper reduction of freight rates would doubtless do more than any other one thing to give further important relief and benefit to producers and consumers and, in my candid judgment, would also increase the revenues of the railroads and thus a benefit would accrue to the entire population of the country and to all lines of business at the same time.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the proforma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, handling, and studies of the physiological and related changes of fruits during the processes of marketing and while in commercial storage, $114,200.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 15, strike out "$114,200" and insert in lieu thereof "$121,700."

Mr. HAYDEN. Mr. Chairman, the Bureau of Plant Industry succeeded in convincing the Director General of the Budget that this appropriation should be increased this year to $121,600. A part of that increase, I understand from the hearings, is made up by a transfer from the Bureau of Markets which the committee has allowed. But I understand that some of the items asked for and demonstrated to be necessary to the Bureau of the Budget were not allowed by the Committee on Appropriations, and for that reason I have offered this amendment.

Mr. ANDERSON. I will say to the gentleman that the appropriation which I suppose he has in mind, which is a very important matter, involves the increase of $9,000 more for bud-selection work, and it is included in this item, but the item of $23,000 covered from the Bureau of Agricultural Economics into this item was not allowed.

Mr. HAYDEN. I understood that the increase asked for in this appropriation was, in part, to be applied to strengthening the remarkable investigations into the bud selection of superior strains of citrus fruits.

Mr. ANDERSON. That is taken care of.

Mr. HAYDEN. In the citrus-growing regions of southern California and Arizona it has been demonstrated that in many groves there are what might be called "loafer" trees, just as has been shown by the Babcock test in the dairy industry that there are "boarder" cows that are not worth their keep. When buds are selected from trees by going into an orchard without knowing anything about the parent trees, very frequently buds are obtained from a tree that does not produce a good quality or a proper quantity of fruit. This is a question that is of immense interest to the citrus fruit growing industry everywhere, and I am glad, indeed, to be advised that the committee has allowed the full amount for this important work.

These investigations will be of the greatest value to my State. A large sum of money is soon to be expended in the development of the Yuma mesa, largely with the idea of growing citrus fruits there. It is of the utmost importance that investigations on bud selection, such as those carried on in California, be extended to Arizona in order to find strains of citrus fruit that can endure the hot dry weather of the summer and give large yields of choice fruit. It is no exaggeration to say that the success or failure of the Yuma mesa project as a citrus-fruit region may in the end depend on whether or not these investigations are made.

Mr. ANDERSON. The committee had that in mind.

Mr. HAYDEN. I therefore withdraw my amendment.

The CHAIRMAN. Without objection the amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 15, 1920, $70,500: *Provided*, That the limitations in this act as to the cost of farm buildings shall not apply to this paragraph.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph. What is the meaning of the limitation on the cost of buildings?

Mr. ANDERSON. The removal of the limitations on the cost of buildings, of course, is not new in this paragraph. That proviso has been carried for many years.

Mr. HAUGEN. It does not make it permanent law?

Mr. ANDERSON. The increase in the appropriation is to cover the installation of a new set of boilers in the heating plant at the Arlington farm.

Mr. HAUGEN. This is not the building?

Mr. ANDERSON. No; it covers the heating plant.

Mr. HAUGEN. How much is to be used for the heating plant?

Mr. ANDERSON. Twenty thousand dollars.

Mr. HAUGEN. And the other is for building it?

Mr. ANDERSON. And the other $20,000 is the regular maintenance item.

Mr. HAUGEN. That is the amount carried last year for the building. Has not the building been completed?

Mr. ANDERSON. That was not for the building. This $20,500 is for the maintenance of the farm, and the $50,000 additional covers the installation of a new set of boilers and the boiler house.

Mr. HAUGEN. Then the additional appropriation is for the boilers, and that is necessary to be done?

Mr. ANDERSON. Absolutely.

Mr. HAUGEN. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants, $180,000: *Provided*, That of this amount not to exceed $56,600 may be used for the purchase and distribution of such new and rare seeds.

Mr. LANGLEY. Mr. Chairman, I offer an amendment as a new paragraph.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 26, after line 7, insert a new paragraph as follows:

"Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants."

Mr. ANDERSON. Mr. Chairman, I make the point of order on the paragraph. It is not germane to the section of the bill and is not authorized by law.

The CHAIRMAN. Does the gentleman make it or reserve it?

Mr. ANDERSON. I make the point of order.

Mr. LANGLEY. I wish to call the attention of the Chair to the fact——

Mr. ANDERSON. Mr. Chairman, it never seemed to me that a point of order to this particular paragraph needed any particular discussion. It is so obviously legislation that it does not seem to me necessary to make any argument with respect to it. In the first place, there is not any law that I am aware of which authorizes a congressional seed distribution. The paragraph, outside of that portion of it which provides an appropriation, contains a series of directions to the Secretary of Agriculture as to the method of making this distribution, for which there is no law whatever. Now, of course, you can attach certain restrictions, limitations, and requirements to the expenditure of an appropriation, but these provisions are directions to the Secretary of Agriculture and not in the nature of limitations upon the expenditure of the money at all. They are in the nature of legislative direction to the Secretary of Agriculture as to what shall be done after the appropriation has been spent for the purchase of seeds. It provides, for instance, for due advertisement and competitive bids. It provides that an equal proportion of five-sixths of all seeds, bulbs, cuttings, plants, and so forth, shall be supplied to Senators and Representatives, for which there is no authority of law. It provides——

Mr. LANGLEY. Will the gentleman yield to me at that point?

Mr. ANDERSON. Yes.

Mr. LANGLEY. Perhaps I can shorten the discussion a bit—I hope I can, at least—by calling the gentleman's attention to the fact that this is an exact copy of the amendment offered last year by me, and which became a part of the law of the land, and that the same question which he is now discussing, including the point that several new provisions of law were proposed, was discussed fully then. The same gentleman who occupies the chair now occupied it then, and ruled then that it was in order, and in so ruling followed the ruling which had been adopted by a previous Chairman of the Committe of the Whole.

Mr. ANDERSON. The gentleman is aware of the fact, and because he is aware of it he has been at some pains to direct the Chairman's attention to the fact, that there are many reasons why the ruling he made last year was erroneous.

The CHAIRMAN. Does anybody desire to discuss this question on the point of order? If not, the Chair will rule.

Mr. LANGLEY. Mr. Chairman, practically all I wanted to say I said in my colloquy with the gentleman from Minnesota [Mr. ANDERSON]. I assume that the Chair will notice that I made a literally correct statement of what occurred last year, and so far as I am concerned I think the Chair fully understands the question. Therefore I do not care to take up the time of the comuittee further, although I am very anxious to make a speech on this subject.

Mr. HAUGEN. Mr. Chairman, I think there is no question about the point of order. I think the organic law makes it clear that the amendment is in order. The law says:

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

The CHAIRMAN. The Chair wishes to make a statement in regard to the point of order. As the gentleman from Kentucky a few days ago kindly informed the Chair of his intention to offer the amendment, the Chair has had opportunity of studying the question, and will ask the indulgence of the committee for a few minutes in order to present his views on this much-controverted subject.

As this congressional seed distribution proposition has for many years been the subject of discussion and uncertainty, the Chair, with the able assistance of the parliamentary clerk, has taken occasion to look up the history of the subject.

The Chair finds as early as 1904 the point of order relating to this proposition was presented to the House, and that since then, either against a paragraph in the bill itself or against an amendment, it has claimed the attention of Members of Congress.

On February 5, 1904, with Mr. Powers, of Maine, in the chair, Mr. Sheppard, of Texas, made a point of order against that part of the item relating to the method of distribution of the seeds. The Chair on that occasion sustained the point of order.

During the consideration of the bill in 1906 Mr. Wadsworth, of New York, made a point of order against the proposition, and while the subject was thoroughly discussed, as the point of order was withdrawn, no decision was rendered by the Chairman.

On January 29, 1907, Mr. Candler, of Mississippi, offered the amendment providing for congressional seed distribution. Mr. Foster, of Vermont, occupied the chair at that time, and Mr. MANN, of Illinois, reserved a point of order against the amendment, but later withdrew it. The objection having been renewed by Mr. Jones, of Washington, the Chair sustained it. On an appeal from this decision, by a teller vote of 84 ayes and 136 noes, the Chair was overruled. At that time, while the Chair seemed clear on the parliamentary merits of the case, he recognized the fact that there was some confusion in the rulings.

On March 19, 1914, when Mr. Hamlin, of Missouri, was presiding, the question was again presented and fully discussed. Mr. SUMNERS, of Texas, made a point of order against the item, but the objection was overruled by the Chair.

On February 21, 1921, when the present occupant of the chair was presiding during the consideration of the Agricultural appropriation bill, Mr. LANGLEY, of Kentucky, offered the seed-distribution amendment, against which a point of order was made by Mr. BLANTON, of Texas. The Chair in rendering his decision stated that—

The ruling which the Chair is going to make is in direct opposition to the real opinion of the Chairman, but he founds it entirely on the precedent established by this committee a number of years ago, when it, by a decisive vote, overruled the Chairman and held in order this proposition.

The Chair finds that the general law relating to seed distribution provides (sec. 526, R. S.) that—

The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

Thirty-ninth United States, page 741, provides:

The Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on congressional orders, the franks to have printed thereon the facsimile signatures of Senators, Representatives, and Delegates; also the names of their respective States or Territories, and the words "United States Department of Agriculture, congressional seed distribution," or such other printed matter as the Secretary of Agriculture may direct, the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress.

Eighteenth Statutes, 343, provides:

Seeds transmitted by the Commissioner of Agriculture, or by any Member of Congress or Delegate receiving seeds for distribution from said department, together with agricultural reports emanating from that department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates.

The Chair finds that while there is existing law authorizing the purchase of seeds by the Department of Agriculture and authorization for the printing of franks by the Public Printer, as well as law providing for the transmission of seeds through the mails, the Chair fails to find any authorization for the congressional distribution of seeds, or any authorization permitting the Secretary of Agriculture to enter into contract for a period of years for the packing, assembling, mailing of the seeds, or for the procurement of containers in which to ship them, or any authorization for the method to be pursued by the Secretary of Agriculture in making the distribution. These provisions have been carried in appropriation bills for many years and are merely current law, and as such are on their face prima facie evidence of legislation, because if such provisions were permanent legislation they would have long ago been dropped from the appropriation bill, since if permanent they would be mere repetition of unnecessary verbiage. However, the Chair has examined the statutes carefully and has been unable to find any permanent law except the three statutes above quoted.

The Chair is cognizant of the desirability of maintaining uniformity in the matter of precedents, and recognizes the fact that without such uniformity decisions would become largely arbitrary and personal and would lead to confusion.

The Chair realizes also that it has been the custom in deciding parliamentary questions to pay great deference to former decisions. The Chair does not forget that it is the duty of the Presiding Officer to found his decision upon parliamentary laws and procedure, without reference to the expediency of the legislation proposed or to the sentiment of the committee.

The Chair also feels that when a committee establishes a ruling the motives of those voting on the decision should not be questioned. The fact that this proposition has for years been carried upon the statutes, while it may be indicative of policy, can have no binding force, for it frequently happens that many items are retained in bills not because they are free from parliamentary objections but because no points of order are made against them.

This amendment proposes legislation upon an appropriation bill and provides for an appropriation for a purpose not authorized by law.

While the Chair feels that this amendment is subject to the point of order under Rule XI, and would so rule were it brought before him as an original proposition, yet he feels that an individual opinion should not be set against precedent established by the committee itself.

The Chair, despite the precedent of 1907 and other decisions, in justice to his own opinion, can not bring himself to the point of rendering a decision which would seem to emasculate Rule XXI and vitiate the many decisions rendered in conformity to it. On the other hand, realizing fully the value which the House has always placed on precedents, the Chair is loath to reverse them by a formal declaration, even though his own opinion is not in accord with these particular precedents, and notwithstanding the fact that he feels the recognized procedure of the House would warrant the Chair in sustaining the point of order.

In view of the strictness with which the rules of the House are now interpreted in reference to the demarcation between the legislation and appropriation powers of the several committees, the Chair feels that it is proper that the question should be determined by the committee itself in order that it may decide whether the ruling of the committee rendered 18 years ago is acceptable at the present time.

The Chair is also fortified in his suggestion to refer the matter to the committee by entertaining the view that when the opinion of the Chair is at variance with the opinion of the committee the proper procedure is to ask the committee to make the ruling. Therefore the Chair is going to let the committee determine whether this amendment is or is not in order on this appropriation bill. Are you ready for the question, gentlemen? [Cries of "Question!"]

The question is, Shall the amendment be considered in order? Those in favor will answer "aye"; those opposed, "no."

The question was taken; and the Chairman announced that the "ayes" appeared to have it.

Mr. ANDERSON. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 113, noes 46.

The CHAIRMAN. Therefore the opinion of the committee is that the amendment is in order.

Mr. CLARKE of New York. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The vote just taken discloses that a quorum is present. The question is on the amendment offered by the gentleman from Kentucky [Mr. LANGLEY].

Mr. ANDERSON. I move to strike out "$360,000" and insert "$240,000."

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the amendment offered by Mr. LANGLEY: Strike out the figures "$360,000" and insert in lieu thereof the figures "$240,000."

Mr. ANDERSON. Mr. Chairman, I am opposed to the whole amendment; but with the reduction in the cost of seed and with the reduction in the cost of envelopes and other items connected with this distribution, $360,000 in the next fiscal year will be altogether more than is necessary in order to do this thing upon a fairly reasonable basis for the Members of the House and Senate. If the Members desire to do this and do it in a reasonably economical and efficient way, $240,000 will do it in that way. It is simply a question whether you are going to be reasonably economical or whether you are going to spend the taxpayers' money like a bunch of drunken sailors.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] to the amendment offered by the gentleman from Kentucky [Mr. LANGLEY].

The question being taken, on a division (demanded by Mr. RAMSEYER) there were—ayes 63, noes 97.

Accordingly the amendment of Mr. ANDERSON to the amendment of Mr. LANGLEY was rejected.

Mr. NOLAN. Mr. Chairman, in the confusion we could not hear the announcement of the result.

The CHAIRMAN. The amendment offered by the gentleman from Minnesota [Mr. ANDERSON] was lost.

Mr. LUCE. Mr. Chairman, I move to strike out the last word, not to engage in debate upon the main proposition but in order that next fall we may be able to refer to the fact that when the chairman of the subcommittee in charge of this bill informed the House that this work could be done for $240,000 instead of $360,000 only two gentlemen on the Democratic side of the House rose to support his amendment. [Laughter.]

Mr. SISSON. Mr. Chairman, I move to strike out the last two words. I sincerely trust that this question will be resurrected next November, and when you go out to get the farmers' vote of this country I want them to understand that there were only two Democrats who voted against giving the farmers the garden seed that they have been getting for over one hundred and twenty years. Mr. Jefferson, the father of Democracy, instituted the distribution of seed by the Government. I have always voted for this small appropriation. I do not care how many of you Republicans vote against this item so far as politics is concerned. But I am rather at a disadvantage, for this reason, that if I wanted a really good political issue I would like to have something pointing the way the wind blows; but unfortunately enough of the overwhelming Republican majority have voted in favor of giving seed to the farmers, so that now they have taken that issue away from me. [Laughter.]

Mr. LUCE. Will the gentleman from Mississippi yield?

Mr. SISSON. Yes.

Mr. LUCE. The gentleman misunderstood my statement. Only two Democrats voted against reducing the amount of the appropriation to the sum which the chairman of the subcommittee [Mr. ANDERSON] said was sufficient to give a proper distribution of seeds. They voted, not against the distribution of seeds but against economy in the distribution of seeds.

Mr. SISSON. If you want to get right down to the facts, I happen to know something about this subject, and $360,000 will not be enough to give seed to every congressional district. The appropriation ought to be increased.

Mr. LANGLEY. I wish it was $450,000 instead of $360,000, speaking for myself personally.

Mr. ANDERSON. Mr. Chairman, I move that all debate on the amendment and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the amendment and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. LANGLEY].

The question being taken, on a division there were—ayes 145, noes 65.

Accordingly the amendment was agreed to.

The announcement of the result was received with applause.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of investigation, including the office of the chief of bureau, the assistant chief of bureau, the officers in charge of publications, records, supplies, and property, and for miscellaneous expenses incident thereto, $26,980; in all, general expenses, $2,425,050; total, Bureau of Plant Industry, $2,922,610.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the totals in the bill in accordance with the action of the House.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the Clerk be authorized to correct the totals of the bill in accordance with the action of the House. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I move to strike out the last word. On account of the remarks of the gentleman from Massachusetts [Mr. LUCE] a moment ago I want to call attention to the last vote, which shows that with a Republican majority of 165 or more in the House there were only 65 who voted against the seed proposition.

Mr. LUCE. Will the gentleman yield for a moment?

Mr. PADGETT. Yes.

Mr. LUCE. I counted the Democrats who voted against the seed proposition, and I discovered six, certainly, and one who kept bobbing up and down so fast that I could not decide which way he voted.

Mr. PADGETT. That is all right. We do not conceal where we stand, but with 165 Republican majority you could muster only 65 to vote against the distribution of seeds.

Mr. CRISP. With a Republican membership of 305 in the House there were only 65 who voted against it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests; for the examination and appraisal of lands in effecting exchanges authorized by law and for the survey thereof by metes and bounds or otherwise, by employees of the Forest Service, under the direction of the Commissioner of the General Land Office; and for the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the act of June 11, 1906 (34 Stats., p. 233), and the act of March 3, 1899 (30 Stats., p. 1095), as provided by the act of March 4, 1913, $60,000.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 32, after line 12, insert a new paragraph, as follows:

"For training and instruction of officers and employees of the Forest Service necessary for effective protection and administration of the national forests, $20,000."

Mr. HAYDEN. Mr. Chairman, it has been the experience of those engaged in fighting fires in the national forests that there is great necessity for instructing the officers of the Forest Service in the proper methods of carrying out that most important work. The Forest Service was able to convince the Secretary of Agriculture and the Director General of the Budget that an appropriation such as I have proposed would be in the nature of real economy. Congress has at different times appropriated large sums, millions of dollars in a single year, for fighting forest fires. The Forest Service is convinced, as a result of this costly experience, that if the forest officers and employees can be gathered together and given proper instructions in the best methods of fighting fires it will be possible to save large sums of money.

It seems to me that if the Forest Service can convince the hard-headed Director of the Budget that an appropriation of $20,000, such as I have offered, will actually result in economy, then Congress should promptly carry out his recommendation. When Congress is suddenly informed that great fires are burning in the national forests, we promptly appropriate hundreds of thousands of dollars to meet the emergency. But why not spend a little money for preparedness?

An inspection and analysis of the history of bad forest fires has shown that inexperienced and inexpert forest officers have been responsible for much of the losses of the national forest resources and expenditures of public money in suppressing the fires. Should this item of $20,000 be made available it is planned to provide an intensive preliminary training for forest officers who, in connection with their duties on the national forest, will be called upon to assume the responsibility arising in connection with the detection and suppression of forest fires.

Knowledge and skill in this work does not come to men naturally, nor is it possible to hire men who are expert in fire protection. There are no private or public schools where such instruction can be secured. It is indeed wasteful for forest officers to secure all this training and experience at the expense of burning forests. The values saved on a single fire would more than equal this expense. The purpose of my amendment is to make possible this special training in advance of the fire season.

Those in direct charge of the work have carefully studied the question and arrived at the conclusion that by gathering together the men whose duty it is to undertake this work, to supervise the crews of men who will be hurriedly engaged to put out the fires, will result in real economy; and if so, why not practice it? Why follow a cheeseparing plan of apparently saving a little here and a little there, when in the end the Government will have to expend thousands of dollars more? I am surprised that the Committee on Appropriations, friendly as it usually is to the Forest Service, did not include this item in the bill.

Mr. ANDERSON. Mr. Chairman, I think there is something in the suggestion of the gentleman from Arizona as to this item, but I do not think there is enough to justify the proposition at this time, and I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, $120,640: *Provided*, That from the nurseries on the Nebraska National Forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An act increasing the area of homesteads in a portion of Nebraska," aproved April 28, 1904.

Mr. ANDERSON. Mr. Chairman, I move to strike out the sum "$120,640" and insert the figures "$125,640."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 88, line 12, strike out the figures "$120,640" and insert in lieu thereof "$125,640."

Mr. ANDERSON. Mr. Chairman, in transferring the proviso from another place in the bill to this place we did not transfer the money which should be transferred to cover it, and the amendment I offer is intended for that purpose.

Mr. MANN. Mr. Chairman, a few moments ago the committee voted on the question of the free distribution of seeds throughout the country, and there were quite a number who voted against it. A few days ago the House voted on the question of appropriation for the purchase of seed for certain people who were in distress in the country, and more than one-third of the House voted against it. But here is an item which any Member of the House could have stricken out by simply making a point of order, but no Member has made the point of order, not even those who are opposed to the free distribution of seeds or those opposed to the appropriation of money to purchase seed for the farmers in need of it.

Here is an item that gives trees away for nothing. While it says "surplus trees," of course everyone knows that it means that they raise the trees for that purpose. The only way they have a surplus is to raise the trees, and then when they have the surplus they give them away. Yet nobody, not even our distinguished friend from Massachusetts [Mr. LUCE], makes a point of order against the item, which has all the fault of the free-seed distribution. Not even the committee that reported it objects to it, although opposed to the free distribution of seed. The committee is quite willing to give the plants away after the Government has gone to the expense of purchasing the seeds, planting them and raising the trees. I think it is a good thing

to do. I have wondered whether the most of the Members who are opposed to free-seed distribution opposed it because they know it will go through, and then omit to make a point of order on this item because they know that if they do the item will go out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Illinois [Mr. MANN], who has just spoken, wonders whether some of those who voted against the free-seed appropriation did not do so really hoping that the appropriation would nevertheless be adopted. I am one of those who, ever since I have been in Congress, have voted against the appropriation for free seeds, and I have no hesitation in recording myself against it now. I have done this largely because this appropriation has been a favorite theme for newspaper paragraphers, who sought to belittle Congress, and I think they have been successful to a certain extent. This appropriation has often been called political graft, and there are many people who believe that Congressmen desire the seed distribution solely for political purposes. I give the gentlemen who voted for the appropriation credit for desiring to accomplish a beneficial object by the distribution of this seed, and I am quite ready to admit that in many instances it has served a good purpose. But, Mr. Chairman, whatever benefits may be received from this source are, to my mind, by no means commensurate with the expenditure which is carried by the appropriation which has been adopted by the committee. In other words, the benefits are small to the persons who receive these seeds in comparison to the expense.

But that is not all. I doubt whether any Congressman gets any benefit from the seed distribution in a political way, and it is more or less expense and trouble to all Members of Congress who undertake to make use of it. I have hoped for a long time that we would be able to get rid of this burden, but gentlemen on the other side of the House have furnished the votes which were necessary to keep it in the Agricultural appropriation bill. There probably was a time when the distribution of garden and flower seeds by the Government enabled people to get a better grade of seeds than they could otherwise obtain. Indeed, the original theory of this distribution was that thereby rare and useful varieties would be distributed. Whatever there might have been in this original proposition, nothing of the kind obtains now. The seeds are, with few exceptions, very ordinary in quality and often not entirely reliable. I can see nothing in the plan which justifies the expenditure of $360,000 or even $200,000, and hope that when the bill is finally enacted into law this item will not be contained in it.

Mr. STEVENSON. Mr. Chairman, I rise in opposition to the pro forma amendment. We are having an experience meeting, and I want to say to the gentleman from Iowa [Mr. GREEN] that I am very glad to take the trouble to distribute these seeds to the people in my district, because they want them. The schoolteachers write to me for them, and they have their flower gardens and they teach the children how to make flower gardens and vegetable gardens. The cotton-mill people have their little gardens, and they get their houses pretty cheap, provided by the cotton mills. The cotton-mill people write to me for these seeds; they are glad to have them. I think it is one of the privileges of the Congressmen to once in awhile be able to send back to the people something real from this Congress up here. We bombard them with speeches and with all kinds of literature and all that kind of thing that is useful for some purposes on the farm, but for not many. We send them absolutely nothing direct from Congress except the seeds. I will say for the people in my country that they not only want them, but they commend them. I have had letter after letter in the last few days in respect to the improvement in the seeds in the last two or three years. I have distributed my quota and I have managed to obtain an additional amount. It will take all of them to supply my needs. If the gentleman from Iowa wants to part with any of his and not have the trouble of sending them to his constituents, I would be very glad to get some of them and send them out to mine.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forest and forest lands, $85,000.

Mr. MAPES. Mr. Chairman, I move to strike out the last word.

This paragraph makes the appropriation for the existing forest experiment stations of the country. Some time ago, at the request of several patriotic, public-spirited citizens and some associations in my State, I introduced a bill to make an appropriation for the purpose of establishing a forest experiment station in one of the States of the Great Lakes.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAPES. If the gentleman will wait a moment until I make a brief statement, I shall be glad to yield to him.

The necessity for these experiment stations and the work which they are doing is well explained in the testimony of Mr. E. H. Clapp, the assistant forester in charge of forest products in the Department of Agriculture. His testimony on this subject is very illuminating. It appears on page 221 and the pages immediately following of the hearings before the subcommittee that reports this bill.

There are at present only three forest experiment stations in the whole country, one located in North Carolina, one in Louisiana, and one, I believe, in Montana. The testimony is that there ought to be available from forty to fifty thousand dollars per year for each one of these stations, and this item provides for the three stations only $85,000. It is obvious, therefore, that it will be impossible for the department to establish out of this appropriation any additional experiment stations to those already in operation. The committee has reported the full amount for this purpose that was recommended by the Director of the Budget; and, following the general policy of the Appropriations Committee not to increase the appropriation as recommended by the Director of the Budget, the subcommittee reports this item as it is, although the need for a greater appropriation is very urgent.

I think it is conceded by all those who have made any particular study of the question that there ought to be more forest experiment stations throughout the country.

The forests of the country are being rapidly depleted, and there must be some intensive reforestation work done if we are to keep up with the consumption. Mr. Clapp in his testimony says that the annual consumption of timber in the United States is 26,000,000,000 cubic feet, and that we are growing only about 6,000,000,000 cubic feet per year to replace this annual consumption of 26,000,000,000 feet. To produce the amount consumed he very well says "we have got to practice intensive forestry. The only way we can get the basis for this intensive practice," he continues, "is through the work of our forestry experiment stations." He goes on to give the number of acres in the United States which ought to be reforested. "We have some 80,000,000 acres of forest land in the United States to-day which are practically unproductive, growing practically nothing. In addition," he says, "there are in the neighborhood of 245,000,000 acres which are covered with second growth, only a part of which is producing what the land ought to produce, and a large part of which is producing only a fraction of what the land ought to produce." It is well known how the forest lands of the States of the Great Lakes have been depleted, and Mr. Clapp makes the statement that notwithstanding this territory has been such a great producer of forest products in the past and "for many years supplied a large part of the whole country," it is now "barely self-supporting," and probably within 10 years it will be importing forest products instead of exporting them. To show the necessity of having a forest experiment station in this territory at the earliest practicable moment, I desire to quote this brief statement from the testimony of Mr. Clapp:

The history of the Lake States as a lumber-producing region is so recent that it is pretty well understood; there are just a few figures bearing on it, which I would like to mention, however. The maximum production of white pine lumber in the year 1892 was in the neighborhood of 9,000,000,000 board feet. Up to this time the Lake States had supplied the great lumber markets of the Middle West and the East. Lumber even went into the South, and as far west as Denver. Production in 1921 had fallen to approximately 1,000,000,000 board feet.

The cut of Michigan, which for 25 years was the leading lumber-producing State in the United States, was in the last report (I am speaking still of white pine) less than half of the cut of white pine in the State of Massachusetts.

Wisconsin, which led the country in lumber production in 1900, produces less white pine lumber now than either Maine or New Hampshire. Wisconsin consumes some 800,000 cords of pulp wood each year, and one-third of that comes from outside of the State. The forest area of the Lake States is in the neighborhood of 46,500,000 acres. Of this the best information we can get indicates that 20,000,000 acres are idle land. One of the great problems in the reforestation of that enormous area.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MAPES. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAPES. There has been some confusion I find in the minds of some in that they have failed to distinguish between a forest-products laboratory and a forest experiment station. A forest-products laboratory has to do with the utilization of timber after it is grown, and a forest experiment station is for the purpose of growing timber. A forest experiment station must be in the area where it is proposed to grow the timber. Mr. Clapp very clearly draws the distinction between these two propositions in his statement before the committee.

He says:

The general purpose of the forest experiment stations is to perform the same function in relation to timber growing that the agricultural experiment stations do for agriculture and the growing of farm crops. They are to secure the technical and scientific basis for reforestation and for the protection and growing of timber. There is a clear-cut distinction between the work of these stations and the work of the forest-products laboratory. The stations find out how to grow timber, and the laboratory is to find out how to utilize timber effectively.

At another point he says:

We have to go to the woods to solve these problems. We can not carry the problems to a laboratory as we can problems of wood utilization. For example, if we want to try out methods of planting we must use the species in the region we are studying and plant under the conditions in that region or the results will not be good.

Now, Mr. Chairman, I am not making a motion to increase this appropriation, because I am in sympathy with the effort of the Committee on Appropriations to keep down the appropriations this year to a minimum, and especially to keep within the recommendations of the Director of the Bureau of the Budget, but I did want to take advantage of this opportunity to call attention to the bill which I have introduced to establish a forest experiment station in one of the States of the Great Lakes and to the importance of this work in general and the necessity or the desirability of increasing the appropriation for this purpose at the very earliest opportunity consistent with the economy program of the Congress this year.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $400,000: *Provided*, That not to exceed $50,000 may be expended for the construction and maintenance of boundary and range division fences, counting corrals, stock driveways and bridges, the development of stock watering places, and the eradication of poisonous plants on the national forests: *Provided further*, That hereafter no part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law: *And provided further*, That hereafter no part of any funds appropriated for the Forest Service shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 13, strike out "$400,000" and insert in lieu thereof "$450,000."

Mr. HAYDEN. Mr. Chairman, this appropriation was approved by the Secretary of Agriculture and Bureau of the Budget in the sum of $450,000, and my amendment is to increase it to that amount. The appropriation carried for this purpose during the last two years has been $400,000, but the amount is inadequate. For three years, in 1918, 1919, and 1920, this appropriation was fixed at $450,000. The reduction, made on the alleged ground of economy, is again proposed, which simply means that the Forest Service must choose between expenditures for the protection of the national forests against fire and for the construction of drift fences, boundary fences, and other range improvements necessary in connection with the grazing of live stock in these forests.

As a matter of fact, the stockmen who have grazing permits on national forests have been compelled to build drift fences for their own protection and at their own expense in addition to paying the required grazing fees. It is unfair that this added burden should be placed upon them, but if Congress fails to appropriate the required funds, they must continue to dig down in their own pockets at a time when the live-stock industry is far from prosperous. This increase of $50,000 is less than 2½ per cent of the more than $2,000,000 paid into the Federal Treasury each year by stockmen as grazing fees.

The national forests, of course, were primarily created for the protection of the timber, and the Forest Service will take this money, which can be spent for either purpose, and expend it for fire protection.

Mr. ANDERSON. Mr. Chairman, the estimates this year did carry an increase of $50,000 in this appropriation, not for the purpose which the gentleman from Arizona suggests but for the purpose of the construction of lookout houses and certain dwellings for rangers and other purposes of that sort. This $50,000 would be wholly useless for the purpose for which the Forest Service desires to use it without the language which they proposed to insert, and in view of the fact there has been no estimate for the purpose that the gentleman from Arizona suggests, it seems to me that the amendment which he proposes should not be agreed to.

Mr. HAYDEN. If the gentleman from Minnesota will yield, it appears upon the face of this appropriation that the money may be used for either purpose—roads, trails, fire lanes, telephone lines, and so forth—but the proviso states that $50,000 may be expended for the construction and maintenance of boundary and range division fences and other range improvements. If the gentleman will investigate, he will find that but little of this money has been used for the latter purpose.

Mr. ANDERSON. But the $50,000 is for the purpose of constructing lookout stations and dwellings for rangers.

That $50,000 can not be spent for that purpose without additional legislation, and there is no use of appropriating it without the language.

Mr. HAYDEN. What specific legislation is necessary?

Mr. ANDERSON. The legislation this department asked for was for the purchase of lands needed for ranger stations and for 20 buildings to be erected at a cost of not exceeding $3,000 each. That was in the language that he asked for. It is clearly subject to a point of order. We think there is sufficient money for the purposes covered by this paragraph. Certainly in the aggregate there is more money year by year for roads and trails and purposes of that kind than there ever has been before. This increase was for the specific purposes for which the department estimates, which purposes, as I say, are subject to a point of order.

Mr. HAYDEN. I can not for the life of me see how a point of order could be sustained against providing the necessary housing for forest guards. That must be included in the expense of fire protection which is authorized by law. There is $50,000 mentioned in the proviso which may be expended, but which is not expended because the principal sum must be used for fire-protection purposes. I am well satisfied that if the total appropriation is increased by $50,000, that sum will be expended on boundary fences and other range improvements. So the gentleman from Minnesota must be mistaken in the conclusion that he has reached.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. WHITE of Kansas, Mr. HAYDEN, Mr. GREEN of Iowa, Mr. STEVENSON, and Mr. MAPES were granted unanimous consent to revise and extend their remarks in the RECORD.

The Clerk read as follows:

To enable the Secretary of Agriculture more effectively to carry out the provisions of the act of March 1, 1911 (36 Stat., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $27,000 of the moneys appropriated therein, or for carrying out its purposes, shall be available for the employment of agents, title attorneys, clerks, assistants, and other labor, and for the purchase of supplies and equipment required for the purpose of said act in the city of Washington.

Total, Forest Service, $6,532,302.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee whether this $27,000 appropriated here is to be a part of the $50,000 that is set out in the acquisition of additional forest land, on page 71 of the act?

Mr. ANDERSON. As the gentleman probably understands, there is a statute which prohibits the payment of salaries in the city of Washington except where specifically authorized by law. This covers the salaries in the city of Washington, the title attorneys and examiners in the various services under the commission, while the other item covers the field service.

Mr. KINCHELOE. This says:

Twenty-seven thousand dollars of the money appropriated therein.

What does that mean?

Mr. ANDERSON. That refers to the original appropriation under the Weeks Act.

Mr. KINCHELOE. I will say to the gentleman that I interrogated him in his opening statement as to the acquisition

of this forest land on the extension of the Weeks Act. There was a bill reported, upon my motion, by the Committee on Agriculture yesterday perpetuating the Weeks Act another year, with a maximum appropriation of $1,000,000 for the calendar year of 1923, and I was wondering whether there was any chance, either here or in the other body, to get that appropriation in, so that the work will go on next year.

Mr. ANDERSON. I would not care to express an opinion on that proposition—at this time, at least.

The Clerk read as follows:

For collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, $14,000.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, 100 years ago to-day my father was born on a farm near Ithaca, N. Y. All his lifetime was spent in farming and related occupations. In honor of his memory I ask permission to revise and extend my remarks upon this bill, dealing with problems in which he was so vitally concerned during all the 75 years of his busy life. [Applause.]

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, $168,500.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I notice that this appropriation is reduced by $10,000. The Budget Bureau did not make any such recommendation.

Mr. ANDERSON. I will direct the attention of the gentleman to the fact that he overlooked that the $10,000 of this appropriation was immediately available last year and was spent the preceding year, so that the amount of this item is exactly the same as the amount spent this year.

Mr. HAYDEN. Nevertheless, my statement is correct that the Director General of the Budget, the chief guardian of economy, recommended that the sum appropriated for this purpose should be $178,000.

Mr. ANDERSON. With due regard, we do not yield to him in ability to find places where the money is not required.

Mr. HAYDEN. As I understand the situation there are a number of field stations which must be closed if this cut is made. During the present fiscal year there has been but one man in charge of these stations in many instances, which is distinctly disadvantageous for successful work. But it is apparently useless to offer amendments, as I have repeatedly demonstrated this afternoon.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $160,000.

Mr. WILSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILSON: Page 43, line 7, after the word "ant," strike out "$150,000" and insert in lieu thereof "$165,000."

Mr. WILSON. Mr. Chairman, this estimate and recommendation was cut $15,000 by the committee. I feel that if the Committee of the Whole House on the state of the Union could only appreciate the conditions in the cotton belt relative to the control of the cotton boll weevil they would concede that this amendment ought to be adopted.

This item relates to the control of the cotton boll weevil. There is a very acute situation in the whole cotton belt. There is not a single cotton-producing State but what is infested by the cotton boll weevil, and since this bill was reported the department has given out an announcement that in the coming season we may expect the heaviest infestation of the boll weevil ever known. A statement also was given out from New York by the manufacturing and financial interests that the whole cotton surplus would be about 4,000,000 bales of low-grade cotton and the demand and need for the cotton requires the production of a large crop. It is difficult under the present boll-weevil conditions to produce cotton. The experiments carried out during the year 1921 show an increase in production wherever there has been the proper application of calcium arsenate, and it holds out the only hope of the cotton-producing section for the control of this pest. It seems there will be no possibility of producing cotton except under boll-weevil conditions, and I think it is to the interest of the entire country, both the cotton producers and consumers, that Congress furnish the estimated amount found necessary by the department for this important work.

I will call the attention of the committee to the results in each State briefly. Take, for example, the State of Louisiana. At the station at Tallulah, where this calcium-arsenate method of control was properly applied, the increase ranged from 77 to 650 pounds per acre, while the percentage of increase due to poisoning ranged from 7.91 per cent to 84.6 per cent.

At Brookhaven, Miss., the gains in seed cotton per acre ranged from 138.9 to 344.7 pounds, while the percentage increase due to poisoning ranged from 21.9 per cent to 49.9 per cent.

At Demopolis, Ala., the three tests conducted at this point showed a range in seed cotton per acre gain of from 4 to 408 pounds. The percentage of increase ranged from 0.6 per cent to 95.7 per cent.

At Tuscaloosa, Ala., the only test plat carried to completion at this point showed a yield of 750 pounds of seed cotton per acre on the unpoisoned check, and 874 pounds on the poisoned, or a gain of 124 pounds of seed cotton per acre, or 16.5 per cent.

At Taylor, Tex., the test conducted ranged from a loss of 2 pounds to a gain of 215 pounds per acre, or from a loss of 0.8 per cent to a gain of 122.1 per cent.

At Waynesboro, Ga., the tests ranged from 203 to 397 pounds of seed cotton per acre, or a gain of from 40.8 per cent to 331.7 per cent. All unpoisoned plants showed an average yield of 348.6 pounds, while the poisoned plants averaged 641.6 pounds. The increase was thus 298 pounds, or 86.7 per cent. In every case these tests showed a very profitable increase in the yield of cotton when this method of control was used.

At Fairfax, S. C., the tests ranged in increased yield from 101 to 197 pounds of seed cotton per acre, or a gain of from 43.5 per cent to 172.2 per cent.

Although the committee has recommended this cut in the appropriation I believe this would be one instance where the best interests of the entire country would be subserved by restoring the appropriation to the original estimate, and therefore I have offered my amendment to increase the amount from $150,000 to $165,000.

Mr. ANDERSON. Mr. Chairman, I sympathize very much with the situation to which the gentleman from Louisiana has referred. The committee has no disposition whatever to curtail the work which is being done on the cotton boll weevil. As a matter of fact, the testimony shows that the department was expecting to spend this year $112,000 for the cotton work, which is approximately $24,000 more than they spent in the current year, and $12,000 on sugar investigation, and $24,000 on tobacco investigation, making a total of $148,000. As a matter of fact, they expect to spend only $143,000 in the current year. So we felt that the amount appropriated here would be sufficient to carry the work on its present basis through the next fiscal year and leave a small amount of leeway. The estimates that were presented to us showed an increase of $20,000 for traveling expenses, but we were advised that that was an error, and that all they expected to spend was $40,000, or an increase of $10,000 over last year.

Taking all of these factors into consideration, we felt that the sum of $150,000 would enable them to conduct that work very satisfactorily.

Mr. WILSON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WILSON. Has the gentleman's attention been called to the fact that just within the last few days the Department of Agriculture has given notice of an expected increase in the boll-weevil infestation? Dr. Hunter, of the department, came to see me this morning, and they are very much alarmed over that prospect. The department are very anxious to have the additional amount if the House of Representatives feel disposed to recommend it.

Mr. ANDERSON. I have not heard of that, but I have noticed that about the time the Agricultural appropriation bill gets under way somebody discovers something which very much alarms him, which will require an immediate appropriation of Federal money to control.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman from Louisiana yield?

Mr. WILSON. Yes.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] has the floor.

Mr. ANDERSON. I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. I am anxious to know whether it is possible to exterminate the boll weevil. When I first came to Congress, some 18 or 20 years ago, a small appropriation was asked for to exterminate what was known as a weevil that was about to destroy the cotton crop down in Texas, and

it was stated that if it was not done the weevil would get over into Mississippi and Alabama and other Southern States. The appropriation has grown from year to year, yet there are more boll weevils in the country to-day than there were at that time. Of what avail is it? How do they do? Do the Department of Agriculture send a man down there to kill individual boll weevils, or what is done? How is it that the weevils propagate so rapidly?

Mr. WILSON. Mr. Chairman, if the gentleman will yield, I will endeavor to answer his questions.

Mr. CAMPBELL of Kansas. I should like to get some idea of when we are going to get rid of the boll weevil.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ANDERSON. The problem now, so far as the ordinary species of boll weevil is concerned, is not a problem of eradication at all. At least it has not been so in recent years. It is a problem of working out cultural methods by which it is possible, as I understand, to produce cotton in the presence of the boll weevil, by making the crop mature earlier and by various other cultural methods which make it possible to produce cotton notwithstanding the fact that the boll weevil is in the country. Within the last two or three years, however, a new insecticide has been discovered, known as calcium arsenate. This is a very light, flocculent insecticide, which is sprayed onto the plants during the night, when the dew is on them, and sticks to the plants. When the boll weevil wakes up in the morning and starts to eat his breakfast he gets this poison along with it. As has been suggested, the method has proven quite successful in certain parts of the cotton belt. It has not been tried out in other parts of the cotton belt where conditions are different. In order to determine whether the same methods can be used in other places as were used in the place where they were originally tried it is necessary to make field tests, and these are being carried on and will be continued until it is determined whether the present methods can be universally used or whether it will be necessary to modify them in order to meet the different requirements of different sections of the cotton belt. Now, I yield to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON. I thank the gentleman. In answering the gentleman from Kansas [Mr. CAMPBELL] I will say that an attempt was made to exterminate the boll weevil when it first invaded this country from Mexico. Noncotton-raising zones were established and every possible effort was made. But I regret to say that on the information furnished from year to year there does not appear to be any prospect of exterminating the boll weevil.

I doubt that there is a single farm in the cotton belt to-day that is not infected by the boll weevil, and there are sections in which the industry has been absolutely destroyed. In many sections of the States in the cotton-producing belt it has been impossible to raise cotton. Cotton plantations have been abandoned. As stated by the gentleman from Minnesota, about four years ago a method of control by the use of calcium arsenate was discovered in Louisiana and has been used in all sections of the cotton belt as an effective method of control when properly applied. It has been possible to increase cotton production as much as $50 an acre in value where the method of control was properly applied as against farms in the same locality where it was not applied. So it is not a question of extermination—I do not know that you have exterminated the corn borer in Kansas or ever will—but this boll weevil threatens the industry of the whole country.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WILSON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. Will the gentleman yield?

Mr. WILSON. Yes.

Mr. TILSON. Is it not a fact that a method has been discovered and in general use by which the cotton-boll weevil can be controlled, and has it not been thoroughly demonstrated that if this method is thoroughly applied cotton can be raised in boll-weevil territory?

Mr. WILSON. Yes.

Mr. TILSON. Is it the purpose of this appropriation to develop a new method against the boll weevil?

Mr. WILSON. No.

Mr. TILSON. It is not contemplated that this appropriation will be used for agents to go into the farmers' crops and destroy the boll weevil?

Mr. WILSON. No; but to instruct and guide in methods of control.

Mr. TILSON. What use is made of it?

Mr. WILSON. While the method of control is established, many important features are yet in the experimental stage. The poison must be applied according to the regulations of the department, and the farmers have not been able to do that alone, and they need the instruction and assistance of the agents or experts of the department to do it. In addition to that, it has been found necessary to continually follow up the manufacture of the calcium arsenate to see that it is up to the proper grade and standard. Another important feature is the development of machines and dusters by which to apply the calcium arsenate in order to work the cost down to a basis where the method of control is not too expensive.

Mr. TILSON. I am in favor of any scientific experimentation which is likely to produce results which can be applied by the individual on his own farm, and I think that is the field that the Department of Agriculture ought to occupy, and occupy thoroughly. Money expended in wise experimentation is well expended, but when it comes to "helping" people to do this and do that I am opposed to it.

Mr. WILSON. The gentleman is not opposed to assisting up to the point where the demonstration is completed?

Mr. TILSON. I am in favor of finishing the experimentation to find the very best method of doing these things, but am not in favor of the Government doing them.

Mr. WILSON. While this method has proved effective, it is in some respects yet in the experimental stage, and it is more important to complete that experimentation to-day than it ever was.

Mr. CARTER. Mr. Chairman, I move to strike out the last two words. Gentlemen who are not acquainted with the cotton country can not imagine the havoc wrought by the boll weevil throughout the South. In my home county there are usually produced from 20,000 to 30,000 bales of cotton annually. Last year the ravages of the boll weevil reduced that production to less than 2,000 bales. I traveled through acres and acres of as fine-looking cotton as any man ever saw in the world, great stalks with beautiful dark-green leaves on them, and in a field of 20 or 40 acres not over 40 bolls would be found.

Mr. TILSON. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. TILSON. Did these people use these methods?

Mr. CARTER. They did not; they had not the opportunity; and if the gentleman will indulge me a moment I will come to that. I own a little farm in Johnson County, Okla., on which some three hundred and odd acres were planted to cotton and cultivated. Usually there is raised on that amount of acreage about 125 to 150 bales of cotton. This year there was picked on that entire 300 acres 1 bale of cotton. The crop was completely destroyed. These are not exceptional cases, but typical cases common to all the cotton country. The boll weevil has completely destroyed the principal crop of the South, and I feel sure that gentlemen from all sections of the country ought and will take an interest in combating this evil, this menace not only to us in the South but a menace to the entire country and the entire world.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I will.

Mr. CAMPBELL of Kansas. I have been voting for this appropriation for 20 years, with a view of doing just that thing. I am afraid that we are not getting any results for the money that we are appropriating. That would seem to be the condition, because the boll weevil has now covered the entire South and is more destructive of cotton than he was even 20 years ago.

Mr. CARTER. There is some substance to what the gentleman says, but the gentleman has not been voting for this appropriation for 20 years, because it has not been in the bill for over 12 or 15 years.

Mr. CAMPBELL of Kansas. Oh, yes; longer than that.

Mr. CARTER. The boll weevil never got into the United States until about 15 or 20 years ago. We certainly did not have the appropriation before the boll weevil crossed the Rio Grande River. I think I remember the first amendment that was adopted for this purpose. I think I offered the first amend-

ment offered on this floor for the investigation and combating of the boll weevil. It went out of the bill on a point of order made by Charles Scott, then chairman of the Committee on Agriculture. I think that was in the Sixtieth Congress. Perhaps that same year the appropriation was put into the bill by the Senate and remained there. The gentleman from Kansas must remember that this boll weevil is a new proposition. He is a new insect; he is a very lively, wiley, and vigorous individual, very hard to control, and hard to get any definite information about.

When this gentleman in Louisiana first began to experiment with Mr. B. W. he found this out, and the difficulties have increased as he has drawn closer to his subjects. After trying many other experiments he finally dropped onto this arsenic solution, and he knew this would tame him if he could only induce him to partake, but there another difficulty was met.

If he put it on the boll of cotton the boll weevil would bore down into the boll and would not get enough of the arsenic to kill or disable him. He finally thought out the scheme of putting it into the water that the boll weevil was to drink, but he did not know just where to find that. He camped in the cotton patch, took his cot and slept there, I have been told, and one morning just between darkness and sunup he looked up and saw a boll weevil crawl up on a leaf of cotton on a cotton stalk and drink from a drop of dew. He then said, "I have got you now if I can just get this stuff to you cheap enough." He made it up in a powder and he sprinkled it on the cotton, but the rain came along that evening and washed it off. He experimented and experimented until he finally found that if he could get the arsenic into the dew he had a chance at Mr. Boll Weevil. Finally the experiment of applying the powder late in the afternoon or evening was found to be successful providing no rain intervened to wash it off. It has been a very costly experiment; it has been a tedious experiment. It has been one that has taken a great amount of effort and a great amount of time and care to develop. As I understand it now this arsenic solution has been put into such shape, has progressed to the point where they can kill the boll weevil, and the only problem now remaining is the question of the cost of putting it on the cotton crop. I am advised that it takes about $8 per acre to sprinkle with arsenic, counting the sprinklings that are lost on account of rain, but that when it is sprinkled it will destroy the boll weevil in that particular cotton patch. Eight dollars an acre might be a fair charge in the Mississippi Delta or some place where they raise a bale of cotton to the acre, but in a country where they average only from one-quarter to one-half of a bale of cotton to the acre, as they do in most of the cotton country, then that cost becomes prohibitive. Eight dollars an acre for killing the boll weevil when you get only a quarter of a bale of cotton to the acre, at a price of from 6 to 8, 9, or 10 cents, is not profitable business.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARTER. But if these experiments continue until we have the price of putting out this poison brought down to something like a reasonable basis—and I have no doubt that it can be done by proper machinery, and I understand that that is what a part of this appropriation is to be used for—then we can bring the cotton industry back to the point that it once had in the South.

One word about another thing. There is a way to raise a certain amount of cotton even with the boll weevil. Take it down in the district of my friend from Mississippi [Mr. SISSON], or especially in the district of my friend from Texas [Mr. BUCHANAN], where they have been fighting this boll weevil for 10 or 15 years, they raise a certain amount of cotton, even with the boll weevil, in dry seasons. On the other hand, in north Texas, in Oklahoma, in Arkansas, and in other States lying along the border of the cotton belt, where our farmers have only recently made the acquaintance of Mr. B. W., they have not had sufficient experience to combat the evil and must be taught. A part of this money is used for instructive purposes, to show the farmer how to farm with the boll weevil. There are a great many things to be done. First, early in the fall each year all of the stalks must be cut.

They must be burned up, and destroy the larvae and the boll weevil himself. None of the stock must be plowed under the ground because you plow under the boll weevil also. There is a certain system of cultivation—so many plowings at certain intervals. Some have a sort of contraption fastened to the plow to which they hang a gunnysack saturated in oil. That seems objectionable to the boll weevil. In fact, the more you disturb him by working the crop the less harm he seems to do. That is one thing the Department of Agriculture is trying to teach the cotton farmer of the South to do. I think that this money is one of the best appropriations in this appropriation bill, and it really ought to be increased. We ought to have more instead of the small amount we have now.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the committee, I have been fighting with the boll weevil since 1898. That year I had about two or three thousand acres in cotton. I am sorry to say I do not own that land now. It is gone. That year it infested my plantation, and that year we made no cotton. The following year, 1899, we had what is called the Galveston storm; and from my section, thoroughly infested with the boll weevil, by that storm it was blown 300 or 400 miles up the State, and the next year it appeared up there; and I can state to the gentlemen of this committee every year they have infested more and more territory. There is no way of stopping their spread until now. It is reported by the Agricultural Department that they cover the entire cotton area of Texas. It is conceded by the financial writers; and if you will notice the Journal of Commerce yesterday, they said, reviewing the whole situation, that the boll weevil has infested all sections and that the ravages of the boll weevil this year are greater than ever in the history of the country; and I would not be surprised if next year we would be threatened with a cotton famine. However, as a member of this subcommittee, I supported the appropriation for the $150,000 on the ground that that was all that was necessary to be appropriated, because they did not use but $148,000 last year. Since then, however, I understand that Dr. Hunter, who is a field man and entomologist and actively engaged in the field work in combating these ravages, has come to town and informed them that, by reason of the increased area and increased experiments they will have to conduct and the increased information they will have to carry to different sections heretofore uninfested, this $15,000 would be necessary. It would be unfortunate, gentlemen, to curtail this appropriation or to stop this appropriation at this time. Within the last two or three years they have hit on the only method, in my judgment, that has any chance of success.

Within my recollection as a cotton farmer, and I was raised between cotton rows, I know the time when we had what was known as the cotton leaf worm which would come every year or every other year and eat every leaf off the plant and destroy further production. We could not kill it; we could not destroy it. Somebody somewhere, whether the Department of Agriculture I do not know, for I was too young in those days, discovered the use of Paris Green and London Purple and went into the cotton belt, and by a simple application of those poisons they successfully combated and absolutely destroyed the cotton-leaf worm. This arsenate is in both a liquid and powdered form, but the most successful way to apply it is in the powdered form. During the nighttime, just before the dew falls, they go with the machine and sprinkle the leaves in the cotton fields. The dew comes, and this is soluble in water, the weevil drinks it and dies. The question is of getting that machinery that will do this work successfully and at an expense so low that the farmer can afford to purchase and use it. If they can do that then we have the problem solved and the cotton industry will be safe from absolute and utter destruction.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. BUCHANAN. Yes, sir.

Mr. CAMPBELL of Kansas. What methods have been employed by the Department of Agriculture heretofore to destroy the boll weevil?

Mr. BUCHANAN. Nearly every method you can think of. On the recommendation of the Federal Government's Department of Agriculture, when I was farming in cotton, I had the rows lined with little Negro children, picking up the little fallen squares in which the weevil lays its nest, and bringing them in by the hundreds and burning those squares. It was hand labor, if you please. Every square, in each of which there were hundreds and hundreds of eggs, was burned. I will venture that the culture method is successful in some years. If you cultivate your land like you would a garden and prepare it like you would a garden, and have the ground fairly pulverized, and plant your cotton at an early period, and get a good start in a dry year, you can make a reasonable crop before the weevil appears in sufficient numbers to destroy the crop. In a wet year you will not get anything.

Mr. GARRETT of Tennessee. Mr. Chairman, it seems to me we have made very good progress to-day, and I hope the gentleman will move to rise.

Mr. ANDERSON. I will say to the gentleman from Tennessee that, of course, I did not anticipate that the boll weevil would excite this debate. I would like, however, to get through with this bureau.

Mr. GARRETT of Tennessee. It is pretty late.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10739) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and had come to no resolution thereon.

THE BIRTHPLACE OF ANDREW JACKSON.

Mr. STEVENSON. Mr. Speaker, under leave granted me to extend my remarks, I desire to set forth some further facts as to the birthplace of Andrew Jackson and close that question, so far as I am concerned. When I closed my remarks on that subject on February 23, 1922, printed in the RECORD of February 25, I was criticizing the reliability of Parton's evidence and deductions. The statement had been made by Mr. HAMMER, and acceded to by me in debate, that Parton had 18 statements. I find that was error. It was only seven, and all but one got their alleged information from Sarah Lathan and her mother, Mrs. Leslie, and only one of them quote Mrs. Leslie. One quotes old Mrs. Cousar and old James Faulkner. I discuss them here. On page 53 Benjamin Massey says Sarah Lathan told, according to his recollection, that Mrs. Jackson left home and came to McKemey's and there Andrew was born, and they then went to South Carolina. James Faulkner says that Sarah Lathan said that Mrs. Jackson after her husband's death moved from the home on Twelve Mile Creek to the Crawfords, on Waxhaw, and on the way stopped at McKemey's, and Andrew was born there. She, being 7 years old, went with her mother, Mrs. Leslie, the midwife. John Lathan, son of Sarah, said Sarah told him the above. That soon after Andrew Jackson, sr., died Mrs. Jackson left Twelve Mile Creek to go to live with the Crawfords in Lancaster County, in South Carolina, and stopped at McKemey's, and there Andrew was born. Thomas Faulkner says Sarah Lathan, his aunt, and Mrs. Leslie, his grandmother, had both made these statements in his presence; that Mrs. Lathan had been dead 35 years and Mrs. Leslie 50 years at the date of making this statement—1858. See page 53, footnote. "To the same effect testify Samuel McWhorter, Jane Wilson, et al., page 55." In other words, all the above heard what they told from Mrs. Leslie and Mrs. Lathan, and only Thomas Faulkner spoke of hearing Mrs. Leslie make the statement.

The others only heard Mrs. Lathan, who claims she was at the birth when only 7 years old. These are the people who made affidavits—all but one traceable to Sarah Lathan alone and one to her mother, Mrs. Leslie. Then the other witness is James D. Craig, of Mississippi (p. 55), who wrote a letter. He remembers enough to destroy Parton's theory and also the evidence of the above witnesses. He says he heard old James Faulkner say that he was once sleeping with Andy in the McKemey house, and that Andy told him he was born in that house. Now Parton says that Jackson thought he was born in South Carolina, and always said so, but that he did not know. His witness says that he did know. Jackson certainly did not make that statement, or he would never have repudiated it as often and explicitly as I have shown that he did. He said over his own signature: "I was born on the James Crawford place, in Lancaster district, South Carolina."

Now, there were two things about Jackson; he was bluntly truthful and notoriously persistent. If he had said he was born in McKemey's house, he would have maintained it until the end. The witness, Craig, is mistaken as to what house Faulkner referred to. The Crawford house was only 2½ miles away, and after a lapse of 50 years it is easy to be confused. Again, Craig says he heard old Mrs. Cousar say she was at the birth, at McKemey's house and, I believe, assisted in dressing the infant. This is the only witness as to Mrs. Cousar's alleged statement. Again, Craig says he heard Charles Finly say he assisted in hauling the corpse to Waxhaw Church and helped to bury it there; that he brought Mrs. Jackson and her boys with the corpse, and after the funeral conveyed them to the residence of George McKemey, where soon after Andrew was born. He must have been a grown man, say, 25 years old, as he was managing the whole transportation scheme. In 1820, if alive, he was 78 years or older. If Craig heard him talk, it must have been at least 40 years before his statement, and Craig had in the meantime moved to Mississippi. But the statement contradicts Sarah Lathan's and Mrs. Leslie's. They say Mrs. Jackson was moving to the Crawfords's and stopped at McKemey's on the way when Andrew arrived. Craig says Finly said he took them from the burial at Waxhaw to McKemey's, where Jackson was born. Parton adopts the Craig-Finly view and thereby repudiates the most numerously relied on witnesses. These are the only witnesses relied on by Parton, and they do not agree amongst themselves, and Parton does not quote them fully or accurately.

The statement of James Faulkner coming from the North Carolina records is before me. It states many things which Parton omits. He says his father, old James Faulkner, did not come to America until 1784, and made his first crop in 1785. Now, Parton leaves that out. He has Craig's statement that old James Faulkner says he slept with Jackson at McKemey's, and Jackson told him he was born there. This James Faulkner statement shows that Jackson had gone to read law when old James arrived, was a grown man, and the Craig-Faulkner story was a myth. He cites also the McWhorter statement as being the same as the others. I have before me the McWhorter tradition in the affidavit of Henry McWhorter, who states that the tradition is that his great-grandmother was also a midwife at the birth of Andrew Jackson—making three midwives on that occasion—and that it was at McKemey's. And the tradition also is that Jackson was captured and taken to Charleston to prison, where he was kept until the end of the war. This is so notoriously incorrect that Parton no doubt omitted it, for it would discredit the entire traditionary statement. Jackson never was in prison at Charleston. Let us look at some other Parton inaccuracies, for every bit of evidence North Carolina produces comes back to him. On page 102 he states that Jackson left to study law in 1784, and says at that time Webster was 4 years old—wrong; he was born in 1782 and was 2 years old and not 4. He says also that Benton and Cass and Taney were not born then. See how accurate. Benton was born in 1782, Cass 1782, and Taney in 1777. Yet Parton says he was not born up to 1784. Taney had been the Attorney General of the United States, Secretary of the Treasury, and Chief Justice 25 years when Parton wrote. If that indicates anything, it indicates gross inaccuracy. Now, I will cite other historical works: Martin Van Buren in his autobiography, page 541, says "If the question of the tariff could be satisfactorily disposed of, General Jackson, in addition to being greatly strengthened in all Southern States, might reasonably count on carrying his native State, South Carolina"; annual report American Historical Association for 1918, volume 2, page 541, published under act of Congress; Brady, I have already cited, published in 1906; and Bassett, I have cited, published in 1911. He was born in Tarboro, N. C., educated at Trinity College, N. C., professor of history at Trinity from 1893 until 1906, doctor of philosophy, Johns Hopkins University, and now professor of history at Smith's College at Northampton, Mass. He repudiates the claim of North Carolina. The Encyclopedia Britannica, eleventh edition, 1911, written by William G. Sumner, says, "He was born in the Waxhaw settlement, in Union County, N. C., or Lancaster County, S. C."

The New International Encyclopedia, edition of 1917, says: "He was born March 15, 1767. There has been much controversy between North Carolinians and South Carolinians regarding the place of his birth. There is a tradition that he was born in the Waxhaw settlement, in Union County, N. C., but Jackson himself thought he was born near Waxhaw Creek, in Lancaster County, S. C., and in the opinion of his most thorough biographer the weight of evidence seems to favor South Carolina." (Written by Prof. William P. Trent and Prof. Newton D. Mereness.) William G. Sumner's History says: "Parton fixes his birthplace in Union County, N. C.; Kendall in South Carolina." The Americana Encyclopedia, volume 15, published in 1922, says: "Jackson was born in Waxhaw settlement, near border line between North and South Carolina, the 15th of March, 1767. It is a matter of dispute to which of these States the home of his birth belongs, but the evidence is in favor of South Carolina." (Written by Marcus W. Jernigan, associate professor of history, University of Chicago.) Frost, who wrote at once after Jackson's death in 1846, states in the first sentence: "Andrew Jackson was born on the 15th of March, 1767, in the State of South Carolina." (See edition of 1887, Lee & Sheppard, publishers, p. 1, Old Hickory in Rough and Ready Series.) Of the numerous memorial addresses published on his death in 1845 all who speak of his birth place it in South Carolina. I cite a number: Address delivered at Fayette, Miss., June 30, 1845, by Judge Wilcox, says: "Andrew Jackson was born in Waxhaw settlement, in the State of South Carolina." Jeremiah Black, in a memorial address delivered at Philadelphia in 1845: "Andrew Jackson had his birth in one of the back settlements of South Carolina." Lincoln Clark, Dusenbury Me-

morials, page 6, July 19, 1845, says: "Andrew Jackson was born the 15th day of March, 1767, in the Waxhaw settlement, in the State of South Carolina, in the present district of Lancaster."

Dusenbury's Memorial Volumes, page 1, published 1845, says he was born in South Carolina. B. F. Butler's memorial address says, "He was born in that State," South Carolina (Dusenbury, p. 59), delivered in New York City, June 24, 1845. A. F. Morrison at Indianapolis, June 28, 1845, says, "He was born in the Waxhaw settlement, in South Carolina, March 15, 1767" (Dusenbury, p. 133). Francis R. Shunk at Harrisburg, Pa., on July 24, 1845, says, "Andrew Jackson was born in South Carolina of Irish parents on March 15, 1767" (Dusenbury, p. 146). Hon. Ellis Lewis, Lancaster, Pa., June 26, 1845 (Dusenbury, p. 147), says, "Andrew Jackson was born in what was called the Waxhaw settlement, in South Carolina, March 15, 1767." Hon. Pliny Merrick, Boston, July 9, 1845 (Dusenbury, p. 168), says, "He was born in the State of South Carolina on the 15th of March, 1767." John Van Buren, Albany, June 30, 1845 (Dusenbury, p. 102), says that there were two occasions when the country rallied to him universally, "The first was the bold and manly stand he took with our ancient ally, France, and the second, the vigorous enforcement of the laws in his native State of South Carolina." John A. Bolles, Lowell, Mass., July 15, 1845 (Dusenbury, p. 233), says, "He of all men was the appropriate and fitly chosen agent of the people at that great epoch when his own native State resolved to assert her individual sovereignty and cast off her allegiance to the Union" (nullification). Hon. Hendrick B. Wright at Wilkes-Barre, Pa., July 4, 1845 (Dusenbury, p. 238), says, "Andrew Jackson was born the 15th of March, 1767, in what was then the Colony of South Carolina." W. McCartny, Easton, Pa., June 28, 1845 (Dusenbury, p. 282), says, "A native of South Carolina, he was early engaged in the cause of his country"; page 288, also, "The executions of the laws of the Union threatened serious collision with South Carolina—South Carolina, the land of his birth."

Samuel A. Cartwright, Natchez, Miss., July 12, 1845, Dusenbury, 292, says, "Born on the 15th of March, 1767, in the Waxhaw settlement, South Carolina, and at the early age of 13 took part in the Revolution." William Irwin, Lancaster, Ohio, July 12, 1845, Dusenbury, page 307, says, "He sought protection and peace in South Carolina. There at the Waxhaw settlement General Jackson was born March 15, 1767." J. G. Harris, Charlotte, Tenn., July 17, 1845, Dusenbury, page 317, says, "Born in South Carolina, he entered the Revolutionary War at the age of 14." George Bancroft, Washington, D. C., June 27, 1845, Dusenbury, page 3, says, "South Carolina gave a birthplace to Andrew Jackson." McCandless, at Pittsburgh, July 17, 1845, says, "Jackson's nativity was amid the happy hills, the pleasant shades, and refreshing glades of the Palmetto State—that State which he regarded with filial love but whose truant spirit he was compelled to rebuke. When in after years she manifested her rebel disposition toward the Government, which in justice and wisdom he administered, he cherished that State with touching sensibility, he remembered the playground of his early days; and when in the stern reality of mature life he was called by the responsibility of his political position to correct the errors and defections of her statesmen, he did so as one honoring his parentage but resolved to execute his high commission." Mr. McCandless's statement is abundantly justified that he cherished the playground of his youth by the letter which I quote below. Robert Mills, from whose atlas the map was made which appears with my speech of February 23, 1922, published in RECORD of February 25, on this subject, sent him a copy of the map and asked as to the correctness of the place designated "General A. Jackson's birthplace," to which he replied as follows:

HERMITAGE, *July 8, 1837.*

DEAR SIR: I have received your favor of the 15th ultimo, accompanied with a map of the district of Lancaster, within which I was born. For this flattering evidence of your regard be pleased to accept my sincere thanks. A view of the map pointing the spot that gave me birth brings fresh to my memory many associations dear to my heart, many days of pleasure with my juvenile companions; but, alas, most of them are gone to that bourne where I am hastening and from which no one returns. I have not visited that country since the year 1784; most of the names of the places are changed; all the old generation appears to have passed away and to be succeeded by another more numerous and often differently named. The crossing of the Waxhaw Creek, within 1 mile of which I was born, is still, however, possessed by Mr. John Crawford, son of the former owner. Robert, who lived there when I was growing up and at school. I lived there for many years, and from the accuracy with which the spot is marked on the map, I conclude the whole must be correct. With great respect, I have the honor to be, sir,

Your very obedient servant, ANDREW JACKSON.

Addressed to Robert Mills, Columbia, S. C.

This letter comes from the Dimitry family, of New Orleans, descendants of Mr. Mills, who made the map shown with my remarks, and who also was the architect of the Washington Monument, but who died before it was well begun. He sent the map to General Jackson for corrections, if any were needed as to his birthplace, and the above letter is the result. It was published in the New Orleans Picayune January 10, 1915. The sentiment expressed in that letter corresponds with Mr. McCandless's remarks, and the approval of the map made in 1820, and accepted everywhere until 14 years after Jackson's death, should settle the controversy. Surely all the great men of the day who were called by the great mass meetings held all over the country were not wrong. What North Carolinian that day asserted a claim and repudiated the assertions of the 16 eulogists, including Bancroft, who asserted South Carolina nativity? If they say the Daughters of the American Revolution monument lately erected in North Carolina without protest settles it, what about the numerous great men who asserted to the contrary in addresses widely published, and so valuable as to be bound and preserved, going unchallenged in 1845?

Where were the North Carolina orators? Did they even have a memorial service? Were they claiming him then? Not so as to be visible to the naked eye. At Raleigh the Raleigh Standard, the leading Democratic paper, said editorially, on June 25, 1845:

The reputation and character of Andrew Jackson have at all times been cherished with peculiar affection by North Carolinians. Though born in the Waxhaw settlement within the bounds of our sister State of South Carolina, our people have always looked upon him as their son, for it was among them, at the age of 18, he selected and studied his profession.

That was their claim in 1845; now they want to advance it from adoption to birthright. The Standard, on July 2, published a chronology of Jackson's life. The first item is as follows:

Chronology of Andrew Jackson; 1767. March 15, born, near Waxhaw settlement, South Carolina.

And so forth. On July 9 it publishes Bancroft's eulogy, cited in my speech of February 23, stating South Carolina nativity. On August 13 it published a memorial address of Judge W. B. Rodman, of North Carolina Supreme Court, delivered at Washington, N. C., on June 26, 1845, which says of Jackson:

He was born in 1767 and South Carolina was the home of his birthplace.

So the gentlemen of North Carolina also were deluded about his birthplace, and the Charlotte Daughters of the American Revolution Chapter, 60 years later, had to set them right. But let us see what Charlotte, Mecklenburg County, did about it. Surely they were horror-stricken at the historical misstatements and biographical ignorance of all the great men enumerated above, who were asserting Jackson's South Carolina nativity. But not so; they join in the general refrain. On June 27, 1845, the Charlotte paper, then named the Mecklenburg Jeffersonian, devoted a page to General Jackson, whose death it announced and made no claim to his nativity. On July 4 it gave considerable space and published the elaborate arrangements for memorials all over the Nation, mentioning, especially, Butler in New York and Bancroft in Washington. On July 11 it is stated that a meeting was held, presided over by Thomas L. Hutchison, I believe, one of Jackson's relatives, resolutions laudatory of him were introduced by Hon. G. W. Caldwell and passed unanimously, but no claim was asserted that he was a native of Mecklenburg. The meeting set a day, July 24, to have a memorial service, and Rev. J. F. W. Freeman, D. D., was asked to prepare and deliver the memorial.

On July 25 the Jeffersonian reports that the meeting was held and Doctor Freeman delivered the address on General Jackson to "a large concourse" of people, which the paper hoped to publish in full later. On August 22 it published it, and Doctor Freeman says in that address: "Andrew Jackson was born on the 15th of March, 1767, in settlement of the Waxhaws, State of South Carolina." Thus Doctor Freeman put that vast concourse of people assembled in 20 miles of the birthplace on notice of our claim. On August 1 the Jeffersonian carried a notice "That the publication of Kendall's Life of General Jackson will be resumed about the 1st of the next month and 'twill be completed by the close of the present year." Then follows this extract from a letter of General Jackson, dated May 25, 1845, to Mr. Kendall: "On the subject of my papers, you are to retain them as long as you think necessary to use them. Should you die, they are to pass forthwith into Mr. Blair's hands. I have full and unlimited confidence in you both." Here was a community, which now claims Jackson with intolerant temperament, confronted with the statement, "to a large concourse of people," many of them his kin, that "he was born in South Carolina." Nobody wrote to the Jeffersonian in dispute of it. The declaration was made on July 24, the issues of the 25th, and of August 1, 8, and 15, and no protest. Then, on August 22, the Jeffersonian published the speech, with that

statement staring them in the face, and still no protest. If there was anything in their contention, somebody would have certainly made some protest. Having been silent then, General Walkup was in no position in 1859 to get a reversal of verdict on the tradition of some good old ladies. There is another thing about the Jeffersonian, it put the people on notice that Jackson had implicit confidence in Kendall's history, and the first part of it, containing a map with the place of Jackson's birth, marked just as it is in the map with my speech of February 23, published in the RECORD of February 25, 1922, was out and widely circulated, and the Charlotte paper was publishing to the world that the same would be completed by publishing the later part, and no protest suggested as to Kendall's statements and maps showing Jackson's birthplace in South Carolina. The papers above referred to are in the Congressional Library. Kendall makes the statement as to the birthplace of Jackson that he was born in South Carolina, and attaches a map designating the place where Mills places it.

The Western Carolinian, published at Salisbury, N. C., by Philo White, in its sketch of Andrew Jackson when he was inaugurated President, in its issue of April 14, 1829, says, "He was born near Camden, S. C., March 15, 1767." His birthplace was in Camden district, at that time 45 miles from the town, and Camden was their market town, and the term "near" was a relative term. The paper goes on to say he read law in Salisbury. (See file in Congressional Library.) Now, one word as to where George McKemey lived. In James Faulkner's statement, part of which Parton did not set out, he says, "George McKemey lived at the place which he described until he died, and that his uncle, George Leslie, lived with him several years before he (McKemey) died at that place." The abstract of the North Carolina property set out by Parton shows that McKemey sold the North Carolina property to Thomas Crawford in 1792, hence McKemey was not living on that part of the land when he died, and if the place on which the monument stands is the Cureton place, as they claimed, it was not the place on which McKemey lived, for he was not dead when he conveyed it away, and Faulkner says he lived at the same place until he died. The census of 1790 does not show George McKemey or McCamie or any McCamie of any kind in the county of Mecklenburg. And yet if Faulkner is right he must have been there then. But it appears that McKemey got 520 acres of land in his tract, 300 acres in South Carolina and 220 in North Carolina, all one tract, divided by the State line as finally located, and he lived on it. Now, if his home was on the part that lay in South Carolina it explains Faulkner's statement that he lived in the same place until he died, notwithstanding the fact that he sold the 220 acres in North Carolina to Crawford. It also explains why he is not in the census of 1790 in Mecklenburg County, and why George Leslie, who lived on his place or lived with him as Faulkner puts it, does not so appear. The 520 acres was granted to McCain, who in 1762 sold 520 acres to Repentance Townsend, and Townsend in 1766 sold 520 acres to McKemey, 220 of it being in Mecklenburg County, N. C. Now, against all the statements of Jackson, who without doubt settled the question when he was a young man and his mother was alive and all the contemporaries of Jackson and of the maps of that era and especially the one made by Mills, the great engineer, who designed the Washington Monument and many of the public buildings of the District, and in the face of all the unchallenged statements made by his eulogists and the newspapers of the day, and especially the great concourse of people at Charlotte, in Mecklenburg County, N. C., which now claims him, who heard Dr. Freeman assert that he was born in South Carolina, with no protest or contradiction in the paper which published the address, we have the statement of four people who said in 1858 that they heard Mrs. Lathan, who had then been dead 35 years, and of one man that he heard Mrs. Leslie, then dead 50 years, and of one man that he had heard old Mrs. Cousar, many years dead, say he was born at George McKemey's, in North Carolina, and one of these witnesses also added Charles Finly and old James Faulkner as witnesses whom he had heard make statements which contradict the others, and on tradition like that they attempt to overturn the established facts of history. My native State, North Carolina, insists on claiming to be the mother of a man who persistently all his life repudiated her claim to maternity and reiterated his repudiation in his will. She seems unfortunately to be long on claims and woefully short on pride and proof.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LUHRING, for 10 days, on account of illness in family.

To Mr. MCCORMICK, for two days, on account of sickness.

To Mr. FENN, for five days, on account of important business.

CONFERENCE REPORT—EXECUTIVE APPROPRIATION BILL.

Mr. WOOD of Indiana, from the committee of conference, submitted a conference report on the bill (H. R. 9981) making appropriations for the Executive, and for sundry independent executive bureaus, boards, commissions, and offices, for printing under the rules.

Mr. GARRETT of Tennessee. May I ask the gentleman from Indiana if it is his thought to deal with that report to-morrow?

Mr. WOOD of Indiana. I would like to have it considered if we can do so to-morrow, if it does not interfere with the Agricultural appropriation bill.

MESSAGE FROM THE PRESIDENT—CHINESE CLAIMS.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, referred to the Committee on Foreign Affairs, and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State in relation to four claims presented by the Government of China against the Government of the United States arising out of the negligent or unlawful acts in China of persons connected with the military and naval service of the United States, and I recommend that as an act of grace, and without reference to the question of the legal liability of the United States, an appropriation in the amount of $5,913.79 be made to effect settlement of these claims in accordance with the recommendation of the Acting Secretary of State.

WARREN G. HARDING.

THE WHITE HOUSE, *March 9, 1922.*

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker pro tempore signed the same:

H. R. 10267. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street; and

H. R. 8193. An act to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906.

The SPEAKER pro tempore announced his signature to enrolled bills and joint resolution of the following titles:

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.;

S. 2471. An act to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stat. L., p. 558); and

S. J. Res. 108. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 10161. An act authorizing the use of special canceling stamps in certain post offices.

ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until Friday, March 10, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

563. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1923, in the amount of $2,650,000, in addition to the amount submitted in the Budget for 1923 (H. Doc. No. 202); to the Committee on Appropriations and ordered to be printed.

564. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, transmitting a letter from the Director of the Bureau of the

Budget, requesting a redistribution of the items of expenditure under the estimate "Pay, miscellaneous, 1923," of the estimate for the Naval Establishment (H. Doc. No. 208); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARSON: Committee on the Judiciary. S. 2235. An act to confer jurisdiction upon the Court of Claims to adjudicate the claims of American citizens; with an amendment (Rept. No. 784). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 10819. A bill relating to the Department of Agriculture; without amendment (Rept. No. 785). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 9667. A bill to authorize appropriations for expenditures under the act of March 1, 1911 (36 Stat. L., p. 961); with an amendment (Rept. No. 787). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9818) granting a pension to Ruth M. Deardoff, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEHLBACH: A bill (H. R. 10814) construing the expression "All employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920; to the Committee on Reform in the Civil Service.

By Mr. STEDMAN: A bill (H. R. 10815) to be known as the General Greene highway act; to the Committee on Roads.

By Mr. LYON: A bill (H. R. 10816) to fix the annual salary of the collector of customs for the district of North Carolina; to the Committee on Ways and Means.

By Mr. CABLE: A bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. KNUTSON: A bill (H. R. 10818) to create the American stabilizing commission and to provide for stabilizing the prices of certain farm products; to the Committee on Agriculture.

By Mr. HAUGEN: A bill (H. R. 10819) relating to the Department of Agriculture; to the Committee on Agriculture.

By Mr. DYER: A bill (H. R. 10820) for the purchase of a rifle range at Liberty, Mo.; to the Committee on Military Affairs.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 10821) to provide for the purchase of a site and for the erection of a public building thereon at Red Lion, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KNUTSON: A bill (H. R. 10822) to amend the revenue act of 1921; to the Committee on Ways and Means.

By Mr. MEAD: Resolution (H. Res. 302) authorizing the Committee on Public Buildings and Grounds to institute an immediate investigation into the matter of reconditioning Government buildings and the construction of new buildings, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of New Jersey, urging the selection of the battle cruiser *Saratoga* as one of the boats to be converted into an airplane carrier; to the Committee on Naval Affairs.

Also (by request), memorial of the Legislature of the State of New Jersey, urging the passage of the Appleby bill to protect navigable waters of the coast from pollution by fuel oil and waste; to the Committee on Rivers and Harbors.

By Mr. CLARK of Florida: Memorial of the Legislature of the State of Florida, relating to the so-called bonus legislation; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rules XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 10823) granting an increase of pension to Josephine P. Whitney; to the Committee on Invalid Pensions.

By Mr. ARENTZ: A bill (H. R. 10824) for the relief of Thurman A. Poe; to the Committee on Claims.

By Mr. BLAND of Indiana: A bill (H. R. 10825) for the relief of the heirs, assigns, and legal representatives of Thomas Johnson; to the Committee on the Public Lands.

By Mr. CLOUSE: A bill (H. R. 10826) granting a pension to Claiborne Beaty; to the Committee on Pensions.

Also, a bill (H. R. 10827) for the relief of Thomas Franklin; to the Committee on Military Affairs.

By Mr. CROWTHER: A bill (H. R. 10828) granting a pension to Earl E. Parks; to the Committee on Pensions.

Also, a bill (H. R. 10829) granting a pension to James Van Vechten; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10830) for the relief of Annie Scott; to the Committee on Claims.

By Mr. LYON: A bill (H. R. 10831) providing for the retirement of William B. Coats; to the Committee on Reform in the Civil Service.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 10832) granting a pension to Bridget Stapleton; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 10833) for the relief of J. Q. Adams; to the Committee on War Claims.

By Mr. ROBSION: A bill (H. R. 10834) granting a pension to William Carroll; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 10835) granting an increase of pension to Agnes Badger; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10836) granting a pension to Jacob Barger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4524. By the SPEAKER (by request): Resolution adopted by the City Council of Boston, favoring legislation for ex-service men; to the Committee on Ways and Means.

4525. By Mr. CROWTHER: Petition of numerous residents of Gloversville, N. Y., protesting against the enactment of House bill 9753; to the Committee on the District of Columbia.

4526. By Mr. DRANE: Resolution adopted by the Rotary Club of Lakeland, Fla., relative to the Ford offer on Muscle Shoals; to the Committee on Military Affairs.

4527. By Mr. FROTHINGHAM: Petition of certain residents of Brockton, Mass., urging the defeat of House bill 9753, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4528. By Mr. FULLER: Petition of the faculty and students of Rockford College, of Rockford, Ill., asking that payment of Austria's debt to the United States be postponed for at least 20 years; to the Committee on Foreign Affairs.

4529. By Mr. GALLIVAN: Petition of Paine, Webber & Co., Boston, Mass., urging the adoption of the plan suggested by former Postmaster General Hays, that the senders of advertising matter who desire to pay postage on replies thereto may be granted the privilege of depositing a certain sum to secure the payment of the postage on the replies under such regulation as the Postmaster General may prescribe; to the Committee on the Post Office and Post Roads.

4530. Also, petition of E. M. Dunbar, Boston, Mass., urging passage of House bill 9722; to the Committee on the Post Office and Post Roads.

4531. By Mr. KISSEL: Petition of George W. Gair, New York City, N. Y., opposing the passage of the proposed bonus bill; to the Committee on Ways and Means.

4532. Also, petition of J. M. Huber, W. J. Schieffelin, jr., and Gordon B. Todd, all of New York City, N. Y., opposing the passage of soldier bonus legislation; to the Committee on Ways and Means.

4533. Also, petition of The Bronx Board of Trade, of New York City, N. Y., urging the reestablishment of the pneumatic-tube service in New York; to the Committee on Appropriations.

4534. Also, petition of Topken Co., New York City, N. Y., urging the resumption of scrip interchangeable mileage books of 3,000 or 5,000 miles denomination; to the Committee on Interstate and Foreign Commerce.

4535. By Mr. KNUTSON: Petition of residents of Cass Lake, Minn., protesting against the passage of House bills 9753 and 4388; to the Committee on the District of Columbia.

4536. By Mr. KUNZ: Petition of Zinke-Roberts Co., Chicago, Ill., favoring a protective tariff with American valuations; to the Committee on Ways and Means.

4537. By Mr. MEAD: Petition of Federal grand jury of Seattle, Wash., urging the passage of the Jones-Miller bill, which will greatly help in the enforcement of the Harrison Act and the suppression of the illicit trade in narcotics; to the Committee on Ways and Means.

4538. Also, petition of Plimpton-Cowan Co. (Inc.), of Buffalo, urging certain duties on importation of olive oil; to the Committee on Ways and Means.

4539. Also, resolution adopted by the City Council of Philadelphia, urging the continuance of the Philadelphia Navy Yard; to the Committee on Naval Affairs.

4540. By Mr. MERRITT: Resolutions adopted by the Lithuanian-American citizens of Bridgeport, Conn., condemning the Polish atrocities in Lithuania; to the Committee on Foreign Affairs.

4541. By Mr. MORIN: Petition of Allegheny County Council of United Spanish War Veterans, of Pittsburgh, Pa., H. F. Egle, president, heartily indorsing the soldiers' adjusted compensation bill; to the Committee on Ways and Means.

4542. By Mr. ROSE: Petition of members of Local Union No. 4292, United Mine Workers of America, urging immediate enactment of tariff legislation which will give adequate protection to the workers of our country; to the Committee on Ways and Means.

4543. By Mr. YOUNG: Petition of John J. Schuchard, of Overly, N. Dak., and 48 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4544. Also, petition of P. M. Kramp, of Eckelson, N. Dak., and 21 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

SENATE.

FRIDAY, *March 10, 1922.*

(Legislative day of Thursday, March 9, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LODGE. Mr. President, last night, just before we took a recess, we had some discussion in regard to the rates of speed and the armament of the different vessels of the navies of the United States, Great Britain, and Japan. I made a mistake in replying in regard to the new vessels of the United States, putting their speed far too high. I had in mind at the time the speed of cruisers; but none of our battle cruisers have been built; they are a part of the program which is given up.

I have before me tables showing everything that was asked for, I think, last night, the main battery of each of the vessels, the displacement, the year built or completed, the speed, and the weight of metal thrown.

I will say in regard to the vessels in the Japanese table that the speed of 24 knots of the *Mutsu* and the *Nagato*, which are their two new vessels, is an estimate made by us, and perhaps claimed by them, but is not absolutely known. The last four vessels on the Japanese list—the *Kirishima*, the *Haruna*, the *Hi-Yei*, and the *Kongo*—are battle cruisers, as is indicated. Therefore, they have a higher speed, but a low weight of metal thrown. They are all old ships.

The United States has seven modern post-Jutland vessels. We had five, but owing to the change brought about by the retention of the *Mutsu*, we have seven. The *Maryland*, *California*, *Tennessee*, *Idaho*, and *Mississippi* are on this list, but under the arrangement made on the retention of the *Mutsu* we have also the *North Dakota* and the *Delaware*, which are at the foot of the list. The oldest ships are dropped and are replaced by two of the *West Virginia* class, which are of the same class as the *Maryland*. Their speed is 21 knots. They are all battleships and not battle cruisers, and they average, as I am informed by the Navy Department, a somewhat higher rate of speed than battleships of other nations, because they are each more modern. They are all post-Jutland ships, which means that there are changes in their construction and building brought about by the battle of Jutland.

In England there are four battle cruisers which are indicated at the bottom of the list, the *Hood*, the *Renown*, the *Repulse*, and the *Tiger*. The *Hood* is a new post-Jutland vessel of 43,000 tons and 31 knots, but her guns are 15-inch, while the guns on our vessels are 16-inch. Her weight of metal thrown is less than that thrown by ships like the *Maryland* and *West Virginia*. The other three, marked battle cruisers, the *Renown*, *Repulse*, and *Tiger*, are old ships with a very light weight of metal thrown.

There are also five vessels which I believe are battle cruisers of newer make, but at all events battleships, of as high speed as 25 knots estimated, but there are none of them old ships, and the weight of metal thrown is much less than ours. They have 15-inch guns.

With this explanation, I ask that the tables may be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Naval armament.

UNITED STATES.

Name.	Main battery.	Displacement.	Year built or completed.	Speed.	Weight of metal thrown.
	No. In.	*Tons.*		*Knots.*	*Pounds.*
Maryland	8 16	32,600	1921	21	16,800
California	12 14	32,300	1921	21	16,800
Tennessee	12 14	32,300	1921	21	16,800
Idaho	12 14	32,000	1919	21	16,800
Mississippi	12 14	32,000	1917	21	16,800
New Mexico	12 14	32,000	1919	21	16,800
Arizona	12 14	31,400	1916	21	16,800
Pennsylvania	12 14	31,400	1916	21	16,800
Oklahoma	10 14	27,500	1916	21	14,000
Nevada	10 14	27,500	1916	21	14,000
Texas	10 14	27,000	1914	21	14,000
New York	10 14	27,000	1914	21	14,000
Arkansas	12 12	26,000	1912	21	10,800
Wyoming	12 12	26,000	1912	21	10,800
Utah	10 12	21,825	1911	21	8,750
Florida	10 12	21,825	1911	21	8,750
North Dakota	10 12	20,000	1910	21	8,750
Delaware	10 12	20,000	1910	21	8,750
GREAT BRITAIN.					
Royal Sovereign	8 15	29,600	1916	23	15,400
Royal Oak	8 15	26,800	1916	23	15,400
Resolution	8 15	26,600	1916	22	15,400
Ramillies	8 15	26,600	1917	22	15,400
Revenge	8 15	26,600	1916	22	15,400
Queen Elizabeth	8 15	28,925	1915	25	15,400
Warspite	8 15	28,925	1915	25	15,400
Valiant	8 15	28,925	1916	25	15,400
Barham	8 15	28,925	1915	25	15,400
Malaya	8 15	28,925	1916	25	15,400
Benbow	10 13.5	25,850	1914	21	14,000
Emperor of India	10 13.5	25,850	1914	21	14,000
Iron Duke	10 13.5	25,850	1914	21	14,000
Marlborough	10 13.5	25,850	1914	21	14,000
King George	10 13.5	24,100	1912	21	14,000
Centurion	10 13.5	24,100	1913	21	14,000
Ajax	10 13.5	24,100	1913	21	14,000
Thunderer	10 13.5	23,550	1912	21	14,000
Hood (battle cruiser)	8 15	43,000	1920	31	15,400
Renown (battle cruiser)	6 15	27,550	1915	31½	11,550
Repulse (battle cruiser)	6 15	27,550	1916	31½	11,550
Tiger (battle cruiser)	8 13.5	29,600	1914	30	11,200
JAPAN.					
Mutsu	8 16	35,000	1921	24	16,800
Nagato	8 16	35,000	1921	24	16,800
Hiuga	12 14	32,750	1918	23	16,800
Ise	12 14	32,750	1917	23	16,800
Yamashiro	12 14	32,000	1917	23	16,800
Fu-So	12 14	32,000	1915	22	16,800
Kirishima (battle cruiser)	8 14	28,450	1915	27½	11,200
Haruna (battle cruiser)	8 14	28,450	1915	27½	11,200
Hi-Yei (battle cruiser)	8 14	28,450	1914	27½	11,200
Kongo (battle cruiser)	8 14	28,450	1913	27½	11,200

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to article 1.

MESSAGE FROM THE HOUSE.

As in legislative session, a message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the amendment of the Senate to the bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10559) making ap-

propriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHERVE, Mr. HUTCHINSON, and Mr. OLIVER were appointed managers of the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts; in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 2471. An act to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 23, 1914 (38 Stat. L., p. 558);

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.;

H. R. 8193. An act to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906;

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street;

H. R. 10267. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes; and

S. J. Res. 108. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

CONFIRMATION OF FRANK D. BABCOCK.

Mr. TOWNSEND. As in executive session, I ask unanimous consent that the confirmation of Mr. Frank D. Babcock, to be postmaster at Haverhill, Mass., which was made on yesterday, be recalled and that the President be requested to return his name to the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

As in legislative session,

HOUSE BILL REFERRED.

The bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts was read twice by its title and referred to the Committee on Irrigation and Reclamation.

PROSECUTIONS UNDER ESPIONAGE AND OTHER WAR ACTS (S. DOC. NO. 159).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to Senate resolution 220, directing the Attorney General to inform the Senate relative to prosecutions under the espionage law or for conspiracy to violate war laws, agreed to January 25, 1922, certain additional information, which, on motion of Mr. BORAH, was ordered to be printed.

SUPPLEMENTAL ESTIMATE, DISTRICT MEDICAL CHARITIES (S. DOC. NO. 158).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, fiscal year 1922, for medical charities, $7,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the executive committee of the League to Enforce Peace, favoring prompt ratification of the four-power treaty, which was ordered to lie on the table.

He also presented a resolution adopted by General Guy V. Henry Garrison, No. 9, Army and Navy Union, of Washington, D. C., favoring the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

Mr. LODGE presented resolutions adopted by the Massachusetts Federation of Churches, at Boston, Mass., favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table and to be printed in the RECORD, as follows:

THE MASSACHUSETTS FEDERATION OF CHURCHES,
Boston, March 7, 1922.

To the SENATE OF THE UNITED STATES,
Care of Hon. HENRY CABOT LODGE,
United States Senate Office Building, Washington, D. C.

GENTLEMEN: The Massachusetts Federation of Churches, officially representing the denominational bodies of the State of Massachusetts, at a special meeting held on this date to consider the moral issues before the Nation and the State, unanimously voted, respectfully but earnestly, "to urge the Senate of the United States promptly to ratify the treaties agreed upon by the Washington Conference on Limitation of Armament as submitted by the President." The full resolutions follow:

"Whereas the conference of representatives of the United States and those of eight other nations, called to consider the limitation of naval armaments and the problems of the Pacific, after three months' deliberation, under the wise and efficient leadership of President Harding and Secretary of State Hughes, had agreed upon a number of important international treaties, and six of these, in which the United States is a party, have been submitted by the President to the Senate of the United States for its constitutional approval; and

"Whereas one of these treaties, between the United States, the British Empire, Japan, France, and Italy, provides for the reduction of naval armaments by the destruction of a large number of capital ships and the fixing of a ratio of naval establishments between the parties and the maximum number and strength of such ships to be possessed by each power during a period of 10 years, thus inaugurating an era of naval limitation in lieu of competition in naval establishment hitherto prevailing; a treaty which Senator Hughes has declared, 'ends, absolutely ends, the race in competition of naval armament. At the same time it leaves the relative security of the great naval powers unimpaired'; and

"Whereas another of such treaties adopts rules and regulations restricting the operation of submarines in time of war, making impossible such outrages upon common humanity as the destruction of the *Lusitania*, except at the cost of international outlawry, and further establishes rules against the use of noxious and poisonous gases; and

"Whereas by another of these treaties made between the United States, Great Britain, Japan, and France the parties agree to respect each other's rights in their insular possessions and insular dominions in the region of the Pacific, and agree to meet in conference to discuss any controversy which may arise between them respecting such rights, and in the event of any external aggression upon the rights of any of the parties to communicate fully and frankly with each other in order to determine what action shall be taken in view of such exigency, and which treaty upon ratification is to supersede the existing treaty creating the Anglo-Japanese alliance; and

"Whereas other of such treaties bring to an end the policy of aggression by other nations upon the sovereignty of China, and provide for the recognition of the unimpaired sovereignty of that country, and confirm the policy of equal opportunity for all nations in their trade and commerce with China; provide for a revision of her import duties, and establish a commission of the nine powers to deal with alleged infringements of the 'open-door' agreements; and

"Whereas a treaty between the United States and Japan settles the disputed question of the right of the United States to equal rights with Japan in the use of the island of Yap for ocean cable purposes, and also in equal rights with members of the League of Nations in the mandated islands of the Pacific north of the Equator; and

"Whereas all of these treaties supplement each other, and together constitute 'a great and successful effort to diminish the burdens of peace and to render more remote the horrors of war'; and

"Whereas the President of the United States in submitting these treaties to the United States Senate stated: 'Either these treaties must have your cordial sanction or every proclaimed desire to promote peace and prevent war becomes a hollow mockery';

"*Resolved*, That such treaties constitute great and important steps toward insuring world peace by providing for the peaceful settlement of questions which otherwise might disturb amicable relations between nations, and by ending international competition in the building of navies and all its inevitable burdens and evil consequences;

"*Resolved further*, That the Massachusetts Federation of Churches does hereby emphatically commend the work of the Washington Conference on Limitation of Armament, and most earnestly urges the Senate of the United States promptly to ratify the treaties agreed upon by that conference and as submitted to the Senate by the President of the United States."

Yours, truly,

MARTIN L. CATE, *President.*
JOHN J. WALKER, *Secretary.*
By E. TALLMADGE ROOT.

Mr. NELSON presented a memorial of sundry citizens of Cass Lake, Minn., remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAPPER presented resolutions adopted by the American National Live Stock Association at its twenty-fifth annual convention, Colorado Springs, Colo., protesting against the transfer of any bureau or division of the Department of Agriculture to other departments, which were referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington presented a letter in the nature of a petition from the Federal grand jury, United States district court, western division of Washington, at Seattle,

Wash., praying for the enactment of legislation suppressing the traffic in narcotics, which was referred to the Committee on Finance.

Mr. LADD presented the petitions of Rose A. and C. A. Peterson, of Nortonville; of Peter Mousel and 136 others, of Flasher and vicinity; and E. H. Hurd and 10 others, of Hurdsfield, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented a petition of sundry citizens of Detroit, Mich., praying for acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted at the midwinter meeting of the Michigan State Horticultural Society at Coloma, Mich., favoring acceptance of the bid of Henry Ford relative to the Muscle Shoals project and passage of the so-called Purnell bill, granting additional funds for agricultural experiment work, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by Frank Wendtland Post, No. 253, American Legion, of Royal Oak, Mich., favoring the enactment of legislation providing adjusted compensation for veterans of the World War, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Plymouth, Mich., praying for the enactment of legislation providing Federal censorship of moving-picture films, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted at the annual conference of American Historical Societies at St. Louis, Mo., favoring the construction of a Federal hall of records, so as to preserve precious records of historic value, which were referred to the Committee on Public Buildings and Grounds.

Mr. WILLIS presented petitions, numerously signed, of sundry employees of the Owen China Co., of Minerva, and the National China Co., of Salineville, both in the State of Ohio, praying for the passage of an adequate protective tariff law based upon American valuations, which were referred to the Committee on Finance.

He also presented telegrams in the nature of petitions from the Kiwanis Clubs of Toronto, Toledo, Marion, Medina, Willard, Lisbon, Cleveland, Cincinnati, Carey, and Mansfield, all in the State of Ohio, favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented a resolution adopted by Local Union No. 499, of Stewartsville, Ohio, praying for the passage of an adequate protective tariff law based on American valuations, which was referred to the Committee on Finance.

He also presented a resolution adopted by Harry C. Egbert Camp, No. 1, United Spanish War Veterans, of Cincinnati, Ohio, favoring inclusion in the so-called soldiers' bonus bill of veterans of the Spanish-American War and the Philippine insurrection, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3266) for the purchase of the Cape Cod Canal property, and for other purposes; to the Committee on Commerce.

By Mr. TOWNSEND:

A bill (S. 3267) for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation in Michigan, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3268) to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; to the Committee on Interstate Commerce.

By Mr. KING:

A bill (S. 3269) to amend subdivision 3 of subsection B of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, and for other purposes; to the Committee on the Judiciary.

(By request.) A bill (S. 3270) to encourage the construction and operation of additional railway facilities, to enable railroad corporations to pay off and reduce their interest-bearing indebtedness, to make investments of money in railroads more secure and profitable, to reduce the costs of transportation on railroads, and for other purposes; to the Committee on Interstate Commerce.

By Mr. HARRISON:

A bill (S. 3271) granting a pension to William Clark; to the Committee on Pensions.

AMERICAN RED CROSS HEADQUARTERS IN WASHINGTON.

Mr. SPENCER. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate joint resolution 43.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.; which were to strike out the preamble, and on page 2, lines 8 and 9, to strike out "within such time as may hereafter be provided by Congress" and to insert "not later than December 31, 1924."

Mr. SPENCER. I move that the Senate disagree to the amendments proposed by the House, that a conference be requested on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FERNALD, Mr. FRELINGHUYSEN, and Mr. ASHURST conferees on the part of the Senate.

IMPORTS AND EXPORTS OF 1920 AND 1921.

Mr. FLETCHER. I ask to have inserted in the RECORD a very interesting statement and table prepared by Mr. O. P. Austin, statistician of the National City Bank of New York, being their bulletin of March, 1922. It compares the official figures of imports and exports for the United States for the full calendar year 1921 with those for the calendar year of 1920, showing the relative decline in quantities and values in 1921 when compared with 1920. I shall ask to have these two pages inserted in the RECORD. I think they contain some very valuable information.

I will say, Mr. President, that some people are very much concerned about prices, particularly with regard to steel products and farm implements. They can not understand why it is that there is a shutdown to some extent of production by the manufacturers and yet the prices for plows, wire for fencing, corrugated iron for roofing and building purposes, keep up at about twice what they were in 1914. They also can not understand how it is that the price of shoes keeps up when the producers of hides can hardly get anything for them. These are questions which disturb the consumers of the country and which are shutting off buying by the people of the things because they can not afford to pay the present prices. The statement may have a little bearing upon that question, and I ask that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From National City Bank of New York Bulletin, March, 1922.]

LOWER PRICES BIG FACTOR IN FALL OFF OF OUR FOREIGN TRADE FIGURES.

(By O. P. Austin, statistician National City Bank of New York.)

Now that it is possible to compare the official figures of imports and exports of the United States in the full calendar year 1921 with those of the calendar year 1920 and to compare the fall in quantity with that of value, we find in nearly every case that the reduction in value is far greater than the reduction in quantity.

While the official reports of imports and exports do not state quantities of all articles entering or leaving the country, and while the units of measurement utilized in recording the quantities of merchandise imported or exported include in many cases merely the number of articles, it is possible to reduce all of the terms of measurement to a single unit of pounds, and thus to determine the actual number of pounds represented by all of the imports and exports, except the comparatively small number in which no official record is made of the quantities entering or leaving the country. Of the $13,500,000,000 worth of merchandise imported and exported in 1920 (which fell to about $7,000,000,000 in 1921) it is possible to determine the weight in the common unit of pounds of articles representing about 75 per cent of the total value, and comparing the reduction in quantities with the reduction in values, article by article and for the grand total, to at least approximate the relation which the fall in prices has had to the reduction in stated values of imports and exports, so much discussed in recent months.

COMPARISON BY POUNDS.

The results of such a study of the relative fall in quantities and values of all articles for which the quantity can be determined is presented herewith. It has been made by transforming to the common unit of pounds the quantities of each article of import or export in which the value in 1921 was about $1,000,000 and for which quantities imported or exported are officially recorded in any form. This analysis shows for the calendar year 1920 approximately 250,000,000,000 pounds of imports and exports, and in 1921 approximately 200,000,000,000, a reduction of 20 per cent in quantity, while the value of the merchandise for which the weight is named falls from $9,832,000,000 in 1920 to $4,988,000,000 in 1921, a reduction of 49 per cent in value, as against 20 per cent in quantity. In exports the fall in quantities of all articles

for which weight can be shown is 22 per cent and the fall in values of the same articles 42 per cent. In imports the fall in quantity is 10 per cent and in value 56 per cent, this comparatively small reduction in quantity being due to the big increase in the imports of crude petroleum. Exclusive of petroleum, the fall in quantities of imports is 32 per cent, and in value 56 per cent.

RAW MATERIALS COMPARED WITH MANUFACTURES.

A division of the articles forming the 1921 imports and exports, respectively, into three great groups which form the bulk of all international trade—foodstuffs, manufacturing material, and manufactures—shows on the export side an increase over 1920 of 30 per cent in the weight of foodstuffs, but a reduction of 32 per cent in value; in manufacturing material a fall of 35 per cent in weight and 49 per cent in value; and in the manufactures for which weight can be stated the reduction is 27 per cent in weight and 50 per cent in value. On the import side, foodstuffs show a reduction of 23 per cent in weight and 64 per cent in value; manufactures a reduction of 7 per cent in weight and 47 per cent in value; and manufacturing material, including petroleum, a 5 per cent reduction in weight and 51 per cent in value, but exclusive of petroleum the manufacturing material shows a fall of 32 per cent in quantity and 57 per cent in value.

The fall in values per unit of quantity is most observable in the natural products, foodstuffs, and manufacturing material. Raw sugar imported, for example, shows a fall of 26 per cent in quantity and 76 per cent in value; coffee an increase of 3 per cent in quantity but a decrease of 43 per cent in value; wool an increase of 23 per cent in quantity but a decrease of 51 per cent in value; hides and skins a decrease of 32 per cent in quantity and 72 per cent in value; raw cotton a reduction of 34 per cent in quantity and 76 per cent in value; and rubber a decrease of 29 per cent in quantity and 69 per cent in value. On the export side, wheat and flour in combination show an increase of 18 per cent in quantity but a decrease of 32 per cent in value; cotton an increase of 5 per cent in quantity but a decrease of 52 per cent in value; tobacco an increase of 10 per cent in quantity but a decrease of 16 per cent in value; and coal a reduction of 36 per cent in quantity and 52 per cent in value.

The tables which follow show the weight and value of the principal articles imported and exported for which weights can be determined and the percentage of increase or reduction when comparing the full calendar year 1921 with the calendar year 1920.

Weights and values of United States foreign trade, 1920 and 1921.

Showing relative decline in quantities and values in 1921, when compared with 1920, in all important articles in which quantities can be stated.

IMPORTS.

	Million pounds.		Per cent of increase or decrease.	Million dollars.		Per cent of increase or decrease.
	1920	1921		1920	1921	
Foodstuffs:						
Sugar	8,098	5,987	− 26	1,015	237	− 76
Coffee	1,297	1,341	+ 3	259	143	− 45
Cocoa	344	305	− 11	54	23	− 57
Tea	90	77	− 14	24	14	− 41
Fruits and nuts	4,344	4,549	+ 5	72	58	− 22
Meats	159	59	− 64	21	7	− 68
Fish	301	304	+ 1	25	20	− 17
Eggs	29	18	− 37	7	3	− 57
Milk	24	9	− 62	3	1	− 66
Butter	37	19	− 48	10	7	− 32
Cheese	16	27	+ 68	6	9	+ 50
Wheat	2,148	1,398	− 35	75	36	− 52
Flour	160	192	+ 20	9	8	− 11
Rice	145	84	− 41	14	3	− 78
Spices	61	64	+ 4	12	5	− 58
Molasses	1,021	934	− 51	5	2	− 60
Tapioca	105	55	− 47	6	2	− 66
Vegetables	734	304	− 57	32	8	− 75
Oil cake	229	98	− 61	4	2	− 50
Cattle	342	162	− 51	27	6	− 77
All other[1]	889	267	− 70	57	19	− 66
Total of foodstuffs	21,395	16,355	− 23	1,750	620	− 64
Manufacturing material:						
Cotton	380	139	− 54	139	33	− 76
Wool	380	321	+ 23	127	61	− 51
Silk	30	45	+ 50	285	230	− 9
Fibers	920	548	− 40	80	34	− 57
Hides and skins	510	345	− 32	244	68	− 72
Rubber	623	427	− 29	249	76	− 69
Gums	142	42	− 62	32	28	− 56
Soda nitrate	2,961	826	− 72	63	18	− 71
Fertilizers	2,499	696	− 72	51	12	− 76
Flaxseed	1,378	684	− 50	75	20	− 73
Tobacco	82	53	− 35	82	54	− 34
Copra	349	224	− 10	19	10	− 47
Wood pulp	1,412	1,304	− 23	39	20	− 55
China clay	734	325	− 56	4	2	− 50
Alunite	40	31	− 22	12	7	− 41
Iron ore	2,832	707	− 75	5	1	− 80
Copper ore	116	101	− 12	23	14	− 38
Tin ore	67	31	− 54	19	6	− 68
Coal	2,554	2,531	− 1	7	7	
Petroleum	38,352	63,273	+ 18	58	67	+ 16
All other[1]	2,633	1,605	− 39	128	39	− 33
Total of manufacturing material	57,372	54,395	− 5	1,896	970	− 51
Manufactures:						
Cotton cloth	36	21	− 41	32	20	− 44
Cotton yarn	94	69	− 27	39	6	− 89
Wool cloth	8	7	− 12	20	14	− 30
Wool yarn	4	6	+ 50	8	7	− 13
Silk fabrics	3	4	+ 33	36	24	− 33
Silk yarn	3	2	− 33	10	6	− 34

Weights and values of United States foreign trade, 1920 and 1921—Contd.

IMPORTS—continued.

	Million pounds.		Per cent of increase or decrease.	Million dollars.		Per cent of increase or decrease.
	1920	1921		1920	1921	
Manufactures—Continued.						
Fiber fabrics	11	8	− 27	20	11	− 57
Burlaps	[illegible]	679	− 16	86	41	− 52
Jute bags	51	65	+ 27	8	4	− 50
Paper, printing	1,460	1,584	+ 9	88	76	+ 14
Creosote oil	129	233	+ 80	4	5	+ 25
Pulpboard	[illegible]	[illegible]	− 55	3	1	− 69
Calcium carbide	83	85	+ 2	3	3	
Coconut oil	[illegible]	104	− 14	18	15	− 14
Palm oil	42	23	− 45	5	2	− 60
Soya-bean oil	112	16	− 85	13	1	− 92
Copper, pigs, etc.	369	228	− 38	68	31	− 54
Tin, pigs, etc.	125	54	− 57	74	17	− 77
Iron, pigs, etc.	410	99	− 76	13	2	− 84
Cigars, etc.	6	2	− 66	27	6	− 64
All other[1]	1,205	1,456	+ 21	71	61	− 42
Total of manufactures	5,080	4,673	− 7	654	345	− 47
Grand total of imports[1]	[illegible]	75,626	− 10	4,212	1,855	− 56

EXPORTS.

	Million pounds.		Per cent of increase or decrease.	Million dollars.		Per cent of increase or decrease.
	1920	1921		1920	1921	
Foodstuffs:						
Wheat and flour	16,979	20,098	+ 18	822	551	− 33
Corn and meal	1,164	7,382	+534	34	98	+182
Oats and meal	478	204	− 57	16	5	− 68
Rice	993	600	− 39	37	21	− 43
Rye	3,192	1,680	− 47	122	44	− 63
Barley	854	1,231	+ 44	27	21	− 22
Fruits and nuts	571	702	+ 22	49	46	− 6
Meats	1,661	796	− 24	289	139	− 48
Lard and tallow	780	1,116	+ 43	179	140	− 21
Butter	18	3	− 83	10	3	− 70
Cheese	16	12	− 27	5	3	− 40
Milk	414	290	− 29	65	38	− 41
Eggs	27	34	+ 25	16	11	− 31
Fish	118	86	− 27	19	10	− 47
Sugar	924	934	+ 1	95	49	− 48
Cottonseed oil	183	253	+ 38	35	24	− 32
Oil cake	580	1,207	+104	18	25	+ 39
Vegetables	420	340	− 19	21	11	− 47
Cattle	72	167	+131	11	12	+ 8
Hay	141	116	− 17	2	1	− 50
All other[1]	356	290	− 18	21	13	− 38
Total of foodstuffs	28,753	37,561	+ 30	1,884	1,283	− 32
Manufacturing material:						
Cotton, raw	3,179	3,339	+ 5	1,135	531	− 53
Tobacco	488	515	+ 10	245	205	− 16
Hides and skins	17	30	+ 76	6	4	− 33
Iron ore	2,570	986	− 61	6	2	− 66
Iron pigs	468	63	− 87	10	1	− 90
Coal	57,594	35,392	− 36	260	128	− 52
Coke	1,520	613	− 60	10	3	− 70
Petroleum, raw	2,359	2,601	+ 10	29	20	− 31
Paraffin	575	226	− 39	33	11	− 66
Fertilizers	2,398	1,643	− 31	10	7	− 30
Asphaltum	103	90	− 12	1	1	
Aluminum	9	2	− 76	3	1	− 66
Lead	39	52	+ 35	3	2	− 33
Zinc	228	5	− 98	19	1	− 94
Sulphur	1,091	641	− 35	9	5	− 44
Soda ash	187	35	− 79	5	1	− 80
Soda, caustic	224	50	− 77	11	2	− 81
Rosin	336	289	− 14	19	5	− 73
Turpentine	66	65	− 1	15	6	− 60
Hops	26	18	− 30	17	6	− 52
All other[1]	58	40	− 31	15	6	− 60
Total of manufacturing material	103,332	68,660	− 35	1,982	991	− 49
Manufactures:						
Automobiles	515	115	− 77	212	43	− 79
Locomotives	257	152	− 40	54	34	− 37
Cotton cloth	202	133	− 34	238	72	− 69
Cotton yarn	34	14	− 41	20	6	− 70
Wool cloth	9	2	− 77	24	4	− 83
Binder twine	35	39	+ 7	9	8	
Sole leather	22	14	− 36	12	5	− 39
Steel rails	1,350	921	− 31	36	18	− 50
Bars and billets	2,396	498	− 79	75	16	− 79
Nails	265	75	− 70	16	5	− 70
Sheets and plates	2,736	1,336	− 51	115	51	− 55
Pipes, iron	794	882	+ 11	53	56	+ 5
Wire	718	222	− 69	41	12	− 70
Tin plate	507	241	− 52	40	17	− 57
Copper	624	625	+ 1	127	85	− 33
Petroleum, manufactured	18,327	16,983	− 12	520	364	− 30
Spirits	231	44	− 80	20	3	− 85
Tobacco, manufactured	57	35	− 39	41	20	− 51
Paper	247	109	− 59	27	10	− 63
Starch	148	258	+ 74	9	6	− 33
All other[1]	2,133	904	− 58	119	64	− 46
Total of manufactures	32,474	23,609	− 27	1,807	899	− 50
Grand total of exports	164,748	128,143	− 22	5,620	3,153	− 43

[1] For which weight can be stated.

THE MUSCLE SHOALS PLANT.

Mr. HEFLIN obtained the floor.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. BORAH. I should like to suggest the absence of a quorum.

Mr. HEFLIN. I have no objection to a roll call.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Harris	Nicholson	Spencer
Brandegee	Harrison	Norbeck	Stanfield
Broussard	Heflin	Norris	Stanley
Bursum	Johnson	Oddie	Sterling
Cameron	Jones, Wash.	Overman	Sutherland
Capper	Kellogg	Page	Townsend
Caraway	Kendrick	Phipps	Underwood
Colt	King	Pittman	Walsh, Mass.
Culberson	Ladd	Poindexter	Walsh, Mont.
Cummins	Lodge	Pomerene	Warren
Fernald	McCormick	Rawson	Watson, Ga.
Fletcher	McKellar	Reed	Wolfe
France	McKinley	Robinson	Williams
Gerry	McNary	Sheppard	Willis
Gooding	Nelson	Shields	
Hale	Newberry	Smith	

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM] because of a death in his family.

Mr. JONES of Washington. I was requested to announce that the Senator from Delaware [Mr. BALL] is detained on official business.

I was also requested to announce that the Senator from California [Mr. SHORTRIDGE] and the Senator from Wisconsin [Mr. LENROOT] are absent on official business of the Senate at a hearing of the Committee on Banking and Currency.

I was also requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON] and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is necessarily absent on account of serious illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-two Senators having answered to their names, there is a quorum present.

Mr. HEFLIN. Mr. President, two or three days ago an article appeared in the Washington Post stating that Representative KAHN of California, the chairman of the Committee on Military Affairs in the House, had stated to Mr. Mayo, a representative of Mr. Ford, that the Muscle Shoals proposition was in such a tangle that it would probably take years to untangle it, and that a commission should be appointed to handle the matter.

Mr. President, I have talked to some of the Senators since that suggestion was made, and I am glad to say that none of them, so far as I know, has agreed that such a course was necessary. It occurs to me that this is an attempt to delay final action upon the offer of Mr. Ford to take over and operate that plant; that it is an attempt to dally, delay, and postpone the consideration of the proposition by Congress.

To take the matter out of the jurisdiction of Congress, to which it has been submitted by the Secretary of War, and to put it in the hands of a commission, would be, it seems to me, useless and unfair to the Members of Congress, and unfair as well to the people whom they represent in the law-making body of the Nation. Nearly every day farmer organizations, chambers of commerce, and various other organizations in the South and West are adopting resolutions urging upon Congress the wisdom, importance, and necessity of accepting the Ford offer.

Mr. President, I can understand how some Senators felt for a while when it was not clear that Mr. Ford was going to manufacture fertilizers at Muscle Shoals; that they should hesitate about indorsing his offer until all doubt on this point was removed; but Mr. Ford's representatives have stated before the Military Affairs Committee of the House that he is willing to bind himself to manufacture fertilizers at Muscle Shoals, and willing to make the contract specifically provide for that very thing. When that is done, I do not see why we should not proceed to accept his offer.

Some few days ago the Senate referred—and I think properly—the Ford offer to the Committee on Agriculture and Forestry, of which I am a member. I then took up with the members of the committee the matter of paying a visit to Muscle Shoals, of having the committee go down there in person and see for themselves this marvelous power site in the Tennessee Valley in my State. The committee have agreed to go; the Senate has provided that it shall go, and not only that the committee shall go but that other Senators who desire shall accompany the committee. That committee's visit, Mr. President, is waiting, for the time being, upon action upon the four-power treaty. The Senator from Massachusetts [Mr. LODGE], the leader upon the other side, I understand, does not want the members of the committee to leave until that treaty is disposed of; but as soon as it is disposed of the committee, I think, will immediately visit Muscle Shoals, and I feel that when it does so there will no longer be any doubt or misgivings in the mind of any Senator who goes as to the wisdom of completing the Muscle Shoals project or as to the advisability of accepting the Ford offer. When Senators see for themselves just what the Government has already done and realizes that its expenditure of $100,000,000 is doing no good whatever, and is not only doing no good but doing harm, because the money already invested will be a total loss unless the project is completed; and as the project now stands it obstructs the river and makes it unnavigable at that place. Prior to the construction of the dam up to the surface of the water the river was navigable for eight months in the year; but since the dam has been in part constructed the river can not be used for the purposes of navigation, so there it lies unfit for use for power purposes and an obstruction to navigation in the Tennessee River.

Mr. President, I hold in my hand a very mournful editorial from the Chattanooga News. The writer has a tone of despair in his editorial. He feels that an effort is being made to junk the whole project at Muscle Shoals and that nothing will be done to complete this great project. I do not agree with him. I will not agree with him until I see this Congress deliberately refuse, upon a record vote, to proceed with that great project. Certain interests have done everything that they could to prevent the completion of the great dam at Muscle Shoals. We were told that it was not worth while. Somebody has been fighting the completion of this Muscle Shoals project all the time. A propaganda has been carried on here. I have received letters from various concerns—all the Senators have received them; Members of the House have received these letters—and this propaganda has been carried on by interests that do not want Henry Ford to get the Muscle Shoals plant.

I think the offer that Mr. Ford has made is the best offer that has been made. I do not blame any other concern for wanting Muscle Shoals, because it is a power site of such tremendous capacity and possibilities that I can understand how anybody who wanted to develop power should like to have it. There is an opinion prevailing, however, that a movement is on foot to tie up this plant and prevent its development because it will, when completed, come into competition with some other concern. In this editorial the Chattanooga News goes on to say that the commission suggested by Mr. KAHN is the Secretary of War, the Secretary of the Treasury, and the Secretary of Agriculture. The Secretary of the Treasury is in a manufacturing business himself. He owns an aluminum plant—the only one, I think, in the United States—and it has been said that Ford might want to manufacture something in competition with him, and therefore he would not favor allowing Ford to have Muscle Shoals. We have been told that the Secretary of War thinks more of the offer made by the Alabama Power Co. than he does of the one made by Henry Ford. If that is true, there are two out of the three on the suggested commission who are unfriendly to Ford to start with. One can not outvote two.

The Secretary of Agriculture, I believe, would be influenced by the demands of the farmers of the South and West. I think he is already friendly to Ford's offer; but in the absence of any fixed opinion that he may have upon the subject, being the Secretary of Agriculture as he is, I believe he would do that which was best for the agricultural interests of the country as he saw it, and that is why I believe he would favor the Ford offer. The Ford offer is distinctly in favor of the farmers of the country. They want the Ford offer accepted.

Another thing, Mr. President: The Fertilizer Trust of the United States is bitterly opposed to Henry Ford getting the Muscle Shoals plant, because he would manufacture fertilizer, and that would bring down the price they now charge, and millions of farmers in the South and West would profit by that very thing. The Fertilizer Trust wants to be let alone and permitted to have a monopoly of fertilizer production in the United States.

Senators, that raises a very nice question. Are we going to be dominated by a power like that? We ought to do that which is best for the people. We ought not to serve a special interest; and I repeat that I do not believe that that power is going to be able to control the Senate. I do not believe that it will suc-

ceed in the House. I do not see how any Member can excuse his vote to pigeonhole the offer of Henry Ford and stop this thing, whether it be done right out in the open on a roll call or whether it be done in a roundabout way by putting it in the hands of a commission, which, in my judgment, would mean the death knell of the whole thing.

I am opposed to appointing any commission to take up this matter. With the light that we will have from the hearings in the House committee and the hearings that we propose to conduct in the Senate Agricultural Committee after our visit to Muscle Shoals, I want the House and the Senate to act upon this question; and why should we not do so? Certainly 435 Members of the House and 96 Senators, representing all the people and all the varied interests of the people, would be better prepared to pass upon it and be better prepared to render a just and fair verdict than somebody who has interests somewhere that might have competition from Henry Ford when this plant is completed and in operation down at Muscle Shoals. There seems to be an effort to confuse and complicate the situation, Mr. President.

I want to suggest to Senators that we have had a good deal on paper about people who have been unemployed getting employment. It has been mostly on paper. Millions are out of employment yet; but there is nothing that this Congress can do that would do more to take care of half a million people than to turn over this project to Henry Ford, who would commence work within 10 days after the bid is accepted and the matter is turned over to him. He will put to work down there 100,000 people. With their families that will take care of from four to five hundred thousand people.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. HEFLIN. I am glad to yield to my friend from Oregon.

Mr. McNARY. I am very much interested in the Senator's discussion of this matter. I am a member of the Agricultural Committee, and was a member of the committee which went into the Muscle Shoals matter two years ago. I am quite in tune with the statement of the Senator from Alabama, but I want to know of the Senator, who has a like sympathy with this legislation, whether he has studied both the proposal of Ford and the proposal of the Alabama Power Co., and whether he is now speaking with regard to the Ford proposal as the better of the two?

Mr. HEFLIN. Yes.

Mr. McNARY. The Senator is stating the reasons why he believes the Ford proposition is better than the other one, or, I might say, the other two proposals?

Mr. HEFLIN. Yes; I am in favor of the Ford proposal, in the first place, because of the statement made by his representatives before the Committee on Military Affairs of the House, in which he stated that he would bind himself to manufacture fertilizer, and the Alabama Power Co. does not do that at all.

Mr. McNARY. That is not the only element to be considered in the whole transaction, however.

Mr. HEFLIN. But one of the most important ones.

Mr. McNARY. As I recall the proposition of the Alabama Power Co., they are to make a fertilizer, but not a complete fertilizer. The fixation of atmospheric nitrogen does not produce a fertilizer in itself. It is only one of the ingredients that go to make a fertilizer applicable to use as plant food.

Mr. HEFLIN. But let me say to my friend from Oregon that Ford is going to make both ingredients, a completed fertilizer.

Mr. UNDERWOOD. Mr. President, will my colleague yield a moment?

Mr. HEFLIN. Certainly.

Mr. UNDERWOOD. Did I understand the Senator from Oregon to say that the proposal of the Alabama Power Co. contemplated the manufacture of nitrates?

Mr. McNARY. If not, its proposal, as I recall—I am speaking only from memory; I have not looked at it for some time—contemplates the contribution to the Government of sufficient power to manufacture full-capacity fertilizer at nitrate plant No. 2, which would be the same thing.

Mr. UNDERWOOD. I have the proposition in my mind very clearly, and if the Senator will allow me I should like to correct his recollection.

Mr. McNARY. Certainly.

Mr. UNDERWOOD. The proposal of the Alabama Power Co. relates entirely to Dam No. 2. The only connection it has with fertilizer at all is that it proposes to turn over to the Government, for the use of the nitrate plant, 100,000 secondary horsepower; but it has no connection outside of that with the nitrate plant at all, whereas the Ford proposition is the only pending proposition that really contemplates the actual manufacture of nitrates for the manufacture of fertilizer and also contemplates the manufacture of fertilizer.

Mr. HEFLIN. I thank my colleague for his contribution to this discussion. He has stated the proposition correctly.

Mr. SMITH. Mr. President, if the Senator will allow me, in reply to the suggestion made by the Senator from Oregon [Mr. McNARY] to the effect that nitrates are only one ingredient of fertilizer, I should like to call the attention of the Senate to the fact that nitrate is one of the essential elements, the predominant element, in all plant foods, and, curiously enough, the only one for which America is dependent upon outside sources of supply.

It is the essential ingredient. The fact of the matter is that when it comes to the production of grain the crops are almost entirely dependent upon nitrogen. With nitrogen alone wheat, oats, corn, and all other cereals can be made to produce a maximum, and yet we are dependent upon the nitrate beds of Chile to satisfy the enormously increasing demands of agriculture for that ingredient. We have certain by-products and certain limited sources in this country from which we can draw, but they are totally inadequate. Science has discovered a method of extracting nitrogen from the air which has passed its experimental stage and is now a commercial fact. It is for the purpose of taking the great, inexhaustible force of our water power in this country and connecting it with the inexhaustible supply of nitrogen in the air, thus combining these two natural and inexhaustible sources for the benefit of agriculture, that the farmers of this country and all the seers who have any vision of the future are insisting that this great water power, right in the center of the fertilizing-using section of America, shall be consecrated and devoted to the production of that element upon which this Nation must depend for an adequate supply of food.

Mr. McNARY. Mr. President, will the Senator from Alabama permit me?

Mr. HEFLIN. Certainly.

Mr. McNARY. I do not concede that the Senator from South Carolina speaks for all the farmers. I speak for one. I know there are certain cereals which require nitrate such as is taken from the atmosphere. There are other lines of vegetation and other crops which require potassium and ammonium, neither of which is manufactured there.

Mr. SMITH. If the Senator will allow me——

Mr. McNARY. Let me finish this and then I will yield. The nitrate made at nitrate plant No. 2 is more useful in time of war than in time of peace because it is both a propellant and an explosive; but it is suitable and one of the necessary and primary elements in the manufacture of a fertilizer. I am not opposing it on that ground. I am not opposing it at all. I am simply making an inquiry. There must be some changes made there. As shown by the testimony, the Haber process, with which we are not very conversant, is better than the arc process and the cyanamid process now being employed at Muscle Shoals. Those are factors which must be taken into account, in my opinion, when considering these various propositions or offers to acquire this property from the Government which have been made.

Then I say to the Senator again, as I recall the statistics, we use in this country nearly 8,000,000 tons of fertilizer per annum, and the best they are offering down there is 100,000 tons. It is like a grain of sand in a wheelbarrow; it amounts to nothing.

Mr. SMITH. Mr. President——

Mr. McNARY. Just a moment. I want to make another observation. It has been demonstrated that at Niagara Falls the horsepower unit costs about forty or fifty dollars, and if I am correctly informed it runs considerably over a hundred down there. I am wondering whether, in the production of a fertilizer, the plant at Muscle Shoals can compete with the plant at Niagara Falls, just across the line from Canada. Those are things which, I point out to the Senator from South Carolina, must be taken into consideration in appraising these various proposals made by Ford and by the Alabama Power Co. and perhaps considered in connection with the possible operation of the plant by the Government.

Mr. SMITH. Mr. President, I wanted to correct the Senator when he was making a statement about the number of tons used in this country. He said they can make 100,000 tons at Muscle Shoals. The Senator forgets that commercial fertilizer is mixed up with the basic ingredients. One hundred thousand tons of nitrogen, 45 to 50 per cent pure, will make as many times more tons of commercial fertilizer as the ingredient in the fertilizer is less than the per cent of pure nitrogen; in other words, the completed, balanced fertilizer, according to the Department of Agriculture, is denominated, in the technical phrase, 8-8-8,

or 8 per cent phosphoric acid, 8 per cent potash, and 8 per cent nitrogen, or ammonium. The Senator said a moment ago that there were other ingredients, potash and ammonium. Ammonium and nitrogen are convertible terms. One is simply a manifestation of the other in a different form. So, if they produced 100,000 tons of nitrogen down there, there would be a production of at least 300,000 tons of commercial fertilizer.

If the power at Muscle Shoals is used for the production of nitrogen, no man is able to tell the amount which could ultimately be produced. The Senator is a member of the Committee on Agriculture and Forestry, and there came before us experts who testified that the Germans had a process by which, with the same power, they could increase tenfold the production of nitrogen.

It is not a question of the process. It is a question of our deciding that that great power shall be used for that purpose. I take it that our chemists and our men versed in the discovery of chemical processes are quite equal to any in the world, and since this thing has been established upon a commercial basis at Niagara Falls the Cyanamid Co. has demonstrated that it can produce it there and ship it to the South in competition with the Chilean nitrate. The processes are being improved every day, just as the processes of the application of steam to locomotives are being improved. It is a feasible thing, and it suggests its own development, and is being developed, just as steam suggests its own development. It is only a question of time until every water power in this country will be used, in part at least, for the production of this commercial fertilizer wherever agriculture requires it, and it is to the shame of America that we have allowed the farmers of this country to be exploited entirely by private interests.

I have no quarrel with private interests, but I do say that the great disorganized mass of our farmers, who, by the very nature of their calling and business, can not organize into the compact form in which commercial production organizes itself, has to have special treatment if we propose for them to stand up in the markets of the world and get the wherewithal to feed the nations of the world, and this is a beginning which I hail with delight, that this Government shall see to it that the natural force, the inexhaustible force, of our water power, shall be used, in combination with the inexhaustible supply of nitrogen, for the perpetual fertilization of the fields of this country. I think everything should be made subsidiary to that, and we should not stand up and quibble as to whether Henry Ford or the Alabama Power Co. shall develop this great power and convert it into something which will help agriculture. We should concentrate our minds on devoting it entirely to the production of this essential and indispensable article.

Mr. McNARY. Mr. President, I agree with all the Senator has said regarding the great value of the use of fertilizer. There is no use discussing the need the country has for something to stimulate the growth of trees and the production of additional crops. The point I am trying to develop is this: Are the Senators on the Democratic side willing to accept the Ford offer before the Senate has made an investigation?

Mr. SMITH. Oh, Mr. President——

Mr. McNARY. I have not concluded.

Mr. SMITH. It is not a question of whether we should accept one offer or another——

Mr. McNARY. The Senator talks about the processes. I repeat, American scientists have not yet discovered the secrets of the Germans in the development of the Haber process, the one to which the Senator referred a few moments ago, without naming it. But that has nothing to do with the question. We are making in one plant one kind of a fertilizer, which, I say, is more useful in time of war than in time of peace. But why the repetition that we should accept the Ford offer before we have studied any of the offers?

The Senate Committee on Agriculture and Forestry has authorized certain members to go and visualize the plants and the water power and to consider these various offers, which do not parallel themselves. I am not speaking for one over another, but I do know that under the Ford proposition the Government will put up a great amount of money, and under the other the Government will put up no money, and in either instance the fertilizer is made there under the processes which were designed by the Government during the war. So I simply say, Are we going to prejudge this situation because of the talismanic effect of the name of Ford? Has he made a promise outside that is not in the contract? Why should there be statements made to-day, as there have been in the newspapers, that there is only one proposition, and that that is the Ford proposition, when we have not made an investigation?

I want to see that plant operated. With very few Republicans, I stood on this floor and cast my vote two years ago in favor of the Government operating the plant, and I am still for that; but I want the Government to select and fix upon the best proposition which can be had. It may be essential and better for the Government to operate the plant at Muscle Shoals, or even abandon it; but let us be open minded and not judge the matter until we have had an opportunity for calm and judicious investigation.

Mr. HEFLIN. Mr. President——

Mr. SMITH. The only remark I wish to make is that I am not standing here pleading for the Ford offer, or any other, but I am pleading that, no matter what offer we do accept, it shall be upon the basis that this power shall be developed with the object in view of producing this element of fertilizer. If Mr. Ford makes the best offer, I am for him; but I am for those who are going to use this for the purpose of making the ingredients which are so essential. It is not a question with me as to whose offer is accepted; it is a question of having the contract drawn so that there will be no mistake about it, and if Ford's contract is sufficient, that will be all right; and if he can not take it at that figure, let us get some one who can; and if we can not get anyone, the Government itself ought to develop it. The people of America are paying enough each year to the Government of Chile as a royalty on fertilizer to build the Muscle Shoals dam twice over. We are allowing the farmers of this country to pay out of their own pockets $11 a ton for Chilean nitrate and thus support the Chilean Government. Our farmers pay enough for their nitrate to build the Muscle Shoals dam twice over.

I want to say in closing that it is a commentary on Henry Ford that he has so conducted himself in the manufacture and sale of the things he furnishes the public that he has the confidence and respect of the American people as a dealer. That is a commentary he ought to be proud of, and to my mind it will go with him through his life.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. Yes; I yield to the Senator.

Mr. NORRIS. I would say to the Senator from Alabama that if this is interfering wth the course of his remarks, I can just as well say what I have to say at some other time.

Mr. HEFLIN. I was going to yield to the Senator from Tennessee [Mr. McKELLAR] briefly; but the Senator from Nebraska may proceed now if he desires.

Mr. McKELLAR. I will go on after the Senator from Nebraska concludes.

Mr. NORRIS. Mr. President, something has been said by both the Senator from Oregon [Mr. McNARY] and the Senator from South Carolina [Mr. SMITH] to the effect that it may be that when we consider all that is involved in the Muscle Shoals proposition we will reach the conclusion that the Government ought to run the plant. I want to say to the Senators that I am now working on a bill with that in view; not that I am necessarily going to support it but I want to place before the committee which is going to investigate this subject all avenues of investigation.

I myself am not aware of any prejudice I have against any of the people who have made application, and as far as I know none of the members of the committee have any. I was with the Senator from Oregon two years ago, and voted for the further development by the Government of Muscle Shoals, and that is a different proposition, Mr. President, from what it would be if we were just entering upon the Muscle Shoals project. We probably would have been opposed to the Government entering into the development of that great power under any ordinary circumstances, and if the Government had not expended the large amount of money it already has expended and carried on the work to such an extent I do not think there would be very many of us who would advocate the Government going ahead with it; but we ought to consider Muscle Shoals, it seems to me, from the standpoint of the amount of money that has already been expended by the Government and the amount of beneficial work which has been done there.

If we go no further with it, we shall throw all that money away. So I want to consider it from the basic proposition that we start with Muscle Shoals as it is now. The question whether we should develop it, whether we should lease it, and upon what terms it should be leased, if leased at all, ought to be based upon the fact that we have already done a great deal of work and have partially completed the work that is necessary for the development of power there. So even though that is all thrown away and we go on the theory that we are going to throw it away, it seems to me we should base our proposition for a return, if we have any return, on a percentage basis, upon what it will cost from now on to finish

it, perhaps adding to that what the improvement would sell for if we wanted to dispose of it.

There is no doubt but that we have spent a great deal more money on Muscle Shoals up to the present time than we would spend if we went into the business of developing it now, or it may be that we never would enter upon it under ordinary conditions. But that is water that has passed the wheel. We have done it. We have spent the money. We have the work so far completed, and we ought to take it now on the basis of whether we want to throw that all away or whether we ought to complete it. I think the committee and the Senate, in considering all the propositions that have come or that may hereafter come from Mr. Ford, from the Alabama Power Co., or from anybody else, ought to have with them the proposition of how much it will cost for the Government to develop it, for the Government to operate it, and whether that can be done as a practical proposition.

The bill for which I voted and of which the Senator from Oregon [Mr. McNARY] spoke, which was defeated in the House, but which passed the Senate, was a bill prepared by the War Department, submitted to the Committee on Agriculture and Forestry, and they had extensive hearings on it, of a very intelligent nature, too. They favored the bill, made a favorable report, and the Senate passed the bill. I have always thought and I said at the time that I thought that the bill was very faulty in some respects. It gave an opportunity, it seemed to me, for politics to get into the management, the control, and the operation of the plant.

I did not have the opportunity then to prepare what I wanted to prepare by way of a substitute for that bill. I expect to do that this time. I am going to present to the committee, though it may never be presented to the Senate, a bill which will provide for the development of this power by the Government of the United States, for its operation by governmental corporation, always, as all of us want to do, making provision for the production of fertilizer. That is the main object involved, and yet I do not want to tie the country or a lessee down to a proposition that he will have to do this for 100 years. It may be that in much less than 100 years we will have processes which will be so simple and so easy for the manufacture of fertilizer that we will want to use this power for some other purpose. I do not want to tie the hands of the Government for 100 years.

I think there is a growing sentiment, and it is natural, too, over the country generally, particularly the Southern States and the Eastern States, where they stand in need of fertilizer, that we ought to accept Henry Ford's proposition; but the resolutions that come to us, the decision that has been reached by thousands and hundreds of thousands of our people that we ought to accept that proposition, while made with perfect honesty and in absolute good faith, come from people who have never examined, and most of them probably have never even read, Henry Ford's offer.

It is done because they have confidence in Henry Ford and Henry Ford's proposition is going to last 100 years, and if we give full faith to all the confidence that anybody may place in Henry Ford—and I am one who places a great deal of confidence in him—we have to admit that Henry Ford, although he is a mighty good man, will probably not live 100 years, and that, like the rest of us, he has to die. When he dies he will not be able, from the place where he goes, to operate the Muscle Shoals plant.

Mr. KING. He ought to live as long as his cars live.

Mr. NORRIS. Some of them live a good while.

Mr. KING. Yes; the "flivver" lives on forever.

Mr. NORRIS. So it seems to me we must face this proposition squarely and take away from it all sentiment. We ought to put in the contract and in the bond what we expect to be done by Henry Ford's corporation or anybody else's corporation. Because some man is a good man now and for his own reputation will do the honest thing is no reason why we should not bind that man down by contract as to just what is going to be demanded.

I do not express any opinion as to who has made the best offer, neither do I express any opinion that I will myself favor the bill I propose to introduce, but I want the committee and afterwards the Senate and through the Senate the country, particularly the eastern and southern parts of the country, to have an opportunity when it is all over to pass on it with intelligence, with absolute fairness, without any bias and without any prejudice.

I think I come from a section of the country that is unprejudiced, because so far as fertilizer is concerned, which is the principal object of the development of this project, the country from which I come does not know what fertilizer is as a rule. We have soil that does not need fertilizer. God has made it good enough so we can get along without the Alabama Power Co., without Henry Ford, and without any other institution making fertilizer. We can raise corn for 40 years on the same ground, getting a good crop every year, and every year will bring a yield almost as great as the so-called soil that needs fertilizer would bring every year for 40 years. So we are unprejudiced. We realize that the East and the South need fertilizer and must have it, and because they need it we need it and the country needs it. Something that will make us independent of foreign domination in the fertilizer field and something that will make the people who have to buy the fertilizer independent of the so-called Fertilizer Trust ought to be brought about now since we are considering the great water-power project that will make us able to do that if it is handled right.

Mr. HEFLIN. Mr. President, I agree with my good friend from Nebraska that we ought to set out fully in the contract just what is to be done by Mr. Ford or anybody else with regard to making fertilizer. I want fertilizer manufactured; that is the main thing; but the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Nebraska, will not favor, I do not believe he will favor, putting the project in the hands of a commission, as was suggested by the chairman of the Committee on Military Affairs in the House, composed of the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture. I am hopeful that the Senator from Nebraska will not favor anything of that sort, and I do not believe he will. Let us have Congress thrash it out as we ought to thrash it out. I think that we are capable of settling the matter in a fair and just way.

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Tennessee.

Mr. McKELLAR. I was very much interested in what the Senator from Nebraska, chairman of the Committee on Agriculture and Forestry, had to say about this matter. As is usual and customary with him, he has stated the case fairly and justly. I feel sure that the investigation which his committee proposes to make will be the fair investigation which he suggested in his remarks.

I would like to call the attention of the Senate, though, if the Senator from Alabama will permit me, to the fact that Henry Ford's offer is the only offer that means the manufacture of a completed fertilizer. His offer does provide for that. I call the attention of the Senator from Alabama to the further fact that within a stone's throw of Muscle Shoals, of this great power plant, are the great beds of phosphate, practically inexhaustible in their supply, which can be used and which is used commonly as an ingredient of a completed fertilizer. The fact that those inexhaustible beds of phosphate are within reach of this plant that will be established there, taken together with Ford's agreement to manufacture a completed fertilizer, makes it peculiarly a splendid place for such a plant and for such an enterprise.

Mr. HEFLIN. I thank the Senator from Tennessee.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Alabama yield to the Senator from Nevada?

Mr. HEFLIN. Yes, with pleasure.

Mr. ODDIE. Mr. President, I would like to ask, in connection with the statement made a moment ago with reference to Henry Ford, whether it is known what huge profits he has been making from the American people on his products?

Mr. HEFLIN. He sets out in the proposed contract that he will not make over 8 per cent.

Mr. McKELLAR. It is fixed in the contract itself.

Mr. HEFLIN. Certainly.

Mr. ODDIE. I am referring to what he has done in the past in regard to the profits on his products. I think an investigation was made before the Interstate Commerce Commission a few years ago in regard to the cost of the Ford car which might be interesting to study.

Mr. HEFLIN. I know what he did during the war—that he made supplies for the Government during the war at cost. He did not charge any profit at all. That is what he did when his country was involved in the World War.

But, as the Senator from Nebraska said, people have confidence in Ford. They know that he is a man who does things. He learned of this great project at Muscle Shoals and he invited Mr. Edison to go with him to see it. Both of them marveled at the wonderful power site which they beheld when they arrived at Muscle Shoals. Both came away delighted, well pleased with the situation, and both said that it would be an outrage not to develop and complete the proposition. Henry Ford said, "If

can be made into a great plant to manufacture fertilizer for the farmers of the country, and I am willing to undertake to do it, and I will make an offer to the Government."

As the Senator from Nebraska [Mr. NORRIS] has well said, there are hundreds of millions of dollars in that investment doing nothing, lost to the Government unless we pick it up and carry it on to completion. If we do appropriate a little more money—it will not take anything like the amount we have already spent—we will then save what we have expended, and we will put the proposition on its feet and in running order, and turn it over to a man who will pay the Government interest and a certain proportion of the principal, and who proposes to operate it and manufacture fertilizer and give employment to tens of thousands of people. Why, Mr. President, I do not know of any one single project that would do more good now to this army of unemployed roaming the country than to pluck out 100,000 of them and put them to work down there at good wages, enabling them to take care of their families. That of itself would justify Congress in going through with the matter at an early date.

The coal supply is being exhausted year by year. There is only so much coal in the earth, and we are disposing of it and consuming it by the millions of tons each year. The operation of this plant at Muscle Shoals and the completion of the dam and the power it will provide will run machinery enough to save millions and hundreds of millions of tons of coal every year. That is an item worth while. Not only that, but to-day, as the Senator from South Carolina [Mr. SMITH] has pointed out, we are dependent upon a foreign country for our nitrate for fertilizer. Not only that, but we are dependent upon a foreign country for our nitrate for munitions in time of war. Think of it. The farmers of the country must go to Chile for fertilizers to produce the wherewith to feed and clothe the world.

This great Government, the richest in the world, must go to Chile for its nitrate supply in time of war, and here is an opportunity for Congress to provide a plant to give us nitrates in case of war; to furnish fertilizers in time of peace; to give employment to thousands and tens of thousands of people who are now roaming the streets idle and hungry, and to develop a project in which the Government has already invested $100,000,000.

Mr. President, I want to say to my good friend from Nebraska [Mr. NORRIS] that we do need the fertilizers in the cotton-growing States. Cotton takes plant food out of the ground more rapidly, I believe, than does nearly any other plant under the sun. My friend lives in a State in the great fertile West which produces grain and hay in abundance, and cattle, but in the section where we grow cotton year in and year out the strength of the soil is extracted, and we have to replace it by plant food in the form of fertilizer. So we do need fertilizers.

In normal times we produce two-thirds of the cotton supply of the world. We have a monopoly of the production of short-staple white cotton. We need the fertilizer; we have got to have it; and yet we are to-day held up; our farmers have no say whatever in the price which they shall pay for fertilizer. The price is fixed by the Fertilizer Trust, and the farmers of the country are absolutely at the mercy of that trust. When the project at Muscle Shoals is completed and in operation our farmers will be freed from the clutches of the Fertilizer Trust. I repeat, we shall save coal; we will be freed from dependence upon a foreign country for nitrates in time of war; people will be put to work who are unemployed; and the hundred millions of dollars which we have already invested will be saved.

Senators, I can not see how Congress can refuse to act favorably upon the offer of Mr. Ford. I am not asking that it shall be acted upon now. My good friend from Oregon [Mr. McNARY] previously voted for this project, so did the the Senator from Nebraska and three others on the other side of the Chamber. I am not seeking to have the matter passed on before an investigation shall be had; but I do want to bring it to the attention of the Senate—and that was my purpose—and to enter a protest against a move being made to take the matter out of the hands of the two bodies which are investigating it—the Senate and the House—and lodge it in the hands of a commission the majority of which is already hostile to the project.

I want to bring to the attention of the Senate the fact that the farmers of the West have passed resolutions in a number of their organizations indorsing the Ford project. They have done the same thing throughout the South. I want to bring to the attention of the Senate just how they feel about this matter, and to state that Mr. Ford, through his agents in the hearings in the other House, has said that he was willing to bind himself to manufacture fertilizer. That is the main object, Mr. President, which our people have in completing the plant—to furnish cheaper fertilizers, and to free our people from the clutches of the Fertilizer Trust.

My good friend from Oregon made some reference to the plant at Niagara Falls. I want to say, Mr. President, that I very distinctly remember about the history of that matter. That very plant would have been on the Coosa River, in Alabama, but for a veto that Mr. Taft placed upon a bill which I succeeded in getting through the other House when I was a Member of that body. It was proposed to build that plant at Lock 18 on the Coosa River. The bill had passed the Senate and we got it through the House, but the bill was vetoed. When it was vetoed, America lost that plant. It went to Canada and is now operating in Canada because we declined to set it up in the United States. The waters of the Coosa River were then going to waste and serving no good purpose. We turned down that proposition and a foreign Government is now making money out of that great concern and enjoying its blessings and benefits. I hope, Mr. President, that the same fate does not await the Muscle Shoals proposition. The difference between the two plants is this: The Government had not expended any money on the project that went to Niagara Falls, but on the Muscle Shoals project we have expended $100,000,000. Here is an opportunity to save the $100,000,000 already expended and to complete this great project and enable the farmers of America to obtain cheap fertilizer. The Ford offer is full of promise and possibilities to agriculture in the South and West.

CONSOLIDATION OF NATIONAL FOREST LANDS.

The PRESIDING OFFICER (Mr. LADD in the chair) laid before the Senate the amendments of the House to the bill (S. 490) to consolidate national-forest lands, which were, on page 1, line 10, after the word "land," to insert "in the same State"; and on page 2, line 10, to strike out the words "in which" and insert "within whose exterior boundaries."

Mr. SMOOT. I move that the Senate concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

Mr. NORRIS. Mr. President, I should like to make an inquiry of the Senator in regard to this bill. I think I understand what the bill is, but I should like to make sure. From the statement of the amendments of the House it appears that the bill is in general terms.

Mr. SMOOT. It is a general bill, I will say to the Senator.

Mr. NORRIS. It proposes a general law in regard to the exchange of lands?

Mr. SMOOT. Yes; of lands within forest reservations for lands outside. It only applies to the exchange of lands owned by an individual within a forest reserve for lands outside of the reserve of equal value and of like character.

Mr. NORRIS. Yes. The bill proposes to give authority to exchange private lands for other lands without the forest reserves?

Mr. SMOOT. Yes; that is, land within a forest reserve may be exchanged for lands outside. It is only for administrative purposes. We have passed dozens and dozens, yes, I think a hundred such bills.

Mr. NORRIS. The bills to which the Senator refers affected individual cases only, while this is a general bill.

Mr. SMOOT. This is a general bill to apply in such cases. I will say to the Senator it is not like the Idaho bill, which passed in relation to a great block of land which belonged to the State.

This bill affects individual lands within forest reserves. In such cases where the Government for administrative purposes desires to exchange other lands for the lands within forest reserves, in order to have the reserves entirely in Government ownership, it can give lands of a similar character and of a like value in exchange.

Mr. NORRIS. If this bill is passed, the officials of the department will have authority to act in every case where such application is made.

Mr. SMOOT. In every case; that is correct.

Mr. NORRIS. What report are they required to make?

Mr. SMOOT. There is no requirement as to report being made to Congress; but the proper officials will make examination just as examination has always been made heretofore in individual cases.

Mr. NORRIS. It will not be necessary for Congress to act in individual cases hereafter if this bill shall pass?

Mr. SMOOT. Not if this bill shall pass.

Mr. NORRIS. It seems to me the danger would be that it gives general power to the departmental officials that might be subject to abuse.

Mr. SMOOT. I do not see how the provisions of the bill could be abused, because it is guarded in every way. Exchange can only be made for land of the same character as the land which is within the forest reserve, and the exchange is entirely in the hands of the Secretary of the Interior. I am quite sure that there has hardly ever been a bill which has come here and been recommended by the department in individual cases which has not been passed.

Mr. NORRIS. I think, as a rule, that is true.

Mr. SMOOT. Such individual bills have occupied space in the RECORD, and taken the time of Congress in the past.

Mr. NORRIS. I am in favor of such exchanges. I think it would be desirable from the standpoint of the Government to have all of the lands in the forest reserve owned by the Government. The bill would have that tendency, and it is a good tendency; but to clothe some one with absolute power to make any trade that he wants to in a real-estate transaction it seems to me is a dangerous proposition.

Mr. SMOOT. I do not think the Senator could go that far under the provisions of the bill. It gives the Secretary power to make these exchanges as to the privately owned lands in a forest reserve. The Senator knows that where, years ago, before ever a forest reserve was created, an individual had a homestead, and has lived on that homestead since long before the forest reserve was created, when a forest reserve is created about him it robs him of nearly all the chances of getting any value out of that land.

Mr. NORRIS. Yes; I agree with that. As I said to the Senator. I think the object is a very worthy one; but if the matter should fall into the hands of incompetent persons, particularly when their work is not to be reviewed by anybody else, I can see how they might give very valuable lands to favorites who had homesteads within a forest reserve in carrying out the trade, and the Government might get the worst of the deal every time.

Mr. SMOOT. If I thought there was the least chance of any Secretary of the Interior ever taking any advantage of the Government in such a manner, I would not support the bill.

Mr. NORRIS. The Secretary of the Interior, of course, will not be able to look into every case personally. It will be some underofficial, some clerk, who will do it.

Mr. SMOOT. The Senator is a member of the Public Lands and Surveys Committee, and he knows that we have never yet acted favorably on a private bill unless we had a favorable report from the Secretary of the Interior.

Mr. NORRIS. I know that.

Mr. SMOOT. We never would recommend the passage of one, nor would I try to have one passed unless it had a favorable report. We put that power in the hands of the Secretary in order to do away in the future with the necessity of passing many, many bills such as we have passed heretofore; and the bill had the unanimous report of the committee. I will say to the Senator that there was not a single vote against it.

Mr. JONES of Washington. Mr. President, I am interested in this matter, because I have bills that I have been trying to get out of the Public Lands Committee. As I understand, this is general legislation that will obviate hereafter any of this legislation that we have been passing in the form of individual bills relating to a particular forest reserve.

Mr. SMOOT. That is true.

Mr. JONES of Washington. This applies to all the forest reserves and permits the exchange of private lands in the reserve for lands of a similar character outside?

Mr. SMOOT. That is all there is to it.

Mr. HEFLIN. Mr. President, will the Senator from Utah confer about this matter with the Senator from Oregon [Mr. McNARY]. He usually knows a good deal about these forest lands.

Mr. SMOOT. There is not any question that the Senator from Oregon is in favor of this bill. He had a couple of bills of a similar character passed here the other day.

Mr. McKELLAR. He is estopped then.

The PRESIDING OFFICER. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

COMMERCE AND LABOR APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES of Washington, Mr. SPENCER, and Mr. HARRIS conferees on the part of the Senate.

SECOND DEFICIENCY APPROPRIATIONS.

Mr. WARREN. From the Committee on Appropriations I report back with amendments the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, and I submit a report (No. 545) thereon. I wish to give notice that I shall endeavor to call up the bill for consideration to-morrow.

The PRESIDING OFFICER. The bill will be placed on the calendar.

OLD GOVERNMENT BUILDING IN BIRMINGHAM, ALA.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 3238) to provide for the renting of the old Government building in Birmingham, Ala., reported it without amendment.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. HEFLIN. Mr. President, several days ago I introduced a resolution to investigate the Federal reserve bank at Atlanta which has been guilty of sending out a speech of the Senator from Virginia [Mr. GLASS] containing several attacks upon me and criticising my position in relation to the deflation policy of the Federal Reserve Board. The first motion in reference to the resolution, which was to refer it to the Committee to Audit and Control the Contingent Expenses of the Senate, was defeated by a majority of one vote.

Then the Senator from New Jersey [Mr. EDGE] made a motion to refer the resolution to the Committee on Banking and Currency. I protested against that course being taken and stated that I feared that the resolution would be put to sleep in that committee; I knew that at least some members of that committee would not enthuse over early action on the matter involved in my resolution. I have waited, Mr. President, some two or three days, and I have not heard a word from it. No member of that committee has risen in his place to report the resolution back to the Senate.

It is a plain proposition; there is nothing intricate about it. I charged in that resolution that the Federal reserve bank in Atlanta obtained the speech referred to, had it printed, circulated it, and wrote with it a letter calling on the recipient of the letter to say how he felt on the subject before he read the speech and how he felt on the subject after he read the speech and calling on him to make comment. One of the officials of the bank at Atlanta came out and stated, yes, they had done that, and a newspaper man down there secured a copy of the letter. I had that letter read in this Chamber, and it is in the CONGRESSIONAL RECORD where the committee should have no trouble finding it.

I read into the RECORD portions of a letter from the president of a bank in my State charging that they were sending out that speech, accompanied by that letter, and asking certain questions, and the banker added that he thought they were doing wrong; that the bank ought not to circulate the speech of one Senator attacking another or of one Member of the House attacking another; that the bank was getting into politics and expending illegally the money belonging to the bank and to the Government, and it ought not to be permitted.

Mr. President, those are all the facts that are necessary. The bank officials can not deny that they have done the things which I set out in that resolution. It is stated in the resolution that the Senate views with alarm and disapproval the attempt of one of these great banks to go into politics in this fashion, and that the Senate desires to keep them out of politics. Certainly every Senator in this body will agree with me on that. Then, why not report the resolution out? Why keep it in the committee any longer? I send to the Secretary's desk an editorial, which I ask to have read in my time, from the St. Louis Post-Dispatch.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

[From the St. Louis Post-Dispatch of Mar. 3, 1922.]

FEDERAL RESERVE BANK IN POLITICS.

Senator HEFLIN, of Alabama, who for months has charged the administration of the Federal reserve bank system with responsibility for our present business depression and widespread unemployment through its

drastic policy of deflation, has been seeking in vain to bring about a Senate investigation. On one occasion his resolution failed by one vote; at other times, as he has revived it, the objection of some Member has prevented consideration.

Whether the Federal reserve system's deflation policy did or did not produce the present dull business situation, or whether, as Senator GLASS contended in a speech in its defense, the deflation policy headed off a worse collapse, we do not pretend to judge; but we do hold with Senator HEFLIN that the intrusion of the Federal reserve system into politics through the circulation in Alabama of Senator GLASS's speech, coupled with certain questions calling for answers, is a highly condemnable performance.

In sending out Senator GLASS's speech to banks and merchants in Senator HEFLIN'S State the Federal reserve bank at Atlanta requested replies to these questions:

1. Before having read Senator GLASS's speech what was your opinion of the value of the Federal reserve system to our country?
2. What is your opinion after reading his presentation?
3. Do you now have a better understanding of the functions and operations of the Federal reserve system than you had before?
4. Any other comment you care to make is invited and will be welcomed.

Such a questionnaire can have no other primary purpose than that of inviting Senator HEFLIN'S constituents to repudiate his position. And if there are any Alabama bankers who feel as Senator HEFLIN does, being at the same time dependent upon the Federal reserve bank at Atlanta for their discounts, what are they to do with these questions? Must they answer frankly and make themselves unpopular with an institution that has it in its power to ruin them? Or must they consider the welfare of their stockholders and send in some lying answers?

An administration of the Federal reserve system that practices or tolerates so flagrant a perversion of its power as this might easily be capable of all the other abuses charged against it.

Mr. HEFLIN. I now send to the desk an editorial from the Manufacturers' Record, and wish all of it read except the part I have marked out.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Assistant Secretary read as follows:

[From the Manufacturers' Record of Mar. 2, 1922, p. 82.]

FEDERAL RESERVE METHODS OF INTIMIDATION SHOULD BE THOROUGHLY INVESTIGATED.

Senator CARTER GLASS, of Virginia, delivered an address in the Senate in exculpation of the Federal Reserve Board. In many respects it was a worthless speech, however cleverly drawn up, because it undertook to deny that there had been any deflation. As it is admitted that one thousand million dollars of paper money was called in or destroyed within the space of 12 months, further comment is unnecessary. Men who are so ashamed of what they have done that they deny they have done it are entitled to little consideration. * * * The Federal Reserve Bank of Atlanta, the evidence shows, sent the address not only to its member banks but also to nonmember banks, to corporations, to merchants, to business men of all descriptions, and accompanied it with a questionnaire. Banks were to write to the Atlanta Reserve Bank and say whether or not they approved of what Senator GLASS said. A pistol was leveled at their hearts and they were told, "Say where you stand." And the inference was that if they did not stand back of Federal reserve maladministration they would hear from it later when trying to borrow.

Alabama banks particularly were swamped with the Glass speech. The object very obviously was to intimidate Senator HEFLIN, who has been fighting deflation. Out of its enormous profits a Federal reserve bank—one of these banks which has been talking so much about keeping the banks out of politics—was distributing a political speech, was going into propaganda on a huge scale, was bringing pressure to bear to prevent any criticism of itself. Nor was the Atlanta bank alone in this. We have received a copy of the same speech from the New York Reserve Bank and from other Federal reserve banks. Special efforts are being made through distribution of the speech to induce people to antagonize anybody who has dared criticize the management of the Federal reserve system.

The Federal Reserve Bank of Richmond has printed and is distributing the recent memorial to President Harding from the Federal Advisory Council inspired by Paul Warburg, in which the malicious and untrue statement is made that criticism of Federal reserve mismanagement was "incited by the willful misstatements of unscrupulous or ambitious demagogues." And the word has evidently gone forth, and the orders have been followed, to judge from results, that docile bankers whenever making a speech shall refer to decent men, who can not be intimidated, as "demagogues."

If the Federal reserve system can, out of its vast accumulations, carry on this kind of propaganda uninterruptedly, it can practically defeat any congressional or senatorial candidate and ultimately subvert the Government itself.

Senator HEFLIN has introduced a resolution demanding that the Senate appoint a committee with full powers to investigate this phase of the administration of the Federal reserve system. Senator SIMMONS says that "control of the politics of the country by an institution of this kind is as menacing now as it was in the days of Andrew Jackson." He demands that a resolution be broadened to go even more fully into the facts than Senator HEFLIN at first proposed. Senator after Senator took the same view. One quoted former Senator Joe Bailey, of Texas, as having said, when the Federal reserve system was created: "I would not turn over the control of the money supply of this Nation to any five men born of woman." But the control did pass. How that control was used the citizens of this country must know. They intend to find out the facts, not through a whitewashing investigation but through a real investigation. And indignation will run from ocean to ocean when the facts are revealed.

Let all good citizens watch the Senate, particularly business men who have been deflated into near ruin. Let them see if the effort to prevent a real investigation succeeds and by the votes of what Senators. There will have to be a counting of noses.

This matter has gone too far to be hushed up. Even if new forces have compelled a softening of Federal reserve policy, responsibility must be fixed for the crime that was committed. And what is our authority for the use of so strong a word as "crime"? No other than Abraham Lincoln himself, for the great war President was thus quoted in the Senate debate:

"I warn the American people not to permit a repetition of the crimes of history. Following great periods of deflation, if drastic artificial deflation is attempted, disastrous results must follow. I warn them not to permit the money power to take advantage of the condition of the people. I warn them not to permit high and usurious interest rates, contraction of the currency, or any change in the circulating medium that will affect the debt contracted until it has been discharged. Any movement to artificially deflate before the debt can be paid, to change the medium or circulation upon which the debt was contracted, would be a crime."

We agree with Abraham Lincoln and we do not know of any leader whom the administration could follow with more assurance of being right.

Mr. HEFLIN. Mr. President, I wanted the Senate to hear those editorials read—one from Missouri and one from Maryland—and I have received comments from other newspapers in the country right along the same line. I want the Senate and the country to know what the Federal Reserve Board is doing through Federal reserve banks to control politics and suppress the truth.

I announced a few days ago that I should present a resolution—and I shall in a few days, covering all the subjects that I want investigated—to inquire into the publicity fund of the Federal Reserve Board, whom it has employed to write these articles and to carry on this propaganda, to whom it has paid money for this purpose, from what source it derives this money, and how much money they have for this purpose. I state now that it is my understanding that they have no right under the law to set aside any money for this sort of business. They are undertaking to suppress the truth. They are undertaking to carry on a propaganda, just as the editorial in the Manufacturers' Record sets out, to intimidate men in this body who dare to tell the truth as to their conduct.

The editorial says that they have done this thing and now they are ashamed of it and are trying to hide. Why should not the truth be told about it? I will tell Senators why they do not want it told. They expect in a few years from now to repeat this thing. They have tried to educate the American people to the belief that it is natural for a panic to come every five or ten years. I deny it. God Almighty never intended that a few men should look upon the mass of people as a man does on his game preserves, where he has thousands of acres fenced in, with wild game of various kinds, and when it suits his pleasure go out and shoot and slaughter them to his heart's content. I do not intend, as long as I am commissioned as a Senator in this body, to adhere to that doctrine or to permit it to be preached without protest that the American masses are like a lot of animals, the legitimate prey of the wolves of Wall Street, to feed upon whenever they desire to have a financial feast.

There is no necessity for a panic in this rich country of ours, the most fertile country on the globe, the country of an industrious and enterprising people, where all industries should run and every man and woman should have employment.

I do not intend that this Federal Reserve Board shall shut up the supply of money and credits and deny them to millions of people, throw them into a state of distress, and ruin them financially, get away with it, and say the conditions of the world outside produced it. I am going to make the truth known and let the RECORD show who is doing this.

Mr. WATSON of Georgia. Mr. President, I wish to remind the Senator from Alabama that in all my study of the money question, to which I have devoted at least 15 years, I never discovered any trace of a financial panic until the sovereign power of creating and issuing money was taken away from the royal authority and given to private corporations.

Mr. HEFLIN. That is where it first started.

[At this point Mr. HEFLIN yielded to Mr. ROBINSON to speak of the four-power treaty.]

Mr. HEFLIN. Mr. President, the discussion of the four-power treaty is very interesting, but that pertains to our foreign relations. I am discussing the most vital power in our domestic affairs; I am discussing the misuse of the money power which should be used and was intended to be used by our Government for the good of the American people generally.

I was speaking a few moments ago, Mr. President, about the Federal Reserve Board having a publicity fund by which it employed agents at the Capital to suppress the truth and to send out propaganda to its liking. I hold in my hand a newspaper which has been sent to me from Preston, Fillmore County, Minn.—the Preston Times. I find in that paper an article the headline of which reads:

Federal reserve loses case in Supreme Court. Papers generally fail to comment on decision.

In this case, Mr. President, the newspaper complains that the newspapers of the country never gave this news item to the people. I wonder who suppressed that?

The Supreme Court of the United States condemned the Federal Reserve Board for making a run upon a State bank. They accumulated $35,000 worth of checks over a period of six weeks, as I remember the case, and went over to a State bank with a United States marshal, with the Federal reserve bank agent, and demanded payment of those checks. The State bank official said, "We can not pay all of them now; if you had presented them as they were given out, or when you got them, we could have taken care of them; but if you demand payment now you will break our bank." They demanded payment, with a United States marshal standing there. The purpose of it was to break this little State bank; and the Supreme Court of the United States severely condemned that conduct; it criticized the action of the Federal Reserve Board. That decision was handed down; it is an important decision to the American people, and yet it was suppressed and the news of that decision was never given generally to the country.

Senators, that is another item in the charges which I make. This concern in its business relation undertakes to kill a bank that is not a member of the system; the conduct of which it was guilty is criticized and condemned by the Supreme Court of the United States; the Federal Reserve Board lost the case; the case was decided in favor of the State bank, and yet that news was suppressed and not given to the country.

Now, I ask the Senate, and I ask my countrymen, what power is it that is rising up here in the Nation's Capital which can do such things as that, which can keep the press from giving news to the country, which can keep information of that character back, and then pounce upon any Member of Congress who dares to stand and criticize the crooked conduct of that board?

Are Senators going to permit that to go on? Are we going to sit supinely down, with folded arms and sealed lips, and permit such an octopus to spring up in the Capital of the Nation, reaching out in every direction, choking to death every concern that does not agree with it, and fostering everything that will do its bidding and lick its boots? That is the evil force that I am fighting, Senators. I am dealing with the most vital and dangerous thing in the economic life of the Nation.

I am getting letters from nearly every State in the Union from people who read the CONGRESSIONAL RECORD, and I am talking to that RECORD to-day. It is the only newspaper in the United States with a national circulation. Every day there issues from this Capital 34,000 copies of the CONGRESSIONAL RECORD. We can get the truth into that. That is why Senators see these editorials coming in here indorsing my position. The editors are reading the RECORD—they do not get the truth otherwise—and they are indorsing my position; they are sending in these articles stating that the party that will continue this board in power is hurting free institutions and must answer for it at the polls this fall.

Mr. President, let me repeat, it appears from this item in the newspaper from Minnesota that the Federal Reserve Board has made a run upon a State bank and undertaken to kill it by accumulating checks amounting to nearly $40,000 and then going down upon it in one day and presenting them, with a United States marshal present. The Supreme Court severely criticized that conduct.

Then what happened? Later on Representative BRAND, of Georgia, joined in the criticism that I was making of the Federal Reserve Board; then Mr. Platt, one of the "Gold Dust Twins" with Gov. Harding, of the Federal Reserve Board, wrote him a letter and criticized and undertook to intimidate him. In connection with the charge about suppressing the views of the Supreme Court decisions, I want to give his language, quoted here before.

It is found in the CONGRESSIONAL RECORD of July 25, 1921. Mr. Edmund Platt says to this Representative in Congress in a letter, if you please:

> I want to tell you that you are going to have these things quoted against you in time if you keep them up. * * * You will find a reaction from all this talk in the not very distant future—before the next primaries come, at any rate.

Mr. President, here is a letter written by a member of this board, doubtless instructed by some of the other members to write it, to a Member of the greatest lawmaking body on earth, telling him that if he did not quit criticising their conduct they will beat him at the polls. Are you going to permit that to go on, Senators?

But, following that, what happened? I spoke in the Senate; the Senator from Virginia spoke five hours and I spoke five hours and a half, replying to him. In his speech the Senator from Virginia attacked me a number of times—one Senator criticizing another—and attacked the position that I had taken in this body; and the Federal reserve bank in Atlanta took that speech, had it printed, circulated it, and wrote a letter accompanying it, demanding of the bankers in my State to state how they felt about the subject before they read his speech and his attacks on me and how they felt about it afterwards. Those banks are dependent upon the Federal Reserve Bank of Atlanta for accommodation in cash and credit. The editorial just read from the Manufacturers' Record sets forth that it is like leveling a pistol at the heart of the bankers in my State for the Federal reserve bank to ask, "What is your position in this matter? Do you agree with Senator HEFLIN or do you agree with us and Senator GLASS?"

Mr. President, this is a very serious matter. The Manufacturers' Record quotes Senator SIMMONS as saying when he interrupted my speech that for the money power and Federal reserve banks to go into politics to-day is as dangerous as in the days of Hickory Jackson. That is literally true. Now, this bank in Atlanta has circulated that speech. I have printed their letter, as I have said, in the RECORD. Why can not we get the committee to report my resolution?

The Manufacturers' Record in its editorial invites the people of the country, especially the business people, to keep their eye on Senators, to see who it is that is trying to prevent this investigation, to see who it is that will not criticize and condemn a bank, a Government bank, for carrying on political propaganda and circulating the speech of one Senator against another. I do not care whether it was my speech or the speech of somebody else, what business have they got to use the Government's money and the Government bank's money to circulate the speech of one Senator antagonizing the position of another?

Senators, if this thing is not stopped now, free institutions in America are in grave peril. No trust is so dangerous as a money trust in politics.

Mr. President, there is not any doubt on earth about my position being correct on deflation, because the people of the South and West know to their sorrow how it affected them. They have had the rods put to them; you can not fool them with any of this stuff on paper, because, as my friend from South Carolina, Senator SMITH, once said about the toad:

> The toad beneath the harrow knows
> Precisely where the tooth point goes,
> But the butterfly along the road
> Preaches contentment to the toad.

That is what you have got, Mr. President. The farmers of the South and West are in dire distress. This deflation policy wrought that distress. The Federal Reserve Board intended to get away with it; they intended to say that it was caused by other things; but I have read the record; I have convicted them by their own bulletins; I have convicted them by the speeches of the governor of the Federal Reserve Board. He says that their effort to control the currency and credits must be judged by the effect that it has on business. Well, it killed business in my section; it killed business in the West. Then I took the governor at his word; I indicted him upon his statement, and I have convicted him upon it; and now they come along and say, "Oh, no; that is not true, and all those who talk in that way are vicious men and demagogues." They are circulating at the expense of the banks a pamphlet to that effect. Do Senators want to permit that thing to go on? You are permitting it.

Mr. President, I desire to keep the RECORD straight. A few days ago I made reference to the fact that William Boyce Thompson, treasurer of the Republican campaign committee, had borrowed $5,000,000. He is or was a director of the New York Reserve Bank. He borrowed it from a member bank, $3,000,000 of which was on a dummy note. The newspapers, without waiting to find out whether it was a fact or not, said, "Senator Heflin ought not to make such a statement as that upon the floor of the Senate." Some papers commented editorially right off the reel, without waiting to read my speech in the RECORD, in which I quoted from John Skelton Williams, but right off the reel criticized and condemned me and tried to hurt my influence. Why were they doing that? They said, "He is putting his finger on the sore spot." "He is telling the truth." "Drive him away from it." That is what they are trying to do.

Mr. President, when I made the statement on this floor that William Boyce Thompson, treasurer of the Republican campaign committee, borrowed $5,000,000 from a member Federal reserve bank in New York, $3,000,000 of which was on a dummy

note, some of the newspapers immediately criticized me for making the statement. I sent this note to one of them:

> A few days ago you reproduced an editorial from the Baltimore Sun criticising me for saying that William Boyce Thompson, of New York, had borrowed, while treasurer of the Republican campaign committee in 1920, from a Federal reserve member bank in New York $5,000,000. I will thank you to publish this letter and the inclosed excerpt from my speech upon this subject and the statement from John Skelton Williams.
>
> With best wishes.
>
> Yours, very truly, J. THOMAS HEFLIN.

STATEMENT.

On February 9, 1922, in the Senate of the United States, Senator HEFLIN said:

"William Boyce Thompson, the treasurer of the Republican campaign committee, borrowed, partly under a dummy note, $5,000,000 through a member of the Federal reserve bank in New York."

The Baltimore Sun criticised Senator HEFLIN for making this statement.

On March 2 Senator HEFLIN had read in the Senate the following statement from Hon. John Skelton Williams, former Comptroller of the Currency, to the Baltimore Sun. This statement was addressed to and published by the Baltimore Sun:

Here follows the statement from Mr. Williams:

> I have not seen and did not hear Senator HEFLIN's speech in the Senate to which you refer, but I think it extremely probable that the foundation for such statement he may have made on this subject and which apparently has been misinterpreted or distorted in the press was the transaction or transactions referred to by me in an article on the "Administration of the Federal reserve system," printed in Commerce and Finance, of New York, September 21, 1921, in which I said plainly:
>
> "Not only were the funds of the Federal reserve system extensively loaned to banks whose executive officers and directors were big borrowers, but the records show that one of the banks borrowing most heavily from its reserve bank was lending last autumn to a certain large borrower, who at that very time was also a director of the Federal Reserve Bank of New York, over $5,000,000 (including a dummy loan of over $3,000,000)—mostly on highly speculative securities, while farmers and the 'country' banks were even then begging for relief and enduring ruinous losses because of the credit restrictions of the reserve system."
>
> I stand by the absolute accuracy of that statement, and if Col. Thompson or any responsible official of the Federal reserve bank, or any other responsible person, undertakes to deny it, I am prepared to prove it.

How many of you have seen any notice in the newspapers about that? I had that editorial, which was printed in the Baltimore Sun, and the reply of Mr. Williams read here the other day, but how many of you have seen the papers saying that Senator HEFLIN comes back with a statement from John Skelton Williams, the former Comptroller of the Currency, who dares Mr. Thompson or anybody else to deny the truthfulness of his statement? None of you have seen it. Mr. President, we are entitled to have these things go out to the country.

I stated in my speech the other day that the Senator from Virginia [Mr. GLASS] said that I had made incorrect statements, as follows:

That the Federal Reserve Board had earned or accumulated $100,000,000.

That the Federal Reserve Board had appropriated $26,000,000 to build a bank in New York City.

That the bank was to be built in Wall Street.

1. Mr. President, I meant that the 12 Federal reserve regional banks had earned $100,000,000 net up to the end of the fiscal year 1921, but I find that it was $124,000,000 instead of $100,000,000.

2. The Federal reserve bank in New York appropriated the money to build the New York bank with the approval of the Federal Reserve Board, and without the approval of the board it could not appropriate one cent for that purpose.

Let me quote here from my speech made in reply to Senator GLASS:

> Now, listen, Senators. John Skelton Williams, in his statement to me, says, "I have read your statement and each one of the distinguished Senator's criticisms is either misleading or entirely untrue, as the official records will prove." He denies that the Federal Reserve Board appropriated $26,000,000 or any other amount to the bank at New York, but he does not deny that the Federal Reserve Board connived with the directors of the New York bank and approved the construction of buildings estimated to cost, including the land, over $25,000,000 by the very latest estimate, as stated by the reserve board in its report to the Senate dated October 31, 1921.
>
> In fact, the original estimates for that building were about $30,000,000, and subsequently reduced by about $4,000,000, as will be shown from the board's report to the Senate in response to the Overman resolution.
>
> The Senator claims that the bank is not being built in "Wall Street," but, Senators, it is being built in the heart of the Wall Street district, within about 200 or 300 yards of Wall Street itself, although land could have been gotten a few hundred yards farther from Wall Street that would have been equally convenient to 97 per cent of the members of the New York reserve bank, and saved millions of dollars.
>
> The Senator from Virginia said that the bank building in New York is designed and planned to accommodate 5,000 employees. But in 1917, when the total loans and discounts of the Federal Reserve Bank of New York were nearly three times as great as they are to-day, 829 employees were sufficient to transact its business, and I want to say here that was the time when we were selling Liberty bonds. That was the time when there was more work to be done than at any other time, and these 829 employees were sufficient then. Now they have multiplied them to about 3,000.
>
> When the Senator made the statement that he did about the 5,000 employees the Senator from North Carolina [Mr. SIMMONS] inquired:
>
> "Mr. President, does the Senator from Virginia mean that that number of people are employed in the Federal Reserve Bank of New York?"
>
> To which the Senator from Virginia replied:
>
> "Will he."
>
> The Senator from New York [Mr. WADSWORTH] added:
>
> "They are."
>
> What justification has the Senator from New York for making such a statement as that? It is not true that 5,000 people are now employed by the New York reserve bank, as alleged on the floor of the Senate by the Senator from New York. The board's report says that in July last the number of officers and employees was 3,087, and I believe this has already been reduced since I brought this matter to the attention of Congress. Who misled the Senator from New York? I am sure that he would not willingly mislead the Senate, but some one has evidently deceived him.
>
> Now, as to that monument of Federal Reserve Board extravagance, the Federal reserve bank building at New York, which has been aptly referred to as a "financial monstrosity," the Senator from Virginia said:
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> "I have here an official statement which shows that Senators have been misled by estimates prepared a year ago, in March, 1921. It was an outside estimate of cost. Some Senators absurdly think that the estimated cost of a bank building in New York curtails rural credits in the State of Alabama."
>
> Senators can imagine who the Senator was driving at then.
>
> "The estimated cost in March, 1921, of the building at New York was $17,990,000, from which must be subtracted the price the bank will receive for its annex building, now being temporarily occupied and which will be abandoned and sold when the bank goes into the completed building."
>
> What do Senators think of that? They are going to subtract money that has been sunk in another building which has already been erected. They are going to take that out of this.
>
> Why should the cost of the "annex" be deducted from $17,990,000? Instead of deducting it, there should be added to that $17,990,000 estimated actual cost, the amount thus far expended on that annex, namely, $2,210,000. To this also must be added the estimated cost of the "vault equipment," $650,000, then add cost of land, $4,791,000, making a grand total of land and building $25,646,000, to which, I understand, should be added heavy taxes during construction. If any Senator has been misled as to these figures it is because he was misled by the reserve board itself. These are the estimates which were sent to the Senate by the board under date of October 31, 1921, in response to Senator OVERMAN's resolution. In fact, in submitting these figures the board called attention to the fact that the original estimates were, as has been stated, about $4,000,000 more, or, say, $30,000,000.
>
> John Skelton Williams furnished me these indisputable facts from the record. When John Skelton Williams first brought this matter to the attention of the country, and we raised the question here, they wisely decided that they had better trim off about $4,000,000 of the superfluity. So I helped to save the Government $4,000,000 by the fight I have been making on this. That is doing pretty well for one Senator who does not know what he is talking about, according to the Senator from Virginia.
>
> The taxes alone on the banking palace now proposed, at the present rate of taxation in New York, would amount, if taxed at estimated cost, to about $700,000 a year, while the interest of 4 per cent per annum on the amount thus locked up would amount to another million dollars, and the cost of operating this huge building is yet to be added. The expenses as proposed bring the total up to more than $26,000,000.

The Senator from Virginia said in his speech that I had voted in the House for the amendment to the Federal Reserve act which permitted the Federal reserve banks to set aside these enormous sums for providing bank buildings. The RECORD shows that the amendment was put on late in the afternoon, just before the House adjourned. I was not present and I did not vote for it.

The speech of Senator GLASS, which is being circulated by the Federal Reserve Bank of Atlanta, and other banks, carries all this misinformation about what I have said and done.

Mr. President, will the Senate toady and crawl before the Federal Reserve Board or will it in obedience to its duty demand that it adhere strictly to the functions for which it was created? Are we going to show ourselves worthy and capable of coping with this situation or are we going to prove ourselves to be incapable and unworthy to be intrusted with the solution of this great problem?

Mr. President, in behalf of those who believe that our great Federal reserve banking system should be kept out of politics and that nothing should happen that would impair or weaken in any way its great usefulness to the American people, I have made the fight to keep it true to its intended course. It has been maladministered and made to hurt the people that it was intended to help, and when I am fighting to restore it to its former state of usefulness and service I am fighting for the highest and best interest of my country.

THE FOUR-POWER TREATY.

During the delivery of Mr. HEFLIN's speech,

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield.

Mr. ROBINSON. I understand that an arrangement has been effected whereby the Senator from Massachusetts [Mr. LODGE] will probably ask that the treaty be laid aside for the remainder of this day, with the prospect of making progress to-morrow. Before the treaty is laid aside I wish to make a brief comment on a subject matter of debate which arose yesterday.

I attempted to do what a great many others, particularly newspaper men, have been trying for a long time, namely, to find out who prompted or initiated the four-power treaty and who wrote it. It was not embraced in the call for the Washington conference issued by the President, nor was it on the program of the conference. Nevertheless, it was put forward by its proponents as a very important document.

The Senator from Alabama [Mr. UNDERWOOD], one of the American delegates who negotiated the treaty, in a statement which the Senate heard yesterday, informed us that he did not know who wrote it or who instigated it, but from his statement we inferred that it was probably the suggestion of Mr. Balfour.

The Senator from Massachusetts [Mr. LODGE] stated that he was not informed as to who had prepared the first draft, but that many hands had participated in it, and it appears from an International Press News Service item, published late yesterday afternoon, that a third member of the American delegation to the conference was interrogated as to who drafted the treaty or who suggested it, and that he declined to furnish any information if in fact he possessed any.

I inferred from one statement of the Senator from Massachusetts that the Secretary of State, the head of the American delegation at the Washington conference, perhaps had had more to do with the negotiation of this treaty than any other American delegate.

The news item to which I have referred does not quote the Secretary of State, who prefers not to be quoted directly. He is referred to in the news report, as I understand, as "a high official in the State Department." In any event, the news item mentioned says that a high official in the State Department was asked who wrote the treaty, and that he made this reply:

> Four delegations signed the treaty. Therefore it can truthfully be said that they all wrote it. Who wrote it does not matter. What is in it does matter.

That sounds like Mr. Hughes. Ordinarily the question as to who drafts an instrument is not material, but where the question arises as to who is actually interested in or benefited by the terms of the instrument; where the question arises as to whether all of the parties to the instrument were fully informed at the time they signed it as to the effect of the instrument, the circumstances under which that instrument was negotiated become of great importance.

My proposition is that when President Harding called the Washington conference to assemble it was not in his mind that an alliance between Japan, Great Britain, France, and the United States would be consummated at the conference; that when the conference assembled there was not in the mind of the Senator from Alabama [Mr. UNDERWOOD], or the Senator from Massachusetts [Mr. LODGE], or the Secretary of State, or Mr. Root the conception that it would be necessary to agree upon such an instrument as this four-power pact before any progress could be made toward the reduction of armaments.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. ROBINSON. I yield.

Mr. WATSON of Georgia. I think I can add a little bit to the force of what the Senator from Arkansas is very forcibly stating.

The order of knighthood known as the Knights of the Garter was, as the Senator well knows, founded by Edward III, based upon the dropping of a garter of the Countess of Salisbury during a great state ball at Windsor Castle. It is the most exclusive order of knighthood in Europe. It is not every earl who is a Knight of the Garter; it is not every marquis; it is not every duke; it is not every prince of the blood. To be a member of the Order of the Knights of the Garter is to receive from the hands of the King the highest social award which can be given, and that is the reward that has been given to Arthur Balfour.

Mr. ROBINSON. Mr. President, the Secretary of State declines to furnish the public even now any information whatever as to the real origin of this treaty. He says it does not matter who wrote it; substantially that it is nobody's business who wrote it. He made an announcement very shortly before the Senator from Massachusetts reported the four-power treaty to the plenary conference that no such instrument was in contemplation, so far as he knew. That statement was flashed from limit to limit of this continent. A number of newspaper reporters who sent it to their journals, relying upon the accuracy of it, referring to a rumor that a four-power treaty was to be forthcoming, announced that the proposal had been scrapped, and these correspondents suffered severe criticism from their employers because of the inaccuracy of the information which they published broadcast throughout the United States. The Secretary of State said to a number of representatives of the press, several of whom are in the gallery now, that if any proposition for an alliance or a four-power pact between Great Britain, France, Japan, and the United States was in contemplation, he knew nothing about it. Now, after the issue has arisen as to what constitutes the underlying motive of this proposal, what power, influence, or nationality originated it, conceived it, and what hand framed it, we have the information from two of the delegates representing the American Government at that conference that they do not know, and from a third, if my assumption is correct that the high official referred to is the Secretary of State, the declaration, in substance, that it is nobody's business or he does not know.

I wonder if Mr. Root, the other American delegate, knows anything about it, and, if he does know, if he will tell anything about it.

Mr. LODGE. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. HEFLIN. I hope the debate will not extend very long, because I do not want to have this whole treaty matter discussed in my time.

Mr. LODGE. It is the only debate which is in order. I shall take but a moment.

Mr. HEFLIN. I yield to the Senator from Massachusetts.

Mr. LODGE. That is very kind of the Senator. I only desire to say, Mr. President, that when the Senator from Arkansas says, as I understood him, that this was not in my mind or anybody's mind, he makes a mistake. It was very much in my mind. As I said, I talked over this question before, I think, the conference was ever called, certainly weeks before it ever met. I talked it over with my colleagues in the Senate, I think, before the conference met. It certainly was very much in the minds of the American delegation.

Then, also, I noticed, in looking over the speech of the Senator from Arkansas of yesterday, a point that I did not then catch. In referring to the newspaper accounts he spoke of my first statement about the four-power treaty. I never made a statement about it of any kind until I presented it to the plenary conference. I can not answer for anybody else, but I made no statement. What might have appeared in the press I do not know, but I never made any statement of the kind.

Mr. ROBINSON. Does the Senator say he did not discuss the terms and purposes of the four-power pact with a prominent newspaper man some days before the four-power pact was reported to the plenary conference?

Mr. LODGE. Not to my knowledge. I do not remember ever to have discussed it. I would be glad to discuss it with the gentleman who said that I did.

Mr. ROBINSON. That, of course, does not become very important in view of the fact that the Senator states that the proposal was pending and under consideration for a time before the conference convened.

Mr. LODGE. I undoubtedly mentioned that it was under discussion. Undoubtedly I mentioned that.

Mr. ROBINSON. The significant fact is that with the proposal imminent and about to be published, the head of the American delegation represented to the press of the United States or to many of its agents that no such proposal was in contemplation in so far as his knowledge extended. The Senator from Massachusetts nor anybody else, I believe, will deny that when he published the four-power pact in plenary session it came as a great surprise to the people of the United States. The session of the conference, it seems to me, had been arranged with a view of having a dramatic demonstration. The men whose business it is to inform themselves and the newspapers and magazines which they represent of the progress of events know that it was a physical impossibility to obtain from any source information of a reliable nature respecting the question as to whether a four-power alliance or pact was in contemplation and the prospective terms of that four-power alliance or pact. The whole subject matter was kept as secret as possible, the head of the American delegation denying any knowledge of it.

The four-power treaty was one of the few subjects discussed at length in the plenary session at the armament conference. Usually when a resolution was reported the Secretary of State, the chairman of the conference, would rise and say—you have

all heard it time and time again—"This measure has been discussed at great length in the committees, and I take it that no delegate cares to discuss the matter further. If there is no objection, we will proceed to determine whether it is assented to. The United States assents. Belgium? Belgium assents," and so on down the line, absolutely shutting off any possibility of debate.

But on the occasion when the four-power treaty was reported to the conference by the Senator from Massachusetts there was alleged debate. The Senator from Massachusetts himself made a brilliant, beautiful speech. The only criticism that I could make of it, if indeed any criticism is justified from me, is that it was totally lacking in important information concerning the subject which it discussed.

The representative of the British Government, Mr. Balfour, rose and said it was one of the happiest moments of his life, because it relieved Great Britain and Japan of a very great embarrassment arising out of the existence of the Anglo-Japanese alliance, and that he and the other representatives of Great Britain and the representatives of Japan had felt that there was no possibility of getting relief from that alliance until something just as effective, something new, was substituted in its place. When the conference was over and Mr. Balfour returned to England he received the most brilliant and enthusiastic reception accorded a British statesman during my lifetime.

When Lloyd-George returned from Paris, after he manipulated and influenced and in many instances controlled the Versailles conference, he was given a cordial reception, but it did not compare with the splendor, the kindliness, the cordiality of the reception extended Mr. Balfour. Mr. Balfour had lived to an old age. He had desired to be known as the "great commoner." Throughout his life he had scorned titles of nobility, but when the title, the highest that England can confer, of "Knight of the Garter" was offered him, he yielded and became Sir Arthur Balfour.

Mr. NORRIS. Mr. President——

Mr. ROBINSON. Just a moment. This glorification came to him because his Government recognized that Mr. Balfour had accomplished an alliance between the United States, Great Britain, France, and Japan. If England had placed any other construction upon the four-power treaty, Mr. Balfour would not have received the reception and the honor which were accorded him.

I yield to the Senator from Nebraska. I have concluded, in fact.

Mr. LODGE. Mr. President, I do not see how the Senator can yield the floor to anyone else, as I had the floor yielded to me by the courtesy of the Senator from Alabama.

Mr. ROBINSON. I think the Senator from Alabama has the floor.

Mr. LODGE. Yes; he has, and he yielded to me.

Mr. HEFLIN. I yielded it to some one, but I am about ready to take it back.

Mr. NORRIS. Will the Senator from Alabama yield to me now?

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. I tried to interrupt the Senator from Arkansas when he was giving the reasons why Mr. Balfour had always refused decorations, but when they offered him a new garter he accepted it, and the Senator explained it by saying that he had accomplished something great. It seemed to me the explanation for it is that at the particular time when they offered this decoration Mr. Balfour needed a new garter.

Mr. LODGE. Mr. President, the Senator from Alabama kindly yielded the floor to me some time ago, and I do not wonder that he has forgotten that he did so.

Mr. HEFLIN. It has been some time ago.

Mr. LODGE. My time has been occupied entirely by others. I only wish to say a word or two further.

I may as well correct one idea. Mr. Balfour remains a commoner. Although he has taken the first order in England, he is still a commoner. What rewards they choose to give him do not seem to me to concern us very much.

As to the plenary conferences, let me say that when the Secretary of State presented matters which had been discussed thoroughly by all the men present at that table and who had all agreed to them beforehand, and all the delegations had agreed to them, he naturally was not called upon to invite debate or statements. In this case only four powers had been concerned and there were five who had no part in it, necessarily.

The Senator from Arkansas also said that it was impossible to get at the terms of the agreement, which does not quite coincide with his statement that I had given the terms to somebody. As a matter of fact, I never gave the terms to anybody, and I do not think any member of the delegation did. That Mr. Hughes should have said to the public or to the press that this matter was not under consideration is to me inconceivable. I think Mr. Hughes can quite well take care of himself, but that he should have made a statement to anyone that this matter concerning the four-power treaty was not under consideration seems to me, as I said, inconceivable.

Mr. HEFLIN. Mr. President——

Mr. LODGE. Just a moment. I have the floor, if the Senator will pardon me.

Mr. HEFLIN. I thought the Senator had concluded.

Mr. LODGE. No; I am not quite through. I want to say one other thing by way of correction of something said yesterday by the Senator from Arkansas [Mr. ROBINSON] and repeated by others, that the authorship of this treaty might be detected by the fact that it employed the language of the alliance between Japan and Great Britain. I have taken the two treaties and have compared them with the greatest care, word by word. They are very brief. That statement surprised me. Of course article 2, article 3, and article 4 of the treaty of alliance do not exist at all in the four-power treaty. The only resemblance that I could find between them was that in article 1 of the treaty of alliance occur these words:

> The two Governments will communicate with one another fully and frankly.

In the section of the four-power pact the words are—

> Shall communicate with one another fully and frankly.

They are very commonplace words and very frequent in diplomatic documents. That is the only resemblance between the two treaties.

Mr. ROBINSON. Will the Senator have printed in the RECORD the Anglo-Japanese alliance?

Mr. LODGE. Oh, yes; although it has been printed already as a Senate document.

Mr. BORAH. I suggest that article 1 of the Anglo-Japanese alliance and article 2 of the four-power treaty be printed in the RECORD.

Mr. LODGE. I will read them, and then they will appear in the RECORD.

Mr. NORRIS. If the Senator will permit me, I would suggest that instead of picking out clauses he print in the RECORD in parallel columns both the treaties in question.

Mr. LODGE. I will ask that that be done; but I will first read the two articles which I was asked to read.

Article 2 of the four-power treaty reads as follows:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Article 1 of the Anglo-Japanese alliance reads as follows:

> It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

It seems to me the wording is entirely different. I will ask that those two treaties be printed in parallel columns.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties referred to are as follows:

Anglo-Japanese alliance.

AGREEMENT BETWEEN THE UNITED KINGDOM AND JAPAN.

(Signed at London, July 13, 1911.)

PREAMBLE.

The Government of Great Britain and the Government of Japan, having in view the important changes which have taken place in the situation since the conclusion of the Anglo-Japanese agreement of the 12th of August, 1905, and believing that a revision of that agreement responding to such changes would con-

Four-power treaty relating to Pacific possessions.

TREATY SUBMITTED BY THE PRESIDENT OF THE UNITED STATES BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, AND JAPAN, RELATING TO THEIR INSULAR POSSESSIONS AND THEIR INSULAR DOMINIONS IN THE PACIFIC.

The United States of America, the British Empire, France, and Japan.

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

Anglo-Japanese alliance—Continued.

tribute to general stability and repose, having agreed upon the following stipulations to replace the agreement above mentioned, such stipulations having the same object as the said agreement, namely:

(a) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India.

(b) The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

(c) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions.

ARTICLE I.

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE III.

The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another power to the prejudice of the objects described in the preamble of this agreement.

ARTICLE IV.

Should either high contracting party conclude a treaty of general arbitration with a third power, it is agreed that nothing in this agreement shall entail upon such contracting party an obligation to go to war with the power with whom such treaty of arbitration is in force.

Four-power treaty relating to Pacific possessions—Continued.

Have determined to conclude a treaty to this effect, and have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, HENRY CABOT LODGE, OSCAR W. UNDERWOOD, and Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., his Ambassador Extraordinary and Plenipotentiary to the United States of America;

And—

For the Dominion of Canada: The Right Hon. Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: The Hon. George Foster Pearce, Minister of Defense;

For the Dominion of New Zealand: Sir John William Salmond, K. C., judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, member of the Indian Council of State;

The President of the French Republic: Mr. René Viviani, deputy, former President of the Council of Ministers; Mr. Albert Sarraut, deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister of the Navy, Junii, a member of the first class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, his Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the first class of the Imperial Order of the Rising Sun; Prince Iyesato Tokugawa, Junii, a member of the first class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the second class of the Imperial Order of the Rising Sun;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of high contracting parties to terminate it upon 12 months' notice.

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the procès verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Anglo-Japanese alliance—Continued.

Four-power treaty relating to Pacific possessions—Continued.

Done at the city of Washington, the 13th day of December, 1921.

CHARLES EVANS HUGHES. [L. S.]
HENRY CABOT LODGE. [L. S.]
OSCAR W. UNDERWOOD. [L. S.]
ELIHU ROOT. [L. S.]
ARTHUR JAMES BALFOUR. [L. S.]
LEE OF FAREHAM. [L. S.]
A. C. GEDDES. [L. S.]
[L. S.] R. L. BORDEN.
[L. S.] G. F. PEARCE.
[L. S.] JOHN W. SALMOND.
[L. S.] ARTHUR JAMES BALFOUR.
[L. S.] V S SRINIVASA SASTRI.
[L. S.] RENÉ VIVIANI.
[L. S.] A. SARRAUT.
[L. S.] JUSSERAND.
[L. S.] T. KATO.
[L. S.] K. SHIDEHARA.
[L. S.] TOKUGAWA IYESATO.
[L. S.] M. HANIHARA.

In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:

1. That the treaty shall apply to the mandated islands in the Pacific Ocean: *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Washington, D. C., December 13, 1921.

CHARLES EVANS HUGHES.
HENRY CABOT LODGE.
OSCAR W. UNDERWOOD.
ELIHU ROOT.
ARTHUR JAMES BALFOUR.
LEE OF FAREHAM.
A. C. GEDDES.
R. L. BORDEN.
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RENÉ VIVIANI.
A. SARRAUT.
JUSSERAND.
T. KATO.
K. SHIDEHARA.
TOKUGAWA IYESATO.
M. HANIHARA.

ARTICLE V.

The conditions under which armed assistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement, and the means by which such assistance is to be made available, will be arranged by the naval and military authorities of the high contracting parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VI.

The present agreement shall come into effect immediately after the date of its signature, and remain in force for 10 years from that date.

In case neither of the high contracting parties should have notified 12 months before the expiration of the said 10 years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, ipso facto, continue until peace is concluded.

In faith whereof the undersigned, duly authorized by their respective Governments, have signed this agreement, and have affixed thereto their seals.

Done in duplicate at London the 13th day of July, 1911.

E. GREY,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

TAKAAKI KATO,
Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

After the conclusion of Mr. HEFLIN's speech,

Mr. LODGE. Mr. President, I find that there are a number of Senators who desire to speak who are not ready to go on this afternoon, and we have had very little discussion of the treaty so far to-day. I am anxious to aid the judges' bill; and I simply desire to give notice that to-morrow at 12 o'clock, when we come in from the recess, I shall ask the Senate to take up the treaty and remain in session until at least they have disposed of the pending amendment.

I now move that the Senate return to legislative session.

Mr. SMITH. Mr. President, when does the Senator say that he is going to ask for a continuous session until we dispose of the pending amendment?

Mr. LODGE. To-morrow.

Mr. SMITH. To-morrow is Saturday.

Mr. LODGE. Yes; I know to-morrow is Saturday, but I think that one amendment can be disposed of before we adjourn, say, at midnight.

Mr. SMITH. That is very encouraging.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed its legislative session.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	Nelson	Smith
Borah	Harris	Newberry	Spencer
Bransdegee	Harrison	Norris	Stanfield
Brookhart	Heflin	Oddie	Stanley
Bursum	Johnson	Overman	Sterling
Cameron	Jones, Wash.	Page	Swanson
Capper	Kellogg	Phipps	Townsend
Caraway	Kendrick	Pittman	Underwood
Colt	King	Poindexter	Walsh, Mont.
Culberson	Lenroot	Pomerene	Warren
Cummins	Lodge	Rawson	Watson, Ga.
Fernald	McCormick	Robinson	Weller
Fletcher	McKellar	Sheppard	Williams
Frazier	McKinley	Shields	Willis
Gooding	McNary	Shortridge	

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from West Virginia [Mr. SUTHERLAND] are detained in the Committee on Finance.

The PRESIDING OFFICER (Mr. McKINLEY in the chair). Fifty-nine Senators having answered to their names, a quorum is present.

Mr. CUMMINS addressed the Senate. After having spoken with interruptions for more than two hours, he said:

Mr. President, I find that owing to interruptions, which are very welcome, I shall not be able to conclude what I have to say about the bill this evening, although I hope that I can do it in a very few minutes when the bill is again under consideration. If the Senator from Massachusetts desires to take some action now looking toward suspension for the day, I have no objection.

MILITARY OCCUPATION OF HAITI.

Mr. KING. I submit a resolution which I ask may be referred to the Committee on Foreign Relations.

The resolution (S. Res. 258) was referred to the Committee on Foreign Relations, as follows:

Whereas United States Military forces have been in occupation of the territory of the Republic of Haiti since 1915 and the Haitian people now desire the withdrawal of those forces and the abrogation of the Treaty of 1915 between the United States and the Republic of Haiti; and

Whereas the term of the present President of Haiti, elected in 1915, expires on May 15, 1922, and no elections for deputies and senators have been held in Haiti since the dissolution of the chamber of deputies and the senate in 1917: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should forthwith terminate the aforesaid military occupation of Haiti, abrogate the Treaty of 1915 between the United States and Haiti under which the said occupation is maintained, and restore democratic constitutional government in Haiti; and be it further

Resolved, That in order to carry out the aforesaid purposes, the President of the United States is respectfully requested:

1. To denounce the treaty of 1915 and the protocol of March 28, 1917, extending said treaty, same to take effect on or before the expiration of the six months' period provided for in paragraph 3 hereof.

2. To take all necessary and appropriate action to restore full democratic, constitutional government in Haiti, and in particular to direct the brigade commander of the United States marines in Haiti to act as follows:

Temporarily to assume on the 16th day of May, 1922, such powers and functions of government in the territory of the Republic of Haiti as are necessary to provide forthwith for the holding of free popular elections in Haiti not later than July 1, 1922, for a constituent national assembly to be composed of one member for each existing commune; to convene said assembly in meeting not later than August 1, 1922, and to vest the said assembly with the functions and powers of framing and adopting a new constitution for Haiti, and of choosing and installing in office a President and Government of Haiti.

3. Within a period of six months after the date when the President of Haiti chosen by said constituent assembly shall have notified the Government of the United States of the adoption of a constitution and of the assumption of office by the said President to withdraw all military and naval forces of the United States from the territory of the Republic of Haiti and to cause to be restored to such reconstituted Haitian Government all functions and powers of government now or hereafter exercised in Haiti by all civil or military representatives of the United States.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Saturday, March 11, 1922, at 12 o'clock.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 10 (legislative day of March 9), 1922.

UNITED STATES MARSHAL.

James C. McGregor to be United States marshal, western district of Pennsylvania.

POSTMASTERS.

ALABAMA.

Leander Isbell, Albertville.
James D. Silvey, Altoona.
Joseph D. Pruett, Boaz.
James F. Slone, jr., Cedar Bluff.
Meige C. Bronson, Dadeville.
John H. Walls, Guntersville.
Hopson P. McMurray, Heflin.
Tommie P. Lewis, Seale.
Samuel C. Puckett, Springville.
Pallie M. Ellis, Valley Head.
Henry E. Hart, Waverly.

GEORGIA.

Lucius E. Register, Alapaha.
Nicholas Oglesby, Elberton.
Sara B. Fox, Harlem.
Walter F. Payne, Jesup.
John W. Berryhill, Milltown.
Loduskie Sutton, Pearson.
Clarence G. Hardigree, Watkinsville.

IOWA.

Alvin G. Rollins, Rembrandt.
Leo E. Perry, Rhodes.
Ralph S. Van Hooser, Terril.
Charles P. Warrell, Whiting.

HAWAII.

Minnie Temple, Bennington.

MASSACHUSETTS.

Effie M. Ellis, East Wareham.
Benjamin Taylor, South Barre.
Lester M. Blair, Whitinsville.

OHIO.

Harry H. Davis, New Holland.
Theodore S. Hephinger, New Philadelphia.
William T. Sprankel, New Straitsville.

TEXAS.

Isaiah Sadler, Gustine.
Collins M. Click, Lovelady.
Silas T. Compton, Mount Enterprise.
Henry Bernauer, Muenster.
Francis M. Bell, North Zulch.
Boyce B. Dowdy, Trent.

VIRGINIA.

Thomas P. Scott, Ashland.
Anthony Hart, Clifton Station.
Griffith S. Marchant, Mathews.
Robert W. Ferguson, Newsoms.
George E. Jones, Painter.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 10, 1922.*

The House met at 12 o'clock noon, and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, when we consider how Thou dost preserve hope, awaken courage, create worlds of beauty, bring down blessings upon us and soothe pain, O that we could give Thee an adequate return. But we thank Thee and bless the name of our everlasting Father. Teach us that the best thing that we can do for Thee is to be kindly and helpful to Thy other children; to live upright in the presence of great truths and eternal laws and allow nothing to come between us and the wisdom of Jesus of Nazareth. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 227. Joint resolution extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922.

The message also announced that the Senate had passed with amendments the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes; in which the concurrence of the House of Representatives was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2716. An act to give effect to certain provisions of conventions with foreign Governments for facilitating the work of traveling salesmen; to the Committee on Interstate and Foreign Commerce.

THE BATTLE CRUISER "SARATOGA."

Mr. PATTERSON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a concurrent resolution passed by the New Jersey Legislature asking for the conversion of the battleship *Saratoga* into an airplane carrier.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Following is the resolution referred to:

TRENTON, N. J., *March 7, 1922.*

Hon. F. F. PATTERSON, Jr.,
House Office Building, Washington, D. C.

SIR: I have the honor to forward herewith a copy of a concurrent resolution passed by the One hundred and forty-sixth Legislature of the State of New Jersey.

Very respectfully, yours,
UPTON S. JEFFERYS,
Clerk of the House of Assembly.

STATE OF NEW JERSEY.
ONE HUNDRED AND FORTY-SIXTH LEGISLATURE.

Concurrent resolution passed by the general assembly March 6, 1922, and concurred in by the senate.

Whereas the recent conference on disarmament held at the city of Washington, D. C., decided that two of the six contemplated battle cruisers being built by the United States could be converted into airplane carriers; and

Whereas one of said battle cruisers, namely, the *Saratoga*, is now under construction at the plant of the New York Shipbuilding Co., at Camden, N. J., and is 35 per cent completed, and can be converted into an airplane carrier at less expense and with greater benefit to the United States by reason of the fact that our Navy would secure a vessel of 33,000 tons instead of a 27,000-ton airplane carrier, the limit fixed by the conference of disarmament for new vessels of that type; and

Whereas the selection of the battle cruiser *Saratoga* for completion as an airplane carrier by the President and the Navy Department would give employment to thousands of workmen for two years at the plant of the New York Shipbuilding Co.: Therefore be it

Resolved by the House of Assembly of the State of New Jersey (the Senate concurring), That the President of the United States, the Navy Department, and the Congress of the United States be respectfully requested to select the *Saratoga* as one of the battle cruisers to be converted into an airplane carrier; and be it further

Resolved, That the Navy Department be urged to finish other naval work on which conditions will permit continuing construction, with the view of providing employment for the unemployed of the State of New Jersey.

T. HARRY ROWLAND,
Speaker of the General Assembly.
WILLIAM B. MACKAY, Jr.,
President of the Senate.

Attest:

UPTON S. JEFFERYS,
Clerk of the General Assembly.
W. H. ALBRIGHT,
Secretary of the Senate.

THE PURCHASE AND DISTRIBUTION OF SEED GRAIN.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 303.

Resolved, That upon the adoption of this resolution it shall be in order for the Committee on Agriculture to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider S. 2897, being "An act to appropriate $5,000,000 for the purchase of seed grain and of seed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture," thereupon it shall be considered for amendment under the five-minute rule. At the conclusion of such consideration the bill shall be reported to the House with such amendments as may have been agreed to; the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule states the purpose for which it was reported out by the committee, and I see no reason why I should make any further statement about it, unless some gentleman desires to ask me a question for information.

Mr. GARNER. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield.

Mr. GARNER. Is it the purpose of the gentleman and the leaders on his side of the House to pass this measure at $2,000,000 instead of $1,000,000?

Mr. CAMPBELL of Kansas. My purpose and the purpose of the rule is to let the House decide whether it shall pass at $1,000,000 or $2,000,000.

Mr. GARNER. I congratulate the gentleman on his liberality in allowing the House the opportunity to consider the $1,000,000 bill by virtue of the rule. I wondered if it is the intention of the leaders of the House and the gentlemen who are formulating the policy of the organization to place it at $2,000,000 instead of $1,000,000. It is for the gentleman to say.

Mr. CAMPBELL of Kansas. That is not a matter for me to decide. I fear if I should decide it I would decide it in favor of the gentleman from Texas.

Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, when this subject matter was before the House on Monday last I expressed my individual views upon it. Nothing has occurred since, I will say, that has caused me to change those views. However, the House by a very decided majority indicated its willingness to make a loan of $1,000,000 in this territory for seed purposes.

Now, the bill that is made in order by this rule, I assume, is the bill reported from the House Committee on Agriculture. The Senate passed a bill carrying $5,000,000 to make loans for the purpose of purchasing seed and feed in this so-called drought-stricken area. The House Committee on Agriculture amended that bill so as to strike out "$5,000,000" and insert "$2,000,000." The gentleman from Iowa [Mr. HAUGEN] on last Monday moved to suspend the rules and pass a bill carrying a million dollars to be loaned for the purchase of seed only.

I assume, of course, that there was some sort of understanding amongst the leaders of the majority whereby the gentleman from Iowa made that motion instead of a motion to suspend the rules and pass the bill as reported by his committee. I repeat the House by a decided majority indicated its willingness to appropriate $1,000,000 for seed buying, and the majority having so voted it is not my disposition, if they care to bring in a rule for that, to do further than express my individual views about it, which, as I say, have not changed since that time.

This rule makes the $2,000,000 proposition in order for both seed and feed. I assume the majority will vote for the rule. So far as I am concerned, I shall not contest the adoption of the rule, but I shall watch with a great deal of interest to see what amendments are offered on the majority side when the bill comes up for consideration.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. Last year practically this same territory was granted similar loans of $2,000,000. Of that sum will the gentleman tell us exactly how much has been paid back to the Government?

Mr. CAMPBELL of Kansas. About $640,000.

Mr. BLANTON. And the amount outside of the $640,000 paid back was secured by a first lien on the crops, and the crops are

all gone; and if the security is all gone, then we are to understand that the Government of the United States lost $1,400,000 last year; and if it grants $2,000,000 more of loan this year, if we have no better crops this year than last year, and no better prices, and no better conditions, then we may expect to lose $1,400,000 this year?.

Mr. CAMPBELL of Kansas. The gentleman from Texas in his mathematics is far more correct than he usually is on questions that he discusses. His figures are fairly correct.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. CAMPBELL of Kansas. Yes.

Mr. BURTNESS. I would like to advise the gentleman from Texas in that connection that much of that which remains unpaid has been secured by the agents of the department and is secured now by a lien against this coming season's crop.

Mr. BLANTON. If I may be permitted to say it, whenever you pass the first crop year it is awfully hard to get crop mortgages paid.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. This discussion is pertinent to the bill and not to the rule.

Mr. BANKHEAD. I want to ask the gentleman something that is pertinent to the Committee on Rules I think.

Mr. CAMPBELL of Kansas. I yield for that question.

Mr. BANKHEAD. There is a great deal of destitution among the coal miners in certain sections of the country—Ohio, Illinois, Pennsylvania, Kentucky, and Alabama. Several resolutions have been introduced to make appropriations for their relief. I have been informed that the gentleman from Kentucky [Mr. ROBSION] has been making an effort to secure consideration of that proposition by the Committee on Rules and to get them to take some action.

Mr. CAMPBELL of Kansas. The Committee on Rules has never had a suggestion made to it that it had jurisdiction of that question and there is no such matter pending before the Committee on Rules.

Mr. BANKHEAD. Then I have been misinformed. I am glad to get the information.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 62, noes 21.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and raise the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees. As many as favor agreeing to the resolution will, when their names are called, vote "yea," those opposed "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 201, nays 116, answered "present" 2, not voting 109, as follows:

YEAS—201.

Almon	Christopherson	Free	Knutson
Anderson	Clague	French	Kopp
Andrews, Nebr.	Classon	Fuller	Lampert
Arents	Cockran	Funk	Langley
Aswell	Codd	Gahn	Lawrence
Atkeson	Cole, Iowa	Gensman	Lazaro
Bankhead	Cole, Ohio	Gernerd	Lea, Calif.
Barbour	Collier	Green, Iowa	Leatherwood
Barkley	Collins	Griest	Lineberger
Beck	Colton	Hadley	Little
Benham	Connell	Hardy, Colo.	Logan
Bird	Cooper, Ohio	Harrison	Longan
Bixler	Cooper, Wis.	Haugen	Longworth
Blakney	Copley	Hawley	Lowrey
Bland, Ind.	Crago	Hayden	McArthur
Boies	Crampton	Hays	McLaughlin, Mich.
Brennan	Cullen	Hersey	McLaughlin, Nebr.
Briggs	Curry	Hickey	Mahaney
Brooks, Ill.	Dallinger	Hill	Mann
Brooks, Pa.	Darrow	Hock	Magee
Brown, Tenn.	Davis, Minn.	Hoch	Martin
Browne, Wis.	Denison	Hull	Mead
Burke	Dewalt	Jefferis, Nebr.	Michener
Burtness	Dominick	Johnson, Ky.	Miesner
Butler	Dupré	Johnson, Wash.	Miller
Cable	Dyer	Keller	Millspaugh
Campbell, Kans.	Elliott	Kelly, Pa.	Mondell
Campbell, Pa.	Evans	Ketcham	Montoya
Cannon	Fairfield	Kindred	Moore, Ill.
Cantrill	Faust	King	Moore, Ohio
Carew	Fenn	Kinkaid	Morgan
Chalmers	Fitzgerald	Kleczka	Morin
Chindblom	Fordney	Kline, Pa.	Nolan
Murphy	Hansley	Rhodes	Towner
Nelson, A. P.	Harris	Sinclair	Upshaw
Nelson, J. M.	Reece	Sinnott	Vestal
Newton, Minn.	Reed, N. Y.	Smith, Idaho	Voigt
Nolan	Reed, W. Va.	Smith, Mich.	Volstead
Norton	Rhodes	Smithwick	Walters
O'Brien	Riddick	Snell	Watson
Osborne	Roach	Sproul	Webster
Patterson, Mo.	Robertson	Stevenson	Wheeler
Patterson, N. J.	Robsion	Strong, Kans.	White, Kans.
Porter	Rosenbloom	Summers, Wash.	Williamson
Pringey	Sanders, Ind.	Sweet	Wilson
Purnell	Sandlin	Swing	Woodyard
Quin	Schall	Taylor, Tenn.	Wurzbach
Rainey, Ill.	Scott, Mich.	Temple	Young
Baker	Scott, Tenn.	Thomas	
Ramseyer	Shaw	Timberlake	
Raubin	Shelton	Tincher	

NAYS—116.

Ackerman	Fess	Lanham	Sanders, N. Y.
Andrew, Mass.	Fisher	Larsen, Ga.	Sanders, Tex.
Appleby	Foster	Layton	Sears
Bacharach	Freeman	Lee, Ga.	Sisson
Begg	Frothingham	Lee, N. Y.	Snyder
Black	Fulmer	Luce	Steagall
Bland, Va.	Garner	Lyon	Stedman
Blanton	Garrett, Tenn.	McDuffie	Stephens
Bond	Garrett, Tex.	McPherson	Stevenson
Bowling	Gilbert	McSwain	Stoll
Box	Glynn	Madden	Sumners, Tex.
Brand	Gorman	Magee	Swank
Buchanan	Griffin	Merritt	Tague
Burdick	Hammer	Mills	Taylor, Ark.
Burroughs	Hardy, Tex.	Montague	Thompson
Byrnes, S. C.	Hawes	Moore, Va.	Tillman
Byrns, Tenn.	Hicks	Moores, Ind.	Tilson
Carter	Hogan	Oldfield	Treadway
Chandler, N. Y.	Hudspeth	Overstreet	Tyson
Classon	Husted	Padgett	Underhill
Connally, Tex.	Jacoway	Paige	Ward, N. C.
Crisp	Jeffers, Ala.	Park, Ga.	Wason
Dale	Johnson, Miss.	Parker, N. Y.	Weaver
Davis, Tenn.	Jones, Tex.	Parks, Ark.	White, Me.
Deal	Kearns	Radcliffe	Wise
Dempsey	Kincheloe	Ricketts	Wood, Ind.
Dominick	Kissel	Rossdale	Woods, Va.
Drane	Kline, N. Y.	Rouse	Wright
Echols	Kraus	Rucker	Wyant

ANSWERED "PRESENT"—2.

Clarke, N. Y. Redenberg

NOT VOTING—109.

Ansorge	Goldsborough	Larson, Minn.	Ross
Anthony	Goodykoontz	Lehlbach	Ryan
Beedy	Gould	Linthicum	Saborth
Bell	Graham, Ill.	Luhring	Siegel
Bowers	Graham, Pa.	McClintic	Slemp
Brisson	Greene, Mass.	McCormick	Speaks
Britten	Greene, Vt.	McFadden	Stafford
Bulwinkle	Herrick	McKenzie	Stiness
Burton	Hilmes	McLaughlin, Pa.	Strong, Pa.
Chandler, Okla.	Hooker	MacGregor	Sullivan
Clark, Fla.	Huddleston	Mansfield	Taylor, Colo.
Connolly, Pa.	Humphreys	Mudd	Taylor, N. J.
Coughlin	Hutchinson	Newton, Mo.	Ten Eyck
Crowther	Ireland	O'Connor	Tinkham
Dickinson	James	Ogden	Vaile
Doughton	Johnson, S. Dak.	Oliver	Vare
Drewry	Jones, Pa.	Olpp	Vinson
Driver	Kahn	Parker, N. J.	Volk
Dunn	Kelley, Mich.	Parrish	Ward, N. Y.
Edmonds	Kendall	Perkins	Williams
Ellis	Kennedy	Perlman	Wingo
Fairchild	Kiess	Peterson	Winslow
Fenn	Kirkpatrick	Pou	Woodruff
Fields	Kitchin	Rainey, Ala.	Yates
Fish	Knight	Rayburn	Zihlman
Fordney	Kreider	Reber	
Frear	Kunz	Riordan	
Gallivan	Lankford	Rogers	

So the resolution was agreed to.

The following pairs were announced:

Mr. HIMES with Mr. MCCLINTIC.

Mr. NEWTON of Missouri with Mr. BULWINKLE.

Mr. WILLIAMS with Mr. DOUGHTON.

Mr. ROSENBERG with Mr. BELL.

Mr. ELLIS with Mr. HUMPHREYS.

Mr. TAYLOR of New Jersey with Mr. TEN EYCK.

Mr. KAHN with Mr. WINGO.

Mr. BURTON with Mr. GALLIVAN.

Mr. FENN with Mr. BRINSON.

Mr. OLPP with Mr. GOLDSBOROUGH.

Mr. LUHRING with Mr. OLIVER.

Mr. STRONG of Pennsylvania with Mr. LINTHICUM.

Mr. VOLK with Mr. POU.

Mr. REBER with Mr. SULLIVAN.

Mr. GREENE of Massachusetts with Mr. VINSON.

Mr. DUNN with Mr. TAYLOR of Colorado.

Mr. CHANDLER of Oklahoma with Mr. O'CONNOR.

Mr. KENDALL with Mr. HUDDLESTON.

Mr. SPEAKS with Mr. DREWRY.

Mr. SIEGEL with Mr. KUNZ.

Mr. IRELAND with Mr. MANSFIELD.

Mr. EDMONDS with Mr. RAYBURN.

Mr. KIESS with Mr. PARRISH.

Mr. WOODRUFF with Mr. HOOKER.

Mr. ANTHONY with Mr. RIORDAN.

Mr. CONNOLLY of Pennsylvania with Mr. LANKFORD.

Mr. GRAHAM of Pennsylvania with Mr. KITCHIN.

Mr. VARE with Mr. CLARK of Florida.

Mr. COUGHLIN with Mr. FIELDS.

Mr. HUTCHINSON with Mr. RAINEY of Alabama.

Mr. WINSLOW with Mr. SABATH.

Mr. OGDEN with Mr. DRIVER.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

APPROPRIATION BILL FOR THE DEPARTMENTS OF COMMERCE AND LABOR.

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10659, making appropriations for the Departments of Commerce and Labor, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 10659, making appropriations for the Departments of Commerce and Labor, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. BLANTON. Reserving the right to object, may I ask the gentleman if he is going to give the House an opportunity to vote on the items of legislation that have been placed on the bill?

Mr. SHREVE. We hope that when we are through there will be no legislation on the bill.

Mr. BLANTON. Another committee of conference has agreed to some legislative matters, and their conference report was printed in yesterday's RECORD. If the gentleman's committee in conference does likewise, agrees to items of legislation, will he give the House an opportunity to vote on it?

Mr. SHREVE. We hope so.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. SHREVE, Mr. HUTCHINSON, and Mr. OLIVER.

RESIGNATION FROM COMMITTEES.

The SPEAKER pro tempore laid before the House the following communication:

MARCH 10, 1922.

Hon. FREDERICK H. GILLETT,
Speaker, House of Representatives, Washington, D. C.

MR. SPEAKER: I herewith resign from the following committees: Expenditures in the Department of Commerce, Flood Control, and Insular Affairs.

Very respectfully,

FRANK MURPHY.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent the following leaves of absence were granted:

To Mr. MCCLINTIC, for three days, on account of illness.

To Mr. ELLIOTT, indefinitely, on account of sickness in family.

PURCHASE AND DISTRIBUTION OF SEED GRAIN.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 2897, an act to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

The motion was agreed to; accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2897, which the Clerk will report.

The Clerk read as follows:

An act (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

Mr. GARRETT of Tennessee. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Tennessee. As I caught the reading of the rule, the bill was to be considered only under the 5-minute rule.

Mr. CAMPBELL of Kansas. The rule provides that the bill shall be read.

Mr. GARRETT of Tennessee. Will there be two readings of the bill or is this the reading for amendment?

The CHAIRMAN. This is the reading for amendment.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The rule provides that the bill shall first be read and then shall be considered under the 5-minute rule. I think if the Chairman will look at the rule he will see that he is in error.

The CHAIRMAN. The gentleman from Texas is correct; this is the first reading of the bill, and the Clerk will finish the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized, for the crop of 1922, to make advances or loans to farmers for feed to relieve animals in the crop-failure areas of the United States, where he shall find that special need for such assistance exists, for the purchase of feed and of wheat, oats, barley, and flaxseed, for seed purposes, and, when necessary, to procure such seed and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed thus obtained by him for the production of grain or flaxseed. A first lien on the crop to be produced from seed obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor, or in the case of loan for feed for the relief of live stock the lien shall be made on the live stock. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $300. All such advances or loans shall be made through such agencies as the Secretary of Agriculture shall designate. For carrying out the purposes of this section there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000,000, to be immediately available, of which not more than $1,000,000 may be used for the purchase of feed for relief of live stock.

Sec. 2. That any person who shall knowingly make any false representation for the purpose of obtaining an advance, loan, or sale under this act shall, upon conviction thereof, be punished by a fine of not exceeding $1,000, or by imprisonment not exceeding six months, or both.

With the following committee amendments:

Page 2, line 15, after the word "hereby," insert the words "authorized to be."

Page 2, line 17, strike out the figures "$5,000,000" and insert "$2,000,000."

Page 2, line 19, after the word "stock," insert "and not more than $20,000 may be used by the Secretary of Agriculture in the administration of this act."

The CHAIRMAN. Under the rule the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized, for the crop of 1922, to make advances or loans to farmers for feed to relieve animals in the crop-failure areas of the United States, where he shall find that special need for such assistance exists, for the purchase of feed and of wheat, oats, barley, and flaxseed, for seed purposes, and when necessary to procure such seed and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed thus obtained by him for the production of grain or flaxseed. A first lien on the crop to be produced from seed obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor, or in the case of loan for feed for the relief of live stock the lien shall be made on the live stock. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $300. All such advances or loans shall be made through such agencies as the Secretary of Agriculture shall designate. For carrying out the purposes of this section there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000, to be immediately available, of which not more than $1,000,000 may be used for the purchase of feed for relief of live stock.

The Clerk proceeded to read the first committee amendment.

Mr. BLANTON (interrupting the reading). Mr. Chairman, I make the point of order that under the rule which was adopted by the House the Senate bill was made in order for consideration, not the Senate bill as amended by the Committee on Agriculture, there being no reference in the rule to any committee amendment of this Senate bill. The whole rule applied to the Senate bill itself. I make the point of order that the Senate bill as read is now open for amendment prior to the reading by the Clerk of the committee amendments; and unless the minority leader, the gentleman from Tennessee [Mr. GARRETT], desires recognition, I ask for recognition to offer an amendment.

The CHAIRMAN. The Chair overrules the point of order. The question is on the first committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 15, after the word "hereby," insert the words "authorized to be."

Mr. BLANTON. Mr. Chairman, I ask recognition on the amendment. This amendment authorizes, unless the committee amendment be adopted, $5,000,000 to be appropriated and loaned and expended in certain territory of the United States within the confines of about two States. During the year 1918 there existed in the States of Texas, New Mexico, Arizona, and Colorado and parts of two other States an unprecedented drought,

which had extended over a period of three continuous years in certain sections of the States named. This drought was so great that the farmers had been compelled to nail their homes up and leave. There was not a blade of grass left. The turf was gone. There had not been a drop of rain in some instances in a period of 18 months in certain sections. The cattlemen had been forced to ship their mother cows and calves to market, and where they were not able to sell them as canners, they were forced to ship them across the country hunting grass and water. Under such conditions in order to save them from ruin I introduced a measure here asking that certain loans be extended them in order to buy feed and seed. The matter was turned down because of the one excuse that it was merely an unfortunate situation for the farmers and the cattlemen who happen to live in these six States.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a minute I will. Both the Committee on Agriculture and the Committee on Appropriations said it was merely an unfortunate situation for these people, and they should stand and take their medicine without asking Congress to help them out. That was the condition that existed with respect to six States. Not a dollar was given them, and I know of cattlemen in my section of the country who up to that time were worth $1,000,000 and whose checks were good for $100,000 in a single bank, but who to-day, because of the refusal of Congress to even grant them a loan, despite those conditions, are paupers, and they have not a cent on God's earth to their names.

Mr. BURTNESS. Now, will the gentleman yield on this very point for a correction?

Mr. BLANTON. In just a moment. Because last year these conditions existed in certain other sections of the country, Congress loaned these people in North Dakota and Montana $2,000,000 of the people's money. The crops have passed, have gone out of the control of this Congress, and only $600,000 was repaid. There was an actual loss to the Treasury of $1,400,000 last year. In the face of those circumstances, because these people are unfortunate and had a poor crop year, this Congress now comes forward and says that it will add another million four hundred thousand dollars loss, and that this year they will deplete the Treasury of the people and take another $2,000,000 out and send it to the winds of the West, and perhaps get $600,000 back, and perhaps not get anything back. I now yield to the gentleman.

Mr. BURTNESS. Does not the gentleman remember that his own State of Texas in the very year that he claims Texas received nothing did receive from the Federal Treasury by way of loans for seed purposes the sum of $292,000?

Mr. BLANTON. In 1918 not a single cent. Later on, after it was too late to save the farmers and the stockmen from ruin, they did get help after long insistence.

Mr. BURTNESS. In 1919?

Mr. BLANTON. In the latter part of 1919, from the President's fund; yes. In 1918 not a single cent.

Mr. BURTNESS. Does not the gentleman know that out of the President's loan fund $292,000 went to Texas?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Yes; it went there in 1919 when it was too late to do good. I remember it distinctly, because a Texas man, Hon. Clarence Ousley, was Assistant Secretary of Agriculture. I went to him and placed the proposition before him; I told him it meant the ruination of the cowmen of the West and of our farmers, and he turned me down, and he turned them down to their ruin.

Mr. BURTNESS. Does the gentleman contend that Texas did not receive $292,000 of loans from the seed-loan fund provided by President Wilson?

Mr. BLANTON. Later, yes; but in the time that the emergency existed in 1918 not one cent.

Mr. BURTNESS. But did not the gentleman's district benefit from that loan fund?

Mr. BLANTON. Not a dollar; not a farmer or a cattleman in my district got one cent when the emergency existed.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I think it is well to let the committee understand briefly the history of the seed loans. The first seed loan that was made was made out of the presidential contingent fund, and was not made to help farmers. The first loan was made by reason of the war to encourage the people to plant wheat to help win the war, and that loan was made out of the President's contingent fund through the Federal farm loan banks. However, there was Government help for certain classes of people engaged in agriculture during that administration. The Secretary of the Treasury took a large fund and deposited it in Texas banks, and it was loaned and used to help the drought-stricken regions of Texas—not $2,000,000 but more than $50,000,000 in that one State.

My name has been mentioned here with reference to a bill which has been reported with an insinuation that I was to forgive the debt. When the President loaned money out of his contingent fund in order to produce food to help win the war the contract that the Federal farm loan banks made provided that they should not repay the loan in case of a crop failure. It also provided a schedule of interest which ran as high as 77 per cent in some cases. Now, the contract did not define a crop failure. Subsequently Congress passed a law defining a crop failure under that contract at 5 bushels or less. The only bill I have reported on this subject rather is this. Some men who did not raise 5 bushels previous to the signing of the contract of a crop failure paid in $62,000. The Federal farm loan banks wanted to settle all that matter with the Treasury and with those people and the bill I reported was simply to clarify the situation enough to return the money——

Mr. SNELL. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. SNELL. Is the act of May 31, 1920, the one that defines a crop failure?

Mr. TINCHER. No.

Mr. SNELL. What was that act?

Mr. TINCHER. In 1921 this Congress did pass a law by way of an amendment to the Agricultural appropriation bill appropriating money to be actually loaned to pioneers that had crop failures to the extent that they were needing money for seed. This is the loan where they paid the Government $660,000, as I recall it, out of the $2,000,000, and they have a lien on the personal property of the farmers for a considerable portion of the balance. Now, the only reason these loans were not paid in total was by reason of another crop failure. I believe as an economic proposition that we have got the choice of saying to these people, these farmers, "You get off or arrange for seed to try another crop." My section of the country is not affected at all by this. The section where I live is the greatest agricultural section in the world. We have the seed; we are not calling for it, but those who need it should get it. I lived there when we were pioneers. I live where the now greatest agricultural section of this country was classed by my friends in the East as a semiarid region. I know some of the trials of the pioneer, and I know how hard it is, but I believe that when these pioneers have experimented until they find what is the proper crop in the country that they are going to make a go of it like all the western country have. Every time they moved a few hundred miles west the folks back home told them that they were going to an impractical agricultural region. I believe this will be a success, but we have to face a situation. Here are these men on this land; they own the land. One man says that there have been three or four crop failures already. He says they can not raise a crop——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINCHER. I ask for three minutes additional.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TINCHER. Now, that does not necessarily follow from the fact that there have been three or four failures. The best section of our State had as high as seven crop failures. Now, these men have improved their farms, they are taxpayers, food producers, and some of the best farms in the country have been adapted to a kind of agriculture that can be successfully carried on in that section of the country, and if this Government did not collect a dollar, in the interest of humanity and the growing population of this country it could not better expend $2,000,000 than to go on with these experiments, neither could it expend $2,000,000 on a hardier, more patriotic, hard working, worthy class of people than these pioneers who have been out there trying to follow in the footsteps of their forefathers and extend the limits of our country as it has been extended in the past. [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. GARRETT of Tennessee. May I ask the gentleman if any loans were made in his section of Kansas in those days of which he speaks?

Mr. TINCHER. No, sir; they were not. But that is no reason why there should not be in these days. We did not

spend much money on battleships out of the Federal Treasury in those days. I believe the Federal Government was run on less than a billion dollars a year, much less.

Mr. BRAND. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. BRAND. I want to ask the gentleman why they do not authorize these banks to require the giving of a mortgage on the land instead of on the crop, which is indefinite and uncertain?

Mr. TINCHER. I will frankly say to the gentleman I have no direct testimony, but my experience with the pioneer is that if he gave a first lien on anything he never would go on one of these claims on these pieces of land. The chances are, I will say to my friend, that every one of these men——

Mr. BRAND. He can give a second mortgage.

Mr. TINCHER. He would have no relief in giving a second mortgage.

Mr. SNELL. Will the gentleman yield for another question?

Mr. TINCHER. I will.

Mr. SNELL. I would like to be entirely clear in my own mind in regard to this act of May 31, 1920. In the letter of the Secretary of Agriculture to Senator Norris, given in the Senate hearings, it speaks of the loan made in 1918 and 1919, about $4,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNELL. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SNELL. In this letter he says $4,200,000 was loaned, and $1,613,000 of the principal has been released under the act approved May 31, 1920, and $1,143,000 was still to be paid.

Mr. TINCHER. That is the old loan—that is, that part that was released was loaned out of the President's contingent fund, and that was where there was a crop failure.

Mr. SNELL. That has nothing to do with the 5-bushel-an-acre proposition?

Mr. TINCHER. Yes; that was the law telling what a crop failure was under the terms of the bank contract.

Mr. BURTNESS. There seems to be an understanding that the bill which the gentleman has reported released the men who did not get 5 bushels per acre last year from the loan passed in February or March, 1921. That is not correct, is it?

Mr. TINCHER. The language of the bill, in view of the other law, is probably subject to criticism, but it was not introduced and never was intended to cover that lien. It was contemplated only with reference to the President's loan, and a subcommittee now is preparing an amendment so that it will be made clear that it does not apply to the loan made by the Government.

Mr. GARRETT of Tennessee. I referred to the gentleman's measure the other day. I will say to the gentleman that the impression made upon me by reading the bill which the gentleman reported was that it would indubitably include the loan.

Mr. TINCHER. If you notice the proviso, it is clear we do not intend that. I think the gentleman is right. It is subject to that criticism, and we have a committee amendment to clarify the bill in that respect.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 17, strike out "$5,000,000" and insert "$2,000,000."

Mr. GARRETT of Tennessee. Mr. Chairman, if no other gentleman wants recognition, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the amendment, which the Clerk will report.

Mr. GARRETT of Tennessee. Strike out "$2,000,000" and insert "$1,000,000."

The Clerk read as follows:

Amendment by Mr. GARRETT of Tennessee to the committee amendment: Strike out "$2,000,000" and insert "$1,000,000."

Mr. GARRETT of Tennessee. Mr. Chairman, that places the matter before the House in the shape in which the House voted the other day upon the motion of the gentleman from Iowa [Mr. HAUGEN].

Mr. SNELL. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. SNELL. This says $1,000,000 may be used for the purchase of feed for the relief of live stock.

Mr. GARRETT of Tennessee. I will say this to the gentleman: If this should prevail, I shall subsequently offer an amendment, unless some one else does so—I am not trying to take this bill away from the gentleman from Iowa—to strike out the feed provisions of the bill, so as to bring it exactly in the shape that the House had it the other day.

Mr. SNELL. As a matter of fact, if we have got to have the bill, is it not good policy to let them feed their stock, so that they can put in this grain when we buy it for them?

Mr. BURTNESS. Mr. Chairman, I rise in opposition to the amendment to the amendment. I shall not limit my remarks strictly to that. However, I want to detail as briefly as possible something about the situation out there, and I believe I can do it in rather an unprejudiced way, for I happen to come from a district in North Dakota which has not used this loan, which did not avail itself of the law which you passed a year ago, and which will not borrow one cent of this money if you pass this appropriation, whether it be passed for $1,000,000 or $2,000,000. The reason for that is simply because I represent the Red River Valley district of the State, which has never had a total crop failure because of drought during the 35 to 45 years it has been settled. I emphasize that to impress upon your minds that the territory that will be affected by and urgently needs this legislation is not the territory that has been settled for 30 or 40 years, but rather the territory that was homestended and settled, at the invitation of the Government itself, between 10 and 15 years ago. You remember how you passed your enlarged homestead entry act, and said to the people that if they would come out into semiarid regions and make their homes they would get 320 acres of this semiarid land. The Government was responsible for a great deal of propaganda, and much of it valuable, in favor of the so-called dry farming. Every inducement was held out to people from the East and Middle West to go out there, with the result that young men and women did go, without much money, it is true, but all with the willingness to work and an ardent desire to obtain homes. During the first few years they prospered. The crops raised in the State of Montana beginning with the years 1908 and 1909, until shortly before the war, were in most districts bountiful. This was also true in considerable portions of western North Dakota. The drought years, however, commenced shortly before the World War, the annual crops decreased, and that brought a great deal of sentiment along the lines of diversification of farming.

They had theretofore been successful in wheat and grain farming, but they began to realize if they were to be permanently successful they would have to diversify; they would have to get some cows, some hogs, chickens, and so forth. Suddenly the war came on. You know that as soon as the war came on the cry of this country and of the Allies was for wheat and for more wheat, and that interfered seriously with the program of diversification in that country. They answered their country's demand, did their patriotic duty, thinking perhaps also they could make money incidentally by continuing to seed wheat. But drought conditions became worse and worse year by year. With the first, or at least the second, year's drought, these people had to go to the banks and mortgage their machinery and horses and cattle and get a loan with which to feed themselves and carry on their operations for the next year. They did that, but they had another crop failure. The Democratic leader suggested the other day that these men had not exhausted their credit, but if you consider the drought conditions in recent years in the State of Montana and the western portions of my State you will realize they have exhausted every credit at their disposal. The security held by the banks and others taken several years ago and sufficient then is not to-day worth more than a small percentage of what it was worth when the loan was made to the individual farmers. They have nothing else to pledge or mortgage. Their real estate is encumbered to the limit. In many cases taxes have remained unpaid for two and three years.

Not only that, but in the year 1918 the legislature of my State, for instance, was called into special session for the purpose of passing legislation that would give to these drought-stricken counties an opportunity to raise money through the issue of bonds for the purpose of making loans to farmers for seed and feed. Such legislation was passed. The State of Montana has a similar law. In each one of these counties they have gone the limit. They have sold all the bonds they possibly can, and every public and private opportunity for further credit has been exhausted. The situation has been so

serious that a year ago and again this year, in some places, the Red Cross and other charitable organizations have had to help out.

Not only that, but coming along this winter we had splendid weather out there until shortly after the first of the year. Then snowstorms came and severe cold, and some of the cattle and horses out on the ranges, half starved as they were, have died, and these settlers need this help and this credit. They need it badly, and they need at least the two million recommended by the committee.

I went through this territory out to the Montana line last October, and I saw these things with my own eyes. I know what they are. The gentleman from Texas [Mr. BLACK] stated the other day that this bill, in his opinion, was for the purpose of relieving the followers of the Nonpartisan League.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BURTNESS. The occasion of my going out to the Montana line was that I was then doing my best to try to convince the people of my State that they had been honestly but blindly following the leadership of the Nonpartisan League long enough, and I may also refer to the fact that the distinguished Democratic Senator from Montana [Mr. MYERS] felt that the evils of the Nonpartisan League were so serious that he stumped the State for the election of a Republican candidate for governor last year. With these facts in mind, there need be no fear that this is a measure proposed for the benefit of any political organization whatever.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. BLACK. The gentleman refers to a statement that I made. The gentleman will not dispute the fact that the distinguished Senator from North Dakota [Mr. LADD] who was elected by the Nonpartisan League, appeared in support of this bill in the Senate hearing; and the gentleman will not dispute the fact that of the 29 letters and telegrams inserted in the hearings advocating this legislation every one of them is from the State of North Dakota.

Mr. BURTNESS. That may be so. But while I have not looked at the names of the wires and letters, I am quite sure that more than half of the wires came from people who are not members of the Nonpartisan League, but from people who have been opponents of that organization for years. This is a question bigger than factional politics; it involves the welfare of thousands of people, and in its discussions party and factional lines should be entirely eliminated.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. I shall be glad to yield later. I can not yield just now.

The need is there. What is the answer? Some say we have no authority to extend this aid in this manner, and some assert that we are establishing a dangerous precedent. I am sorry to see that men who make such statements are men who come from agricultural districts of the South. As far back as the year 1867 $50,000 was granted for the relief of drought-stricken districts in the South, and I might mention that since then appropriation after appropriation has been made for flood sufferers. Appropriations aggregating $180,000 were made in 1875 for regions ravaged by grasshoppers.

People who suffered from flood or other causes have done so, perhaps, not to any greater extent than those settlers in the Northwest have who have gone out into that country to make homes. One case was as much the act of God as the other and over which the individual had no control. I regret to see that men who came here last summer and pleaded almost with tears in their eyes and again yesterday afternoon for appropriations to control the boll weevil in the South are opposing this proposition here to-day. What did we do for you last July? We appropriated $200,000. What strings did we attach to it? Did we provide that the $200,000 which we appropriated last July should be used for seed? Did we compel your farmers to put seed or work into the ground and try to produce something? No; not at all. No string whatever was attached to it. It was appropriated purely for the rental value of the land, for land upon which cotton could not be grown in a particular year because of the law of your particular States which prohibited the planting of cotton in the infected areas. We did not even loan the money to you. We gave it to you absolutely. Appropriations were made to reimburse individuals against loss who did not even have to try to use their land for any purpose whatsoever. The only limit was that it should not exceed $5 per acre. The amount proposed in this bill is limited to $300 to an individual. The average size of the farms out there is probably 320 acres, or less than a dollar per acre. Compare the fairness of the two appropriations, if you please. We propose to raise food for the country as well as to pay the amount back; you got the money for land which might lie idle.

I want to remind the gentleman from Texas [Mr. BLANTON], who spoke here this afternoon, that his State in 1919 received from the President's fund $292,000, the State of Kansas received $943,000, and the State of Oklahoma $773,000. From last year's loan North Dakota received $805,768. I feel that the wheat farmers have a special reason to ask you for assistance. You remember how during the war you limited the price of wheat. You commandeered the wheat farmer's profits during the war. Conservatively estimated, the wheat farmers of the country lost $500,000,000 through the setting of a price on wheat. The Government itself, whether you agree with the estimate just made or not, the United States Treasury made a clear profit of $50,000,000 on the small percentage of wheat that it did actually purchase. All that we are asking here now is that we get a little bit of it back, a little bit of an appropriation to help out these wheat farmers who have not been getting a crop, due to no fault of their own, for the last four or five years. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, it is always unpleasant to oppose a request for funds out of the Treasury based upon the ground that it is necessary to relieve suffering. But I think we should first understand the situation with respect to this matter. In the first place, I know that gentlemen of the House understand that there is no relevancy in the argument last made by the gentleman who has just preceded me [Mr. BURTNESS] with reference to expenditures for scientific research or for the Bureau of Entomology in endeavoring to discover some way of destroying the cotton boll weevil and the pink bollworm affecting the cotton plant. These appropriations are made just as we appropriate for the white-pine blister and the European corn borer and the tuberculosis among cattle and the foot-and-mouth disease and to prevent wheat rust. But there is no comparison between such appropriations and this proposition to have the Government lend money directly to some citizens. The question here is whether or not a condition exists which demands a continuance of the policy established a few years ago by the Congress of playing Santa Claus in the distribution of public funds to people who suffer in their business. Now, let us see what has been done. The State of North Dakota in 1919 had an acreage in spring wheat of 9,098,000 acres, and there were produced on those 9,000,000 acres 62,776,000 bushels of wheat. The average yield for that year throughout the country was 8.2 bushels per acre. They produced in North Dakota only 6.9 bushels, which was less than the average; but the next year, 1920, they planted 8,916,000 acres and they produced 80,244,000 bushels of wheat, which was an average of 9 bushels per acre, when the average for the country was only 10.5 bushels per acre. They came pretty near making the average for the whole country.

Now, in 1921, last year, they reduced their acreage and they planted in spring wheat only 8,827,000 acres, and on that reduced acreage they made 73,264,000 bushels of wheat, or an average per acre of 8.3 bushels, whereas the average for the entire country was only 10.5 bushels, so they were only a little under the average production per acre of the entire country.

In Montana, the other State now seeking aid, they had a terrible condition in 1919. They planted 3,083,000 acres and they produced only 7,091,000 bushels of wheat. The yield in Montana was only 2.3 bushels per acre, whereas the average for the country was 8.2 bushels per acre.

Mr. YOUNG. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from North Dakota.

Mr. YOUNG. The gentleman's figures are incorrect. In Montana in that year they produced 9,889,000 bushels, or about 2,000,000 bushels more than the gentleman makes it.

Mr. BYRNES of South Carolina. I got the figures from the Department of Agriculture within the last hour, and I made Mr. Estabrook check up the figures the second time, and he told me there could be no question about their accuracy. If there is any discrepancy it is because of the fact that the gentleman's figures were not based on the last census, which Mr. Estabrook tells me is completed, and that my figures are the latest and

most accurate figures in the possession of the Department of Agriculture.

In 1920 they planted 2,377,000 acres on which there was raised 23,770,000 bushels of wheat, an average of 10 bushels for the State as against an average of 10.5 bushels for the entire country.

Last year, 1921—and I want the House to listen to this—in the year just closed they planted 1,995,000 acres, and with an acreage of 400,000 acres less the yield was more than in 1920, to wit, 23,945,000 bushels, or an average yield per acre of 12 bushels, against an average yield for the entire country of only 10.5 bushels; so that in Montana they made more per acre than did the other States, on an average.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that I have five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. HERRICK. Reserving the right to object, I should like to ask the gentleman a question.

The CHAIRMAN. It is too late to reserve the right to object. There was no objection.

Mr. BYRNES of South Carolina. No; I can not yield. I have not the time. Gentlemen of the House will argue plausibly that even though it be shown that Montana has made 12 bushels per acre as against an average for the whole country of 10.5 bushels, nevertheless that does not help Jim Smith or John Jones, who live in a county that did not make the average. But the answer is this, that if the State of Montana has made an average of 12 bushels per acre, then the State of Montana is in as good financial fix as are the other States of the West, and if it is in as good fix as the others, then the State of Montana ought to take care of its own people, instead of coming here to the Federal Government.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. BYRNES of South Carolina. I can not yield. I can go to my own district to-day, where, not because of drought but because of rain for 33 days continuously and because of the boll weevil, the farmers last year did not make one-fifth of a crop in many counties. Are they here asking that the United States Government contribute money out of the Treasury for their aid? No; but if you establish this precedent they will be, and with equal justification. I will tell you the history of this thing. In 1918, during the war, when advances were first made, there was a contract that the man who made more than 5 bushels per acre should chip in to help the man who made less than 5 bushels per acre. Then, in 1920, the Agricultural bill went to the Senate—Santa Claus lives at the other end of the Capitol—and there was tacked onto the appropriation bill the proposition that the note of every man who made less than 5 bushels per acre should be canceled. Last year, in 1921, the Agricultural bill went to the Senate, and an appropriation similar to this one was added to the bill. I happened to be one of the conferees and I know what occurred. If it had not been for one Senator from the State of North Dakota, the chairman of the Agricultural Committee, that proposition would never have come into this House, but that gentleman, for whom I had great respect and admiration, was going out of the Senate, and he wanted this item, and he stuck there, and finally the leaders of this House, in the closing days of Congress, yielded to one man, and the House compromised, reducing the amount from $5,000,000 down to $2,000,000. They brought it in here, and men who had heretofore been against it reversed their position, and they put it through. Gentlemen got up on this floor and said it was a terrible condition that never would occur again, and they said, "Vote for us this time and the Lord will bless you," in the language of the gentleman from Montana [Mr. RIDDICK]. I have no doubt the Lord blessed us, but they are back here again, and the figures show that whereas less than 19 per cent was paid back on the loans made out of St. Paul, in 1920, now they show that of the loans made last year only $625,630 has been paid back out of the $2,000,000, and you might as well face it that you are giving them this $2,000,000 now proposed in this bill.

The truth is these people have the habit. They got the State of North Dakota to go into the banking business, and the State went broke. Now they have transferred their affection from the government of North Dakota to the Government of the United States, and if you keep this up you will break the Government of the United States as they have North Dakota. In my district and every other district wherever the people lose a crop they will come to the Treasury to reimburse them. They will have just as much right as have these people.

Mr. BURTNESS. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BURTNESS. Does not the gentleman remember that in 1916 his State received a part of the appropriation of $540,000 for flood sufferers?

Mr. BYRNES of South Carolina. I have no doubt they did; the chances are that in years past flood sufferers in different parts of the country have received relief; but every time you do that you lend an inducement to somebody else to ask for aid. Where will you draw the line? If you are going in the business of insuring crops and against loss by floods and fires without paying premiums let us know and let us put in the bills now; but I want to ask you where will you get the money to pay the bills that come in?

The truth is the only section where there has been a crop failure for the past three years is the dry-farming section, where the department says they can not hope to make a crop but about once in every five or six years. The land is good for grazing only. If you pay them every time they fail to make a crop you will do so four out of every five years.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 22 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on the pending amendment and all amendments thereto close in 22 minutes.

Mr. CHINDBLOM. Reserving the right to object, I would like to ask whether the gentleman is going to accept the amendment reducing the amount from two millions to one million? If so, perhaps they will not need any debate.

Mr. HAUGEN. If I can have two minutes I will explain my position.

Mr. CHINDBLOM. If one million was sufficient on last Monday what has happened since to change it?

Mr. McLAUGHLIN of Michigan. Further reserving the right to object, I would like to ask if the gentleman moves to close debate on the committee amendment or the amendment of the gentleman from Tennessee?

The CHAIRMAN. The request of the gentleman was to close debate upon the committee amendment and all amendments thereto.

Mr. McLAUGHLIN of Michigan. The chairman of the Committee on Agriculture did not make that request.

The CHAIRMAN. Is that the request of the gentleman from Iowa?

Mr. HAUGEN. My request was that all debate should close in 22 minutes on the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The Chair will restate the request. The gentleman from Iowa asks unanimous consent that all debate on the amendment offered by the gentleman from Tennessee be closed in 22 minutes. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, the amendment of two millions was authorized by the committee. After conferring with the majority members of the committee and Members from various States in order to expedite the passage of the bill I moved to suspend the rules and cut it to $1,000,000. The $2,000,000 carries out the instructions of the Committee on Agriculture. The amount proposed is $2,000,000. The House can, of course, change it if it sees fit.

Mr. CHINDBLOM. If one million was sufficient last Monday what has occurred to change the sum?

Mr. HAUGEN. I stated that after conferring with the majority members of the committee and Members from various States it was suggested that it might expedite its passage if cut down to $1,000,000.

Mr. GARRETT of Tennessee. I understood the gentleman to say that on Monday last he was carrying out the will of the gentlemen with whom he consulted, and to-day he is trying to carry out the will of this committee.

Mr. HAUGEN. I did it at the suggestion of the committee and Members from States interested.

Mr. YOUNG. Mr. Chairman, the former President asked Congress, if you remember, for an appropriation of $200,000,000 for sufferers in Austria, Poland, and other parts of Europe. That matter was considered, and finally they concluded to give the President $50,000,000, not out of the Treasury of the United States but from the property of the United States Grain Corporation. Let us see where that $50,000,000 was made. The figures show that one-eleventh of all of the grain and wheat handled by the United States Grain Corporation came from the

State of North Dakota, and therefore $4,500,000 of the profits made by the United States Grain Corporation was made out of the wheat that was grown in the State of North Dakota. This does not include the profits they made out of wheat grown in the State of Montana. Now, remember that when Congress got liberal with $50,000,000 for relief of these foreign sufferers it was the property of the United States Grain Corporation made out of the farmers by the handling of wheat during the war years. In Canada, where they handled the wheat crop in a similar way, the profits were distributed back to the farmers, pro rata, and if that had been done in the United States there would have been sent back to the farmers of North Dakota $4,500,000. I think it is worth while to take that into account. We are asking here for a total of $2,000,000 for North Dakota, Montana, and all other drought areas because it is absolutely needed. If you cut that amount to $1,000,000, or any other amount, you are going to leave out a large number of settlers who absolutely need it and ought to have it. It will be an arbitrary cut without regard to the requirements of those who absolutely need the seed, and I hope, gentlemen, you will keep that in mind.

Mr. LAYTON. Mr. Chairman, will the gentleman yield for a question?

Mr. YOUNG. Very briefly.

Mr. LAYTON. Would the gentleman support a proposition for a million-dollar loan this year, if they have a failure of crops in North Dakota and the other States, and next year if they have another failure there?

Mr. JOHNSON of Washington. If it goes that far, we might as well throw all of that country into a forest reserve, and let the Government take it, first-hand.

Mr. YOUNG. Oh, I would state that the gentleman's State, Washington, got some loans out of the appropriation made last year.

Mr. LAYTON. In my State we had a total failure last year by reason of frost, of pretty nearly every crop we make. Is the gentleman willing to vote to give my farmers Government aid?

Mr. YOUNG. I am willing to do the fair thing or whatever seems to be needed for any State where you can show that the farmers are in an extremity equal to that of North Dakota and Montana.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG. I can not yield further. As to the remark of the gentleman from South Carolina [Mr. BYRNES] about the average yield in Montana, it must be remembered that in some parts of Montana they have irrigation, and in some portions of the State they had bountiful crops. In the areas where this money is asked they had practically no crops. You can not arbitrarily say because they made an average of 12 bushels to the acre in Montana that those who ask for this got 12 bushels to the acre. As a matter of fact, they got nothing, or practically nothing.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BLACK. Mr. Chairman, if my memory serves me correctly, if we pass this bill, Congress will then have passed three appropriations of this kind within recent years. The first was the loan out of the emergency fund that Congress appropriated for the President. That was during war times and, of course, no one criticises it. Last year Congress appropriated $2,000,000 to be spent practically in these same two States, and now we have before us another bill to appropriate a similar amount. Taking these three together, and having in mind that the States of Montana and North Dakota have been sharing most largely in the loans, reminds me of that old song we used to sing at camp meeting—"Each victory will help you some other to win." Our friends from North Dakota and Montana have become so accustomed to this thing, I imagine they are going to be hard to wean away from it.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman tell us how he voted on the question of seed yesterday?

Mr. BLACK. I voted for the appropriation to continue the usual distribution of garden and flower seed because it applied to the country as a whole. It is a distribution which has been long established and which it would probably be well to not discontinue at this time. Replying to the gentleman from North Dakota [Mr. BURTNESS], and the proposition that there are needy farmers in his State, I do not controvert that statement for a moment. I doubt if there is an agricultural section in the United States where there are not needy farmers. The Congress has recognized the peculiarly difficult situation as to agriculture and has undertaken to give relief to the live-stock and farming interests of the country through the operations of the War Finance Corporation, the wisest and most constructive manner that can be used I think. I have been a warm supporter of that legislation and am very much gratified at the good it has done. In the debate which we had upon this seed bill last Monday, when an effort was made to suspend the rules and pass it without opportunity being given to amend it, I referred to the fact that the people of North Dakota had taken advantage of the facilities of the War Finance Corporation and had borrowed more money—and I do not criticize them for it nor find fault—than any other State in the Union, outside of the State of Iowa, excluding borrowings by cooperative associations.

I gave the figures in the debate. Those figures were for the period up to the 4th day of February, 1922. Since this debate began to-day I have telephoned to the War Finance Corporation to find how much more money has been loaned in the States of Montana and North Dakota since the date of the last figures I had, and here is what I find: Twelve million four hundred and sixty thousand dollars had been loaned to the farmers of North Dakota up to the 4th of February, and to March 4 this total amount has been increased to $17,416,000. That shows that the farmers of North Dakota are not being left without financial assistance, and it means that during the last month the War Finance Corporation has loaned in that State for agricultural and live stock purposes $4,956,000, nearly $5,000,000. Let us take the State of Montana. Montana had borrowed up to February 4, $6,522,000. On March 4 the borrowings from Montana had increased to $9,374,000, which means that the farmers of Montana are not without financial assistance, because during the last month they have borrowed $2,852,000. I am not complaining of these borrowings. I am glad of it. I am glad Congress had the wisdom to afford the facilities of the War Finance Corporation. I do not say these farmers of North Dakota and Montana are not in hard financial shape. I have plenty of farmers in my own district that scarcely made a bale of cotton in 1921 on account of the ravages of the boll weevil. Those farmers are in most urgent need, but they are not asking the Government to furnish them seed. While the cotton crop was very short in Texas, and particularly in the part of it in which I live, still there is plenty of seed so far as I know. While there may have been some short crops last year in certain portions of North Dakota and Montana, still the States as a whole made very good crops, and I can not imagine there is any scarcity of planting seed in any one of them. The State of North Dakota has tried almost every other experiment, and I suggest now that it try for a while the experiment of furnishing seed to its own farmers. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. MOORE of Virginia. Mr. Chairman, I take it to be a foregone conclusion that this bill will pass, and therefore it is not with the expectation of affecting any vote that I venture to make one or two general observations. I assume, as the gentlemen from the Northwest have told us, that the condition there is deplorable. It may be likewise safely assumed that the condition of the agriculturist in every State is deplorable, and that such is not only the case with respect to the agricultural interests but is the case to a large extent with respect to the industrial occupations. If I cared to localize this matter, as I have no disposition to do, I could take gentlemen to a near-by district across the Potomac and bring them in contact with farmers who have suffered or are suffering great and constant losses. If I chose to localize further, I could bring gentlemen in touch with hundreds of people here in the city of Washington who are unemployed and without any means of support. Recently, for instance, there have been dropped from the rolls of the navy yard employees without means, having large families to take care of, who do not know in what direction to turn. In a time like this, if we are to be swayed by mere sympathy for human needs, we will have to take almost universal action in the way of making appropriations. There is not a day in a time like this when between morning and evening misfortune is not being sustained and hearts breaking. If we are to take the course marked out for us by this relation to a particular situation in the Northwest, how can we decline to respond to similar appeals to our sympathy and take a similar course relative to a multitude of similar situations, following our sympathetic impulses and doing what our intellect and sense of duty can not approve? Gentlemen vouch precedents. It is a very dangerous thing for those conducting government to be guided solely by precedent. I remember in one of his letters Junius says in substance that most of the evils and vices of government are built up on the basis of precedent, a truism which we may new well ponder. We are now accepting bad precedents already made to justify another, and then we are falling into a habit that is indefensible. Mark where we are going and how rapidly we are going. Notice, for one thing, how private property is put in peril by such an action as gentlemen are standing for here to-day. We have the unlimited power of taxation. That is settled. Now, if in addition we exercise the unlimited right of expenditure——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Virginia. Two minutes more, Mr. Chairman, I ask.

The CHAIRMAN. The time is limited.

Mr. MOORE of Virginia. I ask unanimous consent that I may have two additional minutes.

The CHAIRMAN. The Chair will put the request, but will state to the gentleman at the same time that the time limit was allotted by the Chair, and if the gentleman gets two additional minutes it comes out of some one else's time.

Mr. LINEBERGER. I will yield two minutes to my colleague.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. What I was saying is this, and it is something that none of us can overlook: Congress has the unlimited power of taxation, and when it goes further and exercises the unlimited power to appropriate, the ownership of private property has no assurance of being maintained and the institutions of the country, which we are sworn to protect, are subjected to danger. Can we afford, because some people in the Northwest are in a bad condition—and I have no doubt of the fact—can we afford to do this thing and add another to a line of dangerous precedents? [Applause.]

The CHAIRMAN. The gentleman from California is recognized for two minutes.

Mr. LINEBERGER. I will yield back my time.

Mr. KNUTSON. Mr. Chairman, I always listen to the gentleman from Virginia [Mr. MOORE] with a great deal of pleasure and profit. I consider him one of the substantial, solid, thinking men of this House, but I am sorry that I can not follow him on this occasion. A great emergency exists in certain portions of North Dakota and Montana, an emergency so great that local political units can not take care of the situation. The proposition to appropriate $2,000,000 to assist the people up in that section of the country is not a new one, it is true. Congress has from time to time been called upon to make appropriations to relieve unusual conditions. The San Francisco earthquake brought $2,500,000 relief from the Government.

Mr. BLACK. Will the gentleman yield?

Mr. KNUTSON. One of the first measures I voted for in becoming a Member of Congress was an appropriation to relieve flood sufferers in South Carolina, Georgia, and several other States along the south Atlantic seaboard. Why did I vote for it? Because I realized that it was an unusual condition that was beyond the power of the local political unit to take care of, and that is the condition we have here. If the amendment by the gentleman from Tennessee [Mr. GARRETT] to cut this appropriation from $2,000,000 to $1,000,000 is made, it is not going to cover the purpose. Either take care of the situation as it exists or else let us pass it up altogether. Half-way measures will not do in this case, and I want to say to you gentlemen that if this appropriation is not made, there will be several hundred thousand acres of agricultural land in the Northwest that will not be put in a crop this year. I ask you if this is a local matter? Is not the food supply of the country a thing that affects every one of us most vitally?

Mr. SNELL. Has it affected it any in the last five years when they have not raised anything?

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the question is on agreeing to the amendment offered by the gentleman from Tennessee to the committee amendment.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 60, noes 61.

Mr. GARRETT of Tennessee. Mr. Chairman, in view of the close vote, I will ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. HAUGEN and Mr. GARRETT of Tennessee) reported that there were—ayes 91, noes 66.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the committee amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 19, after the word "stock," insert "and not more than $20,000 may be used by the Secretary of Agriculture in the administration of this act."

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the amendment. To insert after the word "used," in line 20, the words "in the District of Columbia or elsewhere."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 20, after the word "used," insert "in the District of Columbia or elsewhere."

Mr. SNELL. Mr. Chairman, a parliamentary inquiry. Is this vote on the whole committee amendment?

The CHAIRMAN. On making $20,000 available.

Mr. SNELL. I ask to be recognized on the proposed amendment.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. McLAUGHLIN of Michigan. Does the amendment read "in the District of Columbia or elsewhere," or "in the District of Columbia and elsewhere"?

Mr. HAUGEN. "And elsewhere," it should be.

Mr. McLAUGHLIN of Michigan. If it is to be used in the District of Columbia, as the amendment stands they can not use it anywhere else. If it is to be used elsewhere, it can not be used in the District of Columbia; but I think the intention is to use it in the District of Columbia and elsewhere.

Mr. HAUGEN. That is right.

Mr. McLAUGHLIN of Michigan. But as read it was in the District of Columbia or elsewhere.

Mr. HAUGEN. Well, it should be "and elsewhere."

The CHAIRMAN. The Clerk has it "or elsewhere."

The gentleman from Iowa asks unanimous consent to modify his amendment by striking out "or" and inserting "and." Is there objection?

Mr. SNELL. Mr. Chairman, in regard to this proposition of $20,000 for making these loans and collecting the same, I would like to ask the chairman of the committee why he limits that to $20,000 when the report before the House in regard to the last loan is that they have spent $30,000 on it already, and the Secretary of Agriculture says he will have to have $40,000 more if he ever collects the balance.

Now, I would like to know how we are going to start making a new loan and collecting it for less than one-half of what it cost us for the present one.

Mr. HAUGEN. I desire to say to the gentleman that they expended $16,850. This appropriation has been reduced to $1,000,000, and if that can not be administered for $20,000 we had better get somebody else who can do it. It was the intention of the committee to help these farmers, not to give employment to people. I have here the statement of the Secretary of Agriculture. It reports $16,850 expended in making the loans.

Mr. SNELL. Does that include the collections?

Mr. HAUGEN. No.

Mr. SNELL. You have got to collect this money. This letter to Senator Norris says he has spent $30,000 in collections.

Mr. HAUGEN. The salaries paid in collecting loans were $18,250. Would the gentleman stand for an expenditure of that kind?

Mr. SNELL. I do not want to stand for any part of this appropriation.

Mr. HAUGEN. Has not the time come here to limit these appropriations, so that we may know how the money is to be expended, or shall we leave it for others to spend it to suit their own will?

Mr. SNELL. I do not stand for any part of this, but if we loan this money we ought to see that it is collected.

Mr. HAUGEN. In my opinion it can be collected for that amount, but if the gentleman wants to increase it——

Mr. SNELL. I take the evidence of the man that is doing the work and the experience of last year.

Mr. HAUGEN. I am more interested in furnishing these people with seed than in furnishing a job to some one over in the department.

Mr. SNELL. I am with the gentleman on that.

Mr. PADGETT. Is it really expected to collect it?

Mr. SNELL. I do not understand it is.

Mr. PADGETT. Out of the loan of $2,000,000 they have collected about $650,000, and the gentleman told me that the bal-

ance of it has come, and out of this last loan they will collect nothing.

Mr. HAUGEN. The expenditure was $1,954,959.50. That is the amount loaned. The amount collected was $640,691.11.

Mr. SNELL. Mr. Chairman, this proposition comes before us purely on the ground of a wheat crop failure in these States during the last year. How any man who listened to the very careful, explicit speech made by the gentleman from South Carolina [Mr. BYRNES], that actually showed from statistics that the wheat crop of the State of Montana exceeded the average wheat crop throughout the whole country by nearly 2 bushels an acre, can vote to give them an appropriation of this kind, I can not understand.

The State of Montana borrowed $1,000,000 last year and paid back only $300,000, or practically that, notwithstanding that fact they had a wheat crop that was nearly 2 bushels per acre larger than the average crop in the country for that year.

Why, I am further opposed to this proposition is the fact that the States themselves as States have not put one single dollar into this proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

Mr. ANDERSON. Reserving the right to object, I want to go on with the agricultural bill this afternoon, and I shall object to any further extension.

The CHAIRMAN. The Chair hears no objection.

Mr. SNELL. It seems to me that the States themselves should do something to take care of their people before they come to the Federal Government for aid, and the evidence shows they have not done anything. And another proposition that bothers me very much is the evidence from the Secretary of Agriculture, as set forth in the letter to Senator NORRIS, that said the agent found it the quite general opinion among all the people up there that the debt of last year should not be paid back to the Government, but that it was a gratuity. Certainly if we should go on and make another loan to them this year without collecting this last year's loan they will be absolutely sure it is a gratuity of the Federal Government, and that they will be under no obligation to pay it. I think this a pretty bad precedent. The gentleman from North Dakota said his part of the State was in good condition. That shows that the whole State is not in want. But the State of North Dakota has not put one dollar into this proposition, and, of course, it never will as long as they can come to the Federal Treasury and get it by asking. I feel it is a mistake to grant these requests at this time and continue this precedent of lending Federal money to individuals.

And I further think it is a pretty poor excuse that has been offered here that the State can not do anything for these poor people on account of their State constitution, and then these same people want the Federal Government to do what they will not do themselves, for there is certainly no authority in the Federal Constitution to lend this money.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on the committee amendment and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SINCLAIR. Mr. Chairman, I want to answer briefly the statements of the last speaker. A great emergency exists among the people of my country. They need help in certain sections. It is not the whole State of North Dakota, nor the whole State of Montana, that needs help, but individual portions of each. The gentleman from South Carolina [Mr. BYRNES] and the gentleman from New York [Mr. SNELL] here have referred to the fact that the average wheat production of Montana for last year is above the average of the production throughout the whole country. That may be true, taking the State as a whole, but there are certain sections of Montana and of my own State where no amount of grain was produced at all, and it is these portions that need help and that we propose to help by this bill. It is not answering the question that a great need exists in my that the Red River Valley of North Dakota had an average crop last year and therefore needs no aid, when the facts disclose that many counties in the western part of the State did not raise any crop at all. And the purpose of this bill is to give aid to people in those regions that are in great need. The gentleman also asked the question: "Why does not the State do something?" I wonder if he understands the constitutional limitations of States, counties, and townships in the matter of increasing debts? These political subdivisions have in times past, and even in the past year, done all that they could do in a constitutional way in providing funds for seed and feed aid for their citizens, and have reached the constitutional debt limit. They can legally do no more.

Mr. SNELL. Will the gentleman yield?

Mr. SINCLAIR. Now, it would be necessary, if they wish to do any more, to call a constitutional convention, or something of that kind, before bonds could be issued to raise the money. Obviously that procedure could not be brought about in time to do any good in this emergency.

Mr. SNELL. Is there any provision in the Federal Constitution that permits us to go and lend money to farmers of North Dakota? Is it any worse for you to amend your constitution than for us to amend ours?

Mr. SINCLAIR. I believe the Congress has ample powers to do what we are trying to do now, because we have the power to provide for the general welfare of the whole country, and we also have the power to promote the production of the food supply of the country.

Mr. SNELL. Can not the State take care of its own people?

Mr. SINCLAIR. I think I have answered the gentleman's question. What we have to determine is whether we shall force these settlers to abandon their homes for the want of seed to put in another crop and thus increase the great army of unemployed, at the same time cutting down production, or shall we by giving them this help allow them the opportunity to save their homes and get on their feet again? Surely a Nation which has come to the aid of suffering peoples in other countries can do this much for its own.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HAUGEN] to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer an amendment to the committee amendment. I move to strike out "$20,000" and insert "$40,000."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: In line 20, page 2, strike out "$20,000" and insert in lieu thereof "$40,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota to the committee amendment.

The question was taken, and the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. GARRETT of Tennessee. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: On page 1, line 4, after the word "farmers," strike out "for feed to relieve animals in the crop-failure areas of the United States," and in line 7 strike out the words "of feed," and on page 2, line 9, strike out all after the word "for" down to and including the word "stock" in line 10, and in line 18 strike out all after the word "available" down to and including the word "stock" in line 19.

Mr. GARRETT of Tennessee. Mr. Chairman, this amendment or these several amendments together, simply eliminate from the bill the purchase of feed, and if adopted will leave the bill precisely in the shape that it was presented by the gentleman from Iowa [Mr. HAUGEN] on Monday last under the motion to suspend the rules.

Mr. YOUNG. Mr. Chairman, this bill does not require in its present form that any amount of money shall be allotted for feed. It makes it discretionary with the Secretary of Agriculture.

Now, gentlemen, you have already cut down the authorization in this bill from $2,000,000 to $1,000,000. The debate has shown and the reports and hearings of the committee have shown that there is need not only for seed but also for feed. I hope this committee will not further amend this bill and tie the hands of the Secretary of Agriculture when he comes to deal with this situation according to the way he believes it should be dealt with.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. YOUNG and Mr. WILLIAMSON called for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 71, noes 73.

Mr. GARRETT of Tennessee. Mr. Chairman, in view of the close vote, I will ask for tellers.

The CHAIRMAN. The gentleman from Tennessee demands tellers.

Tellers were ordered, and the Chairman appointed Mr. HAUGEN and Mr. GARRETT of Tennessee to act as tellers.

The committee again divided; and the tellers reported—ayes 83, noes 73.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. WALSH] having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Under the rule the previous question is ordered upon the bill and amendments to final passage. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is upon the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. YOUNG. A division, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from North Dakota calls for a division.

The House divided; and there were—ayes 99, noes 82.

So the bill was passed.

Mr. MANN. Mr. Speaker, I move to amend the title.

The SPEAKER pro tempore. Without objection, the title will be amended to conform to the text.

Mr. MANN. Strike out the word "appropriate" and insert in lieu thereof the words "authorize the appropriation of."

The SPEAKER pro tempore. The title will be amended, striking out the word "appropriate" and inserting the words "authorizing the appropriation of," and striking out the figures "$5,000,000" and inserting "$1,000,000." Is there objection?

There was no objection.

Mr. HAUGEN. And also striking out the words "and of feed."

The SPEAKER pro tempore. Without objection, the title throughout will be amended to conform to the text.

There was no objection.

On motion of Mr. YOUNG, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 10730).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10730), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923 and for other purposes, with Mr. HICKS in the chair.

The CHAIRMAN. When the committee rose there was an amendment pending. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WILSON: Page 43, line 7, after the word "and," strike out "$150,000" and insert in lieu thereof "$165,000."

Mr. BUCHANAN. Mr. Chairman, when the committee ceased its labor yesterday I was speaking upon the amendment and had exhausted five minutes. I intended to ask unanimous consent to continue for five minutes, but did not do so then because I knew that my leader was going to request an adjournment. I now ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I want to address myself specifically to the chairman of the subcommittee on agriculture [Mr. ANDERSON], with whom I labored in framing this bill. I wish to call his attention to the fact that the hearings before that subcommittee failed to develop the facts concerning the enormous increase of new cotton territory infested by the boll weevil in 1921. The hearings failed to develop the fact that at least 50 per cent more boll weevils were successful in withstanding the cold weather during this winter than ever before in the history of our country. I will read from a little bulletin of the Agricultural Department which says that altogether 66,662 square miles of new territory were invaded by the weevil in 1921, making the grand total of 600,777 square miles of territory now infested by the weevil.

I also call the attention of the chairman of the subcommittee to this fact, that the new machine which has been invented for the use of the new poison for the boll weevil requires knowledge in order to apply it properly. I call his attention to the fact that the hearing before our subcommittee showed that many farmers who attempted to use this machine without a proper understanding of the method made a dismal failure of it, and that wherever it was used under the guidance of an expert of the department it was successful and enormously decreased the damage done by the weevil. In order to meet the demand for the dissemination of knowledge as to the proper method of using this new machine the Department of Agriculture have established 10 stations, including the main station in Louisiana. Now, 10 stations in a cotton-infested area of over 600,000 square miles can not serve the purpose for which this appropriation is made. Therefore, in order to take care of this great surplus of weevils that succeeded in living through the winter, in order to take care of the increased territory that has been invaded and infested by them, comprising practically the whole cotton area of the United States, I ask the chairman to agree to the amendment of the gentleman from Louisiana [Mr. WILSON] for the increase of $15,000, which will bring it up only to what the Budget allowed.

Mr. FAIRFIELD. Mr. Chairman, I rise in opposition to the amendment. I want to ask the gentleman whether the Southern States are contributing to this, as well as the general Government?

Mr. BUCHANAN. This is an appropriation for scientific investigation of this pest. Some States appropriate money on their own account, but this is for scientific investigation, just like any other branch of investigation.

Mr. FAIRFIELD. If it is a scientific investigation, I suppose that at the same time they go out into the infested area and do some practical work, do they not, in the interest of the cotton growers?

Mr. BUCHANAN. The scientists have established stations, and at those stations they have demonstrations under the guidance of an expert of the Agricultural Department, and the farmers from the surrounding country visit that experimental farm and station and witness the demonstration.

Mr. FAIRFIELD. In other words, it is in the interest of the proper development of the cotton crop, with which I am in hearty sympathy.

Mr. BUCHANAN. I thank the gentleman.

Mr. FAIRFIELD. But I have been very much interested in the vote of the other side of this House in regard to the men who are unable even to plant a crop and whose teams must be fed in order that they may do the planting. I arise simply to say that it is quite soon after a vote like that to ask to increase a specific appropriation in the interest of southern agriculture.

Mr. BUCHANAN. I will state to the gentleman that when this appropriation of $2,000,000 last year came up for the very same people I voted for it. Now one vote on your side will balance my vote.

Mr. WILSON. This is my amendment, and every Member from the State of Louisiana voted for that other appropriation.

Mr. FAIRFIELD. I am certainly delighted to hear the gentleman make that statement.

Mr. WILSON. This is a much greater proposition. This relates to a $2,000,000,000 crop, and it is the greatest export product produced by America.

Mr. FAIRFIELD. I understand that the magnitude of this is much greater than that of the Northwest, but the poor farmers

out in those States needing the seed and needing the feed will not reason that way.

Mr. FESS. Will the gentleman yield?

Mr. FAIRFIELD. Very gladly.

Mr. FESS. At different times when these propositions have been presented the question has been asked whether the States should not match the Federal appropriation dollar for dollar, either to develop the crop or to defeat the enemy of the crop that grows in this or that particular section. When Mr. Lever was chairman of the Committee on Agriculture he said he believed in that policy. Does not the gentleman think it would be a good thing for us to inaugurate the policy that when a State asks for help from the Federal Treasury it ought to stand ready to match what the Federal Treasury gives by its own contribution? Then there would not be so much likelihood of asking unlimitedly.

Mr. FAIRFIELD. I think the gentleman is exactly right. This habit of coming to the Federal Treasury is growing by leaps and bounds, both in the North and in the South, in the East and in the West.

Mr. FESS. That is true.

Mr. FAIRFIELD. We can put some restriction upon it if we make a limitation on the appropriation providing that the State which is asking for it shall furnish at least 50 per cent of what is needed for that purpose.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from Louisiana [Mr. WILSON].

The amendment was agreed to.

The Clerk read as follows:

For investigations of insects affecting forests, $55,000: *Provided*, That $15,000 shall be used for preventing and combating infestations of insects injurious to forest trees on and near the national forests, independently or in cooperation with other branches of the Federal Government, with States, counties, municipalities, or with private owners.

Mr. BAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 43, line 8, strike out the figures "$55,000" and insert "$60,000."

Mr. BAKER. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes on this amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 10 minutes on the amendment. Is there objection?

There was no objection.

Mr. BAKER. Mr. Chairman and gentlemen of the committee, there are two propositions relating to pine timber in this bill; one is the "white-pine blister," which has been provided for by the committee on page 20 of the bill, and the other is the "pine beetle." The item referred to is involved in this amendment. The Bureau of the Budget recommended $45,000 and $15,000, which made $60,000, and it has been reduced $5,000, the bill carrying only $55,000. The amendment I have offered ought to be larger than it is. Timbermen familiar with the pine beetle say that more timber is being destroyed now by the white-pine beetle than is being destroyed by fire. Splendid work has been done by the department, in cooperation with the States, municipalities, and private individuals, in regard to the prevention by finding out the necessary things to do to curtail or destroy and effectually eradicate the pine beetle from the forests. The local organizations of timber owners have cooperated. This appropriation ought to be larger, but as the Budget has recommended $60,000, the $5,000 added by my amendment will assist materially in bringing about the work that is to be done. So that there may be no misunderstanding, the Congress at the last session passed a provision for the purpose of prevention of loss of timber from insects—white-pine beetle—the sum of $150,000 in a deficiency bill approved December 15, 1921. The provision of this act is as follows:

FOREST SERVICE.

Prevention of loss of timber from insect infestations on public lands in Oregon and California: To enable the Secretary of Agriculture to prevent further loss of timber from insect infestations within the national forests and on other lands owned or administered by the United States in Oregon and California, $150,000, to remain available until December 31, 1922, of which sum not exceeding $90,000 shall be expended in cooperation with the Secretary of the Interior to prevent further loss of timber from insect infestations on Indian reservations, on lands title to which was revested in the United States by the act of June 9, 1916, and on unreserved public lands in Oregon and California: *Provided*, That no part of this appropriation, except necessary expenditures for preliminary investigations, shall be expended unless the States of Oregon and California, or the owners of pine timberland adjacent to or intermingled with lands owned or administered by the United States, shall have satisfied the Secretary of Agriculture that the insect infestations on said adjacent and intermingled lands will be abated, in accordance with State law or voluntarily by the owners of such lands, to the extent necessary in the judgment of the Secretary of Agriculture to protect the timber on lands owned or administered by the United States from reinfestation.

That was for cooperation work in the forests. This is for scientific work and investigation that is absolutely necessary. The $150,000 has been practically all disbursed, or will be disbursed, and more needed, according to the testimony presented. In the hearings taken before the subcommittee, page 363, appears the following:

INSECTS AFFECTING FORESTS.

Mr. ANDERSON. We will next take up the item on page 146, "For investigations of insects affecting forests."

Dr. HOWARD. There is an increase of $5,000 recommended here.

Mr. ANDERSON. My recollection is there was a small increase in this item last year.

Dr. HOWARD. There was an increase, I think, of $15,000; at all events, the sum appropriated was $55,000, provided, "that $15,000 shall be used for preventing and combating infestations of insects injurious to forest trees on and near the national forests, independently or in cooperation," etc. That work went on very successfully, indeed, especially in Oregon and Washington.

Mr. ANDERSON. My recollection is we have just provided a deficiency of $150,000 for Washington, Oregon, and California.

Dr. HOWARD. Yes, sir; that appropriation was made as a deficiency appropriation last year. In the meantime this $15,000 was spent in reconnaissance work and surveying the forests out there. It appears there is a threatened epidemic of bark-boring beetles which may cause an enormous damage to the forests on the Klamath Indian Reservation, and extending out into Oregon and northern California and also in southern Washington. We have marked the trees that should be felled and have made arrangements for this campaign which will be undertaken beginning next April under this appropriation of $150,000. That $150,000 will not all be used this spring. It will be divided between the Forest Service and the Bureau of Entomology and a portion of it allotted to the Indian Service. It is all appropriated to be expended under the direction of the Secretary of Agriculture, and he is making these allotments at the present time. The camps are being started or arranged for, and work will begin in April, the critical time of the year, but it can only continue for two months at the utmost. At the end of that time all the work that can be done this year will be done. The balance of that $150,000 will be spent at the corresponding time next year.

Mr. ANDERSON. I understand that, and what I am getting at is whether there is any necessity for keeping this $15,000 appropriation in view of the fact that you have this $150,000.

Dr. HOWARD. By all means, and not only that, but we want more. We have not been able to ask for more on account of the condition of the public funds. This set of experienced men are needed all the time for survey work in the forests to spot these threatened outbreaks of this beetle.

Mr. ANDERSON. Then, as I understand it, the distinction is that the $150,000 deficiency is for the actual eradication work.

Dr. HOWARD. That is absolutely so.

Mr. ANDERSON. While this $15,000 covers the preliminary scouting and spotting work, which requires, I take it, the services of experienced men.

Dr. HOWARD. Quite so. You have it exactly, sir.

Mr. ANDERSON. As I understand it, this $5,000 increase is an increase of the item provided for in the proviso.

Dr. HOWARD. No; it is an increase of the total amount of $55,000.

Mr. ANDERSON. But if it is to be used as a part of the work covered by the proviso, the amount named in the proviso ought to be increased.

Dr. HOWARD. It is not for that work at all. It is for forest products work.

Last year I went through the forests of southern Oregon and northern California and observed the work of the Forestry Service in connection with the district forester of San Francisco and others. These white-pine beetles select a tree or a bunch of trees and in a short time they are dead. It spreads to others, and is like a fire in a forest. Private individuals are expending money and finding some means of control of the destruction on their own land. Now, the question is to give the Forestry Service sufficient funds for the purpose named. The department may do the same for the Government lands, not only in the Forestry Service but upon public lands.

Mr. E. G. Scammon, a representative of the Red River Lumber Co., of Westwood, Calif., a gentleman experienced in this matter, under date of August 19, 1921, among other things, writes me as follows:

I am inclosing you copy of letter * * * regarding the seriousness of the pine beetle in northern California and southern Oregon.

Last spring I visited Oregon and, to my surprise, I found that the pine-beetle menace there was a very serious one. It was killing the mature timber faster than I ever saw it killed anywhere by fires, and up to about a month or so ago I had not realized that there was very much infestation in California; but on my last trip through by Bartle, White Horse, and across to Lookout, then down through by Adin and Willow Creek toward Susanville, I found that the whole area is considerably infested. There is much more infestation this year than last, and should it increase at the same rate for a couple of years more the damage done would be immense.

The one feature regarding this bill which I wish to impress upon you is this: When you find that the private timber owners are interested enough to go out and protect the timber from this infestation, as it is being done in and around Klamath Falls and Weed, it is certainly time that the Government should do something to protect its own timber and likewise give the private owners a chance to protect their timberlands without being further infested from the adjoining Government lands.

In the instance of fire protection the Government has taken the lead and has thought the fire menace a serious one, whereas the private owners did not regard it so serious; but in the instance of the pine beetle there is a damage being done which certainly should be looked after by the Government. * * *

That is an indication of the views of the men who are familiar with this question.

Mr. J. F. Kimball, secretary-treasurer of the Klamath-Lake Counties Forest Fire Association, Klamath Falls, Oreg., under date of October 3, 1921, writes me, among other things, as follows:

We who are keenly interested in seeing that a sufficient appropriation is made at this session of Congress to prevent the further devastation of our forests by the pine beetle are delighted to know that you, too, are standing sponsor for a bill which will accomplish what we are after. I have known for some time of your keen interest in this. * * *

Mr. C. Stowewell Smith, secretary-manager of the California White and Sugar Pine Manufacturers' Association, writes as follows:

Some time ago we took up with you the pine-beetle situation existing in southern Oregon and California.

I want to again call your attention to this matter and urge your support for * * * beetle control * * *. This matter is of vital interest to timber owners in California, since the beetle menace may become aggravated and lead to destruction of large areas of virgin timber.

In view of the public interest in the preservation and wise utilization of the remaining forests, this would be a calamity * * *.

Mr. George M. Cornwall, editor of the Timberman, of Portland, Oreg., writes as follows:

You undoubtedly know that there is a serious infestation of bark beetles in the pine timber of southern Oregon and northern California. It has been in progress for several years, and in the last 10 years experts estimate that a billion and a half feet of timber have been killed, valued on the stump at over $4,500,000. There is every reason to expect that these bark beetles will continue their destructive work unless checked by such aggressive control measures as forest entomologists have devised and proven to be effective.

The infested territory is partly in private ownership and partly under Government control. Of the latter some is in the Klamath Indian Reservation, some in the national forests, some on the public domain, and some on the revested Oregon & California Railroad grant lands. More details about this infestation I published in the Timberman for August.

The matter which I wish to bring before you is just this: Because of the intermingled ownership of the infested lands no one owner can do effective control work on his own lands unless the owners of all the adjoining lands act simultaneously. To rid the country of these flying insects the whole infested territory should be worked over at one time. Many of the private owners have signified their willingness to go ahead with bark-beetle control work just as soon as the Government will attend to its lands. But the Government has no funds for such work. Here the matter rests, therefore, while the beetles continue to kill timber until a congressional appropriation is forthcoming.

Mr. D. C. Birch, of the Madera Sugar Pine Co., of Madera, Calif., is of the same view as of the other gentlemen I have quoted.

Mr. H. K. Faye, of the Western Pacific Railroad Co., of San Francisco, Calif., writes as follows:

Our attention has been called to the menace to both privately owned and Government-owned pine timber in southern Oregon and northern California as a result of the wholesale destruction of pine timber by the western pine beetle, which for the past 10 years has destroyed 1,500,000,000 feet of high quality lumber. It is stated that the fire loss during this same period fades into insignificance.

Private owners of pine timber are thoroughly aroused to the necessity of protective measures against the beetle, but their work is more or less defective unless similar work is accomplished on the intermingling Government lands.

This pine-beetle problem is acute in the large yellow-pine sugar forests of Oregon and California, and it is stated that it is very prominent in the Rocky Mountain region in the white-pine timber of Montana and Idaho. * * *

We are taking the liberty of calling your attention to this matter, as the inroads made by this beetle will have a very serious effect upon the lumber industry in this territory, and consequently upon the movement of lumber traffic via the Western Pacific.

I also call attention to the following additional letter from Mr. Scammon:

As a matter of information I inclose a letter just obtained, which ought to be valuable to you in representing the advantages which might be obtained from legislation protecting pines against the pine-beetle infestation. The writer of this letter has in no way been prompted to shade his views one way or the other, nor did I know anything about what his views would be previous to getting this reply. We merely asked for certain information because we had been advised that this man has made a thorough study of insect infestation.

The letter referred to above is from Ivan A. Cuff, forest ranger, and is as follows:

CANBY, CALIF.,
November 6, 1921.

Mr. E. G. SCAMMON,
Westwood, Calif.

DEAR SIR: Your letter of October 17 was received some time ago.

The insect infestation in the western part of Modoc appears to me to be about the same this year as in the two previous years. I do not know the conditions prior to 1919, as that was before I came here. I have not been making any intensive study of the infestation, but from rough estimates made while riding through the timber I would say the number of infested trees would range around 12 or 15 trees per section. In places the number is a good deal less, while there are others where the infestation will probably exceed 20 per section. The infestation appears to be lightest in the area south of the road from Egg Lake to White Horse. This area was mostly all burned over last year, and what effect it has had on the infestation I am not yet able to say. We have laid out a few sample plots near Egg Lake, which will be examined three or four times a year in the next couple of years to see what the effects will be. The next examination will be some time this month, probably toward the latter part. We will let you know in advance of any of these examinations if you should wish to accompany us. Anything I could explain or show you about the habits of the insects I would be very glad to do.

In the summer of 1919 an area of something over a hundred acres, near Happy Camp, was burned over; part of which was on Red River Lumber Co.'s holdings. A good many trees had all the foliage burned off and others were badly scorched. In the following spring I examined some of the blackened trees and found most of them infested. Later in the season several of the scorched trees became infested. This year the dying trees were more noticeable than last year. I do not get any count on the dying trees either this year or last year, and no close examination was made this year. In a couple of other instances I have noticed that the infestation seemed to increase for a couple of years after a fire. This is because the injured or weakened trees are more susceptible to insect attack.

I agree with your statement that there is more timber being killed by insects than by fire. As to what the comparison would be if there were no protection, I hardly feel qualified to judge, as all of my experience in the forests was since they were under protection.

Very truly, yours,

IVAN A. CUFF,
Forest Ranger.

The matter I wish to bring before you is——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BAKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, I move to strike out the last word. I am for the preservation of the national forests, but I am even more for the preservation of the peace of America. I said to you on Monday last that the people of Maryland, and, I believed, the whole American people, are behind the President and the work of the Conference on Limitation of Armament and desire the immediate ratification of the treaties. The following day, March 7, 6 senators and 33 members of the House of Delegates of the General Assembly of Maryland, now in session at Annapolis, passed resolutions, which are as follows:

SENATE OF MARYLAND,
Annapolis, Md., March 7, 1922.

Hon. JOHN PHILIP HILL,
House of Representatives, Washington, D. C.:

At a meeting of all the Republican members of the General Assembly of Maryland the following resolutions were adopted:

"Whereas treaties have been negotiated by representatives of various nations of the earth at the conference called by President Harding, in the city of Washington, looking to the limitation of armaments and the final peace of the world; and

"Whereas the delegates appointed to said conference were men of the highest type of learning and patriotism, and in their efforts to accomplish good were aided by the best brains of the world; and

"Whereas those delegates who represented the United States of America were chosen from the two great political parties of our country to the end that all might be represented; and

"Whereas the treaties resulting from said conference will be of infinite benefit to generations to come, both in money and in lives of our young men, and will forever stand as a living monument to the wisdom, courage, and statesmanship of our President and those working with him; and

"Whereas said treaties have been presented to the Senate of the United States for ratification: Now, therefore, be it unanimously

"*Resolved by the Republican members of the General Assembly of Maryland*, That the President of the United States be congratulated upon the successful termination and completion of the objects and purposes of said disarmament conference; and be it further

"*Resolved*, That the Senators from Maryland in the United States Senate be requested to give their support and approval to the ratification of said treaties; and be it further

"*Resolved*, That a copy of these resolutions be forwarded to the President of the United States, the Senators from the State of Maryland, and to the Republican Members of Congress from the State of Maryland.

"CHARLES F. GOODELL,
"J. FRANK PARRAN,
"JOS. W. WOLFINY,
"DAVID A. ROSS,
"RUDOLPH NECKER,
"*Committee Senators and Delegates, General Assembly of Maryland.*"

[Applause.]

Mr. LINEBERGER. Mr. Chairman, I move to strike out the last two words.

After all great wars in which the United States has been engaged it has followed in seeming sequence that the military policy and the inner régime or organization which is responsible for the prevailing system has been subjected to the scathing criticism of a large and substantial element of the citizenry of the Republic. A paradoxical fact in the situation is that the criticism most tinged with denunciation is that which comes from those who have served oftimes with conspicuous distinction in the ranks of the Nation's defenders, whereas the criticism directed at the Army immediately prior to and during hostilities comes from that element of public opinion commonly referred to as pacifists, slackers, or enemy aliens. For the purpose of my remarks I shall ignore the latter element, which I would call the obstructionist and destructionist classes

with which we have had to contend both just before and during all great wars. These after all form a relatively small minority in the matter under consideration. The postwar criticism, however, can not be cast aside by any such broad assertions, first, because it comes from a wing of public opinion of no mean numerical proportions; second, because the protestants and critics are either those who through personal service in the military branches or through family or other sympathetic affiliations refute any classification which would reflect upon their patriotism or sincerity of purpose. While a great deal of this postwar criticism of the Army is more or less incoherent and oftimes only semi or quasi constructionaist, yet on the whole its trend or objective may be said to be constructive, because it looks to orderly reform without undermining or destroying the fundamentals of our system of military defense. It may be said further that it would surprise the Members of the House and the people of the country to know the extent to which this feeling of subdued protest and criticism of the so-called present Army system permeates a large majority of the recent defenders of the Nation's institutions. I am not here voicing any personal criticism or passing on the merits or demerits of the charges made, with which every one of the ex-service men of the House and, no doubt, many others of my colleagues are familiar, but am simply recording a condition which many of us have observed with regret, but which notwithstanding can not be lightly passed over or ignored. I have always held and continue to hold the American Army as an institution in the highest patriotic esteem, for after all its faults has it not great virtues? With all its failures are not its pages still resplendent with glorious achievements, and is it not the child of the bosom of the great Republic who gave it birth, nurtured it in infancy at Valley Forge, and saw it reach the climax of manhood and achievements in the Meuse Argonne, where with gigantic stature of 1,200,000 men it turned the final tide and brought victory to a war-weary world? The blood of the Regular Army has flowed freely with that of the citizen soldiery of the Republic, and to-day both alike receive the homage of a grateful Nation. It would therefore seem to behoove us as Americans to get together and compose our differences of opinion, for who will gainsay that differences do exist? Never before has the numerical proportion of those who have served in the armed forces of the Republic formed such a large percentage of our citizenry. Practically 30 per cent of the present male voting population of the United States saw service with the colors in the World War. It is natural and logical to expect that these men as the years go by, in the very natural sequence of events, will play a large part in directing the affairs and policies of our National Government.

No more potent evidence of the unfortunate misunderstanding to which I have referred could be cited than the present controversy between the War Department and Maj. Wheeler-Nicholson because of certain scathing criticisms which he has directed at the Regular Army by the publication of an open letter to the President in the press and by the circulation of a pamphlet by him entitled "The Regular Army; reform it or abolish it." No doubt the major has exceeded the proprieties and violated the first tenets of military discipline by his actions, but we are not so much interested in him individually as we are in the causes which have impelled him to action and the extent to which this feeling of injured rights and unjust treatment permeates the sane, patriotic-minded body of ex-soldiers throughout the country.

Is there or is there not foundation in fact in the criticism which he directs at the Army? Does he offer a constructive remedy? Have we within the Regular Army those forces at the top necessary to institute and carry out reform where reform is needed? To what extent can civilian elements cooperate with our military authorities in democratizing the service without undermining its essential military efficiency? If one-tenth of the criticisms considered as a whole, or if a one-tenth part of each of the criticisms considered segregately are true, they are entitled to our careful consideration. All progress must be orderly and constructive, all real reform must come from within, but bureaucratic machinery should not move so slowly that public opinion and public patience—dormant but powerful forces in a republic—are outraged with delay or inactivity. I shall include herewith as an exhibit and for the information of the House the pamphlet of Maj. Wheeler-Nicholson, to which I have referred, and whether he rightfully or wrongfully ignored the Regular Army, he represents a viewpoint not to be equaled, to wit, that of a considerable body of citizen soldiers of the World War.

Personally, I have great faith in the ability and patriotism of the present Chief of the Armies of the United States, Gen. John J. Pershing, and of his efficient Chief of Staff, Gen. Harbord, who rose from the ranks, and I feel that it is not too much for us to expect that these gentlemen will carefully analyze the Wheeler-Nicholson criticisms, and that without undue delay the country may see instituted those reforms which are consistent with military efficiency, and at the same time will bring our Regular Army, as an American institution, more in harmony with American ideals and aspirations, and particularly of those of our citizens who were lately the defenders of our institutions, but who at the present moment are the most caustic critics of the branch of the service under whose banners they served.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINEBERGER. I append herewith Maj. Wheeler-Nicholson's open letter to the President, with the correspondence attending it:

THE REGULAR ARMY—REFORM IT OR ABOLISH IT—AN ANALYSIS OF ITS EVILS AND THE MEANS TO THEIR REMOVAL, BY A REGULAR ARMY OFFICER.

(Malcolm Wheeler-Nicholson, Major, Cavalry, United States Army.)

OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES.

To the PRESIDENT OF THE UNITED STATES:

I pray the President to curb the power of the clique of officers in control of the Regular Army. The inefficiency and Prussianism of this clique succeeded in returning several million dissatisfied American soldiers to civil life. By alienating the best elements in the country it has succeeded in losing the support of the Nation for the Army and the national defense. This same clique is to-day ruining the Regular Army. It is a danger to the national defense.

The Army is suffering under a reign of Prussianism. The better type of officers are leaving the service. Protest and criticism are punished by every conceivable form of injustice and illegality. Juniors are openly persecuted. Seniors are not only protected in wrongdoing but are rewarded for oppressing their juniors. The Prussian type of officer is assured of advance, the liberal-minded officer is slighted. Anglo-Saxon ideals of justice and fair play are being rapidly replaced by traditions foreign to the American Nation. The stupid perversions of justice in the American Army to-day are a disgrace to the American Nation. Justice is not only perverted and denied but the laws are openly flouted.

A veritable reign of terror exists among the junior officers of the Army to-day. This is caused by the unhindered power of the clique to have any officer discharged from the service by the operations of what is known as the class B law. The scandals already perpetrated by the abuses of this law will shock the country when they are exposed, as they inevitably will be. Officers dare not protest against the many wrongs perpetrated by this clique for fear of immediate discharge from the Army by the arbitrary use of this law. Unless amended, it will inevitably succeed in driving every liberal-minded and progressive officer from the Army. It will leave only the reactionary elements. A future war will then be followed by an aftermath of scandals and investigations worse than the last war.

Prussianism and inefficiency flourish in the Army because men rise to power by favoritism instead of efficiency. Classmates and friends are appointed to lead instead of the most efficient to fill the job. This is inevitable, as there is no system worthy the name of recording the comparative efficiencies of officers. This is the fire of all the smoke of evil in the Regular Army. Blood and treasure were wasted in the last war and will be wasted in any future war for lack of such a system. The hosts of ex-soldiers throughout the country should demand such a system so that they or their children will not be led to slaughter under inefficient Regular Army officers. That men were needlessly sacrificed through the incompetence of the Regular officers in the last war can be proved by an investigation of the reclassification board at Blois and by the testimony of thousands of ex-soldiers and officers. The present lack of any system inevitably leads to the rise of petty bureaucrats to the exclusion of real leaders. The hostility of the country to the Army and the woeful state of the Regular Army to-day are proof of this.

Bitter experience teaches what variety of secret and open attack a professional officer of the Regular Army drawn on himself by daring to announce the truth. That such an officer should risk this, as well as loss of profession and means of livelihood for his family by being class B'd out of the Army, should lend weight to his words. I pray the President to investigate and institute reform. He will have the support of the hosts of ex-soldiers and officers in civil life, the National Guard and reserves, and of all patriotic Americans throughout the Nation. Without reform the Regular Army had better be abolished. It is a useless expense to the taxpayer in its present state.

MALCOLM WHEELER-NICHOLSON,
Major, Cavalry, United States Army.

REPLY OF THE WAR DEPARTMENT.

ADJUTANT GENERAL'S OFFICE, WAR DEPARTMENT,
Washington, February 16.

Subject: Explanation of publication in newspaper.
To: Maj. Malcolm Wheeler-Nicholson, Cavalry.
Through: Commanding Officer Walter Reed General Hospital, Takoma Park, D. C.

1. It has come to the attention of the War Department that on or about February 5, 1922, there was published in the New York Times and in other newspapers what purports to be a copy of a letter addressed by you to the President of the United States arraigning the administration of the War Department and the Army.

2. Upon principle and without particular reference to regulations or the customs of the service, the Secretary of War regrets and disapproves of any action on the part of the personnel of the Military Establishment that is designed to present, in the first instance, in the public press or by means of public speeches alleged grievances of any individual or any class of individuals included in the personnel under his authority. Such action would not be tolerated in any well-managed and successful business institution and would not be seriously considered by responsible individuals belonging to such institutions as a means of

redressing alleged grievances, unless and until the proper authorities had been afforded opportunity to consider and deal with the situation or condition specifically described and clearly presented.

3. The Secretary of War desires that you report in writing, through military channels, to The Adjutant General of the Army:

(a) Whether or not you are the author of the letter addressed to the President which appeared over your name in the New York Times of February 5, 1922.

(b) Whether, if you are the author of the letter in question, you caused or permitted it to be communicated, either directly or indirectly, to any representative of the New York Times or any other newspaper with a view to its publication.

(c) Whether, if you are the author of the letter in question, you addressed it and forwarded it directly to the President instead of addressing and forwarding it, for consideration and action, through prescribed channels.

4. In connection with the questions raised in the preceding paragraph, the Secretary of War desires that you be advised that you are at liberty to refrain from submitting the desired report in respect of any of the questions raised, if the submission of a report thereon would tend to incriminate you, but in that event the privilege is to be formally claimed in lieu of making the desired report.

By order of the Secretary of War.

(Signed) JOHN B. SHUMAN,
Adjutant General.

ANSWER TO THE WAR DEPARTMENT.

(Second indorsement.)

Maj. MALCOLM WHEELER-NICHOLSON, CAVALRY,
WALTER REED GENERAL HOSPITAL,
Washington, D. C., February 24, 1922.

To the SECRETARY OF WAR (through military channels):

1. The Secretary of War desires report through The Adjutant General as to my responsibility for a letter to the President arraigning the controlling element in the Regular Army, and states, in substance, that such action would not be tolerated in any well-managed and successful business institution unless all other means had failed.

2. It is respectfully requested that the question of the authorship and methods of presentation of the said letter be disregarded in favor of the subject matter. The undersigned wrote, transmitted to the President, and gave to the press the letter which charged, in substance, that the Regular Army was neither well managed nor successful and that its only resemblance to a private business institution was the fact that it was run for the private benefit of the few rather than for the good of the Nation which pays its bills. The charges were not published until after submitting the proofs of them to some of the most able men in the Nation and after making 11 unsuccessful attempts to see Gen. Harbord, the Secretary of War, and the President. To secure action toward the removal of evils in the Regular Army that imperil the national defense was the purpose of that letter and is the purpose of this.

3. That there is some deep-seated evil in the Regular Army is proved by the following facts:

(a) That it was unready at the outbreak of war.

(b) That it did not even have a plan of operations ready.

(c) It failed lamentably during the war in functioning as a military machine. National disaster would have resulted had the German Army been unwearied and had there been no trained leadership in allied general staffs.

(d) A great number of Regular Army officers were relieved in battle when the wasted blood of their men proved their inefficiency.

(e) Vast numbers of Regular Army officers earned the ill will of the citizen soldiers by attempting to cover ignorance with arrogance.

(f) Injustice and inefficiency were disclosed by the Army courts-martial scandals, the "Hard Boiled" Smith and Chelles Farm horrors, the scandals at Brest, and the Watson charges.

(g) Injustice and inefficiency still exist as will be proved by investigation of the class B injustices, to mention more to follow—the end is not yet in sight. Justice for soldiers can not be hoped for when even the officer can not secure it.

(h) The Regular Army is thoroughly demoralized to-day—the better type of officers seeking retirement or resigning, the soldiers making a concerted rush for discharge when opportunity last presented itself, the courts-martial grinding out the preposterous rate of some 700 a month.

4. Further proof of the existence of evil is offered by the fact that the Nation is hostile and suspicious of its Regular Army. Every organized or unorganized element of the Nation necessary in the national defense program has been antagonized by the arrogant selfishness of the Regular Army. This includes the National Guard and Reserves and the vast body of ex-officers and soldiers. The Regular Army is being constantly lobbied against in Congress by representatives of some of these elements. Congress has been made hostile and suspicious of the Regular Army due to this fact, and that constant complaints of injustice are being received from personnel now in the Army, that the General Staff has lost the good will of Congress, and that the Nation as a whole is either indifferent or hostile to the Army. Until the deep-seated evils in the Army that cause these things are removed the Army can expect to be repeatedly reduced, to have its appropriations cut, and to be lowered in effectiveness. It is time that the Regular Army ceased blaming the Nation and Congress. It is time for a searching examination that will lead to the removal of the evils that antagonize the Nation. Evils that antagonize the Nation weaken the national defense.

5. Effort is here made to analyze these evils and their cure. As a basis it must be remembered that an army is no better than its officers. It is no better than its controlling officers, because an army is an oligarchical and strictly controlled unit. The higher officers must be blamed for its inefficiency. But the Regular Army has always been more or less inefficient. It has then always had more or less unsatisfactory types of higher officers. Then the system that produces the same type of officers who perpetuate the same evils continually must be a faulty system.

6. To find the causes of the evil in an army, study the methods of the promotion and assignment to duty of its officers. In the American Army they are promoted by seniority to the grade of colonel. They are assigned to duty by the hazards of personal acquaintanceship. They are promoted to general by the same hazards. This system of promotion and assignment is the root of evil in the Army. It gives rise to those twin curses of an army—favoritism and cliques. These two curses automatically put men in power whose self-interest and desire for position obscure their national interest. As a consequence we have, first, the Army topheavy with some 90 general officers; secondly, about one-tenth of all the officers of the Army on duty in Washington; third, the Army completely demoralized; and, fourth, the Nation and Congress suspicious of the Regular Army. The officers who have wrecked this havoc are to-day the advisers of the Secretary of War. Their advice being tempered strongly with self-interest, they are deliberately concealing the mistakes of the past war in an effort to enhance their own prestige. This means that the lives of good Americans will pay for the same mistakes in a future war that they have in the past. It may mean national disaster. That they lack any sense of obligation to the Nation and to their juniors can be seen by the attitude of the Nation to-day and the woeful state of the Regular Army.

7. Promotion by merit, assignment to duty by special fitness, and elimination of the inefficient would cure all these evils. Each of these things has necessarily to be based upon a record of the comparative efficiencies of the officers of the Army. The present system is worthless and makes reform impossible. It has failed to provide dependable leaders in battle; it has failed to provide a means for picking the best officers for the General Staff; it has failed to provide a means for the selective elimination of officers for inefficiency—the class B legislation. It naturally can not be a basis for a system of promotion.

It is the fire of all the smoke of evil in the Regular Army to-day. The present efficiency records permit the rise of the bureaucrat and keep down the real leader. Two evil symptoms of bureaucratic control can be seen in the Regular Army to-day—the paper work that burdens the service and the excessive number of courts-martial. A record must be installed that will aid the rise of the real leader, the officer who concentrates on the two essentials in an army—war and the handling of men. Such men in power will make an army that can get along with the people who pay its bills. The War Department is the most unpopular branch of the Government to-day. The evils that this implies and the danger to the national defense that it portends are sufficient justification for drawing the attention of the Secretary of War to them in the only manner that can not be blocked by intervening forces in the Military Establishment.

MALCOLM WHEELER-NICHOLSON,
Major, Cavalry, United States Army.

SUMMARY OF ANALYSIS OF THE REGULAR ARMY—ITS EVILS AND THEIR CURE.

Maj. MALCOLM WHEELER-NICHOLSON,
Cavalry, United States Army:

The Regular Army was inefficient before the war. It failed to function efficiently during the war. It is inefficient to-day. The Nation is hostile and suspicious of the Regular Army. The Army will continue to be a useless expense in peace and a broken reed in war unless reforms are instituted. Evils in an army are the fault of its officers. They are the fault of its higher officers. We have always had the same evils in the Regular Army. Therefore the same type of officers always rise to power. The system that permits these types to rise continually is the place to look for evil. The system is a combination of promotion by seniority and assignment to duty by the hazards of personal acquaintanceship. It has failed. The Army must have promotion by merit, elimination of the inefficient, and assignment to duty by special fitness. Without these three things no army can be efficient. Promotion, elimination, and assignment to duty are all based upon the efficiency or inefficiency of the individual officer. The present system of recording the comparative efficiency of officers is worthless for these three purposes. It has failed: (1) To pick the best brains of the Army for the General Staff, which can be proved by the chaotic condition of the War Department, the present demoralization of the Army, and the ill will of Congress toward the General Staff. (2) It has failed to provide a basis for the selective elimination of inefficient officers; ipvestigation of the Class B act workings will prove this. (3) It has failed to provide leaders in battle; investigation of the board at Blois, before which Regular officers were "reclassified" after failing as battle leaders, will prove this. This system is the root of all evil in the Reguar Army.

To secure reform it is first necessary to prove the worthlessness of the present system in war by an investigation of the reclassification board at Blois, and its worthlessness in peace by an investigation of the Class B errors and injustices. With the proofs furnished by these investigations the next step is the installation of a modern system of recording the comparative efficiencies of officers based upon war needs instead of on peace-time red tape, as is the present system. This can then be used as a basis for assigning the square peg to the square instead of the round hole, for promoting the most meritorious by competition, and for eliminating the inefficient deadwood. Until this is done we will never have an Army worthy the name.

Analysis of evils in the Regular Army and their cure.

I. PROOFS OF INEFFICIENCY IN THE REGULAR ARMY.

A. AT THE OUTBREAK OF WAR.

The General Staff failed (1) to have a plan of mobilization ready; (2) to coordinate the various elements of the national defense, namely, the National Guard, the Reserves, etc., with the Regular Army; (3) to have a working scheme for the best utilization of railroads, mobilization centers, shipping facilities, etc.; (4) to have any scheme for industrial preparedness; (5) to have a plan for the best utilization of Regular Army personnel; (6) to create an Army administrative system fit for war purposes; (7) to create a supply system fit for war purposes.

The above are illustrations of the failures of the General Staff in the most elemental duties of a general staff.

B. DURING THE WAR.

Months of time and millions of dollars were wasted in building huge, expensive Army cantonments, in many cases remote from population and traffic centers, when existing facilities were available and men could have been allowed to sleep in their own homes or in public buildings.

Valuable time was wasted in teaching men useless parade formations on flat drill grounds, and useless motions in the manual of arms, etc., when the coordination of mind and muscle might more sensibly have been taught in practicing motions that had a direct bearing on the matter in hand—fighting the Germans.

Valuable time was wasted in teaching emergency officers the useless minutiæ of Army red tape and peace-time administration instead of concentrating upon the fundamentals of warfare and the handling of men.

Untrained men were sent into battle in France, with a resulting loss of life, while trained men were kept in camps and cantonments in the United States.

Officer personnel was not used to the best advantage, and much confusion resulted from an attempt to control all officers from a few bureaus

in the War Department. The War Department proved the evils of over-centralization in this as well as other matters.

The inefficient functioning of the American General Staff in France made dependence upon the French General Staff necessary in all major operations and more minor operations.

An inordinately large number of Regular Army officers had to be relieved from the front line because of inefficiency as combat officers—said inefficiency proved in the wasted lives of their men.

The failures in artillery, matériel, the air service, hand grenades, and machine guns are well known.

The failure of the average West Point officer to understand and take advantage of the good qualities of the American soldier, which make him one of the best fighting men in the world, resulted in antagonizing the majority of Americans who served in the war and led to inefficiency.

Brutality and inefficiency were shown by the "Hard Boiled" Smith, Rue St. Anne, Chelles Farm, and Army courts-martial scandals and the Watson charges.

The National Guard was slighted and antagonized as an important factor in the national defense by the attitude of the Regular officers—Texas Rock case being an illustration.

Efficient emergency officers were slighted in numerous cases, while Regular officers of proved inefficiency were promoted during and after the war.

Vast numbers of Regular officers demonstrated that their only claim to superior knowledge of war was a familiarity with Army red tape, and were augmented and credited for work done by emergency officers under them.

The minor errors, failures, and commissions did not prove fatal in this case because the enemy was weary with four years of war, and the trained military men of the allied general staffs provided the direction of the American Army which its own leaders were incapable of doing. In a war without such favorable conditions the resulting debacle would have been a horror for our children and our children's children to contemplate. The American Army took a year and a half to mobilize its strength. The best armies in the world can mobilize in 48 hours.

C. AFTER THE ARMISTICE AND TO-DAY.

The Army is suffering under the domination of the same elements that were responsible for its prewar and wartime inefficiency. American participation was too short to eliminate them elements, as battle normally does. As a consequence these officers have returned with enhanced prestige gained through the mere fact of victory. They have covered up individual inefficiency by recommending each other for medals and decorations. They eulogize each other on every occasion. To enhance their own prestige they gloss over and minimize the failures and mistakes committed. The lessons of the war are consequently not being learned. This means that the Nation may pay in disaster and the American civilian will pay in blood for the same mistakes in a future war.

The strong demand of the returned soldier and officer of the emergency forces for the elimination of the deadwood and the inefficient officers of the Regular Army led to the passage of class B legislation.

It has failed to achieve its purpose. It not only has failed to do so but the law, as applied by the General Staff, is a demoralizing force in the Army. It will inevitably result in the elimination of all progressive elements if not soon stopped. It is too dangerous a weapon to trust to the present rulers of the Army, with their admitted inability to apply any legislation not surrounded with safeguards. It has created a paradoxical condition in which a soldier for some petty offense is surrounded with every legal safeguard while an officer put in class B, in danger of being ostracized from the Army, the most severe punishment after death or imprisonment, is protected by no safeguards worthy of the name. It has resulted and is resulting in almost unbearable injustice.

The spirit and the letter of the law requiring the selection and promotion of the emergency officers for the Regular Army has been violated.

Every element necessary in the national defense scheme has been antagonized by the wartime inefficiencies and after-war stupidities of the Regular Army. This includes the National Guard and Reserves, the former emergency officers and men, the disabled emergency officers' organization, and many others. The energy and enthusiasm of these elements is lost to the national defense.

Congress has been made hostile and suspicious by the arrogance and selfishness of the General Staff; by the many complaints of injustice coming from personnel within the Army and by the attitude of the great majority of civilians toward the Regular Army.

Legislation suggested by the General Staff has closed the door of opportunity to that organization and made it a self-perpetuating body.

The selfish desire of the controlling clique for more power without consideration of the national defense has led to a ridiculously top-heavy Army, with some 96 general officers and practically no second lieutenants.

The bureaucratic instincts of the controlling element have led them to concentrate nearly one-tenth of all the officers of the Army on duty in Washington.

The Army is so overburdened with paper work and the requirements of red tape that combat officers have no time to train troops properly.

The staffs of troop units are overburdened with officers, who add continuity to the line officers' work by issuing floods of impossible orders and reports of useless paper.

The majority of officers in the Army and their families, as well as soldiers, are living under conditions that European peasants would rebel at; they live in tar-paper and board shacks in mud and dust while at the same time there are unoccupied barracks and quarters at permanent posts. This is one example of the lack of any sense of responsibility for their juniors exhibited by the present rulers of the Army.

Courts-martial are working overtime grinding out some 700 cases a month; the guardhouses are full. The old idea that the American soldier should be treated as a convict still obtains in spite of the lessons of the war.

A recent order allowing soldiers to apply for discharge was replied to with such unanimity that it had to be rescinded for fear there would not be any soldiers left.

The best types of emergency officers who remained in the Regular Army after the war soon left in disgust. The younger officers now in the service are seeking opportunity to resign. The older officers are seeking retirement.

The Regular Army is not an army in any sense of the word. It is an expensive and useless drain on the Public Treasury under the present conditions of its management. Many third-class powers have less expensive and more efficient armies.

Criticism from within is punished by every conceivable hardship. One method is the preferring of baseless charges. Another is to exile an officer to the Philippines or some other distant point. The greatest deterrent to constructive criticism is the danger of being railroaded out of the Army by the class B route.

These matters are indicative of some serious evil in the Regular Army. This evil is not very likely to be cured from within. This because the same officers who are responsible for these matters were in control before the war and are in control now. American battle participation was too short to eliminate these as battle normally eliminates the bureaucrats of an army. The desire to enhance their own prestige keeps these officers from even admitting the necessity for reform.

The Secretary of War is surrounded and necessarily dependent upon these people for advice. It is next to impossible for him to steer his way through the maze of self-interest, selfishness, and stupidity with which he is surrounded. The only hope lies in action from without. Criticism directed at the Regular Army has heretofore been entirely destructive in its nature. Constructive criticism has necessarily to be based upon deep study and knowledge of the subject gained by long contact with the American Army and with the best of foreign armies. It needs a professional officer. There can then be hope of reform by action of the organizations of former soldiers and officers and by Congress if such an officer can produce logical ideas, can express them simply, and can reach the people who will take action. Attempt is here made to do this. The measure of its success will be the amount of common sense in it that will appeal to the average civilian unafficted with the "military mind."

The striking characteristic of the big man in any line is his ability to reduce things to their simplest elements. Judged by this standard the Army is run by extremely mediocre men. If ever there was an institution cluttered up with red tape, foolish notions, useless forms, outworn "traditions," and bleary-eyed and purposeless weavings it is the Regular Army of the United States to-day. The simple and elemental facts—first, that an army is for battle, and, secondly, that a War Department is for war—have been lost sight of by the present rulers. These people have inherited a "system" and are so concerned in worshiping the system that they have forgotten entirely the ends which the system is to serve. They have laboriously fashioned a system called Prussian by many. As a matter of fact, it was discarded by the Prussians after their disastrous defeat at Jena, back in 1806, because of the discipline that this system demands might be likened to a collar that the Army tried to fit on the American neck. The collar did not fit. The present rulers of the Army tried to secure results by cutting the neck to fit the collar. What is needed in the American Army is the type of officer at the top who will see the necessity of cutting the collar to fit the American neck. What we have at the present time is a group of officers in control of the Army incapable of clear and simple thinking. We have nearly always had such officers at the top. The Army has never "gotten along" with the country in consequence, with the resulting danger to the national defense that this implies. The Army must be rid of the evils that antagonize the Nation.

II. WHERE TO LOOK FOR THE SOURCE OF EVILS IN AN ARMY.

An army is necessarily run from the top. Its leaders influence it to a greater degree than the leaders of an industrial organization. If the army has always been unsatisfactory it follows then that it has always had unsatisfactory leaders. Our concern then is not with the individual leaders, but with a system that continually allows the unsatisfactory type to rise to power. The source of evils in an army must be sought for in the system of promotion and assignment to duty of its officers. An army is no better than its officers. It is no better than the officers who rise to the top. The question is, How do they rise?

III. THE SYSTEM OF PROMOTION AND ASSIGNMENT OF OFFICERS IN THE REGULAR ARMY.

Officers are promoted by seniority in the American Army—in other words, they mark time in each grade waiting for some one to be retired or die off in the grade above. This obtains until they reach the grade of colonel. They are "selected" from that grade to be generals. This is done in the majority of cases by the hazards of personal acquaintanceship. Officers in all grades are selected for assignment to duty by the hazards of personal acquaintanceship, irrespective of their fitness for the duty concerned in the great majority of cases. This explains the Army characteristic of the invariable round peg in the invariable square hole. This results in war time in a fat colonel or general being dragged from his comfortable swivel chair and being placed in command of a division of thousands of men. He succeeds in laying out many times until he reaches the firing line. Here he stands around in pathetic bewilderment while his men are being slaughtered until the stern necessities of battle result in his being quickly canned. Making the bodies of good American soldiers the experimental material for the testing out of their officers' fitness to command is rather rough on the soldiers.

In peace time the assignment of men to duty by personal acquaintanceship results in good friends getting together—usually in Washington. It results in their standing together for their own private interests, in helping their friends and punishing their enemies. Here we have cliques and favoritism. These are the twin curses of an army. There being no standard of efficiency an officer's success in the American Army is more dependent upon tact than it is upon tactics. This leads to the rise of the self-seeking type, who place self-interest above national interest. It favors the officer who disregards his obligations toward his juniors in favor of his obeisances toward his seniors. Therefore we find the Army top-heavy with rank, the lower grades unhappy, and the Army completely demoralized. This same controlling clique continually propagates the idea that all evils in the Army are due to the detections of Congress. Common sense would show that if the Army got along with the people, Congress would help the Army.

Self-interest is always with us. It is a strong motive. But a system can be devised that will at least prompt men to power who have sufficient mentality and vision to understand that their own interests will be best served by serving the Nation first. The present rulers have proven, rather disastrously for the Army, that all the people can not be fooled all the time. If they possessed sufficient ability to think clearly, they would realize that honesty with the Nation and with Congress is the best policy.

The present system having proved itself a miserable failure and being a danger to the Nation in war, what is the solution? Promotion by seniority has demonstrated its failure; we must have promotion by merit. Assignment to duty by the hazards of personal acquaintanceship having proved its worthlessness, we must have selection for duty by special fitness for the job concerned. The class B law having failed to eliminate the inefficient, we must find some other method of elimination. Promotion by merit, assignment to duty

by special fitness, and elimination for inefficiency are absolutely necessary before we have a military force fit to be called an army.

To have promotion by merit there must be some record kept of an officer's work that will show that he is entitled above his fellows to be promoted. To have assignment to duty by special fitness we must have some record kept that will show the superiority of the officer concerned in a special line of work. To have elimination of the inefficient, we must have some system that will show that the officer has failed to perform satisfactorily his basic duties as an officer of his own branch and grade. We must have a record of work performed and the manner of its performance of each officer in the Army. There is no record kept of these important matters under the present system. There is in existence what is known as the officers' compiled efficiency record, which is supposed to fulfill these functions. It needs only an examination of the performances of the Army as a whole to determine that it is a failure. This is the base of any system for reform in the Army.

IV. THE COMPILED EFFICIENCY RECORDS KEPT OF AMERICAN OFFICERS.

This system of recording the comparative efficiencies of officers, in addition to the general evils it has produced, has three specific failures to its discredit. The first is its failure to serve as a basis for selecting the best brains of the Army for the General Staff. This needs no further proof than the study of the work of the General Staff before and during the war and the present chaos in the War Department, coupled with the demoralization of the Army. The second failure is the impossibility of using the present system of record keeping as the basis of any scheme for the elimination of inefficient officers, as badly as such a scheme is needed. Investigation of the injustices and inefficiencies perpetrated by the workings of the class B act will prove this conclusively. The third failure of the system is its complete breakdown as the basis for selecting leaders of men in battle. This is the greatest and most inexcusable failure. The purpose of an army is war. The combat officer, in the final analysis, exists for no other purpose than as a leader of men in battle. Any system that fails to provide tested and dependable combat leaders is not fit for war, therefore not fit for an army. Investigation of the records of the reclassification board at Blois in France, before which appeared regular officers who had failed in battle, will prove this.

V. ANALYSIS OF THIS RECORD.

(A) It is founded almost wholly on the personal opinion of seniors. When it is realized, first, that opinion can be colored by so many influences outside of the point at issue, and in the second place that in a system of promotion by seniority and personal acquaintanceship all seniors are not superiors in any sense of the word, the basic fault of the record can be readily seen. (B) The record is a negative record of the failures of an officer, not a positive record of his successes or abilities. We therefore are confronted with the spectacle of the attempt to pick upon a record of things undone—the record of failures—which is paradoxical. (C) The record is not a record of important things undone, but stresses minor failures in peace-time administrative red tape. It therefore stresses the rise of the bureaucratic type of officer by hindering the rise of the real leader who concentrates upon the essentials of war and the handling of men. We see the results in three things—the Army burdened with excessive and ridiculous amounts of paper work, an inordinate use of the punitive power (the guardhouse and the court-martial are the inevitable resort of the officer who can not handle men), and the constitutional inability of the Army to "get along" with the country. (D) The records are unscientific, unsystematic, duplicative, full of irrelevancies; they fail to differentiate between characteristics necessary for different branches of the service; they are not records of efficiency but records primarily of deficiencies in handling red tape and in deportment. They illustrate a total lack of war viewpoint. They keep down real leaders and stress the rise of the type of men of whom Roosevelt complained of in the War Department in 1898, "that it considered war an illegitimate interruption of the activities of a War Department." No attention is paid to the main essential in a combat officer—his ability to train troops and lead them in battle. The positive type of officer, who concentrates upon essentials, is inevitably neglect or break by the ridiculous hampering twistings of red tape. His record as a consequence will be a "poor record," as it will be cluttered up with petty notations of the violations of petty regulations by petty seniors. The office man or the bureaucrat, on the other hand, by a meticulous study and observance of the flood of rules and regulations, by concentrating upon red tape, will have a "good" record, which under the present system means a blank record. These types of officers inevitably drift to Washington; they fill the General Staff; they control the Army. Their lack of touch with reality, their constant insistence upon nonessentials, their worship of the system to the exclusion of the ends which the system is intended to serve, their belief in paper rather than men, make them unfit to deal with that stern reality, war. Their influence upon the American Army can be seen by comparing the library of the average American officer with the library of the average foreign officer of a good Army. The foreign officer has a library full of the best works on the fundamentals of war, and his periodicals are full of discussions of strategy, tactics, and organization. The American officer has a library consisting of several volumes of regulations: Army Regulations, Manual of Courts-Martial, Quartermaster Regulations, compilations of orders, etc., and his service papers are filled with earnest discussions as to the comfort or lack of comfort of the Sam Brown belt, or the shape of the new cap. These are only improvements, if they can be so called, that the American Army has gained from the war.

The bureaucratic type of mind being unable to secure discipline, real discipline founded upon respect and intelligence, tries to secure it by means of an undue stressing of the punitive power. This type of mind is responsible for all the scandals of the Army court-martial and the class B legislation; it has a constitutional inability to differentiate between justice, which is a function of the judicial, and discipline, which is a function of the executive. It looks upon discipline as a means rather than an end. It defines discipline as punishment. It does not commit injustice knowingly but through a heavy stupidity and inability to differentiate between right and wrong. It can not see the danger to the national defense in allowing one private soldier to leave the Army with a sense of injustice, to infect the larger or smaller circle of his friends and family against the military service. It has sent thousands to civil life and infected millions of people thereby. The Army and the national defense is now reaping what this type of mind has sown. The lower the state of discipline in an Army the more despotic a form it assumes. Injustice is the most criminal form of inefficiency. We will continue to have this form and many other forms until we devise a system of recording the comparative efficiencies of officers that will lead to the rise of real men.

VI. GENERAL PRINCIPLES UPON WHICH A BETTER SYSTEM SHOULD BE BASED.

A. The system should be positive rather than negative; it should stress what an officer has done, not what he has not done.

B. It should be based upon the axiom that the combat officer is the most important officer—the Infantry, Cavalry, and Artillery are the fighting branches, and an army is for fighting.

C. It should be based primarily upon an officer's work, not upon some senior's opinion.

D. It should be simple and easily referred to—there should be no necessity of wading through the masses of irrelevant paper that now fill the files of the War Department.

E. It should be based upon war-time needs rather than peace-time administration.

F. It should have as its basis the tested abilities of an officer to handle men. The naval officer is tested by that great reality, the sea. We have as great a reality in groups of men from the platoon to the division. Their reactions to the qualities of the officer who commands them will furnish the most conclusive test of the abilities of an officer. The comparison of the results of the reactions of one group to its officer to that of other like groups to their officers will furnish a comparison upon which men can be picked for the studies leading to the General Staff. This will put men in control of the Army who will not only cut down the paper work but who can secure contentment within and support from without the Regular Army. Men and groups of men in the Army are like an 8-cylinder automobile. Fear of the guardhouse and regulations will stimulate only about two of the cylinders to action. The ability of the right type of officer will stimulate and secure power from all eight. Make this ability a matter of record and the basis of advancement and we will eventually have the whole Army hitting upon all eight cylinders.

VII. FACTORS NECESSARY TO AN EFFICIENT ARMY.

A. An army can not be efficient without promotion by merit, assignment to duty by special fitness for the job, and elimination of the inefficient. These things are all based upon the records of the officer concerned. The system of record keeping must be so devised that it will promote the best men, assign the most fit men to the right place, and eliminate the most inefficient men. This is impossible under the present system. A new system must be inaugurated, based upon more scientific principles.

VIII. THE FIRST STEP TO TAKE.

The first step necessary is tangible proof of the inefficiency of the present system in war and peace by congressional investigation of the reclassification board at Blois and the class B proceedings. The proofs furnished by this investigation will make imperative the inauguration of a new system. This new system should then be the basis of promotion by competition. Until this is done the Regular Army is a useless expense in peace and a dangerous broken reed in war.

It is especially necessary to hold an investigation, at least of the class B law and its application, at this time. This because the General Staff has asked for the passage of a law which will permit them to retire several thousand officers. These officers are to be eliminated ostensibly on their records. The passage of this act will drive all progressive elements from the Army and put it back a hundred years. It will mean a wholesale class B'ing of the Army without even the few safeguards of the class B legislation. It will mean that the present General Staff is intrenched thoroughly in complete power. The danger to the national defense that this portends makes immediate action imperative.

The great and crying evil in the Army to-day is a dense and imperious stupidity at the top. This stupidity has led to the infliction of thousands of injustices on soldiers and officers. The same stupidity that fails to realize the harm done by injustice is incapable of ever making an efficient army. The vast sum of some $17,500,000,000 and the lives of some 4,000,000 Americans were intrusted to the War Department. They were intrusted to a War Department and an Army run by a system that would drive any industrial organization to the wall in six months. Why continue to throw money down this bottomless pit, why continue to endanger the military defense of the Nation by this ridiculous broken reed of a Regular Army, why continue to allow a stupid crew of shortsighted men to feed out of the public trough and give worse than nothing in return, why continue to support an Army in peace that can only save the Nation from destruction in war by the grace of Providence and the kindness of allies? Reform it or abolish it and let the National Guard and the reserves carry on unhampered by the Regular Army. The civilian soldier at least can retain what the Regular Army has lost—the ability to think. If any Regular Army is to be retained, let it be reformed and reformed from the bottom. If it is not reformed it will soon be completely de-Americanized. Decent Americans can not remain in it under present conditions and retain their self-respect. With the American stock out of the armed forces of the Nation and their places filled with subservient and servile foreign stock, let the Republic look to her liberties. We have the example of Rome before us to tell what becomes of the Nation's liberties that allows her legions to be filled with foreigners.

MALCOLM WHEELER-NICHOLSON.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

For investigations of insects affecting truck crops, including insects affecting the potato, sugar beet, cabbage, onion, tomato, beans, peas, etc., and insects affecting stored products, $110,000.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I note by the report that a reduction of $10,000 has been made in this appropriation. Very important work is being carried on with this money, particularly with respect to sugar-beet problems and the control of the sweet-potato weevil. Valuable work is also being done in the development of a dry spray containing nicotine, which has been successfully used in destroying the melon aphis. The appropriation should have been divided into two parts. The Budget Bureau asks that

$90,000 be appropriated for the truck-crop insect work, and $30,000 for an investigation of insects affecting stored products. The Committee on Appropriations combined the two amounts and reduced the total to $110,000. I have engaged in the milling business myself, and I know something about the trouble that all millers have with insects affecting grain in storage. There is a demand at all times upon the Bureau of Entomology for information as to the best way to combat these pests. It seems to me that for a work of such great importance, nation wide in its extent, the full amount approved by the Director of the Budget should be allowed. I should like to have some explanation of why this reduction was made.

Mr. ANDERSON. Mr. Chairman, I call the attention of the gentleman to the fact that $15,000 of this appropriation was available in the preceding fiscal year, so that, as a matter of fact, the appropriation is increased $5,000 instead of being decreased. In the detailed estimate which was submitted in addition to the Budget, there is no provision for an increase in the appropriation for the stored-products insect work.

Mr. HAYDEN. Where is the reduction made? The report submitted by your committee shows that last year there was appropriated $90,000 for truck-crop work and $30,000 for stored-products insect work, and the Budget asked for exactly that amount. The two sums are combined, and instead of $120,000 but $110,000 is allowed. Where, then, is the cut?

Mr. ANDERSON. The cut does not come at all, because $15,000 of that $100,000 was expended in the preceding fiscal year, so that all they had this year was $105,000 for this work. As a matter of fact, they get $110,000 in the pending bill, as against $105,000 which they expended in the current year.

Mr. HAYDEN. Are we to understand that money which normally would have been expended during the present fiscal year was made immediately available to meet some emergency?

Mr. ANDERSON. It was made immediately available to begin the work in the preceding fiscal year.

Mr. HAYDEN. That is an explanation that does not explain.

Mr. ANDERSON. The assumption is that what they are asking for, or at least what they should ask for, is the same amount of money that they spent this year. They expended this year $105,000. We gave them in the pending bill $110,000. I do not see how the gentleman can object to that.

Mr. HAYDEN. I might have no objection if that is actually the fact; but it appears upon the face of the gentleman's own report that there is a reduction of $10,000 in this appropriation.

Mr. ANDERSON. That is a fact; but $15,000 of that was not expended in the current fiscal year and was expended in the preceding fiscal year; so that all they actually spent this year was $105,000.

The Clerk read as follows:

For investigations of insects affecting citrus and other tropical and subtropical plants, and for investigations and control of the Mediterranean and other fruit flies, in cooperation with the Federal Horticultural Board, $64,000, of which sum $5,000 shall be immediately available for investigations of the camphor scale.

Mr. DUPRÉ. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DUPRÉ: Page 43, line 23, strike out "$64,000" and insert "$71,500."

Mr. DUPRÉ. Mr. Chairman, the effect of this amendment would be to restore to this bill the amount which was asked for by the Director of the Budget, $71,500. The committee saw fit to reduce that amount by $7,500, and I have asked to have it restored. My principal interest in this item arises from the fact that about a year ago the camphor scale developed in New Orleans in very serious proportions, threatening the destruction of our historic trees there.

It aroused so much interest among the citizens generally that they organized a campaign by which each block was assessed $12, and they raised a sum of money, something like $15,000 to $20,000, in that voluntary way. Subsequently the General Assembly of Louisiana, in extra session, appropriated $18,000 to help combat the ravages of this scale. The city of New Orleans itself, through its municipal authorities, appropriated some $5,000 additional to aid in the work. This work, consisting largely in spraying the trees affected, has been very successful. It has been conducted under the authority of the Bureau of Entomology, and the State entomologist and our people are very much encouraged with the result so far obtained. The effect of this reduction of $7,500 will be to reduce the amount that the Government can expend in cooperation with the State authorities in this work, and I trust very much that under the circumstances the gentleman in charge of the bill will agree to the amendment I have offered.

Mr. ANDERSON. Mr. Chairman, I regret very much that I am unable to agree to the amendment. The committee recognizes the fact that there is a rather serious situation affecting the camphor trees in Louisiana, and recognized it by increasing the appropriation $7,500, one-half of the amount which was asked. In this connection I would like to direct the attention of the committee to the fact that we asked for a detailed estimate of all allotments made under these appropriations. The detailed allotment for this particular work shows that the $15,000 was proposed to be expended in this way: $3,800 for salaries, $45 for stationery, $8,000 for traveling expenses, $2,000 for equipment and material, $30 for telegraph and telephone service, and $2,525 for miscellaneous items. I think the merest glance at that enumeration of $8,000 for traveling expenses as against $3,800 for salaries will sufficiently indicate that the amount which the Budget asks for is very much in excess of the amount which they can properly expend on this work; and in view of the character of the expenditure proposed the committee felt fully justified in reducing the amount of increase from $15,000 to $7,500.

Mr. DUPRÉ. If the gentleman will yield. Was not the original amount asked for $30,000 and that was trimmed down by Gen. Dawes to $15,000?

Mr. ANDERSON. I do not know what amount was asked for by the department.

Mr. DUPRÉ. The gentleman has not that information?

Mr. ANDERSON. No.

Mr. DUPRÉ. That is my understanding.

Mr. ANDERSON. That may be the case; I do not know.

Mr. DUPRÉ. Well, in spite of the statement that it seems to be an excessive proportion allowed in the item for traveling expenses, the fact remains that where a community has shown such cooperation as has been shown in the city of New Orleans in regard to this work it does seem as if Congress at least ought to show some recognition and allow through its Congress what "Hell and Maria" has said ought to be given that.

Mr. ANDERSON. Well, I do not feel that the committee is bound by the conclusions of the Director of the Budget with respect to some of these items.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

PREVENTING SPREAD OF MOTHS.

To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths by conducting such experiments as may be necessary to determine the best methods of controlling these insects; by introducing and establishing the parasites and natural enemies of these insects and colonizing them within the infested territory; by establishing and maintaining a quarantine against further spread in such manner as is provided by the general nursery stock law, approved August 20, 1912, as amended, entitled "An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to permit and regulate the movements of fruits, plants, and vegetables therefrom, and for other purposes," in cooperation with the authorities of the different States concerned and with the several State experiment stations, including rent outside of the District of Columbia, the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $600,000, of which sum $100,000 shall be immediately available.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not want to ask an awkward question, but just what is the meaning of the word "emergency"?

Mr. ANDERSON. The gentleman means in line 10?

Mr. MANN. In line 13, "to enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths."

Mr. ANDERSON. I take it it is the continued menace to the forests of the country caused by the existence of these caterpillars.

Mr. MANN. We have been making this appropriation now for 10, 15, or 20 years, and I was wondering whether the emergency will continue and it become a permanent appropriation?

Mr. ANDERSON. It still continues. In fact, the emergency existing at the present time is much greater than it was three or four years ago, owing to the fact there is additional infestation.

Mr. MANN. I suppose on that theory every appropriation we make to every department of the Government is to meet an emergency?

Mr. SNELL. The emergency passed, and we continued that five years in the other bill.

Mr. MANN. No; we do not know that it is at all, because we have not appropriated for five years.

Mr. SNELL. The emergency continued for five years, according to the statement on the floor.

Mr. MANN. That may be correct.

Mr. ANDERSON. It still continues.

Mr. MANN. The gentleman from New York was opposed to that, I presume, and he favors this because it threatens New York State, although we have been making these appropriations. I remember when this thing went in the bill it was an emergency, and we made an emergency appropriation for the gypsy and brown-tail moths. Now, year after year we continue that as an emergency. I make the suggestion to the committee to strike out the word "emergency," because we have got in this bill several places where we make continuing appropriations.

Mr. ANDERSON. It so happens in this particular case there is a new emergency, owing to the fact there is a new infestation, which accounts for the additional appropriation which is carried in this bill.

Mr. MANN. I did not know but they used this appropriation to spread the moth.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what is being done, and with what measure of success, in introducing parasites?

Mr. ANDERSON. Quite a good deal has been done in that direction. A large importation was made during the current year and larger shipments will be made next year, I understand. So far as I recall the testimony, no very satisfactory parasite has been found, but some that are more or less effective are being imported constantly.

Mr. McLAUGHLIN of Michigan. These words have been carried for a long time, and my understanding is that not very much has been done by way of introducing parasites.

Mr. ANDERSON. During the war the work of importing parasites practically stopped altogether. Since the war some men have been sent over to Japan and into Europe to procure the importation of parasites, and, as I say, one importation was made during the current year, and it is expected that a large number will be imported next year. As the gentleman knows, there is a new infestation of these caterpillars in New Jersey which covers an area of about 400 square miles, and there it is hoped they will be able to exterminate the caterpillar altogether. The purpose of the increased appropriation is to carry on the extermination work.

Mr. McLAUGHLIN of Michigan. I always hoped that some way of meeting this difficulty might be found by way of introducing parasites, because, so far as I have been able to learn, the work has been done just by the putting forth of the physical labor necessary in cutting trees and cutting brush. That was largely the manner in which this work was done. They found they could not be exterminated except by destroying the trees that were infested. It does not seem to me like a very profitable or even a proper line of work for a highly scientific bureau to carry on—to do nothing but hire a lot of men to cut brush—and if they could do something really along scientific lines by finding the parasites that are enemies of these moths and caterpillars, it ought to be done. I am glad that some progress is being made and that some measure of success rewards the efforts of the scientists along those lines.

Mr. ARENTZ. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. ARENTZ. I would like to ask whether or not Washington itself was a field of experimentation for moths? I think one would look long and far before finding more than there are on the trees of different varieties.

Mr. McLAUGHLIN of Michigan. My understanding is that this work was done first in Massachusetts and near-by sections into which these pests extended. I did not know that they existed in serious numbers in the District of Columbia. They are largely in Massachusetts and in sections of New York, and, as the gentleman from Minnesota [Mr. ANDERSON] says, they are now found in New Jersey. I am glad to see this appropriation made. It is a very large amount. I can not help thinking, however, that the danger threatening these sections is not as great an emergency as occurred to us in the Northwest, where we had a great deal of difficulty indeed to get a little money to take care of the emergency. We found those States coming——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, may I inquire of the gentleman from Minnesota in regard to the item as to the gypsy and brown-tail moth, as to where most of the work is being done at this time?

Mr. ANDERSON. There are two infestations, one of them covering the larger part of New England and the other covering about 400 square miles in New Jersey. The infestation in New England has existed for many years, and the work is under control or in quarantine. The process is to spray the trees along the border line of the infestation in order to prevent its spread into uninfested territory. In New Jersey it is on an entirely different basis. There the work is simple, and an attempt is being made to stamp out the infestation altogether—that is, to destroy the insects altogether—so that once the expenditure is made it will not be necessary to carry on the appropriation from year to year, as we have had to do in the New England district.

Mr. RAKER. Do I understand there is a motion pending by the gentleman from New York [Mr. SNELL] to strike this all out?

Mr. ANDERSON. I understand there is no amendment.

Mr. RAKER. I thought there was. I beg the gentleman's pardon for the suggestion. Of course, I find that the "ox warble," referred to on page 374 of the hearings, and the "screw worm," on page 373, have been well provided for, as has this gypsy and brown-tail moth. Our kind friends forget the "pine beetle," that in the West is destroying ten times the amount of trees that are being destroyed in the East. They appropriate some six hundred thousand and odd dollars, and there was no objection from my friend from New York on that item, when, as a matter of fact, when this legislation was passed some years ago it was demonstrated by the committee that the brown-tail and gypsy moths are imported from France for the purpose of keeping up an organization in the New England States that only had $100,000 invested. They were permitted to run their brown-tail moth and coddling-moth establishment, and the Government has been spending all the way from $000,000 to $1,000,000 a year to the end that that little station might continue, although now, thanks to the splendid work of the department, they have really quarantined those chaps and keep out foreign stock unless it is properly quarantined.

I want to call the attention of my friend from New England to the fact that while he is struggling for reforestation in his great bill, before he gets it passed and gets around to it, unless he helps protect the forests from destruction by fire and by the white-pine beetle, "white-pine rust," and "pine rust," it will be destroyed before he gets his bill through, and I hope he will assist when the matter comes back from the Senate on retaining the appropriation, to the end that the "white-pine beetle" may be properly and thoroughly exterminated.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that debate on this paragraph close in seven minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on this paragraph close in seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, I do not think that any gentleman in the House is quite in position to throw stones, particularly the gentleman from California [Mr. RAKER].

As a matter of fact the deficiency bill carried an appropriation of $150,000 for the extermination of the little bug about which he is so solicitous. In addition to that we carry another appropriation in the deficiency bill of $150,000 to control and eradicate the white-pine blister in California and Oregon. As a matter of fact, the appropriations in this bill cover such a wide range, cover every section of the country so thoroughly, that any gentleman who gets up and criticizes on the theory of the sectional relations is going to find that he is only throwing stones through his own glass house.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SNELL. Did I not appear before your committee, and when you turned me down and refused $40,000 for the white-pine rust I said even if I got turned down I wanted the West to get theirs?

Mr. ANDERSON. I think the gentleman made that statement.

Mr. LUCE. Inasmuch as the gypsy moth scourge started within about 2 miles of my house, and the brown-tail moth within half a mile from my house, perhaps I am qualified to testify somewhat on that subject. Furthermore, as a member of the legislature I shared in the controversy over the method of handling the situation after we had expended a large sum of money. Those who desired to economize succeeded for a time in preventing an appropriation. During that interval these pests spread so rapidly and did so much destruction that in the end we had to expend much more money than we would have had to expend if we had kept continuously at work.

This is merely to record the experience of the locality where the thing started as to the importance of steadily combating these two pests.

Mr. MANN. Mr. Chairman, the gypsy moth and the brown-tail moth do not spread rapidly. In the sense that they do not scatter out very much, they are not widespreading moths.

They are located mostly in Massachusetts, and I judge mostly in the district of the gentleman from Massachusetts [Mr. LUCE]. They are not extensive throughout the country, and I wondered, when I saw this appropriation had been increased from $400,000 in the current year to $600,000 for next year, whether some economical New England Member, opposed to appropriations for other parts of the country, would not insist upon reducing the appropriation for his own particular section. But I have not yet heard it. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

PREVENTION OF SPREAD OF EUROPEAN CORN BORER.

To enable the Secretary of Agriculture to meet the emergency caused by the spread of the European corn borer, and to provide means for the control and prevention of spread of this insect throughout the United States, in cooperation with the States concerned, including employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $200,000.

Mr. KETCHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KETCHAM: Add, on page 45, line 15, after the figures "$200,000," the following: "*Provided*, That in the discretion of the Secretary of Agriculture $75,000 of this amount shall be available for expenditure only when an equal amount shall have been appropriated, subscribed, or contributed by States, counties, or local authorities or by individuals or organizations for the accomplishment of such purposes."

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, I am very happy in the discussion of the European corn borer to say that I have here one pest upon which I think all sections of the country may unite in voting for the amendment that has been proposed. Possibly a brief statement as to what this pest is might be offered in the very beginning. In order to be brief, I will take the statement of one who has given this matter very careful study. He says:

The European corn borer probably is the most injurious plant pest that has yet been introduced into this country. Unless repressed and restricted it may spread throughout the country and cause serious and widespread losses to the corn crop.

The larvæ, or borers, tunnel through all parts of the corn plant and destroy or severely injure the ears and stalks. The pest also attacks celery, Swiss chard, beans, beets, spinach, oats, potatoes, tomatoes, turnips, dahlias, chrysanthemums, gladiolus, geraniums, timothy, and certain weeds and grasses.

There are two generations each year, so that multiplication and spread are rapid, especially as very few of the borers are destroyed by natural enemies. The winter is passed in the larva or borer stage within infested plants.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. COOPER of Wisconsin. When was this pest introduced?

Mr. KETCHAM. It came to this country first along about 1917, and was discovered in the territory represented by my distinguished friend from Massachusetts [Mr. LUCE], and there its ravages developed to a great degree, and there it did great damage. Later on infestations were discovered near Albany, N. Y., involving several counties. Still later on it was found in western New York, on the southern shore of Lake Erie. Later still a general manifestation of this pest was discovered in the Dominion of Canada, and almost directly following that there occurred a great northerly windstorm, and the theory is that the moths were carried across Lake Erie, and now upon all the northern shore of Ohio infestations are found, and they go to a considerable distance inland. It has also progressed farther west until within 60 miles of the State line between Ohio and Indiana manifestations are found.

I need not say to you, gentlemen of the committee, that if ever there should come a time when this pest should sweep across the watershed, the summit of which is but a short way south of Lake Erie, and be carried by the streams, as it is proven that it is carried, into the great Ohio and Mississippi Valleys, and then into the great corn belt, I can scarcely picture to you what will be the loss that will be met by the growers of this, our greatest grain crop.

Much more might be said along this line, but I think I have made a sufficiently lucid statement to bring this great menace to your attention.

The great danger in the spread of the European corn borer has been clearly recognized by both State and National agricultural officials. Only last fall an important conference was called here in Washington to consider ways and means of restricting the spread of the borer and of stamping it out where now found. Sixteen States were represented at the meeting and the interest was exceedingly keen. Last year there was carried $275,000 in the appropriation bill for the purpose of fighting this pest. The Budget Commissioner and the committee have cut this down this year to $200,000, and the purpose of my amendment is simply to make necessary the appropriation by localities of an additional $75,000, so that the Federal Government, while not appropriating more than is called for in the bill reported by our committee, may still have available to fight this pest the full amount of $275,000 that was appropriated last year.

Mr. MANN. One hundred thousand dollars of that was available for the previous fiscal year, however.

Mr. KETCHAM. I am not advised on that point.

Mr. MANN. One hundred thousand dollars of the $275,000 was made immediately available, which meant that it was expended in the preceding fiscal year.

Mr. KETCHAM. I am glad to have that information. Possibly the committee may be interested if I call attention to some of the losses caused by this corn borer.

In some countries of Europe from one-fourth to one-half of the infested crops are destroyed, and the depredations are not limited to corn. It attacks millet, hops, and hemp as well. In this country the pest is of such recent development that figures showing percentages of damage are not generally at hand, but in 1920 and 1921 the averages shown by observations in New York and Massachusetts indicate a marked increase in the injury done by the borer. The average is 12.3 per cent and the maximum 18 per cent. In one badly infested field in Massachusetts 75 corn plants comprising 17 hills were selected, and the count made of all the borers. An average of 46 borers to a plant were found and one plant contained 117. One hill of 4 stalks contained 311 borers.

Mr. RAKER. Is not this another of those cases where the disease was imported, and if we had had proper quarantine and proper attention it would not have gotten into this country?

Mr. KETCHAM. The information I have is that this pest came into the country through importations of products from overseas. It is a very common pest over on the other side, and the losses in several countries over there are very, very significant. I am sure that we ought to take counsel of their experience, and that before this most threatening of all our pests from the standpoint of damage gets under full sway I believe we ought to take heroic measures to stamp it out.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his colleague's time be extended five minutes. Is there objection?

There was no objection.

Mr. BEGG. Will the gentleman yield?

Mr. KETCHAM. I yield to the gentleman from Ohio.

Mr. BEGG. I wish to ask if this added appropriation that is asked for is at the request or suggestion of the Department of Agriculture that there is likely to be a shortage of funds to carry out these investigations?

Mr. KETCHAM. The very first step I took was to consult with the Department of Agriculture, and this amendment has the approval of that department. The purpose of it is to secure and stimulate the cooperation of local authorities, because it has been found that unless you do have very hearty cooperation on the part of those who own the land where the infested crops are found, unless you can in some way stimulate their interest, your efforts in combating the borer will be unavailing. Therefore this amendment is approved by the department.

Mr. COOPER of Wisconsin. Will the gentleman inform the committee as to the nature of the remedy that is being used?

Mr. KETCHAM. The pest has reached our shore so recently and its spread to various sections of the country has also been noted so recently that methods of combating it successfully have not as yet been perfected, but the present practice follows two lines. First, control and eradication where the borer has already infested the crops, and, second, quarantine against the infested areas. The best practice in control and eradication is to burn the stalks, weeds, and crop remnants in infested fields. After the borer has wrought its damage on the corn or other crop it finds a resting place for the winter in any sort of weed or crop stalks which may be at hand. This host, as it is called, must be destroyed before the next spring to prevent a new crop of borers. Burning is the most effective means of destruction, but feeding as ensilage is effective in the case of corn as well as burying the infested plants in compost heaps. Something may be accomplished also in the regulation of the time of planting. The use of poisons has not proved very effective as a means of control. Enforcement of quarantine on plants from infested areas is used to prevent the spread of the borer. When it is stated that 182 different plants have been found infected,

the task in maintaining a thorough quarantine is evident. Work in developing parasites is just starting.

Mr. FESS. Will the gentleman yield?

Mr. KETCHAM. I yield to the gentleman from Ohio.

Mr. FESS. In what part of the corn is the damage done? Is it on the ear?

Mr. KETCHAM. The corn borer is not at all particular as to what part of the corn plant it attacks. It enters all parts of it and is found in the cornstalk, in the midrib of the leaves, and of course the damage that attracts our attention particularly is that to the ear itself.

Mr. FESS. If my friend will permit me, I will say that the last planting of corn in my own garden last year was almost entirely destroyed and the damage was all to the ear.

Mr. MANN. That is not the corn borer. That is the corn worm. The danger from the corn borer is to the stalk, when it is young.

Mr. KETCHAM. I may say in reply to the question of the gentleman from Ohio that the difference between the pest which he mentions and the corn borer is that the corn borer comes in through the stalk, through the butt of the ear, so called, and works up the cob, feeds upon the growing kernels of corn and frequently completely destroys the ear. The borer does not come in from the top, but comes in through the butt of the ear.

Mr. FESS. The injury I have in mind is in the milk of the ear.

Mr. KETCHAM. I am informed that that worm is not the European corn borer, although it is a very troublesome pest.

Mr. FESS. It almost entirely destroyed my late planting of corn.

Mr. SUMNERS of Texas. Can the gentleman from Michigan give us any information as to what method Europe has pursued to combat this pest and the results that have been accomplished? I am very much interested in this matter.

Mr. KETCHAM. The time has been so brief that I have only been able to study what we have been doing in this country.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAUGEN. I ask unanimous consent that the time of the gentleman from Michigan be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Michigan be extended five minutes. Is there objection?

There was no objection.

Mr. HAUGEN. I think this is one of the most important propositions we have before us. Has this borer done much damage in the gentleman's State?

Mr. KETCHAM. I have a map here which indicates the infested regions as they appear at the present time. In order that my friend from Massachusetts may see that this has a real application to his section of the country and therefore that he will be very vitally interested, I call his attention to this map. By the way, let me say that I have a very fine and encouraging letter from the commissioner of agriculture of Massachusetts urging an increased appropriation for this corn-borer fight.

The black areas on this map indicate the infested regions according to the latest discoveries that have been made. In order to indicate the very rapid spread of this pest I may say that in 1919 only about 420 square miles had been infested, and the record is now that something like 7,696 square miles in the United States are infested.

Mr. HAUGEN. In what States?

Mr. KETCHAM. In Massachusetts, in the southeastern corner of New Hampshire, in the southwestern corner of Maine, in eastern New York, in western New York, in northeastern Pennsylvania, in northern Ohio, in the Dominion of Canada, covering the whole Province of Ontario, and in southwestern Michigan. The infestations have been found within 60 miles of the cornfields of Indiana.

Mr. HAUGEN. The State of Maryland is not included, and I know that it is near Washington.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. KETCHAM. Certainly.

Mr. McLAUGHLIN of Michigan. The gentleman suggests that money be used only in those States which contribute and ask for money, and it will practically be obligatory on the Secretary of Agriculture to use money in that State to an equal amount that the State is ready to expend. Does not the gentleman see a danger in that that each State will make an appropriation and ask for money to cooperate, and the total amount of $200,000 would be divided into such small amounts that it would be too small for the department to carry on its work in the manner in which it ought to be carried out?

Mr. KETCHAM. I will say that I went over that very point with the Department of Agriculture and there is merit in the suggestion; when you consider how stupendous the whole matter is it will be seen that the amount could be very greatly increased, but I realize in these days of economy that it would be useless to ask for it. However, I call my colleague's attention to the fact that only $75,000 is to be matched locally and the remaining $125,000 is left for general work.

Mr. McLAUGHLIN of Michigan. After the eloquent speech the gentleman has made, perhaps the gentleman from Minnesota might consent to increase it above $200,000.

Mr. KETCHAM. I have had many pleasant interviews with the distinguished gentleman from Minnesota, but if you will permit an expression used during war time, when it comes to getting an increased appropriation, I find him somewhat "hard-boiled."

Mr. CHALMERS. If the gentleman will yield, I think the gentleman's suggestion is a good one, and I suggest that the chairman accept the amendment.

Mr. HAUGEN. Does the gentleman consider it economy to expend only $200,000 on a crop where we get 3,000,000,000 bushels? Is it not worth considering making it $1,000,000,000? If you are going to do a thing, do it on the start—making an appropriation of $250,000 or $500,000 would simply encourage the spread. If you are going to stop it, let us make an appropriation sufficient to do it.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto close at the end of 10 minutes.

Mr. SUMNERS of Texas. I reserve the right to object.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on the paragraph and all amendments thereto close at the end of 10 minutes.

Mr. HAUGEN. I object to that; this is the most important item in the whole bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SUMNERS of Texas. I ask unanimous consent that the time of the gentleman from Michigan may be extended 5 minutes.

Mr. ANDERSON. I object.

Mr. CHALMERS. Mr. Chairman, I rise to offer an amendment. In line 15, page 45, strike out "$200,000" and insert "$275,000."

Mr. ANDERSON. Mr. Chairman, I make the point of order that that amendment is not in order.

The CHAIRMAN. The point of order is sustained.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of emphasizing the importance of this danger to one of the great crops of this country. I have been assured by the chairman of the subcommittee on appropriations that this appropriation had been increased to protect the corn belt of Ohio, and I know from the report of two experts that the Department of Agriculture sent to the south shore of Lake Erie that there is danger of the spread of this pest up there. Inasmuch as northern Ohio and the south shore of Lake Erie is a very important area in the corn belt and the lands there are very important, I hope in the very beginning of the danger of this pest that enough money will be appropriated, at least as much as last year, to stamp out this pest at this time. I hope some way may be found so that this appropriation may be increased to take care of this evil.

I do not agree with the subcommittee and its chairman, who is in charge of this bill, that $200,000 will be ample to eradicate the European corn borer from the corn belt of this country.

Two hundred and seventy-five thousand dollars were appropriated last year for this department, and I am sure that a reduction of $75,000 would be taking a great risk at the expense of the corn growers that the pest might gain such a foothold here that our American corn crop, valued at billions of dollars, might be at stake. During the past year or two the European corn borer has appeared in the corn belt along the south shore of Lake Erie and in southern Michigan and seems to be drifting westward.

In my own district, in Ottawa and Lucas Counties, are some of the most valuable corn lands in the corn belt. I have the honor to represent some of the most scientific and intelligent farmers in the country.

As far as my vote and influence are concerned, I shall not take a chance of ruining their crop. If this borer is permanently lodged in this country it may depreciate the value of our farm lands running into millions of dollars.

The two inspectors from the Federal Bureau of Entomology who visited the territory along Lake Erie found many evidences of the existence of the European corn borer, and report that the

insect has gained a foothold in Lucas and Ottawa Counties, and that it may develop into a serious pest and cause considerable damage to corn in that region if steps were not taken to check it.

In the name of the farmers of the corn States I appeal to the Members of this House to adopt an amendment to this bill that will make provision for the Department of Agriculture to do this work efficiently.

Mr. Chairman, I therefore move that the "$200,000," in line 15 of this paragraph, be changed to read "$275,000."

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

Mr. MANN. Mr. Chairman, I move to strike out the last three words. I would like to ask some of the experts on this pest what method so far has been provided by the Agricultural Department for the destruction and wiping out of the European corn borer? Is it not altogether dependent on the action of the people themselves where their crop is infested by the corn borer?

Mr. ANDERSON. I can not qualify as an expert, but I know that the department is confined almost entirely to the quarantine as the only method which anybody knows of exterminating the corn borer, and to take up the stalks and tear out the roots and burn them.

Mr. MANN. We have a law under which they can quarantine against these things.

Mr. McLAUGHLIN of Michigan. There is a quarantine against importations from foreign countries.

Mr. MANN. There is a quarantine against transportation from one part of the country to another, and they can put it in force on the corn borer. But what I want to get at is, it is not expected that the Government is going to take up these corn stalks and cut up all the weeds that have hollow stems and all the wild flowers that have hollow stems in order to destroy the corn borer.

It is dependent, in any event, upon the action of the people themselves. All that it is necessary for the Government to do is to give the information as to how they shall proceed, and then endeavor to quarantine against the spread of the corn borer. It will take a great many million dollars if the Government is expected to do all this work itself.

Mr. McLAUGHLIN of Michigan. The people of Massachusetts demanded that the Government employ at one time as high as 500 men to do nothing except cut brush.

Mr. MANN. Oh, that was at a time when the Government authorities thought that by cutting the underbrush and hollow-stem plants they could abolish the corn borer.

Mr. McLAUGHLIN of Michigan. Oh, no; I refer to the gypsy moth and the brown-tail moth. They cleaned out the highways so that the wagons and automobiles and street cars would not carry the brown-tail moth. That is the way it spreads.

Mr. UNDERHILL. The policy pursued with reference to the corn borer has been for the Government or State inspector to go into the cornfields, and where the presence of the moth is found he recommends, and the farmer usually cooperates with him and with the State, the destruction of the whole crop. It is leveled and the crop is burned, and the stubble is plowed up and that is also burned. You must have these inspectors go out and ascertain where this trouble exists before it goes to such an extent that it would cover all of the area adjacent, and perhaps to some considerable distance on either side.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. KETCHAM. May I say that the purpose which the gentleman has in mind is the purpose of the amendment. It particularly requires the locality, the States, the counties, the smaller units, even associations and groups of men who are vitally interested in this proposition, to come in and meet the contribution. That is the purpose of the amendment. I believe that without that cooperation the destruction of this pest will be impossible.

Mr. MANN. These people will have to do as the people out West did with the grasshopper and the chinch bug and the army worm. They practically abolished them through their own efforts. The Government has given them aid, advice, and help; but, after all, the Government can not abolish a widespread pest without the effort of the people. About all that the Government can do is to give the information.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I rise in opposition to the pro forma amendment. I heartily approve what the gentleman from Illinois [Mr. MANN] said about the advisability of the people spending their own money and doing some of the work to rid themselves of these difficulties. In many cases, however, the people of the various communities rely upon the Federal Government. In many cases no State or local appropriation is made, and the Government is expected not only to make scientific investigations and experiments but actually to do the physical work in carrying these experiments to the people, putting them into force, and overcoming the pests and obstacles and troubles of one kind and another. I am one of those who have always been very much in favor of the Federal Government carrying on experiments and making investigations, and I believe money should be provided without limit for these purposes; that is, just as far as we can afford to make appropriations we should make them to enable the Government to carry on scientific and experimental work. But I have insisted that, when the Government finds the remedy for a trouble and all that remains to be done is the expenditure of physical labor, the people themselves ought to take up that remedy, perform that labor for themselves. However, in many cases they lie back and do nothing, expecting and demanding that the Federal Government do it. Whether it is commendable or not, we find officials and employees of the Federal Government willing and anxious to do that physical work, evidently liking to spend money. Some of them seem to think they are doing the best work when they are spending the most money; think they are doing the most work when they are hiring the most men. It seems to me that the wrong principle has been invoked and the wrong policy has been pursued. I trust that the words of the gentleman from Illinois will be approved by those in authority and that the advice he offers will sink deep into the minds of those who are carrying on this work and who are responsible for the use of appropriations the Congress makes. I would suggest also that it is good advice to the Appropriations Committee of this House.

Mr. SNELL. Why would not that be carrying out the line of the gentleman's argument if we adopt the amendment offered by the gentleman from Michigan [Mr. KETCHAM]? That would force the localities to spend some money.

Mr. McLAUGHLIN of Michigan. I heartily approve the amendment offered by the gentleman from Michigan, but the gentleman from Illinois [Mr. MANN] opened up another line. We do not always confine ourselves in our discussions to the particular matter before the committee, and I ventured a few suggestions along the line opened up by Mr. MANN.

Mr. SNELL. Is not this a good place to make a start along that line by forcing these people to cooperate and pay a part of the expense?

Mr. McLAUGHLIN of Michigan. I think it is.

Mr. SNELL. That will double the appropriation.

Mr. McLAUGHLIN of Michigan. I may not have made myself clear. I certainly did not intend what I said as in opposition to the amendment offered by the gentleman from Michigan [Mr. KETCHAM]. I asked the gentleman if he did not think it would be necessary, if we are going to divide this appropriation into a number of small parts, to have the total increased, so that more money would be available. But the gentleman from Minnesota [Mr. ANDERSON] says the amount of money carried in the bill is all the department says it can profitably use.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. FESS. The gentleman is talking along the line that I raised the point about a while ago. When we start in with Federal aid the difficulty is that there is no end to it. If the State had to meet the burdens of assistance, I think there would be less waste and greater efficiency in the use of the money. I agree with the gentleman that experimentation and scientific research are proper functions of the Federal Government, but that the application of the remedy and the expenditure of the money to eradicate pests are not Federal functions alone.

Mr. McLAUGHLIN of Michigan. I was speaking about pests attacking the forests and the willingness or otherwise of the people to contribute to assist the Federal Government. There was a chestnut blight which struck pretty hard in Pennsylvania a few years ago. The legislature there made a small appropriation; the Federal Government made a large appropriation. Officials of the Government and the State worked together until it was discovered and worked out that the only way to treat the disease was to destroy the trees; that it was a question of physical labor in the expenditure of the money, there was nothing scientific in it. The scientific feature had been removed by the investigation of the department. At that point the Legislature of the State of Pennsylvania refused to make further appropriations, but they came to the Department of Agriculture, or to the Committee on Agriculture, and were just as insistent as ever that the Federal Government should appropriate money to carry on that work. The committee very properly, in my judgment, refused to continue the appropriation, and I think ought to continue to refuse some other appropriations unless we find States and local interests willing to do the work and appropriate part of the money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes, the gentleman from Iowa to have three and myself to have two.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, it seems to me an appropriation of $200,000 is a mistake when you think of the pest attacking the corn belt that produces 3,000,000,000 bushels of corn. Three or four years ago the ravages of the corn borer was confined to a small area in the East, but now it has extended beyond the Mississippi River. To now appropriate $200,000 is simply to nurse it along. If you are going to do away with it the only thing is to make an adequate appropriation, treat it as we treated the citrus canker and the foot-and-mouth disease. The department came to us then and said it wanted $250,000. We said to them take $500,000 and stamp it out at the beginning; get rid of it. With this appropriation of $200,000 we might just as well admit it is simply to give fat salaries to a few people. If you are going to stamp out the pest, then make an adequate appropriation.

Mr. McLAUGHLIN of Michigan. If the gentleman will yield, the gentleman knows we adopted the same policy in making recommendation in reference to the cattle tick?

Mr. HAUGEN. The gentleman will recall that in a number of instances when they came before the committee and asked for small appropriations our committee said, "No; not $250,000; you should have what you need to complete the work. We will give you $500,000 or $1,000,000 or whatever is needed, we want you to stamp out that pest."

Mr. McLAUGHLIN of Michigan. I am approving of what the gentleman says, and as a further instance of giving more money than was asked so that the work could be cleaned up permanently I was calling attention to the appropriation in reference to the cattle tick.

Mr. HAUGEN. If the policy is to spread the corn borer, go on with the $200,000; if you are going to stop it, give an adequate appropriation so as to make it possible to stamp it out. That is all I have to say.

Mr. ANDERSON. Mr. Chairman, I do not disagree with the gentleman from Iowa at all. If the policy had been to stamp this disease out when the gentleman from Iowa was appropriating for it——

Mr. HAUGEN. We gave them all the money they asked for.

Mr. ANDERSON. There might have been some chance of stamping it out, and we might as well face the fact now that there is no chance of stamping it out. It has got to the point where it is simply a question of preventing its spread. In this appropriation we are giving the department all the money that they have asked for this purpose. They originally estimated $125,000 and later came along with a supplemental estimate for $75,000, both of which we allowed. So far as the amendment of the gentleman from Michigan is concerned I have no objection to it, because I agree that with the situation as it is the only way to control the insect is through proper cooperation on the part of individuals and the States in which the pest occurs, and I shall be glad to see the amendment of the gentleman from Michigan adopted because I think it contributes to that general result.

Mr. HAUGEN. Mr. Chairman, has the time for debate been limited?

The CHAIRMAN. The Chair thinks so.

Mr. HAUGEN. I desire to offer an amendment to increase the amount to $300,000.

Mr. ANDERSON. I make the point of order there is an amendment pending and that another amendment is not in order at this time.

Mr. HAUGEN. I move to increase the amount to $300,000. To strike out $200,000 in line 15 and insert $300,000.

The CHAIRMAN. Debate is exhausted, all pro forma amendments are withdrawn, and the question is on the amendment offered by the gentleman from Michigan.

Mr. GARRETT of Tennessee. May we have that amendment again reported?

The CHAIRMAN. Without objection the amendment will be again reported.

There was no objection.

The amendment was again reported.

The question was taken, and the amendment was agreed to.

Mr. CHALMERS. Mr. Chairman, I move to amend, in line 15, by striking out "$200,000" and inserting "$275,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 45, line 15, strike out the figures "$200,000" and insert in lieu thereof "$275,000."

Mr. ANDERSON. Is debate closed on the paragraph and this amendment?

The CHAIRMAN. The Chair thinks it is. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ANDERSON) there were—ayes 29, noes 22.

Mr. ANDERSON. Mr. Chairman, I ask for tellers. I withdraw the demand.

So the amendment was agreed to.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Chairman, I ask unanimous consent to extend the remarks which I made in the committee by adding thereto a resolution adopted by the executive committee of the Baltimore Federation of Churches on the same subject of peace.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, reserving the right to object, why does he not send them over to the Senate?

Mr. HILL. The reason I am putting them in is so that the Senate can read them to-morrow.

Mr. GARRETT of Tennessee. Has the gentleman any promise that they will read them over there?

Mr. HILL. Knowing the respect that they pay to everything from the House, I think they will read them.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following are the resolutions referred to:

Resolution adopted by the executive committee of the Baltimore Federation of Churches at a meeting on Thursday, March 9, 1922.

Whereas the Conference on Limitation of Armament, in which representatives of nine nations participated, agreed upon a number of important international treaties, six of which involved the United States as a party; and

Whereas these six treaties have been submitted by the President to the Senate of the United States for its ratification and approval; and

Whereas these treaties so supplement each other as to make the entire work of the conference of no effect unless all are ratified by the Senate: Therefore be it

Resolved, That the Baltimore Federation of Churches, representing 166 churches in 21 denominations, through its executive committee, respectfully urges the Senate of the United States to ratify the treaties agreed upon by the conference; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, to Secretary of State Hughes, and to the Members of the Senate and House from the State of Maryland.

Hon. JOHN PHILIP HILL:

The above are resolutions adopted by the Federation of Churches March 9, 1922.

L. M. MCCREARY,
Executive Secretary.

The Clerk read as follows:

For investigating the food habits of North American birds and other animals in relation to agriculture, horiculture, and forestry; for investigations, experiments, and demonstrations in connection with rearing fur-bearing animals; for experiments, demonstrations, and cooperation in destroying mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and for the protection of stock and other domestic animals through the suppression of rabies in predatory wild animals, $466,500.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the figures "$466,500," in line 16, page 47, and insert in lieu thereof the figures "$502,240."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 47, line 16, strike out the figures "$466,500" and insert in lieu thereof the figures "$502,240."

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, this is the sum recommended by Gen. Dawes, of the Budget, for this work. I want to say to the committee that if I could take it to the western part of this country, to the Northwest, to the States of Kansas and Oklahoma, and to western Texas, and show them to-day range lands that are now upon the tax rolls at $4 and $5 an acre, that before this work was commenced by the Federal Government in 1915 were being

rendered at from 50 cents to $1 an acre, I do not believe there would be a vote against the raising of this sum to $37,700 over the amount given the department last year. I do not believe, gentlemen, there would be a vote against it. I want to say that if the conditions as described by my good friend from Kansas on yesterday continue throughout the live-stock country, I hope to be able to take this committee over there and show them that since the Federal Government began the work of exterminating predatory animals and rodents that destroy the grass and that destroy the live stock the lands throughout the range country have enhanced from 200 to 300 per cent. Now, the fact is, gentlemen, when you ask for an appropriation, the first thing to be considered by the committee is whether or not the department is asking for it. I want to state to the gentlemen of the committee that the Department of Agriculture states that without this additional sum the work of eradicating predatory animals and rodents will be seriously crippled. Now, the statement was made a few moments ago in regard to exterminating or controlling the corn borer, by the gentleman from Iowa [Mr. HAYDEN], in which he said that if you were going to engage in this work in a proper manner we should provide a sufficient sum; and I agree with him and voted with him. The same thing applies in the predatory-animal work. If you gentlemen had read the hearings upon this matter, you would have seen that since this work was commenced there have been 300,000 wolves destroyed, according to the statement of Dr. Nelson. You would also see, gentlemen, that he estimates that in destroying the prairie dog, that sweeps the grasses from the range as clean as this floor on hundreds of thousands of acres of land, causing the live-stock producer to have to feed his live stock at least half the year on those ranges, there has been saved $300,000,000 by the destruction of the prairie dog alone.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDSPETH. May I have five minutes additional?

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Will the gentleman yield for a question?

Mr. HUDSPETH. I will be glad to do so.

Mr. TILSON. Has the State of Texas spent any money for the eradication of these predatory animals?

Mr. HUDSPETH. The State of Texas, I will say to my friend from Connecticut, appropriates and matches dollar for dollar any appropriation of the Federal Government, and I take it that most of these northwestern States do the same thing. And in addition to that I will say to my friend that the sandmen band together throughout the western part of my State, and they pay as high as $100 a scalp for what they term the outlaw wolf, as was spoken of at Split Rock, Wyo., where they captured one after months of search, and after the Federal Government had put trappers upon his trail. There is a statement here of Dr. Nelson, and I have seen it borne out by letters, that this wolf destroyed $25,000 worth of stock.

Mr. MANN. Is this work done on private land?

Mr. HUDSPETH. Everywhere throughout the western country.

Mr. MANN. It started out on public land.

Mr. HUDSPETH. I will state to my friend that there is no public land in the western part of Texas. They have trappers in Oklahoma that have saved thousands of dollars' worth of live stock there. It states there have been saved from killing, of live stock alone, $75,000,000 worth of property, and there has only been expended in this work a little over $1,000,000. A trapper has to return the hide of the animal to the Federal Government, and there have been returned and sold $268,000 in hides. I think every gentleman who comes from the live-stock sections of this great country will testify as to the splendid work that has been done by the Federal Government in the eradication of rodents and predatory animals. It is to my mind the best work engaged in by that splendid Department of Agriculture.

They state here that there is a rat for every person in the United States, and each rat will destroy $2 worth of grain and agricultural products. In the destruction of rats they have saved over $200,000,000. And I want to say to you, gentlemen, as a practical stock raiser, that before the Federal Government took hold of this, although the State of Texas paid over thousands in bounties, when they captured the wolves, under the bounty system they did not retain their scalps. Now the Government trappers have to show the scalps, and they are paid every month.

Mr. McLAUGHLIN of Michigan. The gentleman is speaking of predatory animals, such as wolves and rabbits and coyotes, and so on. Does the gentleman think it is incumbent upon the Federal Government to do this work on private lands? It has been done on the public lands of the West. On what theory is it done on the private lands? If it is done on the private lands to clean up rats and coyotes, why not appropriate to clean the rats out of warehouses in the cities?

Mr. LANHAM. I want to ask the gentleman if the wolves out in Texas and in those Western States have been educated to stay on the public lands?

Mr. HUDSPETH. No.

Mr. McLAUGHLIN of Michigan. What public lands have you in Texas?

Mr. HUDSPETH. We have not any. You know these wolves, I will state to my friend from Michigan, will cross a wire fence or a State boundary line—they may be educated up in the State of Michigan to where they will not cross a boundary line into another State—but those poor, benighted, uneducated wolves down in Texas cross a State boundary line whenever they happen to strike it; and that is all that divides the State of Texas from the State of New Mexico and several other States. This amendment should be adopted. [Applause.]

Mr. ANDERSON. Mr. Chairman, I think it is a very good work and ought to be continued. The appropriation in this bill is exactly the same amount that was carried last year, and the amount transferred to the statutory roll.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield right there?

Mr. ANDERSON. Yes.

Mr. HUDSPETH. According to this report, I will say to the gentleman that you have cut this appropriation $10,000.

Mr. ANDERSON. I have just stated it was the same as last year, less the amount of $10,000, which was transferred to the statutory roll, so that the same amount will be spent during the next year as is being expended in the current year.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield further?

Mr. ANDERSON. Yes.

Mr. HUDSPETH. Dr. Fisher, who has this matter in charge, stated to me this morning that the $10,000 that was taken out was taken out of the operative work this year.

Mr. ANDERSON. If he made that statement, he made a misstatement.

Mr. HUDSPETH. And we are asking only for an additional $27,000.

Mr. ANDERSON. Let me read a note from the Budget recommendation:

> An apparent increase of $27,000, but as eight employees with salaries aggregating $10,740 have been transferred to the statutory roll, the actual increase is $37,740.

We transferred those employees from the statutory roll and took them off this roll, as we always do under these circumstances, leaving the amount to be expended on field work the same as it was before. So far as the work being crippled is concerned, in consequence of the failure to allow the $27,000 estimated for, the detailed estimates submitted for the current year indicate that this year they have a reserve of $11,000, which is going back into the Treasury under the economy program of the distinguished Director of the Budget.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. HUDSPETH. Then, why did the Director of the Budget estimate for this $504,000?

Mr. ANDERSON. I do not know.

Mr. HUDSPETH. That is what he did, and my understanding is that they have not a dollar left.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SUMMERS of Washington. Is not this a saving under protest?

Mr. ANDERSON. I expect it is. I suspect if you gave them $500,000 they would use it all.

This appropriation has been gradually increased from year to year, notwithstanding the fact that we are supposed to be making some progress in getting rid of these predatory animals. It seems to me we ought some time to arrive at the point where we can decrease the amount. This work is now on a satisfactory basis. There is no pressing requirement for increasing the amount at this time.

Mr. HUDSPETH. But Dr. Nelson says these wolves and other predatory animals have been decreasing to an enormous extent, but he says when you do not perform the work in other parts of the country then they come back.

Mr. ANDERSON. Yes; but they have been able to diminish them on the basis of the present appropriation, and I expect they will be able to continue to diminish them.

Mr. SUMMERS of Washington. One good reason for increasing the amount is the fact that rabies has broken out among the coyotes and wolves. These animals bite the live stock and threaten the lives of our people and bring havoc generally to Adams, Grant, Franklin, Douglas, and Benton Counties, in the eastern part of the State of Washington; and the fact is that for economy's sake we have been compelled to yield up a part of our appropriation, which, nevertheless, was badly needed. Our State has met the Federal appropriation, and yet these infected animals have not been destroyed and are at large.

Mr. ANDERSON. They had rabies when they had less money to spend than they have now and they were doing this work successfully.

Mr. SUMMERS of Washington. The gentleman surely does not think it safe to let predatory animals infected with rabies run about loose among the live stock?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. MANN. Mr. Chairman, the remarks of my friend from the State of Washington [Mr. SUMMERS] lead me to inquire what has become of the spirit of the people of the country? Coyotes have rabies: hence they send to the Government to kill the coyotes. [Laughter.] This country was covered all over it with wolves at one time, and our people at that time did not depend upon England to kill the wolves in New England. They did not depend upon the Government to kill the wolves in the country. Have our people to-day no enterprise at all to organize a band and go out and kill coyotes that have rabies that threaten to kill the sheep? I do not favor these appropriations if the people have no enterprise at all.

I do not object to this, Mr. Chairman, but this appropriation originally went in as being expressly intended to kill these animals on the public domain, not upon private land. I have a garden. The rabbits come to the garden. The field mice come in. There is a lumber yard not far from the garden. The rats go and propagate in the lumber yard, and they come over to my garden. But I have not received any Government appropriation. I am not so weak yet, so lazy yet, so imbecile yet, that I can not make any effort to destroy these things myself and have to depend upon a man from Washington to come to do it. [Applause.]

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield.

Mr. SUMMERS of Washington. These are public lands. These coyotes belong to the gentleman from Illinois as much as they do to me. In the days to which the gentleman refers, 150 years ago——

Mr. MANN. I am willing to have them killed on the public lands, but when they destroy the property of private individuals, let the private individuals go and hunt them. It is an absolute lack of enterprise. People are being taught in parts of the West, I regret to say, that everything must come out of Uncle Sam. The Representatives from that part of the country would do better if they would tell their constituents to be alive, and wake up and do something for themselves. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word.

Mr. HAYDEN. Mr. Chairman, a complete answer to the argument of the gentleman from Illinois [Mr. MANN] is that over five times as much is being contributed by the States in the West for this very important work as Congress is appropriating. We, of the West, insist that the share of the United States should be increased, in view of the fact that there are large areas of untaxed public lands and Federal reservations embraced within our States which are the breeding grounds for predatory animals and destructive rodents.

Mr. HUDSPETH. The gentleman's State is a public-land State, is it not?

Mr. HAYDEN. It certainly is. The State of Arizona formerly appropriated money for bounties to those who killed wolves and coyotes and mountain lions. The Biological Survey demonstrated a better way of destroying these predatory animals. The legislatures repealed all the bounty laws and made a direct appropriation of $50,000 to be used in cooperation with the Biological Survey. But when the time came to actually secure this cooperation the congressional appropriation was so small that only $20,000 was available for allotment to Arizona.

Mr. ANDERSON. That is one way to get more money.

Mr. HAYDEN. More money is needed. The amount appropriated was not large enough last year, and it should be increased this year at least to the amount recommended by the Budget Bureau. Much money has been advanced by stockgrowers' associations, by the various counties, and by the States. They are all doing their full share. In a State like Arizona where over half of its area is untaxed because the title is in the United States, where there is no way of raising revenue from the public land, where it is absolutely necessary that these predatory animals and rodents be eradicated, it is the duty of the Federal Government to contribute to this expense. The people of Arizona are doing their share and much more than their share. They are alive and are enterprising, but they have a right to ask that the Federal Government shall do its part of this work.

The Biological Survey has developed a campaign against animal pests which is extraordinarily successful in reducing heavy losses to stockmen and farmers. The success of the work has brought such public appreciation that the bureau is besieged by urgent requests for increased activities, involving cooperation of State officials, stock growers, and farmers on a great scale. It is impossible for the bureau to meet such demands under existing conditions, and this small increase of $37,740 is intended to provide means to meet the most urgent of these requests for assistance.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. If I may have the attention of the gentlemen from Illinois [Mr. MANN] I wish to say that I lived for several years in that splendid old State, and without any disrespect to my old Illinois neighbors, they are not to be compared with my new neighbors out in the State of Washington in energy and good works. We are combating this menace out there in every way possible. The State legislature has appropriated thousands and thousands of dollars for this purpose. They are doing it independently and they are doing it by matching the Federal fund dollar for dollar; but we have a large area of public lands that is overrun with infected animals, coyotes that have rabies, and they are biting the stock, and it is dangerous for children to go to school. The dogs are being bitten and the disease is being carried everywhere. The coyotes do not belong to the State of Washington, nor to her citizens. They belong to the United States. They do not belong to me any more than they belong to the gentleman from Illinois or anybody else, and if we are going to meet this menace in one part of the country, we certainly ought to meet it at a place like this, where the diseased animals are spreading and are a menace to live stock and to human beings.

Mr. ARENTZ. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield to the gentleman from Nevada.

Mr. ARENTZ. I may say that when the rabies menace first began in Nevada the same number of men were engaged in hunting predatory animals that are required in Nevada now. The same number of men are necessary for this purpose that were required five years ago. That does not prevent a rabid coyote from going over into the State of Washington or into Oregon. For that reason, in addition to the men who have been required for the past five years in my State, other men are now required in Oregon and Washington to eliminate the rabid coyotes from those particular States.

Mr. SUMMERS of Washington. I have a letter here from the State department of agriculture of the State of Washington which says that the predatory animal inspector has called in every Federal and State hunter with the exception of one and put them at work in the rabies district, and even with that he still needs more men. This is a real menace, and I hope the amendment will prevail.

Mr. RAKER. Mr. Chairman, I was delighted with the energy of my friend from Illinois [Mr. MANN], but the same remark that he made might be repeated relative to the Eastern States, regarding the very items which we have passed to-day in regard to the gypsy moth and the brown-tail moth. Why do not those people get busy and drive them out? A few minutes ago we passed an item in regard to the corn borer. Why do not these people get after the corn borer and drive him out? The same is true with regard to hog cholera and with regard to ticks and with regard to the boll weevil. Everybody knows that rabies is a disease that may be spread a hundred miles by a wolf or coyote. A wolf may travel 100 miles. That has been demonstrated by the Biological Survey.

One coyote afflicted with rabies can destroy in one day $10,000 worth of property for a man by fighting and biting this man's dog, and the dog in return fights and bites another one. In the State of California there has been as high as 40 beef cattle bitten in one night, worth $110 apiece. That is the situation.

These people are entitled to protection from rabid coyotes and wolves that run in your own public forests, and all we ask is that you cooperate with the State. We tax our people and make the land responsible for this tax, and we sell their land if they do not pay their part of the tax. All we ask is that eastern people get as energetic in taking care of their interests as we are. We all ask their cooperation in this item as we have had in other items placed on the bill. [Applause.]

Mr. TILSON. Mr. Chairman, I am not going to throw stones at any of my colleagues from the West, but I am going to make a plea for sanity in passing this bill. An able subcommittee have worked on the bill for a long time. They have had adequate hearings, which are worth anybody's reading, and I hope the Members have read them. They have questioned the representatives of the Department of Agriculture as to what amount they can use profitably. The members of the subcommittee were evidently in full sympathy with the agricultural interests and disposed to do everything possible for those interests. The subcommittee has constructed and brought into the House a bill which is worthy of the support of everybody in the House. Now, if the corn borer interest increases one item and the prairie dog and coyote interest increases another item, we are going to have the bill all out of joint.

Mr. JOHNSON of Washington. Then what is the use of reading the bill?

Mr. TILSON. I say, take the bill as it is, unless we can show that the committee has failed in some particular to do its work well. If it has considered every item carefully, as it apparently has done, then we should at least pay some attention to the recommendations of the committee.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. TILSON. I will.

Mr. MOORE of Virginia. I have noticed that in all appropriation bills the estimates of the Budget Bureau are taken as a reducible maximum. There is not a single bill thus far considered that does not show that practically all of the estimates of the Bureau of the Budget have been reduced.

Mr. TILSON. Does the gentleman object to that?

Mr. MOORE of Virginia. If it is done properly, after investigation, I do not object, but if done arbitrarily, without inquiring upon what facts the bureau based its estimates, it might be most improper.

Mr. TILSON. I would rather rely upon the investigation of a subcommittee like this on a particular matter than the estimates of the Budget, as much as I respect the work of that bureau. I have no objection where the committee, after thoroughly investigating a matter, has come to the conclusion that even the Budget estimates can be cut, and unless I am shown sufficient evidence to the contrary, I shall follow the subcommittee.

Mr. MOORE of Virginia. What is the use of a Budget Bureau if uniformly the estimates of the Budget Bureau are reduced, and reduced on the assumption that the bureau must be wrong without any investigation of the reasons that actuated the Budget Bureau?

Mr. TILSON. I think the Budget Bureau is doing a great work; but the subcommittee does even more, and follows it up still further into greater detail than can the Budget Bureau.

Mr. HUDSPETH. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. HUDSPETH. The gentleman wants to stand by the subcommittee. I admit that they have brought in a pretty fair bill, but their work is not infallible. How did the gentleman vote on the amendment to raise the amount to eradicate the corn borer?

Mr. TILSON. I voted with the committee. I do not know of anything in the bill or any question that has come up under it that I have not voted with the committee, because I believe the committee has brought out a good bill. Not that they are infallible, but I think there ought to be very substantial reasons before we enter upon a program of adding to the bill item after item. I think that this item as it stands in the bill has been sufficiently explained by the gentleman from Minnesota, who assures us that it gives all the money that the department can satisfactorily use. Therefore we ought to stick by it.

Mr. ANDERSON. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were 27 ayes and 25 noes.

So the amendment was agreed to.

The Clerk read as follows:

For biological investigations, including the relations, habits, geographic distribution, and migrations of animals and plants, and the preparation of maps of the life zones, $24,460.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want the attention of the committee a moment. I received amongst many letters one from a gentleman who criticizes the House for paying no attention to the Director of the Budget. The charge was made that the Budget Director was working his head off to reduce expenses and that the House of Representatives overrides his recommendations. Up to that time I was able to write him and state that so far as it was in my memory there had not been but one item that had been increased by the House over the recommendation of the Director of the Budget. But I could give him a number of items which had been reduced, dozens upon dozens of cases, and if he cared—he seemed to think he knew what he was writing about—if he cared, I would confirm what I stated by a statement from the chairman of the Committee on Appropriations.

I directed a communication to the chairman of the Committee on Appropriations, because I received a letter from this man asking that I give him these facts. He said that, "We in the country have no such conception as that, because we are under the impression that the Director of the Budget makes his recommendations to the House and that the House pays no attention to them." I quoted in my letter to him the item of $500,000 for the archives building, and stated to my correspondent that I was very much interested in that item and anxious to have it agreed to; that it was recommended by the Director of the Budget, but was voted down by an overwhelming vote of the committee; that that was only one of the very many occasions where the director's recommendations had been reduced, but I stated that we were not making any increases. I fear that rule has been somewhat violated to-day.

Mr. HAYDEN. Oh, no; no appropriation has been increased to-day.

Mr. JOHNSON of Washington. It just restores the appropriation to the recommendation of the Budget.

Mr. FESS. I am very glad to be corrected in that respect. However, the item of increase of appropriation for treatment of the corn borer is an increase above what was recommended.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. FESS. Yes.

Mr. MOORE of Virginia. I am as anxious to see economy practiced as is the gentleman from Ohio, but in line with the question that I put to the gentleman from Connecticut [Mr. TILSON] a moment ago, I would ask my friend upon what theory the estimates of the Budget are invariably reduced? If he will look at the appropriation bills that we have already considered, he will find that is the almost inflexible rule. The estimates of the Bureau of the Budget are systematically reduced, and they are reduced without calling the Director of the Budget as a witness, and without calling any of his subordinates to explain on what basis the estimates were made up.

Mr. FESS. Is that statement exactly accurate? Is it a fact that there are no persons called before the subcommittee when these items are reduced?

Mr. MOORE of Virginia. Officials of the departments are called but the Budget officials are not called. I kept up very closely with the appropriation bill for the District of Columbia, as to which that was the fact.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAUGEN. Mr. Chairman. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Chairman, I will say to the gentleman with a great deal of confidence—and I appeal to members of the Committee on Appropriations to bear out the accuracy of the statement—that almost without exception the Committee on Appropriations reduces the estimates of the Bureau of the Budget, and without any explanation being asked of the bureau as to the basis on which the estimates were made. That is something that I have not been able to understand in connection with our new procedure.

Mr. FESS. Mr. Chairman, I am in entire sympathy with the foundation of the gentleman's query about whether there are additional data upon which these reductions are made. I agree with him that to make them arbitrarily just in order to cut below what is recommended is not, as I think, justified; but I would assume that they never have been made arbitrarily, that they are made after an investigation of additional data, and by

the committee that has finally to make its recommendations to the House.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. HAUGEN. What is the gentleman's contention? Does he contend that Congress should be governed entirely by the Budget, that Congress should accept the findings of the Budget?

Mr. FESS. No; I do not believe that we should go to the extent of the British system which says that you can not change or increase an item above the recommendation of the Budget. That would not be allowing an amendment from the floor, and we never would agree to anything like that.

Mr. HAUGEN. If the Budget is to be of any value whatever its findings ought to be accepted, and when accepted Congress is simply surrendering its power.

Mr. FESS. I do not agree with the statement that if the Budget is of any value at all its recommendations must be accepted, because if that be true then there is nothing for us to do except to read the bill and vote upon it.

Mr. HAUGEN. They must be accepted to bring the expenditures within the revenue. That is the purpose of the Budget.

Mr. PADGETT. So far as that is concerned, there should be a connection between the amount of income that we receive and the amount of outgo. That is the basis on which the Budget is made, and we ought to respect that in that degree.

Mr. HAUGEN. The President can not be held responsible for any deficit unless his suggestions are carried out, and they are carried out through the Budget system. There has been a great deal of controversy about this, and I would like to have the gentleman's opinion upon it.

Mr. FESS. My opinion is that we can not accept the Director of the Budget's judgment without question and without permitting the House to revise it. I would not think about giving any bureau of the Government the power to make a final statement that could not be revised by the House. I think that would be entirely un-American.

Mr. HAUGEN. If the House should revise it and increase the appropriation within the revenues, then the Executive could not be held responsible.

Mr. ANDERSON. I desire to ask whether this discussion relates to wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, horticulture, forestry, or what?

Mr. JOHNSON of Washington. It means this, that the House, in Committee of the Whole, has raised the figure of the Appropriations Committee for this item and put it back to the Budget figure, and for that we are being scolded.

Mr. FESS. I think probably I am allowing this thing to go afield. I arose simply to call attention to the misconception in the country that the Director of the Budget is working his head off to secure economy for the Government and Congress is daily overriding its recommendation and increasing the amount.

Mr. HAUGEN. Will the gentleman yield?

Mr. FESS. Now, that statement is in error—that assumption is in error—and, on the other hand, the real budget agency of the Government is this House right here. [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for recognition in opposition. Mr. Chairman, I think I can explain the matter to the gentleman from Ohio [Mr. FESS], at least in part, as to why the Congress has been brought under criticism and the Bureau of the Budget has been boosted in the public eye. It is because the Budget has been able to advertise better than the Congress. Day after day, I said here not long ago, in the public press it looked like some of the papers kept headlines standing about "Dawes's saving," and I called attention to what there was about it at that time. The fact is these departments send their estimates over to the Budget. The Bureau of the Budget takes and works them out the best they can. They cut down a lot of these estimates like the Congress has always done in the past. Then the publicity department passes out to the newspapers that Gen. Dawes has saved $25,000,000 here and $50,000,000 there. Of course, I suppose he learned that from the Republican leaders here in the last Congress when they talked so much about saving money because they cut the estimates of the departments; and that is the explanation why the country does not know what is going on; and the belief that Dawes is saving and that the Congress is overriding him is due to the fact that somehow, some way, it has better avenues for publicity than the Congress has been able to find.

Mr. MOORE of Virginia. Mr. Chairman, I assume that the Director of the Budget is an able and earnest official, and I think he is entitled to a great deal of consideration, and I can not see why such consideration is not given him by the Committee on Appropriations. As the gentleman from Ohio [Mr. FESS] has said, he works his head off. Then, having worked his head off, the Committee on Appropriations takes his estimates and almost always cuts them down materially. There are not many exceptions to that performance, and it is done without any investigation of the steps that led him to his conclusion.

Mr. ANDERSON. That statement is not quite accurate.

Mr. MOORE of Virginia. Then I will try to make it accurate. At the time that my friend, whom I admire as a man of unusual ability and experience, came to conduct the proceedings of the subcommittee, of which he is chairman, and which is responsible for the bill now under consideration, the subcommittee looked at the estimates of the bureau and passed upon them without summoning the director or any of his subordinates who participated in compiling the bureau estimates.

Mr. ANDERSON. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. ANDERSON. The committee had before it when it considered this bill not only the proposed Budget but also the estimates proposed by the bureaus, and in addition to that this very large volume which I have in my hand, which is an itemized statement of every allotment of every lump-sum appropriation in this bill and an itemization of each of these allotments, showing how much money was expended and how it was spent for the current fiscal year and the preceding fiscal year, and the proposed allotment for the next fiscal year.

As a matter of fact, the subcommittee had before it a great deal more information than the Budget Director had before him when he made up the Budget.

Mr. MOORE of Virginia. I think my statement stands. The subcommittee, of course, had the statistics and it had the benefit of explanations given by the department officials. But the gentleman does not know to this good moment, I venture to believe, what actuated Gen. Dawes or his subordinates in reaching the conclusions at which they arrived and which were represented by estimates that the subcommittee declined to accept.

Mr. ANDERSON. Yes, I do, and I will explain what actuated him. He made up his mind that he would cut off so much of this appropriation, and he cut it off wherever he could find a place to cut.

Mr. MOORE of Virginia. Exactly. He cuts off wherever he can find a place to cut and arrives at the amounts stated in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. The subcommittee regards the bureau estimates as the maximum and then always reduces that maximum. You will find this to be the rule if you look into all the appropriation bills with which we have been dealing. Why should Gen. Dawes, a man held in high esteem, an official who is at the front in estimating the needs of the Government—why should he and his bureau be subjected to that sort of treatment?

Mr. MONDELL. Mr. Chairman, I am a little surprised at the view of the Budget estimates expressed by the gentleman from Missouri—I should have said from Virginia [Mr. MOORE]. The Budget policy is working splendidly. Gen. Dawes has performed a very splendid work in connection with the Budget, but I think the gentleman from Virginia, when he comes to think about it, would scarcely wish to subscribe to the proposition that we must accept the judgment of the Budget commissioner at all times as the minimum of appropriations. The gentleman will certainly not take that view, I hope, when he reaches the defense bills.

Mr. MOORE of Virginia. May I interrupt the gentleman from Wyoming?

Mr. MONDELL. Yes.

Mr. MOORE of Virginia. Perhaps the gentleman thought of me for a moment as from Missouri instead of Virginia because he appreciated my anxiety "to be shown." That is really my desire. I do not say for a minute that we should ordinarily regard the estimates of the Bureau of the Budget as a minimum. That would be very far from my thought to suggest. What I am simply trying to ascertain is why it is that when the bureau has worked so diligently in making up its estimates the Committee on Appropriations should work so diligently to cut down those estimates, and do it without consulting the director or his subordinates.

Mr. MONDELL. I have a high regard for the State of Virginia and its distinguished Representative; also of the great State of Missouri, where I was born; so it is a compliment to have for a moment placed the gentleman in Missouri rather than in Virginia.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 490) to consolidate national-forest lands.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C., had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERNALD, Mr. FRELINGHUYSEN, and Mr. ASHURST as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. SPENCER, and Mr. HARRIS as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Sixty-seven gentlemen are present, not a quorum.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10730, the Agricultural appropriation bill, and had come to no resolution thereon.

ALASKAN FISHERIES.

Mr. CHINDBLOM rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. CHINDBLOM. To ask permission, on behalf of the minority members of the Committee on the Merchant Marine and Fisheries, to file minority views on the bill H. R. 10427, relating to Alaskan fisheries, within five days. I ask unanimous consent that they may have five days in which to file minority views.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the minority members of the Committee on the Merchant Marine and Fisheries may have five days in which to file minority views on the bill H. R. 10427, relating to Alaskan fisheries. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. ALMON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the remarks I made before the Committee on Military Affairs last Wednesday on the offers for the Government nitrate plants at Muscle Shoals, in the usual RECORD type, 8-point.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing in 8-point type the remarks he made on Wednesday last before the Committee on Military Affairs in reference to the nitrate plants at Muscle Shoals. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. ALMON. Mr. Speaker, under leave granted to extend my remarks in usual RECORD type, 8-point, I am inserting in the RECORD a speech I made before the Military Affairs Committee of the House on March 8, 1922, as follows:

SPEECH OF HON. ED. B. ALMON BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. ALMON. Mr. Chairman and gentlemen of the committee, during the recent World War the Government constructed at Muscle Shoals on the Tennessee River, in northern Alabama, two nitrate plants, known as Nos. 1 and 2, for the fixation of atmospheric nitrogen to be used for the manufacture of explosives for war purposes and fertilizer in peace times. The war-time cost of these plants amounted to a total of $85,423,078.73, including the Gorgas steam plant and the Waco rock quarry, which is about twice the amount of cost of construction in normal peace times. In addition to this about $17,000,000 has been expended on the Dam No. 2 at Muscle Shoals, known as the Wilson Dam. It was about 30 per cent complete when work was suspended last May, the appropriation of $10,000,000 to continue work on the dam having been defeated by 11 votes in the House on February 25, 1921.

At the small nitrate plant No. 1 the synthetic process of the General Chemical Co., which had not been developed on a commercial basis, was used. The Haber process was not available in this country at that time, but is now, and is being used successfully, I am informed, in a small plant at Syracuse, N. Y.

Plant No. 1 was an experimental plant. Certain parts of it were not a success. The War Department has decided not to ask Congress for the large amount of money that would be necessary to make it a success, but has recommended that it be salvaged.

The large plant, No. 2, at Muscle Shoals uses the cyanamid process of the American Cyanamide Co. The cyanamid process for the fixation of atmospheric nitrogen is one of the oldest and best. It is being used extensively and successfully in the European countries and was during and before the World War. Plant No. 2 was built in about eight months, being completed just as the war ended. It is 100 per cent in quantity and quality of production contracted for, viz, 110,000 tons ammonium nitrate annually, as has been demonstrated by a number of Government tests. Both plants are now being kept in a standby condition.

The development at Muscle Shoals is not local; it is a great national project and is nation-wide in the uses for which it was intended. This development, as planned in the Ford offer, will be of great benefit to the entire country. Muscle Shoals was selected for this development on account of its natural advantages, namely, within the safety zone prescribed by the military authorities; the greatest water power east of the Mississippi River; in close proximity to the phosphate beds, coal, coke, limestone rock, and all other raw materials in inexhaustible quantities needed in the manufacture of munitions and fertilizer; climatic conditions ideal; central point for the distribution of fertilizer; transportation facilities good both by rail and water.

PLANTS BUILT TO MAKE FERTILIZER AND MUNITIONS.

This committee in 1916 originated the law which resulted in this development. At the earnest solicitation of those who were interested in the question of national defense and agriculture, provision was made in section 124 of the national defense act, approved June 6, 1916, for the construction of one or more nitrogen plants to be used for the manufacture of explosives in times of war and fertilizer in peace times, to be operated by steam or water power; one or both. As a result of that legislation the Government, through its authorized representatives, made these improvements at Muscle Shoals. In the consideration of this question it is most important that you bear in mind that these nitrate plants at Muscle Shoals and the water-power development which has been commenced was just as much intended for the production of cheaper and better fertilizer for the farmers in times of peace as for the manufacture of explosives in times of war. This was clearly the expressed intention of Congress when their construction was authorized.

After our experiences during the World War everybody agrees that this country should never again be dependent upon a foreign market for a supply of nitrogen in times of emergency, and all agree that nitrate plant No. 2 at Muscle Shoals should be preserved and maintained as a part of our national defense.

Soon after the beginning of the present administration, Secretary of War Weeks announced that he would not recommend to Congress the appropriation of funds with which to complete Muscle Shoals Dam No. 2, known as the Wilson Dam, unless he was first assured that there would be a market for the power developed by its completion that would justify the additional expenditure. In order to secure this information the Secretary of War requested the Chief of Engineers of the War Department to ascertain from water-power companies and others who might be interested in using a large amount of water power if they would be interested in taking the power if the dam was finished.

As a result, the Chief of Engineers received several replies—one from the Southern Power Co., in which it was not only stated that they would not be interested in taking the power but strongly condemned the project, declaring that it was impracticable and worthless, and recommended and advised against the completion of the development. Muscle Shoals has become very valuable in the estimation of the Southern Power Co. and other water-power and fertilizer interests since Mr. Ford made his offer. Why this sudden change of heart?

As a further result of the policy of Secretary of War Weeks, an offer was made by Henry Ford which made provision not only for the completion of the Wilson Dam but for the construction of the other dam, No. 3, thereby developing all the water power at Muscle Shoals and removing all obstruction to navigation, and also providing for the operation of the large nitrate plant, No. 2, for the manufacture of fertilizer.

The Ford offer was made on the 8th day of July, 1921. Negotiations were conducted between Mr. Ford and the Secretary of War for several months, and no other offers were made until after the Ford offer was sent to Congress, February 2, 1922.

While negotiations were pending between Mr. Ford and the Secretary of War the president of the Alabama Power Co. announced, through the press and otherwise, that the Alabama Power Co. would not submit an offer for the Muscle Shoals property, but after the hearings by this committee on the Ford offer had commenced, and when it became apparent that the Ford offer would, in all probability, be accepted by Congress, the Alabama Power Co. submitted an offer on the 15th of February, 1922.

The Secretary of War announced that he was without authority to dispose of this property and sent both of the offers to Congress with his comments, but without recommendations, and they were referred to the Agricultural Committee of the Senate and this, the Military Affairs Committee of the House.

Extensive hearings have been held before this committee during the past three weeks, and have attracted nation-wide attention. The hearings are now about completed. Both committees are planning to make a trip of inspection to Muscle Shoals at an early date. You have been very patient. You have given all a hearing who desired to be heard. I have attended all of the hearings and have made a careful study and analysis of all of the offers for Muscle Shoals. My purpose in addressing you is to show you, if I can, that it will be to the interest of the Government and the public to recommend the acceptance of the offer of Henry Ford and reject that of the Alabama Power Co. I shall first discuss the offer of Henry Ford and then the offer of the Alabama Power Co.

FORD'S OFFER FOR MUSCLE SHOALS.

Mr. Ford's offer of July 8, 1921, as modified on January 11, 1922, was put in contract form by the Judge Advocate General and is made Exhibit C on page 14 of House Document 167.

Three modifications, as I remember, have since been agreed to by Mr. Ford to clarify some parts of the agreement, namely: First, that his company, provided for in the first section of the agreement, is to begin with at least $10,000,00 paid-in capital stock; second, that section 14 be modified so as to make it clear that nitrate plant No. 2 is to be operated to its full capacity during the entire period of the lease for the manufacture of fertilizer; third, that the board, nominated by the farmers' organizations and appointed by the President, as provided for in section 15 of the agreement, shall control the sale and distribution of the fertilizer manufactured at plant No. 2 so that it will be sold direct to the farmers at not more than 8 per cent over and above the actual cost of production.

FORD OFFER FOR MUSCLE SHOALS.

Mr. Ford's proposal consists of two parts—one, to lease the dams, and, two, to purchase the nitrate plants and accessories.

PART 1.—OFFER TO LEASE THE DAMS.

PROVISIONS OF OFFER.

1. Mr. Ford agrees to pay $55,000 annually for the maintenance of dams, locks, etc., making a total payment in 100 years of	$5,500,000
2. He agrees to pay interest at 4 per cent on whatever the cost may be for completing both dams. If this amounts to $42,000,000 (the estimate of Mr. Ford's engineers), the total in 100 years under Mr. Ford's plan of payments will amount to	161,040,000
3. He agrees to a plan of amortization sufficient to retire $49,000,000 in 100 years	49,000,000
Total payments to the Government under Ford offer during 100 year lease period	215,540,000

Cost of dams (expended and proposed).

There has been expended to date in building Dam No. 2		$17,000,000
Cost of completing Dam No. 2	$23,000,000	
Cost of building Dam No. 3	17,000,000	
		40,000,000
Total Government investment in Muscle Shoals dams and hydroelectric plants will amount to a total of		57,000,000

Charges to navigation: Deducting the $49,000,000 which Mr. Ford repays from the $57,000,000 total cost leaves $8,000,000 unrefunded, which is less than the amount stated by the United States engineers as chargeable to navigation, their prewar estimates being $8,575,000. (See R. and H. Com. (H. R.), Doc. 20, 63d Cong., 2d sess., p. 4, par. 6.)

The United States engineers have more than once recommended that $8,575,000 should be charged to the navigation improvement of the Muscle Shoals stretch of the Tennessee River under the very plans for joint navigation and power improvement now proposed.

Earnings from Government peace-time investments compared with Ford offer: To meet the terms of the Ford offer and produce a proportionate return to the Government, the Reclamation Service, representing a Government net investment of $125,870,830, would have to show an annual gross income of $10,180,132, instead of $4,191,644, which it now shows. The Panama Canal, representing an investment of $380,554,949, would have had to earn $32,450,886 gross revenue, whereas last year's total revenues were only $12,040,117. (Based on 1921 report.)

PART 2.—OFFER TO PURCHASE NITRATE PLANTS AND ACCESSORIES.

Provisions of offer: Mr. Ford offers to purchase nitrate plants Nos. 1 and 2, Waco Quarry, and the Gorgas steam plant and its transmission line for $5,000,000. He has offered to maintain nitrate plant No. 2 in a state of readiness to be promptly operated in the manufacture of materials necessary in time of war for the production of explosives; thus securing the benefit of its use for the purpose for which the plant was originally planned. The Government, therefore, retains every advantage of the nitrate plant in time of war, but pays nothing for the maintenance of the nitrate property in times of peace.

Salvage to Government from war-time investments compared with Ford offer.

Government property sold.	Cost of property.	Salvage received.	Per cent of cost salvaged.
Muscle Shoals nitrate plants	$85,423,078.73	$5,000,000	5.85
Old Hickory Powder Plant	80,000,000.00	3,560,000	4.45
Wooden ships, U. S. S. B., each	[illegible]	5,000	11.61

On the basis of the price received for the wooden ships that were sold Mr. Ford would have offered only $567,000, instead of $5,000,000, for the nitrate plants.

Annual cash saving to Government by acceptance of Ford offer: The Ford offer, when accepted, will stop the following annual cash expenditures:

1. Guarding and maintaining nitrate plants and accessories (fiscal year ended June 30, 1921), depreciation omitted	$310,042.44
2. Guarding and maintaining uncompleted work at Dam No. 2, representing a yearly expenditure of	384,000.00
3. Maintaining Muscle Shoals Canal, average annual cost	53,079.00
Total annual cash saving	747,121.44

This is interest at 4 per cent on $18,678,000.

Cost to Government of the delay in accepting Ford offer.

Average annual cash return to the Government under Ford offer	$2,155,400
Annual cash expenditures saved at Muscle Shoals by Ford offer	747,121
Total annual loss to Government by delay	2,902,521
Average monthly loss	241,877
Loss since Ford offer was made, 8 months ago	1,935,016

The cost of the delay in accepting Mr. Ford's offer, as shown above, has already amounted to $1,935,016, and on the cost basis of the last fiscal year the cost is piling up at the rate of $8,062.50 per day.

As shown from the foregoing table of salvage to the Government from war-time investments, the Ford offer for the nitrate plants at Muscle Shoals will give the Government the highest rate of salvage it will have obtained from either of the war-time expenditures included in that list. The military cantonments, constructed during the war, which have thus far been salvaged have brought practically nothing. Many of them have been completely abandoned and their buildings are going to waste, for the reason that they are not even worth the cost of "scrapping."

When the fact is taken into consideration that Mr. Ford's offer for the nitrate plants imposes upon him the obligation to keep the plants in reserve, at his expense, for the use of the Government in time of war for the production of explosives, his bid looms large in comparison with the prices obtained for the other war-time investments, from which no further returns will be secured. So there has not been and can not be any just criticism of the amount offered by Mr. Ford for the nitrate plants.

Mr. Ford not only offers a very fair price for the nitrate plants, but agrees to keep nitrate plant No. 2 at Muscle Shoals in an up-to-date running condition and available to the Government without cost if it should ever be needed for military purposes and the manufacture of munitions. It is now in a stand-by condition, expensive to guard and maintain. The older it grows the more expensive the maintenance charges will be. With the very best care it would rust out and greatly deteriorate in value. The fixation of atmospheric nitrogen is a comparatively new art, and it will be improved from time to time; and in order for this plant to keep pace with the progress of the art and be an up-to-date, going concern in the event of a military emergency it must be operated in peace times.

Besides, the act of Congress making provision for its construction provided that it should be operated in peace times for the manufacture of fertilizer. So the acceptance of the Ford offer preserves this plant as a military plant and at the same time makes provision for its operation by private capital in peace

times for the manufacture of fertilizer. The maintenance of the plant by the Ford Co., relieving the Government of all expense and keeping it in an up-to-date running condition, is of inestimable value and would save the Government many millions of dollars, besides the advantages to agriculture, the basic industry on which the success and prosperity of every other business depends.

Mr. Ford further agrees to operate nitrate plant No. 2 during the entire period of the lease to its full capacity in the manufacture of commercial fertilizer and sell direct to the farmers at a price not to exceed 8 per cent over the actual cost of production, through a board nominated by the farmers' organizations and appointed by the President.

The present capacity of the plant would produce about 2,000,0000 tons of fertilizer, which is about 30 per cent of the amount of fertilizer consumed in normal times. It has been clearly shown that with cheap water power the Ford company can make fertilizer at about one-half of the present price. The Nation's fertilizer bill is now nearly $250,000,000 annually. Suppose, for the sake of argument, that the operation of the Muscle Shoals plant should only result in a 20 per cent reduction in prices. That would amount to $50,000,000 a year saving to the farmers, and this amount for 100 years, out on compound interest—as the opponents of the Ford offer have undertaken to do in claiming what Mr. Ford would make from the Government in compounding interest—would be over $5,000,000,000 saved to the farmers of the country.

FORD'S OFFER TO LEASE THE DAMS.

Mr. Ford's agreement requires his company to be responsible for the upkeep and repair of the power houses and equipment at his own expense; to pay the Government $55,000 annually for the upkeep of the dams and locks, which will save the Government the expense of maintaining the present imperfect facilities for navigation at Muscle Shoals, amounting to from $35,000 to $85,000 per annum; also to pay as an annual rental 4 per cent on the actual cost of the completion of the dams; and, in addition to all this, create a sinking fund by paying to the Government $46,746 annually, which, if invested by the Government at 4 per cent interest, would amount to $49,071,935 at the end of the lease; if invested at 4½ per cent would amount to $58,570,003.

The Secretary of War, in his report to Congress discussing this part of the Ford offer (House Document 167, p. 7), made the following statement:

> Should the dams be constructed at a cost of not to exceed $42,000,000, as estimated by Mr. Ford's engineers, there would be left to apply on the investment of the Government heretofore made whatever the amortization payments would produce in excess of the $42,000,000. If the amortization fund should be invested continuously at 4 per cent there would be at least $7,000,000 to be thus applied, but should it be invested at a greater rate of interest, the amount would be increased as shown by the following table:

Amount retired by Mr. Ford's sinking fund at various rates of interest, compounded semiannually.

Account of—	Semi-annual payments.	Life of fund (years).	Amount retired at following interest rates.				
			4 per cent.	4½ per cent.	4¾ per cent.	5 per cent.	6 per cent.
Dam No. 2	[illegible]	[illegible]	$40,919,798	$48,783,949	$58,319,359	$93,718,097	$178,080,810
Dam No. 3	[illegible]	97	8,152,137	9,786,054	11,750,680	17,150,545	37,103,880
Total			49,071,935	58,570,003	70,100,040	100,863,642	213,184,690

NOTE.—Payments are to be made into sinking fund semiannually at the beginning of each semiannual interest period. This sinking (or retirement) fund has nothing to do with Mr. Ford's interest payments, but represents a separate fund to be invested at the highest interest rate obtainable for the purpose of returning to the Government within the base period the largest amount possible, with the above semiannual payments, consistent with safe investment.

The Secretary of War found no fault with this part of the Ford offer, nor do I remember to have heard of any criticism of it by any member of this committee.

A group of powerful interests is flooding Congress and the country with all kinds of propaganda filled with false and misleading statements about Mr. Ford's plans and purposes. One very elaborate publication was issued purporting to tell "The Truth About Muscle Shoals" and a large part of it was an attempt to show that Mr. Ford would devote the Muscle Shoals plant to the manufacture of sulphate of ammonia, and this product would have but little effect upon the cost of fertilizer. Mr. Ford does not intend to produce sulphate of ammonia as a nitrogen fertilizer compound. He will, of course, produce ammonia by the air nitrogen fixation process and mix ammonia with phosphoric acid, produced electrically from phosphate rock obtained nearby, thus making ammonia phosphate.

The same publication states the cost of completing Dam No. 2 would be $33,000,000, and of Dam No. 3, $24,000,000, or $57,000,000, for the completion of the dams. The facts are that experienced and responsible contractors have offered to complete Dam No. 2 for $23,000,000, and build Dam No. 3 for $17,000,000, making a total of $40,000,000 for both. The estimate of Mr. Ford's engineers is $42,000,000. The outside estimates of the engineers of the War Department is about $48,000,000, and they admit that it may be considerably less.

Mr. Ford, according to his offer, is to construct the dams under the direction of the Chief of Engineers of the War Department. It will be to his interest to do it as cheaply as he can as he is to pay an annual rental of 4 per cent on what it costs.

Some of those who are opposing the Ford offer have criticized the 4 per cent on what it costs to complete the dams as annual rental for the water power. To show that there is no cause for such criticism I submit the following table of Government loans now outstanding in the shape of bond issues:

		Per cent.
Consols, 1930	$500,734,050	2
Panamas, 1916–36	48,954,180	2
Panamas, 1918–38	25,947,400	2
Panamas, 1961	50,000,000	3
Postal Savings	11,774,020	2½
Conversion, 1946–47	23,894,500	3
WAR ISSUES.		
Liberty, 1932–47	1,410,074,050	3½
Liberty, 1932–47	15,130,900	4
Liberty, 1927–47	66,962,800	4
Victory, 1923	497,915,100	3¾

From the above table it will be seen that bond issues prior to the recent war issues were on a basis of from 2 to 3 per cent, and the average was under 2½ per cent. It also shows that a number of war issues were at 4 per cent and less. It was only toward the end of the war and in the most serious stress of the war that some bonds were issued at a rate of 4¼ to 4¾ per cent.

In normal times our Government bonds have been issued for much less than 4 per cent, so it is fair to assume that the 4 per cent which Mr. Ford is to pay as annual rental for a 100-year period will be above the average rate that will prevail during that time.

When the Ford offer is accepted, Congress, instead of appropriating money from time to time to complete the dams, could provide for the issuance of 4 per cent bonds, which would be easily negotiated. The interest paid by the Ford Co. as rental for the power would pay the interest on the bonds and the amortization plan would liquidate the bonds, and in this way the completion of the dams would not cost the Government anything.

100-YEAR LEASES.

There has been some criticism of that part of the Ford offer which provides for a lease of the water power for 100 years. Practically all of the water-power developments up to this time provide for a 99-year lease period. The criticism of this feature of the offer seems to be due to a provision in the general water power law, approved June 10, 1920, which provides for 50-year leases with rights of renewal.

There should be no objection to the Ford offer on account of the 100-year-lease period; first, for the reason that the dams at Muscle Shoals were approved by the War Department and work commenced on the construction of one of them before the enactment of the general water power law; second, because the development at Muscle Shoals is in a class to itself. There is nothing else like it. Besides, the dams are being built by the Government and will be the property of the Government, and not a lessee.

There is a fall of 134 feet in 36½ miles. The flow of the river is 72,000 second-feet at low water and 499,000 second-feet at high water. The Wilson Dam is to be 100 feet high and 4,425 feet long; Dam No. 3, 14 miles up the river, is to be 40 feet high and 6,725 feet in length; the two together developing about 800,000 horsepower, more than has ever been developed at aby one place in the world.

There is a present market for only a small part of this power. It will require a number of years to secure a market for it all. Mr. Ford is not willing to take over this water power under a lease for less than 100 years. He claims that on account of the heavy expenses and the time required to provide a use and market for this power that a lease for less than that length of time would be unreasonable.

Gen. Beach, Chief of Engineers of the War Department, told you that he thought a 100-year lease in this case was proper and reasonable, and gave his reasons. Many others are of the same opinion. The Government and taxpayers are fully protected during the entire period of the lease, so there is no valid objection to the 100-year lease.

The chairman of this committee, after hearing this feature of the lease discussed by a number of witnesses, announced in an open meeting of the committee that he saw no objection to the 100-year lease period of the Ford offer. The fact that the general water power law provides for a 50-year lease, with rights of renewal, is no reason why this lease should not be for 100 years for the reasons I have stated.

The general water-power law, as we all know, was a compromise measure in many respects, and has been very disappointing in results, as there has been but little water-power development since that time. There were great differences of opinion among the Members of both Houses of Congress as to what the lease period should be. A great many favored a 100-year lease period.

RIGHTS OF FORD CO. AT THE END OF 100 YEARS.

Some one has suggested that section 17 of the Ford offer might have the effect of giving the Ford Co., its successors or assigns, a perpetual right to at least a part of the power from these dams. To show that such is not the case I refer you to that section which is as follows:

> 17. In order that said company may be supplied with electric power and the farmers with fertilizers after the termination of the said 100-year leases, should the United States elect not to operate said power plants but determine to lease or dispose of same, the company shall have the preferred right to negotiate with the United States for such lease or purchase and upon such terms as may then be agreed upon. If the said leases are not renewed or the property covered thereby is not sold to said company, its successors or assigns, any operation or disposal thereof shall not deprive the company, its successors or assigns, of the right to be supplied with electric power at reasonable rates and in amount equal to its needs, but not in excess of the average amount used by it annually during the previous 10 years.

Secretary of War Weeks made no objection to this section and does not construe it as has been suggested. Secretary Weeks has this to say about that section (H. Doc. 167, p. 8):

> This paragraph does not bind the United States to a renewal of the lease and is in no way an attempt to control the policy of Congress beyond the 100-year period of the present lease, except to preserve to Mr. Ford's company "the preferred right to negotiate with the United States for such lease or purchase and upon such terms as may then be agreed upon." It also attempts to preserve for the company a right to be supplied with electric power, for a period not stated, "at reasonable rates" in the event the power plants are operated or disposed of to some one other than the company.

If the plants of the Ford Co., or its successors or its assigns, depending upon this power, should be denied the necessary power for operation at the end of the lease it would amount to a confiscation of their plants. The provision is reasonable and proper.

GREAT POSSIBILITIES FOR WATER TRANSPORTATION.

The building of these dams as provided in the Ford offer will not only develop this great water power which has been going to waste for all time but will open up cheap water transportation on the upper Tennessee River, which runs through a vast area rich in great deposits of coal, iron ore, marble, slate, phosphate rock, zinc, and immense forests of hardwood timber, all of which is needed in other parts of the country. With this cheap water transportation all these materials which are now locked up for want of transportation facilities can be transported in the Ohio River, thence into the Mississippi River, and to all the markets, both domestic and foreign.

OPTIONS TO PURCHASE PLANTS CLAIMED.

The Air Nitrates Corporation, a subsidiary of the American Cyanamide Co., with a capital stock of $1,000, constructed nitrate plant No. 2 at a cost of nearly $70,000,000 on a cost-plus percentage contract, and collected a fee of $1,500,000 in addition. This company claims that it has a right to purchase nitrate plant No. 2 under its contract with the Government. There was no authority for the execution of a contract by the Secretary of War or any other official at the time of the execution of the contract, December 1, 1917, obligating the Government to sell this plant to the Air Nitrates Corporation, and that part of the contract is null and void. No one has furnished the committee with any authority to support such a contention. A representative of this company did appear before this committee and claim that his company had a moral, if not a legal, right to purchase plant No. 2. The nature of the contract and amount which has been paid by the Government to this company clearly shows that there is not even a moral obligation on the part of the Government. This representative also stated that his company did not care to buy the plant, and in addition was not financially able to purchase it. So this so-called "option to purchase" in no way interferes with the acceptance of the Ford offer.

The Judge Advocate General of the War Department, after a careful consideration of this question, rendered an opinion declaring this option void and that in his opinion there was not even a moral obligation on the part of the Government to sell the plant to the Air Nitrates Corporation.

The Alabama Power Co. also claims an option to purchase the Gorgas plant and transmission line from Gorgas, Ala., to Muscle Shoals. The Judge Advocate General has also decided that this is void. Attorneys for the Alabama Power Co. and my colleague [Mr. OLIVER] have discussed at length every feature of the contract and transactions between the Government and the Alabama Power Co. in connection with the Gorgas plant and transmission line from Gorgas to Muscle Shoals, and I deem it unnecessary to undertake to add anything to what has been said. I take for granted that you will act upon the opinion of the Judge Advocate General.

GOVERNMENT RECLAMATION SERVICE.

I hope that I have shown that the acceptance of the Ford offer will not cost the Government anything in the end. But even if it should lose some interest during the construction period in making provision for the manufacture of a cheaper and high-grade concentrated fertilizer for the farmers in those sections of the country where fertilizer is absolutely necessary, it would not compare with the amounts which have been appropriated by Congress for the reclamation of arid lands in our Western States.

The Government reclamation of the arid West is both a paternal and an internal improvement which is essentially a cooperative arrangement between the Government and private parties. The summary of appropriations made by Congress for western land irrigation to 1915 amounts to $116,824,894.82, and of that amount there was an authorized Government bond issue of $20,000,000, and none of these appropriations in aid of irrigation improvements in the West return any interest payment to the Government.

One of the most prominent examples of the reclamation projects of the West is the case of the Roosevelt Dam, 79 miles northwest of Phoenix, Ariz., this dam being 284 feet high and 235 feet long, originally estimated to cost $5,000,000; but the total cost of this reservoir, dam, power system, diversion works, canals, drilling, and so forth, to July 1, 1913, was $11,193,687. The money was loaned to them to aid in irrigating their lands without interest for at least 20 years, and in some places it goes on into a revolving fund year after year without any interest to the Government.

The Government has very properly assisted and encouraged the western farmers to water their arid lands. For the same reason the Government should at least give Mr. Ford an opportunity to aid the farmers who need fertilizer.

Other countries are using their air nitrogen plants successfully for the manufacture of fertilizer and are making most valuable contributions to agriculture in this way. Our country is making progress along all other lines; why not this?

CHILEAN NITRATE AND FERTILIZER TRUSTS AND OTHER SELFISH INTERESTS OPPOSE THE FORD OFFER.

What is the cause of this opposition? It has been conclusively shown during this hearing that the Ford Co. would produce fertilizer by reason of the cheap water power and the Ford Co.'s business methods at from one-third to one-half cheaper than the present prices of fertilizer.

I believe that every one who has studied the question will agree that Dr. Milton Whitney, Chief of the Bureau of Soils, and an export on matters pertaining to fertilizer, was right when he said that the present policy pertaining to the manufacture and distribution of fertilizer was wrong and should be remedied.

I have no doubt but that this committee has concluded by this time that the manufacture of fertilizer by the Ford Co. at Muscle Shoals would revolutionize the fertilizer business in this country by reason of the quality and price of the fertilizer produced.

When the war ended it was costing the Government $1,000,000 an hour. One reason was that those who sold us nitrates and explosives of different kinds charged any price they pleased while our boys were fighting and dying in the trenches in France. We were helpless; had to get our nitrates from Chile.

We are dependent upon Chilean nitrate for nitrogen for war and fertilizer purposes. We have paid out for Chilean nitrate since 1867 the enormous sum of $821,183,624.12. In addition to this large sum the people of the United States, principally the farmers, have paid to Chile an export duty of $11.87 per ton on Chilean nitrates, which has amounted to $163,647,780.63 since 1867.

Why should the farmers of the United States continue to pay tribute to a foreign country to secure nitrogen for fertilizer purposes when there is over 21,000,000 tons of nitrogen in the air over every square mile, when we have one of the largest and best nitrogen plants in the world, equipped and planned to take the nitrogen from the air and convert it into a solid substance by means of the patented process for the fixation of atmospheric nitrogen, and thereby lower the prices and keep our money at home? We not only pay a high price for the Chilean nitrate and an export tax, but high ocean freight rates for four or five thousand miles to the nearest American port, and then high railroad freight rates to the station nearest to the farmer, then usually a long-distance haul over muddy roads to the farm where it is to be used. After all of this expense, it contains only about 16 per cent of nitrogen; the balance is of no value as a plant food and is what is usually called filler. Mr. Ford proposes to make a concentrated fertilizer and sell it to the farmer and let him do the mixing if he desires and save all this expense.

The American representative of the Chilean Nitrate Corporation testified before the Graham Committee on War Expenditures that the price of Chilean nitrate, or nitrate of soda, as it is commonly called, was fixed by the Chilean Nitrate Commission in London. He also stated that the by-product coke-oven companies in the United States placed the same price on their ammonium sulphate in proportion to nitrogen contents. He further stated that, in his opinion, if the Muscle Shoals plant should be operated for the manufacture of fertilizer that the Chilean Nitrate Corporation would have to sell Chilean nitrate at the same price that it would be sold for at Muscle Shoals. So it is easy to understand why the Chilean Nitrate Corporation should oppose the Ford offer. It has no competition at this time and is interested in keeping down competition.

The acceptance of the Ford offer will make us independent of this foreign power both for fertilizer and war purposes. The quality of fertilizer we are now using is inferior, and the prices prohibitive in proportion to the present prices of farm products. We have been diligent in our effort to enact legislation in the interest of the farmers; we have secured large amounts of national aid to rural roads; we have provided a system of farm loan banks for the purpose of enabling the farmers to secure long-time loans at a low rate of interest; we have revived the activities of the War Finance Corporation in order to assist the farmers in marketing their crops; we have recently enacted a cooperative marketing bill. We now have an opportunity to do something further by accepting the Ford offer and protecting the American farmer from further imposition by these foreign and domestic monopolies who fix and manipulate the prices of fertilizer at their will without any regard to the price of farm products or the financial ability of the American farmer.

The American Cyanamide Co. and the Virginia Chemical Co., the biggest of the fertilizer companies, Alabama Power Co., J. B. Duke, of the American Tobacco Co. and the owner of the Southern Power Co., with its vast operations in the Carolinas, are all opposed to the Ford offer and favor the offer of the Alabama Power Co. They are all intertwined through stock ownership, as has been shown by congressional investigations. If the Alabama Power Co. should secure Muscle Shoals, there would be formed a combination of interests of water-power and fertilizer with power for evil without limit.

There is always great danger to the public in any one group of interests securing control over any industry. It is but natural that these interests should object to Henry Ford getting Muscle Shoals. They, like the Chilean Nitrate Corporation, do not want any competition, either in the fertilizer or water-power business. They believe in monopoly. They profit by monopoly. It is our duty to try to protect the people in their rights.

There are 6,500,000 farmers in the United States. Thirty-eight per cent of our population live on farms. The annual value of crops and live stock amount to from eleven to twenty-five billion dollars. Agriculture has an investment of $80,000,000,000, the largest investment by far of any other business. The next largest business is railroads, with an investment of $20,000,000,000.

The shrinkage in value of the crops of 1920 amounted to $8,000,000,000, from which the farmers have not yet recovered. In the face of this condition of the American farmer the price of Chilean nitrate has advanced $17 per ton within the last 30 days, with further increases threatened. The fertilizer, known as 8-3-3, has advanced from $26 a ton to $31 a ton, and the indications are that it will go to $36 in a short time.

The National Fertilizer Association opposes the Ford offer. It has flooded Members of Congress with literature in which it is contended, first, that the Ford Co. can not make fertilizer at Muscle Shoals, and second, that it can not make it cheaper than it is now being sold. The president of this association appeared before this committee and made the same claim. If this be true, why should they be so concerned about the Ford offer? It is very apparent that they believe that Ford can make fertilizer cheaper, and that it will materially affect their business. This same representative of the National Fertilizer Association contended before this committee that a monopoly of water-power interests was in the interest of the people.

SECRETARY OF WAR URGES EARLY ACTION IN ORDER TO GIVE EMPLOYMENT TO LABOR ON LARGE SCALE.

The Secretary of War, in his report to Congress on the Ford offer, made this very significant and pertinent statement:

> In this time when there is a large amount of unemployment it is not without importance to consider the advantages to the Nation of the employment of the large amount of labor required in undertaking this development. I therefore urge that Congress give early consideration to this matter, not only to settle a controverted question but to furnish employment on a large scale.

Mr. Ford intends, if his offer is accepted, to begin work immediately and give employment to thousands of people who are now unable to secure employment. Mr. Ford's personal representative, Mr. W. B. Mayo, said to you one day last week that Mr. Ford wanted to get in on the work at Muscle Shoals this summer while the weather is good and the river is low and before there is further damage to the unfinished dam and machinery and equipment at the dam. He claims that the development of his company will eventually result in giving employment to 1,000,000 people. This, with an average of five to the family, would mean 5,000,000 people employed and supported as a direct result of this development.

Can anyone doubt for a moment that Mr. Ford, with his immense capital, organization, and wonderful record of efficiency, will not make a success of this undertaking? Would not the American people regard it as a national crime to reject the Ford offer and prevent this development, which would be nat-wide in its beneficial effects?

Mr. GREENE of Massachusetts. Mr. ALMON, do you want to leave in the RECORD your deliberate suggestion that the rejection of the Ford offer would be regarded as a national crime?

Mr. ALMON. Well, if it is thought that expression is too strong, I will say, "Would not the American people regard it as a national calamity?"

The acceptance of the Ford offer would not only result in giving employment to labor on a large scale, provide for better and cheaper fertilizer, and improvement to navigation, but that part of the country within a radius of 200 miles, and probably more, and all intervening points would be supplied with cheap power for all purposes.

It also means the investment by the Ford Co. of forty or fifty million dollars in equipping the nitrate plant for the manufacture of fertilizer and the establishment of other industrial plants.

THOMAS A. EDISON SAYS THE DETROIT MANUFACTURER WOULD MAKE A GREAT SUCCESS WITH HIS PLANS AT MUSCLE SHOALS.

It is claimed by some that Mr. Ford can not make a success of the fertilizer business at Muscle Shoals. Mr. Thomas A. Edison, after visiting Muscle Shoals and making full investigation, said he considered that it was a practical thing to make fertilizer at Muscle Shoals; that there is nothing complex about it. Is not his opinion worth something?

Many said that Mr. Ford could not make cheap automobiles, trucks, and tractors in competition with those engaged in the business when he commenced, but in this they were mistaken. Last year the Ford Co. turned out 1,013,958 passenger automobiles and trucks, and is now selling an automobile, a tractor, and a truck for $1,150, and claims that he will be able to reduce it to $1,000 if his offer for Muscle Shoals is accepted.

The success of Henry Ford is the marvel of the century when we realize what he has accomplished was in spite of the powerful opposition, fighting a single-handed battle. The great masses of the people of the Nation not only indorse his offer but have implicit faith in his ability to carry out the big plans he has in view if he gets Muscle Shoals.

One of the chief causes of his success is because he is willing to help his fellow man. No one ever hears of friction between capital and labor in the great manufacturing plants of the Ford Motor Co.

Henry Ford believes in high wages and low price of product. On that basis he has been a wonderful success. In this respect he is very different to many of the leaders of financial power in this country.

FORD OFFER INDORSED BY ALL FARM ORGANIZATIONS AND FARM PAPERS.

The Ford offer has the hearty and unanimous indorsement of every farm organization and farm newspaper in this country, and their representatives have appeared before this committee and earnestly urged its acceptance. They are equally as unanimous and united in their opposition to the offer of the Alabama Power Co. This is but natural as it makes no provision for the manufacture of fertilizer at Muscle Shoals. The representatives of these farm organizations have visited Muscle Shoals several times and made a thorough investigation of its possibilities from a fertilizer standpoint, and have been unanimous in their report and recommendations in favor of the completion of the development and the operation of the plants. They regard the acceptance of the Ford offer as the only hope of relief from the Chilean nitrate and fertilizer monopolies and trusts. The farmers of this country are watching closely the action of Congress in the matter of the Ford offer and will not be satisfied unless this is done. They are intelligent and fully understand the Ford offer, and are confident that if it is accepted that the Ford company will revolutionize the fertilizer industry, destroy the monopoly, and give them cheaper and better fertilizer.

The Ford offer has the unqualified indorsement of the Mississippi Valley Association, an organization composed of strong and successful business men, representing 55 per cent of the population of the United States.

INDORSED BY WASHINGTON FARMERS' CONFERENCE.

The Ford offer was unanimously indorsed by the great farmers' conference, which was called by Secretary of Agriculture Wallace, at the request of President Harding, which was in session in the city of Washington for five days the latter part of January of this year. During the discussion of the Ford offer in that conference only one voice was raised against it, and that was by an official of the American Fertilizer Association.

President Harding, in addressing the Washington Conference of Farmers, among other things, made the following significant statement:

> Waterways have been too long neglected in America. We need a practical development of water resources, both for transportation and power. A large share of the railroad tonnage is coal for railway fuel. The experiences of railway electrification demonstrates the possibility of reducing this vast and increasing efficiency. We may begin very soon to consider plans to electrify our railroads.

Soon after this address was delivered by President Harding, Mr. Mapothier, president of the Louisville & Nashville Railroad, one of the great railway systems of the country, announced in a speech in Birmingham, Ala., that he was in favor of the Ford offer for Muscle Shoals, and if it was accepted by Congress his company would like to make a trial of electricity in railroad operation on its branch line from Muscle Shoals to Nashville, Tenn., a distance of about 150 miles.

The 800,000 horsepower developed at Muscle Shoals would conserve 6,500,000 tons of coal annually; that is, the water power would be equal to the power generated by the use of that much coal.

So when the water power is developed in accordance with the Ford offer, it will also mean a conservation of coal on a big scale.

The Alabama delegation in Congress is as a unit in favor of the Ford offer, and will continue to work together very earnestly to have it accepted by Congress. The delegation is equally as strong and united in its opposition to the offer of the Alabama Power Co. and its efforts to defeat the Ford offer.

The delegations from a number of other States have also indorsed the Ford offer. Business, civic, and commercial organizations in all parts of the country have passed resolutions urging Congress to accept the Ford offer. I do not recall anything that has ever heretofore attracted such a nation-wide interest and favorable indorsement. Not only farmers, but merchants, bankers, and professional men have made known to Members of Congress their approval of the Ford offer and their desire that it be accepted. It would seem that 90 per cent of the people in many parts of the country favor the Ford offer. I feel sure this is true in the State of Alabama, which I in part have the honor to represent in the House. I am also sure that the opposition in that State is just as strong against the offer of the Alabama Power Co. and its eleventh-hour effort to defeat the Ford offer and perpetuate its monopoly of the water power of Alabama. This sentiment for the Ford offer and against that of the Alabama Power Co. has been demonstrated by the people of Alabama and other parts of the country by means of petitions, resolutions of mass meetings, women's clubs, leagues of women voters, posts of the American Legion, labor organizations, and civic organizations of all kinds urging Congress to adopt the Ford offer and reject that of the Alabama Power Co.

These expressions of the people have been filed with this committee with the request that they be carefully considered. There have been mailed to me petitions signed by practically every State, county, and municipal officer in Alabama, the immediate and direct representatives of the people, urging the acceptance of the Ford offer and strongly protesting against that of the Alabama Power Co. I will not ask to incumber the printed hearings with all of these petitions, but I do ask that one be inserted in the RECORD, that of Jefferson County, in which the city of Birmingham is situated, the headquarters of the Alabama Power Co. You will notice that it is even signed by all the judges of the court in the city of Birmingham. I will only ask permission that a few of the resolutions referred to be inserted in the RECORD.

As a further expression of the people of the Birmingham district, I ask permission to insert in the RECORD a copy of the resolution passed by a mass meeting held in the city of Birmingham on the 19th of last month, attended by 2,000 persons—1,000 more were turned away for lack of room—indorsing the Ford offer and expressing their unalterable opposition to the offer of the Alabama Power Co.

The sentiment of all the people of Alabama was well and very forcefully expressed in a memorial addressed to the President and Congress and committees in Congress adopted by a State-wide mass meeting, 5,000 strong, at Montgomery, Ala., on Wednesday, March 1, 1922, which it is agreed shall be inserted in the RECORD.

OFFER OF THE ALABAMA POWER CO.

Mr. Chairman and gentlemen, I will now give very briefly my views and somewhat of an analysis of the Alabama Power Co.'s offer, and then I will have concluded.

The acceptance by Congress of the bid of the Alabama Power Co. would mean practically a donation by the Government of the large steam-power plant at Muscle Shoals, nitrate plant No. 2, which cost $12,326,392, the Gorgas plant and transmission lines, which cost $4,676,000, and the $17,000,000 which has been expended on the construction of the Wilson Dam, making a total of $34,002,392.

The offer is deceptive in that it begins by offering $5,000,000 for the two steam plants and transmission lines, but later provides that the cost of the lock at the Wilson Dam is to be deducted from this amount. One or more of the engineers claim that the lock would cost approximately $4,500,000. Under the offer of the Alabama Power Co. it would build the lock and would have its own methods of bookkeeping, and it could easily make it cost the full amount of $5,000,000.

The 1,000,000 secondary horsepower offered for the operation of nitrate plant No. 2 would not be used by the Government, and the Government would not be able to lease it to anyone who would, for the reason that it would require from ten to fifteen millions of dollars working capital and expenditure to convert it into a fertilizer plant. Besides no one could depend upon this secondary power available for 8 or 10 months in the year with which to operate the plant. The steam plants having been conveyed to the Alabama Power Co., neither the Government nor anyone it might designate to operate the plant would have any available power from two to four months when the secondary power was not available. This secondary power would be of value if there were auxiliary steam plants or primary water power available. It would be of value if both of the dams were built and if storage dams were built in the upper Tennessee River and its tributaries, as Mr. Ford proposes to do at his own expense, so as to store the flood waters and let them down during the low stages of the river and thereby convert secondary into primary power at the Muscle Shoals Dam.

It is provided in section 2 of the offer of the Alabama Power Co. that if this secondary power is discontinued by the Government, due to change in the art in the production of fertilizer and munitions at plant No. 2, and for no other reason as the offer is written, that the Alabama Power Co. is to purchase and pay for the same in accordance with a schedule to be set forth in the license. It will be noted that this is to be done in the event the Government discontinues its power for the reasons stated above, which might never occur for the reason that the Government might, and in all probability would, never begin to use it. It will also be noted that the amount to be paid the Government for it in such an event is to be fixed in accordance with the schedule set forth in the license. This license would be issued by the Federal Power Commission, and the schedule of rates fixed thereby would be a matter of agreement between

the commission and the Alabama Power Co., so the Government would be at the mercy of the Alabama Power Co., and it would result in the Government receiving practically nothing for this secondary power. For these reasons I feel that I was justified in saying at the outset that the acceptance of the offer of the Alabama Power Co. means practically a donation by the Government to that company of the two steam plants, transmission lines, and the Wilson Dam, upon which $17,000,000 has been expended, altogether representing a total investment of $34,002,352 by the Government.

If the offer of Henry Ford was not in existence, I do not believe the committee or Congress would consider for a moment the acceptance of the offer of the Alabama Power Co. In the absence of the Ford offer the committee would evidently recommend the completion of the Wilson Dam by the Government rather than make this donation to the Alabama Power Co.

The Secretary of War has recommended that the Dam No. 2, known as the Wilson Dam, be completed by the Government in the event the Ford offer is not accepted. He stated that the revenue from the sale of the water power from the Wilson Dam would amply justify Congress in appropriating a sufficient amount with which to complete it. The committee and Congress would certainly conclude that it would be better to spend twenty or twenty-two million dollars more to complete this dam and own it for all time rather than make the donation of $34,000,000 worth of property to the Alabama Power Co. in order to induce it to spend enough money to complete it and then own it, and if the Government acquired it at the end of 50 years would have to pay for it a fair value in accordance with the water-power law. If finished in accordance with the Ford offer, it would be the property of the Government for all time. If the offer of the Alabama Power Co. was accepted there is no way by which anyone could know when, if ever, the work upon this dam would begin. When the permit was issued by the Federal Power Commission, the Alabama Power Co. would have two years under the water-power law to begin construction work, and might have it extended an additional two years. So the statement in the offer that work would commence within a reasonable time does not mean anything. In fact, there is no certainty whether a permit would ever be issued to the Alabama Power Co. by the Federal Power Commission if its offer should be accepted by Congress. If a permit was issued the company might never be able to borrow the money with which to complete the Wilson Dam. In fact, it might never make any effort to raise the money, but its real purpose in making its offer would have been accomplished—that is, it would have been the means of defeating the Ford offer. Your time and that of Congress would all have been in vain, and the Alabama Power Co. would continue to enjoy a monopoly of the water powers of Alabama, which its president claims and insists would be in the interest of the people. I deny this; the people deny it, as is shown by resolutions, petitions, and mass meetings opposing the offer of the Alabama Power Co. and its methods.

The development at Muscle Shoals is a most important part of our national defense. There is located our great munitions plant. Would it not be a great piece of military strategy to turn it over to a lot of foreigners or place it or its principal parts under their control? A majority of the stock of the Alabama Power Co. that can be voted is owned by foreigners. They own a large part of its securities. If the Alabama Power Co. completes the Wilson Dam it would have to borrow the money with which to do it. It is natural to presume that it would do as heretofore and borrow it from foreigners.

The Alabama Power Co. published and furnished the Alabama Legislature in 1918-19 a statement as to its business and how it secured its capital, in which appears the following statement:

> The capital to construct the work was obtained in England, Germany, France, Belgium, Canada, and a part in the United States.

It will be remembered that the Alabama Power Co. is owned by the Alabama Traction, Light & Power Co. (Ltd.), which is a corporation of the Dominion of Canada, and that it is very largely the property of citizens of Great Britain.

It is bad enough for this corporation under foreign influence to have a monopoly of practically all of the water-power sites in Alabama, much less to get its clutches on all of the water and steam power connected with the Government munitions plant at Muscle Shoals and strip the plant of all of its ability to function in the event of a military emergency.

If the Ford offer is accepted it will be controlled by Americans and American money, and under no obligations to any great financial interests, trusts, or monopolies, domestic or foreign.

The offer of the Alabama Power Co. can not be regarded in competition with the Ford offer. It is entirely in a different class. It makes no provision for the building of Dam No. 3, no improvement to navigation, nor the operation of the nitrate plant for the manufacture of fertilizer, all of which is provided for in the Ford offer. I do not believe that the committee will consider for a moment favorable action on the offer of the Alabama Power Co.

IF THE FORD OFFER IS NOT APPROVED, WHAT WILL THE COMMITTEE RECOMMEND?

It would seem that there is but one of four courses for this committee to follow, viz:

1. That of scrapping the development which has cost over $100,000,000, as has been suggested by the big interests opposing the Ford offer; or

2. For the Government to complete the water-power development and go into the business of selling power and manufacturing and selling fertilizer; or

3. Accept the offer of the Alabama Power Co. and donate to it the steam-power plants and unfinished dam, representing an investment of $34,000,000 by the Government, and make no improvement to navigation and no provision for the manufacture of fertilizer; or

4. Accept the Ford offer and convert a large war-time expenditure into an investment which will result in a great benefit to the entire country.

It would be almost unthinkable to consider the first; the second would be very objectionable to the great majority of people; the third would mean the defeat of all of the purposes and objects of the Government in what has been done at Muscle Shoals; the fourth is the only safe and sensible course to pursue and would meet with the approval of the country at large.

In conclusion, I most earnestly ask that when you have completed your hearings and have visited Muscle Shoals that you will come to the conclusion that the offer of Henry Ford should be accepted, and that you will not only recommend its acceptance in your report but that you will also prepare and introduce in the House such a bill as may be necessary to provide for its acceptance by Congress.

I thank you, Mr. Chairman and gentlemen, for your attention and your courtesy in permitting me to be heard.

The resolutions, referred to by Mr. ALMON, follow:

RINGING MEMORIAL TO CONGRESS BY STATE-WIDE MASS MEETING AT MONTGOMERY, ALA., MARCH 1, 1922.

At the state-wide mass meeting held in Montgomery yesterday afternoon the following ringing memorial to Congress was presented by the resolutions committee, of which Mr. J. L. Andrews, of Sheffield, was chairman, and was unanimously adopted:

We, the citizens of Alabama, 5,000 strong, representing county governments, municipal authorities, women's clubs, labor bodies, chambers of commerce, and farmers' organizations from every quarter of the State, in mass meeting assembled at Montgomery, with full confidence in both justice and wisdom of the President and Congress, do hereby declare:

That while the entire Muscle Shoals stretch of the Tennessee River lies within the borders of this State, the right to control and regulate the river in the interest of the Nation's commerce has been ceded by the State of Alabama to the Federal Government. We recognize the fact that Muscle Shoals is the property of the Nation, belonging alike to the people of all of the States, and, while we claim no greater right than any other State to say what shall be done with Muscle Shoals, we believe that we but exercise the guarantee of the Federal Constitution when we petition Congress that this great national asset be not employed by the Government as an instrumentality for fastening upon us and upon our children and our children's children the yoke of an oppressive and burdensome monopoly.

NOW HAS MANY POWER SITES.

We affirm that the Alabama Power Co. now owns and controls a number of splendid power sites on the Coosa River in this State; that it owns and controls all of the available power sites on Little River in Alabama; and that it owns the wonderful power site at Cherokee Bluffs on the Tallapoosa River in this State; that in the 14 years since its incorporation it has built one power dam in this State and commenced work on one other dam; that at the present rate of development of the power potentialities already under the control of this corporation more than 100 years will go by before all of these dormant water powers are harnessed; that it has been the policy of that corporation to develop only such power as can be sold in small units and at high prices; that controlling as it does all of the great water-power sites in a State blessed by God Almighty with wonderful power possibilities, it, a foreign-controlled corporation, is in position to litigate with any American-owned organization which may seek to develop any one of Alabama's wasting water powers, just as it now threatens to litigate with Henry Ford, or with the Government, if either seeks to build Dam No. 3 at Muscle Shoals, or to control the Government-built steam plant and transmission line at Gorgas; that in spite of the fact that this foreign-owned corporation has long enjoyed exemption from taxation in this State, it has been busy ever since its entrance into Alabama in preempting every great power site within our borders, and in so copper riveting its hold on all of Alabama's great hydroelectric potentialities as to prevent for all time their development by any possible competitor; that it has been its policy to buy these power sites at farm-land prices and to hold them in perpetuity as power sites; that it already controls the utilities in our principal cities, and is year by year securing the control of the utilities in our towns and villages; and that if it secures Muscle Shoals it will have perfected its control of all of our great water powers and will hold in its selfish grasp all of these instrumentalities placed within our borders by a beneficent Providence for the promotion of the commercial and industrial welfare of all the people.

LEGISLATIVE TRAVESTY.

We hold that it would be a travesty on legislation if after many years of congressional consideration of how best to conserve the power in our navigable streams for the benefit of all the people, and how most surely to preserve them from being used as instruments of monopoly, the Nation's greater water power should be handed over to the Alabama Power Co. under the national water power act.

And we further hold that it would be the quintessence of legislative folly for the Government, after 10 years of investigation as to how best to free the United States from its dependence upon a foreign power for its supply of nitrogen for explosives in the event of war, and after spending millions of dollars in the construction of the greatest nitrogen fixation plant in the world, to turn over the only power capable of successfully operating the nitrate plant to a corporation owned and controlled by foreigners.

RETURNS EVIL FOR GOOD.

We remind Congress that just as the Alabama Power Co. has returned evil for good to the people of Alabama, so it is the one corporation whose dealings with our country in the grim emergency of war was so shameless, selfish, and conscienceless that when its conduct was investigated by a select committee of Congress the minority members of this committee joined with the majority in denouncing its brazen and sordid betrayal of its duty to a war-beset Nation.

Again affirming our utmost confidence in the ability and the desire of the President and the Congress of the United States and the committees of Congress to reach the soundest solution of the pending questions relating to the disposition of Muscle Shoals, we wish to express ourselves with regard to Mr. Henry Ford's proffered contract with the Government. The subject is of such vital interest to the people of Alabama that with greatest enthusiasm they have assembled in this meeting for the purpose of making this memorial:

Upon mature deliberation we, as citizens, do express our firm conviction that it is to the interest of the United States and to the interest of the people of Alabama that the offer of Henry Ford be accepted and concluded as a binding contract, and for the following, among other, reasons:

The acceptance of the Ford offer would insure the operation in Alabama of at least two great organizations engaged in the development and sale of hydroelectric energy, in the distribution and sale of power throughout the territory which can be reached by transmission lines from the several power sites on the Tennessee River whose development is within the contemplation of the Ford offer.

The Ford offer insures the operation of United States nitrate plant No. 2 for a period of 100 years for the production of fertilizers in time of peace and for the production of nitrates for explosives in the event of war.

It insures to the millions of farmers throughout the United States, whose organizations have with unanimity indorsed the offer of Henry Ford, the continuous operation of this Government-built plant for the production of nitrate fertilizers in competition with the present producers of nitrates by a company whose profits will be limited to 8 per cent, and in sufficient volume to have a controlling influence in fixing the price of nitrates and nitrate fertilizers for agricultural uses.

OPERATION OF NITRATE PLANTS.

The Ford offer insures to the people of the United States the operation of nitrate plant No. 2 and its maintenance in such a constant state of readiness, with a trained force of operatives, as to guarantee to the Government and its citizens an independent internal supply of nitrates in exact accord with the announced intention of Congress as expressed in section 124 of the national defense act of 1916.

The Ford offer guarantees the construction of Dam No. 3 and makes provision for use by the people of the United States for purposes of navigation of one of the country's largest and most important rivers, which is an integral part of the great Mississippi River waterway system.

In consideration given to the various offers for Muscle Shoals much has been said about the profit and loss that would accrue to the Government of the United States and to its people from the acceptance or the rejection of the various offers. We respectfully urge that a plan which looks to a constant supply of cheap fertilizers for the farmers of the Nation through a period of 100 years, which insures to American industry during that period the use of nearly 1,000,000 horsepower of electric energy, which provides for the security of the Nation in the event of war, and which guarantees the navigability of one of the country's greatest rivers for all time—these continuing additions to the resources of the Nation, if it were possible to express them in terms of dollars, with interest at 4 per cent, will in the course of 100 years add so vastly to the wealth of the Nation and the prosperity of its people that any difference in the price of the nitrate plant as fixed in the several offers, and any difference between the purchase price offered and the estimated possible scrap value of the property, is dwarfed into insignificance.

GALLING AND OPPRESSIVE.

With these considerations in view, and having in mind the freedom of our own people from a galling and oppressive water power monopoly, the freedom of the American farmer from a burdensome and grinding fertilizer monopoly, the opening of a great river to navigation, and the security of the country in the event of war, we urge the President and the Congress of the United States to accept the offer of Henry Ford, whom we verily believe seeks through his offer to dedicate to the American people, and especially to the farmers of America, his genius and his fortune.

We indorse the sentiment, "America first," and Muscle Shoals first for Americans, and above all for American farmers. Henry Ford is a typical American, who by his genius has done more for country people and country life than any other man of his time. A man who has the trust and confidence of the great masses of the common people, as evidenced by the resolutions adopted by every plain, ordinary American, including the representatives of 4,000,000 farmers, who have given voice to their sentiments in regard to his proposal for the development of Muscle Shoals.

We believe the issue in Congress is clearly drawn. It is a contest between the people and the interests which control the people's fertilizer and power resources.

On behalf of the army of the unemployed, in the interest of the great body of plain American citizens, in the name of millions of perplexed and burdened farmers, we beg our President and the Congress of the United States and its committees to promptly accept the offer of Henry Ford.

PETITION OF OFFICIALS OF JEFFERSON COUNTY, ALA.

THE STATE OF ALABAMA, *Jefferson County.*

To the Hon. E. B. ALMON,
Member of Congress, Washington, D. C.:

We urge the Government to accept the offer of Henry Ford for Muscle Shoals, because we believe that it will be developed by him for the benefit of the American people. We protest against the acceptance of the offer of the Alabama Power Co., because it would insure to it the control of every large water-power site in Alabama, and thereby fasten upon our people for all time a water-power monopoly.

J. P. Stiles, judge of probate, Jefferson County, Ala.; M. V. Henry, county treasurer; William E. Fort, judge, criminal division, circuit court, tenth circuit; H. P. Heflin, judge, criminal division, circuit court, tenth circuit; Joseph N. Tate, solicitor, tenth judicial circuit of Alabama; C. B. Smith, judge, civil division, circuit court; J. O. Sims, judge, civil division, circuit court; J. B. Aird, judge, civil division, circuit court; Hugh A. Locke, judge, civil division, circuit court; William J. Waldrop, clerk of circuit court; Richard E. Brame, circuit judge; Romaine Boyd, circuit judge; D. C. Ball, president board of revenue; Lacey Edmundson, board of revenue; T. E. Huey, board of revenue; J. W. Givin, board of revenue; W. B. Copeland, board of revenue; James F. Hawkins, tax collector; J. C. Hartsfield, sheriff; L. R. Dillon, tax assessor, Jefferson County; M. E. Morris, chairman board of registrars; Conrad H. Ohme, engineer, Jefferson County.

Resolution.

Resolved by the citizens of Huntsville and Madison County in mass meeting assembled, That we note with pleasure and approval of the action taken by the Montgomery Chamber of Commerce in declaring to Chairman KAHN, of the Military Committee of the House, that the Alabama Power Co.'s offer for Muscle Shoals is a move to complete what is already their practical monopoly of all water-power sites in Alabama; that they already control the power sites on the Coosa, Tallapoosa, and Little Rivers and are undoubtedly associated with power companies in Georgia, controlling adjacent Georgia sites. The Alabama Power Co. lacks only Dam 2 at Muscle Shoals to complete their monopoly, for, as they advised the Secretary of War in their offer, they already own the power site at Dam 3. To permit them to secure Muscle Shoals will repudiate the most important principles which Congress embodied in the last Federal water power act, passed after an effort of 10 years.

Their eleventh-hour offer for Muscle Shoals, made to prevent the acceptance of Henry Ford's offer, defies the rights, happiness, and opportunity of the people of the State. The company has built dams and availed themselves of the resources in the rivers of Alabama under special privilege granted by the legislature, and that same legislature can repeal its exemption from taxation or regulate, if necessary, its rates by legislative action. As the governor of Tennessee courageously told the Military Affairs Committee, no individual or corporation is welcome in Alabama or Tennessee which opposes the Ford offer for Muscle Shoals. The Alabama Power Co., in its selfish defiance of the people's interest, has forfeited its right to the confidence, respect, and protection of the people of Alabama.

Your chamber of commerce being at the capital, we appeal to you to lead in calling a mass meeting at Montgomery next Friday, February 24, calling representatives from all chambers of commerce throughout the State, together with representatives of the farmers of the State, labor organizations, and editors of the newspapers, to assemble at the capitol and assert the rights and wishes of the people of Alabama in this matter.

We further request that you enlist the assistance of your Montgomery newspapers in order that due publicity may be given to the proposed meeting, and that a full representative attendance may be counted on; be it further

Resolved, That the citizens of Huntsville and Madison County stand ready and willing to join with you and cooperate in every possible manner to the end that this meeting may be full and representative, and to this end we pledge you our active, moral, and financial support.

HUNTSVILLE SENIOR AND JUNIOR CHAMBER OF COMMERCE,
H. A. GROTE,
T. W. PRATT,
C. L. WATTS,
W. T. HUTCHENS, *Committee.*

Resolutions adopted by Florence Post No. 11, of American Legion, Alabama Department, February 11, 1922.

To the Senators and Representatives in Congress:

These resolutions, made and adopted on this day by Florence Post No. 11, of the American Legion, Alabama Department, in body regularly assembled, witness that—

"Whereas, it has come to the attention of this body that the Ford Motor Co. and Henry Ford have offered to lease or purchase the Muscle Shoals Government property and all rights appertaining thereto from the United States Government for a sum which will be to the interest of the United States Government and the citizens thereof, and

"Whereas the completion of this stupendous project, including the construction of dams and operation of plants will be of manifold benefit to the entire country and will be the only project which will be instrumental in relieving the pitiful unemployment situation in this country to-day, and

"Whereas there has been submitted no other proposition which is of equal magnitude with the Ford project, and there is no known business which can furnish work to the vast army of the unemployed, and

"Whereas there exists at present in this great body of unemployed citizens of the United States a large percentage of ex-service men and by effective legislation awarding the prospective bidder for the Muscle Shoals properties, this distressful situation can be largely relieved, and

"Whereas the construction and operation of the Muscle Shoals project will furnish great opportunity for steady employment for a steady people and will increase as the work progresses, and

"Whereas it is the firm conviction of all lay citizens of the United States that Mr. Ford can and will manufacture nitrate and thereby furnish cheap fertilizer at Muscle Shoals to the farmers of this Nation and by this meet a most pressing demand and long-felt want of the agricultural industry, and

"Whereas it is doubted by only a few of the most skeptical that Mr. Ford will be unable to perfect his proposed plans, and on the other

hand it is believed by the vast majority of the conscientious people of America that the practical energy and ability of Henry Ford will make this project a tremendous success; Be it therefore

"*Resolved*, That the Florence Post of the American Legion go on record as not only indorsing the acceptance by congressional action of this proposition offered, but also request immediate effective and constitutional legislation authorizing the acceptance by the Government of the offer of Henry Ford and finally:

"That a copy of these resolutions be published in the Florence Daily News and a copy be sent to the Hon. LAMAR JEFFERS, M. C., for proper presentation."

FLORENCE POST AMERICAN LEGION,
J. E. SHOLTS, *Post Commander*
C. D. WADDELL, *Adjutant*.
HUNTSVILLE, ALA., *February 10, 1922*.

—

Hon. ED B. ALMON,
Washington, D. C.:

The Woman's Christian Temperance Union of Huntsville, Ala., believes that the greatest benefit will come to the largest number of citizens of United States through the operation of Muscle Shoals by Henry Ford. We therefore urge the immediate acceptance of his bid for this property of the people.

MRS. W. E. PETTUS, *President*.

—

DECATUR, ALA., *January 31, 1922*.

Hon. EDWARD B. ALMON,
House of Representatives, Washington, D. C.:

The Progressive Culture Club of 25 members, of Albany and Decatur, Ala., heartily indorse the acceptance of Mr. Ford's offer for Muscle Shoals. Your cooperation is desired.

MRS. J. W. CUNNINGHAM.

—

A resolution adopted by a mass meeting of the Chamber of Commerce, the Junior Chamber of Commerce, the civic organizations of the city of Huntsville, Ala., and the Farmers Bureau of Madison County, Ala., on February 16, 1922.

1. *Resolved*, That we, in mass meeting, believing that the Henry Ford offer to the Government for the acquisition of the Muscle Shoals and the accessory plants in the best offer, not only for the Government of the United States and the development of Muscle Shoals, but for the agricultural districts of the United States, and for the immediate relief of the unemployment situation throughout this country; that we as such organizations memorialize Congress to hasten favorable action for the consummation of the Ford offer;

2. *Resolved*, That we condemn the action of the Alabama Power Co. in threatening law suits against the Government and against Henry Ford in the event the Ford offer is accepted by Congress, and further bringing in at the last moment a proposition that apparently means an effort to defeat the Ford proposition with the sole purpose of perpetuating the Alabama Power Co.'s monopolistic control of the electrical power of the State of Alabama, all in violation of their promise to us that if they were allowed to use the power of the nitrate plant it would not in any way interfere with or affect Henry Ford's proposition, and the further promise to us that upon favorable action by Congress of the Henry Ford offer that the said Alabama Power Co. would turn over the above property within 30 days;

3. *Resolved further*, That it is the sense of this meeting, knowing the policies of the Alabama Power Co. as we do, that we do not believe said company will develop Muscle Shoals to the best interest of the country as contemplated by the engineers of the United States Government.

4. *Resolved further*, That recognizing the great importance and absolute necessity of nitrates in times of peace as well as in times of war, that we vigorously protest against our Government turning its only manufacturing plant of nitrates over to a corporation that is largely financed by foreign capitalists; and

5. *Resolved further*, That a copy of these resolutions be sent to the President of the United States, the honorable Secretary of War, the Department of Agriculture, Senators O. W. UNDERWOOD and J. THOMAS HEFLIN, Representative E. B. ALMON, the governor of Alabama, and the National Farm Bureau.

C. A. GROVE, *Chairman*.
T. W. PRATT.
C. L. WATTS.
W. T. HUTCHENS.

—

Resolution of Athens Commercial Club, Athens, Ala., February 20, 1922.

Whereas there is now pending before the Congress of the United States various offers for the Muscle Shoals property at Muscle Shoals, Ala.; and

Whereas Henry Ford was invited by the Government to investigate the Shoals property and make an offer for the same; and

Whereas the offer of Henry Ford for said property is, in our opinion, one of immense value to the people of the United States and of vital importance to the Government thereof; and

Whereas Henry Ford has shown himself to be a man of broad ideals, of quick acumen, and thoroughly imbued with humanitarian thoughts; and

Whereas the offer of the Alabama Power Co. comes from a company composed largely of aliens, and is, in our opinion, submitted for selfish purposes, the acceptance of which would tend largely to retard the economical manufacture of fertilizer; and

Whereas it is the conviction of our entire organization that the best interest of the country will be served by the Government leasing the property to Henry Ford, this promising to the farmer the relief he has so long needed and will no doubt furnish power to the country at a cheaper rate, and will create a stimulus to the business interests of the country during this period of inactivity: Therefore, be it

Resolved by the Athens Commercial Club, That the Congress of the United States be petitioned to reject immediately the offer of the Alabama Power Co., and that the offer of that great builder and friend of mankind, Henry Ford, be accepted immediately, to the end that the Muscle Shoals property be developed for all America. Be it further

Resolved, That a copy of this resolution be forwarded to the chairman of the Military Committee of the House of Representatives, to the chairman of the Agricultural Committee of the Senate, to Senators UNDERWOOD and HEFLIN and Representative ALMON, of Alabama, and that copies be furnished to the daily press.

ALBANY CHAMBER OF COMMERCE,
Albany, Ala.

Be it resolved by the citizens of Albany and Decatur in mass convention assembled:

First. That we most heartily approve the proposition of Henry Ford for the lease of Muscle Shoals.

Second. That we protest against any disposition to delay consideration in order to give the Alabama Power Co. opportunity to further befog the issue by any counterproposition.

Third. That we request the immediate acceptance of Mr. Ford's offer as presented to Congress by Secretary Weeks.

Fourth. That we urge our Senators and the entire Alabama delegation in Congress to use their utmost endeavor to procure speedy approval and acceptance of Mr. Ford's offer as presented.

Fifth. That we request Hon. Thomas E. Kilby, Governor of Alabama, to go to Washington at the head of a delegation of representative citizens, to be appointed by him, for the purpose of urging immediate action in this momentous matter.

Sixth. That copies of these resolutions be sent to Governor Kilby, Senators UNDERWOOD and HEFLIN, and to each of the 10 Congressmen from Alabama with the urgent request that they be presented to the proper committees of the House and Senate at once.

Respectfully submitted.

W. B. SEBOGE, *Chairman*.
H. O. CLINE,
J. R. DANIELL,
L. P. TROUP, *Committee*.

FEBRUARY 17, 1922.

—

HUNTSVILLE, ALA., *January 27, 1922*.

EDWARD B. ALMON, M. C.,
Washington, D. C.:

The Culture Club, of Huntsville, Ala., earnestly petitions that Alabama's Representatives will do their utmost to have the Ford contract for Muscle Shoals accepted.

MRS. W. L. WALL, *Secretary*.

—

Resolutions of Birmingham mass meeting, attended by 2,000 persons and 1,000 turned away for lack of room.

Whereas the great question before the American people to-day and the Congress of the United States is the proper utilization, for the benefit of all the people, of the great natural resources that have remained dormant for 100 years or more at Muscle Shoals, Ala.; and

Whereas Henry Ford, the mechanical wizard of the age, has made a proposal to the Government that meets with almost unanimous approval of the people of the entire Nation, and apparently a large number of Representatives in Congress and the Senate; and

Whereas Henry Ford's offer for the operation of the Muscle Shoals properties was made in good faith to the proper person as spokesman for the Government, Secretary of War Weeks, and after due consideration by the Secretary of War was submitted to Congress for its approval or rejection, and was apparently about to be ratified; and

Whereas selfish interests, such as the Fertilizer Trust, power monopolies, and others, supported by the gigantic monied powers of Wall Street, are opposed to the Government disposing of these resources in a way that would be of benefit to the people as a whole; and

Whereas a sequel to this great opposition is shown by the submission of a bid by the Alabama Power Co., a foreign corporation, that has never been of any material benefit to anyone other than the stockholders, who are citizens principally of foreign countries: Therefore be it

Resolved, That we, the citizens of the Birmingham district, in mass meeting assembled this the 19th day of February, 1922, go on record as being unalterably opposed to the Government of the United States considering the bid of the Alabama Power Co. And be it further

Resolved, That we, the citizens of this district, heartily indorse and unqualifiedly recommend that the proposal of Henry Ford be accepted and entered into by the Government for the operation of the Muscle Shoals properties. And be it further

Resolved, That these resolutions be given the widest publicity by furnishing same to the press, and that a committee of five be appointed by the chairman of this meeting to forward copies of these resolutions to our two Senators and our Representatives in Congress and the Committees of Congress before whom the proposals are now pending.

—

Resolutions introduced by Hon. C. W. Ashcraft and unanimously adopted by the Florence Chamber of Commerce, Florence Rotary Club, and Florence Exchange Club in joint meeting assembled Monday, February 20, 1922.

Citizens of Florence in mass meeting assembled take note of the following facts:

1. That the Alabama Power Co., doing business in this State, is owned principally by a foreign corporation with its official domicile in Canada (see official report of Graham investigating committee), that the majority of its stock is owned in Canada and England, and the policy of the company is therefore necessarily alien.

2. The only streams of Alabama offering opportunity for power developments of considerable proportions are the Coosa, Tallapoosa, and Little Rivers, and the Tennessee River at Muscle Shoals.

3. That the Alabama Power Co. has bought up and preempted the entire water power sites and rights in perpetuity on the first three of these rivers, namely, the Coosa, Tallapoosa, and Little Rivers, and has entered upon a program of development by themselves and the preemption of all development by others, generally estimated to cover a period of 100 years. Although they have now been operating in Alabama almost 20 years they have completed only one unit in this program, and activities already displayed give no promise of completing within the 100 years the developments already preempted by them. It is therefore evident that their purpose in bidding for Muscle Shoals can not be based upon a desire either for opportunity for expansion or to faithfully serve the public, but their purpose must be found in their desire to entrench themselves and fasten upon the people of Alabama and surrounding States for all time the blight of their complete and oppressive monopoly. By inference they plead loudly against a 100-year lease to Henry Ford, but they propose to yield nothing of the struggle hold which they have acquired in perpetuity on every important power site in Alabama except Muscle Shoals.

4. In their activities, instead of developing navigation conjointly with power, their development prevents navigation in any continuous form. Their entire interest is to retard development of power and navigation, as in so doing they can maintain highest possible rates for power and delay responsibility for navigation. Their record is that they have procured municipal franchises for light and power wherever possible and retail current at exorbitant retail rates. They have not fostered or developed industry at any point they serve, and their reputation in the State is in line with the findings of the Graham congressional investigating committee in reference to their unpatriotic dealings with the Government during and following the war.

5. For the foregoing reasons we conclude that should Congress accept any proposal from Alabama Power Co. that would give them control over Muscle Shoals, it could only result in delaying developments in all other streams in Alabama over which they have already obtained control in perpetuity, or delaying development of Muscle Shoals.

6. Alabama Power Co. has no experience in nor plans for any activity outside of development and transmission of power, and therefore could not be expected to finance or develop power faster than development of industry by others would create demand for power.

7. Being a corporation owned by aliens, the citizens of the United States could not intrust their security and preparedness as a nation to the mercies of its policy makers, who are men whose allegiance is sworn to other countries.

8. On the other hand, Mr. Henry Ford has formulated a mammoth plan of industrial development that grips the imagination and thrills the enthusiasm of every American citizen, and seeks power for its operation. He is to the manor born; he has proven himself capable; he is regarded as fair in all his dealings. American citizens, wherever located, have confidence that he can and will succeed in the construction and operation of a great industrial section in such manner as to not only give employment to thousands now unemployed but also to awaken new and inspiring ideals in industrial life. He came promptly upon invitation of his Government, and not at the last hour, and made a reasonable proposal to immediately develop all the power at Muscle Shoals, not part of it, and to immediately employ the whole power developed in needed industry and to immediately make navigable the river for the benefit of up-river cities, as Decatur, Guntersville, Chattanooga, and Knoxville. He also proposes to ever hold the plants, processes, and personnel subject to the immediate call of the Government in case of war and to operate to full capacity for the benefit of the farmers in times of peace.

9. While legislation and court rulings in every quarter have conceded to railroads, banks—in fact, all forms of business and to organized labor—the right to a reasonable profit or to a reasonable wage, only Mr. Ford in his proposal for Muscle Shoals has offered one ameliorating item to the sad condition of the American farmer, to whom we must all look for both food and raiment.

10. The foregoing facts considered, we as citizens of Alabama and of the United States do solemnly resolve:

First. That the Alabama Power Co., whose owners are citizens of foreign countries, propose to buy the power plant at nitrate plant No. 2, and this nitrate plant is the only such plant within our borders and therefore constitutes the sole item of preparedness against war, so far as nitrates are concerned, and no matter what price the Alabama Power Co. might offer for this steam-power plant to separate it from the nitrate plant, the citizens of these United States would be worse than foolish to regard the offer otherwise than as coming from "Greeks bearing gifts."

Second. In view of their large holdings of other power sites in Alabama, which they neither develop nor allow others to develop, we denounce the bid of the Alabama Power Co. for Muscle Shoals as both unpatriotic and contrary to the best public interest.

Third. Henry Ford, a citizen of the United States in whom his fellow citizens believe without reservation, has in response to the call of his Government made to Congress a proposal which, if accepted, will immediately procure the full development of all the water power at Muscle Shoals, the complete navigation of the river, and the building, within our day and generation, of an industrial empire that taxes the imagination to comprehend.

Fourth. Therefore, all these things carefully considered, we urgently appeal to Congress to promptly accept the Ford proposal, and with the least possible delay put it into active effect.

Fifth. That copies of these resolutions be given to the press and sent to all Alabama Senators and Representatives in Congress.

—

FLORENCE, ALA., *February 14, 1922*.

Congressman ALMON,
Washington, D. C.:

It is the earnest desire of all Alabama club women that Mr. Ford's offer for Muscle Shoals be accepted. Your efforts for this cause will be greatly appreciated by us all.

TWENTIETH CENTURY CLUB OF FLORENCE, ALA.

—

HUNTSVILLE, ALA., *February 8, 1922*.

Hon. E. B. ALMON,
House of Representatives, Washington, D. C.:

The Kiwanis Club of Huntsville unanimously urge the ratification by Congress of the contract with Henry Ford for the Muscle Shoals nitrate plants and dams, and ask that you present their request to the House.

KIWANIS CLUB OF HUNTSVILLE.

—

DECATUR, ALA., *February 18, 1922*.

Hon. E. B. ALMON,
Member Congress, Washington, D. C.:

We believe the Muscle Shoals development, through acceptance of Ford's proposition, is of supreme importance to the entire country. We are expecting you and every Member Alabama delegation to put forth every possible effort and overcome all obstructing propositions. We stand unitedly for immediate and unqualified acceptance of Ford's offer.

MORGAN KIWANIS CLUB.

—

ALBANY, ALA., *February 16, 1922*.

Congressman ED. B. ALMON,
House of Representatives, Washington, D. C.:

We strongly urge acceptance Ford offer for Muscle Shoals. We oppose all other offers now being considered, believing they are actuated by selfish and monopolistic power interests. We recommend that the Government develop properly in the interest of all the people in the event the Ford offer is declined.

ALBANY CHAMBER OF COMMERCE.

ALBANY-DECATUR TYPOGRAPHICAL UNION NO. 803.
Albany, Ala.

At a called meeting of Albany-Decatur Typographical Union No. 803, February 27, the following resolutions were unanimously adopted indorsing the offer of Henry Ford for the leasing and operation of Muscle Shoals, Ala., and opposing the bid of the Alabama Power Co.:

"Whereas believing as we do that the offer of Henry Ford to take over and operate Muscle Shoals, Ala., for the United States Government offers a great opportunity for public service and having faith in his ability and good intentions, we, the members of Albany-Decatur Typographical Union No. 803, do hereby indorse the bid of Henry Ford: Therefore be it

"*Resolved*, That we, Albany-Decatur Typographical Union No. 803, go on record as favoring congressional acceptance of the offer of Mr. Ford: And be it further

"*Resolved*, That Albany-Decatur Typographical Union No. 803 go on record as opposing congressional acceptance of the offer for Muscle Shoals made by the Alabama Power Co., believing as we do that their offer does not have the same possibilities for development of our natural resources; for providing employment for the unemployed, or for the farmer, or for the benefit of the public generally; we further believing that their offer is actuated by selfish motives, while that of Mr. Ford is actuated by a desire to serve a great class of our people: And be it further

"*Resolved*, That a copy of these resolutions be sent to the State-wide mass meeting to be held at Montgomery, Ala., March 1, 1922, with a request that they be read, and that copies be mailed to the Alabama delegation in Congress."

Signed in behalf of Albany-Decatur Typographical Union No. 803, this the 27th day of February, 1922.

[SEAL.]

H. M. LAFLEE, *President*.
J. W. GROWDEN,
Secretary Treasurer.

—

MONTGOMERY, ALA., *January 25, 1922*.

Hon. E. V. ALMON,
Member of Congress, Washington, D. C.

The following resolution was adopted at the executive board meeting of the Alabama Federation of Women's Clubs, January 25, Montgomery, Ala.:

"Whereas it is the belief of the executive board of the Alabama Federation of Women's Clubs that acceptance of the Ford offer for Muscle Shoals would result in greater productiveness for our farms, decrease of unemployment for our cities, and utilization of great natural resources that are at present going to waste: Therefore be it

"*Resolved*, That we express to the Secretary of War and to our Representatives and Senators in Congress our earnest wish that his offer should be accepted."

MRS. JOSEPH BERNARD JONES,
President Alabama Federation of Women's Clubs.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject discussed by me this afternoon.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks on the subject discussed by him this afternoon. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, March 11, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

565. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting a fifth report of the Chief of Engineers, United States Army, regarding contracts for work on river and harbor improvements entered into but not completed prior to April 6, 1917, and also memorandum relating to the contracts, prepared in the office of the Judge Advocate General of the Army (H. Doc. No. 205), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICKETTS: Committee on Merchant Marine and Fisheries. H. R. 10427. A bill to amend section 6 of the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, and for other purposes; with an amendment (Rept. No. 789). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 9528. A bill providing for the retention by the Government of the property in Nome, Alaska, known as the detention hospital building, and its use by the Bureau of Education, Department of the Interior; without amendment (Rept. No. 790). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLAGUE: A bill (H. R. 10837) to amend section 405 of an act to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, approved August 15, 1921; to the Committee on Agriculture.

By Mr. ACKERMAN: A bill (H. R. 10838) to save daylight in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MUDD: A bill (H. R. 10839) to establish at the United States Naval Academy, Annapolis, Md., the grade of "professor emeritus," and for other purposes; to the Committee on Naval Affairs.

By Mr. DUNN: A bill (H. R. 10840) to amend and supplement the Federal highway act; to the Committee on Roads.

By Mr. SNYDER: A bill (H. R. 10841) authorizing the transfer of 500 feet of Indian land in the State of Washington for a public school to which Indian children shall be admitted without payment of tuition; to the Committee on Indian Affairs.

By Mr. TINKHAM: A bill (H. R. 10842) requiring heads of Government departments to notify civil employees two weeks previous to dismissal; to the Committee on Reform in the Civil Service.

By Mr. KLINE of Pennsylvania: A bill (H. R. 10843) authorizing the use of special canceling stamp in a certain post office; to the Committee on the Post Office and Post Roads.

By Mr. McDUFFIE: A bill (H. R. 10844) to establish a fish-cultural station at Mobile, in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 10845) to amend section 70 of the Judicial Code as amended by the act approved February 28, 1913, entitled "An act to amend section 70 of an act entitled 'An act to codify, revise, and amend the laws relating to the Judiciary,' approved March 3, 1911"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 10846) for the relief of Walter Collins; to the Committee on Claims.

Also, a bill (H. R. 10847) for the relief of Jacob Dietch; to the Committee on Claims.

Also, a bill (H. R. 10848) for the relief of Estella W. Dougherty; to the Committee on Claims.

By Mr. DUNN: A bill (H. R. 10849) granting an increase of pension to Mary Bay; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 10850) granting a pension to Ida V. Moore; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 10851) granting a pension to William James Eaton; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 10852) to confer jurisdiction on the Court of Claims to adjudicate the claims of the legal representative of Robert Dillon, deceased; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 10853) granting an increase of pension to Sarah E. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10854) granting an increase of pension to Minnie May Andrews; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10855) granting a pension to Genoa H. Scholz; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 10856) granting a pension to Robert Mitchell Munn; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 10857) for the relief of the estate of Ephriam Smith; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10858) granting a pension to Carrie L. Cazier; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4545. By Mr. CRAGO: Resolutions adopted by the campaign committee of International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, Local No. 19, of Philadelphia, Pa., protesting against the closing of the Philadelphia Navy Yard; to the Committee on Naval Affairs.

4546. Also, resolution adopted by the city council of Philadelphia, Pa., protesting against the closing of the Philadelphia Navy Yard; to the Committee on Naval Affairs.

4547. By Mr. DYER: Resolutions adopted by Local No. 72 of the American Flint Glass Workers' Union of North America, heartily indorsing the bill introduced by Congressman JOHN P. HILL (H. R. 9691); to the Committee on Ways and Means.

4548. By Mr. FULLER: Memorial of the city council of Philadelphia, protesting against the closing of the Philadelphia Navy Yard and urging the continuing of the same as a repair and supply station; to the Committee on Naval Affairs.

4549. Also, petition of 88 citizens of Streator, Ill., urging immediate enactment of an adequate tariff law based on American valuation; to the Committee on Ways and Means.

4550. By Mr. GALLIVAN: Petition of American Association of University Women, Boston, Mass., branch, urging passage of House bill 2163, to increase the utility of the postal savings system and to encourage home ownership; to the Committee on the Post Office and Post Roads.

4551. By Mr. KISSEL: Petition of the Church Periodical Club, New York City, regarding the Fordney tariff bill; to the Committee on Ways and Means.

4552. Also, petition of Central Mercantile Association, New York City, N. Y., favoring the reestablishment of the pneumatic-tube service in New York City; to the Committee on the Post Office and Post Roads.

4553. Also, petition of James H. McIntosh, general counsel New York Life Insurance Co., New York City, N. Y., opposing the soldiers' bonus bill; to the Committee on Ways and Means.

4554. Also, petition of Hudson Chamber of Commerce, Hudson, N. Y., regarding St. Lawrence River project; to the Committee on Interstate and Foreign Commerce.

4555. By Mr. A. P. NELSON: Petition of citizens of Superior, Wis., protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

4556. By Mr. SNELL: Resolutions adopted by Hermon Grange, No. 886, of Hermon, N. Y., favoring the passage of the Voight bill (H. R. 8086); to the Committee on Agriculture.

4557. Also, petition of residents of Dickinson Center, N. Y., opposing House bill 9753, or any other Sunday bill, such, for example, as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

4558. By Mr. SNYDER: Petition of the deacons and trustees of the First Baptist Church, Little Falls, N. Y., protesting against revision of the Volstead Act and favoring substantial aid for law enforcement; to the Committee on the Judiciary.

4559. By Mr. TIMBERLAKE: Petition of citizens of Boulder, Colo., opposing the passage of House bills 9753 and 4388 and Senate bill 1948 or any other Sunday observance bill; to the Committee on the District of Columbia.

4560. Also, petition of M. Mc. Thomas and other citizens of Colorado, urging the revival of the United States Grain Corporation and a fixed price for the 1922 wheat crop; to the Committee on Agriculture.

4561. Also, petition of R. C. Keith and others, of Colorado, urging the revival of the United States Grain Corporation and a fixed price for the 1922 wheat crop; to the Committee on Agriculture.

4562. By Mr. WARD of New York: Petition of officers and citizens of Saugerties, N. Y., urging enactment of an adequate tariff law based upon American valuations; to the Committee on Ways and Means.

4563. Also, petition of Martin Cantine, manufacturer, and employees of the Martin Cantine Co., of Saugerties, N. Y., urging enactment of an adequate tariff law based upon American valuations; to the Committee on Ways and Means.

SENATE.

SATURDAY, *March 11, 1922.*

(Legislative day of Thursday, March 9, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. UNDERWOOD obtained the floor.

Mr. SMITH. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from South Carolina.

Mr. SMITH. In view of the importance of the subject to be discussed by the Senator from Alabama, I suggest the absence of a quorum.

Mr. CALDER. Will the Senator from South Carolina withhold that request, in order that I may report a bridge bill?

Mr. UNDERWOOD. I yield to the Senator.

Mr. SMITH. If the Senator from New York desires to report a bill, I will yield. If it is in order, I will withdraw my request until the bill referred to by him may be reported, but I suggest to the Senator that after the roll call he may make a request for unanimous consent.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Gooding	McNary	Sheppard
Borah	Hale	Nelson	Shields
Brandegee	Harris	Newberry	Shortridge
Broussard	Harrison	Nicholson	Smith
Bursum	Johnson	Norbeck	Spencer
Calder	Jones, Wash.	Norris	Stanfield
Cameron	Kellogg	Oddie	Stanley
Capper	Kendrick	Overman	Sterling
Caraway	Keyes	Page	Sutherland
Colt	King	Phipps	Swanson
Culberson	Ladd	Pittman	Townsend
Cummins	La Follette	Poindexter	Underwood
Fernald	Lenroot	Pomerene	Walsh, Mass.
Fletcher	Lodge	Ransdell	Walsh, Mont.
France	McCormick	Rawson	Watson, Ga.
Gerry	McKellar	Reed	Willis
Glass	McKinley	Robinson	

Mr. SUTHERLAND. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from Connecticut [Mr. MCLEAN], and the Senator from Indiana [Mr. WATSON] are absent on business of the Senate in attendance upon the Committee on Finance.

Mr. PAGE. I desire to announce the absence of my colleague, the Senator from Vermont [Mr. DILLINGHAM] on account of a death in his family.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is necessarily absent on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-seven Senators having answered to their names, a quorum is present. The Senator from Alabama is entitled to the floor.

Mr. CALDER. Will the Senator from Alabama yield to me for a moment?

Mr. UNDERWOOD. I will yield to the Senator if what he desires will not take any time.

MISSISSIPPI RIVER BRIDGE AT MINNEAPOLIS, MINN.

Mr. CALDER. The Senator from Minnesota [Mr. KELLOGG] is very anxious to have considered the bill which I now desire to report as in legislative session.

From the Committee on Commerce I report favorably without amendment the bill (S. 3209) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota, and I submit a report (No. 546) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the southwest quarter of section 24, township 29 north, range 24 west of the fourth principal meridian, at Minneapolis, in Hennepin County, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented a petition of sundry citizens of Riverside, Spokane, and Synarep, all in the State of Washington, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Parent-Teacher Association of the Interlake Public School, of Seattle, Wash., praying for the enactment of legislation suppressing the traffic in narcotics, which was referred to the Committee on Finance.

Mr. TOWNSEND presented memorials of sundry citizens of Kalamazoo, Mich., protesting against increased tariff duties on women's leather gloves, which were referred to the Committee on Finance.

Mr. CAPPER presented telegrams in the nature of petitions from the Kiwanis Clubs of Dodge City, Fort Scott, Parsons, and Lawrence, all in the State of Kansas, praying for prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. SHORTRIDGE presented resolutions adopted by the Merchants' Exchange of Oakland, Calif., favoring the proposed extension by the San Francisco-Oakland Terminal Railways of the "Key" system to Goat Island by a causeway bridge, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the California Forest Protective Association at its annual meeting, held in San Francisco, Calif., January 20, 1922, favoring the enactment of legislation for Federal and State cooperation for the protection and perpetuation of the forests of the United States, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Merced County (Calif.) Farm Bureau, favoring the enactment of legislation to foster the needs and requirements of agriculture and allied industries, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Chamber of Commerce of St. Helena, Calif., favoring the enactment of legislation permitting the manufacture and sale of light wines and beers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by chapters of Daughters of the American Revolution, of Long Beach, Cabrillo, and Oakland, and of the United Christian Brotherhood of Protestant Churches, of Palo Alto, all in the State of California, favoring the enactment of legislation creating a department of education with a secretary in the President's Cabinet, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry members of the Junior Order of United American Mechanics, of Stockton, Calif., praying for the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Whittier (Calif.) Quarterly Meeting of the Friends Church, favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from W. U. Scott, of Eagleville, Calif., praying for inclusion in the pending tariff bill of adequate protective duties on cattle, hides, meat, and wool for making money available with low interest rates and long-time payments, and low freight rates on the railroads, etc., which was referred to the Committee on Finance.

REPORTS OF THE COMMITTEE ON INDIAN AFFAIRS.

Mr. SPENCER, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 250) authorizing the Crow Tribe of Indians residing in the State of Montana to submit claims to the Court of Claims (Rept. No. 547); and

A bill (S. 2563) to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz. (Rept. No. 548).

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 249) for the relief of certain tribes and nations of Indians in the State of Montana (Rept. No. 549); and

A bill (S. 514) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes (Rept. No. 550).

He also, from the same committee, to which was referred the bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes, reported it with amendments and submitted a report (No. 551) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ODDIE:

A bill (S. 3272) granting an increase of pension to Carl Z. Work; to the Committee on Pensions.

A bill (S. 3273) to authorize the acquisition of a site and the erection of a Federal building at Elko, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. WARREN:

A bill (S. 3274) to amend an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920; to the Committee on Public Lands and Surveys.

AMENDMENT OF DEFICIENCY APPROPRIATION BILL.

Mr. McNARY submitted an amendment proposing to appropriate $10,000 to enable the United States Geographic Board to begin the preparation of a gazetteer or dictionary of place names in the United States and Alaska, to comprise the names of mountains, rivers, valleys, canyons, and other natural topographic and relief features, and also the names of all towns, cities, counties, and political divisions, intended to be proposed by him to the second deficiency appropriation bill, which was ordered to lie on the table and to be printed.

SERVICES FOR SOLDIER DEAD AT BROOKLYN, N. Y.

Mr. CALDER submitted the following concurrent resolution (S. Con. Res. 20), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the United States transport *Onward* is expected to arrive in New York on or about March 30 bearing the last of the bodies of American soldiers from the fields of the World War: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of five Senators, to be designated by the President of the Senate, and five Members of the House of Representatives, to be designated by the Speaker, is authorized to represent the Congress at such services and ceremonies as may be determined upon as proper and appropriate. One-half of the expenses of such committee shall be paid out of the contingent fund of the Senate and one-half out of the contingent fund of the House.

ANGLO-JAPANESE TREATIES (S. DOC. NO. 163).

Mr. McCORMICK. I send to the desk copies of the three Anglo-Japanese treaties of alliance, and ask unanimous consent that they may be printed as a Senate document for the convenience of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

RELIEF OF FARMERS IN CROP-FAILURE AREAS.

Mr. NORRIS. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 2897.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2897) entitled "An act to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture," which were, on page 2, line 4, to strike out all after "farmers" down to and including "States" in line 6; on page 1, line 7, to strike out "of feed and"; on page 2, line 8, to strike out all after "for" where it occurs the first time, down to and including "stock" in line 6; on page 2, line 11, after "hereby" to insert: "authorized to be"; on page 2, line 13, strike out "$5,000,000" and to insert "$1,000,000"; on page 2, line 13, to strike out all after "available," down to and including "stock" in line 15, and insert: "and not more than $20,000 may be used, in the District of Columbia and elsewhere, by the Secretary of Agriculture in the administration of this act"; and to amend the title so as to read: "An act to authorize the appropriation of $1,000,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture."

Mr. NORRIS. I move that the Senate disagree to the amendments of the House, request a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. LADD, Mr. NORBECK, and Mr. KENDRICK conferees on the part of the Senate.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. UNDERWOOD. Mr. President, when the Great War closed I gave my unconditional support to the treaty of Versailles, including the League of Nations. This was not because I believed that the treaty of Versailles was a perfect agreement or that the League of Nations would accomplish the impossible and carry us at this day and time into the millennium. I recognized, of course, that 27 nations only a few months removed from the battle fields of the world's greatest conflict, with all the passions and prejudices that must engulf human nature under these circumstances, could not rise to the high ideal of such a compact for the future peace of the world, and supported the treaty of Versailles because it was a step, in my judgment a long step, in the right direction; because it proposed other means of settling international disputes rather than the arbitrament of the sword. But my efforts did not succeed. The peace of Versailles was rejected by the Senate of the United States and the compact went into history without our concurrence or consent.

You may regard what I have just stated as not pertinent to the treaty now pending before the Senate. I say it though as an evidence of the frame of mind under which I approached the work of the recent Conference on the Limitation of Armament. My mind and heart led me to welcome every effort that was made to establish the peace of the world by international understanding and national agreements, rather than to fall back on the methods of the past and use the power of force to determine right and justice between the peoples of the world. Our national policy has been for peace since the beginning of our Government.

"Peace be to this house" is a salutation that came out of the desert centuries ago and has rung around the world because it carried with it the grace of kindness, safety, and protection to the dwellers within.

"Peace be to this Nation" may be substituted as an expression of the true sentiment of the men and women of America in regard to the determination of all international disputes that arise from time to time. In other words, it is safe to say that the American people in their international relations cherish in their hearts only the desire for friendly intercourse with the peoples of the world, and their great desire is that the future peace of the world may remain unbroken.

Let us look at the pages of history for the last hundred years; what international questions of momentous import have confronted us; what spectacular demonstrations have been made; what intemperate words have been spoken—and yet, except where we have been compelled to draw the sword in defense, as in the late war with Germany, we have been willing to adjust our differences by mutual understanding without a resort to arms. Recall what some of these questions are: The Oregon boundary, the Canadian fisheries, the Mexican border troubles, Venezuela, and many others. Any of them would have brought other nations into open conflict on the battle field, and were composed by us through discussion and mutual understanding.

The pending treaty, known as the four-power pact, represents a political settlement which undoubtedly was necessary before the treaty providing for the limitation of armaments was signed—that is, if the agreement to limit armaments was intended to mean more than a mere saving of money to the nations who had engaged in the wild race of building battleships.

As originally written, the four-power pact included the home islands of Japan, but the powers that signed the treaty subsequently yielded to the request of Japan and amended the original agreement so that the home islands of Japan were left out of the compact. Thus amended, the four-power pact provides for peace in the Pacific, guaranteed by mutual pledge of all the signatory powers to respect the integrity of the territory of

each, and, in case of difference between the signatory nations, to confer. In case of difficulty between a signatory power and a nonsignatory nation, the four powers are to exchange notes as among the four, explaining the situation and looking to a common policy.

The terms of the treaty clearly call for a conference to consider difficulties that may arise, just as the Conference on the Limitation of Armament was called in Washington some months ago. It is a conference in which all of the four powers must agree and none of the powers will be bound in advance in any way. In other words, the agreements that are reached must be by the unanimous consent of all.

The governing clause of this treaty reads as follows:

The high contracting parties agree, as between themselves, to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

The other clauses of the treaty are ancillary to the one that I have just read.

The opponents of the ratification of this treaty in the main appear to base their objections on two grounds, expressing positions that are opposed one to the other. It is asserted that the treaty in effect is an alliance between the four great powers for offensive and defensive purposes, or, at least, it is contended we will be drawn into that position in the end, and that we may be forced into war without our consent. I maintain that there is nothing in the treaty itself that justifies such an interpretation being placed upon it; that an agreement by a man or a nation to respect the rights of his neighbors is an obligation that relates to his own conduct and does not bind him to aggressive action because the other party to the contract, whose rights he has agreed to respect, becomes involved in difficulties.

But the question is not left here. The Foreign Relations Committee of the Senate have moved a reservation to the treaty, which will probably be accepted by the Senate, which reads as follows:

The United States understands that under the statement in the preamble, or under the terms of this treaty, there is no commitment to armed force, no alliance, no obligation to join in any defense.

When the treaty is ratified with this understanding on the part of our Government, what ground is left to those who contend the treaty is an offensive and defensive alliance to stand upon? None that I can see.

On the other hand, it is asserted that as the treaty does not bind the high contracting parties to use force in carrying out its terms, and because they can not in the future be bound to any action until their free consent is first obtained, that it means nothing; that it is worse than useless to sign it, and therefore it should be defeated. To my mind, this argument is the last stand of the men of the old school, the school of thought that has been dominant in the government of this world for the last 4,000 years; the philosophy that believes that the world can and must be governed only by force, and that agreements to be binding must have the power of force behind them. If this were true it would destroy all the faith of the Christian nations of the world in their efforts to obtain peace by mutual understanding. For my part, I believe the world is moving forward, not drifting backward, and that the moral forces of the world can join together in bonds of mutual understanding, where respect for each other, love of justice, and the determination to do what is right will be the governing forces that will bind men and nations in the future. If this be true, then it means a great deal for four great nations to meet together and agree to respect each other's rights, and, in case of dispute, to counsel together in order to reach a common understanding, rather than to follow the backward paths of selfish diplomacy backed up by armies and navies in determining the future rights of the people of the world.

You may call the Versailles treaty an alliance. I voted for it because I believed that it was a sincere effort to secure the peace of the world by mutual understanding. The present treaty is not an alliance, but if it were an alliance intended to keep the peace through arbitration rather than through force I should support it. The dangers of past alliances have not been due to the fact that they were binding agreements between the powers that signed them, but because they contemplated the use of force for the benefit of the signatory powers. An alliance based on right and justice between nations, intended to aid in securing the peace of the world, would not be offensive to me. The first step in any effort to keep the peace among nations must be based upon a mutual agreement to respect the rights of others. The four-power pact does that. Its defeat, in my opinion, would be a backward step in the life of this Nation.

If the Senate of the United States ratifies this pending treaty, I am fully satisfied that there will disappear not only any real cause for war but there will no longer exist the opportunity for war that has threatened us in the past two decades, and peace will be established between the four great sea powers that now control the destinies of the Pacific Ocean.

There has been some criticism of this treaty because it has been limited in its terms to include only the United States of America, the British Empire, France, and Japan. The primary purpose of the compact is to maintain the peace, and for the next 10 years one would have a very vivid imagination to picture the peace being disturbed in the Orient by any other power. Germany is down and out at least for the next half century to come. All semblance of government is destroyed in Russia. Transportation facilities have almost perished with stable government; manufacture is dead, and only feeble efforts of agricultural production sustain the lives of a great people. This will not continue to exist forever. The day will come in the future when a stable government—recognizing human liberty, protection of property, the safety of the person, and national freedom—will again be established in Russia. And if it comes with the republican form of Government, I predict that there will be the rebirth of a great life in the history of nations. But nobody can dream that such a happening can occur in the next 10 years, the life of this treaty.

It may be said that no danger may threaten the powers to the compact because it has not been extended to the other powers, but that an injustice has been done to the smaller nations in the questions involved in far eastern possessions. The answer to that criticism is already at hand. Arrangements have been made by separate agreements between the signatory powers and Holland to extend to the Dutch East Indies possessions that same guaranty of possession and recognition of integrity which the four-power treaty bestows upon the four signatory nations. This is only an act of justice to Holland, whose interests on the material side in the regions of the Far East are as great as those of any of the powers who signed the pact, and what has been granted to Holland undoubtedly would be freely granted to any other power that desired it, having possessions in the region of the Pacific.

We therefore have, as a result of the four-power treaty and the extension of this treaty to the Dutch East Indies, a solid basis for peace between the United States, the British Empire, France, Japan, and the Netherlands. I do not see how anyone can conceive, during the life of this treaty, that any difference of opinion or conflict of interests between the signatory powers thereto can arise. It is not an agreement that leads to war. It is not an alliance for cooperation in time of war. It is not an alliance that draws the sword. But it is an agreement intended to lay aside the sword, to abandon force that all differences may be determined by national understanding and arbitration. This treaty is a regional agreement that has been made on honorable terms and satisfactory to all concerned; entered into, not with the compelling force exercised by the victor over the vanquished, but in the full tide of peace. It represents no infringement of the national rights of others, nor is it purchased by the alienation of any territory of any of the powers who have signed it. In my judgment it stands as a model regional agreement intended to secure peace by mutual understanding.

It must be borne in mind that the treaty does not relate to the mainland of Asia, but only relates to certain islands, defined in its terms, in the region of the Pacific Ocean. These include the Philippine Islands, which, in the event of war, have been a danger since we first possessed them. I agree that it is entirely possible, with a very large expenditure of money and the maintenance of a very large Navy, to so fortify and protect the Philippine Islands that they would be safe against the attack of another nation. But our Government, in the quarter of a century we have controlled them, has never built adequate fortifications on them for defense, nor has it fortified the approaches to the islands to the east of Hawaii, and it is undoubtedly the fixed determination of the American Congress to reduce the size of the Navy of the United States rather than to build one that would be adequate in time of war to defend our possessions in the Far East. I do not criticize this position of our countrymen, as I believe, and shall continue to maintain, that it is far better to secure the safety of our island possessions by agreements to keep the peace between nations rather than by the upbuilding of great armies and navies. Nevertheless, as long as conditions were allowed to remain in the Far East as they have existed for the past two decades, danger lurked behind every dispute, and the war clouds gathered when every national issue was raised. These conditions threatened our national security, for as long as our flag floats over the distant islands of the Pacific, national honor requires that we shall defend the people of these islands from attacks by other nations. I have yet to find the man informed on naval matters

who does not admit that if we became involved in war with a first-class naval power, in the beginning it would be impossible for us to protect the Philippine Islands from successful attack by such a foe. You say in the end we would win them back. Yes; if I know my country and my countrymen, we would face destruction or in the end we would win them back. But after the end, when the battle flags were furled and the cannon ceased to roar, the page of blood we would find in American history would tell of the loss of many, many thousands of American boys and the American taxpayer would have to face a payment of many billions of dollars, the price of a war that is unnecessary, a war that should not come, a war that is a crime to dream about; when a mutual understanding and agreement to keep the peace, when the wish that arbitration may determine disputed issues rather than an appeal to the sword, can save all this and more.

This is the real issue involved in the four-power treaty: The issue of peace in the Orient, the issue of safety to our country, the issue of the lives of our young men, who should be saved from this danger for the upbuilding of a greater America.

We have signed agreements with many nations to arbitrate our differences, as is evidenced by the general peace treaties signed in 1914. When we have signed with one nation a treaty looking to the peaceful settlement of disputes, why should we hesitate to sign a similar agreement to maintain the peace with four?

A number of treaties were negotiated at the conference in Washington on the limitation of armaments, but this four-power treaty is the real treaty of peace. The naval treaty is remarkable, in that for the first time in the history of the world nations have really agreed to limit their armaments, but, nevertheless, their relative strength remains the same. The Chinese treaties establish a magna charta to protect the sovereignty and territorial integrity of China in the future. This one treaty stands for peace by mutual understanding and all that peace means.

When the Great War was on our young men were giving their lives daily to the maw of battle on the fields of France, when the Nation was strained to its utmost to produce war supplies and raise the revenue necessary to keep our forces in the field, when every man gave and every woman sacrificed, there was no issue but one, the winning of the war; yet, even then, deep in the heart, the great American heart, the call of peace remained. The mothers and fathers of the boys at the front, the producers in the fields and the factories, all said, we give and we give willingly for national safety and national life, but when this Great War is over there must be peace, the peace of understanding. That sentiment still lives in the heart of the American people. That sentiment will continue to live until the nations of the world are able to enter into an understanding that will solve all the differences that bring on wars, by an intellectual determination of what is right and what is just, rather than by the barbaric methods of the past, the power of force.

That sentiment, in my judgment, demands the ratification of this treaty.

Mr. President, I can not close without addressing myself to some of the problems which have been presented to the Senate, which I myself do not regard as the main issue. In fact, I do not regard them as an issue at all; but this matter is too grave, it is too momentous in the life of our country, to leave any question unanswered where an adequate answer is at hand.

Some of my able and eloquent colleagues have challenged this treaty on the ground of its origin. They have asked, Who made it; who was the real author of the four-power treaty? In my mind, that has nothing to do with the problem. It may be a side issue, one to divert attention from the main facts; but I take it that no Senator of the United States, realizing the grave duty which confronts him, would be prejudiced against doing what was right because some authorship which might be distasteful to him had written the treaty, nor would he vote for what he conceived to be wrong because he approved of the authorship. So I say the question as to whether this treaty came from the hands of the American delegates, came from the head of the British delegation, or was fostered by Japan, may, in the moment of criticism, attract our attention, but it is not a foundation on which the determination as to whether a Senator should accept or reject this treaty can be based.

As I stated the other day, in answer to a question of one of my colleagues, unfortunately for myself, at the critical hour of the making of this four-power treaty, I was called away from Washington on account of a death in my family, and therefore personally I did not have the same information in regard to the details which my colleagues had, through no fault of mine or theirs. But I regarded it as too important to allow the matter to go by with any chance of the decision of a vote in this Chamber being determined on an issue which is not material to the real merits of the questions involved.

I have in my hand a letter from a great American, a man who is entitled to the confidence of his fellow citizens regardless of their political alignment. I have in my hand a letter from the man who primarily wrote this treaty, and I ask Senators to listen to it. It is from the Secretary of State, the head of the American delegation at the conference which adopted the treaty. It is directed to me, bears date March 11, 1922, and it reads as follows:

DEPARTMENT OF STATE,
Washington, March 11, 1922.

MY DEAR SENATOR: I understand that in the course of debate in the Senate upon the four-power treaty questions have been raised with respect to its authorship. It seems to be implied that in some way the American delegates have been imposed upon, or that they were induced to accept some plan cunningly contrived by others and opposed to our interests. Apart from the reflection upon the competency of the American delegates, such intimations betray a very poor and erroneous conception of the work in connection with the conference, no part of which—whether within or outside the conference meetings—was begun, prosecuted, or concluded in intrigue. Nothing could be further from the fact.

It is, of course, wholly inconsistent with the amenities of international intercourse that the informal and confidential suggestions and conversations incident to negotiations should be stated, but the Senate may be assured that a full disclosure of everything said or done in the course of the negotiations would reveal nothing derogatory to the part taken by any of the American delegates, or involve any consideration or acceptance of any position not entirely consistent with the traditional policies of this Government.

It should be remembered that the four-power treaty dealt with a subject—the Anglo-Japanese alliance—which, as an agreement between two powers competent to make and continue it, was not, and in the nature of things could not be, appropriately placed upon the conference agenda. Technically it was a matter outside the conference, although the conference furnished an excellent opportunity for conversations regarding it.

While I can not, of course, undertake to state what was proposed or suggested in confidence by any of the delegates, I think it entirely proper to say that the negotiations relating to the four-power treaty were conducted within limitations defined by the American Government. The views of this Government as to the importance of the termination of the Anglo-Japanese alliance had been communicated long before the conference met, and it had also been clearly stated that this Government could enter into no alliance or make any commitment to the use of arms, or which would impose any sort of obligation as to its decisions in future contingencies. It must deal with any exigency according to its constitutional methods. In preparation for the conference the American delegates reviewed the matter thoroughly, and the entire course of the negotiations in connection with the four-power treaty were in accord with these principles, and, as I have said, within the limits which we defined.

The treaty itself is very short and simple, and is perfectly clear. It requires no commentary. Its engagements are easily understood, and no ingenuity in argument or hostile criticism can add to them or make them other or greater than its unequivocal language sets forth. There are no secret notes or understandings.

In view of this, the question of authorship is unimportant. It was signed by four powers, whose delegates, respectively, adopted it, all having made various suggestions.

I ask especial attention to this—

I may say, however, with respect to the general course of negotiations that after assent had been given by Great Britain and Japan that France should be a party to the agreement—

Listen—

I prepared a draft of the treaty based upon the various suggestions which had been exchanged between the delegates. This draft was first submitted to Senator Lodge and Mr. Root, as you were then absent on account of the death of your mother. After the approval of the American delegates, who were here, the draft was submitted to the representatives of other powers, and became the subject of discussion between the heads of the delegations concerned, and with a few changes, which were approved by the American delegates, and which did not affect the spirit or substance of the proposed treaty, an agreement was reached. Immediately upon your return I went over the whole matter with you, and the proposed agreement received your approval. I should add that, in order to avoid any misunderstanding I prepared a memorandum to accompany the treaty with respect to its effect in relation to the mandated islands and reserving domestic questions.

At this stage, while it was not strictly a conference matter, in order to insure publicity at the earliest possible moment, the treaty, as thus agreed upon, and before it had been signed, was presented by Senator Lodge to the conference in plenary session and its import and limitations stated. His statement met with the acquiescence of all.

The treaty as thus drawn and notified was deemed to embrace the main islands of Japan. Later, in view of the sentiment, both in this country and Japan, it was deemed to be preferable to exclude these main islands, and a supplementary treaty was prepared to this effect, which designated the islands of Japan which it was to include.

There is not the slightest mystery about the treaty or basis for suspicion regarding it. It is a straightforward document which attains one of the most important objects the American Government has had in view, and is of the highest importance to the maintenance of friendly relations in the Far East upon a sound basis. As the President recently said, in his communication to the Senate, it is an essential part of the plan to create conditions in the Far East at once favorable to the maintenance of the policies we have long advocated and to an enduring peace.

In view of this, and in view of the relation of the treaty to the results of the conference, its failure would be nothing short of a national calamity.

I am, my dear Senator, faithfully, yours,

CHARLES E. HUGHES.

Mr. President, no man can challenge the word of the Secretary of State. Not only in this letter, but personally, he has given me the assurance that he himself carried the substance, the governing clauses, and the preamble of this treaty to the conference with the heads of the other delegations; that they came from him as the head of the American delegation.

Mr. ROBINSON. Will the Senator from Alabama yield for a question?

Mr. UNDERWOOD. I yield.

Mr. ROBINSON. It is, then, a fact that the negotiations for the four-power treaty were designedly conducted in secret?

Mr. UNDERWOOD. They had to be.

Mr. ROBINSON. Why?

Mr. UNDERWOOD. Because there was an existing treaty between Great Britain and Japan. If we had announced in the newspapers that we were desirous of having that treaty annulled before we made a treaty in reference to the limitation of naval armament, it might have affected conditions in the other countries; and no man charged with an important diplomatic mission would jeopardize a question of this kind by making in the open a declaration that might seriously affect the negotiations in the countries which had to join with his country in the agreement.

Mr. ROBINSON. But the negotiations did not occur in the countries that joined in the agreement. The Senator, I assume, refers to the ratification or approval of the treaties in the different countries?

Mr. UNDERWOOD. I am speaking primarily of the agreement by Great Britain and Japan to annul and abolish the Anglo-Japanese alliance.

Mr. ROBINSON. There was no secrecy at that time in connection with the Anglo-Japanese alliance. Everybody knew of its existence and knew its terms.

Mr. UNDERWOOD. Undoubtedly. But there was not an announcement that it would be annulled, and there could not be until the two powers reached an agreement, and it would have been very foolish on the part of our delegation or our Government to make such an announcement.

Mr. ROBINSON. It can not be annulled now until Great Britain and Japan ratify this treaty.

Mr. UNDERWOOD. Undoubtedly; but their delegations, their accredited representatives, have now agreed to the annulment. At that time their Governments had not consented to such a course.

Mr. ROBINSON. Does the Senator mean to say it was necessary to maintain secrecy in regard to the negotiation of this treaty in order to prevent public sentiment in Japan and in Great Britain from becoming so hostile to the proposal that the treaty could not be successfully negotiated?

Mr. UNDERWOOD. Not at all.

Mr. ROBINSON. What, then, was the purpose of withholding——

Mr. UNDERWOOD. I——

Mr. ROBINSON. Just a moment, until I finish the question. What was the purpose of withholding the information from the people of Japan and from the people of Great Britain that a four-power pact was to be substituted for the two-power pact?

Mr. UNDERWOOD. So that that information might be announced by their own delegates and their own Governments to those people and not come through us.

Mr. BORAH. Mr. President, may I suggest that the premier of Great Britain announced in the House of Commons a month before the English delegation came to this country that the way to dispose of the Anglo-Japanese alliance was to extend the alliance so as to include the United States?

Mr. UNDERWOOD. Undoubtedly; but that was an announcement by one of the powers.

Mr. BORAH. It was before the conference was called.

Mr. UNDERWOOD. That was an announcement by one of the powers about their own business.

Mr. BORAH. Yes; but that announcement was made before the Washington conference was called.

Mr. UNDERWOOD. I think that everybody will recognize that if the delegates of other nations should meet here to consider a matter which primarily concerned the United States, as the question of the Anglo-Japanese alliance primarily concerned Japan and Great Britain, it would have been very unwise and very undiplomatic for the Japanese delegation or the English delegation to have made an announcement about our affairs instead of allowing such an announcement to come from an American source.

Mr. ROBINSON. What does the Senator from Alabama have to say about the American delegation making the announcement to the American people?

Mr. UNDERWOOD. It did not concern the American people until the agreement was reached that the Anglo-Japanese alliance should be canceled; and when that was done the announcement was made to the American people.

Mr. ROBINSON. But it was well understood by the delegates from the beginning, even prior to the meeting of the Washington conference, that one of the principal subject matters to be considered by it actually was to be the recision of the Anglo-Japanese alliance and the substitution for it of something that would satisfy Japan and Great Britain. Is not that true?

Mr. UNDERWOOD. No; I do not think that is entirely true.

Mr. ROBINSON. What part of it does the Senator from Alabama think is true?

Mr. UNDERWOOD. I think this question gradually developed; the situation did not stand in all respects in the light which the Senator states. I think before the conference met there was hardly a newspaper in the United States which, either in its news or editorial columns, did not reflect the sentiment that if we were going to enter into a treaty scrapping our Navy in good faith the Anglo-Japanese alliance should be canceled or annulled by the powers that made it; but I think that is as far as the sentiment went.

It may have been expressed otherwise at that time; it may have been stated that there must be some other agreement to take its place; but if so, I did not see the statement. I know that the other sentiment existed, but my first information and the first discussion, so far as I was concerned, of the proposal that something else must take the place of the Anglo-Japanese alliance came after the conference was called and after the American delegation met. Then we received the information that it was the desire of the Governments of Great Britain and Japan, if that alliance were annulled that something else should take its place. That is my understanding of it. Something different may have appeared in some of the newspapers or at some time prior; but if so, I did not know of it.

Mr. ROBINSON. Will the Senator yield to a further question?

Mr. UNDERWOOD. I will.

Mr. ROBINSON. Does the Senator think that if it had been announced that the Anglo-Japanese alliance was to be rescinded through the formation of another alliance to which the United States should become a party, the American people would have approved of that course?

Mr. UNDERWOOD. That is what this treaty does. I will say to the Senator—he may not agree with me, but I make no mistake about it—that outside of some certain factions in this country the American people approve of this treaty, because it means peace.

Mr. ROBINSON. The Senator has not answered the question which I asked him.

Mr. UNDERWOOD. Well?

Mr. ROBINSON. I ask the Senator from Alabama if the American people had understood that the Anglo-Japanese alliance was to be rescinded or nullified by the substitution of a four-power alliance, to which the American Government should become a party, does he believe that under those circumstances the American people would have approved of the negotiation of the four-power treaty?

Mr. UNDERWOOD. I thought I had answered the Senator's questions by saying that I believe the American people approve of that pact, which certainly answers the question; but if he wishes me to go further I will say that if the American people had known during the negotiation that we were going to get rid of a menace in the Pacific Ocean in the form of the Anglo-Japanese pact by making this agreement to keep the peace, I believe the great American people would have then approved it just as they approve it now.

Mr. ROBINSON. My stupidity has prevented me from communicating to the Senator from Alabama the true meaning of my question.

Mr. UNDERWOOD. I am sorry that I misunderstood the Senator.

Mr. ROBINSON. I am going to try to make it clear to him. The Senator has asserted that the American people favor the ratification of this pact?

Mr. UNDERWOOD. In my judgment they undoubtedly do.

Mr. ROBINSON. That evades the question as to whether the American people understand the nature of this pact.

Mr. UNDERWOOD. I think——

Mr. ROBINSON. Just a moment, if the Senator will indulge me.

Mr. UNDERWOOD. Certainly.

Mr. ROBINSON. The contention of the proponents of the treaty is that it is not an alliance, that it is a mere agreement for an amicable conference. That idea has been carried in the newspapers and magazines and in resolutions of commercial and political organizations until that is the view and construc-

tion which has been placed before the American people concerning this part. That, however, does not take into consideration the real question which those of us who are doubtful about the advisability of ratifying the treaty present, and that is what is the nature of the treaty? Is it a mere agreement to confer, or is it in fact a quadruple alliance, substituted for the Anglo-Japanese alliance and binding the United States and France to Great Britain and Japan as Great Britain and Japan were bound together under the Anglo-Japanese alliance? If it appears that such is the nature of the instrument, does the Senator from Alabama think that the American people would approve it?

Mr. UNDERWOOD. I do not think this is an alliance, and I think the American people know it is not an alliance; but, as I have said in my speech, I believe that if the American people thought it was an alliance to keep the peace and avoid the danger that we have been threatened with for the last quarter of a century, holding, as we do, the Philippines without proper protection, the American people would approve of a course that canceled a military alliance against us for a peaceful alliance in our favor. However, I do not admit at all that it is an alliance.

Mr. ROBINSON. Mr. President——

Mr. UNDERWOOD. If the Senator will allow me for a moment, I will say——

Mr. ROBINSON. Will the Senator yield for a further question?

Mr. UNDERWOOD. I yield.

Mr. ROBINSON. If it is not an alliance, what is it in international law?

Mr. UNDERWOOD. There is a grave difference between a conference and an alliance. I am sure the Senator recognizes that.

Mr. ROBINSON. Undoubtedly.

Mr. UNDERWOOD. An agreement to hold a conference and an alliance are two different propositions. An alliance carries with it the understanding between nations, no matter what it is called, that in the happening of certain events those nations shall be bound to follow a certain course, usually a resort to arms, an obligation to defend each other. An alliance is a binding agreement with respect to a subject matter where the determination is reached in the beginning that that subject matter shall be treated in a certain way. An agreement to hold a conference is not an obligation that binds the signatory powers as to what shall be done when they meet at the conference table.

Mr. ROBINSON. Now, will the Senator yield further?

Mr. UNDERWOOD. And this agreement does not bind anybody. It leaves all four of these nations free to act when they take their seats at the conference table. As I have said, it is similar to the conference that took place in Washington. Unanimous consent of all must be obtained before action can take place.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. UNDERWOOD. I will yield in just a moment. I trust the representatives of the American people should they go to a conference either now or hereafter will protect the rights of the American people within constitutional lines. I now yield to the Senator.

Mr. ROBINSON. The Senator has just stated that unanimous consent is required to any conclusion by the conference which may be convened under the treaty.

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. How does the Senator arrive at that conclusion?

Mr. UNDERWOOD. Because the wording of the clause, as recognized in international law by every writer of international law, is the wording of a conference and not the wording of an alliance.

Mr. ROBINSON. The Senator is aware, of course, that the Senate put an entirely different construction on a provision in another treaty, somewhat analogous to this, and insisted that there should be written into the face of the treaty a provision that all decisions should be unanimous.

Mr. UNDERWOOD. The Senator refers to the treaty of Versailles?

Mr. ROBINSON. Yes.

Mr. UNDERWOOD. Of course, the Senator and myself did not occupy that attitude.

Mr. ROBINSON. That is perfectly true.

Mr. UNDERWOOD. I am not ashamed of the attitude I then occupied.

Mr. ROBINSON. No; and I am proud of it. Now, let me ask the Senator from Alabama this question: In view of the construction which the Senate placed on that treaty, contrary to the construction which he and I placed upon it, has the Senator from Alabama any objection to saying in this treaty, as was said on the face of the Versailles treaty, that all decisions or conclusions shall be unanimous?

Mr. UNDERWOOD. I do not think it is necessary. I will tell the Senator candidly that I regret that these treaties should be changed. I think the position which this Government occupies before the people of the world because of its rejection of the Versailles treaty is most unfortunate. There is a doubt in the minds of other great governments as to whether the United States of America can make an agreement and be bound by it.

Mr. ROBINSON. Mr. President——

Mr. UNDERWOOD. Just let me finish, and I will then yield. But I feel the treaty is of so great importance to my country and to the future peace of my country that I will not stand in the way of its ratification because somebody may want to offer a reservation which does not destroy its terms. I think the reservation offered by the Senator himself the other day would destroy its terms; but here is a reservation which has been proposed by the Committee on Foreign Relations, reading as follows:

> The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

In order that our Government may keep faith and also that the treaty may be ratified, I am willing to vote for that reservation; and when it says that our understanding of the treaty is that it involves no alliance, of course that carries the meaning that everything that may be determined shall be determined by unanimous consent.

Mr. ROBINSON. If the Senator will yield further, our understanding can not control the understanding of the other nations.

Mr. UNDERWOOD. No; but, as the Senator well knows, it controls our attitude at the table, and if we ratify with the understanding that this is not an alliance, then the nations that join in the treaty if they ratify it know that we come to the table with the understanding that we are not bound until we give our consent after we get to the table, and that implies unanimous consent.

Mr. ROBINSON. Will the Senator yield further?

Mr. UNDERWOOD. I yield.

Mr. ROBINSON. If the Senator signs an instrument which by its terms constitutes a contract, can he change the nature of the instrument and diminish his liability by saying "this is not a contract"?

Mr. UNDERWOOD. I do not think so in the court of law, if——

Mr. ROBINSON. Well——

Mr. UNDERWOOD. Wait a minute; let me answer the question—if it was subsequently signed; but I think any understanding expressed in the contract at the time of the signature would be a part of the contract. Undoubtedly in the high courts of international law reservations defining the terms under which a nation accepts an agreement are a part of that agreement so far as that nation is concerned. There can be no question about that.

Mr. ROBINSON. Will the Senator yield for a further question?

Mr. UNDERWOOD. I yield.

Mr. ROBINSON. If the language of the contract or compact or alliance or agreement or conference, or whatever it may be termed, actually creates an alliance, its nature can not be changed by a reservation adopted by one party, can it?

Mr. UNDERWOOD. Oh, it is changed so far as that party is concerned undoubtedly, and really changed so far as the others are concerned when they accept it on those terms, just as much as if it was written in the contract; but there can be no doubt whatever that this is only an agreement in a case of a difficulty arising to consult in order to try to maintain peace. I want the Senator to go back with me eight years ago this coming summer, and I should like to ask him to recall what Lord Grey said in August of 1914, when he had struggled for weeks as no man in history had ever struggled before to try to prevent the catastrophe of the Great War. When the ax fell, when the life of the nations became at stake, he said:

> If there had only been a machinery by which those nations could have consulted together, the Great War would have been avoided.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. UNDERWOOD. I will.

Mr. ROBINSON. I might ask the Senator to come forward eight years with me to the present time, and consider the statement made by Lord Grey upon the return of Mr. Balfour to England after the negotiation of this treaty; but I do not want to——

Mr. UNDERWOOD. The British people gave every honor to Balfour, and he deserved it; and I regret that our people do not

recognize that peace means more to them than anything else, as the people of Great Britain did.

Mr. ROBINSON. Mr. President, I think the reason why Great Britain gave so much honor to Mr. Balfour was that they concluded that he had been able to substitute for the very unpopular two-power alliance a four-power alliance which committed the United States and France to substantially the same principles that were involved in the two-power alliance; but, if the Senator will permit me to pursue an inquiry as to one statement that he made some moments ago; he defined in general terms an alliance. I shall not undertake to give a general definition of the term "alliance," but I want to point out to the Senator that under his own definition, as I understood it, this treaty, in its second article, constitutes a defensive alliance. The Senator is more familiar with the language than I——

Mr. UNDERWOOD. Not at all.

Mr. ROBINSON. And I am somewhat embarrassed in asking him to place a construction on a certain provision in the treaty after he has made that general declaration; but he is kind enough to yield, and I am going to ask him if he does not think that in addition to conferring there is an obligation upon each member to arrive at a definite conclusion?

Mr. UNDERWOOD. Without meaning to reflect on my friend at all, I think if it were not for the heat of this debate he would recognize that that statement is absurd on its face—to say that the obligation is to confer, but that when we enter into the conference we are required to arrive at a definite result.

Mr. ROBINSON. Mr. President, if there is any heat in this debate, either internal or external, I am unable to feel it.

Mr. UNDERWOOD. I should say the activity of the debate.

Mr. ROBINSON. But now let me point out to the Senator that the first proposal is:

> If the said rights are threatened by the aggressive action of any other power—

That means an act of war, does it not?

Mr. UNDERWOOD. It might be an act of war, or it might be something else.

Mr. ROBINSON. What else might it be?

Mr. UNDERWOOD. It might be approaching war.

Mr. ROBINSON. Yes; it means an act which indicates a purpose to make war. That is the condition under which the conference is called.

Mr. UNDERWOOD. It might be somebody else taking possession of a piece of property.

Mr. ROBINSON. That is an act of war, of course.

Mr. UNDERWOOD. Not necessarily.

Mr. ROBINSON. The Senator knows that if one nation seizes a peace of property owned by another that constitutes an act of war under international law, and has done so for all the years since international law was first recognized.

Mr. UNDERWOOD. No; it may justify war.

Mr. ROBINSON. It violates sovereignty and constitutes an act of aggression or an act of war.

Mr. UNDERWOOD. An act of aggression, but not an act of war.

Mr. ROBINSON. The first obligation is to—

> Communicate with one another fully and frankly—

That is in the language of the Anglo-Japanese alliance—for a definite purpose. Take the Senator's own definition of an alliance: Here is a definite purpose stated:

> In order to arrive at an understanding.

That is the object of the conference. What is the purpose of the understanding?

> As to the most efficient measures to be taken.

That is predicated upon the proposition that one of the powers party to this agreement is being attacked by another power, and that it is necessary to repel that attack. The United States and the other parties to the treaty then would enter into the conference for the purpose of determining how that attack should be repelled; and the agreement goes further. It provides that the conference shall determine whether the measures of repulsion shall be taken jointly or separately. The first question to be determined in a conference of that nature will be: "By what means, what agencies, what process, shall we four powers repel the aggression against one of us?"

The inevitable answer, of course, will be war. No one would think of proceeding in any other manner when an act of war had already been committed against one of the parties to the compact. It means the employment of force. Then the conference not only determines the most efficient measures to be taken, but it decides the question whether the four parties shall proceed jointly or separately. It provides who shall do it.

Now, listen: Suppose that in the years to come——

Mr. UNDERWOOD. Of course, I am glad to yield to my friend from Arkansas; but he made this same speech the other day, and I want to go on, so I will ask him not to go too far in his speech now.

Mr. ROBINSON. Of course, the Senator controls the time——

Mr. UNDERWOOD. I do not want to cut the Senator off.

Mr. ROBINSON. But I wanted to ask the Senator to consider a specific proposition or illustration. However, the Senator did not answer Wednesday, the Senator could not answer then, who wrote the four-power treaty. The Senator from Massachusetts [Mr. LODGE] could not answer then. The Secretary of State refused to answer; but after a prolonged consideration of the matter, and after having told the newspaper men that it was nobody's business who wrote it, he submits to the Senate through the Senator from Alabama a long statement saying that he wrote the first draft of the treaty upon the suggestions of the various delegates, after Japan had agreed that France might become a party.

Mr. REED. Which is purely ex parte, with no chance to cross-examine.

Mr. UNDERWOOD. I shall be glad to yield to the Senator from Missouri when I have answered this question. I shall be delighted to do it, but I want to answer first the speech of the Senator from Arkansas.

Mr. ROBINSON. The Senator stopped me before I finished my question and I was directed to another point. It was rather a long question, and somewhat argumentative in nature.

Mr. UNDERWOOD. The Senator is getting off of it right now, and I should like to have it completed.

Mr. ROBINSON. All right. The first duty is to communicate fully and frankly with one another. The second is to arrive at an understanding as to the most efficient measure by which aggression shall be repelled, and the last is to determine whether they shall all act together or whether one of them shall do it alone.

If the nation assailed contends that it is not able to repel the attack, by reason of the strength of the enemy—either the enemy alone, or in combination with allies—what is the logical consequence of a decision as to what constitute the most efficient measures? That two or more of them shall join their forces, their navy and their army, with the navy and the army of the power attacked. Of course, Mr. President, no treaty can obligate Congress to declare war. It would be necessary under this instrument, just as it would have been necessary under the League of Nations covenant, before this Government can be committed theoretically to war, that the Congress should vote a declaration of war. Nevertheless, the terms of the agreement are to give to each of these four powers in the Pacific the strength of all before the rest of the world.

Mr. UNDERWOOD. Is the Senator through, now?

Mr. ROBINSON. I will pause for a while. I thank the Senator.

Mr. UNDERWOOD. Now, if the Senator will be just as kind to me as I have been to him, I shall try to answer. I wanted him to state his case, and I shall be glad to have an opportunity to answer.

Mr. ROBINSON. I have one or two more questions.

Mr. UNDERWOOD. Mr. President, I want to say, first, that in part of this long question, before the Senator got to the last part of his argument, he asked something in reference to what he called the secrecy of this treaty. There was no secrecy about it. There were certain things that could not be said until the proper time came to say them, and then they were said. Of course, no man can blame me because the other day I could not answer the Senator's question when I was unavoidably out of the city.

Mr. ROBINSON. Oh, certainly not, Mr. President. I hope the Senator understands that I had no such purpose.

Mr. UNDERWOOD. I realize that the Senator did not mean that.

Mr. ROBINSON. Certainly not.

Mr. UNDERWOOD. But I have laid before the Senate the unquestioned statement of the man who did make the treaty that he made it and he wrote it.

The Senator's first assertion was that it was an offense against this treaty because it might have been considered in secrecy. I do not think it was. I do not think there was ever a conference that met in the history of the world that was more open and more free from that criticism than the late conference that met in Washington. But even if the treaty had been considered in the depths of secrecy, that is no argument against the treaty if you approve of its terms; and I say that the best compliment that has been paid to the real merits of the treaty pending before the Senate is that a Senator of the recognized ability and force of the Senator from Arkansas is driven away from the merits of the treaty on its face to try first to find an opportunity to attack it because it was thought by somebody that it

was made by some one else than an American delegate; and then because it was thought to have been made in secrecy. It merely shows the straits to which the opponents of this treaty are driven in their argument.

As to whether or not the second article of the treaty makes this an alliance, here is the way it reads. I will read it all into the RECORD:

If the said rights—

Senators understand that in the first article we have contracted to respect—not to guarantee, not to fight for, but to respect—the rights of the others. The second article says:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measure to be taken, jointly or separately, to meet the exigencies of the particular situation.

The Senator says that makes this treaty an alliance. If it were an alliance it would not have said:

The parties shall communicate with one another fully and frankly in order to arrive at an understanding.

Mr. WATSON of Georgia. Mr. President——

Mr. UNDERWOOD. Just one minute. It would have said that the parties shall meet to arrive at an understanding as to what shall be done.

Mr. ROBINSON. Why, with the Senator's permission, the language in that particular is identical with that of the Anglo-Japanese alliance, which no one doubts was a military alliance. That is the language of diplomacy. It is not the language the Senator from Alabama would use, to be sure.

Mr. UNDERWOOD. Oh, no; wait a minute. We must take into consideration also the other parts of the treaty. The Anglo-Japanese alliance in its terms is an offensive and defensive alliance. It says so. We can not construe section 2 of this treaty by itself. We must construe it in connection with section 1, as I said.

Mr. ROBINSON. If the Senator will permit me, I am referring now to the Senator's point that if it had constituted an alliance it would have been necessary to command a meeting rather than to provide for full and frank communication; and I point out to him the fact that in an instrument admitted and known by all the world to have been an alliance the same language is used in that particular that is employed in this document, and it is the language that is always used in diplomacy. The Senator never knew an alliance to exist in all the history of time that did not employ words indicating a purpose to promote peace.

Mr. UNDERWOOD. I am sorry my friend will not give me the same chance that I gave him.

Mr. ROBINSON. I beg the Senator's pardon.

Mr. UNDERWOOD. I must finish my sentences.

Mr. ROBINSON. Certainly.

Mr. UNDERWOOD. I started out in the beginning to say that section 2 can not be considered by itself. Perhaps I did not speak loudly enough, but I called the attention of the Senate to what was in section 1. That is, there is not an agreement to fight; there is not an offensive and defensive alliance. That section is an agreement to respect each other's rights; and then section 2 calls for a conference in reference to the question if somebody else violates those rights.

Mr. WATSON of Georgia. Mr. President——

Mr. UNDERWOOD. I shall be glad to yield, but I can not possibly make an argument unless I am allowed to finish my sentences. I will yield to the Senator in just a moment.

A conference does not necessarily mean war. When nations meet and make representations to other nations, sometimes it produces war and sometimes it avoids war. When Grover Cleveland, President of the United States, represented to Great Britain that they were violating the Monroe doctrine in reference to Venezuela, the country became alarmed lest it might mean war, but it did not. If these four powers met within the next 10 years and represented to any other nation on earth that it was violating the terms of an agreement, I think it would not mean war; but that does not answer the question of the Senator as to what would happen. I say that there are no binding words within the terms of this pact to bind the signatory powers to any definite action of any kind when they meet at the table. The only answer to that is that we may be afraid to send our ambassadors to confer; but under our Constitution there is always a check on the power of an ambassador, and that is the Constitution of the United States, which makes the final decision rest in the Congress of the United States.

Now I yield to the Senator from Georgia. I am sorry I have kept him waiting.

Mr. WATSON of Georgia. I ask the Senator if the first clause does not refer entirely to misunderstandings between the high contracting parties to this treaty?

Mr. UNDERWOOD. Undoubtedly.

Mr. WATSON of Georgia. And if the second does not relate entirely and exclusively to what the four contracting parties shall do in case either one of them is menaced by an outsider?

Mr. UNDERWOOD. Undoubtedly; but the connection between the two articles is the word "rights." The first clause relates to the rights of the high contracting parties; that is, to their territorial integrity, their national rights, and that attitude of the treaty is carried into the second clause, because the first line says, "If said rights are threatened," referring back to the rights in the first clause. "Said rights" means their national rights, making the second clause ancillary to the first clause, and related entirely to it.

Mr. WATSON of Georgia. But in the Yap treaty we consent to the mandates given to Great Britain and Japan over the islands in the Pacific Ocean. Some say there are 25,000 of those islands.

Mr. UNDERWOOD. Not to Great Britain.

Mr. WATSON of Georgia. To both Great Britain and Japan.

Mr. UNDERWOOD. Not in the Yap treaty. I know the Senator has unintentionally made a mistake. I have read that treaty very fully. The islands mandated to Great Britain were not covered in the Yap treaty at all. It referred only to the islands of Japan.

Mr. WATSON of Georgia. We would consent to her mandatory authority over those islands.

Mr. UNDERWOOD. To Japan's authority.

Mr. WATSON of Georgia. If any outside party threatened her mandate in those islands, then we are as much bound to adopt efficient means as we are to confer.

Mr. UNDERWOOD. Oh, no; we are only bound to confer, and after a conference we will determine what means shall be adopted; but the only obligation is to confer.

Mr. WATSON of Georgia. Of course, Congress would have to be consulted.

Mr. UNDERWOOD. Surely.

Mr. WATSON of Georgia. We might feel in honor bound to ratify what our representatives did.

Mr. UNDERWOOD. Our representatives at that conference would go there unbound, as I went to the Washington conference unbound, except so far as my Government had instructed me.

Mr. WATSON of Georgia. I have another question, if the Senator will be so good as to yield further.

Mr. UNDERWOOD. Certainly; I am glad to yield to the Senator.

Mr. WATSON of Georgia. For some days I have been puzzling my head to find out what our relations would be toward the League of Nations if we ratified this treaty, Japan, Great Britain, and France being members of that league, and those members of the league being in honor bound and legally bound to submit all disputes to the league. Those members of the League of Nations agree to have a conference and a settlement and an adjustment with a nonmember nation. In what position will that leave us toward the League of Nations and in what position will it leave those member nations who have violated their contract with the League of Nations?

Mr. UNDERWOOD. I am not prepared to say whether they have violated their contract with the league or not. That is a part of the argument I have not concerned myself about, because we are not a member of the league. I suppose the three nations which signed this treaty—honorable nations represented by honorable men—reached the conclusion that they were in no way violating their contract in reference to the league or they would not have signed it. But if they submit a question in reference to these mandated islands to the League of Nations, that avoids all difficulties so far as we are concerned, because the league mandated the islands to them and the league would protect them in the mandate. Of course, my viewpoint about the Yap treaty, as the Senator knows, is different from that of some of my brethren. I think we surrendered all our rights in reference to those mandated islands when we refused to take our seat at the table in the League of Nations, but the Senator and others differ with me about that.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Alabama yield to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I should like to say to the Senator that I am disposed to be very much in accord with him concerning his construction of article 2 of the treaty. I have not been able to convince myself that we are under any kind of an obligation under article 2 to arrive at any conclusion nor that that conclusion should be in any case that we should exercise force

to carry out the thing arrived at. That is not what troubles me about article 2. The Senator has not addressed himself to the matter which does concern me with respect to it, and I should like to have his views about it. It provides that—

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate—

And so forth.

Of course, those who were drawing this treaty were practical people, and they must have had in mind some particular outside powers which might pursue an aggressive course toward one of the signatories.

Let us take Japan, for instance. From what source outside of the four signatory powers was it supposed that Japan might be the object of aggressive action? China, for instance? Russia, for instance?

Mr. UNDERWOOD. As I stated in the opening part of my remarks, I was not present when this particular treaty was made; I was not in consultation, because of a death in my family, when the consultation took place in reference to the terms. I got back here after they were made up. But in the first part of my remarks I stated that I did not know of any power which could possibly have any connection with the Orient in the next 10 years which could affect any decision determined by these four powers. I know of none.

Mr. WALSH of Montana. Then article 2 means nothing. Of course, we can not accept that view, the Senator will understand. It was put in there for some reason.

Mr. UNDERWOOD. I agree with the Senator about that, but I must be equally candid with the Senator. I was not present when the discussions took place for the reason I have given; therefore I can not speak of what happened, but when I review in my mind the powers of the earth which might effectively interfere in matters relating to the islands of the Pacific Ocean within the next 10 years, and call them by name, outside of the four named in this treaty I can not name a power which could effectively interfere with the determination of these four powers or would attempt to do so.

Mr. WALSH of Montana. Then we must conclude that it does not have any significance at all and that there is no condition which can be foreseen which will bring it into operation.

Mr. UNDERWOOD. I will not say that, because I was not present at the discussion, as the Senator knows, and I can not give the reason of the men who put it in when I was not there. I leave that for others to give light where I can not; but the Senator can go with me and call the roll of nations. Does he think that within 10 years Russia will show sufficient force as to in any way interfere with the control of the present territorial rights of these four powers in the islands of the Pacific? Could Germany? Could Italy? Could China? My imagination is not vivid enough for me to conceive of it.

Mr. WALSH of Montana. If I agree with the Senator about that, I am still forced to the conclusion that somebody must have had some nations in mind as the aggressive nation, or they would not have insisted upon this article going into the treaty.

Let me say to the Senator that I have reflected upon the matter and I can not conceive of any nation outside of the signatory powers which, within the realm of probability, could attack the United States in her possessions. Neither can I conceive of any that would attack the possessions of France, and I can hardly think it likely that any nation would make war upon Great Britain affecting her island possessions, although they might. But, of course, we can not escape the conclusion that there is a possibility that Japan may be engaged in war. Some demonstration may be made against her by either China or Russia, and what is the use of talking about the matter? Anybody who reflects upon the situation must know that article 2 is directed against just exactly that situation.

Mr. UNDERWOOD. I do not agree with the Senator about that.

Mr. WALSH of Montana. I am forced to that conclusion. I am forced to the conclusion by the conditions to which he adverts. If there are any powers which might be likely to engage in aggressive action against either Japan or Great Britain, it must be one or the other or both of these powers, either singly or unitedly, having some additional aid, or having none.

Let us assume that for some reason or other, for instance, Japan does not comply with the terms of the treaty with respect to Shantung, and China is rehabilitated and makes some demonstration against Japan. A conference is then held, in which the United States sits with Great Britain, France, and Japan, and China is on the outside.

Mr. UNDERWOOD. That could not be, because the treaty does not relate to such a situation. I call the Senator's attention to that.

Mr. WALSH of Montana. Why does it not?

Mr. UNDERWOOD. Because Shantung is not included within the treaty.

Mr. WALSH of Montana. I do not mean that the dispute would be about Shantung. That merely gives rise to the controversy, and China makes some demonstration, or is likely to make some demonstration, against one of the island dominions or possessions of Japan.

Mr. ROBINSON. She tries to take back Formosa, for instance.

Mr. WALSH of Montana. Yes; we may assume that.

Mr. UNDERWOOD. I do not think anybody engaged in making this treaty dreamt of China having a navy within the next 10 years which could come to sea and jeopardize Formosa or any of the island possessions of Japan.

Mr. WALSH of Montana. Of course, if we reason that way, we must reason that article 2 was put into this treaty with no purpose whatever, to meet no condition which anyone could possibly foresee.

Let us inquire, then, about Russia. Let us assume that Russia may conclude that the southern end of Sakhalin was unjustly wrested from her by Japan. The Senator will remember that France, within 10 years after her revolution, when conditions were at least as bad as they are in Russia to-day, defied all Europe. What is the reason for reaching the conclusion that Russia may not within 10 years get into a controversy with Japan touching the island of Sakhalin? In that event we would sit in a conference with Japan, Great Britain, and France, and Russia would be on the outside.

Mr. UNDERWOOD. Of course, the Senator is theorizing, and I can only theorize in reply. That is all that can be done when we get into the realm of theory.

Mr. BRANDEGEE. Mr. President——

Mr. UNDERWOOD. If the Senator will allow me to answer the Senator from Montana, I will then yield to him. When you come down to the theory, of course, we know that the mainland of Japan, the home islands of Japan, are no longer included in this treaty, provided the supplemental treaty is adopted, which I presume will be the case if the pending treaty is adopted. I am arguing it from that standpoint. We know that the mainland of Asia is not involved in this treaty, and that the only contest which Russia could possibly have in relation to this treaty at all would be over the southern half of the island of Sakhalin. If we are going to indulge in theories, the southern half of Sakhalin being within the terms of the pact, and the main islands of Japan, which are nearer to Vladivostok than is Sakhalin, being outside of the pact—if you can dream such a dream as that Russia could come back within 10 years—I think it is entirely within theoretical lines not to charge her with being likely to attack the southern half of Sakhalin. If she were going to sea to make an attack, she would attack one of the home islands of Japan.

Mr. WALSH of Montana. Just one more question. In view of the statement now made by the Senator, would he object to an amendment striking out article 2?

Mr. UNDERWOOD. I would, and I will state why. So far as we are concerned, I do not think article 2 means anything. When the Senator says article 2 may affect any of the nations party to this treaty under such conditions, I can not imagine it, because I can not possibly imagine that Russia will come back to life within the next 10 years.

Mr. WATSON of Georgia. Mr. President——

Mr. UNDERWOOD. I promised to yield to the Senator from Connecticut when I am through with my colloquy with the Senator from Montana.

I can not imagine that Russia could rebuild her railroads, that she could reorganize her national life, that she could reorganize her finances, that she could build a navy within 10 years, the life of this treaty. I think if Senators should vote to reject this treaty on a theory of that kind it would mean that they would be going into the realm of conjecture to such an extent that if that were made the standard we could never ratify any treaty in the United States.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. UNDERWOOD. I promised to yield to the Senator from Connecticut, and I will yield to the Senator from Arkansas after I have yielded to that Senator.

You have left the solid facts, the substance, and the conditions of the world entirely behind you and waded out into the realm of speculation, not justified by an existing fact. Now I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I do not want to interrupt the Senator, but I want to call attention to the fact that most of the questions which have been asked the Senator as to how article 2 would practically operate under various con-

tingencies in the future have been based upon the supposition that the aggressive action which might take place would be a military or naval attack upon the islands of one of the high contracting parties. I suggest to the Senator that the language employed in article 2 is broad enough, in my opinion, to cover other things besides physical attacks by force, by navies, upon the islands of the contracting parties, because, as the Senator well knows, the language is:

If the said rights are threatened by the aggressive action of any other power.

In article 1 the said rights are defined to be "their rights in relation to their insular possessions and insular dominions." There may be and doubtless are rights which these parties have in relation to their insular possessions and dominions that can be threatened by aggressive action without a direct military or naval attack upon the island itself. I will not undertake to enumerate any of them, but I can imagine many claims being made which would call article 2 into effect other than a direct military attack on an island.

Mr. UNDERWOOD. I think the Senator is right about that. It recalls a matter that I will not say is true, because I had no connection with the State Department at that time, but only remember what occurred as stated in the newspapers. I do recall, however, that in the newspapers at the time of the Spanish-American War, when we were fighting in Cuba, when Sampson's fleet had sunk the Spanish ships, there was talk of our sending an expedition to Spain. There were also statements in the newspapers that some of the European powers had requested this Government not to pursue an aggressive action on the Continent of Europe. The war concluded soon afterwards. I do not say that that request kept us from sending a fleet to bombard the ports of Spain, but, nevertheless, I understand the request was made, and we did not bombard the ports of Spain. I can well conceive that should Russia—if one can dream that there can be a rebirth of Russia in 10 years—and Japan become involved in war, possibly requests from the high contracting parties under this document might prevent Russia or some other country from pursuing the war into the islands embraced in this pact. That might be done.

Mr. ROBINSON. Will the Senator from Alabama yield for a question?

Mr. UNDERWOOD. I yield.

Mr. ROBINSON. I was astonished to hear the Senator from Alabama say, in view of the course which this matter has taken and the facts which are well known to us all, that there was no secrecy in connection with the negotiation of this treaty.

Mr. UNDERWOOD. I did not say there was no secrecy. I said that when the treaty came down to a question of determination there was no secrecy; that it was immediately given out.

Mr. ROBINSON. Very well. We will let that pass. I was much more astonished when the Senator said two or three times that article 2 of the treaty does not mean anything whatever to the United States. Then, imagine my amazement when, in reply to the question of the Senator from Montana [Mr. WALSH], whether he would object to striking the article out, he replied that he would object. This controversy can end, so far as I am concerned, in one minute. If the proponents of this treaty agree with the Senator from Alabama that article 2 means nothing, that it has no practical effect, and will strike it out, we will ratify article 1, so far as I am concerned.

Mr. UNDERWOOD. Will the Senator from Arkansas allow me to answer his suggestion?

Mr. ROBINSON. Certainly.

Mr. UNDERWOOD. It is a material suggestion. I have stated, in answer to a question of the Senator from Montana, that I can not conceive how article 2 can be effective in any way during the 10 years of the life of the treaty.

Mr. WATSON of Georgia. The life of the treaty is for 11 years instead of 10 years; and Russia already has an army of 4,000,000 men, which she is about to move against Japan.

Mr. UNDERWOOD. My understanding of the terms of the treaty is that the treaty is for 10 years.

Mr. BRANDEGEE. But 12 months' notice must be given of a desire to renounce it.

Mr. UNDERWOOD. That is true; including the 12 months' notice makes the duration of the treaty 11 years; but the talk about Russia does not appeal to me. To suppose that a so-called government, without organization, without railroads, without manufactures, could become effective within 10 years is, in my judgment, but the dream of theorists.

Mr. FRANCE. Mr. President——

Mr. UNDERWOOD. I can not answer everybody at one time. I am trying now to answer the Senator from Arkansas [Mr. ROBINSON]. He has asked me a pertinent question that should be answered and is entitled to an answer, and I want the opportunity to answer it.

The Senator from Arkansas asks if I say that I do not see how article 2 of the treaty can be effective within the next 10 years, why should we not strike it out. The reason we should not strike it out is because we do not know what effect striking it out may have upon the other signatory powers to the treaty. They may regard it as of some value. There is many a treaty which is made some of the agreements of which are of no value to one of the signatory powers, but it accepts those portions of the agreement which are of no value to it in order that it may reach an agreement in reference to other portions of the treaty.

Mr. ROBINSON. Will the Senator yield for one more question?

Mr. UNDERWOOD. Will the Senator allow me to conclude my answer?

Mr. ROBINSON. Certainly.

Mr. UNDERWOOD. I think it would be unwise from every standpoint if the Senate should strike out article 2 of the treaty. In the first place, what objection is there to agreeing to an article which it is agreed is ineffective? When it is said it is ineffective, that it is not going to hurt anyone, that no harm can come from it, what objection is there to giving it to the other power?

Mr. WALSH of Montana. I should like, in reply, to say that that is merely the view of the Senator from Alabama, but is not my view.

Mr. ROBINSON. We do not agree that article 2 is ineffective, but the Senator from Alabama does.

Mr. UNDERWOOD. I was referring to the article being actually ineffective.

Mr. ROBINSON. Mr. President——

Mr. UNDERWOOD. Will the Senator allow me to proceed for a moment?

Mr. ROBINSON. Certainly.

Mr. UNDERWOOD. I understood that there was a complete agreement between the Senator from Montana and myself with reference to the basic fact that there was no human probability of article 2 coming into effect in reference to our possessions, in reference to the possessions of Great Britain, or in reference to the possessions of France, and that the only theory which the Senator from Montana advanced was that it might come into operation in reference to the possessions of Japan. I thought, however, the Senator from Montana agreed with me that it involved a long-spun theory to believe that China could in the next 10 years reach a condition where it would have an effective navy that could threaten anything involved in this treaty; and that it was a further long-spun theory to conceive for a moment that Russia could do so. We should be practical men in the Senate, and we should determine these questions from the standpoint of practical men.

Mr. ROBINSON. Will the Senator yield at that point?

Mr. UNDERWOOD. If the proposition be true that there is no probability within 10 years or 11 years of article 2 being effective—and it could only be effective even in reference to Japan on the assumption that China will develop in the next 11 years and become so powerful as to be able to stand in combat against Japan, or that Russia could do so—it would be idle to take the chances of destroying the effect of this treaty and its benefits to us because of a theory of that kind.

Mr. ROBINSON. Will the Senator yield now to a question on that particular point?

Mr. UNDERWOOD. I will.

Mr. ROBINSON. The Senator throughout his argument as the basis of the question which he has just been discussing has referred to a 10-year limitation. He said that article 2 can not amount to anything during the next 10 years. The Senator, of course, recognizes that this treaty is not self-renunciating; that it continues in force until the parties to it renunciate it upon one year's notice.

Mr. UNDERWOOD. Undoubtedly.

Mr. ROBINSON. And that if at the end of the 10-year period neither the United States nor any other power to the treaty renounces it it will continue in effect indefinitely.

Mr. UNDERWOOD. Oh, no. It may be renounced at the termination of 10 years, or, as the Senator from Georgia [Mr. WATSON] suggested, with the 12 months' notice, it would be 11 years. He is correct about that.

Mr. ROBINSON. Certainly; it may be renounced.

Mr. UNDERWOOD. It can be renounced at any time after that period.

Mr. ROBINSON. Certainly; but until it is renounced it remains in effect.

Mr. UNDERWOOD. Certainly.

Mr. ROBINSON. So that in case a controversy arises either during the 10-year period or subsequent to the end of the time, if the treaty should be continued in force longer, the only way,

under article 2, that the United States can escape participating in the conference and assuming whatever responsibility may be attached to that participation—and we differ about that—would be by renouncing the treaty upon 12 months' notice.

Mr. UNDERWOOD. Undoubtedly; the 12 months could begin before the 11 years ran out.

Mr. ROBINSON. If I may try to make myself clear, the argument against article 2 in reply to the statement made by the Senator from Alabama is that it is not limited to 10 years, but it continues in effect indefinitely and until the parties to it renounce it.

Mr. UNDERWOOD. If the Senator will pardon me, let us be practical and reasonable about this matter—I was going to say "fair," but the Senator is always fair, and so I will appeal to his reason. What the Senator suggests is true, that this treaty on its face is made for a period of 10 years, with 12 months added. Up to the end of that period it is binding upon all the parties and they can not get out. At the end of that period they can renounce it, or denounce it, if it is desired to use that term; at any hour after the 10 years the treaty can be denounced by any party to it. So I say the argument stands, because at the end of 10 years—and I say these conditions can not happen within 10 years—if it is not to our interest to continue the contract we can renounce it, or denounce it; and I am going to assume that the President of the United States 10 years from now and the Secretary of State at that time will have brains enough and patriotism enough to denounce it, or renounce it, in the event they think that there is any danger to this country in maintaining it.

Mr. ROBINSON. Now, will the Senator yield just at that point?

Mr. UNDERWOOD. Certainly.

Mr. ROBINSON. It seems to me that the vice in his argument is that during the first 10 years, in a practicable sense, it can not become applicable, and therefore it must remain in the treaty; that at the end of 10 years it may become practically applicable, and therefore harmful; but it can be renounced, and therefore there is no reason to strike it from the treaty; that as soon, however, as it becomes applicable it ought to be renounced.

Mr. UNDERWOOD. I do not say it will become applicable at the end of the 10 years. I do not think it will ever become applicable; but I know it will not become applicable in 10 years, and at the end of that time we can get rid of it if we want to, and in the meantime we have avoided the Anglo-Japanese alliance.

Mr. REED. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Missouri.

Mr. REED. But the Senator thinks as soon as it does become applicable, to employ his own language, we will have a President with sense enough to get us out of the difficulty which we are now getting into.

Mr. UNDERWOOD. Oh, no; the Senator puts in my mouth language that does not belong there. The Senator is an artful debater; I always "take my hat off to him" in debate; but I have not said that this treaty would get us into any danger; I do not think that it will, but I say that within the 10 years, the life of this treaty, there is no power that can come to the front in this world and seriously raise any question under article 2.

Mr. REED. May I ask the Senator a question now in a very serious vein? What does the Senator know about the military force of Russia to-day? What reliable information has he in regard to the military establishment of Russia?

Mr. UNDERWOOD. I myself have not, I am free to say to the Senator, any reliable or accurate information.

Mr. REED. Will the Senator permit me to give him my information?

Mr. UNDERWOOD. Yes.

Mr. REED. I am free to say that I do not know whether it is reliable, because whatever secrets our Government may have knowledge of it does not give out and almost everything that is known now is not known; that is, it is kept secret; but the best information I have is that Russia has over 4,000,000 men under arms; that those troops are commanded by the flower of the officers of the army of the Czar, and that they are largely supplemented with German officers of high order. I should like to ask when 4,000,000 men thus officered became a force that we could treat lightly?

Mr. UNDERWOOD. So far as this treaty is concerned, they would have to exercise swimming ability unknown up to this time before they could approach any of the islands involved in this treaty. That, however, is perhaps a captious answer; I will give the Senator my real answer.

Mr. REED. Let me interrupt the Senator on the question of swimming ability. Just how far is the island of Sakhalin from the Russian coast at the nearest point?

Mr. UNDERWOOD. I can not be accurate about it, because I do not recall ever looking at a map to ascertain exactly how great the distance is; but, if the Senator wants my best guess, I should say several hundred miles.

Mr. REED. I think it is about 21 miles. I may say, however, that I have not looked it up either.

Mr. UNDERWOOD. I am sure the distance is much greater than that.

Mr. REED. There is a very narrow and tortuous channel separating the island from the mainland.

Mr. UNDERWOOD. But if the Senator will allow me, I will give him my real answer. My answer about their swimming ability, although based on fact, was not the real answer that I intended to make. To begin with, I do not think that Russia has 4,000,000 men under arms, for I do not believe that she has the finances to maintain that many men, and I know that she has not the war materials to sustain an army of 4,000,000 men, because when she collapsed she did not have sufficient war materials, and she has obtained very little war materials since. She has not had the finances or the places to get it. We know that a great Russian army very largely in excess of that of Poland was stopped by the French artillery before it reached Warsaw, and I am inclined to think that the so-called Russian Army to-day is not much more than a mob, if it be considered in connection with the modern armies of the world.

Mr. WATSON of Georgia. Mr. President, under article 3 we are fast bound for 10 years, and if at the end of 10 years we find the alliance repugnant to us we will have to endure it for another year. Why should we have to wear the shackles of an unwelcome, distasteful, repugnant alliance for one year after we get tired of it?

Mr. UNDERWOOD. If the Senator from Georgia thinks it is an unwelcome and distasteful alliance, he ought not to accept it at all.

Mr. WATSON of Georgia. He is not going to do so.

Mr. UNDERWOOD. Of course, I do not address myself to the argument from that standpoint. If I thought it was a distasteful alliance, I would not receive it at all. I think it is a very important and necessary agreement for the protection of the people of this country and our islands in the Pacific, but, of course, there must be a time for the termination of treaties.

Mr. WATSON of Georgia. What is the reason for giving 12 months' notice before the treaty may be terminated?

Mr. UNDERWOOD. It is customary in all treaties, as the Senator knows, to prescribe a certain notice to the other contracting parties before the treaty may be terminated.

Mr. WATSON of Georgia. I can not subscribe to that statement.

Mr. UNDERWOOD. There are very few treaties in connection with provision for the termination of which there is not required a reasonable notice to be given before the treaty shall expire.

Mr. FRANCE. Mr. President——

Mr. UNDERWOOD. Now I yield to the Senator from Maryland.

Mr. FRANCE. Of course, Mr. President, the searching question of the Senator from Montana put the Senator in a dilemma from which he can not escape.

Mr. UNDERWOOD. I thank the Senator for that. Perhaps other people may not judge in the same way of his own egotism.

Mr. FRANCE. I was paying a very high compliment to the Senator from Montana, in which I think the Senate would be very glad to join me. I have very high respect for his legal attainments; but what I wish to ask the Senator is this:

I was very much interested in that portion of the Senator's remarks which referred to Russia, and I desire to ask the Senator if he can give me the sources of the information upon which this theory of the conference and of the Senator was based, that not within 10 years could Russia become a menace to the peace of Japan? Will the Senator please give us the sources of information which the conference had upon the situation which prevails in Russia?

Mr. UNDERWOOD. So far as I know, the conference did not give out any information of that kind in reference to Russia, or consider it; but I did not speak for the conference when I answered the question. I was speaking for myself. There is a limitation on my power to speak, and I recognize it. My own information I have gathered from newspaper articles, from magazine articles, from talking to an American ambassador who recently has come through Russia on his return home, and from talking to some of those Russians who have been driven from Russian soil; and I have come to the conclusion,

although there are in Russia a vast number of men of military age, a large number who have had military training, that there is practically no life in Russia to-day except some agricultural life; that there is no government in Russia to-day except a government of terror; and I know that armies and navies can not be built in a condition of that kind. It is an impossibility.

Mr. FRANCE. Does the Senator mean to say that there was no accurate information before this great international conference as to conditions in Russia except that contained in the newspapers?

Mr. UNDERWOOD. On the line that we are discussing, I think there were laid before the American delegation some pamphlets by the State Department giving a statement of the conditions in Russia. I read those pamphlets, but it has been some months ago, and I do not recall the statements in them. I am sure they are not contradictory of what I have said, but I am not basing my statements on those papers, because I do not recall them, and therefore it would be inaccurate for me to say that I was; but I recall that documents as to the size of the Russian Army were laid before us by the Bureau of Information of the War Department. Documents were laid before us as to internal conditions in Russia coming out of the reports of the State Department; but I did not base my statement on them, because I really did not recall them. They were there, however.

Mr. FRANCE. Does the Senator recall whether Americans wrote those pamphlets containing this information?

Mr. UNDERWOOD. I think they did. They were Americans who had been in Russia and had gathered their information there.

Mr. FRANCE. But the Senator can not recall what Americans went to Russia to obtain information and then furnished that information to the State Department?

Mr. UNDERWOOD. I think most of them were consular officers. Some of them were secret service agents, but I think they were mostly consular officers and men of that kind. I did not base my statement on that, and I did not claim that I did; but I could not truthfully answer the Senator and say that no reports were made when I recall that some were made.

Mr. FRANCE. Did the Senator base his information as to the conditions of the Russian railroads upon the statement of an ex-ambassador who traveled through Russia?

Mr. UNDERWOOD. Part of it; yes.

Mr. FRANCE. I will say, for the information of the Senator—and I shall be very glad to place the newspaper report in the RECORD—that that very same ambassador came through Russia over the Trans-Siberian Railway and wrote out a report from Russia to the effect that the conditions of the railways in Russia were excellent. I can put that in the RECORD if the Senator so desires.

Mr. UNDERWOOD. I do not recall that he referred to the railroads generally in Russia. He referred to that particular railroad and said that traffic continued on that road; but the information that I gathered was that outside of his special train, which was given the right of way, traffic was clogged at every station. I do not care, however, to go into that side issue. It is not material.

Mr. FRANCE. But, Mr. President, I think the Senator, with his very sound judgment on most matters—I say "on most matters"—will recognize the fact that the question of the condition of Russia is a very important question. Here was a conference dealing with vital issues in which the great country of Russia was deeply interested, and it seems to me that it was of paramount importance for them to have accurate first-hand information as to the conditions in that country; and that has become all the more evident as the Senator here is basing his argument upon the assumption that Russia could not within 10 years become a menace to the peace of Japan.

Mr. UNDERWOOD. If the Senator will allow me to answer, I want to conclude my argument. I have been speaking for over two hours and a half, and it is really getting tiresome; and if the Senator will just yield the floor now and let me conclude I shall try to answer him, and then I shall close my speech.

Of course, the question of conditions in Russia is a very important one to the world. It is not to be overlooked in considering this treaty. Information in regard to Russia was before the conference, before the American delegation. A nation in order to maintain great and effective armies and navies must first have financial resources. Russia has none. It is recognized that she has none. We are sending a gift of charity to her people to-day to save them from starvation. A modern army can not be maintained without manufactures. The factories and the mines must run in order to manufacture the implements of war. Russia has none.

Mr. FRANCE. Mr. President——

Mr. UNDERWOOD. I can not yield any further. I must go on and conclude my argument. I will answer the Senator, and when I get through he can speak as long as he wants to. I do not care to be impolite, but I must close this argument.

Russia's factories can not be rehabilitated in the course of 10 years. She can not reorganize her labor for that purpose and she can not reorganize her armies under a government such as she has. So I say that in my opinion—the Senator may have a different opinion—it is absurd to think that Russia can be a menace to anybody offensively, outside of her borders, in the conditions which exist to-day. She is a menace to the whole world to-day in the fact that she has not a stable government, that anarchy reigns where law and order should be preserved, and the markets of the world are greatly disturbed because a government of civilization has ceased to exist in Russia.

In concluding my remarks, if my friends will allow me, I want to call attention to just one statement in reference to what this treaty means, showing how the other parties to the treaty look upon it. The morning paper contains a dispatch from Tokyo giving an account of a speech by Prince Tokugawa to the American-Japan Society last night or night before last. Prince Tokugawa, as Senators will recall, is the president of the legislative body in Japan which corresponds to our Senate.

He was one of the delegates from Japan to the conference that wrote this treaty, and his name is signed to the four-power treaty. Here is what he says in Japan in the presence of his own people as to what the treaty means.

Mr. ROBINSON. Mr. President, when was that statement made?

Mr. UNDERWOOD. It bears date of March 10. It appeared in the morning paper.

Mr. ROBINSON. May I ask the Senator another question? Has the Senator before him the statement by Prince Tokugawa appearing in the Japanese Advertiser under date of January 31, 1922?

Mr. UNDERWOOD. No; I have not.

Mr. ROBINSON. I have that, and later will bring it to the attention of the Senate.

Mr. UNDERWOOD. Here is the last word that Prince Tokugawa says, and he is a man of great importance. His grandfather or granduncle was the Shogun of Japan 50 or 60 years ago, before the power of the Emperor was restored. He says:

It goes without saying that had the Washington conference taken place in any of the other world capitals it would not have progressed so fast or so far. Americans certainly are practical, and do not waste time in talking or in referring to ideals.

We Japanese had no intention of being left behind. We followed close on the heels of the western nations when armament was the game. We, of course, did not like it, but we had to do it, for our national existence depended on taking up arms, and to a very important degree the national existence of our great neighbor, China, also depended on our military and naval preparations.

Now, a new era has come. There can be no doubt of that. It is an era which we Japanese welcome as sincerely as any other people in the world. America is powerful, wealthy, remote, and secure. No other nation in the world dares attack her except in desperation, and no combination of forces is possible against her. To her, therefore, the coming era of peace is welcome more as a matter of principle and sentiment than as a happy alternative from grim necessity, as with us.

I think I am speaking within bounds when I say the results accomplished at Washington have been remarkable. Critics of the treaty are trying to read into the very plain terms some moral pledge binding the nations to war as well as to peace. But that interpretation is too far fetched to need repudiation. The treaty is a moral pledge of four powers to consult one another in a friendly manner to maintain the general peace of the Pacific. As such, no nation can refuse to accept it.

If it had not been for the fact that the spirit of Japan was in full accord with that of the other great nations that participated in the recent terrible war, these agreements could never have been concluded. It proved beyond all question how unreasonable was the doubt that had prevailed regarding Japan's attitude before Mr. Hughes made his historic speech.

It showed how unfair would have been the charges that Japan was militaristic in spirit. You will see that Japan as a whole will rejoice in these agreements, although a negligible amount of opposition may exist at present. So long as Japan is assured that she need not fear an assault upon her own independence and need not anticipate dangerous aggressions upon the security of China, which is vital here, you will find she will play her part of peace and she now rejoices because of the evidence the Washington conference has given that she need no longer harbor any fear, either for herself or for her great and worthy neighbor.

Over the entire length and breadth of America we met not only a spirit of justice, but true consideration and generosity. So with Government circles, with the press, and with the people generally. From the President of the United States—that strong and far-sighted man—to the bellboys in the hotel, there was the same democratic spirit of kindliness shown us, and I am glad to see that some American papers have noticed that we, too, were both democratic and sincerely well disposed.

I left the United States with a different spirit from that I had when I went there. My hopes and determinations were strong when I went, but we had doubts in regard to the American attitude, the same as they had doubts as to ours. We sent our delegates to the conference not only for our interests, which were important enough, but also for the interests of the peace of the world.

Fortunately, the two things go hand in hand. What is good for the rest of humanity is good enough for Japan, and all Japan knows that to be a fact. We went to Washington with a lofty purpose and strove for lofty ends, and I am more than gratified to think we have been permitted to assist in the achievement of that great aim.

Three great naval powers have agreed to reduce their armaments and enter on a long naval holiday, and after 10 years to maintain a reduced ratio of construction which will leave none of them a menace to the security of others. But this is only the major agreement. The most ardent among us may regret we have not accomplished more, but what has been actually achieved was far more than many of us believed possible.

The four-power pact alone promises to be the greatest pledge for the peace of the world that has ever been concluded. Not only do the hearts and will of the peoples but the vital interests of the great powers stand behind this remarkable agreement, and none of the participating nations could refuse to accept it.

Especially were the achievements at Washington important to the United States and Japan, for between us there had been recently some distrust and suspicion which was not entirely justified. The campaign of hostility against Japan had had its effect and there was some fear of possibly serious consequences.

Realizing this situation, we welcomed the opportunity the American Government gave us to go to Washington with the purpose of talking freely and frankly and making a serious effort to clear away such misunderstandings as existed. I rejoice to say we have largely realized our hopes, which alone is a wonderful achievement. If the conference had accomplished nothing else, this would have meant much for the peace of the Pacific. We have arrived at a spirit of international cooperation, which is the new spirit of the new age, upon which we are launching new ships of peace.

When Senator's assume that Japan's attitude is hostile to the conclusions that I have stated to-day as to what this pact means, they must not only deny the interpretation put on this treaty by their delegates to this conference, they must not only deny the plain terms of the written instrument, but they must deny the interpretation put on it by the delegates from foreign powers. Tokuwaga holds an office in Japan second only to that of the Emperor himself. He is a man whose family is a part of the history of Japan; yet he says that the terms of this treaty provide merely for a conference for the maintenance of the peace of the Orient.

Mr. ROBINSON. Will the Senator yield at that point to have a statement by Prince Tokuwaga, made on January 31, 1922, and before the question had arisen here as to what the treaty really means, put in the RECORD?

Mr. UNDERWOOD. No; I will not, because I do not think the Senator is fair. I said I had not read the statement.

Mr. ROBINSON. I do not mean to be unfair.

Mr. UNDERWOOD. I know that, but when I state my position in the matter I am sure that the Senator will recognize the justice of it. The Senator has the statement. I have not read it. I can not stand here and analyze it until I have read it, and the Senator can put it in the RECORD and accomplish his purpose in his own time. I do not think he should ask me to put in the RECORD in connection with my speech something that I have not had a chance to read.

Mr. ROBINSON. Will the Senator yield for just a brief statement?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. I have no desire, and I think the Senator from Alabama understands that, to be unfair.

Mr. UNDERWOOD. I withdraw the remark, because the Senator never has been unfair to me.

Mr. ROBINSON. The Senator need not withdraw it, because I knew he did not mean it in any offensive sense.

Mr. UNDERWOOD. I do not mean it in that sense, but I mean that I can not submit at this stage in my speech to the Senator putting in the RECORD a lot of matter, regardless of what it is, that I have not had a chance to consider.

Mr. ROBINSON. Will the Senator permit me to state why I asked leave to print it in the RECORD?

Mr. UNDERWOOD. Certainly, if the Senator wants to; but I should like to finish my speech.

Mr. ROBINSON. It will take me only a moment to do it.

The reason I asked leave to put this statement in the RECORD was that it is the first authentic account of Prince Tokugawa's interpretation of the treaty; and in that interpretation he expressly construed the four-power pact as an alliance and boasted that instead of having one ally Japan now had three. That statement was made by the prince before this controversy had arisen in the Senate and before the Senator from Massachusetts [Mr. LODGE] made his declaration the other day that the treaty merely called for a conference. I thought it would illuminate the question as to what the prince's interpretation of the treaty actually is.

Mr. UNDERWOOD. I did not want to digress from the line of my argument; but I want to say to my friend from Arkansas that, while I am willing to meet anything in debate, I did not think I should be asked to put into my remarks statements, books, or papers that I have not seen. Of course, the Senator does not ask for the insertion of books or papers, but I have sometimes seen it done here.

Mr. ROBINSON. Oh, no, Mr. President; I agree that the Senator has a perfect right to control what shall go into his address. I thought, however, that I had the right to ask him if he would permit me to insert it.

Mr. UNDERWOOD. To be sure; and I should have been very unwise if I had accepted the Senator's suggestion, because I can not control a situation of that kind. The Senator can put in the statement in his own time, and then, if I desire to comment on it after he gets through, I will have the opportunity. What I have read, however, is the last statement of Prince Tokugawa, and I do not question that it is true.

Mr. GLASS. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, I hesitate to ask the Senator a question, because he has been put through such a continuous catechism for the last hour or so; but I want to know how to vote on this treaty, and I must say that if the treaty is as meaningless as the Senator from Alabama says it is I should not take pains to listen to the debate further, or care how I vote, or whether I vote at all. What I want to ask the Senator is, Just exactly why should this powerful prince of Japan felicitate his country on having rid itself of a powerful alliance with Great Britain if this treaty is so meaningless, if this treaty does not involve on the other hand a still greater alliance and the assured assistance of France and the United States as well as Great Britain in case of trouble?

Mr. UNDERWOOD. I will try to answer the Senator's question. I think it is very clear without any alliance.

Mr. GLASS. In other words, if this treaty is as meaningless to us as the Senator says it is, and we get rid of the menace of the Anglo-Japanese alliance, what does Japan get?

Mr. UNDERWOOD. I will answer the Senator. I do not say it is meaningless. The Senator was not in the Chamber when I opened my argument. I referred to the question as to what it means and the effect of it. I say that it means no alliance.

Mr. GLASS. I heard the entire address of the Senator.

Mr. UNDERWOOD. Then I beg the Senator's pardon. I judged from his question that he had not. I say it is no alliance, but that it is an agreement by four great powers to keep the peace.

I know that most of the men in the Governments of the world believe even to this hour that there is no power except the power of force and arms; but I say to the Senator that the faith which the Christ brought to men 2,000 years ago has lived in the hearts of men since that time. It has saved the world from barbarity, so far as the individual peoples are concerned. It has not taken possession of the hearts of nations yet. Up to this good hour nations, and those who control them, have believed in the power of force and not in the power of justice and right as enforced in the breasts of men. I may be called a theorist; it may be said that it is idle for me to say that the doctrine that was born with a man who came out of Nazareth can never live in the lives of the nations of the world; but I believe it can, and it will, and that the hour is at hand. I believe the great moving cause which made it possible, in the strife and turmoil to be found in Paris after the great war of nations, which made it possible for the world to sit at a table and agree on a League of Nations to keep the peace, did not come from those men at the table, did not come from national representatives; it came from the great heartbeats of Christian nations and Christian people.

Mr. GLASS. But it did not reflect itself in this great Christian Nation.

Mr. UNDERWOOD. But that was not my fault or the Senator's, and I am not bound by what the Senate did. It was reflected, and this treaty reflects the same proposition. It may not be reflected by 27 nations, but it reflects it by 4, and the man who votes against it denies that principle.

It may be argued to these men who believe only in the sword and the power of the sword that nothing good can come out of this world except government based on force; but I will not believe it. I believe that when four great nations are willing to submit their differences amicably that peace and justice and right may prevail, it is not a matter to be scorned at or scoffed at; it is a matter which will affect the world and will secure peace.

Mr. GLASS. The Senator in his philosophizing about the doctrines of Christianity is getting away from my question. I want him to answer my question.

Mr. UNDERWOOD. I thought I was answering it. The Senator said I said there was nothing in it. I say there is that in it. I may not make myself clear to the Senator.

Mr. GLASS. The Senator says there is no moral obligation on any one of these nations.

Mr. UNDERWOOD. There is a moral obligation to confer to protect each other's rights, and I believe the meeting together to confer carries the power of peace.

Mr. GLASS. May I not ask the Senator, as a matter of fact, if he has not to-day a different conception of the meaning of this treaty from that he had at one time? In other words, did he not at one time interpret this treaty to mean that these four nations would not only respect the rights of each other and of all, but would also maintain the rights of each other and all?

Mr. UNDERWOOD. No; I do not recall that I did. Of course, when I first returned to Washington, as I have said, under unfortunate circumstances I was not very well informed about the terms of this treaty, because I unfortunately did not happen to be in the making of it; I was called away, and I do not recall that I ever had any other position. I certainly have none now.

I have not a doubt in my mind that there is no danger to the American people if we go into this contract. I believe it carries within its folds the terms of peace to our people, and protection to the lives of our men, and I believe that by its terms we will reject and wipe out an alliance between Japan and Great Britain which, if not a danger to us, certainly has been an embarrassment to us, and I say that the man who votes to reject this treaty takes the responsibility of turning his back on an opportunity to preserve the peace of the Orient and puts back in effective force the Japanese-English alliance.

Mr. REED. Mr. President, I do not intend to discuss at length the matters gone over by the Senator from Alabama [Mr. UNDERWOOD], but I want to try to point out one or two curiosities.

The Senator from Alabama worked himself into a religious zeal and fervor, seldom manifested outside an old-fashioned camp meeting, when he was discussing the idea that the dawn of that day has now come when Christianity and the Christian spirit are to rule in the affairs of men. He told us, in substance, it was because of that spirit that we could enter into this treaty with safety.

Within two minutes after he not only prophesied the dawn of the millennium, but declared its advent, he told us that if we did not sign the treaty, we would be in great danger of attack from two of the parties to the agreement. In a word, the millennium is here, provided we sign this treaty, but if we do not sign this treaty, two of our contemplated associates may pounce upon the United States without cause or reason. Mr. President, I have heard that kind of logic now for about three years in the Senate, and it makes me very, very tired. At the same time that we are told we are hereafter to put our confidence in the faith taught by the Savior of mankind, we are deliberating upon treaties proposed for the limitation of armaments. We know how long and bitterly the contention was carried on as to the balance of armaments; not one of the nations being willing to trust to faith in the Savior but all looking to their cannon and their ships.

I hope the millennium will come some day, and I should be glad to think that I could live long enough to witness its glorious advent, but when it comes, I know it is coming in the way the Good Book says. It will be ushered in with the music of anvils beating swords into plowshares and spears into pruning hooks. We will witness the spectacle of the lion and the lamb lying down together, and we will not see the military masters of the world consorting together for a balance of military power and for the preservation, as far as they can, of the most rapid moving ships of war and the most powerful cannon.

It is time we should understand that we are dealing with a practical world and that we must deal with it in a practical way. It is at least difficult to believe that the doctrine of Christianity is a sufficient safeguard for our people when we are offered a treaty with a nation which does not believe in that doctrine and which, according to the reports of American missionary societies within 12 months prior to this date, was burning down Christian churches, was executing Christian men, and was stripping naked the bodies of native Christian Koreans and beating them with bamboo rods until the flesh dropped from their bones; a nation which has just completed the ravishment of China; which broke faith in Korea; which assailed Russia before she declared war, and even while her councilors sat at the table discussing with Russia the terms of an agreement was massing her ships and preparing for a great naval attack.

Let these cold facts go out along with the beautiful picture of the dawn of a new day which is ushered in by a military alliance of four great countries, for that is what this treaty is. If it were not a military alliance, then it would clearly provide that in case of dispute anywhere in the world the representatives of the four nations would sit down and talk with their neighbors and would settle disputed questions according to the Decalogue and the Sermon on the Mount instead of agreeing, as they did agree, to meet and consort as to the most effective means of repelling an attack.

There is just one thing further I want to say. The Senator laughed at the idea of Russia getting into Sakhalin. All of us are as ignorant about the geography of that island as our American representatives seem to be of their politics, so I have been looking it up a little. On the map I found that the two lines of Sakhalin and Russia were almost identical. One could hardly find the little, narrow strait between the Russian mainland and the island; but you can not trust maps. They are almost as uncertain as the arguments of those who come forward with prophecies of a millennium; so I have gone to the texts, and this is what I find:

Sakhalin (sä'kä-lēn') or Saghalien (sä'gä-lyen'): An island off the east coast of Siberia, 600 miles long and from 18 to 100 miles wide, extending from latitude 45° 54' to 54° 20' north and from longitude 141° 30' to 145° east (Map, Asia, Q 3). It is separated from the Maritime Province—

That is, on the Siberian coast—

on the west by the Gulf and Strait of Tartary, the latter only about 5 miles wide, and from the island of Yezo on the south by the Strait of La Perouse, about 27 miles at its narrowest part.

I just read from the New International Dictionary. I now read from the Encyclopedia Britannica:

Sakhalin, which was under Chinese dominion until the nineteenth century, became known to Europeans from the travels of Martin Gerritz de Vries, in the seventeenth century, and still better from those of La Perouse (1787) and Krusenstern (1805). Both, however, regarded it as a peninsula and were unaware of the existence of the Strait of Tartary, which was discovered in 1809 by a Japanese, Mamiya Rinzo. The Russian navigator Neveiskoi in 1849 definitely established the existence and navigability of this strait.

Therefore the separation is so narrow that it was only in 1849 they found there was a way to get vessels through at all. It is frozen in the winter; armies may be marched across the solid ice; and if Russia ever arouses herself from her sick bed it does not require a prophet to know that Russian Cossacks and Russian soldiers will attack the Japanese hold on that island, and that some day the great Russian bear, with his claws and his teeth, will be fighting for the possession of that land. When that time comes the millennial dream of my friend from Alabama [Mr. UNDERWOOD] will vanish in the thin air out of which it is composed and we shall be confronted with the very practical question, Are we to keep faith, sit down and consult as to the most effective means of repelling an attack upon these islands, or are we to say, "We bound ourselves to nothing"?

Mr. President, I do not intend now further to discuss these questions. I merely wished to call attention to the two matters.

Mr. WARREN and Mr. ROBINSON addressed the Chair.

The VICE PRESIDENT. The Senator from Wyoming.

Mr. WARREN. I am about to ask that the Senate go into legislative session for the purpose of considering the second deficiency appropriation bill. I am rather forced to ask for the passage of that bill to-day, because there are nearly 100,000 disabled soldiers who should be paid their money on the 15th of the present month, and there is no authority to pay them under appropriations which have already been made.

Mr. ROBINSON. Will the Senator from Wyoming withhold his request for just a few moments until I can read a statement to which I referred in the remarks of the Senator from Alabama?

Mr. WARREN. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I am fortunate enough to know Prince Tokugawa. He is one of the greatest if not the leading statesman of Japan. When the final judgment of history is registered as to the accomplishments of the Washington conference, his shrewdness will not be in doubt. When he returned to Japan immediately following the conference he was received with great enthusiasm. He made an address which was published in the Japan Advertiser, which claims to have the largest circulation of any foreign newspaper published in the Empire; indeed, it is the claim of this journal that it has the largest daily circulation of any newspaper published in the Far East. Speaking to the people of Japan and explaining his opinion as to the natural and true meaning of the four-power treaty, Prince Tokugawa gave utterance to expressions widely at variance with the declarations attributed to him in the news reports quoted by the Senator from Alabama [Mr. UNDERWOOD], and admittedly made on the 10th of March, since the Senator from Massachusetts gave to the Senate his remarkable interpretation of the treaty.

On his return to Japan the Prince said:

America lent a sympathetic and intelligent ear to Japan's straightforward and candid arguments, and after a series of fair and openhearted discussions of the problems the two nations were left in a position of better mutual understanding and more cordial relationship than

before. Without such mutual understanding and sincerity on the part of both Japan and the United States the four-power pact never would have been formed.

In summing up his views and impressions brought back from the conference, Prince Tokugawa said that the question of naval armament was settled in a spirit of conciliation and cooperation far beyond the expectations of the Japanese delegates.

I am pleased to note—

The Prince smiled—

that Japan instead of losing her old ally has gained additional ones by the four-power pact. I can not help feeling assured, therefore, that our people will be satisfied with the general result achieved by the Washington conference.

This is an explicit, clear declaration of his opinion at that time, that this treaty is an alliance, and will meet the approval of Japan because it constitutes such an agreement.

Mr. McCORMICK. Will the Senator yield for a moment?

Mr. ROBINSON. With pleasure.

Mr. McCORMICK. Let me submit to the Senator a part of Prince Tokugawa's statement, which reads as follows:

The critics of the treaty are trying to read into the very plain terms some moral pledge binding the nations to war as well as to peace. But that interpretation is too far-fetched to need repudiation.

Mr. ROBINSON. Mr. President, that is the statement attributed to the prince on the 10th of March, is it not?

Mr. McCORMICK. It is.

Mr. ROBINSON. That has already been put into the RECORD by the Senator from Alabama, and it is in reply to it that I am reading a statement made by the prince when he first arrived in Japan after the Washington conference and before he had had occasion to change his interpretation.

Mr. LA FOLLETTE. The Senator from Arkansas is reading from a paper which is published in Japan?

Mr. ROBINSON. I am reading from a newspaper which is published in Japan; and I have stated that it claims to be the most authentic foreign newspaper which is published in Japan. I think if the Senators will investigate the matter, they will find that the statement is true.

Mr. President, in view of these two statements by Prince Tokugawa, the grandson of the great Shogun, I submit that he is well nigh as skillful as any other man living in changing his viewpoint respecting important international affairs. There is only one man to whom I concede greater ability speedily to readjust his convictions and his interpretations of international documents in order to meet the exigencies of the hour, and that is the learned, intellectual genius—the Senator from Massachusetts [Mr. LODGE]. No man can rival him.

Mr. McCORMICK. Mr. President, surely the Senator from Arkansas has not forgotten the statesman "who kept us out of war" in 1916?

Mr. ROBINSON. Oh, Mr. President, the Senator from Illinois and other Senators for some mysterious reason throughout this debate, by inspired interviews in newspapers, have been seeking to bring ex-President Wilson into this contest. When my name and the name of the Senator from Illinois shall have been buried in oblivion, the name of Woodrow Wilson will live and thrill the hearts and minds of men and women who love fairness and justice and liberty.

Mr. WARREN rose.

Mr. ROBINSON. Just a moment.

The place of Woodrow Wilson in history is fixed by events which neither the Senate nor insinuations by Senators can materially alter. I am entirely content to leave to the Senator from Illinois any feeling of pride which he may derive from that interpolation into my remarks.

The Senator from Wyoming [Mr. WARREN] has been kind in not pressing the motion which he took the floor to make, and if he will be indulgent for a few moments more, I will read to the Senate what a great British statesman said when the four-power treaty was first brought to the attention of the British people. While the language used is not quite so frank as that employed by Prince Tokugawa in asserting that the four-power pact is a quadruple alliance, it is susceptible of no construction save that. Earl Grey believed when he spoke to the British people concerning this treaty that it is an alliance. Without further comment, I propose now to read from a great British paper, the Manchester Guardian, under date of Wednesday, December 14, 1921. Speaking of the Washington conference and its achievements as they affected the British people Earl Grey said:

He had felt for some time that if any nation, so great and so strong as to be above the suspicion of advocating the reduction of armaments simply to save its own back or its own skin—and the United States alone was in such a position—would come forward with a concrete proposal about which there could be no misunderstanding it would stampede public opinion in favor of it. That the United States had done, and they had been seconded by the representatives of other countries at the conference. He wished especially to express his gratification at the work done at Washington—and he might add, the work done at Genoa a short time previously—by Mr. Balfour. All people, to whatever party they belonged, admitted Mr. Balfour's great ability. But he had shown more than ability. He had shown conviction and zeal in this cause, and he trusted that there would be unanimous recognition of the great services he had rendered to his country in the cause of peace. [Hear, hear.]

The quadruple agreement between the United States, Great Britain, France, and Japan was, in his opinion, a most momentous and favorable departure. He had been much exercised during recent weeks by the discussion about the Anglo-Japanese alliance. He felt very strongly that separate alliances of that kind, while justifiable when they were made, and indeed useful, were not in harmony with what we hoped would be the development of opinion since the war. But at the same time he felt that the Anglo-Japanese alliance was something upon which we could not respectably or honorably turn our backs. We could not say: "The alliance has served its purpose;" least of all if at the time the alliance was being denounced we were ourselves fortifying our position by new friendships and strengthening it—he did not say by alliances—

Oh, no; he would not say it. When you wish to imply the existence of a fact you do not say it; you merely intimate it—

but by ties of friendship—with other countries. Therefore he felt that, although the Anglo-Japanese alliance was out of date, there was only one way by which it could come to an end satisfactorily both to ourselves and to Japan, and that was by being merged in something greater in which each should be a part.

That was exactly what had happened. The Anglo-Japanese alliance was to be merged in a quadruple agreement, and that agreement, though it related only to the island possessions of the Pacific, must have an effect in spirit which would go far beyond the letter of the agreement itself.

I make no comment in detail on that statement. I leave it to the Senate to conclude whether the interpretation placed upon this treaty by Earl Grey and by Prince Tokugawa in the early period of its consideration expresses a real interpretation which seems to have been changed in order to meet the exigencies of debate for the ratification of the treaty in the Senate of the United States.

I shall conclude by a brief reference to the question of secrecy. Mr. President, the Secretary of State, day before yesterday, said the four-power treaty was signed by the delegates of the four powers and that therefore it was written by all of them; but, said he, "It does not matter who wrote it; what is in it does matter." To-day he seems to have changed his view respecting that subject; at last we have learned something—I will not say it is anything definite or complete concerning the origin of this treaty—but the Secretary of State says that after consultations among the delegates and after Japan had consented that France be made a party he framed the first draft. Why has he withheld information concerning the subject since the treaty was reported at the plenary session? What occasion has there existed since this treaty became public to withhold that fact? There can be no doubt, Mr. President, when the facts are studied, that the suggestion originated in the desire of both Great Britain and Japan to retain the benefits of the Anglo-Japanese alliance without taking the odium that attached to it in the eyes of other nations of the world, and this their representatives have accomplished by entering into the four-power treaty. I thank the Senator from Wyoming.

ADDITIONAL DISTRICT JUDGES.

Mr. WARREN. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States; to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes.

Mr. CUMMINS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. I move that the Senate take up for consideration House bill 10663, the deficiency appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

Mr. STERLING. Mr. President, will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. If it is for a matter that will lead to no debate.

Mr. STERLING. Mr. President, this is an emergency matter. From the Committee on Civil Service I report back favorably a bill which was before that committee yesterday, and ask unanimous consent for its present consideration. I do not think it will lead to any discussion. It is Senate bill 3265, entitled "A bill construing the expression 'all employees in the classified civil service of the United States' as used in section 1 of the act of May 22, 1920, entitled 'An act for the retirement of employees in the classified civil service, and for other purposes.'"

The VICE PRESIDENT. Without objection, the report will be received.

Mr. STERLING. Mr. President, I wish to say simply this: By a recent ruling of the Attorney General, the term "classified civil service" has been held to embrace only those employees who have entered the civil service through competitive examination, notwithstanding the fact that many thousands, indeed, are in the civil service under Executive order or under legislative enactment. The effect of the ruling of the Attorney General will be to deprive about 80,000 civil-service employees of the benefit of the civil service retirement, act, and to deprive immediately something over 2,000 who have retired of the benefits of the provisions of that act in regard to annuities. So it is absolutely necessary that some act be passed construing the term "classified civil service" as the Civil Service Commission has construed it and as the Senate construed it when the civil service retirement bill was before the Senate.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator a question. I have not heard the bill read. Does the bill make a legislative construction of the act or does it provide by legislation that the words referred to shall include these people?

Mr. STERLING. It is a legislative construction of the term "classified civil service."

Mr. JONES of Washington. Personally, I do not think that would accomplish anything. I think if we want to include these people we ought to say so by legislation——

Mr. STERLING. They are included.

Mr. JONES of Washington. Because even if we construe the term, it seems to me that the courts will construe it according to the language of the law. It would be a very easy thing for us to say that those people shall be included in it.

Mr. STERLING. I can refer to the rules of the Civil Service Commission to show how it has been construed all these years by the Civil Service Commission, and how the Executive has acted upon that construction.

Mr. JONES of Washington. But let us provide in terms that they shall be included.

Mr. STERLING. I do not think so. I think it is quite competent for the legislature to determine how an act shall be construed.

Mr. WARREN. If this is to lead to any debate——

Mr. JONES of Washington. I am not going to discuss it further. I only call attention to this matter. I think, instead of legislating a construction, that we ought to provide by law that it shall be done.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3265) construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes," which was read, as follows:

Be it enacted, etc., That in the administration of the civil service retirement act approved May 22, 1920, the expression "all employees in the classified civil service of the United States," as used in section 1 thereof shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under the civil service rules promulgated by the President, or by Executive orders covering groups of employees with their positions into the competitive classified service or authorizing the appointment of individuals to positions within such service.

Mr. STERLING. Mr. President, I desire to offer one simple amendment to the bill.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the bill, the following:

The expression "classified civil service," as the same occurs in other acts of Congress, shall receive a like construction to that herein given.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, this is a Senate bill; is it not?

Mr. STERLING. It is a Senate bill.

Mr. JONES of Washington. I hope that when it gets over to the House the House will put it in the form of legislation and not of construction, which is simply an idle thing.

Mr. STERLING. I hope the Sentor from Washington will abandon the idea that a legislature can not pass a construing or declaratory act. We have done it again and again.

Mr. JONES of Washington. It amounts to nothing when we do.

Mr. WARREN. Mr. President, let the bill pass or let it be withdrawn.

The VICE PRESIDENT. If there be no further amendment to be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATION OF NATIONAL FOREST LANDS.

Mr. JONES of Washington. Mr. President, I think a statement should be made as to a colloquy that occurred yesterday afternoon with reference to Senate bill 490. This was a bill that passed the Senate providing for the exchange of lands in forest reserves. It went over to the House, and came back here yesterday with some minor amendments. The Senator from Utah [Mr. SMOOT] moved to concur in those amendments. In a colloquy occurring with reference to that, in which the Senator from Nebraska [Mr. NORRIS] and I asked the Senator from Utah for certain information, this occurred:

The Senator from Nebraska said:

It proposes a general law in regard to the exchange of lands?

Mr. SMOOT. Yes; of lands within forest reservations for lands outside.

Then, in reply to another question, the Senator from Utah said:

Yes; that is, land within a forest reserve may be exchanged for lands outside.

And, on page 3962 of the RECORD, in answer to the following question of mine:

This applies to all the forest reserves and permits the exchange of private lands in the reserve for lands of a similar character outside?

The Senator from Utah replied:

That is all there is to it.

That would give the impression that this bill permitted the exchange of private lands in forest reserves for any public lands outside of national forests. I do not think that is correct, and I did not intend to have my question carry that impression when I asked it, because all these bills that we have passed heretofore provide for the exchange of private lands in a forest reserve for other lands in other forest reserves. The language of the bill that we were discussing is like this:

That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land in the same State.

So I think it is clear that this bill authorizes the exchange of private lands in a forest reserve for, it is true, lands outside of that forest reserve, but only lands within some other forest reserve within the State.

SECOND DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

Mr. LODGE. Mr. President, I merely want to say, as I was out of the Chamber when the Senator from Wyoming [Mr. WARREN] brought up this bill and laid aside the treaty, that his action, of course, meets with my entire approval. I did not know this morning of the importance of some of these deficiencies, especially the one relating to the large appropriation which will be necessary by the 15th of March in order to take care of the soldiers in the hospitals and in vocational training. I wish to say, however, that I shall ask the Senate to take a recess when the proper time comes after the disposition of this bill, and on Monday I shall have the pending treaty taken up again and kept before the Senate, if the Senate sustains me, for action, and have long sessions held in order to do it.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head "Legislative establishment," on page 2, after line 1, to insert:

SENATE.

EMPLOYEES.

For assistant clerk for the Committee on Appropriations, at the rate of $3,000 per annum, from March 16, 1922, to June 30, 1923, both dates inclusive, $3,883.33.

Mr. FLETCHER. Mr. President, may I ask the Senator how many clerks the Committee on Appropriations has now?

Mr. WARREN. I will give the Senator the information that he desires. We have one more than one-half what they have in the Committee on Appropriations in the House.

Mr. FLETCHER. I do not know what the House has. The Senator compares it with the House. I am trying to ascertain how many clerks the Senate committee has.

Mr. WARREN. It now has its chief clerk, and two assistants, and three stenographers. Those are for the Committee on Appropriations and also for the Senator who is chairman of that committee. The Senator will remember that in the Senate a Senator has four clerks, though he may not be chairman of any committee; so that in the case of the Senate Committee on Appropriations, according the chairman of the committee the same number of clerks that the Senator from Florida and other Senators are entitled to have, there are but two left to do the work of the Committee on Appropriations. Hence we ask for an additional clerk.

Mr. FLETCHER. I presume that very likely the recent change in the rules will impose more work on the committee.

Mr. WARREN. I should have asked for this additional clerk just the same if that additional work had not come along, because the clerks of that committee have been working nights and days and Sundays and holidays, more than any clerks ought to be expected to work.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, after line 6, to insert: "For purchase of furniture, $1,000."

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

To pay Jack Crocker for extra services rendered to the Committee on Privileges and Elections in guarding ballots during vacation and in recount in connection with Michigan senatorial contest, $250.

The amendment was agreed to.

The next amendment was, on page 2, after line 11, to insert:

To enable the Secretary of the Senate to pay from the appropriation for 1921–22, compensation of officers, clerks, messengers, and others, to Eugene Colwell for additional services as assistant financial clerk, $400.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 4, after line 21, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $23,750.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

For furniture for the Senate Office Building and for labor and material incident thereto and repairs thereof, window shades, awnings, carpets, glass for windows and bookcases, desk lamps, window ventilators, name plates for doors and committee tables, electric fans, etc., $8,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert:

LIBRARY OF CONGRESS.

LEGISLATIVE REFERENCE.

For the legislative reference, including the same objects specified under this head in the legislative, executive, and judicial appropriation act for the fiscal year 1922, $6,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 20, to insert:

CONTINGENT EXPENSES.

For miscellaneous and contingent expenses, stationery, supplies, stock, and materials directly purchased, miscellaneous traveling expenses, postage, transportation, incidental expenses connected with the administration of the Library and the copyright office, including not exceeding $500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, $1,000.

The amendment was agreed to.

The next amendment was, under the head "Executive," on page 6, after line 13, to insert the following paragraph:

BUREAU OF EFFICIENCY.

For carrying on the work of the Bureau of Efficiency as authorized by law, including salaries and contingent expenses; supplies; stationery; purchase and exchange of equipment; printing and binding; traveling expenses; per diem in lieu of subsistence; not to exceed $100 for law books, books of reference, and periodicals; and not to exceed $100 for street car fare; in all, $10,000.

The amendment was agreed to.

The next amendment was, under the head "District of Columbia," on page 6, after line 22, to insert the following paragraph:

EXECUTIVE OFFICE.

For temporary employment of additional assistant inspectors for the building inspection division, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent and Miscellaneous," on page 7, after line 9, to insert:

For printing, checks, books, law books, books of reference, periodicals, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies and bicycles not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed $800; and other general necessary expenses of District offices, including the sinking-fund office, Board of Charities, including an allowance to the purchasing officer and to the secretary of the Board of Charities of not exceeding $360 each per annum for maintenance of vehicles for use in the discharge of their official duties, personal tax board, harbor master, health department, surveyor's office, superintendent of weights, measures, and markets office, and department of insurance, and purchase of new apparatus and laboratory equipment in office of inspector of asphalt and cement, $2,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 4, to insert:

For postage for strictly official mail matter, $1,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert:

BRIDGES.

For repairs and improvements to the Calvert Street Bridge, $26,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 3, to insert:

Public convenience stations: For maintenance of public convenience stations, including compensation of necessary employees, $2,300.

The amendment was agreed to.

The next amendment was, on page 9, after line 6, to insert:

ELECTRICAL DEPARTMENT.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, wire and cable for extension of telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, livery, purchase and repair of bicycles, allowance for the maintenance of not more than three automobiles at not to exceed $30 per month each, blacksmithing, extra labor, new boxes, and other necessary items, $3,000.

The amendment was agreed to.

The next amendment was, on page 10, line 21, to increase the appropriation for fuel, gas, and electric light and power for the fiscal year 1922 from "$20,000" to "$29,300."

The amendment was agreed to.

The next amendment was, on page 11, after line 8, to insert:

POLICE COURT.

For compensation of jurors, $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 14, after line 15, to insert "Children's Hospital, $7,000."

The amendment was agreed to.

The next amendment was, on page 14, line 17, to increase the appropriation for Eastern Dispensary and Casualty Hospital from $6,700 to $10,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

MUNICIPAL LODGING HOUSE AND WOOD YARD.

For maintenance, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Insane," on page 15, line 19, to increase the appropriation for heating offices, watchmen's lodges, and greenhouses at the propagating gardens from $1,000 to $1,500.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

NATIONAL ZOOLOGICAL PARK.

For laying in the National Zoological Park approximately 1,550 feet of 6-inch cast-iron water main and installing two fire hydrants of design approved by the fire department of the District of Columbia, $3,250.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to insert:

For payment of the judgments against the District of Columbia, set forth in Senate Document No. 148 of the present session, $2,436.56, together with a further sum to pay the interest at not exceeding 4 per cent per annum on said judgments, as provided by law from the date they became due until the date of payment.

The amendment was agreed to.

The next amendment was, under the head "General Accounting Office," on page 18, after line 21, to insert:

Salaries and expenses: For necessary clerical force to enable the General Accounting Office to properly audit and settle the accounts and claims growing out of the expansion of the work of the United States Veterans' Bureau and the payments of interest on the public debt, together with the settlement and payment of transportation claims, $110,333.55.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

For necessary clerical force to enable the General Accounting Office to properly audit and settle the accounts and claims growing out of the expansion of the work of the United States Veterans' Bureau and the payments of interest on the public debt, together with the settlement and payment of transportation claims, fiscal year 1923, $350,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 8, to strike out:

The Comptroller General of the United States is authorized and directed to cause an audit to be made of the financial transactions of the United States Shipping Board Emergency Fleet Corporation, under such rules and regulations as he shall prescribe. Such audit shall be effective commencing July 1, 1921, the date of the discontinuance of the audit required to be performed under the direction of the Secretary of the Treasury by the act approved July 1, 1918.

And in lieu to insert:

The Comptroller General of the United States is authorized and directed to cause an audit to be made of the financial transactions of the United States Shipping Board Emergency Fleet Corporation, in accordance with the usual methods of steamship or corporation accounting and under such rules and regulations as he shall prescribe. Such audit shall be effective commencing July 1, 1921, the date of the discontinuance of the audit required to be performed under the direction of the Secretary of the Treasury by the act approved July 1, 1918.

The amendment was agreed to.

The next amendment was, under the head "United States Veterans' Bureau," on page 20, line 24, before the word "repairs," to strike out "minor," so as to make the additional proviso read:

Provided further, That no part of the foregoing appropriation shall be expended for construction work (except necessary repairs) at any Army camp acquired by the United States Veterans' Bureau for use as a training center.

The amendment was agreed to.

The next amendment was, on page 22, line 12, after the word "buildings," to insert "to be done under the supervision and direction of the Supervising Architect of the Treasury," so as to make the paragraph read:

The allotments made by the United States Veterans' Bureau to the Public Health Service for the care of beneficiaries of that bureau by the said service shall also be available for expenditure by the Public Health Service on that account for necessary personnel, regular and reserve commissioned officers of the Public Health Service, and clerical help in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation, and travel, repairs and necessary minor alterations to hospitals and auxiliary buildings to be done under the supervision and direction of the Supervising Architect of the Treasury, and maintenance and operation of passenger motor vehicles.

The amendment was agreed to.

The next amendment was, under the head "Department of Agriculture, Bureau of Plant Industry," on page 22, line 24, after the word "regions," to strike out "of the Pacific coast," and on page 23, line 4, after the word "areas," to strike out "in the West," so as to read:

White-pine blister rust control: For meeting the emergency caused by the appearance of the white-pine blister rust in the white and sugar pine regions threatening the extensive Federal holdings of these essential woods as well as private and State holdings, thus endangering the entire supply thereof, $150,000, which sum shall be available for investigation and control work on the white-pine blister rust in the white-pine and sugar-pine areas, in such manner as in the judgment of the Secretary of Agriculture may best accomplish the suppression of the disease, and shall remain available until March 31, 1923.

Mr. POINDEXTER. Mr. President, I have no objection to that committee amendment, but when we return to the amendments I want to call the attention of the chairman of the committee to this item. I have information from the department of agriculture of the State of Washington, which is a very well organized department, that the item is not needed for the purposes designated in the bill, and at the proper time I want to move to strike it out and let it go to conference for further investigation.

Mr. WARREN. Very well.

The amendment was agreed to.

The next amendment was, under the head "Department of the Interior," on page 26, after line 1, to insert:

PATENT OFFICE.

Salaries: To pay the salaries of the officers and employees of the Patent Office from February 18, 1922, the date of the passage of the act to increase the force and salaries in the Patent Office (Public, No. 147), to June 30, 1922, both dates inclusive, for the positions and at the rates per annum authorized by said act, in addition to the amount appropriated by the legislative, etc., appropriation act, approved March 3, 1921, $166,671.16.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to insert:

TERRITORY OF ALASKA.

For care and custody of persons legally adjudged insane in Alaska, including transportation and other expenses, $8,800: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Co. of Portland, Oreg., not to exceed $570 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1922.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to insert:

NATIONAL PARK SERVICE.

Grand Canyon National Park, Ariz.: For labor and material necessary for insect-control work on the north rim of the Grand Canyon, to remain available until expended, $2,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 15, to insert:

CREDIT IN ACCOUNTS OF GEORGE W. EVANS.

The General Accounting Office is authorized and directed to credit the accounts of George W. Evans, chief disbursing clerk Department of the Interior, with the payment of $480, made to F. W. Bolgiano & Co., Washington, D. C., for three snow plows delivered June 30, 1920, per voucher No. 2336, quarter ended September 30, 1920, from the appropriation for "Improving the Capitol grounds, 1920."

Mr. POINDEXTER. I ask that that amendment be passed over. I think it is subject to a point of order as an allowance of a private claim not authorized by law. I will reserve the right to make the point of order.

Mr. WARREN. That is a provision made for cleaning the sidewalks of snow. Those plows have been in use, as the Senator knows, and are very valuable for that purpose. They were purchased in a hurry. The Senator will remember that there was quite a heavy fall of snow.

Mr. POINDEXTER. The Senator is discussing the merits of the proposition. It may be meritorious, but I was speaking about the practice of putting private claims in an appropriation bill.

Mr. WARREN. I was coming to that point. This big-snow matter was brought to my attention at bedtime during the storm, the inquiry being made of me as to what they should do, because the appropriations were not sufficient, and I said that in emergencies the city had at various times taken quick action as to necessary expenses. I did not speak of the plows specifically, but I said they should go at cleaning sidewalks in the most economical way, and that undoubtedly the committee would take it up and provide funds for it. I think this party took the money out of his own pocket at the moment to see that the streets were cleaned, so that the Senator and I could come to the Capitol, and so on.

Mr. POINDEXTER. I know of one case where a man took money out of his own pocket, I think in the Senator's own State, to pay the rent for a post-office building, and it took him 30 or 40 years to get it back. I think the claim was just allowed two or three days ago. I do not know that I shall make a point of order, but I ask that it be passed over.

The VICE PRESIDENT. The amendment will be passed over.

The next amendment was, in the items for contingent expenses, Department of Justice, on page 29, after line 23, to insert:

For 1922, $8,000.

The amendment was agreed to.

The next amendment was, at the top of page 30, to insert:

For furniture and repairs, including carpets, file holders, and cases, $3,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to insert:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

For conduct of customs cases, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1922, $2,100.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

JUDICIAL.

COURT OF CLAIMS.

For stationery, court library, repairs, including repairs to bicycles, fuel, electric light, electric elevator, and other miscellaneous expenses, $1,500.

The amendment was agreed to.

The next amendment was, on page 30, line 20, before the words "to be available," to strike out "$150,000" and insert "$300,000," so as to make the paragraph read:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS.

For assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for payment of foreign counsel employed by the Attorney General in special cases (such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States), $300,000, to be available for expenditure in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head "Department of Labor," on page 32, after line 21, to insert:

IMMIGRATION STATIONS.

The appropriation of $11,000 made in the sundry civil appropriation act for the fiscal year 1922 for new service pumps for water supply, including installation, at Ellis Island, N. Y., is hereby made available for a new service pump for water supply, including installation of present salt-water suction connections to existing pumps, and also for extension of present sewerage system at and near the northwestern portion of Ellis Island; also for extension of suction and discharge piping between pumps and new reserve water-supply tank.

The amendment was agreed to.

The next amendment was, under the subhead "Immigration Service," on page 33, after line 8, to insert:

For the enforcement of the laws regulating immigration of aliens into the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1922, $150,000.

The amendment was agreed to.

The next amendment was, under the subhead "Children's Bureau," on page 34, line 9, after the word "exceeding," to strike out "$2,400" and to insert "$2,000," so as to read:

For carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, including printing and binding, $490,000, of which sum $240,000 shall be for equal apportionment among the States without reference to population, and $250,000 shall be for apportionment among the States with reference to population and for administrative expenses in accordance with said act: *Provided*, That no salary shall be paid from the portion of this appropriation allotted for administrative purposes at a rate exceeding $2,000 per annum except the following: One at $3,600, 1 at $3,500, and 1 at $3,000.

The amendment was agreed to.

The next amendment was, under the head "Naval Establishment," on page 36, after line 8, to insert:

Payment to Dona Concepcion Crus: To pay to Dona Concepcion Crus, sole next of kin of Francisco R. Crus, the amount found by the court of the first instance of the city of Manila to be the value of a casco taken by the United States Navy in 1899 from the said Francisco R. Crus, $350.

Mr. POINDEXTER. That is another private claim. I reserve the right to make a point of order, and ask that it be passed over temporarily.

Mr. WARREN. That was the finding of a court.

Mr. POINDEXTER. It was the finding of a court in Manila, but there is no law authorizing the payment of it.

Mr. OVERMAN. I want to ask the Senator a question. On page 33 we just passed an item under the Immigration Service, $150,000. The Senator will remember that the Senator from Massachusetts [Mr. LODGE] offered an amendment calling for $150,000 in the other bill, which we agreed to look out for.

Mr. WARREN. The other will be dropped from that bill if this goes through.

Mr. OVERMAN. I understood that we were to look out for that in this bill if it was dropped.

Mr. WARREN. This is a deficiency, and the other would not be effective until after the 1st of July. Hence the intention and the understanding that when this item goes into the pending bill the other will be dropped out in conference.

Mr. OVERMAN. That is all right, then.

The PRESIDING OFFICER (Mr. LADD in the chair). The amendment, on page 36, to insert lines 9 to 13, inclusive, will be passed over.

The next amendment was, under the head "Post Office Department," on page 38, line 21, to increase the appropriation for fuel and repairs to heating, lighting, ice, and power plant, including repairs to elevators, purchase and exchange of tools, and electric supplies, and removal of ashes, from "$4,000" to "$10,000."

The amendment was agreed to.

The next amendment was, on page 39, line 2, to increase the appropriation for reimbursement of the Government Printing Office for the cost of furnishing steam for heating and electric current for lighting and power to the Post Office Department building at Massachusetts Avenue and North Capitol Street, District of Columbia, from "$8,000" to "$12,000."

The amendment was agreed to.

The next amendment was, on page 39, after line 2, to insert:

Not exceeding $3,000 additional may be expended for telephone service and not exceeding $500 additional may be expended for the purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the department, out of the appropriation "Contingent expenses, Post Office Department, miscellaneous items, 1922," in the act approved March 3, 1921.

The amendment was agreed to.

The next amendment was, under the head of Postal Service, office of Postmaster General, to be paid out of the postal revenues, on page 39, after line 13, to insert:

For gas, electric power, and light, and the repair of machinery, United States Post Office Department equipment shops building, $500.

The amendment was agreed to.

The next amendment was, on page 39, after line 18, to insert:

OFFICE OF CHIEF INSPECTOR.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest: *And provided further*, That of the amount herein appropriated not to exceed $10,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals, $50,000.

Mr. POINDEXTER. I reserve the right to make a point of order against the amendment beginning on line 20 on the ground that it is new legislation, which would require the return of the bill to the committee. I just ask that it be passed over, and reserve the right.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, under the head "Department of State," on page 42, after line 3, to insert:

EMBASSY, LEGATION, AND CONSULAR BUILDINGS AND GROUNDS.

Purchase of embassy building and grounds at Santiago, Chile: For the purchase of an embassy building and grounds at Santiago, Chile, and for making necessary minor repairs and alterations in the building to put it in proper condition, in addition to the appropriation for this purpose made in the Diplomatic and Consular appropriation act approved June 4, 1920, $20,000.

Mr. POINDEXTER. That is new legislation. I ask that it be passed over and reserve the right to make a point of order.

Mr. WARREN. I do not wish to be understood as accepting the remarks that these amendments call for new legislation, because they do not. I am willing to have them passed over if the Senator requests, but not on that ground.

Mr. POINDEXTER. May I ask the Senator for information, as the question is up, if there is any law authorizing the purchase of these buildings and grounds?

Mr. WARREN. It is very specific, and if the Senator could have seen what the subcommittee saw, he would have been very much pleased, I know. There is a general law which provides that these buildings may be constructed as embassies, provided they shall not cost over $150,000. In this particular case there was a building which cost, together with fine grounds, some $500,000 or $600,000, a beautiful structure. We had the pictures before us. During the bad times the owner failed before the completion of the building and the Government got an option at $130,000, but when they take up the option, of course it will take considerable money to put it in order for use, and this $20,000 is within the law and limit and within their rights, and is to be used to complete the building.

Mr. POINDEXTER. I withdraw the request I made in regard to this amendment.

The amendment was agreed to.

The next amendment was, in the item for contingent expenses of the Treasury Department, on page 43, after line 16, to insert:

For purchase of gas, electric current for lighting and power purposes, gas and electric-light fixtures, electric-light wiring and material, candles, candlesticks, drop-lights and tubing, gas burners, gas torches, globes, lanterns, and wicks, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Internal-Revenue Service," on page 44, after line 10, to insert:

Refunding taxes illegally collected: For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by act of February 24, 1919, including the payment of claims accruing prior to July 1, 1920, without special authorization and appropriation by Congress in each individual case: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by the act of February 24, 1919, $27,468,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Buildings, Operating Expenses," on page 46, after line 13, to insert:

Operating force: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department, etc., including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1922, $40,000.

The amendment was agreed to.

The next amendment was, under the head "War Department," at the top of page 48, to insert:

MEDICAL AND HOSPITAL DEPARTMENT.

For amount required to pay adjudicated awards for lands condemned for use by the War Department at Walter Reed General Hospital, Washington, $94,703.44.

The amendment was agreed to.

The next amendment was, on page 48, at the end of line 20, to strike out "$1,000" and insert "$2,000," so as to make the paragraph read:

ENGINEER DEPARTMENT.

Washington Monument: For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors; repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery; and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric plant in good order, $2,000.

The amendment was agreed to.

The next amendment was, on page 48, at the end of line 25, to strike out "$266.37" and insert "$1,105.37," so as to make the paragraph read:

River and harbor work: For payment of claims adjusted and settled under section 4 of the river and harbor appropriation act approved June 25, 1910, and certified to Congress during the present session in House Document No. 168, $1,105.37.

The amendment was agreed to.

The next amendment was, on page 49, after line 10, to insert:

The appropriation for "Pay, etc., of the Army, 1922," shall be available to pay the expenses incident to carrying into effect the provisions of the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921, under such regulations as have been or may hereafter be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, under the head "Judgments, United States courts," on page 50, line 11, after the word "in," to insert "Senate Document No. — and in," so as to read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress during the present session by the Attorney General in Senate Document No. — and in House Document No. 173, and which have not been appealed, namely:

Mr. WARREN. I move to insert in the committee amendment, after the word "numbered," the figures "160," so as to read:

Senate Document No. 160 and in.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head "Judgments, United States courts," on page 50, line 15, under the Navy Department, to increase the appropriation from "$11,803.29" to "$13,370.79."

The amendment was agreed to.

The next amendment was, on page 50, after line 15, to insert:

Under the United States Housing Corporation, $2,867.50.

The amendment was agreed to.

The next amendment was, on page 50, line 18, after the words "In all," to strike out "$11,148.42" and to insert "$18,583.42," so as to make the paragraph read:

In all, $18,583.42, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, under the head "Judgments, Court of Claims," on page 51, line 1, after the word "in," to insert "Senate Document No. —— and in"; in line 4, after the words "War Department," to strike out "$29,147.60" and to insert "$102,296.93"; in line 5, after the words "Navy Department," to strike out "$47,361.46" and to insert "$138,386.46"; in line 6, after the words "Post Office Department," to strike out "$52,327.60" and to insert "$105,146.25"; in line 8, after the words "Interior Department," to strike out "$50,000" and to insert "$100,228.93"; and in line 9, after the words "In all," to strike out "$212,800.85" and to insert "$480,222.67," so as to read:

JUDGMENTS, COURT OF CLAIMS.

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in Senate Document No. —— and in House Document No. 172, namely:

Under the Treasury Department, $33,964.10;
Under the War Department, $102,296.93;
Under the Navy Department, $138,386.46;
Under the Post Office Department, $105,146.25;
Under the Interior Department, $100,228.93;
In all, $480,222.67.

Mr. WARREN. I move after the word "numbered" in the committee amendment to insert the numerals "161," so as to read:

Senate Document No. 161 and in.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 65, after line 19, to insert as section 3 the following:

AUDITED CLAIMS.

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1919 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. ——, reported to Congress at its present session, there is appropriated as follows:

TREASURY DEPARTMENT.

For increase of compensation, Treasury Department, $8.06.
For national security and defense, Treasury Department, $10,839.15.
For labor-saving machines, Treasury Department, $5.
For contingent expenses, Independent Treasury, $1.11.
For collecting the revenue from customs, $4.04.
For freight, transportation, etc., Public Health Service, $170.21.
For Quarantine Service, $6.30.
For collecting the war revenue, $701.68.
For Coast Guard, $322.75.
For operating supplies for public buildings, $6.69.
For furniture and repairs of same for public buildings, $342.06.
For mechanical equipment for public buildings, $6.09.
For repairs and preservation of public buildings, $1.86.
For general expenses of public buildings, $9.34.

WAR DEPARTMENT.

For contingent expenses, War Department, $25.15.
For increase of compensation, Military Establishment, $2,439.61.
For civilian military training camps, $23.68.
For registration and selection for military service, $370.82.
For Signal Service of the Army, $73.73.
For Air Service, military, $7,445.31.
For Air Service, production, $3.83.
For increase for aviation, Signal Corps, $26.28.
For pay, etc., of the Army, $1,967.65.
For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, $193.90.
For general appropriations, Quartermaster Corps, $39,177.78.
For clothing and camp and garrison equipage, $17.70.
For incidental expenses, Quartermaster Corps, $207.90.
For barracks and quarters, $64.36.
For construction and repair of hospitals, $11,496.50.
For supplies, services, and transportation, Quartermaster Corps, $131,428.87.
For inland and port storage and shipping facilities, $2,770.84.
For Medical and Hospital Department, $1,477.17.
For engineer equipment of troops, $1,790.29.
For engineer operations in the field, $3,805.64.
For ordnance service, $1,319.12.
For ordnance stores and supplies, $203.68.
For automatic rifles, $12,904.21.
For arming, equipping, and training the National Guard, $149.40.
For armament of fortifications, $35,319.23.
For supplies for seacoast defenses, $3.60.
For headstones for graves of soldiers, $2.81.
For National Home for Disabled Volunteer Soldiers, Mountain Branch, $3.78.
For National Home for Disabled Volunteer Soldiers, clothing, $18.68.

NAVY DEPARTMENT.

For pay, miscellaneous, $383.13.
For aviation, Navy, $290.48.
For pay, Marine Corps, $2,090.94.
For maintenance, Quartermaster's Department, Marine Corps, $2,896.01.
For contingent, Marine Corps, $302.05.
For transportation, Bureau of Navigation, $6,822.47.
For contingent, Bureau of Navigation, $3.77.
For outfits on first enlistment, Bureau of Navigation, $397.48.
For instruments and supplies, Bureau of Navigation, $143.79.
For ordnance and ordnance stores, Bureau of Ordnance, $1,218.70.
For Naval Gun Factory, Washington, D. C., $74.50.
For reserve ordnance supplies, Bureau of Ordnance, $39,485.33.
For maintenance, Bureau of Yards and Docks, $47.39.
For contingent, Bureau of Medicine and Surgery, $4,083.34.
For bringing home remains of officers, etc., Navy Department, $40.
For pay of the Navy, $36,884.85.
For provisions, Navy, Bureau of Supplies and Accounts, $784.42.
For maintenance, Bureau of Supplies and Accounts, $174.80.
For freight, Bureau of Supplies and Accounts, $7,504.63.
For fuel and transportation, Bureau of Supplies and Accounts, $103.
For construction and repair, Bureau of Construction and Repair, $1,489.73.
For engineering, Bureau of Steam Engineering, $80.40.

INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, $6.12.
For Glacier National Park, $754.25.
For Yellowstone National Park, $3.33.
For operating mine rescue cars, Bureau of Mines, $6.75.
For increase of compensation, Indian Service, $35.33.
For relieving distress and prevention, etc., of disease among Indians, $1.77.
For Indian school, support, $1.22.
For industrial work and care of timber, $4.50.
For purchase and transportation of Indian supplies, $35.02.
For telegraphing and telephoning, Indian Service, $1.08.
For general expenses, Indian Service, $5.53.
For determining heirs of deceased Indian allottees, $382.26.

For support of Indians in California, $20.
For Indian school, Cherokee, N. C., $2.85.
For Indian school, Bismarck, N. Dak., 45 cents.

STATE DEPARTMENT.

For transportation of diplomatic and consular officers, $88.33.
For post allowances to diplomatic and consular officers, $214.72.
For allowance for clerks at consulates, $801.57.
For contingent expenses, United States consulates, $578.85.

INDEPENDENT OFFICES.

For salaries and expenses, United States Food Administration, $293.49.
For Interstate Commerce Commission, $9.39.
For salaries and expenses, Veterans' Bureau, 23 cents.

DEPARTMENT OF AGRICULTURE.

For stimulating agriculture and facilitating distribution of products, $176.97.
For general expenses, Bureau of Plant Industry, $08.15.
For general expenses, Forest Service, $3.49.
For general expenses, Bureau of Chemistry, $16.
For general expenses, Bureau of Biological Survey, $6.14.
For general expenses, Bureau of Public Roads, $8.02.
For general expenses, Bureau of Markets, 32 cents.
For enforcement of the United States grain standards act, $1.80.

DEPARTMENT OF COMMERCE.

For collecting statistics, Bureau of the Census, $1.95.
For promoting commerce, Department of Commerce, $23.50.
For contingent expenses, Steamboat-Inspection Service, $2.60.
For general expenses, Bureau of Standards, $66.17.
For color standardization, Bureau of Standards, $130.
For miscellaneous expenses, Bureau of Fisheries, $5.05.

DEPARTMENT OF LABOR.

For national security and defense, Department of Labor, $103.54.
For miscellaneous expenses, Bureau of Labor Statistics, $1.10.
For expenses of regulating immigration, $16.50.
For miscellaneous expenses, Bureau of Naturalization, $3.45.
For investigation of child welfare, Children's Bureau, 24 cents.

DEPARTMENT OF JUSTICE.

For fees of commissioners, United States courts, $6.50.

POST OFFICE DEPARTMENT—POSTAL SERVICE.

For railroad transportation, $12,095.14.
For Star Route Service, $50.
For vehicle service, $4,626.96.
For office appliances, $4.
For mail messenger service, $35.00.
For miscellaneous items, first and second class post offices, 43 cents.
For Rural Delivery Service, $71.
For compensation to postmasters, $590.43.
For Railway Mail Service, salaries, $211.72.
For post office equipment and supplies, 57 cents.
For temporary clerk hire, $155.
For special delivery fees, $6.56.
For clerks, first and second class post offices, $400.10.
For city delivery carriers, $2,912.21.
For shipment of supplies, $130.31.
For indemnities, domestic mail, $15.20.
For indemnities, international registered mail, $587.21.
Total audited claims, section 3, $399,447.10.

Mr. WARREN. I send to the desk the figure to be inserted in the blank on page 66, line 6.

The ASSISTANT SECRETARY. On page 66, line 6, insert the numerals "162" after the word "numbered," so as to read:

As fully set forth in Senate Document No. 162.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 73, line 17, to change the section number from "3" to "4."

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. The Secretary will state the first amendment passed over.

The ASSISTANT SECRETARY. On page 28, line 16, the committee propose to insert:

CREDIT IN ACCOUNTS OF GEORGE W. EVANS.

The General Accounting Office is authorized and directed to credit the accounts of George W. Evans, chief disbursing clerk Department of the Interior, with the payment of $480, made to F. W. Bolgiano & Co., Washington, D. C., for three snow plows delivered June 30, 1920, per voucher No. 2336, quarter ended September 30, 1920, from the appropriation for "Improving the Capitol Grounds, 1920."

Mr. POINDEXTER. I think under the rule that is clearly subject to a point of order against a private claim not authorized by existing law in an appropriation bill, but the chairman of the committee and the Senator from Colorado [Mr. PHIPPS], a member of the committee, have made a very convincing statement to me of the meritorious character of this claim, and while I think the committee ought to be governed by its own rules, I will not make an objection against the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. On behalf of the committee I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The ASSISTANT SECRETARY. On page 25, line 11, it is proposed to strike out "$60,000" and to insert in lieu thereof "$120,000."

The amendment was agreed to.

Mr. WARREN. On behalf of the committee I offer another small amendment to come in on the same page.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The ASSISTANT SECRETARY. On page 25, line 19, it is proposed to strike out the words "Document No. 162" and to insert in lieu thereof "Documents Nos. 162 and 198."

The amendment was agreed to.

Mr. WARREN. On behalf of the committee, I offer another amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 25, line 20, it is proposed to strike out "$736.25" and to insert "$843.27."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The next amendment passed over was on page 39, after line 18, to insert:

OFFICE OF CHIEF INSPECTOR.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest: *And provided further*, That of the amount herein appropriated not to exceed $10,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals, $50,000.

Mr. POINDEXTER. May I ask the chairman of the committee upon what law that amendment is based?

Mr. WARREN. There is a very old law providing for private detectives, and so forth, the administration of which has been running along under annual appropriations of about $25,000, perhaps. This amendment carries a somewhat larger amount, and also contains additional language as to the appropriation being used for the payment of rewards. In fact, it has always been used for the payment of rewards or for services.

Mr. POINDEXTER. There is a great amount of legislation on this bill, Mr. President. Of course, if the appropriation is already provided for by law the proviso "That rewards may be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or resisting lawful arrest," and so forth, would not be necessary in this proposed act. I think the amendment is clearly subject to the objection that it is new legislation.

I may also call attention to one or two other places in the bill, Mr. President, which we have already gone over, that contain new legislation.

Mr. WARREN. Let me say to the Senator from Washington, before he proceeds to the other matter of which he speaks, that this amendment is not to provide for next year, but it is to pay rewards that have already been granted, the time for the payment of which will approach before the end of the year in which they are due. Not to make this appropriation would simply be to leave the Postal Service without funds to pay amounts due under contracts which they have made.

Mr. POINDEXTER. That is an argument to the merits of the question rather than to the point of order; but I shall not make the point of order. I merely want to call attention to the violation of the rule, and I will make no objection to the amendment.

Mr. OVERMAN. I am glad the Senator from Washington is not going to make the point of order, although I think the amendment is subject to the point of order, because a part of it is new legislation. However, if the Senator from Washington [Mr. POINDEXTER] withdraws his objection I shall not make the point of order against the amendment. The proviso, however, is clearly new legislation.

Mr. JONES of Washington. My colleague has withdrawn his point of order against the amendment, but I do not myself think that it is subject to a point of order. I am satisfied that there is a law authorizing the payment of such rewards.

Mr. OVERMAN. This is an amendment to the law.

Mr. JONES of Washington. The proviso is simply a limitation.

Mr. OVERMAN. It is an amendment to the law, because it provides for paying a reward for the killing of a mail robber.

Mr. JONES of Washington. It only applies to the particular deficiencies for this year.

Mr. OVERMAN. If the Senator from Washington will read the law he will find that this is an amendment to the law.

Mr. POINDEXTER. I should like to ask the Senator from North Carolina what his view is as to the merits of the provision, aside from the question of a point of order? Does the Senator think it is a meritorious provision?

Mr. OVERMAN. I must confess that I made some objection to providing a reward for the killing of a man who may have

been detected in the act of committing a crime. I never have liked such rewards as that to be offered by the Government. However, I will not make further objection, though I made my objection and fought the proposition in the committee. I repeat, however, that I think a part of the provision is subject to a point of order.

Mr. POINDEXTER. The difficulty is that there is no opportunity in the Senate, or in the committee, as a matter of fact, the committee not being a legislative committee, strictly speaking, to investigate the merits of these legislative provisions. So far as I know about the matter of the protection of the mails I am heartily in favor of the vigorous steps which are being taken by the Government to protect the mails from the wave of banditry that seems to be jeopardizing their safe passage.

Mr. OVERMAN. That is the reason I waived my objection to the amendment.

Mr. POINDEXTER. But we ought not, because of the pressure for meritorious legislation, to use appropriation bills, right in the face of the new rule which has been adopted, as a vehicle for obtaining such legislation. However, I will withdraw my objection to the amendment.

Mr. OVERMAN. I agree with the Senator that the proposed legislation is meritorious, but where an attempt is made to amend the old law I think such an amendment is subject to a point of order. I shall not, however, make the point of order, but shall let the amendment go.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The next amendment passed over will be stated.

* * *

The next amendment passed over was, on page 36, after line 8, to insert:

Payment to Dona Concepcion Cruz: To pay to Dona Concepcion Cruz, sole next of kin of Francisco R. Cruz, the amount found by the court of the first instance of the city of Manila to be the value of a casco taken by the United States Navy in 1899 from the said Francisco R. Cruz, $350.

Mr. POINDEXTER. Mr. President, I presume, in view of the fact that the claim provided for in the amendment which has just been read has been submitted to a court at Manila, that it is a meritorious claim. A judgment was rendered, and I assume there was a fair trial and an adequate investigation of the matter. The item, however, is put into this appropriation bill in violation of the fourth paragraph of Rule XVI, which prohibits the insertion of private claims in appropriation bills unless they are authorized by law or by treaty; and this is authorized neither by a law of the United States—of course, the rule refers to a law of the United States—nor by a treaty.

Mr. WARREN. About half of this bill is taken up with appropriations for the payment of judgments of courts and of audited claims, which are always included in deficiency bills, and are within the law. As to this particular claim, there is no reason of which I know why it should be excluded, when it has been adjudged to be due by the courts of a country which is under the jurisdiction of the United States, and is for the payment of property which the Government took away from the private owner.

Mr. POINDEXTER. However, it is merely a claim; that is all it is.

Mr. WARREN. Everything which is contained in the bill in the nature of a judgment is a claim. The Senator states that this is a claim; but it is an adjusted claim, and when an adjusted claim is presented it is in order on an appropriation bill.

Mr. POINDEXTER. Mr. President, this lady, Dona Concepcion Cruz, may be a very meritorious and estimable person; she may be in need of this money, and she has obtained a judgment for it. I shall not make any objection to the amendment, although it is subject to the point of order that it is a private claim.

Mr. FLETCHER rose.

The PRESIDING OFFICER. Without objection——

Mr. FLETCHER. Mr. President, I was merely going to appeal to the Senator from Washington [Mr. POINDEXTER], although I know nothing about this case, on the ground that the claim has been 23 years in the course of being adjusted, and if we do not provide for its payment now I am afraid the claimant will die before the matter is settled.

Mr. POINDEXTER. The claim ought to go to the Committee on Claims and be reported in the regular way; but I shall not make any objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. POINDEXTER. I offer an amendment, which I send to the desk and ask unanimous consent that it may be considered.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The ASSISTANT SECRETARY. It is proposed to insert, on page 27, after line 21:

RECLAMATION PROJECTS.

For construction work upon reclamation projects authorized under existing law, $16,200,000, to be repaid to the Treasury from the reclamation fund when funds shall be available for that purpose.

Mr. WARREN. Mr. President, it is probably unnecessary to discuss the merits of the amendment. Of course, the Senator from Washington knows that is entirely out of order from every standpoint. I think he intends to ask unanimous consent that it may be adopted.

Mr. POINDEXTER. I have asked unanimous consent.

Mr. WARREN. I do not wish to thwart the will of the Senate in any way, but I desire to say that the amendment is of such an extreme nature that I fear, even though it might be put into the bill, it could never be protected by the conferees on the part of the Senate.

Mr. POINDEXTER. I should like the Senator to let the amendment go in.

Mr. WARREN. The Senator has asked unanimous consent for the adoption of the amendment, and I will leave the matter to the Senate.

Mr. OVERMAN. I should like to know of the Senator from Washington if this amendment provides for an appropriation of $16,000,000?

Mr. POINDEXTER. Yes; it provides for an appropriation; or, rather, it is in the nature of a loan, to be repaid from the reclamation fund. I will say to the Senator that it is in accordance with the estimates which have been made, except that the estimates, although they cover each one of the projects which go to make up the total, do not call for quite so large a sum as is provided for in the amendment, but very nearly as large, as disclosed by the Book of Estimates. This amount is to carry on the development of projects upon which construction work has already been begun. It is in accordance with the conclusion arrived at after very careful examination and is based upon the report of the Director of the Reclamation Service to the committee on public works on reclamation of the President's unemployment conference.

Mr. OVERMAN. I have no doubt that the amendment is in line with estimates, but we are now considering a deficiency bill.

Mr. POINDEXTER. And the amendment, I think, provides for a deficiency appropriation.

Mr. OVERMAN. I think the amendment should have been placed on the bill in which provision was made for the Reclamation Service. I feel compelled to make the point of order against the amendment being placed on a deficiency bill.

Mr. POINDEXTER. Will not the Senator allow it to go to conference and have it considered in connection with the report, which I shall insert in the RECORD?

Mr. OVERMAN. No. If the Senator please, why did he not propose it as an amendment to the bill in which we provided for reclamation projects? This amendment is against the rule, and I can not agree to it, because this is a deficiency bill, and the amendment proposed by the Senator is not a deficiency in any sense of the word.

Mr. POINDEXTER. What point of order does the Senator from North Carolina make against the amendment?

Mr. OVERMAN. I make the point of order that it is not estimated for; that the pending bill is a deficiency bill; and that this amendment has no business at all on a deficiency bill.

Mr. POINDEXTER. But the amendment is estimated for.

Mr. OVERMAN. I understood the Senator to say that a certain portion of it was estimated for.

Mr. POINDEXTER. I stated that it was not estimated for in the entire amount——

Mr. OVERMAN. Yes.

Mr. POINDEXTER. But each one of these projects has been estimated for.

Mr. OVERMAN. I will ask the Senator if any committee has reported on this item?

Mr. POINDEXTER. No committee of the Senate has reported on it.

Mr. OVERMAN. I must make the point of order on the amendment, Mr. President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. POINDEXTER. Mr. President, in connection with the amendment which I have proposed, I ask leave to print in the RECORD the report of the Reclamation Service to the Committee on Public Works on Reclamation, contained in the report of the President's conference on unemployment, on pages 92 and 93.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

APPENDIX L.—LETTER FROM RECLAMATION SERVICE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., October 7, 1921.

Mr. O. T. MALLERY,
Secretary Public Works Committee of the Unemployment Conference,
Department of Commerce, Washington, D. C.

DEAR SIR: In accordance with your request upon the occasion of your recent visit to this office, the following statement of the possibilities of Reclamation Service work in stabilizing employment conditions has been prepared along the lines of your memorandum of inquiry.

This statement is intended to supersede our memorandum on this subject of September 13, which was based upon inadequate information and a misapprehension of the scope of Secretary Hoover's inquiry.

The Reclamation Service consistently pursues the policy of investigating in advance the feasibility of and preparing plans and estimates for proposed irrigation projects throughout the West to the fullest extent of available funds. While our appropriations for such work have been small, they have been supplemented by contributions from the various States, irrigation districts, and other interested organizations, so that at the present time we have more or less complete data on a large number of projects throughout the West. Investigations of a number of these projects have been carried to the point where construction could be immediately initiated. On many others we have sufficient data to justify their authorization for construction, but some additional detail study would be required before the actual "dirt moving" could be started.

The Reclamation Service work is especially adapted for the stabilization of employment conditions. Even on our most northern projects such operations as tunnelling, rock work, and heavy excavation can be carried on successfully throughout the winter, and where some operations are interfered with there is frequently sufficient range of climate on the project to permit the transfer of employees and equipment economically from one class of work to another and keep them employed throughout the year. For example, a force may be employed on storage work in the mountains during the summer and a part transferred to canal construction on the lower-lying project lands during the winter. Again, on partially completed projects operations may often be arranged to furnish employment for many of the settlers and their teams during the months when farm work is slack. On our southern projects winter is frequently the most favorable period of the year for efficient construction work.

In any plan for improving employment conditions extension of the work of the Reclamation Service is particularly deserving of consideration. Not only does it provide a means of stabilizing employment conditions through the direct employment of engineers of all grades, survey men, mechanics, construction foremen, skilled and unskilled laborers, etc., the very classes who suffer most from the seasonal nature of much of their work, but through the demand thus created for construction materials, machinery, and supplies should help materially to improve conditions in other industries.

Furthermore, it is to be remembered that this outlay is of the nature of an investment. The cost of all projects is eventually to be returned to the Federal Treasury by the settlers who are thus furnished opportunities to make homes for themselves while engaging in the production of one of the fundamental forms of national wealth.

Reclamation Service projects now under construction have already demonstrated beyond question the economic value to the entire country of this work. On a number of these projects funds could be efficiently expended during the approaching winter, pushing them toward completion, and furnishing direct employment to probably 16,000 employees and indirectly (furnishing construction materials, machinery, etc.) to half as many more. A list of these projects and proposed expenditures on each follows:

State.	Project.	Amount.
Colorado	Grand Valley	$1,200,000
Idaho	Boise	1,200,000
	Minidoka	2,000,000
Montana	Sun River	900,000
Nebraska-Wyoming	North Platte	2,000,000
Nevada	Newlands	1,000,000
New Mexico-Texas	Rio Grande	1,400,000
Oregon-California	Klamath	1,000,000
Washington	Yakima	3,000,000
Wyoming	Riverton	1,250,000
	Shoshone	750,000
Total		16,200,000

In addition to the work on projects already under construction indicated in the foregoing list, several projects in the Southwest, which have been thoroughly investigated by our engineers, could be taken up immediately.

The following table shows the immediate appropriations and the additional estimated ultimate expenditure required:

State.	Project.	Immediate expenditure.	Additional to complete.
Arizona	Boulder Canyon Dam	$5,000,000	$55,000,000
California	All-American Canal and laterals	15,000,000	20,000,000
Arizona	Parker	4,000,000	10,000,000
	San Carlos	4,000,000	15,000,000
		28,000,000	90,000,000

This work would furnish employment for five months to between 25,000 and 30,000 men on the work itself and indirectly to between 10,000 and 15,000 more.

Settlers on Reclamation Service projects under the terms of the act of August 13, 1914 (38 Stat., 686), are given 20 years within which to make their payments. These payments are graduated so that the returns for the first few years after the completion of the project are relatively small. An arrangement might be suggested similar to that of the act of June 25, 1910 (36 Stat., 835), as amended by the act of June 12, 1917 (40 Stat., 149), whereby a stipulated amount is repaid from the reclamation fund to the general fund of the Treasury each year until the advances are repaid.

There is being forwarded you, under separate cover, copy of a report on the development of unused lands, which contains the results of an investigation made by the Reclamation Service under the direction of Congress in 1919-20. This investigation shows the existence of large areas of swamp and cut-over as well as arid lands in the United States, the reclamation and settlement of which would furnish large opportunities of employment. The construction activities of the Reclamation Service, however, have always been restricted by law to the arid and semiarid States of the West, and Congress has never authorized any of the work outlined in the above report.

SUMMARY.

1. An appropriation of $16,200,000 for expenditure on projects now under construction would provide direct employment for 16,000 or more men during the coming winter and would not commit us to further appropriations.

2. An additional appropriation of $28,000,000 would provide employment for 28,000 more men, permitting work to be begun on four new projects. These four projects would require for completion a future appropriation of $90,000,000 additional.

3. The above total of 44,000 men employed should be increased by probably 50 per cent to cover increased activities in other lines occasioned by the demands of the above work.

4. Opportunity exists to provide employment and settlement opportunities by the reclamation of swamp and cut-over lands throughout the country, but such reclamation is outside the scope of Reclamation Service activities under present law.

Yours, very truly,

OTTAMAR HAMBLE,
Acting Director.

Mr. POINDEXTER. On page 22, I move to strike out the paragraph beginning at line 21 and ending on line 15, page 23.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 22, after line 20, it is proposed to strike out:

BUREAU OF PLANT INDUSTRY.

White-pine blister rust control: For meeting the emergency caused by the appearance of the white-pine blister rust in the white and sugar pine regions, threatening the extensive Federal holdings of these essential woods as well as private and State holdings, thus endangering the entire supply thereof, $150,000, which sum shall be available for investigation and control work on the white-pine blister rust in the white-pine and sugar-pine areas, in such manner as in the judgment of the Secretary of Agriculture may best accomplish the suppression of the disease, and shall remain available until March 31, 1923: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed. And the Secretary of Agriculture is hereby authorized to incur all necessary expenses, including the employment of such persons and means in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals, as he may deem necessary to accomplish such purposes.

Mr. WARREN. The Senator from Washington proposes to strike out the entire paragraph?

Mr. POINDEXTER. Yes.

Mr. WARREN. Mr. President, the Senator probably knows more than I do about that matter, as it affects the Pacific coast section of the country. It is an item which first came before the committee, I think, two years ago, and was pressed with tremendous vigor, it being alleged that the white pine was dying out because of the so-called blister rust. So we made an appropriation to investigate and to arrest the ravages of the disease. The Agricultural Department has come now to the committee with a request for the item; the House allowed $150,000, but confined it to the Pacific coast. New England is suffering from the blister rust, and the committee, without increasing the amount, simply struck out the words "of the Pacific coast," so as to leave the appropriation applicable wherever it may be needed. If the Senator wishes to exclude his section of the country from the expenditure, I still think that he should be willing to allow some portion of it, or all of it, to remain in the bill, in order that it may be applied to the State of Maine and other New England States.

Mr. POINDEXTER. I have no objection to that at all.

Mr. WARREN. Those States, I understand, are suffering very severely on account of the blister rust.

Mr. POINDEXTER. I am not advised about the condition in Maine, but there are no white-pine trees to amount to anything in the western part of the State of Washington, where investigations have been carried on. I am informed that $150,000 is asked for work in the West which, I am told, on the most reliable authority in which I have the utmost confidence, could be done for $5,000. It is only as to the West that I am concerned. An appropriation may be needed in Maine or in other New England States.

Mr. HALE. Mr. President, the Appropriations Committee has amended this provision by striking out the words "of the Pacific coast," so that the appropriation will be available for use throughout the entire country. In my State a great deal of trouble is being experienced on account of the blister rust, and relief is greatly desired. They are taking care of the situation there for the next year, but they need relief. So I hope very much the Senator from Washington will not insist on having the item stricken out.

Mr. POINDEXTER. I withdraw the motion which I have made, and now move to strike out "$150,000," in line 2, on page 23, and to insert "$50,000."

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 23, line 2, it is proposed to strike out "$150,000" and in lieu thereof to insert "$50,000."

Mr. WARREN. Mr. President, does the Senator's last amendment contemplate that no part of the appropriation shall go to the western part of the country?

Mr. POINDEXTER. Yes; that is my intention, for none of it is needed there. It is simply a piece of extravagance which discredits the Agriculture Department and discredits the Congress to be making large appropriations which are not needed.

Mr. WARREN. I am entirely willing to join the Senator in any economy which may safely be practiced, and if the representatives of other sections of the country, notably New England, whom I see present, desire the appropriation cut down, I have no objection.

Mr. LODGE. I know, Mr. President, the appropriation is very much needed in northern New England, and I hope the item will not be stricken out entirely.

Mr. POINDEXTER. I call the attention of the Senator to the circumstance in connection with the amendment which I have just proposed, that this item was put in the bill in the House of Representatives solely for use in the West. I have called the attention of the Senate to the fact that this is a piece of extravagance. It is an appropriation for something which does not exist. There is no white-pine blister rust in the State of Washington. I have a mass of evidence here on that subject from experts, which I am perfectly willing to present to the proper authorities. I have moved to reduce the amount from $150,000 to $50,000 for those reasons. If the chairman of the committee wants to insist on appropriating money where it is not needed I will not insist upon further argument in the matter.

Mr. WARREN. Let us trade in the matter. Suppose we reduce it to $100,000. I feel it would be too much to reduce it to $50,000, because the reports I have received from various sections of the country seem to indicate that that much at least will be required.

Mr. SMITH. Mr. President, may I ask the chairman of the committee what information he has as to why the House restricted the appropriation to the West? My impression, from information submitted to the Agricultural Committee, is that the ravages of this blister have been greater in the New England States and on the Atlantic coast than elsewhere. I should like to inquire if there is not need for the appropriation of $150,000? Is the condition not one which should be taken care of in various portions of the country, rather than that the appropriation should be restricted to the West?

Mr. WARREN. The committee struck out the words making the appropriation applicable only to the West. I am uninformed as to how or why that provision was put in the bill, but that is the way it came to us. We have stricken it out, and made the appropriation applicable to the whole country. I am entirely willing, of course, to reduce appropriations provided the purpose of the appropriation may properly be carried out. It is simply a matter of the extent to which this disease is ravaging the white pine in various portions of the country. I would rather appropriate $500,000 than to have the forests destroyed.

Mr. SMITH. But it perplexes one who is not familiar with the situation when the appropriation is restricted to the West and a Senator from a State that would be one of the beneficiaries of the appropriation gets up here and says that they do not need this money in that section. Senators from other sections say they need it in their sections. I was wondering why it was restricted to the West, when doubtless there is need for it in other regions than the West. If they do not need it in the West—and those who drew this amendment seem to think that there is where this disease is—have we any evidence at all that this extra appropriation is needed in the East?

Mr. WARREN. There is no doubt about that. The disease came over from across the water some years ago, and no attention was paid to it in its infancy, but it has gotten a very large hold in New England.

Mr. JONES of Washington. Mr. President, if the Senator will permit me, I will read what was said on that subject in the hearings taken before the House committee.

Mr. WARREN. I was just about to refer to that; but I shall be glad if the Senator will read it.

Mr. JONES of Washington. Dr. Taylor, representing the Agricultural Department, says:

This item, which is a deficiency item of $150,000, is made necessary by the discovery of the white-pine blister rust in the Pacific Northwest during the past autumn.

Apparently it was discovered out there just this last fall. I do not find that he mentions any State at all—as to where it is. He simply says "the Pacific Northwest."

He goes on then to describe the nature of the disease and the remedy. Apparently that is all that he says here.

Mr. ANDERSON. And what you have just said refers entirely to the infestations in the Eastern States.

Dr. TAYLOR. Yes, sir; from Minnesota eastward and chiefly east of Lake Michigan.

Mr. ANDERSON. Where it is a problem of controlling the spread of the disease?

Dr. TAYLOR. Where it is a question of a progressive, systematic clearing out of the currants and gooseberries and controlling the disease, for the disease is present in practically all of that area.

Apparently it started in the East, and it has gone out there. He says further:

In September last the disease for the first time was discovered west of Minnesota and the corresponding portions of Canada. It was discovered in British Columbia near Puget Sound, in the vicinity, I believe, of the city of Vancouver. That immediately caused careful scouting in the Puget Sound territory of the State of Washington, and prior to the setting in of winter infection had been found in four localities in the State of Washington, all near Puget Sound, so that we have at once upon us the problem of protecting the 6,000,000 acres, approximately, of merchantable susceptible pine in the Cascade and Rocky Mountain areas, of which approximately one-third is in the national forests and is therefore Government property.

Mr. ANDERSON. Is there now any infection in the national forests?

Dr. TAYLOR. There is no infection in the national forests now. This map will show the locations of the known infections in British Columbia and in the State of Washington, which are close to the sound.

Apparently he had a map. I know nothing about it myself, Mr. President.

Mr. POINDEXTER. Mr. President, I just want to read in that connection a quotation from a report of the inspectors of the department of agriculture of the State of Washington:

In reference to the white-pine blister rust, I investigated it at Mount Vernon and sent some of the leaves to Frank at Puyallup for identification of the disease. We had to dig them out of the ground in order to get samples. At the nursery we looked over their stock and could not find anything that would resemble the disease, but the nurseryman tells me that these men came up there—

Meaning the Federal inspectors—

and took two trees away for identification, but said they could not find any traces on the trees that were left, but felt certain it was there. On the currants in the nursery they were not certain. Then these men came back and told Chenoiwith that they had decided it was the white-pine blister rust, and said that they wanted to take it to Portland to show it down there, but if I remember correctly I did not see nor hear any mention made of it.

I am informed from the same authority that they have investigated scientifically each one of these places reported by the agents sent out by the Department of Agriculture, and have been unable to find any trace whatever of white-pine blister rust there. It is only in the interest of economy that I call the attention of the Senate to this fact. Nobody can find any white-pine blister rust in our country. They said there was some on some small bushes in a park in Vancouver. If the Senate insists on appropriating this large amount of money, $150,000, for a part of the country where there is not any white-pine blister rust, I have performed my duty in calling attention to it.

Mr. FLETCHER. Mr. President, may I make a suggestion to the Senator? Possibly the reason why the House limits the appropriation to the West, or the Pacific coast, is that there is already an adequate appropriation for taking care of this disease in the East. This is a deficiency bill. Perhaps it carries an appropriation to take care of the disease in the West only because there is no appropriation for that, but there may be an appropriation for the East. I do not know as to that.

Mr. JONES of Washington. I think possibly that is true.

Mr. HALE. No; there is no appropriation for the East. They have had a shortage already, and our people are asking now for help. There are no appropriations that will take care of it.

Mr. WARREN. This is work that has to be done in the early part of the year; and in looking over the evidence I find, while I think the Senator from Washington undoubtedly is stating the case as it appears there, that this is one of the appropriations in which they have to have the cooperation of the States, and the money can not be expended for anything else; so I hope that the whole amount may stand as it is, at $150,000.

Mr. JONES of Washington. Mr. President, I want to read to my colleague another statement from Dr. Taylor. I assume, of course, that Dr. Taylor is an expert in this matter. I know nothing about it, but I do not think we ought to take any risk in the matter if there is any danger.

The first statement I read shows that they discovered this disease out in our State last fall. He says, further:

The disease is difficult to determine on the pines except through repeated inspections, for this reason: That a pine tree when first infected does not show the infection the first year; there may be merely a single needle or two through which the disease gains entrance. The next year it creeps back into the twig, and if that twig is high, of

course, it does not show, and then, too, it may remain invisible to ordinary external inspection for three or four years after it is in the inner bark of the twig—

And so forth. Assuming that he knows what he is talking about as to the character of this disease, it seems to me that we ought not to take any chance in the matter. While we might save $150,000, yet, if he is correct, we might lose several million dollars' worth of property in our State, as well as in other sections of the Northwest. I rather think we would take a great deal of chance if we were to strike this out.

Mr. POINDEXTER. Mr. President, I want to call attention to a statement from the director of agriculture of the State of Washington. It is dated just a few weeks ago—February 14, 1922. He says:

Referring to the *campaign* for the purpose of raising $150,000 to make certain investigations in reference to pine blister rust—

Mind you, this is not to extinguish white pine blister rust known to exist, but it is to make certain investigations and find out whether or not it is there. Our people have already made the investigation, and say that it is not there.

Referring to the campaign for the purpose of raising $150,000 to make certain investigations in reference to pine blister rust, I find in Senate bill 2924, presented by Senator KEYES of New Hampshire, request for $150,000 for the West and $125,000 for the East. The Secretary of Agriculture has been induced to recommend the $150,000 for the West. I am not in any position to know the needs of the East. I will regret very much if the Secretary of Agriculture is imposed upon in this manner, as it will eventually reflect on the department when all the facts in the case are brought out. If this matter can not be killed entirely, try to see that not to exceed $50,000 is spent.

I think you should have a confidential talk with the Secretary of Agriculture. I am positive of my grounds, as presented to you in a previous communication. The State of Washington will be calling on the Agriculture Department at Washington continually for assistance, and we can not afford to be placed in a false position.

I submit the matter upon that statement.

Mr. LODGE. Mr. President, if I may add a word to what I have already said, I am informed that in the State of Massachusetts we have white pine blister rust, and the State is now paying money to fight the disease; and I certainly hope that this appropriation will not be cut down.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was rejected.

Mr. WARREN. Mr. President, I have here a matter that no doubt is legislation. We have not offered it in the bill. It is a matter that came up very lately. The auditing and accounting department formerly with the Bureau of War Risk Insurance has all been turned over to the Comptroller General and his assistants for action. Under the law as it exists the settlements must be made and come into the General Accounting Office in a certain number of days, which they claim is much too short a time, and they want to have extended the time in which they have to audit these matters. I have here a letter from the Acting Director of the Veterans' Bureau. I am sending the amendment to the desk in order to ask unanimous consent for its consideration; but I ask first that this letter may be read before the amendment is offered.

The VICE PRESIDENT. In the absence of objection, the letter will be read.

The Assistant Secretary read as follows:

UNITED STATES VETERANS' BUREAU,
Washington, March 10, 1922.

Hon. FRANCIS E. WARREN,
Chairman Appropriations Committee,
United States Senate, Washington, D. C.

DEAR SENATOR WARREN: In accordance with the provisions of the act creating the United States Veterans' Bureau, the general work was physically decentralized into 14 territorial districts, which made necessary the appointment of special disbursing agents in each district. The present statutes provide that disbursing agents' accounts must be administratively examined and transmitted to the General Accounting Office within 20 days.

In view of the tremendous amount of detail involved in the examination of such large accounts as these special disbursing agents' accounts have proven to be, it is requested that a rider be attached to the second deficiency bill extending the time for such examination from 20 to 60 days, and the following wording is suggested:

"That the time for examination of monthly accounts covering expenditures from appropriations for the United States Veterans' Bureau by the special disbursing agents of the bureau, after the date of actual receipt and before transmitting the same to the General Accounting Office, as limited by section 12, act of July 31, 1894 (28 Stat., 205–211), be extended from 20 to 60 days."

* * * * * * *

Yours, very truly, GEORGE E. IJAMS, *Acting Director.*

Mr. WARREN. I offer the amendment to which I have referred.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the proper place in the bill, the following:

That the time for examination of monthly accounts covering expenditures from appropriations for the United States Veterans' Bureau by the special disbursing agent of the bureau after the date of actual receipt and before transmitting the same to the General Accounting Office as limited by section 12, act of July 31, 1894 (28 Stat., 205–211), be extended from 20 to 60 days.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. UNDERWOOD. Mr. President, before the bill is disposed of, I desire to offer an amendment.

On page 50, after line 4, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 50, after line 4, it is proposed to insert:

The Secretary of the Treasury is authorized and directed to rent, under such terms and conditions and for such periods as he may prescribe, to the adjutant general of the State of Alabama the buildings and premises of the United States situated at the northeast corner of Second Avenue and Eighteenth Street North, in Birmingham, Ala., known as the old Government building, or such parts thereof as may be properly utilized by the Alabama National Guard and other military and patriotic organizations.

Mr. UNDERWOOD. Mr. President, I want to say that a bill of similar effect has been favorably reported and is on the calendar. The old post-office building in Birmingham is not being used now. The Government has moved into a new post office. This is not an advantageous time to sell the old building. The National Guard is made up of many of the boys who served overseas and came back to Alabama, and many of them went back into the National Guard regiments located there. They are anxious to use the building temporarily as an armory, and it can not hurt anything. There is no way to dispose of it.

I have a letter from the Assistant Secretary of the Treasury stating that they have no other use for this building now, or that they do not desire to use it for any other purpose. Until some future time when it may be desired by the Government to dispose of the building in some other way, I desire that these boys may have the opportunity to rent it—of course they will not be able to pay much rent; I do not pretend that they will—at a nominal rental, and use it for an armory and a place for gatherings during that time. It can not hurt anything. Of course I am satisfied that if this amendment becomes a law the Secretary of the Treasury will require them to give proper assurances that the property will be properly taken care of, and therefore I ask that the Senate agree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

Mr. WARREN. Mr. President, let me ask the Senator, if he will look at his copy of the bill, whether the amendment had not better go in after line 24 on page 46, under the heading "Public buildings, operating expenses," and so forth, at the foot of the page?

Mr. UNDERWOOD. Probably it had. I put it under the War Department because I thought it was a National Guard item; but probably it would be better to have it go where the Senator suggests, and I ask that that be done.

The ASSISTANT SECRETARY. It is proposed to insert the amendment just agreed to on page 46, after line 24, as a separate paragraph.

The VICE PRESIDENT. In the absence of objection, it will be so ordered. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REGULATION OF BANKING IN THE DISTRICT OF COLUMBIA.

Mr. BALL. I ask unanimous consent for the immediate consideration of Senate bill 3170, regulating corporations doing a banking business in the District of Columbia.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. NORRIS. Reserving the right to object, I should like to hear the bill read.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That no corporation that is not now engaged in the business of banking in the District of Columbia shall, after the passage of this act, be permitted to enter upon said business in the said District until after it shall have secured the approval and consent of the Comptroller of the Currency; and each one of the officers of such corporation so offending shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

Mr. BALL. Mr. President, I can explain in a very few minutes the object of the bill. Not all of the banks incorporated under the laws of other States and doing business in the Dis-

trict of Columbia are under the control of the Comptroller of the Currency. The national banks, of course, are under the control of the Comptroller of the Currency; the trust companies are under the control of the commissioners; but the banks incorporated in other States really are under nobody's control. Just now there are, I think, 30 being organized here.

Mr. NORRIS. Mr. President, does the Senator state that the laws of the District are such that a corporation can be formed under the corporation laws of some State and come into the District and do a banking business here?

Mr. BALL. That is the law here.

Mr. NORRIS. The Senator seeks by this bill to change that?

Mr. BALL. Yes; and I am going to offer an amendment to the bill. We do not know how to bring the banks that are doing business now under this bill, but we want to prevent them from establishing other banks here, branch banks of those already doing business; and I shall offer an amendment for that purpose.

Mr. NORRIS. The Senator says, then, that there are those banking institutions now doing business in the District?

Mr. BALL. I can not say how many are doing business here now, but the commissioners wrote me a letter very strongly urging the passage of this bill.

Mr. OVERMAN. Would the bill put the State banks under the jurisdiction of the Comptroller of the Currency?

Mr. BALL. They are not under his control.

Mr. OVERMAN. What is the purpose of the bill?

Mr. BALL. It requires a 30-day notice before the Comptroller of the Currency will have any control over them whatever.

Mr. OVERMAN. He does not have any control over our State banks.

Mr. BALL. I ask that the Secretary may read the letter from the commissioners. The bill places all the banks under the Comptroller of the Currency except those which are doing business now. It does not place those under him.

Mr. NORRIS. Why not place them under him?

Mr. BALL. The commissioners did not think it possible to do that.

Mr. OVERMAN. It applies only to banks which are operating in the District?

Mr. BALL. Those which are to be organized.

Mr. OVERMAN. The jurisdiction of the comptroller does not reach out and take charge of a bank in a State which has a branch here?

Mr. BALL. I do no know about the branches, but banks organize here under the laws of the States, under their power of incorporation, and they do business here.

Mr. NORRIS. Are State banks examined by the examiners of the States from which they get their charter?

Mr. BALL. They are not.

Mr. NORRIS. As I understand it, then, a set of men can get together in the adjoining State of Maryland, let us say, and organize a bank to do business in the District of Columbia, and they will not be under the supervision or control of anybody.

Mr. BALL. That is right.

Mr. NORRIS. Certainly Congress will have authority to provide for the control of banking institutions in the District, even though they are already organized and doing business here.

Mr. BALL. Unless this bill is passed within the next few weeks there will be 30 of them doing business in the District of Columbia.

Mr. NORRIS. The Senator says there are some already doing business in the District of Columbia which will not be affected by the bill, and they will continue to do business in the District of Columbia without any examination, and without being responsible to anybody. That condition ought to be remedied. I did not know that such a condition exists here.

Mr. FLETCHER. All the banks doing business in the District of Columbia are under the control or supervision of the Comptroller of the Currency, are they not?

Mr. BALL. All national banks are, but all trust companies are under the control of the commissioners.

Mr. FLETCHER. And all savings banks are under the comptroller, too.

Mr. BALL. The banks which are organized under the laws of the States are really under the control of nobody.

Mr. FLETCHER. If they come here, they would be under the same control other banks are under, namely, the Comptroller of the Currency.

Mr. BALL. There is no control under which they are placed.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. REED. I do not object to immediate consideration, unless the Senator from Delaware intends to press the bill to passage this afternoon. I am unwilling that a bill which proposes to affect the banking situation in any serious way shall be taken up and passed without consideration and discussion.

Mr. BALL. The only effect this bill would have would be to prevent the further organization of any banks under the laws of the States to come here and do business without getting the consent of the Comptroller of the Currency to do business here. It would place them under the laws which govern in every State and govern all banks doing business here, except those organized under the laws of States and coming here to do business.

Mr. REED. How many of that kind are there here?

Mr. BALL. Not more than three or four. I do not know the exact number.

Mr. REED. How long have they been here?

Mr. BALL. I can not say.

Mr. REED. Has any harm come from it?

Mr. BALL. The commissioners say there is harm coming from it now.

Mr. REED. What commissioners?

Mr. BALL. The Commissioners of the District of Columbia.

Mr. REED. What do they know about the banking business?

Mr. BALL. They have control of the trust companies here. Under the laws of Congress they are authorized to control the trust companies.

Mr. JONES of Washington. I think the Senator from Missouri did not hear the statement made by the Senator from Delaware, who said a little while ago that there are about 30 of these banks being organized now to do business in the District. I do not know anything about it, but that is the statement he made.

Mr. BALL. I will ask the Secretary to read the letter from the commissioners, which clearly states the conditions.

Mr. CARAWAY. Before that is done may I ask the Senator a question? Under the proposed bill the Commissioners of the District of Columbia would be given the power to refuse to permit banks to be organized here?

Mr. BALL. No; the Comptroller of the Currency is in entire control. The commissioners will have no control except what they have now, namely, over trust companies. The statute provides that the commissioners shall control the organization of trust companies.

Mr. CARAWAY. Is this an effort upon the part of the present banks to shut out other banks? Is that the real purpose of the bill?

Mr. BALL. The bill does not shut out any bank, provided the Comptroller of the Currency is satisfied that it is organized to do a legitimate business.

Mr. CARAWAY. And that there is a need for it. The comptroller would have a right to decline to permit a bank to be organized, because he might say there was already a sufficient number here to meet the local demands.

Mr. BALL. It would give him the same authority that there is in the States, so far as the organization of banks is concerned. There is not a State in the Union where the banking system is not controlled by the State. In the District of Columbia there is no law which puts the control over the banks which get their charter from the States in the hands of anybody.

Mr. REED. I do not want the District of Columbia infested with a lot of wild-cat banking institutions any more than the Senator does, but I want a bill of this kind to have reasonable consideration. I am not going to object to taking it up at this time, in view of the Senator's statement, although I can not remain here myself.

Mr. BALL. Will not the Senator permit the Secretary to read the statement of the commissioner, which is brief but very clear?

Mr. REED. I said I would not object to taking up the bill.

Mr. BALL. I understand, but I think the Senator wants to act knowingly.

The VICE PRESIDENT. The Secretary will read the letter referred to.

The Assistant Secretary read as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, February 28, 1922.

Hon. L. HEISLER BALL,
Chairman Committee on the District of Columbia,
United States Senate.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 3170, Sixty-seventh Congress, second session, entitled "A bill regulating corporations doing a banking business in the District of Columbia," which you referred to them for report as to the merits of the bill and the propriety of its passage.

The commissioners believe that there is an imperative need for this proposed legislation. There are at the present time five banks being organized in the District of Columbia under State laws.

When Congress enacted the national bank law it deemed it wise to empower the Comptroller of the Currency, who is charged with the administration of the act, to inquire into the character and the ability of those who seek to use other people's money for the purpose of doing a national banking business, to ascertain whether business conditions in the community where the proposed bank is to be located render it reasonably certain that the corporation can secure a sufficient amount of business to prevent the capital paid in from being impaired, to the loss of innocent stockholders, by expenses that exceed the profits, and to grant or refuse a charter in his discretion.

When the Congress, legislating for the District of Columbia, passed a law authorizing the formation of trust companies to engage in business in the District, it clothed the Commissioners of the District of Columbia with the same discretionary powers with respect to proposed trust companies in the District as it granted to the Comptroller of the Currency in respect to proposed national banks.

In all of the States that grant charters to corporations to do a banking business, powers similar to those exercised by the Comptroller of the Currency and the commissioners are conferred upon the State banking departments.

There is no banking law in the District of Columbia similar to the banking laws of the States, hence there is no official here who has the power to inquire into the organization of a proposed commercial State bank that seeks to do business in the District of Columbia and determine whether or not it shall be permitted to enter upon that business.

The absence of adequate legislation has resulted in 30 State-chartered institutions (in business and in the process of formation) coming into the District of Columbia. In addition to those State banks there are 15 national banks and 6 trust companies.

While the door through which additional national banks and trust companies may enter is guarded by responsible public officials who have the power to protect the investing and the banking public in its relations with such institutions, the door through which State-chartered banks may enter is open and unguarded, and there is no protection to the investing and banking public in its relations with such banks.

The purpose of the proposed law is not to narrow or restrict competition nor to prevent reliable and responsible persons possessing the requisite knowledge and skill from entering the field of banking in the District of Columbia in competition with existing institutions but to place the entire banking situation in the city of Washington more completely under the authority and control of a responsible public official who is clothed by law with the power to guard the interests of the investing and the banking public.

The commissioners recommend the speedy enactment of the bill and suggest that its provisions be embodied in the District of Columbia appropriation bill now pending before the Senate.

Very respectfully,

THE BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
By CUNO. H. RUDOLPH, *President.*

There being no objection, the bill was considered as in Committee of the Whole.

Mr. BALL. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On line 6, after the word "District," the Senator from Delaware proposes to insert a comma and the words "or to establish branch banks in said district."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CONFERENCE TREATIES.

Mr. RANSDELL. I ask unanimous consent to have inserted in the RECORD a telegram from Mr. Robert R. Stone, president of the Lake Charles Kiwanis Club, Lake Charles, La., urging me to support the treaties negotiated by the disarmament conference.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

LAKE CHARLES, LA., *March 9, 1922.*

United States Senator JOSEPH E. RANSDELL,
Washington, D. C.:

Our organization feels that the rejection on the part of the United States Senate of the treaties negotiated by disarmament conference would clog the wheels of progress toward a universal declaration that war is a crime and punishable as such. We respectfully ask your vote in favor of these treaties.

ROBERT R. STONE,
President Lake Charles Kiwanis Club.

THE MERCHANT MARINE.

Mr. RANSDELL. Mr. President, I also ask to have inserted in the RECORD, in 8-point type, a letter signed by former Senator George E. Chamberlain; Mr. Frederick I. Thompson, of Mobile, Ala.; and Admiral W. S. Benson in regard to the pending shipping bill.

I merely wish to call attention to this letter and express the hope that it will be read by all Senators and to state that these three gentlemen are Democrats, one of them being a lawyer on the Pacific coast, another a newspaper man from the coast of the Gulf of Mexico, and the third a very eminent ex-naval officer whose home is on the Atlantic coast. I ask that the letter be printed in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

MARCH 4, 1922.

Hon. JOSEPH E. RANSDELL,
United States Senate.

DEAR SIR: The message of the President and the bill introduced simultaneously by the chairman of the Senate Committee on Commerce and the chairman of the Marine and Fisheries Committee of the House, having reference to further measures considered essential to establish in full force and effect an American merchant marine, were based very largely upon an intimate study made by the United States Shipping Board after extended hearings, at which men of all shades of opinion on the subject and intimately familiar with shipping were present.

In considering the question, the attitude of political parties, past and present, was not given consideration by the board, and the Democratic members of the board were governed solely by the real questions involved—

1. The necessity for maintaining a merchant marine, developed from the immense fleet called into existence by the emergencies of war.

2. The necessary action to be taken to assure to the United States its former position and prestige on the high seas.

Aside from the economic necessity for the establishment of an adequate merchant marine under the American flag, deep consideration was given to that aspect embodied in the merchant marine act, 1920, providing for the merchant fleet to be a naval auxiliary in time of war. It is our opinion there can be no divergence of opinion as to the necessity for the full establishment of an American merchant marine; the only question upon which there could be divergence of opinion is whether aid, either direct or indirect, or both, should be granted to accomplish that purpose. It is our opinion that the establishment of an American merchant marine will be impossible without such aid as will equalize present differentials that exist in favor of foreign shipping, and our recommendation to the President contemplated direct aid only in the event the indirect aids first suggested were inadequate to properly develop and maintain an American merchant marine, the direct aid itself being nonexistent if the indirect aid sufficed, and further limited as to profit to the ship only up to an adequate return to the operator on his investment. This assures no profiteering and brings into being direct aid only when it becomes a final essential to maintain American-flag ships on the high seas.

We understand that there will be a joint hearing of the appropriate Senate and House committees on the bill in question, and we trust you will not deem it impertinent in us, the Democratic members of the United States Shipping Board, to suggest to you and the other Democratic members of the committees of the Senate and House to withhold a final judgment with respect to this legislation until after the hearings have been completed and full opportunity given to the members of the board to state the reasons guiding their action in unanimously recommending direct and indirect aid to American shipping, and so that the full details of the proposal submitted, which has taken many weeks of survey and consideration, shall have been placed, in all detail, clearly before you.

Respectfully and sincerely, yours,

GEO. E. CHAMBERLAIN.
FREDERICK I. THOMPSON.
W. S. BENSON.

RECESS.

Mr. LODGE. I move that the Senate in open executive session take a recess until 11 o'clock on Monday next.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate in open executive session took a recess until Monday, March 13, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 11, 1922.*

The House met at 12 o'clock noon and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To the God of our fathers we lift our hearts in prayer. We yield to Thee the right of sovereignty and accept Thy law. Let it touch all the motives and emotions of the heart, and thus we shall know what things to value. Enlarge our charity and keep us free of all prejudice. Be Thou with our President and advance the interests of our whole country. O lead the races of men until all ignorance and superstition are overthrown and all peoples conspire for the growth of Christian liberty and for those ideals that make nations strong, free, and intelligent. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

REQUEST TO EXTEND REMARKS.

Mr. GARNER. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Texas rise?

Mr. GARNER. I ask unanimous consent to insert in the RECORD a report of the President's position on the bonus appearing in the Washington Post this morning.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to insert in the RECORD a report of the President's position on the bonus appearing in the Washington Post this morning. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I understood the gentleman to say he wanted to insert a report of the President's position on the bonus.

Mr. GARNER. What appears to be the President's position from a statement in the Washington Post this morning.

Mr. MONDELL. The gentleman is usually accurate. If he would say a report as to the President's position——

Mr. GARNER. I amend my language in that particular, Mr. Speaker.

The SPEAKER pro tempore. The gentleman modifies his request in the manner indicated—to insert a report as to the President's position. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 10730).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, with Mr. HICKS in the chair.

The CHAIRMAN. When the committee rose yesterday nothing was pending. The Clerk will read.

The Clerk read as follows:

For investigations, experiments, and demonstrations for the welfare, improvement, and increase of the reindeer industry in Alaska, including the erection of necessary buildings and other structures and cooperation with the Bureau of Education, and for the enforcement of section 1956 of the Revised Statutes as amended so far as it relates to the protection of land fur-bearing animals in Alaska, including necessary investigations in connection therewith, $46,500.

Mr. SUTHERLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUTHERLAND: Page 48, line 18, strike out "$46,500" and insert in lieu thereof "$61,500."

Mr. SUTHERLAND. Mr. Chairman, the amendment seeks to substitute the original Budget estimate for the amount fixed by the Appropriations Committee.

Mr. HAUGEN. Mr. Chairman, I desire to reserve a point of order.

Mr. MANN. The amendment is not subject to a point of order.

Mr. HAUGEN. A point of order on the paragraph of the bill.

The CHAIRMAN. The Chair will say that, in his opinion, the reservation comes too late. The gentleman from Alaska had begun to discuss his amendment. The Chair will have to hold that the reservation was made too late.

Mr. HAUGEN. I simply desired to reserve a point of order for the purpose of asking a question as to the erection of these buildings which are referred to in the paragraph.

Mr. SUTHERLAND. Mr. Chairman, this $15,000 was asked for by the Biological Survey for the payment of salaries of game wardens in the Territory of Alaska. At present they have three regular salaried game wardens to cover a territory of 600,000 square miles, almost every square mile of which contains fur-bearing animals, and in which territory trappers operate. They do pay small amounts to individuals throughout the Territory to act in the capacity of game wardens, but the results of that system of appointing game wardens in that way are not at all satisfactory, and they hope to get this appropriation whereby they may appoint five permanent game wardens, and also pay their traveling expenses.

The Territory of Alaska produces several million dollars worth of furs each year. The fur animals over which the wardens would have supervision produce about a million dollars a year, the Seal Islands adding sometimes $1,000,000 and sometimes $2,000,000 or $3,000,000 a year.

I maintain that these wardens are necessary in this great territory where the animals should be preserved. At least, the methods of catching them should be restricted whereby men should be prevented from poisoning foxes in violation of law; and I maintain that a certain number of game wardens are necessary there. You have appropriated large sums for the protection of trees and plants, for the eradication of weevils, of moths, of corn borers, and of these various insects, but Alaska does not participate in those appropriations. You appropriate approximately half a million dollars for the destruction of predatory animals. Alaska has never participated in that appropriation, and yet we have many more predatory animals than you have in the States. In fact, I believe we have more wolves right in the Territory of Alaska than there are in all the rest of the United States—wolves that destroy thousands of deer annually. Yet we do not participate in that appropriation. I think it is fair and just, inasmuch as the Budget fixed that estimate, that Alaska should have this appropriation for the promotion of a system of protection of the fur-bearing animals in the Territory.

Mr. MANN. Will the gentleman yield for a question?

Mr. SUTHERLAND. I am glad to yield to the gentleman from Illinois.

Mr. MANN. How much of this appropriation is used in collaboration or cooperation with the Bureau of Education concerning the reindeer in Alaska?

Mr. SUTHERLAND. I do not know just to what extent they cooperate with the Bureau of Education. The work of the Biological Survey is to investigate the conditions under which the reindeer are propagated, and they investigate for parasites and anything that detracts from the development of that industry. The Bureau of Education, on the other hand, has charge of the natives, and the natives have the reindeer, so that incidentally the reindeer come under the charge of the Bureau of Education.

Mr. MANN. I just wondered whether any of it was used any more for this purpose.

Mr. ANDERSON. The sum of $31,000 of this appropriation is used for the promotion of the reindeer in Alaska, including investigations of range conditions, methods of breeding, and diseases which attack the animals, which greatly reduce the ability of the reindeer to withstand the climate.

Mr. MANN. Certainly the number is not being reduced. It may be that the disease affects them.

Mr. ANDERSON. The disease affects their ability to stand the climate and the amount of meat which each animal produces.

Mr. SNELL. Will the gentleman yield?

Mr. SUTHERLAND. I will.

Mr. SNELL. I understood the gentleman to speak about the seal fisheries—this appropriation has nothing to do with that.

Mr. SUTHERLAND. No. This amount of $15,000 is an independent appropriation, and they ask it for the protection of fur-bearing animals.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. MANN. I ask unanimous consent that the gentleman from Alaska may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman yield?

Mr. SUTHERLAND. Certainly.

Mr. MANN. The $31,000 is used in connection with the reindeer; that leaves about $15,000 for the protection of land fur-bearing animals, and the gentleman wants to increase that by $15,000 more.

Mr. SUTHERLAND. Yes; I do not think they use that much at present. Perhaps they do. There are only three permanent wardens, and then they allow a small amount for some officials to permit them to enforce the game laws. I do not think it has any effect or is a wise way of spending money.

Mr. MANN. What does the gentleman mean by not a wise way of expending money?

Mr. SUTHERLAND. I think the game wardens should be permanent; I think that should be their whole business.

Mr. MANN. They live by catching fur-bearing animals, do they not, in part?

Mr. SUTHERLAND. Their income is from catching the animals; yes.

Mr. MANN. What is the design of this appropriation? What is it to do?

Mr. SUTHERLAND. It is for the protection of game, to prevent the killing of game out of season, and to prevent the poisoning of fur-bearing animals. In a territory of that size,

where there are no officials to enforce the law, naturally men violate it.

Mr. MANN. Men violate the law where there are officers to enforce it. I suppose it is as hard to prevent a man from killing a fur-bearing animal in Alaska as it is to prevent a man getting a drink of whisky in the United States. I do not see how you could do much with $30,000, but perhaps it would help.

Mr. ANDERSON. Mr. Chairman, there is now being expended for the protection of fur-bearing animals in Alaska approximately $15,000. This amendment proposes to increase it by another $15,000. There are about 1,800 miles of coast line along the southern part of Alaska which I understand it is proposed to protect by this increased appropriation.

Mr. SUTHERLAND. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SUTHERLAND. I do not understand from Dr. Nelson that is his purpose; he wants to appoint a game warden at central points, in the interior and on the coast.

Mr. ANDERSON. I was getting to that. It is proposed to do that by establishing game wardens at supposedly strategic points in Alaska at the expense of the Federal Government. The present plan is to appoint people already there to enforce the game laws incident to their vocation and pay them a small amount for that purpose. While I think there is something in this proposition, I do not think this is a proper time to increase this appropriation.

Mr. HAUGEN. What buildings are contemplated by this paragraph?

Mr. ANDERSON. None that I know of. This item has been carried in the bill in that way for a long time, but no buildings are contemplated.

Mr. HAUGEN.—There is no fund desired for buildings?

Mr. ANDERSON. No; no estimate for buildings.

Mr. HAYDEN. Mr. Chairman, the State of Arizona is so far removed from Alaska that I hope no one will suspect that I have a particular interest in this appropriation. But Arizona, during a large part of my lifetime was a Territory, badly neglected by Congress because of the fact that it was represented here by a Delegate without a vote, and had no representation in the United States Senate. My sympathy therefore goes out to the Territory of Alaska, and I shall be glad to vote for the pending amendment.

There are in Alaska some 150,000 reindeer, and a part of this appropriation may be used by the Biological Survey for studying the diseases and parasites that are seriously affecting the reindeer herds. It is estimated that three or four million reindeer can be profitably grazed in that vast Territory.

This money will also be used to protect the fur-bearing animals of Alaska from which there is obtained each year over a million dollars' worth of furs. According to the hearings there are men in Alaska who go about spreading poison to kill animals and thus obtain the furs. This means a great and cruel waste, because many of the animals hide and when their bodies are found they are so decomposed that the fur is valueless. It seems to me that such a modest increase as is proposed might well be allowed, particularly so since it has the approval of the Budget Bureau.

The gentleman from Alaska seeks nothing more than the amount that was recommended by that bureau after a thorough investigation. If the Biological Survey can convince hard-headed business men such as Gen. Dawes and those appointed by him, then I believe that the increase should be allowed.

Mr. MANN. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. MANN. The gentleman has referred to the hard-headed business men; might this not be justified on the ground that it is for the benefit of the wives and daughters and ladies who wear furs?

Mr. HAYDEN. Undoubtedly the high price of furs is embarrassing not only to many ladies but also to some of their husbands who purchase them. Certainly if more furs are obtained, they should be cheaper, and in that way this work will undoubtedly be of general benefit. Alaska has been greatly neglected and as long as such neglect continues, by indifference here in Congress, we can expect to hear of the indiscriminate poisoning of fur-bearing animals and the destruction of other valuable resources simply because a sufficient force is not provided to enforce the game laws.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska.

The amendment was agreed to.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of work, including cooperation with other Federal bureaus, departments, boards, and commissions, on request from them, $10,760.

Mr. FESS. Mr. Chairman, I move to strike out the last word, to make a statement in respect to a matter which was under discussion last evening. I refer to the action of the House in respect to the recommendations of the Director of the Budget and the reductions made in those estimates by the House. I made the statement that the committee is really the economy body. After the colloquy which occurred last evening I received information from the Committee on Appropriations, and I find that in the eight bills that have already passed the House the reduction made by the committee has been $65,000,000 below the recommendations of the Director of the Budget, a sharp contrast between the actual facts and what is generally thought to be the case in the mind of the public. I was also told that the report that is likely to come from the subcommittee on Military Affairs will be something like $87,000,000 below the recommendation of the Director of the Budget, and I have been informed by the chairman of the subcommittee on the Navy that the reduction on the naval bill will likely be something like $160,000,000 or $170,000,000 below the recommendation of the Director of the Budget. In view of the fact that the committee is trying to work economy here, I think these facts ought to be known to the public, so that the general criticism that we are overriding the recommendation of the Director of the Budget on outlay and running up expenses beyond what he recommends may be shown to be unjustified and the charge utterly untrue. Justice to the House, to the country, and to the Budget Director, it seems to me, demands that this statement be made. I want to go a little further into detail in respect to the matter, and therefore ask unanimous consent to extend my remarks in the RECORD.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield for a question?

Mr. FESS. Yes.

Mr. MOORE of Virginia. In the colloquy that took place yesterday I was not criticising the Bureau of the Budget or the committee, but was calling attention to the fact that every one of the appropriation bills thus far has reduced the estimates presented to the Congress by the Director of the Budget. I was wondering why that is the case and was trying to call attention to the fact that the House is not permitted to know why it is the case. The committee uses the Bureau of the Budget, so to speak, as a sort of punching bag, by always reducing the estimates that are compiled by the bureau, and the point I wish to make is that the House does not know why.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. In one minute. It was confessed when we had the District of Columbia appropriation bill under consideration that not only the House does not know why, but that as to one feature of the matter it is improper to tell the House what the facts are. I was criticised for putting into the RECORD the estimates that were made by the Commissioners of the District and handed over to the Bureau of the Budget. That was knowledge that I thought would be helpful to the House. I also suggested that in the same line it would be helpful to the House to know from the Director of the Budget or from the subordinates of the director how the Bureau of the Budget reached its conclusions as to what appropriations should be made. That is not now known. Under the present plan all of the appropriation bills represent reductions as compared with the estimates of the bureau, and we are left in the dark as to the facts and reasons that controlled the bureau.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for two minutes.

The CHAIRMAN. Is there objection?

Mr. ANDERSON. Reserving the right to object, I think that we ought to allow reasonable latitude of debate, but if we go into a discussion of the theory of the Budget and all of the matters incident to the Budget system, we shall not make very much progress on this bill. While I shall not object to this request, I hope gentleman will endeavor in the future to confine their remarks to the paragraph of the bill under consideration.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. I was about to make this additional observation: It seems to me that we have here a dilemma, in view of the action of the Committee on Appropriations. On the one hand, we must assume that the Bureau of the Budget is always mistaken, that it does not function as we hoped it would function when the bureau was created; or, on the other hand—and that is the other horn of the dilemma—we must assume that the Committee on Appropriations undercuts the needs and the necessities of the Government. It strikes me this is so ob-

vious that we should have some explanation of the processes that are employed.

Mr. FESS. Mr. Chairman, I do not care to enter into a contention with the gentleman from Virginia on the point that he has made. I do not have much sympathy with the statement, however, as I think the subcommittee has all the data necessary upon which it can base its conclusions, and, therefore, I think that our subcommittee deserves the recognition of its work in economy. What I called attention to was that this is the body of economy.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. MANN. Does the gentleman agree with the gentleman from Virginia that Congress ought to make itself merely a rubber stamp?

Mr. FESS. I certainly do not.

Mr. MANN. And let the Director of the Budget decide what the appropriations are and we do nothing?

Mr. FESS. I expressed myself upon that yesterday.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. FESS. Mr. Speaker, the consideration of the annual appropriation for agriculture recalls the wonderful growth in this great industry. It is not only the basis of the country's prosperity because it provides the food supply, which is all-essential to any nation, but relatively speaking it is the industry that stands first in rank, not only in the values represented but in the numbers of our people engaged in it. The necessities of the recent war displayed the possibilities of production. We could, if our maximum ability were reached, come close to feeding the world.

The most prominent feature of modern agriculture is the progress it has made from an undesirable task where the farmer was commonly styled the "clodhopper" in more or less derision to the present position where he has become a factor in the leadership of a better citizenship. Once he was regarded as the mudsill in our social and political structure; now he is not only in the councils of the Nation but not infrequently in command.

For the past quarter century the agriculturist has witnessed a constant accumulation of conveniences and material advantages which conspire to make farm life most desirable. Improvements in machinery are reducing the element of drudgery so persistent in former years. The rewards are not confined to increased production, but extend to an independence rarely found in the centers of population. The emphasis is placed on scientific agriculture, which has filled our special institutions for agricultural research with hosts of the very best talent among our men and women. This fact is displayed both in increased results of the soil and in a most pronounced elevation of life on the farm. No longer can it be said that education compels abandonment of the farm for the city because no educated citizen wishes to train for the farm. To-day the college man and woman do not avoid the farm, but, on the other hand, modern agriculture encourages the best training for its pursuits. No longer is higher education in agriculture confined to the student in the college, but by Federal aid this learning is extended to the actual farm and farmer by an extension system by which the university goes to the people rather than invites only the few to the campus.

Perhaps no one feature of our modern education extension is more important than the movement of our farmers' institutes. In many sections its annual meetings are the most distinctive as well as important meetings of a community within the year. Every phase of the needs of the farm in all of its ramifications and specializations is brought to the community by the best minds connected with the industry, which is rapidly approaching the rank of the very highest of our industries.

It is not uncommon to find in many sections of the country the best and most highly trained and educated in the country rather than in the town or city, and consequently the highest appreciation of things worth while.

There has never been a time when the country did not supply its quota of leadership in matters of State and Nation. But more and more is it coming to be the nursery of leadership in all walks of life. This is largely due to the recent emphasis of general education so widely prominent throughout the country. The time was when the country was looked upon as the nursery of all sorts of wild-eyed and visionary theories. This was especially true in States purely agricultural.

Times of depression invariably brought forth the agrarian with his cure-all scheme for the ills of farm and city life. At such times are born the soft-money cranes, such as the greenback scheme, the populist campaign, the free-silver agitation, the non-partisan movements, all tinctured with the false and uneconomic flat remedy for falling prices of commodities. With the constantly increasing level of general intelligence such schemes find no response and get but little beyond the mere announcement. This is especially noted since the Great War, when, due to the over-expansion of farm production to supply war's unlimited needs on the one hand, and the collapse of the buying power of a war-torn world bending under a debt almost as large as the wealth of many countries on the other, farm prices abruptly fell far below not only the cost of production but they fell far below the prewar price, and bankruptcy endangered many an agriculturist.

Yet the farmer, even under these conditions, listened to the agitator, the theorist, only to rebuke him and his cure-all ideas. He connected effect with cause, saw the condition, discovered the cause, and gave heed to the economic view, rejected the ready-made cure, and awaited such remedial action as could legitimately and safely be given. The present day is a comment upon this stability of mind. No combination of circumstances speaks so eloquently of the high order of thinking as displayed by the agricultural interests in their counsels as the attitude toward economic and fundamental principles shown by this leadership since the war. It displays again the guarantee of sound principle from this part of our citizenry, which is daily taking higher rank. It is true that no group of men gathered to take council on ways and means will show higher ability and sounder advice than such a conference that recently met in the Capital upon the call of the President to consider the agricultural situation due to the war. This conference held its sittings January 23 to 27, this year. The report of their proceedings, published as House Document No. 195, discloses the wide range of discussion and the comprehensive view of men interested in this great industry.

The Sixty-seventh Congress authorized in the early days of the special session the appointment of a special inquiry commission to investigate conditions and recommend such remedies as are found feasible. This commission has assembled a mass of valuable information to serve as data for future action. Its hearings, together with selective data, collected by a force of research men and women, supply the most important body of information yet assembled on the subject of agriculture from the legislative point of view.

The future of agriculture must be encouraging. It is basic, absolutely essential, and must inevitably be a barometer of general industrial conditions. When agriculture is prosperous the country is prosperous. This fact constantly and forcibly emphasizes the wisdom of caring for this industry. It is the basis of the effort to make the farm a desirable habitat and agriculture a profitable avocation. It is the reason for our concern to induce a substantial portion of the youth of the Nation or that part of it best adapted to prepare for and remain on the farm.

It explains why so much attention is given to insure the farmer a position of credit in the station which he occupies. Already this station, to-day in sharp contrast with yesterday, is his by choice rather than by compulsion. This fact is increasingly more apparent from day to day. The farmer is taking high rank in our time. This rank has been made possible by the Rural Mail Service, the daily newspaper, telephone, improved highways, and automobiles. In many country places the city conveniences are enjoyed through the application of electricity in the use of light and power. These features are merely in their infancy, as scientists assure us that within the next few years the greatest improvements will be made by application of electric power on the farm.

These features demand a better system of education. Already in many sections are to be found superior educational facilities in the country.

It is not overstating the fact to assert that the farm is rapidly becoming the more desirable habitation. It possesses many of the advantages of the city and few of its disadvantages. Few parents would prefer the city in which to educate the children if the country supplied equal facilities. While that stage is not yet reached, there is no obstacle against reaching it in due time.

From a financial point of view conditions are not yet as they should and will be in time. Production is reaching a scientific basis, but marketing the product is the problem. This involves better credit facilities, which await development. The farmer is too much at the mercy of seasonal control, where he who must sell is at the mercy of the buyer for the price paid. All of these features quite naturally call for more unity of action of the agriculturist. It invites if not commands organization, so that the industry can speak with greater emphasis.

This explains the recent term "bloc" influence on legislation. It is unfortunate that prejudice has been aroused in some parts of the country by the charge that farmers are dictating legislation as class and selfish as against the general interest. It is true that this Congress has enacted an unusual program looking to agricultural relief.

It began with the enactment of the emergency tariff law and the antidumping law. That was followed by the aid extension through the War Finance Corporation. That was followed by two amendments to extend credit in aid of agriculture. This legislation was followed by the packers' bill and the antigrain gambling bill. All these measures became law in the early part of the session. The farmers' cooperative marketing measure has been before Congress for two years. Nine months ago it was passed in the House, and recently passed in the Senate, and is now law. None of these measures were enacted under pressure save the unfortunate stress of a too-rapid liquidation of war prices. All of them except the cooperative marketing measure became law before the unfortunate publicity was given to what was styled "bloc" influence.

This word was first introduced when through collective action of a group of Senators the surtax rate of the tax law, which was fixed by the House at 32 per cent, was raised to 50 per cent. This rate is thought too high to induce capital to invest in productive industry, which greatly disappointed the industrial elements of the country and produced some prejudice against agriculture. It is argued that since agriculture must depend upon the other industries for its market it should be primarily interested in the upbuilding of industry. This is sound and will lead to the reduction of the rate as soon as it can be done. There is no doubt that the farmers will be back of any economic movement which is in the interest of all the people. That is the reason why the farming industry has been consistently back of the principle of protective tariff, in order to supply a market for his product, since the vast proportion of at least 90 per cent of it is sold in the home market.

There is now pending another very important piece of legislation which should have action. It is known as the truth in fabric bill. This proposed legislation is on the same basis as the pure-food laws. While there is some opposition on the ground that it furthers Government interference with business, that opposition is not conclusive.

There seems no legitimate reason why a purchaser should not know the character of the goods he is purchasing. While it might be somewhat prejudicial in instances to the seller, the right of the buyer to know what he is purchasing certainly is superior to any possible prejudice that might arise. There is a definite sentiment in the country favoring this piece of legislation, which should become a law in due time.

The future of agriculture is assured. The country is now, as it always has been, the location of the most stable and reliable citizen of our Nation. It is to him we must continue to look in the future as the bulwark against the issues and quack remedies so often heard in modern times. The open air of the farm is the best antidote for the ills of congestion of the centers of population.

The farmer knows his best interests lie in the direction of a growing and prosperous people. His prosperity depends upon the prosperity of the city, which in turn consumes his product and thereby supplies his market. The leadership of the best agricultural ability decries legislation that is not general. In other words, it does not demand class legislation. There is an element of danger in what we know as group control. While the Nation at large has been led to believe such pressure is now operating in legislation, the result will be, in the end, the same as in all groups, and especially among farmers, to back only such legislation as is for the general good.

Mr. MAGEE. Mr. Chairman, I have not said anything in reference to this bill yet, although I am a member of the subcommittee. I think the gentleman from Virginia is laboring under a misapprehension. As I view it, the Bureau of the Budget and the Committee on Appropriations are working in absolute harmony and in absolute cooperation. It is impossible, in my judgment, for the Director of the Budget to give the same care in respect to what amounts should be appropriated for certain purposes that can be given thereto by the different subcommittees of the Committee on Appropriations. I may be able to illustrate by a single instance exactly what I mean, and the gentleman can look up the records in verification thereof. I refer to the matter of the appropriation for printing and binding in the Treasury Department, where the director had submitted an estimate of $700,000.

When we had the hearings before the subcommittee the official who will have charge of expending the money appropriated appeared, and the hearings upon this particular item were fairly well extended. We tried to point out, and especially the distinguished chairman of the committee, where perhaps economies might be effected, and by the time we got through the official very frankly stated to the committee that he felt that he could get along with an appropriation of $500,000. So we put the item at $500,000 in the bill. My observation is that in this manner reasonable conclusions are reached by the committee in fixing the amounts of appropriations for specific purposes.

Mr. MOORE of Virginia. May I say one thing to my friend? I think he and the distinguished gentleman from Illinois [Mr. MANN] have both gotten away from the proposition that I have tried to present, and that is, that always, with hardly any exception, almost universally, the estimates made by the bureau are reduced. I can understand how you can discuss an isolated case like the one the gentleman has given, and thoroughly justify it, and the general practice of the committee may be correct. I was only pointing out the very interesting fact that reductions are always made.

Mr. MAGEE. As I understand, the inference to be drawn from the remarks of the gentleman from Virginia is that the Bureau of the Budget and the Committee on Appropriations do not work harmoniously together and in cooperation with each other. As I understand the fact, that is not the situation. We do work harmoniously together. I do not assume that Gen. Dawes would expect us to accept the items which he submits to the Committee on Appropriations and act, as suggested by the gentleman from Illinois, merely as rubber stamps. I want to say that the responsibility of making appropriations for governmental purposes rests upon the Members of the House. You can not escape that responsibility; you can not shift it to the shoulders of the Director of the Budget, or put it upon the members of the Committee on Appropriations. The Director of the Budget has done most commendable work. The members of the Committee on Appropriations do the best they can, but ultimately you must be the final arbiters in making all appropriations.

Mr. TOWNER. Mr. Chairman, I rise to oppose the pro forma amendment. Mr. Chairman, I think that the suggestion the gentleman from Virginia has made is perhaps, as it appears to me, a slight misconception of the duty of the Director of the Budget. The Budget is only a method of presenting the estimates of the administration. That is what it is in all countries that I know that have a budget system. The Budget system in the United States, as we have adopted it, is no different from that, except we adopt a different method. The estimates of the administration are reviewed by the Bureau of the Budget and then are presented to the Committee on Appropriations of the House for consideration. The Director of the Bureau of the Budget presents these to the various subcommittees of the House for consideration, just as before this system was adopted the estimates were made directly by the various heads of the departments to the President and by the President transmitted to the Congress. Now, as has been suggested, the fact that these congressional estimates are less than those that have been submitted so far by the Bureau of the Budget I do not think is an indication that there is any policy that brings this about. It only is a compliment to the persistent determination of the subcommittees of the Committee on Appropriations to reduce to the very last possibility of reduction the estimates that are submitted.

Mr. JONES of Texas. Will the gentleman yield?

Mr. TOWNER. Excuse me, but I want to call attention to one other matter. The illustration given by the gentleman from New York [Mr. MAGEE] is an illustration well in point. Of course the fact that the estimates made by the head of this bureau could have been reduced from $700,000 to $500,000 was not known by the Director of the Budget or he would have reduced the estimate in accordance with that. The fact is that the more investigation, the more discussion, the more these points are examined, the more these estimates are reexamined, the more these men are cross-examined when they come before the various committees results almost always in reduction. As suggested by the chairman of the Committee on Appropriations, these facts are sometimes shown by changes that have occurred in the prices of materials. The last hearing being before the Committee on Appropriations, they have before them more and later intelligence than was before the Director of the Budget.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. The system is working well, and I think it is a compliment to the Congress and to the Committee on Appropriations that so far these investigations have resulted in reductions.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate upon the paragraph and all amendments thereto close in five minutes.

Mr. BLANTON. I want five minutes.

Mr. ANDERSON. At the end of 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes. [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, I just want to submit an observation or two in reference to the propaganda and news items that have appeared, beginning some few months ago, soon after the director had taken charge of the Bureau of the Budget, to the effect—and it was generally published all over the country—that the only way to stop and hold in check the wasteful and extravagant tendency of the Congress was through the activity of the Director of the Budget. Publicity was given throughout the country in newspapers, and the idea became prevalent that the Congress was a wasteful and extravagant body, as compared with the departments. The director took occasion rather to foster that sentiment. Time after time he broke into the headlines with the suggestion that he was going to club Congress over the head and reduce the amount of appropriations and force Congress into line.

I am in thorough sympathy with these reductions. This is a time for economy. This is a time to cut all appropriations till they hurt, and to eliminate all useless ones.

With flaming language the director preached economy.

But, strange to say, in spite of his spectacular language, in spite of his expressions, Congress has found it necessary to cut down practically all the estimates of the Director of the Budget. I think it is up to the retiring Director of the Budget to make a statement to the public admitting that it is not so much in the Congress and the Members of Congress that the tendency to waste and extravagance evidences itself, but that it is in the departments, and that the publicity that was given, laying at the feet of the Congress the blame for all these things, is wrong. Of course, the Congress is not free from blame, but, bad as it has been, the departments and the Director of the Budget have been infinitely worse. An average of about 10 per cent has been taken off all the estimates of the Director of the Budget.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. JONES of Texas. Yes.

Mr. CLARKE of New York. How did you vote on the propositions for distribution of seed?

Mr. JONES of Texas. I voted against any appropriation for the distribution of garden seeds, believing as I do that the money can be better spent for other purposes.

Mr. CLARKE of New York. I compliment the gentleman.

Mr. BLANTON. Mr. Chairman, I can not follow the gentleman from Virginia [Mr. MOORE], who criticizes the action reducing the Budget estimates. The very purpose of a budgetary commission is to find out what the resources of our Nation are, what its income is, in accordance with its taxes, and then say that we are able to expend just so much for each department. That was the intention of the Budget in the first place. The gentleman complains that the estimates are always reduced. They should be reduced. He said that the estimates are taken as a maximum and intimates that they should be taken as a minimum.

Mr. MOORE of Virginia. Will my friend yield?

Mr. BLANTON. In just a moment. If they were considered as a minimum, what is the use of a Budget? Then we would not have gotten anywhere at all. That is the condition we were in before we had a Budget.

Mr. MOORE of Virginia. Will the gentleman yield now?

Mr. BLANTON. I can not yield to the gentleman now, because he has already had 20 minutes on the subject.

Mr. MOORE of Virginia. Just one minute.

Mr. BLANTON. In a moment I will yield. The gentleman stated yesterday afternoon, and I challenged it then, that he thought that the estimates should be considered as a minimum, not as a maximum. Why, it should be the maximum. When the Director of the Budget comes to us and says, by reason of the income of this Nation, in accordance with the tax provisions that Congress has already provided for, you can go just so far in expending money for certain departments without disrupting the policy of the Nation, that is the maximum that the Congress ought to consider. And I commend any committee that reduces the budgetary estimates. They ought to be reduced. Every single one of them, if we can pare them down, ought to be reduced.

Now I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. The gentleman is mistaken in saying that I complained of what the committee is doing.

Mr. BLANTON. Oh, no. The gentleman complained because estimates had been reduced.

Mr. MOORE of Virginia. No. The gentleman is mistaken in that. The gentleman is again mistaken in saying that I think the estimates of the bureau should be taken as a minimum.

Mr. BLANTON. I know that in the RECORD it does not show that, but that was what the gentleman intimated yesterday on the floor.

Mr. MOORE of Virginia. If I said minimum, it was said inadvertently. I refer to my colloquy with the gentleman from Wyoming [Mr. MONDELL].

Mr. BLANTON. The gentleman stated yesterday that it should be a minimum rather than a maximum. If the gentleman did not mean it, it is all right, but we ought not to let it stand here without a protest as a question of policy for the Congress to pursue, because if we accept it as anything but a maximum then we might as well wipe away the Director of the Budget and his whole proposition of saving money in the interest of the taxpayers.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

Salaries: Chief of division and disbursing clerk, $4,000; supervising auditor, $2,250; cashier and chief clerk, $2,250; deputy disbursing clerk, $2,000; accountant and bookkeeper, $2,000; clerks—3 of class 4, 6 of class 3, 9 of class 2, 13 of class 1, 2 at $1,000 each; messenger, $720; messenger boy, $660; in all, $55,820.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question. As I understand it, the citrus-canker appropriation has been cut out of this bill?

Mr. ANDERSON. No.

Mr. SEARS. It has been cut down?

Mr. ANDERSON. It has been cut down.

Mr. SEARS. In that connection I simply want to congratulate the committee. I was struck very forcibly by the remarks of my colleague, the gentleman from Illinois [Mr. MANN] yesterday, in which he stated the people of the country should do something for themselves and not look to Congress for paternalism or all of the assistance that was necessary to secure all relief, however necessary the same might be. Many of the Members now present will recall that citrus canker threatened the orange industry of my State, and that we came to Congress and asked relief, and my colleagues kindly gave to us that relief, but it was on the basis of the Government expending so much and the State meeting that expenditure dollar for dollar. At that time my colleagues from Florida and myself promised the Members of Congress that Florida would meet that appropriation. We have spent something like $500,000 or $600,000 of State funds to eradicate that dreadful disease which threatened the orange industry of the great State of Florida.

Millions of dollars of property were destroyed, because the only way to control citrus canker was by burning trees. There was no other method known, and there is no other method known to-day. Millions of trees were burned. Men who had orange groves one day had none the next, because the inspector would come along and destroy those trees. The owners of the groves received nothing from either the Government or the State, nor did they ask anything from the Government.

I simply wanted to make these few brief remarks to show my colleagues that the State kept the promise that her Representatives made when that fight was up, and that you, by coming to our assistance, have eradicated citrus canker from Florida. This disease was permitted to enter our State because of laxity of fruit-inspection laws, and in this particular due entirely to the fault of the Government, and not because of any fault on the part of our citizens. I trust that in the future the quarantine laws will be more rigidly enforced, but should we again be threatened with this or any other scourge, in view of the above, I am sure my colleagues will give us such assistance as they feel we are entitled to.

Mr. Chairman, permit me on behalf of my colleagues from Florida and the citizens of that great and growing State, to thank you for the prompt assistance and aid you gave us. I assure you it is appreciated more than I can express.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries: Chief of division, $3,500; chief editor, $3,000; 2 assistant editors, at $2,000 each; assistants in charge—1 of exhibits $3,000, 1 of information $3,000, 1 of motion-picture activities $3,000, 1 of addressing, duplicating, and mailing $2,400, 1 of indexing $2,000, 1 of distribution $2,500; chief cinematographer, $2,500; draftsman or photographer, $2,100; chief clerk, $2,000; assistant in exhibits, $2,000; assistant editors, 2 at $1,800 each; assistants—1 at $2,500; 3 at

$2,000 each; indexer or compiler, $1,800; artist and designer, $2,500; draftsmen or photographers—3 at $1,600 each, 2 at $1,500 each, 3 at $1,400 each, one $1,300, 10 at $1,200 each; assistant photographer, $860; lantern-slide colorist, $1,200; laboratory aid, $900; executive clerk, $2,000; clerks—5 of class 4, 4 of class 3, 13 of class 2, 21 of class 1, 20 at $1,100 each, 52 at $960 each; mechanical assistant, $1,980; machine operators—1 at $1,500, 4 at $1,400 each, 12 at $1,200 each, 7 at $1,100 each, 5 at $1,000 each; folders—one $1,200, 2 at $1,000 each; messengers or laborers—3 at $900 each, 10 at $840 each, 4 at $780 each, 12 at $720 each, 2 at $600 each; 8 skilled laborers at $1,100 each; messenger boys—7 at $720 each, 1 at $660, 6 at $600 each, 6 at $480 each; charwomen—3 at $480 each, 4 at $240 each; in all, $299,900.

Mr. SNELL. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from New York reserves a point of order on the paragraph.

Mr. SNELL. Mr. Chairman, I notice that there is an increase here in statutory salaries of $45,000. There have been several small increases in the bill previous to this item, but this seems to be an especially large one. I appreciate the fact that the Bureau of Publications in the Department of Agriculture probably puts out the most valuable information of any of the publication bureaus here in Washington, but it seems to me that at this time, when we are trying to economize, we should not increase the cost of the publications even of that department to such an extent as I think you are now doing by additional statutory salaries carried in this paragraph.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. ANDERSON. I do not want to quarrel with the very good speech that the gentleman is making for economy in this bill, but I would like to say that the $45,000 increase that appears now on the statutory roll occurs from transfers from various bureaus of the department. In each case the amount has been deducted from the appropriations, and this does not represent any increase.

Mr. SNELL. It represents no increase?

Mr. ANDERSON. None at all. They are transferred at the same salary.

Mr. SNELL. Then I am entirely satisfied. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

General expenses, Division of Publications: For miscellaneous objects of expenditure in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, as follows:

For labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of motor trucks; purchase and maintenance of bicycles; purchase of manuscripts; traveling expenses; electrotypes, illustrations, and other expenses not otherwise provided for, and including not to exceed $11,380 for extra labor and emergency employments in the District of Columbia, $57,950.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Iowa reserves a point of order on the paragraph.

Mr. HAUGEN. With particular reference to line 18, "Purchase and maintenance of motor trucks." It is subject to a point of order.

Mr. ANDERSON. I do not think it is subject to a point of order. It is the same language as was previously contained in a separate item.

Mr. HAUGEN. I refer to the act of June 30, 1914.

Mr. ANDERSON. That is entirely aside from the question of whether it is subject to a point of order. That is the same language that was carried the year before.

Mr. HAUGEN. Is it to be used in the District of Columbia or in the field?

Mr. ANDERSON. That applies to the District of Columbia.

Mr. HAUGEN. The act refers to motor vehicles necessary in the conduct of field work, and the act of July 16, 1914, the legislative, executive, and judicial appropriation act, carried this provision prohibiting the purchase of automobiles. What is the purpose of this paragraph?

Mr. ANDERSON. The total amount estimated here for the purchase and maintenance of automobiles and motor trucks and bicycles and harness is $2,000. You could not purchase and maintain very many automobiles on that amount.

Mr. HAUGEN. This is a small division in the department. The bill carries a provision elsewhere for the purchase of automobiles.

Mr. ANDERSON. This provision surely will not purchase and maintain many motor trucks.

Mr. HAUGEN. If we have thousands of them rusting and deteriorating not far away, it seems to me the department should use those owned by the Government.

Mr. ANDERSON. If the gentleman objects to the language "purchase" in there, I have no objection to its going out.

Mr. MANN. The current law carries this item four or five different times.

Mr. HAUGEN. The purchase is a violation of the law.

Mr. MANN. Oh, no; it is not in violation of the law.

Mr. HAUGEN. It would be a violation of the law unless specifically provided for.

Mr. MANN. That is where it is specifically provided.

Mr. HAUGEN. And this provision is subject to a point of order.

Mr. MANN. No. You consolidated these items in this one paragraph for the reason stated. I suppose it was thought desirable to put in the same amount for the consolidated articles. The law provided that you could not purchase automobiles unless Congress specifically authorized it. But this is a specific authorization in accordance with that law, and it has been frequently so held.

Mr. HAUGEN. Does the gentleman object to striking out the word "purchase"?

Mr. ANDERSON. I do not think it ought to go out. As the gentleman knows, there are forty-odd buildings in which the department's various bureaus and divisions are located.

Mr. MANN. This is the division that handles all the farmers' bulletins.

Mr. HAUGEN. Does the gentleman believe the Government ought to purchase automobiles if there are thousands of them available and unused?

Mr. MANN. If you can purchase any of them for $2,000, then you had better do it.

Mr. HAUGEN. Why should $2,000 be used for the purchase of an automobile under the circumstances?

Mr. MANN. I do not suppose they would, and I do not think they should.

Mr. HAUGEN. Then strike out the words authorizing their purchase.

Mr. MANN. There is no authorization in there to turn over motor trucks from the War Department. It has only been made in specific cases for the use of the department. But as long as we appropriate for the distribution of farmers' bulletins, I hope if you refuse to employ enough clerks to carry them to the post office you will not prevent them being taken there in motor trucks.

Mr. HAUGEN. They are now sent out by the Public Printer, and not by the Department of Agriculture. That law was changed some years ago. After all, there may be need of an automobile, but if thousands are available within 50 miles of Washington, I do not think this item should be carried in the bill. I reserved the point of order simply to get the information as to what amount would be used for this purpose, and whether the department intends to purchase automobiles.

Mr. ANDERSON. I think not, when the estimate of $2,000 is allotted for the purchase and maintenance of wagons, motor trucks, bicycles, horses, and harness altogether.

Mr. HAUGEN. The objection I raised was to the word "purchase." It seems to me, if a number of automobiles are available, it is bad policy to purchase automobiles.

Mr. ANDERSON. They can not get them without a specific authorization of law, and even if you give them a specific authorization of law you can not get them. The War Department will not turn them over. We have tried that half a dozen times.

Mr. HAUGEN. They have a lot of them.

Mr. ANDERSON. They may have them; but they will not turn them over.

Mr. HAUGEN. If the department calls for them—the Bureau of Roads have the automobiles on hand that can be used by the department.

Mr. ANDERSON. Which department?

Mr. HAUGEN. The Bureau of Public Roads has a number of them. The question is whether they will use the automobiles now available—the surplus automobiles owned by the War Department. If a number are rusting and going to ruin, it seems to me some use should be made of them.

The CHAIRMAN. Is the gentleman going to make the point of order?

Mr. BLANTON. I ask for the regular order.

The CHAIRMAN. The regular order is, Does the gentleman make his point of order?

Mr. HAUGEN. I withdraw the point of order, but I suggest that the gentleman strike out the word "purchase."

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve a point of order.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

Mr. ANDERSON. I ask for the regular order. I do not think we ought to spend all day on the question whether we are going to leave the word "purchase" in this paragraph.

Mr. COOPER of Wisconsin. I make a motion to strike out the word "purchase."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: Page 50, line 18, strike out the word "purchase" where it occurs the first time.

Mr. COOPER of Wisconsin. Mr. Chairman, I regret that there is such haste this morning that we can not be permitted to learn as to the accuracy of the statement made by the chairman of the Committee on Agriculture, the gentleman from Iowa [Mr. HAUGEN]. The gentleman from Iowa has just said that the Government has upward of 20,000 automobiles or trucks within a few miles of Washington which are available for it to use. Is that so?

Mr. HAUGEN. I said it had within 45 miles—7 miles out of Baltimore.

Mr. COOPER of Wisconsin. I understood that to be the gentleman's statement.

Mr. HAUGEN. I do not know just how many there were. I was told that there were thousands of them.

Mr. COOPER of Wisconsin. Did the gentleman see them there?

Mr. HAUGEN. I saw them there.

Mr. COOPER of Wisconsin. And they belonged to the Government?

Mr. HAUGEN. They belonged to the Government; and they had been there for years.

Mr. COOPER of Wisconsin. Does the gentleman know of any reason why one of them could not be brought over here and put into service, or four or five of them, for that matter?

Mr. HAUGEN. I know of no reason whatever why that could not be done. I may say this, that two or three years ago, without any authorization of law, it was proposed to purchase an automobile for $3,200, and we had then about 100,000 of them standing around decaying, rusting, and going to waste.

Mr. COOPER of Wisconsin. That reminds me—perhaps it is not germane to this proposition—that there were 27,000 new automobiles sent to France by this Government after the armistice was signed.

Mr. McLAUGHLIN of Michigan. And they were sold for a song.

Mr. COOPER of Wisconsin. Sold for about 20 per cent of their value.

Mr. SNELL. Will the gentleman yield?

Mr. COOPER of Wisconsin. I want to proceed for a moment and then I will yield. Will the gentleman from Iowa [Mr. HAUGEN] please answer this question: If the Government has on hand within a few miles of Washington 20,000 or more automobiles which are available to be used by the Government, is there any necessity whatever for appropriating $2,000 to purchase a new autotruck?

Mr. HAUGEN. I do not know of any reason why we should do it. I would not say that there are 20,000 of them.

Mr. COOPER of Wisconsin. If there are 200.

Mr. HAUGEN. My understanding is that there are several thousand of them.

Mr. COOPER of Wisconsin. If there are any, we do not need to buy new ones until we have used up the ones we have on hand.

Mr. HAUGEN. I do not recall the figures, but I believe we had about 100,000 of them, and about 20,000 of them have been distributed throughout the country, through the Department of Agriculture.

Mr. COOPER of Wisconsin. Mr. Chairman, I will ask if it is too late to raise a point of order on the word "purchase" in the paragraph?

The CHAIRMAN. The Chair thinks so.

Mr. COOPER of Wisconsin. Then I move to strike out the words "purchase and," in line 13, on page 50.

The CHAIRMAN. The gentleman modifies his amendment by including the word "and." Is there objection to the modification of the amendment?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this is quite an interesting question. It may be that under existing law or the practice of the department the provision of this bill is necessary. Certainly the subcommittee reporting it have reason to believe so, or they would not have put the words in the bill. The gentleman from Iowa [Mr. HAUGEN] has said that the Government owns a very large number of automobiles and a very large number of motor trucks of different kinds; that no use is being made of them, and that they are not made available by bureaus or departments that might use them. That condition existed at the close of the war and it was necessary, or at least the Congress was asked, to make appropriations for the purchase of new machines of one kind and another. I am sure the gentleman from Iowa [Mr. HAUGEN] would not make the statement if it were not true, that the Government at the close of the war owned a large number of machines of one kind and another.

Mr. HAUGEN. Will the gentleman permit me?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. HAUGEN. The gentleman will recall that a requisition was made for an automobile to cost $3,200, and the Assistant Secretary of Agriculture called our attention to the fact that they had made a requisition and were about to purchase an automobile to cost $3,200 when they had nearly 100,000 of them on hand, and that action was contemplated to be taken without authority of law.

Mr. McLAUGHLIN of Michigan. The gentleman is right in part. About two years ago the Bureau of Entomology made a requisition for a motor truck to cost nearly $5,000. The Committee on Agriculture learned of it and asked information. Officials appeared before the committee and stated that it was true that the Bureau of Entomology proposed to buy a very expensive truck. They were asked why the bureau could not use one or more of the trucks that had been transferred by the War Department to the Department of Agriculture, and the answer was that these trucks had been transferred to the Bureau of Roads for road purposes, and although they were not being used at that time for that specific purpose, or for any purpose, they were not available and could not be made available for use by the Bureau of Entomology—that one bureau was not permitted under the practice of the department to use the property of another bureau. It developed further this interesting but disagreeable fact that Mr. Newton Baker, then Secretary of War, and having charge of all the machines, numbering, as the gentleman from Iowa says, many thousands of all kinds, when directed to turn these machines over to the Department of Agriculture for use by the Roads Bureau, turned many of them over stripped of everything above the wheels, taking off the dumping apparatus, taking off the tanks, because the Secretary of War said he was directed to turn over only the machines, and that he did not consider these appliances to be a part of the machines. He had conceived that the War Department had some use for the apparatus that he took off the trucks. The result was that he turned over a lot of trucks to the Bureau of Roads, some good, some bad, some indifferent, but many of them stripped of what would make them of value to the Bureau of Roads.

There were at that time thousands of automobiles and thousands of trucks of which no use was being made. But except for the provision of law which directed the Secretary of War to turn over the trucks for the use of the Bureau of Roads there was no law, as I understand it, authorizing the War Department to turn over these trucks for any use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. The result was that they remained inactive, not being used, in the possession and under the control of the War Department, not available for use by any other department.

Now, in my judgment a law should be enacted providing for the transfer of automobiles, trucks, and other machines and supplies from a department or bureau which has them and does not need them to a department or bureau which does need them and can use them, a law in proper form, safeguarding the property in the interest of the Government, not depriving a department of property it needs; but we should not be up against this proposition that the Government of the United States owns in one department a lot of property with no way on earth by which the bureaus that need it can get it. The result will be as it was during and at the close of the war, that many items in a bill like this are carried for the purchase of these different kinds of property.

Mr. DOWELL. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. DOWELL. I want to ask if we strike out the word "purchase," as suggested by the gentleman from Wisconsin, it would get for this department any supplies from the War Department?

Mr. McLAUGHLIN of Michigan. I think not; under existing conditions it seems to me that the inclusion of the word "purchase" is necessary.

Mr. DOWELL. Does the gentleman think we need a mandatory amendment directing the War Department to turn them over?

Mr. McLAUGHLIN of Michigan. We can not put that in this bill.

Mr. DOWELL. If no point of order was raised against it the gentleman could offer it.

Mr. ANDERSON. We do not need it.

Mr. HAUGEN. Congress has authorized the Secretary of War to transfer this property to the Department of Agriculture.

Mr. McLAUGHLIN of Michigan. For roads.

Mr. HAUGEN. The gentleman will recall that the Chief of the Bureau of Roads came before the committee two years ago and said that he had the authority and would transfer it, and that the automobile was transferred.

Mr. McLAUGHLIN of Michigan. The gentleman is not quite right. The Chief of the Bureau of Roads and the solicitor of the department—at that time Mr. Williams—was with him, and both gentlemen said that the Bureau of Roads had at that time no authority to turn a machine or truck over to any other bureau, that there was no law for it, but they would try and find a way; they would smuggle it over to the Bureau of Entomology.

Mr. HAUGEN. I think the gentleman is mistaken about the smuggling part of it.

Mr. McLAUGHLIN of Michigan. Well, they had no real authority, and they would try and find a way to do it. I did not criticize them then nor do I criticize them now; in fact, I think that unfortunate condition of affairs does not exist now.

Mr. HAUGEN. I do not blame the chief of the bureau, but he admitted that it could be done, and I understand it was done.

Mr. McLAUGHLIN of Michigan. He admitted that it ought to be done, but at the same time he said he had no direct authority.

Mr. DOWELL. The transfer should be made by the War Department and not by the Bureau of Roads.

Mr. McLAUGHLIN of Michigan. When any department has a lot of stuff that it does not need for any purpose there ought to be authority to transfer it to a department that does need it.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. SMITH of Michigan. I have listened with a good deal of interest to what the gentleman said as to there being no way of getting trucks from the possession of the War Department for any other department. As I understand the law, the Director of the Budget, Mr. Dawes, has authority to declare them surplus and he has done so.

Mr. McLAUGHLIN of Michigan. The only action that Congress has taken was taken two years ago, an instruction to the Secretary of War to turn over trucks that his department did not need to the Bureau of Roads for use in the construction and maintenance of highways.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MANN. Mr. Chairman, all gentlemen understand that there is a recent order under which no department can purchase anything of this character or anything like it without submitting the request to the coordinating bureau under the Director of the Budget, and if another department has such an article which is surplus and which can be turned over, it will be turned over, and if not it will be purchased from that department.

Mr. DOWELL. Is that after it has been declared surplus, or must the department first declare that it is surplus?

Mr. MANN. The department has to determine whether it is surplus or not.

Mr. DOWELL. There is quite a wide distinction between a declaration of surplus by a department that has the material and some other department that has not.

Mr. MANN. The fact is that the Director of the Budget is requiring these departments to declare these things surplus under the statement that if they do not declare surplus those that are surplus he will go to the President about it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. TINCHER. I merely wanted to suggest for the record that the incident that the gentleman from Michigan [Mr. McLAUGHLIN] has recited all occurred before this administration came in and before the passage of the Budget law. I refer to the transaction where they were going to purchase a $3,200 or a $5,000 automobile when there were automobiles available. That was before the enactment of the Budget law and under the old administration.

Mr. MANN. Oh, I think these all occurred at least two and possibly three years ago.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto be now closed.

The CHAIRMAN. Is there objection?

Mr. KETCHAM. Mr. Chairman, reserving the right to object, I would like to have an opportunity to ask the chairman of the subcommittee a question in respect to this paragraph before debate closes.

Mr. ANDERSON. Very well, I yield to the gentleman.

Mr. KETCHAM. I want to ask him with reference to the matter of printing which is involved. My recollection is that some time ago Congress passed a bill giving the Committee on Printing unusual powers of supervision, amounting in some cases almost to censorship. I rise for the purpose of asking whether or not the chairman has in mind any amendment to this or subsequent paragraphs in respect to that situation?

Mr. ANDERSON. This has nothing to do with that situation. I think it would be wiser to consider it under the general item for printing, which comes under another paragraph of the bill.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield to me for five minutes for the purpose of obtaining information?

Mr. ANDERSON. Certainly. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. COOPER of Wisconsin. Mr. Chairman, reserving the right to object, I shall want to ask the gentleman from Minnesota a question or two before the five minutes expires.

Mr. ANDERSON. If the gentleman from Minnesota has the time, he will be very glad to yield.

Mr. COOPER of Wisconsin. Then I object, unless I can have an opportunity to ask a question about this purchase of a needless automobile. I want to know some of the facts. I want to ask two questions of the gentleman from Minnesota.

The CHAIRMAN. Is there objection to the request?

Mr. COOPER of Wisconsin. I reserve the right to object, and shall object unless I have an agreement with the gentleman from Minnesota that he will answer two questions.

Mr. ANDERSON. Does the gentleman from Indiana desire to discuss the paragraph?

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. COOPER of Wisconsin. I object.

Mr. ANDERSON. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close at the end of five minutes.

The motion was agreed to.

Mr. ANDERSON. I now yield to the gentleman from Indiana.

Mr. DUNBAR. Mr. Chairman, I have listened with a great deal of interest to the discussion relating to the surplus of automobiles in the hands of the various departments. I have been under the impression that there is no surplus. I want to commend the wisdom of the Members of the Democratic Party in sitting by here quietly and permitting dissention and recriminations to exist over on the Republican side of the House. I have heard this morning the various departments criticized for their extravagance and their inefficiency, and I can not believe that the extravagance and inefficiency exist to the extent that one would infer from hearing the acrimonious discussion that prevails among the Republican Members of this body. It seems that we have no unison of action or cooperation unless we are attacked by somebody on the Democratic side of the House, and then we get together and defend ourselves.

I want to know whether any department of this Government has a surplus of automobiles. Has anyone here an authoritative declaration to make that there is a surplus of automobiles? Is there a surplus of automobiles in the War Department?

Mr. ANDERSON. I do not know. All I know about it is that a year ago when I offered an amendment to the Army bill directing the Secretary of War——

Mr. DUNBAR. Oh, I mean to-day—I do not mean a year ago.

Mr. ANDERSON. I can not answer the gentleman's question.

Mr. DUNBAR. I want to say that it is not for Congress nor any Member of Congress to get up here and say that in any particular department we have a surplus of automobiles unless he can give his authority for the statement.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DUNBAR. Yes.

Mr. ANDERSON. Mr. Chairman, I think I have the floor. I yielded to the gentleman from Indiana to ask a question.

Mr. DUNBAR. I want to say that I went down to the War Department. Indiana has had 700 automobiles loaned to it for the purpose of construction of its roads. I went down to see if I could get some more. I said there was a report prevailing there was a surplus of automobiles in that department and I was told that there was no surplus; that they had no automobiles except in such number as the exigencies of the department might at any time demand for the proper functioning of the War Department.

Mr. ANDERSON. If I may occupy my own time now, I want to answer the questions of the gentleman from Wisconsin.

Mr. DUNBAR. I thought the gentleman had yielded the five minutes to me.

Mr. ANDERSON. No; I could not do that.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the time be extended for five minutes.

The CHAIRMAN. A motion has just been agreed to to limit debate to five minutes.

Mr. HAUGEN. It can be extended by unanimous consent, and I ask unanimous consent that it be extended.

Mr. ANDERSON. Mr. Chairman, I object. I yield to the gentleman from Wisconsin to ask a question.

Mr. COOPER of Wisconsin. I would like to inquire of the chairman if it is the custom for the head of a department to transfer property to a bureau in another department or to the head of the other department? If these trucks were transferred, as they ought to have been, by the War Department to the head of the Agricultural Department, then the Secretary of Agriculture could use them in any bureau in his department.

Mr. ANDERSON. Congress was very careful, as I recollect, in directing the Secretary of War to transfer these trucks to the Department of Agriculture and to provide that they were transferred for road-building purposes, and that the intention of transferring them was to permit the Bureau of Public Roads to turn them over to the States for road-building purposes, and that has been done, and it is only by ignoring the law that the department was able to use any of them at all.

Mr. HAUGEN. Are they all used for road building?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. What about the number of automobiles they have in Washington? They are not used for road building.

Mr. ANDERSON. If they are not used for road building they were not automobiles turned over to the Department of Agriculture for road-building purposes.

Mr. HAUGEN. They were those turned over by the War Department.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States, in cooperation with other departments of the Government; for the purchase of necessary supplies and equipment; for telephone and telegraph service, freight and express charges; for travel, and for every other expense necessary, including the employment of assistance and the payment of rent outside the city of Washington, $70,000.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word. This deals with the assistance the National Government is giving local State organizations. I want to call attention to one of these local organizations that is needing a little help, and that is the States that are trying to get a slight reduction or some consideration in reference to freight rates. On yesterday a dispatch went out from Atlanta that there were 3,500 bales of cotton, consisting of 40 cars, shipped from Atlanta direct to Europe. It states that the freight charges from Atlanta to Savannah, about 200 miles, were $16,000; that the freight from Savannah to Liverpool was $7,000. In other words, it cost more than twice as much to transport a cargo of cotton from Atlanta to Savannah, less than 200 miles, a few miles less, than it does to transport it from Savannah to Liverpool. I think there should be some notice taken of the fact—and remember this is entirely intrastate—that agriculture to-day is being absolutely strangled by the rates that have been forced upon the States over the protests of the State commissions by the Interstate Commerce Commission, and sustained by the United States Supreme Court. There is another thing that the farmers in our country are feeling the pinch of to-day. On the 16th of February I bought nitrate of soda for my farming operations this year at the rate of $48 a ton. Since that time the corporations have gotten together and they have gotten control of the supply of nitrates the Government owns—and the Government did sell it cheaper than the companies heretofore—and they are quoting nitrate to-day at the port for $65 a ton, and they say it is going on up. Now, there is a good deal of propaganda going on, and most of you have got some correspondence from the Philadelphia fertilizer corporation attacking the proposition that Mr. Ford be given opportunity for manufacturing nitrates and fertilizer from nitrates down at the Muscle Shoals plant. The very same fellows that have been behind it are the men who have to-day gotten control of all the nitrates of this country and have put it on the farmer just at this time, raising it from $48 to $65 a ton, and they say that if you do not buy now you will pay more in a few months, and——

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BLAND of Indiana. I may be in error, but is it not true that Mr. Ford wanted to pledge himself to make fertilizer at this power plant?

Mr. STEVENSON. Yes; pledge himself not only to manufacture nitrates but to make fertilizer. I will say that is also true in regard to the other fertilizers. I have been buying what is known as 8-3-3 at $26 a ton, and it is now advanced to $31 a ton, and they say it may go to $36 a ton, and this is just at the very point when the men who use it have to have it.

REPORT OF BOARD OF VISITORS, WEST POINT.

Mr. MORIN. Mr. Chairman, I ask unanimous consent to print in the RECORD the report of the Board of Visitors of the House Committee on Military Affairs to West Point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

The report is as follows:

To the honorable the SECRETARY OF WAR.

SIR: Pursuant to an act of Congress approved May 28, 1908, as amended by an act approved August 9, 1912, providing for the appointment of the Board of Visitors to the United States Military Academy, the following members of the Committee on Military Affairs of the House of Representatives were designated by the chairman of that committee to visit West Point in May, 1921:

Representatives JOHN F. MILLER, of Washington; JOHN M. MORIN, of Pennsylvania; HARRY E. HULL, of Iowa; CHARLES C. KEARNS, of Ohio; RICHARD WAYNE PARKER, of New Jersey; PERCY E. QUIN, of Mississippi; and HUBERT F. FISHER, of Tennessee.

In accordance with the provisions of the above-mentioned acts, the board hereby submits the following report:

The board spent three days at the academy, during which time the following program was carried out:

PROGRAM BOARD OF VISITORS UNITED STATES MILITARY ACADEMY, MAY 19, 20, AND 21, 1921.

THURSDAY, MAY 19.

Review of Corps of Cadets immediately after arrival.
Luncheon at officers' mess with officers of garrison, 12.30 to 1.30.
Visit riding sections in riding hall, 1.30 to 2.20.
Visit drawing sections, 2.20 to 2.50.
Visit French and Spanish sections in East Academic Building, 2.55 to 3.30.
Inspection of mounted detachments, 3.30 to 4.10.
Inspect drill of Corps, 4.10 to 5.15.
Dine with superintendent at officers' mess, 6.30.
Motion pictures, 8.15.

FRIDAY, MAY 20.

Visit gymnasium and cadet room, 9.30 to 10.
Visit mathematics section, third class, 10.05 to 10.25.
Visit philosophy sections, 10.30 to 11.
Visit chemistry sections, 11 to 11.30.
Visit English and history sections, 11.35 to 12.15.
Dinner with cadets in mess hall, 12.25 to 1.
Visit to orderly rooms, cadet barracks, 1.05 to 1.50.
Organ recital at cadet chapel, 2 to 2.35.
Visit ordnance laboratories, 2.40 to 3.10.
Visit practical military engineering sections, 3.15 to 3.40.
Visit memorial hall and library, 3.40 to 4.
Inspect drills of corps, 4.10 to 5.15.
Dine with superintendent at superintendent's quarters, 7.
Band concert at superintendent's quarters, 8.45 to 10.45.

SATURDAY, MAY 21.

Visit present construction, including hospital, laundry, and power plant, 9.30 to 11.30.
Attend lecture to entire corps by Prof. David Todd (subject, "Astronomy"), 11.15 to 12.15.
Inspection of Corps of Cadets, 1.25.
Baseball game, Fordham University, 3.
Track meet, Tufts College, 3.
Tennis, Syracuse University, 3.
Lacrosse, New Lacrosse Club, 4.15.

The immediate mission of the Military Academy, which exists solely as a feeder for the Army, is to prepare officer personnel for the next possible future war. After an extensive investigation of conditions at West Point the board is of the opinion that the superintendent, the academic Board, the officers on duty at the academy, and the Corps of Cadets are responding in a splendid spirit in carrying out this mission. For many years there has been an impression in Congress and throughout the country generally that there existed at West Point a system of hazing new cadets which manifested itself in the form of heaping upon them petty annoyances, discomforting situations, vexations, and, in some instances, treatment that was offensive and defenseless. In the past, Congress has taken cognisance of this fact by making special investigations, and superintendents have from time to time endeavored to break up these practices, but the customs of a century become deeply rooted and are not easily broken up. Congressional investigations and superintendents' orders failed to accomplish their purpose. It took a

World War to bring the Academy face to face with the situation and to create the conditions and environments necessary to bring about a real change and stamp out the practice of hazing.

For the first time in our history the country found itself in the World War as a Nation in arms. The Regular Army, so far as the commissioned personnel is concerned, was practically broken up as an organization, and Regular officers were assigned to duty throughout all parts of this Great War Army. This brought Regular officers into immediate contact with and, in many cases, in command of the citizen soldier. The experience of those contacts demonstrated that in meeting the requirements of such assignments an officer is required to have a very broad point of view, tact, and patience in rubbing elbows with men entirely unaccustomed to military discipline and to the peculiar conditions surrounding military life as well as to have a high sense of discipline and of duty and thorough professional training. Gen. MacArthur had unusual opportunities during the war to observe these conditions, and he became impressed with the necessity of providing the means for meeting such requirements. Upon assuming the duties of Superintendent of the Military Academy in 1919, he conceived the idea of putting into the West Point training those things necessary to start the cadet along lines which would make it easy and natural for him as an officer to respond to the requirements of this new method of handling great citizen armies in time of war. While he thoroughly appreciated the primary importance of retaining in the West Point training those characteristics of rigid discipline, thoroughness, and high character building which had made West Point famous for more than a century of its life, he began an investigation and a study of conditions and methods which have resulted in modifying the cadet's training so that while it retains all of these essential characteristics it has lost most, perhaps all, of that harsh character which made it the subject of so much criticism before the World War. This has been accomplished by liberalizing the life of the cadet; by bringing him into more immediate and closer contact with the officers who are instructing and training him; by granting him a small money allowance; by granting him authority to receive packages as ordinary mail, without inspection; by granting him 6-hour leaves at week ends; by placing upon him a greater degree of military responsibility similar to that which he must assume as an officer of the Army; by bringing him, during the summer encampment, into association with the enlisted personnel of the Regular Army; by allowing each class to organize by electing a president and other class officers; by opening the First Classmen's Club; by establishing a departure book in each company orderly room, thereby doing away with a great mass of routine permits for privileges of dining on the post; and by introducing into the curriculum a system of supervised athletic training.

The academic course has been modified to accord with the best thought of the scholastic world and some changes have been made in methods of instruction. The old custom of giving a cadet extra instruction only when he asked for it has been developed into a system whereby the cadet whose standing falls below a certain mark is required to receive extra instruction not only in subjects in review but also on the advanced lesson for the following day. This system has the effect not only of giving the cadet additional instruction but also of teaching him how to study, and it has resulted in saving to the academy, and therefore to the Army, many cadets of adequate mental equipment who, under the old system, due to lack of preparation before entering the academy or to proper direction in studying after entering the academy, would have been found deficient and discharged from the academy. It is believed that the development of this system will result in saving to the Army every cadet who has the mental equipment necessary to master the course. A course in public speaking and debating has been introduced, and a number of lessons are given covering aerodynamics and the principles of internal-combustion engines. In order that the Military Academy might derive the maximum results from the instructors on duty at the academy there has been put into effect a practice of having each instructor spend the first year of his West Point detail at a civilian college or university where he can specialize in the particular subject in which he is going to instruct at West Point. This is an excellent policy and is highly commended. Instructors are impressed with the necessity of teaching the cadet rather than simply hearing the recitation. In order to develop a closer relationship and contact with the general progress of instruction, not only at civilian institutions of learning but also in the Army, the practice has been adopted of sending members of the academic board to visit civilian institutions and the general and special service schools in the Army. These visits are proving to be highly beneficial to the academy.

We wish to especially approve the introduction in the course of a new chair for the study of economics, including general outline fundamental principles of economics followed by study of industrial organization and combination and of the financial organization of society.

The method of rating a cadet for final determination of his class standing at graduation has been changed by adopting a rating scale whereby each cadet is given a standing based not only upon scholarship but on military bearing, neatness, and soldierly appearance; leadership and personality; efficiency at drills, military instruction, athletics, and extra curriculum activities. This rating is also used to determine the appointment of cadet officers and noncommissioned officers in the battalion organization.

One of the outstanding features of the new training at West Point is the system of supervised athletics. The course in physical training at the Military Academy has been extended and developed along sound and progressive lines. This development follows the teachings of the World War.

It is not sufficient that a young officer should be reared under the theory of "a sound mind in a sound body." The hardships of campaign, the necessity of actual physical leadership, and superior endurance on the part of all officers on the field of battle requires that our young officers should be trained to an ideal of athletic and physical leadership. Every officer an athlete is not only a fitting and proper ideal of our officers but is, in fact, an actual necessity.

The fact that one out of every three of the available youth of the country was rejected during the draft for the World War should give all our educational institutions and Congress itself cause for reflection. It is altogether fitting that the Military Academy, under the guidance of Congress, should take the lead in this matter and inaugurate a course in physical development which may well be taken as a model for other institutions.

The present course at West Point is based on and is in extension of an excellent system of military gymnastics which has been taught the entering classes for many years. During the allotted afternoon period military drill and intramural athletics now alternate for all classes. Every cadet is required to participate in all major sports under the supervision of officer instructors. Not only is good physique developed but the resulting competitions develop and promote the vital soldierly qualities of courage, command, decision, and leadership. The benefits to our young officers are profound and abiding.

The benefits to the service at large will prove far-reaching. Troops in poor physical condition are worthless. Young officers who have been prepared under this system of physical instruction will assume athletic leadership among the troops of their command, fully qualified to instruct the troops in all those various branches of sport and athletic activities which are so important in maintaining physical fitness and high morale. The effect upon the Army at large of an extensive system of competitive sports controlled by competent and well-prepared officers can not be overestimated. As such officers reach the service it is certain that their influence will be felt in a most beneficial manner.

Not the least of the advantages arising from this system of athletics is the mixture on athletic teams of upper-classmen and first-year cadets, the so-called "plebes." It is difficult to have the same lad that one also fosters as a team mate. The result is that the enlarged policy in athletics and physical training not only satisfies the vital requirements of a soldier's training but also offers a splendid counteraction to the vicious and un-American institution of hazing. In effect a new, buoyant, cheerful quality is wrought in the cloistered life of the cadet.

The board heartily approves of the development of the course in physical training. Indeed, it feels that the question of conducting a model course in physical training and athletics at this great military school is as vital and as closely allied to the broad question of the betterment of the physical qualifications of the youth of the Nation that it recommends the establishment at the Military Academy of a separate department of physical training. Physical qualities determine the destiny of the intellect. In military life physical leadership is a necessary ideal. It is more than self-evident that if separate branches of intellectual activity require separate departments, this fundamental and basic branch of training requires a department of its own.

It is the belief of the board that this new department of physical training should be established at the academy coordinate with the academic departments and that at the head of it should be a director of athletics appointed in the same manner and with the same standing on the academic board as the professors of the academic departments.

The board is greatly impressed with and approves the spirit of popularizing this great national institution, and the board is strongly of the opinion that nothing should be done by Congress, the War Department, or the Military Academy itself which would be in the nature of a backward step in this matter. West Point is situated in a more or less isolated spot in the fastnesses of the legendary highlands of the Hudson. This isolation, together with the essentially Spartan character of the school itself, has a tendency to prevent the people of the country from becoming well acquainted with the academy. The history of the academy, the great achievements of its graduates, and the influence it has had on the life of our country, mark it as a priceless institution of our Government.

In 1840 Gen. Winfield Scott said:

"I give it as my fixed opinion that but for our graduated cadets the war between the United States and Mexico might, and probably would, have lasted some four or five years with, in its first half, more defeats than victories falling to our share; whereas, in less than two campaigns, we conquered a great country and a peace without the loss of a single battle or skirmish."

In 1899 Elihu Root said:

"The foregoing considerations naturally bring to mind the Military Academy at West Point. I believe that the great service which it has rendered the country was never more conspicuous than it has been during the past two years. The faithful and efficient service of its graduates since the declaration of the War with Spain have more than repaid the cost of the institution since its foundation. They have been too few in number and most heavily burdened."

In 1902 Theodore Roosevelt said:

"This institution has completed its first hundred years of life. During that century no other educational institution in the land has contributed so many names as West Point has contributed to the honor roll of the Nation's greatest citizens."

It is the opinion of the board that the people of the country have known too little of this institution in the past and it is our belief that the efforts now being made to bring the academy into closer touch with the people of the country and to inform the people of its purpose and its method is a step in the right direction that has been too long delayed. Sending the Corps of Cadets away from West Point for the summer encampment and to New York and New Haven to the football games are most important factors in bringing the academy nearer to the people. The board is of the opinion that not only should the cadets as individuals be allowed to mingle very freely with the people by the extension of leave privileges, but that the corps as a body should be sent from time to time to the Middle West and even to the Pacific coast for the summer encampment or to attend athletic contests. In all this the board is mindful of the fact that there must be nothing done at West Point itself or elsewhere which will in any manner tend to lower the standards of discipline, thorough training, and character building which have characterized the institution during all of its life and which are primarily responsible for the great accomplishments of its graduates.

Under the theory of national defense which has been followed by this country during all of its history, and which is definitely laid down in law in the act of June 4, 1920, namely, that the defense of the Nation must rest upon the shoulders of the citizen soldier, it is tremendously important to maintain, in time of peace, a highly trained professional commissioned personnel in the Regular Army as a nucleus about which the great mass of citizens can and must form in time of war. This group of professional officers must be not only of the highest professional attainments but of the highest character and with the highest ideals of duty and of service, and it is the opinion of the board that not less than 50 per cent of them should be recruited from this great democratic school at West Point. In order to do this the present strength of the academy should under no circumstances be reduced. In fact, it is the opinion of the board that the present authorized strength of the Military Academy is inadequate unless some provision is made whereby the actual strength can be made equal to the authorized strength. The bill to accomplish this purpose which passed the Senate during the last session of Congress, but which failed of passage in the House, should be speedily enacted into law.

The board is greatly impressed with the democracy of the Corps of Cadets. This fact is strongly impressed upon every visitor to the academy. Gathering its students from every congressional district in the United States, and from every walk of life, assembling them together under the same roof, requiring them to wear the same clothes

eat the same food, pass through the same course of study, get up and go to bed at the same hours, receive the same pay, and start always without handicap in the same competition, this great democratic school finds that friends, even roommates, remain throughout the four years ignorant of each other's social and financial status in the outside world. At West Point every boy starts from the same mark, standing on his own two feet, with the same opportunity as every other boy to win his place, and whether he wins or loses depends upon his own efforts, his own industry, and his own ability, and not on his status or that of his family or friends outside the institution.

The housing accommodations for both officers and cadets at the Military Academy are entirely inadequate to the requirements of the institution. A building program has been worked out after many years of careful study and the most painstaking investigation of the requirements of the institution, and it is the opinion of the board that the practical benefits to be derived by the Government of the United States from completing this program and thereby providing the necessary housing accommodations for the personnel at the academy are so much greater than the amount of money involved that it is poor policy on the part of Congress to delay the completion of this program any longer. It is urgently recommended that appropriations be made at once sufficient for the construction of the south barracks where the mess hall now stands and for the construction of a new cadet mess hall on the site of the old gymnasium. Present messing facilities for the cadets are wholly inadequate. The present mess hall has been in service more than 50 years. It is old and is falling into decay and is not well adapted to its present use. The completion of the new mess hall and the new barracks will add materially to the safety, comfort, and consciousness of the Corps of Cadets. At the present time about 40 officers on duty at the academy and their families are living in rented quarters off the military reservation, some of them many miles from West Point. Many of the officers on the post are quartered in buildings not only inadequate in size but without any modern conveniences. The construction of a sufficient number of reasonable family quarters for the officer personnel on duty at the academy is urgently recommended, and an appropriation for this purpose should be made without delay.

The mechanical laboratory is installed in a building that was built in 1837. This building is dark and ilily adapted for its use. In it is stored much valuable machinery salvaged from the World War. It should be replaced by a modern building, suitable in size and construction, where the highly important work which must be done here can be carried on satisfactorily.

A great deal has been said in the past regarding hotel accommodations at West Point. This subject has been frequently discussed on the floor of the House of Representatives. The total inadequacy of hotel accommodations can be properly appreciated only by a visit to West Point and enforced entertainment at the present hotel. The building which is now used as the hotel was constructed so many years ago that the exact date has been forgotten. It was originally built for use as a warehouse; later it was rearranged, remodeled, worked over, added to, propped up, patched, papered, and painted as succeeding generations came and passed on. It was first made habitable for the purpose of entertaining Gen. Lafayette. It is of composite construction—stone, brick, and wood. It is out of repair; it is a tottering and ramshackle building. In its silence, gloom, and decay it is strangely out of harmony with its surroundings, except that it is in keeping with its friendly neighbors on Trophy Point, where are preserved some of the relics of the early wars of the Republic. It is located on the banks of the Hudson River, commanding one of the most magnificent views in America. It should be torn down at once and a decent, modern hotel should be built in its place. This subject has been so thoroughly discussed that action should be taken by Congress without delay, the necessary appropriation made, and the hotel built.

In concluding this report, the board desires to emphasize its strong approval of the splendid service that Gen. MacArthur and the officers associated with him are rendering to the country by constructing a new West Point founded on the lessons and experience and the sacrifices of the World War and in the spirit of old West Point.

Very respectfully,

JOHN F. MILLER, *of Washington.*
JOHN M. MORIN, *of Pennsylvania.*
HARRY E. HULL, *of Iowa.*
CHARLES C. KEARNS, *of Ohio.*
RICHARD WAYNE PARKER, *of New Jersey.*
PERCY E. QUIN, *of Mississippi.*
HUBERT F. FISHER, *of Tennessee.*

AGRICULTURAL APPROPRIATIONS.

Mr. JOHNSON of Mississippi. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, it is not my purpose at this time to go into a full discussion of the railroad-rate question. I hope to have the opportunity for discussing the railroad-rate question thoroughly when the hearings now being held before the Interstate and Foreign Commerce Committee, of which I am a member, are concluded.

More than a year ago the railroad companies issued a statement in which they said there would be a sweeping reduction in rates throughout the country within a short time; that business was reviving, and it would not be long until industry would be stabilized throughout the entire country. They urged the people to be patient and indulgent with the railroads.

Last summer the President of the United States visited the Interstate Commerce Commission, and upon his return to the White House posed for photographers, and with the picture was published a statement that a sweeping reduction would be made in railroad rates throughout the United States, that business generally would be revived, and that we were at the dawning of a new era of prosperity. The big newspapers throughout the country carried in bold headlines news of the actions of the President. The people were led to believe that there was an honest effort and intention on the part of the Interstate Commerce Commission to reduce freight rates.

Grain men and live-stock dealers, lumbermen, and business men generally of the South and West have appeared in large numbers before the Interstate Commerce Commission pleading for a reduction in freight rates, at which time they showed the commission that there was almost a general paralysis of business on account of the excessive freight rates. The Interstate Commerce Commission listened attentively, but has given very little relief to their petitioners.

Recently the railroad commissions and public utilities commissions of practically every State in the Union have protested against the action of the Interstate Commerce Commission, which under the provisions of the transportation act has not only prescribed the rates to be charged in interstate commerce but has actually deprived the States of the right to regulate intrastate commerce, although intrastate rates were just and reasonable and were nondiscriminatory.

The State railroad commissions contested the authority of the Interstate Commerce Commission. That contest finally found its way into the Supreme Court of the United States. I refer to the Wisconsin Rate case recently decided by the United States Supreme Court. That court upheld the provisions of the transportation act which give to the Interstate Commerce Commission the power to fix the rates so the railroads could earn a fair return on the value of the property, and among other things upheld the contentions of the Interstate Commerce Commission.

The railroad companies deny the authority of the State public utilities commissions to exercise any control whatever over rate making in intrastate commerce, and have even gone so far as to have the Federal court of the State of Illinois enjoin the railroad commission from exercising any authority over rate making, which injunction is to-day in full force and effect. The same conditions exist in several other States.

The only relief for the people of the United States lies with the Congress. If Congress will not grant this relief, the people must continue to bear these unjust burdens.

The charge that the railroad companies are losing money all the time is an infamous falsehood, made for the purpose of deceiving the public and creating a sentiment in favor of the railroads that they may continue to rob the people.

To prove my statement and to show that the railroad companies are not honest and have no intention of dealing fairly and justly with the Government, I direct your attention to the provisions of the transportation act which requires all railroad companies earning more than 6 per cent on the value of their property used in transportation from September 1, 1920, to turn half of the excess so earned over to the United States Government for the support of the weaker railroads. Many of the railroads are shown to have earned many times the 6 per cent, as shown by reports of the Interstate Commerce Commission.

The railroads earning the amounts more than 6 per cent have been ordered by the Interstate Commerce Commission to turn 50 per cent of the excess over to the Government in compliance with the provisions of the transportation act for the support of the weaker roads, but that order has been ignored by the railroad companies, and they have retained all the money up to this time and have no intention of turning any part of it over to the Government.

The Interstate Commerce Commission objects to the repeal of section 15a of the transportation act. In fact the commission is opposed to the repeal of any of the provisions of the transportation act, and so we can hope for no relief from the Interstate Commerce Commission.

Now, listen, gentlemen, this is the Interstate Commerce Commission, our servants, supposed to be the servants of the people, and it objects to the repeal of section 15a of the transportation act. They have submitted a report on a bill introduced by myself and referred to the Committee on Interstate and Foreign Commerce. The Interstate Commerce Commission has protested the repeal of that section. And so, I say, if there is any relief for the people of this country it must come from Congress, because the Interstate Commerce Commission is not going to do anything in that respect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Mississippi. Mr. Chairman, in view of the fact that I have not spoken this afternoon I ask unanimous consent to proceed for five additional minutes.

Mr. MANN. Mr. Chairman, reserving the right to object, and I shall not object, but if there are any more propositions out of order this afternoon I am going to object and make the point of order.

The CHAIRMAN. The Chair hears no objection.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield to me?

Mr. JOHNSON of Mississippi. I will.

Mr. McLAUGHLIN of Michigan. Do I understand that when the gentleman introduced the bill he sent it to the Interstate Commerce Commission and asked for its opinion on it?

Mr. JOHNSON of Mississippi. Yes, sir.

Mr. McLAUGHLIN of Michigan. Now the gentleman objects to the Interstate Commerce Commission expressing an opinion unfavorable to his bill. How can the gentleman consistently object to their expressing an opinion when they were asked to do so?

Mr. JOHNSON of Mississippi. The bill was referred to the Committee on Interstate and Foreign Commerce. The chairman of that committee referred it to the Interstate Commerce Commission for report. That commission reported adversely on the bill, and took the side of the railroads as against the people. That is the answer to the gentleman's question.

Mr. TAYLOR of Tennessee. To what section of the bill do you refer?

Mr. JOHNSON of Mississippi. In that particular case, to section 15a. But I am in favor of repealing paragraphs 3 and 4 of section 13 and section 15a.

The railroad companies have a great organization opposing the repeal of section 15a, or in fact any other part of the transportation act. They are causing propaganda to be sent to the Congressmen, and every influence is at work that can be brought to bear by them.

Let me read you a few letters that have been sent out by the Railway Business Association, which is composed of men who own stocks and bonds in the railroad companies and who are engaged in the manufacture of railway materials and equipment, and who are contractors in railway construction and dealers in miscellaneous railway supplies. These people can, under the provisions of the transportation act, sell to the railroad companies, which is nothing more than selling to themselves, materials at any price they care to charge and make just as big profits as their conscience will permit, if they have any conscience.

Under the provisions of the transportation act the Government guarantees to the railroad companies a fair return, which will no doubt be fixed by the Interstate Commerce Commission at 6 per cent on the value of their investment, and there is no restriction put on the amount they shall pay for materials, construction work, or anything else. They can waste and steal as much as they like, yet the United States guarantees this return on their investment. No accounting to the Government is required of the amount paid for materials, construction, supplies, or anything else. They can pay their officers any salaries they care to, and yet the Government guarantees a fair return on the investment.

No wonder the railroad companies are opposed to repealing this law. No wonder they are lobbying against it. Listen to these letters:

RAILWAY BUSINESS ASSOCIATION,
Philadelphia.

I inclose a copy of a letter which is going to Railway Business Association members asking their cooperation in efforts to preserve from threatened repeal the rule of railway rate making in the transportation act and the provisions asserting Federal control over State rates.

You are particularly well situated to cooperate in this effort, if you agree with us, because your company maintains a membership in the National Industrial Traffic League. Before addressing you we have discussed with some of the officers of the league the propriety of sending you this letter and the view was expressed no objection could be made to our placing the views of the association before you.

Can you help us? If you do not at present see your way clear to do so, may we present the matter to you at your convenience?

Yours, truly,

ALBA B. JOHNSON, *President.*

The letter inclosed follows:

MEMBERS: We have dropped everything else to concentrate all available influence upon defeat of the threatened repeal of (1) the adequate income clause in the transportation act, and (2) the Federal jurisdiction over intrastate rates which is essential to administration of the adequate-income clause. To pass this repeal would restore the chaotic irresponsibility and short-sightedness in rate regulation which stopped railway growth and broke the railways down. It would protract and aggravate indefinitely the famine in railroad orders and portend disastrous car shortage and freight congestion when traffic becomes heavy.

Not alone to defeat the railroad funding bill but to accomplish the two repeals above specified, possibly as a rider on the funding bill, such strength has developed in the Senate that a careful check-up fails to disclose a clear and pledged majority opposed to the movement, and similar sentiment is reported to pervade the House.

The repealer in the Capper bill (S. 1150). The Senate committee has heard advocates. The Association of Railway Executives witnesses began yesterday in opposition. There is widespread business and agricultural pressure in favor of the bill or something similar.

The situation calls for effort as great and harder to mobilize than that which our association, with others, put forth in 1920 to enact the provisions now menaced. To fail is to lose the best of what we labored 10 years to attain.

We urge upon Congress:

FUNDING BILL.

1. Prompt and separate passage of the Winslow-Townsend bill (H. R. 2337) to enable President Harding, without appropriation by Congress, to fund, as already authorized by law, sums due the Government from the railways on capital account, and hence waive the set-off and remit to the roads in cash sums due them on noncapital account.

CAPPER BILL.

2. Rejection of the Capper bill (S. 1150) to repeal in the transportation act the adequate-income clause and the clause establishing Federal jurisdiction over all rates of carriers doing interstate business.

PRESSURE ON THE COMMISSION.

3. Cessation of political pressure upon the Interstate Commerce Commission for rate reductions in advance of reductions in railway labor cost.

(Our procedure as to railway labor cost is scheduled for a separate activity later.)

After yourself communicating with the chairmen of the Interstate Commerce Committees (Senator ALBERT B. CUMMINS and Representative SAMUEL E. WINSLOW) and the Senators and Representatives from your State, you are earnestly urged to call a conference of your company staff and ascertain which of them—or of officers at branch plants or sales offices—is best situated to conduct one or more of the following activities in favor of our program:

1. Authorize the traffic manager to urge the program through the National Industrial Traffic League and in freight bureau committees of commercial bodies.

2. Arrange appeals to their members by business organizations, especially national bodies which have contacts in the agricultural States.

3. Enlist individuals politically active to communicate with or see Senators and Representatives whom they know.

It will vitally aid us to receive prompt advice of all efforts and all results, including replies from Members of Congress.

Yours, truly,

ALBA B. JOHNSON,
President.
SAMUEL G. ALLEN,
Vice Chairman Franklin Railway Supply Co.,
A. H. MULLIKEN,
President Pettibone Mulliken Co., Chicago,
J. E. GALVIN,
President Ohio Steel Foundry Co., Lima, Ohio,
Committee.

Another letter from the association follows:

The Railway Business Association very much needs your help in its exertion for preservation of the cardinal principle of railway regulation embodied for the first time in Federal law in 1920. The principle is this: That while protecting the public against discriminations and other improprieties the Government will discharge its responsibility for the financial results of its regulation as affecting net railway income, and hence ability of carriers to provide adequate facilities. Section 15a of the act directs that rates upon each railway group as a whole shall be designed to yield a fair return, giving due consideration to the transportation needs of the country and the necessity of enlarging the facilities in order to provide adequate transportation. Section 13 enlarges Federal control over discrimination by the States so as to include discrimination not only as between persons or localities but as against interstate commerce itself, a provision essential to the administration of the adequate-income clause.

Both these vital provisions are under heavy attack. The agricultural bloc in the Senate is urging the Capper bill (S. 1150), which would repeal both. The proposal is also making some industrial headway.

I have been reading letters from this association, sent out by them, and by which they hope to bring pressure to bear to prevent Congressmen from passing this law.

I will read further:

Among the business organizations which favor preservation of the principles in question besides our own are the Chamber of Commerce of the United States and the National Association of Manufacturers. The National Industrial Traffic League, in annual meeting November 9, relegated the proposed repeals to further discussion.

If it is the policy of your company to promote the preservation of the rule of adequate income and Federal control over State rates, you can aid very much in retaining the cooperation of other organizations for that policy by endeavoring to have your local freight bureaus and shippers' traffic organizations work for it. If you have the slightest doubt about it, will you not give us an opportunity to discuss the question with you?

You know the caliber and diversity of the men who actively lead the Railway Business Association. This organization for 10 years labored to attain the result which it is now sought to overturn. We regard these provisions as the keystone of the arch—not only the arch of railway regulation but the arch of stability for representative government capable of solving business problems.

Your frank and full response will be a substantial contribution to the solution of this most serious problem.

Yours, truly,

ALBA B. JOHNSON, *President.*

Mr. Chairman, the reason I at this time take the floor in this matter is because the railroad companies and their allies in business are at work to try to perpetuate this transportation act to the great injury of the whole people of the United States.

I believe it will serve a good purpose for some one to make known the activities of the railroads in this matter, as the big newspapers of Washington are favorable to the railroad companies and are giving no publicity of the fact that people are flocking to Washington trying to get the transportation act amended, and very few people know an honest effort is being made by some Members of Congress to try and get relief.

You will see by these letters that the Railway Business Association is preparing to swoop down on Congress to influence it against any change in the transportation act.

Such an insidious lobby as is proposed by these letters I have just read will convince you that the railroad companies do not propose to stop at anything necessary to defeat any effort to amend the transportation act. I trust this lobby will meet with the rebuke such conduct deserves.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. DUNBAR. Mr. Chairman, I move to strike out the necessary number of words.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last three words.

Mr. DUNBAR. I am interested in knowing if any department of this Government has a surplus of automobiles, and I want to know from any Member of the House who has authority to state it whether or not the War Department has a surplus number of automobiles?

Mr. HAUGEN. I will state that they already have a large surplus of 3,500, and the gentleman from Michigan [Mr. McLAUGHLIN] says they have 5,000.

Mr. DUNBAR. What authority have you for the statement?

Mr. HAUGEN. It is stated here they appeared before the committee, and the Assistant Secretary of the Department of Agriculture called it to the attention of the Committee on Agriculture.

Mr. DUNBAR. That the War Department had a surplus of automobiles?

Mr. HAUGEN. That is general knowledge. Everybody knows about that.

Mr. DUNBAR. But general knowledge, so termed, is sometimes only general belief.

Mr. HAUGEN. I am speaking of the past.

Mr. DUNBAR. I want to know if there is to-day a surplus of automobiles in the War Department, and I want to know the authority for the statement?

Mr. HAUGEN. The gentleman can ask that question of the War Department.

Mr. DUNBAR. I have.

Mr. HAUGEN. If the gentleman knows, why does he ask the question?

Mr. DUNBAR. Because I do not want false impressions to go out. I do not refer to the gentleman, of course. I do not want any information to go out through the proceedings of Congress that will mislead the people of the United States. This morning we have had a discussion in which it has been declared time and again that there is a surplus of automobiles in the War Department, and if there is I want to know it.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption right there?

Mr. DUNBAR. Yes, sir.

Mr. COOPER of Wisconsin. Why does the gentleman confine it to the War Department?

Mr. DUNBAR. Because I want one piece of information at a time.

Mr. COOPER of Wisconsin. Whether the Government has in its possession at this time a surplus of automobiles would be the question, because the Government, being the owner, could transfer them where it pleased.

Mr. DUNBAR. The War Department has had more automobiles in its possession than any other department of the Government. Now, I went down to the War Department to find out and to get information on that subject, and I was informed that there was no surplus automobiles in that department, but that they only had such a number as the exigencies or demands might at any time require.

Mr. HAUGEN. Can the gentleman give the number on hand, or the number that was disposed of, outside of the number that was transferred to the road departments of the States?

Mr. DUNBAR. No, sir; I can not.

Mr. HARDY of Colorado. I wish to say to the gentleman that there is a fine distinction between surplus and more on hand than they need. From the standpoint of the War Department, they have no surplus, because they have not declared them surplus, although they may have many thousands of automobiles they have no use for. They may have thousands of automobiles lying around that somebody ought to be using.

Mr. DUNBAR. "Surplus automobiles" means automobiles for which the Government has no use, now or prospectively.

Mr. HARDY of Colorado. A department surplus means stock they have declared surplus.

Mr. DUNBAR. The gentleman is making a technical distinction.

Mr. HARDY of Colorado. That is what the War Department makes.

Mr. DUNBAR. The gentleman is making a technical distinction.

Mr. HARDY of Colorado. That is what the War Department makes when they give you that information.

Mr. DUNBAR. What authority has the gentleman for that statement?

Mr. HARDY of Colorado. I know what they consider surplus.

Mr. DUNBAR. I have their statement that they have no surplus automobiles. Does the gentleman believe the War Department has on hand a number of automobiles they have no use for now or prospectively, and which they can or should dispose of?

Mr. HARDY of Colorado. I know the War Department had on hand a great deal of material of various kinds which they have declined and refused to declare surplus, and until it is declared surplus it is not considered surplus by the War Department.

Mr. DUNBAR. Has the gentleman the statement of any official of the War Department to that effect?

Mr. HARDY of Colorado. I do not need it from the War Department. You have it from me.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ANDERSON. Mr. Chairman, I move that the debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that the debate on this amendment and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total, Division of Publications, $427,830.
Library, Department of Agriculture.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

General expenses, library: For books of reference, law books, technical and scientific books, newspapers and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cars, supplies, and for all other necessary expenses, $25,000.

Mr. ANDERSON. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has called my attention to what is evidently a misprint, on line 21 of page 55, where the word "cars" should be changed to the word "cards."

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the spelling of the word "cards" be corrected. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For farmers' cooperative demonstration work, including special suggestions of plants and methods for more effective dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice, at farmers' institutes and in agricultural instruction, and for the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $1,300,000: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. I want to ask the gentleman from Minnesota the reason for the consolidation of the two previous items in this one item.

Mr. ANDERSON. The division has been an absolute fiction for many years.

Mr. MANN. I know that the division of the cotton boll weevil work has been a fiction. They went ahead with the farm bureau work and did good work in the South, and then we commenced to appropriate money for similar work in the Northern States. I do not know that I have any objection if it is the same class of work, although I do not know what the division may be in the future.

Mr. ANDERSON. Well, I will state to the gentleman that the Secretary has in mind, as I understand it, the reorganization of this entire extension activity. This is only an incident of that reorganization. I think it very badly needs a reorganization, and I hope it will be done.

Mr. MANN. Very well. Heretofore, however, when there was an item in the bill distinctly for the South the Members from the North had a sort of tendency to prevent it being swelled too much, and when similar items were inserted for work in the Northern States there was a tendency on the part of southern Members to prevent them from being swelled too much. Now, with the combined paragraph nobody will be opposed to the swelling of it and everybody will be in favor of increasing it. That is going to be the result. [Laughter.]

Mr. ANDERSON. The answer to that is this, that instead of increasing it for this year we have reduced it about $60,000.

Mr. MANN. Mr. Chairman, I withdraw the reservation.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last two words.

Mr. BYRNES of South Carolina. I do that in order to obtain recognition, not because I am opposed to the work or to the consolidation. I want to call the attention of the committee to the fact that in addition to the total appropriations carried in this bill for demonstration work, amounting to $7,000,000, that fund is supplemented by appropriations from the States and counties amounting approximately to $11,000,000, making a total of $18,000,000 for demonstration work in the country. That large sum is expended under the supervision of the Department of Agriculture, and because I am in favor of this demonstration work I regret exceedingly that there seems to be a tendency in the department to divert too large a proportion of this fund from the purpose for which it was originally intended, namely, the expenditure in counties for demonstration work by county agents, bringing to the farms assistance in solving the problems that daily confront the farmer and the farmer's wife, to the employment of specialists and leaders and supervisors.

The hearings develop the fact that of this $18,000,000 fund almost $7,000,000 is expended to direct the activities of $11,000,000 worth of people, as the chairman of this subcommittee expressed it. The fact is that they are spending for specialists $3,355,000. The specialists make headquarters at the agricultural colleges and necessarily spend most of their time on the train. It was never intended by Congress that so large a sum should be diverted to the employment of specialists. Yet it appears from the hearings that this is the policy of the officials of the department, judging from the statement of Mr. Pugsley, who is in charge of this work. He says:

I believe that the work would be more effective and the money would be better spent if we would take some of the money that has gone into the poorest agents trained and put into the trained specialists who would be assistants in the field. They would be more highly trained men for special work, and you could get better results among the farmers. The farmers are growing to feel that way also, as they become better acquainted with the work.

The fact is, if they were to take some of the money that they are spending for specialists and spend it for the purposes that Congress intended it to be expended for, for county agents, they would not have so many poor county agents. They would have county agents better equipped to render the service that Congress intended should be rendered in the counties. The employment of some specialists is wise, but the problems of the farm differ in every county, and the best service can be rendered by the county agents. The $2,000,000 spent for specialists would, if diverted to county agents, insure the employment of more capable men. They propose to spend for leaders of clubs and leaders of county agents approximately $2,000,000, which is entirely too much. I have no objection to the amount spent for administration, but I would like to ask the chairman of the subcommittee, who from the hearings evidently shares the views I have expressed, whether he has any objection to placing a limitation upon the amount that shall be expended for specialists under this item?

Mr. ANDERSON. I think it would be wholly ineffective if it were done, unless it were applied to funds available under the Smith-Lever Act as well as under this.

Mr. BYRNES of South Carolina. Well, I agree with the gentleman, but what does he say as to both items?

Mr. ANDERSON. I think, of course, I would have to object to legislation modifying the terms of the Smith-Lever Act.

Mr. BYRNES of South Carolina. Does the gentleman approve of their spending this large amount for specialists?

Mr. ANDERSON. That is a rather difficult question. I am frank to say that I am of the opinion I expressed in the hearings, that the whole proposition is rather top-heavy. Now, whether that is entirely in the specialists or in the leadership is rather difficult to say; but my understanding is that the Secretary is now undertaking a reorganization of this whole extension work with the idea of coordinating the leadership, so that so large a part of the funds will not hereafter be spent in that way.

Mr. BYRNES of South Carolina. If the gentleman is of the opinion that the department itself will reorganize the service, they can do it more effectively than we could by placing a limitation upon the expenditure of funds in this bill, and they can do it in such manner that no injury will be done to the demonstration work.

In this connection I want to say something with reference to the home demonstration work among rural women. It has progressed to such an extent that other nations are adopting the plan followed by us. This work was inaugurated officially by Dr. Knapp, but it was originated in the county of Aiken, S. C., by a young woman with brains, courage, and energy—Miss Marie Cromer. She was the pioneer, and because of her enthusiasm she was able to induce Dr. Knapp to undertake this work among rural women. It has developed until now in nearly every county in the United States trained women are engaged in this home demonstration work, assisting the women on the farms in solving the problems of their daily farm life. The story of the origin of this work is well told in the book recently published by Prof. O. B. Martin, of the Department of Agriculture, a most interesting book, reciting the development of demonstration work in this country and very properly giving great credit to Dr. Knapp for his contribution to its development.

Mr. BROOKS of Pennsylvania. Mr. Chairman, I move to strike out the last two words. Recently I sent out questionnaires to the ex-service men in my district for the purpose of getting expressions of opinion from them on the subject of the bonus. A statement of the results of those questionnaires has been printed in the York (Pa.) Dispatch of March 10, 1922. I ask unanimous consent that the Clerk read the article printed in the Dispatch.

Mr. ANDERSON. I shall have to object to that.

Mr. BROOKS of Pennsylvania. It is very important, and will be of interest to every Member of the House.

Mr. ANDERSON. If we should read everything that would be interesting to Members of the House we would be here a long time; and after what the gentleman from Illinois [Mr. MANN] said a few minutes ago, I shall have to object.

Mr. BROOKS of Pennsylvania. Then I ask unanimous consent that this article be printed in to-day's RECORD, for the benefit of everybody.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the article indicated. Is there objection?

There was no objection.

The article is as follows:

[From the York (Pa.) Dispatch, Mar. 10, 1922.]

ABOUT 25 PER CENT FAVOR CASH BONUS—MORE THAN 50 PER CENT DESIRE INSURANCE, CONGRESSMAN BROOKS FINDS—CANVASS OF VETERANS.

Not more than 25 per cent of the rank and file of the World War veterans of York and Adams Counties desire a cash bonus. Fully 50 per cent favor the endowment insurance plan above all others. Twenty per cent prefer aid in the purchase of a home or farm. The sentiment of the remainder is divided between the two other options offered—assistance in obtaining vocational training and land settlement, carrying with it a provision for employment for ex-service men. The proportion that declare themselves against any form of adjusted compensation is negligible.

In an effort to ascertain the views of the World War veterans of his district, comprising York and Adams Counties, Congressman BROOKS recently sent out 5,000 circular letters to that number of veterans, inviting them to express their preferences for his guidance in voting on the measure. From the great number of replies received up to this time the above percentages are given. Just six veterans, the Congressman stated to-day, declared for no bonus at all. Of that number, four are wealthy men, prominently connected with industrial enterprises, to whom adjusted service would mean very little. Probably 5 per cent of the veterans to whom inquiries were addressed expressed a willingness to wait until business conditions in the country are better.

ENLIGHTENED REJECT CASH.

The York Congressman stated to-day that he believed that a campaign of enlightenment as to the advantages of the several options of the adjusted-compensation pay would materially reduce the number of those who express a preference for cash. He is led to this conclusion by collective votes submitted by posts of the American Legion and the Veterans of Foreign Wars and also by the disabled veterans to the number of about 200 at Mount Alto. These men, to whom the provisions of the bonus bill have been explained, have in only a few cases requested cash. Improvement in industrial conditions, he stated, will further reduce the number asking for cash. A large number of the veterans who declared for cash wrote explanations to the effect that they are out of work and need actual cash more than anything else at this time.

The letters went out to only about half the ex-service men of the two counties. There is no complete list of World War veterans obtainable. The records of the War and Navy Departments are prepared in such manner that lists of ex-service men of any community can not be had from those sources. That of Congressman BROOKS, composed of the thousands who have obtained assistance of one sort or another through the York congressional office, and including the other lists at

various times since the war in this district, is by far the most complete as to names and addresses in existence here. It is believed, however, that the ratio of replies received will hold good for all.

RESULT OF VOTE SURPRISING.

The percentage of requests for cash compensation is less than the most conservative estimates made by experts at Washington. Since the letter went out the loan-certificate plan has been proposed as a substitute for cash. This would have the effect, it is believed, of still further reducing the number who prefer the cash-payment plan.

Reasons given by many of the veterans for their various preferences shed much light on the attitude of the men who fought the war. The argument invariably made for payment of the bonus is that the men who remained at home received pay out of all proportion to that of the soldiers and sailors.

"COMMERCIALIZING PATRIOTISM."

There is, likewise, one argument advanced by the opponents of adjusted compensation. They declare that it would "commercialize patriotism." One of the opponents writes: "I see no reason why any ex-service man has any right to favor a bonus bill when he went into the service for the sole purpose of fighting for democracy. The majority of the men would not have anything to show for it inside of 10 days after it was paid, but the country at large would be struggling with a debt upon their shoulders which would take years to adjust."

A stipulation made by each opponent, that the wounded and other disabled be adequately cared for, is discounted by the fact that liberal provisions are being made for such care, Congressman BROOKS stated, even though many of these men do face discouraging delays until their cases can be adjusted.

MAJOR TAKES OPPOSITE VIEW.

The cause of the man desiring compensation is championed by a major who was at the front. Although his rank would exclude him from the benefits of the measure, he writes: "I am heartily in favor of adjusted compensation under the optional plan now—not some time in the distant future, for 'now' is almost too late. I do not believe that the issue of short term Treasury notes to make the initial payments will begin to cause the financial chaos that some of our most prominent war profiteers love to predict."

From a soldier's hospital at New Haven, Conn., where he is lying broken in health, one boy who paid an enormous price that others might enjoy peace and prosperity, writes with a bitterness excusable when his condition is considered: "I never expect gratitude for what we did, or if the bill does not pass I will not be disappointed. I gave my position and my health to my country and I am not sorry. Tell them to buy guns for the war profiteers with this money and send them out to fight the next war."

DISABLED BOY BITTER.

Something of the same bitterness is expressed by another disabled veteran who writes: "I would be ashamed of the man who would capitalize his service to his country, but as an American I am more than ashamed of those who refuse to recognize that service with all its hardships and dangers. If we of the American Expeditionary Forces had worried as much about our three meals a day and our night's sleep, not to mention bullets and poison gas, as some patriotic Americans who were 3000 miles away—posing to farmers and hiding behind shirts—are worrying about the effects on their pocketbooks of paying a few dollars toward a just compensation, the money contemplated for a bonus would by this time have been spent many times over. To-day the Hindenburg line might be 'somewhere along the Atlantic coast,' and the Kaiser's collectors might even now be collecting taxes on those $10 silk shirts that were so necessary for the comfort of the slackers who remained at home."

Cancellation of the debt of allied countries which have paid liberal adjusted compensation to their own veterans is cited by some. One letter cites the $1,000 bonus and 250 acres of land given Revolutionary soldiers, and continues: "I think it is a shame that the richest country in the world has haggled over giving the soldier a bonus when all the other countries, even the poorest, two years ago gave a bonus to every soldier and officer in their armies."

A number of men write that they are purchasing homes and that the home-aid plan would go far to set them on their feet.

[illegible] LETTER.

The letter sent out by Congressman BROOKS to the veterans, explaining the provisions of the bill, follows:

DEAR FRIEND: An earnest effort will be made to pass a soldiers' and sailors' adjusted compensation bill at this session of Congress.

I voted for the bonus bill in the last Congress, and am now interested in knowing the feeling of the service men toward the pending measure.

Do you desire adjusted compensation at this time or are you willing to wait until the financial condition of the country is more favorable? Please answer in opposite square "Now" or "Wait."

What is your preference among the five leading options contemplated, namely:

1. Adjusted service pay (cash) at $1 a day for home service and $1.25 for foreign service. Maximum, $500 for veteran without overseas service; $625 for overseas service. Payment to be in installments of $50 every three months.

2. A paid-up 20-year endowment insurance policy at no cost; face value, three and thirty-eight one-hundredths times amount of cash allowable under option 1, payable at death to beneficiary named or to veteran at end of 20 years. Loans on policy provided.

3. Vocational training aid of $1.75 a day while in training, amount not to exceed 140 per cent of cash allowable under option 1.

4. Farm or home aid providing payment of 140 per cent of cash allowable under option 1, providing money is used to purchase, improve, or make payments on home or farm.

5. Land settlement providing reclamation projects to develop and improve vacant land in each State if possible, ex-service men to be employed in project. Adjusted service pay applied as first payments on purchase of this land, remainder in 40 years, at 5 per cent interest.

Please return this letter to my York office with (X) in the box opposite option you prefer, writing any ideas or suggestions on back of letter. As my list of World War veterans is incomplete, would suggest that you show this letter to any of your veteran friends who have not received one and urge them to express their preferences.

Write me at any time concerning this or any other matter that should have attention.

Very truly, yours,

E. M. BROOKS,
Member of Congress.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $210,000, as follows: Alaska, $75,000, of which $11,800, or so much thereof as may be necessary, shall be immediately available; Hawaii, $50,000; Porto Rico, $50,000; Guam, $35,000; and the Virgin Islands of the United States, $20,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts: *Provided*, That of the sum herein appropriated for the experiment station in Hawaii $10,000 may be used in agricultural extension work in Hawaii.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. COLE of Iowa. Mr. Chairman, I wish to say a few words on this subject; but having no desire to take up the time of the House, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. COLE of Iowa. Mr. Speaker and gentlemen of the House, the bill which we have under consideration appropriates nearly thirty-five millions for the promotion of agriculture. The amount is large, but it is less than the cost of one superdreadnaught, the building of many of which we shall discontinue if the disarmament pacts are ratified. Agriculture even as a national defense is worth many battleships.

The people of the State of which I have the honor to represent one district here, I need not say, are vitally interested in this legislation. Iowa's premiership in American agriculture will be disputed by none. The 300 miles between the Mississippi and the Missouri are, I believe, all things considered, the richest and most favored lands on the habitable globe. The Department of Agriculture, for which we are making these appropriations, as it now exists and functions, was virtually created by an Iowa man, the late James Wilson, still known as "Tama Jim," because he hailed from Tama County, in which a band of Indians still maintains a precarious but picturesque existence. As a Member of this House, I am proud to say that this great creative man was one of my predecessors in Congress from the fifth district of Iowa.

I have been both pleased and amused by the things that have been said in praise of agriculture during the debates on this bill. As I have listened I have become more convinced than ever that we all love the farmer—at least politically. Love for the man who tills the soil has slipped from the lips of men who represent rock-ribbed Massachusetts, where corn is grown in patches, and it has welled up from the hearts of men who come from black-loamed Iowa, where the tall corn grows mile on mile.

But the affection for the farmers that has been displayed on this floor during these debates has not been mere lip service. On the contrary, I know that it has been more sincere. Farming is not a sectional occupation. It is almost universal. It is the one calling that is of all most national. It is basic. It is fundamental. It is the corner stone in the structure of our prosperity and it is the keystone in the arch of our national greatness. The first command given to man was to till the soil, and when that labor ceases the human race will have run its course.

In the recent months we have learned anew that we not only live by agriculture but that industrially, commercially, and financially we thrive by it. In the autumn of 1920, when farm prices declined until the farmers were no longer able to buy, stagnation soon followed. All industrial, commercial, and financial operations were dislocated and many of them were stopped altogether. The revival of this industry became the first care of the Congress and the first thought of the Nation.

Standing in such a vital relation to life and to business, why should anyone in this House, whatever district he may hail from, want to do less than all he can to promote agricultural welfare and stability? Could any man who sits in the Congress be untrue to this industry and still true to his country and his country's welfare and prosperity?

It has been said on the floor of this House, although not in these debates particularly, that the decline in farm prices came with the return of the Republican Party to power. It is not true that they came as cause and effect, and it is not even true that they came concurrently. I will not say that the fall in farm prices and the universal depression which began in the autumn of 1920 came through the political party that was then

still in power. That would be too partisan, too narrow, and too illogical a position to take in even a political debate. Peace deflation had to follow war inflation. Extravagance and speculation had to give way to economy and distress.

But it is not impossible of belief, and it is even susceptible of proof, that the conditions were aggravated by the extravagances which had been encouraged by the party which had been in power and by a lack of confidence in the industrial policies of that party. The country was still under the Democratic version of free trade, and free trade, or even tariff for revenue, in this country has never bred either confidence or prosperity.

It may easily be recalled, although many things have intervened, that in the summer of 1914, just before the outbreak of the World War, there were many evidences of an industrial depression under the Democratic tariff law of 1913. It had come upon us like a creeping sickness. Unemployment was increasing in midsummer and the soup houses of 1893, under another tariff for revenue, with protection left out, were in the offing. During that summer of 1914, under the then newly enacted Democratic tariff, wheat sold in Iowa as low as 55 cents a bushel.

It was the Great War that saved us, such salvation as it was. On the breaking out of that catastrophe there was an immediate demand for all our products and that at rising prices. It was not without reason that some politicians thanked God for the war, not realizing at that time what that war was to mean to us and to the world. The declaration of war in Europe in effect repealed the free trade tariff in America and saved us from the industrial disasters inherent in such tariffs.

For a while even after the armistice was signed the free trade tariff remained inoperative. For a while also prices were buoyed up by wild speculations, and later by some artificial stimulants. The word was whispered, almost as a command, that things must be kept going, at least, until after the then pending election, that of 1920. Through subtle suggestions, and some of them may have been political, even the banks were encouraged to extend undue and unwise credits. Every effort was made to keep prosperity apparent, if not real, until after the votes had been counted in November. But all such efforts proved futile. In September and October the bubble began to burst. The balloon began to descend in the midst of fear and consternation.

And in the months that followed, when liquidation of debts was demanded, it was the farmers who had to pay first and to pay heaviest. They had the visible supplies and they were called upon to sell them for what was offered. The more they sold the more prices declined. We in the agricultural Mid-West believe, and not without reason, that our interests were neither properly represented nor conserved in the operations of the Federal reserve banks. The situation not only for the farmers but for all was made worse by the fact that those who could through organizations and manipulations maintained their prices, unwilling to enter the valley and the shadow to begin over again on a normal basis. As a result, in purchasing power, if not in actual figures, the farmers were worse off than they had ever before been in the history of this country.

The depression and the distress of a nation came to the Republican Party as an inheritance. They confronted the Harding administration on the 4th of March, 1921. Never had a new administration been confronted with such problems. The débris of the war remained to be cleared away. War debts, many of them contracted through waste, extravagance, and even corruption had to be paid. And the taxes to pay these debts had to be collected from people with declining incomes. There followed complaints and disappointments, but the debts had to be paid. The taxes were inevitable. Economy and efficiency became the watchwords of the party which had been returned to power. The scope of these policies was made world-wide when the President and the Secretary of State issued their call for the disarmament conference, which happily did away with many naval expenditures and those vaster expenditures that follow in the recurring fear of wars.

But while reducing the expenditures of the Government the Harding administration also took wise counsel and determined action to increase the earning powers of the people. Through wise policies the country was saved from falling into a panic. Every thought, every action possible was taken to restore the country to normalcy, as the President called it, and to prosperity, as we all understood it.

In due time the President and the Secretary of Agriculture brought forth an agricultural conference which for a season was hardly less significant than the disarmament conference itself. There was free and frank discussion not only by the men of agriculture but of all allied industries and interests. Sane and sound conclusions and policies were reached. To build anew the structure of our national prosperity was the one thought uppermost. Is it too much to say that conditions were visibly stabilized and confidence reestablished?

In the Congress in the meantime we were carrying out reconstructive policies in harmony with the purposes and aspirations of the administration. Here we formulated a program which properly made agriculture its first concern. In the course of a few months we enacted more remedial and more forward-looking legislation than had ever before been passed in any Congress before in like time.

I can not here review all that was done. I can hardly allude to it all. Our legislation touched upon almost everything that most vitally affected the farmers. We made new regulations for the packing industry, placing it under the supervision of the Secretary of Agriculture, where it rightly belongs, and we placed limitations on gambling in grains, and we enacted laws widening the powers and the privileges of cooperative associations among farmers.

We brought forth and passed none of these laws in any spirit of class or sectional consciousness. We made them all national in their scope and in their spirit. We sought and we shall seek to do nothing sectional. We have made and we will continue to make our appeals to the whole Nation and not to any mere part of it. So broad have been our conceptions and our policies that Democrats and Republicans have been able to cooperate in this legislation. For one I can say that I was able to vote for every one of these measures, not only with my voice but with my mind and my whole heart.

One of the last, and perhaps best of all our new enactments, was the law reviving the War Finance Corporation, which came not only with Executive approval but upon Executive initiative and suggestion. In an almost defunct, or at least dormant war-time corporation, we found three or four hundred millions of dollars, and we made these available for use in rural communities to thaw out what were called "frozen credits" and to reestablish confidence. So widely and so wisely have these funds been administered that results hardly less than magical have followed, and that quickly. At least some of the return of prosperity with which we have recently been blessed may be traced and credited to this financing.

But the Congress deserves praise, not only for the many things it has done but for some which it has refused to do. It has had not only the courage to do right but that finer courage to refuse to do what is wrong. In times of stress and distress many wild theories are brought forth and are apt to find not only adherents but promulgators and promoters. Short cuts and cure-alls without end were suggested and advocated. Quack remedies were offered as scientific prescriptions. Often it required courage to resist the appeals and influences that were brought to bear on a body so responsive to public sentiment as this House of Representatives. If we had given way to them, we might have enacted something hardly less baneful and rueful than the conception of the Russian soviet. God forbid that America shall ever give way to the vagaries of Bolshevism. In America let it be hoped human reason will be last to give away.

Some men revived the ancient heresy of fiat money and wanted the Congress to authorize unlimited issues of paper money. If we had done this, we might have had our monetary system reduced to the approximate levels of the German mark and the Russian ruble. Wisely have we maintained the American dollar standard not only at home but standard throughout the world. Our money and our credit thus maintained will not only make a secure foundation for our own new prosperity but they will go far to stabilize the world.

Some wanted us to force the collection of the debts owed us in Europe and to use the moneys so obtained to buy the surplus of our corn at 50 cents a bushel. If we had done this, what would the Government have done with the corn, and what would the people who are now getting, or are going to get, more than 50 cents a bushel for their corn have said about the swindling operations of their Government? Wisely did we resist all such suggestions and bravely did we try to steer the economic ship on an even keel through the troubled waters.

But all the credit for the resistance to economic error does not belong to the Congress. More belongs to the people themselves. They showed patience and they kept the faith of the past and the future. The farmers themselves opposed the advances of radical leaders. In one Iowa county—that of Muscatine—the directors of the farm bureau issued a warning against the propaganda of radical agitators. They called attention to the fact that many wild theories were being foisted on the people by organizers who came from "unknown sources." Those "unknown sources" may have been in far-away Russia, for we

know that the soviet has sent its disorganizers all over the world.

The fact that under the same basic laws corn has in recent months advanced from 13 cents per bushel to 58 cents per bushel ought to be proof that these basic laws are not wrong and that our industrial system is not at enmity with human well-being. If three months ago these basic laws were blamed for the depression, why shall they not now be praised for the return of prosperity?

But, much as we have done, it is not our purpose here in Congress to cease from well-doing. If happily the worst of our distress is over, we must not and we can not neglect to carry out the policies and the remedial legislation which have been so well begun. There may be other times of distress and we should now prepare ourselves not only to face such times but, if possible, to avert or at least minimize them.

We have left unenacted a part of what I may call a national farm program, and we propose to keep it national, so that all men may help in its completion. I will not here enumerate the things that we still have in mind in connection with rural betterments. But to some I must allude at least briefly.

First of all, we are going to enact a new tariff law to take the place of the emergency tariff with which we temporarily helped, if we did not save, industrial America. Into this new tariff law we intend to write protection for agriculture as well as for the factories. We want protection for hides as well as for shoes. We want wool to receive equal consideration with woolen goods. The name and the cause of the farmer must be written into this new tariff as they have never been written in any preceding tariff.

We are now formulating through proper committees a system of commodity credits directly applicable to rural needs. These credits may be based on the long-time credits now extended through the Farm Loan Bureau. We want to enable farmers to borrow money in times of distress in such quantities as they may need to tide them over, and that at reasonable rates of interest. We want also to make it possible for farmers to hold their own products for the most favorable markets.

We believe also in legislation that will maintain some semblance of "truth in fabrics." The man who keeps a flock of sheep, whether it be on the hills of Iowa or on the plains of the West, must not be made to compete with the ragpickers of European cities. And as one who believes in protection I prefer that the wool in the American garment shall come from the backs of American sheep.

Our program also includes not only lower freight rates than those which now obtain but better shipping facilities. It is to be regretted that our railroad problems have not been solved with the others. Other prices and other rates have approached the pre-war levels, while railroad rates remain abnormally high. At the present time we have one board that fixes railroad wages and another that fixes railroad rates, and between the two the shippers and the people have suffered. In solving this problem we must have due regard for labor while seeking to obtain for shippers reasonable rates and at one and the same time enabling the roads to strengthen themselves for the tremendous demands that are going to be made on them in the new era of prosperity upon which I believe we are entering.

In our transportation program we must include some larger use of waterways. We have made but little progress along such lines. We are far behind Europe, where rivers are crowded with boats and barges. We who represent Mid-Western States that are largely agricultural are at the present time asking for a fair division of the appropriations which we make for rivers and harbors. We are going to be insistent as well as consistent in these demands. We look also with favor on the proposed St. Lawrence route, by which it is hoped to bring ships from the sea to our lake ports. If this route is feasible, as preliminary surveys indicate, then we ought to have it. Transportation rates ought to be cheaper when ships from foreign ports take on their cargoes along Lake Michigan within 200 miles of the heart of Iowa.

These are some of the items in the unenacted part of our rural program. I submit that there is in this program nothing of enmity or even of antagonism to any other class of people or any other section of this country. All the items are based on the broad proposition that when we promote the welfare of agriculture we promote the welfare of all the people. It is not our purpose to do anything that is not for the good of all, and what is less than for the good of all will ultimately benefit none.

If we make laws wisely here, laws that shall be in harmony with the greater economic law, we shall do much to maintain and stabilize the prosperity that is now returning not only to the farms but to the whole country. If we have had a surplus, it has been due not to overproduction but to underconsumption. There is not now, nor will there ever be, enough food to feed the whole world well—as well as it ought to be fed. Depressions in prices and reverses in business are apt to be due to temporary dislocations in industries and transportation. When the law of supply and demand operates normally it is apt to be well with us. Our main concern should be to see that the great natural laws are allowed to operate normally.

I see before me not the past but the future as in a dream. I see another golden age of prosperity ahead. I am an optimist, and any American who is a pessimist is at least foolish. We have in this land of ours the resources and the men. Our progress is irresistible. Our prosperity is inevitable.

In furtherance of these hopes I am going to cast my vote for every appropriation carried in this bill, and my only regret is that we can not make some of them larger while the injunction of national economy rests upon us.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph. I call the attention of the gentleman from Minnesota to line 18, page 55, where the words "including the erection of buildings" appear. I desire to ask the gentleman what is contemplated?

Mr. ANDERSON. There was no estimate for any buildings so far as I am aware. As a matter of fact, the appropriations for these experimental stations are very small, and they are scarcely able to pay the salaries and do the necessary work. They would have absolutely no money under these appropriations carried in this item to construct buildings. There are some places where buildings ought to be constructed, but we did not provide the necessary appropriations. For instance, at the experiment station in Alaska we were advised that the log buildings are rotting out underneath, so that the floors are at an angle and so that it is impossible to close some of the doors. There ought to be new buildings there, but no estimate was made for them and we have not provided any appropriations which will permit the construction of buildings.

Mr. HAUGEN. If no new buildings are contemplated, why insert the words "including the erection of buildings"?

Mr. ANDERSON. That language has always been carried, and I think it should be. The gentleman knows that these experimental stations can not be conducted without the occasional construction of buildings.

Mr. HAUGEN. I also have knowledge of buildings being constructed which cost nearly $200,000 under same such provision as this, buildings maintained at a large expense, which have not been in use for a number of years. Besides, it is hardly fair to divert these funds for the erection of a building, but if the chairman of the subcommittee states that no buildings will be erected, I am satisfied.

Mr. ANDERSON. There is no estimate allowed by the committee for any building.

Mr. HAUGEN. Has the chairman a statement from the department or representatives of the department that none of this money will be used in the erection of buildings?

Mr. ANDERSON. I have no such statement.

Mr. HAUGEN. Then I make the point of order.

Mr. ANDERSON. Mr. Chairman, I desire to oppose the point of order.

The CHAIRMAN. On what ground does the gentleman make the point of order?

Mr. HAUGEN. That there is no authorization for new buildings.

Mr. ANDERSON. Mr. Chairman, I call the attention of the Chair to section 8241 of Barnes' Federal Code, which refers to experimental stations. That section contains this proviso:

Provided, however, That out of the annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent of such annual appropriation may be so expended.

The CHAIRMAN. Does the gentleman desire to discuss the point of order further?

Mr. ANDERSON. I think that disposes of it. That is the law.

Mr. HAUGEN. I call the attention of the Chair to volume IV of Hinds' Precedents, section 3606, in which it is held that—

While it is in order on an appropriation bill to provide for the repair of a building, it is not in order to provide for a new building in place of one destroyed.

Mr. ANDERSON. I have read to the Chair a specific law which permits 5 per cent of the appropriations for experiment stations to be spent in the erection and repair of buildings.

The CHAIRMAN. What section does the gentleman refer to?

Mr. ANDERSON. Section 8241 of Barnes' Code, on page 1976, the top paragraph on the page. The proviso is about two-thirds of the way down the paragraph.

The CHAIRMAN. The Chair has it. What was the citation given by the gentleman from Iowa?

Mr. HAUGEN. Hinds' Precedents, volume 4, sections 3777 and 3778 and 3606.

The CHAIRMAN. The Chair will rule. It seems to the Chair that the law (Federal Code No. 8241, relating to expenditures for experimental buildings) specifically provides that if the amount does not exceed a certain percentage of the amount appropriated for experimental work the authorization exists for the "erection, enlargement, or repair" of buildings necessary for this experimental work, and therefore it can not be considered an appropriation unauthorized by law. In the opinion of the Chair, the paragraph is in order.

Mr. HAUGEN. I call the attention of the Chair to the fact that there is no limit in the bill on the expenditure, and that the whole amount, which is in a lump sum, might be spent for buildings.

Mr. ANDERSON. The law itself is a limitation.

Mr. HAUGEN. But this later law supersedes the other law, and that makes the difference.

Mr. TOWNER. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. TOWNER. Mr. Chairman, the percentage in the law would, of course, apply to each particular item of the $210,000, which is the total of this specific allowance in Alaska, Porto Rico, the Virgin Islands, and other places where this total is to be applied. Of course, in each one of these items the percentage would be applicable so that no large amount could be spent in any event for the erection of buildings.

The CHAIRMAN. The Chair feels that the item is in order, and therefore overrules the point of order.

Mr. TOWNER. Will the Chair pardon me, I would like to put this statement in the RECORD: I am very sure that my colleague from Iowa would not feel that this small amount ought to be cut off for the erection of these buildings. Take it in these particular districts with which I am perhaps more intimately acquainted than others—Porto Rico, the Philippine Islands, and islands of that kind. It is almost necessary for them to erect every year some shed—they do not amount to anything else—but they are buildings, of course, and an absolute prohibition against any expenditure for a building in these cases where they have to go out in different places to take charge of a coffee plantation or a sugar plantation, in conducting experimental work, would prohibit them. It is almost necessary that temporary buildings should be constructed, and that is the reason of my particular interest in the matter.

Mr. HAUGEN. Mr. Chairman, I have no desire to cripple the service or hinder the construction of buildings. I would object to using $210,000 in putting up buildings where the money was appropriated for other purposes. I have a distinct recollection of buildings constructed at an expense of nearly $200,000 and funds thus diverted. My contention is that there should be a limitation on the cost of these buildings. Without this, $210,000 could be used for the erection of buildings.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

For general administrative expenses connected with the lines of work of the States Relations Service, including the offices of the director, the chief clerk, the officers in charge of publications, library, accounts, records, supplies, and property, and for miscellaneous expenses incident thereto, $12,600.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. It refers to the publications of the Department of Agriculture. I understand that the department no longer publishes the book on the Diseases of the Horse and the book on the Diseases of Cattle. They publish each year a limited number of the Yearbook for the Department of Agriculture. I have been informed—I do not know whether it is correct or not—that the department has no choice, but if legislation justified it they could just as well publish a book on the diseases of horses and diseases of cattle instead of the Yearbook, which they publish at practically the same expense. I wondered if the gentleman from Minnesota does not think that the books on the Diseases of the Horse and the Diseases of Cattle would be more valuable than the Yearbook?

Mr. ANDERSON. I do not think so. I think it is desirable to continue the publication of the book on the diseases of horses and on the diseases of cattle, but I think it would be very unfortunate, indeed, if the publication of the Yearbook was omitted for one year. That is a publication which keeps up all the current, statistical, and research work in a popular form down to date, and it would be very unfortunate if we omitted it for a year.

Mr. JONES of Texas. Does the gentleman think it would be more expensive to publish one-half of the number of Yearbooks and devote the other to the publication of the book on the diseases of horses and the diseases of cattle?

Mr. ANDERSON. My recollection is that it has been the practice, by special resolution, to provide for the publication of the book on the diseases of horses and the book on the diseases of cattle every three or four years.

Mr. MANN. It is by a special resolution that comes from the Committee on Printing, which provides for the publication and the distribution.

Mr. JONES of Texas. There has been none published since I have been here.

Mr. MANN. Perhaps they ought to be revised and brought down to date.

Mr. CHALMERS. I am sure the gentleman has had the same experience I have—that the number of agricultural Yearbooks now published will not satisfy the demand for them. The Yearbook is of great general interest, and I have not enough for distribution in my district.

Mr. JONES of Texas. I could use more than I have. I do not advertise the fact that I have them and only supply them to such requests as come in voluntarily, and I have enough to supply those requests. But I do have requests for the book on the Diseases of the Horse and the Diseases of Cattle, which I can not supply, and none has been published for the last four or five years.

Mr. ANDERSON. The gentleman should get after the Committee on Printing.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigations of the best methods of road making, especially by the use of local materials; for studying the types of mechanical plants and appliances used for road building and maintenance; for studying methods of road repair and maintenance suited to the needs of different localities, and for furnishing expert advice on these subjects, $77,060.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. At one time before I questioned the advisability of making the appropriation for the purpose of enabling the bureau to experiment in the making of roads. What I had in mind at the time was that there is so much road building, covering the entire country, that almost every locality in the country is getting some kind of a road, and there is so much opportunity for experiments on such a scale and under such a variety of conditions that it is unnecessary for the department to carry on many experiments. There will be opportunity for investigation and experiment under all kinds of conditions in actual work going on in the country.

Mr. ANDERSON. Mr. Chairman, the difficulty is that in order to determine the effect of traffic or of weather conditions you have to tear the road up, and that is not very convenient in a road that is used constantly.

Mr. McLAUGHLIN of Michigan. Is the gentleman correct about that? Does not the quality of the road prove itself? Is not the quality of it determined by the wear? Has the matter not gone far enough so that the department can determine with some reasonable sense and judgment what methods are correct and what materials best, and so on?

Mr. ANDERSON. I do not think so. As a matter of fact, I think we are just at the beginning of road-construction knowledge. There are many problems with respect to drainage and the different qualities in the soil that affect road construction, the different wearing qualities of different road materials, different methods of construction, few of which have been worked out with a high degree of scientific accuracy and many of which still remain to be solved.

Mr. McLAUGHLIN of Michigan. I have no criticism to make of the bureau. I think it has done splendid work, but where there is so much actual work being done under all kinds of conditions, with every imaginable kind of material, it would seem to me that there is opportunity enough for experiment. I hardly agree with the gentleman from Minnesota when he says that there is a better way of determining the quality of material and the quality of construction than in actual building and using roads. I do not think experiments made by the department are as good as the work done out in the field.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SNELL. Mr. Chairman, where are all these experimental roads built? Are they constructed in the vicinity of the District of Columbia?

Mr. ANDERSON. This does not involve the construction of experimental roads at all. The large part of it is expended for experiments in road-making materials and in giving advice

with regard to road construction. Some of it is spent for small sections of experimental road sections that are very narrow, upon which certain experiments are made, such as the impact of wheels and the strength of the wearing surface.

Mr. SNELL. What I have in mind is that if they are all built around here, the different climatic conditions in the northern and southern parts of the country might affect them differently.

Mr. ANDERSON. Several years ago some experimental roads were constructed near Washington. One was just beyond the Chevy Chase Club, but we have gradually decreased that appropriation so that now I think it is about $15,000, and no more experimental roads of that character are being constructed at all.

Mr. TILSON. Mr. Chairman, I rise in opposition to the pro forma amendment to ask a question. Are any experiments being carried on in regard to the effects of frost in road construction or repairs and the best means of dealing with it?

Mr. ANDERSON. The Bureau of Public Roads has been decentralized, and it has offices in quite a number of different parts of the country. These studies are largely carried on in cooperation with the States. I am unable to tell the gentleman where frost studies are being carried on, but I know they are being carried on.

Mr. TILSON. Is it under this particular paragraph of the bill?

Mr. ANDERSON. It is rather under the next item.

Mr. TILSON. For those of us who live in States where there is considerable frost, this is one of the most difficult problems with which we have to deal in road construction and repair. Investigation and experimentation along this line, if properly conducted, might prove very helpful, and the money thus expended turn out to be very wisely expended.

The Clerk read as follows:

For investigations of the chemical and physical character of road materials, for conducting laboratory and field experiments, and for studies and investigations in road design, independently or in cooperation with the State highway departments and other agencies, $175,000, payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended.

Mr. HAUGEN. Mr. Chairman, I make the point of order on the paragraph. I make the point of order on the words:

Payable out of the administrative funds provided by the Federal aid road act of July 11, 1916, as amended.

Mr. ANDERSON. Mr. Chairman, I think that portion of the bill is subject to the point of order. I concede the point of order.

The CHAIRMAN. The Chair is somewhat confused as to what the gentleman from Iowa has referred.

Mr. HAUGEN. I made the point of order to the paragraph.

The CHAIRMAN. Where are the words which the gentleman from Minnesota refers to?

Mr. ANDERSON. I understood that the gentleman from Iowa made the point of order to the words:

Payable out of the administrative funds provided by the Federal aid road act of July 11, 1916, as amended.

I concede the point of order to that portion of the paragraph.

The CHAIRMAN. Is that the part to which the gentleman from Iowa makes the point of order?

Mr. HAUGEN. I made it against the paragraph, but I withdraw that, and make it against the words:

Payable out of the administrative funds provided by the Federal aid road act of July 11, 1916, as amended.

The CHAIRMAN. The Chair sustains the point of order on those words as indicated in the paragraph.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Minnesota a question about an item on a preceding page. I refer to the item at the bottom of page 57—

For salaries and the employment of labor in the city of Washington and elsewhere—

And so forth.

In view of the fact that the matter of raising the maximum amount of salaries is to come up later, so far as the Agricultural Department is concerned, I want to ask the gentleman whether the language in the paragraph to which I refer from which I have quoted, gives the Agricultural Department the power to fix any maximum salaries it may see fit.

Mr. ANDERSON. It does not.

Mr. KINCHELOE. Where is there any limitation on it?

Mr. ANDERSON. Well, the law itself fixes the maximum limit of the salary that may be paid.

Mr. KINCHELOE. And this is under that limitation?

Mr. ANDERSON. It is under that limitation.

Mr. KINCHELOE. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for the purchase and installation of equipment for experimental purposes; for the giving of expert advice and assistance; for the preparation and illustration of reports and bulletins on irrigation; for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia; and for supplies and all necessary expenses, $72,000.

Mr. SNELL. Mr. Chairman, I reserve the right to object to this section. I desire to ask the chairman if there has been some real, definite advantage obtained last year in the making of this appropriation. I think we discussed this last year.

Mr. ANDERSON. The gentleman is referring to page 59?

Mr. SNELL. Yes; the first paragraph.

Mr. ANDERSON. I think there has been some very good work done under this paragraph. I would like to call the attention of the gentleman to the fact that this is the only paragraph carried in any bill as far as I know which provides for giving any engineering advice at all in regard to irrigation projects. Taking it from that standpoint——

Mr. SNELL. Are any of the big projects considered in connection with this appropriation?

Mr. ANDERSON. These are largely connected with problems of the user of water, such as the seepage problem, problems connected with overflow, and all that sort of thing. These men are constantly traveling around these small irrigation projects, giving advice and suggestion to these small irrigation-farm owners so they can solve the engineering problems which they have. It is a very small amount, and it ought to be much larger, as a matter of fact.

Mr. SNELL. And there is some real, definite advantage comes from it? If so, I do not want to make the point of order.

Mr. ANDERSON. I think they are doing good work.

Mr. SNELL. I withdraw the point of order.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. Under the authority set forth in this paragraph are conducted some of the most valuable experimental and investigational work of the entire Department of Agriculture. Of the hundreds of millions of acres in the West that are suited to agriculture, except for the lack of water, the last census showed that about 19,000,000 were irrigated. Experts estimate that the known water supply in this region is sufficient to irrigate from 45,000,000 to 50,000,000 acres, the ultimate limit depending upon the economy with which water is used. The land is there for an indefinite expansion; a water supply is the only thing needed to make it productive.

Of the 19,000,000 acres of desert land irrigated in 1920, about 3,000,000 acres, or more than 15 per cent, have become so wet from the use of more water than the crops consume that they must be drained if they are to continue to produce profitable crops. This condition is spreading, and our people have not learned to convey and apply water in such a way as to stop it. We need experiments to develop feasible methods of reducing this danger.

The farmer on irrigated land has not only to pay to get the water on his farm but he must also pay to get it off. In the Salt River Valley, in Arizona, the Department of Agriculture has carried on extensive experiments, and much has been done to limit the injury by teaching farmers to prepare their fields for irrigation so as to require less water. Much good has also been accomplished in determining the most economical methods of lowering the ground-water level below the danger point. Each irrigated region, however, presents a different set of problems, and there is great need for continued research to determine how they can be best met.

In the arid region practically all of the land is valueless without water. The use of more water than is necessary on one tract of land condemns another area to sterility. On the other hand, it is possible to use so little water that crop returns fall below the point where they produce a profit. We need additional research to determine for each type of soil in each community the quantity of water to use for each crop, in order that returns may not be reduced by too limited use, and also that the water needed for other land may not be wasted.

Water is lost and wasted at every step in the process of conveying it to farms and applying it to the fields. Of course, losses in conveyance can be stopped by carrying water in concrete-lined canals or in pipes, but in most places such measures are too expensive. We need research to discover more economical methods of preventing such losses and to cheapen the known

methods. Losses in applying water to fields are also large, but they can be checked by adapting methods to soils and crops.

More than 90 per cent of the reclamation of desert land thus far accomplished has been by private agencies. In these projects the United States Reclamation Service does not participate. It is probable that a considerable portion of future irrigation development will be by private initiative. Financial failures of private irrigation enterprises have been so numerous that it is now very difficult to induce capital to invest in such securities. It is only right and proper that the Federal Government, through the research organization of the Department of Agriculture, should endeavor to aid legitimate irrigation schemes by ascertaining the causes of past failures and map out a course which will safeguard future investments in such enterprises. This involves not only a study of the history of irrigation development but an examination of forms of organization, the State and Federal laws under which they operate, and so forth.

Closely related to this subject is that of cooperative community enterprises looking to the utilization of the water supply of an entire stream. The irrigation of every western valley has proceeded by stages, the first works built being of a crude type for the irrigation of land most easily reached by canals. Then more pretentious works were built for land more remote. Under such circumstances there could be no comprehensive plan for supplying water to all the land in the most economical manner or for the conservation of flood waters in large storage reservoirs.

As long as water was abundant and cheap this defect was not felt, but the time has arrived in many communities when further progress can not take place without the cooperation of all interests deriving water from a common source. The organization best adapted to such cooperation seems to be the irrigation district, but the proper carrying out of plans for such large-scale operations as are involved calls for extensive research along such lines as the most economical duty of water, seasonal requirements of different crops, capacities of different soils for water, and the measurement and division of water. The studies thus far made only emphasize the need for more complete information along the lines referred to.

Mr. RHODES. Will the gentleman yield?

Mr. HAYDEN. I yield to my good friend from Missouri.

Mr. RHODES. Is it not a fact that the reclamation engineers in charge of these local projects advise with the people who are interested in irrigation, and are they not just as well prepared to give advice about local projects as the Department of Agriculture?

Mr. HAYDEN. But the gentleman forgets that but about 3,000,000 acres have been irrigated through the United States Reclamation Service out of a total irrigated area of 19,000,000 acres. My friend will also remember that the Reclamation Service deals only with projects where expenditures are made from the Federal reclamation fund. I contend that irrigation agriculture is entitled to the same consideration from the Department of Agriculture as any other kind of farming in the United States. It is no part of the duty of the United States Reclamation Service to engage in scientific research for the benefit of the owners of private land. All the expenses of that service are paid out of the reclamation fund and are chargeable to the several Federal irrigation projects. There is no way in which they could legitimately use that fund for any such purpose.

Mr. RHODES. Will the gentleman permit one further question or observation? I can see the importance of this reclamation work, and I was just wondering if there is not a lot of duplication, a doubling up of effort on the part of the Agricultural Department in conducting this work.

Mr. HAYDEN. I have looked into that matter with some care and find that there is no great amount of duplication of work.

Another field for research which is of great interest to the arid region is the development of the vast underground water supplies by pumping. While water has been pumped for irrigation for many years, a great many failures have resulted from the selection of the wrong kind of equipment, faulty installation, underestimation of the amount of water obtainable from the well, or from other causes which might have been avoided if more definite knowledge of the requirements was available. It is not at present known with any degree of certainty the depth from which water can be pumped economically for the irrigation of a given crop under given climatic and soil conditions. Only a broad, general study of conditions in the entire arid region will make it possible to solve this and other related phases of the problem.

For example, there has been no convenient way for a person planning to develop land by pumping to obtain disinterested advice as to the best type of pump for his use or the most efficient means of operation. If he inquires of a manufacturer he will be told that his pump is the best and should be used, but such advice, of course, is not disinterested. And the same is true with respect to many other irrigation problems throughout the West.

These are the reasons why I rose to address the committee this afternoon. I want to ask the gentleman from Minnesota, in charge of the bill, whether we might hope that this appropriation will be materially increased whenever the other activities of the Department of Agriculture may be enlarged, at such time as the financial condition of the Government shall permit.

Mr. ANDERSON. Of course, the "gentleman from Minnesota" may have nothing to do with it at that time, but I agree that this item ought to be developed along with the rest of the department. I agree that the irrigationists are entitled to as much consideration as any other class of farmers.

Mr. HAYDEN. I am glad to have that assurance from the chairman of the subcommittee, and I am hopeful that in the near future the Department of Agriculture will insist, even more strongly than it has in the past, that larger sums be allowed for this purpose, and that the Congress will authorize the expenditure of the full amount estimated for in the Budget.

Over $700,000,000 has been expended in the construction of irrigation work throughout the West and more than twice that much has been spent by the farmers themselves in leveling land and preparing it for water. At its best irrigation is an expensive process, which, however, yields high returns under favorable circumstances. Some of our large streams—notably the Columbia, the Missouri, and last, but not least, the Colorado—carry out of the arid region immense quantities of water that might serve millions of acres if the water could be brought to the land at a practicable cost. The agricultural salvation of these lands and the economical use of other millions of acres of grazing land depend upon the development of methods of lifting and conveying water that will make it available at a reasonable price. Scientific research into irrigation practices should therefore receive adequate support if the development of the arid West is to be encouraged.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For supervising the preparation, distribution, and use of picric acid, trinitrotoluol, trojan powder, and such other surplus war explosives as may be made available for use in clearing stumps and stones from agricultural land, independently or in cooperation with agricultural colleges and other agencies, and for investigating and reporting upon the results obtained from the use of the explosives, $15,000.

Mr. HAUGEN and Mr. TILSON rose.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] is recognized.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on that. It is a matter that was discussed a year ago, and it went out. This is for supervising the preparation, distribution, and use of these explosives. My understanding was that the purpose was to distribute the surplus in the department.

Mr. ANDERSON. The gentleman knows that this stock exists in storage in bulk, and it has to be cartridged and put in such shape that it can be used. This $15,000 does not cover the cost of that preparation, because the actual cost of preparation is carried into the price which is charged to the people who buy the stock. The $15,000 covers supervision only.

Mr. HAUGEN. What is the suggestion? Is it that the surplus shall be distributed or is it to be manufactured?

Mr. ANDERSON. This 12,400,000 pounds altogether was turned over to the Bureau of Public Roads by the War Department without charge. Three million pounds of it was at Sparta, Wis., and the remainder is at Fort Wingate. A large part of that at Sparta has already been distributed, leaving 200,000 pounds at Sparta and something like 9,000,000 pounds at Fort Wingate, N. Mex.

Mr. HAUGEN. There is still a surplus on hand?

Mr. ANDERSON. Yes.

Mr. HAUGEN. And the purpose is to distribute the surplus?

Mr. ANDERSON. Yes.

Mr. HAUGEN. And not to manufacture it?

Mr. ANDERSON. No. And enough to include the cost of cartridging, and so forth.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. In addition to what the chairman has just said, that there is a large demand for this explosive, I believe that the plan of distribution is practically self-sustaining.

Mr. ANDERSON. It is, except here in Washington and points at which the work is done.

Mr. TILSON. Just a few words as to the nature of this very dangerous explosive. If a heap of it were placed upon this table and a match touched to it, it would only singe a few of those who might be sitting near, but would not do any great

amount of damage, whereas if it be restrained and exploded with a high order of detonation it becomes very powerful and effective. The greater the restraint the more powerful and effective it becomes.

Mr. HAUGEN. I take it that the wording of this would permit the manufacture, the supervision, and distribution. But I am satisfied, I doubt the advisability of manufacturing.

Mr. TILSON. It seems to me necessary to prepare the material for use, and this preparation consists not in manufacturing but in making it ready to put the proper restraint upon it, so as to give it force when exploded.

Mr. ANDERSON. This item covers the supervision of that explosive and not the preparation itself.

Mr. TILSON. And a charge is made that will carry a good portion of the expense?

Mr. ANDERSON. All the expense of cartridging and freight and anything else, except what little supervision is necessary.

Mr. TILSON. I would like to ask the gentleman what success they have had with this explosive in blasting stumps and stones?

Mr. ANDERSON. I have not seen the report on it, but I think it has been used very successfully, and there has been a large demand for it.

Mr. TILSON. It may be recalled that at the end of the war there was an enormous quantity of this trinitrotoluol on hand. There was a proposition made at the time that it be shipped out to sea and cast overboard. Then we began to look around for useful purposes to which it might be put, and this was hit upon. I was interested in knowing just how successful it had been.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. While back in my home State recently a complaint was brought to my attention of the inability of farmers to get picric acid from the large plants which the chairman of the subcommittee knows are in our own State; that some discrimination was evidently being exercised against these men who desire the use of this picric acid in favor of the men who were taking it for explosive purposes; that is, I mean in the large munition manufacturing plants.

I am wondering whether the gentleman has any information bearing on that point, whether or not the distribution of this material is open and free to everybody who lays down the equivalent sum of money required?

Mr. ANDERSON. It should be, and I think it is. It is barely possible, however, that the Chief of the Bureau of Public Roads has not yet been able to make the necessary cooperative arrangements to enable him to make a distribution in the gentleman's State.

Mr. KETCHAM. May I state that the particular form of the complaint came in this manner: That these men had gone to the proper department having charge, and they were informed that it had been turned over to some subsidiary distributing agency which had charge of it. They could get no further than that, notwithstanding they were willing to pay several dollars a ton more than the ammunition factories were getting it for.

Mr. ANDERSON. The matter has not been brought to my attention at all, and I am unable to answer the gentleman's question.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2807) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, and asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LADD, Mr. NORBECK, and Mr. KENDRICK as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $291,767: *Provided*, That of this amount $150,000 may be used in ascertaining the cost of production of the principal staple agriculture products.

Mr. ANDERSON. Mr. Chairman, I move to strike out the word "agriculture," on line 17 of page 62, and insert in lieu thereof the word "agricultural."

The CHAIRMAN. The gentleman from Minnesota moves to change the spelling of the word "agriculture," on line 17, as indicated.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, $471,200.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. LANHAM. Mr. Chairman, this paragraph and the two or three succeeding paragraphs have to do with the dissemination of information concerning agricultural and crop conditions and telegraphic news service with reference to markets. During the war a service of this kind was had in the southwestern section of the country, with headquarters at Fort Worth, Tex. Since the war this service has been abandoned in that section, largely, as it seems from a perusal of the hearings, by reason of the fact that the rates for the leasing of the wires have so increased as to make the service practically prohibitive during this time of enforced economy. That section of the country, under normal conditions, certainly is entitled to as good service in this regard as any other section of the country, because it is one of the largest producing areas of the entire Nation.

My purpose in moving to strike out the last word is simply to inquire of the chairman of the subcommittee whether or not, when the economic conditions are better, we may hope in that section of the country for a resumption of this service?

Mr. ANDERSON. I think the service is a very valuable one, and if it could be had at the same cost that we had it for originally I think it would be fully justified. When the time comes when we can have it at a reasonable price, personally I shall be very glad to see it restored.

Mr. LANHAM. I am very much gratified to have that assurance from the chairman of the subcommittee, because our agricultural and live-stock people are vitally interested in getting this service. However, they wish also to do their share in promoting the economy which is necessary now in our governmental operations.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it seems to me that some of the language in this paragraph provides for duplicating work by the Bureau of Markets.

Mr. ANDERSON. May I call the gentleman's attention to the fact that this item now is a combination of three or four items that were previously carried, including the cotton standardization work and the appropriation for State cooperation of $70,000, and also the appropriation for grain standards, which formerly were under the Bureau of Markets.

Mr. McLAUGHLIN of Michigan. In carrying them on, uniting those different items, some language is used here that would permit duplication.

Mr. ANDERSON. No. That language is not carried anywhere else. It is simply carried in this section in the exact terms under which it was previously carried in separate paragraphs.

Mr. McLAUGHLIN of Michigan. Here is "For acquiring and diffusing among the people of the United States on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products," and so on. That is certainly part of the work contemplated by the Bureau of Markets.

Mr. ANDERSON. The Bureau of Markets is a part of this bureau.

Mr. McLAUGHLIN of Michigan. And this language is not carried anywhere else—giving authority to the Bureau of Markets to do this work?

Mr. ANDERSON. No.

Mr. McLAUGHLIN of Michigan. I had not noticed the change before, so that the gentleman from Minnesota is no doubt right about it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and live-stock estimates, acreage, yield, grades, stock, and value of farm crops, and numbers, grades, and value of live stock and live-stock products on farms, in cooperation with the States Relations Service and other Federal, State, and local agencies, $357,400: *Provided*, That not less than $65,000 shall be used for collecting and disseminating to American producers, importers, exporters, and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals as may be necessary in connection with this work.

Mr. MANN. Mr. Chairman, I rise just to inquire of the gentleman from Minnesota whether he thinks this title to this bureau will last for two years?

Mr. ANDERSON. I think so. I do not think, however, that I am entitled to think anything about it in view of the fact that last year I thought the title would last for some time. In other words, "I acknowledge the corn."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, poultry, butter, hay, and other perishable farm products, when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, $175,000.

Mr. SUMMERS of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: On page 64, line 4, after the word "products," insert "when offered for interstate shipment."

Mr. SUMMERS of Washington. Mr. Chairman, this paragraph provides for Federal inspection of fruits, vegetables, and other farm products at the receiving point, the point of final destination. My amendment simply makes it possible for an inspection to be made at the shipping point, before the grower has incurred the expense of several hundred dollars for freight in order to get his products to a distant market and there probably have a question raised as to quality or condition or possibly have it condemned.

Mr. SNELL. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield.

Mr. SNELL. Would not this necessitate a great many more inspectors, if we had them at every point where this freight originated?

Mr. SUMMERS of Washington. This is optional with the department as to whether they shall make the inspections, and whenever it is done the inspection is made at the expense of the shipper. A good many States have a State inspection law, and I am informed by the department that it would be possible for them to cooperate with the State inspectors who are on the ground, and that where freight is offered for interstate shipment an inspector will be permitted to issue a Federal certificate instead of a State certificate.

Mr. SNELL. Do I understand the gentleman to say that the shipper pays all the expense?

Mr. SUMMERS of Washington. The shippers pay the expense. They pay $5 or $6 or $7 a car for the inspections that are made.

Mr. BURTNESS. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. BURTNESS. I do not know if I understand the import of the gentleman's amendment. I notice that the language of the paragraph in the bill itself provides for inspections at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom. Now, what does the gentleman's amendment add to that language, if anything?

Mr. ANDERSON. I do not think it adds very much; but the language is limited now to farm products when received at important central markets. What the gentleman from Washington [Mr. SUMMERS] wants, as I understand it, is an inspection at the point of shipment instead of at the point of receipt of the commodity.

Mr. SUMMERS of Washington. Provided it can be made at the expense of the shipper.

Mr. BURTNESS. I think it is very important that that language should be carried if the bill itself does not now provide that an inspection may be made there, when the shipment is received at a central market or at a point convenient to it.

Mr. SUMMERS of Washington. I think the language in the bill might mean that an inspector in New York City could go over to Jersey City and make an inspection there, but I am not sure of its wider application.

Mr. COOPER of Wisconsin. I notice in line 2, on page 64, it is provided—

For enabling the Secretary of Agriculture to investigate and certify to shippers.

Does not that cover the point the gentleman wishes to cover?

Mr. ANDERSON. No.

Mr. COOPER of Wisconsin. What does the amendment do?

Mr. SUMMERS of Washington. Here is a point where there are a thousand carloads of fruit going into interstate commerce. The producers of that fruit have put all their year's labor into it, and are subjected to the added expense of the high freight rate for several hundred miles, and they never know whether it will be received at the other end of the line without a controversy, when it is two or three thousand miles away from the shipping point. Heretofore the inspection has been at the eastern market, where the fruit was received, and not at the shipping point.

Mr. EVANS. If I understand the purpose of the gentleman's amendment, it is to fix the condition of the commodity at the point of shipment, so that there can not be any dispute when the contract is f. o. b. the shipping point.

Mr. SUMMERS of Washington. That is correct. An inspection at the packing and shipping point is much more thorough than an inspection at the receiving point, where usually a few boxes are opened and an entire car is passed or condemned on the showing made by those few boxes.

This amendment, while equally beneficial to shippers and buyers, is above all in the interest of the consumer; it is the consumer's guaranty that he is getting what he buys and pays for.

Mr. MANN. Mr. Chairman, I have no objection to the amendment proposed by the gentleman from Washington. I have no objection to the provision in the bill; but we all ought to understand that this is very widely increasing the scope of the work done by this branch of the service. Under the existing law the inspection can be made only where the property is in interstate commerce and can be made only at a designated central point of shipment. The Secretary of Agriculture designates certain central points, and the inspection force is located at these points. The certificate of inspection can be given only at these points, and on interstate commerce. The language of the bill itself had already made two changes in the law. One was striking out interstate commerce, so that the certificate might be made in intrastate commerce as well as in interstate commerce, and the other providing that the certificate might be made not only at the central markets designated by the Secretary of Agriculture but at any other place that could be reached conveniently from the central markets. And inasmuch as any place in the United States can be reached conveniently from one of the central markets of the country, the bill as reported meant that the Secretary of Agriculture might authorize, within the limits of the money that he had, an inspection at any point; but the gentleman from Washington [Mr. SUMMERS] in offering his amendment desires to make that absolutely certain, as I understand it. While it is clear to me that it is carried in the original bill, he wants to fix it beyond peradventure that it means that a certificate of inspection may be granted on a shipment from any point where the Secretary of Agriculture is willing to have the certificate made, whether it is at the point of origin or at some other point, or whether it is in interstate commerce or intrastate commerce.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. In cases where there is a long haul might not some of these perishable goods have a clean bill of health when they start and not be in good condition when they arrive at their destination?

Mr. MANN. Oh, yes. The certificate of inspection at the point of origin would simply certify as to the condition of the goods at the time and place of shipment. That does not guarantee that the goods are of the same quality when they reach their destination, especially if eggs have been kept on the way in hot weather for six weeks or three months. But I would ask the gentleman from Minnesota [Mr. ANDERSON] whether this is likely to cause any very great increase in the appropriation? I notice there is no increase proposed with this change of scope of the original plan.

Mr. ANDERSON. I think the language proposed by the committee will not cause any considerable increase in appropriation, but the language proposed by the gentleman from Washington, if carried out in the way he intends, I think would require eventually quite a large sum.

Mr. MANN. The language reported by the committee requires inspection not only at the central market but at any point

that can be conveniently reached, and that would cover any point in the United States.

Mr. ANDERSON. The gentleman's construction is correct; but what was meant and intended was, for instance, the towns within short distances of the central receiving points, like Omaha or Chicago, where carload lots are shipped to points within short distances which a man can reach and get back in an hour or two.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, if the committee is going to adopt this change of existing law it ought to appreciate what it is doing. As the law now stands it provides for the inspection of perishable farm products moving in interstate commerce, for their inspection at the point of receipt—that is, at the destination—on the theory that the Federal Government has to do only with interstate commerce, the inspection being made only for the purpose of protecting the shipper and to some extent the receiver of perishable goods. The Federal inspector makes an inspection and issues a certificate setting forth the condition in which the goods reach their destination, his certificate to be used in the settlement of disputes, if such may arise, between the shipper and the receiver of the goods.

I have always insisted when this section was being prepared that the inspection should be limited to goods in interstate commerce, because, in my judgment, that kind of a shipment is the only one over which the Federal Government should exercise or has a right to exercise any jurisdiction. If the words "interstate commerce" do not remain a part of the law, it will permit the inspection of intrastate shipment, shipments moving from one town to another within the same State. It will authorize the Federal Government or its agents to interfere with and take part in the transfer or shipment between residents of a State, a duty or a function which the Federal Government ought not to be asked and ought not to be permitted to perform. The Federal Government has no right, in my judgment, to assume to make an inspection of intrastate shipments or take part in a controversy between the residents of a State. If we permit it, we are not only permitting what I conceive to be an improper work, but as it extends, as it surely will, it will involve untold cost and trouble. They say it is going to be self-supporting. I do not believe it; but in any event the work as proposed is not right; it is not the duty of the Federal Government to have anything to do with State business or State disputes. One portion of the section provides for the issuing of a certificate by an agent who makes an inspection, to be delivered to a shipper or any interested party, which certificate shall be prima facie evidence of the truth of the statement which it contains if the matter should arise in the United States courts.

It may be competent for the Congress of the United States to make a rule of evidence of that kind, to be invoked and to be controlling in a United States court, but this Congress can not make rules of evidence to control a State court or have any influence in the trial of a case in a State court. In my judgment, this ought to be limited to interstate commerce, and we are going outside of our functions and jurisdiction if we undertake to make it relate to or include shipments wholly within a State.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McLAUGHLIN of Michigan. I have read the hearings on this item, and it was urged that if a man had a carload of perishable goods anywhere in the country he ought to have an opportunity to have a Federal inspector inspect those goods at his farm or at the first point of shipment before they start on their course. It would provide for an army of men to go over the country, representing the Federal Government, inspecting goods at points of shipment wherever they might be. If that is a function of the Federal Government I do not understand our form of government. I feel sure that it is not proper. They say that shippers and receivers of goods imported will pay the cost of inspections, and that the cost will be covered in that way. That is immaterial to me. I do not want the Federal Government mixed up in any of these strictly local or domestic matters. There is a State jurisdiction and there is a Federal jurisdiction. It may be difficult sometimes to determine between them, but there is a way to determine; there are Federal courts and State courts, and they have their respective jurisdictions. We determine in other matters the respective jurisdictions, we can do the same in these matters. I would confine the State and the Federal Government each to its own jurisdiction; neither ought to be permitted to assume or to invade the jurisdiction of the other.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SUMMERS of Washington. The gentleman is speaking of the section in general rather than my amendment. My amendment says that when offered for interstate shipment.

Mr. McLAUGHLIN of Michigan. The gentleman's amendment would permit inspection of goods "received in interstate commerce or at certain important points." That is good, but it would not authorize an inspection at the starting point. The question usually arising will be, In what condition are the goods when they reach their destination? That is the only thing we are trying to settle for the benefit of the shipper and the receiver alike. In what condition were the goods received? That was the idea when provision for inspection was first included in an Agricultural appropriation bill. I remember very well when it was first put in the bill, and it was to determine the condition of perishable goods when they reached their destination.

Mr. COOPER of Wisconsin. If the gentleman will pardon me, would it not meet the objection to strike out the word "or" at the end of the gentleman's amendment?

Mr. McLAUGHLIN of Michigan. The amendment as offered is an improvement, because Federal inspection at any and every starting point of shipment all over the country would not be permitted; it would provide for inspection at important receiving points, even if shipment is wholly within a State.

Mr. ANDERSON. That is the object, of course, of the proposed amendment. It is to destroy what the gentleman wants to do and what I think ought to be done.

Mr. McLAUGHLIN of Michigan. Does the gentleman think there ought to be inspection of intrastate shipments all over this country?

Mr. ANDERSON. I think when two shipments go into the same market—into Chicago, for instance; one from Peoria, Ill.; and one from Milwaukee, Wis.—both shipments of cabbages, standing side by side on the tracks, that the man who inspects the shipment from Milwaukee ought also to be able to inspect the shipment from Peoria, and that is all that this provides for.

Mr. McLAUGHLIN of Michigan. That sounds very well. But suppose there are two burglaries committed in the city of Chicago, one in the post office and the other in a mercantile establishment across the street, as near together as they can possibly be. The man charged with robbing the post office is tried in the United States courts while the one charged with breaking into the private establishment is tried in the State courts. There is a dividing line between the jurisdiction of the Federal Government and of the State government.

Mr. ANDERSON. But the same policemen that arrested one of them could arrest the other.

Mr. McLAUGHLIN of Michigan. Yes; they do that; but I think we ought to be careful how we extend the jurisdiction of the Federal Government in local matters. It is the principle I contend for, and the mere fact that the fees collected will be applied to meet the cost and that the expense will be reduced does not mean much to me.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MANN. Is it not a fact that while we theoretically inspect the meat at Chicago, in the packing houses, for interstate commerce we inspect all the meat, whether it is used in Chicago or New York or in Washington?

Mr. McLAUGHLIN of Michigan. It is not known to what points that meat will be shipped, but so much of it is destined for interstate shipment that it is necessary to have it all examined; in fact, it can not be separated.

Mr. MANN. I am not opposed to it; but the fact is that we do not require it to be used in interstate commerce in order to make the inspection.

Mr. McLAUGHLIN of Michigan. If the gentleman will read the hearings, he will find that those who advocated striking out the words "in interstate commerce," as they appear in the law now in force, wished to have the privilege of having an individual shipment examined at the point of starting, anywhere and everywhere throughout the country, regardless of where the goods are intended to go. Inspection at important receiving points within a State may be helpful to shippers, but to provide for Federal inspection at every starting point would, in my judgment, be unwise.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the House, I wish I could agree with my distinguished friend from Michigan [Mr. McLAUGHLIN] in his contentions in respect to State rights. I do not think there is a man on the floor who is more zealous of State rights and who seeks to protect them more than I, but in this question State rights are not involved. It is a purely voluntary service rendered by the Federal Government upon the request of one or more of her citizens. If we are going to furnish this inspection service, why is it that the resident of a State who is shipping to some other point in that State is not entitled to this certificate the same as the resident of the same State who may be shipping goods across the line? That is the question. It is the service rendered to the shippers of the country.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. COOPER of Wisconsin. The Constitution of the United States gives Congress exclusive authority over interstate commerce. Where is there a line in that instrument which gives Congress any authority whatever respecting intrastate commerce?

Mr. BUCHANAN. I entirely agree with the gentleman.

Mr. COOPER of Wisconsin. That was the argument made by the gentleman from Michigan.

Mr. BUCHANAN. But we are not seeking to control this inspection, to force it upon any citizen of any State. We merely say that the Federal Government agents will inspect their products, if they want them to. If they do not want them to, they will not.

Mr. COOPER of Wisconsin. But it is provided that the certificate of the intrastate shipment shall be admitted in court.

Mr. BUCHANAN. Oh, no; the certificate will be prima facie evidence in the Federal courts. We let the State court rule upon whether it is admissible in the State court or not. We have no concern with that. The judges of the State courts can rule upon that matter. If they want to exclude it, let them exclude it, and let the supreme court of the State determine the question.

Mr. COOPER of Wisconsin. Can we by congressional enactment make a law respecting intrastate shipments?

Mr. BUCHANAN. We have not done that. We make the certificate prima facie evidence in the Federal court in interstate shipments. We propose by this to extend the inspection to intrastate shipments, that is all. This service has become valuable to the people of the United States, not because the certificate is prima facie evidence in a Federal court but because a certificate of this department adds to the marketable value of the product inspected. They want it to aid them in procuring a market for their products, because the purchasers say that if they have a certificate of the Federal Government the product is sound and good and they will buy it. You are depriving the residents of a State who may be shipping to another point in the State of this privilege and of a service that you rendered to those who ship beyond the line.

Mr. COOPER of Wisconsin. What is the reason that the State can not provide for inspection of intrastate shipments?

Mr. BUCHANAN. I assume the State could, but the State inspection service perhaps does not enjoy the splendid reputation that the service of the Federal Government does.

Mr. McLAUGHLIN of Michigan. That means that all the State service and the people in the State will have to do in order to get Federal money is to be dishonest and refuse properly to perform their duties, and that the more dishonest and neglectful they are the greater claim they will have upon the Treasury of the United States.

Mr. BUCHANAN. Oh, I am not prepared to go as far as that. I am one of those who have an abiding confidence in the integrity of the residents of the different States. I do not think they will practice dishonest methods in order to get a few paltry dollars from the Government.

Mr. McLAUGHLIN of Michigan. But the gentleman himself has just reflected upon them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. McLAUGHLIN of Michigan. I have spoken before and if the time is limited I do not care to take time in preference to those who have not spoken.

Mr. ANDERSON. If the gentleman wants to take time I am perfectly willing that he should do so. If he does not, then I will ask for a vote.

Mr. McLAUGHLIN of Michigan. I would like to have five minutes.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, we find in the hearings statements similar to those made by the gentleman from Texas [Mr. BUCHANAN] that State certificates are not reliable and therefore it is necessary to have Federal inspection. Those who made the statements are reflecting upon the people of the States, and I think the statement of the gentleman from Texas is a reflection upon officials of the States, that they do not issue correct certificates, or that their reputation is such that the country at large is not willing to accept them.

Mr. BUCHANAN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. BUCHANAN. Just to make a correction in the gentleman's statement. I did not say they were not reliable——

Mr. McLAUGHLIN of Michigan. The gentleman said they did not enjoy a good reputation.

Mr. BUCHANAN. I said the public had more confidence in the certificate issued by the Government.

Mr. McLAUGHLIN of Michigan. I will let the gentleman's statement stand as he made it, that Federal certificates inspire more confidence. I have only a word more, just in reference to the State rights matter. The gentleman says he is a firm believer in State rights and yields to nobody in his devotion to the doctrine of State rights. A few years ago a very distinguished chairman of the Committee on Agriculture told us that he was a firm believer, as the gentleman from Texas is, in State rights, but he said, "I never let that idea interfere with an appropriation for South Carolina." [Laughter.] That is the idea the gentleman from Texas has in his mind. He believes in State rights until there is a chance to get an appropriation from the Federal Treasury.

Mr. ANDERSON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. BUCHANAN) there were—ayes 38, noes 7.

So the amendment was agreed to.

Mr. BURTNESS. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking the chairman of the subcommittee a question as to the construction of the language in line 12, page 64, in reference to the words relating to where the certificate shall be received as prima facie evidence. The language is "in all courts of the United States." I take it that it is limited to the Federal courts?

Mr. ANDERSON. That is my understanding.

Mr. BURTNESS. Does the gentleman know of any objection to including language so as to make the certificate on interstate shipments receivable as prima facie evidence in all courts within the United States?

Mr. ANDERSON. I think if that were going to be done it ought to be done by the State legislature.

Mr. BURTNESS. I know in many cases from personal experience and observation that there is enormous expense entailed in getting the evidence that is required from the man who makes the inspection, and so forth, and unless the gentleman knows of any valid objection to it I would be disposed to offer an amendment to change, in line 12, the word "of" to "within," and insert after the word "department" in line 11 the words "on interstate shipments."

Mr. ANDERSON. I hope that will not be done. Nobody can tell what a snap judgment of that kind on a piece of language like this is going to do, and I am frank to say I do not know what its effect would be, and I very much hope it will not be done.

Mr. TILSON. Does the gentleman think we have any power to say what shall be prima facie evidence in a State court?

Mr. BURTNESS. It is a doubtful question, but if you limit your action to shipments in interstate commerce that we take cognizance of and provide inspection for and give certificates for, I think there are two sides to the question. But in view of the fact that this has not received careful consideration, and recognizing that a snap judgment might be a mistake, I am not disposed to press the question at this time, but simply brought it up so that it may be more carefully considered in the future.

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

That hereafter the powers conferred and the duties imposed by law on the Bureau of Markets, Bureau of Markets and Crop Estimates, and the Office of Farm Management and Farm Economics of the Department of Agriculture shall be exercised and performed by the Bureau of Agricultural Economics.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order. I refer to the word "hereafter" in line 1. Has it been definitely determined to make this permanent?

Mr. ANDERSON. I understand so; as a matter of fact the reorganization is practically completed now.

Mr. HAUGEN. The reorganization is completed?

Mr. ANDERSON. Yes.

Mr. HAUGEN. I withdraw the reservation.

The Clerk read as follows:

ENFORCEMENT OF THE UNITED STATES COTTON FUTURES ACT.

To enable the Secretary of Agriculture to carry into effect the provisions of the United States cotton futures act, as amended March 4, 1919, including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of this act, $146,540: *Provided*, That any moneys received from or in connection with the sale of cotton purchased for the preparation of practical forms of the official cotton standards and condemned as unsuitable for such use may be expended by the Secretary of Agriculture during the fiscal year ending June 30, 1923, for the purchase of other cotton for such use.

Mr. HAUGEN. Mr. Chairman, I reserve the point of order or rather I make it, to the proviso, line 15 to line 21, inclusive, that it is legislation unauthorized.

Mr. MANN. Does the gentleman from Iowa understand this has been carried for quite a while? There is no doubt it is subject to a point of order.

Mr. HAUGEN. Well, it is bad policy to make it a revolving fund.

Mr. MANN. Here is the point about it. Certain of this cotton that has been used a while may become too old, or something happens to it, for use for standard purposes. Now, if that is the case no one knows just what it will be, and is it not better to sell it and buy some cotton that can be used for standard?

Mr. HAUGEN. The proviso can be framed so as to provide for selling, but what I object to is to make it a revolving fund. I think there should be an accounting.

I think Congress has determined definitely that there should be accounting in every division. For instance, we had in the Forest Division and other bureaus revolving funds. I think it is bad practice. We ought to know exactly what money is received and what it has been appropriated for.

Mr. MANN. Of course, the general principles I fully agree with.

Mr. ANDERSON. Mr. Chairman, I do not contest the point of order.

The CHAIRMAN. In the opinion of the Chair, it is a limitation on an appropriation bill, and the Chair sustains the point of order.

Mr. ANDERSON. Mr. Chairman, I move to strike out "$146,540," and insert in lieu thereof "$175,000."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 65, line 15, strike out the figures "146,540," and insert in lieu thereof the figures "175,000."

Mr. ANDERSON. I do that for the purpose of separating the funds the department would be deprived of on account of the action which is taken on the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

Mr. MANN. They can not sell any of it. There is no authority under this to condemn it. They have got to continue to use it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENFORCEMENT OF THE UNITED STATES GRAIN STANDARDS ACT.

To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain standards act, including rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $355,223.

Mr. STEENERSON. Mr. Chairman, I move to strike out the paragraph.

There is something wrong about the enforcement of the grain standards act. Just exactly what it is would take me too long to explain. Some people are disposed to blame Congress for this difficulty, but the grain standards act only authorized the Secretary of Agriculture to prescribe standards in grains, and Congress had a right to believe when it passed this act, and did believe, I have no doubt, that the act would be administered in the interest of agriculture, the very purpose for which the whole department exists. The farmers in the spring-wheat region of the Northwest have complained about these regulations covering grain-standard grades ever since they were promulgated in 1917. The act was passed in 1916 and the regulations completed in August, 1917. Notice had been given beforehand to the farmers of the Northwest, and the inspection bureaus of the different States—Minnesota, North Dakota, South Dakota, and Montana—sent representatives to protest against the regulations. But they were adopted with very little modification. Every year since that time we have held hearings either before the Secretary of Agriculture or before the Committee on Agriculture in an effort to get these regulations changed, but without avail. Secretary Houston held that he would not change them during the war. There was some good reason for that. After the war was over Secretary Meredith came in, and he said they had not been tried long enough under peace conditions and he did not want to change them. When the new administration came in the farmers of the Northwest had great hopes. So about a year ago they came down here by special committee representing the State Legislature of Minnesota and representatives from the States of North Dakota and South Dakota, and a protracted hearing was held before the Secretary. However, no change resulted. Seeing that we had exhausted every remedy before the department, I introduced a bill prescribing changes in the spring-wheat regulations. It came before the Committee on Agriculture, and the representatives of these three States and farmers were heard exhaustively. Samples of all kinds of spring wheat and all grades were produced, the flour made from this wheat was exhibited, and the bread made from these different kinds of wheat was shown. We had the professors from the agricultural colleges and the chief inspectors and examiners and chemists, besides the farmers, and as a result of that hearing the bill was reported favorably with quite a number of amendments.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. And these amendments were reported, and the bill is on the calendar. In order to simplify the procedure on the floor of this House I introduced a new bill, including these amendments and some changes that had been found necessary, and the other day when that came up the representatives of the millers appeared in opposition, and they were heard. I am not going into the details. But within the last two or three days the Secretary of Agriculture has announced that he had appointed a committee headed by Dr. Coulter, of the agricultural college of North Dakota, and Prof. Fitz, of Kansas, who investigated the market conditions in the country last season.

Mr. JONES of Texas. I noticed in this morning's paper a statement that the Secretary of Agriculture announced that he was considering some change in the regulations within the next two weeks.

Mr. STEENERSON. He announced that this committee had made a report, and based upon that report he proposed to make certain changes in these regulations governing this spring wheat. And the changes he proposes to make concern test weight, foreign material, moisture, and the classification. Those are the very points that were considered before the Committee on Agriculture, of which the gentleman from Texas [Mr. JONES] is an able and active member, and it is hoped that these changes that the Secretary of Agriculture outlines will accomplish the very purpose for which we are seeking a remedy in this bill that I introduced.

The evidence is sufficient to justify the statement, and the people of the Northwest believe that by the existing rules and regulations governing the spring wheat grades the farmers have actually lost from 20 to 40 cents a bushel on every bushel that they marketed. The representative of the Washburn-Crosby Co., Mr. Bell—and they are the biggest millers, I believe, in the world—in a letter which I will print with my remarks, if I get permission, says that the range between the lowest and highest price paid by the buyers in Minneapolis of spring wheat of the same grade is from 20 to 40 cents a bushel, and they all admit that that difference between what the grade sells for at the lowest price and what it has sold for by sample, where they pay more than the grade price, does not go to the farmer but to the middleman. And if you take it on the

50,000,000 bushels annually sold in Minnesota, it amounts to $10,000,000. In my judgment, in the last five years the enforcement of the grain standards act in the United States has cost the spring-wheat farmers at least $50,000,000.

We had a good inspection system in Minnesota. The Minnesota grades were recognized in the markets of the world as most reliable. That system was in force for more than 20 years, but was superseded by the Federal grades, with the result that the farmers have been penalized to the tune of millions and millions of dollars. The man that boasted that he had laid down the principle upon which these Federal grades were framed had for years been employed by the mills and elevators in Buffalo. He volunteered his services to the Department of Agriculture, and stayed here three or four years and then, after he had completed the preparation of the rules governing the grades, he resigned; and he testified the other day that he was now employed by the big millers, mentioning them, in Buffalo, and he stood by the work that he had done here.

The farmers were never heard. They never were consulted. The head of the Bureau of Markets, in explaining the grades, said they would never be put into effect until they were submitted to and approved by the grain trade. But never was a farmer consulted until recently, when the Secretary of Agriculture did send Dr. John Lee Coulter, who was born and raised in Polk County, Minn., out to investigate and report on the administration of the grain standards act in the Northwest. That was the first time that a practical agriculturist had anything to do with grades. I think the same thing may be said of Mr. Fitz, who was connected with an agricultural college in Kansas. I am glad they have at last permitted somebody who knows something about the producer to have something to say in regard to the preparation of these rules respecting the grades. This legislation, when enacted, was supposed to be in the interest of the producer; but here in the case of wheat the grades have been established in the interest of the buyers. I hope when the new grades are promulgated by the Secretary of Agriculture in the near future some regard will be given to the interests of the man who raises the wheat. [Applause.]

Mr. Chairman, at every hearing, whether before the department or the committee, the millers and terminal warehousemen have opposed the Steenerson bill—H. R. 7401, H. R. 9668—on the ground that it would injure the farmer. They readily admit that present grades are faulty; that they buy wheat at the terminals by sample without regard to grade; that on the same day No. 2 or No. 3 will sell for more than No. 1; and that different lots of No. 1 will sell at prices varying from 20 to 40 cents per bushel. In a recent letter written by James F. Bell, of Washburn-Crosby & Co., millers of Minneapolis, it is said:

"It is a matter of record that the range of price of wheat of the same Federal grade as paid by millers at terminal markets and based on the commercial value of them is most of the time 20 cents, and as high as 40 cents."

That is to say, 5 carloads arrive in Minneapolis, and according to Federal rules are all graded No. 1, and yet each sells on the same day at a different price by sample, the highest 40 cents per bushel more than the lowest. The high price is not reflected back to the farmer, for the price in the country is determined by the closing price the day before for the grade, which is telegraphed each morning to the country elevator. This closing price is for the grade, and seems invariably to be the lowest for the day. See daily market report published in the papers.

The millers profess to desire that the price they pay should be reflected back to the farmer, but the remedy they suggest is the raising of all grade requirements, which would make things worse than they now are. The first proposal is to raise the test weight of No. 1 to 59 pounds. That is higher than Canada requires for Manitoba hard red spring, for they require 60 pounds per imperial bushel, which is equivalent to our 58 pounds. Test weight of wheat varies in different varieties. Hard red spring wheat has a comparatively small berry. It is only in rare cases that it will weigh more than 58 pounds. There are other wheats of much larger berry that weigh up to 63 or even 64 pounds, but that is winter wheat. Those familiar with that variety of wheat when they first see the hard red spring think it seems small, but yet it may be the choicest milling wheat in the world. The flour made from it brings the highest price.

The imperial bushel in use in Canada contains 2,218.92 cubic inches and will hold 80 pounds of water. The Winchester bushel, in use in the United States, contains 2,150.42 cubic inches and will hold 77.63 pounds of water. (Standard Dictionary, "bushel.") The imperial bushel will hold 60 pounds of No. 1 wheat, and yet when the loose wheat is thrown in water it sinks, showing that the specific gravity of loose wheat is greater than water. If we could have a kernel of wheat that contained the same number of cubic inches as a bushel, it would weigh more than 60, probably 90, pounds. Why? Because when you weigh wheat that is loose in a bushel measure or other container it has so many air spaces between the kernels, so many interstices, that it reduces the weight to 60 pounds. Logically, therefore, the test weight of wheat per bushel is affected by the size of the kernel or berry, and the large-size wheat weighs more than the wheat of smaller berry. This is overlooked by those who want the test weight applicable to winter wheat used in grading hard spring. Washburn & Crosby propose to raise the test weight to 59 pounds, and the result would be that 90 to 95 per cent of all the wheat in Minnesota and the Dakotas would be graded below No. 1.

The trouble now is that the farmer receives a lower grade when he sells than the value of his wheat requires, and lower by 20 to 40 cents per bushel than it sells for at the terminal on sample. It sells for what it is worth and regardless of grade when it is inspected and examined by the miller who buys it to make flour.

The present grades fail to indicate the real value of the wheat, and owing to this defect it is impracticable to deal in this commodity on grade. There are now 5 grades and sample grade, making 6 in all, and spring wheat is divided into two classes, hard red spring and durum; and class 1 is divided into three subclasses, dark northern spring, northern spring, and red spring; and class 2 is divided into three subclasses, amber durum, durum, and red durum, which makes six subclasses, and really 6 grades of each, so we have 36 grades. My bill proposes to leave out one subclass, namely, red spring, from class 1 and to omit grade 5 in each class so as to make the total grades four and sample in each subclass.

The requirements under present regulations for grade 1 are as follows: (a) Bright, cool, and sweet; (b) test weight at least 58 pounds to the bushel; (c) 14 per cent moisture; (d) 1 per cent foreign material, including not more than five-tenths of 1 per cent matter other than cereal grains; (e) 2 per cent damaged kernels, including not more than one-tenth of 1 per cent of heat-damaged kernels; (f) 5 per cent of wheat other than hard red spring, including not more than 2 per cent common white, white club, and durum wheat; (g) 5 per cent of humpback wheat in No. 1 dark northern or No. 1 northern. These requirements vary according to the grade, except the first, cool and sweet, which apply to the first four grades. The second requirement, test weight, is for grade 1, 58 pounds; grade 2, 57 pounds; grade 3, 55 pounds; grade 4, 53 pounds; and grade 5, 50 pounds. The third requirement is 14 per cent moisture for grade 1, 14½ per cent for grade 2, 15 per cent for grade 3, 16 per cent for grade 4; also 16 per cent for grade 5.

Another requirement relates to foreign material, which is divided into two classes, separable and inseparable, including rye. The separable material is such that can be taken out in an ordinary fanning mill and is called "dockage" and does not affect the grade, but is taken out of the total weight. The so-called inseparable foreign material, such as wild peas, kinghead, or other like seeds, however, reduces the grade as follows: One per cent or less is ignored, but in excess of 1 per cent, of which more than five-tenths of 1 per cent is other than cereal grains, it reduces the grain to No. 2; an excess of 2 per cent, of which more than 1 per cent is other than cereal grain, reduces it to No. 3; an excess of 3 per cent, of which more than 2 per cent is other than cereal grain, reduces it to No. 4, and an excess of 5 per cent, of which more than 3 per cent is other than cereal grain, reduces it to No. 5; and an excess of 7 per cent, of which more than 5 per cent is other than cereal grain, reduces it to sample grade.

The way this operates in practice, so far as the farmer is concerned who brings his wheat to the country elevator, is as follows: He may bring in perfect wheat weighing more than 58 pounds to the bushel, but if it has 14.1 per cent moisture it goes to grade 2, or it may have a fraction over 14.5 per cent and it goes to grade 3, or it may have 16 per cent and it goes to grade 4. This carload is perfectly clean and the wheat is so plump and sound that it can be shipped without spoiling to the terminal, and when it arrives there it can be run through the elevator and the moisture will be so reduced as to make it No. 1, and this operation will cost about 1 cent a bushel. If it is too damp for shipment the local elevator can spout it a few times through different bins or run it through a fanning mill which will reduce the moisture, raising the grade from No. 4 to No. 1, making a difference when wheat is $1.20 of 22 cents a bushel, or $220 on a thousand-bushel car.

As the test weight of wheat can not be changed by manipulation we ignore that requirement for the purpose of this argument.

The next requirement is foreign material, which at present is divided into two kinds—separable and inseparable—as explained above.

It was conclusively established before the committee that by modern machinery and processes which are found in large elevators and mills, practically all of the foreign material can be removed at an expense of from 2 cents to 5 cents a bushel. Therefore the middleman here would get on this thousand-bushel car a profit of $170 over and above the expense of separating the foreign material, which foreign material might also be of some value for feed.

Another requirement is the number of damaged kernels allowed, but as these do not injure the wheat and can not be removed by machinery they are constant and need not be discussed. Test weight, also being constant and not materially changed by handling, need not be considered here.

The most important elements in grading wheat are: First, test weight; second, moisture; third, foreign material; fourth, condition. The practical operation of the present system is as follows:

One farmer comes in to an elevator with a load of wheat that is plump, bright, cool, and sweet, and tests more than 58 pounds to the bushel, but unfortunately it has 16 per cent of moisture and 10 per cent of damaged kernels, and it is graded down to No. 5.

A second farmer comes in with a load of wheat that has all the faults; that is, it weighs only 50 pounds, it is only cool, but is slightly sour, has 16 per cent of moisture. This is graded just the same as the previous load, and it must be so graded in order to be in accordance with the regulations.

The third farmer comes in with a load which is in every instance strictly graded according to the rules, and he finds that, although the kernels are plump and sweet and weighs more than 58 pounds, and has only 10 per cent to 12 per cent of moisture, but it has 3 per cent of inseparable material in the shape of wild peas or kinghead, and it must be graded down to No. 5.

The fourth farmer comes in with a load of grain which is graded No. 2 because of a slight excess of moisture.

The fifth farmer comes in with a load which is also graded down to No. 5 because it has 10 per cent of damaged kernels.

The sixth farmer has a load which would grade No. 1 in every respect, except that it has 3 per cent of rye, and it is graded down to No. 5.

These six loads are all put into an elevator and spouted out and thoroughly mixed into a car and shipped to a terminal. This is then unloaded there and put through spouts again, thoroughly mixing it, and as of these six cars only two had too much moisture, and being mixed with one that contains only 12 per cent moisture, it reduces the amount of moisture of the whole lot to less than 14 per cent. Assuming there were 133 bushels in each load, making 1,000 bushels in the car, it would give a profit to the mill or elevator that handled it of $300, less the cost of cleaning, which would not be more than $50; besides he will get all the separated foreign material free.

At the hearings before the committee more than 20 samples taken from farmers' wagons were produced, illustrating by actual cases this kind of grading at Fargo, and each grading was absolutely according to the rules, and the inspector had no discretion to do otherwise.

When a country elevator sends this kind of wheat, he may not get the profit involved in raising the grade by mixture, for if he has a carload of the same kind of wheat as came in each wagon load with the faults specified above, these cars would be graded down on him as well as on the farmers' wagon loads, but there the terminal elevator or miller who mixes it and cleans it gains the entire profit, because in these supposed cases the wheat is sold on grade. It is admitted that where the shipper has an agent that is faithful on the board of trade he may, and often does, overcome this disadvantage by selling on sample for more than the grade price. At Minneapolis this is so common that on one day, as appeared before the committee hearings, the price of Nos. 2 and 3 was higher than No. 1 in some instances, because the wheat having been graded down for one fault only possesses practically all the merits of No. 1. In fact, most of the transactions of the chamber of commerce at Minneapolis in spring wheat are not made in reliance on any grade, but on the examination and test of each car itself and the price fixed according to the merits without regard to grade, and this fact demonstrates that the grading is faulty and in fact mostly worthless.

A good illustration of this occurred as testified to at the hearings. Over a year ago Washburn & Crosby, desiring to buy wheat for future delivery, bought 1,000,000 bushels of No. 1 at a certain price. One of the rules of the board of trade at that time permitted the delivery of No. 1 and No. 2 in place of the grade contracted for by deducting the difference between the price of those grades and No. 1. The individual who sold this wheat had guaranteed the wheat that just came up to the requirements in each respect of No. 3; that is, it was cool and sweet, had a test weight of 55 pounds, contained 15 per cent of moisture, contained only 3 per cent of foreign material, of which 1 per cent was matter other than cereal grains. It is a well-known fact that the light-weight wheat, or shrunken wheat, can carry less moisture without spoiling than good wheat, and this being in the heat of the summer the wheat that was tendered was in danger of spoiling and was not fit to grind, and the purchaser had to dispose of it at a loss. All future trading must be made on grade, and where the buyer does not know when he buys what he is going to get when the delivery time comes it is impossible to approximate the right price. In order to make future trading practicable the grade should indicate what the article will be which is to be delivered, and the more accurately this can be known the better will be the price that the producer gets, because whatever the margin of error may be it is always calculated against the producer.

There might be a number of cars shipped from country elevators to a miller and graded down for different reasons, but when mixed it would be more valuable than the grade indicated, and in that case the miller profits, but the minute these cars reach the terminal or hospital elevator they can be graded up by mixing and manipulating, so they will contain just exactly the highest grade that this combination will bear, and they will be sold at the grade price. The farmer has not one chance in five of getting the real value of his wheat under this system. This uncertainty also injures the small miller outside of the terminal point who orders wheat from there, because before it is shipped it is so manipulated as to just fill the requirements, and nothing more, whereas the miller at the terminal point who gets the wheat from the country elevator very often gets wheat graded down for one fault that possesses other merits that bring it up in value, and if sold in sample instead of grade will bring a higher price than it does. It is often said that country elevator men do not get rich, but if this is so the reason is that they are bound to grade according to the rule, notwithstanding the fact that the wheat is better than the grade indicates, but when it comes to the terminal where there is an opportunity to mix it, then the wheat is graded up because if shipments contain merits other than required for the grade the profit in mixing and grading up all goes to the miller or elevator men at the terminal. If the miller buys at a premium over the grade price, then the elevator or mixer makes the profit.

What is the remedy? The two principal changes in grade requirements in this bill are: First, all foreign material in wheat, except rye, shall be classed as dockage, and all dockage shall be designated on the grade certificate, specifying the kind and quantity, but shall not affect the grade. Second, all moisture in excess of 14½ per cent shall be designated on the grade certificate, but shall not affect the grade.

Under present rules foreign material is classified into two kinds, separable, such as dirt, sand, weed seeds, and grain other than wheat, which can be readily removed by appropriate sieves, cleaning devices, or other practical means. This is called "dockage," and is deducted from the total weight. Less than 1 per cent dockage is disregarded, and over 1 per cent shall be added to the grade designation. Inseparable material is limited in the grade requirements, so that No. 1 "may contain not more than 1 per cent of foreign material other than dockage, which 1 per cent may include not more than five-tenths of 1 per cent of matter other than cereal grains." Under this rule six-tenths of 1 per cent of wild peas, kingheads, or other like seeds will lower the grade to No. 2, and 1 per cent of such seeds to No. 3; 2 per cent of such seeds to No. 4; 3 per cent of such seeds to No. 5.

This one defect puts wheat, otherwise No. 1, in the lower grade, which may contain other serious defects of quality, such as No. 5, which is required to have a test weight of only 50 pounds per bushel; may contain 16 per cent of moisture; may contain 15 per cent of damaged kernels, of which 3 per cent may be heat-damaged kernels.

Hon. EDWIN F. LADD, Senator from the State of North Dakota, testified as follows:

The CHAIRMAN. Senator, in your opinion will the proposed changes provide a remedy for this situation?

Senator LADD. They will. They will give the farmer of the Northwest better returns and fairer returns and do no injustice to any honest concern, and I am not concerned about the speculators.

The CHAIRMAN. You have examined this bill, H. R. 7401, introduced by Mr. STRONG?

Senator LADD. I have. I have a copy in my pocket, and I have examined it carefully.

The CHAIRMAN. And you approve of it?

Senator LADD. I approve of it. (Hearings, p. 192.)

Mr. STRONG. Senator, in connection with your work as head of the Agricultural College of the State of North Dakota, did you have a flour mill there?

Senator LADD. Yes, sir. We had a flour mill and we had chemists and we had millers and we had bakers, and we kept the investigations going for some time. We have a 44-flour mill with a capacity for making 44 barrels of flour in 24 hours. It is one of the Allis-Chalmers mills, which is just the same as they have in those large mills, only it is made on a smaller scale, and our investigations were carried on in exactly the same way and checked up with the practical operation of the mills themselves.

Mr. JONES. Senator, there has been a good deal of testimony here to the effect that by technically grading down some of this wheat they have varied the price 30 or 40 cents a bushel. Now, in your judgment, for the most part, who gets the benefit of that spread where wheat is technically graded down because of a little excessive moisture or a little foreign matter getting into it?

Senator LADD. The farmer loses it all, the speculator makes it, and the consumer pays for it. (Hearings, p. 198.)

O. P. B. Jacobson, chairman of the State railroad and warehouse commission, testified that wild peas were separated by the mills in Minneapolis and that his records showed that from September, 1917 to 1918, 21 carloads of wild peas were shipped as mill feed. Hearings, "Grades for spring wheat (H. R. 7401)."

The following charts indicate the different values in the same grade:

Minneapolis market prices on wheat for June 15, 16, 17, and 18, 1921—Cash sales, carload lots (price per bushel).

[Hearings, p. 81.]

Date.	Grade.	High.	Low.	Difference.	Average.	Average closing cash.
June 15	No. 1 dark northern spring	$1.89½	$1.62	$0.27½	$1.73	$1.62½
15	No. 2 dark northern spring	1.89	1.55	.34	1.69	1.50
15	No. 3 dark northern spring	1.75½	1.35	.40½	1.51	1.41½
16	No. 1 dark northern spring	1.93½	1.66½	.27	1.75	1.60½
16	No. 2 dark northern spring	1.92½	1.37½	.55	1.66	1.53½
16	No. 3 dark northern spring	1.85½	1.41½	.44	1.59	1.42
17	No. 1 dark northern spring	1.92½	1.62½	.30	1.81	1.66½
17	No. 2 dark northern spring	1.87½	1.53	.34½	1.68	1.57½
17	No. 3 dark northern spring	1.75½	1.35	.40	1.53	1.41½
18	No. 1 dark northern spring	1.92½	1.62½	.30	1.77	1.53½
18	No. 2 dark northern spring	1.89	1.58½	.31½	1.67	1.52
18	No. 3 dark northern spring	1.80½	1.57½	.22	1.61	1.41½

Closing cash forms basis for paying farmer. Note that closing cash follows the lowest price paid quite closely, so that most of what the wheat brings above the low price does not go to the farmer. This varies from 22 to 44½ cents per bushel on Nos. 1 to 3 dark northern spring for June 15, 16, 17, and 18, 1921.

The present Federal standards put wheat with this wide variation in price in the same grade, so that when the wheat is sold by sample some of the wheat that grade No. 3 brings more than a good deal of the wheat that grades No. 1 and No. 2.

Table giving prices paid for wheat when sold by sample in the Minneapolis market—It shows that Federal grades put wheat of widely different value in the same grade—Figures in column indicate number of cars.

[Hearings, p. 81.]

Price.	June 15.			June 16.			June 17.			June 18.		
	1 D. N. S.	2 D. N. S.	3 D. N. S.	1 D. N. S.	2 D. N. S.	3 D. N. S.	1 D. N. S.	2 D. N. S.	3 D. N. S.	1 D. N. S.	2 D. N. S.	3 D. N. S.
$1.90				1	1		6			3		
$1.80	16	3		3	2	1	12	5	1	9	1	
$1.70	8	6	1	10	6	3	7	3	1	10	6	
$1.60	9	2	6		18	5	4	4	1	6	4	
$1.50		3	4		8	17		16	9		9	8
$1.40			11			9			19			22
$1.30			4		1				1			7

Italic figures indicate average closing cash price.

Note the wide variations in prices paid for wheat within the same grade when sold by sample. This shows how the Federal standards put wheat of widely different value in the same grade; in other words, the grades do not adequately reflect milling value. Much of the wheat grading No. 2 sold for more than a great deal of that grading No. 1; and a good deal of the wheat grading No. 3 sold for more than that grading No. 1 and No. 2. The grade does not at all place the wheat in any definite place in the price scale.

Wheat of widely varying value put in the same grade by Federal standards—This is shown when the wheat is sold by sample and it is illustrated in this table.

[Hearings p. 270.]

No.	Grade.	Test weight.	Moisture.	Foreign material other than dockage. Rye.	Foreign material other than dockage. Kinghead.	Clean wheat in 1 bushel.	Average[1] cash car sales per bushel.	Value of clean wheat.	Difference between cash sales and clean wheat.	Value of mill products.	Price paid farmer.	Difference.
		Pounds.		Per cent.	Per cent.	Pounds.						
A	1	60	14.7			58.6	$1.51	$1.74	$0.23	$2.34	$1.42	$0.92
B	1	60	13.0	2	1	58.5	1.51	1.71	.20	2.19	1.42	.67
C	3	55	15.0	2	1	58.2	1.51	1.45	−.06	1.99	1.42	.57
D	3	55	13.0			60.0	1.54	1.51		2.07	1.42	.65
E	4	60	15.2			58.3	1.38	1.73	.35	2.23	1.28	.95
F	4	60	15.0	2	3	55.8	1.38	1.64	.26	2.10	1.28	.82
G	4	53	14.0			60.0	1.38	1.38		1.99	1.28	.71
H	4	53	16.0	2	3	55.8	1.38	1.28	−.10	1.84	1.28	.56
I	5	51	14.0	2	5	55.3	1.25	1.64	.39	2.10	1.18	.92
J	5	60	16.0	2	5	54.4	1.25	1.60	.35	2.06	1.18	.88
K	5	50	16.0	2	5	55.4	1.25	1.14	−.08	1.81	1.18	.63
L	5	50	16.0			60.0	1.25	1.25		1.95	1.18	.77

[1] H. R. 7401 will allow payment at local elevator on basis of clean wheat. Prices on wheat average for June 13, 16, 17, and 18, 1921. Prices on mill products average for week ending June 15, 1921, Minneapolis market.

Dr. W. C. Palmer, State inspector for North Dakota, in referring to the above chart, which indicates different values in the same grade, had this to say:

Mr. PALMER. I would like to take up the other chart for a few minutes. These figures in these columns here represent the number of carloads. This red line here represents the closing cash. These figures over here (indicating) represent, for instance, there is $1.90. The figures above here indicate that closing sale over $1.90, and many figures between the next two lines indicate the sales for over $1.80. Now, if you go back here to June 16 again, why, we find that of the No. 1 dark northern spring 16 carloads sold for over $1.80, 5 carloads sold for over $1.70, and 9 carloads sold for over $1.60, while the closing cash is $1.62. That is taken from this chart over here. Then we have the No. 2 dark northern spring, 3 carloads for over $1.80, 6 carloads for over $1.70, 2 carloads for over $1.60, and 5 carloads for over $1.50,

closing cash $1.50. And here we have No. 3, and you see the same as it is. Mr. Sullivan has just called your attention to—here you will see we have a lot of carloads of No. 3 selling for a good deal less than carloads of No. 1, and here we have some carloads of No. 2 selling for more than carloads of No. 1. In other words, here is what it means: It means that the Federal grades place wheat of widely different values within the same grade. If the grade should do anything, it should classify wheat on the basis of its value. But the fact that this wheat is graded No. 1 out of the country elevator is no indication of what it is going to bring down on the Minneapolis market. It may vary anywhere up to 30 cents.

Mr. SINCLAIR. Those tables indicate that they actually vary from about 22 cents to over 40 cents.

Mr. PALMER. The variation is from 27¼ to 44¼ in four days.

Mr. SINCLAIR. The grades actually mean nothing then in actual practice, do they?

Mr. PALMER. The grades do not mean anything down on the Minneapolis market. They do mean everything out on the farmer's market, because he is paid on the basis of whatever the wheat grades, and then when they go down on the terminal market they do not pay any attention. They look at the wheat in this pan and they see the grade. It may be No. 3 wheat, and if they want it they may pay more for it than they will pay for No. 1 wheat. (Hearings, pp. 78–79.)

WHOM DOES THE FEDERAL STANDARDS ON WHEAT PENALIZE?

[By W. C. Palmer.]

The Federal standards provide that so-called foreign inseparable material in wheat shall lower the grade but be paid for at wheat prices, the contention being that this will force farmers to cut out allowing these things to get into the wheat. This means that the farmer gets paid for material that replaces wheat. The farmer may in this way get up to 7 cents for his material, but he is cut in price up to 40 cents or even more per bushel by having the grade reduced. But it does not stop here, as this results in degraded grades, and consequently lower prices, for the low in the grade. But only a small proportion of the wheat has these foreign materials—perhaps less than 1 per cent. Then all the growers of wheat are penalized in an attempt to penalize the growers of this 1 per cent.

Moisture is also made to degrade the grade. Sixteen per cent of moisture, for instance, puts the wheat in grade No. 4, as well as many other factors. Wheat with 16 per cent of moisture is not a storable wheat. It is not a wheat that a miller would buy, nor would an exporter buy it, so the legitimate market for No. 4 wheat is shut off on all No. 4, even though it contained but 10 per cent moisture, unless it is bought on sample. The party buying on contract then does not buy No. 4 nor No. 3 wheat. The millers' representatives stated at the hearings before the Secretary of Agriculture in April, 1921, and the same statement was made before the House Committee on Agriculture in the hearings on the Steenerson bill, that they had bought a million and a half bushels of wheat on contract and could not use it. This was No. 3 wheat by the Federal standards.

These same representatives stated that they could not buy wheat for their mills by grade, but that they bought on samples. If the millers in Minneapolis can not buy by grade, then what is the miller at a distance or the importer to do? He is limited to buying No. 1 and No. 2 wheat, and the rest he will have to let alone. Now, what effect will that have on the price of Nos. 3, 4, and 5 wheat? And the price paid the farmer is on the basis of what the lowest in each of these grades will bring. Then a system that allows the grades to be degraded so that some of them are not fit for baking, what price can the farmer expect? And what justification is there for grades that make it possible for a large part of our wheat to be put in such condition that it can not be bought on grade, or any other way than sample, and that penalizes the grower? The Steenerson bill will prevent this grain degrading and cut out penalizing all of the wheat growers for what a few do. (Hearings, pp. 270–271.)

The Canadian grades are prescribed by statute. A copy of section 107 of the Canadian grain act is appended hereto for comparison:

107. SPRING WHEAT.

No. 1 Manitoba hard wheat shall be sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of at least 75 per cent of hard red Fife wheat.

No. 1 hard white Fife wheat shall be sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of not less than 60 per cent of hard white Fife wheat, and shall not contain more than 25 per cent of soft wheat.

No. 1 Manitoba northern wheat shall be sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of at least 60 per cent of hard red Fife wheat.

No. 2 Manitoba northern wheat shall be sound and reasonably clean, of good milling qualities, and fit for warehousing, weighing not less than 58 pounds to the bushel, and shall be composed of at least 45 per cent of hard red Fife wheat.

Any wheat not good enough to be graded as No. 2 Manitoba northern shall be graded No. 3 Manitoba northern, in the discretion of the inspector.

No. 1 wheat rejected for smut and scoured shall be graded as scoured of the wheat to which it belongs.

No. 2 wheat rejected for smut and scoured shall be graded as scoured of the wheat to which it belongs.

No. 3 wheat and lower grades rejected for smut and scoured shall be graded as scoured of the grade to which it belongs: *Provided*, That wheat which is inspected No. 3 northern scoured, or lower, may be graded in such regular grade, not higher than No. 3, as the inspector determines.

No. 1 wheat inspected as "No grade" for moisture and dried shall be graded as dried of the grade to which it belongs.

No. 2 wheat inspected as "No grade" for moisture and dried shall be graded as dried to the grade to which it belongs: *Provided*, That on the written order of the owner any No. 1 dried or No. 2 dried wheat may be graded as No. 3 northern.

No. 3 wheat and lower grades inspected as "No grade" for moisture and dried shall be graded as dried of the grade to which it belongs: *Provided*, That wheat which is inspected No. 3 northern dried, or lower, may be graded in such regular grade, not higher than No. 3 northern, as the inspector determines.

The following letter analyzes the proposition for amending my bill submitted by Washburn-Crosby & Co., millers, of Minneapolis, and advocated at the last hearing by Mr. Mills, their buyer, and by the other representatives of the millers. It appears unanswerable:

AGRICULTURAL COLLEGE, N. DAK., *March 8, 1922.*

Congressman H. STEENERSON,
Washington, D. C.

DEAR MR. STEENERSON: Your kind favor of the 25th received, also copy of amendments to your grain grading bill, submitted by Mr. J. F. Bell, of Washburn, Crosby & Co., millers of Minneapolis.

I have talked this matter over with our men and we find that there are a number of provisions in these amendments that would work a hardship on the farmers. For instance, subclass (a) calls for 90 per cent of dark-colored kernels, whereas your bill calls for 75 per cent, which is also the present requirement. And then again at the present time and in your bill the classification is based on the texture and color of the kernels, but in these suggested amendments the classification is based on color entirely, so it would likely result in considerable wheat going into a lower subclass than its flour-producing quality would place it and where it is placed when judged by texture and color. This change in method of classification and higher percentage of dark kernels would likely result in practically none of our wheat going into this highest subclass where most of our wheat is being graded at the present time. A good deal of wheat raised in Minnesota in some years is mottled, yet of the highest milling quality, as in Ottertail County, for instance.

These amendments also call for raising the test weight on No. 1 hard red spring to 59 pounds, which would mean that there would be practically no No. 1, and we can not see why we should require a higher test weight than they do in Canada. You know from your investigation that 58 pounds test weight, our bushel, corresponds with 60 pounds Canadian bushel.

No mention is made of rye, so I suppose it would be classed as inseparable when amounting to over 1 per cent, and this would not be fair, as rye, up to certain amounts, has a value, and I believe the fairest way to handle it is as in your bill—that is, H. R. 9668.

In the durum provision is made that the class (a), which would correspond to our amber durum, must contain 90 per cent of hard and vitreous kernels, while at the present time 75 per cent is all that is required, and also it would take only 5 per cent of red durum or kernels of a distinctly red color to throw it into red durum. This would throw a considerable part of our durum wheat into red durum, and it would make it so that there might very little of it go into the highest subclass.

I think that 14 per cent is too low for moisture. The amendments would make the designation of excess moisture and excess foreign material a part of the grade. The wording in your bill is more definite. It states that dockage and excess moisture shall be designated on the grade certificate but shall not affect the grade.

We certainly think that your bill as it stands at the present time—that is, H. R. 9668—will work out much more satisfactorily and is not such a big departure from our present system, as it continues the same basis for making the classification into subclasses, and it will also remove the very objectionable features of having moisture and the so-called inseparables acting as grading factors. The result of having these two serve as grading factors has been to reduce the price reflected back to the farmer to the lowest that is paid for wheat made to grade by putting in everything that it will stand, while the farmers' wheat is usually only down on but one factor. And another result has been that grades Nos. 2, 4, and 5 allow so much stuff in them that they can not be bought by grade but have to be bought on sample, which cuts out a lot of competition, and the farmer secures a lower price.

Please send me a few copies of H. R. 9668.

Sincerely,

W. C. PALMER, *State Inspector.*

The CHAIRMAN. Does the gentleman from Minnesota press his amendment?

Mr. STEENERSON. No; I will withdraw my amendment. I will let them have their half million this year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATION OF THE UNITED STATES WAREHOUSE ACT.

To enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $120,000.

Mr. STEENERSON. Mr. Chairman, I would like to ask the chairman of the committee what work is this department doing under this warehouse act?

Mr. ANDERSON. They have licensed 264 cotton warehouses, with a capacity of 1,250,000 bales; 274 grain warehouses, with a capacity of 14,000,000 bushels; 18 wool warehouses, with a capacity of 33,000,000 pounds; and 6 tobacco warehouses, with a capacity of 3,820,000 pounds.

Mr. STEENERSON. How many grain warehouses did the gentleman say?

Mr. ANDERSON. Two hundred and seventy-four.

Mr. STEENERSON. Where are they located?

Mr. ANDERSON. All over the United States.

Mr. STEENERSON. As I understand it, these warehouses are owned by private individuals?

Mr. ANDERSON. They are.

Mr. STEENERSON. Do they become public warehouses when they are licensed?

Mr. ANDERSON. I do not know what the gentleman means when he says "when they are licensed."

Mr. STEENERSON. Well, the State of Minnesota has a law prescribing where a warehouse receives promiscuously from customers grain to be stored they must be licensed as a public

warehouse. For instance, if they simply store their own grain they are not a public warehouse.

Mr. ANDERSON. No.

Mr. STEENERSON. Does this apply to public or private warehouses?

Mr. ANDERSON. Public. I thought, when the gentleman asked the question, that he meant to ask whether they were privately owned or not.

Mr. STEENERSON. No.

Mr. ANDERSON. They are all privately owned, as I understand it, but the privately owned warehouse may be a public or a private warehouse.

Mr. STEENERSON. These are all public warehouses?

Mr. ANDERSON. Yes.

Mr. STEENERSON. You do not license a warehouse unless it is a public warehouse?

Mr. ANDERSON. No.

Mr. STEENERSON. So that it is open to everybody to store their grain there?

Mr. ANDERSON. Yes. That is my understanding.

Mr. STEENERSON. Has the United States any grain warehouses that it owns?

Mr. ANDERSON. I presume there are some left over from the war, but none, so far as I know, is licensed under this provision.

Mr. STEENERSON. Do they make any reports of their business, these licensees?

Mr. ANDERSON. They do.

Mr. STEENERSON. I wonder where they are to be obtained?

Mr. ANDERSON. I imagine they can be obtained from the division that enforces this law.

Mr. STEENERSON. Two years ago I tried to get some statistics from the Department of Agriculture about the amount of grain stored in these warehouses. I was interested to know how many million bushels they had received as Nos. 2 and 3 and shipped out as No. 1. I was informed that practically all that had been received was No. 2 or 3, and that when it went out it was No. 1.

Mr. HAUGEN. The act was amended two or three years ago, not requiring Federal inspection in order to make the receipts negotiable.

Mr. STEENERSON. That is news to me. But I could get no information from them or from any other source.

Mr. ANDERSON. There never has been any complete survey of the elevator resources of the country. The most nearly complete one was made by the War Industries Board during the war. That is not available now.

Mr. STEENERSON. Does not the chairman think it would be a wise thing to have a law requiring statistics of these warehouses?

Mr. ANDERSON. I think it would be.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMPLETION OF WOOL WORK.

To enable the Bureau of Agricultural Economics to complete the work of the domestic wool section of the War Industries Board and to enforce Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the said bureau, $15,000, and to continue, as far as practicable, the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918.

Mr. SNELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SNELL. I would like to ask the chairman what progress this organization is making, and about how much longer it will be necessary to carry this appropriation?

Mr. ANDERSON. Everything has been done now, I think, on this, with the exception of the payment of the money to the people entitled to it in case some of the actions now pending are determined in favor of the Government.

Mr. SNELL. But the expense has to come out of the Government? It does not take the expense of carrying on the work out of the amount of money collected?

Mr. ANDERSON. No; but, as a matter of fact, this proposition yields a profit to the Government, owing to the fact that a lot of the money can not be distributed to the people entitled to it, because they can not be found.

Mr. SNELL. Is it expected to be closed up this year?

Mr. ANDERSON. That is very doubtful. It is up to the Attorney General now, and no one can tell when these suits will be terminated.

Mr. MANN. The law proposed that this should be concluded during the present fiscal year, and this proposes that it shall be finished during the next fiscal year, but no guaranty goes with it as to when it will be finished.

Mr. ANDERSON. The gentleman is correct, as usual.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. SMITH of Michigan. Mr. Chairman, agriculture is the greatest industry in the United States. It produces an estimated annual wealth of $18,000,000,000 and employs over one-third of our population. It is the oldest industry and has increased in importance ever since the dawn of civilization until the present day. It was said that food would win the war. And whether that statement was true or not, it is absolutely certain that without the aid of agriculture no war could have been carried on, much less won.

In the creation of national wealth agriculture takes first rank. We are more dependent on agriculture for national progress and development than on any other trade, craft, or art. It benefits all mankind. I make mention of its importance to show that it should be fostered and encouraged. The welfare of agriculture is the concern of us all, whether we acknowledge it or not. If it were a manufacturing plant, there is no question but what it would be highly organized. If that were the case, overproduction might be regulated and waste prevented. In many instances there is too much slack between the producer and the consumer. One of the purposes and benefits of the Federal reserve banking system was that money needed in one district might be shipped from another where it was plentiful. We have seasons of fruit and crops scarcity in one section and plentiful in another, and when that is the situation a highly developed organization could provide a means of transportation where an individual could not. An individual has only a comparatively small quantity to ship where large shipments could be made more economically. Cooperation and organization can be of much value to the farmer. He would not be expected to ship a single load of live stock, a single load of grain, or one clip of wool, but shipment in quantities benefits both producer and consumer. We are fast approaching such an increase in population where all crops, fruits, and other cultural products should be harvested, saved, and stored. It has often occurred to me that there is as much reason for farmers to organize as there is for the steel men, the sugar men, manufacturers, merchants, bankers, lawyers, or doctors. But organization can not do it all. It may be advisory only. Much good has often resulted from an exchange of views. When a crop is unprofitable, or more likely to produce a loss than a gain, there is no question but what it ought to be avoided. This can be illustrated by the wheat crop. I wish to illustrate this by my own State—Michigan. The average yield of wheat in Michigan for the last 16 years has been 16.7 bushels per acre. This is shown by a letter from the Bureau of Markets and Crop Estimates, United States Department of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF MARKETS AND CROP ESTIMATES,
Washington, October 25, 1921.

Hon. J. M. C. SMITH,
House of Representatives, Washington, D. C.

DEAR SIR: Complying with your request of October 22, we give below our figures of the estimated average yield per acre of wheat in Michigan for a series of years:

Wheat yield per acre in Michigan.

	Bushels.
1906	13.1
1907	14.5
1908	18.0
1909	20.0
1910	18.0
1911	15.0
1912	10.0
1913	15.3
1914	19.7
1915	21.3
1916	16.0
1917	18.0
1918	14.2
1919	19.6
1920	15.2
1921	15.9

Very truly, yours,

H. C. TAYLOR, *Chief of Bureau.*

From very good authority, derived from actual experience, the cost of growing and marketing an acre of wheat in the State of Michigan is approximately $25. Of course, some land produces a larger yield than other land and some is easier to work and less expensive to plow and cultivate than other. Twenty-five dollars for growing and marketing an acre of wheat will be

found to be a fair average. The following are estimates taken from actual experiments:

Estimated cost of raising and marketing 1 acre of wheat in Huron County, Mich.

Items.	Myself.	W. L. Huber.
Manuring and drawing out 4 loads of manure	$4.00	$4.00
Plowing	2.50	2.50
Rolling	.30	.30
Dragging	.40	.40
Seed wheat	2.50	2.50
Drilling	.25	.50
Fertilizing (1 ton to 4 acres)	1.00	7.00
Furrowing land with plow	.00	.00
Cutting and binding	1.25	1.25
Twine	.25	.30
Shocking after binding	.40	.30
Drawing in and mowing or stacking	.50	.75
Threshing (including help, boarding, and staging)	1.00	.75
Cleaning and sacking	1.00	1.00
Drawing to market	1.00	.75
Interest on land ($100 an acre, at 6 per cent)	6.00	6.00
Taxes at 2 per cent (on a farm worth, at $75 an acre)	1.50	1.50
Upkeep of fences and overseeing crop and farm	.50	.50
For use of farm implements	.25	.50
Total	23.70	30.00
Deduct value of straw	4.00	4.00
Net cost	24.70	26.00

Thirteen acres of wheat in 1920 raised by Mr. C. B. Amspacher, rural delivery 10, Charlotte, Mich.

Items.	Man hours.	Horse hours.	Expenses.	Receipts.
Plowing	26			
Do		260		
4 plow points			$4.00	
Rolling	11			
Do		22		
Drawing manure	26			
Do		52		
20 loads of manure, at $1			20.00	
Dragging	30			
Do		120		
Drilling wheat	14			
Do		28		
Seed wheat, 2½ bushels, at $2.25			5.25	
1 ton fertilizer			45.00	
1921.				
Cutting wheat	12			
Do		30		
Binder twine No. 32, at 31 cents			4.32	
Shocking wheat	17			
Drawing of wheat into barn	46		12.00	
Do		46	6.00	
Help for threshing	22			
Meals			3.00	
Threshing 288 bushels, at 7 cents			20.16	
Interest, at 6 per cent, land value $100 an acre			26.00	
Depreciation on tools			10.00	
Drawing wheat to market	20			
Do		40		
288 bushels of wheat, at $1.15				$330.00
Value of 7 tons of straw, at $8				56.00
Taxes, at $2 per acre			26.00	
Insurance			25.12	
Total man hours, exclusive of drawing wheat	230			
Total horse hours, exclusive of drawing wheat		313		
Value horse hours, 15 cents per hour			78.35	
Value man hours, 20 cents per hour			66.60	
Total			452.45	386.00

These estimates could be multiplied indefinitely, but the above are sufficient to show cost price. Cost sheets are kept by every successful business firm and corporation. The practice of keeping books ought to be followed by farmers, as well as by other business concerns. It will pay. From the above estimates, where the average yield is only 26.7 bushels per acre and the cost is $25 an acre, the farmer must receive $1.50 per bushel to come out even. If he has a lesser yield, he must get a greater price for his wheat, and where he receives a greater price the cost may be covered by a lesser yield. I incorporate an article published in the Detroit Free Press showing that the North Dakota Farm Bureau Federation are recommending bookkeeping to their farmers:

COST OF WHEAT RAISING SIFTED—NORTH DAKOTA FARMERS KEEP BOOKS TO HELP DETERMINE THE COSTS.

FARGO, N. DAK., *May 29.*

How much does it cost to produce a bushel of spring wheat? Nearly 300 farmers throughout North Dakota have taken to keeping books to answer this question.

"The farmer should know what his products cost him and should make his prices accordingly," says H. B. Fuller, secretary of the North Dakota Farm Bureau Federation. "Thus there would be fewer farmers who fail."

With costs determined and with the national sales agency established, prices fair to both producer and consumer can be put into practice, he believes.

The present campaign to establish wheat-production costs is being directed by the federation and by the State agricultural college. In each of the 32 counties in North Dakota which have county farm agents, from five to ten, and in some cases more, farmers are noting the cost of all labor and material and all overhead expense of producing wheat. These figures will be turned over to the agents and assembled at the college here.

Mr. Fuller emphasizes the importance of correctly estimating overhead expense.

"A horse, for example, must be fed all winter to have him on hand during the seeding and harvest time," he explained. "If you want to hire a team at that time of the year you can not do it. Yet many farmers figure the cost of their teams on the basis of team hire during the dull season."

Some people do not like to keep books or accounts, because it too frequently brings them out on the wrong side of the ledger, but they ought to know whether they are succeeding or losing out, and the only way is to keep track of the business. The same is true of live stock. It is estimated that a bushel of corn will grow about 10 pounds of fat on a swine, 5 pounds of fat on a fair grade steer, and 5 pounds on a lamb or sheep. It frequently happens that there is more profit in selling the corn than in feeding it. It is sometimes more profitable for the farmer to sell the cattle and lambs off the grass than to fatten them on corn. Everyone can be guided by his own experience. I have had mine.

On the 28th day of December, 1921, the Department of Agriculture gave out the following estimate:

CROP VALUES DROP BILLIONS—FINAL GOVERNMENT ESTIMATE PLACES TOTAL AT $5,675,877,000 AT DECEMBER 1 PRICES.

WASHINGTON, *December 28.*

The important farm crops of the United States this year were valued at $5,675,877,000 to-day by the Department of Agriculture in its final estimates of the year. That is almost $3,400,000,000 less than last year's crops were worth and $6,000,000,000 less than the crops of two years ago, when high prices prevailed for farm products. The values are based on prices paid to farmers on December 1, and the crops comprise about 90 per cent of the value of all farm crops.

There were only two $1,000,000,000 crops this year—corn and hay—while last year four crops were valued at $1,000,000,000 or more. Production was below last year for almost every crop, although the acreage of the important crops was slightly larger, except cotton.

AREA LESS THAN 1920.

The area devoted to the important crops this year was 348,316,000 acres, compared with 349,087,000 acres last year.

Final estimates of production and crop values are:

Corn production, 3,081,251,000 bushels; acreage, [illegible]; bushels for acre, 29.7; value, $1,305,624,000.

Winter-wheat production, 587,032,000 bushels; acreage, 42,702,000; bushels for acre, 13.7; value, $668,726,000.

Spring-wheat production, 207,861,000 bushels; acreage, 19,706,000; bushels for acre, 10.5; value, $179,343,000.

All wheat production, 794,893,000 bushels; acreage, 62,408,000; bushels for acre, 12.7; value, $737,068,000.

Oats production, 1,060,937,000 bushels; acreage, 44,828,000; bushels for acre, 23.7; value, $421,540,000.

Potato production, 346,823,000 bushels; acreage, 3,815,000; bushels for acre, 90.9; value, $385,192,000.

Cotton production, 8,340,000 bales; acreage, 31,427,000; pounds for acre, 126.9; value, $674,877,000.

Barley production, 187,181,000 bushels; acreage, 7,240,000; bushels for acre, 25.9; value, $93,738,000.

Rye production, 37,978,000 bushels; acreage, 4,228,000; bushels for acre, 13.7; value, $40,686,000.

Rice production, 39,653,000 bushels; acreage, 1,022,000; bushels for acre, 38.8; value, $38,189,000.

All hay production, 94,802,000 tons; acreage, 74,225,000; tons for acre, 1.39; value, $1,090,776,000.

Tobacco production, 1,117,682,000 pounds; acreage, 1,473,000; pounds for acre, 758.8; value, $207,070,000.

Cottonseed production, 3,704,000 tons; value $107,972,000.

Orange production (two States), 30,700,000 boxes; value, $63,850,000.

Buckwheat, 14,079,000 bushels, and $11,478,000.

Flaxseed, 8,112,000 bushels, and $11,732,000.

Sweet potatoes, 98,660,000 bushels, and $86,910,000.

Beet sugar, 2,024,784,000 pounds.

Cane sugar, 934,000,000 pounds.

Peanuts, 816,465,000 bushels, and $32,288,000.

Beans, 9,118,000 bushels, and $24,298,000.

Apples, 96,881,000 bushels, and $163,218,000.

Peaches, 32,733,000 bushels, and $52,176,000.

We hear a great deal about the bumper wheat crop and the shortage of the wheat crop, whenever there is one. That is entirely proper. The farmer is entitled to know of agricultural productions and the condition of the markets. The farmer, however, is working to an uncertainty until his crop is secured, and he must take a chance on the price of his product. His industry is subject to chance and risks not assumed by other industries. The climatic condition affects his product, and it is also subject to the ravages of insects, drought, wet weather, storms, and seasons. An estimate made by the United States Department of Agriculture gives the value of dairy products in 1909 as $1,175,000,000, divided as follows:

Value of butter	$595,000,000
Value of eggs	580,000,000

The value of these products compares commercially favorably with the value of the winter-wheat crop raised in the United States. The wheat crop is estimated at 587,000,000 bushels; and yet we seldom hear complaints about the production of butter or eggs, although commercially together they exceed the total value of the wheat crop.

Mr. Chairman, while the district I represent is usually considered an agricultural district, the population is fairly evenly divided between the country and city. I give the population from a table prepared by the Census Bureau:

Population, by counties, of the third congressional district of Michigan, 1920.

County	Total population.	Urban.	Rural.
The district	225,678	117,034	108,644
Branch	23,997	6,114	17,883
Calhoun	72,918	48,788	24,130
Eaton	29,377	8,169	21,208
Hillsdale	28,161	5,476	22,685
Kalamazoo	71,225	48,487	22,738

Mr. Chairman, some may state that Michigan is not an average agricultural State. To show something of the character of our State, I wish to conclude my remarks by incorporating a short excerpt issued by the State Department of Agriculture of Michigan, dated January, 1922. In mentioning the various products it states:

Products—agricultural: Beans, wheat, corn, oats, rye, hay, seeds, sugar beets, honey, celery, onions, potatoes, and other vegetables. Fruits: Peaches, cherries, apples, grapes, plums, pears, and berries. Minerals: Iron, copper, coal, salt, gypsum, gravel, clay, marl, and limestone; fish. Manufactured products: Automobiles, furniture, drugs, chemicals, paper, beet sugar, clothing, machinery, refrigerators, flour, cereals, leather goods, dairy products, furs, canned goods, fishing tackle, and limestone products.

Michigan's rank among States: Ranks first in United States in salt, chemical products, drugs, automobiles, engines, thrashing machines, refrigerators, beans, rye, chicory, mint, and peas. Ranks second in hay, iron, live stock, apples, potatoes, nursery products, and small fruit. Ranks third in dairy products, sugar beets, poultry, dairy cows, buckwheat, and gypsum. Ranks fourth in copper. Ranks seventh in population. Ranks tenth in education.

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the pro forma amendment. There is one thought that I want to suggest to the committee and to the country with regard to the sale of agricultural commodities by grade. I am thoroughly convinced that we will never be able to standardize agricultural commodities so that they may be sold for use by their descriptive grade terms, until we get away from the idea of applying in their sale for use the grade classification restrictions which are necessary in transactions on the future boards. It is necessary to have a very limited number of general grade classifications in these future board transactions where delivery is not contemplated, but when we come to sell commodities by grade for use we must have separate grade classifications for each considerable quantity of the commodity possessing distinctive characteristics which are determinative of the use to which it is best adapted.

In the testimony before the Commission on Agricultural Inquiry it was shown that those who want to buy grain to grind in their mills can not depend on the purchases made by grade on the grain exchanges. For instance, a man who is making a certain sort of flour will need for his blend a wheat belonging to a general grade classification, but having characteristics determinative of its use which can not be included in these general classifications, and which is not described by them. The same thing is true with regard to cotton. When we undertake to establish enough grades to be able to include by proper description the various qualities of wheat making up the great wheat crop, for instance, we find we have so many grades that it will not work in the future board transactions. And when we undertake to apply to the actual purchase and sale of commodities for use the future board grading classification we find that will not work there, because the miller is not able to know whether or not he can get through the future board transactions the grain that he wants. They are not sufficiently descriptive. For that reason I suggest that those who are charged with the responsibility of formulating the grades that ought to be formulated for the sale of agricultural commodities for use must get away from the limitations imposed by future board transactions. The objective and the use are fundamentally different. For instance, in Kansas, we will say, they produce No. 2 wheat of a certain sort which has a peculiar quality desirable for making a certain sort of flour.

Now, in order for those farmers to have the market advantage of the particular wheat they produce and for all who desire that wheat to have a chance to buy at the source of the supply, it ought to be possible to offer that wheat by a proper descriptive grade term, to offer it on some sort of an exchange where everybody who wants to buy that kind of wheat can get into trading contact with it.

I know full well the difficulties involved in working this out, but the quicker we come to realize that grade classifications which are all right for future board transactions are all wrong for sale for use and start to work to establish grades sufficiently descriptive to enable sales for use to be made by grade the quicker we will do that which is necessary to be done before the business end of agriculture can be properly organized.

I do not like to be continually hammering away at this thing, as the expression goes, but I am convinced that in order to give to those engaged in the business of agriculture the possibility of establishing their business upon a basis of relatively permanent economic strength and of bringing about economy and uniformity in the sale and distribution of their commodities it is necessary—

First. That agricultural commodities be standardized with reference to requirement for use as distinguished from requirement for "future board" transactions, so that each considerable quantity possessing distinctive characteristics determinative of the use for which best adapted shall be given a specific grade term. That is the first step of fundamental importance.

Second. To have a warehouse system under uniform regulations where these commodities may be graded, stored, and have receipts issued therefor which will carry a general assignable guaranty as to physical protection, title, quantity, grade, etc.

Third. To have a marketing agency through which these commodities thus standardized, warehoused, and guaranteed to all purchasers as to title, quantity, grade, and physical protection may be sold by their respective grade classifications and delivery effected from the warehouse of original or secondary storage.

Fourth. An adjusted credit system supplementing, but not supplanting, existing credit-extending facilities, so as to make possible a longer time credit at a fair interest rate when necessary to carry commodities for orderly marketing.

Fifth. The coordination of all of these so that they may function as a unit in facilitating the sale and distribution of farm products.

Practically all of the machinery required may now be found in the Federal and State agricultural departments, farmers' cooperative marketing associations, and private business organizations. Relatively unimportant expansion and development and adjustment is all that is required.

I am not in favor of the Government doing any part of this which individuals can do, and this clearly would not require the Government to enter a new field of activity. It would only require it to adjust its activity in a field long occupied by it to meet new conditions which have developed there; not to do that which is required, but to bring the doing thereof within reach of the ability of the people.

Some of the definite advantages would be—

First. Commodities could and would move largely under prior sale from points of first and of secondary concentration to points of use by the cheapest and most direct route, in quantity and quality in accord with requirement for use, reducing transportation charges, unnecessary intervening profits and charges, and physical waste in congested markets.

Second. The additional transportation facilities made necessary by "crop movement" periods and used for only a few months each year could largely be dispensed with.

Third. While that which is suggested would not operate against fair distribution charges and profits, by creating a practical, easy of access, available to all route around the privately controlled avenues of distribution, it would tend to hold the total of intervening charges and profits to the basis of the economic value of the service rendered. Everybody, including merchants in agricultural products, could buy and sell through this agency.

Fourth. By broadening the market the tendency would be toward greater stability of prices, thereby reducing the hazard of agriculture.

These standardized, physically and morally protected agricultural commodities, in general trade contact with all markets while still at points of first concentration, would constitute the best possible basis for a real chattel credit system, and such a chattel credit system would in turn contribute toward and facilitate the operation of each of the other three requirements suggested.

It is not contemplated that the Federal Government shall do in these matters what the States can do, or that either the Federal or State Governments shall do what individuals, or

groups of individuals acting in cooperation, can do with relative efficiency. These matters, however, have to do with public market facilities, are each of general public interest, fall within the scope of governmental concern, and bring to Government a definite share of responsibility. To aid in the establishment and regulation of public market facilities has been recognized since the establishment of manorial markets in England and on the Continent as early as the twelfth century as an important duty of Government. The future board exchanges can not be made to function directly in the sale through them of farm products. The quicker we realize that the better.

No attempt is made to analyze, further than to indicate the desirability and the practicability of what is suggested, and to show that the things which are suggested contain a natural relationship to each other which under coordination, possible to bring about, would enable them to operate as a marketing unit, supplying for agriculture what is required in order to afford those engaged in that business a chance to reduce the physical and economical waste in distribution, insure adequate quantity and reasonable prices to consumers, and a relatively stable market with fair profit to producers, a chance to organize their business on a basis of economic strength and stability.

Let it be understood that no business can be more stable than the market in which it sells, and no market has in it, or can have in it, more elements of instability than the agricultural market has. We must create the possibilities of system in distribution before we can hope to have relative stability in price, economy in distribution, and change the pursuit of agriculture from a gamble to a business which can be protected by the application of rules of business. Stability of prices and uniformity of profit, and not the average of price or of profit, determines the strength and general prosperity of every business.

The Clerk read as follows:

Secretary of the board, $2,280; 2 executive clerks at $2,000 each; clerks—2 at $1,980 each, 4 of class 4, 5 of class 3, 1 $1,540, 2 at $1,500 each, 3 at $1,440, 2 of class 2, 2 at $1,260 each, 6 of class 1; 2 messengers or laborers at $720 each; messenger boys—1 $600, 4 at $480 each; charwoman, $240; in all, $53,440.

Mr. MANN. This paragraph does not carry the salary of the secretary of the Horticultural Board. Does the gentleman happen to know how the chairman of the board gets his pay? I ought to know myself, but I do not happen to recall.

Mr. ANDERSON. I do not know, Mr. Chairman. Of course, the gentleman understands how the board itself is made up.

Mr. MANN. I understand that.

Mr. ANDERSON. I do not know how the chairman gets his pay.

The Clerk read as follows:

INTERCHANGE OF APPROPRIATIONS.

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

Mr. KINCHELOE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. KINCHELOE. I want to ask the chairman of the subcommittee this question. This matter has been before the Committee on Agriculture, and the Secretary of Agriculture has been before the committee, and on the 9th of this month the Committee on Agriculture reported a bill modifying this provision. This appropriation bill provides:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

It is the judgment of the Committee on Agriculture that the latter part of that paragraph would give the Secretary of Agriculture too much power, and the committee reported their bill with this provision—

That upon the written approval of the Secretary of Agriculture, and then only in the case of extraordinary emergency, not to exceed 10 per cent of any amounts appropriated by Congress in the annual appropriation for the Department of Agriculture for the miscellaneous expenses of the work of any bureau, division, or office in the Department of Agriculture shall be available, interchangeably, for expenditure on the objects included within the general expenses of such bureau, division, or office: *Provided*, That there shall not be added to any one item of appropriation more than 10 per cent of such item.

Mr. ANDERSON. With all due respect to the gentlemen of the Committee on Agriculture, who I know have given very careful consideration to the question, I do not think they fully appreciate the object of that emergency provision. Take, for instance, the outbreak of foot-and-mouth disease. There was a case where the expenditure of a few hundred thousand dollars immediately saved the country millions upon millions of dollars. If we had had a limitation which prevented the transfer of appropriations to the item for disease control in the Bureau of Animal Industry the Secretary would not have had anything anywhere nearly approaching the amount necessary to meet that emergency.

Mr. KINCHELOE. Yes; but under this provision of the bill as reported by the Committee on Appropriations in case of extraordinary emergency, and upon the written order of the Secretary of Agriculture, he might divert any amount of any fund from any division wherever he pleased.

Mr. ANDERSON. I think he ought to have that power.

Mr. KINCHELOE. But the Secretary came before the committee, and we learned from him that he was perfectly willing that the limitation which we propose should be provided.

Mr. MANN. What is the difference between the item in the bill and the provision reported by the Committee on Agriculture?

The bill reported by the committee gives him authority to divert 10 per cent, and then in an emergency 10 per cent more, making 20 per cent that he can divert.

Mr. ANDERSON. No; it does not; he can in no case take more than 10 per cent from any appropriation. Under the language in the gentleman's bill he can not add more than 10 per cent in a case of emergency. Under this provision he can add more than 10 per cent to an appropriation already existing in case of an emergency.

Mr. KINCHELOE. He can add any amount.

Mr. ANDERSON. Within 10 per cent of the total amount for any bureau in the bill.

Mr. KINCHELOE. I think he can divert all of it.

Mr. MANN. He can take 10 per cent from the amount appropriated.

Mr. KINCHELOE. The chairman of the subcommittee has had more experience than I have. I do not wish to make the point of order, but I wanted to get the judgment of the gentleman.

Mr. MANN. My recollection is that this sort of an item has been in many bills before, practically in the same language of the bill. If an extraordinary emergency arises and the appropriation is $25,000, he may need more than $2,500.

Mr. HAUGEN. If the item carried several million dollars and he added 10 per cent, that would make quite a sum.

Mr. MANN. If the item carried several million dollars, the extraordinary emergency is not likely to arise to require the 10 per cent. It might arise; fire protection is one thing where it might be considered.

Mr. ANDERSON. That is covered by another item.

Mr. MANN. This is merely for the smaller items, where there may be an extraordinary emergency where we make a small appropriation.

Mr. KINCHELOE. Mr. Chairman, in view of what gentlemen have stated, I will withdraw my reservation of a point of order.

Mr. GERNERD. Mr. Chairman, in regard to this particular section I wish to emphasize the statement brought out by the chairman of the committee. Near before last potatoes were imported from Ireland into a township in my district. They had the wart disease. They located that, and with a small appropriation the whole thing was quarantined and we restricted it to that particular section. It did not go outside the township, and yet townships all adjoining were threatened with it. But by the relief we got from the Department of Agriculture at that time we wiped that thing out by restricting it. I want the committee to know how important it is and how dangerous it is; if that thing had got to going, it would have destroyed the entire potato crop of the whole district. I do not think the appropriation amounted to $500, and yet we prevented its spreading. [Applause.]

The Clerk read as follows:

PRINTING AND BINDING.

For printing and binding, including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the joint resolution No. 13, approved March 30, 1906, and also including not to exceed $275,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $800,000.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: On page 79, in line 12, after $800,000 strike out the period and insert a colon and the following:

"*Provided*, That not to exceed $200,000 may be used for a weekly publication giving information with respect to weather, crops, and markets, a semimonthly publication which shall be a record of experiment-station work, a weekly journal of agricultural research, a monthly publication which shall be a review of weather and meteorological investigation, a monthly publication devoted to the building and maintenance of public roads in connection with the administration of the Federal aid road act, a weekly clip sheet carrying brief progress reports and department news to the press, a weekly information service to the press reporting in popular form the results of the investigations of the department, and a weekly official record in the nature of a house organ containing administrative information about the activities of the Department of Agriculture."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. ANDERSON. Mr. Chairman, the object of this amendment is to authorize the issuance of the publications of the departments which have been stopped as a result of the provisions in the sundry civil appropriation act, in order that the public may have the benefit of the information gathered by the department. It is perfectly senseless to spend thousands and millions of dollars in scientific research, in gathering information which is of incalculable value to the public, if no means are provided for getting that information to the public. The object of this provision is simply to authorize the publications of the department which it seems to us should be authorized and are clearly within the scope of the official business of the department and its proper activities.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CHALMERS. If it is so important, why did not the committee put it into the bill?

Mr. MANN. They did not want to call attention to it.

Mr. ANDERSON. That is perhaps as good a reason as I could offer.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MANN. How many publications are there?

Mr. ANDERSON. I think there are seven or eight altogether.

Mr. MANN. How many serial publications has the Department of Agriculture been publishing in the past?

Mr. ANDERSON. Oh, I think there was a time when it ran very much beyond that number. I can not give the gentleman the maximum.

Mr. MANN. Have they, in fact, ceased these publications, or do they issue them in some other way?

Mr. ANDERSON. Some of these publications have not been dropped. I think of these publications, the only one being held up in the Journal of Agricultural Research, which is the most important of all in my judgment.

Mr. MANN. I notice that there was a great to do in the House when we had under consideration another appropriation bill, concerning the publication of the Reclamation Record, and we heard much of what a dire thing it was that it had ceased publication. Of course, they have not ceased publishing it. They have not even changed the style of the publication, although they say it is now published as statistics, which is a lie on its face.

Mr. ANDERSON. There has been a great deal of difficulty about the matter, and in this case a number of the publications have been combined and a great deal of economy has resulted from the action which the Congress took in stopping these publications.

Mr. MANN. The gentleman knows perfectly well that I have always favored the publication of scientific information. I am willing to let the Agricultural Department publish a good many things. I do not know what this Housewife business is, if that is one of them. I could not quite reach it from the reading of the amendment. I think the Committee on Printing intends shortly to bring in a proposition covering publications of all of these departments. We all know what a great abuse grew up in the Government in respect to publications. Nearly every bureau of the Government was seeking serial publications, and it got to be so bad that notwithstanding every effort Congress made in the way of limitation in appropriation bills, it had no effect on the publications at all. They went ahead just the same, and they would spring a new one every little while.

Every time we passed an order designed to stop a publication they would keep that one going and put in a new one. Then we passed a positive law stopping it all. Then we extended that for a year. Then we passed a law permitting their publication, and the President vetoed it. Then we passed a law extending the time. Now the time has run out. If they follow the law, they will stop until they get authority. I am willing to give them authority in a proper way, but I do not think the proper way is to solicit the committee which reports the appropriation bill in each department and get it all back again in the way it was before.

Mr. ANDERSON. I think, in fairness to the department, I ought to say that they did not solicit this amendment. If I had been able to satisfy myself that there was any reasonable prospect of the Committee on Printing reporting a bill dealing with this matter, I would not have offered the amendment. That was the real reason why it was not put into the bill. We understood at that time that there was some prospect of the Committee on Printing reporting such a bill, but I do not think there is any now. In view of that fact I felt justified in offering the amendment.

Mr. MANN. I hope there is a prospect of the Committee on Printing, composed of three very able Members of the House, reporting the measure. The committee is not so large but that they ought to be able to get a quorum occasionally. There is the same situation in the Senate. At any rate at this time, Mr. Chairman, sympathizing with the desire of the public for this valuable information, I am going to insist upon the point of order.

Mr. BARKLEY. Mr. Chairman, will the gentleman reserve it for two or three minutes?

Mr. MANN. Certainly.

Mr. BARKLEY. Mr. Chairman, I am very much in sympathy with the amendment offered by the gentleman from Minnesota [Mr. ANDERSON], and I hope the gentleman from Illinois will not press this point of order. I desire in my time to have read a letter which I received to-day from the secretary of the College of Agriculture of the University of Kentucky with reference to the resumption of the publication of the Journal of Agricultural Research.

Mr. MANN. Of course, he is in favor of it?

Mr. BARKLEY. Yes.

Mr. MANN. All of these people who get something for nothing are in favor of it.

The CHAIRMAN. Does the gentleman from Illinois yield for that purpose?

Mr. MANN. Certainly.

The CHAIRMAN. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read the letter, as follows:

UNIVERSITY OF KENTUCKY,
COLLEGE OF AGRICULTURE,
Lexington, Ky., March 6, 1922.

Hon. ALBEN W. BARKLEY,
Representative, House of Representatives,
Washington, D. C.

DEAR SIR: At the regular March meeting of the Research Club of the University of Kentucky the following resolutions were adopted:

"Whereas the Research Club of the University of Kentucky realizes the great value of the Journal of Agricultural Research, published by the United States Department of Agriculture; and

"Whereas it has come to our knowledge that publication of this journal has been suspended for want of definite authorization: Therefore be it

"*Resolved*—

"1. That it is the opinion of this club that the publication of the Journal of Agricultural Research should be continued.

"2. That we hereby request our Senators and Representatives in Congress to use their influence in favor of suitable provision for the publication of this journal; and

"3. That a copy of these resolutions be sent to each Senator and Representative from Kentucky and to the Secretary of Agriculture."

Respectfully,

DANIEL J. HEALY, *Secretary.*

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. MONDELL. Mr. Chairman, I have been hoping for some time that we could secure an understanding in respect to the necessary legislation with regard to certain publications which were suspended by action of law a short time ago. At one time I thought that an agreement had been reached satisfactory to all concerned with regard to the publications of the Department of Agriculture. I had an interview with some of the officials of that department who had to do with the publications, and their attitude seemed to me to be reasonable. Personally, I felt that we could probably approve what they suggested. They seemed to be entirely satisfied with a reduction in the number of their publications and with provisions under which the volume of the matter published would be greatly reduced, but my understanding is that when the Committee on Printing discussed the matter with the officials of the department, their attitude changed somewhat.

At least, members of the Committee on Printing did not receive the same impression with regard to the attitude of the Agricultural Department that I had, and so the matter has been hanging fire. I think it is highly important that we shall make definite arrangements in regard to these and other publications. No one familiar with the facts but believes that the Federal Government has been indulging overmuch in publications, some of them in the nature of propaganda, many of them valuable, many of them, if it were proper for the Federal Government to go into the magazine business, interesting and instructive, but

we all realize that the Federal Government can not or ought not to publish magazines carrying ordinary information, articles, and essays, opinions which are ordinarily printed in privately published magazines, and I hope that very soon we can reach an understanding whereby we shall continue that class of publications, information which we are fully justified in printing and which we should print in order to give the people the benefit of our governmental activities, experiments, and investigations.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARNER. Is this just one more case where the legislative committee of Congress having charge of the matter is in disagreement with the Executive, and therefore we can get no action whatever?

Mr. MONDELL. Oh, no.

Mr. GARNER. The gentleman just stated that the Agricultural Department had not made the same impression on the Printing Committee that it made upon the gentleman and therefore we have no bill.

Mr. MONDELL. Oh, well, the gentleman from Texas has been here quite a long time and he knows that in governmental affairs there are many men of many minds.

Mr. MANN. The gentleman knows further that under the Democratic administration the committee only asked what they wanted and did what they were told.

Mr. GARNER. It is perhaps better to do that than to do nothing, like the present administration.

Mr. MANN. That is what you always do.

Mr. GARNER. Well, we did something and you do not do anything.

Mr. MANN. We do the work.

Mr. MONDELL. Well, in this matter of publications you expended the people's money in the sum of millions; you had so many publications that it was difficult even to catalogue them. The Government became the greatest publisher far and away under the flag. We had magazines on every known subject. We were publishing at great expense to the taxpayers magazines and bulletins of every conceivable sort and kind. Now, we have cured that very largely, but it happens in a very few cases we have not yet fully solved all the problems. It takes quite a while to solve all the problems we inherited from the late unlamented Democratic administration. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph. In the opinion of the Chair it is legislation on an appropriation bill, and therefore he sustains the point of order.

The Clerk read as follows:

COOPERATIVE FIRE PROTECTION OF FORESTED WATERSHEDS OF NAVIGABLE STREAMS.

For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $400,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I am not sure myself that it is subject to the point of order. The act of March 1, 1911, authorized an appropriation of this sum beyond what has already been appropriated?

Mr. ANDERSON. Well, I contended so last year, and the Chair sustained the contention.

Mr. MANN. What is it for—fire protection?

Mr. ANDERSON. Fire protection outside of the national forest, particularly in the Appalachian region.

Mr. MANN. Not outside the national forests?

Mr. ANDERSON. It applies particularly in the Appalachian Mountain region, but it does include protection of private land.

Mr. MANN. We bought that forest at an expense of ten or eleven million dollars and it now costs $400,000 a year to keep it from burning up.

Mr. ANDERSON. No; it covers the protection of private land as well as the national forest.

Mr. MANN. And the Chair held that was in order?

Mr. ANDERSON. The Chair held that was in order. If the gentleman does not have the section and would like to have me read it, I will read it to him.

Mr. MANN. Oh, I will look it up hereafter. I withdraw the reservation.

Mr. BLANTON. Did the gentleman make the point of order?

The CHAIRMAN. He withdrew it.

Mr. BLANTON. I make the point of order, Mr. Chairman, that it is legislation unauthorized on an appropriation bill.

Mr. ANDERSON. Mr. Chairman, this item in a smaller amount has been carried in this bill for several years; ever since the Weeks Act was in force.

Section 2 of the Weeks Act provides:

That the sum of $200,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

Now, it is perfectly obvious that while this particular section makes an appropriation for a single fiscal year that the latter part of the section, which refers to the cooperation between the Federal Government and the States, contemplates that such cooperation shall be continuous, because in the last proviso it says:

Provided further, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

Now, a further reading of this act will indicate that the commission appointed under this act was a permanent commission and that its life did not expire with the expiration of the appropriation specifically authorized in the Weeks Act itself. And I contend under this provision, which clearly contemplates the creation of a permanent organization—the creation of a permanent cooperation between the States and the Federal Government for the protection from fires on public lands—this appropriation is in order.

Mr. BLANTON. Will the gentleman yield?

Mr. ANDERSON. I yield.

Mr. BLANTON. It is merely an appropriation in that bill?

Mr. ANDERSON. It is not under a regular supply bill at all.

Mr. BLANTON. What act is it that the gentleman was reading from?

Mr. ANDERSON. The so-called Weeks Act, approved March 1, 1911. The title of that act is as follows:

An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purposes of conserving the navigability of navigable rivers.

It is perfectly clear from the title, as well as the text, that this was a piece of continuing legislation, intended to authorize and fix a permanent line of cooperation between the States and the National Government in fighting forest fires on public lands, and that it does authorize an appropriation for such purpose.

Mr. BLANTON. I submit to the Chair that this is not permanent legislation.

Mr. ANDERSON. I call attention to the fact that the Chair ruled on this question last year and ruled it in order.

Mr. BLANTON. Of course, the gentleman means that as a finality, I presume. I want to submit that this act referred to is not permanent legislation such as would authorize this Congress to vote in an appropriation as large as $400,000 to fight fires on public lands. I submit to the Chair it is clearly legislation on an appropriation bill and subject to a point of order.

The CHAIRMAN. Did the Chair understand the gentleman from Minnesota to say the Chair ruled on this last year?

Mr. ANDERSON. I will say in that I was in error. It was a million-dollar item that the Chair ruled on last year, which I think was much more doubtful than this one.

Mr. BLANTON. And the Chair ruled against the contention of the gentleman, as I understand it.

The CHAIRMAN. In the opinion of the Chair, this item would seem to be in order, and the Chair is going to rule that it is in order, and overrules the point of order. The Clerk will read.

The Clerk read as follows:

ACQUISITION OF ADDITIONAL FOREST LANDS.

For the acquisition of additional lands at headwaters of navigable streams, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), as amended, $50,000.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph, although I am just now told that the Chair last year held the item to be in order. However, the original Weeks Act provided an authorization of an appropriation up to a certain limit, $10,000,000 or so. That limit has been reached and all the money appropriated. Since that time a further appropriation was made under a new authorization, but the authorization given by law—and there was a specific authorization—for the purchase of land in these forests has all been exhausted. I think no one will contradict that. They can not do it successfully because it is so.

Now, so far as I am concerned, while the point of order is being considered by the Chair, I do not know that I would make the point of order on the item of $50,000, except that if this goes into the bill it is subject to amendment by the Senate. When the amendment comes back and goes to conference the conferees can report it. But if the Senate inserts a new item the conferees can only agree to it by a vote of the House. I think myself that just at this time, when we are endeavoring to be economical, we can afford to wait a few days on the purchase of more forest land in the East that will not disappear tomorrow or the next day.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota.

Mr. ANDERSON. Mr. Chairman, I want to be as brief as I can in the discussion of this point of order. I am willing to admit that it is a rather close one.

The act under which this appropriation is made provides for the creation of a commission which is still in existence. Section 4 of that act provides:

That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as the original appointment.

Section 7 of that act provides:

That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

The only point that I wish to make in this connection is that there is nothing in it that specifically limits the power that is granted to the Secretary of Agriculture to the period of appropriations provided in the act. If Congress had desired to make this act expire and the power granted by it to the Secretary of Agriculture and this commission expire at the time when the appropriation provided by it expired, it could very easily have done so. But it did not make that provision, and the whole text of the act, it seems to me, indicates the intention of the Congress to create a permanent commission, and the fact that the commission is continuing to-day, although the appropriations originally provided have expired, seems to me to be sufficient evidence of the fact that the authority conferred by this act has not expired with the appropriation which it made originally.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MONDELL. The gentleman did not read section 3 and the proviso under section 3.

Mr. ANDERSON. I will be glad to read it. I assure the gentleman that I did not omit it with a desire to deprive the Chair of any information that it contains.

Mr. MONDELL. I have no doubt of that.

Mr. ANDERSON. I read:

SEC. 3. That there is hereby appropriated, for the fiscal year ending June 30, 1910, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000, for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1915.

Note that the proviso provides that the provisions of the section, not the provisions of the act, shall expire by limitation on the 30th day of June, 1915.

Now, can it be contended that Congress was so incompetent to say what it meant that if it had intended that this act should expire by limitation on the 30th of June, 1915, it was incapable of saying so?

The CHAIRMAN. Will the gentleman from Illinois permit the Chair to interrogate him?

Mr. MANN. Certainly.

The CHAIRMAN. Did the gentleman say that subsequent to the passage of this act in the Fifty-first Congress there were other acts passed which changed this law?

Mr. MANN. No; there have been other acts of appropriation since the limit of the appropriations provided by this act was reached. The original act made an appropriation of $1,000,000 for the fiscal year, I think——

Mr. ANDERSON. That is correct.

Mr. MANN. And $2,000,000 a year for each year thereafter, with the provision that that should cease with the fiscal year of 1915. That made an authorization of $10,000,000 or $11,000,000. That was the only authorization for the purchase of lands.

Mr. ANDERSON. The only appropriation.

Mr. MANN. They were authorized to purchase the land, and that was what it was for—for the examination, survey, and acquirement of the land. I think it is shown by the law, and, of course, as a matter of fact nobody will deny, that at the time it was expressly stated by everybody in favor of the bill, of whom I was one, that the only authorization for the purchase of the land so far as the expenditure of money was concerned was the amount carried by the bill. Now, the commission has continued, and may well do so in the future. The commission has been kept alive, if for no other purpose, for the expenditure of money which Congress has since appropriated. The money was not all exhausted until very recently—two or three years ago, I think. It was a continuing appropriation, and then we appropriated more money. Last year we appropriated $1,000,000 more. But there can be no authority to appropriate money for this purpose until that authority is given by Congress. The original authority given was for the expenditure of so much money, and that was all, and the commission knows it. The gentleman from Minnesota claims he does not know it, but the commission knew it. The commission reported to Congress asking for more money, saying that all their authority in that regard was exhausted. I have taken a keen interest in these forests, and everybody interested knew it except the gentleman from Minnesota, who probably does not remember the original act very closely——

Mr. ANDERSON. I was not here.

Mr. MANN. The gentleman was not here, and the gentleman from New York was not here at that time and perhaps does not remember the original act. That was a keen and a long fight and everybody knew about it at that time. I think to construe it otherwise would be a misconstruction of the statute. I think it would be a violation of the plain statement of the statute itself.

The CHAIRMAN. Will the gentleman from Illinois permit the Chair to ask him whether or not in his opinion section 7 of the act by which the Secretary of Agriculture is authorized to purchase this land is not still the law?

Mr. MANN. Within the limits of any appropriation that Congress makes it probably is the law; but the Secretary of Agriculture under that can not go around and buy up the universe.

Mr. ANDERSON. He can if we appropriate for it.

Mr. MANN. And there is no authorization for the appropriation. That was in connection with the original appropriation, and the Secretary of Agriculture had no authority by the original act to make any purchase except such as was provided by that original act. He could not go head and make a lot of purchases. He knew it. He did not pretend to do it, and the commission never pretended to have such authority.

Mr. MONDELL. Mr. Chairman, last year when this matter was under consideration I was not in the House. I regretted it very greatly.

Mr. ANDERSON. The gentleman made a long speech on it.

Mr. MONDELL. I mean when the point of order was under consideration. I made a speech after the point of order was passed upon. I remember very well the history of this legislation. I was not entirely favorable to it as it was at first presented, and I was very much afraid that unless we were careful we would have very great expenditures under the act.

Section 3 was the provision which led me to give my support to the legislation. Except for that section the law in the ordinary form of an organic act authorized certain things to be done, authorized certain things to be done, of course, always within the appropriation and never otherwise and without an authorization for appropriation no expenditures could be made after the expiration of the authority in section 3.

The gentleman from Minnesota attempts to prove altogether too much. If it were true that section 7 authorized the expenditures of money whenever and to the extent the Secretary of Agriculture desired to expend it why was section 3 placed in the bill? If section 7 gave authority for the expenditure of money without regard to appropriation or further authorization why was it necessary to provide a continuing appropriation in section 3? It would not have been necessary at all. The Secretary would have gone on and made his purchases and Con-

gress would have made the appropriations and there would have been no necessity for a continuing act authorizing expenditures within the given amount.

Mr. ANDERSON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ANDERSON. The gentleman is perhaps aware of the fact that section 3 has been amended, the amounts appropriated have been made available until expended, and all amounts have not been expended. Now, if there is no authority for the purchase of land the gentleman's argument falls to the ground.

Mr. MONDELL. There have been other appropriations which are still available, and within the amount of those appropriations the Secretary can expend the money. But nothing was ever more clearly understood on this floor than the intent of this act when it was passed. Without some provision like section 3 the act could not have secured a majority here. The present Secretary of War was the author of this act. He fought for it faithfully and earnestly for a long time. He only secured support for it when it was clearly and definitely understood that the act fixed and provided a limit within which expenditures could be made. There was no doubt in anyone's mind at that time in regard to it, and right now there are bills before the Committee on Agriculture—one introduced by the gentleman from New Hampshire [Mr. WASON]—proposing an additional authorization under this act.

Mr. WASON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WASON. Has the gentleman read the bill to know whether it authorizes an appropriation or makes an appropriation? It has been reported out by the Committee on Agriculture.

Mr. MONDELL. I presume the gentleman has introduced a bill in accordance with the rules of the House, and as the Committee on Agriculture has no authority to appropriate, I assume that his bill was an authorization. Is not that correct?

Mr. WASON. It has both.

Mr. MONDELL. Then it was not in accordance with the rules of the House. The committee can not report it out under the rules of the House.

Mr. WASON. It has reported it out.

Mr. HAUGEN. It authorizes the money to be expended under the provisions of this act of March 1, 1911.

Mr. MONDELL. Now, Mr. Chairman, one word more. The importance of this matter runs far beyond any appropriation that may be made under this act. It raises the whole question as to whether the Committee on Appropriations is to have complete control of the policy relative to the expenditure of public money. Is there to be nothing left to the legislative committees of the House? Is the Congress to have no debate and discussion except on appropriation bills?

Mr. ANDERSON. The Committee on Agriculture can report a bill repealing the whole act to-morrow if it sees fit.

Mr. MONDELL. I realize that after a man has been a member of the Committee on Appropriations for some time and has been earnest, faithful, and useful as the gentleman from Minnesota, he is likely to get an exaggerated notion of the authority of the committee, and it is proper that the gentleman should have. But while maintaining the jurisdiction of the Committee on Appropriations, with the tremendous power and authority that that jurisdiction gives it, it is highly important that we shall also preserve the jurisdiction of the legislative committees. They are the committees through whose action, through whose consideration, through whose proposals for legislation, the House shall determine questions of policy—how much shall we expend in certain lines, what shall be our policy for the future. It is in this as it is in the legislation on roads. The Committee on Roads recommends to the House, and the House determines, and the Appropriation Committee appropriates. This legislation was intended to be in line with the policy of giving to the legislative committee the power to determine what the policy of the House should be.

Mr. TILSON. Is not the gentleman a little unfair to this committee to state that this is an attempt to get jurisdiction? The very terms of the paragraph which we are considering——

Mr. MONDELL. I do not want the gentleman from Connecticut to misinterpret me.

Mr. TILSON. I do not wish to misunderstand the gentleman.

Mr. MONDELL. My attitude is exactly that of the gentleman from Illinois. I have no criticism of the committee for bringing in the $50,000 appropriation, and if that was all there was to it I would not say a word. But we all know that if this point of order is overruled amendments will be offered here greatly increasing this item—a million, two million, nobody knows how much.

It is to prevent that that we are now discussing this very important question. If the item of $50,000 is to remain in the bill, it would authorize an increase in another body, as the gentleman from Illinois just suggested. It was never contemplated that the Committee on Appropriations should appropriate except within the provisions of section 3 and the modifications and extensions of that section. If we are to preserve any field of activity for our legislative committees; if we are to determine policies here in debate upon bills brought from legislative committees rather than on items brought in by the Appropriations Committee, here is one of the places to determine that important matter, and it is important. It is important far beyond any question of the amount that might be appropriated here.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. MANN, having assumed the chair as Speaker pro tempore, Mr. HICKS, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10730, the Agricultural appropriation bill, and had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE.

The SPEAKER pro tempore laid before the House the following communication, which was read:

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: I herewith tender by resignation as a member of the Committee on Foreign Affairs.

Very truly, yours,

WALTER F. LINEBERGER.

The SPEAKER pro tempore. Without objection the resignation will be accepted.

There was no objection.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker pro tempore signed the same:

H. R. 9597. An act to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

PURCHASE AND DISTRIBUTION OF SEED GRAIN.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, insist upon the House amendments thereto, and agree to a conference.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until Monday, March 13, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

506. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Newark Bay and Hackensack and Passaic Rivers, N. J. (H. Doc. No. 206); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 10859) providing for a "Chicago Boys' Week" canceling stamp to be used by the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: A bill (H. R. 10860) to provide a uniform rule of naturalization and to amend and codify the laws relating to the acquisition and loss of citizenship, to equalize the citizenship status of men and women, to establish a method for the registration of aliens for their better

guidance and protection, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. COLTON: A bill (H. R. 10861) to add certain lands to the Uinta National Forest, and for other purposes; to the Committee on the Public Lands.

By Mr. BYRNS of Tennessee: A bill (H. R. 10862) to enable the Ladies' Hermitage Association to purchase certain personal effects of President Andrew Jackson; to the Committee on the Library.

By Mr. HICKS: A bill (H. R. 10863) to authorize the President to cancel or modify certain contracts for battleships and battle cruisers, and for other purposes; to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau; to the Committee on Public Buildings and Grounds.

By Mr. OSBORNE: A bill (H. R. 10865) authorizing and empowering the President of the United States, within his discretion, to appoint, by and with the advice and consent of the Senate, to the grade of brigadier general on the retired list, any officer of the Regular Army, either on the active or retired list, who entered the volunteer service in April, 1861, and so continued until November, 1865, and attained the grade of major of Volunteers; to the Committee on Military Affairs.

Also, a bill (H. R. 10866) to increase pensions in certain cases; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 10867) for the relief of Charles M. Tibbetts; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10868) granting a pension to Matilda A. Runnions; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10869) granting a pension to Sarah C. Croxwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10870) for the relief of J. L. Summers; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4564. By Mr. COLE of Ohio: Petition of farmers and dairymen of the vicinity of Ada, Ohio, favoring the passage of House bill 8086; to the Committee on Agriculture.

4565. Also, petition of M. Martinson and others, of Findlay, Ohio, favoring the passage of House bill 7 and Senate bill 1252; to the Committee on Education.

4566. By Mr. GALLIVAN: Petition of the Lend a Hand Society of Boston, Mass., urging the adoption of the proposal made by Gen. Pershing in regard to reduction of Army officers; also, that the appropriations in regard to the Army and Navy be made as low as possible; to the Committee on Appropriations.

4567. By Mr. HAYS: Petition of L. G. Hummel and 63 other citizens of Taney County, Mo., protesting against the passage of certain bills now pending in the Sixty-seventh Congress as follows: House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

4568. By Mr. KAHN: Petition of San Francisco Chamber of Commerce, favoring the ratification of the treaties and agreements that have been the fortunate result of the Disarmament Conference; to the Committee on Foreign Affairs.

4569. By Mr. KEARNS: Petition of James Lawton and others, of Minford and neighborhood, Ohio, protesting against the passage of House bills 9753 and 4388 and Senate bill 1948, all being Sunday observance bills; to the Committee on the District of Columbia.

4570. By Mr. KELLEY of Michigan: Petition of A. K. MacRae and 82 other residents of Atlas, Mich., favoring the passage of the bonus act; to the Committee on Ways and Means.

4571. By Mr. KISSEL: Petition of the City Council of Philadelphia, Pa., opposing the closing of the Philadelphia Navy Yard; to the Committee on Naval Affairs.

4572. Also, petition of Miss Sara Cheifits, of Brooklyn, N. Y., urging more hospitalization for ex-service men; to the Committee on Public Buildings and Grounds.

4573. Also, petition of Miss Adele Izzo, of Brooklyn, N. Y., urging the passage of the soldier bonus bill; to the Committee on Ways and Means.

4574. Also, petition of American Luther League, of Fort Wayne, Ind., opposing the passage of House bills 4388 and 9753 and Senate bill 1948; to the Committee on the District of Columbia.

4575. By Mr. SINCLAIR: Petition of L. D. Alden and 63 others, of Lignite, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4576. Also, petition of Ed Olson and 12 others of Ryder, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4577. Also, petition of Geman Olson and 18 others of White Earth, N. Dak., urging the revival of the United States Grain Corporation and stabilized price for farm products; to the Committee on Agriculture.

4578. Also, petition of 18 citizens of Beulah, N. Dak., praying for the enactment of House bill 9461, guaranteeing a fixed price on wheat and other farm products; to the Committee on Agriculture.

4579. By Mr. SNYDER: Resolution of the Common Council of Utica, N. Y., favoring amendment of the Volstead Act for the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4580. By Mr. TINKHAM: Petition of J. A. Akerstrom and many others of Boston opposing the passage of House bills 9753 and 4388 or Senate bill 1948, all being Sunday observance bills; to the Committee on the District of Columbia.

4581. Also, a resolution adopted by H. O. Hofman, Laura M. Kendrick, and others of Brookline, Mass., urging special and immediate legislation that Austria's debt to the United States be suspended for at least 20 years; to the Commitee on Ways and Means.

4582. By Mr. VARE: Memorial of City Council of Philadelphia, Pa., petitioning the Navy to maintain the Philadelphia Navy Yard as a repair and supply base; to the Committee on Naval Affairs.

SENATE.

MONDAY, *March 13, 1922.*

(Legislative day of Thursday, March 9, 1922.)

The Senate met in open executive session at 11 o'clock a. m., on the expiration of the recess.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Myers	Simmons
Ball	Glass	Nelson	Smith
Borah	Hale	Newberry	Spencer
Brandegee	Harris	Nicholson	Sterling
Broussard	Harrison	Norbeck	Townsend
Bursum	Heflin	Norris	Underwood
Cameron	Johnson	Oddie	Wadsworth
Capper	Jones, Wash.	Overman	Walsh, Mass.
Caraway	Kellogg	Page	Walsh, Mont.
Colt	Kendrick	Pepper	Warren
Culberson	King	Phipps	Watson, Ga.
Cummins	Lenroot	Poindexter	Weller
du Pont	Lodge	Pomerene	Williams
Edge	McCormick	Ransdell	Willis
Ernst	McKellar	Robinson	
Fernald	McKinley	Sheppard	
Fletcher	McNary	Shields	

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is necessarily absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. SMITH. I have been requested to announce that the Senator from North Dakota [Mr. LADD] and the Senator from New Hampshire [Mr. KEYES] are detained from the Senate on account of committee work.

Mr. LODGE. I desire to state that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELING-

HUYSEN] are detained from the Senate in attendance on a session of the Committee on Finance.

The VICE PRESIDENT. Sixty-five Senators having answered to their names, a quorum is present.

As in legislative session,

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the executive committee of the World Alliance for International Friendship Through the Churches favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. EDGE presented a concurrent resolution adopted by the Legislature of New Jersey, which was referred to the Committee on Naval Affairs, as follows:

STATE OF NEW JERSEY,
ONE HUNDRED AND FORTY-SIXTH LEGISLATURE.

Concurrent resolution passed by the general assembly March 6, 1922, and concurred in by the Senate.

Whereas the recent conference on disarmament held at the city of Washington, D. C., decided that two of the six contemplated battle cruisers being built by the United States could be converted into airplane carriers; and

Whereas one of said battle cruisers, namely, the *Saratoga*, is now under construction at the plant of the New York Shipbuilding Co., at Camden, N. J., and is 35 per cent completed, and can be converted into an airplane carrier at less expense and with greater benefit to the United States, by reason of the fact that our Navy would secure a vessel of 33,000 tons instead of a 27,000-ton airplane carrier, the limit fixed by the conference of disarmament for new vessels of that type; and

Whereas the selection of the battle cruiser *Saratoga* for completion as an airplane carrier by the President and the Navy Department would give employment to thousands of workmen for two years at the plant of the New York Shipbuilding Co.: Therefore be it

Resolved by the House of Assembly of the State of New Jersey (the Senate concurring), That the President of the United States, the Navy Department, and the Congress of the United States be respectfully requested to select the *Saratoga* as one of the battle cruisers to be converted into an airplane carrier; and be it further

Resolved, That the Navy Department be urged to finish other naval work on which conditions will permit continuing construction, with the view of providing employment for the unemployed of the State of New Jersey.

T. HARRY ROWLAND,
Speaker of the General Assembly.
WILLIAM E. MACKAY, Jr.,
President of the Senate.

Attest:

UPTON S. JEFFERYS,
Clerk of the General Assembly.
W. H. ALBRIGHT,
Secretary of the Senate.

Mr. CUMMINS (for Mr. FRELINGHUYSEN) presented a concurrent resolution adopted by the Legislature of New Jersey favoring the selection of the *Saratoga* as one of the battle cruisers to be converted into an airplane carrier and the finishing of other naval work on which conditions will permit continuing construction, with a view of providing employment for the unemployed of New Jersey, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD.

(See concurrent resolution preceding, presented by Mr. EDGE).

Mr. JONES of Washington presented a resolution adopted by the board of directors of the Franklin County National Farm Loan Association, of Connell, Wash., protesting against proposed amendments of the Federal farm loan bank act, which was referred to the Committee on Banking and Currency.

Mr. NELSON presented petitions of sundry citizens of Clearbrook, Hoffman, Kensington, McIntosh, Brooks, Oklee, High Landing, Hazel, Kratka, and Paynesville, all in the State of Minnesota, praying for the revival of the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented a resolution adopted by the Kiwanis Club of Athens, Ohio, favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented resolutions unanimously adopted by the Men's Club of the First Congregational Church, of Sandusky, Ohio, favoring ratification of the so-called four-power treaty, which were ordered to lie on the table.

Mr. BURSUM presented a resolution adopted by the congregation of 500 or more of the First Methodist Episcopal Church, of Albuquerque, N. Mex., favoring ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented telegrams in the nature of petitions from the Kiwanis Clubs of Albuquerque and Raton, both in the State of New Mexico, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. NORBECK presented six memorials of sundry citizens of Montrose, Sioux Falls, Doland, Turton, Frankfort, Huron, Redfield, Hitchcock, Agar, Murdo, Madison, Winfred, Bowdle, Tolstoy, Loyalton, and Hosmer, all in the State of South Dakota, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented six petitions of sundry citizens of Gregory, Dallas, Summit, Watertown, South Shore, Plankinton, White Lake, Crooks, Sioux Falls, Renner, Baltic, Ellis, Hartford, Mount Vernon, Letcher, Woonsocket, Lane, and Cuthbert, all in the State of South Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. LADD presented the petition of Robert Johnson and 15 others of Beulah, N. Dak., and vicinity, praying for the passage of Senate bill 2604, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented a memorial of members of the Myosotis Club, of Sanborn, N. Dak., remonstrating against increased tariff duties on women's leather gloves, which was referred to the Committee on Finance.

He also presented petitions of Karoline Lima and 37 others of Hannaford and vicinity, Fred Jauss and 26 others of Lefor and vicinity, Andrew P. Pedersen and 10 others of Juanita, C. B. Olson and 16 others of Marmon, H. W. Voight and 14 others of Bismarck, Ed. A. Olson and 3 others of Oriska, S. Estvold and 17 others of Manfred and vicinity, John W. Foss and 95 others of Arnegard and vicinity, and C. H. Pederson and 111 others of Marmon and vicinity, all in the State of North Dakota, praying for the revival of the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2014) to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico, reported it without amendment and submitted a report (No. 552) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3176) for the relief of Fred Sumpter, reported it without amendment and submitted a report (No. 553) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9710) authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak., reported it without amendment and submitted a report (No. 554) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 8342) to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts, reported it without amendment and submitted a report (No. 555) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, reported it with amendments and submitted a report (No. 556) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURSUM:

A bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3276) granting an increase of pension to Orlando R. Brand; to the Committee on Pensions.

A bill (S. 3277) to extend the franking privilege to the Prisoners' Relief Society, of Washington, D. C.; to the Committee on Post Offices and Post Roads.

By Mr. McKELLAR:

A joint resolution (S. J. Res. 175) relative to the purchase of aircraft from any foreign nation, citizen, or corporation; to the Committee on Foreign Relations.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS (for Mr. FRELINGHUYSEN) submitted an amendment intended to be proposed to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, which was ordered to lie on the table and to be printed.

REVENUES AND EXPENSES OF RAILROADS.

Mr. KENDRICK. Mr. President, as in legislative session and out of order, I submit the resolution which I send to the Secretary's desk, and I ask that it may be read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 257) was read, as follows:

Resolved, That there be printed as a Senate document volumes 3 and 4 of the hearings before the Committee on Interstate Commerce of the United States Senate held pursuant to Senate resolution No. 23, Sixty-seventh Congress, relative to the revenues and expenses of railroads which report to the Interstate Commerce Commission, and that 2,500 additional copies be printed for the Senate document room.

Mr. KENDRICK. I ask unanimous consent for the immediate consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

BOULDER CREEK CANYON PROJECT.

Mr. JOHNSON. Mr. President, a week or more ago I asked unanimous consent to have printed as a public document the report of the Secretary of the Interior concerning the Boulder Creek Canyon project. That consent was accorded. I am advised, however, by the Public Printer that it will be necessary to obtain consent as well to the printing of the illustrations accompanying the report, and I ask unanimous consent that the illustrations may be included in the order for printing.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to article 1 of the treaty.

Mr. JOHNSON. Mr. President, for the second time the Senate is asked to change the foreign policy which has prevailed in the Republic since we became a Nation. The old familiar arguments ring out again in this Chamber. The country hears repeated the perfervid emotional appeals. The sacrifices and sorrows of the late war, the horror of their recurrence, are invoked with most artistic word painting, that we may be forced to-day to accept what yesterday we rejected. The hopes and idealism of good and well-meaning people, the insidious propaganda of some who are neither good nor well-meaning, create a mass opinion demanding again the surrender of patriotic, independent judgment, and the acceptance without demur of whatever may be demanded in the sacred name of peace. The stage with its setting is not dissimilar from that upon which was enacted the tragedy of the League of Nations. The drama is not far different. Many of the claquers' faces are familiar. Only the actors have changed their parts. As we look upon the new scene, memory vividly recalls the old. We see again the stage crowded with besiegers, the banners of internationalism proudly borne by those who cry a new era. Before them is the old national citadel of sympathy and helpfulness but of independence of action and freedom from entanglements, the old citadel under whose beneficent protection a Nation has grown from its uncertain small beginning to the richest and most powerful on earth. At first the assaults are but feebly resisted, but with time the forces of the besieged are augmented; from behind the scenes come unknown and unheard-of reenforcements—rank upon rank until they swell into a mighty army—of those who have lived in the shadow of the protecting citadel and know its necessity and its safeguard. And the curtain is rung down, to the utter rout of the assailants, with the national citadel unscathed and the old banner proudly waving.

The curtain rises again to-day. The stage is as of old. Again the battle rages. The old citadel still stands, but some of its defenders now lead the attack. The issue will not be determined by the actors in the calcium light nor by the claquers whose shouting alone is heard. Just as in the past struggle, the issue will be decided finally by the great inarticulate mass behind the scenes, the men and women who are neither seen nor heard, but who, living under an American policy, have become the greatest of all the peoples of the earth.

TREATY MAKING.

The League of Nations contest did not materially differ from that in which we are now engaged. Though the quadruple alliance is in many respects quite as important as the old league there is less interest and less understanding concerning it here and with our people. There may be an excuse for lack of understanding on the part of our people. There can be none for either lack of interest or understanding on the part of ourselves. The Senate, no less than the executive branch of the Government, has its duty to perform in respect to treaties. When advocates of the League of Nations and the new alliance rail at the Senate because it moves cautiously and with prudence and care, their shafts in reality are directed not at the Senate but at the Constitution. There can be no treaty, under our system, until that treaty is ratified by the Senate. They have little comprehension of the design of the framers of the Constitution and of its plain intent, who assume that the Government of the United States acts finally and consummates a binding contract when the President negotiates a treaty. The framers of the Constitution, recognizing this as a representative government with ultimate sovereignty in the people, with the utmost precision denied the Executive full power in treaty making, and that the people should know what engagements with foreign countries might deal with them, our forefathers provided that a treaty became such only when ratified by the Senate. So very careful were the founders of this Government, apparently so distrustful of rulers, that not only was a coordinate power given to the Senate but a two-thirds vote of the Senate was required before a treaty could become the engagement of the Nation. The Senate but does its duty when, pursuing the policy of the Nation as embodied in the Constitution, it moves warily and demands full information before action. It is nonsense to say that a treaty may be negotiated by the Executive and then that it shall be acted upon by the Senate without adequate information or knowledge. Intrusting the Senate with final determination concerning treaties presupposes, of course, that it shall act upon the facts and shall pass upon the reasons. To say that a treaty may be negotiated by the Executive, thrown into the Senate without explanation, and that the Senate may be denied all information respecting it, is to deny the Constitution itself. It is to ask, just as is asked concerning this treaty, that the Senate accept, without consideration, without information or knowledge, that it sign simply upon the dotted line. If this is desired, and is the better rule, then amend the Constitution; but so long as the Constitution places upon the Senate the obligation finally to pass upon treaties the Senate is entitled to the fullest information. But there is a graver question than this. Those who insist that the Executive has the sole power of treaty making, and that the Senate should immediately acquiesce in what the Executive does, forget the very essentials of our system. The people are entitled to know why their future is mortgaged, and while we continue a democracy they will know. It may not be to-day nor to-morrow. It may not be within this generation, but just as certainly as finally they understood, and finally in overwhelming numbers they rendered their verdict in November, 1920, just so with this treaty, there will come a time when a people kept in ignorance and hastened into a treaty at variance with American traditions and American philosophy of government will have their reckoning.

FOR AN INTERNATIONAL FORUM.

From the beginning of the contest concerning the League of Nations some of us have endeavored to make plain that our position was not one of aloofness or isolation for the United States. We neither expect nor wish to live a hermit nation. We ask only to live our own life in our own way, in friendship and sympathy with all, in alliance with none. Repeatedly I have stated, and I reiterate it now, that I believe in consultations and conferences among the nations of the earth, consultations and conferences open and free, so peoples as well as rulers may be informed. A righteous public opinion is the best rule of mankind. We would welcome an international forum meeting at stated intervals and as occasion required, where international questions could be discussed in the open, where all the world could see and understand. At once, in international disputes, the most potent factor would be the public opinion of the world. Let this public opinion operate under such circumstances and there would be no future wars. No leagues are required for this, no alliances, no engagements to devise efficient means to meet aggression, no freezing of the status quo by ambiguous treaties, so that wronged peoples will be forever without redress. Openness, frankness, the sunlight of publicity alone are required.

In such an international forum, with its members bound to nothing but frankness and publicity, no statesman would run counter to his people, and no people would wish for war. This constitutes real conference, real consultation, and means the era of peace. To just this sort of thing we looked forward in the Limitation of Armaments Conference. In just this way that conference opened. The President himself really thought, when he addressed the Senate and presented the treaties, that the conference had been conducted in this fashion, for he said:

Accompanying the treaties I bring to you the complete minutes of both plenary sessions and committee meetings and a copy of the official report made to me by the American delegation to the conference. Both the complete minutes and the official report of the American delegation are new accompaniments to the Executive report of a treaty or treaties, but they are fitting testimonials to that open and simpler diplomacy for which the world has asked and the practice of which contributed largely to the success of the conference so recently adjourned.

He doubtless thought that open and simpler diplomacy had prevailed in relation to the four-power treaty, one of the most important presented, and that this open and simpler diplomacy, as he said, had contributed largely to the success of the conference. In the multiplicity of his duties he could not know all that transpired, and, of course, was dependent upon his representatives. He evidently was not aware that in all the minutes presented there is nothing concerning the quadruple alliance. Indeed, there has never been greater secrecy concerning any document submitted to our people. It is true that two distinguished members of the Senate, the leader upon the Republican side and the leader upon the Democratic side, were members of the conference. Both here advocate the treaty. It is obvious from their statements upon the floor that they know little or nothing concerning its making. I do not say this in criticism or invidiously, because I realize that they, much more keenly than we do, feel their position. They are unable to explain much that requires explanation. Indeed, the usual course in matters of this sort has been quite reversed.

The treaty is presented to the Senate without word or explanation, with a denial of any information, without any report by its proponents, and without any exposition for a considerable period by either of the Senators who were signatories to the document. I pass this phase with a mere expression of regret. It will not do to answer to the request for information, as the Senator from Massachusetts did, that negotiators of treaties can not go about with shorthand reporters at their elbows. Apparently this is just what they did with the unimportant treaties, and if in matters of little consequence the most detailed explanations and conversations are given, why in a matter of the utmost importance is all information denied? If it were appropriate to have communiques, statements, minutes, explanations, and information regarding agreements concerning aircraft and gas, and treaties relating to China, why should every scrap of information be carefully concealed concerning the all-important quadruple alliance?

Under the circumstances the Senate is compelled to take the treaty as written, and from the historical facts which are known to us, analyze and construe it. The paucity of information makes difficult, but not impossible, accurate conclusions. And at the very beginning of the discussion, the fact that such a treaty was unnecessary to a limitation of armaments can not be overemphasized. After the first day, when Mr. Hughes made his brilliant address, who can doubt that if the conference had continued for a brief period with the one subject before it, the limitation of armaments in accordance with the Hughes plan would have been compelled by the peoples of the world? Apparently the conference immediately turned aside from the limitation of naval armament to the execution of a new alliance.

Because I will not change the foreign policy of this Nation, I decline to be put in the attitude of opposing a just and fair limitation of armaments or anything that makes for peace. I yield to none in the desire for peace. I will go as far as the most pugnacious pacifist justly to obtain permanent peace. I will not, in the name of peace, entangle my country in the policies of foreign nations, which mean only war. And I decline to subscribe to any document which underwrites or even indirectly involves the United States in territorial exploitation or the subjugation of any people.

THE NEW QUADRUPLE ALLIANCE AND ITS MAKING.

The advocates of the quadruple alliance agree that its principal accomplishment and the main object it achieves is the termination of the Anglo-Japanese alliance. The Senator from Massachusetts, in the beginning of his address, says:

The chief and most important point in the treaty is the termination of the Anglo-Japanese alliance. That was the main object of the treaty.

The first completed work of the Conference on the Limitation of Armaments was this treaty. The subject of the treaty was not in the agenda, and its execution was not hinted at as a necessary part of limitation of armaments. In all of the discussions, and there were many, before the meeting of the conference and before the announcement that this treaty had been entered into, there was no suggestion that the treaty was either a part of the work to be done, or essential to an agreement in relation to disarmament. It may be that it was a condition precedent to the acceptance of the Hughes plan. It is possible that our representatives were compelled to accede to this contract in order to obtain what was put forth as the American plan for disarmament the day the conference so auspiciously met. It may be, as Mr. John Dewey says in an article published a month or more ago in the Baltimore Sun, that we had something to sell, our five, five, and three naval ratio, and that we were compelled by those to whom we were to sell it, to accept the price they fixed. All these things may be so, but those who are able to tell us whether they are so or not are strangely silent. Judging from the events and the happy initial meeting of the conference, the Anglo-Japanese alliance need not have been mentioned nor touched upon in order to have obtained what we desired—what we desired both from the humanitarian and the economic standpoint—a just limitation of armaments. If the four-power treaty were deemed of such transcendent importance by Great Britain and Japan that they declined to consider any measure of disarmament until we should enter into it, no asseverations upon the floor or elsewhere can minimize its importance. It is incredible that this treaty superseded a hard and fast, tried, and demonstrated offensive and defensive alliance, that it was insisted upon as the necessary first step in a world conference called ostensibly for disarmament, and yet is of such small consequence and means so little as its advocates now insist.

For 20 years there had existed between Great Britain and Japan an alliance, the latest expression of which was consummated at London July 13, 1911, wherein it was provided that in case of unprovoked or aggressive action against either party the other party would come to its assistance. The alliance undoubtedly was first directed against Russia and subsequently against Germany. The World War left neither power a menace to either party to the contract. Throughout the British Empire there was a demand for the abrogation of the treaty. Its term was 10 years, and its expiration therefore, unless automatically extended, fell in the month of July, 1921. Just prior to the expiration by limitation, the British imperial conference was held in London in June, and there the Anglo-Japanese alliance was most earnestly considered. The suggestion came out of the conference, and subsequently from the prime minister, that the existing alliance should be enlarged to include the United States. Those of our people who were following the proceedings abroad, and particularly what was being done with the British-Japanese alliance, were startled at the suggestion of participation. A local periodical published press comment from all over the Union, the consensus of which was quite in opposition to our entry into the British-Japanese arrangements. Thereafter, we find the Prime Minister, Lloyd George, reporting to Parliament, in answer to questions asked concerning the Anglo-Japanese treaty. On July 7, 1921, he said:

I hope soon to be in a position to make a statement on these important subjects. I am fairly hopeful of being in a position to make a statement on Monday. It depends upon whether replies are received from the United States, Japan, and China; but premature declarations would interfere with the success of the negotiations now proceeding.

On July 11 the Prime Minister said to Parliament (and at this time he referred as well, in most complimentary fashion, to President Harding's call of the conference):

When I told the house last Thursday that I hoped to be in a position to make a statement on Pacific and far eastern questions to-day I was waiting, as I explained at the time, replies to conversations which had taken place between the secretary of state for foreign affairs and the representatives of the Governments of the United States, Japan, and China, as the result of our discussions in the imperial cabinet. I am very glad to be able to inform the house to-day that the views of the Government of the United States reached me last night and are extremely satisfactory.

It is obvious from these statements that Great Britain and the United States were negotiating concerning the Anglo-Japanese alliance, and the inference is irresistible that the United States was consenting to some treaty with Japan and Great Britain. It will be observed that the prime minister on July 4 speaks of the negotiations with the United States, Japan, and China, and on July 11 he advises Parliament that to the proposition, whatever it might have been, presented by Great Britain the reply of the United States was "extremely satisfactory."

I listened with attention to the Senator from Alabama. I heard his interesting references to the Anglo-Japanese alliance,

observed the extraordinary importance he attached to the new treaty, an importance out of all proportion to an instrument so lacking in strength and efficacy as he described it. The conclusion I reached from his remarks was that the Washington conference after all was not primarily for disarmament but to consummate a new agreement to supersede the British-Japanese alliance. A people were wrought to the highest state of exaltation, of emotional idealism, by panegyrics on peace and apostrophes to disarmament; and yet, as I gather from what has been said here, the great object to be attained, although no mention of it was made, was the substitution of something, of which we were to be a part, for the Anglo-Japanese alliance. Apparently this, too, was the view of Mr. Lloyd-George.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Montana?

Mr. JOHNSON. Certainly.

Mr. WALSH of Montana. In the letter from the Secretary of State, read by the Senator from Alabama [Mr. UNDERWOOD] on Saturday, there appears the statement that the views of this Government as to the importance of the termination of the Anglo-Japanese alliance had been communicated long before the conference met. Is the Senator able to tell us whether the views thus expressed have ever been made public?

Mr. JOHNSON. I do not know of it, if they have been. I have no knowledge of it.

Mr. WALSH of Montana. Can the Senator advise us as to whether the Foreign Relations Committee have ever been made acquainted with the communications?

Mr. JOHNSON. No; so far as I am aware, the Foreign Relations Committee have not been made aware of anything of the character mentioned by the Senator from Montana.

Mr. WALSH of Montana. I had no recollection, when the letter was read, of ever having learned that the State Department had ever expressed any view on the subject either one way or the other.

Mr. JOHNSON. I do not know as to that. My information I have derived from a search of the parliamentary debates of Great Britain.

In order that there may be no misunderstanding as to how the British-Japanese alliance was viewed by the parties to it, and its importance alike to both countries, I quote the prime minister's statement on the imperial conference to the House of Commons August 18, 1921.

Then, in a very notable speech, the prime minister said:

The two questions, I think, which occupied most of our time—

Let me digress a moment there to recall to the Members of the Senate that just prior to this speech, for the first time in the history of the British Empire, the premiers of the Dominions met to consider not only internal matters but really foreign policies, and that in the meeting of the premiers of the Dominions and of Great Britain, held prior to this time, the Anglo-Japanese alliance was a subject of the most earnest consideration.

Said the Prime Minister of Great Britain to Parliament in August, 1921:

The two questions, I think, which occupied most of our time apart from foreign policy were the questions of the Anglo-Japanese alliance and the Pacific. Egypt was also discussed, and we also discussed the naval defense of the Empire. They were all agreed, when we came to the question of naval defense, that at any rate the Empire must have a naval force which is equal to that of any other country in the world. Upon that they were all agreed, but when it came to a question of contribution there was a general feeling—I think I can go to that extent—that it was unfair to leave the whole burden of the naval defense of the Empire with the mother country. The extent to which the Dominions should contribute—the best method of contribution—that must be left to each Dominion and to India to consider themselves. We can not dictate, we can not direct, and I am not sure that it will be very helpful if we even make suggestions, because they are each naturally very, I will not say resentful, because that would not be a fair word, but they are each very anxious to guard their own independence in these respects. There are some who would like to contribute in one form and some in another—some by means of naval stations, some by means of oiling stations, some by means of having a fleet of their own. Each of these questions must be considered by the Dominions with their own Parliaments, and it is not a matter where we could presume in the least to dictate or prescribe, and where it would not be wise even to suggest. The proposals must come from themselves, and they are consulting their own Parliaments upon that particular question.

On the question of the Pacific there was a good deal of discussion of the Japanese alliance. Upon that our feeling is this: The alliance is an existing alliance, and until 12 months' notice is given that alliance continues, and when you come to the question of whether you will give notice, you must consider how that alliance has operated. There was a real test in the late war of that alliance, and no man who watched what happened can come to any other conclusion than that it was loyally and faithfully interpreted and carried out by our Japanese allies. Just see what happened. There you had the Pacific raided by fast German cruisers and our ships sunk. We had to depend upon the help of New Zealand and Australia.

Between them they sent between 500,000 and 600,000 first-class troops to our assistance. India sent more than 1,000,000 across seas which it would have been difficult for us to guard. We had to guard the Atlantic. We had to guard the Mediterranean very largely. We had to guard the North Sea—a gigantic operation even for our immense fleet. It was strained to the very last ship, new and old, in guarding our own shores against submarines, and against possible attack from every German craft, and there was that immense ocean, the Pacific, the Southern Atlantic, and the Indian Ocean—the greatest seas of the world.

How were we to guarantee that 500,000 troops could cross thousands of miles of seas and 1,000,000 troops from India could cross the Indian Ocean and that no raider would sink them? How could we have done it? We could not have done it but for the fact that our Japanese allies came to our aid. The Australian prime minister said so and the New Zealand prime minister said so. They said, "We could never have sent our troops into that vast ocean at that time unless we had had that guaranty."

We could not have given the guaranty, certainly at the beginning of the war, had it not been for the Japanese fleet giving their assistance in chasing the raiders. It was invaluable. It was one of the determining factors of the war. They loyally, faithfully, in the letter and in the spirit, carried out their obligation. Is it to be suggested that we should now turn around and say to them, "You stood by us in trouble, but we do not need you any longer, so good-by"? Would anyone behave like that in business? The British Empire must behave like a gentleman, and when you come to deal with a country that has stood by you in trouble, stood well by you, are you to bring the alliance to an end when trouble is over? I say that that would not be becoming to the British Empire in dealing with a faithful ally. And let me say this: I do not believe there is any country in the world, whether it likes the Japanese alliance or does not like it, that would think any better of the British Empire if we broke off the alliance; not one. They might appear to be glad for the moment that we had done it, but in their hearts they would despise us for doing it. That does not mean that we are to continue an alliance of this kind against anyone else, and certainly not against the United States of America. It is a cardinal principle of British policy, and must be, that we should act in as complete accord with the United States of America as any two countries can. I do not know of any country in the world with whom it is more important that we should act in concert than with the United States of America. So much so that it is very difficult to get an Englishman to regard an American as a foreigner. There is a different feeling; there is a sense of fraternity.

It is cardinal that we should act in concert with the United States of America; but I do not see why it is impossible to remember your obligation to Japan, preserve your friendship for that great country, and at the same time preserve a spirit of fraternity with the United States of America. This is one of the questions upon which I had hopes it would have been possible, and still hope it will be possible, to have a discussion. If an alliance with Japan could merge in a greater understanding with Japan and the United States of America in all the problems of the Pacific, that would be a great event and it would be a guaranty for the peace of the world, because the problems of humanity may be to-day in the Atlantic Ocean, yesterday in the German Ocean, and they may pass to-morrow into the Pacific; and when they do the powers that are most greatly concerned in Pacific matters are the United States of America, Japan, and the British Empire.

Those four great countries are primarily concerned in having a complete understanding with regard to the Pacific, but the surest way to make a success of any disarmament conference is, first of all, to come to an understanding upon the Pacific. I do not myself believe that you will attain the same measure of success in a disarmament conference until you have attained that complete understanding. I believe disarmament would be much easier if you could get that clear understanding first, and I am still hopeful that that view will be taken. The British Empire as a whole were all agreed in the desire to have complete friendship with the United States of America and to make arrangements which would remove every conceivable prospective obstacle to such friendship. Nothing would please the British dominions, as well as the mother country, more than a settlement which would make them feel that the British Empire and the United States of America could work side by side in a common partnership for the restoration of the peace of the world, for guaranteeing the peace of the world. I do not know of any guaranty that would be equal to that of the United States of America and the British Empire in agreeing upon the great principles upon which world policy ought to be based. That is an absolute guaranty of the peace of the world, and I am still hopeful that such an understanding as would establish a scheme of that kind will ensue as a result of the coming conference in Washington. Those are some of the great problems which we have discussed.

Lloyd-George's plan, therefore, was, first, to settle the problems of the Pacific, by which it is plain he meant merging the Anglo-Japanese alliance into an Anglo-Japanese-American alliance. He did not see how it was possible to succeed in a disarmament conference until this had been done, and as you look back upon the conference this is exactly what was done.

THE CONSTRUCTION OF THE TREATY.

The advocates of the treaty in construing it do not begin with the beginning and end before the ending. Under the Yap treaty, which has just been ratified by the Senate, by article 1 the United States for the first time recognize and acquiesces in the shameful secret treaties, the stealthy bargains carefully concealed from us, and by which German possessions in the Pacific were divided between Great Britain and Japan. By this Yap treaty, in the first article, we assent to the mandate of Japan in the Caroline, Marshall, and Ladrone Islands under which Japan administers these islands as an integral part of the Japanese Empire. In the minutes given to us as evidencing the new open diplomacy we are told, at page 567, by Mr. Root, that there was an old English nursery rhyme which ran, "Leg over leg the dog went to Dover." When all of us have passed

from the scene, when the armaments conference shall have become a mere historical memory, there will yet remain a musty tome preserving for posterity "Leg over leg the dog went to Dover." We might, as we read the Yap and this treaty, paraphrase Mr. Root's carefully preserved illustration, "Leg over leg the dog went to Tokyo." First, by the Yap treaty we recognize what before we have repudiated—the secret bargains concerning the German islands in the Pacific. Now, by this treaty, we undertake to maintain Japan's rights in those islands.

The purpose of the new quadruple alliance is distinctly stated in its preamble. This purpose is twofold. First, the general purpose, always written into the most iniquitous of treaties, the preservation of the general peace; and then the specific and definite purpose of the maintenance of the rights of the parties in relation to their insular possessions. The argument upon the treaty commences, therefore, with its avowed purpose and intent to maintain the rights of the parties in their insular possessions. With this intent in view of maintaining their rights the parties agree to certain things. Do you observe how in the discussion of this treaty what scant attention is given by its advocates to its specific design? Have you noticed how lightly they have passed over it and how their newspaper protagonists seldom suggest it? Indeed, nearly all those who dissect this treaty begin with the two articles, omitting the avowed purpose described in the preamble.

Article 1, after agreeing that the parties will respect the rights of one another, provides for controversies arising among themselves. If such controversies arise which can not be satisfactorily settled by diplomacy, a joint conference is to be held, to which the whole subject will be referred for consideration and adjustment.

Article 2 undertakes to meet the aggressive action of other powers. In case of such aggressive action—

> The high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

We are told that this means no more than mere consultation among the parties. The answer is obvious. If the purpose were to provide merely for consultation, the masters of English who wrote this treaty would have said so. If just ordinary men were writing an agreement to consult, they would have no doubt of the phraseology to be employed and there could be no misinterpretation or misconstruction of their language. If they were agreeing to consult about differences, in plain language they would say so. If they employed language capable of other interpretations, which might be otherwise construed, the conclusion would not be inapt that their purpose was not alone that of consultation but that it embraced whatever else the language might import. Remember that those who wrote this treaty were experts in treaty writing, learned in the use of the English language, with keen vision of future possibilities of construction and interpretation. If such men had but a single thought, to write a contract for mere consultation, there can be no possible justification for the language used in article 2. And, I might add, there could be no possible justification for not affording the American people the opportunity of discussion of the words and phrases so meticulously employed. The same gentlemen who indulged in the mystic phrases of article 2 wrote other treaties at the same time. One of these was a treaty in regard to China, a purpose of which was "to respect the sovereignty and independence and the territorial and administrative integrity of China."

This Chinese treaty designed to respect the territorial integrity of China provides for consultation; and here is the language used by the gentleman who wrote article 2, asserted here to mean only consultation, used by them when they had in mind only consultation:

> ART. 7. The contracting powers agree that whenever a situation arises which, in the opinion of any one of them, involves the application of stipulations of the present treaty and renders desirable discussion of such application there shall be full and frank communication between the contracting powers concerned.

There can be no misunderstanding this. Why, if the new quadruple alliance provided merely for communication and consultation, was not article 2 written in like vein?

Now, let us follow the provisions of article 2. If there is an aggressive action by another power, the parties shall communicate with one another fully and frankly, just as in article 7 of the Chinese treaty, which provides for consultation alone. In the new alliance, however, after the communication among the parties, there is yet something to be done. The communication is for a definite purpose, and that purpose is "to arrive at an understanding."

Now, assume an aggression from an outside power. Communications pass among the parties. The communications are not mere felicitations, but for the purpose of arriving at an understanding. What understanding? Why, "The most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." Now, around the council table sit Great Britain, Japan, France, and the United States. There is an aggressive action against the insular possessions of one of the parties. There is open, full, and frank communication. The parties reach an understanding, and if the aggression be an armed aggression, of course, there can be but one conclusion, to meet it and defeat it. The parties thus sitting about the council table agree that the aggression must be met with armed force. Our friends on the other side say, after thus agreeing, any one of the parties may "quit" or "scuttle and run"—oh, don't you remember the terms of the recent debate upon a cognate question? They pretend that there is no legal or moral obligation for subsequent action. There may be no legal obligation. The obligation may be vague, indefinite, inchoate, but when nations agree to respect one another's rights, when they solemnly contract to maintain those rights, when they go further and covenant that if those rights are attacked they will determine the most efficient measures to meet the attack, surely there is some obligation, call it what you will, upon the parties to the contract to execute the means agreed upon.

Take a homely illustration: Four neighbors with adjoining property rights in a particular area, fearing attack, agree among themselves most solemnly to maintain one another's rights, and in case those rights are questioned, to determine among themselves the most efficient measures to be taken by one of them, or by all of them, to meet the exigencies of the situation. The attack comes, and the four neighbors obligated as they are to maintain the rights of one another, determine they can only meet the attack by joint action in repelling it. Then one of the neighbors locks himself in his cellar, or skulks in the dark to the minions of the law and shelters himself behind their technical protection. The whole world would scorn the man who agreed to maintain another's rights, who agreed to decide how to meet the attack upon them, and who, when the attack came, and an agreement had been had to repel the attack, sheltered himself behind a technical defense of the law. I am not losing sight of the fact that it is Congress alone can declare war. We did not forget it in the discussions of the past few years concerning the League of Nations. Of course, Congress alone can declare war. But a situation may be created by the contracts of the nation, when national honor requires action on our part, and if such time ever comes, the propaganda with which you have been familiar in the past, the arguments which ought yet to ring in your ears, will swell into an international chorus again, demanding we play our part and keep our faith.

The construction which I place upon this article, singularly enough, is that which was placed upon it by the most prominent newspaper supporters of the treaty. I quote from the New York Times and the New York World, not necessarily as importing verity to their statements, but as lawyers might say, as declarations against interest. They were foremost in advocating the League of Nations. They lead the hue and cry in a demand for the ratification of this pact. On December 12, 1921, the New York Times said concerning article 2—and I will ask you to follow this language, my friends, if you please—

> This is a clumsy paraphrase of the second sentence of article 10 of the covenant. * * *
>
> Mr. Lodge and other enemies of the league covenant have undertaken a deal of explaining to make it appear that under article 2 the use of power is not provided for. Their protestations are futile. The use of power is implied quite as clearly in the new treaty as in the old.

The New York World designated this treaty as an Asiatic article 10, and in the course of an editorial December 12, 1921, said:

> We can not expect Democrats wholly to forbear reminding their party adversaries that the Hughes four-power project is in effect an Asiatic article 10, carefully phrased to meet sentorial scrutiny, yet imposing a moral obligation which a nation jealous of its honor must ever hold sacred.

By a singular coincidence, on March 11, 1922, the Japanese premier repudiated his former construction of the proposed alliance, and the New York Times, without mention of its former utterances, indulged in a like repudiation.

There is no misunderstanding the statements I quote from these newspapers, which, day in and day out, are bludgeoning the Senate and demanding ratification of this treaty. They demand it because its only efficacy is its moral obligation for us to do whatever may be necessary if aggression ever occurs, because we are in honor bound to do what the exigencies of the occasion may require. The very reason which enlists

their advocacy is the reason which dictates my opposition. The premier of Japan was under no illusion about this treaty. It is true that immediately following the speech of the Senator from Arkansas another interpretation has come to us from Japan, but shortly after the promulgation of the treaty the premier of Japan, according to press dispatches, described it thus:

> The quadruple entente, which for Japan replaces the Anglo-Japanese alliance, is much wider in bearing and removes all chances of war. The Washington conference has opened a new epoch in the Pacific and the world. I believe the entente will result in making the Japanese people happier, because it will lighten their burdens, and that by reason of the guaranty we obtain the position of Japan is strengthened in the Far East.

There is no doubt in Great Britain, there is no doubt in Japan, of the meaning of this treaty. Its meaning is only doubted here.

When we agree to maintain the rights of Japan we must keep faith. The proponents of the treaty would have us believe that in one provision we agree to maintain Japan's rights and in the next we agree to do as we please or do not agree at all. They insist that we would determine under our contract how to meet an aggression concerning those rights and then not meet it. This kind of bad faith would not be tolerated in individuals. We can not tolerate it nationally. No matter what imperialistic course any other nation has pursued, despite exploitation and brigandage by other countries, notwithstanding their breaches of faith or duplicity, our proud boast has ever been that in letter and in spirit we have maintained our faith and have ever redeemed our pledges. Whatever the pressure, we can not and we must not pledge our faith with a mental reservation. I quote the eloquent language of the distinguished Senator from Massachusetts when he so effectually warned against assuming under the League of Nations a moral obligation such as here he insists we accept:

> There is to me no distinction whatever in a treaty between what some persons are pleased to call legal and moral obligations. A treaty rests and must rest, except where it is imposed under duress and securities and hostages are taken for its fulfillment, upon moral obligations.

Let that, if you please, sink into your minds, my Republican friends. The treaty rests not upon its language, says our distinguished leader; the treaty rests not upon the binding clauses of the contract printed in cold type; but the treaty rests—and he is everlastingly right—upon the moral obligations that are contained within it.

He said:

> No doubt a great power impossible of coercion can cast aside a moral obligation if it sees fit and escape from the performance of the duty which it promises. The pathway of dishonor is always open. I, for one, however, can not conceive of voting for a clause of which I disapprove, because I know it can be escaped in that way. Whatever the United States agrees to, by that agreement she must abide. Nothing could so surely destroy all prospects of the world's peace as to have any powerful nation refuse to carry out an obligation, direct or indirect, because it rests only on moral grounds. Whatever we promise we must carry out to the full, "without mental reservation or purpose of evasion." To me any other attitude is inconceivable. Without the most absolute and minute good faith in carrying out a treaty to which we have agreed, without ever resorting to doubtful interpretations or to the plea that it is only a moral obligation, treaties are worthless. The greatest foundation of peace is the scrupulous observance of every promise, express or implied, of every pledge, whether it can be described as legal or moral. No vote should be given to any clause in any treaty or to any treaty except in this spirit and with this understanding.

THE AUTHORSHIP OF TREATY.

There has been some discussion as to what individuals or nation fame should ascribe this document. Until Saturday its authorship was shrouded in mystery. Perhaps its authorship was of little consequence, but it is by no means wholly immaterial. While I do not think the Secretary of State has said that he wrote this particular treaty, if that is the understanding of my colleagues, I accept it without question, but let me suggest to you that you look at your copy of the treaty. It bears 19 signatures, beginning with Messrs. Hughes, Lodge, Underwood, and Root. Immediately underneath these 19 signatures appears:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:
>
> 1. That the treaty shall apply to the mandated islands in the Pacific Ocean: *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates, and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.
>
> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.
>
> WASHINGTON, D. C., *December 13, 1921.*

The understanding and intent of the treaty itself are in the particulars mentioned thus explained and then the same 19 signatures are again subscribed. These two reservations were insisted upon by Mr. Hughes and made at his request.

From these reservations it appears that before the ink upon the treaty was dry, Mr. Hughes, its creator, deemed it essential to annex explanatory reservations to it. If Mr. Hughes, who wrote the treaty, deemed its language so ambiguous or doubtful as immediately to require written explanation by him we, of less ability and less knowledge, may be pardoned if we proceed with studious caution and care and prudence.

Mr. LODGE. Mr. President, it is an unimportant point, but the declarations which the Senator has just been reading were signed first.

Mr. JOHNSON. The reservations were signed first?

Mr. LODGE. They were signed first.

Mr. JOHNSON. That is so much the worse, Mr. President. We signed first the correction of the treaty. Just think of it! The American delegation were so uncertain about this treaty, it was so ambiguous, and it was of such mystic character that they first executed the reservations to it. I proceed——

Mr. LODGE. Mr. President, if the Senator will allow me, it is even worse than that.

Mr. JOHNSON. I should not wonder.

Mr. LODGE. The reservations were stated by me when I presented the treaty before it had been signed at all or was even offered for signature.

Mr. JOHNSON. The Senator from Massachusetts deemed that necessary, did he not?

Mr. LODGE. Certainly; I thought it proper to make that declaration.

Mr. JOHNSON. But the Senator would not have written those reservations, would he, unless he deemed them essential?

Mr. LODGE. I did not write the reservations, but I thought they were desirable.

Mr. JOHNSON. I mean the American delegation would not have written the reservations unless they deemed them essential?

Mr. LODGE. Certainly; they thought it most desirable to leave no doubt upon that point.

Mr. JOHNSON. Who left the doubt originally in the treaty itself?

Mr. LODGE. Nobody else suggested the declarations; we suggested them.

Mr. JOHNSON. But I ask the Senator if he wanted to leave no doubt about the meaning of the treaty, who wrote the treaty with the doubt in it? That is the point.

Mr. LODGE. There was not any doubt in the treaty, in our judgment, but we thought there might be people who would find fault with it and express doubts; and they are now being expressed.

Mr. JOHNSON. There is an answer, my friends. Just catch that. In this important matter our leader on the Republican side, with the prestige of his position, now says that the reservations were made by the Secretary of State to this treaty because he or the other delegates feared there would be some statements made in this body concerning that treaty. That is what the intimation is.

Mr. LODGE. No. It was directed against anybody having any doubt or raising the point that domestic questions were involved.

Mr. JOHNSON. Did the Senator from Massachusetts have any doubt about it?

Mr. LODGE. No; I had none.

Mr. JOHNSON. Did Mr. Hughes have any doubt about it?

Mr. LODGE. I do not think so.

Mr. JOHNSON. Did any member of the American delegation have any doubt?

Mr. LODGE. About the interpretation of the treaty?

Mr. JOHNSON. Yes.

Mr. LODGE. Not the least in the world; they had no doubt; but it is necessary sometimes to guard against the doubts of other people.

Mr. JOHNSON. Yes.

Mr. BORAH. Let me suggest that in a letter written by Mr. Hughes, which was read on Saturday last by the Senator from Alabama [Mr. UNDERWOOD], it was stated that Mr. Hughes wrote this treaty, but it now appears that there came a time when the American delegates felt that somebody might raise a question in reference to it, and they would forestall it by reservation. That is the way I understand it. The question which is of interest now is, Why did not that idea come to Mr. Hughes when he was originally writing the treaty?

Mr. JOHNSON. That is exactly the point.

Mr. BORAH. And why did he not put it into that treaty as he wrote it? As the Senator from California has suggested, that explanation would furnish the most conclusive proof that somebody else wrote this treaty, but the American delegation at last had to scan it.

Mr. JOHNSON. Mr. President, before the ink was dry upon the treaty it is obvious that somebody was questioning the lan-

guage of the treaty. Let us not speak of Mr. Hughes, for whom we have the highest respect or of our distinguished leader upon this side, or of the distinguished leader upon the other side. Let us assume a contract among just ordinary people. If such a contract were written by a single individual who had in mind certain things, he would insert them in the particular instrument. There can not be any question about that. If Mr. Hughes, who wrote the treaty, deemed its language so ambiguous or doubtful as immediately to require written explanation by him, we of less ability and less knowledge may be pardoned if we proceed with studious caution and care and prudence.

Mr. LODGE rose.

Mr. JOHNSON. Does the Senator wish me to yield to him?

Mr. LODGE. I only wish to say that Mr. Hughes wrote that draft; he has stated so, and I do not think his word ought ever to be called in question.

Mr. JOHNSON. I was not calling his word in question.

Mr. LODGE. No; I did not say the Senator was. I was replying to the Senator from Idaho.

Mr. BORAH. Mr. President, I am not particularly concerned about the veracity of Mr. Hughes or anyone else. That was not what I had in mind; but the Senator from Massachusetts has put Mr. Hughes in a defensive position by the explanation which he now gives us.

Mr. LODGE. Oh, no.

Mr. BORAH. Pardon me; the Senator has. Mr. Hughes said he wrote this treaty. The presumption is that if he had had in mind at that time what he afterwards had in mind when he helped to write the reservation he would have included it at that time. If Mr. Hughes originally wrote it, I do not understand why it was necessary for him later to rewrite it and put in reservations.

Mr. LODGE. He did not rewrite it. At the time when the draft was presented to the different delegations he stated to our delegation that he thought it desirable in order to meet possible questions to make it clear by this declaration, which is exactly the same thing as putting it in the treaty.

Mr. BORAH. Yes; just the same thing. But when did it occur to Mr. Hughes that these criticisms were likely to arise?

Mr. LODGE. It occurred to him that it was desirable to put it in at the same time that he drafted the treaty.

Mr. BORAH. Then why did he not put it in?

Mr. LODGE. Because they came together on it.

Mr. BORAH. The treaty was secret; the reservations were secret; nobody had had an opportunity to criticise it. It could not have been possible that Mr. Hughes's suggestion was by reason of some criticism that had been made, because there was no opportunity to make a criticism.

Mr. LODGE. The delegations had all been over it very carefully, word by word, and at Mr. Hughes's own suggestion it was considered desirable to make this declaration at the same time, as part of the proceedings.

Mr. BORAH. Mr. President, upon the statement of the Senator from Massachusetts I am perfectly willing to say that Mr. Hughes wrote this treaty; but the explanation of how the reservations came to be put in is not yet clear.

Mr. LODGE. He states also in his letter, I think, that he wrote the declaration at the same time. As a matter of fact, he did write it at the same time.

Mr. JOHNSON. Mr. President, what I have said has been said upon the assumption that Secretary Hughes wrote the treaty. I stated in the beginning that I did not quite understand his position that way from the language of his letter, but that if my colleagues did I accepted that as final and as conclusive. I speak now upon the assumption that Mr. Hughes wrote this treaty. If he wrote this treaty, there must have come a time when in his mind there was an ambiguity, some cause of doubt, because there came a time when he wrote the clarifying reservations. You can not get away from that inevitable conclusion. He did not write these reservations with the idea merely of writing something. He wrote them to make plain the meaning of the treaty itself, and he did it so that there should be no doubt in that respect.

Mr. LODGE. Mr. President——

Mr. JOHNSON. Wait just a moment; let me speak for just a moment. The Senator from Massachusetts says that these reservations were made in order to meet, perhaps, captious criticism concerning this document. Look at the first reservation:

> That the treaty shall apply to the mandated islands in the Pacific Ocean; provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

Such a question never has arisen. It never has been suggested by anybody, and the explanation that is made by the Senator from Massachusetts can not be accurate.

Mr. LODGE. Mr. President, here is what the Secretary of State said:

> I prepared a draft of the treaty based upon the various suggestions which had been exchanged between the delegates.

Then he speaks of showing it to the Senator from Alabama:

> I should add that, in order to avoid any misunderstanding I prepared a memorandum to accompany the treaty with respect to its effect in relation to the mandated islands and reserving domestic questions.

Mr. Hughes is a man of the highest honor and absolute truthfulness, and what he says there is the exact truth.

Mr. JOHNSON. Nobody questions that.

Mr. LODGE. I hope nobody does.

Mr. JOHNSON. Nobody does; but this treaty can not be ratified by panegyrics to anybody's high standing, repute, or honor. That is not what we are here for. I have conceded again and again that Mr. Hughes wrote the treaty if the Senator insists that he did. I accept it as final. The argument that I was making here in writing was based upon that assumption, and that alone; and there is not any necessity for injecting into this particular phase of the controversy Mr. Hughes, Mr. Hughes's reputation, Mr. Hughes's veracity, or Mr. Hughes's high state of honor. All concede them. Nobody questions them at all.

Mr. LODGE. I am very glad to know it.

Mr. BORAH. Mr. President, permit me to say before the matter passes that the Senator from Massachusetts, at the time when the Senator from California and others were making a serious argument as to the meaning of this proposition, saw fit to inject here the statement that Mr. Hughes made these subsequent reservations to prevent captious criticisms. It was that that I resented, and I now resent it.

Mr. LODGE. Mr. President, I wish the Senator would not put in my mouth language that I did not use. I said that undoubtedly Mr. Hughes felt that it was necessary to have this memorandum or declaration in order to meet possible doubts that would be raised.

Mr. BORAH. If the Senator will look at the RECORD, he will see that he used the expression I have stated.

Mr. LODGE. I did not use the expression "captious criticism."

Mr. KING. Mr. President, will the Senator from California permit me an inquiry for the purpose of information?

Mr. JOHNSON. Certainly.

Mr. KING. I am not sure that I followed the Senator accurately. It occurs to me, to make my position clear, that the treaty is not free from ambiguity as to the mandated islands——

Mr. JOHNSON. I admit that.

Mr. KING. And that the first reservation was certainly a wise and prudent one if it was desired to secure the ratification of the treaty. As to the second reservation, it seems to me very clear that that was wholly unnecessary. Is the Senator contending that the fact that reservations were submitted is an argument against the treaty?

Mr. JOHNSON. Oh, no.

Mr. KING. I did not get the connection in which the Senator mentioned that fact, then.

Mr. JOHNSON. The extent of what I was saying was that when Mr. Hughes, who was the creator of the treaty, found it necessary immediately to annex to it clarifying reservations, the rest of us may be pardoned for proceeding cautiously and warily and with studious care. That was the point of my remarks when I was interrupted by the Senator from Massachusetts. That was the tenor of my remarks.

Mr. KING. I concur in the observation of the Senator; and yet the Senator knows, as a lawyer, that even the most carefully prepared document may sometimes provoke difference of opinion, and if a different angle is suggested even the writer may feel like adding a qualifying word, though he may be entirely satisfied as to the meaning which he sought to convey and the phraseology employed by him.

Mr. JOHNSON. I recognize all of those possibilities.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield; yes.

Mr. ASHURST. So much has been said by way of tribute to the masters of English who drew this treaty that we assume that the men who drew it knew how to use the English language, yet it is an unhappy circumstance that such men skilled in the use of the English language as Hon. HENRY CABOT LODGE and Hon. Arthur James Balfour have set before us a treaty containing an egregious blunder in grammar. The error is a sample of the slipshod, careless method in which they drew this treaty. Let Senators examine the title, viz:

> A treaty between the United States of America, the British Empire, France, and Japan.

We would mark down a schoolboy at once if he used the word "between" instead of the word "among" in such a case; and when we pass over to the first section we find the same error appearing. We can not say that these men did not know how to use English, because if Arthur James Balfour and HENRY CABOT LODGE can not properly use the English language, nobody can; and yet there appears this persistent error in the use of the word "between" instead of "among." I respectfully submit that in a treaty or in a law, at least, correct English ought to be employed.

Mr. POINDEXTER. Mr. President, may I ask the Senator from Arizona what effect that mistake would have on the international relations of these countries?

Mr. ASHURST. I would excuse the Senator from Washington for splitting an infinitive, or for employing the subjunctive mood when he ought to employ the imperative mood; but I would not excuse him for writing into a treaty or a law a blunder that he would reprove a 12-year-old boy for making.

Mr. LODGE. Mr. President, it is a matter of no earthly consequence; but I think the use of "between" as applying to more than two persons is perfectly legitimate and good English.

Mr. ASHURST. Mr. President, if I correctly understood the remark of my learned friend from Massachusetts, he asserts that the word "between" may properly be used here. I prefer to let the debate go on *between* the Senator from California and the Senator from Massachusetts instead of *among* them.

WHO KNOWS ITS MEANING?

Mr. JOHNSON. Mr. President, who is certain what this treaty means? Certainly not our representatives, for so doubtful of its meaning were they that at once they endeavored to construe its intent. Not our distinguished colleagues, for you have heard their explanations, and I will draw the veil upon them. Not our President, for his view was at variance with the views of all the signatories, and so radically different from theirs that a new explanation of the treaty had to be executed. Not the Foreign Relations Committee, for after agreeing on one clarifying reservation it adopted another. Who knows what the treaty means? Perhaps Mr. Balfour, who, with the treaty in his pocket, as the press tells us, was royally welcomed in England by the premier in these words: "We are here to express our warm admiration for the way he behaved away from home, and we are here to express our deep gratitude for the fine present he brought us from America." Perhaps the Japanese premier, who, speaking of the new alliance, characterized it as a quadruple entente which for Japan replaces the Anglo-Japanese alliance, and which he believed would result in making the Japanese people happier, because it would lighten their burdens, and because of the guaranty Japan obtained her position would be strengthened in the Far East.

Oh, yes; Great Britain and Japan seem to know what the treaty means. Theirs is the knowledge; ours the lack of it. Theirs the rejoicing, for did not Mr. Balfour bring home a fine present and the Japanese premier declare it made the Japanese people happier and strengthened their position in the Far East?

THE PRETENDED MENACE OF THE ANGLO-JAPANESE ALLIANCE.

With one accord the advocates of the treaty acclaim its great accomplishment is in superseding or terminating the Anglo-Japanese alliance. The Senator from Massachusetts, as I have quoted, says this was the object of the quadruple alliance. The Senator from Alabama emphasizes the achievement. The Senators from Indiana and Minnesota in different phraseology express the same view. All sing the praises of our delegation in disposing of what they variously describe as a menace, a threat, an object of suspicion or distrust, an armed partnership which might be utilized against our country. Whence comes this strange view now? For years past we have been assured by all the responsible statesmen of England and Japan that their alliance was not directed at us and never could be. With the utmost care and precision they have told us that the idea of invoking their alliance against America was unthinkable. Viscount Grey was positive in his declaration. Mr. Austen Chamberlain said: "We shall be no party to any alliance directed against America or under which we can be called upon to act against America." Mr. Lloyd-George and all the dominion premiers have emphatically said the same. Lord Northcliffe has been at the greatest pains to make this plain. Baron Hayashi has assured us "with all the emphasis at his command that the alliance will never stand in the way of the good understanding and friendly relations between Great Britain and the United States of America."

Baron Shidehara has forcefully repeated this. Indeed, there has been no dissent either in Britain or Japan from the oft-reiterated official assurances that the Anglo-Japanese alliance never would and never could touch or affect us. During the League of Nations debate again and again in our country was the same assurance given our people by our statesmen. In June last, while the renewal of the alliance was under discussion, Commander Bellairs, in the British Parliament—June 27, 1921—asked the prime minister—

> whether it has ever been officially intimated to the United States by means of a diplomatic note that in no circumstances can Japan receive support from this country under the terms of the alliance in the event of a war between Japan and the United States of America?

Mr. Chamberlain replied:

> The United States Government are so fully acquainted with the real position that it has not been thought necessary to inform them of it in an official note.

Whence comes this fear now of the Anglo-Japanese alliance?

If we credit the assurances solemnly given us by both Governments, and as solemnly given to our own people by our own Government, then there is neither threat nor danger nor menace to us in any alliance between Britain and Japan; and it passes human credulity that under existing circumstances a new alliance between these countries directed at us will be consummated.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from California yield to the Senator from Missouri?

Mr. JOHNSON. I yield.

Mr. REED. Perhaps the Senator has mentioned it, but something like a year or a year and a half ago I put into the RECORD the Japanese-British alliance, and ventured to say that it might be used against us. My statement was instantly denied by several British newspapers, the papers quoting as their authority several British statesmen. My recollection is that the statement was repudiated on this floor and was treated at that time as almost absurd.

Mr. JOHNSON. I was not aware of the fact, and had not observed it.

If we believe Japan and Britain, any alliance between them can not be inimical to us. If the truth has been told us, there was nothing detrimental to us in a renewal as they saw fit of their partnership. The menace and danger can only exist if the truth has not been told to us. Either we believe or do not believe what Japan and Great Britain have so often said. If we believe them, then the renewal of the Anglo-Japanese alliance was of no consequence to us, and it could not be directed against us. If we believed them, all the talk upon this floor, all the stuff in the protreaty press, about the importance to us of their alliance, is to no purpose and of no consequence. If they were telling us the truth, then the menace and threat and danger of the renewal of their alliance exist only in overheated imaginations or are magnified for ulterior purposes in respect to the pending treaty. Either we believe their protestations or we do not. In either event, from our standpoint, this new alliance is unjustified and worthless. Believing them, their alliance could take its course without apprehension on our part.

If we do not believe them, if we think they have deliberately deceived us and that their alliance is, after all, directed against us, then we have, with our eyes open, entered into partnership with nations we distrust and whose solemn protestations we deem false. If we can not trust and believe what they have written and said to us during the last decade, we can put no greater credence in their statements or more implicit trust in their avowals when written into a new agreement. We are in the position either of trusting them and disregarding their alliance or not trusting them and joining forces with them. I am, I confess, suspicious of diplomats; but I do not for one instant believe that it was within the realm of possibility for the renewal of the Anglo-Japanese alliance to be directed against the United States. Have we entered into partnership with them because we did not believe their protestations and feared they might at some future time join forces against us? If so, and this is a pact of peace, it is a peace of fear. Either we were not concerned with the termination of the Anglo-Japanese alliance or we have entered into an engagement with nations that, while smilingly and solemnly protesting their friendship, were ready to unite against us.

The fact is Britain had an irksome alliance. Her people would not permit its renewal. Japan would not consent to its abrogation. They came to Washington. Britain was determined ot get rid of an obnoxious alliance and succeeded. Japan was determined to get something as good, and got something better.

THE FOUR-POWER OBLIGATION AND THE OBLIGATION UNDER THE PACT.

The discussion upon this treaty illustrates the infinite variety of the human mind. The curtain has only just been rung down upon the League of Nations. The storm center there was an obligation not unlike that here implied. Strangely enough, those who vehemently protested against the Nation assuming an obligation then would now commit the Nation to it. I do not question, of course, the good faith of these gentlemen. I do not criticise at all the views that have been expressed here on the floor, but there are others with whom the question becomes one, not of interpretation but of intellectual honesty. The newspapers I have quoted were entirely right in designating the new quadruple alliance as an Asiatic article 10, as a clumsy paraphrase of that much-debated and overwhelmingly repudiated obligation. I print in parallel columns the new pact and the particular provision of the League of Nations.*

I ask Senators to look at this diagram on the wall, because it gives visually just exactly what these two differing provisions are. It shows exclusively the implied obligation of the one as well as the other.

On the one hand, you observe we obligate ourselves to the maintenance of rights and agree to arrive at an understanding of the most efficient measures to be taken to meet aggressive action against those rights. On the other hand, we undertake to preserve as against external aggression the territorial integrity and existing political independence of the members of the league, and in case of any such aggression the council of the league shall advise upon the means by which this obligation shall be fulfilled. In the one instance four powers agree upon the efficient measures to meet aggression and in the other the council shall advise upon the means.

The obligation to follow the advice of the council—remember it was not specifically agreed to follow it—can be no more binding than the obligation to execute the efficient means which we ourselves agree to determine. To undertake to preserve is no stronger than to undertake to maintain. Territorial integrity and political independence embrace no more than rights. It may be said that the four-power alliance relates only to certain specific islands, while the league related to whole nations. This is true, but it is equally true that an aggressive action against the islands of Japan will of necessity be an aggressive action against Japan herself. The very geographical situation makes this so. Aggressive action against a part of one's possessions is an aggressive action against all of one's possessions. Success of the aggression will conquer the particular objective point and menace the very nation itself. If article 10 of the league contained a moral obligation repulsive to every American tradition, if under this moral obligation freedom of action of our country was fettered, if article 10 touched us so deeply that in honor bound we would have been required to act upon the advice of the council, then article 2 of the new alliance does all these things; and, God help us, we have exchanged a world league of nations for a little league of nations, with the dominant factor another race with another civilization.

How strange it is now to hear some of the proponents of this treaty contemptuously say its article 2 can not harm us, because we can act only under constitutional sanctions and that Congress alone can declare war. How we were thrilled by the same gentlemen when they were engaged in the delicate task of safeguarding American rights under the League of Nations. Then they demanded a reservation to article 10 by which the final determination of any action should be with Congress. To-day they talk of constitutional sanctions, under which no action could be taken until Congress decrees it. Then there would be no escape from action by Congress, although we were not pledged to action, save by breach of faith, "and legislation by Congress under those circumstances would be a mockery of independent action." To-day, with substantially the same obligation, the ground is shifted, and though we were guilty of a breach of faith constitutional sanctions would save our honor. Hear our distinguished leader when discussing a reservation definitely restraining action until Congress should consent:

> Congress would have no choice if acting in good faith, and if under article 10 any member of the league summoned us, or if under article 11 the league itself summoned us, we should be bound in honor and morally to obey. There would be no escape except by a breach of faith, and legislation by Congress under those circumstances would be a mockery of independent action. Is it too much to ask that provision should be made that American troops and American ships should never be sent anywhere or ordered to take part in any conflict except after the deliberate action of the American people, expressed according to the Constitution through their chosen representatives in Congress?

Again, the Senator from Massachusetts emphatically declared:

> We are told that, of course, nothing will be done in the way of warlike acts without the assent of Congress. If that is true, let us say so in the covenant.

What he says was then told us is now told us, and I reecho his words:

> If that is true, let us say so in the treaty.

We are told this is a self-denying ordinance, which means peace in the Pacific. Americans love phrases. Self-denying ordinance sounds well, and peace, oh, in your sweet name what wrongs are done, what crimes committed! There is no semblance of self-denial in Britain and Japan by the pact. Receiving none ourselves, we generously join them in recognition and protection of the spoils of war. We settle the difficulties of the Pacific by leaving Japan a free hand there and with our giant resources and power paralyzing any effort of subjugated peoples to free themselves. If this pact really meant conference and consultation in the Pacific, China, Russia, the Far Eastern Republic would be parties. Actual war exists to-day in Siberia. A weak people are struggling for their freedom against the ruthless military machine of Japan. Brutality and bloodshed have marked Japan's aggressive action there. With what anguish must these people, struggling, fighting, dying for freedom, look across the ocean at the great democracy in alliance with their oppressor. And this is of the utmost importance to the treaty under discussion. Nothing is more certain than that some day Russia, reborn, will endeavor to drive the invader from her soil. When that day comes there will be an aggression against the insular possessions of Japan, and we, free America, will then sit down with the oppressor and determine the most efficient means to meet the aggression.

Nothing will happen in the next 10 years, cries the able Senator from Alabama. Perhaps not. But we can not gamble with our country's future because of the probability nothing will happen. Eight years ago we would have said nothing will happen, and in that time the whole world has changed. Overnight great changes may come again, but, in any event, we can not hazard our future upon the hope or belief that the world will remain the same. With this pact there is no greater guaranty of peace than without it; indeed, even less. What peace do its advocates claim it guarantees? Certainly they do not mean peace between Great Britain, Japan, and ourselves, for if this they mean they must believe that without the pact there was likelihood of war. Do you gentlemen who favor this treaty say that Great Britain under any circumstances would make war upon us? I do not believe it, and you can not justly say it. Do you intend the country to infer that Japan was ready to strike us, or only awaiting a favorable opportunity to catch us off guard and then attack us? I can not believe it. But if this were the attitude of Japan toward us—and you protreaty men are all hinting it—then for one I want no partnership or alliance with her. If any country is to be so little trusted that we believe she lies in wait for our ruin and destruction, then by an agreement of this sort you neither alter her intention nor postpone the day of reckoning. If you have so bad an opinion of any party to this alliance you can not take your country into it save from base fear. And yielding in fear by a nation will corrode its very character. If, therefore, you enter this alliance because you have no faith in any party to it in the hope to save yourself by a partnership with one ready to smite you, you do your country the most grievous wrong.

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* The matter referred to is as follows:

THE QUADRUPLE ALLIANCE.	THE LEAGUE OF NATIONS.
With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions, etc., have determined to conclude a treaty to this effect, etc.	The high contracting parties, in order to promote international cooperation and to achieve international peace and security, agree, etc.
I. The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions, etc.	
II. If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.	ART. 10. The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

It is this or war, cries one distinguished gentleman. Oh, no; it is not. It is this and war. When the league was before us every lachrymose enthusiast, every propagandist—many most excellent people, the great and the near great, from the President down—told us, even more solemnly than the Senator from Massachusetts now tells us, that it was the league or chaos, the covenant or war. And yet the Washington conference was possible only because we were not members of the league. If we had been one of nine at Geneva the Washington conference—ye who set such store by it take notice—could never have been called. Because we were free and unfettered, living our own life in our own way, and, thus living it, in the leadership of the world, we were able to summon the conference and accomplish some great results. Remember how mistaken the league advocates were. Remember, the moral leadership of which they prated so much, the hope of civilization upon which they so earnestly dwelt, were preserved to the world through us because we preserved ourselves. The same voices, in the same tones, with the same phrases, demand again we do what so fortunately then we would not do. The label is changed. That which was once Democratic policy has become Republican policy. What I believed menacing and dangerous to the Republic under Democratic rule I decline to accept under Republican rule. I did not oppose the League of Nations because of partisanship. I can not vote for an alliance, with its possibilities of danger, because of partisanship.

ALL TREATIES MADE IN THE NAME OF PEACE.

Bear in mind that every treaty, no matter what its wicked designs, is made in the name of peace. The first British-Japanese alliance, executed in 1902, began with—

> The Governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme East, being more especially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Korea—

And so forth.

Note the high purposes—peace and maintaining the territorial integrity of China and Korea. How ironical it sounds in the light of subsequent events. In 1905, upon the renewal of the alliance, the first purpose stated was—

> the consolidation and maintenance of the general peace in regions of eastern Asia and India—

But the paramount rights of Japan in Korea were recognized, and Great Britain consented to Japan taking special measures of guidance, control, and protection. In the renewal of 1911 the alliance piously begins again for the preservation of peace, but there is no mention of Korea. A New York paper's comment was this:

> In Mr. Lewis Carroll's interesting work, the walrus and the carpenter got no answer to the last question they addressed to the oysters, because they'd eaten every one. The "independence" of Korea was by that time a memory. In the agreement of 1902 the "independence" not only of Korea but of China was recognized, and it was declared that "the interests of Great Britain relate particularly to China." The omen, comically enough, points the wrong way, for it is generally supposed that Japan, rather than Great Britain, has dreams about China.

Mr. President, the story within these three treaties, constituting the Anglo-Japanese alliance, affords the light for our guidance. The pious treaties, not only to respect but to preserve China and Korea, were the shield for the rape of the one and the destruction of the other. Why blind ourselves to all that has happened? We want no peoples nor territory. We seek no exploitation of others. We never could attack unjustly another nation, and the world knows this. We enter now a partnership which in its 20 years of existence has aided cruelty, sheltered wantonness, justified destruction, and has been the incentive to bloodshed and the enslavement of peoples. Why should right-thinking, liberty-loving America join this partnership?

The Anglo-Japanese alliance has been made of supreme importance in this discussion both by the Senator from Massachusetts and the Senator from Alabama. If they are wrong in their utterances about that alliance, the reason for this new one entirely fails. On another occasion I shall more in detail analyze the Anglo-Japanese alliance. Suffice it to say now that the Anglo-Japanese alliance, judged by its words, judged by its text, judged by the solemn protestations of the parties to it, is no danger whatsoever to this country, and its perpetuation or abrogation are matters of utter indifference to us.

If the Senators from Massachusetts and Alabama can read into the wording of the Anglo-Japanese alliance a problem for this country, although no such problem exists in that wording, then they must in fairness permit me to judge the four-power treaty not simply by what it says but also by what in logic it implies and by what in practice it will necessitate.

They can not tell us that the Anglo-Japanese alliance is dangerous to us in spite of its wording, and then in the same breath tell us that the four-power treaty is safe for us because of its wording.

If the Anglo-Japanese alliance is dangerous to us, it is not because of the text of the treaty, but because of the inevitable results of the existence of an international partnership in which some nations are members and other nations are not members.

Why is it dangerous to us? There can be only one answer. The text of it does not threaten us, and the powers signatory to it have over and over again assured us that it is not in any way directed against us. Yet the Senators who favor this treaty fear it. Why do they fear it? Simply and only because it constitutes an international cooperation of which we are not a member. Not being a member of it, not sharing its intimacies, they suspect those intimacies and fear that two nations united in them will be united against us. That, I conclude, from their standpoint alone, is the simple and sole reason why anybody in America can or should suspect or fear the Anglo-Japanese alliance.

For myself, I would not have America change her course in the world through fear of any alliance whatsoever. There once were days when in this country, and in this building, the argument of fear was not an argument affecting the policy of America. On a certain day among those days a citizen of Kentucky, Henry Clay, arose in this building to speak to the question of an alliance then existing between Great Britain and another foreign power. Against that other power the President of the United States had leveled an administrative measure which had aroused hostility, and which seemed possibly about to cause war. In that emergency Henry Clay spoke. His words were at that time approved by this country. He said:

> The gentleman reminds us that Great Britain, the ally of Spain, may be obliged by her connection with that country to take part against us and to consider this measure of the President's as justifying an appeal to arms. Sir, is the rod of the British power to be forever suspended over our heads? Whether we assert our rights by sea or attempt their maintenance by land, whithersoever we turn ourselves, this phantom incessantly pursues us. Mr. President, I most sincerely desire peace and amity with England. I even prefer an adjustment of differences with her before one with any other nation. But if she persists in any denial of justice to us, I trust and hope that all hearts will unite in a bold and vigorous vindication of our rights.

He hoped; and the battle of New Orleans soon proved that he did not hope in vain. Not then, and never afterwards till now, has an alliance between foreign powers swerved the United States from its principles, or even from its preferences. Not till now has the United States sought shelter from an alliance by creeping into the tent of the alliance. Not till now has it evaded what are asserted to be its foes by mingling itself among them. Not till now has it met a threat by going around behind it and enlisting among the nations making it.

Tales of dangers and threats and menaces to the people of the United States from foreign powers are whispered and hinted, in my judgment, to coerce our action. Till now we have believed what Abraham Lincoln believed and said, that not all the powers of all the world with all their troops could ever again take one drink from any tiniest American brook without our consent.

This Nation, Mr. President, is not, in its origin or in its developing life on this continent, a Nation of fear. We did not flinch from crossing the Appalachians and traversing the prairies for fear either of the savages inhabiting them or of the white men leagued with those savages, whether those white men were soldiers of France or soldiers of Britain. Alliances between the tribes of the frontier and the nations of Europe did not stay us.

The holy alliance of the great European continental powers a hundred years ago, aspiring to reintroduce the power of Spain into Latin America and threatening this hemisphere with war, did not drive us into seeking admission into an expanded holy alliance. It drove us only into defying the existing holy alliance to touch any spot in this hemisphere.

Next year will be the centenary of the Monroe doctrine. The Monroe doctrine was an American answer to an alliance. Perhaps there were Americans who when the great holy alliance threatened us feared attack, who saw three great nations in holy words in an unholy pact, and who then demanded for safety's sake and to avert a danger a four-power pact.

Mr. President, if any such Americans were then in this country, this country has not preserved their names. Oblivion, not glory, came to them.

In our early struggle into many a battle in our Revolutionary War our forefathers followed the motto written above the coiled rattlesnake—the home-made, colloquial, assertive, truculent, and victorious motto: "Don't tread on me."

We may have been truculent then. We would not be truculent now. But now as then we would not be deterred by danger or coerced by fear. France and Mexico in mutual understanding, when we were binding up the wounds of our fratricidal strife, at the end of our Civil War, did not dismay us. We only let it be known that we might feel obliged to fight another war.

Not till now has it ever been said what may constantly in this city be heard, that if we do not sign this treaty we may have to fight. Somebody may tread on us.

Mr. President, as long as we do not intend to tread on Great Britain or to tread on Japan, I refuse to believe that it is consistent with the spirit which made this country, and which made it worth making, that we should sign a treaty because otherwise Japan or Great Britain, or both of them together, might tread on us.

We have never sought security by such a method. By any such method we can never find security. I shall vote against any treaty embodying any such method. I shall vote against it because it saps the spirit which is the genuine security of this country. The genuine security of this country is in the mood of mind that took our soldiers in 1918 across the forest of the Argonne. Those boys went forward for a Nation which had never given them the example of going backward. They had in them no national memories of surrender. Their heroism was bred out of an heroic country. You can not make heroes; you can not produce the human defense, which is the essential defense of a country, out of national policies which acknowledge fear, which teach fear, and which prefer the alternative of surrender to the alternative of danger.

The argument for this present surrender of our ancient policy of independent national action is nothing in the end but that one word "danger." The Anglo-Japanese alliance, the gentlemen on the other side say, exposes us to danger. Therefore we have no choice; we must accept this treaty. I shall vote against this treaty because if any foreign alliance can ever speak to this country with the word "must," then the spirit which made this country safe when it was feeble will have departed from it, and our record in history will be that what we dared when we were weak, we feared to face when we were strong, and that in striving to barter our heritage for safety we lost safety itself.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to Article I.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Geary	McKellar	Smith
Ball	Glass	McKinley	Smoot
Borah	Gooding	McLean	Spencer
Brandegee	Hale	McNary	Stanfield
Broussard	Harris	Nelson	Stanley
Bursum	Harrison	Newberry	Sterling
Calder	Heflin	Norris	Sutherland
Cameron	Hitchcock	Overman	Swanson
Capper	Johnson	Page	Townsend
Caraway	Jones, Wash.	Pepper	Underwood
Culberson	Kellogg	Pittman	Wadsworth
Edge	Kendrick	Poindexter	Walsh, Mont.
Elkins	Keyes	Pomerene	Warren
Ernst	King	Robinson	Watson, Ga.
Fernald	Ladd	Sheppard	Willis
Fletcher	La Follette	Shields	
France	Lenroot	Shortridge	
Frelinghuysen	Lodge	Simmons	

Mr. SMITH. I desire to announce the absence of my colleague [Mr. DIAL] on account of sickness.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Seventy Senators have answered to their names. A quorum is present.

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. CANNON, and Mr. BYRNS of Tennessee were appointed managers of the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 2887) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. JACOWAY were appointed managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker pro tempore of the House had signed the enrolled bill (S. 490) to consolidate national forest lands, and it was subsequently signed by the Vice President.

SECOND DEFICIENCY APPROPRIATIONS.

Mr. WARREN. Mr. President, as in legislative session, I ask to have the action of the House on the amendments of the Senate to the second deficiency appropriation bill laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and grant the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS conferees on the part of the Senate.

CONSOLIDATION OF NATIONAL FOREST LANDS.

Mr. SMOOT. Mr. President, last Friday, when the conference report on Senate bill 490 was under consideration, the Senator from Nebraska [Mr. NORRIS] made this inquiry:

> It proposes a general law in regard to the exchange of lands?

And I answered:

> Yes; of lands within forest reservations for lands outside.

Mr. President, I want to correct that statement. The bill simply had reference to private lands owned within the exterior boundaries of a forest, and it did not apply to lands without forest reservations.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. President, the debate has been directed in the main at the general features of the four-power treaty. There has been little discussion of the purpose and effect of the pending amendment. Before a vote is taken, I want the Senate to understand just what is being decided by the vote.

It is unfortunate that an international issue of importance should be prejudged either by the Senate or by the country. By the use of the word "prejudged," I mean it is unfortunate that a conclusion should be reached before the subject has been fully considered.

For some days the press has been publishing statements as to what the vote in the Senate will be on this amendment, and on the final vote to advise and consent to the ratification of the treaty. If Senators understand this amendment in its relationship to the objections that have been presented against the ratification of the treaty in the form in which it has been brought to the Senate, they may be induced to support the amendment.

Since the issues growing out of the Versailles treaty were decided by the Senate, there has been here a distinct inclination to favor the reservation method rather than the amendment process of changing the meaning of a treaty. A reservation, as we all know, expresses the interpretation of the Government making the reservation; and if the purpose is to effect or accomplish an actual change in the meaning and application of the treaty, the logical, the reasonable, and the fair process is by amendment.

I will illustrate. The Senator from Connecticut [Mr. BRANDEGEE], fearing that the four-power treaty constitutes an alliance which might obligate this Government to the employment of force for the execution of the decrees of the conference or negotiations provided for under the treaty, has proposed an amendment, which was accepted by the Committee on Foreign Relations, expressly declaring that this treaty is not an alliance, and so forth.

During the course of the debate I think it has been shown that both Great Britain and Japan at first openly construed the four-power pact as in the nature of an alliance. Their representatives, diplomats of great experience and wisdom, said to their respective constituencies that the four-power treaty is a substitute for the Anglo-Japanese alliance by which the two Governments are to be relieved from the odium, the censure, and the criticism which their alliance has attracted to them from other nations, and that in the adoption of the four-power treaty something new, something equally effective for the preservation of their rights and the maintenance of British and Japanese power in the regions of the Pacific Ocean, is being secured.

When the treaty was first reported to the plenary session of the Washington conference, it was almost universally regarded as an alliance. I need not refer to the private expressions to their colleagues of some of the American delegates representing this Government in the conference. I need not refresh the memories of my associates as to constructions which were placed upon this instrument by some who now say that it is a mere agreement to confer.

If it is an alliance, if it is intended to mass against a possible future enemy the power, military and naval, and the resources of the four great nations signing the treaty, the Senate of the United States will not change the nature of the agreement by adopting the reservation known as the Brandegee reservation, which declares that it is no such thing, although it may in a sense limit its own responsibility by such a reservation. The chief purpose of such a reservation is to attract to the support of the resolution to advise and consent to the ratification of the treaty the votes of Senators who fear that the treaty is an alliance, and will be so construed and applied, and who are unwilling to take the responsibility of committing their Governments to a combination with Great Britain, France, and Japan to dominate the Pacific Ocean.

The amendment which is now pending in the Senate has two purposes, two important provisions. I invite Senators and others who are studying this subject for the purpose of arriving at a conclusion as to what action will best conserve the rights and the interests of the people of the United States in the years to come to the consideration of these two provisions and purposes.

The first is that each of the high contracting parties—France, Great Britain, Japan, and the United States—will respect the rights and possessions of all other nations. Is there objection in the minds of Senators to saying upon the face of this treaty that it is the policy of the nations entering into it, while safeguarding their own rights and interests, to respect the rights and interests of other nations? If such a state of mind exists here or elsewhere, the Senate and the country ought to be apprised of it. We all know that the one objection which more than any other embarrasses the ratification of this treaty grows out of the fact that it does not even look toward the settlement of the real international questions in which the United States is most vitally concerned and interested in relation to Far Eastern problems. One of the real objections grows out of the fact that we are associating ourselves exclusively with three other great powers to respect each other's rights and to maintain them if they are assailed. Fear has been expressed that at least one of the parties to this treaty will avail itself of the security thus afforded to continue a policy of aggression already begun and universally known and recognized, and that, if occasion arises, it will make new aggressions. It is therefore of the utmost importance that in agreeing to stand together if any one of these four powers should be assailed, we should also have an understanding that not one of the four powers will assail any other nation.

What is the objection to such an agreement, in view of the facts and events of recent history, and the difficulties underlying the situation in the Far East? Do Senators desire that any of the nations who are parties to this four-power pact shall be at liberty to overrun the territory of other powers who are not parties to this treaty? Certainly not. Then why not say, while the four powers are respecting each other's rights and safeguarding them against attack from others that they will do the righteous, just, and conscientious thing, and respect the territory and rights of other nations?

If we will write that into the four-power treaty, we will have taken a long advance toward securing peace in the Orient. If we refuse to do it, we will drive into the consciousness of every nation not a party to the four-power treaty the conviction that these four powers are asserting and claiming the right to immunity from aggression by others, while denying to others protection against their aggression.

The second proposal is that when a controversy arises, and a conference is called, that conference shall not be confined to the four powers who are parties to this treaty, but it shall include every nation having an interest in the subject matter of the controversy.

What objection can be urged to giving China or Russia the right to participate in the conference, where their territory or the liberties of their people may be involved and perhaps practically determined?

The answer has been suggested during the course of the debate that this treaty is limited to the insular rights and insular possessions of the four parties to it. If the treaty provides for a mere conference, and if no obligation to take action be imposed, what can be the objection to extending it to the territory where the real difficulty lies? What, for instance, can be the objection to saying that if a controversy arises between Japan and China—and we know it may arise unless Japan reverses her policy—that China shall have a voice in the conference?

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Wisconsin?

Mr. ROBINSON. With pleasure.

Mr. LENROOT. I would like to ask the Senator whether the League of Nations covenant extended the obligations of its members to the extent the Senator now proposes to extend the obligations of the parties to the four-power treaty?

Mr. ROBINSON. Mr. President, the League of Nations covenant, as the Senator well knows, provides that in case of a controversy between a member of the league and a nation not a member of the league, the nation not a member of the league shall be invited to become a member for the purpose of hearing and determining that controversy.

Mr. LENROOT. On such conditions as the council of the league may determine.

Mr. ROBINSON. Mr. President, for the consideration and determination of the controversy, no important distinction was made as to the rights of those who were members and the rights of those who were not members.

Mr. LENROOT. Oh, Mr. President, may I remind the Senator what the language is?

Mr. ROBINSON. Certainly. I understand it, but the Senator may read it.

Mr. LENROOT. The covenant of the League of Nations provides that—

> In the event of a dispute between a member of the league and a State which is not a member of the league, or between States not members of the league, the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, upon such conditions as the council may deem just.

There is no obligation imposed in the League of Nations covenant that any member of the league shall respect the territorial integrity of any nation not a member of the league.

Mr. ROBINSON. Mr. President, the obligations in the League of Nations covenant, of course, relate principally to the mutual obligations of the members among themselves. That is true of all treaties. The point I am making, and the point the Senator from Wisconsin must see, is that the league is much fairer in its process than the four-power pact, because the league recognizes the right of a nation not a member to it, when its territory or its rights are involved, to come into the league and to have a hearing. It is true that the council determines the processes by which it may be heard and fixes such conditions as it deems just under which it may be heard. The fact remains that if a dispute arises between France, for illustration, and any nation not a member of the league, the first thing which happens is that the nonmember is invited to come in and let the controversy be determined by league processes and league methods; but here we have a combination of four nations, which say among themselves, according to my construction of it, "We will not fight between ourselves. We will settle our differences by a conference. If some one else threatens aggression against one of us, we four will communicate and determine how it shall be settled." If you pursued the league process, you would invite the nonmember into the conference and give that nation the right to participate in the determination of the matter.

Mr. LENROOT. Will the Senator yield further?

Mr. ROBINSON. Certainly.

Mr. LENROOT. The only point I desired to make was that the Senator's amendment undertakes to create an obligation to respect the rights and possessions of other nations not parties to the treaty, and I call the Senator's attention to the fact that the League of Nations imposes no such obligation upon the members of that league.

Mr. ROBINSON. Mr. President, does the Senator think it is wrong to impose upon Japan, France, and Great Britain the obligation to respect the rights and possessions of other nations?

Mr. LENROOT. I do not, but I think——

Mr. ROBINSON. Then why should the United States enter into a pact with those nations if they refuse to enter into that just obligation?

Mr. LENROOT. Mr. President, I do not think it wrong, provided there be a reciprocal obligation upon the part of the other nations to respect the rights of the parties to this treaty. I do not believe in "jug-handle" contracts.

Mr. ROBINSON. Certainly not, Mr. President. The treaty as framed is intended to safeguard the rights of the four powers against aggression by any other power, because it says that if those rights be threatened by the aggressive action of any other power the high contracting parties will communicate fully and frankly with one another in order to arrive at an understanding as to the best methods to be pursued in order to meet the exigencies of the particular situation. Why not permit every nation interested in the controversy to have a hearing at the conference, particularly if the conference is to be nothing but a "talkfest"?

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. ROBINSON. I yield with pleasure to the Senator from Georgia.

Mr. WATSON of Georgia. If the Senator will discuss this idea, the Senate would be glad to hear from him on it, and I am sure the public would: This four-power treaty puts it within the range of possibility that England, France, and Japan, members of the league, can have the league invite the United States to bring before its tribunals any dispute between us and them, and if we refuse that invitation to submit to the arbitrament of the league it becomes a cause of war, under the covenant of the League of Nations, and therefore we would be in conflict with all the nations which belong to that league.

Mr. ROBINSON. Mr. President, I touched upon that feature of the subject a few days ago in an address delivered to the Senate. It is true beyond doubt that if a controversy arises between the United States and any other one of these four powers under this treaty, and the conference provided for fails to settle that dispute, all three of the other parties to this pact are already obligated by the Versailles treaty to bring the subject matter of the dispute before the League of Nations council. If that contingency should arise, the United States would be compelled either to enter the league for the purpose of that particular case and submit its rights and claims to the tribunals of the league or to refuse to do so, and in the event the latter course were pursued, under the plain terms of the Versailles treaty, an economic boycott would result against the United States, and force on the part of the members of the league would be employed, if it were necessary, to execute the orders of the league.

So, Mr. President, Senators may just as well get it in their minds that this matter of conference means that if a dispute arises between the United States and Japan we will either have to abide by the decision of the four-power conference, and let Japan, France, and Great Britain determine what is right, or we will have to try the case before the League of Nations. I wonder why the statesmen representing the United States at the recent conference—and they are great men—did not make some additional provision, establish some machinery, for the settlement of disputes between the parties to this four-power pact. I wonder whether they intended, whether they understood, when they signed the treaty that every dispute coming within its terms which may arise between the parties to it must either be decided by the four-power conference or taken to the League of Nations?

In case the League of Nations took jurisdiction of a controversy and decided it against the United States, under the terms of the Versailles treaty the United States would stand alone. All financial and commercial intercourse with the other civilized nations of the world, under the provisions of the economic boycott which would thus become applicable, would be terminated and all the powers, military and naval, of Japan, Great Britain, and France, and all the other members of the League of Nations, would be arrayed against the United States, if necessary, to execute the decision of the league.

Mr. SIMMONS. Mr. President, I would like to ask the Senator if that would not be the case if we did not go into this four-power treaty?

Mr. ROBINSON. Unless we effected a diplomatic settlement, unquestionably it would. The four-power treaty does not help, therefore, to settle our difficulties, unless we should be willing to leave to the other parties to the treaty the privilege of establishing or determining our rights.

Mr. LENROOT. Will the Senator yield?

Mr. ROBINSON. I yield.

Mr. LENROOT. Granting all that the Senator states to be true, does not the four-power treaty offer one other means of settlement of a dispute, outside of the League of Nations?

Mr. ROBINSON. Yes; it does. The Senator is welcome to all the gratification he can get out of that question and answer. The four-power treaty does provide that in case of a dispute between any of the parties to it, a conference shall be called or other methods of communication employed, to which the whole subject shall be referred for consideration and adjustment. Of course, the nature of the controversies which may go to the conference is limited by the terms of the treaty itself.

The point I am making is that in case a controversy went to the four-power treaty conference, the United States would have the alternative of submitting to the decree of that conference, with Japan and Great Britain closely allied now, as they have been for the last 25 years; or of submitting its claims to a trial before the League of Nations.

Now, I want to get back to the amendment and to conclude what I have to say with a very brief résumé of some of the arguments in favor of this amendment. Of course, if the amendment is not agreed to the Senate may again have an opportunity of considering it in the form of a reservation. I have offered it as an amendment, first, because I think that is the logical way of putting into this treaty the principles which are embodied in the suggestion that every nation whose rights may be affected by a conference shall be permitted to participate in it.

The amendment has two clear objects. One is to disclaim on behalf of the parties to the four-power treaty any purpose to override another nation not a party either in its possessions or its rights. I have said that there is nothing in American policy, there is nothing in American interests, there is nothing in any interest, sir, which you and I are obligated to conserve, which would prevent us from supporting that principle in view of the fear often expressed that Japan will continue her agressions against China and Russia. I know that is speaking plainly; perhaps it would have been just as well to speak in more general terms, but that is the fact. We all know it.

The next proposition is that when a dispute arises who shall be in the conference or communications for the purpose of adjusting it? If a controversy arises between Japan and China, whether in 10 years or 25 years, during the life of this treaty, what is the objection to letting China come into the conference and participate in the discussion?

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. ROBINSON. I yield with pleasure.

Mr. SMITH. I do not see what objection there could be on the part of three of the powers to this quadruple treaty, because they have already solemnly covenanted to do that identical thing with about 35 or 40 other nations in the League of Nations. The covenant of the League of Nations provides that in case there is a controversy with any outside party, the outside party is to be invited to come in and state his case.

Mr. ROBINSON. The Senator is right. We went over at considerable length, before the Senator came into the Chamber, the procedure of the league upon failure to settle through communications. What I am wondering is, what is the motive which prompts the rejection of such an amendment or reservation if it states a correct principle and if its adoption would remove much of the opposition to the treaty?

The cause of peace, if it is involved in this treaty, would be promoted very greatly by giving assurance to the world that these four great nations are merely making a defensive alliance. I have no objection in principle to the policy of two or more peaceful and nonaggressive nations resolving mutually to resist attack. How can any Senator object to the assertion and application of the further principle if nations combine for defensive purposes that they ought to avow that they have no aggressive purpose? That is all this amendment seeks to accomplish.

Mr. BORAH. Mr. President, I should have preferred to have entered upon the discussion of the pending treaty at a later day, but I know those who have charge of it are in great haste to have a vote, and with their anxiety I more or less sympathize.

Mr. ROBINSON. Mr. President, would the Senator object to the suggestion of the absence of a quorum?

Mr. BORAH. I prefer that the Senator do not make that suggestion.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Idaho declines to yield.

Mr. BORAH. Mr. President, while I am not going to cover the treaty in full, there is one feature of the subject to which I should like to call attention before the vote is taken on the amendment offered by the Senator from Arkansas [Mr. ROBINSON] and particularly before it shall come before us as a reservation, in case it shall be defeated as an amendment.

There has been much debate as to the particular and peculiar nature of this agreement; that is, as to its technical obligations and its import from a purely legal standpoint. It has been contended that it is an alliance; but it has been supposed that the reservation obviates that construction. There are those, on the other hand, who contend that even without the reservation it is not an alliance. I am not going to discuss to-day the question of whether or not it is an alliance. I wish to discuss the treaty according to the construction which I understand its advocates place upon it. For fear I should be misunderstood hereafter, however, I desire to say that, in my opinion, it is an alliance; but I am perfectly willing to enter upon the discussion of the treaty at this time upon the construction which is placed upon it by its advocates.

As I understand the advocates of the treaty, they contend that it is in the nature of a political pact, bringing into a political group or diplomatic group four nations; that those four nations agree, first, to respect the rights of each in relation to their insular possessions and dominions; second, that in case controversies arise between them which can not be settled through diplomacy they will confer for the purpose of adjustment; third, that in case the rights of any of the signatories are attacked or threatened they will communicate or confer in order to arrive at an understanding as to the most efficient measures to be adopted, jointly or severally, to meet the emergencies of the particular situation. In other words, this is a grouping of four political powers for the purpose of conference among themselves under certain emergencies, and for the purpose of communication or conference among themselves in case of attack or aggressive action from the outside. I believe that is a fair construction of the treaty as made by its advocates. It constitutes a political or diplomatic grouping of four powers for certain purposes. Whether it is an alliance or not, it is conceded upon all hands that it has the effect of constituting in the Pacific Ocean a political group, or diplomatic group, for certain purposes and certain objects to be attained.

After listening to the discussion by the leader of the majority [Mr. LODGE], and also by the leader of the minority [Mr. UNDERWOOD], and to the speeches of the able Senators from Minnesota [Mr. KELLOGG] and from Indiana [Mr. NEW], I arrived at the conclusion that this is their construction. If that be the correct construction, Mr. President, there is nothing new in this treaty; there is no departure from old and long-discredited practices. The system of political grouping of nations is as old as recorded history. My limited investigation has led me to believe that it is a system which has obtained for just about 3,200 years. Its evils, its deplorable results, fill the pages of history since recorded time.

The first political group of which I can find any record in the way of a treaty or an understanding was formed by the treaty between the King of Egypt, Rameses, and the leader of the Hittites about 3,200 years ago. Those who might be interested in looking into the matter would also be interested to find how strikingly similar their agreement was to the agreement which we are discussing to-day. It was based upon the proposition of protecting the several possessions of the respective signers, and in case of an attack they were to confer together and take such action as was necessary to safeguard their respective possessions. I do not, of course, state the language of the agreement; it is written in the quaint language of those years; but that was the principle which was involved. It was the forerunner of the system of political grouping which has gone on from that time until this, and if I be correct in the construction which has been placed upon this treaty it is simply transferring the grouping system from the Old World to the Pacific Ocean. It does not initiate a new policy, a new system, but approves this old practice and makes it the dominant system of the Pacific.

There is one consideration to which I invite the attention of Senators in the very beginning of my remarks, and that is that there has never been organized, so far as my knowledge goes, a political group of this kind that did not give rise to a counter political group. Whenever three or four or a half dozen nations bring themselves into some kind of an understanding, creating a community of interest or community of action, it does not make any difference how innocent the contract may be upon its face or how thoroughly it may be dedicated to the cause of peace, it always gives rise to suspicion, to antagonism, and thereby necessarily to a counter group of nations which have or contemplate they may have an interest in conflict with it. It is that particular feature of this proposition, Mr. President, to which I desire to direct my attention this afternoon.

Upon last Saturday, in the very able and candid speech of the Senator from Alabama [Mr. UNDERWOOD], he used this language:

> I want the Senator to go back—
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> Speaking to the Senator from Arkansas [Mr. ROBINSON]—
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> I want the Senator to go back with me eight years ago this coming summer, and I should like to ask him to recall what Lord Grey said in August of 1914, when he had struggled for weeks as no man in history had ever struggled before to try to prevent the catastrophe of the Great War. When the ax fell, when the life of the nations became at stake, he said:
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> "If there had only been a machinery by which those nations could have consulted together, the Great War would have been avoided."

The Senator from Alabama quotes Earl Grey substantially correctly. I had the pleasure of being present when Earl Grey made that statement, or at least at one time when he made it. The Senator from Nebraska [Mr. HITCHCOCK] was also present. It was the result of a discussion upon the question of the League of Nations. Earl Grey did say that he hoped that such a condition of affairs as that which existed in 1914 would never arise until the world should have before it the machinery by which to bring the nations into conference; that he believed if such machinery had been in existence and a conference could have been had in the fateful days of 1914 the conflict might have been avoided. Of course, I was impressed at the time with the thought how thoroughly that did away with the propaganda which had been put out so strongly since the war began that the war was fomented by a single nation which had for 40 years been building up a conspiracy for the purpose of attacking the other nations, and that when the hour came when it thought it could do so successfully it precipitated the conflict, in violation of all treaties, in violation of conscience, and in violation of the principles of humanity, for the sole purpose of accomplishing its ulterior and imperialistic designs.

I thought the statement of the earl was subject to that attack, but that is aside, Mr. President, from the question. I want to call your attention to-day to the proposition that what Earl Grey was pleading against was the precise situation which will be created by this treaty. In 1914 there was machinery for conferring in the respective groups. There was no difficulty about conferring between the members of the entente; there was no difficulty about conferring between the members of the triple alliance. They had a perfect machinery, and used it to confer repeatedly and effectively during the latter days of July, 1914, and the first days of August of that year. There was not that condition of affairs which is contemplated in this treaty; a different and distinct condition of affairs is created by this treaty, to wit, a group which, whether it gives rise to a counter group or not, is a group against the outside world. Now I ask the supporters of this treaty where is the method provided by it by which to communicate and to confer between those who are outside of this group and the group? The four powers may confer; but so could the members of the entente; so could the members of the triple alliance; but the thing which Earl Grey felt was lacking and the thing which he was pleading for that night was some method by which to do away with groups and to provide a machinery by which nations could communicate with one another regardless of groups, or, if in groups, how the groups could confer with one another. In other words, suppose an attack takes place from the outside, where under article 2 is the machinery for conference with those on the outside? Suppose Russia should make an attack for the recovery of a portion of the island which has been so much referred to in this discussion, under what clause of this treaty could we have a conference with Russia?

Suppose China should make an attack and should undertake to recover a portion of the territory which has been taken from her, where is there a provision in this treaty for a conference with China? Or suppose China and Russia and Germany constitute another group in the next five years and a controversy arises between the group under the pending treaty and the group which would then be formed, where is the machinery for the conference between those groups?

Mr. President, that is what Earl Grey had in mind. There were political groups in Europe antagonistic to one another and there was no machinery whatever by which to arrange for conferences between the two groups. What he was pleading for was not that the old system of alliances might be restored or that the old system of political groupings might be restored; what Earl Grey was pleading for was the wiping out of political groups and combining them all into one great league of nations. His difficulty was in having no machinery to effectuate a conference between nations in his particular group and a nation or nations outside of his group, such as China or Russia would be

under this treaty. That is what he was speaking for that night, and those who are in favor of that provision are about to vote contrary to the contention which he upheld upon that delightful occasion. You are here creating what he said brought Europe into the war, to wit, the entente, with no machinery for a conference with strangers to the entente.

No one here objects, Mr. President, so far as I know, to the provision for a conference in article 1. If article 2 were stricken out of the treaty there could be a vote on it in 10 minutes. We do not object to conferences between the four powers in case a controversy arises. So far as I am individually concerned, I am perfectly willing that the United States shall agree to confer with any nation in any part of the globe whenever a controversy arises between that nation and this. It is not the conference which we are objecting to and for which we are being criticized throughout the country; it is to that portion of the treaty which provides for no conference and which creates again the exact condition which prevailed in 1914, a condition which has always led to war.

Mr. President, let us take a leaf from history, for the quotation of the Senator from Alabama makes it interesting to follow out this practice of political groupings or of diplomatic groupings. I know of no better illustration than that which was referred to by the Senator from Alabama—the condition which brought on the conflict in 1914. There are historians in this Chamber who have spent their lives in research in history. I do not make the assertion, but rather I ask the question as a challenge. Can any historian here advise the Senate of a single instance where a political group was formed that it did not give rise to a counter political group? Can any Senator here advise us of an instance where three or four nations associated themselves together that it did not give rise to a counter association of the same nature? And then, will any Senator advise me of an instance where one political group having been created and another political group coming into existence, those two political groups did not have their contentions and conflicts, which finally ended in war? I may be in error, and, therefore, I make no assertion, but I have no knowledge of a single instance in all the history of the world in which a political group of this kind did not give rise to a counter political group, and then give rise to contention which finally ended in war. The best illustration of that, as I have said, is that which happened in 1914.

The first group, known as the Triple Alliance, was formed, I think, in 1879, between Germany and Austro-Hungary. Afterwards it was acceded to and joined by Italy, about 1882. This constituted the political group in Europe which led to the formation of the group known as the "Entente," for shortly thereafter, by reason of the formation of the first group, France and Russia came to the conclusion that their interests could only be served by forming a counter group, and so France and Russia joined their interests, and a short time thereafter Great Britain became a member of that group. We had therefore from 1879 until it ended in the deluge of 1914 two political groups in Europe, viewing one another with suspicion, with distrust, and with antagonism, until it finally ended in a conflict which shook this old earth from center to circumference. Every time the Triple Alliance group would put out a battleship or a number of battleships, the Triple Entente would put out a larger number of battleships or, to be more accurate, vice versa. Every time the Triple Entente increased the forces of its army, the Triple Alliance would increase the forces of its army. So these two political groups confronted one another in the heart of Europe until the fighting wiped them both out and led to realignments.

We often hear it said that the war of 1914 was the result of the action of one particular nation. In my opinion that was a contention which developed after the war began. Prior to that time the publicists, the historians, those interested in public affairs, realized that the coming conflict, if it should occur, would be by reason of the fact that there were two political groups in Europe which were viewing one another with suspicion. I am going to read some paragraphs from standard authorities upon this subject.

First, let us look at the language of the triple alliance, or the first group. Here are two paragraphs:

> Considering, in fine, that an intimate agreement between Austria-Hungary and Germany can threaten no one, but is rather calculated to consolidate European peace as created by the stipulations of the treaty with Berlin.
>
> Their majesties, the Emperor of Austria and King of Hungary and the Emperor of Germany and King of Prussia, promising each other solemnly never to give any aggressive tendency whatsoever to their purely defensive agreement, have resolved to conclude a reciprocal alliance of peace and protection.

That was the language which dedicated the triple alliance to the cause of protection and peace. Considering that they would never give aggression, or attack anyone, they formed the alliance for the purpose, as we say here, of protecting their respective possessions and in the cause of peace. The language used was quite as laudable as that found in this pact.

Mr. ROBINSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON. But we have not said in this treaty that the four powers will not give aggression or take aggressive action against any other power.

Mr. BORAH. The Senator is correct.

Mr. President, notwithstanding this agreement between these powers specifically stated that they never would attack the other nations or infringe upon their rights, the other nations were not willing to take their word for it. You may write into this treaty the terms most expressive of peace and Christianity, you may take the eloquent tribute of the Senator from Alabama [Mr. UNDERWOOD] to the cause of Christianity delivered here on last Saturday and incorporate it in this treaty, and every nation outside of this treaty will still regard it as antagonistic to its interests and will proceed upon that belief. No asseverations of good faith upon the part of the group, no declaration of peace, will satisfy the suspicion or quiet the distrust of those who are not members. I appeal to the bloody pages of history to support what I say.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. Yes.

Mr. STANLEY. Permit me to suggest to the Senator, as the Senator has the language of the Holy Alliance before him, that if he will add a confession of faith to the terms of the alliance between Austria-Hungary and Germany he will have practically the verbiage of the Holy Alliance. That is the only alliance that I know of that was opened with prayer and with a jimmy at the same time.

Mr. BORAH. Mr. President, I have the beginning paragraph of the Holy Alliance before me, and in view of the remark of the Senator from Kentucky perhaps it may not be amiss to read it. This alliance began by saying:

> In consequence the sole principle of force, whether between the said Governments or between their subjects, shall be that of doing each other reciprocal service and of testifying by unalterable good will the mutual affection with which they ought to be animated to consider themselves all as members of one and the same Christian nation; the three allied princes looking on themselves as merely delegated by Providence to govern three branches of the one family, namely, Austria, Prussia, and Russia, thus confessing that the Christian world, of which they and their people form a part, has in reality no other sovereign than Him to whom power really belongs, because in Him alone are found all the treasures of love, science, and infinite wisdom; that is to say, God, our divine Savior, the Word of the Most High, the Word of Life. Their majesties consequently recommend to their people, with the most tender solicitude, as the sole means of enjoying that peace which arises from a good conscience, and which alone is durable, to strengthen themselves every day more and more in the principles and exercise of the duties which the divine Savior has taught to mankind.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Kentucky?

Mr. BORAH. I yield.

Mr. STANLEY. The Senator is a profound historian, and has given this subject great thought. Can he give to the Senate or to the country an instance of any other combination of nations, any other treaty of alliance, sacred or profane, that ever covered as many outrages and as many crimes as this wolf in sheep's clothing called "the Holy Alliance," which a wayfaring man might mistake for a good deacon's prayer unless he read it with great care?

Mr. BORAH. In reply to the Senator I will say that the Holy Alliance stands out in history as perhaps the most cruel, remorseless, and ruthless alliance that has ever been formed.

What I wanted to say, however, without getting away from the drift of my argument, was that it does not make any difference what we say in a treaty, nor the terms of it, nor how honest and sincere we may be in our professions; every outside nation will regard it as a covert threat to its interests, and it leads inevitably, as it did in this instance, and as it inevitably does in all instances, to the formation of an express or an implied countergroup or counteralliance.

Tardieu, speaking of this grouping, says:

> The triple alliance and the dual alliance—
>
> As it was first formed—
>
> are the chief supports of the European balance of power. * * * By uniting their previously isolated forces, France and Russia had made Europe stable again.

Let us look, therefore, at the Triple Entente; and I ask you to observe the language of Sir Edward Grey's letter—the same gentleman who was spoken of by the Senator from Alabama. He formed the Triple Entente; that is to say, he gave expression to its purposes and principles. Here is a quotation from his letter which laid down the principles upon which the Triple Entente was supposed to exist.

He said in a letter to France:

> I agree that if either Government had grave reason to expect an unprovoked attack by a third power, or something that threatened the general peace, it should immediately discuss with the other whether both Governments should act together to prevent aggression and to preserve peace; and if so, what measures they would be prepared to take in common?

There, Mr. President, is the basis of the second political grouping in Europe. It provided for nothing except a conference, a discussion—no alliance, no commitment to force, no agreement to use force, no agreement to cooperate with the military forces of the other power. The only thing which they agreed to do is what it is said here we agree to do, and that is, in the case of an attack to consult together, to determine what measures, if any, we shall take in order to meet the exigencies of the situation.

I desire to follow up the entente—this perfectly harmless, friendly cooperation between the three powers—to see how quickly it developed into a real, aggressive, positive military alliance, and how ultimately it resulted in just exactly what the Senator from California [Mr. JOHNSON] has urged to-day; how ultimately it resulted in furnishing the military force which they said they were under no obligation to furnish.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. If it will not divert the Senator, I express the hope that before he concludes he will discuss this term, "unprovoked attack." Can it mean anything in the world except that in the judgment of the nations concerned it is an unjustifiable attack? And when that phrase is reduced down, does it mean anything more than an attack which the nations concerned regard as inimical to their interests?

I should like to hear the Senator on that.

Mr. BORAH. Mr. President, Mr. Tardieu, in his book entitled "A Conflict of Political Groups" or "Alliances"—I have forgotten just the exact term—discusses both these matters. This book, fortunately, was written three or four years before the war began, so that it is not colored or controlled by propaganda. In speaking of the alliance between France and Russia he says:

> In 1891 an alliance was made by France with Russia which ended the long period of diplomatic isolation, and served as a counterweight to the triple alliance which had been formed between Austria, Germany, and Italy.

Prof. Hazen declares—I may not quote his words exactly, but in substance—

> This alliance—
>
> The dual alliance between France and Russia—
>
> was the inevitable outcome of the existence of the other alliance or political group concluded between Germany and Italy some years before. The dual alliance and the triple entente grew out of the need of both Russia and France which they felt by reason of being outside of the triple alliance.

Prof. Hazen, in his book entitled "Europe Since 1915," concludes this interesting history by a paragraph which I desire to read. This paragraph was inserted in this book when it was first published, in 1909. Subsequent editions had the paragraph stricken out. I do not know why it was stricken out. I can only draw my conclusion, which perhaps might be incorrect, and therefore I will not state it. After reviewing the history of the triple alliance and the triple entente, or these two political groups, the professor says:

> The historian, having reached the point of interrogation—
>
> That is—
>
> What of the future?—may, in all comity, leave the answer to his question to the prophet or to the future. But he may observe, in closing, that contemporary Europe is dominated by two great leagues, the triple alliance, consisting of Germany, Austria, and Italy, and the triple entente, consisting of England, France, and Russia. The precise nature of these combinations, the character and range of the obligations they impose, have never been made public. They constitute the very arcana of a profoundly secret and undemocratic diplomacy. The nations stand committed to they know not what.
>
> These two leagues confront each other, watchful, suspicious, portentously armed. Professing peace to be their passion they press forward in sinister and dangerous rivalry for military superiority; that is, for the power to destroy.

That, Mr. President, was a prophecy written in 1909 as foreshadowing what would happen, and it did happen in 1914. These two powerful political groups, powerfully armed, stood there watching one another supiciously and antagonistically, until finally, in 1914, when the crisis came, there was no means, as Sir Edward Grey said, by which the two groups could communicate with each other, and inevitably the war came. For 20 years the political atmosphere of Europe had been poisoned with the distrust and enmity fostered and nursed by these two groups; for 20 years the chancelleries of Europe had been embittered and estranged by these groups; and the infernal system was as certainly the cause of the World War as the going down of the sun is the cause of the darkness of the night. Let no man, no woman, no lover of peace be deceived. What the delegates from Europe brought over and gave us in the name of peace is this old hellish system whose frightful story is told upon a thousand battle fields of the Old World.

Now, sirs, you propose to create a political group in the Pacific composed of the four great powers; you leave on the outside of that group China, with her 400,000,000 people; you leave on the outside Russia, with her 180,000,000 people; and you have one-fourth of the entire human race on the outside of your political group. What do you think will happen? And if it does happen, what means have you provided for in this treaty to communicate between this group and those on the outside? I ask those who are saying to the country that this is a conference to tell me now how they propose to communicate between the members of this group and those on the outside in case war is threatened? It is not a conference. There is no means for a conference. When that aggression takes place there are just the same means as were provided for in Europe in the fateful days of 1914.

Mr. President, let us follow it a step further. I want to go now to the stirring days of 1914.

Time and time again in the House of Commons, when inquiring members rose to ask, "Is there any commitment upon the part of England to cooperate in a military way with the forces of Europe?" the gentlemen stood up and said "There is no alliance; there is no agreement to use force; there is no agreement by which we are obligated to go to the assistance of France." And those gentlemen were men of as high integrity and quite the equal in statesmanship of the gentlemen who are sincerely and honestly attempting to construe this treaty as to what it will mean 10 years from now.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington.

Mr. BORAH. I yield.

Mr. POINDEXTER. The Senator undoubtedly bears in mind that the reason—the ostensible reason, at least, and I have no cause to believe that it is not the real reason—why Great Britain joined France in defense against the attack of Germany was not the Triple Entente, but was the agreement, to which Germany and England and Austria and Russia and France were parties, to preserve and protect the neutrality of Belgium. In other words, the very kind of a general agreement between all of the nations that might be involved that I understand the Senator to prefer to a balance of power was the cause of England going into the war.

Mr. BORAH. I differ with the Senator for two reasons. In the first place, it was not the controlling reason assigned; in the second place the declaration of war was made, I feel quite certain, 48 hours before the neutrality of Belgium was violated.

Let us observe what was said by those who were construing the treaty, or perhaps I should say the understanding between France and Great Britain. On the 6th day of December, 1911, the Prime Minister of England, being interrogated as to what their obligations toward France were—I was about to say "our" obligations—said:

> There are no secret engagements with any foreign Governments that entail upon us any obligation to render military or naval assistance to any other power.

Mr. CARAWAY. Will the Senator tell us who the Prime Minister was in 1911?

Mr. BORAH. Mr. Asquith. In 1912 Lord Hugh Cecil made an inquiry as to what the obligations were, stating that it was constantly being asserted that there was some understanding, not expressed in a treaty, perhaps, but by reason of correspondence or otherwise, and the Prime Minister interrupted his question before he concluded and said:

> I ought to say that it is not true.

That is to say, that there were any obligations outstanding.

On the 24th of March, 1913, Mr. Asquith made a comprehensive answer to a question of Sir W. Byles in the following terms:

As has been repeatedly stated, this country is not under any obligation, not public and known to Parliament, which compels it to take part in a war. In other words, if war arises between European powers there are no unpublished agreements which will restrict or hamper the freedom of the Government or Parliament to decide whether or not Great Britain should participate in a war.

That, as I understand, is the real kernel to the controversy here, and that is the thing which the reservation offered by the Senator from Connecticut is designed to preserve, to wit, the unhampered freedom of the Congress of the United States to determine whether or not it will take part in case a controversy arises.

On June 11, 1914, only a few months before the controversy arose, Sir Edward Grey, in answer to a question, referred back to the statement made by Asquith on March 24, 1913, and said:

It remains as true to-day as it was a year ago.

To wit, that the Government was in no way committed.

Mr. President, this was the situation upon the 3d day of August, 1914; there was an agreement, or an understanding, between Great Britain and France, that in case of a controversy the two nations would confer and would determine what measures, if any, they would take for their common defense. It was the understanding upon the part of Great Britain and her people all the way through that there was to be nothing but a conference, nothing but a conversation, no commitment to force, no understanding as to the use of military power.

I ask Senators, therefore, to refer to Sir Edward Grey's great speech on the 3d of August, 1914. It is too long for me to read, but it will well bear reading by those who think that this treaty will not involve us, in case of an aggression, in common action with our associates, if need be, by military force.

The first part of Sir Edward Grey's great speech is devoted entirely to demonstrating to the Parliament that there was no obligation which should hamper the Parliament in the least in refusing to go to war with France if Parliament saw fit to do so, and he reviewed all the history of the transaction, reread his letter of 1912, and presented to them what he said was a clear line of conduct for refusal, if they saw fit to refuse. He then referred to the friendship which had grown up by reason of the entente, to the neutrality of Belgium and to the future commercial interests of Great Britain. Then he closed his speech by an appeal to the Parliament, and to the people of England, saying that while they were free, as a matter of contract, and as a matter of treaty, they were in honor bound to go to war along with France, because of the friendship which had been built up between the two powers, and by reason of the conversations, perhaps, France was not as well prepared to take care of herself as she otherwise would have been, including, as I say, a reference to Belgium and other matters. But the point upon which the debate seemed almost entirely to turn was England's relationship to France, and whether, in honor, England could disregard the situation which had been brought about by the negotiations within this political group.

So, as the historian says, while Parliament was told it was free, it was told that the path of refusal was the path of dishonor.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. Wait just a moment. We will assume that Congress is not bound, but when your representative comes back from the conference and says, as Gray said to the Parliament, "You are free; nothing binds you, no contract, no understanding, but we have met and have conferred and have concluded as your agents under this treaty, that the only way to meet the exigency is by force, and in our opinion if you refuse, you are traveling the path of dishonor." What will the Congress do? I yield to the Senator.

Mr. POINDEXTER. The Senator says that Sir Edward Grey advised Parliament that there was no obligation on the part of the other members of the Triple Entente to go to the rescue of France in case of war; but that afterwards they were told—that is, I assume the Senator means Great Britain was told—that to refuse to come to the defense of France under the Triple Entente was the path of dishonor. Will the Senator kindly point out by whom that was told and when it was told? It is the first time I have ever heard it. My understanding was that the issue between Great Britain and Germany was the treaty between Germany and Great Britain for the protection of Belgium, and that Dr. von Bethmann-Hollweg, prime minister of Germany, replied that that was a mere scrap of paper, but that Great Britain declared that her honor was involved in preserving her agreement for the protection of Belgium under the treaty for Belgian neutrality, in which all the great powers of Europe were involved.

Mr. BORAH. If the Senator will wait until I conclude——

Mr. POINDEXTER. I will be glad to do that, and I will be glad to get the authority for the statement the Senator has just made.

Mr. BORAH. I am giving my authorities pretty regularly, trespassing upon the patience of the Senate to do so, and I will give one authority now. I had not intended to call attention to it at this particular point, but if the Senator has not read Lord Loreburn's book entitled How the War Came, he will find a vast amount of information in it, about which he has been misled, in my judgment.

Mr. POINDEXTER. I have not been misled about it, because I am basing my statement upon the public negotiations and exchanges between the foreign ministries of Germany and of Great Britain at the opening of the war. Lord Loreburn was not responsible for the conduct of Great Britain at that time.

Mr. BORAH. He was very closely associated with the powers that were controlling Great Britain, and he gives the records and the documents upon which he bases his statement, and I think by the time I get through with the documents the Senator will conclude that there are two sides, at least, to the controversy as to why England entered the war, I stated that the question of Belgian neutrality was one of the reasons discussed, but it was not the reason upon which Earl Grey advanced his assertion that it would be a matter of dishonor if England did not go in, at least not the controlling reason.

Mr. POINDEXTER. I am glad the Senator admits there are two sides to it. I assumed that there was only one side to it, from his previous statement.

Mr. BORAH. I admitted that out of courtesy to the Senator. Lord Loreburn said, speaking of Grey's speech of the 3d of August, 1914:

This remarkable speech began with an elaborate effort to prove that the House of Commons was perfectly free to determine either for peace or war. It ended with a passionate declaration that this country would be disgraced if we did not declare war, and the reasoning of the speech proved that Grey had committed himself irretrievably. It left the House of Commons convinced that it had in honor no choice but to join France in arms.

Now, let us read from Grey's speech itself. He said:

I come back first to the question of British obligation. I have assured the House, and the prime minister has assured the House more than once, that if any crisis such as this arose we should come before the House of Commons and be able to say to the House that it was free to decide what the British attitude should be; that we would have no secret engagement which we should spring upon the House and tell the House that because we had entered into that engagement it was an obligation of honor upon the country. I will deal with that point to clear the ground first. The Triple Entente was not an alliance.

Neither is this, so we are told.

It was a diplomatic group.

I will get down to the heart of the controversy, if I can. Referring, then, to his letter of the 22d of November, 1912, the letter from which I read a few moments ago, he said:

I think that letter makes it clear that what the prime minister and I said to the House of Commons was perfectly justified, and that as regards our freedom to decide in a crisis what our lines should be, whether we should intervene or whether we should abstain, the Government remains perfectly free, and, a fortiori, the House of Commons remains perfectly free. That I say to clear the ground upon the point of view of the obligation. I think it was due to prove our good faith to the House of Commons that I should give that full information to the House now, and what I think is obvious from the letter I have just read, that we do not construe anything which has previously taken place in our diplomatic relations with other powers in this matter as restricting the freedom of government to decide what attitude they should take now, or restrict the freedom of the House of Commons to decide what their attitude should be.

Mr. LA FOLLETTE. What is the date of that?

Mr. BORAH. This was a speech delivered by Lord Grey on the 3d of August, 1914. He said:

I come now to what we think the situation requires of us. For many years we have had a long-standing friendship with France.

An honorable member cried out, "And with Germany."

And so they had. In some respects the relationship prior to 1909 had been more friendly between Great Britain and Germany than between France and Great Britain.

A long debate took place upon this matter, and in this debate Sir Edward Grey's arguments of honor are quoted, so by reading the debate I can avoid reading the matter twice, for the debate is important. I read a quotation from Mr. Morrell:

The right honorable gentleman has told us he admits there are no formal obligations binding this country to intervene in this war. None whatever. No formal obligation with regard to France, at any rate up till yesterday. As regards the letter of November 22, 1912, which he read out to this house, I submit that it is conclusive from that point. That letter perfectly and clearly intimated to France that we could not undertake to support her in a European war, and, as he fairly put it, it was entirely open to this house, and it is so even now, to decide whether we are going to intervene in this war at all.

He further said:

I believe we are going to war now because of the fear and jealousy entertained in this country, unfortunately, and fostered by a large section of the press, the fear and jealousy of German ambition. I believe that it is the real reason why honorable gentlemen opposite are asking this country to go to war.

Another speaker, Mr. Molteno, said:

No part of this country has been invaded at present; no vital interest in this country has been attacked. Yet we are asked to assent to war with all its terrible consequences. The Government has no right to plunge this country into this war for anything short of our own vital interests.

The right honorable gentleman began by saying that we were under no obligation, and that the House was perfectly free to come to a decision on this matter. Yet, before he had got very far, he told us that we were under such obligations that, in his opinion, we could not get rid of them.

Again said the same speaker:

Surely a hope and an expectation were held out. For a period negotiations were set on foot, of which the foreign secretary told us, and the course of those negotiations have been such that in his opinion we are now bound to France to such an extent that we are obliged to go to war.

This is the construction put upon Grey's speech in the debate:

Yet we are now told that our obligations, though not obligations of treaty or of agreement, are so strong and so binding that we shall be compelled to take up arms in defense of France. I complain that we, who are supporters of His Majesty's Government, should have been led into this state of false security on this most vital and important question.

For what interests are they asking us to enter upon this tremendous struggle? Have they stated any interest? They do not pretend to tell us. They speak to us of some vague fear, some sort of obligation of honor that impels us to this course.

We ought to have more information in order that we may be immediately put in a position to make up our minds as to what our duty is on this question. I wish to ask whether we are to have a fair and straight opportunity of considering, discussing, and deciding on this question. But they have brought us to the brink of disaster without our knowing and without our being warned.

Further on a member, Mr. Williams, stated that the foreign secretary said:

It is true that we are under no treaty obligations to come to the rescue of France in case of war. It is true, even though the French Navy is in the Mediterranean, and the northern coast of France is therefore exposed to the attacks of any fleet from Germany, because France has hitherto trusted in our friendship.

France, relying upon the association, relying upon the friendship, relying upon the understandings expressed in Grey's letter of the 22d of November, was placed in such a position that, as a matter of honor, Earl Grey felt it was necessary for Great Britain to enter into war. Was France's relationship with Great Britain any closer than ours will be at the end of five years of close association or conference with our colleagues in this treaty? Further on, speaking of Earl Grey, he said:

Then, in order to arouse the passion of honorable Members of this House, and, I suppose, of people outside, the foreign secretary asked this question: "What would this country do or say if they found that the German fleet had broken through the North Sea, entered the English Channel, and was bombarding some of the towns on the northern coast of France?" I felt, as I think every honorable Member felt, that we could not stand idly by with folded hands while our friends were being attacked.

Another gentleman, Mr. Balfour, spoke. This debate, Mr. President, was getting very interesting. Men were calling for definite information and asking if they would be permitted to discuss the matter fully, and they were assured that they would be permitted to discuss the matter freely before the Parliament should pass upon it.

I digress to say that they never were permitted to discuss it.

Mr. Balfour arose and said:

Anybody who has watched the House in this debate knows perfectly well why we are met here and why we have to sit here. It is because various gentlemen below the "gangway," sitting in one quarter of the house, desire to express their views to us. * * * What we have been having to-night are the very dregs and lees of the debate, in no sense representing the various views of members of this House. * * * It is only unfortunate and lamentable that we should spend the dregs of this evening not in a proper House of Commons debate in dealing with a great resolution on a great subject but in a series of speeches which, whatever their intrinsic excellence may be and however earnest may be the members who have delivered them, can not be regarded as representative in any true sense of the views I would venture to say even of the party for which they are speaking.

Then Mr. Balfour asked that the Parliament consent to an adjournment, which took place. Notwithstanding the fact that many members were assured that the debate would be continued, this was the end of the debate; there was never any further discussion of the subject. England was literally swept into the war.

Mr. President, I have read these extracts to demonstrate the inapplicability of the quotation made by the Senator from Alabama when he said that Earl Grey was pleading, as he would have us believe, for the same kind of conference which is provided for by the four-power treaty. Grey was pleading for an entirely different proposition. That which is provided by the four-power treaty Grey had, to wit, the power to communicate with the different members of the group. That which Grey did not have, a means of communicating between the groups, the treaty does not provide. It provides no method for dealing with the outside world at all except the method of arms. There is no conference provided for, either expressed or implied. How, then, does the proposition meet the rule or standard which the Senator from Alabama established?

If the Senator from Alabama will point to me or if the able Senator from Massachusetts will point to me under article 2 any provision for a conference with the outside world when the exigency arises, so far as I am concerned, the debate on this phase of the question is over. I say, therefore, Mr. President, that this treaty can not be any other than an alliance of war, because there is no other method provided for settlement except war. Let me give you an illustration. I have here article 2 of the treaty, which reads:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The Senator from Iowa who sits in front of me [Mr. CUMMINS] is a great lawyer. I ask him, Is there any provision in article 2 enabling us to communicate with the attacking power? Is there any provision anywhere in the treaty by which we could reach the outside parties? Then let us see what would happen.

An attack is made by Russia, by China, or by a group on the outside, and our representative, Mr. Hughes, communicates fully and frankly with Japan; and we will assume for the sake of the argument that Japan communicates fully and frankly with us. They meet for the purpose of doing what? Of determining the most effective measures to meet the situation. I agree with the proponents of this treaty that Mr. Hughes does not have to decide that the most effective measure is war; I agree with them perfectly that he may refuse to decide upon any such alternative; I agree with them that he may refuse to go into a conference any further after he finds out they are talking war; and he may come home; but they must agree with me, on the other hand, that he may decide on war; he may agree with the other conferees that the only way to meet the emergency is by the Army and Navy. If he does agree upon that, he comes home and says to us as a Congress, "Your representatives under article 2 have conferred freely and frankly, and under the guidance of our conscience and convictions the only way to meet this emergency is by sending our Army and Navy."

Would he not be in a tenfold stronger position than was Earl Grey in the House of Parliament in 1914? He could say to us, "Your executive department under this treaty has acted in good faith; we have been upon the ground; we have met with the other delegates; they told us the facts; we dare not convey them all to you, but we say that it is a matter of honor, and appeal to you to sustain the honor of the country. The technical power to refuse would remain with us, as it remained with Parliament, but the moral right or the moral power to refuse would be gone. Why delude ourselves with the perfectly fallacious proposition that the technical right would prevail?

Mr. EDGE. Mr. President——

Mr. BORAH. I yield to the Senator from New Jersey.

Mr. EDGE. Suppose the United States was not a member of the prospective four-power treaty, and, citing the very illustration which the Senator himself has given, that war was threatened in the Pacific, and that our possessions or interests in the Pacific were thereby imperiled; does the Senator believe that the United States under such circumstances, even though we were in no way, morally or legally, bound, because of not being a party to the pact, could be kept out of such a controversy, even to the extent of war, if war actually resulted? In other words, would it not be better to be a party to a four-power understanding, in order to discuss the possibilities, using our influence to prevent war, if possible, than not to be a party to it and necessarily to be drawn into the conflict ultimately in order to protect the interests and obligations which we have in the Pacific?

Mr. BORAH. Mr. President, there is much in the suggestion of the able Senator from New Jersey which is worthy of consideration, but permit me to suggest this: Suppose an attack takes place upon the part of Russia. Senators will observe that the word "unprovoked" is left out of this treaty, although it was in the Anglo-Japanese alliance. It is in all of the oriental treaties which I have ever seen, but, for some reason or other, it slipped out of this treaty. I have no idea why it was left out. But suppose that Japan continues the aggression which she is now practicing in Siberia indisputably—practically nobody denies it—and suppose by reason of that situation Rus-

sia makes a formal attack, which under international law makes her the attacking party, although the other party may have provoked the attack; the United States, under this treaty, is bound to sit down and confer with Japan as to how to meet the attack.

It might be to the interest of the United States, both as a physical proposition and as a moral proposition, to sit down with Russia and decide how to meet the situation. It is this absolute freedom of choice that makes the United States to-day the practical umpire of the world. I want to be free to sit on the side of morality and justice, to confer with those whom we think righteous in their position, if we are to confer at all. We do not know where justice will lie, where humanity will lie, until the attack and all its circumstances are known; let us choose in that hour with whom we shall confer.

No nation can say now that the giant of the West is hamstrung or bound or embarrassed. She is free to cast her vote upon the side where she thinks righteousness and justice prevail and not upon the side of a contract entered into 10 years before the event may have happened. This liberty of action, this freedom to choose our conferees according to honor and justice at the time is the greatest force for righteousness in the whole world to-day.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. KELLOGG. Did I understand the Senator to say that if Mr. Hughes attended a conference under this treaty he would be no more bound to agree to a war than if he attended any conference not provided for by treaty?

Mr. BORAH. I did not say that exactly, but I think I said about the same thing.

Mr. KELLOGG. Then, the idea of the Senator from Idaho is that we should never attend any conference to prevent war?

Mr. BORAH. I am deeply indebted to the Senator for interpreting my thoughts. I said we should be free to sit with those whom we think right, regardless of contracts or treaties.

Mr. EDGE. Mr. President——

Mr. BORAH. Just a moment. I will say for the benefit of the Senator from Minnesota that the Senator from Idaho is in favor of a conference with any nation in the world whenever a controversy arises between that nation and the United States.

The Senator from Idaho is unalterably opposed to contracting in advance to conferring with any particular nation to take care of a war situation in which the United States may not be at all interested. If any controversy arose between the United States and Japan I should be in favor of a conference, but I am not in favor of the United States tying itself up to take any particular action with reference to an attack which may be made upon another nation, and I do not propose ever to vote for a treaty or bind the United States to take part in any quarrel except its own. I will not put upon the people an obligation to interfere in quarrels between other nations—let the people who, at the time, will know the exact facts, and who will do the fighting and dying—let that generation pass upon who shall be their associates in a war between other powers.

Mr. EDGE. Mr. President, following my question as to which I should be very glad indeed if the able Senator would give his viewpoint, because I know it would be illuminating and very interesting, suppose, referring to the statement the Senator has just made, that a controversy between two other nations, without necessarily being a direct attack upon our possessions or upon our country, threatens those possessions, then does the Senator contend that the United States is better off not to have her representatives, her statesmen, participate in a conference called for the purpose of trying to prevent such a conflict?

Mr. BORAH. What I contend is that what we shall do in a conference and whom we shall sit with in a conference ought not to be determined in advance of the exigency, but ought to be determined at the time, because then we shall be free to sit upon either side, where we think justice is; in other words, when we sit in the conference which is provided for under the four-power treaty China is on the outside, so that we can not sit down and confer with China, and we can not sit down with Russia, because she is on the outside. Our associate and our conferee has been chosen five years, we will say, in advance of the controversy, and we do not know where justice, morality, and decency and Christianity may obtain with reference to the controversy.

Mr. POMERENE and Mr. NORRIS addressed the Chair.

Mr. BORAH. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, the Senator has suggested, in answer to the last question put to him, that we would not be free in the event there should be a controversy between one of the other parties to the pending treaty and China or Russia to sit in conference with them. Could we not at the same time we were holding a conference with the other three members of the four-power pact also have a conference with China or with Russia bearing upon the same subject? Would we not be free to do that?

Mr. BORAH. Then, of course, if that be true, this treaty is worse than a nudum pactum. If we can sit down and confer with China regardless of the treaty when China is attacking our treaty associate, we can sit down and confer with Japan in case our interests are involved without any treaty. What is it for?

I now yield to the Senator from Nebraska.

Mr. NORRIS. I was going to ask a question similar to that asked by the Senator from Ohio. Regardless of what the result may be—and that may be another question open to dispute—without agreeing for a moment to the conclusion which the Senator from Idaho has drawn, it does not seem to me that there is anything in this treaty that would prevent us, in the illustration, for instance, which the Senator from Idaho has given, of an attack being made by Russia or China, from taking the matter up with China or with Russia, as the case might be.

Mr. BORAH. If the attack were upon Japan or Great Britain?

Mr. NORRIS. We would be under obligations under this treaty to take it up with Japan if the attack was on Japan, but when we did take it up we could tell Japan, if we wanted to, if we thought it was the fact, that she was wrong. There would not be anything in this treaty to hinder us from doing that, and at the same time giving encouragement to the other party.

Mr. BORAH. Then, I again say that I do not know what this treaty is for. Mr. President, we will put the shoe on the other foot and suppose that some nation attacks the Philippine Islands, and we call for a conference and find that while we are in conference with Japan she is holding a conference upon the outside with the nation which is attacking us, how does the Senator think it would set with the American people? Suppose in 1914, when Germany was crossing Belgium, Great Britain had been found in conference with Germany, what would the whole world have said?

Mr. NORRIS. I should think Japan would not be violating the four-power treaty if she did that very thing, unless she concealed it and covered it up and failed to make us acquainted with it; in fact, if she had a free and fair conference and she thought we were wrong she ought to tell us face to face and make no secret of it.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. LENROOT. I should like to ask the Senator where he finds the obligation to go into a conference under article 2 at all? Does not the Senator make any distinction between article 1, which does obligate us to enter into a conference under certain circumstances, and article 2, which only obligates the parties to communicate fully and frankly with each other, which may be done wholly, and naturally would be, through diplomatic channels?

Mr. BORAH. It might be, but if so this treaty is absolutely unnecessary, because we have diplomatic channels open all the time.

Mr. LENROOT. Yes; but there is no obligation upon the part of any one of the four powers to communicate fully and frankly through those diplomatic channels in a case such as has been cited.

Mr. BORAH. That is an obligation which is written in the consciousness and in the honor and in the decency of every nation, and in every principle of international law known to civilization, provided the controversy is between the United States and another power. Of course, we would not be bound to confer about another nation's attack and I do not want to agree to do so.

Mr. LENROOT. Does the Senator contend that if Japan is attacked by Russia, without any treaty, there is any obligation upon the part of Japan to communicate fully and frankly concerning that transaction with the United States?

Mr. BORAH. I do not.

Mr. LENROOT. I do not.

Mr. BORAH. Then let us take another phase of it. Here is what this treaty says:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly.

That might be by conference.

Mr. LENROOT. It might be.

Mr. BORAH. Yes—well, that is all I contend.

Mr. LENROOT. But there is no obligation to do it by conference.

Mr. BORAH. I am discussing the other feature of it now. The Senator said there was no obligation here to do it by conference.

Mr. LENROOT. Yes.

Mr. BORAH. I say that there is just as much obligation to communicate by conference as there is to communicate through diplomatic channels. It says that they shall communicate. It does not say "through diplomatic channels." It does not limit it to diplomatic channels. It might be through a conference, just the same as provided by article 1, and it was for that reason that I referred to it. In addition to that, I was taking the construction which the able Senator from Alabama [Mr. UNDERWOOD] placed upon it, and the construction which the Senator from Massachusetts [Mr. LODGE] placed upon it—that it provided for a conference. I am not at all concerned about whether it is by letter writing or face to face; but I can imagine that if it were a war situation it would likely be face to face.

Mr. LENROOT. Does not the Senator think there is a very clear distinction? He spoke of the case of Mr. Hughes attending a conference, and entering into some moral obligation binding upon Congress, whereas under the language of article 2 the presumption is that the constitutional authorities of this Government will deal with that situation, and if an understanding is arrived at with reference to war it will be the Congress that enters into the understanding.

Mr. BORAH. But the trouble with that presumption is that it is refuted by the language of the treaty itself. Of course, if the Senator were correct, I again say that it seems to me the treaty would have no considerable effect one way or the other; but this treaty does not provide that the Congress shall do it. It says:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding.

Does the Senator think that that really means that the Congress of the United States shall communicate with the Diet in Tokyo and with the House of Commons in London? Is not this clearly and necessarily an executive act? If war were imminent, would the Executive ask us to appoint a committee to confer? Banish the thought! It would both as a practical proposition and as a governmental proposition be carried on by the Executive or his agents. I am sure the Senator does not think this would be attended to by Congress.

Mr. LENROOT. I do not; but I do insist that before the executive department of the Government would have any right to state to the Government at Tokyo that an understanding had been entered into for the use of force upon the part of the United States it would be referred to Congress.

Mr. BORAH. Very well. I agree to that proposition. That is what I have been arguing all this afternoon.

Mr. LENROOT. We agree, then.

Mr. BORAH. I agree that our representative—the Secretary of State or whoever it was that had communicated with them—would do precisely as Sir Edward Grey did. He would say, "Thus and so is the relationship. You Members of Congress are perfectly free, as a contractual proposition and as a constitutional proposition, to decide adversely if you want to; but we have communicated with one another, and we tell you that this is the situation, and we say to you that it is our judgment that it is the only way to meet the situation, and we feel that we are in honor bound to carry it out in that way." That is all I contend for.

Mr. LENROOT. The Senator has several times stressed the action of the British Government. Does the Senator think for a moment that the action of the British Government in declaring war was due to its friendship for France, or any implied obligation in the note of Sir Edward Grey, or does he think that Great Britain entered that war because she believed that her own vital interests were at stake?

Mr. BORAH. Now, the Senator has reached another proposition. I do not think that Great Britain ever entered a war in the world where she did not consider her vital interests at stake, and I do not think that any treaty that may be written will induce Great Britain to shed one drop of blood for the United States unless she thinks her vital interests are at stake. That is no reflection on Great Britain. That is the rule of all nations.

Mr. LENROOT. Very well. Then the Senator does not invoke this letter of Sir Edward Grey as the motive for England's entering into the war, as I supposed he did.

Mr. BORAH. No; the Senator misunderstands me again. I do not think the Senator really misunderstands me, however. The Senator says that I do not invoke that. I am telling you what Sir Edward Grey said to the House of Parliament—that by reason of the relationship which had sprung up through years and years of friendship between France and Great Britain the House of Parliament was in honor bound to vote that Great Britain should go to the protection of France. What I say is that if our representatives come back here and say the same thing to us—that by reason of the negotiations and correspondence which have taken place with Japan during the last five years they are of the opinion that it is to our interest to go into the war—it will have a powerful effect upon the Congress of the United States in driving them into the war. It is one of the things and one of the methods which may wholly blind the Congress or the people and mislead them as to their true interests.

Mr. LENROOT. If it is to our interest, of course.

Mr. BORAH. Does the Senator contend that we would not go into the war unless it was to our interest?

Mr. LENROOT. I understood from the argument the Senator was making that he was arguing that there was some kind of an obligation here, growing out of the relationship alone, that would at some time in the future, if the occasion arose, enable the executive department of this Government to come to Congress and say: "By reason of this relationship you are in honor bound to enter the war." If the Senator wishes to present a parallel case he must omit the words "if it is to our interest that we go in"; and I say that in that kind of a case, if the Executive says we are not bound, and there is no obligation—and there would not be—Congress will be entirely free to act.

Mr. BORAH. Do I understand the Senator to contend that we, although this treaty were in existence, would never enter the war, if there were one, unless our vital interests induced us to enter it?

Mr. LENROOT. I did not understand the Senator's question.

Mr. BORAH. Do I understand the Senator to contend that notwithstanding this treaty, and notwithstanding the fact that conditions might arise where under the treaty it would seem that we ought to enter a war, nevertheless we would not do so unless our individual, vital interests as a nation induced us to do so?

Mr. LENROOT. There might be a possibility, at some time to come, that that might be; but I can not conceive of the United States entering into a war where it does not consider that its own vital interests are concerned. That interest may not be direct. It may be indirect, of course.

Mr. REED. Then, Mr. President, if I understand the situation—and I have been trying to follow the debate—we get to this: We assume no obligation, and no other nation assumes any obligation of any kind, except that if a disturbance is threatened we will write a letter to each other, and then do exactly as we would have done if we had not written the letter—and yet they tell us that this is a great pact of peace that will preserve the peace of the Pacific for a thousand years!

Mr. STANLEY. Mr. President, we do not agree merely to write one letter. We agree to write everybody a letter.

Mr. LODGE. Mr. President——

Mr. BORAH. I yield.

Mr. LODGE. I was, I confess, surprised at the Senator's statement in regard to Belgium, because I happened to be in London at the time the speech was made to which the Senator refers, and it left a very strong impression on my mind that what Sir Edward Grey put forward as the cause of the war was the obligation of England to Belgium. I have been looking up the report in Hansard, and the passage which the Senator read in regard to France occurs in column 1815. In column 1818, on the next page, Sir Edward Grey begins to talk about Belgium. He discusses Belgium from column 1818 to the close of his speech in column 1827. Then, when the Parliament came in in the evening, Sir Edward Grey made a very short statement which related to Germany's attitude toward Belgium, and he wound up with the sentence which amounted to saying that the Government must act. I will read only one passage, because I do not want to break in on the Senator.

Mr. BORAH. Let me say to the Senator that I stated that the Belgian matter was discussed, but that it was only one of the things which were discussed.

Mr. LODGE. Yes; but the Senator said, as I understood him, that he was going to read the rest of the speech.

Mr. BORAH. I did read the rest of it. It was incorporated in the speeches of other Members.

Mr. LODGE. The rest of the speech after the passage which the Senator read, which is six or seven columns of Hansard, is entirely devoted to Belgium.

Mr. BORAH. No; it is not entirely devoted to Belgium.

Mr. LODGE. I think it is. I have just read it.

Mr. BORAH. Let the Senator go ahead and read it, then, if he thinks it is.

Mr. LODGE. It begins in column 1810:

I shall have to put before the House at some length what is our position in regard to Belgium.

Then he quotes from Mr. Gladstone, and traces all the past policy of the Government in regard to Belgium. Then, after saying:

I have one further quotation from Mr. Gladstone as to what he thought about the independence of Belgium—

Which is to the effect that—

We have an interest in the independence of Belgium which is wider than that which we may have in the literal operation of the guarantee.

He goes on to say:

No, sir; if it be the case that there has been anything in the nature of an ultimatum to Belgium, asking her to compromise or violate her neutrality, whatever may have been offered to her in return, her independence is gone if that holds. If her independence goes, the independence of Holland will follow. I ask the House, from the point of view of British interests, to consider what may be at stake. If France is beaten in a struggle of life and death, beaten to her knees, loses her position as a great power, becomes subordinate to the will and power of one greater than herself—consequences which I do not anticipate, because I am sure that France has the power to defend herself with all the energy and ability and patriotism which she has shown so often—still if that were to happen, and if Belgium fell under the same dominating influence, and then Holland, and then Denmark, then would not Mr. Gladstone's words come true, that just opposite to us there would be a common interest against the unmeasured aggrandisement of any power?

Then he says:

It may be said, I suppose, that we might stand aside, husband our strength—

And then he refers to the effect on trade, and he winds up that paragraph by saying:

I can only say that I have put the question of Belgium somewhat hypothetically, because I am not yet sure of all the facts, but if the facts turn to be as they have reached us at present it is quite clear that there is an obligation on this country to do its utmost to prevent the consequences to which those facts will lead if they are undisputed.

The rest of the speech is of a general character. Very little remains.

Then in the evening, when he came in, he said:

I want to give the House some information which I have received and which was not in my possession when I made my statement this afternoon. It is information I have received from the Belgian Legation in London, and is to the following effect:

"Germany sent yesterday evening at 7 o'clock a note proposing to Belgium friendly neutrality, covering free passage on Belgian territory, and promising maintenance of independence of the Kingdom and possession at the conclusion of peace, and threatening, in case of refusal, to treat Belgium as an enemy. A time limit of 12 hours was fixed for the reply. The Belgians have answered that an attack on their neutrality would be a flagrant violation of the rights of nations and that to accept the German proposal would be to sacrifice the honor of a nation. Conscious of its duty, Belgium is firmly resolved to repel aggression by all possible means." Of course, I can only say that the Government is prepared to take into grave consideration the information which it has received. I make no further comment upon it.

I can not find that he spoke again on the 3d of August. That concludes his speech.

Mr. McCORMICK. Mr. President, will the Senator from Idaho let me ask the Senator from Massachusetts a question?

Mr. BORAH. Certainly.

Mr. McCORMICK. Does the Senator from Massachusetts remember how often the occupation or invasion of the Lowlands was a cause for war on the part of Great Britain against a great continental power? Three times or four times, at least; was it not?

Mr. LODGE. Certainly.

Mr. McCORMICK. It is the traditional policy of the British Empire, is it not, that no great power shall hold Antwerp?

Mr. LODGE. Absolutely. The only point I wanted to bring out was that Sir Edward Grey gave very great weight to the affair of Belgium—more, I think, than the Senator from Idaho attributed to him.

Mr. BORAH. Mr. President, I have said that Sir Edward Grey included in his reasons the question of Belgium. He also included the proposition of the general commercial interests of Great Britain.

Mr. LODGE. Yes. He devoted the larger part of his speech to Belgium, I think.

Mr. BORAH. He might have devoted the larger part of his speech to it for the simple reason that he went into a historical survey of the Belgium matter. But if the Senator will read the debate which took place upon the part of those who were replying to Sir Edward Grey, he will find that they all referred to the appeal which he had made as a matter of honor to stand by France by reason of the close friendship which had grown up under this understanding.

Mr. LODGE. I can not answer that without reading the debate which followed his speech and which is not long. As I say, I happened to be in London at the time, and I followed with great closeness the debate, which was fully reported, of course, from day to day. While I can not trust my memory for details so far, at the same time the very strong impression left on my mind was that the leading point in Sir Edward Grey's famous statement of August 3 was the German invasion of Belgium.

Mr. BORAH. It might have been the leading point in the mind of the Senator from Massachusetts, and I may be in error, but there is no possible doubt but that Sir Edward Grey made an appeal to the House of Parliament based upon the relation of friendship between Great Britain and France arising out of the negotiations, which, however, he said did not legally bind them to enter the war.

Mr. LODGE. That is quite true. The Senator read that passage, and I have reread it.

Mr. BORAH. That is all that I have contended for, and it is all I contend for now.

The Senator from Massachusetts has referred to the Belgian treaty, and the Senator from Illinois [Mr. McCORMICK] has intimated that England has always stood by the Belgian treaty. Did she stand by it in 1870?

Mr. McCORMICK. The Senator from Illinois did not say that.

Mr. LODGE. I did not know that Belgium and Holland were involved in the war of 1870.

Mr. BORAH. Then the Senator ought to refer to the speech which impressed him so much when he was in London, because Sir Edward Grey referred specifically and at length to that proposition.

Mr. LODGE. Oh, he quotes Gladstone and others as to the history of the past; but certainly Belgium and Holland were not in danger in the war of 1870.

Mr. BORAH. They were considered to be in danger, and I will read to the Senator what Mr. Gladstone said.

Mr. LODGE. That may or may not be. My point was that the Belgian matter had a great deal to do with the action of Sir Edward Grey in presenting the subject to the House of Commons.

Mr. BORAH. I have not disputed that, and neither did I state that it did not have anything to do with it; but does the Senator contend that that was the only reason?

Mr. LODGE. No; I do not contend that that was the only reason. I contend that that was the reason that brought war immediately.

Mr. BORAH. But the Senator does not contend that that was the only reason that Sir Edward Grey assigned for entering the war?

Mr. LODGE. No. He stated the aspect of the French question, of course.

Mr. BORAH. Exactly. Then, there is no difference of recollection between the Senator and myself.

Mr. LODGE. Except that I thought the Senator rather passed over hastily the Belgian part of it.

Mr. REED. Mr. President——

Mr. McCORMICK. Mr. President, is my memory at fault? In 1870 did not the British Government ask and receive assurances from the belligerents that they would respect Belgian neutrality?

Mr. BORAH. I will read what Gladstone said—he perhaps knows better—and I will read what Sir Edward Grey said. We have plenty of time. This is Sir Edward Grey speaking:

What was our own attitude? The people who laid down the attitude of the British Government were Lord Granville, in the House of Lords, and Mr. Gladstone, in the House of Commons. Lord Granville, on the 8th of August, 1870, used these words. He said—

I will not quote Granville's words, because they are irrelevant.

Mr. Gladstone spoke as follows two days later:

There is, I admit, the obligation of the treaty.

Speaking of the treaty with reference to the neutrality of Belgium.

It is not necessary, nor would time permit me, to enter into the complicated question of the nature of the obligations of that treaty; but I am not able to subscribe to the doctrine of those who have held in this House what plainly amounts to an assertion that the simple fact of the existence of a guaranty is binding on every party to it, irrespectively altogether of the particular position in which it may find itself at the time when the occasion for acting on the guaranty arises.

Therefore, Mr. Gladstone insisted that while the treaty was an obligation and the guaranty existed, the situation was so changed that England reserved the right to disregard the guaranty if her interests lay in that direction.

It was not by reason of the existence of the Belgian treaty, because they had refused to recognize the guaranty in 1870 as binding regardless of the position which they might occupy. It was because the position was different under the guaranty in 1914 from what it was in 1870.

Mr. McCORMICK. Mr. President, I have suggested that the British policy in 1870, as in 1914, was a traditional British policy, from which the British Government departed sometimes, a policy that Belgium should not fall into the hands of a stronger power, and that that was the motive which led the Government in 1870 to ask for the assurances from Prussia and from France.

Mr. BORAH. But that was not what led Mr. Gladstone to say that, regardless of the guaranty, England would not be bound by the guaranty if her position was not in harmony with the guaranty.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. Does not the position taken by the Senator from Illinois [Mr. McCORMICK] and the Senator from Massachusetts [Mr. LODGE], to wit, that England went into the late war not because of the treaty but solely because of her interests, lead to this, that in the present instance she would have no regard for her treaty, but would only have regard for her interests, so that all we are coming to is that we are going to agree, in the event of a disturbance, to confer? We are not to be bound by the contract, and every nation is to be free to decide according to its own interests at the time, and will be governed by its own interests at the time.

If that is the case, then this obligation or this treaty gives us no assurance, and we will continue, after it is entered into, just as we are now, governed by our own interests, and each nation will be governed by the same principle. That is to say, the whole thing is something worse than a farce, and yet we are asked to rely upon it to reduce our armaments in accordance with another treaty which they say depends upon it; yield the right to fortify our possessions in the Pacific; yield the right to fortify the islands clear at the north, thousands of miles from Japan; and to place ourselves in such a position that if Japan and England saw fit to act jointly against us we could be overwhelmed almost in a day upon the ocean.

Mr. BORAH. Mr. President, in view of the somewhat distracted presentation of the question of Sir Edward Grey's speech, let me restate it briefly, so that it may appear in the RECORD as I understand it.

Sir Edward Grey appeared upon the 3d of August and presented the reasons why in his judgment it would be necessary for England to take up arms. One of the strong reasons which he presented was the relationship existing between France and Great Britain by reason of their being members of the entente. If there is a single historian who has interpreted the speech otherwise, I have not been able to find him.

Another reason which was presented was the Belgian treaty. A third reason was that it would interfere with the commercial interests of Great Britain should Germany succeed at the end of the war. Those three reasons I concede were all presented. I was not interested in presenting any but the one which I thought was applicable to this particular treaty, to wit, that by reason of the relationship between the three powers owing to their membership in the Entente as a matter of honor Great Britain had to enter the war. I say that that is the construction which has been placed upon the speech time out of mind by other writers and speakers, and which I think admits of no controversy. Of course, the Belgian matter enters into it, and, of course, the question of the commercial supremacy of Germany entered into it, too. There is no doubt about that. But by reason of the fact that they were all members of the Entente, the other question was appealed to as a matter of honor.

Mr. EDGE. Mr. President, the Senator will admit, I am sure, that if Great Britain had not been a member of the Entente the other two reasons would have been quite sufficient to engulf them in the war, will he not?

Mr. BORAH. I presume they would. I think the threat of the commercial supremacy of Germany would have engulfed them in the war.

I had intended to refer to the practical execution of article 2. I state again that I do not claim that article 2 takes away from Congress the power to declare war. Neither did the covenant of the League of Nations, and it could not. You can not take away the power of Congress to declare war by treaty. What we contended for then, and what I contend for now, is that it superimposed a situation which made Congress nothing more than the nominal executor of a decree which had been reached by an agent.

So I come back to Article II for a practical construction of it, and a practical execution of it. It reads:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly.

They may do that by letter, they may do that by conference. They may do it in any way which at the time appeals to them as the most efficient method, but they are to communicate fully and frankly, and interchange views. For what purpose? For the purpose of arriving at an understanding, an agreement, a conclusion. That is the purpose of the meeting. Secondly, an understanding for what purpose?

As to the most efficient measures to be taken jointly or separately to meet the exigency.

What exigency? The attack, the aggression. So they have communicated; they have met, they have conferred, they have arrived at an understanding, and the understanding is as to the best method of meeting the aggression.

They do not have to decide, of course, under this treaty that the only way to meet it is by war. But does any Senator contend that that is excluded? If you look at the Root-Takahira agreement, or if you look at the agreement between Russia and Japan in 1916, you will find the word "pacific." You will find the language "employ pacific measures to meet the exigency." The word "pacific" is not in this treaty. Mr. Root was familiar with the term; he had used it. It was in a previous understanding which he had written. It was in the treaty between Japan and Russia, "to arrive at an understanding as to the most pacific measures to meet the situation," or as to the "pacific measures." If they had desired to limit the jurisdiction of this conference to "pacific" measures, why did they not insert the word which would do the business?

They left it open for the conference to have full jurisdiction. They can meet the exigency by a blockade; they can meet it in any way which suggests itself to them; they can meet it by determining upon war. I think no one will controvert the proposition that it is within their power to decide that; and, then, if we assume that a conference has taken place, and they have decided upon war as the most efficient measure, what is the duty of Congress? Or suppose they do not actually conclude the understanding, but after communication they report to Congress that in their opinion the exigency is a grave one and can only be met by armed forces, will not Congress be in honor bound to send armed forces? Will we quit while our associate under the treaty is under fire, or will we meet marching troops by a pious ejaculation that they should be ashamed of themselves and go home?

I agree that, of course, they have a perfect right to reject the report. So said Earl Grey to the Parliament, "You have a perfect right to do so." But the relationship which has sprung up between Japan and the United States by reason of these negotiations is such that we feel that we are in honor bound to go ahead with it. It might not be the controlling influence of Congress, even, but does anybody doubt that Congress would be under a moral obligation to carry that out? I can not understand the compact in any other light.

Mr. President, having agreed upon this measure which involves war, it is presented. Then the acute mind of the Senator from Connecticut will prompt him to say to the President, when he presents the result of the conference, "Oh, Mr. President, we put into this treaty a reservation that this is not an alliance."

"Oh, yes, certainly," the President would say, "It is not an alliance. I am not contending that it is an alliance. But you did leave it open for the delegates or conferees to arrive at an understanding as to the most efficient measure to meet the situation, and I am telling you that we have arrived at this and so."

Then the reservation would be quoted again to the effect that we are not committed to the use of force, and the President would be told, "Mr. President, that was written into the treaty in the way of a reservation." The President would say, "Certainly you are not committed. I tell you that you are free. You have the right under the Constitution to decide against it if you wish to; but I am saying to you that your conferees, whom you have designated under this treaty to confer, have met, and they know the situation, and there is only one way, in our judgment, to meet it, and that is by the use of the Army and the Navy."

Then the reservation would be read to a further extent as providing that we are not obligated to defend, and again the President might very well say, "Certainly, you are not obligated to defend. I tell you that you are not obligated to defend; but I say to you that you have authorized us, under the treaty, to arrive at an understanding as to the most efficient measure. We say to you that there is no way to meet the situation except by a war. A million of Trotski's men are marching now to the lower end of Sakhalin, and there is no way to meet it except to send forces there to assist our colleagues. I leave it to you. It is a matter of honor. You can execute it if you like. You can refuse it if you like." Let me make a sug-

gestion to you gentlemen who are fond of reservations, if you want to serve the cause of peace limit the powers of the conferees—write into this treaty before the measure the word "pacific" and write into the treaty before the word "aggressive" the word "unprovoked," and you will greatly serve the cause of peace in the Far East.

Is the Congress of the United States free?

Mr. LENROOT. I would like to ask the Senator who he thinks would have a right to commit the United States to any understanding under the treaty?

Mr. BORAH. If the Senator means to conclude an understanding by declaring war, for instance, I agree that only the Congress could; but what I am saying is that they have met and conferred as to the most efficient means to meet the situation, and that drives home and consummates the understanding.

Mr. LENROOT. Again I call the Senator's attention to the fact that Article II does not provide for a conference, and presumably if a conference is held, it will only be held after we clothe the agents of the United States with power.

Mr. BORAH. Mr. President, this is supposed to clothe them with power.

Mr. LENROOT. Oh, it does not; not under Article II, because there is no provision for a conference there.

Mr. BORAH. I say that very clearly there is a provision for a conference. If the Senator reads the speech of the Senator from Alabama [Mr. UNDERWOOD], he will come to the conclusion that that is the construction which he placed upon it, and that is the construction which the Senator from Massachusetts placed upon it.

Of course, Mr. President, we always get to the point, in considering these treaties which obligate the United States to do something, where it is said they mean nothing and obligate us to nothing. The Senator from Alabama said, in answer to a question from the Senator from Montana [Mr. WALSH], that in his opinion Article II amounted to nothing, and that, so far as he was concerned, he would just as soon see it stricken out. Of course, if that is the construction to be placed upon it, let us strike it out, and when we strike out, the debate will end in 10 minutes.

Mr. LENROOT. Mr. President, of course there is an obligation under Article II, very clearly expressed, and the obligation is to communicate freely and frankly with the other powers concerning the particular matter covered by Article II; but that is the only obligation. There is no one more conversant with the usages of international law in diplomatic matters than the Senator from Idaho, and he knows that the ordinary, usual thing done where that language is used is to communicate through diplomatic correspondence.

Mr. BORAH. Let us suppose it is done by diplomatic correspondence, and let us suppose that this diplomatic correspondence, for the first time in the history of the world, is written so that everybody can understand it, and let us suppose that Mr. Hughes writes a letter to Japan and Japan writes a letter back and says, "This is the situation: We see no other way to meet this situation except by armed force."

Mr. Hughes communicates this message in reply: "We understand your contention to be so and so," and he, as the Secretary of State, concludes that that is true. He has no power, I am perfectly willing to agree, to bind us, but then he comes to the Congress of the United States with his communication, and presents the communication instead of the result of a conference, and the communication discloses to Congress that there is no way to meet the situation except by armed force. What will the Congress do? It is in honor bound to carry it out; there is no question about it at all.

Mr. KELLOGG. Would the Congress be any more honor bound to carry it out than if Mr. Hughes should make the same communication without a treaty?

Mr. BORAH. Certainly.

Mr. KELLOGG. Why?

Mr. GLASS. Then what do we want with the treaty?

Mr. KELLOGG. We want an understanding or agreement that they will consult or communicate with each other to avoid war.

Mr. GLASS. If an understanding or an agreement is meaningless, of what worth is it?

Mr. BORAH. Mr. President, of course, it does not do any credit to the able men who met in that conference to have written a treaty which has no significance at all, and it does not do any credit to their standing as men to come here and say to us that a treaty which imposes no obligation is the basis of the world's peace.

Is the world's peace such a simple thing, after all, that you can end war and have eternal peace by simply making an understanding that we will communicate with one another, but that the communication binds nobody, in honor or anything else, to follow out the judgment of those who may communicate?

Senators say that a conference, either direct or indirect, by letter or otherwise, will result in peace in the Pacific. Then, Mr. President, why not invite more nations into the conference? If all we need to secure the peace of the world is a conference which binds no one, which obligates no one, which leaves us perfectly free after we have conferred, why not, instead of going to Tokyo, go to Geneva? There are 42 nations conferring there.

Mr. KING. There are fifty-odd now.

Mr. POINDEXTER. One answer to that question is that, so far as the United States is concerned, we are not apprehensive of trouble at Geneva, but a great many people were apprehensive that we might have trouble in the Pacific. That is the distinguishing circumstance.

Mr. BORAH. That is a distinction, and, in the light of 1914, it is a conclusive distinction! We did not apprehend any trouble in Europe in 1912. One of the distinguished leaders of American thought, a great educationalist, stated in a speech in 1912 that anybody who talked about a war in Europe was more or less inclined to be insane. We did not expect any trouble even in 1914, but the war broke out in Europe and it reached us. There is infinitely more discontent, more trouble, more sorrow, more misery, more seeds of war in Europe to-day than there are in the Pacific.

Mr. EDGE. The Great War involved us also without our being a member of the entente. Why would not war reach us in the Pacific in the same way?

Mr. BORAH. Of course, I am not contending that we can prevent war either with or without a conference. What I am contending for is the doctrine for which we have stood for 150 years, that when war comes we will decide for ourselves, without any previous binding obligation, where justice, honor, and morality lie, and will go in on that side, if the interests of our country require us to go in at all.

Mr. EDGE. We would decide the question anyway——

Mr. BORAH. The Senator from New Jersey says, we would decide the question anyway without the treaty.

Mr. EDGE. I did not say without the treaty; I said without being bound.

Mr. BORAH. Very well. In view of that, I do not see why Senators do not adopt without hesitancy the amendment of the Senator from Arkansas [Mr. ROBINSON]. The Senator from Arkansas has proposed an amendment which calls Russia and Japan into conference. If conference is a good thing, let us have some more of it.

Mr. POINDEXTER. But if it is a bad thing, we ought not to have too much of it.

Mr. BORAH. If it is a bad thing the true rule is to have none of it. Washington thought it a bad thing, and he therefore spent no time upon the meaning of words or the shades of language. He rejected the whole scheme of political connections with foreign powers.

Mr. STANLEY. Mr. President, I suggest that the reservation suggested by the Senator from New Jersey [Mr. EDGE] is much better and more acceptable than the reservation which has been proposed by the Senator from Arkansas [Mr. ROBINSON]. With all due respect to the Senator from Arkansas, if he will merely put into his reservation a phrase that is sometimes quoted with reference to the doctrine of foreordination, that what is to be will be whether it ever happens or not, we shall have no trouble; and if the Senator will just put into his reservation to the treaty that "we are going to ratify this treaty, but we are not going to be bound by it after we ratify it, and will act just as we would have acted if we had not signed it," there can be no trouble about ending this debate and going on with some other business.

Mr. EDGE. It seems to me that we are getting in almost the same position that we occupied when we dealt with the Democratic League of Nations treaty. After adopting by a majority vote various reservations to that treaty, the majority of the Senate, at least, came to the conclusion that we were not bound morally or legally, with the reservations adopted, to enter war under the thus revised terms of admission to the League of Nations. So far as binding us to war is concerned, I view this four-power treaty, without reservations, as practically occupying a parallel position with the League of Nations treaty with reservations, and I wonder sometimes why our distinguished friends on the other side of the aisle, who were perfectly willing to accept the League of Nations without reservations, are so much opposed to this treaty. Surely they can not contend that we would have been as free from possible war entanglements under the league commitment as under the four-power conference?

Mr. BORAH. "A Daniel come to judgment!" You have said it all. This scheme has all the vices and not one of the virtues of the league.

Mr. McCORMICK. Mr. President, the Senator from New Jersey has in one sentence said more to incline some of us to the view of the Senator from Idaho than has been said all day.

Mr. EDGE. I am glad I have so much influence with the Senator.

Mr. STANLEY. If the Senator from Idaho will pardon me, I wish most heartily to welcome the Senator from New Jersey into our homeopathic school of thought. I do not believe, however, he quotes this side correctly when he says we are violently opposed to this treaty. For one I have never been violently opposed to the treaty. It does not fill me with apprehension, but at times such contentions inspire aversion or disgust.

Mr. BORAH. I should like to discuss for a few minutes the Anglo-Japanese alliance. Just a few words upon that and I shall close, if I may be permitted to do so. The first Anglo-Japanese alliance was entered into on January 30, 1902. I wish to read merely a paragraph or two from it. It provides:

> The Governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:
>
> ARTICLE 1. The high contracting parties having mutually recognized the independence of China and of Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country.

That is the treaty of 1902. It will be observed, Mr. President, that under the treaty of 1902 both countries recognized and were to respect the independence and integrity of China and Korea. Under the treaty of 1905 Korea is left out for the reason that Korea was soon to pass under the domination and control of Japan.

We also had a treaty with Korea by which we agreed to interpose our good offices in case the independence of Korea were assailed. Notwithstanding, when the independence of Korea became involved we did not interpose any objection whatever to the process of amalgamation which took place upon the part of Japan. That treaty, which was written to establish peace in the Far East and to preserve the territorial integrity and independence of China and Korea, was used and made available for the very purpose of incorporating Korea under the domination of Japan, and under the same treaty the aggressions which are now a matter of dispute and which may lead to war upon the part of China took place. The treaty, which was signed for the purpose of preserving the peace of the Far East, has neither preserved the peace nor has it preserved the integrity of those countries which it was made particularly to preserve.

However, it is said, notwithstanding that fact, one of the great objects of this treaty is to get rid of the Anglo-Japanese alliance. The Anglo-Japanese alliance of 1911, according to its terms, does not apply to the United States.

The United States is excepted not by name but by reason of a provision in the treaty, and that exception has been indorsed by Great Britain and also accepted by Japan. Nevertheless, the country does not feel at ease, it is said, because of the existence of the Anglo-Japanese alliance, and it is necessary to get rid of it. That may be true—I do not know; I am not going to argue that question—but I want to ask Senators if they think the United States is uneasy by reason of the alliance between Great Britain and Japan, how do they think Russia and China will feel when this alliance or this grouping is completed by the ratification of the pending treaty? How will they look upon this treaty? They will regard it as a grouping of these four powers to continue the same aggression and the same conduct that took place under the Anglo-Japanese alliance; and before half of the term of 10 years has passed we will see the nations of the Pacific, Russia and China, and also Germany, which will ultimately have its interest there, and other nations forming a counter group; and we will have succeeded in transferring to the Pacific the old system of political groupings which has tormented and tortured Europe for 300 years. That will be the result, and the only result, in my judgment, of the ratification of the four-power alliance. I trust I am for peace. God knows I want to serve that cause if I can find out the way to do so. I do not want to err in that vital, soul-absorbing question. But when I look back over the bloody past, with its dead and diseased and insane, and recognize as the most prolific source of all this unspeakable misery this system of political grouping, this system of the balance of power, I have not the courage to tell the people of my country that to continue that system means peace. From my view it would be a cowardly falsehood, a shameless deception, a brazen betrayal.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] to Article I.

Mr. REED. Mr. President, I hope that the Senator in charge of the treaty will not insist on a vote to-night. There are a number of Senators who I know want to have something to say in reference to it. We have listened to two very powerful speeches to-day, and I want to ask if we can not take up some other business? I desire to say something about the treaty myself, but I should prefer not to do so now.

Mr. LODGE. Mr. President, the same statement substantially is made every evening. We have now had the treaty before us for nearly two weeks, and I think we can devote to-day to it. I do not see why we should not vote on the pending amendment.

Mr. REED. I have given the only reason there is, namely, that there are other Senators who desire to speak on the question. There is an important bill that we could just as well take up.

Mr. LODGE. I do not think we should take that bill up now.

Mr. REED. Of course, if the Senator insists on proceeding with the consideration of the treaty, we can go ahead.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment?

Mr. REED. I yield.

Mr. ROBINSON. Mr. President, I desire to modify the pending amendment, so as to make it comport more nearly with other provisions of the treaty, by inserting after the word "controversy," in line 6, the words "relating to said insular rights and possessions or to any far eastern question"; and in line 11, after the word "subject," by striking out "will" and inserting "shall," so that the amendment as modified will read:

> Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy relating to said insular rights and possessions or to any far eastern question which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas as modified.

Mr. REED. Mr. President, it has been said that this treaty can not be considered as a proposition by itself; that it is intermixed with the other treaties; and that, in fact, all of the treaties are a part of one plan. The debate of to-day has demonstrated the fact that the proponents of the treaty are driven to the doctrine that the treaty means nothing, binds us to nothing, and binds no other nation to anything. They argue that the treaty ought to be accepted because it does not mean anything; that when the treaty has been ratified all that the nations have agreed to do under Article II, which is the bone of contention, is to communicate with each other; that the communications may be by diplomatic correspondence or they may be by conference; that the obligation is strictly limited to the matter of communicating, and when the communications have been had the obligation is discharged. That has been asserted over and over again, in substance and effect, by all of the defenders of the treaty this afternoon; and yet we are told that a treaty whose proponents are forced to defend it upon the ground that it does nothing, that it binds no nation to do anything except to write some letters, is a guaranty of peace in the Pacific, and that on the strength of it we should reduce our armaments, give up the right to complete the fortifications we have begun in the Pacific, and trust ourselves to the security of a treaty which does not even give us the promise of assistance in case of attack!

That is the situation reduced to a direct statement. Moreover, we are told by one of the chief proponents of this treaty that even if we were to come to an agreement which had some substance and effect to it, no nation would be bound by it, but each would be governed by its interest when the emergency arose. It is argued that Great Britain did not go into the European war because of any obligation she had undertaken, that she went in for the cold, selfish reason that a menace to Belgium was a menace to Great Britain, and that if it had not been for the selfish interest of Great Britain she would have remained outside the conflict. So we are told that our associates will not even be bound by the letter of the contract to interpose in defense of the purposes of the treaty. But we are also told that even if they were so bound they would be governed entirely by their own interests and would have no consideration for the language of the treaty.

Why was that position maintained here to-day? Because the logic of the situation drives the proponents of this treaty to take that particular ground or else to admit that the United States is bound, for we can not claim that other nations are

bound to come to our support unless we are correspondingly bound to go to their support. Neither can it be claimed that the treaty has virtue and power within its four corners to protect us unless we admit that it has power within its four corners to bring us to the protection of our associates. Fearful to present that issue and that duty fairly to the American people, and knowing that the American people are committed against all kinds of alliances, the proponents of the treaty now weakly contend that the agreement is a cipher, that it amounts to nothing except a promise to indulge in diplomatic correspondence should another nation enter the waters of the Pacific and interfere with the island possessions of any of the contracting parties, but that when you have written the letters your obligation is discharged and you are required to do nothing further.

Mr. President, is that the "guaranty of the peace of the Pacific" of which we have heard? Is that the guaranty upon the strength of which, we are told, disarmament is to take place? Are we to go forth and sink our battleships, which cost many millions of money, because nations have simply agreed that in the event of a dispute with an outside power their ambassadors will write letters to each other? The truth is that the proponents of the treaty put themselves out of court by the plea that they are accomplishing nothing whatever of any value.

I heard that argument made before, with reference to another treaty; and the astounding thing that I find confronting me today is that while at that time there were on the other side of this Chamber a certain determined body of men who declared that the language of article 10 was an exact obligation, and that it must be redeemed, and that they never would give their consent to the making of any kind of obligation which bound us in honor to enter into conflicts originating between other nations than ourselves, a number of those gentlemen who, by the record solemnly made and written, declared that the language of article 10 which has been quoted here so often did bind us, are now asserting that similar language does not bind us, and are making the identical arguments which were then made by some gentlemen who insisted that we could afford to accept article 10 upon the theory that article 10 bound us to do nothing. That was not contended by all; but I am astounded to find the Senator from Illinois [Mr. McCORMICK], and others of that band who delighted in the name of "irreconcilables," now willing to take exactly the same kind of medicine which they then declared to be rank and deadly poison. The only difference between the two kinds of medicine on this particular point is that in one case it was offered by a Democratic President and in the other case it is offered in a spoon held in the hand of a Republican President.

These gentlemen were very patriotic at the time to which I refer. They declared that they put the question entirely above politics and that they were governed only by the welfare of their country. They insisted that the language of article 10 which provided that the council of the league should advise as to the means which should be adopted to repel an attack bound us to follow that advice. Now we find the same gentlemen in the closest kind of communion with the mild reservationists insisting that almost identical language in this treaty binds us to do nothing whatever.

But, aside from the personal aspect, let it now go to the country that it stands admitted by the proponents of this pact, and as their sole defense of the pact, that it binds no nation to do more than merely to write a letter, which it would do or might do anyway; that it is further stated that when they have written the letter to their associates in this agreement they are not bound to follow the opinions that may be expressed as a result of the literary and diplomatic correspondence; and, finally, that they are at perfect liberty, while negotiating with their associates, to carry on negotiations with the antagonists of their associates. If that does not make of this proposition something worse than a roaring farce, then I am unable to understand that which is ludicrous.

Let us apply the arguments for a moment and see where they will bring us. We are making this pact now, we are told, to preserve the peace of the Pacific, and Article II has relation to attacks by powers outside the membership of the pact. An attack is made upon the possessions of the United States, and the United States thereupon proceeds diplomatically, as the Senator from Wisconsin [Mr. LENROOT] says, to take up the question, and so write some letters to Japan with reference to it, or to Great Britain, to which they reply; and now, having written back to us, they have fulfilled their obligations under the pact completely, according to the statements that have been made here this afternoon. But at the same time that they are writing to us they are writing to the country that is making the attack, and they are as much at liberty to come to an agreement with that country as they are to come to an agreement with us. They have no restrictions whatever upon them by virtue of this agreement; and, accordingly, while they are writing letters to us and refusing to agree with us or to come to our rescue, they are writing letters to the enemy that has attacked us, and are at perfect liberty to close the bargain with that enemy.

That is not argument. That is not sophistry, for sophistry implies at least the faint auroral imitation of common sense and reason. That is a complete destruction of every argument that can be put forth in favor of this pact. It renders the treaty at best a cipher. It renders it at worst something that is intended to lull us to sleep, and to convince us of a security which does not exist, and possibly to make us the prey of nations that may see fit to attack us.

That is a fair summing up of the argument that has been produced here this afternoon. How does it contrast with the facts as stated to the great American public?

We were told that because of this agreement between the four powers in the Pacific such a concert of action was assured that no nation would ever dare interfere with the peace of the Pacific. We were told that we could substitute for the security of ships and fortresses and cannon and arms this great pact, because it brought to our support the strength of Great Britain, the strength of Japan, and the strength of France. Now we are told that they are not bound to come with their strength, that they are under no obligation to do anything except to have one diplomatic agency write a letter to another diplomatic agency, and that is the end of the matter!

Is that the meaning of this pact? Is that what it was believed to mean? Or is that a baseless argument produced by men who dare not face the meaning of their instrument? I assert that it is the latter. There is no reason for writing the document at all if it means what has been contended this afternoon, namely, nothing. There is no use in ruining good paper to set down an agreement in solemn form that you will do nothing. The treaty is an agreement, and the proponents of the treaty dare not face the matter. If the treaty meant what they contend, then they would accept a reservation that would remove all doubt; but if they dared face the true intendment and purport of this treaty, they would admit its purposes upon this floor, and stand in defense of those purposes.

The singular thing is that we find the very men who denounced the League of Nations upon the ground that it carried implied obligations now supporting an instrument which carries as clearly the same character of obligations. Thus we witness the fact that even the greatest statesmen, who most often proclaim that their patriotism is beyond politics and that all political obligations end at the ocean's shore, are nevertheless willing to do at the behest of a Republican President that which they most vigorously denounced when it was proposed by a Democratic President.

Mr. SWANSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REED. I am perfectly willing to yield.

Mr. SWANSON. I desire to ask if we can not take a recess until to-morrow at 12 o'clock, with the understanding that we shall vote at a reasonable time on the amendment offered by the Senator from Arkansas [Mr. ROBINSON]? I suggest 4 o'clock as the time for voting on that amendment, with a recess until 12 o'clock.

Mr. LODGE. Mr. President, I do not see why we may not take a vote at 3 o'clock to-morrow.

Mr. SWANSON. That would possibly necessitate a recess until 11 o'clock, and I do not see anything to be accomplished by meeting at that hour.

Mr. LODGE. That would give us at least an hour additional.

Mr. SWANSON. This is a very important matter, and several Senators desire to be heard on the amendment.

Mr. LODGE. I suggest that we meet at 11 o'clock and vote at 3 o'clock.

Mr. REED. So far as I am concerned, I think that we ought not to vote on this amendment to-morrow or next week, but I will not stand in the way of others if they want to agree to vote to-morrow. However, if we make such an agreement, I desire a recess or an adjournment until 12 o'clock, and that the vote be not taken until at least 4 o'clock.

Mr. SWANSON. I think 4 o'clock is a reasonable hour, and I believe the Senator from Massachusetts would get along better by consenting to such an arrangement. Mr. President, I make that request for unanimous consent.

The PRESIDING OFFICER. The Secretary will state the request for unanimous consent.

The ASSISTANT SECRETARY. The Senator from Virginia asks unanimous consent that at not later than 4 o'clock tomorrow, Tuesday, March 14, 1922, the Senate will proceed to vote, without further debate, upon the pending amendment, the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] to Article I.

Mr. WALSH of Montana. Mr. President, if that request is agreed to, of course, some arrangement ought to be made in regard to the time allotted for debate.

The VICE PRESIDENT. Is there objection to the request for unanimous consent?

Mr. REED. Just a moment.

Mr. ROBINSON. Mr. President, will the Senator from Missouri yield for a moment?

Mr. REED. I yield.

Mr. ROBINSON. Mr. President, I desire to discuss the suggestion which was made by the Senator from Wisconsin [Mr. LENROOT] during the course of the address of the Senator from Idaho [Mr. BORAH]. It seems that the Senator from Wisconsin, for some reason which he did not quite make clear to me, takes the position that a conference under Article II is improbable, and that the method of communication likely to be adopted by the four parties to the treaty in the case of aggressive action by an outside power against any one of them is the ordinary diplomatic process.

I think upon reflection Senators will agree that such processes would hardly be a practicable means of communication among the four powers. Where the parties to communicate are limited in number to two, I know of no reason why communications may not occur through the ordinary diplomatic processes, but where there are four parties to a treaty, and they undertake in the treaty to communicate with each other fully and frankly, I maintain that clearly the conference method is the logical and necessary method, if the communications are to be frank and full.

If the ordinary diplomatic method of writing notes be resorted to in such cases, the conclusion to be arrived at through the processes of communication would be indefinitely delayed. Furthermore, it would be necessary for the Secretary of State, for instance, to inform Japan of all he had communicated to Great Britain and France, and after replies to his communications the same process would be required as to each of the other members of the alliance or compact, so that it would be very difficult, if not impracticable, to carry out an agreement to communicate fully and frankly by the usual process of writing notes. A conference of some form would be the natural, the reasonable, and the logical process of carrying on the communications, and I do not understand why the Senator from Wisconsin should want to get away from the theory of conferences, since it seems to be advanced by the proponents of this treaty as a great step forward toward securing the peace of the world.

Mr. CARAWAY. Mr. President, what difference would it make whether the communication was by notes or by special agents? What advantage does the Senator from Wisconsin think he offers by saying it would be through the regular diplomatic channels?

Mr. ROBINSON. I can not read the mind of my friend the Senator from Wisconsin, but I assume—and if I am not correct in the assumption he will correct me—that the purpose of submitting this proposal was to escape the contention of the Senator from Idaho that the meeting in conference under the terms of Article II implied obligations growing out of the conclusions reached by the conference.

Mr. REED. He thought he had backed off a little further.

Mr. ROBINSON. That is an undiplomatic way of expressing it.

Mr. LENROOT. Just a word with reference to the statement made by the Senator from Arkansas. The Senator must admit that under article I there is an obligation to have a conference. The Senator must likewise admit that there is no such obligation under Article II. The only obligation under Article II is to communicate fully and frankly with each other.

Mr. ROBINSON. Will the Senator yield to me?

Mr. LENROOT. Certainly.

Mr. ROBINSON. I think I can shorten this feature of the debate very materially. I admit, as I think every other Senator will admit, that the process of communication provided for in Article II is not specifically defined, and that the powers will therefore be at liberty to adopt any process which pleases them, and which they think is suitable to their purpose. I make the further observation, and express it as my opinion, that they will likely adopt the conference process, because the method of writing diplomatic notes will not furnish a speedy and practicable means of communication under Article II, there being four powers to communicate.

Mr. LENROOT. I was about to follow what I started to say with just this statement, that a very good reason exists for the different treatment in Article II from that which is accorded in Article I. Article I provides for a conference in which any dispute affecting the rights covered by the treaty shall be considered. There can be no new arrangement outside of the terms of that treaty under Article I. There can be no new obligation incurred under Article I. There may be new obligations incurred under Article II, but there being no obligation to go into conference, the inference is irresistible that the framers of that article had in mind that the United States could only be committed to an understanding in a certain way, and that it could not be committed in conference.

Mr. SWANSON. Mr. President, I would like to have my request for unanimous consent stated.

The VICE PRESIDENT. The Secretary will state the request for unanimous consent.

The Assistant Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, March 14, 1922, the Senate will proceed to vote without further debate upon the amendment of the Senator from Arkansas [Mr. ROBINSON] to article 1 of the pending treaty.

The VICE PRESIDENT. Is there objection to entering into the unanimous-consent agreement?

The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. ROBINSON. I ask unanimous consent that the pending amendment be reprinted as modified.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. I yield to the Senator from Oregon [Mr. McNARY].

Mr. McNARY. Mr. President——

Mr. LODGE. One moment. I beg pardon of the Senator from Missouri [Mr. REED]. I did not mean to take the floor from him.

Mr. REED. I yielded the floor long ago. The Senator is in his right.

Mr. LODGE. I yield to the Senator from Oregon.

Mr. McNARY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to.

CHARGES DUE ON RECLAMATION PROJECTS.

Mr. McNARY. There is on the calendar a bill (S. 3140) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes, reported by me from the Committee on Irrigation and Reclamation favorably with amendments.

A similar bill passed the House a few days ago. Briefly, it authorizes the Secretary of the Interior to extend for a period of one year the payment of construction charges on certain irrigation projects. I do not mean to say the projects as a whole, but it clothes the Secretary of the Interior with discretion, in case he finds an individual entryman or water user unable to pay his construction charges by reason of the agricultural depression, to defer the payment one year, upon the payment of 6 per cent interest on the deferred payments. That does not apply to all instances, but just to a few, and, as is stated in the Secretary's letter, it is only occasionally that it is necessary.

The Senate bill received a favorable report unanimously from the Committee on Irrigation and Reclamation a few days ago.

A few days ago the House passed the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes. It is the same as the Senate bill on the calendar as I introduced it, and I move that the Committee on Irrigation and Reclamation be discharged from its further consideration, with a view to its passage by the Senate.

The motion was agreed to.

Mr. McNARY. I now ask for the present consideration of House bill 9606.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McNARY. I move to amend the bill by striking out all after the enacting clause and inserting the Senate bill as reported from the Committee on Irrigation and Reclamation with amendments.

The VICE PRESIDENT. The proposed amendment will be read.

The ASSISTANT SECRETARY. Strike out all after the enacting clause and insert:

That where an individual water user or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stat., p. 388), or any act

amendatory thereof or supplementary thereto, is unable to pay any construction charge due and payable in the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to extend the date of payment of any such charge for a period not to exceed two years from December 31, 1922: *Provided*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior by a detailed verified statement of his assets and liabilities, an actual inability to make payment at the time the application is made, and an apparent ability to meet the deferred charge when the extension expires; also in cases where water for irrigation is available, that the applicant is a landowner or entrryman actually cultivating the land against which the charge has accrued: *Provided further*, That similar relief may be extended by the Secretary of the Interior to an organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary: *And provided further*, That each charge so extended shall draw interest at the rate of 5 per cent per annum from its due date in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of such extension period, any penalty that would have been applicable save for such extension shall attach from the date the charge was originally due, the same as if no extension had been granted.

SEC. 2. That the Secretary of the Interior is hereby authorized, in his discretion, after due investigation, to furnish irrigation water on Federal irrigation projects during the irrigation season of 1922 to landowners or entrymen who are in arrears for more than one calendar year in the payment of any operation and maintenance or construction charge, notwithstanding the provisions of section 6 of the act of August 13, 1914 (38 Stat., p. 686): *Provided*, That nothing in this section shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said act: *Provided further*, That the relief provided by this section shall be extended only to landowners or entrymen who are actually cultivating the land against which the charges have accrued.

Mr. PITTMAN. May I ask the Senator if this is the bill we had under consideration in the committee?

Mr. McNARY. It was under consideration in the committee about a month ago and ordered to be reported favorably with two amendments, one extending the time to two years and the other making the rate of interest 5 per cent.

Mr. JONES of Washington. I desire to offer an amendment to the amendment. It relates to the Wapato project of the Yakima Indian Reservation in the State of Washington. I introduced a bill a short time ago with reference to the construction charges on that project and it has been favorably reported on by the department. The charges will become due, I think, on the 1st of April, and then the water will be shut off if they are not paid. The conditions are substantially the same as those relieved by the pending bill, and I feel that it is almost imperative that this amendment should be placed on the bill.

Mr. McNARY. So far as I have the power, I will accept the amendment to the amendment, because I understand its purpose and it is a case of much merit.

The VICE PRESIDENT. The amendment to the amendment will be reported.

The ASSISTANT SECRETARY. It is proposed to add to the amendment:

That section 28 of "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921, pertaining to the collection of charges from landowners on the Wapato project of the Yakima Indian Reservation, Wash. (41 Stat. L., p. 451), following the words "*And provided further*," be amended to read as follows: "That the Secretary of the Interior is hereby authorized and directed to collect on or before December 31 of each calendar year hereafter, including 1922, from landowners other than Indians under the said system the sum of $3.50 per acre for each acre of land to which water for irrigation purposes can be delivered from the said system, which sum shall be credited on a per acre basis in favor of the land in behalf of which it shall have been paid and be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined, and the total amount so collected, including any money collected from Indian allottees, shall be available for expenditure under the direction of the Secretary of the Interior for continuing the construction work on the said system.

"That upon the failure of any landowner to pay annually the construction charge as herein provided within the year within which it is chargeable, and as to any unpaid amounts due for the years 1920 and 1921, the Secretary of the Interior, in his discretion, is hereby authorized to grant an extension of time within which such payments may be made for such time and upon such terms, including interest charges, as he may determine and under such rules and regulations as he may prescribe: *Provided*, That no extension for the payment of any amount due for the years 1920 and 1921 shall in any event be extended beyond January 1, 1925."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in secret session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate in open executive session take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate, in open executive session, took a recess until to-morrow, Tuesday, March 14, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13 (legislative day of March 9), 1922.

POSTMASTERS.

GEORGIA.

John A. Crawford, Dalton.
Gordon B. Hulme, Kingston.

IDAHO.

Ira W. Moore, St. Anthony.
Charles H. Hoag, Worley.

ILLINOIS.

Edward H. Hannant, Mount Sterling.

INDIANA.

Edgar H. Newlin, Bloomingdale.
Ernest W. Showalter, Brookville.
William O. Nation, Centerpoint.
Minnie A. Walpole, Fairmount.

IOWA.

Cleon F. Wigton, Britt.
Armanis F. Patton, Gowrie.
Lynn McCracken, Manilla.
Ida G. Schloeman, Norway.
Danel O. Clark, Ogden.
Otto Anderson, Osslan.
Charles P. Ell, Rudd.

KANSAS.

Harry T. Hill, Colony.
Mae Shaw, Dorrance.
Samuel N. Nunemaker, Hesston.
William B. Ferguson, Latham.

KENTUCKY.

John P. Perkins, Albany.
Robbie M. Hay, Columbus.
H. Greene Hicks, Olive Hill.
Frederick W. Fravert, St. Matthews.

MISSISSIPPI.

Davis Staples, Stewart.

MISSOURI.

Abraham M. Smelser, Grandin.
James H. Somerville, Mercer.
John J. Sleight, Montgomery City.
Glenn S. Elliston, Montrose.
Fred Kelley, Puxico.
May Venard, Tina.
Leland T. Moore, Warsaw.

MONTANA.

Sidney Bennett, Scobey.

NEW JERSEY.

William W. Yates, Bivalve.
Hillis K. Colkitt, Vincentown.
George W. Scarborough, Yardville.

OHIO.

Egbert H. Phelps, Andover.
Harry W. McKinstry, Athens.
Clarence McKinnies, Hamden.
George F. Rundles, Jefferson.
Cortelle B. Hamilton, Kinsman.
Adda B. Henkle, Larue.
Leonard L. Harding, Milford.
Mathias Tolson, Salineville.
Fred Mills, Sebring.
John M. Sweeny, West Alexandria.

SOUTH DAKOTA.

Samuel E. Laurer, Canova.

TENNESSEE.

Lucile Brown, Cornersville.
Jasper D. Wright, Jamestown.
Carlos C. Davis, Redboiling Springs.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 13, 1922.*

The House met at 12 o'clock noon, and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou art our everlasting portion—the priceless gift of all life, which can not be altered nor consumed. With this day we have the assurance of safety, protection, and of love. Toward Thee our hearts, our minds, and our memories are quickened with the deepest gratitude. We would declare our need and our acceptance of Thee as the source of all blessings that we enjoy. May we take our pledge to do our part and take a care to live and to labor for the good. Give wisdom and direction to all deliberations. With a heart of gladness and with a spirit that serves may we lighten life's burden, lift life's load, and brighten life's way. Through Christ our Savior. Amen.

The Journal of the proceedings of Saturday was read and approved.

RESIGNATIONS FROM COMMITTEES.

The SPEAKER pro tempore laid before the House the following resignations from committees:

Hon. FREDERICK H. GILLETT,
The Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committees on Claims; Coinage, Weights, and Measures; and Expenditures in the Department of Commerce, to take effect immediately.

Very respectfully, yours, MICHAEL J. HOGAN.

—

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I respectfully tender my resignation as member of the Committee on Rivers and Harbors.

Very truly, yours, HENRY E. OSBORNE.

—

Hon. FREDERICK H. GILLETT,
The Speaker of the House of Representatives.

DEAR MR. GILLETT: I am notified that I have been chosen by the Committee on Committees to fill an existing vacancy in the Committee on Foreign Affairs, and in accordance with the requirements for acceptance of such honor and preferment, I hereby tender to you my resignation as a member of the Committees on Claims, Expenditures in the Department of Agriculture, and Flood Control.

Sincerely yours, CYRENUS COLE.

—

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committees on the Merchant Marine and Fisheries, and Labor, the same to take effect immediately.

Sincerely, yours, OGDEN L. MILLS.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3170. An act regulating corporations doing a banking business in the District of Columbia;

S. 3200. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; and

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10663. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes"; to the Committee on Reform in the Civil Service.

S. 3200. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

S. 3170. An act regulating corporations doing a banking business in the District of Columbia; to the Committee on the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10267. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street; and

H. R. 8183. An act to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906.

ENROLLED BILL SIGNED.

The SPEAKER pro tempore announced his signature to enrolled bill of the following title:

S. 490. An act to consolidate national forest lands.

EXTENSION OF REMARKS.

Mr. DAVIS of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

Mr. DAVIS of Tennessee. I ask unanimous consent to insert in the RECORD in regular 8-point type a letter written by members of the Shipping Board to certain Members of the House, and the reply thereto.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting in 8-point type a letter written by members of the Shipping Board to Members of the House, and their reply thereto. Is there objection?

Mr. MONDELL. Mr. Speaker, I think for the present I shall object.

Mr. GARRETT of Tennessee. Will the gentleman yield before he objects?

The SPEAKER pro tempore. Does the gentleman from Wyoming withhold his objection?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. It seems to me that it is a matter that falls legitimately within the right of a Member. It is about a public matter of very great importance pending now before a committee of the House, a legislative matter.

Mr. MONDELL. I understand it is a letter written by certain gentlemen in their individual capacity to certain other gentlemen, and their reply, not an official matter.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. DAVIS of Tennessee. The letter was written by certain members of the Shipping Board as such to certain members of the Committee on the Merchant Marine and Fisheries as such, and a reply was made thereto, and on Saturday the letter written by members of the Shipping Board was inserted in the RECORD in the Senate. In addition to that, they gave to the press their letter at the time it was written, and references having been made to it in the press, it occurs to me it is nothing but fair, their letter having been inserted in the RECORD and reference made to it in the press, that Members of the House have an opportunity to insert in the RECORD their reply.

Mr. MONDELL. In view of the statement made by the gentleman as to the character of the correspondence, I shall not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

UNITED STATES SHIPPING BOARD,
Washington, March 6, 1922.

Hon. EWIN L. DAVIS,
House of Representatives.

DEAR SIR: The message of the President and the bill introduced simultaneously by the chairman of the Senate Committee on Commerce and the chairman of the Marine and Fisheries

Committee of the House, having reference to further measures considered essential to establish, in full force and effect, an American merchant marine, were based very largely upon an intimate study made by the United States Shipping Board after extended hearings, at which men of all shades of opinion on the subject and intimately familiar with shipping were present.

In considering the questions the attitude of political parties, past and present, was not given consideration by the board, and the Democratic members of the board were governed solely by the real questions involved:

(1) The necessity for maintaining a merchant marine developed from the immense fleet called into existence by the emergencies of war.

(2) The necessary action to be taken to assure to the United States its former position and prestige on the high seas.

Aside from the economic necessity for the establishment of an adequate merchant marine under the American flag, deep consideration was given to that aspect embodied in the merchant marine act, 1920, providing for the merchant fleet to be a naval auxiliary in time of war. It is our opinion there can be no divergence of opinion as to the necessity for the full establishment of an American merchant marine; the only question upon which there could be divergence of opinion is whether aid, either direct or indirect, or both, should be granted to accomplish that purpose. It is our opinion that the establishment of an American merchant marine will be impossible without such aid as will equalize present differentials that exist in favor of foreign shipping, and our recommendation to the President contemplated direct aid only in the event the indirect aids first suggested were inadequate to properly develop and maintain an American merchant marine, the direct aid itself being nonexistent if the indirect aid sufficed and further limited as to profit to the ship only up to an adequate return to the operator on his investment. This assures no profiteering and brings into being direct aid only when it becomes a final essential to maintain American-flag ships on the high seas.

We understand that there will be a joint hearing of the appropriate Senate and House committees on the bill in question, and we trust you will not deem it impertinent in us, the Democratic members of the United States Shipping Board, to suggest to you and the other Democratic members of the committees of the Senate and House to withhold a final judgment with respect to this legislation until after the hearings have been completed and full opportunity given to the members of the board to state the reasons guiding their action in unanimously recommending direct and indirect aid to American shipping, and so that the full details of the proposal submitted, which has taken many weeks of survey and consideration, shall have been placed in all detail clearly before you.

Respectfully and sincerely, yours,

GEO. E. CHAMBERLAIN.
FREDERICK I. THOMPSON.
W. S. BENSON.

MARCH 9, 1922.

Hon. G. E. CHAMBERLAIN, FREDERICK I. THOMPSON, and W. S. BENSON, *Members United States Shipping Board, Washington, D. C.*

DEAR SIRS: We are in receipt of yours of the 6th instant, with regard to ship subsidy legislation, which has been read with interest and astonishment.

Of course, it is your prerogative to zealously advocate the passage of a bill which will confer upon you and the other members of the United States Shipping Board the greatest power and widest discretion ever conferred upon any board.

You state that "in considering the questions the attitude of political parties, past and present, was not given consideration by the board, and the Democratic members of the board were governed solely by the real questions involved."

You also conclude your remarkable letter with the following:

We understand that there will be a joint hearing of the appropriate Senate and House committees on the bill in question, and we trust you will not deem it impertinent in us, the Democratic members of the United States Shipping Board, to suggest to you and the other Democratic members of the committees of the Senate and House to withhold a final judgment with respect to this legislation, until after the hearings have been completed and full opportunity given to the members of the board to state the reasons guiding their action in unanimously recommending direct and indirect aid to American shipping and so that the full details of the proposal submitted, which has taken many weeks of survey and consideration, shall have been placed in all detail clearly before you.

We readily concede that our merchant marine problem is of such transcendent importance that it should be solved upon merit and principle and not upon partisanship. However, with reference to the manner in which the matter has been handled, we wish to call your attention to certain facts of which you seem to be wholly oblivious. It is generally understood that Mr. Lasker was appointed chairman of the Shipping Board because of very shrewd and valuable political service rendered during the last campaign; he certainly could not have been appointed because of any knowledge of shipping matters. His appointment from a political standpoint has been fully justified because he has demonstrated beyond question that he is a master politician. After months of laborious effort he has succeeded in committing the President to an elaborate and expensive ship-subsidy program, a position never taken by a previous President. More than that, Mr. Lasker has enmeshed all the members of the Shipping Board in this program. This is especially significant in view of the fact that until now perhaps no high Government official in this country has openly and boldly advocated a ship subsidy since the emphatic rejection of such suggestions many years ago.

Furthermore, Chairman Lasker, pursuant to the nonpartisan consideration for which you innocently vouch, invited the Republican members alone of the Merchant Marine Committee and the Commerce Committee to a dinner in his home, and after he had sumptuously fed them unfolded his ship-subsidy program and undertook to commit them to it; and it has since been repeatedly announced in the press that Chairman Lasker has been in conferences with the Republican members of said committees, that they had indorsed the ship-subsidy proposition in principle, and later that a bill had been agreed upon by Chairman Lasker, the President, and the Republican members of said committees. However, we predict that it will be demonstrated that Chairman Lasker misjudges some of the Republican members of said committees.

Still further pursuing this nonpartisan course, a document of 268 pages, in which were assembled all the possible arguments in favor of ship-subsidy legislation, and particularly in favor of the bill which has since been introduced, was prepared and confidential copies thereof furnished to all the Republican members of the Merchant Marine Committee and Commerce Committee. It purported to have been prepared by the Bureau of Research of the United States Shipping Board at the instance of the latter. The undersigned, Mr. DAVIS, addressed a letter to the Shipping Board, requesting a copy of that document as a member of the Committee on the Merchant Marine and Fisheries of the House of Representatives, stating that as it had been prepared by Government officials at Government expense he presumed that he was entitled to a copy thereof. He received a reply from Chairman Lasker, in which he advised that those copies "had been completely exhausted." He further stated that it had been "prepared at the request of the President and for him, and was furnished to him and to such persons as he directed." This statement in spite of the fact that copies of said document had been furnished to all the Republican members of the Merchant Marine Committee of the House and the Commerce Committee of the Senate, but to none of the Democratic members.

Having, as he believes, successfully lined up the Republican members of said committees, Chairman Lasker has apparently assigned to you gentlemen the task of lining up the Democrats on said committees. However, you may tell Chairman Lasker that we are not as easily ensnared as some people he has come in contact with, and that we respectfully refuse to be "bound and gagged" while he and the rest of you advocates of this iniquitous ship subsidy bill industriously disseminate your deceptive propaganda and lull the people and the Congress to sleep while you complete the job.

The resourceful mind of Chairman Lasker was again seen in that a meeting in Washington of the Merchant Marine Association was staged immediately after the delivery of President Harding's address and the introduction of the ship subsidy bills. This association is composed of ship operators and shipbuilders, together with a few citizens who have been artfully brought into the association and placed in the forefront for political effect. Aside from the expected speeches and resolutions in favor of ship subsidy legislation we notice that one of you gentlemen "as a Democratic member of the Shipping Board" was prevailed upon to deliver a speech before said association in the interest of the ship subsidy bill, and those more vitally interested have had that speech carried in the press throughout the country.

You ask us "to withhold a final judgment with respect to this legislation until after the hearings have been completed and full opportunity given to the members of the board to state the reasons guiding their action in unanimously recommending direct and indirect aid to American shipping," and so forth. It will doubtless be true, as you indicate, that the committees

will be flooded with arguments in favor of the bill, and that there will be no real investigation of the problem involved. Furthermore, Chairman Lasker has repeatedly stated that this subsidy bill would be promptly enacted. We may readily assume that if the majority members of the two committees are as represented by Chairman Lasker, as soon as the one-sided hearings are held the bill will be promptly reported to the Senate and the House for action, and if the leaders are in sympathy with the bill it will, at least in the House, probably be promptly called up for action after brief debate. And yet you presume to suggest to us that we withhold our judgment and keep quiet "until after the hearings have been completed." In requesting you to write this letter Mr. Lasker knew full well that if this bill is fully and intelligently discussed and is understood by the American people and they have time to express their will, there will be such an emphatic protest that the bill will not pass at all; that it will meet the fate of similar previous efforts, which were much less expensive and baneful than this measure. You will find that you are not only out of line with the members of the Democratic Party with but a few rare exceptions, but that you are also out of line with a very large percentage of the members of the Republican Party.

Assuming all wisdom, as well as virtue and patriotism, for yourselves with regard to this question, you, on the other hand, assume that we members of the Merchant Marine Committee and Commerce Committee are densely ignorant, whereas it is doubtless true that the members of these committees have devoted as much study and consideration to these questions as you gentlemen. Besides, our course of study has not been mapped out for us. Speaking as to ourselves, we will state that we have devoted a great deal of study to merchant-marine problems ever since before any of you gentlemen were connected with the Shipping Board, one of the undersigned having been an active member of the Merchant Marine Committee for 12 years; and in addition to having read all of the voluminous arguments in favor of ship subsidy prepared at the instance of Chairman Lasker, we have also read various books written by the leading authorities on the subject and the former congressional debates thereon. The more we investigate the question the more fully we become convinced that ship subsidies are wrong in principle and a failure in practice.

There is less excuse for ship subsidies in this country now than ever before by reason of the fact that our immense Government-owned fleet can be purchased by private operators at considerably less than the normal world market prices, and the chief argument heretofore made in favor of ship subsidies has been based upon the allegation that ships could not be constructed as cheaply in the United States as in some foreign countries and our laws forbade American registry of foreign-built ships. Yet the bill you now propose would take more than $50,000,000 per annum out of the pockets of the taxpayers and put it in the pockets of a few private ship lines, after amending the present law so that the Government ships may be sold to them at ridiculously low prices.

A few weeks ago there was printed as a Government document a report on the History of Shipping Discriminations and on Various Forms of Government Aid to Shipping, compiled by the United States Shipping Board. The information contained in that document is fairly accurate and in accord with the standard authorities on the subject. The facts therein recited are so contradictory of your position that it is difficult to believe that you have read this document, although compiled in the name of your board. In support of this suggestion I shall quote briefly from said document:

Great Britain has never granted general navigation bounties nor construction bounties, with the exception of the early Elizabethan subsidies above mentioned. Practically the only money aid given by Britain to its marine is in the form of postal subventions.

All the writers seem to agree that the growth of the British merchant marine is in no sense due to the small subsidy paid, admitting that the payments are in excess of the postal service rendered. The growth of the British marine was probably due to the early development of British industry, the acquisition of extensive colonial possessions, and the monopolistic position in colonial trade.

France appears to be the country of subventions par excellence, although in 1910 its merchant marine was outranked by Great Britain, the United States, Germany, Norway, and Japan.

There seems to be a general agreement that the French subsidy system, which has been more or less the model for Italy, Spain, and Japan, has been a failure. The Gallinger committee, which supported subsidies for American ships, sought to overcome the evidence of failure demonstrated by the French law by introducing the testimony of various French statesmen. They can hardly be said to have succeeded.

The results of a subsidy in Italy have not been any more successful than in France, although Italy has a long seacoast, a dense population, efficient marine workers, and low wages. She is handicapped, however, by the lack of coal and a highly developed iron and steel industry. (All of which the United States has in abundance.)

The Danish merchant marine has risen from 178,000 tons in 1870 to about 500,000 tons in 1914. Denmark has not given much State aid.

Norway ranks third among the merchant shipping of the world, being exceeded now only by Britain and the United States. It rose from 1,022,000 tons in 1870, almost exclusively sail, to 1,117,000 tons in 1912, two-thirds of which were steel.

The small shipping subsidies which Norway has granted to its merchant marine can not have had a material effect on this growth, which is due to other circumstances.

The merchant marine of this country (Germany) has, of course, been almost annihilated by the treaty of Versailles. Prior to the war Germany had reached perhaps the greatest growth in her merchant marine. This was not due to subsidies or to any other form of Government aid that can be established. The greatest line in the world, the Hamburg-American, is said never to have received a cent of Government subsidy.

From 1870 to 1912 Germany's shipping rose from about 1,000,000 tons in 1870, of which 90 per cent was sail, to over 3,000,000 tons in 1912, of which one-sixth only was sail.

In the final conclusions given in the said report it is stated:

A study of the authorities on subsidies, taking into account the policies adopted by various countries, would seem to indicate that with the exception of Japan the policy has not been important in the building up of a merchant marine.

As a matter of fact, the merchant marine of Japan was not built up by Government aid, but its growth was simply in keeping with Japan's marvelous industrial growth. They granted substantially the same character of aid as France, Spain, and Italy, where it proved an absolute failure. Besides, the total Government aid granted by Japan does not amount to more than the postal subventions paid by the United States.

And yet, in spite of the necessarily admitted fact that ship subsidies have either not been employed or that they have proven a failure in the other great maritime nations, the false doctrine is being industriously circulated that it is necessary for the United States to pay subsidies, direct and indirect, which will aggregate more than the combined subsidies paid by all the other nations on earth (omitting the legitimate payment for service actually rendered for carrying mail, etc.) in order to compete with the merchant marine of other nations, whose success is incorrectly alleged to be due to subsidies.

The recent report of the Shipping Board, above referred to, after stating the facts above quoted, and much more to the same effect, yet concludes with the following final conclusion, remarkably ludicrous in view of the facts previously stated in the report:

A study of the problem would seem to indicate that either the policy of discriminating duties in the indirect trade or subsidies are essential to maintaining an American merchant marine.

There appears in bold type on the inside cover of the said report the following:

President Harding's recommendations to the Congress for a national shipping policy will be based in large measure upon the information which is contained herein and with which every official of the Government should be familiar.

Our opinion is that President Harding never read this report. If he had, we can not believe that he would have delivered the message he did. It is more likely that what was submitted to him was the subsequent confidential argument which Chairman Lasker stated in his letter to Mr. Davis had been furnished to the President and which was so fallacious that it was attempted to keep it concealed from the Democratic Members and the public.

You mention the fact, which has been given much publicity in the press, that the members of the Shipping Board—all of whom were appointed by President Harding—are unanimously in favor of the proposed subsidy legislation. In your letter to us you state that—

Our recommendation to the President contemplated direct aid only in the event the indirect aids first suggested were inadequate to properly develop and maintain an American merchant marine, the direct aid itself being nonexistent if the indirect aid sufficed, and further limited as to profit to the ship only up to an adequate return to the operator on his investment. This assures no profiteering and brings into being direct aid only when it becomes a final essential to maintain American flag ships on the high seas.

And yet the bills introduced by the chairmen of the Senate and House committees provide unconditionally and unequivocally for both direct and indirect subsidies, and in the last paragraph of your letter to us you ask us to withhold our judgment until—

full opportunity given to the members of the board to state the reasons guiding their action in unanimously recommending direct and indirect aid to American shipping.

What has caused you to undergo a change of mind since you made your recommendation to the President?

Since you gentlemen have presumed to make suggestions to us, we shall presume to respectfully suggest that you make a real independent investigation of these questions and consider them from the standpoint and interest of all the American people, whom you and we are supposed to represent, and not merely from the viewpoint of private ship operators and builders who are so assiduously pressing this legislation.

In view of the fact that you or somebody furnished to the press copies of the letters written us and other Members, even

before we received them, which have been freely carried and even editorially discussed, we are giving our reply to the press.

Yours, sincerely,

EWIN L. DAVIS.
RUFUS HARDY.

PURCHASE OF SEED GRAIN AND SEED FOR FARMERS IN THE CROP-FAILURE AREAS.

Mr. HAUGEN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Iowa rise?

Mr. HAUGEN. I call up from the Speaker's table the bill S. 2897, and move to insist upon the House amendments and agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The gentleman from Iowa asks to take from the Speaker's table Senate bill 2897, to insist upon the House amendments, and agree to the conference asked for by the Senate. The Clerk will report the title of the bill.

The Clerk read as follows:

An act (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of seed to be supplied to farmers in the crop-failure areas in the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. As I understand the gentleman made the motion, it does not require unanimous consent. It has a privileged status.

The SPEAKER pro tempore. It is a Senate bill with House amendments. The Chair did not understand the gentleman to make the motion. It is privileged. The gentleman from Iowa moves to take from the Speaker's table the bill S. 2897, to insist upon the amendments thereto, and to agree to the conference asked for by the Senate.

Mr. MANN. Let it be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the title of the bill and the amendments.

The title of the bill was again reported and the amendments.

Mr. GARRETT of Tennessee. Will the gentleman yield before he presses his motion?

Mr. HAUGEN. Certainly.

Mr. GARRETT of Tennessee. Mr. Speaker, the parliamentary situation, as I understand it, is this, that if the House should insist upon its amendments and agree to the conference asked, then the question will be up to the Senate to take what the House has adopted or leave it. Now, in view of the very strong majority by which the House passed the bill, as I stated heretofore, I have no desire to contest in a captious way, or in any other way, the adoption of the House's action. But does not the gentleman think that, in view of the expression of the House given the other day, the House is going to be pretty resolute about this matter being confined to $1,000,000 and to seed alone?

Mr. HAUGEN. I do. It is hoped to carry out the instructions of the House as far as possible.

Mr. GARRETT of Tennessee. It seems to me the House might settle the matter now, once and for all, by insisting on its amendments.

Mr. HAUGEN. There are a lot of amendments outside of the reduction to $1,000,000.

Mr. GARRETT of Tennessee. There are two elements involved in the amendments. The other amendments do not amount to anything. And the other is, besides the reduction to $1,000,000, the amendment by which feed was eliminated by the House from the bill. Those are the only two substantial things in the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa [Mr. HAUGEN] to insist upon the House amendments and agree to the conference asked by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore appointed the following conferees: Mr. HAUGEN, Mr. MCLAUGHLIN of Michigan, and Mr. JACOWAY.

AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10730, the Agricultural appropriation bill.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10730.

Mr. BLANTON. Mr. Speaker, a point of order. Will the gentleman from Minnesota [Mr. ANDERSON] permit me to propound a parliamentary inquiry?

Mr. ANDERSON. I will.

Mr. BLANTON. This is District day. If the chairman of the District Committee temporarily yields for the finishing of the Agricultural bill, the inquiry is, Will the District Committee lose its right to resume District business at the completion of the Agricultural bill?

The SPEAKER pro tempore. The District Committee will not lose its right to take up District business if recognition is given by the Chair.

DEFICIENCIES.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendments made to the deficiency bill, H. R. 10663, and send the bill to conference.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to take from the Speaker's table the deficiency appropriation bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. Mr. Speaker, if the gentleman will make the required statement, there will be no objection on my part. Otherwise he may consider the objection as made.

Mr. MADDEN. I will make the statement that the minority members have been conferred with. The gentleman from Tennessee [Mr. BYRNS] is perfectly agreeable to having the bill go to conference.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman how many million dollars the Senate committee placed on this bill?

Mr. MADDEN. Twenty-nine million dollars, twenty-seven millions of which was for payment of illegally collected taxes.

Mr. BLANTON. The Senate has placed $29,000,000 on the bill in addition to what it carried when it left the House. Will the gentleman give us an opportunity to pass upon those increases?

Mr. MADDEN. I would not want to make any pledge as to that. We will bring the conference report back to the House.

Mr. BLANTON. Of course, we can pass upon any of the increases that may have legislation in them, as a matter of right?

Mr. MADDEN. Certainly.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore appointed the following conferees: Mr. MADDEN, Mr. CANNON, and Mr. BYRNS of Tennessee.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY, from the Committee on Appropriations, reported the bill (H. R. 10871; Rept. No. 791) making appropriations for military and nonmilitary activities of the War Department for the year ending June 30, 1923, and for other purposes, which was read and referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SISSON. Mr. Speaker, I reserve all points of order on the bill.

AGRICULTURAL APPROPRIATIONS.

Mr. FOCHT. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. FOCHT. At the adjournment on Saturday there was under consideration the bill H. R. 10730, the Agricultural appropriation bill. I wish to say that I believe the members of the Committee on the District of Columbia fully share the anxiety of the other Members of the House that this legislation be enacted as speedily as possible. Therefore, whatever rights we have on the floor on District day we yield to this committee, in order that this legislation may be expedited, with the understanding, however, that we be permitted to take advantage of the ruling of the Chair and proceed with District legislation following the enactment of the Agricultural appropriation bill.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. ANDERSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10730, the Agricultural appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from New York [Mr. HICKS] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10730, the Agricultural appropriation bill, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10730, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. When the committee rose on Saturday there was a point of order pending, made by the gentleman from Texas [Mr. BLANTON], against an item in the bill. If any gentlemen desire further to discuss the point of order, the Chair will hear them.

Mr. TILSON. Mr. Chairman, just a word on the matter pending. The point of order was made against a provision of this bill on the ground that the so-called Weeks Act expired with the final appropriation provided for in that act. It has been claimed in argument that when that act was passed it was at least the understanding or construction of it at the time that it provided for only a specific amount of money and authorized no further amount.

What anyone may have understood at that time we can not, of course, consider now. The only thing that the Chair can consider now is what the law itself provides, and what construction should be put upon the provisions of the law. The third section of the act provides for an appropriation. Then follows further legislation having no reference to the appropriation in a preceding section but making an authorization for the purchase of such lands as have been approved, and so forth.

I call the attention of the Chair to the last paragraph of section 3 of the so-called Weeks Act. After making the appropriation referred to, this provision is added:

Provided, That the provisions of this section shall expire by limitation on the 30th day of June, 1915.

If it had been the intention of Congress to limit the act to the 30th day of June, 1915, it would have added this provision at the end of the act, and would have stated that the provisions of the act shall expire by limitation on that date. But it did not do so. Instead of providing that the entire act shall expire by limitation on a certain date, it is provided in the third section "that the provisions of this section shall expire" on that date. Thereafter, in section 7 in particular, the act proceeds to authorize the Secretary of Agriculture to purchase in the name of the United States such lands as shall have been approved, and so forth, clearly manifesting the intent of Congress to authorize the purchase of such lands as any future Congress might see fit to appropriate money to purchase. It seems to me that we should construe the act in accordance with the clear intent of the language, and the language of section 7 clearly authorizes the purchase of land. The item against which the point of order is made carries an appropriation of $50,000 to be expended in accordance with the provisions of the so-called Weeks Act, and, in my judgment, is not subject to a point of order.

The CHAIRMAN. The Chair will rule. The Chair is cognizant of some difficulties in the path of a clearly defined conclusion in reference to this point of order. The Chair in this, as in rendering other opinions, has no desire to be arbitrary or to rule adversely to parliamentary procedure. The Chair pays great deference to the views of the great parliamentarian, the gentleman from Illinois [Mr. MANN], whose knowledge of procedure and legislative enactments is most profound. Should the ruling of the Chair in this case seem to contravene the practice of the House, the Chair cheerfully welcomes an appeal.

The point of order is that this is an appropriation not authorized by law, and so the question narrows down as to whether the original Weeks Act, so far as authorization for the acquisition of these lands is concerned, is operative or whether that authority terminated June 30, 1915.

The Chair lacks the benefit of having any personal knowledge of the history surrounding the enactment of the original law, and is devoid of the means of ascertaining the intention of Congress in relation thereto. The Chair, while realizing that "intention" is entitled to consideration, yet doubts if it can be balanced against the expressed provisions of the law. I will refrain from rereading the section of the Weeks Act which seems to carry the crux of the matter, except to state that it is section 3, dealing with appropriations, that contains the limitation proviso. It states, "*Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1915."

What puzzles the Chair is the location in the act of this limitation provision, and also its specific reference to "this section." Is it not fair to assume that it is the provisions of section 3 that are limited and not the provisions of the act? Is it not reasonable to suppose that if it was the intention to terminate the authorization on June 30, 1915, as well as the appropriations, the limitation would have come after section 7 and would have referred to the act and not to a section that did not deal with authorization? The Chair answers both questions in the affirmative, and feels that however much the intention of Congress may be stressed as to limitation the statute does not so express it. The Chair, feeling that the authority has not been terminated by the proviso of section 3, must hold that the item in this bill is in order. To further fortify the Chair's opinion, he refers to a ruling of Chairman TILSON on May 8, 1920, who was presiding during the consideration of the sundry civil bill. A point of order almost on all fours with the present objection was overruled by him on grounds similar to those taken by myself. The Chair therefore overrules the point of order.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. MOORE of Virginia. Mr. Chairman, this item relates to the Forest Service. Something has been said during the consideration of the bill about the suggested transfer of the Forest Service from the Department of Agriculture to the Department of the Interior. It is not my purpose to discuss that question upon the merits, but simply to call attention to a misapprehension that seems to prevail. In that connection I would like to take a minute or two in noticing an editorial that appeared in the Washington Post of yesterday morning. I quote two or three sentences from the editorial, as follows:

The inquiries made by the commission delegated to map out a reorganization of the executive departments are said to have disclosed many glaring inconsistencies and inexcusable sources of extravagance. The report of the commission is in the hands of President Harding, and when published it is expected to create a sensation because of its recommendations for sweeping changes.

A single example of inconsistent grouping of activities and the evils resulting therefrom is furnished by the commission in its discussion of the Forest Service in relation to the Department of the Interior.

* * * * * * *

The reorganization commission has recommended that the forests be administered by the Department of the Interior, just as other lands are administered, whether mineral, desert, oil-bearing, agricultural, or Indian lands. The commission takes the position, which seems to be logical and unassailable, that one authority should be exercised over public lands, without regard to the particular nature of the lands.

* * * * * * *

Congress will have the reorganization commission's report in due time, with the President's recommendations thereon. It is to be hoped that the people will be given an opportunity to make their land heritage available for proper use.

The body that is supposed to have made the report is described as a commission. Of course, the reference is the Joint Committee on Departmental Reorganization created by the last Congress. The point that I wish to make is that the writer of the editorial is under a misapprehension in assuming that the joint committee has made any report whatever relative to the transfer of the Forest Service or relative to any other matter that is within its province.

It could not have made any report because it has never taken up any of the many questions that have been talked of as likely to be considered. It could not have made any report because it has never had any meeting to take up and deal with any of those numerous questions. As has been said here more than once, the committee, having been created by the last Congress, selected as its chairman the gentleman appointed by the President to cooperate in its work, following which action there has been but one meeting of the committee, and that occurred in June, and the only business transacted at that meeting was to receive a letter from the President saying he would be glad to submit suggestions to the committee for its consideration, and a reply directed to be sent to the President saying that the committee would be glad to receive and consider his suggestions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Virginia. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. MOORE of Virginia. Since that meeting was held in June not only has no meeting taken place but the committee has not been in contact with its chairman. Therefore, I repeat that no committee report has been formulated and submitted to the President. If there is anything in the nature of a report that has been gotten up it is the product of the chairman of the

committee acting apart from the committee and independently of it.

Assuming, of course, that there was no purpose to mislead, I only desire to say that nevertheless the editorial is inaccurate, and say, in addition, speaking for at least one member of the joint committee—and I take it for granted that will be the attitude of all its members—that without any prejudgment of the question of the transfer of the Forest Service from one department to another, the committee, when permitted to do so, will take up that question in a deliberate way, in a sort of judicial way, and only reach a conclusion and make a report after giving the question a thorough investigation in the endeavor to ascertain how the interests of the public can be best protected, whether by the maintenance of the jurisdiction of the Department of Agriculture or by transferring the service to the other department.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BYRNS of Tennessee. I want to ask whether under the terms of the resolution appointing this commission the commission was to report to Congress or to the President?

Mr. MOORE of Virginia. It was to report to Congress. I am not in a critical mood, but I thought the selection as its chairman of the excellent gentleman whom the President appointed to act with the committee was a mistake, and I am confirmed in that view by the fact that the committee has failed thus far to function.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. BYRNS of Tennessee. I ask, Mr. Chairman, that the gentleman have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. I noticed in a newspaper account in one of the prominent Washington papers about 10 days ago that the work of the commission was going to be abandoned and that there would be no reorganization. I suppose the gentleman saw that article, and I desire to know whether he had any information as to the abandonment.

Mr. MOORE of Virginia. The work can not be abandoned, because it was never begun. We have not yet taken any practical step; and, as I have said, the newspaper is mistaken in assuming that we have taken any step whatever with reference to the Forest Service or with reference to any other proposition to reorganize the Government agencies in the way of regrouping or in the way of eliminating or in any other way.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MOORE of Virginia. Certainly.

Mr. BANKHEAD. Have the members had any intimation from the Executive or the chairman of the committee that they would be called into consultation on the problems involved at any date?

Mr. MOORE of Virginia. It is proper to say that while the committee has not received any plan the chairman may have devised, whether called a report or otherwise designated, certain members of the committee—and, I suppose, all of them—did receive three or four weeks ago a letter from the President in which he stated that he was considering the situation and as soon as he could find time he would reach conclusions and communicate them to the committee.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. COOPER of Wisconsin. Upon what matter was the President to "reach conclusions," as the gentleman says?

Mr. MOORE of Virginia. On the questions, whatever they were, that had been presented to him by the chairman relative to departmental organization or reorganization, the questions not being specified. Doubtless one of the outstanding questions is the question of transfer to Forest Service.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last two words. By this bill $50,000 is appropriated for the purpose of acquiring additional land at the headwaters of navigable streams. I thought it would not be a bad time to call to the attention of this committee the fact that the Senate has just reported an amendment to the District bill of $1,500,000 for additional water supply for the District of Columbia, a very wise policy, indeed, and none too soon. I have said on several occasions that it does seem to me if we are to establish additional waterworks and get water from the Great Falls of the Potomac River, Congress should appropriate sufficient money by which it can acquire the land around Great Falls and along the Potomac River to protect Great Falls and the watershed from pollution and at the same time establish a beautiful park while the land can be purchased reasonably and the magnificent forests and landscape are intact. Mr. William M. Ellicott, of Baltimore, the originator of the idea, and M. F. W. Besley, forester of Maryland, have discussed to great length in a pamphlet termed "A National Forest" the proposition I am advancing.

The water we are to acquire from this additional reservoir must necessarily come through land owned by private individuals. The report of the commission and the appropriation recommended in the Senate contains no provision for the protection of the Potomac River watershed against pollution.

It may be said that the water would pass through a filtration system by which it would be purified, but why have any filtration system when by the expenditure of a reasonable sum of money the watershed itself can be protected and the water come to the citizens of Washington free from contamination?

In practically every instance where water supply has been provided the watershed has been protected. The city of Washington is continually growing. Many people are securing homes beyond the District limits. As the beauty and advantages of the beautiful hills and dales along the Potomac River are realized, the impetus to building in that section will grow by leaps and bounds. This growth, for which no sewerage system has been established, will most naturally pollute this wonderful watershed, and this by all means should be prevented.

It is not necessary to limit this watershed to forests and fields to protect it, but its ownership by the National Government would lead to proper sewerage conditions and secure protection to the watershed.

There is also another great advantage to be derived from the acquisition of the lands along the Potomac River. There are about 10,000 acres of land abounding in beautiful landscape, comprising within its limits the Great Falls of the Potomac River, which has been termed the "Little Niagara" of the Potomac. A national forest reserve could well be laid out, protecting Great Falls, securing from pollution the Potomac River, and providing a wonderful park for the people of the District of Columbia and for those thickly settled communities in Maryland and Virginia adjacent to Great Falls.

It would provide visitors to Washington another beautiful park, which in the years to come would be found one of the best investments the country has ever made. Washington must have more water. It should have the purest which can possibly be obtained. With the laying out of this national forest reserve, comprising 8,000 to 10,000 acres, and the construction of the contemplated water system, both pure and plentiful water will be obtained, a wonderful park will be provided, and all without the expenditure of any large sum of money.

If we wait, land is rapidly increasing in value, the landscape is being gradually depleted of its magnificent forests, and homes will be built and villages established, making expenditure of a much larger sum of money necessary than what it can at this time be procured.

The city of Baltimore is providing an additional water supply at an expenditure of many millions of dollars. The valley of the Gun Powder River is being acquired to prevent pollution. Many homes and several villages have been purchased, and the Gun Powder River, with its beautiful valley, will present a magnificent park appearance and provide pure water for the residents of our city. The city of Boston purchased thousands of acres and has brought its water supply for miles in order to give its citizens pure water.

If municipalities with their credit alone to draw from can do this, why should not the Capital of the Nation, representative of a hundred and ten millions of people, have the highest type of sanitation and purity of water supply? I deplore the fact that this House had not the vision to provide an appropriation for the water supply rather than to leave it to the Senate to amend our bill to that effect.

In due time I shall introduce a bill asking for the establishment of this national forest reserve along the Potomac, the protection of the watershed of the river, and providing funds for this purpose.

The Clerk read as follows:

To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, $40,500: *Provided*, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, animals, machinery, and all other property of whatever nature or kind appertaining to the experimental farm of the Department of Agriculture, situated at or near New Iberia, La., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts.

Mr. MARTIN. Mr. Chairman, I move to strike out the last word. This farm at New Iberia, La., is in my district. I was somewhat surprised when I read the proviso attached to this appropriation giving the Secretary of Agriculture the right to sell the stock and buildings thereon and to discontinue the work on this farm whenever, in his discretion, it is for the best interests of the Government. I am sure that the committee in this matter acted entirely in good faith, but, as it is situated in my district, and as I know from personal knowledge of the work that has been accomplished and the good that it has done for southern Louisiana, I believe the committee has been misled and misinformed. I shall not oppose the adoption of this provision, because I believe that after the Secretary of Agriculture has instituted an investigation he will become convinced, as I am convinced, that the farm is doing good work, and next year I shall be in a position to convince the subcommittee on appropriations that the farm should be retained; that it would be unwise to discontinue it at this time.

This farm was established in 1914, at a time when it was believed sugar was going on the free list. Under the Underwood law sugar would have gone on the free list on May 1, 1916. Happily for us this did not happen, but in the meantime hundreds of our people actually engaged in the raising of cattle, and have continued in that business ever since. The demonstration work conducted on this farm has been of great benefit to our people in teaching them how to raise cattle economically and at a profit. It has taught them, and is teaching them, the wisdom of replacing their common stock with blooded and graded cattle. It is teaching them the value of silos, and the value as a cattle feed of corn silage, sorghum, soy beans, and other legumes. It is teaching them that the cane tops, which heretofore had been thrown away and burned up, have a considerable value as cattle feed, and in many sections of the country they are now being utilized for that purpose. It is teaching them that the low marsh lands, only a foot or two above the tide level, are splendidly adapted to cattle raising and cattle grazing, and that it is capable of growing in abundance a grass known as paye Finne, which is equal in food value to alfalfa.

In addition to this, it has taught our people to take a deep interest in cattle raising, and hundreds of them are now engaged in that industry. It does not cost the Government the amount of money carried in this bill. Every year the surplus stock and produce is sold and the money therefrom turned into the Treasury.

Last year the amount turned in was but $7,000, but in other years it has gone as high as $20,000, so that the Government gets back a large portion of this appropriation. This farm is doing splendid educational work, and I hope and believe that at the next session of Congress I shall be able to convince the committee not only that the item should be retained but that the appropriation for its maintenance should be increased. [Applause.]

The State is cooperating in making the work on this farm a success. On July 9, 1914, the Legislature of Louisiana by act No. 252 authorized the transfer to the Department of Agriculture for the use of this demonstration work 500 acres of valuable land, and in addition to this in March, 1917, the Louisiana Experiment Station gave the Government the use of 500 additional acres.

The buildings, live stock, and machinery are valued at about $70,000, and to now tear down and remove these buildings would not only be a loss to the Government but the people of this vicinity will be deprived of demonstration work which is worth much more to the country than this meager appropriation. The subcommittee on appropriations having unanimously agreed to this proviso, I realize that a motion to strike it out might result in losing the appropriation altogether. I have therefore concluded it would be best to await the decision of the Secretary of Agriculture and then convince the Committee on Appropriations that it would be a great mistake to abolish and discontinue at this time the splendid work that is being done on this farm.

The Clerk read as follows:

EXPERIMENTS IN DAIRYING AND LIVE-STOCK PRODUCTION IN SEMIARID AND IRRIGATED DISTRICTS OF THE WESTERN UNITED STATES.

To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I notice from the hearings that the committee itself did not feel any too favorably disposed toward this proposition, and I am wondering if this is not to a certain extent duplicating the same thing that is being done by the experiment stations in connection with the agricultural colleges and their experiment stations that are provided in other places in the bill.

Mr. ANDERSON. I do not think so. It has been clear for some time that if any success is to be made in these semiarid and dry-land sections some way must be found to produce beef cattle and milch cattle on them, and the object of these stations is the development primarily of the dairy and food-production business.

Mr. SNELL. On the information received, does the gentleman think they have made any real progress.

Mr. ANDERSON. I think they are making progress; yes.

Mr. SNELL. I notice the man who had them in charge said he could not tell how long it would take to work out the problem.

Mr. ANDERSON. Oh, these problems are always continuous. They are never solved in the sense in which we use the word solution.

Mr. SNELL. How many years have those been running?

Mr. ANDERSON. Six years.

Mr. SNELL. And it is not a duplication of work?

Mr. ANDERSON. Oh, no; I think not.

Mr. SNELL. I withdraw the pro forma amendment.

The Clerk read as follows:

FIELD STATION, WOODWARD, OKLA.

For the establishment in connection with the Woodward, Okla., field station of a live-stock department, through which experiments and demonstrations in live-stock breeding, growing, and feeding, including both beef and dairy animals, may be made, $6,500, of which sum the Secretary is hereby authorized to use not exceeding $500 for the purpose of building additional sheds, stalls, and pens for the protection and care of said animals.

Mr. LANGLEY. Mr. Chairman, the other day when we had the seed amendment up I was very anxious to speak for a few minutes, and had gone to the trouble of preparing some remarks. The parliamentary situation shifted so that I could not do that then, and I now ask unanimous consent that I may put in the RECORD at the proper place, under the rule, what I would have said if I had had the chance at that time.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to be allowed to extend his remarks in the RECORD on the question of agricultural-seed distribution. Is there objection?

There was no objection.

The Clerk read as follows:

To conduct surveys and inspections in Texas or in any other State to detect any infestation and to conduct such control measures, including the establishment of cotton-free areas, in cooperation with the State of Texas or other States concerned, as may be necessary to stamp out such infestation, to establish in cooperation with the States concerned a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico, and to cooperate with the Mexican Government or local Mexican authorities, or otherwise, by undertaking in Mexico such measures for the extermination of the pink bollworm of cotton as shall be determined to be practicable from surveys showing its distribution, $400,000, of which sum not to exceed $200,000 may be available for reimbursement to cotton-growing States, for expenses incurred by them in connection with losses due to enforced nonproduction of cotton in certain zones in the manner and upon the terms and conditions set forth in Senate joint resolution No. 72, approved August 9, 1921: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of crops or other property injured or destroyed.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. It is subject to a point of order. I wish to ask the chairman of the subcommittee, do some of these States still desire to have Congress reimburse them for the failure to raise cotton?

Mr. ANDERSON. As the gentleman knows, under the State law of Texas the State can establish noncotton zones, and where these noncotton zones are established certain compensation is made to the owners of the land for the losses incident to the prohibition against cotton growing. This provision permitting $200,000 to be used to reimburse the States which have made such payments was originally adopted in Senate joint resolution 72, and we simply continue the policy which was there adopted.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. McLAUGHLIN of Michigan. Did the joint resolution make that a continuing proposition or provide continuing authority to divert part of the appropriation for that purpose? My recollection is otherwise.

Mr. MANN. The joint resolution only refers to the current fiscal year.

Mr. ANDERSON. That is correct.

Mr. SNELL. Does the Federal Government pay all the money?

Mr. ANDERSON. No.

Mr. MANN. Not more than one-third. Here is a case where, after having had considerable controversy as to whether we should furnish a little money to buy seed for people who could not cultivate the soil unless we bought the seed, we now propose to pay men for not cultivating the soil. They can not raise a cotton crop profitably and we pay them on the assumption that they could, and pay them if they will not plant cotton. I do not wonder that no one from the cotton States rises to defend the proposition, though, of course, they will vote for it.

Not being able to get a rise, I withdraw the point of order. [Laughter.]

Mr. McLAUGHLIN of Michigan. I reserve the point of order.

The CHAIRMAN. The gentleman from Michigan reserves the point of order.

Mr. McLAUGHLIN of Michigan. Can the gentleman from Minnesota tell us how much of that $200,000 has been used?

Mr. ANDERSON. This last year?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. ANDERSON. I am unable to tell the gentleman, but I think only a small proportion of it.

Mr. McLAUGHLIN of Michigan. What area was covered? How much vacant or unused land was taken care of?

Mr. ANDERSON. The infested area is not very large. I have a map here, and if the gentleman will look at it he will see that there were only two quite large infested areas last year. One of them was in the southeastern portion of Texas and the other in the southwestern portion of Louisiana. The Louisiana territory was entirely cleaned up this last year, so that there was no bollworm there last year. In addition to the two large areas which I have indicated there are several small infestations along the border. These infestations are very small, however.

Mr. McLAUGHLIN of Michigan. The map indicates points very far distant from each other. Does the gentleman mean that the infestation is in the extreme southeastern part of Texas and in the extreme western part?

Mr. ANDERSON. Yes. Those infestations in the western part are incident to movement across the river from infested districts in Mexico. They are very small and they are in a section of Texas where very little cotton is grown and there is not very much danger of the spread of the bollworm from those sections if an adequate quarantine is maintained.

Mr. McLAUGHLIN of Michigan. I was very much opposed to the passage of that joint resolution because I did not think it was proper for the Federal Government to use money for that purpose; but the House thought differently, and I defer to its judgment.

Mr. ANDERSON. I should like to say in this connection that the whole success of the campaign to eradicate this worm consists in noncotton growing in the sections in which the worm appears in large numbers or appears at all. Without legislation or without the rigid application of the noncotton-zone plan the possibilities of eliminating the worm would be immeasurably reduced.

Mr. McLAUGHLIN of Michigan. I do not intend to make the point of order, because the House itself voted upon this question at one time. I wish to ask the gentleman another question. I notice that the bill appropriates money and authorizes investigation as to the existence of the pink bollworm in foreign countries, Mexico, and elsewhere. In what foreign countries besides Mexico is the pink bollworm found?

Mr. ANDERSON. I do not think it is contemplated there is to be an investigation in any other place except Mexico, but my recollection is the worm is found in Egypt, parts of South America, and, perhaps, India.

Mr. BUCHANAN. And the Hawaiian Islands.

Mr. McLAUGHLIN of Michigan. It is found in the Hawaiian Islands?

Mr. BUCHANAN. It destroyed the cotton industry out there.

Mr. ANDERSON. They do not raise cotton now on account of this bug.

Mr. McLAUGHLIN of Michigan. My understanding is they are not raising cotton out there now. Is it because of the ravages of the pink boll worm?

Mr. BUCHANAN. That is the report of the department.

Mr. McLAUGHLIN of Michigan. That is news to me. Well, is there any intention of making an investigation and use a part of this money in foreign countries other than Mexico?

Mr. ANDERSON. I think not.

Mr. McLAUGHLIN of Michigan. It seems to me it would not be wise to use these words "Mexico or elsewhere," because it would justify making an examination and trips all over the world.

Mr. ANDERSON. Of course, with a worm as destructive as this one it is necessary, I think, to make an investigation in the countries in which it exists in order that it may be ascertained how it behaves under different environments and see the extent to which it has been possible to grow cotton in its presence and the methods that have been taken in other countries to make the growing of cotton possible, notwithstanding the presence of the worm. If, for instance, the weevil or worm went outside its present territory and into the cotton belt proper, we would be confronted with the necessity immediately of the adoption of methods which would enable us to grow cotton notwithstanding the presence of the worm. Some preparation ought to be made, it seems to me, for an eventuality of that kind.

Mr. McLAUGHLIN of Michigan. I think the gentleman is entirely right, but it seems to me his statements after all are inconsistent. As I understand, he said there is no intention of making any investigation in any foreign country except Mexico, and the gentleman in another breath says that the disease is found in a number of other countries, and that it is advisable to make investigations of those other countries.

Mr. ANDERSON. Perhaps I should have said so far as we inquired there was no statement made to us of investigations that are contemplated in any other country now than Mexico.

Mr. McLAUGHLIN of Michigan. Another word. Generally speaking, is satisfactory progress being made in this work?

Mr. ANDERSON. I think the work is progressing very well, indeed. There have been some new infestations in the western part of Texas along the Rio Grande, but in the section where noncotton areas have been established there has been very good progress made, and there is a prospect of complete eradication.

Mr. McLAUGHLIN of Michigan. It is a terrible pest, and we ought to take hold of it. I know at one time the Government did very good work and the results were satisfactory. I do not understand, however, lately, just what measure of success they have reached.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last two words, or the requisite number. I remember very distinctly the discussion of this item a year ago. I would like to ask the chairman of the committee if he has information if this land is adapted to successful cultivation of other crops?

Mr. ANDERSON. I presume some other crops could be raised; a number are.

Mr. WHITE of Kansas. Mr. Chairman and gentlemen, it is well known to every investigating person that in the progress of our agriculture and its development one of the most important things that has contributed to the increased production of the soil and its successful cultivation is rotation. Now, in the matter of the Hessian fly the farmers have discovered that its ravages can be very successfully combated through rotation. Where alternating crops are raised, it is clearly also demonstrated that better crops are secured through this alternating system. Now, if that might be the case in the sections that are affected by this infestation, why not cultivate this land for other crops?

Mr. BUCHANAN. Will the gentleman yield?

Mr. WHITE of Kansas. I will be glad to do so.

Mr. BUCHANAN. Let me say to the gentleman that the State of Texas has created a commission on the condemnation of land, and there has been established noncotton zones and has provided for the appointment of impartial appraisers, and those appraisers take into consideration only the difference in what the land would yield in cotton and other crops.

Mr. WHITE of Kansas. It was so stated in the discussion a year ago; I remember it now. I would like to ask this question, does the cultivation of other crops or any other crops than cotton contribute to the propagation of this boll worm?

Mr. BUCHANAN. No other crop.

Mr. WHITE of Kansas. Well, do the weeds that grow on this land?

Mr. BUCHANAN. They have some weeds upon which the pink bollworm feeds, and it has been the policy to destroy those weeds wherever the bollworm appears by the establishment of noncotton zones in reference to that particular weed, and the Agricultural Department has ascertained the weed upon which they feed, which is a weed belonging to the same family as the okra.

Mr. WHITE of Kansas. Well, the Government has a great task. But it is well known that in many localities of this country infestation that is at present very injurious and destructive to field crops has been entirely eliminated or its

ravages have been neutralized successfully through this rotation of crops.

You folks down there tell us that you have improved your conditions agriculturally through alternation and diversity of crop production. Now, the subject to which I alluded a moment ago, the elimination of the Hessian fly, is also true in regard to the corn rootworm, which infests many fields in Iowa, and is common in Kansas, Nebraska, and Missouri; it was entirely eliminated through alternation of crops, and the productivity of the land has been greatly increased thereby. Possibly these discussions and these inquiries are not so pertinent, but I thought about it in this connection.

Mr. BUCHANAN. I will state to the gentleman that I entirely agree with him. The only thing I want to emphasize as to this appropriation is that the Government has been doing superior work and has stamped out this pest in several sections. Understand that it may appear only in one field, when you establish a cotton zone around it and sprinkle it with oil and burn the trash on the ground. They appeared this year in Ellis County, one of the finest cotton counties in Texas, sometimes making in one year 175,000 bales, and immediately the State and Federal authorities got together and established a zone around the field, and we hope to eliminate it.

Mr. WHITE of Kansas. They are alive to the importance of this and are not depending entirely on the Federal Government?

Mr. BUCHANAN. They are.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last two words. I want to state that, unfortunately, the farmers upon this land, at least a part of them, did not believe it was the real pink bollworm, or did not want to believe it, and the State and Federal authorities had considerable antagonism from those farmers on whose land the pest appeared first. But finally they have become convinced, and the State is now alive and in splendid condition to combat it. If the State of Texas, in cooperation with the Government, can do that, it will accomplish a great task that will prove its value throughout all time to the American people.

Mr. WHITE of Kansas. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ERADICATION OF THE PARLATORIA DATE SCALE.

To enable the Secretary of Agriculture to meet the emergency caused by the existence of the Parlatoria date scale in California, Arizona, or any other State, and to provide means for the extermination of this insect in California, Arizona, or elsewhere in the United States, in cooperation with the States concerned, $13,000.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HAYDEN: Page 71, line 10, strike out "$13,000" and insert "$15,000."

Mr. HAYDEN. Mr. Chairman, the report submitted by the Committee on Appropriations shows that $15,000 was requested for the eradication of the parlatoria date scale. The object of my amendment is to increase the appropriation to the full amount asked for by the Budget Bureau and the Department of Agriculture. We have been told in the course of this debate about the great advantage of promptly suppressing pests of this kind. By appropriating, in one instance, twice as much as was requested the citrus canker was eliminated from the orange groves of the United States. By prompt and adequate appropriations a number of diseases of animals, such as the foot-and-mouth disease and contagious pleuropneumonia, have been completely eradicated. In this instance the department has located the infested date orchards and knows exactly what must be done and has asked for a specific sum of money with which to do it. It certainly would be poor economy not to give them at least that much.

Mr. MANN. Is this work progressing satisfactorily?

Mr. HAYDEN. Entirely so, from all the reports I have obtained.

Mr. MANN. They are doing very good work now?

Mr. HAYDEN. Yes, indeed.

Mr. MANN. They have not spent $15,000 this year, and they will not?

Mr. HAYDEN. The department has spent all the money that was appropriated.

Mr. MANN. The appropriation was $15,000, of which $5,000 was to be used in the last fiscal year.

Mr. HAYDEN. Five thousand dollars was used during the spring of 1921 and $10,000 during this fiscal year. I might say to the gentleman from Illinois that there has been a recent importation of about 10,000 date trees from the Old World into this country. It is impossible to bring a date tree from abroad which is not infested with this dangerous scale insect. It is of the utmost importance that these trees be kept free from scale so that the offshoots they produce can be sold to the date growers of the Southwest. In view of this very large importation, one of the largest ever made, it is highly desirable that the appropriation be maintained at $15,000 without reduction, as it is a question of insurance of an industry already worth as many millions as the appropriation calls for thousands. All of the infested orchards must be kept under quarantine.

Mr. MANN. The quarantining part comes under another appropriation.

Mr. HAYDEN. That may be true, but the eradication of the parlatoria scale comes under this appropriation, and that is the reason why the full amount is needed. During the war it was impossible to import date trees, but a number were contracted for and have been recently brought into the United States which, with the stock formerly obtained, will thoroughly establish the date industry in the United States.

Mr. MANN. Will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. MANN. If the private parties who have these date orchards deliberately import infected date trees from abroad, is it proper to ask the General Government to clean them from the disease?

Mr. HAYDEN. The importation was not made by private individuals, but by the Government of the United States.

Mr. MANN. Are we importing millions of young date trees?

Mr. HAYDEN. No. The Department of Agriculture imported 10,000 this year, and they must all be disinfected.

Mr. MANN. Who gets them?

Mr. HAYDEN. The imported trees are planted in Government date orchards or in cooperative date orchards where the Government has absolute control of the land for 20 years.

Mr. MANN. And give them away to somebody?

Mr. HAYDEN. No. There is an agreement, however, that they shall be sold at a reasonable price.

Mr. MANN. Should that not cover the cost of cleaning them?

Mr. HAYDEN. It is necessary to first bring over the original tree, and then other trees are propagated by removing the suckers from them. There will be no trees to sell from this importation until several years from now, but in the meantime this scale must either be destroyed or the entire date industry will be ruined. The department has asked for this amount of money, and I am interested in seeing that the entire sum requested is appropriated.

Mr. MANN. The bureau got $15,000, and $10,000 for use this year, and they say they are doing all right with it. I think it would be in luck to get $3,000 more.

Mr. HAYDEN. The date experts of the Department of Agriculture are agreed that date culture in this country is almost impossible unless the parlatoria date scale is eradicated completely. Eradication work has been in progress for some years, but the rapid expansion of the date industry has necessitated more active measures to bring about a complete eradication of this very dangerous pest.

The date palm has been successfully introduced from Mesopotamia, Egypt, and the desert regions of North Africa into Arizona, California, and Texas, and of late this promising new fruit industry has been expanding rapidly. It is unquestionably destined to be one of the leading fruit industries of the hot, irrigated valleys of the Southwestern States. Already nearly $10,000,000 is invested in this industry and the investments are rapidly increasing.

The date industry, bringing into utilization lands not now yielding high-priced crops, will undoubtedly return to the Federal Treasury ten times all the moneys expended in establishing this new and promising fruit culture. In Arizona, particularly, both of the two largest plantations in the State, at Tempe and at Yuma, are dangerously infested with parlatoria scale, and this infestation delays the establishment of branch date gardens urgently needed to demonstrate the date-producing capacities of the various irrigated valleys in the State. The same is true in California. Ten or twelve of the date plantations, some of them the largest in the State, are infested with this scale, to say nothing of the 10,000 date offshoots received this year from abroad, every one of which is undoubtedly infested.

I would be pleased to hear from the gentleman in charge of the bill as to what reason there is for not allowing the full amount requested by the Department of Agriculture.

Mr. ANDERSON. The reason is very simple. It was expected that this work would be cleaned up this year, or practically so. It is proceeding under the current law on the basis of an expenditure of $13,000. There is no reason in the world for appropriating more than is used this year. The committee think that $13,000 will be entirely ample for the work. There is not an item in this bill in which we have a greater interest than in this, and if we thought for a moment that $15,000 was necessary to advance the work on a satisfactory scale we would not have thought of reducing it at all. But the committee thought it was absolutely certain on the basis of the progress that has already been made that $13,000 would carry it on very well next year.

Mr. HAYDEN. Then it is a question of judgment between the committee and those actually engaged in the work of eradicating this pest. I would rather give the benefit of the doubt to the Department of Agriculture as to the amount of this appropriation, and on that basis I hope that my amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTROL AND PREVENTION OF SPREAD OF THE MEXICAN BEAN BEETLE.

To enable the Secretary of Agriculture to meet the emergency caused by the recent introduction and rapid multiplication of the Mexican bean beetle in the State of Alabama and other States, and to provide means for the study, experimentation in eradication, and for the control and prevention of the spread of this insect in that State and to other States, in cooperation with the State of Alabama and other States concerned and with individuals affected, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $25,000.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES of Texas. Mr. Chairman, I do so for the purpose of asking the chairman of the committee a question with reference to a provision that has already been passed. On page 69 there is a paragraph authorizing the interchange of appropriations. I notice that it provides that not to exceed 10 per cent of the amount in any of these items may be transferred from one appropriation to another. At the bottom of the paragraph it provides that not more than 10 per cent shall be added to any item of appropriation, except in cases of extraordinary emergency, and then only on the written order of the Secretary of Agriculture. Does not the gentleman think that a good deal of leeway is given in the last provision for transferring an appropriation, say one of the big appropriations, whereby the department might be able to transfer enough to one of the smaller ones to make it several times as large under that provision there?

Mr. ANDERSON. Under the interpretation that the solicitor and the comptroller have placed upon this paragraph the transfers apply only to appropriations within a bureau. There can be no transfer from one bureau to another. The paragraph to which the gentleman has referred does give quite a wide latitude, but I think that is absolutely necessary. As the gentleman well knows, it is impossible to anticipate the breaking out of contagious animal diseases, for instance, and infestations of insects, which may do an enormous amount of damage if they are not reached promptly and stamped out. This provision is intended to permit the transfer of sums in that way in order that the emergency represented by an outbreak of that kind might be promptly met.

Mr. JONES of Texas. Has this provision been carried in past years?

Mr. ANDERSON. It was carried for many years, except last year, when it went out on a point of order. I think it is very important.

Mr. JONES of Texas. Mr. Chairman, I move to withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VAULT FOR REFRIGERATING PLANT.

For the construction of a vault for the housing, and the transfer to and the installation therein, of the machinery and apparatus of the refrigerating plant of the Bureau of Animal Industry, $25,000.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HAYDEN. Mr. Speaker, when the item in this bill appropriating $25,000 for the examination, appraisal, and survey of lands in effecting exchanges within the national forests was under consideration by the Agricultural Subcommittee of the House Committee on Appropriations, Mr. L. F. Kneipp, assistant forester, in charge of the lands division of the Forest Service, discussed the general policy involved in such exchanges. His remarks appear on pages 186 to 188 of the hearings held on February 1, 1922, and are of particular interest because since that time the House has passed the Smoot bill (S. 490) to consolidate national forest lands. On March 10 the Senate concurred in the House amendments to this measure, and it will probably be approved by the President and become a law within the near future. The statement is as follows:

Mr. KNEIPP. The privately owned lands within the national forests amount to 25,154,414 acres, which is 14 per cent or approximately one-seventh of the gross area of the national forests. These lands are largely nonagricultural in character, and the major portion are valuable for forest purposes only. While they represent in part appropriations under the homestead laws, they embrace lands granted to States, railroads, and other grantors, and also lands appropriated under other than the homestead laws.

Mr. ANDERSON. Are they lands that have been cut over, or are they still in timber?

Mr. KNEIPP. Both. Some of them contain timber and some are cut over. The economic value of these lands is primarily for the production of forests. Some of them are valuable for grazing, but how long they will be valuable for grazing purposes in continued private ownership is problematical. These private holdings are widely interspersed among Government lands and by their location create a situation which greatly complicates the use, management, and protection of either the Government or the privately owned lands. Efficient utilization, management, or protection is best conducted within natural units of operation. The timber operator can log most economically and efficiently when he can take all of the timber within a unit, but with part of the land owned by the Government and part by private owners this frequently is impossible. The same condition prevails with relation to grazing use. In protection against fire, insect infestations, etc., complete coordination is necessary but very frequently unobtainable because of reluctance on the part of the private owner to participate in the work to the same degree as the Government, or, in some cases, because of legal restrictions which preclude governmental action along lines proposed by the private owner.

To meet this situation, Congress has already passed 14 acts authorizing exchanges within specified national forests and 7 acts permitting exchange with specifically named owners of private lands. It has pending before it a total of 33 bills for the same purpose. Thus far the Forest Service has consummated 4 exchanges with States involving 756,402 acres of base land, and 44 exchanges with private owners involving 156,422 acres of base land. At the present time four exchanges with States, embracing a total base area of 847,560 acres, are pending. A number of exchanges with individuals have been carried to a tentative or preliminary stage, but have not yet reached the forester's office.

In order that the public interest shall be properly safeguarded and that there shall be absolutely no possibility of conditions such as were created by the old lieu land law, it is necessary that the base lands offered under acts of Congress and the lands to be selected in lieu thereof shall be carefully examined and appraised by officers of the Government. The costs of such examination and appraisal range from 1 cent per acre up to as high as 25 cents per acre in cases where very extensive timber values are involved. The average cost of examination and appraisal, however, is from 2 to 4 cents per acre.

Considering the extent of the legislation already passed by Congress, it may be proper to ask why more extensive exchanges with private owners have not been made? One reason has been the inability of the Forest Service to accept the basic land values demanded by the private owners. The heavy demand for grazing lands during the past several years has caused an advance in the price of that type of land which the Forest Service does not believe to be permanent. We are unable to assent to the values of $2.50, $3.50, or $4 placed by the owners on the property, while they, on the other hand, refuse to assent to the values of $1.25, or $1.50, or perhaps $0.75, which the Forest Service believes to be correct. The result has been a temporary deadlock which has restricted exchange negotiations. Another development has been the frankly expressed view of some private landowners that the public purposes to which the lands are to be devoted by the Government if acquired, and their adaptability to such purposes, warranted the Government in allowing for them a higher value per acre than they would command in the open market. Refusal to accede to this position has also retarded exchange negotiations. The policy of the Forest Service in handling exchange work has been, first, to approve only those exchanges which are in the public interest. Exchanges for the convenience or profit of private landowners are not deemed to be within the purview of the exchange legislation except when also advantageous to the Government.

Of course, because of the conditions previously outlined it is practicable for both the private landowner and the Government to benefit mutually from these exchanges without either party sacrificing any part of its interest. Another point always stressed is that the value of the base and selected lands shall be determined by careful appraisals, and that in making such appraisals only the market values established by transactions between willing purchasers and willing sellers will be recognized. In no instance are theoretical computations or yield or expectation values used in making appraisals. Continued insistence is laid upon the principle that the Government shall not and will not value offered lands at more than a private purchaser would have to pay for them under conditions of voluntary sale. Another point carefully guarded against is the establishment through exchange of a monopoly of the timber within a region or upon which a region is dependent. Another point always guarded against is a reduction in the county's share of the gross receipts from the sale of forest resources which would hurt the county financially.

The volume of future exchange work is wholly problematical, but if half the bills now pending in Congress become laws the exchange work will be very heavy. For illustration: One bill relating to three national

forests in northern Idaho, which has passed both Houses in slightly different form and is now with the conference committee, would permit exchanges aggregating almost half a million acres. Senator BURSUM'S bill, S. 920, which has also passed both Houses in slightly different form and is now with the conferees, would authorize exchanges in any forest in New Mexico, and under its provisions a million acres or more may be offered in exchange. Senator SMOOT'S bill, S. 490, which has passed the Senate and is now before the House, authorizes exchanges in any national forest, and thus would embrace the entire 25,000,000 acres of privately owned lands, although, of course, much that would never be offered to or accepted by the Government for forest purposes.

Mr. ANDERSON. There is no legislation now which authorizes exchanges in general language?

Mr. KNEIPP. No, sir. None has been enacted so far. S. 490, introduced by Senator SMOOT, is the one now pending.

The exchange work is important and valuable, first, to the Government in creating conditions whereby its valuable forest properties can be more economically administered, more efficiently protected, and better utilized, and to the private owner by making it possible for him to assemble his private holdings into units susceptible of the best use and management.

Of the 25,154,414 acres of land not owned by the United States, it is estimated by the Forest Service that it would be advantageous if about 10,000,000 acres were in Government ownership. The remainder is principally agricultural or mineral land, and consequently chiefly valuable for development by private enterprise. In order to make available information as to the maximum amount of land that might possibly be exchanged under the terms of the Smoot bill, I shall print the following table, compiled by the engineering branch of the Forest Service and published on June 30, 1921:

National Forest areas.

State.	Forest.	Areas within National Forest boundaries.		
		National Forest land.	Other lands.	Total.
		Acres.	*Acres.*	*Acres.*
Alabama	Alabama	55,167	133,218	[illegible]
Alaska	Chugach	5,130,034	102,170	5,232,204
	Tongass	15,449,392	31,698	15,481,090
Total		[illegible]	133,868	20,713,294
Arizona	Apache	1,236,665	39,735	1,276,400
	Coconino	1,769,207	146,364	1,915,571
	Coronado	1,304,841	52,987	1,357,828
	Crook	890,228	22,057	912,285
	Dixie	17,680	.....	17,680
	Kaibab	752,339	561	752,900
	Prescott	1,447,950	196,995	1,644,845
	Sitgreaves	650,115	245,605	[illegible]
	Tonto	1,993,996	44,954	2,053,750
	Tumyan	1,298,115	178,014	1,476,129
Total		11,355,846	925,272	12,281,118
Arkansas	Arkansas	640,136	318,641	958,777
	Ozark	285,869	224,767	511,616
Total		926,005	543,408	1,470,393
California	Angeles	818,782	239,750	1,058,532
	California	817,172	245,400	1,062,572
	Cleveland	548,661	264,955	813,616
	Crater	47,097	9,925	57,022
	Eldorado	553,318	[illegible]	[illegible]
	Inyo	1,204,221	45,061	1,249,282
	Klamath	1,524,514	210,151	1,734,665
	Lassen	949,484	370,859	1,321,343
	Modoc	1,460,402	445,097	1,905,499
	Mono	785,701	88,180	874,881
	Plumas	1,144,418	288,442	1,432,860
	Santa Barbara	3,091,031	297,727	3,388,758
	Sequoia	1,879,809	141,790	2,021,599
	Shasta	824,071	761,129	1,585,200
	Sierra	1,493,400	169,160	1,662,560
	Siskiyou	868,579	52,216	921,795
	Stanislaus	910,832	283,610	1,194,442
	Tahoe	531,210	636,327	1,167,537
	Trinity	1,409,016	315,118	1,724,134
Total		19,172,983	5,120,056	[illegible]
Colorado	Arapaho	634,485	45,536	680,021
	Battlement	658,583	13,655	672,238
	Cochetopa	407,000	25,220	[illegible]
	Colorado	853,641	295,953	1,149,594
	Gunnison	905,409	45,901	951,310
	Hayden	66,053	5,947	72,000
	Holy Cross	1,171,961	89,739	1,261,700
	La Sal	27,444	176	27,620
	Leadville	928,954	127,408	1,056,362
	Montezuma	698,222	113,398	811,620
	Pike	1,093,156	162,956	1,256,112
	Rio Grande	1,135,167	85,973	1,221,140
	Routt	744,856	74,422	819,278
	San Isabel	598,912	52,288	651,200
	San Juan	1,240,168	[illegible]	1,449,000
	Uncompahgre	786,239	81,621	[illegible]
	White River	845,104	25,766	870,870
Total		13,290,354	1,457,789	14,748,143

National Forest areas—Continued.

State.	Forest.	Areas within National Forest boundaries.		
		National Forest land.	Other lands.	Total.
		Acres.	*Acres.*	*Acres.*
Florida	Florida	317,511	[illegible]	716,801
Georgia	Cherokee	61,605	355,251	416,856
	Nantahala	73,090	191,204	264,294
Total		134,695	546,455	680,550
Idaho	Boise	1,069,719	58,395	1,118,114
	Cache	493,234	14,387	507,621
	Caribou	702,527	57,694	760,221
	Challis	1,257,443	11,849	1,269,292
	Clearwater	785,376	122,470	907,846
	Coeur d'Alene	663,531	126,703	790,234
	Idaho	1,879,284	32,613	1,911,897
	Kaniksu	197,476	100,177	297,653
	Lemhi	1,095,938	4,624	1,100,562
	Minidoka	508,745	22,375	531,120
	Nezperce	1,626,627	39,452	1,666,079
	Payette	1,197,511	36,728	1,234,239
	Pend Oreille	674,766	[illegible]	874,738
	St. Joe	556,438	315,550	871,988
	Salmon	1,620,387	22,973	1,643,360
	Sawtooth	1,159,352	18,469	1,177,821
	Selway	1,688,287	113,713	1,802,000
	Targhee	984,625	41,715	1,026,340
	Weiser	561,575	98,047	659,622
Total		18,712,241	1,417,906	20,130,147
Maine	White Mountain	32,143	83,415	115,558
Michigan	Michigan	[illegible]	74,412	163,878
Minnesota	Minnesota	190,602	121,874	312,476
	Superior	857,018	411,520	1,268,538
Total		1,047,620	[illegible]	1,581,014
Montana	Absaroka	841,079	146,631	987,710
	Beartooth	[illegible]	21,250	681,930
	Beaverhead	1,329,568	25,432	1,355,000
	Bitterroot	1,047,420	108,448	1,155,868
	Blackfeet	895,238	233,377	1,128,615
	Cabinet	829,206	214,018	1,043,224
	Custer	518,410	78,918	597,328
	Deerlodge	830,464	133,536	964,000
	Flathead	1,707,912	295,027	2,003,939
	Gallatin	567,644	341,816	909,460
	Helena	680,134	208,497	888,631
	Jefferson	1,042,884	132,801	1,175,685
	Kootenai	1,332,353	284,787	1,617,140
	Lewis and Clark	810,891	15,469	826,360
	Lolo	830,677	330,311	1,161,018
	Madison	931,865	103,635	1,035,520
	Missoula	1,030,717	337,155	1,367,872
Total		15,917,132	3,012,138	[illegible]
Nebraska	Nebraska	205,944	11,864	217,808
Nevada	Dixie	56,324	7,086	63,410
	Eldorado	[illegible]	.....	400
	Humboldt	1,308,207	160,011	1,468,218
	Inyo	56,365	2,412	58,777
	Mono	464,316	19,203	483,519
	Nevada	1,174,621	22,440	1,197,061
	Tahoe	13,853	40,992	54,845
	Toiyabe	1,871,454	[illegible]	1,888,046
Total		4,945,530	268,696	5,214,246
New Hampshire	White Mountain	382,111	487,443	870,554
New Mexico	Carson	889,320	55,981	[illegible]
	Coronado	125,540	3,612	129,152
	Datil	2,642,245	261,475	[illegible]
	Gila	1,339,330	78,523	[illegible]
	Lincoln	1,123,675	348,404	1,472,079
	Manzano	397,498	230,421	[illegible]
	Santa Fe	1,364,585	125,402	1,489,987
Total		8,382,683	1,103,528	9,486,211
North Carolina	Cherokee	.....	44,851	44,851
	Nantahala	110,252	286,032	[illegible]
	Pisgah	202,843	903,206	1,106,049
	Unaka	.....	123,289	[illegible]
Total		313,075	1,457,378	1,770,453
Oklahoma	Wichita	61,649	[illegible]	61,649
Oregon	Cascade	1,022,431	72,054	1,094,485
	Crater	804,533	[illegible]	1,080,125
	Deschutes	1,288,938	[illegible]	1,418,240
	Fremont	849,521	[illegible]	935,714
	Klamath	5,723	170	[illegible]
	Malheur	1,064,777	[illegible]	1,202,340
	Ochoco	718,024	107,619	825,643
	Oregon	1,053,700	[illegible]	1,189,200

National Forest areas—Continued.

State.	Forest.	Areas within National Forest boundaries.		
		National Forest land.	Other lands.	Total.
		Acres.	*Acres.*	*Acres.*
Oregon—Con.	Santiam	607,067	112,896	719,963
	Siskiyou	[illegible]	267,224	1,245,250
	Siuslaw	536,592	290,029	826,621
	Umatilla	915,454	111,585	1,026,939
	Umpqua	1,010,633	210,758	1,221,391
	Wallowa	957,419	93,118	1,053,537
	Whitman	1,313,738	178,454	1,492,192
Total		10,123,081	2,283,281	15,420,362
Porto Rico	Luquillo	12,444	53,507	65,950
South Carolina	Nantahala	18,454	118,762	137,216
South Dakota	Black Hills	476,908	125,403	602,011
	Custer	74,591	5,663	79,254
	Harney	526,085	85,355	611,440
Total		1,077,754	216,421	1,293,175
Tennessee	Cherokee	118,290	248,592	366,882
	Unaka	95,145	420,026	515,171
Total		213,435	668,618	881,763
Utah	Ashley	974,109	7,504	981,613
	Cache	276,337	44,418	320,755
	Dixie	430,106	31,035	461,141
	Fillmore	700,490	78,400	778,890
	Fishlake	655,401	66,090	721,491
	La Sal	510,185	14,530	524,715
	Manti	781,575	74,147	855,722
	Minidoka	69,252	23,028	92,280
	Powell	683,940	21,120	704,760
	Sevier	730,215	79,620	809,835
	Uinta	1,007,145	37,990	1,045,135
	Wasatch	605,476	51,001	656,477
Total		7,421,191	527,083	7,948,274
Virginia	Monongahela		33,245	33,245
	Natural Bridge	97,328	182,658	279,986
	Shenandoah	230,630	545,255	775,885
	Unaka	22,404	190,132	212,787
Total		350,362	941,541	1,291,903
Washington	Chelan	677,592	46,518	724,110
	Columbia	765,227	166,973	932,200
	Colville	754,797	61,203	816,000
	Kaniksu	257,607	119,136	376,743
	Okanogan	1,488,410	52,590	1,541,000
	Olympic	1,535,505	116,494	1,652,000
	Rainier	1,316,679	244,791	1,561,470
	Snoqualmie	695,733	348,267	1,044,000
	Umatilla	313,429	8,102	321,531
	Washington	1,459,748	30,231	1,489,979
	Wenatchee	657,034	499,966	1,157,000
Total		9,939,712	1,694,641	11,634,353
West Virginia	Monongahela	53,335	600,396	653,731
	Shenandoah	45,774	146,021	191,795
Total		99,109	746,407	845,516
Wyoming	Ashley	5,987	73	6,060
	Bighorn	1,124,617	11,583	1,136,200
	Black Hills	144,476	34,645	179,121
	Bridger	713,809	4,168	717,977
	Caribou	6,284	956	7,240
	Hayden	327,318	38,024	365,342
	Medicine Bow	477,794	33,417	511,211
	Shoshone	1,579,116	29,884	1,609,000
	Teton	337,666	1,404	339,070
	Teton	1,924,497	46,695	1,971,192
	Washakie	852,315	12,558	864,873
	Wyoming	974,514	12,536	987,050
Total		8,468,793	225,743	8,694,536
Aggregate for the 149 national forests		156,666,045	25,154,414	181,820,459

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OLYMPIC NATIONAL FOREST.

For emergency expenditures incident to the disposal of wind-thrown and intermingled or adjoining timber on the Olympic National Forest and for emergency measures necessary to protect from fire the timber on the Olympic National Forest, including the repair and construction of roads, fire lanes, trails, telephone lines, or other means of communication, through or along the boundaries of the area or areas of blown-down timber on the north and west sides of said national forest, and for the employment of extra guards and patrolmen as may be found necessary by the Secretary of Agriculture, $33,000.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks on forest fires and the Forest Service generally.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CENTER MARKET, DISTRICT OF COLUMBIA.

Operation and management: To enable the Secretary of Agriculture, in carrying out the provisions of the act of March 4, 1921 (41 Stat. L., p. 1441), to pay for ice, electricity, gas, water, fuel, travel, stationery, printing, telegrams, telephones, labor, supplies, materials, equipment, miscellaneous expenses, necessary repairs and alterations, to be reimbursed by any person for whose account any such expenditure may be made; to continue the employment of the necessary persons under the conditions in existence at the time of the taking over of the property by the Secretary of Agriculture, with such changes thereof as he may find necessary; to provide a fund for the payment of freight, express, drayage, and other charges and claims against the commodities accepted for storage, and to require reimbursement thereof with interest at the rate of 6 per cent per annum, and to remove, sell, or otherwise dispose of such commodities held as security for such payment when such reimbursement is not made when due, all reimbursement of such payments and all receipts from such disposition of commodities to be credited to such fund and to be responsible therefrom; and to use such other means as the Secretary of Agriculture may find necessary for the proper occupancy and use by the Government and its tenants of said property, $165,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SNELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SNELL. I notice under this item that last year a commission was appointed to make an estimate of what it would cost. I wondered whether that commission had given the committee any information as to the cost.

Mr. ANDERSON. The commission has not yet made its findings as to cost. It has until April 4 to do that. Of course, if it makes a determination before that, we shall be able to take it over earlier.

Mr. SNELL. There is nothing to show whether a profit will be made out of this enterprise or otherwise?

Mr. ANDERSON. We have figures showing the receipts and disbursements of the market company and the amount of expenditures to be incurred by the Government. The total revenues, as I recall, last year of the market company were $280,000, as against estimated expenditures for the fiscal year 1923 under Government operation of $175,000.

Mr. SNELL. It is necessary, is it not, for the Government to make extensive repairs in order to put it into proper shape?

Mr. ANDERSON. Yes; to the extent of about $58,000.

Mr. SNELL. The gentleman thinks if we do not pay too much for it we will get out of it without losing much money?

Mr. ANDERSON. Exactly.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph on the ground that it is legislation, unauthorized, on an appropriation bill. That is the point of order. It is legislation.

Mr. ANDERSON. Mr. Chairman, the law authorizes the taking over of this property, and a commission was appointed to appraise it and make a report by April 4. On this report the Government takes over the property under the law and operates it under very extensive provisions for its operation.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. BLANTON. Is it not a fact that so far as the act went it was merely to make a complete survey and report?

Mr. ANDERSON. Oh, no, indeed.

Mr. JOHNSON of Kentucky. It provides for a complete transfer.

Mr. ANDERSON. It provides specifically for the transfer of the property to the Government and that the Government shall have the title immediately upon the filing of the report of this commission as to the value of the property.

Mr. BLANTON. Mr. Chairman, there is nothing in that act which authorizes the Secretary of Agriculture to take over the property in the sense that it also takes over ice, electricity, gas, water, fuel, travel, stationery, printing, telegrams, telephones, labor, supplies, materials, equipment, miscellaneous expenses, necessary repairs, alterations, and so on. There is much of legislation in this particular paragraph.

Mr. ANDERSON. I guess the way to get at it is to read the language for the benefit of the gentleman from Texas.

Mr. MANN. May I ask the gentleman from Minnesota, as a practical market man, if it would be possible to operate the market without the use of ice, electricity, gas, water, and fuel, or could it be operated wholly on hot air? [Laughter.]

Mr. ANDERSON. It is necessary to have all of those things, and it can not be operated on hot air.

The CHAIRMAN. The Chair is ready to rule unless gentlemen desire to discuss the point of order.

SEVERAL MEMBERS. Rule!

The CHAIRMAN. In looking up the law under which the authorization was given to the Government to take over this market, it seems to the Chair very clear that the authorization exists, and that this provision is in order.

Mr. BLANTON. I withdraw the point of order.

The CHAIRMAN. The Chair will read:

Chapter 171, Forty-first Statutes, page 1442, approved November 4, 1921: "The Secretary of Agriculture is hereby authorized, out of appropriations made by Congress from time to time for that purpose, to employ such persons and to purchase such materials as may be essential to the operation or maintenance of said property and for the proper management and control thereof."

In view of that law the Chair overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last two words. I make the motion for the purpose of inviting the attention of the chairman of the committee to the relative expense of conducting the market as compared with the conducting of it by its now former owners.

The act of May 20, 1870, leased this property to a corporation for 99 years at an annual rental of $25,000. By a piece of legislative legerdemain the annual rental, in a few months thereafter, was reduced to $20,000; and then in a few months after that it was reduced to $7,500. That rental went for many years to the District of Columbia and is now going to the District of Columbia. The District of Columbia is getting $7,500 a year as rental of that property. For about 50 years the United States Government has been contributing dollar for dollar under the half-and-half plan against that $7,500. So the United States Government has not only been losing the rental of the property, but under the half and half act relative to the District of Columbia, it has been contributing another $7,500. It has appeared heretofore in the inquiries conducted into this matter that that $7,500 rental was only one-tenth of 1 per cent of the value of the property, as fixed by the assessor. Notwithstanding that the United States Government was leasing its own property at one-tenth of 1 per cent of its value, it has been renting surrounding property at many times that rental. In addition to that, while leasing this property to the Washington Market Co. at $7,500 a year, the Washington Market Co. in turn has been charging the District of Columbia as much as $14,000 a year for the rental of one part of it.

But there is one thing that might come up between the conferees to which attention might now be invited, and that is this, that it appears in the hearings that the capital stock of the Washington Market Co. was $1,000,000. A million dollars capital stock was authorized, but the Washington Market Co. throughout all these years has issued only $150,000 of the capital stock. It has been paying 5 per cent dividend on $850,000 capital stock that never has been issued. They have issued $200,000 bonds upon the property, but they need never have done that if they had only issued $200,000 more of its capital stock.

I submit these few remarks for the benefit of those who may have the control of the matter in conference, with the view of controverting any idea that may be suggested by the other body that this transfer will not be a paying investment to the United States Government.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The Clerk will read.

The Clerk read as follows:

ENFORCEMENT OF PACKERS AND STOCKYARDS ACT.

To enable the Secretary of Agriculture to carry into effect the provisions of the packers and stockyards act, approved August 15, 1921, $410,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum except one person at a rate of $6,500 per annum.

Mr. BLANTON. Mr. Chairman, I make a point of order against the proviso. There is no authority for raising salaries, or at least one salary to $6,500.

Mr. ANDERSON. I admit that it is subject to the point of order if the gentleman from Texas insists upon making it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON. I offer an amendment in lieu of the matter stricken out.

The CHAIRMAN. The Chair understands the point of order was made merely against the proviso.

Mr. BLANTON. Just merely against the proviso.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. ANDERSON. The gentleman states that his point of order was simply against the proviso in the item on page 81?

Mr. BLANTON. No. Merely against the proviso on page 80.

The CHAIRMAN. On page 80, beginning with line 14.

Mr. ANDERSON. I was under a misapprehension. I now understand that the gentleman made his point of order against the proviso on page 80. I do not concede the point of order upon that. That is a limitation. There is no provision at all limiting the salary under the act.

Mr. BLANTON. Does the gentleman think it wise to put the limitation as high as he has placed it?

Mr. ANDERSON. Yes; indeed, I do.

Mr. BLANTON. If the gentleman thinks that, I withdraw the point of order.

Mr. MANN. The point of order is not good. I would like to have it ruled upon.

The CHAIRMAN. The Chair has ruled. The Chair thinks the only way now to change the situation is by unanimous consent.

Mr. BLANTON. I ask unanimous consent to withdraw the point of order.

Mr. MANN. The Chair ruled upon the admission made by the gentleman from Minnesota under a misapprehension. I do not want that ruling to stand as the ruling of the Chair.

The CHAIRMAN. The gentleman from Minnesota conceded the point of order and the Chair ruled.

Mr. ANDERSON. I conceded it under a misapprehension.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the ruling of the Chair be vacated. Is there objection?

There was no objection.

The Clerk read as follows:

MAXIMUM SALARIES.

That hereafter the maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the general appropriations of the Department of Agriculture, shall not exceed at the rate of $6,500 per annum: *Provided*, That for the fiscal year 1923 no salary shall be paid under this paragraph at a rate per annum in excess of $5,000 except the following: Not more than eight in excess of $5,000 but not in excess of $5,500 each, and not more than three in excess of $5,500 each.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. BLANTON. I make a point of order against the paragraph.

Mr. KINCHELOE. Will the gentleman reserve the point of order?

Mr. MANN. I will reserve it.

Mr. BLANTON. I will reserve the point of order.

Mr. KINCHELOE. Mr. Chairman, I want to make a statement in regard to this matter. The question of raising the limit of maximum salaries in the Agriculture Department came before the committee and the Secretary of Agriculture was there with several of his men. I think from his statement in a few of these cases the maximum limit should be raised. But after the hearings the Agricultural Committee reported a bill to the House——

Mr. MANN. I have it in my hand.

Mr. KINCHELOE. Specifically stating that 24 of them should be raised.

Mr. MANN. Not in accordance with the paragraph in the bill?

Mr. KINCHELOE. No.

Mr. BLACK. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. BLACK. All the officials mentioned by the gentlemen are covered by the reclassification bill which the House passed some time ago, and I see no reason why the matter is not taken care of by that bill.

Mr. KINCHELOE. That question was raised before the committee, but the contention of the Secretary of Agriculture was that even if the reclassification bill became a law it could not become a law within the next calendar year, and for that reason they were satisfied with the bill which the Agricultural Committee reported.

Mr. MANN. Is it not a fact that a few years ago the highest pay for this class of employees was $3,000?

Mr. KINCHELOE. Yes.

Mr. MANN. It was increased to $3,500, then it was increased to $4,000, and then on March 9 the Committee on Agriculture reports a bill to the House making the highest salary $6,000. This bill was reported with the highest salary $6,500. The reclassification bill covers all of these cases.

Mr. KINCHELOE. I want to say that I am in sympathy with the point of order and expected to make it myself. But this provision in this bill throws the bars down and gives them unlimited authority to increase the salaries as they may see fit, and I do not think it should be done.

Mr. MANN. In the bill that we passed?

Mr. KINCHELOE. No; in this bill here it says in the proviso that it limits it for 1923.

Mr. MANN. It makes the raise in salary permanent legislation.

Mr. KINCHELOE. Absolutely.

Mr. MANN. And the only restriction is for the next fiscal year.

Mr. KINCHELOE. Yes; for the next fiscal year, and after that anybody engaged in scientific work can be paid any amount.

Mr. MANN. I thought the gentleman was seeking to defend that provision in the bill.

Mr. KINCHELOE. Oh, no; the reason I asked the gentleman to reserve the point of order was to show that the Agricultural Committee had reported a bill only giving them the right to increase the salary of 24 employees in scientific work, while this after the year 1923 will give them blanket authority.

Mr. CLARKE of New York. Was not the bill from the Agricultural Committee the result of a conference with the Secretary of Agriculture?

Mr. KINCHELOE. Yes; and it was absolutely satisfactory, and then they come to the subcommittee on appropriations and ask that after 1923 they have blanket authority to fix salaries.

Mr. BLANTON. Of course the point of order will have to be sustained and the paragraph go out, but I call attention to the fact that only three employees in the limitation are placed on the salary mentioned in line 10.

Mr. KINCHELOE. I expected to make the point of order if the gentleman from Illinois did not, but the point I am making is that the Secretary of Agriculture came before the Committee on Agriculture and agreed to this bill, and then he goes to the subcommittee on appropriations and gets blanket authority after 1923.

Mr. ANDERSON. Mr. Chairman, in connection with the action of the subcommittee, I want to say that this was agreed upon before the action of the Committee on Agriculture in reporting the bill to which the gentleman from Kentucky has referred. So it could not fairly be said that the department, after agreeing with the Committee on Agriculture as to a limitation, came before the subcommittee and asked for a higher limitation.

Mr. GARNER. May I interrupt the gentleman?

Mr. ANDERSON. I have not the floor.

Mr. GARNER. Is it the purpose of the gentleman in the future in the reports to point out and suggest legislation necessary to take care of the departments? I asked the gentleman from Illinois the other day why the committee did not adopt the policy of pointing out to the legislative committees legislation that appeared to the Committee on Appropriations necessary, in order that they might make appropriations that appeal to them, and he said that was going to be the policy in the future. I am wondering if the gentleman is in agreement with the chairman with reference to that?

Mr. MANN. It is the duty of every legislative committee that deals with the matter of appropriations to study the appropriation bills.

Mr. GARNER. I was merely trying to get the legislative committee a primer on which to study these matters from the Committee on Appropriations.

Mr. MANN. Some of them do not need a primer.

Mr. ANDERSON. As far as I am concerned, I shall hesitate very much to advise the Agricultural Committee as to what legislation it ought to pass.

Mr. MANN. Mr. Chairman, it may be possible that there should be some increase in the salaries of the scientists employed by the Government. I do not know who prepared the provision in this appropriation bill. As suggested by the gentleman from Kentucky [Mr. KINCHELOE], it is very shrewdly prepared. Apparently it puts a limit upon the number of salaries that can be paid above $5,000 by providing a limit for the next fiscal year. After that it takes off the limit entirely. Of course, some innocent gentleman somewhere innocently thought that a thing of that sort could go through the House and nobody ever notice it. He will know better the next time. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment in lieu of the paragraph stricken out.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 81, at the top of the page, insert:

"That hereafter the maximum salary of any scientific investigator or other employee engaged in scientific work and paid from the general appropriations of the Department of Agriculture shall not exceed at the rate of $6,000 per annum: *Provided*, That no salary shall be paid under this paragraph at a rate per annum in excess of $4,500 except the following: Not more than seven in excess of $4,500 but not in excess of $5,000 each; not more than five in excess of $5,000 but not in excess of $5,500 each, and not more than three in excess of $5,500."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment. It is legislation on an appropriation bill. The word "hereafter" makes it legislation, regardless of anything else.

Mr. ANDERSON. Mr. Chairman, the amendment which I have offered provides the same limitation as was made by the Committee on Agriculture in the bill which it has recently reported. I admit, however, that there is no legislation authorizing it at the present time.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk concluded the reading of the bill.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10730, the Agricultural appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. CLARKE of New York. Mr. Speaker, I demand a separate vote on the amendment providing for free seeds.

The SPEAKER pro tempore. The gentleman from New York demands a separate vote on the amendment for the free distribution of seeds. Is a separate vote demanded on any other? If not, the Chair will put the other amendments en gross. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 26, after line 7, insert the following as a new paragraph:

"Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That

any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining unsolicited for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry, and other rare and valuable trees, shrubs, vines, cuttings, and plants."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and Mr. CLARKE of New York and Mr. JOHNSON of Washington demanded a division.

The committee again divided, and there were—ayes 60, noes 45.

Mr. MCARTHUR. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the amendment.

The question was taken; and there were—yeas 174, nays 141, answered "present" 2, not voting 111, as follows:

YEAS—174.

Almon	Fordney	Lee, Ga.	Rouse
Appleby	Fuller	Lehlbach	Rucker
Arents	Fulmer	Little	Sanders, Ind.
Aswell	Gahn	Logan	Sanders, Tex.
Atkeson	Garrett, Tex.	Lowrey	Sandlin
Bankhead	Gensman	Lyon	Scott, Tenn.
Barkley	Goodykoontz	McCormick	Sears
Benham	Griest	McSwain	Shelton
Black	Griffin	MacGregor	Sisson
Bland, Ind.	Hadley	Maloney	Slemp
Boles	Hammer	Mann	Smith, Idaho
Bowers	Hardy, Colo.	Martin	Smithwick
Bowling	Hardy, Tex.	Mead	Steagall
Brand	Harrison	Miller	Stedman
Briggs	Haugen	Millspaugh	Stephens
Brooks, Ill.	Hawley	Mondell	Stevenson
Brown, Tenn.	Hays	Moores, Ind.	Stoll
Bulwinkle	Herrick	Mott	Swank
Burke	Hickey	Murphy	Sweet
Byrns, Tenn.	Hogan	Newton, Minn.	Tague
Campbell, Pa.	Huddleston	Newton, Mo.	Taylor, Ark.
Cantrill	Hudspeth	Nolan	Taylor, N. J.
Carew	Hukriede	Norton	Taylor, Tenn.
Carter	Hull	O'Connor	Thomas
Classon	Humphreys	Oldfield	Thompson
Clouse	Jacoway	Overstreet	Tillman
Collier	Jefferis, Nebr.	Padgett	Timberlake
Collins	Johnson, Ky.	Park, Ga.	Tincher
Colton	Johnson, Miss.	Patterson, Mo.	Tyson
Copley	Keller	Patterson, N. J.	Vaile
Crisp	Kendall	Porter	Vinson
Cullen	Kincheloe	Pou	Voigt
Davis, Minn.	Kindred	Pringey	Ward, N. C.
Davis, Tenn.	King	Quin	Weaver
Dominick	Kline, Pa.	Raker	White, Kans.
Doughton	Kopp	Reece	Wilson
Drane	Langley	Reed, N. Y.	Woods, Va.
Dupré	Linthicum	Reed, W. Va.	Woodyard
Dyer	Larsen, Ga.	Rhodes	Wright
Echols	Lawrence	Ricketts	Wurzbach
Fenet	Layton	Riddick	Wyant
Favrot	Lazaro	Roach	Zihlman
Fisher	Lea, Calif.	Robertson	
Focht	Leatherwood	Robsion	

NAYS—141.

Ackerman	Connell	Hersey	Michaelson
Anderson	Connolly, Pa.	Hicks	Michener
Andrew, Mass.	Cooper, Ohio.	Hoch	Moore, Ohio
Andrews, Nebr.	Cooper, Wis.	Hooker	Moore, Va.
Anthony	Crago	Husted	Morgan
Barbour	Cramton	Ireland	Nelson, A. P.
Beck	Curry	James	Nelson, J. M.
Beedy	Dallinger	Johnson, Wash.	Osborne
Begg	Darrow	Jones, Tex.	Paige
Bird	Dickinson	Kearns	Parker, N. J.
Bixler	Dowell	Kelley, Mich.	Parker, N. Y.
Blanton	Driver	Kelly, Pa.	Parks, Ark.
Box	Dunn	Ketcham	Perkins
Brennan	Evans	Kiess	Rankin
Browne, Wis.	Fess	Kinkaid	Rogers
Buchanan	Fitzgerald	Kirkpatrick	Ryan
Burroughs	Foster	Kissel	Sanders, N. Y.
Burtness	Frear	Kleczka	Schall
Burton	Free	Kline, N. Y.	Scott, Mich.
Byrnes, S. C.	Freeman	Kraus	Shaw
Cable	French	Larson, Minn.	Shreve
Campbell, Kans.	Frothingham	Lineberger	Sinclair
Cannon	Garner	Linthicum	Sinnott
Chalmers	Garrett, Tenn.	Luce	Smith, Mich.
Chandler, N. Y.	Gernerd	McArthur	Snell
Chindblom	Gilbert	McDuffie	Snyder
Christopherson	Gorman	McLaughlin, Mich.	Sproul
Clague	Graham, Ill.	McPherson	Strong, Kans.
Clarke, N. Y.	Green, Iowa	Madden	Summers, Wash.
Cole, Iowa	Hawes	Magee	Summers, Tex.
Connally, Tex.	Hayden	Mapes	Swing
Temple	Underhill	Webster	Yates
Tinkham	Vestal	Wheeler	Young
Tinkham	Volstead	White, Me.	
Towner	Watson	Williamson	
Treadway	Watson	Woodruff	

ANSWERED "PRESENT"—2.

Bland, Va.	Cockran

NOT VOTING—111.

Ansorge	Fields	Lehring	Rearis
Bacharach	Fish	McClintic	Reber
Bell	Funk	McFadden	Riordan
Blakeney	Gallivan	McKenzie	Rodenberg
Bond	Glynn	McLaughlin, Nebr.	Rose
Brinson	Goldsborough	McLaughlin, Pa.	Rosenbloom
Britten	Gould	Mansfield	Rossdale
Brooks, Pa.	Graham, Pa.	Merritt	Sabath
Burdick	Greene, Mass.	Mills	Siegel
Butler	Greene, Vt.	Montague	Speaks
Chandler, Okla.	Hill	Montoya	Stafford
Clark, Fla.	Himes	Moore, Ill.	Steenerson
Codd	Hutchinson	Morin	Stiness
Cole, Ohio	Jeffers, Ala.	Mudd	Strong, Pa.
Coughlin	Johnson, S. Dak.	O'Brien	Sullivan
Crowther	Jones, Pa.	Ogden	Taylor, Colo.
Dale	Kahn	Oliver	Ten Eyck
Deal	Kennedy	Olpp	Upshaw
Dempsey	Kitchin	Parrish	Vare
Denison	Knight	Perlman	Volk
Drewry	Knutson	Petersen	Walters
Dunbar	Kreider	Purnell	Ward, N. Y.
Edmonds	Kunz	Radcliffe	Williams
Elliott	Lampert	Rainey, Ala.	Wingo
Ellis	Lankford	Rainey, Ill.	Winslow
Fairchild	Lee, N. Y.	Ramseyer	Wise
Fairfield	London	Ransley	Wood, Ind.
Fenn	Longworth	Rayburn	

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. BROOKS of Pennsylvania (for) with Mr. MONTAGUE (against).

Mr. LONDON (for) with Mr. MILLS (against).

Mr. GALLIVAN (for) with Mr. PURNELL (against).

Mr. O'BRIEN (for) with Mr. STRONG of Pennsylvania (against).

Mr. MANSFIELD (for) with Mr. ELLIOTT (against).

Mr. UPSHAW (for) with Mr. DUNBAR (against).

Mr. LANGFORD (for) with Mr. BLAND of Virginia (against).

Mr. BELL (for) with Mr. BUTLER (against).

Mr. SULLIVAN (for) with Mr. ROSE (against).

General pairs:

Mr. LAMPERT with Mr. RIORDAN.

Mr. DENISON with Mr. TEN EYCK.

Mr. REBER with Mr. CLARK of Florida.

Mr. HIMES with Mr. OLIVER.

Mr. BACHARACH with Mr. WINGO.

Mr. COUGHLIN with Mr. BRINSON.

Mr. ELLIS with Mr. DEAL.

Mr. MOBIN with Mr. WISE.

Mr. WILLIAMS with Mr. RAINEY of Illinois.

Mr. VARE with Mr. KITCHIN.

Mr. KNUTSON with Mr. FIELDS.

Mr. SIEGEL with Mr. MCCLINTIC.

Mr. WINSLOW with Mr. PARRISH.

Mr. FENN with Mr. RAYBURN.

Mr. GLYNN with Mr. SABATH.

Mr. GREENE of Massachusetts with Mr. TAYLOR of Colorado.

Mr. CHANDLER of Oklahoma with Mr. KUNZ.

Mr. KAHN with Mr. DREWRY.

Mr. GRAHAM of Pennsylvania with Mr. GOLDSBOROUGH.

Mr. HUTCHINSON with Mr. JEFFERS of Alabama.

Mr. LUHRING with Mr. RAINEY of Alabama.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ANDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING THE BUSINESS OF PAWNBROKERS IN THE DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6309), known as the pawnbrokers' bill.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6309) to regulate pawnbrokers and their business in the District of Columbia.

Mr. FOCHT. Mr. Speaker, I would like to inquire as to the time. I believe there was a division at the reading of the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania has consumed 18 minutes in favor of the bill. No time has been consumed in opposition to it.

Mr. FOCHT. I just want to inquire whether the ranking member of the District of Columbia Committee is going to ask for time——

Mr. BLANTON. I expect to ask for recognition; I did the other day, but we can run along under the general rules of the House.

Mr. BURTON. May I ask the gentleman if the gentleman from Texas desires to be heard in opposition to the bill or in favor of it?

Mr. BLANTON. I am against the bill. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is upon the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6309).

The question was taken and the motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6309) with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 6309), which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6309) to regulate pawnbrokers and their business in the District of Columbia.

The CHAIRMAN. The gentleman from Pennsylvania has 42 minutes remaining.

Mr. FOCHT. Mr. Chairman, I would like to call the attention of the Chair to this fact, that those 18 minutes that are charged against me were not consumed in any relationship whatever to this bill. I quite generously gave the gentleman from Maryland [Mr. HILL] opportunity to present something, and I do not feel that those 18 minutes should be taken——

Mr. BLANTON. Oh, yes; the gentleman used three minutes himself and the other was in general debate under the rule.

Mr. FOCHT. Not in any connection with this bill whatever.

The CHAIRMAN. The Chair has no option in the matter. The gentleman from Pennsylvania yielded to the gentleman from Maryland and therefore the time is charged to him.

Mr. BLANTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Does the gentleman from Pennsylvania claim the floor at this time?

Mr. FOCHT. Yes, sir; I certainly do.

The CHAIRMAN. The gentleman has 42 minutes remaining.

Mr. FOCHT. Mr. Chairman and gentlemen of the committee, in presenting a bill of this character, bringing it from the committee, there might be such a thing as an apology offered if it were not for the fact that the system of charging rates of interest for the use of money has obtained throughout the history of the world, even from the time when the Master drove the originators of the scheme out of the temple. That seems to have met the whole matter, anything aside from what is duly prescribed by law, and assumes that dignity of what they call a banking system. Unfortunately in the District of Columbia, the loaning of money has descended to a point where it is characterized and denominated as a species of graft operated and conducted by loan sharks, or whatever they are. There are two kinds of systems or two divisions of this money-lending business throughout the United States. It is recognized and sanctioned by law in every State in the Union. There was at one time a flourishing business in the District of Columbia up until February 4, 1913, when there was enacted a law here governing pawnbrokers and what they called loan sharks, holding the rate of interest allowable to 1 per cent a month. As a consequence of that law, I am advised that not one loan under its restrictive provisions has been made since that time, hence the demand has come to Congress through the Committee on the District of Columbia, the agency or the medium through which these matters are presented to the Congress, and we find here in the report submitted May 18, 1921, an appeal for relief from this 1 per cent which makes it prohibitive to secure loans from pawnbrokers. There are at least 20 different associations who have asked for the essential features of this legislation, as follows:

The Central Labor Union of Washington, D. C.
The Chamber of Commerce of Washington, D. C.
The Central Union Mission of Washington, D. C.
The Private Soldiers and Sailors' Legion.
The Benning Citizens' Association.
The Central Citizens' Association.
The Bradbury Heights Citizens' Association.
The Citizens' Northwest Suburban Association.
The West End Citizens' Association.
The Howard Park Citizens' Association.
The South Washington Civic Association.
The Capitol Heights Citizens' Association.
The Brightwood Citizens' Association.
The Seat Pleasant Citizens' Association.
The Civic Betterment Association.
The Northwest Washington Citizens' Association.
The Deanwood Citizens' Association.
The Chillum-Castle Woodburn Citizens' Association.
The Randle Highlands Citizens' Association.
The Prince Georges County Citizens' Association.
The Southeast Citizens' Association.
The Southwest Washington Citizens' Association.
The Hillsdale Citizens' Association.
The East End Suburban Citizens' Association.
The Georgetown Citizens' Association.
The Langdon-Woodridge Citizens' Association.
The East Washington Citizens' Association.
The National Woman's Party.

Now, that is the source from whence comes the importunity to restore some method by which more loans can be made. The rate charged by the different States runs all the way from 3 per cent to 10 per cent, and in most of the States there is an added fee.

Mr. BURTON. That is, per month?

Mr. FOCHT. Yes; per month. I submit the rates charged by the different States:

PAWNBROKING RATES ALLOWED BY LAW IN THE DIFFERENT STATES.

New York: Three per cent per month for six months, less than $100; 2 per cent per month thereafter; 2 per cent per month first six months, over $100, or 1 per cent per month thereafter.

All interest must be paid in full at the expiration of 12 months or new ticket issued, starting the transaction over again.

New York cities.	Loan amount of—					
	$1	$10	$25	$50	$75	$100
Albany	$0.05	[illegible]	[illegible]	$1.50	[illegible]	[illegible]
Auburn	.25	1.00	2.50	3.00		
Buffalo	.10	1.00	1.25	1.25	1.25	1.50
Elmira	.10	1.00	1.75	3.00	3.75	5.00
Niagara Falls	.20	1.00	2.00	2.50	3.25	
Olean	.10	1.00	1.25	1.25	1.87½	
Rochester	.10	1.00	1.75	3.00	3.75	5.00
Schenectady	.05	.50	1.25	2.50	3.75	5.00
Syracuse	.25	1.00	2.50	3.00		

Massachusetts: On loans of $1 or less, 5 per cent for the first week and 2 per cent for each week thereafter; on loans of from $1 to $3, 4 per cent for the first week, 2½ per cent for each week thereafter; on loans of $3 to $10, 3 per cent for the first week and 2 per cent for each week thereafter; on loans of over $10 to $25, 1 per cent a week; on loans over $25 to $100, 3 per cent a month and each fraction thereof; on loans of over $100, 2 per cent a month and each fraction thereof.

New Hampshire (Concord): On loans of $1 or less, 5 cents for the first week, 2 cents for each week thereafter; over $1 to $3, 4 per cent for the first week and 2½ per cent each week thereafter; over $3 to $10, 3 per cent for the first week and 2 per cent each week thereafter; over $10 to $25, 2½ per cent for the first week, 2 per cent each week thereafter; over $25 to $50, 2 per cent for the first week and 1 per cent each week thereafter; over $50 to $100, 1½ per cent for the first week, 1 per cent each week thereafter; over $100, 1 per cent per week.

Virginia: 10 per cent per month on loans of $25 or less; 5 per cent per month on loans of over $25 and not more than $100; 3 per cent per month on loans over $100.

Rhode Island: 5 per cent per month on loans of $50 or less first six months; 2½ per cent per month on loans of $50 thereafter; 2½ per cent per month on loans of more than $50.

Connecticut: 5 per cent per month on loans up to $15; 3 per cent per month on loans up to $50; 2 per cent per month on loans over $50.

Vermont: 5 per cent per month up to $50; 3 per cent per month over $50. Law also allows a storage charge, agreement to be made by both parties.

New Mexico: 10 per cent per month.
Ohio (Cincinnati): 10 per cent per month on small loans.
Texas (El Paso): 10 per cent per month.
Indiana: 3½ per cent per month.
Maine: 3½ per cent per month.
Arizona: 4 per cent per month.
Colorado: 3 per cent per month.
Illinois: 3 per cent per month.
Montana: 3 per cent per month.
Oregon: 3 per cent per month, with no charge less than $1.
Michigan: 3 per cent per month, with no charge less than 50 cents.
Delaware: 3 per cent per month and 3 per cent per month extra, storage.
Pennsylvania: 5 per cent per month storage, one-half per cent interest per month.
Maryland: 2½ per cent per month.
Georgia: 5 per cent per month, and 25 cents for storage.
Wisconsin (Racine): General practice is to charge 10 per cent per month. No law as to what shall be charged.

I might say, for instance, in a great State like Ohio they charge 3 per cent a month and fees, making a considerable sum, that gives latitude and opportunity for some sharp practice if they desire to perpetrate it upon the poor fellow, the victim who has to borrow the money.

Now, what is known as the Sage Foundation was very much interested originally in measures of this kind, and they thought that 1 per cent would be sufficient, but I find here in a bulletin

of the National Federation of Remedial Loan Associations where they appeal for rates of interest and claim that money can not be profitably loaned for less than 3 per cent. I find also here that in the State of Ohio, in an act, section 6339-3, passed in the general assembly May 14, 1921, and approved June 7, 1921, filed in the office of the secretary of state June 8, 1921, it says:

No licensee shall charge, receive, or demand in excess of 5 per cent per month interest on any loans, or discount on any conditional purchase, up to and including the sum of $25, or in excess of 3 per cent per month on loans or discounts above the sum of $25.

Now, that leaves the matter with you, my friends, as to the amount. It matters not to me at all. I am simply the agent that brings this bill before the House and to present such facts, in the brief time that we have here, that we have gathered.

Mr. JOHNSON of Kentucky. Mr. LAMPERT and myself, as a subcommittee, spent many weeks gathering information on this subject. We have prepared a bill. I wish to say, my friends, that whatever virtue may be in any other bill, that really the whole crux of the matter is on this question of percentage, outside of this fact: That I wish to state that we have incorporated in this bill (H. R. 6309) a number of features which have not been in any bill that has been in operation in the District of Columbia, or that is perhaps either here or in the Senate, and I would call the attention of those who are interested in the subject——

Mr. JONES of Texas. Will the gentleman yield?

Mr. FOCHT. Just for a question.

Mr. JONES of Texas. I do not know if I understand the bill thoroughly or not. Does section 10 here legalize the rate of interest of 3 or 2 per cent a year?

Mr. FOCHT. Oh, no.

Mr. JONES of Texas. I am reading this part:

If interest and charges on this loan in excess of the rate of 3 per cent per month up to and including $35 or of the rate of 2 per cent per month over $35 thereof be charged, asked, or received——

Mr. FOCHT. Up to $35.

Mr. JONES of Texas. Three per cent up to $35?

Mr. FOCHT. Yes.

Mr. JONES of Texas. Does the gentleman think it is wise business for Congress to authorize and legalize the charging of those rates?

Mr. FOCHT. I condemn all kinds of usury, for my part, but how are you going to do business? This is the basis on which it is done.

Mr. JONES of Texas. But if you enact this law you legalize it.

Mr. FOCHT. You did in your State, and in all States. They do it in Pennsylvania. It is an evil that we must meet, but we are going to demand that there be protection. Otherwise there will be no restriction or control.

Mr. JONES of Texas. Have we not a usury law here?

Mr. FOCHT. We are going to make one if we pass this bill. You pass the bill and we will hold them all right.

I will read you a couple of paragraphs from the Pennsylvania law as something new in these bills.

In section 29 of this bill, in addition to the bond above mentioned, which was referred to in these other laws, it says:

That in addition to the bond above mentioned, every such pawnbroker before entering business as aforesaid shall be required to take out a policy or policies of insurance against loss by fire or theft sufficient in amount to cover the fair market value of all articles left with him in pledge as security for loans.

So it does not matter as to the value of what you put up as a pledge. It is absolutely secured by fire and theft insurance, something that never was before incorporated in any of these laws, but which we have in Pennsylvania.

Section 4 provides:

That no person, being a pawnbroker or the employee of a pawnbroker, shall make any loan or advance, or permit to be made any loan or advance, to any minor under the age of 16 years.

That is legislation here to keep the minors out of the thieving business and passing the goods over to the pawnbroker.

In section 27:

That it shall be unlawful for any person, firm, or corporation, being in possession of goods and chattels of any description belonging to another, either a storage or warehouseman, pawnbroker, second-hand dealer, or junk dealer, to conceal from any marshal or deputy marshal intrusted with the execution of any writ any such goods or chattels, with intent to prevent any such goods or chattels from being taken or levied upon under any such writ.

The warehouseman, or junk dealer, or any other agency—what they may call the "fence" man.

Mr. SMITH of Michigan. Does this bill legalize the contract between the pawnbroker and a minor between the age of 16 and 21?

Mr. FOCHT. I think they all do. This is the only one that even limits it.

Mr. REED of West Virginia. Will the gentleman yield there?

Mr. FOCHT. Yes.

Mr. REED of West Virginia. Will the gentleman address himself to this phase of the subject: There is an abuse in Washington now existing by the business being carried on over the line by a State that charges 10 per cent a month and having their agencies in Washington.

Mr. FOCHT. They can charge 10 per cent. But in the State the gentleman comes from they charge 20 per cent, and they have charged 30 per cent. The whole thing is an outrage. There is some sort of a cloak being covered over it to obscure what is known in Washington, and better known by Mr. JOHNSON than myself, because he has dug deeper into the matter, as the loan shark. They do not want a pawnbroker's bill. They want to go on with the business themselves, in some manner, with a system of notes. I do not know how they do it. They loan the money, and it is reported before the committee that they get as high as 22 instead of 3 per cent.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the bill as a member of the committee.

Mr. BROWNE of Wisconsin. The gentleman from Pennsylvania introduced a bill, H. R. 5015. Now, that bill had the indorsement of the District Commissioners, did it not?

Mr. FOCHT. I do not know anything about it.

Mr. BROWNE of Wisconsin. I hold in my hand a bill (H. R. 5015), which was introduced by yourself.

Mr. FOCHT. Yes; some time ago.

Mr. BROWNE of Wisconsin. Now, I understand that that bill has the indorsement of the District Commissioners.

Mr. FOCHT. Yes; if they indorsed that bill they will indorse this, because of the added feature of protection to the one who puts up the pledge.

Mr. BROWNE of Wisconsin. I understand that they do not indorse this bill. I understand they oppose this, but indorse that.

Mr. FOCHT. I do not think so. I think this has a universal indorsement. There might be a thousand people against it where there are 250,000 for it.

Mr. BURTON. Mr. Chairman, will the gentleman yield for a further question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. FOCHT. Certainly.

Mr. BURTON. Does this proposed bill repeal the existing law of February, 1913?

Mr. FOCHT. As to pawnbrokers only. It has no reference to anything but pawnbrokers, separating them from what they call the loan-shark business, a species of banking where they use notes. This is where they receive pledges.

Mr. BURTON. The gentleman's idea is that the existing law continues to be effective as to loans made not secured by pledges?

Mr. FOCHT. Yes.

Mr. BURTON. Will the gentleman state whether there is a Morris plan bank in the District of Columbia?

Mr. FOCHT. No. That was all discussed in statements made before the committee. We understand that that has been operating in some cities; but now, according to the last report read to you from the Sage Foundation, they can no longer loan money or attempt to do it at 1 per cent a month. They must have 3 per cent.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania reserves 25 minutes.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the bill.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, this bill embodies legislation that originally was brought before the House in a bill prepared and introduced by the gentleman from Kentucky [Mr. JOHNSON], who for several years, as you know, was chairman of the Committee on the District of Columbia. Later on, as I understand it, or it may have been prior thereto, the gentleman from Missouri [Mr. DYER] introduced a bill embodying similar legislation, and when that bill was considered before the House it was amended so that it forms the present law here in the District, under which, as the chairman stated, loan sharks operate. Instead of charging you the 1 per cent provided in that legislation, I understand in some instances they charge 30 per cent.

I am against one provision in this bill, and with that provision remaining in the bill I would vote against it. But with that provision changed I would vote for the bill. I refer to the charge of 3 per cent per month interest up to the sum of $35, and after you reach the sum of $35, then with respect to all

other amounts the amount that is loaned at a charge of 2 per cent. In other words, a transient person, say, some rich actor or some rich person traveling through this city, who would run out of money and would want a large sum immediately and could not get it through the bank on jewelry as collateral, could take diamonds to the extent of $2,000 or $3,000 to one of these pawnbroker shops, and under this law he would have to pay 24 per cent a year on that loan. If they borrowed from $35 down they would pay 36 per cent a year. That is entirely too much interest. I think that provision ought to be changed. With this change, I say, I am in favor of the bill.

blue sky is the limit as to the maximum

Now, I want to discuss another subject for a few minutes. This bill has to do with people's purses. It has to do with the amount of money that the loan sharks can take out of a man's purse in recompense for making loans, little and big. It has to do with purses, and we learn in our early schoolbooks that he—

> Who steals my purse steals trash; • • •
> But he that filches from me my good name
> Robs me of that which not enriches him
> And makes me poor, indeed.

That is the substance of it; I may not have gotten it correctly. But it suffices to make a text for me on this occasion.

Some time ago in the House my colleagues—and I do not question the motive or act of any colleague—saw fit to pass a censure upon me when I thought I was doing my solemn, conscientious duty under my oath. I have never said an unkind word about any colleague who saw fit to take that action; not an unkind word. I have never questioned your motives or your intentions. But self-defense is the first law of nature. It is against the law of the land for one man to take the life of another, but when that life is taken in defense of one's own life it is justifiable under the law. The animal recognizes this law. It is the law of God and man that self-defense is the first law of nature, and that is true with respect not only to a man's person; it is true with respect to a man's good name and his reputation in the country in which he lives.

The country found out what you thought of my act for which I was censured. Do you know that I have received several thousands of communications—from Seattle, Wash., to Florida, and from the extreme northeast to the extreme southwest of this land; from lawyers, from judges on the bench, distinguished Federal judges, doctors, ministers of the gospel, teachers, college professors, professors of high standing in the leading universities of our land, and, yes, more than that, from some of the best women in our country—to the effect that, "Mr. BLANTON, with all due respect to the judgment of your colleagues, I have examined the matter upon which they passed, and, instead of censuring you, I want you to know that I commend you as a citizen of the United States"?

I think it is due to myself and to my family and to the record that I have made for 49 years in my native land that you, my colleagues, against whom I say again I have no malice—I have none against any of you—I think it is meet that you should know something of what your own colleagues, distinguished men and women of this Nation, think of the matter. Let me read you just a few extracts from some of these communications, because I want you to see them and I want the RECORD in behalf of my family in the future to show what the people of the Nation, leading men and women, think about this question.

WILMINGTON, DEL., *October 28, 1921.*

DEAR MR. BLANTON: I feel it is a privilege to commend the good work you are doing. The unpleasant incident will eventually be of the greatest help to you. Good luck to you.

WILLIAM L. SCOTT.

—

[From Dramatic and Musical Exchange.]

CHICAGO, ILL., *October 28, 1921.*

DEAR MR. BLANTON: I congratulate you upon your courageous and honorable stand. * * *

Go ahead with your fight and you will find that almost the entire country is with you. I wish we had more courageous men like yourself in Congress.

A. MILO BENNETT.

—

SEATTLE, WASH.

DEAR MR. BLANTON: Accept my word of praise for your fearless and true statement of facts. There is one man in the far-away State of Washington who is with you.

H. D. MASTERSON.

—

CLAYTON, DEL., *October 29, 1921.*

DEAR MR. BLANTON: I offer you my congratulations. I regret that the entire House is not composed of men of your kind. After reading the matter complained of, I showed it to other gentlemen, and not one of them could figure out what was meant by all of the abbreviations.

JAMES B. COAR, M. D.

—

NEW YORK, *October 29, 1921.*

DEAR MR. BLANTON: You did your duty by the public regardless of the consequences. I hope that you will continue to serve the public.

ULDRIC THOMPSON, Jr.

—

WORCESTER, MASS., *October 28, 1921.*

DEAR MR. BLANTON: Many of those who voted for your censure did so from lack of backbone. This was the opportunity for a great many to seek revenge against the fearlessness which you have exhibited on the floor of the House and outside of Congress.

While I am a Republican, and never voted for a Democrat, you would have my vote and support.

F. H. C. COPPUS.

—

UNION, S. C., *October 28, 1921.*

DEAR MR. BLANTON: I have watched your career with much interest. You are a patriot and a gentleman and have done much service for the country. The people will stand by you.

T. J. WEST.

—

JERSEY CITY, N. J., *October 29, 1921.*

DEAR MR. BLANTON: Allow me to congratulate you. I regret that we have not a few more men of your type in Congress. Men who have the "guts" to speak as they think are the men that the real he-men of the Nation respect.

LEONARD H. ALLEN.

—

ASHEVILLE, N. C., *October 29, 1921.*

DEAR MR. BLANTON: I express my personal appreciation of your faithful and fearless efforts to maintain the old traditions of our southland. Thousands and thousands of people are with you in your fight for true Americanism. You are not the first man to suffer for the sake of others. Take courage and fight on.

CHARLES H. NEAL.

—

YONKERS, N. Y., *November 4, 1921.*

DEAR MR. BLANTON: The thinking people of this country are awakening to the fact that many Congressmen are ———. That you should be attacked and maligned is immensely to your credit. I hope you will be given strength and courage to continue your matchless fight for justice and right.

WALTER C. CHILDS.

—

MCALESTER, OKLA., *October 29, 1921.*

DEAR MR. BLANTON: We have watched your career and want to congratulate you on the fight you have been making for the people. We know you will not be bullied into deserting your principles.

HARRIS & LACKEY, *Attorneys.*

—

MELROSE, LA., *November 3, 1921.*

DEAR MR. BLANTON: Lots of us are with you. Give 'em ———.

MILTON DUNN, M. D.

—

SPRINGFIELD, MASS., *October 28, 1921.*

DEAR MR. BLANTON: Don't let this hinder the wonderful work you have accomplished since you have been in Washington. Every red-blooded man wishes there were a lot more in Washington like you.

W. P. COTHARIN.

—

[From Courier-Journal Job Printing Co.]

LOUISVILLE, KY., *November 2, 1921.*

DEAR MR. BLANTON: We hope that you will keep up the good work which you have so bravely carried on, and remember that the great American public owes you a debt of gratitude for what you have done.

JOHN BUCHANAN, *Secretary.*

—

ORVILLE, CALIF.

DEAR MR. BLANTON: You are my idea. You are not a four-flusher. The people are with you. The politicians in Congress can't hurt you. Next year we will have an election, and then see who is right in the eyes of the world, you or the ones who tried to destroy you.

HARRY GRANT.

—

ALLENTOWN, PA., *January 7, 1922.*

DEAR MR. BLANTON: I congratulate you upon your excellent fights. With your courage and conscientious convictions you will succeed. I believe Texas will do itself honor by electing you to the United States Senate. Keep up the fight. Strike hard and, as usual, "hit 'em between the eyes."

WILLIAM J. DIETRICH.

—

NEW YORK, *December 14, 1921.*

DEAR MR. BLANTON: It was simply wicked the way they tried to persecute you. They didn't want the truth. Keep up your good work.

GEORGE KRAMER.

—

CLEVELAND, OHIO.

DEAR MR. BLANTON: The conviction is growing that—

I do not presume that this will give offense. If it does, I will cut it out—

The conviction is growing that the great majority of Representatives in Congress are merely "old women." Among men you have made friends by the enemies you have made.

F. G. CYREL.

—

NEW YORK, *October 28, 1921.*

DEAR MR. BLANTON: "The malediction of knaves is the glory of an honest man," and it is, I feel sure, a consolatory reflection to you to know that the treatment just handed out to you was in no way merited.

B. J. HART.

ST. PETERSBURG, FLA., *February 1, 1922.*

DEAR MR. BLANTON: I have read your expurgated report. It does you credit and condemns the action of Leader MONDELL and the House.

C. A. GRAVES, M. D.

From Hon. Joseph N. Brown, twice governor of Georgia. Now, if any colleague objects to this I will eliminate it, but this is from a man who has been twice governor of Georgia. This is what he said—and, of course, I offer it with a grain of salt:

In my opinion, every Representative and Senator in the United States, with the exception of Representative BLANTON, of Texas, is afraid of the labor unions.

Well, I know of some men in here who are not, so the governor made a mistake on that. I know a few men in this House with whom I am intimately acquainted who are not afraid of them and not afraid of anything else.

DONNELLSON, IOWA.

CONGRESSMAN BLANTON: I congratulate you as the only man in Congress with sand enough to stand up squarely for the people against the many "holdups" in Congress.

ALBERT BONNELL.

That comes from Iowa. I am not responsible for it.

From the distinguished educator, Dr. William Starr Myers, professor of history and politics in Princeton University:

PRINCETON, N. J., *January 18, 1922.*

MY DEAR MR. BLANTON: Please accept my sincere thanks for the CONGRESSIONAL RECORDS. They are exactly what I desired in order to go over the whole case for myself. In reading the accounts of your censure in the newspapers I suspected you had not received a square deal, and I am now confident of it.

Personally I am not opposed to labor unions, but I do feel that the closed shop is not only un-American but absolutely detrimental to the integrity and welfare of this country and the best interests of labor itself.

Permit me to congratulate you on the brave and patriotic thing you have done.

With all good wishes and kindest regards, believe me,

Very sincerely, yours,

WM. STARR MYERS.

—

SHAWNEE, OKLA.

This is an excerpt from a letter written to my colleague, Congressman PRINGLEY, by one of his constituents.

SHAWNEE, OKLA.

DEAR CONGRESSMAN PRINGLEY: We think Congressman BLANTON is doing the country one of the greatest services that any man has ever undertaken.

NEWS DISPATCH PRINTING & AUDIT CO.

—

[From Manufacturers' News.]

CHICAGO, *November 24, 1921.*

Quite a change is noticeable in the attitude of some of his colleagues toward Representative BLANTON, of Texas. It proved just how far professional agitators will go to carry their point.

Congressman BLANTON certainly was courageous. Neither the threats of the Gompers, nor the appeals of spineless associates prevented him from exposing the methods pursued by professional labor leaders to tyrannize over better men. His attitude is beginning to be understood.

Mr. BLANTON was made to suffer much, has been abused and persecuted, but he has won a great victory for independent labor and genuine Americanism.

—

[From Ridgly Club, Harvard University.]

HON. THOMAS L. BLANTON,
Washington, D. C.

DEAR SIR: The members of the Ridgly Club, of Harvard University, have instructed me to dispatch to you a note of sympathy and understanding because of the recent vote of censure which the House of Representatives deemed necessary to pass upon you. It seems to us that this vote was an unprincipled attack upon the position which you had assumed and upon your own personal character. The vote of censure itself, the words of the Speaker of the House, the mysterious innuendoes of the press have all contributed to obscure the real issue and to cast upon you personally the odium which not you but the union printers in the Government Printing Office should bear.

It is indeed regrettable that a true conception of this unfortunate incident can not be drilled into the public. In the meantime, we trust that you will accept our expression of sympathy at this time of deplorable persecution.

Very truly, yours,

EDWARD C. KIRKLAND, *Secretary.*

From the distinguished jurist, Hon. Fred Lamb, judge of the twelfth judicial circuit of Missouri:

MY DEAR MR. BLANTON: Having watched your career with some interest, and I may say admiration, I have studied carefully the record which was the foundation of this attack upon you.

Being accustomed to weighing matters of this kind, I have no hesitancy in pronouncing the attack upon you as an unjustifiable outrage, the like of which finds no precedent in the record of the doings of our Congress.

This was a vile affidavit, but it was a part of your case made against the union-labor element in the Public Printing Office, and I am not sure yet that it was not properly placed in the RECORD. In any event, your good faith in the premises can not be questioned, and if it was an error it can furnish no justification for the attempted expulsion or the reprimand that followed. Many of our people who keep in touch with Congress are of the opinion that you have rendered the country invaluable service in Congress, and we hope that you keep up the fight. Now of all times we need men there with patriotism, brains, and courage to defend the common country. I think you are the right man in the right place. I hope you stay on the job. I hope you go back to your people and upon your record ask a vote of confidence, and I have faith enough in the patriotism and discriminating judgment of the good people of Texas to believe they will stand behind you.

Very sincerely, yours,

FRED LAMB.

—

LOUISVILLE, KY., *November 3, 1921.*

DEAR MR. BLANTON: The country generally appreciates the sincerity and effectiveness of your efforts. You have for a long time been making a bold, hard fight, and I hope you will not be discouraged.

WILLIAM BLACK.
President B. F. Avery & Sons.

—

HAVRE DE GRACE, MD., *November 5, 1921.*

DEAR MR. BLANTON: You have made more friends than enemies. There are apparently not many men in Congress who have the nerve and courage that you have shown.

EDWARD V. STOCKHAM.

—

DENVER, COLO., *November 4, 1921.*

Congressman CHARLES FULLER—

I will take some of this out, because it may give offense—

You voted to expel Congressman BLANTON. I recall, however, that you are the man who, when his country was assailed by a savage enemy, sinking our ships and drowning American men, women, and children, voted against America going to war.

There are those who believe your action was due to a pusillanimous knuckling to a disloyal element in your district. No one questions the patriotism of Congressman BLANTON. I still think you should have resigned in 1914.

REV. HARRY E. PURINTON.

—

From Judge Roy McKittrick:

SALISBURY, MO., *November 5, 1921.*

DEAR MR. BLANTON: I take the liberty of expressing to you my hearty congratulations for the wonderful fight that you have been making in Congress the last four years for the people of this Nation. I hope you will continue to block the "pork-barrel" Congressmen. The people understand that the reason certain leaders wanted to throw you out was to get rid of your interfering with them. The House censured you, but the people have not. The people of Missouri will not rebuke you, but approve of your efforts in their behalf.

ROY MCKITTRICK.

—

JACKSON, MISS.

DEAR MR. BLANTON: The Mississippi employing printers, of which I am president, heartily indorse your attitude. I congratulate you. Public sentiment is with you.

J. WOFFORD TUCKER.

—

[From Father George Zurcher, president of the League of Catholic Priests, fighting in Washington for Americanism and morality.]

Congressman COCKRAN denounced the act of Congressman BLANTON as "deplorably obscene and unspeakably loathsome." But neither Congressman COCKRAN nor any other Congressman said aught against men who may be in the habit of uttering, under the nose of the Government, words characterized by Congressman MONDELL as "unspeakably vile, foul, filthy, profane, blasphemous, and obscene." Is vile language to be ignored and condoned as long as it is not made public? Congressman BLANTON, unable to bring the bad behavior of Government printers to the attention of Congress, brought it to the attention of a higher authority—the people. Are we to ignore the "horrible stuff" as long as it is uttered among men exclusively? If so, we are arrant pharisees or "whited sepulchres." If one Congressman with the help of the Public Printer succeeded in banishing gambling from the Government printing shops, 434 Congressmen ought to banish from it foul language and blasphemy.

—

[From the Trenton Typothetae.]

TRENTON, N. J.

DEAR MR. BLANTON: I am a Republican through and through, but I would split my ticket to vote for you. My hat is off to you.

C. W. SCHAEFER, *Secretary.*

—

HARRISBURG, PA.

DEAR MR. BLANTON: I have carefully read your extended remarks, for inserting which you were publicly reprimanded, and I feel a sense of shame that the reprimand should have been administered for bringing to the light the circumstances.

I write thus to assure you of the sympathy of one unafraid American, who happens to represent the printing interests of a large productive territory, at an infliction wholly undeserved, and to wish more power to you.

J. HORACE MCFARLAND.

—

[From editor Hibbing Daily News.]

HIBBING, MINN., *November 24, 1921.*

DEAR MR. BLANTON: You are one of the few men in public life with nerve enough to blaze the trail to freedom, and you will find that the great majority of the American people are with you, though for business and political reasons they will not give you the encouragement and assistance your splendid effort deserves. More power to you.

C. M. ATKINSON.

—

SYRACUSE, N. Y., *November 23, 1921.*

DEAR MR. BLANTON: The people of this country are solidly behind you, "twenty to one," as against the gang who are trying to put you out of business. You will be in Congress many long years after the Mondell element shall have been utterly forgotten.

F. H. EBELING.

—

[From Salem (Oreg.) Journal.]

Representative BLANTON has been consistently the champion of the open shop and American plan in Government bureaus, and hence has been a marked man. All the pressure of organized labor has been ex-

erted against him, and the effort at expulsion was due to pressure of labor lobbyists upon Congress to get rid of a man courageous enough to expose their methods.

—

MARION, OHIO, *December 2, 1921.*

DEAR MR. BLANTON: I wish to commend you on your fearless stand. What this country needs is more men like yourself in Congress, who are willing to stand for right and justice regardless.

CHARLES B. KING.

—

WOLF CREEK, OREG., *November 5, 1921.*

DEAR CONGRESSMAN BLANTON: Millions of people are with you. I wish we had more Representatives like you in Congress.

A. W. ZOELLNER.

—

[From the Commercial Advertiser.]

CANTON, N. Y., *November 1, 1921.*

The condemned affidavit published was practically in cryptic language. A clean-minded woman or child might say there was some profanity in it, but they would never recognize the filth. That would have to be deciphered by the student of filth and obscenity. Who would ever have heard a word about it were it not that Congress picked it up and went into the scare-head business?

BLANTON was up against a lot of people who wanted to "get" him. Union labor wanted to "get" him, the Woodmen of the World wanted to "get" him, and many others wanted to "get" him, including scores of Congressmen who were forced to vote yes or no on questions when they wished to avoid being put on record. It would seem that the House of Representatives was in deplorably small business.

—

GRAND RAPIDS, MICH.

DEAR MR. BLANTON: It may interest you to know that there are a lot of northern Republicans who agree with you. I applaud your nerve.

BLAINE GAVETT.

I have just a few more that I want to read, and I am reading them only to let you know that the people from one side of the United States to the other, Republicans of high standing in their party—and it is a great party—do not approve of the condemnation I received. They are a little severe on you. In justice to you I want to say their being severe on you because of your having been severe on me is not going to cause me to do you an injustice, and I wish to say that many of you are men of lovable character and disposition, whom I love yet, regardless of the action that you took against me. I can sit and listen to you and discuss matters heart to heart, and I do it every day. There is not a day that passes that I do not sit in friendly relations with men on the floor, men who voted to censure me, but I say again that I have no malice against them. I do it simply in behalf and in defense of my good name for which I have fought and bulded for 49 years in this country. Now, I will take a few minutes more time to show you that this sentiment is not from one section, but all over the country, from every State, from your constituents as well as mine.

[From the editor of the Sedgwick Sun, Colorado.]

DEAR MR. BLANTON: Thousands of citizens feel as I do, that you are a martyr to the cause of real Americanism. Personally I am a Republican, but that does not keep me from sending you my expression of sympathy.

E. R. KISLGAR.

—

FORT HAMILTON, N. Y.,
November 19, 1921.

DEAR MR. BLANTON: You have made a good, clean, and brave fight against tremendous odds, and should have the support of all decent Americans.

JOHN D. MAHER.

—

[From the editor of the Caddo Herald.]

CADDO, OKLA., *November 4, 1921.*

DEAR MR. BLANTON: I have for years admired your stand. I have read the matter complained of, and I have seen worse in print circulated through the mails. I do not think the error was yours. I think that it is time that the American people know about the utter intolerance practiced. Just want to let you know that everybody does not condemn you. Here's hoping you continue your fight and win.

G. A. CROSSETT.

—

[From the Coconino Sun.]

FLAGSTAFF, ARIZ.

That the CONGRESSIONAL RECORD is a Sunday-school paper which all the children read is silly rot. BLANTON is a rabid Democrat, but he was doing the whole people a service.

—

[From Little Rock Daily News.]

NOVEMBER 8, 1921.

BLANTON employed initial letters and dashes to indicate the vile words. Had BLANTON not in some way brought the language out in his speech, he would not have made out his case.

The News wants even one Member of Congress, who so violently opposed BLANTON's use of the initial letters and dashes, to tell us just how BLANTON would have gotten the facts before the Congress if he had not used them.

He it said to BLANTON'S credit that if he fights hard he also fights fair, and that he fights for what he conscientiously believes is right.

BLANTON did not indorse such language; he was condemning it. No little child and no woman would understand the letters and dashes.

BLANTON believed that the people should know about it. And why shouldn't they? Does not the Government Printing Office belong to the people? Are they not entitled to know the conditions there?

The tempest in the teapot would have been not so riotous if BLANTON'S exposé had not somewhat unsettled ancient customs at Washington and thrown the searchlight of public disapproval on some Government secrets that had been hidden in the closets these many years.

Right and justice are American qualities, and by holding BLANTON up to public scorn Congress can not cover up the fact that the Government Printing Office at Washington is the most disgracefully conducted department in the whole American Government. BLANTON may be able to come back.

—

[From the Kansas Official, issue December, 1921, p. 20.]

There is one man in the National House of Representatives at Washington, and the accent should be on man. There are no doubt others, but 317 utterly failed to assert their manhood when they sat supinely by, heard the masterful answer of Congressman BLANTON to his traducers, voted to expel, or evaded a record vote by refusing to answer the roll call October 27. Gompers and the unions had them "buffaloed."

The press and the Congressmen gave it out that Mr. BLANTON had used in his speech exposing the rottenness prevailing in the Government Printing Office under union domination language that was "vile, foul, filthy, profane, and obscene." The report sent out by Floor Leader MONDELL, and contained in his resolution to expel, was that the objectionable words were BLANTON'S, and the people were led to believe that they were his own words, his own sentiments, and that he was not a fit man to occupy a seat on the floor of the House. This was carefully constructed, premeditated, and conceived to mislead not only the Members of the House, but the public, and to bolster up and curry favor with the head of the Federation of Labor, Samuel Gompers, and his henchmen.

Unafraid and with his conscience and God as his guide, Mr. BLANTON, against great odds, manfully combated this state of things and refused to be influenced or coerced by Gompers, or to permit by silent acquiescence the usurpation of Government control by union labor. Other Congressmen quailed in the presence of this "high and mighty" set of bulldozers, but not BLANTON. He was right, he knew he was right, and being right he had the "innards" to tell others that they were rabbits. BLANTON would not buy his seat in the House at the sacrifice of honor. Our guess is that nobody can buy BLANTON.

It was shown that a union foreman had called one nonunion man a "black-hearted scab," and threatened, "If the Public Printer and BLANTON fooled with them they would have their heads taken off and lose their jobs, as the unions had the greater influence with Congress." Instead of joining BLANTON in resenting such insinuations and presenting a red-blooded American front against such usurpation of Government authority, Congressmen blanched and shrunk from the warning hand of Gompers. When Gompers demanded the unseating of BLANTON, Congressmen took the cue and sought to politely kill the one man that had the nerve to comply with his oath of office, and do so openly.

And who is BLANTON? A Texas Democrat, every inch a man, whose life and standing in the community in which he has lived has been an open book. Starting out at 10 years of age as the principal breadwinner of his family, for 49 years he made for himself an enviable name by hard knocks and self-denial. On his forty-ninth birthday the vote was taken on his expulsion. The vote was 204 yeas. One weak sister answered "present." Since going to Congress from a service of eight years on the district bench, Mr. BLANTON has persistently fought the usurpation of Government authority. He nettled the "rabbits" in Congress by his persistence, and especially when he compelled a roll call 126 times on measures before the House.

—

[From the editorial page of the New Sky Line.]

LITTLE ROCK, ARK., *November 19, 1921.*

Doubtless it failed to penetrate the ivory domes of the Congressmen that if the contents of the affidavit were obscene they were not the words of Congressman BLANTON, but that they did represent what a union agitator on the Government pay roll had during working hours, and in the presence of other workers, hurled at another Government employee. Congressman BLANTON has performed a great public service.

—

[From the Freeman, New York, Nov. 9, 1921.]

Frankly we suspect a "plant" against Mr. BLANTON, because he has made himself effectively disliked by several powerful political and quasi-political interests. The House went into one of those spasms of morality for revenue only in which it often indulges, and the disgusted spectator may get what satisfaction is to be had out of the acute observation of Remy de Gourmont, that "when morality triumphs no end of indecencies take place."

—

COLUMBUS, OHIO, *November 8, 1921.*

DEAR MR. BLANTON: Inclosed is clipping from the Dispatch. I wanted you to know the tide had turned and you were vindicated. The goody-goody Congressmen will find that they are not sustained in their persecution. Continue your work for the people in stopping extravagance.

BENJ. F. EWING.

[From the Columbus (Ohio) Dispatch.]

The influence which Republican Leader MONDELL is supposed to have over Ohio Members of Congress has been subjected to severe strain as a result of the leader's drastic efforts to force the expulsion of Representative THOMAS L. BLANTON from the House. A number are saying they are through with Mr. MONDELL'S leadership.

The dissatisfied ones assert that Mr. MONDELL'S course in the BLANTON expulsion affair was punitive in the extreme and was inspired by a desire to get the Texan out of Congress, where he always has been a disturbing factor.

It is but natural that after Leader MONDELL had gone to such lengths to oust the Texan and had failed there should be a weakening of his leadership, and the reaction is plainly noticeable in the Ohio delegation. The Ohioans say it was pressure that governed their votes in favor of expulsion and that they regret having yielded to the pressure.

Representative CHARLES J. THOMPSON, of the Defiance district, is one of those who finally yielded to importunities to cast his vote to put BLANTON out of Congress, and now he is sorry he did. He says that his conscience is hurting him.

"If I could recall my vote I would do so," he said. "I am very glad the resolution providing for expulsion did not pass."

Representative JAMES T. BEGG, of the Sandusky district, is said to feel the same way about it. As assistant whip of the House he was hardly in a position to resist pressure from above, but it is understood he has taken the position that never again will he be controlled in a similar way against his inclinations.

Representatives SPEAKS and RICKETTS were the only two Ohio Members who broke with the House leader at the time the vote was taken. Gen. SPEAKS has stated that he would have voted against expelling BLANTON if he had been the only one of the 435 Members to do it. Gen. SPEAKS believes there is no Member of Congress who leads a cleaner life than BLANTON and that his personal conduct is above reproach.

—

AKRON, OHIO, *October 28, 1921.*

DEAR CONGRESSMAN BLANTON: I am not a Democrat, but I hope you will stay in Congress. The country needs a few more men such as you are, who are unafraid.

JOHN J. STARR.

—

[From resident Farmers & Merchants National Bank.]

LOS ANGELES, CALIF., *October 28, 1921.*

MY DEAR MR. BLANTON: I have always admired you because, after Senator KNUTE NELSON, you seem to be the only other man in Congress who dares say what he thinks. You are rendering a great service to the people of the United States, and I hope you will not falter.

J. A. GRAVES.

—

WHITE CASTLE, LA., *October 28, 1921.*

DEAR CONGESSMAN BLANTON: A Frenchman once said in the Assembly: "Socrates was in the minority, they poisoned him; Jesus Christ was in the minority, they crucified Him." Such will it ever be with men who attack abuses.

LEONCE M. SONIAT.

—

[From the president of the Erie Railroad Co.]

NEW YORK, *November 1, 1921.*

CONGRESSMAN BLANTON: You are one and almost the only Member of Congress who has the courage to tell the truth. Every right thinking force is praying for more power to your elbow.

F. D. UNDERWOOD.

—

[From secretary of business men's organization.]

PROVIDENCE, R. I., *October 29, 1921.*

DEAR JUDGE BLANTON: I have been following with a great deal of interest the recent uproar in Congress, caused by your attempt to put before the country a true statement of the conditions as they exist in the Government Printing Office.

It may be some satisfaction to you to know that whatever the opinion of your colleagues in Congress may be, it is perfectly apparent to the people all over the country that you have succeeded in heading up a condition which, for a number of years, has been intolerable.

—

[From a leading Republican.]

PHILADELPHIA, PA., *December 8, 1921.*

Hon. CARL W. RIDDICK,
National Republican Fund, Washington, D. C.

DEAR MR. RIDDICK: I just received a second appeal from you for funds for the national Republican fund. I had laid the first appeal on my desk for action, when the Blanton incident occurred. You seem to support FRANK W. MONDELL, accredited floor leader in the House, in his vicious and misleading attack on Hon. THOMAS L. BLANTON. Now, Mr. BLANTON has been doing a tremendous amount of public good in combating red, disloyal, and criminal labor unionism (he is not opposed to respectable labor unions), and in fearlessly cutting out appropriations that have no business to be in the undercover positions in which efforts are made to get them through. MONDELL'S attack was evidently a mere pretext to injure a man who is fighting for the public's rights, and it has utterly disgusted me, as well as many other members of the party, and expressions of strong disapprobation have reached me from influential Republicans in California, the New England States, and many points between. I do not feel, under the circumstances, like subscribing, although I otherwise would have done so.

F. R. WELSH.

—

HASTINGS, NEBR., *November 1, 1921.*

DEAR CONGRESSMAN BLANTON: You are 100 per cent man, who stands true to convictions regardless of cost. It is easy for a man to be popular if he will just "fall in with the crowd," but it takes a strong character and personality to stand alone against the crowd and contend for the right, especially when trying to "clean house" in Congress. We want you to know that thousands of people in this section are backing you with their confidence and prayers.

MRS. JOE W. LIEMAN.

—

[From a former Congressman.]

BELLEVILLE, ILL., *November 9, 1921.*

DEAR MR. BLANTON: You have been hounded by hypocrites and pharisees, by prudes and snobs, and the scandal to the Nation is not in your utterances, but in the outrageous conduct of your colleagues in persecuting you.

The biggest farce of the present century, the most laughable comedy, the most ridiculous piece of opera bouffe was pulled off when Congress passed a vote of censure on you and Speaker GILLETT pomposly administered the rebuke, which you have a right to wear as a badge of honor for the rest of your days.

* * * * * * *

Accept my handshake and congratulations over the great moral victory which you gained, and I sincerely trust that the day will come when you will give them the other barrel.

FRED J. KERN,
Editor News-Democrat.

[From Republican, Iowa.]

DEAR CONGRESSMAN BLANTON: My forbears came to America in 1741. I live in Congressman's GREEN'S district in Iowa and am a lifelong Republican, yet I notice with the deepest regret and sympathy the outrageous treatment you have received at the hands of your fellow Congressman.

Some acted through policy, some through ignorance, and a good many because they have been infected with the damnable "red germ."

It would give me great pleasure to grasp your hand and indorse your actions in the strongest terms.

G. B. JACK.

—

[From the distinguished W. S. McCarthy, of Salt Lake City, Utah.]

The language to which such serious objection was raised was not Mr. BLANTON'S, was not offered with his approval, nor was it so printed that anyone who had never heard it could read it understandingly, and it seems to me that only by publishing the matter in its entirety could he show the deplorable conditions existing in the Government Printing Office.

I think, and my view is shared by everyone with whom I have discussed the matter, that instead of being censured Mr. BLANTON is entitled to a vote of thanks. The House, however, saw fit to ignore the vital principle which Mr. BLANTON so courageously upheld and saw fit to drown it in a flood of claptrap oratory.

W. S. MCCARTHY.

—

[From San Francisco Daily News, Nov. 4, 1921.]

THOMAS LINDSAY BLANTON, whose expulsion from Congress was demanded by Republican Leader MONDELL, lives up to all Texas traditions as a scrapper. He rushes in where others fear to tread, and because of his sledge-hammer attack, his resourcefulness, and his knowledge of parliamentary law he quite often accomplishes his end.

That end, however, is most often trying to defeat some measure or more.

He is concededly the hardest worker in the House.

—

SAN FRANCISCO, CALIF., *November 1, 1921.*

DEAR CONGRESSMAN BLANTON: I have read the CONGRESSIONAL RECORD containing the article complained of, and can not see in what way Congress was justified in censuring you. It looks very much to me as if this was an underhanded way pursued to revenge itself on you for justifiable criticisms.

This is to advise you that I am with you heart and soul. I think your position was correct. Although I am a Republican and you are a Democrat, I would support you for the position of President of the United States for the manly and fearless positions you have taken during the last several years in Congress.

F. C. DREW,
523 Balboa Building.

—

MINNEAPOLIS, MINN., *November 8, 1921.*

DEAR MR. BLANTON: You were censured, according to the feudal custom of slaying the bearer of bad news. Yet the real offender, who originated the objectionable language, retains his position in the Government Printing Office, encouraged to again abuse and villify any nonunion employee.

MRS. ALICE WHITNEY BURTON.

—

[From a distinguished minister, pastor First Congregational Church.]

LEBANON, MO., *October 29, 1921.*

DEAR CONGRESSMAN BLANTON: The country needs you more than it does the whole bunch against you. Do not be discouraged. Your record is a noble one for service. May God bless you. I am not a Democrat. That does not matter. I am an American. I rejoice in your abilities and sterling qualities.

Sincerely,

V. H. RUBINO.

—

LEWISVILLE, ARK., *October 29, 1921.*

DEAR MR. BLANTON: I read in the CONGRESSIONAL RECORD for October 22 every word of your report which caused your reprimand. I can not find anything objectionable in it. Our court records contain much more obscenity. I commend your course and hope you will never cease your bold and honorable fight. I think that you deserve a medal instead of a reprimand.

FRANK BEAME.

—

[From a distinguished minister.]

APPOMATTOX, VA., *October 28, 1921.*

MY DEAR CONGRESSMAN BLANTON: As a reader of the CONGRESSIONAL RECORD, I am familiar with its contents.

I deeply regret that the rules of the House are such as not to permit a public record of facts. Such things are awful to repeat, but somehow I have a lingering conviction that under such circumstances a "verbatim" account best serves the ends of justice.

Be assured, dear Congressman, that "truth crushed to the earth will rise again," and long after this is forgotten you will be wafted high on the wings of your noble struggle for justice. Be assured of my sincere prayers, sympathy, and respect.

W. W. PIPPIN, Jr.

—

LANCASTER, OHIO, *October 28, 1921.*

DEAR MR. BLANTON: I am a Republican, but MONDELL'S action will do neither him nor the Republican Party any good. You have been badly treated. I hope you will stay in Congress and continue your fights for the people.

H. FUMICS.

—

BROWNING, MONT., *October, 1921.*

MY DEAR MR. BLANTON: Allow me to congratulate you on your courage in saying what everybody else feels like saying. More power to your elbow.

REV. JAMES D. GOLD.

GOOD THUNDER, MINN., *October, 1921.*

DEAR MR. BLANTON: Have just read your splendid speech. Mrs. Walther and I, as Americans, wish to indorse your manly utterances and your standing alone for the right. God bless you in daring to stand alone.

REV. C. E. WALTHER.

—

KANSAS CITY, MO., *October 28, 1921.*

MY DEAR MR. BLANTON: I am still your friend and unshaken by any of the events of the last few days. Don't let this "tempest in a teapot" crush your spirit.

The whole episode appears half ludicrous. Who would have thought that a "pious front" by the most saintly gentlemen who have been posing in "court" you be of more importance than the actual facts affecting our country and Government? I wonder if the medical books and the Holy Bible will yet have to be ruled out of the mails.

REV. CHAS. T. ALEXANDER.

—

[From Mrs. Mary P. Sutherland, who is personally familiar with Washington affairs.]

BIG RAPIDS, MICH., *October, 1921.*

DEAR CONGRESSMAN BLANTON: The CONGRESSIONAL RECORD of October 22 with your speech on the Government Printing Office is before me. Good for you! Stick to it. Keep up your fight. Not one single efficiency case did I see in 27 months' service. I saw over $11,000 a month in wages wasted in one floor in one building because there was no one with any brains supervising.

MRS. MARY P. SUTHERLAND.

—

WILLIAMSBURG, KY., *October 19, 1921.*

DEAR MR. BLANTON: I commend the spirit in which you have fought against odds and hope that much for the country's welfare may yet come from it.

J. H. TURNY.

—

ALEXANDRIA, MINN., *October, 1921.*

DEAR MR. BLANTON: You told the unvarnished truth. Stick to the convictions of your conscience. Hew to the line. Let the chips fly and hit where they have the most effect.

MRS. B. J. BUCHARD.

—

[From the Buffalo Commercial, Buffalo, N. Y., Oct. 28, 1921.]

Proof that the ogre of unionism still lives and dominates at least a number of Congressmen and that it will stop at nothing in the fight to retain its death grip upon the throat of a number of important Government departments is contained in the attack recently launched upon Congressman THOMAS L. BLANTON, of Texas, in which the Members of Congress had the sheer audacity to propose that BLANTON should be expelled.

BLANTON'S offense was something that made unionism thirst for his heart's blood. He fearlessly exposed abuse after abuse, crime after crime, that were daily committed by agents of the closed shop unionism.

Congressman BLANTON, who is rapidly acquiring a national reputation as a 100 per cent American, exposed to his colleagues the whole rotten situation. We believe that he has performed a great public service.

—

LOUISVILLE, KY., *November 7, 1921.*

DEAR MR. BLANTON: Your self-sacrifice will bring its reward. Justice and righteousness need you in Congress. I want you to know that you have a great many friends in Louisville, who appreciate the splendid work you have done, and who have great confidence in your ability to do much more in the future.

W. HUME LOGAN.

—

WASHINGTON, D. C., *October 26, 1921.*

MY DEAR MR. BLANTON: Would that I could find words to express my indignation over the annoyance those hypocritical politicians are trying to give an honest, upright man.

Their pretended shock and fastidiousness is far-fetched. Women seldom read the Harems. The many years my only brother was in Congress from Virginia, I never read a RECORD. I voice the opinion of many people when I say it would take more than what is in that RECORD to "shock" these "birds" over there.

They strain at gnats and swallow camels. It is all a tempest in a teapot. Their censure is more flattering to you than their regard. Everyone knows it is politics, and will retract on them. It is your power they fear. You are thrice armed for your cause is just.

Sincerely,

FANNIE CARLIN RICHARD.

—

WOODS HOLE, MASS., *October 20, 1921.*

MR. BLANTON might well be called a hero. No one can read papers without knowing long since the courage with which he dares to stand up for what he believes right. We, the people, greatly need such a man in Congress. I am convinced that the leaders who could not lead Mr. BLANTON about were eager to find some excuse for hitting him, and they were delighted to find a molehill they could make into a mountain.

ANNA NEWCOMB MCGEE, M. D.

—

[Excerpt from Texan's letter in Washington Herald, Nov. 1, 1921.]

Brace up Mr. BLANTON and hold your head high, the people of Texas know your value and have not forsaken you by any means. Your past efforts in the interest of the people, the integrity with which you discharge the duties of your office, are not unknown to your people.

The courage and strength with which you have faced bitter opposition when you knew you were right has won for you the undying confidence and appreciation of the people of the Lone Star State.

—

PALESTINE, ILL., *October 20, 1921.*

MY DEAR CONGRESSMAN BLANTON: I am on your side. Ever since you have been in Congress I have been intensely interested in your activities. While we all abhor the obscene and profane it is not getting at the truth to omit it at all times, and I do not believe that there is much danger that "the prurient curiosity of children" will be excited by anything appearing in the CONGRESSIONAL RECORD. Speaker GILLETT unconsciously made a grim joke of a serious matter.

I have talked to several others who read the article, and, like myself, they feel that you have been wronged, and to the extent Congress stands rebuked. My father (a minister) also read the article and shares my feeling.

CLARENCE PHILLIPS.

—

FORT LAUDERDALE, FLA., *November 4, 1921.*

DEAR MR. BLANTON: Your defense was a classic. How the gangs hate to be exposed. I thank you for publishing the rotten conditions there.

CAPT. T. HALL.

—

WASHINGTON, *October 27, 1921.*

DEAR CONGRESSMAN BLANTON: I borrowed a CONGRESSIONAL RECORD and read your remarks. I can not conceive of minds being so warped as to desire to expel you for same. The press has given the people a very different conception of what actually happened. I know because since reading the RECORD I have explained the true facts to many.

Every great man who tries to serve the public is persecuted. The greater and more powerful you become, the more you must expect to be cruelly censured. I am for you and wish you the greatest success in your wonderful career.

DR. THOMAS L. MILLER.

—

NEW YORK, N. Y., *October 18, 1921.*

DEAR MR. BLANTON: If we only had more Blantons in Congress the people's interests would be better served. Continue your great work against dishonesty and graft.

MARTIN GARVEY.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Can I have 10 minutes more? This is all the defense I have, my good name is involved, and there is but little more in conclusion. I ask unanimous consent that I have 10 minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes.

Mr. FOCHT. Mr. Chairman, have I any time remaining?

The CHAIRMAN. The gentleman has 23 minutes.

Mr. FOCHT. I have listened to the gentleman from Texas with much interest. I would like to ask him if he feels, after all this, that he was entirely justified in putting those things in the RECORD?

Mr. BLANTON. Let me say to the gentleman that the denunciatory remarks upon me are all in the permanent RECORD.

Mr. FOCHT. Mr. Chairman, I will yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

[From a colored Baptist minister.]

DEAR CONGRESSMAN BLANTON: It is a duty and pleasure to commend your effort in the House yesterday. While presumed to be on the side of the classes, you are here fighting for the poor who can not pay prohibitive prices. I spent 20 years in educational work in Kentucky, Virginia, and Alabama, and closed my career as a teacher in Howard University in Washington in 1918. In your manly stand for justice, law, and order you are my ideal. Were you a candidate where I had a vote Republicanism would count nothing. Will you accept this humble tribute from my very soul?

JAMES R. I. DOCGE.

—

BUCYRUS, OHIO, *October 28, 1921.*

Congressman R. C. CRISP,
Washington, D. C.

DEAR SIR: As a lawyer, and looking at the matter from a purely legal standpoint, I can not follow the logic of voting to either expel or censure Representative BLANTON. He was calling attention to conditions which demand a most rigid investigation; and if true, are intolerable. His own language in doing so was temperate and unexceptionable. He should be thanked, not censured.

C. J. SCHOCKS.

—

[From Judge J. M. Moores.]

WALTERBORO, S. C., *October 28, 1921.*

DEAR MR. BLANTON: The unanimous censure passed upon you was due not to the fact of the matter you had printed but rather to the strangle hold the labor unions of America seem to have on the administration of our public affairs. If the suppression of obscenity had been omitted by you in publishing the affidavit, then the enormity of the disgusting situation would not have been disclosed to the public. I think that you are exactly right in your denunciation of conditions.

J. M. MOORES.

—

[From the Hardware World, January, 1922.]

The Hon. THOMAS L. BLANTON, Representative from Texas, has for years waged a most courageous war in the House of Representatives against the red and criminal type of labor unionism, which has tried to dominate the country. In doing this he has aroused their bitter enmity.

A REAL CHAMPION OF THE PEOPLE.

The records show a long, continuous, arduous service by Mr. BLANTON in, among other things, watching appropriations. The pages of the CONGRESSIONAL RECORD are full of points of order successfully raised by Mr. BLANTON against such appropriations.

Now, these points of order can only be successfully raised against items which have no business to be where they are, and the very success of these numerous points of order attests the correctness of Mr. BLANTON'S position and his service to the public in checking waste and extravagance. But, of course, those Members who are thus

checked have not a kindly feeling toward the man who upsets their plans.

Mr. BLANTON is a consistent champion of the public's interests. He was for eight years a circuit judge in Texas and is an elder in the Presbyterian Church and a thirty-second degree Scottish Rite Mason and a Knight Templar.

FRANCIS RALSTON WELSH.

—

[From the editor of the Spectator.]

PORTLAND, OREG., *November 30, 1921.*

MY DEAR CONGRESSMAN BLANTON: It is a matter of very sincere regret that you have been so persistently misrepresented in the press of the country. It was only by accident that I learned the facts in the case of the controversy in Congress. It did not affect the high opinion I have of you and the services you are rendering.

HUGH HUME.

Yours, very truly,

—

[From Herbert George, president Business Men's Association.]

DENVER, COLO., *January 4, 1922.*

MONDELL'S attack on BLANTON fools nobody. The courageous Texan will recover and return to Congress to torment enemies of good government.

—

[From Sunday Times, Chattanooga, Tenn., Feb. 20, 1921.]

It has been left for Hon. THOMAS L. BLANTON, of the seventeenth Texas district, to take his seat in the House of Congress and live down prejudice and to be recognized as a useful Member, who is doing work that the average Member shirks. The man who was first referred to as "Blatant BLANTON" is now treated with the greatest consideration. Members who were wont to smile "when BLANTON turns loose" now give the Texas Member rapt attention. Newspaper men, who once scorned upon the Lone Star Congressman and sauntered from the press gallery when he arose, now give him an audience, because they know he has something to say. It can, in fact, be said that Mr. BLANTON is now one of the most useful men of the House. He is what might be called a free lance. His main object appears to be to stop expenditures in various departments and force the earning of salaries. By indomitable energy and perseverance he is succeeding. He has established himself in the House as a man of force and purpose, his purpose being to save the people's money.

—

[From a distinguished specialist.]

ERIE, PA., *October 26, 1921.*

DEAR MR. BLANTON: For some time many of us in this city have watched and approved of your course in the House, well knowing the rottenness that exists there. We believe it will redound to the benefit of the country in general. Many are thoroughly disgusted with the present acts of Congress.

DR. JNO. A. VAN VALZAH.

—

SHERIDAN, WYO., *October 25, 1921.*

DEAR MR. BLANTON: Mr. MONDELL is a candidate for the Senate, and in this union ridden State he expects to make political capital out of the incident. Would that we had more men in the House that had the courage of their convictions.

With best wishes for your success.

DR. FRANK CARLL.

—

[Excerpts from Wall Street Journal, New York, Oct. 31, 1921.]

Representative BLANTON performed a public service which will be nullified if labor unionism has its way. * * * The men who censured him always suffer from cold feet where the sacred labor union is concerned. * * * Unless Members of Congress have shut their eyes and stuffed their ears they saw and heard these things. But the people did not know of them, and would not but for the disclosure by Mr. BLANTON. An aroused public opinion should now administer a rebuke to our union-scared Congress, and tell it that there is no room in any Government department for an un-American organization setting itself above the law.

—

[From the Right Rev. Archimandrite Patrick J. Grattan Mythen, D. D., New York, chairman committee of English-Speaking lodges, universal congress of F. and A. Masons.]

As a priest and prelate charged with the care of souls and with power of judgment over other priests, may I be permitted to say to you that you have now a splendid opportunity of manifesting to the world your true spirit. You must now rise above the adversity in such manly fashion that those who condemned you will have to admit that their censure should have been directed at the sin. * * * You have paid a public price for us all, if the use of indecent language is to be properly punished.

—

NEW YORK, N. Y., *October 31, 1921.*

DEAR MR. BLANTON: I have been a close follower of your deeds since Texas sent you to Washington, and have learned to admire you very much. Your past reputation is such that each knock you now receive is indeed a boost to you among those who know. I am for you first, last, and always, and believe all Texans are with you.

MELVIN PRENTICE.

—

PRICE, UTAH, *October 29, 1921.*

DEAR CONGRESSMAN BLANTON: I have just read the speech for which you were censured. I congratulate you for the fight you are making for the people. Your fight must ultimately win. Keep the good work going. The people are behind you.

J. W. HAMMOND.

—

COLUMBUS, N. MEX., *October 30, 1921.*

DEAR MR. BLANTON: I have heard many complimentary remarks upon your valiant stand in the face of overwhelming odds. We believe your efforts will win in the end. Here's hoping you will keep on undismayed the good fight you have begun on graft and treasury looting. We are still behind you and wishing you luck.

W. C. FRANKLIN,
Cashier First National Bank.

[Samples from Texas—from a distinguished Texas lawyer.]

LAGRANGE, TEX., *March 3, 1921.*

DEAR MR. BLANTON: I received the expunged report. And I started to reading it, and it was so fascinating and interesting that I could not lay it down until I had finished.

I want to say this, that all of the outrages that were ever perpetrated by Congress was when they refused to hear your report. And the outrage was still greater when they attempted to expel you. * * * I heartily applaud your courage in making this exposure.

I also feel that all of the Texas Congressmen who voted to censure you for making this report should be elected to stay at home and to retire to private life at the coming election. I think that any man who seeks to win public favor, either locally or otherwise, by trying to dishonor a man who is trying to do what is right should be eternally, politically, and religiously damned. Stand up for what is right, even if you have to stand alone. I salute you with esteem and respect.

Your friend,

JOHN T. DUNCAN.

—

[From the Rusk Cherokeean, Nov. 25, 1921.]

The man who used the language still holds his job, while the man who called the attention of the country to the fact that it was used came near losing his seat in Congress.

Texas Congressmen should have been found right on their feet demanding the discharge of the man who used the language just the minute that MONDELL began his attack on BLANTON. Did they do it? * * *

—

[From Abilene Daily Reporter, Nov. 24, 1921.]

A glowing tribute to Congressman BLANTON'S work in the House was paid by Judge Fred Cockrell, who introduced the speaker. Judge Cockrell said: "An American citizen in the Government Printing Office appealed to Judge BLANTON for aid. Judge BLANTON took this man's affidavit and filed it in the CONGRESSIONAL RECORD, and then the crash came. They tried to expel him from Congress. I will give my last bit of influence, the last drop of blood in my veins for the west Texan, who was brave enough, who was courageous enough to make the fight." This assertion by Judge Cockrell was greeted with prolonged applause, and cries of "Hurrah for BLANTON!" went up from the audience. Judge Cockrell continued: "This native-born Texan had the nerve to fight them to the last ditch; he a born fighter. He is the most useful Member in Congress to-day, and he has stopped the expenditure of more of the Government's money than any other man in Congress."

A big demonstration lasting for several minutes, in which the majority of his large audience participated, greeted Congressman BLANTON. There were yells "Hurrah for BLANTON!" and loud and prolonged applause. Long before the hour set for Mr. BLANTON to speak the district court room was packed to capacity, and when he appeared all aisles were filled, many standing along the walls and out in the hall outside the room. At the conclusion of his speech hundreds crowded around Congressman BLANTON and assured him of their support.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FOCHT. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the extraordinary exhibition we have just witnessed, the letters that we have heard read, illustrate more than anything else could the enormity of the offense against this House and against decency committed by the gentleman from Texas [Mr. BLANTON], and for which he received the censure of the House by unanimous vote. His offense was so awful, so unspeakable, so unprintable, that the people can not be informed of the details. The people who have written these letters could not be informed of the exact character of his offense without some one sending them the objectionable matter; in other words, without the commission of a crime that would send one to the penitentiary. What he had printed in the CONGRESSIONAL RECORD for men, women, and children to read was so unspeakably vile that except through the commission of a crime in mailing it or transporting it or of a grievous offense against decency in telling it could these people know all its vile, nasty, frightful character. The only way that anyone can know just what he did, other than through receiving the printed page in violation of the law, is for some one to tell them, and no man of decency and self-respect would want to repeat it. [Applause on the Republican side.] And so he has, he says, received commendatory letters, no doubt some of them from honest people, well-intentioned people, in the main from people who see red, people who are prejudiced against union labor and against labor organizations, and so misinformed as to believe that the gentleman from Texas has influence as against these organizations or with regard to anything else.

Hailing him as a champion of their jaundiced and prejudiced opposition to organized labor, and believing, imagining—which no one here does—that he has some little influence as against those organizations, wholly uninformed as to the exact character of the offense, because there is no way of learning of it except by some one either violating the law or all the canons of decency, they write him these letters. I venture this assertion, because I have confidence in the American people—I believe that in the main they are clean-minded; that they hate obscenity—I venture the assertion that few, if any, of those commendatory letters would have been written if the individuals who wrote

them could have understood the vileness of the affidavit the gentleman from Texas placed in the RECORD. It was so vile that, in my opinion, no really clean-minded woman and few clean-minded men could have fully understood the depth of the filth and the vileness it contained. [Applause on the Republican side.]

The vote to expel was just a trifle less than two-thirds of the membership of this House, but the vote under which the Speaker administered the censure and condemnation of the House was unanimous. Therefore, if the Congress is to be condemned for what it did, the condemnation rests upon us all. All of the assaults that have been made against the honor and the dignity of this body, all of the offenses that have been committed against the House and its good name since the day of its organization, all rolled into one, would not equal the enormity of the offense of the gentleman from Texas. And yet the very unspeakable character, the very vileness of the offense, in a measure protects him. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield me two or three minutes? Unless he is willing to do that, I shall ask recognition in my own right.

Mr. FOCHT. I yield five minutes to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Chairman, I had hoped that the regrettable incident which has been discussed here this afternoon would never arise again in the House. [Applause.] What the House did, if did, whether deliberately or in an hour of hysteria—of course, each man who voted will have to answer for himself—but since it has arisen again this afternoon it is in my mind to say something that I have very frequently thought of since the occurrence. I have never even made an inquiry privately about the matter, but I would like to know—and I wonder if any gentleman here can tell me—whether the employee in the Printing Office who used the language contained in that affidavit, for the insertion of which in the RECORD the gentleman from Texas was censured upon a motion made by myself, is still in the employ of the Government?

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. COOPER of Wisconsin. I can not speak as a matter of personal investigation, but I was informed by a gentleman who ought to know that this employee has not been for some time at the Government Printing Office.

Mr. GARRETT of Tennessee. I simply wanted to say this, that if, as many of us thought, Mr. BLANTON deserved censure for inserting the affidavit containing his language in the RECORD, surely the man who used such language ought not to be permitted to remain in the Government service. [Applause.] I hope it is true, as the gentleman from Wisconsin understands it to be, that he has been separated from the service.

Mr. UNDERHILL. Mr. Chairman, as a member of the committee, I ask for recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one hour.

Mr. UNDERHILL. Mr. Chairman, I yield such time to the gentleman from Ohio as he may desire.

Mr. BURTON. Mr. Chairman, this bill has to do with the general question of interest and specifically refers to loans of small amounts, where, presumably, the security is somewhat uncertain. There are many strong arguments against usury laws. The school of Bentham and of Mill maintains that interest to be charged for the use of money is determined by just the same principles as the prices of commodities, and that three controlling factors will determine the rate of interest, namely, the supply available for investment, the trouble involved in making contracts between creditor and debtor, and, third, the risk involved. The lawmakers of England accepted these ideas and abolished usury laws. Some of our own States have abolished usury laws, though I think most, if not all, have restored them. At one time there was no usury law in the District of Columbia.

The American idea in regard to interest is that usury laws serve two useful purposes, one, that they restrain from speculative and injudicious enterprise. If a man contemplates an undertaking that is especially risky and desires to borrow money, he would be refused by the bank or the lender, because the person to whom the application is made can not afford to take the risk at the ordinary rates of interest, and thus if a limit is fixed on rates of interest that class of undertakings which result in disaster will be prevented. The other reason, which applies in this bill here, is that the necessities of the borrower should be taken into account, and, unless there is a limit upon the rate which can be charged, it is within the power of one who has money to exact a compensation which is altogether unreasonable. And so it may be called the settled American doctrine that usury laws shall prevail. The rates fixed are five, six, seven, eight, and so forth, as general rates, with authority sometimes for a higher rate, if agreed upon by the parties to the contract. There is a great variety of regulations in the different States of this country.

Now, I do not favor this bill, Mr. Chairman. The solution of this perplexing question as to loans by pawnbrokers and loans in small amounts with uncertain security, it seems to me, can be more readily reached by an amendment of the existing law. The existing law came into effect on the 4th of February, 1913, limiting interest upon loans of less than $200 without pledged security and loans made by pawnbrokers to 1 per cent per month. That rate was advocated by persons with the very best of humanitarian intentions but without any adequate comprehension of conditions as between the borrower and the lender. Attention was called at the time to the fact the law would not be effective, and the very strong statement has been made that not a single loan has been made under the law of February, 1913, at 1 per cent of interest per month. Now, the Commissioners of the District of Columbia, the chamber of commerce, the board of trade have requested an amendment of that law, only changing a few lines to make it read interest at 2 per cent per month instead of 1 per cent per month. Two per cent is a rate below that in vogue in most of the States. I think across the river in Virginia it is 10 per cent per month on smaller loans, and the ordinary rate in a number of States is 3 per cent. I do not believe it is necessary to make the rate so high as that. There are a couple of objections to our passing any law fixing a rate higher than 2 per cent. In the first place, this Congress in legislating for the District of Columbia has a responsibility for passing laws which may be accepted as a model for legislation elsewhere. We ought not, I think, to pass a bill which shall be accepted in the States as a sanction for so high a rate as 3 per cent. Then there are a great many borrowers here employed in the departments who have a regular salary, so that they can readily meet their obligations, and there is not the risk that there would be in a great industrial community, where men are frequently thrown out of employment.

I remember some years ago a letter carrier was discharged in my own State because he did not pay his debts. The rule that persons in the Government service must meet their financial obligations was strictly enforced. So 2 per cent it seems to me is as high a rate as should be fixed here in the District. Now, there is one very vital objection to this bill as presented by the committee. It applies only to the pawnbrokers. Why, I ask, should it not apply to loans that are made in these smaller amounts where there is no security? Is not there an element of absurdity almost in saying that when a pledge is given and security is lodged with the lender there can be charged 2 per cent, and when there is entire absence of any security the lender can only charge 1 per cent? A great variety of persons would be able to obtain loans from friends or from organizations which might be established, something similar to the Morris Bank or Morris plan, without offering any security. This system will certainly prove ineffective if you limit these smaller loans to 1 per cent.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. CHINDBLOM. Does the Government recognize the assignment of salary?

Mr. BURTON. I do not think so; but each department perhaps has a rule for itself.

Mr. CHINDBLOM. My understanding is that the Government will not recognize any assignment of salary. That being so, how are we going to provide for loans for borrowers except upon a pawn or pledge for security?

Mr. BURTON. There are many loans made on the personal security of the borrower.

Mr. CHINDBLOM. Certainly, but I mean security to the lender?

Mr. BURTON. Well, the lender, of course, must take his chances. I am credibly informed there are persons or organizations ready to go into the business here of making loans at 2 per cent outside the pawnbroker business, providing they are authorized. They feel that they can not do business profitably at 1 per cent and could do business profitably at 2 per cent.

Mr. CHINDBLOM. Does the gentleman think that the lenders of money would lend only upon the personal security of the borrower?

Mr. BURTON. Yes; and if there is any difference, the one who loans only on the personal security of the borrower should have the higher rate.

Mr. CHINDBLOM. He takes a bigger risk.

Mr. BURTON. Under this bill the lender without security would have to pay 1 per cent, and you permit the borrower, who has diamonds and other valuable security, to pay 2 per cent.

Mr. CHINDBLOM. I presume the gentleman can not find anything in this bill which at all affects the lending of money upon personal credit only?

Mr. BURTON. No. The gentleman from Pennsylvania [Mr. FOCHT] responded to a question I asked, that this bill did not repeal the act of February 4, 1913, which authorized loaning on mere naked notes at 1 per cent.

Mr. FOCHT. I will say that the gentlemen who are advocates of having this measure apply to the bare note without pledge have argued, and you will find it in the hearings at great length, that 1 per cent is all they need, and that even 1 per cent would be all that a pawnbroker would need, but the pawnbroker makes the contention that he needs more, and we are discussing the contention of the pawnbroker rather than the man that is satisfied. That is the answer to that.

Mr. BURTON. I am very well satisfied that both of them are wrong. One reason why the pawnbrokers expect a higher rate of interest is that it is a phase of occupation or business that is in bad odor in the community. There are a number of instances where we are paying higher prices because of the disrepute that attaches to the person with whom we deal. While there is a certain amount of difficulty in keeping watches and things of that kind, the more adequate security more than makes up for the difference.

Mr. LONDON. Has the gentleman given any attention to the question of municipal institutions attending to the needs of those poor devils who are obliged to borrow money?

Mr. BURTON. I have. I will say to the gentleman from New York that I do not believe in it at all. It is impossible to establish a municipal loan office without putting it into politics, and the managers will make loans where they think they will obtain votes. Maybe the gentleman from New York may have some arguments in favor of municipal loan offices.

Mr. LONDON. In the District of Columbia it can not be a question of votes. They are voteless here. And then I would like to save the soul of the pawnbroker. I think that is one of the most contemptible of professions. I would simply like to put him out of existence.

Mr. BURTON. The gentleman has an easy task in that.

Mr. FOCHT. Permit me to ask the gentleman a question. He speaks of the pawnbroker. I have no brief for him. I have never pawned anything, and I hope that I never will have to do so, but I would like to know where he stands in more degradation and shame than the Shylock that will stand behind the counter and take from a clerk $100 when he loaned him only $50?

Mr. LONDON. And you might go further, to the bankers who rob the farmers or the bunch of financiers that held up the United States and compelled them to put up the interest on the bonds.

Mr. BURTON. It seems that we are getting a little too far afield here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON. I would like 10 minutes more.

Mr. LONDON. The gentleman mentioned an institution, I believe, which he called the Morris plan bank. I believe my attention was called to it several years ago. How does that institution work? It is a sort of a charitable institution, is it not?

Mr. BURTON. No; it is not a charitable institution. It takes deposits and makes loans. They, in large measure, make their loans to persons who can not obtain money at an ordinary bank. They usually require two indorsers as security, and I am told that their losses are not large.

Mr. LONDON. And they lend with or without interest?

Mr. BURTON. As I understand it, more than the usual interest, ordinarily.

Mr. LONDON. I thought the interest was nominal.

Mr. BURTON. The interest has been placed larger than in the ordinary bank. I will answer further the question of the gentleman from New York by saying that I do not believe in municipalities going into the business of loaning money under any circumstances.

I wish to present a memorandum as to pending small-loan legislation in the District of Columbia, prepared by the citizens' committee on remedial loan law, with a supplement. These state the case very strongly against this bill and in favor of another.

Mr. Chairman, I ask unanimous consent to insert in my remarks the full text of these documents, including a memorandum on the pawnbrokers' bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by the insertion of the documents indicated. Is there objection?

There was no objection.

Following are the documents referred to:

Memorandum as to pending small loan legislation in the District.

CITIZENS' COMMITTEE ON REMEDIAL LOAN LAW,
Washington, D. C., March 10, 1922.

The Citizens' Committee on Remedial Loan Law urges that Congress do not pass the "pawnbrokers' bill," H. R. 6309–S. 2260, for the following reasons:

1. The District now has a pawnbrokers' law which provides for the regulation of pawnbrokers and their business, with ample provisions as to licenses and the protection of borrowers, which has proved to be a wise law.

2. Any loan law which does not provide for those who need to borrow small sums on notes as well as on pledges is entirely inadequate.

3. The limitation of the rate allowed, to 1 per cent per month, is the only reason why loans of both kinds are not being made under the existing law of February 4, 1913.

4. An increase in the rate to 2 per cent per month, as originally asked for by the Citizens' Committee and by the District Commissioners in their bill, H. R. 5015, will be sufficient to establish the business in both small loans and pawnbrokers' loans, and to successfully meet all demands of this character.

5. The "pawnbrokers' bill," H. R. 6309, will afford no relief to the class of persons, probably larger in Washington than in other cities, who need small loans, but have no pledges to put up.

6. The existing law has been sustained by several decisions in the Court of Appeals and two in the Supreme Court of the United States, one of which declared it to be a pawnbrokers' law.

It has been so effectively enforced by the District Commissioners that it has closed up all the offices of illegal money lenders in the District.

7. Congress is therefore earnestly urged to pass the bill introduced by the commissioners, H. R. 5015, increasing the rate in the present law to 2 per cent per month.

8. The "pawnbrokers' bill," H. R. 6309, repeals the existing law, and as it would be a new law and makes no provision for loans except on pledges it would permit the return of the illegal money lenders, whom the commissioners have driven out.

It would be a decided mistake to pass such a new law to take the place of the one which has been so effective in stopping all illegal business, and which can be made fully effective for legitimate loans by restoring the rate to 2 per cent per month in the present law, as asked for by the commissioners.

9. The District Commissioners, the Board of Trade, the Federation of Citizens' Associations, and the Citizens' Committee have all definitely disapproved of the "pawnbrokers' bill" after careful consideration, and Congress is again urged to pass the commissioners' bill, H. R. 5015, which is indorsed also by the chamber of commerce.

Respectfully submitted.

Charles S. Shreve, William J. Eynon, John Van Schaick, jr., Mrs. Archibald Hopkins, Evelyn Wainwright, George S. Wilson, Corcoran Thom, William F. Gude, William H. Baldwin, H. C. Gause, John Joy Edson, F. H. Marshall, Evan H. Tucker, Walter S. Offord.

Memorandum on the pending pawnbrokers' bill (H. R. 6309) as compared with the commissioners' bill (H. R. 5015), which amends the existing law.

The rate of 3 per cent would cover the great bulk of pawnbrokers' loans, which are ordinarily less than $35, and putting two rates into the bill renders it liable to evasion.

The language at the upper part of page 5, which is intended to protect the pawnbroker—not the borrower—as to the 3 per cent rate, is confusing. No one can tell its exact meaning in relation to the whole law until it is interpreted by the courts, and it might be construed to nullify the penalties laid down in the law.

A new law to provide for the pawnbrokers' business is not necessary. Mr. DYER insisted on taking the pawnbrokers in under the present law because the District committee considered the 3 per cent per month that they were then getting exorbitant. Mr. FOCHT voted for the bill in this form as well as for the rate of 1 per cent, which is all that prevents pawnbrokers' loans under the present law.

To make a separate provision for pawnbrokers, while the impossible rate in the existing law prevents loans on other security, would be to give pawnbrokers a monopoly of the small loan business in the District. Any such monopoly is objectionable.

A separate law for pawnbrokers is not needed. Laws passed in Maine and in Indiana in 1917, which cover other loans as well as pawnbrokers' loans, have been found satisfactory. There has been no complaint of the operation of the District law, except as to the rate.

In the existing law Congress very wisely charged the District Commissioners with the responsibility of its enforcement and of making all rules and regulations necessary for the conduct of the business, which expressly covered pawnbrokers' loans as well as other small loans. The commissioners made these regulations, which are still in force. No complaint has been made of them, and we feel that it is undesirable for Congress to enact the commissioners' rules into a law.

The District Commissioners are now charged by Congress with the responsibility of making and enforcing regulations for the erection of buildings, the motor traffic, and other rules and regulations even of more importance than the making of small loans and pawnbrokers' loans.

The laws of 1917 in Maine and Indiana do not contain detailed regulations as to pawnbrokers' loans. These are made by the officials in charge in each State, and they work satisfactorily.

If for any reason, however, it seems wise for Congress to enact the regulations into law, instead of having the commissioners make them, the regulations should be incorporated in the existing law, which covers pawnbrokers, and not in a new law proposed.

It is felt that more effective and better results are secured where the commissioners are given the authority, as in the present law, for making regulations as to details than when they are enacted into law, as has been proved in the past.

The statement that the opposition to the pawnbrokers' bill comes from bankers who wish to make small loans at higher rates of interest is not correct. No banker would be willing to accept such loans, which could be made only by a company which took out a license under the law and organized especially for making small loans.

Any objection to providing that needy borrowers may obtain loans at 2 per cent on indorsed notes or other security, it is inconsistent with allowing 3 per cent for loans on pledges, which can be made at a lower rate than other loans.

Such a provision for small loans would be for the benefit of needy borrowers, who have no pledges to put up, as against the bill which would give pawnbrokers a monopoly of all such loans at 3 per cent.

You can say unequivocally that bankers do not desire to avail themselves of making small loans at 2 per cent, and that no banker of the citizens' committee has any interest in such business.

Mr. BURTON. The present law has been subjected to an investigation by the courts. Its provisions have been interpreted, and the new law would have to go through that same ordeal of consideration by the courts, with some degree of uncertainty as to what the decision would be.

I desire to say, Mr. Chairman and gentlemen, that there are some provisions in the law as proposed here which I think it would be well to include. Bear in mind there are two bills before the committee—one, the bill H. R. 6300, favored by the Committee on the District of Columbia, and the other, H. R. 5015, the so-called commissioners' bill. The best way to solve the situation is by amendment of the existing law, changing the rate of interest from 1 per cent to 2 per cent and inserting at least one provision of the pending bill. That provision is this: It requires a pawnbroker to maintain insurance on property that is pledged and left with him. As it is now, he would be only compelled to exercise ordinary diligence, and if in case of fire the pledges should be burned he would not be responsible for them.

I do not feel quite clear about this provision in regard to minors. The point has been made that the proposed section forbidding loans to minors under 16 years of age, by implication, makes valid loans to minors over 16 years of age. I do not see how this act can be made to legalize the act of a minor. Of course, Congress could by legislation upon that subject fix the age of majority at 18 or 19 years or even at 16 years. But I do not quite understand how that provision forbidding loans to minors under 16 can be effective in validating loans made to persons over 16 years of age.

Now, there is a decided difference between these two bills, which I think the committee ought to understand. I will briefly summarize the existing law. First, it provides that no one shall make loans of this type, pawnbrokers or otherwise, without the application for and granting of a license and payment of $500 a year. Next it provides that a bond of $5,000 shall be given. Then it provides that every person, firm, and so forth, shall keep a record, and that record shall be open to the commissioners and to the officers of the law. In the following section it is provided that the rate of interest shall not be more than 1 per cent. There is a clause to the effect that complaints may be made to the commissioners and the commissioners may revoke a license.

In section 7 a penalty for the violation of the law is imposed. Section 8 provides that no attorney's fee shall be charged at more than 10 per cent of the amount found due. Section 10 is not vital. "Nothing contained in this act shall be held to apply to the legitimate business of national banks." I do not see any need for that word "legitimate" being inserted there. I do not believe any bank would wish to make this type of loans of an amount less than $200. I suppose that other institutions would be established for that purpose. Section 14 provides that the administration of this law shall be intrusted to the commissioners, and they are empowered to make rules and regulations for the conduct of the business. Under that provision, as I am informed, they have made regulations to the effect that a pledge shall be left for a year after the maturity of the loan before it can be sold. The pending bill would make this regulation a permanent law. As to that I am not very sure. In making these statutes the legislators are almost always bearing in mind the welfare of the borrower, but they overlook certain plain facts. If a man goes to a pawnbroker and wishes to borrow money and the pawnbroker knows that he can not sell the security until a year after the loan is due, he will charge him accordingly; so in the long run the query arises whether that is desirable for the borrower. I think it is well to leave such subjects as that to regulations made by the commissioners, and they have very broad and sweeping authority.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BURTON. I would like to have just a few minutes more; five minutes more.

Mr. UNDERHILL. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes more.

Mr. BURTON. Now, there is one provision in the old law that is not in the pending bill and that awakens an inquiry. It is to the effect that no one who has been found guilty of a violation of the law shall retain his license or shall obtain another.

I do not wish to enter into any of these personal controversies in this matter, but there are certain facts that are well known. When this act of 1913 was under consideration there was a large subscription raised by the pawnbrokers here to defeat it. That was all brought out in the report on lobby activities made by the committee headed by the gentleman from Tennessee [Mr. GARRETT]. It appears that these pawnbrokers, of whom one man in particular was prominent, raised $8,000 and endeavored to defeat the bill. The leading one who did most of the business made no loans here after the law was passed, but went over into Virginia and started a business there. According to the reports, if a person came to him here in the District of Columbia he furnished that person an automobile to take him over into Virginia, and there they could make almost any kind of a contract, 10 per cent a month on small loans, and this pawnbroker was doing a thriving business. The handicap of not being able to make loans here in the District of Columbia was more than offset by the character of the exactions which he could make upon borrowers in Virginia. He was arrested, tried, and convicted. The case was taken to the Supreme Court. The Supreme Court decided that his conduct in transacting business in this indirect way was a violation of the law. He was the head of the syndicate that raised some $8,000, and under the existing law he would not be able to obtain a license to do business in the District of Columbia. Under the bill which is here before the committee he could obtain a license, because there is no prohibition against anyone who has been convicted under the law. I do not care to revive that controversy, but these facts are worthy of consideration.

Now, Mr. Chairman, in conclusion, I think there are some good points in this bill pending before the committee, among them the one about insurance. And possibly it is well to embody in the statute the provision that no sale shall be made of a pledge until a year after the loan has become due, though I am inclined to think it better to leave that to the commissioners. But we can best solve this situation not by passing a law under which pawnbrokers can charge 3 per cent up to loans of $35 and 2 per cent above that but by a straight 2 per cent rate, both to those who offer pledges and to those who offer no security. All this can be done by an amendment to the present law in comparatively brief language.

Mr. LONDON. Will the gentleman yield?

Mr. BURTON. I yield to the gentleman from New York.

Mr. LONDON. The provision relating to the right to sell pledged property a year after the loan has become due carries with it a provision for interest, does it not?

Mr. BURTON. Yes; for interest all the while. The gentleman knows enough about business to know that if the interest was suspended, every one of the borrowers would wait until the end of the year. The interest goes on at the rate fixed.

Mr. LONDON. Three per cent a month?

Mr. BURTON. Yes; and then, again, the borrower is compelled to pay for an advertisement in a newspaper of general circulation, and the sale must be made by a licensed auctioneer, which, I take it, is also at the cost of the borrower.

Mr. UNDERHILL. I yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I have just communicated with the Public Printer by phone. I asked him if the man who was by Mr. BLANTON charged with having used that vile language was in the office still. He said, "He is. He is now in the employ of this office." I said, "I thought he was separated from the bureau." He said, "No; he is still in the employ of the office." I said, "How does that happen?" "Well," he said, "I conducted an investigation, heard those who were witnesses, and I am convinced that he never used the language. Those who listened to it said he did not. French, the complainant, was the only one who made that statement."

Mr. UNDERHILL. I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. I thank the gentleman, but I do not care to speak now, and I yield back the time.

Mr. UNDERHILL. I yield five minutes to the gentleman from Tennessee [Mr. SCOTT].

Mr. SCOTT of Tennessee. Mr. Chairman, on January 6 last I introduced House joint resolution 251 which authorizes and requests the United States Supreme Court to make an exception and reopen and rehear on its merits and redecide the case of William M. Farrington, plaintiff in error, against Rolf S. Saunders, collector of internal revenue for the United States for the western district of Tennessee, defendant in error, waiving for the United States all defense by reason of statute of limitations, lapse of time, laches or rules prohibitory for reopening, rehearing, reconsideration, and decision of this case by the United States Supreme Court.

Mr. Chairman, realizing that the provisions and purposes of this resolution are extraordinary and without precedent makes it properly deserving of thorough consideration by each Member of Congress before its final disposition. In view of this fact I am anxious to briefly present the reasons and grounds upon which I shall urge its passage in case it is favorably reported to the House by the committee before which it is now pending.

This resolution, though without precedent as to form and purpose, is nevertheless founded upon a principle that is fundamentally right, certainly within the Constitution, and I sincerely believe will be so regarded once its intentions are comprehended by this honorable body.

For approximately half a century various and sundry bills have been proposed to Congress seeking to adjust and settle the very question which this resolution is designed to bring to a constitutional finality. Some of these measures have sought to appropriate out of the United States Treasury and refund to the original taxpayers moneys collected under the acts of Congress of July 1, 1862, March 7, 1864, July 13, 1866, March 2, 1867, all of which were repealed February 3, 1868. This relief legislation was proposed and urged out of respect to the earnest appeal of a great mass of citizens and legal authorities, who insisted that Congress had no right to impose a direct tax on the ownership of personal property without being apportioned among the States of the Union on the basis of population.

Lawyers of recognized ability on constitutional questions throughout the Nation during the existence and since the repeal of the direct cotton tax laws have declared the tax to be violative of the Federal Constitution in that it was not an excise tax on the sale or use or other disposition of personal property, but a direct tax on the ownership of personal property without being apportioned among the States on the basis of population, as required by the Constitution. More than $68,000,000 was collected from the producers and owners of cotton in 23 States of the Union before a revolting public sentiment succeeded in inducing Congress to repeal what is now practically conceded by all constitutional authorities to be an unconstitutional tax law. Tennessee, my home State, paid more than $8,000,000 of this cotton tax. Article I, section 2, clause 3 of the Federal Constitution says:

> Representatives and direct taxes shall be apportioned among the several States of the Union, according to their respective numbers.

The Constitution then provides that these numbers shall be determined by the decennial census. Article I, section 9, clause 4 says:

> No direct tax shall be laid unless in proportion to the census enumeration hereinbefore directed to be taken.

I submit that a direct tax on the ownership of either land or personal property is constitutional if it is levied by the rule of apportionment among the States on a population basis, but if it is levied without such apportionment it is unconstitutional and void. This cotton tax was levied without such apportionment. The plain language of the Constitution shows that this cotton tax violated the supreme law of the land. The Supreme Court of the United States, however, when that act was passed (1862), had never decided this question one way or the other.

The first time the question was squarely and unescapably presented to the court was in the Farrington case. Farrington brought suit in that case to get back from the United States the taxes he had paid the internal-revenue collector at Memphis, Tenn., on his cotton. He alleged that the tax was unconstitutional; that was the sole and only question in the case. The judge of the United States district court at Memphis, Tenn., held that the tax was constitutional and decided against Farrington. Farrington appealed to the United States Supreme Court in 1868. Only eight judges heard the case. It was argued for Farrington by Judge Benjamin R. Curtis, of Boston, John A. Campbell, of Mobile, who had themselves previously been members of the United States Supreme Court; William M. Evarts, of New York, subsequently Secretary of State, and counsel for the United States in the Geneva arbitration on the Alabama claims; William M. Sharkey, former chief justice of the State of Mississippi; John G. Carlisle, afterwards Speaker of the House of Representatives; Alexander H. Garland, subsequently Attorney General in the Cleveland Cabinet; and Gen. Albert Pike, one of the greatest lawyers of that time. They all filed printed briefs against the constitutionality of this cotton tax which are still on file in the office of the Clerk of the United States Supreme Court. The Government was represented by the then Attorney General, E. R. Hoar, and Hon. C. H. Hill, one of his Assistant Attorneys General. After the case had been in the United States Supreme Court over two years the court entered a judgment, reciting that—

> The court is equally divided in opinion and is unable to agree.

Not a single member of the court wrote or filed an opinion. By reason of this equal division of the court, Chief Justice Chase being absent, not participating in either hearing or consideration due to illness, the decision of the United States district court at Memphis stood affirmed, and that is the way the matter has been resting ever since. As a matter of fact, no final judgment or decision as to the merits of the Farrington case was rendered by the court. The court was equally divided and so recited, which is a matter of record. No opinion was written, and the vital question as to the constitutionality of the cotton tax laws was left suspended in the air.

Mr. Chairman, the prime purpose of House joint resolution 251 is not to appropriate money out of the United States Treasury. This resolution seeks only a rehearing and decision of the Farrington against Saunders test case by the Supreme Court of the United States, which was heard in 1871 by only eight members of the United States Supreme Court, resulting, as stated before, in an equal division of the court. Only eight members having participated, the ultimate action being an equal division, did not determine the question of constitutionality of the cotton tax law within the meaning of the Constitution, since the affirmative or negative action of the court must constitute a majority of the court to make final a decision. In the light of these facts, which the United States Supreme Court records confirm, I can not appreciate how it could be urged that the Farrington against Saunders test case was regularly and constitutionally adjudicated.

Mr. Chairman, this question involves the constitutional rights and financial interests of citizens in perhaps every State in the Union. I am sure it is neither the desire nor purpose of any Member of this Congress to deny these citizens an opportunity to formally represent this vital and significant question to the United States Supreme Court, that the original issue, the question as to the constitutionality of the cotton tax act, which as it now stands remains a bone of serious contention in the minds of so many, may be finally and constitutionally adjudicated without the color of doubt. If it is possible, and I believe that House joint resolution 251 rightly makes it possible, for the reopening, rehearing, and decision of this test case, and in my humble judgment it is the solemn duty and obligation of Congress to make possible the proper legal and constitutional determination of this important question, which vitally affects the interests of so many of the Nation's citizens. [Applause.]

As stated heretofore, numerous bills have been introduced on this subject. During the Sixty-fifth Congress Hon. FRANK CLARK of Florida introduced a bill providing for an appropriation of the amount of taxes to be paid the heirs of the people who originally paid taxes under the cotton tax law. This bill was reported favorably by Mr. CLARK from the War Claims Committee of the House on January 30, 1919, in a very complete, clear, and convincing manner, which strongly urged Congress to pass the bill. This report is of such length that I would not attempt to read it into the RECORD or repeat its contents. However, I will ask, Mr. Speaker, leave to incorporate it in my remarks by extending it in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

The report referred to is as follows:

[House Report No. 1017, Sixty-fifth Congress, third session.]

MONEYS COLLECTED UNDER THE DIRECT TAX LEVIED BY ACTS OF CONGRESS ON RAW COTTON.

Mr. CLARK of Florida, from the Committee on War Claims, submitted the following report, to accompany H. R. 6019:

Measures similar to H. R. 6019 have been introduced into many Congresses during the past 50 years, and the subject matter has at different times been considered by committees, but for one reason or another justice has been delayed until now. No good reason exists or has ever existed to prevent the passage of a measure of this character. Governments should be scrupulous in dealing with its citizens as it demands one citizen shall be in dealing with his fellow man. The case as presented is as follows: There were four different acts of Congress levying a tax upon raw cotton. One was the act of July 1, 1862, which levied a tax of one-half of 1 cent a pound. The next act was the act of March 7, 1864, which levied a tax of 2 cents per pound. The third was the act of July 13, 1866, which levied a tax of 3 cents per pound, and the last was the act of March 2, 1867, which levied a tax of 2½ cents per pound. On the 3d day of February, 1868, Congress passed an act repealing the four acts mentioned. In order that the House may fully understand the legisla-

tion in this behalf we call attention to these different acts of Congress. The several statutory provisions levying taxes on cotton are as follows:

[Act of July 1, 1862.]

"On and after the 1st day of October, 1862, there shall be levied, collected, and paid a tax of one-half of 1 cent per pound on all cotton held or owned by any person or persons, corporations, or association of persons; and such tax shall be a lien thereon in the possession of any person whomsoever. And further, if any person or persons, corporation, or association of persons shall remove, carry, or transport the same from the place of its production before said tax shall be paid, such person or persons, corporation, or association of persons shall forfeit and pay to the United States double the amount of such tax, to be recovered in any court having jurisdiction thereof: *Provided, however*, That the Commissioner of Internal Revenue is hereby authorized to make such rules and regulations as he may deem proper for the payment of said tax at places different from that of the production of said cotton: *And provided further*, That all cotton owned and held by any manufacturer of cotton fabrics on the 1st day of October, 1862, and prior thereto, shall be exempt from the tax hereby imposed." (12 Stat. L., 465.)

[Act of Mar. 7, 1864.]

"From and after the passage of this act, in lieu of the duties provided in the act referred to in the first section of this act, there shall be levied, collected, and paid upon all cotton produced or sold and removed for consumption, and upon which no duty has been levied, paid, or collected, a duty of 2 cents per pound; and such duty shall be and remain a lien thereon until said duty shall have been paid, in the possession of any person whomsoever. And further, if any person or persons, corporation, or association of persons, remove, carry, or transport the same, or procure any other party or parties to remove or transport the same from the place of its production, with the intent to evade the duty thereon, or to defraud the Government, before said duty shall have been paid, such person or persons, corporation or association of persons, shall forfeit and pay to the United States double the amount of said duty, to be recovered in any court of competent jurisdiction: *Provided*, That all cotton sold by or on account of the Government of the United States shall be free and exempt from duty at the time of and after the sale thereof, and the same shall be marked free, and the purchaser furnished with such a bill of sale as shall clearly and accurately describe the same, which shall be deemed and taken to be a permit authorizing the sale or removal thereof." (13 Stat. L., 15.)

[Act of July 13, 1866.]

"There shall be paid by the producer, owner, or holder, upon all cotton produced within the United States and upon which no tax has been levied, paid, or collected, a tax of 3 cents per pound, as hereinafter provided * * * and such tax shall be and remain a lien thereon, in possession of any person whomsoever, from the time when this law takes effect, or such cotton is produced, as aforesaid, until the same shall have been paid." (14 Stat. L., 98.)

[Act of Mar. 2, 1867.]

"On and after the 1st day of September, 1867, a tax of 2½ cents per pound only shall be levied, collected, and paid on any cotton produced within the United States." (14 Stat. L., 471.)

[Act of Feb. 3, 1868.]

"All cotton grown in the United States after the year 1867 shall be exempt from internal tax; and cotton imported from foreign countries on and after November 1, 1868, shall be exempted from duty." (15 Stat. L., 24.)

When the taxes of 1862 and of 1864 were levied the country was in the throes of civil war and there may be something in the idea sometimes advanced that the exigencies of war demanded and justified the setting at naught of statutory laws and constitutional provisions. We do not subscribe to that doctrine, because we believe that in a republican government such as ours there can arise no circumstances, there can exist no conditions, there can be no emergencies, which would justify the National Legislature in violating the solemnly enacted provisions of the organic law. However, if there should be anything in that contention it must be remembered that the act of 1866 and the act of 1867 were both passed in a time of profound peace and, therefore, can not in any wise be regarded as war measures, and the fact is that the great bulk of the taxes levied and collected on raw cotton came from the acts of 1866 and of 1867, under which, respectively, were levied and collected a tax of 3 and 2½ cents per pound. In order that the House may get a clear idea of the amounts collected in the different years from the different States in pursuance of these acts of Congress we submit herewith a tabulated statement of such amounts as furnished by the Secretary of the Treasury.

Statement showing internal-revenue tax receipts from raw cotton.

[See act of July 1, 1862, 12 Stat. L., p. 465.]

STATE.	Fiscal years ending June 30—			
	1863	1864	1865	1866
Alabama				$3,733,620.25
Arkansas				[illegible]
California				143.96
Connecticut				
Florida	$17.72	$119.25		
Georgia				97,485.24
Illinois	53,381.71	58,515.80	$65,802.79	3,554,554.38
Indiana	3,999.90	1,041.00	703.30	113,732.66
Iowa		.27		52,428.40
Kansas			176.34	192.64
Kentucky	12,779.67	33,080.15	83,658.34	123,520.89
Louisiana	19,920.93	436,044.52	563,108.02	4,300,150.17
Maryland	1,867.66	939.91	1,168.65	4,324.08
Massachusetts	4,412.79	6,419.24	177.00	28,175.46
Mississippi				256,626.27
Missouri	99,693.12	39,039.78	73,808.00	867,286.14
New Jersey		691.30		
New York	102,041.88	34,936.56	10,334.08	802,357.07
North Carolina				211,438.37
Ohio	79,986.24	94,086.30	30,918.92	41,081.89
Pennsylvania	5,080.99	27,466.38		8,080.42

Statement showing internal-revenue tax receipts from raw cotton—Con.

State.	Fiscal years ending June 30—			
	1863	1864	1865	1866
Rhode Island	$2,402.27	$0.01	$22.45	
South Carolina				$731,939.67
Tennessee		488,325.80	877,901.00	2,148,437.98
Texas				1,395,534.17
Utah	36.75	11.00	48.90	211.31
Vermont				168,298.20
Virginia		1,425.83	26,435.64	
Total	351,311.48	1,268,412.36	1,772,983.48	18,409,651.90

Statement showing internal-revenue tax receipts from raw cotton.

State.	Fiscal year ending June 30—		Total.
	1867	1868	
Alabama	$3,040,868.01	$3,604,583.84	$10,378,072.10
Arkansas	1,641,342.22	711,222.37	2,565,638.43
California	294.98		430.04
Connecticut	86.67		193.84
Florida	499,645.07	321,811.67	918,944.98
Georgia	3,283,278.38	5,059,374.24	11,897,084.98
Illinois	76,013.72	34,667.85	379,144.62
Indiana	14,202.83	15,351.19	92,727.22
Iowa			.27
Kansas	32.17		208.13
Kentucky	149,905.16	102,383.24	553,327.45
Louisiana	2,971,708.19	1,777,569.17	10,098,801.00
Maryland	4,434.49	39,436.79	51,369.52
Massachusetts	16,576.85	10,987.96	68,673.30
Michigan			
Minnesota			
Mississippi	4,464,664.40	3,321,702.26	8,742,985.93
Missouri	98,721.63	65,981.71	502,098.36
Montana			
Nebraska			
Nevada			
New Hampshire			
New Jersey	3,156.42		3,658.12
New Mexico			
New York	112,570.54	125,602.64	867,962.68
North Carolina	860,704.55	867,341.75	1,959,704.87
Ohio	55,343.00	115,190.63	447,127.12
Oregon			
Pennsylvania	145.03	9,352.14	78,535.05
Rhode Island			2,424.73
South Carolina	1,429,281.10	2,011,190.39	4,172,430.16
Tennessee	1,929,301.72	2,429,494.12	7,873,460.11
Texas	2,789,307.31	1,326,589.76	5,302,491.24
Utah	289.04	647.74	1,975.34
Vermont			168,298.20
Virginia	299,147.65	330,578.46	657,590.58
Washington			
West Virginia			
Wisconsin			
Total	23,709,073.89	32,500,947.77	66,072,389.99

By exhaustive research we have been able to find only one case and that was brought to test the validity of the act of July 13, 1866. The facts of that case are as follows: On the second Monday in June, 1867, William M. Farrington began an action in law in the court of Memphis, Tenn., against Rolfe S. Saunders, a collector of internal revenue, for damages for the seizure of 148 bales of cotton which had been assessed by an internal-revenue assessor for taxes amounting to $2,005.74. The case was removed to the United States circuit court for the sixth circuit and that court decided the case in favor of Saunders, and therefore in favor of the constitutionality of the act which had been directly attacked. In due time Farrington appealed the case to the Supreme Court on December 6, 1867, and the judgment of the court below was affirmed by the Supreme Court because it was a divided court, there being only 8 justices who heard the case, and they stood 4 in favor of affirming the judgment and 4 in favor of reversing it. This took place on February 20, 1871. The record of this case can only be found in one volume and that is a volume known as "Records of Briefs," volume 216. The case in the Supreme Court was never reported, and nothing of the case can be found except the agreed statement of facts and copies of the pleadings and briefs of counsel. It will be noticed that the judgment was affirmed solely because of a divided court. The facts in the case as stated were agreed upon and filed in the circuit court at the September term, 1867, and were as follows:

"The plaintiff and defendant have agreed that the above cause, now pending in the Circuit Court of the United States for the district of west Tennessee, shall be tried by the court without the intervention of a jury, upon the following facts, which are submitted and agreed upon by both parties, to wit:

"1. That on the 26th day of June, 1867, the plaintiff, William M. Farrington, was the holder and owner, in his own right of 148 bales of cotton of the net weight of 66,858 pounds. That said cotton was the growth of and produced within the United States.

"2. That no internal revenue or other tax had been levied, paid, or collected upon said cotton.

"3. That on the said 26th day of June, 1867, H. F. Cooper, assistant United States assessor for the eighth district of the State of Tennessee, within which said district said cotton then was, acting under the provisions of the act of Congress of the United States, approved July 13, 1866, assessed a tax of 3 cents per pound upon said cotton, making in the aggregate the sum of $2,005.74, and returned said assessment on that day into the office of the defendant, who is the United States revenue collector for said district.

"4. That the plaintiff on the same day protested against said assessment, for the reason that said assessment was without authority of law, said act of Congress of the 13th of July, 1866, being contrary to the provisions of the Constitution of the United States of America and void.

"5. That on the 27th day of June, 1867, the defendant, who is the legally authorized United States internal-revenue collector for said district, the said cotton being then within said district, demanded said tax of 3 cents per pound on said cotton, amounting in the aggregate to the said sum of $2,005.74, from the plaintiff.

"6. That the plaintiff then and there protested against said tax, and protested against the defendant's demand, and objected to paying the same for the reasons assigned in his protest against the assessment of said tax, and was removing said cotton from said district.

"7. That the defendant then and there, on the day aforesaid, averred that he would, as internal-revenue collector, seize said cotton, and threatened the plaintiff then present that he would forthwith seize said cotton unless said tax was paid to him.

"8. That the plaintiff thereupon and by reason of said threats paid to the defendant the said sum of $2,005.74, lawful money of the United States, that being the amount of said tax, under protest.

"9. That on the same day the plaintiff demanded said money back from the defendant; that the defendant refused to refund it, and the plaintiff thereupon on the same day duly appealed to the Commissioner of Internal Revenue at Washington, according to the provisions of law in that regard and the regulation of the Treasury established in pursuance thereof.

"10. That the plaintiff's appeal, the same containing a properly certified record of the acts of the said assessor and the defendant, and the reasons of plaintiff's protest, were duly forwarded to and laid before the Commissioner of Internal Revenue at Washington, who examined the plaintiff's claim for the refunding of said sum of $2,005.74 and rejected it, for the reason that he regarded the law imposing a duty of 3 cents per pound upon cotton as constitutional.

"11. That the action of the commissioner was on the 1st day of August, 1867, and within six months before the suing out of summons and commencement of the plaintiff's action in this cause.

"12. That the plaintiff and defendant were forthwith notified by the Commissioner of Internal Revenue of his action in the premises, and on the 10th day of August, 1867, the plaintiff again, and after notice as above to the defendant, demanded to have said sum of $2,005.74 paid back to him, which the defendant refused.

"13. That the amount in controversy in this cause is more than $2,000.

"14. That the following tabular statement shows the growth and production of cotton within the United States from the year 1820–21 to the year 1866–67, inclusive, in bales:

1820–21	430,000	1844–45	2,394,503
1821–22	455,000	1845–46	2,100,537
1822–23	495,000	1846–47	1,778,651
1823–24	509,000	1847–48	2,347,634
1824–25	569,000	1848–49	2,728,296
1825–26	720,000	1849–50	2,096,706
1826–27	937,281	1850–51	2,845,257
1827–28	727,593	1851–52	3,015,029
1828–29	870,215	1852–53	3,262,882
1829–30	976,845	1853–54	2,939,027
1830–31	1,038,848	1854–55	2,847,339
1831–32	987,417	1855–56	3,537,845
1832–33	1,070,438	1856–57	2,939,519
1833–34	1,205,394	1857–58	3,115,962
1834–35	1,254,328	1858–59	3,851,481
1835–36	1,360,725	1859–60	4,669,770
1836–37	1,422,930	1860–61	3,656,086
1837–38	1,801,497	1861–62 (estimated)	1,000,000
1838–39	1,360,532	1862–63 (estimated)	1,000,000
1839–40	2,177,835	1863–64 (estimated)	800,000
1840–41	1,634,945	1864–65 (estimated)	500,000
1841–42	1,634,945	1865–66	2,151,043
1842–43	2,378,875	1866–67	1,860,000
1843–44	2,030,409		

"That of the above annual yield and product, three-fourths to five-sixths of the number of bales have been annually exported from the United States, except in the years 1865–66 and 1866–67, the exports for those years being about two-thirds to three-fourths, and that the returns received at the Statistical Bureau at Washington show that 667,137,870 pounds of cotton have been exported from the United States for the year ending June 30, 1867, of the value of $202,807,916.

"Now, it is agreed between the plaintiff and defendant that this cause shall be tried by the court upon the foregoing facts admitted by both parties, and the court may draw all inferences and make all deductions from said facts that a jury might or could legally draw or make, and the questions at issue between the parties which the court is asked to adjudge and determine is as to the validity and constitutionality of the various acts of Congress imposing a tax upon cotton, and particularly to the act of Congress approved July 13, 1866, imposing a tax of 3 cents per pound upon cotton produced within the United States. And if upon the trial of the cause and argument of counsel the court should be of the opinion that said act of Congress of the 13th of July, 1866, imposing said tax of 3 cents per pound upon the cotton produced within the United States is constitutional and valid, then the judgment of the court shall be simply for the defendant and against the plaintiff and his security for the costs of the cause. But if the court shall be of the opinion that said act of Congress imposing said tax is unconstitutional and invalid, then the judgment of the court shall be for the plaintiff, that he recover of the defendant the said sum of $2,005.74, with interest from the 27th day of June, 1867, and the costs of the cause.

"The right to appeal, or to take an appeal in the nature of a writ of error or to prosecute a write of error to the Supreme Court of the United States, at Washington, or wherever the same shall be held, is reserved to both parties, to be taken by the losing party at his option, according to law and the rules of practice in the circuit and Supreme Courts of the United States regulating the practice in appeals and writs of error from the circuit court to the Supreme Court.

"This 2d day of September, 1867.

"WILLIAM M. FARRINGTON,
"By WRIGHT & MCKISICK, *Attorneys*,
"ROLFE S. SAUNDERS,
"By MARLANE L. PERKINS,
"Assistant United States Attorney, District of West Tennessee.

JUDGMENT.

"Upon the foregoing case agreed Judge Trigg rendered judgment as follows:

"And upon consideration of the same the court is of the opinion that the said act of Congress of the 13th of July, 1866, imposing an internal-revenue tax of 3 cents per pound upon cotton grown and produced within the United States is constitutional and valid and that the law of the case upon the facts agreed is with the defendant. It is therefore considered by the court that the defendant go hence and recover of the plaintiff, and T. A. Nelson, his security therefor, the costs of this suit, and that execution issue.

"In the Supreme Court of the United States briefs were filed by P. Phillips, W. L. Sharkey, Albert Pike, James Hughes, Robertson Topp, J. A. Campbell, Robert W. Johnson, and B. R. Curtis, for Farrington, and by Attorney General Akerman, Assistant Attorney General C. H. Hill (and later by Attorney General E. R. Hoar), and Assistant Attorney General W. A. Field, for Saunders."

Counsel for Farrington contended that the acts laying the tax on cotton violated all the provisions of the Constitution of the United States delegating the right to levy and collect taxes. Counsel for Saunders, the revenue collector, controverted this position and relied mainly upon the case of Hylton v. United States (3 Dal., 171). Their contention was summarized in the brief of Attorney General Hoar, as follows:

"If the cotton tax imposed by the act of 1866 was a direct tax, then, inasmuch as it was not laid by the rule of apportionment, it must be pronounced unconstitutional. It must also be pronounced unconstitutional if it was an export tax. But if, on the other hand, the tax was an indirect one simply, it is submitted that there was no conflict between the provision referred to and the Constitution, and its validity should be affirmed. He also contended that the tax on cotton of 1866 is not a direct tax, being neither a tax on land nor a tax on slaves or other capitation tax."

It will be seen that Attorney General Hoar admitted in his brief that "If the cotton tax imposed by the act of 1866 was a direct tax, then inasmuch as it was not laid by the rule of apportionment it must be pronounced unconstitutional." The whole proposition then resolves itself into the question, What is a direct tax? We desire to call attention to the constitutional provisions applicable to this tax. Upon an examination of the Constitution it will be found that it contains only four provisions relating to Federal taxation, and they are as follows:

"1. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." (Art. 1, sec. 2, clause 3.)

The fourteenth amendment modified this provision so that the whole number of persons in each State should be counted, Indians not taxed excluded.

"2. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States." (Art. 1, sec. 8, clause 1.)

"3. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken." (Art. 1, sec. 9, clause 4.)

"4. No tax or duty shall be laid on articles exported from any State." (Art. 1, sec. 9, clause 5.)

In the light of these constitutional provisions, we desire to call attention to the objections which lie to the levy and collection of all these taxes. First, we insist that each and every one of the acts referred to levied a direct tax upon raw cotton which was violative of that provision of the Constitution which prohibits the levy of a direct tax, except it be done by the rule of apportionment. That Congress has the power to levy direct taxes is not now and never has been questioned since the Constitution itself was adopted. The Constitution says, in Article I, section 2, clause 3, that "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers."

Again, in Article I, section 9, clause 4, we have this provision: "No capitation or other direct tax shall be levied unless in proportion to the census or enumeration hereinbefore directed to be taken." We respectfully submit that in none of these tax acts will you find any provision that these taxes are to be laid "in proportion to the census" as is positively required. It is an historical fact that so great was the fear of members of the Constitutional Convention that Congress might have or claim the power to levy direct taxes without regard to the rule of apportionment or the population of the different States, as shown by the census, that the Constitution itself would never have been adopted by the people of the different States if they had not been solemnly assured by the leading statesmen of that day it would never result in oppressive taxation or violate in that respect the principle of equality. (See the Federalist, No. 36.)

In the argument of Mr. Phillips, of counsel for Farrington, who was plaintiff in error in the Supreme Court of the United States in the case of Farrington against Saunders, in referring to these constitutional provisions we find this strong language:

"By these restrictions the States supposed that they had protected themselves against partial or corrupt legislation. For indirect taxation they established uniformity; for direct they secured apportionment according to the census."

Perry on Political Economy, page 443, defines a direct tax as follows:

"A direct tax is levied on the very persons who are themselves expected to pay it; an indirect tax is demanded from one person in the expectation that he will pay it provisionally, but will indemnify himself in the higher price he will receive from the ultimate consumer. Thus the income tax is direct, while duties laid on imported goods are indirect."

Surely these taxes come squarely within the definition of a direct tax given by Perry.

Undoubtedly the best defense that has ever been made for the levy of these cotton taxes was made in a letter to Hon. George S. Boutwell, then Secretary of the Treasury, by the Hon. Israel Kimball, at that time Commissioner of Internal Revenue. The opinion of Mr. Kimball can be found in Executive Document No. 181, Forty-second Congress, third session. It is covered in a letter from the Hon. George S. Boutwell, Secretary of the Treasury, under date of February 4, 1873, and directed to the Hon. James G. Blaine, at that time Speaker of the House of Representatives. Mr. Kimball consumes some 14 pages undertaking to defend the right of the Government to insist upon these taxes. But when his entire argument is brought down to its last

analysis the one main reason he gives to support his contention that these taxes were indirect and not direct is his statement, unsupported in reason or by fact, that the producer did not in fact pay the tax; that the tax was added to the selling price and the consumer paid it. With all due respect to Mr. Kimball, this contention is little short of the absurd because everybody knows that the farmer, whether he lives in the South, North, East, or West, has no more to do with fixing a price for his products than has the man in the moon. It is notoriously true that the price of cotton has always been fixed in the market at Liverpool.

Messrs. Hughes & Sharkey, of counsel for Farrington, have, however, answered this contention perfectly as follows:

"Is it (this tax) levied on the person who pays it, or does some other person ultimately pay it? Can the planter add this to the price of the cotton when he sells it? The court must assume this; otherwise it is a direct tax. Can the court assume it in the face of facts? Liverpool is the great cotton mart of the world and controls the price of cotton. Can the planter who ships his cotton to Liverpool add this tax to the price? If the Southern States had entire control of the market, or a monopoly, perhaps he might, but there the cotton of the United States comes in competition with the cotton of about 12 or 15 other countries, and the planter's price must conform to the standard there fixed. Consequently he is not remunerated to the value of a farthing a bale. The whole loss falls on him. He is the person who pays it."

An examination of the debates had in the Constitutional Convention on this subject of taxation will show that the contention made by the plaintiff's attorney in the Farrington case is absolutely correct. It will be found that as the taxing power was originally introduced in the report of the committee of detail it stood as follows:

"The Legislature of the United States shall have power to lay and collect taxes, duties, imposts, and excises." (See Madison's Debates, p. 279.)

If this clause had stood as the committee of detail originally reported it, it would have given to Congress unlimited power of taxation, which might have been used to the advantage of some States and to the prejudice of others, and for this reason, which was conceded by all, when this taxation matter came before the convention itself for adoption, it was amended by adding thereto these words: "But all such duties, imposts, and excises shall be uniform throughout the United States." And right here is the provision of the organic law under which it is sought to justify the levy of these taxes. The insistence of those who support the legality of the tax levy is that the tax is laid by the rule of uniformity, as it is stated in the act that the tax is to be levied on all cotton produced within the United States.

This clause is quoted, and gentlemen say that as the tax is laid upon all cotton in the United States it is necessarily uniform and fully complies with the constitutional requirement. If cotton were grown in all the States in the Union, this contention would be eminently correct, but when it is known to the courts and to the Congress and known to everyone that at the time of the levy of these taxes cotton could not be grown in any but 11 States, and while the act levied the tax upon all cotton grown within the United States, it would not cost some States one penny and would extort from the pockets of the people in other States millions of dollars, the plea of uniformity vanishes into thin air.

The case relied on by the advocates of the legality of these acts is the case of Hylton v. The United States, to be found in 3 Dallas, page 171. This case was an act of Congress levying a tax upon carriages, and an investigation of it will show that the court sustained the constitutionality of the act largely, and, in fact, we might say wholly, upon the ground that it was a tax on the consumer of an article. The three learned judges in that case, who delivered written opinions, concurred in intimating (they say expressly that they do not give a judicial opinion) that the direct taxes contemplated by the Constitution are only two, to wit, the capitation tax and the tax on land. Even if the intimation of these judges were correct, and that direct taxes as referred to in the Constitution were limited to two, and that those two were the capitation tax and a tax on land, then the contention which we make would be sound. We assert this because the courts and the law writers of approved authority all concur in the holding that the product of land, whether it be in rentals or whether it be in crops, stands upon exactly the same footing as the land itself. In other words, if the levy of a tax upon land would be a direct tax, and it should be required that the tax be levied by the rule of apportionment, then cotton, corn, wheat, or other raw product of the land itself would likewise be considered as land and the rule of apportionment would necessarily have to be complied with.

We desire to call attention of the House to the fact that the Supreme Court of the United States, when it delivered the opinion in the Hylton case, was denied access to the debates in the Federal Convention. It is recognized in all courts that one of the very best rules of statutory or constitutional construction is the will or the meaning of the legislator as contained in the debates leading up to the adoption of the particular enactment. The debates in the Federal Convention were secret. No copies were allowed, and when the convention adjourned the journals were placed in charge of the President, and they were not laid before Congress or the country or published until after the decision in the Hylton case was made. This statement we get from Mr. Robertson Topp, of counsel for appellant in the Farrington-Saunders case, and Mr. Topp after making this statement says:

"Thus it will be seen that the court was deprived of one of the best means of determining the real meaning of the Constitution, viz, the reasons given by those who made it."

Referring to the fear that some of the States would be in the power of the others and that grave injustice would be done the weaker ones in the matter of taxation, Mr. Madison in the convention, said:

"It is represented as the height of oppressive that the States which have slaves and tobacco should pay taxes on these for Federal wants when other States who have them not would escape. But does the Constitution on the table admit of this? On the contrary, there is a proportion to be laid on each State according to its population."

Mr. Topp, in his argument in the Farrington case, submits some figures taken from the census of 1860 which strike us as being a powerful exposition of what might occur and of the injustice which might be perpetrated, and which, in fact, was perpetrated, in the levy of these cotton taxes. We desire to call attention to the table referred to:

By referring to the census of 1860 it will be seen that the total population of the United States was	31,445,080
By the same table the population of the 11 cotton-producing States was	9,103,832
By the same table the value of real and personal property of the United States in 1860 was	$16,159,616,068
Of the 11 cotton-producing States	5,402,165,107
By referring to the agricultural report of 1867, page 90, it will be seen the corn crop of that year was worth	$610,948,390
The wheat crop	421,796,460
The oat crop	172,472,970
The hay crop	372,864,670
The cotton crop	201,470,495
And that including rye, barley, buckwheat, potatoes, and tobacco, the whole crop was worth	2,007,462,231

By referring to the census of 1860 it will be seen that the cotton crop, except 100 bales raised in Missouri and 6 bales in Illinois, was entirely raised in the 11 cotton States, and such has been the case since the existence of those States and since cotton was produced for export.

By referring to the tax laws of the United States it will be seen that cotton and sugar were the only crude products of the soil taxed, and that corn, which grew in every State from Maine to Texas, worth treble; wheat, worth double; hay, worth nearly double the cotton crop; that, in fact, the whole crop of every character and description passed free, whilst cotton, less than one-tenth in value, is singled out and made to bear ruinous burdens—1867, 33⅓ per cent of the gross value—whilst more than two-thirds of the people escaped the tax.

Is this fair? Is this just? Is this uniform?

The attorneys for the Government in the Farrington case, in addition to the contention that these taxes on cotton were not direct taxes, took the further position that the tax on cotton was an excise and that therefore the rule of apportionment did not apply. Let us examine this contention under the light of the Constitution. The Encyclopedia Britannica, under the article "Excise," defines an excise to be—

"A term used in finance to signify the duty charged in a country upon articles produced in it before they are permitted to get into the possession of the public."

Judge Storey says:

"An excise is an inland imposition or duty; a duty or tax laid on certain articles produced or consumed at home."

Accepting these definitions as being correct, how stand the cotton taxes with relation to clause 1, section 9, Article I, of the Constitution of the United States? That clause reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Were these taxes uniform throughout the United States? That is the gist of the whole question, and upon the correct answer to the question must stand or fall the cotton taxes.

We are permitted in the discussion of a question like this, whether that discussion take place in the courtroom or in the legislative halls, to take notice of the physical conditions of the country. We are permitted to consider those things which are matters of common information. Acting upon this rule, the Congress must have known that when these taxes were levied cotton was grown in only 11 of the States of the Union. Outside of those 11 States I believe that no cotton was grown in the United States except about 100 bales in the State of Missouri and about 6 bales in the southern part of the State of Illinois. This being true—and no one will question its correctness—can it be contended that these acts were uniform throughout the United States?

In order that the Congress may see and know and understand just how uniform these acts were in their practical operation, if they will turn to the table that we have incorporated herein they will see that under these four acts of Congress levying taxes upon raw cotton the State of Georgia paid into the Treasury of the United States $11,897,094.56, while the State of Kansas, with a population almost as large, only paid into the Treasury of the country $286.15. And so in many other cases these figures are of themselves fully sufficient to show the injustice and gross inequality of these cotton taxes. But we have discovered in the act of August 5, 1861 (12 Stat. L., pp. 294–295), some figures which by comparison with those of the table referred to will make the inequality still more impressive from another point of view. That act laid a direct tax of $20,000,000 upon land in the United States and apportioned the same among the several States according to population. It was a constitutional act, and it is highly instructive to compare the amounts apportioned under it to the several cotton States with the amounts actually collected under the operation of the unconstitutional cotton-tax acts. We have done this in a tabular statement which we now present.

Direct taxes apportioned to the several cotton-growing States by act of Aug. 5, 1861, and amounts collected in some States under the cotton-tax acts.

State.	Apportionment under act of 1861.	Collected under cotton-tax acts.
Georgia	$964,367	$11,897,094
Alabama	520,313	10,598,072
Mississippi	413,081	8,742,985
Louisiana	376,896	10,098,301
Florida	77,522	919,944
Arkansas	261,896	2,353,638
Tennessee	669,488	7,073,420
North Carolina	576,191	1,959,704
South Carolina	393,570	4,172,426

The direct taxes laid by the act of 1861, in conformity with the Constitution, have been refunded to the States from which they were collected, while these illegal and unconstitutional cotton taxes have been covered into the Treasury and used for the benefit of the United States, and no restitution made. It is an unusual case. Suppose the acts of Congress imposing these taxes had provided that 11 States, naming them, should pay these taxes and that the remaining States should be exempt therefrom. Would it be contended for a moment that this was a compliance with the constitutional provision which required that such taxes should be uniform throughout the United States? Certainly not. Can Congress by simply placing the words "all cotton produced in the United States" evade this provision when Congress knew, or must have known, that the whole burden would fall upon 11 States and would not and could not[1] be made uniform in its operation throughout the United States?

[1] Law of nature prevented. A tax on iron ore would violate Constitution for same reason; a tax on coal likewise.

Such a contention would merely be a juggling with words and a prostitution of a solemnly enacted provision of our organic law unworthy of the merest tyro in constitutional law. If our Constitution can be distorted and emasculated by such legislative legerdemain, then the right to live, the right to be free, and the right to pursue happiness, for which our fathers fought and died in the Revolution, are not protected by our sacred bond of union.

Not in anger, but in a broad spirit of brotherly love and patriotic devotion to our beloved country, let us appeal to the Congress to right this most grievous wrong to constitutional government.

We also take the position that these taxes are obnoxious to another provision of the Constitution. Clause 5 of section 9, Article I, provides: "No tax or duty shall be laid on articles exported from any State."

That cotton, when these different acts were passed by Congress, was an article of export was well known. Practically every pound of cotton grown in the Southern States during the period 1862 to 1868 was grown expressly for export and export to foreign countries. The courts and the law writers of approved authority agree that the clause of the Constitution to which we have just called attention applies as well to articles exported from one State in the Union to another State in the Union as it does from one of our States to foreign countries. It is said that that cotton crop of 1867 was 2,240,282 bales, of which 1,657,015 were shipped to foreign parts, leaving for home consumption 553,267 bales, of which it is estimated that about 60,000 bales were manufactured in the cotton-growing States. In other words, 60,000 bales out of a total of 2,240,282 bales remained in the States where the cotton was grown, thus showing that the great bulk of the crop was exported and establishing raw cotton as an export beyond all question. That this constitutional provision applies to the exporting of goods from one State to another in the Union, we desire to call attention to the definition of the word "export" given by Webster. He says that exporting means—

"To carry out, to convey, or transport any traffic, produce, or goods, from one country to another, or from one State or jurisdiction to another, either by water or land. We export wares and merchandise from the United States to Europe. The Northern States export manufactures to South Carolina and Georgia."

In the case of Almy v. California the court decided that articles of export from one State to another could not be taxed. No court in this country has ever rendered an opinion, not even excepting the Hylton case, that is contrary to the contention which we make for the refunding of this money wrongfully exacted from the people of these different States.

In the case of Pacific Insurance Co. v. Soule the learned judge who rendered the opinion in that case said:

"The taxing power is given in the most comprehensive terms. The only limitations imposed are that direct taxes, including the capitation tax, shall be apportioned; that duties, imposts, and excises shall be uniform, and that no duty shall be imposed on articles exported from any State. With these exceptions the exercise of the power is in all respects unfettered." (7 Wall., p. 446.)

In asking the passage of this bill and insisting upon this measure of retarded justice, we stand squarely upon the law as laid down by the court in the case of Soule. This Government ought to have the right to tax anything and everything when the necessities of the Government require it. But this Government in the exercise of that right should strictly comply with every provision of the Constitution, else constitutional government is a failure. Every man who loves his country and who honors the flag must agree in preserving without variance each and every clause of our organic law as framed and handed down to us by the patriots who planted the seeds of liberty in the friendly soil of this Western World. Since we have referred to the direct tax act of 1861, it may be well in this place to refer to other acts amendatory of it and to certain decisions of the courts construing the same. The acts of June 7, 1862 (12 Stat. L., 422), January 6, 1863 (12 Stat. L., 640), March 3, 1865 (13 Stat. L., 501), and the resolution of February 25, 1867 (14 Stat. L., 568), made provision for the assessment and collection of this tax. All these acts were construed by the Court of Claims in the case of Seabrooke v. United States (21 Ct. Cls. Rept., 39), Harrison's case (20 id., 176), and Thompson's case (20 id., 270). In all these cases it was held that where a tax has been illegally collected the money should be refunded. And in Miles v. Johnson (59 Fed. Rep., 38, 40) it was held that the word "tax" includes taxes which have been illegally levied as well as those which have been illegally collected, though legally levied. In nearly all jurisdictions provision is made by statute for the refunding of taxes illegally exacted. (27 American and English Encyclopedia of Law (2d ed.), 756–757.) And the word "exacted" includes the levy as well as the collection.

The act of June 8, 1872 (17 Stat. L., 339), restored to the former legal owners all lands then held by the United States under the direct tax acts upon payment of taxes, interest, expenses, etc., and released the title of the United States to the said lands. And subsequent statutes have refunded the entire amount collected under the act of 1861 and the acts amendatory of it to the several States. See the act of March 2, 1891, "to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861" (26 Stat. L., 822). By this act it was enacted that "it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States and to the District of Columbia a sum equal to all collections by set-off or otherwise made from said States and Territories and the District of Columbia, or from any of the citizens or inhabitants thereof, or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto, and that all moneys due to the United States on the quota of direct tax apportioned by section 8 of said act are hereby remitted and relinquished." And an appropriation was made of a "sum sufficient to pay all money found due to them under the provisions of this act."

In almost every general deficiency bill which has passed the House within 20 years there has been an appropriation for refunding taxes illegally collected. We will cite only two instances out of many—the act of April 20, 1890 (26 Stat. L., 54?), appropriated $31,156.43 "for the refunding of taxes illegally collected"; the act of March 3, 1891 (26 Stat. L., 891), appropriated $12,317.42 for the same purpose. Section 3689 of the Revised Statutes contains a general provision requiring all such taxes to be refunded upon application of the party aggrieved. Now, we claim that the cotton taxes were not only illegally collected but illegally levied; because, in addition to the violation of the rule of apportionment, Congress, in laying these taxes, also violated the constitutional provision against laying duties on exports from any State and those provisions relating to due process of law. But a literal compliance with the mandatory provisions of the Constitution, whether affirmative or negative, is a condition precedent to the validity of any law levying taxes on the property of the people. Nor does it matter, therefore, whether this cotton tax was a war tax or was not, for the taxing power is restricted and qualified in respect to all taxation by all the general limitations which are imposed upon its authority by the Constitution. (Wilkes Co. v. Coler, 180 U. S., 506, 525.)

Furthermore, these acts violate the fundamental principle of all taxation. We are inclined on any and all occasions to boast that under our beneficent form of government "all men are equal before the law." The rich and the poor, the great and the small, the strong and the weak, we have always been taught, must, in proportion to ability, aid in bearing the burdens of government while permitted to share its blessings.

That principle, which is as fully applicable to the action of the Federal Government as to that of any State, county, or municipal government, was stated by Judge Cooley in the case of The People v. Town of Salem (20 Mich., 452, 474), as follows:

"The tax must be laid according to some rule of apportionment, not arbitrarily or by caprice, but so that the burden may be made to fall with something like impartiality upon the persons or property upon which it justly and equitably should rest. A State burden is not to be imposed upon any territory smaller than the whole State, nor a county burden upon any territory smaller or greater than the county. Equality in the imposition of the burden is of the very essence of the power itself, and though absolute equality and absolute justice are never attainable, the adoption of some rule tending to that end is indispensable."

Under this legislation the Government of the United States collected, mainly from the people of the Southern States, who had no voice in laying these taxes, the sum of $68,072,388.99, and disposed of that sum as it did of legitimate revenue. Every man, no matter from what State he hails, or what may be his politics, should support this measure as an act of simple justice to the people who were wronged. In all fairness, that sum should be refunded to those from whom it was extorted.

Surely those who were compelled to pay these unconstitutional taxes should not be treated worse than those persons who, acting under the provisions of the sugar bounty law, spent money in improvements and machinery needed for the production of sugar. When the sugar bounty was declared unconstitutional by the Court of Appeals of the District of Columbia (Miles Planting Co. v. Carlisle, 3 App. D. C., 136), Congress refunded to them, by the act of 1895, the money which they had expended in accordance with the act of 1890, known as the "McKinley bill." In construing the act of 1895, the Supreme Court of the United States, in the celebrated Sugar Bounty case (United States v. Realty Co., 163 U. S., 442–443), said:

"Among the latest examples of payments that are not of a right or of any legal claim, but which are in the nature of a gratuity depending upon equitable consideration, are the cases just decided by this court of Blagge v. Balch, Brooks v. Codman, and Foote v. Women's Board of Missions, reported as one case in One hundred and sixty-second United States Statutes, 439. The claims in those cases are what have been known as the "French spoliation claims," being based upon depredations of French cruisers upon our commerce prior to July, 1801. An appropriation for their payment was made by Congress in 1891 upon the conditions and to the class of persons named in the act. Questions arose as to the proper interpretation of the act and as to the character of the payments provided for therein. The court held the payments were purposely brought by Congress within the category of payments that are not of right, but which are in the nature of a gratuity and as an act of grace, though founded upon a prior moral or honorable obligation to pay to some one who might be said in some way to represent the original sufferers. No question of the power of Congress to make such appropriation was raised by anyone.

"The power to provide for claims upon the State founded in equity and justice has also been recognized as existing in the State governments. For example, in Guilford v. Chenango County (13 N. Y., 143), it was held by the New York Court of Appeals that the legislature was not confined in its appropriation of public moneys to sums to be raised by taxation in favor of individuals to cases in which legal demands existed against the State, but that it could recognize claims founded in equity and justice in the largest sense of these terms or in gratitude or in charity.

"Of course, the difference between the powers of the State legislatures and that of the Congress of the United States is not lost sight of, but it is believed that in relation to the power to recognize and to pay obligations resting only upon moral considerations or upon the general principles of right and justice, the Federal Congress stands upon a level with the State legislature.

"In truth, the general proposition that Congress can direct the payment of debts which have only a strong moral and honorable obligation for their support is not, as we understand it, denied by the learned counsel for the United States."

No one can deny that the claim of the cotton planters is altogether as valid as the "sugar-bounty claims" or the "French spoliation claims." The cotton planters acted under the guaranty of the Constitution of the United States that their products should not be taken from them without just compensation or due process of law, unless by means of direct taxes apportioned among the several States according to numbers. This guaranty was violated by the Federal Government. Under the guise of taxation, the Government compelled them to contribute a large portion of their property to public uses. In the "income-tax cases" it was clearly demonstrated that any law of this kind was invalid. What, then, is the legal consequence? Is it not clear that the Government assumed the responsibility of refunding to those from whom it took the money in question every cent so taken? But for the prevalence of sectional ill feeling these claims would have been paid 33 years ago. In the Forty-third Congress bills were introduced, with that end in view, by Mr. McKee, of Mississippi; by Mr. White, of Alabama, on behalf of Mr. Alexander H. Stephens, of Georgia; by Mr. Blount, of Georgia; and also by Mr. Sheldon and Mr. Cook. In the Forty-fourth Congress a similar bill was introduced by Mr. Roger Q. Mills, of Texas. These bills, respectively, were: H. R. 2250, Forty-third Congress, first session, to refund certain taxes collected by the Government of the United States on raw cotton during the years 1865, 1866, 1867, and 1868, introduced March 2, 1874, by Mr. McKee; H. R. 2338, Forty-third Congress, first session, to refund the cotton tax, introduced by Mr. White, on behalf of Mr. Stephens, who was absent on account of sickness; H. R. 1076, Forty-third Congress, first session, to refund taxes collected by the United States on raw cotton during the years 1863, 1864, 1865, 1866, 1867, 1868, introduced by Mr. Cook; H. R. 1632, Forty-third Congress, first session, to extend the time for

collecting the cotton tax and reviving such claims as are now barred, introduced by Mr. Blount; H. R. 9448, Forty-third Congress, first session, to refund the cotton tax, introduced by Mr. Sheldon; H. R. 982, Forty-fourth Congress, first session, refunding the cotton tax to the producer of the cotton, introduced by Mr. Mills. All of these bills except Mr. Blount's were referred to the Committee on Ways and Means, but were never reported back. The men who prepared them were among the best lawyers then in Congress; but the animosities engendered by the late war were still too strong to secure for them a respectful hearing.

Another reason and a very cogent one, and one which should appeal strongly to the conscience of Congress, is the fact that when these taxes were levied, when these acts of Congress were enacted, the 11 States affected by them and which had to bear the burden of over sixty millions of dollars of taxation, had no Representatives in either branch of this Congress, no Representative in this House and no Senator at the other end of the Capitol was here to raise his voice or to cast his vote on those questions which so vitally affected the impoverished people of the 11 cotton-growing States.

Therefore that provision of the Constitution with reference to representation and taxation was violated. It seems that this objection to the validity of the taxes in question ought to appeal more strongly if possible to the conscience of Congress than even the other clauses which were violated by these different acts. The Constitution says:

"Representation and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers."

It has been said that—

"representation constitutes the genius of this Government, and to impose taxes or burdens without it is to change its character. But for taxation without representation the Government itself would never have existed."

The Stamp Act, the act placing a duty on tea, and other acts of the British Parliament brought on the Revolution on the ground, pure and simple, that it was legislation without representation. This Government had its origin in the protest of the fathers against taxation without representation. In 1766, on the question of the repeal of the Stamp Act in the British Parliament, Lord Camden, formerly Chief Justice Pratt, said:

"My proposition is this:

"'I repeat it and will maintain it to the last hour. Taxation and representation are inseparable. Opposition is founded in the law of nature. For whatsoever is a man's own, it is absolutely his own. No man has the right to take it from him without his consent. Whoever attempts to do it does him an injury. Whoever does it commits a robbery.'" (See 5 Bancroft's History, pp. 446–448.)

In discussing the question of the right of Parliament to tax America, William Pitt in the House of Commons said:

"I will only speak to one point—the point which seems not to have been generally understood. I mean the right. Some gentlemen seem to have considered it a point of honor. If gentlemen consider it in that light they leave all measures of right and wrong to follow a delusion that may lead to destruction. It is my point that this Kingdom has no right to lay a tax on the Colonies. At the same time, I assert the authority of this Kingdom over the Colonies to be sovereign and supreme in every circumstance of government and legislation whatsoever. They are the subjects of this Kingdom, entitled with yourselves to all the rights of mankind and the peculiar privileges of Englishmen, equally bound by its laws and equally participating in the constitution of this free country. The Americans are the sons of England. Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant."

Mr. Pitt took this position solely on the ground that the Colonies were not represented, and it must be remembered that taxation without representation was the great rallying cry of the colonists and their chief cause of complaint when they severed their relations with the mother country.

James Burgh, the celebrated Scotchman, in discussing this same question, said:

"No pretext can justify taxing them (the Colonies) so long as they continue unrepresented."

The States affected by the cotton taxes were not only not represented when these several tax acts were enacted, but they were positively denied representation in both the Senate and House of Representatives by solemn resolution of both bodies.

In December, 1865, the House of Representatives passed a resolution to this effect:

"That all papers which may be offered relative to the representation of the late so-called Confederate States of America, or either of them, shall be referred to the joint committee of 15 without debate, and no members shall be admitted from either of said so-called States until Congress shall declare said States, or either of them, entitled to representation."

On February 20, 1866, the House passed, and on March 2, 1866, the Senate passed, this resolution:

"*Resolved by the House of Representatives (the Senate concurring)*, That in order to close agitation on the question which seems likely to disturb the action of the Government, as well as to kill the uncertainty which is agitating the minds of the people of the 11 States which have been declared to be in insurrection, no Senator or Representative shall be admitted into either branch of Congress from any of said States until Congress shall have declared such State entitled to representation."

As it has been repeatedly held by the Federal courts, and by all the departments of Government, that these States were never out of the Union, you have here a Congress denying them representation and at the same time exacting taxes from them. "Taxation without representation is robbery." The remarkable spectacle was presented to the world of 11 States of this Republic, solemnly declared by the different departments of Government to be States in the Federal Union, yet by solemn resolution denied representation in the law-making body, and that law-making body enacting taxes from them on their principal product of over $60,000,000. Surely, now that the clouds of Civil War have vanished and sectional hate, we are told, lies buried never to be resurrected, in this day of national unity and general good feeling and brotherly love, you will refund these moneys that have been wrongfully, unjustly, unconstitutionally, and illegally exacted.

In 1868 Congress repealed the tax on raw cotton. Why should this tax have been repealed? If the tax were just and constitutional and right, why repeal it? If it was constitutional and proper in 1862, 1863, 1864, and 1867, why was it not constitutional and right in 1868? And if it were constitutional, why not retain it?

The Supreme Court of the United States has more recently passed upon this question in the case of Pollock v. Farmers' Loan & Trust Co. As reported in United States Supreme Court Reports, volume 158, at page 601, the Supreme Court of the United States has squarely and fairly declared these taxes to be illegal and unconstitutional. In the case stated Hylton v. The United States (3 Dallas, p. 171) is further considered and, in view of the historical evidence cited, shown to have only decided that the "tax on carriages involved was an excise and was an indirect tax."

Chief Justice Fuller, in rendering the opinion in that case, said:

"In distributing the power of taxation the Constitution retained to the States the absolute power of direct taxation, but granted to the Federal Government the power of the same taxation upon condition that in its exercise such taxes should be apportioned among the several States according to numbers, and this was done in order to protect the States, which were surrendering to the Federal Government so many sources of income, the power of direct taxation, which was their principal remaining resource."

The Chief Justice further said:

"Taxes on real estate being indisputably direct taxes, taxes on the lands or incomes of real estate are clearly direct taxes."

Again he said:

"Taxes on personal property or on the income of personal property are likewise direct taxes."

The Chief Justice further in the decision uses this language:

"The tax imposed by sections 27 to 37, inclusive, of the act of 1894, so far as it applies to the income of real estate and of personal property, being a direct tax within the meaning of the Constitution and therefore unconstitutional and void because not apportioned according to representation of those sections constituting one entire scheme of taxation, is necessarily invalid."

These were the "income-tax cases," and it will be remembered that the Chief Justice and four of his associates concurred in the opinion rendered by the majority of the court. It is true that four associate justices—namely, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice White, and Mr. Justice Jackson—dissented from the opinion, Mr. Justice Harlan using this language:

"The recent Civil War, involving the very existence of the Nation, was brought to a successful end and the authority of the Nation restored in part by the use of vast amounts of money raised under statutes imposing duties on income derived from every kind of property, real and personal, not by the unequal rule of apportionment among the States on the basis of numbers but by the rule of uniformity operating upon individuals and corporations in all the States, and we are now asked to declare, and the judgment this day rendered in effect declares, that the enormous sums thus taken from the people and so used were taken in violation of the supreme law of the land."

There can be no possible question, in view of the decision of the court in the "income-tax cases," that it is the duty of Congress to refund the moneys collected by virtue of these tax statutes. It is said by some that Congress can not afford to do it because it involves such a large amount of money, more than $68,000,000. But when gentlemen view the case from that standpoint they must remember that the Government has had the use of this $68,000,000 for 40 years and more; that it was originally wrung from the lean purses of people who were impoverished by four years of cruel, ceaseless war; that it was wrung from the lean purses of people whose homes had been laid in ashes and whose every household was in mourning. They must remember that this money was taken from people who had no voice in the levying of it; that it was taken from a people who could least afford to bear the burden, and that now, after this rich, powerful Government has had the use of it without interest for more than 40 years, these people are simply asking that the principal be refunded. The Supreme Court of the United States has said, in effect, that it ought to be refunded; has said, in effect, that it would not be honest on the part of the Government to retain it.

There have been no laches on the part of the claimants for the return of these taxes as is evidenced by bills introduced in Congress, as follows:

[H. R. 2354, Fifty-third Congress, first session. By Mr. Enloe.]

"That the Secretary of the Treasury issue to the governors of the several States in which cotton taxes were paid United States bonds in amounts specified for each State and equal to the amount of taxes collected within the State. These bonds to be held by said States, to be refunded and distributed to the parties who paid the tax. In case of a surplus remaining, the funds to be devoted to the school fund."

(There was no report on this bill.)

[H. R. 281, Fifty-third Congress, first session. By Mr. Money.]

"That the Secretary of the Treasury issue noninterest-bearing Treasury notes in such denominations as may be deemed expedient to the several States in amounts equal to the cotton taxes collected therein, as indicated by the internal-revenue report. That the sum so paid shall be held in trust by the several States for the benefit of the cotton producers, to be paid to them under such provisions as each State may deem it proper to make. In case the producer can not be reimbursed, the sum not distributed shall become the property of the State. The claims must be filed with each State within two years after the passage of an act by such State providing for the distribution of the money refunded. That these notes shall become legal tender and shall not be canceled by the United States when received at the Treasury, but used as other money."

(No report.)

(H. R. 2356, Fifty-third Congress, first session, is same as 2354.)

[H. R. 196, Fifty-third Congress, first session. By Mr. Wheeler.]

"That the Secretary of the Treasury shall pay money equal to the amount collected in cotton taxes to each State, said State to designate who shall be custodian of the fund. In case the tax was paid by the person to whom the cotton was shipped residing in another State, the State where said cotton was grown shall be the recipient."

(No report.)

[H. R. 138, Fifty-third Congress, first session. By Mr. Oates.]

"In the case of the Supreme Court holding the law under which cotton taxes were collected unconstitutional, any citizen who had paid the tax shall be permitted to bring suit for its recovery in the Court of Claims. Within 60 days after judgment either the petitioner or the United States shall have the right of appeal to the Supreme Court, and when such appeal shall have been taken the court shall not try any case until the appeal case has been decided. The Court of Claims shall decide all suits which are brought within one year of the Supreme Court's holding the original tax law to be unconstitutional."

(No report.)

[H. R. 124, first session Fifty-third Congress. By Mr. McRae.]

"That the Secretary of the Treasury pay to each State a sum equal to the cotton taxes collected therein, the said States to pay to such producers as shall make claim within two years after the passage of this act. The remainder, if any, shall be used as a permanent school fund. In no case shall payment be made to any assignee of such claim."

(No report.)

(H. R. 2640, first session, Fifty-second Congress, is same as 124, first session Fifty-third Congress. No report.)

(H. R. 2607 same as H. R. 196, first session Fifty-third Congress. No report.)

(H. R. 650, first session Fifty-second Congress, same as 2354, first session Fifty-third Congress. No report.)

[H. R. 8365, first session Fifty-second Congress. By Mr. Oates.]

"This bill is same as introduced by Mr. Oats in Fifty-third Congress. The House report is 2528, first session Fifty-second Congress."

[H. R. 8366, first session Fifty-second Congress. By Mr. Oates.]

"That the Secretary of the Treasury pay to each State an amount equal to the cotton tax collected within said State, to be disposed of by such State as their next legislatures shall direct."

(No report.)

[H. R. 700, second session Forty-second Congress. By Mr. Golladay.]

"That the Secretary of the Treasury refund to all persons the cotton tax collected by the United States, and that he shall make such rules as he may deem necessary in connection therewith."

(No report.)

[H. R. 1592, second session Forty-second Congress. By Mr. McKee.]

"That restitution shall be made of all moneys collected as cotton taxes. That the Secretary of the Treasury shall issue bonds of $500 and $1,000 denomination and Treasury notes to cover amounts less than that. That a commission shall be appointed by the President, by and with the advice and consent of the Senate, which shall adjudicate all claims. That such commission shall sit for two years and all claims must be filed within that time." (The rest of this long bill prescribes the manner of taking testimony and the duties and powers of the commission.)

(No report.)

We present with this report extracts from the opinion of the court as well as from the dissenting opinion of the justices in the income-tax cases, and from which it will be seen that the contentions made were amply sustained by the highest court in the land, the most exalted judicial tribunal in all the world.

[Pollock v. Farmers' Loan & Trust Co., U. S. Supreme Court Repts., vol. 157, p. 429.]

Chief Justice Fuller:

"The men who framed and adopted that instrument [the Constitution] had just emerged from the struggle for independence, whose rallying cry had been that 'taxation and representation go together.'

* * * * * * *

"The mother country had taught the colonists in the contests waged to establish that taxes could not be imposed by the sovereign except as they were granted by the representatives of the realm, that self-taxation constituted the main security against oppression.

* * * * * * *

"Thus in the matter of taxation the Constitution recognizes the two great classes of direct and indirect taxes and lays down two rules by which their imposition must be governed, namely, the rules of apportionment as to direct taxes and the rule of uniformity as to duties, imposts, and excises.

* * * * * * *

"And this view was expressed by Mr. Chief Justice Chase in the License Tax cases (5 Wall., 464–471), when he said: 'It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of the uniformity. Thus limited, and thus only, it reaches every subject and may be exercised at discretion.'

* * * * * * *

"Ordinarily all taxes paid primarily by persons who can shift the burden upon some one else, or who are under no legal compulsion to pay them, are considered indirect taxes; but a tax upon property holders in respect of their estates, whether real or personal, or of the income yielded by such estates, and the payment of which can not be avoided, are direct taxes.

* * * * * * *

"In the convention of Massachusetts, by which the Constitution was ratified, the second section of Article I being under consideration, Mr. King said, 'It is a principle of this Constitution that representation and taxation should go hand in hand.'

* * * * * * *

"And John Adams, Davis, Sumner, King, and Sedgwick all agreed that a direct tax would be the last source of revenue resorted to by Congress."

"In Virginia Mr. John Marshall said: 'The objects of direct taxes are well understood; they are but few; what are they? Lands, slaves, stock of all kinds, and a few other articles of domestic property.'

"Mr. Randolph said: 'But in this new Constitution there is a more just and equitable rule fixed—a limitation beyond which they can not go. Representatives and taxes go hand in hand; according to the one will the other be regulated. The number of Representatives is determined by the number of inhabitants; they have nothing to do but to lay taxes accordingly.'

"In discussing the case of Hylton v. United States (carriage-tax case), the Chief Justice says: 'It will be perceived that each of the justices, while suggesting doubt whether anything but a capitation or a land tax was a direct tax within the meaning of the Constitution, distinctly avoided expressing an opinion upon that question or laying down a comprehensive definition, but confined his opinion to the case before the court.

"'By the act of July 14, 1798, when a war with France was supposed to be impending, a direct tax of $2,000,000 was apportioned to the States, respectively, etc.

"'By the act of August 2, 1813, a direct tax of $3,000,000 was laid and apportioned to the States.

"'The act of January 9, 1815, laid a direct tax of $6,000,000, which was apportioned, assessed,' etc.

"These acts are attributable to the War of 1812.

"The act of August 5, 1861 (12 Stat., 292–294, c. 45), imposed a tax of $20,000,000, which was apportioned and to be levied wholly on real estate, and also levied taxes on incomes whether derived from property or profession, trade or vocation (12 Stat. L., 309), and this was followed by the acts of July 1, 1862 (12 Stat. L., 432, 433, c. 119); March 3, 1863 (12 Stat. L., 713, 723, c. 74); June 30, 1864 (13 Stat. L., 223, 281, c. 173); March 3, 1865 (13 Stat. L., 469, 479, c. 78); March 10, 1866 (14 Stat. L., 4, c. 15); July 13, 1866 (14 Stat. L., 98, 137, c. 184); March 2, 1867 (14 Stat., 471, 477, c. 169); and July 14, 1870 (16 Stat., 256, c. 255).

"He finds:

"First. That the distinction between direct and indirect taxation was well understood by the framers of the Constitution and those who adopted it.

"Second. That under the State systems of taxation all taxes on real estate or personal property or the rents or income thereof were regarded as direct taxes.

"Third. That the rules of apportionment and of uniformity were adopted in view of that distinction and those systems.

"Fourth. That whether the tax on carriages was direct or indirect was disputed, but the tax was sustained as a tax on the use and an excise.

"Fifth. That the original expectation was that the power of direct taxation would be exercised only in extraordinary exigencies, and down to August 15, 1894, this expectation has been realized.

"In Pacific Insurance Co. v. Soule (7 Wall., 433) the validity of a tax which was described as 'upon the business of an insurance company' was sustained on the ground that it was 'a duty or excise' and came within the decision in Hylton's case.

"In Veazie Bank v. Tenno (8 Wall., 533, 544, 546) a tax was laid on the circulation of State banks or national banks paying out the notes of individuals or State banks, and it was held that it might well be classed under the head of duties and as falling within the same category as Soule's case (8 Wall., 547).

"And in respect of the opinions in Hylton's case the Chief Justice (Chase) said:

"'It may further be taken as established upon the testimony of Paterson that the words "direct taxes," as used in the Constitution, comprehended only capitation taxes and taxes on land, and perhaps taxes on personal property by general valuation and assessment of the various descriptions possessed within the several States.'

"Scholey v. Rew (23 Wall., 331) was the case of a succession tax which the court held to be 'plainly an excise tax or duty' upon the devolution of the estate or the right to become beneficially entitled to the same, or the income thereof, in possession or expectancy.

"In Railroad Co. v. Collector (100 U. S., 595, 596) the validity of a tax collected of a corporation upon the interest paid by it upon its bonds was held to be 'essentially an excise on the business of the class of corporations mentioned in the statute.'

"The case of Springer v. United States (102 U. S., 586, 602), chiefly relied on and urged upon us as decisive.

"That was an action of ejectment brought on a tax deed issued to the United States on sale of defendant's real estate for income taxes. The defendant contended that the deed was void because the tax was a direct tax not levied in accordance with the Constitution. Unless the tax were wholly invalid, the defense failed.

"The opinion thus concludes:

"'Our conclusions are that direct taxes, within the meaning of the Constitution, are only capitation taxes, as expressed in that instrument, and taxes on real estate; and that the tax of which the plaintiff in error complains is within the category of an excise or duty.

"While [says Chief Justice Fuller] this language is broad enough to cover the interest as well as the professional earnings, the case would have been more significant as a precedent if the distinction had been brought out in the report and commented on in arriving at judgment, for a tax on professional receipts might be treated as an excise or duty, and therefore indirect, when a tax on the income of personality might be held to be direct.

"Be this as it may, it is conceded in all these cases, from that of Hylton to that of Springer, that taxes on land are direct taxes, and in none of them is it determined that taxes on rents or income derived from land are not taxes on land.

* * * * * * *

"The requirement of the Constitution is that no direct tax shall be laid otherwise than by apportionment—the prohibition is not against direct taxes on land, from which the implication is sought to be drawn that indirect taxes on land would be constitutional, but it is against all direct taxes—and it is admitted that a tax on real estate is a direct tax. Unless, therefore, a tax upon rents or income issuing out of lands is intrinsically so different from a tax on the land itself that it belongs to a wholly different class of taxes, such taxes must be regarded as falling within the same category as a tax on real estate ex nomine. The name of the tax is unimportant. The real question is: Is there any basis upon which to rest the contention that real estate belongs to one of the two great classes of taxes and the rent or income which is the incident of its ownership belongs to the other? We are unable to perceive any ground for the alleged distinction. An annual tax upon the annual value or annual user of real estate appears to us the same in substance as an annual tax on the real estate, which would be paid out of the rent or income. This law taxes the income received from land and the growth or produce of the land. Mr. Justice Paterson observed in Hylton's case, 'Land, independently of its produce, is of no value'; and certainly had no thought that direct taxes were confined to unproductive land.

* * * * * * *

"Nothing can be clearer than that what the Constitution intended to guard against was the exercise by the General Government of the power of directly taxing persons and property within any State through a majority made up from the other States. It is true that the effect of requiring direct taxes to be apportioned among the States in proportion to their population is necessarily that the amount of taxes on the individual taxpayer in a State having the taxable subject matter to a larger extent in proportion to its population than another State has would be less than in such other State, but this inequality must be held to have been contemplated, and was manifestly designed to operate to restrain the exercise of the power of direct taxation to extraordinary emergencies, and to prevent an attack upon accumulated property by mere force of numbers.

* * * * * * *

"But the acceptance of the rule of apportionment was one of the compromises which made the adoption of the Constitution possible, and secured the creation of that dual form of government, so elastic and

so strong, which has thus far survived in unabated vigor. If, by calling a tax indirect when it is essentially direct, the rule of proportion could be frittered away, one the great landmarks defining the boundary between the Nation and the States of which it is composed would have disappeared, and with it one of the bulwarks of private rights and private property.

* * * * * * *

"'We are of opinion that the law in question, so far as it levies a tax on the rents or income of real estate, is in violation of the Constitution and is invalid.'

"Mr. Justice Field first calls attention to the debates in the 'convention,' and particularly to the unwillingness of the coast States to relinquish their right to levy duties upon imports, and of the small interior States to confer upon the General Government the right to levy direct taxes, and says: 'It was feared at times that the effort to form a new government would fail. But happily a compromise was effected by an agreement that direct taxes should be laid by Congress by apportioning them among the States according to their representation. In return for this concession by some of the States, the other States bordering on navigable waters consented to relinquish to the new Government the control of duties, imposts, and excises, and the regulation of commerce, with the condition that the duties, imposts, and excises should be uniform throughout the United States; so that on the one hand anything like oppression or undue advantage of any one State over the others would be prevented by the apportionment of the direct taxes among the States according to their representation, and, on the other hand, anything like oppression or hardship in the levying of duties, imposts, and excises would be avoided by the provision that they should be uniform throughout the United States. This compromise was essential to the continued union and harmony of the States. It protected every State from being controlled in its taxation by the superior numbers of one or more other States.'

"'If the court sanctions the power of discriminating taxation and nullifies the uniformity mandate of the Constitution,' as said by one who has been all his life a student of our institutions, 'it will mark the hour when the sure decadence of our present Government will commence.

"'There is no safety in allowing the limitation to be adjusted except in strict compliance with the mandates of the Constitution, which require its taxation, if imposed by direct taxes, to be apportioned among the States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so far as practicable, in proportion to their property, equal upon all citizens.'"

We beg leave to quote House Report 2528, Fifty-second Congress, second session, made by the Hon. W. C. Oates, then a Member of Congress from the State of Alabama, a member of the Committee on the Judiciary, as follows:

[House Rept. 2528, 52d Cong., 2d sess.]

"The Committee on the Judiciary, having had under consideration the bill (H. R. 8368) entitled 'A bill to provide for refunding the tax laid and collected on raw cotton in the event that the Supreme Court holds the law under which the same was collected to have been unconstitutional,' make to the House the following report:

"By the act of Congress approved July 1, 1862, and subsequent amendatory acts, a tax was imposed on raw cotton, under which collections were made and the money paid into the Treasury of the United States, aggregating $68,072,388.99. This money was collected in the years 1863 to 1868, both inclusive.

"At the beginning of the late war a large part of the crop of 1860 was held by brokers and factors in the Northern States for the benefit of the producers. A large part of the crop of 1861 in the border States also went into the hands of northern factors, which accounts for the fact that a considerable amount of this tax was collected in New York, Philadelphia, and other points in the Northern States, but all of the cotton upon which the tax thus collected was grown exclusively in the Southern States. This tax was enforced and collected upon all these cottons as well as those grown subsequent to its enactment; $64,935,121.56 of this tax was collected in the Southern States, either directly or indirectly, from the producers.

"Section 8 of article 1 of the Constitution empowers Congress to lay and collect taxes, duties, imposts, and excises for three general purposes, viz, first, to pay the debts of the United States; second, to provide for the common defense of the United States; and, third, to provide for the general welfare of the United States. The latter part of that section contains the following restriction upon this exercise of power: 'But all duties, imposts, and excises shall be uniform throughout the United States.'

"Subdivisions 4 and 5 of section 9 are as follows: 'No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken'; and 'no tax or duties shall be laid on articles exported from any State.'

"The original act taxing cotton read as follows:

"'There shall be paid by the producer, owner, or holder upon all cotton produced within the United States, * * * a tax of 2 cents per pound,' etc. The last one of the amendatory acts in relation to said tax was approved July 13, 1866, entitled 'An act to reduce internal taxation,' etc., but in fact it increased the tax imposed upon cotton from 3 to 4 cents per pound. Under the latter amendment three-fourths of the total amount of the tax was collected. It will therefore be observed that it was not a war tax, but enacted more than a year after the peace. It is yet an open question as to whether these acts were constitutional. If the tax laid was a direct one, then it is unquestionably unconstitutional for want of uniformity in apportionment. If the tax laid on raw cotton was indirect, it was constitutional, unless it was a tax upon exports, in which latter event it was unconstitutional.

"The question of the constitutionality of the laws laying this tax was brought before the Supreme Court of the United States in the case of Sanders, from Tennessee, and very ably argued upon both sides before that tribunal. Eight of the justices sat in the case. Chief Justice Chase, being indisposed, did not sit in the case; and after full consideration the court was found to be equally divided, four justices maintaining that the acts were unconstitutional and four maintaining that they were constitutional. Before the question could be again presented the law was repealed, after which a case could not be made. If this tax was imposed by a constitutional law, however oppressive its operation upon the people of the Southern, or cotton-growing, States, there is no legal ground or claim for refunding the tax. On the other hand, if the law imposing the tax was unconstitutional, the money was wrongfully collected, and there is an implied promise upon the part of the Government to refund it; or, in other words, it is a debt against the United States Government which should be paid. A great many people, and among them many of the very best lawyers in the country, believe that the law was unconstitutional. The argument of ex-Justice John A. Campbell before the Supreme Court is very convincing. The Government of the United States is one which proceeds in its civil operations according to law, and it never was intended to be administered in any of its departments otherwise. Your committee think the question of sufficient importance to provide a means by which the Supreme Court may determine the question of constitutionality and thereby forever set at rest the question as to whether this large sum collected as taxes was rightfully or wrongfully collected. The bill provides for opening the Court of Claims to those who paid the tax until a case is made and appealed to the Supreme Court, and then for a stay of proceedings until that court decides the question; and should the court hold the acts to be unconstitutional it allows one year thereafter to all persons interested to bring their suits in said Court of Claims. On the contrary, if the law is sustained, that would put an end to all these claims.

"Your committee, therefore, believing it just, report said bill favorably to the House and recommend its passage."

This committee is firmly of the opinion that this money should be refunded by the Government of the United States to the people who paid these taxes. We believe that any impartial, conscientious man who will take the time to examine the record and the law must come to the conclusion that the four acts of Congress mentioned were illegal, unconstitutional, and void, and that after a lapse of more than 50 years surely the principal, without interest, should be refunded, all of which is respectfully submitted.

Mr. FOCHT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 6309) to regulate pawnbrokers and their business in the District of Columbia, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BLANTON, indefinitely, on account of important business.

ADJOURNMENT.

Mr. UNDERHILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Tuesday, March 14, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McFADDEN: Committee on Banking and Currency. H. R. 8996. A bill to amend paragraph 440, section 5211, act June 3, 1864; without amendment (Rept. No. 792). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE of Vermont: Committee on Military Affairs. H. R. 10271. A bill to reduce the number of officers of the Regular Army, and for other purposes; without amendment (Rept. No. 793). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 9527. A bill to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations; with amendments (Rept. No. 794). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 9409. A bill to amend section 5200, Revised Statutes of the United States, relating to penalty for embezzlement by Federal reserve officers, agents, or employees, so as to include national bank examiner or assistants; with amendments (Rept. No. 795). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. JOHNSON of Washington: A bill (H. R. 10872) authorizing use of special canceling stamps in the Tacoma post office; to the Committee on the Post Office and Post Roads.

By Mr. OVERSTREET: A bill (H. R. 10873) to extend rediscount privileges to farm loan bonds, promote their sale, and for other purposes; to the Committee on Banking and Currency.

By Mr. FORDNEY: A bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. FITZGERALD: A bill (H. R. 10875) to exempt from taxation Liberty bonds now taxed in the guise of capital stock by amending section 1000 of Title X of public act No. 98, approved November 23, 1921; to the Committee on Ways and Means.

By McLAUGHLIN of Nebraska: A bill (H. R. 10876) amending section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. TREADWAY: A bill (H. R. 10877) to permit an increase in the number of internal revenue collection districts and in the number of collectors of internal revenue; to the Committee on Ways and Means.

By Mr. McFADDEN: A bill (H. R. 10878) to amend "An act to provide for the consolidation of national banking associations," approved November 7, 1918, and to provide for the consolidation of State banks with national banking associations; to the Committee on Banking and Currency.

By the SPEAKER (by request): Memorial of the Legislature of the State of Arizona, favoring the retention of United States soldiers at Fort Apache, Ariz.; to the Committee on Military Affairs.

By Mr. HILL: Memorial of the Legislature of the State of Maryland, asking that Fort McHenry Military Reservation at the port of Baltimore be maintained by the United States as a national park; to the Committee on Military Affairs.

Also, a memorial of the Legislature of the State of Maryland, asking that the Indianhead naval proving ground be reestablished; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAGO: A bill (H. R. 10879) for the relief of Selecman & Kendall; to the Committee on Claims.

By Mr. FULLER: A bill (H. R. 10880) granting a pension to Harriett A. Blagg; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 10881) granting an increase of pension to Charles A. Waters; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 10882) granting a pension to Lottie M. Bettis; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington (by request): A bill (H. R. 10883) authorizing reconveyance of land to R. A. Power; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 10884) granting a pension to Ocie Billet; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 10885) granting a pension to Mark Mitchell; to the Committee on Invalid Pensions.

By Mr. MONTOYA: A bill (H. R. 10886) granting a pension to Etta W. Cass; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 10887) for the relief of Rosa D. Stallman; to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 10888) granting a pension to John D. Hayes; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 10889) granting a pension to William J. Chester; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4583. By the SPEAKER (by request): Cablegram from members of the Municipal Assembly of Porto Rico, protesting against Gov. Reily; to the Committee on Rules.

4584. By Mr. ACKERMAN: Petition of J. H. Wilson and other residents of Rockaway, N. J., urging the immediate enactment of an adequate tariff law based upon American valuations; to the Committee on Ways and Means.

4585. By Mr. ANDREW of Massachusetts: Resolution adopted by Haverhill Chamber of Commerce, Haverhill, Mass., recommending legislation to remove the present inequitable burden of taxation; to the Committee on Ways and Means.

4586. By Mr. BARBOUR: Petition of the Father's Association of the Washington School, Oakland, Calif., indorsing H. R. 7 and S. 1017; to the Committee on Education.

4587. By Mr. BROWNE of Wisconsin: Petition of ex-service men of Wausau, Wis., all participants in the late war, placing themselves on record in favor of a soldiers' bonus in such form as will bring immediate financial relief to those in need; to the Committee on Ways and Means.

4588. By Mr. FULLER: Petition of R. Hendrickson and 83 other citizens of Streator, Ill., urging immediate enactment of an adequate protective tariff law, based on American valuation; to the Committee on Ways and Means.

4589. By Mr. JAMES: Resolution adopted at Iron River, Mich., by the Upper Peninsula Association of American Legion Posts, in favor of the adjusted compensation bill; to the Committee on Ways and Means.

4590. By Mr. KELLY of Pennsylvania: Resolutions of Aspinwall (Pa.) Post, American Legion, protesting against attack upon soldiers' adjusted compensation by members of Pittsburgh Chamber of Commerce; to the Committee on Ways and Means.

4591. By Mr. KIESS: Evidence in support of H. R. 10726, granting a pension to John A. O'Dell; to the Committee on Invalid Pensions.

4592. By Mr. KISSEL: Petition of William Muldoon, New York City, N. Y., relative to national physical culture week, May 1 to 8, 1922, "to build a stronger Nation"; to the Committee on Education.

4593. Also, petition of the National Retail Dry Goods Association, New York City, N. Y., relative to the tariff and American valuations; to the Committee on Ways and Means.

4594. Also, petition of the American Association for Labor Legislation, New York City, N. Y., urging the passage of the Fitzgerald accident compensation bill (H. R. 10084); to the Committee on the District of Columbia.

4595. By Mr. PERKINS: Petition of citizens of Edgewater, N. J., and vicinity, protesting against the treaties; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *March 14, 1922.*

(*Legislative day of Thursday, March 9, 1922.*)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

As in legislative session,

REINTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas, to be reinterred in the Arlington National Cemetery, Thursday, March 16, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a resolution adopted by the board of aldermen of Fall River, Mass., favoring the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented resolutions of the Foreign Policy Association of Massachusetts; the Brotherhood of St. Michaels, of Marblehead; Massachusetts section of the National Civic Federation, of Boston; the Worcester Conference of Universalists, of Worcester; women of the Protestant churches of Beverly; the Boston Ministers' Meeting (Congregational), of Boston; the congregation of the Asbury First Methodist Episcopal Church, of Springfield; the Presbyterian Ministerial Association of Greater Boston, and the Men's Union of the First Church, Old South (Congregational), of Worcester, all in the State of Massachusetts, favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented telegrams in the nature of petitions from the Kiwanis Clubs of North Adams, Pittsfield, Holyoke, and Boston, all in the State of Massachusetts, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented resolutions of the State Directorate in the District of Columbia; General Phil Sheridan Council, of Jamaica Plain, Mass.; and the Eighth Congressional District Branch, of Cambridge, Mass., all of the American Association for the Recognition of the Irish Republic, protesting against the ratification of the so-called four-power treaty, which were ordered to lie on the table.

Mr. CAPPER presented telegrams in the nature of petitions of the Kiwanis Clubs of Topeka, Augusta, and Girard, all in the State of Kansas, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented a petition of the Ottawa (Kans.) Unit, National Council of Catholic Men, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. HARRIS presented resolutions adopted at a mass meeting of citizens of the Birmingham (Ala.) district, protesting against acceptance of the proposal of the Alabama Power Co., but favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which were referred to the Committee on Agriculture and Forestry.

Mr. LADD presented the petitions of Ernest Engelson and 11 others of Fortuna, H. K. Fadness and 7 others of Bucyrus, Ed. Greene and 37 others of Mona, and Arch Comer and 11 others of Sheyenne, all in the State of North Dakota; and William T. Anholt and 37 others of Westby, Mont., and vicinity, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented the petition of William P. Clarke and sundry other flint glass workers, of Toledo, Ohio, praying for the prompt passage of an adequate protective tariff law based upon American valuations, which was referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of Frank J. Goldcamp Post, the American Legion, of Ironton, Ohio, favoring adoption of the so-called fourfold adjusted compensation plan and opposing a certificate plan of compensation for veterans of the World War, but favoring deferring action on the bonus question until a satisfactory basis for legislation can be found, which was referred to the Committee on Finance.

He also presented a resolution unanimously adopted by the Bankers Club of Cleveland, Ohio, protesting against proposed bonus measures for the benefit of ex-service men but favoring adequate relief for the care of wounded and disabled veterans, which was referred to the Committee on Finance.

He also presented resolutions adopted by the congregations of the United Presbyterian Church of Sebring; the Reformed Church of Louisville; the Congregational Church of Marietta; and the Northminster Presbyterian Church, of Columbus, all in the State of Ohio, favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. SHORTRIDGE presented resolutions adopted by the Public School Defense Association, of San Francisco, Calif., favoring the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

He also presented resolutions adopted at a regular meeting of the Contra Costa County Farm Bureau and the Yolo County Farm Bureau, both in the State of California, favoring the enactment of legislation for the protection of the agricultural and allied industries, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions unanimously adopted by the board of supervisors of the city and county of San Francisco, Calif., protesting against the proposed abandonment of naval headquarters at the Mare Island Navy Yard, which were referred to the Committee on Naval Affairs.

He also presented a telegram in the nature of a petition signed by Harvey R. Cole, for American Legion Post No. 109, of Atascadero, Calif., favoring the passage of the so-called soldiers' bonus bill on a sales-tax basis, which was referred to the Committee on Finance.

He also presented resolutions adopted by the United Veterans' Council, at San Francisco, Calif., favoring amendment of the war risk and the so-called Sweet Acts, so as to render all living veterans of any war and their dependents subject to the same benefits as now provided exclusively for veterans of the World War, and protesting against the proposal of placing World War veterans under the jurisdiction of the Bureau of Pensions and the national soldiers' homes, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Negro Progressive Club of California, of San Francisco, Calif., favoring the passage of the so-called Dyer antilynching bill, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5762) providing for a municipal park for the city of Butte, Mont., reported it without amendment and submitted a report (No. 557) thereon.

Mr. SHORTRIDGE, from the Committee on Education and Labor, to which was referred the bill (S. 2281) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover, reported it without amendment and submitted a report (No. 558) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that they presented to the President of the United States enrolled bills and a joint resolution of the following titles:

On March 10, 1922:

S. 2471. An act to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stat. L., p. 558);

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; and

S. J. Res. 108. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

On March 13, 1922:

S. 490. An act to consolidate national forest lands.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS:

A bill (S. 3278) to authorize and direct the Commissioners of the District of Columbia to erect a building for the care of tubercular pupils; to the Committee on the District of Columbia.

By Mr. BURSUM:

A bill (S. 3279) to provide for the payment of one-half of the cost of the construction of a bridge across the San Juan River, N. Mex.; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 3280) granting an increase of pension to Charles T. Godman (with accompanying papers); to the Committee on Pensions.

A bill (S. 3281) to place Chester N. White on the retired list of the United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. CALDER:

A bill (S. 3282) to extend the provisions of the act approved February 4, 1919, to civilians serving with or under the jurisdiction of naval authorities; to the Committee on Naval Affairs.

By Mr. HARRIS:

A bill (S. 3283) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances; to the Committee on Interstate Commerce.

By Mr. SHORTRIDGE:

A bill (S. 3284) granting an appropriation for the acquirement of a site and the erection thereon of a new marine hospital at San Francisco, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. NORBECK:

A joint resolution (S. J. Res. 176) for the relief of Capt. Harry G. Weaver, United States Army; to the Committee on Military Affairs.

By Mr. FRANCE:

A joint resolution (S. J. Res. 177) to authorize the President of the United States to send a commission to Russia and to invite a Russian commission to the United States, to hold informal conversations with the de facto government of Russia for the purpose of arriving at a basis of understanding between the United States and Russia (with an accompanying paper); to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the enrolled joint resolution (H. J. Res. 227) extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922, and it was thereupon signed by the Vice President.

HOUSE BILL REFERRED.

The bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. McCUMBER. Mr. President, I regret that the work before the Committee on Finance has been such as to deprive me of the opportunity of taking an active part in the consideration of the several treaties which grew out of the Disarmament Conference.

I have been unable so far to present my views either before the Foreign Relations Committee or on the floor of the Senate. The brief statement which I shall make to-day will be directed to one general phase of all the treaties, namely, their value in maintaining international accord in Pacific and Asiatic waters and through that accord blazing the pathway for general world peace and amity.

Considerable debate seems to have arisen over the first declaration of the treaty now under consideration, the second clause of which provides:

> If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

I confess, Mr. President, that I can scarcely imagine how anyone could read into that clause a declaration that we were to interfere by force or could be led into such interference, either directly or indirectly. Nevertheless, I asked that my vote be recorded in the Committee on Foreign Relations in favor of the resolution prepared by the chairman of the committee, not because I considered it was at all necessary, but because there were some who felt that it should be inserted and might possibly keep us out of future trouble. Therefore I will vote for that reservation for the purposes indicated.

Mr. President, the Disarmament Conference in its effective results surpassed my fondest expectations. It not only puts a stop to the ruinous race for naval supremacy, which has been sapping the very life of the greater nations of the earth, but in addition to this most beneficent result it provides for a vast reduction in the tonnage of present naval armaments by an agreed scrapping of many war vessels, thereby reducing the heavy cost of present maintenance.

For all this the tax-ridden world owes a debt of gratitude beyond measure to the President of the United States; the Secretary of State, Mr. Hughes; to Senators Lodge and Underwood; and Mr. Root.

From the time that Secretary Hughes, with an audacity which startled Old World diplomacy, declared just what the United States would do in the reduction of the American Navy by the scrapping of many vessels of war and cessation of all work on our Navy building program, and challenged each nation to show its good faith and purpose by following that example—from that moment the applauding world looked for results, and its expectations have been splendidly fulfilled.

But, Mr. President, I do not believe the people of the United States ever had any conception of the difficulties that had to be smoothed out and settled before this achievement could be consummated. I do not believe we shall ever fully realize the delicacy of some of the situations which our delegation had to meet.

The wounds of the greatest conflict the world has ever witnessed were still unhealed. The agony of battle was still in the hearts of the people of each nation so lately emerged from that contest. Out of placid skies had burst a lurid flame which had scorched the whole world. Powerful nations had been almost literally wiped off the face of the earth. The spectacle of death and devastation and bankruptcy still haunted the minds of those charged with the future destiny of their respective countries. Those nations which had stood the brunt of conflict for years and which, in the light of new instrumentalities of destruction, realized their own vulnerability, were nervously alert, centering their every thought on future defense and safety. Those nations approached the conference eager, yet timid and fearful lest by any error of judgment their capacity for self-defense might be weakened.

Not even the brave words of Secretary Hughes could at once transform this apprehension and fear into that international assurance and amity so necessary to a successful termination of the great disarmament project.

This was the situation and this the delicate work imposed upon the American delegation, and the treaties before us are the fruition of their efforts so ably and well performed.

But, Mr. President, the mere scrapping of ships, the mere cessation of great naval programs, the 10-year holiday in ship construction—all these visible results in decreased taxation, in releasing the energies of hundreds of thousands of men and billions of dollars hitherto spent on engines of death and hatred, and dedicating those earnings and that capital to the upbuilding of a shattered world—great as are all these, they are nevertheless insignificant compared with that invisible force, that world conscience which found its birth and expression in the coming together of these nations, war wounded and weary, to devise some way to avert another such world calamity.

The real, the vastly more important achievement is that the potential power of human conscience, the sense of justice and right, are assured their full and free expression in the clear light of a public understanding of every international dispute. If clouds of distrust ever appear, these nations agree with each other that they will all consult together, just as they have done in the Disarmament Conference, and such consultation will mean in the future, as it has meant in this conference, the dispelling of fear and suspicion and the assurance of good will and amity.

From the standpoint of disarmament alone, these several treaties may not mean much for world peace. In their broader contemplation there is something of human weakness, an innate ridiculousness in their provisions. If two factions engaged in feudal warfare—and such a condition still exists to some extent in our mountainous regions—should meet and solemnly agree that no man should carry more than six revolvers or maintain on his premises more than five repeating rifles, we can imagine the spirit of acrimony which would color the press reports of such an arrangement. Recognizing that in a civilized community the only legitimate use for arms of this character is self-defense or to guard against robbers and burglars, we could not refrain from suggesting to these factions that they meet again and conclude a more sensible agreement to dispense with all suspicion-breeding firearms except such as are properly and legitimately necessary.

So we might with equal justice ask these great nations, Why not reduce your navies to just what may be necessary to defend yourselves and for your police protection?

But, Mr. President, we can not expect a world that has thought war and dreamed war for centuries and which came out of this late conflict war mad to become lucid all at once. It is encouraging, however, to know that these agreements lead toward world sanity. The fact that the feudists have met and talked over their fears and suspicions, the fact that each has insisted that he has no desire to destroy the other but that his warlike proclivities were animated solely by the universal principle of self-defense, all this will bring them to a better understanding and from that better understanding will develop a trust which will finally end in cemented friendship.

So, Mr. President, the Washington conference has breathed the living soul of peace into the physical bodies of these disarmament treaties. It has prepared the soil and has planted the seed of international right and justice which, if followed by bringing other great powers into the fold, will ripen into a harvest of world peace.

The Versailles treaty, with its League of Nations, was top-heavy and required many reservations before it would be made acceptable to this country. When such reservations were adopted by the Senate then the sponsors of that treaty refused to ratify it as amended.

The treaties now before the Senate contain all that I contended for as of real value in the late Versailles treaty with none of its dangers which had to be eliminated. They contain everything that is necessary to prevent war among the signatory powers. They invite other nations of the world, like the still powerful German Empire, to become parties to the agreement.

These treaties will be ratified, and I hope to live to see the day when the principles enunciated in them shall be written into a compact that shall include all the great nations of the world.

Mr. President, long before the Versailles treaty was sent to the Senate, and while the treaty was in process of construction, I took occasion to express my views, which I hoped would be inserted in that treaty, and which, I thought, so far as an international agreement was concerned, should be the limit of our contractual obligations. The thought then in my mind is reflected in the treaties presented by the Disarmament Conference.

I proposed at that time that all the great nations of the world, including Germany, Austria, Russia, and other powers, should simply enter into an agreement with each other that they would respect the territorial integrity and the political independence of every other country; that none of them would make a war of aggression against any of the others; that if disputes should arise which they could not settle through the channels of diplomacy, they would consult together; that if the dispute should be of such nature that they could agree to settle it through arbitration, they would do so; that if it were not an arbitrable question, they would at least agree to submit it for an investigation and a report, and to give that report full publicity to the world before they should resort to arms, to the end that the people of each country and the world would know which country was in the wrong; and that all would consult together for the purpose of securing a settlement of the difficulty. That is as far as we ever need to go. There is no necessity of and should be no promise or agreement to support any contention by arms or otherwise. A nation may sometimes break its word with another nation, but it will not break its word with all the other great nations of the world. It will not stand dishonored before all nations.

Mr. President, we have here in these treaties an association of nations for the maintenance of peace in the Pacific. Is it not an opportune time to ask the President and the administration, What has become of the general association of nations for the peace of the world? When the Versailles treaty was before the Senate the Committee on Foreign Relations by appropriate reservations amended the Wilson League of Nations compact, eliminating from it all promises of force to defend any other nation from assault, and reduced that compact to a mere promise to refrain from a war of conquest and to consult together whenever serious international difficulties should arise. The then President and his administration refused to accept those reservations and the treaty failed. But, Mr. President, the Members of the Senate and the public generally, no matter how wide their differences on the Versailles treaty, all agreed that some step should be taken through some kind of international agreement to prevent another such world conflict.

Therefore, the Republican Party in its platform met this sentiment for some kind of international world agreement when it declared:

> The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

That declaration did not mean that we should enter into an association with just those nations with whom we had been allied in war. It meant an association with all the great nations, with our late enemies as well as with our late allies. It meant an association with Germany and Austria, as well as with France and Great Britain. An association with a portion of them only would be a trouble breeder rather than a peace assurance.

What the world is wanting to-day is the same assurance in Europe that these treaties give to the Far East. France still fears Germany and the bolshevism of Russia. She still maintains a large standing army. Bring Germany, France, Russia, Great Britain, Italy, and the United States into just such a compact as is written in these treaties and the armies of France will dissolve, her soldiers will be producing articles of commerce and the necessities of life to trade for commodities which the erstwhile soldiers of Germany are now producing, and this return to productivity and normal commerce which the world is praying for will be speedily quickened into renewed life.

The Senator from Massachusetts, in his interpretation of these treaties and in his exposition of their purposes, everywhere stressed their importance as peace-assuring compacts in the Pacific and among the signatory powers. I agree most heartily with his conclusion, but I ask the question, Why should we not proceed immediately to bring about such a compact with all the nations of Continental Europe?

Just prior to the war we entered into separate agreements with each of 31 different Governments—agreements which contained similar articles for consultation, investigation, and report upon every international dispute which could not be settled by diplomacy. We asked Germany to join with us in a like treaty. I am informed that she declined our proffer, giving as her reason therefor that while she had no objection to such a treaty with us, if she made it with us she could not consistently refuse to enter into like agreements with nations of Europe, and she did not desire to do this.

But, Mr. President, that was military and aristocratic Germany. The German people were never consulted as to whether they should enter into such a treaty. Those people have now assumed control of the Government, and I am certain that they are as peace loving as any people and would to-day welcome a compact with us and with all the important nations which would allay all suspicions of France or of any other country, and which would leave them free to contest in the world for commercial equality or supremacy.

Senator LODGE, in his address on the four-power treaty delivered a few days ago, declares:

> It was our earnest hope that in a portion of the earth's surface at least we could do something to substitute the assurance of peace for the arrangements and calculations of war, and in so doing keep clear of all alliances of any sort which are in their very nature ultimate breeders of war and which always have hidden behind them penalties and force.

Mr. President, is it not pertinent here to ask: Why should not that earnest hope for the assurance of peace in this portion of the earth's surface be expanded to cover Europe as well, a section of the world where even the suspicion of a future war is more disastrous to world progress and welfare?

Again, he says:

> We hope and believe that agreements resting on the good faith, the honest purpose, and the highest aspirations of nations and peoples, carried out as they have been here, will have a permanent and lasting effect.

I agree with every word of that sentence. I have no doubt in the world of its permanent and lasting effect in the regions of the Pacific, and because I believe it I want to extend those principles to other countries.

Again, he says:

> But if we are right in thinking that men and women alike have learned the lesson of the war, then much can be accomplished by the agreements reached in Washington, and the door will stand open for further attempts to breed a larger kindliness and a more forbearing spirit among the nations of the earth, and in this way help us to take further and ever more assured and steady steps in the same direction.

But, Mr. President, is not now the most propitious time to take these further steps, to do just what we assured the country we would do and just what President Harding in his speech of acceptance declared we should immediately proceed to do?

Mr. President, I am supporting these treaties not only because of their limitation of armaments but more particularly because they contain these elements of a great international agreement which I hope will some day be consummated.

Everywhere in them are contained two fundamental principles necessary for world peace: First, a recognition of the right of every nation to live and work out its own destiny and an agreement that its independence and complete sovereignty will at all times be respected; second, an agreement that in case of misunderstanding the nations will consult together and endeavor to settle every matter of difference.

Taking the first treaty presented to the Senate by this conference—the treaty between the United States, the British Empire, France, and Japan, relating to their insular possessions and dominions in the Pacific Ocean—we have this agreement:

> Each of the contracting parties agrees to respect the rights of the other.

That is a very simple phrase, but it is full of force and full of meaning. It does not agree to enter into war to defend those rights. It simply says that it will commit no wrong against the other parties.

These contracting parties further agree that if they are unable to settle any dispute arising out of these Pacific questions by diplomacy, all of the contracting parties shall meet in joint conference for their consideration for the purpose of adjustment.

That, Mr. President, is all we need to secure peace among those powers which might be endangered by any contingency arising in that section of the world.

In the nine-power treaty relating to China, by article 1, the contracting powers other than China agree—

> to respect the sovereignty, the independence, and the territorial and administrative integrity of China.

And by article 7—

> The contracting powers agree that whenever a situation arises which, in the opinion of any one of them, involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned.

So, Mr. President, we everywhere find in all of these treaties the essential agreements which I hold to be necessary for general world peace, and all that is necessary, according to my views.

If these treaties mark a vast forward step in international understanding among those nations which border upon and which have possessions within the Pacific, why should we not bring within the fold the great nations of Continental Europe? Why should we stop the good work? Why should we make no attempt to extend to all great nations the principles agreed to with reference to humane rules of warfare, with reference to disarmament, and with reference to the pledge to recognize at all times the political and administrative integrity of other nations, and, above all, the principle of open discussion of all disputes before resorting to the arbitrament of arms? Why should these principles be bounded by the shores of the Pacific Ocean only?

Mr. President, I am looking forward to a real assurance of world peace. No man of heart and conscience can but shudder at the mere contemplation of another such devastating war. Centuries will be required to rid ourselves of its burden of debt.

But, Mr. President, there are two great powers in the world which must be taken into consideration in any matter affecting world peace—Germany and Russia. We are now at peace with Germany, with Austria, and with Russia. We have shown our good will toward the latter by pouring out our treasure to aid the destitute. We should now extend the hand of friendship to our late foes, Germany and Austria. We should ask them immediately to join with us in these declarations of principles. We should ask them to join with us in an agreement that they will not war on each other until every effort has been made to maintain peace, and that this effort shall be made through the joint agreement that all will meet together and discuss matters of difference before engaging in any war.

It may be that Russia has not at the present time a government sufficiently stable for us to enter into any agreement with her. That, however, can not be said of Germany. I do not claim, Mr. President, to be a prophet; but anyone who knows the German people and their ability to organize and maintain a stable government that will meet every exigency must be blind if he fails to see that of all the European nations which engaged in the late conflict Germany will be the very first to resume her old place in the commercial affairs of the world. Outside of the reparation she does not owe one dollar except her indebtedness to her own people. She surrendered her antiquated ships to her victors, but is to-day building an immense line of small, cheaply operated, economic vessels for her foreign commerce. Her people are working longer hours and with greater efficiency than the people of any other nation of the earth. She has learned her lesson of life through her distress. Great Britain and France, and to a certain extent the United States, have their lessons yet to learn—the lesson of increased productivity, the lesson of greater economy in production, in order to compete with the markets of the world.

Germany has no navies and no armies to maintain. All her man force and all her woman force and much of her child force are dedicated to the struggle for commercial supremacy. In less than five years from to-day she will, as she did in 1914, lead the world in her foreign commerce.

Let us, therefore, forget the animosities of the late strife. We as a Nation are of the blood and bone of each of these countries, friend and foe alike. Let us take the initial step, as we did in the Disarmament Conference, and invite these Governments, now no longer allies and no longer foes, to join us in a union of declared principles, not backed by any force or any promise of force, but resting entirely upon the sacred national honor of each Government, supported by an informed public conscience that will not brook any international injustice.

Mr. President, I wish to include as a part of these remarks the form of an international compact embodying the principles which I have declared should be the standard of international conduct, and which provides for the settlement of all international misunderstandings without surrendering one atom of independent sovereignty or invoking any force other than that of national righteousness and national honor.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

PROPOSED ASSOCIATION OF PRINCIPAL NATIONS OF THE WORLD FOR THE PRESERVATION OF PEACE.

The United States of America, the British Empire, France, Italy, Germany, Austria, Spain, Japan, and Russia—when she shall have established a stable government—realizing the appalling loss of life, the enormous devastation, the stupendous burden of indebtedness, and other incalculable evils occasioned by the late World War, and recognising the vast commercial relations among the several nations of the world and their dependence upon each other, and that any war halting or destroying international communication becomes of itself a matter of vital concern to all the peoples and nations of the world, for the purpose of preventing the recurrence of another such war and substituting therefor the peaceful settlement of all international differences and disputes, hereby join in this solemn compact and enter into this agreement each with all of the others:

1. They declare it to be a fundamental principle of international law that the same code of ethics and morality which governs individuals in their relations to each other in nations of the highest enlightenment within their own domains shall govern nations in all their international relations.

2. That each nation of the world has the right to live and work out its own destiny, free from threatened or impending aggression by any more powerful nation.

3. That wars of aggression are not only a crime against the defendant country but also a most gross offense against civilization and against every other country which of necessity must pay the penalty caused by war's carnage, devastation, and the disruption of the world's commerce and trade.

4. To establish and perpetuate these principles and to substitute the rule of reason and justice for the rule of force in the settlement of international differences and disputes, the several nations parties to this compact solemnly agree, each with all the others, that each and all will faithfully adhere to the principles aforesaid in all their relations toward and with each other and all civilized States.

5. They further solemnly agree that in case of any dispute between any of the members signatory to this compact which fails of settlement through the ordinary channels of diplomacy they will confer together, either through an international council or court to be agreed upon, and will use their most earnest endeavors to bring about an amicable settlement of such dispute and prevent armed conflict.

6. They further agree that either through such aforesaid council or court they will formulate a code of international law which, when approved by the several nations of this compact in the manner provided by the constitution or usage of such nations, shall become the law of nations and govern the parties to this compact in their relations to and with each other.

7. They shall in such code consider and determine as nearly as possible what are justiciable and what are nonjusticiable questions. Such questions as are unanimously decided to be nonjusticiable shall, for the purpose of this compact, be so deemed by the parties thereto. When the determination of such question is not unanimously agreed to, each nation must for itself determine such fact.

8. The said parties to this compact further solemnly agree that in case of any dispute between any two or more of them, which dispute they are unable to settle through ordinary diplomatic channels, they will proceed as follows:

(a) If the question involved is justiciable they will submit the matter in dispute to arbitration, either to arbitrators to be agreed upon by the disputants, or to such international court as may have been or may be established to hear and determine international disputes. And they declare they will faithfully abide by the decision of such arbitral board or court.

(b) If the question involved is not included within the list of questions as aforesaid determined to be nonjusticiable, and either or both of the parties to the dispute claim the same to be nonjusticiable, the said parties will submit the matter in dispute either to such court or to a council composed of one delegate from each of the nations to this compact for investigation and report.

(c) In all cases of investigation and report the court or council, as the case may be, making the investigation shall invite the parties to the dispute to present their respective cases, and shall within six months after the conclusion of hearings thereon make its report to the disputants and to other nations, parties to this compact, containing its findings of fact, which shall be sufficiently full and explanatory to give the said disputants a clear understanding of the question involved, together with its recommendations for a just and amicable settlement of the dispute.

9. And each of said nations agrees that it not only will permit, but will assist in, the full publicity of such findings and recommendations to its people.

10. Each of the aforesaid nations further agrees with all the others that during the period of investigation aforesaid, and for a period of six months after the publication of such findings and recommendations, it will not declare or commit any act of war against any other party to the dispute, and that during such time it will advise with the other nations, parties to this compact, and use its best endeavors in conjunction with such nations to bring about an amicable settlement of the dispute.

11. Each of the aforesaid nations further agrees that it will enact such legislation, make such appointments as may be necessary to carry out the provisions of the compact, and bear its proportionate share of the expenses incident thereto.

12. Other sovereign nations of stable government and capable of fulfilling all their international obligations may, by unanimous consent of the other members of this compact, become members thereof upon agreeing to all the principles and obligations herein set forth. Such new membership shall be effectuated by action of the several nations in the same manner as the adoption of this compact.

13. This compact shall become effective when approved by the several nations, parties thereto, in a manner provided by the constitution or usage of such nations in the ratification of international treaties. (If deemed best that the nations, parties to the Versailles treaty, should continue their membership therein there should be added the following:)

14. Certain nations other than the United States who are parties to this compact, having previously agreed under the treaty of Versailles to a settlement of their international disputes by following the course specified in article 12 of said treaty, such nations, parties to this compact, may, if they so elect, use the instrumentalities of said treaty of Versailles for the settlement of their differences. In case of such election the United States, not being a party to such treaty and not being directly interested in such dispute, will take no part.

Mr. LENROOT. Mr. President, I shall endeavor to analyze the provisions of the pending treaty with special reference to the obligations which will be incurred by the United States if ratified, but before doing so I wish to make some general observations regarding the effect of failure to ratify the treaty.

While we have five other treaties pending, growing out of the Washington conference, which must be acted upon separately, nevertheless most of these treaties are to a large degree dependent upon each other, and a failure to ratify the treaty now

under consideration may mean a failure of all the treaties and especially the failure of the treaty limiting naval armament.

I have heard Senators say the rejection of the pending treaty can not affect the naval armament treaty, for the ratification of that treaty is assured by the Senate. But it must be remembered that to make any of these treaties effective ratification must be had by the other parties to the treaty as well as ourselves, and if we reject the treaty now before us there is no assurance that such action will not form the basis for rejection of the limitation of naval armament treaty by some of the other powers. We know that France is not enthusiastic as to that treaty, and we can rest assured that the military party in Japan would not complain if all the treaties growing out of the Washington conference were rejected, for they do restrict and restrain her domination of the Orient. If the Nation that called the Washington conference and set the high standard for its deliberations shall be the first to reject one of the treaties, then there need be no surprise if other treaties are rejected by other powers and the work of the Washington conference be destroyed.

Mr. KING. Would it interrupt the Senator if I asked him a question at this point?

Mr. LENROOT. Not at all.

Mr. KING. The Senator will recall that in the call made by the President of the United States for the Washington conference, as I remember its phraseology, there was no reference to a quadruple alliance or to a four-power pact or treaty of the character which is now under consideration, and when the President addressed the conference there was no suggestion that that was a part of the agenda or would be a matter of consideration by the conference.

The Senator will also recall that Secretary Hughes, in his admirable presentation of the matter, did not allude to a four-power pact, and when he laid down the work of the conference and challenged attention to the limitation of armament, and offered the program to the conference, all the delegates from foreign countries, as well as our own, in so far as I remember their utterances, and the public generally, regarded that the program thus announced, to wit, the limitation of armament, as provided in the program announced by Secretary Hughes, was a remarkable achievement, and at the conclusion of that meeting, and upon subsequent days, before there was any talk of a four-power pact, the country seemed to be entirely satisfied with that program, and announced that the conference was a success. How, in the light of that, can the Senator contend that this afterthought is essential to the completion of the work of the conference and is indispensable to its success?

Mr. LENROOT. Mr. President, while, of course, there was no reference by Mr. Hughes to this treaty, or any proposal that there be a four-power treaty, the Senator will admit that one of the subjects before that conference was a consideration of the problems in the region of the Pacific, and this is one of them, which has been settled through an understanding that made much more possible, in my judgment, the acceptance of the program for naval limitation.

Mr. KELLOGG. I have heard statements made on the floor of the Senate about a dozen times similar to the one made by the Senator from Utah, as to why this treaty was not in the agenda. The questions of the Far East were mentioned. Does the Senator from Utah think that the Secretary of State of this country would be apt to state that the subject to be considered in this conference was the termination of the Anglo-Japanese alliance?

Mr. KING. I shall not take the time to answer the Senator, but let me make the observation that if that interrogatory has been propounded I have not heard it, and if it has been propounded it has not been answered. I am sure the Senator from Minnesota [Mr. KELLOGG] in his speech did not answer it. He has not answered it now, and he can not answer it.

I repeat, the call of the President did not contemplate a four-power pact, and the work of the conference, as announced by the great Secretary of State at that first meeting, did not contemplate a four-power pact. I admit there is some relation between the two subjects, but the questions which were submitted in the conference were independent of the other, and the four-power pact is in no wise essential to the disposition of those other questions.

Mr. LENROOT. I do not question that that is the Senator's opinion, but the Senator can not say that it is the opinion of other parties to this treaty. The point I am making is not that the rejection of this treaty may lead to the rejection of the naval limitation treaty by the Senate, but that it may lead to the rejection of that treaty by other parties to the treaty.

So grave is this danger that if this treaty is rejected I believe President Harding, if he should receive information that other treaties would be rejected by other powers, should consider the withdrawing of all the other treaties transmitted to the Senate and inform the other parties to the treaties that further action upon them will be postponed until the next Congress convenes, so that the country at the elections next November will have the opportunity in the election of Senators whose terms are expiring to express itself upon this important issue.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. LENROOT. I yield.

Mr. ROBINSON. The Senator says that the four-power treaty is so inseparably connected with the other treaties——

Mr. LENROOT. The Senator must not misquote me. I said no such thing. What I did say was that——

Mr. ROBINSON. If the Senator will permit me to state my understanding of his statement, I will ask him the question I intended to put.

Mr. LENROOT. I want the Senator to ask a question based upon the statement I made, and not upon one I did not make. I stated that they were so connected that the defeat of this treaty might result in the rejection of the naval limitation treaty by some of the other powers.

Mr. ROBINSON. If the Senator from Wisconsin had done me the courtesy to hear my question, he would have seen that that was exactly the premise I expected to lay, that the four-power treaty is so related to the other work of the conference that its rejection by the Senate of the United States would probably result in the rejection of other treaties by other powers parties to the four-power pact. What other power does the Senator think, for instance, would reject the arms limitation treaty if the Senate of the United States rejects the four-power pact?

Mr. LENROOT. I have just stated that I did not think—and the Senator does not think—that France is enthusiastic over the naval limitation treaty. The Senator must be familiar with what occurred with reference to that matter. I am not sure but that the military party in Japan would welcome its rejection. I am not speaking of the Government of Japan, but there is a party in Japan, as the Senator well knows, that does not desire any such treaty, or any of the treaties relating to Japan which are now pending before the Senate.

Mr. ROBINSON. Will the Senator permit me to make another statement with respect to the Senator's observations concerning France?

Mr. LENROOT. Certainly.

Mr. ROBINSON. It seems now to be well known that France sought an opportunity to become a party to the four-power pact; that at first there was objection to her admission by Great Britain and Japan, and that after Great Britain and Japan had consented to the admission of France to the four-power treaty then a draft of the agreement was prepared by the Secretary of State of the United States. Why does the Senator from Wisconsin think that France, in view of the fact that she sought admission to this treaty, would reject the arms limitation treaty if the pending treaty is rejected by the Senate?

Mr. LENROOT. I am not going into the question of the situation with reference to France and her final agreement and the limitations placed upon her navy in the naval armament treaty. The Senator is quite as familiar with that as I am. All I am saying with reference to France is that France is not enthusiastic over that treaty. Does the Senator think that France is enthusiastic over it? Does the Senator think that France does not believe to-day that while her representatives have assented to it she should have been permitted a larger ratio for her navy than is permitted in the naval armament treaty?

Mr. LODGE. If the Senator will yield, I only want to call attention to what the Senator from Utah [Mr. KING] said about the omission of the far eastern question. It is really of no moment. If the Senator will look at the agenda relating to China, he will find that Shantung is not mentioned.

The reason why Shantung was not mentioned in the agenda was because it was the subject of a treaty between two other powers. At the same time we had hopes of bringing about the arrangement, as we did. At the same time we did not begin by mentioning a treaty between two other parties to which we were not a party as a subject of general conference.

Mr. LENROOT. Mr. President, the only point I am making is that if this treaty be rejected there is no assurance that the other parties to the naval limitation treaty will ratify that treaty. That is the only point I am making.

Mr. ROBINSON. Mr. President, what is the assurance that they will ratify it even if this treaty be ratified? How can the Senator assure the Senate that if we ratify the four-power pact

other nations will ratify all the other treaties which have been negotiated?

Mr. LENROOT. At least, if the Senate does not reject one of the treaties which has been agreed upon that will not furnish a reason to any other power for rejecting some other treaty.

Mr. SPENCER. Mr. President——

Mr. LENROOT. I yield to the Senator from Missouri.

Mr. SPENCER. The intimate association between the four-power treaty and the disarmament treaty, which the Senator from Wisconsin has so clearly announced, is illustrated by the following sentence which opened the report of the American delegation, and I venture, with the Senator's consent—for there are only two of them—to insert them in the RECORD here. The Senator from Utah [Mr. KING] seemed to have some doubt as to whether there was any connection between the four-power treaty and the disarmament treaty, or as to whether the four-power treaty had ever been in the contemplation of the Department of State or of this Nation when this conference was called. When the President called the original conference this is the reference which the report of the American delegation makes to it:

On July 8, 1921, by direction of the President, the Department of State addressed an informal inquiry to the group of powers known as the principal allied and associated powers—that is, Great Britain, France, Italy, and Japan—to ascertain whether it would be agreeable to them to take part in a conference on the subject of the limitation of armament, to be held in Washington at a time to be mutually agreed upon. In making this inquiry it was stated to be manifest that the question of the limitation of armament had a close relation to Pacific and far eastern problems, and the President suggested that the powers especially interested in these problems should undertake, in connection with the conference, the consideration of all matters bearing upon their solution with a view to reaching a common understanding with respect to principles and policies in the Far East.

Then comes this four-power treaty, opening in its preamble with the statement that it has been agreed to "with a view to the preservation of the general peace and the maintenance" of the rights of the signatory powers "in relation to their insular possessions and insular dominions in the region of the Pacific Ocean."

It would seem as if the four-power treaty was clearly in the contemplation of those who originally caused this conference to be called.

Mr. LENROOT. To get back to the thread of my remarks, I had suggested that if this four-power treaty was rejected by the Senate, and the President should receive information that by reason of that rejection some of the other parties to the treaty would reject some of the other treaties, especially the naval limitation treaty, in that case the President would be abundantly justified in withdrawing all of the treaties which are now before the Senate.

Whether the President would take this course, I do not know, but if he believed that rejection of the four-power treaty by the United States would result in the rejection of the limitation of armament treaty by other powers, he would be abundantly justified in taking that course.

And may I say at this point that while I am anxious for the ratification of this treaty, if I were considering partisan advantage only for the Republican Party, I would welcome its rejection by the Democratic minority. I confess that at the present moment there may be some foundation for the optimism of our Democratic friends that they will make gains in the next election, but if this treaty be rejected I predict that no Democrat indorsing that action will be elected to the Senate in any Northern State. If this treaty be rejected, the Republican majority next November will be equal to that which it had in November, 1920.

But, Mr. President, anxious as I am for Republican success, I hope this and all the other pending treaties will be ratified. World consequences of rejection are too important to permit political advantage to control us in their consideration. That this treaty will be ratified either now or a year from now I have not the slightest doubt, unless other parties to it shall justify destroying the work of the Washington conference by the action taken by this Senate. I wonder if Senators realize what the destruction of the work of the Washington conference would mean. It would probably sooner or later mean war—war that would inevitably involve the United States. No conference looking to the maintenance of peace would be possible during this generation. Friendly understandings would be replaced by hate and suspicion. The race for naval and land armament will continue and eminent Senators who plead so eloquently for isolation and peace would find that in the isolation they have produced they have sown the seeds of war, for we must with that isolation become either as pacifist as China, or ready to fight at a moment's notice, and as we have the wealth and resources to outlast any other nation, the nations that can not so compete singly will inevitably form alliances that will be a constant menace to us.

May I say here, Mr. President, that if the understanding which has been reached in this four-power treaty alone will aid in the maintenance of peace in the future because at least four nations shall agree upon this understanding in the Pacific, nations which are potential enemies—and I shall refer to that a little later—then we may hope that other nations may make like regional understandings, and we may hope that the nations of Europe, those who were so lately enemies, may enter into like understandings with agreements such as are contained in this treaty, and having set the example here we have pointed the way for those nations to follow, but if this treaty shall be rejected, what hope is there for such like understandings to be entered into in other parts of the world?

Mr. President, I have made these general observations because I believe that we should realize the far-reaching consequences of rejection of this treaty. I do not for a moment contend that because of these consequences the Senate should blindly accept these treaties, but I do insist that because of them every presumption should be in favor of ratification and the burden is upon the opposition to clearly establish that the welfare of America will be better served by rejection than ratification.

Much of the debate, Mr. President, upon this treaty has not been creditable to the Senate. Here is a treaty consisting of six short paragraphs, in four articles, couched in simple language, and much of the debate has centered around the burning issue of "Who wrote it." Some Senators seem to take the position that if it was written by Balfour or Baron Kato it is bad beyond argument, while if it was written by Hughes or Lodge or Underwood or Root there might be some virtue in it. Mr. President, what difference does it make who wrote it if its construction be clear and intent unmistakable? Let us judge the instrument by what it is, and pay no attention to the attempt to create prejudice against it by allegations of authorship. However, it is now established that it was written by Secretary Hughes, and I hope that the question of who wrote it is answered for all time.

Mr. ROBINSON. Will the Senator yield to a question?

Mr. LENROOT. Yes.

Mr. ROBINSON. Does the Senator think that it can be stated that the intent and meaning of this treaty are clear in view of the fact that the conference itself which negotiated the treaty adopted two declarations in the nature of reservations before the treaty was reported; that it became necessary to report a supplementary treaty explaining the provisions of this treaty in their relation to the mainland of Japan; and, furthermore, that the Committee on Foreign Relations found it necessary to report the additional reservation proposed by the Senator from Connecticut [Mr. BRANDEGEE]? In view of the course which the matter has taken, does the Senator think that the meaning of the treaty is entirely clear?

Mr. LENROOT. Mr. President, I am very much surprised that the Senator from Arkansas should draw any inference or attach any presumption to the fact that there was a declaration of construction or a reservation inserted or agreed to at the time the treaty was made. The Senator from Arkansas must know that that is a very common practice in making treaties. I have on my desk several illustrations where the United States has entered into treaties in connection with which at the same time as the signing of the treaty declarations have been made as to their intent and construction.

Mr. ROBINSON. Will the Senator yield?

Mr. LENROOT. No; pardon me; I want to finish my answer. So in the making of this treaty, with reference to the reservation which was adopted simultaneously with it, one of two courses could have been pursued. In the first place, the language which is affected by the reservation is all inclusive; that would be the natural way to frame the language; and its framers then could have excluded that which they intended to exclude by the reservation, by a proviso, or they could have done so by a declaration simultaneously made. One would have been as simple as the other; but they adopted the latter course, which is not an uncommon practice.

Next, as to the reservation adopted by the Committee on Foreign Relations, I am not going into that now, because the whole purpose of the remarks I am now about to make is to attempt to demonstrate that there is no obligation of any kind upon the United States such as the reservation adopted by the Committee on Foreign Relations attempts to provide against; in other words, my position is that the treaty would mean exactly the same thing whether the reservation be adopted or rejected. I understand, however, Mr. President, that there were two or three members of the Foreign Relations Committee who did take the position that there might be some obligation upon the part of the United States for the use of force; that without the

reservation the treaty might be regarded as an alliance. Both those questions I shall discuss as I proceed; but I undertake to say that the Senator from Connecticut [Mr. BRANDEGEE], who is one of the able Members of the Senate, at the time he offered the reservation, which was adopted by the committee, had not made a careful study of this treaty and all the circumstances attending it—for he could not have had the time to do so—which all Senators have since had the opportunity of making.

Mr. KELLOGG. Mr. President——

Mr. LENROOT. I yield to the Senator.

Mr. KELLOGG. I do not think the Senator from Connecticut [Mr. BRANDEGEE] took the position that the reservation was necessary, but he was afraid somebody in the world at some time might think it was necessary.

Mr. BORAH. If the Senator from Wisconsin will permit me, I desire to say that the Senator from Connecticut did not take any such position.

Mr. KELLOGG. I think the Senator from Idaho is mistaken.

Mr. BORAH. The Senator from Connecticut took the position that the reservation was necessary, and he contends now that it is necessary. If the Senator from Minnesota thinks that the Senator from Connecticut does not think it is necessary, then let us take it out and see what the Senator from Connecticut will do.

Mr. KELLOGG. I will say that the Senator from Connecticut admitted that there was no obliagtion on this country to go to war or to do anything else except to consult; that is the position of the Senator from Connecticut; but he thought some other country might take some other position at some other time.

Mr. WALSH of Montana. Mr. President, now that the Brandegee reservation has been made the subject of comment, I should like to make an inquiry of the Senator from Wisconsin [Mr. LENROOT]. As I understand him, the Senator from Wisconsin seems to apprehend that the naval disarmament treaty will not be ratified if the amendment offered by the Senator from Arkansas shall be adopted. If the reservation offered by the Senator from Arkansas would imperil the naval disarmament treaty, can the Senator give us any information as to how the Brandegee reservation will affect the naval disarmament treaty?

Mr. LENROOT. There is a very clear distinction between the Brandegee reservation and the amendment offered by the Senator from Arkansas.

Mr. WALSH of Montana. Of course, there is, but the Senator——

Mr. LENROOT. But in my view the treaty means exactly the same whether the Brandegee reservation be adopted or not. That is the answer.

Mr. BORAH. Mr. President, that may be a correct statement, but in last Sunday's New York Times there is a statement by Mr. Tardieu to the effect that if the reservations which had been offered were adopted the treaty would be perfectly meaningless.

Mr. LENROOT. Does the Senator refer to the Brandegee reservation?

Mr. BORAH. The reservations which had been offered. He did not designate any particular reservation.

Mr. LENROOT. The Senator from Idaho does not hold any such view as that, does he?

Mr. BORAH. No; I do not. But I am speaking now of what the other countries may do with reference to the naval armament.

Mr. LENROOT. At this point, Mr. President, I might as well spend a moment to discuss the circumstance that throughout this debate there have been quoted here alleged opinions of citizens and statesmen of other countries as to the construction of this treaty. There are some Seantors who seem to be willing—not the Senator from Idaho—to have some other country construe a treaty for the United States. There is no one, Mr. President, who can construe this treaty for us except the United States of America. We will construe it for ourselves, and we will give it such construction——

Mr. ROBINSON. Will the Senator yield?

Mr. LENROOT. I will yield in a moment. We will give it such construction as was the plain intent, as I shall be able to show, when this treaty was signed.

Mr. ROBINSON. Now, will the Senator yield?

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. I yield for a question.

Mr. ROBINSON. If a controversy arises, as it has arisen in this case, as to the true interpretation and meaning of the treaty, and Senators differ as to the correct construction of its terms, it is not improper, it is not unfair, is it, to bring to the attention of the Senate the construction placed upon the treaty by the representatives of other nations as tending to show what is the correct legal construction? If the United States places its own construction on the treaty, each other nation, of course, will have the same right to determine its construction of the treaty. Is not that true?

Mr. LENROOT. It will, of course.

Mr. ROBINSON. Then, is it not desirable before entering into the treaty to reach an interpretation upon which all nations entering into the treaty will agree, if possible?

Mr. LENROOT. Mr. President, the point that I am making is that the Senator from Arkansas seems to be willing to quote the construction of some one in France or some one in Japan or some one in Great Britain, but he seems to ignore the construction given by the American delegates and accepted at the plenary conference. That is what I object to.

Mr. ROBINSON. Will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from Arkansas?

Mr. LENROOT. I yield.

Mr. ROBINSON. The Senator from Arkansas quoted the construction of Earl Grey and the construction of Prince Tokugawa in reply to an alleged construction as of date of March 10. I quoted their first construction, placed upon this instrument almost immediately after it had been negotiated and made public, for the purpose of showing their real interpretation of the instrument.

Mr. LENROOT. I think I shall be able to show——

Mr. ROBINSON. Mr. President, with the permission——

Mr. LENROOT. I want to say a word right there.

Mr. ROBINSON. Very well.

Mr. LENROOT. I think I shall be able to demonstrate before I am through that the statement just made by the Senator from Arkansas is hardly accurate, for I think I shall be able to show that the head of the Japanese delegation clearly accepted the construction given to this treaty by the Senator from Massachusetts [Mr. LODGE] at the time of the plenary conference.

Mr. ROBINSON. Will the Senator yield?

Mr. LENROOT. I yield.

Mr. ROBINSON. The Senate will remember that the Senator from Alabama [Mr. UNDERWOOD], in his address, read an interview purporting to have been given by Prince Tokugawa to the press on the 10th of March, 1922.

During the course of his remarks I asked the Senator from Alabama if he had seen the statement attributed to Prince Tokugawa in the Japan Advertiser of January 31, 1922, and he said that he had not done so. I asked that the statement be placed in the RECORD in connection with the remarks of the Senator from Alabama, and he refused permission. After the Senator from Alabama had yielded the floor I read into the RECORD the statement of Prince Tokugawa, published in the Japan Advertiser, of January 31, a month and 10 days prior to the statement read by the Senator from Alabama, showing that Prince Tokugawa said that in losing one ally Japan, by securing the four-power pact, had gained three allies. I also read the statement by Earl Grey, reported in the Manchester Guardian, showing that he construed the four-power pact at that time as an alliance, instead of a mere agreement to confer.

Now, as to the statement of the Senator from Wisconsin——

Mr. LENROOT. Mr. President, I can not yield, of course, for a speech.

Mr. ROBINSON. Will the Senator from Wisconsin permit me to reply briefly to one statement which he made respecting my refusal to take the interpretation of the American delegates?

Mr. LENROOT. I can not yield for a speech.

Mr. ROBINSON. The American delegates, with all due respect to them, have been inconsistent, in the construction which they have placed on this instrument. Both the Senator from Massachusetts and the Senator from Alabama have said that this is the most important document which has been brought before the country in their lifetime. They have declared that the future peace of the world depends upon the ratification of this treaty, and then, in order to escape the responsibility for the obligations which we contend are involved in this treaty, they have said that it means nothing but an obligation to confer. I say, in view of that kind of interpretation, the Senate must place its own interpretation upon this treaty and not rely upon the interpretation placed upon it by those who represented us in the disarmament conference.

Mr. LENROOT. Mr. President, what I said was that the American interpretation was placed before the plenary conference before the treaties were signed and that interpretation was accepted by every one of the other powers concerned. The Senator from Arkansas must have known that was what I was referring to, and my statement was limited to that fact.

Mr. President, I am very glad to yield for questions, but, without wishing to be discourteous, I must say that I can not yield for the interjection of speeches in my remarks.

Some Senators complain because they think it in conflict with the League of Nations, forgetting that this is exactly one of the regional understandings expressly permitted by the league covenant, and which it would have been very proper to enter into had we joined the League of Nations. I refer to article 21 which reads:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace.

I now come, Mr. President, to an analysis of the rights and obligations imposed by the treaty before us.

The first paragraph of article 1 reads:

> The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

By the supplemental treaty signed on February 6 the mainland of Japan is excluded. Concerning the effect of this and the circumstances surrounding it, I shall have something to say later in another connection. For the present I confine myself to the obligation in this paragraph as modified by the supplemental treaty referred to.

What is our obligation under this paragraph and what benefits do we receive under it? We obligate ourselves to respect the rights of the other three powers in relation to their possessions in the region of the Pacific. Does any Senator object to that? Will any Senator assert that we ought not to enter into such an obligation? Can we for a moment assume that at any time in the future the United States will have any desire to infringe upon the rights of the other three powers in the Pacific? Happily no Senator has yet had the temerity to criticize this obligation, and that is the only obligation imposed upon us by this paragraph. The next inquiry is what benefits do we receive from this paragraph? Under it Great Britain, France, and Japan agree to respect our rights in the Pacific, which means that for a period of at least 10 years our rights in the Philippines, Hawaii, and our other islands in the Pacific will be respected, and that, no matter what the circumstances of any of the other parties may be, if they be engaged in war with each other or with any other power, there can be no violation of our rights unless a solemn treaty shall again be treated as a "scrap of paper" by a great power. But, Mr. President, the consequences to Germany in regarding a solemn treaty as a "scrap of paper" have not been such as to encourage a repetition of this practice by any nation at any time in the future.

But it is said by the Senator from Missouri [Mr. REED] that we have now treaties of peace and amity with these same powers under which this same obligation now exists. Granted; but the Senator forgets that those treaties may be lawfully terminated, usually upon one year's notice, while the pending treaty can not be terminated within 10 years. This distinction becomes important when we consider the questions still at issue between the United States and Japan covering Japanese immigration which could not properly come before the Washington conference.

So, Mr. President, this obligation to respect our rights in the Pacific for 10 years does have a definite, substantial value.

The next paragraph of article 1 reads:

> If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy, and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

I do not understand that any Senator asserts that in this paragraph there is any hidden obligation for the use of force. On the contrary, by its very terms its object is to avoid the use of force and secure an amicable settlement of disputes involving rights covered by the treaty. It involves nothing more than the parties not involved in the dispute using their good offices in joint conference with the parties involved to effect a peaceful settlement of the dispute.

Some Senators contemptuously refer to this as a debating society—as a "talk fest"—out of which no good can come. But, Mr. President, the extending of good offices to nations involved in a dispute is well recognized in international law as being a most valuable aid to peace. It was the good offices of this Nation that put an end to the Russian-Japanese War, and I believe that the most effectual means to preserve the peace of the world are agreements exactly like that contained in this paragraph.

These conversations, which the Senator from Missouri [Mr. REED] speaks so scornfully about, were frantically sought just before hostilities began in the World War, and denied by the Kaiser of Germany. Why did he refuse to enter such a conference? It was because he knew he could not defend the course he was taking with Austria, and if he entered the conference he would have had to agree to assist in preventing war or stand condemned by the judgment of the world.

But when the treaty of Versailles was before the Senate the Senator from Missouri [Mr. REED] entertained a different opinion of the value of good offices, for at that time he offered a reservation which reads as follows:

> The United States does not assume any obligation under article 10, but will use its friendly offices, when requested so to do, under the provisions of article 10, in assisting to procure a just and peaceful settlement of territorial or political controversies between nations.

All that this paragraph of the treaty does is, in case of dispute between two of the parties in regard to their rights in the Pacific, the good offices of the other parties will be used to secure a peaceful settlement, and this being a conference, as has been pointed out by the Senator from Massachusetts, there can be no settlement or adjustment unless it is accepted by both of the parties to the dispute.

However, I understand that there is no serious contention that this paragraph injures the United States, especially with the reservation which was agreed to by the parties and which accompanies the treaty, that the controversies referred to in this paragraph shall not be taken to embrace questions which, according to principle of international law, lie exclusively within the domestic jurisdiction of the respective powers.

I therefore pass on to article 2, which reads as follows:

> If the said rights are threatened by the aggressive action of any power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most effective measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

This is the article around which the contest here is waged. It is asserted by most of the opponents of the treaty that there is here hidden a moral obligation upon our part to go to war if the rights of any of the other three powers are threatened by the aggressive action of any other power. But nowhere in the language of the article can there be found any such obligation expressed or implied.

While I agree with the Senator from Alabama [Mr. UNDERWOOD] that we can not conceive of any power outside of the four parties to this treaty becoming strong enough within the next 10 years, or during the life of this treaty, to threaten the rights of these four powers in the Pacific, let us assume for the moment that there is such aggressive action by an outside power. Let us assume that the red army of Russia does drive the Japanese out of Siberia and sends an army across the ice, as suggested by the Senator from Missouri [Mr. REED], to Sakhalin. In the first place they would have to build 600 miles of railroad from Vladivostok to a point on the Strait of Tartary, where the soldiers could cross upon the ice, and even assuming this absurdity, when the red soldiers got to the island they would be in Russian territory, to which this treaty does not apply, but would have to march south between one and two hundred miles to get to Karafuto, which is included in this treaty, and remember there is no railroad upon the island.

Mr. President, to conjure up a menace to us by reason of the inclusion in the treaty of the southern portion of the island of Sakhalin shows the desperate stress the opposition is in to find reasons for opposing this treaty.

But, assuming that the red army does get there, what would happen under article 2 of this treaty? Japan would communicate the facts to the other three parties to the treaty, and undoubtedly would announce her intention of letting the red soldiers stay there until summer came, and they would then with their navy keep them there, for the northern part of Sakhalin has for generations been a Russian penal colony, and the entire population of the island outside of convicts is not more than 20,000.

But, Mr. President, for any Senator who voted for the League of Nations without reservations to suggest that this is a menace to the United States is beyond my comprehension; because, sir, if the League of Nations had been accepted as presented by President Wilson, and the red army did go to Sakhalin, there would not have been a conference. That would not have been the extent of the obligation. There would not have been an understanding to have been arrived at, but the United States, under its guaranty, would have been compelled to send its soldiers and its warships to the defense of Japan. How any Senator who was willing to enter into such an obligation under the League of Nations can hesitate because of any obligation under article 2 of this treaty is a matter for him to explain to the people of the United States.

But to return to the analysis of article 2. Assuming there could be a real case of threatened aggression within 10 years, and the party threatened communicates with us fully regarding the facts. We might first suggest our good offices as the best means to meet the exigencies of the situation. That declined or failing, we could suggest arbitration. If that is declined, we could agree that the party upon whom the aggression is made would be justified in resorting to war in defense of her rights and there our obligation would end without our becoming a party to the war.

The Senator from Idaho [Mr. BORAH] yesterday objected to article 2 because it did not provide for a conference of the outside powers. The Senator from Idaho admits that under his own construction, if there is an aggression by an outside power, our obligation would be fully met if we said to the party upon whom the aggression was made, "The way to reach an understanding, the way to meet the exigencies of this situation, is to invite that outside power into a conference." The Senator intimates that if that were done he would be willing to agree to this treaty. That course is exactly open, and the obligation of the United States would be fulfilled to the fullest extent if that suggestion were made by the United States and refused by the other party to the treaty upon whom the aggression was made.

But, Mr. President, assuming that the threatened aggression was of such a nature that we believed our own rights would later be threatened, that unless we should act jointly with the power upon whom the aggression is made that our own existence was in danger, then under this article it would be entirely proper for the President of the United States to lay before Congress the facts communicated to him, and Congress would decide whether in our own interest we should by force of arms come to the defense of the power upon whom the aggression is made. Congress would be entirely free and independent in its action, and, unlike the provisions of article 10 of the League of Nations, there would be no moral obligation of any sort to employ our Army or Navy in the defense of the power attacked.

Mr. President, there is no obligation to use force expressed in this article and there is none implied. But conceding for the sake of argument that the article is susceptible of two constructions, then we have the right to examine the circumstances surrounding the making of the treaty in order to ascertain its intent, for it must be admitted that if the intent is proven, and that intent is not contrary to the language of the contract, such construction will be given as will carry out the intent.

Upon this proposition the proof is overwhelming that there is no obligation anywhere in this treaty for the use of force. We have the statement of the draftsman of this treaty, Secretary Hughes, we have the construction placed upon it by Senator LODGE when he placed it before the plenary conference, and no word of dissent from his construction by any delegate present. In presenting the treaty to the plenary conference, Senator LODGE said:

> There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

This construction was accepted by the heads of the delegations representing the powers concerned. Mr. Viviani, representing France, said:

> I assent without reticence and without reservation to everything implied in the agreement just read by Mr. LODGE, who has followed it up with an analysis at once so simple and so powerful.

He a moment later said:

> He [Mr. LODGE] has pointed out that when four great powers are determined that peace shall prevail in a given part of the world, the consent of these powers without provision for naval or military action is all that is needed to assure the preservation, the guaranty, and the protection of that peace.

Mr. Balfour, following Mr. Viviani, after paying a tribute to Senator LODGE and Mr. Viviani, said:

> So far as I am concerned, I have nothing to add to what they have said upon the general aspects of the treaty.

Prince Tokugawa, the head of the Japanese delegation, said it was unnecessary to add anything to what had already been said by Senator LODGE and Mr. Viviani and Mr. Balfour, but upon his return to Japan he was more definite in his construction of the treaty, for on March 10, in a speech which the Senator from Alabama [Mr. UNDERWOOD] has placed in the RECORD, he said:

> Critics of the treaty are trying to read into the very plain terms some moral pledge binding the nations to war as well as to peace, but that interpretation is too far-fetched to need repudiation.

I may say at this point with reference to the article from the Japanese Advertiser placed in the RECORD by the Senator from Arkansas [Mr. ROBINSON] that there is nothing in that report of Prince Tokugawa's views that is contrary to the views expressed by him on March 10. He did use, apparently, the word "allies," a word which he might well have used as indicating that in the future there would be none but friendly relations between Japan and the United States. Does the Senator from Arkansas accept that little word, used in that connection, as against his express declaration that the treaty was not susceptible of the construction that the Senator from Arkansas now endeavors to place upon it?

Mr. ROBINSON. Mr. President, since the Senator has asked me a question, will he permit me to make a reply?

Mr. LENROOT. I shall be glad to have the Senator answer the question.

Mr. ROBINSON. The Prince, in the statement that I read into the RECORD, congratulated the Japanese Empire on having through the four-power pact secured three allies instead of only one under the Anglo-Japanese alliance, and I reassert that it is a fair conclusion to be drawn from his statement that at that time he regarded this treaty as being an alliance.

Mr. LENROOT. Mr. President, Prince Tokugawa, standing by his construction of the treaty that here was no obligation to use force, then chooses, because of the friendly relationships established by the treaty, to call us allies. That, of course, he can do; but the Senator will not contend that in the use of that language he was endeavoring to give to the treaty a construction contrary to the express construction that he gave to it on March 10.

Finally Secretary Hughes, who drafted the treaty, states in his letter to the Senator from Alabama that it was distinctly understood from the beginning of the negotiations—

> That this Government could enter into no alliance or make any commitment to the use of arms or which would inspire any sort of obligation as to its decisions in future contingencies.

Mr. President, in the face of this record how can any Senator assert that there is here any commitment to the use of force?

I want to remind the Senate that most of the Senators—not the Senator from Arkansas, but most of the Senators—who have thus far addressed the Senate construing this treaty as an obligation to use force, construing this treaty against the United States, are the very men who desire isolation for the United States, who object to the United States entering into any kind of contractual relations, and yet they are the ones who are giving to this treaty a construction which if their construction should prevail might involve the United States in war in the future.

Mr. ROBINSON. Mr. President, will the Senator yield at this point?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. For a question.

Mr. ROBINSON. The Senator, of course, is familiar with the address by President Harding before the Senate when the treaties were presented to the Senate. Upon the question of construction of the true meaning of this treaty has the Senator's attention been called to this language on page 9 of Document No. 125, Sixty-seventh Congress, second session, in which the President said:

> It is easy to believe, however, that such a conference of the four powers is a moral warning that an aggressive nation, giving affront to the four great powers ready to focus world opinion on a given controversy, would be embarking on a hazardous enterprise.

Does not the Senator construe that as meaning that any nation making aggression against one of the four powers would be taking aggressive action against all of them?

Mr. LENROOT. It means this—and I take it the President in that connection had in mind unprovoked aggression, concerning which I shall have something to say a little later—a clear violation of right; and, of course, it would serve as a warning. If here is some outlaw nation attempting to infringe upon the rights of sister nations, and four nations agree that they shall communicate fully and frankly with each other concerning that matter with a view to coming to an understanding as to what measures shall be taken to meet the exigencies of the particular situation, of course it will be a warning to that outlaw. I would not have it different.

But there are other circumstances supporting the construction that there is no obligation. It will be remembered that the treaty before us includes the mainland of Japan, which is excluded by the supplemental treaty pending. This inclusion, for reasons stated by them, was agreed to by the American delegation. They have said they saw no particular reason for excluding Japan, as there was no obligation to the use of force and no commitment except to respect the rights of the other parties and consult. But, if there had been the remotest idea that there was any commitment to the use of force, does anyone believe that Secretary Hughes, Senators Lodge and Underwood, and Mr. Root would have agreed that our Army and Navy

should be used to protect the mainland of Japan with no obligation upon the part of Japan to come to the assistance of the United States if our home territory was attacked? To believe that these distinguished Americans would make any such agreement is unthinkable. This in itself is very strong proof that there could not have been in the minds of any of the American delegates any such obligation as is now claimed by the opponents of this treaty.

But there is another circumstance even more persuasive that there is no committment to the use of force in the treaty.

Mr. BORAH. Mr. President, may I ask a question there? I do not know that I understood the Senator. Do I understand the Senator to say that it was never in the mind of the American delegation to include the homeland of Japan?

Mr. LENROOT. Oh, no—to enter into any obligation to use force. In my judgment the treaty as originally drawn was not susceptible of any other construction than that the homeland of Japan was to be included.

Mr. ROBINSON. Mr. President, why was it included?

Mr. LENROOT. I, of course, would not undertake——

Mr. ROBINSON. There is no secrecy about it if there is any reason for it, is there?

Mr. LENROOT. I have not any secret.

Mr. ROBINSON. Japan did not want her homeland included; the people of the United States did not want it included, according to the statement of Secretary Hughes; and yet he included it. Now, why was that done?

Mr. LENROOT. I do not know why it was done, Mr. President. I have heard, as the Senator from Arkansas has heard, the reasons given for it by our delegation, that they considered it immaterial whether it was included or not, inasmuch as there was no obligation upon our part for the use of force, and that we would respect the homeland of Japan anyway, as we would respect the rights of others; but I think I can see a reason.

Mr. ROBINSON. Why did they go to the trouble of taking it out by a supplementary treaty? The President—with the Senator's permission for just a moment—evidently thought it was material, because he issued an interview declaring that there was no intention on the part of the framers of this treaty to include the main islands of Japan. Thereupon the Senator from Massachusetts and the other American delegates informed him that his construction of the treaty was wrong, and immediately the conference prepared and reported, contemporaneously with the four-power pact, a treaty construing it so as to make it clear that there was no intention to do what all of the delegates admitted was done in the first instance. Why did they take it out if it is so utterly immaterial?

Mr. LENROOT. Does the Senator doubt the word of the senior Senator from Massachusetts [Mr. LODGE] that Japan was the first to object?

Mr. ROBINSON. Mr. President, I have no disposition to question the veracity of any Senator. The Senator from Wisconsin has no right to ask me such a question, in my opinion. I asked him why the mainland was first included and then excluded; why the President treated it of so much materiality that he first declared it was not embraced within the four-power treaty, and, upon discovering that his interpretation was wrong, had the conference report a supplementary treaty excluding the main islands? Why was all that done if it was so utterly immaterial?

Mr. LENROOT. As I said, of course I know no more than does the Senator from Arkansas as to what was actually done. It has been related, and the Senator has had as full opportunity to learn of that as I; but I think I can see a reason why that was done. In the Pacific were Australia and New Zealand, both of them insular dominions. New Zealand and Australia desired the benefit of this treaty. They were insular dominions, great commonwealths, and I can see the embarrassment in excluding Japan in the first instance if Japan desired to be included when Australia was included.

Of course, that is based wholly upon the theory that there was no obligation in this treaty except to respect the rights of the other parties in case of controversy between them, to confer in case of aggression by one of the parties, to communicate fully and freely with each other in case of aggression by an outside power. That is the obligation. Of course, if there was any obligation in this instrument to use force, does the Senator from Arkansas think the Democratic leader in the Senate [Mr. UNDERWOOD], who was a delegate to that conference, would have been willing to include the mainland of Japan?

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. LENROOT. Certainly.

Mr. ROBINSON. I have repeatedly stated that I do not think the Senator ought to ask me questions the answers to which might involve a criticism of or reflection upon the motives or conduct of my associates, either on this side of the Chamber or the other side of the Chamber. I have no hesitancy in saying in reply, however, that I think the Democratic leader has made a very grave mistake in urging the Senate to advise and consent to this treaty in its present form.

If the Senator will yield to a further question, Secretary Hughes, in his letter to the Senator from Alabama [Mr. UNDERWOOD], made no explanation whatever of the reason why the main islands of Japan were included in the first draft, which he said he prepared. He failed to make that explanation notwithstanding the fact the matter had been the subject matter of discussion between the President and the American delegates to the conference. In his letter, however, he said that the people of the United States and Japan both objected to the main islands of Japan being included in the treaty. What I desire to know is why they were ever included in the treaty if Japan objected to their inclusion, and if it is utterly immaterial, why they were excluded by a separate and supplementary treaty?

Mr. LENROOT. Mr. President, the Senator from Arkansas is one of the ablest lawyers in this body. Did he think that Japan was excluded in the first draft of the treaty?

Mr. ROBINSON. I did not. I think the main islands of Japan were included.

Mr. LENROOT. I thought so. I was very sure the Senator from Arkansas would answer the question in that way.

Mr. ROBINSON. I disagreed with the construction placed upon it by the President, and thought it was manifestly the intention of our delegates to include them; but if the President thought it was immaterial, why did he raise the issue, and if the conference thought it was immaterial, why, after Japan had been included over her objection, was she excluded in response to the sentiment of the United States and Japan, as stated by Secretary Hughes in his letter?

Mr. LENROOT. The fact is that this has been done, and the Senator objects to my making an inquiry as to whether that if this treaty were a treaty of force, as the Senator from Arkansas contends it is, the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Massachusetts [Mr. LODGE] would agree to it. I say it is a very important circumstance, in construing the treaty. The reason I am very sure why the Senator from Arkansas raised the question he does is because he would be compelled to answer, for he is an honest and a sincere man, that he does not believe the Senator from Alabama or the Senator from Massachusetts believed for a moment that there was any obligation to use force behind this treaty.

Mr. ROBINSON. Mr. President, I have never said, or intended to say, that there is an express committal to force in this treaty. I have said, and I repeat it, that considering the course and the application which similar agreements have taken in history, if an outside power attacks any one of these great powers, and we enter a conference to determine the most efficient means to repeal that aggression, and the conference decides that the use of force is necessary, and we refuse to abide the judgment of the conference, we will be condemned as violating the obligations of our treaty.

Mr. LENROOT. Mr. President, again, in order to take that position, the Senator from Arkansas must contend that the intent expressed by the American delegates at the time of the plenary conference, before the treaties were signed and accepted by the other delegates, must have no weight, and he would take the construction of a foreign power as against an American construction. No other conclusion can be arrived at if the Senator from Arkansas contends there is such an obligation in this treaty.

Mr. KING. Will the Senator permit an interruption at this point apropos of what he has said?

Mr. LENROOT. I yield.

Mr. KING. M. Viviani used the expression I shall read at the time the Senator from Massachusetts [Mr. LODGE] presented the treaty now under discussion to the conference. I read from pages 106 and 107 of the conference minutes. He stated:

> We fully understand that four great powers bind themselves to respect their mutual rights as far as the islands and dominions of the Pacific are concerned; we understand that if some controversy should loom up on the horizon which can not be settled through the ordinary workings of diplomacy, these powers shall take counsel together; we understand that should the rights of these powers be imperiled by the aggressive action of another power, measures would be taken to meet this situation.

Does not the Senator construe that language to mean that M. Viviani at least interpreted the obligation to be such as to require those delegates to take some concerted action, which might mean force, to meet the situation, and that it would imply some moral, if not legal obligation upon the part of the high contracting parties?

Mr. LENROOT. The Senator will agree that there are other measures which can be taken to bring about a peaceful adjustment other than force.

Mr. KING. Yes; there might be arbitration.

Mr. LENROOT. M. Viviani in that same speech expressly stated that the treaty did not provide for the use of force, that there was no provision carrying an obligation to use force, and therefore M. Viviani, under the Senator's own statement, must have had in mind measures other than the use of force, so far as the obligation is concerned.

Mr. KING. It seems to me the language used by M. Viviani, to which I have just called the Senator's attention, clearly implies that a contingency might arise which would require the application of force and that there would be concerted action upon the part of the signatories to the treaty to use such force, if force was the alternative, in order to promote the peace of those who were signatories to the treaty.

Mr. LENROOT. The Senator from Utah is too good a lawyer to seriously contend for any such construction as that. When a court is construing an instrument, if it expressly excludes by construction the doing of one thing, and the contract provides that other things may be done, does the Senator contend that because of the general expression the thing which is expressly excluded thereby becomes included? No; the Senator from Utah is too able a lawyer to insist upon any such construction.

Mr. REED. May I ask the Senator a question for information?

The PRESIDING OFFICER (Mr. RANSDELL in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. For a question. I can not yield for any extended discussion.

Mr. REED. I am not going into a discussion. The Senator gave some quotations from M. Viviani a moment ago. Can he give me the page reference to them?

Mr. LENROOT. It begins on page 106 of the volume containing the proceedings.

Mr. REED. What was the language to which the Senator referred?

Mr. LENROOT. I quoted two paragraphs. He said in the beginning of his speech:

> I assent, without reticence and without reservation, to everything implied in the agreement just read by Mr. LODGE, who has followed it up with an analysis at once so simple and so powerful.

A little later in the same speech he said:

> He [Mr. LODGE] has pointed out that when four great powers are determined that peace shall prevail in a given part of the world the concert of these powers, without provision for military or naval action, is all that is needed to ensure the preservation, the guaranty, and the protection of that peace.

Mr. REED. On what page is that?

Mr. LENROOT. On the next page—page 107.

Mr. REED. Will the Senator permit me to call his attention to the fact that the two clauses he has read entirely omit the very direct statement of Mr. Viviani, which I can not construe in any other way than meaning that force or any other means may be employed?

Mr. LENROOT. Mr. President, I am not going to enter into a further discussion of that except to say that where Mr. Viviani says that it is his understanding that the treaty contains no provision for the use of force, I take it that that is his construction of the treaty.

Comparisons have been made between this treaty and the Anglo-Japanese alliance, and because one certain phrase occurs in both treaties it is asserted that the obligations are similar.

Mr. President, the Senator from Arkansas [Mr. ROBINSON] insists that this is an alliance within the ordinary meaning of that term in international law. During the League of Nations debate the Senator from Montana [Mr. WALSH] made a very valuable contribution to the Senate upon the subject of what constitutes an alliance, and he read into the RECORD definitions of international authorities of what constitutes an alliance.

At this point I want to read two or three of the definitions furnished to the Senate by the Senator from Montana [Mr. WALSH], who said:

> An alliance in international law is—
>
> "A union or association of two or more States or nations, formed by league or treaty, for the joint prosecution of a war or for their mutual protection in repelling hostile attacks." (Black's Law Dictionary.)

He then followed that with Bouvier's definition and comment, as follows:

> In international law: A contract, treaty, or league between two or more sovereigns or States made for purposes of aggression or defense.
>
> Defensive alliances are those in which a nation agrees to defend her ally in case the latter is attacked. Offensive alliances are those in which nations unite for the purpose of making an attack or jointly waging war against another nation.

Then he quoted from Oppenheim, as follows:

> Alliances in the strict sense of the term are treaties of union between two or more States for the purpose of defending each other against an attack in war or jointly attacking third States or for both purposes.

But, Mr. President, I quite agree with the assertion of the Senator from Arkansas, that, whatever this treaty may be, the terms of the contract itself settle the question, so that it does not make very much difference what we call it. I shall not, therefore, spend any further time upon that.

Mr. President, as I said a moment ago, comparisons have been made between this treaty and the Anglo-Japanese alliance, and because one certain phrase occurs in both treaties it is asserted that the obligations are similar. Therefore it is proper to compare the two documents. Article 2 of the pending treaty I again quote:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Article 1 of the Anglo-Japanese treaty reads as follows:

> It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

The language of these two articles is strikingly similar, and because of this similarity it is contended that this is merely a substitution of a quadruple alliance for the Anglo-Japanese alliance. If this were all there was to the Anglo-Japanese alliance there would be much force in the contention, but the substantive part of that alliance is not found in the article I have quoted. This article is like article 2 in the pending treaty, in that it is nothing more than an agreement to consult, and when it is remembered that long before the Washington conference was called our Government had expressed its desire for a termination of the Anglo-Japanese treaty, it would be very natural if Secretary Hughes, who had given that treaty careful study, should use some of the language in the article containing the agreement to consult in drafting the treaty now before us covering the same subject.

But when it came to the agreement for an alliance, Great Britain and Japan did not rely upon the article I have quoted. They well knew that that article standing alone could not constitute an alliance. They wanted to make an alliance and went ahead and did it by the use of appropriate language, and that was done in the next article, which is as follows:

> ART. 2. If by reason of unprovoked attack or aggressive action, wherever arising on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once come to the assistance of its ally and will conduct the war in common and make peace in mutual agreement with it.

This is the article which made the Anglo-Japanese treaty an alliance. The makers of that treaty clearly did not intend that article 1 should commit either party to the use of force, and desiring to be so committed, they did it in the next article, no counterpart of which is found in the pending treaty. Therefore, those who invite comparison between this treaty and the Anglo-Japanese treaty to ascertain whether we are entering into alliance for the use of force must admit that in that alliance there was an express commitment to the use of force in the second article and therefore none can be implied from the first article which is similar to article 2 of the pending treaty.

But the point is made, Mr. President, by the Senator from Idaho [Mr. BORAH] and by the Senator from Nebraska [Mr. HITCHCOCK]——

Mr. McCORMICK. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LENROOT. I yield.

Mr. McCORMICK. I wish to call the Senator's attention to the two preceding treaties of alliance between Great Britain and Japan in order that the Senator may note the significance of article 2 of the treaty between Japan and Great Britain to which he alludes. Article 2 is found not only in the treaty of 1911 but in the treaty of 1905, while it is not found in the same language in the first treaty, the treaty of 1902. If it were not important as constituting an offensive and defensive alliance, it would not have been incorporated in the second and third treaties while it is absent from the first treaty.

Mr. LENROOT. Certainly not, Mr. President. The Senator from Illinois is, of course, correct in that statement.

I was about to say that the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Idaho [Mr. BORAH] made a

point of the fact that in article 2 of the pending treaty the word "aggression" is used without being preceded by the word "unprovoked"; but I submit that upon reflection I think both of those distinguished Senators will concede that the absence of the word "unprovoked" in article 2 of the pending treaty lends emphasis to our construction that there was not and could not be implied any obligation to use force. Why? In the Anglo-Japanese alliance, remember, the obligation is to resort to war, for each nation to come to the assistance of its ally; and therefore it was, of course, thought, and naturally so, before undertaking an obligation to make common war with its ally, it should be understood that not any kind of aggression but only unprovoked aggression should impose any obligation upon the other party to the treaty to come to the defense of the party upon whom the aggression was made. Now, when we come to this treaty the word "unprovoked" is omitted. Why? Because, Mr. President, there being no obligation for the use of force, the treaty was meant to include all aggressions, and to leave the parties to whom the facts are communicated free to assert that the aggression was a just aggression; to leave them free to attempt to bring about a peaceful adjustment of disputes, where under the Anglo-Japanese treaty only an unprovoked aggression could be considered. So when the Senator from Nebraska [Mr. HITCHCOCK] insists that he is going to offer a reservation providing that only unprovoked aggressions shall come within the purview of article 2, the only effect of such a reservation would be to prevent a possible amicable and peaceful settlement where there was aggression, through the use of our good offices or the good offices of some other party, because under his proposed reservation there would be no duty to communicate fully and frankly with the other parties to the treaty unless the aggression was unprovoked. So, Mr. President, the very absence of the word "unprovoked" in the pending treaty gives force to the construction which I think has already been made plain.

Mr. President, I have now analyzed fairly I believe the substantial provisions of this treaty and I submit that under all proper rules of construction, upon the clear intent of those who framed it, upon a consideration of all the circumstances attending it and upon a comparison with the Anglo-Japanese treaty, which it terminates there is no alliance, no commitment to the use of force, and no reservation upon these points is necessary.

The great advantage which the United States secures by this treaty is the termination of the Anglo-Japanese alliance, which makes possible and safe the reduction of our Navy to the point provided in the limitation of naval armament treaty.

I realize, Mr. President, there are some among us who desire complete isolation of the United States from the rest of the world, who believe that we should enter no kind of an association with other nations looking to the maintenance of the peace of the world. That they are just as honest in their views and just as patriotic as those of us who differ with them, I freely admit; but, Mr. President, it is true that there are some elements in America who are not thinking of America first or her welfare, who are not thinking of peace, but war. There are elements who do not desire friendly relations between the United States and Great Britain, who would welcome war to-morrow between them, heedless of the cost in American lives and money. They are not many it is true, but they are attempting to stir up opposition to this treaty, especially among Americans of German and Irish descent. Their opposition is not because they believe this treaty breeds war, but because they believe it breeds peace. They hope that Americans of German descent who still love all that is best in their Fatherland will believe that with insured peace between England and the United States, Germany will be less able to regain her lost place in the world. They hope that Americans of Irish descent will believe that Irish independence is less likely with peace than with war between the United States and Great Britain. But, Mr. President, though a few of these elements may here and there be swayed by such arguments, their overwhelming majority are American patriots and they desire as much as any other Americans peace with all the world. They know what war is now—all its suffering and all its cost, and they want no more of it. Then there is another group, sincere and honest, who believe that if this treaty is defeated we will eventually enter the League of Nations. Mr. President, if these treaties are defeated, not only will we never enter into the League of Nations, but we will not during the lives of any one of us enter into any international conference for peace. Who would want to confer with us after the experience of the past three years, and what President of any party would venture to call another conference or participate in one? If this treaty is rejected the isolationists will have won their victory, but many of them will live to realize that their hour of victory was the Nation's hour of peril.

Within the walls of this Chamber, Mr. President, this debate has thus far been conducted upon both sides without misrepresentation of facts, but it is not so throughout the country. Much of the propaganda against this treaty has no regard for facts and is based almost wholly upon misstatements and misrepresentation.

To illustrate, the charge has been made that there was a secret agreement that the mainland of Japan should be included. To use the language of one speaker, "It was only through the happy accident of a blundering statement by President Harding that the American people were able to discover that a secret agreement had already been arrived at by Secretary Hughes and the delegates of Great Britain, France, and Japan, that the four-power treaty served to guarantee the mainland of Japan and not merely her long line of insular possessions."

Passing the misstatement that there is any "guaranty" in this treaty, I call attention to the misstatement that there was a secret agreement that the mainland of Japan was to be included. Of course, there could be no such secret agreement because by the very terms of the treaty the mainland of Japan was included and it requires another treaty to exclude it. The reason for the inclusion in the first instance has been stated by the Senator from Massachusetts and the Senator from Alabama and also the reason for its exclusion in the subsequent treaty. Instead of the American delegates being compelled by public opinion to exclude the mainland of Japan, it is now proven that the first objection came from Japan herself—which by the way is conclusive that Japan did not believe there was any guaranty of force in this treaty, because if she had so believed it is not likely that she would have objected to this advantage given her.

Now, Mr. President, I wish to devote—and I shall not speak very much longer—just a few moments to two or three assertions made in the debate yesterday by the Senator from California [Mr. JOHNSON] and the Senator from Idaho [Mr. BORAH]. The Senator from California undertook in his speech to read into this treaty a guaranty to maintain the rights of all the powers because of a recital in the preamble, and he called attention to the fact that there was very little discussion of the preamble in the Senate; that all the discussion centered around articles 1 and 2, and he seemed to imply that the advocates of this treaty were afraid of something in the preamble and for that reason would not discuss it.

I can not remember that any Senator other than the Senator from California has raised the point made by him; but I want to take a moment in analyzing his contention, because I believe that on reflection he himself will admit that his contention is not well founded.

What is the preamble?

> With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean—
>
> Have determined to conclude a treaty.

Then follows the contract.

What is the preamble? It states the purpose of entering into the contract. The purpose is stated to be for the preservation of the general peace and the maintenance of the rights of the respective parties in the Pacific, and the contract proceeds to carry out that very thing. To the extent that we obligate ourselves to respect the territory of the other powers and they obligate themselves to respect our rights, to just that extent is the purpose of the preamble carried out—the preservation of peace and the maintenance of the rights of the different parties to the treaty. To the extent that agreements to confer under article 1 in case of dispute between any of the parties to the treaty will lead to an amicable settlement of that dispute instead of resort to war, just to that extent is the purpose of the preamble carried out—the preservation of peace and the maintenance of rights. To the extent that wherever there is an aggression by an outside power, and through communicating fully and frankly with the parties to the treaty war is averted and an amicable and peaceful settlement of the dispute secured, just to that extent is the purpose of the preamble carried out—the preservation of peace and the maintenance of rights. But, Mr. President, when those things in the contract so clearly carry out the purpose of the preamble, what Senator is there that would for a moment think of referring to the preamble to find some obligation that is not found in the contract?

I listened very closely to the speech of the distinguished Senator from Idaho [Mr. BORAH] on yesterday, because I need not say that which every Senator knows: There is no abler debater in this body, no greater student of international law, no more courageous man than is the Senator from Idaho, nearly always logical, carrying through his proposition from beginning to end; and all of us can not help but admire him, although we may differ from him. So I confess, Mr. President,

that it was with a great deal of surprise that I found the able Senator from Idaho yesterday apparently disagreeing with himself, which certainly is very unusual, because, in response to an interruption by the Senator from Minnesota [Mr. KELLOGG], the Senator from Idaho yesterday used this language:

> I will say for the benefit of the Senator from Minnesota that the Senator from Idaho is in favor of a conference with any nation in the world whenever a controversy arises between that nation and the United States.
>
> The Senator from Idaho is unalterably opposed to contracting in advance to conferring with any particular nation to take care of a war situation in which the United States may not be at all interested. If any controversy arose between the United States and Japan, I should be in favor of a conference; but I am not in favor of the United States tying itself up to take any particular action with reference to an attack which may be made upon another nation, and I do not propose ever to vote for a treaty or bind the United States to take part in any quarrel except its own.

The Senate will remember that the able Senator from Idaho yesterday throughout his discussion assumed for the purposes of his argument—and that only, I take it—the construction that the proponents of the treaty give it. Am I correct? If I am not correct, I should like to be corrected.

Mr. BORAH. Yes; I assumed it for the purpose of the argument.

Mr. LENROOT. That is what I say—for the purpose of the argument; so that this statement was in accord with the Senator's assumption for the time being of the construction that we give to the treaty; but earlier in the able speech of the Senator he used this language:

> No one here objects, so far as I know, to the provision for a conference in article 1. If article 2 were stricken out of the treaty, there could be a vote on it in 10 minutes.

What surprised me, because the Senator usually is so very logical, is this: Article 1 provides for and binds the United States to enter into a conference if England should threaten Japan, although the interests of the United States were not in the least affected. According to the Senator's statement, he was willing to enter into that conference, and I assume from his speech that if article 2 were stricken out of the treaty he would favor it.

Mr. BORAH. That is a violent assumption.

Mr. LENROOT. Then I stand corrected. I gathered that from the statement that if we struck out article 2 we could have a vote in 10 minutes.

Mr. BORAH. Yes; you can have the vote, but you can not have my vote.

Mr. LENROOT. Very well. I stand corrected; but the Senator certainly used this language:

> No one here objects * * * to the provision for a conference in article 1.

If no one objects to the provision for a conference found in article 1, then there must be assent to the proposition that the United States will be willing to enter into such a conference if two of the other parties are involved in a dispute, although the United States is not a party to it.

But, Mr. President, as stated a moment ago, the Senator from Idaho yesterday throughout his speech assumed, for the purpose of the argument only—because he himself holds a different view—that there was no obligation anywhere in this treaty for the use of force; and then he centered his objection upon the proposition that this was a diplomatic group, and that the very existence of the group, without obligation, would tend to the creation of another group, and eventually lead to war. I think I have stated his position correctly; and he used as an illustration the Triple Entente of England, France, and Russia, and showed, and correctly showed, that the understanding between France and Great Britain at the time of the breaking out of the European war created no greater obligation upon either of the parties than this treaty creates under our construction of it. But, Mr. President, the Senator overlooks one important factor. If he would draw an illustration analogous to this four-power treaty, instead of that being a Triple Entente of Russia, England, and France, suppose Germany had been in it with the same kind of an agreement—an agreement to confer—does the Senator think that it is not at least possible that the World War might have been avoided? And here is the distinction, Mr. President.

The Triple Entente was a group of associated powers loosely joined together because of potential enemies, constituting the triple alliance; but in this treaty what have we? A group of four powers that are entering into an understanding not because they fear aggression from some outside source, such as did the Triple Entente. Who is there to fear to-day, or for the next 10 years? That is not the purpose. The purpose of this treaty is to have an understanding between powers that are potential enemies and get those powers together, and replace hate and suspicion by friendly understanding and concord. That is what this treaty does; that is the purpose of this treaty; and there is the distinction, as wide as the world, between this treaty and the alliances and the entente to which the Senator from Idaho refers that have taken place in the past.

With reference to conference, I want to emphasize, in connection with my comments upon the Senator's speech, that he gave as his ground of objection that we did not provide for a conference in case of an aggression upon one of the four parties to the treaty by an outside power. Mr. President, if at any time there be an aggression, and the facts are freely and fully communicated to the United States, as the obligation is in the treaty that they shall be, the United States can say to the party on whom the aggression is made, "We believe that you should invite the other party into a conference to consider this matter and see whether it can not be peacefully settled." If the invitation is accepted, we have exactly the kind of a conference for which the Senator from Idaho contends. If the suggestion is rejected, that is the end of it, so far as the United States is concerned.

In conclusion, Mr. President, I have tried to prove by analysis of this treaty that in it there is no alliance, no obligation or commitment to the use of force under any circumstances, but under it the sovereignty and independence of the United States is left unimpaired; that it is a treaty of peace and not of war; that it is in accord with American principles and American ideals; and if ratified by the Senate we can not only look for peace in the Pacific but we may hope that the nations of Europe who were lately enemies may follow our example and enter into like understandings of friendship and good will.

Mr. WALSH of Montana obtained the floor.

Mr. LODGE. Mr. President, will the Senator allow me just to have a very brief document printed?

Mr. WALSH of Montana. Certainly.

Mr. LODGE. Mr. President, I have found with some difficulty the declaration of war made by Great Britain at the opening of the Great War of 1914. It is as follows:

> A STATE OF WAR.
>
> His Majesty's Government informed the German Government on August 4, 1914, that unless a satisfactory reply to the request of His Majesty's Government for an assurance that Germany would respect the neutrality of Belgium was received by midnight of that day, His Majesty's Government would feel bound to take all steps in their power to uphold that neutrality and the observance of a treaty to which Germany was as much a party as Great Britain.
>
> The result of this communication having been that His Majesty's ambassador at Berlin had to ask for his passports, His Majesty's Government have accordingly formally notified the German Government that a state of war exists between the two countries as from 11 p. m. to-day.
>
> Foreign Office, August 4, 1914.

It will be observed that the only cause of war there stated is the invasion of Belgium.

Mr. BORAH. Mr. President, before the Senator from Montana proceeds——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield to the Senator.

Mr. BORAH. I want to call attention to the press dispatch, No. 148, dated August 2, 1914. I shall comment on it later in connection with other documents. This is from Sir Edward Grey:

> After the cabinet this morning I gave M. Cambon the following memorandum:
>
> "I am authorised to give an assurance that, if the German fleet comes into the Channel or through the North Sea to undertake hostile operations against French coast or shipping, the British fleet will give all the protection in its power."

That was the real declaration of war between Great Britain and Germany.

Mr. LODGE. Yes; I am familiar with that note of Sir Edward Grey, as he was then; but I merely wanted to call attention to the fact that the invasion of Belgium played a very important part and was not by any means overlooked or neglected.

Mr. BORAH. A proposition which has not been controverted or suggested by anyone.

Mr. LODGE. I am glad to hear that it was not.

Mr. WALSH of Montana. Mr. President, I had hoped to find an opportunity to commit to writing my reflections upon the very important question before us. They might be in more succinct and connected form if I had done so; but I address the Senate briefly this afternoon rather for the purpose of stating my position with reference to it than in the hope that anyone will be convinced or converted by anything that I may say.

I have a very sincere desire to vote for this treaty if I can do so and satisfy my conscience. I voted for the Yap treaty not because I considered it as of any particular consequence or

conferring upon the United States any rights of any particular value but chiefly because I could find no reason for doing otherwise, and I hope to vote for all of the other treaties; but I shall not vote for the treaty that is now pending before us unless the amendment offered by the Senator from Arkansas [Mr. ROBINSON] or some amendment in substance like it is adopted.

I am prompted to speak also because, from something that has transpired, it might be inferred that I am desirous of seeing article 2 excised from the treaty. I have no such desire. I should like to see article 2 stay in the treaty, modified as provided by the Robinson amendment or some amendment quite like it.

I remind the Senate at this time that the question before the Senate is not the resolution of ratification. It is the amendment offered by the Senator from Arkansas; and I have yet to hear a word uttered in criticism of the amendment or a reason urged why it should not be incorporated in the treaty. The discussion has all been conducted upon an entirely different plane.

Let me inquire, what is the amendment offered by the Senator from Arkansas? As finally perfected it reads as follows:

> Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy relating to said insular rights and possessions or to any far eastern question which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject shall be referred for consideration and adjustment.

Mr. FLETCHER. May I ask the Senator to read the first portion? I have the printed proposal before me, but it is only the first portion which appears to be changed. I ask the Senator to read again the first clause.

Mr. WALSH of Montana. It reads:

> Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers.

Mr. President, if I were preparing this amendment, I should make it very much briefer than it is. I should cut out the clause just read, and make it read as follows:

> If there should arise between any of the high contracting parties and any other power or powers a controversy involving said insular rights and possessions, threatening war, which is not satisfactorily settled by diplomacy, the high contracting parties shall invite all powers having an interest in the controversy to a joint conference, to which the whole subject shall be referred for consideration and adjustment.

If I had any hope of making any impression upon the gentleman in charge of this treaty I should commend to their very careful consideration the amendment tendered by the Senator from Arkansas thus revised.

Let me explain just exactly what it means. Under the treaty, if one of the contracting powers, Japan, for instance, should be assailed by another—China or Russia, for instance—a conference will be called. On the other hand, if Japan should attack China or attack Russia, no conference will be called.

Second, in either case the outside party is not invited to participate in the conference. That is to say, if Japan should attack either Russia or China, a conference would be called in which Japan, the United States, Great Britain, and France would participate. China or Russia, as the case might be, would be on the outside. Exactly the same situation would occur if the aggression came from the other side. The conference would consist of representatives of the four powers named, China or Russia, for the purpose of illustration, being on the outside.

I inquire of the gentlemen who are urging the adoption of this treaty, if a conference is desirable when the possessions of any one of these are assailed or likely to be assailed, why a conference is not equally desirable if any one of them contemplates assailing the possessions of an outside power?

Likewise I inquire of them, if a conference, no matter for what purpose, other than for the purpose of engaging in war against the assailing party, is desirable, why both parties to the controversy should not be invited in?

I have no controversy whatever with the gentlemen who assert that the treaty under consideration does not obligate us in any sense whatever to the use of force, nor that we are obligated to do anything under this treaty except to confer. I shall not take time to dwell upon the reasons which have impelled me to that conclusion. They have been recited here in the course of the debate and set forth by able Senators, as well as the considerations, which can not be dismissed lightly at all, which would lead the mind to the other conclusion. Neither shall I attempt to enlarge upon them. I give the Senate my own view about the matter.

Likewise, Mr. President, I am not impressed with the idea that there is no value whatever in a conference when a war is threatened between two of the great powers, even though they are not empowered to resort to force in order to make effective any conclusions at which they may arrive. It has been frequently asserted, and generally accepted, I believe, that if the powers which subsequently became belligerents could only have been brought together around one and the same table with other nations, neutral, which were interested in the controversy, the probabilities are that the Great War of 1914 would never have occurred.

When Priam assembled the Trojan chieftains in order to arrive at an understanding as to the most effective means to meet the situation which confronted them, the great Hector, wise in council as he was valiant in battle, gave this as his judgment, "Let Helen go." That was his way of meeting the exigency of that situation.

So, Mr. President, if an aggression upon Japan, involving her insular possessions or dominions, were about to take place upon the part of Russia, we will say, because Japan continues to occupy Russian territory despite her promises to withdraw, for instance, and we participated in a conference called under the terms of this treaty, we might say, "The most efficient means to meet the situation is for you to get out of Russia," and we would be entirely within our rights in proposing that as the most efficient means to meet the situation.

That reminds me, Mr. President, that it has been asserted that an assumption of that kind can not be indulged, that it is impossible to conceive that Russia should within the period of this treaty so rehabilitate herself as to permit us to imagine she might attack Japan. We must not forget, in the first place, that this treaty is not limited to a period of 10 years, as has been asserted here. This treaty goes on for an indefinite period. It simply comes to an end when one of the parties gives 12 months' notice of its desire to withdraw from the treaty. But we must forget the history we learned about the revolution in France to conclude that it is not possible for Russia, within the period of 10 years, to become a militant power, worthy of reckoning in treaties of peace which look to the future. France, it will be remembered, when red revolution had brought her Government to chaos and her industries to utter ruin, was attacked by all Europe, when she was without money, without credit, and without an alliance, and she held all Europe at bay, and, as the historian tells us, with one hand carried the torch of revolution beyond her borders and with the other stifled the flame which was devouring her within. We can not omit these possibilities in the consideration of this matter before us.

I agree quite frankly that the conference when it is assembled might agree that force is the only remedy for the situation which is presented, and the conference might agree that the nations signatory should join with the assailed power in a military operation to overcome the attack; but, Mr. President, I think the world by this time quite clearly understands that such an agreement entered into by any representative of the United States would be utterly ineffective unless it had the approbation of the Congress of the United States, or at least of the Senate. Nor is there any agreement here that we are to abide by the decision of the majority.

So far as the moral obligation is concerned, we are in exactly the same situation. I do not regard us as being under any moral obligation in the premises other than as the treaty itself provides. But I do not desire to discuss that. I want to direct my attention to the question now before us. Why not invite every outside power interested in a controversy which is likely to precipitate war to sit down at the table with us? What reason is there for imagining that any one of the powers signatory to this treaty will hesitate for one single moment to accede to such an amendment to this treaty?

We are told that if this treaty is defeated it may mean the defeat of the naval disarmament treaty by failure of some other power to accede to it in that situation. But why should any one of the other three powers signatory to this treaty refuse to meet the other party to a controversy in a conference for the purpose of arriving at an adjustment of differences likely to precipitate war? All three of the other powers are now members of the League of Nations, and by its covenant have already stipulated and agreed that if any difference shall arise between them and any other member of the league they will submit that difference to arbitration or to the arbitrament of the council of the League of Nations, so that they are already committed to the principle of submitting differences of this character to the conciliatory influence of an arbitral body of some kind or other.

The question has been presented, however, as to whether there is not something inconsistent between such an agreement

as this and three of these powers have subscribed. I do not see anything inconsistent or difficult about it at all. The covenant of the League of Nations contemplates that when differences arise the parties will endeavor to settle them by diplomatic action, and even that they will call in the friendly offices of other powers for the purpose of adjusting them, and if they are not able thus to agree by mutually getting together upon the matter, then the party which threatens the attack may be cited before the council for action there.

So that the parties would proceed under this treaty to hold the conference, the League of Nations meanwhile keeping its hands off in order to permit the parties, if they can, to arrange the matter in a manner entirely satisfactory to themselves. Then, if they fail to do it, any one of the three powers could cite in the party threatening the attack before the council of the league.

The very fact that the treaty before us does not provide for calling in the other party to the controversy is a circumstance which leads to the conclusion that this treaty is not an arrangement for arriving at a settlement of controversies by conference and composition, but leads to the other conclusion, that it is an agreement under which the possessions of these four powers are to be defended by force, if force is necessary. In other words, opposition to this amendment tendered by the Senator from Arkansas [Mr. ROBINSON], at least as it would be amended as I have heretofore suggested, gives color at least to the argument that this is not a treaty purely for the settlement of differences by composition and conference, but is an agreement under which the possessions of the four parties are to be defended by force.

If an amendment of this kind should be rejected by the Senate of the United States, it would naturally arouse the suspicions of the countries outside likely to be brought into conflict with any one of the four powers, and thus would precipitate the organization of a counter group of some kind or other.

Mr. President, in the course of the discussion of the Versailles treaty, and particularly with reference to the League of Nations, we heard much in the way of warning about Washington's Farewell Address. Declarations of statesmen such as that must, of course, always be considered in the light of the facts attending their issuance. The President of the United States was not issuing that farewell address without being guided by the experience of his administration and his acquaintance with public affairs. At that time it is perfectly well known that Europe was divided into two hostile camps; the one gathered about Great Britain and the other gathered about France. Undoubtedly Washington had that situation in mind, and he was warning us against tying ourselves up with one nation or with one group of nations as against another nation or another group of nations.

Those of us who favored the covenant of the League of Nations insisted that his argument had no application to the situation when all the nations of the earth of any consequence should be assembled in one league, and there was no possibility of getting another counter or opposing combination to meet it. It was, of course, contemplated at that time—and I think it was a mistake that it was not promptly done—that Germany would be admitted to membership in the league, and that Russia, as soon as she established a government that would be recognized, would also be admitted as a member of the league. Therefore, there would have remained no antagonistic powers on the outside.

However, Mr. President, that is not the situation that is presented here. Here we are asked to tie ourselves up with three nations, with the likelihood, indeed, the contemplation, that another league or alliance or association, competitive in character, will be organized against it. It is said, Mr. President, in that connection, that there is no reason why the outside power might not be invited to participate in this proposed conference; that is to say, an outside power threatening some aggression against Japan, for instance, a conference would be called, as provided in article 2 of this treaty, participated in by the United States, by France, by Great Britain, and Japan, and the United States might then propose that Russia or China, in the case supposed, should be invited to participate; but it must be remembered that the decision would be reached by unanimous action, and Japan might very readily be imagined to refuse to invite the other party. It is necessary to assure beforehand by the treaty that the other party will come in and will have the right to come in, not merely upon the suggestion of anyone but that no one will have the right to keep it out. That is the question which is presented here.

Mr. President, we are told that this is an all-important treaty; in the first place, that we get substantial and important concessions by it, and, second, that if we do not ratify the treaty it will seriously affect and may possibly result in the failure of the entire work of the recent conference. I wish to discuss those two contentions for a moment. What do we get by this treaty? We are pointed to article 1 of the treaty, which is to the effect that if differences arise between any of the four powers a conference will be called for the purpose of adjusting them, and, second, that the rights of the parties will be respected. Thus, it is said, we are insured for a period of 10 years that no attack will be made upon our island possessions—the Philippines, Hawaii, Guam, and so forth.

Mr. President, we get nothing by that provision of article 1 to the effect that the parties, respectively, will respect the rights and possessions of the other parties. As has been shown, we already have treaties of amity and commerce with all of these nations, by which they have agreed to respect our possessions; but if there were no such treaties, that is an acknowledged principle of international law, as I understand international law; that is to say, that every nation, being a member of the family of nations, impliedly agrees that it will respect the rights and possessions of every other nation.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. I yield to the Senator.

Mr. KELLOGG. Assume the last statement of the Senator from Montana to be correct, what was the object of putting such a clause in the League of Nations covenant as that contained in article 10?

Mr. WALSH of Montana. I did not hear the Senator's question.

Mr. KELLOGG. If it is true that under international law—and I do not dispute it—it is the duty of every nation to recognize the rights of every other nation, what was the object of putting article 10 into the League of Nations covenant?

Mr. WALSH of Montana. Mr. President, the Senator from Minnesota will doubtless very distinctly recall that when it was proposed to eliminate from article 10 everything except the provision therein to the effect that each member of the league agrees to respect the territorial integrity of every other nation, I said we might just as well—and that I would then be perfectly willing to do so—eliminate the whole article. I did not conceive that it would then give anything to us. It would then be a mere declaration of an acknowledged principle of international law.

Mr. KELLOGG. Under article 1 of the pending treaty the nations agree to respect each other's territory in the Pacific. What is the objection to the nations having possessions in the Pacific making such an agreement?

Mr. WALSH of Montana. I do not object to that at all; it is perfectly proper to declare it in a treaty. The point I am making, however, is that we get nothing by it.

Mr. BORAH. We might as well put in the Ten Commandments.

Mr. WALSH of Montana. Certainly.

The next benefit which it is said we get by this treaty is the abrogation of the Anglo-Japanese alliance. Mr. President, I have not heard of anybody in America who was losing any sleep or spending any restless nights over the Anglo-Japanese alliance. It was offensive to the people of the United States, but they never feared it. Just stop and reflect about the matter for a single moment. It is said it was a peril to us because it signified that Great Britain would go to the aid of Japan if Japan should make war upon the United States; that it tied those two nations together as enemies of the United States if either one of them should make war upon us. Let us examine that matter from both angles. What is the probability that Great Britain is going to make war upon the United States and call upon Japan as an ally? Is anybody fearing that it is going to happen next week? That it is going to happen within 10 years? Let us take the other angle. It is said that Great Britain would come to the aid of Japan in the event Japan should make war upon the United States. I undertake to say, Mr. President, if the Anglo-Japanese treaty were renewed, solemnly signed and subscribed by Great Britain, and Japan should attack the United States for the purpose of establishing the principle of racial equality, that she could not raise an army, she could not raise money to carry on that war even in the islands of Great Britain, not to speak about Ireland, Canada, Australia, New Zealand, and South Africa. It would mean the dissolution of the British Empire.

Mr. WILLIAMS. Mr. President, in reinforcement of what the Senator from Montana is just saying, if I remember correctly, there was in the Anglo-Japanese alliance, so called, the last time it was renewed a provision that it would not apply to

any country with which Great Britain had an arbitration treaty, and we are such a country.

Mr. WALSH of Montana. The Senator from Mississippi is quite right about that, and that is only one circumstance. Moreover, before the council of the League of Nations both of those countries solemnly put upon record their conviction that that alliance was contrary to their covenants as members of the League of Nations, and was therefore in effect abrogated.

Mr. President, I said that it would mean the dissolution of the British Empire if she should ever join Japan in a war upon the United States for the purpose of establishing Japan's principle of racial equality. Whatever the occasion of any controversy between this country and Japan which might be likely to result in war that would be the cause of it, and in any treaty that might be negotiated after a successful war thus waged by Japan, of course, that principle would be recognized. In that view just imagine for a moment Great Britain making war upon the United States for the purpose of enforcing upon the people of this country that idea.

Mr. President, we should like to have the Anglo-Japanese alliance abrogated, because it bears some semblance of unfriendliness toward the United States; but that is all. I learned with some astonishment from the letter of Secretary Hughes to the Senator from Alabama [Mr. UNDERWOOD], which was read here the other day, that some representations had been made by the United States to Great Britain concerning the matter. So far as my knowledge is concerned, nobody in this country asked that any such representation should be made or indicated the slightest apprehension to our country by reason of that alliance.

Mr. President, the despairing note with which I commenced these remarks, that I did not expect anybody would take any different view of this matter by reason of anything I might say, does not, however, prevent me from indulging in the very fervent hope that those in charge of the treaty will agree to the inclusion in it of an amendment, in substance at least, like that offered by the Senator from Arkansas. I should like to inquire now of the Senator from Alabama, seeing that he is here, would he object to an amendment of that kind?

Mr. UNDERWOOD. I will be glad to say a few words when the Senator from Montana is through; I do not like to speak in his time.

Mr. WALSH of Montana. Very well; I will conclude in just a few moments.

Mr. President, I inquire if this is an agreement for the composition of international differences by conciliatory and pacific means, then would it not be in the very last degree desirable that both parties to a controversy, whatever it may be, arising between one of the signatory powers and a power outside should be brought to exactly the same table to sit down with the other signatory powers who are not directly interested in the controversy for the purpose of adjusting their differences?

I can appreciate perfectly well that the distinguished gentlemen who prepared these treaties for us would like very much, indeed, to see them ratified exactly as they were framed, but at the same time it will not be forgotten that among the most ardent advocates of this treaty are gentlemen who were entirely unsparing in their criticisms of a former President of the United States, who they asserted was unduly insistent upon the ratification of the treaty negotiated by him without any change whatever, without, as they expressed it, the dotting of an "i" or the crossing of a "t."

We are told, Mr. President, that if this treaty is rejected it will wreck the work of the conference. I do not believe it. Moreover, I am perfectly satisfied that the people of the United States are concerned, and principally concerned, in the treaty providing a reduction of naval armament, and perhaps in that alone; but if it is true that the rejection of this particular treaty will destroy the work of the conference, will result in the rejection of the other treaties, why peril the other treaties and the work of the conference by rejecting the very proper amendment tendered by the Senator from Arkansas? The majority may have enough votes to secure the ratification of this treaty without an amendment of that character, but would it not be eminently wise to get every vote that can be obtained in favor of it, to ratify it not by a bare two-thirds, but to put it in such shape that those of us who are sincere and desirous of helping complete these treaties may find ourselves able to give it our assent?

There is just another word, Mr. President, which I can not conclude without uttering. We have been appealed to by the President of the United States and by the distinguished Senator from Massachusetts [Mr. LODGE], and the appeal has yet been repeated by the Senator from Wisconsin [Mr. LENROOT], to give our assent to these treaties, because if we fail to do so none of the great powers of the earth will ever again sit down at a conference table with us with a view to devising some system to redeem a sick world or to preserve them from the horrors of war which must extend to all and not be felt alone by the participants in it. I recognize the peril; I appreciate the delicacy of the situation; but I remind Senators that those who were the moving actors in the famous round-robin protest against the League of Nations must bear a large share of the responsibility for that unfortunate state of mind which prevails among the nations abroad with respect to the efforts to engage with the United States in treaties general in their character. The admonition, Mr. President, might come better from some one other than the gentlemen who are so largely responsible for the sentiment they deplore.

Mr. WATSON of Georgia. Mr. President, the State of Georgia is one of three of the original thirteen States which unanimously adopted the present Constitution of the United States, not a vote being cast against it, all being for it, as was the case in New Jersey and in Delaware. Therefore, while it may be a mere sentimentalism, I have a special reverence for that great national instrument to which we swore allegiance here a year ago, taking a solemn oath to preserve, protect, and defend it. My conviction is very deep, Mr. President, that these treaties violate the Constitution. I do not find in it a single line that authorizes us to tax the people for any other war except a defensive war, and we have always claimed that we never have taxed the people for anything but a defensive war.

If this treaty is ratified we are, in my judgment, committed to something which will logically and inevitably lead us into war, and that war may carry us into the Pacific; and another expeditionary force will go much farther than 3,000 miles from home, and American boys will again shed their blood on foreign fields. In my judgment, and with the utmost respect for those who differ from me, we have no constitutional authority to consent in express terms to Japan's spoliations, and by implication, at least, those of Great Britain.

No one can say with any reasonableness that, after having expressly ratified the seizures which Japan made in the Pacific, we can hereafter be heard to say that Great Britain has not good title. We estopped ourselves by the Yap treaty. That conclusion is perfectly clear to my mind, and we might just as well have put in the name of Great Britain as to put in that of Japan, when we expressly said that we consent to the robberies she committed during the Great War, the spoils of which she now holds.

Mr. President, what friends will we make among the nations if we ratify this treaty? If the Anglo-Japanese alliance was a menace to us, it is a menace to other nations; and that menace is made twice as dangerous when it gains the accession of our Government and of France. This four-power treaty will arouse the suspicions and the animosities of all the other nations—nations which now perhaps have only friendly feelings for us. As to the other three parties, they make no new enemies. We are the loosers; they are the gainers.

Let us take the nations separately.

Does France make any new enemy by this treaty in which we give mortal offense to Germany and to Russia and to China? France makes no new enemies, Mr. President. Between her and Germany there is an age-long feud, intensified by what has happened since the war. Between France and Russia there can be nothing but the deepest hostility, because, as we all know, France fought her in Siberia and used Poland against her after the war, and after 4,000,000 Russians had died in defense of France. Everybody knows that when the great Russian hosts broke into east Prussia there had to be detached from the advancing German hosts, who were almost within cannon range of Paris, several of the best divisions of the German crack troops to go back to east Prussia and stem the Russian tide. But for that, in all human probability, Paris would have fallen, and perhaps the war would have been ended before we ever got in.

Does China love France? She makes no new enemy out of China, because France was one of those nations that made the opium war upon China, forcing her to accept that ruinous drug—she and England making bloody war upon a helpless, unarmed people, burning the summer palace, sacking her cities, butchering her people, and stripping her of those vast Provinces of Cochin China. No; she makes no new enemy of China by this treaty.

Take England. Does she make any new enemy by going into this four-power pact? She makes none. Germany already hates her. Russia already hates her. China already hates her; and China has good reason for hating her, because it was England that first committed an outrage upon China by seizing one of her ports.

Does Japan make any new enemies by this compact? She makes none. Germany hates her; because she takes what Germany had previously taken, and she is holding that of which Ger-

many was stripped. Russia has good reason to hate Japan, and it is only a question of time when the legions of Trotski will be marching toward Siberia and the frontier, where they will meet the troops of Japan.

So it is, Mr. President, with all these nations. They make no new enemies, but they kindly give their old enemies to us.

Is this an alliance? Why, it most assuredly is. Who will believe for one minute that all of those rejoicings in Japan and Great Britain would have taken place if it had not been believed in London and in Tokyo that they had something better and stronger than they already had in the Anglo-Japanese alliance? Nobody believes it. The idea of those astute diplomats of Japan and Great Britain spending month after month here, incubating behind closed doors, and bringing forth nothing except a mouse! Those mountains do not labor to bring forth mice.

Mr. President, the human memory is short, and history has a way of repeating itself. We heard that extraordinary speech of the Senator from Massachusetts [Mr. LODGE], appealing to our hopes on the one hand and to our fears upon the other. Oh, the war clouds all over our political heavens! Where are they? He could not point them out.

The Senator from Alabama [Mr. UNDERWOOD] can not point them out. Nobody can point them out. There never would be a cloud upon our heavens if we stayed home and minded our own business, and the appeal to our fears was made in reference to those whom we are now asked to take as our allies. We are asked to take into our national bosom, our confidence, our friendship, the very two nations that they now say hang clouds of war upon our heavens. Could inconsistency be greater?

Then the Senator from Massachusetts—such a master of words, though it does not show in this treaty—spoke of the dawn of a new era, the new hope that had taken possession of the world, and appeals to us not to break the heart of mankind by rejecting this treaty. Innocent treaty! Once upon a time there was another innocent treaty, just about a hundred years ago. Article 2 of the Holy Alliance compact expressly renounces force. Why do you not do it in this treaty? Why not renounce it?

In the compact of the Holy Alliance force is especially renounced. Let me read it. I read from Italy and the Unholy Alliance, by W. O. Pitt, page 35:

After a preamble:

In consequence—

Of what they had already said—

the sole principle of force, whether between the said Governments or between their subjects, shall be that of doing each other reciprocal service and of testifying by unalterable good will the mutual affection with which they ought to be animated to consider themselves all as members of one and the same Christian nation—

We are using the identical language, and using it to a nation which is not Christian, and in all probability never will become so—

the three allied princes looking on themselves as merely delegated by Providence to govern three branches of the one family—Austria, Prussia, and Russia—thus confessing that the Christian world, of which they and their people form a part, has in reality no other sovereign than Him to whom alone power really belongs, because in Him alone are found all the treasures of love, science, and infinite wisdom; that is to say, God, our Divine Savior, the Word of the Most High, the Word of Life. Their majesties consequently recommend to their people, with the most tender solicitude, as the sole means of enjoying that peace which arises from a good conscience and which alone is durable, to strengthen themselves every day more and more in the principles and exercise of the duties which the Divine Savior has taught to mankind.

Mr. President, for the next 30 years those three nations were drenching Europe with blood, striking down every democratic movement, repressing every reform, doing their best to degrade the people and keep them in subjection to their masters.

Before these three princes adopted that holy document, of which I have only read one clause, they held an open-air celebration of the most magnificent and spectacular character. I read from Anecdotal Recollections of the Congress of Vienna, by the Comte de la Garde Chambonas, page 26:

The sovereigns came on the ground on horseback, and the soldiery formed a huge double square, in the center of which stood a vast tent, or, rather, a temple erected in honor of the general pacification. The columns supporting the structure were decorated with panoplies of arms and with standards fluttering in the breeze. The lawn immediately around was strewn with flowers and foliage. In the middle of the tent there was an altar covered with rich cloths, and set out with all the ornaments of the Roman Catholic ritual, magnificently chased, either in gold or silver. Countless wax tapers shed their light, somewhat subdued by the rays of the sun standing brilliantly in the sky. Red Damascus carpets covered the steps of the altar.

Then comes a description of the entrance of the nobility and of the archbishop of Vienna, who went forward to perform high mass.

Practically the whole of the Vienna population had repaired to the spot to enjoy the spectacle.

At the moment of blessing the bread and the wine, the guns thundered forth a salute to the God of Hosts. Simultaneously, all those warriors, princes, kings, soldiers, and generals fell on their knees, prostrating themselves before Him in whose hands rests victory or defeat. The feeling of reverence had evidently communicated itself to the huge mass of spectators, who spontaneously bared their heads and also knelt in the dust. The cannons became once more silent and their thunder was succeeded by a solemn hush, amidst which the high priest of the Lord raised the sign of the redemption and turned toward the army to confer the supreme benediction. The religious ceremony was at an end. Amidst the clanking of swords and the rattling of muskets the huge gathering rose to its feet, and then a choir intoned in German the hymn of peace, which was accompanied by an orchestra of wind instruments. Without any premeditation the strains were taken up by the voices of the numberless spectators. No human ear ever heard anything more imposing than this spontaneous and harmonic praise of peace and the glory of the Highest.

The description continues, but that is enough. Mr. President, in every contemporaneous work we find the same thing—how the belief was universal that the Congress and the alliance would put an end to war. It is pathetic to see how really they did believe that they were putting an end to war by a formula of words.

From Lipson's "Europe in the Nineteenth Century," page 213, I read briefly. Speaking of the Holy Alliance, the author proceeds:

Two centuries before Henry IV of France had unfolded a somewhat similar idea of the Holy Alliance in the grand design, which is said to have been inspired by Queen Elizabeth. It set up a general council, or senate, modeled on the Amphictyonic Council of Greece, comprising 66 delegates from the different countries, whose duties were to settle disputes and keep the peace of Europe. Sully described the purpose of the grand design as intended "to deliver them forever from the fear of bloody catastrophies, so common in Europe; to secure for them an unalterable repose, so that all the princes might henceforth live together as brothers."

Mr. President, everyone knows that Henry IV was himself assassinated, and that Europe was convulsed with war for decades afterwards.

Quoting from the language of the Holy Alliance, the author says:

The present act has another object than to publish in the face of the whole world their fixed resolution, both in the administration of their respective States and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace.

Yet, in the various congresses which they held afterwards at Aix-la-Chapelle, at Verona, at Troppau, and at Laibach these sovereigns agreed, first, on the invasion of Spain and the crushing of the liberal movement there, and then to the holding down of Italy under the worst modern government that ever inflicted a people; a government whose attention to education was manifested by the fact that only two persons out of a hundred could read.

So, Mr. President, these empty forms of words get us nowhere at all. I for one am not willing to be driven by fear into any alliance with any nation. I am not willing to put our people in the attitude of being afraid of Great Britain and Japan, or of the whole world put together. Give our people a good cause to fight in, and they can defy, and will defy, every nation on earth.

Tell me what nation could attack us? Name it. Japan could not. Great Britain could not. France could not, and I hope would not, after what we have done for her. Germany could not. Russia can not, and never could. Of whom, then, are we afraid? Are the American people willing that their Senators should put them in the attitude of being afraid of England and Japan? I do not believe it for one minute. Let Senators who want to take that position take it, and then be responsible to their people for it. I believe it will be a serious responsibility for any Senator to put his people in that attitude. The American people are not afraid, and never were. When there were only 3,000,000 of them they defied the strongest empire in the world, and did it successfully.

Mr. President, we have been warned by one who claims to know that the military party of Japan never sleeps. We know that the military party of Great Britain never sleeps; and we ought to know that the military party of this country never sleeps. We are in as much danger from militarism as any other country in the world, and we are even now showing that we feel the necessity of curbing it.

Are we to become the accessories after the fact to the crimes which Japan has committed in Korea? Here is a book, just out, with an introduction by the junior Senator from Missouri [Mr. SPENCER], which I hope he will reread before he votes for this treaty. On page 8 of Senator SPENCER's "Foreword," he reminds the reader that under the Presidency of Chester A. Arthur, February 13, 1883, we made a treaty with Korea, one of whose clauses reads thus:

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen, and the citizens and subjects of their respective Governments.

Now, mark:

If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

There is our solemn honor pledged, and yet when the Korean delegation came to this peace conference and asked to be heard, they were denied the privilege and sent away unheard.

What is the situation in Korea?

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. WATSON of Georgia. With pleasure.

Mr. ASHURST. The Senator also should read the treaty between Japan and Korea dated February 3, 1904, which reads in part:

The Imperial Government of Japan definitely guarantees the independence and territorial integrity of the Korean Empire.

That was in 1904.

Mr. WATSON of Georgia. I thank the Senator. I had that in mind.

Mr. ASHURST. I beg the Senator's pardon.

Mr. WATSON of Georgia. As the Senator from Arizona with his timely and welcome interruption reminds me, Japan not only pledged herself to Korea but she pledged herself to Russia and Great Britain on the same line, and then broke those treaties shamelessly. Any nation which would commit a violation of solemn treaties as Japan has done, and then trample the life out of the country to whom her faith was pledged, is an utterly faithless country, and we would be foolish if we put any confidence in her.

Mr. REED. Mr. President, we refuse to maintain diplomatic relations with Russia because it is alleged that the present Russian Government has repudiated the debts of the Imperial Russian Government. We refuse to treat with her, broadly, upon the ground that she does not keep the faith of nations. If we apply that rule to Russia, why should we not apply the same rule to a nation which breaks its treaties repeatedly, as Japan has?

Mr. WATSON of Georgia. Mr. President, the question is of the self-answering sort. I wish I had time to read of the atrocities which are being committed in Korea. They should shock the world. They murdered the Queen; they are murdering men, women, and children. They have committed massacres as bad as England committed in India when she indiscriminately shot down men, women, and children at Amritsar. She is holding Korea by methods which remind us of the worst horrors of medieval times. She is subjecting to torture systematically men, women, and children, committing upon Korean children, Korean girls, Korean women, outrages which make you shudder as you read of them.

I will read just one. If it were not typical, I would not read it. It is as follows:

Japanese soldiers attacked a young Korean who had shouted, "Independence!" and almost hacked him to pieces with swords, leaving him on the ground to die.

After this brutal attack on this unarmed and defenseless young man the officer ran away, leaving him in his terrible agony to expire in a few minutes. Some Koreans happening to pass by carried him to the nearest native hospital—Kuck Chai Hospital—but little could be done, so they placed him on a stretcher and started out for the Severance Union Medical College, still thinking that his life might be saved. While hurrying to the Severance Hospital they were stopped by a policeman from the Honmachi police station, who spoke to them in a threatening way and did all he could to prevent the case being taken to a foreign hospital. They remonstrated, saying that the case was so serious that a delay in taking the man to the Japanese hospital, which was some distance away, would surely result fatally. The Japanese are naturally anxious that such cases should not be seen by foreigners. On arriving at the Severance Hospital, medical examination revealed the fact that the man was already dead. It is impossible to say just when he died. His dead body presented the most pitiful appearance. Numbers of sword cuts had mutilated his head and hands. His clothing was saturated with blood—indeed, a sight never to be forgotten.

Their methods of torture as described in this book are hideous beyond words. One of the girls in a missionary station says just this:

I was led into a room. They dragged me on the floor; they struck me in the face; they struck me with their swords; they flung me into one corner of the room. At this point I must have been unconscious, as I do not remember what happened after that.

On recovering my senses I found myself in a room packed with young men and women. I saw some of them handled so brutally it almost broke my heart. After some time we were cross-examined. I was made to kneel down with my legs bound together, and each question and answer was accompanied alternately by blows in the face. They spat in my face, this with curses and invectives of the worst kind.

I was ordered to expose my breast. When I refused they tore my upper garments from me. They tied my fingers together and jerked them violently. I shut my eyes and dropped down to the floor. Thereupon, the examining officers uttered an angry roar and ordered me to kneel down as before, then rushed at me, seizing me by the breasts and shook me violently.

From page 87 of the same book I read the following description of the torture of political prisoners:

During the "preliminary examinations" unspeakable tortures are inflicted upon the prisoners, not by way of punishment after conviction but in order to extract evidence by which to convict, which means that the innocent are tortured equally with the guilty.

Men and boys were trussed and suspended from the ceilings so that their weight hung on the shoulders. Thus they were raised and lowered till unconscious. They had their fingers pressed over red-hot wires. Their naked flesh was lacerated with sharp hooks and seared with hot irons. Toenails were torn from the flesh with pincers. Men were placed in a tight box and then screwed up. They were tied up, their heads forced back, and hot water or a solution of water and red pepper poured down their nostrils. Slivers of wood were shoved far under their finger nails. They were flogged until they had to be taken to hospitals, where big slabs of gangrenous skin had to be cut off. In many cases they were flogged to death. And some kinds of tortures employed are unprintable. This was not done once or twice, but it was done repeatedly for days and nights, hours at a time, until the victim confessed, whether he had anything to confess or not. There are cases where men have said yes to anything, ignorant even of what they had admitted.

The book is full of just such outrages committed on native Christians.

Mr. President, I will stop, though I have not finished. We are leaving in the hands of Japan, and to the mercy of Japan, not only Korea but also huge slices of China, Manchuria, and part of Mongolia, to say nothing of Shantung with her 38,000,000 people. There are 17,000,000 of these Koreans. We are solemnly pledged to intervene in their behalf; but, instead of having done so, we refused to let them plead their own case at this tribunal, where brotherly love, justice, and eternal peace were to prevail.

Mr. UNDERWOOD. Mr. President, I see that we are within five minutes of the time when we are to vote on this amendment. I did not intend to say anything further in debate on the pending treaty, but the Senator from Montana [Mr. WALSH] has asked me to say a word, and I will do so.

I want to say, first, that I do not agree with the statement of the Senator from Montana that it is within the terms of what is called international law that one nation shall respect the rights of another nation. Nations are sovereign in their capacity, with no limitations on their sovereignty until, by a contract made through treaties, they limit their own sovereignty. I think it is perfectly apparent, if we will only drift back into the past for a few years and review history itself, that we must realize that to respect the rights of other nations is not international law where it is not governed by treaty, or international law has been continually violated by the nations of the world—I may say by all the nations of the world which have had any power—from almost the beginning of history.

International law is that understanding of nations which is recognized by all. There is hardly a nation to-day which has had the power to invade another nation which has respected the rights of other nations. The dismemberment of the territory of Africa by the European powers in the last 15 years has failed to respect the rights of the original controllers of that territory, and even those nations in very recent years have met in solemn conclave to divide up the Mediterranean coast of Africa without one word ever being said to the effect that it was in violation of international law because they were not respecting the rights of the existing sovereigns of those countries.

The only way we obtain respect for our rights is either through the power of force or by international agreement. In this covenant we seek to have our rights respected by three great powers—the other signatory powers to this contract—and it is under this contract that we secure respect for those rights.

The Senator referred to those in charge of this treaty and then called me to my feet.

Mr. WALSH of Montana. I did that only because there was no one on the other side who is in charge of the treaty.

Mr. UNDERWOOD. It is a compliment the Senator pays me. I was one of the delegates who signed the treaty, but my rights and powers in that respect ended when the treaty was handed to the President of the United States. I am not a member of the Foreign Relations Committee, and have not regarded myself as one of those who controlled the situation here on the floor of the Senate in regard to these treaties. I made a speech the other day defining my attitude, but not in any sense with the idea that I am in control of the situation.

As to the amendment of the Senator from Arkansas [Mr. ROBINSON], I voted for the treaty of Versailles. Much of what the Senator proposes to provide in this amendment is in line with that treaty. If it could do no harm to the treaty, if I felt assured that if the amendment were in it it would be accepted

by the other signatory powers, personally I would have no objection to it; but feeling, as I do, that it is of the utmost importance that this treaty shall be ratified, I can not consent to vote for an amendment, no matter how just I might think it is in the abstract, which might possibly bring about the rejection of the treaty by one of the other signatory powers.

Mr. WILLIAMS. Or prevent even further conversation on the subject.

Mr. UNDERWOOD. Surely.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. UNDERWOOD. I have but a minute. I yielded to the Senator the other day.

Mr. ROBINSON. The time is up now.

Mr. UNDERWOOD. I did not intend to take the Senator off his feet, but I wanted to say that what I have said is not an attack on my part on the amendment of the Senator from Arkansas, but, from my viewpoint, I fear that if we put it into this contract we may endanger the contract, and I desire to secure its ratification.

The VICE PRESIDENT. The time for debate on the amendment has expired. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] as modified.

SEVERAL SENATORS. Let it be read.

The VICE PRESIDENT. It will be read.

The ASSISTANT SECRETARY. It is proposed to add at the end of article 1:

> Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy relating to said insular rights and possessions or to any far eastern question which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference, to which the whole subject shall be referred for consideration and adjustment.

Mr. ROBINSON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. I understand, however, that if present he would vote the same way that I intend to vote. I therefore feel at liberty to vote. I vote "nay."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], who is not present. I have been informed, however, that were he present he would vote the same way that I propose to vote. Therefore, I feel at liberty to vote. I vote "nay."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

Mr. GERRY (when the name of Mr. JONES of New Mexico was called). The Senator from New Mexico [Mr. JONES], whose pair has just been announced by the Senator from Maine [Mr. FERNALD], is unavoidably absent. If present, the Senator from New Mexico would vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL]. I have been informed, however, that if he were present he would vote as I intend to vote, and I am therefore at liberty to vote. I vote "nay."

Mr. SMITH. I desire to say that my colleague, the junior Senator from South Carolina [Mr. DIAL] is unavoidably detained from the Senate on account of sickness.

The roll call was concluded.

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES]. Not being able to secure a transfer of that pair, I withhold my vote.

Mr. McKELLAR (after having voted in the affirmative). I have a pair with the junior Senator from Indiana [Mr. NEW]. I am unable to secure a transfer of that pair, and, as I find that Senator has not voted, I withdraw my vote.

Mr. CURTIS. I was requested to announce the absence of the junior Senator from Oklahoma [Mr. HARRELD] on account of illness. Were he present, he would vote "nay."

I am also requested to announce the unavoidable absence of the Senator from Maryland [Mr. WELLER]. Were he present, he would vote "nay."

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is necessarily absent by reason of serious illness in his family. His pair with the Senator from Rhode Island [Mr. COLT] has already been announced by that Senator.

Mr. WATSON of Indiana. The absence of my colleague, the junior Senator from Indiana [Mr. NEW], has already been announced, but I desire to state that if he were present he would vote "nay."

The result was announced—yeas 30, nays 55, as follows:

YEAS—30.

Ashurst	Harris	Myers	Smith
Borah	Harrison	Overman	Stanley
Caraway	Heflin	Pittman	Swanson
Culberson	Hitchcock	Reed	Walsh, Mass.
Fletcher	Johnson	Robinson	Walsh, Mont.
France	Kendrick	Sheppard	Watson, Ga.
Gerry	King	Shields	
Gilson	La Follette	Simmons	

NAYS—55.

Ball	Fernald	McNary	Shortridge
Brandegee	Frelinghuysen	Nelson	Smoot
Bursum	Gooding	Newberry	Spencer
Calder	Hale	Nicholson	Stanfield
Cameron	Jones, Wash.	Norbeck	Sterling
Capper	Kellogg	Norris	Sutherland
Colt	Keyes	Oddie	Townsend
Cummins	Ladd	Page	Underwood
Curtis	Lenroot	Pepper	Wadsworth
Dillingham	Lodge	Phipps	Warren
du Pont	McCormick	Poindexter	Watson, Ind.
Edge	McCumber	Pomerene	Williams
Elkins	McKinley	Ransdell	Willis
Frazier	McLean	Rawson	

NOT VOTING—11.

Broussard	Harreld	Moses	Trammell
Crow	Jones, N. Mex.	New	Weller
Dial	McKellar	Owen	

So Mr. ROBINSON's amendment was rejected.

Mr. WALSH of Montana. Mr. President, I offer the amendment which I send to the desk, which is a modified form of the amendment which has just been voted on.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The ASSISTANT SECRETARY. At the end of article 1 it is proposed to insert:

> If there should arise between any of the high contracting parties and any other power or powers a controversy involving said insular rights and possessions threatening war which is not satisfactorily settled by diplomacy, the high contracting parties shall invite all powers having an interest in the controversy to a joint conference, to which the whole subject shall be referred for consideration and adjustment.

Mr. WALSH of Montana. Mr. President, the amendment just tendered leaves out of the first sentence appearing in the so-called Robinson amendment which has just been voted on, the words "each of the high contracting parties will respect the rights and possessions of all the other nations and refrain from all acts of aggression against any other power or powers." The Robinson amendment further reads, "If there should develop between," while my amendment proposes to substitute the word "arise" for the word "develop." In the next line, instead of the words "relating to" the word "involving" is inserted, and in the sixth line the words "to any far eastern questions" are omitted and the words "threatening war" are inserted. Then there is excluded the language "and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers." The word "claiming," in line 10, is changed to "having," so that the amendment as now tendered reads:

> If there should arise between any of the high contracting parties and any other power or powers a controversy involving said insular rights and possessions threatening war which is not satisfactorily settled by diplomacy, the high contracting parties shall invite all powers having an interest in the controversy to a joint conference to which the whole subject shall be referred for consideration and adjustment.

It should be understood that if an aggression is directed against any one of the four signatory powers those four powers meet in conference, but under the treaty the outside party which is alleged to make the aggression is not admitted to the conference. On the other hand, as the treaty reads, if an outside party should threaten aggression against one of the four signatories a conference would be called, but if one of the four signatories should threaten war upon an outside party a conference would not be called.

Mr. President, I insist if it would be a good thing—and I am sure it would be a good thing—to assemble a conference if one of the signatory powers were threatened by an outside power, it would, for exactly the same reason, be a good thing to assemble a conference if one of the four signatory powers threatened war against an outside party. So far as we are concerned, what is the difference who is the aggressor in the war between China and Japan? Our interests are affected in exactly the same way. If there is a good reason for calling a conference should China threaten aggression against Japan, what reason can be assigned why there should not be a conference called if Japan should threaten aggression against China? Likewise, in any case why should not the outside party

be invited to the conference? How can a dispute reasonably be settled by peaceful means unless the two contending parties are brought together in conference?

Up to the present time, Mr. President, I have heard no man urge a word against this argument. The Senator from Alabama [Mr. UNDERWOOD] has nothing whatever to urge against it, except that it might result in rejection of the treaty by some other nation. I should like to ask the Senator from Alabama or the Senator from Massachusetts or the Senator from Wisconsin, who want the treaty ratified just exactly as it stands, what one of the four signatory powers is likely to call in any outside party in case there is a conference, and what reason could any signatory party give for declining to agree to call in the outside party?

Mr. LODGE rose.

Mr. WALSH of Montana. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, if the Senator refers to me, I merely wish to say, without going into the merits of the amendment proposed by him, that its adoption would necessitate the rewriting of the treaty and returning it to another conference. It brings in new parties to the treaty.

Mr. WALSH of Montana. That may be a perfectly satisfactory answer to the Senator from Massachusetts, but it will hardly be satisfactory to the American people.

Mr. LODGE. We will risk that.

Mr. WILLIAMS. Mr. President, of course I would rather have the League of Nations than to have these treaties; I would infinitely prefer to have an agreement between all the nations of the earth, covering all controversies, rather than to have an agreement between some of the nations of the earth covering some controversies in one part of the globe.

I have sometimes felt, Mr. President, as though I sympathized with the idea that there ought to be no other people on the globe except Americans, but I have never discovered any legislative method, or any other method, of pushing the people of other nations off into infinite space. They are here, and we must somehow manage to live with them, and we ought somehow to manage to live with them in peace and not in war nor in quarrelsomeness. I have no sort of sympathy with the idea that because we can not have an agreement amongst all the civilized nations of the world to keep the peace everywhere, or at least to promise to keep it—whether we subsequently violate our promises or not—that therefore I ought to vote against a proposition to keep the peace in some small part of the world, among some few nations of the world in a restricted territory.

Mr. President, the Senator from Montana has spent a lot of his time in his highly logical and almost convincing manner in calling attention to what he thinks is a very serious defect in the particular treaty that we are now considering. He says that unless a nation is a party to this four-power treaty it can not be invited, and will not be invited, to sit at the board in order to discuss the possible adjustment of the controversy which may have arisen.

There are two objections to his argument, made in his strong, demonstrative, logical way. By the way—although it amounts to nothing, being merely my own private opinion—I am of the opinion that there is not a Member of this body on either side of this aisle better equipped, with an unvarying logical faculty than the Senator from Montana. If his premises are once granted, he drives on without wavering to his conclusion; but, unfortunately, now and then he is not as careful about his premises as he is about his conclusions and about his logical processes.

In the first place, I can not imagine the United States sitting down to a board when it had a quarrel with any other nation without inviting that other nation to sit down at the same board. I ask him can you? The Senator remains quiet, from which I infer that his imagination can not stretch any further than mine does upon that subject.

The other three parties to this treaty are Japan and France and Great Britain. By the way, it is a great pity that Great Britain is a party to it, because, if she were not, all the German-American and Irish-American opposition to it would have ceased long ago. It is a pity that Great Britain exists. It is a pity that she and her law and her language and her literature and her civilization and her commerce can not be flung out into the infinite ether and gotten rid of somehow. That would satisfy certain extreme elements in the United States who want no further justification for any position they happen to take than hatred of England.

But, Mr. President, the other three parties to this treaty are France, Japan, and Great Britain, the last country unfortunately speaking our language, loving our literature, originating our law, inspiring our commerce, but still unfortunately tabooed in German-American and Irish-American circles. All three of these nations—France, Japan, and Great Britain—have signed the treaty of Versailles with the League of Nations covenant as a part of it, and under at least two clauses of the League of Nations covenant they are compelled, whenever they have a controversy with any other member of the league—and there are some 40 other members besides them—to make their complaint to the league, and to have the league summon the nations in controversy into common council for an adjustment. Not only that but they are compelled, when they have a controversy with a nonmember, to agree to leave it to the League of Nations.

Mr. President, so much for the attitude of France, Japan, and Great Britain. The Senator's entire argument was based upon the idea that if these three powers entered into this treaty it set aside the League of Nations and their covenant with the other 40 members of the League of Nations. I believe since then the number has grown to fifty-odd; I am not quite sure.

Mr. WALSH of Montana. Mr. President, let me correct the Senator. I insisted that this was entirely consistent with the League of Nations. I made that argument.

Mr. WILLIAMS. Oh, the Senator insisted that it was entirely consistent with the covenant, and the friends of the covenant have confessed that it is. The strongest advocates of the League of Nations in Great Britain—Mr. Balfour, Lord Curzon, Winston Churchill, and the balance of them—have said that there is not a word in this treaty that conflicts with the League of Nations, and yet I have heard it in the cloakroom, yesterday and day before and to-day, argued in my ear that this was a movement to "scuttle the League of Nations"; and the Senator's argument proceeded on the idea that these three great powers, being once bound by this treaty, were freed of their obligation to the League of Nations treaty, which obligates them to summon their adversaries in council.

Mr. WALSH of Montana. On the contrary, I insisted this afternoon that they could do that.

Mr. WILLIAMS. Ah! The Senator insisted that they *could*, but he argued that maybe they *might not*, and he went on to say, "Suppose Japan objected?" Now, suppose Japan did object to calling her adversary into conference around the board, then that would prevent any unanimous agreement under this treaty but it would not prevent action under the League of Nations covenant; and everybody that signed the League of Nations covenant, including Japan, agreed that they would file any treaty that they ever made with anybody else in the secretariat of the League of Nations, and the League of Nations will pass upon the question as to whether this treaty is in conflict with the covenant of the League of Nations or not; and there is not a man here, including the Senator from Montana, who will even pretend that the League of Nations will declare that these treaties are in conflict with the League of Nations. Silence is consent once more.

Mr. President, I am a Democrat, a Bourbon Democrat, a plain, blamed-fool Mississippi Democrat. I have no patience with Republicanism and I have no patience with partisanship in connection with international affairs. If a Republican President had sent the Versailles treaty to this body three-fourths of you Republicans would have voted for it, including the Senator from Massachusetts [Mr. LODGE]. If Mr. Wilson had sent these treaties to this body two-thirds of you Democrats would have voted for it, including the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Montana [Mr. WALSH], and, of course, my poor little humble self.

Now, my friends, if I have a right to call you by that name—I am forbidden by the rules to call you "gentlemen"; this is the only body in the world where you can not call your fellow Members "gentlemen"; you must call them "Senators," and nothing else—but, just between us, is it not about time that we stopped partisanship at the coast line? A distinguished Republican nods his head in acquiescence, and yet I remember when he did not stop partisanship at the coast line. I remember when he ought to have done it. I remember having a private conversation with him rather suggesting that idea and receiving very little response. Now, when I am merely talking to this side I receive not much more response—not a much more cordial response, at any rate.

Mr. President, "the United States" is not singular, as this Brandegee amendment names it—"the United States *is* of the opinion." I thought "the United States" was *e pluribus unum*, and therefore plural. In so far as the United States are mentioned in the Constitution of the United States they are plural as much as the United Provinces of Holland or The Netherlands are plural.

I can not conceive how the United States can be anything except the several States composing the United States, and therefore plural. There was a quarrel yesterday about part of

the grammar of this so-called Brandegee resolution. I beg pardon; I said "so called"; I believe it is actually the Brandegee resolution, and not so called at all; but it was accepted by the President of the United States. He was not bullied into it—no! He was not scared into it—no! He was not frightened about it—no! He just accepted it because he did not care. He had made an arrangement with foreign powers, and instead of abiding by the gentlemen's contract, as the Senator from Alabama does, he thought maybe he had a right to change it. It never occurred to him that maybe these people might say: "Here is the thing that I agreed on with you. Now that you have changed it, I will consider it over again, and see whether I can agree on it now."

Mr. President, I am a little tired of one situation under our constitutional Government, although I worship the Constitution. I am tired of an international situation under which one man over one-third in this body—not representative of the people, but representative solely of the States—can defeat any international agreement into which the United States has proposed to enter. I think the next amendment after the three supernumeraries you had better add to the Constitution would be one substituting for two-thirds of the Senate as the colleague of the President to ratify a treaty a "majority of the two Houses in joint Congress assembled."

I am tired of allowing one over one-third to make us the laughing stock of the civilized association of nations. No matter with what overwhelming majority views this Government and its constituencies may enter into an agreement with any other power on the surface of this earth, one man over one-third of this august body, called by itself "august," can defeat it.

Talk about autocracy! Talk about minority rule! Talk about overcoming and overstepping the will of the majority! Our Constitution enables a minority of one over one-third in the Senate to do whatever it pleases in all our international agreements. Unfortunately you can not get rid of the other nations except by exterminating them, killing them, or pushing them off the globe, and no legislative method has ever been invented for doing that. They are there—Turks, Chinese, Japanese, French, Italians, Greeks, Rumanians, Czechoslovakians, Yugoslavians, and even the British—even the British, poor old Scotch and English and Welsh from whom about three-fourths of us are derived altogether or partially, because I take it that 75 per cent of the people of the United States, though they may have German or Irish blood in their veins, have also English, Scotch, or Welsh blood in the same veins. Some few of them have nothing else; and, you know, I have been ass enough to pride myself upon that fact, as far as I am concerned individually; but even those that are of mixed blood have some English or some Scotch or some Welsh. But I am awfully sorry that there is not any way of pushing Great Britain, including King George and David Lloyd-George and Sir Arthur Balfour, and all these other fellows, into the middle of the Atlantic or Pacific and sinking them, so that we could have an Irish peace somewhere—an Irish peace somewhere—as far as English, Scotch, and Welsh, being then all drowned, are concerned.

I doubt even then whether north Ireland and south Ireland would not be fighting one another—or the Free State fighting Valera. Maybe God could keep them at peace with one another. Even the Pope can not. We would have this Irish peace in the middle of the Pacific or Atlantic if we sunk all the English, Scotch, and Welsh there, or in the middle of the Atlantic if we sunk them there, and it would be so nice to sink Shakespeare and Chaucer and Tennyson and Byron and Robbie Burns and Lord Bacon and Huxley and Tyndall and Darwin and the Duke of Wellington.

Mr. ASHURST. He was born in Ireland.

Mr. WILLIAMS. By the way, I do not believe they would sink him, because he lived in Ireland a little while once, and so they claim even him as an Irishman now, though they denounce him as an Irish oppressor in the next breath. Even you, as the august President of this august body, can not push all the British off the globe. If you pushed them off, they would get into the sea, and if you once pushed them into the sea they would be used to it. They have been used to it ever since King Alfred's time, and have been supreme there up to very recently, when they have voluntarily agreed that they will let us be supreme.

Mr. WALSH of Montana. The Senator ought not to omit Newton and John Milton.

Mr. WILLIAMS. Mr. President, I am just reminded by the Senator from Montana that I ought not to have forgotten John Milton and Isaac Newton; but I am so absolutely Americanly patriotic, armed with a desire not for the freedom of the Philippines but for the freedom of Ireland, that I would unhesitatingly push Sir Isaac Newton and John Milton plumb off the boards if I knew how.

Mr. ASHURST. Mr. President, I hope the Senator will not forget George Harvey.

Mr. WILLIAMS. I think he is a hybrid. Mr. President, I decline to be diverted from the great sublime heights to which my oratory has just a moment ago risen to the low level of the contemplation of George Harvey or other mouse nests that may exist somewhere upon the surface of the globe. Notwithstanding the prevailing influence which the Senator from Arizona is entitled to have with me, I decline to have my sublimity of thought brought down to George Harvey. I would not mind it if one of the pages were mentioned by name, but I do not want to fool with George Harvey while I am in earnest about a great international question.

Mr. STANLEY. Mr. President, the Senator may not be fooling with him, but he is agreeing with him mighty beautifully.

Mr. WILLIAMS. Mr. President, I may possibly agree with a Mohammedan now and then; for example, when he says that "there is but one God"; but that does not argue that I am a Mohammedan, and it does not argue that I take in all the balance of his doctrines, including his harem proclivities. I might agree with George Harvey about something. I suspect he and I both speak English, and I agree with him about that in a way. By the way, he speaks pretty good English, too. I do not think I can be mixed up or identified with George Harvey simply because I agree with him about some one thing. I might agree with some Senator about being a member of that great English church which "never interferes with a man's politics or religion," and I might disagree with him about a great many other things, and could not on that account alone be identified with him. I could not be taken as his synonym, and I absolutely resent, in spite of the friendship between the Senator from Kentucky and me—a long-existing and deep-felt friendship—his attempt to identify me with George Harvey.

Mr. STANLEY. Mr. President, if the Senator will yield, I do trust that he will not take it that seriously. My friendship for the Senator from Mississippi dates back 20 years, a long and delightful friendship, and even to find him in the same dirty nest with Harvey, preaching the same political heresy, and engaging in the same nauseous adulation of Britain, will not lessen my love, hardly my respect.

Mr. WILLIAMS. Mr. President, if there is anything in the world that I would welcome, it is that confession of personal devotion, antagonistic to all of the expressed and foolish convictions of the Senator from Kentucky. I really do not think that George Harvey had much to do with this. In fact, I sometimes doubt whether any of us have much to do with what is going on in the world. I sometimes think that most of us are sort of like George Harvey; we are flies on the spokes of a wheel, and the wheel is going forward in God's good wisdom, and now and then we imagine that we are moving the spokes and making the wheel move; but whatever else may happen, when the gentleman comes to insult me next, I hope he will call my attention to some community of opinion between me and my favorite nigger mammy, but leave George Harvey out. I do not care about him particularly.

I have been a little bit diverted from the serious side of this question, but before I sit down I want to say just one more word. If there be anything in the world which I treasure most highly, it is the peace of the world. There is only one thing I can call to mind now that I treasure more highly than that, and that is the preservation of the race to which I belong, the great white race.

I believe, to use the language of Mr. Jefferson, my apostle of democracy whether he is anybody else's or not, in what he so nicely called "the philosophy of Jesus," although he was himself in conviction a Unitarian. I believe with him that the only thing in the world that can drag this world out of its present chaotic condition is "the philosophy of Jesus," the Prince of Peace, the Apostle of Love amongst men. As far as I am concerned, I have no patience with men who choose to cultivate animosities amongst men rather than to dwell upon their common points and the reasons why they can and ought to love one another and help one another on this miserable little planet, one amongst thousands of planets in a solar system amongst thousands of solar systems, each one of us nothing but one little ant in a heap of ants, and most of us inclined now and then to translate our opinion into a conviction and to worship that as a god. I know nothing that to my mind is more worthy of human devotion and human love than the love of peace itself, and I believe that these treaties tend in that direction.

I shall vote against the Brandegee reservation, although the President was weak-backboned enough to accept it, and although the chairman of the Committee on Foreign Relations accepted it, because I think it half emasculates the treaty. But there is still, in my opinion, enough virility left in it to engender some good things for the world, and amongst the good things some peace in one part of the world amongst some of the nations of the world. Would to God that it went further, as the League of Nations contemplated going when a partisan majority in this body defeated its announced purpose and the will of Jesus Christ.

Mr. ROBINSON. Mr. President, the remarks of the Senator from Mississippi [Mr. WILLIAMS] have interested and amused the Senate and the galleries. The Senator from Mississippi is always entertaining; he is usually logical when he speaks, and forceful when he attempts to be. There is no quarrel between the Senator from Mississippi and those of us who think that this treaty in the form in which it is presented is not calculated to conserve the peace of the world, but is rather calculated, in the remote if not the immediate future, to involve this Nation in serious controversies which, by the exercise of grave wisdom now, the Senate and the Nation might avoid.

The Senator from Mississippi has declared that he is a good Democrat. No one doubts that.

But, Mr. President, the Senator from Mississippi should not put his friends in this Chamber, as I think he attempted to do, impliedly, in the attitude of opposing this treaty or of suggesting amendments to it from political motives or purposes. The Senator from Mississippi is a great debater. He speaks just as fluently when he is familiar with the issues in debate as when he is unacquainted with them, and no more so. His remarks a few moments ago demonstrate that fact conclusively to those of us who heard the Senator from Montana [Mr. WALSH] discuss the amendment which the Senate recently rejected.

Unintentionally he misquoted the Senator from Montana in two or more particulars. The Senator from Mississippi did not design to be unfair. He could not intentionally be unfair if he tried to. His difficulty arose out of the fact that he was not in attendance during the course of the debate, and he did not hear the issues involved in that amendment presented by the Senator from Montana.

Neither the Senator from Mississippi nor any other Senator can divert this body from its duty at this time to treat this subject as a matter of the gravest importance. It is no answer to the provisions of the amendment, and to the argument submitted in its behalf, to say that the opposition to this treaty rises out of an element of citizenship pro-German and pro-Irish, unfriendly to the British people, and that there is a disposition among Senators who are responsive to the influences of those political elements to destroy Great Britain and all the other nationalities in the world which have not incurred the kindly feeling and friendship of Ireland.

Mr. President, the issue is far more profound than the Senator from Mississippi has stated it. If I chose to debate the subject upon the level he occupied, I might say that while there may be some Senators who look with suspicion upon this treaty because it originated in the brains of British statesmen, there are also others who, by their records in this body, have indicated such an opposition or antagonism to the aspirations of the great people of Ireland, struggling throughout the centuries for liberty, which happily now is almost in sight, that those Senators might be induced to look with suspicion upon any opposition which is countenanced or supported by the citizens of this country who are of the Irish stock.

Mr. President, the issue is more important. It is far more consequential. I am not conscious of any other motive, nor do I believe that my colleagues who take the view of this matter which I assert are conscious of any other motive than a desire to safeguard the interests of the United States and the welfare of the citizens of this Republic, whatever may be their descent. There may be Senators who are so responsive to British influences that suggestions from Mr. Balfour or other great British statesmen prompt them to immediate indorsement. I do not make that charge. I make the declaration that in the consideration of this treaty Senators should be governed by their conscientious conception of their duty to this Government and its people.

I do not challenge the motive, the integrity, or the sincerity of my friend the Senator from Alabama [Mr. UNDERWOOD], who occupies the opposite side of this question, nor do I challenge the integrity of other Senators who take the view of the subject which he presents; but I demand, as a representative in this body of a sovereign State, that if my colleagues expect to retain my confidence they accord to me the same sincerity of purpose which I concede to them.

I have not forgotten that when the treaty of Versailles was under consideration the Senate Committee on Foreign Relations investigated the secret and confidential transactions relating to the negotiation of that treaty. Witness after witness was called and the testimony was reduced to writing and is recorded in a volume which I hold in my hand, containing 1,297 pages.

I have not forgotten that when the four-power treaty was sent to the Senate the Committee on Foreign Relations refused to make any investigation of the subject and refused to inquire into the motives underlying the treaty, and reported it without information. While the Versailles treaty was under consideration the Secretary of State, Mr. Lansing, was called before the Foreign Relations Committee and cross-examined indefinitely. When the four-power treaty was pending before the Committee on Foreign Relations the Secretary of State, Mr. Hughes, went to Bermuda for a vacation. No information whatever was furnished the Senate or the Committee on Foreign Relations respecting the negotiation of this treaty.

In addition to the fact that those who were in authority in the State Department were examined when the Versailles treaty was pending, the President of the United States was called upon for information. As a member of the Foreign Relations Committee, I visited the White House, in company with the other members of that committee, and President Wilson subjected himself to cross-examination. He answered every question that was asked him; but in this case, for some reason, all information has been denied the Senate as to the secret negotiations which brought forth this instrument.

Mr. President, Secretary of State Hughes is a great man and an able lawyer, but there stand out prominently in recent history two great mistakes which Secretary Hughes made. Senators will recall that when the last national election was imminent, he, with 31 other eminent Republicans, signed a letter, which was published broadcast throughout the United States, declaring that he favored the League of Nations, and that the way to get the United States into the League of Nations was to elect President Harding. I could not understand at that time the mental processes by which Mr. Hughes arrived at the conclusion that the way to promote the league was to elect to the Presidency a man who said he was opposed to it. Nevertheless when the elections had passed Mr. Hughes was found to be very gravely mistaken respecting Mr. Harding's attitude. Mr. Hughes has never offered any explanation for his own change of mind, if he has changed.

Mr. Hughes made another grave mistake, apparently, in connection with the cost of our army of occupation. In the Versailles treaty it is provided that the expenses of the armies of occupation shall constitute a claim prior to reparations. An expense of $241,000,000 has been incurred by the United States in that behalf, and now we find that Great Britain, France, and other parties to the Versailles treaty are contending that since we are not parties to that treaty we can not demand or receive the benefits of its provisions. They claim they are not bound by the provisions of the separate peace made between the United States and Germany.

So by his failure to safeguard by proper language in some instrument or agreement or by proper proceedings the prior claim of the United States for the expenses incurred by the army of occupation we stand in danger of losing $241,000,000. Now, we are told that so great is his wisdom and so responsible his word that we should take without question his conclusions as to the true interpretation and application of this proposed treaty. Mr. Hughes tells us that he made the first draft after consent had been secured for France to become a party to the four-power pact. He tells us that with Japan and the United States objecting to the inclusion of the main islands of Japan in the four-power treaty, they were included, and that afterwards it became necessary to report a supplementary treaty to exclude them; that is, to interpret the four-power pact as meaning that the main islands of Japan were not included in the treaty.

Mr. President, why are we not furnished with the information as to why the main islands of Japan were originally included in the four-power pact? The friends of the treaty here say that there is nothing material about the matter; that they might just as well have been in as out or have been out as in; but Mr. Hughes tells us that the main islands were taken out of the treaty in response to a sentiment among the people of the United States and the people of Japan who opposed their inclusion. It would be interesting to the Senate and to the people of the United States to know the history of the negotiation of this treaty; and to know who suggested it, who prompted it, who inspired it.

We are told that the treaty relieves us from the Anglo-Japanese alliance. That is the one accomplishment of which

its advocates boast. The Senator from Montana [Mr. WALSH] has shown that there is nothing of value in that contention, if it be true. Now, we are presenting to the Senate an amendment which will give to any nation assailed by any one of the four powers the privilege of sitting in a conference for the settlement of that dispute. Not a word of argument is offered by Senators why the amendment which was recently defeated should not have been accepted. The Senator from Mississippi [Mr. WILLIAMS] comes into the Chamber and undertakes to ridicule this important provision out of the Senate. He can not do that. The amendment proposed by the Senator from Montana ought to be agreed to, because it accords to China and Russia and to any other nation which may have a dispute with one of the four powers party to this agreement the right to come into conference and be heard. If that right be refused, we shall make little progress toward peace by the ratification of this treaty.

Why does not some Senator who has voted against my amendment give some reason for doing so? The Senator from Alabama [Mr. UNDERWOOD] said that he was in hearty accord with the principle of the amendment; that personally he believes it ought to go into the treaty; but he is afraid that one of the three powers will reject the treaty if we agree to amendment. Does not that, then, put the Senator from Alabama on notice that if any one of these powers objects to this amendment that power intends to do the very thing which the amendment seeks to prevent? If he fears rejection by a power unwilling to be restrained from aggression, then should he not, in the discharge of his duty as a Senator of the United States, vote to protect this Government from entering into a combination which will permit the four powers forming it to make aggressions against other nations now friendly to the United States?

Mr. STANLEY. Mr. President, I regret to see so accomplished a statesman, so ready a debater, so learned a legislator as the erudite Senator from Mississippi [Mr. WILLIAMS] devote his superb talents to so mean a purpose as the gratuitous, unprovoked, unwarranted assault upon a great and patriotic body of American citizens simply because they happen to belong to a race which, in some mysterious way, has incurred his hostility. I refer the learned Senator from Mississippi to the wise aphorism of Edmund Burke, who did not know "the method of drawing up an indictment against a whole people." God pity and God help the man who, with a knowledge of their history, with all its proud, its pathetic, and its tender memories, can frame an indictment against the Irish people.

I, like the Senator from Mississippi, have not a drop of Irish blood in my veins. I wish I had. I, like the Senator from Mississippi, can trace my ancestry for some centuries in an unbroken English line. I am not bound to or prejudiced in favor of the Irish race by any tie of creed or kin or clan, but I do know that when the history of all the peoples of all the world shall have been written, there will be nothing in song or story sweeter or sadder or grander than the sufferings and, thank God, at last, the triumph of the Irish people and the Irish nation.

Out of centuries of persecution such as no other race ever suffered, up from fields incarnadined in the blood of heroes, from stakes and gibbets, sanctified by the sacrificial death of martyrs, in her rags and her poverty, her learning and heroism, wild and grand and beautiful, Ireland rises like a transfiguration to command the admiration of the world, for at last, thank God, in spite of the irony of JOHN SHARP WILLIAMS and the power and the oppression of all England old Ireland is free.

Mr. President, it might be well if we are to follow the advice of the learned and cynical Senator from Mississippi, to go to Quebec and efface from the eternal rock the last vestige of the blood of Richard Montgomery, because he was an Irishman and hated the English when he fell pierced by cannon balls upon the heights of Abraham, and go to the front of the White House and tear down the inspiring equestrian figure of Andrew Jackson, because Old Hickory hated the same English when he hurled Pakenham and his red hosts into the sea, and erect, if you will, instead some fitting tribute to Lloyd-George or George Harvey or the learned Senator from Mississippi.

Mr. CARAWAY. And may I suggest to the Senator, while we are doing that, we might erect a monument to Gen. Ross and Admiral Cockburn for their great exploit in burning the Capitol and the White House?

Mr. STANLEY. Exactly. Why should not Ireland feel an antipathy to Great Britain? What right has the senior Senator from Mississippi to treat contemptuously her just resentment against wrongs so deep and damnable that their reiteration might make the very angels in heaven weep and of the sinews of childhood thews of steel?

Were I an Irishman, as I am an American of English ancestry, I would swear my first-born son, as Hamilcar did Hannibal to the eternal hate for Rome, to the abhorrence of all that Englishmen say or do or think as long as he remembers the women they had outraged, the babes they had butchered, her sons sent to the stake and the gibbet, her faith dishonored, and her fields drenched with blood and desolated by fire and sword.

From Ireland her sons have come to America. They have filled every post of honor; and they have nothing touched that they have not adorned; and, as an American, as a Democrat, as a patriot, I take this occasion at this hour to pay my poor but humble meed of praise to the brainpan of the world, to the home of poetry, of eloquence, and of valor—to the Emerald Isle.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. WALSH] to article 1.

Mr. WALSH of Montana. Mr. President, before the vote is taken I desire to advert to the answer made by the Senator from Massachusetts [Mr. LODGE] to my inquiry for a reason for opposing this amendment now under consideration. The Senator said it would mean the reassembling of the conference. I recall very distinctly when the Versailles treaty was under consideration, and the Senator had offered some 23 amendments or reservations, I put the identical question to him, whether the adoption of those reservations would not mean the reassembling of the Versailles conference. In his customary manner he dismissed the question as unworthy of consideration and said that all of the other nations would be perfectly delighted to get us in with the reservations. I inquire of him now whether the other three nations, parties to the pending treaty, would not be perfectly delighted to get us into this agreement with the amendment now offered without reassembling the conference?

Mr. President, I now desire to make an observation in relation to some remarks made by the Senator from Mississippi [Mr. WILLIAMS] concerning my attitude. The Senator from Mississippi, as has been remarked, could not have been present when I addressed myself to the amendment offered by the Senator from Arkansas [Mr. ROBINSON], in the course of which I said that, in my view, there is nothing inconsistent between this treaty and the League of Nations. The Senator from Mississippi assumed, apparently, that I had taken the contrary position, and chose to attribute my desire to see the pending treaty amended to an overenthusiasm in favor of the League of Nations or to partisan considerations. I repeat, Mr. President, that, according to my mind, there is nothing whatever inconsistent between the treaty before us, either in its present form or as it would be if it were amended by the pending amendment or by the amendment offered by the Senator from Arkansas, and the League of Nations. The covenant of the League of Nations contemplates that whenever differences arise between any of the members thereof or between a member and some outside party, the parties to the controversy will endeavor to adjust their differences through diplomatic negotiations or by consultation with and the assistance of friendly nations or otherwise, but that if they are unable to do so, then either party may cite the other before the council of the league, and there the matter will be disposed of as provided in the covenant. The pending treaty contemplates merely that the four powers, if a difference should arise between any two or more of them, shall assemble and adjust the difference if they can, or, if the difference should arise with an outside party, that they will endeavor to arrange in some way or other to dispose of that difference. If, however, that proceeding is unsuccessful, then any of the parties involved may institute a further proceeding before the council of the League of Nations and have the matter disposed of there. So it seems to me no one need be in the least alarmed that the amendment which is pending would in any wise militate against the operation or defeat the growth of the League of Nations.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH of Montana. I yield.

Mr. SHIELDS. The Senator will remember that there was no reservation offered to the provision of the League of Nations providing for arbitrations, calling in outside parties, and allowing any party to participate, and, therefore, any Senator who voted for the Versailles treaty, with reservations or without reservations, voted for those provisions.

Mr. WALSH of Montana. The Senator is quite right. No reservation and no amendment was tendered to article 11, which contemplates gathering together the parties to a controversy, whether they were members of the league or not, in the endeavor to adjust the differences which might arise between them.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nevada?

Mr. WALSH of Montana. I yield.

Mr. PITTMAN. I gathered from the statement of the Senator from Mississippi [Mr. WILLIAMS] that he felt that the argument of the Senator from Montana to the effect that China or Russia in the event of a controversy in which they were involved might be left out of consideration was minimized by reason of the fact that, under the covenant of the League of Nations, Japan and England and France, who are members of the league, would be compelled to call either China or Russia before the council of the League of Nations, and in that forum those countries would have the right to present their cause; but it seems to me that he forgot that we are not members of the League of Nations, and that we would not have an opportunity to be present at the conference which would thus take place, while under this treaty we are compelled to be present at any conference which takes place under the provisions of the four-power pact.

Mr. WALSH of Montana. The Senator is quite right about that.

Mr. PITTMAN. In other words, we are compelled to meet with Great Britain, France, and Japan, but the nations thus conferring are not compelled to have at their meeting either China or Russia or any other country with which a controversy may arise; we must sit in that conference with them out; and if subsequently, after the matter has developed, perhaps after war has occurred, the question is taken before the council of the League of Nations, we can have no voice in the determination which may be arrived at there.

Mr. WALSH of Montana. The Senator is quite right; and I also understood the Senator from Mississippi further to contend that under the covenant of the League of Nations to which the three powers are signatories it was obligatory upon them to cite in the outside party; but that is not correct. The outside party may be cited before the council of the league; but there is no obligation upon anybody, by reason of the covenant of the League of Nations, to call the outside party into the conference contemplated by this treaty.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana [Mr. WALSH], which will be stated.

The READING CLERK. It is proposed to add, at the end of article 1, the following:

> If there should arise between any of the high contracting parties and any other power or powers a controversy involving said insular rights and possessions threatening war which is not satisfactorily settled by diplomacy, the high contracting parties shall invite all powers having an interest in the controversy to a joint conference to which the whole subject shall be referred for consideration and adjustment.

Mr. WALSH of Montana and Mr. ROBINSON called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. COLT (when his name was called). Making the same announcement as before, I vote "nay."

Mr. SHEPPARD (when Mr. CULBERSON's name was called). My colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent. If present, he would vote "yea."

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. McKELLAR. Has the Senator from Indiana [Mr. NEW] voted?

The VICE PRESIDENT. He has not.

Mr. McKELLAR. I have a pair with that Senator, which I transfer to the Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. KENDRICK (after having voted in the affirmative). Has the Senator from Illinois [Mr. McCORMICK] voted?

The VICE PRESIDENT. He has not.

Mr. KENDRICK. I have a general pair with that Senator. Not being able to obtain a transfer, I am compelled to withdraw my vote.

Mr. GERRY. The Senator from New Mexico [Mr. JONES], whose pair has been announced by the Senator from Maine [Mr. FERNALD], is unavoidably absent. If present, the Senator from New Mexico would vote "yea."

The result was announced—yeas 27, nays 50, as follows:

YEAS—27.

Ashurst	Harrison	Myers	Smith
Caraway	Heflin	Overman	Stanley
Fletcher	Hitchcock	Pittman	Swanson
France	Johnson	Robinson	Walsh, Mass.
Gerry	King	Sheppard	Walsh, Mont.
Glass	La Follette	Shields	Watson, Ga.
Harris	McKellar	Simmons	

NAYS—50.

Ball	Frelinghuysen	Nicholson	Spencer
Brandegee	Gooding	Norbeck	Stanfield
Bursum	Hale	Norris	Sterling
Calder	Jones, Wash.	Oddie	Sutherland
Cameron	Kellogg	Page	Townsend
Capper	Keyes	Pepper	Underwood
Colt	Ladd	Phipps	Wadsworth
Cummins	Lenroot	Poindexter	Warren
Curtis	Lodge	Pomerene	Watson, Ind.
Dillingham	McCumber	Ransdell	Williams
du Pont	McKinley	Rawson	Willis
Elkins	McNary	Sherridge	
Fernald	Newberry	Smoot	

NOT VOTING—10.

Borah	Edge	McCormick	Owen
Broussard	Ernst	McLean	Reed
Crow	Harreld	Moses	Trammell
Culberson	Jones, N. Mex.	Nelson	Weller
Dial	Kendrick	New	

So the amendment of Mr. WALSH of Montana was rejected.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I am about to ask that the Senate proceed to the consideration of legislative business, so that I can present the conference report on the second deficiency appropriation bill.

I now move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed its legislative session.

Mr. WARREN. I present the conference report on the second deficiency bill.

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10663) "making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 15, 22, 23, 24, 29, 31, 34, 38, 40, 42, 43, 44, 48, 51, 52, and 53.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 28, 30, 32, 33, 35, 36, 38, 41, 45, 47, 49, 50, 53, 54, 56, 58, 61, 62, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76; and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"BRIDGES.

"For repairs and improvements to the Calvert Street Bridge, $26,000: *Provided*, That one-half of any amount expended from this appropriation shall be borne by the street railway company or companies using said bridge and the amount thus collected shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as this appropriation is paid from the Treasury of the United States and the revenues of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PATENT OFFICE.

"For carrying into effect the provisions of the act entitled 'An act to increase the force and salaries in the Patent Office, and for other purposes,' approved February 18, 1922, $158,926.39, and in addition thereto the unexpended balance of the appropriation for salaries in the Patent Office for the fiscal year 1922 is made available for the payment of the salaries authorized in said act."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, strike out "$50,000" and insert in lieu thereof "$35,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$36,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "The appropriation for 'Pay, and so forth, of the Army, 1922,' shall be available to pay the expenses incurred prior to January 1, 1922, incident to carrying into effect the provisions of the act entitled 'An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children,' approved June 30, 1921," and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 26, 27, and 60.

F. E. WARREN,
CHARLES CURTIS,
CARTER GLASS,
Managers on the part of the Senate.

MARTIN B. MADDEN,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. POINDEXTER. Mr. President, may I ask what the three amendments are that are still in disagreement?

Mr. WARREN. I will tell the Senator. Two of the items, amendments numbered 26 and 27, are as to the officials of the General Accounting Office. They are two amendments carrying amounts put in by the Senate, as requested, because of the transfer of the accounting in the Veterans' Bureau directly to the General Accounting Office.

Mr. POINDEXTER. What was the objection? Is the difference in the conference based upon the merits of the amendment or upon a point of order against it?

Mr. WARREN. There was no point of order. It is on the merits. One of them is an appropriation of about $110,000 for additional employees in that department from now until July. The other one is an appropriation of $300,000 for the same purpose through the following year because of the transfer having been made after the regular 1923 bill had passed. The third item has to go back for adoption by the House. It is one of those things which, under the House rules, they deem legislation.

Mr. POINDEXTER. That is what I was inquiring into, as to whether or not it was subject to that point of order and consequently had to be submitted to a vote of the House.

Mr. WARREN. They on the other side have adopted a rule which, so far, we have allowed them to impose upon us, that if we put in matter that is against the House rules—of course it was not against our rules—they must take it back for a vote. It can not go out on a point of order, but they simply take it back for a vote.

Mr. POINDEXTER. I shall not delay the Senator for more than a moment. What is the view of the chairman of the Appropriations Committee as to the future arrangements between the two Houses in regard to that practice of making a point of order, in effect, in the House of Representatives against an amendment put on a bill in the Senate?

Mr. WARREN. No point of order can be made in the House now.

Mr. POINDEXTER. I mean a point of order to this extent, that the conferees are deprived of power to agree upon it. It must go to the House itself for a vote in the House, so that we are deprived of a conference on that.

Mr. WARREN. No; it goes to the conference, and then if they take it back it can go before the House; but it is generally agreed to in conference all right, subject to the bare matter of a vote of the House.

Mr. POINDEXTER. But that is not a conference.

Mr. WARREN. In that aspect, no.

Mr. WILLIAMS. There must be a vote of the House, of course.

Mr. WARREN. We are not speaking of that. It is not the vote of the House on the conference report.

Mr. LODGE. It is a point of order on the Senate amendment.

Mr. POINDEXTER. It is a vote of the House upon the amendment itself. It takes it out of the hands of the conferees. Of course the Appropriations Committee are confronted with that more than anyone else, and if they feel that they can get along with that system I suppose we can, but it is not a conference. It is, in effect, a denial of a full and free conference between the two Houses as to all those matters that they consider legislation on an appropriation bill.

Mr. WARREN. The Senator from Washington [Mr. POINDEXTER] is right about it technically. This question came up before we would go into the first conference after the House adopted that rule; but the then chairman, Mr. Good, stated that there was not an item in the bill but that he would be able to see through, because he had already taken it up with the House, and he begged us for the time being to conform to that rule on the ground that it would cause us no inconvenience; and so far, rather than make the open break, we have gotten along very nicely with it.

Mr. POINDEXTER. I was just asking, in good faith, for the experience of the committee on that subject.

Mr. WARREN. If the Senator will let me finish, I have said to the House Members that the time would soon come when we probably should have to do away with it, since we have lately changed our own rules. The time will come, of course, when there must be some change. In one sense it is not a real conference; but it comes this near it: In the conference we make the House conferees state whether they will take it up and agree to recommend such items to their House, and so far there never has been an item sent back that the conferees have agreed to recommend.

Mr. LODGE. Mr. President, I desire to ask the Senator what became of the item of a deficiency appropriation for the Immigration Service?

Mr. WARREN. I regret to say that after two hours and a half of discussion we were obliged to recede; and I will say that our contention failed, perhaps more than anything else, because the department had seen fit not to recommend the amount that we had presented in the bill. In other words, there had been no estimate made through the Budget or directly until the matter had already gotten into the bill through amendment, and it had not even then been received. I will say that the House hearings show that there was no call from the Department of Labor for that appropriation before either the Senate or the House, and what made it rather worse was that when the amendment was offered on the floor on the House side and reported this morning the votes were all against it except one.

Mr. LODGE. I did not suppose it possible to cause any change in the decision after the action of the House, but I think this further crippling of the Immigration Service is a very serious matter. It will undoubtedly lead to a great deal of smuggling both on the west coast and the east coast and also over the Canadian line.

Mr. WARREN. It will probably result in the furloughing of a great many of the immigration officers.

Mr. LODGE. It will mean the furloughing of from four to seven hundred, because there will be no money to pay them until the 1st of July. It is estimated that it will probably lead to about 10,000 illicit, unlawful immigrants being admitted, because there will be no immigrant inspectors to maintain the stations or carry on the service. This has been done by the House. They have prevented the appropriation, because we put it in in the Senate. It seems to me not economy but extravagance of the worst kind to break up a service which at the best is undermanned, and take from a total force of 1,200 men from four to seven hundred, and have that number on furlough all the time. I do not intend to make any further objection.

Mr. WARREN. I ask for the adoption of the report.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon the amendments in disagreement, request a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS conferees on the part of the Senate at the further conference.

DISABLED VETERANS OF THE WORLD WAR.

Mr. POMERENE. I move to discharge the Judiciary Committee from the further consideration of the bill (S. 406) to incorporate the Disabled American Veterans of the World War, and also the bill (H. R. 216) to incorporate the Disabled American Veterans of the World War. I understand that under the rule the motion will go over until a subsequent time.

The VICE PRESIDENT. The motion will go over under the rule.

REVENUES AND EXPENSES OF RAILROADS.

Mr. ASHURST. Mr. President, on yesterday, as shown on page 3775 of the RECORD, on motion of the Senator from Wyoming [Mr. KENDRICK], volumes 3 and 4 of the testimony taken before the Interstate Commerce Committee of the Senate were ordered to be printed as a Senate document. There are some illustrations in that testimony, and I am advised that the Printing Office has no power to print the illustrations unless the Senate so orders.

Mr. LODGE. I think that question will have to go to the Committee on Printing.

Mr. ASHURST. The request to print the testimony as a Senate document was granted, but I am advised that there are some charts and illustrations in it, and under the rule the Printing Office is not permitted to print illustrations or charts unless the Senate so orders. I was seeking to get that permission.

Mr. LODGE. I think it ought to go to the Committee on Printing; in fact, I think under the rule it has to go to that committee. The Senate knows nothing about the illustrations, the cost of printing them, or anything of that kind, and the request should be referred to the Committee on Printing. I do not see any member of that committee in the Chamber at the moment.

Mr. ASHURST. I do not wish to prolong the discussion more than to say that there has been a widespread demand for this testimony taken before the Interstate Commerce Committee.

Mr. LODGE. I do not object to the printing of the document; I have nothing against printing it, but I think it is a rule of the Senate which should be observed that where illustrations are to be reproduced the matter should be referred to the Committee on Printing, so that they may determine what it is to cost. Sometimes the printing of illustrations is very expensive.

Mr. ASHURST. Then I understand my request will go to the Committee on Printing.

The VICE PRESIDENT. Without objection, it will be referred to the Committee on Printing.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in secret session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess, in open executive session, until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess, in open executive session, until to-morrow, Wednesday, March 15, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 14 (legislative day of March 9), 1922.

RECEIVER OF PUBLIC MONEYS.

Charles W. Sederburg to be receiver of public moneys at Sterling, Colo.

UNITED STATES MARSHALS.

Thurston R. Porter to be marshal of the United States Court for China.

James F. Shea to be United States marshal, district of North Dakota.

POSTMASTERS.

CALIFORNIA.

Ed Lewis, Marysville.
Shirley S. Abeel, Sebastopol.

COLORADO.

Joseph E. Dennis, Golden.
Annie Hurlburt, Norwood.
William M. Kintner, Swink.

DELAWARE.

Ella W. Johnson, Newport.

GEORGIA.

Jessie I. Crichton, Fort Benning (late Camp Benning).
Ethel C. Warren, Jakin.

HAWAII.

Joseph S. Ornellas, Kolon.

ILLINOIS.

Myron N. Hughes, Wauconda.

KENTUCKY.

Ludlow F. Petty, Louisville.

LOUISIANA.

Eugenie L. Richard, Bayou Goula.
Augustine M. Dugas, Centerville.
Russell A. Dilly, Clinton.
Beatrice Joseph, Edgard.
William E. Phillips, Greensburg.
Harry L. Truly, Harmon.
H. Ernest Benefiel, Kenner.
Esther Malmstadt, Ludington.
Theodore A. Rains, Marthaville.
Des Fuqua, Naborton.
Dessie H. Ford, Pleasant Hill.
Eula M. Jones, Torout.

MISSOURI.

Laura G. McKay, Troy.

NEW YORK.

Henry A. Cole, Pine Hill.

NORTH DAKOTA.

Kathryn Savage, Braddock.
Charles E. Harding, Churchs Ferry.
Anna A. Bjornson, Kulm.
Anthony Hentgee, Michigan.
Andrew D. Cochrane, York.

PENNSYLVANIA.

Walter T. Evans, Dubois.
Gertrude Klinefelter, Jonestown.
Charles B. Lengel, Newmanstown.
Alison L. Edwards, Osceola Mills.
Edwin S. Burgham, Parnassus.
John F. Harshey, Penn (late Penns Station).

TEXAS.

Gerhard Dube, Bishop.
John E. Clarke, Knox City.
Lee Gray, Mabank.

WASHINGTON.

Charles T. Brehm, Fairfax.
Robert B. Henry, Lakeside.
George F. Thomas, Retsil.

WEST VIRGINIA.

Henry N. Murphy, Anawalt.
Sherman Pullen, Branchland.
Alexander W. Ewing, Pickens.
George A. Brooks, Pineville.
Ralph S. Kauffeld, Star City.
Emmett W. Williams, Stotesbury.

WISCONSIN.

Edward K. Cunningham, Berlin.
Bert B. Powers, Fennimore.
Halvor Thorson, Hawkins.
Albert W. Priess, Maiden Rock.
M. Vivian Brown, Minong.
Claire A. Lynn, Mount Hope.
Arnold E. Langemak, Sawyer.
Milton R. Stanley, Shawano.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 14, 1922.*

The House was called to order by the Speaker pro tempore, Mr. WALSH.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious God, make the day a delight to all. Give us the mind that casts off anxiety, fear, and infirmity. Enable us to take hold of the bigness and the joy of life, and not allow the passing things of time to sadden us. Grant a plentitude of strength and wisdom, that we may see the truth and then love to follow it. Feed all hearts with hope and gladness. O may jealousies continue to cease among the nations and the waters of passion soon recede. Establish our people in the ways of obedience to Thy laws and to the laws of the land, and may morality and intelligence become the absolute securities of our Republic. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. ANDREW of Massachusetts. Mr. Speaker, I ask unanimous consent to insert in the RECORD in 8-point type a letter addressed by me to the Ways and Means Committee and other Members of the House. It concerns the extension of the adjusted compensation to the heirs of veterans who died during the war or subsequent to the war.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to print in the RECORD in 8-point type a letter addressed by him to the members of the Ways and Means Committee and Members of the House relative to the payment of adjusted compensation to the heirs of deceased service men. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, can any Member on the majority side tell us when that bill is to come before us for consideration?

Mr. MONDELL. Which bill?

Mr. GARRETT of Tennessee. The adjusted compensation bill.

Mr. MONDELL. I think we shall be able to give definite information sufficiently in advance of action to be reasonably satisfactory to all gentlemen.

Mr. GARRETT of Tennessee. Can the gentleman tell us now in what way it will come before us for consideration—whether there will be an opportunity for debate and amendment?

Mr. MONDELL. That is hardly for me to decide.

Mr. GARRETT of Tennessee. The gentleman is asking unanimous consent——

Mr. MONDELL. The gentleman from Massachusetts is asking unanimous consent to insert in the RECORD an expression of views in regard to the measure. His remarks have no bearing on the question as to when the matter shall be considered.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD touching compensation to the relatives of deceased soldiers. Of course, the bill, so far as we know anything about it, does not provide for that.

Mr. MANN. It has not been reported.

Mr. GARRETT of Tennessee. Whether there will be an opportunity to amend the bill so as to provide for that might become somewhat important.

Mr. MONDELL. The bill has not been reported, so no one knows exactly what its form will ultimately be.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GARNER. Reserving the right to object, I want to ask the gentleman from Wyoming a direct question—do you intend to take the bill up next Monday if the Speaker will recognize you to move to suspend the rules?

Mr. MONDELL. I do not think that is a question that I can answer. It would not be my province to move to suspend the rules in any event, but in due time and sufficiently in advance to give gentlemen who are away an opportunity to return, I hope we shall be able to announce when and the manner in which the bill is to be taken up.

Mr. GARNER. The reason I am asking the question is that I think gentlemen ought to give the information now because there are Members absent, some candidates for United States Senator——

Mr. MANN. They ought to be here.

Mr. MONDELL. There are other candidates for United States Senator who are on the job. [Laughter.]

Mr. GARNER. And the candidate for United States Senator ought to have sufficient information to advise the House when he is going to call up the bill. [Laughter.] I think the gentleman ought to give us as much information and notice when he expects to take the bill up as he can, and whether he expects to take it up next Monday if the Speaker will recognize him.

Mr. MONDELL. The present organization of the House has given advance notice and information as to the order of business in the House to a greater extent than has ever been done before in the history of this body. I am sure that an earnest effort will be made in the future, as in the past, to inform gentlemen who are away, who ought to be here, when they should be here to vote on measures that may have an influence on their election.

Mr. MANN. May I ask the gentleman from Texas—this seems to be an experience meeting—if the adjusted compensation bill comes up next Monday, will the gentleman from Texas vote for it?

Mr. GARNER. No; of course, I will not; the gentleman from Texas is intelligent as well as the gentleman from Illinois, and he is not going to vote for a monstrosity like this.

Mr. MANN. It has not always been proved. [Laughter.]

Mr. GARRETT of Tennessee. Will the gentleman from Texas yield?

Mr. GARNER. I have not the floor.

Mr. GARRETT of Tennessee. I heard a rumor a few moments ago that the Committee on Ways and Means would meet at 2 o'clock this afternoon. May I ask the gentleman if that is correct?

Mr. GARNER. That is correct. I will say to the gentleman from Tennessee that there were fortunately a sufficient number of members of the Ways and Means Committee present this morning who desired information on the bill that is likely to come up for consideration to send for these gentlemen who had the necessary information to give to the Congress. It was not in secret but in open session, and although it may be said it was done over the protest of other gentlemen who did not want information but merely an opportunity to record their votes.

Mr. GARRETT of Tennessee. Will the gentleman yield further?

Mr. GARNER. At the suggestion of my colleague from Georgia [Mr. CRISP] I might say that the Secretary of the Treasury, the President of the Federal Reserve Board, and the Comptroller of the Currency are supposed to appear before the committee this afternoon and give what information they have concerning the economic effect of this proposed bill on the country.

Mr. GARRETT of Tennessee. Will that meeting be at the Ways and Means Committee room in the House Office Building?

Mr. GARNER. Yes.

Mr. GARRETT of Tennessee. Would the gentleman from Wyoming be willing to have the House adjourn in order that we might go there and obtain that information?

Mr. MONDELL. If gentlemen are not sufficiently interested in the business before the House to remain here, it is their privilege to appear before the Committee on Ways and Means.

Mr. LONGWORTH. And I have no doubt that some of those might very well be excused.

Mr. MANN. If the gentleman wants to go, I think we can excuse him.

Mr. MONDELL. I do not think it is necessary to suspend the business of the House for that purpose.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none, and it is so ordered.

The letter referred to is as follows:

Letter of Congressman ANDREW of Massachusetts addressed to members of Ways and Means Committee and other Members of the House upon paying adjusted compensation to heirs of deceased veterans.

MARCH 9, 1922.

MY DEAR COLLEAGUE: Your attention is called to an omission in the adjusted compensation bill (H. R. 10769), which I believe you will agree involves injustice and has no warrant in logic and ought to be rectified before the bill is presented to a vote of the House.

The bill provides that in case a veteran applies for adjusted compensation and dies before receiving it the compensation to which he was entitled but which he had not received shall be paid to a designated beneficiary, or, failing that, to his estate; but, on the other hand, if he died during the war or since the war and before the act goes into effect and so never had a chance to file an application, no provision is made to pay his adjusted compensation to his heirs or estate. Certainly neither logic nor justice warrants making a distinction between the heirs of those veterans who may die a week after the law goes into effect and the heirs of veterans who may die a week before. Above all, the injustice is manifest of favoring the heirs of veterans who may die in civil life in the future, as compared with the heirs of those who died while actually in the military or naval service of the country, including those who died on the field of battle.

To prevent the commission of what would seem to me an act of inequity and unwisdom, on February 3 I submitted to the Ways and Means Committee an amendment to the adjusted compensation bill along the following lines, to be inserted among the miscellaneous provisions under Title IX:

If any veteran, as defined in section 2, died during the war or shall have died before making application in accordance with the provisions of section 302, the amount of his adjusted-service credit as authorized and defined in the provisions of Title II shall be paid to the relatives hereinafter specified under such regulations as the Secretary of War and the Secretary of the Navy shall jointly prescribe: *Provided*, That application for such benefits be made on or before July 1, 1922: *And provided further*, That the deduction of payments for 60 days of active service referred to in the provisions of Title II shall not be made in computing the benefits accruing to the heirs of any veteran who did not receive the payment of $60 under section 1406 of the revenue act of 1918 because of death either before or after the passage of that act.

The benefits authorized by these provisions shall apply, first, to a widow if living and unmarried; second, if there is no widow living and unmarried, then to a child or children; third, if there is no child or children, then to a mother; fourth, if there is no mother, then to a father: *Provided*, That the terms "child or children" shall include a legitimate child, a child legally adopted, a step-child if a member of the veteran's household, an illegitimate child if acknowledged in writing signed by the parent or if the veteran is judicially decreed to have been the parent of such child, and that the terms "mother" and "father" shall include step-mothers and step-fathers, mothers and fathers through adoption, and persons who have stood in loco parentis to the veteran at any time prior to his enlistment or induction for a period of not less than one year.

Of the nine members of the committee who voted upon this amendment, five, as I am informed, voted against it and four in its favor. Should the amendment never be allowed to come before the House for a vote, one man will then have given the final decision upon a matter which concerns the most deserving sufferers from the war, and for this decision all Representatives in Congress who support the adjusted compensation bill will be held responsible. If the justice of this amendment appears as clear to you as it does to the undersigned, I bespeak your support for it, and ask that you urge upon the members of the committee its incorporation in the bill before the bill is reported to the House.

Respectfully, yours, A. PIATT ANDREW.

ARMY APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes. Pending that, will the gentleman from Mississippi [Mr. SISSON] please state how much time in general debate he needs on his side of the House?

Mr. SISSON. Mr. Speaker, I have had quite a number of requests for time. There are three different items in the bill to which several gentlemen desire to address themselves. Some gentlemen want to talk about rivers and harbors, some about the Army, and several gentlemen wish to speak generally. I think we will need about five hours on this side, and if I should grant these gentlemen all of the time they ask for it would take a great deal more than that.

Mr. ANTHONY. It has been suggested that we devote two days to general debate on this bill.

Mr. SISSON. That is entirely satisfactory to me.

Mr. ANTHONY. But for the purpose of specifying what we mean by two days, I would suggest nine hours of general debate, four hours and a half to be controlled by the gentleman from Mississippi and four hours and a half by myself.

Mr. SISSON. If we are going to devote two days to debate, rather than to have some gentleman either on his side or on this side cut out of time I suggest that we continue a little longer.

Mr. ANTHONY. Of course, the gentleman knows there is bound to be some other business taken up by the House.

Mr. SISSON. I think that would be satisfactory to me. I do not feel that there would be any objection to continuing the session a little longer in order to accommodate gentlemen on either side of the House. I have no objection to that understanding, that we devote two days to it.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the general debate on this bill be limited to nine hours, one-half to be controlled by the gentleman from Mississippi [Mr. SISSON] and one-half by myself.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that general debate upon the bill be limited to nine hours, one-half to be controlled by himself and one-half to be controlled by the gentleman from Mississippi [Mr. SISSON]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10871, the Army appropriation bill, with Mr. LONGWORTH in the chair.

The Clerk reported the title of the bill.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, the bill which is before the committee for consideration is the bill making appropriations for the War Department activities for the next fiscal year. For the first time the measure embraces not only the appropriations for the Army but for rivers and harbors, for fortifications, for the soldiers' homes, for the Panama Canal, and a number of other activities which heretofore have been carried in the sundry civil appropriation bill, the legislative bill, and other measures. In the first place the bill has been divided so that the essential military activities appear in Title I of the bill and the nonmilitary activities are classified under Title II.

The total estimates which came to the committee from the Bureau of the Budget were approximately $360,000,000 for all of the War Department activities for the next fiscal year. Your committee has reported a bill which makes a reduction in the Budget estimates of $87,000,000 for the conduct of the department for the next fiscal year, and I want to say to the House that in making those severe reductions in the estimates of the Budget the committee was animated, first, by the purpose of endeavoring to reduce the expense bill for the conduct of this great Government of ours for the next fiscal year so that we would be able to do our part toward contributing to the grand total of one billion reduction in the expenses of this Government for the next fiscal year as compared with the last fiscal year, which is the result we all hope to attain. [Applause.] Next, we were animated by the desire to bring the appropriations for the conduct of the War Department down to somewhere near the basis that characterized them in the years before the war. All gentlemen know that during the war, with the liberal spirit that characterized this House, appropriations in large lump sums were made for the War Department, which encouraged a spirit of waste, perhaps of extravagance or of liberality, to say the least, in the expenditure of the public funds, and which we have not entirely gotten over as yet; your committee believed it is time to bring the administration of the affairs of the War Department and of the expenditure of the moneys which you appropriate down to what might be called a business basis. We also had the idea in mind that in making these radical cuts there was danger of crippling the military service of the country, and that was the one purpose that was furthest from our thoughts. And I want to assure the House that every reduction which has been made in this bill or limitation which your committee has placed upon it has been made not only with the idea of reducing the expenditures for the Army but of increasing its efficiency and its effectiveness, and we believe that if our recommendations are carried out the Army will not only be more efficient but more effective than it has ever been before. [Applause.] We sought not only to find a way to make these reductions but we sought to find what has been the cause of these large expenditures. We devoted three months of work in committee room in an endeavor to ascertain those facts. We wanted not only to find those facts but after we found them possibly to present them to the House in some constructive form and to give some suggestions as to how these large expenditures could be obviated in the future. We think we have found where the money has been going.

It lies, as I said before, in the expensive method of administering the Army. We found a number of rat holes, gentlemen, and by means of limitations in the bill we are trying to stop them up. For instance, we find that it has been the policy of the General Staff—and I do not desire to speak of the General Staff in a derogatory manner, for they are a very able body of men and splendid officers of our Army—but we find that it is now their desire, and has been, to maintain in Hawaii in time of peace a full division of men, which means 14,000 as the minimum and perhaps 21,000 as the maximum, dependent upon the whim of the department as to the size of the division. We find they want to station a division of men in Panama, 14,000, and unless they are curbed in some way that is what you are going to see within the next year or two. It has cost as much to maintain these divisions in Hawaii and in Panama, or will cost during the next fiscal year, as it cost for our entire Army in the years following the Spanish War. So that your committee felt they would have to put a stop to this plan of stationing such large numbers of troops in our island or outlying possessions and reduce them to a reasonable basis somewhere compatible with what it ought to be.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SMITH of Idaho. Will the gentleman indicate on what basis he proposes to determine whether or not we need less soldiers in Hawaii and Panama than at the present time?

Mr. ANTHONY. Well, the committee is forced to use its judgment to a large extent. The general thought in defense of the Panama Canal and the western coast and all of our military defense both in Hawaii and in Panama are predicated upon the American Navy being first wiped off the seas; but with a Navy probably the strongest on the seas to-day I do not think there is any probability we will have to face that event. So I do not believe it is necessary to maintain these immense garrisons at these points, and especially when they are so quickly accessible by ordinary means of transportation as they are now.

Mr. SMITH of Idaho. The conclusion the committee has reached is not concurred in by the Secretary of War nor Gen. Pershing.

Mr. ANTHONY. Oh, no; of course, they are not concurred in by these military gentlemen, and there is no more true statement that can be made than the one made by Lord Lee, one of the English representatives at the recent disarmament conference in Washington, who in speaking of England's placing large garrisons all over the world said that if the English general staff was left alone they would put a garrison on the face of the moon. It is true of any army that they will overgarrison any spot under the idea of taking extra precautions. This large saving of $87,000,000 that has been made from the estimates of the Budget may not all be net. I will say to the committee there are $13,000,000 included for pay of the Army. For the last three years we have been paying the Army a 20 per cent increase over the pay provided in the basic law of 1908. That temporary increase expires June 30 next. This bill provides for the pay of the Army beginning the 1st of July next, so the only law which we had upon which to base the pay of the Army is the basic law of 1908.

The measure now pending before this body, embodying the McKenzie bill, which I understand will shortly come before you for consideration, if adopted increases the base pay of 1908, and it will be necessary to augment the pay provision of this bill with an additional appropriation covering any increase which the House may make. Now, in reference to the size of the Army, this bill limits the number of enlisted men to 115,000. The Army today is approximately 140,000 men. Last year we authorized a total of 158,000, including the Philippine Scouts. In this bill the Army is limited to an enlisted force of 115,000 plus 7,000 Philippine Scouts, making a total of 122,000 enlisted men.

Mr. MANN. Will the gentleman yield?

Mr. ANTHONY. I will yield.

Mr. MANN. How is the limit fixed?

Mr. ANTHONY. By a reduction of the amount of the appropriation for pay of enlisted men, and a provision in the bill that the amount appropriated in the bill shall not be exceeded for the purposes for which they are appropriated.

Mr. McKENZIE. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. McKENZIE. I desire to ask the gentleman from Kansas whether they took into consideration the question of the abandoning of the Philippine Scouts? That proposition, as the gentleman knows, was discussed in our committee a number of times, and for one I am not in favor of continuing an army of Philippine Scouts.

Mr. ANTHONY. That question was not considered by the committee, but we discussed the Philippine situation in detail with both Gen. Pershing and Secretary of War Weeks. We have approximately 7,000 American troops in the Philippines and 7,000 Philippine Scouts. The Secretary stated he believed conditions were such that he would withdraw a large part of the American troops from the Philippines in the near future, and that would leave the garrisons in the islands very largely in the hands of the Philippine Scouts, which are recognized as a highly efficient body of men. And, further than that, they are an economical body of men for Congress to maintain, because their pay is one-half of the pay of the American enlisted men, and their maintenance is much less.

Mr. McKENZIE. Of course, it is contended by some of us that the Philippine people should maintain their own National Guard for the purpose of keeping order in the Philippine Islands, and that it should not be a charge upon the Government of the United States.

Mr. ANTHONY. Of course, the gentleman knows that the Philippine Constabulary occupies about the same position in the Philippines that the National Guard does in this country, and to all intents and purposes the Philippine Scouts are in the Regular Army—at least officered by officers of the Regular Army.

Mr. BRIGGS. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BRIGGS. What is the number of officers at the present time?

Mr. ANTHONY. I will get to that in a moment. With the reductions we propose to make in the garrisons in Hawaii and Panama—and I will say that a provision in this bill also withdraws the troops from the Rhine by July 1, and we leave 500 men on the continent of Europe largely for the purposes of cleaning up there; I presume it will be necessary to utilize a number of men in connection with the Graves Registration Service in France and work of that kind—and with the curtailment of these foreign garrisons there will be approximately 17,000 men returned to the United States, just about the number we propose to reduce the Regular Army by, thus meeting the principal criticism that can be offered to our reduction of the enlisted force at this time, namely, that we may be reducing the Regular Army below the safety point for our internal protection in this country; but by reducing our foreign garrisons we are augmenting the force stationed in the United States to a point even larger than it is to-day.

And in this connection the House should take into consideration the fact that our National Guard is growing by leaps and bounds. It is no longer a paper army, but it is composed of a body of 142,000 men, almost as efficient as are the soldiers of our regular service. We figured that by the beginning of the next fiscal year, by midsummer, it will number 160,000 men, and that by the end of the next fiscal year its growth will take it to a maximum of 190,000 men. So that there can be no charge made that the slight reductions we are making in officers and men in the regular service leaves this country without an adequate military force for its protection.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. CONNALLY of Texas. In the reduction of officers I believe the bill provides that those in the service shall be demoted or retired under certain conditions?

Mr. ANTHONY. I was just going to take that up.

Mr. CONNALLY of Texas. Who is going to say who the surplus officers are? Who is going to pick out the officers who are going to be fired?

Mr. ANTHONY. It will all be done under regulations approved by the President of the United States, and the committee presumes that, if the language of the bill is enacted into law, the machinery of the Pershing bill will be used for the purpose; that is, boards of general officers acting under regulations approved by the President.

Mr. CONNALLY of Texas. Why not let Congress say how they should be fired? Why leave it up to the Secretary of War?

Mr. ANTHONY. I do not believe it is in the province of Congress to place an estimate on the capacity of individual officers.

Mr. CONNALLY of Texas. But Congress can set up the machinery by which it can be arrived at.

Mr. ANTHONY. I think we can very safely leave it to the President and Gen. Pershing.

To discuss further the commissioned personnel of the Army, this bill limits the number of commissioned officers to 11,000. We now have 13,000, approximately, in the commissioned personnel of the Army. Seventeen thousand officers are authorized by the reorganization act of 1920, but we find this condition exists: While we limited last year the number of commissioned officers to 14,000 in our appropriation bill, and the number actually appointed was 13,000, we find that the War Department has gone ahead and made promotions in the Regular Army on the basis of the full number of 17,000 officers. So you have got the full number of colonels and lieutenant colonels and majors, and so forth, to-day in a commissioned personnel of 13,000 that the Congress authorized for the maximum of 17,000 officers. Of course it is costing the country an unnecessarily large amount of money, and it has thrown the commissioned force of the Army entirely out of balance. It has left us without any second lieutenants, so to speak. This bill proposes to correct the condition in which we find the commissioned personnel of the Army. We feel that 11,000, a reduction of 2,000 from the present number, will be an ample commissioned force. In reducing the commissioned force of the Army Congress can not make an arbitrary reduction and leave it to the department to get rid of the surplus, because under the present law there are only two ways to get rid of a commissioned officer of the Army—to accept his voluntary resignation or try him by court-martial for misconduct and give him a dishonorable discharge. So this particular legislation that we propose is necessary in order to cut down the commissioned personnel of the Army by 2,000, which the committee has decided is the proper thing to do at this juncture.

Mr. KINCHELOE. I heard a very prominent Senator of the gentleman's party say in the Senate the other day that 14,000 officers was a sufficient number to officer an army of 450,000 men, and he stated that these 14,000 officers were costing the taxpayers $53,000,000 a year, and he further stated that if the Army was reduced to 100,000 men, and the number of officers in proportion, it would save the taxpayers of this Government $100,000,000 a year.

Mr. ANTHONY. I think that is a rather extravagant statement, I will say to the gentleman.

Mr. KINCHELOE. How many civilians are employed in the Army to-day?

Mr. ANTHONY. The reduction which has been made in the civilian force has been very marked in the last year as the result of the limitations contained in the current Army appropriation bill and the energetic action of Secretary of War Weeks in reducing numbers of civilian employees.

Mr. KINCHELOE. Is it not a fact that there are about 40,000?

Mr. ANTHONY. The number of civilians to-day is slightly in excess of what it was before the war, in addition to the forces employed in the Chemical Warfare Service and the Aviation Service. Aside from those services I do not believe there are in excess of 10,000 more civilians in the Army to-day than there were before the war.

Mr. KINCHELOE. What is the total?

Mr. ANTHONY. I have not the total at my tongue's end, but I can give it to you in a few minutes. I should say it was in the neighborhood of 50,000.

Mr. SISSON. Mr. Chairman, if the gentleman will permit an interruption, I can give the latest figures furnished by the War Department of civilians in the field. It is 49,046.

Mr. ANTHONY. I am obliged to the gentleman from Mississippi.

Mr. KINCHELOE. Does the gentleman think that number is necessary?

Mr. ANTHONY. The Secretary of War stated to us that the number of civilians had been reduced almost to what it was before the war, with the exception of the new services that I have mentioned. There is no question but that the number has been radically reduced and is being still further reduced.

Mr. TILSON. Mr. Chairman, will the gentleman permit a question along that line?

Mr. ANTHONY. Yes, sir.

Mr. TILSON. Does that include the civilians employed on the Isthmus of Panama?

Mr. ANTHONY. I think not. That would be a nonmilitary activity.

Mr. TILSON. While they are connected with the department, they are not a part of the Army?

Mr. ANTHONY. That is correct.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LAZARO. In framing your bill, do you make provision for the highly technical branches of the service, such as aviation, the Chemical Warfare Service, and the Medical Service?

Mr. ANTHONY. We feel that we have made most liberal provisions for these different bureaus.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FISHER. Do I understand correctly that we have over 13,000 officers in our Army now?

Mr. ANTHONY. Twelve thousand nine hundred and eighty.

Mr. FISHER. Now, just what procedure is suggested whereby the Army would carry out the dismissal of the difference between that number and 11,000?

Mr. ANTHONY. I shall be glad to explain that to the gentleman.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. I understood the gentleman from Mississippi [Mr. SISSON] to say that there are 45,000 civilian employees in the Army.

Mr. ANTHONY. Approximately.

Mr. COOPER of Wisconsin. With an Army of 115,000.

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. That would be one for every three.

Mr. ANTHONY. About that.

Mr. COOPER of Wisconsin. What do they do?

Mr. ANTHONY. Let me give you one illustration: Take the Air Service of the Army, for example. We have 1,200 officers and nearly 8,000 enlisted men, or did have a short time ago. But with those 1,200 officers and nearly 8,000 enlisted men our Air Service has not been able to get up into the air without the assistance of 6,000 civilians, most of them mechanics.

Mr. COOPER of Wisconsin. That is 6,000 out of 45,000. What do the other 39,000 do?

Mr. ANTHONY. There must be 15,000 or 20,000 of these employees connected with the Quartermaster Corps, connected with the various manufacturing activities and other activities connected with the service.

Mr. COOPER of Wisconsin. That would be one man in three.

Mr. SISSON. I have some figures here that I would like to put in the RECORD at this time.

Mr. ANTHONY. I would be glad if the gentleman would make the statement.

Mr. SISSON. I give only the large employments, not the small ones. In the Quartermaster Corps there are 13,469; in the Medical Department there are 1,175; in the Engineer Department there are 19,189; in the Ordnance Department there are 6,000; in the Signal Service there are 344. Then, there are several small items of less than 100. Then, in the Air Service there are 3,400 and in the financial department there are 905. These men are all in the field service, and there are numbers that are not in the field service.

Mr. ANTHONY. I am just informed by the clerk to the committee that the maximum of 45,000 does not include civil work under the supervision of the War Department.

Mr. SISSON. Yes; that is true.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL. The gentleman stated that there were about 19,000 civil employees in the Engineer Department. Are they engaged in river and harbor work?

Mr. ANTHONY. Yes.

Mr. SISSON. Not those employed by contractors, but wherever the Government itself is doing the work, and there are certain civilian employees supervising the work; the civilian employees are included in this calculation.

Mr. HILL. How many are in river and harbor work?

Mr. SISSON. Well, we have various activities under the Engineer Department other than river and harbor work. In the service in connection with rivers and harbors, where the contracts are let to the contractors, those men doing the work are paid by the contractors out of another fund, and they are not included in this.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. REED of New York. I have in mind the Watervliet Arsenal. Do the civilian employees of the Army include those at the arsenals?

Mr. ANTHONY. They would be paid from the Government pay roll at the arsenals; yes.

Now, as the gentleman from Tennessee [Mr. FISHER] just suggested, it is necessary that we provide machinery by which we may get rid of the 2,000 officers, by which number we propose to reduce the force. Legislation is necessary for that purpose. But this committee has provided the legislative machinery to accomplish that end under the broad provisions of the Holman rule, because if we reduce the Army by 2,000 commissioned officers, it must be perfectly apparent to every Member that with an officer costing us on an average $3,000 per annum in salary a reduction of 2,000 officers makes a saving of $6,000,000 on the face of the bill.

Mr. DYER. Mr. Chairman, will the gentleman yield for a question?

Mr. ANTHONY. I would rather complete this statement first in regard to officers. Then I shall be glad to yield.

Mr. DYER. This is on the question of civilians.

Mr. ANTHONY. I would rather finish this statement first.

Now, in order to accomplish this reduction of officers the bill provides, first, that there shall be a limit to the number of officers in each grade. Thus we shall restore to the Army the exact proportion of officers in each grade as provided in the reorganization act of 1920. For instance, that act authorized 4 per cent of colonels, or 600.

We are providing in this reduction of 2,000 officers to a maximum of 11,000, 4 per cent of colonels, and then the exact proportion of lieutenant colonels and majors, captains, and first lieutenants. Therefore it is manifest that there will be a number of officers in each grade to be disposed of, and this bill provides that these officers can be recommissioned in the next lower grade if they are officers whom the department wishes to keep in the service, or if they have less than 10 years of service to their credit they may be discharged with 1 year's pay. That was the amount of pay provided by the Government when it discharged a number of officers after the Civil War.

Next we provide that if an officer has more than 10 years' service and less than 20 years of service to his credit he may be placed on the retired list with pay at the rate of 2½ per cent of his annual pay multiplied by the number of years of service. If he has 20 years of service and less than 30 years, we provide that he may have 3 per cent of his annual pay multiplied by the years of his service, but not exceeding the 75 per cent to which he would be entitled when he had served the maximum, as now provided by law. All this is to be done under regulations to be approved by the President, which means the appointment of suitable boards to eliminate the surplus officers.

In the bill which is pending before the House sponsored by Gen. Pershing it is my understanding that the officers that he proposes to get rid of are referred to as the least efficient officers. The bill now under consideration does not classify as inefficient the men we propose to get rid of. We classify them

as surplus in their grades, leaving it to the judgment of the department as to the individuals who should be taken out of the Army.

Mr. MANN. Will the gentleman from Kansas yield?

Mr. ANTHONY. I yield to the gentleman from Illinois.

Mr. MANN. I have not yet been able to read the bill. Are the legislative provisions to which the gentleman refers carried in the bill?

Mr. ANTHONY. They are carried in the bill.

Mr. MANN. Of course, they will go out on a point of order unless there is a rule to keep them in. Does the gentleman expect to have such a rule?

Mr. ANTHONY. The committee rather thought that under the provisions of the Holman rule this legislation would stay in the bill. We hope it will, at any rate.

Mr. MANN. It is possible that that may be so.

Mr. TILSON. Are not a number of these provisions simply limitations?

Mr. MANN. You can not bring in as a limitation a provision discharging men and providing how they may be discharged.

Mr. TILSON. No; but they can provide that no money shall be paid to officers in excess of a certain number.

Mr. MANN. Oh, certainly; but I thought the outline given by the gentleman from Kansas contemplated legislation.

Mr. ANTHONY. At any rate, I will say to the gentleman that this is the only avenue which the committee saw open through which to achieve an early reduction in the size of the Army.

Mr. MANN. I think the provisions ought to be kept in the bill, even if it requires a rule to make them in order.

Mr. CRISP. Will the gentleman from Kansas yield?

Mr. ANTHONY. I yield to the gentleman from Georgia.

Mr. CRISP. I recall that when Judge Saunders, of Virginia, was presiding in the Committee of the Whole he held in order under the Holman rule a provision reducing the number of Cavalry regiments on the ground that as a matter of fact it effected an economy.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. How many officers are stationed in Washington at this time?

Mr. ANTHONY. I think I have seen the statement that there are possibly a thousand officers stationed in Washington and hereabouts.

Mr. JOHNSON of Mississippi. I understand there are between 1,700 and 1,800.

Mr. ANTHONY. I think that is in excess of the true number. There may be 1,100 or 1,200. I understand the department is taking measures to reduce that number.

Mr. JOHNSON of Mississippi. About how much?

Mr. ANTHONY. I have no means of ascertaining.

Mr. JOHNSON of Mississippi. Does not the gentleman think something ought to be done toward reducing the number of officers here? It is generally talked around that we have an excess of officers in this town.

Mr. ANTHONY. The Army has had a great many activities to look after and lots of work to do in closing up the big things that we had on hand during the war, and most of the officers who have been in Washington have been engaged in practical work for the Government. That has been my observation.

Mr. DYER. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Missouri.

Mr. DYER. Can the gentleman tell us what is the strength of our Military Establishment in the Philippines, including our civilian employees in the employ of the Army there?

Mr. ANTHONY. I can only give the gentleman the military strength there, which is 7,000 men of the American Regular Army and 6,900 Philippine Scouts.

Mr. DYER. How many officers?

Mr. ANTHONY. The clerk of the committee can give the gentleman that information.

Mr. DYER. Does the gentleman know whether or not it is the intention to bring home the Army now in the Philippines and to allow the Philippine Scouts, with native officers and men, to take care of the situation there?

Mr. ANTHONY. The Secretary of War stated to the committee that it was his intention to reduce largely the number of American troops in the Philippines. That is all the statement we have.

Mr. DYER. Did he make to the subcommittee any statement with reference to bringing them back entirely and letting the Filipinos manage their own military affairs?

Mr. ANTHONY. He announced no definite policy, except as I have stated to the gentleman.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I should like to have a clear understanding of what is included within the term "civilian employees"? I ask this question because the gentleman mentioned the Quartermaster's Bureau. Does that term include the clerks in the Quartermaster's office here in Washington?

Mr. ANTHONY. The maximum number which we gave?

Mr. COOPER of Wisconsin. The total number of civilian employees of the Army?

Mr. ANTHONY. I take it that the civilian employees mentioned include all the civilians paid from the money appropriated in this bill.

Mr. COOPER of Wisconsin. Are the clerks in the Quartermaster's Department paid out of the appropriation in this bill?

Mr. ANTHONY. They are.

Mr. GARNER. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARNER. Let me say that I had it from a member of the committee who heard the testimony that there are about 45,000 civil employees in the employ of the Army outside of the District of Columbia. He did not describe the nature of the employment, but that was about the number of civil employees.

Mr. COOPER of Wisconsin. I was wondering how one man in three outside the District of Columbia could be employed in the Regular Army as a civilian.

Mr. ANTHONY. Now, I will take up some of the items covered by the bill. For the Reserve Officers' Training Corps activities and from the standpoint of affording military training, they are accomplishing a splendid work. They are training at schools and colleges approximately 112,000 young men—45,000 in the high schools and 60,000 in the units at colleges. Last year we appropriated $2,850,000, and this year we are giving them $2,750,000; but we are also providing that there shall be furnished certain equipment and supplies—uniforms—which will augment the appropriation half a million dollars, so that we are amply providing for the continuation of the work.

Mr. HILL. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. HILL. I want to call attention to the bill to which reference has been made for the reduction of the number of the personnel of the Army. It uses the word "supernumeraries" and not "inefficient."

Mr. ANTHONY. Our idea was to avoid stigmatizing any officer as being inefficient.

Mr. HILL. That was the idea of the Military Affairs Committee, and section 4 of the bill says that the Secretary of War shall convene a board of five general officers, and so forth, who shall deal with "supernumeraries" and not inefficient.

Mr. ANTHONY. In the present bill we use the term "surplus."

Mr. SNELL. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SNELL. I understand the officers of the department will continue the same military training camps that you had last year.

Mr. ANTHONY. The gentleman refers to the civilian military training. In regard to that I will say that the appropriation for the current year was $900,000, and we trained 10,000 in the summer camps with that money. This year we are providing $1,900,000 for that work under which we feel that the department will be able to train 25,000 to 30,000 civilians. With this appropriation we give authority to use available surplus supplies in the quartermaster's department. For instance, we found 5,000,000 yards of uniform cloth that had better be made up now for the men's use than to keep it on hand five or six more years, and by giving them these supplies at the civilian training camps it augments their appropriation fully half a million dollars. So, for both branches of the civilian training the committee has made much more liberal appropriation than for the current year.

Mr. SNELL. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. SNELL. Is the department to create additional camps, or extend the ones they now have?

Mr. ANTHONY. In the report the committee takes the liberty of recommending more camps and that they be scattered over the country geographically so as to cut down the expense of transportation, which runs very large during the present year, and using the existing facilities at military posts so they can conduct the camps much cheaper than in the past.

The next important item is the Air Service. We gave the Army $19,000,000 for the Air Service during the current year. The Bureau of the Budget sent in an estimate of $15,000,000 for the next fiscal year. The committee has allowed twelve million and some hundred thousand, and in doing so we still believe we are making ample provision for the Air Service. We

have made some reductions which we believe have been made along lines where it should be made. We are reducing the appropriation for the employment of civilian forces which various gentlemen in the House have been inquiring about.

Mr. SNYDER. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from New York.

Mr. SNYDER. Can the gentleman tell us whether there has been any perceptible gain in the efficiency of the flying service within the last year?

Mr. ANTHONY. I think that there is a perceptible increase in efficiency all along the line.

Mr. SNYDER. Will the gentleman state whether the machines they are now using will be any great improvement over those that they have been using?

Mr. ANTHONY. I intend to take that up in a minute.

Mr. SNYDER. I was wondering whether with the reduction in the amount of the appropriation you are certain that the service will be better and more efficient in the future than in the past.

Mr. ANTHONY. There is no reduction in the amount we provide for new airplanes, we are giving every cent that they ask for.

Mr. SNYDER. Does the investigation show that the construction of flying machines was improved to any amount last year?

Mr. ANTHONY. This seems to be the situation: We found where the Air Service had made what we thought was a blunder in spending money for the Barling bomber, a gigantic plane of which they are building two up in New Jersey, that cost $375,000 a piece. They cost $375,000 a piece. There are two of them under contract, and we are informed that when completed they will be equipped with six Liberty engines each and will have such a tremendous spread of wing, such a tremendous weight, that they claim there is no landing field in this part of the country where it would be safe to fly from or to land. Gen. Patrick told us that as soon as that machine was finished, which would be shortly, he would have to dismantle it completely, put it on shipboard in New York, send it by water around to the flying fields near San Antonio—the Ellington and Kelly Fields in Texas—as that was the only place in the country where he thought it would be safe to put the monster in the air and land it again. The committee naturally concluded that that is an absurd machine for practical use.

Mr. SNYDER. To carry the question a trifle further, I am wondering whether there is a comprehensive plan worked out so that it has been determined that certain types of machine are the types that would be regular and proper for the future business of warfare.

Mr. ANTHONY. Oh, I think not. I think we are still in a state of flux, if I may use that expression, and we are all looking forward to the development of a plane which will be absolutely safe in the air, and which will fulfill all of our expectations.

Mr. SNYDER. I am somewhat familiar with the idea of spending three or four hundred thousand dollars and experimenting with a machine such as the gentleman has just described, which when you get it done you have to take down and transport rather than fly it from the place of its construction to the place it is desired to operate it. It seems to me that is very silly, and the people generally are feeling that way about the Air Service, at least those that I come in contact with.

Mr. ANTHONY. To continue with the gentleman's question along the line of what has happened in the development of airplanes, last year we were assured by the Air Service that the development of a proper pursuit plane, which is the combat plane used by the Army, was the most important thing they had in view. They claimed they had developed what they call the Thomas-Morse pursuit plane, which was all that they hoped to have, the very fastest and the best combat plane possible to manufacture.

For the last two years we have given them ample funds with which to supply these Thomas-Morse machines. They are now coming through—some of them delivered and some hundreds more to be delivered—and to our surprise and astonishment, in the examination of the Air Service officials the other day, they apologized to us, and said that they were sorry, but that they were unable to obey the mandate of the current year's appropriation act. We did not merely appropriate $6,000,000 but we ordered them to expend $6,000,000 for new planes. They apologized, and said that they had not been able to do that, because the types of plane which they thought they had perfected were not such as they thought they were. In other words, they are going to slow up on the types that they thought were final; and there is still $2,000,000 of this year's appropriation they have been unable to expend. In Dayton they have now under experimentation the Loening and the Verville, two types they say are better than the Thomas-Morse, and we are providing $2,300,000—all they ask—to go into the manufacture of those types.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GRAHAM of Illinois. Is the gentleman going to discuss the dirigible proposition? What has been done in respect to the purchase of more dirigibles and with respect to helium gas?

Mr. ANTHONY. There is a limitation under which the department can not expend to exceed $400,000 for lighter-than-air machines. We put that limitation in purposely so that they would buy no more of those *Romas* or *R-34's* or any other of these big, useless gas bags.

Mr. GRAHAM of Illinois. Is there any appropriation made for helium?

Mr. ANTHONY. Yes. We have increased it from $250,000, which the Budget asked for, which the War Department asked for, to $400,000, although the committee is convinced that we have not facilities existing now, even after the expenditure of from ten to fourteen million dollars, with which we can manufacture helium practically from a commercial standpoint. There is no certainty that with the $400,000 which this bill provides and the $400,000 which the naval bill will provide—$800,000 in all—we will get an appreciable amount of helium. They claim it will give us 12,000,000 feet of helium if they are allowed the funds to operate the Fort Worth plant for 12 months at $70,000 per month, but the committee doubts this.

We are of the opinion that these large gas bags like the *Roma* and other ships of similar type have not the slightest military value, and that it is a waste of money for Congress to expend a cent for their acquisition or for their construction. The House ought to know that the *Roma* was not purchased by funds which this committee reported in any of its recent appropriation bills. The *Roma* was purchased over a year ago by the War Department out of funds which still hung over from those appropriated for the conduct of the war, and was purchased without any direct authorization of Congress.

Mr. HUDSPETH. Did I understand the gentleman to state that it is the purpose to authorize the War Department to reopen the helium plant at Fort Worth at once? I understand it has been shut down.

Mr. ANTHONY. We make an appropriation of $400,000 for that purpose, and the naval bill will augment that by an equal amount, I understand.

Mr. HUDSPETH. How long will this appropriation run this plant?

Mr. ANTHONY. They claim it costs $70,000 per month to operate the Fort Worth plant. The gentleman can figure for himself how long $800,000 will run the plant—approximately a year.

Mr. HUDSPETH. That is for the Fort Worth plant solely?

Mr. ANTHONY. That is the only one they say is in any condition to produce helium at the present time.

Mr. HULL. Will the gentleman explain why any money is expended on these large gas bags when the committee does not consider them of any military value?

Mr. ANTHONY. There is a limitation in the bill of $400,000. There will be no large balloon like the *Roma* purchased. This is for the purpose of building smaller gas bags, semirigid in type, which the committee feels are necessary, and we would have enough helium to fill them. They are necessary for observation of artillery fire and other military purposes.

We have a number of these small balloons left over from the war. The committee thought we had an ample number on hand, but upon investigation we found that the rubber deteriorates, and in three or four years since their manufacture the fabric has deteriorated so that it is necessary to let the Army have a half dozen more of that type for practice use and training.

Mr. SNELL. Will the gentleman yield for another question?

Mr. ANTHONY. I will yield.

Mr. SNELL. Are there any more of these floating funds of the War Department whereby they can buy one of these large balloons?

Mr. ANTHONY. I do not think there are any. The committee made an exhaustive study of the status of the appropriations of the War Department, and the gentleman will find this bill carries a provision authorizing the return of $9,000,000 of unallotted and unexpended funds of the type the gentleman describes, so that with the enactment of this bill we have put an end to the use of any loose money which the War Department might have.

Mr. SNELL. I think that is a very wise provision of the bill.

Mr. ANTHONY. The appropriation for ordnance is covered by items formerly carried in the fortification act and the sundry civil bill for the manufacture of coast-defense guns,

and so forth. In our ordnance appropriation we are just appropriating enough money so that a majority of the arsenals of the country can be operated on what they tell us is 10 per cent of the maximum capacity. We find that it would be an unwise military policy entirely to close down these big arsenals, and as I say, there will be a skeleton force maintained at each one of them, and they will be operated up to what will be about 10 per cent of their maximum capacity, which will be considerably less than they are being operated for during the current year. On our big-gun program we have authorized the continuation of the construction and made provision so that they may complete the necessary number of 16-inch guns, which are far enough advanced in their manufacture so it would be better to complete them rather than to use some of the surplus 16-inch naval guns and adapt them for the purpose which will be rendered surplus by the decrease in our naval force. We propose to authorize the completion of enough 16-inch guns to man the works at Fort Tilden, Rockaway, N. Y., where there is a battery of 16-inch guns going in. We authorize the 16-inch guns which go in at Fort Story to command the entrance to Chesapeake Bay and the completion of that project. We complete the guns and the project for the 16-inch fortification at Keoti Point, Hawaii, and the 16-inch project on the western approach to the Panama Canal. Aside from that the big guns authorized for manufacture at our arsenals are a certain number along the lines of experimentation and development, and these are but a few allowed to be carried through for experimentation purposes.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. NEWTON of Minnesota. As to the guns to man the west approach to the Panama Canal, is it proposed to add to the number of the guns there, or merely change those that are on top of that high rock? There are two of them there, I think 14-inch——

Mr. ANTHONY. We have two 16-inch guns there in order to increase the range.

Mr. NEWTON of Minnesota. What about the battery that is down behind the rock. Will those be changed?

Mr. ANTHONY. I do not think there will be any change in the existing battery. The batteries will be augmented by these 16-inch guns. That brings up the problem of what the present range of those large guns is. The committee every year has a number of scarecrows brought before it, so that we will make liberal appropriations for big guns.

One argument advanced this year was that certain ships of foreign navies had guns mounted on them that can outrange any guns which we have in our shore fortifications. When pressed to name the specific ship of a specific navy that had such a gun as that in existence they were unable to furnish the information to the committee, and the committee as a result of its investigation still believes that guns mounted on land defenses outrange by far any gun which can be possibly mounted on board a ship for the reason that to secure the range the gun must be elevated to a point, and the recoil consequently from a gun elevated to secure that long range on the deck of a ship is said to be sufficient to crush almost any deck from which the gun is fired.

Mr. LAYTON. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. LAYTON. Are any of these 16-inch guns to be placed at the mouth of the Delaware in order to protect the entrance to the bay?

Mr. ANTHONY. Not as yet. There are only the 16-inch guns provided for New York and the Chesapeake Bay in this country, so far as authorized by this bill.

Mr. LAYTON. May I ask another question, if the gentleman will yield? What will be done with all the 16-inch guns upon the vessels that are to be scrapped? Are they to be scrapped?

Mr. ANTHONY. If the gentleman will go down to the navy yard in Washington, he will see a pile of guns that have already been completed for use for the Navy that possibly will never be mounted. Now, the suggestion came to the committee that it might be possible to utilize those naval guns already manufactured for our land fortifications, but they claim it will increase the cost of the naval guns to adapt them for land defenses about 40 per cent.

Mr. LAYTON. So the 16-inch guns upon naval vessels to be scrapped will be scrapped also?

Mr. ANTHONY. The guns——

Mr. SWING. If the gentleman will permit, the naval guns last about so long when they are in use and these surplus guns will be used, but in time as these guns become worn out they are taken off and sent in to be repaired and in this way the ships will be kept with a supply of efficient guns all the time.

Mr. NEWTON of Minnesota. Possibly the gentleman covered this before I entered the Hall; if so, he need not repeat himself. I notice the committee has recommended to the House a restriction upon the number of men who shall be retained in the garrison at the Hawaiian Islands. Has the gentleman covered that?

Mr. ANTHONY. I made that statement; yes.

Mr. NEWTON of Minnesota. I do not care to have it gone into again.

Mr. FROTHINGHAM. Do I understand the committee fixes the exact number of men that should be in those places?

Mr. ANTHONY. Except in time of emergency, they shall not exceed 5,000.

Mr. FROTHINGHAM. And the War Department has no discretion about increasing the number at any of those places?

Mr. ANTHONY. At their discretion, they can station a thousand there if they want to.

Mr. FROTHINGHAM. But they can not have more?

Mr. ANTHONY. Not more than 5,000, unless they think it is an emergency.

Mr. FROTHINGHAM. If they think there is an emergency——

Mr. ANTHONY. Then they can station 100,000.

Mr. FROTHINGHAM. That is the thing I wanted to know, because the thing that worries me is the difficulty of getting reinforcements to those places in case of trouble, because of the distance being so great.

Mr. ANTHONY. I think the gentleman will admit it is easier for this country to reinforce the garrisons at Hawaii and Panama than it would be for any other country to reach them.

Mr. FROTHINGHAM. To reinforce those places?

Mr. ANTHONY. To send any military force to those places.

Mr. FROTHINGHAM. I was not thinking of that as much as I was of the local conditions. We all know before we took over the Panama Canal there were 20 or 30 revolutions a year.

Mr. ANTHONY. I will say to the gentleman that we have a force of 70 policemen in the Panama Zone maintained by this bill, and we think they can take care of any revolution.

Mr. FROTHINGHAM. Are they under the War Department?

Mr. ANTHONY. Under the Panama Canal administration.

Mr. LAZARO. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LAZARO. Does not the gentleman think the Panama Canal Zone is altogether different from all the other possessions we have? For instance, in the event of war, should we be caught there with a very small force, before we could get reinforcements there would not it be possible in a revolution in connection with foreign trouble for them to blow up the canal before we could get there?

Mr. ANTHONY. That is quite right. It is the most important point we have, and we should and will have an adequate force to prevent damage to the canal.

Mr. LAZARO. Have you made provision for that?

Mr. ANTHONY. Abundant provision.

Mr. LAZARO. How many men?

Mr. ANTHONY. Five thousand. And in addition, there is a force of marines there, and in addition there is the naval air force, and in addition there is the Navy on the Pacific and the Atlantic. In other words, we think it is very well defended at this time.

For chemical warfare the Budget asked for $1,500,000. In view of the Disarmament Conference they subsequently modified that to $500,000, which the committee has appropriated. That permits the continuation of experimentation and development work at the Edgewood Arsenal and permits it to be kept in a stand-by condition, and permits the manufacture of improved masks for experimental purposes and maintains a small force of men there so that it can be expanded if need be, but makes no provision for going into the manufacture of a large amount of chemicals to be used in warfare.

Now, as to the National Guard, the Budget asked for $30,000,000. The committee appropriates $21,000,000. As I explained to the committee a few moments ago, the guard is growing very fast. The committee desires to appropriate every dollar necessary to enable it to continue that growth, as we consider it one of the most valuable military assets we have, but we found that in the method of its organization great economies can be worked out. In other words, the War Department is permitting the National Guard to develop along the most expensive lines instead of along the most economical lines. For instance, last year we placed a limitation on the number of animals they

should have in the Regular Army. While we have gotten rid of that number of animals in the Regular Army they have increased the number in the National Guard. The same thing is true of motors. They have loaded the National Guard down with animals and surplus motors of all kinds that it costs a lot of money to keep up. So we have a limitation in this bill that there shall be no more than 4,000 animals in the National Guard. That reduces the appropriation for forage. The House should remember that for every mounted organization in the guard, for every motorized organization in the guard, there is a provision for five caretakers or mechanics at a total of $400 per month for each unit, and it runs into the millions of dollars, and we are trying to cut down that expense of the mounted, motorized, and technical forces.

Mr. NEWTON of Minnesota. The committee is recommending that the hiring of these expert mechanics, either in part or for full time, should be done away with?

Mr. ANTHONY. Not altogether. For instance, in the organization of a tank company in the National Guard, they issue 14 of these big tanks to it. We found out that each mounted troop of the National Guard or each battery has 32 horses. And in many of the county-seat towns, where these organizations exist, we find the horses have been in the livery stables, with five civilian attendants taking care of them all during the winter months, and that the horses have had little or nothing to do.

Mr. NEWTON of Minnesota. I believe in preventing that. Where there is a regiment of artillery that has been motorized, certainly expert mechanics ought to be required to take care of that equipment.

Mr. ANTHONY. Undoubtedly.

Mr. NEWTON of Minnesota. They will be allowed under this?

Mr. ANTHONY. Oh, yes; we have appropriated a certain amount for that. We may have to reduce under this bill the number of mounted units and number of motorized units. Heretofore, the guard has been able to hire horses for its artillery training. We do not know whether that would be practical or not.

But we are making liberal appropriations for the summer training period of the guard, when the Government will be able to provide all motors and all horses necessary for the guard during the training period.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL. As I understand this bill, it provides a limit of 4,000 animals for the National Guard?

Mr. ANTHONY. Yes.

Mr. HILL. Will the gentleman say what number was asked for by the War Department?

Mr. ANTHONY. Nine thousand two hundred.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. PARKER of New Jersey. Where mounted troops have been provided they are working their horses very hard and using them over and over again. I am very much worried over the danger of the diminution in the number of these horses. Is it necessary that these be reduced?

Mr. ANTHONY. The committee felt that it was.

Mr. PARKER of New Jersey. In the whole number?

Mr. ANTHONY. The department asked for an increase. They have 8,000 now, and they wanted 9,200. The committee felt that the mounted units should be kept at not exceeding 4,000 animals.

Mr. PARKER of New Jersey. Here is a body of Cavalry, a regiment, we will say, under the command of a lieutenant colonel, learning how to drill. My experience has been that mounted men will make better officers than unmounted.

Mr. ANTHONY. That regiment of National Guard Cavalry is a fine thing, undoubtedly, but the men can receive the necessary military training, and they will be just as valuable military assets for the country if they receive Infantry training instead of Cavalry training, which will cost only half as much.

Mr. PARKER of New Jersey. Is the gentleman sure of that, that Infantry training makes as good an officer as the Cavalry training?

Mr. ANTHONY. Our experience has been that the Infantry is the backbone of any army.

Mr. PARKER of New Jersey. One Cavalry troop that I know of, with 32 men in it, turned 272 officers into the World War.

Mr. ANTHONY. I will say to the gentleman that while it does not fall to the lot of this committee to determine a military policy, yet if we could do it we would have the National Guard, most largely for economical reasons, more largely composed of Infantry organizations, leaving it to the Regular Army to supply the mounted organizations and the technical organizations such as the Chemical Warfare Service, and the Tank Service, and the Air Service, which cost a lot of money.

Mr. PARKER of New Jersey. Does the gentleman realize that in the East no horses can be hired any more in our big cities? They have to be owned and used for governmental purposes. If there is any need for a mounted service we could not get horses except those.

Mr. ANTHONY. I agree with the gentleman. I think that in a few years we may not have any Cavalry at all.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL. Does this bill make any reduction in the Cavalry as such?

Mr. ANTHONY. It does not. It leaves that entirely with the department.

Mr. HILL. There are about 12,000 Cavalry on the border now to cover 1,700 miles of border?

Mr. ANTHONY. Yes.

Mr. HILL. But there is no forced reduction made?

Mr. ANTHONY. No.

Mr. McKENZIE. While the gentleman is on the subject of the National Guard economy, what has the gentleman to say about furnishing aircraft in the National Guard?

Mr. ANTHONY. We have taken the position that no further organization of technical companies should be permitted in the National Guard. That embraces, as I say, Chemical Warfare Service, the Air Service, and other such units. We believe that the Regular Army should furnish those elements.

Mr. McKENZIE. Does the gentleman believe that tanks belong to the technical side of the Army?

Mr. ANTHONY. Yes; I do.

Mr. FROTHINGHAM. The gentleman says it takes a great deal of money to have airplanes and those other things?

Mr. ANTHONY. Yes. If the States are willing to pay the money for it, they can do it.

Mr. FROTHINGHAM. Some of the States are contemplating that. The gentleman has no objection to that?

Mr. ANTHONY. No; I have not.

Now, with reference to appropriations for rivers and harbors, the committee has provided $27,635,260, the full amount asked for by the Budget Bureau for this year. This is appropriated in a lump sum. No specific items are mentioned, the same as in the case of the appropriation bills during the last two or three years.

Of this sum of $27,635,260 the committee is informed that about half of it is for carrying on maintenance work solely, and about half of it is for carrying on construction work on existing approved projects. We were informed by the Chief of Engineers that in his judgment, as the result of reports made by his district engineers, we ought to appropriate at least $60,000,000 for this purpose during the next fiscal year. But the Chief of Engineers has revised the figures of his district engineers and boiled them down to about $43,000,000, upon which he based his recommendation to the Budget Bureau and our committee. The Budget Bureau approved a total of $27,635,260.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HUDSPETH. Will a part of this appropriation for rivers and harbors permit a survey being made of different rivers with a view to building levees to prevent overflows?

Mr. ANTHONY. It does. There is something like $325,000 additional carried for survey purposes.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CHALMERS. I understand this $325,000 is for a special purpose.

Mr. ANTHONY. Not entirely a special purpose.

Mr. CHALMERS. That is for the survey of certain canals in Ohio.

Mr. ANTHONY. No. The committee agreed originally upon $200,000 for survey purposes, after which a number of Members of the House appeared before us and impressed upon us the necessity of a larger sum for this purpose, and the committee increased the amount from $200,000 to $325,000, having specifically in view the survey of three projects in contemplation for the construction of canals between Lake Erie and the Ohio River.

Mr. CHALMERS. I understand that estimate is $225,000.

Mr. ANTHONY. The committee has increased its appropriation only $125,000.

Mr. CHALMERS. That would leave only $175,000 for the general survey work, as referred to by the gentleman from Kansas.

Mr. ANTHONY. It would leave $200,000.

Mr. CHALMERS. Now, Mr. Chairman, I should like to ask the gentleman two or three other questions on this same matter. The gentleman knows that this appropriation of $27,500,000 is a revised amount reached after several hearings on the subject.

Mr. ANTHONY. Yes. I will say to the gentleman that in order to find out the amount of money that will be applied to specific approved projects it will be necessary to take the proportion of 27/42 of the amount mentioned in the schedule printed in the hearings, which was furnished us by the Chief of Engineers for his proposed total of $48,000,000. Then he will get about the amount of money they propose to expend on each of the approved projects.

Mr. CHALMERS. Is that mandatory?

Mr. ANTHONY. It is not mandatory. It is to be expended under the supervision of the Chief of Engineers, under the direction of the Secretary of War, so that it is optional with the War Department.

Mr. CHALMERS. But they can apply any proportion they see fit to any particular project, so far as the War Department is concerned.

Mr. ANTHONY. That is true, but these expenditures are made in accordance with a certain definite policy which has been approved and continued from year to year.

Mr. CHALMERS. As I understand, some very important projects are being investigated by the Rivers and Harbors Committee, and if my recollection is correct $400,000 was appropriated last year for surveys. Now, this year you are appropriating only a little over $300,000 for that purpose; $225,000 of this to be expended for special work, leaving only $100,000 as against $400,000 last year.

Mr. ANTHONY. We are appropriating $325,000 for surveys.

Mr. CHALMERS. With a new provision for $225,000 for a particular purpose, leaving very little money for the general work of surveys for the whole country. My own opinion is that it is not sufficient.

Mr. SNELL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. SNELL. During the war the Government owned and operated barges on the Erie Canal and Black Warrior and Mississippi Rivers. I believe that some time last year we provided for the sale of the barges on the Erie Canal and stopped the Government operation of them there. Can the gentleman tell me in a few words just what is the condition of our operations at the present time on the Black Warrior and Mississippi Rivers?

Mr. ANTHONY. I will tell the gentleman. The evidence shows that it is true that we sold the equipment from the Erie Canal, as the gentleman says, but so far as the evidence indicates we have not received any real money for it yet, although we hope to. The Government proposes to continue to operate its steamer or barge line on the Mississippi River and on the Black Warrior River in Alabama. The operation of the Mississippi River line is proceeding at a profit to the Government. The operation of the Black Warrior line is being continued at a loss to the Government, but it is continued in the authorization in this bill for the reason that it should be on a paying basis, and would be on a paying basis, if the railroads of the State of Alabama treated the Government barge line as they should. For instance, on freight from New Orleans to Birmingham, practically 90 per cent of the haul is on the Government barge or the Government steamer, and the short haul of about 10 per cent is on the railroad; yet the railroad is permitted to demand and receive about 85 per cent of the total freight charge. A case was brought by the Government two years ago to remedy that, which case is now pending before the Interstate Commerce Commission.

Mr. SNELL. How are you going to get away from that proposition?

Mr. ANTHONY. We asked them, "Why in the world has not the Government insisted on a show-down for a proper prorating of that freight rate? You say you started a suit two years ago, and you have not any ruling on it." Of course we were very indignant, thinking that the Interstate Commerce Commission were possibly at fault. The gentleman from Wisconsin [Mr. STAFFORD] took it up with Mr. Esch, a member of the Interstate Commerce Commission, who was formerly a Member of this House, and found out that it was true that the War Department had had a case pending there for the past two years, but the case had been continued from time to time on request of the War Department. Civilian attorneys who had been employed were evidently more interested in prolonging the litigation than in bringing it to a show-down. But I think that both the War Department and the Interstate Commerce Commission are open to censure for failing to bring to a decision as important a matter as that, and I believe that with a proper prorating of rates with the railroads the Black Warrior line might pay.

Mr. MANN. Surely the gentleman does not mean to say that the Interstate Commerce Commission is subject to censure for not acting on a case that is not brought to an issue before it by the attorneys in the case; because no court and no semijudicial body proceeds to inflict hara-kiri where the parties agree to continue the case.

Mr. ANTHONY. This case on its face shows an injustice and a wrong on the part of the railroads, and the Interstate Commerce Commission ought to assume the right to correct a wrong of that kind.

Mr. MANN. If both sides to a lawsuit ask to have it continued, it is not the duty of the court to examine the case without the aid of counsel in order to instruct the counsel what they ought to do.

Mr. ANTHONY. Yes; but the gentleman knows about the law's delays. The gentleman has heard about the delays of the law, and the people are very impatient about it.

Mr. MANN. I have heard about the delays of lawyers. It is not fair to criticize the court because lawyers delay a case.

Mr. ROACH. Will the gentleman yield for a question?

Mr. ANTHONY. I yield to the gentleman from Missouri.

Mr. ROACH. Has not the Interstate Commerce Commission the authority to correct this manifestly unfair rate, independent of any case that may be pending before it?

Mr. ANTHONY. As I have stated, this case is pending before the Interstate Commerce Commission. It has been delayed two years for various reasons, and I think the Interstate Commerce Commission has the right to make a decision to-morrow, and that it ought to make it, regardless of how the lawyers try to delay it.

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Missouri.

Mr. NEWTON of Missouri. Is it not a fact that the Interstate Commerce Commission appointed a special examiner to take testimony and report on this case—that it has been pending 14 months?

Mr. ANTHONY. I think the gentleman is correct.

Mr. NEWTON of Missouri. And they appointed a special examiner who has had the case under advisement for over a year and has just made a report, and is not it a fact that the original rates were approved by the Interstate Commerce Commission—the original rates fixed by the railroad?

Mr. ANTHONY. I think that is also true.

Mr. HILL. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. HILL. There was a barge line running from Baltimore to New Bern, N. C. Has that been discontinued?

Mr. ANTHONY. That has been discontinued, and the equipment sold.

Mr. HILL. In such approved projects as deepening of channels and the maintenance of channels, at the ports at Baltimore and other places, I understand that is in the discretion of the Chief of Engineers.

Mr. ANTHONY. Yes; under the direction of the Secretary of War.

Mr. SNELL. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SNELL. I understand that if you get a favorable decision in this case with reference to the Black Warrior River, there is freight available to more than make up the losses.

Mr. ANTHONY. That is our impression. And I think it applies not only to the Black Warrior but to the Ohio and the Mississippi and all other of the more important waterway systems; if they can get the proper treatment in the matter of rates the water lines will be self-sustaining.

Now, this bill makes appropriation for the national soldiers' homes. Under the existing conditions as the committee found them it is unable to make an intelligent estimate as to the appropriations necessary for the conduct of those homes for the next year from the fact that there are 3,500 men of the last war in the Veterans' Bureau being taken care of at the soldiers' homes. The soldiers' homes are receiving approximately $3 a day each, or $9,000 a day revenue. That is almost half of what it costs the Government to maintain the soldiers at the Public Health hospitals and other hospitals, and nevertheless under existing conditions we find that the soldiers' homes authorities are using the Veterans' Bureau fund to augment all the different items for which we appropriate in this bill. Therefore the committee has had no way to ascertain the definite sum that

we should give for definite purposes. We thought of placing a limitation in the bill on the funds from the Veterans' Bureau going to certain items where it is the view of the committee that they should not go, such items as ordinary expenses and overhead for the various homes.

Mr. STEPHENS. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. STEPHENS. Do I understand the gentleman to say that the money paid in by the Veterans' Bureau is used by different homes without its going into the Treasury?

Mr. ANTHONY. Without any further action by Congress in directing how the money shall be expended. The committee was concerned over that. We tried to write a limitation which would direct that the money go into the Treasury so that Congress could appropriate directly the necessary amount for the conduct of the homes, but we found that under existing law we could not do it and the legislation would be subject to a point of order if we did. But it is a situation that the House ought to know about, and it is a situation that ought to be corrected, because it is manifestly unbusinesslike to permit such a use of public money.

Mr. STEPHENS. Under whose direction are the national soldiers' homes now being conducted?

Mr. ANTHONY. Under a board of managers appointed by this body, of which Gen. George H. Wood, of Ohio, is president.

Mr. STEPHENS. Does not the gentleman think that these national soldiers' homes ought to be taken away from Congress and put under some particular head, so that they can be properly managed?

Mr. ANTHONY. If the gentleman wants to know my personal view, when I came to Congress 13 years ago I introduced just such a bill and have introduced it four or five times since, but I never got anywhere with it. I agree with the gentleman that the homes should be operated by the War Department. But I want to say that they are well managed now and the committee can find no place for serious criticism.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. NEWTON of Minnesota. In regard to the rivers and harbors, the Bureau of the Budget, as I understand it, cut down the estimates that had been submitted by the Army engineers from $42,000,000 to $27,000,000.

Mr. ANTHONY. That is true.

Mr. NEWTON of Minnesota. Did the subcommittee conducting the hearings consider the proposition of increasing the estimates of the Bureau of the Budget to the original estimate of the Army engineers, $42,000,000?

Mr. ANTHONY. The committee did not; it felt that in a matter of that kind it was not warranted in making such a large increase.

Mr. NEWTON of Minnesota. The reason I ask is that there is a considerable sentiment among the membership of the House that the Bureau of the Budget made a grievous mistake, and as one Member of the House I would like to have had the committee go into it.

Mr. ANTHONY. It is double the appropriation made last year, but I think it is the information of the committee that more money could be spent on rivers and harbors than the amount appropriated.

Mr. BOND. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BOND. It is not true that there was more money in the surplus fund last year, and that therefore the funds available will be less this year?

Mr. ANTHONY. The gentleman is quite correct; the $27,000,000 will be the only money spent for river and harbor work during the coming year.

Mr. BOND. Is it not further true that the Army engineers originally estimated $60,000,000 and then cut the amount down to what they thought was a minimum—$40,000,000—and that then the Budget cut the amount down to $27,000,000?

Mr. ANTHONY. That is a correct statement.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LAYTON. Is it not also true that in respect to this great work, which is necessary for the whole country and its prosperity, after economizing for some years on account of the war, we have actually less money for the work than we have had at any time in the past?

Mr. ANTHONY. I think that is true. The last item in the bill is for the Panama Canal. The appropriation for the current year was $9,000,000. The committee has reported four million and some hundred thousand dollars for the operation of the canal for the current year. The report of the canal officials is very gratifying. It shows that there has been a surplus of two and one-half million dollars turned into the Treasury as excess of tolls during the past year over the expense of operation. Of course this does not take into account the interest on the original investment, but it shows a very gratifying increase in the business of the canal and a promise that from now on it is going to pay its own way. The committee was able to get these radical reductions in the appropriations for the maintenance of the canal through the recommendations of the governor of the Canal Zone, Col. Morrow, who in his estimate proposed, first, that he would save $1,000,000 from the cost of the operation last year by utilizing $1,000,000 of previously appropriated money which he had not expended, and the appropriations for the Canal Zone are available until expended. Next he reduced the forces, which would take up approximately another million dollars. He abandoned also certain approved works of construction, thereby making a saving of another million dollars, and then, instead of asking for the money necessary to augment his stock of supplies, he proposed to use out of existing supplies almost another million, enabling the Congress to reduce the total appropriation to four million and odd dollars. The governor said that he foresaw a year ago the necessity for economy and has been preparing for it; and he has enabled us, therefore, to make the reduction in the appropriation which we present to you.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LAZARO. Would the gentleman mind discussing the salaries paid the employees in the Canal Zone, and stating whether under this reduction there will be less Americans employed and more natives?

Mr. ANTHONY. The information which the committee received was to the effect that undoubtedly the force of men in the Canal Zone will be further reduced from time to time. As the work is more and more completed the necessity for a large force of men, of course, diminishes. It is believed that by utilizing more silver labor, which means native labor, they can dispense with a good deal of the gold labor, which means the American labor. They are doing that wherever it can be done to advantage.

The labor conditions on the canal are not satisfactory. We find that the men are very much dissatisfied with reductions which have been made in their pay, and other things. Formerly they had nothing to pay for rent, light, heat, or anything of that kind, and now under a recent ruling they are charged a reasonable amount for light, heat, fuel, rent, and they object very strenuously to that. The men are paid upon the basis of a 25 per cent increase over what the same grade of labor receives in the United States, so that the committee believes they are well paid, but the committee feels that perhaps the men in the Canal Zone do not appreciate the fact that labor in the United States is no longer receiving the high scale of wages it received during the war period.

Mr. LAZARO. In this connection, in the event you cut down your white or American laborers and depend on the native laborers, in case of emergency, would it not be a drawback to us?

Mr. ANTHONY. I do not believe there is any danger of their depleting the white labor in the skilled or mechanical grades to any great extent, but they can utilize the native labor in many places where they are not doing it now.

Mr. LAYTON. Mr. Chairman, for the purpose of the record and general information, what were the total receipts of the Panama Canal?

Mr. ANTHONY. I have not the figures, but approximately $11,000,000.

Mr. LAYTON. And the total expenditures?

Mr. ANTHONY. Approximately $9,000,000.

Mr. LAYTON. And the total appropriations carried are, in round numbers, $4,000,000?

Mr. ANTHONY. Four million dollars; and we are enabled to make this saving by means of resorting to the things I enumerated.

Mr. LAYTON. If we deduct the amount of money received from tolls paid by American shipping, how would that $9,000,000 be affected?

Mr. ANTHONY. I can not give the gentleman that information, but the committee did find one very serious situation in regard to canal tolls that ought to be remedied. This House tried to remedy it by passing a bill a year ago. The bill went to the Senate and certain interested parties there have prevented the passage of the legislation. In other words, we are losing about $2,000,000 worth of tolls now because of the method used for measuring the tonnage of vessels under the present system. Under the present system we measure only the tonnage below the decks.

Mr. LAYTON. Does that advantage accrue to American ships?

Mr. ANTHONY. It accrues almost entirely to foreign ships engaged in carrying lumber from the northwest coast to the eastern coast. The lumber is largely carried on upper decks, and, of course, it escapes measurement, and the ships get away without paying their full tonnage.

Mr. LAYTON. Of course, the chairman of the committee has not gone into the question of free tolls for the Panama Canal for American shipping?

Mr. ANTHONY. That is one thing that we overlooked.

I want to apologize to the House for taking up so much of its time in explanation of this bill, but gentlemen will agree with me that it is a very large measure. I can not close without testifying to the great obligations I am under to the other members of the subcommittee who did so much to help perfect the bill that is now before you. Mr. STAFFORD, of Wisconsin, was indefatigable in his labors.

We had the benefit of the wide military experience of the gentleman from Virginia [Mr. HARRISON]. We had the benefit of the wide knowledge of fortifications of the gentleman from Virginia [Mr. SLEMP] through his previous service in the making up of the fortifications bill, and I feel under eternal obligation to my colleague, the gentleman from Mississippi [Mr. SASSER], the ranking member of the minority on the subcommittee, for the great aid that he brought to the committee in the make-up of this bill, and I want to recommend him to the Congress as the best type of economist I have ever seen in all my congressional experience. [Applause.] His is a service of great value to the taxpayer.

A MEMBER. On the Democratic side?

Mr. ANTHONY. On both sides of this House. He seems constantly to have in his mind not only what is best for the Government, and in the giving of advice to us on every close point he would say, "Let us decide this in favor of the people back home." [Applause.]

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. ANTHONY. I will yield.

Mr. CONNALLY of Texas. The gentleman, in answer to a question propounded by me in the beginning of his remarks, said the committee proposed to reduce the officers in the Pershing bill. Did he mean the present Army bill or the one now before the Committee on Military Affairs and not yet passed?

Mr. ANTHONY. The Pershing bill has, I understand, been considered by the House Committee on Military Affairs, and that bill provides for a reduction to 12,000 from 13,000 which we now have, and also there is an authorization for an increase a year later back to 14,000.

Mr. FILLS. Will the gentleman permit me to answer the gentleman from Texas? If he will notice House bill 10271 from the Committee on Military Affairs, it follows the first suggestion of the War Department, or the Pershing bill.

The CHAIRMAN. The gentleman from Kansas has yielded the floor. Does the gentleman from Kansas yield time to the gentleman from Maryland? The gentleman from Kansas has used 1 hour and 54 minutes.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, I do not know that I can add much, if any, information in reference to this bill in addition to that which the gentleman from Kansas [Mr. ANTHONY], the chairman, has called to your attention in his address. He has made a very full and clear explanation of this bill. It has required a great deal of very hard labor to make it up. I have worked on many appropriation bills since I have been a Member of Congress, but there has been more painstaking and diligent service spent upon this bill than any bill that I have been connected with. The committee has given more than three months of painstaking toil in working out the details of this bill. The chairman has been eminently fair and has given to this task that splendid ability which he is able to give to a question when he is interested in it, and the crowning virtue of his service is that I do not believe there has been in his heart or in his soul one particle of partisan politics in making up this bill. In fact, it is extremely doubtful whether or not an onlooker could have decided who was a Republican or who a Democrat in making up this bill. [Applause.]

Mr. MADDEN. Has not that been true in all bills reported from the Committee on Appropriations?

Mr. SISSON. That is true, so far as I know, on all bills from this committee, and I want to say to the distinguished chairman of the Committee on Appropriations that a Democrat would be going some to be a better economist and to more faithfully follow political promises of economy than has been the gentleman from Illinois [Mr. MADDEN]. [Applause.] I feel sure that if there were a matter in which I was interested, he would not stop to ascertain what section of the country was to be benefited; he would simply want to know about the merits of the item. In his services up to date as chairman of this great committee he has shown that splendid fairness, notwithstanding the fact that he is as partisan a Republican as I am a partisan Democrat, that causes him to lose all partisanship in the Committee on Appropriations, and especially in considering items of appropriation bills. The gentleman from Illinois is entitled to not only the thanks of his own party but the thanks of the membership on both sides of the aisle and the taxpayers of the entire country for the splendid service which he has rendered. [Applause.]

The gentleman from Wisconsin [Mr. STAFFORD] gave, as he always does, very patient attention to the details of this bill. We also had the assistance of the gentleman from Virginia [Mr. HARRISON], who has had service on the Committee on Military Affairs, and the knowledge he gained on that committee has been invaluable to the subcommittee in making up the bill. I think it fair to state that the subcommittee had a most difficult task, because I think one of the most difficult things for Congress to undertake to do is to make appropriations under the Army reorganization act so that it can control the expenditure of the items of appropriation. It is the most remarkably bad piece of legislation enacted since the Civil War, if not the most remarkably bad piece of legislation ever enacted in a free government. The people of America little dream how bad this reorganization bill is. It is wonderful in that no mind can conceive of one that is worse. It is so wonderfully drawn that it is next to impossible for Congress to control the expenditure of a dollar under its terms. The whole bill is drawn for the sole benefit of the Army officers. It is drawn by one familiar with and wedded to the German military system. The best thing this Congress could do would be to repeal this law.

That bill was so wonderfully drawn that the General Staff and the Secretary of War in apportioning these appropriations may make a perfectly fair apportionment and so write it in the appropriation bill and thus meet the entire approval of Congress and then after getting the money, if they desired for any reason to divert funds along activities of their own choosing, they could take it out of the items for feeding the Army, food and clothing, and use it for other purposes, and thus under this law create a deficiency and come to Congress and ask for $25,000,000 or $30,000,000 more money than Congress intended they should have and under the remarkable Army reorganization bill spend what they please. We have done the best we could to try to regulate the expenditure of all of the money in this bill by limitations on the items of appropriation, and as bad as the law is the committee has accomplished this within the rules of the House. We have, for example, endeavored so to limit the expenditure of this money that Congress will be able to control the size of the Army. That could not be done except by limitation, so that we will be able to control the expenditure so that money appropriated to feed the Army shall not be used for other purposes. In other words, we made an effort to put in this bill provisions which would enable the appropriating body, the body representing the people, to control the purse strings. Now, that has been quite a task, and it has not been without great labor that we were able to accomplish this.

Right here, Mr. Chairman, I desire to pause for a moment and State a few principles of government, lest we forget. The Army officials do not like any sort of restrictions or limitations upon their rights and powers to spend money. They would hark to the dead centuries of the past and reestablish the old system of government, with the Army in the ascendancy. In former years, before the Declaration of Independence, it was considered the function and the duty of the masses of the people to supply the demands of those in official life, so that those in office could take from the people just what they desired and appropriate just what they saw fit and proper for their own ease and comfort and for their own benefit, rather than for the benefit of the people. That viewpoint has been entirely changed. Now, I hold that the Government should serve the people and not the people the Government. But the reorganization act—that act of the General Staff; this so-called Kahn law—is the reincarnation of the old, ancient, and medieval idea that the chief purpose and function of government is to bring unwilling people under its domain for the benefit solely of the ones in authority. Why, Mr. Chairman, this idea is being discarded everywhere except with the General Staff of the Army and our Military Affairs Committee. The life tenure and retirement features of this law are as bad as any feudal system England or Europe ever had.

Governments in the past have been so conducted that the majority of the people have worked for the small minority. Our fathers thought that they had established a Government where this condition would never exist. They never dreamed that a Congress under our Constitution would ever turn back to the old feudal tenures in office, and that, too, under the guise of national defense. Yet that is what has been accomplished in this most wonderful law under which we are now living. The best thing Congress could do would be to repeal this law at once.

We can now boast of our lords. We now have our royal families and exclusive sets. You see them everywhere around here. They are in uniform and all wear English belts and shoulder straps, some, boots and spurs. All other nations are busy getting rid of theirs at this time and are happy at the riddance. We are just establishing ours. Now, Mr. Chairman, I do not want to be misunderstood. Our Army officers are a fine lot of fellows. They are men of ability and honor. They are not to blame. I blame Congress.

Mr. Chairman, I trust that I am in no wise governed or influenced in my judgment by any prejudice in this matter. I must admit, however, that I feel very deeply on this question. When I look abroad over this, the fairest country on the globe, and see so much suffering, so much poverty, such a shortage of money, and such a heavy burden of taxes, I confess that I get impatient of this persistent effort on the part of those who secured Army positions on account of the war now using every device known to man to hold on and thus continue this burden, which is so heavy that our people can not bear it much longer. Congress alone can protect the taxpayer, and Congress can not unless it has courage and is willing to cut these appropriations and cut deep.

Now, in reference to military activities in our Government, I want to say that we must never lose sight of the fact that the Army is always, except in time of war, to be absolutely subservient to the civil authorities. Governments should not exist for the benefit of armies or army officers. Under our theory of government, army officers ought not to assume control of the country.

In time of peace the Army should be absolutely subservient to all the civilian peace officers. Government does not exist for the benefit of Army or Army officers. The purpose of an army under our system of government is to aid and assist the civil authorities in enforcing the law, enforcing the laws made by the Congress of the United States and those made in various State legislatures when called upon by the governors to do so, and in time of peace it is only a part of the police force of the country, to be called into action when the civil police can not control the situation. Let us keep that constantly in mind, because all the republics in the past have been destroyed by reason of the fact that the glamor of military life was attractive to them and the military authorities assumed control of affairs and subverted the civil authorities in time of war, and they were never able to restore the republic or government which they had prior to the time the military assumed control. There is nothing that history teaches so clearly as that you must fear constantly the encroachment of the military over the civil authority. Why, the Kaiser himself realized that, accepting as he did and his father before did the doctrine of Treitschke, who made the military theory popular in Germany at the beginning through the educational channel, offering every boy in Germany an education at the expense of the German Government, and acting under this theory every school in Germany became and was a part of the military establishment, requiring young men, when they reached a certain age, to attend these military schools. The German Emperor thought in this manner to protect his power and perpetuate his family in power. But this did not save him or his government.

In every school all the students had instilled into their minds the military theory of government and that Germany, the greatest military country on earth, with the Kaiser at its head, was destined to world dominion. The burden became great and the taxation heavy. And the very instrumentality of the Treitschke and the Bismarckian theory, accepted by the German Government, became the unmaking of the German Empire.

We need not lay the flattering unction to our souls that the allied forces, even after the United States had gotten into that conflict, overcame the German military power, because that is not the truth. The experts believed it would continue for at least two years longer than it did. They had not calculated upon the German Army and the German people not being loyal to the Kaiser. You say, Have you any authority for that? Yes. What is the authority? Oh, consult the hearings in the Military Affairs Committee; go and consult the hearings before the Appropriations Committee; and you will find it was felt by European military experts, as well as our own, that it would be at least 12 months before we could reach the peak of the offensive, and we were making arrangements for the offensive to begin about 12 months from the date the armistice was signed. The Chanteau-Thierry fight changed the whole order of things. It was not the military prowess of the Allies which brought about the destruction of Germany and caused the German Emperor to flee his country. What was it? Men had guns in their hands in Germany who did not believe in the militarism of Germany or the Kaiser's government. They were tired of being governed by an army. The burden was heavy. This was their first opportunity to get rid of this hateful burden.

The Kaiser was by this very instrumentality, upon which he confidently relied, compelled to flee his own country, and he is now living apart from his own country and is afraid to go back. What was it that destroyed the Russian Empire? The thing they thought would save Russia was the thing that destroyed it. Now, it was months after the Czar was dead before the people of the world knew it. What was it that caused his overthrow? Those people in Russia did not own the lands and most of them did not own any sort of property. The ruling class thought to keep that Government superimposed upon the people of Russia by military force. But in this great world conflict the people of Russia for the first time got into their hands precious guns. The millions of Russian peasants got guns in their hands for the first time. It is true he knew little about handling it. But when he got the precious gun in his hand he soon learned to use it and he made up his mind he would never surrender it until that Government that had so long oppressed him was absolutely destroyed. I never want Americans to lay the flattering unction to their souls that they can preserve this Republic by armies and navies. It can not be done. In other words, a government is no stronger than the love of the people for that government. Public sentiment must support and sustain the government or it will fall.

Mr. Carlyle, in his history of the French Revolution, in substance said that, prior to the breaking out of the French Revolution, there would be a little uprising in some portion of France, and a few Frenchmen with little uniforms and with nice little caps on their heads would appear with little pieces of iron pipe, with some little black substance in it that would, with smoke, roll a little leaden pellet out that would seek the life of those to whom it was directed. On these iron pipes there were little toothpicks, and there was a piece of wood along the iron pipe. He said that these Frenchmen, with their little caps and uniforms and iron pipes with wood stocks and with toothpicks on the end, would rush over and put down the uprising. The uprisings continued to multiply in spite of the number of little uniforms, and the number of little iron pipes, with toothpicks on the end of them. And thus it continued for a long time, and the King relied upon the uniforms, caps, and iron pipes. But Carlyle, as he frequently does, with a dash, says, "But what can poor France do now when all France is one belching volcano? What can these little men now do with their little iron pipes with little toothpicks on the ends of them, and with little wooden stocks and a little black substance that makes puffs of smoke that roll little pellets out?" He says, "The people of France go and take from these men in the uniforms with their bare hands these little things with holes in them and toothpicks on their ends."

In other words, Carlyle, philosopher as he was, is endeavoring to convince the reader that we must rely upon something besides arms and armies to preserve liberty and preserve the Government. And we have got to do that thing here. We must rely upon the love of the people to support the Government. I have no patience with the idea that we have got to burden people with taxation to build up great armies to preserve your liberty and mine. On the contrary, this was what was said by both Republican and Democratic Parties when we were seeking election in the last campaign: "We will reduce taxation. We pledge you that we will remove this burden if elected." You Republicans won overwhelmingly. On every platform and on every stump every Republican orator criticized Democratic extravagance and pledged himself to rigid economy. Did you mean it? Are you going to make good? I am here to help you, and I will vote for every reasonable reduction that is proposed. I have always stood for and worked for economy, as everyone here knows. Let us take from the backs of the people this heavy burden.

Now, there are, in my judgment, two places where you can really practice great economy and make a great saving, and that is in the Army and in the Navy. Your subcommittee has acted with a unanimity most remarkable in its effort to carry that into effect. I have endeavored to do everything in my power; in fact, I have tried to go further than our Republican friends

were willing to go with me. I do not believe that we would make any mistake if we were to reduce this Army down to 75,000 men. In fact, I am going to offer an amendment to reduce it down to 100,000 men.

Mr. QUIN. Mr. Chairman, will the gentleman yield right there?

Mr. SISSON. Yes.

Mr. QUIN. Can you not put that at 75,000? It looks to me as though that were big enough.

Mr. SISSON. I will say to my friend that if I thought that 75,000 men would be agreed to I would be very glad to offer that. As my friend has raised the question of 75,000 men, I will tell you what I believe would be the best thing to do in my judgment. You have got to have a little trading stock with the Senate, and if I were chairman of the committee and wanted to reduce the Army to 100,000 I would insist on 75,000 here, and then the Senate will put 150,000 in the bill, and in conference I would let the bill fall before I would go above 100,000. If you will put the number in this bill at 75,000 men, you will come nearer getting 100,000 men than you would do otherwise.

If you will bring home those troops that are now in Germany on the Rhine, and bring not less than 7,000 of the 14,000 now in the Philippines back home, and bring back half of what you have at Panama and in Hawaii—and that is what the Army officials say they are going to do—then you will have more men in continental United States with a 100,000 Army than you have now with 139,000.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. GRAHAM of Illinois. I notice in the newspapers lately that our French and English brethren are insisting that they ought to take all the reparations money and not pay the expenses of what army we do have in Germany. Does it not strike the gentleman as a very good policy under the circumstances to bring home all those men?

Mr. SISSON. I agree with my friend. I would like to bring every American soldier out of Germany.

Mr. GRAHAM of Illinois. If we are not only not going to be paid for keeping them there, but in addition they are going to be the cause of international friction, why leave any of them there?

Mr. SISSON. I do not think it is necessary to keep any of them there, but I am not going to say arbitrarily or didactically that I am in favor of bringing them home without qualification, because I imagine our State Department and those officials of ours that deal with our foreign relations know more about that than I do. But were I to consult my own personal view alone I would say we should bring them all home at once.

Mr. GRAHAM of Illinois. I do not wish to raise any embarrassing question——

Mr. SISSON. Oh, it does not embarrass me——

Mr. GRAHAM of Illinois. But, after all, Congress ought to appropriate for these men, and unless there are some representations made to your committee by the War Department that they should be kept there, why keep them there?

Mr. SISSON. I am not divulging any secret in the hearings, but the officials tell us that they are going to bring them home without any "ifs" or "ands." I am heartily in favor of that.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield there?

Mr. SISSON. Certainly.

Mr. McKENZIE. The gentleman understands, as we all do, that it is immaterial where our soldiers are stationed, whether in our country here at home or in our insular possessions; they have to be paid just the same. Now, if it is a fact that the German Government is paying the expenses of our troops in Germany, it would be economy to leave them remain in Germany, would it not?

Mr. SISSON. Unfortunately, that is not true. Unfortunately, they are not paying anything. They owe us at this time $241,000,000, to be exact. If we had not taken so many of them away, the bill would have gone up to over $300,000,000 by this time.

Mr. McKENZIE. I would be glad to see all of them brought home. But as a matter of economy, if the Germans are not going to pay for them, we should bring them home at once.

Mr. SISSON. Well, if the gentleman thinks we do not need them at home, why not leave them all over there?

Mr. McKENZIE. I would bring them home.

Mr. SISSON. Yes; I would bring them home, so that when you add them to the force we have here now you could then dispense with 15,000 surplus here, and 100,000 men would be really a greater number than we now have in continental United States.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. STEPHENS. Do the boys themselves want to come home?

Mr. SISSON. I do not know. If they want to stay in Germany after they are discharged rather than return to the United States let them stay. They are free men and can stay where they please.

Mr. TAYLOR of Tennessee. How many have we in Germany?

Mr. SISSON. My information is that 7,000 was the number that we had there last. The number has varied at different dates. I think at the beginning of this year it was 11,000, and now it has been reduced to 7,000. It is somewhere around 7,000 now.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman from Mississippi tell us what the status of these troops is—American troops in a foreign country with which we are at peace?

Mr. SISSON. They are doing guard duty under the agreement that was had at the time of the signing of the armistice with reference to policing Germany, and I understand the German people prefer to have that guard duty done largely by American troops.

Mr. CONNALLY of Texas. I have heard that same statement made before, but what is the authority for it? Has there been any official agreement of that kind or any official communication, or is that merely a rumor?

Mr. SISSON. There was an official agreement made with Germany in regard to the policing of the Rhine territory.

Mr. CONNALLY of Texas. The terms of the armistice, as well as the Versailles treaty, provided that Germany should bear all the cost of military occupation. But the United States is not a party to the Versailles treaty. We concluded a separate treaty.

Mr. SISSON. You are going into a field that our committee did not go into. It is as much as we can do to provide for the maintenance of the Army. We do not intend to let them starve. They are a part of the Army. The gentleman would appropriate for them, would he not?

Mr. CONNALLY of Texas. I certainly would appropriate for them, but I want to inquire what they are doing over there?

Mr. SISSON. They are doing guard duty; they are doing what they are directed by their superior officers to do.

Mr. CONNALLY of Texas. My complaint is not at the soldiers, but why are they directed to stay there?

Mr. SISSON. I do not know, except that under the agreement made at the time by the high contracting parties the United States Government was to perform that duty. There is another committee that handles all those matters. I feel that we are perfectly justified in reducing the size of the Army to 100,000, because in time of real war 115,000 men will not amount to anything; that is, the 15,000 extra would not amount to anything in real war. We can, however, save several million dollars by cutting off the 15,000. Then I would not only cut 115,000 men down to 100,000 men, but I would cut the officers from 11,000 down to 9,000. In fact, if I thought I could succeed I would cut them down more than that. I will vote for the very smallest number that I think we can pass through this House.

In my judgment, however, if you should keep 115,000 men, 9,000 officers are ample and more than ample. If I had my way about it there would not be more than 5,000 officers kept on the pay roll of the Government. But I do not want to go below the figures which would give us a reasonable number of officers to train the men in the event that we needed trained men for another war. But we examined the officers before us, and they said that for the next 10 years we would have an available supply of trained young men from 20 to as high as 25 years of age who would be perfectly fitted for military service for 10 years, already trained, and have had more training than even in those countries where they have universal military training, for of that number thousands have seen actual training in the field, which is the best training a man can have.

With all these things confronting me, I feel warranted in asking Congress to reduce the Army to 100,000 men, and in this time, when the condition of the country is so bad financially, when State, county, municipal, and Federal taxes are so burdensome, every dollar that we can take off of the bended back of the taxpayer is a great help and delight to the country. I do not believe you are going to have complete rehabilitation of business until these heavy burdens of taxation are reduced. And, gentlemen, the way to reduce these burdens is to courageously reduce taxes like you would in your own private business, rather than to go into the bankruptcy court.

Mr. TINCHER. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. TINCHER. I agree with the gentleman that if we reduce the number of the Regular Army to 100,000 or 150,000 men, it would not affect war particularly. I understand it is claimed by the department that if you reduce the Army down to the point where the committee has reduced it, it will disturb the organization, the so-called skeleton of the Army. What is the gentleman's opinion about that, in view of his amendment to reduce it to 100,000?

Mr. SISSON. I am glad the gentleman from Kansas has mentioned that fact, because a year ago Congress was wrecking the whole Army, just ruining it, as our Army officers said when we reduced it to 150,000 men, and yet Congress almost unanimously did it. I have not heard a word of complaint about the size of the Army since that was done; it does not seem to be wrecked.

At that time we needed four or five times as many in Germany as we now have and four or five times as many on the Mexican border and the Philippine Islands. Now, if the conference just closed here in Washington amounts to anything we certainly can save some money by a radical reduction in the present Army. That is the reason why it was called. We are going to bring the troops out of Germany, cut down the force in the Philippines, Hawaii, and the Panama Canal. Yet you hear a wail from the General Staff that we are again wrecking the Army because we are putting it down to 115,000. All you gentlemen know that is mere back-yard talk for the purpose of influencing your votes and keeping their occupation. I know these Army officers are splendid fellows and I like them all. They are men of honesty and integrity, but, bless your soul, Old-man Taxpayer and Old-man People, whose servant you are, want to know what good purpose such a great number serve. They walk around with boots, spurs, and shoulder straps and look beautiful, but the people of this country are wanting to know what real service the boots and spurs are doing. Now, many of these officers are good friends of mine. They differ with me about their number. I do not blame them.

I ran up against one general before the Appropriations Committee, and he naturally took the military side of it. He flared up and said, "I have got just as much patriotism as you." I said, "I know you have, but the difference is you look at it from the standpoint of a general and I am looking from the standpoint of the people. If you did not take the view that you do you ought to have your uniform stripped off." I feel the same way, that if the officer was not proud of his uniform, did not think it was the most important position a man could hold in the Government, he ought to get out. It is our duty, however, to do the thinking. What makes me tired is that some Congressmen refuse to do any thinking at all. You leave it to Government experts, and when the majority do, this Government will not last as long as a paper collar in a fight. Any lawyer knows what you can do with experts. You have a case and you want to prove that a person died from poison. You can get the experts to prove that the person died of poison and you can find the poison, and on the other side you can get experts to prove that there was no poison at all.

Mr. TINCHER. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. TINCHER. I understand my friend to say that the skeleton of the Army that they talk about is to have sufficient privates to furnish employment for all the officers. [Laughter.]

Mr. SISSON. That is the purpose of the private. The officers must have something to practice on, and incidentally somebody to wait on them.

Mr. GREENE of Vermont. Will the gentleman yield for an interruption?

Mr. SISSON. Yes.

Mr. GREENE of Vermont. Does the gentleman base his philosophy on the fact that you must have only officers for the number of enlisted men in the Army.

Mr. SISSON. To a certain extent; certainly.

Mr. GREENE of Vermont. To how certain an extent?

Mr. SISSON. You must have a certain complement of officers for the enlisted men, and then you must have a certain number to put their feet up on the desk and do the clerical duties, and then you would have to have a small number at the schools to teach the boys in the military schools how to be social.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. Does not the gentleman have the idea that a part of the policy of the present military law and of the one that obtained before it is that a part of the professional Army shall be employed in the teaching of civilian organizations and institutions and agencies, so that we will not have to maintain a large standing Army, and so that we will have better trained men to call to the colors in any war emergency?

Mr. SISSON. That is a mighty beautiful theory, and a theory to which at first everyone is very much attracted, but when we reflect and consult the figures and the real cost of this training, unless a limit is placed upon the amount and kind of training, it is cheaper in the long run to have a big standing Army than it is to have these training schools all over the country. They are beginning to talk now and insisting seriously about putting all these technical units into the schools and civilian training camps. They say they want to make them all-around soldiers. My own personal view is that in training civilians and the National Guard we ought to train them to be foot soldiers, to be infantrymen, and that the technical units, like the Air Service, the tank service, and the chemical warfare service ought to be specialized and only kept in the Regular Army, and not maintained in the schools and National Guard.

In my judgment, the only thing we ought to maintain in time of peace is a sufficient number of officers to keep up with the world, to keep up with what is going on, and not carry too many of these various technical units in time of peace. Let me show you. Take our National Guard. It will cost practically as much to keep a cavalryman in the National Guard as it will to keep a cavalryman in the Regular Army. You have got to have the same horse. You will have one man to take care of a certain number of horses—the rule is 1 man to 32 horses. You have got to furnish a stable for them. The only difference is that the Regular Army would be called upon to use the horses every day, but an hour or so two or three times a week is the only time that the horses will be used by the National Guard.

I agree with the chairman of this subcommittee that that is impracticable. He has one of these training camps out in his community and the farmers and taxpayers say, "Why are you keeping all of these hundreds of horses here? These boys come and ride them about an hour or two a week, and the balance of the time the Government is feeding them, and they have caretakers and men to curry them and look after them. It is a useless expense." Now, take the tank service.

Mr. GREENE of Vermont. Will the gentleman yield again?

Mr. SISSON. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. Is the gentleman quite correct in what he says about the use of cavalry horses in the National Guard?

Mr. SISSON. Yes.

Mr. GREENE of Vermont. Do they maintain one horse for every man all through the troops?

Mr. SISSON. I do not know that that is absolutely true, but it is practically true in the Cavalry units of the National Guard.

Mr. GREENE of Vermont. No; it is not.

Mr. SISSON. It is practically true, unless the testimony is altogether untrue.

Mr. GREENE of Vermont. They rent part of the horses for the period that they use them.

Mr. SISSON. It is just as bad when you rent them. I know something about renting horses. When you rent a horse the man who owns the horse makes a profit on the horse. The man is a fool who will rent a horse for less than it takes to keep him and pay the overhead charge. Of course, the gentleman knows that I did not mean that the Government owned a horse for every member of the National Guard. I only said that the Government furnished horses for the mounted units.

Mr. GREENE of Vermont. Will the gentleman admit that they do not maintain a full complement for mounted organizations, horses eating their heads off?

Mr. SISSON. I know they do not purchase a horse for every man. They rent part of them. Does the gentleman know why they do not purchase? The reason they do not is because this Committee on Appropriations declined to give them the money. They would be glad to do it if we would give them the money to do it. It is not because they do not want to do it. It is not because they do not argue that it would be a good thing to be done. It is only because we decline to give them the money. They claim that the horses also ought to be trained.

Mr. GREENE of Vermont. The Committee on Appropriations have had jurisdiction now for 12 months. The Committee on Military Affairs used to have jurisdiction of this appropriation bill, and I do not recall when it was recommended by the War Department that they should keep full riding complements for the mounted troops.

Mr. SISSON. But all these specialized units have come in since the World War. You did not have any tank service. You had no chemical warfare service.

Mr. GREENE of Vermont. I am talking about mounted troops, not about the tank service.

Mr. SISSON. I am talking about these expensive units. It was contended at one time that Cavalry would be useless. Now they are not. We went into that question about the usefulness of Cavalry.

Mr. GREENE of Vermont. The Army never contended that Cavalry would be useless.

Mr. SISSON. Some of the Army officers have.

Mr. GREENE of Vermont. I am talking about the General Staff.

Mr. SISSON. I have never seen anything that the General Staff was not for. I have never seen anything that tended to aggrandize the Army that the General Staff was not for. I may be wrong, but these are my views, and I am expressing them frankly.

Now, your subcommittee felt that we ought not to maintain these expensive units in the National Guard and that we ought not to maintain horses and equipment and men to take care of them in time of peace for the purpose of training these units. It makes the military forces too expensive in this country.

Mr. HARRISON. Will the gentleman yield to me for a minute?

Mr. SISSON. I will.

Mr. HARRISON. My understanding from the testimony was that these units were maintained.

Mr. SISSON. What units?

Mr. HARRISON. These units in the National Guard training corps.

Mr. SISSON. Some of them were maintained, and they wanted to increase them, but we did not give them the money to increase them. We do not intend to give them the money to increase them.

I know that there are certain men in the House now who are as strongly militaristic as men ever were in Germany. They are good, honest, and fine men. However, because I have not one idea like that in my make-up, I can not help but be vigorously opposed to anything that tends to make out of this Republic a military camp. [Applause.] There is another thing that I had not intended to mention, but in view of the turn of affairs in this debate I will say that to my mind the most dangerous wedge after this war is over that our staff and officers are seeking to drive into this country is to try to get hold of the schools. When you begin to appropriate money out of the Federal Treasury to the schools throughout the country you are going to find that all of the professors, all of the trustees, every man who wants Federal money, are going to use the military arm of the various institutions as a means of getting money out of the Treasury, and fires will be built under Congressmen and Senators to get more money for this purpose. For a fellow like me it will take a good big fire. [Laughter.] I do not believe we should go too far.

On the other hand, I am willing that men may volunteer for military service, but I am utterly unwilling that it should be the policy of the Government to expend its money and have the officers offering to all of the schools of this country military training so as to make out of our boys soldiers, universally, because you can not take a boy, in my judgment, and put him through a few years of training, and when he is about 16 put a uniform on him and put a gun in his hand without in a few years making a militarist out of him. I do not believe that is the proper thing to do. I know that I am not in accord with the sentiment of many people in the House; I know that I am not in accord with that great crowd of people who contend that we want to build up a civilian army that will cost nothing. An army that costs nothing, of course, does not exist. Go look at the hearings and see what they want to put in these Reserve Officers' Training Corps units, and why they have held on like grim death to all of this surplus military material. It is in order that they might control it and put it in these various units in making a soldier out of a man in private life.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. McKENZIE. I heard the statement of the chairman, Mr. ARTHUR, this morning, in which he stated that in his judgment the Cavalry would fall into disuse in the Army. I have heard the gentleman's statement in connection with Cavalry for the National Guard, and I would ask the gentleman in that connection, what was the position of the committee on the proposition of keeping the War Department embarked in the business of improving the breed of horses by buying up old stallions and having them taken all over the country for the purpose of improving horses, when, as a matter of fact, it seems to be the contention that we have no use for them?

Mr. SISSON. I do not think the gentleman can draw that conclusion from any statement that I have made, except that I do not believe we ought to have Cavalry in the National Guard or the State Militia, for we do believe in maintaining the Cavalry unit in the Regular Army. I do not think anyone ever wanted "old stallions taken up all over the country." But we found this item in the bill and it was the work of his own hands, not ours. If the gentleman complains of us about keeping the old stallions, I would remind him that there is a committee known as the Military Affairs Committee, of which my friend is a distinguished member, who instituted the old stallion theory, and it is a monument to the efficiency of that committee, and we hated to break it up entirely. [Laughter.]

Mr. McKENZIE. I will say not with my vote, however.

Mr. SISSON. Oh, many things happen without the gentleman's vote and without mine, because I realize that I am not the full Committee on Appropriations, and I know my friend does not feel that he is the full Military Affairs Committee. He is just a distinguished member of that, a unit of it, but we find as a result of that committee's action, notwithstanding our friend's opposition, that we have the old stallions, and we hated to turn them out and let them starve. We want to take care of them and feed them for the good they have done.

Mr. McKENZIE. I was hoping the gentleman would put in one of those limitations in the bill that no money could be used for that purpose.

Mr. SISSON. Oh, we did not want them to starve to death. We wanted to keep them. Seriously, in reference to the breeding of horses for Army purposes, in my judgment, it is a very much more economical way to do it than for the Army to undertake to breed its own horses. Not only that, the Army is under no obligation to buy any of these colts, and I must confess that while I had nothing to do with the installation of that process of getting Cavalry horses, I do not think it is a bad idea, because when the Army needs them, the farmer can get a good, reasonable price for his horses, and the Government is also protected in the price of the horse. This is the only money spent in this bill for the benefit of the farmer. If the horse is suited for military purposes, the Government gets it at a certain price.

I do not know but that it is a pretty good thing. I did not intend to discuss that matter, but I do believe the Federal Government could engage in worse things than an effort to distribute a good class of horses so that the horses are improved and when war does come there will be in the hands of the people of the United States a sufficient supply of horses for war purposes.

Mr. GREENE of Vermont. Will not the gentleman concede the same philosophy might be true among men as among horses, and that it would be a very good thing for the Government in time of peace to prepare some men for war?

Mr. SISSON. That may be true, but I do not believe that I am going to take my boy and treat him the same as I would my horse. I would not deal with my boy as I would with my hogs. I would not let a hog determine what he wanted to do with himself, but I do not object to a boy determining whether he wanted to go into military training or not; that is, I would not treat my boy as I would my horse.

Mr. GREENE of Vermont. Nobody has disputed that.

Mr. SISSON. I understand, but I do not want schools established all over the country where they have professors educated to the idea of having military schools, where boys can not get any schooling, just as they did in Germany, without becoming soldiers. It is a tendency that I am opposed to.

Mr. GREENE of Vermont. You have pretty well curbed the tendency in this bill.

Mr. SISSON. Then the subcommittee has accomplished what it intended to accomplish.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. KINCHELOE. Is it not a fact that the initiation of having these stallions throughout the country for the purpose of bettering the horses for Cavalry purposes came from the Agricultural Department, and was carried out by that department until the war came on, when it was then turned over to the War Department? Is it not the fact that the Agricultural Department is administering that law to-day?

Mr. SISSON. Well, I understand that there has been an appropriation carried all along in the Army bill. Jim Hay, of Virginia——

Mr. MANN. Long before the war came on.

Mr. SISSON. Long before the war came along, long before that.

Mr. GREENE of Vermont. In the Army remount service.

Mr. SISSON. And I recall, that was about the time I came to Congress, or maybe just before, Mr. Hay of Virginia, was the ranking Democrat on the Military Affairs Committee. I am not sure but he introduced the bill. The remount service was reorganized, and there was a provision put in the bill authorizing the purchase of certain stallions. The gentleman from Virginia [Mr. HARRISON] will recollect about it. That was in force a long time before the war.

Mr. KINCHELOE. That question came before the Committee on Agriculture, in fact when the Secretary of Agriculture was there, and they said that that was initiated in the Agricultural Department, and when the war came on it was turned over to the War Department, but as a matter of fact the Agricultural Department had the administration of the law a long time before that.

Mr. SISSON. I can not inform the gentleman where it originated——

Mr. GREENE of Vermont. I think the gentleman from Kentucky has reference to another item that used to be carried in the Agricultural appropriation bill relating to the breeding of types of horses in various parts of the country. That does not relate to the Army remount service. They were consolidated and put under the care of the War Department recently. That was not developed originally by reason of the war, and they are not to be confused with the remount service.

Mr. KINCHELOE. As a matter of fact, that item is no longer carried in the Agricultural appropriation bill?

Mr. GREENE of Vermont. No; it is in the War Department.

Mr. SISSON. Now, as to the number of officers. In my judgment, the number of officers we ought to retain in the service to a large extent depends upon the size of the Army. There are certain officers who are needed for purposes other than officering the actual number of men in the Army. You gentlemen are just as familiar with the service as I am, but I am sure that 9,000 officers would be sufficient, and if I have the opportunity I shall offer an amendment cutting the number of officers down to 9,000.

What I want to call your attention to especially is a matter that was referred to during the debate this morning. I must confess it looks to me as if the civilian employees, those people who are paid wages in the service in the field, are far in excess of the number that ought to be required. I would have the private soldier do a little of this work. I do not know if I offend him, but it ought not to offend him. I do know from the little investigation I have been able to give to the organization of the armies of Germany, France, England, and Japan, I find that their civilian employees are very few as compared with our own, because they require certain work and duties to be performed by the private soldier. An investigation of the Union and Confederate armies during the Civil War will show that there were certain duties which the soldiers performed which are now performed by civilians. Now, there are at the present time in the Army 49,437 civilian employees in the field service. That does not include those in the city of Washington. It does not include the clerks in the War Department. There are certain activities that are called field activities that are actually in Washington, but not very many of them—only a few hundred of those men, as I am informed—but we have 49,437 civilian employees in the field service of the Army. I realize the fact that many of those men, civilian employees, are now keeping guard over and taking care of the surplus property and the reserve property of the Army.

Mr. WOOD of Indiana was chairman of the subcommittee having charge of the legislative, executive, and judicial bill, Mr. WASON was also a member of that committee, and I was a member of the committee. We made a very strenuous effort two years ago to ascertain the whereabouts of that surplus property, how much was in the various depots throughout the country, what there was in the city of Washington. Mr. WOOD and all the subcommittee were very anxious to know. He summoned various and sundry people to come before the committee. We were not able to find out. The fact is it is a difficult matter now to tell how much surplus the Government has on hand. We do know that millions of dollars worth of property have been permitted to go to waste and to ruin. A great deal of it has rotted; automobiles have been permitted to stay out in the open. I want to call to your attention again, lest we forget, a matter that Mr. WOOD brought to the attention of the House some years ago in reference to the number of typewriters bought and held in reserve and the number sent abroad. They ran up into the thousands upon top of thousands. We were making an effort to find out where they were. Somebody told us some were stored down here in an old garage. We went down and downstairs we could not find anything about what was upstairs. Nobody knew what was up on the two top floors. Somebody said that he thought that there was some Army stuff up there, but he said he did not know anything about it; did not know what it was. Mr. WOOD got on an elevator and told the man that he wanted him to take him up to where that Army stuff was stored.

We went up and found a typewriter repair shop and found several hundred typewriters undergoing repair. We asked if there were any more, and they said yes. We went through and found new typewriters upon top of typewriters piled up in unopened boxes, and furniture, two whole floors of it. That building must have been 150 or 200 feet long and 40 or 50 feet wide, two floors, where this stuff was. Now, I have heard from other sources that in New York, New Jersey, and all over the country there is a vast quantity of stores, and the Army has been holding on to it. That is one of the reasons they assign now why they need all these civilian employees. We all thought then and now that that stuff ought to have been sold. But our committee had no jurisdiction to authorize the sale. If we had the jurisdiction we would have required it be sold.

A great many of these civilian employees are employed in connection with river and harbor work, but that is in the Engineer Corps, and the number now in the Engineer Corps is 18,026. In the next bill, however, that is the only line of civilian employees that has been increased. In this current bill there will be 19,180, in round numbers. Of course, that may vary a little. But that is the number which, if this bill is enacted, will be actually carried.

I feel that a great reform could be accomplished here, but it is going to take some patient legislation. I may be wrong about it, but I do not believe a soldier is made a worse soldier by making him useful. Now, I do not believe he is less able, after being in the Army for some time, to perform his duty in civil life by being employed in the Army in some useful work which will save money to the taxpayers.

Mr. TAYLOR of Tennessee. I understood you to say your impression is that the reason they want additional civilian employees is to use these typewriters?

Mr. SISSON. I am telling you that they want employees to take care of and guard the typewriters. Now, I have no doubt there are many minds that run, like my good friend's mind runs, on typewriters rather than machines.

Mr. TAYLOR of Tennessee. I was going to suggest if they would dispose of the typewriters they could dispose of the employees.

Mr. WILLIAMSON. It was reported two years ago that the War Department had 100,000 typewriters on hand, and yet I notice there are many appropriations throughout this bill for typewriters. What has become of the typewriters?

Mr. SISSON. You will have to ask the Army officers, whom we have asked a hundred times. If you can get any information from them, you can do more than we have been able to do. Most of the money for typewriters in this bill is for repairs and for special types of machines.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. GRAHAM of Illinois. The gentleman's experience has been like mine. I worked two years with 14 of my colleagues to find out how much surplus material there was, and we did not find out. Nobody knew. If they did know, they did not tell us.

Mr. SISSON. I think that statement is true. I think they did not know. There was so much of the stuff during the demobilization of the Army and the shifting of the people around, with not careful accounting, that they lost track of millions and millions of dollars' worth of this stuff.

Now, it will require, as I stated, some legislation. I do believe, instead of having a reorganization bill like the one we have now, if some care and attention were given to it, you might be able to render the country a great service by providing that certain things about the camp, certain activities that we are paying for now, that are done by civilian employees, be done by the soldiers.

Now, what has struck me with a great deal of force is this: That I go down to a marine camp in the Panama Canal Zone or down the Potomac River here. I do not find an army of civil employees. The men do the work. By the way, that marine camp down the Potomac River was under the control of the son of a very distinguished Member of Congress here, and I think he is one of the most useful officers in the Army or Navy, a young man whose life I hope will be spared to the service for many, many years. I regret that he is now in bad health. I think he is one of the ideals of the Army or Navy. He is a man of fine spirit and fine character. In addition to being a man of fine spirit and character and a man to be admired in time of peace, he is a great soldier. He is as great a soldier as ever wore the uniform of America or any other country, a man of Spartan courage—truthful and honest and straightforward—that is Gen. Smedley Butler. [Applause.]

Now, you do not find Smedley Butler, every time he wants a little improvement on a house, letting the house rot down. He

goes and says to the boys, "Let us fix the house." In other words, he does thousands and thousands of dollars' worth of work, and it does not cost the Government a penny. Why? Because he gets the right sort of spirit into his men. Thousands and thousands of dollars are saved in the way of labor. Why? Because they have the right spirit. Now, I feel that if you would put this right spirit into the Army officer; if you would fill him with that enthusiasm for service, fill him with that desire to render efficient service to the country in time of peace, get him to understand that there is a bottom to the Treasury, that there is a limit to the patience of the American taxpayer, if you please, so that he will have the men to become useful in time of peace and save money for the taxpayer by doing things for themselves, then you will begin to popularize your Army. You can not popularize the Army by the present conduct of the Army among the people and the taxpayers.

Mr. CONNALLY of Texas. In connection with what the gentleman was discussing a moment ago about these typewriters, the gentleman from Illinois [Mr. GRAHAM] says that his committee was never able to find out about them; the gentleman from Mississippi says his committee has never been able to find out; and the gentleman from Illinois here is silent. Is it true that three great committees of this House acknowledge themselves as impotent?

Mr. ANTHONY. The gentleman will find in the hearings a statement of the number of typewriters on hand.

Mr. CONNALLY of Texas. I am not talking about typewriters alone, but about all this surplus property.

Mr. SISSON. Yes. Those were the typewriters that they have been able to find on hand. Now, where did the thousands of typewriters go that we do not find?

Mr. CONNALLY of Texas. It seems to me, inasmuch as the war has been over four years, that somehow these committees ought to find out something about it and not simply be talking about it. If we have surplus property, why do not these committees provide for its ascertainment and disposition?

Mr. SISSON. I will say to my friend that the Committee on Appropriations is not a legislative committee. Not only that, but in order to find out more than the information the department is willing to give you, you would have to get on the train and visit all these depots and make a thorough investigation. I feel that even now, as late as it is, the proper committee could and should visit all the depots and make an inventory of all of this stuff.

I can only speak for the Committee on Appropriations or such subcommittees of it as I have served upon. I do not believe the gentleman himself or any other Member of Congress could have been more diligent in his inquiry in regard to this matter than the gentleman from Indiana [Mr. WOOD] and the chairman of the present subcommittee [Mr. ANTHONY] and myself have been.

Mr. CONNALLY of Texas. I do not mean to criticize the committee, but members of the committees come on the floor of Congress and growl about it without producing a remedy.

Mr. SISSON. I am not growling about it. As my duty was, I have made such inquiry as I could, and then I come back and tell you what I find. Then it is just as much the duty of my good friend from Texas and of any other Member of the House to institute an inquiry as it is my duty. This is a Republican House, and the power and burden is on them, not on me or the Democrats. They are in the majority.

Resolutions can be written and votes can be had, and no man can pass the buck to me. I have done the best I could, and so have the gentleman from Kansas [Mr. ANTHONY], and the gentleman from Illinois [Mr. MCKENZIE], and the gentleman from Virginia [Mr. HARRISON], and the gentleman from Tennessee [Mr. BYRNS]. We have done all we could do, unless we turned ourselves into Burns detectives, and that is not a very delightful occupation for a Member of Congress; and then you Members now criticize the Appropriations Committee when we attempt to do the very thing you now demand; and accuse us of usurping the authority of all the other committees of the House.

Mr. MCKENZIE. The gentleman will remember that a year ago he made a very able and forceful address on the question of vocational training in the Army and the employment of a large number of civilian employees to carry it on. I wanted to know if the gentleman and his committee had taken any particular steps to cut down that expenditure, and also to cut down the expenditure for the hire of a large number of civilian employees out at Camp Holabird, where the repairs on that large stock of automobiles ought to be made.

Mr. SISSON. I want to say to my friend that I personally would cut down that expenditure, and have made an effort to do so, but I am not the whole committee. I am not at all in sympathy with many expenditures that I might mention. But I make the same plea that my friend makes, that I am not the whole committee. But there is this to be said in behalf of not taking any precipitate action. We can not afford to abandon the property. If these people are there taking care of the property, we can not decline making the necessary appropriations to pay them. We can not allow the property to be destroyed and stolen and lost. Much of this property is very valuable. The present program, according to the testimony, is to concentrate all the property that it is necessary to keep at a few points. The balance of this property that they do not need will be sold and the money covered into the Treasury. They expect to sell a great deal of it in a few weeks. A large part of it is listed and in process of being sold at the present time. When that is done a lot of this force will be dispensed with.

Mr. MCKENZIE. But the gentleman is not answering my question about vocational training in the Army and the large number of civilian employees engaged to carry it on.

Mr. SISSON. Oh, the gentleman asked me more than one question at once. I understand that a good lawyer is a man who fires a double-barreled question at a witness, and if the witness tries to answer both barrels at the same time he will get into trouble. As to vocational training, everybody in this country agrees that with respect to the soldier who is maimed or injured or disabled it is the duty of the country to recuperate him if possible. Vocational training is not a bad thing, but I think a great many of the boys have been imposed upon, and I believe that a great many of the boys who are taking vocational training are imposing on the Government. But I do not think we should stop the training and education of the maimed or the halt or the blind.

Mr. MANN. That has nothing to do with vocational training in the Army.

Mr. MCKENZIE. I do not mean rehabilitation of disabled soldiers. I am talking about these instruction camps, such as they have down at Camp Lee.

Mr. SISSON. You mean the vocational training of the soldier in the Regular Army while he is actively engaged?

Mr. MCKENZIE. Yes.

Mr. SISSON. I would give him vocational training along the lines I spoke of a moment ago. I would give him vocational training that would amount to something. I would teach him the carpenter's trade, or I would teach him to be a brick mason by letting him lay bricks on some buildings that we need. I would teach him to be a civil engineer by having him lay off ditches and build the fortifications that we need. I would make him useful and not merely theoretical and ornamental. I would give him study hours and require the Army officers to be his teachers. I would not employ civilians to teach him. We do not need to pile up that expense on the taxpayers, but we could make our Army officers useful. In other words, give them something to do.

Mr. MCKENZIE. The gentleman would not say he would take good lumber and turn it over to these soldiers to cut up?

Mr. SISSON. No. We have all the lumber we need, and we would not have to buy an additional foot if we should use the enlisted men instead of civilians in doing this work.

Mr. MCKENZIE. I take it from the statement of the gentleman that he would prefer to let a set of officers' quarters fall down unless he could use the enlisted men to make the repairs.

Mr. SISSON. No; I do not mean that. But I do say that my friend would before he would require an Army officer or a Regular private soldier to make the repairs. Does the gentleman have such a poor opinion of our private soldier that he thinks they are so worthless and stupid as not to be able to do anything for themselves? Let the gentleman go down to the Panama Canal Zone and see what has been done there, and let him go down and look at those houses that were built at Quantico. Then the gentleman would change his mind. You will find better bricklayers and brick masons in the Army and Navy and Marine Corps than you will find laying brick sometimes in private employment at the union scale of wages. We know that even with the union bricklayer you have to have a director supervise the building. You have to have somebody who understands building a house, but when you have got the direction it is just like the work of a private soldier under the direction of a colonel. He does what he is told to do. A bright soldier can become an efficient workman, and even if he does ruin a little plank occasionally, it is still much cheaper than to hire professional civilian help.

Gentlemen, I have talked long enough. I feel that I should not trespass on the time of others. But I want to conclude what I have to say by referring to the amount of money that would be saved by the reduction in the size of our Army.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. BRIGGS. How many officers are detailed for this training corps in the schools?

Mr. SISSON. There are on duty at schools and colleges as instructors 643; at the general service schools, including the Military Academy, 248 instructors; and at general official service schools, such as the Infantry School at Camp Benning, Ga., 1,869 instructors and student officers.

Mr. Chairman, I fear that our Army expenses will continue to be very burdensome. Look at the money the people have had to expend since 1896. Just take the figures and add them up. They are as follows:

Expenditures for military purposes, by fiscal years, 1896–1921 (fiscal year ending June 30).

1896	$27,993,209.99
1897	29,868,045.18
1898	65,362,261.44
1899	246,091,994.40
1900	107,439,567.18
1901	119,874,745.52
1902	86,548,856.65
1903	80,295,258.85
1904	83,767,784.74
1905	88,210,154.06
1906	81,605,872.96
1907	87,089,151.58
1908	95,179,390.81
1909	114,938,393.70
1910	116,452,269.44
1911	114,755,794.80
1912	102,331,876.68
1913	108,382,063.05
1914	113,318,555.36
1915	115,821,879.43
1916	122,391,895.58
1917	401,418,216.94
1918	5,632,730,914.06
1919	8,915,973,972.50
1920	1,008,300,356.08
1921	439,485,094.73
Total	18,505,627,575.71

Now, this is only the Army expense and does not include the Navy and many other military and naval expenses. But look, gentlemen, during the year 1914, the first year of the World War, we expended $113,318,555.36, as compared with $439,485,094.73 this last year. This year we should get back to normal. The people demand it. They are tired of this great burden, and they see no reason why they should now support all this tinsel and red tape and show.

Mr. Chairman, I trust that this World War has taught not only us but the people of the world some useful lessons. One thing we should learn is that so-called military preparedness does not insure a nation a victory. Germany was the best-prepared nation in the world and yet she failed. Let me repeat what I have so often said on this floor before. A nation is not strong in comparison to the size of its army or navy. A big army and a big navy in time of peace are more often evidence of the weakness of a nation. A nation is only strong when that nation's government is loved and honored by its people. When the people love the government their capacity to defend and protect it depends first upon its food supply. In other words, the strength of the government is dependent primarily upon the strength and prosperity of its farmers. No army is strong unless it is fed. Every modern military authority worth consulting confirms this statement. You can not determine a nation's strength by looking at the size of her army or the number of her ships. Our best preparation to-day is to relieve the taxpayers of their burden and give the people a chance to get out of debt and to be independent and prosperous. Let them know that those in power will not take from them their substance and give it to others, even though they do wear the uniform of a soldier. The people believe, and so do I, that a big army is provocative of war and that a big army is the cause of most wars. It was the cause of the World War. Germany thought that she could rely upon her war machine to end the war quickly. If she had not had the big army she would not have so precipitately rushed into this war. A few weeks' delay would have averted this war. Too much army has been the curse of the world. A large standing army is a constant enemy to all good government. Nations are too prone to go to war when they have a large army, and that for no good cause.

In a speech that I made here a good many years ago I made the statement that a careful study of the causes of war will convince people that most wars are fought over very frivolous affairs and that most of them have been fought about matters which could have been adjusted if men had approached the question with fair and open minds. I do not know of a better illustration of that than the spark that set the world afire in the murder of the Austrian crown prince and princess. That little spark set the world afire and caused the World War. That World War cost the Governments of Europe and the Government of the United States, as nearly as can be estimated—and it is still only an estimate—something like $300,000,000,000. With what we loaned the Allies it cost us something like $50,000,000,000. It cost England more than that many billions of dollars. But that is nothing compared to the financial loss occasioned by the disorganization of business and to the loss of life.

Now, while we are protesting to the world that we are a Nation of peace lovers, why not make good our profession at this hour in the history of the world? If the other nations of the world do not follow in our lead there is no trouble to change our tactics instantly. But now is the time of all times in the history of the world to take the lead and show the world that we believe the world can transact its business without resorting to bestial and horrid war. Gentlemen of the committee, stop for one moment and think of the horrors of this war just closed—more horrible than any war in the past. When we think of it we shudder and wonder, "Is all this a necessary part of our boasted civilization? Are we really civilized? Are we far removed from savagery? Is the civilized man more cruel than the savage?" If you scratch skin deep you seem to find a fiendish savage in us all. Gases and acids and the modern horrible weapons of death, invented and used were never dreamed of in the past. However much men may throw up their hands and protest against it, when war comes we are going to destroy the enemy with whatever means we have, and the more effective, however cruel, we are going to use, and there is no use in our deceiving ourselves. When human beings act in mass and are enraged they become beasts, and when acting in mass are the most cruel of beasts, because they exercise the highest degree of intelligence in the destruction of their enemies.

What we need to do now as a Nation is to make a substantial reduction in our Army and Navy so as to be able to say to the world, "Come and join in this march of peace." Stop for one moment and think what might have been accomplished for the people of the world if they had used these billions in upbuilding the nations of the earth, in enlightening the dark places of the world along peaceful pursuits and peaceful improvements. What miles of magnificent highways might have been constructed across our fertile plains and over our mountain ranges! What marvelous leviathans of the sea might have been constructed to enable us to communicate with every port of the world! What marvelous institutions of education might have been erected! How much could have been accomplished for the poor and ignorant of this world by the expenditure of that vast sum of money! Indeed, if it had been done with the same earnestness as we went to war and flew at each others' throats, no doubt we would have reached that time prophesied that we are to reach in some age of the world's history, when "they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more." We would have reached that period when the man most honored would be the one who distributed the greatest pleasures in the world by acts of charity, the man who removed the pangs of pain from the greatest number of hearts, the man who dried up the greatest number of human tears. He would have been the man most honored, and not the man who had directed armies in the shedding of oceans of blood. The most honored men in history have been the great captains of death, the great leaders of men who, if they had done privately what they did as leaders of armies, would have been stigmatized as the greatest murderers of the earth. The man who slays his private enemy is called a murderer, and we draw our cloaks around us and shun him as if he were to be dreaded and feared. But when we vote to go to war and when with drums and banners our boys go marching down the street, we make heroes of the great military commanders.

We have made the Cæsars and Alexanders and Napoleons, the Lees and the Grants, the great heroes of history, and have pointed our boys to them as great men. They were great men, but I fear that we have overlooked those things which were greatest in them. The greatest thing about Lee was not the fact that he was a great director of men in telling them how to kill one another. The fact that Robert E. Lee was a great character, a great heart, and a great man—these are the things that we ought to remember. He was one of the greatest men of all the world for all times because of these mighty virtues. The same is true about Grant. While he was a great commander, yet the greatest things that Grant did were not those that are always remembered about him. The greatest things that Grant did were those he was able to accomplish immediately after the war. I think the greatest thing Grant ever said was when he was called upon to send some fresh troops to one of the

States erstwhile at war with him. He sent that famous message that blazed its way from one end of this country to the other: "Let us have peace. We have had enough bloodshed." That great heart of his is the thing that ought to make the boys love and admire him. Ah, we have been making too much of generals. We have been making too much of the soldier and not enough of the accomplishments of good men in time of peace. Our poets sing of the man at the head of the battle, but they do not sing as often about the man who is the head of some great peaceful institution. I can not refrain from reading what to my mind is a perfect description of a modern army and a modern war. I want to call your attention specially to this, although written a few years ago, before the late war, it is a perfect pen picture of the late war:

TO SAFEGUARD PEACE PREPARE FOR WAR.

I know that maxim; it was forged in hell.
This wealth of ships and guns inflames the vulgar
And makes the very war it guards against.
The god of war is now a man of business,
With vested interests
So much sunk capital, such countless callings,
The Army, Navy, medicine, the church—
To bless and bury—music, engineering,
Medicine departments, commissariats,
Stores, transports, ammunition, coaling stations,
Fortifications, cannon foundries, shipyards,
Arsenals, ranges, drill halls, floating docks,
War-loan promoters, military tailors,
Camp followers, canteens, war correspondents,
Horse breeders, armorers, torpedo builders,
Pipe-clay and medal vendors, big-drum makers,
Gold-lace embroiderers, opticians, buglers,
Tentmakers, banner weavers, powder mixers,
Crutches and cork-limb manufacturers,
Balloonists, mapists, heliographers,
Inventors, flying men, and diving demons,
Beelzebub and all his hosts, who, whether
In water, earth, or air, among them pocket—
When trade is brisk—a million pounds a week!

This is the principal motive behind war. Trade, profit, riches. Novicow, the great Russian authority on war, wrote a history of wars. He says that there have been more than 8,000 wars, great or small. He endeavors to show you what it cost, and he says the cost of all the wars prior to the Civil War was about $800,000,000,000. If that be true this last war cost about one-third or more of all the wars in all the past.

Now, he says the causes of most wars have been frivolous. All modern wars have all been either for acquisition of territory or for the acquisition of trade or for trade advantages.

The truth is that this last war fought by Germany was started with the first bad excuse Germany had in endeavoring to get across the Balkan States to Constantinople. Germany had a secret treaty with the Turkish Government to get from Constantinople down to Bagdad. The murder of the crown prince was an excuse to make war on the Balkan States. The German Government felt sure that if they could run across the little Balkan States and get to Constantinople they would say then that we will quit fighting right now and all we ask is that you let us build the railroad from Constantinople down to Bagdad. England did not want the road to be built and did not intend to allow Germany to get that base in the Indian Ocean at England. You may reason about it and let the military experts talk about it, but that was the real cause of the war—the effort on the part of Germany to get trade to the Indian Ocean by the most direct route, and England did not propose that she should have it. That again was a trade war. So it is in nearly all cases, the provoker of the war is the man who is seeking some selfish advantage. Therefore, I hope and trust that out of all the conferences we have held the statesmanship and patriotism of the world will be able to evolve some method of settling our differences without going to war. The people of all the world profess to believe in some religion and, whether following Mohammed or Aheurumazda or Buddha or Zoroaster or Christ, they are all following and believing in a Prince of Peace, because every one of these great founders of religions teaches that a time will come when all the world will be at permanent peace and all will deal with each other as brothers. There is a millennium in all these religions. All civilized people pretend to believe in one or the other of these great religions. They then are all hypocrites unless they believe that the time will come when wars will cease and the world will devise some means of settling its differences without going to bloody war, without resorting to murder, and if it is to be by a league of nations or by a conference, whatever it may be, I do not care, let us have the good sense to stop playing politics with human life and international affairs and try to join the right-thinking people throughout the world so that we may solve these great international differences without a repetition of this holocaust of blood and slaughter and this worse than hell on earth—another war. [Applause.]

I yield 10 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, a familiar and very beautiful story by Maurice Maeterlinck pictures Tyltyl and his sister, children of a humble woodcutter, as dreaming on Christmas eve that they were sent by a fairy to find the bluebird of happiness. In this quest they wandered far from their home, and by their magic power they explored the past and peered into the future and talked with babies unborn. They sought in vain for the bluebird, and then they returned broken-hearted to their cottage only to find the coveted prize of their quest at their own hearthstone. How it got there they did not know.

In August, 1868, a party of scientists, during an eclipse of the sun, were looking 92,000,000 miles away. By the use of a spectroscope they found in the solar chromosphere a peculiar yellow line, somewhat akin to the line made by sodium, and yet somewhat different. They wondered what it was. It had no counterpart in their scientific knowledge, and I fancy there must have been among them quite a bit of speculation as to what this rare element could be that could thus withstand the terrific heat of the sun. I imagine that they wished that on the earth they might find something like it, that they might learn of its nature and adapt it here to its use. To their surprise a few years later, in the air about them, in vapors emanating from certain hot springs, in certain ores, and finally in natural gas, they detected the presence in their world of this same solar phenomenon. They named this rare element at the time of its discovery helium, from the Greek word helios, the sun. They came back after this quest on high and found it in bountiful profusion at home. How it got here they do not know.

Sometimes we fail to appreciate the things that we have at our own doors, the things which flourish and prosper in our own climes.

I recall that a few years ago in our military regalia we had something approaching the German helmet. To-day we have the English military cap, and we have imported the Sam Brown belt. We went to Italy and bought the *Roma* and to England for the *Z R-2*. It used to be a fashionable thing to possess articles made in Germany. I am glad that the time has come, and I hope it is coming more and more, when we may free ourselves of this enchantment which distance lends and come back and find that things made in Germany and elsewhere are excelled in America. [Applause.] In the military realm we have here at home a practical monopoly of this wonderful element first discovered in the envelope surrounding the sun, and it is an asset valuable in peace as well as in war. I am glad we are coming to realize its importance, and I congratulate the committee upon its wisdom in making an appropriation somewhat commensurate with the requirements of the operations of our helium plant, for we have in this country the only one for the extraction of helium in quantities that may be found in the entire world.

The statement has been made that our expenditures for helium have been large and our production relatively small. It has occurred to me in this connection that there should be placed in the RECORD for the information of the Members of this House and for the country in general a statement of the nature and amounts of the expenditures which have been made in the development of this project. Up until 1917 there had been extracted in the whole world but a few cubic feet of helium, derived principally from uranium ores, procured in laboratories at the prohibitive cost of from $1,700 to $2,000 a cubic foot. Realizing its importance in war, after its discovery in this country in natural gas in sufficient quantity to make its extraction a practical and feasible thing, the Government built three experimental plants.

Plant No. 1 was located at Fort Worth, Tex. Its construction period ranged from November, 1917, to March, 1918, 4 months; its operating period from March, 1918, to March, 1919, 12 months. That plant cost $281,400, and the pipe line which supplied it with gas, $51,500, making a total expenditure for that plant of $332,900. That plant has now been dismantled and the liquefaction equipment salvaged to the amount of $87,109. It used the Linde process subsequently adopted in the permanent plant. These first three plants I mention were experimental plants.

Plant No. 2, also at Fort Worth, had a period of construction from November, 1917, to May, 1918, 6 months, and of operation from May, 1918, to March, 1919, 10 months. It was erected at a cost of $368,500. The pipe line cost $51,500, and the total of expense of that plant was $420,000. This plant was dismantled after the experimental stage and was reerected at Langley Field, Va., as a helium repurification plant. These two plants succeeded in extracting from natural gas helium of 92 per cent purity.

A third experimental plant was at Petrolia, Tex., and was constructed during the period from April, 1918, to October, 1918, six months. Its operating period began in October, 1918, and continued until June, 1921, two years and nine months. It was erected at a cost of $1,068,250. However, this has been purely experimental, and the helium first derived there was of only 37 per cent purity.

Upon the demonstration of the feasibility of the helium project through these three experimental plants a great production plant was erected at Fort Worth, Tex. The period of its construction was from October, 1918, to March, 1921, two years and five months, and the period of its operation was from March, 1921, until it closed last November, the 30th, because of insufficient funds. The plant cost $2,024,194.74. The pipe line to Petrolia, a distance of 104 miles, cost $1,617,952.04. This pipe line was constructed and this plant built at Fort Worth by reason of the fact that it was the nearest city where there were sufficient water and power to operate a plant of this size and character. For conservation of helium we gave $1,500,000. In other words, that is the price of the contract with the company that owned the gas for the right of the Government to extract the helium from it. The total cost of that plant, including the pipe line and the contract for the conservation of helium, was $5,142,146.73.

There has been some expenditure also in the matter of research in order that this chemical element, a novel one in mundane affairs, might be more thoroughly understood. A laboratory was constructed for that purpose, and the total expense in that regard was $89,981.50. Then, there was some expenditure, naturally and necessarily, for exploration in order to determine where helium in this country might be found, and in that undertaking there has been expended $25,000. For experimentations in mine storage of helium in quantities after its extraction there has been expended $18,000. The sum total of all these expenditures is $7,096,278.28. That represents the total amount expended in the helium project up until the beginning of the present fiscal year. For the present fiscal year the Army appropriation bill carried $250,000, and, in view of the fact that the Army and the Navy have operated this project on a 50-50 basis, a similar amount was spent also from the Navy appropriation bill. In other words, for the extraction of helium after its feasibility had been determined through proper experimentation, after the plant and pipe line had been constructed, we have expended only $500,000, and for that $500,000 we have to-day more than 2,000,000 cubic feet of helium. We have stored in the plant at Fort Worth about 2,400,000 cubic feet of helium, but a small part of that was derived from these three original experimental plants—about 240,000 cubic feet—and that quantity of the gas was in metal cylinders on the docks at New Orleans ready for export abroad, to be used in the war, at the time of the signing of the armistice.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. WILLIAMSON. I am wondering whether or not there is any considerable loss in the storage of helium. Is there any loss after you put it into the tanks?

Mr. LANHAM. There is none. And besides the helium of 92 per cent purity which was taken out of the experimental plants back in 1918 tests just as pure to-day as then.

Mr. WILLIAMSON. Under what pressure is it stored in the tanks?

Mr. LANHAM. Each tank contains about 200 cubic feet of helium. They are cylindrical, small tanks about 6 feet high I suppose and about 8 or 10 inches in diameter.

Mr. WILLIAMSON. Does the gentleman know under what pressure?

Mr. LANHAM. I am unable to inform the gentleman under what pressure they are stored, except that it is under pressure sufficient to get about 200 cubic feet in each tank.

Mr. WILLIAMSON. In using helium in lighter than air machines is there any wastage of the gas?

Mr. LANHAM. The wastage of helium through the fabric is very much less than that of hydrogen. The experiments recently conducted with the *C-7*, which has made several experimental flights, shows that the loss of the gas is very negligible, and in addition to the desirability of the use of helium because of its noninflammability, it has been shown also that the loss is very much less than that of hydrogen.

Mr. WILLIAMSON. Then there is no considerable loss in the making of a flight, in going up or down?

Mr. LANHAM. No. Not so much as in the case of hydrogen, as it is not so often necessary to valve it.

Now, gentlemen, when it is said that helium is costing us considerable sums of money, we must remember that most of that money has been spent, first, in experimental plants to determine if this new project could be made a success and, secondly, in the building of a permanent plant for helium extraction. Only $500,000 has been actually devoted since the construction of that plant to the extraction of helium. To divide the quantity of helium we have produced into our total expenditures as an estimate of its cost, is very much on a par with saying that if we built a shoe factory and it cost a million dollars to construct it, and then we manufactured one pair of shoes and that pair of shoes cost $5, we could not afford to manufacture shoes in that factory since it cost $1,000,005 a pair to make them.

I apprehend that that mistake has been made in a great many estimates as to the cost of helium in its production in this country. The price has been reduced from 40 cents in the experimental plants to as low as 7 and 8 cents per cubic foot in this extraction plant, and that has been accomplished despite the facts that the project is an entirely new one, that difficulties were encountered which could not be foreseen, and that the correction of these mechanical troubles has been charged up to the cost of production.

Mr. CHALMERS. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. CHALMERS. I will say to the gentleman I heard Dr. Moore, who has been in charge of the experimental station here, say in an address last evening that if these experimentations are not curtailed and they have money enough to continue them, it was his professional judgment that the cost of this would be further reduced to 2½ to 3 cents per cubic foot in time.

Mr. LANHAM. The gentleman's information is accurate in that regard. That is the hope of the scientists.

Mr. MANN. I wonder if the gentleman can satisfy my curiosity?

Mr. LANHAM. I shall try to do so if I am able.

Mr. MANN. Of course, after the helium is extracted from this gas, the gas has to be used?

Mr. LANHAM. It is used commercially; yes, sir; and is better for it by reason of the fact that a noninflammable element has been taken from it.

Mr. MANN. Is there plenty of demand at Fort Worth for the gas from which helium can be extracted?

Mr. LANHAM. The contract, as I understand it, with the Lone Star Gas Co., from which we get the gas, calls for only 15 per cent of it.

Mr. MANN. That is, the Fort Worth people can only use 15 per cent?

Mr. LANHAM. No, sir; the Government can only extract helium from 15 per cent of it, and the contract calls for the remaining 85 per cent to be used commercially without extraction of helium.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendment the bill (H. R. 9608), to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes, in which the concurrence of the House of Representatives was requested.

WAR DEPARTMENT APPROPRIATION BILL.

The committee resumed its session.

Mr. ANTHONY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, I want to take up a little time under general debate, because I intend later to offer an amendment to the bill to secure a larger appropriation for research work in aviation. There seems to have been some misunderstanding between the greatest aeronautical engineer whom we have in the United States—and I refer to the commanding officer at McCook Field, the research station of the Army—Air Service, on the one hand, and the committee, on the other, because there seems to be an idea, first, that the Government aviation research or experimental organization was in such condition that it could not expend the appropriation made last year. First, I want to say with respect to that, that the Government experimental station at McCook Field could profitably spend $10,000,000 a year, and that amount could easily have been expended last year on aviation research work. The truth of the matter is that the Director of the Budget asked the head of the Air Service to make a reduction in the amount of expenditures in the Air Service, and, in his discretion, the head of the Air Service directed this engineer—Maj. Thurman H. Bane—in charge of all the research work to cut $400,000 more

or less off of that particular branch of aviation expenditures. The result was that the force was disorganized, men were discharged, and many important projects for the advancement of this Nation were curtailed.

In the second place, there seems to have been an idea gotten out that the research work of the Air Service does not need certain of the features which are believed by this engineer to be important. There have been immense appropriations made by foreign countries. I am referring not only to Japan, the program for which is the expenditure of $200,000,000 for aviation in the next seven years, but I am referring to our former allies or associates—Great Britain and France—which countries can not pay the interest on the money which they owe the United States. The appropriations for France are at normal rates of exchange over $84,000,000 for aircraft production and experimentation work. In Great Britain, at normal rates of exchange, which we are fast approaching, the appropriations now amount to over $67,000,000 a year. And these, contrasted with the appropriations in the United States, are so liberal that the people here in Congress charged with this responsibility ought to be aroused to some facts of our history.

Who invented the machine gun—the Gatling gun? An American. Who invented the steamboat? Fulton—an American. Who invented the submarine? An American. Who invented the airplane? An American. Now, what is the history of our inventions? What became of and of what use was the steamboat to us? It ruined our commerce. Preceding the days of the Civil War our clipper wooden ships, under sail, carried American products into all the ports of the world. Fifty per cent of the commerce in the Far East was in the hands of American shipping. At the close of the Civil War we had little or no merchant marine. It had disappeared, and for two causes; first, because the Confederate privateers, the *Alabama* and others, had succeeded in driving off our merchant ships or had seized or sunk them. In the second place, steam navigation had not been developed in this country. The ingenuity of the American people had been wasted and had been given away for the benefit of foreign nations. When we were busy with our internal discords and dissentions the foreigners came forward with the steamship and took away from the United States its place in the world's commerce and affairs, and we never have regained it. Wise persons of Europe seized upon the inventive skill of the United States and profited by those inventions to our great loss. The submarine was neglected by the American people. It originated in American ingenuity, and we to a large extent, with the Allies, were the sufferers because of its invention, which we had neglected.

Maxim could get little or no attention or help in the United States for his machine gun. We seemed to have not an inexhaustible Treasury, as suggested by the gentleman from Mississippi [Mr. SISSON], but we seemed to have an inexhaustible conceit in the absolute lack of limitation of our inventive ideas, and we may be absolutely right on that. But we invented this wonderful engine of destruction, the machine gun, and then calmly abandoned it, so that it has cost us in lives and property a tremendous sum. So when we got into this war we had to call upon Great Britain to furnish us with machine guns; we had to call upon France to give us the Benét-Mercier gun; we had to equip some of our troops with their Chauchat rifles. And so it went on, and at the close of the war we had the Browning gun, and to-day we are still using in our airplanes the Lewis gun.

We turn to aviation, and what do we find? We find that in the United States, though proud of the achievements of the Wright Brothers, lack of appreciation by the home people led them to go across to France, where their invention was better appreciated, where the Government took it up, and where the value of the invention was recognized, and so at the beginning of the war we woke up and found that America was so far behind that it was shameful and pitiful. This Congress then, in its energy, appropriated in successive appropriations more than a billion dollars, and we were in the war from the 6th of April, 1917, to the 11th of November, 1918, and with all our great ingenuity and with all our money we could not put one fighting plane on the front in Europe, not one.

Now, I want to speak of some lessons which we have learned from that war in reference to the ceiling as they call it, of our airplanes, because I want to emphasize the value of the research work that is going on at McCook Field.

During the war the first equipment that our American aviators had was the old French Nieuport machine. It could not stand up. The fabric was stripped from the wings on these planes when they attempted to make landings in an emergency. Then we had the Spad plane, and our greatest American aviator, Rickenbacher, equipped himself with a Spad in Paris.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. May I have a few more minutes?

Mr. ANTHONY. I yield to the gentleman five minutes more.

Mr. FITZGERALD. And by that he managed to maintain a ceiling of 20,000 feet, almost equal to the achievements of the best German planes. Twenty thousand feet above the earth was the limit. Now, how have we been able to do what we can do? We have put a man 40,000 feet off the earth at McCook Field, up to where it is 50° below zero, and where the atmosphere, instead of being 14 pounds to the square inch, is only 3; where the human body becomes soft and flabby from lack of normal air pressure, and where he would freeze instantly if it were not for his electrically heated clothing. I refer to the accomplishment of my friend, Lieut. John A. McCready, holder of the world's altitude record. How can we do it? By the research work which has been going on at McCook Field, by reason of what is known as the supercharger, to collect and compress the air with the gases of the engine, so that the full force of the horsepower of the engine may be maintained in the light atmosphere where the air is so thin. We put this man up there. Now, for practical purposes what does it mean? The man who is aloft in the air, who is above the other fellow, has a great advantage. During the war, when we could not get a machine that could climb to the altitudes of the foreign machines, we could not clear the sky, and the German planes came over and took pictures of the entrenchments and fortifications, of the thousands of troops being moved to the front, and we were absolutely helpless because we could not get up there.

Now, we can send up a photographic plane and we have developed a photographic apparatus that can take the pictures at 30,000 feet, so far away that the airplane can not be observed by one below, and accurate pictures may be taken of the surface of the ground under those conditions, and we can put a fighting plane so high in the air that there is not a rival in Europe that can contest the power, if we are allowed to go on and progress.

I want to read at this time, in confirmation of what I have said, a letter from the commanding officer at McCook Field, referring to these ideas which the committee may have had with reference to the demand or the need of this research work. I read:

MARCH 13, 1922.

Hon. ROY G. FITZGERALD,
House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: Referring to your inquiry of the 12th instant, in which you state that members of the Appropriations Committee gathered the impression from the hearings that we were unable to expend this year the full $4,500,000 appropriated for aviation experimentation and research, I have the honor to inform you that the committee is in error. The facts are as follows:

The Director of the Budget directed the Chief of Air Service to effect a saving of $1,000,000 out of this year's appropriations. The Chief of Air Service, acting within his discretion as to where this saving would be made, directed that $400,000 be saved out of the total of $4,300,000 appropriated for experimental purposes. I protested this action, as worthy projects had to be abandoned to make the saving. In addition, 250 employees were discharged in order to run McCook Field on the decreased allotment. We could have intelligently expended the full appropriation, so you see there was absolutely no question of inability to expend the money.

The facts are the science of aviation is so new and there are so many hundreds of things that should be done that we could have expended $10,000,000. I really believe that a proper figure for research and experimentation in aeronautics would be $10,000,000 annually. There is no better economy than scientific research.

If Congress could be impressed with the newness of this science and how little is definitely known about it, I am sure they would see the logic of pitching in and seeing that America leads the world in aviation advancement. Certainly in no other way can such a large measure of national defense be obtained for so little money.

I trust the present wave of economy—justifiable and desirable in the extreme—will not sweep away in its money-saving operations the Army Air Service research and experimental operations. I fear such action would be false economy.

Thanking you for your courteous interest in our activities, I am,
Very truly, yours,

THURMAN H. BANE,
Major, Air Service, Chief Engineering Division.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SISSON. Mr. Chairman, I yield 20 minutes to the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. JONES of Texas. Mr. Chairman, one of the most interesting questions that has come before Congress and the country within recent years has been the question of the conservation and use of helium. Helium is a distinctive element in the form of a gas that appears in other gases and is extracted therefrom. The method of extraction is to subject the natural gas to intense pressure and reduce the temperature to such a degree as to cause the other gases to liquefy. Inasmuch as helium remains in a gaseous stage at a lower temperature than any other gas, the other gases can be liquefied and the helium conserved as a gas, which is usually placed in

steel cylinders for preservation until such time as it is desired to use the same. In other words, the other gases are broken down and removed in liquid form, and after removal the pressure is released and the other gases returned to their gaseous form. The remarkable thing about the matter is that the value of the use of the other gases for heating and lighting purposes is not injured in any way, but, in fact, is improved by virtue of removing the helium. The helium that is thus removed is noncombustible, noninflammable, odorless, and tasteless.

The helium that is extracted is very valuable for use in the lighter-than-air craft. It has 92 per cent of the lifting power of hydrogen and at the same time does not involve the principal danger that arises from the use of hydrogen, to wit, the tendency to combustion. When a dirigible has been filled with helium there is absolutely no danger from an incendiary bullet or from the engine, because helium does not burn.

Another matter that is of great importance is the fact that this country has practically a monopoly on this kind of gas. There are very small quantities in Canada and in Italy, but the amount is so little as to be negligible, so that for all practicable purposes the United States Government has exclusive control of this kind of gas.

Another matter that is of great importance is the fact that helium can be conserved and used indefinitely. It may be held in steel cylinders and thus stored until it is needed for use, and after it has been used in one machine it can be transferred to another, and thus will last indefinitely. It can be arranged so that the loss even in using is very, very small. When these facts are placed alongside the further fact that with the use of the natural gas of this country, which contains helium, the supply is being forever exhausted and wasted, it is important that steps be taken to conserve the entire supply and thus to avoid the final loss of this valuable element.

The lighter-than-air craft played an important part in the great World War in the form of dirigibles and also of captive (?) balloons, and will tend to play a more important part in any war of the future. The only reason that the dirigibles were not used more extensively during the war is the fact that one strike from an incendiary bullet would bring the machine down in flames. The exhaust from the engine caused danger in this regard. However, even with these great handicaps which arose from the use of hydrogen in the lighter-than-air craft, much was accomplished, especially by the Germans by the use of this form of craft. Several different times they were able to throw bombs on London and other cities, and cause great danger and terror, and also cause the explosion of munition and destroy supplies which were gathered for use during the war. Great damage was done on days when clouds hung low, during which period the Zeppelin, hid in a cloud, would swing down a basket, which would be connected by a telephone with the main ship, and thus from a point far below the ship would be telephoned up the spot on which bombs should be dropped to be most effective. Notwithstanding the tendency to discount the part performed by the dirigible in the war it is an established fact that the Germans were planning just before the war closed to send a giant Zeppelin for the purpose of bombing New York City. This ship, to wit, the *L-72*, was constructed especially for that purpose. Col. Hensley, who talked with the pilot who was to have made the trip with the ship had the armistice not been signed, furnished some very interesting information. The Germans had got the weather charts of the German admiralty, German merchant marine, and the Danish merchant marine. These gave for each day the exact figures in miles of the North Atlantic and the weather conditions. So, theoretically, they made this trip more than 300 times, taking into consideration every possible contingency. The ship carried several tons of bombs and was fully capable of making the trip. New York would have been helpless except for the police revolvers, which could not have done much against an attack of this kind.

This was not a fanciful dream, but an actual plan that had fully matured. The man had been chosen to make the trip. Of course, failure meant death to every member of the crew, but men were easily found who were willing to offer themselves as a sacrifice on the altar of their fatherland. They were planning in every possible way for the hazardous journey, and every precaution known at the time was used in safeguarding this trip. Even with the tremendous handicap of the use of hydrogen less than one-third of the dirigibles which Germany sent out during the war were brought down, leaving a remainder which wrought terror in the hearts of the people who happened to be subject to their terrible raids.

If it were possible to have been serious in the intention of carrying out a trip across the Atlantic with a ship filled with hydrogen, how much easier and less hazardous would it have been had the same machine been filled with helium?

Up to a short time ago a great many were skeptical and made the assertion that helium could never be used commercially because of the cost of its extraction. But the tests have proven that it can be conserved at a relatively low cost, and it is expected that even the present cost will be very much lowered. An idea of the importance of this element is gained from the fact that some months ago a group of American business men formed the American Investigation Corporation for the purpose of investigating the practicability of establishing commercial air service with large rigid airships in this and other countries, and so satisfactory have been their investigations that the formation of a gigantic corporation for commercial air navigation has been announced, with such business men as Benedict Crowell; Owen D. Young, vice president of the General Electric Co.; Marshall Field the third; R. B. Mellon, of the Mellon National Bank, of Pittsburgh, and brother of the present Secretary of the Treasury; and a number of other successful business men of this country. Their plans involve the securing of a large number of dirigibles, for the present to be fabricated in Germany and transported and set up in this country. The largest ones are designed to provide accommodation for 100 passengers, as well as for mail and express. It is announced to be the plan to build ships for lines to South America and Europe when the facilities for complete construction have been arranged. It is not planned to use hydrogen gas but helium in these gigantic dirigibles, which it is asserted will replace the lighter machines of the various types.

No two countries have the same great natural resources. Our country, any country, should conserve and develop its own. The theory of yesterday, proved by practice to-day, is the basis of development for to-morrow. I know not what discoveries or inventions will be made in the infinite sea of the future, but I do know that any nation's natural resources are among its greatest assets and are its sources of supply. If America is to hold her rightful place in the vanguard of nations she should not, she must not, sit supinely by and see this great element wasted.

I can conceive of our national greatness surpassing all the glories of the past—a nation grown from simplicity and honor, the proud heritage of freedom and power, to a nation which loves the arts of peace rather than the implements of war, and which resorts to war only to keep her people free, whose love of peace and justice are known around the world and whose white-winged ships of the air shall carry a message of hope to all parts of the world.

The CHAIRMAN. The gentleman from Texas yields back 11 minutes.

Mr. ANTHONY. I yield 10 minutes to the gentleman from California [Mr. LINEBERGER].

Mr. SISSON. I also yield 10 minutes to the gentleman from California [Mr. LINEBERGER].

The CHAIRMAN. The gentleman from California [Mr. LINEBERGER] is recognized for 20 minutes. [Applause.]

Mr. LINEBERGER. Mr. Chairman, since time immemorial mankind seems to have divided itself up into two opposing camps, one dominated by hard-headed friends of truth and facts, and another numerous and ofttimes powerful group of followers of the seductive will o' the wisp—the multicolored rainbow of impossible achievement. The ancients had their Utopia, and the Middle Ages rung with song and story of the pot of gold at the end of the rainbow, and the great Spanish discoverer, Ponce de Leon, died in the fifteenth century firmly believing that he had located on our own shores of Florida the fountain of youth for which mankind had so long sought in vain.

In our own day and generation we coined that magnificent sounding word "Eureka," which again hailed to a waiting world that the Nirvana of perfection had at last been found, but this, like the rest, has been relegated to fancy and bereft of realization by that age-old "son of time"—the "logic of facts." So it is that mankind in all ages and in all climes has sought when confronted for a solution of the great problems of life, and more particularly with financial ones, some temporary formula or expedient which afforded seeming relief, but which would not bear the acid test of practical application in a strangely practical world.

The councils of State of the Middle Ages turned to the art of the alchemists for gold only to be disillusioned in failure. The French revolutionists, like their modern contemporaries, the Russian Bolsheviki, turned to the printing of worthless "assignats" only to be rewarded with that repudiation which follows all impossible schemes of finance.

The American Congress and the American people turn in the year 1922 to the House Ways and Means Committee for a workable soldiers' adjusted compensation bill only to be confronted with that child of "who knows who" characterized by some of the least charitable among us as having been conceived in haste, born in fright, and christened "impossible" by those who have viewed the infant at close range. [Laughter and applause.]

My colleague from Missouri [Mr. HAWES] who, true to the traditions of his native heath, demands to be shown, is the first ex-service man who has had the temerity to express himself on this bill. I have not discussed the matter with him personally, but he must have received something of the same reaction which I received when I first read the bill as reported, for I understand that he is quoted as saying that it is "an unfortunate child," and "that its father was haste, its mother was fear—some think he intended to say FREAR—and its name is junk." [Laughter.] No one could ever accuse me of political connivance with a Democrat, as much as I respect some of the lovable Members who sit on the other side of the House, and it is only once in a lifetime that a Republican such as I and a Democrat such as my friend HAWES agree, and I submit the fact as proof that so far as I am concerned the criticism which I voice is not partisan.

Of course, I would not impute any political motives to my comrade and colleague of opposite political faith with whom on this occasion I find myself in such hearty agreement, but I can not pass on to a further discussion of the subject without parenthetically remarking that many of those of his party sitting in the high places and viewing the matter from the pinnacles of leadership occupied by two certain gentlemen whose names begin with capital "G" and who hail from two fine States beginning with capital "T" [GARRETT and GARNER of Tennessee and Texas], sometimes familiarly and affectionately referred to by the distinguished and popular chairman of the Ways and Means Committee [Mr. FORDNEY] as "our brethren, the Gold Dust Twins," presumably because they expect to "clean" us Republicans this fall. [Laughter.] We would not be bestowing upon these gentlemen the credit to which they are entitled were we not to admit that they are viewing this whole proposition with an astute political eye set upon the coming campaign.

Of course, if these gentlemen and their party had only conscripted labor and capital as they did soldiers at the beginning of our participation in the World War there would have been no adjusted compensation to adjust; but, as usual, they left undone the things which they should have done and did the things which they should not have done, so the Republican Party has this additional postwar problem to solve. We frankly admit that Democratic shortsightedness and inexperience has caused us many a sleepless night and no end of embarrassment. We have the record of our past achievements to stimulate us to further effort and we shall steer straight ahead until our goal is reached; that there will be difficulties and breakers ahead, who will deny? We are amidst them now, as we admit, on this bonus measure; but these will not deter us from conquering all obstacles in such a manner as to fulfill our highest obligations to the ex-service men and not put to too great a strain the finances of the country, upon whose recovery from the aftermath of the Great War the prosperity and contentment of over 100,000,000 Americans are dependent. [Applause.]

Perhaps after all we should not criticize the Ways and Means Committee too severely, for they have had a hard road to travel. Between political pressure for a willy-nilly bonus bill on the one hand and the organized propaganda for no bonus at all on the other hand, mixed with a medley of conflicting opinions and plans of those who have given this gigantic financial problem little study and less analysis, they have been placed in the proverbial predicament of being "between the devil and the deep sea." [Laughter.] In compliance with our persistent demands they have done something, and we can not accuse them of inactivity. They have at least brought out "a bill"; if we do not like it it is up to us to say so and offer constructive criticism of those features of it which are not in accord. We should have the courage of our convictions and not criticize or ridicule the work of the committee unless we are willing to take the political consequences—if political consequences there be—of frankly and concretely stating our views, so that those who have devoted themselves so assiduously to the difficult task of framing such a measure may know where we stand.

I know, and we all know, that these gentlemen of the Ways and Means Committee have had great difficulties to surmount. It is a matter of general knowledge that from within their own ranks carefully planned and effective smoke screens have been launched which have precluded a fair consideration and analysis of the sales-tax suggestion submitted by the President of the United States. Insistent rumors of caucuses that have been held where noses have been counted and means devised for bluffing or creating pressure on the committee that would cause them to discard the Executive proposals without submitting them to the House as a body leave little doubt as to the tactics which have been used on this well-meaning committee, composed, as everyone knows, of some of the most able and distinguished Members of Congress. Is it not time that the case of Frear et al. against Harding et al., which up until now has been tried in secret and well-nigh disposed of in chaos should be brought into the open and put squarely before the people of the country? The "et al." parties attached to the President in this "cause celebre" are much more numerous than is generally admitted, and consist, I am convinced, of over half the ex-service men of the House, the majority of the Republicans, and a goodly sprinkling of Democrats. At least, why should not this question, divested of all camouflage and technicalities, be submitted to a free and unhampered discussion and vote by our membership? All sorts of uncomplimentary inferences have been whispered against those who seemed even inclined to agree with the President in his desire to give the sales-tax measure its day in court. It is naively insinuated that conscientious, God-fearing Members, who have great difficulty in paying their income tax, are the henchmen and coconspirators of great wealth, simply because they dare to stand with a Republican President and demand a fair and impartial hearing on a proposal which he in good faith has submitted. [Applause.]

From whence comes this legislative Ku-Klux, who by the process of gentle pressure seek to intimidate Members and hope to coerce great committees, who would give the soldier a bonus by fathering an impracticable and questionable scheme of finance? A coincident not to be ignored is that the imperial wizard of this klan, for whom personally I have nothing but the highest esteem, and who would perform all these miracles for us, hails from the same State from which the effulgent and famous La Follette's Weekly sheds its rays over a benighted continent. It is to be noted that both are opponents of the sales-tax measure proposed by the President; the weekly, at least, is consistent, as many will recall how it helped to win the war fought by the soldiers we now seek to compensate by opposing it. Yes, Mr. FREAR, we think we know how Wisconsin stands and why she stands where she stands. [Applause.]

Quite properly every Member of the House who is in favor of an adjusted compensation bill has viewed the efforts of the Ways and Means Committee to produce a satisfactory bill with the kindliest and most sympathetic interest. We have realized all along that to meet the legitimate desires of the veterans and at the same time to proceed with due regard to the financial condition of the country—in a topsy-turvy economic world—presented a problem of gigantic proportions, and when I was informed that the committee instead of adopting a selective cash feature such as had been suggested by various Members had inserted the so-called certificate plan in lieu of cash payment by the Government at this time I was inclined to favor it, for I believed it to lead in the direction of a saner and safer economic solution of this thorny problem.

When I learned that the certificate plan would permit of borrowing from the bank I accepted it provisionally, assuming, of course, that the security would be handled in such a way that it would be fluid in all legitimate banking transactions. Thus most of the Members accepted this compromise, as all compromises have to be accepted, feeling that if it could be shown to be practicable it was probably the best thing which could be obtained with due regard to the soldier and the Government. Until I read the bill I was prepared to go before the ex-service men of my district and the country with the statement that it was the best we could evolve out of a muddled and difficult situation. Personally I am frank to say that I was never fully satisfied to create even a deferred cash obligation of such magnitude without providing some specific means of raising the money. It seemed to me to violate the first tenets of good business procedure. Still I was prepared to support the bill if it could stand the acid test of scrutiny and the limelight of business analysis.

But when the bill was introduced and printed, along with my other colleagues, I received the first shock of disillusionment so far as the certificate feature of the bill was concerned; lo and behold, the child had been tampered with, and the smiling countenance with which it was to win its way among those who were to nurture it for the first few years of its young life was a "frozen" one. Some call it "frozen credit," which probably accounts for the "cold shoulder" it has received from bankers and economists alike who have been called in on the

case and who are likely to act as foster mothers during the first three years of its young life, while its real mother, the United States Treasury, tries to recover her strength by "a voyage in Icarie" abroad in order to gain substance from foreign loans uncollected and perhaps uncollectible and which grow either in thin air or in the barren soil of an economically and physically shell-ridden continent. [Applause.] We now find ourselves in such a quagmire of quandary and embarrassment that Mr. Mellon, the constitutional opponent of all adjusted compensation or so-called bonus, challenges us to pull ourselves out by our own bootstraps, a feat of the impossible, and no doubt inwardly laughs and makes merry at our predicament.

Now, what shall we do in the matter?

Shall we let the unalterable opponents of all adjusted compensation sit in to see us encompass our own defeat, coupled with the ultimate downfall of the legislation to which we and our administration are committed? All this simply that we may for the moment satiate our pride of opinion and say to the world that we intend, willy-nilly, whether or no, to force this measure through the House as it is, knowing that it will rest for many weary months in that "august port of missing bills," the Senate, and that when it again finally sees the light of day in conference between the two Houses it must of necessity suffer a complete disfiguration and be submitted to one of two alternatives—either that of being so completely changed by the upper body that we will not recognize it, or a voyage to the White House unchanged, but where the veto surely awaits it, for whatever doubts the Members of this House may have as to the merits of the particular policies advocated by the distinguished American at the other end of the Avenue, no one can accuse him of vacillation or of lacking in party responsibility or leadership, for he has made it clear to all except those "who will not see" that he disapproves of any adjusted compensation measure to be passed at this time which does not embody the means of raising the revenue required to carry out the provisions of the bill. We all know that the President says what he means and means what he says, a frank and commendable American trait.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. LINEBERGER. I will be glad to yield if I have time when I have finished my remarks. Who can say that in a matter involving such a large amount of the people's money at such an uneasy moment in the world's history and to be paid to a body of men who occupy such a place of high esteem in the hearts of the American people, that his position is not fundamentally sound and unassailable?

He is the chosen constitutional President of a Nation of a hundred and five million people and realizes that it is upon his shoulders that the larger share of the responsibility for weal or woe of the people and the success or failure of his administration must rest, and great man and President that he is, he does not shirk this responsibility. [Applause.] After all, fellow Members of the Republican side of the House, whether we will it or not, we will share it with him sooner or later, and the time is not far distant when the Republican President and this Republican Congress must stand or fall together. While there are among us some who feel themselves quite self-sufficient at times, who can truthfully say that he can go among his constituents this fall and lay claim to reelection as an independent candidate? We can not be Republicans at election time and independent on the floor of this House. Even our opponents, a strong but coherent minority which sits on the Democratic side of the House, recognizes and practices the doctrine of political consistency. It is high time that the cry of party solidarity be raised on the Republican side of this House. What greater opportunity to rise to the emergency than at the present moment when a bill in which the defenders of the Nation's institutions are vitally interested is before us? If there is a way out we must find it. Few Members of this House desire to have adjusted compensation deferred, and those of us who are committed to it in principle desire to have an opportunity to vote for a measure that will have a chance to become a law. The practical necessity of the situation demands that a bill be presented whose legislative pathway will not be strewn with thorns, but which will be reasonably clear through the Senate and up to the White House. Many of us are not personally committed to the cash feature, but if it can be included and the money raised by a practical means of taxation it would satisfy those who feel the need of it. Is there such a proposition, and should we adopt it? The President has frankly indicated that a manufacturers sales tax will meet with no opposition at the Executive end of the Avenue. He has just as frankly stated that rather than to accept any other means of raising the money at this time he would be flatly in favor of postponement. It is a frank statement of his position, we have the answer as to what can and can not be accomplished under existing circumstances. [Applause.] Without doubt a bill conforming to the President's suggestion would have a safe majority in the Senate and should be functioning within 90 days of passage in the House. Any other measure at this time is doomed to failure, and will defeat the purpose of those who are attempting to force it through, for following the weary months of waiting on the part of the expectant ex-service men will come the final disappointment and a spirit of dejection and cynicism which will far exceed the temporary elation caused by the passage of the bill as now reported in this body. The men will know they have been "gold bricked," and all who know the ex-soldier well, will tell you that he is unequaled for his powers of intuition and he will place the responsibility flatly upon those who have deceived him. [Applause.]

If I may be permitted to prophesy, the major criticism will fall on this House for having passed a legislative bill with full warning and full knowledge in advance that it was doomed to failure. Assuming, for the sake of argument, that the present bill should finally be forced through both Houses and that it could muster a two-thirds vote in both Houses, which every Member knows it could not do in the Senate in the face of the President's opposition, and that it finally became a law over the President's veto. Would it, in view of its questionable financial features and the long delay which would be the price of such legislative tactics, be worth the price? Gentlemen, it is not even good politics, for it is not good American horse sense. That, at least, is expected of us by the American people, and if we fail in this we commit a political blunder for which those responsible will be held to account. [Applause.]

I am a friend of, but not of, the so-called farm bloc, which has voiced such violent opposition to all forms of a sales tax. The very word seems an anathema to them. I am against all blocs. I observed the iniquity of this system when recently I visited the German Reichstag, where they have 11 political parties or blocs in a body slightly larger than our own. It is the curse of any parliamentary system, and will prove a curse to ours if we adopt it, and we should have none of it. I vote with many of these gentlemen often, always when I think they are right, but I shall oppose them when I think they are wrong and feel that their attitude on a given question is in opposition to the best interests of the Republican Party, of which the majority of this so-called bloc are members. Frankly, I will say to them that I do not believe they carry the tonnage in this sales-tax matter they would have us believe; they are too nervous of their position; they have had us bluffed, myself included; but we are faced by necessity and must find a practical way out on this bonus measure. This, perhaps, has caused some of us to discover and we would like to share the opportunity with them to go on record with a clean-cut proposition based on a manufacturers' sales tax similar to the one in vogue in Canada, for the specific purpose of raising the cash required for the adjusted-compensation legislation shortly to come before the House.

I therefore submit this proposition to the Ways and Means Committee and challenge the opponents of the manufacturers' sales tax to submit the matter to a vote of the House before discarding it or refusing to consider it as a way out of the dilemma into which we have drifted. If you are convinced of your position you should not object to making the record clear for yourselves and permitting those of opposite views to have the same privilege. We are willing to measure our strength with you, that the country may know the result as shown by roll call, and that the responsibility may rest in any event where our constituents may see fit to place it. I was not one of the original proponents of the sales tax, but have until recently proceeded with an open mind, so I can not be accused of having any ulterior motives in the stand which I have taken.

I believe that we are called to meet a practical problem in a practical, workable way. Our President is a true friend of the ex-service men of the country and is committed to the principle of adjusted compensation, all statements to the contrary notwithstanding. With the utmost frankness he has pointed the way, and the Republican membership of this House has a right to expect of its leadership that it be given an opportunity to register by vote whether or not it desires to approve of the plan suggested by the Executive before being called upon to vote on an alternative measure of what many consider to be of questionable legislative merit.

We desire this opportunity, and feel that no substitute measure should be presented until we are first given an opportunity to vote for a measure which we are willing to accept, either on a basis of merit or of compromise, and which we

know has a reasonable chance of ultimate passage and of obtaining the signature of the President.

Mr. Chairman, in the name of scores of my colleagues like myself who are in favor of adjusted compensation which has some chance of becoming a law and in the name of thousands of ex-service men who will not accept the excuse of legislative juggling and buncombe which is being prepared for them, I earnestly plead that a bill be brought out carrying a manufacturers' sales tax for raising the money required to satisfy the cash feature of the bonus or that a rule be provided whereby the proponents of this measure will be permitted to offer it as a substitute to the bill as presented and to have a separate record vote on the measure.

All of this I ask, Mr. Chairman, so that loyal Republicans and others who may see fit to join us may be given the opportunity of supporting the measure and of voicing our confidence in a Republican President elected and confirmed by a majority of over seven and one-half millions of our fellow citizens. [Applause.]

Mr. SISSON. I yield 10 minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman and gentlemen of the committee, the House, with the Senate, several months ago appointed a special committee to investigate agriculture.

Knowing the condition of the agricultural interests at that time, as well as now, I had been hoping that we would get action as well as an investigation from that committee.

Several weeks ago the gentleman from Minnesota [Mr. ANDERSON], who is chairman of the special committee, made a speech before the so-called Farmers' Conference at the Willard Hotel and stated that his committee had found the farmers unorganized and in need of long-term credits. I have a bill, or at least am the cause of a bill being introduced in the House, to amend the Federal reserve act so as to give to the farmers 12 months' credit, whereas they now only have 6 months. This bill, that would cover to a certain extent the findings of this special committee, sleeps soundly with the Committee on Banking and Currency.

I am going to charge here and now that excessively high freight rates are doing more to paralyze agriculture and stifle business than any other thing I know of. In making this charge I believe that the Members of Congress, as well as the special committee on agriculture, will agree with me.

However, if there are those who disagree with me as to this charge, I will be glad to yield so that they may stand and have their names recorded.

When the Congress passed the Esch-Cummins transportation act the Members not only seemed to have known the needs of the railroad owners, but immediately passed this bill giving them the power, through and under the Interstate Commerce Commission, to so increase freight rates on the shippers of this country until they would be assured that their income would yield them 6 per cent on their entire investment.

Not being satisfied with the ridiculous rates that are paralyzing the farmer, the railroads, through their agents, are allowed to issue tariffs that are approved by the Interstate Commerce Commission that mean highway robbery of the people.

I have in mind a tariff issued by one J. J. Cottrell, agent of the Southern Railway at Richmond, Va., which took effect October 15, 1921, known as tariff No. 2, Interstate Commerce Commission, No. 358, eastbound Carolina class and commodity tariff.

This tariff forbids the shippers of hogs from local and junction points in North and South Carolina, Georgia, and Virginia from shipping their hogs in double-decked cars to eastern cities and certain interior eastern points.

I called up the Southern Railway office here in Washington and obtained carload rates on standard cars of hogs shipped in single and double-decked cars from Springfield, S. C., to Richmond, Va., the complaint having come to me from Springfield, S. C., as to the injustice of this ruling on the part of the Interstate Commerce Commission. I found that on account of shippers not being allowed the use of double-decked cars that it would take two single cars to carry the same number of hogs, costing the shipper $157, as against $92 for a double-decked car, making a loss to the shipper of $55.

I call this an outrage on the farmers and shippers of hogs from these States, especially at the time when the people of the cotton States are facing bankruptcy on account of the ravages of the boll weevil. My people are trying to get away from cotton by planting grain and raising hogs, so as to be able to live and pay their taxes, and now they are being penalized in the sum of $55 per car on shipments, or 25 per cent on the already high rates, and I am here to tell you gentlemen it is not right. However, I will say for the information of the Members of the House that I have taken the matter up with the Interstate Commerce Commission and I hope to obtain some relief.

Some time ago the Government sold quite a lot of nitrate of soda around $35 per ton, in lots too large for the individual farmer to buy, and since that time the importers of this country, few in number, have bought up and are now holding from the market nitrate of soda and are demanding $64 to $68 per ton, car lots delivered to the fertilizer merchants, with an additional $2 to $5 to be added as profit to the merchant, thereby costing the farmer from $65 to $75 per ton. I will say for the benefit of a great many of you who are not farmers and who know nothing about farming, that it is impossible to make a successful crop of any kind in the South without the use of nitrate of soda and if this Congress is a friend of the farmer it will investigate the outrageous acts of the nitrate of soda combination.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FULMER. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Are those Chilean nitrates which are sold at that price?

Mr. FULMER. It is the regular nitrate of soda used by the farmers of this country.

Mr. GARRETT of Tennessee. Chilean nitrate?

Mr. FULMER. Yes.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. FULMER. Yes.

Mr. SMITH of Michigan. How do the prices of nitrates compare with the prices before the war, or the normal prices?

Mr. FULMER. I think the price is about $20 a ton higher. Anyhow, for the nitrate of soda formerly sold by the Government we find the price now just about double.

Mr. SMITH of Michigan. To what do you attribute that rise in price?

Mr. FULMER. I attribute it simply to the high-handedness of a combination that is able to rob the farmers. I want to say that the farmers of the South are financially unable to buy fertilizer and soda to any large extent. Therefore it is not the demand that is creating the high prices but it is simply a matter of a combination formed to squeeze the farmer.

Mr. SMITH of Michigan. I should think the price is pretty high.

Mr. FULMER. As I have just stated to the gentleman from Michigan [Mr. SMITH], due to the financial situation in the South at this time, the farmers are unable to buy fertilizer and nitrate of soda in large quantities, as heretofore; therefore it is not the demand that is causing this outrageous act on the part of the importer but it is a matter of highway robbery on the part of one of the largest trusts in America, framed to rob the man who feeds and clothes the world. Not only this, but this same Fertilizer Trust is spending thousands and thousands of dollars sending out propaganda and lobbying around Washington trying to defeat the plans of Henry Ford in securing Muscle Shoals, knowing their day of highway robbery will cease if Henry succeeds in getting the management of these plants.

I am watching and the American farmers and labor organizations are watching the Congress—that says so much and does so little for the farmer—as to the outcome of this Muscle Shoals proposition. I wonder if you will do the right thing, let Henry Ford have the Muscle Shoals plants, or will you heed your master's call and continue to let the American farmer be handled by this Fertilizer Trust?

I have a letter dated March 9, addressed to me from one of the largest fertilizer concerns in the country, stating, "We are unable to secure any nitrate of soda at any price at present." Also, on March 9, from another large fertilizer corporation, "It seems that importers have gotten control of soda and have put the price up to such an extent that we wish our people would just quit buying. The best price we could possibly make now is $65 f. o. b. Savannah, Ga."

The following from a large dealer:

BATESBURG, S. C., *March 11, 1922.*

Hon. H. P. FULMER,
House of Representatives, Washington, D. C.

DEAR SIR: It may be interesting to you to know that recently, within the last four months, nitrate of soda has advanced in price until to-day the large importers are asking and getting $61 per ton for the material f. o. b. cars ports. A few months ago it was quoted around $37 per ton f. o. b. cars ports. Only a month ago it was quoted around $48 per ton f. o. b. cars ports.

It appears that as the South is forced to reduce her requirements for this material the price is put up in proportion, so that the importers of this material—and there are very few of them, indeed, about four or five—will obtain the same amount of profit. So far as demand is concerned, the requirements will be less this year than last year from farming class, due to the fact that the farmers can not purchase and

pay for the material; therefore it can not be demand that is putting up the price of the material.

The South needs to be relieved from this Nitrate Trust, a trust that absolutely dictates to the South what price she will have to pay for one of her chief plant foods. Let "Henry" do it.

Very truly, C. H. JONES.

Mr. Chairman, I ask to have printed in connection with my remarks some letters that I have.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD by printing some letters. Is there objection?

There was no objection.

The letters follow:

SPRINGFIELD, S. C., *February 2, 1922.*

Hon. H. P. FULMER,
Washington, D. C.

DEAR HAMP: I am writing to ask you for a little assistance in getting a matter straightened out with the railroad company.

I am shipping hogs to the Richmond and Baltimore markets, and the Southern road refuses to furnish me with double-decked cars or allow me to build a double deck in ones they furnish.

I have taken the matter up with the South Carolina Railroad Commission and they state that they can not handle this, as it is interstate business.

I presume the proper authorities to take the matter up with is the Interstate Commerce Commission. Could you see them in Washington and get a ruling which I could use with the railroad company and have them cite me to tariffs which cover this phase of the hog-shipping business?

Other shippers are using double-decked cars from points in South Carolina and Georgia to the Richmond and Baltimore markets, and their freights are about half what mine are.

Thanking you for your assistance in the matter and with best wishes, I am,

Yours, truly, H. A. JUMPER.

SOUTHERN RAILWAY SYSTEM,
Washington, D. C., February 6, 1922.

Col. F. G. ROBBINS,
Director Bureau of Service,
Interstate Commerce Commission, Washington, D. C.

DEAR COL. ROBBINS: I have your letter of the 4th instant, File 126632, complaints submitted by the Hon. H. P. FULMER, from Mr. H. A. Jumper, of Springfield, S. C.

The tariff in which the restrictions occur is the one issued by J. J. Cottrell, agent, Richmond, Va., effective October 15, 1921, tariff No. 2, I. C. C. No. 358, eastbound Carolina class and commodity tariff from local and junction points in Georgia, North Carolina, South Carolina, and Virginia to eastern cities and interior eastern points in the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia. Page 33, note 37, paragraph 1, reads:

"Loading hogs, calves, or cattle in double-deck cars will not be permitted."

This tariff applies to all roads in the States named, but I will be very glad to investigate further the claim that other shippers are using double-deck cars from points in South Carolina and Georgia to the Richmond and Baltimore markets, and will appreciate further information from Mr. Jumper in regard to it.

Yours, sincerely, W. S. ANDREWS,
Assistant to Vice President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 10, 1922.

Mr. GEORGE B. MCGINTY,
Secretary, Interstate Commerce Commission,
Washington, D. C.

DEAR MR. MCGINTY: I received a letter from Mr. F. G. Robbins, Director of Service, under date of the 8th, in reply to my letter of the 4th regarding information as to the shipping of hogs from South Carolina.

Mr. Robbins states that due to a tariff "issued by J. J. Cottrell, agent, Richmond, Va., effective October 15, 1921 (No. I. C. C. 358), Eastbound Carolina Class and Commodity Tariff," shippers of hogs from South Carolina, Georgia, Virginia, and North Carolina shipping to eastern cities and certain interior eastern points are forbidden or prevented from shipping hogs in double-decked cars.

I asked Mr. Robbins over the phone why this special order against certain Southern States and he has referred me to you.

The shipping point in question is Williston, S. C., to Richmond, Va. I called up Mr. King, who represents the Southern Railroad here, for a rate on car shipments of hogs to and from the points named, and he quoted me $73.50 per car, standard size, or $92 for double-decked cars.

You, of course, understand that twice as many hogs can be shipped in the double-decked car; therefore without the double-decked car there is a loss of $55 on each car shipped.

I am writing to ask what authority Mr. J. J. Cottrell has to issue said tariff against shippers in the States mentioned, and if you can assist me in having this changed. If there is no other way out of it I shall have to make an appeal to Congress against this discrimination on the part of the roads in favor of shippers from other sections. The people of South Carolina and other States as well are facing bankruptcy on account of a short cotton crop and low prices, and they are turning to hog raising in an effort to relieve the situation, and I feel that the order against double-decked cars is unjust and a serious handicap to the raiser of hogs.

I am deeply interested in this matter and will appreciate any help or information that you may give me.

Very respectfully, H. P. FULMER, *M. C.*

Mr. ANTHONY. Does the gentleman from Mississippi desire to use any more time this evening?

Mr. SISSON. No; I have no one else who wishes to speak to-night.

Mr. JEFFERS of Alabama. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution by the patients of Mount Alto Hospital with regard to certain things that come under the Veterans' Bureau, and certain legislation indorsed by the American Legion.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, is this in the nature of a petition?

Mr. FULMER. It is a resolution by the patients in Mount Alto Hospital.

Mr. JOHNSON of Washington. Is it not customary to drop these things in the regular way in the basket and have them referred to the proper committee? I do not like to object, but I think it would be better to dispose of it in that way.

The CHAIRMAN. The gentleman from Washington objects.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10871, the Army appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent Mr. OLIVER (at the request of Mr. MCDUFFIE) was given leave of absence for five days, on account of official business.

THE DEFICIENCY BILL.

Mr. MADDEN. Mr. Speaker, I present a conference report for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman from Illinois when it is his intention to call it up?

Mr. MADDEN. I was hoping we might get unanimous consent to-morrow, notwithstanding it is Calendar Wednesday, for the reason that $94,000,000 appropriated in this bill is for the Veterans' Bureau and their fund for rehabilitation and vocational training will be exhausted to-morrow. They will not be able to send their checks out unless this is disposed of.

Mr. MONDELL. Mr. Speaker, may I submit a unanimous-consent request? I ask unanimous consent that on to-morrow after the conclusion of the consideration of the bill to be presented by the Committee on Immigration and Naturalization, it shall be in order to take up and consider conference reports on bills from the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that on to-morrow, Calendar Wednesday, after consideration of bills presented by the Committee on Immigration and Naturalization it shall be in order to take up for consideration conference reports on appropriation bills. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, I have had no opportunity to confer with the minority members about the condition of conference reports. I want to ask the gentlemen if they can not transfer Calendar Wednesday business to Thursday?

Mr. MADDEN. I will say that there will be no objection from the gentleman from Tennessee [Mr. BYRNS] as to the consideration of this conference report to-morrow if the House agrees to it.

Mr. GARRETT of Tennessee. There are a number of conference reports.

Mr. MONDELL. Mr. Speaker, I had two conference reports in mind, both of which I understand the minority are willing to have taken up. One is this conference report and the other is the conference report on the independent offices.

Mr. GARRETT of Tennessee. Is it a complete agreement or do we have to vote on several provisions?

Mr. MONDELL. I think there are some provisions to be voted upon.

Mr. GARRETT of Tennessee. May I ask the gentleman from Wyoming is it particularly important to have the business of Calendar Wednesday considered to-morrow?

Mr. MONDELL. The gentleman from Washington can answer that, perhaps.

Mr. GARRETT of Tennessee. I will say now that I do not think that that is important.

Mr. JOHNSON of Washington. It depends on how often the committee has a call on the calendar; it only comes up about once in the session.

Mr. GARRETT of Tennessee. So far as I know anything about that resolution it is wrong.

Mr. JOHNSON of Washington. I disagree with the gentleman. It occurs to me, talking about the necessity of agreeing to the conference report, that if it was agreed to the President is not here and could not sign it.

Mr. MADDEN. I understand that the President is to be back Friday, and there is a disagreement in this, so that it will have to go back to the Senate.

Mr. JOHNSON of Washington. I think the bill in reference to immigration can be handled in two hours and a half. I will not object to Calendar Wednesday being transferred to Thursday.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Calendar Wednesday business may be in order on Thursday instead of on Wednesday, and that we dispense with Calendar Wednesday business to-morrow.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that business in order to-morrow, Calendar Wednesday, may be in order on Thursday and that Calendar Wednesday business to-morrow be dispensed with. Is there objection?

Mr. ANTHONY. Mr. Speaker, reserving the right to object, that would mean that the Army appropriation bill would go on to-morrow?

Mr. MONDELL. The conference reports would first be considered to-morrow, and I assume that would be the wish of the chairman of the Committee on Appropriations. Then the balance of the day, if there was time remaining, would be utilized by the subcommittee now considering the measure before the House.

Mr. TILSON. May I ask the gentleman from Wyoming if there is any intention of having in the near future a Private Calendar day? There are some little bills that are not claims, that are not war claims, that are not pensions, but which are of considerable importance to some of us locally.

Mr. MONDELL. Mr. Speaker, I hope that before long we may have another day for the consideration of matters on the Private Calendar.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. BRICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker pro tempore signed the same:

H. J. Res. 227. Joint resolution extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 15, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEHLBACH: Committee on Reform in the Civil Service. S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes"; without amendment (Rept. No. 796). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 10864. A bill to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau; without amendment (Rept. No. 797). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RYAN: A bill (H. R. 10890) to provide legal tender Treasury notes (money), without interest or tax, for soldiers' bonus to be paid to World War veterans of the Army, naval, marine, submarine, air, and nursing forces of the United States, who were engaged or about to be engaged in the World War; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: A bill (H. R. 10891) to enlarge, extend, remodel, etc., the post-office building at Kalamazoo, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10892) for the purchase of a site for the erection thereon of a public building at Eaton Rapids, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10893) to provide for the daily free delivery of rural mail and parcel-post matter to every rural home at least once each day where the houses are not more than 1 mile apart on a main traveled highway; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10894) for the purchase of a site and the erection thereon of a public building at Marshall, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. BRAND: Joint resolution (H. J. Res. 287) directing the United States Department of Agriculture to investigate the feasibility of furnishing market prices of cotton by radiophone to the farmers of cotton-growing States; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 10895) granting an increase of Pension to Phebe J. Burrows; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 10896) granting a pension to William W. Kinne; to the Committee on Pensions.

By Mr. DUNBAR: A bill (H. R. 10897) granting a pension to Henrietta Hyman; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 10898) granting a pension to Mary E. Hampton; to the Committee on Invalid Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 10899) for the relief of Charles T. Clayton; to the Committee on Claims.

Also, a bill (H. R. 10900) for the relief of Mrs. E. A. Thompson; to the Committee on Claims.

By Mr. PERLMAN: A bill (H. R. 10901) granting a pension to Joseph J. Newton; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10902) for the relief of Lieut. E. J. McAllister; to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 10903) granting a pension to Andrew Nelson; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 10904) for the relief of James Le Grand; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 10905) granting a pension to Mary A. Penney; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10906) granting a pension to Allen Watson; to the Committee on Pensions.

Also, a bill (H. R. 10907) granting a pension to O. W. Surrett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4596. By Mr. CRISP: Memorial of J. M. Larisey, chairman, and J. B. Hogsed, secretary, officers joint committee, Atlanta, Birmingham & Atlantic Railroad strike, Atlanta, Ga., relative to the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

4597. By Mr. DRANE: Resolution from Federated Railroad Shop Crafts at Tampa, Fla., relative to Muscle Shoals; to the Committee on Military Affairs.

4598. By Mr. DRIVER: Petition of the School Improvement Association, of Blytheville, Ark., in support of House bill 6045 and Senate bill 1376, providing for the placing of Government employees engaged in the enforcement of national prohibition under the civil service; to the Committee on Reform in the Civil Service.

4599. By Mr. GALLIVAN: Petition of the American Women's Overseas League, of Boston, Mass., urging the passage of House bill 7290, a bill to incorporate the Women's Overseas Service League; to the Committee on the Judiciary.

4600. By Mr. KISSEL: Petition of C. H. Denison (Inc.), of Brooklyn, N. Y., and a number of builders opposing the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

4601. Also, petition of various residents of New York City protesting against the compulsory Sunday-observance bill (H. R. 9753); to the Committee on the District of Columbia.

4602. Also, petition of Lithuanians of Chicago, Ill., in commemoration of Lithuania's fourth anniversary of her declaration of independence; to the Committee on Foreign Affairs.

4603. By Mr. RAKER: Petition of Jim Cesune, James M. Robinson, Alva Frost, Leugi Pardi, Paul W. Herman, Lester B. Anderson, E. N. Belanger, J. A. Seavey, Earl G. Gerlicher, W. B. Frohwitter, William F. Tappel, Milton C. Gerlicher, Frank Kiesling, G. D. Wiley, Arthur R. Yarham, Ray Hathaway, Edward C. Bonneville, R. A. Rigor, Ben Reiner, A. G. Linn, James L. Borland, and Dr. H. C. Erno, all members Cheula Post, No. 92, American Legion, of McCloud, Calif., urging support of the bonus bill; to the Committee on Ways and Means.

4604. Also, petition of the Lassen County Farm Bureau and residents of Milford Farm Center, Susanville, Calif., opposing sales tax for payment of soldiers' bonus; also, petition of Gen. Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, San Francisco, Calif., urging passage of the adjusted compensation bill; to the Committee on Ways and Means.

4605. By Mr. RIDDICK: Petition of citizens of Roundup, Mont., indorsing the Towner-Sterling bill; to the Committee on Education.

4606. Also, petition of farmers of Twin Bridges, Mont., urging the passage of House bill 9952; to the Committee on Agriculture.

4607. Also, petition of farmers of Fraser, Hill County, Baker, Zurich, and Stanford, all in Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

4608. By Mr. SNELL: Petition of the members of Clinton County Grange, of Plattsburg, N. Y., opposing the soldiers' bonus bill; to the Committee on Ways and Means.

4609. Also, petition of sundry residents of Malone, N. Y., opposing House bill 9753, or any other Sunday bill, such, for example, as House bill 4368 or Senate bill 1948; to the Committee on the District of Columbia.

4610. Also, petition of sundry residents of North Bangor, N. Y., opposing House bill 9753, or any other Sunday bill, such, for example, as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

4611. By Mr. TOWNER: Petition of Charles J. Williams and 245 other citizens of Brooklyn, N. Y., asking for the passage of the Towner-Sterling bill; to the Committee on Education.

SENATE.

WEDNESDAY, *March 15, 1922.*

(Legislative day of Thursday, March 9, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

EXTENSION OF DEBT DUE FOR AUSTRIAN RELIEF.

As in legislative session,

Mr. McCUMBER. Mr. President, from the Committee on Finance I report favorably with amendments the joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria September 4, 1920, for the purchase of wheat from the United States Grain Corporation, and for other purposes, and I submit a report (No. 561) thereon.

Mr. PITTMAN obtained the floor.

Mr. LODGE. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. PITTMAN. I yield to the Senator from Massachusetts for that purpose.

Mr. NORRIS. I ask that the joint resolution which has just been reported by the Senator from North Dakota may be read.

The joint resolution was read.

Mr. NORRIS. I understood the Senator from Massachusetts to ask unanimous consent for the present consideration of the joint resolution.

Mr. LODGE. I have made that request, and I hope there will be no objection to it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts for the immediate consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ROBINSON. Mr. President, let us have an explanation of the joint resolution. I endeavored to hear it when it was read, but was unable to do so.

Mr. LODGE. I will state the object of the joint resolution in a few words. The joint resolution has been reported unanimously from the Committee on Finance. The Senator from Arkansas will remember that three years ago, I think, after the World War, Congress appropriated $50,000,000 in the form of wheat for the relief of certain of the starving populations in Europe. The principal part of that relief went to Vienna, where undoubtedly there was greater suffering than at any other one place. The United States Grain Corporation took the notes of the Government of Austria, secured by certain of its revenues. The purpose of the joint resolution is to extend the time for the payment of the principal and interest of that debt for the period of 25 years. It is entirely different from the credits granted by the United States to other countries. This was purely a matter of charity. I do not suppose when the debt was incurred that anybody expected it would ever be paid, but we hold these notes and the revenues are held back from the Austrian Government as security for the debt. The purpose of the joint resolution is to give that Government time within which to pay the debt so that they may meanwhile use for the purpose of constructing public works and to relieve the starving population of Vienna the revenues which are now held as security.

Mr. ROBINSON. The Senator from Massachusetts has, I believe, stated that the joint resolution has been reported unanimously by the Committee on Finance?

Mr. LODGE. Yes; it has been reported unanimously by the Finance Committee.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum. My colleague, the Senator from North Carolina [Mr. SIMMONS], is not present, and I do not know whether or not he desires to be heard in connection with the joint resolution.

Mr. McCUMBER. The colleague of the Senator from North Carolina is in favor of the joint resolution.

Mr. LODGE. The Senator's colleague supports the joint resolution. There is no objection to it of which I am aware.

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Hale	McKinley	Simmons
Borah	Harris	Nelson	Smith
Brandegee	Harrison	Newberry	Spencer
Bursum	Heflin	Nicholson	Stanley
Cameron	Hitchcock	Norris	Sterling
Capper	Johnson	Oddie	Townsend
Caraway	Jones, Wash.	Overman	Underwood
Colt	Kellogg	Page	Wadsworth
Cummins	Kendrick	Pepper	Walsh, Mass.
Curtis	Keyes	Phipps	Walsh, Mont.
du Pont	King	Pittman	Warren
Elkins	Ladd	Poindexter	Watson, Ga.
Ernst	Lenroot	Pomerene	Weller
Fernald	Lodge	Ransdell	Williams
Fletcher	McCormick	Rawson	Willis
France	McCumber	Robinson	
Gerry	McKellar	Sheppard	
Glass	McLean	Shortridge	

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is necessarily absent by reason of a very sad bereavement, the death of his wife. I will allow this announcement to stand for the day.

Mr. JONES of Washington. Mr. President, I desire to announce that the following Senators are detained from the Senate because of attendance upon the Committee on Finance:

The Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Indiana [Mr. WATSON], and the Senator from West Virginia [Mr. SUTHERLAND].

I also desire to announce that the Senator from Idaho [Mr. GOODING] and the Senator from Oregon [Mr. STANFIELD] are detained from the Senate on official business.

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum of the Senate is present. The Secretary will state the amendments reported by the committee.

The READING CLERK. On page 2, line 6, after the name "Austria," to strike out "September 4, 1920"; in line 7, before the word "from," to strike out "wheat" and insert "flour"; in line 12, after the word "that," to insert the words "substantially all"; in line 13, before the name "France," to insert "Denmark"; in line 13, after the name "Italy," to strike out

"Japan" and insert "Norway"; in line 14, after the name "Rumania," to insert "Sweden, Switzerland"; and in line 15, before the name "Austria," to strike out "loans to" and insert "claims against," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Treasury is hereby authorized to extend, for a period not to exceed 25 years, the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and to release Austrian assets pledged for the payment of such loan, in whole or in part, as may, in the judgment of the Secretary of the Treasury, be necessary for the accomplishment of the purposes of this resolution: *Provided, however*, That substantially all the other creditor nations, to wit: Czechoslovakia, Denmark, France, Great Britain, Greece, Holland, Italy, Norway, Rumania, Sweden, Switzerland, and Yugoslavia shall take action with regard to their respective claims against Austria similar to that herein set forth. The Secretary of the Treasury shall be authorized to decide when this proviso has been substantially complied with.

The amendments were agreed to.

Mr. HARRISON. Mr. President, did I understand the Senator from Massachusetts to say that the joint resolution provides for the cancellation of the interest?

Mr. LODGE. It provides for the extension of the time of payment of principal and interest for 25 years.

Mr. HARRISON. There is no cancellation of the principal and interest involved?

Mr. LODGE. No; they are not canceled.

Mr. KING. Mr. President, I inquire of the Senator what other nations are doing with their claims against Austria?

Mr. LODGE. They have all agreed to grant the same extension, and our action under the joint resolution is contingent upon their doing so.

Mr. KING. Are the claims of the other nations for money advanced, and are they in addition to the reparations which may have been awarded?

Mr. LODGE. The joint resolution concerns a gift made by a number of nations, including France, Italy, Great Britain, and the United States, all of which advanced sums of money for the relief of the suffering and the starving men, women, and children of Vienna. We extended relief in the form of wheat through the American Grain Corporation, which had then a profit to its account of $50,000,000. Twenty-four million dollars went for the relief of conditions in Vienna and the remainder went to Poland and some other countries where people were starving.

The joint resolution does not relate to a war credit. The object of the joint resolution is simply to extend the time for the payment of principal and interest for 25 years, to enable the Government of Austria to use the revenues which have been pledged for these loans for public works and other purposes.

The distress in Vienna, I presume, has been greater than at any other place in Europe. The wheat given by us was all exhausted. Children to the number of some 400,000 have been supported by charity from the United States and Great Britain principally but also from other countries. This extension is made contingent upon the agreement of all the other countries to take similar action.

Mr. KING. I am in entire sympathy with the object of the joint resolution, but I was wondering if at the same time France and Great Britain or the allied and associated powers were taking any action with respect to the war debt or were granting any extensions of it.

Mr. LODGE. They are making an extension as to this debt, which arises from a gift or a loan, as we propose to do.

Mr. KING. But the Senator is not advised as to whether they are making an extension in any way or contemplate making an extension of their war claims.

Mr. LODGE. The items under the joint resolution do not come within the war debt.

Mr. KING. I understand that.

Mr. LODGE. The money was advanced subsequent to the war, purely for charity.

Mr. KING. I am aware of that.

Mr. SMITH. Mr. President, the joint resolution does not provide for the cancellation of interest, but it extends the payment of interest and principal, as I understand, for 25 years.

Mr. LODGE. The joint resolution simply extends the time for the payment of principal and interest for 25 years.

Mr. WILLIAMS. Mr. President, I merely wish to make a few remarks in connection with the pending joint resolution.

I know the city of Vienna very well and I love it very much. In no part of Europe have the people suffered such hardships as have the people of the old town by the Danube. Virtually when the map of Europe was rearranged a new Austria was formed, which consisted chiefly of the city of Vienna, and from that city were cut off all of its accustomed lines of communication for procuring food and for the development of its trade.

The population of Vienna is one of the most delightful in the world, combining the softness of the southerner with the vivacity of the French. I am emphatically in favor of this joint resolution. If I had any objection to it at all, I would express it by saying that I would rather vote to forgive the debt instead of voting to postpone it. We furnished food for these people, principally the women and children, and I do not much like to be put in the attitude of charging for it. It ought to come from us and France and Italy and Great Britain as a charity. I doubt if the people of Vienna would have accepted it in that form as gladly as they did in the shape of a loan, but I hope that there will not be a single vote against the proposition to postpone the payment of this debt.

America now and then has risen to splendid heights in her magnificent charity; she has given to Russia and to the islands of the West Indies which have been destroyed by volcano and sometimes by earthquake; all over the world our money has gone to help relieve distress. We are being charged in some quarters now with having the gold of the world and sitting on it by refusing to let it go to the help of anybody else. No charge ever was less founded, nor any attack upon a people less justified than that attack upon us. I hope that some day, if the Viennese shall continue to be in as bad a fix as they now are and should need relief as much as they do now, we will forgive this debt and let it go.

Mr. McCUMBER. Mr. President, I think there is one matter that needs a little explanation that has not been touched upon. We not only required the Austrian Government to give us her bond bearing 6 per cent interest, but in that bond it was provided that this debt should be a lien upon the assets and income of the Austrian Government, and all other Governments who made like advances of flour or other things took the same kind of a contract; and it was agreed by all of them that when Austria paid any portion she would have to pay a moiety in equal percentage of the amount to all of the other Governments which made the advances.

Mr. POMERENE. Mr. President——

Mr. McCUMBER. We have received, of course, no interest on the principal, and Austria has not an income sufficient to function as a Government, and we are releasing that lien on condition that all of the other countries who joined with us will also release their liens, and also that any of those entitled to reparation under the Versailles treaty will also release their liens upon the income of the Austrian Government, so that the Government can function and so that she can borrow money, if necessary, to feed her own people.

Mr. POMERENE. The Senator has just answered the question which I was going to ask.

Mr. McCUMBER. I ask permission to insert in the RECORD, as a part of my remarks, a letter from Mr. Edward A. Filene, and also a general statement on this subject which he attaches to the letter.

Mr. WALSH of Massachusetts. Mr. President, the letter and statement to which the Senator from North Dakota refers were printed in the RECORD a few days ago upon my request. I see no objections, however, to their being reprinted.

The VICE PRESIDENT. Without objection, the matter referred to will be inserted in the RECORD.

The matter referred to is as follows:

WM. FILENE'S SONS CO.,
OFFICE OF PRESIDENT,
Boston, February 21, 1922.

Hon. PORTER J. McCUMBER,
United States Senate, Washington, D. C.

MY DEAR SIR: Even though I know that as a member of the Senate Finance Committee your time and strength are taxed by hearings in preparation for tariff legislation, I venture to address you in behalf of Austria and to urge a prompt and favorable report of the bill introduced by Senator LODGE, S. J. Res. 160.

Hundreds of thousands of the people of Austria are at the door of starvation and will perish of hunger and the diseases that accompany starvation unless early relief is obtained. The American Congress and people intended, when two years ago they gave Austria the $24,000,000 credit with the United States Grain Corporation, actually to save her people, and never intended that their loan should result in tying her hands and rendering her helpless with the result that the starvation of her people would only be delayed.

The situation now is vastly worse than when the loan was made. I visited Austria last summer and early autumn, and have been in close touch with the situation there since that time. My last report was from the American Friends Service Committee, and was received only a few days ago. The months between now and the coming harvest will be the worst that Austria has experienced.

The door to relief should be opened at once by release of the assets pledged to payment of this and like loans from other nations. I am credibly informed that all the other creditor nations, either by formal action or through diplomatic channels, have assured Austria that they would take the action proposed by Senator LODGE's resolution, but whether or not this information is correct as regards all of them we are not justified in delaying favorable action until all others have

relinquished their claims. The bill provides, as you will no doubt notice, that the release of the assets shall take effect only when all the others have also waived their liens.

As an act of charity and mercy, I urge that this bill be reported and passed at once. I am in touch with the sentiment on this subject throughout the country, and am convinced that the people of all sections will support you in the proposed action. Won't you be good enough to let me know your attitude on the bill and what the action of the committee is likely to be?

Very sincerely, yours,
EDWARD A. FILENE.

P. S.: I inclose with this letter a brief statement covering the whole situation, which you may care to refer to.

LEGISLATIVE RELIEF FOR AUSTRIA'S STARVING PEOPLE.

THE HISTORY OF RELIEF PLANS.

As long ago as March 17 last the Supreme Council of the Allies, meeting at London, after conference with an official commission from Austria, in which a plan for the financial and material rehabilitation of Austria was under discussion, asked the financial committee of the League of Nations "to meet within the following fortnight, examine the financial situation of Austria, and seek means of remedying it."

At the same time that the supreme council made this request the Governments represented in the meeting, namely, Great Britain, France, Italy, and Japan, to all of which Austria was owing money secured by a lien on the Austrian State assets, agreed "to release for a period of years, to be determined later, their liens under the treaty of St. Germain in respect of claims against the Austrian Government for the cost of armies of occupation, for relief-credit bonds, and reparations, provided other interested Governments will agree to similar postponement."

The committee of the League of Nations which was requested to make the inquiry and report was a most competent one. As requested by the supreme council, it met in Paris from March 28 to 31, where, in conference with the official commission from Austria that had previously conferred with the supreme council, it considered the whole situation.

It then sent a delegation to Vienna, which from April 15 to May 12 studied the situation on the ground, conferred with officials and leading financial men of Austria, with representatives of all the political parties in Austria, and formulated its report.

On May 31 the financial committee, having considered the report of their delegation to Austria, rendered a report to the Supreme Council of the Allies, which closed with the following words: "The committee * * * have approved a program of financial action competent in their opinion to restore the Austrian economy. Temporary advances to initiate this program are assured. It rests with the Governments concerned to allow the work to be undertaken on the conditions indicated in the committee's note of April 4."

The condition thus referred to in the committee's note of April 4 that would "allow the work to be undertaken" was that other creditor Governments of Austria which had a lien on Austrian assets should agree to take action regarding the debts due them similar to action already taken by the powers represented in the London meeting of the Supreme Council of the Allies.

The program of financial action which, in the opinion of the financial committee, was "competent to restore the Austrian economy," included (a) negotiation of a foreign loan secured by ter Meulen bonds resting on the following assets of the Austrian Government: Customs receipts, revenues from the State tobacco monopoly and from forests and mortgages on all estate of the monastery; (b) a reform of the currency to be effected by a strong and independent bank of issue; (c) the balancing of the budget; (d) the notation of a substantial internal loan which should make it unnecessary to continue the issuance of paper money.

To this program the Austrian Government and the responsible leaders of all the parties of Austria had pledged themselves, as had also the bankers and leaders of finance and industry.

As the temporary advances necessary to put the plan into execution had been agreed upon, and as Great Britain, France, Italy, and Japan had agreed to release their claims on the State assets of Austria in favor of the new foreign loan, it remained only for the other creditor nations to take like action.

Of these remaining creditor nations the United States was the chief creditor and most influential. It was generally understood that if we acted the other and smaller nations would also act, but since we failed to take action, other and minor creditors waited for us and the matter was delayed from month to month, during which time Austria drifted nearer and nearer to the financial collapse which finally has come.

STARVATION IN AUSTRIA REQUIRES IMMEDIATE RELIEF.

This delay creates a most dangerous situation for Austria. It requires only legislation by the United States to save the nation from the great dangers arising from unbearable conditions, and great masses of her people from starvation and death.

Usually the foremost in all philanthropic work, the United States in this case is holding up the procession led by the other powers. If countries such as Belgium and France, themselves cruelly ravaged by war, can favor this suspension of the Austrian debt, surely we can do no less—especially as Austria is utterly incapable of paying this debt or arrears of interest at present.

FEDERAL COUNCIL SEEKS SPECIAL LEGISLATION.

On December 15 the Federal Council of the Churches of Christ in America, in view of the increasingly critical situation of the Austrian population, passed a formal resolution petitioning Congress to take separate action on Austria's debt to the United States. The council specifically petitioned that special and immediate legislation be enacted to the end that payment of Austria's debt of $24,000,000 be suspended for at least 20 years. The nations referred to above have already agreed to this arrangement.

The Federal Council has sent this petition to 150,000 churches in America, suggesting that the congregations take like action. Knowing first hand, as I do, the severe straits in which Austria finds herself, I am supplementing the campaign of the Federal Council in behalf of help to Austria by sending the facts and a covering petition to Congress, to influential leaders and organizations in every State of the Union.

AMERICAN INACTION PREVENTS RELIEF.

Our loan to Austria, enabling her to purchase from us $24,000,000 worth of flour, was authorized under special act of Congress, March, 1920. Payment for these foodstuffs, according to the act, must be made within five years.

The failure of Congress to authorize deferment of this debt, a debt which Austria is absolutely incapable of paying at the present time, is holding up a new international loan which would place Austria in a position of physical and economic rebirth.

Yet this debt of $24,000,000, contracted solely for the purchase of foodstuffs to relieve a starving people, is lumped in with a debt of over $11,000,000,000 owed to the United States by all the European debtor countries for purchases of war materials as well as of foodstuffs.

AUSTRIA IS STARVING.

In the meanwhile Austria starves. In the midst of a bitter winter her people are suffering from disease, starvation, and death. The situation is extremely critical. The crown, which before the war was worth 20 cents, is now quoted in Vienna at one one-hundredth of a cent; that is, where before the war 6 crowns would buy a dollar, 10,000 are at this date needed to buy a dollar or its equivalent in merchandise. Even in its own country the purchasing value of the crown has fallen so low that a 10-cent loaf of bread costs, according to the normal value of the crown, over $200.

As an American keenly interested in the rehabilitation of a world torn now by the peace as it was formerly by the war, and after personal study of conditions in Austria, I am taking the liberty to write you this digest of Austria's situation, and to suggest a remedy in the form of special action by Congress. The inclosed resolution is the one approved by the Federal Council of the Churches of Christ in America and by other national organizations.

* * * * * * *

EDWARD A. FILENE.

Mr. WALSH of Massachusetts. Mr. President, there is a very interesting and illuminating article—a short one—in The Nation's Business on the Austrian problem, which I should like to have inserted in the RECORD in connection with the proceedings on this joint resolution, which I trust will be speedily enacted into law.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From The Nation's Business, Oct. 5, 1921.]

THE AUSTRIAN PROBLEM.

Austria is the crux of the central European problem and the large question it presents practically revolves about Vienna. Here is a city of 2,000,000, one of the finest capitals of the world, which was the center of operations for an empire of 40,000,000 people.

Austria now has within her new borders approximately 6,500,000, practically cut off from free trading relations with her neighbors and no longer the recognized clearing house for their business. A city of the size of Vienna can not be maintained easily as a going concern by so small a national population. Austria does not raise food enough to live on. She must import coal as well as a large part of the other raw materials she needs. With tariffs and embargoes on every side, the restriction of her business is obvious. Further, burdened with thousands of refugees from the east, only charity from the United States and elsewhere has kept her population alive.

In the face of these vicissitudes her improvement during the past year has been remarkable. The country is now enjoying a certain hectic activity, which is greatly influenced by the low state of her money and the bargains which the country offers to foreign buyers. The contrast of the present scale of living, although low, to that which the country suffered so long is such that her workers are reasonably satisfied.

Communism has disappeared and the present government, in spite of its many difficulties, is functioning with a considerable degree of satisfaction to its people. All of the rival political parties have joined in support of the present ministry.

The most serious problem the municipality of Vienna has to deal with is that affecting nearly half a million people of the middle classes, formerly government officials, pensioners, small professional people, and tradesmen, as well as those who before the war lived on small incomes from investments. There is no need for the large official group maintained in government departments on a scale necessary to care for the affairs of 40,000,000 people. The crown has so depreciated in value that its purchasing power permits these people barely to exist. As in Germany, the workers whose wages have increased are far better off than the people of this class.

The workers realize this fact and are fairly content with their lot, although a large number of them are working on a part-time basis. Under laws passed some time ago the industries are not permitted to discharge employees freely. Many of them are carrying an abnormal number of employees. The wage is so low, however, in comparison to that of more fortunate countries, that this expense is not as serious as it might appear to be, and the costs of manufacturing in Austria are low almost beyond comprehension.

Little by little the very small factories employing workers in highly skilled trades are finding themselves and increasing their output. The results of their handiwork are of such artistic value and the prices so low that the foreign demand is good.

Superficially, conditions in Vienna appear to be much better than they really are. It is not until one finds that 400,000 children and other dependents are still being fed daily through charity that the real situation becomes apparent.

There is reason to believe that even with its restricted territory Austria can and will recover and be able to maintain a life of some promise for its people if it receives essential aid from outside in strengthening its finances and restoring its currency. A prerequisite to its future is the establishment of something like prewar relations with its neighbors.

Vienna has many advantages as a trade center for central Europe, and is so placed in relation to the transportation system that it can conduct a substantial part of the business with less expense and greater efficiency than any other near-by center. The countries contiguous to it are at last coming to realize this, and a constructive plan might be carried forward with the aid of the more powerful nations which would promise a satisfactory solution of the problem of Vienna and Austria.

Next to the restoration of peace and cooperation in the western part of the continent comes the necessity for the establishment of the conditions in central Europe. One reacts on the other to such an extent that they are almost inseparable.

AUSTRIAN INDEBTEDNESS AND THE UNITED STATES.

The financial situation in Austria is most difficult. It has been the subject of study on the part of an international commission constituted as a result of the international financial conference held in Brussels in the fall of 1920. This commission evolved a plan for improving the situation which contemplates relief for the Austrian Government by a loan and by reform of its fiscal system.

The conditions have been accepted by the Austrian Government, and immediate help to the extent of some $20,000,000, with additional funds in prospect, has been pledged, dependent upon agreement by the countries holding obligations of the Austrian Government to defer payment of their claims for a reasonable period.

All of the countries involved except Italy and the United States have agreed to deferment. Italy, it is understood, has agreed to postpone her claim if the United States takes similar action. Only the approval of the United States is necessary, therefore, to make this scheme operative and give to Austria the relief required to enable her to buy food for her people to carry them through the coming winter.

The debt of Austria to the United States is in the form of obligations to the United States Grain Corporation incurred for foodstuffs. At present no official of the United States has authority to defer this payment, but such authority is contemplated in legislation now pending in Congress. The whole program, in so far as Austria is concerned, has been delayed for some months because the United States has not acted.

THE RESPONSIBILITY OF THE UNITED STATES.

To-day the world's business has apparently reached a dead center. It may move forward from the present point by slow, painful, and uncertain steps, with the result that the process of reconstruction will extend over many years. How long such movement would continue it is impossible to foresee. No one was able to approximate the length of the most destructive war in history, and no one is wise enough to foresee how long the present condition of doubt and insecurity with its inevitable suffering and social disturbances may last.

Only by gaining the confidence of investors can the credit and capital necessary to insure normal business in the world be mobilized and used. Only the free exchange of commodities between the countries in increasing volume can bring normal life to the people and the conditions they knew before the war.

The United States is regarded as the most powerful country in the world, commercially and financially. Its reputation for integrity and fair dealing is well established. In every country your committee visited and in almost every conference in which it participated, irrespective of the occupation, official position, or social status of the persons met, the opinion was expressed that neither western nor central Europe can be restored to a condition which promises hope and progress for the future without our active assistance.

Possessing as it does great quantities of raw material and manufactures which it wishes to exchange with other nations, the interest of the United States in accelerating a return to world prosperity is vital.

The fact is not debatable that after the part we have taken in the late war we can not refrain from actively participating in the settlement of the economic and financial difficulties now confronting the world.

Every country desires our friendship and assistance, and it is apparent we can participate in the restoration of commerce and industrial productivity on any reasonable and consistent terms, either by modification of the Versailles treaty to meet the policies of the United States or independently of it.

Doubtless it was the realization of our moral as well as of our financial and commercial responsibility in relieving the world's depressed condition that caused the President to call the proposed conference in Washington to consider the reduction of armaments.

Any statesman of world affairs can not escape the conclusion that each of the nations, including the United States, can not continue to expend so large a part of its entire revenue, derived from taxation which is almost unbearable, in preparation for future war if the present civilization is to continue. To peace and to the restoration of the world's economic balance we must give our attention.

The VICE PRESIDENT. Are there further amendments to be proposed? If not, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was amended so as to read:

Whereas the economic structure of Austria is approaching collapse and great numbers of the people of Austria are in consequence in imminent danger of starvation and threatened by diseases growing out of extreme privation and starvation; and

Whereas this Government wishes to cooperate in relieving Austria from the immediate burden created by her outstanding debts.

The VICE PRESIDENT. Without objection, the preamble as amended will be agreed to.

The title was amended so as to read: "A joint resolution authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes."

FOREIGN COMMERCE STATISTICS OF THE UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting draft of a proposed bill to consolidate the work of collecting, compiling, and publishing foreign trade statistics in the Department of Commerce by transferring the office known as the Bureau of Customs Statistics, located in the New York Customhouse, and now under jurisdiction of the Treasury Department, from that department to the Department of Commerce, which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a telegram in the nature of a petition from officers of the Florida Federation of Women's Clubs, at Dunedin, Fla., praying for the ratification of the so-called four-power treaty, which was ordered to lie on the table and to be printed in the RECORD, as follows:

DUNEDIN, FLA., *March 10–13, 1922.*

CHAIRMAN OF INTERNATIONAL RELATIONS,
Washington, D. C.:

On March 10, at a meeting of the board of directors, where 21 counties and 40 towns were represented, the Florida Federation of Women's Clubs, composed of over 12,000 members, voted unanimously to request the Florida Senators to support the four-power treaty and vote for same exactly as it came from the conference.

ELIZABETH SKINNER, *President.*

Mr. LODGE also presented a resolution adopted at a union meeting of the Union Methodist Church, the Presbyterian Church, the Maverick Congregational Church, and St. John's Episcopal Church, all of East Boston, Mass., favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. NICHOLSON presented a petition of sundry citizens of Colorado, praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented three memorials of sundry citizens of Boulder, Colo., remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Vona and Kirk, Colo., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented memorials of sundry citizens of Emporia and Lyon County, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. STERLING presented petitions of sundry citizens of Plankinton, Wessington, Plana, Bath, Aberdeen, and Columbia, all in the State of South Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented telegrams in the nature of petitions from the Kiwanis Clubs of Norwalk, Celina, and Ravenna, all in the State of Ohio, favoring the ratification of the treaties prepared by the Conference on the Limitation of Armament, which were ordered to lie on the table.

He also presented the petitions of J. Porter Donaldson and Martha Moore Donaldson, and the Sunday school of the Quaker Hill Union Church, of Sebring, Ohio, favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. LADD presented the petition of J. E. Anderson and 10 others of Appam, N. Dak., and vicinity, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by County-Line Local No. 43, the Western Progressive Grange, of Camden, Wash., favoring the passage of Senate bill 2604, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Nevada, Mo., favoring the passage of Senate bill 2604, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

Mr. FRANCE presented the following joint resolution of the Legislature of Maryland, which was referred to the Committee on Naval Affairs:

STATE OF MARYLAND,
OFFICE OF THE SECRETARY OF STATE.

I, Philip B. Perlman, secretary of state of the State of Maryland, under and by virtue of the authority vested in me by section 59 of article 35 of the Annotated Code of Maryland, do hereby certify that the following is a full, true, and correct copy of joint resolution No. 5 of the General Assembly of Maryland of 1922, as the same as taken from and compared with the original * * * now on file in my office.

In testimony whereof, I have hereunto set my hand and have caused to be affixed the official seal of the secretary of state, at Annapolis, Md., this 8th day of March, in the year 1922.

[SEAL.] PHILIP B. PERLMAN,
Secretary of State.

A joint resolution (No. 5) requesting the Senators and Representatives in Congress from Maryland to endeavor to have the Indianhead Naval Proving Ground reestablished, and the ordnance machinery and equipment returned thereto from Dahlgren, Va.

Whereas the people of Charles County are suffering, in common with those of the rest of the State of Maryland, from low prices of their main products and the continued high prices of all commodities needful for their subsistence; which fact makes all unnecessary taxation bear oppressively upon them; and

Whereas a large area of said county's real estate, adjacent to which is located the United States Naval Proving Ground at Indianhead, Md., has been reduced very greatly in value, entailing direct financial loss to the several hundred owners of same, necessarily and materially increasing the taxes of the people of the entire county and also affecting the State's revenue, by the cessation of ordnance operations at the said proving ground and transferring them to Dahlgren, Va., after the former plant had proved its adequate capacity for supplying all demands upon it during the World War; and

Whereas the site at Dahlgren was commandeered as an emergency measure during the said war to be used exclusively for long-range gun testing, but was not so used, nor at all, until the war had ceased, and the said transference of naval ordnance work, originally established at the cost of some millions of dollars derived through taxation, has been shown to be unnecessary from the view point of governmental necessity; and

Whereas the completion of said transference would impose further taxation upon the people of the entire country; and

Whereas the dismantling of and removal of the machinery and equipment from the Indianhead Proving Ground was begun and hastened forward without apparent emergency need, and without the knowledge or sanction of Congress; and

Whereas some hundreds of citizens, and their families, of the State of Maryland and elsewhere, but principally of Charles County, formerly the Indianhead Proving Ground employees, have suffered heavy financial loss, in cases to the extent of their total earnings, as the result of the abandonment of the same, after having been prevailed upon by the naval authorities to forsake their accustomed occupations and procure homes by purchase generally, in order, as they were induced to believe on such usually competent authority, that they might become more permanent and valuable to the Government as its employees; and

Whereas the unsettled conditions prevailing in all parts of the country and the heavy taxation borne by the people as a result of the war impose upon the Government the imperative duty of refraining from unnecessary expenditure of public money: Therefore be it

Resolved by the General Assembly of Maryland, That the Senators and Representatives of Maryland in the Congress of the United States be, and they are hereby, requested to support and use all means in their power, deemed by them expedient and proper, to have the Indianhead Naval Proving Ground reestablished and continued upon the basis of its former status at Indianhead, Md., and which it possessed prior to the time any portion of its ordnance machinery and equipment was transferred as above mentioned; and be it further

Resolved, That the secretary of the State of Maryland be and he is hereby requested to immediately transmit, under the great seal of this State, a copy of the aforegoing resolution and memorial to each of the Senators and Representatives now in the Congress of the United States from the State of Maryland.

REPORTS OF COMMITTEES.

Mr. NEWBERRY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7234) for the relief of Miles Swift, reported it without amendment and submitted a report (No. 559) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2130) changing the name of Vernon Street in the county of Washington, D. C., to U Street, reported it with an amendment and submitted a report (No. 560) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEWBERRY:

A bill (S. 3285) for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes; to the Committee on Indian Affairs.

By Mr. BALL:

A bill (S. 3286) for the widening of Newton Street and Seventeenth Street NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. SPENCER:

A bill (S. 3287) authorizing the Secretary of the Interior to transfer certain land to school district No. 30, Ferry County, State of Washington, for public-school purposes; to the Committee on Indian Affairs.

By Mr. SHIELDS:

A bill (S. 3288) granting a pension to William A. Jordan; and

A bill (S. 3289) granting an increase of pension to James White (with the accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A joint resolution (S. J. Res. 178) authorizing the Secretary of Labor to investigate and report on labor conditions in Cuba; to the Committee on Education and Labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 60, and concurred therein with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendments numbered 26 and 27, agreed to the further conference requested by the Senate, and had appointed Mr. MADDEN, Mr. CANNON, and Mr. BYRNS of Tennessee, managers at the further conference on the part of the House.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated for the information of the Senate.

The READING CLERK. It is proposed to add, at the end of article 1, the following:

If there should develop between any of the high contracting parties and any other power or powers having possessions in the region of the Pacific a controversy arising out of any Pacific question involving said insular rights and possessions, threatening war, which is not satisfactorily settled by diplomacy, the high contracting parties shall invite said other power or powers to a joint conference to which the whole subject shall be referred for consideration.

Mr. PITTMAN. Mr. President, this amendment is quite similar to the amendment that was offered on yesterday by the Senator from Arkansas [Mr. ROBINSON] and the amendment offered by the Senator from Montana [Mr. WALSH]. The distinction is this: In the amendments referred to it was provided that any or all powers interested in any controversy in the Pacific should be invited to the conference. My amendment limits it to other powers having possessions in the Pacific region. The amendments to which I refer did not limit the controversy to Pacific questions. My amendment limits it to Pacific questions. The amendments which were acted upon yesterday included the words "and adjustment." I have left out of this amendment the words "and adjustment."

Mr. President, I am offering this amendment because I heard some criticism of the other amendments on the ground that they were too broad in their scope, that they took in the whole world. I do not agree with that criticism, but nevertheless it affected the minds of some Senators; whether sufficiently to cause them to vote one way or another I do not know. This amendment limits it practically to four additional powers—China, Russia, the Netherlands, and Portugal—without mentioning those names.

There has been some objection, also, to the fact that this change in the treaty is attempted to be made by amendment. Mr. President, I think it must be made by amendment. I know that Senators draw a distinction in their minds between a reservation and an amendment, and of course there is a distinction. We can place in this treaty a reservation stating that any particular provision does not affect us, but that does not reach the difficulty in this case. It is not a question as to whether we shall enter into a conference with controverting powers.

It is not a question whether the United States has the right to withdraw from the conference, or whether the United States has the right to invite a conference. The question is, Will the powers who are liable to bring about this controversy permit a conference between the parties engaged in the controversy?

There is in this whole treaty but one provision for a conference—just one—and that is a conference between the parties to this treaty. If there is a controversy threatening war between one of these powers and an outside power, what provision is there in this treaty looking to the prevention of that war? Not a single provision in it. Is it the intention of the Senate to ratify a treaty that does not tend in any way or furnish any machinery to settle a controversy between these four powers and an outside party that may result in war? Is it not perfectly evident that the danger of war in the Pacific is greater between one of these four powers and an outside power than it is between any of the powers that are parties to the treaty?

The declaration in this treaty is that it is for the purpose of preserving peace in the Pacific region. Should we not make an attempt to prevent war from arising in the Pacific region, no matter whom the controversy may be between?

Let us assume, for the purpose of argument, that after the signing of this treaty a controversy which threatens war does arise between Japan and Russia. Is there any provision in this treaty by which that controversy may be considered and adjusted? Not a thing. If, for instance, after we have signed this treaty a controversy that threatens war arises between Japan and China, is there any provision in this treaty that provides for the consideration of that controversy and its adjustment? Not at all; and yet article 2 of this treaty provides for the joint or separate use of force against any outside aggression.

Are we to sit down quietly as a party to this treaty and wait until the controversy reaches the point where there is outside aggression before we act? That is what this treaty asks us to do. It provides, in article 2:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The only provision in this treaty with regard to outside controversies is a provision to meet aggression. Is that the way you want this treaty to stand? Oh, but I have heard Senators say that the United States can not be forced as a party into that fight unless it sees fit. Admit that that is true; admit that Congress alone can force us into a war; admit that we can violate our agreement through act of Congress; that is not the question I am now bringing to the attention of the Senate. The question is this: There is a provision to meet aggression, but there is no provision in this treaty to adjust the controversy before it reaches the point of aggression.

It is claimed that this is a peace treaty; that the whole object of it is to prevent war, to preserve peace. How can you stop war after war is started without engaging in it to some extent? Was it not the policy of the covenant of the League of Nations to prevent war by considering all controversies that arise before they have reached the point of aggression? Does this instrument have for its purpose the prevention of war, the same as the covenant of the League of Nations? When they provide for the consideration and adjustment of disputes between the signatory powers in that following the peaceful purpose of the covenant of the League of Nations? If so, why do they not go further? Why do they not say that all controversies that may lead to war, not only between the signatory powers but between the signatory powers and others having possessions in the Pacific, shall be settled in the same way? There can be only one answer to it, and that is that this is not a treaty for the prevention of war, but is a treaty for the winning of war. There can not be anything else to it.

The able Senator from Mississippi [Mr. WILLIAMS] the other day called attention to the fact that the covenant of the League of Nations offers a remedy. Does it offer a remedy? The covenant of the League of Nations provides that the members of that league may, through the council, invite the controverting nations to come together to consider that question. But, mind you, if this instrument is gotten up for any purpose at all, it is because we are not a member of the League of Nations. The other three powers that are members of the League of Nations can act through the League of Nations. We are not a member of the League of Nations. Therefore they have gotten up this regional understanding so that the United States may participate in maintaining peace in the Pacific.

Now this question arises here: The United States, as a signatory to this treaty, undoubtedly would invite in Russia in the event that there was a controversy between any of these powers and Russia. The United States undoubtedly would invite in China in the event that there was a controversy between any of these powers and China; but what right has the United States to invite in those powers unless the other powers consent to it?

This treaty acts through unanimous consent. We know that the United States could not compel the signatory powers to invite any other power to a conference without the consent of the other three. If that is not true, then the contention that this is entirely by unanimous consent is not well founded, and then a majority controls. The United States, in the event of a controversy between Japan and Russia or Japan and China, might say to the signatory powers, "You should invite the other powers in here, so that we may ascertain what their complaint is, and see if we can adjust it"; but the other powers might say, "We do not care about our enemies being in this conference." The United States might say, "Then we withdraw from the conference"; but does it stop war if the United States withdraws from the conference? We do not want the United States to withdraw from any conference over a controversy threatening war in the Pacific. There could not be a war in the Pacific without vitally threatening our own interests. It is very doubtful if there could be a great war in the Pacific that we could keep out of. It is not a question whether we have a right to withdraw from the conference; what we want to know now in this treaty is whether it is the purpose of this treaty to consider and adjust in a peaceful way any controversies that threaten war in the Pacific. If that is the purpose of it, it is evident that this treaty does not provide the machinery. It is evident that unless the controverting parties are brought in to state their case, there is no way of adjusting it.

In the event of a controversy to-day between China and Japan which threatened war, what would be the result under this treaty? The four powers would meet to decide on what measures should be taken against the aggression from China. Is there any way of getting at China's side of the case? Japan comes in before that conference and says, "There are certain acts of China which constitute an aggression and threaten war." Is that true, or is it not true? They hear only one side of it. The injustice of that is apparent. Anyone who is familiar with the practice in civilized countries under law knows that you have to hear both sides. But under this treaty you hear only one side of it.

However, there is something even worse than that. Suppose a controversy arose between China and Japan over Shantung, and over the provisions of these very treaties we are now asked to ratify, and that controversy was getting to such a stage that it was threatening an aggression on the part of China against Japan. What could we do? Would we have to sit quietly down and wait until that had developed into an aggression? If not, what provision is there in this treaty by which we could stop that aggression? There is not a thing. Unless you place in this treaty a provision that these powers shall call in China in that event, and discuss the cause of her complaint, then you have no means whatever of ascertaining what the cause of the controversy is, and therefore you have no means of offering any remedy for that controversy.

Mr. President, it is perfectly evident that no analysis of this treaty is going to accomplish any purpose so far as this body is concerned. I am not discussing this question for that purpose at all. There are Senators in this body to-day who are reading more intently the signs of the public sentiment of the voters in their communities than they are the conditions and the results of this treaty upon the future of this country.

Propaganda has been started everywhere, as it has always started in these cases. Great church bodies, through executive committees, composed probably of a dozen men or women claiming to represent several hundred thousand men and women in this country, are signing resolutions for the ratification of this treaty as it is. They are honest people, but how many of those several thousand ever read this treaty? How many of those executive committees ever read this treaty? Every one of those who signed these resolutions is undoubtedly moved by the most intense desire for peace. They think this treaty provides the machinery for the prevention of war. Do Senators think for one moment that these Christian people, that these intelligent business organizations throughout the country, would indorse the ratification of this treaty in the form in which it now is if they realized that there is no provision in the treaty whatever for a conference between the disputants, unless the dispute is between the parties to this treaty?

Do Senators suppose for one moment that they would ask for the ratification of this treaty if they knew that there was no opportunity under this treaty to consider a dispute between Japan and Russia, or Japan and China, until after it had reached a stage where there was a physical aggression against Japan? Never in the world.

Mr. WALSH of Montana. Will the Senator yield until I inquire of the Senator from Alabama about the matter of which the Senator is talking?

Mr. PITTMAN. I yield gladly.

Mr. WALSH of Montana. I observe the Senator from Massachusetts [Mr. LODGE] here as well. Both those Senators told us yesterday that the only reason for declining to accept the amendment proposed is that it might result in the rejection of the treaty by some of the other powers, and I understood there was not a word to be said in opposition to it except that. I would like to inquire now of the Senator from Alabama, because the limit of time yesterday did not permit me to do so, which one of the other three powers he thinks might be moved to reject the treaty if this amendment is adopted?

Mr. UNDERWOOD. I dislike very much to trespass on somebody else's time in the midst of a speech, but if the Senator from Montana desires to have me make a statement at this time I shall be glad to do so.

Mr. PITTMAN. I yield to the Senator to make a statement.

Mr. UNDERWOOD. Unfortunately, by the lack of time yesterday I was cut short in what I had to say.

Mr. WALSH of Montana. I was going to remark, if the Senator will permit me, that I would naturally think that peace and justice loving countries would be only too glad to accede to the incorporation of this principle, which, it seems to me, conforms to elementary justice.

Mr. UNDERWOOD. Mr. President, yesterday I had only five minutes in which to address the Senate before the vote came, and I had to hasten with my statement. I said then to the Senator from Montana that I did not agree with the position he had taken—that under general international law governments were required to respect the rights of other governments. I wish that was international law, but I am equally satisfied that it is not international law. The whole history of the world and its controversies demonstrate in itself that that is not international law, that the power of a government is sovereign, and that sovereignty is only surrendered through the force of another power or by direct act and concession. Therefore I think it is necessary, when governments are willing to respect the rights of other governments, that they should say so by treaty or some mutual understanding.

What I said yesterday in reference to my position was that I did not object to the pending amendment in principle—somewhat in line with the suggestions made by the Senator from Nevada [Mr. PITTMAN]—because I stood for the unconditional ratification of the treaty of Versailles. In fact, I made the motion on the floor of the Senate for its unconditional ratification, and regret that my motion did not prevail.

The treaty of Versailles, carrying in its folds the League of Nations, sought to bring all civilized governments into the League of Nations, where each should be under an obligation to respect the rights of others. So far as I am personally concerned, I should be glad to see those principles announced and maintained as the governing principles of the nations of the world.

That can not be done, and is not done, in this treaty. Why? Because the nations of the world were not seated at the table of the peace conference. Agreements to be binding must be mutual. I think it will be conceded that this country has great generosity, because there is no nation in the annals of civilization which has been more generous in its recognition of the rights of other nations than the United States of America; but that is not true of many of the other nations of the world. They are willing to recognize in many cases the rights of other nations, but they expect a reciprocal agreement in return, and would be unwilling to sign a contract, if I understand their attitude, which undertook to bind them to recognize the rights of nations where those nations are not bound to respect their rights in return.

Is the Government, as a condition precedent to the ratification of this contract, to put within its folds a clause not only requiring ourselves, but the other three powers to the contract, to do certain things for other nations? The original term embraces all nations on the face of the earth, but the Senator from Nevada, I understand, has limited his proposal to those having possessions in the region of the Pacific. Of course, that term is broader than the treaty. The treaty relates to insular dominions and insular possessions in the region of the Pacific. The term of the Senator from Nevada would infer not only insular possessions and insular dominions, which are islands, but it would relate to the mainland.

Mr. PITTMAN. The Senator is mistaken in the wording.

Mr. UNDERWOOD. I hope the Senator will correct me if I am. I only gathered that from his remarks.

Mr. PITTMAN. It still is limited to controversies arising out of any Pacific question involving insular rights or possessions. I only attempted to describe the other powers by saying that they must have possessions in the region of the Pacific.

Mr. WALSH of Montana. If the Senator will pardon me, I wish to correct him slightly also. The amendment offered by the Senator from Arkansas [Mr. ROBINSON] and the amendment offered by myself did indeed extend to all nations, but only to such questions as affected the insular possessions or dominions of those nations in the Pacific.

Mr. UNDERWOOD. Then I misunderstood the Senator's amendment to that extent, as I heard it read.

Mr. WALSH of Montana. The Senator was quite correct in saying that it extended to all nations, but it extended only to those questions which affect the interests of those nations in their insular possessions in the Pacific.

Mr. UNDERWOOD. As I said, the pending amendment relates to questions involving nations which have insular possessions or insular dominions in the region of the Pacific. As far as I know the small islands lying off the coast of China would not come within that definition. Russia has one island possession in the region of the Pacific, the northern half of the isle of Sakhalin, which might come within the terms of the treaty. Our Government and the other Governments to this contract have refused to recognize the so-called existing government in Russia. We might be willing to say that we will enter into this contract with a government which we do not recognize. I doubt, though, whether the other parties to this contract would, and if they do not it means delay in the ratification of the treaty.

Mr. PITTMAN. Mr. President, there is nothing in this amendment which anticipates any contract with any other powers. It simply states that these four powers will invite the other nation with whom one of them is having a controversy to a conference. It does not require any contract to invite anybody to do anything.

Mr. UNDERWOOD. It does to invite a nation.

Mr. PITTMAN. It does not require a contract with the nation you invite.

Mr. UNDERWOOD. As I said a while ago, Mr. President, when one nation offers an advantage or a right or a concession to another nation, as a rule it expects that that concession or right shall be recognized, and that is the right I am talking about.

If you put this amendment in the treaty, I do not say it will destroy the treaty but I say it may destroy the treaty. It is not of sufficient value to put in the treaty to take the chances of destroying it, because in fact it has, in my judgment, no value at all. When I say it has no value at all I want to explain why I say that. Of course, to the general principle that we should invite all nations to the council table, as I have already said, I was committed when I voted for the League of Nations, and I have no desire whatever to retract my committal. I have no apology to make for my vote, and I still stand on the same principle on which I stood when I voted for the ratification of the Versailles treaty and the confirmation of the League of Nations; but when I say that the amendment has no value I mean that it has no value because this four-power treaty was hardly signed before, at the request of the Government of the Netherlands, in order that their rights might be recognized in this matter, there was an immediate exchange of notes by the four powers to this treaty recognizing the rights of the Netherlands to their insular possessions, and, as I said in my speech, there is no difficulty whatever for any other power which has insular possessions and dominions in the region of the Pacific Ocean making a similar request to these Governments and having them recognized within the terms of this treaty. If they would not recognize them, as they would not recognize Russia, they certainly would not ratify this treaty with that provision in it; and if they would recognize them, as they recognized the Government of the Netherlands and its possessions, then you would be putting a clause in the treaty which would mean nothing, because it would accomplish nothing.

Mr. PITTMAN. The Senator has two different questions that he is discussing. He is discussing the right or the propriety of inviting other nations into this conference, whether by signing this particular one or a separate one, giving them the same rights, which is the same thing. Of course, I do not know why the conference did not take the Netherlands into this group of four; we never will know. I do not know whether the Senator from Alabama knows; but it is a peculiar situation. You are willing to contract with the Netherlands to respect their rights, the same as you respect each other's rights, and yet you do not want them to get in the same group at the conference table, apparently.

Mr. UNDERWOOD. I will say to the Senator that, so far as I know—and I think I do know as to that—there was no indicated desire on the part of the Government of the Netherlands to have a concession made under this four-power treaty until after it was made, and then the treaty was signed; but when their Government made the request for recognition it was granted by the four powers.

Mr. PITTMAN. Now I understand the matter better than I ever have before. This is something entirely new. After the four-power treaty was signed the Netherlands expressed a desire to get in, but it was too late, and consequently a separate agreement was made with the Netherlands.

Mr. UNDERWOOD. It is in the record.

Mr. PITTMAN. Did it occur to any members of the American delegation that it would be a good idea to include the Netherlands with the other powers?

Mr. UNDERWOOD. No; it did not. It was of no value to the United States of America to have them in.

Mr. PITTMAN. Would it not be desirable to have in this agreement as many powers as possible as have possessions in the Pacific?

Mr. UNDERWOOD. I myself, personally, would like to have the United States a party to the only treaty in which nearly all the other powers are joined, but it was of no value to the United States to have the Netherlands in the four-power treaty, because no protection would result to the United States therefrom. The United States was glad to grant the desire of the Netherlands when the request was made; but of what value is it to the United States to have the Netherlands included in the treaty?

Mr. PITTMAN. I can conceive much of value in having the Netherlands included in this agreement. In the first place, the Netherlands is probably the only one of these countries, except ourselves, that has not a separate alliance with Japan. That is one thing.

There is another consideration. The interests of England in India and of Japan in her own insular possessions have tied those two countries mutually together at all times. The Netherlands as a small country has not perhaps the same influence as have those two great imperial empires, but the Netherlands we might imagine in some characters of dispute, while not having a great navy and army, might have a moral influence in the conference which would have its effect. What I have learned by the debate so far is something which was not learned before, that the Netherlands did want to be included in the treaty, and they were prevented from coming into the treaty on the ground that the treaty had already been signed before they made their request.

Mr. UNDERWOOD. The Senator from Nevada is misquoting me. I did not say what he has stated, and I can not allow the Senator to put those words in my mouth.

Mr. PITTMAN. What did the Senator from Alabama say?

Mr. UNDERWOOD. I said that at the time the four-power treaty was signed there was no indication or expressed desire on the part of the Netherlands, any more than there was on the part of Italy or on the part of other powers who were attending the conference, to be a party to the contract. Nothing was heard from their delegates on that subject.

Mr. PITTMAN. Did they know——

Mr. UNDERWOOD. The Senator from Nevada yielded to me to make this statement, and he must give me the time to answer his question.

Mr. PITTMAN. Go ahead. I beg the Senator's pardon.

Mr. UNDERWOOD. Of course, I do not want to take the Senator's time, and I apologize for doing so; but I was invited in; I did not "butt" in.

Mr. PITTMAN. The Senator from Alabama was invited in to answer a plain question which he has not yet answered. I want him to take all the time he desires to answer which one of the powers he thinks might object to this amendment? The Senator may take his time to answer the question.

Mr. UNDERWOOD. I can not answer that. None of them might object. I have said that several times; I said that in my main address. I do not say that any of them are going to object; but I say they may object. The Senator will accomplish nothing by his amendment, and he may be doing a futile thing and injure the treaty. I have said all the time—I tried to say it the other day and on yesterday, and I say it again to-day—that, so far as I am concerned, I wish we could join the agreement creating the League of Nations under which all nations covenant to respect each other's rights, but we can not do so; and that question was not before the conference. We entered into this agreement to respect the rights of four nations. In principle, I raise no objection to the Senator's amendment; but I say it is futile; it will accomplish no result. I have no doubt that the same concessions would be given to any other nation that had the same status and wanted to come under the agreement that was granted to the Netherlands. I think, however, to adopt an amendment of the character proposed by the Senator from Nevada might possibly injure the prospect of the ratification of the treaty. I do not say it will injure it; I have never said that; and I can not name any country that will reject the treaty on that ground; but I say some country may do so; and as I think this four-power treaty is a treaty of peace in the Pacific, that it guarantees peace to this country in the future and protects our status in the Philippine Islands from the possibility of a war in the future, I am not willing to take any chances in voting for an amendment which I do not think would be effective or would accomplish any real good and which is not going to accomplish anything more than may be accomplished by the method used in connection with the Netherlands. Therefore, I shall vote against the amendment.

Mr. WALSH of Montana. Mr. President, I wish to address another question to the Senator from Alabama, and I very much regret, indeed, that the Senator from Massachusetts [Mr. LODGE], who was here a moment ago, has been called from the Chamber, as usual when these matters grow critical. I wish he was here, because from circumstances to which the Senator from Alabama has heretofore adverted——

Mr. UNDERWOOD. I will say to the Senator from Montana that the Senator from Massachusetts was here a moment ago, and he came by my desk, and he said that he was not feeling well and would probably have to be out of the Chamber for the remainder of the day.

Mr. WALSH of Montana. From the circumstance heretofore adverted to by the Senator from Alabama, I dare say he is not able to give us any information on the matter concerning which I am desirous of getting some light. It is this: Can the Senator tell us whether this principle, which I have characterized as one of elemental justice, namely, that both parties to a controversy should be before the conference, was considered in the preparation of the treaty, and excluded designedly upon the protest of some or the objection of some member, or did the framers of the treaty forget all about it? Was it a case of casus omissus?

Mr. UNDERWOOD. I do not think the Senator from Montana is doing me justice in this matter. It is rather embarrassing for me to say it, but I have given all the information I could. As I have stated two or three times on the floor, unfortunately at the time this treaty was being framed and the details were being worked out, I was called away on account of a death in my family, and I can not give the Senator the information.

Mr. WALSH of Montana. I had a great deal rather have asked the question of the Senator from Massachusetts.

Mr. UNDERWOOD. So long as the Senator asks me for my opinion, I am glad to give all the information I can, but when it comes down to asking me about details in reference to a certain matter, the Senator knows why I was not present, and he can not expect me to answer the question.

Mr. WALSH of Montana. As I have said to the Senator, by reason of the circumstances to which he has referred, it may be that he is unable to answer my question.

Mr. UNDERWOOD. I am sorry that I can not answer the Senator from Montana. I have not any information which would enable me to answer. I should be glad to answer the Senator if I could.

Mr. KING. Mr. President, will the Senator from Nevada permit me to ask the Senator from Alabama a question; one which I regard as very important yet which is not germane to the question now under discussion?

Mr. PITTMAN. I yield to the Senator from Utah for that purpose.

Mr. KING. May I premise the question by an observation?

Mr. UNDERWOOD. I will answer the question of the Senator from Utah if I can, but I am not sure that I can.

Mr. KING. It seems to me that if there is any controversy likely to arise between the United States and Japan or France or Great Britain in the regions of the Pacific that controversy will relate to the mainland rather than to what might be denominated insular possessions. The little islands that are sprinkled throughout the Pacific Ocean are not of much consequence to us and not of much consequence to Japan or to Great Britain or to France. The real source of danger in the Pacific, as I view the situation, the prolific cause of danger, exists in China and Siberia, Manchuria and Mongolia. Why was the treaty so drawn as to exclude the prolific causes of controversy which might justly lead us to desire conferences between nations and to include matters unimportant and as to which there is not one chance in a million, if I may be permitted that expression, of any controversy ever arising?

We know that there is danger in China, in Manchuria, in Mongolia, and Siberia; we know that controversies may arise there at any moment; but we do not anticipate any trouble in Australia, in New Zealand, in the mandated islands north of the Equator, or the mandated islands south of the Equator, in Formosa, in the Pescadores, or in the southern half of Sakhalin. It seems to me that the conference avoided an attempt to bring into the forum of adjustment and conciliation those causes which may lead to controversy and may eventuate in war, and dealt with unimportant and insignificant matters, as if they were trying to camouflage the real interests and to throw dust in the eyes of the people in respect to the important questions of controversy that might lead to war.

Mr. UNDERWOOD. I am surprised at the Senator's question, although it might be pertinent if the conditions were different. The Senator, of course, is right that the situation in reference to China is far more serious than it is in the islands of the region of the Pacific; undoubtedly he is right about that;

but the Senator overlooks entirely the fact that the four-power treaty is only one of the treaties that were made during the Conference on the Limitation of Armament, and that the questions in relation to China were adjusted and dealt with by the conference in other treaties and other resolutions.

As to whether the conference broadly and fairly covered the questions relating to China in the other treaties may be a question of controversy; I think they did in the main, so far as they could, so far as it was possible for them to handle the question, but there they were dealing with nine powers interested in China, and some of those nine powers had no interest in the islands of the Pacific. So it seems to me the Senator ignores entirely the work of the conference when he charges that they did not consider in connection with the four-power treaty the grave questions in China. When they made other treaties, upon which the Senate of the United States must pass upon after the pending treaty shall have been disposed of, there was no occasion whatever for embracing in the four-power treaty matters in relation to China.

Of course, as to Siberia we could not make—we had no power to make—a treaty concerning the mainland of Siberia when the Russian Government was not seated at the table.

Mr. KING. Mr. President, if the Senator will pardon me, I do not quite agree with the last statement the Senator has made. It seems to me that if the four powers were sitting down at a conference table for the purpose of elaborating a plan that might prevent war they would take into account not only their own territory but contiguous territory that might be the cause of international controversy and might lead us into war.

Mr. UNDERWOOD. I am afraid that my friend looks at this question and these issues very much as if he were disposing of a league of land or selling a ship. If the powers of Europe were to sit in Paris or in London and enter into a contract favorable or unfavorable as to what they intended to do with the United States of America or what their attitude in reference to the United States of America and its internal affairs should be without inviting us to the table, it would be a very serious offense to the people of this country; and, although I may recognize that the government of Russia to a large extent is down and out for the present, the Russian people are a proud people; they are a great nation; and I think it might have given very serious offense if we had undertaken to deal with the problem suggested by the Senator from Utah.

We did by declarations on the part of this Government—and that is as far as we could go in the conference—refer to our present and past relations to Russia, our desire to maintain her territorial integrity, and to prevent the invasion of her soil. We went as far as we could go, and we are not to be criticized justly, in my judgment, when we could not go any further because of conditions and facts over which we had no control.

Mr. KING. If I understand the Senator, I can not assent to the conclusion he reaches. It seems to me that we may be interested in avoiding a controversy respecting soil which we do not own and to which we do not intend to assert title.

Mr. UNDERWOOD. Undoubtedly we may be interested, but we can not settle questions in reference to the soil of other nations without giving them a chance to sit at the table, without giving offense, in my judgment.

Mr. KING. I agree with the Senator most heartily, but the Senator, I think, agrees with me that the possibility of controversy in the Pacific does not relate so much to the insular possessions as described in this treaty as it does to the mainland; and I can not yet, notwithstanding the explanation made by the Senator, understand why the Washington conference in connection with this treaty, which provides a sort of instrumentality for the adjustment of controversies, namely, a conference with three other nations, did not extend its operations and its activities, so that if any controversy should arise that would threaten the peace of any of the four powers, not only with respect to the islands in the Pacific but with respect to any land or territory or problem of the Pacific, a conference might be held for the purpose of trying to adjust and settle the dispute and thus avoid war.

Mr. UNDERWOOD. I will say to the Senator that the conference, recognizing the grave situation in China, endeavored to meet the issues involved in a separate treaty. I am not going to trespass on the time of the Senate in order to discuss the merits of the Chinese treaty, and I do not want to do so now; but I think it is a sufficient answer to the Senator's complaint that matters relating to China are not covered by the pending treaty to say that they are embraced in another treaty, and I believe the issues are met in the other treaty. The Senator may not agree with me, but when the Chinese treaty comes before the Senate I shall be very glad to discuss with the Senator the question of its merits and whether or not we met the situation in that treaty. It is sufficient, in answer to his suggestion that Chinese problems are not included in the four-power treaty, to say that they are disposed of, or attempted to be disposed of, in another treaty which is pending before the Senate.

Mr. KING. Mr. President, just one observation, because I am trespassing on the time of the Senator from Nevada.

Mr. UNDERWOOD. I, too, have been trespassing upon the time of the Senator from Nevada, and I apologize to him, but I could not help it.

Mr. KING. I repeat that this treaty attempts to dispose of matters that are wholly unimportant, as to which there is not a chance at all of controversy, and ignores questions as to which there is an opportunity for controversy and about which there will probably be controversy. The framers of the treaty have provided for conferences as to the mandated and other islands, although no one disputes the claims of any one of the possessors of those territories, but they do not provide any means for a conference with respect to other matters which possess the seeds and the germs of dispute and controversy. If this treaty had provided for conferences as to disputes in the mainland, it would have commended itself, it seems to me, more strongly to the American people than it does when it deals with insignificant and unimportant matters as to which there is no possibility of a controversy.

Mr. PITTMAN. Mr. President, I am going to take up a few of the statements of the Senator from Alabama before I resume the thread of my remarks where I was interrupted. The Senator seems to think that it would require a contract, a treaty with other powers before we could invite them into a conference. I do not think it is necessary to discuss that. The covenant of the League of Nations provided that the council might invite in a party to a controversy that threatened war that was not a member of the League of Nations. A contract, of course, is something binding. An invitation is something that may be accepted or not accepted. As a matter of fact, there is nothing binding in this conference, according to the Senator from Alabama. If there is nothing binding in this conference, why do you have to have a treaty to get an outside party in to discuss something?

Then they come right back and say it is perfectly natural that they should invite them in to discuss it. How do we know that Japan would consent to the inviting in of Russia or China for a discussion between those countries? There is only one way in which we can know it, and that is to provide it in this instrument.

The only objection that the Senator has urged against this amendment, as I understand, is that it may prevent the ratification of this treaty by England or Japan or France. That is all there is to it; and yet when the Senator from Montana asked the Senator from Alabama if there was any one of those countries that he had in mind that might object to this amendment he said he did not know.

This amendment is perfectly simple. It simply provides that in the event of a controversy between one of these four powers and China or Russia these four powers will try to stop that controversy before it becomes war. Is it possible that the Senator from Alabama can think that England would object to that being placed in this instrument or that France would object to it? I do not think so for a single moment. The only ground upon which he could expect any one of those countries to object to it would be on the ground that that country did not want the other side of the controversy known at the conference. That could be the only ground. The only other theory upon which this amendment could be objected to by England or France or Japan is that this treaty is not for the purpose of preventing controversies from developing into war but it is for the purpose of winning that war when it arises. If that is the purpose of this agreement, then it is an alliance, because undoubtedly one of the chief elements of an alliance is an agreement between powers to advance their own interests without regard to the interests or rights of others. Now we find out that the Netherlands wanted to become a party to this four-power treaty. The Senator says that I misrepresented his statement.

Mr. UNDERWOOD. Oh, no; I would not say that my friend misrepresented me. I make no such charge as that.

Mr. PITTMAN. That I misunderstood the Senator, then, and that my statement so expressed my understanding.

Mr. UNDERWOOD. To be sure. That is more kindly expressed.

Mr. PITTMAN. I am not sensitive on that point, because I know the friendship the Senator has for me and that he knows that the misrepresentation would not be intentional; but I do not yet see the difference between the way in which I presented it before and the way in which I now present it.

The four-power treaty was signed, and then the Netherlands expressed a desire to be a party to it. The Netherlands were not invited to be a party to it when it was being framed. None of the American delegation, as I understand, to the knowledge of the Senator from Alabama, ever thought about inviting the Netherlands to become a party to it. Nobody else invited them to become a party to it; and when they announced their desire to become a party to it it had already been signed. That is what the Senator said. What he meant by that I do not know. I simply said that that was the excuse offered why they were not members of it—that it was already signed.

As a matter of fact, how did the Netherlands know that a four-power treaty was being drafted? The Senator from Alabama did not know much about it, because practically all of it took place while he was on a visit to Alabama. The newspapers did not know anything about it. How would you expect the Netherlands to know anything about it until after it was signed? The fact remains that the drafters of this treaty did not want the Netherlands in it. You can not conceive that men as familiar with international law as the drafters of this treaty never for one moment considered the advisability of having the Netherlands a member of this treaty. Such a thought is absurd; and if they thought about it, it is inconceivable that they did not discuss it. Why was it, then, if they thought about it and they discussed it, that they did not want the Netherlands in this treaty? Was it because they did not want a full, frank conference and adjustment between all of the nations that have insular possessions in this region of the Pacific? If not, then why not have the Netherlands in this treaty?

I ask the Senator again if there is any provision whatever in this treaty providing for any peaceful means of settling a controversy with regard to the Pacific between one of these four powers and an outside power that might lead to war?

Mr. UNDERWOOD. Of course, the whole treaty is for that purpose.

Mr. PITTMAN. What is the article of it?

Mr. UNDERWOOD. Article 2, I believe. I have not the treaty before me.

Mr. PITTMAN. It is right here. I should like to see the article.

Mr. UNDERWOOD. Of course, Mr. President, as I said a minute ago, the Netherlands are in the treaty now. This Government has written a note to the Netherlands, and so have all the other three Governments——

Mr. PITTMAN. Has the Senator a copy of the note?

Mr. UNDERWOOD. It has been published. I can not put my hand on it at this moment. It was sent here with the original papers.

Mr. PITTMAN. I thought possibly the Senator had it on the desk before him.

Mr. UNDERWOOD. No; I have not it before me, but it was laid before the Senate officially.

Mr. PITTMAN. Yes; I know it.

Mr. UNDERWOOD. By that note the Netherlands are given all the privileges under this agreement. It is extended to them by a note. Outside of the Netherlands and the powers that sign this contract, I do not recall that there is any power that has insular possessions or insular dominions in the region of the Pacific Ocean, except Russia, holding the northern half of the island of Sakhalin. I may be mistaken about that, but I do not recall any such power, and if the Senator recalls any such power I shall be glad if he will call it to my attention.

Mr. PITTMAN. I think Portugal has such possessions, but we will pass that.

Mr. UNDERWOOD. I am not sure that Portugal's possessions are in the region of the Pacific. Are they not in the region of the Indian Ocean?

Mr. PITTMAN. Of course, I do not know what "the region of the Pacific" is.

Mr. UNDERWOOD. That is, in the Pacific Ocean, of course.

Mr. PITTMAN. Then Portugal has such possessions.

Mr. UNDERWOOD. I think they have one island there.

Mr. PITTMAN. Let us say, for the sake of this argument, that they have not any.

Mr. UNDERWOOD. I think the Senator is right, that they have one island. Of course, they have larger possessions in the Indian Ocean. Of course, the purpose of this treaty was to secure the peace between these four contracting parties, not to secure the peace between some one else; but this treaty provides that if the rights in the Pacific are threatened they shall confer, and if they can confer they can confer in the interest of peace more readily than they can confer in the interest of war; and I assume that the parties to this contract would confer under those circumstances in the interest of peace and not in the interest of war.

Mr. PITTMAN. The question I asked the Senator was to show me any provision in this treaty providing for a conference by the four powers signatory to the treaty, or any of them, with an outside power with which it was having a controversy that might lead to war. The Senator referred me to article 2, and I will read that article.

Mr. UNDERWOOD. As I stated to the Senator, the treaty was not drawn for the purpose of having a conference with outside powers. It was drawn for the purpose of having a conference with the powers signatory to the treaty; and, as I have stated to the Senator, they could be invited in under that power, but there is nobody to invite in. We can not make an agreement with Russia at this time; that is impossible; and outside of Portugal's one island, with no request on the part of Portugal to come in, as the Netherlands requested, to my mind the contention of the Senator from Nevada about our inviting other powers in here when there are no other powers to come in and no other powers desiring to come in is a mere ignis fatuus to light the way against the ratification of this treaty.

Mr. PITTMAN. Mr. President, I repeat that I asked a certain question, and to keep from the wanderings of the Senator I shall have to come back to it again. I asked him if there was any provision in this treaty requiring the four powers, in the event of a controversy between the four powers or one of them with an outside power threatening war, to invite the outside power or powers into a conference. Before his last wanderings the Senator referred me to article 2, which I will now read as the answer to my question:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

That is the only clause that the Senator from Alabama finds in the treaty which he says answers my question. It does not answer the question, but it answers it as well as any other article in the treaty. As a matter of fact, article 2 assumes that a war has already commenced against one of the four powers. It has nothing whatever to do with any effort to settle a controversy that might have resulted in the war referred to in article 2. The Senator was right in one statement, and that was that this treaty was not formed for the purpose of preventing war in the Pacific, but was formed simply for the purpose of preventing war between the four powers in the Pacific. That is true, and that is the chief object of an alliance. It is the chief definition of an alliance, and that is exactly the objection that has been made against this treaty all the way through. If this treaty had for its purpose the prevention of war in the Pacific, I do not believe there would be a single vote against it on this side of the Chamber.

The Senator from Montana [Mr. WALSH] yesterday pleadingly sought an opportunity to be allowed to vote for this treaty. He wants to vote for it. He has voted for every peace treaty that ever has been brought before this body; and yet for the purpose of getting almost a unanimous vote in this body you will refuse to incorporate in the treaty a principle that you must approve, that you can not attack, upon the ground that perhaps some one of these other three nations has so low a regard for the principle that you like that it would not stand for it.

What reason is there for haste in this matter? Suppose that we did adopt this amendment to-day. How long would it take us to find out whether the other three powers would agree to it or not? It might take a week. What would happen in the Pacific Ocean in a week? Suppose it took a month to find out what the other three powers thought about this principle of peace. What would happen in that month's time? If there is any great danger hanging over this country that requires us to ratify this treaty instantly for fear of something, what is that great danger? If any Senator knows anything about it, it is his duty to the Senate and the country to state what that great danger is.

Suppose we adopt this amendment and the matter goes over to Great Britain, and Great Britain says: "We refuse to accept this amendment." All right; it is not accepted, and the treaty is sent back to this body. What has happened before it is sent back? Has any harm happened in the last month while it is gone? Have the Philippine Islands been taken? The whole thing about it is this: I am afraid that the Senator from Alabama knows the purpose of this treaty. I am afraid that the Senator from Alabama knows that the purpose of this treaty is not to prevent war in the region of the Pacific but is to insure the success of that war in favor of these contracting powers. If that is true, then, of course, they do not want the peaceful means substituted and would not accept the amendment.

I have asked the Senator where there is a provision in this treaty looking to the settlement of a dispute affecting these insular possessions between an outside power and one of these four powers, and all that he can do is to refer me to article 2. Article 2 expressly provides for a conference between the four powers to adopt means to oppose an aggression that has already commenced; and yet, as I said before, this proposition has been misrepresented to this country and has been misrepresented to the world. There is not a religious body in this country nor a great public body that has not been taught to believe that this is a treaty for peace. Do you think for one moment that you would ever hear called to the attention of the directors of a great church board the argument that I am now making? No. Who are the speakers that are now speaking in the churches on this subject? One of our Senators has been speaking in the churches of this city. He said this was a treaty for the purpose of preventing war.

Did he ever tell that great congregation of church people that this was a treaty simply to protect the interests of the four parties to it? Did he tell that great congregation of church people that this body refuses to recognize the principle that another nation outside of these four may have just rights in controversy? Oh, no. Did he tell them that this treaty does not recognize the adopted principle of this Government that disputes should be settled by conference and by arbitration and by peaceful adjustment? No; he never told them that. He led them to believe that this treaty does provide for it.

There are Members of this body who in reading the part of the treaty which refers to a conference between the four powers think that that conference is for the purpose of preventing war. They do not read it carefully enough to see that it is a conference for the purpose of meeting war; that it is a conference which has become necessary because they did not take steps to prevent the aggression before it started.

The Senator from Mississippi [Mr. WILLIAMS], who is always mentally honest, saw that point. He saw it when he said, "Your remedy is in the League of Nations." If the remedy is in the League of Nations, what is the use of this treaty at all? If this is not a substitute for the League of Nations, as far as the Pacific is concerned, what is the peaceful use of it at all? Of course, if it is an alliance in the Pacific, I see reason, as far as the four powers are concerned, for making it. If the League of Nations is the body which is to prevent war in the Pacific, if the council of the league is the body to which disputes arising in the Far East are to be referred to prevent war, then this instrument is unnecessary, as far as an attempt to prevent war is concerned. But if a dispute in regard to the Pacific takes place, if a dispute which threatens war is taken before the council of the League of Nations, we will have no influence in settling that dispute, because we will not be a member of the league; we will have nothing to do with it.

Mr. President, this argument has so far developed this fact that there is not a provision in this treaty for the settlement of controversies which may involve war in the Pacific, except controversies between the four powers. There is no provision in this treaty which gives any consideration to the cause of China or Russia or any outside power which may have a controversy with Japan, or with any of these four signatory powers. In my opinion, as the Senator from Alabama said, this treaty was never intended for any other purpose than to join together the four signatory powers and prevent them from fighting each other. There is nothing else in this treaty, Mr. President, except an agreement between these four powers to consult as to the most efficient means of meeting aggression against any one of them. It is an alliance, and the statement in the reservation offered by the Senator from Connecticut [Mr. BRANDEGEE], that it is not an alliance, is an absurdity on its face. You might just as well take a bulldog and place a sign across his breast reading, "This is not a bulldog; this is a lamb," as to say a thing like that. The very wording of the instrument which we signed makes absurd our declaration as to what it is. A declaration that this is that, or that it is not that, amounts to nothing when it stands in view of the people who see it. This instrument might be designated as an agreement for peace, the reservation might deny it was an alliance, if only the reservation were read, if only the reservation became public, if only the reservation were reduced to writing; but a declaration that something is not something which the world knows it to be amounts to nothing but an absurdity on its face.

There has been every attempt in this body to prevent consideration of the treaty. There has been every evasion in replying to questions asked in the argument. There has been a studied effort to attempt to deny questions directly. In fact, the member of the delegation who knows the least about this thing—if it is possible for anyone to know the least—is the only one who is left here to answer questions. The distinguished Senator from Massachusetts [Mr. LODGE] runs every time anyone starts to ask him a question. He is constantly on the run.

I said a long time ago, before I was interrupted, that this propaganda which is being incited in this country, even by speeches of United States Senators in churches in this city and in speeches by Senators before great national clubs and civic bodies, is possibly having its effect upon some of the Senators in this body. Oh, it looks as though there is a great, unanimous feeling in this country that this treaty must be ratified immediately to prevent this country from being deluged in some great destruction which is not described. How long do Senators think that deception is going to last?

I remember away back before the treaty of peace was signed that we had a great league in this country to enforce peace. I remember that they sent its messages all over this country demanding that everybody support the League to Enforce Peace. When the treaty of Versailles came here I had on my desk, as every other Senator did, resolutions by the directors of these church associations, representing hundreds of thousands of people. We had resolutions from every patriotic body in this country, from every great civic association, urging us to ratify the Versailles treaty immediately. It looked as though the whole country were in favor of it, and yet, when it came to an issue before the American people, there is no doubt as to what they thought about it. They thought that it was an alliance, whether it was an alliance or not. I do not think it was. I did not think it was an agreement of one group of nations against all the others, as is undoubtedly contemplated in this instrument. I want to tell Senators one thing, that when the majority of 7,000,000 people who voted for the Republican Party find out what this instrument is, when they find out what the whole deal is, the condemnation which will come down upon the proponents of these treaties will be severe indeed compared to the punishment which was administered by the people to the supporters of the Versailles treaty.

Things can not be rushed through a body of this kind with as little information as surrounds this; men can not, by just crying that we will have war unless we do this, influence long the people of this country. They will have a little influence on them for a short time, but not for long.

This instrument is going to be condemned more than any instrument ever presented to this body. It is the result of the diplomatic cunning of the diplomats of the Old World and the Christian confidence of the delegates of the New World. It is the result of the deliberations of politicians who have long dealt in the framing of alliances with politicians who are simply afraid of a war scare.

They contend, through their propaganda throughout the country, that the United States Senate is interfering with the transaction of business by this Government. They charge that the United States Senate is bringing this Government into contempt by delaying the ratification of these treaties. Mr. President, what the world may think about this Government may affect our feelings, may even affect our commerce, but it does not weigh with our duty to protect this Government. There has been no talk in all of this debate of protecting this Government, except our protection from an attack on some of our foreign possessions by some foreign foe.

The United States Senate, according to some of the people of this country, has prevented hundreds of treaties from wrongfully binding this Government. When we enter into a contract with an individual, which is a private treaty, and there is a violation of the terms of the agreement, there are courts to enforce those terms; but when a nation violates its contract with another nation there is but one power to enforce it, and that is war. That is one reason why the organizers of this Government, that is one reason why the makers of the Constitution of the United States, required such solemn consideration and practices in the adoption of a contract with a foreign government.

Look back over the history of our treaties. What has been the result of those treaties? There has possibly been more trouble between nations by reason of the different construction of treaties than from nearly anything else. Take our treaty with regard to the Panama Canal. It would have been far better if the Senate of the United States had given more time to the consideration of that treaty. It was drawn by men just as able as those who drew this treaty, and yet the language was so indefinite, so ambiguous, that two of the greatest international lawyers in this country disagreed diametrically as to what it meant. The late Senator Knox held that the language of that treaty plainly meant that it did not apply to American ships, while the distinguished American lawyer who was a member of

the conference which drew this treaty and participated in the drawing of this treaty, Elihu Root, held that it did include American ships.

Practically every treaty which has ever been drawn has been ambiguous. It seems to be the habit of the drafters of treaties to so draw them that they may be read favorably by all parties to the contract. Read them, and you will find that is true. When diplomats arrive at an understanding, then they call in the drafter of treaties, who draws the language so that it may be construed to mean what each side desires it to mean, without regard to what should have been meant. Thus they shift the burden to posterity.

We are entering into a treaty to bind this country for 10 years, and yet it is the will of those proposing this treaty that it be passed in 10 minutes. They are seeking to take this Government into an alliance affecting the whole Pacific Ocean, an alliance that is more fraught with the germs of war to-day than any other alliance in all the world, an alliance we can not get out of for 10 years; and yet they condemn the Senate of the United States because it is willing to take some time to analyse and consider this matter.

The proponents of this treaty are responsible for the delay so far, because they have not come to this body with the information which was essential to the proper action of this body, and because they have not answered directly the questions asked them touching the negotiation of this treaty. Whether that be by reason of the fact that they do not know, or because they are unwilling to tell, is absolutely immaterial. It is only to-day, after weeks of debate, that we find out from the Senator from Alabama [Mr. UNDERWOOD] that the Netherlands were never asked to become a party to this treaty, and that the Netherlands tried to get into the treaty just as soon as they found out that there was such a thing as a four-power treaty.

When the Senator was asked as to why he objected to an amendment being placed in the treaty bringing in China, or bringing in Russia, when there was a dispute involving China or Russia, his answer was that it might kill the treaty, that France and England and Japan might not accept it. If the ratification of this treaty were so essential to the country that it had to be ratified in a week or we would be involved in a great war, there might be something in the argument of the Senator. If war were hanging over us in the Pacific, which might break over in the next month unless we signed this treaty, there might be something in the argument of the Senator. But we are not threatened with war. There is not a proponent of this treaty who would state that if we did not sign this treaty at all there would be any war inside of five years. There may be war later on. Why not accept some of these amendments, which can not be opposed in principle, and put them up to our cosigners of this treaty, and ask them whether they do not approve of them in principle? What would be the great harm if they turned them down? It would simply mean a reconsideration by this body. The whole matter would have been debated.

There is a grave chance that this treaty will be defeated, because there are Senators on this side whom the proponents of this treaty have felt they had in their hands who see the necessity of amendments to make this a treaty for peace and not alliance for war. There are four or five Senators on this side who have been so conscientiously anxious for the ratification of this treaty that they are willing to swallow almost anything, but I tell Senators on the other side that those Senators will not stand for an alliance which means war instead of peace. If the majority are going to proceed in an arbitrary manner, if they proceed to force this alliance down the throats of the Senate, if they arbitrarily refuse to accept any explanatory provision, if they are going to stick to the proposition that the Senator from Alabama has just stated, that this treaty is simply an agreement between the four parties to prevent war between the four parties and not to prevent war by any one of the four parties against any other power, then this treaty will be defeated.

Mr. UNDERWOOD. Mr. President, I do not rise to answer the argument that my friend from Nevada has just made, because I think his last statement is very clear, that the purpose of this treaty is to prevent war between the four powers to the treaty. It is not for the purpose of engaging in war against people who are outside of the treaty. Of course, anyone who is familiar with the facts in the regions of the Pacific and as to the navies of the world knows that there is no other power in the islands of the Pacific, where naval warfare is essential if warfare is to be made at all, that has the navy to withstand an attack by any one of the four powers.

Mr. WATSON of Georgia. Will the gentleman permit a question?

Mr. UNDERWOOD. What is the question?

Mr. WATSON of Georgia. I will state it, Mr. President. If this is a peace treaty, why is it that the Republican majority votes down every amendment which would really make it a peace treaty?

Mr. UNDERWOOD. I can not answer for the Republican majority. The Senator from Georgia will have to address his remarks to the Senators on the other side of the Chamber.

Mr. WATSON of Georgia. Then, Mr. President, I ask the Senator from Alabama what are his reasons for opposing such amendments?

Mr. UNDERWOOD. I do not know whether or not the Senator from Georgia was then present, but at considerable length this morning I have already stated my position. I have stated that I did not think the amendments would be effective or would accomplish the result desired, and that they might bring about delay.

Mr. WATSON of Georgia. I heard what the Senator from Alabama calls an answer.

Mr. UNDERWOOD. I am sorry my answer was not satisfactory to the Senator from Georgia.

Mr. WATSON of Georgia. I did not think the Senator met the issue.

Mr. UNDERWOOD. But, of course, I realize that when two men differ in debate it is very difficult for one to answer to the satisfaction of the other, at least, while the debate is on.

I hold in my hand a memorial from a great church; but before I present it—and I have been sitting here for the last hour, in addition to enjoying the pleasure it always gives me to hear my friend from Nevada [Mr. PITTMAN] discuss a question, to get an opportunity to present this memorial—I think I ought to try to make it clear in the RECORD that the treaty now pending before the Senate is an effort to maintain peace between the four great parties who have signed it. So far as they are concerned, there is no other nation in the world that has the power to disturb the peace against any one of them, because individually they possess the great navies of the world; and as to the nations which are entirely outside of this pact, none of the four powers is going to make war on Portugal in reference to Portugal's possessions, nor is Portugal going to make war on them, and it can not do so. The Netherlands are already embraced within the terms of the contract, and, as I said before, the only other nations that could possibly be involved in these questions in the Orient are China, whose affairs are dealt with in another treaty, and Russia, which at present has no government with which we can deal. So I do not know to whom my friend referred as discussing these matters in the churches; but I am glad to say that the Christian churches of America stand for peace. They stood for the League of Nations; they stand for this treaty. They are not fooled about it, because in their hearts they know, whether it is effective or is not effective, that it is an honest effort to maintain the peace of the world.

Mr. President, I was given a memorial this morning which is addressed to the Senate of the United States from the Church of the Brethren, which is sometimes known as the Dunker Church, by its peace committee, W. J. Swigart, chairman, of Huntingdon, Pa.; J. M. Henry, secretary, of Washington, D. C.; Jacob Funk, Pomona, Calif.; and I. W. Taylor, of Ephrata, Pa. I send the memorial to the Secretary's desk and ask that it may be read in my time.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The Secretary will read as requested.

The reading clerk read as follows:

To the honorable gentlemen, the Members of the Senate of the United States.

GENTLEMEN: This presentation is made to you by the peace committee of the Church of the Brethren (Dunkers). This committee is authorized and appointed by our international conference composed of over 600 delegates from America, Europe, India, and China. We authoritatively bear to you the united sentiment of the entire membership of this church, thousands of whom are among your constituents in many of the States you represent. We hereby ask that you hear our plea and trust you will have respect to our prayer.

We have noted with very great interest the work of the council of nations that sat in the city of Washington considering plans for the reduction of the armaments of the world and the establishment of peaceful and friendly relations among the nations.

Naturally, we could not expect perfection in their work, because it is the product of finite men. There doubtless are features in their report that are objectionable, in degree, to our American ideals. But Americans can be generous—they are generous—and take forward ground in yielding personal provincial ideals to the accomplishing of the general good of mankind. "National consciousness may consistently yield to international conscience."

We have been profoundly gratified by the purpose, spirit, and work of the council and believe that if the findings—the pacts and treaties and conclusions—are ratified, and the proposals become operative within the nations of the earth, a most notable service to mankind in the history and working of human governments and the progress of civilization will have been accomplished.

As we understand it, the results and findings of the council are now in your hands awaiting the action of your honorable body. We appreciate in some measure the responsibility resting upon you and the complexities and the consequent perplexities that will arise in the consideration of the varied interests involved.

Trusting that it may not be deemed presumptuous on our part, we are respectfully but earnestly asking that these treaties may speedily and without change receive confirmation at your hands.

We think of the facts that—

The council was called by the President of the United States in response to a call that originated within the Senate, so that the very inception of this worthy movement was brought forth from your own honorable body.

The council, composed of delegates from the powers of the world, sat day after day for a period of three months within the Capital City of this country.

The President of the United States and our delegates set the pace and, for the most part, established the policy and initiated and announced the purposes and the ends to be accomplished.

The other nations, by their delegates, worked in gracious harmony and conceded more than was expected at the beginning, especially those nations that had conflicting interests at stake. The final report was unanimously adopted and duly signed.

The council was closed and the finest spirit of good will and bona fide fellowship were apparent. The foreign delegates returned to their home Governments enthusiastic in their admiration for America and the wise and patriotic leadership of the statesmen of our Republic. The entire world is still turned toward us, and all eyes are expectantly waiting and watching for our move.

If, now, the United States of America should hold itself aloof and refuse to appear as party to the pacts, or even to delay with prolonged debate, it will provoke in the minds of the powers and the world at large a suspicion of the sincerity of our American people and our republican government in our calls and claims for unselfish peace negotiations. It will give the impression abroad that we are divided and uncertain of our own minds and judgments, and are moved by partisan and factional feeling rather than by a generous patriotism, and indicate that there is opposition and clash between the Executive and legislative powers of our Government.

So far as our own America is concerned in this glorious experiment, this is now the final test. It rests within the body that conceived and fostered the scheme awaiting recognition and confirmation. Should this work stop or fail here, the high ideals resident in the scheme, as well as the lofty hopes of the world, would receive a severe shock, and the prospect of permanent world peace be seriously disturbed.

But we believe it will not fail; and in the interest of the successful completion of the great opportunity, in behalf of the church which we represent, and at the same time reflecting the mind and wish of the great mass of the people of the United States, we again express our prayer that the treaties may receive early and favorable action. And so shall we ever pray.

The peace committee.

W. J. SWIGART,
Chairman, Huntingdon, Pa.
I. W. TAYLOR,
Ephrata, Pa.

The PRESIDING OFFICER. The memorial will lie on the table. The question is on agreeing to the amendment offered by the Senator from Nevada to article 1.

Mr. PITTMAN. Mr. President, I send to the desk the note with regard to the Netherlands, which I will ask the Secretary to read. It is the note referred to by the Senator from Alabama as constituting the provision by which the Netherlands were let into this treaty.

The PRESIDING OFFICER. Without objection, the note will be read.

The Assistant Secretary read as follows:

(From the CONGRESSIONAL RECORD, February 16, page 2643.)

THE SECRETARY OF STATE,
Washington, February 11, 1922.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our conversation in relation to the note given to the Netherlands Government, I beg to say that the following is a copy of the note which was delivered to the minister for foreign affairs of the Netherlands on February 4, 1922:

"The United States of America have concluded on December 13, 1921, with the British Empire, France, and Japan, a treaty with a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. They have agreed thereby as between themselves to respect their rights in relation to these possessions and dominions.

"The Netherlands not being signatory to the said treaty and the Netherlands possessions in the region of the Pacific Ocean therefore not being included in the agreement referred to, the Government of the United States of America, anxious to forestall any conclusion contrary to the spirit of the treaty, desires to declare that it is firmly resolved to respect the rights of the Netherlands in relation to their insular possessions in the region of the Pacific Ocean."

This is identical with notes delivered by the British, French, and Japanese ministers.

A similar note was delivered to the Portuguese Government.

Very sincerely, yours,

CHARLES E. HUGHES.

Mr. PITTMAN. Mr. President, I wish to call attention to the fact that the Senator from Alabama is mistaken when he says that the Netherlands have been guaranteed the same rights in a separate instrument that are guaranteed to the four powers signatory to this treaty. The only right guaranteed to the Netherlands under that note is that the United States will respect their rights in the Pacific. There is no provision in that note by which the Netherlands may be called into conference or shall have a right to go into conference with regard to any matters affecting their possessions in the Pacific Ocean. The Netherlands are guaranteed the right that every honest government guarantees to every other honest government, namely, that their rights shall be respected. The Netherlands received merely a simple little note; that is all they got. They wanted to be in this treaty, but instead of letting the Netherlands in the treaty there was written a sweet little note to the Netherlands.

Mr. UNDERWOOD. Mr. President, I do not interpret this matter as does my friend from Nevada. I think that the great thing in this four-power treaty is that the four nations have agreed to respect the rights of each other. Outside of that, all of the other provisions are ancillary. The Netherlands, when they requested to have recognition on the grounds stated, were given a note, not only by the United States but also by the other three powers to the treaty, setting forth that each one of them would respect the rights of the Netherlands in their territory in the region of the Pacific. That was entirely satisfactory to the Netherlands, if not satisfactory to my friend from Nevada. They are satisfied with it; they think it covers their territory; they think it means peace for them.

I had overlooked in the debate this morning that a similar note had been delivered to Portugal by the four powers. So there is no difference in reference to these other nations, so far as their rights in the Pacific are concerned. The only difficulty that they are having is in the United States Senate.

Mr. PITTMAN. Mr. President, the Senator did not quite finish stating what he likes about this treaty. What he said he likes about this treaty is that the four powers agreed to respect each other's rights. Another thing that he likes about the treaty is that they shall not respect the rights of anybody else.

Mr. UNDERWOOD. That does not necessarily follow at all.

Mr. PITTMAN. Poor little Netherlands got a sweet note, and so did Portugal, saying that the four powers would respect their rights, but they got no invitation to join in the conference which has been provided for by article 2. Any nation which sees fit may attack the rights of the Netherlands, and there will be no joint action by the four powers to protect the Netherlands. If any nation attacks any of the rights of the four powers, they will jointly or severally defend those rights. They will not defend the rights of the Netherlands; they will not defend the rights of the Portuguese; not at all. They will not try to stop any dispute whatever involving Portugal; they simply say, "so far as we are personally concerned, we are not going to trespass on your rights," and this country has agreed to that long ago in numerous treaties. The fact remains that it is evident that they did not want the Netherlands in this four-power treaty. It is just one of the little pieces of evidence that go to show that this is a premeditated alliance between those four powers for their selfish interests.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Nevada [Mr. PITTMAN].

Mr. ROBINSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Harris	McNary	Simmons
Brandegee	Harrison	New	Smith
Broussard	Heflin	Newberry	Spencer
Cameron	Hitchcock	Norris	Stanfield
Capper	Johnson	Oddie	Townsend
Caraway	Jones, Wash.	Page	Underwood
Culberson	Kellogg	Pepper	Wadsworth
Elkins	Kendrick	Phipps	Walsh, Mass.
Fernald	Keyes	Pittman	Warren
Fletcher	King	Reed	Watson, Ga.
France	Ladd	Robinson	Weller
Gerry	McCormick	Sheppard	Willis
Hale	McKinley	Shields	

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from New York [Mr. CALDER], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New Mexico [Mr. BURSUM], the Senator from Idaho [Mr. GOODING], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are absent in attendance upon a meeting of the Finance Committee.

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. PITTMAN. I ask that the amendment may be stated.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to add, at the end of article 1, the following:

If there should develop between any of the high contracting parties and any other power or powers having possessions in the region of the Pacific a controversy arising out of any Pacific question involving said insular rights and possessions threatening war, which is not satisfactorily settled by diplomacy, the high contracting parties shall invite said other power or powers to a joint conference to which the whole subject shall be referred for consideration.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada.

Mr. PITTMAN. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. MOSES] and therefore withhold my vote.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the senior Senator from Massachusetts [Mr. LODGE] and will vote. I vote "nay."

The roll call was concluded.

Mr. COLT. Although I have a general pair with the junior Senator from Florida [Mr. TRAMMELL], I am at liberty to vote on this amendment. I vote "nay."

Mr. DILLINGHAM. I inquire if the Senator from Virginia [Mr. GLASS] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I have a general pair with that Senator, which I transfer to the Senator from Pennsylvania [Mr. CROW] and will vote. I vote "nay."

Mr. PHIPPS. I have a pair with the junior Senator from South Carolina [Mr. DIAL]. I understand that if he were present he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, and therefore withhold my vote.

Mr. CURTIS. I have been requested to announce that the Senator from New Jersey [Mr. EDGE], the Senator from Oklahoma [Mr. HARRELD], and the Senator from Massachusetts [Mr. LODGE], if present, would vote "nay" on this amendment. They are necessarily absent.

The result was announced—yeas 29, nays 50, as follows:

YEAS—29.

Ashurst	Harrison	Overman	Stanley
Borah	Heflin	Pittman	Swanson
Caraway	Hitchcock	Reed	Walsh, Mass.
Culberson	Johnson	Robinson	Walsh, Mont.
Fletcher	Kendrick	Sheppard	Watson, Ga.
France	King	Shields	
Gerry	La Follette	Simmons	
Harris	McKellar	Smith	

NAYS—50.

Ball	Frelinghuysen	Newberry	Spencer
Brandegee	Gooding	Nicholson	Townsend
Bursum	Hale	Norbeck	Sterling
Capper	Jones, Wash.	Oddie	Sutherland
Cameron	Kellogg	Page	Wadsworth
Colt	Keyes	Pepper	Warren
Cummins	Ladd	Phipps	Watson, Ind.
Curtis	Lenroot	Poindexter	Weller
Dillingham	McCormick	Pomerene	Williams
Elkins	McCumber	Ransdell	Willis
Frazier	McNary	Sawyer	
Fernald	Nelson	Shortridge	
	New	Smoot	

NOT VOTING—17.

Broussard	Glass	McLean	Trammell
Crow	Harreld	Moses	Underwood
Dial	Jones, N. Mex.	Myers	
du Pont	Lodge	Norris	
Edge	McKinley	Owen	

So Mr. PITTMAN's amendment was rejected.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I ask consent, as in legislative session, that the action of the House on the second deficiency appropriation bill may be taken up.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10820) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, recording from its disagreement to the amendment of the Senate numbered 80, and concurring therein with an amendment, insisting upon its disagreement to the amendments of the Senate numbered 26 and 27, and requesting a further conference with the Senate thereon.

Mr. WARREN. As there are but three matters in contention, I move that the Senate recede from its amendments numbered 26 and 27.

Mr. ROBINSON. What are amendments numbered 26 and 27?

Mr. WARREN. They are two items for the General Accounting Office, to investigate accounts and claims growing out of the expansion of the work of the Veterans' Bureau, the payment of interest on the public debt, and the settlement and payment of transportation claims.

Mr. ROBINSON. What is the difference between the House provisions and the Senate provisions?

Mr. WARREN. They are items which the Senate put in which the House had not put in, and it is claimed that they were not asked for at the time the House had the bill under consideration. The House believed they were not necessary, and, if necessary, that they could be taken care of in a later deficiency bill, since the larger one of the two items is requested for the coming year. To be more specific, about $110,000 was thought to be necessary before the 1st of July for extra help and something like $300,000 was considered to be necessary during the fiscal year 1923.

Mr. ROBINSON. The Senate proposes to abandon its ground on those two amendments, and therefore the appropriations will go out?

Mr. WARREN. For the present, with the expectation that they would further investigate the matter and there would be time to take it up before the end of the session.

Mr. BORAH. May I ask the Senator a question?

Mr. WARREN. Certainly.

Mr. BORAH. This is on the deficiency appropriation bill?

Mr. WARREN. Yes; we have a disagreement, and on this matter we could not arrive at an agreement, and the House conferees took it back to the House. The House voted by a very large majority to sustain their conferees.

Mr. BORAH. Is this the bill in which there was carried an appropriation for the Legislative Reference Bureau?

Mr. WARREN. It is.

Mr. BORAH. What is the amount appropriated for it?

Mr. WARREN. The amount appropriated already is, as I recall it, twenty-five or thirty thousand dollars, and we added a matter of perhaps $6,000, which the House disagreed to.

Mr. BORAH. How does that appropriation compare with last year's appropriation? I have understood that it was cut down so that it was thought it would cripple the work.

Mr. WARREN. It is a matter of five, seven, or ten thousand dollars less than last year's appropriation.

Mr. STERLING. Mr. President, if I may be permitted a word——

Mr. WARREN. The Senator from South Dakota, I think, understands the matter.

Mr. STERLING. I understand that practically they will have to suspend the work of the Legislative Reference Bureau because of the lack of this $6,500 which they asked for. The bibliographer there, and the man who is in charge of this Legislative Reference Bureau, who is the director of it, so informed me, and he pleaded very hard for the small appropriation.

Mr. BORAH. The result would be the practical suspension of that bureau?

Mr. STERLING. So I understand, for the time being.

Mr. McCORMICK. It means that Senators will be deprived of the services of the Legislative Reference Bureau after the 15th of April?

Mr. STERLING. Yes; it means that.

Mr. WARREN. That may be true; I am not disputing it. That bureau should do its business as every other office or department should, within the appropriations made for it. In allocating the money appropriated they have handled it in such a manner as to exhaust the funds, or, I take it, that they are nearly exhausted, before the end of the year. I can not tell whether the money available will enable them to run until the middle of April or when, but the Senate committee inserted the amendment, and the Senate agreed to it, and I am sorry we could not maintain it.

Mr. McCORMICK. Let me say to the Senator that the appropriation for the forthcoming fiscal year, in the sum of about $35,000, is about equal to the appropriation for the expiring fiscal year and the deficiency intended to be appropriated by the Senate.

Mr. WARREN. The Senator, I think, is right about that.

Mr. McCORMICK. This Congress voted so little for the service of that bureau that if they had spent month by month proportionately what we voted to them, they could not have served

Senators. It is most astonishing to me that the Senate and the House deliberately cut down the appropriation for the Legislative Reference Bureau, which is one of the most important adjuncts of our labors.

Mr. WARREN. There is immense latitude always in violent criticism of the Senate and the House, together or separately, but I wish to say to the Senator from Illinois that we were compelled last year to take the amount finally agreed upon, and this year we undertook to make it good. We were not able to do it in conference. We were not willing to let this bill, which carries some ninety-odd million dollars for the payment of disabled soldiers whose pay day is to-day, to go longer and to fight longer on the matter of five or six thousand dollars on that particular issue.

Mr. BORAH. Mr. President, I have not any criticism to make of the Senator from Wyoming in the course which he has taken, because I assumed that he could not afford to let this bill die.

Mr. WARREN. It was not a matter we gave up easily, I assure the Senator.

Mr. BORAH. However, I do want to say at this time that I think it very unfortunate that the Legislative Reference Bureau is not to be taken care of, but I assume it is possible to do it a little later. Is not that the case?

Mr. WARREN. It is. There probably will be further deficiency appropriation bills.

Mr. FLETCHER. My information is that without the money which the Senate provided they will practically suspend their work and be unable to carry it on.

Mr. WARREN. I am unable to say what the daily expenditure for that bureau is. I suppose from day to day it varies. I do not know what amount they still have unexpended, but they have some.

Mr. FLETCHER. I think it very unfortunate that the Senate amendment could not be retained. I find no fault with the Senate conferees, but it is very unfortunate that the amendment was not retained.

Mr. KING. May I inquire of the Senator the reason for the Legislative Reference Bureau exceeding the appropriation, when they knew that Congress had fixed a certain amount for the year?

Mr. WARREN. Mr. President, that is a very pertinent question, and answering it on the lines of the rule and good procedure, they had no right to do it. On the other hand, during the war the morale of the legislation has run down to some extent and we have been compelled to submit to deficiencies of various kinds, which we are trying to cut down; but now with the hangover of the war, especially the hospitalization and schooling of ex-service men, which we can not calculate long beforehand, quite large amounts must be brought in to be provided for in these deficiency bills.

However, let me say that the bureau which is now under discussion is the creature of and subservient to the whole of the House and the Senate—to the various Representatives and Senators as they ask for help in preparing legislation. I am not one of those who wish to criticize those men, situated as they are, who are almost bound to keep up with the work they are called upon to perform in these various requests.

Mr. BORAH. May I ask a question for enlightenment as to future action? The amount which was put on in the Senate and disagreed to by the House is to be cut out of the bill. The amount which remains, I understand, will be practically of no benefit whatever. So what is the use of appropriating anything at all if we have so crippled the Legislative Bureau as to make it worthless?

Mr. ROBINSON. What is the amount which will be left if the Senator's motion to recede is agreed to?

Mr. WARREN. This is a deficiency. An appropriation has already been made in another bill, I think, of $35,000, which is a very liberal amount, for the coming year.

Mr. KING. As I understand, this is a deficiency?

Mr. WARREN. It is provided for in the legislative bill, which has already passed, providing for the coming fiscal year.

Mr. ROBINSON. When will this work cease if this item goes out and there is no further appropriation along this line?

Mr. WARREN. They will be able to draw on the funds already appropriated for next year on the 1st of July.

Mr. ROBINSON. When will the work actually stop—on the 15th of April?

Mr. WARREN. The Senator from Illinois [Mr. McCORMICK] probably has advised himself about it. I could not tell that.

Mr. ROBINSON. So there will be a period between the 15th of April and the 1st of July when the Legislative Reference Bureau would cease to function?

Mr. WARREN. The question is whether it will cease to function altogether or whether they would suspend a part of the corps, the other part undertaking to carry on the business. If they wish to cooperate and to do as the Senator, I know, would advise, the best they can under the circumstances, they would not close their doors—they would go on—because they certainly will be provided for otherwise.

Mr. ROBINSON. How would they be provided for?

Mr. WARREN. As I have said to the Senator, I expect we shall have undoubtedly another deficiency bill before the end of the fiscal year, and I hope at that time we will not be tied up, as we are in this bill, with a great amount of money due and payable as soon as the bill is passed, which rather forces us to spend less time in struggling with the conferees than we might spend under different circumstances.

Mr. ROBINSON. I should have imagined that since the adoption of the Budget system this difficulty would be practically an impossibility.

Mr. WARREN. The Budget is not to blame. The Budget Bureau estimated for this amount the same way as with other Senate items.

Mr. ROBINSON. The Senate embraced the amount which the Budget Bureau recommended?

Mr. WARREN. The Senate did not exceed it. I want to recall one remark I made. There is one line of action under the bureau, what may be accounted for by our office here, and included in it the Library of Congress, and hence, instead of having a large line of bureaus, we excepted this one—the Capitol—in the Budget law, and we are not called upon to report to the Budget Bureau, but I think there was submitted the pay roll of the Senate and the pay roll of the House and the pay roll of the Library, and so forth.

Mr. ROBINSON. How does the deficiency arise? I think the Senator stated it, but I did not understand the statement.

Mr. WARREN. The Senator knows, of course, because he was a very able member of the Committee on Appropriations for a long time, that in these appropriations for 12 months the instructions should go out, and usually do, to the departments, that they allocate the sums for the various months so as not to exceed the amount appropriated. In this case I do not know whether they allocated or not, or whether it would be possible to do it, because Congress may or may not be in a long session, and I assume that on the calls of Senators and Members of the House for help in drafting bills, they have expended so much money that they feel that it is necessary to have this extra amount. Whether they have worked to their best advantage, and as many hours as a Senator does, or whether they have applied the eight-hour rule, and lived by it, I can not say.

Mr. ROBINSON. Mr. President, I am not sure but what if the Senate had union rules work would be more efficient. I am thinking a little bit about joining the union.

Mr. WARREN. I think there would be more work and less gas if that were the rule.

Mr. ROBINSON. I think the Legislative Reference Bureau has performed a valuable service.

Mr. WARREN. I agree with the Senator.

Mr. ROBINSON. I regret that it is to be crippled for lack of necessary funds. The opportunity has not been afforded me to know whether its funds have been judiciously administered or expended, but I take it that the Senator from Wyoming and his associates of the Senate committee believed that this additional sum was necessary and desirable. I regret very much that the work of this bureau should be discontinued. If it is not discontinued, it is perfectly apparent that it can not function with efficiency during the remainder of this fiscal year. It will be so hampered from want of funds that its activities will be very greatly circumscribed.

Manifestly, if such a service is to be provided for, it ought to be made adequate; it ought to have sufficient funds to enable the bureau to act promptly and to procure the information which Senators and Representatives desire as speedily as may be possible. If the funds are so limited and the force restricted accordingly that the Reference Bureau can not promptly furnish information, it might just as well be abolished. I very much regret that it was not found practicable to retain this item in the bill.

Mr. WARREN. That, however, is not just now the issue. The issue now is a motion that we recede on the two amendments which I have stated as to the General Accounting Department.

Mr. FLETCHER. Mr. President, I am not opposed to the motion, and I am not going to stand in the way of the action which the chairman desires to have taken on the bill. However, I do feel like calling attention to one other item, because

I am afraid, while the chairman is fully advised about it, that the other conferees, particularly in the other body, did not thoroughly understand the situation.

Last fall Florida suffered from the effects of a very considerable West Indian hurricane which blew up out of the Gulf and swept along the southwestern coast of the State. It blew away a great many of the marks and aids to navigation along the Gulf, up the coast, the Manatee River, and Hillsboro Bay, and that region of the State. The people navigating ships there now have very great difficulty in getting along without these lights and other aids to navigation.

When the bill came over to the Senate, the Department of Commerce reported that situation to the chairman of the committee in a very strong way and recommended that the appropriation for the Lighthouse Bureau be increased $60,000. The chairman very properly and considerately offered an amendment to that effect and the amendment was agreed to in the Senate. It has been yielded in conference, and the result will be that the people in that region, navigating those waters will have to get along as best they can without these aids to navigation, because the Bureau of Navigation states they have not the money with which to supply them. They have been blown away by a hurricane, a very disastrous storm, and it leaves them without any means of replacing them.

I hope that condition will not have to continue very much longer and that a way may be found whereby at least some remedy may be provided for that condition. I regret very much that the conferees on the part of the Senate found it necessary to yield on that amendment, but I would not oppose the action which the chairman asks on the bill. I merely wanted to call attention to the facts, because there was no discussion about it in the Senate, and I am a little afraid the conferees did not understand the situation.

Mr. WARREN. I think that is true as to the conferees on the part of the House, because it seems that either the magnitude of the damage had not been understood or the proper witnesses were not called. The feeling on the House side was that they had included in the $60,000 sufficient until the matter could be taken up further, and they so insisted in conference. It is true that the head of the department later wrote to the chairman of the Committee on Appropriations of the Senate explaining the situation, and the Senate included the item. It went to conference and we struggled to maintain it, but it was one of the nearly 100 differences we had which we were compelled to surrender.

Mr. KING. I want to ask the Senator from Wyoming one question, in view of the statement he made a moment ago that there would be another deficiency bill shortly.

Mr. WARREN. I am assuming that there will be. I have no authority to say that there will be one.

Mr. KING. Is it apparent, from the Senator's knowledge of the fiscal affairs of the Government and the expenses, that there will be deficits in the various departments before the expiration of the present fiscal year?

Mr. WARREN. Most likely.

Mr. KING. How many deficiency bills have already been reported?

Mr. WARREN. This is the second one.

Mr. KING. Then before the end of the year it is quite likely that the deficiencies will aggregate $300,000,000 or $400,000,000?

Mr. WARREN. I will not say that. If unfortunately we may have to run quite far into the summer, there would be a line of judgments and certified accounts, which are always taken up in the last days of the session, which must be provided for through a deficiency appropriation bill; also other matters.

In the first place, let me say that ninety-odd million dollars of the $120,000,000 is for the veterans. Then there is an appropriation of $27,000,000 to refund the taxes which have been erroneously collected from the people. Then there are many judgments, which I shall not undertake to enumerate. There are also other amounts which we have to pay. It is not a matter of pleasure, but a matter of necessity.

Mr. KING. Then, with the Budget system and with the appropriations made in accordance with it, we have not been able to determine what the appropriations should be, but have been compelled to pass two deficiency appropriation bills and may be compelled to pass two or three more? The Senator from Wyoming nods his head, which, I presume, indicates assent.

Mr. WARREN. I do not know whether the appropriations will be small or large, but the usual method is at the end of the session to sweep up and clean up these matters in a small deficiency appropriation bill.

Mr. MYERS. Mr. President, I gather from what I have heard of what has been said during the last few minutes that the motion of the Senator from Wyoming, the chairman of the Committee on Appropriations, if agreed to, would eliminate from the bill the deficiency appropriation for the continuous maintenance of the Legislative Reference Bureau in the Congressional Library. Is that correct?

Mr. WARREN. The simple truth is that the regular bill failed to carry a matter of six thousand or seven thousand dollars—I do not remember the exact sum, although if it were at all in base I could state it—of the appropriation for the Legislative Reference Bureau. Whether they close for the time being is a matter for them to determine; but there is no necessity of their entirely discontinuing, although they may have to dispose of some of their clerical force.

Mr. MYERS. According to the Senator's motion, the Senate would recede from the Senate amendment increasing the item for that bureau?

Mr. WARREN. The Senator misunderstands the motion. That matter has been disposed of and is beyond question. I am asking that the Senate recede from two other entirely different amendments which relate to the Accounting Department in the office of the Comptroller General.

Mr. MYERS. The matter as to which I have made the inquiry, then, is not involved in the Senator's motion?

Mr. WARREN. No; it has nothing to do with it.

Mr. MYERS. I am glad to be enlightened on that point. I should very much regret if there should not be a sufficient appropriation made for the continued operation of the Legislative Reference Bureau. I believe that is a valuable bureau, and if we are to have the benefit of it at all, it seems that it should be in operation all the time. It appears to me that it would be folly for it to operate only during a part of the year and then to suspend for a few months by reason of a lack of funds. I have felt that it was in danger of having to do that unless it could obtain a larger appropriation than Congress has granted. The Senator from Wyoming, the chairman of the committee, now informs me that that question is not involved in the motion which is pending. I hope, however, that a sufficient appropriation has been made, or may be made, for the maintenance of the Legislative Reference Bureau, so that it may continue in operation without any suspension at any time during the year.

Mr. FRANCE. Mr. President, I will say that I quite agree with the Senator from Montana. I think it is very unfortunate that the appropriation for the Legislative Reference Bureau should be reduced.

I also suggest to the chairman of the committee that the appropriation to replace mariners' lights which have been swept away by storms is a matter of very great importance. It is very true that the omission of this item may result from a misunderstanding, but I think it is very unfortunate to have the lives of mariners and people who are sailing the seas imperiled and perhaps lost as the result of such a misunderstanding. It seems to me that it is imperative to have legislation providing for such an appropriation at once. The imperative need will be quite obvious to anyone who has been accustomed to sailing the seas. I hope that the committee has in mind legislation to take care immediately of that need.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. HARRISON. Mr. President, before the question is put I wish to ask the Senator from Wyoming how much does the pending appropriation bill carry?

Mr. WARREN. Speaking roughly, I should say it carries an appropriation of one hundred and twenty-odd million dollars. I am speaking without having all the items before me. I have, however, several appropriation bills in mind just now, so I may be a little incorrect.

Mr. HARRISON. When the bill passed the Senate it provided an appropriation of $137,000,000 and something over. Those were about the figures, but I presume since then the amount carried has been somewhat reduced. This is the third deficiency bill, is it not?

Mr. WARREN. In its present form the bill carries a little less than when it passed the Senate; but it is the second deficiency appropriation bill, I will say to the Senator.

Mr. HARRISON. The Senator says this is the second deficiency appropriation bill?

Mr. WARREN. Yes.

Mr. HARRISON. The Senator is not now counting the urgent deficiency bill, is he?

Mr. WARREN. The urgent deficiency appropriation bill was No. 1 and this is No. 2.

Mr. HARRISON. Can the Senator give us roughly the amount which is carried in the deficiency appropriation bills up to date, including this one, during the present session of Congress?

Mr. WARREN. The appropriations carried by the deficiency bills amount to something over $200,000,000.

Mr. HARRISON. Would they not amount to nearer $300,000,000?

Mr. WARREN. No.

Mr. HARRISON. The urgent deficiency appropriation bill, as I understand, carried $50,550,000; the first deficiency appropriation bill carried $105,277,000; and this bill as it passed the Senate carried $137,000,000.

Mr. WARREN. The Senator from Mississippi confuses the two sessions of Congress, perhaps, for we have only had two such bills in this session of Congress, which commenced in December last.

Mr. HARRISON. I am including the first one, which was for $50,000,000, and which was passed at the first session of the Sixty-seventh Congress. Is that correct?

Mr. WARREN. But this is the second session of the Sixty-seventh Congress.

Mr. HARRISON. What other deficiency bill, may I ask the Senator, was passed in the last session of Congress?

Mr. WARREN. The Senator is asking me, without my having the books before me, to cover a period running some time back, but I think there were, perhaps, as many as two and possibly three such bills passed during the last session.

Mr. HARRISON. And the appropriations contained in those bills amounted to about $382,000,000?

Mr. WARREN. I have not the figures before me.

Mr. HARRISON. Those are the figures contained in the book.

Mr. WARREN. They are correct, if they are in the book.

Mr. HARRISON. I thought so. So, during the last session of the Sixty-seventh Congress we appropriated in deficiencies $382,000,000, and up to date the deficiency appropriations during the present session of Congress, which is a little over three months old, total around $250,000,000. That is approximately correct?

Mr. WARREN. If the Senator from Mississippi is working along the line of comparisons, I might call his attention to the fact that the deficiency appropriations during the present session are Lilliputian compared with the deficiencies which we passed a few years ago.

Mr. HARRISON. I think the Senator misunderstands what I am driving at. I merely wanted to get the facts into the RECORD as to the amount of the deficiencies.

Mr. WARREN. I think I understand what the Senator is driving at.

Mr. HARRISON. I had hoped, as had other Senators, that after we had adopted the Budget system and had fixed our pattern that we would work toward it and that we would not have so many deficiencies.

Mr. WARREN. That is what we are doing.

Mr. HARRISON. Of course, I recall that during the World War——

Mr. WARREN. We now have fewer deficiency bills and they appropriate far less amounts.

Mr. HARRISON. I recall that during the World War necessarily we had to appropriate great amounts of money in the way of deficiencies. One bill, as I recall, carried several billion dollars; but before the war no deficiency bill ever carried more than $50,000,000, and I do not think we ever passed at any time more than two during any session; certainly at no session until our entrance in the war did Congress ever appropriate more than $75,000,000 in deficiencies.

Mr. WARREN. But the Senator understands——

Mr. HARRISON. If the Senator will permit me to continue, I desire to say that after we had adopted the Budget system we thought we would eliminate the necessity of appropriating money in deficiency bills; but we find that within three months we have appropriated practically two hundred and fifty-odd million dollars in deficiencies. So the Budget system is working splendidly up to date.

Mr. WARREN. Let me say——

Mr. BORAH rose.

Mr. WARREN. If the Senator from Idaho will excuse me for a moment, let me say the Budget system is working splendidly, and the Senator will have to admit it after it shall have had a fair trial. The Senator remembers that we are not yet out of the war; we are in the war to-day, and we shall be for a long time, so far as expenses are concerned. In fact, the very bill which is now before the Senate is almost entirely made necessary on that account, and so have been all of the other deficiency appropriation measures.

Almost a half billion dollars has had to be appropriated for the veterans of the war alone; and as the demands from that quarter increase from time to time they must be provided for in deficiency bills. That is a part of the war expenses proper. Nearly all of the judgments for which provision is made in the bill grow out of the hurry and scurry of war, when we were compelled to take property without proper compensation, to overturn patents, and to take wherever we liked; also to erect buildings on a cost-plus basis, as we did in a great number of instances. We have to clean all that up afterwards.

Mr. BORAH. Mr. President, I do not desire to delay a vote upon this matter; but, inasmuch as the Budget system has been mentioned, I desire to say that the idea has gone abroad throughout the country that by reason of the adoption of the Budget system some of the responsibility for appropriations has been lifted from Congress. The fact of the matter is that the Budget system will be an utter and absolute failure if Congress does not do its duty in cutting down expenses and appropriations. So long as the Congress creates bureaus and provides that method of expending money, the Budget Bureau can not do other than make an estimate for the bureau which we have created. The responsibility is still upon Congress——

Mr. WARREN. Exactly.

Mr. BORAH. And it can not be transferred to any other body so long as the Constitution of the United States remains as it is.

Mr. WARREN. That is correct.

Mr. BORAH. The Congress of the United States will have to assume the responsibility to the people of the United States for all appropriations.

Mr. JONES of Washington. Mr. President, if the Senator from Wyoming will permit me, I should like to add that the Budget system has been in operation only a little over six months, the law having been signed, as I recall, in June of last year.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming that the Senate recede from its amendments numbered 26 and 27.

The motion was agreed to.

Mr. WARREN. Mr. President, that leaves one matter still open, namely, amendment of the Senate numbered 60, to which the House has added an amendment. I move that the Senate concur in the amendment of the House to Senate amendment numbered 60.

The motion was agreed to.

Mr. UNDERWOOD. As I understand, that disposes of this particular bill?

Mr. WARREN. Yes; it disposes of the bill.

FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. RANSDELL obtained the floor.

Mr. JOHNSON. Will the Senator yield for a moment, in order that I may present a reservation, which I ask may be read, and then that it may be printed and lie on the table?

Mr. RANSDELL. I yield.

Mr. JOHNSON. I offer the proposed reservation because it represents the concentrated wisdom of the majority of the Republican members of the Foreign Relations Committee, or, rather, it did represent that concentrated wisdom at one time.

Mr. POMERENE. Mr. President, will the Senator please state when that was?

Mr. JOHNSON. When the Foreign Relations Committee was acting upon reservations to the pending treaty the proposed reservation represented the concentrated wisdom, I assert, of the majority Republican members of the Foreign Relations Committee.

Mr. HARRISON. Mr. President, may I ask if it represented then the wisdom of the majority members of the committee, why was it changed?

Mr. JOHNSON. Because some of the Republican members changed their minds the following day.

Mr. HARRISON. In the committee?

Mr. JOHNSON. In and out of the committee. [Laughter.]

The VICE PRESIDENT. The reservation intended to be proposed by the Senator from California will be stated.

The ASSISTANT SECRETARY. The Senator from California proposes the following reservation to be made a part of and to be incorporated in the resolution of ratification:

The United States understands that it assumes no obligation, either legal or moral, to maintain the rights in relation to the insular possessions or insular dominions of any of the other high contracting parties, and that the consent of the Congress of the United States shall be

necessary to any adjustment or understanding under articles 1 or 2 by which the United States is to be bound in any way, and that there is no obligation, either legal or moral, to give such consent.

The VICE PRESIDENT. The reservation will be printed and lie on the table.

Mr. SHIELDS. Mr. President, will the Senator from Louisiana yield to me for a moment in order that I may present a reservation?

Mr. RANSDELL. I yield with pleasure.

Mr. SHIELDS. I present a reservation which I ask may be read, printed, and lie on the table. It is one, I think, that will not provoke any argument, but will be accepted in view of the explanations made here in the Chamber by the two American delegates who are Members of the Senate.

The VICE PRESIDENT. The reservation proposed by the Senator from Tennessee will be stated.

The ASSISTANT SECRETARY. The Senator from Tennessee proposes a reservation, to be incorporated in the resolution of ratification, as follows:

Provided further, That the United States gives its consent to the foregoing treaty and becomes a member thereof for the sole purpose of aiding, by its friendly offices and efforts, in removing friction and controversy between the several high contracting parties concerning their insular dominions and possessions in the Pacific Ocean in the regions described and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions and contentious of foreign nations and governments.

Mr. ROBINSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. ROBINSON. Is there now pending any amendment to the treaty?

The VICE PRESIDENT. There is no amendment pending.

Mr. ROBINSON. If the Senator from Louisiana will yield to me for that purpose I will submit an amendment, and ask that it may be read, so that it may be the pending question.

Mr. RANSDELL. I am glad to yield.

The VICE PRESIDENT. The Senator from Arkansas proposes an amendment, which will be stated.

The ASSISTANT SECRETARY. At the end of article 1 it is proposed to add the following:

Each of the high contracting parties will refrain from entering into or being a party to any secret treaty, agreement, or understanding with any other power or powers during the life of this treaty.

Mr. RANSDELL. Mr. President, it gives me much pleasure to support the pending four-power treaty, and to express the earnest hope that it will be ratified without much further delay and by a large majority. This treaty is indissolubly connected with the treaty limiting naval armaments and with that relating to the principles and policies to be followed in matters concerning China. In my judgment these three treaties must stand or fall together. The reasons which induced the negotiation of one contributed strongly to the other two and vice versa. They were created by the same conference, at practically the same time, by the delegates who were assembled to consider the identical questions relating to reduction in navies and to peace in the Pacific and Far East that are included in these three treaties. I can not differentiate between them in such manner as to support one or two and oppose the third, hence I shall vote for all three.

So far as I can ascertain, there is practically no opposition in the Senate to the treaty which binds the United States, the British Empire, France, Italy, Japan, Belgium, the Netherlands, and Portugal to respect the sovereignty and independence of China, and very little objection to the agreement of the United States, the British Empire, France, Japan, and Italy to reduce materially the capital ships in their respective navies. But there is much difference of opinion as to the four-power treaty, and it should be considered with the greatest care.

This latter treaty between the United States, the British Empire, France, and Japan is couched in brief, simple language, which seems easy to comprehend. Article 1 binds the four contracting parties as between themselves to respect their rights in relation to their "insular possessions and insular dominions" in the region of the Pacific Ocean. In case of controversy between themselves arising out of any Pacific question and involving their said rights, not satisfactorily settled by diplomacy, they agree to have a joint conference of the four contracting powers for consideration and adjustment.

Article 2 provides that if their aforesaid rights are threatened by aggressive action of any other power, the four signatories shall communicate with one another in order to arrive at an understanding as to the most efficient measures to be taken to meet the exigencies of the situation.

Article 3 fixes the terms of the treaty at 10 years.

Article 4—the last—provides for ratification of the treaty according to constitutional methods of the high contracting parties. It also states that when this treaty is duly ratified the Anglo-Japanese Alliance of July 3, 1911, shall terminate.

An explanatory declaration attached to and made a part of the treaty recites that the controversies between themselves referred to in article 1 shall not be taken to embrace questions lying exclusively within the domestic jurisdiction of the respective powers.

And a supplementary treaty on the same subject was agreed to, which defines the meaning of the term "insular possessions and insular dominions" in its application to Japan.

When the treaty was submitted to the Senate and referred to the Committee on Foreign Relations a reservation, offered by Senator BRANDEGEE, was accepted by that committee and is now before the Senate, which reads as follows:

The United States understands that under the statement in the preamble, or under the terms of this treaty, there is no commitment to armed force, no alliance, no obligation to join in any defense.

This reservation is intended to prevent any misconception in the minds of anyone, either in this country or abroad, as to the real meaning of the treaty. It neither adds to nor takes from the treaty, as I construe it, but it can do no harm and may do good, hence I shall vote for it.

This is the treaty. Let us analyze it and try to ascertain its true meaning. This can best be done by first stating the principal reasons which led to its adoption, as follows:

(a) There has been a great deal of friction for many years among all the leading powers in regard to China, especially since Japan took possession of Shantung in 1915, and has treated it practically as a conquered province.

(b) The failure of Japan to withdraw her military forces from Siberia after the United States Army retired from that country in the spring of 1920 has added fuel to the flames.

(c) China and Russia have been strong friends of the United States for the last century, and whatever affects either or both of them adversely arouses deep interest in America.

(d) On the Pacific coast of the United States a number of domestic problems connected with Japanese immigration and land ownership have caused much crimination and recrimination.

(e) The United States has vast responsibilities in the Far East through its ownership of the Philippines, which are 7,000 miles away from the mainland of America.

(f) There has been in existence for 20 years a treaty of alliance and defense between the British Empire and Japan which binds Great Britain to conduct war in common with Japan in order to defend its territorial rights or special interests.

(g) Japan is in close proximity to the Philippines; there is a very large Japanese population in the Hawaiian Islands; Japan has exhibited a remarkably militaristic spirit in her recent wars with China and Russia, her forcible absorption of Korea, and her continued hold on Shantung and Siberia.

(h) The three leading naval powers have been engaged in a race of giant battleship construction, the United States setting the pace, Japan following as fast as she could, and Great Britain, mistress of the sea for more than a century, panting in her effort to keep up a navy equal to ours.

Owing to these matters and a variety of others there was a deep feeling of anxiety throughout the world in regard to the Pacific and the Far East prior to the opening of the Conference on the Limitation of Armaments.

Such was the situation and such the temper of the world on the 12th day of last November, when the delegates of nine great countries assembled in Memorial Continental Hall in this city on our invitation. President Harding opened the conference with a strong plea for service to mankind in the spirit of simplicity, honor, and honesty. Then came the address of Secretary Hughes, in which he detailed the plans prepared by himself and his colleagues for a practical, substantial limitation of capital ships and a naval holiday of 10 years.

As Mr. Hughes elaborated his concrete program for reducing the navies of the United States, Great Britain, and Japan by scrapping a large number of big battleships, aggregating 1,878,043 tons, and fixing the tonnage of capital ships at 525,000 tons each for the United States and the British Empire and 315,000 for Japan, his auditors heaved a sigh of relief and broke forth in spontaneous, long-continued applause.

The American spokesman had laid all his cards face up on the table and written a new chapter in international diplomacy. Humanity breathed easier from that hour. It was a great triumph for the representatives of our country. I have never felt prouder of being an American citizen than on that occasion. The work of the conference was conducted as it began, in a

spirit of honesty, fairness, and absolute frankness and openness. For three months the delegates labored faithfully and well. As a result they have presented to us five treaties, the three most important of which I have briefly outlined above.

In addition, and as a direct result of this conference, China and Japan have entered into a satisfactory treaty by which Shantung is restored to China, and that great source of trouble has been removed. As a further result of the conference Japan has made definite promises to withdraw her military forces from Siberia as soon as a satisfactory adjustment of her claims have been arranged with an orderly Russian government.

The origin and source of this conference was the necessity for maintaining peace in the Orient, and peace will be maintained if all the treaties negotiated by it are ratified.

To approve the naval disarmament plan and refuse to ratify the four-power treaty would, in my judgment, be a fatal mistake. Indeed, I very much fear that if the defensive alliance between Japan and Great Britain, which is to terminate upon the ratification of the four-power treaty, be allowed to continue in existence, owing to failure of ratification of this treaty, there will be such dissatisfaction in America, Great Britan, and Japan that the fate of the naval disarmament treaty will be greatly jeopardized, if it be not thereby defeated.

If the United States is to reduce the number of its battleships—and every lover of his country should wish to see that done, provided it can be accomplished safely—then Great Britain and Japan must terminate the alliance between them, the continuance of which would seriously threaten our country.

Many who are willing, aye, who are anxious, to reduce the number of our colossal battleships proportionately to a like reduction in the ships of Great Britain and Japan would be unwilling to see our Navy seriously crippled while an alliance continues between Japan and Great Britain providing specifically for the union of the fighting forces of these two great nations in case of trouble with any other country.

If the four-power treaty be ratified, and not alone Great Britain, Japan, and the United States but also France be joined in a friendly understanding to keep the peace of the Pacific and the Far East, at least in so far as their insular possessions and insular dominions are concerned, and at the same time the alliance between Great Britain and Japan is terminated, there is no reason why the limitation of naval armaments should not be carried out with very great benefit to all the world, and with no loss to any nation of its relative strength on the sea.

The four-power treaty is merely an agreement between the four countries which are most powerful in the Pacific to meet in friendly conference with a view to ascertaining all the facts and doing everything possible to adjust any differences between themselves that may arise in regard to their insular possessions or insular dominions in the Pacific. It is not an alliance. It does not bind any of the nations to engage in war for the benefit of the other nor to refrain from going to war with one or the other if an adjustment of their differences is found impossible after full conference and earnest efforts at settlement.

Article 1 in substance creates a court of conciliation, composed of the two other powers, who shall give their good offices whenever trouble arises between two of their associate powers. Representatives of the four countries assemble, and there is a full, frank discussion of the points in dispute; there is an actual finding of the facts in the case and a hearing of all the arguments pro and con. The two disinterested powers can then express their views so clearly and simply as to result, in most cases, in their being accepted. The experience of mankind has proven that most trouble between individuals—and the same is true of nations—arise from misconception, from ignorance of the other party's viewpoint, and whenever individuals or nations can be induced to thresh out their differences in detail, with the assistance of disinterested friends, there is generally a satisfactory adjustment, or, at least, there is no resort to hostilities.

It must not be overlooked that this conference of the four powers, assembled to consider a difference arising between two of them, will, in all probability, be conducted publicly, just as the proceedings of our recent conference were carried on, and if that plan be followed the public opinion of the world will assist in arriving at a proper settlement. I regard this as a most important feature, for there is nothing so strong on earth as well-informed public opinion, and there is no reason why we should not have the most intelligent public opinion on a matter of international import when the conferees of these four great powers get together, determined, in the spirit of the four-power treaty, to adjust any and all differences if possible.

As to article 2, providing for the adjustment of differences between one of the high contracting powers and any other power, the same general principles would apply. To illustrate, let us suppose that Russia and Japan should fall out in regard to Sakhalin and their differences should cause grave fear of a resort to arms. It would then be necessary for the United States, Great Britain, and France to join in a conference with Japan with a view to a settlement of these difficulties. In order to do justice these three powers would be obliged to hear as fully and freely as possible both sides of the case; hence Russia, as well as Japan, would be permitted to present its witnesses and arguments. In fact, these three powers would sit substantially as a court of arbitration, neither of them having any personal interest in the controversy and all anxious to maintain peace between Russia and Japan. In such a case it is inconceivable that the United States and France, which for a century have been close friends of Russia, would consent to any adjustment that did not render substantial justice to Russia. In fact, Russia in that event would have two of its best friends sitting in the conference called to adjust its differences with Japan, and it certainly could not complain of such a tribunal.

The same is true as to China in case it should have trouble with Japan and a conference between the four powers be convened, as provided by article 2. China has been and, I believe, always will be a close friend of the United States. There is also warm friendship between France and China. These three countries have demonstrated their affection for each other in many ways. Surely there would be no danger of an adverse decision to China in such a conference if the United States and France could avoid it.

I do not mean to intimate that these great powers would be too friendly to China or Russia and unfriendly to Japan. Such an idea is far from my mind, but I do contend that the tribunal, or conference, or whatever it is called, provided for in article 2, furnishes a fair-minded, just medium, which will come as near to a satisfactory settlement of international difficulties as any method that can be devised.

All will agree that the recent Conference on the Limitation of Armament has already been distinctly helpful toward world peace. It has removed many of the suspicions and anxieties that harassed the citizens of China, Great Britain, Japan, and our own country, to say nothing of other nations which are more or less interested in Pacific problems. Why can we not expect similar good results from a conference of the delegates of the four great countries who are parties to this treaty whenever they meet for the purpose of discussing international questions? Our only safe criterion for the future is the past. Conferences of the past have usually resulted in good. Why may we not expect good from those of the future?

I was a strong advocate of the League of Nations and deeply regretted the failure of the United States to join therein. That is a matter of past history, however, and we must deal now with the living present. The four-power treaty, in so far as the four leading nations of the world are concerned, very closely resembles the Versailles treaty except that it contains no threat of force nor anything bordering on force unless it be the force of public opinion. It was the alleged presence of this element of force in the Versailles treaty which was largely responsible for its defeat. I would gladly support a 12-power treaty, composed of the 12 leading nations of earth, or a greater number, applying to all questions of international controversy between themselves and others the same principles and policies which the four-power treaty applies to controversies arising out of the insular possessions and insular dominions in the Pacific of the four signatories. But such a treaty is not before us, nor is there the least likelihood of such a one being negotiated. I can imagine treaties much more far-reaching, comprehensive, and beneficial than the four-power treaty, but as a practical legislator I feel impelled to deal with what is before me and not with what I would like to have. Therefore, believing that this treaty contains much good and no evil, I shall gladly vote for it.

Mr. WILLIAMS. Mr. President, I was accused yesterday of having unnecessarily and unprovokedly dragged the Irish-American citizenship of America into this discussion. The charge, if it be a charge, the insinuation, if it be an insinuation, is false. Nobody has a right, as a so-called hyphenated American, to erect himself into a power within America and to attack the motives and the courage and the patriotism of everybody who differs with him without expecting some return in kind.

I did not bring these people into this controversy; they brought themselves into it. I have been receiving, as all Senators have been receiving, an almost daily "news-letter" from the "Friends of Irish Freedom," from the National Bureau of Information in the city of Washington. I have been reading these communications, in which they attack me and every other man who is supporting these treaties as being disloyal to

America and a sort of hired agent of Great Britain, until I got tired of it.

I have no respect for a man who makes an attack upon another and then, when his attack is replied to, pleads the baby act and says, "You are hitting me." I never hit anybody unless that body has previously attempted to strike me.

I hold in my hand one of the many vilifying utterances of this association. It is dated March 11. Amongst the other things it says are these:

Those who favored "entangling alliances" and said that if the various treaties were to be ratified by the Senate speedy action was necessary, spoke by the card. Every hour adds to the chances of defeating the un-American alliance.

The "un-American alliance"! Mr. President, one of my ancestors lay in a British prison ship six months before he could be exchanged. Another of the family is buried at Kings Mountain, and buried where he died, and these fellows are coming up telling me about something that is "un-American"! They go on:

The return of Secretary Hughes is awaited with undisguised interest by the American delegates, LODGE and UNDERWOOD, who have themselves admitted that they knew nothing of the secret negotiations leading up to the four-power pact.

Of course, they confess they knew nothing about "the secret negotiations," if there were any, because if there were any they were secret. I happen to know a little something about the ancestry of the Senator from Alabama [Mr. UNDERWOOD], a good old Kentucky family, going away back to the Revolutionary War, and serving in that war against British oppression and British tyranny, and here are these little newborn, hyphenated Americans charging him, as well as me, with something "un-American"! What they meant was something "un-Irish," and we might just as well be plain about it. They go on:

Republican opponents of the Versailles treaty and the League of Nations are filled with righteous indignation over the opposition to the "harmless" four-power pact. Opposition Senators declare that if there was any real warrant for complaint over the alleged failure of Woodrow Wilson to supply data concerning the Versailles treaty, far better ground for distrust exists now because of the frank admission that no data on the evolution of the Pacific treaty are in existence.

"The alleged failure of Woodrow Wilson to furnish information." Who alleged it? The German-American and the Irish-American societies in the United States, the very fellows who are alleging this.

The doors of the Washington conference were closed to the people.

The only instance in all history, except at Versailles, of full accounts beforehand and afterwards being sent out to the press of the whole world as to what people were talking about and what people were trying to do in diplomatic circles took place here at the city of Washington. Any man who pretends that anything was kept from him or from anybody else who read the daily newspapers in either of those conferences is guilty, in my opinion, of self-deception, not to word it more strongly.

The doors of the Washington conference were "closed to the people"!

What people? German-American people, who did not want to understand, even if they could hear?

And the result is that no one knows what happened behind these barred doors—except those who prefer to keep quiet about it.

I hold no brief for the Senator from Massachusetts [Mr. LODGE]. I never agreed with him about anything of a political character in my life, as far as I remember, and I hope to God I will die without having been guilty of ever agreeing with him about anything; but I do know something about the Senator from Alabama.

Those who prefer to keep quiet about it.

One of the peculiarities about OSCAR UNDERWOOD is that even when he wants to keep quiet he does not know how. I have frequently wished that he did know how.

Mr. President, before I go on with this, let me say that if there is one thing I despise in the world it is a man who makes an attack upon me and other people, and when I return the attack in self-defense "pleads the baby act." No man can go through this world hitting other people, if he is a sure enough man, without expecting other people to hit him back. Let us see further what this says. It goes on:

The Times—

That is, the New York Times—

is plainly worried, not regarding the effect of the treaties upon the United States but the effect the rejection will have on Great Britain.

The New York Times, not an American paper but a British paper, according to this fellow, does not regret anything which may happen to America, but is regretting what may happen to Great Britain. As far as I know, none of its subscribers, none of its editors, and none of its writers are British subjects; they are all American citizens. This is a miserable, contemptible, and cowardly attack, and yet when you resent it, there is "the baby act" plea in response to you.

She won't like us any more—

"She" is Great Britain—

won't try to make more treaties with us. We believe she will not—for a time, at least—and that the rejection of the treaties by the Senate of the United States will serve notice upon her that we stand for "no entangling alliances"—

As if any alliance could be otherwise than entangling; at least to the extent of its worded provisions—

and refuse to yield to the blandishments of her diplomats what could not be wrung from us as a nation on the field of battle.

From us, now, as a nation, "on the field of battle." The Americans who fought the War of Independence were Scotch and English and Welsh and Scotch-Irish. This crowd, now howling and pleading the baby act, had nothing to do with it. Twenty years after the Revolution a cardinal of the Roman Catholic Church, a Carroll of the State of Maryland, mentioned the fact that there were at that time but 26 Roman Catholic priests in America and 26,000 communicants, and most of those were English Catholics in the State of Maryland. If at that time Louisiana had been acquired, a great many of them would have been French Catholics and not Irish Catholics at all.

Who fought the battles of the Revolution? Did they fight them? They were not here to fight them. Most of them came over in the Irish potato panic and starvation period of 1848 and 1849, long after the War of the Revolution was over.

The Senate of the United States will never become a rubber stamp in the hands of those who like to "back out" in the presence of "royalty."

Accusing me of "backing out," and above all things "in the presence of royalty." God knows I never knew any royalty in my life, and never have had the slightest desire to know any, and nobody else of my kith or kin did. I belong to that race in Britain which never had any native nobility. The men who could sing and the men who could fight took charge in peace and took charge in war of the Welsh and British clans. We had no nobility.

All this, though, goes without saying, and the minute I reply to it by merely mentioning the names of the assailants, I must be accused, in the cloakrooms, at any rate, of "making an unprovoked attack upon the Irish-American citizenship" of the United States. I did not make the attack; they made it; and they made it upon me. They made it upon my honor; they made it upon my patriotism; they made it upon everything that my ancestors have gloried in, everything I have stood for, and everything that I hope my children and grandchildren will stand for. I say it is cowardly to attack me and then to plead the baby act, in or outside of the cloakroom, because I resent the attack.

Let me read a little further:

They indicate, merely—

Referring to the late attempts of the Parliament of Great Britain to bring about peace in Egypt and in India and in Ireland—a very laudable attempt, I think—but referring to them, this screed says:

They indicate, merely, that the scene of battle has been transferred from within the Empire to the United States.

A scene of battle in the British Empire "transferred to the United States." How? The fellow who wrote this, if it were one fellow, knows what he means; he knows how, and he is partially telling the truth. It was not the British Empire that attempted to "transfer the scene of battle," but the Irish-Americans of the United States. They hope to win in popular elections in America by the cowardice of politicians what they fear they might lose somewhere else—at home.

They indicate merely that the scene of battle has been transferred from within the Empire to the United States, where Great Britain hopes to accomplish by diplomacy and intrigue what she can not accomplish by force. The ruling class realizes that the conscience of the world has been awakened and aroused at the story of tyranny and oppression within her own domains, and that some effort must be made to satisfy an outraged public opinion, particularly in America.

Why "particularly in America"?

Mr. President, Great Britain has many sins to answer for—oppression in India, oppression in Egypt, oppression in Ireland. Her sins are her sins and not my sins. I and my ancestors parted from her long ago, and we are no longer responsible for her sins; we are not answerable for them before any tribunal of God or of men.

I never read Campbell's poem—

O'Connor's pale and lovely child; or, The flower of love lies bleeding—

without finding it difficult to restrain my tears. I know the sufferings of the Irish people in Ireland, not only of the Roman Catholic Irish in south Ireland when the Protestants were in control, but of the Presbyterians and the Episcopalian Irish in

north Ireland when Tyrone and the Roman Catholics under James II were temporarily in control. I know the whole long story of mutual outrages—women raped by both sides, children killed, men murdered. I have no sympathy with either of them. I have lost all sympathy with the majority, because I have been born and bred a member of the minority in this country, sectionally and politically. But it strikes me now and then that men who are worried to death about the freedom of the Irish under the British flag might take some little notice of the servility of the Filipinos and the dissatisfaction of the Porto Ricans under the American flag.

I do not want to keep any unwilling people subject to any flag anywhere—my flag or anybody else's. As a Senator of the United States I have no right to speak in my political capacity except concerning the subjugated races that are subjugated to my own flag, and for them I have always spoken. This paper continues:

Therefore she sends out offers of conciliation, of compromise, of concession, hoping to thus blind the people of this country until the end she seeks has been achieved here.

Who, Mr. President, doubts the power of Great Britain to reconquer Ireland to-morrow if she wanted to? The man who doubts the power of 50,000,000 brave people to reconquer 5,000,000 other brave people must be crazy. The most heroic struggle ever made in the history of the world against conquest was made by the people of the Southern States against those of the Northern States in this Union. We were at least one-third of our opponents in man strength, and we could keep the war up for only four years. The very men who talk about Great Britain "pretending to concede and compromise" are the very men who know that their only hope of life or safety consists in the magnificent common sense of the British people, which has declined to carry on a war of reconquest against Ireland—a people headed by that magnificent Welshman, David Lloyd-George, who stood in a position where he could mediate between the two races; who did not want to exterminate the Irish race; who did not want to reconquer Ireland; whose every thought and every idea and every instinct was opposed to it; and yet, instead of showing any degree of gratitude to him, this fellow writes it "is a mere pretense."

We did not find any such pretense from you men of Massachusetts and Illinois when we were down. You did not make any pretense that you were going to let us up. You not only carried your battalions, joined by all the $13-a-month men whom you could collect from Europe, against us but you kept up the war 10 years after the war had ended with carpetbaggers and scalawags and niggers. But we never pled the baby act. No southerner has ever yet pled it. We never sought a scapegoat; no southerner has ever yet sought one. It would have been easy for us to have blamed Jeff Davis and his cabinet and various other people, but we did not.

We just said, "The sin is ours if there be a sin; the subjugation is ours if it be subjugation. Meanwhile we are men and we are going to try to live as men, and we are not going to plead the baby act." Now, listen to this:

The liberty and independence—

Mark that, Mr. President—

of America are for the moment at stake.

The independence of America is at stake right now! Did you know that, Mr. President? You had not learned it, had you? Do you not know really that our independence is at stake right now? Our territorial integrity, I suppose, is also at stake. What upstanding southerner in this body or what northerner, either, is in the slightest degree afraid about the "independence" of the United States? Where are we right now as compared with the balance of the earth? Counting all the gold under our feet and sitting right on top of it and defying the world to get any of it—the balance of the world without cash or credit, and unable even to buy what we have—and how we are proposing out of pure partisan insolence to prevent the balance of the world from paying us even in the products of their labor, because we are threatening to put the highest protective tariff there ever was upon everything that they can possibly ship to us, so that we can say to them, "You have neither cash nor credit, and, so far as we are concerned, you have no products, either; so you can not trade with us at all."

The liberty and the independence—

The liberty—

and the independence of America are for the moment at stake.

This is not only the crowd that pleads the baby act whenever you resent their attack; this crowd is making the attack; it is the crowd that you wanted to let alone provided they would let you alone, but they would not. The liberty of the Senator from North Carolina is at stake! The independence of America is at stake to-day—

Through the intrigues of England, Japan, and France—

Generally they leave France out, because they think France has a sort of traditional friendship for us, and they cultivated it by leaving her out of their censures, but this time this monumental ass put her in.

And if liberty fades from the United States, then liberty is lost to the world.

This is not the fellow who was pleading the baby act, remember; this is the fellow who was making the attack bravely and valiantly, not braggartly or cowardly! That came later.

In defeating the designs England has on America at this time, and in throwing a ray of light on her propaganda—

Listen to this now—

the Friends of Irish Freedom feel that they are best serving the interests—

That they are best serving the interests of what? America? The United States? No; but of Ireland. His pen slipped again. Well, I frankly confess that I am not a Senator from Ireland. That is not all of this; there is a heap more of it. Speaking of the so-called English propaganda he says:

It has all but destroyed the facts of the Revolution.

Now, what was the outstanding fact of the Revolution? American independence. These united colonies became these United States. Is anybody who is not an ass contending that this fact of the Revolution is either destroyed or threatened at this minute? This was written by people who are not Americans; who take no glory in America; who take no courage from America, but imagine that they were standing for something outside of America in America's name.

It has all but destroyed the facts of the Revolution, and now reaches out to make this country a dependent of the British Empire.

That thing was sent to me and sent to some other Senators, I reckon; in fact, I reckon all of you received it. This little clique of hyphenated Americans imagined that you and I were asses enough to think we were about to become "dependents of the British Empire," or else they were plainly lying. They either thought we were fools enough to believe it, or else they knew we were smart enough not to believe it, and in that event were simply lying.

A dependent of the British Empire—more dependent than the original Colonies ever were—because "the forest of giant oaks" of American statesmen has all but fallen into decay.

My friends, who were the trees in "the forest of giant oaks of America" when we won the independence of this country? George Washington, English, every drop of his blood; Thomas Jefferson, Welsh and Scotch, every drop of his blood; the Randolphs, Scotch, with a little sprinkling of English; the Adamses, English all the way through, from old Samuel down to John Quincy and the modern family of that name; the Livingstons, Scotch and English. And, by the way, I picked up a paper this morning which referred to Andrew Jackson and Patrick Henry as being Irishmen. Patrick Henry's father and mother were born and raised in Aberdeenshire, Scotland, and neither he nor his father or mother ever saw Ireland in all their lives. He was named after his uncle, who was a clergyman of the Anglican Church, the Church of England, in Scotland, and probably left because the Presbyterians got too much of an underhold there and he had to leave. Andrew Jackson's father was born in Lowestoft, the very people of all the world who have the biggest quarrel with the Irish and have carried that quarrel on until now. And somebody yesterday suggested the Duke of Wellington was born in Ireland. Yes; he was born in Ireland, and was a member of a Norman family in the "English garrison" in Ireland.

I am getting a little tired of this pretense that the only real American people in America are the hyphenated Americans. I happened to be in Wales one morning and asked a gentleman a question. He responded to me in Welsh. I said, "You are barking up the wrong tree; I can not speak Welsh"; but he said, "You are Welsh; you look it." I acknowledged that I partially was, but nearly 300 years removed.

It has all but destroyed the facts of the Revolution.

The chief facts of the Revolution were local self-government and American independence; and if either one of them is either destroyed or threatened I can not see it.

And now reaches out to make of this country a dependent of the British Empire.

It not only becomes a dependent but it becomes one of the many dependents of the British Empire, according to this.

More dependent than the original Colonies ever were, because "the forest of giant oaks" of American statesmen has all but fallen into decay.

Do they not regret it—this "falling into decay" and all that? Oh, there is lots more of it, but I do not believe I will bore the Senate with it all.

Here is a quarrel, which I read on page 7 of this miserable, false screed, with Canada and the British West Indies for offering to give Great Britain "preferential tariff rates." Why, we do not give to Mississippi and New York and Montana and California "preferential tariff rates." We go further and put them all behind a common tariff wall; and if Great Britain to-morrow were to pass a tariff law up to the size of ours, excluding our products from all her dominions, except when we pay a tax equal to that which we levy upon products coming to our shores from her and them, we would have no national right to complain. Great Britain has permitted her colonies to make tariffs against herself. Australia has tariffs against British products; so has Canada; so have the West Indies.

I hold no brief for Great Britain. I am not a British subject. None of my ancestors have been since Jim Williams died at Kings Mountain, and since John Williams led his regiment under Washington's immediate control in New Jersey, and under Greene in North Carolina, so what does all this nonsense mean?

And then the Right Rev. "Michael J. Gallagher"—Michael J. Gallagher, the right reverend—makes a little speech, too, out at Detroit. There is nothing Irish about him. There is no Roman Catholic religiousism in him, I suppose, although he is a right reverend; but he hides himself behind both, and makes an attack upon me and upon us, and I dare say if I replied to his attack or even read what he said and made a few remarks in explanation and defense against his harangue I would be accused of being irreligious as well as un-American and unpatriotic; but I have an old-fashioned notion that a preacher had better obey St. Paul's injunction and "preach Christ and him crucified" and nothing else, and that he has not anything to do with politics, and especially nothing to do with international politics. But he closes his magnificent "American" oration, in the name of "Michael J. Gallagher," a bishop of Rome and subject to Rome, with these words:

Yet we are going to repudiate the traditions of Washington, the guiding star of our Nation for decades.

Imagine George Washington being the guiding star of a Roman Catholic bishop!

We are about to enter into entangling alliances with foreign powers.

That refers to this treaty.

Mr. President, I apologize to the Senate for having addressed it at all; but I learned in the cloakroom late on yesterday afternoon, and I learned again this morning, that somebody was accusing me of "going out of my way" to bring the Irish-Americans into this discussion, and I wanted the Senate and the country to know that it was not I who went out of my way, but that it was they who went out of their way to attack me and every other American Senator who is voting for these treaties and world peace to the limited extent of their purview.

Mr. SPENCER. Mr. President, I desire very briefly to say something about the reservation which the Committee on Foreign Relations have proposed to the so-called quadruple or four-power treaty. That reservation reads:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

The treaty itself is so important not alone because of its inherent value both to the United States and to the world but as well because of our national pride for it as one of the great results of the Disarmament Conference, which had its origin in American minds and hearts, that I earnestly hope this treaty may be speedily ratified by the Senate.

It is not too much to say that the failure of this four-power treaty may result in the failure of the disarmament treaty, which, because of its more spectacular provisions, is perhaps far better known and is universally approved, and such jeopardy of the disarmament agreement that will inevitably exist if the instant treaty fails must not be overlooked.

It is manifest that if the present four-power treaty, which has to do with the stabilizing of potentially troublesome questions in connection with the islands of the Pacific and in connection with the Far East, is not ratified, there will immediately become apparent a disinclination, if not a refusal, to ratify the treaty providing for naval disarmament, because such international disarmament is logically dependent upon a reasonable expectation that at least future difficulties related with the Pacific, as they may arise, shall be determined by peaceful means.

I shall vote wholeheartedly for the treaty, without any reservation, and shall even vote for the treaty with the reservation as proposed by the committee in case the reservation is adopted; and, in fact, I would vote for the reservation itself, unnecessary as I shall attempt to show it to be, if I thought that the ratification of the treaty could be more promptly secured by the reservation; but I can not refrain from expressing some views with regard to the reservation itself.

This reservation creates a situation that is far more apt to produce misunderstanding than to eliminate misunderstanding. The reservation itself is in greater need of explanation than the treaty which it attempts to explain. On the face of it, the reservation declares an absurdity, for it provides inter alia that under the terms of this treaty there is "no alliance." It may be quite true, as has been forcefully stated upon the floor of the Senate, that an alliance between nations means, ordinarily, an alliance that is offensive or defensive, or both, and that it contemplates the possible use of force; but that interpretation of an alliance can not be what is intended by the reservation in the use of the word "alliance," because the reservation in its other provisions expressly provides for such possible interpretations relating to force, and declares that under the terms of the treaty there is no "commitment to armed force." Then, to make it doubly clear, it provides that no such war-breeding alliance is contemplated, and there is the added provision in the reservation that, under the terms of this treaty, "there is no obligation to join in any defense"; so that the idea of any offensive or defensive alliance is entirely negatived in the express provisions of the reservation having to do both with an offensive alliance and with a defensive alliance, and having thus completely exhausted the idea of a defensive or an offensive alliance the reservation contains the language which creates this ridiculous absurdity.

Everyone knows, or by reference to any standard dictionary can easily ascertain, that the term "alliance" in its general sense is substantially synonymous with the term "treaty"; that it means nothing more nor less than "a connection of interests between States" that is created "by treaties"; so that the reservation having by its other provisions expressly guarded against the defensive or offensive idea of an alliance, and giving to the word "alliance" its general meaning of a "treaty," which is the only meaning unprovided for in the reservation, we find that the reservation solemnly declares that "under the terms of this treaty there is no treaty."

The reservation is a gross imposition upon the treaty, whose terms are perfectly clear.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. SPENCER. I yield to the Senator.

Mr. WILLIS. I do not desire to interrupt the Senator.

Mr. SPENCER. There is no interruption.

Mr. WILLIS. I understood the Senator to say just now that the effect of this reservation is to say that under the terms of this treaty there is no treaty. It says that under the terms of this treaty there shall be no alliance. Does the Senator contend that but for this reservation this treaty would form an alliance?

Mr. SPENCER. Undoubtedly; with or without the reservation there is an agreement or, what amounts to the same thing, an alliance to confer. If the Senator and I make an agreement between ourselves that in case of any possible difficulty in the future we will agree to a conference there is in the general acceptation of the word an alliance to confer; and precisely that alliance, and nothing more, is contemplated in this treaty.

Mr. WILLIS. The Senator understands, then, that a mere agreement to confer, to talk over, constitutes an alliance?

Mr. SPENCER. An agreement to do anything constitutes, in its general meaning, an alliance—not an offensive or defensive alliance.

Mr. WILLIS. Of course, I am not discussing that. I do not agree to that definition, however.

Mr. SPENCER. Such is the dictionary meaning of the word "alliance."

Mr. WILLIS. That is not my understanding of an alliance.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. SPENCER. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I should like to ask the Senator from Missouri—who is one of the most fluent Members of the Senate, though I notice that he is sticking to his manuscript this afternoon—why, if this is nothing more than an alliance to confer, the Senators on the other side vote against every amendment which would clearly state that meaning?

Mr. SPENCER. Because the meaning is clearly stated in the treaty itself, and any reiteration of it seems to me to be not

only unnecessary but essentially unwise; if the treaty clearly expresses its meaning in its own terms then the Senator will agree with me that it is both unnecessary and unwise to add to those terms or to reiterate them.

Mr. WATSON of Georgia. Will the Senator answer this question: How could a mere agreement or alliance to confer check and repel the aggressions of an outside nation upon the Pacific rights of either England, America, Japan, or France?

Mr. SPENCER. No one knows definitely; but I call the attention of the Senator from Georgia—and his knowledge of history is equaled by that of few in this body—to what has recently occurred. He knows as well as I that if there had been a conference in August, 1914, even of 48 hours' duration, there would have been no war. The Senator will remember how the Prime Minister of England, with a pathos that runs down through the years, begged for a conference of only 24 hours, and asserted that if he could get such a conference with the nations of the world he could avert the war that he saw impending. That is what a conference means sometimes.

Mr. WATSON of Georgia. No doubt he thought so, and no doubt the Senator from Missouri thinks so; but how can anybody know it?

Mr. SPENCER. No one can know it absolutely until the Senator and I meet in heaven, and we read the history there.

Mr. JONES of Washington. Mr. President, will the Senator yield to me for just a moment?

Mr. SPENCER. I yield to the Senator from Washington.

Mr. JONES of Washington. Does not the Senator also think that this language in this reservation—

There is no commitment to armed force—

Implies that there is a commitment to some other kind of force—for instance, commercial pressure, financial pressure? Yet I take it the Senator agrees with me that there is not any commitment in the treaty to any sort of force.

Mr. SPENCER. I quite agree with what the Senator says, for there is undoubtedly in the reservation an inference, at least, that some kind of force other than "armed force" may be intended by the treaty and sanctioned by the reservation, when, as a matter of fact, in the treaty itself there is not a word of force or war obligation.

Mr. JONES of Washington. In other words, this reservation, in line with what the Senator says, really makes the treaty worse.

Mr. SPENCER. I quite agree with the Senator.

Mr. WILLIS. Mr. President, I desire not to misunderstand the Senator. This Government, in the course of its history, has made very many treaties. Are we to understand it to be the contention of the Senator from Missouri that every time this Government has made a treaty it has entered into an alliance?

Mr. SPENCER. The Senator from Ohio has in his mind the ordinary meaning of an alliance, which contemplates force, which is pregnant with war, which means an offensive or defensive arrangement. That, I quite agree, is the ordinary meaning of an alliance—that when two nations agree with regard to offensive or defensive cooperation, there is an alliance. My point, however, is that this usual meaning of the word can not be what is intended in this reservation, because those meanings of "alliance" have been expressly provided for in the reservation, and therefore all that is left is the general meaning of the word "alliance;" and, as the Senator will find out if he will look into any standard dictionary, the general meaning of an alliance is any connection between States, usually by a treaty, and it is substantially synonymous with the word "treaty"; so that whenever there is a treaty there is in a general sense an alliance.

Mr. WILLIS. Mr. President, what I am seeking to get at is what is in the Senator's mind with reference to the condition of this treaty if this reservation shall not be adopted. I understand him now to say that if this reservation is not adopted, and the treaty shall be ratified, this country then has entered into an alliance.

Mr. SPENCER. With or without the reservation, the agreement of the treaty provides, in a general sense, for an alliance to confer with other nations if difficulty arises. Could the Senator have any objection to such an alliance or to such an agreement to confer? What difference does it make whether you call it an agreement to confer or whether you call it an alliance to confer? A rose by any other name smells as sweet.

Mr. WILLIS. Mr. President, since the Senator asks that question. I want to say that if I entertained the view of this treaty which the Senator seems now to entertain, I can not think of any condition under which I should support it. I would not vote for a treaty that took this country into an alliance. The American people decided that matter pretty fully a few months ago. I do not think that this treaty constitutes an alliance; but I do not desire to encroach upon the Senator's time.

Mr. SPENCER. The Senator, I am sure, when he thinks of it again, will find that he has magnified a word and overlooked the meaning. Marriage is the most familiar instance of "an alliance." Surely the Senator does not think that marriage is "offensive and defensive" or is objectionable simply because it is called an "alliance." The word does not signify anything. The important thing is, what is intended and what is expressed. I do not care what it is called. The Senator is opposed, I see, to the use of the word "alliance." I do not like an alliance in its ordinary sense any more than the Senator from Ohio does, but I have no antipathy to the word "alliance" in the sense that makes it synonymous with the word "treaty."

I am prepared to admit, for academic purposes, that we have created a thousand alliances with a score of other nations, and that whenever we make a treaty we make an alliance, as we certainly do in the general acceptation of the word.

This reservation does not add a single thought, nor enforce a single provision of the treaty. At most, it simply reiterates what the treaty more clearly declares. It is reservation run wild. It arouses curiosity upon the reading of it as to what could have been the motive of any such attempt to add such evidently superfluous and unnecessary language to a treaty whose provisions are so simple and so clear as to be unmistakable in their meaning.

The treaty consists, in its substantial parts, of a brief preamble and four short articles. The preamble provides "with a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean," the four powers have concluded this treaty. Surely there is nothing in this preamble that necessitates any reservation, nor does the preamble mean anything more than an expression of the general desire of every thinking man in any one of the four powers that peace shall be preserved and that the rights of the respective parties shall be maintained and in such manner as is acceptable to and approved by each of the signatory nations.

It is axiomatic in its truth and has been the accepted position of the United States ever since this country has been a Nation.

The first article of the treaty provides that—

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to effect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to joint conference to which the whole subject will be referred for consideration and adjustment.

The essential words in this article are "respect their rights," "invited," "conference," "for consideration," and "adjustment." These are not the words that even remotely suggest war or force. They are the language of conference and consultation, and are not the language of struggle—but more than this, the possibility of their even indirectly suggesting any entangling alliance that would result in any obligation of any kind upon the United States to send a soldier or sailor anywhere in the world is absolutely banished when we remember that in a conference between sovereign nations, the very incident of sovereignty requires absolute independence of action for each nation, so that nothing can be binding upon any one of the parties without its express consent.

The result of a conference, in order to be obligatory upon the parties thereto, must be unanimous, because between sovereign nations the rule of unanimity is absolute. The majority rule is unknown. There can be no obligation upon a sovereignty, except by its own express consent, otherwise there would be no sovereignty.

There can be no obligation upon a sovereign nation by implication or by inference. Any obligation that is binding upon a sovereign nation must be so expressed in its terms as to definitely indicate an agreement by the nation whom it is sought to bind.

If under the terms of this article there should ever develop any controversy between the parties involving the rights referred to in the treaty, and that was likely to affect the status of peace, the high contracting powers agree that they will invite to a conference the other powers, in order to consider and adjust the matter. This agreement to invite a conference is the only obligation.

I do not care whether you call it an alliance or whether you call it an agreement, the main thing is, what does it mean? It means an obligation to invite other powers to a conference, and nothing more. It would be a sad day, both for this coun-

try and for the world if the United States should ever deliberately take any action that would indicate its unwillingness in case of any possible controversy in which it was concerned to invite and participate in a conference with the other parties concerned, in order if possible to consider and adjust the difficulties.

The second article provides that—

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measure to be taken, jointly or separately, to meet the exigencies of the particular situation.

Recalling what I have said concerning the incidence of sovereignty by which no nation can be bound to do anything unless it expressly agrees so to do, what safer or more desirable provision could be imagined than the declaration that in case the rights of any of the parties to this treaty are threatened that they will at once fully and frankly communicate with each other to arrive at the most efficient measure to meet the situation.

It has been intimated that this article comes into effect only when there has been some actual attack, so that war has actually commenced, and that in such event the only possible means to meet the situation would be means that were at once offensive and defensive, but the mere reading of the article dissipates any such interpretation. There can be a thousand threats to existing rights by aggressive action, without the firing of a gun or an act of war.

When in regard to Venezuela the German Government once threatened to send, and perhaps did start, its armed vessels to enforce the collection of a debt due from Venezuela citizens to German citizens, there was a threat by aggressive action without any act of war, and it was fortunately entirely settled by the prompt interference of President Cleveland.

When England indicated in connection with the boundary line of Venezuela that armed force must be used in order to insure what Great Britain thought was the correct boundary line it was a threat by aggressive action to accomplish its purpose, but there was no act of war and the matter was wisely settled through the prompt interference of President Roosevelt.

The outstanding words in article 2 are "communicate fully and frankly"—"to arrive at an understanding"—"as to the most efficient measures to meet the particular occasion." This is not the language of war. This is the business language of consultation.

The third article of the treaty provides merely for its 10-year duration and its subsequent continuance until terminated on a 12-month notice, and obviously needs no reservation to explain or amplify its meaning.

The fourth article provides as to the method by which the treaty shall be ratified and become effective, and particularly declares one of the outstanding advantages of the treaty itself, and that is that immediately upon the coming into effect of this treaty "the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate." This British-Japanese treaty was an alliance offensive and defensive, and provided for cooperation between the nations, and with armed force. It has always been regarded with a certain distaste, if not with actual anxiety in the United States, and if there was nothing else in the four-powers treaty except to terminate this British-Japanese treaty the four-powers treaty would be an outstanding accomplishment of exceeding importance.

The parties themselves limited the scope of the four-powers treaty to the mandated islands in the Pacific without in any sense creating an assent on the part of the United States to these mandates, and leaving the United States entirely free to deal with the mandatory powers in relation to the mandated islands. The powers themselves voluntarily excluded from consideration, under article 1 of the treaty, any question which was "exclusively within the domestic jurisdiction of the respective powers."

It does not make the slightest difference whether the treaty applies to the so-called mainland of Japan, or only to its island possessions. The purpose and the effect of the treaty are equally desirable whether applicable to the so-called mainland of Japan, as under its original terms it undoubtedly was, or whether it is confined to the insular possessions, as the parties themselves agreed by limiting its provisions, so far as Japan is concerned, to "include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan."

When one leaves the realm of intangible and unreasonable speculation and rises above fanciful hypotheses which have no substantial foundation in fact and reads and considers the clearly expressed purposes and definite language of the treaty, there can be no reasonable doubt as to its meaning, and as to the entire absence of any necessity for any reservation, and particularly no doubt as to the unwisdom of the proposed reservation. It is not difficult to imagine that if the United States, within whose borders this treaty has just been written, are unwilling to accept its plain provisions, but insist upon adding thereto reservations which manifestly are unnecessary that the other signatory powers will at least have held up before them an example that may be productive of reservations far more complicating in their effect than the reiterating reservation which is here proposed.

In all probability no other power will ratify this treaty until the United States has acted upon it, and if we can not act with reasonable promptness upon a treaty that is as clear and simple in its provisions as this treaty, we present an unfortunate spectacle to the world. I have the most profound respect both for the patriotism and wisdom of the Senate of the United States in its aggregate action. It is a great bulwark of safety to American institutions and to constitutional rights, and it is therefore with no little misgiving that I contemplate the possible action of the Senate that shall in effect say to the people of the United States, "We have received the treaty. Undoubtedly the American representatives, Secretary Hughes, Senator Lodge, Senator Underwood, Elihu Root, were entirely agreed upon its terms, and each of them definitely understood what it was to which they intended to agree in this treaty and were assured both as to the wisdom of the provisions and as to the adequacy of the expression of those provisions, but while we, the Senate, know that there was no misunderstanding among them, nevertheless we find that their ability to use the English language in order to express their unanimous opinion was so imperfect that we, the Senate of the United States, find it necessary to clothe in adequate English what the American representatives undoubtedly had clearly in mind, and what they vainly and imperfectly tried to express."

It is, in my judgment, an absurd position for the Senate of the United States to take. The treaty is simple in its provisions and unmistakable in its language, and needs no reservation.

Mr. BRANDEGEE obtained the floor.

Mr. WILLIS. Will the Senator yield to me that I may ask a question of the Senator from Missouri?

Mr. BRANDEGEE. I yield to the Senator from Ohio.

Mr. WILLIS. The Senator from Missouri has explained, with great eloquence and power, that he is opposed to the pending reservation. I invite his attention to the fact that on February 10 the President of the United States, in presenting the treaties to the Senate, used the following language:

There is no commitment to armed force, no alliance, no written or moral obligation to join in defense.

The language of the reservation is as follows:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

Since the President of the United States, who has the initiative in all foreign relations, placed upon the treaty this interpretation when he submitted it to the Senate, why does the Senator object to having the Senate place upon the treaty the interpretation already placed upon it by the President, and which he himself says he thinks is in entire harmony with the treaty as it stands?

Mr. SPENCER. I suggest to the Senator from Ohio, Mr. President, by the courtesy of the Senator from Connecticut, if I may answer, that there are eight pages of the President's address on this treaty, and why not incorporate them all in a reservation?

Mr. WILLIS. I have no objection to that.

Mr. SPENCER. I think it would be equally as sensible as the reservation we have. Undoubtedly the President, in the presentation of the treaty to the Senate, in an address eight pages long, went over the discussion, explanation, and reiteration of what the treaty meant. His point was that the treaty needed no reservation because there was not a word of obligation in it. Why incorporate any of that address as a reservation when the point of the address was to show that there was no need of any reservation? I have no objection to the wording of the reservation; it means precisely what the treaty means; and the Senator could add the whole eight pages of the President's address as a reservation, as he says he would be glad to do, without changing its meaning; but I do not think it would be wise to do it.

Mr. WILLIS. I understand from the statement of the Senator from Missouri that it is his opinion that the substance of the reservation is already included in the treaty, but there are Senators on this floor who do not entertain the view which the Senator from Missouri entertains, and which I entertain. I put

the practical proposition to the Senator, whether it is wise to imperil this great treaty, upon which the peace of the world depends, because the Senator is unwilling to put into the treaty that which he thinks is already in it, and which the President says is already in it.

Mr. SPENCER. That is a perfectly fair question. I said when I commenced the few remarks I made, that if I found or thought that in order to secure the ratification of this treaty it was necessary to vote for the reservation, I would vote for the reservation, unnecessary as I think it is, for I entirely agree with the Senator from Ohio that the ratification of the treaty, with or without the reservation, is the main thing. My point is that it ought to be ratified without the reservation, but if I can not get it without the reservation, of course, I shall take it with the reservation, because the reservation is not harmful in its provision. It is unnecessary in its reiteration; it offers an example to other nations that is unwise; and it complicates rather than helps the treaty.

Mr. BRANDEGEE. I send to the desk and ask that the Secretary read for the information of the Senate a proposed unanimous-consent agreement to see if we can fix a day for coming to a vote on the pending treaty.

The VICE PRESIDENT. The Secretary will read as requested.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that no vote shall be taken upon any amendment or reservation that may be pending or that may be proposed to Executive N, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and their insular dominions in the Pacific, until the calendar day of Tuesday, March 21, 1922; that beginning at 3 o'clock p. m. on Wednesday, March 22, 1922, no Senator shall speak more than once nor longer than 30 minutes upon any pending amendment or reservation or any amendment or reservation that may thereafter be offered, or more than once or longer than one hour upon the treaty itself; and that on the calendar day of Friday, March 24, 1922, the Senate shall convene at 12 o'clock meridian and shall immediately proceed to vote, without further debate, upon any amendment or reservation that may then be pending or that may be offered, and immediately thereafter upon the resolution of ratification of said Executive N, as amended by a reservation or reservations or otherwise.

Mr. UNDERWOOD. I have no objection to the agreement, but I should like to ask a question for information. As the agreement is proposed, does it mean that there shall be no vote on pending amendments and reservations until Wednesday, the 22d of March?

Mr. BRANDEGEE. Not until next Tuesday; and commencing on Wednesday, the following day, debate is to be limited to a half hour on a reservation or amendment and to an hour on the treaty itself.

Mr. UNDERWOOD. The proposition is to postpone the vote on amendments and reservations until next Tuesday?

Mr. BRANDEGEE. Until next Tuesday.

Mr. JOHNSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Nelson	Simmons
Bursum	Harrison	New	Smith
Brandegee	Heflin	Newberry	Spencer
Broussard	Hitchcock	Norris	Sterling
Cameron	Johnson	Oddie	Swanson
Capper	Jones, Wash.	Overman	Townsend
Caraway	Kellogg	Pepper	Underwood
Colt	Kendrick	Pittman	Wadsworth
Curtis	Keyes	Poindexter	Walsh, Mont.
Elkins	Ladd	Pomerene	Warren
Fernald	Lenroot	Ransdell	Watson, Ga.
Fletcher	McCormick	Rawson	Willis
France	McKellar	Reed	
Glass	McKinley	Robinson	
Hale	McNary	Sheppard	

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from Connecticut [Mr. McLEAN], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Wisconsin [Mr. LA FOLLETTE] are absent from the Chamber in attendance on the Committee on Finance.

The VICE PRESIDENT. Fifty-seven Senators have answered to their names. A quorum is present. Is there objection to the request for unanimous consent presented by the Senator from Connecticut?

Mr. ROBINSON. Mr. President, I and others have collaborated with the Senator from Connecticut [Mr. BRANDEGEE] in the preparation of the proposed agreement. The agreement does not so specify, but I presume the understanding is that the treaty will be kept before the Senate so long as any Senator desires to speak upon it?

Mr. BRANDEGEE. If the Senator is asking me for my view of the matter, I desire to say that I understand that has been the ruling of the Chair in relation to similar agreements in the past; that whenever a Senator desired to speak upon a treaty the Senate would proceed to the consideration of executive business in open executive session; that a Senator might make a speech upon the treaty at any time he had a mind to; but if no Senator desired to speak upon the treaty, then the Senate could engage in legislative business.

I will say to the Senate that the Senator from Arkansas and other Senators came to me and stated that quite a number of Senators desired to go away, to be absent for the remainder of this week, but they did not want to be absent at the time of any vote on amendments or reservations that might come before the Senate. Therefore the principal object of the agreement was to provide that there should be no vote on any amendment or reservation until next Tuesday, at which time those Senators who find it necessary to leave the city could return. Of course, in proposing the agreement I have no disposition to limit the time of Senators in the discussion of this important matter; they ought to take all the time they want, and yet I suppose no Senator intends to attempt to prevent a final vote upon the treaty. If that is so, and if we can agree upon a date to vote upon the reservations and amendments and the treaty to a final conclusion, then every Senator will know when to be here for the final vote. It would be a great convenience to all of us, I am sure.

Mr. POMERENE. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. I yield.

Mr. POMERENE. Of course it is possible under this agreement, if it shall be entered into, to take up the other treaties which are now pending. I assume, however, that there will be no desire to take them up for final disposition?

Mr. BRANDEGEE. I do not think that anybody intends to do that. I am sure I do not, and I assume that if the Senate is not engaged upon this treaty it will take up in legislative session the judges' bill, which the Senator from Iowa [Mr. CUMMINS] has before the Senate, and other legislative measures.

Mr. HITCHCOCK. Mr. President, as I heard the proposed unanimous-consent agreement read, it seemed to me that if a Senator spoke upon an amendment for half an hour he was debarred from speaking upon the treaty.

Mr. BRANDEGEE. Oh, no.

Mr. HITCHCOCK. At the place I have in mind I think the agreement instead of reading "or" should read "and."

Mr. BRANDEGEE. Let the Secretary again read the agreement, if he pleases. I thought it did read "or," as the Senator desires that it shall. Let us have it read.

Mr. HITCHCOCK. The agreement, I think, should read "and."

Mr. BRANDEGEE. Let the proposed agreement be again read.

Mr. FRANCE. I ask that the entire agreement be read.

Mr. BRANDEGEE. Yes; let the Secretary read the entire agreement.

The VICE PRESIDENT. The Secretary will read as requested.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that no vote shall be taken upon any amendment or reservation that may be pending or that may be proposed to Executive N, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and their insular dominions in the Pacific, until the calendar day of Tuesday, March 21, 1922; that beginning at 3 o'clock p. m. on Wednesday, March 22, 1922, no Senator shall speak more than once or longer than 30 minutes upon any pending amendment or reservation or any amendment or reservation that may thereafter be offered, or more than once or longer than one hour upon the treaty itself; and that on the calendar day of Friday, March 24, 1922, the Senate shall convene at 12 o'clock meridian, and shall immediately proceed to vote, without further debate, upon any amendment or reservation that may then be pending or that may be offered, and immediately thereafter upon the resolution of ratification of said Executive N, as amended by a reservation or reservations or otherwise.

Mr. ROBINSON. The agreement follows the wording usually employed in such agreements.

Mr. HITCHCOCK. I think that language is ambiguous; but it may be interpreted. Is it meant by the language used that a Senator who has spoken a given length of time upon an amendment or reservation may also speak the specified length of time upon the treaty itself?

Mr. BRANDEGEE. I think that is what it means. If Senators will accept that statement as their understanding of the agreement, it will interpret the agreement.

Mr. BORAH. I presume that would be the rule, the same as when a treaty is reported.

Mr. BRANDEGEE. The same as if Senators would protest against a reservation and it is agreed to.

Mr. BORAH. I do not accept that rule there, but I will here, Mr. President, I wish to ask a question. The Chair has heretofore ruled that a Senator could not utilize his hour until the main bill or treaty was before the Senate; that is, while an amendment was pending a Senator could not utilize his hour, but would have to confine himself to 30 minutes, and could not speak upon the treaty until the treaty itself was before the Senate.

Mr. BRANDEGEE. May I suggest to the Senator from Idaho that I do not want the agreement to operate in that way? I should like to have it so framed that a Senator may take his hour upon the treaty itself and say anything he has a mind to upon the treaty or upon the reservations in an hour's speech.

Mr. ROBINSON. If there were a number of reservations or amendments on the table, the Senator from Connecticut would not want a Senator to take an hour on the treaty and then a half hour on each reservation? Otherwise, there is no use of imposing a limitation.

Mr. BRANDEGEE. I do not see when a Senator may take an hour on the treaty if reservations are to be offered up to the time of the presentation of the resolution of ratification and each Senator may talk for half an hour on each reservation and amendment. There will always be a reservation or an amendment pending before the Senate until the resolution of ratification is voted on.

Mr. UNDERWOOD. If the Senator will allow me, though, under the terms of this agreement no amendment or reservation is to be voted on until next Tuesday.

Mr. BRANDEGEE. That is true.

Mr. UNDERWOOD. In the meantime a Senator may speak an hour. Indeed, he may speak as long as he pleases, so far as that is concerned.

Mr. BRANDEGEE. If any Senator desires to speak before next Tuesday, of course he may do so.

Mr. UNDERWOOD. The limitation does not apply until then.

Mr. NORRIS. The limitation does not apply until then; but I wish to say to the Senator from Connecticut that it does not necessarily follow that a Senator may not speak for an hour on the treaty until after all the reservations have been disposed of. Of course, it is true that he could not do that if there were formally pending an amendment or reservation, but after an amendment was disposed of the Senator who obtained the floor before another amendment was offered, the treaty still being before the Senate, could then speak for an hour on the treaty.

Mr. BRANDEGEE. In practice I think there will be a reservation or an amendment pending all the time until the vote comes on the resolution of ratification.

Mr. NORRIS. Suppose there is an amendment or a reservation pending and it is disposed of, voted up or voted down, and I get the floor immediately afterwards, I can then talk for an hour on the treaty.

Mr. BRANDEGEE. Yes; and then some Senator, of course, may offer another amendment or reservation.

Mr. NORRIS. He could not do that if I had the floor.

Mr. BORAH. I want to have it understood that a Senator may divide his time to suit himself. He may have an hour at his disposal on the treaty and half an hour on each amendment, in any event, but if he wants to divide his time and speak for half an hour on any amendment and then use some of his time on the treaty, he should have that privilege.

Mr. NORRIS. I have no objection to that being made the specific agreement. I do not want, however, to have any understanding which will violate the recent decision of the Chair, which, it seems to me, was only just and fair, that, as a matter of fact, while a Senator may talk about anything he pleases under the rules of the Senate, technically he is talking to the question that is then pending before the Senate, and if there is a motion pending that is what the Senator is talking about, even though he is actually talking about something else.

Mr. BRANDEGEE. I will say to the Senator that I think the question is largely academic, for this reason: There is not a single reservation or amendment that has been proposed or that can be proposed to the treaty that does not involve a discussion of the treaty, and a Senator to discuss intelligently a reservation must discuss the whole treaty in all its aspects; but it is perfectly immaterial to me how Senators settle the division of time. I do not want 10 minutes on the matter myself; and if I can not express my views in that time I will resign; but, Mr. President, all I care about is to give the Senate a chance to fix some day when they will stop the conversation and come to a vote.

Mr. BORAH. I have not any objection to the proposed agreement; I am not objecting to it; I simply desire that it may be understood that a Senator may divide his time to suit himself.

Mr. LENROOT. Mr. President, I would have no objection to that being done, if it were so provided; but I would not want an erroneous interpretation of the unanimous-consent agreement, because I think the ruling which has been referred to is a salutary one.

Mr. BORAH. I do, too.

Mr. LENROOT. If an express provision shall be provided to cover the point raised, I shall have no objection, but I think it ought to be in the agreement.

Mr. BORAH. I think that is a good idea. I think the Chair has been correct in his ruling, and I am not finding any fault with it. I think, ordinarily speaking, it is a proper one, but in this very exigency I should like to have an exception to the rule, which is a good thing in order to prove the rule.

Mr. BRANDEGEE. Will the Senator suggest a form of words that he would like to interline?

Mr. BORAH. The Senator from Wisconsin [Mr. LENROOT] perhaps will do that.

Mr. BRANDEGEE. Very well.

Mr. LENROOT. The language reads:

> No Senator shall speak more than once or longer than 30 minutes upon any pending amendment or reservation, or any amendment or reservation that may thereafter be offered, or more than once or longer than one hour upon the treaty itself.

Then I would suggest inserting:

> Which may be utilized at any time.

Mr. ROBINSON. That will do it.

Mr. BRANDEGEE. Mr. President, the senior Senator from Missouri [Mr. REED] advises me that he does not like the provision that no Senator may speak more than once on an amendment. His idea is that a Senator might not want to speak a half hour on an amendment; that he might want to speak five minutes on the amendment at first, and then answer another Senator's suggestions with five minutes more. He suggests that no Senator shall be allowed to take more than a half hour of time on any one amendment, and that he may divide it to suit himself.

Mr. REED. That he shall not speak in all more than 30 minutes on any amendment.

Mr. BRANDEGEE. Yes; that he may speak as often as he has a mind to, but not to exceed 30 minutes in all.

Mr. REED. The reason for the suggestion is this: We have had it illustrated many times. A Senator offers an amendment; he has to present it, and after he has presented it some Senator raises objections to which he may want to reply, and he is cut off from defending his own amendment.

Mr. BRANDEGEE. I think it would be perfectly immaterial to the Senate how many times a Senator spoke on his amendment, provided he did not occupy more than a half hour altogether.

Mr. NORRIS. Mr. President, under the general rules of the Senate, without any agreement, a Senator would be precluded from speaking more than twice.

Mr. BRANDEGEE. He would.

Mr. NORRIS. I do not suppose the Senator would care to modify that rule.

Mr. BRANDEGEE. No; but we are making a unanimous-consent agreement.

Mr. NORRIS. Suppose we say here that no Senator shall speak more than twice, and not longer than 30 minutes in the aggregate, on any amendment.

Mr. REED. That will do.

Mr. BRANDEGEE. In order to present an amendment or reservation properly a Senator has to engage in different colloquies, and he may want to take the floor four or five times of five minutes each. I do not see why he should not be allowed to do it.

Mr. NORRIS. Of course that modifies the general rule; but the Senator can wait until all of them are through, if he has only 30 minutes to use, and close the debate with the balance of his time.

Mr. BRANDEGEE. He can do it, yes; but I was not urging this, the Senator will understand. I was trying to comply with the suggestion of the Senator from Missouri.

Mr. NORRIS. I understand that, but I also understand that this is satisfactory to the Senator from Missouri. I do not care about it.

Mr. BRANDEGEE. I will ask the Secretary to state the unanimous-consent agreement as he has it now.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The Assistant Secretary read as follows:

> It is agreed by unanimous consent that no vote shall be taken upon any amendment or reservation that may be pending or that may be proposed to Executive N, a treaty between the United States, the British Empire, France, and Japan, relating to their insular possessions and their insular dominions in the Pacific, until the calendar day of Tuesday, March 21, 1922; that beginning at 3 o'clock p. m. on Wednesday, March 22, 1922, no Senator shall speak in the aggregate for a period of more than 30 minutes upon any pending amendment or reservation or any amendment or reservation that may thereafter be offered, or more than once or longer than one hour upon the treaty itself, which hour may be utilized at any time; and that on the calendar day of Friday, March 24, 1922, the Senate shall convene at 12 o'clock meridian, and shall immediately proceed to vote, without further debate, upon any amendment or reservation that may then be pending or that may be offered, and immediately thereafter upon the resolution of ratification of said Executive N, as amended by a reservation or reservations or otherwise.

Mr. JOHNSON. Mr. President, I do not intend to object to the proposed unanimous-consent agreement. Indeed, I never have objected to any. I do not like it, though, and the reason why I do not like it is this:

The most important business that has come before us during the year is this particular treaty. Upon it now are focused the attention and consideration of the Senate and the attention of the country, too. It is the business that is here. Personally, I would rather proceed with that business. Whether it be concluded in two days or two weeks, so far as I am concerned, would be immaterial; but I prefer that the business now before us be kept before us and continued before us and that we devote ourselves exclusively to it.

I have seen these agreements in my brief service in this Chamber in the past. The instant this agreement is adopted that instant will your attention flag until you come to next week, when you begin upon your half-hour and your hour rule. Your Members will be absent. They will be paying little attention. The focus of the consideration that is necessary for the determination intelligently and accurately and patriotically of this great matter will be lost for the time being.

So, Mr. President, with the expression of that view on my part, and the statement, too, that I never take up the time of the Senate unnecessarily, and much in any event, I make no objection to this proposed agreement; but I think it is a mistake, in view of the importance of the subject before us and under the circumstances that have been developed here in respect to this matter.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and the agreement is entered into.

Mr. BRANDEGEE. Mr. President, if no Senator desires a secret executive session, I am about to move that the Senate adjourn.

Mr. LADD. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. I yield to the Senator from North Dakota.

RELIEF OF FARMERS IN CROP-FAILURE AREAS—CONFERENCE REPORT (S. DOC. NO. 164).

Mr. LADD. I present the conference report on Senate bill 2897 and ask that it lie on the table.

The VICE PRESIDENT. The report will lie on the table.

Mr. NORRIS. Mr. President, the conference report ought to be printed in the RECORD. The object is to print it for the information of Members of the Senate.

The VICE PRESIDENT. The rules require it to be printed. The report is as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 6, and agree to the same.
>
> That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the sum $1,000,000 proposed by said amendment insert "$1,500,000," and the House agree to the same.
>
> That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:
>
> "An act to appropriate $1,500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture."
>
> And the House agree to the same.
>
> The committee of conference have not agreed upon the amendment of the House numbered 4.
>
> E. F. LADD,
> PETER NORBECK,
> JOHN B. KENDRICK,
> *Managers on the part of the Senate.*
>
> G. N. HAUGEN,
> J. C. McLAUGHLIN,
> *Managers on the part of the House.*

ADJOURNMENT.

Mr. BRANDEGEE. Mr. President, having arrived at a unanimous-consent agreement as to voting on the treaty, I do not think it will be necessary to take a recess. If to-morrow the Senate desires to take up the treaty, it can proceed with executive session. Therefore, I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Thursday, March 16, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 15, 1922.*

The House met at 12 o'clock noon and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

> O Thou whose name is Holy, come with us, be around about us, go before us, and all shall be well. Illuminate all thoughts of the future with the sense of Thy guiding presence. Forgive our unworthiness and all those hours in which we have forgotten Thee. We entreat Thee that our problems may be solved and our necessities answered. Grant a mighty blessing to our country, that she in turn may be a great strength to this weary, woeful world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent—

Mr. DAVIS of Tennessee was granted leave of absence for one day on account of illness.

ORDER OF BUSINESS.

The SPEAKER pro tempore. By order entered into, the business in order to-day of Calendar Wednesday has been dispensed with and it is in order to-morrow.

CONFERENCE REPORT—DEFICIENCY BILL.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the deficiency appropriation bill, H. R. 10663.

The SPEAKER pro tempore. The gentleman from Illinois calls up the conference report on the deficiency bill, which the Clerk will report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior years, and for other purposes, had further insisted upon its amendments numbered 26, 27, and 60, disagreed to by the House of Representatives, had requested a further conference with the House, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS as the conferees on the part of the Senate at the further conference.

APPROPRIATION TO PURCHASE SEED GRAIN, ETC.

Mr. HAUGEN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Iowa rise?

Mr. HAUGEN. To submit a conference report for printing under the rule.

The SPEAKER pro tempore. The gentleman from Iowa submits a report on the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

The SPEAKER pro tempore. Ordered printed under the rules.

DEFICIENCY BILL—CONFERENCE REPORT.

Mr. GARNER. Mr. Speaker, may I ask the gentleman when he expects to call up this report?

Mr. HAUGEN. Probably to-morrow.

The SPEAKER pro tempore. The Chair would state to the gentleman from Iowa that to-morrow is Calendar Wednesday.

Mr. HAUGEN. Then probably on Friday, unless I can have unanimous consent.

Mr. MADDEN. Mr. Speaker, I assumed the conference report was over from the Senate, so that I renew my motion.

The SPEAKER pro tempore. The gentleman from Illinois calls up the conference report on the deficiency bill. The Clerk will read the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 13, 22, 23, 24, 29, 31, 34, 39, 40, 42, 43, 44, 48, 51, 52, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 28, 30, 32, 33, 35, 36, 38, 41, 45, 47, 49, 50, 53, 54, 56, 58, 61, 62, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"BRIDGES.

"For repairs and improvements to the Calvert Street Bridge, $26,000: *Provided*, That one-half of any amount expended from this appropriation shall be borne by the street railway company or companies using said bridge, and the amount thus collected shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as this appropriation is paid from the Treasury of the United States and the revenues of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PATENT OFFICE.

"For carrying into effect the provisions of the act entitled 'An act to increase the force and salaries in the Patent Office, and for other purposes,' approved February 18, 1922, $158,926.39, and in addition thereto the unexpended balance of the appropriation for salaries in the Patent Office for the fiscal year 1922 is made available for the payment of the salaries authorized in said act."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment strike out "$50,000" and insert in lieu thereof "$35,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$36,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"The appropriation for 'Pay, and so forth, of the Army, 1922,' shall be available to pay the expenses incurred prior to January 1, 1922, incident to carrying into effect the provisions of the act entitled 'An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children,' approved June 30, 1921."

And the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 26, 27, and 60.

MARTIN B. MADDEN,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 5, inclusive, relating to the Senate: Appropriates for salaries and expenses of the Senate in the amounts and in the manner proposed in the Senate amendments.

On Nos. 6 and 7, relating to the Senate Office Building: Appropriates $23,750 for maintenance and $3,500 for furniture, as proposed by the Senate.

On Nos. 8, 9, and 10, relating to the Library of Congress: Strikes out the appropriation of $6,500, proposed by the Senate, for the legislative reference service, and appropriates $1,000, as proposed by the Senate, for contingent expenses.

On No. 11: Appropriates $10,000, as proposed by the Senate, for the Bureau of Efficiency.

On Nos. 12 to 25, inclusive, relating to the District of Columbia: Appropriates $3,000 for temporary building inspectors; strikes out the appropriation of $2,500 for contingent and miscellaneous expenses; appropriates $1,500 for postage; appropriates $26,000 for repairs to the Calvert Street Bridge and requires that the amounts reimbursed by the street railway company shall be credited to the United States and the District of Columbia in the same proportions as the appropriation is made from the revenues of each; appropriates $23,000 for public-convenience stations; appropriates $3,000 for general expenses of the electrical department; increases from $20,000 to $29,300 the appropriation for fuel for public schools; appropriates $2,000 for compensation of jurors of the police court; appropriates $7,000 for maintenance of indigent patients in the Children's Hospital; increases from $6,700 to $10,000, as proposed by the Senate, the amount for maintenance of indigent patients at the Casualty Hospital; strikes out the appropriation of $1,000 for maintenance at the municipal lodging house; appropriates $1,000, as proposed by the House, instead of $1,500 as proposed by the Senate, for buildings and grounds in and around Washington; strikes out the appropriation of $3,250, proposed by the Senate, for water mains in the Zoological Park; and appropriates $2,436.26, as proposed by the Senate, for the payment of judgments against the District of Columbia.

On No. 28: Provides for the auditing by the General Accounting Office of the financial transactions of the Emergency Fleet Corporation in the language proposed by the Senate instead of the language proposed by the House.

On Nos. 29, 30, and 31, relating to the Veterans' Bureau: Limits expenditures for construction work at any Army camp acquired for use as a training center to "minor repairs," as proposed by the House, instead of to "repairs," as proposed by the Senate; provides, as proposed by the Senate, that allotments to the Public Health Service for repairs and alterations to hospitals shall be done under the Supervising Architect of the Treasury, and strikes out the paragraph, inserted by the Senate, extending from 20 to 60 days the time for the administrative examination of accounts.

On Nos. 32 and 33, relating to the Department of Agriculture: Strikes out, as proposed by the Senate, the specification of the section of the country in which the appropriation for white-pine blister rust control may be expended.

On Nos. 34, 35, and 36, relating to the Bureau of Lighthouses: Appropriates $60,000, as proposed by the House, instead of $120,000, as proposed by the Senate, for repairing and rebuilding lighthouse structures in the seventh lighthouse district and appropriates $843.27, as proposed by the Senate, instead of $736.25, as proposed by the House, for payment of damage claims.

On No. 37, relating to the Patent Office: Appropriates $158,926.39, instead of $166,671.16, as proposed by the Senate, for carrying into effect the personnel act of February 18, 1922.

On No. 38: Appropriates $8,800, as proposed by the Senate, for the care of Alaskan insane.

On No. 39: Strikes out the appropriation of $2,500, proposed by the Senate, for the Grand Canyon National Park.

On No. 40: Strikes out the paragraph, inserted by the Senate, crediting the accounts of the disbursing clerk of the Interior Department.

On Nos. 41 to 46, inclusive, relating to the Department of Justice: Appropriates $8,000, as proposed by the Senate, for miscellaneous expenses; strikes out the appropriation of $3,000 for furniture and repairs and the appropriation of $3,100 for the conduct of customs cases; appropriates $1,800 for miscellaneous expenses of the Court of Claims; and appropriates $250,000, instead of $300,000 as proposed by the Senate and $150,000 as proposed by the House, for special assistants to the Attorney General and to United States district attorneys.

On Nos. 47, 48, and 49, relating to the Department of Labor: Reappropriates $11,000 for water supplies at Ellis Island Immigration Station and makes it available for the extension of the sewerage system; strikes out the appropriation of $150,000, proposed by the Senate, for the Immigration Service; and provides a limit of $2,000 as proposed by the Senate, instead of $2,400 as proposed by the House, on salaries to be paid by the Children's Bureau in the administration of the act for the promotion of the welfare and hygiene of infancy.

On No. 50: Appropriates $350, as proposed by the Senate, for the payment of a judgment rendered against the Navy Department by the Philippine courts.

On Nos. 51 to 55, inclusive, relating to the Post Office Department: Appropriates $4,000 as proposed by the House, instead of $10,000 as proposed by the Senate, for contingent expenses; appropriates $8,000 as proposed by the House, instead of $12,000 as proposed by the Senate, for payment to the Government Printing Office for heat, light, and power; and provides, as proposed by the Senate, for additional expenditures for telephone service and law books and books of reference; appropriates $500 for the Post Office Department equipment shops; and appropriates $35,000, instead of $50,000 as proposed by the Senate, for the payment of rewards for the detection, arrest, and conviction of post-office burglars and robbers.

On No. 56: Appropriates $20,000, as proposed by the Senate, for the embassy building and grounds at Santiago, Chile.

On Nos. 57, 58, and 59, relating to the Treasury Department: Appropriates $1,000, instead of $1,500 as proposed by the Senate, for gas and electric current; appropriates $27,468,000 for the refunding of internal-revenue taxes illegally collected; appropriates $36,000, instead of $40,000 as proposed by the Senate, for the operating force for public buildings.

On No. 61: Appropriates $94,703.44, as proposed by the Senate, for the payment of awards for lands condemned for use at the Walter Reed General Hospital.

On No. 62: Appropriates $2,000 as proposed by the Senate, instead of $1,000 as proposed by the House, for operating expenses of the Washington Monument.

On No. 63: Appropriates $266.37 as proposed by the House, instead of $1,105.37 as proposed by the Senate, for the payment of damage claims in connection with river and harbor work.

On No. 64: Inserts the paragraph, proposed by the Senate, making the appropriation for pay of the Army available for the payment of expenses authorized by law in connection with the return of destitute soldiers and their wives and children from Europe and Siberia.

On Nos. 65 to 68, inclusive: Appropriates for the payment of judgments of United States courts certified after the bill had passed the House.

On Nos. 69 to 74, inclusive: Appropriates for the payment of judgments of the Court of Claims certified after the bill had passed the House.

On Nos. 75 and 76: Appropriates for the payment of audited claims certified after the bill had passed the House.

The committee of conference have not agreed upon the following amendments of the Senate:

On Nos. 26 and 27: Appropriating $460,333.33 for additional employees in the General Accounting Office.

On No. 60: Authorizing and directing the Secretary of the Treasury to rent to the State of Alabama, for use as an armory, the old Government building in the city of Birmingham.

MARTIN B. MADDEN,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, the amount of the bill as it passed the Senate was $138,026,763.97. The amount of the bill as it passed the House was $108,537,386.51. Added by the Senate, $29,489,477.46. Of the amount added by the Senate, $27,468,000 is for the payment of refunds for internal-revenue taxes illegally collected, mainly income taxes; $671,303.92 is for the payment of judgments and audited claims; $460,333.33 General Accounting Office; and the remainder is distributed among the other departments in the bill. The Senate has receded from $320,433.77. General Accounting Office, 253 additional clerks for the remainder of this year and for next year is still in disagreement and amounts to $460,333.33. The House has receded from disagreement to Senate amendments and agreed to $28,708,710.36. The principal amendments to which the House has agreed are as follows: Refunding internal-revenue taxes illegally collected, $27,468,000; judgments and audited claims, $671,303.92; carrying out the provisions of the act reorganizing the Patent Office, $158,926.39; special assistants to the Attorney General and United States district attorneys, $100,000,000; rewards in the Postal Service, $35,000. I may say those awards in the Postal Service amounting to $35,000 are due to the necessity of paying rewards to those who have either killed or captured mail robbers. Operating force for public buildings, $36,000, and in regard to this item I wish to say that the janitor force throughout the United States connected with public buildings would have to be furloughed for some days some time before the end of the fiscal year unless this was allowed. Payment of court awards of land condemned for use at Walter Reed General Hospital, $94,703.44. This is in the form of a final judgment on which there is to be no appeal.

One of the amendments still in disagreement is No. 26, which is for the General Accounting Office, amounting in one case to $110,133.33, and in the other case to $350,000. I wish to say in this connection that the accounting office asked for 253 additional clerks. The cost of these clerks if carried for the remaining part of this year would be $110,000. If they were allowed for next year, in addition to the remaining part of this year, it would be $350,000 more. The accounting office for 1923 has already been allotted in appropriations in the independent offices bill $2,294,231. The amount made available for 1922 for that office from transfers of appropriations from the consolidated offices was $2,152,613.57, or an increase for 1923 over 1922 of $341,617.43. It was the opinion of the managers on the part of the House, in connection with the consideration of this bill in conference, that there ought not to be any additional clerks allowed in the accounting office. First, it was my understanding when the accounting office was organized and transferred to the present management that they could dispense with 600 clerks that were then there. They have not been dispensed with, but, on the other hand, about 250 additional clerks have been provided for 1923, and if we should provide the 253 additional clerks it seemed to your conferees they would be getting more people there than they ought to have.

Mr. Speaker, unless there is some gentleman who wishes time, I move the adoption of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 26: Page 18, after line 20, insert:

GENERAL ACCOUNTING OFFICE.

Salaries and expenses: For necessary clerical force to enable the General Accounting Office to properly audit and settle the accounts and claims growing out of the expansion of the work of the United States Veterans' Bureau and the payments of interest on the public debt, together with the settlement and payment of transportation claims, $110,333.33.

Mr. MADDEN. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 26.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. MADDEN. Mr. Speaker, I should like to have a division on this, so that we may be able to tell the Senate how the vote stood.

The House divided; and there were—ayes 69, noes 0.

So the motion was agreed to.

MINORITY VIEWS ON THE SOLDIERS' BONUS BILL.

Mr. MADDEN. Mr. Speaker, I yield to the gentleman from Texas [Mr. GARNER] to make a unanimous-consent request.

Mr. GARNER. Mr. Speaker, I want to ask unanimous consent that the minority may have until Saturday evening to file their views on the soldiers' bonus bill. I will say to the gentlemen of the House that the matter was discussed in the Ways and Means Committee, and there was no objection by those reporting the bill to this request.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the minority may have until Saturday evening to file their views on the soldiers' bonus bill.

Mr. MANN. What is meant by the term "Saturday evening"?

Mr. GARNER. Any time before 12 o'clock Saturday night.

Mr. CAMPBELL of Kansas. What month and year?

Mr. MANN. I think it ought to be stated.

Mr. GARNER. Before the House adjourns on Saturday next or before the Printing Office closes. It was understood, I will say to the gentleman from Illinois, that this report will not interfere with the consideration of the bill, and it was not anticipated that the bill would be considered until next week.

Mr. MANN. I do not think it will interfere.

The SPEAKER pro tempore. The Chair would like the gentleman to state his request again.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the minority of the Ways and Means Committee, or any member of the minority, may have the right to file minority views not later than Saturday next on the bonus bill.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the minority, or any member of the minority, may have the right to file minority views on the soldiers' bonus bill any time before Saturday next. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GARRETT of Tennessee. I do not think the Chair stated the request as the gentleman from Texas put it. The Chair stated "before Saturday." I understood the gentleman to request any time before 12 o'clock Saturday night.

The SPEAKER pro tempore. The Chair endeavored to state the request exactly as the gentleman from Texas stated it, and there was nothing in the request about 12 o'clock as the gentleman last stated it. If that was the intention the Chair would be glad to restate the request.

Mr. GARNER. I do not recall what the Chair said. I asked unanimous consent that we have until Saturday night. The gentleman from Tennessee evidently understood that it was before Saturday. I intended to include Saturday in the request, and I think the reporter's notes will show it.

The SPEAKER pro tempore. It might have been made to include Saturday, but the Chair will again state the request. The gentleman from Texas requests that the minority, or any Member of the minority, may have until 12 o'clock Saturday night next to file minority views on the soldiers' bonus bill. Is there objection? [After a pause.] The Chair hears none.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

The SPEAKER pro tempore. The Clerk will report the next amendment in the bill in disagreement.

The Clerk read as follows:

Amendment No. 27, page 19, after line 2, insert: "For necessary clerical force to enable the General Accounting Office to properly audit and settle the accounts and claims growing out of the expansion of the work of the United States Veterans' Bureau and the payments of interest on the public debt, together with the settlement and payment of transportation claims, fiscal year 1923, $350,000."

Mr. MADDEN. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House further insist on its disagreement to Senate amendment No. 27.

Mr. MADDEN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 77, noes 1.

So the motion to further insist on disagreement to Senate amendment No. 27 was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 60: Page 46, after line 23, insert: "The Secretary of the Treasury is authorized and directed to rent, under such terms and conditions and for such period as he may prescribe, to the adjutant general of the State of Alabama, the buildings and premises of the United States situated at the northeast corner of Second Avenue and Eighteenth Street North, in Birmingham, Ala., known as the Old Government Building, or such parts thereof as may be properly utilized by the Alabama National Guard and other military and patriotic organizations."

Mr. MADDEN. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The SPEAKER pro tempore. The gentleman from Illinois moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate No. 60, and agree to the same with an amendment, as follows:

"In lieu of the matter inserted in said amendment, strike out the words "and directed."

The SPEAKER pro tempore. The question is on the motion to recede and concur with an amendment.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, I move that the House agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House agree to the conference asked by the Senate. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MADDEN. I ask that the same conferees be appointed.

The SPEAKER pro tempore. The Chair appoints as conferees on the part of the House Mr. MADDEN, Mr. CANNON, and Mr. BYRNS of Tennessee.

INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER pro tempore. The gentleman from Indiana calls up the conference report on the bill H. R. 9981, which the Clerk will report.

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 12, 13, 14, 15, 26, 27, 33, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 7, 8, 9, 10, 11, 18, 22, 23, 24, 32, 34, 37, 38, 39, 41, and 42, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$145,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,940"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lines 9 and 10 of the matter inserted by said amendment strike out the following: "and to continue available during the fiscal year 1923, $10,000," and insert in lieu thereof "$5,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and

agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "No part of the moneys appropriated or made available by this act shall, unless the President shall otherwise direct, be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government, if the expense of such repair or reconditioning is in excess of $100,000, until a reasonable opportunity has been given to the available Government navy yards or arsenals to estimate upon the cost of such repair or reconditioning if performed by such navy yards or arsenals within the limit of time within which the work is to be done: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost: *And provided further*, That the provisions of this clause shall take effect upon the passage of this act"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That no part of the foregoing appropriation shall be expended for construction work except necessary repairs"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 2, 19, 21, 28, 29, 31, 35, and 36.

WILL R. WOOD,
EDWARD H. WASON,
T. W. HARRISON,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: Appropriates $3,000, as proposed by the House, for printing and binding for the office of the President, instead of $4,000, as proposed by the Senate.

On Nos. 3 and 4, relating to the Executive Mansion and Grounds: Appropriates $12,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for fuel for the Executive Mansion, and appropriates $6,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for the reconstruction of greenhouses.

On No. 5: Appropriates $25,000, as proposed by the Senate, for the expenses of the Arlington Memorial Bridge Commission.

On Nos. 6, 7, and 8, relating to the Bureau of Efficiency: Appropriates $145,000 for the expenses of the Bureau of Efficiency instead of $125,000, as proposed by the House, and $150,000, as proposed by the Senate, and raises the limitation on the number of persons that may be employed at given rates from one at $4,250, as proposed by the House, to three at that rate, as proposed by the Senate, and from six at $4,000 each, as proposed by the House, to eight at that rate, as proposed by the Senate.

On Nos. 9, 10, and 11, relating to the Civil Service Commission: Appropriates $100,000, as proposed by the Senate, instead of $56,780, as proposed by the House, for additional employees, and provides for five employees at $3,000 each, as proposed by the Senate, instead of three employees at that rate, as proposed by the House; and inserts the proviso, proposed by the Senate, that $40,000 of this appropriation may be used in connection with all expenses incident to investigations and research as to the character and training, etc., of applicants for examination.

On Nos. 12, 13, and 14, relating to the Commission of Fine Arts: Strikes out the matter, inserted by the Senate, which provided that the officer in charge of public buildings and grounds should act as executive officer of said commission; appropriates $6,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for the expenses of the commission; and restores the language, stricken out by the Senate, which provides that no person shall receive compensation in excess of $1,800 per annum, and that no part of the appropriation shall be expended for traveling expenses other than those incurred for actual travel only by members of the commission in going to and returning from Washington to attend meetings of the commission.

On Nos. 15, 16, 17, and 18, relating to the Employees' Compensation Commission: Strikes out the appropriation, proposed by the Senate, for two special agents at $2,000 each; appropriates $9,000 for temporary assistants in the District of Columbia, instead of $10,000, as proposed by the Senate, and $8,000, as proposed by the House; and appropriates $20,000 for contingent expenses, as proposed by the Senate, instead of $19,000, as proposed by the House.

On No. 20: Appropriates $850,000 for the expenses of the Federal Trade Commission, instead of $800,000 as proposed by the House and $900,000 as proposed by the Senate.

On Nos. 22 and 23, relating to the United States Housing Corporation: Appropriates $65,725 for salaries as proposed by the Senate, instead of $60,000 as proposed by the House.

On No. 24: Strikes out, as proposed by the Senate, the authority given the Interstate Commerce Commission to have printing done outside the Government Printing Office in an amount not to exceed $1,500.

On No. 25: Appropriates $5,000, instead of $10,000 as proposed by the Senate, for the expenses of the Interstate Governmental Commission, Colorado River, and strikes out the language making the appropriation available during the fiscal year 1923.

On No. 26: Appropriates $200,000 for the expenses of the National Advisory Committee for Aeronautics and $10,000 for the construction of an additional laboratory building, as proposed by the House.

On No. 27: Appropriates $3,600 for the compensation of the assistant to the Superintendent of the State, War, and Navy Department Buildings, as proposed by the House, instead of $4,000 as proposed by the Senate.

On Nos. 30, 32, 33, and 34, relating to the United States Shipping Board: Inserts the language, proposed by the Senate, providing that no part of the moneys appropriated or made available by this act shall be used for the repair or reconditioning of any vessel until a reasonable opportunity has been given to the available Government navy yards to estimate upon the cost of such work, modified so as to permit the Government arsenals to bid on such work, and further modified so as to require estimates from the navy yards or arsenals when the expenses of such repair or reconditioning is in excess of $100,000, instead of $5,000, as proposed by the Senate. Strikes out, as proposed by the Senate, the provision that no part of the sums appropriated shall be used to pay a greater sum than 5 per cent as commissions for the placing of advertising matter contracted for; and strikes out the matter, inserted by the Senate, modifying the limitation placed by the House upon the appropriation for the payment of claims by the Shipping Board or Emergency Fleet Corporation; and strikes out, as proposed by the Senate, the prohibition on the use of Shipping Board or Fleet Corporation funds for the printing of "bulletins."

On Nos. 37, 38, 39, 40, 41, 42, and 43, relating to the Veterans' Bureau: Inserts the language, proposed by the Senate, authorizing the purchase of passenger-carrying and other motor vehicles; appropriates $34,970,974.65 for salaries and expenses of the Veterans' Bureau as proposed by the Senate, instead of $25,815,942 as proposed by the House; appropriates $160,000,000 for military and naval compensation as proposed by the House, instead of $145,000,000 and not exceeding $15,000,000 of any unexpended balance as proposed by the Senate; appropriates $146,409,188.80 for vocational rehabilitation as proposed by the Senate, instead of $127,000,000 as proposed by the House; inserts the language, proposed by the Senate, limiting the use of Army camps or cantonments as training centers to Camp Sherman, Chillicothe, Ohio; and restores the language, stricken out by the Senate, which provides that no part of the foreging appropriation shall be expended for construction work except for necessary "repairs," instead of for necessary "minor repairs," as proposed by the House.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 2, relating to the expenditure of part of the $25,000 appropriation for traveling expenses of the President for "official entertainment."

On No. 19, relating to the employees' compensation fund and providing for the advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, and not exceeding $25 in any one case.

On No. 21, relating to the General Accounting Office and providing for a lump-sum in lieu of a detailed appropriation.

On No. 28, relating to an appropriation of $1,500,000 for the purchase of land in the city of Washington.

On No. 29, increasing the appropriation for the Tariff Commission from $300,000 to $375,000.

On No. 32, relating to the authority granted the United States Shipping Board to continue to use sums received from the liquidation of assets up to $55,000,000.

On No. 35, relating to the number of employees that may be employed by the United States Shipping Board Emergency Fleet Corporation at a rate of compensation in excess of $11,000 per annum.

On No. 36, relating to the use of the Bureau of Efficiency in auditing work for the Fleet Corporation.

WILL R. WOOD,
EDWARD H. WASON,
T. W. HARRISON,
Managers on the part of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, I reserve all points of order on the conference report.

Mr. DALLINGER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. DALLINGER. I rise to make the point of order that the conferees have exceeded their authority in Senate amendment No. 30, in agreeing to the new matter which they have agreed to.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that the conferees have exceeded their authority in agreeing to Senate amendment No. 30, on page 29 of the engrossed bill.

Mr. DALLINGER. Mr. Speaker, in agreeing to it in a new draft. When this bill was before the House an amendment offered by me was adopted, which is found on page 31 of the bill, which read this way:

No part of the moneys appropriated or made available by this act shall be used or expended for the purchase, acquirement, repair, or reconditioning of any vessel, commodity, article, or thing which, at the time of the proposed purchase, acquirement, repair, or reconditioning, can be manufactured, produced, repaired, or reconditioned in each or any of the Government navy yards or arsenals of the United States for a sum less than it can be purchased, acquired, repaired, or reconditioned otherwise: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost.

Now, the Senate adopted an amendment to this, or rather in lieu of it, as follows:

No part of the moneys appropriated or made available by this act shall, unless the President shall otherwise direct, be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government, if the expense of such repair or reconditioning is in excess of $5,000, until a reasonable opportunity has been given to the available Government navy yards to estimate upon the cost of such repair or reconditioning if performed by such navy yards within the limit of time within which the work is to be done: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost: *And provided further*, That the provisions of this clause shall take effect upon the passage of this act.

Now, Mr. Speaker, the House has fixed no limit. As a matter of fact, when this matter was before the House the gentleman from Alabama [Mr. McDUFFIE] offered an amendment providing for a limit of $25,000, and his amendment was voted down. Now the Senate adopts an amendment providing for a limit of $5,000, so that the difference between the two Houses is the difference between no limit and a limit of $5,000. I submit that it is exactly on a par with the rulings which have been given in this House with regard to tariff schedules. Supposing the House of Representatives in a tariff bill puts a certain article on the free list, and in the Senate an amendment is put on carrying a duty of 5 per cent. In that case the conferees are limited to the difference between nothing and a 5 per cent duty. They can not in a conference report impose a duty of 100 per cent on that article. So here the Senate puts a limitation of $5,000 upon the reconditioning, practically saying that as to repairs under $5,000 they would not have to get an estimate from the navy yard. The House imposed no limit at all.

Now, I submit that the power of the conferees was limited between those extremes—nothing and $5,000. They have imposed a limit of $100,000, or $95,000 more than the Senate itself provided in the bill.

The SPEAKER pro tempore. Will the gentleman permit a question?

Mr. DALLINGER. Yes.

The SPEAKER pro tempore. Is the gentleman from Massachusetts contending that the conferees must either have accepted the Senate amendment or the original language of the bill?

Mr. DALLINGER. I contend that if they were going to impose a limit they could not impose a higher limit than either House had imposed. That is the point. The House refused to impose any limit. The Senate imposed a limit of $5,000. I submit that they have gone and imposed a higher limit than either House imposed.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that the conferees exceeded their authority in agreeing to the language in lieu of Senate amendment No. 30. It will be noticed that the original provision of the bill contained no limitation whatever providing for the purchase, repair, or reconditioning of any vessel, commodity, article, or thing on the part of the Government. The Senate struck out all of the language of the original House provision and inserted an amendment which required the reconditioning or repairs in excess of $5,000 to be done in Government yards under certain conditions. The conferees have agreed to substantially that language except that they have stricken out "$5,000" and inserted "$100,000." In the view of the Chair the whole controversy before the conferees was whether there should be a limitation upon the amount of the repairs, and if so, what the limitation should be; in other words, it was between $5,000 worth of repairs and no limit whatever.

This point has heretofore arisen, and a discussion occured on March 3, 1915, Sixty-third Congress, third session, RECORD, page 5469, when Mr. Speaker Clark ruled, in passing upon a point of order raised against the conference report on the Agricultural appropriation bill, that where the House struck out all of the Senate amendment, not leaving a single line or word of that provision and substituting a new amendment, it put it in exactly the same condition as where the Senate or House struck out all after the enacting clause of a bill and inserted a new bill entirely. The Speaker then ruled that the conferees had carte blanche in drafting new language and inserting new provisions. He cited as a precedent paragraph 6424 of Hinds' Precedents, volume 5, the syllabus of which is that—

Where the disagreement is as to an amendment in the nature of a substitute for the entire text of a bill the managers have the whole subject before them, and may exercise a broad discretion as to details.

It seems to the Chair that this particular case is analogous to that situation, and that the conferees were authorized either to agree to the provision without any limitation whatever, or to a limitation of $5,000, or to any limitation between that and no limitation whatever, and that the point of order that they have exceeded their authority is not well taken. The Chair therefore overrules the point of order.

Mr. HULL. Mr. Speaker, I should like to ask the gentleman in charge of this conference report why it was that he did not bring back to the House this particular amendment, as he promised to on February 27.

Mr. WOOD of Indiana. I will state to the gentleman from Iowa that on the morning when this bill was first called up and the request made to send it to conference objection was made or it was asked that it be put over until the next morning. On this first day there was a colloquy between the gentleman from Massachusetts [Mr. DALLINGER] and myself and the gentleman from Iowa [Mr. HULL] and myself with reference to this item. I stated at that time that, so far as I was concerned, the conferees would attempt to get as nearly as possible the language of the House, but I then stated that it was so absolutely impossible that if it became the law the Shipping Board could not operate a ship; and I stated at that time that, as far as I was concerned, it might be brought back to the House.

I am frank to say to the gentleman that on the next morning, when the matter was sent to conference, the gentlemen were not here, and there was no colloquy at all about it, nor was anything said with reference to it, but there was some request made by the gentleman from Tennessee [Mr. BYRNS] with reference to bringing back some other items which are brought back; and I am free to say to the gentleman that I had forgotten what I did say with reference to bringing it back. But the amendment offered in the House is so absolutely impossible that it was the opinion of everybody upon the conference that to adopt that language would mean absolutely to destroy the usefulness of the Shipping Board and all of its operations. They could not even get a monkey wrench repaired without getting an estimate from an arsenal or from a navy yard. In consequence, as I say, I regret that the matter for the time was forgotten or overlooked by all; but if in the opinion of this House the amendment that was adopted by the House should be retained, it is a very easy matter to reject this report and send it back. In my opinion, if anyone has any desire at all that this Shipping Board shall operate or that it shall turn a wheel, he will not for a moment subscribe to the amendment adopted by this House on the original bill.

Mr. BYRNS of Tennessee and Mr. HULL rose.

The SPEAKER pro tempore. To whom does the gentleman from Indiana yield?

Mr. WOOD of Indiana. I yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Will the gentleman yield to me five minutes?

Mr. WOOD of Indiana. Yes.

Mr. BYRNS of Tennessee. Mr. Speaker, I simply want to sympathize with my friend, the gentleman from Massachusetts [Mr. DALLINGER], and the other gentlemen from Massachusetts who made such an able, earnest, and successful fight in putting through the amendment on this bill while it was under consideration in the House and which was designed to require the reconditioning of the *Leviathan* to be done in navy yards if it could be done at an expense not exceeding that to be incurred in private yards.

Mr. DALLINGER. Where it could be done for less than in private yards.

Mr. BYRNS of Tennessee. Where it could be done for less, as the gentleman suggests. I feel that the gentleman is entitled to some sympathy, because, due to the very great haste of the Shipping Board, I understand that that contract has already been let to a private concern; and even if Congress were now to adopt this amendment and make it a part of the law it could not possibly have the result which the gentleman from Massachusetts [Mr. DALLINGER] was desirous of accomplishing.

I understand more. I understand that the Shipping Board, in its haste to make this contract before Congress had an opportunity to finally adopt the amendment, and in face of the fact that both the House and the Senate had expressed their approval of the object of the amendment offered by the gentleman from Massachusetts, the Shipping Board has made a contract for the reconditioning of the *Leviathan* with the Newport News Shipbuilding & Dry Dock Co., the president of which is Mr. Homer L. Ferguson, who now has a $11,000 position with the United States Shipping Board as a member of the claims commission. This gentleman was first appointed on the claims commission at $15,000 a year. Then, a year ago, when Congress put a limitation upon the appropriation bill, providing that not more than six of the employees of the Shipping Board should be paid in excess of $11,000, I understand his salary was reduced to $11,000, and that he is now a member of the United States Shipping Board Claims Commission at $11,000 per annum, and at the same time is serving as the president of this private concern at Newport News, which has been given this contract amounting to something over $8,000,000 in the face, I repeat, of the expressed wish of Congress that the Government navy yards of this country be given an opportunity to do that work provided it could be done at less cost than it could be done at this private yard. I will not discuss the propriety of the Shipping Board making such a huge contract with one of the high salaried and influential employees of the board. Nor shall I do more than refer to the fact that thousands of employees are being turned out of Government navy yards because they have no work to do.

The *Leviathan* is going to be reconditioned at a cost of something like $8,000,000, or perhaps a little more than that, and I dare say that it will finally be sold for less than it will cost to recondition it. I do not vouch for the statement, but somebody told me that it would probably be sold for $6,000,000. Then, we are to be asked to pass a law giving a subsidy to whoever buys it in order to run and operate it.

Let me call your attention to another fact. If you will read the hearings on this independent office appropriation bill, you will find that the Shipping Board were there asking for authority of Congress, believing that it was necessary to obtain that authority to recondition this vessel. But they did not wait for the authority, when it appeared that Congress was about to pass the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER], but they rushed out and made this contract with this private concern in order to forestall any act of Congress to compel this work to be done in a Government navy yard and by Government employees.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. I would like two minutes more.

Mr. WOOD of Indiana. I yield to the gentleman two minutes more.

Mr. BYRNS of Tennessee. They quickly made this contract with a company the president of which is a member of the claims commission of the Shipping Board, and I understand they propose to pay for the reconditioning of the *Leviathan* out of that $55,000,000 which is to be derived from the sale of surplus material and ships.

Mr. EDMONDS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. Is the gentleman sure that Mr. Ferguson is serving on that claims commission?

Mr. BYRNS of Tennessee. I have been assured of that fact. I do not think there is any doubt about it. Mr. Lasker so stated on January 4 of this year, as appears on page 907 of the hearing.

Mr. EDMONDS. I know he was appointed on the commission, but I understand he refused to serve as long as he had any contract in view that his company was connected with.

Mr. BYRNS of Tennessee. If he is not on the board, he has resigned since he got this contract, because he has been serving on the board, according to express statements of Mr. Lasker.

Mr. EDMONDS. The gentleman says he has been serving on the board?

Mr. BYRNS of Tennessee. That is my understanding, and I think my information is correct, for it is based on the explicit statement of Mr. Lasker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had receded from its amendments numbered 26 and 27 to the bill (H. R. 10063) entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes," and that the Senate had concurred in the amendment of the House of Representatives to the amendment of the Senate numbered 60 to said bill.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, I agree with everything the gentleman from Tennessee has said. In my opinion, the action of the Shipping Board in this instance was asinine, dishonest, and contemptible. However, that is not the matter before us. The matter that I want to call to the attention of the House is this: Are we, the Members of the House, to be able to depend on the leadership of the House when they make promises to us in regard to conference reports? It is not a question of what was in this amendment; it is simply a question, Are we to depend on the leadership of the House to bring back conference reports when they say they will? I am not going to argue the question, but I will put into the RECORD just what was stated when this conference report was before the House, taken from the Journal of the House of February 27:

Mr. DALLINGER. Mr. Speaker, reserving the right to object, can the gentleman tell us whether the conferees are going to insist upon the House position in regard to the amendment providing that articles which can be produced or repaired cheaper in navy yards and arsenals shall be so produced and repaired?

I understand in the Senate a substitute for it was adopted which does not carry out the wishes of the House in any respect or in a very slight respect.

Mr. WOOD of Indiana. I have always understood it to be the duty of the conferees to maintain and insist upon the position maintained by the House, and I do not think there will be any exception as far as this is concerned.

Mr. HULL. Will the gentleman agree to bring this back? It is a very important amendment and I think it is a reasonable request.

Mr. WOOD of Indiana. I will agree with the gentleman that it is a very important amendment. I believe that the gentlemen who are the proponents of this amendment will now agree that the amendment carried and passed by the House would have been impossible; but, so far as I am one of the conferees, I will be glad to see that the wishes of the House are maintained and, if not, I will bring it back to the House.

Not a word of the House amendment is retained in the conference report. This is admitted.

He did not bring it back. He admits it. I do not think there is anything further that I can say, but I do suggest to the chairman of the committee that he himself make a motion to send it back to conference.

Mr. BANKHEAD. Will the gentleman yield to me?

Mr. WOOD of Indiana. I will yield to the gentleman from Alabama three minutes.

Mr. BANKHEAD. Mr. Speaker, when this bill was up we had some controversy and argument in regard to the provision for the advertising appropriation in the Shipping Board, the amount that they were to spend for advertising. It developed in debate that as high as 15 per cent was paid for placing advertising contracts. After we had had considerable discussion, I offered an amendment, found on page 33 of the bill:

Provided, That no part of the sums hereinbefore appropriated shall be used to pay a greater sum than 5 per cent as commission for the placing of advertising matter contracted for.

When I offered that amendment the chairman of the subcommittee, the gentleman from Indiana [Mr. WOOD], agreed to the amendment, and by that I assume that he agreed that it was a proper limitation to pay for advertising contracts. Now we

find that the House conferees have receded and that has been stricken out of the bill. I would like if the gentleman from Indiana will tell us why the conferees agreed to that proposition. The House had accepted it and the gentleman had recognized the wisdom and justice of the amendment.

Mr. WOOD of Indiana. I will be glad to tell the gentleman. As far as the amount is concerned, it amounts to nothing, whether it was 15 per cent or 5 per cent that might be involved, or whatever per cent might be paid by the parties. The evidence showed that out of all of the advertising the Government had only paid $285, or in that neighborhood. The Senate, so we were informed—and I do not think I am revealing any secret—was induced to strike out that language upon the assumption that it was a reflection on Mr. Lasker, who happens to be engaged in that character of business.

Mr. BANKHEAD. Mr. Lasker felt that it was a reflection.

Mr. WOOD of Indiana. That was the purpose of the Senate to strike it out, and the conferees felt that as Mr. Lasker was sensitive about it and the amount involved was absolutely null, and as far as its being of real service it amounted to nothing, and that was the reason we accepted it at the time.

Mr. BANKHEAD. Does not the gentleman think we are going pretty far afield when the naked declaration of a Government official that he feels that the deliberate action of this House undertaking to properly limit the expenditures of the department is a reflection on that official—that upon his mere suggestion the conferees should yield, notwithstanding the opinion of the House of Representatives?

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND of Virginia. Mr. Speaker and gentlemen of the House, the attack that was made by the gentleman from Tennessee [Mr. BYRNS] on Mr. Ferguson is based upon his acceptance of the appointment as a member of the Compensation Claims Commission. I do not know whether Mr. Ferguson is discharging the duties of that position or not. I do know Mr. Ferguson personally; I have known him for a number of years. I do know that there is not in my acquaintance a man of a higher sense of honor or a higher regard for right than Mr. Ferguson.

Mr. BRYNS of Tennessee. Will the gentleman yield?

Mr. BLAND of Virginia. Certainly.

Mr. BYRNS of Tennessee. I want to say that I made no attack on Mr. Ferguson. I was simply calling attention and submitting the question of propriety of the Shipping Board making an $8,000,000 contract with one of its high-priced employees. I made no attack on Mr. Ferguson; I am sure he is entitled to the high commendation given him by the gentleman from Virginia.

Mr. BLAND of Virginia. Personally I can not see any incompatibility in his position as president of the shipyard and as a member of the Compensation Claims Commission. If the Compensation Claims Commission had anything to do with the award of the contract for the *Leviathan* to the Newport News Shipbuilding & Dry Dock Co., the positions would be incompatible, but they occupy an entirely different position, and the Compensation Claims Commission had absolutely nothing to do with the award of the contract. It is utterly impossible for me to see just where the incompatibility arises.

I submit that there was a reason for the award of this contract on the early date on which it was awarded, a reason that has not been brought to the attention of this House. According to my understanding from the debates that occurred in the Senate—and I have not heard it denied—the bids that had been called for were limited to acceptance by February 15, as I recall the date. At any rate they were limited so that they became inoperative on the day succeeding the very day on which the Shipping Board awarded this contract. If the board had waited until the succeeding day, every private bidder could have recalled his bid and would not have been bound by it. In fact, some of the subcontractors, some of the people who had obligated themselves to the Newport News Shipbuilding & Dry Dock Co., had already served notice on the company and on the Shipping Board that unless the contract was awarded on the date fixed, I think February 15, they would no longer be bound by their contracts. Therefore the operation of the provision inserted by the Congress, if carried into effect, would have been absolutely to strike down every offer that had been submitted by a private concern.

Mr. Speaker, the newspapers are fairly accurate in sensing public opinion, and if gentlemen will examine the editorials of the newspapers of this country, even from Boston itself, to the far South, they will find that there has been an indorsement of the action of the Shipping Board in awarding this contract to a private bidder. This question is not a new one in this Congress. The people who are connected with the Government have had some experience in this. In 1914 or 1915 the Government considered the award of the contracts for the *Texas* and the *New York*. The *Texas* was awarded to the Newport News Shipbuilding & Dry Dock Co. and was constructed for about $5,830,000. One of the northern navy yards, I think the Brooklyn Navy Yard, insisted that it could build the sister ship at the same price. The result was the navy yard had to come back to this Congress for an additional appropriation of $400,000, and when completed a letter of the Secretary showed that the ship which was built in the navy yard cost this Government $1,125,000 more than the ship which was constructed in a private yard.

I submit that this was a proper business transaction on the part of the Shipping Board, especially in view of the fact that the offers would have expired by limitation on the day that the contract was let.

Mr. WOOD of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I have a letter here written to me by a representative constituent, which pertains to the efficiency of the advertising which has been spoken of to-day. That letter is as follows:

THE GREENWAY,
Baltimore, February 6, 1922.

Hon. J. CHAS. LINTHICUM,
20 East Lexington Street.

DEAR SIR: I should like to call attention to the inefficient manner of conducting business now employed by the United States Shipping Board. On January 1 I wrote to several transatlantic lines asking for information regarding rates, dates of sailing, etc. I received replies from all lines promptly except from the office of the United States Shipping Board, 45 Broadway, New York. After waiting for a reply for two weeks I answered an advertisement of the Shipping Board which appeared in one of the magazines requesting prospective travelers to send to information desk at Washington for information regarding sailings, etc. Ten days later I received a booklet giving information perhaps valuable to one who has never been abroad, regarding passport regulations, etc., but having nothing of value for the average experienced traveler. I was informed that my request for passage data had been forwarded to the New York offices. I am still waiting after nearly a month and a half of delay, for even an acknowledgment of my first letter to the New York office.

What is the use of indulging in wordy outbursts in regard to patriotically patronizing our own merchant marine, spending hundreds of thousands of dollars for advertising, and then allowing other more wide-awake lines to walk away with the business for want of proper attention?

I should have liked to have patronized "our own ships," but I can not wait any longer.

Very truly, yours, RALPH C. WILLIAMS.

Mr. WOOD of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, this amendment was adopted by the House by almost a unanimous vote, and the same language, almost word for word, the House put into the permanent law in the Army reorganization act, and it is also contained in the military and the naval appropriation acts of last year. It simply provided that if any of this work could be done more cheaply in Government arsenals or navy yards it should be so done. When the conferees were appointed the gentleman from Iowa [Mr. HULL] and myself, knowing that the Senate had adopted an amendment very much weaker than the House amendment, asked the gentleman from Indiana [Mr. WOOD], reserving our right to object to the bill going to conference, if he would bring it back to the House if the Senate did not agree to the House position. He promised that he would. "I will bring it back to the House," he said on page 3110 of the RECORD. It seems to me that the conferees have not kept their promise. They have agreed to an amendment which not only weakens the House provision but even the Senate provision, increasing the limit as it does from $5,000 to $100,000, and the only thing that the House can do is to refuse to accept the conference report.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I have asked for this time in order to read a letter which I have received from a very distinguished man. I ask this privilege because of the very severe attacks made in a recent debate here upon another man, not a Member of the House, who, therefore, had no opportunity to defend himself. I am not personally acquainted with the writer of the letter, but know, as do the other Members of the House, that he is a man of international reputation among the highest in his profession:

CASS GILBERT, ARCHITECT,
New York, February 14, 1922.

Hon. HENRY ALLEN COOPER,
House of Representatives, Washington, D. C.

MY DEAR MR. COOPER: I have read with much interest and satisfaction your recent speech in the House of Representatives on the subject of the Commission of Fine Arts, and of Mr. Charles Moore, its chairman. As a former member of the commission and as a citizen interested in the public welfare I wish to thank you for it.

I was one of the original members of the commission, and was appointed by President Taft. At the end of my term I was reappointed by President Wilson, and resigned in the autumn of 1916, after nearly six and a half years of active service. Since then I have kept in touch with the commission, and while I do not know its work in detail I do know that its general character has not changed. As Chief Justice Taft recently said to me, "It is the best commission in Washington."

I have seen a good deal of public service in the last 25 years, and I never have known a group of men more thoroughly unselfish and more imbued with the spirit of devotion to the public welfare than have been the men constituting the Commission of Fine Arts, and this applies with especial force to Mr. Charles Moore, its chairman. His services to the Government for nearly a quarter of a century have not only been singularly unselfish, but have been of the highest order, for they have led to direct constructive results. It was he who started Senator McMillan upon the water-supply and filtration plant for the District of Columbia. He followed this up by calling Senator McMillan's attention to and urging upon him the trunk line sewer system for the city of Washington. He was one of those who had a part in securing the removal of the Pennsylvania Railroad tracks from the Mall. He was one of the early advocates of the saving of Rock Creek Valley. He has been a helpful advocate of the development of the park system of Washington. Modest, unselfish, and sincere, he has been an advocate of every good cause for the development of the National Capital within reasonable lines to my knowledge for more than 20 years, and he is a man of trained taste and scholarly attainment. His scholarship is recognized by his election to membership in the National Institute of Arts and Letters and various other professional societies. I think Charles Moore has the confidence of those engaged in arts and letters to a greater extent than any other man connected with the public service, and he has earned it and he has never misused it. It will be a public calamity and an irreparable loss when Mr. Moore ceases to be an active factor in the development of the District of Columbia.

During my time on the Commission of Fine Arts I think we had to pass on questions as varied as the design of a dollar bill to the planning of the city of Balboa in the Panama Canal Zone.

I remember a single instance in which the commission recommended the omission of an unnecessary colonnade on one of the proposed public buildings which, according to my estimate, reduced the cost $2,000,000. I cite this only as evidence of the commission's attitude toward such matters, which has been one of economy, common sense, and good taste.

I note that it has been said in Congress that the members of the commission have desired such appointments because of social prestige and because they received invitations to fetes and other occasions in Washington. My own experience does not bear this out.

In fact, I can recall many occasions when I had to give up important business, professional, and social engagements in New York and elsewhere, to attend meetings of the Commission of Fine Arts, and one of the reasons why I resigned from the commission was that I was giving so much time to the work which it involved that it constituted a serious interference with the professional work for which my clients paid me.

I trust you will pardon these personal allusions, but they seem not entirely out of place in view of the statements which seem to have been made by Members of Congress.

I did not start this letter as a defense of the Commission of Fine Arts, but only to thank you for your speech and the very appreciative expressions of the work which the commission and Mr. Moore have done.

With personal regards, I remain,
Faithfully, yours, CASS GILBERT.

Mr. Gilbert is the architect of the Woolworth Building in New York City, of the Minnesota State capitol, and of other famous structures, and has been chosen by West Virginia to draft plans for her capitol. The gentleman from Indiana [Mr. WOOD] said that not even "a pigpen can be built in Washington without the consent of Mr. Moore." Now, the fact is that the order of President Harding specifically provides that the only buildings about which the commission is to be consulted for advice, and only for advice, are buildings constructed by the executive departments or by the District of Columbia. The order does not at all relate to private buildings, and anyone who knew the law would have said that instead of what was said.

Mr. WOOD of Indiana. Mr. Speaker, I wish to call attention very briefly to what has been stated by the gentleman from Tennessee [Mr. BYRNS], which is of importance in the consideration of this report.

Mr. Speaker, the gentleman from Tennessee is mistaken in reference to the position occupied by Mr. Ferguson—an unintentional mistake, of course. Mr. Ferguson is the president, as I understand, of the Newport News Shipbuilding & Dry Dock Co. He was appointed by the President upon the claims commission of the Shipping Board; but Mr. Ferguson, because of the fact the company of which he is president has a claim against the Shipping Board, absolutely refused to accept that position, and does not occupy that position now.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BYRNS of Tennessee. I call the gentleman's attention to the hearing which was conducted on January 4 of this year, page 907, in which Mr. Lasker stated:

We got very high-grade men on it, the members of the commission being Judge Walter D. Neals, formerly justice of the appellate court of Ohio, who is the chairman of the commission; Mr. Arthur W. Peelle, of Patterson, Peelle & Dennis, and vice president of the American Institute of Accountants; Mr. Homer L. Ferguson, president of the Newport News Shipbuilding & Dry Dock Co.; Capt. R. M. Watt, formerly chief constructor of the Navy; and Mr. F. W. Wood, of Baltimore, former president of the Maryland Steel Co.

These were the members of the claims commission on January 4, according to the statement of Mr. Lasker.

Mr. WOOD of Indiana. I will state the board was constituted with their names, but Mr. Ferguson refused to accept. He is named as a member of this commission, but he refused to accept upon the high ground of the position he occupied in reference to this shipyard.

Mr. BYRNS of Tennessee. If that be true, why did Mr. Lasker make that statement? He made no statement in the hearings that Mr. Ferguson was not serving, but stated at that time he was a member of the claims commission.

Mr. WOOD of Indiana. I will say to the gentleman that Mr. Lasker was speaking in general terms about the people occupying this position, and in order that there might be no mistake about this thing I have just this minute, through the Clerk and Mr. Wason, had a conversation with the Shipping Board, and they tell me what I now tell you as being the latest information, that while he was appointed he refused to accept for the reason I have stated and he has never drawn a penny.

Mr. BYRNS of Tennessee. If the gentleman will pardon me, of course my statement was based upon the emphatic statement of Mr. Lasker. Now, if Members of Congress can not rely upon the hearings which were had before the committee and which were afterwards looked over and revised before being printed in order to prevent any mistake being made, I do not know what Congress can rely upon.

Mr. WOOD of Indiana. I will state that Mr. Lasker in stating the men who had been selected for these various positions named Mr. Ferguson——

Mr. BYRNS of Tennessee. But he did not make that statement, I submit to the gentleman, but named the men who had been appointed.

Mr. WOOD of Indiana. If the gentleman will just let me proceed. Mr. Lasker was making a general statement in reference to the personnel occupying the various positions connected with this board and named Mr. Ferguson among them. I can see very readily how the gentleman from Tennessee could have been misled by the language, and I confess I would have been misled also. To be exactly right about the thing, the Shipping Board was called up and the statement was as I have given it, that he was not appointed for the reason I stated and he has never drawn a cent, and in the event he had I appreciate the high-mindedness in not accepting it because of the very insinuations that might be made by reason of his connections in any capacity. But that would have nothing to do with the letting of the contract for the *Leviathan*, and that had nothing to do with the claims commission whatever; but he did not desire to place himself in a position where he might be criticized.

Now, much has been said here about the haste with which this contract for reconditioning the *Leviathan* was let. It either had to be let upon the very day that it was finally let or else new bids had, and it can not truthfully be said they took advantage of any situation. My attention has been called, and I call attention of the gentleman from Tennessee to this same hearing, on page 1075 of the hearings of the subcommittee in the second paragraph, where it mentions Mr. Homer Ferguson, of the Newport News Shipbuilding Co., and it says:

The latter gentleman has not qualified or acted with the commission.

Mr. CHINDBLOM. Who made that statement?

Mr. BYRNS of Tennessee. That is on a different day or a different statement.

Mr. WOOD of Indiana. It was made afterwards. That is true, but——

Mr. CHINDBLOM. Who made the statement—Mr. Lasker?

Mr. WOOD of Indiana. Mr. Lasker or some one of his agents. Now, gentlemen, because the Shipping Board is unpleasant and all of its transactions have been nauseating and disgusting prior to this administration to everybody who has any connection with it at all we should not be unmindful of the fact that the United States is vitally interested in the concerns of this Shipping Board.

Mr. BYRNS of Tennessee. Just one moment. That statement which the gentleman read in response to some gentleman's question on the floor was made by Mr. Bullitt, not Mr. Lasker.

Mr. WOOD of Indiana. I believe it was made by Mr. Bullitt; I did not look the testimony over. But why quibble about this thing, except for the purpose of exciting the prejudice of men already aroused beyond the point they should be aroused? I have no more concern in this matter than anybody else has, unless it be because of the position I occupy. I tried to get the facts and be fair with this committee. I confess when I commenced this investigation I was prejudiced not only against the old Shipping Board but against the present one, and I think if you will read these hearings you will find the questions I propounded indicated this fact, but I was convinced, before

we got through this thing, by reason of the testimony that could not be questioned or disputed, that these men were trying to bring some order out of the most chaotic conditions. Amongst other things, they had conceived the idea of reconditioning this *Leviathan*, and they had asked for bids from everybody that wanted to bid. Bids came even from Germany, and they were for a less amount than the bid finally accepted of the Newport News Co., but knowing the great wrath that would be stirred up, and justifiably so, perhaps, if they were to let this contract abroad, even though it did save a great amount of money to the United States, they were justified in refusing any foreign bids, and they finally let it to the Newport News Co. on the last day, when that company was trying to get out of it. That is what they did for the purpose of saving money to the United States.

Now, as to the amendment, that whole thing was predicated on the reconditioning of the *Leviathan*, and I have no idea, if they had it not in mind, that it would have found any place in this consideration.

Mr. JOHNSON of Mississippi. If the gentleman will yield, I wish to direct an inquiry to the gentleman as to the statement made by the gentleman from Iowa [Mr. HULL] and the gentleman from Massachusetts [Mr. DALLINGER]. They charged the chairman with not keeping faith with the House. I would like to know if that is true, if the gentleman has not already made a statement in regard to it?

Mr. WOOD of Indiana. I made that statement awhile ago.

Mr. JOHNSON of Mississippi. I did not hear it.

Mr. WOOD of Indiana. There were two days when this bill was up for the purpose of referring it to the conference. On the first day there was a colloquy between the gentleman from Iowa and myself, and the gentleman from Massachusetts and myself. Nothing was done upon that day. Something was said then with reference to this amendment, I contending that it would be absolutely impossible to carry out the amendment that was offered, and that we should insist as nearly as possible in trying to find out, and, so far as I was concerned, I was willing to let it come back to the House. On the second day, or the next day thereafter, we did bring it back, and there was some objection from the gentleman from Tennessee. We did bring it back on the others. As I said before, by reason of the confusion I overlooked it. I do not want to be placed in the attitude of breaking my faith with anybody connected with the House. It is very easy for the gentlemen to refuse this conference report and to send it back. But I want to say now, if there is a fair-minded man before me, he can read this amendment with reference to having the work done in the navy yards, and he would know that you could not repair these ships there, for you could not get a bid for doing the work in the navy yards. There is some reason why this thing should be finally entirely rejected or else adopted, not so much with reference to the Shipping Board but with reference to other material matters on which options are now pending, but which will expire to-day. We did it so far as this amendment is concerned, and on the part of the House we inserted in the Senate amendment the inclusion of arsenals that was not included in the Senate amendment.

I want to call attention, and this is one of the many examples that might be cited, to the fact of how impossible it is to carry out the amendment of the gentleman from Massachusetts [Mr. DALLINGER]. Under the law the Shipping Board is required to carry a certain per cent of the immigrants that come into this country. In order to do that thing they had to recondition their vessels in order to provide satisfactory space for these passengers. Now, if we would carry out the proposals submitted and get estimates from the navy yards, and some limitation was not placed upon them, and we placed on it $100,000 in improvements, it would require much time to recondition. Under the policy adopted by the Shipping Board they take a crew of ship carpenters aboard the vessel with the material, and they go abroad to where these immigrants are collected, and they recondition the boat on the way over there. The boat is sailing all the time and does not lose any time by that arrangement, and they get the work done on a ship, according to the evidence submitted by those in charge, much more easily than if they would tie it up while the work was being done. Besides, the vessel is in movement all the while. That is just one thing, and it requires in some of these boats $60,000 or $75,000 to put them in condition to do that work.

Mr. HULL. On the second day that the gentleman speaks of, that he brought this conference report before the House, was there anything at all said about this particular amendment?

Mr. WOOD of Indiana. Absolutely. I said in the colloquy, if you will read it there, that the amendment proposed by the Senator from Massachusetts was impossible and that no fair-minded man could read it, in view of the necessity of the Shipping Board, and be in favor of it.

Mr. HULL. That was the first day.

Mr. WOOD of Indiana. On the last day there was nothing at all said about the amendment.

Mr. HULL. Was there anything said?

Mr. WOOD of Indiana. No.

Mr. HULL. You promised to bring back this report with the House amendment as suggested, and you did not bring it back.

Mr. WOOD of Indiana. Absolutely. And I say it would be a waste of time, and absolutely a useless performance. It is up to you gentlemen to determine whether or not we have served you as best we could; and if you think we have not, why, reject this report.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The gentleman from Indiana moves the previous question on agreeing to the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. DALLINGER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. DALLINGER. To make the point of order that there is no quorum present.

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HICKS. In case there is no quorum present would that require an automatic roll call?

The SPEAKER pro tempore. The Chair thinks there would not be an automatic roll call. The Chair waited before announcing the result.

Mr. DALLINGER. Mr. Speaker, I will withdraw my point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts withdraws his point of order. The Clerk will report the first amendment disagreed to.

The Clerk read as follows:

Senate amendment No. 2, page 3, line 4: After the word "traveling" insert "and official entertainment."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House recede and concur in Senate amendment numbered 2.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield me three minutes?

Mr. WOOD of Indiana. Yes.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for three minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I think the House ought to insist on its disagreement to this amendment. Of course, it seems in a way somewhat ungracious to resist a matter of this sort, and yet it involves a principle which I do not think the Congress ought to commit itself to. I do not understand that the President has ever requested it, and consequently nothing that I am saying can be taken as any sort of reflection on the President. It has never been the policy of this Government to appropriate money for entertainment and social purposes. It ought not to be the policy.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. MANN. Has not Congress appropriated money for the State Department for that very purpose?

Mr. GARRETT of Tennessee. I do not recall it.

Mr. MANN. Oh, well, we have, for the entertainment of foreign visitors.

Mr. GARRETT of Tennessee. I do not recall even that, but I will take the statement of the gentleman.

Mr. MANN. Perhaps it was for their own details.

Mr. MONDELL. What about the expenditures in Paris during the negotiation of the treaty of Versailles? Was there not a very considerable amount of entertainment at very considerable cost at Government expense?

Mr. GARRETT of Tennessee. I do not know. There was a sum appropriated, of course, to the commissioners, and the commissioners were headed by the President of the United States. How he spent the money I do not know.

Mr. MONDELL. Well, the gentleman has heard rumors?

Mr. GARRETT of Tennessee. Here is the situation: We might just as well be perfectly frank about the matter. Custom has imposed upon the President of the United States the unpleasant burden of having about four public receptions a year. I imagine it is very unpleasant to all the Presidents; I do not know. There is not any obligation on the part of the President to feed the folks that go there. The present President has not been doing it, and I glory in his spunk in not doing it. [Applause.] But I do not think that the Congress ought to appropriate money to pay for food at entertainments up there. That is all there is about it, and that is all I have to say about it.

Mr. BYRNS of Tennessee. Does not the gentleman think these receptions had better be cut out altogether rather than to tax the people who have not the opportunity to attend?

Mr. GARRETT of Tennessee. Yes; I think so. They are a nuisance to everybody.

Mr. WOOD of Indiana. There has been for many years an appropriation of $25,000 for traveling expenses of the President. That item has been used for all expenses of traveling, including, of course, the expenses of entertainment while traveling, but there is some question as to whether that is authorized by the language of the appropriation. To make it clear that this item is available for official entertainment, for which it has been used, at least when the President is traveling, the language is inserted.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Indiana [Mr. WOOD] that the House recede and concur in the Senate amendment No. 2.

The question was taken; and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. WOOD of Indiana. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is called for.

The House divided; and there were—ayes 55, noes 34.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Tennessee makes the point of order that there is no quorum present. It is evident that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the motion to recede and concur. Those in favor of the motion will signify their assent by answering "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 220, nays 96, answered "present" 2, not voting 110, as follows:

YEAS—220.

Ackerman	Dunn	King	Nolan
Anderson	Dyer	Kinkaid	Norton
Andrew, Mass.	Edmonds	Kirkpatrick	Paige
Andrews, Nebr.	Evans	Kissel	Parker, N. J.
Anthony	Fairfield	Kleczka	Parker, N. Y.
Appleby	Faust	Kline, N. Y.	Patterson, Mo.
Arentz	Fess	Kline, Pa.	Perkins
Atkeson	Fitzgerald	Kopp	Perlman
Barbour	Focht	Kraus	Purnell
Beck	Fordney	Larson, Minn.	Radcliffe
Begg	Foster	Lawrence	Ransley
Benham	Frear	Lea, Calif.	Reece
Bixler	Freeman	Leatherwood	Reed, N. Y.
Bland, Ind.	French	Lee, N. Y.	Reed, W. Va.
Bond	Frothingham	Lehlbach	Rhodes
Bowers	Fuller	Lineberger	Ricketts
Brennan	Funk	Little	Roach
Brooks, Ill.	Gahn	London	Robsion
Brown, Tenn.	Gensman	Longworth	Rogers
Browne, Wis.	Gernerd	Luce	Rose
Burdick	Goodykoontz	McArthur	Rosenbloom
Burtness	Gorman	McCormick	Rossdale
Burton	Graham, Ill.	McFadden	Ryan
Butler	Green, Iowa	McKenzie	Sanders, N. Y.
Cable	Griest	McLaughlin, Mich.	Scott, Mich.
Cannon	Hadley	McLaughlin, Nebr.	Scott, Tenn.
Chalmers	Hardy, Colo.	McPherson	Shaw
Chindblom	Haugen	MacGregor	Shelton
Christopherson	Hawes	Madden	Shreve
Clague	Hawley	Magee	Siegel
Clarke, N. Y.	Hayden	Maloney	Sinclair
Classon	Hays	Mann	Sinnott
Clouse	Hersey	Mapes	Smith, Idaho
Cole, Iowa	Hickey	Michaelson	Smith, Mich.
Cole, Ohio	Hicks	Michener	Snell
Colton	Hill	Miller	Snyder
Connell	Hoch	Millspaugh	Sproul
Connolly, Pa.	Hogan	Mondell	Steenerson
Cooper, Ohio	Hukriede	Montague	Stephens
Cooper, Wis.	Hull	Montoya	Strong, Kans.
Crago	Hutchinson	Moore, Ill.	Summers, Wash.
Curry	Ireland	Moore, Ohio	Sweet
Dale	Jefferis, Nebr.	Moores, Ind.	Swing
Dallinger	Johnson, S. Dak.	Morgan	Taylor, N. J.
Darrow	Johnson, Wash.	Morin	Taylor, Tenn.
Denison	Kearns	Murphy	Temple
Dickinson	Kelly, Pa.	Nelson, A. P.	Thompson
Doughton	Kendall	Nelson, J. M.	Timberlake
Dowell	Ketcham	Newton, Minn.	Tinkham
Dunbar	Kiess	Newton, Mo.	Towner
Treadway	Volstead	White, Kans.	Woodruff
Vaile	Walters	White, Me.	Wurzbach
Vestal	Wason	Williams	Wyant
Volgt	Watson	Williamson	Yates
Volk	Wheeler	Wood, Ind.	Young

NAYS—96.

Almon	Driver	Lankford	Rouse
Bankhead	Favrot	Larsen, Ga.	Rucker
Barkley	Fisher	Layton	Sabath
Black	Fulmer	Lazaro	Sanders, Tex.
Bland, Va.	Garner	Lee, Ga.	Sandlin
Bowling	Garrett, Tenn.	Linthicum	Sears
Box	Garrett, Tex.	Logan	Sisson
Briggs	Gilbert	Lyon	Smithwick
Buchanan	Goldsborough	McClintic	Stedman
Bulwinkle	Hammer	McDuffie	Stevenson
Byrnes, S. C.	Hardy, Tex.	McSwain	Stoll
Byrns, Tenn.	Harrison	Mead	Sumners, Tex.
Cantrill	Hooker	Moore, Va.	Swank
Carew	Huddleston	O'Connor	Ten Eyck
Carter	Hudspeth	Oldfield	Thomas
Collier	Jeffers, Ala.	Overstreet	Tillman
Collins	Johnson, Ky.	Padgett	Tyson
Connally, Tex.	Johnson, Miss.	Park, Ga.	Upshaw
Cramton	Jones, Tex.	Parks, Ark.	Vinson
Cullen	Keller	Pou	Ward, N. C.
Deal	Kincheloe	Quin	Weaver
Dominick	Kindred	Raker	Wilson
Drane	Knight	Rankin	Woods, Va.
Drewry	Lanham	Rayburn	Wright

ANSWERED "PRESENT"—2.

Cockran	Humphreys

NOT VOTING—110.

Ansorge	Dupré	Kunz	Riordan
Aswell	Echols	Lampert	Robertson
Bacharach	Elliott	Langley	Rodenberg
Beedy	Ellis	Lowrey	Sanders, Ind.
Bell	Fairchild	Luhring	Schall
Bird	Fenn	McLaughlin, Pa.	Slemp
Blakeney	Fields	Mansfield	Speaks
Blanton	Fish	Martin	Stafford
Boies	Free	Merritt	Steagall
Brand	Gallivan	Mills	Stiness
Brinson	Glynn	Mott	Strong, Pa.
Britten	Gould	Mudd	Sullivan
Brooks, Pa.	Graham, Pa.	O'Brien	Tague
Burke	Greene, Mass.	Ogden	Taylor, Ark.
Burroughs	Greene, Vt.	Oliver	Taylor, Colo.
Campbell, Kans.	Griffin	Olpp	Tilson
Campbell, Pa.	Herrick	Osborne	Thacher
Chandler, N. Y.	Himes	Parrish	Underhill
Chandler, Okla.	Husted	Patterson, N. J.	Vare
Clark, Fla.	Jacoway	Petersen	Ward, N. Y.
Cold	James	Porter	Webster
Copley	Jones, Pa.	Pringey	Wingo
Coughlin	Kahn	Rainey, Ala.	Winslow
Crisp	Kelley, Mich.	Rainey, Ill.	Wise
Crowther	Kennedy	Ramseyer	Woodyard
Davis, Minn.	Kitchin	Reavis	Ehlman
Davis, Tenn.	Knutson	Reber	
Dempsey	Kreider	Riddick	

So the motion to recede and concur was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Mr. TILSON (for) with Mr. BLANTON (against).

Mr. LAMPERT (for) with Mr. WINGO (against).

Mr. RODENBERG (for) with Mr. BELL (against).

Mr. WINSLOW (for) with Mr. DAVIS of Tennessee (against).

Mr. ELLIOTT (for) with Mr. JACOWAY (against).

Mr. BLAKENEY (for) with Mr. MANSFIELD (against).

Mr. HIMES (for) with Mr. STEAGALL (against).

Mr. REBER (for) with Mr. TAYLOR of Arkansas (against).

Mr. PATTERSON of New Jersey (for) with Mr. WISE (against).

Mr. FREE (for) with Mr. BRAND (against).

Mr. COUGHLIN (for) with Mr. CRISP (against).

Mr. GREENE of Massachusetts (for) with Mr. ASWELL (against).

Mr. STRONG of Pennsylvania (for) with Mr. KITCHIN (against).

Mr. KAHN (for) with Mr. FIELDS (against).

Mr. FENN (for) with Mr. OLIVER (against).

Mr. CAMPBELL of Pennsylvania (for) with Mr. BRINSON (against).

Mr. BACHARACH (for) with Mr. LOWREY (against).

Mr. OLPP (for) with Mr. RAINEY of Alabama (against).

Mr. PORTER (for) with Mr. PARRISH (against).

Mr. CHANDLER of Oklahoma (for) with Mr. RIORDAN (against).

Mr. SANDERS of Indiana (for) with Mr. TAGUE (against).

Mr. OSBORNE (for) with Mr. SULLIVAN (against).

Mr. GLYNN (for) with Mr. MARTIN (against).

Mr. DAVIS of Minnesota (for) with Mr. O'BRIEN (against).

Mr. LUHRING (for) with Mr. DUPRÉ (against).

Mr. ELLIS (for) with Mr. HUMPHREYS (against).

Mr. CODD (for) with Mr. TAYLOR of Colorado (against).

Mr. KREIDER (for) with Mr. KUNZ (against).

Mr. MUSE (for) with Mr. RAINEY of Illinois (against).

Mr. SPEAKER (for) with Mr. GRIFFIN (against).

Mr. GRAHAM of Pennsylvania (for) with Mr. GALLIVAN (against).

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors. The yeas have it, and the motion to recede and concur is agreed to. The Clerk will report the next amendment still in disagreement.

The Clerk read as follows:

Amendment No. 19: Page 11, line 6, after the figures "11" insert: "and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, and not exceeding $25 in any one case."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur in Senate amendment 19.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House recede and concur in Senate amendment 19.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 21: Page 12, beginning with line 4, strike out the remainder of page 12 and all of page 13, down to and including line 14, and insert the following:

"For carrying out the provisions of the act of June 10, 1921, establishing the General Accounting Office, including salaries of officers and employees, traveling expenses and per diem in lieu of subsistence while absent on official business outside the District of Columbia not to exceed $50,000, rent, purchase, and exchange of books, and contingent and miscellaneous expenses, $2,498,101."

Mr. WOOD of Indiana. I move that the House recede and concur in amendment numbered 21 with the following amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Indiana offers a motion, which will be reported by the Clerk.

The Clerk read as follows:

Mr. WOOD of Indiana moves that the House recede from its disagreement to the amendment of the Senate No. 21 and agree to the same with an amendment as follows: Strike out the sum of "$2,498,101" and insert in lieu thereof the sum "$2,468,001."

Mr. WOOD of Indiana. Mr. Speaker, the purpose of that amendment is to correct a mistake made by the Senate in their calculation as to the amount required.

Mr. BYRNS of Tennessee. I should like to have some time on this amendment. I should like five minutes.

Mr. WOOD of Indiana. I yield to the gentleman from Tennessee five minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, I have a very high personal regard for my friend the gentleman from Indiana [Mr. WOOD], as well as a very great respect for his ability. We generally agree upon matters of appropriations; but I am very much opposed to the motion which he has just made. If his motion prevails, its effect will be to place in a lump sum in the hands of the Comptroller General of the United States the sum of $2,468,000 for the payment of salaries and the other expenses of the General Accounting Office. That is something that is not done for any other department or bureau, save a very few such as the Interstate Commerce Commission and the Federal Trade Commission, where they employ men frequently for temporary periods of a few months—investigators, and so forth. This is a departure from the uniform custom and practice of Congress not to place lump sums in the hands of the heads of departments or bureaus for the purpose of paying salaries.

In addition to that, this bureau under the Budget law is peculiarly a bureau of Congress. It is not attached to any department of this Government but it is under the jurisdiction of Congress itself under the Budget law. Now, why should we take this initial step in behalf of a bureau under Congress when we uniformly and properly decline to do so for the executive departments of this Government? When the law was passed last year it made available for the Comptroller General of the United States the employees and the appropriations which were made for the various auditors in the different departments of this Government, amounting to $2,152,813.57. Let me call your attention to the fact that that was not a lump sum. The employees so transferred were on the statutory roll, and they are now on the statutory roll in the Comptroller General's office. But if the motion of the gentleman from Indiana prevails they will be taken off the statutory roll and it will be left to the Comptroller General to fix their salaries at whatsoever amount he may choose within the maximum limitation fixed by the Budget law of $5,000. Now, are we going to do that? Are we going to take that radical and unusual step with reference to this particular office, or are we going to treat this office as we treat all the offices of this Government and have a voice as to what shall be paid to the employees of that particular office?

My friends, there is nothing personal about this. It is not because it is the office of the Comptroller General. If it was any other office, my position would be the same. I am opposed to lump sums. Whenever you undertake to appropriate lump sums you may expect extravagance and favoritism. Pressure will be brought upon those having charge of that lump sum, and whatever may be their intention you will have charges of favoritism and you will find extravagance before the appropriation has been fully expended. [Applause.]

Mr. LONDON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from New York.

Mr. LONDON. Does the law provide a maximum number of employees?

Mr. BYRNS of Tennessee. No.

Mr. LONDON. Does it provide a maximum salary that may be paid to any employee?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOOD of Indiana. I yield to the gentleman five minutes more.

Mr. BYRNS of Tennessee. The law provides that there shall not be exceeding the number of six, I believe, who shall be paid a salary exceeding $5,000; but there is no limitation on the head of this office under the sum of $5,000, and with that as a maximum he may fix whatever salaries he pleases if this amendment is adopted.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. Is the gentleman a conferee on this bill?

Mr. BYRNS of Tennessee. No; I am not.

Mr. GRAHAM of Illinois. Does the gentleman know what arguments are advanced for substituting this lump-sum appropriation for the itemized bill as it was?

Mr. BYRNS of Tennessee. The gentleman will recall that when the bill was reported in the House from the Committee on Appropriations it carried a lump sum, but by action of the House by an overwhelming vote the employees in this office were placed upon a statutory basis. Then it went to the Senate and the Senate struck out the provision of the House and put back the lump sum.

I do not question the good faith of the Comptroller General or any of his assistants. I do not question their sincerity, but I do want to say that the record made by the office is not one that would appeal to you from the standpoint of economy. When the Budget law was passed it was said that it would save 600 employees in the various auditors' offices of the department, and yet we have a situation where this office had for this year $2,150,000 for employees on the statutory roll, and, as was said this morning by the gentleman from Illinois [Mr. MADDEN], chairman of the Appropriations Committee, in the consideration of the conference report on the deficiency bill, this bill carries $341,617.43 more for next year than was had for the current year. If the House conferees on the deficiency appropriation bill had been willing to agree to the $350,000 for 1923, which was placed on that bill by the Senate at the request of the Comptroller General, it would have made an appropriation of $691,000 more for the next year than was appropriated for this year. They said $350,000 would enable them to employ 253 more persons; therefore the $341,617.43 additional carried in this bill will enable them to employ in the neighborhood of 250 more employees next year than they had this year. So I say, my friends, you can not fully rely on the economy of that office, although it ought to set the example for economy. And in the face of that record I insist that we should not put this immense sum in their hands without limitations as to salaries or the number to be employed. I hope that the House will vote down this motion and insist on its disagreement to the amendment of the Senate in placing this lump sum in their hands. I hope that you will show no partiality for this office because it happens to be under the direct jurisdiction and supervision of Congress. [Applause.]

Mr. STEPHENS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. STEPHENS. May I ask whether the lump sum of $2,496,000 is less than the total amount stricken out in the bill?

Mr. BYRNS of Tennessee. I can not tell; I think it is the same amount.

Mr. STEPHENS. It is not any more?

Mr. BYRNS of Tennessee. I do not think it is more; I think it is the same. In the bill the employees are put on a statutory basis and in this amendment a lump sum is provided.

Mr. STEPHENS. If the lump sum was less there would be some merit in the proposition.

Mr. BYRNS of Tennessee. Yes; but there is another thing. This provision of the House fixes the salaries and the number of employees. The Comptroller General told the Appropriations Committee that he was going to employ them and the House provision takes care of that exact number. It does not take from or add to the salary of a single employee that the Comptroller General told the committee and Congress through the committee that he was going to employ if this money was allowed him. What objection, therefore, can he have to the House provision, and how can it hinder his office in any way?

Mr. BUTLER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BUTLER. What is the argument in favor of this proposed change by the Senate amendment?

Mr. BYRNS of Tennessee. I do not know; that will have to come from others. So far as I am concerned, I can not see any reasonable argument in favor of it. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I have known no exception where the head of a bureau or department did not insist in advance that he could run his bureau or department for less money with a lump-sum appropriation than he could with a specific appropriation, defining the places. I have known no exception where a lump-sum appropriation was granted that it did not result in extravagance and waste of money. [Applause.] We would not be disputing about the high salaries in the Shipping Board if they had not started under a lump-sum appropriation. The gentleman from Tennessee [Mr. BYRNS] just instanced the Federal Trade Commission and the Interstate Commerce Commission as bodies which properly receive lump-sum appropriations, and yet everyone familiar with the work of either the Federal Trade Commission or the Interstate Commerce Commission knows that the salaries paid by those bodies far exceed the average salary for similar work in other branches of the Government. [Applause.] It is human nature, and there is no use in discounting human nature. The man at the head of a bureau with a large sum of money at his control will grant salaries and promotions which he easily turns down when he does not have the authority. Now, here is a General Accounting Office, a new scheme to secure economy in the Government, a new method for cutting off expenses of the Government. If there is any bureau of the Government that ought to be willing to come under the well-recognized principles settled by Congress in regard to appropriations, this new bureau ought to do it. The amendment, which was inserted by the House on the floor when the bill was under consideration, put in all the places that they said they wanted. They do not have to keep them; if the comptroller can practice economy he does not have to employ them all. There is nothing compulsory about giving employment to this number of people; he can cut them off if he wants to practice economy. But if he gets a lump-sum appropriation and it remains from year to year the inevitable result, based not only on human nature but upon actual experience, is high salaries and poor and inefficient work. I hope the House will retain the position it took and insist on the provision it inserted in the bill. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, I agree with the gentleman from Illinois [Mr. MANN] and also with the gentleman from Tennessee [Mr. BYRNS] with reference to the evil practice under lump-sum appropriations, and I expect I have had about as much experience in observing that abuse as anybody. If we are to be consistent in this matter, however, the gentleman from Tennessee or some one else should propose to apply the statutory rules on fixing salaries to the Interstate Commerce Commission, the Federal Trade Commission, the Housing Corporation, and some dozens of others.

Why this particular office was singled out I do not know, but I propose, if I can, to point out to you some reason, at least, why this lump-sum appropriation should be granted for the next year. I have before me a letter written by the assistant comptroller in which he says, and he so informed the gentleman from Tennessee [Mr. BYRNS], as I understand it, in an interview that he had with him, that that office is perfectly willing to obligate itself in writing, as they have done in this letter, that never again will they ask for a lump-sum appropriation. They deprecate the lump-sum appropriation. The purposes in asking it at this time are as follows: As has been stated here, this is a new activity, and it is in a state of reorganization. All of the auditors of the various branches of the Government are now combined under the comptroller and under the direction of the comptroller. There are 15 of these different offices scattered around all over the city, employing some 1,400 or 1,600 auditors and their clerks. In this process of reorganization they have already weeded out many who are inefficient and have reduced some to a lower grade and in a few instances have granted promotions. While this organizing process is going on, if you fix these statutory salaries you are tying the hands of the comptroller, who is trying as best he can in the next year to find out the positions and those occupying them who are entitled to this, that, or the other salary. If you fix them, his hands are tied to a very considerable degree.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CRAMTON. On the other hand, is it not true that if we give the comptroller one year of lump-sum appropriation, and he fixes these salaries at an overly high figure, our hands are tied and we can never reduce them?

Mr. WOOD of Indiana. Absolutely not, because salaries fixed by the heads of these bureaus have no sanction in law. We do not know now what they are paying except as the statement which was submitted by this gentleman shows, and the statement submitted by the comptroller was the basis on which the gentleman from Tennessee [Mr. BYRNS] fixed his amendment. I am informed that they have already reduced a number of clerks because of the fact that they found them inefficient, and they are holding this out as an incentive to those employees down there. They are saying that if they prove within the next year that they are entitled to this, that, or the other salary they will get it, but that they must show it by their work and not by a salary being fixed by Congress. I want to read a line or two from this letter:

In the absence of Mr. McCarl, I hope, for him as well as for myself, that we may have the lump-sum appropriation again next year in the interest of economical administration of the General Accounting Office. We will save money to the Government if we can have that, because certainly this office (more perhaps than any other) should be and will be interested in governmental economies. I believe that those of you who know this office will readily agree with this.

* * * * * * *

As a direct agency of Congress and subject to its immediate supervision, I think it should always be considered that the office would want to be on the side of least possible criticism, which would not be the case if we permitted the office to run wild in the matter of increase of salaries.

As I stated a while ago, Mr. McCarl knows the abuse of this thing, and I have seen it repeated so often that I am heartily sick of the lump-sum appropriation. We have been waiting and hoping against hope that a reclassification bill would come in whereby these salaries would be adjusted and permanently fixed. Because of the fact that this is a new organization, the machinery just being adjusted, and because of the fact that in the opinion of the general accounting officer—and I think his opinion is worth while—money can be saved to the Treasury by readjusting these places and fixing these salaries according to merit and demerit, we should give him this one year's appropriation with the pledge that never again will they ask for it and that they will save money out of this appropriation.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FESS. In a conversation with Mr. Ginn he told me that the purpose was to secure better discipline and not to increase the amount. He assured me that the amount would be decreased rather than increased, and so far as Mr. McCarl is concerned this House knows that he has been in the campaign for economy, and if any man in or out of Congress feels responsibility for economy it certainly is the man who is at the head of the Comptroller General's office. For that reason I I felt that it was in the interest of economy to grant the lump sum, although I have always been opposed to the idea of a lump sum.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BYRNS of Tennessee. If it be true that it is in the interest of economy, why is it that the Comptroller General, who, as the gentleman from Illinois [Mr. MANN] said, should stand for economy under the Budget law, is asking for $691,000 more for next year than he had this year, or an increase of over 25 per cent?

Mr. WOOD of Indiana. I will tell the gentleman why: The fact is that in the attempt of the comptroller to reduce the expenditures, and without knowing fully the additional work that was going to be imposed on him, he diminished his force, perhaps, greater than he should. This is what has happened, and this is the reason why this additional appropriation is asked. There can not be a complete soldier's record file without going

to the comptroller's office. There are papers lodged in the basement of Poli's Theater and a half dozen other basements that must be protected and preserved within the next year or else they will be forever lost to the Government. That is one of the reasons. That work can be done by cheap labor, not the high-class labor that is paid these higher salaries. If we will give him a little leeway he will do this work a great deal more cheaply than if we fixed the salaries that must be paid to these people who will do this work. He proposes to say to them, "If you do so much in a month, your salary will be thus and so, but if you produce a greater amount than that in a month, your salary will be increased in proportion." There will be some incentive held out; and this very additional appropriation that is asked for is for the purpose of doing this work, temporary in character, and it should be done under the supervision and direction of Mr. McCarl, who will, as I said, get the greatest amount of work for the least amount of pay.

Mr. BYRNS of Tennessee. The gentleman himself was the very able chairman of the committee which had charge of the legislative, executive, and judicial appropriation bill. I am quite sure that he had numerous requests, as chairman of that committee to place bureaus, offices, and activities on a lump-sum basis. I want to ask the gentleman if the statement was not uniformly made and the reason was not in every instance that they would save money if he would give them a lump sum, and if the gentleman did not uniformly decline to grant the request?

Mr. WOOD of Indiana. The gentleman is correct, and I say yet I am opposed to it, and but for the importance of this I would not yield in this instance. I believe Mr. McCarl—and the evidence shows the fact—has cut off 82 clerks within a very short time after he entered office, which showed his inclination and desire is similar to practicing economy. There is an immense volume of this old trumpery in the basement that must be preserved, and he is going to relieve this situation with the character of labor necessary, but not the high-class labor, not the labor employed under high salaries as we fix them. If you give him this lump-sum appropriation, he will show you at the end of the year that he has saved money, and we will not save any by putting them on fixed salaries, because those people will draw that salary and do as little work as possible to be able to get the pay, without any incentive to do more and without any fear of a discharge. So I say, gentlemen, we had better take the judgment and advice of this man, who has this thing at heart and who is charged with this responsibility, and who claims that he knows and says that if we will give it to him this year he will really save us money. It would be really refreshing to find one bureau of this Government that is saving money through a reduction of clerical hire. So let us give him a chance.

The SPEAKER pro tempore. The question is upon the motion to recede and concur with the amendment.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

On a division (demanded by Mr. WOOD of Indiana) there were—ayes 21, noes 89.

So the motion was rejected.

Mr. MANN. Mr. Speaker, I move that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28, page 28, after line 24, insert:

"The commission in charge of the State, War, and Navy Departments Buildings, to wit, the Secretary of State, the Secretary of War, and the Secretary of the Navy, is hereby authorized and directed to acquire by purchase, so far as they may be able to at prices deemed by them to be reasonable and fair, otherwise by condemnation in accordance with the provisions of the act of Congress approved August 30, 1890, providing for a site for the enlargement of the Government Printing Office, the following squares of land for public purposes, to wit, the whole of squares known as numbers east of 87, east of 88, 124, 125, 145, 146, and 147, in the city of Washington, D. C., as officially recorded in the office of the surveyor, District of Columbia. The commission is further authorized to reduce the area to be acquired where by reason of improvements constructed, or unreasonable prices asked, or for other reasons in their judgment the public interests may require: *Provided*, That if acquired by purchase, the cost of the squares, including expenses incident thereto, shall not exceed the sum of $1,500,000, which sum is hereby authorized and the same is hereby appropriated: *Provided further*, That the squares authorized to be acquired herein shall be under the control of the Superintendent of the State, War, and Navy Departments Buildings."

Mr. WOOD of Indiana. Mr. Speaker, I move the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Mr. WOOD of Indiana moves that the House recede from its disagreement to the amendment of the Senate No. 28, and agree to the same with an amendment as follows: In line 24 of the matter inserted by said amendment, after the word "appropriated," insert the following: "and made immediately available."

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, I wish to call attention to this item because of the fact that it involves an addition to this bill. This amendment inserted by the Senate, if adopted, means the purchase of a number of tracts of ground, seven in number, that lie immediately to the west of the Army and Navy Building, which were built on the Mall during the period of the war. Some of those options expire to-day. Col. Sherrill, who is Superintendent of Public Buildings and Grounds, informs me that unless there is affirmative action taken to-day that it would result in a loss to the Government of some $200,000 because of the expiration of these options and their not being able to secure as good options again. Now as to the merits of this case. Senator SMOOT, who is at the head of the distribution of offices, perhaps is better informed in reference to the necessities of the Government and its official housing than anybody connected with either branch of this Government. He tells us of a number of rented buildings that we now have and upon which we are paying an exorbitant rate where notice has been served that unless additional rentals are paid that we must vacate those buildings. The most striking example is that occupied by the Department of Justice. A number of those buildings, or most of them, I think, down there are erected upon rented ground, and the term of those rentals is now expiring. These buildings that are included within this proposed purchase are of a somewhat permanent character, and the estimate has been made as to the probable life of those buildings with ordinary repair, and in the opinion of gentlemen who have made these surveys with ordinary care they will last for a period of 15 years. It has been the observation of the commission that we will save at least $800,000 a year if this purchase is made in comparison with what we will have to pay in rentals if the purchase is not made. This proposed purchase will involve an expenditure of $1,500,000 upon the assumption that the gentlemen are right in reference to the rental. We will save within two years more than the amount of the original cost of this ground.

Mr. SNELL. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SNELL. Will the gentleman be a little more explicit as to where these buildings are located?

Mr. WOOD of Indiana. I will read a statement here that was prepared that will give the gentleman that information. I will say that there was a resolution introduced in the Senate, and is now pending there, for the purpose of doing the very thing proposed by this amendment and upon which this statement of fact was prepared.

This statement is as follows:

The ground which it is contemplated to acquire through the operation of this resolution is at present the site of seven temporary buildings constructed during the war. The annual rental, plus taxes, which it is required to pay in some cases, amounts to $58,020.10. The leases on this land were made early in the war at prices which were very favorable from the point of view of the Government. A number of the leases expire this year; some contain renewal clauses, others do not. If it comes to renewing these leases it is anticipated that there will be a considerable increase demanded by the owners, due to the fact that the values in this section have increased materially owing to the presence of governmental activities. The seven buildings mentioned above comprise a net office area of 506,596 square feet, and the cost of construction was $2,029,559.14. The leases provide that at their expiration the buildings will be torn down and the ground returned to the owners in good condition. When this ground is turned back some of the owners will have a just claim against the Government for buildings which were torn down to make room for the temporary war buildings. It will probably cost the Government a considerable sum to remove the buildings and fix up the grounds so that they will be acceptable to the owners, because the buildings will have very little salvage value due to the drop in the cost of materials. In addition it will be necessary to furnish office space for the activities which now fill all of the available space in these buildings. It is estimated that the annual floor rent to take care of these activities would cost at least 75 cents per square foot, or approximately $500,000 per year, or one-third the cost of the land. In other words, three years' rental in private buildings would pay for the ground. If the ground is acquired the present buildings will last for a considerable period of years with proper maintenance, and will eventually afford space for the erection of permanent accommodations for the executive departments. Seventy per cent of the land which it is contemplated acquiring can be purchased now at private sale at an average price of $2.20 per square foot. It is not believed that the prices demanded for this property are exorbitant. Attention is invited to the fact that the ground occupied by the Interior Building cost $2 per square foot in 1908. The ground where the Red Cross Building is located cost $2 per square foot in about 1914. The grounds where it is contemplated erecting the new Convention Hall is costing about $4 per square foot. If purchased now it is believed that the Government could dispose of their holdings in these seven squares in case the land is not needed at a very substantial profit.

Mr. SNELL. But it does not say just where these buildings are located?

Mr. WOOD of Indiana. I have a chart here which shows it exactly.

Mr. BUTLER. Will the gentleman yield? What are the conditions of the lease; do we have to restore the property as we found it?

Mr. WOOD of Indiana. Yes.

Mr. BUTLER. So we have to take the buildings off and clean it up?

Mr. WOOD of Indiana. Yes; that is right. I have before me a chart showing where these buildings are located and I will say that four of these tracts of ground are immediately north and west of Virginia Avenue, and the remaining three are immediately south and west.

Mr. SNELL. What activities of the Government are stationed in those buildings at the present time?

Mr. BUTLER. Do we need that?

Mr. WOOD of Indiana. We absolutely need that. I can not say offhand what activities are down there, but I am assured by Senator SMOOT that all of this space, and more, is imperatively needed.

The buildings are all being occupied and I will state to the gentleman that there is a very great necessity for all of them, and we are simply being crucified by these profiteers that are holding these other buildings, because they think that we will be forced to renew their leases rather than to go into these temporary buildings, and there is the further fact that the ground leases will all have expired within a very few months, and the buildings will be razed to the ground, and these activities that are now there will have to find housing somewhere else.

Mr. SNELL. Is not there an idea that some of these buildings——

Mr. WOOD of Indiana. There was an idea that the War and Navy Buildings would serve for the overflow that would be essential for 10 years after the close of the war. But in my opinion these activities have so increased that they will run longer than that. We are simply turning out new activities here every Congress.

Mr. SNELL. It would appear to the average citizen who walks down through that neighborhood that there is a lot of waste space there.

Mr. WOOD of Indiana. I am not a member of the commission that has the allotment of floor space. Senator SMOOT is chairman of it, and I think those who know that gentleman think that he is trying his level best to try to cut down the activities of the Government and reduce the space the Government is occupying, especially in rented buildings.

Mr. SNELL. If we did not have any place to put them, maybe some time we could and them.

Mr. WOOD of Indiana. We will have to put them somewhere. Now, we have got a temporary provision to take care of them ourselves, but we must make arrangements for their more permanent housing.

Mr. SNELL. And how are you going to save the amount that you stated per year?

Mr. WOOD of Indiana. It is shown that as compared with the rentals we are now paying and the additional rentals we will have to pay if the houses are removed, we will save money by keeping them through this purchase.

Mr. SNELL. That takes it for granted that we are going to continue the activities right along. As a matter of fact, are we going to do it? It seems to me it is time to stop.

Mr. WOOD of Indiana. That is an easy thing to say, but when it comes to doing it it is quite another proposition.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I yield.

Mr. BUTLER. We have certain buildings upon leased ground and we can buy that ground at a fair market value, and we must have floor space. If we do not go into these buildings upon leased ground, we will have to go elsewhere in order to get it. We will not lose any money by buying the ground, will we?

Mr. WOOD of Indiana. In the opinion of the gentlemen who have had this right under their supervision, they think it is a good investment, although the Government afterwards disposes of them.

Mr. SNELL. What is the price per foot?

Mr. WOOD of Indiana. Two dollars.

Mr. BUTLER. Can the gentleman tell how much money we will save, if we buy the ground, beyond that which we will have to pay if driven elsewhere?

Mr. WOOD of Indiana. In rentals, $500,000.

Mr. SEARS. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SEARS. I understand there has been no hearing on this proposition before the House or the Senate?

Mr. WOOD of Indiana. Not before the Committee on Appropriations but before the Committee on Public Buildings and Grounds.

Mr. SEARS. Who prepared the statement just read?

Mr. WOOD of Indiana. Senator SMOOT.

Mr. SEARS. Does not the gentleman believe that we should have hearings before we accept it, when we have lands all over the city?

Mr. WOOD of Indiana. That might seem advisable, but we are going to pay $200,000 by exercising the present option.

Mr. SEARS. On B Street we tore down some good buildings last year and are now tearing down some good buildings all over the city. Why not move these quarters into the buildings instead of tearing them down? I understand——

Mr. WOOD of Indiana. We did tear them down.

Mr. SEARS. Those buildings were torn down where the tennis courts are now located.

Mr. CANNON. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CANNON. Where is this land located? Is it north of the new Army and Navy Building?

Mr. WOOD of Indiana. Yes.

Mr. CANNON. Just across the street?

Mr. WOOD of Indiana. Yes, sir.

Mr. CANNON. How many years ago was it—my recollection is that it is about 20—that we paid high prices for the land south of the Willard Hotel and west of the District Building, and near the ground that is south of the White House. I recollect we purchased all that. In fact, I do not know but I helped pass the bill to buy it. They were going to erect a State Department Building, and all kinds of buildings. Why not tear down those buildings? Poli's Theater is on one of the properties, as is a hotel. Why do you not tear down those buildings and cover the ground by real buildings instead of buying more ground?

Mr. WOOD of Indiana. I will say to the gentleman that the information that was brought to the attention of your committee, and also to the attention of the conferees, was with reference to the necessity for our immediate relief, without regard to what our future necessities may be in reference to our erecting permanent buildings. I hope they will come some time; I hope they will; I think as a money-saving proposition we can save the Government money by making these purchases and occupying these buildings, with such repairs as may be necessary.

Mr. BUTLER. Can we renew these leases? The leases have expired, as I understand.

Mr. WOOD of Indiana. The statement says that we can not without paying largely additional prices.

Mr. PADGETT. Are not the buildings of which you speak of a very cheap and of a very temporary character, and are not a few of them now showing evidence of disintegration, and will they not have to be torn down, or will they not fall down, within the next few years?

Mr. WOOD of Indiana. I will say to the gentleman that they have had a survey made of them, and that with ordinary repairs these buildings will answer the purpose of the Government for 15 years. They are the more permanent of the temporary buildings.

Mr. PADGETT. All these buildings, in the outside appearance, look like very cheap and very temporary structures. Now, is not that land located in the section of the city where land is very cheap? Is not that price of $1,500,000 out of all proportion to the value of the land expected to be acquired?

Mr. WOOD of Indiana. I have already given you the statement as to the price of the land in that neighborhood. What was paid for the site of Continental Hall is a good sample.

Mr. PADGETT. But what has been paid elsewhere is not a true standard or criterion of the value of land in those localities. These other buildings are in an undeveloped part of the city.

Mr. FAIRFIELD. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FAIRFIELD. It has been stated that there are some governmental activities that will be or ought to be abandoned. Does the gentleman know of any governmental activities that are likely to be abandoned in the near future?

Mr. WOOD of Indiana. Not if those who are at the head of them are consulted.

Mr. FAIRFIELD. I think some one in authority should be asked to submit a schedule of these activities. Whoever it is who thinks they should be abandoned ought to submit a schedule of them, so that we can have a working schedule here.

Mr. WOOD of Indiana. I will say to the gentleman that the average Congressman has not the slightest idea of the manner in which our Government property is managed. I will cite one instance, with reference to the custody of the papers and files and records belonging to the Treasury Department. Those papers are scattered in 15 different buildings throughout the city. If a fire occurred there is no telling what the loss would be.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. If this is such a desirable economy, and a matter that could be adjusted at once, why did not the gentleman's committee bring it in when the other bill was under consideration, instead of bringing it up at this time?

Mr. WOOD of Indiana. It was introduced as an independent bill in the Senate. Our committee did not have anything to do with it. The exigency is occasioned by the fact that these options expire soon—some of them expiring at midnight to-night—and it is for the Congress to determine whether it is wise to take the chance or not.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BUTLER. Suppose they do expire to-night. They can not eject us. We shall only have to pay rental. Is not that the case?

Mr. WOOD of Indiana. I say the options expire to-night.

Mr. BUTLER. It is the options?

Mr. WOOD of Indiana. Yes; and Col. Ridley says it will entail a loss to the Government of $200,000, assuming that we fail to buy it.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN. I wish to ask the gentleman as to the situation respecting the leases. The leases are about to expire?

Mr. WOOD of Indiana. Yes; and we are under contract to remove the buildings and place the ground in as good a condition as it was when we took it over.

Mr. MANN. Will the leases be reduced if we do not buy the land?

Mr. WOOD of Indiana. If we do not buy the land, I am informed that they refuse to rerent them to the Government except at a largely increased rental.

Mr. MANN. I understand. Have these departments funds or power with which to make new leases?

Mr. WOOD of Indiana. No; I do not think so, because the terms of the leases provide that they shall be renewed when they expire. If they do not get the authority to extend them, I do not think they can rent them. These leases were made by the War Department and the Navy Department and other departments. I have not examined them, but my information is that they provide that they shall automatically expire at a certain time after the close of the war, with the condition annexed that the ground shall be placed in as good condition as it was before, and the owners are insisting that that contract shall be carried out. In the meantime somebody acting as the agent of the Government, without their knowing that it was the Government acting, got options on this ground for the Government. Now, it is contended that if we do not avail ourselves of the opportunity to renew them within the time specified—and some of them expire to-night—they will not renew them.

Mr. MANN. Are the buildings filled with governmental activities which will require space?

Mr. WOOD of Indiana. Every one of them. That is the trouble. The committee that has been according space to the various activities of the Government has been having trouble in providing necessary space in buildings of our own. These activities must be housed in some rented building somewhere else.

Mr. MANN. I have an impression that I have seen somewhere in some Government report in connection with this matter the statement that the cost of leases of space required in one year amounts to about one-third of the cost of the land. Is that correct?

Mr. WOOD of Indiana. Yes; that is correct. That is set forth in this statement.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Illinois.

Mr. McKENZIE. The Government, as I understand it, leased the land from these owners?

Mr. WOOD of Indiana. Yes.

Mr. McKENZIE. Then it constructed the buildings that stand thereon?

Mr. WOOD of Indiana. Yes.

Mr. McKENZIE. Since that time an option has been taken on the land in favor of the Government?

Mr. WOOD of Indiana. Yes.

Mr. McKENZIE. The Government can buy it. Those leases are about to expire. The buildings are on the land. Has the gentleman any fear that if this proposition is not acted upon to-day the Government will be held up for a high rental, when, as a matter of fact, no one else can occupy those buildings except the Government?

Mr. WOOD of Indiana. Yes; that is the reason; that is the trouble. If the buildings are torn down, it will of necessity force these people into other buildings.

Mr. CLOUSE. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CLOUSE. The gentleman has told us that some of the options expire to-night. It is manifest that this bill can not become a law immediately. I was wondering how we can take advantage of the situation and exercise the option now, since the law can not be passed within the time limit.

Mr. WOOD of Indiana. I have the assurance of Col. Sherrill that if we approve this provision he will close these options, the Senate already having ratified it.

The SPEAKER pro tempore. The question is on the motion to recede and concur with an amendment.

The question being taken, on a division (demanded by Mr. SEARS) there were—ayes 49, noes 30.

Mr. SEARS. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-one Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees. The question is on the motion to recede and concur with an amendment. Those in favor will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 133, nays 180 answered "present" 3, not voting 112, as follows:

YEAS—133.

Andrew, Mass.	Fitzgerald	Kleczka	Reed, N. Y.
Anthony	Focht	Kline, N. Y.	Rhodes
Arents	Fordney	Kline, Pa.	Robertson
Atkeson	French	Knight	Rogers
Begg	Fuller	Kraus	Rose
Benham	Funk	Lawrence	Ryan
Bowers	Gahn	Layton	Sanders, Ind.
Brennan	Gernerd	Leatherwood	Sanders, N. Y.
Brooks, Ill.	Graham, Ill.	Lieeberger	Scott, Tenn.
Brown, Tenn.	Graham, Pa.	Lowrey	Shelton
Browne, Wis.	Greene, Vt.	McCormick	Shreve
Burroughs	Griest	McFadden	Sinnott
Burtness	Hadley	McLaughlin, Mich.	Smith, Idaho
Burton	Hardy, Colo.	McLaughlin, Nebr.	Temple
Campbell, Pa.	Harrison	McPherson	Timberlake
Chalmers	Haugen	Maloney	Tinkham
Chindblom	Hawes	Mann	Towner
Clouse	Hawley	Mead	Valle
Cole, Iowa	Hayden	Merritt	Vestal
Colton	Herrick	Miller	Voigt
Connolly, Pa.	Hersey	Millspaugh	Walters
Copley	Hill	Mondell	Wason
Crago	Hoch	Montoya	Watson
Cullen	Hukriede	Morgan	White, Kans.
Curry	Hull	Morin	White, Me.
Dale	Ireland	Nelson, J. M.	Williams
Dallinger	Johnson, Wash.	Nolan	Williamson
Darrow	Kearns	Osborne	Wood, Ind.
Dickinson	Kelly, Pa.	Paige	Woodruff
Dunbar	Kiess	Parker, N. J.	Wurzbach
Edmonds	King	Purnell	Young
Evans	Kinkaid	Raker	
Faust	Kirkpatrick	Ransley	
Fess	Kissel	Reece	

NAYS—180.

Ackerman	Clarke, N. Y.	Frothingham	Lankford
Almon	Cole, Ohio	Fulmer	Larsen, Ga.
Andrews, Nebr.	Collier	Garner	Larson, Minn.
Appleby	Collins	Garrett, Tenn.	Lazaro
Aswell	Connally, Tex.	Gensman	Lea, Calif.
Bankhead	Connell	Gilbert	Lee, Ga.
Barbour	Cooper, Ohio	Goldsborough	Lee, N. Y.
Barkley	Cooper, Wis.	Gorman	Linthicum
Beck	Cramton	Green, Iowa	Little
Black	Crisp	Hammer	Logan
Bland, Va.	Crowther	Hardy, Tex.	London
Bond	Davis, Minn.	Hicks	Longworth
Bowling	Deal	Hogan	Luce
Box	Denison	Hooker	Lyon
Brand	Dominick	Huddleston	McArthur
Briggs	Doughton	Hudspeth	McClintic
Buchanan	Dowell	Hutchinson	McDuffie
Bulwinkle	Drane	Jacoway	McSwain
Burdick	Drewry	Jefferis, Nebr.	MacGregor
Butler	Driver	Jeffers, Ala.	Magee
Byrnes, S. C.	Dunn	Johnson, Ky.	Mapes
Byrns, Tenn.	Dupré	Johnson, Miss.	Michaelson
Cable	Echols	Jones, Tex.	Michener
Campbell, Kans.	Fairfield	Keller	Montague
Cantrill	Favrot	Ketcham	Moore, Ill.
Carew	Fisher	Kincheloe	Moore, Ohio
Carter	Foster	Kindred	Moore, Va.
Christopherson	Frear	Kopp	Moores, Ind.
Clague	Free	Lanham	Mott

Murphy	Rankin	Sisson	Taylor, N. J.
Nelson, A. P.	Stephens	Smith, Mich.	Ten Eyck
Newton, Minn.	Reed, W. Va.	Smithwick	Tillman
Newton, Mo.	Ricketts	Snell	Tincher
Norton	Roach	Snyder	Treadway
O'Connor	Robsion	Sproul	Tyson
Oldfield	Rossdale	Steagall	Upshaw
Overstreet	Rouse	Stedman	Vinson
Padgett	Rucker	Stephens	Volk
Park, Ga.	Sabath	Stevenson	Volstead
Parks, Ark.	Sanders, Tex.	Stoll	Wilson
Perkins	Sandlin	Strong, Kans.	Woods, Va.
Perlman	Scott, Mich.	Summers, Wash.	Woodyard
Pou	Sears	Sumners, Tex.	Wright
Quin	Siegel	Swank	Wyant
Lindsley	Sinclair	Swing	Yates

ANSWERED "PRESENT"—3.

Cochran	Humphreys	Knutson

NOT VOTING—112.

Anderson	Fenn	Lehring	Schall
Ansorge	Fields	McKenzie	Shaw
Bachmann	Fish	McLaughlin, Pa.	Siemp
Beedy	Freeman	Madden	Speaks
Bell	Gallivan	Mansfield	Stafford
Bird	Garrett, Tex.	Martin	Steenerson
Bixler	Glynn	Mills	Stiness
Blakeney	Goodykoontz	Mudd	Strong, Pa.
Bland, Ind.	Gould	O'Brien	Sullivan
Blanton	Greene, Mass.	Ogden	Sweet
Boies	Griffin	Oliver	Tague
Brinson	Hays	Olpp	Taylor, Ark.
Britten	Hickey	Parker, N. Y.	Taylor, Colo.
Brooks, Pa.	Himes	Parrish	Taylor, Tenn.
Burke	Hosted	Patterson, Mo.	Thomas
Carson	James	Patterson, N. J.	Thompson
Chandler, N. Y.	Johnson, S. Dak.	Peterson	Tilson
Chandler, Okla.	Jones, Pa.	Porter	Underhill
Clark, Fla.	Kahn	Pringey	Vare
Classon	Kelley, Mich.	Rainey, Ala.	Ward, N. Y.
Codd	Kendall	Rainey, Ill.	Ward, N. C.
Coughlin	Kennedy	Ramseyer	Weaver
Davis, Tenn.	Kitchin	Reavis	Webster
Dempsey	Kreider	Reber	Wheeler
Dyer	Kunz	Riddick	Wingo
Elliott	Lampert	Riordan	Winslow
Ellis	Langley	Rodenberg	Wise
Fairchild	Lehlbach	Rosenbloom	Zihlman

So the motion to recede and concur with an amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ELLIS with Mr. HUMPHREYS.

Mr. RODENBERG with Mr. BELL.

Mr. WINSLOW with Mr. DAVIS of Tennessee.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. TILSON with Mr. BLANTON.

Mr. LAMPERT with Mr. WINGO.

Mr. BLAKENEY with Mr. MANSFIELD.

Mr. REBER with Mr. TAYLOR of Arkansas.

Mr. PATTERSON of New Jersey with Mr. WISE.

Mr. STRONG of Pennsylvania with Mr. KITCHIN.

Mr. KAHN with Mr. FIELDS.

Mr. FENN with Mr. OLIVER.

Mr. OLPP with Mr. RAINEY of Alabama.

Mr. CHANDLER of Oklahoma with Mr. RIORDAN.

Mr. GLYNN with Mr. MARTIN.

Mr. KREIDER with Mr. KUNZ.

Mr. MUDD with Mr. RAINEY of Illinois.

Mr. LUHRING with Mr. PARRISH.

Mr. HIMES with Mr. TAYLOR of Colorado.

Mr. GREENE of Massachusetts with Mr. BRISSON.

Mr. COUGHLIN with Mr. SULLIVAN.

Mr. BACHARACH with Mr. TAGUE.

Mr. ELLIOTT with Mr. O'BRIEN.

Mr. SHAW with Mr. WEAVER.

Mr. THOMPSON with Mr. GALLIVAN.

Mr. PATTERSON of Missouri with Mr. THOMAS.

Mr. BLAND of Indiana with Mr. GARRETT of Texas.

Mr. CANNON with Mr. WARD of North Carolina.

Mr. WHEELER with Mr. GRIFFIN.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors. The nays have it, and the motion is not agreed to.

Mr. PADGETT. Mr. Speaker, if no one else desires to make the motion, I move that the House still further insist on its disagreement.

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House still further insist on its disagreement to Senate amendment numbered 28.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment numbered 29: Page 30, line 8, strike out the figures "$300,000" and insert "$375,000."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House still further insist on its disagreement to this amendment.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House still further insist on its disagreement to Senate amendment numbered 29.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 32, line 22, after the word "ships," insert the following: "and (d) $55,000,000 from moneys collected from mortgages, leases, accounts and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets prior to July 1, 1922, less such portion of said $55,000,000 which shall have been collected during the fiscal year 1922 under the provisions of an act entitled 'An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes,' approved March 4, 1921."

Mr. WOOD of Indiana. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. SNELL. Would it not be well for the gentleman to explain this amendment and tell us how much it will increase the appropriation?

Mr. WOOD of Indiana. Mr. Speaker, the language put in by the Senate is the exact language that appeared in the bill when it was presented to the House, but which went out on a point of order. This exact language was contained in the bill of last year authorizing the expenditure of $55,000,000 collected from various sources for the purpose of paying judgments, reconditioning boats, and so forth. Up to date out of that $55,000,000 authorized in the last appropriation bill the Shipping Board has collected $8,140,000. The proposal is to continue the authority they had under the last appropriation bill and permit them to collect until the amount would reach the sum of $55,000,000. It is possible before the close of the fiscal year, that the Shipping Board may be put to it to collect the $55,000,000. They have authority to do it or to collect the remainder of the amount between the $8,000,000 and the $55,000,000, but it would be bad business policy to force them to do it, and I invite your attention to some things that are confronting the Shipping Board now. We have a number of claims against Belgium, and a number of claims against Great Britain. They have been putting us off for one reason and another, hoping that before this year expires the Shipping Board would be compelled out of its necessity to accept an amount less than we think we should collect, and less than they really owe in order that they may have the funds with which to carry on needed improvements. So I say it would be bad business policy to force the Shipping Board to exercise its authority within the time—before the 1st of July.

Now, we can not lose anything by extending the time. We thought it necessary a year ago to grant this authority. There is just as much necessity for it now as there was then. There is really more necessity for it now because of the fact that if they are put to it in order to do the things necessary, they must sacrifice a part of that which is owing to us.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. BYRNS of Tennessee. What was the total amount of the estimates submitted by the Shipping Board?

Mr. WOOD of Indiana. On July 1, 1921, the debts amounted to $85,000,000.

Mr. BYRNS of Tennessee. I am not asking about that; I am asking about the estimates for 1923.

Mr. WOOD of Indiana. The estimates for 1923 were $100,000,000.

Mr. BYRNS of Tennessee. That has been allowed under the bill.

Mr. WOOD of Indiana. Yes.

Mr. BYRNS of Tennessee. Then do you not think you are increasing the appropriations that were asked for by the Shipping Board?

Mr. WOOD of Indiana. No; in one sense it is an increase, but if you do not grant it you are going to compel these people of necessity to make sacrifices that they would not make, in order that these collections may be made within the present fiscal year. So, as a purely business proposition, unless we are of opinion that some abuse or fraud is going to be perpetrated it would be the part of good business to continue this authorization.

Now, I want to call attention to what has been done. In July 1, 1921, there were debts amounting to $85,000,000 and cash on July 1 was $26,000,000, which would leave a balance of indebtedness of $59,000,000. The Navy forgave $16,000,000, so there was on the 1st of July a net amount of $23,000,000 liability. The construction deficiency amounted to $12,000,000, and the United States mail $6,000,000, and the reconditioning

of the *Leviathan* $8,000,000, and admiralty judgments amounting to $3,000,000, or a total of $52,000,000. So if we are to meet these claims, if we are to do the reconditioning and do the things which should be done, admittedly within the authority of this board to do, I can not see any other way than to do this thing or force them to make a collection on the 1st day of July.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. CONNALLY of Texas. What is the objection to having the proceeds of the sales turned into the Treasury and making direct appropriations?

Mr. WOOD of Indiana. The only objection would be because of the fact that this is a business concern. We have not really anything to compare with it. This is a business concern, and it must of necessity have some leeway where they can take advantage of the situation. Under ordinary circumstances there would be no objection to the gentleman's suggestion, and that is what would be done if it was an ordinary governmental transaction, but it is a business transaction, and they ought to have some business discretion.

Mr. SNELL. Will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. SNELL. When you made the appropriations for the Shipping Board did you take into consideration the fact that there would be some receipts from these other sources?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. How much did you figure for receipts?

Mr. WOOD of Indiana. The amount of $55,000,000 includes the amounts collected.

Mr. SNELL. Did you compute the amount that would be collected next year?

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker, and gentlemen of the House, the gentleman from Indiana [Mr. WOOD] says that this authority to use $55,000,000 was inserted in the appropriation bill for the fiscal year 1922, and that there is no reason why it should not now be continued. The fact is that the reason it was inserted in the appropriation bill for the year 1922 was that the Congress adopted that method of providing funds to carry on the work of the Shipping Board instead of making a direct appropriation, but now this year an entirely different situation presents itself, and because it is a most remarkable situation I am going to call it to your attention.

Gentlemen of the House know that it is seldom that a department can get from Congress every dollar it asks, but certainly this is the only instance that I know of in this session where a department gets not only every dollar it asks but in addition thereto $55,000,000 over and above its total estimates.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SNELL. Do I understand the gentleman to state that a full appropriation was made for running the department regardless and without consideration of the receipts from this source.

Mr. BYRNES of South Carolina. I will tell the gentleman the history of it, and he will appreciate the importance of what I say. The original estimate of the Shipping Board for the fiscal year 1923 as submitted by the Bureau of the Budget was only for $50,000,000. Thereafter at about the time the hearings began they submitted a supplementary estimate for an additional $50,000,000. This subcommittee not only gave them the whole $100,000,000 but in addition thereto, for good measure, inserted this authority to use the unexpended balance of $55,000,000, which the gentleman from Indiana tells you to date amounts to $47,000,000.

The result is that we put at the disposal of the Shipping Board not only the $100,000,000 that they estimated for, but every dollar that is unexpended out of this $55,000,000 on the 1st of July of this year. I will say in fairness to the board that while the gentleman from Indiana tells us that there is to-day unexpended $47,000,000, it has been heretofore estimated that that would be so reduced that on July 1 it would amount to no more than $25,000,000 or $30,000,000. But whatever it is, it is that much more money than they estimated they would need for the next fiscal year. Let us see where they will get funds from. Unlike other years when they had no direct appropriation of cash and had to depend on the sale of assets, they have on this page a direct appropriation of $50,000,000. Then, on the next page they have a direct appropriation of $50,000,000, and then they have the right to use the unexpended balance of the $55,000,000 for which they did not estimate. Then they have the right to use the amount received from the operation of ships and also the amount on hand on July 1. Why this unusual liberality to this board, of all boards?

Mr. BANKHEAD. How much does it make in all?

Mr. BYRNES of South Carolina. No man on earth can tell, but certainly in direct appropriations to-day they have $100,000,000, and in addition to that any amount they receive from the operation of ships during the next year, the amount on hand July 1, and out of this $55,000,000 they will get at least $25,000,000 or $30,000,000.

Since this bill passed the House the Shipping Board sent in a deficiency estimate for $12,000,000. The gentleman from Illinois [Mr. MADDEN], chairman of the committee, is not as liberal toward the Shipping Board as is my good friend from Indiana. He proceeded to cross-examine the Shipping Board, and when he got through with them they went back to their offices and wrote a letter stating they had decided that they did not need one dollar of the $12,000,000.

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.

Mr. WOOD of Indiana. Mr. Speaker, I yield the gentleman five minutes more.

Mr. BYRNES of South Carolina. I hope the House will do the same thing with this request for the balance of the $55,000,000. You are not going to hurt the Shipping Board by refusing to agree to this proposition. If you are going to hurt them, do not you know that they would have asked for it when they first submitted their estimate? They did not do so. But if you give it to them you can rest assured it will be spent, because that organization has a genuine disposition to spend all of the money that is put into its hands.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SNYDER. They had it last year, but they did not spend it.

Mr. BYRNES of South Carolina. Oh, they did not get it. My friend can rest assured that if they had gotten it, it would have gone.

Mr. SNYDER. I quite agree with the gentleman, but I wondered why they did not spend it.

Mr. BYRNES of South Carolina. They have collected only $8,000,000 out of the $55,000,000 to date. Mr. WOOD says they have collected $8,000,000. It is estimated that by July 1 they will collect $20,000,000 to $25,000,000, and that would leave $30,000,000 to spend next year.

Now, the gentleman from Indiana stated that because they had it last year they ought to have it this year, but you gentlemen will recall, because you know I have been talking about these indirect appropriations from time to time, the reason that authority was put in there was that Congress did not appropriate any cash, but said that the money received from sales of these assets could be used to take care of expenditures during this year. Now, that was to do a certain thing, to prevent direct appropriation being made for this year; but is that any reason why we should continue that authority for the next fiscal year, for which in this bill there is an appropriation of $100,000,000 in cash? It is simply an additional appropriation. This is an authorization to turn them loose to spend more money in a very extravagant manner, and we had better vote against the motion of the gentleman from Indiana. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, the gentleman from South Carolina has unintentionally made a mistake here in reference to the amount of this estimate. There was $50,000,000 which was in a supplemental estimate that came to the committee after the committee was in session. That $50,000,000 was for the purpose of paying claims that could be compromised by the General Government. Now, gentlemen will remember there was a deficiency of some $48,000,000 carried last year for this board, and in order that gentlemen may know exactly——

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. BYRNES of South Carolina. The gentleman from Indiana said I was mistaken. He does not contest the fact that the total estimate submitted by the board was originally $50,000,000 and the supplemental estimate of an additional $50,000,000?

Mr. WOOD of Indiana. The estimate for the continuance included the $55,000,000——

Mr. BYRNES of South Carolina. The gentleman does not contend that is contained in the estimate that was submitted by the Budget Bureau?

Mr. WOOD of Indiana. Absolutely. Here is what I want to call to the attention of the House, and it is this: Whether we are going to try to represent the best interests of the United

States Government or whether we are going unintentionally to lend ourselves to the interests of the foreigners who are trying to take advantage of this situation. I want to call attention to what will result from this proposition.

Mr. PADGETT. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. PADGETT. How would it do to give them authority to extend the time to collect and adjust these claims and not carry authority for an additional appropriation?

Mr. WOOD of Indiana. Well, I do not see how that would help matters in that way. That is exactly the proposition of this thing——

Mr. PADGETT. The purpose of your amendment is to continue the authority and also the authority to expend the money collected. Now, my idea is to continue the authority to adjust and collect and turn the money into the Treasury, because you are appropriating the $100,000,000 that they asked for in their estimate.

Mr. WOOD of Indiana. I will say that it does not meet this situation. Last year they had a deficiency of $48,500,000. I stated a minute ago that the $55,000,000 was a continuance that was estimated by the Budget. I find I am mistaken in reference to that; it was not estimated for, but they came before us and showed us the necessity of having it, and for that very reason they were provided this deficiency.

Mr. PADGETT. You are proposing to continue this authority to expend money because they had a deficiency last year and you are anticipating that they will have one this next year. Had we better not wait until that deficiency occurs before we appropriate?

Mr. WOOD of Indiana. No; I do not think so. I think Mr. Lasker gave some very good reasons why we should not do this thing. In a letter addressed to the chairman of the Committee on Appropriations [Mr. MADDEN] February 24 he made this statement:

> We have thus far realized something less than $6,000,000 out of the $55,000,000. By June 30 we estimate we will have realized $25,000,000. The reason for this is that when I took hold I ordered liquidation ceased until we could make inventory, not only of our physical assets but thoroughly analyze our current assets. To do this required the building up of an organization of men competent for the work, for none such here existed; and after they got in it required time for them to become acquainted with the situation and make a thorough analysis. Thus our incumbency here has perforce passed (in order to do the work efficiently and with a view to good conscience to the Treasury) without our getting any large sum in liquidation; and, even working with expedition but with the principles we have laid down for ourselves, we can not look forward to receiving over $25,000,000 out of liquidation before July 1, unless we are willing to make sacrifices of the Government funds in order to bring in collections, which under no circumstances will we be willing to make.
>
> Let me point out that our debtors follow the actions of Congress very closely. Some of the very largest debtors, including foreign Governments, I believe, are holding off settlements with us, feeling that if they wait until 1 minute before 12 o'clock midnight of June 30, should Congress not make the $55,000,000 appropriation continuing, they will get a handsome discount. In other words, the attitude of these debtors toward the Shipping Board is that if we are forced by congressional action to realize $55,000,000 by July 1 we will pay a large sum in the way of discount in order to realize this liquidation, because they grasp our ambition to liquidate the indebtedness of the board, knowing that we are properly desirous of establishing a record for having so done, and that the only way we can liquidate this indebtedness is through the realization of the $55,000,000 fund.
>
> But where they are mistaken is that we are not so keen to accomplish this ambition as to be willing to make the sacrifice they have in mind. Therefore, if Congress does not make this appropriation continuing, and if it should have happened that we would be weak enough to yield to a possible situation such as I describe, the country would have its assets in the Shipping Board more or less slaughtered on June 30; whereas, if we waited until July, we could get a proper settlement. And this slaughtering would in some cases have been in the interests of foreigners and of foreign Governments.
>
> There can be no doubt that the Shipping Board can realize the whole $55,000,000 if it so desires by making this sort of sacrifice; and if we do so realize it we will attain our ambition of liquidating the indebtedness of the Shipping Board. Shall Congress, by not making the appropriation continuing, penalize us because we treat our public trust with good conscience? That is the sole question involved, and I bespeak your firm and potent cooperation in making certain that the $55,000,000 appropriation is made continuing; for, as a practical thing, if it is not made continuing, to whatever extent we have an unrealized portion of it by July 1 we will have to come in subsequently with a deficiency which will become a direct levy on the Treasury.

Mr. SNELL. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I will yield.

Mr. SNELL. What would be the harm in extending the authority for them to collect the money after the 1st of July, and when it is collected turn it into the general fund of the Treasury instead of the Shipping Board, and if it is necessary let them come here and ask for what money they want and let us look it over and see whether it is a proper expenditure at the time?

Mr. WOOD of Indiana. The trouble about that is this: They have a lot of obligations which must be met. They have got a lot of cargo charges——

Mr. SNELL. It will be a long time, according to the letter, before they get this money.

Mr. WOOD of Indiana. That might possibly be, but whenever they do get it they ought to pay these debts. There are a lot of these debts, cargo charges, insurance charges, and all of that character, and the trouble is we do not discriminate between this and an ordinary governmental function. This is a business being conducted according to business principles. They ought to have some money out of which to pay their debts.

Mr. SNELL. How much money have they on hand at the present time?

Mr. WOOD of Indiana. I can not tell the gentleman offhand.

Mr. SNELL. A considerable sum?

Mr. WOOD of Indiana. No; I do not think they have any considerable sum, for the reason that before they commenced to make these collections they tried to get an inventory and tried to find out where they were at, so as to make an intelligent settlement whenever one was made, and until recently they have not been doing very much at it.

Mr. SNELL. On the 1st of July this appropriation becomes available, does it not?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. They will have plenty of funds at that time?

Mr. WOOD of Indiana. Not for this purpose. And this is the only fund out of which they can pay these charges. They will have $50,000,000 out of which to pay compromised claims, and which must be confined entirely to them.

Mr. SNELL. We would have to pay them if we never collected any of this money. Would it not be a better business proposition to come before the House and say that we owe so much money and are obliged to pay it, when it would be up to us to appropriate the money?

Mr. WOOD of Indiana. I will say to the gentleman that if this was a governmental activity, he would be right about it, but every time they pay a cargo charge or a commission or an insurance policy, does the gentleman think they ought to come to Congress and ask authority to do it?

Mr. SNELL. No, sir; I do not. We have already appropriated $100,000,000 to do that. If they need another bunch of money, of $50,000,000 or $75,000,000, they should come to us for it.

Mr. WOOD of Indiana. No. There is one of two ways to do it: First, by permitting them to pay these charges when they make these collections and to do as the gentleman suggests, or have them come before the deficiency appropriation committee with a statement as to this indebtedness.

Mr. SNELL. We would know something about it then. Now we do not know anything about it.

Mr. MERRITT. Is it true that under the plan proposed by the bill, of permitting them to have their own money, they can make more economical settlements?

Mr. WOOD of Indiana. Certainly they can. They can get discounts, if they pay within a certain length of time. They can not do that in this way.

Mr. SNYDER. I understand there is a direct appropriation in this bill now for $100,000,000, $50,000,000 for the purpose of operating the shipbuilding scheme; the other $50,000,000 is for the purpose of settling claims that have already been adjusted. Is that correct?

Mr. WOOD of Indiana. That is correct.

Mr. SNYDER. As to the $55,000,000 you ask to have continued, the money to make that up must come from the assets of the Shipping Board, and that they are permitted to use as a revolving fund with which to pay obligations and to clean up the commitments that may come on from time to time in the closing up of the affairs of the Shipping Board? That money must be raised from the assets of the Shipping Board?

Mr. WOOD of Indiana. That is correct.

Mr. SNYDER. So that in reality we are only proposing in this bill $50,000,000 for the direct operation of the Shipping Board? Is not that correct?

Mr. WOOD of Indiana. That is absolutely correct.

Mr. SNYDER. I agree with the gentleman who just preceded me, the gentleman from New York [Mr. SNELL], that it is a perfectly proper business proposition for the Shipping Board to take such assets as it has and turn them into money with which to pay its obligations, and I think it should have the control of that.

Mr. DOWELL. Will the gentleman from New York yield for a question?

Mr. SNYDER. Yes.

Mr. DOWELL. Is there any difference between taking it out of the Treasury now, or, as soon as they get something, paying them?

Mr. SNYDER. I think so. I think in the management of any business that it should have the right to adjust itself from day to day, as business comes along, to the advantage of the business itself——

Mr. DOWELL. But you are appropriating this much additional.

Mr. SNYDER (continuing). Rather than wait six months or a year to get a settlement.

Mr. BYRNES of South Carolina. The gentleman from Indiana does not contend that after July 1 they would not have the authority to sell ships unless this provision is continued?

Mr. WOOD of Indiana. No. But I do contend this, that unless this authorization is permitted they would have no right to take any portion of the money that they might get from the settlement of these claims, or they have got against these foreign Governments and against people here for sales and purchases, and use it in the conduct of their business.

Mr. BYRNES of South Carolina. That is right. Under the law which this Congress passed just two years ago they had the authority to sell, and after July 1 the proceeds from such sales to go into the Treasury. And that was why the gentleman from Iowa [Mr. TOWNER], presiding during the consideration of this bill, sustained the point of order.

Mr. WOOD of Indiana. These collections that I am talking about being made are not from the sales they are going to make hereafter. It is from the collection of things now due.

Mr. BYRNES of South Carolina. That money when received will go into the Treasury. If your provision remains in the bill it will not go into the Treasury but to the Shipping Board.

Mr. FAIRFIELD. Are these obligations due to the operation of the ships to which this $55,000,000 applies?

Mr. WOOD of Indiana. Some of them are for sale of ships to the English Government, and some to the Belgian Government, and some for supplies.

Mr. FAIRFIELD. Those are the assets; but I mean the obligation to which you refer, and for which this $55,000,000 is appropriated. That is to discharge what obligation—obligations due to the operation of the ships?

Mr. WOOD of Indiana. I put that in the RECORD a while ago. I stated what it was for. Part of it is for operating expenses, part for insurance charges, and $23,000,000 is to retire debts and pay charter hire and insurance, and for supplies.

Mr. FAIRFIELD. In connection with operations?

Mr. WOOD of Indiana. Yes.

Mr. FAIRFIELD. Why would not this $55,000,000 be available for that purpose?

Mr. WOOD of Indiana. The $55,000,000 we have appropriated is for the purpose of settling claims.

Mr. FAIRFIELD. But there is another $50,000,000.

Mr. WOOD of Indiana. That is for operations.

Mr. FAIRFIELD. Why would not that be available to pay the expenses that arose out of operations?

Mr. WOOD of Indiana. Simply because of the fact that they have mortgages against them, outstanding claims, about which there is no dispute, and they ought to be settled. I expect that there are a great many gentlemen here who have people back home who are hoping that some time they will get their pay from the Shipping Board.

Mr. BYRNS of Tennessee rose.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Tennessee.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for five minutes.

Mr. BYRNS of Tennessee. It has been stated that the total amount of the estimates, both original and supplemental, for 1923 were $1,100,459,000. Every dollar of that sum has been allowed. Now this amendment, which was never estimated for, which so far as the estimates and hearings show has never been requested by the chairman of the Shipping Board, Mr. Lasker, will increase the actual estimates submitted to Congress by $30,000,000, possibly, according to the statement that has been made on the floor.

I am not going to delay the House by any extended remarks of my own, but I am going to read to the House the statement of Mr. Lasker, made before the committee last August, denouncing in strong terms the policy of Congress in making available these indefinite sums, and asking Congress to withdraw from him the right to use any portion of the $55,000,000 for operating or current expenses of the Shipping Board. He says this, and I read from pages 55 and 56 of the hearings on the urgent deficiency appropriation bill, which was passed in August:

Now, before you go any further, there is one thing that should be covered here, because it is very important. You have made an appropriation that we can use $55,000,000 out of the sale of ships, etc. Last year we collected from the sale of ships in round figures practically $20,000,000. In my statement to the press I say that we collected $200,000,000 from ships and other capital assets. One of those capital assets was over $100,000,000 from the War Department.

Mr. KELLEY. That was from Congress.

Mr. LASKER. Yes; in a roundabout way. None of those things really show up, and I think that has largely to do with the inefficiency of the Shipping Board and of government generally, because you gentlemen do not make us show up what we lose. How can I get efficient men under me if the figures do not actually show their mistakes or their profits; that is, if they can juggle by selling assets so that it does not show up a loss? You have killed your efficiency to begin with. When we make a loss there I want to show it, and I want to cover into the Treasury every dollar we get from any source.

Mr. BYRNS. And then receive a direct appropriation for every dollar you use.

Mr. LASKER. Yes, sir. For instance, I have a claim against the British Government that I inherited for $12,000,000. I do not want to keep that $12,000,000. Any assets that were there when we came in I want to cover into the Treasury, and I want you to pass a law ordering me to cover them into the Treasury, and then I want you to measure what we use under my chairmanship and then we will not have any misunderstanding.

Mr. KELLEY. You do not want that to apply to your freight receipts?

Mr. LASKER. That is operating income created under us, and that belongs to us, but what we inherited I do not want. I am also asking the Director of the Budget to help me get a law passed that if we use up anything from the physical assets we are to be charged with it. That is done in every commercial institution, and any other policy makes for cheating and for incompetency. How can I with thousands of employees under me control them, if they can get stuff for nothing by act of Congress and then fool me as to what they do with it? You have undermined me before I get a chance.

You have authorized $55,000,000 in that way. In the first place, we can not get $55,000,000 out of the sale of ships, etc., and please repeal that. The Congress ought not to want to put itself in the position of ordering a thing as unwise as that, because we can not, in the first place, ever realize that much, and it continues this vicious system of letting us use assets which we inherited. As will be explained to you later, we have about $500,000,000 worth of face value, quick assets that may be worth something.

Gentlemen, I repeat, Mr. Lasker did not ask you, through the Budget Bureau or in the hearings which he had before the committee, for this appropriation. We have given the Shipping Board every dollar that it asked, and certainly we ought not to increase the appropriation beyond its request.

Mr. SNYDER. What was the date of that statement?

Mr. BYRNS of Tennessee. This was in August.

Mr. SNYDER. That was shortly after he took over the Shipping Board, was it not?

Mr. BYRNS of Tennessee. Yes. I was in error about the date. This was on July 27 instead of in August.

Mr. SNYDER. He is not talking quite so enthusiastically that way now. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. WASON rose.

The SPEAKER pro tempore. The gentleman from New Hampshire is recognized.

Mr. WASON. Mr. Speaker, inasmuch as the new chairman of the Shipping Board has been quoted to you within six weeks from the time he entered upon his duties, which he has been discharging since the 1st of July last, I would like to call your attention to some subsequent statements made by the same gentleman after he had acquired more experience, after he had had time in which to find out what the condition he inherited was, and, as you gentlemen know, he told us when this Congress was assembled. For the first time the people of the country and the Congress knew just what the condition of the Shipping Board was when he assumed office. Nobody in the years gone by had told us; nobody but the Divine Ruler himself knew what that condition was.

Now, then, contrast with what the gentleman said soon after he took charge last summer his statement made before this committee last December, found at page 800 of the hearings before this subcommittee. He was questioned by Mr. WOON. I read:

Mr. WOON. Here is one of the troubles of the Shipping Board, I think; that is, when the Shipping Board finds itself in need of money they go out and sell something, whether they receive the worth of it or not.

In other words, out of the properties of the Shipping Board, scattered in different parts of this country, if they needed money—and I believe they have needed it in the months and years gone by—they would go out and sell as salvage the properties which the taxpayers of this country had acquired by the outlay of money contributed to the Treasury. The Treasury in turn turned it over, and the property had been acquired and paid for out of those funds, and they would sell that property for what they could get for it. And Mr. Lasker says:

If you will read the record of the Appropriations Committee the last time I appeared, you will see that I emphasized the fact that the action of Congress in forcing the Shipping Board to find its money through the liquidation of assets would result in just that sort of thing.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. WASON. After I finish reading this answer. I read:

However, such sales as we make are made because it is good business to make them, regardless of our needs, because we would rather come to Congress for a deficiency than to make an unconscionable sacrifice of these assets. The best proof of that is the fact that so far all we have taken in at the outside is about $4,000,000 of the $55,000,000 that we could have taken in. We might have taken in a large part of the $55,000,000, but we would not sacrifice those assets.

That is what he said before this subcommittee when we were holding hearings last December.

Mr. DOWELL. Now, will the gentleman yield?

Mr. WASON. Yes.

Mr. DOWELL. In view of that statement, and in view of the statement of the gentleman that they would not sacrifice the property, is it not possible that the committee could have waited until they did collect this money, and then have made the appropriation?

Mr. WASON. In reply to the gentleman, I will say that I suppose it would be possible, but it is a good business guess that they will not succeed in collecting all of this $55,000,000 prior to the 1st day of July next without sacrifice. If they should succeed in collecting it before July 1, Congress will be in no position to give them the advantage of those receipts thus obtained to use in the ordinary activities early in the next fiscal year.

Mr. DOWELL. Does not the gentleman believe that we had better exercise a little judgment of our own in the appropriation of this money? After the property has been sold and the money is in the Treasury, is not that the time for the gentleman to come and ask for this appropriation, instead of asking for it in advance?

Mr. WASON. Oh, Mr. Speaker, there are as many different minds upon the question of what is wise to do in a given situation as there are people in a community. In reply to the inquiry of my friend from Iowa, I, for one, can only say that when I find a faithful employee conducting business for me in a businesslike way I do not watch him and insinuate that he is dishonest and that he is making mistakes, but I encourage him as long as he succeeds and pursues the course of good, sound business judgment according to my viewpoint.

Mr. DOWELL. Will the gentleman yield?

Mr. WASON. Wait a minute. I say to my friend that I am convinced that the interests of the taxpayers of the country are subserved under the administration of Mr. Lasker, and I never saw him until he appeared before the committee of which I happen to be a member, although I had heard of him before. I am satisfied that since he took the office he has conducted it in the main upon sound business principles, that he to-day is conducting it upon sound business principles, that he and his associates are attempting to get the high dollar out of the useless property now owned by the Shipping Board, and wind up its affairs at the earliest possible date and stop the constant drain from the Treasury that has been going on since the day we established Government activities in building ships years ago.

Mr. DOWELL. Now, will the gentleman yield?

Mr. WASON. I certainly will.

Mr. DOWELL. Does the gentleman think it is casting any reflection upon the distinguished chairman of the Shipping Board if Congress says to him, "Collect this money and put it into the Treasury and then let Congress pass judgment upon whether or not it shall be appropriated for any purpose"?

Mr. WASON. That, my friend, is one way of doing business.

Mr. DOWELL. It is the way you would do business with any employee that you had.

Mr. WASON. Mr. Speaker, the gentleman does not know me well enough to say how I would conduct business, and in answer to his interjection, I can say that I would not conduct it in that way. To a man in whom I had confidence I would give a little discretion and make him report to me, and if he was doing business to my satisfaction I would encourage him along the line he was pursuing.

Mr. DOWELL. That is just what I want him to do. I want him to report to us, instead of our giving him entire discretion.

Mr. WASON. He does report every dollar that he has to pay bills that are due. The gentleman from Iowa [Mr. DOWELL] knows that it has been a burning disgrace to the American administration and to Congress itself that we have been withholding payment of claims against the Shipping Board an unreasonable length of time.

Mr. DOWELL. If Congress is in any way responsible for conditions in the Shipping Board, it seems to me the time to stop it is now, and not give them any money except through actual appropriations for needs that are brought before us, when we know what we are giving the money for.

Mr. WASON. Mr. Speaker, I suggest that the gentleman from Iowa reminds me of the quaint old story of the farmer who locked his barn after his fine pair of horses had been stolen.

Mr. DOWELL. I am trying to get the barn locked before this $55,000,000 gets away from us. That is what I am trying to do.

Mr. WASON. Then we should have done it years ago instead of now, as this will be used to adjust obligations long overdue.

Mr. DOWELL. But let us save this $55,000,000 while we can. It is a small sum, I know, but let us save it.

Mr. WASON. It has not been saved yet. It has not been collected yet. It is out in cold assets scattered over the country.

Mr. BANKHEAD. Will the gentleman yield?

Mr. WASON. I yield to the gentleman from Alabama.

Mr. BANKHEAD. The gentleman has paid a very high compliment to what he regards as the business ability of the chairman of the Shipping Board, and the gentleman has confidence in his business ability.

Mr. WASON. I certainly have.

Mr. BANKHEAD. The gentleman heard read the declaration of business principles which the chairman of the Shipping Board made to the subcommittee last July?

Mr. WASON. Yes.

Mr. BANKHEAD. I will ask the gentleman if he does not think that the declaration then made by the chairman of the Shipping Board was a sound proposition?

Mr. WASON. It was sound.

Mr. BANKHEAD. If it was sound then, why is it not sound now?

Mr. WASON. And his declaration made last December was also sound, and at that time he was more familiar with the conditions existing in the Shipping Board than he was in August when he spoke before.

Mr. SNELL. Will the gentleman yield for a question?

Mr. WASON. Certainly.

Mr. SNELL. Has it not been our experience that the Shipping Board are a mighty sight more careful about spending money if they have to come to Congress and ask a direct appropriation than they have been when they have spent it out of the revolving fund of $55,000,000 and nobody has had to make an account of it? Has not that been our actual experience?

Mr. WASON. To answer the specific inquiry of the gentleman from New York I will have to say that I can not answer it along the line that his inquiry would indicate. From the time when we first provided funds to create this Government activity down to and including a very few months ago there has been a constant flow of gold out of the Treasury in unlimited amounts for these purposes.

Mr. SNELL. Let us put as many brakes on it as we can.

Mr. WASON. But we ought to have put the brakes on long ago. I would like to see this matter wound up at the earliest possible day, so as to know where we stand and know that the whole matter is behind us.

Mr. TINCHER. Will the gentleman yield?

Mr. WASON. I yield to the gentleman from Kansas.

Mr. TINCHER. I listened carefully to the reading of the position taken by Chairman Lasker last August, and then I listened to the statement made by Chairman Lasker in December, and I submit that Chairman Lasker has not changed his opinion, and that he still stands upon the same ground that he stood upon last August, and I invite the gentleman to call my attention or the attention of the committee to any discrepancy between the statement read by the gentleman from Tennessee [Mr. BYRNS] and the statement read by himself.

Mr. WASON. The statement made by the chairman last August does not disagree with that made in December, but they vary a bit. He wanted to pay the claims against the Shipping Board at the earliest possible moment. He said and has repeatedly said that they could probably force collection of all of the $55,000,000 prior to July 1 at a loss or discount.

Mr. SNELL. Has anybody contended that he should collect it before the 1st of July? No one contends that they should collect it. We are willing to extend the time, but we want the money put into the Treasury instead of going back into the funds of the Shipping Board.

Mr. CARTER. Will the gentleman yield?

Mr. WASON. I will.

Mr. CARTER. What is the advantage to the Government by giving the Shipping Board the right to use the money instead of turning it in to the Treasury and letting Congress appropriate it next fall?

Mr. WASON. I do not know as there is any advantage except this: As I understand it, he can spend it if he can collect it

prior to July 1. If he collected it so late that he could not expend it, it is covered into the Treasury anyway. The inducement would be for the members of the Shipping Board to force collections as fast as they could in order that they could have the money to use. Of course, if the Shipping Board knew that Congress would appropriate the money that is necessary with reasonable dispatch, there would be little difference.

Mr. CARTER. Does not the gentleman think that Congress ought to be the judge of that very thing—whether it will appropriate the money expeditiously and reasonably for the Shipping Board to spend?

Mr. WASON. Of course I do, but the gentleman from Oklahoma knows that when appropriations come in its takes time to get them through both branches of Congress.

Mr. CARTER. But it is one of the very best checks on extravagance.

Mr. WASON. I do not think there has been any extravagance, not any that would cause criticism in the administration of the Shipping Board in the last eight months.

Mr. MANN. Will the gentleman yield for a question?

Mr. WASON. Certainly.

Mr. MANN. Is the Shipping Board authorized to collect this amount this year or next year or until it is collected without further legislation?

Mr. WASON. Yes: until collected.

Mr. MANN. No authority to collect is carried by this item?

Mr. WASON. No.

Mr. MANN. The authority to collect exists whether this year or next year until collection is made—I think it does.

Mr. WASON. I think it was in the original deficiency bill.

Mr. MANN. Wherever it was, this does not extend the authority to collect. If they have the authority to collect, the only question here is whether they shall have the authority to expend the money in the next fiscal year.

Mr. WASON. Yes.

Mr. MANN. Congress meets on the 1st of December next, a little over five months after the beginning of the fiscal year, and it soon has a deficiency bill before it. There is never much delay about passing an urgent deficiency bill at the short session of Congress. Can not they get along with $50,000,000 which is appropriated in the bill?

Mr. WASON. My best information is that there will be a deficiency this year.

Mr. MANN. In the next fiscal year?

Mr. WASON. Yes.

Mr. MANN. Will not $50,000,000 actually appropriated be sufficient to carry them for at least six months?

Mr. WASON. It ought to.

Mr. MANN. Because if it will not, this will not take them through the fiscal year.

Mr. WASON. I think it ought to.

Mr. MANN. If it will, we will be in session if we are not all dead.

Mr. BYRNES of South Carolina. Will the gentleman yield to me?

Mr. WASON. I will.

Mr. BYRNES of South Carolina. In addition to the $55,000,000 about which the gentleman from Illinois inquires, it is a fact that the bill makes available for some purposes the amount of money on hand July 1, and in case there should be any money from the operation of the ships it makes that available.

Mr. WASON. Yes; but if there is a deficiency there will not be much available.

Mr. BYRNES of South Carolina. The amount of $55,000,000 is to be used for the claims, as I understand?

Mr. WASON. Not entirely; we make a specific authorization for the settlement of claims.

Mr. BYRNES of South Carolina. I understood the gentleman to make a statement with reference to securing discounts if they had this money available.

Mr. WASON. Discounts from people who owed the Shipping Board.

Mr. BYRNES of South Carolina. The gentleman does not contest the fact that the Shipping Board even as late as January 7 asked only $50,000,000 for claims and $50,000,000 for the operation of ships, and that in addition to the $100,000,000 we have given them the amount on hand July 1, 1922, and any amount received from operations, and then the unexpended balance of the $55,000,000 over and above their official estimate which I hold in my hand.

Mr. WASON. This item in the bill carries $50,000,000 for the operation of ships.

Mr. BYRNES of South Carolina. Yes.

Mr. WASON. And $50,000,000 to settle claims.

Mr. BYRNES of South Carolina. And that is all they asked for.

Mr. WASON. And what can be collected out of what is not collected this year of the $55,000,000.

Mr. BYRNES of South Carolina. And then the operation of ships, in the same paragraph.

Mr. WASON. Yes.

Mr. BYRNES of South Carolina. And then any amount on hand July 1.

Mr. WASON. Yes.

Mr. BYRNES of South Carolina. Will the gentleman agree with me that the official estimate of January 7 asked for only $100,000,000, and did not ask for the use of these other funds?

Mr. WASON. January 7?

Mr. BYRNES of South Carolina. Yes; January 7, 1922, an estimate sent by the President to the Committee on Appropriations.

Mr. WASON. That is the Budget's submission.

Mr. BYRNES of South Carolina. The President always sends it.

Mr. WASON. Yes.

Mr. BYRNES of South Carolina. From the Budget Bureau.

Mr. WASON. Yes.

Mr. BYRNES of South Carolina. And the total estimate was $100,000,000.

Mr. WASON. Yes.

Mr. BYRNES of South Carolina. And anything over that $100,000,000 is over and above what the Bureau of the Budget asked for.

Mr. WASON. Over their estimates, but it is a part of our hearings before the committee relating to funds or credits that are due the Government in the hands or possession of the Shipping Board, which we want them to collect at the earliest possible date consistent with good business expedition.

Mr. BYRNES of South Carolina. The gentleman and I do not disagree at all. What happened was that after the estimate was submitted they submitted a supplemental estimate, and then they came before your committee and expressed a desire to have this authority.

Mr. WASON. They wanted it continued.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield?

Mr. WASON. Yes.

Mr. EDMONDS. As a matter of fact, the Shipping Board contemplated last July, when we gave them the $55,000,000, that they would be able to collect this money during the year and pay off a lot of construction claims and other kinds of claims. Now they have reached a point where they can not collect the $55,000,000, and of course the claims they contemplated paying off are open. They are of the opinion that if you continue this they may be able to get more favorable settlements out of these people than they would if the people knew they had to wait and come to Congress for the entire amount of money. I agree with the gentlemen on the other side, that Chairman Lasker did make that statement last December, but there is an old proverb that wise men change their minds and fools never.

Mr. BYRNES of South Carolina. The gentleman will agree that they have $50,000,000 with which to settle claims.

Mr. EDMONDS. There are two classes of claims. We have the old construction claims, and we have the ordinary operating claims. We have $200,000,000 worth of claims. It does not make any difference whether you settle them this way or come into the House and settle them in another way. They have to be settled in some way at some time.

Mr. BYRNES of South Carolina. In this estimate from the Bureau of the Budget they refer to both those claims, the total being $219,000,000, and he winds up with this statement:

> This leaves approximately $100,000,000 of claims for adjudication by the Shipping Board, and it is for the purpose of negotiating for the settlement of these claims on a compromise basis that the Shipping Board requests the appropriation of $50,000,000.

Mr. EDMONDS. I think the gentleman will find that they contemplate collecting this $55,000,000 and putting it in on the construction claims.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired. All time has expired. The question is on the motion of the gentleman from Indiana to recede and concur in Senate amendment No. 31.

The question was taken; and on a division (demanded by Mr. WOOD of Indiana) there were—ayes 19, noes 77.

So the motion was rejected.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House further insist upon its disagreement.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

> Amendment No. 35. Page 24, line 9, strike out all of lines 9, 10, 11, 12, and 13 and insert in lieu thereof the following: "Not more than 13 officers or employees, including 7 attorneys, of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid an annual salary or compensation in excess of $11,000."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur.

Mr. HARRISON. Mr. Speaker——

Mr. MANN. Will the gentleman from Indiana yield me five minutes?

Mr. WOOD of Indiana. I will yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, when this bill came before the House on the report of the Committee on Appropriations it carried as a limitation practically that which is now contained in the Senate amendment. Last year there was a contest in the House as to the number of employees who might be employed at high salaries. I think the House first provided three, perhaps, and then the number which was finally provided for was six officers or employees whose salaries could be in excess of $11,000. When the bill was before the House the House struck out the committee recommendation for 13 high-salaried attorneys and other officers and reduced it to 6 and added a provision that no one should be employed by the Shipping Board in excess of $25,000 a year. Well, we sometimes read in the newspapers about gentlemen being engaged at a salary of $150,000 a year, which I think is pure bunk [laughter and applause], good newspaper advertising. But whatever the case may be, the Government ran along for a number of years and only paid the President of the United States $25,000 a year salary, and we have no right to start in with the idea of paying salaries that reach to the mountain top to all Government employees. [Applause.] I do not expect the departments to be run on a bank clerk's salary, but $25,000 a year is a reasonably high salary, and we ought not to pay it to anybody in the Government employ other than the President of the United States. [Applause.] I do not believe we ought to employ a great number of attorneys in the Shipping Board at salaries in excess of $11,000 a year. Six thousand dollars is enough. Let us just stick to the amendment we put in in the House when we had it before the House before [applause] and stand pat; if gentlemen know what that means. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, it is perfectly apparent what the action of this House will be, but I will not let this moment pass without at least bringing to your attention the contention of the Shipping Board and what is going to happen if the proposal submitted by the gentleman from Illinois is carried out. As I stated before and wish to state now, if this were an ordinary governmental function, I would be just as persistent as other gentlemen here that these salaries are too large. I have been very persistent in the past, and I think we are paying now a great many salaries that should not be paid, certainly in contrast with salaries in positions where a great deal more responsibility and services are required and where the officers do not receive half the amount. But here is the situation that was foisted upon this country during the war. We have got a mess here that we would all like to be rid of, and it is worth as much as anybody's reputation to be connected with. [Laughter and applause.] But it was not the making of this present administration. [Applause on the Republican side.] This thing stunk to high heaven when the present administration took hold of it. They have had a reasonable degree of success in bringing some order out of the disorder they found. Their business is scattered all over the face of the earth and the seven seas, and the plunder, waste, and ravage going on they have been trying to rectify and clear up. Of necessity they had to have men who were conversant with that peculiar kind of business. We have not anything to compare with it. There is not anything comparable with this Shipping Board business. It is the biggest business in the world. There is not anything to compare with it. The great United States Steel Corporation is a mere bagatelle so far as the volume of the business is compared with that of the Shipping Board in the amount of the responsibility and property that is under its control. So we have no gauge by which to measure the service or the quality of the service. Now, I expect there are a great many men in this House, good lawyers and good business men, who would be absolutely lost if they were at the head of some of these great divisions requiring this technical knowledge.

A striking example was called to my attention the other day. This Shipping Board has been losing hundreds of thousands of dollars each year through the incompetency of its insurance department.

Mr. CAMPBELL of Kansas. If the gentleman will yield, I wish to say that, of course, we are spending money on the Shipping Board to put it in position to carry passengers and freight, in view of accommodating American citizens and making money. There was read this morning from the desk where the gentleman now stands a letter from a proposed traveler. He had written to the Shipping Board, as he had written to several others engaged in transatlantic shipping, for information with respect to their sailings and their boats and accommodations. He has been waiting for six weeks and has not had a reply yet from the Shipping Board. Every other concern to which he wrote answered promptly and gave him all the details, but he is still waiting for information telling him where he can sail from or what accommodation he can get on a Shipping Board ship.

Mr. BUTLER. In what language did he write it? [Laughter.]

Mr. CAMPBELL of Kansas. In plain English. An $800 a year clerk could answer such a letter as that.

Mr. WOOD of Indiana. It would be a remarkable circumstance if, out of all that volume of business and all the inquiries that are made, only one isolated case of seeming neglect could present itself. The mails sometimes go wrong. There are a whole lot of things that might happen. I am not here for the purpose of excusing any of the neglect of the Shipping Board any more than the neglect of the old Shipping Board.

Mr. CAMPBELL of Kansas. That letter is so characteristic of every governmental function that I call attention to it again. [Applause.]

Mr. WOOD of Indiana. I believe that every Member of Congress has characteristic letters, which, if he would bring here and print in the RECORD, would make it two or three times larger than it is every day.

Mr. GRAHAM of Illinois. If the gentleman will yield, I wish to say that I observe that the number of attorneys is increased by one, and most of these high-salaried people are attorneys. Is it not true—at least, I gather it from reading the hearings—that in almost every case where there is a matter of important litigation, legal counsel are hired, and that the regular attorneys in the Shipping Board, who are paid these salaries, do not do that business?

Mr. WOOD of Indiana. That is not correct. They started out doing that thing, but they found it was costing four or five times what they hoped to conduct their business for if they had regular counsel.

Mr. GRAHAM of Illinois. They do have legal counsel, do they not, in various cases?

Mr. WOOD of Indiana. They have both, but here is what they attempted to do: If they had an admiralty case, involving a large amount of money, they hired an admiralty lawyer to go through that case and they found that in half a dozen cases they paid more in proportion than they would have paid at these larger salaries for a whole year. We have got more litigation than all the shipping companies in the United States put together, and the men who have to appear in the various courts have to meet the best legal minds of the day, and in consequence the United States Government is the loser by it. Here is a situation and not a condition. We have either got to meet these men with men of the same character and caliber being presented there, or else we are going to have happen to us what we know happens in a big lawsuit with bigger men on the other side of the case.

Mr. GRAHAM of Illinois. I agree that you have got to get good lawyers; but if you have to hire special lawyers, there is no advantage in having these. If the gentleman says the regular lawyers are going to do this business and that we are going to quit hiring outside legal counsel, I agree with him.

Mr. WOOD of Indiana. That is exactly what I said. That is the purpose of doing this thing; and unless we do it we are not only going to lose more money, so far as fees are concerned, but more money when it comes to the rendering of the judgments.

Mr. BYRNS of Tennessee. It was stated that there were $250,000,000 in claims filed in the Court of Claims and other Federal courts that the Department of Justice must defend, and that there were possibly $150,000,000 more of claims which would probably be presented. Now, the Attorney General, Mr. Daugherty, states through his representatives that he is not violating the rule of his department in paying over $12,000 a year for any attorney; and some of these claims that they are defending amount to $125,000,000. If the Attorney General can get competent attorneys to fight these claims for $1,000 a month, why can not the Shipping Board do the same thing?

Mr. WOOD of Indiana. I will tell you why. Take the men who are employed in the Department of Justice, assistants to the Attorney General. There is a certain modicum of honor

attached to that thing [laughter] and there is a certain degree of permanency. Now it is hoped, and these gentlemen promise us, that if they have a sufficient staff they will clean up these dockets and get the whole thing cleaned up within a year.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CARTER. Why not put all these men into a position where they would get that "modicum of honor" and not have to pay them such large salaries?

Mr. WOOD of Indiana. Because the Department of Justice does not want them, and the Department of Justice, instead of trying to encourage the character of thing you are talking about, on the other hand is encouraging this Shipping Board to take care of its own lawsuits. It has enough of its own business to attend to without this thing. They have not the force, and you would have to increase that force, and then what would happen to you? Instead of having a lot of United States attorneys for a year, you would have them for all time.

Mr. CARTER. But we would have the gentleman from Indiana here to stop them.

Mr. WOOD of Indiana. I do not think you would be doing a good job. [Laughter.]

Mr. JONES of Texas. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. JONES of Texas. Does the gentleman think, if we adopt the Senate amendment, that they would probably use some of these lawyers now on the roll at $11,000 and less and increase them to the point where they were at before we put on the limitation of $11,000?

Mr. WOOD of Indiana. That might be. And this is the situation, and I want to bring it before you gentlemen, so that you may know: Some of these men, when their salaries were reduced under this amendment before, announced their intention to quit, and some did quit, but others were induced to stay for a year, with the hope that possibly they might get through, or if not, that they would get a larger salary. Others of these men have announced their intention to quit, and their resignations are in the hands of the board now.

Mr. JONES of Texas. Some of them, I am told, were getting $15,000 and $20,000 before, and, so far as I know, none of those quit when they were reduced to $11,000. The names of those gentlemen on the high-priced list remain on the roll, notwithstanding the fact that they had been previously on the roll at a much higher price.

Mr. HARRISON. Mr. Speaker, will the gentleman yield for a minute?

Mr. WOOD of Indiana. Yes.

Mr. HARRISON. I find here in the hearings a very illustrative case, confirming what the gentleman from Texas [Mr. JONES] has stated. These claims commissioners are now receiving $11,000 a year. Here is what they did receive previously. I read:

Mr. GRIFFIN. You gave the composition of that commission, but you did not say whether they were to draw any salaries or not.

Mr. SCHLESINGER. Mr. Lesher has already put that into the record.

Mr. GRIFFIN. Are they drawing salaries?

Mr. SCHLESINGER. Oh, yes. Judge Meals was engaged at $17,000 and the others at salaries of $15,000; then when Congress passed that limitation in the appropriations act they were cut to $11,000.

Mr. BUTLER. Are they still working?

Mr. HARRISON. They are still acting.

Mr. BUTLER. Maybe they will stand a little further reduction.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BARKLEY. I would like to know from the gentleman from Indiana whether these high-priced lawyers are the ones who are the trial lawyers, or whether the trial lawyers are these other men who are working down there for $4,000 and $5,000 a year?

Mr. WOOD of Indiana. Those who are receiving the higher salaries would be the ones at the head of these various divisions.

Mr. BARKLEY. But the men who do the work of trying cases are the men who are working for $4,000 and $5,000 a year?

Mr. WOOD of Indiana. Some of those trial lawyers are drawing $9,000 and some $10,000. They are drawing various prices.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CHALMERS. I happen to know personally one of the attorneys working for the Shipping Board, the former dean of the law school in a State university. He is getting $5,000 a year, and is being sent all over the country to try these cases, and he is very successful in that work. It seems to me if these high-priced experts would look around a little they could find many competent lawyers to do this work.

Mr. BARKLEY. How much is he getting?

Mr. CHALMERS. Five thousand dollars.

Mr. WOOD of Indiana. I have stated here before and I wish to state now that I suppose you could go out into any little county seat in any State in the Union and find just as good if not better lawyers than some of those who are receiving these higher salaries; but those men are not going to give up their practice at the county seat and come down here and besmirch themselves for a year or two and lose their practice and then go back home again.

Mr. TINCHER. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Kansas.

Mr. TINCHER. I wish to say to the gentleman that some time last summer, when we had up a bill for the Shipping Board, it was disclosed that some men who were drawing $2,400 under the former administration were drawing $10,000, $11,000, $12,000, and $14,000 under this administration. Have those men been discharged yet?

Mr. WOOD of Indiana. I do not know whether they have or not.

Mr. TINCHER. If they have not, I do not want to vote to raise anybody's salary.

Mr. WOOD of Indiana. I exposed some of those gentlemen myself; and here is what happened under the former administration, and I suppose the same thing might have happened under a Republican administration. There were a lot of little fellows who got appointed to $1,500 positions because they did not go to war. That was the reason they got those positions; and when the war was over and the clouds passed away they had themselves promoted under the former administration and some of them under this administration.

Mr. KINCHELOE. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. I will say to the gentleman that I know of one lawyer who served under the former administration who is not one of the favorites, a man who was drawing $4,500 a year, and who is still drawing it under this administration, not being one of the elite or elect, but who is one of the best trial lawyers they have got, and he is being sent all over the country to try cases, and I know of one case involving a million dollars, and he was sent out to try that case.

Mr. BANKHEAD. I suggest to the gentleman from Indiana that in his explanation he has not touched upon the question of the reason why he agreed to strike out the limitation of $25,000 as a maximum, which a good many of us would like to see retained. What is the explanation of that?

Mr. WOOD of Indiana. I started a while ago to call attention to the necessity of having somebody to protect the interests of the United States Government with reference to maritime insurance. They have discovered that because of inefficiency in the insurance department they have been losing hundreds of thousands of dollars. They tell me they can not get a man who is big enough to take that place for less than $25,000 or $30,000 a year; and if we had had that character of a man within the last two or three years they would have saved five times more than all of the proposed increases in this amendment.

Mr. BANKHEAD. Then, do I understand the gentleman to mean that they can get that type of a man for $30,000 a year or $33,000, but can not get him for $25,000?

Mr. WOOD of Indiana. I suppose they will have to have some leeway with which to dicker. I do not know that they have any fixed market price for men of that caliber.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. If we strike out the Senate amendment, how many lawyers will they have left down there?

Mr. WOOD of Indiana. I can not tell the gentleman exactly how many.

Mr. JOHNSON of Mississippi. Is not the total 85 now? I understand there were 78 provided for in your bill when it left the House, and when it went to the Senate there were 7 more added there.

Mr. WOOD of Indiana. In the city of New York there are individual law firms that have half as many men engaged in the conduct of the business of a single firm as you will find in the whole Shipping Board.

Mr. JOHNSON of Mississippi. But is it not true that the total is 85?

Mr. WOOD of Indiana. I think that is true.

The SPEAKER pro tempore. The question is on receding and concurring in Senate amendment No. 35.

The question being taken, the motion was rejected.

Mr. MANN. I move that the House further insist on its disagreement.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House further insist on its disagreement to Senate amendment No. 35.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the last Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: Page 34, line 21, after the word "employees," insert "and all auditing of every nature requiring the services of outside auditors shall be furnished from the Bureau of Efficiency."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House recede and concur in the Senate amendment.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House agree to the conference asked for by the Senate.

The motion was agreed to.

The Chair appointed as conferees on the part of the House Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FIELDS, on account of illness.

To Mr. DAVIS of Tennessee (at the request of Mr. GARRETT of Tennessee) for the day, on account of illness.

EXTENDING TIME FOR PAYMENT OF CHARGES ON RECLAMATION PROJECTS.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9606, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table the bill H. R. 9606, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 9606. To authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. Reserving the right to object, will the gentleman make the required statement in order to get unanimous consent?

Mr. KINKAID. I will state to the gentleman from Texas that I called this up by agreement with the ranking minority member of the committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. KINKAID, Mr. SINNOTT, and Mr. HAYDEN.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, March 16, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

567. A letter from the Secretary of the Navy, transmitting a proposed draft of a bill to permit the employment of officers of the Navy and Marine Corps by persons or companies furnishing naval supplies or war material to the Government; to the Committee on Naval Affairs.

568. A letter from the Acting Secretary of Commerce, transmitting a proposed draft of a bill to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CHINDBLOM: Committee on the Merchant Marine and Fisheries. Fisheries in Alaska (part 2 of Rept. No. 789). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 3200. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; without amendment (Rept. No. 800). Referred to the House Calendar.

Mr. WALSH: Committee on the Judiciary. H. R. 9671. A bill to amend section 87 of the Judicial Code; with amendment (Rept. No. 802). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BENHAM: Committee on the Public Lands. H. R. 10419. A bill validating certain applications for and entries of public lands; with an amendment (Rept. No. 799). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10522) granting a pension to Annie Cason, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 10908) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

By Mr. HICKS: A bill (H. R. 10909) to authorize the President to cancel or modify certain contracts for battleships and battle cruisers, and for other purposes; to the Committee on Naval Affairs.

By Mr. FIELDS: A bill (H. R. 10910) to enlarge and extend the post-office building at Ashland, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: A bill (H. R. 10911) to permit the employment of officers of the Navy and Marine Corps by persons or companies furnishing naval supplies or war material to the Government; to the Committee on Naval Affairs.

By Mr. GOLDSBOROUGH: A bill (H. R. 10912) for the erection of a public building in the town of Easton, Md.; to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: A bill (H. R. 10913) to amend sections 4826 and 4827 of the Revised Statutes of the United States relating to Board of Managers of National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. KELLER: Joint resolution (H. J. Res. 288) authorizing the Postmaster General to issue a special series of postage stamps commemorative of peace; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Resolution (H. Res. 304) providing for additional compensation for Daniel R. Smith, messenger to the Committee on the District of Columbia; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW of Massachusetts: A bill (H. R. 10914) granting a pension to Mary R. Philbrick; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 10915) granting an increase of pension to Emily M. Battson; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10916) granting an increase of pension to James A. Childers; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 10917) granting a pension to William Brumfield; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 10918) for the relief of Bert H. Clark, Maud A. Graham, Grace A. Graham, Lee Hurley, Emma L. Gordon, Mabel H. Dwight, and Nellie A. Pardy; to the Committee on the Public Lands.

By Mr. LINEBERGER: A bill (H. R. 10919) to pay damages to Roberta McKenzie Osborne; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 10920) for the relief of William Chinsky; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10921) granting a pension to Frank McCoy; to the Committee on Pensions.

Also, a bill (H. R. 10922) granting a pension to Polly Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10923) granting an increase of pension to James B. King; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4612. By Mr. CRAMTON: Petition of John McCartney and other residents of Mayville, Mich., protesting against the passage of any of the so-called Sunday observance bills for the District of Columbia; to the Committee on the District of Columbia.

4613. Also, petition of George Newberry and other residents of Mayville, Mich., protesting against the passage of House bill 9753 or any other similar bill; to the Committee on the District of Columbia.

4614. Also, resolution of the Volunteer Welfare Association, of Marine City, Mich., supporting the purchase by Henry Ford of the Muscle Shoals project; to the Committee on Military Affairs.

4615. By Mr. CULLEN: Resolution passed by the State executive committee of the American Legion, Department of New York, urging the passage of the American Legion fivefold optional plan of adjusted compensation; to the Committee on Ways and Means.

4616. By Mr. DYER: Resolution adopted at a regular meeting of Local No. 106 of the Glass Bottle Blowers' Association of the United States and Canada, favoring the passage of the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4617. By Mr. GALLIVAN: Petition of Simmons College, of Boston, Mass., opposing pending legislation to impose duty on the importation of foreign books; to the Committee on Ways and Means.

4618. By Mr. HAYS: Petition of H. B. Wimmer and 22 other citizens of Douglas County, Mo., protesting against the passage of the following pending legislation: House bills 4388 and 9753 and Senate bill 1948; to the Committee on the District of Columbia.

4619. By Mr. KISSEL: Petition of the National Cloak & Suit Co., of New York City, N. Y., urging the reduction of taxes and opposing the bonus bill; to the Committee on Ways and Means.

4620. Also, petition of the Williams Printing Co., of New York City, N. Y., opposing the enactment of a bonus bill; to the Committee on Ways and Means.

4621. Also, petition of James Thompson, of Tulsa, Okla., urging the enactment of legislation for the relief of ex-service men; to the Committee on Ways and Means.

4622. By Mr. LINEBERGER: Petition of William A. Frye, of Long Beach, Calif., and several hundred others, urging that the Towner-Sterling bill be reported out of committee and enacted at an early date; to the Committee on Education.

4623. Also, petition from citizens of Los Angeles County and the Ministerial Union of Los Angeles, numbering 16 signed pages, requesting the President of the United States to extend whatever protection and help may be necessary to make Armenia a self-supporting and self-protecting nation; to the Committee on Foreign Affairs.

4624. By Mr. MALONEY: Resolution adopted by the city council of the city of Lawrence, Mass., indorsing the legislation for ex-service men and urging its immediate passage; to the Committee on Ways and Means.

4625. By Mr. MEAD: Petition of Federal Employees' Union No. 4, of New York City, urging the adoption of Senator Lodge's amendment to the second deficiency bill, relative to reimbursement of the members of the staffs of the Immigration Service; to the Committee on Appropriations.

4626. By Mr. PERKINS: Petition of the National Society United States Daughters of 1812, for the preservation of old Fort McHenry; to the Committee on Military Affairs.

4627. By Mr. SINCLAIR: Petition of Melvin Torpen and 12 others, of Scranton, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4628. Also, petition of William F. Anhalt and 33 others, of Westby, Mont., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4629. Also, petitions of R. H. Randall and 11 others, of Fortuna, N. Dak., and C. B. Olson and 16 others of Marmon, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4630. Also, petition of F. H. Schroeder and 21 others, of Baldwin, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4631. Also, petition of J. F. Vavra and 65 others, of Stanton, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4632. By Mr. TEMPLE: Petition of R. M. Foster, of Racine, Beaver County, Pa., with reference to the bill providing for a bureau of civil aeronautics; to the Committee on Interstate and Foreign Commerce.

4633. Also, resolution of the Chamber of Commerce of Beaver Falls, Pa., relating to the question of the elimination of tax-exempt securities; to the Committee on Ways and Means.

4634. By Mr. TINKHAM: Resolution adopted at a regular meeting of the South Boston Citizens' Association, urging the immediate passage of the fivefold plan of readjustment for World War veterans; to the Committee on Ways and Means.

SENATE.

THURSDAY, *March 16, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our great and gracious God, we come this morning appalled by Thy greatness but wooed by Thy graciousness. We are assured that whatever need may be pressing upon us, Thou art willing to supply our needs and out of the fullness of Thine heart to meet every necessity of life in all its plans and purposes. Grant that our land may become more and more eminent as the land whose God is the Lord. We ask everything in the name of Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, March 9, 1922, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, receded from its disagreement to the amendments of the Senate numbered 2, 19, and 36, insisted upon its disagreement to the amendments of the Senate numbered 21, 28, 29, 31, and 35, and agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON were appointed managers of the conference on the part of the House.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9668) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. KINKAID, Mr. SINNOTT, and Mr. HAYDEN were appointed managers of the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. KELLOGG. I present the memorial of Harold L. Wood and sundry other citizens of St. Louis County, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia. I ask that the memorial be printed in the RECORD, without the signatures, and referred to the appropriate committee.

There being no objection, the petition was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

PETITION TO CONGRESS.

To the honorable the Senate and House of Representatives of the United States:

Believing (1) in the separation of church and state;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law enforcing the observance of any religious institution, or looking toward a union of church and state, or of religion and civil government;

(3) That any such legislation is opposed to the best interests of both church and state; and

(4) That the first step in this direction is a dangerous step and should be opposed by every lover of liberty;

We, the undersigned, adult residents of St. Louis County, State of Minnesota, earnestly petition your honorable body not to pass the compulsory Sunday observance bill (S. 1948), which aims to regulate Sunday observance by civil force under penalty for the District of Columbia.

Mr. MYERS presented the petitions of Janet Richards, Mrs. Court F. Wood, and sundry members of the District of Columbia Federation of Women's Clubs, all in the District of Columbia, praying for the enactment of legislation to prohibit experiments upon living dogs in the District of Columbia or the Territorial or insular possessions of the United States, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a resolution adopted by the Calumet (Mich.) Women's Club, favoring the prompt completion of the Great Lakes-St. Lawrence River project for ocean-going vessels, which was referred to the Committee on Commerce.

Mr. CAPPER presented petitions of the Frederick Douglass Equal Rights League, of Independence, and sundry colored teachers of the Kansas Industrial and Educational Institute, of Topeka, in the State of Kansas, praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented a memorial of sundry citizens of Bigelow and Perry, Ark., remonstrating against the passage of the so-called Fordney tariff bill on the ground that it would disturb business, delay the return of normalcy, and increase the cost of living, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted by Frank Fried Post, No. 18, American Legion, of Mena, Ark., favoring the passage of the so-called fivefold adjusted compensation bill, which was referred to the Committee on Finance.

Mr. LODGE presented a resolution adopted by the board of aldermen of the city of Chelsea, Mass., favoring the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from employees of the Dennison Manufacturing Co., of Framingham, Mass., praying for the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of the congregations of the Prospect Congregational Church, of Cambridge, the Congregational Church of Southampton, and the First Church, Old South, of Worcester, all in the State of Massachusetts, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented petitions and communications in the nature of petitions of the Kiwanis Club of Worcester; 180 members of the of Trinity Church Men's Union, of Worcester; the Whitinsville Congregational Club, of Whitinsville; the congregations of the First Baptist Church of Framingham; of the Methodist Episcopal Church of Middleboro; of the Williamsburg Congregational Church, of Williamsburg; of the First Congregational Church of Nantucket; and of the Old Cambridge Baptist Church, of Cambridge, all in the State of Massachusetts, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented resolutions of the John Boyle O'Reilly Literary Club, of Springfield; the Wolf Tone Club, of Taunton; the Robert Emmett Literary Association, of Fall River; Division No. 11, Ancient Order of Hibernians, of Holyoke; and Padriac H. Pearse Branch, Friends of Irish Freedom, of Fall River, all in the State of Massachusetts, protesting against the ratification of the so-called four-power treaty, which were ordered to lie on the table.

Mr. PEPPER presented a resolution unanimously adopted by the Pittsburgh (Pa.) Teachers' Association, favoring the passage of Senate joint resolution 31, proposing an amendment to the Federal Constitution authorizing uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution of the council of the city of Sharon, Pa., protesting against the construction of the proposed Lake Erie and Ohio ship canal, which was referred to the Committee on Commerce.

He also presented a petition, numerously signed, of employees of the Narrow Fabric Co., of Reading, Pa., praying for the prompt passage of an adequate protective tariff law with ad valorem duties assessed on American valuations, which was referred to the Committee on Finance.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of House joint resolution 262, relative to the canalization of the St. Lawrence River, which was referred to the Committee on Commerce.

Mr. LADD presented the petitions of R. I. Emerson and 16 others, of Drady and vicinity; Billie H. Evasdenk and 81 others, of Kief and vicinity; and George Rose and 28 others, of Ellendale and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented the memorial of William R. Thompson and 14 others of Carpio and vicinity, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted at the regular annual stockholders' meeting of the Minster Farmers' Exchange Co., of Minster, Ohio, favoring the enactment of legislation permitting the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented the petition of H. H. Squire and sundry other citizens of Sandusky, Ohio, praying for the prompt passage of an adequate tariff law based upon American valuations, which was referred to the Committee on Finance.

He also presented petitions and communications in the nature of petitions of the Kiwanis Clubs of Dover and Columbus, the congregations of the Friends Church of Leesburg, the Chapel of the Holy Spirit (Episcopal Church), of Columbus, and the First Presbyterian Church, of Forest, all in the State of Ohio, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented a petition of the pastor and members of the Patterson Memorial Presbyterian Church, of Dayton, Ohio, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. McLEAN presented a resolution adopted by Somers Grange No. 105, Patrons of Husbandry, of Somers, Conn., protesting against threatened strikes in the coal and transportation industries as endangering the vital interests of the country at large, which was referred to the Committee on Education and Labor.

He also presented a petition of members of the New Haven (Conn.) Trade Council, praying for the passage of House bill 10034, the so-called Fitzgerald accident compensation bill; House bill 9691, for the creation of Federal local option districts; and acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted at a community meeting of the America Union, of Dutchess County, N. Y., favoring the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a memorial of New Haven Council, No. 259, Catholic Women's Benevolent Legion, of New Haven, Conn., remonstrating against the ratification of the so-called four-power treaty, which was ordered to lie on the table.

He also presented a resolution adopted by the Up-Town Social Club, of Meriden, Conn., favoring the repeal of the so-called Volstead law and the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Greek-American Chamber of Commerce, of New London, Conn., praying for the recognition of King Constantine, of Greece, by the Government of the United States, which was referred to the Committee on Foreign Relations.

He also presented a memorial of members of the Rotary Club, of Meriden, Conn., remonstrating against the proposed removal of the submarine base at New London, Conn., which was referred to the Committee on Naval Affairs.

He also presented petitions of members of Charles B. Bowen Camp, No. 2, of Meriden; Lieut. N. W. Bishop Camp, No. 3, of Bridgeport; and Clarence G. Davenport Auxiliary, No. 1, of Waterbury, all of the United Spanish War Veterans, in the State of Connecticut, praying for the enactment of the so-called Knutson bill, providing pensions for widows of Spanish War veterans, which were referred to the Committee on Pensions.

He also presented the petition of Arthur J. Petrie, commander of Post No. 39, American Legion, of Westville, Conn., praying for the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented communications in the nature of petitions of Frank C. Porter, of the divinity school of Yale University, of New Haven; members of the Eunice Dennie Burr Chapter, Daughters of the American Revolution, of Fairfield; and the

congregation of the First Methodist Episcopal Church of Greenwich, all in the State of Connecticut, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

POST-OFFICE SITE AT MADISON, WIS.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9604) for the acquisition of a post-office site at Madison, Wis., reported it without amendment.

PUBLIC PARK LANDS IN THE STATE OF WASHINGTON.

Mr. POINDEXTER. From the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 9235) providing for a grant of land to the State of Washington for public park purposes, and I submit a report (No. 562) thereon. I ask for the present consideration of the bill. I think it can be disposed of in a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the title and fee to all of the land comprising the military reservation situated on Fidalgo Island, in Skagit County, State of Washington, in township 34 north, range 1 east of the Willamette meridian, north of the entrance to Deception Pass, including the two islands in the pass, containing about 550 acres, and to the land comprising the military reservation situated on the northern end of Whidby Island, in Island County, State of Washington, in township 34 north, range 1 east of the Willamette meridian, south of the entrance to Deception Pass, containing about 630 acres, and to the land comprising the military reservation situate on Whidby Island (north point of) in township 34 north, ranges 1 and 2 east of the Willamette meridian, containing about 606 acres, and to the land comprising the military reservation situate east of Deception Pass in said township 34 north, range 2 east of the Willamette meridian, consisting of Hope Island and Skagit Island, containing about 200 acres, be, and the same are hereby, granted, subject to the conditions and reversions hereinafter provided for, to the State of Washington for public park purposes, subject, however, to the right of the United States to at any and all times and in any manner assume control of, hold, use, and occupy without license, consent, or leave from said State any or all of said lands for any and all military, naval, or lighthouse purposes, free from any conveyances, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said State: *Provided*, That the United States shall not be or become liable for any damages or compensation whatever to the said State of Washington for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes: *Provided further*, That if said lands shall not be used for the purposes herein above mentioned the same or such parts thereof not so used shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. LADD:

A bill (S. 3290) to define commerce and to establish when an article or commodity is in interstate commerce and when subject to the laws of a State, and for other purposes; to the Committee on Interstate Commerce.

By Mr. KENDRICK:

A bill (S. 3291) for the relief of Henry Cordes (with an accompanying paper); to the Committee on Public Lands and Surveys.

By Mr. POMERENE:

A bill (S. 3292) granting a pension to Isaac Dobbins (with the accompanying papers); and

A bill (S. 3293) granting a pension to Arthur Groos (with the accompanying papers); to the Committee on Pensions.

By Mr. BALL:

A bill (S. 3294) to authorize the Commissioners of the District of Columbia to condemn certain land; to the Committee on the District of Columbia.

By Mr. FRANCE:

A joint resolution (S. J. Res. 179) authorizing the President to appoint a commission to visit the Republic of Liberia on a mission of friendship, amity, and mutual helpfulness; to the Committee on Foreign Relations.

TARIFF POLICY FOR THE SOUTH.

Mr. SHEPPARD. I have here an editorial from the Fort Worth (Tex.) Star-Telegram on the subject of the proper tariff policy toward the South. I think it will be of great interest, and I ask to have it inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Fort Worth Star-Telegram.]

IN THE INTEREST OF THE SOUTH.

Whether the estimate made by Col. Ike T. Pryor that $1,000,000,000 a year will be added to the value of southern products if Congress accepts the schedules of the Southern Tariff Congress and incorporates them in the tariff bill is regarded as high or not, certainly every effort should be made to have fair recognition given to the products of the South in the bill.

Col. Pryor, who is chairman of the schedule committee of the Southern Tariff Congress, which meets in Fort Worth on March 15, outlines the schedules to be asked, as follows:

"We have indorsed the schedules filed by the western tariff bloc with the Senate Finance Committee, which call for a rate of 2½ cents per pound on beef, 2½ cents per pound on mutton, 4 cents on lambs, three-fourths cent on hogs, and 15 cents on unwashed wool.

"We have taken exception to the bloc rate on hides, which is 2 cents green and 6 cents dried. We regard 4 cents per pound on green hides the minimum rate that should be given. Other leading Texas products shown on the bloc schedules are vegetable oils, 4 cents per pound; eggs, 8 cents per dozen; and poultry, 6 cents per pound.

"Important southern items not included in the western tariff bloc and on which tariff duties have been requested by the tariff association are peanuts, pecans, sugar, graphite, manganese, and petroleum, and rates will be fixed Wednesday by the Southern Tariff Congress on these articles."

The greatest obstacle which stands in the way of obtaining proper recognition for southern products is the attitude of most of the Democratic Congressmen and Senators on this matter.

Instead of insisting that any tariff bill passed shall levy duties equitably, without discriminating between sections and industries on political lines but in accordance with the principle of not favoring one class or section at the expense of another, they are assuming an attitude of opposition to the entire tariff program and apparently are willing to have the Republicans pass a measure favoring special industries and sections at the expense of the South in order to make political capital of it later.

The present Congress is going to pass a tariff bill. That can be taken for granted. Democratic opposition can not prevent that. The position of the Southern Tariff Congress is simply that the products of this section of the country, most of which are of the farm and ranch, shall be given equitable protection in keeping with that given the products of other sections.

It is good Democratic doctrine that any tariff levied, no matter what its rates or its purposes, shall be equitably adjusted to the whole country and to all classes in the matter of schedules.

It is good Democratic doctrine that if tariff is levied, no matter what its rates or its purposes, shall be equitably adjusted to the whole country and be all classes in the matter of schedules.

It is good Democratic doctrine that if there is to be a tariff on manufactured articles there should also be a tariff on raw materials.

* * * * * * *

The Southern Tariff Congress represents a great body of producers in the South. We take it that the schedules which it will work out will be based upon a knowledge of conditions and in relation to schedules on the products of other sections and other industries. The delegates to the congress will be men thoroughly capable of working out such schedules and who have a full knowledge of the facts and conditions involved. For this reason we believe they should receive the cooperation of Congressmen and Senators from the South, especially from Texas.

The Southern Tariff Congress is not a political body. It is a business body, and it proposes to have a tariff law based upon principles of equity and justice and not upon mere partisan considerations. It is working for the economic interests of this entire section of the country and is seeking to prevent discrimination of a kind which will injure the producers of this section. It should receive the support of all intelligent citizens of this section irrespective of party affiliation.

SPECULATIVE TRADING IN COTTON.

Mr. HARRIS. Mr. President, I ask permission to place in the RECORD a statement with reference to the investigation of the American Cotton Exchange in New York showing that the great cotton exchanges are simply bucket shops and an injury to the farmers and that the southern cotton speculators are at the mercy of the New York brokers.

For many years the New York Cotton Exchange has been used principally to gamble in cotton futures instead of a place to buy and sell cotton in a legitimate way. The farmers of the South have lost millions annually on account of this exchange, which has been used to depress the price of cotton and rob the southern farmers. For my part, as I have often stated in the Senate, unless we can confine this exchange to the legitimate buying and selling of actual cotton and stop all gambling in cotton futures I favor abolishing the exchange. Nearly every year they sell cotton futures amounting to ten times the number of bales of cotton produced in the South. Congress should immediately pass legislation preventing the robbery of the southern farmers, who have suffered financially more than any producers in our country.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SAY COTTON MART IS "BUCKET SHOP"—BROKERS TESTIFY NEW YORK EXCHANGE OPENLY EXPLOITED SOUTHERN TRADERS.

[By the Associated Press.]

NEW YORK, *March 15.*

Charges that the American Cotton Exchange is a huge bucket shop, where actual trading is rare and where the southern speculator is at the mercy of the New York broker, were made by former members of the exchange at a "John Doe" investigation conducted by the district attorney's office before Chief City Magistrate McAdoo.

Witnesses testified to numerous instances of "cross-trading," fictitious orders, dummy accounts, "scalping," secret manipulation of unrecorded transactions, sensational advertising designed to woo the accounts of small speculators in the South, and undisguised bucketing of orders.

EXPELLED MEMBERS TESTIFY.

W. B. Wilson and J. H. Watson, members of the firm of Wilson & Co., which was expelled from the exchange last February 28 on charges that they had warned their clients against further dealings with the institution, were principal witnesses for the prosecution.

"When there was cotton for sale in the ring we made bona fide sales for our clients," Mr. Wilson testified. "But the southerner, who is an optimist about the cotton market, almost invariably bought. As

a result there seldom was any cotton for sale, and brokers simply 'bucketed' the orders, taking a chance on covering themselves when cotton eventually was offered in the ring."

ORDERS BUCKETED OUTRIGHT.

The witness declared that he withdrew from the exchange after repeated complaints to officials that "it had become absolutely impossible to transact business without bucketing." At the time of his resignation in February, he declared, conditions were such that little trading was done on the floor of the exchange, most of the orders from customers being bucketed outright.

A score of the most prominent members of the exchange, some of them its directors, were named as constituting the "inner circle" of the trading ring.

J. H. Watson, partner in Wilson & Co., testified he first entered the floor of the exchange as a "scalper" for E. L. Dutton & Co., with instructions to "force the market" when actual trading was indulged in.

"Finally they caught me short of the market and then took the market for a walk, not bringing it back for several weeks," the witness declared. He then ceased "scalping" for Dutton and became a member of the exchange, "bucketing" orders on his own account.

ADMITS BUCKETING ORDERS.

"Do you say you bucketed orders, then?" asked Magistrate McAdoo, who is sitting as a grand jury in the investigation.

"Call it what you want," the witness replied. "It is just plain bucketing."

"During the big rush last September, when every southerner was speculating in cotton and we were flooded with buying orders, brokers seldom went to the exchange to do their trading. They didn't have time. They simply marked prices on the sales contracts, sent them out for the signature of the broker with whom they had prearranged to complete the transaction of a fictitious sale, and entered it on their books. Everybody was bucketing."

Several gilt-embossed pamphlets, distributed through the South by New York brokers, were introduced as evidence.

PAMPHLETS AS LURE.

"These should be called to the attention of the postal authorities," Magistrate McAdoo told the prosecuting attorneys.

The pamphlets were entitled: "Southerners Not Slow—A Human Interest Story That Every Red-Blooded Southerner Should Know," "How to Trade in Cotton, Stocks, and Grains—by Randolph Rose," and "Methods of Successful Cotton Traders."

Mr. Rose was cited by each of the witnesses as a member of the biggest firm connected with the American Cotton Exchange and leader in bucketshop methods.

Efforts of counsel for the American Cotton Exchange were balked in their attempts to cross-examine witnesses by Magistrate McAdoo.

EXTENSION OF PAYMENTS ON RECLAMATION PROJECTS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. JONES of Washington, and Mr. SHEPPARD conferees on the part of the Senate.

AMBASSADOR EXTRAORDINARY TO HAITI.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the junior Senator from Utah [Mr. KING].

Mr. ROBINSON. As the junior Senator from Utah is not present at the moment, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	Myers	Robinson
Ball	Harris	Nelson	Sheppard
Borah	Harrison	New	Shields
Brandegee	Heflin	Nicholson	Simmons
Bursum	Hitchcock	Norbeck	Smith
Cameron	Johnson	Norris	Spencer
Capper	Jones, Wash.	Oddie	Sterling
Caraway	Kellogg	Overman	Townsend
Colt	Kendrick	Page	Underwood
Culberson	Keyes	Pepper	Wadsworth
Cummins	King	Phipps	Walsh, Mass.
Ernst	Ladd	Pittman	Walsh, Mont.
Fernald	Lodge	Poindexter	Warren
Fletcher	McCormick	Pomerene	Watson, Ga.
France	McKellar	Rapsdell	Weller
Glass	McKinley	Rawson	Williams
Gooding	McNary	Reed	Willis

Mr. FLETCHER. I desire to announce the necessary absence of my colleague [Mr. TRAMMELL] on account of a sad affliction in his family, the death of his wife.

Mr. JONES of Washington. I desire to announce the absence of the junior Senator from Delaware [Mr. DU PONT], who is detained on official business.

I was requested also to announce the absence of the Senator from North Dakota [Mr. MCCUMBER], the Senator from Connecticut [Mr. MCLEAN], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN], who are detained at a hearing before the Committee on Finance.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present.

The Chair has laid before the Senate a resolution coming over from a previous day, which will be read.

The resolution (S. Res. 249) submitted by Mr. KING on the 6th instant was read as follows:

Whereas the President of the United States has designated Brig. Gen. John H. Russell as high commissioner to Haiti, with the rank of ambassador extraordinary to the Government of that country, without having sent the nomination of said Brig. Gen. John H. Russell to the Senate for the advice and consent of the Senate with respect to his appointment to said office: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby requested to investigate the question as to the power of the President under the Constitution to appoint an ambassador extraordinary to Haiti, without the advice and consent of the Senate in that behalf, and report their findings and opinion to the Senate.

Mr. KING. I ask that the resolution may go over without prejudice until a later day.

The VICE PRESIDENT. Without objection, it will go over.

CHICAGO, DETROIT & CANADA GRAND TRUNK JUNCTION RAILROAD CO.

Mr. TOWNSEND. From the Committee on Interstate Commerce I report back favorably with an amendment the bill (S. 3268) to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment to insert at the end of the bill the following proviso:

Provided, That any such lease shall be made subject to the condition in said act that the grant to said railroad company shall cease and determine in the event such railroad shall be discontinued.

So as to make the bill read:

Be it enacted, etc., That the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, is hereby authorized and empowered to lease lot No. 1, of any portion thereof, and any buildings thereon, as described in the patent dated March 8, 1859, issued to such railroad company under the provisions of the act entitled "An act granting the right of way over and depot grounds on the military reserve at Fort Gratiot, in the State of Michigan, for railroad purposes," approved February 8, 1859, as amended: *Provided*, That any such lease shall be made subject to the condition in said act that the grant to said railroad company shall cease and determine in the event such railroad shall be discontinued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The VICE PRESIDENT. Morning business is disposed of. The calendar under Rule VIII is in order.

Mr. ASHURST. Mr. President, the junior Senator from Utah [Mr. KING] recently introduced a bill proposing to transfer the Forestry Bureau to the Department of the Interior. That bill has aroused much discussion. The Washington Post of Sunday, March 12, published a thoughtful editorial on the subject and I ask that it be included in the RECORD.

There being no objection, the editorial referred to was ordered to be printed in the RECORD, as follows:

THE PEOPLE'S PATRIMONY.

The inquiries made by the commission delegated to map out a reorganization of the executive departments are said to have disclosed many glaring inconsistencies and inexcusable sources of extravagance. The report of the commission is in the hands of President Harding, and when published it is expected to create a sensation because of its recommendations for sweeping changes.

A single example of inconsistent grouping of activities and the evils resulting therefrom is furnished by the commission in its discussion of the Forest Service in relation to the Department of the Interior. The Forest Service is in the Department of Agriculture, and the principal arguments in favor of its retention there are that it is allied with agriculture and is in touch with other bureaus of the Department of Agriculture, such as entomology, plant industry, etc. But the bureaus of the Interior Department are in even closer touch with those bureaus of the Department of Agriculture. The Reclamation Service sets aside land for model farms to be developed by the experts of the Department of Agriculture, and the Indian Office, General Land Office, Geological Survey, and other Interior bureaus are in constant contact with the Department of Agriculture.

Inconvenience of all sorts results from the attempt to administer public lands by two executive departments. The Forest Service fails and refuses to cooperate with bureaus in the Interior Department, with serious damages to stockmen, lumbermen, miners, farmers, and others who have a right to expect a square deal from the Government. The lack of a central authority in Washington makes it impossible

to coordinate the activities of the bureaus that are created for the public welfare.

The Department of the Interior was created for the purpose of administering and developing the patrimony of the people of the United States. Broadly speaking, the chief duty of the Interior Department is to look after the public lands. It has jurisdiction over homesteads, mineral lands, nonmineral lands, Indian reservations, irrigation projects, surveys, national parks, Alaskan lands, etc. The evident intent of the creators of the Interior Department was to place under one jurisdiction all authority over the public lands. But the Forest Service was gradually expanded in the Department of Agriculture and transformed from a research into an administrative bureau, with the result that constant friction has prevailed.

The Forest Service dictates the course of roads within the national forests, and prevents the construction of highways which are required in the public welfare. It halts a farmer's cow in search of a drink of water at a spring lying a few feet within a forest area. It denies to a pioneering farmer the right to acquire a few feet of timber adjoining his homestead. It sells off the timber on a mining claim, denying the timber to the miner, who must dend sometimes thousands of miles for a few sticks of timber which might have been cut from his own claim. It disposes of timber to foreign countries at a time when domestic needs are unsupplied. It does not create additional forest to replace that which is cut, but clings to lands which are not forested at all, and refuses to permit them to be opened for homes.

The chaotic conditions resulting from divided authority over the public lands should be ended forthwith. The reorganization commission has recommended that the forests be administered by the Department of the Interior, just as other lands are administered, whether mineral, desert, oil-bearing, agricultural, or Indian lands. The commission takes the position, which seems to be logical and unassailable, that one authority should be exercised over public lands, without regard to the particular nature of the lands. Only by this method can there be coordination in the various services. When the question arises whether a particular piece of land is forest, agricultural, mineral, or what not, a central authority should decide. The question of surveys is most important in connection with the public lands, and it is most damaging to the public interest that the Geological Survey and the Forest Service survey should follow conflicting systems.

It is high time that political and personal aims should give way to public interest in the reorganization of the bureaus pertaining to the public lands of the United States. Alaska is locked up, a useless treasure house, while thousands of enterprising Americans are deprived of the opportunity to build themselves homes in that great region. A few million acres remain which could be transformed into homes in the continental United States, if the lands suitable for agriculture could be wrested from the dead grip of the Forest Service, which neither utilizes the lands nor permits others to utilize them. Roads should be built to accommodate growing populations throughout the western areas; mines should be opened which are now closed because of imaginary forest uses or because timber is denied to the miners; forests should be started in areas which the Forest Service claims to be unsuitable for forests; water supplies now unavailable should be made available to the people; forests in watersheds and catchment areas should be protected; and the so-called national forests should be overhauled, for the purpose of excluding from them the lands that are not forested and never will be forested.

Congress will have the reorganization commission's report in due time, with the Presidents recommendations thereon. It is to be hoped that the people will be given an opportunity to make their land heritage available for proper use.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. From the Committee on the Judiciary I ask leave to submit a report (No. 563) in response to the resolution of the Senate numbered 244, requesting the opinion of the Judiciary Committee touching the question of the eligibility of the senior Senator from Utah [Mr. SMOOT] and Representative BURTON as members of the Foreign Debt Funding Commission. The report is brief, and I ask that it may be read at the Secretary's desk.

The VICE PRESIDENT. Without objection, the Secretary will read the report.

The Assistant Secretary read the report as follows:

ELIGIBILITY OF HON. REED SMOOT AND HON. THEODORE E. BURTON TO MEMBERSHIP ON THE FOREIGN DEBT REFUNDING COMMISSION.

Mr. WALSH of Montana, from the Committee on the Judiciary, submitted the following report to accompany S. Res. 244:

The Committee on the Judiciary, to which was submitted by the Senate (S. Res. No. 244) the question of the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created under the act of Congress approved February 9, 1922, in view of the fact that at the time of the passage of the act the former was, as he still is, a Member of the Senate and the latter was, as he still is, a Member of the House of Representatives, respectfully reports that having referred the question so submitted to a subcommittee, consisting of Senators CUMMINS, BRANDEGEE, STERLING, OVERMAN, and WALSH of Montana, it reported that, having investigated the question, the conclusion was reached that the gentlemen named are ineligible, Senators BRANDEGEE, OVERMAN, and WALSH concurring in the report and Senators CUMMINS and STERLING dissenting; that upon the incoming of the said report your committee canvassed the question and now reports that in its opinion the gentlemen mentioned are not, nor is either of them, eligible to membership on the said commission for which they have been nominated by the President of the United States.

In its labors the committee had the assistance of a discussion of the question presented by Senator WALSH, a copy of which is hereto appended, supporting the view that the gentlemen named are not eligible, and in support of the contrary view discussions by Senators CUMMINS and NELSON and an opinion by the Attorney General, which, it is understood, will be made a part of a report to be submitted by the minority of the committee.

In the opinion of the Attorney General reference is made to an earlier opinion of his department, copy of which, with some comments thereon by Senator WALSH, is attached hereto.

Respectfully submitted.

T. J. WALSH.	WM. E. BORAH.
FRANK B. BRANDEGEE.	C. A. CULBERSON.
G. W. NORRIS.	JAS. A. REED.
LEE S. OVERMAN	JNO. K. SHIELDS.
HENRY F. ASHURST.	

Mr. CUMMINS. On behalf of a minority of the Committee on the Judiciary, I submit the report which I send to the desk and ask that it may be read:

The VICE PRESIDENT. The Secretary will read the report.

The Assistant Secretary read as follows:

OPINION OF THE MINORITY OF THE COMMITTEE ON THE JUDICIARY UPON SENATE RESOLUTION 244.

Mr. CUMMINS, from the Committee on the Judiciary, submitted the following minority report (to accompany S. Res. 244):

The undersigned members of the Committee on the Judiciary, which committee has had under consideration S. Res. 244, are unable to concur in the report of the committee, it being their opinion that the Hon. REED SMOOT and the Hon. THEODORE E. BURTON are eligible for membership on the commission created by the act of Congress approved February 9, 1922, entitled "An act to create a commission authorized to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes."

They submit herewith their views upon the subject matter of the resolution.

KNUTE NELSON.
ALBERT B. CUMMINS.
WM. P. DILLINGHAM.
LEBARON B. COLT.
THOMAS STERLING.
RICHARD P. ERNST.
SAMUEL M. SHORTRIDGE.

Mr. CUMMINS. Mr. President, on behalf of the same minority, I ask leave to print, accompanying the report just made, the views which have been already submitted to the committee from the subcommittee, as modified or changed in phraseology to suit the present occasion, and also the views of the chairman of the committee, Mr. NELSON, as well as the report or opinion of the Attorney General rendered upon request of the President of the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH of Montana. I was going to ask unanimous consent for the printing as a public document of the report of the majority just submitted, with the accompanying documents, and with it the report of the minority, with the documents now referred to by the Senator from Iowa.

Mr. CUMMINS. Mr. President, the suggestion is entirely satisfactory to me, but the printing can not be done for a day or two, inasmuch as it is necessary to change the argument in its phraseology so that it will constitute a report to the Senate instead of a report to the full committee by the subcommittee.

Mr. WALSH of Montana. That, of course, may be done.

The VICE PRESIDENT. Without objection, it is so ordered.

THE FOUR-POWER TREATY.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open session, for the purpose of considering the four-power treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. REED. Mr. President, I desire to lay before the Senate, in connection with the treaties now under consideration, some facts which have not heretofore been discussed, and which, while they bear upon the disarmament treaty directly, have also a very important bearing on the treaty under consideration. I propose to place before the Senate some figures with reference to the relative strength of the navies provided for in the naval treaty; and I believe I can say as a preliminary that the whole status has been misrepresented to the Senate and to the American people. The facts I am about to present are the work of naval experts of a high order, and are buttressed by documentary proof which demands, in my opinion, the attention of this body. If they are not given attention before the four-power treaty is acted upon, we will have so far committed ourselves that probably nothing we can do will extricate us from a dilemma which is fraught, in my judgment, with the very gravest danger.

Let me say now in advance that I was in favor of calling this conference for the purpose of reducing armaments. I am in favor now of every reasonable means which can be adopted to prevent the expenditure of large sums of money in a race for naval superiority. I want to see the useless expense stopped. I believe that it can be stopped without endangering the United States.

Those in control of the conference saw fit to go outside of the purposes for which it was called and to take up the question of a quadruple alliance. It had no necessary connection whatever with the question of disarmament. It was at first denied that any thought of an alliance or treaty—by whatsoever name you may know it—was being entertained; but after the conference had assembled some influences of which we are not advised were brought to bear, and they were sufficiently potential to

divert the conference from its original purposes and to bring before it for consideration matters never dreamed of by the Senate when it passed the resolution asking that steps should be taken looking toward disarmament.

Having involved us in negotiations which had nothing to do in a legitimate way with disarmament, our friends were able to secure a treaty which every man with common sense knows in his heart is a quadruple alliance. As a part of that plan they have produced a scheme of disarmament coupled with a scheme for yielding to Japan and Great Britain the dominance of islands and potential naval bases which leave us in a position bordering upon helplessness; and I challenge the Members of our body who were members of this conference to produce to the Senate the confidential reports made to them regarding the relative strength of the navies of Great Britain, Japan, and the United States as those navies will stand when these treaties become effective.

The argument that the present treaty is nothing but a pledge to meet and confer, with no binding qualities and with no obligations which any nation is bound to observe, in itself is a manifest absurdity. If we are bound to do nothing, either in honor, by implication, or by express words, then we are signing a paper which is a mere nullity. We are doing something which might just as well not be done. If all that we agree to do, either morally or legally, by direction or by indirection, is to sit down and talk matters over, whereupon no nation is bound to try to reach an agreement and then to carry that agreement into effect, we are doing the most absurd thing ever performed by sensible men. Such an agreement is a mere cipher. It is nothing whatever. It gives no security, for it makes no promises. It gives no strength, for there is no binding force to it. It accomplishes nothing, because it agrees to do nothing.

That construction is an afterthought, and I charge it; for when this treaty was first proposed members of this commission uniformly talked of it in a different language. Some of them have asserted that it was the equivalent of article 10 of the League of Nations covenant. Some of them, in different language, which I shall quote, have expressly asserted it to be a treaty of great power and great force.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I think I ought to yield first to the Senator from Georgia, who rose a moment ago.

Mr. JOHNSON. I do not want to pursue any inquiry if the Senator is going to pursue the matter of which he is speaking; but it seemed to me of such very extraordinary importance that I think the Senator ought to continue and we ought to know if members of the American delegation expressed the view of which the Senator now speaks.

Mr. WATSON of Georgia. Mr. President, I rose to remind the Senator from Missouri that the first speech prepared, written, and read in this Chamber by the Senator from Indiana [Mr. NEW] expressly stated repeatedly that this was an association of nations. Then the Senator's colleague [Mr. SPENCER] yesterday afternoon read a speech, in which he said it was an alliance to confer, and nothing more; and by the time the discussion reached the senior Senator from Louisiana [Mr. RANSDELL] the dilution had gone to the point that it could not do us any harm. That is the gradation.

Mr. REED. Of course, if it can not do any harm it can not do any good, because it either is true that it can do no harm because we agree to do nothing or else the statement is wholly inaccurate. If we agree to do something, then we agree to do all that may be the result of the consultation of these nations. If we agree to do nothing, of course it will do no harm except to lull nations to sleep and leave us to place our confidence in an agreement which will bring us no results, and at the same time to concede, through these four treaties, matters of the gravest importance.

If this treaty means nothing, the other treaties mean much.

First, we agree to yield to England and Japan something like 26,000 islands in the Pacific Ocean, some of which are mere rocks but a vast number of which can be used for airplane bases and airplane landings. Many of them can be used for naval bases and for fortifications. We yield them forever, and England and Japan take possession forever and a day. That they get out of these treaties.

Second, we agree that we will not fortify Guam or Wake, or further fortify the Philippines. As a result the Philippines will be helpless and can be taken in three days' time, according to the testimony of every naval officer with whom I have been able to confer. Guam, according to the best evidence, can be taken in 24 hours' time. Therefore if this four-power pact binds us to nothing and binds them to nothing, the other treaties yield to them substantial advantages and place us in a position where we can be attacked in our possessions. We can expect no security to ourselves from the four-power pact, because it is a cipher.

In other words, to state it in plain language and using a homely illustration, we are situated exactly as we would be if a body of citizens were at enmity and at war with a body of other citizens and they were to sign an agreement that they would settle their differences in a certain way, and yet, having understood that that agreement amounted to nothing and that no settlement was binding, then one side were to disarm itself upon the strength of an agreement which was a nullity.

Not a single vessel of the United States can go to the Philippines to protect them and fight a battle in their defense and return to the coast of the United States or to the Hawaiian Islands unless there is, either in the Philippines or at Guam, a coaling base, a naval station; but the Philippines to-day can be attacked and taken, as I have said, in 3 days' time, and Guam can be taken in 24 hours' time.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. In a moment. So we are placing ourselves in a position where we can not defend our possessions. At the same time you tell us that you are giving us a treaty that means nothing, that binds us to nothing, and binds them to nothing. That is the situation you are presenting to the people of the United States to-day.

I yield to the Senator from Florida.

Mr. FLETCHER. I merely wish to ask the Senator with reference to a previous observation he made, that we are yielding some 25,000 or more islands. I want to know what he understood to be our interest in those islands.

Mr. REED. I do not care to go into that, because it is a digression, but I will answer the question. I understand that when those islands were surrendered by Germany they were surrendered to Germany's enemies, and we were one of Germany's enemies. I understand that if Japan and France and Great Britain got together and agreed to divide those islands among themselves, and did it without consulting us, it was an act of betrayal so base that it can not be characterized in parliamentary language.

What right did they have to meet and divide those islands? What kind of treatment of the United States was that, when we had stood by them through the late war, when we had stood by them until they had exacted the very terms of surrender they wanted? Is that the sort of Punic faith that is to be observed in this treaty? Quibbles about law, quibbles about whether we are tenants in common or tenants at will, quibbles about whether we got our rights under the Versailles treaty, which we did not sign, or whether we got them at war—what do these quibbles amount to when you are presumed to be dealing with your associates in a great and tragic struggle, and when the good faith, the very soul, of a nation is pledged? If they quibbled then, they will quibble in the future. If they sought refuge behind subterfuges then, they will seek such refuge in the future. We stand here confirming an act of perfidy and betrayal by the instruments we have already signed. We are asked to trust to the good faith of nations which, to use a common expression, "double-crossed" us before we went into the war, "double-crossed" us while we were in the war, secretly and perfidiously.

Their diplomats now come here with smiles on their countenances, our agents ratify that act, and we sit here ratifying it.

These things were done in secret, behind locked doors. They were kept from the President of the United States. They were kept from the people of the respective nations. They were concealed from the people of this country; yet we are asked to rely upon an agreement which Senators say means nothing, and to yield to them these advantages.

Let me just for one moment ask Senators to look at the map hanging on the wall of this Chamber. They can locate there with the eye the Hawaiian Islands, the square group to the left. A little farther on are Wake and Guam, then the Philippines shown to the extreme left, without a fortification which can withstand a real attack, with land which can be occupied so that the fortifications can be attacked from the rear, with Japan close at hand, and Japan with every point of land fortified.

Then observe the yellow squares to the left, which represent Japan and her holdings. She has fortified every important point along her coasts. She can fight her ships in her own seas, under the guns of her own forts, and if we undertake to go there to attack her we shall be out of coal before we can get

back to the United States. Every Japanese seaman knows that, every Japanese statesman knows it, the Japanese laborers know it, but apparently our representatives disregarded it.

Go a little farther south. I have not time to point it out, but the red on the map indicates the possessions of Great Britain, and the red spots, which look as if red smallpox—if there were such a thing—had broken out all over the Pacific Ocean, represent Great Britain's islands. There is not a single gateway in the waters of the Seven Seas which is not controlled by the guns of Great Britain's fortresses. There is not a single tactical or strategic point she does not control.

When you go to the Atlantic look over opposite the Panama Canal at the red spots which indicate England's islands. There is the cordon of England's islands commanding the canal, and the nearest important island to it you will see in red, the island of Jamaica.

North of the main islands of Japan lies the island of Sakhalin. We had a witty gentleman on the floor the other day who sneeringly talked about Russians crossing over on the ice. Napoleon Bonaparte found that the Russians could fight on the ice and in the snow. Five miles across, Japan is already in the possession of Russia's part of that island. Russia will be forced to attack that island if she has a war with Japan. According to the best evidences we have to-day, she is moving her troops in that direction now. Possibly before the snow flies again the Russian will be at grips with the Japanese, and the moment a Russian soldier puts his foot on that Sakhalin Island, then, under the terms of this treaty, we shall be bound to do something. The proponents of this treaty say we will be bound to do nothing except to talk.

I say that that is the silliest talk which ever fell from the lips of sensible men. We are making an agreement to do something, and yet we are agreeing to do nothing! That was not the construction placed upon this instrument when it was being written. It was not the construction placed upon this instrument by the statesmen who spoke of it.

We had a specimen of misrepresentation here the other day. Of course, it was inadvertent. Of course, it was not intended. We had three or four sentences read out of the speech of M. Viviani at the Disarmament Conference. I assert that Viviani's speech, properly read, demonstrates that he understands this to be an alliance of the powers, and that the words read from his speech were carefully selected and did not represent his sentiments, but represented the exact converse of what he really meant. Let me read M. Viviani's speech, which is very short. I will omit the polite French compliments which this great Frenchman passed to Mr. LODGE. He spoke of Mr. LODGE's speech as "an analysis at once so simple and so powerful." Of course, you would expect the Frenchman to say that much to the distinguished Senator from Massachusetts, but notice what follows:

> The moment that the final ratifications have been exchanged here, France will assume the obligations growing out of this pact just as she will exercise the rights conferred on her by it.

He thought there were obligations, did he not?

> Amid this gathering of nations whose custom it is to honor their signature I am entitled to say, speaking of this treaty, that France is in her rightful place here—France, who throughout the entire course of her history has scrupulously fulfilled her obligations and only a few years since offered up the blood of her sons that her plighted word might be kept.

He thought it was an obligation, did he not? You did not hear any of this foolish babble about the treaty amounting to nothing when he was talking. Notice what follows:

> We have been enlightened as to the juridical and diplomatic value of this agreement by the simple words of Mr. LODGE's analysis. It is fitting, however, to pause a moment if only to mark the unity of our purpose. We fully understand that four great powers bind themselves to respect their mutual rights as far as the islands and dominions of the Pacific are concerned; we understand that if some controversy should loom up on the horizon which can not be settled through the ordinary workings of diplomacy these powers shall take counsel together; we understand that should the rights of these powers be imperiled by the aggressive action of another power measures would be taken to meet this situation.

What kind of measures? Getting together and passing a resolution? Holding a pink tea, when the waters of the Pacific are invaded by a hostile fleet? Twiddling thumbs or drinking highballs? Is that the sort of action you take when a hostile navy is bearing down upon you? Is that the course which nations follow? Shame upon men who would make such an argument! Let those who stand for this treaty have the honesty to confront the American people and say it is a treaty, just as Viviani said it was, under which we understand we will keep the faith, and that we understand that should the rights of these powers be imperiled by the aggressive action of another power, measures would be taken to meet the situation. I say it is sheer dishonesty to claim anything else. It is pusillanimous dishonesty to claim anything else. Mr. Viviani continues:

> The treaty provides for a duration of 10 years. At the moment of its ratification the Anglo-Japanese alliance comes to an end.

So much for the juridical value of this document. So much for the legal obligations of this document. So much for the binding force of this document. Then said the orator:

> We should, however, be remiss indeed—we should be slighting the open-handed and sumptuous hospitality offered us by America and failing in our manifest duty if we did not attempt to stress the moral worth of the agreement and thereby give this memorable day its true historic character. This moral value has just been alluded to by Mr. LODGE; he has pointed out that when four great powers are determined that peace shall prevail in a given part of the world, the concert of these powers, without provision for naval or military action, is all that is needed to assure the preservation, the guaranty, and the protection of that peace; and I say here, in this illustrious hall, in this tribune so exalted, that however feeble may be the voice speaking here it will be heard throughout the universe, that it is a good thing that this example of cohesion has been given to the world.

Now what does he say? He says that the treaty means a certain thing, that it is of binding force, that it does bind us to meet and consult and to contrive the measures to meet an attack, but, in addition to that, it has a high moral value. Very far is he from saying that it is not an instrument binding us to act, binding us to use force. On the contrary, his words expressly foreshadow and mean the application of force. He says there is a moral weight to it, too, and, of course, there is. Yet that speech was distorted here on the floor, distorted, I suppose, and sent to the people of the country with the assurance that Mr. Viviani had said there was nothing here but the moral value of four great nations agreeing to be friendly.

Now, I will proceed to read what some others said at that time. Before, in order to save the treaty, it was necessary to deny its virtue and its force, and such an opposition had begun to spring up as made it necessary to repudiate the meaning of the treaty in order to have it adopted.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield.

Mr. KING. I invite the Senator's attention to the fact that Mr. Viviani, who is, in addition to being an eloquent man, a learned man, appreciates the difference between the juridical question and the moral question or matter of honor. He speaks of the obligation to which the Senator has called attention, and which the Senator insists imposes a legal obligation, as coming within the category of juridical or legal obligations. Then he proceeds to the moral considerations. So he considers the obligation there involved, in the words which the Senator read, first as being juridical, as binding as a legal obligation, and then he proceeds to a discussion of the moral aspect of the case. So it is a juridical legally binding instrument as well as a moral one.

Mr. REED. If one will read it in the light of the speech of the Senator from Massachusetts which just preceded it, in which that Senator undertook to sugar-coat this pill so the American people would swallow it thinking they were getting pure candy, it is perfectly plain that this great French statesman meant to place on record a clear and concise statement of disagreement to any such construction as might be gotten out of Senator LODGE's words.

He spoke of that Senator in flattering terms, complimenting him for his speech, but nevertheless took pains to say there is a juridical question here, and this is what we have agreed to in solemn form, so that if a controversy were to arise in the future and France were to call upon us to do something, if we were to say, "This treaty means nothing; Senator LODGE said something that could be construed in that way," the French statesmen of that hour would rise and read the words of M. Viviani, in which he said that it is a juridical document and contains juridical obligations. France could then say, "Our representative, M. Viviani, in that day challenged attention to the fact and no man gainsaid him."

Again I call attention to the statement of Baron Hayashi, who is the Japanese ambassador to Great Britain, as contained in an Associated Press dispatch of December 12:

> The new pact is but an enlargement and indorsement of the old friendship between Great Britain and Japan, which will come as a welcome Christmas present to the world. The spirit of the old alliance, which has achieved such fine work, will continue, and the cooperation of the United States enables us to face the future with calm assurance.

What was the old pact to which he referred? It was the Japanese-British alliance, an offensive and defensive alliance, so construed and understood by all the world, an alliance which some of us feared, an alliance of so grave a character that we are now told the only reason for making this treaty or the chief

reason for it is to get rid of that alliance. That is, we get rid of it by becoming a party to it. We get rid of it just like the old woman got rid of the old man, by marrying him.

Here stand the proponents of these treaties in this absurd position. They say that the Japanese alliance was a thing of such moment that we must get rid of it, therefore we can afford to make this treaty in order to get rid of it. They then tell us that Japan took a treaty that meant nothing, bound us to nothing, in lieu of the treaty that bound to Japan the great British Empire, with her fleets and her armies, and bound her with chains of steel. They tell us that absurd and ridiculous thing, with the statement of Japan declaring that "the new pact is but an enlargement and indorsement of the old friendship between Great Britain and Japan, which will come as a welcome Christmas present to the world," and that "the spirit of the old alliance which has achieved such fine work will continue and the cooperation of the United States enables us to face the future with calm assurance."

Had the other alliance worked finely? Indeed it had. It enabled Japan to take Korea by the throat. It enabled her to overwhelm Russia. It enabled her to strengthen her army and her navy and to take a position among the first-class nations of the world. The old pact had worked so well that when Japanese soldiers invaded the mainland of Russia on one side, British soldiers went in on the other side.

Mr. President, these are not the only two men who have spoken on this matter. Mr. Balfour said:

> Now, I am perfectly well aware that the treaty between Great Britain and Japan has been the cause of much searchings of heart, of some suspicions, of a good deal of animadversion in important sections of opinion in the United States.

I pause to inquire, if that caused searchings of our heart, what will the four-power pact do to the rest of the world that is left out of it? Notwithstanding the claim that we are tied to England by blood, though some people of this country would have us tied to her by political bonds, for there are tories to-day as there have always been tories, if a Japanese-English alliance alarms us and creates suspicions in our heart, what will this four-power pact do to the rest of the world?

But Mr. Balfour continued:

> I think that from the historical point of view that attitude may at first cause surprise, for certainly nothing was further from the thoughts of the original framers of the treaty between Japan and Great Britain than that it could touch in the remotest way, either for good or for evil, the interests of the United States. The United States seemed as remote from any subject touched in the original agreement as Chile or Peru.

If that is true, if those words were spoken in good faith, will some Senator rise in his place and tell us what we are getting by this treaty? If we were getting the abrogation of a treaty that never was intended to affect our interests adversely, if we were getting the abrogation of a treaty that never contemplated an attack upon the United States, will some one tell me what we are getting out of this bargain? How can Senators stand here and pretend we are escaping a menace and at the same time concede the truth of Mr. Balfour's words that the Japanese-British treaty was never intended to affect the United States?

Even at the risk of repetition I say that if England would have joined with Japan against us in a causeless war—and they will never have a war with good cause with us—if those two nations would attack us after our blood had been spilled in their defense, if the blood bond would not hold them, then will some one tell me what ink upon a piece of perishable parchment will do and of what binding effect it would be? If your heart is so black, if your soul is so debased, that you are ready to murder your neighbor without cause, your neighbor who has sustained you and protected you and poured out his blood for you, then no agreement signed will give you security.

But I continue to read:

> When two great nations have been united in that fiery ordeal—

Referring to the war—

> they can not at the end of it take off their hats one to the other and politely part as two strangers part who travel together for a few hours in a railway train. Something more, something closer, unites them than the mere words of the treaty; and, as it were, gratuitously and without a cause to tear up the written contract, although it serves no longer any valid or effective purpose, may lead to misunderstandings in one nation just as much as the maintenance of that treaty has led to misunderstandings in another.

That is Mr. Balfour's statement. It is not very pointed, so far as the particular question I am discussing is concerned, but read properly it is a clear indication on Mr. Balfour's part that the United States and Great Britain and Japan are to form a closer union and the purposes of that closer union are written in the document, and one of the terms of that document is that whenever the waters of the Pacific are invaded by a hostile fleet or the islands attacked, which is the same thing, then they will consult together and take action or with reference to the action to be taken.

Prince Tokugawa said:

> The terms of the important pact assuring mutual security and friendship have just been made known. It is needless for me to say that all Japan will approve the consummation of this work. Japan will rejoice in this pledge of peace upon the Pacific.

What is the "mutual security"? Is there any "mutual security" in passing a resolution? Is there any "mutual security" in meeting and talking a matter over and agreeing to do something, and nobody to be bound to do it? Is it "mutual security," or is it tommyrot and foolishness? The "mutual security" is the security that comes out of the agreement we signed, and that agreement is that we will consult together and will devise the best means to repel an attack.

Senator Schanzer, speaking for the Italian delegation, said:

> Any measure aiming at the creation of guaranties for the safeguard of peace in the world can not but meet with our fullest consent.

"Guaranties" of the peace of the world!

> The principles involved in the agreement are entirely in accordance with the main lines of policy inspired by the high aim of the peaceful elimination of conflicts between nations.
>
> We therefore express our full confidence that this agreement will represent the most firm and lasting guaranties for the safeguarding of peace in the Pacific.

Yet Senators say there is no guaranty; that we agree to nothing; that we are indulging in an empty form; that the treaty is a sounding brass and tinkling cymbal; that it imposes no obligation and it in no respect binds any nation to do anything; but, speaking with reference to it, the representative of Italy declared that it was a guaranty.

Viscount d'Alte, of Portugal, said:

> It would, of course, be easy to evade any of the clauses of the treaty of which I am speaking; it would even seem as if the men who have drafted it have tried to signify that they did not place their main reliance and the achievement of their aims in a long series of carefully worded clauses. Only four powers, who repose the most implicit trust in the honor and integrity of each other, could sign a treaty such as this. And it is this fact that gives the agreement its tremendous binding power. The confidence so fully given no nation would dare to betray.

But already on this floor we are told that we have agreed to do nothing; already we are breaking the spirit of these words and violating the very ethics laid down by this Portuguese statesman. We are doing it here, but when we come to the council table of the four nations, what representative of the American people will dare assume the attitude of the coward and the poltroon and—I will use the slang term—the "welcher," and say, "We agreed to sit down with you; we agreed to devise the best plans of defense; but now we say to you that that is all we are going to do; we will not act in accordance with the manifest interests of the four powers concerned." That much, Mr. President, in reply to some of the statements which have been made here.

Now, I challenge the attention of those Senators who have yet an interest in these treaties and in their country to a statement regarding the condition in which our Navy is left. If I am not seriously mistaken, this demands the most careful consideration by every Member of this body. I have already challenged attention to the fact that the naval bases are in the hands of Japan and Great Britain, France holding some. We are substantially and practically without them in all the waters of the ocean. I do not mean to say that we have none, but those we have are so inefficient, so small, and so scattered that they scarcely need be referred to. A fleet with an abundance of naval bases starts out in any war with an infinite advantage over the nation that has no bases, no fortresses, no coaling stations, for her fleet can be made much more efficient thereby.

Among other things, the treaty provides: (1) That for a period of 10 years, with the exception of two vessels for the United States and two for Great Britain, there shall be no further construction of capital ships.

(2) With the exception above stated, all capital shipbuilding programs, either actual or projected, are to be abandoned.

(3) Further reduction is to be made by the scrapping of certain of the older ships.

(4) Capital ship tonnage is to be used as the measurement of the strength for navies.

Under the treaty the United States in effect agrees (1) to scrap 7 battleships and 6 battle cruisers, of 520,200 tons; (2) to scrap 17 of the older battleships, of 267,740 tons; or a total of 30 capital ships, of an aggregate tonnage of 787,940 tons, which are to be scrapped.

Of the 13 vessels mentioned in the first group to be scrapped, 1 battleship, the *West Virginia*, has already been launched. It is, of course, a new vessel. Six battleships and 6 battle cruisers are in process of construction. Let me here call attention to

the fact that we are scrapping vessels upon which construction has already begun, which are from 30 to 60 per cent completed, and upon which we have expended $650,000,000. On the other hand—and I challenge the attention of Senators to this statement—Great Britain is scrapping no vessels whose construction has been begun, but is agreeing not to build two ships which she had planned to build and on which no work has been done. They are, as has been suggested, paper ships.

The Japanese agreement includes both classes. Some of their vessels are actually begun, while on others which they agree not to construct no work at all has been done; but they were used to trade with just the same.

The 17 older American ships mentioned in the second group are all in existence. Two of them, however, the *Maine* and the *Missouri*, of 12,500 tons each, are not on the active list. Eliminating these two, the total tonnage to be scrapped by the United States amounts to 762,940.

Great Britain agrees not to build two battle cruisers heretofore contemplated, the keels of which have not been laid down, aggregating 36,000 tons, and to scrap 24 of her older battleships. The 24 ships to be scrapped are as follows:

King George V, Ajax, Centurion, Thunderer, New Zealand, Lion, Princess Royal, Conqueror, Monarch, Orion, Australia, Agincourt, Erin, Commonwealth, Dreadnought, Bellerophon, St. Vincent, Inflexible, Superb, Neptune, Hercules, Indomitable, Temeraire, Agamemnon.

Of the ships above referred to, the first four, namely, the *King George V*, the *Ajax*, the *Centurion*, and the *Thunderer* are the only ships of the 24 on the active list. The remaining ships are all tied up at the docks and have all been offered for disposal at public sale. By scrapping them, therefore, Great Britain loses nothing. She is still at liberty to sell them, as she contemplated before the Limitation of Arms Conference was called.

Japan agrees (1) not to build 4 battleships and 4 battle cruisers the keels of which had not been laid down by November 11, 1921, aggregating 364,000 tons; (2) to scrap 2 of the new battleships and 4 of the new battle cruisers, aggregating 255,200 tons; (3) to scrap 11 of the older battleships, aggregating 163,932 tons; or a total of 17 capital ships, of 419,132 tons.

(a) The keels of none of the four battle cruisers mentioned in the first group which Japan agrees not to build had been laid on November 11, 1921. It is true, however, that while the conference was in progress Japan by rush work laid down the keels of two of the battleships. This was so manifestly a threat as to require no comment.

(b) Of the six battleships mentioned in the second group actually to be scrapped two battleships are in process of construction, two battle cruisers are in process of construction, and two battle cruisers had not had their keels laid by November 11, 1921.

(c) The 11 older ships mentioned in the third group are all now in existence. Japan is to be credited with scrapping 11 battleships actually in use. As a matter of fact, however, 3 of these, the *Kurama*, the *Ibuki*, and the *Ikoma*, until now have been classed merely as first-class cruisers. My authority for that is Janes's "Fighting Ships." Deducting these 3 vessels leaves but 8 vessels of a total of 120,982 tons, which, with the 4 vessels in process of construction which are to be scrapped, amounting to 168,200 tons, gives a total of 12 capital ships, of 289,182 tons, to be scrapped by Japan.

I desire now to give the summary.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	McNary	Smoot
Ball	Harris	Myers	Spencer
Borah	Harrison	Nelson	Stanfield
Broussard	Heflin	New	Sterling
Calder	Hitchcock	Nicholson	Sutherland
Cameron	Johnson	Norris	Townsend
Capper	Jones, Wash.	Oddie	Underwood
Caraway	Kellogg	Overman	Wadsworth
Colt	Kendrick	Page	Walsh, Mont.
Cummins	King	Phipps	Warren
du Pont	Lodge	Pomerene	Watson, Ga.
Ernst	La Follette	Ransdell	Weller
Fernald	Lenroot	Sawyer	Williams
Fletcher	McCormick	Reed	Willis
France	McKellar	Sheppard	
Glass	McKinley	Shields	
Gooding	McLean	Simmons	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

Mr. REED. Mr. President, it appears, therefore, that of the capital ships now carried on the active lists of these three nations and of the capital ships in actual process of construction on November 11, 1921, the tonnage to be scrapped by these nations is as follows—and I wish Senators would notice these figures:

	Tons.
The United States	762,940
Great Britain	92,000
Japan	289,182

It would be interesting to know why Great Britain is credited with scrapping 24 capital ships, 20 of which are obsolete, offered for sale, and, in fact, already scrapped, and why Japan is credited with scrapping 3 capital ships which are not actually capital ships. Is it merely an attempt to pad the lists in order to make a presentable appearance against that of the United States?

If the treaty is ratified, the navies of these three powers are to be reduced to the following basis:

(a) The United States, 18 capital ships, 525,000 tons.
(b) Great Britain, 20 capital ships, 525,000 tons.
(c) Japan, 10 capital ships, 315,000 tons.

The foregoing demonstrates that the United States is required to scrap 7 battleships and 6 battle cruisers in process of construction, against 2 battleships and 2 battle cruisers for Japan and none for England. The United States is also required to scrap 17 older battleships, as against 8 for Japan and 4 for Great Britain. In other words, the United States is to scrap 30 capital ships, 17 of which are in the water, able to fight, and 13 new vessels in process of construction and upon which she has already expended over $650,000,000, as against Japan scrapping 8 in the water, able to fight, and 4 new vessels in process of construction, and against Great Britain scrapping 4 of her older vessels now in active service, the remaining 20 of the total of 24 having, as heretofore stated, been offered for sale—that is, scrapped.

Somebody put something over on these delegates of ours, one of whom said that the strategic value of the islands had not even been considered. Evidently the fighting strength of the Navy was not considered. The fastest of our vessels go at 21 knots an hour. Notice the armament of the ships. We have three ships armed with 16-inch guns. All the rest of our ships except four are armed with 14-inch guns.

If the treaty is ratified, the particular capital ships eventually allowed to these three navies are as follows:

United States.

Vessel.	Completed.	Displacement.	Speed.	Armor over vital parts.		Principal guns.	Broadside.	
				(1) In.	(2) In.		Guns.	Metal.
BATTLE CRUISERS.		Tons.	Knots.			No. In.	No. In.	Pounds.
None.								
BATTLESHIPS.								
Colorado	1923	32,600	21	16	18	8 16	8 16	16,800
Washington	1923	32,600	21	16	18	8 16	8 16	16,800
Maryland	1921	32,600	21	16	18	8 16	8 16	16,800
Oklahoma	1921	32,600	21	14	18	12 14	12 14	16,800
Tennessee	1920	32,300	21	14	18	12 14	12 14	16,800
Idaho	1919	32,000	21	14	18	12 14	12 14	16,800
Mississippi	1917	32,000	21	14	18	12 14	12 14	16,800
New Mexico	1918	32,000	21	14	18	12 14	12 14	16,800
Arizona	1916	31,400	21	14	18	12 14	12 14	16,800
Pennsylvania	1916	31,400	21	14	18	12 14	12 14	16,800
Oklahoma	1916	27,500	20½	13½	18	10 14	10 14	14,000
Nevada	1916	27,500	21	13½	18	10 14	10 14	14,000
Texas	1914	27,000	21	12	14	10 14	10 14	14,000
New York	1914	27,000	21	12	14	10 14	10 14	14,000
Arkansas	1912	26,000	21	11	12	12 12	12 12	10,440
Wyoming	1912	26,000	21	11	12	12 12	12 12	10,440
Utah	1911	21,825	21	11	12	10 12	10 12	8,700
Florida	1911	21,825	21	11	12	10 12	10 12	8,700

See Janes's "Fighting Ships, 1921," pp. 179–187.
Under heading Armor over vital parts No. 1 is for belt and No. 2 for turrets.
The above includes the Colorado and Washington soon to be completed and omits the North Dakota and Delaware which are to be scrapped as soon as the Colorado and Washington go into commission, which will be in 1922.

Great Britain.

Vessel.	Completed.	Displacement.	Speed.	Armor over vital parts.		Principal guns.	Broadside.	
				(1) In.	(2) In.		Guns.	Metal.
BATTLE CRUISERS.		Tons.	Knots.			No. In.	No. In.	Pounds.
Hood	1920	41,200	31	12	15	8 15	8 15	15,360
Super-Hood[1]		35,000	29			12 16		25,200
Super-Hood[1]		35,000	29			12 16		25,200
Renown	1916	26,500	32	8	11	6 15	6 15	11,520
Repulse	1916	26,500	32	8	11	6 15	6 15	11,520
Tiger	1914	28,500	29	9	9	8 13½	8 13½	11,200

[1] See Janes's "Fighting Ships, 1921," p. 47; H. C. Bywater, "Britain's New Battle Cruisers"; and Scientific American, December, 1921.

Great Britain—Continued.

Vessel.	Completed.	Displacement.	Speed.	Armor over vital parts.		Principal guns.	Broadside.	
				(1) In.	(2) In.		Guns.	Metal.
BATTLESHIPS.		Tons.	Knots.			No. In.	No. In.	Pounds.
Royal Sovereign	1916	25,750	22	13	13	8 15	8 15	15,360
Royal Oak	1916							
Resolution	1916							
Revenge	1916							
Ramillies	1917							
Queen Elizabeth	1915	27,500	25	13	11	8 15	8 15	15,360
Warspite	1915							
Barham	1915							
Valiant	1916							
Malaya	1916							
Benbow	1914	25,000	22	12	11	10 13½	10 13½	14,000
Emperor of India	1914							
Iron Duke	1914							
Marlborough	1914							

See Janes's "Fighting Ships, 1921," pp. 30–32.

Mr. ASHURST. Mr. President, I move that the Senate take a recess for 20 minutes.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. Yes; I yield for that purpose.

The PRESIDING OFFICER. The Senator from Arizona moves that the Senate take a recess for 20 minutes. [Putting the question.] The motion is lost.

Mr. REED. It is singular how it was lost, as there are only two Senators present on the other side, and only one of them voted; but I will proceed. In view of that ruling I think I ought to go on.

Great Britain has one ship of 41,200 tons, the *Hood*. She has two super-Hoods of 35,000 tons. She has the *Renown* and the *Repulse*, of 26,500 tons; the *Tiger*, of 28,500 tons; the *Royal Sovereign*, the *Royal Oak*, the *Resolution*, the *Revenge*, and the *Ramillies*, of 25,750 tons; the *Queen Elizabeth*, the *Warspite*, the *Barham*, the *Valiant*, and the *Malaya*, of 27,500 tons; the *Benbow*, the *Emperor of India*, the *Iron Duke*, and the *Marlborough*, of 25,000 tons. Notice how they outrank us in size.

Now, we come to the question of speed. The *Hood* has a speed of 31 knots an hour; the two super-Hoods, 29 knots; the *Tiger*, 29 knots; the five vessels—the *Queen Elizabeth*, the *Warspite*, the *Barham*, the *Valiant*, and the *Malaya*—25 knots. All the rest of her vessels have a speed of 22 knots, so that they outrank us in speed as they do in size.

Now, I come to the question of the caliber of the guns. She has two vessels equipped with 16-inch guns, and all the rest of her vessels, I believe, except two, are armed with 15-inch guns.

The same disparity between the two fleets appears in the matter of broadsides of metal thrown. It is to be noted that the *Renown* and the *Repulse* are classified as 26,500-ton vessels. Those vessels when built were so classified. They then had a belt of side armor of 6 inches; but the 6-inch armor belt of the *Repulse* has already been replaced by a 9-inch belt, and under chapter 2, part 3, section 1(d)(2) of the naval treaty, the same refitting is now being done on the *Renown*, and is to be completed. No allowance for these changes in the displacement allowance is made, although the defense of the vessels is thereby enormously increased.

Mr. President, Japan has four battle cruisers, with a displacement of 27,500 tons, and a speed of 27½ knots. She has two battle cruisers of 33,800 tons, with a speed of 23 knots. She has two battleships of 31,200 tons, with a speed of 23 knots. She has two of 30,600 tons, and a speed of 22 knots.

Those vessels are armed principally with 14 and 16 inch guns. I print a table displaying accurately the strength of each vessel, its speed, and its armament, as follows:

Japan.

Vessel.	Completed.	Displacement.	Speed.	Armor over vital parts.	Guns.	Broadside.	
						Guns.	Metal.
BATTLE CRUISERS.		Tons.	Knots.	In. In.	No. In.	No. In.	Pounds.
Kirishima	1915	27,500	27½	6 9	8 14	8 14	11,200
Haruna	1915						
Hi Yei	1914						
Kongo	1913						

Japan—Continued.

Vessel.	Completed.	Displacement.	Speed.	Armour over vital parts.	Guns.	Broadside.	
						Guns.	Metal.
BATTLESHIPS.		Tons.	Knots.	In. In.	No. In.	No. In.	Pounds.
Nagato	1921	33,800	23	13 14	8 16	8 16	17,360
Mutsu	1921						
Hiuga	1918	31,260	23	12 12	12 14	12 14	16,800
Ise	1917						
Yamashiro	1917	30,600	22	12 12	12 14	12 14	16,800
Fuso	1915						

See Janes's "Fighting Ships, 1921," pp. 260–267.
Vessels bracketed are sister ships.
First figures under "Armor over vital parts" are for belt and second for turrets.
The Setsu is omitted from the above table because the Mutsu is now completed and the Setsu is to be scrapped.

Mr. SHEPPARD. Mr. President, in what class among those vessels is the *Mutsu?*

Mr. REED. It is not listed in this table, but it has a displacement of 33,800 tons.

Mr. SHEPPARD. Probably it was not listed among those referred to when Secretary Hughes made his first announcement.

Mr. REED. That is correct.

Mr. SHEPPARD. Afterwards, I understand, the Japanese persuaded him and our delegation to allow them to include the *Mutsu*, which, under his original proposal, was among those to be scrapped.

Mr. REED. I think I cover that later. I remember dictating a statement in regard to it.

Mr. SHEPPARD. I understand it is the most powerful battle vessel in the world.

Mr. REED. It is understood that when completed it will be one of the most powerful ships in existence. The foregoing figures are taken from "Janes's Fighting Ships" and are exactly reproduced in the tables. Now, I call attention to a very important matter. It should be noted that Great Britain's tonnage figures are arrived at on a different basis from that by which the corresponding figures for our own ships are arrived at, the distinction being that when British ships go for a trial after being built they have aboard just enough fuel and stores to make the run. They do not carry spare oil, water, or sea stores, which they would have aboard in normal commissioned status. On the other hand, when American vessels make their trial runs they carry a full allowance of everything which they would take to sea in actual service. The result is that the tonnage of British ships is shown to be less than the tonnage of the identical American ships. An average of a number of instances has led to the conclusion that one-eighth of the listed tonnage of British vessels should be added to their displacement in comparing them with similar American ships. That is to say, an American ship of 30,000 tons would, in the case of an identical British ship, estimated by the British method, show a vessel of 26,600 tons. In order, therefore, to compare the tonnage of American ships as given in the table with British ships as given in the table we must add one-eighth, or 12½ per cent, to the British tonnage.

Accordingly, the total British tonnage allowed by the treaty as to existing ships will be 628,820 tons, as against America's 525,860 tons, a difference of 20 per cent in favor of Great Britain.

That fact has been concealed from the American people, whether designedly or stupidly I do not know. I charge it to be a fact, and I charge it to be an act of unspeakable perfidy to thus deceive the American people and the American Congress.

That the foregoing statements are accurate is further shown by the fact that in the treaty it is recited that—

> a vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

The standard is laid down in paragraph 2, part 4, at the end of chapter 2. It will be observed, therefore, that as to existing tonnage Great Britain has an advantage of over 100,000 tons over the United States.

The Japanese follow the English method of measurement. We must, therefore, add to the Japanese tonnage one-eighth, or 12½ per cent, which raises the tonnage of Japan from 341,320 tons to 383,985 tons, creating the same proportion of disparity as exists between the ships of Great Britain and the United States.

Mr. KING. Would that give the United States, then, only 425,000 tons?

Mr. REED. It gives us 325,000 tons by our measure, but if we were to apply our measure to the British ships, they would have 628,820 tons.

The revised figures, therefore, as to the total tonnage are as follows:

	Tons.
Great Britain	628,820
United States	525,850
Japan	383,985

That is to say, the ships of Great Britain measured by the American rule and the American ships measured by the same rule give the results I have just stated in figures.

Mr. KING. Will the Senator yield?

Mr. REED. I yield.

Mr. KING. During the conference negotiations and during the meetings of the experts of the respective signatories to the treaties, when they were agreeing upon a limitation and setting forth the relative strength of each nation, was there not something produced which evidenced the discrepancy to which the Senator refers?

Mr. REED. I can not answer, but I am informed that there was a confidential statement made by some of our naval experts with reference to these fleets; that there were only about a dozen copies of it ever made, and those copies have never been made public. What our naval experts said further than that I can not say. Manifestly, we are all in the dark. We went into this conference with the Senator from Massachusetts protesting against the resolution of the Senator from Mississippi [Mr. HARRISON] in favor of open sessions throughout. Finally the Harrison resolution, as I will denominate it, was passed with some amendments, and evidently for the purpose of keeping outside of the terms of that resolution they proceeded to keep no records. They met and agreed, and when they had something agreed upon, they wrote out the final conclusion in the form of a treaty, they came into a plenary session to which the public was graciously invited, and they told to the public what they had done, but not how they had done it, nor what evidence they had before them. Nothing was there of the character produced from the Versailles conference, where they did have what they called a procès verbal, which contained at least minutes of the various conferences.

This, I charge, was designedly the most secret conference which has been held between nations within the last 10 years, unless we except the time when France and England and Japan got together and agreed to divide up the possessions they intended to take from Germany, and they were concealing that from us.

Mr. KING. If the Senator will pardon me, I am at an utter loss to understand how there could be any misunderstanding as to the tonnage of Great Britain or Japan or the United States or any of the participating powers, because, as the Senator knows, for a number of years there has been available a vast amount of literature as to the tonnage of each nation. We know that just as soon as a ship is built in Great Britain, in Germany, or in the United States the tonnage, the size and the caliber of the guns, their range, and so forth, are known, and why our representatives here did not know of the tonnage of the nations and of these ships, and how such a discrepancy as the Senator has indicated could arise, is something which surpasses my comprehension.

Mr. REED. I think the Senator was out when I made that plain. Great Britain measures her ships when they are practically without a load. We measure our ships when they are loaded, ready for a cruise. Tonnage is estimated by the amount of water displaced. Two ships of exactly the same size placed upon the surface of the water, one of them loaded and the other unloaded, will show a great difference in tonnage. All of our figures of tonnage have been published, but they have been published according to the American method of estimating. All of the British figures have been published, but they have been published according to the British method of estimating. So if we take the works that have been written in regard to the various navies of the world and find the tonnage of an American vessel given and the tonnage given of a vessel of exactly the same size which is a British vessel, we get a great discrepancy in those figures; but the man who takes the book and copies the figures and does not understand that there are different methods of measurement makes the mistake of concluding that the two vessels are equal in tonnage when they are not equal at all in size or in tonnage, either, if they were measured by the same standard.

The statements I have made are made upon the authority of an expert whose name I can not give, but we can get this testimony if we will have an investigation. There is no question about the verity of what I am saying.

Now I come to the question of battle cruisers, having compared the strength of battle fleets. Here are the battle cruisers and here is a comparative table:

GREAT BRITAIN.

Super-Hood; speed, 29 knots; guns, 12 16-inch caliber.
Second super-*Hood*; speed, 29 knots; guns, 12 16-inch caliber.
Hood; speed, 31 knots; guns, 8 15-inch caliber.
Renown; speed, 22 knots; guns, 8 15-inch caliber.
Repulse; speed, 28 knots; guns, 8 15-inch caliber.
Tiger; speed, 29 knots; guns, 8 15-inch caliber.
These great cruisers, all of them except two, have very high ratings.

JAPAN.

Kirishima; speed, 27½ knots; armed with 8 14-inch guns.
Haruna; speed, 27½ knots; armed with 8 14-inch guns.
Hiei; speed, 27½ knots; armed with 8 14-inch guns.
Kongo; speed, 27½ knots; armed with 8 14-inch guns.

What has the United States? Absolutely nothing. We are required to scrap the six cruisers we were building which would have outrun and outshot any cruisers in the world. We enter upon this agreement without a single battle cruiser of any kind or character.

Mr. OVERMAN. Mr. President——

Mr. REED. I yield to the Senator from North Carolina.

Mr. OVERMAN. What is the reason why our delegates allowed every cruiser, which would seem to be the best fighting ship we have in case of war, to be scrapped? Why did they agree to scrap all our cruisers and then let England and Japan keep their cruisers?

Mr. REED. I can not tell the Senator any more than I can tell him why we give away all the islands in the Pacific, any more than I can tell him why we make an agreement in which we agree to do nothing, according to the construction placed on the treaty by those who stand here and tell us it is the most important treaty every proposed.

Mr. FRANCE. Mr. President, is it not true that our Navy has been notoriously inferior because of our lack of cruisers? Is it not true that our present program was to make up that deficiency?

Mr. REED. Our present program was calculated to make up that deficiency. It was thought by our naval experts that they had designed a battle cruiser that would overmatch the battle cruisers of any other country. There is more in regard to the cruisers, to which I will call attention in a few moments. I am trying now, although figures are always dull and difficult to follow, to convince the Senate with these figures of the absolutely helpless condition in which this treaty will place the American Nation.

When we compare the battleships of the British Navy and the battleships of the American Navy, we find that on the battleships of the English Navy, on all her best vessels, the guns are larger in every instance except with reference to three of our vessels.

We have, it will be observed, four vessels armed only with 12-inch guns—the *Arkansas*, the *Wyoming*, the *Utah*, and the *Florida*. Vessels with 12-inch guns may be eliminated from consideration, for, as H. C. Bywater, a British naval engineer, states, the 12-inch gun is no longer considered equal to the tactical requirements of the near future. On page 14 of "Sea Power in the Pacific" he says:

> Capital ships armed with these guns have ceased to be reckoned as first-class fighting units.

According to the same author—

> Capital ships are now rated according to their heavy guns upon the following basis: First-class ships, guns of 15 inches or more; second-class ships, guns of 13½ to 14 inches; third-class ships, guns of 12 inches or less.

All of Great Britain's 20 capital ships, therefore, are or will be able to take their places on the line, while but 14 of the 18 United States ships can do so. Japan's entire fleet of 10 ships can also take its place in the first line. Of this American fleet of 14, but 3 are or will be of the first class based on gun power, the remaining 11 belonging to the second class. Of Japan's 10, 2 are of the first class and the other 8 of the second class. As against this Great Britain has or will have 15 first-class and 5 second-class ships. In tabular form it works out as follows, and I print the table:

Class.	First.	Second.	Third.
United States	3	11	4
Great Britain	15	5	0
Japan	2	8	0

In addition to this, of the 20 other ships the minimum speed is or will be 22 knots, the maximum 31. Of the 10 first and second class Japanese battle vessels, minimum speed is 22 knots, maximum 27½ knots. Of the 18 American first and second class vessels, the minimum speed is 20½ knots and the maximum speed 21 knots. It must be remembered that when fleets engage in combat each fleet generally strings out in single file. It is at once apparent that as a general proposition the fleet speed must be measured by the speed of the slowest vessel in the line. If the speed of the various ships in the three navies is compared we find that the slowest British ship has or will have a speed of at least 21 knots, the slowest American ship 20½ knots, and the slowest Japanese ship 22 knots. If the British fleet maintains all of its 20 vessels in line against our 18 ships she would have a fleet advantage of at least 1 knot an hour.

Mr. OVERMAN. Suppose we fail to ratify the four-power treaty, but ratify the naval disarmament treaty, what position would we be in, in that event, under the statement the Senator has just made?

Mr. REED. It is pretty difficult to answer that sort of a question as to which would be the worst of two bad things. My position is that the United States to-day is in a position to negotiate and to make proper treaties. We are not foreclosed by any blunders or mistakes that have been made, and now is the time to make the right kind of a bargain.

Mr. OVERMAN. A gentleman said to me that all these treaties are interdependent; that one rests upon the other. It looks as though that might be the case, according to the statements the Senator has made.

Mr. REED. I think not. I think we can make a treaty with regard to disarmament or reduction of armament without any difficulty. I will tell you why we can make it. We can make it because we have a lever that always has moved Great Britain. We have a greater power to-day than she has in the matter of building ships. We can, if we were compelled to do so, build three ships to her one. A nation that can not pay its interest to the United States and that can scarcely meet the expenses of its Government could not enter a naval race with the United States. As badly taxed as we are, we can nevertheless get the money. That does not mean that I am in favor of getting the money and building an enormous fleet, but it does mean that we are in a position to say to Great Britain: "We will make a reasonable agreement on limitation of armament. We will do everything that is fair; but if you do not accept a reasonable proposition, then we are in a position to take care of ourselves." And that is an argument that every Englishman can understand.

If we compare these first-class ships according to speed, we find the following state of affairs: The United States has three first-class ships with a maximum speed of 21 knots, Great Britain has four with a maximum speed of 29 knots, five with a maximum of 25, six with a maximum of 22, and Japan has two with a maximum speed of 23 knots. This disparity in speed would enable the British capital ships and all those of the Japanese to keep out of the range of the guns of our ships if they so desired. Their superior speed would give them the option of engaging our ships or of refusing, and also give them the ability to overtake any isolated vessel of our fleet.

In gun power, if we consider gun power as measured by large-caliber guns, we find a similar disparity. The United States will have three vessels armed with eight 16-inch guns. Their speed, however, will be but 21 knots and their displacement 32,600 tons. As against this Great Britain has or will have the two super-Hood battle cruisers with a speed of 29 knots and a displacement of 35,000 tons, and eight or ten 16-inch guns; also the battle cruiser *Hood*, with 31 knots, a displacement of 41,200 tons, and eight 15-inch guns. Japan has or will have two battleships, the *Mutsu* and the *Nagato*, each with a speed of 23 knots, a displacement of 32,500 tons, and eight 16-inch guns. If we eliminate these vessels as of comparative equal value, which, of course, is by no means true, we find that the remaining 15 American vessels which are able to take their places in the line are of the second class and armed with 14-inch guns, and the remaining 8 Japanese vessels are also of the second class and armed with 14-inch guns, while 12 of the British vessels are of the first class and have 15-inch guns, the remaining 5 being of the second class with 13½-inch guns.

At least 15 of the British vessels could outdistance and outshoot 15 of our 18 allotted vessels. By their superior speed they could select their range, and, while keeping out of range of our ships' guns, could still keep our ships within range of their guns. This would practically enable them to engage our vessels without any risk to their own.

All will remember the astonishment with which we found that Dewey had sunk the Spanish fleet at Manila and yet only one or two stray shells had struck an American ship; but the mystery was easily explained when we learned that our guns outranged the Spanish guns, and, accordingly, Dewey, very properly, stood off out of range of the Spanish guns and battered the Spanish fleet to pieces. The same thing occurred, as I understand, although here I do not speak by the card, in the battle between the Japanese fleet and the Russian fleet.

Mr. WATSON of Georgia. Mr. President, it happened also in the battle between the Japanese fleet and the Chinese fleet on the Yalu River; and that was the beginning of Japan's ascendancy.

Mr. REED. Yes. Of course, it is elementary, and yet it is worth while to state that a man with a rifle that will shoot 200 yards can stand off with perfect safety and fight all day with another man who is armed with a rifle that can shoot only 100 yards. Then, if he can run faster than the other man he can always preserve the distance between them, so that he can constantly be within killing range of the other man without a chance of himself being hurt at all. That is as true on the water as it is on the land.

Apart from the three ships of the *Maryland* class, which are equaled by the Hoods and super-Hoods, there is not a single ship in our allotted list to which the British can not oppose a vessel of superior speed and armed with larger guns, and still have two battle cruisers to spare.

It is also to be noted—indeed, it has already been noted—that we have no battle cruisers, which would mean that six British battle cruisers, with their tremendous speed and their 15 and 16 inch guns, could play havoc with any and all of our 15 slower and less heavily armed ships.

I might add that they could sweep our commerce from the seas, sinking every vessel, and we would have not a single vessel which could overtake them.

According to Lord Fisher, who really invented the battle cruiser, that type of ship armed and armored as heavily as a battleship, but with greater speed, is superior to the battleship. In all the naval engagements of the World War it was the battle cruiser that carried off the honors. Admiral Beatty's fleet was composed of vessels of this type. In the battle of Heigoland in August, 1914, it was the British battle cruiser in the squadron under Beatty that determined the result. In the battle of Falkland Islands, in December, 1914, it was the battle cruisers *Invincible* and *Inflexible* that put an end to Von Spee's squadron, which had preyed upon British commerce for months and had previously destroyed Admiral Craddock's British fleet.

In the Battle of Dogger Bank, in January, 1915, it was Beatty's squadron of five battle cruisers which won the day. This action particularly emphasized the importance of speed and long-range guns. In the Battle of Jutland it was Von Hipper and Beatty's British squadron of battle cruisers which did practically all the fighting, and developed all the strategy of the two main fleets. In spite of this the United States has no battle cruisers, and under this treaty has agreed not to build them. In this connection I ask consent to print in the RECORD a list of authorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list referred to is as follows:

(1) Lord Fisher, "Memories and Records," Vol. I, 32, 209–210; Vol. II, 143–144, 198–199, 222.
(2) See generally F. Young: "With Beatty in the North Sea" and Lord Fisher's "Memories and Records."
(3) Stevens and Westcott, "History of Sea Power," pp. 351–355.
(4) Ibid, pp. 358–366.
(5) Ibid, pp. 369–374.
(6) Ibid, pp. 286–409.

Mr. REED. Bywater, on page 118 of his recent book, says:

> The circumstance that the American Navy does not as yet possess a single battle cruiser * * * detracts very appreciably from its power and readiness for war * * * It is certain that the want of such ships would most seriously handicap the fleet in any warlike operation.

Lord Fisher says that—

> In the Great War the fast dreadnaught battle cruisers carried off all the honors.

The United States has actually on the ways six battleships in various stages of completion whose names and characteristics are as follows:

Lexington, Constitution, Constellation, Ranger, Saratoga, United States.

Displacement, 43,500 tons; speed each, 33½ knots; armament, 16-inch guns and torpedo tubes.

If those vessels had been built they would have outfooted any ship afloat; they would have been able to meet any battle cruiser on the water. They would have been able to protect our commerce against commerce destroyers; they would have been able to turn to flight in times of battle; they would have been able to have met and destroyed every slow laggard ship unless it was of the very first class of battle type. We are

graciously permitted to complete and to convert two of these as aircraft carriers, but the tonnage is not to exceed 33,000. To meet this Great Britain is to be allowed to construct two of her super-Hoods as aircraft carriers with the same limitation as to tonnage.

It was stated by the late Admiral Mahan in his book on naval strategy that if the first-line ships of two powers are on a parity and one nation has a superiority over the other in second-line ships it would be the part of strategy to force an engagement of the first-line ships. By such an engagement the ships of the enemy might be destroyed or at least so damaged they would be compelled to resort to repairs and be removed from the fighting line for some time. Thereupon the second-line ships would automatically become ships of the first line, and the superiority in ships of this type would control the situation.

In view of this principle it is interesting to study the fleets of cruisers and other auxiliary vessels which by reason of the fact that there is no restriction in the treaty with reference to these types of vessels the signatories now possess or will possess when their proposed building programs are completed.

Mr. President, without reading I ask permission to print a table showing the smaller vessels of the type I am now discussing which the United States has and also a table of the vessels of similar type which Great Britain will have or has.

The PRESIDING OFFICER. Without objection, it is so ordered. The tables referred to are as follows:

Cruisers, first line, in process of construction and uncompleted.

UNITED STATES.

Vessels.	Completed.	Displacement.	Speed.	Armor over vital parts.	Principal guns.	Broadside. Guns.	Broadside. Metal.
		Tons.	*Knots.*	(1) *In.* (2) *In.*	*No. In.*	*No. In.*	*Pounds.*
Omaha, Milwaukee, Cincinnati, Richmond, Raleigh, Detroit, Trenton, Marblehead, Concord, Memphis		7,500	32.7		12 6		

Cruisers, second line, completed.

UNITED STATES.

Vessels.	Completed.	Displacement.	Speed.	Armor over vital parts.	Principal guns.	Broadside. Guns.	Broadside. Metal.
		Tons.	*Knots.*	(1) *In.* (2) *In.*	*No. In.*	*No. In.*	*Pounds.*
Salem, Birmingham, Chester	1908	3,750	24	3 0	4 5 2 3		
Charlotte	1905	14,500	22	3 9	[1] 4 10 8 6	4 10 2 6	
Missoula	1905				12 3	6 3	
Seattle	1905						
Huntington	1903						
Pueblo	1903						
Pittsburgh	1905	13,680	22	6 6	14 8 14 6	4 8 7 6	
Frederick	1903						
Huron	1904						
Tacoma	1904	9,700	21½	4 4	12 6 4 3	7 6 2 3	
St. Louis	1905				4 3	4 3	
Rochester	1891	5,150	21	4 6½	8 5	4 5	
Olympia	1892	5,865	21.6	4½	10 5	6 5	
Chicago	1885	4,500	18		4 5		

[1] Guns of 1899 pattern.

First figures under "Armor over vital parts" are for belt and second for turrets.

Cruisers, first line.

GREAT BRITAIN.

Vessels.	Completed.	Displacement.	Speed.	Armor over vital parts.[1]	Principal armament.	Broadside. Guns.	Broadside. Metal.
		Tons.	*Knots.*	*In. In.*	*No. In.*	*No. In.*	*Pounds.*
Courageous, Glorious, Emerald, Enterprise	[2] 1917 [3] 1918	[2] 18,600 [3] 22,700 7,600	[4] 31 [4] 31 32	9 2 3 0	4 15 15 4 7 6	4 15 6 4 6 6	7,480 135 660

[1] First figure covers belt armor; second figure, turret armor.
[2] See Jane's "Fighting Ships, 1921," pp. 36–39.
[3] Normal displacement is 18,600 tons, but with full load is 22,700 tons.
[4] Speed under full load is 1½ knots faster, i. e., 32½ to 33 knots.

Cruisers, first line—Continued.

GREAT BRITAIN—continued.

	Completed.	Displacement.	Speed.	Armor over vital parts.	Principal armament.	Broadside. Guns.	Broadside. Metal.
		Tons.	*Knots.*	*In. In.*	*No. In.*	*No. In.*	*Pounds.*
Cairo	1918						
Calentia	1917						
Carlisle	1917	4,190	29	3 0	5 6	5 6	500
Capetown	1917						
Colombo	1917						
Despatch	1918	4,765					
Dragonne	1918	4,765					
Delhi	1917	4,650					
Dunedin	1917	4,650	29	3 0	6 6	6 6	600
Durban	1918	4,650					
Danae	1916	4,650					
Dauntless	1916	4,650					
Dragon	1916	4,650					
Cardiff	1917						
Ceres	1917						
Coventry	1918	4,190	29	3 0	5 6	5 6	500
Curacoa	1918						
Curlew	1917						
Effingham	1922		29				
Frobisher	1922		30				
Hawkins	1919	10,850	31	3 0	7 7½	6 7½	1,200
Raleigh	1921		31				
Caledon							
Calypso	1916	4,120	29	3 0	5 6	5 6	500
Caradoc							
Centaur							
Concord	1916	3,750	29	3 0	5 6	5 6	500
Cambrian	1916						
Canterbury	1916	3,750	29	3 0	4 6	4 6	400
Castor	1915						
Constance	1916						
Calliope	1915	3,750	29	4 0	4 6	4 6	400
Champion							
Caroline							
Carysfort							
Cleopatra	1915	4,290	29	3 0	4 6	4 6	400
Comus							
Conquest							
Cordelia							
Galatea	1914						
Inconstant	1915						
Royalist	1915	3,300	29	3 0	3 6 4 4	3 6 2 4	320 61
Phaeton	1915						
Undaunted [2]	1914						
Birmingham	1914	5,440	25½	3 0	9 6	5 6	500
Lowestoft							
Southampton	1912	5,400	25½	3 0	8 6	5 6	500
Dublin	1915						
Weymouth	1910						
Yarmouth	1912	5,250	24½	2 0	8 6	5 6	500
Dartmouth	1911						
Antrim	1905						
Carnarvon	1904						
Essex	1911						
Shannon	1907	8,000					
Berwick	1911						
Chester	1904						
Penelope	1915						

[1] Building.
[2] The Undaunted carries 26-inch and 6 4-inch guns.

In addition to the above, the various colonies of Great Britain are credited with the following cruisers:

	Completed.	Displacement.	Speed.	Armor over vital parts.	Principal guns.
		Tons.	*Knots.*		*No. In.*
AUSTRALIA.[1]					
Adelaide	1921	5,560	[2]		9 6
Melbourne	1913				
Sydney	1913	5,400	25½		8 6
Brisbane	1916				
Encounter	1902	5,880	21		11 6
NEW ZEALAND.[3]					
Chatham	1912	5,400	25½		8 6
Philomel	1890	2,575	19		1 6 1 4
CANADA.[4]					
Aurora	1914	3,800	29		2 6 6 4

[1] Janes's, "Fighting Ships, 1921," pp. 122–123. [2] Ibid, p. 129. [4] Ibid, p. 131.

Mr. REED. Mr. President, I trust the Senators will read the tables in the RECORD. It would be a waste of time to read them here, because they are composed of figures which must be studied; but when we are dealing with a question that may involve the very life of our Nation a little time might profitably be spent in looking over tables which show our strength or our weakness. But, commenting upon these figures, I have to say it may be seen at once that the two British cruisers—*Courageous*

and *Glorious*—are indeed battle cruisers, though not classified under the treaty as such.

The treaty provides, in chapter 1, article 12, as follows:

No vessel of war of any of the contracting powers, hereafter laid down, other than a capital ship, shall carry a gun with a caliber in excess of 8 inches.

The words "hereafter laid down" in connection with chapter 1, article 11, which limits cruisers to a maximum of 10,000 tons, precludes any cruiser of more than 10,000 tons or carrying larger than 8-inch guns. By reason of these words, however, Great Britain is allowed to retain both the *Courageous* and the *Glorious*, and to class them as cruisers. They carry side armor of 3 inches, turret armor of 9 inches, are armed with four 15-inch guns and eighteen 4-inch guns, and steam 33 knots.

Lord Fisher, the real inventor of the battle cruiser, regarded these two cruisers and their sister ship, the *Furious*, now used as an airplane carrier, as he did the battle cruisers *Renown* and *Repulse*, classified under this treaty as capital ships. In the fight of Helgoland Bight in August, 1917, these two cruisers and the *Repulse* determined the outcome of the battle. I ask leave to print here a table of Japan's cruisers of the first line and cruisers of the second line.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

Japan.[1]

CRUISERS, FIRST LINE.

Vessels.	Completed.	Displacement.	Speed.	Armor over vital parts.	Principal guns.
		Tons.	*Knots.*	*Inches.*	*No. In.*
Niashin	1904	7,750	[illegible]	8	4 8
Kasuga	1904	7,750	20	6	14 8
Aso	1902	7,800	21	8	2 8 8 6
Idzumo	1901	9,750	[illegible]	7	4 8
Iwate	1901	9,750	[illegible]	7	14 8
Adsuma	1901	9,426	21	7	4 8 12 6
Yakumo	1901	9,735	[illegible]	7	4 8 12 8
Asama	1899	9,700	21½	7	4 8
Tokiwa	1899	9,700	21½	7	14 6

CRUISERS, SECOND LINE.

Vessels.	Completed.	Displacement.	Speed.	Armor over vital parts.	Principal guns.
Nagara, Kuma, Tama, Kiso, Kitakami, Oh-i	1922 1920 1920 1921 1921 1921	5,500	33	3	7 5.5
Tenryu, Tatsuta	1919	3,500	31	2	4 5.5
Chikuma, Yahagi, Hirado	1912	4,950	[illegible]	1	8 6
Tone	1909	4,105	23	1	2 6 10 4.7
Mitaka	1904	3,420	[illegible]	2½	6 6
Tsushima	1904	3,420	[illegible]	2½	6 6
Chitose	1899	4,992	22½	4½	2 8 10 4.7

[1] Janes's "Fighting Ships, 1921," pp. 272–281.

Mr. REED. Mr. President, if cruisers are measured by displacement—and I should like Senators to realize this, because we can build no more large cruisers, but the cruisers of this class are allowed to be retained without restriction—we find, as the matter now stands, that the United States has 16 cruisers with an aggregate tonnage of 161,000 or 165,000; Great Britain has 60 cruisers, with a tonnage of 311,500; and Japan has 24 cruisers of this type, with a tonnage of 113,328. Of the cruisers which Great Britain has, 43 have been built since 1915, while the United States has but four built since that date and three built earlier than 1893, one of these dating back to 1885—old, obsolete, worthless craft—and but 16 of them against Great Britain's 60 modern cruisers of this type.

If these cruisers are compared on a tonnage basis, we find that of cruisers of 20,000 tons or over the United States has none, Great Britain has two, and Japan has none.

Of cruisers of 10,000 to 20,000 tons, the United States has eight, Great Britain four, and Japan none.

Of cruisers of 5,000 to 10,000 tons, the United States has 9, Great Britain has 9, and Japan has 15.

Of cruisers of 3,500 to 5,000 tons, the United States has 4, Great Britain has 40, and Japan has 9.

If we compare the caliber of the guns carried by the cruisers, we find the following to be true:

Of cruisers having 15-inch guns, the United States has none, Great Britain has two, and Japan none.

Of cruisers having 10-inch guns, the United States has three, and Great Britain and Japan have none.

Of cruisers having both 6 and 10 inch guns, the United States has 13, Great Britain 53, and Japan 16.

Of cruisers having 3 and 6 inch guns, the United States has five, Great Britain none, and Japan eight.

If we compare speed in the various cruisers, we get the following results:

Of cruisers of speed over 30 knots, the United States has four, Great Britain eight, and Japan eight.

Of cruisers of speed of from 28 to 30 knots, the United States has none, Great Britain has 40, and Japan none.

Of cruisers of speed of from 25 to 28 knots, the United States has none, Great Britain has four, and Japan three.

Of cruisers of speed of from 20 to 25 knots, the United States has 16, Great Britain 3, and Japan 13.

Of cruisers of speed under 20 knots, the United States has one, and the others have none as slow as that.

In other words, Great Britain has 48 cruisers of over 28 knots' speed, as against 4 of the United States and 8 of Japan.

Great Britain has 52 cruisers of 25 knots or over, as against 4 of the United States and 11 of Japan.

Coming now to aircraft carriers, Great Britain has seven aircraft carriers, the United States one—not complete—and Japan one. I print them in a table, with their speed and their armament and their aircraft-carrying capacity.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Aircraft carriers.

UNITED STATES.

Vessels.	Completed.	Displacement.	Speed.	Airplanes carried.	Principal guns.
		Tons.	*Knots.*		*No. In.*
Langley[1]	(2)	19,360	12	34	4 5

GREAT BRITAIN.

Vessels.	Completed.	Displacement.	Speed.	Airplanes carried.	Principal guns.
Hermes	1919	10,850	[illegible]	20	10 6
Eagle	1920	22,790	24	[illegible]	6 6
Vindictive	1918	9,750	30	8	4 7½
Furious	1917	22,900	31	[illegible]	10 5½
Argus	1918	14,450	[illegible]	[illegible]	2 4
					No. Lb.
Pegasus	1917	3,070	20½	6	2 12
Ark Royal	1914	7,080	11	16	4 12

JAPAN.

Vessels.	Completed.	Displacement.	Speed.	Airplanes carried.	Principal guns.
Wakamiya	1921	7,600	[illegible]	4	2 12

[1] Converted from a collier in 1920. [2] Not completed.

Mr. REED. Coming now to merchant marine:

In the consideration of vessels designed for or adapted to use as fleet or fighting ships an examination of the merchant marine is most necessary.

Mr. Lasker, chairman of the United States Shipping Board, recently stated:

Granting that the 5-5-3 naval program, or some equivalent, be adopted, and that we have a naval holiday for a term of years, the question of naval equality is not solved; because if, in addition to the equalized navies, any one nation possesses a merchant marine of convertible strength vastly beyond that of another nation, the nation possessing that added convertible merchant tonnage has the preponderance of naval power.

As already stated, Mahan laid down the principle that the nation with the greatest naval reserve force of secondary or tertiary power will in the last analysis, when the ships of greater power are eliminated from the struggle, control the naval situation. In the application of this principle it is obvious that if a nation's capital ships, cruisers, and vessels designed for fighting are equal to those of another nation, the nation which possesses the greatest number of merchantmen convertible into fighting ships will have the advantage.

Chapter 1, article 14, of the proposed treaty provides:

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch caliber.

It should be noted, therefore, that this treaty recognizes and impliedly approves the "installation of warlike armaments" upon peaceful merchantmen for the purpose of converting them into "vessels of war." The treaty merely provides that such installation and such conversion shall not be made in time of

peace. However, the treaty provides that even in peace time the decks of vessels not previously so constructed may be made sufficiently strong to support 6-inch guns, the number of such guns not being provided for. The treaty, however, does not restrict merchant vessels as to the number of guns which may be carried, nor does it restrict such guns to a 6-inch caliber. An analysis of the merchant vessels possessed by the United States and of those possessed by Great Britain is therefore most illuminating.

The tonnage of the entire American merchant marine, according to the latest annual report of the Shipping Board, was 12,115,571. The tonnage of the British merchant marine was 16,946,664. The tonnage of the Japanese merchant marine was 2,132,601. I print a table setting forth a comparison of this tonnage.

The matter referred to is as follows:

Gross tonnage.	Number of vessels.[1]	
	United States.	Great Britain.
15,000 and over	7	36
10,000 to 15,000	68	113
5,000 to 10,000	335	1,245
3,000 to 5,000	735	1,394
Total	1,114	2,788

[1] Lloyd's Register 1920-21, Vol. II, pp. 327, 340.

Mr. REED. In vessels of the 3,000-ton type or over which may be converted into war vessels, the ratio is over 2.25 to 1 in favor of Great Britain.

In vessels of 5,000 tons or over, the ratio is 3 to 1 in favor of Great Britain.

Taking into account vessels building in both countries, the ratio of vessels of 8,000 tons or over is 5 to 1 in favor of Great Britain.

Mr. Lasker on December 14, 1921, said:

When speed is considered, and speed is essential for naval purposes, the ratio is even more startling in favor of Great Britain; as of vessels of 22 knots and over she possesses 5, the United States only 1, a ratio of 5 to 1; in all vessels of 12 knots and over, which is the minimum speed useful for naval operations, she possesses 234, and the United States possesses only 53, a ratio of 4.4 to 1 in favor of Great Britain.

It is apparent, therefore, that the great advantage which Great Britain has over the United States in the number of merchant ships capable of conversion into vessels of war would insure Great Britain a superiority in naval power over the United States if the actual vessels of war possessed by these nations at all approximated equality. When this fact is taken in connection with the similar advantage which, under the terms of this treaty, is accorded to Great Britain over the United States in actual fighting ships, the superiority of Great Britain over the United States in naval power is tremendously increased.

Mr. President, if this treaty is ratified the American Navy will be left without any battle cruisers. This means that we will have no fast wings for quick operation or change of formation in time of battle, and no fast commerce destroyers of a heavy type, and no vessels able to meet the commerce destroyers of Great Britain. Great Britain and Japan are each left in possession of four ships of the character I am discussing.

In the matter of cruisers, as distinct from battle cruisers, the American Navy is practically helpless. The ones in our possession are old, weakly armed, and slow. Those in possession of Great Britain average in date of completion about 1917. The Japanese vessels average in date of completion about 1918.

Furthermore, we are distinctly inferior to the British in the number of merchant ships which may be employed in war. The use of such armed craft in future wars is openly forecast by the provision of the treaty allowing their decks to be strengthened to carry guns, even in time of peace. The disparity in merchant-ship tonnage appears even more dangerous when an examination of their classification shows that in large ships and in fast ships British superiority is even more pronounced than in the matter of total tonnage.

From what I have said it will be seen that the treaty takes cognizance only of the comparative tonnage of capital ships and aircraft carriers. It completely disregards all the other units just as valuable to the strength of a navy, such as cruiser forces and merchant marine; but, regarding the capital-ship tonnage alone, it is apparent that under a seeming equality there really exists a distinct inequality between the Navy which will be left to us and the one which will be left to Great Britain.

In the matter of aircraft carriers, Great Britain has at present nearly all of such vessels that there are in existence. The United States has only one slow-going collier, which is being converted and which is not yet completed. Japan has only one small merchantman, with no flying-off deck to it. France has one converted battleship, not yet completed. Great Britain has seven completed aircraft carriers which have been in service as long as four years. It is, therefore, the only nation which has had actual experience with this kind of craft; and although two of them are just recently completed, and are therefore to all intents and purposes new ships, Great Britain is to be allowed to count them as experimental craft and to replace them when it is found to be convenient.

Mr. President, I make no complaint that figures such as I have produced have not been listened to with patience by the Members of the Senate. They are problems to be studied with the figures upon paper before the student.

I make no complaint that throughout my address there has been generally a maximum of two Senators on the Republican side, because I never complain if I individually am not listened to. Indeed, none of us have a right to complain if we are not listened to. It is not only the right of every Senator to leave the Chamber, but to refuse to listen to the remarks of another Senator, and sometimes it must be done in self-defense. No personal pride enters into what I am saying.

I want a disarmament treaty made which will reduce to the minimum the armaments of all the nations of the world. I want that treaty so made that the United States will be safe and not placed at a disadvantage, and I am imploring the Senators who now pay me the compliment of their attention, and those who have been called away by other business, to study these figures, which I believe in every singular particular to be accurate, for I have taken pains to have them checked by two experts, who know their business if any two men in the United States know the business of comparing naval armaments and the speed and quality of ships.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Nebraska?

Mr. REED. I yield.

Mr. HITCHCOCK. Has the Senator made a comparison between the figures which he has given as to tonnage, armament, equipment, and so on, with the figures given at the open conference by the Secretary of State?

Mr. REED. The figures I have given are the same figures which are printed in the hearings; that is to say, when a ship is listed in the hearings as having a particular tonnage I have employed the figures given there. The difference is, as I have explained at length, when perhaps the Senator happened to be out, the English ships are listed under the English measure and the American ships under the American measure, and there is an actual disparity between the two methods of measurement in the British of one-eighth, or 12½ per cent.

Mr. HITCHCOCK. I heard the Senator make that explanation, and I have been trying to find in the hearings a statement made by Secretary Hughes to the effect that that difference between the British and the American plans had in some way been reconciled.

Mr. REED. The only thing I found of that character is the statement that as to new vessels, vessels to be hereafter built, they are to be measured according to a rule which is there laid down, and that, of course, would give a uniform rule as to new construction; but that does not apply to vessels now in existence.

Mr. President, not because it has to do with the matter I have just discussed, but because I am called out of town for a day or two, I suggest to Members of the Senate, merely to think about, a question which I think is of importance. We have provided as follows in a recent act of Congress, the merchant marine act of 1920:

That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island territories and possessions of the United States not now covered thereby.

And * * * that the foregoing provisions of this section shall not take effect with reference to the Philippine Islands until the President of the United States after a full investigation of the local needs and conditions shall, by proclamation, declare that an adequate shipping service has been established as herein provided and fix a date for the going into effect of the same.

In a word, the proposition is, upon the proclamation of the President, to extend our coastwise laws so that they will cover trade with the Philippine Islands.

The question I want to put to Senators for their consideration is, whether that will not raise a question justiciable by the four powers; whether the inevitable result would not be that Japan and Great Britain would insist that we had no right to extend to the Philippines our coastwise service and the protection of our coastwise laws, which would, of course, exclude foreign vessels from that trade?

Japan has already; not officially, but through the representative of one of her large steamship lines, raised the question and made a protest. At the same time, Japan has extended her coastwise regulations so as to include Formosa.

I am not prepared, because I have not been able to give study to the question, to state a conclusion, but two things occur to me as within the possibilities, and I suggest them without asserting them: First, that if we undertake to control the trade between the Philippines and the United States under our coastwise laws there will be a sharp protest on the part of Great Britain and Japan, and probably of France, and they will insist upon that as a question of dispute coming within article 1 of this treaty, and will insist on sitting down about the council table to determine it. When they do, every one of them will have an interest against the claim of the United States, and we can look for a three to one vote against us.

The second proposition I make is that it is well worthy of study, since Japan has already extended her coastwise regulations to Formosa, whether she may not assert a similar claim with reference to all of the islands she receives through these various treaties. I repeat, I merely suggest the question for thought, but I believe these two questions are worthy the most serious attention of the Members of the Senate.

My attention was called to this matter a few minutes before I took the floor, and called to my attention, as such things usually are, by a gentleman who could not have his name used because he is connected with the Government service. As soon as a man gets into the Government service he becomes tongue-tied. I do not blame this gentleman, who is a splendid man. If I were to tell his name, it would be recognized that he is a man for whom Senators have the highest regard, as I have. Such men are tongue-tied by virtue of their positions; but, as I said, my attention was called to it by this gentleman, who is so situated that he naturally might anticipate danger from such a proposition as is here involved.

I appeal to the Senate to give that consideration. It may be necessary, even if these treaties are ratified, that some reservation which will clearly protect American rights shall be put in.

Mr. HITCHCOCK. Will the Senator yield for a question?

Mr. REED. Certainly.

Mr. HITCHCOCK. Do our coastwise laws at present extend to the islands of the Hawaiian group?

Mr. REED. I think so.

Mr. HITCHCOCK. That is my impression. But they do not extend to the Philippines.

Mr. REED. They have not been extended to the Philippines, but I think they extend to the Hawaiian Islands; I am very sure they do.

Mr. President, there is much else I might say along the line I was previously following. I have a few concluding words which I present for the consideration of the Senate as to the naval strategy and the advantages we are giving other nations. The observations I am about to make are not mine. They were prepared for me in this form by a man who undoubtedly ranks high as a naval authority:

The general conduct of a war depends on many things. The elementary test of one navy's power as compared with another's depends on the strength which can be brought to and kept in the main theater of action. It is not what is back in the navy yards or in some distant bases, but what strength can be steadily maintained in the neighborhood where fighting is to take place that is going to count.

The matter of equality of strength is directly connected with the capability of a navy to bring that strength to bear in the proper locality. The British have fleet bases all over the world, completely fitted with coal, oil, reserve supplies of ammunition, and dry docks. To count only the main ones outside of the home islands, they have Gibraltar, Malta, Suez Canal district, Colombo, Singapore, and Hongkong. Outside of the limits of the United States we have nothing to compare with any of these except for the docks at Panama.

The Japanese main bases are all in her home islands. But there is this great difference between her position and ours: If there is to be any war with Japan, it is understood all over the world that the nation fighting her must carry the conflict to her home waters. Her bases are just where she needs them. We have no base west of Honolulu equipped as a major fleet source of supply or repair.

The four-power treaty was so drawn as to make sure that we shall never be able to construct one and by that restriction, regardless of the size of Navy we may have, we are rendered helpless in the Pacific. If our Navy were ten times as large as it is, the fact that there will be no bases to receive it when it arrives in the vicinity of operations, no reserve supplies of food, fuel, and ammunition and no docks to receive wounded vessels or keep the fleet's bottoms clean, will prevent the operation of that force at any such distance from our bases as the Asiatic mainland.

Remember what happened to the Russian fleet in 1904. When it arrived at the end of its long voyage from the Baltic, the crews were worn out and exhausted by the extended passage; the machinery was crippled and the bottoms fouled by months at sea. The Japanese waited in their home waters for the coming of the Russian fleet. They trained their crews in perfect security. Their ships were clean and ready. The men were rested and confident. The complete obliteration of the slow, exhausted Russian fleet was effected in one day.

The point to be made here is that the Russians had to fight when they arrived. There were no bases to which they might go to rest and refit and clean their ships. The Japanese fought when they pleased and they had plenty of time in which to get ready to do it.

Furthermore, on the subject of fleet bases, it should be noticed that the longitude chosen to designate the western limit of the area in which no further fortifications are to be made was carefully chosen to exclude Singapore. And it is here that the British have repeatedly indicated their intention of establishing their main fleet base for the East and on which the New Zealand, Australian, and East Indian Squadrons are to be concentrated on a declaration of war, there to await the arrival of the main British fleet.

Hongkong comes within the area in which no expansion of the facilities and fortifications of bases is to be allowed. But Hongkong does not need any more. It is impregnably fortified already. It has been the main British base in the East for 60 years and neither trouble nor expense have been spared to make it perfectly secure.

On the other hand, public utterances and public articles have informed the people of this country that Manila and Guam can be captured with ease. The same articles have informed them that these American harbors (and the only ones fit to serve as a fleet base in the East) may be securely defended at a relatively small expense; that without them we shall be helpless in a war in that part of the world; that the four-power treaty will insure that helplessness.

With the restriction of our Navy and the provisions against preparing any fleet bases in the western Pacific, Japan will have gained an absolutely free hand in the Far East. If at any time we are not in accord with her policies, it will make no difference. We will be completely unable to interfere. In agreeing not to fortify the western bases, we have, to all practical purposes, abandoned that part of the world, and we are helpless to shape any action in it. In a word, the Japanese will have gained more from the results of the Limitation of Arms Conference than she could have hoped to secure by a successful war.

Great Britain, on the other hand, will be immediately relieved of the necessity of paralleling our new Navy, partially built. The flat saving to her will be about $800,000,000, or the approximate cost of her fleet. She could, therefore, afford to pay almost any price for the success of the disarmament agreement. And the day it is signed she will sink six of the newest, biggest, and most formidable battle cruisers in the world and seven battleships of the same characteristics without firing a shot. In other words, her bag will be thirteen times as big as it was the day she met the Germans at Jutland.

She is further relieved of the extreme embarrassment which attended the expiration of the Anglo-Japanese treaty. It is a well-known fact that the conference of premiers of the British Dominions last summer refused to sanction the renewal of this treaty; that the opposition to the renewing of this pact was so severe that the British Home Government was unable to announce its policy in regard to the Anglo-Japanese treaty. This situation will be entirely and pleasantly cleared up by the four-power treaty.

Mr. President, all that I have laid before the Senate may be disregarded. We may close our eyes and go blindly forward to confirm these treaties, trusting in some way or other to the god of fortune to look after us, for it is perfectly plain that we can not trust to those who represented us when they tell us that the strategic value of the islands of the Pacific was not even considered.

A possible scene rises before me. I can see this Nation unhappily involved in war with Great Britain. I can see our fleet moving out, and as it goes every man upon the decks understands that in case the British Navy is met and overcomes the American Navy there will be no colors struck, there will be no surrender, but that as a vessel sinks, even as its decks are awash, the guns will still thunder their defiance and the last man will go to a watery death. That is the tradition of our Navy. It is also the tradition of the British Navy.

As the fleet sails out the men walking its decks will know, the men on shore will know, the women will know at that time if they do not know now that in tonnage the British have one-eighth more than we in battleships, that in guns they are vastly superior, that they can hurl broadsides far outweighing ours, and that their guns for the most part outweigh ours. They will know that we have not a single battle cruiser. They will know that Great Britain's battle fleet can sail away from us and that her cruisers can run around our fleet and utterly defy it. They will know that our slow-going fleet can not bring the British to a fight unless the British are willing to fight and to make the circumstances satisfactory to themselves when they enter the fight; to pick their day, their time, and their place, and they, of course, as sensible men, will pick the right day for them and the right time and place for them.

They will know, with cold hearts they will know, that we have sent our men out to a desperate venture, where they do not have a fair and equal chance. If you do not think of these disparities to-day, if you live until the event comes of which I am speaking you will think of them then, you will think of them with souls that will be horrified at your present carelessness, and you will think of them with the curses of fathers and mothers burning in your ears because you did not think and act when it was your duty to act.

You say we will never have a war with Great Britain. God knows I hope we will never have a war with any country; and yet as long as nations build great battle fleets, as long as they insist in bargaining that they shall have the advantage of the weapons, we know that war may come; and he who does not

look ahead and anticipate not certain dangers but possible dangers is unworthy the name of statesman and is a disgrace to the Government he pretends to serve.

I do not know what the result of this treaty fight will be, but I do know that there is to be a propaganda in the country, organized, systematized, and capitalized. I know that it has money to send out its agents, for I see the tracks of the agents. I know that it has the money to send out circulars and letters and telegrams by the thousands, for we see the evidence of them. Who is it that carries on this propaganda? What interest is back of it? Why is it done? Why this haste to drive these treaties through? Why the threat of night and day sessions until there was forced an agreement to vote? Why should not these measures have been submitted to the American people? The very men who now cry, "Haste, haste; drive on; drive on; make haste," a few months ago were standing across this aisle insisting that another great treaty involved the interests of America, and that it should be submitted to the grand assize of the people. The very men who now insist on driving through to a quick conclusion were the men who then insisted that the people had a right to know, to be advised, to understand. The very influences that are now propagandizing this country were then insisting upon submitting the question to a great referendum of the people. We had the grand assize; we took the vote. The present occupant of the White House had given the people of the United States to understand there never would be a treaty made while he was President that would involve the United States in any kind of a binding obligation, in any kind of an alliance. Upon the faith of his word he secured a majority of nearly 7,000,000 votes in the United States. I shall on another occasion put his language into the RECORD, and I hesitate not to charge that he has broken faith with the American people; that he has broken faith with millions of men who voted for him.

I hesitate not to charge that those upon the other side of the Chamber who stood with him a few short months ago have turned their coats, have altered their opinions because, forsooth, they now have a treaty presented to them by a man of their party; yet I can hear their words echoing in my ears when they proclaimed a few short months ago that they stood above all party alignments, that no party prejudice controlled their action, and that they were voting as Americans and lovers of their country. They repudiated reservations then; they insisted upon the doctrine of Washington then; they stood squarely fronting the issue; but now they crawl under the miserable veil of a miserable reservation. They have "gone to heel" as well-trained setters "go to heel" at the master's command.

And the master—from whom is he taking his commands? From Root? The man whose close connection with great and sinister interests was commented upon by a very distinguished gentleman at the time. From Root, who was in favor of the compact that was brought here from Versailles, and ready to swallow it in its entirety; who talked of reservations only because he hoped to allay the rising storm and to save the body of the instrument from defeat.

The President selected another as his chief adviser, the present Secretary of State, who was also in favor of entangling alliances, but who wanted to put in some reservations which every lawyer who has read the documents knows took out of it not one single essential quality. He was selected and placed at the head of the State Department.

The President chose another of those who stood ready to do that which he had throughout his long campaign denounced as a betrayal of his country, and elevated Mr. Taft to the highest judicial position in the world.

He went further. He found a gentleman who had lived all his life in Great Britain after he was 21 years of age; who has never yet voted in the United States; whose house and home were in England; who came to this country, and when he was asked his politics, said he was "a liberal," not knowing at that time enough about American politics to know our party names. Some months later, not knowing enough about our party politics successfully to classify himself either as a Republican or a Democrat, not himself knowing and nobody else knowing, accordingly a number of Democratic papers started running him for the Democratic nomination for President and a number of Republican papers started running him for the Republican nomination. He was also looked on with great favor by the Socialists and people of that kind. That man, Herbert Hoover, who was also in favor of world entanglements, was put into the Cabinet of the President of the United States.

Another member of his Cabinet has been quoted repeatedly as so favorable to foreign interests that he has advocated the cancellation of the American foreign debt, and I have never heard his denial of that statement.

The President calls a conference for the purpose of agreeing upon the reduction of armament, a thing dear to the hearts of all the people of this country and dear to the hearts of all the people of the world. Having called it for that purpose there comes out of it this alliance, which we are now told does nothing, and yet there is not a man who makes that statement, in my opinion, who makes it in good faith. I do not believe it possible for an intelligent man to make that sort of statement and believe it.

We are told that the conference has produced an agreement for naval equality. I have exposed the iniquity and subterfuge of that proposition.

As I stand and look at these empty benches I wonder where now are the gallant 18, the "irreconcilibles," the men who said they would never put this country into an alliance with other countries; that they would never subject it to the decision of foreign powers; that they would stand by the doctrine of George Washington, which they declared to be immortal and indestructible. They have turned. They join not in the debate; they sit with silent lips. They apparently are ashamed of their own attitude, and take refuge in two statements: First, that this is a great treaty which will preserve the peace of the Pacific and prevent all onslaught in that direction by any power on earth; that it is a treaty of great power and great potentiality. They point to it and say, "there it stands, the Gibraltar of our hope, the protection of the peace of the waters of the Pacific, indeed of the waters of the world." Then, in the next statement they say, "the agreement amounts to nothing; it binds nobody to do anything; it is so weak and poor a thing that we can sign it because it is innocuous and can do neither harm nor good." That is the picture these gentlemen paint of themselves; and so they stand before the American people, one hand holding a treaty which they declare is powerful, potential, compelling, and the other hand holding a repudiation of all they have said. But it is now said the Republican Party has to do something; it has not done anything as yet, and so it had better do something, even if the something amounts to nothing.

Mr. ASHURST. Mr. President, while I was absent yesterday afternoon in attendance upon the Committee on the Judiciary, which was considering the resolution inquiring into the eligibility of the Senator from Utah [Mr. SMOOT] and Representative BURROW to membership on the World War Foreign Debt Commission, the Senator from Mississippi [Mr. WILLIAMS] delivered a speech, from which I quote a brief extract. I read from page 3908 of the CONGRESSIONAL RECORD:

> The Americans who fought the War of Independence were Scotch and English and Welsh and Scotch-Irish. This crowd, now howling and pleading the baby act, had nothing to do with it.

A reading of the Senator's previous remarks indicates the Senator from Mississippi, in that elegant vernacular which he sometimes employs in the Senate, in referring to this "crowd" meant the large body of citizens of Irish extraction. I insist that, at least in the Senate of the United States, a man who pretends to be an historian, who has a reputation throughout the United States as an historian, ought not be permitted, unrebuked and unchallenged, to fall into such an egregious blunder as to say that the citizens of Irish extraction had nothing to do with aiding the patriot cause in the Revolutionary War.

Mr. President, in the latter part of the year 1778 and in the early part of the year 1779, during our American Revolution, there was dissatisfaction in England, and especially in Parliament, with reference to some of the movements of the English generals.

Severe strictures were made in Parliament against Sir William Howe, commander of the English forces on the American Continent, and a parliamentary investigation was had as to the evolutions and movements of the English troops in America.

Hon. Joseph Galloway, who had been for some 12 years speaker of the house of delegates or the house of assembly of the Pennsylvania Legislature, was called upon to testify before a joint committee of the two houses of Parliament. His testimony was published in the Royal Gazette, then printed by James Rivington, printer to the King, and in the issue of the Royal Gazette of Wednesday, October 27, 1779, the original of which is in the Congressional Library, and photographic copy of which I have here, the following testimony was given by Mr. Galloway:

> Q. That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of natives of America or were the greatest part of them English, Scotch, and Irish?
>
> Mr. Galloway answered:
>
> A. The names and places of their nativity being taken down, I can answer the question with precision. There was scarcely one-fourth natives of America; about one-half Irish; the other fourth were English and Scotch.

The Senator from Mississippi is an historian, and he surely must know that in the fields of war the Irish race has furnished more luminaries than have been furnished by any other race in Europe. In our own Revolution we recall Gen. Greene; Gen. Richard Montgomery, who fell at Quebec and who was so highly esteemed as a soldier by that other great soldier, Aaron Burr, that when Montgomery fell at the head of his men, Burr rushed forward alone and, under fire of the English guns, carried back the precious body of Gen. Richard Montgomery; Gen. George Clinton, brigadier general, governor of New York and twice Vice President, was an Irishman; Andrew Jackson, whom as a soldier and statesman neither man nor muse can praise too much, was born of Irish parents who came from Carrickfergus.

We perceive that the Duke of Wellington, the Iron Duke, was an Irishman. So were Lord Kitchener and Lord Roberts and Gen. French.

Gen. James Shields, Senator from three States, was an Irishman.

In our war between the States we remember Generals Phil Kearney, McDowell, McCall, Thomas, Meagher, and gallant Pat Cleburn, all of Irish origin; and who does not recall the great triumvirate, Sherman, Sheridan, and Grant, all of Irish parentage? While on this subject let me remark that no more splendid figure arose out of the Civil War than the Irishman, Stonewall Jackson.

Charles Thomson, patriot, was born in Maghera, County Derry, Ireland, November 29, 1729. He was brought to this country in 1740, attended the academy of Francis Allison, and while very young was made principal of a Friends academy at Newcastle, Pa. He was respected and trusted by the colonists, and was a prominent local leader during the strained relations with the mother country. He was the secretary in every Continental Congress, 1774–1789, and from the private memoranda that he made compiled a history of the Revolution.

It will be remembered that Judge James Wilson, the grandfather of President Wilson, was born in County Down, Ireland; that the ancestors of President James K. Polk came from Donegal, Ireland; that the ancestors of President James Buchanan and President McKinley came from the same vicinity; that the ancestors of President Arthur came from Antrim, Ireland; and that the mother of President Roosevelt was Irish.

Agricola, who was born A. D. 37 and lived until about A. D. 93, advised the empire builders of his day that—

> Rome should war down and take possession of Ireland so that freedom might be put out of sight.

Thus, in this early Roman reference to Ireland we pick up for the first time the golden thread of Irish militant resistance to imperial exploitation, and this thread of courage and patriotism runs through all Irish history.

On the one side is the "warring down" so that freedom might be put out of sight, and on the other it is the eternal struggle to uphold the rights of free men.

Contemplating the Europe that existed before the Christian era, in the east we find Greece; in the west we find Ireland, and it is Ireland alone amongst the lands of western Europe that preserves the recorded traditions of its speech, culture, and song that connect the half of Europe with its ancestral past.

It was the Irish race that lit the lamp of genius in the brain of Europe.

When the unlettered Welsh and English ancestors of the Senator from Mississippi [Mr. WILLIAMS] and myself were staring in mute amazement at the Phœnician and Carthaginian navigators who, before the Christian era, visited the Scilly Islands, then called the "Islands of Tin," to obtain a supply of that metal, the Irish race was fully acquainted with the use of precious metals, the fabrication of fine linens, was fond of music and song, and was enjoying its literature.

When the Druids at Stonehenge, on Salisbury Plain, made their last midnight sacrifice, the triennial council of the Irish people was held at the great hall or court of Tara, where Irish kings and nobles assembled.

King Alfred the Great ascended the English throne in the year 871 A. D., and he was indeed one of the world's wisest and noblest men. He ruled for 30 years, and he proved himself to be a valiant warrior and an earnest patron of whatever promised to promote the good of his people, but long before Alfred ascended the English throne the Irish race had scattered throughout Europe manuscripts of priceless masterpieces limned by Irish scribes, such as the Book of Kells in the library of Trinity College at Dublin, acknowledged to be the most beautiful book in the world; indeed, into its pages are woven such a wealth of ornament and it has such an ecstasy of art that the colors are as lustrous, as fresh, and as soft as though it was the work of yesterday, but the book was made 1,200 years ago.

In the fields of oratory and poetry history swarms with the names of Irish orators and poets whose lips were touched by the Promethean fire.

Shakespeare tells us how imperial governments looked upon Ireland in his day. Historians will recall that Richard II landed in Ireland the first time in 1394, and Shakespeare, who erected a mighty dome which fills and glorifies the intellectual sky, made Richard II say this of Ireland:

> We will ourself in person to this war.
> And, for our coffers, with too great a court,
> And liberal largesse, are grown somewhat light,
> We are enforced to farm our royal realm;
> The revenue whereof shall furnish us
> For our affairs in hand; if that come short,
> Our substitutes at home shall have blank charters;
> Whereto, when they shall know what men are rich,
> They shall subscribe them for large sums of gold,
> And send them after, to supply our wants;
> For we will make for Ireland presently.

Again, speaking of his uncle, John of Gaunt, brother of Lionel, Duke of Clarence, Shakespeare said:

> Now put it, Heaven, in his physician's mind
> To help him to his grave immediately!
> The lining of his coffers shall make coats
> To deck our soldiers for these Irish wars.

Mr. NELSON. Mr. President, I want to say to the Senator that I am interested in his remarks, and he reminds me of the fact that my ancestors, the Northmen, sometimes called the Norse pirates, occupied Ireland for a hundred years. They had Norwegian kings in the city of Dublin, and I have an idea that they left some of their warlike and piratical spirit among the Irish.

Mr. ASHURST. I have no doubt they did; the Senator from Minnesota frequently leaves with us no piratical spirit, indeed, because he is too honorable to be a pirate, but he frequently leaves his warlike spirit with us, and when the seats here, which have known him for so many years, no longer know him, which I hope will be many years yet, he will be remembered with affectionate regard by his fellows who served with him here, because never in all his long service in public life has he seen fit to insult any of the races making up the United States, or any of our fellow citizens.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Arizona yield to the Senator from Georgia?

Mr. ASHURST. I yield.

Mr. WATSON of Georgia. I am sure it must be in the mind of the Senator, though he has not mentioned it, that the Irish planted religion and education in Europe. The great Emperor Charlemagne imported school-teachers from Ireland, and the great missionary Columbianus and others carried the Christian religion into western Europe. The greatest lawyers, the greatest orators, and some of the greatest poets, as well as the greatest warriors who ever lived, were Irish.

Mr. ASHURST. I thank the Senator for his reinforcement of my argument. I confess I would have overlooked it if I knew it. I do not know that I was aware of the fact, but since the Senator has refreshed my mind I will be glad to rest the case there, because I prefer to trust to the accuracy of the Senator from Georgia [Mr. WATSON] rather than to the accuracy of the Senator from Mississippi [Mr. WILLIAMS] on this Irish question, because I think the Senator from Georgia has no bias and no prejudice against any race, and for that he is to be congratulated.

As in legislative session,

LEGISLATIVE SUGGESTIONS.

Mr. MCNARY. I have received a very interesting letter from a citizen of the State of Oregon, open in its character, and he desires me to request that it be read in the Senate. I ask unanimous consent that it may be read at the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

> An open letter to all Members of the United States Congress, Senators and Representatives, Washington, D. C.
>
> PORTLAND, OREG., *March 5, 1922.*
>
> GENTLEMEN: In order that you may get an intelligent idea of economic conditions throughout the United States, I suggest that at the close of the present congressional session each of you don the usual dress of a farmer or industrial worker, have but a dollar or two in your pocket, and no check book.
>
> Thus, traveling incog, hike from your present luxurious surroundings to your home wherever that may be. Camp with the wayfarer; visit mines, factories, and farms; take potluck with Uncle Sam's children everywhere. See their daily routine, hear their plaints and prayers, heft their load of handicap and responsibility, estimate their love of home and country, their loyalty, courage, patience, and perseverance, get in touch with the great, throbbing heart of the American people.
>
> Then, when you have arrived at your own home, gather about you the most reliable and complete statistics of our Government and civil actuaries and figure out how these people are to pay the usury—wrongly

called interest—on our aggregated indebtedness, which—national, State, county, municipal, school districts, port districts, improvement districts, transportation corporations, industrial corporations, private mortgages, notes, and bank loans—is not less than $200,000,000,000, approximately $2,000 for each man, woman, and child in the United States.

At 6 per cent compounded annually this sum doubles itself in a little less than 12 years. Is it not time we quit the little side shows and gathered in the one big circus of human woes under one canvas?

In another 10 years mortgages will have taken both the Republican elephant and the Democratic ass. On what, gentlemen, will you then ride?

The estimated wealth of the United States is approximately $400,000,000,000. If we persist in our present monetary insanity, we have but to consider the accumulated results of the last 10 years to know what our circumstances will be 10 years hence.

The equilibrium beyond which even big business dare not go now confronts us. What are you going to do with the usury system which has brought us to our present deplorable state of affairs?

Cordially, yours,

C. L. LOCKE.

Mr. KING. May I inquire of the Senator from Oregon whether this is an argument in favor of the League of Nations, or against the bonus, or in favor of abrogating and repudiating the public debt entirely?

Mr. McNARY. I think it is very largely a reflection of some of the speeches and notions so eloquently expressed by the Senator from Utah.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, and that the House receded from its amendment numbered 4 to the said bill.

APPROPRIATIONS FOR DEPARTMENTS OF COMMERCE AND LABOR.

Mr. JONES of Washington submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10559) "making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 32, 33, 34, 37, 40, 46, 47, 48, 49, 50, 51, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 35, 36, 39, 44, 52, 53, 54, 55, 56, and 57; and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,508,410"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,300"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,200"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,400"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$802,340"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: On page 10 of the bill, in line 14, strike out "$1,741,780" and insert in lieu thereof "$1,737,680"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,176,975"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,206,810"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,651,805"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$589,380"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,916,020"; and the Senate agree to the same.

W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
Managers on the part of the Senate.

MILTON W. SHREVE,
E. C. HUTCHINSON,
W. B. OLIVER,
Managers on the part of the House.

Mr. JONES of Washington. This is a full agreement. I ask for the immediate consideration of the report.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Is there objection? The Chair hears none. The question is on agreeing to the conference report.

The report was agreed to.

THE MUSCLE SHOALS PLANT.

Mr. McNARY. Mr. President, a few days ago a desultory debate took place in the Senate regarding Muscle Shoals and the nitrate plant there, particularly with reference to the offer of Mr. Ford. The eloquent and distinguished Senator from Alabama [Mr. HEFLIN] seems to have agreed upon a verdict favorable to Mr. Ford, and evidently wants the Government to accept his offer. At that time I suggested and counseled that all these offers be given serious consideration, and, I think, expressed the opinion that the plant is more or less obsolete and that a change in the process would be necessary.

Having that in mind, I call attention to the fact that on Tuesday, March 14, there appeared an article in the Washington Post regarding the matter, which I ask unanimous consent to have read by the Secretary.

There being no objection, the Assistant Secretary read as follows:

[From the Washington Post, Tuesday, Mar. 14, 1922.]

SAYS FORD WOULD LOSE "LAST PENNY" ON PLANT—MUSCLE SHOALS, EXPERT DECLARES, CAN NOT PRODUCE COMMERCIAL FERTILIZERS.

Charles L. Parsons, consulting chemist and former technical adviser to the Government on nitrate fixation, testified yesterday before the House Military Committee that Henry Ford or any other person or company would "lose their last penny" before they ever produced commercial fertilizers at nitrate plant No. 2, at Muscle Shoals, Ala. The plant which has cost the Government about $69,000,000, the witness said, was designed to be operated only by the cyanamid process of nitrate fixation, an obsolete method, and was worthless as a fertilizer producer.

The cyanamid process was condemned by Mr. Parsons as obsolete and economically impossible, having been superseded, he declared, by improved methods. It was his conviction, he added, that the Muscle Shoals plant could not be redesigned to produce commercial fertilizers. This judgment was based, he explained, on a thorough investigation of the cyanamid plants in Europe, many of which were being closed down by bankrupt operators, while others already had gone out of business because they could not compete with establishments using the improvements.

Mr. HEFLIN. Mr. President, I merely wish to say a word at this juncture. Replying to the statement in the Washington Post which was read by request of my good friend the Senator

from Oregon [Mr. McNARY], it is in keeping with the suggestion I made a few days ago to the effect that the present plant at Muscle Shoals does not manufacture a complete fertilizer. Henry Ford will put in the necessary equipment at Muscle Shoals to manufacture fertilizer complete. I can not understand how any man of intelligence would write an article to the effect that fertilizers can not be manufactured at Muscle Shoals. There are a few fertilizer factories in my State now operating on a small scale. If they can manufacture fertilizer complete, why can not a man of Henry Ford's financial strength, skill, and genius put up a plant on a large scale and manufacture commercial fertilizer? There is no doubt on earth but that he will be able to do that. He is going to contract with the Government that he will do it and there is no doubt about his being able to do it. With the equipment already established at Muscle Shoals certain fertilizer ingredients can be manufactured now. Henry Ford has been to Muscle Shoals. He has seen the plants that now turn out certain fertilizer ingredients and he says that he can manufacture and that he will manufacture a complete fertilizer at Muscle Shoals. That is all I care to say just now.

RELIEF OF FARMERS IN CROP-FAILURE AREAS—CONFERENCE REPORT.

Mr. LADD. I ask leave to call up the conference report on Senate bill 2897, which I submitted yesterday. I do not think there will be any discussion of it.

The PRESIDING OFFICER. The Chair lays before the Senate the following conference report, which will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the sum $1,000,000 proposed by said amendment insert "$1,500,000"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"An act to appropriate $1,500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture."

And the House agree to the same.

The committee of conference have not agreed upon the amendment of the House numbered 4.

E. F. LADD,
PETER NORBECK,
JOHN B. KENDRICK,
Managers on the part of the Senate.

G. N. HAUGEN,
J. C. McLAUGHLIN,
Managers on the part of the House.

Mr. KING. This is a partial report, I understand?

Mr. LADD. No; it is a full report. The House recedes from amendment numbered 4.

Mr. KING. There are two messages from the House then.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House receding from amendment numbered 4 to the bill. The question is on agreeing to the conference report.

Mr. WARREN. Let me ask the Senator to what figure the report reduces the amount?

Mr. LADD. From $5,000,000 to $1,500,000. It cuts out the appropriation for feed altogether.

Mr. WARREN. This is for seed?

Mr. LADD. For seed entirely.

The report was agreed to.

BOARD OF ACCOUNTANCY FOR DISTRICT OF COLUMBIA.

Mr. CAPPER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes. It is a local bill reported unanimously from the Committee on the District of Columbia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. KING. Let the bill be read.

Mr. HARRISON. Reserving the right to object, I should like to know something about the purposes of the bill.

Mr. CAPPER. It proposes to create a board of accountancy in the District of Columbia. There is no regulation of any kind in so far as accountancy is concerned in the District. The bill is in line with the law in two-thirds of the States of the Union and is recommended by the Government departments in Washington, especially the Internal Revenue Bureau, which is most concerned.

Mr. JONES of Washington. Is it not correct that a school has been organized in the District to teach accountancy and is giving certificates, or rather diplomas, to people as certified public accountants without any regulation of the District or otherwise?

Mr. CAPPER. That is true.

Mr. JONES of Washington. The purpose of the bill is to provide a regulatory body to control and put them very much on the basis of similar work in the States where they are now controlled by State laws?

Mr. CAPPER. That is exactly the purpose of the bill. There is a so-called school here now that is issuing or pretending to issue certificates or diplomas which have really no value. The bill is intended to protect the District of Columbia against that sort of business.

Mr. HARRISON. So if the bill becomes a law, anyone who desires to become a public accountant must make application to some commission or board and pass an examination before a certificate is issued and before he can become a public accountant?

Mr. CAPPER. Before he can be a certified public accountant. I suggest that the report of the committee be read. It will explain the matter.

Mr. HARRISON. The bill is unanimously reported from the Committee on the District of Columbia?

Mr. CAPPER. Oh, yes.

Mr. HARRISON. And it has passed the House?

Mr. CAPPER. No; it is a Senate bill. It has the approval of the District Commissioners; it has the approval of the accountants of this city and of the various departments of the Government.

Mr. CUMMINS. Mr. President, I rise for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. CUMMINS. Does the record show that the Senate has returned to legislative session?

The PRESIDING OFFICER. It does not.

Mr. LODGE. It is done by unanimous consent.

The PRESIDING OFFICER. The request of the Senator from Kansas is for unanimous consent to proceed to the consideration of a bill.

Mr. CUMMINS. I merely wish to understand the status.

The PRESIDING OFFICER. Does the Senator from Utah ask that the bill be read? He made that request, and the reading was interrupted.

Mr. KING. I wish to ask a question or two in regard to the measure, and probably, if those answers are satisfactory, I shall not ask that it be read.

The PRESIDING OFFICER. The Chair has submitted the request of the Senator from Kansas for the present consideration of the bill, which has not yet been agreed to by the Senate. That is now pending.

Mr. KING. I do not object to its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

Mr. KING. May I inquire of the Senator from Washington or the Senator from Kansas whether they regard a bill of this character as necessary in the District?

Mr. CAPPER. There is a very strong demand for it. The District Commissioners believe that it is necessary. The Government departments here are very much interested in it. The Internal Revenue Bureau, which employs a large number of accountants and which is interested in accountancy as it is carried on in the District, particularly requests a measure of this kind. It is in line with laws that are now in effect all over the

country. It simply guarantees careful accountancy and some responsibility by certified public accountants.

Mr. KING. I understand there is a demand throughout the country, and I have had hundreds of letters from all parts of the United States urging that I support the bill. It seemed to me there must have been some propaganda or some persons interested in securing the passage of the measure, or there would not have been this appeal, which is nation-wide in character, in favor of the bill.

It looks as though this is in line with the demand that everybody who intends to prosecute a business shall get a license; that you have to put the stamp of the Government or some Government functionary upon everybody; that you must get a license before you can engage in any business.

Of course, I appreciate the fact that it is difficult to draw the line. Lawyers have to pass an examination. Even barbers now have to pass an examination. Practically everybody who practices any sort of a profession is compelled to pass an examination and get a license. After a while no one can be a farmer or a bricklayer or even a worker upon the streets unless he passes an examination and gets a license. You will have to have a Government stamp upon your back before you can do anything.

Mr. JONES of Washington. If the Senator will permit me, I think this is very much in line with the profession of law or of medicine and matters like that, because the certified public accountants do a special kind of business and that business requires special qualifications if it is to be done properly. I understand, although I may be mistaken, that there are only about 2,500 or 3,000 certified public accountants in the United States. To be a certified public accountant a man is supposed not only to have experience, but special training as well.

As I understand the situation here in the District, a school has been organized and issues what purports to be, and I suppose are, in the absence of regulations, certificates under which a person may claim to have a certificate as a duly certified public accountant. They may have practically no qualifications such as are generally required by public accountants in the States.

It is the purpose of the bill to see that the men who hold certificates as certified public accountants are duly qualified, just like I think everybody would concede that a man who is admitted to the bar should be admitted under such circumstances and regulations as will be a reasonable guaranty to the public that he has had the necessary training and has gone through the necessary studies. That is, the purpose of the bill with reference to certified public accountants in the District of Columbia is to see to it that the man who holds himself out as a certified public accountant has had the training that is generally required of those who hold certificates of that character. As I understand it there are now no such regulations in the District.

Mr. KING. May I say that a number of individuals have written me protesting against the bill. They say it is an attempt upon the part of a certain select few to monopolize the accountancy business of the United States; that the few want to get control of the bookkeeping or the accounting business in the various States, and then in the United States, and that they want to keep out of the work of accountancy those who do not take examinations.

Mr. JONES of Washington. The purpose of the committee, I am satisfied, is to protect the public, as far as it can be done by reasonable regulations, from men who are not fitted to do work they claim they are able to do, and which is work that requires special training and special qualifications.

Mr. KING. I call the attention of the Senator to the fact that in many lines of activity men representing themselves to be competent are employed, and the employer soon discovers their incompetency, if they prove to be incompetent, and discharges them and seeks somebody else to perform the task.

Mr. JONES of Washington. Of course, that is true; but I do not think the Senator would contend for a moment that anybody who wants to practice law should be permitted to do it without any preparation or special qualification. I think that the work of a certified public accountant, so far as I know it, although I am not an accountant, is work which requires special training and special study in order that a man may be fitted to do it. If I had anything of the kind to be done, I would want to know that the man I was employing had had reasonably proper training.

It is a question of the interest of the public. It may, of course, result in keeping some people out of that business who would like to go into it without any special preparation. Possibly a good many people might like to go into law without being required to go through a certain course of study, and all that sort of thing, but in the interest of the public regulations are made and boards are provided, so that the man who holds a certificate along certain lines may be assumed at least to be reasonably well qualified to do the work.

Mr. KING. I wish to call the attention of the Senator to a complaint which was made by a merchant in a communication to me. He stated that in order to get credit he had to furnish from a certified accountant the condition of his business, his liabilities, assets, and so forth, and that the certified accountants seemed to be banded together; that they charged him $50 a day to make the examination; and that it took weeks, whereas a competent bookkeeper, one who had kept his books and who knew the business, could have furnished such a statement within a day or two, or two or three days, at the outside; but he was not permitted to employ him or one of that character; that his own bookkeeper knew far more about accountancy than did the certified accountant; and that he was compelled to pay hundreds of dollars in order to furnish that statement.

There is complaint that legislation of this kind is in the interest of a select few; that it is to build up an organization composed of the elite and to let them monopolize the business. Of course, they convey the idea that no one else is competent to submit a report or to examine books except members of their particular organization. I am not criticizing the public accountants, for I know many of them, and they are very able men.

Mr. JONES of Washington. I wish to suggest that in the case cited by the Senator the public accountant probably was not responsible for the request that he be employed, but that the man to whom application was made for a loan insisted before he would make the loan, or whatever the transaction was, that a report should be made to him by persons in whom he had confidence. That is a very natural attitude. While the merchant to whom the Senator from Utah referred may have been satisfied that his bookkeeper could have made a satisfactory report—and he might have been able to do so; I do not know—nevertheless, as I have indicated, the man who was furnishing the accommodation would not be satisfied with such a report. I can very naturally see how that would be true. If I had a large amount of money to invest in a very complicated business, at any rate, or in making a loan, I should want a report from a man who I was confident knew what he was doing when he was preparing his report.

Mr. KING. Mr. President, this legislation, of course, is in line with the legislation which is being enacted in the States and in municipalities and in Congress. It presupposes the incapacity of the people to look after their own business. We have to have boards and commissions and organizations and Federal and State and municipal supernumeraries to put their hands upon the people. After awhile we shall have more boards and commissions and officials than we shall have persons who work; we shall have just two classes—those who toil and the great class of officeholders, and the latter will outnumber the toilers. Instead of each toiler carrying a soldier on his back he will carry an officeholder or some member of a commission. I suppose, however, we can not stem the tide of this legislation, for it seems to be quite agreeable to the sentiment of the people.

Mr. JONES of Washington. I have much sympathy with the latter suggestions of the Senator from Utah, I will say.

Mr. SHEPPARD. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHEPPARD. Has the Senate resumed legislative session?

The PRESIDING OFFICER. By unanimous consent the request to consider the bill was granted. The Chair considered the bill, of course, a legislative proposition, and assumed that the Senate had resumed its legislative session only to the extent of the consideration of the bill.

Mr. SHEPPARD. I did not understand that the request was to have the bill considered as in legislative session. I simply wanted to have the RECORD show that it was being so considered.

The PRESIDING OFFICER. The Chair so understood. The amendments reported by the Committee on the District of Columbia will be stated.

The bill had been reported from the Committee on the District of Columbia with amendments, in section 4, page 3, line 12, after the word "or" to insert the word "one"; in line 15 to strike out the letter "c" and to insert the letter "b"; in the same line to strike out the letter "d" and insert the letter "c"; in line 17 to strike out the letter "e" and insert the letter "d"; in line 20 to insert a comma after the word "accountant"; in line 22 to strike out the letter "f" and insert the letter "e"; on page 4, line 4, to strike out the letter "e" and to insert the letter "d"; in line 11 to strike out the letter "e" and insert

"d"; and in line 14 to strike out the words "provided such person also holds the diploma required in said clause (e)," so as to make the section read:

SEC. 4. That the board of accountancy shall not grant a certificate as a certified public accountant to any person other than (a) a citizen of the United States, or one who has duly declared his or her intention of becoming such citizen, who is over the age of 21 years, and (b) of good moral character, (c) who is a graduate of a high school with a four years' course or has had an equivalent education, and (d) who has received a diploma from some recognized school of accountancy and has had one year's experience in the employment of a practicing certified public accountant, or has had three years' experience in the employ of a practicing certified public accountant, and (e) except under the provisions of section 6 of this act, who shall have successfully passed examinations in the theory and practice of general accounting, in commercial law as affecting accountancy, and in such other related subjects as the board may deem advisable: *Provided*, That the board of accountancy may waive the provision for accounting experience as set forth in clause (d) above, and in lieu thereof may hold in abeyance a certificate to any person who shall otherwise have qualified until such time as the applicant can prove to have served two years in the employ of a practicing certified public accountant: *Provided further*, That the board may waive the requirement for service in the employ of a practicing certified public accountant, as set forth in clause (d) above, in the case of any person who has had not less than five years' actual and continuous experience in auditing the books and accounts of other persons in three or more distinct lines of commercial business, but nothing contained in this act shall be construed as granting any power to waive any provision of this act other than as set forth herein, nor shall any such waiver be granted except by the unanimous vote of the members of the board.

The amendments were agreed to.

Mr. KING. I should like to inquire of the Senator from Kansas whether this bill imposes any charge upon the District of Columbia and whether it imposes any limitation upon the compensation which the board of accountancy may charge for their services?

Mr. CAPPER. It provides for a charge of $25 for an examination, which will take care of the cost of conducting the examination and the expenses of the board.

Mr. KING. The board, then, may absorb the entire amount they receive from the applicants for licenses?

Mr. CAPPER. The board is appointed by the commissioners, and are officers subject to their direction the same as is any other board in the District of Columbia.

Mr. KING. The point I am trying to get at is that there is no charge upon the District?

Mr. CAPPER. Not at all.

Mr. KING. Is this board permitted to absorb all of the income which is derived from the applicants?

Mr. CAPPER. No; they must turn in the fees to the District of Columbia?

Mr. KING. What will they receive for their services? If there were 1,000 applicants in a year, the collections would amount to $25,000. Would the board absorb it all? Is there any limitation?

Mr. CAPPER. The provision of the bill governing that matter reads as follows:

From the fees collected under this act the board shall pay all expenses incident to the examinations, the expenses of issuing certificates, and traveling expenses of the members of the board while performing their duties under this act; and if any surplus remain on the 30th day of June of each year the members of the board shall be paid therefrom such reasonable compensation as the Commissioners of the District of Columbia may determine: *Provided*, That no expenses incurred under this act shall be a charge against the funds of the United States nor the District of Columbia. The board shall annually report the number of certificates issued and the receipts and expenses under this act during each fiscal year to the Commissioners of the District of Columbia.

Mr. KING. Then, they have to wait until the end of the year to find out how much has been received, and the commissioners then determine what compensation shall be paid each member of the board?

Mr. CAPPER. They make return of the fees received to the District Commissioners.

Mr. KING. The Senator read something about traveling expenses. What traveling expenses will they have?

Mr. CAPPER. Traveling expenses in the District of Columbia, of course, can not be very much of an item.

Mr. KING. It is not intended that they shall go outside of the District to make examinations?

Mr. CAPPER. Not at all.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GULF, FLORIDA & ALABAMA RAILWAY CO.

Mr. FLETCHER. Mr. President, as in legislative session, I ask unanimous consent for the immediate consideration of the bill (S. 2599) for the relief of the receiver of the Gulf, Florida & Alabama Railway Co. The bill was introduced over a year ago; and was referred to the Committee on Claims. It has the unanimous report of that committee, and the recommendation of the department. It has also passed the scrutiny of the Budget authorities.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida for the immediate consideration of the bill?

Mr. KING. Reserving the right to object, I ask that the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The bill was read as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $27,008.04, for the relief of the receiver of the Gulf, Florida & Alabama Railway Co. as full compensation for amounts expended and unreclaimable in connection with the construction of an extension of tracks to the United States naval air station and yard at Pensacola, Fla.

Mr. KING. May I inquire of the Senator if appropriations have not been made for the Navy Department to meet that charge, if it is a charge against the Navy Department?

Mr. FLETCHER. No; the Navy Department have no funds out of which to pay it. The Secretary of the Navy recommends the passage of this bill; the Navy Department have examined it and admit they ordered the railroad track built to the air station and the expense to be incurred by the railroad company. They have checked up the amount and find it accurate and recommend the passage of the bill.

Mr. KING. Mr. President, would the Senator object to having an amendment added to the bill providing that the amount appropriated shall be a charge against the Navy Department? The point I have in mind is this: We frequently make appropriations for Army expenses or for Navy expenses which are not charged either to the Army or to the Navy, and when we seek to ascertain the expenses of the Army or the Navy many items which are chargeable against those services are charged to some other fund, and the result is we do not always know what the Army and the Navy cost.

Mr. FLETCHER. The transaction involved in this bill was incident to the operations carried on during the war. The track was built for the naval air station during the war, and the expense was incurred at the instance of the Navy Department. There is no question about that. I repeat the Secretary of the Navy has recommended this course. I do not know how we could amend the bill so as to provide that the amount appropriated shall be charged to the Navy. The bill speaks for itself in that connection. As I have said, it grows out of the naval operation at the naval air station at Pensacola.

Mr. KING. I should like to ask the Senator why it has not been included in some naval bill?

Mr. FLETCHER. I do not know that it belongs on the naval appropriation bill. It should properly, I think, come in the form of a separate bill. The Navy Department has no funds to take care of it otherwise.

Mr. CUMMINS. Mr. President, is this one of the expenditures made by the Director General of Railroads under the Federal control act?

Mr. FLETCHER. I think the director general ordered it.

Mr. CUMMINS. If this is one of the expenditures made by the director general as an addition to or a betterment of a railroad of which he was in possession, then the railroad became bound, under the terms of that act, to repay the Government of the United States the amount so expended. I do not know just how the expenditure was made, or when it was made; but if it is one of the expenditures made by the director general for additions or betterments to a railroad the Government is under no obligation whatever to pay that money.

Mr. FLETCHER. This is only what has remained after salvaging everything in connection with it. This expenditure was incurred at the instance of the Navy Department and is the balance due this company. The Secretary of the Navy reports:

Further replying to the committee's letter of October 24 last, you are informed that careful consideration has been given to Senate bill 2599, "For the relief of the Gulf, Florida & Alabama Railway Co."

In May, 1918, it was deemed advisable to obtain the extension of the tracks of the Gulf, Florida & Alabama Railway Co. to the naval air station at Pensacola, Fla., and an arrangement was made with the receiver of the road having that end in view.

The right of way was acquired by the receiver and the grading done and the material necessary purchased, but the road had not been finished at the signing of the armistice, with the consequent discontinuance of its construction.

Such portions of the material as were available were used by the receiver on other parts of the railway under his control, but there remained expenditures for right of way, grading, bridges, etc., which could not be salvaged. These amounted to $27,008.04—

The amount in this bill.

While it is probable that the receiver at the inception of this work anticipated that he would be reimbursed through the traffic to be obtained, it is also true that the early discontinuance of the work, before the receipt of any traffic earnings, was not anticipated. I am therefore

of the opinion that this legislation should pass, and recommend favorable action by the Congress.

A clear comprehension of the entire question may be obtained from the statement of claim filed by the receiver, of which a copy is herewith transmitted for your information.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3 (b) of Circular No. 49 of that bureau, and the director advises that this request for legislation is not in conflict with the financial program of the President.

Sincerely, yours,

THEODORE ROOSEVELT,
Acting Secretary of the Navy.

Mr. CUMMINS. I take it from the statement just read that the Senator is in error with regard to the conditions under which the additions or betterments were made. They were not made by the director general.

Mr. FLETCHER. No; and they were not really completed when the armistice was signed.

Mr. CUMMINS. The Federal control act did not end with the armistice.

Mr. FLETCHER. No. They were made by the receiver at the instance of the Navy Department.

Mr. CUMMINS. With that understanding I make no objection to the bill; but if the director general made the improvements or ordered the betterments, then under the terms of the act which control him there would be no liability on the part of the United States. On the contrary, the railroad company itself, if the director general expended the money, would be under obligation to return the money so expended.

Mr. FLETCHER. I misunderstood the Senator. That was not the situation here. The claim is a very just one.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I should like to ask the Senator from Iowa whether this provision, which I find in the report, would change the conclusion which he now apparently has reached? I see an agreement here signed by the syndicate managers of the reorganization of the Gulf, Florida & Alabama Railway Co., and so forth, as follows:

Agreement made this ——— day of June, 1918, between John T. Steele and W. F. Fugua & Co., as syndicate managers under the plan and agreement for reorganization of the Gulf, Florida, & Alabama Railway Co., dated November 2, 1917, party of the first part, hereinafter known as the "syndicate managers," and the Capital Issues Committee, party of the second part, hereinafter known as the "committee."

Then the agreement proceeds to set forth certain conditions under which, I suppose, issues might be made. Is there anything there which would indicate——

Mr. CUMMINS. No; the War Finance Corporation furnished some of the money which the director general expended, but under the law the director general went forward and spent or agreed to spend whatever money was necessary to put properties in the proper condition to operate and to make such extensions as the war service required at that time; but the same agreement provided that the railroad companies should return to the Government the moneys thus expended, and they are doing that now. They must return altogether more than a billion dollars; and I thought, from the first reading of the bill, that this might have been an expenditure made under that act.

Mr. FLETCHER. No.

Mr. CUMMINS. From the reading of the report, however, I take it that it was not made by the director general at all.

Mr. FLETCHER. No; not at all. The road was released entirely in order that the receivers might make this contract with the Navy Department.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7881) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements, which was read, as follows:

Be it enacted, etc., That the governor of the Territory of Hawaii is hereby authorized and directed to ratify and carry into effect the agreements made by the commissioner of public lands of the Territory of Hawaii with certain homesteaders, referred to in the resolution adopted by the senate and house of representatives of the Territory of Hawaii, April 26, 1917; also to issue land patents to those living up to the terms of the agreements when the same have been completed; also to issue land patents to those who have already complied with all the terms of their agreements, and to ratify and confirm the land patents already issued to homesteaders in accordance with the provisions of the resolution of the senate and house of representatives, Territory of Hawaii, of April 26, 1917, above mentioned.

SEC. 2. That the governor shall report to the Secretary of the Interior the action taken by him hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. B. WATERMAN.

Mr. WILLIS. Mr. President, some days ago—the last day we worked on the calendar—the Senate passed over Order of Business 467, Senate bill 1059, for the relief of J. B. Waterman. That is a bill in which I am very much interested, but it was passed over on objection of the Senator from Utah [Mr. KING], who desired an opportunity to examine it. I wondered whether he had sufficiently examined it so that he would permit it to be taken up at this time.

Mr. KING. Mr. President, I have asked for some additional information in regard to the bill. I have it on my desk. I shall be glad to have the Senator call up the bill for consideration on the next calendar day.

Mr. WILLIS. That will be satisfactory.

REVENUES AND EXPENSES OF RAILROADS.

Mr. KENDRICK. Mr. President, on Monday last the Senate passed Senate resolution 257, which provided for printing as a Senate document volumes 3 and 4 of the hearings before the Interstate Commerce Committee of the Senate on the railroad question. Before introducing that resolution I made inquiries which showed, as I thought, that it was authorized as to cost; but it seems that the cost will be in excess of the amount which, under the law, can be expended for the printing of a document. I therefore ask unanimous consent that the Senate reconsider the vote by which that resolution was agreed to.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. I have no objection to that request.

The VICE PRESIDENT. Without objection, the vote whereby the Senate adopted the resolution will be reconsidered. The question now is on the adoption of the resolution.

Mr. KENDRICK. Mr. President, I desire to say that I have made closer inquiry, and I find that one of these volumes—volume 4—can be printed easily within the limit of expense allowed in the case of such documents. I therefore send to the desk a substitute resolution which I ask unanimous consent to have considered at this time.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be read.

The reading clerk read as follows:

Resolved, That there be printed as a Senate document volume 4 of the hearings before the Committee on Interstate Commerce of the United States Senate, held pursuant to Senate resolution No. 23, Sixty-seventh Congress, relative to the revenues and expenses of railroads which report to the Interstate Commerce Commission, and that 2,500 additional copies be printed for the Senate document room.

Mr. CUMMINS. Mr. President, I do not intend to object either to the present consideration of this resolution or to its adoption; but I think I ought to state in connection with the adoption of this resolution, if it be adopted, that this request

must inevitably be followed by other requests which will include other parts of the testimony which has been taken under the original resolution to which reference has been made.

The committee of which I am chairman has been taking testimony now for 10 months—not all the while, of course, but we have taken a great deal of testimony—and I suppose that the evidence, broadly speaking, presents the most complete statement of railroad earnings and railroad expenses and railroad history that can be found in any one volume or any one place. If this part of the testimony is made a public document—and I have no objection in the world—then when other requests are made that other parts of the testimony shall also be made public documents, I shall feel constrained to insist that those requests be granted, in order to be entirely fair to all the interests that are involved in this investigation.

The testimony as a whole is very voluminous. I do not know how much it would cost to reprint all of it, but it would cost a very considerable sum.

Mr. UNDERWOOD. Mr. President, I am a member of the committee which held the investigation. The subject matter of the investigation is one of very vast importance. I wish the railroad question were settled, if it could be settled right, but it is still a question which is before the Congress and before the country. These hearings have been held. It is not alone for the benefit of the members of the committee that the hearings were held. The reflected view of the country should be had on these hearings. Some of the testimony which has come before the committee I can agree with; other testimony I disagree with; but I would like to hear the viewpoint of those who are interested, and unless we publish these hearings I do not see that there is a great deal accomplished by having the hearings.

It is not like an ordinary case. These hearings involve almost a scientific determination of this question, and I think the best evidence of the necessity of the publication is the desire on the part of people to read it. It may cost a good deal of money, and I am in thorough accord with the idea of cutting down expenses where we can; but this is not a dead issue; it is a live one. The purpose of the committee in taking the testimony was to make it public, and unless we are going to allow a resolution of this kind to go through, when there is a real demand for the testimony, which I have no doubt is backed up, or the Senator from Wyoming [Mr. KENDRICK] would not request it, there is no necessity for holding hearings. So I think the resolution should be agreed to.

Mr. CUMMINS. I am not objecting to the adoption of this resolution, but it must be remembered that all this testimony has been printed and is now in print, but all the copies which the law allows to be printed have been exhausted. There is a very general, widespread demand for this testimony. One class of people want one volume of it; another class of people want another volume of it.

Mr. WARREN. Will the Senator yield for a question?

Mr. CUMMINS. Certainly.

Mr. WARREN. Is the Senator informed as to what it would cost per thousand to reprint this testimony, it being in print already?

Mr. CUMMINS. No; I am not informed. There is one volume, and possibly a little more, which comprises the evidence of a single witness, covering 450 or 500 pages, somewhere in that neighborhood. Certain unions which are particularly interested in the testimony of that witness, who was a very highly accomplished economist, ordered fifteen or twenty thousand copies of it, paying for it, of course; but in printing that number the type, if it be called type, was worn out, and all of it will have to be reset. So I can not give an estimate of the cost of reprinting the whole of the testimony.

Mr. KENDRICK. I want to say to my colleague that the estimate given to me of the cost of printing 2,500 copies of volume 4 is $414.80. I have no objection to a reprint of the entire testimony given before the committee, of course, but this is the only part of the testimony for which I have had requests.

Mr. WARREN. I thank my colleague for that information. A continuous demand has come to my office for copies of the entire hearing, and I would be glad to know at the earliest opportunity what it would cost to print a very large number, for I am satisfied that the demand will be very great. I shall support the resolution of my colleague, and after that is disposed of I hope we may get further information as to what it would cost to reprint the whole testimony.

Mr. JONES of Washington. Does not the Senator think it would be well to refer the resolution to the Committee on Printing, which is supposed to look into all such matters for the Senate? I have no objection to the resolution, except that it does seem to me that the committee of the Senate which is supposed to advise the Senate with reference to such matters should give it consideration. It might be well, in considering it, to go into the question of printing some of the other testimony. The senior Senator from Wyoming [Mr. WARREN] has just stated that he has had requests for other parts of the testimony.

Mr. FLETCHER. Has the Senator from Wyoming obtained an estimate of the cost of printing what he asks shall be printed?

Mr. KENDRICK. The estimate is $414.80 for this one volume. The Senate on last Monday authorized the publication of volumes 3 and 4, but I was informed later that the publication of those two volumes would cost an amount in excess of the $500 limit.

Mr. FLETCHER. The Senate can expend only $500 for printing. A greater cost requires a concurrent resolution of the two Houses.

Mr. KENDRICK. I therefore ask the Senate to adopt this resolution instead, so that we can have volume 4 for immediate use. I have had a number of requests for it, and I find that almost every Senator with whom I have discussed it has also had requests for it.

Mr. JONES of Washington. Was the resolution which was passed last Monday, and for which this is offered as a substitute, referred to the Committee on Printing and reported by that committee?

Mr. KENDRICK. It was passed without referring it to the committee.

Mr. JONES of Washington. I am very sorry that was done. I think all such resolutions ought to go to the Committee on Printing; but as the resolution has passed the Senate and the Senate now has reconsidered its action on that resolution, so as to consider a resolution which does not carry such a large appropriation, I shall not object to it at this time. Hereafter, however, if such a resolution is offered when I am on the floor, I think I shall insist that it shall go to the Committee on Printing, which is supposed to advise the Senate with reference to such matters.

Mr. KENDRICK. The only objection I would have to referring it to the committee is that it would delay the printing just that long. Demands have been coming to my office for these volumes for several weeks past.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from Wyoming [Mr. KENDRICK] to the pending resolution.

The READING CLERK. On page 1, line 2, strike out the words "volumes 3 and" and insert the word "volume," so that it will read;

That there be printed as a Senate document volume 4 of the hearings, etc.

The amendment was agreed to.

The resolution as amended was agreed to.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in secret session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate, as in legislative session, took a recess until to-morrow, Friday, March 17, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 16, 1922.

COLLECTOR OF INTERNAL REVENUE.

John W. Hering, of Milford, Del., to be collector of internal revenue for the district of Delaware in place of Henry T. Graham.

RECEIVER OF PUBLIC MONEYS.

Frank O. Northrup, of Oregon, to be receiver of public moneys at Portland, Oreg., vice George I. Smith, term expired.

POSTMASTERS.

ALABAMA.

Andrew J. Beard to be postmaster at Jacksonville, Ala., in place of E. G. Caldwell, removed.

ARIZONA.

Neil Carlson to be postmaster at Camp Verde, Ariz. Office became presidential April 1, 1921.

ARKANSAS.

Fred H. Price to be postmaster at Gurdon, Ark., in place of A. D. Agee. Incumbent's commission expired January 24, 1922.

Bunyan Gilbert to be postmaster at McRae, Ark. Office became presidential January 1, 1921.

CALIFORNIA.

William F. Knight to be postmaster at Pasadena, Calif., in place of Clark McLain. Incumbent's commission expired January 24, 1922.

Charles H. Windham to be postmaster at Long Beach, Calif., in place of W. J. Desmond. Incumbent's commission expired January 24, 1922.

Lena E. Reed to be postmaster at Stagg, Calif. Office became presidential January 1, 1922.

Carl G. Lykken to be postmaster at Palm Springs, Calif. Office became presidential July 1, 1921.

Lillian C. Linde to be postmaster at Keeler, Calif. Office became presidential January 1, 1922.

Wayne E. Dorman to be postmaster at Casmalia, Calif. Office became presidential July 1, 1921.

Eugene S. Franscioni to be postmaster at Soledad, Calif., in place of William Weber. Incumbent's commission expired June 27, 1920.

Warren A. Bradley to be postmaster at Gustine, Calif., in place of W. A. Bradley. Incumbent's commission expired January 24, 1922.

COLORADO.

Frank L. Dodge to be postmaster at Denver, Colo., in place of B. F. Stapleton, resigned.

Edward F. Watt to be postmaster at Fraser, Colo. Office became presidential August 1, 1921.

Edward W. Roscoe to be postmaster at Ridgway, Colo., in place of Judith Nichols. Incumbent's commission expired January 24, 1922.

CONNECTICUT.

James Geddes to be postmaster at Waterbury, Conn., in place of E. M. O'Brien, resigned.

George A. Kunisch to be postmaster at Cornwall Bridge, Conn. Office became presidential January 1, 1922.

FLORIDA.

Edith H. Frazier to be postmaster at Zephyrhills, Fla., in place of J. L. Geiger. Incumbent's commission expired January 31, 1922.

Silas E. Yon to be postmaster at Blountstown, Fla., in place of S. E. Yon. Incumbent's commission expired January 31, 1922.

GEORGIA.

Emmett D. Dial to be postmaster at Woodstock, Ga. Office became presidential January 1, 1921.

Henry A. Moses to be postmaster at Uvalda, Ga. Office became presidential April 1, 1921.

James E. Mathis to be postmaster at Stockton, Ga. Office became presidential July 1, 1921.

Robert J. Walsh to be postmaster at Garfield, Ga. Office became presidential January 1, 1921.

IDAHO.

Russell C. Plummer to be postmaster at Homedale, Idaho. Office became presidential October 1, 1920.

Florence M. Shockey to be postmaster at Firth, Idaho. Office became presidential July 1, 1921.

ILLINOIS.

Oliver E. Ray to be postmaster at Poplar Grove, Ill. Office became presidential October 1, 1921.

May B. Rush to be postmaster at Edgewood, Ill. Office became presidential April 1, 1921.

Robert L. Endicott to be postmaster at Crossville, Ill. Office became presidential April 1, 1921.

Ira A. Coltrin to be postmaster at Cave in Rock, Ill. Office became presidential April 1, 1921.

Gustav H. Beckemeyer to be postmaster at Beckemeyer, Ill. Office became presidential April 1, 1921.

George E. Stauffer, jr., to be postmaster at Baylis, Ill. Office became presidential January 1, 1921.

Edward F. Griffin to be postmaster at Pawpaw, Ill., in place of W. A. Woods. Incumbent's commission expired February 4, 1922.

Henry W. Schilling to be postmaster at Noble, Ill., in place of F. M. Martin. Incumbent's commission expired August 1, 1921.

William Sargent to be postmaster at Griggsville, Ill., in place of A. P. Ferguson, removed.

Roger Walwark to be postmaster at Ava, Ill., in place of F. W. Meisenheimer, removed.

INDIANA.

John L. Walker to be postmaster at Lexington, Ind. Office became presidential October 1, 1921.

IOWA.

Earl P. Tucker to be postmaster at Panora, Iowa, in place of J. W. Morris. Incumbent's commission expired January 24, 1922.

Earl E. Shibley to be postmaster at Lone Tree, Iowa, in place of M. J. Harty. Incumbent's commission expired January 24, 1922.

KANSAS.

Florence M. Heinz to be postmaster at Grainfield, Kans. Office became presidential January 1, 1921.

Francis E. Williams to be postmaster at Elgin, Kans. Office became presidential July 1, 1920.

Ellen G. Fairley to be postmaster at Chautauqua, Kans. Office became presidential April 1, 1921.

Bertha McClair to be postmaster at Carbondale, Kans. Office became presidential January 1, 1921.

Ernest W. Sloop to be postmaster at Lyndon, Kans., in place of R. H. Miles. Incumbent's commission expired July 23, 1921.

KENTUCKY.

Snowden Shirley to be postmaster at Sanders, Ky. Office became presidential January 1, 1921.

LOUISIANA.

Clifford P. Connell to be postmaster at Haughton, La. Office became presidential April 1, 1921.

Jesse M. Talbot to be postmaster at Bernice, La., in place of J. M. Melton. Incumbent's commission expired January 31, 1922.

MAINE.

Ambrose W. Kneeland to be postmaster at Easton, Me. Office became presidential January 1, 1921.

Mae L. Berry to be postmaster at Denmark, Me. Office became presidential January 1, 1922.

Edward Johnson to be postmaster at Monson, Me., in place of A. C. Gilbert. Incumbent's commission expired January 24, 1922.

MARYLAND.

Carroll L. Smith to be postmaster at Walkersville, Md. Office became presidential January 1, 1921.

Alice C. Widmeyer to be postmaster at Hancock, Md., in place of Benjamin Mitchell. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

Myron M. White to be postmaster at South Duxbury, Mass. Office became presidential January 1, 1922.

Delano E. Chase to be postmaster at Linwood, Mass. Office became presidential July 1, 1921.

Raymond C. Hazeltine to be postmaster at Clemsford, Mass., in place of P. H. Haley. Incumbent's commission expired January 24, 1922.

MICHIGAN.

Otto L. Wickersham to be postmaster at Onaway, Mich., in place of J. F. McEvoy. Incumbent's commission expired September 1, 1920.

James M. Bonine to be postmaster at Vandalia, Mich. Office became presidential April 1, 1921.

George W. Davis to be postmaster at Tekonsha, Mich., in place of B. R. Osborn. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Francis H. Densmore to be postmaster at Wilmont, Minn. Office became presidential January 1, 1921.

Elmer H. Magaw to be postmaster at Lester Prairie, Minn. Office became presidential April 1, 1920.

George M. Young to be postmaster at Perham, Minn., in place of M. J. Daly, resigned.

Joseph Huelskamp to be postmaster at Gaylord, Minn., in place of Joseph Huelskamp. Incumbent's commission expired January 24, 1922.

MISSISSIPPI.

Laura L. McCann to be postmaster at Norfield, Miss. Office became presidential April 1, 1921.

Sedley B. Thomas to be postmaster at Terry, Miss., in place of S. B. Thomas. Incumbent's commission expired January 24, 1922.

MISSOURI.

Albert G. Reeves to be postmaster at Lucerne, Mo. Office became presidential October 1, 1921.

Fred L. Mills to be postmaster at Commerce, Mo. Office became presidential January 1, 1921.

James L. Creason to be postmaster at Camden, Mo. Office became presidential October 1, 1921.

Edward Early to be postmaster at Baring, Mo. Office became presidential July 1, 1921.

Thompson F. Wommack to be postmaster at Fair Grove, Mo. Office became presidential October 1, 1921.

Clarice H. Lloyd to be postmaster at Valley Park, Mo., in place of J. S. Herrington. Incumbent's commission expired May 10, 1920.

NEBRASKA.

Minar Anderson to be postmaster at Elwood, Nebr., in place of Frank Haworth, resigned.

NEW HAMPSHIRE.

Josie L. Pascoe to be postmaster at Chocorna, N. H. Office became presidential January 1, 1922.

NEW JERSEY.

La Mott Hartshorn to be postmaster at Manville, N. J., in place of G. E. Holladay, resigned.

Harvey K. Trumpore to be postmaster at Califon, N. J., in place of J. B. R. Clark. Incumbent's commission expired January 24, 1922.

NEW YORK.

Chester J. Hinman to be postmaster at Palenville, N. Y., in place of C. J. Hinman. Incumbent's commission expired January 24, 1922.

William F. Hadley to be postmaster at North Bangor, N. Y., in place of W. F. Hadley. Incumbent's commission expired January 24, 1922.

Isaac Bedford to be postmaster at Thiells, N. Y. Office became presidential January 1, 1922.

Truly Merritt to be postmaster at Brewerton, N. Y. Office became presidential January 1, 1922.

May L. McLaughlin to be postmaster at Blue Mountain Lake, N. Y. Office became presidential January 1, 1922.

Sutherland Lent to be postmaster at Sloatsburg, N. Y. Office became presidential October 1, 1921.

Everett W. Penney to be postmaster at Eastport, N. Y. Office became presidential October 1, 1920.

Albert H. Clark to be postmaster at Silver Springs, N. Y., in place of L. R. Grover. Incumbent's commission expired January 24, 1922.

Alfred B. Kent to be postmaster at Nunda, N. Y., in place of J. P. Boyle. Incumbent's commission expired January 24, 1922.

Donald M. Dickson to be postmaster at Andes, N. Y., in place of G. M. Miller. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

John L. Vest to be postmaster at Rosemary, N. C., in place of W. C. Bass, resigned.

Lawson M. Almond to be postmaster at Albemarle, N. C., in place of J. D. Bivins. Incumbent's commission expired July 21, 1921.

Arthur T. Willoughby to be postmaster at Ahoskie, N. C., in place of L. T. Sumner, removed.

Julia B. Greer to be postmaster at Moravian Falls, N. C. Office became presidential January 1, 1921.

Minnie T. Moore to be postmaster at Atkinson, N. C. Office became presidential January 1, 1921.

Jethro A. Hooper to be postmaster at Elizabeth City, N. C., in place of A. L. Pendleton. Incumbent's commission expired January 24, 1922.

NORTH DAKOTA.

Bernard E. Rierson to be postmaster at Regan, N. Dak. Office became presidential October 1, 1921.

George Klier, jr., to be postmaster at Bisbee, N. Dak., in place of J. W. Schulenberg. Incumbent's commission expired January 24, 1922.

OHIO.

Cassius C. Stephenson to be postmaster at Yellow Springs, Ohio, in place of C. H. Hackett. Incumbent's commission expired January 31, 1922.

Monto B. Coffin to be postmaster at New Vienna, Ohio, in place of R. C. Hale. Incumbent's commission expired January 31, 1912.

Wilbur M. Shaw to be postmaster at Lakeview, Ohio, in place of E. L. Davis. Incumbent's commission expired March 16, 1921.

Francis M. Hiett to be postmaster at Spring Valley, Ohio. Office became presidential October 1, 1921.

Franklin H. Smalley to be postmaster at Jeromesville, Ohio. Office became presidential October 1, 1920.

Bertha Warner to be postmaster at Macksburg, Ohio. Office became presidential January 1, 1922.

Ruth Seabert to be postmaster at Alger, Ohio. Office became presidential April 1, 1921.

Mary B. Wanamaker to be postmaster at Cortland, Ohio, in place of C. C. Hadsell. Incumbent's commission expired January 31, 1922.

James F. Bumpus to be postmaster at Butler, Ohio, in place of I. L. McCullough. Incumbent's commission expired January 31, 1922.

OKLAHOMA.

Dan Voorhees to be postmaster at Walters, Okla., in place of J. H. English, deceased.

Roscoe C. Fleming to be postmaster at Tishomingo, Okla., in place of J. M. Loper. Incumbent's commission expired January 5, 1920.

Bruce Hueston to be postmaster at Kellyville, Okla. Office became presidential January 1, 1921.

PENNSYLVANIA.

Philip W. Hunt to be postmaster at St. Davids, Pa., in place of E. D. Lockard, resigned.

SOUTH CAROLINA.

Mollie W. Tittle to be postmaster at Troy, S. C. Office became presidential April 1, 1921.

SOUTH DAKOTA.

James Gaynor to be postmaster at Springfield, S. Dak., in place of James Gaynor. Incumbent's commission expired January 31, 1922.

Edward M. Schmida to be postmaster at Letcher, S. Dak., in place of J. L. Davis, resigned.

John D. Smull to be postmaster at Summit, S. Dak., in place of H. H. Millard. Incumbent's commission expired January 31, 1922.

Arthur Griffin to be postmaster at Selby, S. Dak., in place of Frank Wall. Incumbent's commission expired January 31, 1922.

Irene E. Jackson to be postmaster at Lebanon, S. Dak. Office became presidential October 1, 1920.

TENNESSEE.

Mamie B. Riley to be postmaster at Humboldt, Tenn., in place of J. W. McGlathery, resigned.

Bethel C. Brown to be postmaster at Cleveland, Tenn., in place of J. R. Brown. Incumbent's commission expired July 25, 1921.

John H. McKenzie to be postmaster at Manchester, Tenn., in place of C. E. Rodes. Incumbent's commission expired July 25, 1921.

William P. Whaley to be postmaster at Liberty, Tenn. Office became presidential January 1, 1921.

Arthur Hall to be postmaster at Lancing, Tenn. Office became presidential July 1, 1921.

TEXAS.

John F. Warrington to be postmaster at Valley Mills, Tex., in place of Pope Allen. Incumbent's commission expired July 21, 1921.

Thomas J. Bailey to be postmaster at Royse City, Tex., in place of W. A. Medlen. Incumbent's commission expired July 10, 1920.

Louis J. Scholl to be postmaster at Malakoff, Tex., in place of J. W. Duncan. Incumbent's commission expired July 21, 1921.

Walter W. Layman to be postmaster at Bangs, Tex., in place of H. H. Taylor, resigned.

Almyra L. Williams to be postmaster at Taft, Tex., in place of A. L. Williams. Incumbent's commission expired January 24, 1922.

McKinley H. Frank to be postmaster at Grapevine, Tex., in place of M. E. Hendrickson. Incumbent's commission expired January 24, 1922.

William H. Tallant to be postmaster at Chico, Tex., in place of M. D. Parnell. Incumbent's commission expired January 24, 1922.

Roy K. Duphorne to be postmaster at Aransas Pass, Tex., in place of G. P. Tarrant. Incumbent's commission expired January 24, 1922.

Arthur C. Polk to be postmaster at Manning, Tex. Office became presidential July 1, 1921.

Ada H. Worley to be postmaster at Maleta, Tex. Office became presidential January 1, 1921.

Lottie H. Rector to be postmaster at McCaulley, Tex. Office became presidential April 1, 1921.

Loren G. Wilder to be postmaster at George West, Tex. Office became presidential April 1, 1921.

Wilce V. Garton to be postmaster at Booker, Tex. Office became presidential January 1, 1921.

Daniel B. Bynum to be postmaster at Eustace, Tex. Office became presidential January 1, 1921.

VIRGINIA.

Thomas J. Wilson to be postmaster at Clifton Forge, Va., in place of J. B. Graves, removed.

Thomas L. Woolfolk to be postmaster at Louisa, Va., in place of G. V. Cameron. Incumbent's commission expired July 21, 1921.

Myron B. Bickers to be postmaster at Standardsville, Va. Office became presidential January 1, 1921.

Hannah V. Smith to be postmaster at Newport, Va. Office became presidential April 1, 1921.

Lilly G. Cook to be postmaster at Madison, Va. Office became presidential October 1, 1920.

John W. Gibbs to be postmaster at Howardsville, Va. Office became presidential July 1, 1921.

Ruth E. Brown to be postmaster at Hamilton, Va. Office became presidential October 1, 1920.

William R. Berry to be postmaster at Meherrin, Va. Office became presidential April 1, 1920.

Ida Valley to be postmaster at Grundy, Va. Office became presidential July 1, 1920.

Henry H. Hardenbergh to be postmaster at Fredericks Hall, Va. Office became presidential October 1, 1920.

William J. Ivey to be postmaster at Catlett, Va. Office became presidential January 1, 1921.

Sydney B. Elliott to be postmaster at Belle Meade, Va. Office became presidential July 1, 1921.

WASHINGTON.

William G. Menerce to be postmaster at Carson, Wash. Office became presidential January 1, 1921.

William W. Woodward to be postmaster at Darrington, Wash. Office became presidential April 1, 1920.

WEST VIRGINIA.

Robert E. Horan to be postmaster at Summersville, W. Va., in place of J. L. Evans, resigned.

John W. Mitchell to be postmaster at Wayne, W. Va., in place of W. B. Spurlock, resigned.

Godfrey B. Beebout to be postmaster at New Cumberland, W. Va., in place of H. C. R. Stewart. Incumbent's commission expired December 20, 1920.

Roger T. Price to be postmaster at Widen, W. Va. Office became presidential January 1, 1922.

WISCONSIN.

Fred S. Thompson to be postmaster at Superior, Wis., in place of F. A. Russell. Incumbent's commission expired September 8, 1921.

William A. Roblier to be postmaster at Coloma, Wis., in place of W. A. Roblier. Incumbent's commission expired January 24, 1922.

William L. Chesley to be postmaster at Lena, Wis., in place of A. H. Dionne. Incumbent's commission expired January 24, 1922.

Thomas P. Edwards to be postmaster at Hazel Green, Wis., in place of D. S. York. Incumbent's commission expired September 8, 1921.

Hazel I. Hicks to be postmaster at Linden, Wis., in place of H. I. Hicks, resigned.

Alexander F. Fleischmann to be postmaster at Campbellsport, Wis., in place of T. N. Curran, resigned.

James Kelly to be postmaster at Ridgeway, Wis. Office became presidential July 1, 1921.

Roy E. Lawler to be postmaster at Gordon, Wis. Office became presidential January 1, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 16, 1922.

APPRAISER OF MERCHANDISE.

Bert Kahn to be appraiser of merchandise, district No. 28, San Francisco, Calif.

ASSISTANT APPRAISERS OF MERCHANDISE.

Denis E. O'Keefe to be assistant appraiser of merchandise, district No. 28, San Francisco, Calif.

Jacob Shaen to be assistant appraiser of merchandise, district No. 28, San Francisco, Calif.

POSTMASTERS.

ALASKA.

D. W. Stoddard, Anchorage.
Jacob Otness, Petersburg.

ILLINOIS.

Clarence L. Kiger, Cisne.
Arthur F. Eberlin, Hardin.

KENTUCKY.

Mary B. Bishop, Dry Ridge.
Ben H. Lott, Lewisport.

MONTANA.

Erling B. Richardson, East Helena.
James S. Honnold, Joliet.
Edward M. Erickson, Paradise.

NEBRASKA.

Ernest E. Goding, Dix.
Erma L. Thompson, Dunning.
Peter Rasmussen, Elba.
Orville E. Bicknell, Elk Creek.
Charles Leu, Elkhorn.
Elbert L. Taylor, Haigler.
Bert L. Strauser, Madrid.
Frank A. Melvin, Murdock.

NEW HAMPSHIRE.

Alberta W. Wight, Berlin.
Webb Little, Campton.
Samuel G. Blaisdell, Milton.

NEW YORK.

James Avery, Aurora.
Earle L. Burdict, Belmont.
William J. Scott, Black River.
Hugh M. Hall, Cassadaga.
James E. McDonald, Cohoes.
Lincoln G. Hawn, Evans Mills.
Harvey S. Decker, Germantown.
Winfield S. Carpenter, Horicon.
Clarence E. Hirsch, Lindenhurst.
Charles D. Overacre, Manchester.
George E. Gladstone, Margaretville.
William L. Buck, Mexico.
Benjamin S. Heisner, Mohonk Lake.
Milton Jeffery, New Woodstock.
George P. Hammond, Pearl River.
Frederick Harrigan, Roosevelt.
Robert L. Smith, St. James.
Gilford L. Hadley, Sandy Creek.
Howard M. Brush, Smithtown Branch.
Scott H. Phinney, Westport.

REJECTION.

Executive nomination rejected by the Senate March 16, 1922.

POSTMASTER.

Henry J. Keller to be postmaster at Hogansville, Ga.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 16, 1922.

POSTMASTER.

Raymond Kemmer to be postmaster at Holgate, in the State of Ohio.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 16, 1922.*

The House met at 12 o'clock noon and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord our God, who knowest our necessities and art merciful to hear the humblest petition, bend over us, and may we speak to Thee even as we would to a dear earthly friend. Help us to live nobly, simply, and humbly; leave no need untouched. Meet us in the way of duty and make it plain and sure. Give us light and make the truth bare. Go where our thoughts go, into our business, into our social life, into our homes, and may we always keep Thee in heart and in life. O be with us every step of the road and never go away. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVES OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. SUTHERLAND for five weeks, on account of business.

Mr. MORGAN for five days, on account of illness.

ELECTIONS TO COMMITTEES.

Mr. MONDELL. Mr. Speaker, I present the following nominations for membership on the standing committees of the House and move the election of those nominated.

The SPEAKER pro tempore. The gentleman from Wyoming presents the following nominations to membership on the standing committees of the House, which the Clerk will report.

The Clerk read as follows:

To be members of the Committee on Appropriations: HENRY Z. OSBORNE, of California; FRANK MURPHY, of Ohio.

To be a member of the Committee on Ways and Means, OGDEN L. MILLS, of New York.

To be a member of the Committee on Naval Affairs, A. PIATT ANDREW, of Massachusetts.

To be a member of the Committee on Foreign Affairs, CYRENUS COLE, of Iowa.

To be a member of the Committee on Rivers and Harbors, WALTER F. LINEBERGER, of California.

To be a member of the Committee on the Merchant Marine and Fisheries, MICHAEL J. HOGAN, of New York.

To be a member of the Elections Committee No. 1, HERBERT W. TAYLOR, of New Jersey.

To be a member of the Elections Committee No. 2, MARTIN C. ANSORGE, of New York.

To be chairman of the Committee on Expenditures in the Department of Commerce, CLARENCE D. COUGHLIN, of Pennsylvania.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wyoming, that the gentlemen named be elected to the committees named.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARNER. May I ask the gentleman whether or not the delay in the assignment to the Committee on Ways and Means of Mr. OGDEN MILLS until after the bonus bill had been reported out of that committee was at his request, or at the instigation of the gentleman from Wyoming?

Mr. MONDELL. The election of these gentlemen to the committees for which they were nominated depended in a number of cases upon their resignation from other committees, and the presentation of the nominations has awaited the presentation and acceptance of the resignations by the House.

Mr. GARNER. But, as far as the record shows, I notice that on the morning before the bonus bill was reported out of the committee all of the resignations now being filed had been filed with the Speaker and had been accepted by the House, and it was currently reported, I will say to the gentleman, that the gentleman from Wyoming was keeping the gentleman from New York off the Committee on Ways and Means until the bonus bill had been reported. It was also rumored that the gentleman from New York had requested the gentleman from Wyoming to keep him off until after the vote had been taken. Which one of those is true, if either?

Mr. MONDELL. If one were to be interrogated in regard to all of the rumors that float about the cloakrooms, we would have time for little else. The floor leader being rather busy, did not find time to prepare and present the list until this morning. It was necessary to go over the resignations to see if they had all been turned in and accepted before the list could be presented.

Mr. GARNER. Then, if I understand the gentleman from Wyoming, one of the reasons why he did not submit the list at an earlier date was not the fact that he did not want Mr. OGDEN MILLS on the committee before the bonus bill was reported?

Mr. MONDELL. The gentleman is inferring a very great deal.

Mr. GARNER. I am asking a question.

Mr. MONDELL. The list was presented as soon as convenient after it was prepared, and it was prepared as soon as possible after the resignations had been received.

Mr. GARNER. Did that influence the gentleman in delaying the preparation of the list?

Mr. MONDELL. The gentleman prepared the list as soon as it was convenient after the resignations had been received.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wyoming, that these gentlemen be elected to the committees named.

The question was taken, and the motion was agreed to.

CALENDAR WEDNESDAY.

The SPEAKER pro tempore. Under the order previously agreed to, business in order under the Calendar Wednesday rule is in order to-day, and the Clerk will call the roll of committees.

IMMIGRATION.

The Clerk called the Committee on Immigration and Naturalization.

Mr. JOHNSON of Washington. Mr. Speaker, by direction of the Committee on Immigration and Naturalization I call up House joint resolution 279, to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921.

The SPEAKER pro tempore. The gentleman from Washington calls up House joint resolution 279, to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921. This being on the Union Calendar, the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the resolution, and the gentleman from Illinois [Mr. MADDEN] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 279, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House joint resolution 279, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That aliens who entered the United States before March 1, 1922, in excess of quotas fixed under authority of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, and were temporarily admitted under bond, may, if otherwise admissible, and if not subject to deportation for other causes, be permitted by the Secretary of Labor to remain in the United States without regard to the provisions of such act of May 19, 1921. In the case of any alien so permitted to remain the bond shall be canceled.

The committee amendment was read, as follows:

Page 1, line 3, strike out the figure "1" and insert in lieu thereof the figure "7."

Mr. JOHNSON of Washington. Mr. Chairman——

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. The gentleman from Washington will have his hour. Will the members of the committee who made the minority report be recognized for the other hour?

The CHAIRMAN. This bill is being considered under the Calendar Wednesday rule permitting two hours of debate, one hour for and one hour against.

Mr. RAKER. I desire to be recognized in opposition to the bill, Mr. Chairman.

The CHAIRMAN. All right.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to be notified when I have used 15 minutes.

Mr. Chairman and gentlemen, the resolution, I think, is simple and easily understood. It is necessary; it is humane; it is proper; and it is an aid rather than a hindrance to the great cause of the restriction of immigration. I desire to present a statistical statement, which, I think, will be of interest not only to the membership of the House but to the country at large. You will all remember that an act was passed May 19, 1921, less than a year ago, which changed the United States on short notice from an asylum or dumping ground for the rest of the world to a country with a plan of restricted immigration. That act has been in effect now since July 1 and 27 days in the previous June. It was a big act, a great step; it ended the asylum idea. The immigrants coming into the United States for the year ending June 30, 1921, were, in round numbers, 805,000. Under the 3 per cent act of May 19, 1921, there have been admitted as immigrants within the quota only 197,521 persons. There has been admitted within that same length of time in excess of the quota 2,453 persons. Nearly all of these excess admissions have been admitted for humane reasons, which I shall explain a little later. To have turned them back would have hurt the cause of restriction, in my opinion.

Mr. SABATH. Will the gentleman yield?

Mr. JOHNSON of Washington. Let me finish the statistical statement first. There have been deported or sent away from the United States on account of excess of quotas from July 1 to February 28, or in eight months, 1,153 persons only.

What I want to call attention to is that, in spite of the enactment of the 3 per cent restriction act, which greatly limits immigration, there have not come to our doors great numbers in excess. There have come all told in excess of quota a total that will be found by adding 2,453 and 1,153, which shows, to me at least, that all concerned have made a sincere effort to

keep within the quota limitations. I considered that a good showing. I myself was under the impression during the hearings which we held that large numbers had come to Ellis Island in excess of quotas and had failed of admission. I was mistaken, as the actual figures show.

Mr. RAKER. Will the gentleman yield there?

Mr. JOHNSON of Washington. In just a moment. We did not get the exact number or get the statistical report until quite recently, and the official figures showed us, as I say, that the number which came in excess and was not admitted was 1,153 persons. Now, there were admitted in excess of quota 2,453, and it is to make legal and give the Secretary of Labor the right to admit those who have been admitted temporarily under bond that we come to the House with this resolution. Note that these are to be admitted only if otherwise admissible. Account has been kept and reason could be shown for the admission of everyone who have been admitted, or who is otherwise qualified to be admitted under the permanent immigration law, and if not so qualified they are not admissible under this resolution.

Mr. RAKER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. Where did the gentleman get the information of the number he quoted under the quota law?

Mr. JOHNSON of Washington. I got the figures from the Commissioner of Immigration. They are in his office and available to all.

Mr. RAKER. How many were there?

Mr. JOHNSON of Washington. I will hand the gentleman the slip, which shows the actual figures.

Mr. RAKER. I would rather have the gentleman's statement than the slip.

Mr. JOHNSON of Washington. I have stated it, but I will state it once more. The number of aliens deported on account of excess of quota from July 1 to February 28 was 1,153.

Mr. RAKER. I thank the gentleman.

Mr. JOHNSON of Washington. Many persons fail to realize that the deportation of aliens is a serious matter; deportation is not done easily, as some people think, but under restriction of immigration deportations are being made more frequently and with more time for proper inquiry. This 3 per cent act, which has reduced immigration to date to 197,000 people in eight months, has afforded not only opportunity for closer examination of those who come to be admitted within the quota but has afforded opportunity for deportation of other aliens throughout the country who were entitled to be arrested and deported.

Mr. KINCHELOE. Will the gentleman yield?

Mr. JOHNSON of Washington. In just a minute. For the entire fiscal year ending July 1 last we deported for all causes 2,342 persons. Those were the ones deported throughout the country, picked up for deportable causes and deported—2,342. But between July 1 and December 31—that is, six months of the present fiscal year—we have deported, not counting those who have failed to get in on account of excess of quota, a total of 2,394, or more in six months than during the entire previous year. We are literally cleaning house. [Applause.]

Now, all who have followed this subject will remember when the quota act was written both the House and the Senate, and later the conferees of the two bodies, undertook in every possible way to find words by which a little margin could be provided for the Secretary of Labor so that he might take care of proper exemptions. We wanted the law to be humane.

It was not possible to find the words. The law requires the limit of admissions to be at a maximum 20 per cent per month per country. We proposed to make that monthly limit 15 per cent and let the Secretary withhold the 5 per cent. But if that had been in the law the 5 per cent would have been quickly absorbed. You will notice in some recommendations for amendment to the 3 per cent resolution which is now pending in the other body and which was passed in this body one recommendation indorsed by the Federal Council of Churches is that there be added to any restrictive immigration act the following:

> A general clemency clause authorizing the Secretary of Labor to deal humanely with exceptional cases in order to avoid hardships amounting to inhumanity.

We have not been able to find quite the words in which to do that. We have had to depend on the ninth proviso of the third section of the Burnett Immigration Act, which authorizes the Secretary to admit temporarily, under bond, certain aliens. Under the old law, of course, that applied to the inadmissible. But I think it is properly applied now to those who have right and reason for appeal to remain in excess of quota, but, of course, if applied temporarily only, the time must come when they should go out. I think the Secretary of Labor, Mr. Davis, and the Assistant Secretary of Labor, Mr. Henning, have acted justly, literally, wisely, and with reason. Note that nearly all of these 2,400 cases which are to be covered by this resolution are cases which have been admitted for causes of extreme humanity.

Mr. LAYTON. What do you mean by that?

Mr. JOHNSON of Washington. I mean, for instance, a wife to join her husband. Perhaps the wife had been born in Poland and husband in Germany, and the Polish quota was exceeded, while the German quota was not. Perhaps, I mean a case where a family in transit, coming from Russia and being a whole year on the way, was detained a while in Turkey, and while there a child was born, and the child under the law is called a Turk and inadmissible if the Turkish quota is full. I refer, perhaps, to the four or five hundred cases which came on an American ship from over in the Asia Minor country somewhere, bringing four or five hundred Armenians, assuming that they would be admitted under the Armenian quota, which was not exhausted, but on arrival it is found that they were from Turkish Armenia and were to be counted under the quota for Turkey, which was exhausted. In that party there were many orphan children from 5 to 10 years of age, in charge of an English-speaking teacher from the Beirut College. To deport those children to Constantinople under any circumstances would have been the height of inhumanity. In fact, it could not have been done, in my opinion.

Mr. GARRETT of Tennessee. Are the facts which the gentleman is recounting here in the hearings before the committee?

Mr. JOHNSON of Washington. They are scattered all through the hearings. In an effort to perfect the quota act there were extensive hearings, and in an effort to make various amendments to that act these facts appeared all through those extensive and exhaustive hearings.

Mr. GARRETT of Tennessee. But no hearings were held on this resolution?

Mr. JOHNSON of Washington. Not on this particular resolution, but on an earlier resolution of similar import. In every effort to amend the 3 per cent act we ran into hearings on this phase of the situation.

Mr. STAFFORD. Is it not a fact that the committee held extensive hearings on the resolution that was passed here a few weeks ago extending the 3 per cent quota act for another year?

Mr. JOHNSON of Washington. That is what I referred to. And still earlier we held, after five months of operation of the 3 per cent act, hearings on the operation of it, and many of these cases I mention you will find described in detail in the pamphlet entitled "Operation of the Quota Act for Five Months."

Mr. LAYTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. LAYTON. What provision was made for these four or five hundred Armenian children?

Mr. JOHNSON of Washington. Do not misunderstand me. They were not all Armenian children. They were mostly women and children, and quite a large party of orphan children. And let me tell you something before it gets out of my mind. There are in Armenia to-day 200,000 orphan children. We talk about the United States as an asylum. Even those most interested in those children know it would not be possible for us to bring any considerable number of them to the United States, no matter how much it is desired.

Mr. LAYTON. You imagine that there are many millions of orphan children in the world to-day?

Mr. JOHNSON of Washington. Undoubtedly.

Mr. LAYTON. What I am trying to get at is this: The gentleman said unless this bill was passed these Turkish Armenians would be deported and would go somewhere, probably falling into the hands of the Turks, which would be a matter of great inhumanity.

Mr. JOHNSON of Washington. The charge was made literally in these hearings by Armenian ministers here that we deported some 27 or 37 who were, upon reaching Constantinople, outraged and murdered.

Mr. LAYTON. Who is going to take care of those over here?

Mr. JOHNSON of Washington. The bond has been put up. They are admitted temporarily under bond. Church organizations and charitable people stand ready to adopt them, and in some cases they have done so or have guaranteed that they would do so. Our committee had before it a plan by which orphans might be admitted under sufficient bond to provide that they should not become public charges before they became of age, but that of itself was impracticable, because if they came in great number it would be impossible for the United States to provide that they should not become "bound-out" children, such as we had a couple of generations ago.

Mr. KINCHELOE. I want to ask the gentleman, if this resolution is passed admitting those who are here illegally, what assurance has the Congress that immigrants in the future will not come in under the same circumstances?

Mr. JOHNSON of Washington. Many of these cases developed at the expiration of the five months with the 20 per cent per month limitation. You will remember the law reads not to exceed 20 per cent a month. So the quotas of many countries ran out all in a lump just before Christmas. There was a considerable congestion and also a misunderstanding as to whether one was an exemption or a quota. That 20 per cent made the congestion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I will take five minutes more.

Now, then, the quotas having been completely exhausted from many countries, the number coming in is very much smaller; in fact, it is almost nil.

For instance, last week, covered in for the week from March 1 to March 7, 10. This present week, 4. From countries where the immigration would have come there is only now and then an exceptional demand for admission, owing to a misunderstanding as to the total count or as to place of birth. The number arriving at Ellis Island last week was less than a thousand. The number detained at Ellis Island yesterday was less than 300. But still there is an occasional excess of quota. For instance, the other day there was a woman from the Azores Islands with five or six children, two or three of which were born abroad, and three or four born here, American citizens; she went a few months ago back for a visit, which is permitted under the law, and while she was away a baby was born. She returned to Ellis Island, herself admissible under the law, but with a 2-months-old baby in her arms, born in Portuguese territory, and the Portuguese quota was exhausted months ago. Her 2-months-old baby is a Portuguese immigrant in excess of quota and is not admitted. The law was new, an untried instrument, its effect changing the United States from that of an asylum to a country of restriction. We also require passport visés. Reservations were not made quickly. Our consular officers all over Europe were issuing passport visés in excess of the quotas. But they are not doing that now. Here was confusion as to the quotas and the figures given out by us. All these things are now working more and more on a uniform method.

Mr. KINCHELOE. I do not think the steamship companies want to understand it very much.

Mr. JOHNSON of Washington. Well, if we succeeded in cutting off immigration from what it was before to 200,000, we have not stretched it so badly.

Mr. KINCHELOE. I do not know whether the gentleman has covered this by the statistics of how many people will be admitted by reason of the enactment of this law in addition to what are already here.

Mr. JOHNSON of Washington. Less than 3,000 instead of a possible 600,000 or 700,000.

Mr. KINCHELOE. Does the gentleman think that these men——

Mr. JOHNSON of Washington. They are not men. Most of them are mothers and children, and grandmothers.

Mr. KINCHELOE. Well, will not positions be taken from our people here for them? I think we have enough idle people in this country now under this Republican administration without bringing these people here.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. GENSMAN. Would a man who came into this country by way of the Mexican border and who was under bond be admitted?

Mr. JOHNSON of Washington. Not at all. This resolution says "otherwise admissible." No insane man can be admitted, no sick person, no defective, no helpless dependent.

Mr. GENSMAN. But would a man be entitled to be admitted who got over the Mexican border, and was captured and put under bond? Would he be admitted?

Mr. JOHNSON of Washington. Not if he came in illegally. And before this 3 per cent act starts on another year's operation I shall place before you an amendment requiring that the residence of such immigrants in Mexico and Canada shall be five years instead of one year.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BOX].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BOX. Mr. Chairman, I ask unanimous consent at the outset to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BOX. Mr. Chairman, I ask not to be interrupted until I have completed my statement, because the time is very short.

Mr. Chairman and gentlemen, the remarks of the gentleman from Washington [Mr. JOHNSON] do constitute something of an argument against the enactment of the act of May 19, 1921, and much of an argument in favor of its amendment, but no argument against its enforcement.

The chairman and majority of the committee will have to hurry this resolution through before other shiploads of immigrants excluded by the law arrive, embarrassing them with the question whether their unlawful admission shall be charged to this backdown or breakdown resolution or the third one which must follow it soon. New admissions are being made in violation of the law from time to time. Up to and including October 31, 1921, according to official reports, such admissions numbered 843. Up to the end of November 9, 968 were admitted. November 16, a week later, it stood at 1,195. From that time to this every weekly report has shown additional illegal admissions, until the number is now three times what it was four months ago.

Moreover, I object to this method of handling the situation, because it keeps the gentleman from Washington busy writing these resolutions ratifying illegal admissions made for the accommodation of alien groups and steamship lines. I now hold in my hand several such resolutions presented by the gentleman. They are House joint resolution 153, House joint resolution 237, House joint resolution 273, and House joint resolution 279—all to the same general effect, introduced at different times. The two last admit many aliens who could not be admitted under the former.

I can fish into the basket almost any day and take out a resolution by the chairman of the committee ratifying the illegal admissions of aliens, the later ones being more and more liberal to the aliens and steamship lines.

Since I am fully convinced that such resolutions go far toward breaking down the law, and since the Commissioner General of Immigration has advised the committee that a similar resolution, which did not ratify or authorize the admission of more than one-third as many as this does, tended to break down the law, I think these deathblows should be as few and infrequent as possible.

Speaking of House joint resolution 237, one of this troupe, the chairman himself asked the Commissioner General of Immigration the following question:

> Do you think a resolution of that kind running for a time coincident with the emergency act would break the act down?
>
> Mr. HUSBAND. Very largely. (Hearings of Dec. 19, 1921, p. 215.)

The act of 1917, embodying the general immigration laws, contains the following:

> That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission. (Immigration Laws, p. 8.)

The following is one of the rules for the enforcement of the clause quoted:

> In cases in which aliens who are mandatorily excluded from permanent entry apply for the privilege of entering the United States temporarily, they shall be required to show that their temporary entry is an urgent necessity or that unusual and grave hardship would result from a denial of their request. (Immigration Laws, pp. 57–58.)

This is the provision under which they have been pretending to admit these people.

First, I call your attention to the fact that it applies only to people who are inadmissible under the immigration laws. No man who can be legally admitted under the immigration laws, the act of 1917, can be permitted to enter the United States temporarily under this clause.

Second, the "admission and return" are connected and always jointly provided for. The idea of admission under it—in fact permanent—is inconsistent with the terms of the law itself and foreign to the very purpose of it. If an alien was critically ill on board ship and could not be admitted under the immigra-

tion laws, he could be placed in a hospital within the custody and under the control of the immigration authorities and treated until he could be deported. Other emergency situations of a similar nature were foreseen and provided for. But the very fact that none but inadmissible aliens were governed by the provision certainly excludes the idea that admissions expected to be made permanent could be made under it.

Neither are these people admissible under the 3 per cent act of May, 1921, which provides:

That the number of aliens of any nationality who may be admitted under the immigration laws of the United States in any fiscal year shall be limited to 3 per cent of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910.

Note that this applies only to aliens admissible under the act of 1917. The clause quoted from that act applies only to those who are inadmissible under it.

The 1921 act further provides:

When the maximum number of aliens of any nationality who may be admitted in any fiscal year under this act shall have been admitted all other aliens of such nationality, except as otherwise provided in this act, who may apply for admission during the same fiscal year shall be excluded.

It will be noted that this provides that all aliens who may be admitted under the act of 1917 in excess of the 3 per cent limitation "shall be excluded."

There you have it.

First. These people have to be inadmissible under the 1917 act in order to come within this clause in that act relating to temporary admission.

Second. That those admitted under the act of 1917 shall not exceed the 3 per cent, so that if these people were legally admitted under the first act they are mandatorily excluded by the second act.

Their admission, as has been done recently, is not even an evasion of the law. It is a flagrant violation of it.

I take the immigration law seriously. I take all laws seriously. Anything else is bolshevism. The act of May, 1921, should be repealed or amended or enforced as it is. House joint resolution No. 239, and all of the several companion resolutions presented by the gentleman from Washington for the same purpose, contemplate neither.

There is no reason for this course. There is no excuse for it. The excuse which they present—and it is only an excuse—is that the law works a hardship on those who come in conflict with it. That is exactly what all law does. The laws of nature visit harsh consequences up a those who come in conflict with them. The laws of civilized people do. Our quarantine laws work hardships on individuals, very painful ones. Our penal laws work hardships on criminals and innocent members of their families, often extending through a lifetime. Our draft laws, which call individual citizens from the safe and peaceful walks of life to the conflict, suffering, and death, inseparable from military service, work hardships on the men and on their loved ones at home.

The gentlemen say that we can not deal with immigrants as with sacks of flour. Law rarely deals with sacks of flour. It usually deals with men and women and visits its consequences, its painful punishments, upon men and women. When the Government of the United States refuses to enforce its law because somebody suffers as a consequence, those who administer it should have repeated in their ears the old, old saw:

No man e'er felt the halter draw
With good opinion of the law.

But it is pretended—and it is no more than a pretense—that the 3 per cent act of 1921 is especially bad, so bad that it should not be enforced uniformly, in that it works hardships. In that respect it is not different from other immigration laws, all of which have worked hardships in hundreds of thousands of cases. But these gentlemen seem to think that because this law was passed by the Sixty-seventh Congress and approved by the present administration that it should be subjected to all kinds of contemptuous treatment. It is the child of the present Congress and administration, and may be suffering from "inherited constitutional psychopathic inferiority," but since it is the law it should have the respect at least of the Congress that enacted it and the administration which approved it and is charged with its enforcement. But is it peculiar in producing cases of hardship? The law as it stood for 20 years, beginning in 1901, worked hardships in that it divided families, turned back many people who wanted to come in, who suffered and even died because they were deported. They were the most unfortunate of people, too. For instance, during that time, 295 poor idiots were turned back into the wretchedness of Europe; 445 imbeciles went back in their weakness; 299 feeble-minded were turned back; 2,128 insane were rejected or deported. Who is more unfortunate than an insane man? Unfortunate epileptics numbering 369 were rejected or deported; 18,813 persons, who were suffering from constitutional, mental, or nervous inferiority and other things of kindred nature, were rejected or deported after having been admitted.

Persons to the number of 37,719 suffering from loathsome diseases, sick and diseased as they were, were turned back into the sources of their infection, doubtless to die there. Orphans, or children under 16 years of age, unaccompanied by parents, numbering 5,560, were turned back or deported from the United States to the wretchedness of the Old World without a guardian. Can you imagine anything more unfortunate? People numbering 154,156, who were so poor, so helpless, so friendless, so incompetent, that even in the abundant opportunity of America, they were liable to become a public charge, were sent back to Europe, where life is so much harder and where, doubtless, tens of thousands of them begged in wretchedness for a while and then died and were buried in potter's fields. The figures from which these totals are made will be found on pages 117 and 118 of 1921 report of Commissioner General of Immigration. But the laws under which these people were excluded and deported were passed under the administrations of McKinley and Cleveland and Roosevelt and Wilson, and therefore were taken seriously and were understood as having been made to be enforced.

I object to the favoritism practiced in the admission of these people. The Commissioner General of Immigration testified before your committee:

The reason is that the law is an uncertain quantity. It is recognized as such because it has—they have brought people over who were in excess of the quota and they have been admitted, and they have brought others in excess of the quota and they have been sent back, and others have been admitted temporarily or something like that. (See p. 218, hearings, Dec. 19.)

Is the National Government to openly practice favoritism in the administration of its law? To admit that it is doing so is to admit that it has been debauched. I warn you and the country that an effort has been made, with a regrettable degree of success, to demoralize and debauch the Immigration Service and break down the immigration laws. [Applause.]

I shall here attempt to expose that effort and show the measure of success which it has met.

1. I read you a telegram placed in the hearings by the chairman of the committee:

YOUNGSTOWN, OHIO, *December 19, 1921.*

Representative ALBERT JOHNSON,
Chairman House Immigration Committee,
the Capitol, Washington, D. C.:

Mary Olexa, among Hungarian immigrants detained for deportation at Ellis Island, comes to her uncle, Frank Vasko, one of the best known American citizens of Hungarian birth in the Mahoning Valley, willing and able to take care of her, and file bond to guarantee that she does never become a public charge. Vasko is large property owner here and resides at 1020 Ford Avenue. Other cases are still under investigation. Kindly try to arrange for her admission as a special favor.

AMERICAN HUNGARIAN JOURNAL,
N. GROSSMANDL, *General Manager.*

(Hearings, Dec. 19, 1921, pp. 223, 224.)

We have many of these.

Note that many such telegrams were sent to the chairman.

Mr. Henning, the Assistant Secretary of Labor, administering the immigration laws, said:

We have received the same telegram. We have received many of them exactly like that. (Hearings, Dec. 19, 1921, p. 224.)

I wonder if they were exactly like it in wanting these people admitted because their relatives were large property owners? I wonder if they were exactly like it in asking the admission of these aliens "as a special favor." I wonder if they were exactly like it in being sent by managers of the foreign-language press? I want you to note that this telegram was dated December 19, 1921, and that about that time great numbers came to the chairman of the committee and to the Assistant Secretary of Labor administering the immigration law.

Next, I call your attention to this statement by the Assistant Secretary of Labor, Mr. Henning, speaking of the time when he was receiving these telegrams. He said:

Just as I was trying to get out some Congressman's stenographer came in with an armful of them and I went through them hurriedly. (Hearings, p. 224, Dec. 19.)

In the same connection I call attention to the following language by the chairman of the committee, as reported on page 235 of the same hearings:

* * * Neither do I think we are justified in leaving conditions just as they are, with Members of Congress working for their constituents, with Senators working for their constituents, and further pressing the department.

Next, I call your attention to the fact that on that very morning of December 19 a whole battery of steamship-line magnates filed in and occupied places in the committee room. That day they appeared before the committee urging the passage of House joint resolution 237. There were Mr. Franklin, Mr. Farley, Mr. Sanford, and other big ones, and they came, or some of them came, from the committee room and took seats in the gallery to watch the gentleman from Washington "play ball." On that very day House joint resolution 237, by the gentleman from Washington, was presented on the floor of the House by the gentleman from Washington, who did not take time to have it printed. When I first saw it after the House met on December 17 it was written with a lead pencil. When I saw it next it was typewritten. He presented it in that form, but it had to be withdrawn at the request of the Speaker because it interfered with other business. It was printed the next day. The telegrams from the foreign-language press and the pressure by the steamship lines, the appeals to Congressmen and their pressure on the department, all together brought results that very day, or else there was a remarkable coincidence.

Next, I call your attention to the following, which appeared in the New York Times of December 25:

YOUNGSTOWN, OHIO, *December 24.*

Representative ALBERT JOHNSON, Republican, of Washington, will introduce a resolution, when the House convenes January 3, to make permanent the temporary 90-day release granted yesterday to 1,100 aliens held at Ellis Island because quotas for their countries under the immigration law had been filled, according to a telegram from Mr. JOHNSON received here to-day by E. S. Meymenji, editor of a Hungarian-language newspaper which has been active in urging release of aliens.

Gentlemen, these foreign-language alien groups, represented by the foreign-language newspapers and the steamship companies, and the pressure of Representatives here who feel constrained to serve their foreign-born constituencies, subject your committee and your Department of Labor to more pressure than is safe. The American people should know when such unholy influences are bearing so heavily upon their Government. [Applause.]

The steamship group sat in the gallery all the afternoon of December 19 and left looking "real disgusted" when the gentleman from Washington did not get action on his House joint resolution 237. That night the scene was transferred to the committee room. I was there; the steamship group filed in again; Assistant Secretary of Labor Henning came; Mr. Husband, the Commissioner General of Immigration, came. I do not approve of his course, but I sympathize with his position. He is a subordinate under great pressure suffering from lack of support. He told the committee in the face of the steamship people and in the face of his superior, Mr. Henning, that that resolution would largely break down the immigration laws.

Mr. Farley said that he was for it, and that Mr. Franklin, the president of the International Mercantile Merchant Marine, was for it. Mr. Henning, the Assistant Secretary of Labor, said he was for it. It being the chairman's own output, he was for it. Mr. Henning showed a disposition to be critical of his subordinate, Mr. Husband, because he said it would break down the immigration laws. Here is what Mr. Henning said about the attitude of Mr. Husband in opposing it:

* * * I am for it. Mr. Husband always has some one he can pass the buck to. But when it gets to me my back is against the wall. I do not know who to pass the buck to.

The CHAIRMAN. I am with you. (Hearings, p. 224.)

That probably made Mr. Husband feel lonely. I do not know whether the chairman meant that he was with Mr. Henning in his criticism of Mr. Husband or whether he was with Mr. Henning in his effort to find somebody to whom to pass the buck. I do know that he is now helping Mr. Henning, after you have excluded, to pass the buck back to you and make you and the President say whether or not you meant what you said in the passage and approval of the act.

While this hearing was drifting in the direction indicated by these quotations, the chairman of the committee remarked:

I can readily see why Mr. Husband doesn't want to let it go. [Referring to the 3 per cent law.] It is Mr. Husband's baby, line for line. Mr. BOX. I think Mr. Husband is trying to carry out the law, and that he hasn't any pride of authorship in it. (Hearings, p. 223.)

Since I made this offhand remark I have become convinced that because of a lack of support Mr. Husband is not enforcing the law steadily.

Gentlemen, my fear—my conviction—is that certain foreign-born and un-American groups in New York and elsewhere, the steamship line managers, and perhaps other powers have very largely debauched your Immigration Service at certain of your greater ports, and that men and their friends are literally buying their way into the United States. It is my conviction, based on a careful study of what I have observed. I do not pretend that I can prove this, but I warn you and the country that I believe it is true, and direct attention to it in the hope that it can be discovered and corrected. [Applause.]

My more immediate purpose is to show that demoralization does actually exist in Washington—that it has gotten into Congress—as evidenced by this resolution and the facts I have stated. For instance, the committee amendment proposed, changing the date from March 1 to March 7, has no purpose other than to admit some people in whom the gentleman from New York, the Hon. ISAAC SIEGEL, is specially interested.

I regret to have to advise you that I am no longer able to rely on the correctness of the reports that come from the Bureau of Immigration. They issue weekly reports showing how many excess admissions there are. Up to the close of December 21, 1921, the number of these as stated in this official report was 1,456. On December 24 and 25 they admitted from 900 to above 1,200, and yet the official report showing the total excess up to and including December 31 showed only 1,597 in all, or an increase of only 141 within a period within which there had been from 900 to above 1,200. I crave your patience while I give you the basis for this statement.

The New York Times of December 25 contained the following item:

Of the 1,100 immigrants detained on Ellis Island as excess quota, whose release Secretary Davis ordered on Friday morning, only a few hospital cases remained last night.

The entire article bears that out and shows that about 1,100 were admitted at that port at that time, but it may be said that this is only a newspaper report. We will see, then, what Mr. Husband said about it at another time and place. I read from the hearings of December 24 (p. 209):

Mr. BOX. About how many are there?

Mr. HUSBAND. Well, at Ellis Island specifically there are about 1,125 to-day. There are perhaps about 75 at Boston. Now, the difficulty is this: These people are there almost permanently. At least these 1,125 have been sifted down to about the last limit, and they have got to stay there until they are deported.

The CHAIRMAN. When you have sifted out all that you can, you have about 1,125 left?

Mr. HUSBAND. About 1,125. That is the residue of a very much larger number.

Mr. SIEGEL. There are 1,125 at Ellis Island and about 75 at Boston?

Mr. HUSBAND. Yes.

Mr. SIEGEL. A total of about 1,200?

Mr. HUSBAND. Yes; strictly quota cases. (Hearings, p. 209.)

Further down, as shown on page 210, Mr. Husband said:

They are all quota cases. There were more deportations, of course, but these are on account of the quota.

Now, I call your attention to the order under which they were admitted and remind you that this order admits all who were then at Ellis Island, all who were then at the Boston station, all who were then at all other seaports, and all who should thereafter arrive on the 24th or 25th day of December, 1921, at any of the seaports of the United States. We had 1,200 at the New York and Boston immigration stations, according to the statement of Mr. Husband, plus the number then at all other stations, plus the number everywhere on shipboard, plus the number arriving at all other ports, during December 24 and 25.

Besides that number at the station at New York and Boston there were some 2,300 immigrants in the harbor of New York and about 380 "coming up the bay," many of whom were Hungarians, Italians, and Poles, and many of whom were probably quota cases. (See statement by Mr. Husband, hearings, Dec. 19, p. 208.)

The admission of all these and subsequent arrivals at these and all other ports on December 24 and 25 were covered by the order of admission, which I shall read you soon. Yet in the weekly report of the Commissioner General of Immigration the number of excess quota admissions was increased only 141 from December 21 to December 31, covering that very time. The number reported up to and including December 21 was 1,456, and up to and including December 31, 1,597. On December 24 and 25 all these new admissions were made. Yet the report of such admissions up to and including December 31 was only 141. The majority report says that these admissions numbered only 906. That is not correct, but it is more than six times the increase shown by the report of the Commissioner General of Immigration.

Then the increases ran along at about the normal rate which had characterized these admissions before Christmas. Each report stating:

Total excesses up to and including January 4, up to and including January 18, up to and including January 25, up to and including February 8.

The total increase from December 31 to February 8 was 313, about the normal rate of increase. Then, on February 28, 671 were added. But, making no allowance for the normal increase which had gone on before Christmas, the total number of excess admissions from December 21 to February 28 is less than those

shown to have been admitted at New York and Boston December 24 and 25.

The report of the committee accompanying this bill has the same unfortunate weakness of not stating the facts. I will undertake to show this by its own contents. I read you two sentences:

To avoid great hardships the Secretary of Labor ordered releases under conditions stated above. (Majority report, p. 2.)

Then above that I read the following:

All these temporary admissions were made on individual showings.

Now, gentlemen, listen to this reading:

To officers of the United States Immigration Service:

By direction of Secretary, aliens now being held in detention all seaports solely because in excess of quota, and those who may arrive on or before the 25th instant and be so held are hereby landed for a period of 90 days on execution of their personal bonds or personal bonds relatives, with additional understanding that bonds with qualified sureties may later be required.

This order will not apply to those seeking admission and who are therefore in detention. Expedite to fullest possible extent release for all aliens who may be affected by this decision.

W. W. HUSBAND,
Commissioner General.

(P. 2, majority committee report.)

That order includes the 1,200 who were at the stations in New York and Boston, and, in addition, all quota cases among the Hungarians, Poles, and Italians in the harbor and coming up the bay at New York, and all who might be on the sea on December 24 and December 25, and all who might thereafter arrive at any seaport of the United States. Yet the committee in its report tells the House that "all these temporary admissions were made on individual showings."

You may wonder why House joint resolution No. 237 was not presented for final action and why subsequent ones had to be introduced. Well, I shall state to you the effect of the two resolutions, and you will have to form your own conclusions as to the reason for the abandonment of House joint resolution No. 237 and the subsequent introduction of House joint resolution No. 273 and House joint resolution No. 279.

House joint resolution No. 237, presented on December 19, it was found on a hearing before the committee would not let in all of these aliens in whose behalf the steamship companies and the alien groups were working so vigorously. It provided for the admission of cases the exclusion of which would work great hardships upon people having certain blood relatives in the United States. The hardships were the excuse for all these resolutions, but it was later found that even House joint resolution No. 237 would exclude a lot of these aliens because they could not show the facts which are made an excuse for these resolutions—that is, extreme hardship and certain relationship. Concerning House joint resolution No. 237 the testimony is as follows:

Mr. BOX. How many of these that you have in port now would be released by this resolution?

Mr. HENNING. I should say one-third.

Mr. BOX. About one-third. You would send two-thirds of these urgent cases back, then?

Mr. HENNING. Yes. (Hearings, pp. 227-228.)

These cases are spoken of as urgent ones involving hardship. The urgency is the urgent desire to get in the United States and the hardship consists of being excluded. Any such rule as that destroys the immigration law, and that as it is being done the people should know it. While Representatives and Senators having foreign-born constituencies, alien groups, the foreign-language press, and the steamship lines are exercising pressure which is proving too strong for their Government, the people should understand the situation, and I have spoken with that end in view. Nothing less important would have prompted me to have spoken as I have.

If the chairman and majority of the committee would go straight on in the preparation of proper restrictive and constructive legislation, and insisting on its uniform and steady enforcement, they would have my constant and best support. I believe they would have the support of the House. The approval of the country would be assured.

But this situation deeply disturbs me. [Applause.]

Mr JOHNSON of Washington. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Chairman and members of the committee, it is very hard, indeed, to take issue with men with whom you entirely agree on most of their theses. The three members who signed the minority report are men of the same views as mine. We only differ on what appears to me to be a very small matter of detail. It strikes me as unfortunate, indeed, that those of us who believe, with almost religious fervor, in strong restriction of immigration, who have worked for it in and out of Congress, who have spent most of our time discussing it from the public platform and endeavoring to arouse the country to the imminent dangers of the mongrelization of our American blood and the decay of our American ideals attendant upon the admission of vast alien hordes—it strikes me as unfortunate, I say, that we of identical views on the main point should now be split on such a minor matter as is here involved.

Up to 1907 the United States had no general law limiting immigration. In that year Congress passed the act excluding those who were likely to become a public charge, those who were insane or mentally deficient—polygamists, anarchists, and people who were the bearers of contagious diseases.

In 1917, under the leadership of that patriotic statesman from Alabama, the Hon. John Burnett, former chairman of the House Committee on Immigration and Naturalization, Congress passed the literacy test law over the veto of President Wilson, after a similar bill had been vetoed in previous Congresses by Presidents Taft and Cleveland.

In 1921 the last preceding Congress took the great step of the 3 per cent limitation law, cutting down the number of admissible aliens of any nationality to 3 per cent of the unnaturalized aliens of that nationality residing in the United States according to the 1910 census. The House of Representatives of the present Congress has passed a resolution extending that law for another year from June 30, 1922. We expect that the Senate will soon agree. The 3 per cent law is not perfect. It was not exactly the kind of a restrictive measure which we presented to the House in the last Congress, but we hope and expect before this law, as so extended, runs through its second year that we shall pass, in the present Congress, a more permanent and constructive plan embodying some kind of selection on the other side, a problem which is hedged about with many difficulties affecting our foreign relations.

For 10 years prior to the act of 1921 our immigration approximated a million a year. In 1908 it got up to 1,300,000, more than 100,000 a month. In the fiscal year ending June 30, 1921, which included 27 days under the 3 per cent law, it was less than 900,000, but this was due largely to the destruction of ships, to the very low value of money in Europe, and to the inability of foreign-born people resident in America to get money to their relatives who wished to come. There are now plenty of ships to bring them, and plenty of money is being sent to them to make up for the low rate of exchange of foreign money. And those of us who have studied the subject at all are certain that without the 3 per cent law our immigration in the current fiscal year would considerably exceed 2,000,000.

In the eight months of its operation the 3 per cent law has cut immigration down to less than 200,000, and right now through the operation of the same law immigration has dwindled to less than 1,000 a week.

All of our restrictive immigration law, except as applied to orientals, has been made in the last 15 years, and in this present fiscal year we have cut immigration down to one-fifth of its former annual amount, and I believe to less than one-tenth of its reasonably to be anticipated amount.

Now, in changing to an entirely new and drastic system there has been a little margin which could not be taken care of by the new law. It is a very small margin, about 1¼ per cent of the total number who have been admitted under the new law, and the purpose of this resolution to-day is to take care of that small margin.

It consists of 2,453 people who have already been admitted temporarily under bond by the Secretary of Labor to avoid extreme hardship and suffering in individual cases. The cases are those of people coming from countries which supposed—in some cases through our own error—that they had a quota left and where it was afterwards discovered that the quota had been exhausted. There are some Armenians who came because the quota from Armenia was not exhausted, but who found that having been born in Turkey they were Turks, and the Turkish quota was exhausted. Many of these Armenians were orphan children. If we send them back, we would simply be sending them to their death. There are cases of wives, husbands, parents, and minor children so admitted, notwithstanding the quota was exhausted, in order to join their families. There are cases of babies born in a country whose quota was exhausted while their mothers were en route here from a country whose quota was not exhausted. All of the 2,453 cases are cases of manifest equities in favor of the aliens who have been so admitted, and it was practically inevitable that there should have been such cases when we changed to an entirely new system, especially at a time when the very boundaries of the countries from which these people came were not settled.

Now, the three gentlemen who signed the minority report of our committee and who are here on the floor leading the opposition to this resolution are ardent advocates of restriction of

immigration. They have voted for each of the restrictive measures I have mentioned which came up during their respective terms in Congress. These gentlemen, as you know, are all judges—Judge RAKER, Judge WILSON, and Judge BOX. As you look at them sitting here they are men of the most amiable and humane appearance in the world, and I know from my several years' acquaintance with them that that is in fact their character. But somehow when they get into the House considering a proposition of this sort involving a few hundred unfortunate people they seem to be possessed with the idea that they must have a kind of Rhadamanthean severity.

Rhadamanthus, as you will remember, is described in Greek mythology as the particularly hard-boiled magistrate who presided as the chief justice of the supreme court of hell. There were—the coincidence is a little singular—three of those unrelenting judges, the associate members of the bench being Minos and Æacus. Of course I do not want to suggest that at any time except the present moment my kindly judicial friends from California, Louisiana, and Texas possess any of the characteristics of those mythical judges. Neither do I want to suggest any comparison between the territorial jurisdiction of the court of Rhadamanthus and the place where these three colleagues of mine are now delivering their opinions. But exactly that comparison will occur to some two thousand poor people if the House does not pass this resolution to-day.

Let us see how our congressional judges have steeled their hearts to the performance of the task which they have set for themselves at this hour.

My friend from Texas, Judge Box, stands up here and talks about this exception, this act of Congress, as a violation of law. I am reminded of two Presidents of the United States who, in a sense, violated the law of this country—President Lincoln, when he pardoned several boys, soldiers in the service of their country who were condemned to be shot because they had violated the Articles of War in sleeping at their posts in time of war. President Wilson violated the law in the same way in pardoning several men. I do not really believe that the gentlemen now opposing this resolution, who have been distinct ornaments to the bench, have always practiced such extreme severity in the business of their own courts. I am reminded of the words of that great philosopher, the Bard of Avon, who looked at humanity with a clear and at the same time a humane eye, and said—this is from Measure for Measure, an appropriate source since we are considering a numerical measure of immigration:

> Not the king's crown, nor the deputed sword,
> The marshal's truncheon, nor the judge's robe,
> Become them with one half so good a grace
> As mercy does.

Now, what are we trying to do here to-day, gentlemen? We are trying to make, in the interest of mercy, a variation of about 1¼ per cent in the number admissible under the 3 per cent law. To be sure that is a larger variation than we allow in the case of the prohibition law, but that deals with things and, as my friend from Texas remarks, we are dealing now with human beings. We are asking to let in 2,400 people who have already come, who have been admitted, on the ground of particular hardship.

Mr. BURROUGHS. Will the gentleman yield?

Mr. VAILE. I will.

Mr. BURROUGHS. Is it the gentleman's position that these people were admitted legally?

Mr. VAILE. Certainly.

Mr. BURROUGHS. Do I understand the gentleman to take the position that there was any discretion whatever from the administrative standpoint to admit people after the quota was full?

Mr. VAILE. I do not know that I can answer the question to the gentleman's satisfaction, and I am not sure that I can answer it to my own satisfaction, but was there any discretion in the Presidents of the United States in pardoning young men condemned to be shot for sleeping at their posts? We are by this measure legalizing the action of the administration in admitting them. This is to remove the doubt on the subject, if there be any.

Mr. BURROUGHS. It is my understanding that the President of the United States at the time he pardoned these young men had full authority to grant a pardon, and that it was not in violation of any law.

Mr. VAILE. We are asking Congress to exercise its undoubted authority to remove any question of illegality from these particular admissions. As a matter of fact, we do something what similar things every day. We pass bills for claims against the Government; we pass private pension bills; we pass bills granting homestead or other rights in the public lands—all for the benefit of people who can not bring their cases directly within the provisions of some general statute, but who do exhibit strong circumstances disclosing a moral or equitable right which we decide to recognize.

Nor do I think that the chairman of this committee should be criticized for busying himself hummnely in drawing resolutions to cover such cases as those presented by this resolution. This is the first of such resolutions to be presented, except one, and that was merely in favor of people who started when the 3 per cent law became operative and who were found to be coming in excess of the monthly quota. These were, of course, charged against the quota for succeeding months, and are not involved here. This resolution does increase by the very small margin which I have indicated the quotas admissible from certain countries, but it will have no effect at all to increase the total number who would be admissible under the 3 per cent law from all countries, because a number of countries have not used and will not use anything like their full quota.

Nor is there any reasonable apprehension that we may have to present other relief bills of a similar nature to this, because the 3 per cent law is having its effect. It served notice on the world that the United States is henceforth not to be a dumping ground. That that notice has been heeded is shown by the fact that we are now getting in a week only about half as many immigrants as we formerly got in a day. Anyone could expect, and most everyone did expect, that there would be some slack to be taken up in the first year of the working of this law. We are not trying to take it up by indirection or evasion. We are coming to the House of Representatives with a full statement of the facts, asking for specific authority. We are by no means ashamed of the statement we present. On the other hand, we are proud that the 3 per cent law has worked so well as to require only an adjustment of approximately one and a quarter per cent of the less than 3 per cent already admitted.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. VAILE. Mr. Chairman, will the gentleman grant me a few minutes more?

Mr. JOHNSON of Washington. Mr. Chairman, I yield one minute more.

Mr. VAILE. Mr. Chairman, I can not say much in one minute. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. VAILE. No; I can not yield. In my one minute I shall ask these gentlemen, my friends, the minority of the committee, to heed again the Bard of Avon, and I slightly paraphrase the last line by changing the pronouns from the first to the second person:

> Having thus far proceeded—
> Unless thou thinkest me devilish—
> is't not meet
> That you did amplify your judgment?

I hope, gentlemen of the minority, that you will do so, in the interests of humanity. These 2,400 unfortunate people will not flood the country and they are all admissible if they are excused, for the special reasons applicable to them, from the quota requirement.

Mr. GERNERD. Mr. Chairman, will the gentleman from Washington yield for a question?

Mr. JOHNSON of Washington. Mr. Chairman, I yield myself two minutes. I yield to the gentleman from Pennsylvania.

Mr. GERNERD. What assurances have we, if this be agreed to, that there will not be a repetition of it?

Mr. JOHNSON of Washington. I have already stated that now passport visés are issued, as far as possible, in accordance with the limitation, and that is the principal assurance. Then there is the fact that the law is understood, and the fact that quotas are exhausted. I presume that under an absolute, literal interpretation of the quota law, when the quota has reached the point of exhaustion, there should be no appeal to the Secretary or to anyone else. I presume that we should send a man or a part of a man back, even if we have to cut him in two; that we should send his wife back and let the man in; but the appeals came from the fact that there were questions as to geographical boundaries, questions as to nationalities, questions as to the legal residence of children. We developed these appeals, and these 2,400 cases, all of which have been properly acted on. To say that I agreed with the Assistant Secretary of Labor is correct. Certainly I was with him. I am with him, and I am doing now what I conceive to be my duty in coming to Congress and asking Congress, if it so desires, to grant this

act of grace, of mercy, and of right to 2,400 people at a time when we are reducing immigration from 1,000,000 a year to 250,000 a year, and that is all there is to it. [Applause.]

I yield 10 minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there any objection?

There was no objection.

Mr. CABLE. Mr. Chairman, there is no question of more vital importance to the American public, and particularly the workers, than the subject of immigration. Before the war immigrants came to this country at the rate of a million a year for at least 10 years. During the war immigration subsided; the number coming in was very small. Since the war the number has been on the increase until during the last fiscal year over 800,000 again came here. The condition became alarming. It was necessary for Congress to act. Because of the conditions in Europe, a million or more, I may safely say, would have come to this country to escape from the chaotic conditions as a result of the war. The coming of large numbers would have been a calamity to the country and to the American workers as well as to the immigrants themselves. There were no homes to shelter the immigrant or his family and no work whereby he could earn money to support them. The 3 per cent law was enacted for the very purpose of restricting immigration, and it has accomplished its purpose. During this fiscal year there will be not to exceed a net increase of at least 50,000 immigrants. They are now coming into this country at the rate of about 2,000 per week, but at the same time emigration is equal to at least that number; so that from now on, by reason of many exhausted quotas, emigration and immigration will be about equal. Many are emigrating from this country because in Europe their money converted into money of their native country will give them greater purchasing power than if they had remained here.

This resolution puts the question squarely up to Congress whether or not they will permit these additional 2,400 persons who are now here under bond to remain. Many of them can not be sent back to their own country because there is no one to receive them.

Congress is to be congratulated on the able work of the Secretary of Labor, Mr. Davis, and the Commissioner General of Immigration, Mr. Husband. They have provided quotas for these alien immigrants from countries that did not exist according to the census of 1910; they have provided quotas for countries whose boundaries have been changed since 1910; they have had a thousand and one obstacles to overcome; and I do not believe there is a man here in Congress who can point out a single instance where under the administration of the 3 per cent law there has been a failure. The purpose of the law has been accomplished. The restrictive law is, in fact, almost prohibition.

Whenever and wherever a man can hang out a card "Employment wanted" and have 10 employers seek his services, and he can take his pick and send nine away, conditions are good for the worker. If labor is scarce, it usually gets what it wants, be it better wages or working conditions. When more workers are needed than this country can supply, a law limiting the immigration into the United States is not as necessary as a strict selective system. Prosperity attracts aliens to this country. They come by the hundreds of thousands without a restrictive law. Because of the abundance of laborers and expansion of new and competitive industries, more goods and products are often manufactured than the public can consume. Money and working capital become tight. Directly following each peak wave of immigration comes a period of depression. Work is not so plentiful. The unskilled is the last to be hired; he is the first to be let go. Mr. Jones, the Director General of the United States Employment Service, advises me that a majority of the American workers are placed in the unskilled class. More than 75 per cent of those immigrants who do come here are also in the unskilled class; so that immigration without restriction does the most harm and injury to the unskilled American workman.

The competition is always between the unskilled laborer of America and the immigrant. It is not a fair competition. The latter are used to lower standards of living and lower wages in Europe. The skilled workers fare better. A good industry does not like to lose its organization of skilled men and they are retained as long as possible.

Whenever the country has many unemployed, immigration recedes; many emigrate to their own country. The number of unskilled diminishes. Then gradually industry gets another start. The employer gets ready, he hangs out a card "Men wanted." Ten men apply for every job. He takes his pick and sends the others away. If immigration had not been restricted or diminished during the period of depression, there would be many more to send away. Conditions are now easier for the employer. Then is the time for restrictive immigration. An American Congress should care for Americans first. If there is not enough work for all, we should see that our countrymen have the first opportunity.

The gentleman from New York [Mr. COCKRAN] is opposed to the 3 per cent restrictive measure. He is against the literacy test. On the day the resolution extending the 3 per cent law was before the House he said that only "the vicious, the diseased, and the imbecile should be excluded." He was one of the 36 against the resolution, while 281 Members of the House were in favor of further restricting immigration. The negative votes were almost entirely from New York, Chicago, Cleveland, and other centers of foreign population.

The gentleman from New York [Mr. COCKRAN] on the day the resolution was under consideration asked the question in his debate on the resolution: That if it is desirable to restrict immigrants, why should it not be more desirable to prohibit them? In reply, I ask if it is desirable for you to stop eating when you have enough, would you say it is more desirable not to eat at all? Or, I would ask you western Members, if it is desirable to restrict the flow of water on a piece of irrigated land, is it more desirable to cut the supply off altogether from that land?

Economic conditions must balance. Rainfall is necessary to produce crops, but too much rain drowns them out. In the construction of a brick wall, referred to by the gentleman from New York, the skilled laborer—the bricklayer—is first necessary. Next comes the man who carries the bricks, but there is a limit to the number of carriers that can be used. If we have too many carriers, there will soon be a surplus of bricks and the carriers will have to cease work. We do not need more of that which is now abundant—workers—but we do need more of that which is scarce—necessary capital to start the wheels of industry. The more wheat or corn we have the better off is everyone except the farmers. The price goes down. The more houses that are constructed the better it is for everyone except the landlord. Rent is lower. The more manual workers we have the better it is for everyone except the workers. Working conditions or wages may not be so good.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. CABLE. Yes.

Mr. FESS. My colleague is on the Committee on Immigration?

Mr. CABLE. Yes.

Mr. FESS. In the House we suspended immigration entirely in the first bill, but that was not accepted by the Senate. It is now 3 per cent of the nationals, as I understand it?

Mr. CABLE. That is correct.

Mr. FESS. If we accept the 2,400 that the bill proposes, what effect will it have on the unemployment situation?

Mr. CABLE. As I see it, it will have but little effect, because emigration from this country now equals immigration to it. Those 2,400 consist chiefly of women and children, who will not compete with the workers of America.

Mr. FESS. Emigration is now equal to immigration?

Mr. CABLE. That is my understanding. There are now coming into this country about 2,000 per week, and at the same time, in the months of January and February of this year, close to 8,000 emigrated from this country.

Mr. FESS. What is the purpose of their returning in such numbers? That is an interesting matter to me.

Mr. CABLE. I will try to explain that, and I will refer again to the statement of the gentleman from New York in his discussion on extending the 3 per cent immigration law. He contends that we never emerge from a period of depression except under the influence of increased immigration. On the contrary, a flood of immigration always directly precedes a period of depression. The flood recedes during depression. Only when business activity reaches normal does immigration again increase. Increased immigration is one of the causes of bad times. History tells us that we always emerge from a period of depression by the aid of American workers only; then when times get better the immigrant is attracted by the good wages in this country and he returns to America. He is with us in times of prosperity, but always absent in periods of depression.

If you will take the year 1882 as an example, the tide of immigration reached its high point up to that time—almost 800,000. Overproduction, inability to consume, capital tied up, money tight, directly followed. At the end of that year, with the huge number of immigrants, came a period of depression. The low point of the depression occurred in 1885, when prosperity and business began to increase; business went back to normal by

July, 1886. Let us see what part immigration played in bringing the country out of a depression and back to normal. Figures of the Department of Labor show us that immigration did not increase until 1887—that is, probably a year after the country was back to normal and only when wages were good did they start to come back here in any large numbers.

Or, again, take the depression of 1907. There is always a cycle of immigration the same as there is a cycle of depression, and one fits into the other. In 1907 occurred the high mark of immigration to this country, over 1,285,000. Another depression immediately followed. Then came a slump in immigration as a result of the depression. Immigration fell off, but in the meantime business began to pick up in the summer of 1908, and was back to normal in the summer of 1909. If immigration had anything to do with pulling America out of a depression, as the gentleman from New York contends, it must be shown that the immigrants came here in times of depression in large numbers, but the fact is not so. The official records show that it is not until business hits normal and there is a return to prosperity that there is always a return of the immigrants.

A more striking example is the depression of 1914. In 1913 and 1914 more than 2,400,000 immigrants came. If these people create work, as the gentleman from New York contends, why then in 1914 did we have such a depression instead of prosperity? Why was it that business returned to normal in 1915 while the gentleman's increase of immigration necessary for the return of prosperity was entirely absent? In fact, there was a decrease of immigrants of almost 900,000 less than the year previous.

We should not put the alien and his interest first. To hold that his presence here in large numbers is necessary for prosperity is contrary to history itself. Let us act humanely, justly, and fairly to both the would-be immigrants and to the Americans, but America should first be for the Americans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I yield 15 minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON. Mr. Chairman, this resolution proposes to admit into the United States some 2,448 immigrants from the various nations of Europe in excess of those who would be admitted under the 3 per cent quota law. The 3 per cent quota law is the most restrictive measure we have ever had upon our statute books with respect to immigration. After the House passed the first bill suspending immigration it went to the Senate, and this bill was written in its stead as being the only restrictive measure possible to get through the Congress. I supported it. Later, when the resolution came in to admit something over 1,000 immigrants who were to be admitted over the quotas of the various nations, I supported that resolution, broke with my colleagues on the committee in order to do so, because that did not increase the number of immigrants coming from any country and because there was some confusion in the early stages of the working out of the immigration act. Now, this resolution comes up on a different basis. The restrictive act has been in operation for quite a long period. The authorities have had every opportunity to work out its details and the nations of Europe have had every opportunity to know what the quotas were, because they have been published and sent over, and the steamship companies, who have persisted in violating every immigration law that has ever been on the statute books of this country, not only knew about it, and yet they have taken advantage of what they thought would be a failure of those charged with the enforcement of this act in America to live up to the law, and so the immigrants have continued to come in excess of the quotas.

Mr. JOHNSON of Mississippi. What is the reason for this exception?

Mr. WILSON. From my standpoint there is no reason why we should make any exception, and the only reason that has been given is that just stated in the majority report and that just stated in the very interesting speech of the gentleman from Colorado [Mr. VAILE]. The majority report gives as the reason that it would be an act of grace on the part of the United States; that is what the report says. The gentleman from Colorado [Mr. VAILE], after quoting a few lines of poetry, stated it would be an act of mercy to admit those people. Gentlemen, if you are going to vote for this resolution at all that would be the reason that you follow—that there are 2,448 people from various nations of Europe who have been permitted to land here in violation of the statute whom they are going to ask to admit, and we say we will admit them as a matter of grace, or, in the language of Mr. VAILE, as a matter of mercy.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. WILSON. Yes, sir.

Mr. NEWTON of Minnesota. I am wondering what the gentleman would do with some of these, particularly infants, who have been mentioned by the chairman of the Committee on Immigration?

Mr. WILSON. What would I do with them? Do what we ought to do and say to them, as to everybody, that here is a statute, a solemn act of Congress, that ought to be obeyed and ought to be enforced. No one knows who these people are——

Mr. NEWTON of Minnesota. What are you going to do with the baby of this woman from——

Mr. WILSON. There is no evidence before the committee or the House that there are babies, or who these 2,448 people are. Now, that is the sentimental side of this question, and that happens to be a situation that becomes very interesting just at this time.

I do not know any better way to answer the argument for this resolution, the argument of grace or the argument of mercy, than to read you a few extracts from a very interesting editorial appearing in the Saturday Evening Post of March 4. It seems, whether we are dealing with immigration or any other question, that there is a disposition in this country to concede everything to the Europeans, whether it be a question of financial consideration, of immigration, or treaties, or anything else. A very interesting question came up some time ago when we were asked to pay something over $100,000,000 to Great Britain. The question was raised that Great Britain owed us more than that amount of interest on the loan to that country. This was a question of expense for the transportation of our troops that fought in battles of the late war. We paid over the cash to Britain and were not even given permission to give credit for $168,000,000 against the interest due us of $400,000,000. So that is something of the same sentiment and conditions that prevail here by which we are asked continually, after months of trial, to relax our law on immigration.

This editorial is entitled "America Last." I will read a few extracts from it. It says:

> The mob mind, without which there can be no war, has reached its fullest development in Europe; but the mush mind is peculiar to America. Every other nation, both in its foreign and in its domestic affairs, has its eye on its number all the time, and that number is invariably number one.

The writer goes on to discuss this question of picking up every European habit and yielding to European sentiment, and states, for reasons he does not give and which I do not know, that there is beginning to be a departure from that custom in America; that we are beginning to get away from that. And he goes on, after saying that, with this very interesting and encouraging observation, speaking of this yielding to other nations and the relaxing of our laws, giving up our money without contention, joining in any kind of an agreement so as to protect the rest of the world, without regard to America:

> All this is not native to America. There is a dash of Puritanism in the American character, and even at its broadest and roughest a saving remnant of decency that instinctively revolts against this lowering of our old standards.

Further—

> Wherever we turn our immigration problem confronts us, and we see the results of our policy of putting the alien and his interests first and America last. For we have done just that. We have babbled in our political platforms of the full dinner pail and the necessity for tariffs to keep it full, and then we have let down the bars to the cheap labor of every European country so that the dinner pail may not be too full. To justify the claims made by its proponents a high tariff must go hand in hand with high immigration bars or we shall have dear goods and cheap men.

Now, after that the author goes on to discuss this proposition of bringing over hordes of immigrants and putting them on American farms in order to settle up the waste places of the country—to bring them here to compete with the American farmer—and states that that is the propaganda of those who believe in unlimited immigration. Everybody who is informed on the question knows that as conditions are now it is the easiest thing in the world to produce a surplus of agricultural products, and yet the contention is to bring over immigration to reclaim land and settle up the waste places of the earth and thereby compete with the American farmer. He gives a very interesting observation, that when you have an overproduction in the steel mills production is cut down. The same is true of every other industry. But when you have it on the farm you come and ask for unlimited immigration to increase production by cheap labor with which the American farmer can not compete and maintain his standard of living.

And then later on he says:

If you will make an understanding survey of New York or Chicago or Pittsburgh, cities where the immigration problem is more apparent at a glance than in other places, though it is everywhere, you will see for yourself what is happening to America.

With it all we have not solved or even helped a single one of Europe's problems, but we have half ruined America. Yet our sentimentalists babble on of our "traditional policy" and demand that we shall "offer refuge to the poor and oppressed of Europe." There are tears for alien children, sobs for alien uncles, convulsive weeping over alien cousins, but few to consider what this bogus generosity, this asinine sentimentality has done to Americans. Must they always be last, thrown out of their jobs, run off their land, shouldered aside in their own country to make room for this plague of pushing immigrants? Must we try to solve everybody's problems except our own, and to work out everybody's salvation except our own? Or shall we go back a ways to saner and cleaner standards and strive to make this a country worth living in?

And further:

As this is written Congress is greatly concerned over the tariff and the American valuation plan. It is trying to prevent dumping of cheap foreign goods. That is important. But it is the dumping of cheap foreign men that is of first importance to us—American values, not American valuation—that should first engage our attention.

And here is something of the first importance here:

Those who want immigration—more of it, lots of it—are active. They supply much freely, but they do not use it themselves. Their feet are on the ground and their heads are busy with the future of their races. Only the American has been so concerned with his little affairs that he has had no time to bother with larger problems—so engrossed with to-day's petty business and pleasures that he has had no time for the future of America and of his children.

Now, Mr. Chairman, nothing truer was ever said than that the proponents of unlimited, unrestricted mass organization are always busy in this country. With this 3 per cent immigration restriction, which I rather predict will be on the statute books for a number of years, not over 350,000 would come annually. Yet this resolution is proposing to admit those who have come, in violation of the law, after the quotas from their countries had been exhausted.

Mr. JOHNSON of Mississippi. And would it not encourage the very same thing in the future?

Mr. WILSON. That is what I am trying to impress upon the Members of the House. The disposition here to relax our laws, relax our customs, sacrifice our principles, for European people and European causes has become a dangerous practice in this country, and the only way we can get away from it is to stand by the laws we pass—see that they are enforced not only in this country but as against those from other countries.

Mr. KELLY of Pennsylvania. I am in general hearty accord with the gentleman, as he knows, and in accord with what he has stated to be the purpose of the bill—in other words, to permit the 350,000 aliens to come here in a fiscal year. If we pass this resolution admitting 2,400, does that mean an excess of the 350,000 in the year?

Mr. WILSON. Yes; that will be in excess of the quota for the countries from which they come.

Mr. KELLY of Pennsylvania. These are in excess of the 3 per cent quota list?

Mr. WILSON. Yes.

Mr. KELLY of Pennsylvania. I want to be sure that it is in excess over the year's quota.

Mr. WILSON. The report says that. It says that if they come in at all we do not permit it for any reason except as an act of grace on the part of the United States.

Mr. KELLY of Pennsylvania. It is not an act of grace or mercy if there is no excess of quota above the amount we allowed of 350,000 from all countries.

Mr. WILSON. I stick to my statement, that these are landed here and admitted, and if the quotas from those countries are exhausted——

Mr. VAILE. From those countries?

Mr. WILSON. Those countries; yes.

Mr. KELLY of Pennsylvania. I am talking about the quotas.

Mr. WILSON. I say the quotas from those countries, and it involves the same principle exactly. Who are these people that are seeking to come in here?

Mr. CLOUSE. Mr. Chairman, will the gentleman yield for a question?

Mr. WILSON. I first want to explain to the gentleman from Pennsylvania [Mr. KELLY]. These are here in excess of the quotas allowed from their countries. Who are they about whom all these tears are being shed, and about whom all this talk is being made about grace and mercy on the part of the United States? Read the report. Three hundred and forty-three Turks we are asked here to shed tears about and relax our laws for; also some 70 Africans.

Mr. KELLY of Pennsylvania. I was in accord with the gentleman, and I believe that we could perhaps assimilate 350,000 a year. Now, if we admit these 2,400, that does not mean that we admit those in excess of the 350,000?

Mr. WILSON. These are here in excess of the quotas of those countries.

Mr. VAILE. But the gentleman knows that immigration now has diminished to less than 900 a week.

Mr. WILSON. I do not know what it will be for the rest of the year. That is uncertain. Here are 379 from Hungary that the gentleman is here quoting his mournful poetry about, for whose benefit we shall pull down our statutes and waive our right to enforce the law and tell those people who are here unlawfully on our soil, "You can stay."

Mr. BROOKS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WILSON. Yes.

Mr. BROOKS of Illinois. Where are these people?

Mr. WILSON. I do not know where they are. They are here under bond. They have been admitted temporarily, and unless this law is passed I suppose they will be subject to deportation.

Mr. BROOKS. They are scattered all over the United States and it will be impossible to find them.

Mr. WILSON. That would be a fine excuse for the violation of the law—to say we have admitted them and they are now scattered all over the country and we can not find them.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. WILSON. Yes.

Mr. JOHNSON of Mississippi. That is a reflection on our action in allowing them to come in, is it not?

Mr. WILSON. Exactly.

Mr. LONDON. They are all under bond. They must appear when summoned.

Mr. WILSON. Yes; but they are not likely to be summoned. Now, as previously stated, the record does not show anything as to the class or condition of the people constituting the 2,443 aliens sought to be admitted by this resolution. If there are unfortunate and distressing cases of women and children, why not deal with those alone and independently? Then your appeal for sympathy might be entitled to consideration.

Mr. Chairman, when I appeal here for the proper consideration of America; American customs, ideals, and institutions; and respect for and obedience to our Constitution and the statutes we solemnly enact, I have in mind as part of this Nation our immigrant citizens as well as the native born. Those who have come here and assumed the responsibilities of American citizenship and have become a part of the social, commercial, and industrial life of our country are entitled to equal protection of its laws and the full enjoyment of all its privileges. I stand for that. But in the interest of all and for the good of all we must adhere to the policy of restricted immigration, whatever the results may be to foreign countries or their inhabitants. This question is beyond the field of politics, and about which there should be no room for division and partisanship.

There are to-day 700,000 veterans of the late war out of employment and in distress. There are 5,000,000 American citizens without work. Upon these many American women and children are dependent for their daily bread and sustenance. Should these not be first in our sympathy? And are they not entitled to our first consideration? Actuated by the belief and conviction that these Americans should come first, I believe that in the proper discharge of our obligations to our country we should oppose the passage of this resolution.

Mr. JOHNSON of Washington. Mr. Chairman, I yield to the gentleman from New York [Mr. ROSSDALE] four minutes.

The CHAIRMAN. The gentleman from New York is recognized for four minutes.

Mr. ROSSDALE. Mr. Chairman, the question under discussion here to-day is not that of immigration restriction. The only issue involved in this resolution before the House is the question of the resolution itself to make permanent the right of admittance of the 2,443 immigrants whom the immigration authorities for humanitarian reasons had temporarily permitted to enter the United States under bond in excess of the quota limit. This resolution is to remedy some of the defects of the 3 per cent immigration restriction act of last year and lessen some of the inequalities, injustices, and unusual hardships entailed to these immigrants in the administration of that law.

It is not an attempt to break down or nullify the present 3 per cent restriction act, because all of the 2,443 cases mentioned are unusual cases, resulting from the enactment of a law that suddenly changed the accepted and traditional policy of the United States from a haven and a refuge to all of the oppressed peoples of the world to a land of very limited entry, bordering on close restriction.

The administration of this new law, so different from the old law, very naturally brought about such complications which any new law brings about, for it is inevitable when a new law

is passed, especially a radically changed law, such as the 3 per cent quota act, that many inequalities would exist and that it would entail many injustices, and it is to correct these things that this resolution is presented here to-day.

Now, how unfair and unjust and how cruel some of these things may be is known only by the victims themselves, their relatives, the immigration authorities, and those Members of Congress who have interested themselves in the fate of these unfortunate people.

I want to bring before the House the case of a mother and a daughter who, if this resolution is not passed, will be subject to deportation. They are admitted under bond at present. It is the case of a poor Polish woman and her daughter. The mother had a son living in my congressional district. The boy enlisted in Company D of the Three hundred and twenty-eighth United States Infantry. He was a runner, a dangerous assignment as you know, and he was killed in action in France. Some time in the month of December my home paper, the Bronx Home News, called my attention to this case, and I went down to Ellis Island and saw this old lady and her daughter, and through an interpreter I got her story. She handed me this telegram. It had been forwarded to her in Poland by another son, who is also a citizen of the United States, and it was from The Adjutant General of the United States Army. I am going to read it to you. I read:

MEYER GOSTIN,
1037 Bryanat Avenue, New York:

Deeply regret to inform you that Pvt. Harry Gostin, of Three hundred and twenty-eighth Infantry, is officially reported as killed in action between October 8 and October 15.

(Signed) HARRIS,
The Adjutant General.

The record there is wrong. The name is Gostinska. The mother's name is Rela Gostinska and her daughter Perl Gostinska.

No one will deny that this poor woman and her daughter have a just claim to enter the United States. This mother gave all that any mother can give to our country. She gave it her boy. [Applause.]

Mr. Chairman, it is unthinkable to insist upon deportation and send this boy's mother and sister back to Poland. I do not think harsh action in such a case would meet with the wishes of the American people, for deportation is generally a tragedy since they have nowhere to go, once they leave their homes in their native land. We owe a great debt to some of these soldier boys. Among that 2,443 aliens are numerous blood relatives of foreign-born American soldiers. I could bring a number of such cases before this House had I the time.

I have here a poster or billboard that was posted in 1917 and 1918 in my district and elsewhere throughout the country, and on it in blood-red letters are the words "Americans all." "Enlist." It mentions all of these names: Du Bois, Smith, O'Brien, Cejka, Haucke, Turovich, Kowalski, Pappandrikopolous, Audrassi, Villotto, Levy, Chriczanevics, Knutson, Gonzales. I find here two Polish names. I can understand why Harry Gostinska enlisted and fought and died for this country, but I can not understand why gentlemen will stand up in this House and deny to this woman, this mother of an American hero, an asylum here. [Applause.]

The case I have cited is of two of these 2,443 immigrants who face deportation unless this resolution is passed. I could recite the heart-rending stories of a number of the others, for their cases have been called to my attention by their relatives, and I have aided in bringing their appeals before the department whenever the extenuating circumstances warranted it. Each of these cases is gripping in its human-interest story and tells of sufferings and hardships almost beyond belief. This resolution affects 2,443 immigrants, very few of whom have a place to go if we were to deport them.

I have stressed the case of the mother and sister of an enlisted foreign-born soldier, who gave his life for his adopted country, and which country now challenges the right of his mother and sister to enter that land of adoption, because, unfortunately for them and for all the others who have no ex-soldier relatives here, a certain stipulated number of persons—we call it a quota—preceded them here by possibly a number of weeks or days.

The 3 per cent immigration restriction act of last year made no exception and gave no preference to the blood relatives of our foreign-born soldiers who served this country in the late World War, and among these 2,443 immigrants are many parents, brothers, and sisters and fiancés of foreign-born American soldiers. It is too late now for us to discuss the merits or demerits of that act, for it is the law; but we can at least remedy some of its defects, and I believe no quota restriction should prevent the father, mother, sister or brother, or fiancé of any honorably discharged American soldier from coming to our shores.

The CHAIRMAN. The time of the gentleman fom New York has expired.

Mr. ROSSDALE. Mr. Chairman, I ask for a few minutes more.

Mr. JOHNSON of Washington. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. ROSSDALE. Under the provisions of the act of last year the total number of immigrants eligible to enter the United States from everywhere in the world was about 300,000. Of this total quota from all countries, 198,000 have been admitted to date. From a number of countries the quotas were filled in a five-month period and some shortly thereafter. From the countries with large quotas only a portion of those eligible came; hence it is that the countries with the smaller quotas were soon filled, and there came a surplus. It could not be avoided, for we had no way of properly allotting the consular visés to check it. About 1,700 were actually deported because of excess of quotas; an additional 2,443 cases were of such unusual circumstances that they were permitted to enter temporarily under bond, and I am certain this small number of persons added to our population will not alter the industrial, political, or economic conditions of the United States, and we ought to permit them to enter, and I hope this resolution will be passed.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ROSSDALE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 17 minutes.

Mr. JOHNSON of Washington. I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. RAKER. And I yield to the gentleman two minutes.

The CHAIRMAN. The gentleman from California yields two minutes, making seven minutes in all.

Mr. SABATH. Mr. Chairman, if the House had given any consideration originally to the law, and had given a little more time so as to make it possible for those who were already on their way to enter our ports, this resolution would not be necessary. But unfortunately the majority of the 2,400 immigrants in question were on their way before the 3 per cent law went into effect.

Mr. JOHNSON of Washington. The gentleman means that they were either on their way or that they had visés on their passports.

Mr. SABATH. Or that they were in different ports. I do not mean that they were already on shipboard.

Now, in some way or other gentlemen are under the impression that this amendment to the law will let in a great number of people, and even the chairman tells how many will arrive. Do gentlemen know that during the period in which the 3 per cent law has been in effect, and I quote from statistics which were just handed to me, that since July 1, 1921, only 226,061 immigrants were admitted and that 251,461 departed, or 27,000 more immigrants departed than arrived; and I venture to say that when the fiscal year is over we will not have admitted more than 275,000, most of whom are the wives, children, and parents of American citizens and declarants, and that at least 350,000 will have departed from the United States?

And still there is great hue and cry about the 2,400 people who have been admitted, a majority of whom are the wives, mothers, and fathers of American citizens and declarants who have done a great deal for the country during the war. I am amazed that there are some people who are ready and willing to say that these mothers and fathers, these wives, and these little children should be taken from here and sent back where they have no one to take care of them. I think it would be not only unjust but the most inhumane act of which this House could be guilty to send them back. I appeal to the membership on this side not to be carried away by prejudice, but to demonstrate that we are big enough, that we possess hearts, that we do sympathize with unfortunate people, especially women and children, and that the membership of this House will say to them, "You are here; you have been admitted; you are not taking any jobs from anyone else; you are being taken care of; you are living with your friends and relatives; and here you

may remain." The majority of these people do not deprive anyone else of a job.

Mr. BURROUGHS. Will the gentleman yield?

Mr. SABATH. I can not yield. I am sorry I can not; I have not the time. The unemployment in this country last year was not due to immigration. It was due to other causes. Do not blame it on immigration, because since 1915 we really have had no increase in immigration. So do not charge it to that. If you think these people are undesirable, I wish you would come out into the interior of the country and see what good citizens they are getting to be, instead of reading prejudiced articles that have been paid for and instigated by narrow-minded, prejudiced men. Come out to Chicago and I will show you some of these people. I had the case of a mother and two daughters for whom I appealed. A mother lost her two boys fighting for the cause of the Allies. These daughters have been admitted temporarily, and they have been here seven or eight months. In that time they have saved $450. They will not become a public charge. They have already deposited $300 on a little home which they have purchased and in which they now live. By refusing to vote favorably for this resolution you say to that happy mother and two daughters, notwithstanding that she gave to the cause her only two sons, that they must be taken into custody and deported to a country where nothing but starvation awaits them.

Mr. Chairman, the gentleman from Louisiana [Mr. WILSON], who preceded me, has read from an article from the Saturday Evening Post, wherein the writer points out the great dangers our Nation faces because of our broad and liberal immigration policies in the past. To him and all others who are engaged, as well as those who employ them to write these articles, I will say that the actual facts completely belie their charges and assertions. If they were desirous of giving the actual truth as to the effect that immigration had upon our Nation, they would be obliged to say that the real increase in immigration commenced in 1880, and since that time the country has increased its wealth from $43,000,000,000 to $290,000,000,000 in 1921; our exports have increased from $835,000,000 in 1880 to $6,516,000,000 in 1921; in 1880 money in circulation amounted to $973,382,228, while in 1921 it reached the sum of $5,774,065,654; in 1880 bank clearings totaled $84,000,000,000 and the amount reached in 1921 was $462,920,000,000; deposits in savings banks in 1880 was $819,000,000; in 1921 they were $6,018,000,000; the number of depositors in 1880 numbered 2,335,582; in 1921 they numbered 10,737,843. The value of farms and farm property in 1880 was $12,180,501,508; in 1921 the value was $40,991,449,000; farm products value in 1880 were $2,212,000,000 as compared to $8,498,000,000 in 1921; the farm animal value in 1880 was $1,576,000,000; in 1921, $6,235,000,000. Cattle horses, and swine actually doubled since 1880. In 1880 we exported $835,000,000 worth of merchandise, and in 1921, $6,516,000,000; in 1880 the value of our mine and quarry products amounted to $367,000,000; in 1920, $6,707,000,000. In 1899 we built vessels amounting to 300,000 tons; in 1920, 3,880,659,000; and in 1921, 2,665,000,000 tons; in 1920 we had 12,601,935 telephones in the United States.

In 1880 we had 8,955,000 dwellings and in 1920, 20,697,000, and notwithstanding that within the last 10 to 15 years we have constructed thousands of up-to-date, tremendous apartment buildings, in 1920 there was only 5.1 per cent persons to a dwelling as against 5.6 in 1880, clearly showing that more people own their homes and live better. In 1880 the average daily school attendance was 6,144,000; in 1918 it was 15,548,000. The university attendance for 1880 was 286,000 students and in 1918 it had increased to 650,000. For common-school education the sum of $78,000,000 was expended in 1880; in 1918, $763,000,000. The number of collegiate resident graduate students in universities, colleges, and technical schools in 1880 was 68,256; in 1918 they numbered 375,000.

There is no one who has the courage or nerve to say, notwithstanding the immigration for the last 40 years, that America and the American citizen has not progressed, not only in wealth but in education and knowledge, so that he is head and shoulders above any other people on the face of the globe. It must be admitted by all and everyone that the five millions of boys who formed our Army, Navy, and Marine Corps in the late war, beyond any doubt, surpassed men that composed the armies of any other nation, not only in vigor, loyalty, courage, and bravery, but physically, mentally, and intellectually, and that notwithstanding the fact that nearly 50 per cent of them were the boys of immigrants or immigrants themselves.

Mr. Chairman, it seems to me that the article which the gentleman from Louisiana [Mr. WILSON] read must have been written by the same individual who just completed a book which has just reached me, and undoubtedly sent to every other Member for the purpose of prejudicing them on this question. This book, to my mind, contains more unjustifiable, unwarranted charges, and more libel than any other "thing" ever written by anyone who had the courage (?) to publish it under his own name.

Mr. Chairman, during the war immigrants demonstrated beyond any doubt that they were loyal and patriotic and ready to give even their lives for this country of ours. Why should we not be fair and liberal and humane to these few people who will not affect anyone. I venture to say that not one of these 2,400 people live in the districts of the gentlemen who are opposed to this joint resolution. Still, these gentlemen take great pains to oppose this humane measure that has been brought in by the chairman of this committee. I congratulate the chairman [Mr. JOHNSON of Washington] upon his action, and I congratulate the majority of the committee, and I hope that when you gentlemen vote you will not be carried away by the remarks and statements that have been printed in some of the papers, statements which are not true, written by people who do not know anything about conditions or who willfully and deliberately falsify. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman, during the last fiscal year nearly 1,000,000 immigrants were permitted to enter our country. Thousands upon thousands of others would have come over if it had not been for the restrictions of the visé law. This Congress felt that for the present at least immigration to the extent of 1,000,000 per year was far too much, and passed the 3 per cent law which provided for a maximum of 355,000, providing every country filled its quota. Up to the present time about 200,000 have been admitted, and as many countries have already exhausted their quotas, probably not to exceed 250,000 will enter this fiscal year. This 3 per cent law was not a substitute for existing restrictive laws but an addition. It was a further restriction. It said in effect that regardless of qualifications under existing law not more than the 3 per cent shall enter.

It was a distinct departure from existing law. It was passed as an emergency measure, and was placed in operation without adequate time to work out proper methods for administering it. Quotas had to be established for each country. European boundaries have been changing, making it difficult to apply quotas to individual cases. But with all its faults and difficulties it has one real virtue. It restricts, and that is what this country needs.

Some of these quotas were necessarily small and were exhausted almost immediately following the passage of the act.

It appears that in one way or another 2,443 persons have been admitted by the Immigration Service who are in excess of the quota. The list is as follows:

EXCESS OF QUOTAS.

A table showing the excess of quotas by countries from July 1, 1921, to February 28, 1922, follows:

Number of persons admitted in excess of quotas to Feb. 28, 1922, during eight months of operation of 3 per cent act.

Belgium	5
Greece	152
Hungary	379
Yugoslavia	228
Poland (including eastern Galicia)	251
Portugal (including Azores and Madeira Islands)	78
Spain	97
Other European (including Andorra, Gibraltar, Lichtenstein, Malta, Memel, Monaco, San Marino, and Iceland)	25
Palestine	151
Syria	87
Turkey (Europe and Asia, including Smyrna district)	481
Other Asia (including Persia, Rhodes, Cyprus, and territory other than Siberia, which is not included in the Asiatic barred zone; persons born in Siberia are included in the Russia quota)	444
Africa	63
Australia	7
New Zealand	24
Atlantic Islands (other than Azores, Madeira, and islands adjacent to the American continents)	21
Total	2,443

These people are not defectives. All are admissible under our immigration laws. All have a visé from an American consul. They have not been admitted because they come from countries whose quota has been exhausted.

How did they happen to come? Why did they leave their own country before learning whether they would be permitted to enter here?

Among this number are orphan children whose friends were assured by the Government that the quota was not exhausted and who then cabled for the children to come. Upon arrival here the quota was found to be exhausted.

Others of these people left their homes in far-away parts of Asia before we passed this law. The journey here has cost them thousands of dollars.

There is a group of people from Assyria, who fought against the Turks in Mesopotamia and who, after untold hardships, finally reached civilization. Throughout their overland march of hundreds of miles they carried at the head of their column the Stars and Stripes. American consular officers furnished them with visés. This was long before the 3 per cent law was enacted. The quota from Assyria was small, and when they arrived at our Pacific port the quota had been exhausted.

What shall we do with them? We can not send them back to Assyria. They have no way of getting there. Furthermore, the Turk would be there to exterminate those who arrived.

In this group of 2,400 are 200 Armenian refugee children. They were gathered together by American citizens, who brought them here in good faith, with no knowledge of the fact that coming from the Armenians of Turkey they were properly chargeable to Turkey, whose quota was exhausted.

You who are opposing this law, what do you advise doing with them? American citizens in the best of faith brought them here after they had rescued them from the Turk. Shall we turn them back? You who oppose this law must either answer in the affirmative or propose another remedy.

The hearings before the committee show that the Turks massacred one group that were denied visés because the quota had been exhausted. Three American citizens were among those slain.

Surely we can not turn these people back under such circumstances. American citizens in good faith have brought them here, and I am not willing to lend my aid to their deportation to certain death.

Mr. BOX. Will the gentleman yield?

Mr. NEWTON of Minnesota. I am sorry, but I can not yield.

Mr. Chairman, there is but a choice between admission or deportation.

It is the business of the State Department to establish a proper liaison between its visé officers and the Immigration Service so as to prevent issuance of visés where quotas are exhausted or nearly exhausted.

The Immigration Service should not permit quotas to be exhausted, but should keep a sort of reserve list for cases of great emergencies.

The steamship companies should be required to observe even more care in selling passage to citizens of countries whose quota is nearly exhausted.

Mr. Chairman, I understand that this is being done, or is being worked out. In my judgment there should be no occasion for any similar request for the next year if there is this cooperation between State Department, Immigration Bureau, and steamship companies. Mr. Chairman, this bill in the interests of humanity and for the good name of America should pass. [Applause.]

Mr. RAKER. Mr. Chairman, I will occupy the remainder of my time.

The CHAIRMAN. The gentleman has 20 minutes.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I request, for the first time I have ever done it, that I may be permitted to conclude my remarks without interruption.

Mr. MOORE of Virginia. Will the gentleman yield for one general question?

Mr. RAKER. For one question.

Mr. MOORE of Virginia. It does not pertain directly to this measure. At least three years ago the promise was held out that a permanent law would be enacted fixing a definite immigration policy. When the bill was brought in that was passed about a year ago that promise was renewed. Nevertheless since that bill was enacted there has been another merely temporary extension measure passed by the House. Can the gentleman tell us—and I know if he can he will do it very frankly—why it is that the committee has failed to evolve permanent legislation dealing with the immigration problem, which is admitted to be of prime importance, and with all its features, and including the matter of examining immigrants on the other side of the ocean, so as to avoid having those who are disqualified from being landed in this country?

Mr. RAKER. I wish I could do so now, but I will get to that before I get through. Now, gentlemen, I shall be frank and as near to the point as I can on what I am going to say. The gentleman from Ohio [Mr. FESS], on the 2d of March, made a speech on what had been accomplished in the present administration, and included in that as one great constructive piece of legislation the act of May 19, 1921. Now, that act provides that when the 3 per cent has been exhausted no more can be admitted. It is not a provision that allows any discretion in the Secretary of Labor; it is a plain mandatory provision:

When the maximum number of aliens of any particular nationality who may be admitted in any fiscal year under this act shall have been admitted, all other aliens of such nationality, except as otherwise provided in the act, who may apply for admission during the same fiscal year shall be excluded.

There is no discretion. The question of mercy is not involved in this case. The minority would go as far as anyone if it was.

Now, gentlemen I want to say to you that there was not a word of hearings or testimony had on this resolution. There was nothing before the committee in regard to these 2,400—who they are, where they came from, what is their nationality—except a written statement left with the chairman of the committee, which I hold in my hand, and which is referred to and made a part of this report. There is nothing to show when they left their own country, and I say without successful contradiction that the chairman of this committee made a statement to this House when the matter was up on June 20, 1921, when we allowed the 11,000 during that time to come in under the resolution, that "that would clear the seas." Turn, gentlemen, to the RECORD, page 2778, and you will see that he said that would clear the seas of all the men that had started entitled to enter, and they allowed the 11,000 to enter.

Mr. BOX. And were not a lot of them landed in advance while that was being considered?

Mr. RAKER. That is true. The order made does not show any question of hardship. I want to impress on your mind, if I can, that when we made a request that the committee have hearings to show where these people came from, when they left, and how they were admitted, and whether there was any question of mercy or sympathy, it was defeated and turned down and the committee of this House was denied an opportunity to be heard. All these statements about sympathy, all these statements about mercy, are not involved in this case, because there is not a word of testimony before the committee on any such basis.

Let me tell you what is the matter. The Immigration Service, by virtue of the enormous pressure that is being brought to bear by certain Members high in official authority, many groups of people interested because they want the work, many people who desire to bring them here, organizations, have been doing everything in their power to break down this law and get their people in. I believe that we would have been able to show if we had gone into testimony in the hearings that some of these men had been sent for and notified four or five months before they came over believing they would be entitled to be admitted. They have broken down the Immigration Service at Ellis Island ruthlessly, improperly, and I just want to call your attention without reading any names, as I think it ought to be, what was done:

Report that certain officials under Immigration Service at Ellis Island and New York have been charged with criminal violation of the law in regard to admitting immigrants. How many and what is the situation? Kindly advise me. I want it as a member of the Committee on Immigration of the House.

That was the only chance I had to get any information. What do I get?

March 13, 1922—this is from a public official, who has charge and knows:

The matter about which you have telegraphed me is in the hands of the district attorney. I can not, therefore, divulge any names at the present time.

Money being used; desire to bring these people in against the law; desire to break the law down? Gentlemen, there was never such a saturnalia of effort to break down a law as there is at this time, and we would have been able to demonstrate it if we had had the hearings. I am not going to criticize my colleagues, but I think they were mistaken. They are overburdened with telegrams to break down the law and put people in. That is the trouble.

Now, in addition to that, here is the crux of the situation, and I want you to think about this: There are 2,400 and over who are here. Nobody knows whether they are men, women, or children; nobody knows whether they are all laboring men; nobody knows——

Mr. ROSSDALE. The department knows.

Mr. RAKER. We do not get the information. Their agents are charged with a criminal offense in letting them in.

Mr. ROSSDALE. They are not admissible under this act.

Mr. RAKER. Twenty-four hundred. Let us see what that means to the steamship companies. According to my colleague and lovable chairman, when he made his speech, which I have before me, on June 20, 1921, that bill cleared the seas. That is what he said, and it did. We extended it four or five days. None of these people that are admitted started without knowledge, and everybody knows it. This notice is given every week to the steamship companies and to everyone else. The steamship companies, under the law, must pay the expense of keeping these people; they must pay the expense of gathering them up. They must pay the expense of returning it, and they have been active, energetic, persistent, domineering, and have almost tried to override the Congress. They have appealed to the President; they have gone to the Secretary of Labor; they have gone to the Commissioner General of Immigration. They have done everything on earth they could in every way in New York. This bill alone means to them in the neighborhood of $500,000, from the payment of which they will be relieved, if the bill is passed.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN. Do I understand that these persons who have been admitted under bond, if they are returned, are returned at the expense of the steamship companies?

Mr. RAKER. Yes.

Mr. MANN. That statement is directly opposite to one made to me by the Immigration Service.

Mr. RAKER. It could not be.

Mr. MANN. It was so made.

Mr. RAKER. What I mean is this: It could not be the law, because the law says that they can not be admitted. There is no provision that gives the Secretary of Labor or the Commissioner General of Immigration the right to admit these people. Therefore he has allowed them to enter temporarily, with an understanding, and the order is made now for deportation in every case, because they are here contrary to law, and the steamship companies must pay their expense while at Ellis Island and must assist in gathering them up and must return them, and it will amount to in the neighborhood of $500,000, and the steamship companies are personally involved here. They are the ones for whom we are shedding tears and not for any pretended or assumed orphans. To make my answer plain to the gentleman from Illinois——

Mr. MANN. Oh, I think the gentleman makes the answer plain, but it is contrary to what the Immigration Service told me was the case.

Mr. RAKER. I say this, and I stand by it, and there is no getting away from it. If they had not been admitted, if they are admitted temporarily, legally, the steamship company is responsible, and if the Secretary of Labor has admitted them illegally, then the question of whether the steamship companies would be compelled to return these people and pay their expenses is doubtful.

Mr. MANN. It is easy to split hairs about the theory, but the fact is another thing. The fact is that the steamship companies do not return them at their expense.

Mr. RAKER. It is a dead, open, moral certainty that if they had been detained as directed by law, had been kept at Ellis Island, the steamship companies under the law would have been compelled to return them at the expense of the steamship companies.

Mr. MANN. There is no doubt about that.

Mr. RAKER. There is no doubt about that. It is only a question of the violation of the law.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I can not yield. Except for a voluntary, ex parte statement, there is not a word before you upon which you can base your judgment or sympathy upon the question of even humanity, if you please. The committee were denied that right. We were unable to get that testimony to bring it before you, and there is brought in here the bold statement, and they rely on hearsay or outside testimony in regard to this matter, and they are now appealing to you on the question of sympathy to break down the Immigration Service to permit these people to come in here contrary to law, to the end and for the reason that many people or a number in these large cities are interested and always have been against the immigration law in the first place, and in the second place as a finality and as a fact the steamship companies are the people involved, and they are the ones who want this law repealed if they can get it repealed. They are the ones who are the strong sponsors for the particular legislation to allow these people in here. Talk about sympathy, talk about mercy, talk about humanity! Then my friend from New York comes in here with a folder that he has had rolled up for three or four years, with nothing to show who these people are. We could have gotten at the testimony and have presented it to the House if we had had the opportunity. We would have been able to show how the Immigration Service at Ellis Island is being broken down, when it has been suggested on the outside that some men went in and rubbed at least 20 names off the manifest, and then had gotten $100 apiece for these men that were over the quota. This is thus reported. The facts should have been adduced. We could have proven those facts I am convinced, but we were denied the opportunity, and you are denied it. The Secretary of Labor, the Commissioner General of Immigration, each in his heart and in his mind wants to enforce the law. They told us that they are in favor of it, but there is a constant appeal and demand that they do not enforce it. We should uphold them in enforcing the law.

Then they promised him they would possibly get this piece of legislation through in this body if he would let them in temporarily, and then he told them that these people ought to be deported. That they were here illegally, and this Congress breaks the law down. That was his statement to the committee some time before on another matter. If we are going to enforce the law, it is up to you, it is up to the people. Now, what are you going to do about it? We said, enforce the law, of course; there is nothing else to do. You break it down in this instance; break it down in matters that are somewhat important; and every steamship company gets notice every week, and everybody knows the quota, full information has been given to these people, and notwithstanding that they said that they secured the passage of one resolution leaving in over 11,000 who were illegally here at that time, and we will run the risk, we can even send over for our friends, our relatives, or anyone we want, because we know by the time they get here they will be held at Ellis Island for a week or two or maybe 10 days, great complaint will come up on the ground of sympathy; we will give no facts; we will submit no testimony to be presented; and the House will have no opportunity to know the facts, and we will make a grandstand play on the ground of mercy and humanity, and we will get the resolution through, notwithstanding the appeal of my distinguished colleague from Ohio, who got up here the other day and said that this was one of the great pieces of legislation enacted by the present administration, that he believed in the enforcement of the law, that if we passed a law and if we find men violating the law we ought to punish them, and that we ought to stand by the law, we ought to stand for the enforcing of the law. Here you come, because there are a lot of appeals, because there is organization, as Judge Box said, because he watched them; the steamship companies stayed up until 11 o'clock at night with the committee on December 19, and the next day, when they thought they were going to get the resolution through, the whole bunch of them were in the gallery looking down here weeping for the little girl or the little boy, claiming mercy for them because of the women and children and the wives and mothers of the ex-service men. My God, they never thought about it. They were thinking about the $500,000 that was coming into their pockets if such a resolution was passed.

Mr. ROSSDALE. Will the gentleman yield?

Mr. RAKER. I can not. That is what there is in this business. Gentlemen, I do not know in 10 years when there was a matter of this importance that has come before the House that the committee having charge of it was denied the opportunity to go into the facts and get an opportunity so we might present it.

Mr. JOHNSON of Washington. Does the gentleman deny the facts are not strung all along the 500 pages of the hearings?

Mr. RAKER. I am not criticizing the gentleman; I do not intend to; but am stating my idea of this resolution. We had no testimony on it. You will remember, Mr. Chairman, I made a motion to have a hearing, and I was voted down.

Mr. JOHNSON of Washington. I remember——

Mr. RAKER. We started out——

Mr. JOHNSON of Washington. I will ask the gentleman if he denies the testimony, and I make the charge that the gentleman in order to delay this piece of legislation wanted to run through and have an individual investigation of the 2,400 and more immigrants, which would have been an impossible thing to do.

Mr. RAKER. I did not intend to delay, and I never have. I wanted to get the facts. I made the charge then, and I make the charge now, that if the facts were presented to this House there would not be 5 votes in favor of this resolution. You could not afford to stand for such a bad piece of legislation, breaking down the laws of the country in favor of the steamship companies. This testimony which the gentleman refers to

related to another proposition altogether, not to these 2,400 and over here desired to be admitted by this resolution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Chairman, in all the declamation to which we have listened, full of sound and fury, not one single opponent of this resolution has said "send them back," deport them"—not one; not one has suggested it. Mr. Chairman, in inaugurating a new and untried policy after 135 years' experience under the Constitution the only wonder is that this law has been as successfully administered as it has. [Applause.] Not a man has said "send them back." The gentleman from Louisiana [Mr. WILSON], for whose veracity I have a very high regard, I think unintentionally misled some members of this committee when he stated or carried the idea that the admissions proposed by this resolution exceeded the aggregate provided for under the law. He should have said definitely that it exceeded the quota from the certain countries involved. The operation of this law has reduced immigration from 750,000 to 195,000 up to date, and the well-authenticated statement by men particularly close to this subject, with every opportunity to speak by the book, is that the immigration will not exceed 250,000 for the current year.

Gentlemen speaking on this resolution did not state the issue. They avoided it; they side-stepped it. They did not attack the law. They stated that some mysterious, unlocated influence is and has been at work to break down the law, and yet did not even cite a single instance where any officer charged with its enforcement had connived at its violation.

In most pathetic terms we have been presented with the catalogue of the deportation or rejection of 37,719 inadmissible aliens through a period of 20 years preceding this restriction because of idiocy, imbecility, epilepsy, constitutional, mental, or nervous inferiority, insanity, and so forth. Does the gentleman find any justification in these citations for his opposition to this resolution? Certainly the gentleman would not have admitted any of the 37,719 who were rejected or deported in conformity to law. The gentleman does not complain that the same provision of law is now being rigidly enforced. Does the gentleman mean since we have turned back so many thousand undesirables, we should now turn back a few hundred immigrants who are admissible except for the reason that they are in excess of the quota from their respective countries? The gentleman from Texas [Mr. BOX] is painfully exercised because an immigrant is seeking admission among the list covered by this resolution, because it is shown she is coming to her uncle, who is well able to care for her, so that she will not become a public charge, and complains that there are many other similar instances. Well, what does the gentleman want? Would he prefer we should admit a pauper or one who is liable to become a public charge? The gentleman is a good lawyer and knows well that the requirements in this particular are rigidly enforced.

Mr. Chairman, there is but one question involved, and it has been clearly stated by the chairman of the Committee on Immigration and Naturalization. Shall we do what we have the unquestioned power to do, pass this resolution and admit a few here and there in excess of the inflexible number fixed by law, or shall we say, with what seems to me an almost brutal and certainly a cruel disregard of the finer instincts of humanity, we will enforce the law and make no exception? We will not mitigate its harshness; no, not if it separates the mother from her baby, the husband from the wife, the little boy or girl from his citizen father and mother in a good American home. Gentlemen, I will not so vote. In answer to my name my lips would refuse to pronounce the word "no." And so long as the kindlier instincts of humanity shall stir my soul, when no national interest is jeopardized, my sympathy and my vote will never be cast to separate a mother from her baby.

Mr. JOHNSON of Washington. I yield the remainder of my time to the gentleman from New York [Mr. SIEGEL].

The CHAIRMAN. The gentleman from New York is recognized for six minutes.

Mr. SIEGEL. Mr. Chairman, I have been a member of the Immigration and Naturalization Committee for over seven years. Never before in the history of this House and of this committee have I seen any gentleman rise here and make remarks along the lines which have been made by the gentleman from California [Mr. RAKER] as to what occurred in the committee room on the evening when one of the steamship representatives appeared before the committee. I say to you that the steamship representative came before the committee at the particular request of the committee, because we were seeking information.

At page 230 of the hearings we find the following testimony:

STATEMENT OF MR. R. H. FARLEY, ASSISTANT PASSENGER TRAFFIC MANAGER, PANAMA PACIFIC LINE, INTERNATIONAL MERCANTILE MARINE CO., 9 BROADWAY, NEW YORK CITY.

Mr. FARLEY. I represent the International Mercantile Co. Our president was here this morning, and there is very little I can add to what he so ably presented.

Mr. BOX. That was Mr. Franklin?

Mr. FARLEY. Yes, Mr. Franklin. I simply came here at the suggestion of Congressman SIEGEL.

Mr. SIEGEL. We all had the pleasure of meeting Mr. Farley, if you will recollect, when we were on the *Adriatic*.

Mr. FARLEY. I want to assure you, Mr. Chairman and gentlemen, that I appreciate the fact that the chairman and yourselves recognize that the steamship companies had a problem to deal with in carrying out the execution of the law. That we have done so well to me is remarkable. I recall that when the law went into effect we asked the authorities, the commissioner general—we pointed out to him that, in our opinion, the best way would be to govern quotas by departures from Europe, pointing out the difficulty otherwise to properly enforce it on basis of arrivals. However, it was not found possible to put that into effect; but, to my mind, to regulate the movement by departures rather than arrivals is the solution, and in any legislation contemplated I think that should be arranged.

Mr. Chairman, there is not a single man, woman, or child of these 2,453 whom they want to be returned to the other side who would be shipped back at the expense of the steamship companies. The law is plain in regard to that. And why all this hairsplitting? Who are these 2,453 immigrants? Ninety per cent of them are women and children—many of them are mothers of men who gave their lives on the other side during the World War fighting under our flag. I hold here a picture of one of the boys whose life was given up on the other side on October 8, 1918, and among his papers was found a request that his mother come to this side. She got her visé in May, arrived in December, and was ordered excluded because the quota was exhausted. Secretary of Labor Davis, under the power vested in him under the immigration act of 1917, permitted her to enter America. I want to say that all these cases are somewhat along that line. When the gentleman from California [Mr. RAKER] attempts to tell you that these steamship companies are appealing to keep these men and women and children here in order to save money, he is telling you something which, to use charitable words, is not a fact. I might use stronger language to emphasize what I mean, but the House understands.

Mr. VAILE. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. VAILE. If they were deported they would be deported at the expense of the United States, would they not?

Mr. SIEGEL. Either at the expense of the Government or of their relatives if they would volunteer to pay for their return transportation. The law is plain in regard to that particular subject. These people came to America of their own accord originally, and the United States consul in each case received $10 to visé their passports. These visés were granted by our own officials abroad, who apparently were not informed of the exhaustion of the quota. If our consuls did not know, how could these immigrants know?

Mr. VAILE. The steamship companies would profit by the deportation because they would be paid by the United States.

Mr. SIEGEL. There is no doubt about that, because we have a contingent fund for the return of aliens.

Mr. BOX. Will the gentleman deny that Mr. Sanford, Mr. Farley, and Mr. Franklin insisted before the committee on the night of December 19 that they should be admitted in accordance with this resolution?

Mr. SIEGEL. Mr. Franklin appeared in the daytime. The only witness appearing in the evening was Mr. Farley, because he returned at my particular request.

The 500 pages of testimony were taken, not only in the daytime but at nighttime as well. This committee has worked day and night for months for the purpose of gathering testimony. No person can understand the immigration problem with its numerous ramifications affecting life and death of individuals unless he will read this testimony. And I say right now and once more, and I defy the gentleman from California [Mr. RAKER] or anyone else to prove to the contrary, that these 2,453 people are not women and children mainly who are coming here. To whom? Their own next of kin. We all know what the situation was when the law went into effect. We know that the testimony establishes that these couple of hundred children and others had gotten their visés in May, before the law went into effect, and it took a long time for them to come here. The stories of the hardships, sufferings, and cruelties many of them had undergone were bound to move the hearts of fair-minded men and women, in whose hearts there

is no hate. I appealed to the President when some of the cases arose and told him what the situation was, and I say that the Secretary of Labor had the right to admit them temporarily under the act of 1917. The United States District Court in the Southern District of New York only a few days ago took the same view as I did and held that the act of 1917 is still in existence, and that the act of 1921 was simply an addition, because if you took a contrary view, then the entire law of 1917 might be deemed to have been wiped off the statute books. All that we did in 1921 was to put in the 3 per cent quota law as an amendment to the act of 1917.

What are you going to do with these women and children? Where are you going to send them? Are you going to say to the American people that this Congress is not going to exercise the power which it possesses, a power of mercy, fair dealing, and humanity? [Applause.]

Mr. Chairman, some gentlemen who have spoken here in opposition to the resolution probably forgot the testimony given before the committee that orphan children returned to Constantinople were murdered. The following poem may remind them of what they would see repeated if this resolution should fail. It is entitled—

ARMENIANS AT ELLIS ISLAND.

(By Isabel Fiske Conant.)

"We will go to America," said one,
"It is a land of kindness and of plenty.
There'll be a place there for us, in its sun;
Some one will hear of us; some sweet-and-twenty,
Told of war's aftermath, touched by its welter,
Instead of giving one more evening ball
Will give us somewhere shelter;
Some lonely woman, who has lost her all
Except her wealth. . . ." "Some church will," said another,
"Yes, we must go; there's no hope else," they said.
"It's brotherhood. . . . Would that our elder brother
Once more were risen radiant from the dead!"

Twixt doubt and hope they left Armenia—
"At least it will put off the evil day."
One, grimly, said. They hailed America,
After a storm-tossed and imprisoned way. . . .
They were beyond the quota for September.
A group of seventeen—fair-looking folk—
(Recording Angel! may you not remember
'Gainst us those unheard prayers they spoke!)
Pictured one Sunday in the supplement.
Souls in their faces begged us not to shirk.
For all that, nothing happened. . . . They were sent,
Women and children all, back to the Turk. . . .
They all were murdered, but were outraged first
(Multiple Calvary, watched by Christian States).

It's since the war that war has done its worst.
And stricken is the sentry at our gates;
Torch-bearing Liberty. . . . And now again
Another group is here! This time we know
What waits for them, deported . . . with what pain
Must Christ's old wounds reopen, if they go!
Spare His torn feet and hands. . . .
(The heart of evil in the world is wild.)
Make known love's succor to the pleading lands,
His day, the birthday of a little Child.

—(From the New York Times.)

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

House joint resolution (No. 279) to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921.

Resolved, etc., That aliens who entered the United States before March 7, 1922, in excess of quotas fixed under authority of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, and were temporarily admitted under bond may, if otherwise admissible, and if not subject to deportation for other causes, be permitted by the Secretary of Labor to remain in the United States without regard to the provisions of such act of May 19, 1921. In the case of any alien so permitted to remain the bond shall be canceled.

The following committee amendment was also read:

Committee amendment: Page 1, line 3, strike out the figure "1" and insert in lieu thereof the figure "7."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. BOX. Mr. Chairman, I rise in opposition to the committee amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BOX. Mr. Chairman, this committee amendment is typical of the whole thing. It was put in there to accommodate a certain group. That is what put it in.

Mr. SABATH. What group, may I ask?

Mr. BOX. They were people in whom the gentleman from New York [Mr. SIEGEL] was especially interested.

Mr. SIEGEL. Will the gentleman yield?

Mr. BOX. I will.

Mr. SIEGEL. I will state that the amendment was reported because a child happened to be born in Poland and the father was in Russia, and they applied for citizenship papers in New York and could not get them because of the fact that his wife was not there.

Mr. BOX. I call your attention to the statement in the committee report that these cases had been passed on individually, so as to find out whether or not they were cases of special hardship, which is the excuse for this resolution. I read from the committee report:

To avoid great hardships, the Secretary of Labor ordered releases under conditions as above.

Above that is the following:

All of these temporary admissions were made on individual showings.

Now, gentlemen, read the order as I presented it in my remarks a few moments ago. That order was made on the 24th of December. It ordered the admission of all who were at the New York and Boston immigration stations, then numbering 1,200, more or less, all who were in ships out in the harbor or on the seas, or in any port of the United States, or who might arrive at any port of the United States on or before January 25. And we have this statement that each case had been passed on individually for you to act on, that these cases were passed on individually. There are things involved, gentlemen, I say to you—and I hope with proper moderation—in this course that are utterly ruinous in their tendency. These people were admitted while they were on the seas. There were 2,300 on shipboard in the harbor and 380 coming up the bay at New York. I do not know how many were coming in or coming to all other ports. Besides there were 1,200 then at the two ports of New York and Boston at that very time, and yet they tell you that those people out there on the seas had been investigated, every case had been tried, and that each had been found to be a special case of distress, and that as a matter of humanity they must let them in.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ANDREW of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 9235) providing for a grant of land to the State of Washington for public park purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McNARY, Mr. JONES of Washington, and Mr. SHEPPARD as the conferees on the part of the Senate.

IMMIGRATION.

The committee resumed its session.

Mr. RAKER. Mr. Chairman, I desire to be recognized.

Mr. JOHNSON of Washington. What does the gentleman desire?

Mr. RAKER. I want five minutes on this amendment.

The CHAIRMAN. Is the gentleman from California for or against the amendment?

Mr. RAKER. I am against the amendment.

The CHAIRMAN. The gentleman from Washington rises in opposition to it?

Mr. JOHNSON of Washington. No; I am not in opposition to it.

Mr. SABATH. The gentleman from Washington is in favor of the amendment, and the gentleman from California is against it.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the debate on this amendment and all amendments thereto close in 10 minutes, of which the gentleman from California shall have 5 minutes and I 5 minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the debate on this amendment and all amendments thereto be closed in five minutes. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, I supposed the gentleman would give the House or some of these Members a chance.

Mr. JOHNSON of Washington. I do not want to use unnecessary time.

The CHAIRMAN. Is there objection?

Mr. RAKER. I object.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Washington moves that the debate on this amendment and all amendments thereto close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. RAKER. Mr. Chairman and gentlemen, in support of my statement to the Members of the House, I want to call your attention to section 18 of the immigration act of February 5, 1917, which says:

That all aliens brought to this country in violation of law shall be immediately sent back in accommodations of the same class as those in which they arrived—

And it then goes on to provide that the steamship companies shall pay all expenses. The Commissioner of Immigration and his assistants all concede that the steamship companies must pay the expenses of these people while in the United States if they are brought here unlawfully.

Mr. MANN. Does not that say they must be immediately deported?

Mr. RAKER. That is what this law requires.

Mr. MANN. I know; but when they are admitted in bond they can not be immediately deported.

Mr. RAKER. What I am trying to convey to the House——

Mr. MANN. What I am trying to convey to the House is the fact, not an interpretation.

Mr. RAKER. This is the fact. The record shows that 2,400 and some odd people were illegally brought into the United States in violation of the law. The duty of the Secretary of Labor was to order them deported. He ordered them deported. Then, by virtue of widely extended requests, he temporarily admitted them, without any law to permit him to do it. I say that you can not find a scrap or a sentence in the law anywhere to the effect that the Secretary of Labor or the Commissioner General of Immigration has the right or the power to admit anyone illegally or unlawfully brought to the United States.

Mr. SABATH. Does the gentleman still claim that the steamship companies shall be compelled to take them back at their own expense now?

Mr. RAKER. Yes.

Mr. SABATH. Oh, the gentleman is wrong.

Mr. RAKER. Oh, of course, it is all wrong to enforce the law. In that case the steamship companies and their friends have worked a ruse on the department, and they are going to save themselves, by the failure of our authorities to deport these people, something like $500,000. That is all there is to it.

Mr. MANN. Does the gentleman say that under the law the department has not the power to admit them?

Mr. RAKER. Yes.

Mr. MANN. But they did admit them.

Mr. RAKER. Yes; a man can commit murder if he wants to.

Mr. MANN. But they did admit them. It is like the case of the man in jail who is told by his counsel that he can not be put in jail.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. CLOUSE. The gentleman has shown that under existing law the steamship company would have to pay the expense of deporting these people who were illegally admitted. Now, if the Commissioner General of Immigration permitted them to come in here, did he require the steamship company to execute a bond to the effect that they would carry out the provisions of the law in the event it should be decided to deport them?

Mr. RAKER. We did not get opportunity to require that that should be done.

Mr. CLOUSE. If he had done his duty, would he not have required such a bond as that?

Mr. RAKER. I think the bond would have been illegal and worthless, because he had no power to require the bond to be given. The law does not permit him to accept the bond. If he had required a bond or had required the execution of a bond, and he had no authority to do that, the bond would have been worthless.

Mr. CLOUSE. I concede that to be true. But he had no right in the first place to admit them.

Mr. RAKER. I want to call your attention to the first provision, the only provision that can possibly be referred to. That is in section 3 of the act of April 5, 1917, and it has this language:

Provided, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall issue rules and prescribe regulations, including the exaction of such bonds necessary to control and regulate the admission and return of otherwise inadmissible aliens applying—

Applying for what? "For temporary admission." All of these people were seeking to come here permanently and seeking to stay here. It is conceded by the department that they have no right to admit a man here who comes to the United States to remain permanently. This is only to apply to the admissions provided for, and it was only done by the extreme solicitation, by the almost overwhelming power brought to bear, that the Secretary made these orders to let these people in here, even before they arrived in the United States.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to correct some misstatements and set my colleagues right, if I can, as to some misinformation that they seem to possess. The House Committee on Immigration and Naturalization sat week in and week out, with many night sessions, trying to perfect amendments to the 3 per cent act. Some of these amendments, designed to make the law more workable, will be offered to you at an early date.

If these are not attached in the Senate to the House resolution extending the time of the 3 per cent act, which was recently passed by a vote of 281 to 36, they will be offered here by special resolution. One of these amendments deals with the boundary situation. European immigrants who are piling up in Canada, Mexico, and Cuba, hoping to beat our present restrictive act, will not be permitted to do so. Other amendments, we hope, will take care of some of the situations which made necessary the resolution which is now before you.

We have the temporary 3 per cent restriction act. We are not going to lose that act. We are not going to break it down. We are going to strengthen it. In my opinion, the United States, having ceased to be an asylum for the oppressed, can afford to be the least bit humane in getting its new law under way. Because we are ending the melting-pot fallacy and we know now our grievous blunder of unrestricted immigration, and are now changing front, we need not send back to the bloody Turks a hundred or so Armenian babes.

Let me repeat, extensive hearings, running for weeks and months, were held by the committee, including numerous night sessions. They were wide open to all. Everybody came, and those that did not, like the Labor Department and Immigration Bureau officials, we invited. Among those present and entitled to be heard were, as has been said, steamship officials, but there is nothing to the innuendo that there was any undue influence anywhere by anyone.

Of the 2,448 in excess of quota which this resolution proposes to admit, let me call attention to the fact that 1,000 or more of them could not be deported to any country—to any place in the world—resolution or no resolution! You can not send back certain people who fled from Syria, Assyria, and Turkish Armenia months before there was a quota law. You can not send certain Spaniards back to Spain when they left the United States in fishing vessels before there was a quota and got back from their fishing trips to find the quota law in existence and the quota from Spain exhausted in the first two months of the law. The immigration from Spain numbered 18,821 in 1920 and 23,818 in 1921, so that the excess of 97 during the time under consideration, it seems to me, represents a very small surplus in view of the fact that Spain's quota was only 663 for the present fiscal year. We have an excess quota from Spain of 97! Is not that remarkable in the working of a new law when Spanish immigration dropped from 23,818 to almost nothing in a year?

The excess of 432 from Turkey is due principally to Armenians and to some extent to Greeks, who were admitted in order to avoid grave and unusual hardship. They have been referred to in this debate as Turks, and they are, but only because Turkey was their birthplace and in complete disregard of their adopted country.

The excess of 444 from "other Asia" is probably almost entirely made up of the so-called Assyrians, who were natives of Persia. These people, for the most part, left their temporary homes in Mesopotamia for the United States before the act of May 19, 1921, passed Congress, and the strongest kinds of appeals from various religious and philanthropic organizations were made in their behalf. They are remnants of massacred families.

I am accused of writing several relief resolutions, one as far back as December 19. I did, and the steamship men had nothing whatever to do with it. I was thinking of those unfortunates and the law itself.

Further, in this House on December 22 last, I made some remarks on the workings of the 3 per cent act, and I announced then that I would offer to the House the very resolution you have before you to-day. I said then that the 3 per cent act, in its first try out, had developed some weak spots which could and should be corrected by Congress itself. I said then:

Some of those people, under a strict reading of the law, must be returned to the stricken regions in Asia Minor where constant war rages between the Bolshevik on the north and the followers of Mohammed on the south, who preach death on the edge of the sword

of Islam, and who kill Christian and Jew alike; and so help me God, I will not stand idly by and let the United States send back these people if we can save them.

I said that then. I say it now.

During the six months ended December 31, 1921, a total of 985 aliens were actually debarred at United States ports because coming in in excess of the quotas prescribed by the act of May 19. This number has been increased somewhat since January 1 by very small numbers, as follows:

January	72
February	96

or a total of 1,153.

You heard read here a telegram from a Hungarian newspaper, a telegram sent to me. The inquiry developed that a mistake had been made in the Hungarian quota figures and some 200 Hungarians who supposed they were admissible were held up as a result of the clerical error over Christmas. That is all there is to that.

Mr. BOX. Will the gentleman yield?

Mr. JOHNSON of Washington. One minute. That mistake was not corrected until the middle of February. I want to be fair. 'Tis human to err.

I have brought in this joint resolution in good faith. I think the step is a right and proper thing for Congress to do. Congress makes laws. This is to be a law.

I am afraid gentlemen who have signed the minority report, at last after years and years of no politics in our committee, appear to be injecting politics into the consideration of this question. They seem to charge that the Secretary of Labor did what he should not have done. But they do not say one word about the last Secretary of Labor, who, among other similar things, finally before he went out of office admitted under bond some 200 insane persons, probably one-half of them now married to American citizens in the country, who can not now be deported and here to breed long lines of insane people. They admitted them without coming to Congress. They admitted hundreds and hundreds of people who should not have been admitted, 10,000 sick, insane, and diseased in one year. Those objectionable aliens are in this country now by edict of that Secretary, who did not ask Congress for one word of authority.

We in one year's time have enacted a law which has reduced immigration in eight months from a probable million to 200,000. In that gigantic transformation from an asylum for the oppressed of all lands to a country of real restriction, we have on hand 2,443 exemptions, excesses, the slips, mistakes, and excusable cases of a new and drastic law, and a war-torn world whose changes could not be foreseen. The asylum idea is over forever, and so is the myth of the melting pot, I hope. Gentlemen may charge what they please. We have come to Congress in all fairness to give Congress its chance to pass a new law that gives a measure of grace, a mode of relief, an act of fairness or of necessity, or whatever you care to call it, and in order that the new law may be made practical and more popular.

I ask for a vote. [Applause.]

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. JOHNSON of Washington. I move that the committee do now rise and report the joint resolution favorably with the amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration H. J. Res. 279, to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the joint resolution and amendment to the final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

Mr. CANNON. May the amendment be read?

The SPEAKER pro tempore. The Clerk will report the joint resolution and the amendment.

The Clerk read as follows:

Resolved, etc., That aliens who entered the United States before March 1, 1922, in excess of quotas fixed under authority of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, and were temporarily admitted under bond, may, if otherwise admissible and if not subject to deportation for other causes, be permitted by the Secretary of Labor to remain in the United States without regard to the provisions of such act of May 19, 1921. In the case of any alien so permitted to remain the bond shall be canceled.

With the following amendment:

On page 1, line 3, after the word "March," strike out the figure "1" and insert in lieu thereof the figure "7."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question being taken; on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 105, noes 35.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy-one Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees. The question is on the passage of the joint resolution. Those in favor will, as their names are called, vote yea, those opposed nay, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 91, answered "present" 2, not voting 92, as follows:

YEAS—243.

Ackerman	Echols	Kline, Pa.	Reed, N. Y.
Andrew, Mass.	Edmonds	Knight	Reed, W. Va.
Andrews, Nebr.	Evans	Knutson	Rhodes
Anthony	Fairfield	Kopp	Ricketts
Appleby	Faust	Larson, Minn.	Robertson
Asenta	Favrot	Lawrence	Rogers
Atkeson	Fenn	Layton	Rose
Bacharach	Fess	Lea, Calif.	Rosenbloom
Barbour	Fitzgerald	Leatherwood	Rossdale
Beck	Focht	Lee, N. Y.	Saluth
Begg	Fordney	Lehlbach	Sanders, Ind.
Benham	Foster	Limeberger	Sanders, N. Y.
Bird	Frear	Little	Schall
Bixler	Free	Logan	Shaw
Bland, Ind.	French	Longfon	Shelton
Bland, Va.	Frothingham	Longworth	Shreve
Bond	Fuller	Luce	Siegel
Brennan	Funk	McArthur	Sinclair
Brooks, Ill.	Gahn	McCormick	Sinnott
Brooks, Pa	Gensman	McFadden	Smith, Idaho
Brown, Tenn.	Gernerd	McLaughlin, Mich.	Smith, Mich.
Browne, Wis.	Glynn	McLaughlin, Nebr.	Snyder
Burdick	Goodykoontz	McLaughlin, Pa.	Sproul
Burroughs	Gorman	MacGregor	Stafford
Burtness	Graham, Ill.	Madden	Stephens
Burton	Green, Iowa	Magee	Stiness
Butler	Greene, Vt.	Maloney	Strong, Kans.
Cable	Griest	Mann	Summers, Wash.
Campbell, Kans.	Hadley	Mapes	Sweet
Campbell, Pa.	Hardy, Colo.	Merritt	Swing
Cannon	Hardy, Tex	Michaelson	Taylor, N. J.
Carew	Harrison	Michener	Taylor, Tenn.
Chalmers	Haugen	Mills	Temple
Chandler, N. Y.	Hawes	Millspaugh	Ten Eyck
Chindblom	Hawley	Mondell	Thompson
Christopherson	Hays	Montoya	Timberlake
Clague	Hersey	Moore, Ohio	Tincher
Clarke, N. Y.	Hickey	Moores, Ind.	Tinkham
Cockran	Hicks	Morin	Towner
Cole, Iowa	Hill	Mott	Treadway
Cole, Ohio	Hoch	Murphy	Vaile
Collins	Hogan	Nelson, A. P.	Vestal
Colton	Huddleston	Nelson, J. M.	Voigt
Cooper, Ohio	Hudspeth	Newton, Minn.	Volk
Cooper, Wis.	Hull	Newton, Mo.	Volstead
Copley	Husted	Nolan	Walters
Crago	Hutchinson	Norton	Ward, N. C.
Cramton	Ireland	O'Connor	Wason
Cullen	Jefferis, Nebr.	Osborne	Watson
Curry	Johnson, Wash.	Paige	Wheeler
Dale	Jones, Pa.	Parker, N. J.	White, Kans.
Dallinger	Kearns	Parker, N. Y.	White, Me.
Darrow	Keller	Patterson, Mo.	Williamson
Davis, Minn.	Kelly, Pa.	Patterson, N. J.	Woodruff
Denison	Ketcham	Perlman	Woodyard
Dickinson	Kendred	Porter	Wurzbach
Dowell	King	Purnell	Wyant
Dunbar	Kinkaid	Radcliffe	Yates
Dunn	Kirkpatrick	Ramseyer	Young
Dupré	Kissel	Ramsey	Zihlman
Dyer	Kleczka	Reece	

NAYS—91.

Almon	Byrns, Tenn.	Fisher	Johnson, Ky.
Aswell	Cantrill	Fulmer	Johnson, Miss.
Bankhead	Carter	Garner	Jones, Tex.
Barkley	Clouse	Garrett, Tenn.	Kiess
Black	Collier	Garrett, Tex.	Kincheloe
Bowling	Connally, Tex.	Gilbert	Lanham
Box	Crisp	Goldsborough	Lankford
Brand	Dominick	Hammer	Larsen, Ga.
Briggs	Doughton	Hayden	Lazaro
Buchanan	Drane	Hooker	Lee, Ga.
Bulwinkle	Drewry	Hudspeth	Linthicum
Byrnes, S. C.	Driver	Jeffers, Ala.	Lowrey

Lyon	Padgett	Sanders, Tex.	Swank
McClintic	Park, Ga.	Sandlin	Thomas
McDuffie	Parks, Ark.	Scott, Tenn.	Tillman
McPherson	Pou	Sears	Tyson
Mead	Quin	Sisson	Upshaw
Miller	Raker	Smithwick	Vinson
Montague	Rankin	Steagall	Weaver
Moore, Va.	Rayburn	Stedman	Wilson
Oldfield	Reach	Stevenson	Woods, Va.
Oliver	Robsion	Stoll	Wright
Overstreet	Rouse	Sumners, Tex.	

ANSWERED "PRESENT"—2.

Herrick	Humphreys

NOT VOTING—92.

Anderson	Ellis	Lampert	Rodenberg
Ansorge	Fairchild	Langley	Rucker
Beedy	Fields	Lehring	Ryan
Bell	Fish	McKenzie	Scott, Mich.
Blakeney	Freeman	Mansfield	Slemp
Blanton	Gallivan	Martin	Snell
Bohn	Gould	Mead	Speaks
Bowers	Graham, Pa.	Moore, Ill.	Steenerson
Brinson	Greene, Mass.	Morgan	Strong, Pa.
Britten	Griffin	Mudd	Sullivan
Burke	Himes	O'Brien	Tague
Chandler, Okla.	Jacoway	Ogden	Taylor, Ark.
Clark, Fla.	James	Olpp	Taylor, Colo.
Classon	Johnson, S. Dak.	Parrish	Tilson
Codd	Kahn	Perkins	Underhill
Connell	Kelley, Mich.	Petersen	Vare
Connolly, Pa.	Kendall	Pringey	Ward, N. Y.
Coughlin	Kennedy	Rainey, Ala.	Webster
Crowther	Kitchin	Rainey, Ill.	Williams
Davis, Tenn.	Kline, N. Y.	Reavis	Wings
Deal	Kraus	Reber	Winslow
Dempsey	Kreider	Riddick	Wise
Elliott	Kunz	Riordan	Wood, Ind.

So the House joint resolution was passed.

The following pairs were announced:

Mr. SULLIVAN (for) with Mr. MARTIN (against).

Mr. GALLIVAN (for) with Mr. JACOWAY (against).

Mr. RAINEY of Illinois (for) with Mr. DAVIS of Tennessee (against).

Mr. GRIFFIN (for) with Mr. FIELDS (against).

Mr. O'BRIEN (for) with Mr. WINGO (against).

Mr. TAGUE (for) with Mr. WISE (against).

Mr. LUHRING (for) with Mr. KITCHIN (against).

Mr. HIMES (for) with Mr. MANSFIELD (against).

Mr. SNELL (for) with Mr. BLANTON (against).

Mr. WINSLOW (for) with Mr. BELL (against).

Mr. OLPP (for) with Mr. RAINEY of Alabama (against).

Mr. ELLIS (for) with Mr. HUMPHREYS (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

General pairs:

Mr. LAMPERT with Mr. MEAD.

Mr. REBER with Mr. RUCKER.

Mr. GREENE of Massachusetts with Mr. TAYLOR of Arkansas.

Mr. ELLIOTT with Mr. DEAL.

Mr. CONNELL with Mr. BRINSON.

Mr. VARE with Mr. KUNZ.

Mr. KENDALL with Mr. PARRISH.

Mr. MORGAN with Mr. TAYLOR of Colorado.

Mr. HUMPHREYS. Mr. Speaker, did the gentleman from Missouri [Mr. ELLIS] vote?

The SPEAKER pro tempore. He is not recorded.

Mr. HUMPHREYS. I voted "no." I am paired with the gentleman from Missouri [Mr. ELLIS] and I will withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the House joint resolution just passed.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the joint resolution just passed. Is there objection?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday business for the balance of the day.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to dispense for the balance of the day with the business of Calendar Wednesday. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, may I ask the gentleman from Wyoming what will be taken up?

Mr. MONDELL. The gentleman from Iowa [Mr. HAUGEN] desires to present a conference report on the seed bill. If that is disposed of without the use of very much time, we may go to the debate on the Army bill.

Mr. GARRETT of Tennessee. May I ask whether the gentleman of the minority of the Subcommittee on Appropriations has been advised of this request?

Mr. MONDELL. I think so; the gentleman from Iowa is here, and can inform the gentleman.

Mr. GARRETT of Tennessee. I am not talking about the seed bill, but the Army appropriation bill. Has the gentleman from Mississippi [Mr. SISSON] been advised?

Mr. MONDELL. It is simply a matter of further general debate, and I understand there would only be one speech if we went to that debate.

Mr. GARRETT of Tennessee. On that side of the Chamber?

Mr. MONDELL. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming to dispense with further Calendar Wednesday business?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIS of Tennessee, on account of illness.

APPROPRIATION TO PURCHASE SEED GRAIN, ETC.—CONFERENCE REPORT.

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill S. 2897, to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas in the United States, said amount to be expended under the rules and regulations prescribed by the Secretary of Agriculture.

The Clerk read the report and statement as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the sum $1,000,000 proposed by said amendment insert "$1,500,000"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"An act to appropriate $1,500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture."

And the House agree to the same.

The committee of conference have not agreed upon the amendment of the House numbered 4.

G. N. HAUGEN,
J. C. McLAUGHLIN,
Managers on the part of the House.

E. F. LADD,
PETER NORBECK,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

Nos. 1, 2, and 3 relate to the $1,000,000 made available for the purchase of feed for the relief of live stock.

No. 5 authorizes an appropriation of $1,000,000 instead of $5,000,000, as proposed by the Senate.

No. 4 inserts the word "authorize," so as to authorize the appropriation of $1,000,000 instead of appropriating $5,000,000, as proposed by the Senate.

No. 6 strikes out the words "of which not more than $1,000,000 may be used for the purchase of feed for relief of live stock" and inserts the words "and not more than $20,000 may be used, in the District of Columbia and elsewhere, by the Secretary of Agriculture in the administration of this act."

The amendment of the House to the title authorizes an appropriation of $1,000,000 instead of appropriating $5,000,000, as proposed by the Senate, and strikes out the words "and of feed," thus limiting the authority to make advances or loans to farmers, where the Secretary shall find that special need for such assistance exists, for the purchase of wheat, oats, barley, and flaxseed for seed purposes, and when necessary, to procure such seed and sell same to such farmers.

G. N. HAUGEN,
J. C. MCLAUGHLIN,
Managers on the part of the House.

Mr. HAUGEN. Mr. Speaker, amendments 1, 2, and 3 relate to the $1,000,000 made available for the purchase of feed. If the conference report is agreed to no part of the money will be available for the purchase of feed. Amendment No. 5 authorizes an appropriation of $1,000,000 instead of $5,000,000, as proposed by the Senate. The Senate recedes with an amendment making the amount $1,500,000. Amendment No. 4 inserts the word "authorize" instead of making an appropriation. As proposed by the Senate, the House amendment authorizes an appropriation to be made. That amendment has not been agreed to. Amendment No. 6 strikes out the words "not more than $1,000,000 may be used for the purchase of feed," and inserts the language "providing $20,000 for expenses," in the District of Columbia and elsewhere. The amendment agreed to the title is to conform with the text.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. BYRNES of South Carolina. Has the gentleman any idea of the amount that he will recommend for the next year?

Mr. HAUGEN. We will cross the bridge when we get to it.

Mr. BYRNES of South Carolina. The gentleman has not yet made up his mind?

Mr. HAUGEN. We trust that no appropriation will be necessary.

Mr. BYRNES of South Carolina. Has the gentleman made up his mind that he will recommend an appropriation any year in which they fail to make a crop?

Mr. HAUGEN. I think that policy should be determined by the House.

Mr. BYRNES of South Carolina. Whenever there is a necessity for making an appropriation the gentleman from Iowa is in favor of it, is he?

Mr. HAUGEN. Of course, if Congress establishes that policy, yes. I am not very enthusiastic over that policy.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ANDREWS of Nebraska. Will the gentleman from South Carolina guarantee an abundance of rainfall on this territory for the next two years?

Mr. BYRNES of South Carolina. I only wanted to know if the gentleman was in favor of making the appropriation when there was no crop.

Mr. HAUGEN. I think if these people can not make a success at farming in that area they had better try something else.

Mr. LAYTON. Will they guarantee the State against losses by frost? We have lost crops in our State from frost.

Mr. HAUGEN. We have lost in Iowa also.

Mr. LAYTON. They ought to if the Federal Treasury is to pay for all these losses.

Mr. ANDREWS of Nebraska. Mr. Speaker, the gentleman from Delaware better move to a territory where frost will not afflict him.

Mr. GARRETT of Tennessee. Mr. Speaker, does the gentleman from Nebraska mean to imply by the question he asked of the gentleman from South Carolina that if it does not rain they will try to grow wheat in that territory out there where God never intended it to grow?

Mr. ANDREWS of Nebraska. I make no guaranty on the subject. I simply asked the gentleman what he would do on the subject of rainfall.

Mr. GARRETT of Tennessee. I was asking about the implication.

Mr. BYRNES of South Carolina. We can not control the rainfall, but we can control appropriations.

Mr. ANDREWS of Nebraska. Sometimes.

Mr. BYRNES of South Carolina. The Republican side of the House ought to be able to do it, but it seems unable to do so.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. KINCHELOE. How did the conferees arrive at the amount of $1,500,000? When the bill passed the Senate evidently through the advocacy of its enthusiastic admirers over there it passed with an amount of $5,000,000. I understand it passed unanimously. When the bill was considered before our committee its advocates contended for $2,000,000, and the committee, though not unanimously, reported the bill for $2,000,000. Then, when it came to a suspension of the rules, the advocates of it evidently were satisfied with a million dollars, because the gentleman from Iowa himself offered the motion to suspend the rules and pass the bill at $1,000,000. That failed. Then, when a special rule was brought in to provide for its consideration, it passed the House at $1,000,000. Evidently the advocates in the House were satisfied with that. I am wondering at the other body coming down from $5,000,000 to a million and a half; evidently it meets the hilarious approval of the advocates of the measure in the House, who in that way have obtained $500,000 more than they were asking in the House.

Mr. HAUGEN. As I stated before, the Senate bill carried $5,000,000. The House cut it to $1,000,000. I believe it was made clear in the House that the House would not stand for a large appropriation. Therefore it was the duty of the managers on the part of the House to insist on the lowest amount possible; it seems to me that when we agreed to a million and one-half, or an increase of $500,000, and the Senate conceded seven times that amount, it is all that could be expected.

Mr. KINCHELOE. I was just a little bit surprised at the condescension of the other body.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. JOHNSON of Mississippi. How many States will this be used in?

Mr. HAUGEN. So far as we know, probably three or four States.

Mr. JOHNSON of Mississippi. That is, Wyoming, Montana, and North Dakota?

Mr. HAUGEN. The two Dakotas?

Mr. MONDELL. Oh, if the gentleman will permit, no part of this sum is to be used in Wyoming. There was no suggestion of that sort until the gentleman from Mississippi made it.

Mr. JOHNSON of Mississippi. I wanted to make an observation, Mr. Speaker. I believe the gentleman from Iowa yielded to me.

Mr. MONDELL. Mr. Speaker, will the gentleman from Iowa yield?

Mr. HAUGEN. Yes.

Mr. MONDELL. As I understand it, the effect of the conference report is to leave the bill just as it passed the House, except that the amount to be loaned is increased from $1,000,000 to $1,500,000.

Mr. HAUGEN. Yes; except so far as the authorization is concerned, that has not been agreed to.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. JOHNSON of Mississippi. That would leave $500,000 each for the three States. Does the gentleman think that will be sufficient to elect the three Senators in those States next fall?

Mr. HAUGEN. I am not advised as to politics in the various States, and I can not answer that question.

Mr. CLARKE of New York. Mr. Speaker, will the gentleman from Iowa please inform me why it is that it gets dryer out there as we approach the Canadian border. [Laughter.]

Mr. HAUGEN. It is very dry out there.

Mr. LOWREY. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LOWREY. Mr. Speaker, I want the attention of the gentleman from Nebraska [Mr. ANDREWS]. In regard to the appropriation, I was opposed to the $2,000,000. I was willing to accept the $1,000,000, and I believe I am now willing to accept the million and one-half; but so far as guaranteeing the rainfall is concerned, I merely wanted to say that we Democrats expect to be in power very soon, but not in power to that extent.

Mr. ROSENBLOOM. You will promise that, anyway. [Laughter.]

Mr. LOWREY. And when we get into power a lot of us are going to do all we can to make the country dry instead of wet.

Mr. ANDREWS of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ANDREWS of Nebraska. In reply to the gentleman from Mississippi, I am glad to say that Nebraska will have none of this fund, but out in Nebraska we will have the full vote cast, and we will not rely upon a fraction of the vote of the State to make the State dry.

Mr. GREENE of Vermont. Oh, a fraction of Nebraska has gone down to Florida, however. [Laughter.]

Mr. HAUGEN. Mr. Chairman, I move the adoption of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and on a division (demanded by Mr. DOMINICK) there were—ayes 91, noes 54.

So the conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment still in disagreement.

The Clerk read as follows:

Amendment No. 4: Page 2, line 11, after the word "hereby," insert the words "authorized to be."

Mr. HAUGEN. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment No. 4.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not see the chairman of the Committee on Appropriations in the room at the moment. I see other members of the committee here. Of course the effect of this amendment——

Mr. MANN. If the gentleman will yield, I will state that I conferred with the chairman of the Committee on Appropriations about this proposition.

Mr. GARRETT of Tennessee. And it is satisfactory to the chairman, is it?

Mr. MANN. Yes.

Mr. GARRETT of Tennessee. Of course if the Committee on Appropriations chooses to abdicate its functions I suppose we can not help it.

Mr. MANN. It is not a matter of abdicating any functions. This is a practical matter, as the gentleman understands.

The SPEAKER pro tempore. The question is on the motion to recede from the disagreement of the House to Senate amendment No. 4.

The question was taken, and the motion was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was rejected.

CONFERENCE REPORT—DEPARTMENTS OF COMMERCE AND LABOR.

Mr. SHREVE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Pennsylvania rise?

Mr. SHREVE. To present a conference report from the Appropriations Committee covering the Department of Commerce.

The SPEAKER pro tempore. The gentleman from Pennsylvania presents a conference report on the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor.

The SPEAKER pro tempore. Ordered printed under the rule.

ARMY APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10871, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10871, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

Mr. ANTHONY. Mr. Chairman, I yield 45 minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. SISSON. Mr. Chairman, before the gentleman begins I would like to ask what the record shows as to time?

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] has 146 minutes remaining and the gentleman from Mississippi [Mr. SISSON] has 120 minutes remaining.

Mr. NEWTON of Missouri. Mr. Chairman, I desire to discuss that item of this bill which undertakes to appropriate funds for the improvement and maintenance of all the navigable rivers and harbors of the United States and its Territories. I desire also to discuss transportation and rates as affected by waterways.

Our chief difficulty in procuring adequate appropriations for river and harbor improvement in this country results from the fact that there are few among us who have any conception as to the enormity or importance of our river and harbor projects. If the possibilities of water transportation and its benefits to commerce were more generally understood, our appropriations would be tremendously increased. At any rate, I think I can convince you that the amount provided in this bill, $27,635,269, is totally inadequate to meet the country's needs.

Some months ago the Chief of Engineers of the War Department requested the district engineers, in charge of the various districts of the United States, to report estimates of the money needed during the next fiscal year to do the absolutely urgent river and harbor work in their respective districts. When the reports were all in the Chief of Engineers added the estimates and found that they made a total of $61,337,911.

At the urgent request of the leaders of this House the Chief of Engineers went over the estimates prepared by the district engineers, and in the interest of strict economy cut them to the bone, reporting only such amounts and upon such projects as, in his judgment, the commerce of the country absolutely demanded. The total of his estimates prepared upon this basis amounted to $42,815,661. These estimates applied only to projects heretofore adopted by Congress. In addition to these adopted projects, however, the Rivers and Harbors Committee of the House has reported a bill authorizing new projects which will cost in excess of $31,000,000, and the Chief of Engineers recommends that certain of these new projects are so important that $14,922,220 of this amount should be expended upon them as speedily as possible. Thus it will be observed that the amounts necessary for the continuation of work on the projects heretofore adopted, together with amounts for new projects, will make a sum total necessary for river and harbor work next year amounting to $57,737,881.

Mr. STAFFORD. If the gentleman will yield, is the gentleman aware of the fact that the Subcommittee on Appropriations considering the river and harbor appropriations for the next year did not take into consideration the needs of appropriations for projects that have been recommended by the Committee on Rivers and Harbors? That item of expenditure has not been considered at all by the Committee on Appropriations. We did consider the amount needed in aid of existing authorized projects. Later on I shall try to state to the House the reasons for our favoring $27,000,000 to carry on the work of all worthy projects recommended by the Secretary of War.

Mr. NEWTON of Missouri. I know as a matter of fact that some of these new projects are very urgent, and the Chief of Engineers recommended that approximately $15,000,000 be made available for their improvement at once, and I know furthermore that the people who are sponsoring these new projects are expecting a part of the $27,000,000 to be allotted for work upon them.

Mr. STAFFORD. I have one in my own State, which the Chief of Engineers says is most worthy, and yet no part of this $27,000,000 will be utilized for that purpose. If the bill goes through authorizing these new additional projects, undoubtedly the committee will recommend additional appropriations for them.

Mr. LAYTON. Will the gentleman from Missouri yield?

Mr. NEWTON of Missouri. Yes.

Mr. LAYTON. I do not understand that the report of the Chief of Engineers comprehended any new projects whatever.

Mr. NEWTON of Missouri. It did not.

Mr. LAYTON. It was a minimum amount which he set, based upon the reports of the engineers of the whole country, as being the minimum amount absolutely necessary for existing and authorized projects.

Mr. NEWTON of Missouri. That is true. And then in addition to that the Chief of Engineers in a supplemental report says that $14,922,220 of the amount provided for in the new bill should be made available at once, and I know that the advocates of the new projects are expecting that this lump-sum appropriation shall be available for their projects.

Mr. KINDRED. Does the gentleman make any distinction between the projects which have been authorized and on which money has been spent and the projects which have been authorized and upon which no money has been spent?

Mr. NEWTON of Missouri. I presume there are some projects authorized in the past upon which no money has been spent.

Mr. KINDRED. And which may be very urgent?

Mr. NEWTON of Missouri. I think that is probably true. And in reply to the gentleman I will say that I think that some of these new projects are very urgent.

Mr. KINDRED. Just as urgent as those on which money has been spent?

Mr. NEWTON of Missouri. From the information I have, I think that statement is true.

The Appropriations Committee of the House, upon whose shoulders has devolved the enormous task of making adequate and economical appropriations for all the departments and activities of this Government, has adopted the estimates allotted in the Budget for river and harbor improvement amounting to $27,635,260. The great difficulty results from the fact that the officers who made up the budget had little knowledge of the river and harbor needs of the country and with the mass of work before them they had no time to investigate this subject.

It has been declared to be the purpose of the Appropriations Committee and of the leaders of this House to deal with river and harbor improvements upon the same basis as we have dealt with them during the past two fiscal years. I have faith that I can convince you, however, that in this purpose they have failed.

For the fiscal year 1920 we appropriated $12,000,000 for river and harbor improvement. But at the time we made that appropriation we had in the Treasury theretofore appropriated for river and harbor work a sum total of $58,800,000, thus making available for river and harbor improvement during that year a sum total of $70,800,000. And we appropriated for the year 1921 the sum of $15,000,000, but at the time we made that appropriation we had available in the Treasury, already appropriated for river and harbor work, the sum of $37,500,000, thus making available for the year 1921, for river and harbor improvement, the sum of $52,500,000.

The testimony of the engineers recently given before the Rivers and Harbors Committee shows that by the end of the present fiscal year practically all moneys available in the Treasury for river and harbor improvement will have been exhausted. As a matter of fact, since the war and until recently, the cost of river improvement has been so excessive that the engineers, in the interest of economy, have done little work except that which they felt to be absolutely necessary for maintenance. But the engineers in their testimony state that prewar conditions have been sufficiently restored in the cost of river and harbor work that such improvements now cost little more than they did before we entered the war, and, as a result, during the last few months they have been making progress, but now they are handicapped for want of funds, and this condition will grow steadily worse until June, when substantially all the funds will be exhausted.

As stated before, in 1920 we had $58,800,000 available in the Treasury. We appropriated that year an additional sum of $12,000,000, and last year we appropriated $15,000,000, making a total of $85,800,000, which we made available and which has been expended in maintenance and improvement of meritorious existing projects during the last two fiscal years. In other words, the engineers have actually expended in necessary river and harbor work the sum of $42,900,000 during each of the past two fiscal years, and they tell us that the absolute needs of the country for next year amount to $42,815,661.

Mr. ROACH. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. ROACH. Is it not true that if the appropriation is cut any considerable amount below $42,000,000 the large harbors, where commerce already exists, will have the strong claim for the available funds, and that our inland rivers will be the ones to suffer as a result of such cut?

Mr. NEWTON of Missouri. The gentleman is quite correct. We who are interested in the inland rivers have learned by experience that when inadequate lump-sum appropriations are made the pressure from large seaports upon the War Department is so strong that under the law, which provides that the money shall be expended in the interest of commerce, the department finds itself unable to allow sufficient funds to the inland rivers to make effective improvements thereon, and after this kind of experience during the past three years we are no longer fooled about the results of inadequate lump-sum appropriations, and that is why we Representatives from the valley are here stubbornly insisting upon appropriations sufficient to enable the engineers to take care of the harbors and still make reasonable allotments to our inland rivers.

Those of us who know the Chief of Engineers, Gen. Lansing H. Beach, and his assistant, Gen. Harry Taylor, and know their records for fairness and economy, and who have taken the time to go over the needs and merits of the projects upon which this money is to be expended, know that their estimates are reasonable and that it is not in the interest of economy to appropriate less than they have recommended.

From these facts and figures I am persuaded that any fair-minded man must concede that an appropriation of $27,635,260 is totally inadequate to meet our river and harbor needs and that the amount reported in the bill should be increased to at least $42,000,000.

Mr. ROACH. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. ROACH. As I understand, the Chief of Engineers at first recommended that $61,000,000 could be profitably expended, but that, at the request of the leaders of the House, the engineers revised their estimates to a minimum—in other words, cut them to the bone—and that such revised estimates called for an appropriation of $42,000,000 as being absolutely necessary to carry on river and harbor work, and that with the urgent projects which are being provided for in the new bill $42,000,000 will not be enough by $15,000,000 to carry on the urgent and necessary work of the country.

Mr. NEWTON of Missouri. The gentleman is entirely correct. It will require $57,737,881 to do the work which is urgent during the next fiscal year. But, of course, the engineers can do infinitely better with $42,000,000 than they can with $27,000,000.

Those responsible for this item in the bill contend that the cut was made in the interest of economy, and I will concede that in this hour of national stress economy is essential; but if we are to meet our national obligations we must develop our resources, and if we are to develop our resources we must have more adequate and cheaper forms of transportation, and we can not have this without the development and use of our inland waterways, and we can not develop our waterways without adequate funds with which to improve them.

The first essential to river navigation is an adequate channel, just as the first essential to rail transportation is a proper and safe roadway. A river for navigation is no better than its shallowest and narrowest section and can not be used any more than a railroad can be used between two given points until the last tie has been laid and the last rail nailed down, and so our great misfortune in river improvement has been due to the fact that while Congress has appropriated millions of dollars it has doled it out in such inadequate amounts that none of the projects have been completed. I will now give you the proof of this assertion.

On June 25, 1910, Congress undertook the improvement of the Mississippi River from the mouth of the Ohio to the mouth of the Missouri with a view to establishing an 8-foot channel from Cairo to St. Louis, and a 6-foot channel from St. Louis to the mouth of the Missouri, the work to be completed within a period of 12 years at a cost of $21,000,000.

On June 25 next that 12-year period will have elapsed and yet Congress in its effort to carry out its plan to improve this project during the time allotted has appropriated only $1,970,000, and still our river critics are demanding to know why the Mississippi River between Cairo and St. Louis is not in more general use. If a railroad company had undertaken to build a railroad from Cairo to St. Louis in 1910 and had pursued a course such as Congress has pursued, how much freight do you think would have been hauled over such railroad between the points named? And to what extent do you think such railroad would now be in use?

On June 25, 1910, Congress undertook the improvement of the Mississippi River from the mouth of the Missouri to Minneapolis with a view to establishing a permanent 6-foot channel within a period of 12 years and at a cost of $27,000,000. On June 25 next the 12-year period within which these improvements were to have been made will have expired. Upon that project Congress has expended $12,250,000, and yet that enormous expenditure can not be utilized because the project has not been completed. There are still shallow places unimproved. In other words, the last tie has not been laid and the last rail nailed down, and, consequently, the vehicles of commerce can not move.

On July 25, 1912, Congress undertook the improvement of the Missouri River between Kansas City and its mouth with a view to establishing a permanent 6-foot channel within a period of 10 years, and at a cost of $20,000,000. Like the other projects just named, this project was adopted by a solemn act of Congress. The people of Kansas City, inspired by their faith in Congress and with a hope and realizing the need for cheap water transportation, raised by private subscription more than $1,000,000, and out of these funds they built docks, barges, and tow boats and undertook the navigation of the Missouri River and the establishment of commerce thereon.

In vain did they labor, for on July 25 next the 10-year period will have expired, and while Congress has appropriated during that time the sum of $7,500,000 the project is only one-third completed, and the river can not be used except in high water, because its sand bars have not been removed and its channel fixed. It has 350 miles of permanent 6-foot channel the year round, but for 50 miles there are sand bars, and as a result this large expenditure is not being utilized. And the people of Missouri, Kansas, Iowa, Nebraska, and the adjoining States are still deprived of the blessings which cheap water transportation would bring in carrying to the market their wheat, corn, hay, and manufactured products.

On June 25, 1910, Congress undertook the improvement of the Ohio River from Pittsburgh to the mouth, with a view to establishing a permanent 9-foot channel within a period of 12 years, at the cost of $63,731,000. On June 25 next that 12-year period will have expired. Congress in its efforts to carry out its plan has appropriated $43,624,000 upon this project. And yet this vast expenditure of money can not be utilized to any considerable extent, because the project is only two-thirds completed. The commerce from Pittsburgh and that great territory adjacent to the Ohio River is deprived of the benefits of cheap water transportation out to the sea and to the markets of the world because Congress, although spending millions of dollars upon this project, has failed to carry out its program as planned.

What we need in this country to-day, and what we have needed in this country during the last 12 years, is more business in Government, less pork-barrel appropriations, and more projects completed.

As every Member of this House is doubtless aware, the War Department has been operating a Barge Line upon the Mississippi River between St. Louis and New Orleans during the past year. St. Louis has expended $1,000,000 building a 900-foot concrete dock with modern loading and unloading equipment. When it was constructed it was thought to be adequate for years, but it has been outgrown by the commerce developed in one year's time and extensions will have to be constructed. From New Orleans to Cairo the river has been improved. Between these points full cargoes are moving the year round, but because Congress has failed to carry out its program for the improvement of that stretch of 120 miles between Cairo and St. Louis full cargoes can go from St. Louis through to New Orleans only when the water is high. At other seasons the cargoes have to be broken up at Cairo and the barges towed separately from Cairo to St. Louis by tugs, which is a wasteful interference with a successful operation.

It is asserted that we have an 8-foot channel the year round between Cairo and St. Louis. This is true, but the channel as now improved during the low-water season is wide enough only for single barges and packet boats. I doubt if the average Member of this House comprehends either the size or potentiality of a modern towboat with its cargo of barges making its way along the Mississippi River. When the water was high last season it occurred upon numerous occasions that one towboat would make the trip in six days from St. Louis to New Orleans with eight barges, carrying enough freight to load 12 full freight trains, each train carrying 50 loaded cars, with 50,000 pounds of merchandise to the car.

But a tow of barges, such as I have described, is 900 feet long and 150 feet wide, and while it can navigate upon an 8-foot channel, yet, with the river between Cairo and St. Louis in its present unimproved condition, its navigable channel being narrow in places, such a cargo in low water can not navigate the bends in the swift current without danger of its barges colliding with sand bars. If Congress had carried out its project and had appropriated the funds as planned, that stretch of the Mississippi between Cairo and St. Louis would now be improved, and cargoes, such as I have described, would be moving without interference practically 10 months in each year from St. Louis straight through to New Orleans.

One of the difficulties with which the barge line has had to contend and which has done much to prevent river navigation in this country has been the unfair and unreasonable rates which the Interstate Commerce Commission has permitted the railroads to charge upon their lines which parallel the rivers, and this likewise applies between coast points as well as between river points throughout the United States. Congress has given to the Interstate Commerce Commission full power to correct these abuses, but it has not done so. In order to illustrate and demonstrate the contention that unfair and unreasonable rates have been made upon rail lines which parallel the river, permit me to call your attention to a few specific instances of rates now in force, as I found them to be within the past 30 days, from the records of the Interstate Commerce Commission. For instance, the railroads haul to-day from New Orleans to St. Louis, a distance of 718 miles, 100 pounds of second-class freight for $1.73, while they charge for hauling the same amount of the same kind of freight from New Orleans to Fort Smith, Ark., a distance of 494 miles, but where no water competition exists, the sum of $1.84½. The railroads to-day haul 100 pounds of first-class freight from Portland, Me., to New Orleans, a distance of 1,685 miles, for the sum of $2.51, because water competition exists between these points, while they charge from Kansas City to New Orleans, a distance of 879 miles, but where no water competition exists, because the river has not been improved, the sum of $2.48½; while they charge from Omaha to New Orleans, a distance of 1,062 miles, $2.79½—one-third less distance, but a greater rate. And they charge from Denver to New Orleans, a distance of 1,349 miles, 300 miles less than from Portland, Me., to New Orleans, but where water competition is not possible, the sum of $3.04.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. NEWTON of Missouri. Certainly.

Mr. STRONG of Kansas. The railroads make low rates for competing with water transportation and then make the inland points pay for it.

Mr. NEWTON of Missouri. Yes; and Kansas has been making a very substantial contribution to this system.

Mr. STRONG of Kansas. We have been making contributions for a good many years.

Mr. NEWTON of Missouri. No better illustration can be shown of the methods used by railroads to destroy water competition than the rate recently established between Minneapolis and St. Louis upon first-class freight. A barge line is about to begin operations upon the Mississippi between these points. The railroads went recently before the Interstate Commerce Commission and received authority to make a rate upon 100 pounds of first-class freight from Minneapolis to St. Louis, a distance of 586 miles, for $1.06¼, while the same commission permits the railroad over a more level country from Minneapolis to Kansas City, 86 miles less distance, to charge for hauling the same kind and amount of freight the sum of $1.44, because no river runs direct from Minneapolis to Kansas City.

If the railroad can afford to carry freight from Minneapolis to St. Louis for $1.06¼ per 100 pounds, it ought not to be permitted to charge 38 cents more to carry 100 pounds of the same kind of freight a less distance to Kansas City, and if the rate from Minneapolis to Kansas City is a reasonable one, then the railroad ought not be permitted to establish a confiscatory rate along the river, merely for the purpose of preventing river navigation.

Mr. SANDERS of Indiana. The gentleman would not advocate a refusal to permit the railroads to make rates to meet the competition of the actual waterway competition?

Mr. NEWTON of Missouri. I would advocate prohibiting the railroads from collecting exorbitant rates upon inland lines to make up what they lose trying to destroy barge-line transportation upon our waterways.

Mr. SANDERS of Indiana. It is usually contended that when the rates were cut to enable the railways to compete with the water lines, that the rates are fixed so as to make a little more than out-of-pocket costs. The theory is that it would so destroy the system throughout the country that it would mean an increase of the rates where there was no water competition, so the real result is that we get a better service by permitting the competition of water rates.

Mr. NEWTON of Missouri. I know they have fine-spun theories by which they seem to be rather successful in continuing the practice. I know, on the other hand, that the railroads of this country never have and never will be able to compete with water transportation successfully. There is only one way they can compete, and that is to make a rate less than cost along the water lines and recoup their losses by overcharging the shippers who live in territory where water transportation does not exist.

Another striking illustration of the influence of water competition upon railroad rates and of the discriminations which the people of the Mississippi Valley are compelled to endure because of the failure of Congress to improve our waterways, is shown by the fact that the railroads to-day will haul 100 pounds of paint from Boston to Seattle, a distance of 3,258 miles across all the mountains and prairies of this country, for $1.83½, because water competition exists around through the Panama Canal, while they charge $1.06¼ for hauling the same amount of paint a distance of 916 miles across the prairies from St. Louis to Denver, but where water competition is not possible. In other words, the people of the valley are compelled to pay $1.06¼ to have 100 pounds of paint hauled 916 miles across a level country, while the railroads haul the same amount of paint a distance of 2,342 miles across the mountains of this country

for the sum of 77 cents, and all of this is done under authority conferred upon the railroads by the Interstate Commerce Commission.

The railroads to-day haul 100 pounds of first-class freight 3,313 miles from San Francisco to Boston for $6.16, while they charge $5 to haul the same amount of the same class of freight 1,980 miles from San Francisco to Kansas City. Such discriminations against the interior of the country should not be allowed.

Mr. BARKLEY. I do not know whether they are violating the law, but the law provides for discriminatory rates at water points, and they are not allowed to put it below compensatory rates.

Mr. NEWTON of Missouri. I know, but they have queer systems of bookkeeping.

Mr. HUMPHREYS. As I read the law, the railroads can not charge more than a compensatory rate to any people.

Mr. NEWTON of Missouri. I know that is true according to law.

Mr. HOCH. Following out that line, would it not follow that if the rates in competition with water transportation are, as a matter of fact, compensatory, then rates to the interior are unquestionably high?

Mr. NEWTON of Missouri. Yes.

If the railroads can afford to make the rates they do between Frisco and Boston and between Boston and Seattle, then they ought not be permitted to charge the rates which they impose upon the people of the Mississippi Valley. And if they can not afford to make the rates which they make between Boston and Seattle and between Frisco and Boston, then they ought not to be permitted to make such rates in competition with the merchant marine which we have expended $3,500,000,000 to establish. And if the railroads can afford to make such rates as I have described, then why was it necessary for Congress to appropriate out of the Treasury and to pay them as a result of the deficit under governmental operation the sum of $1,600,000,000 and to loan them $500,000,000 more?

Mr. SANDERS of Indiana. I do not think that follows at all. The rate may be more than the out-of-pocket cost and yet not sufficient to be compensatory in the general sense of that term. It does not follow at all.

Mr. HUMPHREYS. The law says "reasonably compensatory at river points." If you cut it to reasonably compensatory rates and higher elsewhere, the elsewhere is more than reasonably compensatory.

Mr. SANDERS of Indiana. Not at all; it is a different standard. When you take the compensatory rates with reference to water competition it is a different standard from the compensatory rate in a general way.

Mr. ROSE. Will the gentleman yield?

Mr. NEWTON of Missouri. I will.

Mr. ROSE. I note from the chart exhibited by the gentleman from Missouri [Mr. NEWTON] that there is great discrimination in the rates charged by railroad companies between certain points, as shown on the chart. It would appear that the inland districts and cities are obliged, indeed compelled, to make up losses incurred by railroads where the roads are in competition with water transportation. If that be true, why is it that all inland towns and cities are not charged proportional rates instead of being called upon to pay discriminatory rates, which makes competition in certain commodities almost prohibitive. I agree with the general proposition that inland cities and towns should pay a higher freight rate than the rate in competition with water rates. Any point other than a terminus of a railroad must of necessity pay a larger freight rate, for the reason that the breaking of trains, shifting cars to sidings, and drilling trains can only be done at increased cost, so that location has much to do with freight rates by railroad transportation only. But from information from persons in position to know, I offer the suggestion that the rates are not uniform. A number of complaints have been filed with the Interstate Commerce Commission because of unfair rates charged on lumber shipped to Pennsylvania from some of the Southern States. Our chamber of commerce, of Johnstown, Pa., has joined with other bodies in filing complaints with the commission. The unfair or discriminatory rates are not directly chargeable to the railroads entering the city of Johnstown; they have made every effort to bring relief to the business interests affected in the city of Johnstown. It so happens that Johnstown is compelled to suffer the brunt of the high freight rate. It may be that it will be found necessary to make a formal complaint to the commission, but our people are justly entitled to a revision of the rates without being compelled to expend large sums of money therefor. It may be that the southern lines will appreciate the situation and make proper adjustment of the rates to cities situated as is Johnstown and so make possible fair competition in many lines of endeavor. This appears to me the right place and time to present this situation.

Mr. NEWTON of Missouri. I agree with the gentleman, and I think some system ought to be worked out so that our transportation systems can be made to cooperate and not be fighting each other all the time.

A striking illustration of this country's lack of business in Government may be found in the operation by the railroad administration of the railroad and barge line between St. Louis and New Orleans. With one arm of the Government the Director General of Railroads took $9,000,000 out of the Treasury with which to build barges and towboats in an effort to develop commerce upon the Mississippi River, while with another arm of the Government he wasted millions of dollars carrying freight upon railroads which paralled the river at less than cost trying to prevent commerce from developing upon the river. Again, I repeat, the need of our country is more business in government. And while Members of Congress from the valley States are helping to appropriate millions to improve the harbors along our seaboard and to reimburse the railroads for their losses, it would seem that a just reciprocity would demand that the Mississippi and its tributaries should be improved for navigation in order that the people who live in that great productive area of this country might be given an opportunity through the blessing of cheap transportation to develop the resources so abundant in that region.

The most deadly obstacle with which the barge line has had to contend, more destructive even than the cutthroat competition carried on by the rail lines which parallel the river, is the unfair division the barge line has to make with the railroads of the revenue collected for a joint rail-and-water haul. I know of no way to present this feature more effectively than by giving a number of concrete examples. I will quote the divisions of rates approved by Examiner Woodrow, representing the Interstate Commerce Commission in a case filed by the barge line and now pending before the commission, and I am advised that the proposed division of rates is merely a continuation of the rates prescribed by the railroad administration and still in force.

For instance, on first-class freight from St. Louis to Bayless, Ark., by a joint rail-and-water haul the rate is $1.55½ per 100 pounds. The rail line carries this freight 74 miles, while the barge line carries it 306 miles, and yet the rail line gets 88.5 cents for hauling it 74 miles, while the barge line is allowed only 67 cents for hauling the same freight 306 miles. In other words, the railroad carries the freight 15 per cent of the total haul and collects 57 per cent of the revenue.

Mr. LAYTON. Who fixed that rate?

Mr. NEWTON of Missouri. That rate was fixed by the railroad administration just before they went out of office. But it is an abuse that ought to be corrected.

Mr. LAYTON. Will the gentleman please tell me how and by whom?

Mr. NEWTON of Missouri. It can be corrected all right.

Mr. LAYTON. By the Government?

Mr. NEWTON of Missouri. Yes.

Mr. LAYTON. Is not that the only solution?

Mr. NEWTON of Missouri. Yes; I think it is. You can see the difficulty of operating against this kind of discrimination.

Mr. LAYTON. Has the Interstate Commerce Commission the power to fix water rates?

Mr. NEWTON of Missouri. The Interstate Commerce Commission has the power under the law to fix joint rail and water rates.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. NEWTON of Missouri. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. How many miles of that haul you referred to are by water and how many by rail?

Mr. NEWTON of Missouri. The railroad hauls the freight 74 miles and takes 88½ cents of the freight and the barge line hauls it 306 miles and gets 67 cents of the freight.

Mr. ROACH. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. ROACH. Is it not a fact that the Interstate Commerce Commission has the authority to regulate and correct the unjust discriminatory rates now in force and to which the gentleman has referred?

Mr. NEWTON of Missouri. I will answer the gentleman's question by reading an extract from subdivision 3 of section 15 of the transportation act:

> The commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after a full hearing upon complaint or upon its own initiative without a complaint, establish * * * joint rates * * * applicable to the transportation of passengers or property * * * (or in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto) and the divisions of such rates * * * as hereinafter provided, * * * and this provision, except as herein otherwise provided, shall apply when one of the carriers is a water line.

In the face of this language, can there be any question about either the right or the duty of the commission to correct abuses such as I have described? And if complaint is not made, then it should correct them upon its own initiative in the public interest. Yes; and in the interest of water transportation, which Congress has by law declared should be fostered and preserved in full vigor.

The shipper pays $1.48 per 100 pounds on first-class freight from St. Louis to Monroe, La., over a joint rail-and-water haul.

In the division of the revenue so collected the railroad takes 81 per cent for hauling the freight 37 per cent of the distance, while the barge line is allowed 19 per cent of the revenue collected for hauling the freight 63 per cent of the distance.

It costs $1.64 to haul 100 pounds of first-class freight over a joint rail and water line from St. Louis to Smithson, Ark. The railroad performs 36 per cent of the service and takes 88 per cent of the revenue.

It costs $1.28 to haul 100 pounds of first-class freight from St. Louis to Holly Springs, Miss. The railroad hauls the freight 10 per cent of the distance, but takes 50 per cent of the revenue collected, leaving to the barge line the other half of the revenue for performing 90 per cent of the service.

It costs $1.74 to haul 100 pounds of first-class freight over a joint rail and water line from St. Louis to Collinston, La. The railroad hauls this freight 35 per cent of the distance and takes 81 per cent of the revenue collected.

It costs $1.03½ to haul 100 pounds of freight over a joint rail and water line from New Orleans to Quitman, Miss. The railroad hauls this freight 40 per cent of the distance, but collects 96½ per cent of the revenue. In other words, the railroad hauls this freight 100 miles and receives $1 therefor, while the barge line hauls the same freight 165 miles and receives 3.5 cents.

It costs $1.32½ to haul 100 pounds of freight from New Orleans to Brownsville, Tenn., over a joint rail and water haul. The railroad hauls this freight 7 per cent of the distance and takes 41 per cent of the revenue.

It costs 87½ cents to haul 100 pounds of first-class freight over a joint rail and water haul from Mobile to Yolande, Ala. The railroad hauls this freight only 7 per cent of the distance and takes 42 per cent of the total revenue collected.

It costs $1.54 to haul 100 pounds of first-class freight from St. Louis to Stuttgart, Ark., over a joint rail and water haul. The railroad carries this freight 20 per cent of the total distance and takes 61 per cent of the revenue collected. From these illustrations you will understand the system used by the railroads for destroying water transportation by taking the major part of the revenue, while the barge line performs the greater part of the service.

Mr. GREENE of Vermont. Will the gentleman yield for an inquiry?

Mr. NEWTON of Missouri. Yes.

Mr. GREENE of Vermont. The gentleman should bear in mind the difference between the expense of maintaining and operating the water line and maintaining and operating the railroad. The railroad has to pay the expense of maintaining its right of way and it has other expenses which the water line has not.

Mr. NEWTON of Missouri. That is the point precisely. It costs the railroads infinitely more to transport a given amount of freight than it costs the barge line to transport an equal amount of freight, and the public has to pay the carrier the cost to it of the transportation plus a reasonable amount of profit, and if the public can get its commerce hauled by water at one-third or one-fourth the price at which the railroads can afford to haul such commerce, why should not the public avail itself of that advantage instead of continuing to pay the rate which it is now compelled to pay to the railroads? [Applause.]

Mr. GREENE of Vermont. Yes; but the waterways do not extend to all parts of the country.

Mr. NEWTON of Missouri. That is true; but let us give the public the benefit of cheap water transportation where waterways exist and then pay the railroads a compensatory rate, a rate which will pay their expenses and will give their stockholders a dividend occasionally between points where water competition does not exist. [Applause.]

Mr. GREENE of Vermont. The gentleman realizes that there is time freight and that there is dead freight?

Mr. NEWTON of Missouri. I do.

Mr. GREENE of Vermont. There is some freight in the hauling of which time is of the essence of the contract.

Mr. NEWTON of Missouri. Yes.

Mr. GREENE of Vermont. And there is other freight which may just as well be transported by the slower water route.

Mr. NEWTON of Missouri. That is true.

Mr. GREENE of Vermont. Is the public willing to pay the difference?

Mr. NEWTON of Missouri. Certainly. For first-class freight they can afford to pay what it costs to haul it, and the waterways should be utilized to haul the heavy, bulky freight, such as lumber, coal, building materials, sisal, burlap, coffee, sugar, and so forth, and the cars which are now being utilized for this purpose should be set free to supply the ever-increasing demand for transportation facilities in those sections of the country where waterways do not exist.

The unfair division of rates which I have described has been continued for two years, while full power was vested in the Interstate Commerce Commission to correct it, and that, too, in the face of an act of Congress approved more than two years ago, which contained the following language:

> It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

Can it be contended with any show of color that the Interstate Commerce Commission is trying to preserve in full vigor the water transportation of this country when it permits the railroads to take 97 per cent of the total revenue collected for a joint rail and water haul when it performs only 40 per cent of the service, as is being done upon the Mississippi and Black Warrior Rivers?

Mr. ARENTZ. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. ARENTZ. If they paid that Black Warrior traffic manager $16,000 or $20,000 a year instead of $12,000 he might be able to get more than 4 per cent of the total freight. The Government runs that Black Warrior Line and gets 4 per cent of the freight charge, and the traffic manager gets $12,000 a year and has no traffic.

Mr. NEWTON of Missouri. I am not advised as to the salary now being paid the manager of the Black Warrior section. I suspect that it is not exorbitant, but I do not believe that any salary which may be paid to the manager of that line would insure a successful operation with the present division of rates which the railroads demand of the barge line.

Mr. BANKHEAD. The gentleman from Nevada [Mr. ARENTZ] is very much mistaken when he says there is no traffic there.

Mr. NEWTON of Missouri. There is traffic there and the barge line is hauling it; but under the present division of rates it does not pay, and these rates were undoubtedly made for the purpose of destroying water transportation.

Mr. ARENTZ. When I say there is no traffic, I mean to say there is so little that you can hardly call it anything at all.

Mr. NEWTON of Missouri. A suit was filed before the Interstate Commerce Commission on the 11th day of October, 1920, pointing out these abuses and appealing to the commission to correct them. That suit has been pending for one year and four months, while the barge line is compelled to struggle on, enduring this frightful discrimination, while the railroads collect as high as 97 per cent of the revenue for 40 per cent of the service.

The water critic is frequently heard to proclaim that river navigation is not practicable and that money expended in that direction is wasted. If that is true, then why do the railroads carry commerce along water lines and between ocean points at an infinitely less rate than they carry the same commerce between points where water competition does not exist, and if river navigation is not practicable then why should it become necessary for the railroads to take three-fourths of the revenue for one-fourth of the service where commerce passes over a joint rail and water line?

As a matter of fact, cutthroat rates have long been practiced by the railroads in their efforts to prevent water transportation in this country, and they are not only destructive to river navigation but they are destructive to the railroads themselves. Experience shows that the railroads never have been and that they never will be able to successfully compete with water transportation, and every attempt that they make in that direction is a source of useless expense.

As a Member of Congress I voted for the Esch-Cummins bill and for every other bill which in my judgment would strengthen and sustain the railroads, and I have not changed my views upon that subject. The country needs railroads and must have them where a cheaper form of transportation does not exist. For their services they ought to be allowed to collect sufficient revenue to defray all their necessary expenses and to pay a reasonable dividend to the stockholders, but they should not be allowed

to charge a confiscatory rate in one section of the country to destroy water transportation upon our rivers and then to charge exorbitant rates upon lines where there can be no water competition in order to recoup their losses. The public is entitled to the cheapest form of transportation available. If our railroads will quit wasting money along our rivers and between our water points, they will be able to give our people who are away from our rivers a reasonable rate and still earn a profit.

The thing in which we are interested in this country is a means of carrying our commerce. If our resources are to develop so that our national obligations can be met, then we must develop a great system of transportation, consisting of railways, waterways, and highways, each serving the public as economically as it can afford, not competing but coordinated with each other in one harmonious transportation system.

Mr. LAYTON. As a matter of fact, this great question of transportation in the United States is one that has never yet apparently invited the real solemn attention of the American people.

Mr. NEWTON of Missouri. I think you are absolutely right.

Mr. LAYTON. We are spending large sums of money on rivers and harbors, and every dollar that we spend on rivers and harbors, as a rule, is in competition with the railroads, and then we have an Interstate Commerce Commission, with labor boards and everything of that kind, and we are taking the railroads over and handling them by law, and every instrumentality of transportation is running against every other. There is no coordination in any direction. In addition to that we are spending millions of dollars for public highways, which always enter into competition with both waterways and railroads.

Mr. NEWTON of Missouri. We are not interested in railroads, we are not interested in waterways, we are not interested in highways. But the thing in which the American people are interested is adequate and economical facilities for transportation. [Applause.]

The War Department, through the direction of Col. T. Q. Asburn, of its department of transportation, and Theodore Brent, the barge-line director, is making a demonstration upon the Mississippi River between St. Louis and New Orleans which is proving, in the face of tremendous obstacles, that river navigation is not only practicable but that it can be made a powerful instrument in the commercial development of the country. The barge line is carrying freight at 80 per cent of the rail rates which parallels the river, and the rail lines which parallel the river are permitted to make rates which amount to little more than 50 per cent of the average rail rates of the country; and in addition to this severe competition the barge line is handicapped by the unfair and unreasonable division of joint rail and water rates which I have just described. And yet the Mississippi Barge Line, in the face of all these difficulties, is operating at a profit.

The barge line began its operation on the 1st of January last year, and with 5 new towboat and 20 barges, most of which were inactive for a time for want of power to move them. In June 2 new towboats were added to the fleet and 1 old stern-wheel towboat, the *Barrett*, was rebuilt and put into service. Then 2 additional towboats were completed and put into service in November, making a total of 6 towboats, aided by three or four old inferior tugs, and this fleet is still in operation between New Orleans and St. Louis, and in order that you may understand the extent and success of that operation I will give you the tonnage, the gross expenses, the gross revenue, and the revenue, and the results.

Mississippi River section, 1921-22.

1921.

JANUARY.

Tonnage, 5,921.	
Gross expenses	$61,915.80
Gross revenue	31,986.00
Deficit	49,929.80

FEBRUARY.

Tonnage, 23,208.	
Gross revenue	86,490.78
Gross expenses	77,610.21
Profit	8,870.57

MARCH.

Tonnage, 24,012.	
Gross expenses	95,782.00
Gross revenue	92,792.43
Deficit	2,991.18

APRIL.

Tonnage, 36,017.	
Gross revenue	166,866.10
Gross expenses	122,541.24
Profit	43,924.86

MAY.

Tonnage, 44,412.	
Gross revenue	$156,263.23
Gross expenses	129,555.98
Profit	26,707.25

JUNE.

Tonnage, 38,476.	
Gross revenue	186,241.93
Gross expenses	148,017.07
Profit	38,224.86

JULY.

Tonnage, 44,829.	
Gross revenue	192,384.52
Gross expenses	138,987.11
Profit	53,597.39

AUGUST.

Tonnage, 58,345.	
Gross revenue	252,800.77
Gross expenses	180,938.43
Profit	71,862.34

SEPTEMBER.

Tonnage, 44,372.	
Gross expenses	175,976.71
Gross revenue	159,917.35
Deficit	16,059.36

OCTOBER.

Tonnage, 40,026.	
Gross expenses	173,699.65
Gross revenue	148,667.83
Deficit	25,031.31

NOVEMBER.

Tonnage, 38,850.	
Gross expenses	154,598.31
Gross revenue	115,004.69
Deficit	39,543.62

DECEMBER.

Tonnage, 59,062.	
Gross revenue	199,140.48
Gross expenses	159,289.42
Profit	39,851.06

1922.

JANUARY.

Tonnage, 60,529.	
Gross revenue	190,650.00
Gross expenses	188,000.00
Profit	2,650.00

FEBRUARY.

Tonnage, 59,257.	
Gross revenue	183,378.00
Gross expenses	130,500.00
Profit	52,878.00

SUMMARY.

Total tonnage, 563,211.	
Gross revenue	$2,164,270.09
Gross expenses	1,559,423.72
Profit	294,463.37

It is interesting to note that within a period of 14 months, with this limited equipment in its experimental state, operating under conditions which I have described, the barge line collected a total revenue of $2,164,270.09. Operating, as it did, at 80 per cent of the rail rate which paralleled the river, this 20 per cent differential has resulted in a saving to the shippers who patronize the barge line amounting to $541,134. It is also interesting to note that in spite of the obstacles encountered by the barge line during the first 14 months of its operation, its receipts exceed its total expenditure in the sum of $204,463.37.

The barge-line equipment was built under war conditions at a war-time cost in excess of $9,000,000. That equipment has been recently appraised, and it is found that the same equipment could be constructed to-day at a cost of approximately $4,000,000.

Experienced rivermen tell me that there are barges and other equipment inferior to this which have been in use upon the Mississippi River for more than 40 years. There is no reason to believe that this equipment, under proper care, would not last equally long. This would mean a depreciation of 2½ per cent, amounting to $100,000 per year. It will be observed from the figures which I have given that the barge-line profit during the last 12 months amounted to $245,905.60. After setting aside $100,000 of the total profit earned as depreciation, there is enough left to yield 3.6 per cent income upon $4,000,000, the present reconstruction cost of the equipment. Even though the rail lines on an average collect 50 per cent more for the services rendered than the barge line, yet how many railroads are there

in this country who can boast of a better showing during the past 12 months?

It has been reported that while the barge line earned a profit last year it did not earn enough to pay its depreciation, but this is due to the fact that the barge line was required by a rule of the Interstate Commerce Commission to set aside for depreciation a sum equal to 5 per cent of the book value of the equipment, amounting to more than $9,000,000, and the 5 per cent was fixed on the theory that the equipment will be worn out in 20 years. A fair depreciation would be 2½ per cent upon the cost of constructing the same equipment to-day.

The barge line made a profit of $245,905.60 during the year in spite of the fact that during the months of September, October, and November, 1921, there was a loss of $72,674.29. This is due to the fact that great quantities of wheat were moving from Iowa, Nebraska, Kansas, and western Missouri and adjoining States over the barge line during these months, and the Interstate Commerce Commission had reduced the freight rate upon wheat from 19 to 14 cents per 100 pounds, and, inasmuch as the 20 per cent differential made the barge line attractive to the shipper, great quantities of this wheat went over the barge line with much profit to the shipper but with considerable loss to the barge line. The railroads, however, fared only 20 per cent better than the barge line upon wheat which they carried. As a matter of fact, when unjust discriminations are eliminated and a fair division of freight is compelled on a joint rail and water haul, States like Iowa, Kansas, Nebraska, and South Dakota will profit as much from cheap water transportation on the Mississippi and the Missouri Rivers as the farmer and the merchant who resides upon or near the bank of the river.

In order to ascertain the character of freight which is being carried upon the Mississippi barge line and in order to learn its origin and destination I procured from that line a list of the freight which went down the Mississippi in one cargo last November. It would take too much time to give the entire list of freight carried in that cargo, but I will give you a few of the items, together with the point of origin and point of destination of each item:

From—	To—	Commodity.
St. Louis	New Orleans	Bulk corn.
Do	do	Bulk wheat.
Do	Porto Rico	Liquid paint.
Do	Habana, Cuba	Corn.
Do	Hamburg, Germany	Flour.
Do	Tampa, Fla	Wheat.
Do	Portland, Oreg	Iron castings.
Do	Vera Cruz, Mexico	Nails.
Memphis	Tampa, Fla	Feed.
Do	Liverpool, England	Cotton.
Do	Shanghai, China	Do.
Do	Stockport, England	Do.
Do	Ghent, Belgium	Do.
Do	San Francisco	Washboards.
Sandusky, Ohio	New Orleans	Crayons.
Indianapolis, Ind	do	Iron link belting.
Collierville, Tenn	Bremen, Germany	Cotton.
Jonesboro, Ark	Liverpool, England	Do.
Racine, Wis	New Orleans	Liquid wax.
St. Joseph, Mo	Tampa	Animal feed.
Kansas City, Mo	New Orleans	Burlap bags.
Bayard, Nebr	Tampa	Stock feed.
Elkton, Mich	do	Dried beans.
Indiana Harbor, Ind	Kobe, Japan	Sheet steel.
Chicago, Ill	San Francisco	Agricultural implements.
Do	Portland, Oreg	Do.
Paris, Ill	Hamburg, Germany	Starch.
Blytheville, Ark	Liverpool, England	Cotton.
Covington, Tenn	do	Do.
Caruthersville, Mo	Bremen, Germany	Do.
Do	Liverpool, England	Do.

Criticism is sometimes made of the fact that the Government is engaged in the operation of a transportation system, and no one believes in private operation more than I, but as a result of the war we have millions invested in waterway equipment, and if we do not want Government operation of our waterways we must find a status, a legal status, by which private capital in river operations can be made safe, and in the face of the discriminations and unfair division of rates, which I have described, it is evident that that status does not exist to-day. Who would be willing to purchase the barge-line equipment on the Mississippi and subject himself to the cutthroat competition and unfair division of rates which the Interstate Commerce Commission permits the railroads to practice?

Mr. GRAHAM of Illinois. Mr. Chairman, while the gentleman is on that subject, let me ask him a question. That barge line is a feature of the war, primarily?

Mr. NEWTON of Missouri. Yes.

Mr. GRAHAM of Illinois. There is practically no transportation on the Mississippi River to-day except that barge line?

Mr. NEWTON of Missouri. There has been quite a good deal developing recently.

Mr. GRAHAM of Illinois. How can you with success develop transportation on the Mississippi River by private enterprise so long as this system of discriminatory rates exists?

Mr. NEWTON of Missouri. I will say frankly to the gentleman that if the discriminatory rail rates, which I am pointing out, and the unfair division of freight collected upon joint rail and water rates are continued and some legislation is not passed by Congress to correct these abuses, there is little hope of any considerable water transportation being developed by private capital.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. LAYTON. As a matter of fact, could the Interstate Commerce Commission correct these abuses now, taking into consideration the operation of the railroads, with your labor boards and your wage boards and all that?

Mr. NEWTON of Missouri. Yes; they could.

Mr. LAYTON. I do not think they can.

Mr. NEWTON of Missouri. If this Congress will enact legislation which will make it mandatory for the Interstate Commerce Commission to prevent these abuses and to treat waterway transportation with the same consideration which it gives to transportation by rail, our equipment can be sold to private capital at a tremendous advantage and cheap water transportation will develop upon our inland rivers which will stimulate the industries of the country and will benefit the railroads as well.

There may have been some excuse in years past for neglecting our rivers and depending upon our railways, because our railways were able then to meet the demands of commerce and their rates were not unduly high. But conditions are changed now. There has not been a railroad of any consequence constructed in this country in 15 years, and I have not seen capital looking for railroad investment. As soon as business opens up in earnest again the railroads will be totally inadequate to meet the demands of commerce. Furthermore, their rates are high, and when we consider the cost of railroad operation I am convinced that these rates may have to go higher still. I know of no better authority for the inability of the railroads to reduce rates or to meet the demands of commerce than statements made by officials of the railroads.

I am advised that Vice President McCrea, of the Pennsylvania Railroad Co., before the Pittsburgh Chamber of Commerce on February 24, 1922, while discussing this subject, made a statement which contained the following:

> In the United States during the 12 months ended December, 1921, but 400 miles of new line were built, while 760 miles have been abandoned. Practically no railroads have built double track, increased their yard facilities, or taken steps to relieve congested points where they have had much of their trouble in the past few years and know they will have more trouble in the future. We have had no money for this; every dollar available and all of our energies have of necessity been expended in restoring our existing facilities to a safe and efficient operating condition.

I am also advised that Vice President Elisha Lee, of the Pennsylvania Railroad Co., in a speech recently before the Manufacturers Association of Philadelphia made a statement which, among other things, contained the following:

> Traffic on our American railroads measured in ton-miles doubles about once in a decade or possibly a little longer. The next time our country has a real revival in business we shall in all probability be confronted with the most severe congestion of railroad traffic and the greatest inadequacy of railroad facilities ever experienced in our history.
>
> When that happens rates will be lost sight of. Everyone will be clamoring for service, and our public highways will again be torn to pieces by huge truck loads of freight carried over roadways never designed for such purposes, and at rates and costs of operation so high as to constitute gross economic waste.
>
> Then business men will not be bothering themselves much about rates. All they will be thinking about will be how to get transportation at any price.

In the face of these gloomy forebodings proclaimed by high railroad officials; in the face of their admissions that when business conditions improve they will not be able to meet the demands of commerce; in the face of their promise of still higher rates and with our knowledge that their predictions are well founded, how can any Member justify himself in failing to support adequate appropriations for the improvement of our waterways so that we may have facilities sufficient for our slow freight at least?

Mr. McDUFFIE. And do not they carry the commerce in shorter time than the railroads?

Mr. NEWTON of Missouri. Yes. I have received a number of letters from shippers in St. Louis stating that consignments

of freight from points in England and Europe brought by ocean steamers to New Orleans and by barge to St. Louis have arrived in a shorter time than shipments by rail from various points in the United States.

The commerce of the country must have a cheaper and more adequate form of transportation for its bulky commodities. And where can you find such transportation except by the use of our waterways? At the close of the World War Kansas had an abundance of wheat. The market was strong and the price high, but cars to move the wheat were not available. Before the railroads could supply the cars to move this wheat the market had gone down until, I am advised, there was a loss to the farmers of Kansas amounting to more than $2,000,000. Unless transportation facilities are increased this thing will occur again. If the Missouri River had been improved a few cars could have hauled this Kansas wheat to Kansas City, where it could have been loaded upon barges and carried to the market while the price was high, and that at a low freight rate. Surely the farmers of Kansas are interested in having this thing made possible.

In order to demonstrate to you the extent to which freight rates in this country have been increased during the past two years, I want to give you a few specific examples. Two years ago the rate on 100 pounds of sugar from New Orleans to St. Louis was 44 cents; to-day it is 59½ cents. Two years ago the rate on 100 pounds of sugar from New Orleans to Camden, Ark., was 50 cents; to-day it is 67½ cents. One year ago the rate on 100 pounds of wire rope from Clinton, Iowa, to Seattle was $1.32; to-day it is $1.50. One year ago the rate on 100 pounds of wire rope from Mount Wolf, Pa., to Seattle was 69 cents; to-day it is $1.83½. And this general increase prevails throughout the country. I am not contending that the railways can afford to make cheaper rates, for I know that it costs about three times as much to construct the necessary equipment and to carry a given amount of freight over a rail line than it does over a water line. What I am contending is that we need a form of transportation which it costs less to produce.

As an illustration of what barge-line transportation means to the farmer, I was told by a St. Louis hay merchant recently that he had been seeking a market for his hay in Cuba, but that he had found that hay produced upon the farms of Canada was being transported from Canadian ports to Havana for $3 less freight per ton than hay could be shipped from St. Louis to the same port. He told me that the corn men of St. Louis were competing in the Cuban market because the barge line, though its space was limited, would take corn at the river rate. Hay from Missouri and Iowa and Kansas could likewise compete in the Cuban market if the barge-line equipment was adequate to give this bulky commodity space and likewise the benefit of its low rate.

I have stated that the barge line was carrying freight at 80 per cent of the rail rate which paralleled the river, and that the rail rate which paralleled the river was little better than 50 per cent of the average rail rate of the country. In proof of this assertion I desire to state that the barge line last year collected 3.86 mills per ton-mile for all the freight which it hauled. In other words, for every ton of merchandise which it carried 1 mile it received for compensation therefor the sum of 3.86 mills. In response to a request which I made upon the Interstate Commerce Commission as to the average revenue per ton-mile which the railroads of the United States received for carrying commerce during the years 1920 and 1921, I received a communication from that commission, dated the 2d instant, in which they informed me that the record for 1921 is not yet compiled, but that their records show that for the year 1920 the railroads of the United States received on an average for all freight carried the sum of 10.52 mills per ton-mile; and the rates were higher in 1921 than they were in 1920. In other words, the service of the barge line costs the shippers only 36 per cent as much as the service of the railroads, and the records further show that of the 10.52 mills which the railroads collected for each ton-mile for freight hauled it required 93.05 per cent of such amount to pay the expenses of operation, but that of the 3.86 mills which the barge line collected for each ton-mile of freight hauled it required only 80 per cent for operating expenses. There can be no question about the economy of water transportation. In the face of these facts, if the primary purpose of Congress is to serve the best interest of the whole people, how can we justify our failure to make appropriations adequate to insure the development of a form of transportation which will cost the people of this country only one-third as much as the form of transportation which they are compelled to use to-day? Whom are we here to serve, the railroads or the public? If it is the railroads, then for their own sake we should bar them from from this foolish and wasteful competition. If it is the public, then we should no longer deprive them of the economy of water transportation. In what are we interested? Is it railroads or is it transportation for American commerce, regardless of form and at the cheapest prices obtainable? In our answer to these questions the public is concerned. [Applause.]

Mr. LAYTON. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. According to the gentleman's own statement there will be——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. I ask unanimous consent that the gentleman may proceed for an additional 15 minutes, not to be taken out of the time already allotted.

The CHAIRMAN. The Chair thinks that can not be done.

Mr. NEWTON of Missouri. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLER. Mr. Speaker, I desire to address myself particularly to the rivers and harbors item of this bill.

Too much stress can hardly be laid upon the absolute necessity of a thorough and comprehensive program for the development of our inland waterways, those great natural channels of transportation which have for so many years been practically neglected in our economic development. While it is true that millions have been appropriated from time to time for the development of individual projects, the great fault has been that plans completed in all sincerity have not been carried out. Appropriations have been made for the maintenance of a 6-foot channel from St. Paul, the headwaters of the Mississippi, to St. Louis—upon what is known as the upper Mississippi. Expenditures have been made with this purpose in view, but the work has lapsed from time to time, with the result that the 6-foot channel has not been maintained during the period of low water, and consequently navigation has been suspended.

Considering river navigation from a national viewpoint, in conjunction with our plans for developing our merchant marine and increasing our foreign trade, it is absolutely essential that shippers be given as low a through rate as possibly can be fixed upon the bulky commodities that enter into our foreign trade in order to permit American business to compete with our overseas rivals. If we can cut our transportation costs materially in delivering our commodities from the interior to our ports, it means that much more of an advantage to our people in foreign markets. This cost must be kept down to a minimum in order to compete with the constantly increasing productive capacities of foreign countries. Unless our transportation costs upon wheat and other agricultural commodities entering our export trade are decreased, it means the American farmer must bear the burden of decreased prices for his products. By the expenditure of a few millions of dollars in perfecting these lanes of transportation benefits of untold millions will accrue to the producers of our country. Surely this is economy of the most practical nature. We can well afford to accept the expert advice of the Chief of Engineers of the United States Army in appropriating $42,815,061, the amount he sets as the absolute minimum required for the improvement and the maintenance of our river and harbor facilities and for the very urgent new projects under contemplation.

In an address made by Vice President McCrea, of the Pennsylvania Railroad Co., before the Pittsburgh Chamber of Commerce on February 24, 1922, he stated:

> What is the real problem we have before us? Should we not anxiously consider the time when industries will be producing 100 per cent and will be demanding double the amount of transportation from the railways? Do you appreciate that the railways of this country are standing still, as far as expansion to meet these inevitable conditions of the future?

This statement, coming from one of the responsible heads of one of our great railway systems, clearly indicates the condition of our transportation facilities at the present time. Further on in his address Mr. McCrea pointed out that our railroads are doing nothing to meet the anticipated requirements of the near future when American business again returns to its normal capacity, nor to meet the increased output of our factories and farms as a result of the increasing demand due to the development of our foreign trade. There is a solution to this most perplexing problem. The railroads can and must be relieved of the responsibility of this added service. It

can very conveniently and very practicably be handled upon our inland waterways at an economic saving of millions of dollars to our producers. Our foreign competitors have the full use and benefit of both rail and water transportation, while we are practically confined to the use of but one form of transportation which has become entirely inadequate to meet the needs of our growing commerce. The only possible means of relief is water transportation. What are you going to do about it? Are you going to make sufficient appropriations for the proper development of our waterways, or are you going to allow our railroad facilities to suffer another total collapse such as we experienced during the recent war, as they surely will under the stress and strain of the constantly growing mountain of freight that must reach our ports once our output reaches its peak. To stagnate this business once it assumes these proportions will result in irreparable damage to our economic structure. It will create a spirit of depression even more sinister in its forebodings than that following the signing of the armistice. We must take advantage of this opportunity to ward off this danger by approving the recommendations of the Chief of Engineers for the development of our inland waterways. Of course, we all realize that railroad transportation is an absolute necessity. We could not exist without this system of transportation. But the point I desire to bring out forcibly is that our inland waterways are just as essential to the economic development of our country as are the railroads. In order to utilize our railroads to the utmost and increase their practicability and efficiency we must develop our waterways. Our railroads have reached the limit of their capacity for rendering satisfactory service. This thought is expressed generally by men primarily engaged in railroad activities. No one knows better than they the seriousness of the situation confronting us; they admit the railways will be in no position to handle the constantly growing commerce of the country, and yet some of their leaders openly and stubbornly antagonize all efforts tending to effect a utilization of the only other means of transportation which can effectively preclude the disaster which imminently hovers over them.

The practicability of transportation upon the Mississippi River is no longer doubted. The success of the service maintained between St. Louis and New Orleans has set at rest any fears of the failure of this method of transportation. To extend this service successfully upon the upper Mississippi is a very simple procedure. The barges and the motive power for the maintenance of such service has already been provided. The Government has recently completed the construction of a fleet of up-to-date barges and power boats, which are ready to operate on the river. The only drawback at this time is the lack of appropriations to put the channel in such shape as to insure a 6-foot waterway for the entire season. Once the municipalities along the river are assured of regular service very little time will be lost in building adequate dockage facilities to handle their local freight. The Government should assist municipalities along the river in the construction of docks and providing facilities for handling all foreign freight—that is, through freight from inland points to down-river points, and vice versa—for this burden should not fall entirely upon the local people; it is a national requirement and should be financed by the people as a whole. Under an amendment to the transportation act the Secretary of War was authorized to construct terminal facilities for interchange of traffic between the transportation facilities operated by him and other carriers. The War Department is now operating facilities on the lower Mississippi and on the Warrior River from Mobile to Birmingham, Ala. The authority for the construction of such terminal facilities and their maintenance should be extended to include those required along all our navigable inland waterways wherever they are utilized for the transshipment of commodities. Congress is responsible in a large measure for the success or failure of our transportation systems in an emergency. It has the power now to avert a repetition of the serious breakdown that occurred during the war. It has the opportunity to assist in the development to the fullest extent of our merchant marine and our foreign commerce, which directly concerns our people as a whole. This is a national problem and must be considered as such and not as a community or local matter. The amendment to increase the item of $2,795,260 for rivers and harbors to the amount suggested by the Chief of Engineers of the War Department—$42,815,061—should be adopted.

Mr. ANTHONY. Does the gentleman from Mississippi desire to yield time?

Mr. SISSON. I yield 20 minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, this is designated as the Army appropriation bill, before the House for consideration, but the speeches have taken a broad range and have gone far afield from this immediate subject under discussion. One gentleman discussed railroad rates and fertilizers. Another discussed rivers and harbors, another discussed the bonus, and it occurs to me that they have failed to reach the fundamentals of what is the matter. My friend discussing the fertilizer business and railroad rates surely ought to see that they can not have any cheaper fertilizer under present conditions and that you can not have cheaper railroad rates under existing conditions as are safeguarded around the famous Esch-Cummins railroad bill. When the Congress of the United States guaranteed to the railroads in the United States, after allowing them to pad their expense accounts and pyramid all types of expenses, and make 6 per cent clean profit, how do you expect the railroad rates to come down? Every man who is cognizant of conditions throughout this country, from the Canadian line to the Gulf of Mexico and from the Pacific Ocean to the Atlantic, must see that railroad rates are taking too much toll from all lines of industry. And let me say that any man who is a friend of the wealth producers of the United States is bound to admit that in the last analysis they are paying these exorbitant freight rates. In the last analysis these same people are paying these exorbitant fertilizer prices. What brought that about? The Republican majority of this House rammed through that Esch-Cummins bill that fastened these railroad rates on this country that will hang like a millstone around the neck of every honest wealth producer and wage earner in it. The farmers of the United States are paying seven-tenths of all the charges on freight of these railroads to-day. The statistics from your Government show that he paid that outrageous toll for freight on all the produce from the ground that he ships; that all of his truck, wheat, corn, potatoes, cotton, and wool, all of his live stock, must finally go to the manufacturer or to the consumer, and the charge for the freight is fixed in the sales price, and the farmer must bear that high freight rate that goes to make up their transportation charge on what he produces.

Mr. HUDSPETH. Will the gentleman yield?

Mr. QUIN. I will yield.

Mr. HUDSPETH. It costs just exactly half you get for beef steers shipped from Texas to Kansas City. What is responsible for that, the freight rate?

Mr. QUIN. It is the infamous Esch-Cummins railroad bill. When a Republican Congress guaranteed to them a profit of 6 per cent on all of their watered stocks and bonds, on all of their padded pay rolls, and unwarranted expense accounts, how do you expect, my friends, for the farmer and wage earner of this country to get a square deal? How do you expect the man out on the farm to prosper who must buy farm implements, who must buy clothing for his family, who must buy wagons, must buy tractors and fertilizers and other implements to carry on the occupation of a farmer?

He must pay that same exorbitant freight rate on those things that he consumes from the factory or distributing point down to the railroad station where he goes in to take them out to his farm. Do you not see that they rob him coming and going? There is a reason why all the outrageous toll comes out of the pockets of these men back on the farms, and some newspapers and some people in high station have the gall to criticize men in the Senate and in the House of Representatives because we have the manhood and the courage to endeavor to have some relief given to these farmers of the United States who constitute the backbone of the population of this Republic. And if this Republic is to be saved from all the dangers that stare it in the face it must be saved by the people back in the rural districts, these people who produce from the earth the food and the clothing that the folks of the country must consume.

Mr. RAYBURN. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. RAYBURN. In 1920 the railroads of the country collected from the people of the United States——

Mr. QUIN. Talk fast. I have only 20 minutes. [Laughter.]

Mr. RAYBURN. Will the gentleman yield for a question?

Mr. QUIN. Just a short question. I have not much time. I want to make a speech here. [Laughter.] In 1920 the railroads were robbing the people, and by the help of the Republican Party and a few Democrats they have been allowed to continue that thievery and robbery into the year 1922. One gentleman said that the United States was not able to pay the soldiers a bonus.

That same Republican Congress that put across this iniquitous railroad bill, to allow the transportation companies to press down upon the wealth producers, wage earners, in fact all laboring people, and every legitimate industry of the United States,

and take away from them half of their earnings in railroad rates, did some other things. They placed an additional burden on the people. They allowed all of these contractors to come in and filch this Government out of $2,000,000,000, and the gentleman from California, my good friend Mr. LINEBERGER, said that they could not pay a bonus unless they do it by the sales tax, which would make the soldier himself pay his own bonus. They are going to enact a sales tax and let the poor people of the United States pay the bonus. Has it come to pass that this administration and a set of Congressmen and Senators would vote to give the railroads $2,000,000,000, and paid all these war-profiteering contractors that rode during the war in their fine limousines and with silk hats on their heads $2,000,000,000, and refuse to give after the war is over a bonus to these soldiers who went back home after the war was over, but before going to their families they had to get rid of the camp lice by having all their Army clothing run through a delousing machine? And yet some rich people in the United States cry out to-day, "Do not allow the boys a nickel; they were taken better care of than at any other time in their lives; they got plenty to eat, and a good suit of clothes, and can work." These same wealthy people were back home profiteering while those boys were standing deep in the mud of the trenches, ready to be shot at from German machine guns, cannon, rifles, and poisonous gas, receiving $1 a day. One dollar and twenty-five cents per day is all that the American Legion asks Congress to pay as a bonus. Just $1.25 a day for the actual time the soldier was in the service. Is that too much compensation? And yet they will allow a railroad president $100,000 a year salary. By conscription you forced the soldier into the service to fight for his country, whether he wanted to or not, and now this country can not allow him to have the paltry sum of $1.25 a day as bonus compensation, a just compensation at that, from this great Government of ours, except as the President said, and as the gentleman from California [Mr. LINEBERGER] said, it is proposed he shall pay it himself through the route of the sales tax. Who in the world would consider that anything except an insult to every soldier of the United States, that he can only have a bonus provided he and his kinsfolk pay it? [Applause.] These people who profiteered during the war and are profiteering now, and are putting their hands down into the pockets of the people, are to go free and not help to pay these soldiers any bonus.

Another thing, the President of the United States, whom my friend Mr. LINEBERGER praises so highly, came before this Congress and asked it to aid and give further assistance to the rich. It seems that his policy is to give unto them that hath and take away from them that hath not, even that which they seemeth to have. [Laughter.] He proposed a ship subsidy bill to this House. The profiteers robbed the people in the construction of those ships of many hundreds of millions of dollars, and now the President proposes to let that same gang take them back at 30 cents on the dollar, and give them out of the Treasury of the United States $30,000,000 to $50,000,000 a year, compelling these same farmers, these same wealth producers, wage earners and laborers, and small business people of the Nation, not only to take care of these railroad freebooters, but to come up and take out of their pockets sufficient money to enrich the gentlemen who will take over the Government's fine merchant marine for nothing. Will Congress bow down to any such thing as that? And yet the gentleman from California says the Government can not give the soldiers a bonus unless they make the soldier himself pay it by sales taxes.

Now, what else have they done? They have proposed to allow the biggest Army here four years after the war is over that was ever heard of in the United States in peace times. War is over; the country is at peace. President Harding did a fine thing to call the nations of the earth together in a peace conference here, and they did a lot of good. They propose to take off a great part of this burden of the Navy, and I had hoped that this Congress, acting upon the request of the President of the United States, would reduce the size of the Army down to 50,000.

Yet that same President is alleged to have given out an interview on the day after I told Gen. Pershing before our committee that we ought to pass a bill limiting the Army to not over 75,000, and in that interview the President said the Army must not be reduced; if so, but very little; that he would rather have it stay as it is. Do you believe that those farmers that are paying seven-tenths of all these freight rates, and who are going to have to pay exorbitant rates on all the freight that goes on the ocean vessels after the Government practically gives its ships to a smooth set of business men, and in addition $50,000,000 yearly as a subsidy, and with all other laboring people will have to pay 70 per cent of all the $50,000,000 a year that the President proposes to pay out as a subsidy to the shipowners, are not going to have to pay the greater part of this immense Army bill?

The committee did its best, I think, to bring in a report recommending an appropriation for 115,000 men; but they want 11,000 officers. I am ashamed to say it, but when the Committee on Military Affairs, of which I am a member, reported out the bill, against my vote, to have officers up to the number of 13,000, Gen. Pershing, Chief of Staff, said he would need as many officers for an Army of 75,000 as for one of 150,000. [Laughter.] If a man had a few hands working for him—say 25 hands—according to Gen. Pershing's reasoning he would need as many foremen as he would if he had 50 hands or 100 hands. Gen. Pershing said he did not want a single general knocked off. You know there are 67 generals, and each of them gets as much as the combined income of 15 or 25 farmers. He did not want a single general displaced, no matter how much the Army was reduced.

Here is an Army recommended in this bill of 115,000 men. In my judgment, in peace times it is 65,000 more men than we ought to have. Fifty thousand enlisted men in the Regular Army and a strong National Guard is all we need. It ought to be reduced anyhow to 75,000 men. With all the foreign countries bankrupt, the United States is the only Nation that is able to pay its debts, and those other countries, which owe us so much money, are using our money to pay a bonus to their former soldiers. That bonus is coming out of the pockets of the people of the United States, and yet some folks are sitting here now bellowing for a big Army when every nation in the world is broke except the United States. [Applause.]

What do we want this big Army for? Do you believe that the wealth producers, wage earners, small business people, and professional men of the United States want such an Army as that? Do they want to have a soldier strapped on the back of each one of them when they are already humpbacked with bearing taxes of every kind—road taxes, and school taxes, and municipal taxes, and State taxes, and Federal taxes—and then have the Federal Government come in, slapping them in the face and pushing them down and putting soldiers on their backs? Do you believe there is a small business man or laboring man or woman or a farmer in this great Republic who wants such a big Army as this? [Applause.] Certainly none of them want 11,000 or 13,000 officers. If we are going to have an Army to go out and fight, they have already shown how we can get there. But we are not fixing to fight anybody. Before our committee those officers sat up with a straight face and talked as if we were going to war next week. [Laughter.] Ah, gentlemen, these gentlemen always told us before we got into war that it would take two years to train a soldier. Their faces would be as long as affidavits [laughter] when they told the committee it would take two years to teach young men how to march and drill and fight the enemy. But that fiction has been done away with. This war has demonstrated that we can train a man to fight, and fight effectively, in three months' time.

But that is the kind of rot that they used to hand out. Now that that is done away with it seems they want to destroy the National Guard. It seems that the National Guard must be supplied with a flying squadron and with a tank squadron and a balloon squadron and a chemical-warfare squadron, and every other kind of expense. Of course, the States can not maintain that kind of a National Guard. There is only one kind of army that is any way cheap, and that is the National Guard. Every State in this Union ought to have a strong National Guard of infantrymen, and the Federal Government ought to pay its part of it. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Can the gentleman from Mississippi give me five minutes more?

Mr. SISSON. I would be glad to give the gentleman all the time remaining, but I can not. It is all promised.

Mr. QUIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, does the gentleman from Mississippi [Mr. SISSON] wish to use any more of his time to-night?

Mr. SISSON. No.

Mr. STAFFORD. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the War Department appropriation bill (H. R. 10871), had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 160. Joint resolution authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria September 4, 1920, for the purchase of wheat from the United States Grain Corporation, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Joint resolution (S. J. Res. 160) authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of wheat from the United States Grain Corporation, and for other purposes; to the Committee on Ways and Means.

ADJOURNMENT.

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until Friday, March 17, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. H. R. 10443. A bill to repeal section 2453 and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States; with amendments (Rept. No. 803). Referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY: Committee on Ways and Means. H. R. 10874. A bill to provide adjusted compensation for veterans of the World War, and for other purposes; without amendment (Rept. No. 804). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4933) granting a pension to W. W. Cooper, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TEN EYCK: A bill (H. R. 10924) to increase the limit of cost of the post-office building to be erected at Cohoes, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MORIN: A bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh storage supply depot at Pittsburgh, Pa.; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 10926) to provide surgical or medical treatment for the men of the Army, National Guard, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey who have been honorably discharged from the service; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 10927) granting an increase of pension to Sarah E. Hanes; to the Committee on Invalid Pensions.

By Mr. BENHAM: A bill (H. R. 10928) granting a pension to Nimmie M. Wayt; to the Committee on Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 10929) granting a pension to Sarah R. Spraggin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10930) granting a pension to Minnie Hosier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10931) granting an increase of pension to Sarah C. Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10932) granting a pension to Robert Ashby; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 10933) for the relief of Allen Ellsworth; to the Committee on Military Affairs.

By Mr. KOPP: A bill (H. R. 10934) granting a pension to Kate Garrity; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10935) granting a pension to Emma J. Phillower; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10936) granting a pension to Charles Farris; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 10937) for the relief of John C. Fite; to the Committee on Military Affairs.

By Mr. VINSON: A bill (H. R. 10938) granting a pension to Eva E. Parker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4635. By Mr. BEGG: Petition of citizens of Huron County, Ohio, protesting against so-called Sunday blue laws for the District of Columbia; to the Committee on the District of Columbia.

4636. By Mr. CRAMTON: Resolution of the Michigan State Horticultural Society, of East Lansing, Mich., favoring the purchase of Muscle Shoals by Henry Ford; to the Committee on Military Affairs.

4637. Also, petition of Mrs. W. H. Hall and other residents of Vassar, Jacob Law and other residents of Millington, and Andrew J. Pierce and other residents of Lapeer, all in the State of Michigan, protesting against the passage of House bill 9753, Senate bill 1948, and similar bills; to the Committee on the District of Columbia.

4638. By Mr. CULLEN: Resolution adopted by the Board of Aldermen of the City of New York, urging the reestablishment of the pneumatic-tube system in the New York post office; to the Committee on Appropriations.

4639. By Mr. DREWRY: Petition of sundry citizens of Petersburg, Va., opposing the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4640. By Mr. HADLEY: Petition of certain citizens of Bellingham, Wash., opposing the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4641: By Mr. KETCHAM: Petition of residents of Cassopolis, Mich., requesting that immediate action be taken in the form of special and immediate legislation providing that the payment of Austria's debt to the United States be suspended for at least 20 years; to the Committee on Foreign Affairs.

4642. Also, petition of residents of Bangor, Mich., protesting against the enactment of House bill 9753; to the Committee on the District of Columbia.

4643. By Mr. KISSEL: Petition of Jabez Burns & Sons, of New York City, N. Y., opposing the soldiers' bonus bill; to the Committee on Ways and Means.

4644. Also, petition of Edward B. Smith & Co. and their employees, all ex-service men, of New York City, N. Y., opposing

the passage of any soldiers' bonus bill; to the Committee on Ways and Means.

4645. By Mr. LEE of New York: Resolution of the Board of Aldermen of the city of New York, for restoration of pneumatic-tube service in New York and Brooklyn; to the Committee on the Post Office and Post Roads.

4646. By Mr. MALONEY: Resolution adopted by the City Council of the city of Lynn, Mass., favoring the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

4647. By Mr. RAKER: Petition of the Fathers' Association of the Washington School, of Oakland, Calif., indorsing House bill 7 and Senate bill 1017; to the Committee on Education.

4648. Also, petition of the California Bean Growers' Association, of San Francisco, Calif., urging appropriation for research work looking to the eradication of the "ladybird" or "Mexican bean beetle"; to the Committee on Appropriations.

4649. Also, petition of the National Organization of Masters, Mates, and Pilots of America, of San Francisco, Calif., indorsing and urging the passage of House bill 10198; to the Committee on Interstate and Foreign Commerce.

4650. Also, petition of B. F. Mackall, of San Francisco, Calif., protesting against the enactment of the bonus bill; also, petition of C. C. Dickinson, M. D., member of Cheula Post, No. 92, American Legion, of McCloud, Calif., indorsing the bonus bill and urging its support; also, petition of David G. Kling, a lawyer of Los Angeles, Calif., protesting against a tax on letter mail in raising revenue for the soldiers' bonus; to the Committee on Ways and Means.

4651. By Mr. RIORDAN: Resolution adopted by the board of aldermen of the city of New York, urging the restoration of the pneumatic-tube system in the New York post office; to the Committee on Appropriations.

4652. By Mr. ROSSDALE: Resolution adopted by the board of aldermen of the city of New York, to have the pneumatic-tube system restored in the city of New York; to the Committee on Appropriations.

4653. Also, resolution adopted by the New York State executive committee of the American Legion, to provide proper hospitalization for the disabled soldiers and that the Langley bill be immediately reported to Congress; to the Committee on Public Buildings and Grounds.

4654. Also, resolution adopted by the New York State executive committee of the American Legion to approve the fivefold optional plan of adjusted compensation; to the Committee on Ways and Means.

4655. By Mr. SMITH of Idaho: Petition of Twin Falls Chamber of Commerce, of Twin Falls, Idaho, urging that the unemployed be given work on the reclamation projects; to the Committee on Appropriations.

4656. Also, petition of the Commercial Club of Burley, Idaho, urging that the unemployed be given work on the reclamation projects; to the Committee on Appropriations.

4657. Also, petition of the North Side Community Club of Gooding, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

4658. Also, petition of the Wallace Study Club, of Wallace, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

4659. Also, petition of the members of the Eldorado Heights Civic Club, of Jerome, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

4660. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of New Jersey, protesting against House bill 9753; to the Committee on the District of Columbia.

4661. By Mr. THOMPSON: Petition of Northwest Grange, No. 413, of Edon, Williams County, Ohio, urging immediate consideration of the truth in fabrics bill; to the Committee on Interstate and Foreign Commerce.

4662. Also, petition of certain citizens of Liberty Center, Ohio, urging that House bill 9753, a bill to secure Sunday as a day of rest in the District of Columbia, be not passed; to the Committee on the District of Columbia.

4663. Also, petition of Pulaski Grange, No. 2046, of Bryan, Ohio, asking for the early consideration and passage of the truth in fabrics bill; to the Committee on Interstate and Foreign Commerce.

4664. Also, petition of citizens of Liberty Center, Ohio, protesting against the passage of House bill 9753, a bill to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *March 17, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of papers and documents on the files of the Treasury Department which are not needed in the transaction of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a joint select committee on the disposition of useless papers in the executive departments. The Vice President appointed Mr. STERLING and Mr. McKELLAR members of the committee on the part of the Senate and ordered that the Secretary notify the House of Representatives thereof.

RESTRICTION OF IMMIGRATION.

Mr. HARRIS. Mr. President, several days ago I called the attention of the Senate to a statement issued by the head of the American Legion showing that there are several million men out of work in the United States, 700,000 of whom are ex-service men, and protesting against the number of immigrants continually coming into the country to increase the number of idle people. He urged the President to help provide work for these unemployed ex-service men. I am not saying this in criticism. I am simply calling the attention of the Senate to the alarming condition brought about by the millions of unemployed in our country, which is being increased by the large number of immigrants constantly brought to our shores. If Congress had not passed the 3 per cent law last year we would have had one or two million more unemployed here now. I favored at the time this legislation was enacted and think now we ought to stop all immigration for five years, except in certain extreme cases of the same family, some of whom are already here and a number of whom served in our Army during the late war.

I have a letter now from the head of the American Federation of Labor, which I ask may be printed in the RECORD. I hope that the Senate Committee on Immigration will change the recent bill which passed the House and take steps to stop practically all immigration. The House bill simply extends for one year the 3 per cent law Congress enacted last year. If the Senate concurs in the House bill the 3 per cent law will expire June 30, 1923. Unless Congress is called in extra session at that time there will be no law restricting immigration, and the steamship companies, interested only in the profits they make in bringing the immigrants here, will use extra ships and bring in two or three millions more before Congress can pass a law preventing it. The regular session of Congress will convene in December, 1923. If one House of Congress should pass a bill restricting immigration the opposition in the other House might be able to delay action, which would give the steamship companies another year, in which they would bring in three or four million more immigrants to add to our already several million unemployed. If the Senate will not stop immigration entirely, as I believe should be done, it seems to me absolutely necessary that we should extend the present 3 per cent law until June 30, 1924, instead of 1923, as provided in the House bill. The letter from the head of the American Federation of Labor protesting against the House bill is exactly in line with that of the head of the American Legion. I have again offered an amendment that will prevent immigration for five years; also an amendment requiring that all immigrants be brought to this country in our own ships, and our agents could then prevent the undesirable ones from coming over and being sent back to their own country.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., March 15, 1922.

Hon. WILLIAM J. HARRIS,
Senate Committee on Immigration, Washington, D. C.

SIR: In the name of the workers and the would-be workers now unemployed we protest against the adoption of H. J. Res. No. 268, as passed by the House of Representatives.

At the hearings before the House committee the representatives of the American Federation of Labor urged that immigration be restricted, except for the dependent immediate relatives of aliens now here who have established themselves and are able to support such dependent relatives, on the ground that every effective immigrant admitted under present industrial conditions must result in throwing out of employment a worker now in our country. We repeat that assertion; we point

to the millions of workers walking the streets of our cities and industrial towns or tramping the roads because they can find no employment. We hold that to admit more potential workers at this time is an injustice not only to those now here but to those aliens who might be admitted.

The resolution adopted by the House of Representatives provides for the consideration of the present 3 per cent limitation law until June 30, 1923.

While we recognize the fact that under this law upward of 200,000 immigrants, most of them potential workers, have been admitted between June, 1921, and the end of that year, we also recognize that without the limitations provided in that law there would have arrived here nearly 1,000,000 immigrants in the period mentioned. At the time the 3 per cent limitation law was under consideration immigrants were arriving at the rate of 100,000 per month, and only the fact that shipping accommodations were limited prevented the incoming of a far greater number. We have no doubt but that if the limitation law had not been adopted the capacity of shipping would have increased to accommodate the full demand.

We therefore wish to point to the fact that only the "short session," December to March 4, intervenes between the present session and the time set for the expiration of the limitation law, and if the law expires and no other legislation is adopted in the short session the bars will be down and we can expect immigrants by the hundreds of thousands each month.

We ask, first, for restriction of immigration to the immediate dependent relatives of foreigners now here.

Or, second, that the present 3 per cent limitation law shall be the law until further action of the Congress of the United States.

Or, third, that the present limitation law shall continue in force until June 30, 1924, thus safeguarding the country from a flood of immigration, until Congress shall have opportunity to adopt permanent legislation dealing with this problem.

Respectfully, yours,

SAMUEL GOMPERS,
President American Federation of Labor.

CALL OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McNary	Shields
Borah	Hale	Nelson	Simmons
Brandegee	Harris	New	Smith
Cameron	Harrison	Norbeck	Spencer
Capper	Heflin	Norris	Stanfield
Colt	Johnson	Oddie	Sterling
Culberson	Jones, Wash.	Overman	Townsend
Cummins	Kellogg	Page	Underwood
Dial	Kendrick	Pepper	Wadsworth
du Pont	King	Phipps	Warren
Edge	Ladd	Poindexter	Watson, Ga.
Ernst	Lenroot	Pomerene	Weller
Fernald	Lodge	Ransdell	Williams
Fletcher	McKellar	Rawson	Willis
France	McKinley	Robinson	
Glass	McLean	Sheppard	

Mr. FLETCHER. I wish to announce that my colleague is necessarily absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I desire to announce that the Senator from Montana [Mr. WALSH] is detained on official business.

Mr. JONES of Washington. I wish to announce that the junior Senator from Delaware [Mr. DU PONT] is detained on official business.

I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

The VICE PRESIDENT. Sixty-two Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. LODGE presented the following resolutions of the Legislature of Massachusetts, which were referred to the Committee on Finance:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and twenty-two.

Resolutions memorializing Congress in favor of the passage of Federal law to further regulate the use of narcotic drugs.

Whereas the number of drug addicts in the United States has abnormally increased to such an extent as to become a serious menace to the health and welfare of the citizens of this country; and

Whereas the importation of opium and coca leaves and their derivatives has increased beyond necessary proper medical requirements, and a great proportion of such importations are illegally sold and distributed throughout the country, due to the lack of sufficiently drastic Federal legislation; and

Whereas under the present Federal law it is impossible for the Commonwealth of Massachusetts, without further assistance from the Federal Government, to effectively curb the illicit drug traffic existing within its confines; and

Whereas the lack of cooperation between the Federal Government and the States and the absence of proper and effective legislation throughout the country has made possible the abnormal growth of the illicit drug traffic: Therefore be it

Resolved, That the Senate and House of Representatives of the Commonwealth of Massachusetts urgently request Congress to pass such legislation as will provide for proper and effective Federal regulation of the importation of narcotic drugs and of the sale and distribution thereof, to the end that sufficient quantity thereof may be available only for proper, legitimate medical purposes through the establishment of properly regulated Federal distributing agencies; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, the Vice President, the Speaker of the House of Representatives, and the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted, March 3, 1922.

In senate, adopted, in concurrence, March 8, 1922.

A true copy.

Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. LODGE also presented resolutions adopted at a meeting of a committee for ratification of the treaties, at Washington, D. C., praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. CAPPER presented a resolution adopted by the Women's Bar Association of the District of Columbia, praying for the enactment of legislation providing for the compulsory school attendance of children in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented the petition of Dr. Henry Churchill King and sundry other members of the faculty of Oberlin College, of Oberlin, Ohio, praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented the petition of Dr. Henry Churchill King and sundry other members of the faculty of Oberlin College, of Oberlin, Ohio, praying that payment of Austria's debt to the United States be suspended for 20 years, which was ordered to lie on the table.

He also presented a resolution of Dewey Council, No. 7117, Stoneware Potters' Union, of Crooksville, Ohio, favoring the prompt passage of an adequate tariff law based on American valuations, which was referred to the Committee on Finance.

He also presented resolutions of the Kiwanis Club of Lancaster, Pa.; the official board of the Euclid Avenue United Brethren Church, of Dayton; the Brotherhood Bible Class of the South Methodist Episcopal Church of Columbus; and the pastor and congregation of the Grace Reformed Church, of Lancaster, in the State of Ohio, favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented the petition of Sarah R. Steenrod, of Dayton, Ohio, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

REPORTS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. SPENCER, from the Committee on Military Affairs, to which was referred the bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War, reported it without amendment and submitted a report (No. 564) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof, reported it without amendment and submitted a report (No. 565) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce; to the Committee on Commerce.

By Mr. BALL:

A bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

AMENDMENT OF RIVER AND HARBOR BILL.

Mr. NELSON submitted an amendment providing for the improvement of the west side of the Mississippi River at St. Paul, Minn., with a view of there establishing a harbor, intended to be proposed by him to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

APPLICATION OF RECLAMATION LAW TO IRRIGATION DISTRICTS.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, which was referred to the Committee on Irrigation and Reclamation, and ordered to be printed.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. Mr. President, I ask that the unfinished business, House bill 9103, be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. BORAH. Mr. President——

Mr. CUMMINS. I yield to the Senator from Idaho.

AMERICAN TROOPS ON THE RHINE.

Mr. BORAH. Mr. President, under date of March 13 I find a dispatch in the New York Times which begins as follows:

> It is the opinion of Premier Poincare, who, like Secretary Hughes, is known as an able lawyer, that the United States has no legal rights upon which to base its claim for the payment of $251,000,000 for army of occupation costs out of the sums which Germany has paid to the Reparations Commission.
>
> The way in which the French premier views the situation from a legal point of view may be reduced to the following formula of logic:
>
> Major premise—Just as America is not bound by the Versailles treaty terms, so the Allies are not bound by the terms of the Berlin treaty.
>
> Minor premise—America's claim is based on the Berlin treaty.
>
> Conclusion—The Allies are not bound to grant America's claim.
>
> It is furthermore known to be the premier's attitude that as matters stand Germany has no right to pay America directly without the consent of the Reparations Commission, because the treaty of Versailles gives the Allies a first mortgage on all German resources, including German property sequestered in the United States.

Mr. President, I do not desire to discuss the proposition of securing the $251,000,000 at this time. This dispatch says—and with that I agree—Mr. Hughes is a very great lawyer, and I have no doubt that out of the intricacies arising by reason of the Versailles treaty and the Berlin treaty he will evolve some method and mode of securing the $251,000,000. I have no doubt that it will engage his utmost ability as a lawyer to do so. However, it is not my purpose to discuss that.

Our Army was left in Europe supposedly for the benefit of the Allies. It was not, certainly not, left upon the Rhine for the benefit of the people of the United States, directly or particularly. It was supposed to be there for the purpose of giving poise, as it were, to the situation and as an influence for good and possibly steadying what might be otherwise confusion between those who were more immediately connected with affairs in Europe than our people and our Army. If the American Army is no longer desired in Europe—and this would indicate it is no longer desired—upon what possible theory is it kept in Europe?

It seems to me that the attitude of the Allies with reference to this entire matter, if for no other reason—and there are plenty of other very good reasons—warrants us in bringing all these soldiers home. The time has now come, Mr. President, when it is apparent that their presence there is calculated to irritate the situation rather than to work for the benefit, as it was supposed, of the Allies. I trust, therefore, that our entire attention will not be devoted to securing the $251,000,000 to the exclusion of considering the wisdom of bringing the soldiers home and relieving the situation of our presence there entirely.

There is another reason why they should be brought home. I think one of the unjust things connected with the actions of the allied and associated powers since the armistice is that of maintaining so large a body of men upon the Rhine. They are maintained at the expense of the German Government, as they should be, if it were necessary to maintain them at all, but there is no justification, and never has been, for maintaining anything like the large body of armed forces upon the Rhine that have been maintained there. All these things are calculated to retard the recovery of Germany economically, and the recovery thereby of Europe economically, a thing in which the whole world is very greatly interested.

I observe this morning in the press dispatches from St. Augustine that the Secretary of War is buckling on his armor to fight Congress against the reduction of the Army. Well, Mr. President, if the American Army is not needed in Europe, certainly to that extent the troops should be brought home, and to that extent the reduction of the Army of the United States might very well be justified. There can be no justification for maintaining an Army there if the Allies think that they are unnecessary, and certainly it would assist us in reducing the size of the Army of the United States and to do so without working any detriment to the security of the people of the United States.

However, what I rose to say—and I can say it in a sentence in conclusion—is that there is no longer any justification for maintaining a single American soldier upon European soil. They should all be brought home. It would have been the wiser course to have brought them home long ago, but to keep them there now will justify severe criticism.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. I yield to the Senator from Washington.

Mr. POINDEXTER. Is the Senator from Idaho advised as to how many soldiers are there now?

Mr. BORAH. No; I can not tell just how many are yet there.

Mr. POINDEXTER. My information is that only 2,500 troops are left there, and that the policy of the administration is to bring them home just as rapidly as the regular transportation facilities will enable that to be done.

Mr. BORAH. I observe in the press dispatches from St. Augustine this morning that the administration are going to bring all of the soldiers home except 2,000. I assume, therefore, that they are going to leave 2,000 there. I do not know whether that is a correct statement, but I have no doubt that the contents of the press dispatch were known before the dispatch was sent. However, 2,000 soldiers upon the Rhine, as the situation now develops, would be just as unfortunate, in my judgment, as 4,000. The idea of leaving 2,000 soldiers there must be, as I said a moment ago, merely in the nature of an element of poise in the situation, but now that Poincare and representatives of the other allied powers seem to think that they are no longer necessary, as their action discloses, I do not see why they should not all be brought home.

Mr. NELSON. Will the Senator from Idaho allow me to interrupt him?

Mr. BORAH. Yes.

Mr. NELSON. I desire to say a few words in favor of the American soldiers. The American soldiers have been retained on the Rhine, and are still being retained there, because, of all the soldiers who fought in the Great War against Germany, the American soldiers are the most popular. In the first place, their pay is greatly in excess of that which the troops of other countries receive, and they are liberal spenders. Then, too, frequently they marry German women. The Germans much prefer to have the American soldiers than to have either the French or the English. I desire to say that much in favor of the American soldier.

Wherever the American soldier goes he is preferred to the soldier of any other country, because he is, first of all, a gentleman; and, in the next place, he is well supplied with money and patronizes the local interests in the expenditure of his money. He courts the native girls and often marries them and brings them back to America to make of them good citizens.

Mr. BORAH. Mr. President, I have heard something about the American soldier and the German girl. I did not intend to discuss that matter, but I think what the Senator from Minnesota states is a very high recommendation both for the American soldier and the German girl. I do not suppose, however, that what the Senator states is really the reason why we are keeping the American soldiers on the Rhine.

Mr. NELSON. I wish to state further to the Senator from Idaho, if he will allow me, that from the last report which I noticed there are two places in particular where the American soldiers have been stationed. One is Coblenz and the other is Ehrenbreitstein, where great fortifications are located on the Rhine. Both are in the wine country; and there the Germans like to keep the American soldiers. The Germans have fairly fallen in love with them, and they dislike very much to have them leave. It is a great help to the Germans to have the American dollar circulated there instead of the depreciated German mark.

Mr. BORAH. I think there is a great deal in what the Senator says, but what he states has not been the reason thus far assigned by the administration for keeping the soldiers on the Rhine. If that is the reason, of course, we must approach this argument from a different standpoint. There are a great many interesting matters which might be disclosed with reference to that feature of the question. However, Mr. President, I did not desire to do other than call attention to this matter this morning, but it will be a very live issue when the appropriation bill with reference to the Army reaches the Senate.

Mr. UNDERWOOD. Will the Senator from Iowa yield to me for just a moment?

Mr. CUMMINS. I will yield to the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, I have listened with much interest to the statement of the Senator from Idaho [Mr. BORAH]. He is always very clear and speaks to the point. Possibly, however, if the Senator from Idaho some years ago had agreed with my viewpoint with reference to the European situation some of the present complications would not have arisen, for, undoubtedly, if we had ratified the treaty of Versailles these settlements would have been made some time ago.

Mr. BORAH. Had we done so, we should have had many thousand troops in Europe by this time.

Mr. UNDERWOOD. At least we should have had some reason for keeping them there.

Mr. BORAH. There would have been no good reason in the world for doing so.

Mr. UNDERWOOD. Mr. President, the treaty of Versailles was not ratified; there is no disturbing condition so far as America is concerned, and I can see no reason now why a single American soldier should remain on the Rhine. I think the place for them is at home. I agree with what the Senator has said in that regard, and I hope that at an early date they will be brought back. In justice to the War Department, however, let me say that my understanding is that they are bringing the soldiers home in American transports, and possibly saving money in returning them in that way, but there is a limited space on the transports, and it takes some little time to bring all of them back.

As to the other point, we were invited by the supreme council, which did not grow out of the treaty of Versailles but grew out of the war, and by our allies to maintain a certain number of troops on the border line at the Rhine, and although technically M. Poincare, the French premier, may be right, in justice and fair play, the American Government is entitled to stand on the same basis as the other allied Governments and to receive from Germany its proportion of reimbursement for the soldiers it has maintained on the Rhine, just as the other Governments are to receive reimbursement for maintaining their soldiers. I regret very much that our allies in the late war are determined to stand on a technicality and to refuse to allow our soldiers who have done their part of the service in protecting the border on the Rhine to receive from Germany compensation for that service in proportion to what is paid to France and England.

However, Mr. President, while I am not going back and thresh out the Versailles treaty, for that is now water that has gone over the mill, there is a matter which may not be said to be water that has gone over the mill, which, in fact, has been retained in the dam by the action of the majority party and the present administration. I refer to the Reparation Commission, which is the matter about which I rose more particularly to speak.

The Reparation Commission is not a part of the League of Nations; it is an organization that grew out of the winding up of the war; and necessarily our Government and our people are not going to be able to settle satisfactorily various difficulties, such as the payment for services of troops on the Rhine, unless we send a representative to take a seat on the Reparation Commission.

It is not necessary for the Republican majority to retract what they said in reference to the treaty of Versailles or the League of Nations, for in the treaty of peace which has been concluded with Germany—I might say their own treaty of peace, which has been indorsed by the present administration—it is provided that nothing in that treaty shall prevent us having representation on the Reparation Commission, provided Congress shall authorize the President to make the appointment.

Mr. BORAH. Mr. President——

Mr. UNDERWOOD. I will ask the Senator to allow me to utter a sentence more. I think the time has come when we should be represented on that commission, and I believe the argument the distinguished Senator from Idaho has just made, pointing out one of the difficulties growing out of our failure to be represented on that commission, although we are entitled to representation, leaves the door wide open for him to offer a resolution authorizing and directing the President of the United States to send a representative of this Government to take his place on the Reparation Commission, to assist in winding up the difficult affairs which are confronting us. I am sure that if such a resolution emanated from the distinguished Senator from Idaho there would be no difficulty in securing its passage.

Mr. BORAH. I have no doubt it will go through when I do offer it.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Alabama a question. If the suggestion which he has just made, that Congress authorize the President to appoint a representative of the United States on the Reparation Commission, were adopted, is it not true that we would then necessarily, as participating in the work of that commission, become involved in the apparently insoluble problem that now confronts Great Britain and France in collecting reparations from Germany, a matter which at present seems to be the source of more economic and political trouble in the world than anything else? What benefit would it be to us; how could we be compensated, in view of the comparatively small interest which we have in those matters, by involving ourselves in that tremendous fundamental world difficulty?

Mr. UNDERWOOD. Mr. President, if we want to scuttle and run, of course, we can scuttle and run. This question does not involve the League of Nations or the treaty of Versailles; it is a matter of winding up the Great War. We had our responsibility in the war, and if we are going to occupy our rightful place in the house of nations we must still live up to our responsibility. A part of that responsibility is winding up the war, and the Reparation Commission was appointed to wind up the war.

Of course we have not made the claims against Germany that other nations have. I am not criticizing either the late administration or the present administration for not making such claims. I am perfectly willing for our Government to be generous in such matters; but certain claims, such as the one which the Senator from Idaho has pointed out, are just and proper claims due our Government; but there is no use of our making complaint about losing $251,000,000 if we intend to scuttle and run.

More than that, I should like to ask the Senator from Washington a question myself. I wanted to wind up the war, and when I could not wind it up in my way I wanted peace, and I voted to wind it up in your way. It was not the way I wanted, but I agreed to vote for your treaty of peace; and when you asked me to vote for your treaty of peace you had in it a provision that this Government could take its seat in the Reparation Commission and perform its duty. I say that if you do not do it there will not only be this embarrassment, but there will be embarrassments for years to come if you do not take the responsibility that is our part in the winding up of this war. Therefore I say that as you put it in your treaty of peace, and you invited me to vote for your treaty of peace with that provision in it, the responsibility is up to you to pass the necessary resolution to allow the President of the United States to appoint a representative to take his seat at this table.

Mr. LODGE. Mr. President, will the Senator allow me to say a word on that point?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. UNDERWOOD. I yield.

Mr. LODGE. This claim, if it may be so called—I should call it our right to be paid this $251,000,000—has nothing to do with the Reparation Commission. That was an agreement made under the armistice, which we signed, and of which we were a member. That made the provision that the United States troops should be paid for by Germany. It stands wholly apart from our treaty of peace, and wholly apart from the treaty of Versailles. It is not a reparation, and the attempt to avoid it now is a mere technicality.

Mr. UNDERWOOD. I agree with the Senator that it is a mere technicality, and I do not think our late allies should attempt to avoid it; but, nevertheless, it rests in the Reparation Commission. Why do I say that? Because the supreme council—the war council; not the supreme council of the League of Nations, but the supreme war council—was in charge of winding up the war, and we had a representative on that council until after the defeat of the treaty of Versailles, and that supreme council turned over to the Reparation Commission the administration of these funds to be collected from Germany to pay the troops on the Rhine, and they are handling the funds; but if we were sitting in the Reparation Commission to-day they could not deny us our share of this fund.

Mr. LODGE. My point is, if the Senator will allow me, that I deny absolutely the right of the supreme council or anybody else to turn over a claim which rests on the armistice. It is wholly distinct.

Mr. UNDERWOOD. I agree with the Senator: There is no difference between us. Nevertheless, the only way in which we can get it, since they are administering it in that way, is to take our seat at the reparation table.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. ROBINSON. In connection with the criticism which the Senator has made of the administration for not authorizing representation——

Mr. UNDERWOOD. I am not criticizing the administration. I am criticizing ourselves, because the administration can not act until we pass the resolution.

Mr. ROBINSON. In connection, then, with the criticism that this Government has not authorized representation on the Reparation Commission, it may interest the Senator from Alabama and the Senator from Idaho, and perhaps the Senator

from Massachusetts, to call their attention to an interview published under date of March 15, from Naples, attributed to former Gov. Frank O. Lowden, of Illinois.

In this interview, which I shall ask to have published in the RECORD, the governor is quoted as expressing the opinion that the United States made a very grave mistake when it refused to enter the League of Nations; also that a serious mistake was made when the present administration declined to participate in the Genoa conference. Mr. Lowden is quoted as saying:

> I am coming to the conclusion that many American policies may have to be changed. Various ideas and regulations which we regarded as established have been proved to be harmful in the new world which the war created.
>
> I believe that close American contact with Europe is inevitable, and the sooner we produce men capable of mingling advantageously in European conferences the better. It is a matter of education.
>
> Many of our problems would be more easily solved if we were a member of the League of Nations. Reconstruction is a world problem—

Omitting a portion of his statement—

> While I have nothing but sympathy for France and understand the French fears, I think a way should be found out of the vicious circle of European hates, which if continued can produce only endless wars—

Omitting again a portion of his statement—

> With regard to the Genoa conference I consider that the United States is making a big mistake by not taking part in it.

I thought this interview might intrench somewhat the position of the Senator from Alabama and add interest to the remarks hereafter to be made by the Senator from Idaho. I ask that the entire interview be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

LOWDEN SAYS UNITED STATES SHOULD JOIN LEAGUE.

[By Edgar Ansel Mowrer. Special cable to the Atlanta Journal and Chicago Daily News. Copyright, 1922.]

NAPLES, *March 15.*

Former Gov. Frank O. Lowden, of Illinois, who was a candidate for the Republican nomination for President two years ago, declared on his arrival to-day that the United States made a mistake in not joining the League of Nations, with reservations to the treaty covenant. He also believes America is making another mistake in not taking part in the Genoa economic conference, holding that closer contact with Europe is inevitable.

Mr. Lowden is making a study of conditions at first hand in several European countries while over here with his family visiting two daughters at school in Paris.

"I am coming to the conclusion that many American policies may have to be changed," said Mr. Lowden. "Various ideas and regulations which we regarded as established have proved to be harmful in the new world which the war created.

"I believe that close American contact with Europe is inevitable, and the sooner we produce men capable of mingling advantageously in European conferences the better. It is a matter of education.

"Many of our problems would be more easily solved if we were a member of the League of Nations. Reconstruction is a world problem. While on shipboard I read John M. Keynes's latest book on the revision of the treaty of Versailles. I believe it is the ablest book written on the subject and that the real solution of the reconstruction problem can be found in it.

"While I have nothing but sympathy for France and understand the French fears, I think a way should be found out of the vicious circle of European hates, which if continued can produce only endless wars. The limitation of population is another problem which the world must deal with intelligently. I am an optimist and believe that the situation can be saved, but it needs thought and effort. The key to reconstruction is education, and competent foreign correspondents are the best educators.

"With regard to the Genoa conference, I consider that the United States is making a big mistake by not taking part in it."

Mr. BORAH. Mr. President, it may be that the Government of the United States made a mistake in not entering the League of Nations; but while personally I am very fond of Mr. Lowden, yet if the gentleman from Illinois is correctly quoted I am satisfied of one thing, and that is that the political convention in Chicago did not make any mistake when it refused to nominate him for President. I have observed the effect which these trips over to Europe have upon a good many of these gentlemen. I would prefer that they give their interviews here at home. There is something in the soil, apparently, or the association hard to explain.

Mr. NORRIS. Mr. President, may I interrupt the Senator there on this question of interviews at home?

Mr. BORAH. Yes.

Mr. NORRIS. There is a great difference between giving an interview over in Italy and giving one at home. The Senator must not forget that we have the prohibition laws in force here, and they do not over there; and that very often adds a great deal to an after-dinner speech, I have been told.

Mr. BORAH. A trip over there seems to work its results on all men regardless of habits or tastes.

Mr. NORRIS. I think the governor is one of them.

Mr. BORAH. But, Mr. President, the Senator from Alabama is perfectly consistent in his position, and has been all the way though. He is working for a certain end, and I think he is accomplishing it day by day; but I call his attention to the fact that we do not need a resolution to have an American member of the Reparation Commission. We have one now. We have a gentleman sitting as a member of the Reparation Commission, and as far as the naked eye can discern there is no difference between his position and that of any other member of the Reparation Commission. He sits, so I am informed, as the others sit in the commission, in the council. He advises, he votes, he counsels, and his judgment is taken, and his vote is taken just the same as that of anyone else. I do not know that I can state that as a fact any further than to say that gentlemen who have been in the presence of the commission, who have seen the commission in action, who have observed its official conduct, state that that is precisely what takes place. I presume that is what takes place, because I read, upon the 15th day of March, from the New York Times, the following:

> There was delivered to-day to Roland W. Boyden, the American representative on the Reparation Commission, a reply to the American request for the payment of $251,000,000 * * * which Mr. Boyden transmitted to the finance ministers of Great Britain, France, Italy, and Belgium March 10. The reply of the allied finance ministers states—

And so forth.

For the last several months all the dispatches from Europe have treated Mr. Boyden as an active, full-fledged member of the Reparation Commission; and Mr. James, who writes these articles for the New York Times, is a very accurate journalist—a very accurate reporter, using that term in its broadest sense—and I have no doubt that as Mr. James observes the goings-on of this commission he observes no difference between the position which Mr. Boyden occupies and that which the representatives of Great Britain occupy. So it is not necessary, I will say to the Senator from Alabama, to pass any resolution; and the Senator from Alabama will do the Senator from Idaho the justice to say that in the debate on the German treaty he prophesied that when the treaty was ratified we would take our place upon that commission and conduct ourselves prior to the time of the passage of any resolution by the Congress just the same as if the Congress had passed it. For all intents and purposes we are now a member of the Reparation Commission, just as I had no doubt we would be when we ratified the German treaty.

Mr. UNDERWOOD. The Senator is undoubtedly correct with reference to his position; and the only objection I have to his reference to our being represented on the Reparation Commission is that we are not represented. If we were represented, we would have a voice. If we had been represented, M. Poincare would not have made the statement he did that the Senator from Idaho read. We have a looker-in, a man in the lookout box, looking into the Reparation Commission, but not a man who is an active part of it; and the Senator is correct. His prophecy that when the German treaty was ratified we would have to go into the Reparation Commission was correct. He made it from the standpoint that he did not think we ought to go in; but he is correct. The inevitable logic of the situation in the end is going to drive this Government to take a seat on the Reparation Commission and to take its part, not in going into the League of Nations, not in being connected with the Versailles treaty, because, as I said, that is water over the dam, but to take its position, its responsibility, in winding up the Great War.

Mr. NORRIS. Mr. President, it seems to me that it is immaterial whether we now have a representative on the Reparation Commission or whether we should have, as far as the payment for the American soldiers on the Rhine is concerned. I never have been able to understand why we kept any soldiers on the Rhine after the treaty of peace was agreed upon. After the Versailles treaty was agreed upon between our allies and Germany it seemed to me there was no reason why American soldiers should longer be kept in Europe. That was particularly true after we had agreed upon a treaty of peace with Germany. Why we should maintain soldiers on the Rhine is more than I could ever understand, and I never yet have been able to secure from any person what I considered a good reason for that course of action.

Now we are confronted with the fact that these soldiers were kept there, as everybody knew, at the request of our allies, for their benefit, not for ours—there is nothing in it for us—and they were to be paid by Germany; but our allies—Great Britain and Italy and France—have a mortgage on the income of Germany, and we can not be paid, it seems, without their consent.

So they say to us, "Keep your troops here," and they keep their troops there, and to accommodate them, to be friendly with them, to be good to them, we keep our troops there; but when they collect the money from Germany to pay they pay the expenses of their own troops, refuse to pay those of ours, and divide the balance of the swag up among themselves. To

my mind, Mr. President, that is treating the American Government with disrespect. It is not fair, it is not honorable, and there have been many times in the history of the world when diplomatic relations have been broken for causes much less than that which exists now.

It seems to me, Mr. President, that if they are going to maintain the position which they have assumed, that the expenses of our troops shall not be paid, that they shall be the only troops whose expenses are not paid, until all the other debts of Germany are paid, it will mean that the expenses of the American troops will not be paid——

Mr. BORAH. At all.

Mr. NORRIS (continuing). Until those who are yet young in years will die of old age, and will have forgotten that we ever had any troops on the Rhine. It means no payment.

With that in our faces, with that thrown at us, we are still proposing to keep troops on the Rhine for the accommodation of our allies. It seems to me that one thing ought to be done, and it ought to be done by unanimous consent: Every American soldier on the Rhine should be brought home, and then we should take up in diplomatic channels the question of what further course ought to be pursued as to the payment of the expenses of the soldiers while they have been there.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I yield.

Mr. LODGE. I regret that the chairman of the Committee on Military Affairs is not here, because he knows all the facts, but I think I am correct in saying that the troops have been coming home steadily for some time. They have come rather slowly, because I think the War Department did not care to go to the expense of employing any but our regular transports and American bottoms in bringing them; but they are coming steadily. I do not know how many are still there, but they are all coming.

Mr. NORRIS. I hope they will all come.

Mr. LODGE. I hope so, too.

Mr. NORRIS. I hope the House of Representatives, now considering the military appropriation bill, will provide that none of the funds appropriated shall be used to pay the expenses of American soldiers on the Rhine, making it compulsory and necessary for the administration to bring them all back before the close of the present fiscal year.

Mr. President, when it was proposed by some of us that our Secretary of the Treasury should be instructed to collect the interest due from our allies when they were able to pay it, nobody wanting to crowd them, nobody wanting to be hard on them, or ungenerous, even, the answer which came back will be found in the CONGRESSIONAL RECORD of about the time I proposed an amendment to the bonus bill when it was before the Senate, providing that the Secretary of the Treasury should collect the past due interest, and use it to pay the soldiers of America the bonus provided in that bill. That created consternation at once, and it was said on the floor of the Senate that nothing could hurt the Government of the United States more than to have that debt paid, because, it was alleged, the great difference in exchange would bring ruin to us if those who owed us paid even the interest on what they owed. I do not agree with that at all. It is now demonstrated that as between Germany and France, Germany and England, and Germany and Italy, that rule does not apply at all. The difference in exchange is about the same between Great Britain and Germany as between Great Britain and America; I do not know but what it is greater; yet Germany is paying reparations to Great Britain, paying reparations to France, and paying reparations to Italy, and, as queer as it may seem, those Englishmen and those Frenchmen and those Italians are glad to get it. But when it comes to paying the interest due to America, it is claimed that it is not a good thing for Americans to receive it.

We have notice now, if our allies continue in the stand they have taken, that we are not to be paid the expenses of the American soldiers in Germany; that the American taxpayer must stand that burden, not for the benefit of America or the United States Government but for the benefit of our allies. If the United States Government permits that to go unchallenged, and submits to that, we will be ready to submit if our allies should say, "We will not pay you anything else, either." If we accept that proposition without objection, and abide by that unjust decree, it would not be half as big a step to say that anything due us, interest, principal, or anything else, shall not be paid, either now or at any time in the future.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. I yield.

Mr. FRANCE. I hope the Senator will not put himself in the position of being so selfish as to insist upon American rights being considered before the rights of other nations. The great heart of a Senator like the Senator from Nebraska certainly ought to be for every other country before he is for his own, if he is to be in harmony with the policy which we have been hearing so much about for the past year.

Mr. NORRIS. Mr. President, I regret to say that I have not advanced quite so far yet in my philanthropy and my Christianity; and I do not know of anyone else who has done so.

Mr. POINDEXTER. Except the Government of the United States.

Mr. NORRIS. Yes; as the Senator suggests, unless it is Uncle Sam; but if he has advanced that far, I want to call a halt on him if I can, and get him to muster up some of his courage and demand some of his rights.

Mr. FRANCE. Of course, I am quite well aware of the fact that nobody announces that he is in favor of such a proposition, but sometimes actions speak louder than words. I am quite well aware, however, that the Senator from Nebraska really is devoted to his own country above all other countries, which I think is the proper attitude for a man and a statesman to take. In that, of course, I am rather old-fashioned, perhaps reactionary.

The VICE PRESIDENT. The Senate resumes consideration of the unfinished business, House bill 9103, and the question is on agreeing to the amendment of the Committee on the Judiciary.

Mr. KING. What is the committee amendment? Let it be reported.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. The committee proposes to strike out all after the enacting clause and to insert a substitute.

Mr. FLETCHER. I give notice that before the vote is taken on the committee amendment to the pending bill I shall offer an amendment to the proposed substitute, and I shall want to discuss that amendment when it becomes in order.

Mr. CUMMINS. I suppose I ought to say a word upon the measure in completion of the discussion that I was indulging in the other day, but I do not want to ask the Senate to listen to this matter until it has finished with the subject which has engaged the Senate for the last half hour, and if there is anyone else who desires to discuss our foreign affairs, I hope he will rise now and ask recognition of the Chair, so that when we do begin upon domestic matters we can consider the questions arising somewhat continuously.

Mr. WILLIS. Mr. President, as I stated privately to the Senator from Iowa, I desire at some time during the day to make some observations on the views advanced by the Senator from Missouri [Mr. SPENCER] the other day as to whether or not the four-power treaty is an alliance, but I do not desire at all to intrude at this time. If the Senator desires to go on with his bill, I shall be very glad to wait.

Mr. CUMMINS. As far as I am concerned, any time convenient to the Senator from Ohio will be convenient for me, because we have now fallen into the habit of subordinating the pending bill to every other matter which has been brought to the attention of the Senate.

Mr. KING. Mr. President, in view of the very generous invitation of the Senator, I would like to make just one observation, which relates not alone to foreign affairs but to domestic affairs as well.

The Senator from Idaho [Mr. BORAH] called attention to the expenditures in connection with the Army, and stated that when the Army appropriation bill comes before the Senate undoubtedly, if we were to continue our soldiers upon the Rhine, the appropriation for that purpose might be challenged. I call the attention of the Senator from Vermont [Mr. PAGE] and the Senator from Washington [Mr. POINDEXTER] to the naval appropriation bill, which will soon be before us, and the apparent purpose of the Secretary of the Navy, regardless of the number of the personnel which may be fixed by Congress for the Navy, to maintain the number of marines at more than 27,000. We have gotten into the habit of stationing marines in various parts of the world where we have no business to have them—in Haiti, in Porto Rico, in Guatemala, and the Lord only knows where else. I hope the committee will not accept the views of the Secretary of the Navy and continue to authorize a marine force of more than 27,000. I suggest to the Senator from Washington that if they report the bill con-

thinking that number they will encounter some hostility to that provision.

Mr. POINDEXTER. I think the Senator from Utah is mistaken as to the number of marines now in the service of the Government. I do not think the number is 27,000. My impression is that it is 20,000. It used to be 24,000, but in the appropriation act for the present fiscal year the provision was cut down so as to allow for only 20,000.

Mr. KING. I do not have before me the figures which have been recently submitted, I am told, by the Secretary of the Navy with respect to the number of marines. My recollection is that he desires 27,000, plus.

Mr. POINDEXTER. I am not speaking about what the Secretary of the Navy desires; I am speaking about the actual force we have.

Mr. WILLIS. I have conferred with the Senator from Iowa [Mr. CUMMINS], and he advises me that he will be perfectly satisfied if I go on with the observations I intend to make relative to a certain phase of the four-power treaty.

Mr. LODGE. If any Senator desires to speak on the treaty, I think it is my duty, under the unanimous-consent agreement, to move that we go into open executive session. We can return immediately, as I hope we shall, to the consideration of the judges bill, but I think under the unanimous-consent agreement I am bound to take that course.

Mr. CUMMINS. I quite agree with the Senator from Massachusetts in regard to that action.

THE FOUR-POWER TREATY.

Mr. LODGE. I move that the Senate proceed in open executive session to consider executive business, for the purpose of considering the four-power treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. WILLIS. Mr. President, I think the Senate will bear me out in the statement that I have not detained it very often, and certainly not upon this particular question; but the point raised by the remarks of the junior Senator from Missouri [Mr. SPENCER] day before yesterday seems to me to be of such importance that I want to take a few minutes of the Senate's time to direct especial attention to those remarks, and to what I deem the dangerous effect they are likely to have upon the country.

At page 3011 of the RECORD my friend, the junior Senator from Missouri [Mr. SPENCER], used the following language:

As the Senator will find out if he will look into any standard dictionary, the general meaning of an alliance is any connection between States, usually by a treaty, and it is substantially synonymous with the word "treaty"; so that whenever there is a treaty in the general sense there is an alliance.

Later on he said:

I have no antipathy to the word "alliance" if it is synonymous with the word "treaty."

A little further on he made this statement:

I am perfectly prepared to admit, for academic purposes, that we have created a thousand alliances with a score of other nations, and that whenever we make a treaty we make an alliance, as we certainly do in the general acceptation of the word.

Now, Mr. President, I feared that that statement would have just the effect on the country which it evidently has had; I noticed in a number of papers yesterday the statement "friends of the treaty admit that it constitutes an alliance." That is reflected not only in the statement in the newspapers but in telegrams and letters that have reached me, as they have no doubt reached other Senators. For example, here is a typical telegram:

Vote down the four-power treaty and all such obnoxious alliances.

I want to take just a few minutes on the rather uninteresting subject of whether or not this treaty does constitute an alliance. As I said in reply to the Senator from Missouri the other day, if I thought this treaty did constitute an alliance, I can not conceive of any power that would induce me to vote for it. To find out whether it is an alliance I desire to put into the RECORD some of the definitions from the authorities as to what an alliance is.

Now, I think that I understand perfectly the thought of the Senator from Missouri. He is as much in favor of the treaty as I am, but in his remarks he has taken not the legal meaning of an alliance, but a rather unusual meaning, the one that the people of this country do not have in mind, and therefore I believe if his statement is allowed to go unchallenged it is likely to do great harm. Therefore, not for the purpose of converting the Senator from Missouri, because he needs no conversion—he votes right on this anyhow—but to keep the RECORD straight I desire to put into the RECORD first just what the treaty itself says upon this point. It has been read many times, but I read part of it again:

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

Now, obviously, in that statement there is no creation of an alliance. Nobody binds himself to do or not to do any particular thing. But let us read on and see what follows:

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

Now, as I understand the term, there is no alliance provided for in that language, but to see whether or not we have a correct understanding of the term let me place in the RECORD some of the definitions that the authorities give for an alliance. I have here the Century Dictionary Encyclopedia. Let us see what statement is made there. Here is the general definition, the one quoted by the Senator from Missouri, not the one the people have in mind at all, but the literary definition. The definition that the people have in mind for an alliance is the idea that nations have bound themselves to do or not to do a particular definite thing and usually for a warlike purpose. When the Senator from Missouri expresses his opinion that this is an "alliance" he places a weapon in the hands of those who seek to misunderstand and misinterpret the treaty. Let us see what this definition is.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Ohio yield to the Senator from Florida?

Mr. WILLIS. Certainly.

Mr. FLETCHER. May I ask the Senator what difference it makes what we call this contract? Is it not wholly immaterial whether we call it an alliance or an association or a league, or what sort of a name we may give it? What difference does it make how we designate it? The document speaks for itself, and I can not quite see the force of drawing any fine distinction about designating it in any way.

Mr. WILLIS. I think the answer to that is at hand. It would not make any difference to the Senator from Florida, and it would not make any difference to myself what we call it, whether we call it a treaty or an alliance or a compact or an agreement or anything else; but if the Senator will bear with me I think I can show him that it makes a tremendous difference upon the public opinion of the country. The Senator must know that there is a propaganda carried on in the country for the purpose of making the people of the country think that if the treaty is ratified the independence of our country is gone. Because that is the effort that is being made, I do not desire any statement made by a friend of the treaty to be used as a means of furnishing a club to those who want to pound the treaty to death.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. WILLIS. I certainly do.

Mr. WATSON of Georgia. It is very interesting to see the internecine strife raging on the other side of the Chamber. I notice that they have to resort to the dictionary to find out "where they are at." I would like to ask the Senator from Ohio how four parties can enter into a partnership contract and any one of them claim afterwards that he is completely independent of the other three?

Mr. WILLIS. But my contention is that four men can sit down and talk about a proposition without going into partnership.

Mr. WATSON of Georgia. But if they draw up and sign articles of partnership, does not the partnership exist?

Mr. WILLIS. Oh, yes; if they sign articles of partnership; but there has been no such signing of articles of partnership in this case, as I shall show the Senator.

Mr. WATSON of Georgia. Allow me to remind the Senator that we first consented to the rights of Japan, and impliedly those of Great Britain, in 25,000 islands in the Pacific Ocean, and then we come with another treaty and say we will respect those rights and take measures to defend those rights, if there is aggression against them.

Mr. WILLIS. Of course, I do not admit that we do those things at all. I do not admit that we bind ourselves in any way

whatsoever to aid any of those nations in defending their rights. There is nothing in the treaty that so says.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. WILLIS. In just a moment. I want to get through with Senators one at a time.

With reference to the suggestion my friend from Georgia makes, that we have to have dictionaries straighten us out to make our position clear, I want to say to him there is no doubt in my mind about my own position. I am endeavoring to straighten out my friend from Missouri. That is the object of this effort.

I now yield to the Senator from Maryland.

Mr. FRANCE. I hope the Senator from Ohio will develop further his thought upon the propaganda which is being carried on against the treaty. I wish he would put in the RECORD who is raising the money for the carrying on of this propaganda.

Mr. WILLIS. If the Senator knows, let him put it in the RECORD. I do not know. I am not concerned about those matters.

Mr. FRANCE. Perhaps he knows who is carrying on the propaganda and paying the bills for propaganda in favor of the treaties?

Mr. WILLIS. I certainly do not, and if there is any such propaganda and any bills are being paid, the Senator would seem to know more about them than I do. I have not heard of it; I have no information about it; but if the Senator knows about it, why does he not put the information in the RECORD?

Mr. FRANCE. I know that millions of dollars must be paid to carry on the propaganda in favor of the treaty which is being carried on. I have received at my own desk enough material to almost convince me that the treaties are desirable if I did not know something about them.

Mr. WILLIS. I wish the Senator might be altogether convinced.

Mr. FRANCE. Fortunately for the Senator from Maryland, he has taken the trouble to acquaint himself with the real conditions in Europe.

Mr. WILLIS. I do not know about that, either.

Mr. FRANCE. And it takes something more than a paid propaganda to change my views upon the subject. I wish to say to the Senator that even prepared lectures are being sent out to women's clubs. I am sorry that I have not a sample of one of those prepared lectures being sent out to women's clubs so that any woman who wishes to read a lecture upon the great desirability of the adoption of the treaties can do so without any cost to herself and without any trouble whatever. The number of lectures that are being sent out——

Mr. POMERENE. Mr. President——

Mr. WILLIS. I want still to retain my right to the floor. If the Senator from Maryland has any information upon these matters, if there is a fund collected to send out propaganda for the treaty or against it, and if he has that information let him put it in the RECORD. I do not have that information, and I do not care much about it. I yield now to my colleague.

Mr. FRANCE. I shall be very glad to have an investigation made. I thought perhaps the Senator from Ohio had some information as to the propaganda to which he referred. I have no positive information. I have some suspicion.

Mr. WILLIS. All I know is that there is propaganda sent out against the treaty in most insidious form. Who is back of it I do not know, and I do not care, because I do not believe it is going to get anywhere.

Mr. FRANCE. In what form does the Senator refer to it—insidious form?

Mr. WILLIS. In the form of letters, in the form of identical telegrams, in the form of messages of various sorts. The Senator is well acquainted with propaganda.

Mr. FRANCE. I wish the whole question of the expense of carrying on this propaganda might be investigated.

Mr. WILLIS. I have not the slightest objection to that.

Mr. FRANCE. If we could have an investigation and all the facts disclosed, I assure the Senator that the facts would be most interesting to the American people and not at all helpful to the Republican Party.

Mr. WILLIS. If the Senator desires an investigation, he can move for it. If he has any information he can put it in the RECORD. I do not care for it; I am not interested in it, because I think the question will be settled before the investigation could be had.

I again yield to my colleague.

Mr. POMERENE. I did not rise to ask my colleague a question, but in view of the statement that has been made by the Senator from Maryland to the effect that there were millions being expended on propaganda favoring the treaty, I should like to have some specific information as to just one dollar that was furnished in that behalf. Then when it comes to the designation of the senders of such literature as is being sent out to Senators, it would be interesting to know whether that literature was sent because of promptings of the heart in favor of the treaty or because of the purse to which he refers.

Mr. FRANCE. Mr. President——

Mr. WILLIS. I yield to the Senator from Maryland for a brief reply.

Mr. FRANCE. I desire to say that I rose not to give information but to ask information from the junior Senator from Ohio, who seemed to be in possession of some facts with reference to the propaganda against the treaty.

Mr. WILLIS. If the Senator will listen he will get information, but I am not posing as an authority upon propaganda. If the Senator knows anything about this matter of collecting funds, let him have an investigation or put his information in the RECORD. I know nothing about it and I care nothing about it, because the treaties will all be ratified before he will get his investigations started anyhow.

Mr. FRANCE. Possibly.

Mr. WILLIS. Now, I proceed with the proposition I had in mind, namely, the placing in the RECORD of some definitions from authorities for the benefit of my friend, the Senator from Missouri. I have here the Century Dictionary Encyclopedia, which gives the following definition of "Alliance":

Union between nations, contracted by compact, treaty, or league. Such an alliance may be defensive; that is, an agreement to defend each other when attacked; or offensive; that is, an agreement to make a combined attack on another nation; or it may be both offensive and defensive.

Now, it must be perfectly apparent to one who thinks of it for a moment that there is nothing in this so-called four-power agreement contemplating anything of that sort. No distortion of language, no torture of words can make it appear that there is any agreement here by which we are bound to defend any nation if they are attacked.

Mr. POMERENE. Mr. President——

Mr. WILLIS. I yield to my colleague.

Mr. POMERENE. Does not my colleague think that there is another signification attached to the word "alliance," irrespective of whether it is of an offensive or defensive character? In other words, when we speak of alliances between nations we sometimes speak of them as alliances of offense, or alliances of defense, or alliances of offense and defense; but there may be alliances for other purposes, for purely altruistic purposes, for peace purposes, and so forth, without any reference to the hostile phase. In that sense, it seems to me, that my colleague, as well as myself, may well say this is an alliance or it is an association in the more comprehensive sense and not in the restricted sense.

Mr. WILLIS. Mr. President, the point I was seeking to make clear, as my colleague will observe, is the fact that the alliance that the people of this country have in mind is an alliance such as we have always understood the word to mean, either for offensive or defensive purposes. When the senior Senator from Missouri, or any other friend of the treaty, announces that this is an "alliance," it seems to me that that statement is likely to be misunderstood. Therefore, I have thought it proper to put into the RECORD three or four of the definitions of the term "alliance." Here is one from the Encyclopedia Britanica. Let us ascertain what that work says:

Alliance, in international law—

That is, as the word is used in international law—

Alliance, in international law, a league between independent States, defined by treaty, for the purpose of combined action, defensive or offensive, or both.

Here is another authority on international law, Oppenheim, volume 1. Let us see what his definition is:

Alliances, in the strict sense of the term, are treaties of union between two or more States for the purpose of defending each other against an attack in war or of jointly attacking third States, or for both purposes.

Then here is the statement which is made in Wheaton's work on international law:

Treaties of alliance may be either defensive or offensive. In the first case the engagements of the ally extend only to a war really and truly defensive; to a war of aggression first commenced, in point of fact, against the other contracting party. In the second the ally engages generally to cooperate in hostilities against a specified power or against any power with whom the other party may be engaged in war.

And so on, bringing out the same idea that has already been brought out in the definitions which I have quoted from the

other authorities. Then, here is the definition given in Bouvier's Law Dictionary:

ALLIANCE.

In international law: A contract, treaty, or league between two or more sovereigns or States, made for purposes of aggression or defense.

Defensive alliances are those in which a nation agrees to defend her ally in case the latter is attacked.

Offensive alliances are those in which nations unite for the purpose of making an attack or jointly waging the war against another nation.

Now, carrying out the idea suggested by my colleague:

The term is also used in a wider sense embracing unions for objects of common interest to the contracting parties, as the "holy alliance" entered into in 1815 by Prussia, Austria, and Russia for the purpose of counteracting the revolutionary movement in the interest of political liberalism. (From Bouvier's Law Dictionary, third revision, 1914, volume 1, page 180.)

I call attention to the fact that the same idea is set forth there, that this is an agreement among nations to do or not to do a certain thing. Then I will quote one other authority, Mr. President. This is Black's Law Dictionary, and the definition contained in that work is substantially the same as the one already quoted:

ALLIANCE IN INTERNATIONAL LAW.

A union or association of two or more States or nations, formed by league or treaty, for the joint prosecution of a war, or for their mutual assistance and protection in repelling hostile attacks.

Mr. President, without spending any further time on quotations from the authorities, having called attention to what the authorities define an alliance to be and what the treaty says, I think it would be useful again to call the attention of the Senate and of the country to the statement which was made when this treaty was presented to the Conference on Limitation of Armament by the spokesman of the American delegation, whose language has already been quoted on the floor of the Senate a number of times, but I quote it again because of its applicability to this particular question. The Senator from Massachusetts [Mr. LODGE] in presenting this treaty to the conference said in part:

Each signer is bound to respect the rights of the others and before taking action in any controversy to consult with them. There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

The surest way to prevent war is to remove the causes of war. This is an attempt to remove causes of war over a great area of the globe's surface by reliance upon the good faith and honest intentions of the nations which sign the treaty, solving all differences through the processes of diplomacy and joint consideration and conciliation.

So that the treaty itself contains no language indicating that it is an alliance. It does not conform to the definition of an alliance given by the authorities, and when it was presented by the spokesman for the American delegation it was specifically denied that it was an alliance.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. WILLIS. I yield to the Senator from Minnesota.

Mr. NELSON. Suppose America and Great Britain were to enter into a treaty to circulate the Bible in China and Japan, and nothing more. Would that not be an alliance? Would it not be an alliance to circulate the Bible in China and Japan?

I wish to say further in reference to the matter of reservations that I have heard of some pious people who have been so extremely careful that before they would indorse the Lord's Prayer they would want some reservations.

Mr. WILLIS. Mr. President, in reply to the question propounded by the Senator from Minnesota, I desire to say that, of course, I agree with him in this respect: I think such an agreement as he suggests would be a very desirable one for the United States and Great Britain to make; but I do not think, Mr. President, that that would be an alliance as the term is understood by the American people. The only reason why I am combating the idea set forth by the Senator from Missouri is that I think it may be used, and is being used, to the detriment of the forces which are in favor of the ratification of the treaty.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. WILLIS. I yield to my friend from Georgia.

Mr. WATSON of Georgia. Mr. President, if the Senator from Ohio can trace any resemblance between the Lord's Prayer and the Yap treaty and the four-power treaty, I would be very much edified to listen to him do so, especially as Japan, one of the parties to this arrangement, does not believe in the Lord or in His prayer.

Mr. WILLIS. Mr. President, I will leave that to my distinguished and able friend, the Senator from Minnesota, who brought that element into the discussion, and who is entirely able to take care of himself.

Proceeding further, Mr. President, not only did the senior Senator from Massachusetts [Mr. LODGE] in presenting this document to the conference specifically call attention to the fact that it did not provide an alliance and that it did not involve the use of force, but it was so understood by the other members of the conference. With other Senators I was present at that conference, and no man who sensed that situation can feel otherwise than that when the Senator from Massachusetts spoke to that conference he spoke that which met with the practically unanimous approval of every delegate to the conference, as well as of those of us who had the privilege of witnessing the ceremony. The fact that when that document was presented and when the question came up next day on the approval of the minutes there was no objection to it, it seems to me places upon the treaty an interpretation that can not well be attacked.

Mr. President, some Senator has quoted something from the distinguished Frenchman, Mr. Viviani. Let us see what he said. I quote from page 107 of the minutes, where Mr. Viviani said in part:

We should, however, be remiss indeed—we should be slighting the open-handed and sumptuous hospitality offered us by America and failing in our manifest duty, if we did not attempt to stress the moral worth of the agreement and thereby give this memorable day its true historic character. This moral value has just been alluded to by Mr. LODGE; he has pointed out that when four great powers are determined that peace shall prevail in a given part of the world, the concert of these powers, without provision for naval or military action, is all that is needed to assure the preservation, the guaranty, and the protection of that peace.

He admits openly there is no provision for military or naval action, and by implication the countries which were represented and which entered into this treaty are perfectly free hereafter to act as they may deem proper.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. WILLIS. I yield to the Senator from Utah.

Mr. KING. I do not have before me the minutes of the conference, but the Senator will find, as I recall, on the page next to that from which he is reading, or probably the preceding page, that Mr. Viviani divided his argument with respect to the treaty into two categories. He discusses the juridical value of the treaty and then he discusses it from a moral standpoint, referring to its moral value and the sense of honor that might result from the agreement. When he uses the words "juridical value," obviously, as an acute and able lawyer, as Mr. Viviani is, he was speaking of its legalistic characteristic, of its value as a legal contract, of its juridical value, meaning thereby its binding legal force or value. Now, I ask the Senator what is its juridical value, what is its legal binding force, in contradistinction to the moral element, to which Mr. Viviani referred?

Mr. WILLIS. Mr. President, in response to the inquiry of the Senator from Utah I desire to say that I have just read what Mr. Viviani states to be the moral value of the treaty. He is not talking about the juridical value of it at all. The Senator thought that it was on the next page, but it is on the very page—page 107—from which I have been reading. It is there where he is estimating the moral value. Of course, if he desires to discuss the juridical value of it, the opinion of Mr. Viviani, as it was the opinion of every other delegate to the conference, as it must have been, because it was accepted unanimously and expressly, was that this treaty was simply an agreement to confer; that there was no binding action provided for at all.

Now, Mr. President, let us see how far we have gotten. In the first place——

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Utah?

Mr. WILLIS. I yield.

Mr. KING. Of course, I do not accept the view of the Senator. An alliance does not frighten me at all; I believe in a world alliance, an alliance which involves force.

Mr. WILLIS. It does not frighten me, but I do not believe in a world alliance, nor a world supergovernment. That, however, is not material here.

Mr. KING. I was about to ask the Senator what value does he ascribe to this treaty? Is it a mere consultative agreement, or is there not some obligation resting upon the signatories to the treaty to do something in the event there is an aggressive movement that threatens the invasion of the insular dominions which are covered by the treaty?

Mr. WILLIS. Mr. President, I intended to touch upon that, and will touch upon it more at length later on in my remarks; but I want to say just here that if the Senator takes the view that a mere agreement to confer and talk over a situation has no value in promoting the peace of the world, then I must

disagree with him totally. As I understand this document, we are not bound to any action at all; but the mere fact that four great powers come together here and talk over the situation and bind themselves to confer in the future when certain classes of questions arise I think has tremendous value in promoting the peace of the world.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. WILLIS. I yield to the Senator from Missouri.

Mr. SPENCER. May I ask the Senator from Ohio whether, in his address—to which I am listening with great pleasure—he has passed the point where he is straightening me out? I ask because, if he has passed that point, I wonder if he will yield for a moment to enable me to say something?

Mr. WILLIS. Mr. President, I would not undertake to fix the precise point at which I quit trying to straighten the Senator out. I do not want to establish any such point. In other words, if the Senator will permit me, I should like to proceed just a little bit further, and then I shall listen to him with great delight, as I always do.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. WILLIS. I yield to the Senator.

Mr. WATSON of Georgia. I should like to have the Senator from Ohio say what he understands to be the meaning of the pledge which we make to adopt measures to resist the aggressions of a fifth power, for instance.

Mr. WILLIS. I did not understand the first portion of the Senator's question.

Mr. WATSON of Georgia. The pact, as I understand, binds us not only to confer but to adopt the measures thought best to resist the aggressions of an outside power on one of these four powers. What does the Senator think that means?

Mr. WILLIS. I think it means exactly what it says—that we are to confer about it.

Mr. WATSON of Georgia. Then you adopt measures, do you not?

Mr. WILLIS. We confer about it and then——

Mr. WATSON of Georgia. You adopt measures?

Mr. WILLIS. Just wait. The Senator can not ask a question and answer it. This conference is held, and the matter is talked over, and then we do whatever we please, so far as the terms of this treaty are concerned.

Mr. WATSON of Georgia. Mr. President, let the Senator turn to his dictionary and see what the word "measures" means.

Mr. WILLIS. I think I understand that without bothering to look at the dictionary. The point I make is, and I think the Senator understands me very clearly, that the mere conference that is provided for in this treaty has tremendous value in promoting the peace of the world; and after the conference is held this Government is not bound to do anything, but is perfectly free legally and morally.

Mr. WATSON of Georgia. But a conversation is not a measure, is it, and a measure is not a conversation?

Mr. WILLIS. That would be an interesting academic question to discuss, but I have stated my view of this matter.

Now, Mr. President, I want to go just a little further with this matter. I have read what the spokesman of the American delegation stated when the treaty was presented, and that statement was accepted as an authoritative interpretation. Now let me see what the delegation itself said when it presented this treaty to the President in its report, page 824:

When controversies arise of the character stated in the article, the powers merely agree to confer together concerning them. No power binds itself to anything further; and any consents or agreements must be reached in accordance with its constitutional methods. The reference to "consideration and adjustment" does not imply that any agreement can be made at a conference relating to a controversy which would be binding upon the United States unless that agreement is made by constitutional authority. The present treaty promises not an agreement of any sort, but merely consultation.

Then the delegates quote a portion of the language I have already read from the statement made by the Senator from Massachusetts, as follows:

There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

Then the delegates say:

This statement was made in open conference, in the presence of all the delegates who signed the treaty, and must be regarded as an authoritative and accepted exposition of its import.

So that in the first place the Senator from Massachusetts, speaking for the American delegation, gives the treaty this interpretation; and then the delegates as a whole, in reporting to the President, confirm the statement already made.

Let us see what further statement is made in the address that was made by the President at the close of the conference. On this very point now—and the President is the one who takes the initiative in matters of our foreign policy—the President says on page 868:

No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding has made new relationships among governments and peoples, new securities for peace, and new opportunities for achievement and attending happiness.

So that the authorities, to start with, furnish no basis for the contention that this is an alliance as the people understand that term; secondly, there is nothing in the treaty itself to give color to such a claim; in the third place, the spokesman for the American delegation so interprets the treaty in presenting it to the conference, and that interpretation is accepted by the conference, and the American delegation places upon it the same interpretation when the treaty is presented to the President; and in the fourth place, the President of the United States in his address to the conference places upon the treaty the same interpretation.

But that was not all. So that there could be no question about it, the President in his address here dealt with that particular proposition. He said in the address that he made to the Senate in presenting this treaty:

The conclusions reached and the covenants written neither require nor contemplate compulsive measures against any power in the world, signatory or nonsignatory. The offerings are free will; the conscience is that of world opinion; the observance is a matter of national honor.

Then he says, further on in his address to the Senate:

Therefore I can bring you every assurance that nothing in any of these treaties commits the United States or any other power to any kind of an alliance, entanglement, or involvement. It does not require us or any power to surrender a worth-while tradition. It has been said, if this be true, these are mere meaningless treaties, and therefore valueless. Let us accept no such doctrine of despair as that. If nations may not establish by mutual understanding the rules and principles which are to govern their relationship; if a sovereign and solemn plight of faith by leading nations of the earth is valueless; if nations may not trust one another, then, indeed, there is little on which to hang our faith in advancing civilization or the furtherance of peace.

Then a little further on in his address he said:

There is no commitment to armed force, no alliance, no written or moral obligation to join in defense.

Further on he said:

If nations may not safely agree to respect each other's rights and may not agree to confer if one to the compact threatens trespass, or may not agree to advise if one party to the pact is threatened by an outside power, then all concerted efforts to tranquilize the world and stabilize peace must be flung to the winds.

The statement which the President of the United States makes in presenting the treaties to the Senate is exactly in harmony, first, with the clear meaning of the treaties themselves; second, with the interpretation placed upon them by the spokesman for the American delegation; third, with the interpretation placed upon the treaties by the delegation in making its report to the President.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. WILLIS. I yield.

Mr. KING. Is not the President inconsistent in the very sentences which the Senator has just read?

Mr. WILLIS. I do not think so.

Mr. KING. He speaks about commitments and about covenants, and deplores a situation which would render agreements and covenants and commitments not binding upon those who make them. Then, in the next breath——

Mr. WILLIS. I believe the Senator is mistaken there. I am inclined to think the word "covenant" is not used. I hope that the President has excised that term. I think it is not in here; but no matter.

Mr. KING. I think the Senator used the word "covenant," but if the Senator objects to that I will use the word "agreement" and the word "commitment."

Mr. WILLIS. Well, let us talk about the language of the President. That is what the Senator is inquiring about. Here is his language now. The President says:

There is no commitment to armed force.

Does the Senator think there is?

Mr. KING. Will the Senator read two or three sentences before that? I have not the address before me. The Senator just read them.

Mr. WILLIS. I will commence clear back near the beginning of that paragraph:

In case of controversy between the covenanting powers—

Mr. KING. "Covenanting powers."

Mr. WILLIS (continuing):

It is agreed to confer and seek adjustment, and if said rights are threatened by the aggressive action of any outside power these friendly powers, respecting one another, are to communicate, perhaps confer, in order to understand what action may be taken, jointly or separately, to meet a menacing situation.

Mr. KING. Will the Senator read a little further, please.

Mr. WILLIS. Certainly.

There is no commitment to armed force, no alliance, no written or moral obligation to join in defense, no expressed or implied commitment to arrive at any agreement except in accordance with our constitutional methods.

Mr. KING. The Senator read a moment ago, I think, from the President's address in which he deplores a situation where nations could not meet together and where they would not be bound by any commitment or covenant which they had made. Now, I ask the Senator if there is anything in the President's statement, does it not mean that there is something in these treaties, or in this treaty, or in treaties which are desired, which calls for commitments and understandings and agreements which will eventuate in keeping the peace either of the signatory powers or, in part, of the world?

Mr. WILLIS. I think the President's statement is perfectly clear. I will read it again to the Senator. It will do him good:

There is no commitment to armed force, no alliance, no written or moral obligation to join in defense, no expressed or implied commitment to arrive at any agreement except in accordance with our constitutional methods.

I think that is perfectly clear.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. WILLIS. I yield to the Senator from Illinois.

Mr. McCORMICK. Will not the Senator read the reservation adopted by the committee in that conjunction?

Mr. WILLIS. That is what I was just about to do when I was diverted by the inquiry of the Senator from Utah. I was just about to read that.

Mr. President, let us summarize and see how far we have gone.

First. I have read the authorities, and the authorities furnish no color to the view that this is an alliance.

Second. There is nothing in the treaty that, to my mind at least, indicates that it is an alliance.

In the third place, the Senator from Massachusetts, the spokesman of the American delegation, in presenting the treaty to the conference, specifically stated that it was not an alliance.

In the fourth place, the American delegation adopted that statement as its own, and used even a stronger statement when it presented the treaty to the President.

In the fifth place, when the President brings it here, he uses in presenting it the language which I have just quoted.

So far as I am concerned, Mr. President—and in this I think I agree entirely with my friend, the junior Senator from Missouri—so far as I am concerned, I am entirely satisfied with that. It makes it perfectly clear to me, and I am satisfied to vote for the treaty without any further explanation or reservation.

But there are able Senators who do not share the view entertained by the Senator from Missouri and by myself, as far as that is concerned, and they desire that this language shall be added as a reservation:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

I think I can read the signs of the times, and in all probability that reservation will be adopted, and I am entirely willing that it shall be adopted; when it shall have been adopted it seems to me that there can not be any question in the mind of any thinking person as to what this conference, the American delegation, the President, and the American Senate meant to do. They did not mean to enter into any alliance. They have negatived that as clearly as the English language can negative a proposition.

It is interesting to note that there is not any foreign Government which is raising any question about the interpretation of this language. The only question being raised is that raised in our own country, particularly in the Senate Chamber.

I have spoken this much, Mr. President, not because I have any quarrel with my friend the junior Senator from Missouri [Mr. SPENCER], who will vote for the treaty, as I shall, but because I thought the interpretation he placed upon it was likely to be damaging, and I feel that it is damaging in that it is being used as the basis of an assertion going before the American people that a distinguished and able and eloquent advocate of the treaty, as the Senator himself is, openly admits that it is an alliance. I think it is not an alliance, and if I thought that it were such an alliance as his language seems to indicate he thinks it might be I certainly could not bring myself to vote for the ratification of this treaty. I think that this treaty and the other treaties pending before the Senate are America's answer to the cry of a world warworn and weary and calling for leadership, and I think the country has responded well to that call.

The Conference for the Limitation of Armament had as its beginning, as its inauguration, the mightiest spectacle this country has perhaps ever seen, one which I trust it may not be called upon again to see, and that was the great ceremony incident to armistice day last year. We saw the long lines of people, from daylight until away into the night, marching through the Rotunda of the Capitol to show respect at the casket of America's heroic dead. Then, on armistice day we heard the trampling of thousands of feet, we saw the marching of the military, we saw the meeting of the representatives of the Governments of all the earth, and we heard the eloquent address made by the President of the United States; but I thought as I looked out over that vast crowd of 50,000 people that there were others there in spirit, even though we could not see them. I thought that I saw standing out in the mists the figures of the 100,000 boys who gave up their lives over yonder that there might be peace and the preservation of free government. I thought I saw those boys standing there at "Present arms" to do honor to the memory of this soldier, the unknown dead.

The spirit of the Washington conference was born in that solemn hour when with bated breath and tear-dimmed eyes a sobbing, heartbroken world stood on armistice day at the grave of the unknown soldier at Arlington. In high, solemn purpose this Nation then and there resolved that it must not be again. The pending treaties are America's answer to the world's call for leadership.

Then when, the next day, the conference met, and when some of us sensed the spirit of that meeting, we could not have believed that this effort to realize the things for which those soldiers fought could possibly be questioned in this country; they might be questioned elsewhere, but not here. Mr. President, when we have thought it all over, we will realize that we have come to the time when not hatred and suspicion are to rule in the world, but rather good feeling and confidence. If we are to proceed on the theory that every other nation is made up of liars and thieves and murderers, whom we may not under any circumstances trust, then we have come to an end of all treaties. If that is to be the position we are to take, there is only one thing to do, and that is to arm to the teeth and to fortify. Those who say we should defeat this treaty, unthoughtedly are themselves by their acts making possible the continuance of the most threatening alliance in the world—that is, the Anglo-Japanese alliance—playing into the hands of those who would maintain that alliance.

Those who say that these treaties ought to be defeated, by their acts are saying, "Let us go on in the manufacture of more deadly poisonous gases; let us go on in the construction of more stealthy, murderous submarines; let us go on building stronger fortifications; let us go on constructing more $40,000,000 battleships."

Those are the two courses which are open to this country, and I believe, Mr. President, when we think it out, there will not be much doubt about what the attitude of the Senate will be. Either we shall ratify these treaties and throw our influence in the scale in the interest of peace and confidence and mutual understanding, or else we shall defeat them and announce to the world that we intend to arm to the teeth in the fierce rivalry of competitive armament.

This conference had been planned by the President and the Secretary of State and had more than once received the cordial sanction of both branches of Congress. Indeed as I now recall the Senate by unanimous vote had specifically urged the limitation of naval armaments and asked the calling of a conference for that purpose.

In cordial cooperation the President designated two distinguished Members of the Senate as delegates representing America. On what theory can the Senate now repudiate its own act, throw overboard its own representatives and make ridiculous the whole country by refusing to agree to the very things without which limitation of armament is impossible?

President Wilson went to Europe. I do not criticise that, but I call attention simply to the fact that he went to Europe. President Harding brought Europe and Asia to America, and induced them, under his leadership, to accept an American plan of peace and mutual understanding. I think that when the votes are counted it will be found that the Senate will sustain the President of the United States in his patriotic effort to interpret the high hope of the world.

Mr. SPENCER. Mr. President, my good friend, the junior Senator from Ohio [Mr. WILLIS], was pleased to say that his purpose in speaking was to make an attempt to straighten out the junior Senator from Missouri as to the meaning of the word "alliance." By my silence I do not want it to be even inferred that the junior Senator from Missouri needed any straightening out or interpretation of what an alliance is, nor do I think that my good friend from Ohio made any substantial progress in his declared intention.

There can not be the slightest difference between him and me, if he will but look in the dictionary, and let his mind revert to what the word "alliance" means; nor is there any mistake among the people of the United States as to what an alliance is. What kind of an alliance is it of which the Senator from Ohio is all the time thinking? It is an offensive and defensive alliance. It is an alliance which means war. That is not the common understanding of the word "alliance."

What is the most familiar illustration of an alliance which the rank and file of the American people know anything about? It is marriage. Marriage is the most familiar alliance. Does the Senator from Ohio think that is offensive and defensive? Every time there is a meeting of minds between individuals or between States there is an alliance. The Senator from Minnesota [Mr. NELSON], with that keen good sense which characterizes everything he does, struck the nail on the head when he said that if the United States and Great Britain were to agree to send the Bible to China, there would be an alliance between Great Britain and the United States for the purpose of sending the word of God to China. There is nothing in the word "alliance" which anybody need stumble at or be fearful of.

The Senator from Ohio does not seem to be able to get out of his mind that there is something in the word "alliance" that breeds war, or that means trouble, or that has the idea of force. I agree with him that there is not the slightest word in this treaty, from the beginning to the end of it, which has any such meaning; that there is not a word in this treaty which can even inferentially be tortured to mean an alliance that is associated with force, or that is defensive or offensive.

If he, among the dictionaries which he was good enough to read from, as they lay upon his desk, would look a little further in the Century Dictionary, from which he quoted, he would find that an alliance is a union between nations contracted by treaty. That is precisely what this is. He would have found in the same dictionary that an alliance is any joining of interests by States. If we join the interests of the United States with those of any other nation regarding the extradition of criminals, there is an alliance.

Mr. FRANCE. Mr. President——

Mr. SPENCER. In just a moment. If the Senator from Ohio had read a little further in Bouvier's Law Dictionary, to which he referred, he would have found that an alliance, in its wider sense—and I think he did quote this—is a union of States for any object of common interest. There must be no mistake between the Senator from Ohio and myself. If he used my word "alliance" as the mere text around which he desired to cluster the beautiful thoughts and eloquent language which followed, I have no objection. I have heard ministers before who did not stick any closer to a text than that. I am perfectly willing that he should have used what I said as a text; but there is no difference between the Senator from Ohio and myself. I know that the proposed treaty does not have the shadow of a meaning of alliance as he construes the word "alliance," but he underestimates the intelligence of the American people if he thinks that in the rank and file of the farms and towns of this country they do not know, just as well as we know in the Senate, that in its general meaning an alliance is any agreement between nations to do anything; and when we agree with Great Britain and with France and with Japan, in this treaty, to confer in case difficulties arise in the future, in its general sense, of course, we have an alliance, and there is no sense in shutting our eyes to that fact; but there is not a breath of a defensive or offensive alliance.

Now I yield to the Senator from Maryland, and I thank him for his courtesy in waiting until I had finished.

Mr. FRANCE. Mr. President, the Senator from Missouri is a very eminent lawyer, and, as I can testify, one who uses English very carefully. I desire to ask him if he wishes to maintain that the word "agreement" and the word "alliance" mean the same?

Mr. SPENCER. The dictionary calls them synonyms. I think they are, too. If the Senator will open the pages of the dictionary he will find as a synonym for the word "alliance" the words "agreement," "contract," and "treaty."

Mr. FRANCE. Of course, using those words as synonyms would lead us into endless difficulties over verbiage and the meaning of language; but I think the debate has developed quite clearly this fact, that the Senator from Missouri is for this treaty, believing it to be an alliance, and that the Senator from Ohio is for it, believing it not to be an alliance.

Mr. SPENCER. I wish the Senator from Maryland were for it, whatever it might be called, because the main thing is what it intends to do. The word is insignificant. It is folly to magnify a word and forget the principle or the thought.

Mr. FRANCE. Mr. President, I am very much pleased that the Senator from Missouri has suggested the very thought which I had intended to develop. The Senator from Ohio has said that the European statesmen were not quibbling about whether this was an alliance or whether it was not an alliance. Certainly they are not quibbling, because they know that it makes no difference whether it is an alliance or whether it is not an alliance.

The Triple Entente was not an alliance. There was no formal treaty agreement between Russia and Great Britain, except perhaps the mere passing of a letter, and yet that was a powerful association between the two nations, and it was in part as a result of that entente that the triple alliance became such a menace. In other words, the mere matter of terms has nothing to do with it. The principle is what we should examine.

As I have already said, Washington warned us not merely against entangling alliances but against showing special favors to a particular nation as distinguished from other nations. He warned us against any particular association with one group of nations, because he realized that if we showed favoritism to one group we would excite the jealousy and animosity of all the others.

Now, there is a law—and I may say in passing that the associations of men with each other, the associations of nations with each other, are all, in my judgment, subject to certain fundamental principles and laws which act as inevitably as the laws of physics and dynamics.

The history of the world discloses the fact that, generally speaking, if we review the past, great nations have been developed for the purpose of aggrandizing themselves at the expense of other nations. The leading nations of the past have been imperial nations, and the imperial nation has organized in each particular instance to aggrandize itself. That is the way the law operates. A nation starts to develop an imperial policy, a policy of self-aggrandizement at the expense of the other nations. It goes on developing that imperial policy.

You can trace the thing in history from the beginning of the world. Take Rome as an example. The imperial policy of Rome developed self-aggrandizement until reaction set in, the reaction of the weak against the strong. The imperial policy of Rome developed until a counteraction took place among the weak, until the weak became strong enough to balance the imperial policy and action of the Roman Empire, and when the balance takes place there is a status of peace which is maintained up until the counteralliance, or the counterassociation or the counteraction, or whatever you may call it, becomes powerful enough first to check and finally to overthrow the aggrandizing nation or power.

Now that is the law. The same thing occurred prior to the last war. Take either association. Take the German side. We will see that the Germans, for reasons which we need not discuss, following the imperial policy, started self-aggrandizement. Germany associatel herself with other nations in the Triple Alliance. The reaction to that was the Triple Entente. The aggrandizement of Germany could not go on because counteraction took place—the Triple Entente. There came the balance of power, and then there came the test of strength, which was the World War. The moment the World War was over the same principles began to operate, the British Empire vastly extending her territory as the result of war, the Japanese Empire vastly extending her territory, the French Imperial Republic having materially extended her territory. All, having embarked upon an imperial policy, wished us to join as a protective element as they proceeded to carry out their imperial policies.

The inevitable result of the four-power pact between the United States and the three empires—and I care not whether you call it an alliance, an entente, an association, or what you call it—a result as inevitable as the result of the law of action and reaction in physics, will be the reaction which will cause the weak to suspect that this is an association, an entente or an understanding between the great empires for further aggrandizement of those empires, and, actuated by the law of self-protection, the others will certainly consolidate themselves in some way in opposition to it. If that does not take place, then the law which I have been attempting to discuss is not a law and there is no law which governs the organization of nations with reference to each other.

But there is a law, and its action can be traced from the days of the first empire down until the present time. It has always operated. There was a combination in opposition to Alexander. There was a combination in opposition to Charlemagne. There was a combination in opposition to Napoleon; and if it had not been so the dominion of France to-day would extend over the continent of Europe, because, unchecked by a counterforce, Napoleon would have conquered Europe and would have set up a permanent European world empire.

There is a law of action and reaction. Napoleon, of course, carried on his campaign and carried on his policy of imperial aggrandisement until there had to be formed against him an association which checked him and which finally overthrew him.

Now, it is just as inevitable that, as a result of these four nations getting together, one Republic in company with three empires—and let me tell you that there can be no real friendship, no real association, between a Republic founded upon the principles of the Declaration of Independence and an empire founded upon the theory of the divine right of kings and the right of might to exploit any people——

Mr. NELSON. Is not France a republic?

Mr. FRANCE. France is an imperial republic, sir, with colonies in every part of the world—republic in form but a real descendant of the Napoleonic Empire.

There can be—and I have already quoted the authorities—no real association between nations moving in the imperial direction, in the direction of domination, in the direction of subjugation, in the direction of exploitation, and a Republic such as ours, which is moving in the very opposite direction, in the direction of self-determination, of liberation, of emancipation, of elevation, of education.

The Senator from Minnesota referred to a union between the British Empire and the United States for the carrying of the Bible to the backward peoples. If he knew anything about the history of the British Empire he would not have used that simile. The noblest people in the world are the English-speaking people with whom we are related, and if they would get a Government which would truly express their best aspirations we could cooperate with them; but they have been unable for some strange reason to do it. The British Government, so far from ever being in favor of the dissemination of Christian knowledge, has been in opposition, as I have already shown upon this floor by the testimony of British writers, to the spread of education and of Christianity in their own colonies, notably in Africa.

Mr. NELSON. I would call the attention of the Senator from Maryland to the fact that it was in Great Britain that the first Bible society was organized for the distribution of the Bible, and we followed them.

Mr. FRANCE. So I have already intimated. Before I made the statement I referred to the noble attributes of the English people. In fact, the Society of Great Britain for the Protection of Aboriginal Peoples, the missionary societies of Great Britain, the great organizations for the spread of education and of Christianity in foreign lands, have met with the opposition of the imperial statesmen who have the empire in their hands; and perfectly consistently so, because it is certain, as some of the British imperialists have contended, and I can quote to the Senator some of the statements that the moment you Christianize a man and educate a man he wants to become self-governing. Is not that true, may I ask the Senator from Minnesota?

Mr. NELSON. Evidently the English have been Christianizing Egypt, because she now wants to be a self-governing nation.

Mr. FRANCE. In developing the Egyptians, if they had gone to Egypt as I hope they did, if they had trained the Egyptians, if they had Christianized the Egyptians, if they had fitted them for self-government, if they had then extended to them self-government, that would be a policy quite contrary to the policy of imperialism; and when they liberated Egypt they did something quite inconsistent with the imperialistic policy of which I am speaking. I am quite sure that under American leadership the British could have been persuaded to the adoption of an American as distinguished from an imperialistic policy in the administration of the affairs of the Empire.

But I was about to say when I was diverted the association of the United States with the three great Empires, just as inevitably as the sun rises and sets, just as inevitably as action brings reaction, will bring a counteraction in the world which must come if those four powers are not finally to spread their dominion to every part of the globe.

The Japanese are moving into Siberia. To-day they are probably fighting on the frontiers between eastern Siberia and the country immediately around Vladivostok. It is quite possible that Vladivostok may already have fallen. The Japanese absolutely unchecked would certainly move on to a larger expansion of the Japanese Empire; the British unchecked would undoubtedly add to their territory; the French unchecked would undoubtedly add to theirs. We are seeking no new territory. But there will be a reaction and combination of the weaker powers against the stronger, and that process will go on until there comes to be a perfect balance of power, in which one group is counterbalanced by the other group, and that balance of power will be maintained until the weaker group decides to move against the stronger. Then there will be another war.

I am astonished that anybody would say that the four-power pact is America's answer to the great problem of the war. It is not America's answer; it is not, I feel, President Harding's answer. I wish that the great President, Mr. Harding, had been able to take charge of the peace conference. We then should have had a different result. He arose at the beginning of that conference and spoke the words which would have made that conference a success if they had been heeded.

He said:

> All of us demand liberty and justice. There can not be one without the other, and they must be held the unquestioned possessions of all peoples. Inherent rights are of God, and the tragedies of the world originate in their attempted denial. The world to-day is infringing their enjoyment by arming to defend or deny, when simple sanity calls for their recognition through common understanding.

Sirs, if those words had been heeded, something would have come out of this conference that would have been worthy of America—an association, a concert of all the nations, based upon the principle that there should be a common world recognition of inherent human rights. If that sort of an agreement had come out of the conference, how changed at once would have been the whole aspect of the world. The restlessness and feverish turmoil in India would have been stilled, because there would have gone forth this to India: "Prepare yourselves for self-government; show your capacity; you will be given every right to try yourselves in administrative offices, and when you are able to administer your government you may be free to join as a full member of the family of nations." The same thing would have been true of Egypt; the same thing would have been true of South Africa. That was what President Wilson advocated when he went to Europe; that is what he realized to a very large degree in the League of Nations. Personally I was opposed to the League of Nations because I did not think it met the situation; because I did not think it included enough nations; and I did not think that it clearly affirmed that its object was the realization to all men everywhere ultimately of their inalienable rights.

Mr. KING. Will the Senator yield to me?

Mr. FRANCE. I merely wish to add that that plan was so much better than this that there can be no comparison. There is almost the difference between the two that there is between twilight and night. Now I yield to the Senator from Utah.

Mr. KING. I was very much interested in the last observation made by the Senator from Maryland, as well as all of the observations he has made in his very admirable speech. I was about to ask the Senator if the challenge made by the Senator from Idaho [Mr. BORAH] the other day can be successfully met, namely, that whenever an alliance is formed by a few nations or a small group of nations, and particularly if those nations be strong, it has not always provoked, and will it not in the very nature of things always provoke, counter alliances and counter groupings which must result in war or in controversy that may involve a large part of the world in war? If the Senator answers that question affirmatively, I ask does it not follow that if the United States is going to depart from its position of complete isolation the only course for us to pursue is to seek a world association of nations in which all nations, great and small, may be brought together in harmonious relation for the purpose of maintaining their rights and securing the peace of the world?

Mr. FRANCE. The Senator's premise is absolutely sound and his conclusion is inevitable. That is what President Wilson recognized when he went to Europe. I do not know what his attitude is upon this particular treaty. Certainly, if he were consistent he must be against it, because as a student of history he recognizes the fact that every alliance has always invited and made inevitable counteralliance. Indeed, to be perfectly accurate, I should modify that statement by saying that even the great and growing strength of one single empire in the world, expanding its territory, invading the rights of others, causes a counter force or an alliance against it. In the early days, of course, the counteralliances were all against one strong power.

Mr. WATSON of Georgia. If the Senator will allow me right there, I desire to remind him of a very apt illustration of what he has said. The predominance of Louis XIV, of France, became so menacing to the remainder of the continent and even to England itself that there was a great federation against him, in which, of course, the Senator knows that the Duke of Marlborough won his fame.

Mr. FRANCE. It has to be so; it is the law of nature. That law operates between men as well as between nations. One group of men organizes and another group organizes against it. Capital and labor in self-protection organizes against it. It is the law of equilibrium. Otherwise in international affairs there could be no equilibrium; there would be only motion in one direction, which would ultimately lead us we know not where, but probably to a great empire, with one man dominating the world, or to chaos.

The Senator from Utah [Mr. KING] has suggested that it is an indisputable historic fact that an association or entente between imperial nations leads to a counterassociation. Of course, as for myself, I have long advocated a plan which I think would have accomplished what President Wilson hoped to accomplish when he went to Europe. I think that the recent Washington conference has furnished us pretty strong evidence of the forces with which President Wilson had to contend in Europe, and when we consider what he brought back, compared with the treaty now before us, we must recognize the fact that he brought back something, I may say, almost infinitely better or better to the nth degree. More nations were included in the league; there was the machinery for conciliation not only between those nations but between those nations and nonmember nations, which is the very essence of any such plan. If the League of Nations might be considered an alliance—and I did so consider it, and for that reason I opposed it—this much must be said of it: That it created a machinery by which that alliance would meet before an international court of equity, if I may call it such, the nonmember nations whose rights might be invaded by the league or by any single member of the league, and the presumption is that if the league and all of the members of the league were willing to do that they were willing to do equity. But, as the Senator from Montana [Mr. WALSH] very clearly brought out in his questions the other day, the pending treaty provides no such machinery, and there is no evidence in this document that the empires which are forming the alliance with this Republic have any disposition in an international court of equity to meet an outsider who may have been wronged by one of the members of the association or coalition.

I will say that, personally, I have long been urging what the Senator from Utah has suggested. I have not gone so far as to say that I wished an association of nations. The plan which I have proposed, and which has been before the Foreign Relations Committee, or at least upon its files for many months, provided for a concert of nations, that term having been used for the reason that I did not wish anything in the relationship between the nations which might be interpreted as a surrender of national sovereignty. It was to be a concert of all of the nations acting together, each member acting as an independent sovereign power for the accomplishment of certain definite ends, for action in recognition of certain fundamental principles, which principles have been enunciated in the basic documents of our Republic, in the Declaration of Independence, and in the Constitution of the United States. I will say that the plan which I finally presented to the Senate has stood the analysis of some of the most eminent of the international lawyers, and would be in every respect a desirable plan.

Mr. President, I did not expect to make any remarks to-day. I merely rose to ask the Senator a question.

Mr. JOHNSON obtained the floor.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Tennessee?

Mr. McKELLAR. Is the Senator going to make a speech at this time?

Mr. JOHNSON. I am going to take about 15 minutes.

Mr. McKELLAR. Will the Senator permit me to suggest the absence of a quorum before he begins? I suggest the absence of a quorum.

Mr. JOHNSON. I beg pardon, but I would rather the Senator would not do that. What I am trying to do is to preserve for the RECORD a mere argument to-day, following the line of the arguments that have been advanced here in regard to the four-power pact, and applying them to the Anglo-Japanese alliance, which has been described as the great menace and danger to us; so I beg the Senator to withdraw his request.

Mr. McKELLAR. I withdraw the suggestion.

Mr. JOHNSON addressed the Senate. After having spoken for several minutes,

Mr. HARRISON. Mr. President, I hope the Senator will yield in order that I may suggest the absence of a quorum. The reason why I do it is because there are several Senators who wanted to hear the Senator from California, and they did not know he was going to proceed at this time. If he will permit me, I will suggest the absence of a quorum.

Mr. FRANCE. Mr. President, the absence of a quorum has been suggested.

Mr. JOHNSON. If I have a right to object to it, I object to it. I do not know whether I have or not.

Mr. HARRISON. There are several Senators who are not here because they did not know the Senator from California was going to proceed at this time, and I am making the suggestion so that those Senators can be in the Chamber; so I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Glass	McNary	Shields
Ball	Gooding	Myers	Smith
Borah	Hale	Nelson	Spencer
Bursum	Harris	New	Stanfield
Cameron	Harrison	Norris	Sutherland
Capper	Heflin	Oddie	Swanson
Colt	Johnson	Overman	Townsend
Culberson	Jones, Wash.	Page	Underwood
Cummins	Kellogg	Phipps	Wadsworth
Dial	King	Pittman	Walsh, Mont.
Edge	Lenroot	Poindexter	Watson, Ga.
Ernst	Lodge	Ransdell	Willis
Fletcher	McCormick	Reed	
France	McKellar	Robinson	
Frelinghuysen	McKinley	Sheppard	

Mr. JONES of Washington. I desire to announce that the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], and the Senator from Indiana [Mr. WATSON] are detained at a meeting of the Committee on Finance.

The VICE PRESIDENT. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. JOHNSON. Mr. President, I had proceeded so briefly with what I had to say in order that its thread may be followed—it, perhaps, is of little consequence, but embraces something of argument upon a proposition which I think of more or less importance—that I begin again.

Not only upon this floor, but in the protreaty press and by its official sponsors, it has been iterated and reiterated that the great accomplishment of the new alliance is in terminating the Anglo-Japanese alliance, and that the new alliance is imperatively necessary because it abrogates the old. The Senator from Massachusetts made this very plain, and although I have already quoted the words with which he commenced his plea for ratification I again quote them:

> The chief and most important point in the treaty is the termination of the Anglo-Japanese alliance. That was the main object of the treaty.

The ominous character to us of the Anglo-Japanese alliance is variously described by the advocates of the new treaty as a threat, menace, danger, the object of unrest or suspicion or distrust.

Before the meeting of the Conference on Limitation of Armament the people of the United States had not the slightest idea that their Government intended to enter into any special agreement with Britain, France, and Japan. There had been no suggestion from the responsible agents of the Government that any such course would be pursued. No such agreement lay in the thought or even the dreams of our people. They were thinking of limitation, not combination, of armaments. They had but recently emphatically registered their will concerning agreements with foreign nations which might lead to future difficulties, controversies, or entanglements. The foreign policy of the Nation the ordinary citizen believed to have been definitely settled. If those in charge of the recent conference had said to the people of the United States, "We are about to meet with Great Britain, France, and Japan in the city of Washington to make a treaty with them to supersede or terminate the Anglo-Japanese alliance and for the maintenance of the rights of all of the parties in the Pacific," there would have been such a storm of dissent and disapprobation that the proponents of such a conference would never have dared hold it. For months preceding the conference our people were made to feel the terrible burden of taxation, to understand that a part of it came from armaments on land and sea.

They were wrought to the highest state of exaltation by odes and lyrics to peace, and their minds were carefully prepared for just one thing—the relief of overburdened peoples by limitation of armaments. The first day of the conference came. The fruition of high hopes seemed at hand. The demand for which our people had waited so long and for which their hearts were

crying was eloquently made by the Secretary of State, and with one accord there were peans of praise and thanksgiving all over the world. And then before any work had been completed came the alliance, the treaty before us, which we are now told was the most important work of the conference and which was the great object to be attained. This treaty may have been in the minds of statesmen and was doubtless for many months before the conference. It was not in the minds of our people.

The policy embodied in the four-power treaty is a novelty in the history of our international relations, a sudden sharp turn in the American path in the world. The proponents of the treaty justify that turn by saying that if it were not made we should encounter a certain national danger, a continuance or renewal of the Anglo-Japanese alliance. The advocates of the treaty have all argued alike upon this floor, and not only have the advocates of the treaty adopted the same methods of argument but the distinguished Secretary of State in his letter to the Senator from Alabama presents the treaty in like fashion. All of them have stressed the fact that the treaty announces a purpose of peace; that nothing must be read into it that its words do not clearly require, and that the words of the treaty can not be made other or greater than its unequivocal language sets forth. I desire to apply in the light of what these same gentlemen have said about the Anglo-Japanese alliance the same methods of argumentation to that alliance which have been applied to the four-power treaty, and I wish that the Senate would follow me for a very brief period.

I am now arguing, mind you, in the fashion in which our distinguished brethren upon the other side have argued concerning the four-power treaty.

The four-power treaty, with an eloquence that runs the whole emotional scale, its proponents say, announces a purpose of peace. The Anglo-Japanese alliance equally announces a purpose of peace. The preamble of the Anglo-Japanese alliance announces as its first aim "the consolidation and maintenance of the general peace in the regions of eastern Asia and of India." The Senator from Massachusetts counsels us not to torture the words of the four-power treaty into meanings of danger when the words themselves are declaratory of peace. I beg to observe that the words of the Anglo-Japanese alliance are most emphatically declaratory of peace. They assert the maintenance of peace. They assert not only the maintenance of peace but also the consolidation of peace, and not only of peace but of the general peace.

For professions of peacefulness the Anglo-Japanese alliance is definitely superior to the four-power treaty. Its preamble professes peacefulness with a greater emphasis than the four-power treaty. It then professes two other aims. One of them is regarding China, an aim most laudable. The "common interests of all powers in China," it says, are to be preserved. This is to be done, it says, by "insuring the independence and integrity of the Chinese Empire" and also by insuring "the principle of equal opportunities for the commerce and industry of all nations in China."

The Senator from Massachusetts must surely give his cordial approval to this aim of the Anglo-Japanese alliance. Certainly he will admit that it levels no threat at the United States. It in fact announces the adherence of Great Britain and of Japan to the very policies in China which are most distinctively American policies.

We observe, then, that there is no danger to the United States either in the Anglo-Japanese purpose of maintaining the general peace in the regions of eastern Asia and of India or in an Anglo-Japanese purpose of maintaining the open door in China.

I pass now to the third aim of the Anglo-Japanese alliance as expressed in its preamble, begging the Senator from Massachusetts again to note the innocuousness of the words used. This third aim is centered still on "the regions of eastern Asia and of India."

It does not touch the Pacific. No part of the Anglo-Japanese alliance mentions the Pacific. The Anglo-Japanese alliance is concerned entirely with eastern Asia and India. The four-power treaty, on the other hand, is concerned entirely with the Pacific. It never mentions eastern Asia and India. The two documents deal with two adjacent but different regions.

If treaties then are to be judged by the outward meanings of their words we find ourselves confronted with the amazing fact that the British and the Japanese, having now secured a treaty for the maintenance of peace in a certain region of the world, proceed in compensation to surrender and abrogate a treaty for the maintenance of peace in a certain other region of the world.

This is an amazing fact. I think I may safely go farther. I think I may say that it is a totally unintelligible fact unless, contrary to the views expressed on this floor, these treaties of agreement, of conference, of cooperation, containing meanings broader than their words, and in practice imply a partnership operative beyond their words.

The Japanese had a certain partnership with the British in a region named as eastern Asia and India. They now have a certain partnership with the British and with the French and with us in a region named as the Pacific. How is it possible that they should regard this latter partnership as the equivalent of the former partnership unless the point is the partnership and not the region?

I return, however, for a moment to the third aim of the Anglo-Japanese alliance. It is the maintenance of the rights and interests of the signatory powers in the regions of eastern Asia and of India.

Let us follow the counsel of the eloquent proponents of the treaty and refrain for a moment from torturing the words of treaties. I ask: Is it wrong for the British and the Japanese to join together to maintain peace? Is it wrong that they should join together to maintain the open door? Is it wrong that they should join together to maintain their rights and interests in eastern Asia and India? And why is it dangerous to the United States that they should join together to do these things on the Asiatic mainland, where the United States has no dominions or possessions?

Another question of like tenor is suggested by a consideration of the six articles which follow the preamble of the Anglo-Japanese alliance, and which, together with the preamble, constitute the whole of the wording of that alliance.

Nowhere in any of those six articles is there any slightest promise by either Japan or Great Britain to come to the assistance of the other in any war of offense. On the contrary, as fully appears in article 2, the only occasion on which either nation is bound to come to the assistance of the other is an occasion when the rights or interests mentioned in the preamble are endangered by other nations and are the object of what is described as "unprovoked attack or aggressive action" by those other nations.

That is to say, the Government of Great Britain and the Government of Japan, under the terms of the Anglo-Japanese alliance, make war together against a third nation only when the third nation is guilty of an "unprovoked attack" or of an "aggressive action" against the rights or interests of Great Britain or of Japan in the regions of eastern Asia and of India.

Those who accuse us of distorting the plain words of a new alliance should out of their knowledge of international affairs explain frankly to this body just why it is that is that in the verbal circumstances which I have detailed the Anglo-Japanese alliance can be regarded by them as constituting a danger or a problem for this country.

I ask the question, Does the Government of the United States intend to commit an "unprovoked attack" upon British or Japanese interests in the regions of eastern Asia or of India? Does it intend to take "aggressive action" against Britain or Japan in those regions?

The British and the Japanese are members of the Anglo-Japanese partnership. It is a partnership dealing with the Asiatic mainland, a region of the world where we have no dominions or possessions. It is a partnership for peace, which we approve. It is a partnership which by its own terms will not resort to arms unless its rights on the Asiatic mainland are attacked, and we, of course, have no intention of attacking them. And yet this alliance is so dangerous to us—it is asserted to be so dangerous to us—that now we must enter into a treaty covering us from it, shielding us from it, purchasing us a security from it.

I have made it clear, I think, that the danger of the Anglo-Japanese alliance is not in the words of the text of the treaty which evidences its outward existence to the world. In those words no ingenuity can discover any danger to us. The danger is disclosed only by an observation of the inevitable consequences of the treaty in practice and in action.

Mr. President, in action perhaps our friends fear the Anglo-Japanese alliance because we are not parties to it. For precisely that same reason every nation which is not a party to the four-power treaty and which has possessions in any place near the region of the Pacific will fear the four-power treaty, will suspect the four-power treaty, will in time hate the four-power treaty. I do not need to enumerate those nations which are not parties or those particular dangers which may arise because certain nations are not parties to the four-power treaty. That, I think, has been covered; I am looking at it now from another angle. I have been talking thus far from the standpoint of the

arguments which are made by the proponents of the treaty; but look now at what this alliance for peace has done in the past.

Look now upon what the partners in this alliance for peace under it have accomplished during the time of its existence. I dwelt the other day very briefly, and I merely reiterate it now, upon the fact that the alliance between Great Britain and Japan in 1902 originally was formed not only for peace but to maintain the territorial integrity of China and to maintain the independence and territorial integrity of Korea. I recall to you historically that under this alliance and while that agreement for peace, not only for peace but for the consolidation of peace and for the general peace, existed between those two great nations, Korea was cruelly and ruthlessly destroyed as an independent sovereignty and taken by Japan, and Korea is now brutally oppressed and the oppression, the cruelty, the national destruction were all accomplished under the great pact for peace, the Anglo-Japanese alliance. Under this treaty's mantle China was invaded, and yet to-day that invasion continues, and Japan holds large parts of China. So historically you can understand what a pact for peace may mean, a pact for peace such as the Anglo-Japanese alliance, into which, in the words of Lloyd-George, we have now become merged.

I do not care whether it be called an alliance or whether it be called something else. I will not waste my time in debating whether the treaty comes within the definition of Bouvier or the Standard Dictionary or not. It is not the name that is important. The question is, what are we let in for? We know what we have been let in for by what has occurred under the instrument to which we succeed, the Anglo-Japanese alliance.

Mr. President, a very distinguished Englishman recently attended the conference and was a part of it. After the adoption of the four-power treaty he was asked, "What do you think, sir, the four-power treaty means?" He replied, "It enables Great Britain to commit bigamy." I do not know what it enables us to do. God only can tell what it has let us in for.

Mr. WATSON of Georgia. Mr. President, we were told a couple of days ago by the Senator from Alabama [Mr. UNDERWOOD] that Holland had been satisfied on the subject of her having been excluded from the peace conference and from the four-power treaty. The Senator said that our Government had addressed a note to Holland, and that Holland had expressed her content with her position.

Mr. President, the fact that Holland was left out is profoundly significant as to the meaning of the treaty. The Dutch control 47,000,000 people in the Pacific, near the Equator. France controls comparatively few. Her possessions there are almost, if not quite, negligible. In comparison with those of Holland, they are trivial. Yet France was brought to the conference, although she was not named in the resolution which the Senate addressed to the President, and Holland was left out—Holland, who had a greater moral right to be invited.

Why was France brought in? It was because she has the largest standing army now in the world. She has 700,000 white soldiers on the Continent of Europe, and she has 5,000,000 black soldiers on the Continent of Africa. England needs those soldiers to supplement the power of her fleet. England has no great standing army, and never has had one. Ever since the days of Queen Elizabeth, who broke the power of the Spanish navy, England has been the mistress of the seas; and, in order to advance her empire, it has only been necessary for her to secure the service of the troops of other countries. She has always been able to do it. With her money she has hired armies for the last 200 years. Beginning with the period of the French Revolution, for instance, she hired army after army from the kings on the Continent, to make war upon the democracy of France and to deny the French people the right to choose their own form of government and their own ruler. She spent four thousand million dollars in the 20 years' war against France, during which she hired the troops of the Czar of Russia, the King of Prussia, and the Emperor of Austria.

Holland has never had any trouble with her colonies. France has had very little. England has always had trouble with her colonies, beginning with her troubles with us when we were the American colonies. Because of the fact that Holland has no trouble with her colonials, she has not had to maintain a large fleet or a large army. Consequently she was of no value as an ally to Japan and to Great Britain in the region of the Pacific. She had no military strength to contribute. Therefore she was left out and France was brought in, although not named by the Senate, because she has military power which England and Japan will need. Is there any escape from that conclusion?

The Senator from Alabama said that Holland replied that she was content. What other reply could she have made? She had to be content or array against her the most powerful nations on earth. She yielded because she had to. There was nothing else to do.

Mr. President, the Senator from Ohio [Mr. WILLIS] grew eloquent as he described the thousands of people who passed reverently by the casket of our heroic soldier-dead here a year ago. He spoke of what our soldiers died for. Did they die for a thing like this? What were they told they were dying for? They were told they were dying for the highest ideals of the human race. They were told they were crusaders in the cause of right and justice. They were told that they were fighting in order to give to weak peoples the right for the same freedom that the strong peoples enjoyed. They were told that if they won the war, as we confidently believed they would, the conscience of the world would be organized, and this conscience would hereafter rule the destinies of mankind.

Mr. President, it was a thrilling spectacle to see those thousands of people pay honor to their loved and lost, the brave men who had given their lives, as they believed, to lift the world to a higher and better plane. But, sir, it had not been so very long before that there was another inspiring spectacle, when 16,000,000 American voters marched to the polls to express their intention to hold in perpetuity the absolute independence which their forefathers had won with the musket and the sword. Let us wait a little while. November will come again, and you will again see those millions of American voters marching to the polls to cast a ballot in favor of the maintenance of the liberties which we won on the battle fields of the Revolutionary War.

I do not know what irresistible power is behind the Senate. I do not know why every administration measure goes through, almost without debate, when those measures are different from what the people expected. You praise your soldier boys, but you kill the bonus bill. You will have to answer for that, too, in my judgment. You praise the soldier boys, but you are surrendering the victory they won.

Mr. President, what is this powerful influence, unseen but felt, which prostrates the opposition? Senators on the other side of the Chamber do not care to hear debate—at least only a few of them do. The other side obey orders. Talk about rubber stamps! We heard a good deal about rubber stamps when President Wilson was in office. Could he use his rubber stamps with more facility than President Harding uses his?

In my judgment, it is the money power that is behind this treaty and the Yap treaty. In the Yap treaty we were made to consent to the vast spoliation of Japan and impliedly to that of Great Britain. Now, having vested them with those rights, we guarantee to them under the four-power pact that they shall hold what they took by the good old plan of force.

Senators say that this does not bind us to anything. Does any man here, or throughout the country, believe that a lawyer like Elihu Root, the attorney for the Anglo-Japanese pact, would surrender that pact unless he was getting for his clients a far better contract? This is the work of Elihu Root. What is Mr. Root's record? It is that of a great corporation lawyer, the lawyer of international bankers, the lawyer of predatory corporations, the lawyer who can tell financiers how to commit felony and keep out of the penitentiary; the lawyer of Boss Tweed, who had to flee from his country; and it would have been for his country's good if his lawyer had gone with him; the lawyer of the Ryans and the Belmonts; the lawyer who could screen the men who stole the traction companies of New York.

Was not he also the lawyer representing the international bankers at Paris? Do you remember what his attitude was with reference to the League of Nations?

Why should he have been chosen to represent this Government at that peace conference where we had so little to gain and so much to lose? We started in for disarmament; we had no thought of such a pact as this. The cry of peace was heard throughout the land, and the propagandists in the churches and in the schools, who are trying to influence the Senate by their letters, their telegrams, and their petitions, have been made to believe that this pact means peace.

Mr. President, when Elihu Root was Secretary of State he was a party to Japan's rape of Korea. By the treaty to which I referred a few days ago we were pledged, from 1882 on down, to use our good offices in behalf of Korea if her sovereignty were threatened. Instead of that, what did we do? Russia and Russian capitalists were invading Manchuria and threatening Korea, and Japan convinced the Korean Emperor that Korean interests were at stake and that Russia meant to seize her territory. Therefore, with their wonderful powers of per-

sussion, Japan secured an alliance with Korea by which Japanese troops were allowed to land peacefully on the soil of Korea, and thus establish a base for land operations, without which Japan could not have won the war against Russia. Korea turned over to Japan her railroad lines and her telegraphs, and without these Japan's troops could not have been transported and directed.

Russia, waging war thousands of miles away from her base of supplies, with only one line of railroad on which to transport food, munitions, clothing, and men, was at a fearful disadvantage. I remember that an experienced officer of the Union Army told me in New York that Russia would lose the war, because she had only the one railroad, a prediction which soon came true.

Mind you, now, Senators, Korea gave to Japan indispensable help in the war, and immediately afterwards, instead of showing gratitude, Japan laid her plans to seize her ally; and those plans she put into effect. The Emperor and his minister were importuned, day after day, to agree to certain concessions to Japan. The Emperor refused and the minister refused. The minister was taken into a private room and, behind closed doors, a sword was drawn upon him and his life was threatened. He still refused to yield. They left him there under guard, went to the Emperor, made such threats against him, and used such harshness with him that he, in fear of his life, under duress, signed the document which they wanted him to sign. Immediately upon his release he sent a messenger to our State Department repudiating his enforced signature. Mr. Hulbert was the messenger and Elihu Root was Secretary of State. Mr. Root refused to see either the Korean minister or Mr. Hulbert. Day after day that messenger waited and knocked at Elihu Root's door, and not until Mr. Root knew what had happened in Seoul would he receive the message from the Emperor of Korea. When the minister delivered his message, Mr. Root said, "It comes too late to be seriously considered." He had waited for it to come too late, and was thereby an accomplice in the violation of a treaty to which our national honor was pledged. That is how Korea fell the victim of Japan.

Talk about taking the word of Japan for anything! In a speech delivered here in the Senate on October 13, 1919, the Senator from Nebraska [Mr. NORRIS] quoted paragraph after paragraph of the various treaties in which the independence and sovereignty of Korea had been guaranteed by Russia, by England, by Japan. It is the most startling chapter of deliberate perfidy and wanton bad faith that history can present.

From page 6813 of the RECORD, quoting from the remarks of the Senator from Nebraska, I read as follows:

> On January 30, 1902, England and Japan made a treaty, and the preamble says:
>
> The Governments of Great Britain and Japan, actuated purely by a desire to maintain the status quo and general peace in the extreme East, being moreover especially interested in maintaining the territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all the nations, hereby agree—
>
> In 1902 Great Britain and Japan were actuated by a desire to maintain the integrity of China and Korea, one of which has been swallowed and the other sliced to pieces—
>
> Article 1. The high contracting parties, having mutually recognized the independence of China and Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country.

Bad faith! That of Benedict Arnold would almost whiten like snow by comparison. The same pledge was repeated year after year. It was made again in 1904, and then again in 1905. If ever there was a country whose independence would seem to be thoroughly secure it was that of Korea, and equally secure, so far as paper pledges could secure it, was the integrity of China; but now Korea is gone, and China has lost in Manchuria; she is losing in Mongolia; and so long as the 21 demands of Japan or any part of them bind her, she can not call herself a free nation; she does not possess her own soul. No nation that submits to 21 or any other number of demands from another nation can still say it is independent.

Mr. President, I do not think very strange of it that a man should change his mind, especially if he is a young man, immature, insufficiently posted as to the facts; but when a man of my age, or the age of the senior Senator from Massachusetts [Mr. LODGE], changes his opinion upon a vital subject, it seems to me he might give his reasons for it, and give them in such terms as all can understand.

Many, many years ago—I will not say how many, because it might not be pleasant to him—the senior Senator from Massachusetts wrote a biography of George Washington, the best biography in American literature. In 1920 he got out a new edition, and in April, 1920, he wrote the preface to it; and in that preface he stands by the George Washington doctrine of "no entangling alliances with any foreign country" as strongly as Alexander Hamilton wrote it for Washington, in Washington's Farewell Address. It is amazing—in 1920, mind you; not quite two years ago. Let me read you a little of it. He writes so well, and I am beginning to believe that he can write as well on one side of a subject as he can on the other.

> The peace with Germany has now brought before the country more vividly than ever before another of Washington's cardinal doctrines, and the conflict which has arisen over the League of Nations has turned very largely upon whether we should abandon or maintain the principles stated by Washington in his Farewell Address.

That sounds familiar. At that time the world was ringing with the Lodge reservations and the Lodge speeches in the Senate.

> Washington never tried to hide his meaning.

What a pity that his example has not always been followed, especially by the gentleman who wrote his biography!

> And the principles laid down in the Farewell Address, as well as in many letters quoted in the last chapter of this biography, which likewise display his intense Americanism in regard to our relations with other countries, are so plain that he who runs may read.

That is a good deal more than could be said of this four-power pact. On the other side they run but do not read; and they differ about this pact. The Senator from Indiana [Mr. NEW] said it was an association of nations, and he said it several times, in a speech which he had carefully written out. Presumably he wrote it. Afterwards came the speech of the Senator from Missouri [Mr. SPENCER]. He read it, and presumably he wrote it. In that speech he said distinctly that this four-power treaty was an alliance which bound us to confer. I asked him to explain to the Senate how a mere conversation, a mere conference, could stop the aggressions of an outside power on one of these four, and he said that when we both got to heaven we would find out. The information, of course, will be a little too late to be of service in this debate. Then came the Senator from Ohio [Mr. WILLIS] to-day. In his speech, which was ably supported by dictionaries, he said that there was no alliance. So the brethren on the other side of the aisle are very much at odds as to what this compact means, it not being one that "he who runs may read."

The balance of Senator LODGE's preface to his book, written less than two years ago, is to the same effect. He has changed. Why? He has not told us.

I ask to have the remainder of the preface printed as a part of my remarks, without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

> Washington advised against all permanent alliances, drawing a careful distinction between permanent alliances and the temporary exceptions brought forth by some compelling emergency. He said: "It is our true policy to steer clear of permanent alliance with any portion of the foreign world;" and, further, "taking care always to keep ourselves by suitable establishments in a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies." This exactly covered the case of our engaging in the war with Germany. From this declaration of Washington came as a corollary the Monroe doctrine. Jefferson, in his first inaugural, in his warning against entangling alliances, expressed the same thought, but in a general way and with a qualifying adjective which left an uncertainty of definition, as qualifying adjectives generally do, which was wholly absent from Washington's declaration. The principles, however, then laid down by Washington have been the guiding star of the policy of the United States from the day when Washington announced them down to the present time. The covenant of the League of Nations, which is, in fact, an alliance, involved a complete departure from the Washington policy, and on that the controversy of the last two years has turned. Those who desired abandonment of the Washington doctrine could not meet it as a general proposition with any effective argument; they therefore adopted the plan of belittling it. They said that Washington lived a long time ago, which, comparatively speaking, is quite true. This, however, was not Washington's fault, and I should think anyone capable of reflection who looks out upon the world as it is to-day would hesitate to say that it was his misfortune. There seemed to be no other point made, and the only new feature was that I have heard Washington patronized by those who advocated the League of Nations. It is, of course, possible to say that Washington's doctrines do not fit a situation which has arisen 120 years later; but I confess to an emotion of surprise that anyone could be found who would patronize Washington and ask a great audience not to laugh at him, which the great audience had not the slightest intention of doing. Washington's principles did not rest upon physical conditions which have changed our environment by quickened methods of transportation or communication or by the development of the destructive forces of war. They were firmly founded upon a profound knowledge of human nature, and if they were sound when the eighteenth century was closing they are just as sound at the beginning of the twentieth century.
>
> I mention these two examples, one domestic and the other foreign, of Washington's farseeing policies and calm wisdom—there are many others—because the circumstances of the time have made them very conspicuous and brought them sharply to public attention. There are but few very great men in history—and Washington was one of the greatest—whose declaration of principles and whose thoughts upon the policies of government have had such a continuous and unbroken influence as his have had upon a great people and through them upon the world. The criticism, the jeers, the patronizing and pitying sneer will all alike pass away into silence and be forgotten just as the coarse attacks which were made upon him in his lifetime have faded from the memory of men; but his fame, his character, his sagacity, and his ardent patriotism will remain and be familiar to all Americans who love their country. In the days of storm and stress, when the angry waves beat fiercely at the foot of the lofty tower which warns the mariner from the reefs that threaten wreck and destruction, far above the angry seas and in the midst of the roaring winds, the light which guides those who go down in ships to the haven where they would be shines out luminous through the darkness. To disregard that steady light would mean disaster and destruction to all to whom it points out the path of safety. So it is with the wisdom of Washington, which comes to us across the century as clear and shining as it was in the days when his love for his country and his passion for America gave forth their last message to generations yet unborn.

Mr. WATSON of Georgia. Again, the Senator from Alabama [Mr. UNDERWOOD] was asked. "Why vote against amendments or words which would make clear the meaning of this treaty if it is a peace treaty?" Mr. President, if it had been a compact for peace, there would have been no necessity for secrecy. There would have been no necessity for closed doors. When President Wilson was in Paris the cartoonists, the editorial writers, and the speakers blamed him, day after day, week after week, month after month, for the secrecy in which those proceedings were conducted. Those proceedings were no more secret than these. When President Wilson came from behind the locked doors he brought with him what would have been a new government of the world. In that government there was a balance wheel. I opposed it, and made a fight on it in the State of Georgia—it was almost the sole issue in my campaign—because I considered it a revolutionary change in our Government, upon which the people had not been consulted, and which could not be lawfully made by the Senate or by the President, or by both.

In this four-power pact, however, there is no balance wheel at all. Each nation has a vote, and the three can outvote the United States. Japan and France could deadlock Great Britain and our Republic. On the other hand, if three of them agree, we are powerless. We are in honor bound to abide by the vote if we ratify this treaty. We put ourselves in the power, whether you call it a conversation or a measure of these foreign countries; and if our people ever understand that, there will be thunders of protest against the proposed new arrangement.

Senators say that there is no pledge of action. What does the word "measures" mean? It is not synonymous with "conferences." It is not synonymous with "conversations." You first confer, and then you agree to adopt measures—to do what? To resist the aggressions of some outside power on one of these confederated powers.

Take an illustration. Russia attacks Japan. There is your aggression. Our contract would call upon us, in honor and in law, to confer with Japan and to adopt the best measures to repel the aggressions of Russia. How could she be repelled except by fleets and armies? What would be our contribution, except money or men or both?

Do the American people want another expeditionary force sent to another foreign country to fight the battles of Japan, of England, or of France? Even the mention of such a thing would stir a feeling of horror throughout the Union; but that is what this commits us to. We agree to confer as to the best means, the best measures, to repel from Great Britain or to repel from France or to repel from Japan the aggressions of some outside power.

Mr. KING. Mr. President, will the Senator yield to a question?

Mr. WATSON of Georgia. Certainly.

Mr. KING. I am interested in the Senator's analysis of article 2 of the treaty which he is now discussing, and I shall be very glad if the Senator will, if he cares to, give further his views as to the meaning or proper interpretation to be placed upon these words. I will read all of the article, so that there may be no misunderstanding:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Assume, using the same illustration that the Senator has just used, that Russia should make an assault upon Japan and should seek to regain the northern half of Sakhalin Island, or should make war upon Japan, and a conference of the powers were called, and three of them—to wit, France, Great Britain, and Japan—recognizing that military measures would be needed if the aggression of Russia were to be met and successfully combated, should recommend that an exigency existed and that the most efficient measures to meet the aggressive action of Russia would be for all of the four powers to send their fleets and a certain number of men—say a million men—and to make contributions in proportion to the wealth of the respective nations. Does the Senator think that if that were the view of the three there would be any obligation upon the part of the United States to participate, assuming that our delegate or representative in the conference refused to take that view, although he conceded that unless troops were raised and ships sent and money raised Russia would triumph? What does the Senator think the obligation of the United States would be? How could it meet it? And when it became apparent that military measures were necessary to meet the aggressive action of Russia, if the United States failed to do anything and left the entire burden upon the other three powers, what does the Senator think would be the position of the United States, either juristically or in honor—morally?

Mr. WATSON of Georgia. Mr. President, our allies could accuse us of Punic faith, of broken obligations, unquestionably.

A very great danger about this treaty is that a 12-month period is left after notice has been given that we want to retire from that companionship, from that alliance. We can not terminate the treaty at once. No matter how objectionable it may have become, no matter to what extent it may have involved us, we are still held by it for 12 months.

Mr. PITTMAN. Mr. President, that is 12 months after 10 years, is it not?

Mr. WATSON of Georgia. Yes; 12 months after 10 years—precisely so—making it an 11-year compact, as I mentioned here the other day while the Senator from Alabama [Mr. UNDERWOOD] was on the floor.

Mr. President, let us take a common-sense view of this. Let us assume a partnership between four men in a mercantile business, or any other kind of business—a sawmill, a banking business, a manufacturing industry, or anything else. Let them have just such a contract of partnership as this is. Let one of those partners notify the other three as follows: "I am dissatisfied with you. I am no longer willing to be associated with you, and I now give you notice that in 12 months from now I will withdraw from this copartnership."

What will be their attitude toward him at once? There will be embarrassing relations between him and the other three immediately. Those strained relations will soon grow into hostility, passive at first, and active later on, as that feeling develops. What will those three dissatisfied partners, now hostile to him, do to his interests in their firm during the next 12 months?

They will endeavor to dissipate his share of the profits, by bookkeeping or otherwise, and in 12 months they will be able to so diminish his share in their firm that when he comes to take out his part of the assets he will be able to take it away in a very small purse.

The Senator from Alabama says that they have always given us notice. I beg leave to differ from the Senator. There has never been any such notice given. There never was such a provision as this in a treaty. Such a provision was in the Versailles treaty, which was not ratified by the United States, but no treaty we have made ever had any such dangerous clause in it. If we serve notice on England, France, and Japan that we are discontented, and that we intend to leave them after the expiration of 12 months, immediately intrigue will start against us, and intrigues may be followed by hostile combinations; and by the time the 12 months will have expired we may be in actual warfare with those three, who will say, "We will not let you go. We will combine, and take others into the combination, and we will not let you go." Then will follow war, of course, and the worst of wars.

Mr. KING. Mr. President, will the Senator permit me to interrupt him again?

Mr. WATSON of Georgia. Certainly.

Mr. KING. I do not do this in any controversial way, but I did not quite understand the reply of my friend from Georgia to the question which I propounded a moment ago. Let me assume that there is an aggression by a third power against one of the signatories to this treaty, and under article 2 the four powers meet together in consultation. Two of them determine that a certain line of conduct shall be followed in order to repel the aggression. The other two insist that a different policy shall be pursued in order to meet the aggressive movement of the outside power, and they can not come to any agreement whatever with respect to the steps to be taken to meet the aggression.

It would seem to me, I will say frankly, that none of the parties then could be charged with dishonor or with a violation of the treaty, if that impasse continued for an indefinite period, notwithstanding the fact that in the meantime the outside power was making headway in its aggressive movement against one of the parties to the treaty.

Let me suppose another case. Suppose the same outside power is carrying on this war, and when the four signatories to

the treaty confer three of them agree that a certain course shall be pursued which calls for a united action upon the part of the four, calls for military operations, of course defensive in character. Suppose the fourth power is the United States and it refuses to assent to the adoption of any measure whatever. The situation obviously calls for the adoption of some efficient measures to meet the encroachment of the fifth power, but the United States stubbornly refuses to do anything. Our delegate confesses that the aggressive movement will eventuate in the subjugation of one of the parties to the treaty unless something is done to resist it, and yet he stubbornly refuses the assent of the United States to the adoption of any measures, weak or strong, to meet the aggressive movement. What does the Senator think the attitude of the United States would be? Would the United States in those circumstances be charged, and could it be charged, with a breach of the treaty, with a violation of a legal or of a moral obligation?

Mr. WATSON of Georgia. Yes, Mr. President; because the obligation to meet and confer is not a bit stronger than the obligation to agree upon measures. We are as strongly bound to adopt measures to repel the aggression as we are bound to hold a conference. You can not separate the two obligations. They are linked together in the same sentence, and the same construction applies to both. That being so, Mr. President, I repeat, in order that it may be thoroughly understood throughout the country, it is a mere quibble to say that we are bound to meet and confer, but are not bound to adopt measures to repel the aggression. The one obligation is as clear, as positive, and as binding in law and in honor as the other.

Mr. SHEPPARD. Mr. President, may I suggest to the Senator from Georgia that there is nothing said about force in the Monroe doctrine; there is no mention of force there; and yet the implication is undeniable that the United States will use force to carry it out.

Mr. WATSON of Georgia. That is quite true, and I think there are many treaties which have led nations into war which did not use the word "force."

Coming back to the point of this notice, the Senator from Alabama [Mr. UNDERWOOD] must have misunderstood me, or I must have misunderstood him. I repeat the assertion, that this very dangerous clause covering the 12 months' notice of the denunciation of the treaty before you can get rid of it, is a novelty, is not to be found in any other treaty I ever heard of, and I would be very glad to have the Senator cite me to one if he can.

Mr. President, did not everybody have an illustration, in the last war, of such a situation? Ever since 1882 Italy had been bound in the triple alliance, which was the crowning victory of Bismarck's diplomacy. She had been bound to Austria and to Germany. Yet when Germany and Austria plunged into this war and told Italy to come, Italy refused to come, and for months and months she wavered, listening to proposals on the one side and weighing them against proposals on the other.

Finally she accepted those of the Entente, and now that she has not gotten her share of the spoils there can be no doubt of her hostility to us, as well as to England and to France. She was bitterly disappointed about Fiume, and she was bitterly disappointed about Smyrna, which was promised to her and then given to the Greeks. The Italians will not forget or forgive, and the time will come when Italy might welcome an offer to join an alliance against us, against England, and against France.

Mr. President, take the case of the famous treaty between France and England of 1802, the peace of Amiens. Did England give France any notice that she was going into war again? Not the slightest. She threw down the obligations of the treaty, struck France, and continued to strike her, until the general peace of 1815. I could cite any number of treaties where no notice was given. I can not cite a single one where any notice was given, and I would welcome the information if any Senator here will supply my deficiency.

The Senator from Mississippi [Mr. WILLIAMS] accuses us who oppose the treaty of partisanship. I wonder where patriotism would come in? There is no partisanship in our opposition. Those of us who are standing by the very doctrine which the senior Senator from Massachusetts [Mr. LODGE] was standing for less than two years ago, and for which this Government has stood ever since its foundation, surely are not guilty of acting from partisan motives. Surely, that might be called patriotism.

Mr. President, it is hard to understand the apathy of Senators as this revolution is taking place. It is a revolution which entirely changes our relationship with ourselves and the outside world. As I said earlier in the day, if four men go into any combination with one another, so far as the scope of their contract goes there is no freedom of action for the individual. He must go with his copartners; he must go with those to whom he has pledged his faith. He has not the liberty of action he had before he surrendered it and went into that combination.

How can anybody say that we will preserve our complete freedom of action, our complete freedom of motion, of deciding our own fate, after we shall have ratified this treaty?

Not long will you be able to disguise this from the American people. It will not be long before they will see just what it is.

When foreign complications arise which call for our money and our men, curses loud and lasting will visit the memory of everyone responsible for this surrender of the independence of which we have always been so proud.

What sort of speeches will orators make on the Fourth of July hereafter? Spread-eagleism will be out of date. You will have caged your eagle. He will not have the freedom to look into the eyes of the sun and beat the heavens with perfectly free wings. Ah, no.

What will North Carolina think about this, she who at Mecklenburg was the first to declare for independence? What will South Carolina think when she remembers the perfect independence and freedom of action won in part on her soil, which was drenched with her blood, soil upon which the Swamp Fox—Marion—and the Gamecock—Sumter—fought year after year for the independence which has been her proudest heritage?

Would that Patrick Henry were here, that he might rise and cry again, "I know not what course others may pursue, but as for me give me liberty or give me death." I wonder what the brave farmers who fought at Lexington and at Bunker Hill would say if they could be here and read this preface written less than two years ago, and then read the votes which the senior Senator from Massachusetts [Mr. LODGE] has cast, and will cast, in this matter of surrendering our hard-won independence?

I can see brave Nathan Hale, standing before the gallows upon which he was soon to perish, saying, "I regret only that I have but one life to give for my country." I can see the ragged army at Valley Forge, shivering, hungry, almost despairing, before Georgia and Carolina send them clothing and hundreds of barrels of rice to keep them alive. I can see those volunteers of the southern valleys riding night and day to round up Ferguson on Kings Mountain and to win the turning-point battle of the Revolutionary War. I can see Cornwallis delivering the sword to Washington, which now we are handing back to the descendants of Cornwallis.

I do not deceive myself at all about this treaty, I think, and I feel profoundly about it. My heart sinks in grief, and my soul with discouragement, as I see a heritage like this surrendered in order to get rid of an Anglo-Japanese alliance. What have we to fear from any alliance between Japan and Great Britain? It has been in existence for years. Are we to tell the country that we are afraid of them? God forbid. We are so magnificently situated that we do not need any such alliance as this. Let us treat Canada right, let us treat Mexico right, let us treat Central and South America right, and bring the New World into a position of unity and power which will defy anything the Old World can bring against them. That is the American policy, so far as I can think it out.

There was a time when the allied kings of Europe threatened our independence, and a southern President virtually said, "You have run over Spain and you have trampled Italy, but don't you dare to put a foot on this side of the ocean," and they did not dare to do it. Thereafter, when the Emperor Napoleon III set a Hapsburg on the throne of Mexico, supported by French bayonets, this Government waited until the Civil War was over and then notified the French to get out, and they got out.

Afraid of Europe? Since when? Afraid of Japan? Since when and why? Ah, Mr. President, I know to what goal this is all tending. The international banker, the manufacturer, the trust, want to exploit all the vast regions of undeveloped resources in the east. There is no doubt in my mind that one of the first results of this four-power treaty will be the cancellation of the debt which Europe owes us, $11,000,000,000. The little children here in America put up some of that money. The little boys of this country put up some of that money. The clerks, the typewriters, the very bellboys, the farmer, the merchant, the mechanic, the carpenter, the common people put up most of that money, and they are paying the interest on those European bonds, which Europe refuses to pay. Why has it been held back? Because, after they propaganda us into this treaty they will propaganda us into canceling their debt. You need not doubt that for one moment.

Is not Elihu Root the counsel for these international bankers? Is not he the lawyer of J. P. Morgan & Co., the Rothschilds,

and all that great interlocking system of bankers? Did not Sir Robert Horne, chancellor of the British exchequer, say the other day, March 11, that we must cancel that debt, and if we would cancel the $11,000,000,000 which Europe owes us they will give Germany credit for it on what Germany owes them; in other words, our people will pay Germany's reparations.

Who has been appointed on that foreign debt refunding commission? Mr. Mellon, the financial tool of Wall Street, the financial associate of J. P. Morgan, a man holding office in violation of the law. Somebody ought to arrest him and send him to the penitentiary. A man ought not to be allowed to violate the law so flagrantly and brazenly. What will he do for Mr. Morgan, and for himself incidentally? He will postpone our debt and get the first lien for his debt and then, when propaganda has done its work in schoolhouse, church, Kiwanis Club, and so on, we will agree to cancel. You can propaganda us into anything.

Mr. President, how did England get into India? How did she get into Egypt? Let us take Egypt first. She went into Egypt as the partner of France. France had gone first and dug the Suez Canal. French money had paid for it. The Khedive had a controlling share of the stock. France and the Khedive together controlled the canal. During the ministry of Disraeli he and the Rothschilds compelled the Khedive to sell his controlling share of the stock, and the English Government now has it. There she holds that waterway, without which there can be no outlet. She holds the great dam on the White Nile and is completing a great dam on the Blue Nile. She says she has given freedom to Egypt. How much freedom? They may wear the form of freedom, but they will not have the substance of it as long as England controls the Suez Canal on the one hand and these two great reservoirs on the other, because Egypt is the one country that depends upon a river, she having no rainfall at all.

England ousted France, took it all for herself, and now Egypt will be economically a slave to England, as long as she holds those dams and holds that canal.

How did England get into India? The banker and the merchant got concessions from native princes, and when they wanted more and could not get it, the British soldier was there backing the banker, just as our soldiers are backing the bankers in San Domingo and Nicaragua, and we will soon be doing in Peru and Salvador.

Perhaps the greatest speech in the English language is that in which Burke arraigns Warren Hastings, as Cicero arraigned Verres, for despoiling those subject peoples in India, as Verres had despoiled those in Sicily. India is beneath the yoke of Great Britain because of the penetration of those merchants, manufacturers, and money lenders. The flag and the soldier follow the pounds, shillings, and pence, just as the flag and the marines are following our American dollars.

Mr. President, one could talk on this subject by the day. I have about expressed what I wanted to say, however. We were asked, "Are other nations composed of liars, thieves, and murderers?" If Japan does not come up to just that, the books all lie about her, and so do the missionaries. Have there been more perfidies committed, murder on a vaster scale committed, than Great Britain has committed in India, and is committing now—greater cruelties than Japan has inflicted upon Korea, and is inflicting now?

We Christians had pledged our Christian faith to protect these Christians of Korea, but we would not even listen to them when they came here with their complaints to the peace conference. As to China, we pledged her our faith, and have broken it. We have allowed her to be mangled, slashed, sliced, robbed. Now we are asked to become the accomplices of the men who have committed these crimes. Why go into partnership with criminals whose hands are dripping with blood and whose garments are reeking with human gore?

Mr. President, if I could plead this case before the American people, I have no doubt whatever as to what the verdict would be; but our people are not learning the truth; there is a conspiracy of silence; there is a general misrepresentation of the facts. The good people have been made to believe that this pact means peace; it means anything else but peace. The other day after the Senator from Missouri [Mr. REED] had finished his masterful speech, I received a card from a lady who was out in the reception room. She turned out to be a Georgia lady who had recently been in South Carolina. She was accompanied by a lady from New York. She had been so powerfully impressed by the speech of the Senator from Missouri, the facts which he gave and which she then learned for the first time, that her eyes were dancing with indignation. She told me it was a shame the way they were misrepresenting the case down South in the churches, in the schoolhouses, and wherever they could spread their propaganda; she said it was a shame that the American people could not learn anything about this treaty unless they came here and took seats in the Senate gallery.

Yes; the proponents of the treaty will put it through, and then in November next the American people will put them through. It was said in Georgia that everybody wanted the League of Nations, but it turned out they did not. President Wilson said in Boston and New York that the American people wanted the league, but by a majority of 7,000,000 they said they did not. The Senator from Alabama [Mr. UNDERWOOD] now says that the American people want this four-power pact. How does he know? When did the American people tell him so? In what way have they expressed themselves? What chance have they had to express themselves? They will not get any chance until November next. Then they will have it. The ides of March have come, but they have not passed. Watch out, you are going to catch it in November. Oh, yes. The places that now know you will never know you any more, except as you serve out your unexpired terms. You are going to go; you need not doubt it. The people will put you out and they will keep you out. Hereafter neither the Democratic Party nor the Republican Party will dare to change our form of government without consulting the people.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The roll will be called.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrison	Moses	Sheppard
Ball	Heflin	Nelson	Smith
Brandegee	Johnson	New	Spencer
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Kellogg	Norris	Swanson
Colt	Keyes	Oddie	Townsend
Cummins	King	Overman	Underwood
Edge	Ladd	Page	Wadsworth
Ernst	La Follette	Phipps	Walsh, Mont.
Fletcher	Lenroot	Poindexter	Warren
France	Lodge	Pomerene	Watson, Ga.
Hale	McKellar	Rawson	Williams
Harris	McNary	Robinson	Willis

Mr. JONES of Washington. I desire to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The VICE PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present.

CLAIMS OF HOBOKEN, N. J.

Mr. EDGE. As in legislative session, I ask to have Senate resolution 254, which was submitted by the Senator from New York [Mr. WADSWORTH] for my colleague [Mr. FRELINGHUYSEN], and which was ordered to lie on the table, referred to the Committee on Commerce for consideration by that committee.

The VICE PRESIDENT. Without objection, the resolution will be so referred.

PUBLIC-LAND ENTRIES BY DISABLED EX-SOLDIERS.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent for the consideration of a bill reported by the Committee on Public Lands and Surveys relating to disabled veterans. It is House bill 9633.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent for the immediate consideration of a bill the title of which will be read by the Secretary for the information of the Senate.

The READING CLERK. A bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys, with an amendment.

Mr. WALSH of Montana. Mr. President, I merely desire to say that the purpose of the bill is simply this: Under the existing law a soldier discharged from the Army on account of

permanent disability is entitled to make final proof upon a land entry made by him without further residence or cultivation.

Mr. WARREN. Mr. President, that refers to some application made before he became thus wounded, I presume?

Mr. WALSH of Montana. Yes. He enters the Army, having made an entry, and then is discharged for disability, so that he can not go back and cultivate. We have already taken care of that man. We have excused him from further residence and cultivation. The amendment is intended to reach the man who was not discharged for disability, but who was discharged as in perfect health, but is afterwards awarded compensation on account of disability; and he is given the same privilege to complete his proof. It will be remembered that we passed an act which raised a presumption, in case of tuberculosis or psychoneurasthenic disease occurring within two years afterwards, that it was incurred during the service. By this bill we extend the same presumption as to the land entry if the award for disability occurs within three years of the date of discharge.

Mr. WARREN. It is simply a matter of allowing completion of his proof at the end of the time, notwithstanding he may not have been able to live on his claim?

Mr. WALSH of Montana. Exactly; when awarded compensation for disability.

Mr. WARREN. I have no objection to the passage of the bill.

The VICE PRESIDENT. The amendment of the committee will be stated.

The READING CLERK. On page 1, line 9, after the word "subsequently" it is proposed to insert the words "and within three years from the date of discharge was."

Mr. LENROOT. Is it a long bill? I have not a copy of it before me.

The VICE PRESIDENT. It is a short bill.

Mr. LENROOT. May the whole bill be read?

The VICE PRESIDENT. The Secretary will read the bill as proposed to be amended.

The READING CLERK. As proposed to be amended, the bill reads:

Be it enacted, etc., That the provisions of section 2305, Revised Statutes of the United States, as amended by the act of February 25, 1919 (40 Stat., p. 1141), so far as applicable to those discharged from the military or naval service because of wounds received or disability incurred therein, be, and the same are hereby, extended to those regularly discharged from such service and subsequently and within three years from the date of discharge was awarded compensation by the Government for wounds received or disability incurred in the line of duty.

SEC. 2. That the provisions of the act of September 29, 1919 (41 Stat., p. 288), entitled "An act to authorize absence by homestead settlers and entrymen, and for other purposes," be, and they are hereby, extended to those who, after discharge from the military or naval service of the United States, are furnished treatment by the Government for wounds received or disability incurred in line of duty.

Mr. WALSH of Montana. Mr. President, I observe that the language is not apt. In the amendment proposed by the committee, I move that the word "who" be inserted between the word "and" and the word "within" in line 9, and that the word "were" be inserted in line 10 in lieu of the word "was," so that it will read:

And who within three years from the date of discharge were awarded compensation.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. Mr. President, unless some Senator desires to speak further in regard to the treaty, I shall move that the Senate proceed to the consideration of executive business in closed executive session. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate, as in legislative session, took a recess until to-morrow, Saturday, March 18, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 17 (legislative day of March 16), 1922.

RECEIVER OF PUBLIC MONEYS.

Frank O. Northrup to be receiver of public moneys at Portland, Oreg.

COAST AND GEODETIC SURVEY.

Ernest Lester Jones to be hydrographic and geodetic engineer, with relative rank of captain in the Navy, in the United States Coast and Geodetic Survey.

POSTMASTERS.

ALABAMA.

John E. Sutterer, Cullman.
Hiram T. Graves, Crossville.
Joe L. Hinson, East Tallahassee.
Walter R. Warrick, Marbury.
William K. Black, Millport.
Jesse D. Newton, Odenville.

GEORGIA.

James H. Foster, Cornelia.
Herbert I. King, Dexter.
Casca S. Barbre, Leary.
Portia C. McAllister, Pitts.

MASSACHUSETTS.

Martin Hickey, Grafton.
Ephrem J. Dion, Northbridge.
John Howe, North Brookfield.
William E. Gibson, West Bridgewater.

PENNSYLVANIA.

Thomas H. Probert, Hazleton.
Maurice L. Zimmerman, Soudersburg.

PORTO RICO.

Pedro M. Rivera, Barceloneta.
J. V. Berrios, Carolina.
Cesar Rossy, Utuado.
America Rossy, Ensenada.
Leonor de Luna, Guayanilla.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 17, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. WALSH.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O blessed Lord, may we approach Thee in spirit and in truth. Thou hast called us out of the uncreated, out of the pregnant depths, and out of the whispering silence of Thy infinite nature. O, Thou art our everlasting Father and our God. Always keep us in touch with human relationships and human responsibilities. Let us have sight of commonplace duties, to commonplace things. Keep them before us—clear, high, and serious—day by day, and herein may we have our pride and our joy. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRINTING REPORT ON THE PHILIPPINE ISLANDS.

Mr. KIESS. Mr. Speaker, I submit a privileged resolution from the Committee on Printing.

The Clerk read as follows:

House concurrent resolution 47.

Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of the Report of the Special Mission on Investigation to the Philippine Islands to the Secretary of War, without the map but with the data on the Philippines preceding and accompanying such report, be, and the same is hereby, ordered printed as a public document, to be distributed as follows: Fifty-five thousand through the document room of the House, 35,000 through the document room of the Senate, 5,000 through the Committee on Insular Affairs of the House, and 5,000 through the Committee on Territories and Insular Possessions of the Senate.

With the following committee amendments:

Line 8, strike out the words "fifty-five" and insert the words "sixty-five." Line 9, strike out the words "thirty-five" and insert the words "twenty-five."

Mr. STAFFORD. Will the gentleman from Pennsylvania yield?

Mr. KIESS. I will.

Mr. STAFFORD. Has the gentleman any estimate of the cost of printing this report?

Mr. KIESS. The report shows it.

Mr. STAFFORD. But the report has not been read and we have not it before us.

Mr. KIESS. The cost will be $2,328.45 for printing 100,000 copies.

Mr. STAFFORD. What is the need of such a large number for use in the document room—65,000 and 25,000, respectively?

Mr. KIESS. In reply to the gentleman I will say that there has been a very large demand for these publications. Only a few copies of the report were printed by the War Department, and none have been available for Members of Congress. I have taken the question up with Mr. Grayson, of the document room, and he tells me that they have had many requests. A number of Members of Congress have brought the question to my attention as chairman of the Committee on Printing. I think for a report as important as this the number is not excessive.

Mr. STAFFORD. As I understand, they are not to be distributed through the folding room, but through the document room.

Mr. KIESS. That is true.

Mr. STAFFORD. Can the gentleman state any instance where such a large number of reports have been made available for distribution through the document room?

Mr. KIESS. The report of the International Joint Commission concerning the improvement of the St. Lawrence River was distributed through the document room.

Mr. STAFFORD. That was a report on a project which had universal interest throughout the country. This report has no interest except in certain localities.

Mr. TOWNER. Will the gentleman yield?

Mr. KIESS. Certainly.

Mr. TOWNER. I want to say to the gentleman from Wisconsin and to the House that there is a very widespread demand for this document. Of course, the report of Gen. Wood of his visit created a great deal of interest, but aside from that the relations of the United States with the Philippine Islands is being debated all over the United States in colleges and schools. The number named in the resolution will be really too small to satisfy the demand that is now existing for this report.

Mr. STAFFORD. I suppose the gentleman from Pennsylvania and his committee have considered the question of having some of the reports placed at the disposal of Members through the folding room. Why was not that policy adopted instead of putting them in the document room to be appropriated by a few?

Mr. TOWNER. I have no objection to that.

Mr. KIESS. I think we can arrange so that all Members will be supplied with what copies they need.

Mr. STAFFORD. By what method are you going to supply them to Members when you put them in the document room to be appropriated by a few Members?

Mr. KIESS. I think we can make satisfactory arrangements with those in charge of the document room.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. KIESS. Certainly.

Mr. FAIRFIELD. I think I have had more call for the literature on the Philippine Islands than most anything else. Somebody has suggested that the Wood report gives only one side. Propaganda is going on all over the country for the independence of the Philippine Islands. I have no trouble in securing documents favorable to the independence of the Philippine Islands, and I think there is real need for the printing of this document.

Mr. DYER. Will the gentleman yield?

Mr. KIESS. Yes.

Mr. DYER. Mr. Speaker, I am much surprised at the statement made by the gentleman from Indiana that there is such a widespread demand for this document. I have been in Congress some 12 years, and the Philippine question has been before us all that time. There was great publicity given to the Wood-Forbes report by the War Department at the time it came out, and I have never received a single request for a copy of that report. I can not understand, Mr. Speaker, this widespread demand. Some time ago a committee of Filipinos appeared before the Committee on Insular Affairs of the House and made a report, which is in the hearings, and I have never known of any requests made by anyone for its publication. Mr. Speaker, I realize as one Member of the House our responsibility on this question. I feel that Congress ought to give it the consideration to which it is entitled. We have promised independence to the Philippines, and yet we are making slow progress in that direction. We all know, and every Member of this House knows, that the Army of the United States is not now and in my judgment never will be in favor of granting independence to the Philippines.

Whether or not the Filipinos are entitled to independence now is a question for the Congress to settle. I have visited the Philippines, and have seen splendid evidence of their ability to manage their own affairs. I realize that the Committee on Insular Affairs of this House is the one that should bring before us the information as to whether or not they are ready. I have the greatest respect for the gentleman from Iowa, who is chairman of that committee. I know that he is a thorough, sincere, earnest representative of the people and wants to do the right thing in regard to this question, and I would rather have a report from a committee of this House upon this question of whether or not the Filipinos are prepared for independence than I would to have the report of Gen. Wood and Mr. Forbes. Gen. Wood has been in the Army all his life.

The Army does not want the Filipinos given independence. Mr. Forbes served over there as governor general for a number of years and was succeeded by another gentleman as governor general. Their opinions differ. Gov. Gen. Harrison, who succeeded Mr. Forbes, reported in favor of independence of the Filipinos. Gov. Forbes did not. His views were different at the time he saw service there. I think, Mr. Speaker, that the time has come when the Congress of the United States ought to be brave enough to say whether the Filipinos are to be given their independence, and if so, when they are to be given it, and whether or not we are to be guided entirely by what Army officers say. [Applause.] Those who have been in the Philippines and know the situation and know the sentiment of the War Department know that they will never recommend the independence of the Filipinos because it is a splendid station for the Army and they want to go there and want to maintain a station there, and I feel the Committee on Insular Affairs should take up this question and seriously consider it and make a report to this House and not let us be advised solely by the report of Gov. Gen. Wood and former Gov. Gen. Forbes. I trust the information will come to us other than this information which we are about to print. I have no request for this information, and I represent a fairly intelligent constituency in the city of St. Louis, and we have high schools, colleges, and universities.

Mr. CANNON. Will the gentleman yield?

Mr. DYER. I have not a single request for this report. I will yield to the gentleman from Illinois.

Mr. CANNON. The gentleman's mind is satisfied if he had the power that he would give the Filipinos independence to-day?

Mr. DYER. That is not my statement, I will say to the distinguished gentleman from Illinois. I said in my remarks I am reasonably prepared to say they are entitled to independence to-day, but will accept gladly further information. I have been to the Philippines, as I have stated, and have seen them there and understand what they have been doing. They have organized a legislative body—a senate and a house—and there has been no criticism of their ability to transact business; but I say, Mr. Speaker, we ought to take up this question and decide for ourselves what the facts are, and not leave it entirely to a commission sent over there, composed as it was of two great Americans, very splendid gentlemen, but I am not satisfied to accept their judgment solely.

Mr. CANNON. Will the gentleman yield further?

Mr. DYER. I will yield; certainly.

Mr. CANNON. First a Democrat and then a Republican and then a Democrat go over there, you know, and they come back with documents, statements, reports, and all that sort of thing. Unless somebody knows more than I do about the capacity of the Filipinos under existing circumstances for self-government, I think I would be glad indeed to be informed.

Mr. DYER. Mr. Speaker, if the gentleman from Pennsylvania will yield just a minute——

Mr. KIESS. Just a minute.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for one additional minute.

Mr. DYER. I want the best information, Mr. Speaker, we can have, and my suggestion is merely that the Committee on Insular Affairs, which is charged in the first instance with the responsibility for this question, investigate it themselves.

Mr. SMITH of Michigan. Can not they go ahead and investigate if they choose to do so?

Mr. DYER. They should do that and not ask that this report should be sent broadcast throughout the country. I do not know who wants it. I do not think that there is anybody who wants it; but if there be a demand for information, let us get first-hand information from a committee of this House, because

we are charged with the responsibility and not the War Department.

Mr. LONDON. Will the gentleman yield? Is not the gentleman's real objection that the information is one-sided?

Mr. DYER. Well, of course, the information comes from those gentlemen mentioned who say that the Filipinos are not prepared for independence, and I want the Committee on Insular Affairs——

Mr. CANNON. Will the gentleman yield for another question?

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the committee amendment.

Mr. HUMPHREYS. What is the committee amendment?

The SPEAKER pro tempore. The Clerk will again report the committee amendment.

The committee amendment was again reported.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

On a division (demanded by Mr. HUMPHREYS) there were—ayes 58, noes 9.

So the committee amendment was agreed to.

Mr. KIESS. Mr. Speaker, I move the previous question on the resolution.

Mr. GARNER. Will the gentleman yield for a question?

Mr. KIESS. I will yield for a question.

Mr. GARNER. I want to ask why you do not distribute these through the folding room like ordinary documents?

Mr. KIESS. Mr. Speaker, we thought by distributing in this way that those people who are most interested could get a larger number.

Mr. GARNER. Who are these people?

Mr. KIESS. Well, Members of the House want them——

Mr. GARNER. If they are Members of the House they ought to be distributed through the folding room so that each Member of the House will have an opportunity to distribute them to his constituents.

From the way you are fixing this thing, a Member of the House will say, "I am very much interested; lend me 5,000 copies, and I will take them over to my office and send them out," and the first thing you know they will be exhausted. It seems to me if a man is particularly interested in this and another man is not, it is easy enough to assign them on assignments from one Member to another, as with ordinary documents. It seems curious to me. It is the first time I have seen a document like this distributed through the document room instead of the folding room.

Mr. MANN. Will the gentleman yield?

Mr. GARNER. I have not the floor. I merely wanted to know the reason for this; that is all.

Mr. MANN. Of course, if this is distributed through the folding room there would be a large proportion of them never used at all. That is not the case with the ordinary document.

Mr. GARNER. I have been told in the document room that it is the custom of some Members of Congress who are more energetic than others and desire to reach their constituents with every conceivable document on the face of the earth, whenever the document goes to the document room and it is not called for at an early date, they say, "Send it over and we will mail it to our people." That is perfectly satisfactory with a document they might not want to get copies of, but where it is a document that is of benefit to the schools, as suggested by the gentleman from Iowa [Mr. TOWNER], and which this would probably be, it seems to me each Member of Congress ought to have his proportionate number.

Mr. MANN. Where people are interested and want the document, it is proper to put it through the document room. There is no use of printing a large number of these documents and eventually have them consigned to the waste-paper basket, as would be the case here. The gentleman from Missouri [Mr. DYER] says he has no one in his district who wants the document. Why should we distribute only for his benefit that which he will not use? Why not give them to those who desire them, and, if more are desired, print more?

Mr. GARNER. There are probably 150 Members of the House present. I will venture the assertion now that you can not find 20 men in the House who have requests for this document, and yet you are printing 100,000 of them.

Mr. MANN. That statement will not go unchallenged. There are 20 men in this House that have already spoken to me about how to secure this document.

Mr. GARRETT of Tennessee. Will the gentleman from Pennsylvania yield to me two or three minutes?

Mr. FESS. I wish to say that there is a constant application from high schools for these things, where they wish to discuss Philippine independence.

Mr. GARNER. That kind of a request comes to everybody from those who are desirous of getting information for debate, and I think there would be requests for this particular report.

Mr. MANN. I said for this particular report.

Mr. GARRETT of Tennessee. Will the gentleman from Pennsylvania yield to me about two minutes?

Mr. KIESS. Mr. Speaker, I yield two minutes to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, so far as any discussion of the principle or the policy of Philippine independence is concerned, there is nothing whatever new in the Wood-Forbes report. The report, in so far as questions of principle or policy are concerned, might just as well have been written here in the United States before Gen. Wood and Mr. Forbes went over there. There are some facts stated in that report in regard to conditions that are somewhat new, though not very new. I do not think it will hurt anything to publish this report, because, after all, the Congress is going to finally decide this particular question of principle and policy, I reckon. There is some demand for it by debating societies in the public schools of the country and by persons who are making a study of this question; so that, the cost not being very large, I agreed some days ago with the gentleman from Iowa [Mr. TOWNER] that I should make no objection to its publication. I do not think it is a matter of very great consequence, with all deference to my friend from Texas, whether it is distributed through the folding room or the document room.

Mr. GARNER. I agree with the gentleman; but the idea is in having 65,000 documents—the importance of printing that number of documents and then turning them over to one or two men or half a dozen men. It does not seem to me a reasonable thing to do. That is the only point I had about it.

Mr. GARRETT of Tennessee. Well, I took the floor more by reason of what the gentleman from Missouri [Mr. DYER] said than anything else.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. KIESS. I yield two minutes more to the gentleman.

Mr. GARRETT of Tennessee. Of course, Gen. Wood went to the Philippines opposed to Philippine independence; Gov. Forbes went to the Philippines opposed to Philippine independence.

I believe the President of the United States to be opposed to Philippine independence. This document is not, in my opinion, going to affect the matter one way or the other.

Mr. KING. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. KING. As a matter of fact, can you not prove by this very report that the Filipinos ought to have their independence and are entitled to it?

Mr. GARRETT of Tennessee. I think from the report it could be proven; I think independent of the report it could be proven. Of course, I occupy an attitude about that, and have from the beginning. There never has been a day or an hour from the time we went in there that I was not only willing but anxious to grant Philippine independence.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LONDON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of ordering the previous question will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 266, nays 47, answered "present" 1, not voting 114, as follows:

YEAS—266.

Almon	Bland, Ind.	Campbell, Kans.	Connally, Tex.
Anderson	Bland, Va.	Campbell, Pa.	Cooper, Ohio
Andrew, Mass.	Bolles	Cannon	Cooper, Wis.
Andrews, Nebr.	Brennan	Chalmers	Copley
Anthony	Brooks, Ill.	Chindblom	Crago
Appleby	Brooks, Pa.	Christopherson	Cramton
Arentz	Brown, Tenn.	Clague	Crowther
Atkeson	Browne, Wis.	Clarke, N. Y.	Cullen
Bankhead	Burdick	Classon	Curry
Barbour	Burroughs	Clouse	Dale
Begg	Burtness	Cole, Ohio	Dallinger
Benham	Burton	Collier	Darrow
Bird	Byrns, Tenn.	Collins	Davis, Minn.
Bixler	Cable	Colton	Deal

Dempsey	Johnson, Ky.	Moore, Ill.	Smithwick
Denison	Jones, Pa.	Moore, Ohio	Snell
Dickinson	Kahn	Moore, Va.	Snyder
Dowell	Kearns	Moores, Ind.	Sproul
Drewry	Keller	Morin	Stafford
Dunbar	Kelly, Pa.	Mott	Steagall
Dunn	Kendall	Murphy	Stedman
Dupré	Ketcham	Nelson, A. P.	Steenerson
Echols	Kiess	Newton, Minn.	Stephens
Edmonds	Kinkaid	Newton, Mo.	Stevenson
Evans	Kirkpatrick	Nolan	Stiness
Fairchild	Kissel	Norton	Strong, Kans.
Fairfield	Kleczka	Oldfield	Summers, Wash.
Faust	Kline, Pa.	Oliver	Sumners, Tex.
Favrot	Knutson	Osborne	Sweet
Fenn	Kopp	Overstreet	Swing
Fess	Lanham	Padgett	Taylor, N. J.
Fisher	Larsen, Ga.	Paige	Taylor, Tenn.
Focht	Lawrence	Park, Ga.	Temple
Fordney	Layton	Parker, N. J.	Ten Eyck
Foster	Lea, Calif.	Parker, N. Y.	Thomas
Freeman	Leatherwood	Patterson, Mo.	Thompson
French	Lee, Ga.	Patterson, N. J.	Tillman
Frothingham	Lehlbach	Porter	Tilson
Fuller	Lineberger	Purnell	Timberlake
Fulmer	Little	Radcliffe	Tincher
Funk	Longworth	Raker	Towner
Gahn	Lowrey	Ramseyer	Treadway
Garner	Luce	Ransley	Tyson
Garrett, Tenn.	Lyon	Reavis	Underhill
Garrett, Tex.	McClintic	Reece	Valle
Gensman	McCormick	Reed, N. Y.	Vestal
Gernerd	McDuffie	Reed, W. Va.	Vinson
Gilbert	McFadden	Rhodes	Voigt
Glynn	McKenzie	Ricketts	Volstead
Graham, Ill.	McLaughlin, Mich.	Riddick	Walters
Green, Iowa	McLaughlin, Nebr.	Roach	Watson
Greene, Vt.	McPherson	Robertson	Watson
Griest	MacGregor	Robsion	Weaver
Hadley	Madden	Rogers	Wheeler
Hardy, Colo.	Magee	Rose	White, Kans.
Harrison	Mann	Rossdale	White, Me.
Hawes	Mapes	Rouse	Williams
Hawley	Martin	Sabath	Williamson
Hayden	Merritt	Sanders, Ind.	Woodruff
Hays	Michaelson	Scott, Tenn.	Woodyard
Hersey	Michener	Shaw	Wurzbach
Hickey	Miller	Shelton	Wyant
Hoch	Mills	Shreve	Yates
Hukriede	Millspaugh	Sinclair	Young
Hull	Mondell	Sinnott	Zihlman
Hutchinson	Montague	Smith, Idaho	
Ireland	Montoya	Smith, Mich.	

NAYS—47.

Aswell	Carew	Jones, Tex.	Rayburn
Barkley	Carter	Kincheloe	Rucker
Beck	Crisp	Kindred	Sanders, Tex.
Black	Dominick	King	Sandlin
Bowling	Doughton	Lankford	Sears
Box	Driver	Lazaro	Sisson
Brand	Dyer	London	Stoll
Briggs	Hammer	McSwain	Swank
Buchanan	Hardy, Tex.	Maloney	Wilson
Bulwinkle	Hudspeth	Parks, Ark.	Woods, Va.
Byrnes, S. C.	Jeffers, Ala.	Quin	Wright
Cantrill	Johnson, Miss.	Rankin	

ANSWERED "PRESENT"—1.

Humphreys

NOT VOTING—114.

Ackerman	Frear	Kraus	Reber
Ansorge	Free	Kreider	Riordan
Bacharach	Gallivan	Kunz	Rodenberg
Beedy	Goldsborough	Lampert	Rosenbloom
Bell	Goodykoontz	Langley	Ryan
Blakeney	Gorman	Larson, Minn.	Sanders, N. Y.
Blanton	Gould	Lee, N. Y.	Schall
Bond	Graham, Pa.	Linthicum	Scott, Mich.
Bowers	Greene, Mass.	Logan	Siegel
Brinson	Griffin	Luhring	Slemp
Britten	Haugen	McArthur	Speaks
Burke	Herrick	McLaughlin, Pa.	Strong, Pa.
Butler	Hicks	Mansfield	Sullivan
Chandler, N. Y.	Hill	Mead	Tague
Chandler, Okla.	Himes	Morgan	Taylor, Ark.
Clark, Fla.	Hogan	Mudd	Taylor, Colo.
Cockran	Hooker	Nelson, J. M.	Tinkham
Codd	Huddleston	O'Brien	Upshaw
Cole, Iowa	Husted	O'Connor	Vare
Connell	Jacoway	Ogden	Volk
Connolly, Pa.	James	Olpp	Ward, N. Y.
Coughlin	Jefferis, Nebr.	Parrish	Ward, N. C.
Davis, Tenn.	Johnson, S. Dak.	Perkins	Webster
Drane	Johnson, Wash.	Perlman	Wingo
Elliott	Kelley, Mich.	Petersen	Winslow
Ellis	Kennedy	Dou	Wise
Fields	Kitchin	Pringey	Wood, Ind.
Fish	Kline, N. Y.	Rainey, Ala.	
Fitzgerald	Knight	Rainey, Ill.	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. ELLIS with Mr. HUMPHREYS.

Mr. RODENBERG with Mr. BELL.

Mr. BURKE with Mr. SULLIVAN.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. FREE with Mr. O'BRIEN.

Mr. LAMPERT with Mr. TAGUE.

Mr. REBER with Mr. HAYDEN.

Mr. HIMES with Mr. DAVIS of Tennessee.

Mr. ACKERMAN with Mr. JACOWAY.

Mr. BACHARACH with Mr. WINGO.

Mr. KREIDER with Mr. UPSHAW.

Mr. CONNOLLY of Pennsylvania with Mr. BLANTON.

Mr. GREENE of Massachusetts with Mr. FIELDS.

Mr. OLPP with Mr. GRIFFIN.

Mr. WINSLOW with Mr. LOGAN.

Mr. VOLK with Mr. RAINEY of Illinois.

Mr. LUHRING with Mr. TAYLOR of Arkansas.

Mr. VARE with Mr. WISE.

Mr. PERLMAN with Mr. BRINSON.

Mr. BLAKENEY with Mr. COCKRAN.

Mr. CODD with Mr. WARD of North Carolina.

Mr. FITZGERALD with Mr. DRANE.

Mr. GORMAN with Mr. TAYLOR of Colorado.

Mr. MORGAN with Mr. GALLIVAN.

Mr. STRONG of Pennsylvania with Mr. HUDDLESTON.

Mr. OGDEN with Mr. KITCHIN.

Mr. BOWERS with Mr. MEAD.

Mr. CONNELL with Mr. PARRISH.

Mr. BUTLER with Mr. RIORDAN.

Mr. HOGAN with Mr. KUNZ.

Mr. ELLIOTT with Mr. GOLDSBOROUGH.

Mr. WOOD of Indiana with Mr. POU.

Mr. GRAHAM of Pennsylvania with Mr. HOOKER.

Mr. SIEGEL with Mr. LINTHICUM.

Mr. CHANDLER of Oklahoma with Mr. MANSFIELD.

Mr. SPEAKS with Mr. O'CONNOR.

Mr. COUGHLIN with Mr. RAINEY of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors. The previous question is ordered. The question is on the passage of the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. KIESS, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

DEPARTMENTS OF COMMERCE AND LABOR APPROPRIATION BILL—CONFERENCE REPORT.

Mr. SHREVE. Mr. Speaker, I call up the conference report on the bill H. R. 10559, making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up the conference report on the bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER pro tempore. The Clerk will read the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 32, 33, 34, 37, 40, 46, 47, 48, 49, 50, 51, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 35, 36, 39, 44, 52, 53, 54, 55, 56, and 57, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,598,410"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,300"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,300"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,400"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$802,340"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: On page 10 of the bill in line 14 strike out "$1,741,780" and insert in lieu thereof "$1,737,080"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,176,975"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,208,810"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,651,805"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$589,380"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,916,920"; and the Senate agree to the same.

MILTON W. SHREVE,
E. C. HUTCHINSON,
W. B. OLIVER,
Managers on the part of the House.

W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

DEPARTMENT OF COMMERCE.

On Nos. 1, 2, 3, 4, 5, and 6, relating to contingent expenses of the Department of Commerce: Appropriates $80,200, as proposed by the Senate, instead of $50,000, as proposed by the House, and provides for the transfer from other appropriations of $87,250, as proposed by the Senate, instead of $75,250, as proposed by the House.

On Nos. 7, 8, 9, 10, and 11, relating to the Bureau of Foreign and Domestic Commerce: Provides for janitor and messenger service in the offices of commercial attaché, as proposed by the Senate; appropriates $379,100, as proposed by the House, instead of $450,000, as proposed by the Senate, for promoting commerce, and makes $100,000 of that sum, instead of $86,200, as proposed by the House, available for the maintenance of branch offices in the United States; and appropriates $450,000, as proposed by the Senate, instead of $385,000, as proposed by the House, for the promotion of export industries.

On Nos. 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, relating to the Census Office: Appropriates for 5 chief statisticians at $3,300 each, instead of $3,600 ach, as proposed by the Senate, and $3,000 each, as proposed by the House; appropriates $3,300 for the chief clerk, instead of $3,600, as proposed by the Senate, and $2,500, as proposed by the House; appropriates $2,400 for the geographer, instead of $2,000, as proposed by the House, and $2,600, as proposed by the Senate; strikes out provision for a stenographer at $1,500, as proposed by the Senate; appropriates for 14 expert chiefs of divisions at $2,250 each, instead of 9 at $2,000 each, as proposed by the House, and 14 at $2,400 each, as proposed by the Senate; provides for a private secretary and stenographer to the director at $2,100, as proposed by the Senate; provides for clerks and laborers on the statutory roll, as proposed by the Senate, instead of on the lump-sum roll, as proposed by the House, and reduces the lump-sum roll by a sum equal to that added to the statutory roll for clerks and laborers.

On Nos. 29, 30, and 31, relating to the Bureau of Navigation: Appropriates $130,000, as proposed by the Senate, instead of $80,000, as proposed by the House, for the enforcement of wireless communication laws, and makes $17,600 of that sum available for salaries in the District of Columbia, as proposed by the Senate, instead of $10,400, as proposed by the House.

On Nos. 32, 33, and 34, relating to the Bureau of Lighthouses: Strikes out the appropriation of $100,000, proposed by the Senate, for the Barnegat Light Station, New Jersey.

On Nos. 35, 36, 37, and 38, relating to the Coast and Geodetic Survey: Appropriates $29,841, as proposed by the Senate, instead of $15,000, as proposed by the House, for researches and observations in connection with tides and currents; and appropriates $75,000, as proposed by the House, instead of $97,400, as proposed by the Senate, for repairs to vessels.

On Nos. 39, 40, and 41, relating to the Bureau of Fisheries: Appropriates for employees at fish-cultural stations and biological stations in 2 paragraphs, as proposed by the Senate, instead of in 42 paragraphs, as proposed by the House, the rates of compensation and the number of employees being identical with those provided in the House bill with the exception of an additional foreman at $1,200, which is added.

On No. 42: Corrects the grand total for the Department of Commerce.

DEPARTMENT OF LABOR.

On Nos. 43, 44, and 45, relating to the office of the Secretary of Labor: Appropriates $175,000 for commissioners of conciliation, instead of $150,000, as proposed by the House, and $200,000, as proposed by the Senate; and provides for the purchase of an automobile for official use of the Secretary of Labor, as proposed by the Senate.

On Nos. 46, 47, and 48, relating to the Bureau of Labor Statistics: Strikes out the appropriation, proposed by the Senate, for three additional experts at $1,800 each.

On Nos. 49, 50, and 51, relating to the Bureau of Immigration: Strikes out the authority, inserted by the Senate, for the use of not to exceed $20,000 of the appropriation for regulating immigration for the compensation of employees in the District of Columbia; and strikes out the appropriation of $150,000, inserted by the Senate, to supply a deficiency in the appropriation for regulating immigration for the fiscal year 1922.

On Nos. 52, 53, 54, and 55, relating to the Children's Bureau: Appropriates $120,000 as proposed by the Senate, instead of $80,000 as proposed by the House, for investigation of matters relating to the welfare of children and child life; provides for the employment of 12 persons at rates of compensation of $2,000 per annum and above, as proposed by the Senate, instead of 8, as proposed by the House; and inserts the limitation, proposed by the Senate, upon the rates of compensation which may be paid in connection with the administration of the appropriation for the welfare and hygiene of maternity and infancy.

On Nos. 56 and 57, relating to the Women's Bureau: Appropriates $100,000, as proposed by the Senate, instead of $75,000, as proposed by the House, and provides, as proposed by the Senate, that the number of persons who may be employed from this appropriation at rates exceeding $1,800, may be increased by the addition of one at $3,000, one at $2,500, and three at $2,200 each.

On No. 58: Appropriates $225,000, as proposed by the House, instead of $250,000, as proposed by the Senate, for the salaries and expenses for the United States Employment Service.

On No. 59: Corrects the grand total of appropriations for the Department of Labor.

The amount of the bill as passed by the Senate is $25,976,525. The amount of the bill as passed by the House is $25,321,584, an addition by the Senate of $654,941. The Senate has receded from amendments and amounts aggregating $407,800, and the House has receded from its disagreement to Senate amendments and amounts aggregating $247,141. The bill as agreed upon carries $25,568,725.

MILTON W. SHREVE,
E. C. HUTCHINSON,
W. B. OLIVER,
Managers on the part of the House.

Mr. SHREVE. Mr. Speaker, the Senate has been very kind to us in the disposition of our appropriation bill covering the Departments of Commerce and Labor. Their amendments were few, and we very easily arrived at a settlement of all the matters where there was a difference between the managers of the House and of the Senate.

The amount of the bill as it passed the Senate was $25,976,525. The amount of the bill as passed by the House was $25,321,584. The amount added by the Senate to the House bill was $654,941, but the Senate has receded to the amount of $407,800, and the House has receded and agreed to an increase of $247,141. So the amount of the bill as agreed upon now is $25,568,725.

The principal items of the Senate recessions making up the $407,800 are as follows:

Promotion of commerce, Bureau of Foreign and Domestic Commerce	$70,900
Barnegat Light Station	100,000
Repairs to coast survey vessel	22,400
Commissioners of conciliation, Senate amendment added $50,000, of which they recede from	25,000
Regulating immigration, deficiency for 1922	150,000
Employment Service	25,000

The principal items to which the House agreed in the aggregate of $247,141 are as follows:

Contingent expenses, Department of Commerce	$30,200
Export industries, Bureau of Foreign and Domestic Commerce	65,000
Enforcement of wireless communication laws, Bureau of Navigation, radio broadcasting	50,000
Commissioners of conciliation	25,000
Children's Bureau, investigation of welfare of children and child life. (Number of positions at $2,000 and above is increased from 8 to 12.)	40,000
Women's Bureau, increased from $75,000 to $100,000. (Number of positions above $1,800 increased by adding one at $3,000, one at $2,500, three at $2,200 each.)	25,000

I will say that this first item of $30,200 was largely to cover the work of the Bureau of the Census, by reason of the fact that it now comes back to the department, having passed out of the lump-sum appropriations period.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield in that particular?

Mr. SHREVE. Yes.

Mr. STAFFORD. I notice the Senate increased the salaries on the statutory roll of the Bureau of the Census in a number of instances, raising the salary of the chief clerk from $2,500, which has been carried for years and years, to $3,600, and the conferees have agreed upon the amount of $3,300.

We have chief clerks running through all the various departments at much less than this, in many instances where their work is much heavier. For instance, the chief clerk of The Adjutant General's office receives $2,750. Will the gentleman kindly inform the House for the guidance of other committees as to the policy which his subcommittee followed in arriving at the decision of fixing the salary of the chief clerk of the Bureau of the Census at $3,300?

Mr. SHREVE. Yes. That is a very simple proposition. The committee was confronted with this situation: In order to find some substantive law upon which we could base the estimates for the salaries we had to go back to the 1919 period. The lump-sum period, covering three years, did not provide for the continuation of salaries paid during that period. So we had to go back to the law of 1919, although it was working a great injustice. Now the position the gentleman refers to here paid $4,000 under the Census Bureau. We tried to work out an equitable solution regarding these salaries, and we fixed them as has been stated by the gentleman, and the Senate, going into it possibly more deeply than we did, came to the conclusion that we had fixed the salaries too low for the character of the work that was being done and in consideration of the pay that these men had been getting. It is a very material reduction now. Under the agreement we have come to it seems to be just, fair, and equitable.

Mr. STAFFORD. If the gentleman will permit, in prior decennial censuses the salary of the chief clerk was increased during the period of the actual census taking, but when that was over the salary went back to $2,500. Now if chief clerks of bureaus are going to receive $3,300, as is provided in the conference report, naturally the precedent of this high salary will be presented to other committees as a model in accordance with which the salaries of other chief clerks are to be increased.

Mr. SHREVE. Oh, no. I will say to the gentleman that it is hardly fair to go away back to the time that he speaks of to make comparisons, because the cost of living is very much greater now than it was even in 1919.

Mr. STAFFORD. Take, for instance, the chief clerk of The Adjutant General's office. He receives $2,750, and has been receiving it for years. His office force is much larger than the office force of the Bureau of the Census. If you are going to pay a salary of $3,300 to the chief clerk of the Bureau of the Census, naturally pressure will be brought to bear to raise the salary of the chief clerk of The Adjutant General's office to a like sum.

Mr. SHREVE. This is one item that the Senate was very insistent upon. They worked out the amendment, and were very urgent that it remain in the bill.

Export industries, Bureau of Foreign and Domestic Commerce: We have allowed an increase of $65,000. This item covers a number of commodity divisions that were not included in the bill, the technical study of which would materially aid the development of our foreign trade.

Enforcement of wireless communication laws, Bureau of Navigation: We have given them $50,000 for the reason that especially since the radio convention was held in Washington last year we find that the air is filled with radio messages. It is practically clogged. There is so much interference that it is absolutely necessary to establish more inspectors so that the work may be better regulated. So we gave them $50,000.

We gave the Commissioners of Conciliation an extra $25,000, feeling that they were entitled to it for the great work they are doing, a work that I will say has spread all over the United States. On making a careful analysis of their work we find that they are about 90 per cent successful, so we gave them $25,000 extra.

Children's Bureau: For the investigation of the welfare of child life there is an addition of $40,000. The Woman's Bureau was given an increase of $25,000, and the number of positions above $1,800 was increased by adding one at $3,000, one at $2,500, and three at $2,200.

I yield 10 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Speaker and gentlemen of the House, amendment 43 in this bill increases the appropriation from $150,000 to $175,000 for conciliation work in the Department of Labor. I am thoroughly in accord with the appropriation, because we all know that there is much need for the conciliation service at this hour; and while I am not very hopeful that the conciliators employed under this provision can settle at this time the great industrial crisis that threatens the country, I am hopeful that eventually the efforts of the conciliators may bear good fruit.

I want to call your attention to the fact that we are slowly drifting into what I believe is going to be one of the greatest industrial struggles in the history of our country. On March 10, 1920, the operators and miners of the United States entered into a written contract, which was underwritten by the Government and made at the Government's solicitation, the terms of which agreement provide that prior to April 1, 1922, the miners' and operators' representatives should get together and have an interstate joint conference with a view of arriving at a settlement or agreement between them. The country was then led to believe that when the two years' agreement entered into at that time expired we were assured of the fact that the representatives of the operators' organization and representatives of the miners' organization would meet to discuss terms and eventually arrive at an agreement. The country looked forward to a fixed, peaceable, and satisfactory adjustment which would last for another period of two years.

Notwithstanding the interest of the Government seeing that the contract entered into with their approval is kept, and notwithstanding the fact that the prosperity and happiness of our people depend upon the continued operation of the coal mines and the employment of our 750,000 miners, the operators of Pennsylvania and southern Ohio have proclaimed that they will not meet the miners in conference, but are permitting the 1st of April and the expiration of the contract to come, knowing that a great nation-wide strike will prevail.

When we inquire into the motives of the men now refusing to enter into such a conference and in breaking their agreement, we can arrive only at the conclusion that their purposes are twofold: First, to break up miners' organizations if possible;

and, second, by the strike or threat of the strike to boost the price of coal. I do not believe the operators in my own State are subject to the same criticism that the operators in some other portions of the Nation are. While I do not profess to be on the inside and to know always the motives prompting the officials of these two great organizations, I am convinced that the operators of my State are not now and for many years have not been adverse to dealing with the miners' organizations in entering into biyearly contracts. Our fellows have always been able to get together. Then the operator knows the price he must ask for his coal and would plan ahead for two years to come. I do not believe that the majority of the Indiana operators were in sympathy with the ruling of Judge Anderson, holding invalid the check-off provision in the joint agreement.

Our industrial life has become accustomed to the recognized contractual relations between the miners and operators, and to disrupt this relationship is to throw our business enterprises into confusion.

Propaganda, evidently coming from the operators who refuse to go into the conference, point to the high price of coal, with the intimation that the miner's wage is the cause of it. The miner gets $1.08 per ton for mining coal. It is estimated that the entire wage cost of producing a ton of coal is $1.97. Coal is selling for $10.50 per ton. Surely there are several hoggish profiteers between these two figures. Yet the country is led to believe that the miner is to be blamed for the high price of coal. It is time the force of the Government was brought to bear upon men responsible for the failure of the conference to meet. It is time that the public censure be placed where it belongs, and that our citizenship be aroused to indignantly protest against the continuance of this stubborn and unjustifiable refusal to try to get together, so that the public may have the coal essential to its future prosperity. I venture to say that if the miners would refuse to meet the operators in accordance with their agreement that not only all the power and threats of the Government but that the whole public would be aroused at the indifference of a set of people who would bring on industrial paralysis and strife at a time when we are trying to heal up wounds caused by the great world conflict.

I am glad to know that our President has expressed disappointment and impatience at the attitude of men who are willfully violating their agreement, and I believe that within a short time these contract breakers who are indifferent to the Nation's welfare will be told that they must in good faith keep the agreement they entered into and try to bring about a satisfactory solution of the distressing problem that confronts the Nation.

Mr. ANTHONY. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. ANTHONY. The gentleman has made the statement that the operators are refusing to meet the miners.

Mr. BLAND of Indiana. That is true.

Mr. ANTHONY. Is it not true that the operators have consented to meet the miners of their own States, but they are opposed to meeting the miners of other States?

Mr. BLAND of Indiana. In one or two States they may be willing to meet the miners, but they are not willing to meet in other States.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. HARDY of Texas. Is there any information showing that the operators do not have combinations running over State lines?

Mr. BLAND of Indiana. They do have combinations, and I fear they have combinations for controlling the price of coal. We did have something of that kind in Indiana once, I believe.

Mr. HARDY of Texas. If they have combinations operating nation wide, why should they refuse to meet the miners?

Mr. BLAND of Indiana. It is for a twofold reason; one is to break the miners' union, which, if they did, would bring about chaos in the country, and the other is to boost the price of coal.

Mr. EDMONDS. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. EDMONDS. Did the gentleman say that the miners got $1.80 for mining coal?

Mr. BLAND of Indiana. One dollar and eight cents.

Mr. EDMONDS. And that coal was selling for $10.40?

Mr. BLAND of Indiana. Yes.

Mr. EDMONDS. We are selling coal at the mine for $1.80 to $2.50. That is the market price.

Mr. BLAND of Indiana. I say that the miner gets $1.08, and I can show you where they are selling it for $10.30 a ton.

Mr. EDMONDS. The gentleman is not talking about the price at the mine. I am selling coal every day, and I know what the market price is.

Mr. BLAND of Indiana. It is being said that the man that digs the coal is getting the profit? Somebody is getting a profit between the $1.08 and the $10.40. The operator would like to say that it is the coal miner that makes the price of coal high when it is not him at all.

Mr. SMITH of Michigan. Will the gentleman incorporate in his remarks the freight rates?

Mr. BLAND of Indiana. I have not them here. I am just informed by the gentleman from South Carolina [Mr. STEVENSON] that he is paying $15 a ton for coal here. This would be a good market for the gentleman from Pennsylvania to sell his coal in.

Mr. SNYDER. The gentleman may be correct about the pay of the miners, but I want to say that only yesterday, in the face of this strike in my own plant, we purchased coal for $2.35, Clearfield, Pa., coal, plus the freight. What the freight has got to do with the contract of the miners is beyond me.

Mr. STEVENSON. Only last week I paid $15 a ton for coal.

Mr. BLAND of Indiana. What I am trying to make plain is that there is a high price paid by the public, and the enemies of the coal miners are pointing to the high price and saying it is because of the high price paid for digging it, when if you will look into it, instead of censuring the miners who are digging it we would place the blame upon the operators and the other profiteers who handle it and who get the difference between the $15 and the $1.08. Mr. Speaker, I would like to insert a copy of that part of the agreement, referred to a moment ago, between the miners and operators which was entered into two years ago:

Resolved, That an interstate joint conference be held prior to April 1, 1922; the time and place for holding such meeting to be referred to a committee of two operators and two members from each State herein represented, together with the International officials of the United Mine Workers of America.

I also here insert a statement of the average wage of coal miners in the United States which is as accurate as it is possible to compute it:

	Average days worked for 1921.	Average annual earnings.
Pittsburgh district	123	$262
Ohio	118	550
Indiana	128	.....
Illinois	150	.....
Western Kentucky	.....	[1] 60
West Virginia	80	500

[1] Per month.

In Tennessee, approximately one-third of the miners worked one-third time, averaging $105 a month per man for the time they worked.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HARDY of Texas. Does the gentleman's statement show also——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLAND of Indiana. One more minute.

Mr. SHREVE. I yield the gentleman one additional minute.

Mr. HARDY of Texas. Does the statement the gentleman will include show also the fact that the miners are only given part time; they have the right to work only a limited number of hours a limited number of days in a week?

Mr. BLAND of Indiana. Yes; that is very true. They only get about one-third time, but the statement I have included shows the number of days worked per year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHREVE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

CHARLES C. COOMBS.

Mr. IRELAND. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. IRELAND. I ask unanimous consent for the consideration of a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the privileged resolution.

The Clerk read as follows:

House Resolution 272.

Resolved, That there shall be paid, out of the contingent fund of the House, to Charles C. Coombs, son of Charles W. Coombs, late an employee of the House of Representatives, a sum equal to one year of his compensation as such employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said Charles W. Coombs.

The committee amendment was read, as follows:

Line 4, strike out the words "one year" and insert in lieu thereof "six months," so that the line as amended will read: "A sum equal to six months of his compensation as such employee."

The committee amendment was agreed to.

The resolution as amended was agreed to.

AUTHORIZATION TO VISIT MUSCLE SHOALS AND GORGAS, ALA.

Mr. IRELAND. Mr. Speaker, I ask consideration for a further privileged resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 300.

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be, and they are hereby, authorized to go to Muscle Shoals and Gorgas, Ala., for the purpose of taking evidence and making investigation regarding the advisability of the completion of the Government improvement for power purposes at those places, either by the Government itself or by some lessee or grantee, and to employ a stenographer at a cost not exceeding $1.25 per printed page. The expenses of said investigation shall not exceed the sum of $2,000. All expenses of the committee incurred for any such purposes shall be paid out of the contingent fund of the House on the usual vouchers approved by the chairman of the committee and the chairman of the Committee on Accounts.

Mr. IRELAND. Mr. Speaker, this resolution was adopted by the Committee on Military Affairs, or requested, I believe, by a majority of the committee and sent to our committee for action. A similar committee for the same purposes, I believe, has been appointed for the Senate, and if it be desirable at all, it is desirable for the sake of economy that both committees act jointly and make this investigation at the same time.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. GARRETT of Tennessee. Does the gentleman know when it is the purpose of the committee to go?

Mr. IRELAND. Well, I believe right away, or as soon as they can conveniently arrange it. There was an inquiry from the Senate side yesterday in making their arrangements to know whether this resolution had been favorably reported or not, and when it would be acted upon, so I imagine they are anxious to cooperate with a similar House committee in making their arrangements, and probably at an early date if possible.

Mr. GARRETT of Tennessee. Does the gentleman know whether the full committee is going or a subcommittee?

Mr. IRELAND. I am unofficially informed they are not, that only a portion, but I can not give the individual members who expect to go.

Mr. GARRETT of Tennessee. If the gentleman will just yield for a statement.

Mr. IRELAND. Certainly.

The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. IRELAND. I yield.

Mr. GARRETT of Tennessee. Mr. Speaker, I am very much in favor of the resolution——

Mr. IRELAND. I did not imagine it was going to meet with any opposition from that side.

Mr. GARRETT of Tennessee. The resolution ought to pass. If the committee feels it is necessary to visit there in order to make up their minds, I think they will derive satisfaction as well as information by visiting that property, and I hope that they will go at once. And if I may be permitted to say it, I hope that by the time they return they will be prepared to bring something before the House upon which the House can act. It is a matter of profoundest interest to a very great section of the country. Millions of dollars worth of Government property are standing there now idle that ought to be, it seems to many of us, in operation in some way.

Of course, there is a particular plan I am ready to support. But whether that plan is best or not, certainly the Committee on Military Affairs of the House ought to be prepared shortly to bring before this House some proposition that will give the House an opportunity to act. And let me say this further: I do not want to be unjust at all, but there is a fear—I will not say a suspicion, but there is a fear—upon the part of a very great many Members of the House and persons interested in that development that there is an unnecessary amount of delay that is going on in the Committee on Military Affairs on this proposition, as well as unnecessary delay in an executive department in submitting the matter to Congress.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. GARRETT of Tennessee. With the permission of the gentleman from Illinois.

Mr. PARKER of New Jersey. I want to ask the gentleman from Tennessee whether he was conscious of the fact that this matter had been only a few weeks in the hands of the Committee on Military Affairs, and that ever since the matter has been before them they have been sitting daily in connection with it. The gentleman intimates there is delay on the part of the Committee on Military Affairs.

Mr. GARRETT of Tennessee. Well, I do not want to be offensive to the gentleman from New Jersey——

Mr. PARKER of New Jersey. I know the gentleman does not want to be offensive, but I do not think criticism of that sort ought to be made of a committee of the House without grounds. The gentleman speaks of feeling aroused. Committees must do their duty, without regard to people who are talking on the outside.

Mr. GARRETT of Tennessee. If the gentleman from Illinois will yield further to me—well, at any rate, I hope that this resolution will pass and that the committee will visit that property and that they will come back prepared to bring in a report upon which we can act, and bring it in quickly.

Mr. IRELAND. I yield five minutes to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, as one of the members of the Committee on Military Affairs I simply wish to say that a very large majority of the members of our committee expressed a desire to visit Muscle Shoals. Personally, I am so tied up with other matters that I feel, probably, that it will be impossible for me to go; but I am not unmindful of the momentous question which is up for consideration by our committee, and, personally, I do not view it as a proposition to sell some surplus property belonging to the Government.

I think the duty of our committee and of this Congress is not to settle upon a price, whether it is $2,000,000 or $5,000,000 or $10,000,000, that shall come back to the Government, but it is to settle a great national policy, and so far as I am personally concerned, in the settlement of a great fundamental national policy, I do not feel it would do me any particular good to view the beautiful Tennessee River or magnificent structures down there. For one I am ready now to begin the consideration of the great question before this Congress. I want to say to my friend from Tennessee [Mr. GARRETT] that there has been no delay so far as our committee is concerned. We have been pressed by people who wanted to be heard and who are deeply and vitally interested in this question, and we have taken our time, under the leadership of our chairman, to get full and complete hearings, in the hope that we might be able to solve this most vexed question, and, when solved, that it will be solved right, not only to conserve the interests of the people of that locality but the interests of the people of all the country and still keep in line with the great fundamental principles and precedents of our country. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADDITIONAL CLERK, COMMITTEE ON TERRITORIES.

Mr. IRELAND. Mr. Speaker, I ask for the consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 284 (Rept. No. 807).

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of $3,200 per annum for the services of an additional clerk to the Committee on the Territories from January 9, 1922, until the end of the present Congress, in the discretion of the chairman of said committee.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is upon agreeing to the resolution.

Mr. GARRETT of Tennessee. Will the gentleman yield? I am sorry my attention was diverted for a moment.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, you will all recall that some time ago a resolution was brought in here, which was knocked out on a point of order, having to do with taking care of the office of the late beloved and lamented Hawaiian Delegate, pending the election of a new Delegate from Hawaii. This resolution has been substituted for that. The clerk to the late Prince Kalanianole has served unofficially under the direction of the chairman of the Committee on Territories ever since the death of the prince, which occurred early in January of this year, without any compensation whatsoever. This is to provide for that, as everyone realizes that the busi-

ness of the Territory of Hawaii has to be carried on, and is voluminous; perhaps more voluminous than that of any other Representative in the House. The election will occur soon; and though this resolution provides for an additional clerk to the Committee on the Territories, the same clerk now attending to the affairs of the Hawaiian Islands, I am sure, will be that appointee and that the chairman of the Committee on the Territories will not retain him in that capacity longer than the election and qualification of the new Delegate from Hawaii. As soon as the Delegate is elected and reaches here and is qualified this resolution will terminate by the action of the chairman of the Committee on the Territories, in whose hands that authority lies.

Mr. MANN. Is there any time limit?

Mr. IRELAND. It provides for the remainder of this Congress, because we could not definitely set the time when the Delegate would arrive and be sworn in.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the War Department for the next fiscal year.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10871, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

Mr. SISSON. Mr. Chairman, I would like to make an inquiry as to how the time stands on each side?

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] has 101 minutes remaining and the gentleman from Mississipi [Mr. SISSON] has 117 minutes remaining.

Mr. ANTHONY. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, in the remarkable career of that great American, Theodore Roosevelt, no one thing stands out more prominently than his unfaltering advocacy, in season and out of season, of the importance and urgency of national preparedness. If he were living to-day, I can well imagine his astonishment and disgust at the attitude of some of the leaders of his own party in so reducing the appropriations for the Army and Navy as to destroy the fighting efficiency of these arms of defense.

He would undoubtedly read with approval the sentiments expressed in an editorial which appeared in that stalwart Republican newspaper, the Boston Transcript, under date of March 3, 1922, a part of which I desire to read:

An example of the sordid folly that abounds in the record of the present House is its attitude toward our national defense. In defiance of the President, who to-day appears to have very little influence over the House, in wanton disregard of the recommendations and appeals of the strongest Cabinet that any President has assembled in 20 years, the so-called leaders of the House appear determined to outdo the record of Josephus Daniels as Secretary of the Navy and Newton D. Baker as Secretary of War. Little attention is paid either to Secretary Weeks or Secretary Denby. Their recommendations are either laughed at in committee or jeered at on the floor, and this despite the fact that both Mr. Weeks and Mr. Denby in the course of their public careers have been Members of the House. But the so-called leaders of the House are equally indifferent to Secretary Hughes, and their indifference toward him is shown by their threat to torpedo the "treaty navy," provided for by the five-power treaty. This can easily be done by reducing the trained personnel of the Navy below 100,000, driving out of the Navy the entire corps of midshipmen at Annapolis, dismissing from one to two thousand commissioned officers, and refusing to appropriate enough money to enable the fleet to steam anywhere for any purpose. The fuel appropriation is already so nearly exhausted that about all the fleet can do is to limp home and tie up alongside our pork barrel navy yards until the 1st of next July.

Our Army is to be reduced by 50,000 although the Executive has repeatedly declared that our military policy which Congress recently enacted into law must be abandoned if the Army is reduced below 150,000. But for the activity of the American Legion the present House would not have dreamed of keeping its pledges in regard to adjusted compensation. There is, however, another legion—the legion of average Americans—made up for the most part of the plain people of the land. They are becoming aroused to what is threatened at Washington. They did not vote according to party alignment during the war, and the experience in independent voting then and there developed has benefited them. They are quite competent to go into the Republican and Democratic primaries, in this and other States, and retire Republican or Democratic Senators or Congressmen who are now attempting to conspire against our national security and torpedo the "naval treaty." Failing to retire these gentlemen in the primaries and nominate in their places men of the character to keep their campaign pledges, men of the courage to scrap "pork-barrel" navy yards; and "pork-barrel" Army posts not needed by the Army and Navy before voting for wholesale dismissals in the trained personnel of either arm of the service, the plain people will have another opportunity at the polls next November—the opportunity to cast a vote of rebuke against the party in power, and to cast that vote in numbers sufficient to give us in the place of the present House a House led by men who in matters of foreign policy and national defense put their country before their party.

If the Republican organization here or elsewhere thinks that it can permit the Republican House at Washington to execute the threats now emanating from committee, and not be punished in the primaries and in the November elections, let them try it. The number of independent newspapers is much larger to-day than it was before the war, and every day witnesses an increase in the number of loyal Republicans and loyal Democrats who recognize the fact that there comes a time when true loyalty to party can best be expressed by voting for the other party. Such a time comes when our public servants forget that he serves his party best who serves his country best.

Rather harsh language but it expresses the feelings of thousands of patriotic Republicans everywhere. Now, what are the facts?

The Army of the United States was reorganized in 1920 and its personnel placed at 280,000, under what is known as the national defense act. The personnel was further reduced by appropriation acts until last year it had reached the minimum of 150,000 men. Now, in the interest of false economy, it is proposed in the present bill to reduce the number even further, although such a step is impossible without virtually nullifying the effectiveness of the national defense act.

The lessons learned in the late war are embodied in the defense act. Now it is proposed to forget these lessons, to turn our backs on all that was learned, and once more go back to the ill-conceived methods in use before 1917.

The missions of the Regular Army to-day are to teach the militia and the authorized reserves; to maintain what is known as overhead; to provide a mobile force available for duty here in this country or elsewhere in time of emergency; to guard the Mexican border; and to garrison our insular possessions.

The number needed for the purposes of instruction is roughly 8,000 enlisted men; for maintenance of overhead, 15,000 men; for our entire coast defense line, 8,000 men; for insular garrisons, 35,000; for duty at the Mexican border, 25,000; leaving for a mobile force only 59,000 men. We shall either have to abandon the well-thought-out plan which was made the law in the national defense act, get along with practically no mobile force at all, or appropriate enough to keep the Army's strength at 150,000, with 12,907 officers distributed as follows:

Distribution of active Regular Army officers, Feb. 28, 1922.

PART I.—FOR DUTIES INDEPENDENT OF ENLISTED STRENGTH OF REGULAR ARMY COMPONENT.

I. General administration and overhead:			
1. War Department General Staff			99
2. Offices, chiefs of branches			479
3. Civil, semimilitary, and military duties			319
4. Corps area staffs			415
5. Depots, arsenals, hospitals, and miscellaneous			1,071
Total			2,383
	Staff and instructors.	Students.	
II. Service schools:			
1. General service schools	81	365	446
2. Special service schools	645	1,283	1,928
3. United States Military Academy	179	—	179
4. Technical schools, etc	—	108	108
Total	905	1,756	2,661
III. Reserve forces:			
1. National Guard			208
2. Organized Reserves			247
3. Reserve Officers' Training Corps			654
4. Training centers			105
Total			1,214
Total for duties independent of enlisted strength			6,258

PART II.—FOR DUTY WITH REGULAR ARMY COMPONENT.

IV. Expeditionary force in United States:	
1. Active regular units	4,252
V. Coast defenses, United States:	
1. Coast Artillery officers	389
2. Air Service and staff officers	123
Total	512
VI. Insular garrisons:	
1. Philippines	675
2. Hawaii	450
3. Panama Canal Zone	325
4. Porto Rico	37
5. Germany	398
Total	1,885
Total for Regular Army component	6,649

SUMMARY.

Part I	6,258
Part II	6,649
Total	12,907

To reduce the personnel to 115,000 would, if we retain our plan, reduce this mobile force to less than 30,000 men, a force ridiculous for a nation having over 3,000,000 square miles of territory.

Mr. Chairman, there are in this country to-day over a million people, mostly aliens, who believe in overthrowing this Government by violence. The apostles of Lenin and Trotski, though not quite so noisy of late, are still at work. They frankly propose to organize what they term the proletariat to overthrow by force our existing Government. In Russia a mere handful succeeded with disastrous results in conquering by force a population nearly twice the size of ours. One machine gun properly handled will cow many hundred unarmed men. Not too long ago to be forgotten anarchists exploded a bomb in Wall Street and attempted to assassinate the Attorney General of the United States. But a few months since the miners of one section of the country, organized along military lines and well armed, marched across a State line in an attempt to unionize by force the miners of another region. Even with an Army of 150,000 these things happen. Under these circumstances is it safe to reduce our mobile force even from the point of view of internal trouble alone?

Since December, 1918, the enlisted personnel of the Navy has been reduced from 480,000 to 101,000 men, and we find that if the four-power and limitation of armaments treaties are ratified the ships allowed under those treaties will be undermanned if further reduction in enlisted men is permitted. It surely would be folly to keep our Navy at the maximum allowed under these treaties and at the same time fail to maintain its personnel at the figure most likely to give us a 100 per cent fighting force. If the plan for 96,000 men proposed by Secretary Denby is carried out, he estimates it will be possible to maintain efficiency and at the same time reduce the appropriations from $478,000,000 for this fiscal year to $350,000,000 for the next fiscal year, a saving of over $100,000,000.

I do not care to discuss at this time the merits of the acquisition of our insular possessions. However they may have come to us, they are ours for better or for worse. And having them and being unable to get rid of them if we wanted to, the burden is on us to afford them protection and the measure of protection which the experts of the Army and Navy deem necessary. They are a source of protection to continental United States if properly safeguarded. Especially is this so of the Hawaiian Islands, where it is essential to keep a garrison of at least 11,000 men.

Secretary Weeks, before the Appropriations Committee on February 20, 1922, in speaking of our insular possessions, testified:

* * * I look on the Hawaiian Islands as the point from which the defense of the Pacific coast should be made; that any expenditure in the protection of the Hawaiian Islands saves a vast amount of preparation of the Pacific coast.

Speaking of these possessions further, he said:

There is no reason to try to control these places unless we have enough men to protect the situation. There are 140,000 Japs in the Hawaiian Islands, almost half the population—forty-odd per cent. I do not know—

Of course, nobody knows—

whether there will ever be any trouble from that source, but it would be the height of imprudence not to have a material military force there, in my opinion. * * * I think the Hawaiian Islands are of as much importance to the protection of our west coast, from Alaska to Panama, as the island of Malta has been for the past 200 years and until recently to the British Nation in the Mediterranean.

Secretary Weeks tells us that 25,000 men are needed all the time to patrol the Mexican border. Now, we do not want trouble with Mexico, either with the de facto government or with bands of roving revolutionists, bent on loot. But to prevent just such murders, loot, and arson as have taken place in the past along this border we owe the citizens of the United States, living in those States, in that section, absolute protection. That is what armies are for, and to protect its own is the first duty of a government. Perhaps we do not want to spend money to protect our own citizens on our own soil, but we have got to do it. Likewise, none of us likes to pay premiums on insurance, but for the protection of our loved ones we find it necessary.

Who can say when the next war will come? Is there a prophet among us who can name the day when wars will cease and who can say, "At last we shall have peace and no longer need armies and navies"? I am not an alarmist nor a militarist. I am not looking for trouble, but I do insist that we must not let our ideals for lasting and universal peace run away with our good judgment. As long as war is possible, prepared for it to the extent at least of having an efficient skeleton organization we must be, and in this preparation we must profit by the lessons our Army and Navy learned in the war and which are embodied in the recommendations of our military and naval experts. The comprehensive plan of national defense so capably prepared by them must be carried out, and to save a few millions of appropriations we must refuse to jeopardize the lives and property of our people. We know the need. May we have the patriotism to insist upon it. [Applause.]

Mr. SISSON. Mr. Chairman, I yield 30 minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman and gentlemen of the committee, I can not begin the discussion of this bill without making my grateful acknowledgment to Mr. ANTHONY, the chairman of the subcommittee, who has had the bill in charge. For days, beginning at 10 o'clock in the morning and continuing until late in the evening, he has devoted all his energies to the drudgery of the investigations that this bill required. [Applause.] He has brought his knowledge of the Army, acquired from long service on the Military Affairs Committee, to aid him in making this investigation, and has been prompted solely by a desire to relieve the burdens of the taxpayers of this country without in any wise impairing the national defense. [Applause.] And I join with my colleague, the gentleman from Mississippi [Mr. SISSON], in paying tribute to my Republican associates on the subcommittee, who, with Mr. ANTHONY, have rendered patriotic, faithful, and diligent service in making the necessary inquiries.

My colleague and Democratic leader [Mr. SISSON], for years a member of the Appropriations Committee, has long earned a reputation for stern economy in the expenditure of public money, which he has exemplified throughout the hearing on this bill.

The question of most interest which arises on this bill is the size of the Army, but the underlying principle involved is not of prime importance. For some years a controversy was waged whether or not the defense of this country should be mainly in a large standing Army or in the training of our citizen soldiers. Secretary Garrison at one time advocated a Regular Army of 500,000 men, and Secretary Baker, backed by Gen. March, an Army of 576,000 men. But this House has stood firmly against all propositions looking to a great Military Establishment. [Applause.]

In 1916 the national defense act committed this country to the policy of a small Regular Army, the military training of civilians, and the development and organization of our State Militia into the National Guard. In the amended act of 1920 the same general principle was insisted upon. Jefferson years ago advocated the same principle. In speaking of military training for the citizens, he wrote Col. Monroe, afterwards President: "This was the case with the Greeks and Romans, and must be that of every free State. Where there is no oppression there will be no pauper hirelings. We must train and classify the whole of our male citizens and make military instruction a part of collegiate education. We can never be safe until this is done."

And so it has become the fixed policy of this country that we are not going to have a huge standing Army in order to defend the country, but will depend upon the units that comprise the citizen soldiers of the country.

The size of the Army is determined not as the main reliance of our defense but by the requirement for garrison, police, and training service. There may be a variety of opinion as to the proper size, but no great principle is involved. Last year the War Department insisted that an army of 150,000 meant national disaster. The House, however, only provided for this number, and the Army has been reduced below 150,000 and is now only 130,000, and yet the country has suffered none of the foretold evils. A few weeks ago the Secretary of War testified before a subcommittee that the irreducible minimum was 150,000. If the committee should fix a smaller number he predicted the foundation of the Republic would crumble. And yet only to-day I see in the press reports that Secretary Weeks himself says that the country can get along with an Army of 130,000 men.

So that in a few weeks' time the Secretary of War has changed his view as to what should be the irreducible minimum size of the Standing Army of this country by 20,000 men. I agree that there is an irreducible minimum and I think this bill has reached it. If we do not have a sufficient number for garrison, police, and training service the money we do appropriate is in great part wasted. But what constitutes that minimum is a matter of simple investigation and arithmetic. It involves no great questions of policy. We propose in this bill an Army of 115,000 enlisted men and 11,000 commissioned personnel. I do not believe we could safely go below those figures. But that there could be any possible danger of a national disaster in coming to those figures can not be shown or demonstrated, according to my view. On the contrary, it plainly appears that, so far as garrison and police service is concerned, if the announced purposes of the War Department are carried

cost, we will have more men in this country than can possibly be required for such purposes. The men who will be brought home to this country from foreign services will place in continental America a larger permanent force than has ever existed.

The War Department has announced its purpose of bringing home from Germany 7,500 troops, and that 5,000 or 6,000 are to be brought from Hawaii, and that 4,000 or 5,000 troops or more will be brought from Panama, and 600 from China, and several thousand from the Philippines, so that we shall have in this country a stronger armed force than exists at present.

In passing, I regret to say that, under the rules of the House, the committee had to appropriate for the pay of the commissioned personnel according to the salaries fixed by the act of 1908. For my part, had I been free to do so, I would have been glad to have voted to continue the salaries now received by the Army officers. But the law fixing these salaries expires by limitation on June 30, 1922, and the salaries of 1908 automatically are reinstated. An appropriation committee can not consider matters of legislation, and we were perforce limited to the salaries fixed by law.

I understand the matter will be brought before the House by the proper committee. Owing to the advance in all matters affecting the cost of living, these salaries are grossly inadequate and unjust. This great and rich country should not subject the Army officer, who has charge of the defense of its wealth and prosperity, to the suffering, humiliation, and almost degradation of these wholly inadequate salaries.

But besides garrison and police service the Army furnishes the ready means for the instruction of the civilian reserve. The Army furnishes instructors in the schools and colleges, in the civilian training camps, in the Reserve Army Officers' Corps, and to the National Guard. The most important branch of the national defense is that furnished by the National Guard. The policy of the present bill to the National Guard is one of great importance. It should not be forgotten, however, that the National Guard organizations are State troops. Until taken into the service of the Federal Government they are not subject to Federal control. Each State provides for and controls its own National Guard. It is the national policy to aid in the training and development of the National Guard, but the National Guard is no part of the Army. Again, it should be remembered that the National Guards are civilians. They are men engaged in civilian life with military service only an incident.

The Army Staff has undertaken to organize the National Guard on a great national scale. The National Guard units can not organize to meet the requirement and needs of the State, but must organize to meet the requirements of this great national organization. A State may require a company of infantry, but it can not organize, if the Army Staff organization needs an ambulance corps. The result has been the organization of highly technical units for which the National Guard system is not adapted at any great expense to the National Treasury. Such units require the service of men who devote their whole time to the work. Thus, the National Guard has its units of infantry, its units of cavalry, its tank corps, its air service, its field artillery, organized on national lines into divisions, corps, and so forth. At present the strength of the National Guard is 142,000. Of these, 84,000 are infantry, 23,000 are field artillery, 4,446 are engineers. The air service is 607, the medical department 2,500, the antiair service 3,100, the cavalry 12,600, and the coast artillery 6,100.

The following table gives the respective cost of maintenance per man, which does not include the initial cost of $375 per man:

Cost of maintenance (exclusive of equipment) per year; and including armory drill pay, total camp expenses, animals and their forage and caretaking (animals only included for cavalry and horse-drawn artillery batteries), and general expenses.

Organization.	Strength.		Tribal cost.	Cost per man.
	Officers.	Enlisted men.		
Cavalry troop	3	[illegible]	[illegible]	[illegible]
Artillery battery (horse-drawn)	4	114	28,407.65	[illegible]
Artillery battery (motorized)	4	114	21,137.35	179.93
Infantry company	3	[illegible]	19,612.84	154.37
Medical detachment	5	[illegible]	5,961.80	[illegible]
Tank company	5	[illegible]	[illegible]	174.54
Ambulance company (animal-drawn)	2	[illegible]	7,339.22	[illegible]
Ambulance company (motor-drawn)	2	35	6,102.78	152.77
Air service, observation squadron	25	[illegible]	[illegible]	
Signal company	6	120	22,967.21	147.32

The cost per man is $210 on the average, and the sum required to support the 142,000 men so organized is $30,000,000——

Mr. HULL. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. HULL. Is it the idea of the committee to have some of these technical units demobilized?

Mr. HARRISON. We leave that to the States. The National Government really has no control of the National Guard. They are State troops. But the question comes up whether we are willing to go into the Federal Treasury to support these expensive units, which we consider unduly expensive, in view of the fact that the National Guard is only a temporary force. By temporary, I mean essentially composed of civilians.

Mr. HULL. Will the gentleman yield further?

Mr. HARRISON. Yes.

Mr. HULL. On page 1304 of the hearings Gen. Rickards says he must have $30,000,000 to support the present National Guard.

Mr. HARRISON. I said so.

Mr. HULL. And you have appropriated only $20,000,000.

Mr. HARRISON. We appropriate $21,000,000, and give them $11,000,000 of supplies in addition. And in Gen. Rickards's estimate of $30,000,000 required for 142,000 men there is an estimate for the support and maintenance of 8,000 horses that are eating their heads off the whole year round when they are for the use of civilians occasionally given to military training. An Army trooper takes care of his own horse, but for the horse of a civilian trooper there must be a caretaker paid for out of the national purse.

Mr. HULL. But 8,000 horses do not cost $9,000,000, and you have not provided for the armory drill and summer maneuvers of the National Guard. You have demobilized them.

Mr. HARRISON. You will find that the expense of each character of service is given in the hearings, as before stated by me, and that for infantry drill and for the necessary tank corps and field artillery the cost is $154 a man, but when you come to the question of taking care of the cavalry it is over $256 a man.

Mr. HULL. According to the testimony you do not expect all of the National Guard to have summer maneuvers?

Mr. HARRISON. We expect the National Guard to be taken care of. We do not cut them out entirely. We appropriate for 4,000 horses and furnish their artillery and furnish their cavalry; but the testimony of Gen. Rickards himself is that 12,000 cavalry are entirely out of proportion to the 84,000 infantry. And why should this Government, when these men are out for a few days' parade service each year, maintain the horses and caretakers for all the months that these men are not in the military service?

Mr. HULL. Then the committee must intend to demobilize some of these cavalry and artillery units?

Mr. HARRISON. We are not going to demobilize them. That is up to the States.

Mr. HULL. It is up to the Militia Bureau, and they must be guided by the appropriation made by Congress.

Mr. HARRISON. The States can demobilize them. They are State troops. We expect to keep within reasonable appropriations to make them effective if the Federal Government should ever need them; but certainly it is not in the interest of economy for the National Government to take charge of these National Guards and maintain the necessary equipment during the months that they are not in the military service.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. FAIRFIELD. I am very much interested in the gentleman's discussion of this thing, and I would like to know, if the National Guard were disbanded and not considered an arm of the national defense, whether the 115,000 men in the Regular Army would be considered sufficient for the defense of the country?

Mr. HARRISON. The National Guard is of the greatest importance; but we can not enlist men in the National Guard. That is a matter that is done entirely by the States. They are merely supplementary adjuncts to the Regular Army, and as such citizen soldiery must be trained. That is the only possible excuse for this Government taking care of them.

Mr. FAIRFIELD. Are they considered a worthy adjunct of the national defense?

Mr. HARRISON. Oh, splendid, fine; but if you organize them into a regular army you might as well ask that they be put into the Regular Army.

Mr. FAIRFIELD. Does the gentleman mean to say that we had better increase the Regular Army and disband the National Guard?

Mr. HARRISON. We do not disband them. As I say, it is a matter for the States.

Mr. FAIRFIELD. It amounts to the same thing if you do not appropriate for them.

Mr. HARRISON. I say, as I said in the beginning, that I believe the surest and best national defense is the National Guard, and I believe we ought to encourage the National Guard organization in every way, and furnish them the necessary drill; but there are certain expensive technical units in that National Guard that can well be left to the States more economically to be taken care of than by national appropriations.

Mr. FAIRFIELD. I am very glad to have the gentleman make the statement that he believes the National Guard to be a valuable arm of defense, because I had a misconception of his opinion from his statement that the National Guard is only temporary.

Mr. HARRISON. They are not soldiers. They are citizens and business men. They have other daily occupations. But under the Army Staff regulations the cost is unreasonably increased by highly technical and expensive units not adapted to such a system.

Mr. HULL. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. HULL. Do the committee intend to encourage the National Guard to continue to develop?

Mr. HARRISON. We do.

Mr. HULL. Gen. Rickards, on page 1305, says that $30,000,000 will support the present National Guard and allow of no further development. You have given them an appropriation of $20,000,000 and then you say that you are encouraging the National Guard. Now how are you going to pay the National Guard?

Mr. HARRISON. If we should encourage the National Guard in accordance with the methods recommended by Gen. Rickards, we would have to increase the appropriations, as he himself stated, to $48,000,000. He says that $30,000,000 only keeps up the National Guard to what it is now. I again repeat what I have just stated, the cost of the National Guard is unduly swollen by attempting its organization into expensive and technical units.

Mr. HULL. You made a cut of $10,000,000.

Mr. HARRISON. The appropriation for 1921 gave them uniform supplies, and it was charged to the appropriation other than the Regular Army supplies. But we give them supplies estimated at $11,000,000, which are not charged against their appropriation.

Mr. HUDSPETH. Will the gentleman yield for a short question?

Mr. HARRISON. I will.

Mr. HUDSPETH. What is the difference between the appropriations in this bill and the last or current appropriation?

Mr. HARRISON. When the last appropriation was made we did not have as many troops, and this is in excess of last year. I do not remember the exact amount.

Mr. HULL. I think the gentleman is mistaken.

Mr. HARRISON. I may be, but I think the National Guard is increased in numbers to 142,000, and last year I do not think we had more than 100,000. That is my recollection. Now, the average cost per man in the National Guard is $210 a year, without his equipment, and that is something about $375. So that we have appropriated for about the same amount that is asked for, $30,000,000, and we have provided that $21,000,000 of it shall be in money and the rest of it shall be in supplies from the surplus stores of the Army. Why should we go out and buy supplies which the Army already has? We furnish them support in the way of supplies rather than in the way of actual appropriation. I believe if the gentlemen of this committee will investigate, they will find that the appropriations in this bill will amply take care of the National Guard, because that was the desire of every member of this subcommittee, that they should be taken care of and amply taken care of. But why support 11,000 or 12,000 horses and these caretakers of the horses, which is an additional expense attached to the motorized field artillery, as it is called? All this additional amount and expense will naturally attach to this expensive unit when that matter can be more readily and economically left to the State.

Mr. SMITH of Michigan. How many are there in the National Guard?

Mr. HARRISON. One hundred and forty-two thousand, of which 12,000 are cavalry.

Mr. SMITH of Michigan. The horses of the cavalry unit belong to the Government.

Mr. HARRISON. Yes; and they ask for 8,000 horses; they want 3,000 additional. We have provided in this bill for 4,000 horses which will take care of the units as they are now.

Mr. SMITH of Michigan. It is the policy of the Government to encourage the National Guard, is it not?

Mr. HARRISON. Yes; and all the way through we have endeavored to do it.

Mr. McKENZIE. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. McKENZIE. I think I agree to a large extent with the gentleman from Virginia in connection with the National Guard organization. But I want to ask this question, if he does not believe that when the Appropriation Committee undertakes to prescribe how the National Guard shall be organized by limitation, it is indirectly seeking to do what should be the province of the standing committee of the House, and that if that course is pursued by the Committee on Appropriations, what becomes of the other committee of the House?

Mr. HARRISON. If that was the case, the provision would be subject to a point of order, but we have kept within the limitation of the rules of the House by not making appropriations not within the jurisdiction of the committee.

Mr. HULL. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. HULL. A short time ago in answer to a question by the gentleman from Texas [Mr. HUDSPETH] the gentleman from Virginia said that the committee had increased the appropriation for the National Guard. I call the gentleman's particular attention to the fact that the committee has decreased it $4,400,000 and they have got 50,000 more to provide for.

Mr. HARRISON. I called the gentleman's attention to the fact that that was in money, that by making the appropriation in money and the balance in supplies we have increased the appropriation. Now, Mr. Chairman, my time is expiring and I want to say a few words on the other side. Under the present bill the enlisted strength of the Army is about what was its prewar strength. Indeed, with the additional units, such as air, tank, machine gun, which the war has made essential, the enlisted strength of the present bill is virtually less than prewar strength. It would be, in my opinion, however, a national calamity to permit the Army to drift back to prewar conditions. When the war broke out this country was woefully unprepared. We had only about 5,000 commissioned personnel, and it had to meet the exigencies of an Army of 4,000,000 men suddenly called to the colors. We barely had the necessary officers to drill the young men who were selected as emergency officers. Our splendidly educated officers, qualified for military service to take charge of the Army in time of battle, had to devote themselves to military drilling. Now, if we cut down the commissioned personnel you are coming dangerously near having the same conditions again. We do reduce the commissioned personnel 2,000, but that was necessary, in my judgment, in order to procure proper ratio between the different grades of officers. We have an Army of 139,000 men without a second lieutenant in it. We have colonels for an Army of 280,000, lieutenant colonels, majors, and captains, but when it comes to the essential officers to take charge of the line, the second lieutenants, we have actually no second lieutenants. Perhaps there may be 20. We should have all the second lieutenants the Army requires, and this perhaps is just as essential as having all the colonels an Army of 280,000 requires. The Secretary of War says that the law required the keeping of the colonels, and so forth, to the full authorized complement. If such is the case we correct it by changing the application of the money appropriated. The cut in the Army personnel is sufficient to make the proper correction.

We furnish officers to train in the schools and colleges, in Reserve Officers' Training Corps, in the civilian training camps, in the National Guard. All strictly in the line of suggestion of Thomas Jefferson.

If war comes we should have officers to meet the necessary expansion. Never again should we have to make drillmasters of our highly trained officers and send our raw recruits into battle under inexperienced and ill-trained officers which the emergency required. It is hard to estimate the loss of young American manhood due to the exigencies which our unpreparedness in the Great War entailed. We should never forget the lesson that the war calamity taught us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, the American public, the American Legion, and the American Government are united in the opinion that the dependents of the soldier and the disabled and sick soldier shall have the best and most generous treatment that a grateful public can give.

For these there must be no limit in our appreciation. We can not pay our obligation in dollars alone. To Government aid must be added sympathetic and personal interest, the word of cheer, and entertainment.

Our provision for this class of our soldiers will be extended very largely; but there is another class which is not covered by the present law.

The report of the Director of the Veterans' Bureau, under date of March 1, 1922, shows 332,113 claims for compensation have been disallowed.

These claims are divided into two classes: First, claims for compensation due to disability numbering 230,758, and, second, claims for compensation due to the death of the ex-service men numbering 101,355.

In the first class claims were disallowed because in the main the soldier could not prove to the satisfaction of the bureau that his disability was the result of his service.

In a majority of these cases the bureau admits the man is disabled but decides that it is powerless under the law to recognize the disability as being of service origin because sufficient proof has not been submitted.

The second class is for compensation caused by the death of the ex-service man, for which applications are filed by the widows and dependent parents.

This class of claims has been denied because sufficient proof has not been filed to convince the bureau that the death was due to a disease or injury received while a member of the military or naval forces.

I am handling many hundreds of these claims. One of my secretaries devotes practically his whole time to such matters; and in many cases I can not agree with the findings of the bureau, and it is my custom to exhaust every means to procure a settlement before finally yielding to the decision of the bureau.

When we consider the veterans of the Indian wars, the Mexican War, the Civil War, and the Spanish War and the allowances made for pensions for widows and service pensions, amounting to $250,000,000.00 annually, it is but common justice to push with all energy the claims of the widows and dependents of the last war.

So in considering this new matter we find: Those who are clearly classified under the Veterans' Bureau; those who will come under the new adjusted compensation law when passed; but still a third class, which is already represented by 332,113 claims, which is not covered by any law.

The bill under consideration was intended to give to the ex-service man of the World War who does not come under the above classes an adjusted compensation, sometimes called a bonus.

Of the 4,500,000 ex-service men, approximately 1,000,000 presented a bill to Congress or expressed a desire which culminated in the preparation of a bill containing five elements:

First. A cash compensation;
Second. Paid-up insurance;
Third. Vocational training;
Fourth. Farm or home aid; and
Fifth. Land-settlement aid.

The bill approved by the American Legion is not the one now submitted by the Ways and Means Committee of the House.

Plan number one, submitted by the American Legion, which was variously estimated would be selected by from 75 to 95 per cent of the ex-soldiers, has been abandoned by the committee. Therefore it can not be said by anyone that the American Legion or its various post commanderies have indorsed the bill now under consideration. In fact, unless they have received a copy of the bill within the last few days, they have not even read it, and there has been no opportunity for indorsement.

The bill is opposed by the President, the Secretary of the Treasury, the comptroller, and is not approved by the Governor of the Federal Reserve Board. It has so far not received the indorsement of a single high official.

Wherever the taxpayer has been heard from, it has been in opposition to the bill, and, unless the executive officers of the American Legion will personally assume the responsibility for indorsement of this new measure, it has been reported in opposition to the wishes of all the executive officers of the Government, of the taxpayer, and not in accordance with the desires of the American Legion.

An attempt will be made to present it under a rule which prohibits amendment and will limit debate to 20 minutes favorable discussion and 20 minutes opposition, when the bill itself could not even be read in a leisurely manner in 20 minutes.

The bill will pass the House, because it is the only bill presented for its consideration and because under the rule it can not be amended or changed.

Members are limited to a vote of approval or disapproval without opportunity for explanation or chance to amend in conformity with the wishes of what might be the majority of the House.

If President Harding does not change his express declaration he will veto the bill, unless it is radically changed in the Senate, the financial adviser of the Government, the Secretary of the Treasury, and the Comptroller of Currency selected by him having both opposed it.

The impression may be temporarily created, for primary and election purposes, that the bill is to become a law, but there are few in the House who believe it will be passed in its present form by the Senate and that if it is passed it will receive the approval of the President.

It is equally certain that if the President does veto the bill, the House can not muster the necessary two-thirds vote to pass it over his veto; so that one of two things are quite obvious:

Either the President must back up and yield to the House, or the House must back up and yield to the President.

In the meantime the country is left in uncertainty and the wishes of the American Legion are made a football to be passed between the executive and legislative branches of our Government.

The subject naturally falls, in the matter of interest, into three subdivisions—the soldier, the taxpayer, and the Government—and I shall attempt to give the reasons why the bill will be unsatisfactory to all three.

THE SOLDIER.

The bill on its face proposes to pay for adjusted overseas service $1.25 a day, with a maximum limitation of $625; to pay for adjusted home service $1 a day, with a maximum of $500.

This looks good on its face, but the soldier, having computed his number of days' service and examined the benefits provided, will find that—

1. Only those men whose total compensation is $50 or less will receive cash. This means that the men who served the shortest time, had the least service, and made the fewest sacrifices will be the first paid, and the only ones who will be paid in full in cash.

2. The veteran, then, has his choice, and only one choice, of five different methods of payment: The first a 20-year insurance policy, payable in 1942, with a borrowing value of 50 per cent of its total if presented before September, 1925. If the veteran borrows and fails to pay back the loan, it will be forwarded by the bank to the Government and the balance will be held for him or his heirs for 20 years, or until the year 1942.

If he desires to borrow he must, under a plan yet to be devised by the Secretary of the Navy and the Secretary of War, make his note for 50 per cent of the amount due him, present it to some bank or trust company, be properly identified, present his note accompanied by his certificate, and then, if the bank desires to loan him the money (a matter which is entirely optional with the bank) he may, after identification and the presentation of his personal promissory note and the Government's certificate, borrow 50 per cent of his insurance policy. For this he must pay the then rate of interest charged on commercial paper, the only limitation being that the rate of interest shall not exceed by 2 per cent the rate of commercial paper on that date.

Of course, 10 different schemes will be devised, by way of commission for the inducement of expediting payment, to make this interest any amount which the institution or "go-between" may determine.

It is estimated that the average value of the paid-up insurance will be $325. This would give it a loan value of 50 per cent, or $162.50.

It must not be understood that each veteran will receive this amount. Approximately one-half of the amounts paid will be less than this, varying from $162.50 down to the $50, which amount and below which amount will be paid in cash.

This insurance feature will be accompanied by conditions, exceptions, bookkeeping, red tape, affidavits, and so forth, which will keep a small army of clerks busy for 20 years.

The recording, correcting, marking of changes of residence, keeping a record of the different amounts of loans, the different interest of each loan, the payment and nonpayment of loans, and continuing this record for 20 years, with records of deaths in the interim, will require an immense bureau and prove of tremendous expense.

Instead of the Government paying in cash, by one transaction, direct to the soldier, the banks of the country will, through patriotic motives, be compelled to advance this money. It will take from circulation and "freeze" at least $300,000,000 of the banks' assets for a period of three years, withdrawing just this amount of available money and credit from the use of the farmer, the merchant, the manufacturer, and the business man generally, creating a higher rate of interest and adding to the difficulties of a national financial situation which has now begun to adjust itself.

This method of payment will be the one, in my opinion, which will be asked for by 85 per cent of our soldiers, will be troublesome and harassing to the soldier, embarrassing and annoying to the bank, increase the general interest rate of borrowers throughout the United States, and place on the Federal Government an extensive and enlarged bookkeeping and accounting system. It will be objectionable to the soldier, injurious to the banks, and expensive for the Government.

But a very small per cent of veterans will accept vocational training, and how any man can be expected under the farm or home aid to be tempted by that proposition is beyond my comprehension.

The limited amount of money which he will draw will hardly permit him to pay for a team of Missouri mules. He could not buy a house, put a fence around his few acres of land, dig a well, or buy farm implements; nor would it permit him to have enough money to carry him through the period in which his crops were growing.

The last proposition of land settlement aid will have no attraction whatever for any ex-service man in my district.

Public lands have been "picked over" for 100 years, and what is left in the Western States is either mountainous, arid, or unfit for cultivation, and at best could be used only for grazing purposes. Grazing requires a large acreage and a large investment in cattle and equipment.

It would take nearly all of the average man's bonus to travel from the Eastern or Central States to the point of destination and take his family with him.

It would never be successful excepting by a large movement of population, which would involve the breaking of home ties and a leap in the dark for many a poor fellow who feels the call of land.

If we had suitable public lands at a low price for actual settlers, this last proposition might be practical for a very small per cent of ex-service men.

If either of the land options are considered in large numbers, it will mean the creation of a national board and expensive machinery to supervise, direct, and control improvements, and will necessarily result in clouded titles, lawsuits, and irritation, which will take not only all profits but all the joy out of life in attempting such a venture.

I am satisfied that none of the ex-service men in my district would consider anything but cash, possibly a few the vocational training.

If the ex-service man needs anything it is cash money to tide him over the necessities of the hour, to purchase such things as his fancy or his necessities dictate. He will want to use his own judgment as to expenditures and not have the dictation of the Government as to how his money shall be spent.

When he finds that he is not to receive cash but only security which can be used with a limited borrowing value, and that this security is nonnegotiable, the ex-service men will not be satisfied. He will be disgruntled, irritated, and angry.

The whole Government machinery necessary for such a loan is complicated, will occasion long delays, frequent trips to a bank, accompanied by witnesses—and possibly the banks will require affidavits—and all supervised by a costly system of inspection and Government red tape.

It is, of course, possible during the coming primaries and election to describe in glowing terms this supposedly generous conduct of the Government, but when the ex-service man actually attempts to make his collection and finds that he has been treated as a ward of the Government, intrusted with but 50 per cent of his money, and that under complicated conditions for its use, and the balance held for 20 years, he will not feel grateful.

If the Government intends to do this thing, why can it not be done gratefully, graciously, and honestly?

There is a possibility that some votes may be influenced in the year 1922, but it is quite certain that there will be a strong reaction and resentment in the year 1924, so that possibly the President may be right in two ways: First, politically; and second, in his consideration of the welfare of the soldier and the welfare of the taxpayer.

THE TAXPAYER.

Turning from the deceit practiced upon the soldier, let us give some consideration to the taxpayer.

The taxpayer I mean is the citizen who stayed at home and paid and gave with hearty good will—the men and women who fully did their "bit."

The taxpayer who in his way did his best even as the service man did his best.

This Congress has not pointed out the way to reach the war profiteer, and he will not have my sympathy nor the sympathy of the average taxpayer if he is reached, because none will have a kind word or lift a protecting hand for the man who made money out of misfortune while they gave "until it hurt" and the soldier risked his life.

The taxpayers to whom I refer are the men and women who subscribed to the Red Cross, the Knights of Columbus, the Salvation Army, the Y. M. C. A.—to everything that could be suggested; who bought Liberty bonds until their savings accounts were exhausted and saw them go down 15 points, and in many cases were forced to sell at a loss; citizens whose businesses were disorganized, whose savings accounts disappeared, whose professions were neglected.

Citizens who could not borrow upon their real estate; who could not borrow money from the banks except at ruinous interest; whose business was restricted and controlled by the Government, while raw materials went to Europe, sending up the prices at home.

Some of the best assistants of these taxpayers were drafted, disorganizing the force upon the farm, in the factory, in the office, and in every vocation in life.

The men and women at home did their part and made their sacrifices. Their efforts may be soon forgotten while our boys who wore the uniform have received the praise, the glory, and the public applause.

Let us be fair with this great army of men and women who stayed at home and did their "bit"; who put clothes on the backs, food in the stomachs, and guns in the hands of the men who served; to the women who knit socks, rolled bandages, planted war gardens, and made war bread.

We must not forget the men who served upon the draft and returning boards, laid aside their businesses and professions at great financial sacrifice.

We must not forget the Four-Minute speakers who warmed the blood and kept the fighting and sacrificing spirit alive.

We must not forget the actors, actresses, singers, and entertainers who laid aside engagements paying large sums of money to give the best they had to stir the public and cheer our men.

We must not forget that small army of teachers of conservation, thrift, and domestic economy, who made the household save so that food and clothing could go faster to the fighters.

We can not forget the prayers in the churches, the sleepless nights, the sad hearts, the long lines watching the bulletin boards, the agony of suspense, the vacant chair at home, the reduced income, the added expense.

While there was glory in the Army, there was a quiet glory at home that came with sacrifice not so conspicuous, but almost as great as those who went to the front.

Military morale is dependent largely upon civil morale, and the civil morale of our Nation was perfect.

We must remember that when the German civil morale broke German military morale gave way, and the men and women who stayed at home and preserved our civil morale should be considered in the afterwar settlement.

Some of these things will fill fine pages of our history and, dividing somewhat the credit of our soldiers and sailors, they secured the respect of the world; and this respect for the United States at home in civil conduct, added to the renown won by our soldiers abroad, will be the best guaranty against future wars.

These taxpayers at home gave our boys better food and clothes than any other nation.

While England paid her soldiers $11.40 a month; France, $1.50; Japan, $1.78; Italy, $1.58; we paid our boys for overseas $33, and for home service $30.

While England allowed for total permanent disability $376.48, Canada $540, France $314, Italy $55.44, we gave $1,200.

In addition to the $60 given each soldier and sailor upon his discharge, amounting to $256,239,900, we assumed an insurance liability—exclusive of premiums paid by soldiers—of $860,154,495.65.

We had a casualty list of 205,000 men; England, 1,400,000; and France, 1,800,000. Actually on the front we had 2,805,000 men; England, 9,000,000; France, 9,500,000.

And yet the taxpayer at home paid for soldier benefits more money than the combined expenditures of both France and England, despite the fact that the combined casualties of these countries was fifteen times greater than our own.

The taxpayers are paying in cash every day $1,000,000 for ex-service men and their dependents.

The hospitalization bill is $78,000,000 a year; vocational training, $180,000,000. We have allowed 388,069 compensation claims, amounting to $310,969,181, and have not completed the work.

We have allowed 148,000 insurance claims, amounting to $1,521,673,335, of which $297,627,510 has been disbursed.

The "stay-at-homes" created for the purposes of the war a national bonded indebtedness of $23,000,000,000, of which we must pay $6,000,000,000 within 15 months. The annual interest on these bonds is $1,000,000,000, and it is estimated that now each family carries an additional war burden of $1,000.

The taxpayer does not complain of these expenditures, nor will the voice of a single decent man or woman be raised against an extension or increased cost for sick, disabled, or dependents.

But these taxpayers are entitled to know how much money adjusted compensation will cost, who will pay it, and when it will be paid.

They should know, so they may adjust themselves to the duty of meeting the expenditure when it comes. In other words, they must be thought of at the same time we are thinking of the ex-service man.

We have been discussing the national effort to do the right thing by the right-thinking taxpayer through the National Government.

STATE TAXPAYER.

Some mention must be made and credit given to the taxpayer's contribution through the State.

The general tax rate in nearly every State in the Union has increased, and, in addition, 24 States have voted bonuses amounting to $360,539,200 to be given to our service men.

In addition to these direct bonuses, many States have given exemptions and benefits of various kinds. Some give civil preference to veterans, certain exemptions from taxation, special aid to education, assistance in buying homes, and legislative assistance in procuring employment.

All of this was supplemented by thousands of volunteers who supported private organizations designed to help.

This is a fine record of the State taxpayer which will even yet be improved upon.

We must remember that the taxpayers in these 21 States will, in addition to the $360,539,200 voted by them, pay their full share of the national expense equally with the 24 States which have not contributed directly to the ex-service man.

The soldier paid the highest price for the war in risk and sacrifice, but we must not forget or belittle the sacrifices and the price paid by the taxpayer who did his work at home.

There were shirkers and "slackers" in the Army and there were shirkers and "slackers" at home. These are known in their respective communities, and will each receive the severest punishment possible; that is, the contempt of neighbors and associates.

I have been speaking of the 95 per cent of our men and women who did the fine, square thing both in the Army, the Navy, and at home.

THE CONFLICT.

There are three phases of war, all part of the whole—the preparation, the conflict, and the return to peace.

We went through the period of preparation with speed and efficiency. We carried to the conflict soldiers that amazed Europe with their courage, individuality, resourcefulness, and strength.

Instead of wasting time in exchange of diplomatic notes, if we had settled the war in the way of Grant and Lee, in the old-fashioned chivalrous way, the return to normal would have been accomplished, our Government would have known where it stood, trade and friendly relations with the enemy would have been restored, foreign exchange would have been adjusted, and business would now be proceeding with some degree of certainty.

When our soldiers were demobilized, instead of giving them $60—which would hardly get them back home with a new civilian outfit—we should have been more generous, as generosity at that time was needed most, and the failure to be liberal then is the basis for an adjusted compensation for these men who have suffered through loss of business and loss of occupation by reason of their service.

To-day, having passed through the preparation and the conflict, our National Government is faced with tremendous difficulties.

This period of readjustment and return to the normal will require upon the part of our officials the same courage, the same determination, and the same clearness which was required to take us through the other periods of the war.

If this is lacking there will be delays, uncertainties, wasted money, and "normalcy" will be a long way off.

The Government does not know where the money is coming from to pay its present bills. It does not know what real value can be attached to its $10,000,000,000 loaned to our allies—whether it will be paid even in part, or when, or even if the interest will be paid.

It has not cleared away the useless ships and war materials.

It can only guess the amount of its annual income.

The year's return from income taxes are not complete. What they will bring no man knows; but it can be reasonably surmised that they will be far less than they were for the year 1921.

We have only a temporary tariff tax; even the question of valuation has not been settled.

Internal-revenue taxes have been practically wiped out, and the cost of prohibition enforcement is running into startling figures.

In the meantime, in order to curtail and make Government expense balance with Government income, appropriations for rivers and harbors have been reduced.

The Army is being reduced and thousands of men will be out of employment.

The Navy is being reduced and thousands more will have no work.

Thousands of shipbuilding employees were discharged overnight without notice.

The appropriation for national highways has been cut. National irrigation and drainage programs have been suspended. Eighteen billions in railroad properties are facing readjustment or bankruptcy.

Not one of the great domestic problems has been settled.

The farmer is dissatisfied and uncertain of his future.

Four million men are idle, factories are closed, strikes threatened, a coal shortage predicted, banks crowded with "frozen" paper, and no man is certain of his industrial future.

We have a national war debt of $23,000,000,000 and each family is $1,000 poorer.

Sixteen billions of nontaxable bonds have been withdrawn as a source of Government revenue.

The people of the United States selected Mr. Harding for President and to him was given the control of the executive branches of the Government. He called to his assistance Mr. Mellon, an experienced financier and banker. He called to his assistance as Comptroller of the Currency a man of high repute and experience, Mr. Crissinger.

These three men, upon whose shoulders will ultimately rest the failure or success of our financial policy, have unanimously recommended that Congress shall provide the revenue for $1,200,000,000 to be paid by January 1, 1926, and a total of approximately $3,500,000,000 to be met in 1942, knowing that about the same time we will have to take up and cancel $11,000,000,000 in Liberty bonds.

If banks must refuse their regular customers or refuse the soldier, it is an embarrassment which should not be placed upon them.

If business can not borrow it will break and all classes will suffer.

The comptroller tells us that banks are carrying paper now long overdue in order to preserve financial stability in the country.

There are signs of returning prosperity.

Are we justified in endangering or destroying this pleasing prospect, especially if we do so over the protest and against the advice of the President of the United States, the Treasurer of the United States, and the Comptroller of the United States, who have charge of our financial system?

CONCLUSION.

We can not separate our 4,500,000 soldiers from the rest of our 100,000,000 citizens. An injury to one is an injury to all.

This bill will not satisfy the soldier. It will not fool the taxpayer. It will not improve a critical national situation.

The passage of this particular bill means delay for the soldier, uncertainty for the taxpayer, and confusion in national administration. [Applause.]

Mr. ANTHONY. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. KAHN]. [Applause.]

Mr. MILLER. Mr. Chairman, I am sure many Members of the House would like to hear the gentleman from California, he being certainly the best and closest student of military affairs in this body, and I therefore raise the point of a quorum being present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eleven gentlemen are present, a quorum.

Mr. KAHN. Mr. Chairman, history always repeats itself. Let me read you an extract from Hazlitt's "Life of Napoleon."

> The first consul had hoped for the duration of peace. He had, indeed, been so little apprehensive of a recurrence to a state of hostility that he had granted an unlimited leave of absence to every French soldier. * * * and the infantry regiments were nearly reduced to skeletons. The Cavalry in like manner had been suffered to dwindle away to almost nothing. The parks of artillery and field equipages were broken up. Every other consideration had given way to economy.

That is an extract from Hazlitt's "Life of Napoleon," and this occurred when Napoleon came back from Egypt and proclaimed himself first consul. It was December, 1799. In three years came that terrific war with England, and the French armies became larger than ever. The French commanders realized what a mistake had been made by discharging the men of the army and letting them return to their homes whether they were required or not. They realized what a mistake had been made in the name of "economy." I merely cite that instance as showing what was done over 100 years ago and what this committee of this House is trying to do practically 125 years later.

The prime mission of the Regular Army as fixed by the amendment of the national defense act, approved June 4, 1920, and as recognized by Congress in its appropriation act for the Army, approved June 30, 1921, may be summarized as follows:

To provide for the Regular Army.

To provide for the National Guard.

To provide for the Organized Reserves.

To provide for the reserve officers' training camps.

To provide for citizens' training camps.

To provide for our garrisons in peace and war for our overseas possessions.

Lately it has seemed to become profitable on the part of a good many of the men in Congress to insist on cutting down the allowances for our Army and Navy. Economy is the watchword of a good many legislators. But let me call the attention of the House to the fact that false economy is the poorest kind of economy.

Prior to our entrance into the World War our national debt was only about $1,090,000,000. By reason of our lack of preparedness we were compelled to expend during the 19 months we were in the World War the startling sum of $24,000,000,000. The generations to come after us will groan under the burden of paying the taxes to meet the cost of that World War.

But what had the country done in the years immediately prior to the World War to try to build up our Army? The national defense act was signed by President Wilson on June 4, 1916. It passed the House by a vote of 403 to 2.

Almost every Republican in the House stood with the Democratic President to build up a proper force for these United States, and I commend the actions of the Republicans in that Congress.

Mr. SMITH of Michigan. Will the gentleman give the date again?

Mr. KAHN. That was 1916.

Mr. SMITH of Michigan. What month?

Mr. KAHN. It was March 23, 1916. The page in the CONGRESSIONAL RECORD is 4731.

Republicans and Democrats joined in passing the measure through the House. It was believed that this measure was a great step in advance of anything that the United States Congress had ever written upon the statute books regarding a military force. Under this act there was provided a force for the line of the Army of 175,000 men. In addition to that, the Staff Corps attached to the Quartermaster, Medical, and Signal Corps aggregated 43,000 men. There were also unassigned recruits and Philippine Scouts totaling 21,000 men. In other words, that act of June 3, 1916, aggregated a total of 239,000 men.

And then we were at peace with the world. We had not joined the World War, we had no war with anybody, and yet we decided to provide for a peace army.

Mr. ROGERS. I desire to ask the gentleman if that figure included officers as well as men?

Mr. KAHN. No; they were enlisted men. In those years the membership of this House was trying to help the President of the United States to bring forth an army that would meet any possible emergency. The splendid manner in which both sides stood together on that matter ought to be a lesson to the Committee on Appropriations of this House at this time. [Applause.]

But the measure also provided that there should be an increase, in five annual increments, to the enlisted force. The first annual increment which was added to our Army consisted of 26,000 enlisted men. In April, 1917, the President exercised his authority under the law and authorized the enlistment of the four remaining increments. As volunteering was not rapid, the increase was slow. So that we entered the World War with about 155,000 enlisted men in our Regular Army and with an additional 84,000 authorized by the law but not yet recruited. Within a few weeks of the declaration of war the Army was recruited to full strength of 239,000.

Now, it is the purpose of the members of the Appropriations Committee to reduce the force to 115,000 enlisted men and 11,000 officers. This is a much lower number than we have had since the end of April, 1917. In my opinion it is altogether too drastic a cut at this time.

It might be interesting to call to the attention of the House what other countries of the world who participated in the Conference on the Limitation of Armament held in Washington expended on their armies per capita during the years 1920–21.

The British Empire, exclusive of its dependencies, with 45,516,000 population, expended $562,123,000, or $12.35 per capita.

The Republic of France, with 41,476,000 population, expended in the same year $933,927,000, or $22.52 per capita.

Italy, with a population of 36,740,000, expended $246,081,200, or $6.70 per capita.

Japan, with 55,961,000 population, expended $189,082,900, or $3.38 per capita.

While the United States, with a total population of 106,418,000, expended $343,155,303, or $3.22 per capita.

These figures show that we are exceedingly mindful of the welfare of our people in keeping down military costs and expenditures.

So much below all the other nations is the United States that it is ridiculous to attempt to cut down the force of this country at this time, when there is still a great deal of world unrest in the different parts of the universe. It might be attempted in a few years from now, when we get back to normalcy, but we are not back to normalcy yet. Our country has made every effort to bring about conditions of absolute peace everywhere, but take the case of China. The bill which is before us contemplates withdrawing 600 troops from China. I have here a letter from the Secretary of State on that very proposition. In China there is a serious civil war progressing. The south and the north have armies in the field against each other. The southern army is gradually moving toward Peking. We do not know but that another condition may arise in China that may require the presence of our troops in large numbers to protect the rights of our representatives. This is what Secretary Hughes said. It is addressed to me and is as follows:

> DEPARTMENT OF STATE,
> *March 15, 1922.*
>
> The Hon. JULIUS KAHN,
> *Chairman Military Affairs Committee,*
> *House of Representatives.*
>
> SIR: With reference to your conversation of to-day over the telephone with the Far Eastern Division of this department, I have the honor to state that the right to station troops at Tientsin, China, and along the line of the railway which connects Peking with the sea was conceded to the United States and to certain of the European powers by the final protocol for the settlement of the disturbances in China of 1900, which was signed September 7, 1901.
>
> During the Chinese revolution of 1911 and 1912 the powers who were party to the protocol of 1901, including the United States, considered that the disturbed conditions then prevailing in the neighborhood of Peking necessitated the stationing of troops at Tientsin and at other places along the railway between Tientsin and Peking, for the purpose of maintaining open communication between the capital of China and the sea. In recognition of its obligation in this connection the United States dispatched to Tientsin a number of troops, which in 1921 numbered 62 officers and 1,469 enlisted men. During the summer of 1921 the Secretary of War raised the question as to whether this number of troops might be entirely withdrawn or reduced, and on July 9, 1921, the State Department informed the Secretary of War that it did not favor the entire withdrawal of these men, because an action might result in unsettling the situation then prevailing.
>
> The department expressed itself, however, as being agreeable to a reduction of 30 per cent. The Department of State now understands that a reduction of 50 per cent was effected last fall. The conditions prevailing on July 9, 1921, have not changed, and the department still believes that it would be inexpedient at the present time to effect any radical change in the present arrangement.
>
> I have the honor to be, sir,
> Your obedient servant,
> CHARLES E. HUGHES.

That is the sentiment of the Secretary of State regarding the withdrawal of troops from China.

Mr. Chairman, based on the national wealth of all the countries, including their dependencies, this showing which I am about to make is even more favorable than it was on the former statement I made a few minutes ago.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. KAHN. I can not yield now. I have just half an hour, and I want to finish this.

The United States has a national wealth of $350,000,000,000. The amount for our Army was $343,155,308, or ten one-hundredths of 1 per cent of the national wealth of this country.

The British Empire, with a national wealth of $180,000,000,000, expended for her army $800,524,500, or forty-five one-hundredths of 1 per cent of the national wealth.

In France, the national wealth, including dependencies, is $100,000,000,000. The amount expended for the army was $933,927,000, or ninety-three one-hundredths of 1 per cent of the national wealth.

In Italy, the national wealth is $30,000,000,000. The amount expended on the army was $246,081,200, or eighty-two one-hundredths of 1 per cent of the national wealth.

In Japan, the national wealth is $25,000,000,000. The amount expended for the army was $189,082,900, or seventy-six one-hundredths of 1 per cent of the national wealth.

When compared with the sums of expenditures made by our people for pleasure or for nonessential commodities, the expenditures by the United States for military purposes sink into comparative insignificance.

For the fiscal year 1921 the people of the United States spent for admissions to theaters, concerts, cabarets, baseball games, and other entertainments of a similar character, $897,000,000—more than twice the appropriation for military purposes. In fact, the appropriations for the Regular Army, the National Guard, the Organized Reserves, and all expenses charged to the Army, including river and harbor work, cemeteries, and other nonmilitary accounts, only aggregated $418,000,000.

For tobacco and materials related thereto, such as pipes, there was spent the enormous sum of $1,151,000,000, or three times the amount expended for the Army.

For candy and chewing gum, $750,000,000, as compared to $418,000,000 for all Army appropriations.

For sodas and confections, $834,000,000, as against the $418,000,000.

For personal adornment, including perfumery, cosmetics, and jewelry, $659,000,000, whilst for all expenses charged to military affairs the amount was, as I have already stated, $418,000,000.

I merely cite these instances to bring to your attention the comparatively small amount used to furnish military protection to the citizens of our Republic.

Let me call the attention of the House to the small proportion of our population in our military forces as compared with the other principal countries of the world. Contrasted with the other leading world powers, our proportion of Army to population appears most favorable, as may be seen from these statistics of the Conference for the Limitation of Armament.

The population of the United States for the year 1921 was 106,418,000. The number in the Army was 151,000 men. The number per 1,000 population was 1.42.

The population of the United Kingdom was 45,516,000. The number in the Army was 334,000, or 7.34 per 1,000 of population.

The population of France was 41,476,000. The number in the Army was 600,000, or 14.47 per 1,000 population.

The population of Italy was 36,740,000. The number in the Army was 300,000, or 8.17 per 1,000 population.

The total population of Japan was 55,961,000. The number in the Japanese Army was 302,000, or a per capita of 5.40 for 1,000 population.

China had a population of 340,000,000 people. She had the number of 1,370,000 soldiers, or a percentage of 4.03 per 1,000 population.

A comparison of our national wealth with the number of soldiers now maintained in the Regular Army shows that each soldier is charged with affording protection and national security to $1,755,397 of the $350,000,000,000 total of our national wealth.

Each of these soldiers is at the present time protecting some 25 square miles of territory of our mainland and dependencies, and with giving 848 of our people a guaranty against foreign interference with their constitutional rights in their pursuit of health, happiness, and lawful gain. All this at a cost of $3 per capita of population. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ANTHONY. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, I want to congratulate the subcommittee of the Committee on Appropriations in reporting this bill. Possibly we do not all of us appreciate the tremendous character of the problems they had before them, the amount of research and examination and study and investigation that was necessary to enable them to reach a conclusion relative to the size and the cost of the Military Establishment at this time. There are some who think that the committee has gone a little too far in reducing the size of the Military Establishment and in appropriating for its upkeep. I do not think we can properly or logically judge as to what should be the size of the Military Establishment or as to how much it should cost by comparison with other establishments with which there is not the slightest probability we shall come in conflict. I do not think that the question of the cost or size per capita or per unit of wealth can be properly or logically used in determining the size and the cost of a military establishment. Military establishments should be maintained by people who have no thought other than that of proper defense and no temptation to conquest, not from the standpoint of other establishments which may or may not be necessary elsewhere or of their comparative cost, but from the standpoint of the needs and necessities of the country from the viewpoint of the national honor and the national defense. There is always, necessarily, a wide difference of opinion as to the proper size of the establishment, even among those who view the size of the establishment from the standpoint of the factors, the purposes, I have just suggested.

The question before this committee was this: May we reduce the size of our Military Establishment as at present constituted and still perform our clearly necessary and essential duties so far as they are fulfilled through military forces and maintain the nucleus of an establishment that may with reasonable rapidity be expanded to meet the needs of an emergency? The committee believes that the reduction which is made will not bring the establishment below a point from which it may be expanded in time of emergency or below a point in numbers with which we may properly garrison the outlying posts of the Nation and maintain within the United States the proper nucleus for expansion in time of need. There may be those who believe that the enlisted strength should be 125,000 instead of 115,000. And there is ground for difference of opinion. But I think there are very few who have studied the situation but will agree that we can maintain such a military establishment as is necessary and essential to our present or prospective needs and still reduce both the enlisted and the commissioned personnel considerably below the present establishment.

I am convinced that the committee has not gone too far in reducing the establishment to an enlisted strength of 115,000, exclusive of the Philippine Scouts and a commissioned personnel of 11,000. Compared with the enlisted strength the commissioned personnel is liberal and should be.

The gentleman from California [Mr. KAHN], who just took his seat, drew a parallel between the conditions in France after the time of the return of Napoleon from Egypt and our condition. It would have been a very happy thing for France and for the world if on Napoleon's return from Egypt he had not been seized with that lust for conquest that kept Europe in turmoil and in continual war for nearly 20 years, and left practically every nation on the Continent, France included, frightfully impoverished. There was no call for a war with England, and no one except Napoleon saw any necessity for the great forces that he gathered together for that fruitless attempt to invade the British Isles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Will the gentleman give me five minutes more?

Mr. ANTHONY. I regret there is no more time available.

Mr. MONDELL. Two minutes more?

Mr. ANTHONY. There is only one loose minute on this side.

Mr. MONDELL. So that whether or no the forces of France had been reduced at that time below what they should have been, there was no necessity for the expansion that followed, and no reason for regret that that expansion failed to accomplish its master's purpose, save the regret of the man who sought to become the world's conqueror. America has no such thought. Her wish and desire is to maintain a military establishment first class in every regard and sufficient unto her needs. Such an establishment the committee believes it has provided. I am disposed to agree with them. [Applause.]

Mr. SISSON. Mr. Chairman, I yield 25 minutes to the gentleman from New York, Dr. KINDRED.

The CHAIRMAN. The gentleman from New York is recognized for 25 minutes.

Mr. KINDRED. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of the crisis in the hospital needs of the disabled veterans of the World War, on which I shall speak now, and also on the subject of the adjusted compensation bill, or the bonus bill, on which I shall speak later.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, in view of the crisis in the hospital needs of the sick ex-service men of this country, and in view of the many letters which I, among other Members of the House, have received, calling attention to this sad and disgraceful condition, and in view of the further fact that the so-called Langley bill was introduced into this House on Monday last, I believe, carrying appropriations for $17,000,000 for additional hospital facilities for the ex-service men who are disabled and sick, I, as a physician of over 30 years' practical experience in hospital management, desire to call the attention of the gentlemen of the committee to certain very sad and disgraceful facts connected with the crisis in our hospital needs for the disabled war veterans to which I have referred.

As a specialist with a practical experience in mental and nervous diseases, which has extended over 30 years in the study of these diseases in the hospitals of New York, Pennsylvania, and Europe, I have naturally the keenest interest, along with all the other Members of Congress, in the hospitalization and medical cure of disabled ex-service men, and from this point of view and without bias or partisanship I intend to present to the Members of the House of Representatives some facts which they and the people of this country should know with relation to what has really been done and what has not been done for these disabled men, whose welfare we all wish to serve.

It is timely to present this whole subject now, in view of the fact that Congress will be called upon in a few days to vote upon the bill introduced by the gentleman from Kentucky [Mr. LANGLEY], chairman of the Committee on Buildings and Grounds, and which will carry an appropriation of $17,000,000 for new hospitals, in addition to the $28,600,000 already appropriated for hospitals and hospital equipment for these disabled men.

Commencing with the need for hospitalization and medical treatment of the first group of ex-service men who were sent back home disabled, we find that the United States Government had very inadequate hospitals, both as to the number of beds and hospital construction and equipment, and that the demand for more hospitals grew very rapidly, and that this demand has not been met at the present time. In other words, the United States was totally unprepared at that time and is still unprepared to properly hospitalize and humanely care for the disabled ex-service men and women.

Congress discussed at some length the first appropriation to increase and provide additional hospital facilities, and early declared its policy, to which it still adheres, to provide at all times any amount of money really necessary for the proper hospitalization and humane treatment of ex-service men, and the Sixty-fifth Congress appropriated $10,000,000 and the Sixty-sixth Congress appropriated $18,000,000, totaling $28,000,000 for hospitals and hospital equipment, exclusive of the $17,000,000 to be appropriated by the Langley bill.

Congress has also passed a number of bills in the interest of the disabled veterans of the World War, including the Sweet bill, which consolidated all activities of the Government relating to ex-service men into the United States Veterans' Bureau, of which Col. C. R. Forbes is the director. This bureau has the large and grave responsibility of adjusting what will ultimately reach many millions of claims for insurance, allotments, and compensation, besides the work of providing vocational training and arranging for the immediate care of over 30,000 sick men and women who require to be hospitalized and provided with medical and surgical treatment and proper nursing and care.

Reference is here made to an official chart issued by the Director of the Veterans' Bureau in connection with claims for compensation for disability and allotments, and so forth, indicating the expenditure by this bureau of nearly $2,000,000,000. It is certain that many additional billions will be necessary for these purposes and for additional hospital facilities during the next 30 years. The problem of providing sufficient and proper hospital beds and medical treatment for these men and women is the one I mainly wish to discuss at present.

These more than 30,000 sick and disabled are classified into three main classes: The medical and surgical cases; the tubercular, and the neuropsychiatric cases.

There are approximately 9,300 medical and surgical cases, 11,698 tubercular cases, and 9,000 neuropsychiatric cases in hospitals and 3,000 outside of hospitals. The last-named group—the neuropsychiatric—include both the simplest and the most complex nervous cases, and also the so-called psychasthenic cases, meaning those with mild or serious nervous and mental symptoms, and also includes the various forms of outright insanity.

The proper housing and treatment of this last-named group, and also the tubercular group, is the disgraceful weakness of the Government's hospital system, to which I will refer later. This situation is a serious and sad one, and I approach the whole subject of its solution in no other spirit than that of trying to be helpful and constructive in the interest of our sick ex-service men, as well as in the interest of humanity and the people of this country.

The Surgeon General of the United States Public Health Service and also the Surgeon General of the United States Army and the Surgeon General of the United States Navy, all preeminently able and experienced heads of their respective departments, have carefully studied the problem of hospitalization for the ex-service men, and particularly has the United States Public Health Service, which has had the full responsibility of the medical care and treatment of nearly all the war veterans since the close of the World War, made exhaustive studies of this whole subject, which studies, together with voluminous reports and data for additional hospitals, have been made public in the form of the reports of the Surgeon General of the Public Health Service made annually to the Secretary of the United States Treasury.

The United States Public Health Service has from the beginning, with inadequate hospital and other facilities and under great difficulties, coped with the serious problem of supplying proper and humane medical and surgical treatment and care and nursing for the rapidly increasing number of sick and disabled war veterans; and it must in all fairness be stated that the Public Health Service deserves and should receive full credit and commendation for its achievements under difficult conditions, this service having, in fact, laid the broad and deep foundations for the good work in the medical treatment of the ex-service men which it is hoped and believed will be creditably continued.

The Public Health Service, under the direction of the Director of the United States Veterans' Bureau, is still responsible for the medical care and treatment of the war veterans who are in hospitals owned and controlled by the United States Government.

The total number of men being hospitalized by the bureau February 23, 1922, according to a letter addressed to me by the Director of the United States Veterans' Bureau, was 30,879.

Approximately one-third of this total number—namely, 4,200 patients—suffering with nervous and mental diseases, the neuropsychiatric group, and over 6,000 tubercular and medical and surgical cases, are not in Government owned and controlled hospitals, but are "farmed out" in State and privately controlled hospitals and institutions at the rate of $3 per day paid by the Government for each patient.

I pause here a moment to repeat that approximately one-third of the total number have no facilities for humane and proper treatment. There are no hospitals owned and controlled by the United States Government for 6,000 and more tubercular and medical and surgical cases which can not be provided for in Government hospitals, making a total of 10,000 that have to be farmed out, about one-third of the total number of 30,000 patients, who are the wards of the Government at the present time.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. KINDRED. Yes.

Mr. LONDON. In the case of the 4,200 neuropsychiatric patients, would it not be better for individuals to take care of these men rather than place them in hospitals?

Mr. KINDRED. I am aware of the fact that that used to be considered a desirable method of treatment in certain kinds of cases. That is a long question which involves the question of neuropsychiatrics and a definition of each particular case. But with respect to some of the ideas involved in that connection the treatment of this whole class and various forms of curable psychiatric cases should be provided for as speedily as possible in Government-owned and Government-controlled hospitals.

In this connection I desire to say also that if a nervous case, which may be developing in the direction of outright insanity; or if a tubercular case whose tendency is to advance rapidly into an incurable stage—if these two classes of cases are not treated under proper conditions, if proper and nutritious food and proper surroundings and proper nursing and every hospital facility are not provided in the early stages of these two classes of disease, constituting, as we have seen, nearly one-third

of the total number of cases under treatment by the Government, then there is no hope of cure at all in this class of cases.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. KINDRED. Yes.

Mr. GREEN of Iowa. Does the gentleman know of any tubercular cases in his district that are not receiving proper care?

Mr. KINDRED. I will call the gentleman's attention to the fact—which is a matter of record and not denied—that there are over 6,000 tubercular and medical and surgical cases that are not in Government-owned and Government-controlled hospitals, but are farmed out, and I call the attention of the gentleman in that connection to a report which I have as to the manner in which certain cases are treated in the State of Ohio.

Mr. GREEN of Iowa. There are no such soldiers in my district who are not getting proper treatment.

Mr. KINDRED. The gentleman is indeed very fortunate if he has no tubercular ex-service men in his district. The gentleman himself must be exceedingly fortunate, and his district must be exceedingly well located from a climatological standpoint.

Further reference will be made to the neglect by governmental agencies which have deprived approximately 4,200 neuropsychiatric patients (meaning those who are suffering from the mildest nervous diseases and those with the most violent forms of insanity) and over 6,000 tubercular and medical and surgical cases, of proper and humane treatment in Government owned and controlled hospitals.

Notwithstanding the fact that the United States Public Health Service and other governmental agencies had worked efficiently in an effort to solve the problem of rapidly providing additional Government owned and controlled hospitals, and notwithstanding the fact that ample data had been provided over a year ago, as a basis for expediting the work of selecting additional hospital sites and completing additional hospital facilities, we find that after the lapse of more than one year since the $18,600,000 appropriation made by the Sixty-sixth Congress became available, and since the so-called medical consultants on hospitalization of the United States Treasury Department assumed the responsibility of locating and constructing the 6,000 additional hospital beds for which this appropriation was voted, that not a single hospital or a single hospital room had been completed February 13, 1922, according to a chart officially issued to me from the consultants on hospitalization, and which chart is entitled on the headlines thereof: "Progress Report of Consultants on Hospitalization," and which title is certainly a misnomer if the usual meaning is to be attached to the word "progress."

It is interesting to read from this chart, under the headlines "Remarks," the various explanations offered by the consultants on hospitalization for their absolute failure to provide a single additional hospital up to the date mentioned under this appropriation.

I desire in this connection in order to emphasize the unspeakably sad and disgraceful conditions which have resulted from this culpable delay and incompetency on the part of the consultants on hospitalization, as is evidenced by the bare facts in the case, to state that as a result of the failure of the consultants on hospitalization to grasp the great importance of their vast problem, and on account of their evident incompetence, that there is now a crisis in the hospitalization of ex-service men, as will be shown by the facts and figures, to be referred to later.

The fact is, according to the official report of the consultants on hospitalization of the Treasury Department, that not one single hospital bed is available under the $18,600,000 appropriation for which they were responsible for providing hospitals speedily.

I have here, and hold in my hand, an official chart issued by the consultants on hospitalization of the Treasury Department, which is, curiously enough, denominated "the progress chart." "The progress chart" will be interesting to analyze. The facts are that when "the progress chart" is analyzed it shows all sorts of flimsy excuses, all sorts of ridiculous explanations; explanations like this one, in the case of the metropolitan district of New York City, under the head of "Remarks": on the progress of a hospital in that great metropolitan district there is a blank. The minds of the consultants on hospitals must have been much of the time a blank. Under the head of some other hospital projects, under the head of the hospital proposed at Marion, Ind., for example, occurs, "New bids were approved February 2, 1922." We find that they have made wonderful progress in the State of Ohio, in which State there has been a farming-out system which has been a disgrace to the community, and to which I shall refer later. We find that in that State they have made wonderful progress with the proposed hospital there, which is indicated here in the words, "Excavation completed."

I charge them with incompetency, with culpable neglect.

In various other projects, of which there are many, I find similar excuses and flimsy explanations. Therefore their report, which is designated a "progress chart," is evidently a misnomer.

It is interesting to consider some further facts which I desire to emphasize in this serious situation.

In addition to my own personal investigations in this matter and to bring out the facts showing a condition constituting a national disgrace, I here refer to letters addressed to me by Col. R. C. Forbes, Director of the United States Veterans' Bureau; to the letter of John Thomas Taylor, vice chairman of the legislative committee of the American Legion; and to a personal letter and telegram from Col. Cornelius W. Wickersham, chairman of the hospital committee of the American Legion, Department of New York, New Jersey, and Connecticut; and also to a public statement of Robert S. Marx, national commander of the Disabled American Veterans of the World War, which last-named statement, dated January 11, 1922, I quote in part as follows—and to this statement I refer for further details as to the shocking conditions connected with the "farming out" system:

INADEQUATE TREATMENT IN OHIO.

We represent that in the State of Ohio to-day:

First. The Government of the United States has provided no hospital facilities of any kind to care for mentally disabled ex-service men.

Second. That the United States has farmed out the insane ex-service men of Ohio to State asylums which are notoriously overcrowded, undermanned, and inadequately equipped to treat and care for them.

Third. That, for example, in the Longview Asylum, of Hamilton County, Ohio, there are 42 gallant soldiers who broke down mentally under the stress of war, although Longview is so overcrowded that 240 of the inmates sleep on the floor like cattle every night.

Fourth. That although approximately one-half of the 250 mentally disabled soldiers now in Ohio asylums could be restored to reason by proper medical treatment and hospital care for their mental disease, these men are given no medical treatment of any kind for their mental diseases, and curable cases are being daily doomed to permanent insanity.

Fifth. That the tubercular and nontubercular patients in these institutions are not separated, but are all mixed together.

Sixth. Finally, we represent that the State of Ohio is making a profit averaging $300 a year for every ex-service man confined in Ohio asylums, which profit is made from the money paid by the United States Government to the State.

The truth of these charges is frankly admitted by the officials of the State institutions.

Dr. E. W. North, superintendent of Longview Asylum, in a public statement issued December 28, 1921, said: "These statements are not exaggerated in any particular."

Dr. H. S. MacAyeal, director of the State welfare department, said in a public statement issued December 30, 1921, that the State of Ohio made the profit shown by the following table on each insane soldier in its institutions, namely:

Institutions.	Cost per man.	Received from United States.	Profit made by State per man per year.
Athens State Hospital	$277.86	$547.50	[illegible]
Cleveland State Hospital	[illegible]	547.50	[illegible]
Dayton State Hospital	[illegible]	547.50	[illegible]
Lima State Hospital	310.75	547.50	[illegible]
Massillon State Hospital	[illegible]	547.50	[illegible]
Longview State Hospital	[illegible]	547.50	[illegible]
Toledo State Hospital	[illegible]	547.50	260.64
Ohio Hospital for Epileptics	[illegible]	547.50	214.81
Institution for Feeble Minded	[illegible]	547.50	220.08

The State of Ohio makes a profit of more than $125,000 annually by reason of ex-service men in Ohio asylums.

What is true in Ohio is true in practically every State in the Union, because of the failure of the United States to provide adequate facilities for the medical care and hospitalization of our mentally disabled comrades.

The national magnitude of the problem may be grasped from the fact that almost one-third (27 per cent) of all sick soldiers now in hospitals are mental cases.

Moreover, for every mentally afflicted soldier in any institution today there is another soldier who should be receiving treatment, but whose family will not consent to have him adjudged a "pauper insane" and sent to one of these State asylums for the pauper or criminal insane, which are the only places now available. If the Government had proper hospitals, these men who now form the unseen army of neglected insane would soon come forth, and half of them could be restored to useful citizenship. We charge that not only are these cases totally neglected but that in thousands of cases the United States Government has farmed out its responsibility to care for its own fighters who broke down mentally because of their service.

I desire to emphasize particularly some of the foregoing statements of Commander Marx, notably that "approximately one-half of the disabled soldiers now in Ohio asylums could be restored to reason and health by proper medical treatment and hospital care for their mental disease."

It is a well-known medical fact that active and proper treatment must be given to insane and neuropsychiatric cases as

well as to tubercular cases during the first two years of the duration of their disease if they are to be prevented from becoming totally incurable and deteriorating into hopeless cases.

In this same connection I quote from a telegram to me from Col. C. W. Wickersham, dated March 7, 1922, chairman hospitalization committee of the second hospital district—New York, New Jersey, and Connecticut—as follows:

Answering your telegram, situation in New York very bad. We have no tubercular hospital nor Government mental hospital here. Fox Hills Hospital is a miserable collection of war shack buildings wholly improper, particularly for tubercular and mental cases. Poly. clinic hospital being abandonded. Catholic orphanage hospital not yet opened. Two thousand tubercular and mental cases in second district in contract hospitals, including 200 in State hospital for insane on Wards Island. Of 30,000 patients in the country at large 20,000 are mental and tubercular. Public Health Service has no mental hospital yet except St. Elizabeths in Washington, which is largely filled. Greatly lacking in tubercular beds. Am forwarding statement which will be of value.

C. W. WICKERSHAM.

I also quote the concluding portion of a statement made by Col. Wickersham March 4, 1922, as follows:

The sufferings of our disabled and sick comrades in the past and the great delays in giving them proper hospitalization, prompt and just disability compensation, and timely and adequate vocational training demand that we devote our efforts to the future, with the experience gained since the armistice, to lighten and relieve the hardships they have suffered, rather than to endeavor to minimize facts and cover failure. Let us face a bad situation squarely and use our best endeavors to provide a remedy.

C. W. WICKERSHAM,
Chairman Hospital Committee, American Legion, Department of New York.

Some of the results of this crisis in hospitalization of ex-service men have been referred to frequently in the newspapers, but more specifically by responsible persons in position to know the full facts as to the wretched conditions among many of the sick ex-service men in State and privately owned hospitals, whose chief interest in these wards of the Government is a mercenary commercial interest.

I wish to be perfectly fair and to make acknowledgment to these State and privately owned hospitals, which have provided efficient and proper treatment to the ex-service men, whom they have cared for with great inconvenience and difficulty because of the overcrowding in most of these hospitals.

How may we get the best results in hospitalizing and humanely caring for our ex-service men? We have a duty, as Representatives in Congress, that extends beyond the necessary appropriation of millions of dollars for hospitals and such facilities. Ours is also the sacred duty of safeguarding the expenditure of these millions so as to secure actual results and prevent the money appropriated from being foolishly or improperly expended, as it is proposed to expend a part of the available $18,600,000 appropriation.

Mr. HAYDEN. Will the gentleman yield?

Mr. KINDRED. I gladly yield to the gentleman from Arizona.

Mr. HAYDEN. Are any steps being taken to acquire new hospitals in New York for the treatment of tubercular patients?

Mr. KINDRED. There has been a very singular step taken in the State of New York to acquire a site for a hospital for the treatment of tubercular patients. As I am reliably and officially informed, the consultants on hospitalization of the Treasury Department are negotiating now for the acquiring as a site of a hospital for the care and treatment of tubercular patients the celebrated farm of Ex-Gov. Levi P. Morton, which was no doubt a fine show farm for blooded cattle, but which is located in the damp Hudson River Valley, where sore throats and colds and pneumonia and consequent tuberculosis are not uncommon, and which farm is practically at sea level. The price at which that farm is held is $400,000. It was a beautiful and delightful show place and it will probably make a charming residence for some of the higher-up consultants in this vast scheme of hospitals which it is proposed to adopt. [Applause.]

Tubercular patients, according to all medical authority, and, as is also well known to the lay mind, require an altitude of not less than 2,000 feet above sea level, and this required altitude may be gotten within 20 miles of the Ex-Gov. Morton farm in the beautiful Catskill Mountains, or within 75 miles in the dry, elevated climate of the Adirondack Mountains. Why locate a hospital for tuberculosis patients in a damp river valley, practically at sea level?

Another plan in which the consultants on hospitalization are about to embark is the establishment of a hospital at Tuskegee, Ala., at which medical and surgical cases and neuropsychiatric cases—including mild nervous diseases and raving insane patients—all in one hospital plant, within a small area, with the excuse of giving near-by clinical material to the students of the Mahary Medical College for Negro students. This mistaken and incompetent policy on the part of the consultants on hospitalization is in line with the experience of the State of New York in having wasted a million of dollars because a large hospital was started in a location which had to be abandoned, on the order of the highest court, for the reason that it was found impossible to provide proper sewerage.

The consultants on hospitalization, inexperienced in hospital management and practical policy, would ignore every principle and all experience in medical science for the welfare and care of the sick World War veterans, in order to play practical politics and supply the Negro medical students with clinical material at the expense of the welfare of these veterans.

It has been suggested that such suggestions as these as to hospitalization and hospital management is the reason why the Amerigan Legion at a recent meeting recorded its opposition to Brig. Gen. Dr. Charles E. Sawyer, chairman of the Federal Hospitalization Advisory Committee, who is reported in officially planning the management and policy of the magnificent Federal hospital system which we have so liberally provided for, to have ignored the Surgeon General of the United States Public Health Service, the Surgeon General of the United States Army, and the Surgeon General of the United States Navy, all of whom are members of the Hospitalization Advisory Committee, who, as stated before, are experienced and profoundly learned in medicine and all the details of hospital management and policy.

If Congress wants to properly settle this all-important question as to the control of the policy of hospital management of the great hospital system which we intend to establish, it should safeguard that question and also safeguard the enormous appropriations we have made and intend to make by providing that the policy of hospital management should be in control of the Surgeon General of the United States Public Health Service, or of a board consisting of that official and of the Surgeon General of the United States Army, and the Surgeon General of the United States Navy, these distinguished medical officers of the United States Government having coped with this and similar problems before, during, and since the World War. In addition to these, Congress might well provide that if, in the discretion of the President of the United States, additional competent medical specialists, experienced in hospital management, were required, the President should appoint them from among the most distinguished physicians in this country.

In this connection, it is interesting to read from the article referred to in the American Legion Weekly on "The hospital program crisis," as follows:

The American Legion has insisted at these hearings that the mistakes and delays experienced in the $18,600,000 program shall be avoided in the new program. Chairman Sprague, of the Legion's rehabilitation committee, has indorsed the proposal contained in the Langley bill, that Director Forbes, of the Veterans' Bureau, shall have sole charge of the whole new program. He has opposed the suggestion that the Federal Board of Hospitalization, headed by the President's personal representative, Brig. Gen. Charles E. Sawyer, shall have jurisdiction in the new program.

Mr. Sprague has contended that the history of the $18,600,000 appropriation is eloquent testimony that divided authority is the father of the two bureaucratic twins—delay and red tape—and that only by giving Director Forbes full authority to select sites and design and build hospitals in the quickest time possible, can the mistakes of the past be avoided. Director Forbes, speaking for himself, has told the congressional committee that he believes that, inasmuch as the responsibility for making use of the new buildings rests upon him, he should have absolute authority in determining where those hospitals shall be and what they shall be like. The congressional committee has shown that it agrees with the main proposals of the $17,000,000 appropriation bill. At this writing, however, it is still uncertain whether the White committee will be authorized to assist Director Forbes or whether the committee will grant the request of Brig. Gen. Sawyer and give his committee advisory jurisdiction.

Relative to chairman Sprague's testimony as to the bad results of the existing divided authority, it should be stated that the architects of the Treasury Department have also been insistently charged with inexcusable delay and red tape, especially in connection with their system of purchasing materials and hiring labor—the so-called hiring and purchase system—which system, it is reasonably claimed by John Thomas Taylor, vice chairman of the hospitalization committee of the American Legion, in a personal letter to me, has not brought about the completion of hospital construction as rapidly as it would have been brought about if this construction work were placed under contract to responsible bidders by the architects of the Treasury Department, with a severe penalty for failure to complete the work on time.

The representatives of the architects of the Treasury Department, after their alleged failure to efficiently expedite hospital construction, appeared before the Committee on Buildings and Grounds and argued that the $17,000,000 appropriation to be authorized under the Langley bill should be placed under the sole direction of the Treasury Department, instead of being appropriated to the Director of the Veterans' Bureau or to

some other governmental agency than the Treasury Department.

All this, together with some other known and unknown facts, will explain that there has been recently quite a jealousy between certain governmental departments as to who should have the honor and privilege of expending the seventeen millions to be authorized by the Langley bill for additional hospitals.

It is not only of the utmost importance that these immense appropriations should be expended by the most efficient governmental departments, but it is also a matter of grave importance as to whether or not competent governmental medical officials are to control the management and policy of these hospitals after they are occupied by our disabled war veterans, and I wish to say with a knowledge of hospital management and policy that it would be, indeed, a calamity to the ex-service men and to our Nation if the management and general policy of these hospitals, after they are completed, are intrusted to incompetent and visionary physicians or other governmental officials who may have good intentions, but who are merely inexperienced dreamers in the practical workings of the administration and policy of a great hospital system.

Congress should prepare now to meet the hospital needs which will be acute during the next several years. During this period approximately 11,000 hospital beds owned by the Government and which are old and unfit will have to be abandoned, and this number of new modern hospital beds provided. Besides this number, an additional number of hospitals will have to be provided to care for the increase in neuropsychiatric and tubercular patients, which increase during the next four to six years, based on the ratio of increase during the past two years, will be approximately 10,000 to 11,000 cases.

Still an additional number of hospital beds will have to be provided to meet the present program for the additional 6,000 hospital beds recommended by the Director of the Veterans' Bureau.

To sum up, in addition to this number and to the total number of hospital beds now owned and rented by the Government—30,000—approximately 20,000 additional hospital beds will be needed in the next several years in order to meet the needs of the approximately 56,000 patients who will require hospitalization at the end of that period, including the rapid increase in neuropsychiatric and tubercular cases during the next several years.

In connection with the shortage of hospitals and the abandonment of Fox Hills and other unfit Government hospitals, it is pointed out, to the personal knowledge of myself and many others, that the enforced transfers of many patients from one hospital to another has resulted in many avoidable deaths, this being particularly true in tubercular cases, where such transfers in all kinds of weather and other unfavorable conditions cause an exacerbation of their diseases from exposure and fatigue.

This fact is emphasized by the intention to abandon Fox Hills Hospital, New York, and the consequent necessity to find hospital accommodations for 400 tubercular patients, many of whom are bedridden and whom it is intended, according to reports, to remove from the vicinity of their old homes and families to California and North Carolina, although it appears vacant hospital beds for that number can be found in the salubrious climate of Saranac and Liberty, N. Y., places peculiarly adapted to the treatment of tuberculosis.

From these facts as to the inadequacy of the number of hospital beds and proper facilities for neuropsychiatric and also tubercular cases, which inadequacy at this time, three years and three months after the armistice which ended the World War, is due to the neglect and incompetency of the governmental agencies already referred to, it will be seen that these wards are not only denied the humanitarian treatment to which they are entitled as deserving wards of the Nation, but that even from an economic standpoint the Government is failing to keep faith and do its duty toward its wards, our war veterans.

Let us as the people's Representatives in Congress continue our liberal policy toward the disabled ex-service men and provide them with the best possible hospital facilities and care, but after we have made liberal appropriations of millions of dollars let us see to it that additional modern hospitals are promptly completed and that the people's money for this noble purpose is not wasted in any foolish experiments. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ANTHONY. I yield to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman, I ask leave to extend my remarks in the RECORD by printing an address delivered by Rev. Marion D. Shutter, D. D., of Minneapolis, upon the subject of the Army of the United States as a constructive force. It is particularly timely and pertinent in view of the discussion upon the Army appropriation bill. I ask that it be printed in the RECORD in 8-point type.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in 8-point type by printing the document indicated. Is there objection?

Mr. LONDON. Reserving the right to object, what does he claim the Army constructs?

Mr. NEWTON of Minnesota. I can not take up the time of the committee in a detailed explanation of what he says.

Mr. LONDON. Who is the gentleman?

Mr. NEWTON of Minnesota. Dr. Marion D. Shutter, pastor of the Church of the Redeemer at Minneapolis, who has lived there for 30 or 40 years.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, does the gentleman think a document of this kind should be printed in 8-point type?

Mr. NEWTON of Minnesota. I want it in a type in which it can be read. I have difficulty in reading the smaller type.

Mr. MANN. Yes; I never read the other; and I believe I inaugurated the custom of asking to have documents printed in 8-point type; but does the gentleman think we ought to adopt it as a practice in such cases as this? I think the gentleman ought to insert it in the ordinary small type in which documents are printed in the RECORD.

Mr. NEWTON of Minnesota. If the gentleman is going to object, I will modify my request accordingly.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks by printing the document in the ordinary type in which extracts are printed. Is there objection?

There was no objection.

The document is as follows:

THE ARMY OF THE UNITED STATES AS A CONSTRUCTIVE FORCE.

[By Rev. Marion D. Shutter, D. D., Church of the Redeemer, Minneapolis, Minn.]

In these days of discussion about armaments—naval, land, and air—days in which doubts have been raised about their value, days in which in some quarters there is a demand for scrapping them all without further debate, it is well to keep our heads. There never has been an epoch in which the salvation of the world's civilization was so swiftly followed by attempts to discredit and to degrade the means of that salvation. Armies are now thought of, even by the best informed, as simply and only agencies of destruction; the soldier is stigmatized as one whose sole trade is slaughter. Odium is constantly thrown upon his calling. The country is so insistent upon peace that investigating committees are formed to smirch the men who made it possible. "Statesmen" make war, soldiers make peace. To be logical, we ought to "scrap" the "statesmen" or politicians. There is a side—not often thought of—to this whole question upon which I wish to speak. In what I have to say I shall confine myself to the Army of the United States.

My thought upon this subject may be condensed into a sentence or two from Gen. Leonard Wood. Speaking of the Army, he says: "As a matter of fact, it has been one of the great influences in opening up and building up the country and in maintaining public order. In recent years it has played a very great rôle as an administrative force, and in areas under its control great advances have been made, and lasting benefits to humanity secured."

This is my theme, and I ask you to consider with me some of the facts.

DEVELOPMENT OF THE WEST.

Let us go back to the close of the Civil War. In the years immediately following the Army was the main instrument in the maintenance of order and the safeguarding of life in the South, and the protection of lines of communication incident to the development of the West.

Three things stand out in this period.

First, the peace which the Union soldiers had just achieved was menaced, as well as the interests of the entire Western Hemisphere, by the attempts of France to set up an empire in Mexico with a Hapsburg upon the throne. An Army moved toward the border and served notice upon France that no foreign empire was to be established in Mexico. Gen. Grant sent word by Sheridan, "It shall not be," and it was not. No drop of blood was shed.

Next, the Army preserved order in the South during the days of reconstruction, while a new system was being wrought out upon the ruins of the old. This service was, of course, not recognized at the time by all parties concerned; but without it anarchy would have prevailed.

And third, it cleared the Wild West of the savages who hindered the construction of the great continental railway lines which opened up the West for settlement and protected the settlers. It is difficult to realize that at the close of the Civil War the region beyond the Mississippi, excluding portions of older States, a region containing about two-thirds of the area of the United States proper, had only a population of a million and a half. Vast territories were peopled only by nomadic savages, who gained their livelihood by hunting the buffalo. The transformation of this immense desert and wilderness into "a peaceful land of ranches and railroads, of wheat fields and fruit farms, of dams and irrigation ditches, of mines and macadam roads," forms one of the biggest facts in American history, and is due primarily to the troops who went before, under the leadership of such men as Gens. Custer and Miles and Crook, crying out, as did the prophet of old, "Prepare ye the way of the Lord!"

SANITARY WORK OF THE ARMY.

Wherever the Army has gone it has not only set up public order but it has promoted the public health. This service alone has been worth many times the cost of maintaining the Army in times of peace.

Immediately after the Spanish War the Army took over the administration of the acquired territory. This involved not only the everyday conduct of public business, but an immense amount of constructive work incident to the establishment of a school system, construction of great public works, and administration of the general laws governing charitable institutions, as well as an enormous amount of sanitary organization, an electoral law, and everything necessary to convert a war-wrecked, demoralized, and exhausted colony, fever stricken and overrun by disease, into a self-governing republic. The salvation of Cuba and Porto Rico was the army of occupation. The same was true of the Philippines. They were saved from anarchy and epidemics by American soldiers. Has our trade with these islands justified the expense? Can anyone doubt that the presence of an army along the Mexican border prevented our foes during the last war from organizing hostility against the Nation, from a possible effort to induce Mexico to try to recover her ancient territory?

The sanitary work alone revealed the secret of yellow fever in Cuba, of beriberi in the Philippines, of typhoid fever along the Mexican border, of malaria and smallpox in Porto Rico. The annual death rate in Porto Rico alone was soon reduced by a number exceeding the total number of men killed during the Spanish-American War, and an inquiry made some years ago of all planters in the island with reference to their workers indicated an average increase of 60 per cent in efficiency. The knowledge gained in Cuba and Porto Rico employed in Panama made the canal possible. Epidemics of malaria and yellow fever had mowed down the workmen under the French like machine guns. They were worse than battles. The engineers under Gen. Goethals built up a sanitary foundation.

In this connection it may be remarked that the new laws in many of our States concerning the treatment and control of venereal disease have grown out of experiences in the Army during the recent war. These laws are the result of suggestions from the medical and surgical officers of the Army. The Columbia Law Review (January, 1921) says:

"Provision was made in the selective conscription law for strict supervision of such diseases in the Army, and private and public health agencies earnestly planned cooperation. The cumulative effects of this activity may be seen in the increased legislation on this subject in practically every State of the Union."

THE ARMY IN NATIONAL CALAMITIES.

There are certain great calamities that from time to time come upon the Nation through flood or fire when the help of the Army is invoked.

The Army did tremendous service for the country in handling the grave and alarming conditions arising out of the great Mississippi flood of a few years ago, and did it so quietly that the country hardly knew about it and so effectively that thousands and thousands of people were saved from watery graves or from starvation. The same was true at Dayton, Ohio, and later at Pueblo and San Antonio. The San Francisco earthquake, when Gen. Funston and his soldiers took charge, is another case in point. The Army on such occasions is not sent to destroy men's lives but to save them.

In this connection and while there is so much complaint about the burdens of taxation for war—past, present, future, possible, and impossible—it should be remarked that by no means all of the appropriations for Army and Navy are spent for war. The Bureau of Insular Affairs is a bureau of the War Department, and its expenses come from Army appropriations. Also, there is an item in the Navy budget, amounting to $343,000, for the government of the Virgin Islands. Army appropriations cover the care of flooded and devasted districts. Army engineers have charge of much of the river and harbor work, and other improvements, like the Panama Canal, which we have already said could never have been built without the Army. The Coast Guard Service is now a part of the Navy. Its hydrographic office makes all navigation safer. Much of our colonial administration comes out of naval appropriations, as well as the expense of such emergencies as those presented by Haiti and San Domingo. These last are much in evidence. In spite of protests by incompetent authorities in those islands, our commission has just reported that "peace and order have been established everywhere, sanitary work has cleaned up once filthy towns, and roads and other public works are under way," and believes that "the continued presence of the small American force in Haiti is as necessary to the peace and development of the country as are the services to the Haitian Government of the American officers appointed under the treaty of 1915." Appropriations for the Army and Navy are not all spent in the work of slaughter and destruction. They build much more than they batter down.

COST OF THE ARMY AND NAVY.

One word more as to the cost of armaments. The burdens of taxation are heavy, and will be for a generation or more to come. But coming generations will benefit by the results. We fought the battles of to-morrow no less than of to-day. The burdens are heavy, but they need not be exaggerated. The statement was made in the recent educational convention here that "approximately 92 cents out of every dollar of the Nation's income goes for wars, either past, present, or future, and that the amount required to build the battleship *Tennessee* would support the high schools of the State of Tennessee for four years." The proportion of the dollar is variously stated at from 40 to 98 cents. In any case it is not correct. The burdens of the past must be taken care of in any event. Set them down to the charge of pacifism, incompetence, and graft. We have to pay them because we were unprepared. They run back to the days of the Civil War. But even so, would you be rid of them, and have the things that were accomplished done away? Would you bring back slavery? Would you restore the power of Spain in Cuba? Would you prefer, in the case of the World War, to pay out what you are paying to your own Government in tribute to a conqueror? That is precisely what would have happened if Germany had won. These obligations would have to be paid if we disarmed to-morrow. The future we do not know. The only real question is, What are armaments costing us to-day, and is the cost out of proportion to the other expenses of the Government? The actual appropriation for 1920 and 1921, for Army and Navy both, was $862,889,077; for 1921 and 1922, $748,686,868. Included in these appropriations, as we have seen, are items which do not properly belong there. For the fiscal year, therefore, about 18 cents out of every dollar expended by the Government went to the Army and Navy; this year it will be less.

Glaring contrasts are made between the amounts expended for national defense and the amounts expended for government, education, public health, and other departments. The fact is obscured that the comparisons are all made within the sphere of the Federal Government, and that it is only the Federal Government which can provide for the "common defense." But States and communities have to be governed. Add the cost. They have to educate. The Federal Government does not. Add that cost. They have to engage in various other enterprises. Add the cost. If the cost of State, county, city, and other local government is taken into account, the proportion of every dollar that goes for national defense is exceedingly small. Nor can it properly be called waste. Most of it is distributed at once in the community and goes into the ordinary channels of trade and industry, as does any other money paid out by the Government. According to internal revenue returns the American people in 1920 paid the following bills: For the Army, $418,000,000; for tobacco, $1,151,000,000; for chewing gum and candy, $750,000,000; for soda water and confections, $834,000,000; for amusements, such as baseball, cabarets, and movies, $897,000,000; and for silk stockings, perfumes, and other matters of milady's wardrobe, $939,000,000. Is it worth while for a gum-chewing generation to worry about the Army and Navy? We are much more in danger of being suffocated by the fumes of nicotine than by poison gas!

THE ARMY AND PROTECTION AT HOME.

Closely connected with what we have just been saying, is the protection of life and property during those periods of violence when strikes ripen into defiance of the Government of the United States.

One such instance was furnished in 1894, when the American Railway Union, under the leadership of Eugene V. Debs, who has just been restored to his bereaved country, undertook to prevent the running of mail trains and defied the injunctions of the United States courts. Grover Cleveland, then President of the United States, fearlessly did his constitutional duty, and the rule of the revolutionary mob was brought to an end. How much in property and in human life did the Army then save to the Nation?

Another instance is very recent. The defiance of law and authority by the striking miners of West Virginia needed the presence of Federal troops—who did not fire a shot. It is the province of the police to preserve order; it is the province of the soldier to put down insurrection. When strikes ripen into insurrection they must be put down as any other uprising against the authority of the Government, State or Federal.

The Government has just had to call upon the marines to protect mail trains. A letter from a soldier says: "Notice also the only step which has been taken to combat the incessant mail robberies. United States marines are guarding the mails to-day. A potential mail robber was shot by one of these men, and by way of expressing his gratitude the governor of Wisconsin wants the marine tried by court-martial."

FOREST PATROL AND OTHER PURSUITS OF PEACE.

The forest patrol is a part of the Air Service of the Army and under the War Department. It is now discontinued (or was for a time) for lack of appropriations by Congress in the interests of economy and to discourage "militarism."

The Department of Agriculture tells us that the entire forest area of the United States covers 463,000,000 acres and that this region is being burned over at the rate of 10,000,000 acres yearly, reforestation requiring a minimum of 20 years. Now, in 1920, the Air Service, through its forest patrol, saved from destruction by fire in two and one-half months standing timber valued in excess of $35,000,000, or considerably more than the entire appropriation that year for the air defense of the United States.

Camp Bragg is carrying out in a different way the national plans for forest reclamation. A report sent me from that camp says: "The Army has taken over the job. Soldiers, trained in forest preservation, constantly patrol the entire timbered area. Over a hundred men daily are logging out the fallen timber. A lookout station with radio apparatus has been established on a high point to report any outbreak of fire. A party of engineers is cutting a firebreak around the entire reservation. Fire protection is insured, not only to Federal property but to the surrounding country. Thus the Army is doing work that ordinarily falls to other departments of the Government. Besides it is training men to be forest rangers and spreading among the public the principles of forest conservation."

But the soldiers at Camp Bragg—and this camp is a typical one—are developing the roads of that region, and to facilitate transportation between the camp and Fayetteville they are at work upon a railroad between the two places. The Army is promoting many agricultural interests by the cultivation of fruits and grains, by the breeding of farm animals, and by the establishment of model dairies. All this work is carried on under the direction of experts. The benefits are derived mostly by the public at large. "The immediate community profits by the commerce attracted by a large military camp and by the employment of numerous civilians in various occupations on the reservations. Approximately $285,000 was paid out during the year of 1921 for civilian employees at Camp Bragg"—and it all came out of Army appropriations. So the military camp to-day has its full share of plowshares and pruning hooks as well as of swords and spears.

The service that the Army has done to the automotive industry is not generally realized, particularly in the matter of developing trucks and tractors. It was through experiments conducted at Fort Sill that a tractor was devised which could operate successfully when completely submerged. In one instance a stream was crossed where there was no bridge and where the driver sat in water up to his neck. In 1919 the Army staged the first transcontinental motor convoy. Civilian firms were invited to send samples of their trucks which were taken in the convoy, and the advantages of each noted, and the manufacturers had the chance of benefiting by this experience and correcting the defects which developed.

"Summing up," says the report from Camp Bragg, "the one thing brought into great prominence is that the Army spends a large portion of its appropriations in nonmilitary pursuits. The work done is useful and constructive. It offsets much of the great expense paid out for armament." And yet, to use the Scripture simile, you might bray some people in a mortar with a pestle, yet would not their notions of "militarism" depart from them.

THE ARMY AND EDUCATION.

There is another feature of the Army to-day that is extremely important. How much this feature may now be modified by the cutting down of appropriations and personnel I can not say. That is the educational work of the Army.

"The damfoolest thing that has come out of Washington," said a leather-faced major at a Texas post, "since Secretary Root sent out 700 school-teachers to the Philippines in one transport while they were still shooting at me!" "Well, that didn't work out so badly," demurred the colonel. "The Army caught 'em an' the teachers taught 'em!" "So it is to-day," comments the narrator, "the recruiters catch 'em, and the Army schools teach 'em!" Another says about the United States Army as reorganized since the World War, that "it is a debatable point as to whether the arts of peace are not advanced by increasing and retarded by decreasing it." Mr. Theodore M. Knappen, in the June (1921) Review of Reviews, concludes: "The Army is today an indispensable part of the educational and Americanization programs, and there be competent observers who say that it is educating better than the public schools and Americanizing better than the social settlements." These are the words of Mr. Knappen.

I do not pause to discuss this statement; but to particularize a little more: (1) The vocational training (117 different trades) is pronounced the most effective system in the country, and with it goes a general training that fits one to enter West Point or the freshman class of any first-rate college or for the best citizenship when Army days are over. (2) But before all this come the recruit educational centers, to which are assigned "native recruits who are illiterate or, being literate, are unfamiliar with English." In June (1921) there were 4,500 men of 60 different nationalities in these basic schools, of whom 3,500 were illiterates. They go out equipped with a good working knowledge of English, reading and writing, and other basic elements of education; and only after one has taken this course is he assigned to a regular military unit and enters the general educational or vocational courses. (3) Finally comes instruction in science, civics, history, and literature. Similar courses of instruction are also given in the Navy. Thus the Army provides a primary element of defense in making loyal citizens, thus protecting the State from violence within. It combats vicious and revolutionary ideas and tendencies through its schools, which firmly ground the students in political elementals. It is estimated that more than half of these men come from that stratum in which the "Red" unrest breeds. Trained to think straight, they go back after Army days to strengthen the forces of law and order and existing Government. The statement went the rounds of the daily press not long ago that, in a single month, $2,000,000 had been paid out for vocational training alone. (But it is all in those Army appropriations so bitterly assailed.

These are some of the constructive things the Army does in times of peace. The day may come when armies will be no longer needed, when their peace-time activities will be cared for by other agencies; but just now when nothing is too bad to say about the Army and nothing is too foolish for Congress to do about it, this word of justice should be spoken. We all know what it can do in time of war; we do not all know its great services in times of peace. No other organization has a more splendid civic record!

Mr. ANTHONY. I yield 15 minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Chairman, my remarks will be confined to the Porto Rican subject, and I desire to say in the beginning that I am going to deal as little as possible with personalities, because in my opinion the question concerning Porto Rico has assumed the issue as to whether or not that island is to be American or un-American.

Porto Rico is a beautiful and fertile island, 100 miles long and 35 miles wide, and possesses a wonderful landlocked harbor at San Juan. It stands at the entrance to the Caribbean Sea. It is the guardian of the Gulf of Mexico and the Panama Canal. It occupies the same strategical position toward our southern coast that Hawaii occupies in the Pacific. It was taken from Spain in 1898 as the result of the valor and the sacrifices of the Americans who served in the Spanish-American War and was paid for by their blood. Its harbor will be the port of call between America and the countries of South America and Africa in the great trade that we hope and believe will be built up between those splendid States and our own.

For four centuries, under the rule of kings, the inhabitants of the island made but slight progress. The common people had but little chance for advancement and the resources of the island were used to produce revenue for Spain.

From 1898, when our Government took control, until 1916, an American policy was adopted. Schools were established and the people given to understand that while they had the protection and a part in the greatest people's Government on earth, they would be assisted and not restricted in the improvement of their condition and the working out of their problems.

In 1916 Congress passed the Jones bill, giving to the people of Porto Rico the right to elect the members of their own legislature and senate, and to pass laws for the government of the island, levy taxes, dispose of the public moneys, and so forth, and establish a government with more liberal provisions than that enjoyed by Hawaii and Alaska, the intention being to permit the people of the island to largely manage their own affairs, but retaining the governorship for the protection of the common interests of America and the Porto Rican people, for it must be understood that the large majority of the people of Porto Rico did not then, and do not now, take that active personal interest in their government that the people of our States do.

I had the honor and the pleasure of visiting Porto Rico two years ago, and I come to you with information as the result of personal investigation. I found that the few still governed the many, the common people took but small interest in their public affairs, leaving to those of wealth and higher education the management of their government. The schools were well attended, although but few could speak English, which I was informed by the commissioner of education resulted from the influence of those controlling the government, who encouraged the teachers to disregard the rule which provided that English should be taught one hour a day.

The minority possess the wealth and higher education, but the masses are poor and without property. At a banquet given the congressional delegation one of the principal speakers stated that the people of the island and its resources had progressed more in the 20 years of American control than in 400 years under Spanish rule. But I was later astounded when the president of the senate, Antonio Barcelo, in his address openly advocated the separation of the island from the United States, and was the more amazed because the banquet was presided over by the then governor of the island. My inquiries brought me the knowledge that the Unionist Party of Porto Rico was carrying an independence plank in their platform and were openly advocating it and building up their party on that policy and denouncing all who opposed it. The gentleman who accompanied me in our trip over the island told me of the spirit of resentment by the members of this party toward Hon. JOSEPH CANNON because when he visited the island he had denounced the secessionists and frankly told them "their party was disloyal, would not succeed, and would only interfere with the benefits which the island and its people could have under the American flag."

Since that time the Unionist Party has continued its teachings of secession from the American Government and has carried the independence plank in its platform. After the last election, in which it was successful, there was a parade of the Unionist-Independence Party, with thousands of its followers in line, each carrying the one-star flag. Not an American flag! A number of Porto Rican soldiers of the Regular Army who took part were court-martialed and relieved of their duty for several months. The children have been taught in the schools to honor and love only the one-star flag. I have a picture of the interior of a Porto Rican schoolhouse, showing the one-star flag of Porto Rico displayed on the wall of the schoolroom.

On February 23, 1921, many months before President Harding appointed the present Governor of Porto Rico, the local legislature, controlled by the Unionist-Independence Party, was in session and had before it for discussion a resolution "petitioning the President of the United States, Warren G. Harding, not to make a new appointment to the office of the Governor of Porto Rico, as the majority party was well satisfied with the then incumbent in office," under whose governorship the Unionist-Independence Party had openly advocated the independence of the island. During the discussion of this resolution, which was opposed by both the Republican and Socialist minorities in both houses of the legislature, several speeches were made by members of the majority party in favor of the resolution, and at that time the speaker of the house of representatives, Coll y Cuchi, boldly stated:

> No matter how strong a man the new governor should be, the majority party would break him as they had broken other governors before.

This was the sitting which awaited the appointment of a governor by President Harding. A crisis which would either result in the recall of the people of the island to the patriotic devotion to our people's Government, which had done so much for them, or would let them continue to be led away into a one-man government and a return to conditions that existed before the American flag was raised in Porto Rico.

I read from an editorial of the Times, published in San Juan, P. R., on November 12, 1921:

> When Gov. Reily reached Porto Rico he found the office of governor had been submarined. The legislature had adjourned, but the chairman of the Unionist central committee occupied the senatorial quarters, and as party chief commanded the full force of the senate when the latter was in session. The amazing fact was presented of the entire working force of the senate continued on the pay roll after the senate had adjourned, and the chairman of the party had dictated the appointments to be made by the governor, going through the farce of sending to the chief executive three names, but telling him which one to select. Occasionally the governor had asserted himself to the extent of nominating some Unionist not named, but he soon learned that if he expected his nominations to be confirmed he must accept the suggestions made. When Gov. Reily announced his determination to expose and destroy the independence propaganda, the Unionist leaders and the Unionist press let loose the dogs of war.

The paragraphs in the inaugural address of Gov. Reily that brought down upon his head the first condemnation of the leaders of the Unionist-Independence Party read as follows:

INAUGURAL ADDRESS OF GOV. REILY, JULY 25, 1921.

> I have made considerable investigation of your school system here, and while the work has been good and progressed in many ways, I shall not be satisfied until the whole system is greatly improved along the lines of American ideas and American ideals. As Porto Rico is as much a part of the United States as is Ohio or Kentucky, I hope to see the language of Washington, Lincoln, and Harding taught equally with that of Spanish in our public schools, and that all other languages shall be secondary. Therefore English must be taught more and more. This I shall insist upon, and the commissioner of education and all his subordinates shall be instructed accordingly. * * *
>
> Our matchless President, a President of all the peoples over whom he rules, and our great Secretary of War, John W. Weeks, are as deeply interested in the Porto Rican people as they are in those of any State in the continental Union. They would be deeply distressed to see any feeling or growing sentiment on these islands tending toward any thought or idea of independence. It has come to me that the agitation of independence on these islands comes, in greater measure, from foreigners. If that be true, I want you to be fully aware that there is no room in Porto Rico for any foreigner who is not willing to support and uphold our established Government. Neither is there any sympathy or possible hope in the United States for independence for Porto Rico from any individual or from any political party. Let no man or newspaper deceive you. The last two great national conventions held in the United States, Democratic and Republican, declared unanimously against independence for Porto Rico. Neither, my friends, is there any place on these islands for any flag save the flag of our beloved and common country, the Stars and Stripes, and there never shall be. So long as Old Glory waves over the United States it will continue to wave over Porto Rico. Old Glory has come to stay. * * *
>
> In closing, my friends, I desire to repeat that I shall always have an extended hand and a sympathetic heart for every toiler in Porto Rico, whether he speaks my language or some other, whether he toils on the plantation or toils in the sweatshop, or toils at the banking counter; all, all are welcome to come to me at any time that I may be able to lift any burden or assuage any sorrow.

Immediately the heads of the Unionist Party began their attack upon the governor, and failing to cause him to weaken, and finding that the people of Porto Rico were going to stand by him, they transferred their fight to Washington. When the governor returned to Washington in November last on matters connected with his administration a hostile reception was staged on his landing in New York, and the public press was filled with ridiculous stories about his actions as governor.

The Resident Commissioner for Porto Rico in Washington, Mr. CORDOVA DAVILA, aided by one W. McK. Jones, and acting under instructions from members of the Unionist-Independence Party in the Porto Rican Legislature, undertook to present to the administration in Washington charges against the official conduct of Gov. Reily which were so ridiculous and without consequence that they were later withdrawn. The fight was then transferred to Kansas City, the governor's late home, and after a good deal of muckraking a new set of charges, sustained as it appeared by affidavits attacking the life and character of E. Mont Reily, the citizen, before he had been appointed governor, were filed with the Secretary of War. In this campaign the Porto Rican enemies of the governor and W. McK. Jones were aided by a Washington attorney by the name of Keene, whom they had employed.

When Gov. Reily learned of these charges and affidavits he went to Kansas City and a few days later filed with the administration in Washington a set of counteraffidavits destroying all the charges that had been made against his character; perhaps the most serious of these was signed by D. W. Ross, a State bank inspector of the State of Missouri. After Reily reached Kansas City, Ross made a second affidavit, which I will read to you:

D. W. ROSS'S AFFIDAVIT NO. 2.

> Donald W. Ross makes the following sworn statement:
>
> "I have lived in Kansas City, Mo., for about 15 years, and during that time have been connected with several banks. I am now one of the State bank examiners under Gov. Hyde's administration. About a month ago a man by the name of Mack Jones, and Keene, a lawyer from Washington, came to see me at the Planters Hotel, St. Louis, Mo., where I was temporarily stopping and looking after some work for our department. They were brought and introduced to me by a representative of the Kansas City Star. These men questioned me very closely as to what I knew about Gov. Reily. They stated that they had information that Gov. Reily had asked me to pay him for his influence to be used to secure an appointment as a national bank examiner. I stated to these men that I had discussed an appointment with Gov. Reily on his return from Washington in the late spring of 1921.
>
> "After some conversation with them they asked me if I would sign an affidavit, and I told them that anything that was true I would be willing to swear to. Later that evening, after spending several hours in their room, at which time considerable liquor was served, I signed an affidavit which was presented to me without reading it.
>
> "I wish to further state that Gov. Reily at no time asked me for any money or any other consideration of any kind or character for his influence, nor did I ever make any offer or consideration to Gov. Reily.
>
> "I desire to say furthermore that I have never heard of Gov. Reily ever asking anyone for any money to help secure any kind of an appointment or any office.
>
> "I have known Gov. Reily for 15 years, and have known him as a man of the highest character and integrity, and have never heard anyone speak of him otherwise in his dealings.
>
> "I desire to repudiate in every detail any affidavit I may have signed pertaining to Gov. Reily which was given to Mack Jones and Keene, as I have no knowledge of what said affidavit contained."
>
> DONALD W. ROSS.

Sworn to and subscribed before me this 14th day of January, 1922.

(SEAL.) W. G. VORNDEBROCK,
Notary Public, City of St. Louis, Mo.

My commission expires February 9, 1922.

I understand that since that time this man Ross has made still another affidavit, the best evidence of the character of the man.

I have also some affidavits in my possession, signed by citizens of Kansas City, who were approached, and who refused affidavits to those who were trying to trump up charges against Gov. Reily, and in which they say they only have good words in behalf of the governor. I mention these to show the character of the attack by these men who are seeking to destroy the effect of the governor's stand for Americanism in Porto Rico.

I claim that these facts warrant my making the charge on the floor of this House that the attack on the Governor of Porto Rico which has been made by Resident Commissioner CORDOVA DAVILA was to carry out the policy of breaking the governor in order to permit the politicians who have been dominating the policies in Porto Rico to continue their effort to separate the people and the island of Porto Rico from the American Government, and I want to clarify the record a little as to the controversy between the Resident Commissioner of Porto Rico and the present governor.

It is admitted, conceded, and proven by both sides that the governor did try to get along with the acting commissioner, and that Resident Commissioner CORDOVA DAVILA started as though he were going to be a friend of the governor. The Governor of Porto Rico did not in any way know of the $5,000 a year allowance for four years which had been put through the Legislature of Porto Rico for the expenses of Mr. CORDOVA DAVILA, in addition to the salary and mileage allowed him by the United States Government, until he arrived in Porto Rico, and it is plain that the turning down of the payment of that illegal appropriation is the cause of the hatred of Resident Commissioner CORDOVA DAVILA against the governor. There have been some vehement denials by Commissioner CORDOVA DAVILA on the floor of the House regarding this $5,000 allowance. The Commissioner claimed that he refused and did not try to get this money, and said in his speech on the floor of the House on March 2—I quote:

> Immediately after the bill carrying this appropriation was passed I published a letter in the newspapers in Porto Rico declining to accept the appropriation. That letter has been published. The next year the legislature made the same appropriation. The matter was brought to the attention of the auditor of Porto Rico, Judge Bonner, without my knowledge. * * * This matter of the appropriation occurred long before Gov. Reily reached Porto Rico * * * when he says that it was stopped when brought to his attention. I am compelled to say he lies, and he knows he lies.

I am going to read to you a copy of a letter to Judge Bonner, which has some bearing on this subject:

(Senate of Porto Rico, San Juan, P. R., Antonio R. Barceló, president.)

SAN JUAN, *June 21, 1920.*

Hon. AUDITOR OF PORTO RICO,
San Juan, P. R.

SIR: In the budget now in force and under the heading "Sundry appropriations" there is an item of $5,000 for the expenses of representation of the Resident Commissioner at Washington.

Mr. CORDOVA DAVILA has had expenses in Washington relying on this item, such as the maintenance of an automobile for himself and other expenses inherent to his representative office, and he is in need of this amount to cover same. *I am commissioned by Mr. Cordova to get from you this check appertaining to this sum, or to suggest to you to send it, on or before the 30th day of June now current when the fiscal year will close;* and I would appreciate it if you will be pleased to act in respect and notify me for my own government.

Yours, sincerely,

(Signed) ANTO R. BARCELÓ.

(Underscoring is ours.—Ed.)

Judge Bonner was again notified of the desire of Mr. Barceló to collect this money through Gen. McIntyre, as the following cable will show:

(Western Union telegram received at 122 East Huron Street, Ann Arbor, Mich. 169 DE MK 85 GOVT.)

WASHINGTON, D. C., *June 24, 1920.*

Judge J. W. BONNER,
1025 Hurlin Place, Ann Arbor, Mich.:

Following cablegram from Porto Rico for you: "Complying with urgent written and verbal request of Mr. Barceló, I am cabling his request and recommendation that you reconsider decision disallowing appropriation in current budget for expenses of representation of Resident Commissioner of Washington, and that the same be made available prior to June 30. Please have bureau cable reply. McGowa, acting auditor." Will be glad to cable your reply.

MCINTYRE, *Insular Bureau.*

* * * Again in 1921 we find Barceló appealing to the auditor to pay the money to CORDOVA. It was a verbal request, but Judge Bonner replied in writing, and makes the nature of the request clear. Judge Bonner's letter follows:

OFFICE OF THE AUDITOR,
San Juan, P. R., June 8, 1921.

Hon. ANTONIO R. BARCELÓ,
President of the Senate, San Juan, P. R.

MY DEAR MR. BARCELÓ: In compliance with your verbal request I have carefully reconsidered my previous ruling with regard to the appropriation of $5,000 for the purpose of paying the expenses of the Resident Commissioner of Porto Rico at Washington.

My reasons for declining to set up the first appropriation for the purpose indicated were fully set forth in my letter dated April 3, 1919, to which you are respectfully referred.

In our conversation yesterday you reminded me that the appropriation was not designed to be an increase in salary, but simply as an additional allowance for expenses. I find, however, that such allowances are as completely forbidden by the act of Congress as would be an increase of salary.

After a full reconsideration of the question submitted by yourself, I am prepared to say that I can find no sufficient reason for reaching any other conclusion than that expressed in my letter of April 2, 1919.

Very respectfully,

J. W. BONNER,
Auditor of Porto Rico.

And yet, in the face of this correspondence, conclusive of the fact that Mr. Barceló was making every effort to obtain this money, a period covering three years, Judge FELIX CORDOVA has the nerve to stand on the floor of the House and tell the Members of the House of Representatives that he had "publicly protested" against the appropriation of this money. What can the House, what can Barceló himself, say to this and kindred utterances?

In answer to the statement of CORDOVA DAVILA that Gov. Reily had nothing to do in stopping the payment of this money to him, I have here a statement signed by Judge J. W. Bonner, whom Commissioner CORDOVA DAVILA says in his speech "is one of the most honest and clean men he had ever known in his life."

STATEMENT OF JUDGE J. W. BONNER, FORMER AUDITOR.

SAN JUAN, PORTO RICO,
March 7, 1922.

To the honorable the GOVERNOR OF PORTO RICO,
San Juan, Porto Rico.

DEAR SIR: Replying to your verbal inquiry regarding the four annual appropriations of the Legislature of Porto Rico, for the Resident Commissioner of Porto Rico in Washington, I have the honor to report as follows:

1. On April 3, 1919, replying to a verbal request from Hon. Antonio R. Barceló, president of the Senate of Porto Rico, that I render available the appropriation referred to for the benefit of the Resident Commissioner, I sent him a letter in which I respectfully declined to set up the appropriation and gave him in full my reasons therefor.

2. On June 21, 1920, I received a letter from Mr. Barceló in which he states as follows:

"I am commissioned by Mr. DAVILA to get from you this check appertaining to this sum, or to suggest to you to send it on or before the 30th day of June, now current when the fiscal year will close; and I would appreciate it if you will be pleased to act in this respect and notify me for my own government."

I again notified him that I could not set up the appropriation for the reasons therefore indicated.

3. On June 8, 1921, in response to a verbal request from Mr. Barceló, I again declined to set up the appropriation mentioned for the reasons which had been given in my letter of April 3, 1919.

On Saturday, July 30, 1921, on which date Gov. Reily arrived in Porto Rico, accompanied by Hon. CORDOVA DAVILA, Resident Commissioner, I was informed by the Commissioner that he wished to see me at my office. I cordially invited him to come whenever he found it convenient, but he did not do so. I submitted on the next Monday morning the whole matter of said appropriation to Gov. Reily, and was informed by him that he agreed with my conclusions; that in his opinion no warrant should be issued covering the appropriation to the Commissioner, and he further ordered that I should not set it up on the books of my office, inasmuch as he considered I had obeyed the law throughout the entire transaction.

Very respectfully,

J. W. BONNER,
Former Auditor of Porto Rico.

There are some other things that the Governor of Porto Rico did not know until after he had delivered his inaugural address, the objection to which interfered grievously with the plans of the Coll y Cuchi-Barceló and Davila combination. The governor found that under the direction of these leaders of the Unionist-Independista Party an issue of bonds of $14,250,000 had been authorized by the last legislature, which had appropriated $1,800,000 over and above the tax income. The governor refused to permit the issuance of these bonds for the reason that it would have financially wrecked the island, which is now already bonded for $15,000,000; so in addition to declaring against secession and insisting that the American flag shall be supreme in Porto Rico, the present governor has also protected the treasury and taxpayers of Porto Rico.

That there may be no doubt of the connection between the Resident Commissioner CORDOVA DAVILA, Senator Barceló and Mr. Jones, I will read a copy of a cablegram sent from Washington to Porto Rico on February 11:

FEBRUARY 11, 1922.

BARCELÓ, *San Juan:*

Jones and I urge strongly that the senate pass a resolution requesting Congress to inquire immediately into the official acts of E. Mont Reily as Governor of Porto Rico, such as removal of judges, intimidation of judiciary, dismissal of efficient officials, appointment of incapable, inefficient, and inexperienced men to office, insulting the people of Porto Rico in speeches by remarks about the flag in Porto Rico, conduct unbecoming a gentleman and a high official, detrimental to the best interests of the United States and of Porto Rico. Jones thinks such resolution, instead of jeopardizing prospects of Campbell bill, would further its cause by creating a national interest in the affairs of Porto Rico.

F. CORDOVA DAVILA.

Does the Resident Commissioner, CORDOVA DAVILA, deny sending that cablegram, and does he deny sending this one?

FEBRUARY 15, 1922.

BARCELÓ, *San Juan:*

Campbell says it should be better for the senate not to adopt the resolution, leaving to me to ask for a congressional investigation if it is necessary. He thinks that the senate ought to act on the merits of the appointments. Judge Towner says that he does not want to express an opinion in the matter. Keep me informed about affairs in Porto Rico regarding Reily.

CORDOVA.

Does the Resident Commissioner, CORDOVA DAVILA, deny that he recently cabled Senator Barceló in Porto Rico for money to carry on the fight here against the governor, and will he explain to this House and the country as to whether or not Mr. Barceló in complying with his request, and before he made his speech in Congress, cabled him $600 to the Dupont Bank in Washington, and said in his cable he would send more soon? Will the Resident Commissioner, CORDOVA DAVILA, give the date of this transaction and explain to the country as to whether or not that had any influence upon his attack upon the Governor of Porto Rico? Will the Resident Commissioner, CORDOVA DAVILA, also explain as to whether or not a cablegram sent by him on February 17, 1922, of which the following is an exact copy—

FEBRUARY 17, 1922.

BARCELÓ, *San Juan:*

Your cable pleases me very much. Plans actively under way for action in Congress. I will make speech at earliest opportunity, followed by a resolution which will probably be introduced by a Republican.

F. CORDOVA DAVILA.

is an acknowledgment of the receipt of the $600 or in connection with it?

Resident Commissioner CORDOVA DAVILA and Senator Barceló have a splendid press agent. I compliment them upon the misinformation they have given the country through the press. The following cablegrams show their progress:

FEBRUARY 21, 1922.

BARCELÓ, *San Juan:*

Campaign against Reily launched in full force. New York Times has adopted fight on Reily as a policy of the paper. Do not under any circumstances give in. Am making impeachment speech in Congress tomorrow. Cable developments.

CORDOVA.

FEBRUARY 21, 1922.

BARCELÓ, *San Juan:*

Your cable received. Am prepared to go the limit. Senate of Porto Rico should pass resolution asking Congress to investigate Reily. Everything here favorable. Press helping us.

CORDOVA.

Will the Resident Commissioner, CORDOVA DAVILA, also explain as to who the Mr. Jones is that is described in his cablegram of February 11, 1922, and as to whether or not he is now in Washington engaged in lobbying for the destruction of the American government in Porto Rico? Who pays Mr. Jones's expenses, and who is paying his expenses for his continuous trips to Kansas City, Mo.; and if it is true that the Resident Commissioner, CORDOVA DAVILA, stated that Mr. Jones was a wealthy American resident of Porto Rico, who had large interests in Porto Rico, and who was simply interested in the public good of Porto Rico, when, as a matter of fact, he has no residence there? Will the Resident Commissioner, CORDOVA DAVILA, deny that on the morning following the inaugural address of E. Mont Reily as Governor of Porto Rico, and before he had killed the $5,000 graft to CORDOVA DAVILA, he, Mr. CORDOVA DAVILA, went to Gov. E. Mont Reily and told him that he must not have anything to do with Mr. Barceló, because he was determined to wreck and ruin the governor's administration? Will the Resident Commissioner, CORDOVA DAVILA, deny that he told the Governor of Porto Rico that Mr. Barceló had appointed the biggest crook on the island to an important position; that this crook was a brother of the speaker of the house of representatives of the island, named Jose Coll y Cuchi?

When the governor had finished the official business for which he came to Washington he returned to Porto Rico, and was given a wonderful reception by the people there, who waited all afternoon and far into the night for his boat to reach the pier. I read from the Times, a newspaper of San Juan, published Thursday, January 26, 1922:

GLORIOUS MIDNIGHT WELCOME ACCORDED GOV. REILY—DON MONCHO MARCHES THROUGH THE STREETS AFOOT FROM PIER TO PALACE AT THE HEAD OF THOUSANDS OF HIS ENTHUSIASTIC SUPPORTERS—CITY IS THRILLED BY THE UNPRECEDENTED AND SPONTANEOUS ESCAPTION OF THE MAN WHO DECLARES THE FLAG SHALL NOT COME DOWN—"HOME AGAIN; THIS IS MY HOME, AND I AM YOUR GOVERNOR," HE TELLS PEOPLE FROM GALLERY OF FORTALEZA—"VIVA DON MONCHO REYES," YELLS THE EXCITED POPULACE.

Gov. E. Mont Reily is home again—very much at home in Santa Catalina Palace—and still proposes to be governor, he told a huge crowd of enthusiastic citizens gathered under the gallery of Fortaleza at midnight. The governor had been very nearly carried from the steamship *Tenerife* when the fruit boat arrived from New York and docked, close on to 11.30 p. m.; and then of his own volition he sprung into the midst of the densely packed and cheering crowd outside the pier and walked all the way to the palace, followed and cheered by thousands of enthusiastic citizens afoot and scores of flag-covered automobiles. Never in history has a governor or other official been accorded such a welcome in Porto Rico, and it was so genuine and spontaneous that the whole city was awakened and thrilled with the spectacle.

From an editorial in the same paper I read:

THE GOVERNOR'S RETURN.

* * * * * * *

No governor since the American occupation has received the support of the people of Porto Rico to the extent that these people, the masses of the people, stand ready to support Gov. Reily to-day. The people of Porto Rico regard the political situation as having been outlined, even settled. Porto Rico is sick and tired of politics in the sense that the wrangling, scolding, and pretentious bluffing have become nauseating.

Our people now look for substantial work at the old palace. They expect to see unnecessary employees eliminated. Already much has been accomplished in this direction in the health and interior departments, but the task is by no means finished in those important administrative branches, while the entire government structure is ready for the new broom. Upon the whole the reduction of the budget by department savings has been started.

The people are very desirous of having provision made for sending the rest of the children to school. These are the two important undertakings, or, perhaps we should say, reconstructive works that await the energy and skill centered in and gathered around the executive. The entire field must be gone over, and the task is by no means an easy one or one to be hastily accomplished.

In all of the business details of the government the people expect a great deal of Gov. Reily. They will help him. For the first time in the history of Porto Rico the people, Abraham Lincoln's "common people," have become a factor in the government, and they will make good. They expect the governor to exercise the great power vested in him by law. This people are not afraid of the exercise of power. They resent only its abuse.

Whether the senate will give the governor practically a free hand in choosing his associates and advisers in administering the laws, or whether that body will insist upon choosing his associates for him, we do not know. Much has been called and claimed by our Unionist friends who were at the National Capital, and their utterances have been denied by the friends of the governor. It is not worth while to discuss a matter that will so soon be made clear by events.

The governor is warmly welcomed by the people. Some political partisans will, of course, continue on with their grievances, but that situation is unavoidable, and while to be regretted it is not fatal to the success of the work in hand. And now, governor, Porto Rico is ready to "put her shoulder to the wheel" of progress. It but remains for you to give "the high sign," and then you will realize the warmth of your welcome home.

That Gov. Reily has won out in his fight for Americanism in Porto Rico is best proven by the fact that the Unionist Party has recently eradicated from their platform the independence plank that it had been carrying for years, and the story that best tells the almost unanimous desire of the people for the Government that has protected them for the past 25 years is that for the four years previous to Gov. Reily's going to Porto Rico as its governor but 1,600 flags were sold in Porto Rico, while in the half year that he has been governor over 13,000 American flags have been purchased by the people, and to-day in the schools of Porto Rico the children are taught that there is only one flag and one country—"Old Glory and America." But the Barceló-Coll y Cuchi-Davila crowd have not yet given up the fight, and when the names of the governor's cabinet went to the senate they confirmed only the members of the Unionist Party, rejecting the others, and passed a resolution condemning the governor, which has been placed in the Recom by CORDOVA DAVILA. The governor promptly reappointed the members of his cabinet, as it was necessary to do in order to permit the government to function properly. It suffices to say that one of the members of the cabinet, whose confirmation was rejected by the senate, is the same commissioner of interior who was appointed by President Taft.

Now, they say the governor has dismissed some judges that should not have been removed; that is, if I am able to read the only charges in Mr. CORDOVA DAVILA'S long and venomous attack on Mont Reily. Gov. Reily removed a judge at San Juan Sicardo. Reasons given were that there had been filed in his court 740 cases during last year that he had failed to docket. These were cases involving his Unionist friends. Will the Commissioner from Porto Rico deny that there were 740 cases that were not docketed? Will he contend they should not have been docketed? Does he think that the parties involved being Unionists is sufficient reason for the judge to not docket cases against them? The complaint is made of the removal of the secretary of this court. The secretary was short in the neighborhood of $5,000. He is out on a bond. Does the Resident Commissioner, CORDOVA DAVILA, want that excused, and does he want the Attorney General to dismiss the case now pending against this man? Another judge was being investigated along similar lines when he sent in his resignation to Gov. Reily. Does the Resident Commissioner from Porto Rico desire that Gov. Reily refuse to accept the resignations of judges whose records will not bear investigation? One judge was removed by the governor, and it was afterwards learned that the testimony that was furnished against him was not true, and the governor reinstated him.

I think the experience of the average Member of this House will lead him to be patient with the governor when he is dealing with this testimony in Porto Rico. I recall that Col. Roosevelt, when he was President, removed a certain district attorney. He afterwards found that the testimony upon which he had removed him was false, and reinstated him.

Mr. Chairman, the Resident Commissioner may be able to send a Jones, or some one, to Kansas City to get some affidavit maker drunk who will make an affidavit one way to-day and another to-morrow, but when Theodore Roosevelt told the postmaster at Omaha, who wanted to get pointers as to how he should conduct the post office on a modern plan, to "go to Kansas City and see Mont Reily, who has the most modern and best-conducted office in this country," E. Mont Reily had a testimonial as to his business fitness that can not be destroyed by all the affidavits that Jones can purchase. Later, when Col. Roosevelt was returning from Africa and he sent for Mont Reily to come abroad and accompany him home, Mont Reily received the testimonial of the personal friendship and esteem of the man, which is a better testimonial of his standing among his fellowmen than can be produced by any affidavit. It is true that Mont Reily was for Roosevelt in 1912, but after Col. Roosevelt's defeat in Chicago, Mont Reily advised him to stay with the Republican Party, and Mont Reily has the satisfaction of knowing that Col. Roosevelt lived long enough to say that "you are one of my close friends and advisers that gave me good advice."

But a new propaganda has been started in Porto Rico to serve the same purpose which the independence plank of the Barceló machine was accomplishing—a free State of Porto Rico—which means a government dominated by the Barceló-Coll y Cuchi-Davila machine, with the Old World system of "government by a few," and the resultant exploitation of the people. It is unnecessary to add that this would be the end of Americanism in Porto Rico.

I read from a letter from the United States attorney at Porto Rico, a man from my State, who lived in the district so ably represented by Mr. ANTHONY, who was a judge advocate in the Army during the World War, and for whose high standing, ability, and splendid Americanism every member of the Kansas delegation will vouch:

The taking out of the independence plank in the platform of the Unionist Party means nothing whatever, and is simply to throw dust in the eyes of Congress. People here are not fooled and know that they are just as disloyal as ever.

Gov. Reily is all right in every way and should have the backing of every American. * * * If the American flag means anything to these people it should be made known now. The people of the island are loyal and true, and it is only a few politicians who are off the reservation, and they should be made to see that there is a "God in Israel," and should be made to honor and respect the American flag.

People in the States do not realize the seriousness of this matter to the best interests of the island and are inclined to take it as a joke, but it is no joke here.

If they succeed in breaking Reily, they will break any American governor who can be sent here, and it requires a firm hand, right now and for all time. It is these bills in Congress that give them new hope, and they are furnishing the fuel by which American ideals and American patriotism is being cast upon the block and burned at the stake.

Mr. Chairman, every Member of Congress knows that it is a very easy matter to procure the introduction of a bill in Congress. Mr. Barceló was here for months, and he and Mr. DAVILA were together, and together they called upon many Members of Congress. The so-called Campbell bill is not the only bill that was introduced for Porto Rican independence. The scheme was to get a bill introduced in the House and then for the Unionist Party to use the fact that a bill had been introduced as though it was practically a law, and by such use of the bill it has had a tendency to destroy good government in Porto Rico.

Also, every Member of this House knows that there has been no serious thought by any considerable number of the American Congress to even consider any of these measures that have been introduced. The president of the Senate of Porto Rico knew it. CORDOVA DAVILA knows this fact. It is possible that the propaganda of having these bills introduced and these cablegrams exchanged is for the purpose of raising and creating a sentiment that will enable certain persons to raise money in Porto Rico to be used against the American flag. If this construction of the use they are putting these bills to is correct, then Members of Congress should be reluctant to extend the ordinary courtesy of introducing a bill at the request of these parties. It is well understood in this country that almost anyone who has an idea thinks he ought to be engaged in securing some Congressman willing to put that idea in the form of a bill in the basket on the Speaker's desk. It is just as well understood in this country that that bill is no nearer a law then than it was when it had its original inception in the mind of the

propagandist, and no notice whatever is paid to the fact that a bill has been introduced. I am able to state that the introduction of these bills has been given publicity in Porto Rico by the Barceló-Cordova Davila crowd for the purpose of raising funds to carry on their propaganda work and help their political situation.

Mr. Chairman, in conclusion I desire to observe that the facts and information I have furnished the House in this address are, of course, known to the administration in Washington, and perhaps it is unnecessary to add that they would not be discussed in Congress save and except for the fact that the Resident Commissioner, CORDOVA DAVILA, has placed some statements in the RECORD. President Harding, the Secretary of War, and several departments of our Government charged with the administration of affairs are fully informed as to conditions, and to anyone who is willing to take time to make investigation there is nothing surprising in the fact that the President has not seen fit, at the request of the Secessionists and Independistas, to remove his appointee in Porto Rico.

The Resident Commissioner, CORDOVA DAVILA, has spoken in favor of an investigation. If he really wants one, I am requested by the friends of Gov. Reily to say that they will welcome it, but they desire to have the investigation include the management of the public affairs of Porto Rico by the Barceló-Coll y Cuchi-Davila organization, so that the reasons and the need for Gov. Reily's clean-up of its government offices and the discharge of incompetent, useless, and grafting officials and employees was necessary. If we are going to interfere in the President's administration of the affairs of Porto Rico, let us get all the facts.

When this tempest in the teapot has passed the American administration in Porto Rico will go forward to the great good of the Porto Ricans, who are naturally a loyal, patriotic people, and who will realize that the people of the United States want nothing from them but their assistance to uphold the American flag and American ideals. They are now American citizens—the highest honor in the world to-day. They may always depend upon our cooperation, assistance, and protection. We hope that the present governor may succeed in having our language taught in the public schools equal with that of Spanish, in order that they may better understand our system of government and our national ideals, and in stamping out any attempt to separate the island of Porto Rico and its people from us. [Applause.]

Mr. SISSON. Mr. Chairman, I yield 16 minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN of Georgia. Mr. Chairman, the administration of no other governmental activity has provoked so much complaint and dissatisfaction as have those which pertain to the care and well-being of our ex-service men of the World War.

It was so continuous and general, without reference to class or section, that it finally culminated in the enactment of the Sweet bill, approved August 9, 1921, by which was established the Veterans' Bureau.

The proponents of the bill claimed that the legislation would lessen expense by coordinating governmental activities, and that its provisions for organizing regional offices would facilitate action on all matters involved. It is now admitted by department officials that the operation of the regional offices increases the annual expense of the bureau from fourteen to fifteen million dollars.

So much has been said regarding the service and the decentralization of the bureau since the passage of the act that I was induced to make what under the surrounding circumstances and opportunities may be considered an exhaustive study of the results obtained. The facts are such that I believe they should be brought to the attention of the House, and I therefore ask its indulgence for that purpose.

There are embraced in the Veterans' Bureau what was prior to its creation the Bureau of War Risk Insurance, also those activities of the Federal Board for Vocational Education which related to the rehabilitation of disabled soldiers, sailors, and marines, and those of the Public Health Service which relate to beneficiaries of the Bureau of War Risk Insurance, except such as had to do with hospitals and dispensaries.

The act authorizes the director of the bureau to establish a central office in the District of Columbia and not more than 14 regional offices and 140 suboffices in the territory of the United States and its outlying possessions.

Incompetency is always deplorable. Waste of public funds may be pardoned in times of war but not in times of peace.

If reports be true the waste and loss which the Government will probably sustain as a result of incompetency or carelessness in the management of affairs by some of these regional offices is little short of crime. For instance, persons heretofore receiving compensation, allotments, or allowances have had such payments reduced or discontinued altogether at the central office, but it is said that checks for the usual amounts have gone to them by error from the district offices. In some offices, it is said, they have amounted to millions of dollars.

In this connection I may add that on yesterday I called the attention of an employee occupying a responsible position in the bureau to a report which had come to me to the effect that shortage exists by reason of such action in some of the regional offices. I was informed an investigation had been made of the New York and Philadelphia offices but no report had yet been submitted. I was also advised that an investigation of the Atlanta regional office had been ordered and that it would be made at once. I then stated to the party that I had been told a shortage of a million or more dollars exists in the Atlanta office. If such funds were sent to persons who accepted and spent them in good faith, the recipient has certainly committed no crime; and if they are not financially able to repay, the Government must lose.

I have to-day introduced a resolution providing for the appointment of a committee to investigate the Veterans' Bureau, especially as to errors and shortage at regional offices.

It is not always safe to depend upon statements of the cashier as to the solvency of the bank, nor even to rely upon the directors of the institution, for it might not be to their interest to disclose its embarrassment or insolvency. It is upon this principle that we rely upon the official bank examiner in both State and Federal matters for accurate information wherein the public interest is involved.

Upon this theory, I believe a congressional investigation as to the Veterans' Bureau would satisfy and best serve the public demands.

The issues involved center largely around the question of decentralization of the bureau. Is decentralization wise or unwise? Certainly there is much dissatisfaction as to the results obtained. At no time since we have been dealing with the problem of disabled ex-service men has complaint been more general or dissatisfaction better founded. If decentralization is wise, apparently the affairs of the regional offices are in the hands of incompetent persons or carelessness and negligence prevail. If the system is a failure, we should change it; if its administration is wrong, we should correct it.

I incorporate a statement furnished by the bureau which shows the location of the regional offices, the rent to be paid for each, and the amount for suboffices. It discloses that we are paying an annual rental of $1,094,884.78 for regional offices and $577,294.11 for suboffices, a total of $1,672,178.89. None of this is for Washington quarters, nor is any necessary for that purpose. If this is necessary for the comfort or better care of disabled ex-service men, of course no one will object; but if its chief purpose or result is to further enrich opulent landlords, objection will come from every quarter. [Applause.]

But rent is only a small portion of additional expense incurred. By far the largest item results from increase in number of employees.

In the formation of the Veterans' Bureau the entire force of the Bureau of War Risk Insurance was taken over. It consisted of 5,025 employees. There were transferred from the Federal Board for Vocational Education 6,710 employees and from the Public Health Service 4,021, making a total of 15,756 employees.

Regarding personnel of the Bureau of War Risk Insurance, the report of the Secretary of the Treasury for 1921, page 432, discloses that—

> The annual net reduction in the bureau's personnel for the fiscal year ending June 30, 1921—
>
> Less than 40 days before creation of the Veterans' Bureau—
>
> amounted to 2,767 employees, or a net reduction of approximately 35.2 per cent.

In view of this well-known tendency toward reduction of such employees, I think it may be assumed that Members of Congress voting for the bill did not expect the personnel of the Veterans' Bureau to be greatly increased over the number comprising its initial organization. If so, they have certainly been doomed to disappointment, for there are at this time not 15,756 persons employed in the bureau but 19,633, an increase of 3,850 in about seven months.

Not only is this true, but the Public Health Service, from which was taken many of its activities and 4,021 employees in the organization of the Veterans' Bureau, has reorganized its forces by adding to the pay roll 2,927 more employees, an increase of more than 15 per cent. A statement furnished by the Public Health Service March 4, 1922, shows that the total personnel of the service was 22,444 on July 1, 1921, and that it consisted of 21,340 employees on February 28, 1922, practically the same as prior to disenrollment for the Veterans' Bureau.

I incorporate a statement furnished by the Veterans' Bureau which shows the number of employees in the central office and each of the regional offices; the average, the minimum, and the maximum salary paid at each office and the number receiving the maximum salary. It will be seen that the average salary paid is $1,479.60 per annum. Thus, it will require on the present basis of employment $29,048,968.80 per annum to pay basic salaries of the 19,633 employees of the regional offices. The bonus paid employees will add, it is estimated, $1,694,327.90; and thus, including the $6,115,542, estimated to be necessary for salaries in operation of the central office, the total amount to be paid for salaries alone is $36,858,838.70.

There are 5,016 persons employed in the central office. The salary of the director of the bureau is $10,000 per annum. One other person in the central office receives a salary of $7,500 per annum, six receive $6,000 each, one receives $5,500, and seven receive $5,000 each. The report discloses that 17 other officials embraced in the various regional offices receive annual salaries ranging approximately from $5,000 to $6,000 per annum. Some of the regional offices have less than 500 employees—the greatest has approximately 1,000—yet the heads of these regional offices receive practically as much salary as did the Director of the Bureau of War Risk Insurance when it had enrolled 17,336 employees. I believe his salary was about $6,000 per annum.

The service rendered may be worth the money. It may be impossible to obtain efficient men for a less sum; but at a time when 700,000 deserving ex-service men walk the street and beg for employment, and when complaint regarding service rendered, especially as to regional offices, is so widespread, the public will wonder whether these high-paid officials are indispensable. [Applause.] The people will not be willing to have the bureau made a haven for high-paid officials who do not satisfy demands for efficiency.

The law does not require the establishment of 14 regional offices. It simply limits the number to be established. The director is clothed with full and complete authority to terminate any regional office or suboffice when in his judgment this may be done without detriment to the administration of the act.

The service obtained is far from satisfactory in results. Almost everyone in position to know and who has spoken upon the question has so testified. It is useless for me to cite particular instances coming within my own knowledge, though I might mention many. In view of these conditions, would it not be well for the director to consider the advisability of closing the regional offices and adopting some other system of dealing with the situation?

More than a year ago Congress appropriated $18,600,000 to provide hospital facilities and 6,000 new beds for our disabled ex-service men. Not a hospital has been completed nor a single bed made available under this appropriation. Not only this but a recent report of the Treasury discloses that in some instances not even sites for the proposed hospitals have been acquired.

We have more than 9,000 disabled ex-service men in contract hospitals, mostly private, profit-making institutions. They are costing the Government an average of $3.50 per day each—a daily expenditure of $32,000. They could be cared for in Government hospitals at a saving of from $12,000 to $15,000 per day. Most of these men do not receive vocational training, nor are such facilities afforded them. The Government has little or no opportunity for determining when a patient has sufficiently recuperated to be discharged from these hospitals, and it is not greatly to the interest of the institutions to disclose such information. In many instances the ex-service men are dissatisfied with the services rendered.

Who is to blame for such delay and extravagance? Congress can only appropriate money. It is not expected to build hospitals, or to equip them, but some one is charged with responsibility, and the country should know who it is and why the delay.

The American Legion Weekly of March 3 calls attention to this frightful condition. It says that we now have more than 30,000 patients in Government hospitals; that the number is expected to increase rather than decrease, and that by 1925 the number will probably reach 35,000. Present facilities are taxed to their full capacity. Many others are suffering, yet few can be admitted until hospital facilities are provided.

Those in authority meet the existing emergency only with delay and procrastination. Meanwhile the public does not know whether collusion and desire to benefit private institutions prevent action.

The disabled ex-service man is entitled to every consideration. He is dissatisfied with the results obtained. It is not only the duty of Congress to fix responsibility for delay and inefficiency, but to correct conditions immediately.

To obtain for these brave men who fought that liberty might live, who are to-day wrecks that freedom might survive for yours and mine, all things which may help them is due. I, for one, though criticism may follow and misunderstanding arise, shall continue to call these matters to the attention of Congress until justice be done and suffering alleviated so far as it may be.

I am actuated by no mere desire to criticise, but by the hope that constructive criticism may enable us to discharge the debt due to these soldier lads of ours. [Applause.]

EXHIBIT A.

STATEMENT BY UNITED STATES VETERANS' BUREAU AS TO LOCATION OF REGIONAL OFFICES, SUBOFFICES, RENTALS, ETC.

Fourteen regional offices and 125 suboffices have been established. The location of these are shown in the following list, which also shows the location of training centers and hospitals, as of February 1, 1922:

The annual rental now being paid for each regional office is as follows:

1. Boston, Mass	$154,500.00
2. New York, N. Y	166,430.00
3. Philadelphia, Pa	135,300.00
4. Washington, D. C. (Government owned).	
5. Atlanta, Ga	18,000.00
6. New Orleans, La	46,566.00
7. Cincinnati, Ohio	44,152.58
8. Chicago, Ill	186,250.00
9. St. Louis, Mo	68,388.00
10. Minneapolis, Minn	63,732.00
11. Denver, Colo	64,900.00
12. San Francisco, Calif	56,900.00
13. Seattle, Wash	52,626.20
14. Dallas, Tex	36,750.00
Total annual rental for 14 regional offices	1,094,884.78
Annual rental for 125 suboffices	577,294.11
Total annual rental for regional and suboffices	1,672,178.89

EXHIBIT B.

UNITED STATES VETERANS' BUREAU.

Statement showing number of employees of central office and each district with average and maximum salaries.

Location.	Number of employees Feb. 27, 1922.	Average salary.	Maximum salary.	Number receiving approximately the maximum salary.
Central office	5,016	$1,438	$10,000	1
District 1	1,002	1,366	5,000	1
District 2	1,628	1,496	6,000	1
District 3	1,141	1,483	6,000	1
District 4	1,199	1,624	5,000	1
District 5	849	1,468	5,000	1
District 6	796	1,453	5,000	1
District 7	1,575	1,484	5,000	1
District 8	1,493	1,461	5,000	1
District 9	934	1,377	5,000	[1] 2
District 10	813	1,409	5,000	[1] 2
District 11	1,114	1,463	4,800	1
District 12	794	1,658	5,000	[2] 2
District 13	897	1,575	5,000	1
District 14	702	1,471	5,000	1
Total	19,633			

[1] District manager, $5,000; medical referee, $4,800.
[2] District manager, $5,000; medical examiner, $4,500.

NOTE.—Maximum salary shown in each district is salary of district manager.

Mr. ANTHONY. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, inasmuch as one can not expect to go very deeply into the philosophy of the organization of the Military Establishment and the reasons for its being in 15 minutes I am going to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GREENE of Vermont. Mr. Chairman, I do not think anybody who is cognizant with public affairs in these days would seriously attempt to deny the necessity for great and oftentimes radical economies in the administration of our various bureaus and departments of Government, and in the control of the activities of the many agencies and institutions of Government. It is not debatable. But I think the American people generally, in whose name we profess occasionally to appeal for economy, are not themselves individually and collectively in their community and home life such radical economists as sometimes their distinguished Representatives undertake to say they are.

The American people do not want their money misspent, but they do not begrudge the money that is necessary to be spent in order to have good government and security in their social order. Sometimes I am inclined to think, with all good nature, that some gentlemen in public life who preach economy vociferously and say they are speaking in the name of the people are much in the attitude of a man standing at the mouth of Mammoth Cave hallooing his speech into it, and then, when the echo of his own words comes rumbling back, calling it "public opinion."

I think a good deal of so-called public opinion is manufactured upon the floor of this House in about that kind of a way.

I think it is equally true that, if we were this very night to make a little quiet canvas of the homes of the land and ask them if they have taken particular note of the figures in the Army appropriation bill and the theory upon which it proposes to reduce the Regular Establishment and the other military activities that depend upon it, they would tell us they had not done so and, what is more, that they were not aware that there was any particular necessity for such a reduction.

Mr. GARNER. Will the gentleman yield?

Mr. GREENE of Vermont. For a brief question.

Mr. GARNER. With reference to the statement of sentiment being made in the House of Representatives, does not the gentleman believe that if the House of Representatives should take the leadership of the country according to its convictions the country would be better off?

Mr. GREENE of Vermont. I think that is probably true of all popular government when the mandate of an election represents the true political sentiment.

Mr. GARNER. In other words, if we undertook to educate our people in their thought rather than find out what they wanted and attempt to benefit them, that would be the better policy?

Mr. GREENE of Vermont. It is true; but most of us are human.

Mr. GARNER. And the gentleman might say that we want to be elected.

Mr. GREENE of Vermont. That is human, too.

So I do not think there need be so much concern about a popular demand for economy respecting the figures involved in the Military Establishment when those figures do not run beyond reason. There should be some basis of common sense back of all action of this kind, and there should not be any indiscriminate reduction without regard as to whether we are going to keep the governmental agency in a live condition and in such a vitality that even though it is required to retrench somewhat it will not be left in such shape that it will be unable to carry on the purposes for which it was originally instituted.

Back in my country there is an old, old story of the man who tried a drastic experiment in economy, and it has become proverbial. He said he had just got his horse up to the point where he was going without eating "when he up and died." [Laughter.] I often think of that in connection with some of these institutions for which we legislate.

I can see places in the Military Establishment where economies can be effected. If the Committee on Military Affairs had been allowed to continue in the work they were endeavoring to do, and had been allowed to bring into the House a scheme whereby the War Department might unload a great many thousands of acres of useless real estate, which now entails considerable overhead charge for its administration, and various other things which the committee have been trying to do, thus reducing the total cost of the Military Establishment, which now is always charged up in the popular mind to maintenance of so-called militarism, the figures for the War Department's annual budget would be more nearly representing the expense that the real, true military service carries as nearly as it can be measured in dollars.

Mr. CHALMERS. Will the gentleman yield?

Mr. GREENE of Vermont. I can not in my time.

It is an old fallacy I have often spoken of a good many times here by which people who do not approve of what they call militarism attempt to divide the total which they find charged off on the books against the War Department by the number of soldiers who are maintained, and then say militarism costs so much per capita. Then they proceed to "economize" in the cost of the Army by reducing the number of soldiers. If they would only take out of that total the great sums, such as rivers and harbors and various other activities which are nonmilitary, not directly pertaining to the military defense in any shape or manner, we would not have such a cry in reference to economy in the Military Establishment, or the clamor that we must reduce the personnel of the Army in order to economize. If we did, we would not have so much of a cry of how much it is costing for our Army. We ought to have a common-sense idea of economies which we know are necessary at this time.

I am sure we would also agree upon the proposition that that governmental agency whose existence was absolutely necessary—and we do not deny that the Army is a necessity, due to world and social conditions—we would also agree that it was a wise thing for the health of that agency if the Nation adopted something like a permanent policy regarding its maintenance and its continuance from year to year, so that men who undertook to go into the Army and the Military Establishment and make the profession of arms a life career would have some reasonable assurance before them that if they did so they were going to be able to continue in stable employment, provided, of course, they were efficient according to a fair standard or, in the language of the time, "made good."

But if we go on year after year taking a new hack at the Army on one pretense and another, one speculation and another, and continually make life within that professional circle uncertain and altogether risky and experimental, how long will it be before we get to the point where the right kind of young men will see that the Army means no career for anybody; that they can not get anywhere with it? And then we will not get the kind of material that we want.

I should like to summarize, and just touch the high point in the summarization, one of the lessons that was learned as the result of the great World War. All people who study military affairs in general know that it stands out as one of the most prominent and, in a degree, one of the expensive lessons learned in the great World War. That was that we did not go into that war with a sufficient number of highly trained, experienced, and matured commissioned officers in our Regular Establishment. I do not think anybody who has ever given any thought to that question will dispute that for a moment. As a result, we tried in the adoption of the Army reorganization act, deliberately and avowedly, to create a larger commissioned personnel than there was any necessity for if the officers in it were to be employed exclusively with troops. It was done designedly and avowedly. And when some of the brethren undertake to show that we have no reason for so many enlisted men, or when we cut down the enlisted men we do not need so many officers, they are arguing against the philosophy of the law which we adopted.

It would take more time than has been allotted to me to show how these officers are employed, but the theory of the law is that they shall be kept in circulation, first, performing duties with troops, and then being sent for a while to school, and then on detached service of one kind and another in some one of the Military Establishment's functions and activities, while most of the surplus officers are employed throughout the country in the business of training the National Guard, in acting as instructors for the Reserve Officers' Training Corps, and in training in schools and colleges where they have military units of young citizens preparing for the defense of the country in time of need.

I agree with you that in order to fix the number of officers beyond the necessary number required for the tactical units there must be a compromise, but I think it is a dangerous thing to compromise on the wrong side on that number. I think the time will never come when we shall be able to get along in this country with any less than the number we have now, and we find now that the demands all over the country for these officers to help in training and teaching and instructing the civilian population to prepare for national defense are more than the War Department can answer. And they have to rob the tactical units they maintain to-day in order to get many of the officers to put at this work. The organizations of enlisted men are short of officers, and have been for years, and yet the call comes for officers to come out and train the civilian population.

Again, I want to impress upon your minds something you know already, but which I think we ought to carry into the debate when the bill is read under the five-minute rule. We shall hear some rather emphatic and exaggerated statements made in the enthusiasm of some of our economical friends, and I think we ought to keep them closely in mind. We have never maintained in this country a fighting Army in time of peace, nor is it intended by the Army reorganization act that we shall do so. It is simply a garrison, police, and training Army. We wisely rely upon calling our entire population to arms in time of war, and thus avoid maintaining a great standing Army in time of peace. Men say we are not going to have war with foreign countries by reason of the Limitation of Armament Conference. The whole world knows that we do not maintain a war Army, but we did maintain a Navy that was practically ready for war. The Limitation of Arms Conference never asked that our Army be reduced.

Moreover, if there is no danger of our having a foreign war immediately—and that is quite likely, as the world is exhausted to-day—perhaps this generation may never see another; yet if there was ever a time in the history of man when it may be necessary to employ force to maintain our Government against radical manifestations of social upheaval and threatened insurrection, it is this very day and time when all the world is laboring under a well-nigh feverish unrest and discontent. We may think ourselves very lucky that we have not had many more radical examples of what may come of that social unrest in our own land, and yet we can not tell when they will come or when we will have need for just such an organization as this Army of ours.

I want to impress on your mind again that it is the commissioned personnel of an army, under our American system, that is the only permanent Military Establishment we have. And those commissioned officers are what we mainly rely upon in time of peace to prepare our great civilian population for national defense in time of war. Enlisted men come and go in and out of the Regular Army, but the science of war has become too complicated in these days to be learned by volunteer officers in the few weeks that an emergency army of citizens has for training when called to the colors in time of war. As an evidence of this, please take note that the recent British Army estimates, while they propose a reduction in the enlisted personnel, at the same time actually propose an increase of 4,000 in the number of commissioned officers. [Applause.]

Mr. Chairman, I append herewith a report, to accompany H. R. 10271, entitled "Reduction of officers of the Regular Army." This report, which I made for the Committee on Military Affairs, gives in somewhat greater detail than I have been able to discuss in my limited time here, some idea of the reason why the commissioned personnel of the Army should not be reduced to the extent proposed in the Army appropriation bill now before the House:

REDUCTION OF OFFICERS OF THE REGULAR ARMY.

[Report to accompany H. R. 10271.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10271) to reduce the number of officers of the Regular Army, and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

One of the outstanding lessons of the World War was the modern army's need of great numbers of highly trained, experienced, and matured commissioned officers. The wise policy of the people of the United States has been not to maintain a huge standing Army in peace time ready for the battle field at any call, but to keep a comparatively small professional Army in time of peace for garrison, police, and training purposes, and to rely upon armies of citizen soldiers in emergency for national defense. This professional Army is required to educate, discipline, and train itself for any emergency at any time, and one of its most important missions is to conduct the education and training in military science of the National Guard, Organized Reserves, and other civilians and civilian agencies and institutions so that there may be no necessity for the maintenance of a great war-strength army in time of peace.

When the Army reorganization act of June 4, 1920, was drawn, it authorized a strength of 17,726 commissioned officers for the Regular or permanent Military Establishment. This number of officers were designedly far more than would be needed simply to supply officers for the various tactical organizations of the Army or for its normal peace-time administration and overhead. But it was recognized that the commissioned personnel is the only permanent part of the Regular Army, as the enlisted men come and go with their varying terms of enlistment. It was the philosophy of the law that a number of officers varying with the needs of the time would be detailed to duty with troops or for administration and overhead, that others would be sent to the various service schools of the Army, others still to various duties and responsibilities which are by law placed under the War Department, such as rivers and harbors work, for one instance, and that the body of commissioned officers remaining would be utilized in the various agencies concerned in the training of civilians and civilian or nonprofessional military organizations, as already indicated. It was the idea of the law that the officers would be kept in circulation throughout these activities, serving for a period with troops; then perhaps going to a service school to acquire additional proficiency in their profession; then detailed once more to some administration, staff, or other overhead duty; then to the agencies of civilian training if fitted for that particular duty; and so on, roundabout, going back to troops frequently in order always to be close in touch with the actual Army and its everyday life and necessities.

It is the theory of the law that experience in these duties is essential to the Army and that officers in peace time should not only be trained in line duties but in administration, staff work, and similar responsibilities which experience shows will instantly be enormously enlarged and complicated upon the outbreak of a war and the raising of millions of men in citizen armies to take the field. It is the theory of the law, moreover, that while the small number of regular officers maintained over and above the exact requirements of the number of troops in the peace-time standing army can not be anywhere near sufficient to fill the higher grades in a war-time army, it is a number that will go some way by sprinkling through the great war-time army and helping to leaven the whole lump with some of the necessary ideas of military science and discipline, fill many of the most responsible high commands for which a sufficient number of citizen soldiers are not then prepared, and in general help raise, equip, and train the soldiers of the war-time army during the organization period, as was demonstrated during the recent war. These and many other similar details will at once suggest themselves as being most important functions for the commissioned personnel of the Regular Establishment in such an emergency when a whole nation of ordinarily peace-loving and nonmilitary people must be hurriedly put in shape for war.

As the Regular Army is operating to-day and long has been, there are not enough officers assigned to duties with troops according to the requirements in the tables of organization. The reason for this is that the civilian training has made such demands upon the commissioned strength that the troops have been deprived of the necessary tactical officers in order to go some way toward meeting this demand from the public.

It is not correct to say that in proportion as the enlisted strength of an army is reduced its overhead may also be reduced. There is about so much overhead required anyway for any army of any strength. Besides, it is regarded as very urgent that officers should have training in administration and staff duties as well as in duties pertaining strictly to the line because the war-time army needs tremendous administration overheads and increase in staff corps. One of the most emphasized lessons of the World War was our lack of training in military staff functions.

In attempting to estimate the number of commissioned officers necessary to an army it is a mistake to divide the number of enlisted men by the total number of officers and then to argue that we have an army made up of "one officer to so many enlisted men." The commissioned personnel of an army does not stand in any such ratio to the enlisted men. The various tactical organizations are not officered alike, some requiring many more officers than others, and many military functions are necessarily performed by officers who are not attached to troops at all.

Accordingly, when the Army reorganization act became law it provided for an increase in the commissioned personnel of all grades, and under the terms of the law several thousand former emergency officers in the World War were inducted into the Regular Army in various grades and the remaining vacancies were filled by promotions of the Regulars already in the service. As a matter of fact, however, it developed that not a sufficient number of emergency officers and other civilians applied for or were found qualified for admission into the Regular Army to fill all the vacancies created by the Army reorganization act, and as the law directed the upper grades to be filled as suggested it came about as a natural result that the higher grades became filled to their authorized strength, leaving the grade of second lieutenant wholly unfilled and considerable vacancies in the grade of first lieutenant besides. All this, it should be clearly understood, took place according to the very terms of the law itself, which in its turn followed the practice of military law for many years.

It should be borne in mind that if the Army reorganization act had gone into effect completely because sufficient applications had been made or accepted for vacancies created by it all the promotions made necessary by the act would have been en bloc, and would have attracted no public attention whatever because they were in obedience to the law, which provided for just such an increase in the commissioned personnel and all its grades. But the failure to fill the vacancies has meant that the promotion process has been strung out over a period going on two years, from time to time operating upon succeeding groups of officers as the files above them became vacant through natural causes, all tending to create the erroneous impression in some quarters, apparently, that the War Department itself was pursuing a ridiculous policy of building up a top-heavy Army that did not even have a second lieutenant in it.

The failure of sufficient applications for commissions in the Regular Army to fill the vacancies created by the Army reorganization act, therefore, has left the Regular Army in an absurd top-heavy condition with regard to the higher grades of its commissioned personnel. This the Army itself recognizes in the hindrance it is to the proper performance of its functions under military law and practice, and the War Department has sought some remedy for it for some time. The remedy now proposed is in the form of the bill H. R. 10271, which is now reported to the House.

This bill is the offer of the War Department itself to cure the existing situation. It keeps the commissioned personnel within a total of 13,000 for a year from July 1, 1922, and does not permit an excess of 14,000 beyond that time until Congress itself shall authorize such an increase. It redistributes the officers in appropriate numbers in the various grades to do away with the top-heaviness that is so apparent even to a layman, puts a restriction upon promotions, so that they will cease or slow up for some time, introduces the stranger known as a second lieutenant to the Army again, and provides that he shall stay in that grade for at least three years. It does these and other things, all in the interest of a well-balanced commissioned personnel of a professional Army, and many of which will be found to mean a very decided economy over the operations of the law as it stands to-day.

A complete analysis of the bill is shown in the following memorandum of the War Department prepared for the use of this committee:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, March 11, 1922.

Memorandum for the chairman Committee on Military Affairs, House of Representatives.

Subject: H. R. 10271.

I. PURPOSE OF THE BILL.

The purposes of H. R. 10271 are threefold: First, to suspend for the time being the authorization for officers of the act of June 4, 1920, and to substitute therefor a new authorization for about 4,000 less officers suitably distributed in grades and branches, thereby giving a definite guide for future administration of the commissioned personnel of the Army; second, to bring about a prompt, economical, and efficient readjustment of the present officer personnel to conform to the new authorization, and thereby remedy the existing unsatisfactory distribution and flow of promotion; and, third, to improve the general quality and effectiveness of the reduced officer body by an elimination of the least effective and by resuming the inflow of new blood in the lowest grade.

II. POLICIES GOVERNING FRAMING OF THE BILL.

The bill has been framed in accordance with carefully considered and broad policies. These may best be serially stated in broad terms as follows:

1. The minimum number of regular officers that can be maintained in the immediate future and effectively perform the missions that in our scheme of national defense devolve upon such officers is 13,000. As the development of the reserve forces progresses a thousand more officers will be required. These may, according to circumstances, be either obtained by appointment in the Regular Army or obtained by

placing junior reserve officers on active duty for limited periods. In either case the distribution of officers among the grades above the lowest should properly be on the basis of a total of 14,000 officers.

2. In reducing the number of officers at present in various grades above the lowest to conform to the new schedule the most efficient and economical method to pursue is a selective retirement and discharge of those officers who for any reason are least effective. The alternative methods are:

First, what is technically known as absorption, which means a suspension of promotions until, by normal causes such as death, retirement, resignation, etc., the surplus in any grade has disappeared. This method is not favored as it is slow, uneconomical, produces stagnation in promotion, prevents appointment of new blood in the lowest grade, and negatives any improvement in efficiency by not affording any opportunity for selective elimination.

Second, what is technically known as demotion, which means the recommissioning of officers in lower grades. This method has all the disadvantages of absorption except that it is more economical. It has the additional disadvantage of lowering morale by loss of rank and pay.

The method of selective elimination by retirement and discharge has all the advantages and none of the disadvantages of the alternative methods.

3. Officers eliminated on account of being surplus are entitled to reasonable compensation on account of the premature termination of their active service.

4. In order to avoid too great an elimination of junior officers, to have available for service a few extra junior officers during the period of building up the quota of second lieutenants, and to close up promotions in those lower grades in which it has been unduly rapid, a portion of the reduction should be accomplished by the method of absorption.

5. Greater latitude in meeting the problem of reorganization and readjustment than the 15 per cent latitude now allowed by law is essential in the distribution of officers to the various branches of the service.

III. ANALYSIS OF THE BILL.

Section 1: This section accomplishes the following:

First. It leaves the authorized number of general officers, medical officers, Medical Administrative Corps officers, chaplains, professors, and the military storekeeper as at present authorized.

Second. It suspends for the time being certain provisions of the national defense act and reduces by 17.6 per cent the authorized number of officers in each grade from colonel to second lieutenant, inclusive.

Third. It reduces the authorized strength of the Veterinary Corps to 144, of the Dental Corps to 177, and of the chaplains to 136.

Fourth. It keeps the commissioned strength within 13,000 at least until July 1, 1923.

Fifth. It causes the authorized strength of the branches of the Medical Department and chaplains to remain fixed, instead of fluctuating with the enlisted strength, as they do at present.

Sixth. It required that hereafter every second lieutenant serve at least three years in that grade before being eligible for promotion. This provision assures such vacancies as may exist being distributed in the grades of first and second lieutenant.

The total commissioned strength, as authorized by this section, is as shown in Appendix A.

Section 2: This section accomplishes the following:

First. For a period of five months, during which retirements and discharges are accomplished, it stops all promotions among the officers who receive promotion by seniority. By this means every ordinary vacancy that occurs during the five-month period serves to accomplish a part of the required reduction, thereby lessening the number to be eliminated by other means.

Second. It cancels all unfilled vacancies existing when the act is passed. In this way a further part of the necessary reduction in each grade is accomplished without the elimination of officers.

Section 3: This section accomplishes the following:

First. It fixes the number in the various grades to which reduction must be made within five months of passage of the act. The reduction required by this section will, in general, bring the various branches and grades to the new authorized strength as fixed by section 1 of the act. However, to avoid an excessive elimination and to close up promotion to the grades of major and captain, a number of additional officers enumerated in the section are excluded from the elimination to be made within five months. These additional officers are authorized only during the time necessary for their number to reduce to zero by the normal losses that will occur.

Second. There being no surplus of first lieutenants, the section merely provides for the President to use his discretion in eliminating or releasing any that he may deem it to the best interests of the Government to eliminate or release.

Section 4: This section accomplishes the following:

First. It provides for a board of five general officers to select, under regulations approved by the Secretary of War and subject to his approval, the officers who should, for any reason, be declared supernumerary and be subject to retirement or discharge in accomplishing the immediate reduction required by the preceding section of the act. This board will be disinterested and impartial, being senior to all officers who come under its operations. It will operate under the close supervision of the Secretary of War. The numbers selected by this board will be only those necessary to supplement the reduction by normal casualties in bringing about the total required reduction. For example, the number of colonels is reduced by 106. If, by cancellation of unfilled vacancies, retirement on application, and for physical disability, and by other normal processes, a reduction of 60 is brought about, the board will be authorized and required to select only the remaining 45 to be declared supernumerary and retired.

Second. The provision of this section insures a reasonable portion of the reduction in the Medical Department being made in all grades. For example, a total reduction of 15 per cent being required in the Medical Corps, this provision would require a reduction of 8 per cent of the actual number of colonels, of lieutenant colonels, and of majors of that corps. The effect of the provise is to insure reaching the least effective in each grade and to prevent elimination of really effective officers in any grade.

Section 5: This section accomplishes the following:

First. Within the limits of the reduction required in the Army it affords an opportunity for officers to apply for retirement or discharge with the same compensation as though selected by the board as supernumerary officers. By this means there will be a large voluntary reduction, obviating an equal nonvoluntary elimination.

Second. It provides authority for the President, in his discretion, to place upon the retired list any officer eligible to be retired upon his own request.

Section 6: This section contains the special authority to retire and discharge supernumerary officers and fixes the compensation they are to receive. Officers of over 10 years' service, who are retired, are to receive 2½ per cent pay per year for each year of service. This provision is similar to that already made by law for the inefficient class B officers, the difference being a rate of pay of 2½ per cent instead of 2½ per cent. This slight increase is due the officers eliminated on account of being surplus to differentiate between them and the absolutely inefficient officer who gets into class B. Officers of less than 10 years' service are discharged with a year's pay for five years' service or for a major fraction thereof. This also corresponds closely to the compensation provided for class B officers of less than 10 years' service, and also corresponds closely to a provision of the act of June 30, 1882, for the discharge and compensation of supernumerary officers.

The constructive service provisions of this section make reasonable provision for officers who have attained their present places other than by the normal process of promotion. In general, the effect of the bill is to credit each such officer with the same service as the officer next senior to him who did reach his place by the normal process of promotion. In other words, the position of an officer is recognized without question or discrimination as to the route or means by which he got there.

Section 7: This section merely prevents appointments in the Medical Department and of chaplains until the surplus in those branches has disappeared.

Section 8: This section authorizes, with their consent, the use of reserve officers on active duty when, due to unfilled vacancies in the Regular Army, reserve officers are needed and funds are available for their payment.

Section 9: This section accomplishes a redistribution of the reduced quota of officers among the various branches of the Army. The resulting relative proportions in various branches will be as now authorized by law, except that in meeting the problems of readjustment and reorganization the President may decrease or diminish any branch by not more than 25 per cent.

SUMMARY.

In general, this bill will bring about within five months a reduction of the commissioned strength from the present number of 12,907 to about 12,000. This opens the way for a resumption of the appointment of second lieutenants. During the fiscal year 1923 such appointments may be made within a total strength of 13,000 officers. Thereafter further appointments may be made within such total strength, not exceeding 14,000 in any case, as funds appropriated permit. If Congress shall see fit to continue the limiting strength of 13,000, only such appointments will be made as are necessary to offset losses, junior reserve officers being used in place of the 1,600 appointments not to be made so long as the limit of 13,000 is continued.

This bill presents a logical and scientific method of bringing about an economical and desirable reduction and readjustment. It embodies the manifestly businesslike course of first dropping the least effective personnel. It goes as far as it is safe to go without seriously crippling the military service. To go further than this bill provides will undoubtedly cause to be eliminated and lost to the Government service officers who are thoroughly competent and efficient and who can not be spared if we are to have, as everyone knows we must have, an efficient and sufficient corps of professional officers.

Not the least of the virtues of the bill is the avoidance of demotion, a disheartening and demoralizing process that would drive many good officers out of the service, and, by blasting prospects of future promotion, would reduce greatly the effectiveness of those who remain.

The effects of the bill in tabular form are illustrated by the table in Appendix D. There are also appended hereto tables showing the distribution by grades and the functional distribution of the present officers of the Army.

JAY L. BENNETT,
Major, General Staff.

APPENDIX A.

Distribution, by grades, of 14,000 officers.

Major generals, line	21	
Brigadier generals, line	46	
Total general officers, line		67
Colonels, promotion list	494	
Lieutenant colonels, promotion list	555	
Majors, promotion list	1,850	
Captains, promotion list	3,700	
Lieutenants, promotion list[1] (of whom not to exceed 3,515 may be first lieutenants)	5,735	
Total, promotion list		12,334
Medical Corps (in all grades)	1,053	
Dental Corps (in all grades)	177	
Veterinary Corps (in all grades)	144	
Medical Administrative Corps (in all grades)	81	
Chaplains (in all grades)	136	
Professors (in all grades)	7	
Military storekeeper	1	
Total, nonpromotion list		1,599
Grand total[2]		14,000

APPENDIX B.

Distribution of active Regular Army officers, Feb. 28, 1922.

PART I.—FOR DUTIES INDEPENDENT OF ENLISTED STRENGTH OF REGULAR ARMY COMPONENT.

General administration and overhead:	
War Department General Staff	99
Offices, chiefs of branches	479
Civil, semimilitary, and military duties	319
Corps area staffs	415
Depots, arsenals, hospitals, and miscellaneous	1,071
Total	2,383

[1] At least three years' service required for promotion from second to first lieutenant.

[2] This is exclusive of the General of the Armies, the present Judge Advocate General, the Chief of Engineers, the Chief of the Insular Bureau, and two brigadier generals, Medical Department, who are extra numbers for the time being and do not, upon vacation of office, create vacancies that may be filled by similar appointments.

	Staff and instructors.	Students.	
Service schools:			
General service schools	61	385	446
Special service schools	645	1,283	1,928
United States Military Academy	179	.....	179
Technical schools, etc.	.....	108	108
Total	905	1,756	2,661
Reserve forces:			
National Guard			302
Organized Reserves			247
Reserve Officers' Training Corps			454
Training centers			105
Total			1,114
Total for duties independent of enlisted strength			6,258

PART II.—FOR DUTY WITH REGULAR ARMY COMPONENT.

Expeditionary force in United States:	
Active regular units	4,252
Coast defenses, United States:	
Coast Artillery officers	349
Air Service and staff officers	163
Total	512
Insular garrisons:	
Philippines	675
Hawaii	450
Panama Canal Zone	325
Porto Rico	37
Germany	398
Total	1,885
Total for Regular Army component	6,649

SUMMARY.

Part I	6,258
Part II	6,649
Total	12,907

APPENDIX C.

Authorized and actual strength in officers.

	Authorized act June 4, 1920.	Authorized act June 4, 1920, as amended.	Present.
General of the Armies	1	1	1
Major generals	21	21	21
Brigadier generals	46	46	46
Colonels	[illegible]	[illegible]	[illegible]
Lieutenant colonels	674	674	650
Majors	2,245	2,245	2,217
Captains	4,490	4,490	4,425
First lieutenants	4,490	4,490	3,068
Second lieutenants	2,694	2,694	.....
Total	15,666	15,636	11,039
Medical Corps	1,321	1,053	1,141
Dental Corps	200	120	200
Medical Administrative Corps	140	81	138
Veterinary Corps	173	175	161
Chaplains	242	130	179
Professors	7	7	7
Military storekeepers	1	1	1
Insular Bureau	.....	.....	.....
Philippine Scouts	.....	.....	.....
Total	2,085	1,636	1,863
Major general, Judge Advocate General	1	1	1
Major general, Corps of Engineers	1	1	1
Major general, Insular Bureau	1	1	1
Brigadier generals, Medical Department	2	2	2
Total	5	5	5
Grand total	17,756	16,677	12,907

APPENDIX D.

Proposed reduction in the number of officers of the Army.

	Actual numbers (see note 4) Feb. 28, 1922.[1]	Reduction to be made in five months.	Strength at end of five months.	Further reduction by absorption.	Resulting strength.
Promotion list, officers:[2]					
Colonels	[illegible]	95	494	None.	494
Lieutenant colonels	669	114	555	None.	555
Majors	3,217	173	2,044	194	1,850
Captains	4,428	[illegible]	4,095	395	3,700
Total	7,963	715	7,188	[illegible]	[illegible]

APPENDIX D—Continued.

Proposed reduction in the number of officers of the Army—Continued.

	Actual numbers (see note 4) Feb. 28, 1922.	Reduction to be made in five months.	Strength at end of five months.	Further reduction by absorption.	Resulting strength.
Promotion list, officers—contd.					
Medical Corps	1,141	88	1,053	None.	1,053
Dental Corps	200	17	200	23	177
Veterinary Corps	161	17	144	None.	144
Medical Administrative Corps	138	17	121	40	81
Chaplains	179	21	158	22	136
Total	1,855	170	1,685	[illegible]	[illegible]
Grand total	9,798	[illegible]	[illegible]	[illegible]	[illegible]
Whole Army[3]	12,907	[illegible]	12,022	(4)	(4)

[1] Only those grades and branches affected by the bill are shown. The total effect on whole Army shown in last line includes the grades and branches not affected and not shown in the table.

[2] No definite number can be stated, as the further reduction after five months will be more than counterbalanced by appointment of second lieutenants.

[3] If a sufficient number of qualified candidates can be secured the total strength o the Army will be 13,000 by July 1, 1923.

[H. R. 10271, Sixty-seventh Congress, second session.]

A bill to reduce the number of officers of the Regular Army, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter there shall be officers of the Regular Army as now authorized by law except that, until it shall be determined by Congress that conditions justify maintenance of the numbers now provided by the act of June 4, 1920, there shall be 494 colonels, 555 lieutenant colonels, 1,850 majors, 3,700 captains, 5,735 lieutenants, including first and second lieutenants and of whom not to exceed 3,515 may be first lieutenants, 1,053 officers of the Medical Corps, 177 officers of the Dental Corps, 144 officers of the Veterinary Corps, 81 officers of the Medical Administrative Corps, and 136 chaplains: *Provided*, That, until July 1, 1923, the total number of officers shall not exceed 13,000. Hereafter no officer whose name is carried on the promotion list shall be promoted to the grade of first lieutenant until he shall have served at least three years in the grade of second lieutenant. The number of officers herein prescribed for any grade or branch shall not be exceeded except as authorized by this act. Hereafter the number of officers of the Medical Corps, Dental Corps, Medical Administrative Corps, and chaplains shall be as prescribed herein, notwithstanding any changes that may be made in the authorized enlisted or commissioned strength of the Regular Army.

SEC. 2. That for five months after the date of approval of this act there shall be no promotions of officers of the Regular Army in any grade below that of brigadier general, and thereafter there shall be no promotions to any grade that would cause the number of officers authorized for such grade by section 1 of this act to be exceeded. Vacancies existing in any grade below brigadier general on the date of approval of this act and not actually filled by the acceptance of a tendered appointment shall not be filled: *Provided*, That nothing in this act shall prevent promotions in the Medical Department and of chaplains as now provided by law.

SEC. 3. That within five months of the date of approval of this act the number of officers shall be reduced to not to exceed the numbers prescribed in section 1 of this act and 194 additional majors, 395 additional captains, 22 additional officers of the Dental Corps, 40 additional officers of the Medical Administrative Corps, and 22 additional chaplains: *Provided*, That the number of first lieutenants may be reduced to such number as the President may deem advisable: *Provided further*, That additional officers within the numbers herein prescribed are authorized only during such time as may be necessary by retirement, discharge, and other means to absorb such additional officers and to reduce said grades and branches to the numbers prescribed in section 1 of this act.

SEC. 4. That the Secretary of War shall convene a board of five general officers, who, under regulations prescribed by him, shall select such number of officers, hereinafter designated as supernumerary officers, as may be necessary, in addition to officers removed from the active list by other means, to reduce to not to exceed the numbers to which reduction is to be made within five months of the date of the approval of this act as prescribed in the preceding section: *Provided*, That for the Medical Corps, the Dental Corps, the Veterinary Corps, and the chaplains the number in each branch in each grade above captain shall be reduced not less than the same per cent that the whole number of officers of such branch is required to be reduced within five months of the date of approval of this act.

SEC. 5. That within five months of the date of approval of this act the President may, in his discretion and upon application from the officer concerned, place officers upon the unlimited retired list or discharge officers under the same conditions as to length of service and pay as prescribed in the following section of this act for supernumerary officers: *Provided*, That no officer may be so retired or discharged whose retirement or discharge would reduce the number in any grade or branch below the number to which reduction is to be made within five months as prescribed in section 3 of this act: *Provided further*, That hereafter the President may, in his discretion, place upon the retired list any officer who, under existing law, may be retired on his own application.

SEC. 6. That supernumerary officers of more than 10 years' commissioned service shall within five months of the date of approval of this act, or as soon thereafter as practicable, be placed upon the unlimited retired list with pay at the rate of 3 per cent of their active pay multiplied by the number of complete years of commissioned service, not exceeding 75 per cent. Supernumerary officers of not more than 10 years' commissioned service shall within five months of the date of approval of this act, or as soon thereafter as practicable, be honorably discharged with one year's pay, unless they shall have more than 7½ years' commissioned service, in which case they shall be discharged with two

[1] A datum being essential for this calculation, the actual strength Feb. 28, 1922, is taken. Due to normal causes the strength in this column changes slightly from day to day. The figures derived from this column will change accordingly.

[2] No reduction is required in the grade of lieutenant. During the 5-month' period there will be a gain of 102 second lieutenants from the graduating class at West Point.

years' pay: *Provided*, That supernumerary officers of more than 10 years' commissioned service, who so elect, may be discharged with two years' pay in lieu of retirement and retired pay as herein provided.

In computing service under this section only service as a commissioned officer in the active service of the United States shall be counted: *Provided*, That any officer whose name is carried on the promotion list, who was originally appointed in a grade above second lieutenant, shall be credited with a length of service that shall be the same as that of the officer next above him on the promotion list who was originally appointed in the grade of second lieutenant prior to July 1, 1920; and any officer of the Medical Corps, Dental Corps, Veterinary Corps, or any chaplain originally appointed in a grade above the lowest authorized for the branch in which commissioned shall be credited with a length of service that shall be the same as that of the officer of said branch next senior in rank who was originally appointed in such authorized lowest grade; and captains and first lieutenants of the Medical Administrative Corps shall be credited with 10 and 8 years' commissioned service, respectively, to which shall be added their actual service as commissioned officers since July 1, 1920; and any colonel, except of the Medical Department, whose name is not borne on the promotion list and who was originally appointed in a grade above second lieutenant shall be credited with the same service as the colonel, exclusive of colonels of the Medical Department, next senior in rank who was originally appointed in the grade of second lieutenant: *Provided further*, That any officer whose length of commissioned service is actually greater than that with which he would be credited under the foregoing proviso shall be credited with such actual length of commissioned service. Service shall be credited as prescribed in this section for the purposes of this act only.

SEC. 7. That hereafter there shall be no appointments in the Medical Department that will cause the number of officers of any branch thereof to exceed the number prescribed for such branch in section 1 of this act or that will cause the total number of officers of the Medical Department to exceed 1,455, exclusive of general officers now commissioned therein, and there shall be no appointments of chaplains that will cause the number of chaplains prescribed in section 1 of this act to be exceeded.

SEC. 8. That whenever the total number of officers of the Regular Army shall be less than the maximum number authorized by this act, the President may, in his discretion, order reserve officers to active duty with their consent within the limits of funds available appropriated for pay of officers of the Army, and within the vacancies existing in the Regular Army in the numbers authorized by section 1 of this act.

SEC. 9. That the officers provided by section 1 of this act shall be assigned to the several branches of the Army so that the number assigned to each branch, exclusive of the Medical Department and chaplains, shall be 84.2 per cent of the number prescribed for such branch by the act of June 4, 1920, but the President may increase or diminish the number of officers assigned to any branch by not more than a total of 35 per cent.

SEC. 10. That all laws and parts of laws, in so far as they are inconsistent with this act, are hereby repealed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I have asked for the privilege of using some of the valuable time of the committee, within which I hope to discuss as briefly as possible two provisions of this bill in which I am deeply interested and in which I think the country is interested. The first is that provision carrying an appropriation for the work on the rivers and harbors of the country and the second is the item providing for the continuation of the Mississippi-Warrior Barge Line service.

It is my understanding that General Dawes and his committee occupied the whole of 20 minutes in the original consideration of the item providing for river and harbor work in this bill, and even then without consulting the Army engineers. As a result of this 20 minutes' consideration and this "rough and ready" manner of estimating for one of the greatest and most important activities of the Government they recommended or suggested $13,000,000 for all the rivers and harbors of the Nation. Just think of it, gentlemen, this Budget committee, that is supposed to be saving so much money for the taxpayers of the country—and they are saving it on paper—using only 20 minutes in making an estimate which the Rivers and Harbors Committee, together with the engineers, usually make by hard work in the course of a week or 10 days. And yet I am told that some of the members of the Committee on Appropriations were ready to accept this estimate and put the thirteen-million item in this bill. This is the result of your change in the rules of this House whereby you have 35 Members of Congress passing upon the appropriations for all the expenditures of the Government. Here you have three men passing upon the amount necessary for river and harbor work, when neither of them have ever before made a study of such legislation and are unfamiliar with the country's needs along this line.

The friends of the river and harbor work suggested to the Budget committee that $13,000,000 would hardly provide for the maintenance of the channels, and after calling in the engineers and after the Subcommittee on Appropriations made some investigation the amount carried in this bill was agreed upon. How the committee ever agreed upon this amount of $27,635,000, and how they ever persuaded themselves, even in their wildest desire for economy, to believe that this sum is sufficient I have never been able to understand. I have seen men save a lot of money and make money with a piece of paper and a pencil, but when the actual operations began they were sorely disappointed. So it will be with these experts on river and harbor work, who believe this amount will accomplish results. Not only they will be disappointed but the country will be disappointed, and I venture to assert that you who are responsible for this legislation will hear from it in the coming elections if you do not amend this bill so as to carry the amount which the engineers show conclusively is absolutely necessary in order to properly, economically, and wisely maintain and improve our rivers and harbors. Why should the Appropriations Committee call to their assistance the office of the Chief of Engineers and then refuse to adopt the advice or suggestions given them by General Taylor, as shown in the hearings covering some 200 pages? In these hearings it is shown beyond question, just as it was shown to the Committee on Rivers and Harbors, that $42,815,661 is the minimum amount with which the Engineer Department can properly function

The amount carried in this bill does not mean economy. I appreciate the fact that this is a time when every one of us should practice as well as preach economy. There is such a thing as stinting economy, an unwise economy, and a foolish economy which results in waste. If you persist or if this House persists in appropriating only the amount carried in this bill for the river and harbor work, you will actually waste the public moneys by such a niggardly and unsound policy. I say you will waste money, because this amount can not get us anywhere. We could properly maintain the important channels, but we could not accomplish anything in the way of completion of the new projects. I believe it would be economy in the long run to immediately make appropriations for the completion of all the projects already adopted.

We have in this country the greatest river systems on earth, but we are not developing and utilizing them to their capacity. We spend less money in proportion to our population and resources than any other nation. Even during the war, Germany expended more each year on her waterways than we carry in this bill. France has developed her waterways to a state of high efficiency. A noted Frenchman, viewing the Mississippi River at St. Louis a few years ago, exclaimed:

If France had such a river flowing through her heart without being used to carry its commerce, it would go mad.

In 1908 James J. Hill, in addressing the Rivers and Harbors Congress, said:

Our neighbor on the north has put us to shame. Canada has spent in proportion to her population and wealth dollars on her waterway systems where we have spent dimes. Because she has worked on an intelligent plan, she has more to show for her dime than we have to show for our dollar.

For the last two years this Congress has appropriated lump sums of twelve and fifteen millions of dollars, in round figures, for rivers and harbors. It is argued that there are some fifty millions now appropriated for the work and in the hands of the engineers. This is not correct, and while there have been available under continuing appropriations various amounts for specific projects, you must not forget that these amounts must be expended on the projects for which they were appropriated and can not be used on any other project. For instance, money that may be expended on the Ohio River for locks and dams can not be used at Mobile or Boston for their harbors.

According to the testimony before the committee there was of all moneys appropriated for all river and harbor improvement in the country, including, of course, money for specific projects, the sum of $28,324,247.89 in the hands of the engineers, unexpended on December 1, 1921. Of this amount $9,774,165.76 is now obligated on contract, leaving a balance of $18,550,082.13 unexpended and unobligated on last December 1. We have expended since that date about $2,500,000 per month. At this rate of expenditure you will see where we will be at the end of the year.

The testimony before the committee further shows that of all the money heretofore appropriated for all projects, every penny has now been allocated with the exception of $208,500. Remember this is the amount available unexpended and unallocated at present, under all the appropriations made. You will therefore see that we have come to the end of using the money heretofore provided, and the only money available for improvement of rivers and harbors for the next fiscal year is the amount you carry in this bill. This amount is totally inadequate, and the amount absolutely necessary is $42,815,661.

Mr. ROACH. Will the gentleman yield?

Mr. McDUFFIE. Yes; I yield to the gentleman from Missouri.

Mr. ROACH. Do I understand the gentleman to say that it is taking forty-two millions to carry on the work of the several projects that are now under way?

Mr. McDUFFIE. Yes; I mean to say that forty-two millions is the amount necessary and the amount which can be wisely and economically expended for the maintenance of completed projects and the improvement of projects already adopted by

Congress but not completed. It takes something like twelve millions for maintenance alone. The engineers have to set aside about three millions for emergencies, which they have done under your lump-sum appropriations, and you will see that out of the twenty-seven millions carried in this item we could not hope to accomplish anything in the way of new work on uncompleted projects.

Mr. ROACH. Then the item carried in this bill will not be sufficient to properly carry on the work of improving projects already adopted?

Mr. McDUFFIE. That is quite true.

Mr. ROACH. Can the gentleman tell us what particular projects will suffer?

Mr. McDUFFIE. I will say to the gentleman that all uncompleted projects will suffer, and those completed, I fear, will not be properly maintained. General Taylor says if we appropriate only the amount carried in this bill the engineers could only allocate about 50 per cent of the money needed on each project. We have, according to his testimony, something over 500 works or projects altogether, and at the present time work is being prosecuted on less than 100 of these projects. I will state further that I have in mind three of the big harbors of the country which have already suffered as a result of the policy adopted by the Congress in taking care of river and harbor improvement during the last two or three years. These harbors are Mobile, Providence, and Baltimore. My time is so limited I shall ask the gentleman to excuse me from further interruption. I wish I could secure more time.

At Mobile a 30-foot project was adopted in 1917, at which time we had a completed project of 27 feet. At this good hour the mean depth in our channel is hardly 27 feet, and while the engineers say the project is 20 per cent completed the fact remains that it has hardly been maintained, and many vessels calling at the port of Mobile actually plow 2 or 3 feet of mud. Mobile is the tenth port in the United States. It is nearer the Panama Canal than any other southern port of its size. It is nearer Chicago and St. Louis than any other Gulf port and has five trunk-line railroads connecting it with all parts of the country. The United States Steel Corporation has constructed one of the best shipbuilding plants in the country at Chickasaw, a few miles north of Mobile. The ships built by this company could not load to their dead-weight capacity and get out of the harbor, so they were compelled to leave the port and call at other ports to complete their cargoes. Mobile is the largest shipbuilding port south of Newport News in the United States. Thousands of tons of commerce have been denied the use of the port of Mobile because of the insufficient depth of the channel. The engineers recognize the importance of the port and are themselves anxious to complete the 30-foot project, but they can not do this much-needed work at Mobile nor in other ports because Congress does not provide the funds. Mobile has received her full share of the money provided, but the amount is too small to accomplish anything in the way of new work on the channel.

In the harbor of Providence, I understand, within the last few months some work is necessary for the removal of shoals which interfere with the commerce of the port, and yet there is no money available for that work. At Baltimore it is going to take a million dollars to do work left undone, because the engineers did not have sufficient money to carry it on. A large part of this money could have been saved had funds been available for this harbor within the last two years.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. HILL. The engineers recommended $350,000 for work on the channel at Baltimore and we did not get it, and Baltimore is spending $50,000,000 of its own money on its own harbor.

Mr. McDUFFIE. It is my understanding that Baltimore has mapped out a great program in the way of improving her harbor at her own expense, and the people of Baltimore are to be congratulated upon this progressive movement and upon their spirit of cooperation.

Gentlemen of the committee, the engineers of the War Department are highly intelligent and patriotic. I will pit the Army engineers of this country against the engineers of the world. They are not only good officers but splendid gentlemen. They have no desire to waste the funds of the Treasury and, in my judgment, are real economists.

The testimony before the committee shows that the district engineers, the men on the ground, estimated that they could profitably use for the various projects of the country about $68,000,000. When these estimates reached the office of the Chief of Engineers, using the words of General Taylor, they were "combed with a fine-toothed comb." Every estimate was revised and sent back to the district officer, with the instruction that they cut their estimates "to the bone." The estimates were returned to Washington, and after revision and further cut of some $21,000,000 the figures show that $42,815,661 is the amount we must have for the next fiscal year.

Is the majority party of this Congress willing to stagnate and cripple this great and important activity of the Government? Are you willing to see organizations abandoned and equipment deteriorated? Are you going to waste the people's money by a piecemeal appropriation of this kind for the care of our rivers and harbors, over which was floated last year 369,000,000 tons of commerce, of the value of $20,000,000,000?

The equipment of the engineers has deteriorated in the last three years. They have not contracted for new equipment, nor have they urged appropriations for new equipment, for the very reason that labor and material have been excessively high. Equipment or the construction of equipment can be done now for almost 50 per cent of the cost of two years ago. Contracts for work on harbors can be secured now for one-half the amount asked by the contractors 18 months ago. There is much unemployment in the country, and in some places laborers will work for their food. Contractors will now accept work without the hope of profit but simply to keep their organizations intact. This is the time, therefore, to embark upon additional public works of all kinds throughout the country.

If you expect to carry on the work of improving the rivers and harbors of the country, if you do not contemplate disbanding the organizations you maintain for that purpose, you must adopt an amendment to this item raising the amount to $42,815,661. This is not "pork-barrel" legislation. Such an amendment is necessary; it would show good judgment and in the end mean economy for the country.

If the time permits I beg you to indulge me in taking up one more proposition. It was suggested by some one yesterday afternoon that we should not make further appropriations for the Mississippi-Warrior Barge Line. No one is more anxious than I am to get the Government out of all sorts of business. The Government is, however, committed to the development of transportation on our inland waterways. Section 500 of the transportation act reads as follows:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facility in connection with the commerce of the United States and to foster and preserve in full vigor both rail and water transportation.

We should not abandon our support of the Mississippi-Warrior service until it has had a fair trial. I contend, and I think the figures will bear me out, that this service is to-day almost self-sustaining. In the year 1920 the service operated at a net loss of $1,181,622.01, while for the last year the net loss is only $235,375, showing that it has picked up during 1921 nearly a million dollars. The present loss is largely depreciation on the equipment, which is charged off at the rate of 5 per cent on the original cost of the steel boats and 10 per cent of the cost of the wooden structures. This amounts to nearly $400,000 annually, and this amount, of course, is charged up as loss in operation. You will observe, therefore, but for this unusual amount charged off for depreciation the service is practically self-sustaining. The Mississippi end of the service operated at a very substantial profit, but there was a loss sustained on the Warrior end of the line. The loss on the Warrior is due principally to the use of improper equipment, an inequitable division of the rates between the railroads and the barge line, and a failure to extend the zones within which the joint rail and water rate should be operative. A petition asking for this extension is now before the Interstate Commerce Commission.

The greatest handicap under which this service is operating is a refusal of the railroads to fairly divide the rates. To give you an idea of what I mean, let me call your attention to one instance where 10,000 bags of coffee were shipped from New Orleans to Birmingham by way of Tuscaloosa. The rate was 48 cents per 100 pounds from New Orleans; that is, the joint rate as published in the tariff of the Interstate Commerce Commission. The barge line paid 5 cents a bag to transfer the coffee at New Orleans. There being no joint water-rail rate from New Orleans by way of Tuscaloosa to Birmingham, the railroads can take the local rate, which was 39 cents from Tuscaloosa to Birmingham. They took their 39 cents for hauling this coffee the distance of 56 miles, and as a result the barge line actually paid 1 cent per 100 pounds for the privilege of carrying the coffee from New Orleans to Tuscaloosa. Steel is shipped down the Warrior River from Birmingham to Mobile, and there is a joint river and rail rate of $2.17 a ton. A railroad carries the steel 14.3 miles and receives 89 cents a ton, while the barge line pays the transfer cost and gets less for carrying the steel 407 miles than the railroads do for carrying it 14.3 miles. A petition to remedy these conditions

was filed in October, 1920, but thus far no decision has been made by the Interstate Commerce Commission.

Mr. STAFFORD. Will the gentleman yield?

Mr. McDUFFIE. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. The hearings show that the delay in rendering a decision on the petition is due to the attorney for the company and the other side asking that it be postponed. No fault lies with the Interstate Commerce Commission.

Mr. McDUFFIE. I can not say the gentleman is correct about that.

Mr. STAFFORD. I can give the gentleman the page of the hearing. That is the testimony of Commissioner Esch.

Mr. McDUFFIE. I understood that there were requests for postponement, but even if that be true it occurs to me that the Interstate Commerce Commission could have remedied and should have remedied the situation some time ago.

The people of this country are entitled to the benefits of transportation on inland waterways, these great God-given resources of the Nation. I have no desire to cripple the orderly and proper function of our wonderful railway systems. What we need is the proper cooperation between the water and rail service. It is natural for the railroads of the country to oppose competition by the waterways, and they have always been hostile to the development of commerce on our inland rivers. Until we can pass some act or get some ruling that will prevent the railroads from choking and stifling to death the water transportation in this country we will never derive the full benefits of our great river system, on which this Government has expended its millions. [Applause.]

In the year 1920 commerce carried on the inland waterways connected with the canals of this country was 162,975,781 tons, valued at about $2,900,000,000. The learned gentleman from Mississippi [Mr. HUMPHREYS], who for many years was a member of the Rivers and Harbors Committee, and who is thoroughly familiar with the water transportation of the country, stated to me that last year the inland rivers alone, without the connecting canals, carried 80,000,000 tons of freight; that it would require 1,600,000 fifty-ton box cars, carrying 100,000 pounds each, to haul that freight; that if we estimate one train to carry 30 of these box cars, it would take 53,330 trains to haul it. The commerce floated on the rivers of the Mississippi Valley alone last year amounted to more than 50,000,000 tons of American freight. When we consider the handicaps under which commerce on our rivers is handled we can readily appreciate the vast possibilities of river transportation and the importance of its development.

It was suggested by some one on yesterday that there was no commerce on the Warrior end of the Mississippi-Warrior system. The report of the War Department for 1920 shows that 600,000 tons, valued at $11,000,000, passed over the Warrior River, and I understand there was an increase for the year 1921. The Warrior River taps the rich coal and iron fields of Alabama, where we are mining annually 20,000,000 tons of coal and have hardly scratched the surface. It is estimated that there are 16,000,000,000 tons of iron ore in the mineral district of Alabama, the very heart of which is reached by this river system.

I quote from the Mobile Register, a daily newspaper, in a recent issue, as follows:

> Steamer *Heave Maru*, a Japanese vessel, left the port of Mobile yesterday with 3,337 tons of Ensley steel rails for Japan. She headed for Galveston for additional cargo before leaving for the Orient. Shipment of rails from Ensley mills for the Orient has been continuous for a year out of the port of Mobile. The rails are floated down the Warrior in barges and constitute an important item in the southbound operations of that service.

I mention this to show you the possibilities of the Warrior River end of the barge line. There is no doubt in my mind that with the proper equipment and a fair division of rates the development of commerce on this river system will justify every dollar the Government has expended to prove that it is feasible.

Another great handicap to the Mississippi-Warrior service is the cost of the interchange of freight at Violet, which is the entrance from the Mississippi River to the Lake Borgne Canal for boat lines going from Mobile to New Orleans. The Mississippi River boats are too large to go through the lock and the Warrior River boats can not come through the lock to deliver their goods to New Orleans. This has cost the service about $20,000 a month, or $240,000 annually, and this expense will be eliminated by October 1, when it is expected that the industrial canal being constructed by the State of Louisiana, connecting the Mississippi River with Lake Pontchartrain, will be completed.

The Government has expended some $10,000,000 in connecting the port of Mobile with the coal fields of Alabama by an 8-foot channel through the Tombigbee and Warrior Rivers. The tonnage is there, and it would be the height of folly for Congress to abandon its policy of demonstrating the feasibility and value of this system as a great commercial highway. In my judgment, if you will give to this service $300,000, the amount recommended by the Secretary of War to be included in this bill, Congress will never be called upon again to appropriate one dollar for the cost of operation on the Mississippi-Warrior Barge Line. This amount may never be used by the service, but it should be carried as an emergency fund. While the service is practically self-sustaining now, a serious accident might create a deficit. It is simply to safeguard and assure the continued operation of the service that this amount is asked for.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, I agree with the two gentlemen who have preceded me that in our enthusiasm for economy we may practice an economy that does not economize. I had an old political friend some years ago who used to tell a story about an old lady who mixed sawdust in her wheat bran for chicken feed. She said that when a setting of 14 eggs hatched out 13 of them hatched chickens with wooden legs and the fourteenth one hatched a woodpecker. [Laughter.] So the old lady discovered too late that she had been practicing an economy that did not economize. [Applause.]

Mr. Chairman, as has been well said, we are now on the line of legislation in which we can and must cut appropriations and expenses in proportions sufficient to really mean something to the taxpayer—the matter of war and war preparedness, of naval armament and Military Establishment.

Practically every nation of the world owes its present financial embarrassment and heavy taxation to war in some form. And, to my mind, the most encouraging sign of the times is that the civilized nations are at last waking up to the fact that the prevention of war is an absolute necessity. It is either that or national bankruptcy. We have come upon a time when war is so costly that it means financial ruin even to the victor. Rome became satiated with wealth by the imposition of indemnities on the peoples of whom she made conquest. But any nation that tries to follow Rome's example now is doomed to disappointment. For we are learning that it is not now possible, even when nations have all justice on their side, to impose indemnity on a vanquished foe sufficient to pay so much as the original cost of war.

But a still worse feature of war is that the prewar and postwar cost is far greater than the immediate cost. Take two illustrations: In the War between the States the Federal Government spent about $800,000,000 in revenue and accumulated a debt of about three thousand million, a total expense of about $3,800,000,000. Since the war closed we have spent about twice the accumulated debt above mentioned in pensions, or six thousand million. And we still have on the pension rolls nearly a half million Civil War pensioners, who are receiving an average of $477.74 per person per year, or a total of nearly a quarter of a billion dollars. In other words, the Civil War is costing us in actual expenditure of revenue for pensions in 1922, 57 years after its close, as much or more than it cost in actual expenditure of revenue during one of the years through which it was fought.

Add to this all the cost of soldiers' homes and hospitals, all the cost of reconstruction to the Government, all that has been added to the cost of administration of government by conditions growing out of the war; then add the industrial and commercial loss from the disturbance of conditions and relations, and the diminution of man power through the death or disabling of a million men. This for the Federal Government.

Add to that all the cost and losses to the South, all the pensions that have been given to Confederate soldiers, all the terrible economic paralysis—and obviously the cost of the War between the States had not well begun when Lee surrendered at Appomattox. Again, take our participation in the late World War. Exclusive of the $10,000,000,000 which we loaned to our allies, we spent in conducting the war $22,000,000,000. Thus our total disbursement was $32,000,000,000. Since the war we have appropriated for soldier benefits of all kinds $1,462,845,000. This includes appropriations for gratuity, insurance, rehabilitation, hospitalization, compensation, and pensions. Calculating that 4,000,000 men entered the service this means an expenditure for soldier benefit alone in these three years of peace of nearly $366 dollars for every man that put on the uniform. It also means a cost of about $13.50 for every man, woman, and child in the United States, or $67.50 for every family in the United States. And this is only the beginning. Judging by the history of past wars the cost will increase from year to year as more of the soldiers die and leave widows and orphans and as all grow older and many fall into ill health. The peak of pension costs for the War between the States was not reached until

1921, 56 years after the war closed, and for that matter may not have been reached yet. Now, in addition to this comes the bonus, which looks to be practically assured, since the party in power is pledged to it and a large proportion of the minority favor it. Nobody seems to be able to give any certain estimate of its cost. The chairman of the committee, I believe, estimates the actual expenditure for the bonus as somewhat more than $4,000,000,000. Others estimate it at about $6,000,000,000.

But bring it to the lowest possible figure and it is hardly possible that the bonus will do less than double the cost of current soldier benefits for the next three years, or for that matter for many years. If this bonus could be collected from the heartless profiteers who coined their millions out of the blood of a bleeding world, our soldier boys would want it and justly. But 85 per cent of our people have an annual income of less than $350, and if the money is to come from a burdensome tax upon them I think the majority of our brave boys who went to the front will not want the bonus until the basis can be changed some way. So long as the present administration is controlled by a cabinet of millionaires, a situation unprecedented in the history of the country, and by a legislative majority that will so twist a tax bill as to make it possible for the same corporation by increasing its percentage income on its capitalization to decrease its taxes, I see little hope for that. Any provision made by this majority, gentlemen, and approved by this administration, for raising a bonus fund is going, I fear, to fall full weight on the poor people of the country. But I think we may also depend on it that this majority and this administration have arranged to so bungle and confuse the whole measure as to nullify any practical good that may come to the soldier boys and at the same time make a cheap bid for their votes—which bid will not be successful.

But again, this World War has left us with a national debt of $224.85 per capita, of $1,224.05 per family, and an annual interest charge of $8.05 per capita, or $43.25 per family.

Add this to the calculation of soldier-benefit cost just given and then add to this the local taxes under which our people generally are struggling, street and road tax, drainage or irrigation tax, school tax, State tax, county tax, municipal tax. Then face next the fact of millions of unemployed and the fact that farm products over a large part of the country have not for the past year brought actual cost of production and that many good people have been unable to borrow money to pay their local taxes. I know men who have heretofore been considered successful above the average and who on farms of hundreds of acres have not made money to pay their taxes. I know one county where at the end of the tax-paying period this winter it was reported that one-fourth of the taxpayers were delinquent.

Visualize this whole situation. Face it square; and if it does not startle you with ghosts of private and public bankruptcy, then I hope it will do the better thing of startling us all into a more serious view of our responsibilities in directing public affairs and of the importance of thrift and economy in private and public matters.

But back a little closer to my subject. We are on a bill making appropriations for the War Department, and I started out with the proposition that here is where we should make our effective strokes of economy. I have shown something of what war is costing us already.

England and France are in worse shape than we are. England's debt is $814.08 per capita, or $4,070.40 per family, three and a half times as big as ours per capita. France's debt is $1,218.10 per capita, or $6,090.50 per family, or more than five times as big as ours. Yet England has spent since the war on her naval and military establishments, including air, which she carries separately, about $2,000,000,000. And France last year, not since the war, but two years after the war, spent one and three quarter billions.

America since the war has spent $2,000,000,000 on ships soon to be scrapped, and perhaps more than that on Army and Navy expenses that might have been saved had we begun two years ago the disarmament program that was then before us.

Had we saved this and paid it on our debt, and had France and England saved theirs and paid it to us on their debt, as they might have done with a little cooperation from us, we would to-day have been five and a half billion dollars better off, $10 taxation off of every person and $50 off of every family, with even greater promise of relief in the future.

But France and England can not be induced to disarm while we continue to arm, and we can not blame them. We must allow them the same degree of liberty in such things that we ourselves assume.

America is in position to lead the disarmament of the world as no other nation has ever been, and it is to our own interest as well as to the good of the world that we do so. We have begun late, but we have begun well. Let us continue as we have begun. For my part I am gravitating far toward Mr. McAdoo's position on the Navy question. If no nation had any real navy, we would all be equal and the prospect of war would be largely diminished and the cause of arbitration largely advanced.

And why should America now keep anything like a really fighting land force? We need a police force, but certainly nothing more. On the scale of modern wars, it would mean worse than war for any nation to maintain anything like an adequate war army in peace times. And as for keeping a full force of officers with a skeleton army for nucleus and training in case of war, first, let us avoid the "case of war"; and second, let us remember that we have not less than 3,000,000 trained men now, trained in actual war, the most effective military training possible, which is all the army we are likely to need for years.

For my part, I am more than ready to cut the Army to a hundred thousand. For the present, and let us hope for the future, we would be taking no serious risk to cut it considerably lower than that.

Congress has almost unlimited taxing power and appropriating power, and it is easy for us to sit here and draw our salaries and vote taxes and appropriations, but under present world conditions and domestic conditions it is criminal oppression for us to do so except in response to demands that are absolute and compelling.

Mr. ANTHONY. Mr. Chairman, I yield 25 minutes to the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. The Chair will inform the gentleman that he has not that much time remaining.

Mr. SISSON. I think I have 15 minutes remaining.

The CHAIRMAN. The gentleman from Mississippi has 17 minutes remaining.

Mr. SISSON. I yield the remainder of my time to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 17 minutes.

Mr. FREAR. I may not use all the time yielded to me, but I appreciate the courtesy of the gentlemen in extending it to me.

Mr. Chairman, it has occurred to me that it is a right thing for some one to do—I wish it had fallen into better hands—to speak for the independence of the House and the right of Congress to legislate without undue interference. I think I may safely say we will always welcome the advice of the President of the United States at any time; and however we may differ or have differed either with the President or with any of his predecessors, it is his right under the Constitution to give us the benefit of his advice. But things have gone so far that not only Cabinet officers but clerks under them—with impressive titles—feel it is incumbent upon them to tell Congress what we should do. The very influential, powerful press of the country gives ear to those in high places, and their remarks and their judgment pass current throughout the country, and very little comes from Congress itself except the decisions made here.

For illustration, the Secretary of the Treasury, who is unquestionably an able man, wrote a letter of 24 pages in regard to the bonus bill, which bill I wish to discuss briefly.

No member of the committee ever asked him to write the letter. It was given to the press immediately after he wrote it and circulated throughout the country. It was a letter practically in condemnation of the action of the Ways and Means Committee, and also incidentally of the prevailing sentiment of the House and of those who approved of what is known as the soldiers' bonus bill.

Another gentleman, Mr. Crissinger, gave to the press of the country his particular advice, and it was in the nature of a refusal on his part to recognize legislation from Congress, because he gave his judgment of what the national banks, over which he had jurisdiction, should do.

A gentleman out in Kansas has written a very comprehensive statement in three lines, handed to me a few moments ago by Representative STRONG of Kansas. It comes from a former president of the Bankers' Association of Kansas. I believe he expresses the sentiment of the country outside of a few big business centers. He says:

> MY DEAR MR. STRONG: The inclosed clipping causes a man to wonder whether employees of this Government or Congress are running our United States affairs.

He is a banker, and he refers to the Crissinger statement that he would advise banks not to loan money on the soldiers' bonus certificates.

Mr. STRONG of Kansas. I want to call attention to the fact that there is one banker in my district—and he is typical of

others—who says he is willing to cash the certificates of the boys if they are granted under the bonus bill.

Mr. FREAR. I thank the gentleman from Kansas. I am satisfied there are thousands of banks in the country that will do the same.

The point I want to make at this time is that Congress is being condemned for endeavoring to give ex-soldiers some slight help, as is proposed by the bill reported by the Ways and Means Committee. And let me say, Mr. Chairman, that every member of our committee, from the chairman [Mr. FORDNEY] down to members who are opposed to the bill, have given the best service they could and have worked hard in season and out for two months in preparation of the bill reported.

It is not what we all want. Like all legislation, it is a matter largely of compromise, but we feel it is a good bill and will give aid to the soldier, and that is what we have endeavored to present to the House. I am not speaking for the committee, but I am saying this because the soldier is entitled to the information and to have unjust criticisms answered on the floor of the House. We have had recent condemnation of the bill on this floor. Members have attacked the bill without knowledge of its provisions. Crissinger did not know what it contained. That is one cause for his criticism given to the papers. Suggestion has been made that we have paid little attention to the advice of the Secretary of the Treasury and other men of standing, which is not true. We have long studied and changed the bill; we have studied the evidence of all parties carefully and we believe we know how the bill is going to affect the country just as well as the Secretary, and we are endeavoring to do our duties as Members of Congress responsible to the country.

SOLDIERS' BONUS BILL.

Great financial interests and powerful newspapers have bitterly opposed the soldiers' bonus bill by misrepresentation and unjust criticism. These are the same influences that demanded Congress take the men and boys from their jobs and send them to do our fighting. The bill is now before the House.

For many weeks Chairman FORDNEY and our committee have labored in an effort to prevent any heavy drain on the Treasury and yet to do some measure of justice to the ex-service men of the country. After public hearings to determine the merits of the latest objections of Secretary Mellon and Crissinger we reported the bill favorably by a vote of 19 to 5, or nearly 4 to 1, and defeated Mr. Mellon's sales-tax proposal by the same record vote.

The soldiers' bonus bill is based on length of service in the American Army or Navy with small increase for overseas service. It is confined to enlisted men and to officers not above rank of captain in the Army. As reported by our committee, the bill provides, first, that the veteran of the last war may have either (1) adjusted service pay in cash from the Government if his service credit does not exceed $50; (2) an adjusted service certificate based on his service of $1 per day in this country and $1.25 overseas, not to exceed in all $500 and $625, respectively, plus 25 per cent of the certificate's face value and interest compounded annually for 20 years at 4½ per cent, the $60 heretofore paid by the Government to be deducted; (3) vocational training with service-pay allowance of $1.75 per day; (4) farm or home aid; and (5) land settlement on irrigated projects.

The service certificates will have a loan value of 50 per cent of their face for three years that may be borrowed from any bank or trust company at interest rates not exceeding 2 per cent over Federal reserve bank rates, or at a maximum of about 7 per cent. If canceled or unpaid during the three years, a balance is credited to the soldier. Thereafter the Government will loan 50 per cent of the face of the certificate. If carried 20 years without any loan, the certificates through compounding of interest will have a cash value of about three times the base rate. The bill seeks to have the ex-service man retain his certificate as paid-up insurance and to make more attractive the opportunity of saving. If one-half of the men make loans, and at the full 50 per cent it would amount to less than $350,000,000 draft on all the banks and trust companies of the country, or less than 1 per cent of their assets, and this amount is probably far more than will be drawn from the banks. Practically all of the money so drawn will find its way back to the banks within 30 days. With total bank assets reported of about forty billions of dollars it shows the character and purpose of Treasury contentions that predict disaster will occur if less than 1 per cent additional is offered, not necessarily accepted, to member banks.

This briefly describes the options contained in the bill. Exaggerated statements of probable cost of loans by banks and other prepaganda have been spread broadcast in order to arouse opposition to the bill, but estimates may be made with some degree of certainty based on known facts.

NUMBER ENTITLED TO BONUS AND AMOUNT.

Army and Navy witnesses testify that the total number of persons entitled under the bill is 4,458,199. Based on days of service the amount is computed:

Overseas $1.25 class—			
Day base	$659,469,956	Cash base	$824,323,620
Not overseas $1 class—			
Day base	831,441,804	Cash base	831,441,804
Total, day base	1,490,910,860	Cash base	1,655,775,624
Deduct balance to $50 men			160,775,624
Net cash base			1,495,000,000
Increase of 25 per cent			375,750,000
Gross cash base			1,868,750,000
If compounded 20 years			4,506,890,000

That estimate gives the Government the use of the cash base for 20 years without charge, while the outside Treasury cash charge is $1,868,000,000, or less than the cost of the war for a month and a half during 1918. The loan value at the outset is only the net cash base, and it will require several months to prepare the options after the bill becomes law. No unprejudiced man will find serious objection to this plan without offering something preferable, and such offer singularly enough has been lacking from the Treasury Department.

These are outside figures and will be varied by the different options, but estimates of actual payments made by the Government under this bill during the next 20 years at the outside averages about $225,000,000 annually, which includes compounding of interest.

Under the bill the cash drain on the Treasury will be comparatively small until the Government-loan period of three years is reached and any interest thereafter is repaid at 4½ per cent by the borrower, so that no new charge will be made from that source. Foreign debts should finance the bonus.

COMPTROLLER CRISSINGER WARNS CONGRESS.

Congress is warned by the press daily, weekly, and monthly just what Secretary of the Treasury Mellon and Comptroller Crissinger and other officials of the administration think of Congress and of the soldiers' bonus bill. It is a novel proposition when Crissinger says that he will not permit national banks of the country to loan to the soldiers on their certificates if the bill is passed by Congress.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FREAR. I will.

Mr. GARRETT of Tennessee. In the statements I have seen from Mr. Crissinger he did not say he would not permit. He said he would advise the banks not, but I did not understand at any time he used the expression that he would not permit the banks to loan.

Mr. FREAR. The gentleman's statement is right, but I take it when a school teacher in school or the man in charge of all national banks of the country says he would not advise the banks to do a certain thing, he means "permit."

Mr. SNYDER. If the gentleman will permit, is it not fair to state that that is not exactly what Mr. Crissinger says. I understand he said that he would advise if he was asked to advise. He did not say he would advise.

Mr. FREAR. I am speaking of the article he gave to the press, not of his statement made before the committee.

Mr. SNYDER. I think he stated——

Mr. FREAR. In the statement before the committee he modified his position.

Mr. SNYDER. I do not think he modified it at all. I think he said to the committee that if he was asked to advise that he would advise them not to do it.

Mr. FREAR. It has been published repeatedly that he was opposed to this proposition and that he was going to advise banks not to loan money to soldiers on their certificates.

Thousands of other banks will do so if our advices are right, but on what meat does Crissinger feed, and for whom does he speak? Is Crissinger or Congress to determine what the bill contains? Crissinger and Secretary Mellon claim that when the soldiers ask for loans they will find they have "frozen credits."

The freezing process that confronts the soldiers and Congress to-day is that which comes from officials of the Treasury Department who have handed out many icicles to Congress and to the soldiers recently. Frequent threats are reported that campaign contributions will not be forthcoming unless a sales tax is passed as a substitute for the present personal income tax.

Again it is said the price of a soldiers' bonus bill must be a general consumption tax to relieve large taxpayers.

The Wall Street campaign of scaring the administration and the country is found on every hand. A New York newspaper opposed to the soldier bonus says in a staring headline over a news dispatch from Washington: "Bonus alienating donors to G. O. P. campaign coffer—Prominent supporters emphasize displeasure in reply to national committee appeal."

The latest expression of Secretary Mellon, of 24 pages, received yesterday and published broadcast over the country, contains one palpable mistake of over $165,000,000,000—a mere bagatelle. Other efforts to unfairly prejudice the bill in public opinion appear throughout the entire letter.

From now on distorted statements of Treasury receipts and conditions may be expected, all of which were lacking when the railway securities bill was before the House.

As an evidence of frigidity, why did the Treasury first demand that obnoxious taxes be placed in the bonus bill, which we were later informed would have invited its veto? Why did the Treasury Department next refuse Congress a soldiers' bonus bill unless it provided its own means of payment?

The Secretary of the Treasury suggested a sales tax and various other taxes, and we were told that any bill that did not contain those proposals would be vetoed.

Mr. OLDFIELD. Will the gentleman yield for just one question? I do not think the department recommended the sales tax. Secretary Mellon has never recommended a sales tax in my presence.

Mr. FREAR. The other day when I questioned the Secretary I asked, "You are opposed to the reenactment of the excise-profits tax?" He answered, "Yes." "You are opposed to the issuance of the foreign bonds as security?" His answer was "Yes, sir." I asked about the inheritance tax, gift tax, and other taxes, and finally I said: "The only alternative, then, is a sales tax, Mr. Secretary?" And he said, "Yes; a kind of sales tax." I believe I state the record substantially.

Mr. OLDFIELD. I was not present.

Mr. SNYDER. Will the gentleman yield?

Mr. FREAR. Not now; I will later if I have time.

Why did the department object to paying any soldiers' bonus from Treasury certificates when it had previously paid billions of dollars in canceled war contracts? Why did the department reject any proposal to pay the soldiers' bonus bill by $11,000,000,000 in foreign debts?

Why did the department admit it will take 2,000 more employees, who could not be housed, to administer a sales tax and yet left that tax as the only alternative; a tax that helped overturn the Canadian Parliament last December, a tax never before levied in this country in time of peace?

The American people may well ask, Why should Congress abandon its right and duty to legislate for the whole people independent of Mr. Mellon's department or any other branch of Government?

Why is the sales tax constantly linked up with the soldiers' bonus bill when no general sales tax could pass Congress unless fastened onto some worthy object? Why are the soldiers asked to help pay their own bonus through a sales tax, and what special reason has Wall Street and big business generally for demanding a general sales tax?

THE REASON FOR A SALES TAX.

The following table explains why every man who pays a large income tax favors a sales tax that will relieve him from his income taxes. Any sales tax once adopted will not be repealed, but will be constantly enlarged in its scope by interests that never sleep. That is Canada's experience. This table explains the reason:

Present income-tax payments.

Income.	Normal tax.	Surtax 1921 act.	Total tax.
$6,000	$160	.....	$160
$10,000	480	$40	520
$20,000	1,280	440	1,720
$25,000	1,600	780	2,380
$50,000	2,080	1,440	3,520
$50,000	3,680	4,960	8,640
$75,000	5,600	11,800	17,400
$100,000	7,680	22,460	30,140
$200,000	15,680	70,960	86,640
$500,000	39,680	220,960	260,640
$1,000,000	79,680	470,960	550,640

I do not claim these rates are just, but do claim that an eventual $1,000,000,000 sales tax is indefensible. The man who pays $8,640 tax on a $50,000 income has a vital interest in a sales tax. The man who pays $550,640 on a $1,000,000 income has a vital interest in a sales tax.

A few newspaper publishers and many other men, including at least one department head are to-day paying upward of $550,640 annual income tax that will be wiped out if the tax burden can be shifted from their pocketbooks to the shoulders of the hundred million through a consumption tax on what the people eat, wear, and use.

I desire to have those persons who are interested in the sales tax study the little table at this point. A man who has $2,000,000 income pays $1,000,000 tax to-day, ordinarily speaking, on his income. If he has $1,000,000 income he pays $550,000 income tax. And in a letter which I sent to the Secretary of the Treasury the other day, in response to a long letter from him which I felt unfairly stated the position of the committee, men who are publishers of great newspapers, like publishers in the city of Washington, for instance, with possibly a million or two million dollars income or more, have an interest of over half of that income in securing the repeal of the income tax and the enactment of a sales tax, which several witnesses who have been before our committee have urged as a substitute for the income tax. Naturally a man does not want to pay taxes. I am not criticizing anyone for that human trait. The only question which we have to decide here is which is the proper tax for the country, in our judgment. And that I have tried to press upon the House repeatedly, and possibly with reiteration, but we ought to know its effect.

Mr. SNYDER. Will the gentleman yield?

Mr. FREAR. Later on, but not now.

It would seem a just method of financing the bonus bill, based on the theory of ability to pay, would be to reenact the excess-profits tax, which will return about $460,000,000 for 1921. If any new tax is levied this tax should be reenacted. However, this plan does not meet with unanimous favor, and a popular plan is open that will not require the levy of any new tax.

We are advised by reputable writers in the Washington Post, Star, and Times that the President will veto any bonus bill without a sales tax. Price, of the Post, Lawrence, of the Star, and various writers for the Times are sending these articles throughout the country.

Lawrence says, March 11:

> The President is in favor of the sales tax for many reasons: He believes it will collect the money for the bonus easily, and he thinks it may get a trial sufficient to prove to the country that a sales tax would be a good substitute for most forms of taxation.

I do not believe that Lawrence knows the President's mind. It is also significant that the publishers of two of the papers named and the Secretary of the Treasury are reputed to pay annually over a million dollars each in income taxes that would be wiped out if a shift could be made through a sales tax to the backs of the people. That shift has been rejected by the Republican platform, which specifically declared the party would not excessively mulct the consumer. Price, Lawrence, and others presumably represent only the sentiment of publishers that have great interests at stake.

PAST EFFORTS TO PASS A SALES TAX.

The press and high officials, as stated, have declared that no bonus bill shall be allowed unless accompanied by a tax, and no tax will be acceptable except a consumption tax. Bankers, brokers, publishers, manufacturers, and large business interests generally that desired to escape the excess-profits tax and the present income tax have demanded the repeal of both. The excess-profits tax was repealed and high surtaxes reduced. A consumption tax was next proposed, but defeated on the first bonus bill that passed the House. Again it was defeated when tacked to the revenue bill. Its insistence now in this bill is postponed only by confident claims it will be put on in the Senate. Linked with the bonus bill it is proposed as a permanent part of our revenue system to replace the income tax. Levied on what we eat, wear, and use, opposed by every disinterested tax expert in the country, by every farm organization and by organized labor, we are yet told it will be fastened on the American people at some stage of this soldiers' bonus legislation and that soldiers will be compelled to help pay their own bonus. Idle men and women of the country will pay if they consume; that is the penalty proposed to be exacted for asking a bonus for the soldier. Will these interests be able to defeat the bonus bill if it fails to carry a vicious sales tax?

HOW THE BONUS BILL SHOULD BE PAID.

We spent over $1,000,000,000 monthly for war. We loaned allied Governments money which, with interest, now amounts to $11,000,000,000. If our soldiers had not won the war, that debt would have been wiped out. Even now many of those who oppose the bonus ask that foreign debts be canceled to "help business." Secretary Mellon says that 80 per cent of the $11,000,000,000 should be collected, eventually. Of that amount England owes four and one-half billions of dollars, and her interest alone that will be paid us will average about

$200,000,000 annually; or, in other words, the English interest alone will practically wipe out the soldiers' bonus bill in 20 years without touching the principal. What better means could be asked for financing the soldiers' bonus bill than by using a small part of the foreign debts which were made secure by the sacrifices of American soldiers?

In to-day's Herald a column article quotes Otto Kahn, a New York banker and German ex-soldier, according to Who's Who, urging the cancellation of debts of foreign Governments held by this country to help business—debts amounting to $11,000,000,000. And yet he is opposed to the bonus, and he is the man who led all others before our committee in favor of the sales tax. Read his speech in to-day's papers. It is echoed by other international bankers of New York City, whom I quoted at length when the refunding bill was before the House.

The English loan is about $4,500,000,000. The annual interest on that is about $200,000,000. It will be more than sufficient, compounded, to pay all the soldiers' bonus.

Mr. GARRETT of Tennessee. Of course, we ought not to deceive ourselves about that matter. If the interest collected from the foreign Governments was taken and paid on that it would be simply a diversion. We would have to pay the interest on the bonds.

Mr. FREAR. Undoubtedly. I am simply calling attention to the fact that many men to-day are urging cancellation of the $11,000,000,000 debt to help business, and they are against a soldiers' bonus. I believe we can divert interest on this loan, made safe by the sacrifices of American soldiers, and can divert into no more worthy channel than this bonus bill.

OTHER COUNTRIES AND OUR OWN STATES.

We are behind all our allies in recognition of ex-soldiers. The following maximum payments have been made by other Governments to their enlisted men: Canada, $631; Belgium, $492; France, $249; England, $190; Italy, $64. Most of these Governments have debts that reach upward of one-half or more of their national wealth. Ours, the richest Government in the world, with national wealth of over $250,000,000,000, has a total indebtedness of less than $24,000,000,000. Against this debt 80 per cent of $11,000,000,000 foreign debt may be set off, leaving a net debt of approximately $16,000,000,000, or about 6½ per cent of our national wealth, and yet the richest country in the world, with the smallest per capita debt and only a fraction of that of England, is behind all others in recognition of its soldiers. Have our own people favored soldiers' bonus legislation?

Twenty-four States—just half the total—have made some cash provision for their soldiers and 18 States have given majorities and in some cases overwhelming referendums in favor of such legislation. With three exceptions, every State in the Union has given State aid to its service men. New York gave $45,000,000 to its service men, but the gift was set aside by legal proceedings. The strongest opposition to the bonus comes from that State.

Yesterday the assembly of the State of New York unanimously passed a constitutional amendment for $45,000,000, to be covered by bonds, and yet most of the pressure comes from the city of New York against this bonus bill. That measure passed the New York Assembly unanimously.

Mr. SNYDER. The gentleman means that the motion was that it should go to the people to be voted on.

Mr. FREAR. And the people, as they did before, will pass it overwhelmingly. The people in Wall Street will not.

Mr. SNYDER. Of course, the gentleman knows that.

Mr. FREAR. Unquestionably, if the Wall Street Journal, Times, and other papers correctly represent the sentiment of that locality. Complaint is made that its taxes are heavy, but a great part of the national wealth is centered in New York City and the taxes are not nearly as heavy proportionately as the tax paid by farmers and labor generally of the country, a majority of whom received less than $500 per laborer, annually, according to the Anderson report and other official statistics. Many of the ex-service men are among this number.

[illegible]

The Wall Street Journal has been aptly described as the leader that sounds the opposition keynote to any soldiers' bonus bill. A few metropolitan papers in New York, Boston, Philadelphia, and elsewhere, read by brokers, big bankers, and professionals of the stock and bond and banking business, describe Congress as raiding the Nation's Treasury. For illustration we read from the Journal: "There is no way of passing a soldiers' bonus, and if there were a way the bonus should not be paid." * * * "It prostitutes patriotic service," and so forth.

After vehement denunciation of Congress and of ex-service bonus claims the Wall Street Journal sounds a different tone when it says on February 19: "The railways are short not less than $350,000,000 of compensation, both morally and legally due them," and again "the money used to subsidize shipping would be in the nature of national defense." These papers constantly lampoon and misrepresent Congress speaking for those who with little knowledge and less understanding of the subject continually shower on Members propaganda against any bonus egislation.

The power of propaganda voiced by New York financiers, by the Journal, and other metropolitan papers is well understood. For months before we entered the war these agencies bombarded Congress with demands that we declare war immediately. We were constantly reminded of the insecurity of New York City, where the world's financiers were centered. Its people were said to be in mortal terror of enemy submarines and hostile airplanes. Possession of $5,000,000,000 of allied indebtedness by New York money interests it was known would be valueless if the Allies were defeated, and these interests further feared German indemnities unless we entered the war.

Belgium's invasion, sinking of the *Lusitania*, war against Prussianism, self-determination of small nations were additional reasons advanced for immediate declaration of war, while conscription of all able-bodied men from the Atlantic to the Pacific was demanded for protection of American rights, including the great financial interests centered at New York.

TWO PICTURES.

War was declared and those who thereby enormously profited were among the hundreds of multimillionaires in New York and elsewhere whose numbers were doubled during three years of war. While our soldiers were serving in camp or at the front for a dollar a day, men of wealth continually waxed more numerous and powerful at home until American soldiers in France had won the war and forced the armistice.

To-day all the pictures of our soldier boys marching to their transports and all the sacrifices of war are forgotten by these New York financiers, many of whom advocate the cancellation of $11,000,000,000 of European debts, which would vastly enhance the value of five billions of allied private obligations they now hold. These same financiers, with few exceptions, strongly oppose any soldiers' bonus to be paid by allied bonds, because that would block foreign debt cancellation plans. The journals they control bitterly denounce Congress as cowardly and acting through fear of political consequences because it now favors a bonus and because it would grant tardy recognition heretofore extended by every other country to its ex-service men.

These financiers and big business men, who urged the war and profiteered by the war, now demand that a general consumption tax be plastered over the consumers of the country as a penalty tax for any soldiers' bonus. These same men, who demand the cancellation of foreign bonds, who demand a sales tax, who denounce Congress for political motives—these are the men who demanded immediate war, to protect their billions of allied securities, and asked for the conscription of young manhood of the country, which was invoked for the first time in all our history. Now they threaten Congress, individually and collectively, for questioning Wall Street's commands.

Multimillionaires made great fortunes during a few years of war, which were saved from German indemnity by the sacrifices of American doughboys. Now they shout threats because Congress is giving these same doughboys only about what one month of war cost this country. Many months of war were saved to the country and to the world by these boys, and yet these same financiers and big business men have forgotten the days of 1918—although the people have longer memories.

BILLS NOT OPPOSED.

What of recent demands on Congress by New York financiers for guaranty of their railway security earnings and what of the bill for $500,000,000 that passed the House to help stabilize railway securities?

What of successful demands on Congress by these financiers for $3,000,000,000 with which to pay canceled war contracts financed by the same interests? Not one objector was then found among the army of Wall Street financiers or the journals they control. We were not asked to find what profiteers or cost-plus war contractors were financially wounded, maimed, or otherwise disabled. All were financial patriots and all were treated alike, but to-day, when Congress proposes to pay the ex-service men $1 a day for saving Wall Street and the country from possible German indemnity, the financial interests thus saved ask why should we reward patriotism unless physically crippled, and insist that any bonus must be paid by the soldiers and the hundred million of people through a consumption tax, by those who have little margin over what they consume.

Mr. SNYDER. Will the gentleman yield?

Mr. FREAR. Later; I have not the time now.

Mr. CROWTHER. Will the gentleman yield?

Mr. FREAR. I can not until I get through. I will be glad to do so later.

THE SOLDIER HAD NO CHOICE.

Congress took the American soldiers from their families, their jobs, and from schools, pushed them into camps and then to the front to be shot at while drawing the munificent sum of $1 a day, three-fourths of which generally went for allotments and insurance. The soldier had no choice, because he was conscripted and sent through mud, mire, and hell-fire to fight for those who stayed at home. Others took his old job back home, receiving increased wages, and when he came back to a grateful country he found his job gone in many cases and the cheering crowds that thronged the streets of New York in 1918 had vanished back into countinghouses and banks in two short years. Over 500,000 of these soldiers, we are told, who helped make the world safe for democracy are now out of employment, vainly looking for jobs, many are on the streets of New York and Washington and all over the country, yet Wall Street journals and great financiers denounce Congress for seeing anything outside of a group of big business interests on Manhattan Island.

There are men who honestly ask why any bonus should be granted and who wonder why all our allies have granted extra pay to their own soldiers, but the most active protestants to-day are those who sat safely in swivel chairs and profited by that war and also officers, generally stationed far in the rear, who received many times the doughboys' pay yet found their old jobs waiting their return. Scratch the bonus critic and ordinarily he was among the shouters before the war of "go on boys," but now he puts an extra safety pin over his full pocketbook to prevent its being pried open by a generous impulse. Agricultural organizations throughout the country and labor generally oppose any sales tax but approve the bonus bill, but those most benefited by the sacrifices of American soldiers—war profiteers—are opposed.

REFERENDUMS THAT MEAN LITTLE.

Referendums received from chambers of commerce of the country oppose any soldiers' bonus. The directors of the chambers of commerce constantly conduct half-baked referendums. Every subject from taxes to rheumatism is now referendumed back to its members for our legislative action. Not one chamber in a dozen offers anything constructive on the subject, but Congress is referendumed on everything. The chamber of commerce appointed a committee of tax experts two years ago to tell Congress how to raise revenues. This tax committee reported unanimously against a general sales tax. Commerce members were immediately referendumed, and the sales tax was rejected by a country-wide vote. Again the directors referendumed members to secure an opposite verdict, and the chambers on a second referendum did as directed.

This commerce body now tells Congress no soldiers' bonus should be granted. Recently many States held official referendums at regular elections, and by overwhelming votes in every case urged compensation for the soldier. Those State referendums voluntarily taxed nine out of every ten to benefit the tenth man, and reflected public sentiment more accurately than any prejudiced referendum of commerce bodies.

A legitimate field exists for chambers of commerce and business bodies, and many high-class men are among that membership, but Judge Rummy referendums are of little value to intelligent legislation for self-evident reasons, and not one Congressman in a dozen is influenced by ill-considered referendums we regularly receive. The right of petition and protest exists with all bodies, although unintelligent action, based on prejudiced propaganda, is not the voice of the people from whom we derive our certificates of representation, and their referendum has been expressed in favor of a bonus.

Let me say I understand that practically every ex-service man in the House is for this bill. Possibly ex-service men holding positions as high as majors, who were on the Army staff located in the city of Washington, may oppose it. I understand they have opposed it on the floor of the House. But the men who were over there fighting, some of them from your membership here, practically every one of them is for this bill.

THE PEOPLE WHO SACRIFICED.

We know that the vast wealth and power of the world centered in a great city or a few men of wealth of the country do not speak the heart of the Nation when they denounce a soldiers' bonus bill and abuse those who propose its enactment. Great press agencies of the land, that obey the master's voice of selfishness and greed, do not represent the voice of the people when they distort, misrepresent, and malign the Congress, the soldiers' bill, and even men who stand sadly and silently awaiting congressional action.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield there?

Mr. FREAR. Yes; I will yield.

Mr. ARENTZ. I know that the gentleman does not want to make a mistake about our colleague, the gentleman from California [Mr. LINKBERGER]——

Mr. FREAR. I did not mention the gentleman from California. Let me correct the gentleman's misapprehension. Mr. LINKBERGER I hear has a fine record.

Mr. ARENTZ. Yes; I want to say that he has a splendid record.

Mr. FREAR. Yes. It was the gentleman from Missouri [Mr. HAWES], whom the RECORD quotes as opposed to what he terms "bunk" and "sob stuff," who has criticized the committee and the bonus bill on the floor. I understand he had some position at Washington during the war, and without criticism I submit that a man drawing $7,500 a year now in Washington is hardly prepared to stand in the shoes of the 500,000 boys who are out of jobs.

May I add in answer to an unjust column editorial in a New York paper that my only son served with the Thirty-second Division at Château-Thierry and has since received from others several times any possible bonus to meet after war needs. Hundreds of thousands of others have had no one to lean upon. My own father, still living, served three and one-half years in the Union Army. A great-grandfather was killed in the Revolution. Modestly I add that I enlisted and served five years in the Regular Army and 11 years more in the Wisconsin National Guard, retiring with rank of colonel, during which period I raised a company for the Spanish American War, which was tendered to Governor Schofield, and yet I voted against the last war in company with General SHERWOOD, who was raised from a private to general, due to repeated gallantry in battles. Once war started I voted, without question, over $30,000,000,000 to win the war, and will now vote a billion or more of foreign debts—that Wall Street would cancel—for some slight measure of justice to those who won the war for the rest of us.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. CROWTHER. I want to state to the gentleman that Wall Street does not represent the sentiment of the people of New York State. There are 10,000,000 of us, and we are good folks, and most of us are for the bonus.

Mr. FREAR. Yes. I am sure of it. No people could have made a better record than your assembly did yesterday in passing the $45,000,000 State bonus bill unanimously. It was the voice of New York State and not of the group of business men who continually denounce Congress and the bill.

Mr. CROWTHER. Yes. The first bonus bill passed by this House was a good bill, and if it had been enacted into law in the other body as it was passed in the House the trouble would all have been ended.

Mr. FREAR. That is just the point. New York City and the financiers there do not represent the heart of the people of this great country. I walked down past the employment agency on Pennsylvania Avenue a day or two ago. I suggest that gentlemen of the House walk down there to-morrow morning and see the white boys and the colored boys who were in former Army service now standing in line, waiting for jobs. Contrast that exhibition with multimillionaires opposed to this bill, insisting that it ought not to be passed!

As spake Anthony to Brutus and to other cold-blooded noble Roman icebergs, "Gentlemen all—alas," and of the human sacrifice, "Yesterday his acts might have stood against the world; now, none so poor to do him reverence."

Far out over the land, hundreds and thousands of miles away, a people lives, back in the forests of the North and in the high mountains of the West, in the fields of the South, and in the congested homes of Mulberry and Sullivan Streets—these people offered their boys for their country's cause when the call came. Every mother gave more than all the wealth of Manhattan itself when she sent her boy to war.

In the trenches, in the field, in the air their boys met the picked soldiery of the world and carried our flag again and again to victory. They recovered the lost fields of France; they revived the courage of the Allies; they won for posterity a fight that had been lost, and they saved for humanity the ideals of a liberty-loving people. The world sang their praises during those hours of conflict and victory; the great American heart back in the forests, fields, mountains, and Mulberry Street sings their praise to-day. No country can repay the sacrifices of war; no power can compensate for war losses; but speaking for those we represent, for the millions who are the hope and foundation of our Government, we offer the boys who returned the thanks of a grateful Nation, the blessings of a rescued world, and recognition that means more than empty words,

because it carries with every dollar the prayers and hopes of the American people that the war to end all wars, which they won, was not won in vain. [Applause.]

The following letter to Secretary Mellon is self-explanatory:

MARCH 13, 1922.

Hon. ANDREW W. MELLON,
Secretary United States Treasury Department,
Washington, D. C.

MY DEAR MR. SECRETARY: Your letter on the soldiers' bonus addressed to Chairman FORDNEY, given wide publicity, is one of a number of letters and interviews in the press from your department that heretofore have gone unanswered. Without assuming to speak for Mr. FORDNEY or for the committee, but, rather, to voice a protest against criticisms by yourself, Crissinger, and other high officials against the committee, against Congress, and against a soldiers' bonus, may I be pardoned for this brief letter?

Congress has constitutional rights and responsibilities that can not properly be assumed by others nor avoided by those selected by the people for legislative duties; that should be conceded. Congress took from their homes, jobs, and schools 4,500,000 men and boys and sent them to war to fight for the rest of us at $1 a day, most of which munificent sum went for allotments and insurance. Over 500,000 of these men and boys are now reported to be without jobs, and some of them were standing this morning before the public employment office on Pennsylvania Avenue within one block of the Treasury Building.

During the war Treasury records are said to show that millionaires who stayed at home doubled in number and that fortunes were made by many thousands of others. These facts confront Congress, and we know that you have repeatedly and publicly expressed your opposition to any soldiers' bonus legislation. You have, further, said that no bonus should be paid except through taxes and you reiterate that in your letter to-day. You have objected before the committee to any inheritance and gift taxes or the reenactment of the excess-profits tax. You have suggested taxes to which we finally tentatively agreed, only to be advised that the President, whom you see frequently, would veto a bill if accompanied by such taxes.

You objected before the committee to paying the bonus by Treasury certificates, as authorized by law, and as the Treasury did when paying $3,000,000,000 of canceled war contracts, to which, we were advised, you never objected. The recent bill to stabilize railway securities, appropriating $500,000,000, passed by the House was with the approval of your department. You have objected before the committee to paying any soldiers' bonus out of foreign debts, which the soldiers helped to save for us. In fact, many letters of sympathy and freezing advice are handed out that are in harmony with the last protest against "frozen credits." These hypothecated credits would probably never reach 1 per cent of all the loans held by the banks and trust companies combined, nor will they freeze soldiers half as much as the cold reception accorded them in many quarters. The figures you present are not admitted to be correct either in fact or effect.

You have left Congress but one alternative—enactment of a general sales tax. This tax repeatedly has been defeated by Congress during the Sixty-seventh session. This tax you admit will require thousands of new employees and also presents many difficulties of administration. If adopted, it will eventually shift $1,000,000,000 or more in income taxes now paid by the wealth of the country over to the shoulders of the consumers of the land.

For illustration, Mr. Secretary, Henry K. Allen (p. 155), in his recent work, rates your wealth at $300,000,000. Assuming that one-tenth of that amount is nearer right, then your annual income tax paid to the Treasury is probably over a million dollars, and this amount is believed to be approximately the income tax paid by two publishers of Washington papers which carry frequent sales-tax editorials—one in this morning's issue.

It is proposed in many quarters eventually to relieve income taxes by a sales tax. If that tax can be fastened to a soldiers' bill. It is conceded it can not be passed in any other way. By a coincidence many men with large wealth favor a sales tax, and I say this without criticism, because all men dislike to pay taxes. The fundamental principle of taxing according to ability to pay, however, can not be ignored, based on the testimony of every disinterested tax expert. All national, agricultural, and labor organizations are on record opposed to this tax. A similar sales tax helped turn the last Canadian Parliament, and its enactment would in like manner create many changes in the present Congress.

A sales tax has never been adopted in this country in time of peace, nor has any bill ever before passed Congress that was requested to create its own means of payment, as you insist shall be done with the soldiers' bonus bill. In short, Mr. Secretary, Members of Congress charged with official responsibilities are seeking to perform their constitutional duties, and if we fail to do so the people and not the Treasury Department will pass judgment on the record. I do not venture to criticize any department of the Government in offering its advice, but respectfully say that it is time we try to find some common ground if Congress submits its action for Treasury approval.

In conclusion, the bonus bill will be reported with little opposition, and will pass the House 5 to 1, according to indications. It will, we are advised, pass the Senate, not because of political fear as attributed in some quarters but because it is based upon absolute justice and right.

Very sincerely,

JAMES A. FREAR.

The bill was reported by a vote of 19 to 5 and passed the House 10 days later by a vote of 333 to 70—a verification of the letter's prediction concerning House action.

In reply to my letter to Secretary Mellon I received a telephone call a few minutes ago, just before taking the floor, to speak for the bonus bill. Secretary Mellon said he had written me a letter in reply to mine of the 13th instant, and asked if I had any objections to its being given to the press, to which I replied I was perfectly willing anything he might write should be given publicity. His letter received is equally remarkable for its errors of commission and items of omission in its answer to my letter of March 13. It is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 17, 1922.

MY DEAR CONGRESSMAN: I received your letter of March 13, 1922, with respect to the soldiers' bonus. At the request of the Committee on Ways and Means I have addressed two letters to the chairman of the committee under date of January 24 and March 11, 1922, in order to show the state of the Treasury, with particular reference to the receipts and expenditures of the Government for this and the next fiscal year, and the refunding operations that will have to be carried on within the same period, and in that connection have indicated the Treasury's views as to the cost of a soldiers' bonus and its financial consequences. My position in the matter is fully stated in those letters, and, as you will have noticed, I have not attempted in them to argue the merits of the soldiers' bonus. Whether or not there is to be a soldiers' bonus is a question for which, as you say, Congress will assume responsibility. For the Treasury I have attempted to point out the necessity of meeting by taxation the cost of whatever bonus may be adopted and the dangers of attempting to provide for a bonus by borrowing or by makeshift measures. As I think was made clear to the committee and the country, I have not recommended any particular taxes, though I have, at the request of the committee, suggested several possible sources of additional revenue that would be available if Congress should decide to grant a soldiers' bonus, and in that connection have given the Treasury's estimates as to the yield of such additional taxes.

I gather from your letter that you are under some misapprehension also as to the Treasury's position with respect to a sales tax. The Treasury has not recommended any general sales tax. As a matter of fact, I am not in favor of a general sales tax if it is to be imposed in addition to all existing taxes, unless made necessary by an emergency in the revenue, such as would arise through adoption of the bonus measure.

Neither the payments which the Government has made in order to settle canceled war contracts nor the so-called railroad funding bill to which you refer present situations in any way analogous to the soldiers' bonus. In the first place, the Government did not pay, as you suggest, "$3,000,000,000 of canceled war contracts"; but, on the contrary, settled war contracts amounting to over $3,700,000,000 at a total cost of about $503,000,000. In this connection I invite your attention to the following extract from a letter recently received from the Acting Secretary of War:

"The total obligations of the War Department on uncompleted contracts which were suspended shortly after the armistice, which have been settled, amounted to $3,701,643,800.35. The total number of claims filed with the War Department was 32,986. The total number of claims settled as of January 1, 1922, was 26,216. Relief was denied in 3,203 cases and 3,520 claims were withdrawn. The total amount paid out by the War Department in settlement of the uncompleted portion of all war contracts to January 1, 1922, was $503,546,764.62, which represents a settlement for 13 cents on the dollar.

"The act of March 2, 1919, expressly provided that in the settlement of informal contracts the award by the Secretary of War should not 'include prospective or possible profits on any part of the contract beyond the goods and supplies delivered to and accepted by the United States, and a reasonable remuneration for expenditures made or obligations and liabilities necessarily incurred in performing or preparing to perform such contract.' In the adjustment of informal contracts prospective or possible profits were, therefore, necessarily disallowed.

"Many of the contracts executed in the manner required by law, particularly those entered into during the last half of 1918, contained termination clauses which provided that in the event of termination before completion the United States would reimburse the contractor for the delivered portion of the contract at the price stipulated in the contract and would make reimbursement for the suspended portion of the contract on the basis of actual cost of direct and indirect material, work in process, labor, and pro rata overhead, plus 10 per cent thereon, the 10 per cent being a remuneration for expenses and services of the contractor in connection with the uncompleted portion of the contract.

"The formal contracts which did not contain the termination clause and which were suspended after the armistice were settled on the same basis as if they had contained the termination clause referred to above."

From this it appears that the payments which were actually made on account of canceled war contracts represented, for the most part, reimbursement to contractors for actual expenditures incurred in reliance upon war contracts. The so-called railroad funding bill has never become a law, and, in any event, would not have appropriated any money out of the Treasury. Its purpose was simply to finance settlements of Government obligations arising out of Federal control through the sale of railroad securities already owned by the Government, and it has since become unnecessary with the change in market conditions which has made it possible to dispose of these railroad securities at par and accrued interest through the investment markets.

Very truly, yours,

A. W. MELLON, *Secretary.*

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

To Secretary Mellon's letter I immediately wrote a reply, which is also inserted herewith:

WASHINGTON, D. C., *March 17, 1922.*

MY DEAR MR. SECRETARY: I have your letter of to-day relating to the soldiers' bonus bill and thank you for the same. Let me correct what are unintentional errors, I am sure, and as the preceding letter contained a manifest error of $167,000,000,000, admitted to our committee, although given wide publicity, I feel that even belated corrections will be accepted with a purpose of preserving a correct record.

Your letter states first: "At the request of the Committee on Ways and Means I have addressed two letters to the chairman of the committee, under date of January 24 and March 11, 1922, etc." On page 29 of hearings of March 14 appears letter dated March 8, signed by the clerk of the committee, transmitting copies of the soldiers' bonus bill. The letter is as follows:

MARCH 8, 1922.

Hon. ANDREW W. MELLON,
Secretary of the Treasury.

MY DEAR MR. SECRETARY: In the absence of the chairman I acknowledge receipt of your letter of March 7, which was delivered by messenger yesterday after the chairman had left town.

I shall be glad to bring your letter to Mr. FORDNEY's attention immediately on his return to Washington, and particularly that portion with reference to newspaper accounts which have purported to quote you.

For your information there is inclosed herewith several copies of H. R. 10769, which is a bill "To provide adjusted compensation for veterans of the World War, and for other purposes."

Such comment as you may care to make thereon, addressed to the chairman, will be appreciated.

Very truly, yours,

CLAYTON F. MOORE, *Clerk.*

The above letter contained no request from the Ways and Means Committee or from any member of the committee, and it was stated in committee session that no member of the committee had requested any letter from your department. The committee clerk, in the absence of the chairman, said on his own responsibility such comment as you desired to make would be appreciated, which was undoubtedly true, although he could not speak for the committee or chairman, of course. The 24-page letter given to the press by you on the opportunity afforded by the Clerk's letter starts out as follows:

"THE SECRETARY OF THE TREASURY,
"Washington, March 11, 1922.

"DEAR MR. CHAIRMAN: I received the letter of March 8, 1922, with the inclosed copies of H. R. 10769 from the Committee on Ways and Means, and, in accordance with the suggestion that the committee would be glad to have the Treasury's comment thereon, have examined the proposed bill to provide for a soldiers' bonus or so-called adjusted compensation for veterans of the World War."

I do not believe you were in any way responsible for the voluntary letter, for the error as to its request by the committee, or for the unusual proceeding in handing it to the press, where it was given two or three columns of valuable space, whereas the average expression of men at our end of the Avenue is afforded a scant dozen lines, which is presumably a fair measure of the difference in value according to news standards.

Startling headlines confronted the public the next morning that the bonus would cost the Government $165,625,000,000, as follows:

"Land settlement cash base, $1,495,000,000; possible cost to Government, $165,625,000,000. Cash bonus base as 8 per cent of total cost."

The slight error of $167,000,000,000 in possibilities and of $165,000,000,000 in all human probability is apparent to anyone familiar with the facts. I do not desire to burden you with other corrections brought out in the hearing, where the evident intention of the writer of the letter was to discredit in every way the bonus proposal. The committee absolved you of any such purpose or of any exact knowledge of matters of detail necessarily prepared by others.

In my letter of March 13 I said you have left Congress but one alternative—enactment of a general sales tax. To this you reply: "The Treasury has not recommended any general sales tax." I do not desire to misconstrue or misquote, but submit the following from page 6 of committee hearings:

"Mr. FREAR. May I ask a question, Mr. Chairman—and let me say, in all fairness to the witness and myself, that I was not one of those who voted to have the Secretary here, not but what we are very glad to have him. There is only one line of questioning I have to offer. What method would you propose, if any, for financing the bonus bill, if it is enacted into law? Before answering that question, let me ask you this question: Is it not true that you have opposed in the record which I have here any increased tax on inheritances or on gifts and opposed the reenactment of the excess-profits tax?

"Secretary MELLON. Yes.

"Mr. FREAR. Opposed the issuance of certificates based upon foreign debts; in fact, everything we have presented, except where you submitted some special taxes which, when embodied in a bill, the President said he would veto; or, at least, that is the information brought to us. Now, is that the situation as you understand it, Mr. Secretary?

"Secretary MELLON. The answer to that is that the objection to the taxes which are now in existence is that they are as burdensome now as the country should be asked to bear. Now, for the purpose of the bonus or for providing revenue, there should be a diffusion of that burden. It should be spread over a large class of objects or commodities, if there is a tax of that nature required.

"Mr. FREAR. What kind of tax would that be?

"Secretary MELLON. That would be in the nature of a sales tax, but not a general sales tax.

"Mr. FREAR. On specific articles?

"Secretary MELLON. It would not be necessary to impose a general sales tax, but just a tax on a broad class of commodities, where the percentage would be small on each one and the effect would not be burdensome.

"Mr. FREAR. Is that the tax proposed in Canada or adopted there? Is that the suggestion you have, or what kind of sales tax have you in mind?

"Secretary MELLON. To some extent the Canadian tax is of that nature.

"Mr. FREAR. That is the only tax you have in mind or the only means of raising revenue to finance the bonus bill, of which you would be in favor?

"Secretary MELLON. There were other suggestions, such as to increase the tax on first-class postage, and to increase the tobacco tax, etc.

"Mr. FREAR. But the President, we understood, would veto any bill that proposed taxes along the line of postage and gasoline taxes and others you recommended, so that, of course, those would be eliminated, if we follow the suggestions that have been given to us about having the bill passed and secure the signature of the President. Now, are we left only to the sales tax; is that your understanding?

"Secretary MELLON. Not necessarily to a general sales tax."

Your statement that I said over $3,000,000,000 in canceled war contracts were paid, is noted, and I accept without question your correction that $3,700,000,000 in claims were settled for $503,000,000, and I congratulate the officials who reduced $3,700,000,000 in claims to a half billion dollars. But when authority was given the Treasury Department to settle and pay over three and a half billion dollars in claims of men who were not wounded, maimed, blind, or otherwise physically disabled, the Treasury Department did not demand that the bill should contain special taxes to pay the three and a half billion dollars which were finally shaved down to a half billion dollars, in round numbers. In other words, without knowledge of what reduction would be made, my point is that the Treasury Department never demanded that a "possible" $3,700,000,000 claim, to use Treasury terms, should finance itself whereas you now insist that a soldiers' bonus bill that will not take any amount to embarrass the Treasury within three years—not 10 per cent or not 8 per cent of these former war claims—should be so financed.

My own contention, Mr. Secretary, is that foreign bonds, when received, should be used for that purpose, and that $200,000,000 annual interest on British bonds of $4,500,000,000 would pay the entire bonus for 20 years without imposing one dollar of taxes. The soldiers who gave these bonds some value by winning the war have a fair lien on them.

I note next you say "the so-called railway refunding bill has not become law, and in any event would not have taken any money out of the Treasury."

† My letter read: "The recent bill to stabilize railway securities, appropriating $500,000,000, passed by the House, was with the approval of your department." The bill was to permit the purchase of railway securities, if I remember correctly, and the House, as I stated, passed the measure. Whether it became law or not was not due to Treasury opposition but to Senate inaction, with malice aforethought we learn. Where the money was to come from I can not say without the bill, but it is correct, I believe, to say that in all the billions of dollars heretofore appropriated and all authorizations heretofore made by Congress, in no single case before has the Treasury Department had hitched to the bill any separate financing scheme.

In conclusion, Mr. Secretary, let me say I do not question the full right and duty of your department to protect to the utmost the Treasury from ill-considered legislation. My own protest is against methods pursued and in what appears to be making fish of railway, shipping, and other war contracts and fowl of the bill for the relief of ex-service men.

Permit me to express personally the consideration which is extended to you by every member of our committee for your ability and purpose. All we ask in equal consideration, which I am certain will be extended, so far as you are personally concerned.

Sincerely, yours,

JAMES A. FREAR.

The following letter from a Treasury employee, one of many received from ex-soldiers, is self-explanatory:

TREASURY DEPARTMENT,
Washington, March 14, 1922.

Representative FREAR,
Washington, D. C.

DEAR SIR: I am, indeed, pleased to note the fact that we still have a few true-blooded Americans at the head of our Government. The reason for this statement is because of the fact that you have the nerve to buck the moneyed powers that are trying to ruin this fair Nation of ours. * * * The record that Mr. Mellon belongs to will be doomed if our Senators and Representatives will decide which is the better, a choice few or the people.

I am fully convinced that Mellon is determined to have his way about all affairs, his own as well as those affecting others. You are positively correct in your stand on the bonus question, and the bill should become a law now and not when the boys are dead. Mellon, many times a millionaire, does not care what becomes of other, or their rights, either. I am surprised at Mr. Harding. * * * The administration should lose sight of the soldier in olive drab and note the same man as a citizen doing his official duties as if the war never happened. We are voters now and free to think and act. I again thank you for your true stand for our right.

Yours, truly.

P. S.—I have had three years' military service, 18 months overseas, belong to the Veterans of Foreign Wars, and voice the sentiment of the best service men: also am a * * * and only took two weeks' vacation in May, 1919, after my discharge, which proves the fact that the service man wanted to work if any was to be had. I will appreciate a home benefit most gladly, as I had to pay a war patriot 16 per cent interest on a loan against my home in Virginia, made necessary by my father's illness during my enlistment. This I had to pay when discharged, while he enjoyed many fine chances to make good money, as Mr. Mellon and thousands of others. I soldiered with the Thirty-second Wisconsin troops, and never met a finer type of men in all my experience, and am glad that you are one of the same kind. * * *

My own son served with the Thirty-second on the Marne.

Apart from misrepresentation by powerful newspapers and equally powerful financiers, the dishonest and reprehensible methods used to influence the President and Congress may be gathered from the following:

The American Legion Weekly prints an affidavit showing graphically how "sentiment" is being worked up throughout the country. The Legion Weekly prints the following statement of an ex-service man who was employed by a New York financial institution:

"For two and one-half years I have been employed by ——, Exchange Place, New York City, dealers in stocks, members of the New York Stock Exchange.

"On Wednesday, February 8, 1922, at about 4.45 p. m., the head of the department in which I was employed requested that each employee write four letters in opposition to the adjusted compensation now pending in Congress. He requested that one letter be addressed to President Harding, one to each of the United States Senators of the State in which the employee lived, and one to the Representative of the congressional district in which the employee lived. A typewritten form of the letter he desired written was passed around among the employees. This typewritten form letter was on ordinary bond paper and not on the firm's letterhead, as most other memoranda usually were. The name of the firm did not appear on the form letter. The same action, I learned later, was taken in the other departments of ——.

"Each employee was advised to write the four letters and to hand them in on the following morning to the department heads. Each employee was told to leave his letters, unsealed, as the firm would seal them, put stamps on them, and mail them. For the convenience of employees it was announced the firm would look up the names of the Senators and Representatives of their respective districts.

"I heard one of the department heads remark while employees were discussing the instructions, 'You fellows had better write these letters to-night if you want to keep your jobs.' Naturally, after these orders were given out, there was a lot of comment and many arguments among the employees, and from expressions I believe that fully 60 per cent considered it was unjust and unfair to ask them to write any such letters in the way it had been done. They considered they had been deprived of their rights, as they realized that if the firm's wishes were not complied with they would be discharged, if not immediately, at the first trivial offense they committed. Despite their feelings, however, most of them figured they could not afford to disobey the implied command. Many of them were married and felt that it would be hopeless to try to refuse to write the letters under the circumstances.

"Out of approximately 250 employees 3 did not write the four letters requested of them. I am one of the 3." * * *

This man was let out at once, he says.

KAHN WOULD CANCEL DEBTS—EUROPE'S PLEDGE TO END TURMOIL ENOUGH IN RETURN, SAYS BANKER.

NEW YORK, *March 15.*

Cancellation of the allied war debts to the United States in return for pledges that conditions keeping Europe in turmoil will be eliminated, was advocated to-day by Otto H. Kahn, banker, in a speech before the Advertising Club. The disturbing conditions referred to have grown out of the various peace treaties and form the basis for interminable strife, he said.

"The most troublesome of many ills growing out of the treaties is the amount of the German reparation," he added. "It is not only greatly beyond Germany's capacity to pay but it is causing grave damage to all the world. A policy of audacious kindliness in dealing with foreign problems is necessary if prosperity is to return to this country."

BARNES'S BONUS BILL PASSED—ENABLES NEW YORK STATE TO BORROW $45,000,000 TO PAY EX-SOLDIERS.

ALBANY, N. Y., *March 15.*

By unanimous vote the assembly late to-day adopted the Barnes bill proposing an amendment to the constitution to empower the legislature to borrow not to exceed $45,000,000 for the payment by the State of bonuses to residents of the State who served in the World War.

The moneys would be raised by a bond issue.

SOLDIERS' BONUS.

(By Joseph D. Miller.)

A few weeks ago all America paid homage to the unknown soldier. From the Nation's highest to the lowest we bowed in reverence to those who sailed the sea to battle for the cause of world liberty, and who in that cause fought and fell.

Almost at the same moment the body of Albert Miller lay unclaimed in the Buffalo morgue. Friendless, jobless, emaciated from lack of food, Miller had died in a squalid rooming house. With unconscious irony the medical examiner said he had died of "natural causes." Is it, indeed, "natural" for men to die in this way? Is it not because we have set at naught all natural laws that should govern society? * * * He found none to employ him and no opportunity to employ himself.

FOUGHT FOR HIS COUNTRY.

* * * Bravely, indeed, had he fought. As a dispatch rider, a particularly hazardous service, he had brought the news of the armistice to British general headquarters. He was the first man to carry the news to the men in the line that the war was ended. He wore the British distinguished service medal and he had been decorated for gallantry at Vimy Ridge. And the end of it all was an oak slab in the dimly lighted morgue, his soul fled from the poor starved body ticketed with a small tag marked "unclaimed."

Look, you, lords of the land, lawmakers, you can not remedy the injustice done to this brave soldier dying at 25, an age when to most of us life is just beginning. He has passed where you can do him neither good nor ill. He was told that he fought to keep the German hordes from laying waste our cities when they were through with France and England. He was asked to fight to keep them away from your perhaps more tenderly reared sisters and wives and daughters. And he took you at your word. And this is the reward you have meted out to him.

But Alfred Miller is only a type. There are hundreds of thousands like him. We owe them a great debt. We should pay it, in so far as we may, if we have any self-respect. * * *

At the risk of trespassing on the right to print, I add to my remarks a letter appearing in the New York Times of March 12. It contains more human interest, more eloquent appeal, more well-grounded protest, and more hard facts than any statement I have ever seen from any soldier. I do not know the man who wrote, nor do I expect he will ever learn his contribution found a place in the RECORD, but I challenge any Senator or any Representative to make appeal to his fellows that will be more effective. We are frequently charged with being a cold-blooded race bound up in the almighty dollar, our own political or personal fortunes, or in purely selfish interests. The citizen soldier of to-day at the door or standing on the street corner without medals, chevrons, or any gleam of pride or hope, is the same man whom we patted on the back and shouted "We will take care of you when you come back. Give 'em h—l and remember our prayers are with you." Did we mean it? Have we done it? What a contemptible feeling if we do feel and understand to know that we were safe at home enjoying comforts and ease when this man and hundreds of thousands of his comrades were at the front fighting for us, and yet we begrudge him the small bonus carried in this bill. I ask that his letter be read. It contains an unanswerable appeal for the soldier bonus bill:

AN APPEAL TO BILT "FROZEN CREDIT" ICICLES.

To the editor of the New York Times:

I was one of the 50,000 men who reached France in June and July, 1917, while the 65 per cent mentioned by the contributor of "the bonus and the fighting man" were boiling on to the jobs they had and gambling on the draft getting them—the language is that of the same contributor. It is not pertinent to this discussion that I was overseas nearly two years without receiving any medals and returned home in good health, except for a knee that twinges in damp weather, several teeth that are in bad shape due to hurried treatment by Army dentists, and a stomach that refuses to function properly at intervals. With thousands of others, I volunteered as soon as possible after war was declared. I went, and they went, not because we had to, but because we wanted to do our full duty to our country. When we enlisted news of the draft act had not yet reached the first pages of the newspapers. The declaration of war was our only summons. Perhaps it is egotistical to mention the Minute Men of Lexington, the volunteers who manned Perry's ships in Lake Erie, the boys who risked fever and Spanish bullets in Cuba, and say that like them we needed no other summons.

I recall in those early days we realized what was ahead of us and did not look forward to France with unalloyed pleasure. Yet we did want passionately to be among the first Americans to reach that country; probably the boys to jump to answer Lincoln's call in 1861 had the same feeling. We were not the scum of the cities or the loafers of the small towns or the no'er-do-wells of the farms, who were glad to have an opportunity to place the responsibility of providing food and lodging in the hands of Uncle Sam. In my company, with which, of course, I am most familiar, all but three or four were native-born Americans, fully half were college or university students or graduates, all of the others had left good positions or jobs, 20 or more coming from industrial plants paying fancy wages for the manufacture of shells or explosives. A considerable percentage were under 21 years of age, a smaller number were over 35. The other day, while reading the roster of men from my county who enlisted for the War of 1812 and the Mexican and Civil Wars, I noticed the similarity in names—I could have been reading my own regimental roster. I say this without one thought of disparaging our foreign-born Americans, who wrote the story of their patriotism in blood at Chateau-Thierry and in the Argonne Forest. Many of the men in my company never would have had to go—they were above the draft age, or below it, or engaged in the so-called essential industries. When I walked into the recruiting station to enlist as a private for the duration, I carried in my pocket an important looking document authorizing me to attend an officers' training camp. I knew I could get to France before that course had fairly begun. Unlike the writer of the article mentioned above, the pride we feel always can be at flood tide, for what service we were able to give we gave cheerfully and ungrudgingly.

To-day I can not, with honor, shut my eyes to the needs and aspirations of the men who were with me in France, who joked and toiled their way through the grim winter of 1917 with summer underwear, Canadian overcoats, sometimes with but one pair of socks and never more than three, sleeping at times in uninsulated, unheated barracks, without even a candle for light, with gloves that did not last through a day's hike or a night's work. I suppose the man who sold them to the Government is opposed to the bonus. I remember one boy who struggled through a case of pneumonia lying on a wooden bunk in cold barracks. There was no other place to send him. I can not shut my eyes to the present needs of the fellows who went through that bitter mess over there with courage and what cheerfulness they could muster, telling themselves how good it would be to be back on their jobs in America, doing a day's work, then going home to dinner. At the same time their families were skimping to buy Liberty bonds—and it is not the returned soldiers who bought them during the depression at 85 and are holding them for a raise—and contribute to the Red Cross, and writing such cheerful letters that the soldiers never learned of profiteers, shipyard workers, and pretty officers with spurs in Washington offices until they returned home. Things would be all right, we hoped, when we returned home.

Things were all right for a while. True, we found John Doe, who had been working in a munitions factory, riding around in a big automobile and wearing silk shirts. We found foodstuffs high and rent still higher. The $60 tossed like a crust to us when we were discharged hardly paid for our new civilian outfit. But we found jobs that enabled us to earn enough to get along, eat regularly, and keep a roof over our heads, even if we could not lay anything aside for the proverbial rainy day. How quickly that rainy day came. Mills closed, in many cases using the system that the last hired must be the first to leave; soldiers who had been given jobs after the war were dropped and men who had stayed at home to work in essential industries were retained. Soldiers who had come back home to reopen their little stores or garages or manufactory found first that they could get orders and no money and later that they could get neither orders, money, nor credit. Clerks, draftsmen, engineers, laborers, surveyors, stenographers, all former soldiers, trained and untrained men, but all with the will and desire to work, not only found themselves without jobs but without a chance to find jobs. True, other men who had not been in the Army or Navy found themselves out of work, but in many cases these men had earned big wages during the war, and if they had not been unduly extravagant had tidy sums in banks to tide them over the period of depression. We who had been two years in France had had no opportunity to save.

As I write to-night, I see on my desk the names of 12 or more men of ability and training, all veterans with overseas service, who had come to me in the last week or two to enlist my help in finding a job. Proud as they were, independent as they were, they were reduced to practically begging for an opportunity to earn enough to keep them alive, having come to the end of their resources after weeks of tramping the streets from office to factory. Some of them have wives and children. One who was here a few minutes ago is an accomplished mechanic and can not even find a job as janitor or digging ditches. Can I with honor desert these men? And is it any wonder that while the pride we feel in our service to Uncle Sam can be at flood it rarely bubbles over into words? Does that sound bitter? Well, these men do not want charity; they want work. Is it possible to explain to certain members of the United States Chamber of Commerce, who damn the bonus while they sit in palatial homes built with war-time profits, that to-night, in the cold rain, men are walking the streets wondering where in God's name they will find a place to sleep, praying for a chance to earn enough to keep from starving, desperate at the thought of cold mothers and fathers and hungry wives and kids? I realize these men ought to be used to hunger—they sometimes went hungry in France. I realize these men ought not to mind the rain—the rain was just as cold at Dun-sur-Meuse. I realize they should not worry about their loved ones, who struggled on without them while they were in France. But I declare there is something unjust in this situation, something wrong in a situation that enables those who were safe and comfortable during the war to be comfortable now and discriminate against those who bore the burden and brunt of the fighting, who lived anxious days and weary nights, and who now must learn still further lessons of hunger and privation.

There is something wrong, but, like my friend who signed himself one of the four million, I know too little of economics to point out the root of the trouble. Remember, these men are Americans who have proven their patriotism in a manner many of those mouthing opposition to the bonus can not even realize or imagine; the forefathers of many of these men fought to create the Nation and preserve the Union. True, they were reared under the protection of the American flag; but if they did not show sufficiently their appreciation and pay whatever debt that upbringing entailed in France, then surely their service has earned them the right to ask Uncle Sam to give them a chance to work, an opportunity to begin payments on homes or to use what little money they would receive from the bonus legislation to keep soul and body together until such time as jobs are more plentiful without being called "profiteers," "no'er-do-wells" or "grafters." There is a note of sadness in this bonus agitation," wrote the author of "The Bonus and the Fighting Man." True, and there is no sadder note than that sung by a man who can so far forget the men who fought shoulder to shoulder with him in France as to refer to them collectively as a "hold-up gang."

In the article which aroused the energy now being expended on my typewriter the author used some statistics, including a sentence to the effect that not 5 per cent of the former soldiers believe the bonus will do any permanent good, and that all but 5 per cent would squander it. Statistics are handy things for the writer, and there comes to my mind an old and profane adage that catalogues statistics as the superlative of lies. I know, and every reader knows, that the writer of that article has made no national effort to discover what the former service man thinks or will do, nor has Andrew W. Mellon made such an effort, nor the directors of the United States Chamber of Commerce, nor anyone else opposed to the bonus, not even our new Senator, GEORGE WHARTON PEPPER, who, possibly, has been too busy explaining his vote on the Newberry case to bother about any statistics.

I have before me the report made by a State official of the American Legion who toured my State, getting in touch with some 300,000 former soldiers. He found them almost a unit in favor of the bonus—I use the word the opponents of the measure are so fond of using—and incidentally reported that nearly 98 per cent intended to take the home aid or insurance provisions of the bill now before Congress. That was but one State. When a man says all but 5 per cent of the soldiers will squander the bonus, he first should read the bill and learn that under the systems provided for payment there will be little opportunity for squandering, and, second, should remember that the Army was but a cross section of American citizenship and that former soldiers will no more squander the bonus than will any other class of men or women. I know two or three veterans of the Civil War who, despite their age, are having a riotous time squandering their $75 a month. God knows, by the time some of these soldiers who are out of work pay grocery bills and coal bills and clothing bills and doctor bills and dentist bills the amount left for squandering will not provide sufficient ice cream to feed an Eskimo.

I admit the bonus will not enable the soldier to start his business career in a magnificent office, with mahogany furniture and a blond private secretary, but it will enable him to find his footing in these industrial everglades. The bill provides installments of $50. Do you smile at that sum? Monsieur Un de Quatre Mille—recognize that, Yank—have you ever "carried the banner" through city streets at night, with the collar of your last summer's suit turned up to keep out the rain? Have you ever wished to God there was an Army cook handy to ladle you a tin of greasy slum? Have you ever begged to be allowed to sleep in a lousy doss house? Have you ever had it driven home to you that there are no jobs to get, not though you tramp from place to place all day, interviewing foremen here and bosses there, plugging with all the courage and grit you displayed when you won your D. S. C. in France? If you have, you will know that $50 will keep a man's head above water for a long time, and that he won't squander a copper cent, but will pinch three times every nickel he spends for stale bread and bowls of stew.

You will appreciate the sentiment of the members of the American Legion in this city who feed and lodge every night about 200 men who spend their days looking for work, which even the Legion can not get for them. These men are anxious to find jobs—they are fighters from the word go. The citizens of America, especially those who have valuable property and are so anxious to hold on to everything they have, should thank God every night that practically all of these men are too honest to turn to beggary or crime even as a last resort. These men are inarticulate. We need such organizations as the Veterans of the Foreign Wars or the American Legion to tell their stories for them.

I am neither an economist nor a financier, so can not discuss intelligently the plans for raising the bonus funds that daily are mentioned and discarded in Washington. I am, I hope, blessed with an ordinary amount of common sense, and know that so astute a banker as Mr. Mellon can, if he so desires, devise a plan to raise the necessary funds, just as he undoubtedly would raise the money if it were needed in his private enterprises. Can it be true that the country that paid bonuses to shipyard workers and civilian employees in the camps, that donated gold like water to this foreign nation and that, that appropriates money here and money there, can not find sufficient for her own soldiers? It is to laugh! That is, if it were not so tragic, this picture of American boys, who gave some of the best years of their lives to the flag, tramping the streets, hungry, searching for work.

* * * I have read this over and I suppose it will sound bitter, coming from one who has a job and who is working as hard as he can to hold it and to advance a little, if possible. But I can not help thinking of the boys who are out of work, and, besides, will not consider myself either a no'er-do-well or a grafter if, when the bonus bill finally is approved, I accept whatever provision appeals to me, for I must admit that during the war my bank account dwindled to next to nothing and I have not been able to increase it to a respectable figure since. The writer of "The bonus and the fighting man" ended his article with a threat against legislators who would vote for a bonus. I can not do that. Somewhere—perhaps in France—I learned to respect the rights of other men to opinions differing from my own, and take for granted that those opinions are honest until proved otherwise. I can conceive of myself voting gladly for a man who happened honestly to oppose the bonus, but who usually is in the right, as far as I am able to determine. But I can not conceive of myself or any soldier with straight thoughts and red blood doing otherwise than opposing with all the strength we have those who assail us with bitter names because we ask for the passage of a bill we honestly believe equitable, just, and honorable.

ONE OF THE FIFTY THOUSAND.

The CHAIRMAN. All time has expired. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, namely:

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GARRETT of Tennessee. How long does the gentleman from Kansas intend to run to-night?

Mr. ANTHONY. I thought we would read the first paragraph, and then I would move to rise.

Mr. GARRETT of Tennessee. The first paragraph has been read.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH, as Speaker pro tempore, having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., its successors or assigns, to lease certain of its properties in the State of Michigan;

S. 2599. An act for the relief of the receiver of the Gulf, Florida & Alabama Railway Co.; and

S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 7881. An act to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker pro tempore signed the same:

H. R. 9235. An act providing for a grant of land to the State of Washington for public park purposes; and

H. R. 10663. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; to the Committee on Military Affairs.

S. 2599. An act for the relief of the receiver of the Gulf, Florida & Alabama Railway Co.; to the Committee on Claims.

S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

EXTENSION OF REMARKS.

Mr. MICHAELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bonus bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

SOLDIERS' BONUS.

Mr. MICHAELSON. Mr. Speaker and Members of this House, does this Nation now owe anything to its defenders, its gallant soldiers and sailors who fought in the World War and of whom the Republican national convention said in its platform of 1920:

"We hold in imperishable remembrance the valor and patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill, in appreciation of the services rendered by its defenders on sea and on land."

Mr. Speaker, it is my belief that when this Government called these men for military service abroad, without giving them a voice and in violation of the foreign policy which we had pursued from the organization of the Government itself, it—the Government—incurred a most binding and sacred obligation to care, not only for the dependents of those who would have to

make the supreme sacrifice and those who would be physically disabled, but it is bound itself, morally at least, to take care of the financial loss sustained by those who went through that inferno unscathed.

Without perfidy and dishonor to itself, therefore, this Government can indulge in no quibbling as to the amount of the bonus, the manner in which it shall be paid, or the way in which the money to pay it shall be raised. Thousands of precious lives might have been saved, and untold suffering by the living avoided, if those in authority had performed their plain duty by giving this matter the right of way, over everything else, immediately after the signing of the armistice. But while those lives can not be recalled or the suffering by the living forgotten, other lives can be saved, and further suffering can be avoided if Congress will settle this question as it ought to be settled.

There is, of course, only one way to solve any problem, and that is the right way. And the only right way to solve this problem is:

First. To pay these men the difference between what they were earning in civil life when called to the colors and what the Government paid them while in its service. In other words, if a man were earning $100 per month in civil life when he was enrolled, and received $30 per month while in the service, he should be paid a bonus of $70 per month during the period of his enrollment.

Second. To pay each man in cash, money which is worth 100 cents on the dollar everywhere.

Third. To raise that cash by selling United States bonds, to be known as the soldiers' bonus liberty bonds, in precisely the same manner that we sold Liberty bonds to raise money to loan to France, and with which France has paid her soldiers a bonus of $249 apiece.

Such a bonus is just, because it is the best kind of an object lesson in patriotism to future generations, and because it will serve as the surest and best insurance policy against future wars that this Nation can have. Such a plan has been submitted to this Congress in H. R. 7589, introduced by myself on July 6, 1921, and referred to the Committee on Ways and Means.

Precedent has been amply established for such a bonus as this. Organized wealth, represented by the international bankers, the railroads, the profiteering munitions makers, shipbuilders, dealers in war material, food and supplies, have already collected all of their alleged war losses, and the public utility corporations throughout the land, aided and abetted by commercialized newspapers, have taken their pound of flesh, and few, if any, of the beneficiaries of these bonuses ever ventured outside the security of the safety zone.

Any further compensation allowed our soldiers and sailors, any bonus granted them should be worth 100 cents on each dollar thereof, anywhere and everywhere, because at this time and in this instance the soldier and the sailor, and they alone, should share in the benefit. Under the plan submitted to this House by the Ways and Means Committee many of the veterans in order to obtain ready money will have to submit to the extortion of the loan sharks by heavily discounting their bonus certificates.

Is it not ungenerous enough for the Government to compel the veteran to pay his share of his own bonus by taxation? Should we now add insult to injury by compelling the needy veteran to discount his bonus in order to obtain cash for it?

If the Government had done its full duty and conscripted, at the time it conscripted the boy, enough great wealth to support the boy, funds for a bonus would not now be so hard to find. But as the war profiteers, through commercialized newspapers, strangled Hart plan in its infancy, the fairest, safest, and quickest way to raise money for a bonus is through the sale of bonds.

Did we not sell bonds to raise the $10,000,000,000 which we loaned to our so-called allies, among which were Belgium, France, and England?

With a part of that money, has not Belgium paid its soldiers a bonus of $492?

With a part of that money, has not France paid its soldiers a bonus of $249?

With a part of that money, has not England also paid its soldiers a bonus of $190?

And were not many overseas American veterans, who are today in destitute circumstances, called upon to buy some of the bonds which were sold to raise money which was loaned to Belgium, France, and England, and a part of which has been used by those countries to pay their own soldiers a bonus?

Why, then, do not those endowed with the power to do so arrange to pay America's debt of honor as Americans should discharge an obligation of this sort?

Why do they not arrange to pay this debt in full by paying these men what the Nation really owes them, which is the difference between what they were paid and what they were earning when called for service?

Why do they not arrange to pay them in money which is worth 100 cents on the dollar wherever it may be tendered?

And why do they not arrange for raising the money with which to redeem this sacred pledge in an aboveboard manner by authorizing the sale of soldiers' bonus liberty bonds for that purpose?

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, March 18, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

569. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting list of useless papers in the Treasury Department to be disposed of was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 10533. A bill to pension soldiers who were in the military service during the Indian wars and disturbances and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; without amendment (Rept. No. 810). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10736) granting a pension to Syntha Black, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCLINTIC: A bill (H. R. 10939) to amend sections 402, 406, and 416 of the interstate commerce act, approved February 28, 1920, for the purpose of restoring to State commissions certain jurisdiction exercised over intrastate questions prior to the war with Germany; to the Committee on Interstate and Foreign Commerce.

By Mr. BRAND: A bill (H. R. 10940) to amend the Federal farm loan act so that actual farmers may borrow money for indebtedness due by them when not incurred for agricultural purposes; to the Committee on Banking and Currency.

By Mr. STEENERSON: A bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or post-marking dies; to the Committee on the Post Office and Post Roads.

By Mr. ROACH: A bill (H. R. 10942) authorizing the governor of the State of Missouri to expend the balance of a fund created and paid to him by virtue of an act of Congress approved July 8, 1898, as amended March 3, 1899; to the Committee on the Library.

By Mr. LANKFORD: A bill (H. R. 10943) to create the "farmers' finance corporation," to provide an efficient method of making loans promptly to farmers, and for other purposes; to the Committee on Banking and Currency.

By Mr. LANGLEY: A bill (H. R. 10944) to amend section 42 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended; to the Committee on the District of Columbia.

By Mr. LEHLBACH: A bill (H. R. 10945) to repeal an act to authorize the Central Railroad Co. of New Jersey to construct a bridge across the navigable waters of Newark Bay, in the State of New Jersey, approved August 8, 1919; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Joint resolution (H. J. Res. 289) urging the recognition of the Republic of Lithuania by the Government of the United States; to the Committee on Foreign Affairs.

By Mr. BOND: Concurrent resolution (H. Con. Res. 30) for the appointment of a committee of Senators and Representatives to represent Congress at the ceremonies attending the arrival of the last of the bodies of American soldiers from the battle fields of the World War; to the Committee on Rules.

By Mr. SHAW: Resolution (H. Res. 305) directing the Secretary of War to transmit certain facts to the House of Representatives; to the Committee on Rivers and Harbors.

By Mr. LARSEN of Georgia: Resolution (H. Res. 306) providing for the appointment of a special committee to investigate the action of the Veterans' Bureau; to the Committee on Rules.

By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring the passage of Federal law to further regulate the use of narcotic drugs; to the Committee on Ways and Means.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring the passage of Federal law to further regulate the use of narcotic drugs; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 10946) granting a pension to Martha Cox; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 10947) granting an increase of pension to Edmund F. Laibie; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 10948) granting a pension to Maurice Perry; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 10949) for the relief of Helen Partridge; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 10950) granting a pension to Charles J. Young; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 10951) granting an increase of pension to Shiloh Sally; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 10952) for the relief of Mrs. W. H. ReMine; to the Committee on Claims.

By Mr. PARKER of New Jersey: A bill (H. R. 10953) for the relief of Edward A. Abbey; to the Committee on Claims.

By Mr. PARKER of New York: A bill (H. R. 10954) granting a pension to Emily D. Jenkins; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10955) granting a pension to Arta Pearl Beedle; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4665. By the SPEAKER (by request): Petition of the American Trona Corporation, of Searles Lake, Trona, Calif., and other corporations, concerning the wrecking of the American potash industry; to the Committee on Ways and Means.

4666. By Mr. FRENCH: Petition of G. W. Jordan and other residents of Viola, Idaho, protesting against the passage of House bill 9753 and any other Sunday bill; to the Committee on the District of Columbia.

4666½. By Mr. FROTHINGHAM: Resolution passed by the Massachusetts House of Representatives, favoring the passage of a Federal law to further regulate the use of narcotic drugs; to the Committee on Ways and Means.

4667. By Mr. GALLIVAN: Resolution adopted at a recent meeting of the South Boston Citizens' Association, of South Boston, Mass., Frederick O. Watt, of 63 L Street, South Boston, Mass., secretary, urging immediate passage of the adjusted compensation bill; to the Committee on Ways and Means.

4668. By Mr. KAHN: Resolution adopted by the Narcotic Control Association of California urging that the Harrison Act be amended as suggested; to the Committee on Ways and Means.

4669. By Mr. KISSEL: Petition of the Raymond Concrete Pile Co., of New York City, N. Y., opposing the passage of the bonus bill; to the Committee on Ways and Means.

4670. Also, petition of the Gemaco Co., of New York City, N. Y., opposing a tariff duty of 60 per cent on Cuban sugar; to the Committee on Ways and Means.

4671. By Mr. PATTERSON of New Jersey: Resolution of 15 residents of New Jersey, urging that Austria's debt to the United States be suspended for at least 20 years; to the Committee on Ways and Means.

4672. By Mr. TIMBERLAKE: Petition of William Stamm and others of Colorado, urging the revival of the United States Grain Corporation and a fixed price for the 1922 wheat crop; to the Committee on Agriculture.

4673. By Mr. WATSON: Petition signed by the residents of Mifflin County, Pa., favoring "American valuation"; to the Committee on Ways and Means.

4674. Also, petition filed by local association of farmers and dairymen of Bucks County, Pa., favoring House bill 8086; to the Committee on Agriculture.

4675. By Mr. YOUNG: Petition of John Hoffart, of Orrin, N. Dak., and 14 others of that vicinity, asking for fixed price on farm products; to the Committee on Agriculture.

4676. Also, petition of Martin Anderson, of Edgley, N. Dak., and 18 others, asking for the revival of the United States Grain Corporation and a fixed price on wheat; to the Committee on Agriculture.

4677. Also, petition of Arne Lima, of Hannaford, N. Dak., and 38 others of that vicinity, asking for guaranteed price on farm products; to the Committee on Agriculture.

4678. Also, petition of William Tiedje and 13 others, of Sykeston, N. Dak., urging the revival of the United States Grain Corporation and a fixed price on farm products; to the Committee on Agriculture.

4679. Also, petition of J. E. Jevne, of Russell, N. Dak., and 19 others, requesting legislation to provide for a better system of agricultural credits, a proper system of cooperative marketing, and an intelligent system of disseminating information relative to world supply and demand for farm products; to the Committee on Agriculture.

4680. Also, memorial of Mrs. N. J. Olson, secretary, and 13 other members of the Myosotis Club of Sanborn, N. Dak., protesting against the rates of duty on women's leather gloves in paragraph 1483 of the tariff bill; to the Committee on Ways and Means.

SENATE.

SATURDAY, *March 18, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 279) to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921, in which it requested the concurrence of the Senate.

The message further announced that the House had adopted a concurrent resolution (H. Con. Res. 47) providing for the printing as a public document of 100,000 copies of the Report of the Special Mission on Investigation to the Philippine Islands, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9235. An act providing for a grant of land to the State of Washington for public park purposes; and

H. R. 10663. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

CALL OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	Moses	Shields
Ball	Hale	Myers	Simmons
Borah	Harris	Nelson	Smith
Brandegee	Harrison	New	Spencer
Broussard	Heflin	Nicholson	Stanfield
Bursum	Johnson	Norris	Stanley
Cameron	Jones, Wash.	Oddie	Sterling
Capper	Kellogg	Overman	Swanson
Colt	Kendrick	Page	Townsend
Culberson	King	Phipps	Underwood
Cummins	Ladd	Poindexter	Wadsworth
Dial	Lodge	Pomerene	Walsh, Mont.
Edge	McCormick	Ransdell	Warren
Ernst	McKellar	Rawson	Watson, Ga.
Fernald	McKinley	Robinson	Williams
Fletcher	McNary	Sheppard	Willis

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Indiana [Mr. WATSON] are detained at a hearing before the Committee on Finance.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. NELSON presented the petition of John L. Love and sundry other citizens of Kansas City, Mo., praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of sundry citizens of Buffalo, Wyo., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LADD presented the petitions of John Skavlan and 25 others, of Schafer; William Brunemeyer and 29 others, of Rock Lake; and Roy Bechle and 2 others, of New Rockford, all in the State of North Dakota; and H. T. Ahrens and 26 others, of Mondovi, Wash., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented a resolution adopted at a meeting of the executive committee of the Federated Churches, of Cleveland, Ohio, favoring the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented the petition of Rev. D. G. Grady and sundry other citizens of Delaware, Delaware County, Ohio, praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a resolution adopted at a meeting of the truck growers of South Georgia at Adel, Ga., favoring the enactment of legislation providing a permanent tariff on peanuts and peanut and vegetable oils, which was referred to the Committee on Finance.

He also presented resolutions of Locals Nos. 853 and 2193, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Stations Employees, of Fitzgerald and Columbus, respectively, both in the State of Georgia, favoring acceptance of the offer of Henry Ford relative to the Muscle Shoals project, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a memorial of sundry citizens of Emporia, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted at a regular session of the Gove County Farmers' Union, of Hackberry, Kans., protesting against the cancellation of the foreign debt of the United States, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of the District of Columbia, praying for the establishment of better school conditions and various changes in the school program in the city of Washington, which were referred to the Committee on the District of Columbia.

Mr. SHORTRIDGE presented a petition signed by 400 citizens of Long Beach, Calif., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry employees of the Emeryville factory of the Judson Manufacturing Co., of San Francisco, Calif., favoring the immediate passage of an adequate tariff law based upon American valuations, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Los Angeles, Calif., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry members of the Union League Club of San Francisco, Calif., praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a memorial of sundry members of the Union League Club of San Francisco, Calif., remonstrating against the passage of an indiscriminate cash soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Central Labor Council of Los Angeles, Calif., favoring the passage of House bill 9691, providing for the creation of Federal local option districts, etc., which was referred to the Committee on the Judiciary.

MARIE DOUGHTY GORGAS.

Mr. BURSUM, from the Committee on Pensions, reported a bill (S. 3300) granting a pension to Marie Doughty Gorgas, which was read twice by its title, and he submitted a report (No. 566) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LADD:

A bill (S. 3297) to amend section 4884 of the Revised Statutes; to the Committee on Patents.

By Mr. KELLOGG:

A bill (S. 3298) to amend section 405 of an act to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, approved August 15, 1921; to the Committee on Agriculture and Forestry.

By Mr. HALE:

A bill (S. 3299) granting a pension to Edna P. Getchell (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 3301) to amend the War Finance Corporation act, approved May 5, 1918, and the act amendatory of the same, approved August 24, 1921, by extending for one year the powers and authority of the War Finance Corporation; to the Committee on Finance.

By Mr. CALDER:

A bill (S. 3302) to amend section 3114 of the Revised Statutes; to the Committee on Finance.

ADDITIONAL DISTRICT JUDGES.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the bill (H. R. 9168) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, which was ordered to lie on the table and to be printed.

INVESTIGATION OF ATLANTIC CORPORATION (S. DOC. NO. 167).

Mr. MOSES. I move that the report of Frank S. Streeter, filed February 23, 1922, in the matter of the investigation of the Atlantic Corporation, United States Shipping Board, Raynes et al., authorized and requested by the Department of Justice, be printed as a Senate document.

The motion was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 279) to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921, was read twice by its title and referred to the Committee on Immigration.

REPORT ON PHILIPPINE ISLANDS.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 47) was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 17, 1922.

Resolved by the House of Representatives (the Senate concurring), That 160,000 copies of the report of the Special Mission on Investigation to the Philippine Islands to the Secretary of War, without the map but with the data on the Philippines preceding and accompanying such report, be, and the same is hereby, ordered printed as a public document, to be distributed as follows: Sixty-five thousand through the document room of the House, 35,000 through the document room of the Senate, 5,000 through the Committee on Insular Affairs of the House, and 5,000 through the Committee on Territories and Insular Possessions of the Senate.

Mr. MOSES. I move that the Senate concur in the resolution of the House of Representatives.

Mr. UNDERWOOD. Has the resolution gone to a committee?

Mr. MOSES. It is a concurrent resolution and has not gone to a committee. I am strictly following the custom.

Mr. UNDERWOOD. I do not know that there is any custom which would require a concurrent resolution to be agreed to without consideration.

Mr. MOSES. No, indeed, except the custom for the chairman of the Committee on Printing to make a motion to concur in a resolution of this kind.

Mr. UNDERWOOD. This involves a large appropriation. I think there can be no harm done by letting it go to the committee. I believe that course would be better.

Mr. MOSES. A concurrent resolution does not have to go to a committee. However, I have no objection to having it sent to the Committee on Printing, so far as that is concerned.

Mr. UNDERWOOD. Reference to a committee gives a chance for each side to look into the matter.

Mr. FLETCHER. Is it a Senate resolution?

Mr. MOSES. No; it is a concurrent resolution passed by the House and sent here, and I am simply making the usual motion.

Mr. SIMMONS. Mr. President, we can not hear what is going on.

Mr. MOSES. If the Senator from Alabama wishes to have the resolution go to the Committee on Printing, I have no objection to the reference, and I therefore withdraw my request that the Senate concur in it.

The VICE PRESIDENT. Without objection, the concurrent resolution will be referred to the Committee on Printing.

Mr. ROBINSON. Mr. President, there has been so much confusion in the Chamber that we have been unable to hear. May I inquire what the motion or request is?

Mr. UNDERWOOD. It is a concurrent resolution from the House providing for the printing of a very large number of copies of the report of the special commission regarding the Philippine Islands. I do not mean to say that the report ought not to be printed, but we do a vast deal of useless printing.

Mr. MOSES. With all that I concur.

Mr. UNDERWOOD. I am merely insisting that the concurrent resolution shall go to the committee and be looked over by those whose business it is to look after such matters before the Senate is asked to pass upon it.

Mr. ROBINSON. I do not suppose anyone will object to that.

Mr. MOSES. I have no objection to the resolution going to the committee. I merely wish to say that in view of the parsimonious policy of the House in the matter of printing, when a concurrent resolution for printing comes over here we may generally accept it as having been cut to the bone.

The VICE PRESIDENT. The concurrent resolution will be referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. LODGE. Mr. President, I believe the Senate is in legislative session?

The VICE PRESIDENT. It is.

Mr. LODGE. Of course, if anyone on either side desires to address the Senate upon the pending treaty, I consider that under the unanimous-consent agreement it is my duty to move that we go into open executive session.

Mr. ROBINSON. I wish to engage in a brief discussion of the treaty.

Mr. LODGE. Then I shall move that the Senate proceed to the consideration of executive business in open session.

Mr. WALSH of Montana. Will the Senator withhold the motion for a few minutes?

Mr. LODGE. Certainly.

INTERNATIONAL LABOR BUREAU.

Mr. WALSH of Montana. Mr. President, at the last session of the Interparliamentary Union at Stockholm, Sweden, there was adopted, among other resolutions, the following, heretofore included in the RECORD:

Resolution adopted by the nineteenth conference of the Interparliamentary Union, held at Stockholm, Sweden, August 17, 18, 19, 1921. (Submitted by Messrs. Engberg, of Sweden; Sigg, of Switzerland; and Munch, of Denmark.)

III.

The nineteenth conference of the Interparliamentary Union greets with satisfaction the creation of an international labor bureau; it appreciates the services of this bureau, destined to render the greatest assistance in the amelioration of the burdens resting upon the laboring masses of all countries, contributing thus to the establishment of social and world peace. It is pleased also to note that the numerous conventions and recommendations elaborated by the international labor conference have already been ratified by many parliaments affiliated with the union. It expresses its profound conviction that the union will have to continue its efforts within the parliaments in favor of this work of restoration and promises its aid and that of its group to the end that there may be a most careful study of the conventions and recommendations above mentioned. It urges the groups to promote within the parliaments the greatest possible constructive legislation looking toward the realization of the conventions and recommendations elaborated by the international conferences at Washington and Genoa, and to support the work of the international labor bureau. It urges further that each of the national groups may see fit to establish a labor committee, which shall be organized to aid such work of the group and which shall look after the promotion of the efforts of the union in accordance with the spirit of this resolution.

In accordance with the direction of the American group of the Interparliamentary Union, I have the honor to present to the Senate at this time the recommendations of these two labor conferences, the one held at the city of Washington and the other at Genoa, and I shall ask that they be referred for consideration to the Committee on Education and Labor of the Senate.

Let me say in this connection, Mr. President, that these resolutions emanate from what is known as the International Labor Organization. It is an organization which had its inception with the League of Nations, but operates practically independently of that body. It consists, as it will be recalled, of delegates selected by the labor unions of the various countries, by the labor employers of the various countries, and of delegates appointed by the Governments of the various countries. Its purpose is, if possible, to make legislation touching labor in the various countries as nearly uniform as possible, so that labor in this country, for instance, will not be brought into competition with labor in other countries, where 10, 12, or 14 hours may constitute a day's work, and where other conditions are such as to make difficult, if not impossible, competition to obtain.

Let me read in this connection, Mr. President, simply the titles of some of the resolutions which have been adopted by these conferences. Here, for instance, is a draft of a convention limiting the hours of work in industrial undertakings to 8 hours in the day and 48 hours in the week. It is recommended that the legislatures of all countries belonging to the union enact laws establishing the 8-hour day and the 48-hour week as the standard, and a draft of such legislation is offered.

The next is a draft of a convention concerning unemployment; then a draft of a convention concerning the employment of women before and after childbirth; then a draft of a convention concerning employment of women during the night; then a draft of a convention fixing the minimum age for admission of children to industrial employment; another one concerning the nightwork of young persons employed in industry. Those emanate from the Washington conference.

Then, from the Genoa conference there is another recommendation concerning unemployment; a recommendation concerning reciprocity of treatment of foreign workers; a recommendation concerning the protection of women and children against lead poisoning; a recommendation concerning the prevention of anthrax; a recommendation concerning the establishment of Government health service; a recommendation concerning the application of the Berne convention of 1906 on the prohibition of the use of white phosphorous in the manufacture of matches.

There are further recommendations from the Genoa conference touching a number of similar subjects, including a draft of a convention concerning the age for the admission of children to employment in agriculture; another concerning the right of association and combination of agricultural workers, a question which had the consideration of the Senate some time ago; another concerning workmen's compensation in agriculture; another concerning the use of white lead in painting; another concerning the application of the weekly rest in industrial undertakings; another fixing the minimum age for the admission of young persons to employment as trimmers; another concerning compulsory medical examination of children and young persons employed at sea; and others of like character, the result of the thoughtful study of experts in these branches.

I trust, Mr. President, that this will not be considered as in the nature of a formal presentation of resolutions of this character, but that they may have the considerate attention of the Committee on Education and Labor, to which I now ask that they may be referred.

The VICE PRESIDENT. Without objection, the resolutions will be received and referred to the Committee on Education and Labor.

MICHIGAN SENATORIAL ELECTION.

Mr. WALSH of Montana. Mr. President, on March 8 there was inserted in the RECORD, upon the motion of the Senator from Washington [Mr. POINDEXTER], a letter or article contributed by the junior Senator from Pennsylvania [Mr. PEPPER] to the weekly publication which is known as the Independent, setting forth the reasons which impelled the junior Senator from Pennsylvania to vote for the seating of the junior Senator from Michigan [Mr. NEWBERRY].

As the Newberry case promises to be an issue in the coming campaign in the State of Michigan and in the State of New Jersey, if not in every other State in which a political contest will be waged, I thought it not inappropriate to address to the

editor of the Independent a communication in which was set forth the reasons which compelled some of us who voted against Mr. NEWBERRY to take that course, asking that it be given the same publicity as was given to the article by the junior Senator from Pennsylvania. I have a very polite communication from the editor of the Independent this morning saying that my communication is too late for insertion in that journal. I ask, Mr. President, that my letter to the editor of the Independent may be published in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

TO THE INDEPENDENT: In your issue of February 13 appeared a brief article from Senator GEORGE WHARTON PEPPER setting forth his reasons for voting to confirm TRUMAN H. NEWBERRY in his seat in the Senate. The enviable reputation enjoyed by the new Senator from Pennsylvania, to which you appropriately refer, the unique character of the position he occupies in having come to the Senate on the very eve of the vote, with other circumstances, contribute at once to awaken public interest in his utterances on the subject and to lend weight to the same.

In the belief that in the interest of an enlightened public opinion you will not be averse to giving equal publicity to the facts which impelled other Senators to the course they took in the matter, I am sending this communication for such disposition as you may care to make of it.

It is to be inferred from the whole tenor of Senator PEPPER'S article what he has elsewhere asserted, that the Democratic Members who voted against seating the Senator from Michigan were actuated by partisan considerations wholly, or at least that their action was controlled by such. He apparently is not prepared to admit even that such a case was made as that an honest difference of opinion might reasonably arise between men sincerely desirous of arriving at a just conclusion. He chooses to attribute to those differing with him among his colleagues motives unworthy of men occupying the responsible positions with which they have been intrusted and discharging the grave duties imposed upon them. Of that readers of the Independent may judge from the brief comment here made on the justification of Senator PEPPER in the article to which reference has been made. It is all too obvious he assumes familiar with the facts that he has accepted the current newspaper apology for the Newberry campaign instead of being guided by the record in the case. He advances—

(1) That huge sums spent in it, denounced alike by the majority and by the minority reports of the Committee on Privileges and Elections, as well as by the resolution seating NEWBERRY, was justifiably spent, necessarily spent, in order to defeat Henry Ford, contesting for the Republican nomination.

The facts are, as disclosed by the record, that having been in communication with friends for some months prior thereto, having in the month of December, 1917, endeavored to engage Jay Hayden as manager of his campaign, and having, in the month of February, 1918, had a conference in New York with Paul King, who became such, and King having as early as the 6th of March openly taken charge, it was not until June 14, 1918, that Ford's candidacy was announced, no intimation having been given theretofore that he would seek the nomination on the Republican ticket. Such rumors as were current touching his candidacy prior to that time had reference to his becoming a candidate on the Democratic ticket, not the Republican. Meanwhile the Newberry campaign was directed against such unimpeachable Republicans as ex-Gov. Warner, three times elected chief executive of Michigan; ex-Gov. Osborn, who remained in the race to the last; William Alden Smith, who had a long and honorable career in both Houses of Congress; and C. B. Warren, now minister to Japan. It was against the pretensions of these formidable contenders that the Newberry campaign was organized, as is fully disclosed by the letters that passed almost daily between NEWBERRY in New York and King and others in Michigan. The pretense that the lavish expenditure of money characterizing the Newberry campaign was necessary was exploded in a letter written to him on September 17, 1918, by Gov. Osborn, in which that gentleman said:

"The plea can not be honestly made that you spent money in excess because you were fighting Ford, because you had begun your reckless campaign long before Ford was mentioned and had already transgressed the law. Nor can you plead you 'did not know.' That would prove you to be both an ass and a liar, which I choose to think you are not. I am for you only to save the Nation and the State from the curse of Fordism."

(2) That NEWBERRY being "continuously absent from the State" during the campaign, "the committee" raised and spent about $195,000.

It is true that NEWBERRY was in New York during the campaign, a fact from which, if it has any importance at all, the reader is to assume that he was ignorant of what was going on in Michigan and had no part in it. The fact is that he had repeated conferences in New York touching his candidacy before "the committee" began its work touching his campaign, that he had daily reports by wire from his private confidential agent touching the campaign, as well as from the manager thereof, who communicated with him by letter almost daily as well, and from time to time submitted to him detailed reports of his work and of conditions in almost, if not quite, every county of the State, while NEWBERRY was active himself in New York with concerns doing business and being influential in Michigan and being represented in the metropolis. Resident members of "the committee" and others made repeated trips to New York to confer with NEWBERRY, going sometimes singly but usually in groups. He was as thoroughly advised as to what was going on as if he were a daily habitue of the headquarters in Detroit.

"The committee" was no committee. They were simply NEWBERRY'S agents, selected by him. They represented no one else. "The committee" neither raised nor expended any funds, save that after a public uproar was raised in Michigan about the scandalous expenditure some effort was made by one or two members to solicit subscriptions. Up to that time, after the campaign had been in progress for five months, practically every dollar was contributed nominally by NEWBERRY'S immediate family and relatives—his brother, his wife's brother, his sister's husband, etc.

(3) "This money was all spent for purposes authorized by the Michigan statute governing election expenses."

One J. Scott Hunter got $600 of the Newberry money, which he says he spent for liquor and cigars. One John L. Korn visited Detroit headquarters, where during a conference there was laid before him on a table a sealed envelope. He opened it on the way home and found it to contain $400. One Hanson had slipped to him either in or under a magazine a $50 bill. Frank P. Bohn testified that he paid 15 men $5 apiece "to get their support and vote for NEWBERRY."

Instances like these might be multiplied indefinitely, but it is unnecessary, since the whole campaign was conducted in defiance of "the Michigan statute governing election expenses." It is needless to consider whether the line between legitimate and illegitimate expenses is crossed in placing an advertisement in every paper in Michigan, nor whether it was crossed in the particular case in which Paul King wrote NEWBERRY that a certain labor paper had still remained unconverted, but that he had sent it a full-page advertisement to be inserted just before the primaries, from which he evidently expected results. Every county in the State was "organized" by King, a chairman and a secretary appointed, all paid. Besides numerous "field agents" were employed at munificent salaries, one or more to reach the laboring men, one to influence fraternal organizations generally, another specially to work among the Masons. The foreign-born population was appealed to by field agents speaking their language. A whole army of paid workers was in the service of "the committee." The Michigan statute provides that—

"SEC. 45. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives * * * or promises * * * to or for any person in order to induce or have such person induce any voter to * * * support or oppose any candidate, * * * every person who by any means receives * * * any money on account of doing or agreeing to do or having done any campaign work, electioneering, soliciting votes for such candidates on primary day or prior thereto, * * *

And lest there should be aroused any doubt about the construction of the foregoing language the statute continues:

"It being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto; * * * shall be deemed guilty of a misdemeanor."

It further provides:

"SEC. 48. * * * It shall be unlawful for any other person to do or perform for or on behalf of any such candidate or to help or injure the candidacy of any candidate, any of the acts or things which it is by this act made unlawful for such candidate to do."

"(4) Within 10 days, as required by law, the Newberry committee published a classified statement exhibiting the receipt and disbursement of the sum above specified."

Every book and memoranda from which the truthfulness of the report could be verified has disappeared and the only man who could account for their loss or give the facts was unavailable as a witness. When desired he was in Canada, a helpless wreck as a result of an automobile accident, it was asserted by NEWBERRY'S friends, in active business in Detroit to-day, it is averred on the other hand.

"Thereupon—that is, upon the filing of the report—the Ford machine attacked the expenditure as unjustifiable, and the subject was discussed all over the State for two months."

That sentence conveys a wholly erroneous impression. Reference has heretofore been made to the letter of Gov. Osborn written shortly after the primary. But on August 8, nearly three weeks before the primary, the editor of the Grand Rapids Herald addressed a letter to NEWBERRY, to which publicity was given at the time, in which he said:

"DEAR SIR: I desire to direct your attention to certain phases of the Michigan Republican senatorial campaign which seem to demand very clear and explicit public statement from you well in advance of primary election. * * *

"I direct your attention to these specific charges which have appeared in responsible newspapers. They are charges, furthermore, which find kinship in very general rumor and report. I fully realize that gossip is deadly and a ruthless assassin. But gossip, in this instance, is too widespread to be longer ignored. It charges you and your associates with the expenditure of money running into six figures in the election of your senatorial organization. Such a situation must be as intolerable for you, if these reports are false, as it is intolerable for the State if the reports are true. Therefore it is a situation which must be challenged, because if not challenged by you it will have to be challenged by the electorate."

To this very pointed letter NEWBERRY replied in a communication which he characterized in a letter to Paul King, as follows:

"I am inclosing a copy of my noncommittal reply to the Grand Rapids people, which covers the situation in a rather flimsy manner."

It is aside from the purpose of this communication to attack the course of reasoning by which Senator PEPPER defends his vote upon the assumption that the facts are as he recites them. Neither will the argument be followed that, however reprehensible were the means by which his nomination was accomplished, the voters of Michigan condoned the offense by giving him a majority of less than 5,000 votes in an overwhelmingly Republican State which has never elected a Democratic Senator since the days of Lewis Cass.

It is quite evident from recent newspaper reports that some effort will be made in the ensuing campaign by Republican leaders to secure from the people of Michigan a revision of their judgment notwithstanding "the subject was vehemently discussed all over the State for two months," considering that little save rumor and gossip was available then, while the facts as revealed by the trial at Grand Rapids and before the Senate Committee on Privileges and Elections can now be made the basis of discussion.

T. J. WALSH.

WASHINGTON, D. C., *March 6, 1922.*

THE FOUR-POWER TREATY.

Mr. MOSES. I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. ROBINSON obtained the floor.

Mr. LODGE. Mr. President, will the Senator yield to me for just a moment?

Mr. ROBINSON. I yield to the Senator from Massachusetts.

Mr. LODGE. I desire to present a memorial from the Greater Boston Federation of Churches, praying for the ratification of the treaties, and ask that it lie on the table and be printed in the RECORD.

The VICE PRESIDENT. Without objection, the memorial will lie on the table and be printed in the RECORD.

The memorial is as follows:

GREATER BOSTON FEDERATION OF
CHURCHES AND RELIGIOUS ORGANIZATIONS,
Boston (9), Mass., March 14, 1922.

HON. HENRY CABOT LODGE,
Senate Office Building, Washington, D. C.

MY DEAR MR. LODGE: The Greater Boston Federation of Churches and Religious Organizations, representing more than 600 Protestant churches, Jewish synagogues, and other religious bodies, is throwing all its influence on behalf of the early ratification by the Senate of the treaties submitted by the President for its action. Its board of directors have authorized me to write you that they are confident that such ratification will conduce more to the permanent peace of the Pacific than any other action that our Nation could at present take.

The members of the churches and other organizations which constitute our federation are, in general, persons of education and of large interest in public affairs. They have for years given close attention not only to legislation within the Commonwealth but also to measures before Congress that have ethical significance, and especially to those affecting international relations. Among them are not a few men and women who have lived for years in the Far East and have been close students of the problems of the Pacific. Naturally the carefully considered opinions of these, whom we have the right to look upon as authorities, carry great weight with us. Hence we feel that our conviction with regard to these treaties, which is substantiated by these merchants, missionaries, and students of Pacific questions, is fully in accord with truth.

Our federation therefore earnestly petitions, through you, the Senate of the United States to ratify as speedily as may be the treaties negotiated by the recent Washington conference and submitted by the President.

We can not but believe that failure to ratify these treaties will both discourage the leaders of democracy in China and Japan and give power to the militarists in those nations to whom the treaties and agreements negotiated by and in connection with the Washington conference are, according to their own confession, death blows. Nothing could so reanimate the militarists of Japan and reestablish their hold upon their own nation, upon China, and Siberia as the defeat of these treaties in the United States Senate. Every mail brings from that Empire statements of those militarists showing the disorganization in their ranks created by the achievements of the recent conference and, in fact, voicing their conviction that they have suffered irretrievable overthrow. Coincidentally, the leaders of Japanese democracy are proclaiming that the defeat of the militarists of their nation effected by the conference marks the beginning of a new era of international friendship with both America and China, safeguards the Far East from war, and makes possible a movement for complete disarmament. At this very moment these democratic leaders, who have always championed a policy of closest friendship with China, Russia, and the United States, are fighting a battle to the finish on behalf of universal manhood, suffrage, and radical reduction of the Japanese Army. In the present Imperial Diet they are unlikely to succeed, but another general election will probably see them victorious.

If the Senate should refuse to ratify the treaties, it is impossible to calculate the disastrous effect upon this splendid movement toward democracy in Japan and the consequent elation and stimulation to further encroachments on the Asian mainland that would be fostered among her militarists.

The effect upon China also would be calamitous beyond estimation. It is within the bounds of cold scientific truth to affirm that the hope of China is grounded upon our Senate's treatment of these treaties. For the first time in history the forces in that Republic making for law and order and for the development of a Government devoted to the public weal have met with international treatment by the strong nations of the world calculated to back them up in their battle with the well-nigh irresistible elements of personal greed and selfish ambition so long dominant there. A very grave responsibility rests upon America in this emergency to give Asia a helping hand and to open a new era of national liberty, political probity, public service, and international good will throughout the Far East.

For these reasons our federation begs its two Senators who represent the Commonwealth of Massachusetts and the entire Senate speedily to ratify the treaties now under consideration.

Very truly, yours,

DOREMUS SCUDDER,
Executive Secretary.

Mr. LODGE. Mr. President, will the Senator from Arkansas yield to me for a moment or two more?

Mr. ROBINSON. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, there has been some discussion concerning the position of M. Viviani as to the four-power treaty. On the 10th of March he made a statement, which has been copyrighted by the Public Ledger Co., and from which I take the last paragraph, in which he says:

> I understand that the majority of those who protest against the Pacific accord fear that it is but the nucleus of a group of treaties which will lead the United States beyond its political orbit. We do not wish to pass judgment on American politics. If the Senate demonstrated by the rejection of the Versailles treaty that it was against all alliances, it was certainly acting within its rights. But the pact of the Pacific had been precisely conceived outside all alliances as an agreement on a common and definite point.

Mr. ROBINSON. Mr. President, the pending amendment to the four-power treaty is designed to safeguard the United States from the perils which might arise through the signatories of the four-power treaty entering into secret engagements respecting international affairs. During recent years the sentiment in favor of publicity touching international relationships generally has been growing throughout the world. Sentiment in the United States has become well-nigh unanimous to the effect that the public ought to be permitted to know what is going on between the nations of the earth, particularly as the course of events may be calculated to affect the interest and the welfare of the people of this country.

The proposal that is now offered is in the form of an amendment. In my opinion, there ought to be no uncertainty as to the attitude of this Government respecting the requirement for publicity on the part of all nations with whom we combine for the accomplishment of any important international purpose. I anticipate that the advocates of the treaty will be slow to accept any amendment. During the debate the other day the Senator from Alabama [Mr. UNDERWOOD] declared his complete sympathy with the amendment proposed by myself, intended to prevent the parties to the pending treaty from taking aggressive action against other powers and securing to other powers interested the right to participate in conferences which may arise out of such aggression. The Senator from Alabama, however, refused to accept the amendment, on the ground that it constitutes a change in the terms, and would make necessary a resumption of negotiations between the powers who are parties to the treaty, and might result in their rejection of the treaty.

It was pointed out at that time that if the other powers who are parties to this treaty are so insistent upon retaining freedom of action in respect to possible aggressions against the mainland of Asia it puts this country upon notice that we ought to be very careful indeed in entering with them into any enterprises or undertaking which may have the practical result of binding this Government to a passive attitude while other nations with whom we are in alliance proceed at will to commit aggressions against powers friendly to the United States.

Throughout the debate no Senator has combated the principle of that amendment further than to say that it might cause a rejection of the treaty by other powers. No Senator has put himself on record as opposing the principle that while the four powers are combining to protect themselves against aggressions by outside powers, they ought also to give to the world their pledge that none of them will seek to violate the rights of outside powers. No Senator has contended here that it is wrong in principle or unfair in any sense to permit outside powers to participate in the conference when controversies arise between outside powers and any one of the four powers parties to this compact. The whole opposition to it so far has been put upon the ground that it may make necessary further negotiations, and may result in the rejection of the treaty by one of the other powers.

It is my intention, when the parliamentary status permits it, to offer that amendment, in substantially the same form, as a reservation. When so presented it will express merely the understanding of the United States that it is the intention and purpose of these four powers—Great Britain, France, Japan, and the United States—not to aggress against any other power, and that if a controversy arises with another power that power will be granted a hearing in the conference. Surely the Senate will not reject the proposal when submitted as a reservation, and thus impliedly declare that the United States understands that the parties to the treaty will refuse to respect the rights and possessions of other powers, or that it has no understanding of what the policy of the four powers will be respecting aggressions against the sovereignty or rights of weaker nations.

I want Senators who are willing to try this case stripped of every political consideration, who are willing to try it solely upon its merits, to give serious consideration to the question as to whether, in view of the facts and circumstances that are well known, and in view of the lack of information respecting many important questions relating to this treaty, the Senate shall put itself on record as rejecting the proposal that it is the understanding of the United States that these four powers, while binding themselves together for their mutual protection, will respect the possessions and the rights of other nations, and will grant other nations who complain of the action of any of them the right to a hearing before the conference contemplated by the treaty.

It has always been my belief that international questions ought to be determined as nearly as possible free from every political consideration. We divide politically very naturally upon domestic questions, and the interests of the country require that we should maintain those divisions, that our varying viewpoints touching all domestic questions may be brought to the consciousness of the public and the public be given an opportunity of determining who is right. In the conduct of our foreign relations, however, it has long been the accepted theory that, in so far as it can be done, every question should be stripped of considerations of personal or political advantage, and a conclusion reached based solely upon the best interests of this Government and the righteous performance of

its duty to its people and to the world. If that rule has been departed from while other treaties were being considered the precedent can furnish no justification for similar conduct now.

From the beginning of this contest in the Senate an effort has been made by some to inject into its consideration political issues. It has seemed to me that the portion of the press which has been unqualifiedly favorable to the treaty has been prompt to attempt to give to this debate a political color. In my opinion, nothing could be unfairer to the country and unfairer to those who are actually moved by a conscientious sense of duty in assuming their attitude on this important question. Politics shall not prompt me to oppose any treaty which in my sincere judgment is wholesome and beneficial in its probable effects, neither shall I be influenced by propaganda, however widespread, to favor an international arrangement which I believe conceals dangers to our country.

The New York World, a protreaty newspaper, publishes this morning an editorial that I am going to print in the CONGRESSIONAL RECORD. The editorial relates to the subject which I have been discussing—the fairness of the amendment which I proposed and which the Senate rejected. It discusses the duty of the Senate to make clear the fact that it is not entering into a combination with three other great powers by which those powers, while claiming for themselves immunity from attack by reason of the united strength of all, refuse to avow a purpose to respect the rights and possessions of other and feebler powers. This editorial comments upon the fact that no opposition to the principle of the amendment has been asserted in the Senate save that which grows out of the fear that Japan or some one of the other powers might reject the treaty if we expressly avow it to be the understanding of the United States that hereafter she will not commit aggression on the Asiatic nations.

I declare with all the emphasis at my command that if it is the purpose of any one of these four powers to pursue a policy of aggression in the Orient or elsewhere, and if that power would reject this treaty if we so modified it, either by amendment or reservation, as to deter or restrain it in such aggression, if such power would for such considerations reject this treaty, then it is our duty to make clear on the face of this instrument that we will not be a party to any such arrangement as the instrument and the powers actually contemplate.

If it is the purpose of any one of the four powers entering into this agreement to use it as a cloak behind which to extend their authority and their dominion over feebler nationalities, then, unless we can restrain that purpose, we ought to reject this treaty; and the refusal of those who propose the treaty to accept the principle of the amendment, either as an amendment or as a reservation, does not argue very strongly their good faith that this is an honest enterprise, undertaken solely in the interest of the peace of mankind.

The secret arrangements between some of the great powers unquestionably were responsible for many provisions of the Versailles treaty which have come to be regarded by students of international affairs as oppressive and unjust. Old World diplomacy has always been characterized by secrecy. The assertion is made by many responsible persons and the belief is quite general that already there exist secret engagements between some of the four powers who are parties to this pact that are calculated very powerfully to influence the future of the Asiatic mainland.

The Senator from North Carolina [Mr. OVERMAN] called to my attention a few days ago a press report in the New York Times, under date of March 15, in which it appears that Mr. Skvirsky, appearing in Washington as a representative of the Far Eastern Republic at the time the Washington conference assembled, openly declares that there is now in force a secret arrangement between France and Japan for the exploitation of Siberia. I read now the press report, as follows:

> The allegation that France and Japan have an understanding for the exploitation of Siberia to the exclusion of other nationals was made to-day by M. Skvirsky, spokesman of the delegation of the Far Eastern Republic, which came to Washington during the arms conference and is still here. He asserted that all developments since the arms conference and reports from Siberia indicated that France and Japan had an understanding as to their policy in the Washington conference.
>
> "Our information," said M. Skvirsky, "is that Marshal Joffre's visit to Japan, ostensibly one of pleasure, was in reality for the purpose of concluding details of the entente between France and Japan for the exploitation of Siberia. A new figurehead government will be established by Japan in Vladivostok to replace the discredited Merkuloff government, and this new government will probably be headed by Eremeieff. He will be as much a tool of the Japanese as Merkuloff has been, and no doubt will give large concessions to the Japanese, just as Merkuloff has done."
>
> Skvirsky charged that the Japanese sought to control the whole of Siberia, but "because of the objections which would be raised by other nations the Japanese dare not openly set up a Japanese administration," he said, "and, therefore, accomplish their purpose in a roundabout way by setting up figurehead 'counter-revolutionary' or 'white' governments from which they get concessions."

Here is a statement that while the Washington conference was in progress two of our allies, France and Japan, entered into a secret arrangement by which they propose to exploit Siberia. At another time I may take occasion to go somewhat into the details of the circumstances which give color to the accuracy of this charge by the representative of the so-called Far Eastern Republic.

We all know that a study of the economic conditions in Japan reveals remarkable developments during the last few years. In spite of those developments, Japan is dependent for certain necessary materials and products, without which she can not continue her progress and could not maintain herself in case of war. Particularly among them may be mentioned petroleum, steel, rubber, cotton, and wool, and perhaps other almost indispensable commodities. In order to secure these and other necessary materials, which Japan can not produce in abundant quantities, she has gone into Korea, into Shantung, into Manchuria, and into Siberia. Everywhere she has penetrated it will be found that back of her advance has been an economic necessity which has driven her to the course taken.

In this connection it may not be improper to refer to the fact that the Japanese policy, which has been well recognized throughout the last 25 years, has been one of expansion. Japan has the viewpoint that she ought to occupy toward the Orient the relationship which the United States occupies toward the western world; that there ought to be created, recognized, and enforced a Monroe doctrine in the East supported by the power of the Japanese Empire. Japanese aggressions have usually arisen out of economic conditions. She is not adequately supplied with certain materials necessary to her prosperity and progress, not to say military prowess. The conditions which have caused her expansion still exist as to some necessaries, and it is therefore likely that her policy of economic penetration supported by military power will be continued.

We have here a representative of the Far Eastern Republic, not admitted to the Washington conference, not granted a hearing, entirely extra-official so far as the proceedings of the conference are concerned, openly announcing that already a secret combination has been formed between two of the powers, France and Japan, which means the exploitation of the whole of Siberia.

It would be interesting, Senators, to know the facts relating to this alleged secret agreement between France and Japan. The Senate can not procure them. The Foreign Relations Committee might go into the subject, if it thinks it of importance, and might ascertain something about the nature of this arrangement, its purposes, and its probable effects. But we should not become a party to this treaty with Great Britain and Japan making secret engagements respecting China, and Japan and France making secret engagements affecting Siberia, and then, when we find they are carrying out those engagements, express astonishment. We have notice now that secret arrangements are being effected.

Has any Senator who knows the course of history during the last few years respecting the relationships between Japan and Great Britain the slightest doubt that there still exists an understanding betwen Japan and Great Britain as to the future policy of the two in the Orient? Does any Senator doubt that there is an arrangement of some sort between Japan and France affecting Siberia, although we do not know the details of it?

Mr. SHIELDS. Will the Senator yield for a question?

Mr. ROBINSON. I yield.

Mr. SHIELDS. I wish to ask the Senator if he read the account of an address which Ambassador Geddes made yesterday in Los Angeles, Calif., in regard to this treaty?

Mr. ROBINSON. I read a brief press report of the address. I thought it was an Associated Press report.

Mr. SHIELDS. According to the press report, in his address he enlarged upon the advantages of this treaty to the United States, one of which was the removal of a great menace of war in the Orient.

Mr. ROBINSON. Yes; I saw that.

Mr. SHIELDS. Has the Senator any idea what that menace was, and whether it was presented to the conference in formulating this treaty, and was one of the reasons for the negotiation of the treaty?

Mr. ROBINSON. I have no information upon the subject whatever. I read with astonishment the statement attributed to Ambassador Geddes in the press report. He was quoted as having said that this four-power treaty is of great benefit to the United States because it has averted war in the Pacific Ocean, a war which was plainly imminent. I wonder if it is

the view of the Senators who participated in the negotiation of this treaty that his declaration is true. I wonder if it is true that at the time the Washington conference was called and this treaty was negotiated the United States was facing a desperate war in the Pacific Ocean.

Mr. JOHNSON. Will the Senator yield?

Mr. ROBINSON. I yield, with pleasure.

Mr. JOHNSON. I did not catch who made this declaration.

Mr. ROBINSON. The British ambassador, Sir Auckland Geddes.

Mr. JOHNSON. On yesterday, in California?

Mr. ROBINSON. That is correct.

Mr. JOHNSON. Is he at present engaged in making addresses for this treaty?

Mr. ROBINSON. The British ambassador made an address at Los Angeles, Calif., a news report of which I read.

Mr. JOHNSON. I have not seen it, and that was the reason for my inquiry.

Mr. ROBINSON. It would interest the Senator from California to read the published reports of the address. The report was quite brief, but it was an emphatic declaration attributed to the ambassador that the great benefit to be derived by the United States from the four-power treaty was the fact that the four-power treaty averts a war in the Pacific Ocean which was imminent and scarcely to be otherwise avoided.

Mr. KING. Will the Senator yield?

Mr. ROBINSON. I yield to the Senator.

Mr. KING. My question is not perhaps germane to the matter which the Senator is now discussing, but it is in line with the question propounded by the Senator from Tennessee [Mr. SHIELDS].

It has been averred repeatedly by the proponents of this treaty that the chief benefit to be derived by the United States from it is the termination of the Anglo-Japanese alliance. In the first place, I do not assent to the statement that that alliance constituted a menace to the United States; but assuming that it did, the question I want to ask the Senator is this: Did not the treaty of Versailles ipso facto terminate the Japanese alliance? Are there not provisions in the Japanese alliance which are in contravention of the letter, as well as of the spirit, of the Versailles treaty, and did not representatives of Japan, of Great Britain, of France, and perhaps of other nations, state, at the time the Versailles treaty was negotiated, or immediately following, and upon a number of occasions since, that the Versailles treaty abrogated the Japanese treaty and all other treaties which were in contravention of the terms of that treaty? If that be true, then why is it urged here or elsewhere as the reason for this treaty that it does terminate a treaty which has already been terminated?

Mr. ROBINSON. Mr. President, my friend the Senator from Utah has asked me so many questions that it is impossible for me to keep all of them in mind.

Mr. KING. I want the Senator to speak at length.

Mr. ROBINSON. It is true beyond doubt that the representatives of both Great Britain and Japan expressed the view that the Anglo-Japanese alliance was inconsistent with the obligations of the Versailles treaty, and therefore was terminated. It is also true that the Anglo-Japanese alliance constituted a combination between those two great powers growing out of mutual interests and mutual necessities, if I may use the term, in the Orient. It may be that the Anglo-Japanese alliance would be construed to be a regional understanding, exempt from the provisions of the Versailles treaty. It is undoubtedly true that the four-power treaty is intended to be a regional understanding, and therefore exempt from the provisions of the Versailles treaty.

I can not conceive what use the words "the regions of the Pacific Ocean" would have if it were not the intention of the framers of this treaty to bring the four-power treaty within the provision of the League of Nations covenant, which expressly states that that treaty shall not affect regional understandings.

Mr. BORAH. Mr. President, the treaty of 1911, the last Anglo-Japanese alliance, specifically provided that that treaty should not apply to any nation with which Great Britain had a treaty of arbitration.

Mr. JOHNSON. A general treaty.

Mr. BORAH. The United States did not have a specific treaty of arbitration with Great Britain, but we did have a general treaty. Sir Edward Grey took up with the Japanese Government the proposition whether or not that general arbitration treaty exempted the Anglo-Japanese treaty from operating against the United States, or vice versa. He said that he construed it as exempting the United States from the operation of the Anglo-American alliance under any circumstances, and the Japanese Government responded that it accepted Sir Edward Grey's interpretation of the treaty.

Since the passage of those letters, if there is any honor between nations, the Anglo-Japanese alliance was abrogated so far as the United States was concerned, just as perfectly and completely as it will be abrogated when the four-power treaty is ratified.

Mr. ROBINSON. Mr. President, beyond doubt the purpose of the provision in the treaty of 1911, referred to by the Senator from Idaho, was to exempt the United States from the effect of the Anglo-Japanese alliance. Everybody understood that. It was a matter of common information. So that the Anglo-Japanese alliance, if the representatives of Great Britain and Japan are to be believed, was already abrogated before the Washington conference assembled. It did not constitute a menace to the United States for the reason that the United States was exempted from its provisions by the treaty of 1911.

Mr. POINDEXTER. Mr. President——

Mr. ROBINSON. I yield to the Senator from Washington.

Mr. POINDEXTER. In case trouble should arise out of the alleged aggressions of Japan on the Asiatic Continent, and they should be of such a character that the United States, while not immediately involved in them, would regard them as vitally affecting our interests or our policies, such as the open door, for instance, or any other international policy that we might have in that region of the world, and Great Britain, by reason of her treaty with Japan, should take the side of Japan, we would then be affected by the Anglo-Japanese alliance, even though we accept the interpretation of the agreement which has just been referred to by the Senator from Idaho and by the Senator from Arkansas as having previously annulled the alliance so far as it was directly applicable to war between either of the parties and the United States. In any controversy between Japan and some third power Great Britain would be involved on the side of Japan by reason of the alliance so long as it remained in effect as between them. Thereby it can be seen, it seems to me, that the Anglo-Japanese alliance would have the effect of preventing the United States from securing the cooperation of Great Britain in any intervention, diplomatic or otherwise, which it might care to take in such an emergency.

Mr. ROBINSON. That is quite true, and the same conditions will prove true, the same course of history will result, when the four-power treaty has been ratified. Does any Senator imagine, because of the express provision in the four-power treaty annulling the Anglo-Japanese alliance, that the conditions and the circumstances which have made allies of Japan and Great Britain have changed or terminated? Does anybody doubt that in the future as during the last 25 years Japan and Great Britain will make common cause in so far as any conflict which may arise between either of them and an outside Asiatic power is concerned?

Mr. WATSON of Georgia. Mr. President——

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Has the Senator from Arkansas seen the Associated Press dispatch from Paris as to the heated debate in the French Chamber in which the statement is made that France was bitterly humiliated because she was excluded from the preliminary conferences in which the four-power pact was agreed on?

Mr. ROBINSON. I have not seen that debate.

Mr. WATSON of Georgia. I call it to the Senator's attention.

Mr. ROBINSON. I have understood from some of my friends who represent newspapers here that it is true that France was denied admission for a long time during the negotiations, and that in all probability the negotiations were almost complete before the arrangement was finally effected for France to be admitted. Mr. Hughes's letter justifies some such declaration. He refers to the fact that after the consent of Japan had been procured to the admission of France to the treaty, he himself framed the first draft that was then made, but he did not tell us what had occurred prior to that, and he did not tell us the reason why Japan objected to France coming in, and the reason why Italy, Portugal, and the Netherlands were finally excluded. Would you not like to know?

Mr. WATSON of Georgia. Mr. President——

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I call the attention of the Senator from Arkansas to the interesting statement made by the Senator from Alabama [Mr. UNDERWOOD], who has said here several times that he did not know what was going on when this agreement was reached. He stated, of course, the providential cause which kept him away, but I thought it a strange thing that his colleagues in the conference could not wait until he got back

from the burial of his mother or at least tell him all about what they had been doing while he was away.

Mr. ROBINSON. Whatever may have been the motive for secret negotiations, whatever may have been the reason for the course taken, we now know that we are lacking in information which the Senate is entitled to receive and which it ought to have if it is intelligently to determine the folly or the wisdom of the United States becoming a party to this treaty.

Mr. KING. Mr. President——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. I have listened in vain, in the speeches made by the distinguished Senator from Massachusetts and the Senator from Alabama, and others who have been the ardent champions of this treaty, for reasons justifying it. I can understand that there might be reasons binding the persons who are interested in the Far East to treaty negotiations and perhaps to a treaty. It is obvious that any quarrels this Government may have or other Governments may have in the Far East or in the region of the Far East will relate to the mainland and not to those little islands in the Pacific Ocean. The United States has no quarrel with Japan over Sakhalin or the Pescadores or any of her islands.

Mr. ROBINSON. Or even Yap. We gave her everything we had in that region.

Mr. KING. We have acceded to the action which was taken by the League of Nations in awarding the mandates. Certainly we have no controversy with Great Britain over her islands south of the Equator. We have no controversy with France, if she has any insular possessions of importance in the Pacific, with respect to the same. We have no controversy with Japan with reference to her insular possessions in the Pacific. They have no controversy with us. None of them claims the Philippines. None of these nations claims Guam or Hawaii or any of the islands owned by the United States which might come within the terms of the treaty.

What reason was there, then, to enter into a treaty to respect the insular possessions of those four nations when there is no controversy respecting them? What reason was there, I repeat, for entering into a treaty when three of those nations under the Versailles treaty not only had agreed to respect their territorial possessions, not only insular but upon the mainland, but had guaranteed the title? What reason was there, then, for this treaty, which limited its operation only to insular possessions, whereas if there is any cause of controversy in the Pacific or the region of the Pacific it is bound to be upon the mainland?

It seems to me the treaty must be innocuous, or, if it is not innocuous, it must have some hidden or secret meaning or interpretation which thus far has escaped my mind, though perhaps it may be apparent to others.

Mr. ROBINSON. Mr. President, referring to the statement just made by the Senator from Utah, it is remarkable that this instrument should be put forward as the greatest document of modern times, and that no one who advances it will give a single reason for the United States becoming a party to it except that it rids us of the menace of the Anglo-Japanese alliance. The answer to that suggestion is that the Anglo-Japanese alliance never was a menace to the United States, according to the construction placed upon it by both Great Britain and Japan, and by agreement they had excluded the United States from the effects of it by the treaty of 1911 providing that it should not relate to any nation with which Great Britain had an arbitration treaty.

So that we are left without information as to the actual origin of this treaty or the motives which prompted the conference, called for the purpose of providing a limitation of armaments, to enter upon it.

Mr. POINDEXTER. Mr. President——

Mr. ROBINSON. I yield to the Senator from Washington.

Mr. POINDEXTER. The Senator from Utah asks the question what interest we had in the agreement in regard to the Pacific Islands, and the Senator from Arkansas seems to agree with him that there was no reason, so far as those islands are concerned, why we should enter into such an agreement as that contained in article 1 of the four-power treaty.

I may answer that by calling the attention of the Senator to the very elaborate addresses which have been made to the Senate in the last few days in opposition to the treaty by the eloquent and distinguished Senator from Missouri [Mr. REED], in which he pointed out the menace to the title and interest of the United States in the Philippine Islands on the part of Japan and the ease with which they could be captured. I may point out to both distinguished Senators editorials appearing almost every day in some of the most influential papers in the country, which are vigorously opposing these treaties upon the very ground that, by reason of the menace to the interests of the United States in the Philippines, by reason of the aggressive disposition of at least a portion of the people of Japan, of which there was evidence in the news dispatches at frequent intervals, we were limiting our ability to defend those possessions by agreeing not to fortify them, and so forth. It seems to me that there is the most elaborate and the most complete answer to the question of the Senator from Utah as to our interest in the islands of the Pacific.

Mr. KING. Mr. President——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. Just one word if I may reply, though I do not mean it as a reply, to my friend from Washington. The inquiry which I made was based upon the theory, as I attempted to state, that we do not claim any of the insular possessions of Japan or Great Britain or France in the Pacific. Neither do either of those countries claim any of our insular possessions. Of course, we have an interest indirectly in the islands of the Pacific as we have an interest indirectly in the islands of the Caribbean in the matter of trade and commercial relations. We have trade interests and commercial interests in all countries, but we are not interested directly in any of those islands and we do not claim them, and they are not interested in our islands and they do not claim them. So that we are entering into an agreement or treaty merely to respect the boundaries of those insular possessions when there is no controversy with respect to them.

We do not contest the title to those insular possessions claimed by either of the signatories to the treaty, and they do not contest our title to any of the islands that we claim. Therefore we are virtually affirming a bald principle of international law, which is that each country respects the territorial integrity of other nations. That is all there is in this treaty unless there is some sinister motive back of it or some understanding that this is an alliance rather than a mere agreement to consult and respect the territorial integrity of the signatories to the treaty.

Mr. ROBINSON. Mr. President, referring to the remarks last made by the Senator from Washington, I have not commented upon that portion of the statement of the Senator from Utah to which the Senator from Washington refers, but I point out to the Senator from Washington that it seems to be his position, and the position of those who agree with him, that the United States, in addition to getting rid of the Anglo-Japanese alliance, gets a promise of protection for her islands in the Pacific Ocean; that is, immunity from assault on the part of the other three powers.

Mr. President, does the Senator from Washington contend, as it seems the British ambassador does, that Japan really had a purpose, before the four-power treaty was negotiated, to attempt to seize the islands in the Pacific Ocean belonging to the United States? Does any Senator believe that Japan had formed a purpose to attack the Philippines or the Hawaiian Islands if the United States did not enter into some such arrangement as the four-power treaty contemplates?

Mr. POINDEXTER. I do not make any such claim as that, but I do make the claim that the contingency was subject to very frequent assertions and counterassertions between the two countries.

Mr. ROBINSON. No, no.

Mr. POINDEXTER. Let me complete the sentence. What I referred to were the assertions of the opponents of these treaties as to the menace which existed, and their objection to the series of treaties in which we have agreed not to fortify Guam and not to fortify the Philippines. The distinguished Senator from California [Mr. JOHNSON], who sits in front of me, is one of those who attach great importance to that feature of these agreements.

Mr. JOHNSON. Mr. President——

Mr. POINDEXTER. Now, just a moment. To show its relevancy, if it is a mistake to agree not to fortify Guam and the Philippine Islands, or, to state it conversely, if the true policy of this country is to fortify Cavite and Guam, against whom are we to fortify? Whose menace is it to guard against which these fortifications are to be erected if it is not the nation to which the Senator refers?

Mr. ROBINSON. Mr. President, the Senator——

Mr. JOHNSON. If the Senator from Arkansas will pardon me for an instant—for I do not wish any position of mine unintentionally to be misstated by the Senator from Washington—I have been interested, of course, in obtaining information concerning fortifications in the Philippines, in Guam, and in the Hawaiian Islands; but I do not wish the Senator from Washington to take that as an indication at all of my attitude in respect to any treaty that is not now pending before the Senate. My remarks and my arguments have been devoted exclusively

and entirely thus far to the four-power treaty, and to the four-power treaty alone.

Mr. ROBINSON. Mr. President, the Senator from Washington [Mr. POINDEXTER] can not divert this argument from the point of weakness, which his statement a few moments ago disclosed, in the position of those who claim that the United States is the beneficiary of great reforms in this treaty. I repeat, their contention is that, in addition to getting rid of the Anglo-Japanese alliance, we are securing the agreement of the three other powers, parties to this compact, that they will not attack our possessions and our rights in the Pacific Ocean. Mr. President, if it be true that prior to the Washington conference a purpose to violate our rights in the Pacific Ocean existed in the policies, secret or public, of any one of the other powers parties to this compact, I ask you, then, are you willing to accept the mere promise of that party that it will respect those rights, and are you willing to refrain from taking action to secure those rights on behalf of the Government of the United States?

Mr. POINDEXTER. Mr. President——

Mr. ROBINSON. I yield to the Senator from Washington.

Mr. POINDEXTER. If the Senator will allow me to answer his question, I will answer it in the negative, that I am not willing to depend entirely upon this agreement, however much I may respect the good faith of the parties to it, for I realize the uncertainty of human agreements, especially international agreements; but the Senator from Arkansas must bear in mind that in one of the treaties which accompany the pending treaty there is a provision for another guaranty, and that is that we shall have a Navy in the ratio of 5 to 3 as compared to that of Japan. So far as my dependence is concerned, I would place it to a considerable extent upon the willingness of the Congress to maintain a Navy upon the ratio and basis provided for in this treaty, and to maintain it efficiently, to give it proper supplies and proper personnel; and if the Senator from Arkansas will join with me in that, I will put forth my best efforts to furnish that additional guaranty for the agreements of the four-power treaty, in addition to the agreement itself.

Mr. ROBINSON. Mr. President, I had hope that such arguments as those made this morning by the Senator from Washington will not drive me to the conviction that it is my duty to vote against the naval arms limitation treaty; but if his premise be correct, if the statement which has been attributed to Ambassador Geddes be correct, that the four-power treaty averted an attack by Japan against the possessions of the United States in the Pacific Ocean, then, instead of disarming, I would call upon the American people to arm.

I have not understood that war in the Pacific against the United States was imminent; I have not understood that any one of the other three powers, parties to this compact, was planning or designing to attack the rights or possessions of the United States in the Pacific Ocean. If it be true that they were, it is a dangerous thing to rely upon a mere political promise and scrap our battleships and refuse further to fortify Guam and the Philippine Islands.

Mr. WATSON of Georgia. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, I remind my friend from Arkansas that what Ambassador Geddes is said to have stated is practically the same as the senior Senator from Massachusetts [Mr. LODGE] said in his speech asking us to ratify the pending treaty.

Mr. ROBINSON. I had not understood that the Senator from Massachusetts stated to the Senate when he delivered his address that the United States was in danger of an attack from any one of the other three powers; I had not understood that the four-power pact was being advanced as affording relief from imminent and pressing controversies likely to result in war. I had understood that it is claimed to constitute an arrangement by which a controversy which may arise between the four powers shall be adjusted without danger of resorting to force; but, I repeat, if it be true that Japan, at the time of the Washington conference, was meditating an attack upon the United States—and I do not believe it—then the four-power pact could only prove a palliative, and we are not justified in leaving our Pacific possessions at the mercy of Japan.

Mr. LODGE. Mr. President, I am not sure that I understood the Senator correctly; but I never said anything to indicate that I thought war was imminent.

Mr. ROBINSON. That was my understanding of the Senator's speech.

Mr. LODGE. Then, I misunderstood the Senator.

Mr. ROBINSON. I said that I did not understand the Senator from Massachusetts made any such statement. Such a statement, if made, would put an aspect on this treaty and give an importance to it, and render it so obnoxious that the people of the Untied States would demand its rejection. Mr. President, do you believe——

Mr. WATSON of Georgia. Mr. President——

Mr. ROBINSON. Just one moment—do you believe that if the Washington conference entered into this arrangement to enable the United States to escape an attack on her island possessions in the Pacific which Japan was contemplating, the country would stand for this treaty? I had not dreamed that there was such an issue here.

Mr. LODGE. There never was.

Mr. ROBINSON. I had understood that we feared Japanese aggression on the mainland of Asia, but I had not understood, as the Senator from Washington seems to understand, that it was necessary to enter into this treaty to protect American islands in the Pacific Ocean. I now yield to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, I listened attentively to the speech of the senior Senator from Massachusetts, and I took notes as he went along. I had those notes before me when I made two speeches, and they showed that I understood him then just as I have stated.

Mr. LODGE. The speech delivered by me is all in print.

Mr. WATSON of Georgia. I do not know whether the Senator revised his remarks or changed them in any way.

Mr. LODGE. I did not.

Mr. WATSON of Georgia. I do not allege that he did. I do not know, for having heard the speech I did not read it.

Mr. LODGE. I did not change my remarks at all.

Mr. WATSON of Georgia. But I took notes of the speech, and I ask the Senator if he did not use this language: "If we reject this treaty the outlook is dark, indeed," or words to that effect?

Mr. LODGE. No; I did not use the words that "the outlook is dark in the East." I was speaking of the general outlook for peace in the world, and I said "if we rejected this treaty, the outlook is dark, indeed," as it is.

Mr. WATSON of Georgia. That is exactly what I said, Mr. President. The Senator did not hear what I said. I asked if he did not use the words "dark, indeed," and not "dark in the East," and now he says he did use those words.

Mr. LODGE. Those were the words I used, and I was referring not to the East but to the world at large and the cause of peace.

Mr. WATSON of Georgia. But the words clearly indicated that we were in danger of war unless we ratified this pact.

Mr. LODGE. I did not say that.

Mr. WATSON of Georgia. The Senator's words were to that effect. He also said that the clouds of war would settle over the world.

Mr. LODGE. I was talking about the peace of the world.

Mr. ROBINSON. Now, Mr. President——

Mr. LODGE. Will the Senator allow me to say a word or two in reference to the Navy?

The PRESIDING OFFICER. Does the Senator from Arkansas yield further to the Senator from Massachusetts?

Mr. ROBINSON. I yield.

Mr. LODGE. The Senator from Arkansas has referred to the reduction of the Navy. In that connection there is this to be remembered, as the Senator from Washington has pointed out: The ratio was established 5-5-3, Great Britain 5, the United States 5, and Japan 3. If we had continued our building program of 1916, and Japan had continued hers, and Great Britain had continued hers, at the end of 10 years the ratio would have stood, Great Britain 106, the United States 100, and Japan 87. Under the naval treaty it will stand, as I have said, 5-5-3; and from the view that is now presented in the House of Representatives I think the Senator from Arkansas must, indeed, be sanguine if he thinks we are going to have even the ratio so provided.

Mr. ROBINSON. Mr. President, I do not want to discuss at this time the naval arms limitation treaty. I have said, and I repeat, that I am friendly to the purposes of that treaty; that I want to support it; but some arguments have been advanced in favor of the four-power pact this morning that, to say the least, have not strengthened my inclination to support the naval arms limitation treaty. If we have just missed a war with Japan, if we have just avoided an attack on her part upon the Philippines and the Hawaiian Islands by this innocent instrument which we are now considering, I should be very slow to take any action in concurrence with the Japanese Empire.

I should prefer to pursue an independent policy or a policy which would at least give me the assurance of good faith from the nations with which we deal.

Mr. President, we want publicity; we want the light turned on this whole subject. If it is right, why should there be so much mystery and concealment in connection with its conception? Why should there be so much information withheld and so little furnished to the Senate concerning the origin and the negotiations which led up to the adoption of the treaty by the conference? Why should not the Senate know about it and why should not the people of the United States know about it? Why should we commit ourselves to the Old World policy of secrecy and mystery, which always means evil intent?

If Secretary of State Hughes had not gone to Bermuda and had been called by the Foreign Relations Committee to give that committee information regarding this subject, as Secretary Lansing and others were called when the Versailles treaty was under consideration, we might have learned what mysterious secret influences were propelling this agreement as the great achievement of modern diplomacy. We might have learned what secret engagements between our allies already had been formed. Does anybody doubt that there is a secret arrangement of some nature between France and Japan intimately related to the purposes of this treaty? Does anybody doubt that there is a community of interest and purpose between Japan and Great Britain which may place the United States at a great disadvantage when an issue arises between one of the other parties to the treaty and some nationality on the mainland of Asia? Is the Senate going to say by rejecting this amendment or rejecting the proposal in the form of a reservation that our allies may make what secret engagements they will among themselves; it is no concern of ours? If we take that course, the day we ratify the four-power treaty will prove pregnant with danger to this Republic.

I ask leave to print in the RECORD, in 6-point type, the editorial in the New York World, to which I referred in the opening of my remarks, and also the press report relative to the alleged secret agreement between France and Great Britain.

The PRESIDING OFFICER. Without objection, the matter will be included in the RECORD as requested by the Senator from Arkansas.

The matter referred to is as follows:

[From the New York World of Saturday, Mar. 18, 1922.]

WHAT ARGUMENT AGAINST IT?

The World is still waiting for Secretary Hughes or Senator LODGE or Senator UNDERWOOD to give a valid reason why the Robinson amendment in substance should not be attached to the four-power treaty by resolution of the Senate as a formal definition of American policy. There may be strong and convincing arguments why this should not be done, but they have not been presented to the Senate.

Article 2 of the four-power treaty was written with Russia in mind. All the common guaranties among the four powers are contained in article 1, which pledges them to respect one another's insular rights in the Pacific and to enter a joint conference in the event of a dispute which can not be satisfactorily settled by diplomacy. But article 2 relates to "the aggressive action of any other power," which means a clash beween Japan and Russia over the island of Sakhalin, one-half of which Japan owns and the other half of which Japan has seized from Russia. In order to remove any doubt that article 2 refers to Sakhalin, the supplementary treaty mentions the island of Sakhalin by name.

In case of "aggressive action," which may mean any action on the part of Russia that Japan chooses to regard as aggressive, "the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." Nothing is said about bringing Russia into the conference. Russia is to be excluded. Russia is not to appear in court. But Russia's case is to be decided by a jury of which the complaining witness is a member.

Taking everything into consideration, that is a dubious method of stabilizing peace in the Far East, inasmuch as it is certain that Russia will not indefinitely submit to continued Japanese occupation of territory in Siberia and in northern Sakhalin. If there is trouble and the United States is obligated to enter a conference, the only rational thing would be to bring Russia into the conference, too. A conference to which only one member of the dispute is admitted is not a conference at all. Not only should Russia be admitted but the United States should make it plain at the outset, in order to prevent future misunderstandings, that such is to be its policy.

The four-power treaty does not provide for this, but the Senate can provide for it without amending or nullifying the agreement in any respect. To attach the Robinson formula to the treaty as a resolution of the Senate does not change the obligations or responsibilities of the United States. It neither adds to them nor subtracts from them. It simply rounds out the conference, in so far as this country can do it, and makes that conference complete.

The World can understand why the Republican Senators should have voted against the Robinson amendment as an amendment. It can not understand why they object to the principle of it and refuse to attach it to the treaty as an expression of American policy. When Senator WALSH of Montana raised the question of Sakhalin during the debate Senator LODGE said nothing and Senator UNDERWOOD tried to dismiss it with the plea that it was all based on "such a dream as that Russia could come back within 10 years." Neither Senator UNDERWOOD nor anybody else knows what may happen during the next 10 years, but treaties are supposed to be written by statesmen and not by prophets. Nothing is more dangerous than to mix diplomacy with soothsaying. When the administration refused to recognize the Russian Government it did not advance the argument that Russia could not come back within 10 years, and hence recognition would be futile. It had better reasons than that, and Senator UNDERWOOD's manner of disposing of Senator WALSH's question only added to the sum total of senatorial ignorance about the treaty.

The World is ready to be convinced that it is wrong in its contention that the United States should at once announce its intention to bring Russia into conference should there be aggressive action within the meaning of article 2, but it can not be convinced by silence and evasion. Nor can the essential facts of the situation be disposed of by the Senate's primitive process of shutting its eyes to them.

The Senate Chamber rang yesterday with declarations that the United States should insist on payment of its bill of $251,000,000 for the upkeep of troops in the Rhineland. How the administration was to go about it to get the money nobody seemed to know. No suggestions were made along that line. But if the Senate could talk the claim into the Treasury it would be there before the week is out.

[From the New York Times of Thursday, Mar. 16, 1922.]

SAYS JOFFRE MADE FAR EAST ACCORD—CHITA DELEGATE INSISTS FRANCE AND JAPAN HAVE AN AGREEMENT TO EXPLOIT SIBERIA—NEW VLADIVOSTOK CONTROL—REPUBLIC'S TROOPS ANXIOUS TO OCCUPY THE PORT, BUT ARE PREVENTED BY JAPANESE.

(Special to the New York Times.)

WASHINGTON, *March 15.*

The allegation that France and Japan have an understanding for the exploitation of Siberia to the exclusion of other nationals was made to-day by M. Skvirsky, spokesman of the delegation of the Far Eastern Republic, which came to Washington during the arms conference and is still here. He asserted that all developments since the arms conference and reports from Siberia indicated that France and Japan had an understanding as to their policy in the Washington conference.

"Our information," said M. Skvirsky, "is that Marshal Joffre's visit to Japan, ostensibly one of pleasure, was in reality for the purpose of concluding details of the entente between France and Japan for the exploitation of Siberia. A new figurehead government will be established by Japan in Vladivostok to replace the discredited Merkuloff government, and this new government will probably be headed by Eremieff. He will be as much a tool of the Japanese as Merkuloff has been, and no doubt will give large concessions to the Japanese just as Merkuloff has done."

Skvirsky charged that the Japanese sought to control the whole of Siberia, but "because of the objections which would be raised by other nations the Japanese dare not openly set up a Japanese administration," he said, "and therefore accomplish their purpose in a roundabout way by setting up figurehead 'counter revolutionary' or 'white' governments from which they get concessions."

Merkuloff, head of the Vladivostok government, who is now reported in flight before the armies of the Chita government, granted vast concessions to the Japanese in the coal mining regions, Skvirsky said. In return for these concessions, he alleged, the Japanese agreed to provide Merkuloff safe conduct to Japan in case his government failed and to turn over to him large sums of Russian gold, which has been on deposit in Japanese banks since the fall of the provisional government at Moscow.

"The flight of Merkuloff," Skvirsky said, "indicates that the Japanese are about to live up to their agreement to provide

protection for Merkuloff to Japan, and reports that Merkuloff's cabinet officers are accusing him of absconding with large sums of money indicate that he has already received or is about to receive the cash payments the Japanese agreed upon."

Troops of the Far Eastern Republic are within easy striking distance of Vladivostok, the Chita delegate declared, and if Japanese support were withdrawn, he said, they would be in the city within a few hours.

"It probably would not be necessary for our forces to capture the maritime Province," he declared, "as 95 per cent of the population is for us and would take over the government themselves the moment Japanese troops were withdrawn."

Japan is now endeavoring to get the Chita government to recognize concessions granted to Japanese companies by the Merkuloff government, Skvirsky said. This effort, which, he said, had been stoutly resisted by the Far Eastern Republic, is mainly responsible for the long-drawn-out proceedings at the Dairen conference between Japan and the Far Eastern Republic.

Mr. JOHNSON. Mr. President, I am quite heartily in sympathy with what the Senator from Arkansas [Mr. ROBINSON] has said respecting his amendment. While, of course, from my standpoint his amendment, either as an amendment or as a reservation, does not cure the vice of this treaty, nevertheless it does accomplish some good. It is incredible to me that in a pact for consultation alone there should be only a few interested invited to the consultation, rather than all interested; for if this be a mere pact for conference, it is perfectly futile to confer only among four powers interested in the Pacific, rather than among all powers interested in the Pacific, and there can be no legitimate reason for excluding the other powers which may be interested in the regions of the Pacific in like fashion with the four powers to this pact; and when they are excluded, Mr. President, it is the demonstration that this pact means something else than consultation. However, sir, my purpose in rising was not to discuss the amendment of the Senator from Arkansas, but in just a word to call the attention of the Senate to a peculiar and anomalous situation that exists here in the arguments of the advocates of this treaty.

The hobgoblin that is to frighten us into the four-power treaty is, as we know, the Anglo-Japanese alliance. Yesterday I showed that the terms of the Anglo-Japanese alliance related to a specific and a particular locality, the locality being described as the regions of eastern Asia and of India, not the Pacific Ocean at all; and I endeavored yesterday to make plain in a word or two that we, having no territorial interests in Asia or in India or in the East—the regions described in the Anglo-Japanese alliance—should not be at all concerned with that alliance, or touched with it in any way, shape, form, or manner; but if we could be affected by the Anglo-Japanese alliance, which relates to the regions of eastern Asia and of India, we may be affected in like fashion by another alliance concerning which this four-power treaty says nothing at all.

Mr. POINDEXTER. Mr. President, may I ask the Senator a question before he leaves the subject of the Anglo-Japanese alliance as affecting only the region of eastern Asia?

Mr. JOHNSON. Certainly.

Mr. POINDEXTER. I understand the Senator to say that it is of no concern to the United States, because we have no interests in eastern Asia. Is that the position of the Senator?

Mr. JOHNSON. I say that the alliance could not touch us because we have no interests there; I mean by that no possessions there.

Mr. POINDEXTER. It is true that we have no possessions there, but the Senator would hardly contend that we have no interests there.

Mr. JOHNSON. Oh, I am not speaking of trade relations or commerce, if that is what the Senator means.

Mr. POINDEXTER. I apprehend, if the Senator will pardon me for just a moment, that the substance of what he is stating is that we have no such interests there as would lead to war between us and any country on account of them.

Mr. JOHNSON. We have no territorial interests at all there. That is what I mean.

Mr. POINDEXTER. But, notwithstanding that, there has been presented here in the course of this debate as one of the most important features of the situation the fact that the greatest interests internationally between the United States and the parties to this treaty do relate to the very region of eastern Asia, and not merely to the islands of the Pacific.

Mr. JOHNSON. All right; let us pursue that inquiry.

Mr. POINDEXTER. Just one second. The Senator knows the great controversies, diplomatic and otherwise, referred to in the so-called Lansing-Ishii agreement and various other diplomatic exchanges, the great reputation made by the late Secretary Hay because of the establishment of the so-called open-door policy, the question in relation to the aggressions of Japan in Siberia at the present time, the maintenance of an army there, and the interest of the United States in extending the trade of her merchants into that great, rich, and practically undeveloped territory of eastern Asia, the very territory covered by the Anglo-Japanese alliance; so that it seems to me quite difficult to reach the conclusion that the Senator from California reaches, that we are not concerned in the matters which were affected by that agreement between Japan and Great Britain.

Mr. JOHNSON. We may be territorially affected in eastern Asia and in India. If we are, I do not know it; but if we are affected in the fashion that the Senator from Washington says so emphatically, of course in the four-power treaty we would have dealt with the particular region; but in the four-power treaty we are dealing territorially, and we are dealing with certain insular possessions and certain insular dominions. In the Anglo-Japanese treaty they were dealing with the consolidation and maintenance of the general peace, of course, in the regions of eastern Asia and of India. Territorially, the one does not concern the other at all. That is what I have been saying, and that is what I repeat; and if the vast interests that are suggested by the Senator, of Siberia and of eastern Asia, and the like, were intended to be embraced within the four-power treaty, it is remarkable that these gentlemen, with the skill that they possess, did not embrace them.

But leaving that aside, territorially the Anglo-Japanese alliance does not touch us at all. If the Anglo-Japanese alliance was such a menace and such a danger, it may have been so great a part of this conference and of such transcendent importance as the Senator from Washington has pointed out that it was absolutely essential that it be eliminated by the four-power agreement. I do not believe anything of the sort; but if it was, and if that was the sole object, as has been asserted again and again here, or one of the main objects of the execution of the four-power treaty, I ask why the other treaty that related to a territory adjacent was not in like fashion terminated? It may have been by this time for aught I know. I have no very great information upon the subject, and I rise more for the purpose of obtaining that information than for the purpose of indulging in any dogmatic declarations concerning the matter.

I inquired this morning from one of the members who represented us in this conference whether or not the treaty that had been executed between France and Japan had been taken up when this four-power treaty was under discussion. He replied to me that in the later stages of the conference it was considered by the American delegation, but not thought by them to be appropriate to the particular discussion, or to affect it at all, and therefore it was not brought to the attention of the conference generally. I think I repeat accurately the reply that he made to me; but here is the agreement which he tells me—and I am dependent upon the information that thus I can derive—is yet in existence between France and Japan:

The Governments of France and Japan, being agreed to respect the independence and integrity of China—

I wonder if you mark how sweet, ethereal, spirituelle, every treaty that is made by every exploiting nation is. They all begin in the name of sweet peace, and they all proceed upon the theory of protecting the territorial integrity of the weak. The most vicious of them proceed in just that fashion.

Mr. POINDEXTER. Mr. President, in that connection, if I may interrupt the Senator for just a moment, did the Senator ever know one of them to live up to the ideals that are so beautifully set out in the preamble?

Mr. JOHNSON. I know of none; and the first one that these gentlemen assert will live up to those ideals is the one that our friend from Washington advocates. I do not advocate it at all, in addition to the reasons that I have given for my opposition because all history teaches us from the time that pacts were made among nations, from the time that there were agreements by imperialistic countries, that those pacts, however innocently phrased and whatever may be their spirituelle designs, are always ultimately used by one party or the other for exploitation, for oppression, and for ruthless activity against weaker countries.

Mr. POINDEXTER. Mr. President, all along the path of civilization we find monuments to the truth of the skepticism of the Senator from California as to the holy protestations in the preambles of these treaties. There is China, which has relied upon the promises of others to protect her sovereignty. There is Armenia, which has been a harmless and, as far as we know, a virtuous nation, falling a victim to dependence on the

good faith and generosity of other people. There is Russia, which listened to the voice of Germany, and now lies among the wreckage of the great powers of the past.

So, believing and agreeing with the Senator from California, I know he will agree with me that whatever may be the effect of this treaty, whether he may be against it and I may be for it, after all, and back of all treaties, the only true dependence of a self-respecting people is upon themselves in their own defense, and the preparations for their own defense, and that is not provided for in this treaty.

Mr. JOHNSON. Ah, yes, and the only way you can preserve your Nation is to preserve it. Preserve it how? Not by entering into imperialistic schemes with any other nation; not by entering into partnership with those nations which you know are always exploiting. Preserve it how? Letting it live its own life, in its own way, doing justice to all the world, seeking in every fashion amity with every nation on earth, but preserving itself by preserving the policy under which it has grown great, and under which its people have become the most powerful people in all the world. That is what I am seeking, sir, in this contest upon this treaty, to preserve the United States of America as the United States of America have come to us; retaining, sir, the heritage that is ours, retaining it so that we may go on to our glorious destiny instead of going over the brow of the hill and marching downward with those nations, imperialistic in character, exploiting in their activities, which never yet have regarded their plighted troth or their plighted word.

Mr. President, I did not rise to indulge in any such remarks as these, but to call the attention of the Senate to this French treaty, which I am advised is yet in force. It reads:

> The Governments of Japan and France, being agreed to respect the independence and integrity of China, as well as the principle of equal treatment in that country for the commerce and subjects or citizens of all nations, and having a special interest in having order and a pacific state of things guaranteed especially in the regions of the Chinese Empire adjacent to the territories where they have the rights of sovereignty, protection, or occupation, engage to support each other for assuring the peace and security in those regions, with a view to maintaining the respective situation and the territorial rights of the two contracting parties in the Continent of Asia.

That was signed the 10th of June, 1907, by Kerana and Pichon.

It provides "for the maintenance of the territorial rights of the two contracting parties in the Continent of Asia and to support each other in assuring peace and security in those regions."

I simply put the query, If the Anglo-Japanese alliance, which provided for the consolidation and maintenance of the general peace in the regions of eastern Asia and of India was such a menace to us, does the French-Japanese alliance, providing for maintaining the respective situation and territorial rights of Japan and France in the Continent of Asia, constitute a menace as well?

The one, the Anglo-Japanese alliance, is terminated by the new four-power alliance. I do not know where the other, the French-Japanese alliance, is or what is its particular position to-day. I call the attention of the gentlemen upon this side of the Chamber to it in order that they may enlighten us concerning it. I repeat only the conversation this morning held with one of our delegates respecting it, and I repeat, as well, that in the historical documents to which I have access it is asserted that this treaty is yet in existence and constitutes a binding arrangement between France and Japan.

I wonder if my friend, the Senator from Washington, in what was a very able but a very rapid dissertation just now upon treaties in the past, can not see the reason for preventing his country from entering into that kind of treaty? If he is right in what he said in his excoriation of these agreements of nations since time began, if they have ever been, with their peaceful words, with their ethereal intention, the mode by which peoples have been subjugated and territories stolen; if from the time civilization began pacts claiming to be of the character of this four-power pact have always been, as he said, merely the methods by which oppression rules, how in the name of God, with a real affection for our country and for its future, can he unite to-day in making us a party to that sort of thing?

The Senator from Arkansas stated this morning that we now have notice of what is transpiring in the Far East. You do not need the detail of the facts to-day about what is happening there. Every man who follows events at all understands and knows. But without those facts he has suggested, without the daily news items which come to us from across the Pacific, without this bloody page in to-day's history of what is transpiring in Siberia and in Korea, you have the experience of mankind, as the Senator from Washington has suggested.

You have, too, the experience of the last 20 years under the Anglo-Japanese alliance, and the experience of all mankind, as the Senator from Washington said. Certainly the experience of the last 20 years under the Anglo-Japanese alliance gives us notice, a notice which we can not fail to observe, that, conceal the facts in regard to this new treaty as you will, write it in words as ambiguous as diplomats ever used, couch it in terms which may be read one way in Japan, another way in France, another way in Great Britain, and another way in the United States Senate—do all these things, and yet you enter into a pact finally which takes your country upon a perilous course and leads it no man yet knows where.

It is this, sir, that by my opposition I would prevent if I could.

Mr. POINDEXTER. Mr. President, just a word in answer to what the Senator from California has just said in quoting the remarks I made in interrupting his speech.

What I said was not in condemnation of treaties of amity and peace, but it was in condemnation of what I would regard as the fatuity of any people that would divest itself of the means of self-defense because of the existence of such a treaty.

I may have occasion at some later time, before the Senate votes upon the treaty into which we are about to enter, to give my reasons for casting my vote in favor of it, as I expect to do. It will have a binding effect upon the powers which are parties to it in so far as it affects the interests of this country just so long as this country maintains in its own control the means by which it can enforce its rights.

I do not believe for a moment that the United States would have had the consideration of the world which it has had; that its policies in regard to the region of the Pacific which are dealt with in this treaty would have had the recognition of those powers that assembled in the so-called Arms Limitation Conference, if this had been a weak and helpless nation. I rather think that if we had been weak and helpless we would have occupied just about the position in that conference which the weak and helpless nations occupied. I think we would have gotten just as much consideration for the policies which we have advocated respecting conditions in the region of the Pacific and our rights and our possessions in the South Seas as China received in her dependence upon the good will and benevolence of nations defending her against the aggressions of the powers of the world.

So, Mr. President, I repeat what I said, that the agreement which has been reached in this conference, providing for the maintenance by the United States of a relative sea power sufficient in the opinion of those who have so far expressed and defined the policy of this Nation in regard to power upon the sea, is at least equally important, in the effect it will have upon the life and the interests of the people of the United States, as the agreement to respect those rights embodied in the four-power treaty; not that I deny the value of those agreements, because I do attach value to them, but that I would adjure the people of my country, in so far as any responsibility rested upon me as one Member of this body, fixing those lines which were to guide its future conduct, not to be misled by the illusion or the delusion, so that they would disband their Army, throw down their arms, and deprive themselves of the power of self-defense because some other nations had signed an agreement that they would respect their rights.

I hope, Mr. President, that when the execution of these treaties is to be provided for by the Congress of the United States the Congress will realize the truth of that principle, and that means will be provided by which the United States can live up to the terms and conditions of these several treaties, which are interrelated, and which depend to a considerable extent upon each other; that we will not simply limit ourselves in one direction in so far as our naval power is concerned, and be content because we have agreed not to exceed a certain limit, but that we will likewise regard it as an obligation at least that we owe to our own people that when we have fixed that ratio among the powers of the earth we will likewise live up to it, and that we will supplement the faith and the dependence which we have upon all the nations by providing a Navy which is at least equal to that of any other power within the limitations provided in the naval limitation treaty, and superior to that provided for in these agreements to some of the powers.

This is not a new policy with me. Some time ago, upon a resolution introduced by the Senator from Idaho [Mr. BORAH] and referred to the Committee on Naval Affairs, of which I have the honor to be a member, being designated by the committee to formulate the report upon that resolution, I wrote into that report, and submitted it to the Senate, that in view of

the influence of sea power upon history, which has been so conclusively demonstrated by a great naval authority furnished by our own Navy, Admiral Mahan, that with limitations to avoid a useless race for supremacy which might have no end, the United States should be equal upon the seas to any of the other nations of the world, knowing that the destiny of nations has been controlled by sea power.

Mr. BORAH. Mr. President, as I understand the able Senator from Washington [Mr. POINDEXTER], he is in favor of the ratification of these treaties, and then he is in favor of building a Navy sufficiently strong and having an Army sufficiently large to be sure that we can protect ourselves from those who are signatories to the treaty with us. I think the Senator from Washington is entirely right in his diagnosis of the situation. Anyone who relies merely upon a political pact for security is so grossly misinformed touching the history of the world and human nature itself that it would be most unfortunate to have his doctrine prevail in national affairs.

I wish to ask those who are advocating this political pact as a pact of security—this political combination as a matter of security—to point to a single political pact that was ever observed by a nation after the exigency or conditions had changed so as to make it no longer to the interest of the nation signing to observe it. It seems harsh, in the first instance, to suggest the answer, but political treaties have been almost universally disregarded when changed conditions made it no longer to the interest or benefit of nations to regard them. It is one of the most universal things in the relation of nations. I have come definitely to the conclusion that if there is to be peace there must be acts, deeds, upon the part of nations, not mere promises. So long as nations are armed as these four nations still are, so long as imperialism still obtains as a national policy, so long as strong nations oppress the weak and exploit them, as is now being done in Haiti, Santo Domingo, Manchuria, Siberia, Syria, Mesopotamia, and Egypt, these political facts are but hypocritical coverings for continued aggressions and crime which lead ultimately to war.

Mr. POINDEXTER. Mr. President, if I may answer the Senator's question, or at least one phase of it, I think that many instances might be found in which nations have lived up to their pacts. I do not claim they have violated all of them.

Mr. BORAH. I said political pacts—when conditions had changed.

Mr. POINDEXTER. But what I fail to understand is how the very able Senator from Idaho, who is a learned historian, believing as he does in the inefficacy of the promises of nations—and I think an international promise is about as worthless as any kind we can have unless it is supplemented by something else—believing as he does that we can not depend upon mere agreements, advocates complete disarmament? If I had such utter cynicism in regard to international agreements I certainly would not be in favor, in the face of that, of complete disarmament or disarmament to the extent the Senator from Idaho says should leave only sufficient for police purposes.

Mr. BORAH. The Senator from Idaho has never advocated disarming the United States alone. The Senator from Idaho has never urged that we destroy our Navy and leave the other nations of the world to build navies. I think the Senator from Washington knows that has not been my position. The Senator from Washington and I have differed as to what constitutes a modern navy. The Senator from Washington has great faith in battleships and my opinion is otherwise. I wish I had the report here—I will have it when I speak next week—of an official character showing how utterly worthless battleships have become in modern sea warfare.

That is the only instance where the Senator and I differ as to what constitutes a modern navy. I have never advocated for a moment that the United States should destroy its Navy and permit Japan and Great Britain to build as big navies as they see fit. My idea in calling them into conference was to see whether or not they would disarm proportionately.

I do not rely upon political pacts and I do not rely upon the good faith of other nations to the extent of asking our Nation to go without any defense at all. My idea is the same policy we have pursued for 150 years, and that is to remain aloof from political associations and political connections and political arrangements with other Governments and take care of ourselves as best we can as an independent, self-governing people. So far it has been very successful. Political pacts foment war, they do not augment peace. Peace is secured in a different way, by actual deeds, conduct, the doing of justice, the refraining from injustice, not promising peace and then pursuing policies which bring war.

Mr. POINDEXTER. Mr. President, I think it is extremely doubtful, although it is mere speculation, whether we could have secured such an agreement as the so-called four-power treaty between these powers unless it had been accompanied by some agreement for the limitation of naval armament. As I understand the Senator's position, it is that we should refuse to agree with Great Britain and Japan to respect their rights in their insular possessions and dominions in the region of the Pacific, and at the same time we should proceed to bring about an agreement for disarmament.

Mr. BORAH. No; I do not object at all to our agreeing to respect the rights of Japan and Great Britain in the Pacific. We will do so without agreeing to it. I have no particular objection to taking Great Britain's and Japan's agreement to respect our rights. I only say that if we must depend upon the mere agreement for our security, according to all these political pacts, there is no security in it. In other words, if for any reason it should be to the interest of Japan to disrespect our rights or to aggress against our rights and as a great nation she should deem it to her welfare to do so, does the Senator from Washington really think that she would respect this political agreement? If she did do so, she would be the only nation in the world which has ever done so, under such changed conditions.

Mr. POINDEXTER. I am sorry I did not hear the first part of the Senator's question.

Mr. BORAH. I say, if Japan should come to the conclusion that it was to her national interest or her national welfare or according to her plans to attack the islands of the United States in the Pacific, does the Senator think that by reason of this agreement she would hesitate to do so? Would the mere promise to respect our rights control if it should seem to her interests to disregard the promise? Did she respect the rights of China which she had solemnly agreed to respect?

Mr. POINDEXTER. Of course, that opens up a very wide and indefinite range of philosophical speculation——

Mr. BORAH. No; not philosophical.

Mr. POINDEXTER. Yes; I think it does, because it would depend entirely upon what those interests were, the extent of her interest, and, furthermore, it would lead to rather a fine analysis of what "interest" is—what it consists of.

I make this proposition to the Senator from Idaho. It is a good deal more to the interest of Japan to respect the rights of the United States in her insular possessions, which his eloquent colleagues have pointed out is the weak point in the armor of this country, because of the distance at which they lie from the shores of continental United States, that it is more to the interest of Japan to respect those rights if we have a four-power agreement in which another great sea power has agreed with Japan and the United States, under a solemn international pact, that they shall be respected. That constitutes one of the elements of the interest of that power, and so if she should be guided by her interest in determining what her interest is she will read the agreement which she has made with the other great sea powers of the world before she reaches a conclusion.

Mr. BORAH. That might be true; that is to say, they might have a conference and they might not.

These political pacts are never of any more worth than the character of the nation which is behind them. A nation which would attack another nation because it felt it was able and wanted to do so would never regard its mere promise not to attack. In other words, as I said a moment ago, I do not know of any political pact of this nature which was ever observed after a change of conditions in the nation's interest. For instance, take the Anglo-Japanese alliance, which was dedicated to peace as is the four-power pact. It was written for the purpose of preserving peace in the Far East. It specifically provided for the protection and maintenance of the integrity of Korea and China. I ask the Senator as a historic fact, although it was signed by two great nations which are now to be our partners, was it respected in a single instance? The aggressions which are now the cause of disturbance in the Far East, and which are what might be conceived as the seeds of war in the Far East, are aggressions which took place under the Anglo-Japanese alliance, which specifically provided that they would respect the rights of China and Korea.

Mr. LENROOT. Mr. President——

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to ask the Senator if the Anglo-Japanese alliance, being what it was, had been a treaty similar to this, and France and the United States had been parties to that treaty, does he think the rights of Korea would be likely to have been violated as they were?

Mr. BORAH. I do think so.

Mr. LENROOT. I think not.

Mr. BORAH. I will tell the Senator why. At the time the Anglo-Japanese alliance was made we had a treaty with Korea by which we specifically agreed that in case the independence and integrity of Korea was attacked, we would interpose our good offices for the purpose of protecting Korea. What happened? When Japan got ready to amalgamate Korea, Korea sent her representative to the Government of the United States and pleaded for a hearing before the Secretary of State, and the Secretary of State refused even to hear him until it was too late in defense of the independence of his country.

Mr. POINDEXTER. Why was that, may I ask the Senator? And if he will allow me to answer my own question I will say simply it was another proof of that principle which I have asserted and reasserted this morning. It was because Korea was a helpless nation. If Korea had been able to defend herself and had sought the assistance of other powers, she would have gotten a hearing and recognition.

Mr. BORAH. Likely so.

Mr. POINDEXTER. So it seems to me, if I may add just a word in relation to this controversy, that the United States under similar circumstances, if she had been as weak and helpless as Korea, would have got just about as much recognition and just such treatment as Korea received.

Mr. BORAH. But my friend from Washington knows full well that at the time we made that treaty with Korea it was not made because she was a strong nation. We did not expect Korea to come to the protection of our independence nor to maintain our integrity. We made it because Korea was a helpless nation and we proposed to interpose our good offices to protect that independence. So the fact that she remained helpless did not at all excuse us from refusing to hear her, at least, when she came to plead for her independence. It was the old story of political pacts—the situation had changed, conditions were changed—we felt it was no longer to our interest to interpose our good offices, and we disregarded our solemn promise and left a helpless nation, which had trusted us, without a friend to plead her cause in the hour of her dissolution.

Mr. POINDEXTER. It did not excuse us, but we did it nevertheless.

Mr. BORAH. That is precisely what I say.

Mr. POINDEXTER. At different times we promised to help Armenia, but we have never helped her.

Mr. BORAH. The Senator is supporting me in my contention. I agree with all he says. I was answering the Senator from Wisconsin [Mr. LENROOT], who takes another view of it. The Senator from Washington and I are in complete accord that these political pacts are not observed at all. Nations observe these political pacts so long as it is to their interest to do so, and nations also observe the rules of honor and the dictates of conscience without treaties so long as it is to their interest to do so.

Mr. LENROOT. The Senator assumes that conditions to-day are, in so far as the aim and purpose and objects of the nations are concerned, exactly as they were 20 years ago. How does he account for the fact that in the Washington conference, instead of their expressly permitting and providing for further exploitation, they at least did justice in part and retrieved the wrong in part that has been committed upon China? Has that no significance to the Senator from Idaho?

Mr. BORAH. It has this significance, and that is that the Senator is mistaken in his facts. The fact is, Mr. President, that under the Anglo-Japanese alliance Japan presented her 21 demands to China. Those 21 demands, had they been accepted or been enforced, would have destroyed the independence of China. Notwithstanding the meeting of the Washington conference, the 21 demands, except as to the first and fifth groups, still stand just as they did when they were presented; in other words, group 2, group 3, and group 4 stand, and Japan even refused to discuss them or permit them to be discussed before the conference.

Now, if the Senator will refer to the 21 demands and examine groups 2, 3, and 4 he will find that Japan has her hold upon the natural resources, the material, and even the sovereignty of China, just the same as she had before the conference met.

The effect of group 2 of the 21 demands was to give Japan control over Manchuria and inner eastern Mongolia, and by reason of the fact that those demands still stand and that Japan refused to permit them even to be discussed Japan to-day has practical control over Manchuria and eastern inner Mongolia, the same as she has had for the last five or six years. Also under group 3 it will be found that Japan took practical control of the great iron mines in the very heart of China, without which China is practically robbed of one of her great resources. Did Japan consent to rectify the wrong? Did she even consent at the conference to discuss whether she should retain her hold upon the great coal wealth of China? No. She said to the conference, "I will not even permit that question to come within the jurisdiction of this conference," and Japan went home with her hold firmly established upon the great coal mines of the center of China. Did she go home with clean hands?

Under group 4 China agreed with Japan in 1915 that she would not grant any other nation any harbor or bay or island along the coast of China. Was that modified? It stands to-day just as it did in 1915, and, as a result, China to-day is an isolated nation under the dictation and control of one of our allies; no, two of our allies, for southern China is passing under the control of Great Britain.

Mr. POINDEXTER. China has pursued the policy of non-resistance, pacifism, and disarmament, and that is the natural and inevitable consequence.

Mr. BORAH. She, as Korea, has also relied upon the worthlessness of political pacts.

Mr. LENROOT. The Senator must have understood that I expressly used the words "in part rectified the wrong." I think the Senator from Idaho was one who prophesied during the debate upon the Versailles treaty that Japan never would restore Shantung.

Mr. BORAH. And Japan never will, in my judgment. I will get to that now in a moment.

Mr. LENROOT. Very well.

Mr. BORAH. How has Japan restored Shantung? One thing is an absolute certainty, she has not restored it as yet, and four years have passed since she took it. The second proposition is that she refused to permit China to redeem Shantung for five years. Why? What will take place in China as a result of the movement in Japan in the next five years it would be difficult for one to prophesy, but if Japan was inspired by good faith, if she was acting in integrity of purpose, why did she not permit China to redeem Shantung when and under such terms as China could redeem it? Then, having permitted China to redeem Shantung in five years, she provides for the payment of a certain amount of money for a railroad. For whose railroad? Not Japan's railroad, but for a railroad which belonged to China from the hour that war was declared against the German Government. Talk about redemption; it was not a case of redemption. In common honesty it was a case of restoring property and territory which had been unjustly taken. There was no need for delay or details.

But, notwithstanding the fact that it was a railroad that belonged to China, China is compelled to purchase it and to pay for it. How is she going to pay for it? Seventy-eight per cent of the great wealth of China to-day is under the domination and control of foreign powers, and we have signed a treaty which permits her to levy a tariff of 1½ per cent, or something like that, in excess of that which she had the right to levy. How may we expect China to pay for the railroad in the next five years? There is not anyone who is familiar with conditions in the Far East who supposes for a moment that China will be able to redeem Shantung under these circumstances and conditions. Then, if China is not able to redeem Shantung, do Senators not see what will happen? It is forfeited under the color of title, and Japan takes that which she has held by aggression under color of authority and under color of a treaty.

Mr. POINDEXTER. Mr. President, the Senator from Idaho condemns all that, and everybody who loves justice and liberty also condemns it; but in its application to the concrete questions which are before the Senate, let me ask the Senator from Idaho what he would have the United States do in a practical way to remedy that situation—by positive and affirmative action?

Mr. BORAH. Mr. President, I do not deem that it is the business of the United States to go about correcting the inequalities or injustices which affect other nations. By example, by counsel, or advice, if requested, by moral leadership, we can do much, but not by joining alliances.

Mr. POINDEXTER. Then, if the Senator means to say that, not being our duty, we should do nothing about it, how does that constitute an objection to an agreement in regard to the Pacific islands?

Mr. BORAH. I will tell the Senator how it constitutes an objection, so far as I am concerned. I do not want to be a political associate or ally with the nation which is now indulging in these very practices. We are giving our moral support to wrongdoing. We are becoming an ally in wrongdoing, although we may not actually do the wrong ourselves. If we are going to have an alliance, let us have justice for its foundation; let us start out by every member restoring wrongfully titled territory; let us have righteousness as its basis. That is the only hope of peace. If you will put into this treaty, I will say to my friend

from Washington, a provision that these four nations shall respect from the hour of ratification the sovereignty and the rights of all other nations in the Far East, you will put the test at once as to their good faith.

Mr. POINDEXTER. I thought the Senator said a moment ago that he would not place any dependence upon the "asininity" of such an agreement as that.

Mr. BORAH. I do not; but it would test the good faith of the signatory powers. Japan will not agree, and the powers will not agree, because at this very hour she is practicing her aggressions in the Far East; at this very time she is invading the territory of other nations, and we are becoming associates of the nation which is practicing those aggressions without attempting to prevent them. If A is going to commit a robbery, I consider that my joining with him in committing the robbery is an entirely different act from my standing apart and separate from him as a respectable citizen.

Mr. POINDEXTER. Does the Senator mean to say that we are joining with them in committing a robbery?

Mr. BORAH. I mean to say precisely that. The wrongs now being practiced in China, in Siberia, in Korea are indefensible.

Mr. POINDEXTER. I do not think the facts verify that statement.

Mr. BORAH. Here is what Japan is doing now: She is practicing in Siberia precisely what she practiced in Korea, and we are becoming her ally, her copartner; we are giving to her our moral prestige and our moral support and tacitly our approval, and she is carrying on those practices against another nation while the United States is practically her associate in the matter.

Mr. POINDEXTER. We have made no agreement with regard to that; we have made no agreement with regard to the Asiatic Continent, and I understand that we are practically free to take any action that we may choose to take as a Nation and a Government with regard to those matters.

Mr. BORAH. No; we are not free. Great Britain herself was greatly handicapped because of the Anglo-Japanese alliance when she witnessed the things which were being done by her ally. We will be in a very different position after we join this pact from the position we hold now.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. STANLEY. As a matter of law, is it necessary in order to become an accomplice to know all the details of a conspiracy to violate the law?

Mr. BORAH. No; I do not think so.

Mr. President, we are shutting our eyes to what is now going on in the Far East. The Senator from Arkansas has offered an amendment which provides that the four powers shall respect in the Far East the rights of other nations outside of the combination. If there is anything in this proposition at all, why should not the four powers agree to respect the rights of other nations as well as to respect the rights of those nations which happen to sign this treaty?

Here is China, with its great wealth; here is Siberia, with its great wealth. Those two great countries are now being assailed, "aggressed" upon, as it were, or attacked by one or two of these powers—for Japan is not alone; Great Britain is pushing her aggressions in China also—and we associate ourselves with the particular powers which are committing the aggressions. We refuse to write into the treaty an obligation upon our partners that they will respect the rights of those on the outside. What is the inference? The inference is that which China has already drawn, which Russia has already drawn, and that is that we are conniving at the things which are going on and adding our moral influence and our moral prestige to the support of those nations which are guilty of these attacks. The Senator from Washington knows quite as well as I do that if he were in a political campaign and I should associate myself with his opponent he would assume that I was interested in seeing his opponent succeed. So when we see Japan and Great Britain attacking the integrity of China and of Siberia and we associate ourselves with Japan and Great Britain the natural presumption is that we want to see them succeed in their aggressions. We are not even willing to write into this treaty that they shall respect the rights and sovereignty of the other nations. We respect the rights of each other, so we declare, but when asked to pledge ourselves as four nations to respect the rights of other nations we will not do so. What is the inference to be drawn by the other nations—continued aggressions, aggressions as they have gone on for 20 years. And that means war.

Mr. LENROOT. Mr. President, I was very greatly surprised at the statement of the Senator from Idaho that, as a result of the Washington conference, Japan was giving up nothing. I had supposed that it was conceded by everybody that, while Japan had not given up everything that she should have given up, perhaps, China did receive out of the Washington conference and the treaty entered into there the restoration in large part of that which had been taken from her, the seizure of which had been so severely condemned on the floor of the Senate while the Versailles treaty was under discussion. I think the Senator from Idaho was one of many who prophesied then that Shantung would never be returned to China and that China would not again be permitted to exercise sovereignty over the Province of Shantung.

Mr. President, I want to quote some of the paragraphs of that treaty between China and Japan.

The first paragraph reads:

> Japan will, within six months from the date of the treaty, restore to China the former German leased territory of Kiaochow, and all public properties therein, without charge except for such additions and improvements as may have been made by Japan during the period of her occupation.

Of course, the Senator from Idaho may take the position that a solemn engagement of that sort to restore the sovereignty of Shantung to China within a period of six months will be violated by Japan; but I do not believe that he will be able to convince anyone in America that any such result should be presumed.

The next paragraph:

> All Japanese troops are to be withdrawn as soon as possible from the line of the railway within six months at the latest, and from the leased territory not later than 30 days from the date of its transfer to China.

Is that a rectification of a wrong, or is it not?

> The customhouse at Tsingtao is at once to be made an integral part of the Chinese maritime customs:
>
> The Shantung (Tsingtao-Tsinanfu) Railway and appurtenant properties are to be transferred to China, the transfer to be completed within nine months, at the latest, from the date of coming into force of the treaty; the value of the property to be determined by a commission upon the basis of approximately 53,000,000 gold marks, already assessed against Japan by the Reparations Commission as the value of the railway property taken by Japan from Germany in 1914; the value fixed being paid by China to Japan by Chinese Government treasury notes, secured on the properties and revenues of the railway, and running for a period of 15 years, but redeemable either in whole or in part at any time after 5 years from the date of payment.

If I correctly understood the Senator from Idaho, he believed that this payment for the railways to Japan was something that was going to Japan as a demand upon China, charging them millions of dollars, which had cost Japan nothing, while the very terms of the treaty provide that China is to pay for that railroad no more than has been assessed against Japan by the Reparations Commission created under the treaty of Versailles.

> Pending the complete redemption of such treasury notes—

Which, as the Senator from Idaho says, may be at the end of 5 years and not later than 15 years—

> the Chinese Government to employ a Japanese subject as traffic manager, and a Japanese subject as one of two joint chief accountants, under the authority and control of the Chinese managing director of the railway.

Mr. President, the only control in Shantung that Japan or a Japanese subject will be entitled to under that treaty is the selection by the Chinese authorities of a Japanese traffic manager for the railroad, and a Japanese subject as one of two accountants.

> The rights in the construction of two extensions of the Shantung Railway, reserved in 1914 for German enterprise, and subsequently granted to a Japanese syndicate, are to be opened to the activities of an international financial group on terms to be arranged between China and that group;
>
> The coal and iron mines formerly owned by the German Shantung Railway Co. are to be handed over to a company to be formed under a special charter of the Chinese Government, in which Japanese capital may participate equal with Chinese capital;
>
> Japan relinquishes its claim to the establishment of an exclusive Japanese settlement in the leased territory, and China opens the whole of that territory to foreign trade, undertaking to respect all valid vested rights therein;
>
> China is enabled to purchase, for incorporation in its Government salt monopoly, the salt fields now operated in the leased territory by Japanese subjects, on the understanding that it will allow the export on reasonable terms of salt to meet the shortage in Japan;
>
> Japan relinquishes to China all claims with respect to the Tsingtao-Chefoo and Shanghai cables, except such portions as were utilized by Japan during the war for the laying of the cable from Tsingtao to Sasebo;
>
> Japan is to transfer to China for fair compensation the wireless stations at Tsingtao and Tsinanfu;
>
> Japan renounces all preferential rights in respect of foreign assistance in persons, capital, and material stipulated in the Kiachow convention of 1898 between China and Germany.

Mr. President, I can not understand the apparent effort to discredit everything done at the Washington conference. I can

not understand why there is not full and free recognition of what everybody must concede was accomplished by the Washington conference. Japan may not have gone as far as she should have gone in securing justice to China; she may not have restored to China all that she should have restored; but for the Senator from Idaho to stand on this floor and say that Japan has done nothing is certainly beyond my comprehension, in the face of these specific provisions that are contained in the treaty.

Mr. BORAH. Mr. President, if the Senator from Idaho seems a little doubting in his faith, I ask the Senator from Wisconsin to go back with me to the treaty of Portsmouth, executed under the leadership of the late President Roosevelt, between Japan and Russia, and observe the agreements which were made there as to what Japan was to do in the future, and he will find that I have justification for having some doubt as to the fulfillment of such agreements. I undertake to say that Japan never fulfilled her agreements made in the Portsmouth treaty in very important particulars. She has utterly disregarded some of the obligations. What I say is that the promises made in this treaty are contingent upon the happening of certain things, and that the condition of China is such that they never can happen, and therefore when the forfeiture takes place it will take place under the color of title and under the color of the treaty.

Mr. LENROOT. Mr. President, I should like to ask the Senator what condition is attached to the restoration of the sovereignty of China over Shantung?

Mr. BORAH. Mr. President, so far as sovereignty is concerned, there may be none at all; but what does the sovereignty amount to if you have control of the economics of the situation or of the natural resources of the country? President Wilson advised us that Japan advised him at Versailles that she was perfectly willing to return the sovereignty of China; but the sovereignty of China, with Japan controlling the natural resources, the railroads, the mines, and such things as that, the Senator will concede, would amount to nothing.

Mr. LENROOT. I will ask the Senator another question. What condition is attached to the restoration of the railway, which does control the economic situation?

Mr. BORAH. I understand that the condition is that they shall make this payment of 53,000,000 marks.

Mr. LENROOT. Oh, no; the Senator is mistaken.

Mr. BORAH. I do not think I am.

Mr. LENROOT. The restoration is absolute, and then there is an indebtedness of approximately 53,000,000 marks for which the railroad is security.

Mr. BORAH. Oh, yes; and if the payment is not made Japan will get the railroad.

Mr. LENROOT. But within the nine months the railroad must be returned to the complete control of China; and all that Japan has to do with the railroad after that is that a Japanese subject must be employed as traffic manager during that period, and there must be one Japanese accountant.

Mr. BORAH. Precisely so. The Senator and I are simply using different terms to express the same thing. The railroad is returned conditionally. It is returned with a Japanese traffic manager and a Japanese accountant in control of it. The Senator knows what kind of a return that is. In case the 53,000,000 marks are not paid, the Senator does not contend that the railroad passes nevertheless absolutely in title to China. The situation is such and the plan is such that Japan in the end will own the railroad and dominate Shantung.

Mr. LENROOT. But this traffic manager is under the control of the Chinese Government, and not under the control of the Japanese Government.

Mr. BORAH. But suppose they fail to make the payment of the 53,000,000 marks. What happens then?

Mr. LENROOT. I suppose there would be a foreclosure.

Mr. BORAH. Yes; I suppose so. A forfeiture, rather.

Mr. LENROOT. But does the Senator think that China will be unable to pay this lien of 53,000,000 marks at that time? If she is, all that has been said about the possibilities of China and her rehabilitation amounts to very little.

Mr. BORAH. As I said a few moments ago, 77 or 78 per cent of the territory of China is to-day under the control or domination of foreign powers. Her natural resources are practically controlled by foreign powers. The aggressions are continuous from the outside; and with her power to levy a tariff controlled by foreign powers, I undertake to say that China under those circumstances can not pay this indebtedness which she agrees to pay, and they did not anticipate that she could.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. ROBINSON. The policy of the foreign powers toward China will have a great deal to do with determining the question as to whether or not she can meet her obligations under this treaty.

Mr. BORAH. If you take the last 10 years of China's life, the manner in which she has been dominated by foreign powers, the manner in which she has been compelled to incur indebtedness by reason of the aggressions of foreign powers, and then look at the next 10 years, using the last 10 years as a guide for the next 10 years, you can come to but one conclusion.

The fact of the matter is, Mr. President, that Japan had no right to Shantung at all. She did not have even the color of title to Shantung. She took Shantung from China in violation of all laws of honesty and of all laws of nations, and she has held it. She took Shantung from an ally. If she was acting in good faith and wanted to give Shantung to the people who owned it and who were entitled to it, why did she not do it? She has had four years. There was no difficulty about giving back Shantung to China. If she had wanted to do so, she could have done so. Therefore I say I am perfectly justified in saying that there is an element of doubt in the matter by reason of the transactions of the past and by reason of the terms which have been imposed upon China, which I say she never can comply with.

Mr. LENROOT. Mr. President, the Senator from Idaho might give me a thousand dollars if he chose——

Mr. BORAH. I could not.

Mr. LENROOT. But if the Senator signed a note to give me a thousand dollars, I should expect him to pay the note.

Mr. BORAH. We must go a little further back than that. If the Senator comes and robs me of my automobile and exacts from me that I give him a thousand dollars in order to get my automobile back, whatever might happen in the future, all good citizens would doubt the character of the Senator from Wisconsin. That is exactly what I am saying about Japan. I doubt Japan's good faith in the matter. She took a piece of territory which did not belong to her. She took it by force. She took it in violation of all laws of honesty, and she required certain things to be done before the nation that had been robbed could get back her own property.

Mr. LENROOT. Mr. President, again using the same illustration that the Senator from Idaho does about the automobile, the Senator from Idaho might charge me with stealing his automobile. I might claim that I had never stolen it; that it was my property, rightfully secured. There might be a dispute between us with respect to that. I might pay the Senator from Idaho a thousand dollars because he thought or believed that I had stolen his automobile; but if, in settlement of the dispute, I signed a note to pay the Senator from Idaho a thousand dollars I should expect to pay it.

Mr. BORAH. Well, I should be awfully happy if I got it.

Mr. FRANCE. Mr. President, I do not rise to advise the Senator from Idaho to keep his automobile locked, but I think it quite apparent that he should do so while he remains in the Senate. I do rise, however, to ask the Senator from Wisconsin if he is contending that under these treaties the sovereignty of China over her own territory is being restored?

Mr. LENROOT. I contend that under the express terms of the China-Japan treaty within six months the sovereignty that Japan now exercises over Shantung must be restored to China.

Mr. FRANCE. I should like to ask the Senator this question: Does he believe that it is the restoration of sovereignty to a country when this doctrine of extraterritoriality still applies—the doctrine under which Japanese in China are tried, not by the courts of China, by courts constituted under Chinese authority, but by courts which are constituted under Japanese authority? Does the Senator think there is a restoration of sovereignty when that condition prevails?

Mr. LENROOT. Before I answer that question I would like to ask the Senator from Maryland a question for information. Is there any provision that there would be the exercise of that kind of jurisdiction by the Japanese Government in Shantung after the restoration of sovereignty?

Mr. FRANCE. Nor after the restoration of sovereignty.

Mr. LENROOT. Certainly not.

Mr. FRANCE. But under the provisions of this treaty that practice will continue.

Mr. LENROOT. Why does the Senator say that practice will continue?

Mr. FRANCE. As I understand it, there is no provision in these treaties for the abolishment of that pernicious system of extraterritoriality.

Mr. LENROOT. Mr. President when the full and complete sovereignty over any territory is returned to a nation the doctrine of which the Senator from Maryland speaks can not be exercised in that territory.

Mr. FRANCE. That is very true; but the point is whether there is a provision in these treaties for doing away with that.

Mr. LENROOT. When it said that sovereignty is to be restored it applies to all, of course.

Mr. FRANCE. But it is in that particular that the sovereignty of China is being disregarded. The Senator from Wisconsin is a prohibitionist, I believe.

Mr. LENROOT. I do not care to discuss that question now. We have enough controversies before the Senate at present.

Mr. FRANCE. Did not the Senator from Wisconsin vote for the eighteenth amendment?

Mr. LENROOT. I did, and for the Volstead Act, and for the amendment to it with reference to beer.

Mr. FRANCE. So that my statement has been confirmed. Would the Senator believe that the United States had sovereignty over its territory if Englishmen, desiring to sell Scotch whiskey here, should come into the United States and sell Scotch whiskey, and when they were arrested for the violation of our laws, should be tried, not by the American courts, but by the English courts?

Mr. LENROOT. Of course not.

Mr. FRANCE. The Senator very well knows that is the practice which is being carried on in China to-day.

Mr. LENROOT. Oh, Mr. President, I supposed the Senator from Maryland and every other Senator who has been listening to this debate well understood that I have not for a moment claimed that Japan is getting out of China as a result of the Washington conference. The only point I am making is that she has expressly agreed to get out of Shantung.

Mr. FRANCE. Does the Senator believe she will get out of China and restore the sovereignty of China over her own territory?

Mr. LENROOT. Of course I believe it, so far as Shantung is concerned.

Mr. FRANCE. I am very happy to hear that.

Mr. LENROOT. Of course. I believe it, but let us see the position some of these Senators are in when pleading for this splendid isolation, contending that the United States must have nothing to do with the affairs of other nations. They say, "Let them do as they please; it is no concern of ours." Then complaint is made, when a conference is held at the instance of the United States, because full and complete justice has not been done to a nation, although more has been done for that nation than could be done in any other way, or would ever be done if the isolation should proceed. Complaint is made because we have not done more.

Mr. FRANCE. Mr. President——

Mr. BORAH. Just a moment. I do not want to be placed in the position in which the Senator from Wisconsin places me. I do not conceive it to be our business at all to tie up politically with these nations, either partially or completely. I am not complaining because we did not do more to get further into this situation politically. I am complaining because we got as far as we did. I do not believe in any political relationships with these powers at all. I want no political connections, no political partnerships.

Mr. LENROOT. Then the Senator thinks we ought to be entirely indifferent to Shantung, that we should not have taken even the action that was taken, through our friendly offices in bringing about what has been brought about.

Mr. BORAH. I have no objection at all to using our friendly offices whenever they can be employed and the nations interested call upon us to do so; but we are being asked, in addition to exercising our friendly offices, to ratify a treaty which would tie us up politically with these powers and with the powers which practiced the wrong. That has nothing to do with our exercising our friendly offices between two nations when we are asked to do so. We have done that all through our life as a nation. We have done it for 150 years, and we have been very successful at it; but we did not seek a partnership with them and go into political business with them.

Mr. LENROOT. Neither is this a partnership or going into political business with them. Of course, the Senator has his own construction, but he argued the treaty the other day upon the proposition which the proponents of it contend for, that it was an agreement to respect the rights of the other parties, to confer with any of the other three, and in case of an aggression by any outside party, to communicate frankly and freely with each other with a view to arriving at an understanding. That is all there is to this treaty. Of course, if the Senator thinks that there is in the treaty an obligation to use force, he would be justified in opposing it, and if I thought so, I would be in accord with him; but if I have understood the Senator's position, not only in this debate, but in the debate during the consideration of the Versailles treaty, he would have the United States isolated, enter into no understandings by way of agreement with any other nation with reference to keeping the peace and settling disputes amicably, because he thinks it would be entering into a political partnership.

The trouble with my good friend is, I think, that he is living 20 years ago. He goes back to all the treaties in the past, and shows that they have not been effectual in keeping the peace. He referred to the Portsmouth treaty between Russia and Japan. Mr. President, something has happened since those days. Since that time we have had the greatest war known to history. World opinion is centered against war as it never has been before, and while the Senator is pessimistic, and thinks that no agreement with any nation can be relied upon to any degree, that there is no value in friendly understandings, I am not one who believes that the world has not moved forward after going through the World War, and I refuse to believe that friendly understandings however ineffectual they have been in the past, will not aid in preventing war in the future. The Senator may.

Mr. BORAH. The Senator from Idaho does not take so pessimistic a view of this situation as the Senator from Wisconsin would have the listeners believe. I do think there is everything in friendly relations. I want to be friendly with all nations alike. I do not want to tie up in a partnership with any three or four nations and thereby incur the displeasure of other nations. I do not want any political connections with any nation. So far as business affairs and commercial affairs are concerned, they are things which we have had agreements about for the 150 years which we have existed as a nation; but I go back to the old doctrine which we have abided by for 150 years and pin my faith to it. That is the difference between the Senator from Wisconsin and myself. The Senator from Wisconsin seems to think that there has been a change in the situation. What is the change in the Far East?

Mr. LENROOT. I was not speaking of the Far East; I was speaking of world opinion, which will no longer tolerate the exploitation of one people by another without protest and without trying to stop it, without bringing world opinion against such practice; and that did not exist in the past.

Mr. BORAH. Mr. President, what is being done in Syria to-day by one of our allies? The most complete exploitation of a subject people, who were taken into the confidence of the Allies during the war and promised their independence. What is going on in Mesopotamia? The exploitation of the oil interests of Mesopotamia and the exploitation of the natural resources of Mesopotamia, a subject people, taken under our control during the war, is going on as completely as it ever went on against any nation in the history of the world.

Is there any difference in the situation in the Near East or in the Far East from that which existed 20 years ago? Is not Japan exploiting Siberia? Is she not driving out Russians, burning their homes, depopulating the country, so far as the people are concerned—not 20 years ago, not 20 days ago, but now? Is not the same thing going on in Manchuria? Who denies it?

The Senator asks me to have faith. Whenever the nations support their faith by acts, by works, then I will pin my faith to their conduct; but permit me to call attention to the fact that when these four nations met here there was not another nation upon the face of the earth to challenge them from a military standpoint. Germany was disorganized and demoralized. Russia was on the verge of starvation. Austria was totally disabled also. There was no nation to challenge the military supremacy of these four nations, or any one of them. Yet the four nations here assembled would not agree to discharge a single soldier, or reduce the size of their armies a single battalion, or cut down their fighting forces in the least, notwithstanding the fact that the Senator from Wisconsin says that the world has entirely changed. To-day these four great nations of the earth, whose supremacy or power there is no one to dispute, are more thoroughly armed than any four nations were ever armed in the history of the world. They have powerful navies, they have vast armies. They are armed upon a stupendous scale, notwithstanding the naval treaty.

Mr. WADSWORTH. Just in the interest of accuracy, is not the Senator willing to concede that Great Britain has reduced her army?

Mr. BORAH. I said she had not as a result of the conference.

Mr. WADSWORTH. Has she not done it since the conference?

Mr. BORAH. I do not know about that.

Mr. WADSWORTH. Then the Senator has not seen the official reports from London.

Mr. BORAH. Perhaps she has.

Mr. WADSWORTH. She has.

Mr. BORAH. I am speaking of what these four nations did at the conference. The Senator knows that they refused there to disarm by the discharge of a single soldier.

Mr. WADSWORTH. I think the Senator can hardly say that was what happened at the conference. One of the nations declined to consider that matter with the others, so the subject was dropped. I do not think the Senator can say that each and every nation there specifically, on its own initiative, declared that it would not reduce its army.

Mr. BORAH. I said that these four nations meeting in conference refused to disarm on land in the slightest, and they did. They refused even to take up the subject. They did not deal with it at all.

Mr. WADSWORTH. That does not tell the whole story.

Mr. BORAH. Perhaps we have disarmed. We have reduced our Army, and we are going to reduce it some more, but for other reasons than I am now considering.

Mr. WADSWORTH. I think the Senator will find that, without any doubt, the others are reducing.

Mr. BORAH. France is not reducing.

Mr. WADSWORTH. I think the Senator is wrong about that.

Mr. BORAH. I do not think so. I received my reports very lately, and I am satisfied I am accurate in that statement. I know there has been some shifting of scene, but I do not believe any real disarmament.

Mr. WADSWORTH. I will be glad to hear the Senator's reports when he presents them.

Mr. BORAH. We will get to that when we come to consider the military appropriation bill. The Senator must agree with me that so far as the conference was concerned there was nothing done in regard to land disarmament.

Mr. WADSWORTH. That is perfectly true——

Mr. BORAH. That is what I was discussing.

Mr. WADSWORTH. As far as the conference was concerned; but the Senator's first intimation was far more sweeping than that. His first intimation very clearly was that every one of these nations refused to discharge a single soldier. They have been discharging their soldiers.

Mr. BORAH. They did not do it by reason of the conference, or by reason of any agreement reached at the conference.

Mr. WADSWORTH. It makes no difference why they did it; they have done it.

Mr. BORAH. It does not make any difference to the Senator, perhaps. I was discussing a particular proposition. Four great nations met here for the purpose of reaching some agreement as to disarmament. There was no other nation to challenge their supremacy from a military standpoint, but the conference could not come to an agreement to disarm by land even in the slightest degree. Whatever the nations might do individually by reason of their distance from other nations, by reason of isolation, or on account of ocean protection, or anything of that kind, would be a different proposition; but so far as reducing their armament on land was concerned, they took no steps toward disarmament by land at all.

Mr. KING. Mr. President, while the Senator from New York desires to speak in the interest of accuracy, I think it will be an addition to the record to state that whatever reduction has occurred in Great Britain has been far less than was recommended by the commission which was appointed to make recommendations to effectuate economies in the army, the navy, and the civil administration.

Recently, when the army was being discussed before Parliament, it was confessed that they could not make the reductions in the army which had been recommended months ago in virtue of the commission which had been appointed; so that instead of reducing to what was recommended before the conference they have kept the army at a higher level than was recommended by the commission, which made a very full investigation.

Mr. WADSWORTH. Is not the net result a decrease?

Mr. KING. I am not sure whether there is a decrease in the net result.

Mr. WADSWORTH. Does not the Senator know there is a net decrease in the official report of the budget to the House of Commons?

Mr. KING. In the aggregate for the coming year?

Mr. WADSWORTH. Yes.

Mr. KING. Yes; I think that is true.

Mr. WADSWORTH. That is what I said.

Mr. KING. If the Senator will keep in mind recent revelations he will find that with the possible recrudescence of outbreaks in India and the unsettled condition in Ireland, they are holding in abeyance some of those recommendations.

Mr. GLASS. May it not be said that if decreased at all it was not in the interest of peace, but in the interest of economy? It did not reflect a less warlike spirit in Great Britain than otherwise.

Mr. BORAH. Of course they have elections in Great Britain the same as they do in the United States, and they have to consider these things, and undoubtedly they do consider them. But that was not in my mind at all. I think the Senator will find, as I found in reading the report in the CONGRESSIONAL RECORD this morning upon that subject, that the decrease has been very slight indeed in England. I am satisfied there has been no real disarmament in France. I am quite certain there has been none in Japan. There may be some slight decrease in England on account of economy, though I do not know. However, taking the group as a group meeting there in conference, they did not deal with the subject and refused to make any regulations in regard to it upon which the conference was willing to act. I think that is correct. As I said, the Senator may be correct about the individual nation. We have reduced some ourselves, but very slowly.

Now, Mr. President, I believe I shall not venture upon any further discussion of this matter to-day, but I will say to the Senator from Wisconsin that some time during the week I propose to discuss more fully what the conference did in the way of straightening out China, and also what it did in the way of dealing with these matters which foment war in the Far East. There was no war in the islands. There was no disturbances in the islands. The disturbance was on the mainland. There is where the disturbance is now. If the disturbance on the mainland results in war, it will soon spread to the islands. So as I view it very little was done and much promised.

I do not criticize the American delegates for not doing more. I am satisfied the American delegates would have been glad to have settled all these questions. I am satisfied the American delegates would have been glad to see complete disarmament—that is to say, general disarmament by land. But we are called into a group, and we are asked to sign a treaty with four powers. I am dealing with our friends, our neighbors, or associates, our allies, and I am saying that as a group, as an alliance, they have not dealt with those subjects, and it was not the fault of the American delegates.

Mr. LENROOT. Mr. President, the Senator from Idaho is even more pessimistic than I had expressed myself as believing that he was. I had supposed that even the Senator from Idaho believed that some progress had been made in world thought toward peace growing out of the late war, but evidently the Senator from Idaho thinks nothing has been accomplished with reference to the thought of the world along that line, that the nations of the world, other than the United States, are just as militaristic as they ever have been in the past.

Why, Mr. President, I say to the Senator from Idaho that if he is correct in his view of the aims and ambitions of the other three powers to the treaty, and if his views should obtain that the United States should keep hands off, remain isolated from the rest of the world, take no interest in the peace of the world, and admitting what he said was true, that those four powers can by their force control the world to-day, why do not England, France, and Japan carve up the rest of the world? It would have been done once in history. If any group of powers had the power that these four nations had, there would not have been anything left on the face of the earth that would not have been under the direct sovereignty of one of those four nations.

Mr. BORAH. When we consider the secret treaties which were made in 1915 and 1916, how much was left of the world that was not carved up? China was dismembered and the territories of the Far East were practically distributed. What part of the world was not carved up by the secret treaties?

Mr. LENROOT. I am speaking of conditions since the World War being governed by world opinion. With respect to those secret treaties that obtained, the Senator knows, if there had been no change in world thought, that the treaties that had never been carried out in so far as direct sovereignty is concerned would have been carried out. It was because the thought of the world has changed, growing out of the tremendous losses in the war, that a different view is being taken to-day. They are compelled to take a different view. That is revealed in the Washington conference. If there had been no change in the world thought, instead of a part of China being restored to her, a conference of these four powers would have carved up China

among them, the sovereignty of China would have gone, and China would have gone down into history as a nation that was but is no more.

That is the difference, Mr. President. When the Senator says there has been no change in world opinion, that our position of isolation should continue in the future as it did in the past, that we should take no interest even in using our influence in the way of treaties such as this to secure peace in the world, I say to him that the answer is found in the 50,000 American boys who fell upon the fields of France, in the 200,000 American boys who are disabled to-day, and in the $28,000,000,000 of indebtedness that exists to-day. That is the answer to the splendid isolation for which the Senator from Idaho contends.

Mr. BORAH. The United States was drawn into the situation in Europe by reason of the very condition of affairs which the Senator from Wisconsin is seeking to create in the Far East. I have no doubt at all if it had not been for the antagonistic alliances existing in Europe that there would have been no World War. We were drawn into it by reason of that condition of affairs. The Senator seems to think that the creation of this alliance or grouping will not result in the creation of another group. There is where we differ. I think it will result in just that thing. Inevitably it will result in that if we judge the future by the past. By building up this same old bloody system of alliances the same old grouping of nations we are preparing the world for more world wars, for the sacrifice of more boys, for more misery. Why try again the old system, whose history is written in blood?

The 400,000,000 Chinamen who are upon the outside, the 180,000,000 Russians who are on the outside, and the other people who may have or want to have an interest in the Pacific who are on the outside will naturally group themselves together and we will have precisely the condition of affairs which took our boys to Europe and which left a large number of them there and sent a large number of them home disabled. In my opinion, instead of proceeding along the right line we are simply adopting the old European system and going into it and transferring it from the Atlantic to the Pacific.

Mr. LENROOT. The Senator will admit, or does he not believe that at least until that other group is formed peace will be maintained by the powers within the group?

Mr. BORAH. Possibly that may be true, but if so, it would be so, anyway.

Mr. LENROOT. Ah, it would be, anyhow?

Mr. BORAH. Yes.

Mr. LENROOT. The Senator evidently gives no weight to the many, many speeches that have been made by his colleague upon the other side, the Senator from Missouri [Mr. REED], concerning the wickedness of Japan, and how we should fortify Guam and how we should fortify the Philippine Islands.

Mr. BORAH. The Senator from Idaho is trying to take care of himself, not the rest of the Senate.

Mr. LENROOT. Yes, that is true; only the Senator will admit that whenever a naval appropriation bill comes before the Congress there is immediately held up the menace of war with Japan. He has been one of the strongest in denouncing those scares. But two nations in a race for armament may so create an enmity between themselves, through suspicion, that it leads to war. The Senator will admit that, and the Senator must, therefore, it seems to me, admit that if we were to go on with constant misunderstandings between Japan and the United States, if Senators are to repeat on the floor of the Senate the attacks upon Japan that have been made frequently in the past, that it may, although there be no cause for it in the first instance, lead both countries to believe that each is a menace to the other and that each has designs upon the other that may lead to war.

Mr. BORAH. The Senator complains that these intimations are thrown out here upon the floor. That is what started the debate this afternoon. The Senator from Washington [Mr. POINDEXTER] said that he was not willing to trust to this political pact for peace, that he was in favor of building a navy which was equal to any navy in the world, and to take care of the United States from the standpoint of naval force. He could not have had in consideration Germany. He could not have had in consideration Russia. It is not likely that he had in consideration Great Britain. It is not likely that he had in consideration France. I do not know what nation he did have in consideration.

Mr. LENROOT. That was preceded by the statement of some Senator that, in his opinion, no promise that Japan might make was worth the paper upon which it was written. That is what started the Japan controversy in the debate to-day.

Mr. BORAH. I do not know who started that part of it. I only know that the able Senator from Washington was very clear in his statement that he did not propose to rely upon this agreement, but that he proposed to rely upon a navy.

Let me say to the Senator from Wisconsin, just as a matter of prophecy, that inside of a few years we will hear advocated upon the floor of the Senate the increasing of our Army and the increasing of our Navy, the building up of our Army and the building up of our Navy, for the very reason of the obligation which is imposed upon us by the four-power treaty.

Mr. LENROOT. That might be so if the argument of the Senator from Idaho and his associates shall prevail in this country that a solemn promise is of no value.

Mr. BORAH. It will be so if the solemn promise is of any value or not.

Mr. LENROOT. If it is of value, the Senator has admitted that until a new group is formed peace is assured.

Mr. BORAH. I said as between these powers; it might be so—not as to other powers.

Mr. LENROOT. Certainly.

Mr. BORAH. But it will be found inside of the next few years, in my opinion—in fact, the debate here was started to-day upon that point—that our obligation under this treaty and our relationship to the outside world, not those who are in the treaty, impose upon the United States such an obligation that we must have an increased Army and an increased Navy. Instead of bringing soldiers home from these islands, we will be asked to send more over there. Instead of decreasing our Navy, we will be asked to increase it inside of two years.

Mr. LENROOT. When that time comes, I think, the Senator and I will be in agreement.

Mr. BORAH. Yes; we will stand together, and the Senator from Wisconsin will confess then that his political pact is not worth the paper it is written on.

Mr. LENROOT. No; the Senator will not. The Senator will rely upon this pact as doing something at least to prevent war. The Senator from Idaho will not, but nevertheless he will take the same position with reference to the Army and the Navy as if he believed it was of some value.

Mr. WATSON of Georgia. Mr. President, when the distinguished Senator from Massachusetts [Mr. LODGE] was urging the Senate to ratify the treaty I took several notes of statements made by him because they astonished me very much, and I expected to comment upon them as soon as I could obtain the floor.

One of those notes reads as follows:

> If the treaty fails, the outlook is dark indeed.

Another one reads:

> Are we to look always to war?

Another one reads:

> Clouds of war.

Another reads:

> Let us not blight this new hope.

Another reads:

> Let us not break the heart of the world.

I was again surprised this morning, Mr. President, when the Senator from Massachusetts disclaimed having had in his mind any idea of saying that we were in danger of war with the parties to the Anglo-Japanese alliance. I will read what the Senator said as it appears in the RECORD of March 8 last, and I will submit to the judgment of the Senate whether I misconstrued his words:

> It is sufficient to say that in my judgment the Anglo-Japanese alliance was the most dangerous element in our relations with the Far East and with the Pacific.

That is exactly what I attributed to the Senator. I addressed my speech to that. The Senator heard the speech or a part of it, as much as he could stand, and he should have corrected me then, if I was misrepresenting what he had said.

The sands are shifting a good deal, Mr. President. When Senators make statements here which do not go down well with the country, when they are taken up on this side of the Chamber, such Senators are a little bit inclined to do what the sands do—shift. The Senator proceeded:

> The Anglo-Japanese alliance caused a growing feeling of suspicion not only in the United States but in Canada. On the other side it tended to give a background to Japan which encouraged the war spirit and large preparations, both by land and sea, for future conflict.

With whom?

> It immobilized England and prevented the exercise of her influence in the East for the cause of peace, and peace is distinctly in her interest in that great region. That menace to peace is removed by the four-power treaty.

In what stronger language, in what plainer language, could the Senator from Massachusetts have assured the Senate that we were in danger of war then from the Anglo-Japanese pact?

Where? In the East? After having referred to the World War, the Senator from Massachusetts proceeded. I quote again:

> The misery and horrors of the Great War must never come again.

Come to whom? Come to us. By way of what? The Anglo-Japanese alliance. His words can not be construed in any other way, when they are taken together. He proceeded:

> If we fail, the outlook for the future is dark, indeed.

Whose outlook, if not ours? For whom are we on duty here in this Chamber if not for this country?

> If we can not do this, then no one can, and the clouds of war will again settle heavily over the future of civilization.

Exactly as I quoted—the clouds of war will hang over our civilization as well as that of other countries.

Mr. JONES of Washington. Mr. President, as a general rule, I do not ask not to be interrupted—in fact, I rather welcome interruptions in connection with matters which are up for discussion—but to-day I desire to discuss a couple of matters in my own way. I do not expect to convince any of the Senators against their will, and so I shall ask to proceed without interruption.

Mr. KING. Would the Senator from Washington like to have a quorum present?

Mr. JONES of Washington. No, indeed. I expect to occupy the floor for just about an hour. I give that information to the Senators so that they may govern their actions accordingly.

Mr. HARRISON. Did I understand the Senator from Washington to say that he did not want any interruption during his speech?

Mr. JONES of Washington. I think the Senator did, for that was the understanding I tried to give him.

Mr. HARRISON. Then, evidently the Senator is going to speak on the alleged accomplishments of the Republican administration.

Mr. JONES of Washington. I have no doubt the Senator from Mississippi can surmise pretty well what I am going to do.

Mr. CARAWAY. It is evident that the Senator from Washington did not expect he would be interrupted on his side of the Chamber, because there is not anybody over there to interrupt him.

Mr. JONES of Washington. And, of course, I did not expect interruptions from the other side of the Chamber before I got started.

Mr. President, the pending treaty is so clear that any attempt to make it plainer is apt to obscure its meaning. The preamble states that it is made by the four powers "with a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean." There is no agreement, no covenant, no obligation in this. It is a simple, plain statement of the object to be attained through the agreement that follows.

What is that agreement? In article 1 the parties agree "as between themselves to respect their rights relating to the insular possessions and insular dominions in the region of the Pacific Ocean." What is there uncertain about this? It seems to me to be so plain that the wayfaring man can not help but understand it. It promises nothing that a self-respecting nation will not do without any express agreement, and yet there is no more perfect way to preserve peace among nations as well as among men, than to agree to respect and then to respect each other's rights. If any strife arises between any of the parties involving any of these rights, what is to be done? Are the contending parties to go to war? No. It is agreed that all parties are to be invited "to a joint conference to which the whole subject will be referred for consideration and adjustment" if it can not be "satisfactorily settled by diplomacy." Can anyone have any doubt of the meaning of this? Here is no "entangling alliance." Here is no provision to use force. It simply calls for free, face to face conferences, where honest differences may be settled.

Article 2 provides a way to deal with the situation when "the said rights are threatened by the aggressive action of any other power." What is to be done then? No conference is required, but the parties "shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken jointly or separately to meet the exigencies of the particular situation." This is all. There is no obligation or agreement except to "communicate with one another fully and frankly." No one can find any force, any entangling or offensive or defensive alliance in this article.

This entire agreement simply embodies in written words the obligation that rests upon all nations to respect the rights of others and points out the honest and fair way to deal with any differences over such rights. The great thing about this agreement is not what is in it, but the great moral force behind it. The spirit behind and in this agreement was expressed with wonderful eloquence by Viscount d'Alte, when he said:

> I can add but little to all that my distinguished colleagues who sit around this table have so ably said to-day; but I may perhaps be forgiven if I endeavor to draw attention to a notable feature of the agreement which has to-day been the object of our thoughts. Even more than the words in which it is written, it is the spirit in which this memorable agreement was conceived that will fill the whole civilized world with high hopes for the future. It would, of course, be easy to evade any of the clauses of the treaty of which I am speaking; it would even seem as if the men who have drafted it have tried to signify that they did not place their main reliance and the achievement of their aims in a long series of carefully worded clauses. Only four powers, who repose the most implicit trust in the honor and integrity of each other, could sign a treaty such as this. And it is this fact that gives the agreement its tremendous binding power. The confidence so fully given no nation would dare to betray.

Instead of arousing jealousy and fear on the part of other nations this agreement points the way through the centuries to come to avoid strife and bring peace throughout the world.

If there were any doubt as to the meaning and purpose of this agreement—and in my mind there is none—what took place upon its presentation at the conference ought to dispel such doubt and make plain the purpose. The Senator from Massachusetts [Mr. LODGE] presented it to the conference in an address that in lofty sentiment, clear statement, broad vision, poetic fancy, genuine eloquence, and wide learning has seldom been equaled. There in the presence of the representatives of all the powers he told them what this agreement is and what it means. After stating the terms of the treaty he said:

> Each signer is bound to respect the rights of the others and before taking action in any controversy to consult with them. There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses. * * * This is an attempt to remove causes of war over a great area of the globe's surface by reliance upon the good faith and honest intentions of the nations which sign the treaty, solving all differences through the processes of diplomacy and joint consideration and conciliation. * * * We make the experiment here in this treaty of trying to assure peace in that immense region by trusting the preservation of its tranquility to the good faith of the nations responsible for it. * * * Our surest appeal in order to prevent wars in the future must be to the hearts, the sympathies, the reason, and the higher impulses of mankind. Such an appeal we make to-day by this agreement among four great nations. We rely upon their good faith to carry out the terms of this instrument, knowing that by so doing they will prevent war should controversies ever arise among them. If this spirit prevails and rules we can have no better support than the faith of nations. For one, I devoutly believe the spirit of the world is such that we can trust to the good faith and the high purposes which the treaty I have laid before you embodies and enshrines. * * * If we enter upon this agreement, which rests only upon the will and honor of those who sign it, we at least make the great experiment and appeal to the men and women of the nations to help us sustain it in spirit and in truth.

If any reservation making clear the meaning and purpose of this treaty were necessary, this frank and definite statement by the Senator from Massachusetts is the best reservation that can be framed. It was uttered in the presence of the delegates of all the parties to the treaty. There was no dissent. These statements must be taken as a part of the treaty, and the construction given must be accepted by all. Not only was there no dissent but there was an express acceptance. Mr. Viviani, representing France, said:

> Gentlemen, in the name of the Government of the French Republic, which to-day has conferred on me its authority and which speaks through my voice, I assent, without reticence and without reservation, to everything implied in the agreement just read by Mr. LODGE, who has followed it up with an analysis at once so simple and so powerful. * * * He has pointed out that when four great powers are determined that peace shall prevail in a given part of the world the concert of these powers, without provision for naval or military action, is all that is needed to assure the preservation, the guaranty, and the protection of that peace.

Mr. Balfour said:

> Mr. Chairman and gentlemen of the conference, you have heard an exposition by Senator LODGE of the contents of this treaty, admirable in its clarity, perfect in its literary form, and you have just heard the way in which this treaty strikes a great Frenchman in its world relations. * * * So far as I am concerned, I would most gladly leave the matter in their hands, for I have nothing to add to what they have said upon the general aspects of the treaty.

Prince Tokugawa, speaking for Japan, said:

> The terms of the important pact assuring mutual security and friendship have just been made known. It is needless for me to say that all Japan will approve the consummation of this work.

These statements from the representatives of the powers that signed the treaty leave no room for doubt or question as to the meaning and purpose of this treaty.

China, though not a party to the treaty, is vitally interested in it and the other treaties made. Mr. Sze said:

> The Chinese delegation notes with gratification the intention of the powers agreeing to the draft treaty reported this morning to preserve general peace and to adjust by peaceful means all matters of controversy that may arise between them with reference to their rights in relation to their insular possessions and insular dominions in the region of the Pacific.

> There is no commitment to armed force or force of any kind. There is no alliance of offense or defense. There is no obligation to join in any defense in this treaty. It is simply the solemn expression of the confidence that these four great powers have in the honor, integrity, and good faith of each other, and their conviction that upon these great moral qualities rests the peace of the world rather than upon military or naval forces.
>
> The Brandegee reservation adds nothing to the treaty, and I hope takes nothing from it. I do not like it. I think it can only dim the luster of the Senate in the eyes of the world. If I can be sure that the treaty can be ratified without it, I will gladly vote against it. If it seems to be necessary to secure ratification, I will vote for it.
>
> Yes, Mr. President; I want to see this treaty ratified. I wish it could be done without a dissenting vote. I know that our country needs no written promise to make it respect the rights of other nations, but I am glad to have it put this obligation in solemn and enduring form as an example to others. It requires no plighted word to lead it to consult over differences, but it rejoices in leading the way for this kind of settlement of questions that threaten the peace of the world.

RECORD OF REPUBLICAN PARTY.

Mr. President, the Republican Party has been in power a year. Does the record justify the confidence placed in it by the people at the last election? The Democrats say it is a failure and that the people are anxious to repudiate it. The Republicans claim it to be a success and that the people approve. It is easy to denounce and it is easy to boast. The people will judge by the record, which they will know pretty well, and they can be depended upon to render a just verdict.

Every ill that affects the people will be laid at the door of the Republicans by the Democrats. That is politics in this country. There is too much of it, but it can not be helped. We can with confidence appeal to the justice and good sense of our people to give us credit for what we have done and take into account the conditions we have had to meet. We have not done all we should have done; I admit that. We have made mistakes; but, taking it all in all, we have a record of actual accomplishment that we can point to with confidence and, to use a Democratic phrase, "with pride."

On the 4th of last March the Republican Party took charge of every branch of the Government. For a little over two years after the armistice the administration had been drifting in the midst of war problems. These problems were hard enough when the war ended, but they got worse and worse as time passed and neglect continued.

While the war was on everything else was neglected. Peaceful pursuits were forsaken and all labor and business effort was turned to war. War demands brought prices of everything to an abnormal level. Everybody, rich and poor, got upon an entirely different plane of living from that theretofore enjoyed. When the war ended war activities ceased. The end came so suddenly that the people were dazed. They did not know what to do. Everything seemed to be out of joint. Congress looked to the President for guidance and leadership, but it got neither; and so it was that when the Republican Party took charge it found the problems of the war made much more difficult by two years of peace drifting.

It is much easier to carry on a war than it is to solve the problems growing out of it. It is not difficult to carry on war. Partisanship is laid aside; differences of opinion are waived; mind, heart, and soul go together to do one certain thing—whip the enemy. Men and money are needed. The strong hand of the Government reaches out and takes the boy from the home and puts him on the battle front, whether he will or no. The same strong hand takes in taxes the money required to buy supplies of every kind. We can not solve the problems of peace in that way. Reason, experience, and judgment must guide instead of power and force. Partisanship flames up fiercely; opinions are held with great tenacity; conflicting interests of section, community, and individual demand their rights, and obstructions are placed in the way of the majority everywhere and at all times. This is being done now.

I know that the Republicans are being blamed for the delays in passing legislation. Much of this delay is caused directly by the Democrats, as the record will show. They act as if they think they owe nothing to the country now, but all to their party. Party advantage is sought at all times and upon every question. I may be wrong, but in my judgment this is not right. We really need an intense patriotism more now in solving the problems of peace than we did to solve the problems of war. In war the unpatriotic man can be forced to serve his country. In peace, this can not be done except through public opinion.

The Republican Party is in control, and is therefore primarily responsible for what is done and for what is not done. Our Democratic friends seem to think this fact relieves them from all responsibility. They give us no help in solving these problems. A very prominent Democratic Senator said a few days ago, referring to these problems, "Why should we worry? These are nuts for you to crack, and not for us"; and so they oppose, delay, obstruct, hinder, and criticise. I submit that such action does not and will not commend them to the people. They can not escape their duty as the people's representatives. The problems we face are their problems, the same as they are ours. The people will not overlook these things when studying the record we have made and in weighing the tactics of our Democratic friends.

The burdens the people bear come from the war and from Democratic incompetency, and not from us. If they are heavy, we can not help it. If any have been lightened, we have done it. We are criticized because we have not reduced appropriations or lowered taxes. We are not responsible for either. The $29,000,000,000 we spent during the war is the debt of to-day. We must meet it in some way. We can not refuse appropriations without repudiation. No matter how unwise the obligation, no matter how wasteful the expenditure, we must fulfill our agreements and pay our debts. War materials that cost us billions must be paid for in full, even if we must sell what is left for a song.

The war has been fought and now we must pay for it. Taxes must be taken now from the pockets of the people to pay for the cost and waste of war, and the needed appropriations must be made. While the war was on we borrowed money to pay the expenses. These loans and the interest must be paid, and it is utterly impossible to reduce appropriations or reduce taxes to the prewar or even the war level.

It is said that the people are impatient with Congress. It may be so; but who encourages that impatience? The Democrats themselves, who should be the last ones to complain. We must build up what they tore down. We must reorganize what they disorganized. We must collect what they spent. We must pay what they owed. Under Democratic leadership things done in hours can not now be cared for safely in months. For instance, the Senate, with two hours' debate, voted $640,000,000. This money, according to a Democratic committee, was wasted, but the people must pay it. We sold for $120,000—and were surprised to get that much—what cost us $89,000,000. We must raise these millions now in taxes. Can we say in a few hours or a few days how that shall be done? Is it not wisdom, is it not our duty, to be careful and take time to weigh well what we do, so as to cause as little injury as possible, and make a heavy burden as light as we can? We would be justly censured if we took less care with the many difficult questions we face. Hasty action would make more waste and increase our taxes and our burdens.

Let us see what we have done. Let us see what the record shows.

For many years good men and women have done much to promote world peace. They sought to have an organization among the nations of the world to secure and enforce it. A strong sentiment had been created and high hopes were held out that world peace would be insured. When the World War came to a close President Wilson placed himself at the head of this movement and sought by solemn treaty to do this great thing. His effort ended in failure—why, I will not say—but as the years go by the greatness of his aims and sacrifices will hide the causes for his failure. He left us in a humiliating position. Without seeking a cause it is enough to say that on the 4th of March, 1921, the United States was without a friend in the world. No people trusted us; no nation honored or respected us. That is all changed. We lead the nations of the world. They honor, respect, and trust us, and seek our advice and counsel. This is due to the tactful, wise, statesmanlike, and patriotic conduct of the administration, and is an achievement deserving of the highest commendation.

A new but simple policy has been started that means much for the peace of the world. Nations have been brought together about the conference table to talk and reason over their differences and devise ways and means to promote mutual understandings and remove the causes of war. Its wisdom is now clear. That it will be a permanent practice among nations is certain. This very great thing has been brought about by this administration, and it will loom larger as the years go by. If nothing else were done, this alone justifies last election's verdict.

The calling of the arms conference met a glad response from every heart in the land that hopes for peace. The selection of

the delegates to represent this country evidenced a rare judgment, while the confidence placed in and the position given to his Secretary of State by the President showed a statesmanship of the highest order and a manliness that must profoundly impress every high-minded man. That conference is epochal in the history of the world. The success it attained was beyond the dreams of the most hopeful. Its work will loom larger with the passing of time. It will lighten the burdens of humanity through the centuries, and save generations yet unborn from the horrors of war. What man or woman can now regret a vote cast for Warren G. Harding?

While the executive branch of the administration has been doing these great things, the legislative branch has not been idle; and when its record is studied in the light of the facts and conditions that it had to face, and the problems it had to grapple with, the people will conclude that it has done well, too.

Congress was called in special session to revise the taxes and the tariff. It has not yet been able to complete both. Maybe it should have done so, but the Democratic minority is not blameless. They consumed a great deal of time in what many would term useless talk, but I would not be so harsh. They acted wholly within their rights. We do not need to rely on this. The problem to be met fully justifies the time taken to work it out. The expenses of the Government to be met by taxation could not be reduced except by the most rigid economy. Three or four billions must be raised by internal taxes to meet the expenses imposed upon the people during the war and under a Democratic administration. About all we could do was to revise the law, and levy the taxes more justly, and so as to disturb business and industry the very least.

The tax laws we have had to revise were passed in the hurry and stress of war. Taxes were levied upon business that was prospering, and that was sure to prosper while the war lasted. Revision was a stupendous problem. From three to four billions of tax must be taken from business in time of peace to meet the demands of the war that had just closed. It was most patriotic to try to take this money in such a way as to do as little harm to business as possible, and at the same time take it from those best able to pay. Every individual, every business, and every section of the country would be affected. Hearings were asked by many. It would not have been right to disregard these requests. It was not safe to do so. These hearings took months. A bill was finally passed. It is now the law. It did not wholly meet the wishes of anyone. No tax bill raising three or four billions can be prepared by anybody that will wholly satisfy anyone. This law has many injustices in it, but they are the injustices of the Democratic law. It places no more burdens upon the people, but it does relieve them of many. We not only revised the tax laws more equitably but we made a great reduction in the taxes.

Under this law, even with the great demands upon the Government, the tax burden on the people will be over $800,000,000 less next year than this. That is, we have relieved the people of the country from paying over $800,000,000 taxes annually that they would have had to pay under the Democratic law. Confronted with the necessity of raising almost as much tax as during the war, this, it seems to me, was a great thing to do. The wonder is not that we did not get a better bill, but that we got one so good. We are seeking, through economy and efficient service, to reduce the demands of the Government so it can be further reduced and more equitably adjusted.

"But," they say, "you have not yet passed the tariff bill." True. Tariff bills are not framed in a day. They are not passed overnight. It took from 7 to 10 months to pass tariff acts under normal peace conditions. Why should there be so much impatience if it takes us a year to pass these two great tax and tariff measures? Not alone uncertain, unsettled, and disturbed conditions at home, but disturbed conditions of exchange and business abroad, make the task almost a superhuman one. Extreme care must be taken not to injure business. The great need is to foster and encourage it. Labor, agriculture, industry, transportation, and business of all kinds must be guarded from every angle, and it is far better to move slowly but surely than to move swiftly and hurtfully. We shall pass this tariff act after due consideration of all the varied interests of this vast country. We will not follow the Democratic theory in framing our bill. American labor, capital, and enterprise will again have the aid of the Republican policy of protection and we will surmount the hard conditions that now seem so dangerous. Republican capacity and statesmanship will again vindicate itself and justify the people's verdict and command approval when they are called upon again to express themselves.

We passed a resolution declaring a state of peace between this country and Germany. We went further and did what our Democratic friends said we could not do; we negotiated and had ratified a treaty of peace with Germany, saving all our rights without entangling ourselves in the troubles of Europe or impairing our sovereignty in the slightest degree.

The Budget law was passed and has been put in operation so well that many millions of dollars have already been saved to the people of the country in the running of the Government, and when it is fully worked out it will be a great instrument of economy.

We reduced the Regular Army to a hundred and fifty thousand men and thereby reduced the military expenses of the Government hundreds of millions of dollars. This should be all the more appealing to the people when they recall that a Democratic President vetoed a bill passed by a Republican Congress reducing the Army to 175,000 men, and that his Secretary of War recommended a Regular Army of over 500,000 men, which would have burdened us with more than $500,000,000 yearly.

We passed a law greatly restricting immigration, not because of any antagonism to the peoples of other countries who have given so much of their blood to make this country and people what they are, but in defense of the prosperity and stability that every people owes to itself to defend.

Special consideration has been given to the American farmer, not because of any enmity to any other industry but because upon the prosperity of the farmer depends in a great degree the prosperity of every other line of endeavor. Agriculture felt the first reaction from the abnormal war conditions. Its products dropped almost overnight to prewar prices and below them while all the things the farmer had to buy remained high. The emergency tariff was passed to aid him. No one, of course, will ever know how much worse off he would have been if we had not taken this action. No one can prove that it was of any benefit, but I am sure it helped him greatly. Another act for his relief was the revival of and the granting of permission to the War Finance Corporation to issue a billion dollars of securities to extend the sale and export of agricultural products. The so-called packers law was passed. It provides for the regulation of commerce in live stock and other farm products and makes it possible for the Secretary of Agriculture to prevent abuses long complained of by farm producers. A law has been passed prohibiting gambling in grain futures and seeking to prevent speculations deemed injurious to both producer and consumer. We provided $25,000,000 additional for the Federal Farm Loan Board, enabling it to function again in behalf of the farm producers. We have passed a law making legal farmers' organizations and marketing associations, a measure long sought and deemed of the utmost importance to the farmers. If these measures aid the farmers to prosper, they will be fully justified and they will do much to bring prosperity to every other industry.

The Veterans' Bureau has been created, consolidating all the agencies for the soldiers' relief. Action upon claims has been simplified and expedited and an efficient and economical system is being created.

Permanent and comprehensive legislation for highway development has been passed and $75,000,000 for Federal aid for this fiscal year has been provided, insuring great development of our roads, the employment of thousands of our people, and increased economy in the marketing of our products.

We passed the maternity law, so earnestly sought by the mothers and women of the country. It will do much to alleviate the sufferings of maternity and to conserve infant mortality.

The effective enforcement of the eighteenth amendment has been provided for, and despite the desperate resistance of a strongly intrenched outlaw traffic the blessings of prohibition are being shown more and more in better food and clothing for wife and children, fewer inmates of jails and almshouses, better health, more comforts for the home, less brutality, more home companionship, larger savings, and more of joy and happiness in American lives and homes and the development of a better American citizenship.

Provision has been made for the refunding of the debt of foreign nations. This is a long step toward settling conditions in Europe and toward the improvement of our own financial condition. Under it the debts owed to us by our associates in the war will be put in definite form, and as soon as they are able to pay they will begin to pay. Not a penny owing from them will be remitted, but we will not act the Shylock toward them, but will give them the time that is necessary for them to prepare to meet their obligations without humiliation. By such a policy we not only show them proper consideration but we also best serve our own interests. This shows clearly, too, how different our problems are from those of the last administration. It was easy to make the loans to our associates in the distress during the war. It did not take long to fix the

terms. It was no trouble to them to sign these I O U's. It is not so easy to collect this money or arrange for its payment by bankrupt peoples.

We have passed long-needed legislation for the relief of the Patent Office. This has been strongly urged by the business interests of the country because of the great delay in dealing with patent applications. This act will bring the business of the Patent Office up to date.

We have made ample provision for our disabled soldiers and greatly increased hospital facilities.

Let me tell you of a few of the outstanding acts of some of our departments.

The Department of Commerce has been made what it was intended to be, an aid to the business public. It is now a Federal agency to which any business man can come to get adequate and reliable advice, information, and cooperation in meeting and handling his current business problems. The Bureau of Foreign and Domestic Commerce has been so organized that the little man in American business now has virtually the same opportunities abroad that heretofore have been enjoyed only by the big man with his own organization abroad. Now the little man, like the big man, is a unit in a national manufacturing, exporting, and selling scheme and in a real sense the bureau is his sales organization or agent. The more generally this is known the greater benefit it will be.

The Census Bureau has been reorganized so that production and consumption data are gathered at frequent intervals, presented in commodity as well as dollar figures, and published in the main within 10 days after gathered. The elimination of waste in commerce and industry is being done by two new divisions, Building and Housing and Simplified Practice. Efforts to relieve home shortage are promoted, proper zoning of cities and towns is fostered, the establishment of uniform building codes is encouraged, and the alleviation of the burden of seasonal and intermittent building operations is sought. Earnest and effective efforts are being made to assist in the reduction of size and varieties in those commodities where either the manufacturers, distributors, or users will receive marked benefit from such simplification. For instance, in the paving-brick industry where 66 varieties were manufactured now only 11 are made. In the field of dry-cell batteries 32 sizes have been reduced to 8. Such work as this is of real practical value and will reduce repair and maintenance costs and enlarge foreign commerce.

The War Department has been put upon a fine military as well as an economic business basis. The framework of the organization developed during the World War is being perpetuated so that its tremendous cost will be a permanent investment for all time. This is being done largely through the allocation and the development of the National Guard and organized reserves. Enrollments in Reserve Officers' Training Corps units have been greatly stimulated and the citizens military training camps have been made a great success. The discontinuance of some activities, the consolidation of others, and the elimination of many duplications have brought economy and efficiency and contracted the Military Establishment to the requirements of peace on a basis of sound business principles.

But a glance can be given to the wonderful work of Postmaster General Hays in transforming the Post Office Department in his brief year of service. The department, through reorganization and other economies, has been able to make material saving in expenditures. The total appropriations for 1921–22 were $586,000,000. The appropriation which the department has asked for 1922–23 is only $562,000,000, making a saving of approximately $24,000,000.

Restoration of the morale of the postal workers has been accomplished through the personal interest of the Postmaster General in the welfare of the postal workers. He established the "open-door" policy with them and invited in the fullest manner their suggestions for improvement and their participation therein. Individual initiative and intelligence have been brought into play, and the human element from personal contact has permeated the whole force with the result that the greatest tasks have been met in the most successful way. The primary result of the helpful spirit is the vastly improved service to the public. This was demonstrated in the most remarkable cleaning up of the Christmas rush without delay or congestion of the mail in the records of the Postal Service. It seems that the postal workers themselves were eager to establish this record, and the public was no less interested in assisting. The great arteries of the Railway Mail Service were at no time congested, and at 6 o'clock Christmas Eve reports came in from every part of the country showing unanimously that everything was cleared up at that time. Not only did the public cooperate in mailing Christmas parcels early but they packed the parcels so securely that there was less damage than ever before recorded.

Notwithstanding this remarkable record, the Christmas mail was 20 per cent heavier than ever before, and the postal receipts were the largest on record. Among the service betterments the Railway Mail Service is prominent. This is the great artery of the Postal Service where approximately 90 per cent of the weight of all the mail is carried, and of this a large part is distributed or handled by this service on the railroads en route. This service is one vast traveling post office, functioning simultaneously throughout the entire country, and in which the necessary separation, distribution, and dispatches of mails that could otherwise be made in the post offices are made in the swiftly moving railroad post office cars. Thus the mails are advanced in delivery in the greatest time, and the post offices are relieved of a work the magnitude of which they would be unable to handle. The other departments have been doing equally good work, though probably not along so constructive lines, notably the Labor Department, that has adjusted disputes involving almost 1,000,000 men.

No more striking proof of the benefits of a Republican administration can be seen than the action of Liberty bonds. They were issued during the war. The people paid for them their full face value. What happened to them? They went below par. They kept going lower and lower until they were from 10 to 15 per cent below par. In other words, they were from a billion to a billion and a half dollars loss in value to the people who bought them than they had paid for them. What has happened during less than a year of this administration? These bonds have risen in value until they are all nearly to par, and some of them are above par. The holders of these bonds are richer by a billion dollars or more now than they were on the 4th of last March. Why? It is largely because of the confidence of the people in the Republican Party and in its ability to put the Government on a business basis. You say the people are losing confidence in us. Maybe so, but are the millions of Liberty bond holders going to risk losing on their bonds by putting the Democratic Party into power? I do not think so. It will take more than talk to lead them to do it.

Economy: That word was unknown to the Democratic administration before and during the war. They spent the people's money in the most reckless fashion. Not only did they build up a wasteful and uselessly large organization but they secured the money they spent by the sale of bonds. No matter how wastefully this money was used these bonds must be paid in full and the interest is an annual charge that we must meet. We can and we must change the organization. We must reduce its expense and increase its efficiency. This we are doing. No more earnest effort was ever made in this line than the President is putting forth. He is insisting that his Cabinet chiefs reduce their force to the minimum consistent with efficiency. They are doing so and at the same time instilling in their employees the spirit of emulation. Thousands of employees taken on during the war have been taken from the Government pay roll and far better service is being rendered by the balance. Concretely, January 1, 1921, there were 643,833 civil employees in the Government service; July 1, 1921, 637,767; and January 1, 1922, 588,018, or a reduction since July 1 last of 43,749. Probably we can do more in this way. But we can not do much in other ways to lessen expenses. In my judgment we will do well if we can hold them where we are. The obligations that we must meet were created by or under the Democratic administration. We can not escape them. We can not diminish them. We must provide for meeting them, and it ill becomes Democrats now to berate us for the appropriations we make or the taxes we levy, because we are doing it only to meet their obligations. Will they tell us how we can escape paying annually $975,000,000 interest on our bonds? Can we refuse to provide $381,000,000 for the sinking fund? Would they have us refuse to provide $489,000,000 for the compensation, hospitalization, insurance, and payments to dependents of dead or wounded soldiers? How can we avoid paying over $200,000,000 for pensions? These amounts will get larger rather than smaller.

We are cutting appropriations to the bone. In order to economize I fear we are neglecting needed improvements that in the end mean waste and loss to the Government. The people want internal improvements. The Democrats berate us for not making them. They can not be made without money. The money can not be gotten except from taxes or the sale of bonds, and they and the interest on them must be met by taxes. We appropriated $75,000,000 for good roads. We could have refused to do so, but in my judgment it was real economy to spend it. Many people urge increased reclamation activity. It costs money to carry on reclamation work. To do so we must add

to our appropriations and that means more taxes. I believe it will be real economy to provide something like $250,000,000 for systematic development during the next 5 or 10 years. That sum will complete economically the projects now under way and being carried out wastefully from lack of funds. Some new projects can be started and hundreds of thousands of acres of land now waste, barren, and unproductive can be made a source of power, wealth, and taxes as well as furnishing employment for thousands and homes for as many more. We have had only small sums during the last seven years for river and harbor work and aids to navigation. Is it real economy to neglect these things? We have been doing so and we may continue to do so in the interest of economy and to save the people from added tax burdens. During the last two years of the Democratic administration we had a Republican Congress. All efforts at economy were made by it in spite of the efforts of the administration to add to expenditures. Democratic officials sent huge estimates of their needs and in two years the Republicans cut their estimates over $3,900,000,000. In other words, if we had appropriated Democratic estimates nearly $4,000,000,000 more would have to be raised in taxes than we now are raising. We have just passed a tax bill that reduces the tax burden on the people by about $800,000,000 a year. If Democratic estimates had been carried out, we would have had to increase taxes by three or four billions instead of decreasing them. And yet our Democratic friends think the people are tired of the change. The people may groan under the burdens they bear. They may growl at the troubles they face, but they understand the causes of them and it will be a long time before they go to the Democratic Party for relief.

The Democrats say we are drifting. Not at all. We have a definite program.

The treaties, that will go a long way toward making the world a fit place to live in and to undo the harm done by Democratic leadership, will be ratified, and the United States will take its proper place as the leader of the world's thought for peace.

Supplemental shipping legislation will be passed which will make certain an adequate merchant marine.

Legislation will be passed under which reclamation work will be broadened so as to include swamp lands and the work under way will be hastened.

Legislation will be passed that will express the Nation's gratitude to its soldiers of the World War without placing any undue or disturbing burden on the people or on business.

Government salaries will be reclassified and put upon a fair and just basis.

The commission created to reorganize and coordinate the various activities and agencies of the Government will report, and legislation will be passed to carry it into effect, and thus do away with much duplication and produce efficiency and economy.

We may not and probably will not be able to complete this program this session, but we will do much of it, and we will present such a record of real achievement to the people this fall that they will confirm the verdict of the last election.

I have tried to make a fair and concise statement of the record of the Republican Party during the first year of its service. I prefer to appeal to the good judgment and common sense of our people rather than to their passions or prejudices. They are fundamentally just, and in their aggregate and ultimate verdict they are right. In reaching a conclusion they will take into account not only what we have done and the conditions under which we have done it but also the results of the first years of the Democratic administration under Woodrow Wilson. We were in normal peace times. The war had not begun. No one expected it. If the Democratic Party can run the country well, it should have done so then. How did it succeed? Have the people forgotten? This is what the facts and the record show: We had business depression, idle labor, curtailed markets, reduced revenues, greater appropriations, increased transportation rates, special direct and multiplied taxes, and a higher and increasing cost of living. The party that made such a dismal failure then and showed such poor leadership after the war can not be trusted to solve the great and difficult questions that face us now.

Mr. CAPPER. Mr. President, we speak and act here on this treaty and the companion treaties for the most powerful Nation on the planet, the wealthiest, the Nation whose credit and income and resources remain intact after a convulsion that has brought near to insolvency every other great power in the world.

It is natural, therefore, that we hear the demand from every part of the land and from all classes of the people that we shall not refuse our approval here of arrangements with other great powers, the sole purpose of which is to promote peace in the world, the curtailing of ruinous armaments, and the ending for at least the next 15 years, as provided in the treaties, of the remorseless rivalry in naval armament that we all recognize as the one outstanding menace of peace and recovery.

On what grounds can we reverse this universal judgment of the people that it is our national duty to make this contribution, great as it is, with so small a sacrifice of our sovereign power to determine particular questions from our own interest solely, if they should arise under these treaties? Is any nation not associated in these agreements likely to attack the United States? We look over the face of the earth and what do we see? One great power, the United States, solvent and a creditor of all the rest, with undiminished man power, with no enmity to any other, with no designs upon others, and with the reputation among all nations of friendly good will toward them all, and every other important power crippled in its resources of credit, wealth, and man power, sick of war and of the causes of war, desiring nothing but a chance to regain its solvency and restore its industrial life, and looking anxiously and eagerly to us to point the way, and to lead the way, to a better order.

Mr. President, the dangers from which we would escape we are all familiar with, and they were the cause of the President's invitation to the other great powers to join in this conference. We were confronted with an offensive and defensive alliance of the two other great naval powers of the world, which there were reasons to believe was a menace directly to our policy of the open door in the Far East. Because of this alliance we felt bound to erect a naval power equal to or greater than any other. Thus the naval rivalry grew, until our own expenditures for naval power alone threatened to reach the colossal figure of twice the ordinary cost of the whole Government 10 years ago.

The conference was called. The limited scope defined for it by our distinguished Secretary of State was finally agreed to. The purpose was to put an end to this insane and ruinous rivalry in battleship construction and to the menace to the world's peace that it necessarily involved. We desired to go further and to establish, if possible, our principle of the open door in China. We hoped to see the Province of Shantung, in which its two great philosophers and sages, Confucius and Mencius, were born, restored to the Chinese. We intended to ask our friends, the British and Japanese Governments, to abandon their treaty of alliance that for 15 years had been to us as a thorn in the side.

And every one of these splendid objectives was attained by our President and Secretary of State, with the brilliant cooperation of the members of the peace commission, including the Republican and Democratic leaders of this body.

The great conference proved to the people not only of our own country but of the world that there are alternatives to war and force and rivalry in arms to obtain justice and right among nations. It was such a demonstration of the worth of conferences on particular questions that the people everywhere have been enormously impressed by this method of international dealing in all disputatious questions and issues. No wonder that every telegraph wire, every mail that reaches this Capital, is freighted with messages of delighted approval of the President, of Secretary Hughes, and of the commissioners who accomplished this splendid thing in behalf of the world's peace and recovery, the chance of recovery from the ruin of war, and this impressive reduction in costs and taxes in time of peace to prepare for—yes, and to cause—war.

Mr. President, I can not vote against such an achievement of the true spirit and efficiency of America. The defeat of these treaties or the mutilation of them, as it seems to me, would be a tragedy hardly less appalling than the Great War itself. To dash a people's hopes, raised so high during the memorable, historic, fateful days of the negotiation of these treaties of peace, because of timid doubts or suspicions, or technical and petty criticism of words, or a preposterous fear of attack from some unknown and impossible quarter, or a chronic fear of any sort of agreement among nations requiring our signature and fulfillment of terms, is to assume a responsibility for future misunderstandings, rivalries, and wars that I, for one, do not dare to take.

On the contrary, I feel that in supporting the treaties, in holding up the hands of our President and Secretary of State in their superb success in accomplishing the great purposes of the conference, I act on one of the great privileges of my life to serve my country and all countries.

Mr. President, I support the treaties because I believe in them, confident that they make the greatest single contribution to world peace that has been made in my lifetime, but I support them also because I indorse the striking statement of President Harding concerning the great possibilities for peace and understanding, good will, and intercourse and commerce and happiness and profitable industry on the earth, in his farewell address to the armament conference. "I once believed," he said, "in armed preparedness. I advocated it. But I have come now to believe there is better preparedness in a public mind and a world opinion made ready to grant justice precisely as it exacts it. And justice is better served in a conference of peace than in a conflict at arms."

Mr. HEFLIN. Mr. President, I desire briefly to say a word in reply to the speech of the able Senator from Washington [Mr. JONES] recounting the imaginary achievements of the Republican administration. The distinguished Senator seemed to want to leave the impression that the Democrats had not helped but had seriously hampered and hindered the Republicans in their efforts to pass beneficial legislation.

I recall one thing that has been of value to the American people, especially the farmers, the merchants, and the bankers of the South and West, and that is the revival of the War Finance Corporation. This was done by coalition between the Democrats and the western Republicans. It would not have been passed but for this mutual arrangement. The Republicans with 24 majority would not pass it. The papers tell us now that Iowa has secured some $22,000,000, I believe, through the War Finance Corporation, and that Nebraska has obtained some twelve or fifteen million dollars; that some of the other States have received a goodly sum, and that it has aided the local banks in tiding them over. Now, this but proves the contention that I have made here for 16 months that the Federal reserve banks were not supplying the money necessary to meet the needs of the farmers, merchants, and bankers in the agricultural sections.

They tell us plainly and pointedly that this money has enabled the banks to function again, which shows that the great banking system of the Nation that we established has been changed from the course that we intended it to follow, crippled and hogtied by the Federal Reserve Board so that it does not function as we intended it should function.

As the Senator from Washington proceeded to talk about how much money had been expended during the war, that we all had one thought and only one—that of winning the war—I thought of the money appropriated and used in the building of ships, ships costing $600,000 and $800,000 which were put upon the auction block by the Shipping Board under the present administration and bartered to the Shipping Trust for $2,100 each.

Some of us made such an outcry against it in this body and in the other body that those deals have been temporarily held up. Now the administration comes along and suggests that the ships must be sold, and I suppose for a song, and you are not only going to sell them to the Shipping Trust but you are going to give them a subsidy of $30,000,000 to induce them to operate the ships which you will practically give to them.

The Democratic Party under the leadership of President Wilson built up a great merchant marine during the war, and the great ships that we built are now going to be gathered like a flock of ducks and turned over to the Shipping Trust, whose members have agreed among themselves that there shall be no competitive bids. When the auctioneer says, "How much am I offered for this ship?" then all will stand with sealed lips but one, and he will say, "$2,100," and the auctioneer will say, "Once, twice, three times and sold to this man or this concern for $2,100," a loss of $792,900 on each ship. Is the Government helpless? Can it not wait and keep these ships in condition until normal times are restored?

The Ship Trust has decreed it, and they must be gathered together and bartered so that the Shipping Trust may obtain this wonderful bargain and the Government may lose these millions and hundreds of millions of dollars. This is one of the boasted achievements of the Republican administration.

This is one of the things which came to my mind as I listened to the Senator from Washington. There is a great propaganda going on in some of the Republican newspapers. The Washington Post is carrying these articles daily. Kansas has reported, Nebraska has reported, Missouri is getting on her feet again, so the papers say, and they are just boosting prosperity on paper, when, as a matter of fact, there is dire distress all through the South and the West. Corn is selling now below the cost of production. Oats and cattle are likewise selling below the cost of production. Cotton is selling below the cost of production. Yet the Senator from the far western coast stands here to-day and regales our ears with a speech on the accomplishments of the Republican administration.

It has been beneficial to a few people. I thought, as the Senator proceeded, how Wall Street had fattened and flourished upon it. I was reminded of the story of Sut Lovingood, who got his father to get down on all fours and put a pup to playing with the old man, to train the pup to bite and hold. The pup in taking hold of the old man's coat also got hold of pop's flesh. Whereupon the old man told Sut to take him loose, but Sut said, "I know it hurts you, pap, but it's the makin' of the pup." [Laughter.]

Now, that is the present situation. The administration has hurt the masses, "but it is the makin' of the pup." Wall Street has never had such a killing in all its days. It is flourishing in rank luxuriance as never before. We are told that "everything is lovely up there and the goose honks high."

Mr. President, I am going to make a speech during this session of Congress upon the achievements of the administration and upon some of the failures of the administration. I will tell Senators what the Republican administration has produced. Just now let me say that it has reduced thousands, tens of thousands, many, many hundreds of thousands of Democrats and Republicans from a state of bountiful prosperity to a condition of abject poverty. It has destroyed property values by the billions and laid waste the substance of the people like some mighty besom of destruction. It has paralyzed business and driven millions of men out of employment and denied justice to the soldier. It has produced in the ranks of the Republican Party a queer literary genius, and this disgusted and long-suffering Republican, in his distress and desperation, has been driven to write the following mournful lines, which he has sent to me:

President Harding is my shepherd.
He maketh me to want.
He leadeth me beside free soup houses.
He maketh me to lie down on hard benches in the parks.
He forceth me to go hungry in the presence of mine enemies.
Surely unemployment and an unsatisfied appetite shall follow me all the days of his administration.

[Laughter.]

The Republican administration has certainly created conditions that produced this testimonial to its wholesome and beneficial results. Mr. President, I recall another incident which should be of interest to Republican Senators. During this administration a Negro of Republican proclivities was convicted of stealing some bacon and meal and sugar and coffee. They tried him before a Republican judge. The judge said, "You have been convicted of larceny." The Negro said, "Yas, sir; I know I has." "You broke into this man's house and you stole." "Yas, sir." The judge said, "I am going to break this thing up. I am going to teach you Negroes something. I am going to give you one year in the penitentiary." The Negro said, "Judge, could you, please sir, make that three years?" The judge asked, "Why should I make it three?" "Well," the Negro said, "because if I gets out in one year under this here régime, or whatever you call it, I am going to steal again; I know that; but if you makes it three years the Democrats will be in power by that time and I won't have to steal no more." [Laughter.]

And thus the record is written.

As in legislative session,

POST OFFICE APPROPRIATIONS.

Mr. TOWNSEND. I desire to call up House bill 9859, the Post Office appropriation bill.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Jones, Wash.	Moses	Spencer
Broussard	Kendrick	Norris	Sutherland
Capper	King	Oddie	Swanson
Caraway	La Follette	Overman	Townsend
Ernst	Lenroot	Page	Underwood
Harris	Lodge	Rawson	Warren
Harrison	McKellar	Sheppard	Watson, Ga.
Heflin	McNary	Simmons	Willis

Mr. JONES of Washington. I desire to announce that the following Senators are detained from the Senate in attendance on the Committee on Finance:

The Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The VICE PRESIDENT. Thirty-two Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and Mr. POINDEXTER and Mr. SMITH answered to their names when called.

The following Senators entered the Chamber and answered to their names:

Bursum	Pennoyer	Keyes	Nelson
Ball	Gooding	McCormick	Sterling
Edge			

The VICE PRESIDENT. Forty-three Senators have answered to their names. A quorum is not present.

Mr. UNDERWOOD. Mr. President, of course I should like to see the Senator from Michigan get up the appropriation bill and have it passed; I recognize that he has been very patient in the matter; but I do not believe there is a particle of a chance of securing a quorum here this afternoon.

Mr. TOWNSEND. I am inclined to believe that is so. If I had thought that any Senator was going to ask for a quorum I should not have asked that the bill be taken up. I had stated to several Senators that all I intended this afternoon was to call the bill up, have the first reading, consider items about which there was no possible contention, and allow all other items to go over. It seemed desirable, however, to others that we should have a quorum. I recognize the fact that probably it will be impossible to proceed with the bill this afternoon because of the difficulty of securing a quorum.

Mr. UNDERWOOD. I do not think a quorum is now within reach.

Mr. TOWNSEND. Every Senator understood, I thought, that no question involved in this bill was to be disposed of this afternoon about which there was the slightest contention; but I thought we could make some progress.

Mr. UNDERWOOD. I wanted to make the suggestion as to the difficulty of securing a quorum, because I thought the Senator might desire to direct the Sergeant at Arms to request the attendance of absent Senators.

Mr. TOWNSEND. I realize that this debate is out of order——

Mr. McKELLAR. Mr. President, is it the Senator's intention to call up the bill on Monday?

Mr. TOWNSEND. It is my intention to call the bill up at the very first opportunity which is afforded. I realize that the treaties have the right of way, but I recognize that there may be times when no Senator desires to speak on the treaties, and I intend to take advantage of such opportunities.

Mr. McKELLAR. I think it will take a very short time to dispose of the bill. I do not see any reason why it should take long.

Mr. TOWNSEND. I do not understand that it is going to take any great length of time, but it is going to occupy some time.

Mr. HARRISON. Mr. President, as the Senator evidently directed his moderate censure toward me, may I say that I made the point of no quorum because I believed that when a bill carrying approximately $300,000,000 was being considered there should be in this Chamber more than four or five Senators. I asked the Senator if he intended to call up his bill before I suggested the absence of a quorum. He said he did. I knew nothing about the fact that he was not going on with its consideration, and consequently I suggested the absence of a quorum. If I had known that he was not going to take up controversial matters I would not have raised the point; but I may say in passing that it seems to me that following a speech of an hour's duration by a distinguished Senator on the other side, extolling the virtues of this administration and recounting its achievements and accomplishments, it comes with bad grace at this time not to have a quorum here so that we can pass a great appropriation bill; and if Senators would stay here we could go on with these bills.

Mr. TOWNSEND. Mr. President, I find no fault at all with the Senator's argument. I am in hearty accord with what he has said. I realize, however, that we do not have a quorum here much of the time; and I felt that we could make some progress on a bill which all want passed, and simply pass over all questions about which there might be any controversy. That is my only object. I have waited all day for this opportunity, and I am not complaining.

Mr. WARREN. Mr. President, while I am rather sorry that the Senator in charge of the bill should have informed his colleagues that it was not necessary for them to stay here, because he was not going far with the bill, at the same time there is no reason why there should not be a quorum here at this time of the day, on Saturday or any other day, if we intend to do business. While I agree with the Senator from Alabama that probably we would have some trouble in getting a quorum, it strikes me that we should have a quorum here whether it is Saturday or another day, and I sincerely hope the Senator in charge of the bill will insist upon securing a quorum.

Mr. NORRIS. Mr. President, what is the use of having a quorum? Senators are going on debating various matters and they can speak just as well without a quorum. Why have one? If we are not going to enforce the rule, let us go on without it.

Mr. LODGE. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. CUMMINS, Mr. MYERS, Mr. CURTIS, Mr. ROBINSON, Mr. FRELINGHUYSEN, Mr. McKINLEY, and Mr. CAMERON entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators having answered to the roll call, a quorum is present.

PRINTING OF SHANTUNG TREATY (S. DOC. NO. 166).

Mr. LODGE. Mr. President, I find that there is only a committee print of the treaty between China and Japan known as the Shantung treaty. I ask that it be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

The order was reduced to writing, as follows:

On motion of Mr. LODGE it was—

Ordered, That the treaty between China and Japan for the settlement of outstanding questions relating to Shantung, with agreement supplementary thereto, be printed as a Senate document.

Mr. LODGE. I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed legislative session.

INTERNATIONAL REFORM BUREAU.

Mr. TOWNSEND obtained the floor.

Mr. MYERS. Will the Senator yield to me to make a request?

Mr. TOWNSEND. I yield to the Senator from Montana.

Mr. MYERS. Mr. President, there is here in the city an institution known as the International Reform Bureau. Its superintendent and treasurer is Dr. W. F. Crafts. Recently there appeared in a publication of this city, and in some other publications in the country, a charge that Dr. Crafts has a slush fund of a million dollars with which to get certain legislation through Congress. I am sure there is no truth in the ridiculous charge. However, it would tend to reflect upon Congress, perhaps, as well as on Dr. Crafts. He has written me a letter denying it, and I ask that the letter be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *March 9, 1922.*

Hon. HENRY L. MYERS,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your recent letter, I am sending you additional information about the published charge that the International Reform Bureau has attempted to terrorize Congress into support of our "pet bills" by "a million-dollar slush fund," which reflects, you see, not only on the reform bureau as dispenser of the "slush fund" but also on Congress as receiver of it, and especially on the 10 reform leaders in Congress who are on the bureau's board of directors, Senators SHEPPARD, WESLEY L. JONES, STERLING, MYERS, and CAPPER, and Representatives UPSHAW, HERSEY, SMITH, BARCLAY, and BLANTON, who, if the bureau has a "slush fund," would naturally be supposed to be both dispensers and receivers. In this view, one of these legislators has suggested that a denial and disproof in Congress of this charge, which will otherwise be believed by some despite its absurdity, is "a matter of high privilege." Recent letters, subjoined, from some of these legislators, denying this allegation and describing the reasonable methods by which reform measures are secured, may put a check on much reckless talk about alleged use of improper methods in legislative work for home protection laws.

In a quarterly magazine entitled "Liberty" in its issue for the third quarter of 1921, and in press reports in Buffalo Express and other papers of a lecture often given by its editor, the following statement is made:

"Dr. Wilbur F. Crafts, the superintendent of the International Reform Bureau, who styles himself a 'professional reformer' and 'Christian lobbyist' at Washington, according to published reports of the Washington papers, recently threatened every Congressman with political beheadal by the churches, whose animosity he would stir up by a slush fund of a million dollars which was at his command, if Congress did not pass his pet Sunday bills which were then pending."

The truth or falsity of this charge is a concern, you see, not only of the reform bureau and of Congress but also of the "Washington papers," especially if they really said what is attributed to them, if it is not true.

When Prof. Charles A. Longacre, the editor who made the serious charge above, was asked to prove it, he quoted, in a letter dated December 2, 1921, the actual statements of "Washington papers," which he had professed to summarize. The first quotation was from the Washington Times of December 10, 1920, where it was not stated that I had "a million at command" but was "expecting" it (I thought the interview sent out widely to the press might prompt some millionaires to give it), and desired to use the million for promoting many reforms, no reference being made in the Times to any "Sunday bills" pending but only to indefinite "blue laws" as a part of our program with "safeguarding prohibition," "putting the Bible in the schools," etc. In fact, no "pet Sunday bills" of the bureau were pending; no Sunday bill at all except one for the District of Columbia in charge of a local society, a bill that corresponded to Sunday laws in force in all States save California. Our efforts as to Sunday are to maintain State Sunday laws and improve Sabbath observance by the churches.

Prof. Longacre's second citation was from the Washington Star of December 10, 1920, page 18. This quotation also described the "million dollars" not as at my "command" but as "expected."

These were the only citations Mr. Longacre could quote from "Washington papers," and in neither of them was there any reference to a "slush fund" or any intimation that the money was to be used for anything but open promotion of legislation that, in the words of Edmund Burke, "makes it harder to do wrong."

The "slush-fund" charge, even before it was published in the Liberty Magazine, appeared in exactly the same words in the Buffalo Express of May 9, 1921, in a report of a lecture by Mr. Longacre the night before to a large audience, which had no knowledge that he was really a sectarian defender of the Saturday Sabbath, for the Religious Liberty Association, for which he spoke as secretary, posed as a nonsectarian champion of American liberty. That the charge was in exactly the same words as in the magazine showed that Mr. Longacre furnished the press report. The same lecture was given in many cities, where the miscellaneous "antiblue law" forces, bootleggers, prizefighters, gamblers, and Sunday profiteers gathered, apparently glad to find one religious body that would furnish a chaplain for the motley crowd, the aims of the other members of the alliance being too manifestly selfish to make any appeal to outsiders.

The Jewish Sabbath Alliance had deliberately declined to defend people of any race that observe neither Saturday nor Sunday but continue their business seven days a week.

That Mr. Longacre, on the platform and in the press, joined in the nation-wide cry that a Puritan "blue law" was "pending in Congress for the whole country" was the more reprehensible in that he was living almost at the door of Congress, and by a mere telephone call to the document room of House or Senate might have learned that *no national Sunday law, drastic or otherwise, has been introduced by anyone in Congress in the quarter century of the Reform Bureau's history.*

Mr. Longacre having found nothing in the Washington papers about the "slush fund," and having a wholesome fear of the consequences of making such a charge out of his own head, printed in Liberty magazine of the first quarter of 1922, page 27, what he labeled "A denial and correction," but in fine print and on an obscure page and with a specious plea that "slush fund" is not defined in dictionaries, and that he "did not mean to imply Dr. Crafts obtained it or was going to use it in a corrupt way," as if "slush fund" was not a well-known synonym for a legislative bribery fund of dirty money, to be used in ways that would not bear the light. There was nothing in the correction like the manly frankness with which Frederick the Great showed his greatness by saying unqualifiedly, "I made a mistake."

The correction would not in any case be expected to reach 1 per cent of those who heard and read the original charge against the Reform Bureau and Congress. My demand for a further correction in the daily press was frustrated by Mr. Longacre insisting on discussing a lot of other Seventh Day Adventist theories and quarrels under which the false charge to be retracted would have been buried out of sight.

Mr. Longacre's most libelous charge, that the Reform Bureau "had at command" a "slush fund of a million dollars," could not fail to interfere with the much needed support of the bureau in two ways: First, by the charge that the funds were improperly used; second, by giving the public to understand that in any case the Reform Bureau had more than enough funds, and needed no help from anybody. In fact, the bureau's audited report of the year ending June 30, 1921, showed that its total receipts, plus funds on hand at beginning of the fiscal year, were only $55,000. The previous year it was $56,000, which is as large a sum as it ever collects in a year for its manifold reform work, now including law enforcement, suppression of gambling, marriage and divorce amendment to the Constitution, investigation and regulation of motion pictures, and placing Bible readings and commandments in the schools.

For more than a quarter century this bureau has helped Congressmen to carry good bills, including 18 that were introduced on the bureau's request, two of them by the present Speaker, Hon. F. H. GILLETT, one on divorce, the other to protect savage islands having no civilized government against American traders bringing them rum, opium, and firearms. Mr. GILLETT, on hearing of the "slush fund" charge, wrote to Dr. Crafts the following letter under date of March 6, 1922:

LETTER FROM SPEAKER F. H. GILLETT.

"I have known you well for many years and I never have seen any evidence of your threatening Congressmen or using any improper influence, either by what your critics call a slush fund—of whose existence I never had any suspicion—or in any other way."

One of the bureau's bills, skillfully carried to victory by Congressman Sims, put the Benning race track on the scrap heap. Another, introduced by Mr. Roddenbery, of Georgia, prevented fight films of the Johnson-Willard match in Habana from brutalizing the boys of the Nation. Senator NORRIS has certified in writing that the war prohibition act as finally passed was in the main the work of the Reform Bureau, which has always cooperated with its big temperance allies, the Anti-Saloon League and the Woman's Christian Temperance Union, as Belgium fought with France and Britain.

That phrase "professional reformer" used by Mr. Longacre, as if it were a term of reproach, is a curious illustration of how people pick up counterfeit phrases and give them undeserved currency through failure to test them by a moment's clear thinking. When people want a doctor they want a professional doctor, not a quack; and when they want a lawyer they want a professional lawyer, not a shyster; and so when they want reform, which means restoration to normalcy, as when a doctor sets a leg that was out of joint, they should want a professional reformer, not an amateur.

And the "Christian lobby," also spoken of disparagingly by Mr. Longacre, is simply the place where legislators meet Christian experts for counsel. Selfish men may get into the lobby, but in a representative government the people have a right to consult with their public servants, who ought to be able to resist a knave even better at the door of a legislative hall than in the privacy of a house or hotel.

Seventh Day Adventists' lobbying is near insanity, because based not on facts of history but on their "pet" theory of prophecy, which is that if work and business is stopped in Washington by law on the national rest day it will necessarily lead right on to compulsory church-going on Sunday on penalty of death, though Sunday laws now existing in all our States, save California, are having no such effect.

These Seventh Day Adventists have just sent out—so Mr. Longacre told me in a recent letter—a million copies of an "extra" edition of the "Liberty" magazine, each copy attacking two Sunday bills and a 6-day bill for the National Capital, in the nature of city ordinances against conducting labor and business on seven days a week. In each of these magazines there is a printed petition to Congress that confuses the ignorant with the assumption that "prohibition of secular labor and business on any stated day of the week" is a "union of church and State" and "the enforcement of a religious observance" and therefore "subversive of religious liberty" and "should be opposed by every lover of liberty"—all this in face of the fact that religious liberty, civil liberty, and "personal liberty" for one free day every week are all found in largest measure in those countries where Sunday laws have long been in force.

Talk about threatening Congress with "a million dollar slush fund"! What about flooding Congress with a million of such disguised sectarian petitions, that hide opposition to American Sunday rest under the unspoken assumption that if Congress stops Sunday work it must ere long compel Sunday worship under penalty of death?

The Washington Star of March 12, 1922, published, no doubt from copy furnished by the Seventh-day Adventists, whose national headquarters are at Takoma Park in this city, an article headed, "Protest of Blue Laws." Liberty, a magazine of religious freedom, which is vigorously opposed to "blue-law legislation, not only in the District of Columbia but in the States as well, is to be distributed throughout the city the coming week by the Religious Liberty Association of America, with headquarters at Takoma Park." Not a word to intimate that the Liberty Magazine is published by Seventh-day Adventists, who control the Religious Liberty Association as one of their agencies. What do the people and Congress think of such a camouflage in sectarian warfare?

I will show you, if desired, a copy of Seventh-day Adventist book of "Bible Readings," whose sectarian purpose is disguised, that will solve for many legislators and others the puzzling question why Seventh-day Adventists devote more money, zeal, and effort to fighting Sunday rest in law and Sunday observance in practice than to fighting the great social evils which they oppose when not absorbed in fighting Sunday.

In spite of their persistent efforts they expect Sunday laws will prevail because they think the Bible so foretells. One chapter in this official Seventh-day Adventist book teaches that the United States Government is "the third beast" of Revelation xiii, 11-17, which "had two horns like a lamb but spake as a dragon," and is to repeat, they hold, the persecution, unto death, of the first and second beasts, "pagan and papal Rome." This lamb-dragon, that is to take the place of the American eagle as our symbol, they say will make a law of Congress to compel everybody to go to church on Sunday—including all Congressman themselves—on penalty of death. Here is a representative sentence from this book which is a key to all the intense activity of this sincere but obsessed people:

"The voice of the dragon (that is, the United States Government) is the voice of intolerance and persecution. This indicates that this Nation, which for over a century has stood as a beacon light of liberty to all the world, will repudiate its mild and lambike professions of civil and religious liberty, and become a persecuting power."

There is in this publication reference to a photo-engraving facsimile of this "third beast" from a Seventh-day Adventist chart. I call it "a horned hog," because the head of this imaginary beast looks to me like the head of a wild boar. The body, they tell me, is intended to look like a lion. Certainly the whole imaginary symbolic figure does not look like a "lamb-dragon." But the drawing is not important and should not divert attention from the amazing devotion to a fanciful theory of prophecy that makes a whole denomination believe more than anything else in their creed that history is going back fifteen to twenty centuries and a nation of whom only half go to church is going to inflict capital punishment on everybody who does not go to church on Sunday—as if such a church-going could be secured, and as if it would be of any use if it could be secured.

We admit the sincerity of these Seventh-day Adventists, and their industry and generosity, and their loyalty to prohibition—except when they have to choose between helping prohibition or hitting Sunday. But surely we ought not to allow people so crazed by the "beasts" of Revelation to influence us against American institutions and American associations.

I subjoin the letters previously referred to, from national legislators who are also International Reform Bureau directors, and in that capacity and as national legislators have long been familiar with the bureau's legislative work.

Yours for a "better world" here and now.

WILBUR F. CRAFTS.

LETTERS FROM SOME LEGISLATOR-DIRECTORS OF REFORM BUREAU ON "SLUSH FUND" CHARGE.

[From Senator WESLEY L. JONES, of Washington State.]

Your favor of March 1 with reference to the charge that you had a "slush fund" of a million dollars and "threatening Congressmen" to do your will with reference to bills, etc., at hand.

These charges are so ridiculous that they do not deserve any attention whatever. You have conferred with me often with reference to matters of legislation in which you are interested, but you never suggested or intimated in any way, manner, or form that if I did not do as you wanted me to do you would try to injure me politically or otherwise. You have always presented your matters to me upon their merits and left them with me to do as my judgment dictated.

[From Hon. ADDISON T. SMITH, of Idaho.]

I am surprised to learn that a charge has been made that you ever threatened to antagonize the reelection of Congressmen who were not in sympathy with legislation which you have so ably sponsored. My acquaintance with your activities extends over a period of a quarter of a century and at no time have I ever observed that you attempted to influence Senators or Members in any other way than by arguments appealing to their intelligence. There are many laws on the statute books, through your initiative and influence, which have been for the benefit of the general welfare of the people which otherwise would probably never have been enacted.

[From Senator HENRY L. MYERS, of Montana.]

As a Member of Congress who is well acquainted with you and your congressional work, I utterly repudiate the statement that you ever threatened with defeat every or any Congressman who does not vote for bills which you advocate or who does not obey your behest or work in conjunction with you. I am surprised that anyone would make such a charge. I am sure it is absolutely false and unfounded.

Those are not your methods. I have known you long and intimately and am well acquainted with your congressional work. I know you are or have been interested in many measures, all measures for that matter, for the betterment of humanity, for good government, for better morals, and for cleaner living, but in advocating such measures you only use argument and persuasion and you deal only in facts. Your work has been strictly legitimate, highly honorable, and of a clean nature. I have never heard of your having at command a slush fund of $1,000,000 or $1 or any money at all except for your few needs and very moderate legitimate expenses.

So far as I know, there is pending in Congress no Sunday bill for the Nation at large. Congress has no jurisdiction of such matters. I believe there are two or three Sunday observance bills for the District of Columbia pending in Congress, and, so far as I know, you have had nothing to do with any of them. I introduced one, and it was not at your suggestion. I did it purely of my own volition. I am sure you are doing a good work, and I am sure that no improper motive or improper methods with which you may be charged can be substantiated.

—

[From Senator MORRIS SHEPPARD, of Texas.]

I have had a number of conferences with you regarding legislation, and I have never known you to use threats or improper arguments of any kind. I have never heard of your pursuing this course with anyone else.

The statement that you were or are connected in any way with a slush fund is, of course, entirely without foundation.

—

[From Senator THOMAS STERLING, of South Dakota.]

In connection with legislation relating to enactment and enforcement of national prohibition and restraint of race gambling, I have had frequent occasion to confer with you, and have also met you and your associates in the Reform Bureau management at annual councils, and have never seen anything to suggest that either money or threats were used to influence the action of legislators.

The Reform Bureau's plan is, as I understand it, to have reform experts outside of Congress bring the facts in the case to those in charge of bills on the inside, and to rally public support to bills that are regarded by both groups as at once desirable and practicable.

—

[From Hon. IRA G. HERSEY, M. C., of Maine.]

I have your letter of the 2d instant, and note what you say. Do not be disturbed by these unwarranted criticisms about your work here. Our enemies, of course, have to say something from time to time, but I do not pay any attention to them, as we know practically all their statements are unfounded. They can not hurt you, in my opinion. Come in any time and talk it over with me if you feel there is anything I can do to help you. I would not pay any attention to those slurs about what your enemies think.

—

[From Hon. WILLIAM D. UPSHAW, M. C., of Georgia.]

I am glad, indeed, to have your letter of March 2, but I am possessed with a feeling that is a cross between outrage and amusement to learn that some blind or designing "plute" has been charging that you have been "threatening every Congressman" who didn't vote for Sunday restriction laws, and yet more solemnly amused at the suggestion that you have a "slush fund" for the purpose of intimidating and submarining "poor defenseless Congressmen."

As one of the directors of the International Reform Bureau, I know that the story about the "slush fund" is an unmitigated, unfumigated lie, while the claim of your carrying a bloody guillotine for wayward Congressmen is the same kind of an article, needing a disinfectant.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2897) to appropriate $1,500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, and it was thereupon signed by the Vice President.

AGRICULTURE IN THE SOUTH AND SOUTHWEST.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of Dr. H. A. Morgan, the president of the University of Tennessee, for a long time the head of the department of agriculture at the University of Tennessee, on the subject of agricultural investigations and research, especially as applied to our southern part of the country. I think it will be interesting reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF TENNESSEE,
Knoxville.

The Nation owes a peculiar obligation to the South. This can, for the following reasons, be better paid in support of agricultural investigations and research than in any other way.

1. For more than three-quarters of a century the Southern States have produced practically all of the Nation's cotton, and prior to the advent of the Mexican boll weevil the major supply of the world. As I shall point out presently, this has been done by an enormous loss of soil fertility and the development of agricultural, social, and economic problems very difficult of solution. Twenty-five years ago the United States produced 90 per cent of the world's cotton, but in 1921 not more than 50 per cent. To lose our position in cotton production means a loss of world prestige that no other crop or combination of crops grown in this country can equal. If our cotton production influence is to be maintained, more extensive investigations must be inaugurated in soil restoration, plant selection, systematic rotation, and in methods of controlling insect pests and cotton diseases. To relinquish our position in the production of cotton would most seriously affect the agricultural, industrial, commercial, and domestic life of the Nation. The by-products (cottonseed meal and oil) are nearly as national in their distribution as cotton fiber, and while substitutes may be found for these by-products their place can not be filled without expensive economic adjustment and liberal investigation.

2. Special crops, other than cotton, produced only in this territory enter into the commerce of the whole country. Sugar cane, dark tobacco, citrus fruits, peanuts, cowpeas, velvet beans, and Japan clover are among the most important.

3. From November to May the Nation is dependent upon the Southern States for the major supply of all fresh vegetables and strawberries, and during May and June for all spring lambs. Investigations conducted in connection with the economic production and marketing of these commodities by the experiment stations of the South are of vital importance to the marketing agencies and to the consumers in the States of the North, East, and West.

4. The South and Southwest are rapidly becoming the supplemental hog and cattle producing area for the feeders of the corn in the States of the Middle West.

5. For many years the States of South Carolina, Florida, and Tennessee have been the Nation's source of phosphate. This material has formed the dominant part of the mixed fertilizer industry available alike to the whole country. Through lack of adequate investigations and organization millions of acres of our own land fundamentally weak in phosphorus have become less productive, while the high-grade rock phosphate was shipped abroad. The experiment stations have clearly shown this element to be the limiting factor in crop production and are largely responsible for the more intelligent use of phosphate and the interest in its conservation.

6. The feeders of dairy and beef cattle north of the Mason and Dixon line have found the thousands of tons of cottonseed meal and cake one of the chief and also cheapest sources of protein food.

7. On the other hand, the cotton States have always been an important market for the surplus corn, wheat, small grains, hay, beef, pork, dairy products, orchard fruits, and pure-bred live stock of all classes. Ninety per cent of the draft mules of the South are purchased as weanlings in Indiana, Missouri, and Illinois.

For these reasons the whole Nation is vitally interested in the South's agricultural prosperity. The main source of this prosperity is restoration and maintenance of soil fertility. All of the States join in the request for additional support for agricultural investigations that cotton in spite of the weevil may be economically produced and marketed and the social conditions of the grower may be very greatly improved.

In the production of this national crop the waste of soil fertility has been enormous and is not generally realized. More than $70,000,000 worth of plant food are annually removed, largely through the seed. This loss of plant food is based upon a 10,000,000-bale crop and prevailing prices of commercial plant food. If this loss could be recovered, it would soon pay for operation of Muscle Shoals as a source of power or as a fertilizer-producing organization.

Land producing 450 to 600 pounds of seed cotton and 15 to 18 bushels of corn per acre is an agricultural menace. To remedy these conditions agricultural experiment stations have put forth every effort with the comparatively limited resources and facilities at their disposal. Apparatus for the measuring of fertility has been devised and soils from various areas have been placed under chemical control so as to determine the actions and effects of various plant foods (fertilizers), limes, legumes, and systems of cropping. The returns are of incalculable value, but soil problems are complex and results slowly achieved. (See news-letter attached.) With additional support, now that technical methods have been worked out dozens of other soil plants in as many States would be put into operation.

The returns from the agricultural stations of the South have more than justified the investment. Some of the results I shall here enumerate.

SEC. 1. The larger part of the Southern States is especially adapted to dairy and beef cattle production. This large part of the country has been deprived of a profitable cattle industry because of the prevalence of the cattle tick. In the effort to produce cattle in spite of the tick from $50,000,000 to $100,000,000 were annually lost in the infested territory. In addition, large amounts of money have been spent in carrying out quarantine and protective measures. Life history and habit studies of the cattle tick revealed methods of control and eradication. Already more has been saved in one year from these investigations than will be spent on the entire eradication program. In a few years this pest will be eradicated from the United States, many millions saved annually, and a vast territory opened to profitable dairy and beef husbandry. This means successful crop rotation and pasture areas that have heretofore been denied this territory and in turn assures the South of permanent cotton production without the social and economic penalties associated with a single crop system.

Since tick eradication was inaugurated four grand championship prizes in the beef classes of Shorthorn, Hereford, and Angus at the International Live Stock Exposition have been awarded to animals raised in what were formerly tick-infested States.

SEC. 2. Twenty years ago grain sorghums, plants usually productive in the dry areas of the Southwest, were practically unknown in that region. As the result of careful plant selection and breeding by the experiment stations in cooperation with the United States Department of Agriculture, more than 80,000,000 bushels are now annually produced.

SEC. 3. A few years ago the Louisiana stations undertook the introduction and selection of sugar-cane varieties from lands where the season was adequate for the maturing of seed. So successful were these experiments that the entire cane-producing territory of the South has been planted to one or more of these introductions. The qualities sought and procured in these experiments were storm resistance, greater tonnage per acre, and an increase in sugar content. The success of this work stabilized the sugar-cane industry and assured the continuance of this important crop in a territory better suited to cane growing than any other crop. It also saved the State large amounts of money invested in equipment for production, manufacture, and distribution of cane sugar.

SEC. 4. Cotton production has been threatened many times by insect and plant-disease attack. Anthracnose and angular leaf spot, two destructive seed-bearing diseases, have been investigated by the experiment stations of the Cotton States and means of control discovered. Through years of patient study of the life histories of these diseases it was found that the spores (seeds) of these parasitic plants were carried over from one season to another on the cotton seed and planted with it. Exhaustive laboratory tests proved that these spores were easily destroyed by drying, and the simple method of keeping seed in

thoroughly dry places for more than one season or drying by artificial heat killed the spores and saved the crop.

SEC. 5. Investigations by stations proved that a part of the life of the organism known as the apple rust was spent on common cedar. By the eradication of cedars to within 2 miles of the orchards the great losses accruing from rust were prevented.

SEC. 6. The citrus interest of the Nation have been twice threatened by enemy invasion, first by the cottony cushion scale, which was controlled by the introduction of the Australian "ladybug," a predaceous beetle, then again a few years ago by a most destructive disease known as canker. The researches which were begun at the Alabama Experiment Station clearly indicated the methods of extermination that finally eradicated the disease and saved a most profitable industry in a territory better adapted to citrus production than anything else.

SEC. 7. The stomach worm is a serious enemy to sheep. Investigations have revealed methods of control by systems of cropping and pasture changes that guarantee in grain and crimson clover areas a profitable spring-lamb production otherwise impossible.

SEC. 8. Throughout the South the weevil is the most destructive pest to stored corn. Large investments have been made to develop equipment to prevent this loss. Methods of preventing this weevil damage have been developed by experiment-station workers. Resistant strains of corn have been produced, and from habit studies of the insect a system of trapping the hibernating weevils has proven an excellent method of control.

SEC. 9. For many years serious loss occurred on sugar plantations and in factories from sugar inversion caused by molds that lived upon the sirup which enveloped the sugar grains. Experiment-station laboratory studies revealed the fact that extra drying destroyed the molds. At slight expense additional drying was provided and the loss prevented.

SEC. 10. Tobacco-plant beds have been ravaged by flea beetles. This insect has been one of the chief enemies of young plants. From recent studies it was found that the suckers or second growth produced from the stump after the crop was gathered supplied sufficient food to carry the beetles to the winter or hibernating period. By the destruction of the suckers, which are of no value, the beetle perished and the attack upon spring plant beds prevented.

SEC. 11. Throughout a large area of the Southern States the growing season extends through the winter months. From 10 to 20 per cent of the entire growing season is between the time of harvesting and planting of summer-grown crops. Barley, under such conditions, is an important crop. The beardless varieties were unable to endure the minimum temperatures, as were the bearded varieties. The latter, however, were unpopular and little grown. By cross breeding beardless barley varieties were produced upon the Tennessee Experiment Station. These productions are being extensively used for winter grain, thus utilizing the land during the winter growing season, preventing land erosion, and making possible the production of two crops a year. The barley provides winter pasture and a grain crop the equal of corn in feeding value and yield per acre.

SEC. 12. One of the great achievements of station investigations was the study and the discovery of the cause of so-called "clover sickness." Thousands of dollars were annually invested in the preparation and seeding of red clover, only to be lost by the "clover sick" disease. Both remedies and resistant strains were finally obtained, and clover again established in States where for more than a quarter of a century it had proven a failure. In addition to the value of the plant for hay, clover had been the main legume used for the recovery of nitrogen from the air. Its reestablishment upon the farms of the South is of incalculable value in forage production, soil restoration, and economical system of crop rotation.

SEC. 13. The soft-pork losses are under investigation. Peanuts and soy beans are vital to southern pork production. Discrimination against peanut-fed hogs is about one-fifth of the present value, which amounts to millions annually. A complete corn ration at the close of the fattening period gives promise of an early remedy for this serious loss.

I wish now for a few moments to call your attention to some conditions which are not only forcing changes in projects of research and investigation but a readjustment of our teaching and extension programs. These changes mean ultimately a very great revision of the agricultural practice in the South, which in turn will react upon the entire agricultural topography of the Nation.

1. The spread of the Mexican boll weevil over practically the cotton-producing area. One living outside this region can not realize what this means. Farms which for generations were devoted to cotton are now changing to pasture and hay crops or the growing of winter grains or are abandoned. Silos are under construction for the use in dairy and beef farming. Cooperative creameries producing products formerly imported from the North. Efforts in the production of fruit and vegetables are proving successful, and larger areas are being devoted to corn, beans, peanuts, and alfalfa for pork production. The experiment stations are the sources of information related to these adjustments. Unless investigational institutions can develop this information under conditions peculiar to the States involved, and in turn pass the information on to the extension forces, complications will arise and serious losses are inevitable.

2. The emphasis placed during the war upon the production of feed and food products necessary for home consumption, to make available the surplus for overseas and to lessen the congestion of railroad traffic, has become more or less of a fixed economic policy in the South. This has stimulated even home markets for surplus products. Commodities formerly imported from other sections of the country are less in demand. This is particularly true of hay, forage, corn, pork, dairy, and poultry products. The greatly increased freight rates have promoted the live-at-home policy.

3. There has been a remarkable change in the rural population of the South. Thousands of negroes migrated to the cities of the North and South during the war and the year immediately succeeding. Through southern winter resorts and otherwise the agricultural opportunities of the South on cheaper lands have become more generally known. The tide of immigration is gradually shifting from the West to the South. Economic changes are inevitable. The northern farmer must have information about the changes that a larger growing season and different climatic and soil conditions have upon the farm practice he brings with him. His social setting is different. He applies to the experiment station for assistance. His coming produces a new condition. He brings the experiment station's problem with him. I therefore submit, gentlemen, that these factors generate new problems for investigation. The investment of additional funds seems necessary by the conditions that are presented, and I feel sure that these supplemental funds will bring even greater returns to the agriculture of the Nation than the original amounts Congress appropriated under the Hatch Act.

POST OFFICE APPROPRIATIONS.

Mr. TOWNSEND. I ask that the Post Office appropriation bill, House bill 9859, be laid before the Senate and proceeded with.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. TOWNSEND. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for the consideration of the committee amendments first.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the bill for action upon the amendments of the committee as they are reached.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, under the head "Post Office Department, Washington, D. C.," on page 2, line 18, before the words "at $1,800 each," to strike out "18" and insert "28"; in line 19, after the word "and," to strike out "78" and to insert "86"; in line 24, before the word "assistant," to insert the word "two"; in line 25, before the figures "$1,000," to strike out "mounter" and to insert "mounters, at"; in the same line, after the figures "$1,000," to insert "each"; on page 3, line 14, before the figures "$1,200," to strike out "1" and to insert "3 at"; in the same line, after the figures "$1,200" to insert "each"; in line 16, before the figures "$1,000," to strike out "1" and to insert "3 at"; in the same line, after the figures "$1,000" to insert "each"; in line 19, after the words "at $660 each," to insert "6 chauffeurs at $1,000 each"; and in line 23, to change the total appropriation from "$1,798,730" to "$1,835,730," so as to make the paragraph read:

SALARIES.

Office, Postmaster General: Postmaster General, $12,000; chief clerk, including $500 as superintendent of buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,250; appointment clerk, $2,000; assistant to chief clerk, $2,000; confidential clerk to Postmaster General, $2,000; chairman, board of inspection, $2,000; chief inspector, $4,000; chief clerk to chief inspector, $2,000; purchasing agent, $4,000; chief clerk to purchasing agent, $2,000; assistant attorneys—1 $4,500, 1 $3,500, 2 at $2,750 each, 1 $2,500, 1 $2,000; bond examiner, $2,500; division of postal savings—director, $4,500; assistant director, $3,000; chief clerk, $2,500; clerk in charge of administrative section, $2,000; clerk in charge of audit section, $2,000; law clerk, $1,800; clerks—126 at $1,800 each, 172 at $1,600 each, 286 at $1,400 each, 356 at $1,200 each, 138 at $1,000 each, 26 at $900 each; skilled draftsmen—3 at $1,800 each, 5 at $1,600 each, 5 at $1,400 each, 7 at $1,200 each; map mounter, $1,200; 2 assistant map mounters, at $1,000 each; blue printer, $900; assistant blue printer, $840; telegrapher, $1,400; typewriter repairer, $1,200; 8 telephone switchboard operators at $720 each; 9 messengers in charge of mails, at $900 each; 20 messengers at $840 each; 18 assistant messengers at $720 each; captain of the watch, $1,200; additional to 3 watchmen acting as lieutenants of watchmen, at $120 each; 34 watchmen at $720 each; 2 engineers, at $1,200 each; 9 assistant engineers, at $1,000 each; 2 blacksmiths or steam fitters, at $1,000 each; 3 oilers, at $840 each; 16 firemen, at $720 each; 20 elevator conductors, at $720 each; chief engineer, $1,600; assistant electricians—2 at $1,200 each, 8 at $1,000 each; 2 dynamo tenders, at $900 each; carpenters—1 $1,600, 3 at $1,200 each, 2 at $1,000 each; plasterer and mason, $1,200; awning maker, $1,000; painters—1 $1,200, 3 at $1,000 each; plumbers—1 $1,200, 1 $1,000; laborers—foreman $900, assistant foreman $840, 2 at $840 each, 78 at $720 each, 4 at $660 each; 6 chauffeurs at $1,000 each; female laborers—1 $540, 3 at $500 each, 7 at $480 each; 58 charwomen at $240 each; actual and necessary expenses of the purchasing agent while traveling on business of the department, $500; in all, $1,835,730.

Mr. HARRISON. Will the Senator tell us how many new places are created and how many places have been allowed increased salaries in this provision?

Mr. TOWNSEND. There is only one case of an increase in salary in the bill. That is where we cut out the position of clerk in charge and substituted the position of assistant superintendent. There was one assistant superintendent. Formerly there had been two assistant superintendents, but it was changed in a previous bill to one assistant superintendent and one clerk in charge, the salary of the latter being $2,250. This official is doing as important work as the assistant superintendent, so we raised him to the same salary and gave him the title of assistant superintendent, making two assistant superintendents in this division.

Mr. HARRISON. He is getting $4,000 now?

Mr. TOWNSEND. No; we increase his salary to $3,000 and change his title from clerk in charge to assistant superintendent.

Mr. HARRISON. Is that the only place where an increased salary is provided for?

Mr. TOWNSEND. That is my recollection now.

Mr. HARRISON. I notice that the House provided for 118 employees at $1,800 a year, and the Senate committee has made it 126 employees, an increase of 8 places.

Mr. TOWNSEND. I did not answer the second question the Senator asked. The first was as to how many salaries had been increased. The Senator then asked me how many new places had been created. We created 16 clerkships, because the increase in the business of the Post Office Department required it. It is not out of keeping with the usual annual increase of places.

Mr. HARRISON. Six of those new places were at $1,800 each.

Mr. TOWNSEND. Eight of them, and eight of them at $1,400. The latter is the salary those clerks are receiving now. We put them in that grade.

Mr. HARRISON. Are these six chauffeurs at $1,000 new employees?

Mr. TOWNSEND. They are. Those are places which are now filled by clerks who are paid much more than $1,000 a year. Clerks are detailed to do this work, and they are detailed in other places for mechanical work, as carpenters, and so on.

After looking over the whole situation, and listening to all the evidence, it was thought that it would be better to create places, paying the employees smaller salaries. These chauffeurs are not for the officers of the department, but are for the service of the department, taking the mail from one place to another.

Mr. HARRISON. These places were recommended by the Budget Bureau?

Mr. TOWNSEND. All of them are, and many others were which are not in the bill.

Mr. KING. I would like to ask the Senator how many new positions were created by the bill as it passed the House?

Mr. TOWNSEND. I was just trying to answer that, and had not finished when the Senator from Mississippi sat down.

We have provided in this bill for 100 inspectors. We have added a hundred post-office inspectors to the bill, and that is a question I will be very glad to discuss when we get to it. If the Senator desires to have me discuss it now, before we reach it, I am perfectly willing to do so.

Mr. KING. I should be glad if the Senator would state the aggregate number of increases in the personnel.

Mr. TOWNSEND. I do not know that I can tell the Senator, but I have mentioned practically all of them. There may be a few more, but I think not. I do not recall any. I have not in mind any other places which have been created.

Mr. KING. Are most of the increases with respect to work in Washington, or do the increases relate to work outside of Washington, in various grades of the service?

Mr. TOWNSEND. We have made increases in a lump sum, as we always do; for instance, in Rural Delivery Service the usual amount made necessary by the growth of that department. That necessarily means the employment of carriers to cover the routes which are established; but we have created no new positions except those I have already mentioned. We created the position of chauffeur, instead of allowing clerks, drawing higher salaries, to do that work.

Mr. KING. Can the Senator state the aggregate number of increases for all purposes, inside of Washington and outside of Washington, including the number of increases for rural delivery, for activities upon the mail cars, and in all of the branches of the service?

Mr. TOWNSEND. I could not tell the Senator that.

Mr. KING. It would be a number of thousand, would it not?

Mr. TOWNSEND. Oh, no. We have necessarily had to provide for an increased number of clerks in the post offices due to the growth of the system, a growth which we have to meet every year. We have to make provision for the salaries. We do not mention the number of employees that can be secured, but carry it in the usual way.

Mr. KING. Is there any way of determining the number of increases in the personnel for all purposes, including rural free delivery, mail carriers, mail clerks, and so on?

Mr. TOWNSEND. I can not tell that. When we get to the items I can give a better estimate.

Mr. KING. Can the Senator advise the Senate as to the increase in the aggregate appropriations carried by the bill over the appropriation in the bill of a year ago?

Mr. TOWNSEND. If the Senator has the report——

Mr. KING. I have it.

Mr. TOWNSEND. He has the whole story there beginning on the first page. I want the Senate to understand that the bill is carrying items which were not carried in the last bill. We are carrying items of appropriation for the Post Office Department in Washington which have never been in our bill before. We are doing some things which necessarily add to the total appropriation, but the receipts and the disbursements are set forth on the first page of the report, and I think the Senator will find his answer there.

Mr. WARREN. The present bill carries the employees of the department in Washington who formerly were carried in the legislative, executive, and judicial appropriation bill.

Mr. TOWNSEND. That is correct.

Mr. HARRISON. How much does that amount to, may I ask the Senator, if he has the figures? What is the total amount carried in that item?

Mr. TOWNSEND. For the city of Washington?

Mr. HARRISON. I understand there are items carried in this bill that heretofore have been carried in another bill.

Mr. TOWNSEND. Yes.

Mr. HARRISON. What is the total amount of those items?

Mr. TOWNSEND. I am not able to answer the Senator. I have not figured that up. I think it is something over $4,000,000, but I am not certain.

Mr. HARRISON. The Senator from Michigan, in answer to the question of the Senator from Utah, states that he would find on the first page of the report the amount carried in last year's appropriation bill. I do not find it here. Will the Senator state it so that it will appear in the RECORD? I refer to the amount carried in the last Post Office appropriation bill.

Mr. TOWNSEND. The total amount is $576,000,000.

Mr. HARRISON. That includes deficiencies?

Mr. TOWNSEND. Yes; it includes everything that was in the bill that was used by the department.

Mr. HARRISON. What was carried, if the Senator has the figures, in the last general Post Office appropriation bill, not counting the deficiencies?

Mr. TOWNSEND. I have not had that given to me in separate items. I have it here as the total amount appropriated for the Post Office Department.

Mr. HARRISON. The total amount carried in the bill is how much?

Mr. TOWNSEND. Six hundred and twenty-three million dollars.

Mr. HARRISON. And the amount carried in the general appropriation bill last year, including deficiencies, was $576,000,000?

Mr. TOWNSEND. But that did not include any appropriation for good roads. That was simply for the Post Office Department proper. The present bill carries not only the amount for the Post Office Department proper but for roads.

Mr. HARRISON. How much is the amount carried for roads?

Mr. TOWNSEND. Fifty million dollars. We have increased the amount carried in the bill as passed by the House about $19,000,000.

Mr. KING. May I inquire of the Senator whether the deficit shown here of $166,671,064.44 is the deficit for the current year?

Mr. TOWNSEND. That was the excess of expenditures over receipts for the last fiscal year.

Mr. KING. One hundred and sixty-six million dollars?

Mr. TOWNSEND. Yes.

Mr. KING. Then, stripped of all extraneous matters, we lost $166,000,000 in the Post Office Department during the past year?

Mr. TOWNSEND. That included some items of deficiency which existed prior to last year. For instance, we fixed a rate by law for the carrying of mail by the railroads. We also provided that the Interstate Commerce Commission could review that rate, and if it was found an inadequate rate it could increase it. It did that and carried the increase back for three years. In the deficiency item that amount is charged, and it aggregates something like $76,000,000. Then there are some other items carried over.

Mr. KING. Of course a part of that would be a legitimate charge to this year?

Mr. TOWNSEND. The expenditures chargeable to the year included the year's increase for railroad transportation, about $30,000,000. This was in addition to the back pay mentioned. The expenditures also included about $41,500,000 increases in compensation under the reclassification act.

Mr. BROUSSARD. Mr. President, I think the Senator from Michigan misunderstood the question propounded by the Senator from Utah. I understood the Senator from Utah to ask if the Post Office Department had lost $166,000,000. As a matter of fact, it did not, because the bill does not carry the revenues derived from the Post Office Department which go into the Treasury. It is not a loss.

Mr. TOWNSEND. I am talking about the excess of expenditures over receipts.

Mr. KING. That would be a loss, would it not? If the expenditures exceed the receipts by $166,000,000, there would be that much loss.

Mr. TOWNSEND. If the Senator will take out of the items the amounts charged against the Post Office Department which it had to meet and which were included in its expenditures for previous years due to the railroads, then the whole difference ought not to be charged up to the last year.

Mr. KING. No; but there would be at least one-third of that $70,000,000 which would be chargeable to this year.

Mr. TOWNSEND. Yes; which the bill of last year did not have to meet.

Mr. KING. So that there would be considerably over $100,000,000 loss.

Mr. TOWNSEND. After deducting the amounts chargeable to previous years the deficit is shown to be $81,387,000, in round numbers.

Mr. KING. Does the Senator think that in the coming year the deficiency will be greater?

Mr. TOWNSEND. We do not think it will be greater, and at the same time we have tried to make appropriations so as to avoid deficiencies.

Mr. KING. Has there ever been a year when the deficiency or the loss has been greater than during the past year?

Mr. TOWNSEND. Probably not. If there had been a faithful statement of the receipts and disbursements for the fiscal year 1920, it would have approximated the amount that is carried over for the last year.

Mr. KING. Can the Senator advise the Senate the causes of the loss, whether it is in second-class postage or whether it is loss incurred in the parcel post or what particular branch of the service it is in?

Mr. TOWNSEND. I can say generally that the loss is caused very largely from the parcel post and the Rural Delivery Service, in neither of which, of course, do the receipts equal the expenses. The parcel post has grown immensely. There is a great loss in the Parcel Post Service.

Mr. KING. Does not the Senator think that if we are to continue the present parcel-post system the expenditures will be greatly increased, because of the need of constructing stations, sheds, and warehouses to care for the enormous freight which is now being placed upon the Post Office Department for carriage?

Mr. TOWNSEND. I believe it will be necessary to have some adjustment of the regulations and the rates. I have not any doubt about it. I do not think we will ever discontinue the parcel post. I think perhaps we have proceeded too rapidly in increasing the quantity allowed to be carried and in reducing the rates. However, that was not during the last year. The Joint Postal Commission is now at work, and has been for some time, in an effort to determine what is the cost of the different classes of mail—first, second, and fourth class. The third class does not amount to much.

Mr. KING. I will state to the Senator that I have had a good many letters, not only from my State but from other States, calling attention to the large warehouses which will be required in order to handle the enormous parcel-post work which is being devolved upon the department.

Mr. TOWNSEND. The parcel-post system is requiring a great deal more space in all of our large post offices. It is a serious matter how we are going to provide accommodations to care for this rapidly growing facility.

Mr. KING. Let me say to the Senator that it has become a freight business instead of a mere parcel post. I have observed in many places that all sorts of freight is carried, lumber and flour and fruit, and even coal, and merchandise that formerly was carried by individuals and corporations that were engaged in what we call in the West a freighting business, and by express companies. The Government does so much of this class of business that many private corporations and individuals have been forced to abandon it. Corporations and partnerships engaged in the freight business have gone out of business because of the competition of the Government. The Government has lost millions of dollars in carrying that class of freight. Necessarily it could not be otherwise.

Mr. McKELLAR. Mr. President, if the Senator from Michigan will permit me, I will say to the Senator from Utah that while there are some losses during the last year on the parcel post, that has not been uniformly the case in the past. If he would devote some of his attention to second-class matter he would come nearer putting his finger on the real causes of the losses in the Post Office Department. There are infinitely more losses in the second-class mail matter than in the Parcel Post Service; but I think we all realize that the parcel post is one of the most valuable agencies of the entire Post Office Department. Surely in these days of enormous rates we ought not to throttle this agency which gives the people the right to send articles at lower rates.

Mr. KING. Let me say to the Senator from Tennessee that I have given a good deal of attention to the question of second-class postage and have introduced one or more bills appertaining thereto, but they do not get any further than the committee.

Mr. McKELLAR. Oh, no; the Senator is mistaken about that. In the last year or two we have increased the rates on second-class matter, and a considerable change for the better has been made in that respect. But the Senator was talking about the losses in the department. The greatest losses in the department come from the second-class mail matter.

Mr. KING. I do not pretend to state where the greater losses come from. I know that the losses have been very great on second-class matter, and I have introduced a bill for the purpose of correcting the situation and to relieve the country from the great losses; but I do believe that the losses are very great from parcel post.

I do not agree with the Senator from Tennessee if he means by his position that the Government should conduct a general freighting business. I think it is absurd that the Government of the United States should be carrying coal and flour and all sorts of merchandise, lumber, and matters that belong to the freighting business or the express business. The parcel post is being prostituted to a purpose for which it was never designed, in my opinion.

Mr. TOWNSEND. I desire to state again that there is a good deal of controversy over the cost of second-class mail matter and fourth-class mail matter and parcel post. We all have our ideas, more or less nebulous, more or less doubtful, as to the facts. The Joint Commission on Postal Service is trying to determine now what the facts are relative to the cost of the various classes of mail. I think it is the most important thing we can establish. I quite agree with the Senator from Tennessee that the parcel post is here to stay, but there are limitations to it. However, it must be made to pay the expenses incurred, the same as second-class mail matter ought to pay its fair proportion of the cost of handling. We do not want to make any money out of it, but all branches of the department should at least be self-supporting.

Mr. KING. Then, if I understand the Senator, the statements which have been so recently put out—at least I have seen the statement in a number of newspapers—that the Post Office Department is paying expenses are not accurate, but, as a matter of fact, the loss for the fiscal year ending June 30, 1922, will be more than $100,000,000?

Mr. TOWNSEND. I think the cost in excess of receipts will be in the neighborhood of from $70,000,000 to $75,000,000.

Mr. KING. It is one hundred and fifty-odd million dollars, including the item of $70,000,000 which the Senator has explained.

Mr. McKELLAR. If the Senator will permit me, the principal items entering into the increased cost are two: One, which the Senator from Michigan mentioned a while ago, is the increase in the rates which was allowed by the Interstate Commerce Commission; and the other is the increase in salaries which was provided a year or two ago. Those are the two items of increase. In my judgment, it is not possible to state accurately what the figures will show during the coming fiscal year beginning July 1, 1922. But certainly this department should not be run on any other theory than that it shall be self-sustaining. So far as I am concerned, I would be unwilling to vote for any bill or any proposition which should violate the principle that the Post Office Department should be run on a self-sustaining basis.

Mr. OVERMAN. Who compose the commission which is making the investigation into postal affairs?

Mr. McKELLAR. It is composed of five Senators and five Representatives. If the Senator desires their names, I will say that the Senator from Michigan [Mr. TOWNSEND] is the chairman, and he, the Senator from New Hampshire [Mr. MOSES], the Senator from South Dakota [Mr. STERLING], the Senator from Massachusetts [Mr. WALSH], and myself are the five members on the part of the Senate. The members on the part of the House are Mr. STEENERSON, the chairman of the Committee on Post Offices and Post Roads of that body; Mr. ROUSE——

Mr. OVERMAN. I do not care for the names of the Members of the House or the Senate. Are there any outsiders on the commission?

Mr. McKELLAR. There are, I believe, no outsiders at all on the commission.

Mr. TOWNSEND. There is one, the chief inspector, from the Post Office Department.

Mr. McKELLAR. There is an inspector from the Post Office Department, but I am not sure whether or not he is a member of the commission.

Mr. TOWNSEND. He is a member of the commission under the law.

Mr. McKELLAR. I did not recall that fact.

Mr. HARRISON. I desire to ask the Senator, if he will yield to me for that purpose, whether the commission is progressing in the work with which it is charged?

Mr. McKELLAR. I can not say that it is doing so as to all of its work. Its action is dependent, of course, on the opinions of the members of the commission, and there are some things as to which we differ very materially, but I wish to say that I think the commission has the good of the service at heart and the good of the Government at heart, and is doing a splendid work in making examinations and reporting upon matters which have been committed to it under the law.

Mr. HARRISON. Then the commission has filed reports?

Mr. McKELLAR. It has submitted a number of reports.

Mr. HARRISON. How long ago was it appointed?

Mr. McKELLAR. I do not recall the exact date, but I have been a member of the commission for about 8 or 10 months.

Mr. TOWNSEND. The commission was created when the former Senator from Alabama, Mr. Bankhead, was a member of the Committee on Post Offices and Post Roads, under a law which was passed by the two Houses of Congress at that time. It has been in existence and working on these matters really since a year ago last August. We shall reach the item to which this discussion relates later; but I may say here that the commission has submitted some reports to the Senate and to the other House. It has also made many recommendations to the Post Office Department, which have been followed, and which have resulted in material changes in the administration and conduct of that department.

Mr. HARRISON. I may say to the Senator that my questions do not carry with them any censure of the commission. I have understood that the commission has performed a great work, that it has worked hard, and has made reports and has conducted a pretty thorough investigation of matters which were placed in its charge. That was very gratifying to me, for I have always felt that a joint committee composed of Members of the Senate and of the House could accomplish something; that they could really work and evolve plans looking to the improvement of the conditions under investigation. The history of the postal commission is quite different from that of the Joint Committee on the Reorganization of the Executive Departments, which was appointed a year or more ago, and was composed of three Members of the Senate and three Members of the House of Representatives. If it had been left to that personnel, I have no doubt the joint committee would have investigated the various departments, would have effected certain coordinations, would have eliminated certain useless offices, and would have saved the taxpayers some money. It was, however, thought wise that the executive departments should have a representative on the Joint Committee on Reorganization. They appointed their representative, and he was made the chairman of the Reorganization Committee. He has been making his investigations, but I have seen in the newspapers recently that nothing will be done by the Reorganization Committee during the present session of Congress.

I happen to be a member of that joint committee, and I know that it has done nothing, and it seems to me that it is going to do nothing. That is due solely to the fact that the executive department has interfered in the matter, and has a representative who does not call the committee together. The committee has made no investigation, and of course we might be charged with negligence. I wish that committee could have performed its work, as has the joint commission which has investigated the Postal Service, without the interference of any executive department.

Mr. McKELLAR. I wish to say to the Senator from Mississippi that in so far as the postal commission is concerned, the executive member of it has had, comparatively speaking, very little to do with the commission. As I have said, the head of the commission is the Senator from Michigan [Mr. TOWNSEND], who has, of course, taken the lead in everything in connection with the work of the commission, without any interference, so far as I have been able to see, on the part of the executive member of the commission. I believe—and I make the statement without intending to give myself any credit, for I have only been a member of the commission for a short time—from what I have seen of the postal commission that it is a very necessary and a very proper commission; and though generally I am opposed to commissions, and think we have entirely too many of them, it seems to me that the postal commission is doing a very good work.

Mr. HARRISON. That goes to show that the postal commission acted wisely; they selected the distinguished Senator from Michigan as chairman of the commission, and he has called meetings. The Joint Committee on Reorganization, however, did not act wisely. I thought the wise thing to do was to have appointed the Senator from Utah [Mr. SMOOT], or the senior Senator from New York [Mr. WADSWORTH], as chairman of the reorganization committee. If either of those Senators had been selected as chairman they would have called the reorganization committee together; we would have had hearings, and before now we would have made a report to Congress. Instead of that, however, there was appointed as chairman a man who had no legislative experience, so far as Congress was concerned, who had no knowledge of the various departments which he was charged to coordinate, and consequently he has called no meeting of the committee since April 6 of last year, and I presume there will be none called.

Mr. KING. Mr. President, I desire to pursue this inquiry just a moment further.

Mr. TOWNSEND. Is the Senator about to refer to some matter prior to page 4?

Mr. KING. The inquiry I desire to make is general in its character.

Mr. TOWNSEND. If we can proceed with the bill and bring these matters up in their order, I can give the Senator better information if he will wait until some specific question is before the Senate.

Mr. KING. The questions in regard to which I desire to propound inquiries are of a general character and relate to the entire bill. Now that we have gone into the subject, let us conclude the matter.

Mr. McKELLAR. Is the Senator about to read from the report?

Mr. KING. Yes. As I understand the deficit for the fiscal year 1921 was $157,502,398.95. The deficit for the current year will be in the neighborhood of $100,000,000, or, as I understood the Senator from Michigan, perhaps a little less. Assuming those facts to be true, I want to ask the Senator what provision is being made to increase the revenues so as to avoid these great deficits or what economies are being suggested in this bill, so that we may not have such enormous deficits each year?

Mr. TOWNSEND. The committee has recommended only such amounts as are absolutely necessary for conducting the Post Office Department. By reason of the increase of salaries under reclassification legislation enacted about a year ago over $41,000,000 additional on account of salaries had to be provided last year. This added to the deficiency. In addition there was something like $30,000,000 in increased compensation to the railroads, making a total of something like $71,000,000 in addition to the back pay of $76,000,000 to the railroads.

If the revenues of the department increase materially—and I think they are increasing and are likely to continue to increase somewhat—they will reduce any probable deficit next year. That will help to some extent, but it will be necessary to readjust some of the mail rates if we are going to get the money necessary to meet the expenses of the department. We are getting from the department now an absolutely honest accounting; there is no misrepresentation being made to Congress as to the receipts and disbursements of the Post Office Department. As I have said to the Senator, we are trying to find out—and I hope we shall find out before another Post Office Department appropriation bill comes before the Senate—what the department is receiving and what it is costing to handle the different classes of mail matter. As soon as that is ascertained it will be for Congress to determine whether it will make the various classes of mail matter self-supporting or whether the department shall continue to handle some of them at a loss.

Mr. KING. Then, as I understand the Senator, unless great economies are carried into execution during the fiscal year 1923, or unless the receipts are very much greater, there will be a large deficit for the year 1923.

Mr. TOWNSEND. There will be a deficit, but I do not think it will be as large as the one for the current year; I have no reason to believe that it will be. For the Post Office Department we are not making as large an appropriation as we did last year. We have reduced the appropriations where we could and where we thought it would not interfere materially with the administration of the department.

Mr. KING. Does not the Senator think, in view of the certainty that there will be a great deficit, that this bill or some supplemental legislation ought to provide the money for the deficit rather than withdraw it from the Treasury?

Mr. TOWNSEND. The committee is not in a position to legislate on that matter in connection with an appropriation bill. We have not the information before us. I have tried my best, as have other members of the committee and of the postal commission, to find out what the several branches of the service are costing. Headway can not be made by guessing at the facts; so we are trying to ascertain them and are doing so with the least expense possible.

The experts of the department are assisting us, and, with our experts, we are trying to find out the facts. I hope we shall be able to arrive at a correct ascertainment before we have another Post Office appropriation bill.

Mr. KING. I hope so, because I think it is very unfair to the taxpayers to have a bill here every year which carries from $80,000,000 to $150,000,000 more than the amount received from the service, so that there is a deficit which has to be met from general taxation.

Mr. McKELLAR. The Senator is mistaken about that being the case every year. I think the last year was the first year when there was ever any such deficit.

Mr. OVERMAN. Mr. President, I should like to inquire what is the difference between the appropriation bill this year and the appropriation bill of last year?

Mr. McKELLAR. There is a difference of about $3,000,000, as I recall the figures.

Mr. OVERMAN. Does the pending bill appropriate $3,000,000 more or $3,000,000 less than the bill of last year?

Mr. McKELLAR. Three million dollars less. I think that is correct; I am merely giving the figures as I find them here.

Mr. OVERMAN. I understand the service will cost more this year than last year, but that this year the appropriation will be $3,000,000 less than last year. How is that?

Mr. McKELLAR. Mr. President, in this particular bill $573,000,000 are appropriated, exclusive of $50,000,000 for roads, which should not be included as a post-office item. There were $576,000,000 appropriated last year. I am merely giving the round figures.

Mr. TOWNSEND. I do not understand the question of the Senator from North Carolina.

Mr. OVERMAN. I asked why it was that the appropriations for this year for the general expenses of the Post Office Department are $3,000,000 less than for last year?

Mr. TOWNSEND. We have accomplished a good many economies through the action of the joint commission that I have been talking about. The Senator from New Hampshire informs me that we appropriated something over $1,000,000 to correct errors which occurred in the reclassification bill, the things that had been omitted that we put into this bill.

Mr. OVERMAN. That looks as though it would make an increase.

Mr. TOWNSEND. Yes; but it would have been $1,000,000 less than that—less than $3,000,000.

Mr. McKELLAR. I call the attention of the Senator from North Carolina to the figures on page 2 of the report:

> The appropriations for the current year, including deficiencies, amount to $576,680,645.45.

A little lower down the report says:

> The bill as reported to the Senate carries $623,773,536.50.

When you take from the last figure the sum of $50,000,000 for roads included in this bill, it will be seen that the present bill carries, exclusive of roads, $573,773,536.50, as opposed to the $576,680,645.45 of last year.

Mr. OVERMAN. That is more than it was last year.

Mr. McKELLAR. No; $3,000,000 less—$573,000,000 as against $576,000,000.

Mr. OVERMAN. The bill as passed by the House carried an appropriation of $554,000,000.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, in the items for office of the First Assistant Postmaster General, on page 4, line 18, before the word "assistant," to insert "two"; in the same line, after the word "assistant," to strike out "superintendent" and to insert "superintendents at"; in the same line, after the figures "$3,000," to insert "each"; in line 19, before the word "division," to strike out "clerk in charge, $2,250"; and in line 23, to change the total of the appropriation from "$28,250" to "$29,000," so as to make the paragraph read:

> Office First Assistant Postmaster General: First Assistant Postmaster General, $5,000; chief clerk, $2,500; division of post office service—superintendent $4,000, 2 assistant superintendents at $3,000 each; division of postmasters' appointments—superintendent $3,000, 2 assistant superintendents at $2,000 each; superintendent, division of dead letters, $2,500; chief, division of correspondence, $2,000; in all $29,000.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, on page 5, at the bottom of the page, line 23, I want to correct the total by adding the amount that we put in there. I move to strike out "$1,902,880" and insert "$1,940,630."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Michigan.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, under the subhead "Contingent expenses, Post Office Department," on page 7, after line 5, to insert:

> For rent of suitable buildings in the District of Columbia for the use of the Post Office Department, including the Division of Equipment and Supplies, not exceeding $35,000; for gas, electric power, light, fuel, and for the expense of removal of such divisions, offices, or parts of divisions and offices of the Post Office Department, as the Postmaster General shall direct, to and from the several Government owned and rented buildings occupied by the Post Office Department in the District of Columbia, $17,000; in all $52,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head, "Field service, Post Office Department, Office of Postmaster General," on page 9, after line 8, to insert:

> The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of $5,000 is hereby appropriated: *Provided*, That the sums so paid to employees in accordance with this act shall be in addition to their usual compensation: *Provided further*, That the total amount paid under the provisions of this act shall not exceed $1,000 in any month or for any one invention or suggestion: *Provided further*, That no employee shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns: *Provided further*, That this appropriation shall be available for no other purpose.

The amendment was agreed to.

The next amendment was, in the items for office of chief inspector, on page 10, line 21, after the word "and," to strike out "four hundred and twenty" and to insert "five hundred and twenty," so as to read:

> Office of chief inspector: For salaries of 15 inspectors in charge of divisions, at $4,200 each; and 520 inspectors——

Mr. HARRISON. Can that go over?

Mr. TOWNSEND. If the Senator desires.

Mr. HARRISON. Yes; there will be quite a good deal of discussion on that.

Mr. TOWNSEND. Very well; let it go over.

Mr. HARRISON. Mr. President, I notice on that page an item for compensation of a special assistant to the Attorney General, and so forth. We are not taking up anything but the Senate amendments now, are we?

Mr. TOWNSEND. That is all.

Mr. HARRISON. May I ask in this connection, anyway, about that item of $6,000 for compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and so forth? Is that a new job?

Mr. TOWNSEND. No; that is a position that Mr. Stewart has held for a number of years.

The VICE PRESIDENT. The amendment on page 10, lines 21 and 22, will be passed over.

Mr. McKELLAR. The other amendments in that paragraph had better go over, too.

Mr. TOWNSEND. They will have to go over with the other one.

The VICE PRESIDENT. The amendments will be passed over.

Mr. TOWNSEND. The items on lines 22 and 23 have gone over, and necessarily they will carry over the amount on page 11, line 5.

Mr. McKELLAR. The total is included down on page 10; but as the expenses in part would affect the other item, they ought to go over, too.

The VICE PRESIDENT. Without objection, that will be done. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the First Assistant Postmaster General," on page 11, line 20, to increase the appropriation for compensation to postmasters from "$43,000,000" to "$43,300,000."

The amendment was agreed to.

The next amendment was, on page 11, line 26, to increase the appropriation for compensation to clerks and employees at first and second class post offices, including substitutes for clerks and

employees absent without pay, from "$100,000,000" to "$103,000,000."

The amendment was agreed to.

The next amendment was, on page 12, line 6, before the words "at $1,350 each," to strike out "five hundred" and to insert "nine hundred and eighty-six"; in line 8, before the words "at $1,450 each," to strike out "two thousand six hundred and twenty-five" and to insert "two thousand five hundred and thirty-five"; and, at the end of line 8, to change the total appropriation from "$4,530,000" to "$5,000,000," so as to make the paragraph read:

For compensation to watchmen, messengers, and laborers, 986 at $1,350 each; 2,535 at $1,450 each; in all, $5,000,000.

Mr. TOWNSEND. Mr. President, in the committee amendment, on page 12, line 8, I move to strike out the word "thirty-five" and insert the word "thirty."

The amendment to the amendment was agreed to.

Mr. TOWNSEND. And the total should be corrected so as to read "$4,999,000" instead of "$5,000,000."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, line 21, to increase the appropriation for allowances to third-class post offices to cover the cost of clerical services from "$3,900,000" to "$4,250,000."

The amendment was agreed to.

The next amendment was, on page 12, line 23, to increase the appropriation for rent, light, and fuel for first, second, and third class post offices from "$11,000,000" to "$12,000,000."

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I should like to have the amendment on page 12, line 6, go over for further explanation. It is the amendment increasing the number of watchmen, messengers, and laborers from 500 to 986.

Mr. TOWNSEND. I think I can explain that to the Senator in just a moment, unless he wants to consider it further. If he does, I have no objection to having it go over.

Mr. OVERMAN. I think this important bill ought to be considered——

Mr. TOWNSEND. All right. I move to reconsider the vote by which that amendment was adopted, and ask that the amendment go over.

The VICE PRESIDENT. In the absence of objection, that order will be made.

Mr. TOWNSEND. I take it there is no objection to the amendment we made striking out "thirty-five" and inserting "thirty," is there?

Mr. OVERMAN. No.

Mr. TOWNSEND. So that that may stand.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, at the end of line 23, to insert the following proviso:

Provided, That the Postmaster General may use not exceeding $10,000 of this appropriation for adjusting claims arising under section 1 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885: *And provided further*, That hereafter a lease shall not cease or terminate when a post office can be moved into a Government building unless the Postmaster General deems it to be in the interest of the public service.

Mr. HARRISON. Mr. President, I desire to ask a question about the last proviso of this amendment:

That hereafter a lease shall not cease or terminate when a post office can be moved into a Government building unless the Postmaster General deems it to be in the interest of the public service.

Do these leases now provide that in the event the Government erects a building the leases shall be terminated?

Mr. TOWNSEND. Every lease must provide that.

Mr. HARRISON. That is the present law, is it?

Mr. TOWNSEND. That is the present law.

Mr. WARREN. It has been, I will say to the Senator, for a great many years.

Mr. HARRISON. Then why should it be changed, so that that rule will be changed?

Mr. TOWNSEND. For this reason: Several Postmasters General have been before our committee and before the Congress asking that they be relieved of that requirement, except at the discretion of the Postmaster General, because in many of these places—the great mass of them, 99 per cent of them—there never is any possibility that the Government will erect a building into which they can move out of the rented premises; and yet the very fact that that clause is in the lease makes it impossible for the Government to get as low a lease as it could obtain if that provision were not in it. Wherever it is likely that within the 10-year period for which the lease is made the Government will erect a building of its own there, the Postmaster General will insert that clause; but where it is not at all likely, it is simply adding a burden of expense upon the Government to include it in the lease. That has been the recommendation of Mr. Burleson, the present Postmaster General, I think Mr. Hitchcock, and others. They have stated that it has always prevented them from getting as low a lease as they could have obtained if that were left out.

Mr. HARRISON. And this proviso is unanimously reported?

Mr. TOWNSEND. It is; and the joint commission recommended that that be done after thoroughly investigating it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 13, line 10, to increase the appropriation for miscellaneous items necessary and incidental to post offices of the first and second classes from "$700,000" to "$775,000."

The amendment was agreed to.

The next amendment was, on page 13, line 13, to increase the appropriation for pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, City Delivery Service, from "$70,000,000" to "$70,500,000."

The amendment was agreed to.

The next amendment was, on page 13, line 22, to reduce the appropriation for village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, from "$1,500,000" to "$1,300,000."

Mr. HARRISON. Mr. President, why is that reduction in the appropriation for village delivery service made?

Mr. TOWNSEND. The Post Office Department for some time has believed that it was an unwarranted cost to the Government to maintain free village delivery. The House added $200,000 to that appropriation for the extension of village delivery. The committee felt that we ought to continue that service where it is now being rendered, but that we ought not to enlarge it at the present time; but we objected to discontinuing any service where it already exists, and for that reason we fixed the amount at the cost of the present service.

Mr. HARRISON. So the service will not be abolished where it exists now?

Mr. TOWNSEND. There will not be a change in any existing office.

Mr. HARRISON. But this is the beginning of the policy not to extend rural free delivery in these villages?

Mr. TOWNSEND. That is the policy until we can know more about it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 13, line 24, to increase the appropriation for car fare and bicycle allowance, from "$900,000" to "$950,000."

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 14, line 23, to increase the appropriation for mail messenger service, from "$6,500,000" to "$7,000,000."

The amendment was agreed to.

The next amendment was, on page 14, line 25, to increase the appropriation for inland transportation by railroad routes, from "$86,000,000" to "$93,000,000."

The amendment was agreed to.

The next amendment was, on page 15, line 8, to insert the following additional proviso:

Provided further, That not exceeding $500,000 of this appropriation may be expended for mail messenger service in lieu of payments to railroad companies for side and terminal service.

The amendment was agreed to.

The next amendment was, on page 15, after line 9, to insert:

For the operation and maintenance of aeroplane mail service between New York, N. Y., and San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr., including necessary incidental expenses and employment of necessary personnel, $1,900,000.

Mr. OVERMAN. Mr. President, I should like to ask the Senator whether this airplane mail service has been a success? I remember the Senator's statement here before, that the appropriation was for experimental routes. Is the service to be extended?

Mr. TOWNSEND. No.

Mr. OVERMAN. Is it a success?

Mr. TOWNSEND. Well, it has been a success in this respect: It has demonstrated the possibility of maintaining airplane service under all possible conditions. They make a flight from the Atlantic to the Pacific. We cut out last year all the side lines, because we wanted to make this one demonstration complete. During the last year, as I recall—perhaps not quite so long, but I think it is a year—there has not been a single fatality in this service, and their connections have been very close indeed. They have demonstrated that they can carry the mail in that way.

If we are talking about carrying the mail at a profit by the Airplane Service at the present time, of course we are talking without the facts. It costs more to carry the mail by airplane than by rail. There is some expedition in it, however, and it is demonstrating the possibilities of this service. Moreover, in a manner its operation pays quite a large percentage of the cost of operation.

Furthermore, it establishes a line of defense across this continent from east to west. The airdromes and the landing places established, which are generally furnished by the people who live along the line, make this, to my mind, and in the opinion of the committee, a desirable thing to continue. Furthermore, we will not get private enterprise to invest the money necessary to develop this facility, the possibilities of which no man can see. We feel that it will be a mistake now, after our experience and with the success we have had during the last year, to discontinue this project for another year. We want to continue it for one year. The House cut it out, but we felt it ought to be continued, and I take it that the House will leave it in when it comes to vote in conference.

After the demonstration has been made, after the experiment has been fully completed, it is altogether possible that arrangements can be made with private enterprise to take hold of this service by airplane throughout the country. They can not do it now, although one enterprise which the Government is paying for, under contract, is running a line from Key West, in Florida, to Cuba. That is by hydroplane, and it is very successful.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 15, lines 10 to 14.

The amendment was agreed to.

The next amendment was, in the items for Railway Mail Service, on page 15, line 23, to strike out "$43,000,000" and to insert "$44,580,000," so as to make the paragraph read:

Railway Mail Service: For 15 division superintendents, 15 assistant division superintendents, 2 assistant superintendents, 1 assistant superintendent in charge of car construction, 121 chief clerks, 121 assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, $44,580,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Third Assistant Postmaster General," on page 17, line 7, to increase the appropriation for manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, and for coiling of stamps from "$1,200,000" to $1,400,000."

The amendment was agreed to.

The next amendment was, on page 17, line 9, to increase the appropriation for manufacture of stamped envelopes and newspaper wrappers, "$4,500,000" to "$5,000,000."

The amendment was agreed to.

The next amendment was, on page 17, line 17, to increase the appropriation for payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured and collect-on-delivery mail from "$4,365,000" to "$4,500,000."

The amendment was agreed to.

The next amendment was, under the subhead, "Office of the Fourth Assistant Postmaster General," on page 19, line 7, to increase the appropriation for miscellaneous equipment and supplies, etc., from "$900,000" to "$1,500,000," so as to read:

For miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, stamps, letter-box paint, sealing machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to name, metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, copying presses, numbering machines, time recorders, letter balances, scales, test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, for miscellaneous expenses in the preparation and publication of post-route maps and rural-delivery maps or blue prints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural-delivery service, and for letter boxes, $1,500,000.

The amendment was agreed to.

The next amendment was, on page 19, line 12, to insert the following proviso:

Provided, That not exceeding $500,000 of this appropriation shall be available for the purchase and shipment of post-office equipment for use at first, second, and third class post offices.

The amendment was agreed to.

The next amendment was, on page 20, line 10, to increase the appropriation for rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, etc., from "$350,000" to "$376,500."

The amendment was agreed to.

The next amendment was, on page 20, line 10, to insert the following proviso:

Provided, That not exceeding $26,500 of this appropriation shall be expended for completing the purchase and installation of one letter-distributing machine, if upon test such machine is found by the Postmaster General to be satisfactory and efficient, and for no other purpose.

The amendment was agreed to.

The next amendment was, on page 20, line 24, to increase the appropriation for the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, etc., from "$2,050,000" to "$3,050,000."

The amendment was agreed to.

The next amendment was, on page 21, line 6, to insert the following proviso:

Provided, That $1,000,000 of this appropriation may be used for the purchase of canvas from the Atlanta Penitentiary.

Mr. OVERMAN. That is another item I would like to ask the Senator about. We had some discussion in the Committee on Appropriations as to whether we could make canvas in a penitentiary at a profit, or whether we could make it at all, and what it would cost.

Mr. TOWNSEND. We are making the canvas at the Atlanta Penitentiary at a profit. I have forgotten how much, but it is quite a substantial profit. That profit now all goes to the Department of Justice. There must be some arrangement made whereby under this provision part of it shall go to the Post Office Department. We have established that industry at the Atlanta Federal prison, and unless we continue the manufacture of canvas for the needs of the Post Office Department that activity will go out of existence and those men will have nothing to do. It was investigated very thoroughly, and it was found desirable to keep the prisoners at work, and we can put them to work making this canvas, make a profit for the Government, and save the Post Office Department a large amount of money.

Mr. OVERMAN. That is what was predicted. I remember it went into one of the appropriation bills, and there was quite a discussion about it. So I wished to inquire whether, as was predicted, it would save the Post Office Department some money.

Mr. TOWNSEND. It is doing that, and I notice by the record they made this last year $200,000 profit at the Atlanta prison in this work.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the word "offices," to strike out "$12,750,000" and to insert "$12,950,000. And the Postmaster General is authorized and directed to investigate conditions arising from contracts in the star-route, screen-wagon, and other vehicle service entered into prior to January 1, 1918, with a view to determining whether any adjustment should be made in the compensation for the fiscal years ended June 30, 1918, June 30, 1919, June 30, 1920, and June 30, 1921, and make a report of his findings to the Congress not later than the first Monday in December, 1922," so as to make the paragraph read:

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, $12,950,000. And the Postmaster General is authorized and directed to investigate conditions arising from contracts in the star-route, screen-wagon, and other vehicle service entered into prior to January 1, 1918, with a view to determining whether any adjustment should be made in the compensation for the fiscal years ended June 30, 1918, June 30, 1919, June 30, 1920, and June 30, 1921, and make a report of his findings to the Congress not later than the first Monday in December, 1922.

Mr. TOWNSEND. I offer an amendment on line 12, page 21. I move at the end of the line to strike out the word "investigate" and to insert the word "ascertain," the idea being that the department might feel justified in going into a big investigation, whereas they can ascertain the facts and report them to us without such an investigation.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 21, line 23, after the word "thereof," to strike out "$86,800,000" and to insert "$87,185,000," so as to make the paragraph read:

For pay of rural carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $37,185,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to insert section 2 in the following words:

SEC. 2. That the joint commission authorized under section 6 of the act approved April 24, 1920, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," is hereby continued until June 30, 1922, to complete the investigation and to prepare a detailed report containing a summary of its findings thereof, and such recommendations as to legislation as it may deem proper: *Provided*, That the said commission shall not expend a greater sum that $125,000 during the fiscal year 1923.

Mr. OVERMAN. I notice an item on line 19, page 22, of which I would like to have some explanation, the language being, "That the said commission shall not expend a greater sum than $125,000." That means it will spend $125,000, of course. What is it to be spent for?

Mr. TOWNSEND. It does not mean that that amount will be spent, Mr. President. In the first place, when this commission was first created, it had an unlimited amount of money to expend, and it did not expend a large sum. The next year it had $150,000 to expend, and it did not expend $150,000. My recollection is that it spent not over $100,000. We would not ask for this amount now if it were not for the tremendous job we have on our hands of ascertaining the cost of carrying the different classes of mail, which I think will be one of the most valuable things for the Congress to know in connection with the Post Office Department.

Mr. OVERMAN. The commission employs experts to investigate this matter, and, of course, it has to pay them.

Mr. TOWNSEND. We now have two expert engineers who are working with the department on the determination of this cost. When we first started, we had several expert engineers, the first year. We went over the cities of New York, Boston, Philadelphia, Chicago, Detroit, and some others, to determine the conditions as to the parcels post, the conditions of the buildings where new buildings were asked for, where we had to move out of the old ones, and also to determine what the vehicular conditions were as to the machines which are handling the mail. We went into all those things from a scientific, careful standpoint.

We have besides that what is known as the postal expert committee, which serves without pay, because we take them from the department. We send them to make investigations where we want investigations of particular subjects made. We are confining our paid assistants to the two expert engineers, who are working with the Post Office Department and the postal commission. That, however, is going to require some additional postal help in the various post offices, temporarily. When we come to make a compilation we can not take all the force we need from the Post Office Department clerks without materially interfering with their work; but it will not exceed $125,000.

Mr. OVERMAN. Is this money disbursed by the chairman of the commission?

Mr. TOWNSEND. The disbursements are made under the direction of the chairman, and are audited by the Post Office Department.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert section 3, in the following words:

SEC. 3. That post-office inspectors and superintendents and assistant superintendents of the Railway Mail Service are hereby authorized to administer and certify such oaths or affirmations of office as are required by law to be taken by persons employed in the Postal Service. That post-office inspectors in addition to the power to administer such oaths and affirmations are also hereby authorized to administer in the exercise of their duties as inspectors oaths and affirmations required by law or by the rules or regulations of the Post Office Department.

Mr. HARRISON. If I understand this section, it means that these inspectors may administer oaths.

Mr. TOWNSEND. Yes; that is true.

Mr. HARRISON. I make a point of order against the amendment, that it is new legislation on a general appropriation bill.

Mr. TOWNSEND. Of course, this item was recommended by the department. Undoubtedly the Senator must have some good reason for making his point of order.

Mr. HARRISON. I suppose the Senator does not contend it is not subject to the point of order?

Mr. TOWNSEND. I shall not contend about it either way, as far as that is concerned. It is immaterial to me. It was contended by the department, and has been for some time, that it would save a lot of expense and a lot of time if the men who are making these investigations could administer oaths to the various employees who have to take oaths at different times. It would be an economy and a great accommodation if these officers on the ground, sent out to make investigations, could administer oaths, instead of calling somebody else in.

Mr. HARRISON. The Senator is not very much interested in that item. Especially when we are about to create positions for 100 new inspectors—which job is largely political, always has been, and I presume always will be—I should very much dislike to see a law passed authorizing those officers to go around and administer oaths to people when they could carry out whatever prejudices they might have against certain individuals. Therefore I make the point of order against it.

The VICE PRESIDENT. Will the Senator state his point of order more at large?

Mr. HARRISON. This is a general appropriation bill. The amendment is certainly new and general legislation on an appropriation bill.

The VICE PRESIDENT. Does the Senator have in mind the last provision of the new rule, which reads:

That this rule shall not apply to the bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1923.

Mr. HARRISON. If the Presiding Officer will look at the first part of the rule, he will find that it merely reincorporates the language of the old rule—that no general legislation shall be incorporated in a general appropriation bill. Of course I am not contending that if the point of order should be sustained the bill would go back to the committee under the new rule, because it was expressly provided in the new rule that it should not apply to this bill; but certainly the exception which was made in the rule adopted a short time ago would not prevent a point of order being sustained where there was new legislation or general legislation on a general appropriation bill.

The VICE PRESIDENT. The Chair is of opinion that the point of order is well taken.

The next amendment was, on page 23, after line 5, to insert section 4, in the following words:

SEC. 4. That the paragraph of the act entitled "An act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis," approved June 5, 1920, providing for leaves of absence, be amended to read as follows:

"Employees in the Postal Service shall be granted 15 days' leave of absence with pay, exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays, to be cumulative for a period of three years, but no sick leave with pay in excess of 30 days shall be granted during any three consecutive years. Sick leave shall be granted only upon satisfactory evidence of illness, and if more than two days the application therefor shall be accompanied by a physician's certificate."

Mr. TOWNSEND. In order to make that comply with the intention of the Congress heretofore, I move to amend, on line 11, by inserting the word "Hereafter" before the word "employees."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 23, after line 20, to insert section 5, in the following words:

SEC. 5. That the sentence which reads "Receipts $400,000, but less than $500,000—assistant postmaster, $3,000; superintendents of mails, $2,900; assistant superintendent of mails, $2,200; foremen $2,000," of the paragraph providing for the annual salaries of employees, other than those in the automatic grades, at offices of the first class, of the act approved June 5, 1920, entitled, "An act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis" be amended to read as follows:

"Receipts $400,000, but less than $500,000—assistant postmaster, $3,000; superintendents of mails, $2,900; postal cashier, $2,300; assistant superintendent of mails, $2,200; foremen, $2,100."

Mr. OVERMAN. I would like to have the Senator explain the amendment.

Mr. TOWNSEND. I will ask the Senator from Tennessee to explain it.

Mr. McKELLAR. I will take pleasure in doing that.

The reason for the amendment is that as to post offices the receipts of which were more than $400,000 and less than $500,000, in the salary readjustment bill, which was passed in June, 1920, cashiers were given no promotion. All other employees were promoted. It was a manifest error and injustice as to cashiers in about half a dozen offices.

By the way, one of them was in the State of the Senator from North Carolina. I do not recall exactly which one it was, but there was one. This makes a difference of $200 in the salaries of cashiers. That is all there is to it. It is merely to correct an injustice that was done to cashiers in those offices.

Mr. TOWNSEND. There are 12 of them, I understand.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert section 6, in the following words:

SEC. 6. That no part of the moneys appropriated or made available by this act shall be used or expended for the purchase, acquirement, or repair of any commodity, article, or thing which, at the time of the proposed purchase, acquirement, or repair, can be manufactured, produced, or repaired at the nearest available Government arsenal or navy yard of the United States for a sum less than it can be purchased, acquired, or repaired otherwise.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to insert section 7, in the following words:

SEC. 7. That for the purpose of extending, continuing, and further carrying out the provisions of the Federal highway act, approved November 9, 1921, and all other acts amendatory thereof or supplementary thereto, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000 for the fiscal year ending June 30, 1923; and the sum of $65,000,000 is authorized to be appropriated for such purposes for the fiscal year ending June 30, 1924; and the sum of $75,000,000 is authorized to be appropriated for such purposes for the fiscal year ending June 30, 1925; and the sum of $7,500,000 is authorized to be appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails for the fiscal year ending June 30, 1924; and the sum of $7,500,000 is authorized to be appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails for the fiscal year ending June 30, 1925.

Mr. TOWNSEND. I ask that this amendment may go over.

The VICE PRESIDENT. It will go over.

The next amendment was, on page 25, after line 9, to insert section 8, in the following words:

SEC. 8. For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the Borough of Brooklyn of the city of New York, at an annual rate of expenditure not in excess of $18,500 per mile of double line of tubes, including power, labor, and all other operating expenses, $513,911.50: *Provided*, That the provisions not inconsistent herewith of the acts of April 21, 1902, and May 27, 1908, relating to the transmission of mail by pneumatic tubes or other similar devices, shall be applicable hereto: *Provided further*, That either party to the contract for the transmission of mail by pneumatic tubes or other similar devices may apply to the Interstate Commerce Commission at any time after October 1, 1922, and before July 1, 1923, for a revision of this rate, its decision to be effective after July 1, 1923, but in no case shall the rate exceed $19,500 per mile.

Mr. TOWNSEND. It is desired that section 8 shall be passed over.

The VICE PRESIDENT. Without objection, it will be passed over.

Mr. OVERMAN. Does not the Senator think we had better adjourn at this time?

Mr. TOWNSEND. I do not think there will be any objection to the remaining sections. Sections 7 and 8 have gone over.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, at the top of page 26, to insert section 9, in the following words:

SEC. 9. That the provisions of that paragraph of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes," approved March 1, 1921, which amends the act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, approved June 5, 1920, and which provides that postal employees and substitute postal employees who served in the military, marine, or naval service of the United States during the World War and have not reached the maximum grade of salary shall receive credit for all time served in the military, marine, or naval service on the basis of one day's credit of eight hours in the Postal Service for each day served in the military, marine, or naval service and be promoted to the grade to which such postal employee or substitute postal employee would have progressed had his original appointment as substitute been to grade one, shall be amended by adding the following: "shall apply to such postal employees and substitute postal employees who were in the Postal Service on October 1, 1920."

The amendment was agreed to.

The next amendment was, on page 26, line 22, to change the section number from "2" to "10."

The amendment was agreed to.

The VICE PRESIDENT. The committee amendments are completed, except those which were passed over.

Mr. TOWNSEND. That completes the bill, with the exception of the items which have been passed over.

Mr. HARRISON. Of course, anyone who wants to offer an amendment to any other provision can do so?

Mr. TOWNSEND. When we get through with the committee amendments, of course other amendments will be in order.

Mr. HARRISON. Very well.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. TOWNSEND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock Monday.

The motion was agreed to; and (at 6 o'clock and 3 minutes p. m.) the Senate, as in legislative session, took a recess until Monday, March 20, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 18 (legislative day of March 16), 1922.

PROMOTIONS IN THE ARMY.

Charles Porterfield, jr., to be captain, Field Artillery.
Wilbur Manson Blackshare to be captain, Medical Corps.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

To be first lieutenants.

Paul R. Cowley.
Edward G. Hagen.
Dan E. Root.
George D. Hamilton.
Conrad S. Grove, 3d.
Cleghorn Foote.
Francis B. Reed.
Samuel A. Milliken.
William E. Quaster.
Charles W. Laviett.
James D. Waller.
Leo Healey.
Clifford Prichard.
Francis I. Fenton.
Ralph W. Luce.

POSTMASTERS.

ALABAMA.

Andrew J. Beard, Jacksonville.

COLORADO.

Frank L. Dodge, Denver.
Edward F. Watt, Fraser.
Edward W. Roscoe, Ridgway.

CONNECTICUT.

George A. Engisch, Cornwall Bridge.
James Geddes, Waterbury.

FLORIDA.

Silas B. Yon, Blountstown.
Edith H. Frasier, Zephyrhills.

INDIANA.

John L. Walker, Lexington.

IOWA.

Earl E. Shibley, Lone Tree.
Earl P. Tucker, Panora.

KANSAS.

Bertha McClair, Carbondale.
Ellen G. Fairley, Chautauqua.
Francis E. Williams, Elgin.
Florence M. Heinz, Grainfield.
Ernest W. Sloop, Lyndon.

MICHIGAN.

George W. Davis, Tekonsha.
James M. Bonine, Vandalia.

MINNESOTA.

Johannes A. Bloom, Chisago City.
Edgar Stivers, Dodge Center.
Joseph Huelskamp, Gaylord.
Elmer H. Magaw, Lester Prairie.
George W. Kiefer, Lewiston.
Charley P. Fossey, Lyle.
Margaret A. Dickens, Marble.
Ole E. Nelson, Marietta.
George M. Young, Perham.
William J. Colgan, Rosemount.
Alfred W. Johnson, Sebeka.
Francis H. Densmore, Wilmont.

MISSOURI.

Edward Early, Baring.
James L. Creason, Camden.
Fred L. Mills, Commerce.
Thompson F. Wommack, Fair Grove.
Albert G. Reeves, Lucerne.
Clarice H. Lloyd, Valley Park.

NEW JERSEY.

Harvey K. Trumpore, Califon.
Charles H. Ellis, Camden.
La Mott Hartshorn, Manville.

NORTH CAROLINA.

Arthur T. Willoughby, Aboskie.
Lawson M. Almond, Albemarle.
Minnie T. Moore, Aiklinson.
Madison L. Wilson, Bakersville.
James D. Andrews, Fairmont.
Herbert H. Miller, Hickory.
Julia B. Greer, Moravian Falls.

OHIO.

Ruth Seabert, Alger.
James F. Bumpus, Butler.
Mary B. Wannemaker, Cortland.
Franklin H. Smalley, Jeromesville.
Wilbur M. Shaw, Lakeview.
Bertha Warner, Macksburg.
Monto B. Coffin, New Vienna.
Francis M. Hiett, Spring Valley.
Cassius C. Stephenson, Yellow Springs.

SOUTH CAROLINA.

Mark D. Batchelder, Frogmore.
Mollie W. Tittle, Troy.
James J. Vernon, jr., Wellford.

TENNESSEE.

John H. Poston, Henning.

WISCONSIN.

Fred S. Thompson, Superior.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 18, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, the Shepherd of mankind, we turn to Thee again. Grant us all to feel that we are in the presence of a God who cares. Surely Thou dost love us with all our human frailties. Enable us never to forget that the highest reach of manhood is the protection of the weak, the poor, and the unfortunate. Be with us in the exercise of the privileges of this Chamber. Always show Thyself as the radiant Lord of life and glory. At the end of the week may we take love, joy, and peace to our homes. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

SOLDIERS' BONUS.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, for the information of the membership who are here and those who may be necessarily absent, I would like to ask the gentleman from Wyoming what information he can give the House with reference to the probable time of considering the bonus bill?

Mr. MONDELL. I will say to my friend that there is no way of determining that far in advance. Frankly I can not tell the gentleman, but I will say to him what I have said to those on our side who have to do with such matters that I thought our people ought to be here next week, beginning Monday.

Mr. GARNER. The gentleman then can not give any definite idea about the date of the consideration of the matter? But if I gather from the gentleman's statement it would be well for this side of the House to follow his action and notify everybody to be here on Monday?

Mr. MONDELL. There are various important matters pending, enough so that I think gentlemen ought to be here.

Mr. GARNER. Oh, well, that is a very indefinite answer. Does the gentleman state that we should notify everybody to be here to consider the bonus bill Monday?

Mr. MONDELL. The gentleman can do as he likes. I am advising gentlemen on our side that I think the business of the House is sufficiently important so that they should be here next week, beginning the first day of the week.

Mr. HUMPHREYS. Ask him if that is all he knows about it.

Mr. GARNER. Is that all the gentleman from Wyoming knows about the subject?

Mr. MONDELL. That is all—that I am telling.

Mr. GARNER. That is all you are telling. That is right. Mr. Speaker, I ask unanimous consent that the minority may have until the adjournment of the House on Monday afternoon to file minority views not to interfere with the consideration of the bonus bill. I do this at the suggestion of the gentleman from North Carolina [Mr. KITCHIN]. I hope there will be no objection.

The SPEAKER. The gentleman from Texas asks unanimous consent that the minority may have until adjournment Monday to file minority views on the bonus bill. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10871) making appropriations for the War Department for the next fiscal year.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, H. R. 10871, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill from the point where he left off last evening.

The Clerk read as follows:

CONTINGENCIES OF THE ARMY.

For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed $4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, $95,000: *Provided*, That not to exceed $67,000 of the money herein appropriated shall be expended for the payment of salaries of civilian employees connected with the sale of war supplies and the adjustment of war contracts and claims: *Provided further*, That the Secretary of War is hereby authorized, in his discretion, to sell to any foreign State or Government with which the United States is at peace, upon such terms as he may deem expedient, any foodstuffs now on hand and found to be surplus, which are not needed for military purposes, or which are likely to spoil, and for which there is no adequate domestic market: *Provided further*, That none of the funds appropriated in this act shall be used for the payment of expenses connected with the transfer of surplus property of the War Department to any other activity of the Government where the articles or lots of articles to be transferred are located at any place at which the total surplus quantities of the same commodity are so small that their transfer would not, in the opinion of the Secretary of War, be economical: *Provided further*, That none of the funds appropriated or made available under this act shall be used for the payment of any salary in excess of $5,000 per annum to any civilian employee in the War Department, unless otherwise specifically provided by law.

Mr. WALSH. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. WALSH. I will ask the gentleman from Kansas what foods were sold to foreign Governments during the past year?

Mr. ANTHONY. We have no record that any foods were sold. The department tried to sell a large quantity of dehydrated vegetables that were accumulated during the war, which they hoped to sell. My understanding is that they are still on hand.

Mr. WALSH. Are these dehydrated vegetables liable to spoil?

Mr. ANTHONY. They say not. It is stated that they will probably keep for some time, but the department has been unable to make any practical use of them. The soldiers will not eat them. They are probably tasteless, although it is claimed that they have the same nutritive value that fresh vegetables have; but as the dehydrated vegetable is an article of diet that people in this country are not accustomed to, it looks as though these dehydrated vegetables would probably stay on hand in the War Department, unless they are sold for hog feed or something of that kind, which the department recommends.

Mr. WALSH. If the soldiers will not eat them, how did the department come to have such a quantity on hand? What did they get them for?

Mr. ANTHONY. I think the dehydrated vegetable is one of the freak products of the war. It was thought they would solve the problem of food supply, and then they found that was a mistake.

Mr. WALSH. Of course, this is not limited to dehydrated vegetables. It applies to any surplus foodstuffs. Are they selling them to people in this country?

Mr. ANTHONY. The principal other foodstuffs were canned meats, and they have made a constant effort and have sold

a large quantity of them. I understand they have still some on hand, but not much.

Mr. WALSH. I withdraw the reservation of the point of order.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that when we come to the finance department in the bill, pay of officers, and pay of enlisted men, the matter may be allowed to go over until Tuesday; but that the reading of the bill other than those items be continued. This is the situation. There are quite a good many Members on this side of the House, and I assume also on the other side of the House, who would like to participate in the discussion about the size of the Army and the number of officers.

There are many provisions which can be read, about which there will be no objection whatever, but there are a certain number of Members who would like to discuss these items as to the size of the Army when we come to them. They did not know that the bill was coming up to-day when they made their engagements. I think it would be only proper to allow these two items to go over until Tuesday. They are found on pages 15 to 23.

Mr. ANTHONY. Will the gentleman yield?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman makes his request that the items be passed until Tuesday.

Mr. KAHN. Monday will be unanimous-consent day, so I supposed the matter would not come up on Monday. On Tuesday morning there is nothing whatever to stand in the way of further consideration of the Army bill.

Mr. GARRETT of Tennessee. Is the gentleman sure that there will be nothing on Tuesday?

Mr. MANN. Had not the gentleman better make his request that the items go over until the next day the bill is under consideration?

Mr. KAHN. Well, Mr. Chairman, I see the bill is going to have some hard sledding. I will make the request at the suggestion of the gentleman from Illinois.

The CHAIRMAN. Will the gentleman state his request.

Mr. KAHN. That the items under the finance section of the bill, beginning on page 15 and continuing, I believe, to page 25, go over until the next day that the bill is under consideration.

Mr. SISSON. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. SISSON. I do not think the gentleman's request covers quite as much as it should in order to include all the items that might be affected by the size of the Army. For example, the very item we are now considering—I had intended to rise for the purpose of calling attention to the fact that if the Army should be reduced to 100,000 men we could reduce this $95,000 carried in this bill to $92,000, and if you increase the size of the Army that $95,000 should be increased. This is not simply my own conclusion, but is the conclusion of the War Department, as I had them to assist in making the figures. I have no objection to the request of the gentleman from California provided it includes those items where the size of the Army affects the size of the item.

Mr. KAHN. That is perfectly agreeable to me.

Mr. MANN. Take the Quartermaster Corps; all these items depend upon the size of the Army.

Mr. SISSON. That is true, but not all.

Mr. MANN. Not all, but most of them.

Mr. KAHN. I think if we take up the items under the Finance Department we will reach most of the matters that are in controversy.

Mr. ANTHONY. Will the gentleman yield?

Mr. KAHN. I will.

Mr. ANTHONY. May I say that I am sure the committee has no idea of trying to preclude any gentleman from having an opportunity of passing on any items in the bill, but can not the gentleman modify his request so as to pass over the pay of the officers and the enlisted men and let us proceed on the smaller items? Those are the two material items, and we can correct the others afterwards.

Mr. GARNER. What is the object of letting it go over? Why not consider it to-day?

Mr. ANTHONY. I understand there are Members from New York, Pennsylvania, and New Jersey who are absent to-day.

Mr. GARNER. But the gentleman from Wyoming said that they all ought to be here.

Mr. MANN. Next week.

Mr. GARNER. Why are they not here to-day?

Mr. KAHN. Because——

Mr. MANN. The gentleman from California should not reply seriously to that facetious remark following the request the gentleman from Texas made the other day on account of an absent Member. [Laughter.]

Mr. GARNER. I am merely using the language used by the gentleman from Wyoming and the gentleman from Illinois; I always like to adopt their language. [Laughter.]

Mr. KAHN. The fact of the matter is that these absent Members had expected the bill to come up for some days before it was taken up. They had no idea that there was so much business that would delay the consideration of this bill. They asked me whether I could succeed in having the items for the pay of the officers and enlisted men go over until the next day.

Mr. ANTHONY. Will it be satisfactory if we pass over the two items for the pay of the officers and the enlisted men?

Mr. KAHN. I think there is one other item, so if the whole provision for the pay of the Army can go over it will cover the whole thing.

Mr. SISSON. Reserving the right to object, I want to state that there are quite a number of these items that will be affected by the size of the Army. If you increase or decrease it, these items will be affected. If I can get unanimous consent, coupled with the unanimous-consent request of the gentleman from California, that these items may be changed so as to conform to the size of the Army, in the event the size of the Army is changed, I have no objection. I do not believe you are going to save much time, however, by this process, because the principal debate on this bill, in my judgment, is going to be upon the size of the Army and the number of officers. All of these other measures, except a few items, will be as a matter of course. When you fix the size of the Army and the number of officers, you have virtually written the balance of the bill, except in so far as these special units are concerned.

Mr. MANN. Mr. Chairman, permit me to submit a request for unanimous consent, that the items relating to the pay of the officers and enlisted men of the Army, and any other item in the bill which the gentleman from Kansas [Mr. ANTHONY] in charge of the bill, or the gentleman from Mississippi [Mr. SISSON], of the minority, shall hereafter request, be postponed for further consideration, to be taken up in order on the next day the committee is in session for the consideration of this bill.

Mr. SISSON. I have no objection to that.

Mr. KAHN. Mr. Chairman, I accept that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to pass over for the time being those items relating to the officers and enlisted men and such other items as are requested by the gentleman from Kansas [Mr. ANTHONY] or the gentleman from Mississippi [Mr. SISSON] until the bill shall again be under consideration. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I shall have to ask that this item under consideration be passed over, because this is one of the items which will be affected by the size of the Army, unless the gentleman from Kansas is willing to reduce it to $92,000.

Mr. ANTHONY. It would be merely a change from $95,000 to $92,000 in case the gentleman's suggestion about 100,000 in the Army be approved by the House.

Mr. SISSON. Yes.

Mr. ANTHONY. It is manifest that if the gentleman's amendment should prevail, we undoubtedly would change that figure.

Mr. SISSON. I have no objection to that, with that understanding.

Mr. MANN. But you can not go back and change an amendment which has been agreed to in the committee except by unanimous consent. At the request of the gentleman the matter could be postponed now.

Mr. SISSON. I am willing that this may be agreed to, but in the event I ask unanimous consent to go back, of course, some one might take advantage of that and not grant that request. In the event there is no change in the size of the Army carried in the bill, this item ought not to be changed.

Mr. MANN. It would simplify matters to pass the whole thing.

Mr. SISSON. Yes; I think so. I object to this being considered at this time, Mr. Chairman, because this is involved in the size of the Army.

The CHAIRMAN. The Chair would like to know from the gentleman from Kansas in charge of the bill at what point the Clerk will begin reading?

Mr. ANTHONY. I would say for the information of the Chair that practically every item in the bill is dependent upon the size of the Army, if gentlemen insist upon the request that has been made. I suggest that the Clerk read from where he left off.

Mr. GARRETT of Tennessee. Mr. Chairman, I want to ask the gentleman a question about the paragraph which has just been read.

Mr. STAFFORD. That has been passed over for further consideration.

Mr. ANTHONY. At the request of the gentleman from Mississippi, we have passed that over.

Mr. GARRETT of Tennessee. The entire paragraph?

Mr. ANTHONY. Yes.

The CHAIRMAN. The Clerk will begin reading then at line 22, page 5.

Mr. LONDON. Mr. Chairman, I move that the committee do now rise, in view of the statement made by the gentleman in charge of the bill.

The question was taken, and the motion was rejected.

The Clerk read as follows:

ARMY WAR COLLEGE.

For expenses of the Army War College, heretofore known as the General Staff College, being for the purchase of the necessary stationery; typewriters and exchange of same; office, toilet, and desk furniture; textbooks, books of reference, scientific and professional papers and periodicals; printing and binding; maps; police utensils; for lighting the Army War College Building and grounds; employment of temporary, technical, or special services and expenses of special lecturers; and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk for superintendence of the Army War College Building; also for pay of the following: Chief clerk, $2,000; clerks—two at $1,800 each, seven at $1,600 each, seven at $1,400 each, eight at $1,200 each, four at $1,000 each; chief engineer, $1,400; assistant engineer, $1,000; captain of the watch, $900; six watchmen, at $720 each; four firemen, at $720 each; packer, $840; four messengers, at $720 each; laborers—one $720, one $600; gardener, $720; five charwomen, at $240 each; in all, $70,380.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. Is it not a fact, exactly in line with what the gentleman from Kansas stated a moment ago, that if we assume there will be a substantial reduction in the personnel of the Army provided for, then all of these items we are now reading might be affected?

Mr. ANTHONY. That was perhaps an exaggerated statement. Probably not all of them. For instance, the one just read relating to the Army War College would not be affected, but nearly all of them would be.

Mr. MOORE of Virginia. In view of the fact that nearly all of them would be affected, are we not pursuing a very illogical course?

Mr. ANTHONY. I think not, because they would be affected so slightly, some of them, that it would be a very easy matter to adjust them to the size of the Army.

Mr. MOORE of Virginia. But we are adopting these items.

Mr. ANTHONY. Yes.

Mr. MOORE of Virginia. We are not under any rule or agreement that would enable us to reconsider, and we might reduce the number very substantially below the number contemplated by this bill, and we might not be able to retrace our steps to make the changes in these incidental items.

Mr. ANTHONY. There has been nothing read so far that I believe in the judgment of the gentleman from Mississippi or myself would be affected, unless the size of the Army was very materially reduced or increased from the figures that have been submitted in the bill.

Mr. MOORE of Virginia. I may say to the gentleman that before asking the question I had a talk with the gentleman from Mississippi and he seemed to agree with the gentleman's view, that this is a very poor way to proceed.

The Clerk read as follows:

REMOUNTS, ARMY SUPPLIES, EQUIPMENT, ETC., RESERVE OFFICERS' TRAINING CORPS.

For the procurement and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, and to forage at the expense of the United States public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit; or in lieu of transporting them to and from such camps and subsisting them while on route to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for pay for enlisted men attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920, $2,750,000, to remain available until December 31, 1923: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue, in so far as said stocks are in excess of actual requirement of the Regular Army for the fiscal year 1923: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the prices current at the time the issue is made: *Provided further*, That none of the funds appropriated in this act shall be used for the organization or maintenance of additional mounted, motor transport, tank, or air units in the Reserve Officers' Training Corps.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman allow me to ask one question? I notice that so far as uniforms are concerned the gentleman says that we have made up for the lack of appropriation by allowing the issue of uniforms, but this covers also the procurement and the transportation of horses to camps and to officers' training camps. Horses are something that can never be got again if they go. I want to know whether the change in this appropriation affects the ability to carry horses?

Mr. ANTHONY. No; it does not. There is no restriction on the transportation. There is a limitation that provides that they shall not add any increased number of mounted units. It will permit them to maintain those they have.

Mr. PARKER of New Jersey. Is that in this paragraph?

Mr. ANTHONY. Yes; but we do not propose to permit them to organize any more mounted units or any more motorized units if we can help it.

Mr. PARKER of New Jersey. Where is that proviso?

Mr. ANTHONY. The last proviso.

Mr. CRAGO. Mr. Chairman, I reserve a point of order on the proviso.

Mr. STAFFORD. Mr. Chairman, I make the point of order the reservation comes too late.

Mr. CRAGO. It is not too late.

Mr. STAFFORD. Discussion has been had on it for nearly five minutes.

Mr. CRAGO. You can make a point of order on it at any time until you pass it by.

Mr. STAFFORD. I contest that. Discussion has already been participated in for several minutes.

The CHAIRMAN. The Chair thinks the point of order comes too late. Discussion has been had on the merits of the proposition.

Mr. CRAGO. No; there was merely a question asked, and I was on my feet.

Mr. PARKER of New Jersey. Mr. Chairman, the gentleman was on his feet when I spoke.

Mr. CRAGO. I was on my feet ready to make a point of order when the gentleman asked a question, and I did not like to interrupt. I insist that is a very poor way to attempt to get legislation through.

Mr. STAFFORD. I would not have pressed my point of order if the gentleman from Pennsylvania had not stated he was in his rights in making the point of order.

Mr. CRAGO. I was trying to be courteous to the gentleman from New Jersey.

Mr. STAFFORD. The point of order comes too late, but I will not press the point of order; but the reservation of the point of order is too late.

Mr. SISSON. Mr. Chairman, I make the point of order that it came too late.

The CHAIRMAN. The Chair certainly thinks that discussion has been had on the item.

Mr. CRAGO. If the Chair will remember, I was on my feet ready to make a point of order and did not like to break in on the gentleman from New Jersey.

The CHAIRMAN. But the gentleman did not make it.

Mr. PARKER of New Jersey. He did not make it while I was asking a question.

The CHAIRMAN. He was not entitled to under the gentleman's pro forma amendment.

Mr. PARKER of New Jersey. I did not make a pro forma amendment.

Mr. CRAGO. Mr. Chairman, I move to strike out the proviso beginning with line 12, page 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CRAGO moves to strike out the proviso beginning in line 12, page 11, after the word "made."

Mr. CRAGO. Mr. Chairman, if we are to have such tactics as have been displayed here it only means that all of us will be on our feet all the time and take proper care to call the attention of the House, at least, to the inconsistencies of this bill. Now, it is clearly subject to a point of order under the decisions in a number of cases on appropriation bills. I do not care to discuss that now, because it will be discussed later when this same proviso occurs with reference to the organizations in the National Guard. Now, I take it, in this bill the main points will be the size of the Army, not only the officers' personnel

but the enlisted personnel, and appropriations made for the National Guard. Now, in this reserve training corps we are asking those men who had training in the World War to come to these training camps and receive instruction and to impart instruction in the kind of organizations where they served during the World War, and I insist——

Mr. ANTHONY. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. ANTHONY. The gentleman just made the statement that this would interfere with the training of the veterans of the late war in the branches in which they had served.

Mr. CRAGO. Yes.

Mr. ANTHONY. I would call his attention to the fact that this appropriation is for training in schools and colleges and only affects school and college boys and high-school boys.

Mr. CRAGO. This is the Reserve Officers' Training Corps?

Mr. ANTHONY. Yes. This is the reserve training corps for schools and colleges where they train them to become officers of the reserve corps and does not affect veterans of the late war.

Mr. CRAGO. I insist that the gentleman is mistaken. I know he is absolutely honest in it, but he speaks here of the units in the Reserve Officers' Training Corps. That is what has been referred to.

Mr. ANTHONY. That is to say, this reserve officers' training school corps at schools and colleges.

Mr. CRAGO. This is schools and colleges reserve——

Mr. ANTHONY. In other words, let me say to the gentleman, this trains boys in schools and colleges, gives them a military training to make them eligible to be in the Reserve Officers' Corps in the same way we train boys at West Point to make them eligible in the Regular Army.

Mr. CRAGO. This has no reference to the training given annually to officers already in the officers' training corps——

Mr. ANTHONY. No relation whatever.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAGO. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAGO. I can see the distinction between the organization of these highly technical units in the schools and having them organized in the National Guard and in the training which you give to the organized Reserve Officers' Corps.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. FROTHINGHAM. I would like to ask the gentleman who has charge of this bill, through you, if I am right in the understanding that this does not refer to citizens' training camps?

Mr. ANTHONY. It does not.

Mr. CRAGO. And refers to nothing except the training given in schools and colleges.

Mr. PARKER of New Jersey. On page 10 it refers to several institutions and training camps. All through there it seems to cover camps.

Mr. CRAGO. With that clear understanding of the meaning of the proviso by the chairman of the subcommittee I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman, for the information of the gentleman from Pennsylvania, the reason that the committee put this limitation on to prevent the organization of further mounted and tactical units was because we find 11 troops of cavalry maintained. It is a pretty soft thing to have Uncle Sam furnish those schools with 32 horses and with their care and feed for the use of those students. There are schools that have mounted units but that maintain their own horses, their own cavalry troops, such as Culver, in Indiana, whereas there are a large number of others imposing on Uncle Sam for that purpose.

Mr. CRAGO. As long as it only applies to this section, I have no objection.

Mr. HILL. Will the gentleman yield?

Mr. ANTHONY. I will yield.

Mr. HILL. As I understand the gentleman, this simply applies to the units of the Officers' Training Corps in educational institutions?

Mr. ANTHONY. And the summer camps of those institutions.

Mr. HILL. And that there are now about 11 mounted units maintained in schools?

Mr. ANTHONY. Yes, sir.

Mr. HILL. But that this does not in any way apply to the training of reserve Cavalry regiments or National Guard Cavalry regiments?

Mr. ANTHONY. The gentleman is correct.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

The gentleman making the point of order, I think, was in error, and I should not have said anything except for the unnecessary remark scoring this committee, when it is not necessary to do so. I think, as a matter of fact, the chairman of this committee and the subcommittee know a great deal more about this bill, evidently, than the gentleman who has thought it so fitting and proper to be gratuitous in his criticism.

Mr. CRAGO. I sincerely hope they do.

Mr. SISSON. If I did not know more about it than the gentleman appears to know, I certainly should not have criticized gentlemen who have spent so much time in their efforts to know something about it. I do not believe you are going to get anywhere by gratuitous criticism of this committee. If you are a militarist and have got the German military system in your mind, if you differ with this subcommittee, you differ with the majority of the people in this country, in my judgment. Therefore, in view of the fact that we did not bring in that sort of a bill, we ought not to be subjected to that sort of criticism, as if we did not know what we were doing.

Now, while we are discussing this character of service, I want to say to my friends of the National Guard that if you want to destroy the National Guard and permit a program that certain Army officers want to be carried out, the people will help destroy it, because the program will make the National Guard as expensive as the Regular Army. You can not, in my judgment, have the tank units, the chemical-warfare units, and cavalry regiments unless there is some special exception, especially as to the latter, where the boys are willing to furnish their own horses. You can not, with the consent or indorsement of the people of this country, maintain these expensive cavalry units and these adjuncts of the Army with men who are supposed to give but a few hours a week to the training. And your committee, in doing this, was endeavoring, in my judgment, not to make unpopular but to remove a great deal of unpopularity that is lodged against the Army by this expenditure, which we think is a useless one, and for that reason we did the same thing here in this particular activity.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ORDNANCE STORES, EQUIPMENT, ETC., RESERVE OFFICERS' TRAINING CORPS.

For arms and ordnance equipment, including overhauling and repairing of personal equipments, machine-gun outfits, and horse equipments for use in connection with the Reserve Officers' Training Corps, established by the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, $100.

Mr. HILL. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the subcommittee what is expressly covered by this section?

Mr. ANTHONY. I will say that, as to the item mentioned, the department did not take more than $100 for the purpose of keeping it alive. They have so much equipment in surplus that they do not need any money to buy additional equipment.

Mr. HILL. This does not in any way mean the reduction of horse equipment or horses?

Mr. ANTHONY. None whatever.

Mr. HILL. Mr. Chairman, as a preliminary to making some comments on what has been said by the member of the committee who spoke a few moments ago about the National Guard, I wish to say that I know at the present time there is a very natural reaction against everything having to do with the Army. However, we can not dispense with the Army at present, and so we must keep it efficient. And I, personally, having gone over very carefully these hundreds of pages of testimony which have been taken by the subcommittee, do not rise in any spirit of antagonism, but merely to present certain points of view with reference to this bill. The gentleman from Mississippi [Mr. SISSON] has said that certain plans which were advocated by the War Department in reference to the National Guard would end in the abolition of the National Guard. The National Guard has repeatedly been said to be, under the present program of national defense, the chief reliance in the theory of national defense, but the gentleman has referred to the objection to having mounted units in the National Guard.

I should like to take this occasion to read to the House some comments of the adjutant general of Maryland on several matters relating to the National Guard, and I do that at this time for the reason that it is very difficult to consider this bill under separate paragraphs. The bill is one coherent whole. I desire

to read this now in order that the Members who expect to participate in the debate on this very important question of the appropriations for the National Guard may have these suggestions before them for consideration.

I know that the committee has labored most industriously and has brought forth a bill based on a certain point of view. Personally, as a person who believes in an Army of 150,000 men and 13,000 officers and an adequate National Guard and reserve, I feel that it is necessary that changes be made in the bill. I believe that the system of Reserve Corps and National Army training recommended by the War Department should be carried out, and I therefore believe certain changes should be made in the bill; but I do not feel that this committee that has brought in this bill is actuated by anything except the same patriotic motives on behalf of the national defense which have characterized the gentlemen of the committee who have spoken. I therefore would like to put into the RECORD, for the benefit of the committee and those who shall discuss this very important matter, this letter from the adjutant general of Maryland, and I might say to the committee that this adjutant general of Maryland is the gallant colonel who commanded the One hundred and fifteenth Infantry north of Verdun in the World War. He belongs to the opposite party to that to which I belong and so there is no politics in this. He speaks from the standpoint of a man who believes that the citizen army should first be coordinated in the National Guard and, second, coordinated in the National Reserve, and he speaks from the viewpoint of those of us who are deeply concerned about certain features of the bill. This letter is addressed to me. I read:

STATE OF MARYLAND,
OFFICE OF THE ADJUTANT GENERAL,
Annapolis, March 16, 1922.

Hon. JOHN PHILIP HILL,
House of Representatives, Washington, D. C.

MY DEAR MR. HILL: Appropriation H. R. 10871 makes such drastic cuts in appropriations affecting the National Guard that I am compelled to call same to your attention, and to ask that you use your influence to keep the appropriations at amounts that will enable the National Guard throughout the United States to properly function.

For your information certain features are listed below. May I not hope for your cooperation and assistance?

"No item for purchase of animals.

"Page 79, lines 24 and 25, provides forage for 4,000 animals, whereas 8,069 have already been issued to the National Guard.

"Page 80, lines 3 and 4, care of material, animals, and equipment, $760,000, provided for caretakers for 4,000 animals and a balance of $100,000 for other caretakers and mechanics.

"Estimates submitted for 9,740 animals, caretakers, $1,910,500.

"Page 80, line 5, camps of instruction: $6,500,000 will provide for only 115,000 men for 15 days; National Guard has now a strength of over 145,000; $9,500,000 minimum requirement.

"Page 80, lines 6 and 7, expenses officers and specially selected men, $290,000. Item may send 155 officers and 156 men only. Last year 220 applied to attend Benning alone.

"N. B.: No funds under section 81, national defense act.

"Page 80, lines 12, 13, and 14. Travel of commissioned officers, $200,000. Insufficient present year and $500,000 needed for 1923.

"Page 80, line 17: Transportation, equipment, and supplies, $375,000. Inadequate this year and $900,000 additional needed under provisions of bill for 1923.

"Page 80, line 23: Armory drill pay, $9,000,000; estimated $11,000,000 minimum requirement.

"Page 82, lines 7, 8, 9, and 10. 'The mounted, motorized, and tank units of the National Guard shall be so reduced that the appropriations made in this act shall cover the entire cost of maintenance of such units for the National Guard during the fiscal year 1923.'"

Thanking you for your attention, I am,

Very sincerely, yours,

MILTON A. REYNOLDS,
The Adjutant General.

I am not speaking merely for the National Guard of Maryland, because we speak of the National Guard as a whole as one of the lines of defense. I might say that when the proper moment is reached I propose to offer certain amendments suggesting amounts that ought to be appropriated to the National Guard instead of the amounts to which they are cut.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent to proceed for a few moments more.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HILL. Now, gentlemen of the committee, with reference to these horses for the National Guard, here is the situation, referring to the item of 4,000 horses. For four Cavalry divisions, which the National Guard at present has, omitting new units proposed, a sufficient complement of organizations to complete would require 6,784 horses at 32 mounts per proposed unit. I might say it is a very difficult thing at the present time to get former National Guard members and men who served in the war as officers and men to come into the National Guard or to come into the Reserve Corps. They have had all they want of war, and they do not want any more. It is a very difficult thing to organize at the present time National Guard units, and it is a more difficult thing to organize at the present time Reserve Corps units. There is a very strong apathy among ex-enlisted men and ex-officers which prevents them from coming back into the reserve organizations or the National Guard. Their attitude is the same attitude as that of the whole country. They do not want to be bothered by war any more. But, my colleagues, I want to say to you, the thing that the United States lacked when the war came was a proper military policy, and at the present time we are confronted with the question of keeping alive a skeleton organization which can be properly expanded if the need arises.

Now there have been organized in the National Guard—and I am speaking especially of that at this time—certain units which require horses. There have been certain 8.2 Field Artillery units which are still mounted and to which 32 horses per unit have been allowed. There are a certain number also of Cavalry units. All of them need these horses for training.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. May I have one minute more?

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. HILL. It is perfectly true that on the roads of France and Germany motor transportation was primarily used, but cavalry were used by Allenby on one occasion very successfully. If the Germans had had as many as four cavalry divisions they would have been able to follow up their success in one case where they failed to do it. If there is ever trouble on our borders in this country, cavalry will be necessary, because, as the gentleman from Texas [Mr. GARRETT] knows, who represents the Laredo district along the Mexican border, you can not use motor transportation along the border except in rare cases.

I therefore shall present amendments to give to the National Guard the appropriations for which the War Department has asked. To give less will discourage the splendid work of organization of the National Guard. We may need them again some day. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CIVILIAN MILITARY TRAINING CAMPS.

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47-d of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, uniforms, including altering, fitting, washing, and cleaning when necessary, subsistence, and transportation, or in lieu of such transportation and of subsistence for travel to and from camps, travel allowances at 5 cents per mile, as prescribed in said section 47-d, $1,800,000: *Provided*, That the funds herein appropriated shall not be used for the training of any person who is over 35 years of age: *Provided further*, That uniforms and other equipment or material furnished in accordance with law for use of civilian training camps shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue, in so far as said stocks are in excess of actual requirements of the Regular Army for the fiscal year 1923: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished in accordance with law for use at civilian military training camps from stocks under control of the War Department be in excess of the price current at the time the issue is made.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. I rise simply to ask the chairman of the subcommittee a question as to the age proviso—

Provided, That the funds herein appropriated shall not be used for the training of any person who is over 35 years of age.

Is there a provision of law at the present time containing that requirement?

Mr. ANTHONY. That is the same age as was specified in the bill last year. The idea is to prevent older men from taking this training and thereby crowding out younger men who would be really available for military duty in case of war.

Mr. CRAGO. Was the age of 35 years specified in the last bill?

Mr. ANTHONY. It was.

Mr. CRAGO. Was there any criticism of that limitation?

Mr. ANTHONY. Only from men of 40, 45, and 50 who wanted to take the training, but who would be of limited military value in case they were called upon for active service in war.

Mr. CRAGO. I know quite a number of splendid, patriotic citizens who, like the gentleman from Kansas, are physically fit to take this training.

Mr. ANTHONY. "Treatment" is the correct expression.

Mr. CRAGO. I am wondering whether there is much criticism of that limitation or not.

Mr. ANTHONY. We have heard very little.

Mr. MANN. There are quite a number of young men in the House here who think they are boys, but nobody else does. [Laughter.]

Mr. ANTHONY. The gentleman from Pennsylvania [Mr. CRAGO] is a great advocate of military training, and I hope he will note the liberality with which our committee have treated this question of military training. We have doubled the cash appropriation from $900,000 to $1,800,000, and in addition we provide them with about half a million dollars in supplies to be furnished without charge, and we are going to treble the number of civilians who will be able to take this training.

Mr. CRAGO. From my own limited experience in attempting to impart military training and discipline to men I believe you do not accomplish very much when you try it on persons over 35 years of age.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For expenses incident to completion of the work of furnishing to adjutants general of States statements of service of all persons from those States who entered the military service during the war with Germany, including the employment of clerical and other help in the office of The Adjutant General of the Army, $100,000, to be immediately available.

Mr. HULL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL: Page 14, line 8, after the word "States," insert "a history of the units."

Page 14, line 8, after the word "service," insert "and a record of deaths and burial places."

Page 14, line 9, after the word "who," strike out the word "entered" and insert "served in."

Line 12, after the word "Army," strike out "$100,000" and insert in lieu thereof "$302,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the proposed amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. HULL. Mr. Chairman, in explanation of the amendment that I have offered I would like to have the Clerk read the letter which I send to the Clerk's desk.

The CHAIRMAN. Without objection, the letter will be read in the gentleman's time.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 21, 1921.

Hon. A. B. CUMMINS,
United States Senate.

MY DEAR SENATOR: Referring to your recent personal call at this department in company with Col. Frank E. Lyman, secretary-director, Iowa War Roster Commission, Des Moines, Iowa, who desires (a) statements of service of those officers and enlisted men for whom no statements have been previously prepared; (b) the place of death of those who died while in the service during the World War in addition to the information on the statement of service cards; and (c) a tabulated statement showing a brief history of each unit that belonged to the Army during the World War; and in response to your request for an estimate of the probable cost of furnishing the information desired, I have the honor to inform you as follows:

(a) It is estimated that there are 132,000 officers and field clerks and 340,000 enlisted men who performed military service, but for whom no statements of service have been prepared to date. Based on past experiences and the best data now available, it is estimated that the cost of completing the statements of service in the 472,000 cases would be approximately $225,000.

(b) Based on the results of actual tests made by searching 175 cases for place of death, it is estimated that the cost of furnishing the place of death in all cases would be approximately $26,000. In this connection, I desire to invite your attention to the fact that had this part of the work been undertaken when the statements of service were prepared the cost would have been prohibitive, because the records from which the place of death could be secured were in many cases inaccessible, many of them not having reached the War Department at that time.

(c) It is estimated by the historical branch of the Army War College that the preparation of a tabulated statement showing a brief history of each unit that belonged to the Army, 8,500 in all, will cost between $51,000 and $100,000, it being impossible to determine at this time with any degree of certainty what the approximate cost would be. This estimate of cost does not include the cost of printing the organization histories after they shall have been compiled.

Sincerely, yours,

JOHN W. WEEKS,
Secretary of War.

Mr. HULL. Mr. Chairman and gentlemen of the House, this amendment conforms with the appropriations you have been making for this service. However, these records have not been completed. The fact of the matter is that we gave them $2,000,000 to complete these records, which are 90 per cent completed to-day. What you have is of no value unless you complete the records. Anyone can understand that. These records to-day are liable to be destroyed by fire. They are down here in some place that might burn up. In that case the records of the individual soldiers of your State would not be available. If you give them only $100,000 to do the work that they say they will have to do, and that they say will cost $352,000, you will still be lacking some of these records.

Mr. JOHNSON of Mississippi. Who has the records?

Mr. HULL. The Adjutant General. He had an organization working on these records a year ago. They had a little money left, but they did not have enough to complete them. You will notice that my amendment also includes a record of the place where the boy was killed, or where he died, and the place where he is buried.

This should be done, because no record is complete unless such data is included. It was originally intended to do this, but at the time of making the individual records they found it would be cheaper to wait until they had all the records of death compiled, and then they could put these records out and complete the service records with the details of the death and burial.

Mr. MANN. Will the gentleman yield?

Mr. HULL. I will.

Mr. MANN. Is that the purpose of the gentleman's amendment, to provide for a record of the place of burial, and so forth?

Mr. HULL. Well, it completes the records that are 90 per cent completed with the record of the place where the boy was killed and buried.

Mr. MANN. Have none of these records been furnished to the different adjutant generals?

Mr. HULL. Ninety per cent.

Mr. MANN. Bodies are just being brought home. Does the gentleman mean that that will have to be all done over again?

Mr. HULL. The place of death and burial will have to be made out, but the record has been completed on that.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL. As shown in the letter of the Secretary of War, it will only take $26,000 to complete the record of the death and burial, and that could be done cheaper now than before.

Mr. MANN. How can it be done cheaper now than it could have been done before?

Mr. HULL. Because the data is compiled.

Mr. MANN. It will be compiled; what they want is to get the record of the data.

Mr. HULL. That is true, and a record without showing the place of death and burial is not complete.

Mr. MANN. I do not know whether it is complete or not, but that can be furnished hereafter. They would have to make out a new record on these bodies that have just been brought home for burial. I thought the letter the gentleman had read was not very intelligible; at least it was not to me.

Mr. HULL. It was intelligible to me, for this matter has been before us for two years. We have been trying to get the records made in this war, and we have not got them to-day. They tell us how much it will cost. My proposition is to give them the minimum amount of money—I have cut it from the maximum—and then say to them we want the records and you must furnish them complete.

Mr. ROACH. Will the gentleman yield?

Mr. HULL. Yes.

Mr. ROACH. The ex-service men of Missouri are particularly interested in this, because they have recently been granted a bonus under an amendment to the constitution of the State, and the adjutant general of that State has been unable to pay out the bonus on account of not being able to get the records from the War Department. What I want to ask the gentleman is, How much of an additional appropriation will it take to enable them to furnish the information?

Mr. HULL. To furnish the information to all the States the minimum amount would be $302,000, as is shown by the letter which I have had read, and that includes the place of death and burial and a history of the units.

Mr. ROACH. That calls for additional data than what has been furnished. Will that delay furnishing this other information?

Mr. HULL. Not a minute, because it is all compiled in a separate place.

Mr. ROACH. How much was the appropriation heretofore for this work?

Mr. HULL. Two million dollars.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. GARRETT of Texas. I understand if the amendment is adopted the record will be completed to date and will be in the different States, so that whatever might happen to the records here in Washington the States will have a complete record.

Mr. HULL. Each State will have its own record, and that is what the State wants. They can not pay the bonus to-day because of the lack of these records upon which to make the payment.

Mr. GARRETT of Texas. How long will it take to furnish it?

Mr. HULL. Six months.

Mr. McKENZIE. Will the gentleman pardon an interruption?

Mr. HULL. Certainly.

Mr. McKENZIE. The adjutant general of the State of Illinois has stated to me, and I presume to my colleague, that inasmuch as Illinois is going to vote on a $35,000,000 bonus next election these records are very essential for them to have, and they are most interested in the proposition submitted by the gentleman from Iowa. But is it not a fact that a great portion of the $2,000,000 appropriated by Congress has been frittered away on filing and recording, simple questionnaires to men who were not in the service at all, and that the money if properly used would have been sufficient for the work which they now want done, if not wasted in this manner?

Mr. HULL. I think that is not true. As far as I know, it is not true. I think they performed a wonderful service. The gentleman wants to remember that in order to complete the record they had some 20,000,000 records to go over. Now I want to appeal to Members of the House not to allow the amount to be cut down for the sake of economy. Let us give them the money they ask to complete these records.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. A point of order was reserved on the amendment by the gentleman from Wisconsin. I would like to know if it is his purpose to press it?

Mr. STAFFORD. It certainly is.

Mr. BANKHEAD. Mr. Chairman, I regard this as an important proposition to all of us. If we are going to have just a moot discussion of the merits of the matter, then it is a waste of time. It seems to me that the point of order should be disposed of. I call for the regular order in order that we may find out whether we are going to vote upon the question.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Iowa [Mr. HULL] is not authorized by existing law and is in violation of that rule which inhibits legislation in an appropriation bill. I call the Chair's attention to the fact that the authorization for this activity is found in the Army appropriation act for the year 1921. The Chair will find that the appropriation there made was for the purpose of authorizing the compilation of these records containing the statements of the service "of all persons from those States that entered the military service during the war with Germany." Permit me to read a part of the paragraph referred to:

> Including the employment of the necessary clerical and other help for duty in the office of The Adjutant General of the Army in connection with the arrangement, operation, and maintenance of the files of these records, and for the employment of clerical help required to furnish—

And here is the important part—

> to the adjutant generals of the several States statements of service of all persons from those States who entered the military service during the war with Germany.

Later on there is the use of the same language—

> for all expenses, including the employment of clerical and other help in the office of The Adjutant General of the Army necessary for the completion and preservation of the selective service records and the completion of the work of furnishing statements of service to the adjutant generals of the States.

What is sought by the gentleman from Iowa? He wants, in addition to the statements of service, a history of the units to be furnished to the adjutant generals of the States, and in addition thereto he wants a record of the deaths and the burial places.

Mr. HULL. Does the gentleman object to furnishing the place where a man died? That is the supreme service that he rendered.

Mr. STAFFORD. Mr. Chairman, we gave the gentleman from Iowa a hearing before our subcommittee, and although this item was not recommended by the War Department, we carried this item of $100,000. That is the judgment of the subcommittee.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield for a legal question?

Mr. STAFFORD. In just a minute. Getting back to the question before the committee, Mr. Chairman, and that is the point of order, there is no authorization providing for the history of the units of these respective Army services in the World War.

Mr. WALSH. Mr. Chairman, will the gentleman yield for a question on the point of order?

Mr. STAFFORD. I promised to yield first to the gentleman from Iowa.

Mr. RAMSEYER. Mr. Chairman, the gentleman read the statute which authorizes the furnishing of the statements of the service. Would not that include how that service was terminated, either by honorable discharge or by death?

Mr. STAFFORD. It would not include a history of the units.

Mr. RAMSEYER. I am not inquiring about that.

Mr. STAFFORD. I well remember replying to the remark of the gentleman from Iowa [Mr. HULL], when this was originally proposed by the legislative subcommittee. The subcommittee, as I did, favored an appropriation that would bring these records of service to completion and as quickly as possible to the adjutant generals of the States, but our subcommittee did not consider it advisable, because of the delay that would be entailed, to require of The Adjutant General the furnishing of the record of deaths and the burial places. They are not in possession of that information in many instances. There is being prepared under the supervision of the Medical Corps a history of the activities of the various units in the World War.

Mr. RAMSEYER. Does the gentleman contend that giving the date and the place of the death of the soldier in the service is not included in the statute under the language "statement of service"?

Mr. MANN. That is a provision carried in the present bill. If it includes it, it is included.

Mr. RAMSEYER. That is chiefly what my colleague wants.

Mr. STAFFORD. Oh, no. The gentleman's colleague wants to have a history of the units.

Mr. RAMSEYER. I am not speaking about that now.

Mr. STAFFORD. I am speaking of that, particularly.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ANTHONY. As a matter of fact, the only new thing in the proposed amendment is that the department shall write this history of the war. The committee is providing for practically everything that the gentleman from Iowa proposes. This history of the war is a new proposition.

Mr. STAFFORD. Absolutely new.

Mr. RAMSEYER. Under existing law and under the paragraph here carrying the appropriation, is The Adjutant General authorized to furnish the date of the death and the place of the burial of the soldier?

Mr. MANN. If he has it; but under the gentleman's proposed amendment he has to furnish it or wait until he gets it.

Mr. RAMSEYER. If the information is not available, he can not furnish it, but if such information is available it should be furnished.

Mr. MANN. He would have to wait for it.

Mr. STAFFORD. That is why we do not want to adopt the amendment of the gentleman from Iowa. I do not think there can be any question but that the amendment proposed by the gentleman from Iowa is not in order under the authorization heretofore carried for this particular work.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. HULL. Certainly. As I understand it, the gentleman from Wisconsin withdraws the point of order on the record of the death and the burial?

Mr. STAFFORD. I do not withdraw anything. I make the point of order for the reason stated, and leave it to the Chair to make the decision.

Mr. HULL. Then the gentleman still contends that that is not a part of the service record?

Mr. STAFFORD. I have made my argument.

Mr. HULL. Certainly, the Chair will understand that the record of a man's death and the place he is buried is a part of the service record.

The history of the unit is also necessary to complete the record of a boy who served in this unit. You can not write a history of this war unless you have a record of the unit. It is in the nature of a service record, and was so considered in the Civil War. Every State has written a history and they have that data from the Adjutant General of the United States——

Mr. MANN. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. MANN. If these things which are covered by the gentleman's amendment are part of the regular statement of service, what did he offer his amendment for?

Mr. HULL. Simply because I want the matter cleared up. I want it to conform with the Secretary's letter. I want the amount put in there just as they state they would have it, and I want them to furnish a record——

Mr. MANN. I am not talking about the amount. The Secretary of War, I judge from the gentleman's statement and the letter, does not consider the language, statement of service, in the way the gentleman does. He thinks he can not do that. Is that the case?

Mr. HULL. Yes; but I want them to understand what they are expected to furnish.

Mr. MANN. Here is the law which says they shall furnish a statement of service. If that includes all the things, what is the use of adding to it? If they are not included in this language, I take it that the amendment is subject to the point of order.

Mr. HULL. To make a matter clear and well defined does not subject it to a point of order.

Mr. MANN. I do not know the merits of it at all.

Mr. HULL. It is a great deal better to have it clear and know exactly what you are asking for. I think everything I have asked for is a statement of the service of the soldier.

Mr. GARRETT of Texas. If I understand the gentlemen from Iowa it is that while it might possibly be covered he wants it specifically included, so that there will be no chance to exclude it?

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. BANKHEAD. What part of the increased appropriation the gentleman asks will be required to comply with the terms "history of the unit"?

Mr. HULL. $100,000.

Mr. BANKHEAD. And if it is eliminated from the amendment, it would still leave an increased appropriation of $102,000?

Mr. HULL. $202,000.

Mr. BANKHEAD. No; $102,000 if that is eliminated.

Mr. HULL. $202,000, including the $100,000 already in the bill.

Mr. BANKHEAD. I hope the gentleman, in the event the Chair sustains the point of order, would reoffer the amendment with that feature eliminated, so that we may have an opportunity of increasing the appropriation for the individual records of the men.

Mr. HULL. I can not imagine the point of order being sustained, but if it is I will reoffer it.

The CHAIRMAN. The Chair is prepared to rule. The Chair has not before him the statute, but he gathered from the reading of the statute by the gentleman from Wisconsin that the activities provided for in this paragraph are confined to the furnishing of statements of service. No mention is made either of a history of units or records of deaths and burial places. The gentleman from Iowa has increased the amount provided for in this paragraph in order to include history of units and records of deaths and burial places, which are not in the law. Therefore it seems to the Chair perfectly plain that this is new legislation, and the Chair sustains the point of order.

Mr. HULL. Mr. Chairman, I offer the following amendment. Strike out "$100,000" and insert "$202,000" at the end of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 14, line 12, strike out "$100,000" and insert in lieu thereof "$202,000."

Mr. ANTHONY. Mr. Chairman, neither the War Department nor the Bureau of the Budget asked any item for this purpose. As the gentleman from Iowa has correctly stated, the work of preparing the service records is 90 per cent complete. The War Department discontinued the work and money has been turned back unused from appropriations heretofore made because of the delay which would be involved in securing the data which the gentleman from Iowa wants—the place of death and the place of burial of the soldier. It is obviously impossible to bring a record of that kind completely up to date, and the department takes the position in this letter from Secretary of War Weeks——

Mr. McPHERSON. Will the gentleman yield?

Mr. ANTHONY. In a moment. In which he stated that if the attempt is made to furnish that information it will delay the payment of the bonus. I presume he means in many of the States which have passed laws making these payments to their soldiers. The department believes they have sufficient records upon which to base the bonus payment. Now, the committee has no objection in the world to the securing of this data and a completion of the records of the soldiers for the States. In fact, the committee was glad to grant the request of the gentleman from Iowa that we provide payment in this bill for this purpose, and we have an item of $100,000 for the completion of these records.

Mr. SISSON. Will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. SISSON. As a matter of fact, there was no item included in the bill at all as it came to us, and on the suggestion of the gentleman from Iowa the committee thought $100,000 would complete these original records and therefore give the information which was needed.

Mr. ANTHONY. I now yield to the gentleman from Missouri.

Mr. McPHERSON. I would just like to ask the chairman if the statements of service that have been furnished—90 per cent—show the date of death, without regard to the place, of each soldier?

Mr. ANTHONY. My understanding is these statements only show this where they had the information.

Mr. McPHERSON. They certainly have a list of all the soldiers who were killed.

Mr. ANTHONY. Men are dying every day.

Mr. McPHERSON. I mean those that were killed during the war.

Mr. ANTHONY. They undoubtedly have most of those. Perhaps their own records are not complete on that point. But I want the House to understand that it is the purpose of the committee to furnish money enough to carry on this work and to furnish information to the adjutant generals of the States. The committee has inserted $100,000 for that purpose, and it is the hope of the committee that, with the reduction in the size of the Army that this bill attempts, there will be enough slack in The Adjutant General's Department, in addition to the $100,000 and the clerks we provide for here, to complete this work. For instance, the present force of The Adjutant General's office is 1,314. We are providing next year for a total force of 908, and we believe with the provision we have made for clerical and subclerical help in the office of The Adjutant General, with this $100,000, they will be enabled to complete these records, or almost complete them, and if the appropriation we make does not do it, the committee will provide the necessary money.

Mr. HULL. If that is the way you are going to do it, you will be in the position you are in now, where The Adjutant General says you could have completed them if you had appropriated the money, and he will be permitted to do it. Now, it will cost $225,000, according to their own statement.

Mr. ANTHONY. Let me remind the gentleman that The Adjutant General is turning money back into the Treasury for this purpose.

Mr. HULL. And he will destroy his organization.

Mr. ANTHONY. We are not to blame for that. We want to set him to work again on this, and if it needs more money than the $100,000 that we provide the committee will furnish it.

Mr. HULL. It will take a year's time to do that.

Mr. ANTHONY. We want the States to have this information as much as does the gentleman.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word.

I regard this as a very important proposition, not only for the present but for the future records of the service men of the different States. And if I was satisfied that the gentleman from Kansas [Mr. ANTHONY] was entirely accurate in his statement that the War Department had sufficient funds now for the purpose of furnishing completed records to the adjutants general of the States of every service man from their States, I would have nothing further to say. Does the gentleman assert to us that this appropriation of $100,000 carried in this bill will be sufficient to provide clerical assistance, and so forth, for the purpose of furnishing to the adjutants general of the States, for State use, a complete record of all the State troops—472,000 cases, as referred to here by the Secretary of War?

Mr. ANTHONY. In the opinion of the committee it is pure guesswork. We thought we would furnish sufficient money to start the work.

Mr. BANKHEAD. The chairman of the committee has before him the estimate of the Secretary of War.

Mr. ANTHONY. Estimates do not amount to anything.

Mr. BANKHEAD. I do not know how we are going to arrive at the amount necessary. But what I want to do—and I am sure I reflect the sentiment of the majority of the committee—inasmuch as this is a matter of such importance to the States, is to appropriate now, without further delay, the money sufficient to carry on this work to speedy and expeditious conclusion, without speculating as to the amount. If you appro-

priate too much for it, I presume they might spend it extravagantly. And my position is based on the proposition that the amendment of the gentleman will prevail before this committee.

Mr. MANN. The gentleman just stated that it was the fault of Congress. It was no fault of anyone.

Mr. BANKHEAD. I did not say that.

Mr. MANN. There has been no lack of appropriation so far, and there has been no request for an appropriation for the next year.

Mr. BANKHEAD. I understand that this is tantamount to a statement as to the necessity for it.

Mr. MANN. The gentleman from Alabama, like everybody else in the House, knows that the request comes in the form of an estimate. For that matter, the departments are forbidden under the rules of the House to send a letter to a committee of the House. I do not know whether they violated that rule or not. Probably they did. Now, the Committee on Appropriations proposes to appropriate $100,000, with the statement that if that is not sufficient they will furnish more just as soon as it is necessary. Ought that not to be sufficient?

Mr. BANKHEAD. I will state very frankly to the gentleman from Illinois that I want to be sure that a sufficient amount will be appropriated, if this is not sufficient, to see that this work is finished, so that we may have the job behind us, because I am sure the gentleman from Illinois appreciates the tremendous importance of having preserved and in the hands of the State officials the records of the troops of our States.

Mr. MANN. Not only that, but they are going to vote on the proposition of a State bonus this year, and they want to get these records. If the bonus is to be provided, the records are essential. Now, the War Department held that—and I am not criticizing it; I do not know—that as to the furnishing of the last of these records they have not been able to do it because they did not have certain information which the gentleman from Iowa [Mr. HULL] wants them to furnish. So they stopped making up the records. Now, we want to get the records as far as they have them. My State and, I think, other States are in the same position. If the records come in later, they can furnish those, but now they want the records they have got.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman have additional time.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BANKHEAD. Does the gentleman mean to assert that The Adjutant General's office is still behind in the compilation of this essential data as to the service records of the men who were engaged in the service three years ago?

Mr. MANN. When it comes to including the death and burial of the men those records are still behind, so I am told.

Mr. BANKHEAD. They could very well furnish, then, the record, eliminating that phase of it.

Mr. MANN. That is what we want to have them do, to furnish the record they have.

Mr. BANKHEAD. But the Secretary says in this letter that more money than you appropriate will be required for that purpose.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. MANN. They did not ask for any. That is all I can say.

Mr. GARRETT of Texas. I would like to ask the gentleman from Illinois a question.

Mr. BANKHEAD. I will yield to the gentleman to ask a question.

Mr. GARRETT of Texas. Do I understand from the gentleman from Illinois that the War Department was proceeding on the theory in making up this record that the gentleman from Iowa [Mr. HULL] is proceeding upon in his amendment, and that they were making these records as to the place of death and burial?

Mr. MANN. I assume—and it is an assumption on my part—that the War Department was furnishing a record of all the information it had, including the death and the burial place, if they have it?

Mr. GARRETT of Texas. Then the War Department was proceeding under the law as written, as if the language of the amendment of the gentleman from Iowa had been written into it?

Mr. MANN. No. The language that the gentleman from Iowa proposes to write into it would require them to wait until they had all that information. We want the information that they have got.

Mr. GARRETT of Texas. Then why did they quit making up these records?

Mr. MANN. That is a matter of opinion.

Mr. LAYTON. Mr. Chairman, will the gentleman from Illinois yield for a question?

Mr. MANN. I have not the floor. I suppose the gentleman from Alabama [Mr. BANKHEAD] has the floor.

Mr. LAYTON. Will the gentleman from Alabama yield for a question?

Mr. BANKHEAD. Yes; but I presume my two minutes have expired.

Mr. LAYTON. Then I will ask for an extension.

Mr. SISSON rose.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SISSON. Mr. Chairman, I did not know that the time of the gentleman from Alabama had expired when I rose. I will say to the members of the committee that many millions of dollars have been spent in the preparation of these service records.

Mr. MADDEN. Three and one-half million dollars.

Mr. SISSON. And these records are more complete now than were the records of the Civil War 15 or 20 years after the close of the Civil War. This is the most complete record ever made, so your committee is informed, and the committee, of which I am a member, has had this whole matter in charge.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I can not yield; I can not yield to anyone just now. In our investigation we were assured that the information which they now have can be given to the States. We feel that this $100,000 that we give them will be enough to complete the records which the States need. They themselves made no estimate originally about the matter. This matter was called to the attention of the War Department, I presume, by the gentleman from Iowa [Mr. HULL]. He then came before our committee. No estimate was before us. We took up the matter and decided that for the service records needed by the States $100,000 would do the work.

This $100,000 is not to be expended in writing the history of a certain company, or a certain unit, or a certain regiment. If you want to depart on that new activity, no one knows just exactly where that may end. But we have all the information that may be needed for private individuals and States to write any sort of history they want.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I am not yielding yet. But I am not willing to embark upon this new activity at this time, and the committee felt that we were liberal in providing $100,000. I suggested to the gentleman from Illinois [Mr. MANN] that in making this $100,000 immediately available, that was subject to a point of order, but in order that they might expend this $100,000 at once, so as to give these gentlemen the service record of these soldiers in the States, the committee took chances on making it immediately available, and recommended the appropriation of the amount of money that we thought was necessary, and there is not a gentleman on this floor who can come any nearer determining the amount of money needed than the committee. There is not a member of this subcommittee who is not just as much in favor of furnishing a complete record to these States as any other Member on this floor, but we do not want to squander money unnecessarily.

Mr. LAYTON. Now will the gentleman yield?

Mr. SISSON. I yield now to the gentleman from Delaware.

Mr. LAYTON. I knew you would, after awhile. The gentleman from Mississippi is the gentleman who can give me the information I am after.

Mr. SISSON. What is the question, please?

Mr. LAYTON. What do you mean by 90 per cent of these records being completed?

Mr. SISSON. As a matter of fact, The Adjutant General informed us—not at this hearing, but at a former hearing—that they were all practically complete, and I know that a great deal of money has been turned back into the Treasury. More was appropriated than was necessary. Now, I am not able to explain to the gentleman——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LAYTON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. SISSON. As to the 90 per cent, I do not know exactly what that means. The records of certain individual soldiers

might be missing. I do not know how long it will take to dig up all those items, after this record of every soldier should have been completed. The Adjutant General was frank enough to tell use that in the case of the death of many soldiers they will never be able to tell where they died, because in war time, as he explained, a man might be wounded in a certain place on the field and be taken at once to a neighboring hospital, and from that hospital he might be transferred to another hospital, and the information is gone, and forever gone, as to where the man was wounded, and unless he dies in a hospital it may be difficult to determine where the man died.

Mr. LAYTON. Have any of the States been furnished, up to this time, with a complete record?

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield to a friendly question?

Mr. SISSON. Yes.

Mr. FROTHINGHAM. I understand, in fact I knew before I got out of the service, that they had a historical section of the General Staff working over here at the War College to write the history of this war?

Mr. SISSON. That is true; and they have got that unit. Let us let them alone. They are working, and we are going to let them continue. Why, in the name of God, do you want to spend $100,000 more than is needed?

Mr. FROTHINGHAM. I do not want to spend it; but I want to ask the gentleman if he agrees with the chairman of the committee that if this should prove not to be enough money he would be willing to give more?

Mr. SISSON. Why, it is the absolutely unanimous vote of the committee. There was not a single objection in the committee. The only question that interested us was to give them enough money and not give them too much. We would rather give them a little too much than to have them cut short. We have done the best we could with all the information and light we had before us to give them every penny that was necessary to complete these records. I do not believe there is a Member of Congress who does not want that done, but we do not want to spend $100,000 unnecessarily, because if you give $100,000 to The Adjutant General it is likely to be expended somehow.

Mr. HULL. Mr. Chairman, it is three years since the war closed. They have not got the record complete, and that is partly due to the fact that we have been haggling with the War Department as to how much it would cost to complete them.

Mr. SISSON. That is not correct. There has been no haggling about it.

Mr. HULL. You are haggling now. The War Department have made an estimate of the cost. They have told you how much it will cost, and they have tested it. I want to have these records completed, and if you give them the amount of money that is stated in my amendment you will have your records complete. If you give them half that amount, you will not have them complete a year from now and you will still be debating the question as to how to get these records complete. It is distinctly up to you gentlemen who represent these States that had your boys in this war. Do you want to complete the records? If you do, you will give them the money I have asked for, because that is what the War Department says is the very least that they can do it for. [Applause.]

The CHAIRMAN (Mr. GRAHAM of Illinois). Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from Iowa [Mr. HULL].

The question being taken, on a division (demanded by Mr. STAFFORD) there were—ayes 53, noes 20.

Accordingly the amendment was agreed to.

The Clerk read as follows:

OFFICE OF THE JUDGE ADVOCATE GENERAL.

Salaries: Chief clerk and solicitor, $2,500; patent expert, $3,600; clerks—2 of class 4, 4 of class 3, 5 of class 2, 20 of class 1, 2 at $1,000 each; messenger, $840; 3 assistant messengers at $720 each; 4 charwomen at $240 each; in all, $53,060.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the subcommittee a question. I notice a provision for a patent expert at a salary of $3,600 in the appropriation for the Judge Advocate General. Just what are the duties of this patent expert?

Mr. ANTHONY. During the war, of course the Government had to make use of articles which were patented. There was no time to straighten out the proper amount to be paid under those patents, and any number of claims have been filed since the war. The legal department of the Government are required to investigate them very carefully. They find they must have a man skilled in patent matters in order to enable them to have any judgment whatever in passing upon these claims.

Mr. NEWTON of Minnesota. So it is something that is really chargeable to the expenses of the war?

Mr. ANTHONY. Yes; it is necessary. There is a patent expert in the office of the Judge Advocate, and not only that, but in the office of the Chief of the Air Service they have a patent expert, and in the Ordnance Department also they have a patent expert to pass upon these matters.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the pro forma amendment. I desire to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I am aware that the committee has agreed to postpone the consideration of the pay of the Army items until next week; but it may be of some interest to a few members of the committee at least if I put into the RECORD to-day in advance of the discussion certain authorities that I have collected with relation to the constitutional propriety of the provision at the bottom of page 22 and the top of page 23 purporting to limit the number of men who may be retained in our overseas possessions for the next fiscal year.

Can the Congress, under the guise of a limitation on an appropriation act, constitutionally compel the President to make geographical distribution of the United States Army according to the specifications of the Congress?

H. R. 10871 (the Army appropriation bill for the fiscal year ending June 30, 1923) carries on page 22 the following language:

No part of the appropriations made herein for pay of the Army shall be used, except in time of emergency, for the payment of troops garrisoned in China, or for payment of more than 500 officers and enlisted men on the Continent of Europe; nor shall such appropriations be used, except in time of emergency, for the payment of more than 5,000 enlisted men in the Panama Canal Zone, or more than 5,000 enlisted men in the Hawaiian Islands.

The President of the United States is, of course, Commander in Chief of the Armies and the Navies of the United States. If the Congress can validly and constitutionally tell him that he may not maintain more than 5,000 troops in Hawaii or Panama, it may, of course, with equal validity and constitutionality tell him that he may maintain only a fixed number upon the Texas border or upon the Great Lakes. It follows, then, that if the prohibition just quoted is to be upheld, Congress must have the right to indicate just how many troops may be maintained in a given fort or garrison anywhere in the United States at a given time.

But the Constitution says that "the President shall be Commander in Chief of the Army and Navy of the United States." If Congress can in fact regulate the movements of troops and their location from time to time in such detail as it sees fit, what is left of the President's constitutional authority over the armies? Clearly, it is only a shadow and not the substance. The defenders of the foregoing limitation in the Army bill call attention to the fact, first, that the United States is at peace, and, second, that the limitation expressly excepts emergencies. But I reply that the President is Commander in Chief of the Army both in war and in peace, and both when there is an emergency and when there is no emergency. If the limitation is valid now it would be valid in war time. Yet I doubt if even the hardiest of the advocates of the language of the bill would care to assert that Congress during the Civil War could have told President Lincoln when and where and how to send his troops to accomplish most speedily and effectively the capture of Richmond.

The proponents of the language rely, of course, upon the authority given in the Constitution to Congress—

To raise and support armies * * *; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces.

If the President were not elsewhere in the Constitution expressly made Commander in Chief, naturally enough the language just quoted would have lent color to this argument. But we must undertake to reconcile the two passages from the Constitution. The President could in no true sense of the word be Commander in Chief if he could not control the comings and goings and the operations of the armies. On the other hand, Congress can perfectly well raise and support an Army and make rules for its government and regulation which will in no way conflict with the power elsewhere granted the President. This it has done both in war and in peace ever since the foundation of the Government. Any careful consideration of the evident purpose of the Constitution in this regard will, I think, convince the student that Congress was not intended to have, and does not have, power to control the detailed movements of the armies.

This power is inherently in the President as Commander in Chief.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. MADDEN. Does the gentleman contend that it is not within the power of Congress to say whether they will appropriate for more than a given number of men at a certain place?

Mr. ROGERS. There is no question, of course, that the Congress can say whether the Army shall be 200,000 men or 100,000 men, or that there shall be no Army at all; but I contend that under the Constitution and under the authorities which I shall print in the RECORD Congress has no right whatever to tell the President that he may have only so many troops at a given place at a given time.

Mr. MADDEN. We could say that he shall not have any troops at all there.

Mr. ROGERS. Congress can say that there shall be no Army, but Congress has not the right to say that such Army as there is shall be geographically distributed as it pleases. That is a military function and belongs exclusively to the jurisdiction of the Commander in Chief.

Mr. MADDEN. Then the people of the United States, as represented by the legislative branch of the Government, are powerless to regulate the conduct of the Government in any way, I assume, according to the gentleman's argument?

Mr. ROGERS. So long as the Constitution provides that the President of the United States—who, like Congress, is the agent and servant of the people of the United States—shall be the Commander in Chief of the Army and the Navy, Congress can not tell the President where he shall allocate the troops at a given time.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. NEWTON of Minnesota. I ask unanimous consent that the gentleman have five additional minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Massachusetts [Mr. ROGERS] be extended five minutes. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. In other words, Congress can deny to the Government any army at all, but if Congress provides an army it is up to the President as Commander in Chief of the Army to place that Army where he sees fit.

Mr. ROGERS. That is precisely my view and my contention.

Mr. NEWTON of Minnesota. I agree with the gentleman.

Mr. ROGERS. I find little judicial interpretation which throws light upon the question. Perhaps this is because Congress has been very loath to make even the attempt to dictate as to how the President should to the best national advantage locate the several portions of our land forces. In Chief Justice Chase's opinion in the Milligan case (4 Wall., 2, p. 139) it is said that the power of Congress extends to all legislation essential to the prosecution of war vigorously and successfully—

> except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. * * * Congress can not direct the conduct of campaigns.

Although this language appears in a dissenting opinion of the Chief Justice and three other justices, it has been frequently quoted, and always with approval, and nothing in the majority opinion is in conflict with the language.

Mr. MADDEN. Will the gentleman yield for an interpolation?

Mr. ROGERS. Yes, indeed.

Mr. MADDEN. Congress is not endeavoring in this appropriation, to which the gentleman refers, to manage or conduct the campaign. Congress is simply asserting its right, so far as its recommendation goes, to say how many troops there shall be at a certain place. It does not take away the right of the President to conduct the troops and manage them, direct them as to movement, or anything of that sort.

Mr. ROGERS. My contention is that an essential and inherent part of the conduct of a campaign is the location of troops according to the behests of the Commander in Chief. [Applause.]

In Watson on the Constitution, volume 2, page 914, it is said in this connection—

> Congress can legislate relative to the number of the Army and the Navy, the compensation of the officers and men, and the term of their service, as well as many other matters, but command of the Army and Navy is invested in the President, and Congress can neither command them or take that power from the President. *The power is vested in the President to dispose of or arrange the component parts of the Army and Navy at his pleasure.* * * * While Congress can make rules for the Army and Navy, it can not interfere with the President's power as commander of such forces. The line between the exercise of his power as commander and that of Congress is plain, and neither can rightfully or legally invade the other.

In a well-considered Court of Claims case (Swaim v. United States, 28 Ct. Cls. Repts. 173, p. 221) the obviously sound position is taken that "Congress can not in the disguise of 'rules for the government' of the Army impair the authority of the President as Commander in Chief." Congress may, it is there truly said, increase the Army or reduce the Army or abolish it altogether, but so long as we have a military force Congress can not take away from the President supreme command.

Another authoritative text writer (Willoughby on the Constitution, vol. 2, sec. 713) draws precisely the same distinction as that made by Chief Justice Chase and by Judge Watson:

> Through or under his (the President's) orders, therefore, all military operations in time of peace, as well as of war, are conducted. *He has within his control the disposition of troops*, the direction of vessels of war, and the planning and execution of campaigns. With Congress, however, lies the authority to lay down the rules governing the organization and maintenance of the military forces, the determination of their number, the fixing of the manner in which they shall be armed and equipped, the establishment of forts, hospitals, arsenals, etc., and of course the voting of appropriations for all military purposes.

In another Court of Claims case (24 Court of Claims Cases, 230, affirmed by U. S. Supreme Court, 133 U. S., 299) it is said that the power of command and control which the framers of the Constitution placed in the hands of the President is vested in him with only two restrictions—first, that Congress shall have the power already noted of making rules for the government and regulation of the forces, and, second, that the appointment of Army officers shall be subject to the advice and consent of the Senate. The same doctrine is laid down in Fifth Corpus Juris, 309, and in Tenth Opinions of the Attorney General, 462. See also Davis' Military Law, Third Edition, 323.

From the foregoing, both as a matter of principle and of such authority as is available, the limitation in the present bill seems constitutionally indefensible.

In this connection it is interesting to note the testimony of Secretary Weeks when he appeared before the Committee on Appropriations upon this very bill on the 20th of last month. He said (pp. 1472–1473 of hearings):

> Of course, Congress does not order the maintaining of a definite number of troops in any one place, because Congress can not do it. * * * Of course, Congress can not direct where the troops are to serve. * * * I want to express the opinion it would be a mighty bad thing for Congress to do it, even if it had the power.

Gen. Harbord (p. 1460 of hearings), one of the ablest and most respected Army officers we have, said, referring to this very thing:

> I think if you put that limitation in there you will infringe upon the constitutional prerogative of the Commander in Chief—the President.

In my judgment the President of the United States would feel it to be his duty—and I think it would in fact be his duty—to veto any bill containing the language in question on the grounds that it was an unconstitutional attempt by Congress to limit his constitutional rights, powers, and duties. [Applause.]

Mr. MADDEN. Mr. Chairman, in reply to the gentleman from Massachusetts, who quoted some distinguished jurists as to the constitutional power of Congress in respect to the disposition of troops placed at the disposal of the President, I wish to say I do not think that even the jurists whose opinions have been cited would say that it is not within the power of Congress to provide that no part of an appropriation made for the maintenance of an Army shall be expended except under conditions laid down by the Congress. The conditions laid down in this case provide that the appropriation is to be made for the maintenance of 500 troops in Europe. If I had my way there would not be one soldier left in Europe. [Applause.] I think the time has come when they ought to be back here. Five hundred can do no good there except to make a draft against the Treasury.

I wish further to say that we have had these troops over there now since the close of the war, and there are $241,000,000 due to the American Government that nobody over there seems to want to pay.

Mr. ROGERS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROGERS. The gentleman, of course, is discussing the merits of the question, with which I am inclined to agree with him, but I call attention to the fact that in the hearings the Secretary of War says the plan of the War Department was to bring back every one of the troops except a few caring for the graves of American soldiers by the beginning of the next fiscal year.

Mr. MADDEN. I want to help the Secretary of War to carry out his intention. I want the American people to understand

that Congress is in favor of bringing these men back and letting them serve on American soil, and we want the people of Europe to know, as far as we can, that we do not propose to let them tell us whether we are to collect the $241,000,000 or not.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. MOORE of Virginia. The Supreme Court has not decided the question, but if the contention of the gentleman from Massachusetts is correct, I suppose Congress would not be able to recall the troops from Europe by enacting a statute to that effect.

Mr. MADDEN. It would not.

Mr. MOORE of Virginia. If, again, the gentleman from Massachusetts is correct, the President, even though Congress should enact a statute forbidding it, would have the discretion to send the entire Army to Europe, would he not?

Mr. MADDEN. He would. Under the rules and precedents of the Congress from the foundation of the Government down, the limitations placed on this bill to which the gentleman from Massachusetts calls attention are in order. We have not violated the rules of the House, the laws of the land, or the Constitution of the United States. We have done just what we thought we ought to do, what we had the power to do, what it is within the discretion of Congress to do, and what the people of the United States want us to do, limit the expenses of the Government for the maintenance of the Army. Whatever Army we have, let us have them within the confines of continental United States and quit mixing in the entangling alliances over there. [Applause.]

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Chairman, in response to the call of Mayor James L. Key, of Atlanta, there was held in that great metropolis of the Southeast last Sunday afternoon a big mass meeting, at which there assembled fully 3,000 people. Addresses were made by former Gov. O'Neal, of Alabama, and several prominent Georgians. Resolutions were passed at that meeting dealing with a great national asset, the development of which we believe will do much to solve the question of unemployment and be a permanent boon to the agricultural interests of the entire country. In consonance with these resolutions which I wish to have read, there are others from patriotic clubs and workingmen's associations which I wish to include. The people of my section believe that a great commercial and agricultural problem of the future is wrapped up in the question presented in the resolutions, which I shall ask the Clerk to read in my time.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

To the honorable President and Congress of the United States:

We, citizens of Atlanta and Georgia, in mass meeting assembled at City Auditorium, Atlanta, Sunday, March 12, with full confidence in both the justice and wisdom of our President and Congress, do hereby declare:

That while the entire Muscle Shoals stretch of the Tennessee River lies within the borders of our sister State, Alabama, the right to control and regulate the river in the interest of the Nation's commerce has been ceded by the State of Alabama to the Federal Government. We recognize the fact that Muscle Shoals is the property of the Nation, belonging alike to the people of all the States in the Union, and while we claim no greater right than any other State to say what shall be done with Muscle Shoals, we believe that we but exercise the guaranties of the Federal Constitution when we petition Congress that this great national asset be not employed by the Government as an instrumentality for fastening upon us and the future generations the yoke of an oppressive and burdensome monopoly.

We hold that it would be a travesty on legislation if after many years of congressional consideration of how best to conserve the power in our navigable streams for the benefit of all the people, and how most surely to preserve them from being used as instruments of monopoly, the Nation's greater water power should be handed over to the Alabama Power Co. under the national water power act; and we further hold that it would be the quintessence of legislative folly for the Government, after 10 years of investigation as to how best to free the United States from its dependence upon a foreign power for its supply of nitrogen for explosives in the event of war, and after spending millions of dollars in the construction of the greatest nitrogen fixation plant in the world, to turn over the only power capable of successfully operating the nitrate plant to a corporation owned and controlled by foreigners.

We indorse the sentiment "America first," and Muscle Shoals first for Americans and above all for American farmers. Henry Ford is a typical American, who by his genius has done more for country people and country life than any other man of his time. A man who has the trust and confidence of the great masses of the common people, as evidenced by the resolutions adopted by every gathering of plain, ordinary Americans, including the representatives of 4,000,000 farmers, who have given voice to their sentiments in regard to his proposal for the development of Muscle Shoals.

We believe the issue in Congress is clearly drawn. It is a contest between the people and the interests which control the people's fertilizer and power resources.

On behalf of the army of the unemployed, in the interest of the great body of plain American citizens, in the name of millions of perplexed and burdened farmers, we beg our President and the Congress of the United States and its committees to promptly accept the offer of Henry Ford.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield for a question?

Mr. UPSHAW. In a moment. Allow me to add that without disparagement to other pending offers, I believe it is worth a great deal to contemplate the statement of Charles S. Burrett, the wise president of the National Farmers' Union, who said to-day that he believed that 98 per cent of the people of the South, if not the entire Nation, have such faith in Henry Ford's honesty and outstanding business ability that they are in favor of accepting his offer. I now yield to the gentleman from New York.

Mr. CLARKE of New York. I would like to know if at this mass meeting, where they expressed a vote of confidence in the President and indorsed these resolutions, they also included a promise of political support for him in the next presidential election if he be nominated? [Laughter.]

Mr. UPSHAW. Of course, the gentleman from New York asks that question in playful spirit, but this is a great question of national commercial importance, upon which President Harding and Congress will be too patriotic to be influenced by sectional considerations or lines of political cleavage.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. CONNALLY of Texas. Is it the conception of the gentleman from New York that the President will do these things only in consideration of political support? [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD by including herewith some strong individual letters and telegrams and petitions from other patriotic bodies in my State.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. UPSHAW. The following additional resolutions, letters, and telegrams show the overwhelming sentiment of the people of my section—their faith in Henry Ford's humanitarian purposes and proven commercial generalship, which they are anxious to see dedicated to the largest possible development of the South and the Nation:

ATLANTA, GA., *February 21, 1922.*

Hon. WILLIAM UPSHAW,
Congressional Office Building, Washington, D. C.:

Whereas by resolution introduced by C. W. McClure and unanimously passed, the Ford proposition seems reasonable and fair to us, and certainly the first effort to save Government loss, we the undersigned Kiwanis Club of Atlanta respectfully petition the Secretary of War and Congress of the United States to approve and indorse the Ford contract.

KIWANIS CLUB OF ATLANTA,
By J. SHERRARD KENNEDY, *President.*

GEORGIA LEAGUE OF WOMEN VOTERS,
Atlanta, Ga., February 25, 1922.

Mr. W. D. UPSHAW,
United States Congress, Washington, D. C.

MY DEAR MR. UPSHAW: I am writing to ask you to work and vote for the Ford lease of Muscle Shoals. It will be a wonderful thing for the South to have it developed by a man who considers men more important than dividends.

* * * * * * *

Trusting you will give these matters earnest thought, I am,
Cordially,

E. B. CHAMBERLIN, *President.*

ATLANTA FEDERATION OF TRADES,
January 31, 1922.

Hon. WILLIAM D. UPSHAW,
Congressman Fifth District of Georgia, Washington, D. C.

DEAR MR. UPSHAW: At the regular meeting of the Atlanta Federation of Trades, held January 24, I was instructed to write and urge you to support the proposition made by Henry Ford for the purchase of Muscle Shoals. It was agreed among the delegates present that the taking over of Muscle Shoals by Henry Ford meant more to the development of the South than anything that ever happened.

* * * * * * *

Yours, very truly,

LOUIS P. MARQUARDT,
Secretary, No. 82 Gordon Street.

ATLANTA UNION LABEL LEAGUE,
Atlanta, Ga., January 23, 1922.

Hon. WILLIAM D. UPSHAW, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: At a regular meeting of the Atlanta Union Label League held on the 18th of January last, I was instructed to address an appeal to you in behalf of Mr. Henry Ford's offer to take over the Government nitrate plants at Muscle Shoals, Ala., and to respectfully re-

quest that you use your good offices and influence in the Congress of the United States in securing the contract for Mr. Ford.

The masses of the people throughout the State of Georgia realize that the Ford offer, if accepted by the Government, will do more toward relieving the southern farmer and the unemployment situation in the South than will any other scheme yet offered; also the United States Government will be relieved of the large expenditure in money necessary to complete and operate these plants, which will be a great saving to the people in taxes.

With very best wishes, I am, very truly, yours,

T. J. BOGGS,
Secretary-Treasurer Atlanta Union Label League.

—

ATLANTA, GA., *January 14, 1922.*

Hon. W. D. UPSHAW,
Representative of Fifth District, Washington, D. C.

DEAR SIR: By resolution regularly passed by Carpenters' Local Union No. 253, of Atlanta, I am directed to request of you that you support with your influence and vote, if necessary, to procure for Mr. Henry Ford the lease on the Muscle Shoals property.

Believing his proposal to be for the best interest of the South and Georgia is our reason for this request.

Very respectfully,

G. L. ADAMS,
Recording Secretary, Local Union No. 253, 211 Oak Street.

—

ATLANTA, GA., *November 19, 1921.*

WILLIAM D. UPSHAW,
1829 Columbia Road, Washington, D. C.:

ATLANTA LODGE, International Association of Machinists, instructed that I convey to you information that at last meeting unanimous action was taken on resolution indorsing proposition offered our Government of taking over of nitrate plant, Muscle Shoals. We feel such project would relieve depressed condition, and respectfully request you use special effort to bring Mr. Ford's proposal to successful conclusion.

G. C. WHIPPLE, *Business Agent.*

—

MANCHESTER, GA., *February 8, 1922.*

Hon. W. D. UPSHAW,
Washington, D. C.:

Am arranging speaking engagement in the principal towns in Georgia and Alabama on Muscle Shoals. Motion-picture reel shown in Washington would add to my material. Am advocating Ford's proposition. Wire at my expense if I can secure reel, even by renting or buying. Name reference Manchester bank.

REV. T. H. MCCOY.

—

ATLANTA, GA., *January 22.*

Hon. W. D. UPSHAW,
Representative Fifth District of State of Georgia,
Washington, D. C.:

Local Building Trades Council request your support for the Ford Muscle Shoals offer.

E. E. GROSS,
128 Trinity Avenue.

—

ATLANTA, GA., *February 4, 1922.*

Congressman W. D. UPSHAW,
Washington, D. C.:

Member International Association of Machinists wish Ford secure Muscle Shoals.

T. L. SLAPPY.

—

ATLANTA, GA., *November 19, 1921.*

MUSCLE SHOALS DEVELOPMENT.

Hon. WILLIAM D. UPSHAW,
United States Congressman, Washington, D. C.

DEAR SIR: We are very much interested in the negotiations being carried on between Mr. Henry Ford and the War Department, and hope they will be carried to a successful conclusion.

If not inconsistent, we respectfully urge you to use your influence with the Secretary of War and Congress to see that these negotiations are carried to a successful conclusion.

We believe that Mr. Henry Ford with his splendid initiative and successful organization can successfully develop the Muscle Shoals project to the benefit of the entire South.

Respectfully submitted.

MATHER BROS.
R. S. MATHER.

—

ATLANTA, GA., *November 19, 1921.*

Hon. W. D. UPSHAW,
Washington, D. C.

DEAR SIR: Knowing that the operation of the Muscle Shoals plant would mean the greatest blessing that could possibly be bestowed the South, as it would make available for southern farms, which are the most productive in the United States, an ample supply of fertilizer at a materially reduced cost, and at a time when the southern farmer is more depressed and discouraged than he has been in recent years; and whereas the offer made by Henry Ford is the only reasonable offer made by a responsible bidder, we urge upon the Secretary of War and Congress the immediate acceptance of Mr. Ford's offer, and we urge you to exert all your influence and power to this end.

We assure you we will only be too glad to reciprocate should the opportunity present itself, and if we can be of further assistance to you in the furtherance of your efforts, command us.

Yours, truly,

BELL BROS.

—

CITY OF ATLANTA,
Office of the Mayor, March 6, 1922.

Hon. W. D. UPSHAW,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: We are indebted to you for your favor of March 2, in which you inclose copy of Mr. Ford's proposal for the purchase of Muscle Shoals, and the self-explanatory letter of Mr. R. G. Liebold, Mr. Ford's secretary.

Subsequent to the receipt of this information a meeting of representative citizens was called in the mayor's office, at which time the matter was discussed with the view of organizing the people of the city and State for the purpose of crystallizing sentiment in favor of the proposal. At this meeting, Saturday, March 5, it was decided to call the committee of seven, which was appointed, for Saturday afternoon, at which time details were arranged for a mass meeting in the City Auditorium Sunday afternoon, March 12.

Former Gov. O'Neal, of Alabama, will be invited to address the mass meeting. Yourself and other distinguished leaders will be invited also, and it is hoped that affairs will permit your attendance.

Thanking you for your timely and invaluable assistance, I am,

Yours, very truly,

WALKER T. LEE, *Secretary.*

—

ATLANTA, GA., *November 18, 1921.*

Hon. W. D. UPSHAW,
Washington, D. C.

DEAR SIR: We are interested in the disposition of the Muscle Shoals Dam.

We do not know anything about the merits or demerits of Mr. Ford's proposition to the Government, but we do know that Mr. Ford has a reputation of being able to bring things to pass. He has made certain promises to the farmer if he is successful in acquiring this property, and, so far as we know, he keeps faith with the public.

We would like very much to see Mr. Ford get this property, and we hope you feel the same way and will do what you can in that respect.

Yours, truly,

BROWN HAYES CO.

—

FARMERS' BANK OF PELHAM,
Pelham, Ga., November 22, 1921.

Hon. W. D. UPSHAW, M. C.,
Washington, D. C.

DEAR SIR: I am taking the liberty of writing you in regard to Mr. Henry Ford's offer to the Government for the property and plants at Muscle Shoals. While, of course, we are not familiar with the terms of his offer, at the same time from all accounts it is the best offer that has been made. Judging Mr. Ford by the success he has made with his other ventures, we believe he would make a success out of it which would ensure to the benefit of the farmers of the South, who are now all practically bankrupt, due to the sudden decline in prices of all farm products.

With cordial good wishes, I am,

Yours, truly,

B. U. CURRY, *Vice President.*

—

ATLANTA, GA., *November 25, 1921.*

Hon. W. D. UPSHAW,
Washington, D. C.

DEAR SIR: We have been studying the Muscle Shoals situation considerably and have come to the conclusion that Henry Ford is the logical man to handle this property, and that his offer should be accepted, as it seems to be the only reasonable offer made by a responsible bidder.

This proposition of Mr. Ford's should result in much good to the country, as well as to the South in particular, and we trust that when the matter comes up for attention that you will act favorably on this proposition.

Thanking you in advance for giving this matter your usual careful consideration, we are,

Sincerely, yours,

PHONOGRAPHS (INC.),
W. L. F. ROSENBLATT, *President.*

—

FAIRBURN, GA., *February 8, 1922.*

Hon. W. D. UPSHAW.

DEAR SIR: I am writing you to tell you that I want you to vote for the acceptance of the Ford proposal of Muscle Shoals nitrate plant.

I have read everything I could see in all the newspapers and I have studied this thing from the farmers' standpoint, and if this is not the greatest thing that has ever been offered to the South I have completely failed to see aright, because it will revolutionize the fertilizer business completely. It will give us the advantage of not having to buy foreign nitrates and thousands of other things; that you know better than I do.

Mr. Ford is the best employer in America, the Government not excepted, from the fact of the many thousands of men who work for him. He has never had the threat of a strike. The men who work for him are the best paid, the best housed, and the best satisfied men in the country. I have talked with hundreds of men in this county, and they are all of the same opinion, so if this thing don't go right, somebody is going to want to know why.

Yours for right,

W. J. DAILEY,
Route No. 2, Fairburn, Ga.

—

GRINNELL CO.,
Atlanta, Ga., February 16, 1922.

Hon. WILLIAM D. UPSHAW,
Washington, D. C.

DEAR SIR: I am heartily in favor of the Government's acceptance of Mr. Ford's offer covering Muscle Shoals.

To my mind there is no other man in this country possessed of Mr. Ford's initiative and ability for the undertaking and development of a proposition of this magnitude. Believing that the best interests of the people as a whole will be perpetuated to the greatest extent by Mr. Ford's offer, I trust you will consider it in order and use your influence toward the early consummation of the negotiations between the Government and Mr. Ford, and the acceptance of the same.

Yours, very truly,

LON J. LEARY.

—

ATLANTA, GA.

Hon. W. D. UPSHAW,
Washington, D. C.

DEAR CONGRESSMAN: The undersigned request you to introduce a resolution in Congress to accept Ford's offer without delay. People, as a whole, here demand that a certain department stop unnecessary delay in dealing with a matter so vitally important.

H. M. Hornsby, G. W. Wright, Preston Lewis, T. A. Poole, Hugh A. Howard, J. Allen Vickery, W. T. Higins, R. D. Davis, E. E. Ingram, J. R. Buchanan, P. K. Hickman, V. M. Bartlett, H. E. Jones, L. B. Smith, W. M. Cook, R. L. Underwood, W. G. Langley, E. G. Mitchell, S. O. Gay, A. D. Snyder, P. P. Hickman, Wm. Barkelmann, S. D. Kidd, sr., S. D. Kidd, jr., J. H. Morgan, H. G. Baker, S. L. Keith, W. A. Kelso, J. A. Waters, F. L. Miller, R. B. Patterson, Frank A. Witt.

ST. SIMONS ISLAND, GA., *February 22, 1922.*

Congressman W. D. UPSHAW,
Washington, D. C.

DEAR SIR: The St. Simons Island Board of Trade unanimously indorses and approves the Ford proposition for Muscle Shoals, believing that it is the best plan offered to save Government loss, and that it will be of untold value to the South and this immediate section, and we respectfully urge that you do everything in your power to get this contract accepted.

Yours, truly,

ST. SIMONS ISLAND BOARD OF TRADE,
By ASHBY PURSE, *President.*
By ALFRED L. PULLEN, *Secretary.*

The CHAIRMAN. The Chair understands that at this point in the bill there is to be an omission of some matter?

Mr. ANTHONY. Mr. Chairman, if it is agreeable to the gentleman from Mississippi, I suggest that we jump from this point in the bill over to line 19, page 60, beginning with the paragraph headed "Contingencies, Engineer Department, Philippine Islands." All of the intervening items will be affected by the size of the Army.

Mr. SISSON. I have no objection to that being done, under the former agreement, with the understanding that at the next meeting of the committee we return to the point where we leave off.

The CHAIRMAN. The gentleman from Kansas desires to begin the reading on line 19, page 60.

Mr. ANTHONY. That is correct.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, in which the concurrence of the House of Representatives was requested.

The message also announced that the Vice President had appointed Mr. STERLING and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

WAR DEPARTMENT APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

ORDNANCE SERVICE.

For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the Ordnance Service and those attending practical trials and tests of ordnance small arms, and other ordnance stores; for instruction purposes; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals, which may be paid for in advance; and payment for mechanical labor in the office of the Chief of Ordnance; and for maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, $1,250,000: *Provided*, That no money appropriated herein shall be expended for maintenance, repair, or operation of any motor-propelled passenger-carrying vehicle employed wholly or in part for personal, social, or other similar use or for any use except for military and official business: *Provided further*, That all material purchased under the apropriations in this act for the Ordnance Department of the United States Army shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Kansas about what the estimates were for the manufacture in arsenals?

Mr. ANTHONY. The estimate was $1,400,000, and the committee has reduced that to $1,250,000.

Mr. DALLINGER. Will the gentleman point out just in what item this occurs?

Mr. ANTHONY. There are a number of items; for instance, the item for services and supplies in the ordnance stores. The department wanted $365,000 and it is reduced to $313,000. In fact, that is the department's revised estimate itself, after those figures came to us from the Budget. Also, for services of clerks required for property accounting, and again for heat, light, and water, the first estimate was $224,000 and the reduced estimate $208,000. For services of messengers, guards, watchmen, firemen, on other than manufacturing and experimental work they asked $280,000 and then the revised estimate was $273,000. For operation and repair of passenger-carrying vehicles, for other than manufacturing necessities, there was originally asked $70,000 and it was reduced to $58,000, and so on. It covers a multitude of things.

Mr. DALLINGER. Do I understand that the $1,250,000 is the revised estimate asked by the Ordnance Department?

Mr. ANTHONY. Not altogether. Perhaps there are some items where the committee made reductions, but the items that I have enumerated are revised figures from the department.

Mr. DALLINGER. Did that item include the manufacture of gun carriages?

Mr. ANTHONY. No; receipts, stores, and issue of ordnance. There will be very little manufacture, if any, out of this money.

Mr. DALLINGER. Will the gentleman from Kansas point out the item in this bill that covers the manufacture of gun carriages for coast defense?

Mr. ANTHONY. Some of those items we have just passed over, for guns and seacoast batteries. They will be utilized probably in the arsenal in the gentleman's district, either that or at Watervliet. In the items for the manufacture of guns or gun carriages there would be reflected activities in manufacturing at the arsenals, and likewise the manufacture of automatic rifles of all kinds would be reflected in activities at Springfield.

Mr. DALLINGER. Has the gentleman from Kansas any figures from the Ordnance Department as to what they propose to do at these different arsenals this coming year?

Mr. ANTHONY. The general estimate of the department was that the money which the committee is appropriating would allow them to operate at about 10 per cent of their maximum capacity, and that will be considerably less than they are operating under now.

But they claim with that money they could keep what might be called a skeleton organization at those places which would be capable of expansion if necessary. The gentleman, I know, realizes we came out of this war with a tremendous amount of ordnance stores on hand, probably more than we can use up in 20 years, and there is no real necessity for operating those arsenals at all. We could exist several years and close them up, but the committee is making provision to maintain a skeleton organization there so that they will be going assets.

Mr. DALLINGER. Can the gentleman from Kansas furnish information as to what number of men would be employed at the different arsenals?

Mr. ANTHONY. No; I would not have the means to state that.

Mr. DALLINGER. And whether or not the number was reduced below the number employed before the outbreak of the war?

Mr. ANTHONY. There will be more than were employed at the outbreak of the war in my opinion, but there will be a reduction of the number now employed, but not a great reduction.

Mr. DALLINGER. I withdraw the pro forma amendment.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking the chairman of the committee a question. I note the closing language in the last proviso is as follows:

except in cases when, in the judgment of the Secretary of War, it is to the manifest interests of the United States to make purchases abroad, which material shall be admitted free of duty.

I would like to know whether the gentleman thinks that is a very good doctrine to write in this section of the bill, referring to the articles enumerated?

Mr. ANTHONY. There are some articles that it is necessary to get from abroad. For instance, before the war I know we purchased lenses, glasses, and it was absolutely necessary to go abroad for them if only to get types for manufacture in this country, and it is the same way, possibly, with other things.

Mr. KETCHAM. Did not the very exigency which made that necessary before the war disappear under the pressure we were put to during the war?

Mr. ANTHONY. I think so. I think we can produce all we want, and perhaps anything we want in this country, but there are some things that come up now and then where it is necessary the Government will have to buy those abroad.

Mr. KETCHAM. Does the gentleman think it a very good principle for that language to be written into the law from the standpoint of the majority side of the House?

Mr. ANTHONY. Well, it is very necessary to purchase some small items.

Mr. KETCHAM. I withdraw the pro forma amendment.

The Clerk read as follows:

For purchase, manufacture, and test of seacoast cannon for coast defenses, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $150,000.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word to ask the gentleman from Kansas what the estimate was for this item?

Mr. ANTHONY. Which one?

Mr. DALLINGER. Page 70, the first one, $150,000 item.

Mr. ANTHONY. I am informed we gave the full amount of their estimate.

Mr. DALLINGER. And also the same in regard to the other two items, $67,700 and $60,000?

Mr. ANTHONY. That is the amount of the revised estimates that is carried in the bill.

Mr. DALLINGER. I withdraw the pro forma amendment.

The Clerk read as follows:

NATIONAL TROPHY AND MEDALS FOR RIFLE CONTESTS.

For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and of the District of Columbia, members of rifle clubs, and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed, under the direction of the Secretary of War, $10,000.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Kansas if this language, "Army, Navy, and Marine Corps," would include the Reserve Corps?

Mr. ANTHONY. Which item is the gentleman speaking of?

Mr. CONNALLY of Texas. "National trophy and medals for rifle contests," page 74. You provide for a contest to be open to the Army, Navy, and Marine Corps and the National Guard or Organized Militia, and so forth, but there is no mention of the Reserve Corps.

Mr. ANTHONY. The reason it is not mentioned is because we have no Reserve Corps to speak of. There are perhaps two or three hundred enlisted men in our Reserve Corps, so small it is not taken into consideration.

Mr. CONNALLY of Texas. Are not officers available for this contest as well as enlisted men? Do not rifle teams often consist of officers and enlisted men both?

Mr. ANTHONY. Yes; but as far as I know there are very few, either officers or enlisted men, who participate.

Mr. CONNALLY of Texas. Is there any reason why even that few should not be eligible to these contests?

Mr. ANTHONY. I do not think they would be barred. I think they would be permitted to contest.

Mr. CONNALLY of Texas. That is what I asked, if the word "Army" included the Regular Army and the reserves as well.

Mr. ANTHONY. Undoubtedly. I think that the word "Army" would cover the United States reserves, and that item also includes civilians as well, so no one is barred from participation in these matches.

Mr. CONNALLY of Texas. I withdraw the pro forma amendment.

The Clerk read as follows:

CHIEF OF INFANTRY.

INFANTRY SCHOOL, CAMP BENNING, GA.

For the purchase of textbooks, books of reference, scientific and professional papers; instruments and material for instruction, employment of technical and special services, including the services of one translator at the rate of $150 per month, and for the necessary expenses of instruction at the Infantry School, Camp Benning, Ga., $35,000.

Mr. JOHNSON of Mississippi. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. On page 114 of the bill the river and harbor item is reported, and a great many of us are very much interested in that, and a great many Representatives who are not here at this time are anxious to be here when that item is reached. Is it going to be the policy of the committee to go on and reach that item and consider it this afternoon?

Mr. ANTHONY. No; I do not think there is any probability at all that we will reach that item this afternoon.

Mr. JOHNSON of Mississippi. I withdraw the pro forma amendment.

The Clerk read as follows:

CHIEF OF CAVALRY.

CAVALRY SCHOOL, FORT RILEY, KANS.

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and materials for instruction; employment of temporary, technical, or special services; and for other necessary expenses of instruction at the Cavalry School, Fort Riley, Kans., $15,000.

Mr. HILL. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee concerning this item, "Cavalry School, Fort Riley, Kans." It is my understanding that the chief of Cavalry asked for $15,000 and the Budget cut it down to $8,300, and after full consideration the committee recommended the full amount that was asked for this purpose by the Cavalry School.

Mr. ANTHONY. It is my understanding that the $8,300 figure was at one time considered by the Budget, but as the estimate finally came from the Budget it was the full amount of $15,000.

Mr. HILL. Therefore I am correct in understanding that this is the full amount that is desired by the War Department?

Mr. ANTHONY. It is.

Mr. HILL. I should like in connection with this to read to the House a letter which was recently written by the General of the Armies, Gen. John J. Pershing, Chief of Staff, in which he makes the following references to the Cavalry. This letter is to Samuel W. Taylor, editor of the Rider and Driver, New York City, N. Y., and is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington.

SAMUEL W. TAYLOR, Esq.,
Editor the Rider and Driver, New York, N. Y.

DEAR MR. TAYLOR: In reference to your letter of February 8 concerning the Times editorial that comments on the fact that Marshal Foch, a carefully trained and expert horseman, did not ride a horse during the war in France, but used an automobile for ordinary transportation, it seems almost unnecessary to confirm so obvious a truth.

Of course he used an automobile; so do I, and so, in fact, did every other commander of whatever grade who could get an automobile. Just as the truck superseded the legs of the infantryman, so did the automobile supersede the horse, wherever passable roads made the substitution possible. And for the longer journeys, the railway train was substituted for the truck and automobile. It was merely a matter of availability. The fastest means of transport was always used.

But this by no means indicates that the horse has been rendered obsolete for war, nor has it any bearing on the question. The great events that followed the British retreat from Mons obscured for the time being the recognition due the little Cavalry force commanded by Gen. Allenby, that so gallantly faced the German masses in their advance. In the light of present knowledge their operations deserve to be listed among the greatest epics of the war.

Gen. von Kluck compliments Gen. Allenby's Cavalry on this occasion by indirection thus: "On the occasion of the pursuit of the British Army after Mons and their skillful and successful retreat, the chief factor that enabled it to escape was that my army lacked the effective means of making it stand and fight, namely, the three divisions that composed Marwitz Cavalry Corps." It must be remembered that Allenby had but five brigades, less than 7,000 sabers, to oppose the whole strength of Von Kluck's army of not less than 150,000 men.

The front in France stabilized with the digging in of the German armies. From then until 1918 the struggle was a negation of war; neither side could move the other; there were no flanks, no penetrations, no openings for the employment of Cavalry. During these years tactics was based on an unlimited artillery, firing by the map with never-failing supplies of ammunition. In March, 1918, the Germans, realizing that an artillery war would never end, decided upon open-warfare tactics, and in three powerful offensives sought to break through the allied defense, only to fail in each drive because they had no Cavalry available to exploit their successes. Gen. Ludendorf says of this: "In the March, 1918, offensive I felt seriously handicapped by the lack of Cavalry."

The course of the war in France was dictated by a wonderful network of metaled roads that permitted the masses of men engaged to be fed and supplied on a scale never before even dreamed of, and possible only because of the roads. No such system of roads exists anywhere else in the world; nowhere else are such tactics possible. On the eastern fronts—Poland, Rumania, Syria, Macedonia, Mesopotamia, and Palestine—Cavalry was an arm of the greatest importance, constantly being employed, yielding great successes to the armies that possessed it in superior numbers, demonstrating again and again the truth of Marshal Haig's epigram, "Other arms may win battles; only Cavalry can make them worth winning."

The horse remains the most economical, most flexible means that exists for increasing the mobility of the individual soldier. There is not in the world to-day an officer of distinction, recognized as an authority in military matters in a broad way, who does not declare with emphasis that Cavalry is as important an arm to-day as it has ever been, who does not urge the maintenance of a body of Cavlary of suitable size, always ready for campaign, prepared to perform for its country the signal service rendered by Gen. Allenby's little force in 1914.

Very truly, yours,

JOHN J. PERSHING,
General of the Armies, Chief of Staff.

The reason I read that is because there have been a number of suggestions here in committee that the Cavalry arm of the service, which is now almost entirely on the Texas border and which is entirely necessary there, will not be needed in the future and is not important as compared with Infantry. I also rise to call attention to the fact that in this request for equipment for the Cavalry School at Fort Riley the committee, which I have to-day criticized for various reductions, has given the full amount asked for.

Mr. CROWTHER. Will the gentleman yield?

Mr. HILL. If I have any time.

Mr. CROWTHER. Has the gentleman any preference as to the color of the horses at all? [Laughter.]

Mr. HILL. The gentleman prefers a "white horse," named "Constitution." [Applause.]

Mr. CROWTHER. Mr. Chairman, I move to strike out the last word. The gentleman from Maryland [Mr. HILL] anticipated the inquiry that I myself wanted to make. And I am very glad he made it, and I congratulate the committee that once, at least, they have given the Army or a subdivision of the Army that sum of money that was suggested as necessary for their work.

I have been a member for only a very short time of the Committee on Military Affairs, and I do not intend to have very much to say. I do not think new members on a committee ought to have very much to say until they have given at least a reasonable amount of study to these important questions. But I want to suggest that I have never been a pacifist, and I hope we will have a decent-sized Army in this country. I may have lost sight of the vision of the dove flying with an olive branch in its mouth, but, Mr. Chairman, men have fought ever since the world began, ever since Cain slew his brother Abel; fought for power and profit and for revenge and new territory, and I believe they will do so until the end of time. I am a great believer in the old motto of the Puritans, "Trust in God, but keep your powder dry." I want to see these United States of mine so protected with an Army and Navy that we can feel a degree of safety that may not even follow with the signing of all the peace pacts in the world. I may have a wrong idea, but I have had to fight for everything I have had ever since I was knee high, and I believe that is about all you get in the world, namely, what you fight for. It is what has made this country great, and this greatest of all nations, our beloved United States, should never again be caught in the trap of unpreparedness, baited with the cheese of pacifism. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF CHIEF OF COAST ARTILLERY.

Salaries: Chief clerk, $2,000; clerks—1 of class 4, 2 of class 3, 3 of class 2, 4 of class 1, 2 at $1,000 each; 2 messengers, at $720 each; in all, $19,440.

Mr. CRAGO and Mr. HULL rose.

The CHAIRMAN (Mr. GRAHAM of Illinois). The gentleman from Pennsylvania is recognized.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee if he would not be willing to have the entire subject of the size and amounts of the appropriations for the National Guard, which will involve a great many amendments, go over, along with the other matters that have been passed over, until the next day the bill is under consideration?

In support of this request I will say that you will recognize the fact that the size of the National Guard and the size of the Army are interwoven in such a way that we might want, if we follow the policy of the bill with reference to the Army, to do something more for the National Guard. If the size of the Army is changed, it might change our ideas as to the amount to be appropriated for the National Guard, because some of the work which is appropriated for under the head of the Army, especially the training work, and so on, is dependent more or less on the amount that is appropriated in other places for the National Guard work.

Mr. KELLER. It is your idea that if you decrease the size of the Army you might want to increase the National Guard?

Mr. CRAGO. Yes.

Mr. ANTHONY. While there may be something in what the gentleman says, I think it is the policy of the subcommittee to continue the expansion of the National Guard, regardless of the strength of the Regular Army. But if the gentleman believes that we should pass these items—and other gentlemen, I understand, have the same idea—so far as I am concerned I will have no objection.

Mr. CRAGO. I will say to the gentleman that we have quite a number of amendments to propose to these items in the National Guard appropriations, and I think they would involve a great deal of discussion, and I know personally that a great many of the people who are away to-day, and who have asked that the other items go over, would be glad to be here when these items are considered.

Mr. ANTHONY. That would involve the question of unanimous consent, and I suggest the gentleman put it in that shape.

Mr. KELLER. I know that there are a number of men interested who are not here to-day.

Mr. CRAGO. I ask unanimous consent, then, that all the items in this bill under the Militia Bureau, from line 22, on page 79, to line 17, on page 82, be passed over under the same conditions as other items have been passed over.

Mr. HULL. Mr. Chairman——

Mr. SISSON. Mr. Chairman, reserving the right to object, I did not hear what the request was.

The CHAIRMAN. The gentleman will suspend until the unanimous-consent request has been put.

Mr. CRAGO. That is my request.

The CHAIRMAN. That it be passed over for the present on the same terms and conditions as those under which we passed over the provisions dependent on the size of the Army.

Mr. CRAGO. The one is more or less dependent on the other, and some of the people who are interested in passing over the former matter are vitally interested in passing over the National Guard appropriation.

Mr. SISSON. I do not think they are related in any way.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CRAGO] asks unanimous consent that the provisions of the bill extending from page 79, line 22, down to and including line 16, on page 82, be passed over under the same terms and conditions as the preceding sections of the bill relating to the size of the Army was passed over. Is there objection?

Mr. HULL. I reserve the right to object.

Mr. SISSON. I will say to my friend that if the National Guard provisions are tied up in any way with the actual size of the Army, of course the two are related. If the Army is very greatly reduced, it might induce the Congress to increase the appropriations for the National Guard. But what was the gentleman's special reason for wishing to pass this over?

Mr. CRAGO. The same reason that existed for passing over the items relating to the size of the Army and number of officers in the Army. That request was made in order that many gentlemen who are interested in the subject and who are away to-day may have opportunity to participate in the discussion. They wish to be present. That is particularly true with respect to the National Guard items, because it could hardly be assumed that we would reach the National Guard items in the regular way this afternoon.

Mr. SISSON. I am not going to object, Mr. Chairman, but this incident shows the trouble we get into when we begin to pass over matters for the convenience of absent Members.

Mr. MANN. I did not submit my suggestion in regard to the request of the gentleman from California [Mr. KAHN] except that I understood it was in accordance with the desire of the gentleman from Mississippi.

Mr. SISSON. The gentleman from California got the request in such shape that I assented to it, but I did not ask for it.

Mr. HULL. I do not object, but I do wish to call attention——

Mr. ANTHONY. If the gentleman does not want us to pass them over, he had better object.

Mr. HULL. If you are going to read through other matters there might be objection to-night. I would be willing to have considered the Military Academy provisions, covering perhaps 20 pages.

Mr. ANTHONY. Suppose we go as far as it pleases the gentleman from Iowa to allow us to go. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. CRAGO]?

Mr. CROWTHER. Mr. Chairman, I make the point of order that there is no quorum present. There is no hurry about this. We shall be here all summer, anyway.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. CROWTHER. Mr. Chairman, I will withdraw that.

The CHAIRMAN. The gentleman from New York withdraws his point of order that there is no quorum present. Is there objection to the unanimous-consent request of the gentleman from Pennsylvania [Mr. CRAGO]?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, Military Academy, $2,060,008.

Mr. HULL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. HULL. I do so in order to ask the chairman of the committee if he would be willing to pass over the next two pages and take up the bill at page 105. There are several items in there which several Members have spoken to me about, and they might want to be heard about them.

Mr. PARKER of New Jersey. There is another item in there that interests me.

Mr. ANTHONY. The gentleman refers to the stop-watch item?

Mr. HULL. That is one of the items.

Mr. ANTHONY. The stop-watch item is not in there.

Mr. HULL. If you were to start at page 105, nonmilitary activities, I presume it would be satisfactory to the gentleman.

Mr. ANTHONY. Will the gentleman make that request?

Mr. HULL. Yes. I make the request that we pass to page 105.

The CHAIRMAN. Will the gentleman indicate the line?

Mr. ANTHONY. That will be agreeable to the committee.

The CHAIRMAN. The gentleman from Iowa has not preferred his unanimous-consent request yet.

Mr. HULL. Mr. Chairman, I ask unanimous consent that we pass from page 101, line 24, to the bottom of page 104, under the same conditions as the preceding sections in regard to the pay of the Army and the militia have been passed over.

The CHAIRMAN. Is there objection?

Mr. SISSON. Reserving the right to object, I would like to ask the chairman of the subcommittee in charge of the bill if he would be satisfied if we should go down to rivers and harbors on page 114 and call it a day?

Mr. ANTHONY. Yes; I believe that would be a very good terminal point.

Mr. SISSON. I shall have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of 76 superintendents of national cemeteries, including not to exceed $1,500 for the superintendent at Mexico City, $63,720.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last word for the purpose of obtaining information from the chairman of the committee. On page 105 you provide appropriations for maintaining and improving national cemeteries, memorial amphitheaters, chapels, and so forth. I believe there are 76 of these national cemeteries. Is that right?

Mr. ANTHONY. There are more national cemeteries than that, but there are 76 of them that have superintendents. I am informed that there are 83 of them, all told.

Mr. DUNBAR. In these national cemeteries on each Memorial Day patriotic services are held. Has any thought ever been given to the proposition of inclosing these memorial amphitheaters and chapels with roofs, so that the audiences who assemble there will not be subjected to the inclemency of the weather?

Mr. ANTHONY. No; I think most of the structures that are in place in our national cemeteries are designed to be without roofs. For instance, I know several of them that have pergolas and open-air rostrums, but I know of none of them that are inclosed structures with roofs.

Mr. DUNBAR. Does not the gentleman believe that it would add to the appropriateness of the occasion if people could assemble in buildings which were provided with roofs or covering when these services are held on Memorial Day, which is a national holiday and designated for the purpose of inspiring patriotism?

Mr. ANTHONY. I think it would hardly add to the occasion. It is warm weather then, generally.

Mr. DUNBAR. There is an old saying in the Ohio Valley that it always rains on Decoration Day, and these services are frequently interrupted and many patriotic addresses are interrupted or can not be listened to because of the inclement weather. Does not the gentleman believe that these auditoriums should be provided and be so constructed that people can comfortably listen to these solemn ceremonies, even if the weather happens to be stormy?

Mr. ANTHONY. The only remedy I can suggest would be increased appropriations for weather service, so as to guarantee perfect weather on Memorial Day.

Mr. DUNBAR. The weather service has nothing to do with securing a perfect day. They tell you whether the day will probably be perfect or not. But it does seem to me that where thousands of people assemble, and where they are liable to be subject to such discomfort as is likely to be caused by inclement weather, some appropriation should be made to cover these buildings except that afforded by the canopy of heaven. The committee has never given any consideration to that subject, as I understand the gentleman?

Mr. ANTHONY. It has not. There has never been any estimate before us for that purpose.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For repairs to roadways to national cemeteries which have been constructed by special authority of Congress, $12,000: *Provided*, That no railroads shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this sum shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Mr. CRAGO. Mr. Chairman, I reserve a point of order for the purpose of asking the chairman of the subcommittee a few questions. What is the purpose of making that proviso as to railroads? Has that been in former appropriation bills?

Mr. ANTHONY. Yes; it is existing law and has been carried for a number of years.

Mr. CRAGO. And this provision that only one approach to these national cemeteries shall be improved by any of these funds, is that existing law?

Mr. ANTHONY. That is existing law.

Mr. CRAGO. I am wondering what is the reason for that?

Mr. MANN. There was a big fight over it in the House, because they were constructing two roads to a cemetery, I believe in southern Illinois, at one time.

Mr. CRAGO. I know there are so many approaches to the national cemetery at Gettysburg that I wondered why it should be thought necessary to have this limitation.

Mr. MANN. It grew out of the fight that I am telling the gentleman about.

Mr. CRAGO. In other words, they were making too many approaches, or spending too much money?

Mr. ANTHONY. Too many roads were claiming the benefit of these funds.

Mr. CRAGO. I withdraw the point of order.

The Clerk read as follows:

Rivers and harbors.

Mr. JOHNSON of Mississippi. I understand that it is not proposed to go into the subject of rivers and harbors to-day?

Mr. ANTHONY. No. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kansas moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the War Department appropriation bill (H. R. 10871) and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2897. An act to appropriate $1,500,000 for the purchase of seed grain, to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned until Monday, March 20, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GAHN: Committee on War Claims. H. R. 3836. A bill for the relief of Nolan P. Benner; with amendments (Rept. No. 811). Referred to the Committee of the Whole House.

Mr. TREADWAY: Committee on Ways and Means. House Report No. 804, part 2. A report on adjusted compensation for veterans of World War. Ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10553) granting a pension to Mary F. Dean, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 10956) to improve the navigability of waters of the United States by preventing oil pollution thereof; to the Committee on Rivers and Harbors.

By Mr. BECK: A bill (H. R. 10957) to rebuild the assembly hall of the Indian school near Tomah, Wis.; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 10958) for the relief of Bertiel Nielson; to the Committee on Claims.

By Mr. BLAND of Indiana: A bill (H. R. 10959) granting a pension to Sarah J. Doll; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 10960) granting a pension to Angie Caldwell; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 10961) granting a pension to Mary J. Morrison; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10962) granting an increase of pension to Harriet M. Miller; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10963) granting a pension to Harriet E. Kilgore; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 10964) to perfect the title of Isabella Cecelia Ingraham, her heirs and assigns, to certain property; to the Committee on the Public Lands.

By Mr. WHITE of Maine: A bill (H. R. 10965) to validate the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and command, and for other purposes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4681. By the SPEAKER (by request): Resolution adopted by the Board of Commissioners of Cook County, Ill., urging the enactment of legislation providing for the immediate payment of an adequate bonus to all ex-service men; to the Committee on Ways and Means.

4682. Also (by request), resolution adopted by the City Council of Peoria, Ill., urging the passage of the soldier bonus bill; to the Committee on Ways and Means.

4683. By Mr. ANDREW of Massachusetts: Memorial of the General Court of Massachusetts, in favor of passage of Federal law to further regulate the use of narcotic drugs; to the Committee on Ways and Means.

4684. By Mr. ANSORGE: Petition urging appropriation of $325,000 for support of United States Employment Service; to the Committee on Appropriations.

4685. By Mr. CAREW: Resolution adopted by the Board of Aldermen of the City of New York, urging the restoration of the pneumatic-tube service in the New York post office; to the Committee on Appropriations.

4686. By Mr. CHRISTOPHERSON: Petition of numerous women of Sioux Falls, S. Dak., protesting against a tariff on fine, lightweight kid gloves; to the Committee on Ways and Means.

4687. Also, petition of numerous farmers of White Lake and Plankinton, S. Dak., asking for a revival of the United States Grain Corporation for the purpose of increasing and stabilizing the price of farm products; to the Committee on Agriculture.

4688. By Mr. GALLIVAN: Petition of United Veterans of the Republic, Unit No. 12, of Charlestown, Mass., Edward W. Foley, commander, 1 Herman Street, Roxbury, Mass., opposing the "four-power treaty"; to the Committee on Foreign Affairs.

4689. Also, petition of Sergeant John P. Colleary Post, No. 638, Veterans of Foreign Wars, of Marlboro, Mass., urging early passage of the adjusted compensation bill; to the Committee on Ways and Means.

4690. By Mr. KISSEL: Resolution of the Board of Aldermen of the city of New York, for restoration of pneumatic-tube service in New York and Brooklyn, to the Committee on the Post Office and Post Roads.

4691. Also, petition of Thirteenth Post, No. 513, American Legion, of Brooklyn, N. Y., urging the passage of the adjusted compensation bill; to the Committee on Ways and Means.

4692. By Mr. LINTHICUM: Petition of the Baltimore Federation of Labor, of Baltimore, Md., favoring passage of House bill 5351 and Senate bill 745; to the Committee on the Judiciary.

4693. Also, resolution by the Canned Goods Exchange, of Baltimore, Md., W. H. Killean, president, asking for amended railroad legislation; to the Committee on Interstate and Foreign Commerce.

4694. Also, petition of R. Maurice Miller, of the Lumber Exchange, and Sherwood Bros., all of Baltimore, Md., opposing the soldier bonus; to the Committee on Ways and Means.

4695. By Mr. LOWREY (by request): Resolution by Mississippi Baptist Convention, representing 172,996 members, indorsing the constitutional amendment prohibiting sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

4696. By Mr. MANN: Petition of certain citizens of Chicago, Ill., protesting against the passage of House bill 9753 and any other Sunday bill; to the Committee on the District of Columbia.

4697. By Mr. RAMSEYER: Petition of the European Relief Committee of Oskaloosa, Iowa, urging Congress to enact legislation to defer payment of Austria's debt to the United States for at least 20 years; to the Committee on Foreign Affairs.

4698. Also, resolution adopted by Local Union No. 3802, United Machine Workers of America, of Rexfield, Iowa, calling upon Congress to immediately enact tariff legislation that will adequately protect the interests of labor in this country; to the Committee on Ways and Means.

4699. By Mr. SINCLAIR: Petition of the Farmers Grain Dealers' Association of North Dakota, asking that steps be taken looking to an early and substantial reduction in freight rates; to the Committee on Interstate and Foreign Commerce.

4700. Also, petition of J. Klamm and 25 others, of Schafer, N. Dak., and Gilbert W. Petrick and six others, of Dickinson, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4701. By Mr. SNYDER: Memorial of the Common Council of the City of Little Falls, N. Y., favoring an amendment to the Volstead Act; to the Committee on the Judiciary.

4702. Also, petition of Astenrogen Chapter, Daughters of the American Revolution, of Little Falls, N. Y., protesting against a proposed resolution to amend the Volstead Act relating to light wines and beer; to the Committee on the Judiciary.

4703. By Mr. UPSHAW (by request): Resolution of the Northern Baptist Convention, representing 8,409 churches and 1,253,878 members, indorsing the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

4704. Also (by request), resolution by Oakland City Baptist Church, of Atlanta, Ga., indorsing the constitutional amendment (H. J. Res. 159) prohibiting sectarian appropriations; to the Committee on the Judiciary.

4705. By Mr. VARE: Memorial of the Philadelphia Board of Trade, urging the maintenance of Philadelphia Navy Yard; to the Committee on Naval Affairs.

4706. Also, memorial of the Philadelphia Chamber of Commerce, asking that the Philadelphia Navy Yard be maintained as a repair station; to the Committee on Naval Affairs.

SENATE.

MONDAY, *March 20, 1922.*

(*Legislative day of Thursday, March 16, 1922.*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McNary	Shields
Borah	Hale	Moses	Simmons
Brandegee	Harris	Nelson	Smith
Bursum	Harrison	Norbeck	Spencer
Cameron	Heflin	Norris	Sterling
Capper	Johnson	Oddie	Stanley
Caraway	Jones, Wash.	Overman	Sterling
Culberson	Kellogg	Page	Sutherland
Cummins	Kendrick	Pepper	Townsend
Dial	King	Pittman	Underwood
Edge	Lodge	Poindexter	Walsh, Mont.
Elkins	La Follette	Pomerene	Warren
Ernst	Lenroot	Ransdell	Watson, Ga.
Fernald	Lodge	Rawson	Williams
France	McCormick	Robinson	Willis
Gerry	McKinley	Sheppard	

Mr. JONES of Washington. I wish to announce that the Senator from Colorado [Mr. PHIPPS] is detained on official business.

Mr. SUTHERLAND. I desire to state that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained on business of the Senate.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. There is a quorum present.

THE FOUR-POWER TREATY—PERSONAL EXPLANATION.

Mr. ASHURST. Mr. President, I observe in the Washington Post of this morning an article by Mr. Albert W. Fox in reference to the quadruple alliance, in part as follows:

The opposition established a gain of one vote when Senator WALSH of Montana, who was regarded as doubtful, announced that he would vote against ratification unless some amendment similar to the Robinson amendment was adopted. Senator JONES of New Mexico, who was classed as doubtful, also will vote against ratification, according to the opposition leaders.

Those leading the fight for the treaty, on the other hand, claim that both TRAMMELL and WILLIAMS will vote with them; that ASHURST, KENDRICK, and McKELLAR are inclining to support them, and that SMITH, regarded as against the pact, may be found on their side in the final roll call.

I do not know how the other Senators mentioned in the article view the treaty, but I am amazed that such an accurate writer as Mr. Fox should have been under a misapprehension as to my view. It is true I have not addressed the Senate on this subject, but to all persons who inquired of me I have uniformly stated that I would vote against the quadruple alliance. I am standing against alliances with orientals.

COLVILLE INDIAN RESERVATION LANDS.

Mr. POINDEXTER. I ask unanimous consent to submit a report from the Committee on Public Lands and Surveys. From that committee I report back favorably with an amendment the bill (S. 2440) extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation, and I submit a report (No. 567) thereon. I ask for its present consideration. If it leads to debate, I shall not press it.

Mr. KING. Let the bill be read.

The VICE PRESIDENT. It will be read.

The Assistant Secretary read as follows:

Be it enacted, etc., That the period provided by law for the filing of homestead entries upon the agricultural lands of the south half of the Diminished Colville Indian Reservation in the State of Washington, as provided in the act of Congress approved March 22, 1906, be, and is hereby, extended for a period of five years from and after the 4th day of September, 1921.

Mr. KING. May I inquire of the Senator from Washington whether the bill was unanimously reported from the committee?

Mr. POINDEXTER. It was.

Mr. KING. Is there any particular reason for the extension of the time so long?

Mr. POINDEXTER. It is simply because the people in the State, and particularly in that part of the State where the lands are located, would like to have an opportuntiy to file homestead claims upon the lands in pursuance of the original law. The war, it is claimed, intervening, interfered to a considerable extent with young men making homestead entries. The law provides that if homestead entries were not made by the 5th day of last September, the land should be sold at not less than $1 an acre. The only purpose of the bill is to extend for a period of five years the opportunity to make homestead entries. There is one amendment to the bill, to strike out the word "agricultural" before the word "lands."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Public Lands and Surveys was, in line 4, to strike out the word "agricultural" before the word "lands."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPAIRS TO CALVERT STREET BRIDGE (S. DOC. NO. 160).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, in amount $26,000, for repairs and improvements to the Calvert Street Bridge in the District of Columbia, fiscal year 1922, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS OF COURT OF CLAIMS (S. DOC. NO. 161).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims—under the War Department, $73,149.24; under the Navy Department, $91,225; under the Interior Department, $50,228.96; and under the Post Office Department, $52,818.65; total amount, $267,421.85—requiring an appropriation for their payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS OF UNITED STATES DISTRICT COURTS (S. DOC. NO. 160).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered against the Government by district courts of the United States—under the United States Housing Corporation, $2,867.50, and under the Navy Department, $1,567.50, in total amount $4,435—requiring an appropriation for their payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. DOC. NO. 162).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a schedule of claims covering various departments and establishments of the Government, in total amount $309,447.10, allowed by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund of the Treasury, and requiring appropriations therefor, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a resolution adopted at a mass meeting of citizens of Georgia held at the city auditorium, Atlanta, Ga., on March 12, 1922, favoring the prompt acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a resolution adopted by the Sugar Boys' Club, of Sheridan, Wyo., favoring inclusion in the pending tariff bill of an adequate duty on sugar so as to protect the beet-sugar industry, which was referred to the Committee on Finance.

Mr. JONES of Washington presented a resolution of Local No. 1, Western Progressive Grange, of Dominion, Wash., favoring the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Wilbur, Govan, and Keller, all in the State of Washington, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a telegram in the nature of a petition from the commander of the National Indian War Veterans, of San Francisco, Calif., praying for the enactment of legislation for the relief of veterans of the Indian wars, which was referred to the Committee on Pensions.

He also presented a petition of members of the Church of the Brethren, of Quinter, Kans., praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a telegram in the nature of a petition from a mass meeting of citizens of Council Grove, Kans., praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. WILLIS presented a resolution adopted by the Youngstown (Ohio) Federation of Women's Clubs, favoring the ratification of the so-called four-power treaty, which was ordered to lie on the table.

He also presented the petition of Thos. Bryan Weaver, of Cleveland, and Rev. V. D. Beery, of Middleport, both in the State of Ohio, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented a resolution of Local Union No. 332, United Mine Workers, of Barton, Ohio, favoring the immediate release of so-called political prisoners, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions and communications in the nature of petitions of the Kiwanis Club of Stamford, members of the South Norwalk Baptist Church, of Norwalk, and the Elmwood Community Church, of Elmwood, and sundry citizens of New Haven and Wethersfield, all in the State of Connecticut, praying for the prompt ratification of the so-called four-power treaty, which were ordered to lie on the table.

He also presented memorials of members of Thomas Ashe Branch, Friends of Irish Freedom, of Waterbury, Division No. 1, Ancient Order of Hibernians, of Torrington, and the United Irish-American Societies, of Naugatuck, all in the State of Connecticut, remonstrating against the ratification of the so-called four-power treaty, which were ordered to lie on the table.

He also presented a petition of members of the National Association for the Advancement of Colored People, of New Britain and Plainville, Conn., praying for the enactment of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented a telegram, in the nature of a petition, from Mulvoy Tarlov Post, No. 603, Veterans of Foreign Wars, of Norwalk, Conn., praying for the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of members of Walter L. Bevins Auxiliary, No. 2, of Wallingford, and of Ward Cheney Camp, No. 13, of Hartford, United Spanish War Veterans, both in the State of Connecticut, praying for the passage of the so-called Knutson bill, providing pensions for widows of Spanish War veterans, which were referred to the Committee on Pensions.

LASSEN VOLCANIC NATIONAL PARK.

Mr. POINDEXTER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5588) to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916, reported it without amendment and submitted a report (No. 568) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 18, 1922, they presented to the President of the United States the enrolled bill (S. 2897) to appropriate $1,500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

BILL INTRODUCED.

Mr. MOSES introduced a bill (S. 3303) granting an increase of pension to Albert Young (with accompanying papers), which was read twice by its title and referred to the Committee on Pensions.

ADDITIONAL DISTRICT JUDGES.

Mr. DIAL submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE.

Mr. NELSON. I move that the Committee on the Judiciary be discharged from the further consideration of Senate bill 3297, to amend section 4884 of the Revised Statutes, and that it be referred to the Committee on Patents.

The motion was agreed to.

THE FOUR-POWER TREATY.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open executive session, the subject being the four-power treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. BORAH. Mr. President, I am not going to enter into an extended discussion of the pending treaty, but there has come to my knowledge and into my possession a statement in regard to the four-power pact and in regard to the work of the recently held Limitation of Armament Conference in connection with the four-power pact which I think is of sufficient moment to have consideration. The statement to which I refer was made a few days ago in the discussion of the pact at a meeting of some club or gathering in New York City, where something in the nature of a debate upon the subject was in progress. The statement was made by Mr. Paul D. Cravath, whom everyone recognizes as one of the leaders of the American bar——

Mr. OVERMAN. He is Morgan's attorney.

Mr. BORAH. And a man who has intimate associations and connections with the professional and business men on both sides of the water. The statement would be exceedingly interesting and important if it were made by one less calculated to know whereof he spoke, but, being made by a man of Mr. Cravath's experience and standing and connections, it seems to me worthy of consideration in this discussion. It throws light upon the matter from a different angle. I read what I understand to have been Mr. Cravath's statement:

Now, to my mind a very important part of the achievement of the Washington conference is not recorded at all in black and white in that treaty or in any of the other treaties that were negotiated. And that is the bringing about of what seems to be a sympathetic understanding between the United States and Great Britain regarding the Far East and Pacific questions generally. I quite agree that under the program produced by those treaties we have practically surrendered our naval position in the Pacific. I assume that without further fortifications in the Pacific and that with the fortifications and facts as agreed upon we could not successfully compete with Japan in the Pacific alone, and certainly we could not compete with an Anglo-Japanese fleet in that region. On the other hand, and to my mind this is the much more encouraging statement, based on the same facts, an Anglo-American fleet in the Pacific would dominate Japan, and it seems to me that we have substituted in place of the necessity for creating the greatest fleet the world has ever seen, with all the expense and temptations that involves, an understanding and basis for cooperation with Great Britain which gives those two powers the control of a combined fleet in the Pacific which will be large enough to dominate Japan and make her live up to the obligations she has assumed.

At that point the following interrogation was submitted to Mr. Cravath by Mr. Davis:

Mr. DAVIS. I want to know if you are making that statement as a fact, or is it just your own opinion of what would happen?

Mr. CRAVATH. I have been told by every member of the American delegation, and while I haven't been told by every member of the British delegation I know definitely that the view is held by Mr. Balfour and, I think, by every other member of the British delegation that the result of the Washington conference has been not a formal agreement by any means but an understanding, and such a degree of understanding and such a basis of sympathy has been created between Great Britain and the United States that both sides assume that in all future emergencies they can both count on having the very closest cooperation.

The party who had made the interrogation then said:

No; that isn't what I mean. What I mean is as to the agreements on fortifications and the agreement as to the naval ratio. Do you mean to say that both fleets would dominate the Japanese fleet?

Mr. CRAVATH. Of course, I have no independent knowledge of that. I am not a naval expert, and have no independent opinion on that point, but I am informed that our technical advisers are satisfied that if the United States and Great Britain are on one side, and Japan on the other, that the Anglo-American fleet and the entire Anglo-American naval position would dominate that of Japan in Japanese waters.

As I say, I have no independent opinion of my own on that. I am simply repeating what I have been told in Washington. But in all events we are very much better off, if I am right in assuming that underlying sympathy with Great Britain, than we would have been with as large a fleet as the one that we have had in contemplation and on our building program, being opposed with the largest fleet that Japan would find herself physically able to build, and Great Britain being bound as a matter of course to keep pace with both. So, assuming that our theory of Anglo-American cooperation is well grounded, it does seem to me that our naval position, as against Japan, has been improved rather than weakened, and we have the great advantage in the reduction of our naval program and all that that means financially and otherwise.

Mr. President, this statement if analyzed discloses that in addition to the four-power agreement there has been an understanding, and such a degree of understanding between Great Britain and the United States with reference to Far Eastern questions and Pacific questions that they will cooperate against Japan if it is necessary to do so. It is precisely the same situation, Mr. President, and the same condition of affairs which took place, for instance, at Morocco, where two or three or four nations came together and made their agreement and then two other nations got together and declared that they should cooperate for a different purpose and to control the other parties to the same agreement.

The statement made by Mr. Cravath indicates an alliance. Whatever discussion or debate there might be as to whether or not the four-power treaty is an alliance, there can be no doubt that the understanding arrived at between Great Britain and the United States that their respective navies were to cooperate against Japan in case of emergency constitutes in every sense an alliance.

As I said a moment ago, I would not call attention to this statement, perhaps, if it were not made by one who professes to know from those who have given him the information direct that such an understanding has been arrived at, and who is in a position to know, perhaps, as well as any other man in the United States outside of the members of the conference itself.

Furthermore, Mr. President, similar information reached me a month ago in a communication from across the water, but coming, as it did, from one whom I did not know, I did not feel at liberty to attach to it any particular importance or give to it any particular consideration. Having received it, however, from another source, I think it raises an exceedingly important question. It simply discloses that once we enter upon the program of making political understandings or political combines or political compacts there is no place where we can stop making them, even as against those who have signed a treaty with us, if we deem it to our interest to make them to the contrary.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. I yield.

Mr. POINDEXTER. Suppose that the conference had confined itself entirely to the matter of naval limitation, of which the Senator is a very active advocate and for which he is very largely responsible in a way, at least; he is one of those who are responsible for promoting a conference to bring about an international agreement for the limitation of naval armament. I assume that the Senator could not have objected to that, in view of his advocacy of it on so many occasions. Now, suppose the conference had confined itself to that; how does the Senator differentiate that from the other agreements that have been made, in so far as concerns the likelihood or the possibility of subordinate agreements or understandings, if any such exist, between members of the conference, parties to the compact for the limitation of naval armament? In other words, disputes might arise in regard to the naval agreement between these parties the same as in regard to any other agreement, and in the case of such disputes there would be the same likelihood or the same possibility, at least, of subordinate combinations. So it seems to me, if the Senator objects to the pending treaty upon that ground he would have to extend the same objection to any agreement about any matter of importance between nations, and particularly to that concerning the question of which he has been so great an advocate, namely, the limitation of naval armaments.

Mr. BORAH. Mr. President, I do not desire——

Mr. UNDERWOOD. Mr. President, if the Senator will allow me for just a moment before the debate goes too far, I note that the gentleman mentioned by the Senator from Idaho has referred to the members of the American delegation. I have met a great many men in my time, and I will not say that I do not know him, but I do not recall knowing him. In reference to the American delegation confirming the statement made by him, I desire to say that for one I have made no such statement; I have expressed no such view; and, so far as I know and so far as my information is concerned, there is not a word of truth in the whole statement which the Senator from Idaho has just read, and I do not believe there is any truth in it.

Mr. LODGE. Mr. President——

Mr. BORAH. I yield to the Senator from Massachusetts.

Mr. LODGE. I do not know that I understood precisely what Mr. Cravath said about the American delegation; but if, as I understand, he said that he had conversations with the members of the American delegation and gives them as his authority, I may say that he had no authority from me, for I have never had any conversation with him about it at all, and, so far as I am aware, I know of no such agreement or understanding with Great Britain. What the Senator from Alabama [Mr. UNDERWOOD] has said applies absolutely to my case. There is not a word of truth in the statement which has been quoted so far as I know, and I think I know something about the making of the treaties.

Mr. BORAH. Well, of course, Mr. President, I-have——

Mr. LODGE. Mr. Cravath was not a member of the delegation.

Mr. BORAH. No; he was not a member of the delegation.

Mr. LODGE. Nor had he anything to do with it, nor did he ever appear in any way, so far as I know.

Mr. BORAH. Mr. Cravath was not a member of the delegation, but Mr. Cravath is a man of responsibility——

Mr. LODGE. No doubt.

Mr. BORAH. And a man of standing, both in his profession and in business affairs.

Mr. LODGE. Yes.

Mr. BORAH. And his connection with the business affairs in relation to those on both sides of the water has enabled him for many years to be thoroughly well informed as to what is going on. I happen to know that before Mr. Cravath made this statement he had had an interview with Mr. Root, and it is possible that in speaking of the American delegation he might not have meant each and every member of the American delegation; I do not know as to that; that is for Mr. Cravath to state; but I will read again what he said. It can not be a matter of unconcern. I think even the fact that a man like Mr. Cravath would make such a statement is exceedingly important.

Mr. LODGE. Mr. President, statements are easily made by people who have no responsibility and no knowledge particularly of the subject. I do not deny that Mr. Cravath may honestly believe what he says, but I can only say that, so far as any understanding between Great Britain and the United States, as stated, is concerned, it certainly does not exist within the knowledge of the delegation representing the United States.

Mr. BORAH. The Senator said he did not hear exactly what Mr. Cravath said, and so I will reread it.

Mr. LODGE. I said I did not hear what he said about the American delegation.

Mr. BORAH. He was asked by a gentleman who was present:

> I want to know if you are making that statement as a fact or is it just your own opinion of what would happen?

Mr. Cravath replied:

> I have been told by every member of the American delegation, and while I haven't been told by every member of the British delegation, I know definitely that the view is held by Mr. Balfour and I think by every other member of the British delegation, that the result of the Washington conference has been, not a formal agreement by any means, but an understanding, and such a degree of understanding and such a basis of sympathy has been created between Great Britain and the United States, that both sides assume that in all future emergencies they can both count on having the very closest cooperation.

Mr. UNDERWOOD. I just want to say this to the Senator: I do not know Mr. Cravath; at least, if I ever have met him, I do not recall it. As I said a while ago, I have met a great many men whose names I do not recall. I would not pay any more attention to this statement, quoted from a newspaper article, than I would to a fly alighting on a wheel, if it did not come here on the floor of the Senate from the mouth of a Senator whom I very greatly respect.

I want to say to the Senator, however, so far as I am concerned—and I would not answer him if he had not attempted to put me into the statement—that there is not one word of truth, so far as I am concerned or so far as my knowledge is concerned, in the article. If the Senator wants to continue his argument in reference to other people on the delegation, he can do so; but I know that the Senator will accept my statement when I tell him that it is not true, and if it were not on the floor of the Senate I would use a stronger word.

Mr. BORAH. I have already said that I assume that Mr. Cravath in all probability was not including each member of the delegation, and when the Senator from Alabama and the Senator from Massachusetts say that they do not know anything about it, that if it is true they do not know anything about it, I know that they do not know anything about it; but that does not convince me that it may not be true.

Mr. UNDERWOOD. It can not be true as to the delegation, because here is half of the delegation standing on the floor; so the statement could not be based on any action by the delegation.

Mr. BORAH. I accept the statement that the Senator from Alabama and the Senator from Massachusetts know nothing about it; but I want to correct the Senator in one respect.

The Senator from Idaho is assuming no responsibility for this statement other than the responsibility of quoting here accurately a statment which a man who has responsibility has made in a public place. I am not quoting newspaper reports. I am quoting what I am informed is a stenographic report, just as the statement was made there in the presence of some of the leading men of New York City; and Mr. Cravath was called to task, as it were, for it at the time, and he did not recede from his position.

Mr. LODGE. Mr. President, I can only reiterate what the Senator from Alabama has said. So far as I am concerned, no such understanding was ever thought of or dreamed of or mentioned; and I do not believe that anything was concealed from the Senator from Alabama or myself in the whole conduct of that negotiation.

Mr. BORAH. Mr. President, for the present I have said all that I desire to say in regard to this matter. I said a moment ago that this same information came to me nearly a month ago by letter from across the water, particularly connected with Mr. Balfour being made a Knight of the Garter, but I did not know the party. I do not yet, except indirectly, know the party. I therefore did not assume any responsibility, even the responsibility of quoting it here; but I want to know what Mr. Cravath means. I do not want a representative of some of the greatest interests of this country, some of the most powerful interests, interests which in a large measure in some respects are practically dictating the foreign policy of this country, saying unchallenged that there is an alliance within an alliance, and that we have gone on record and written ourselves down as members of an alliance as I conceive it to be, at least a political pact, and that within that alliance we have gone back on some of the other members of it and formed another alliance. If you want war, that is the way to create war. I said upon the floor of the Senate a few days ago that is the way war springs from these political pacts—by the treachery which is practiced by one toward another. I contend such a statement from a man like Mr. Cravath can not go unnoticed or unchallenged. I am determined to know the facts if I can ascertain them.

Mr. UNDERWOOD. Mr. President, some days ago I made a speech on this treaty; and as I am not on the Foreign Relations Committee, I have not considered that the responsibility of seeing the treaty through was in my hands, and I expected that to be my last speech on the subject.

I think it is most unfortunate, however, that men, whether they occupy positions of so-called responsibility in private affairs or not, should make statements regarding a matter of very vital interest not only to this country but to the world and have those statements come here seemingly as if they spoke for a Government. I know who Mr. Cravath is. I think he is the attorney of one of the greatest banking institutions in the United States. I think he is a lawyer of high standing; but I do not know anything about his reliability when he talks about matters that were not his own. I do know that there is not a word of truth in this statement. I do know that the American delegation as a delegation has not attempted to make any alliance or any agreement or come to any understanding that is not written within the terms of the treaty that is before the Senate; and I do not know of anyone else who had authority to speak for the Government of the United States except the President of the United States himself, whose commissions these four delegates held. I do not think this statement would be worthy of note if it had not been brought before the Senate of the United States.

A vast number of statements are appearing in the papers every day about these treaties from irresponsible people, possibly repeating hearsay statements, that have not the warrant of truth behind them. They may mislead, but they do not injure; but for a statement of this kind to go out from the floor of the United States Senate without absolute and unqualified contradiction is a danger to the people of the United States. It is a menace to the Government of the United States because it makes assertions that might involve the friendly relations of two great powers in this world. To allow a statement to go out from the floor of the Senate of the United States pretending that our Government was treacherous, that our Government was unfaithful, that the word of our Government could not be relied upon, is unworthy of the people of the United States; and it is a statement that I will not allow to go forth, as a Senator and a citizen of the United States, without absolute and unqualified contradiction.

Suppose you allow a statement of this kind to go out here, that your Government, through its accredited agents, has made a solemn compact with four other nations, and then, before the ink is dry on the paper on which it is written, that the agents of your Government have turned around and proved treacherous to the contract, and have made a secret understanding with another Government to destroy the life or the opportunity of another nation with whom you are at peace, and with whom you have just signed a contract for peace. Have you no pride in your Government? Has your patriotism gone to the winds? Do you not believe that your Government is longer honest, or faithful, or true to a trust?

Mr. President, of course, I know that we say many things in the United States Senate in reference to treaties, and give them no more thought than if we were passing a Senate resolution or a bill appropriating $50,000; but in the eyes of the world this body, the Senate of the United States, is a part of the treaty-making power of this Government, and words coming from the Senate of the United States are regarded in other nations with that seriousness with which, in my judgment, we should regard them here ourselves. To let it go out that the American delegation—the only agents authorized to speak in this matter except the President of the United States himself—had deliberately signed a peace contract with the Empire of Japan, and then had entered into a secret agreement with the Government of Great Britain, would be infamous if it were true. I say that it is absolutely untrue; and I would call it by a stronger name, which it deserves, if I were not speaking on the floor of the Senate of the United States.

Mr. ROBINSON. Mr. President, it certainly must be apparent from the statement made by Mr. Cravath, and from the statement made by the representative of the Far Eastern Republic, that there are in process of formation, if they have not already been formed, secret arrangements among some of the powers that are parties to this four-power treaty.

The Senate Committee on Foreign Relations could have ascertained all of the facts connected with the inception and the advancement of this treaty. By the same process which was employed when the Versailles treaty was under consideration our committee could have ascertained whether, without the knowledge of some of the American delegates to the conference, secret agreements or engagements are in contemplation which may involve the United States hereafter in questions of good faith concerning its action in the negotiation and ratification of this treaty.

Mr. SHIELDS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Committee on Foreign Relations did ask the President, through a resolution introduced by the Senator from Nebraska [Mr. HITCHCOCK], for all the facts concerning this matter. The Democratic Members, of course, were very largely in the minority and could not control the investigation or the procedure before the committee. They did not control it. My recollection is that when the favorable report was ordered there were only three Democrats present, and two of those voted for it. The third one—if I speak personally, myself—voted against a favorable report. But these agreements to which the Senator is now referring, if made, were probably made through the chairman of the American delegation. At least the presumption is, and I have no doubt the fact is, that the Secretary of State knew more about them than anyone else; in view of the statements made by the two delegates who are Members of the Senate it is certain that he knew more about it. It is certain from his letter that he knew more about what was done than anyone. At the time the committee was considering the treaty the Secretary was beyond the limits of the United States; he was not accessible and could not be brought before the committee; but he is here now, and the questions which have developed are very important and ought to be fully understood by the Senate and by the people of the United States. Why would it not be in order, as the Secretary of State is now in Washington, to move that this treaty be recommitted to the Committee on Foreign Relations, so that committee may ask Mr. Hughes to come before it and make a statement of all the facts which suggested and accompanied the making of this treaty and which induced the American delegates to consent to it? The Secretary could also explain why other nations were not admitted as members, or why they were not to be heard in passing upon controversies between them and members of the treaty. He might also be able to inform the Senate of how the treaty is to benefit America. I have such a motion under consideration.

Mr. ROBINSON. Mr. President, it is in order to make the motion mentioned by the Senator from Tennessee, but it is not even necessary to take that course in order to get the information which the Senate wants and to which it is entitled.

Surely the Senate has the right to know whether secret arrangements are in contemplation either between this Government and France, or between Japan and Great Britain, or between Japan and France, which would affect our interests under the treaty. The Senate formerly discussed these matters in secret executive session. Recognizing the demand of the people of the United States for information as to what is going on in our foreign relations, the Senate has adopted the policy of considering and disposing of these subjects in open executive session. No Senator can be unmindful of the fact that there is quite a general belief among those who have studied the history of this four-power treaty that the Senate is not in possession of a knowledge of the facts which relate to the actual conception and the actual negotiation of this treaty.

If the Senate is going to recognize the right of the public to full knowledge respecting subjects which pertain to the negotiation and ratification of treaties, why should not the Committee on Foreign Relations take the natural course and ascertain and publish the true facts and all the facts? They can not be forever concealed. The course of future events will reveal them. The Senate can either recommit the subject to the committee or instruct the committee to investigate and report.

One of the prominent writers for the Manchester Guardian, Mr. Nevinson, who attended the conference, declared that the negotiation of the four-power pact had relieved the United States from imminent danger of a war with Great Britain within the next five years. The British ambassador has declared that when the treaty was negotiated war in the Pacific Ocean, vitally affecting the security of the American possessions, was impending. The representative of the Far Eastern Republic who came to Washington and sought a hearing in the conference, but was unable to secure it, has said that already a secret arrangement has been effected between France and Japan. Now, a lawyer for the great international banking interests of Morgan and Ryan, a lawyer who stands at the head of the legal profession in the United States, a man who speaks with great authority, has declared in debate that the real motive which actuates him to support this treaty is an international arrangement which does not appear on the face of the treaty, a secret engagement by which Great Britain and the United States combine against Japan. He declared, when interrogated as to the accuracy of his knowledge, that as a lawyer accustomed to considering and determining evidence, its weight and

credibility, he has reached the conclusion that underlying this four-power pact, harmless on its face, innocent in its expressed purposes, as declared by the proponents of the treaty, there exists an engagement between our Government and Great Britain which means that they will make common cause against one of the parties to the four-power treaty in case the necessity arises.

Why should not the United States Senate be put in possession of a knowledge of the facts? Nobody questions the truthfulness of the Senator from Alabama [Mr. UNDERWOOD] or of the Senator from Massachusetts [Mr. LODGE]. The difficulty of the matter is that they know nothing about it. This debate has disclosed from the beginning that neither of them has any very definite knowledge concerning this important subject.

Do they object to the Senate having a knowledge of the facts and to the American people learning the facts, in connection with this charge by one of the leading attorneys of America, who represents more dollars and cents involved in big concessions in the Far East than any other lawyer in the country, always loyal, always efficient in the performance of his duty to his clients? Did anybody suppose that Paul D. Cravath made the declaration attributed to him by the Senator from Idaho without having investigated and without having reached a conclusion in his own mind that his declaration was justified?

I said in the debate the other day that it was unfortunate that Mr. Hughes went on a vacation to Bermuda while the Foreign Relations Committee had this treaty under consideration. I neither expressly nor impliedly charged that he absented himself from the United States to avoid disclosures concerning the negotiation and purposes of this treaty. He is here now.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield with pleasure.

Mr. KELLOGG. Did I understand the Senator to say that Mr. Hughes went away to avoid a disclosure of the negotiations?

Mr. ROBINSON. Mr. President, it is almost pathetic, when a Senator exhausts as much energy as I am exhausting to make himself understood, if one of the intelligence of the Senator from Minnesota will so completely misunderstand his remarks. I said I did not make any such charge.

Mr. KELLOGG. The Senator exhausts too much energy in the wrong direction.

Mr. ROBINSON. I should be very glad to apply my energy in the direction of the Senator from Minnesota. He needs enlightenment respecting this subject.

Mr. KELLOGG. The Senator does not need to be insulting.

Mr. ROBINSON. I said that I neither expressly nor impliedly alleged that Mr. Hughes left the United States, while the treaty was under consideration by the Foreign Relations Committee, to avoid disclosing the facts in connection with its negotiation and its purposes; but I also say that he is here now; he has come back; he is within the jurisdiction of the Foreign Relations Committee. It has just as much right to call him to testify as it had to call Secretary Lansing to testify when the Versailles treaty was under consideration. Why does not the committee call him and secure information?

From the beginning I have hoped that this treaty might so safeguard the interests of the United States, through amendments or reservations, as that I might vote for it. Why make a pretense of publicity; why have these debates in the open; why discuss the subject of the ratification of these treaties in open executive session, if the Senate and the public are to be denied the information necessary to the proper determination of the issues involved? Send for Mr. Hughes and send for Mr. Root, and ask them regarding it. If they know no more about it than the Senator from Alabama and the Senator from Massachusetts know, we will at the worst have taken only a useless step. We might write to Mr. Balfour, if none of the American delegates know anything about the negotiation of this treaty. Somewhere somebody knows. If you want the facts, you can get them. If you have entered into an arrangement designed to give any Government a secret advantage over any other Government a party to the four-power treaty, you will not always conceal it.

I am not sure that I would object to a defensive alliance with a peaceful English-speaking nation having mutual rights and mutual interests with the United States, to confer in the Pacific Ocean or elsewhere; but my proposal is that we should act intelligently, and if we make engagements that may hereafter, when disclosed, involve a question of integrity or good faith on the part of our Government we ought to know about the matter now. We ought not to wait until the incidents of future history disclose the facts.

Trained diplomats, men who have spent their lives and exerted their minds in the formation and expression of international policies, are accustomed to concealing in language the real accomplishments they expect to attain. If the United States is to pursue a policy of open dealing, of frankness, and of justice in her relationship with the other nations of the world, why not, I ask you, call the men who know and ask them to testify? We would have a little information. The atmosphere is full of suspicion. Many circumstances established beyond doubt indicate that the four-power treaty does not express on its face all that is implied.

No man is readier than I to adhere to the policy of my country, once it is established, but so long as I am responsible in part for the determination of that policy under the Constitution of the United States, I want to know what the policy is and how it is proposed to consummate it.

Mr. LODGE. Mr. President, let me say first that under our system of government secret agreements binding the United States are absolutely impossible. Nothing of that sort could possibly exist.

Also let me further say as to the treaty now before us that nothing whatever has been concealed, because there has been nothing to conceal. All the facts are known, and known to the entire world. The President, on being asked by the Foreign Relations Committee and by the Senate to give a report of the conversations which had taken place which led up to the completion of the four-power treaty, stated in brief in his message that he could not report to the Senate unreported conversations, and that he would not send, if he had them, tentative drafts of the treaty. We have that message from the President.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. LODGE. I yield.

Mr. ROBINSON. The Senator will recall that during the Versailles treaty contest the tentative drafts of the League of Nations covenant were brought to the Senate; at least, some of them.

Mr. LODGE. They were published——

Mr. ROBINSON. Why should not the Senate have a tentative draft of this treaty?

Mr. LODGE. They were published at that time in the newspapers.

Mr. ROBINSON. They were published, and the investigations of the Foreign Relations Committee with reference to them. Why can not the Senate now have the tentative drafts if there is to be full publicity now?

Mr. LODGE. I do not know that tentative drafts exist, but if they do exist and were discussed in conversations, to take papers of that sort and present them here as to two or three sections of the treaty would be, it seems to me, a breach of confidence. The others were all published anyway.

Mr. ROBINSON. Will the Senator yield for another question?

Mr. LODGE. Yes.

Mr. ROBINSON. When the Senator says he does not know that any tentative drafts exist, does he mean that he does not know whether they were made or whether they have been destroyed if they were made?

Mr. LODGE. I dare say a dozen or twenty or fifty may have been made, just as we make dozens of drafts of a bill here?

Mr. ROBINSON. Who made them?

Mr. LODGE. The Secretary of State has stated that he made this draft, and that is the truth.

Mr. ROBINSON. This draft, certainly; but what we are interested in knowing is who made the first draft and who made the drafts that led up to this draft? The Senator has said there were 50 or 100.

Mr. LODGE. That was stated in the letter of the Secretary of State. He stated exactly what happened, and I have nothing to add to it and nothing to take away. He made a public statement about it.

Now, Mr. President, I should like to finish what I have to say. The Secretary of State sent in a letter stating all the facts in regard to the making of the four-power treaty. There were no secrets there——

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. LODGE. Mr. President, I did not interrupt the Senator from Arkansas. I wish he would allow me to continue.

Mr. ROBINSON. I had no objection to the Senator interrupting me.

Mr. LODGE. Very well; go on.

Mr. ROBINSON. The Senator says there were no secrets here. Why did Japan object to France being a party to the four-power treaty?

Mr. LODGE. I am not aware that Japan objected to France.

Mr. ROBINSON. The Senator of course is aware that Secretary Hughes in his letter stated that was true, that he prepared the first draft which was made after the consent of Japan had been secured to France being a party to the treaty. I think it is fair for the Senator to know, if we are going to have any information at all, why Japan objected to France being a party to the treaty. I realize that the Senator does not care to be interrupted too often, but I would like to know why Italy, Portugal, and the Netherlands were not invited to join in this treaty involving their interests in the region affected?

Mr. LODGE. When the Senator has finished his speech would he mind giving me the passage in the Secretary of State's letter where he said that Japan objected to France being a party to the treaty?

Mr. ROBINSON. If the Senator will give me the Secretary's letter, I can easily do that.

Mr. MOSES. It will be found on page 3712 of the RECORD.

Mr. ROBINSON. I will ascertain, with the permission of the Senator from Massachusetts——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield further to the Senator from Arkansas?

Mr. LODGE. I should like to go on and finish what I have to say.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield further to the Senator from Arkansas.

Mr. LODGE. I decline to yield further. The Senator can examine the letter.

Mr. ROBINSON. The Senator will, of course, permit me——

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts declines to yield.

Mr. ROBINSON. Oh, no, the Chair misunderstands.

Mr. LODGE. I yield for a question, but not for a speech.

Mr. ROBINSON. The Senator asked me to point out——

Mr. LODGE. I want to say something myself.

Mr. ROBINSON. The Senator asked me to point out the language in Secretary Hughes's letter that I was quoting, and I am now ready to do it.

Mr. LODGE. I will allow the Senator to read the passage.

Mr. ROBINSON. It reads:

> I may say, however, with respect to the general course of negotiations that after assent had been given by Great Britain and Japan——

Mr. LODGE. Ah!

Mr. ROBINSON. Yes; but wait a minute—

> That France should be a party to the agreement.

I enlarge my question now——

Mr. LODGE. What the Senator asked me was what overcame the objection of Japan.

Mr. ROBINSON. No; I did not ask that. I asked why Japan objected to France being a party to the treaty?

Mr. LODGE. The Secretary of State does not say that. He said, "When the assent of Great Britain and Japan had been obtained." That is not what the Senator asked me. That is why I wanted him to read out the language.

Mr. ROBINSON. Will the Senator permit me further?

Mr. LODGE. No; I am going to finish my speech in the next five minutes uninterrupted.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield further.

Mr. ROBINSON. All right, I shall take the floor again.

Mr. LODGE. The Senator has taken the floor a great deal and very well.

Mr. ROBINSON. I thank the Senator.

Mr. LODGE. And I am sure he will take it again and do it very well.

Mr. ROBINSON. I thank the Senator——

The PRESIDING OFFICER. The Senator will be in order. The Senator from Massachusetts will proceed.

Mr. ROBINSON. I suppose it is not out of order to thank the Senator for yielding to me.

Mr. LODGE. Mr. President, I repeat that nothing has been concealed, and everything is before the country and the Senate that relates to this treaty. All I rose to say was this: The Senator from Arkansas, with great frankness, has referred to the ignorance of the Senator from Alabama [Mr. UNDERWOOD] and myself. I do not profess for a moment, and I do not suppose the Senator from Alabama would profess, to equal the intelligence of the Senator from Arkansas, but we are reasonably intelligent and we are, I think, fairly well informed. But, of course, all this debate, although it has been a little covered up, proceeds on the proposition underneath that the four American delegates were not only ignorant but incompetent and were prepared to betray their country.

It has gone further than that. Mr. Cravath, a distinguished lawyer of New York, who has no relation to the conference, who never was consulted, who had no part in it, made a statement that something happened there which never did happen, and the implication there is that the President, who was the only person who could speak outside of the delegation, was engaged in making a secret agreement which he would not have the power to carry out without the Senate with one of the four powers with whom we were negotiating against another power with whom we were also negotiating. That is the implication against the President of the United States.

The other implication is, of course, that the Secretary of State, as one of the four delegates, and his three associates were all engaged in doing the same thing. We may not be as well informed as the Senator from Arkansas, though some of us have had some experience in these matters, but let me say we love our country just as well and we are just as prepared to defend her and her interest as any man who sits upon this floor, and that the President of the United States ought to be spared the implications that are made here that he is engaged in making secret agreements with Great Britain against the Empire of Japan when we are making a common treaty with both of them.

That is the charge which underlies all this, Mr. President. I confess I have tried to listen to it with patience and not resent it, but I do resent this continual implication that is going on. When we come to the statement that has been read here this morning, it is nothing less than accusing the President of the United States, the Secretary of State, and the three other American delegates, who include the members of both political parties, of what would have been an infamy. There is not a word of truth in it; and no one has the right to make that implication or to treat his fellow Senators in that way; nor has he any right to make such implications against the President, the Secretary of State, and Mr. Root. They are the men who have led long and honorable lives in public service, and they are just as patriotic—I do not say more so—and just as desirous of defending the interest of this country as are those who have been slandering them by implication and insinuation. I will trust the people of the United States, without respect to party, to stand by the President of the United States, without reference to his politics, and to stand by the four men whom he chose to represent them in this great conference, whose Americanism and patriotism are known to the American people.

Mr. ROBINSON. Mr. President, the Senator from Massachusetts has at last become excited and interested over the four-power treaty. He has distorted, unintentionally, I take it, my allusion to the ignorance of the Senator from Alabama and himself respecting this treaty into being a general allegation of ignorance.

Mr. President, if any reply to that portion of the statement made by the Senator from Massachusetts is needed, I can only say that I regard both the Senator from Alabama and the Senator from Massachusetts as very learned men, of broad experience in statesmanship. I have not challenged their patriotism, nor have I, impliedly or expressly, challenged the patriotism of any Senator who has spoken respecting the four-power treaty. I maintain, however, that concerning the origin and negotiation of this treaty, its real purposes and effect, both the Senator from Alabama and the Senator from Massachusetts, as disclosed in this debate, are amazingly ignorant.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. ROBINSON. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator this question: How could there be any secret understanding, if the Senator from Massachusetts and the Senator from Alabama were ignorant of it, unless it was made by the President of the United States?

Mr. ROBINSON. Mr. President, the Senator from Alabama and the Senator from Massachusetts took no prominent part in the negotiation of this treaty. The Senator from Alabama was absent from the city on account of a bereavement which commanded the sympathy of all of his colleagues. The Senator from Massachusetts evidently did not regard it of sufficient importance to keep himself informed concerning the progress of the negotiations. He tells us now that there were between 40 or 50 and 100 drafts of this treaty made, showing that the greatest difficulty was experienced in reaching a final conclusion as to its terms and conditions.

Mr. LODGE. If the Senator will allow me, I wish he would not misquote me.

Mr. ROBINSON. I did not intend to do so.

Mr. LODGE. I said there might have been.

Mr. ROBINSON. Yes.

Mr. LODGE. I did not go higher than 20, I think.

Mr. ROBINSON. The Senator did go higher than 20; but the point I am making is that the Senator discloses his ignorance of the facts when he can tell us he knows nothing about the number of drafts that were, in fact, made, and nothing about what those drafts contained.

Mr. LODGE. It is true I did not count them.

Mr. ROBINSON. They were too numerous to count, in all probability.

Mr. LODGE. Ignorant as I am, I can count as high as 20.

Mr. ROBINSON. Oh, yes; the Senator can count a hundred, and he did so a while ago, in reply to my statement. But, Mr. President, I do not want to be diverted from the serious consideration underlying this contention. The Senator from Massachusetts has admitted that a great many drafts of this treaty were made. Now he frankly tells us that the Senate can not see any of those drafts; he does not know whether they have been destroyed or whether they are still in existence; but, in any event, we can not see those drafts, and he knows nothing definite about the subject. I respectfully conclude with the statement with which I began, that, concerning the four-power treaty, its origin and its negotiation, and the secret purposes, if any, underlying it, both the Senator from Massachusetts and the Senator from Alabama are hopelessly ignorant.

If the charges that secret engagements have been made and that others are in contemplation among the four powers are untrue, the matter might be cleared up by an inquiry into the charges by the Committee on Foreign Relations. It is all well enough to say that the Senator from Idaho [Mr. BORAH] should not have quoted in the Senate the declaration of one who is not a member of the American delegation at the disarmament conference—the declaration made by Mr. Paul D. Cravath—but Mr. Paul D. Cravath is one of the most important men in America, in view of his relationship to the great financial interests which are sponsoring this treaty. Why not ask Mr. Paul D. Cravath the sources of his information and let him tell the Committee on Foreign Relations what he knows about it and upon what facts he bases his conclusion? It would be possible to get Paul D. Cravath here by to-morrow morning at 10 o'clock. Send for him, and if Paul D. Cravath, representing the greatest financial interests that exist in the United States, has made a statement without foundation in fact, if he has falsified when he stated that some of the American delegates and some British delegates had informed him of these facts, which he believes to be true, or if he has been misquoted, then he ought to be permitted to explain or made to take the responsibility for his declaration. Why not send for him? Why not send for Mr. Secretary Hughes and ask him about the negotiation of this treaty? He gave no information respecting it of value in his letter to the Senator from Alabama. His letter was not intended to furnish information which the Senate wanted; it was intended to refuse information which the Senate needed.

Mr. BORAH. Mr. President, I am not going to continue the debate. I do not know just precisely what the Senator from Massachusetts meant by saying that the entire debate was based upon the implication that the President of the United States and the American delegates were and are disloyal. As I said a few moments ago, the statement read by me is a correct report of what was said in a public discussion in the most important financial center in the United States, if not in the world, by a man who, perhaps, represents the most powerful financial interests in the United States, if not in the world.

It will be recalled when the Versailles treaty came back to this country the first copy which was uncovered was uncovered in the possession of the same banking interests represented by Mr. Cravath. A representative of that firm was present at all times in Paris when the negotiations were proceeding; he was counseled with and advised with because of his very great knowledge of international finance, and therefore of international affairs.

I merely recall that to disclose how thoroughly these great interests keep themselves informed, not only from a business standpoint but for other reasons. We also know that the firm in question was represented in the Far East for months during last summer. It was engaged in precisely the same business in which it was engaged prior to the Versailles treaty, and that was in looking after the financial interests of the international bankers in the Far East. That is their business; that is their privilege. I am simply calling attention to it to show their position with reference to their knowledge of what is going on. I have no doubt, Mr. President, that those men know things which the Senate does not know and never will know with reference to international affairs. They have opportunities to know which we can not possibly have, and they have a keen incentive to know, and they ascertain the facts.

Mr. Paul D. Cravath, who represents some of these interests, made this statement in public before a number of citizens of the United States in the city of New York. I assume that he understood the import of his language. I have no doubt that he believed precisely what he said. I have no doubt that he spoke the truth as he understood it, and I felt, therefore, perfectly justified in calling attention to the statement. I want one of two things to happen; I want the foreign policy of this country to be shaped by the President and the Senate of the United States officially, or I want to know precisely the attitude and the knowledge of those who are helping to shape it on the outside.

I do not propose to be placed in the position, of course, of questioning the integrity or the patriotism of particular individuals; I am not concerned about that; I am concerned to bring out the exact facts concerning the influences which work in these affairs. I have no doubt at all that this is one of the most powerful influences which have to do with international affairs and that it is in a position to know all that is going on if anybody is. I make no apology, therefore, for calling attention to it, and I shall make no apology in the future for debating it as the matter develops.

Mr. ROBINSON. Mr. President, can the Senator conceive of any reason why Mr. Cravath should not be permitted to be given an opportunity to state to a committee of the Senate the facts upon which he bases his declaration?

Mr. BORAH. No; I do not know of any reason why he should not be permitted to state the facts; but I should prefer to take Mr. Cravath's statement made in the minds of his friends, at a time when the import of his statement had not been criticized, and when he had no occasion to state the facts other than as he understood them. I would rather have such a statement than any explanation which could be made.

I can not conceive of Mr. Cravath before those with whom he was acquainted and with whom he associates daily, and, after conversations, at least, with one of the American delegates prior to the time when his statement was made—if he states the circumstance correctly—I can not conceive of his deliberately misstating the facts. There was no occasion for doing so; there was no motive for doing so; the unconscious impulse to do so was not even there, and, besides, I do not think that Mr. Cravath is that kind of a man. I think that he was discussing the matter plainly and sincerely as he understood it, and I think he will be utterly astonished to understand that there are those who do not understand it as he understands it when they were in the same position as he was to know the facts. I believe he believed he was stating facts.

Mr. President, there is one other thing that I might say. I think I will not say it to-day, but no more severe attack has been made upon some of these delegates than has been made by some of those who are now associated with the delegates. I do not care anything at all about the personal feature of the matter; but if those who are trying to get at the facts here and who want the people to know the exact facts and the influences that are working for these things are to be charged with indulging in personalities and indulging in debate of that kind, I will undertake to discuss the views of those who have expressed themselves concerning some of their own delegates, and those views are also in writing.

Mr. LENROOT. Mr. President, I want to say only a word. It is very evident that the opposition to this treaty is becoming more desperate each day and is willing each day increasingly to go beyond the bounds of what I believe to be proper.

We have first these gentlemen accepting on all occasions the construction of this treaty by subjects of foreign powers as against the construction of our own delegates. Wherever there is an Englishman that gives a construction against America these gentlemen quote with approval that construction upon the floor of the Senate. They absolutely ignore the construction of our own American delegates and the construction accepted at the conference; and now this morning we find some of them willing to become vehicles of a charge accusing the American delegates of treachery to the United States, and entering into a secret understanding that with the very signing of a treaty they committed an act of treachery to one of the parties to the treaty.

Mr. President, it would have been bad enough to have had that communication placed in the RECORD by the Senator from Idaho after he had the explicit denial of two of the American delegates; but he was not content to rest with that. Following that, he has just said to the country that he believes that Mr. Cravath is a man who knows what he is talking about, and that he is entitled to credence. The Senator from Arkansas

says that he accepts as truthful the statement of the Senator from Massachusetts and the Senator from Alabama that so far as they knew there was no secret understanding, and in the next breath he demands an investigation to ascertain whether there was a secret understanding, when there could not have been any such understanding unless the Senator from Alabama and the Senator from Massachusetts had been parties to it.

Mr. President, that is a sample of the kind of argument that the opposition has come to with reference to this treaty. I realize, of course, that they appreciate that the treaty is going to be ratified unless some Senators will believe in innuendo and slander like the letter of Mr. Cravath and change their votes with reference to it.

Mr. ROBINSON. Mr. President, it is never necessary for a Senator who is governed by the principles that control a gentleman in his conduct here or elsewhere to use language in violation of the rules of the Senate. I have not consciously slandered any living mortal. My motive is to secure for the American people the information that they are entitled to have before the Senate exercises its constitutional function of advising and consenting to the ratification of this treaty. Neither the Senator from Wisconsin nor any other Senator can restrain me from the exercise of what I believe to be my duty by the use of language violative of the rules of the Senate.

The Senator from Idaho [Mr. BORAH] has served in this body for a great many years. By his courage, his frankness, and his manly assertion of his convictions he has earned, in my opinion, the confidence and respect of all to whom such elements of character may appeal. The Senator from Idaho needs no defense or vindication at my hands. In the negotiation of this treaty the representatives of the American Government seek to commit this Government to what we believe to be undertakings of far-reaching importance and consequence. We are combining for some purpose, known or unknown, with three other great powers, manifestly for the purpose of maintaining the peace if not of controlling the politics of the regions of the Pacific Ocean. The Senate has declared its purpose to conduct no secret consideration of treaties. It has declared its policy to discuss treaties in the open. It is important, sir, and future events must prove the statement to be true, that we know what it was that prompted Great Britain and Japan expressly to rescind a contract which they declared had served its day for something which they thought was better, and which would accomplish the same purposes, with more power behind it.

The people of the United States are anxious to know the facts concerning this treaty and its real involvements. Word has gone out from the Capital, from organizations originated for the purpose of propagandizing Senators and inducing them to reach a conclusion respecting this subject which is not based upon the debates or upon the terms of the treaty itself or the information furnished to the Senate respecting it; that before this vote is had a committee of 100 will be organized in the city of Washington, and that committee will send its communications to every State in this Union, appealing to religious organizations to urge Senators from their respective States to vote for the ratification of this treaty. We all know how powerful propaganda has become in the United States during the last few years. I have received in a single day as many as 25 telegrams from different parts of the United States, expressed in identical language, showing clearly that all those telegrams had a common origin.

Mr. President, this question ought to be decided intelligently. It ought not to be determined through the influence of propaganda based upon lack of information. I want to know, before I give my vote for the four-power treaty, what it means to my country. Different constructions have been placed upon it at different times by the very delegates who negotiated it. One of the American delegates stated to some of his colleagues that it constituted an alliance implying force, but that in his opinion it was the best insurance that the United States could obtain for the protection of her possessions in the Pacific Ocean, and for that reason he was for it. Why did he change his construction? What is the true interpretation of the instrument?

I scorn personalities. I made the declaration that at least two of our delegates were lacking in information respecting this important controversy; and I leave it to fair-minded Senators and others who have heard the debate to answer me in their consciences if the declaration is not substantiated by the evidence of the Senators themselves.

The Senator from Massachusetts [Mr. LODGE]—in a desperate effort, I presume, to give this debate a political aspect—lugged in the name of the President of the United States. As the Executive head of the Government, he is responsible for the negotiation of treaties; but I respectfully submit that if the President has detailed information concerning this treaty, that information has not been furnished to the Senate. The President said in his message that the informal negotiations conducted through the long process implied in the declaration of the Senator from Massachusetts when he said that a large number of tentative drafts had been prepared, had either not been recorded or could not be furnished to the Senate; but the delegates who actually conducted the negotiations know the course that the matter took. With representatives of the Far Eastern Republic and others crying out for a hearing, claiming that secret combinations were being formed among the members to constitute this four-power pact, why should not the Washington conference have ascertained the facts concerning those complaints; and why should we be denied now the information if this is a good-faith obligation upon the part of the United States to assist in maintaining peace, and if it does not involve the United States in far more serious undertakings than appear upon its face?

I do not know what will be the final vote of the Senate upon advising and consenting to the ratification of this treaty. I am going to do my duty as I see it, and when I become senile or indifferent to the obligations that devolve upon me by virtue of my oath to support the Constitution of the United States I will inquire of the Senator from Wisconsin what course he thinks I should take; but until that condition arises let me appeal to Senators not to be intimidated by outbursts of indignation, by declarations that this debate is "slanderous" in its character. The Senator from Idaho [Mr. BORAH] is incapable of slandering. The Senate is at liberty to place upon my feeble efforts here such construction and characterization as they seem to justify, but I will not be deterred in what I believe to be the performance of my duty to my country.

Mr. LENROOT. I want to say to the Senator that I had no thought of imputing slander to him. The slander I objected to was the letter of Mr. Cravath, and the apparent willingness of the Senator from Idaho and the Senator from Arkansas to give some credence to it.

Mr. ROBINSON. I understood the Senator from Wisconsin perfectly.

Mr. TOWNSEND. Mr. President, if there is no further discussion of the treaty to be indulged in at the present time, I move that the Senate proceed to the consideration of legislative business for the purpose of taking up the Post Office appropriation bill.

The motion was agreed to.

The VICE PRESIDENT. The Senate is in legislative session, and the Chair lays before the Senate House bill 9859, the Post Office appropriation bill.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The first amendment of the Committee on Post Offices and Post Roads which was passed over will be stated.

The READING CLERK. The first amendment passed over is, on page 10, line 22, before the word "inspectors," to strike out "four hundred and twenty" and insert "five hundred and twenty," so as to read.

Office of chief inspector: For salaries of 15 inspectors in charge of divisions, at $4,200 each; and 520 inspectors.

Mr. HARRISON. I understand the Senator from Michigan wants to speak on this proposition.

Mr. TOWNSEND. I wish to say merely a word in reference to it.

Mr. HARRISON. I think there are some members of the Committee on Post Offices and Post Roads who would like to be present while the bill is being considered. So I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Edge	Kendrick	Nelson
Brandegee	Elkins	King	Nicholson
Broussard	Ernst	Ladd	Norbeck
Bursum	Glass	La Follette	Norris
Capper	Gooding	Lenroot	Oddie
Caraway	Hale	Lodge	Overman
Cole	Harris	McCormick	Page
Culberson	Harrison	McKellar	Pepper
Cummins	Heflin	McKinley	Phipps
Curtis	Jones, Wash.	McNary	Pittman
Dial	Kellogg	Moses	Pomerene

Ransdell	Smith	Sterling	Wadsworth
Rawson	Smoot	Sutherland	Warren
Robinson	Spencer	Swanson	Watson, Ga.
Sheppard	Stanfield	Townsend	Williams
Shields	Stanley	Underwood	Willis

The VICE PRESIDENT. Sixty-four Senators having answered to their names, there is a quorum present.

Mr. TOWNSEND. Mr. President, at the suggestion of the Senator from Mississippi [Mr. HARRISON] on Saturday evening this item went over. It is a proposition to increase the appropriation for inspection service by about $235,000, providing for 100 additional inspectors.

The object of this increase is to better serve the interests of the Government through the Post Office Department. These men have to inspect and investigate a great many things which are largely of an irregular character, including frauds carried on through the mail, robberies, thefts of registered and C. O. D. packages, and other matters which require attention. The Post Office Department is the largest business institution in the world. It employs hundreds of thousands of people. Its receipts and disbursements amount to approximately one billion and a quarter of dollars annually. It extends into even the remotest sections of our country, including its territorial possessions. Indeed, it reaches into every civilized country on the globe. The opportunities for irregularities are great. The inspection is absolutely necessary. According to the testimony of the officials of the department, during the war inspection matters were neglected, were allowed to go by default because there were so many other things which required attention that they could not be investigated, with the result that on November 1 last there were 47,588 cases of complaints which should have been investigated, but which could not be. This meant not only that irregularities and crimes have gone uninvestigated, but also that millions of dollars have been actually lost to the Government.

According to the department a sufficient number of inspectors would save the Government from eight to ten million dollars a year. There is a complaint now from all over the country that sufficient inspection can not be had. It is claimed that there should be 10 additional inspectors in the city of New York alone and in other cities in proportion. The parcel post mail has involved a great many losses and there has been a great many losses occurring in the registered mail service and in the C. O. D. service, which can not be investigated, due to the fact that they have an insufficient force of inspectors, who are the detectives and police officers of the department. Many of these cases are from two to four years old. A good many of them have been closed without investigation, simply because of the fact that the department did not have help enough to determine what the situation was in each of the cases. Mr. Simmons, the chief inspector, who, I think, can not be regarded as a Republican politician, says that if he could have his way about it, in the interest of the service he would ask for 125 to 140 additional inspectors.

That there is a demand for this work there can be no possible doubt. If we are to investigate the losses and the irregularities, if we are to investigate the conditions in the various post office it must be done through inspection. I feel that I can say without any fear of successful contradiction that these inspectors are among the very highest class of employees in the post-office service. They are selected, in the first place, from those employees who have served at least four years in the Post Office Department. They are designated to take the examination for this particular service after an investigation has disclosed their special fitness for the work, and under the civil service they are chosen after a successful examination; and, I repeat, they are among the very highest class of postal employees.

I could go into details, but I shall not do that further than to read the following statement, which was presented to us by Chief Inspector Simmons:

On November 30, 1921, there were outstanding, in the hands of post-office inspectors for personal investigation, the following cases:

A cases, registered mail: Complaints concerning the rifling, loss, destruction, wrong delivery, or other serious irregularity affecting registered mail	7,224
C cases, miscellaneous: Leasing premises for post offices and stations, clerk-hire allowances, establishment of extension of city delivery, proper location of post offices, establishment of register of eligibles for appointment at offices of fourth class, improper payment of money orders, excessive cancellations, peddling receipts, charges against postal employees, complaints against the service, and miscellaneous violations of the postal laws and regulations	6,977

In the D cases, involving depredations, robberies, wrecks, and fires, there were 5,123 cases which have not yet been investigated.

In the E cases, fraudulent use of the mails, transmission of lottery, obscene, and scurrilous matter, there were 4,079 cases pending.

In the I cases, inspection of post offices, there were 18,338 cases.

Of cases involving irregularities in parcel-post matters, matter of C. O. D. packages, insured packages, there were 4,854. It should also be understood in many of these latter complaints there are sometimes involved as many as 50 matters in a single case, so that the number would easily reach at least 15,000 cases pending in that count alone.

In the R cases, claims for reward for information leading to detection and arrest and conviction on charges of robbery or attempting to rob the mails, post offices, and so forth, there were 21 cases, and in the other cases, rural delivery and inspection of Rural Delivery Service routes, there were 467 cases, making a total on hand on that date of 47,583.

Mr. HARRISON. May I ask the Senator what date that is?

Mr. TOWNSEND. November 30, 1921. I am told that if the present force of inspectors had nothing else to do from now on, without any addition to the force, it would take from 9 to 10 months to clean up this accumulated docket, and the cases demanding inspection are increasing daily. This is necessarily true because we have never met such a condition in the parcel post department as we have encountered during the last two or three years. Depredations of mail and frauds upon the department are simply overwhelming and these inspections are practically the only means which the Government has for detecting the offenders.

So the Committee on Post Offices and Post Roads have complied with the request of the department, approved by the Budget Bureau, for the increased appropriation of $230,000, which will pay for 100 additional inspectors at $2,300 per annum each.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. STANCEL in the chair). Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. TOWNSEND. I yield.

Mr. HARRISON. Before the Senator concludes may I ask him a question or two?

Mr. TOWNSEND. Certainly.

Mr. HARRISON. As carried in the item, I think the department estimated, as I understood, for 125 or 140 additional inspectors.

Mr. TOWNSEND. I do not think there was any estimate for them, although the chief inspector said the department ought to have that number.

Mr. HARRISON. And the Director of the Budget estimated for 100 aditional?

Mr. TOWNSEND. He did.

Mr. HARRISON. The committee gave all that the Director of the Budget recommended?

Mr. TOWNSEND. It did.

Mr. HARRISON. We have 420 now, not counting the 15 inspectors in charge of divisions?

Mr. TOWNSEND. Yes. I am not sure whether the inspectors in charge are included in that number or not.

Mr. HARRISON. How long have we had 420?

Mr. TOWNSEND. Since 1919.

Mr. HARRISON. How many were there before that time?

Mr. TOWNSEND. I will give the Senator a statement of the increases. I will insert in the RECORD the table on page 54 of the hearings; but beginning with 1914 we had 390, and in 1915 we had 420.

Mr. HARRISON. How long did we have the 390?

Mr. TOWNSEND. For four years. In 1915 there were 420.

Mr. HARRISON. There were how many before the number was increased to 390?

Mr. TOWNSEND. There were 390 from 1911 to 1914, inclusive. In 1915 this was increased to 422, and so remained for 1917, 1918, and 1919. In the appropriation act for 1920 the number was increased to 435, an increase of 13, and that is the number now.

Mr. HARRISON. The 390 included the inspectors in charge of divisions, too? The Senator read the number and said that from 1911 to 1914 there were 390. Did not that include the inspectors in charge of divisions?

Mr. TOWNSEND. I do not think it did, but I am not sure.

Mr. HARRISON. If it did include inspectors in charge of divisions, there were probably 15 additional to that number.

Mr. TOWNSEND. Probably that is true.

Mr. HARRISON. There were 405 in 1911, then?

Mr. TOWNSEND. That is my understanding. I do not know whether they are included or not, but I do not think they are.

Now, unless there is some further question some Senator desires to ask, I have nothing further to say in reference to this item.

I ask that the table showing the number of inspectors may be inserted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Number of inspectors provided for the various years since 1909.

1904	211	1914	390
1905	216	1915	420
1906	226	1916	422
1907	377	1917	422
1908	377	1918	422
1909	355	1919	422
1910	355	1920	422
1911	390	1921	435
1912	390	1922	435
1913	390		

Mr. HARRISON. Mr. President, I am opposed to the item granting an increase in the number of post-office inspectors. Of course, there seems to be a great deal of interest in the bill. There are now four Senators on the other side of the Chamber and more on this side, as usual.

Mr. TOWNSEND. There are five Democratic Senators present.

Mr. HARRISON. Yes; I said more on this side than on the other side. Even though there does not appear to be much interest in this particular provision, I am very much opposed to it because I do not think it is in keeping with the promises of the present administration to practice economy. I was in hopes that we would see some retrenchment practiced, especially in the post-office appropriation bill, but the amount of the appropriation is much larger than the amount carried in the post-office appropriation bill of last year. There are many instances in this bill where salaries have been increased and where new jobs have been created, so it is not carrying out the promises that were made to the American people that the present administration, if inducted into office, would serve the people economically and efficiently.

This is the most glaring and inexcusable piece of extravagance that has yet been attempted to be perpetrated upon the Congress. Here are 100 new places in one item, 100 new jobs, which carry a salary of $2,300 each a year. That is quite a good job. Why, every hungry, disgruntled Republican who has not been taken care of already, if this item should be agreed to, would only have to make application to his Senator, and he would be taken care of.

Mr. MOSES. Mr. President——

Mr. HARRISON. I know the Senator from New Hampshire will agree with me. So I yield to him.

Mr. MOSES. May I add to that that they would have to serve four years in the Postal Service, because no man can be appointed inspector who has not served four years in the Postal Service.

Mr. HARRISON. Oh, yes; we had some requirements and regulations that we thought were going to be lived up to touching the appointment of postmasters, and yet during the first 12 months of President Harding's occupancy of the White House he has written more Executive orders in that time than any President in the history of the country. Why, surely the Senator from New Hampshire has not forgotten that when the President wanted to place a friend in the Marion post office he stamped under foot the regulations of the civil service and appointed a friend there under Executive order. That is all he need to do in the matter of filling these new places, and he will do it if he listens to the Senator from New Hampshire and other Republican politicians.

Mr. MOSES. May I say to the Senator from Mississippi that his last assertion is entirely correct.

Mr. HARRISON. I thought so.

Mr. MOSES. If the President would listen to me, he would write one Executive order and remove from the classified civil service every office which Woodrow Wilson put under it.

Mr. HARRISON. I know the Senator and I believe alike on some things.

Mr. MOSES. Absolutely. On that we are unanimous.

Mr. HARRISON. That is exactly what we are afraid of in this instance.

Mr. MOSES. In other words, the Senator's party having already done this thing, he objects to having us undo it.

Mr. HARRISON. The Senator is a member of the Committee on Post Offices and Post Roads, and I suspect that he voices the views of the majority members of that committee in the statement that if he were President he would repeal the whole civil service law, so far as getting out of office all Democratic appointees and putting in Republicans at one fell swoop.

Mr. TOWNSEND. Mr. President, the Senator does not speak for the whole committee. I believe in the United States civil service law and its enforcement, and have never been governed by any other belief or any act to the contrary.

Mr. HARRISON. We except, then, the distinguished chairman of the committee, and we will say the balance of the majority members would do that.

Mr. PHIPPS rose.

Mr. MOSES. There may be other disclaimants among the members of the committee, and I think I see one coming from Colorado.

Mr. PHIPPS. Mr. President, I should like to go on record as being in line with the chairman of the committee on this proposition. So long as we have that law on the book I believe in its absolute enforcement.

Mr. HARRISON. Are there any others over there who want to confess?

Mr. DIAL. Mr. President, I would like to ask anyone on the other side of the aisle if he believes in the present enforcement of the civil-service rules as to appointing postmasters?

Mr. HARRISON. I yield for an answer.

Mr. MOSES. I did not hear the question.

Mr. DIAL. Does the Senator from New Hampshire believe in the present enforcement of the civil-service rules as to the appointing of postmasters?

Mr. MOSES. I think in some cases it works very badly, because it has been altogether too slow in getting the Democratic postmasters out.

Mr. DIAL. There is no doubt about that. For the information of the Senator from Mississippi I will say to him that they pretend to prefer ex-soldiers, and yet when an ex-soldier makes the highest mark without his preferential, and with his preferential added makes a still higher mark, it makes no difference to them and they appoint the lowest man anyway.

Mr. MOSES. Mr. President, I do not know what pretenses may be made by others. There are absolutely none made by me. I would have no pretense about it at all. I would wipe out the whole plan of appointing postmasters as now pursued and as it was pursued under the last administration. I would plainly go back to the old system of appointing partisan postmasters, and I would follow that, as far as I could, in supplanting the civil-service plan, because I believe an administration should be surrounded by its friends.

In view of the manner in which the classified service remains full of Democratic officeholders, we see altogether too much throwing of monkey wrenches by those Democrats who are in positions, for the sole purpose of discrediting the administration and creating discontent. I shall never be President, neither will the Senator from Mississippi, but I think if either of us ever occupied the White House for more than 30 minutes' time, each of us would write an order wiping out the whole thing.

Mr. ODDIE and Mr. CARAWAY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Mississippi yield, and if so to whom?

Mr. HARRISON. I yield for another confession. I yield to the Senator from Nevada.

Mr. ODDIE. I merely wish to call the attention of the Senator from Mississippi to the fact that I think his remark a few minutes ago was an error. He said there were more Democrats in the Senate than Republicans. He is incorrect, because there are twice as many Republicans in the Senate now as there are Democrats.

Mr. HARRISON. That was before we started talking about patronage. As soon as the Republican Senators in the cloakroom heard us talking about patronage they all came in.

I now yield to the Senator from Arkansas.

Mr. CARAWAY. I was merely going to suggest to the Senator from New Hampshire who said he wanted the administration surrounded by friends, that I do not know where he could get them.

Mr. HARRISON. I do not think the Senator from New Hampshire understood that suggestion.

Mr. MOSES. I did not hear what the Senator from Arkansas said.

Mr. HARRISON. It was a good thing the Senator did not.

Mr. MOSES. That is entirely possible.

Mr. HARRISON. So the Senator from New Hampshire has really voiced the sentiment of a large part of the Republican membership on the Committee on Post Offices and Post Roads when he said that they would throw out all of the appointees under the last administraion and put in some Republicans. I suppose he would agree with me that the creation of 100 additional inspectors' positions is to carry out that program.

Mr. MOSES. Is that a question directed to me?

Mr. HARRISON. No; I stated it as a fact.

Mr. MOSES. I am not sure how these places are going to be filled if they are created, but I hope they will all be filled by good Republicans. I am afraid, however, they will not be.

Mr. HARRISON. They might be filled by Republicans, but not by good Republicans.

Mr. MOSES. Oh, Mr. President, there are no Republicans but good ones.

Mr. CARAWAY. That is a confession that the Republicans are all dead.

Mr. HARRISON. Mr. President, the distinguished chairman of the committee has stated that there were 40,000 complaints pending on November 30 last.

Mr. TOWNSEND. There were 47,000 protests or complaints.

Mr. HARRISON. There were that many protests or complaints. I am not surprised at that statement. I am really surprised that there were not more complaints or protests than 40,000.

Mr. MOSES. Certainly; because most of them came over from the previous administration.

Mr. HARRISON. No; Will Hays had been Postmaster General for nearly a year at that time, and naturally many complaints and protests were being made on account of the manner in which the Post Office Department was being run. Naturally there should be robbery and fraud cases—we are under Republican rule. There were also many hungry Republicans throughout the country. I do not blame them. There were a good many more in November, 1920, than I wanted to see; I am sorry there were so many, and they, too, are sorry now. However, be that as it may, when the Republicans came into power they needed the jobs. Many Republicans living in various localities wanted to become postmasters. They knew that the incumbents were supposed to serve out their terms, which in numerous instances did not expire for two or three years; but they learned from their Senators and Representatives, smart as they were, how to get the incumbents out. They were told as to a particular postmaster, "The only way to get him out, for he is an efficient man and has served a good while, is to lodge a complaint against him and file a protest. You must get one or two Republicans to make oath to the fact that he is not an efficient officer, and then present the case to the Post Office Department, which will send a post-office inspector down there who will investigate the matter, and on his report the Democratic postmaster will be dismissed and you will be given the job." So thousands and thousands of complaints and protests were filed with the Post Office Department. The same situation would have arisen, perhaps, if a Democratic administration had succeeded a Republican administration. I have no doubt that it probably arose, to a greater or less extent, when the Democrats came into office nine years ago, and it arises naturally under any change of administration. Naturally the Republicans want investigations made quickly, not for the purpose of detecting real fraud but for the purpose of getting Democrats out of office and putting Republicans in. That is the only reason for this demand to create 100 additional offices with compensation of $2,300 a year?

Mr. President, this is going quite too far. I can not understand how Director Dawes of the Budget Bureau was ever convinced that he should recommend this increase. He estimates for the full amount requested by the Post Office Department, so the chairman of the committee says. So he, too, is in this conspiracy to furnish 100 Republicans with jobs and to put a number of Democrats out of office and put more Republicans in. Of course, I know that I am arguing for Republicans to vote for this amendment; I have not the slightest hope of getting a Republican to vote against this proposed increase.

Mr. EDGE. Mr. President——

Mr. HARRISON. I yield to the Senator from New Jersey.

Mr. EDGE. If I did not misunderstand the Senator, he admitted that if conditions had been reversed at the last election the same request would have been made to the Democratic administration. Then, why does he take the situation so seriously at this time?

Mr. HARRISON. The Senator from New Jersey evidently was not listening to me, and I am sorry the Senator was mistaken in his understanding. He had in his mind, perhaps, all the Democratic postmasters in New Jersey who had not been removed from office, and was thinking how the adoption of the committee's proposal would affect that situation, and so he did not understand me correctly.

Mr. EDGE. No; we are doing very well in New Jersey. I think we have now placed Republicans in charge of practically all of the post offices there, or certainly a large majority of them.

Mr. HARRISON. Then, there is certainly a bad situation in New Jersey, and there must be plenty of complaints from that State. What I said was that there was no doubt that there were many protests and complaints when the Democrats nine years ago assumed control of the Government. I did not say, though, that the Democratic administration sent in an estimate recommending a large increase in the number of inspectors. We did not do that. That would have been too palpable, and Congress would not have stood for it at all. That would have been too bald. The distinguished chairman of the committee just stated that in 1911 there were 405 inspectors in the service. There has been since that time an increase only from 405 to 435 inspectors, 15 of whom are inspectors in charge of districts. For 11 years the department got along with that small increase, and now it is proposed, at "one fell swoop," to increase that number by 100. We are told that Mr. Simmons, who is the head of the inspection service and not so strong a partisan as is the distinguished Senator from Michigan [Mr. TOWNSEND], says that 125 or 140 additional inspectors are needed.

Mr. EDGE. I presume, then, that it is to be inferred that under a Democratic administration the removal of Republicans from office would have been effectuated without the formality of an inspection.

Mr. HARRISON. I think that would have been justified, because the Republicans had had control for 16 years, and naturally there was great cause for complaint and necessity for immediate change. But, Mr. President, if the department got along as well as it did with 420 inspectors, there is no reason for this large increase of 100 inspectors. There is not a Senator here, I think, but knows that there is politics behind this proposal. Of course we have always tried to keep politics out of the Post Office Department. Will Hays got abused for trying to do so and for not appointing more Republicans than he did. However, he did pretty well. The Republicans are getting the Democrats out fast enough. Do not let us go at it too strong. If 25 additional inspectors are needed—and I do not think they are needed—let us reduce the number to 25; but there is no cause for this large increase except to make investigations quickly so that Democrats may be removed more quickly.

The addition of 100 inspectors at $2,300 a year involves a pretty big expense, for their compensation alone will amount to $230,000.

Mr. KING. In addition they will receive the bonus.

Mr. HARRISON. It is suggested to me by the Senator from Utah that the additional inspectors will receive the bonus. I ask the Senator from Michigan whether that is correct?

Mr. TOWNSEND. I do not understand that they will.

Mr. HARRISON. If they are to receive the bonus it is carried in an appropriation bill; but, in any event, there is an increase of $230,000 involved.

Mr. TOWNSEND. There will be an increase of about $230,000, which includes $40,000 for substitutes, as I recall.

Mr. HARRISON. Mr. President, I have said about all I desire to say in regard to this amendment. I submit that it should not be adopted; that the department should get along with approximately the same force which they have had for a long time. Many of the 40,000 complaints to which reference has been made are designed for no other purpose, as the Senators know, than to remove some Democrat from office. The additional positions of inspector are intended to be political appointments purely and simply. The regulation that an employee in the Postal Service must serve four years before he may be appointed an inspector could be wiped out by a stroke of the pen. The Postmaster General could request the Civil Service Commission to make an exception on account of the work being of an emergency nature, so that the additional inspectors could be appointed without regard to the regulation, or the President of the United States, as he did in the case of the Marion, Ohio, postmastership, could issue an Executive order that these additional inspectors should be appointed without regard to the civil service.

Of course, Republicans would fill these places. I have no particular fault to find with that, but $230,000 a year is too high a price to pay for that privilege. I had a letter the other day from a little town in my State, the postmaster of which has a few more years to serve, stating that a complaint was lodged against him; that an inspector was sent there; that the man who was scheduled to succeed the present incumbent met the inspector at the train, carried him home to lunch and dinner, entertained him overnight, and conveyed him in his Ford car back to the train. No doubt the inspector will submit a report that something is wrong in that post office, and the present incumbent will be fired. Yet the Senator and his committee wanted to authorize inspectors to administer oaths, but that provision fortunately went out of the bill.

Mr. TOWNSEND. What harm would such an authorization do? I have never been able to appreciate the Senator's viewpoint as to that matter. What political advantage would it be if an officer of the Government were empowered to administer oaths instead of asking some one else from the outside to administer them for a fee?

Mr. HARRISON. In many instances the inspector goes to a village to make an inspection in order to find fault, and all the time he knows who is going to succeed the present incumbent. The program is all arranged. To clothe inspectors, therefore, with authority to administer oaths would frighten the incumbent of the office and everybody else; the inspector would act as accuser, as juror, and as judge in the whole transaction. I was opposed to granting so great an authority to political appointees of the Government. Furthermore, if they could not have their way, they would probably go to the court and endeavor to indict those whom they were charged to investigate. There are very few of them who do not soon become autocratic.

So I submit, Mr. President, that the amendment carrying $230,000 for 100 additional inspectors should be rejected.

Mr. TOWNSEND. Mr. President, I realize that it is not necessary for me to say a word in answer to the Senator from Mississippi. We all, I think, understand the political attitude of the Senator, and appreciate that he feels charged on all occasions with the responsibility of misrepresenting the attitude of the present administration. He says that this is an extravagant proposal and that it is suggested and designed for political purposes only. I deny both allegations. If I did not believe that an increase in the number of inspectors would involve a great saving to the Government, a saving, as I believe, of from eight to ten million dollars a year, by enabling these cases to be investigated, I certainly would not favor the appointment of a single additional inspector.

If, as the Senator from Mississippi says, these are to be purely political appointments, and the additional inspectors are to be created for the purpose of getting rid of present postmasters, his argument defeats itself, for already there are 420 such inspectors, and if they are of such a character as the Senator from Mississippi suggests, they could inspect the offices and produce the same results as he alleges will be produced under the amendment proposed by the committee. The tables which I have presented to the Senate show clearly that there are more than 47,000 cases now pending, many of which have been pending for four years, because it has been impossible to reach them in the ordinary course of business with the force available. If the laws of the land are to be carried out and the duties of the department are to be executed in a proper manner, a sufficient inspection force must be provided, for in my judgment it is one of the greatest and most necessary adjuncts of the whole Postal Service.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. TOWNSEND. I yield.

Mr. KING. Statements have been made upon the floor of the Senate within the past two or three months that in some States the persons representing the Republican organization have made recommendations which they have submitted to the department in favor of various candidates for office. The Senator may recall that the Senator from Tennessee [Mr. MCKELLAR] called attention to the dispenser of patronage in a certain district in Tennessee, I think——

Mr. WILLIAMS. West Tennessee.

Mr. KING. West Tennessee, charging—I have forgotten the amount—$10 or $20 or more for his indorsement of a certain person as a candidate for a position; and the record from which the Senator quoted also showed that it was understood that no person could be recommended for a position unless he paid this dispenser of patronage a certain amount. Whether that was based upon the amount of compensation derived from the office, or based upon some other ground, I am not quite clear. I should like to ask the Senator whether or not his committee has made any investigations of those matters, or whether the attention of the committee has been challenged to the very great wrong of which the Senator spoke?

Mr. TOWNSEND. Mr. President, in answer to the Senator I desire to state that I have heard those loose statements made throughout the Chamber and by individual Senators. I have said to the Senator from Tennessee that if any man received his appointment through any such means as that, or paid any commission for getting an office, it was his duty as a Senator to make that complaint when the nomination was presented to the Senate, and then the Committee on Post Offices and Post Roads would have jurisdiction of the matter; but our committee have no authority to go out and investigate all the political statements that are made with reference to things in the different States, and we do not propose to do it. The Senator from Tennessee has now submitted, after a long time, some 8 or 10 cases of persons who have been recommended for appointment as postmasters, and he has asked that a hearing be had upon them, and the Committee on Post Offices and Post Roads is going to give him a hearing; and all of the facts that are pertinent to that issue will be brought to light and a decision made afterwards.

I do know that some Senators have approached me with the statement that some undue influence was exerted to secure the appointment of certain postmasters, and then later these same Senators have come to me and asked that these same postmasters be confirmed, thus practically admitting that the complaints were not well founded.

Mr. WILLIAMS and Mr. MCKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. TOWNSEND. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I wish to call attention to one thing that I think perhaps threatens the recurrence of a very disgraceful and a very disastrous page in American history.

I do not suppose there is a self-respecting Republican in or out of this Chamber who is not ashamed of the carpetbag era in the Southern States, especially in the cotton States. I take that for granted; yet I am very reliably informed that when there were three applications for the post office in the county seat of my county—I started to say "my home post office," but it is not—there was a gentleman applying who had come down from a State north of Mississippi somewhere—I do not know where—and had been in the county two years, but had not lived in the city for which the postmaster was appointed until after the result of the late election was learned. Two other boys made application, both of them service men. One of them had served over the water in France and the other had served here, and had never had the good fortune or bad fortune, whichever it may be, to get to France. There is a law giving a preference to the veterans of the late war—I do not know why they call them "veterans," by the way; they are all quite young boys, but the men who served in the late war—and I never knew what the influence behind it was, but there was something, and this man was appointed.

So far as the man himself is concerned, I want to say a few more words. I inquired about him, and I found that, as far as I could learn, he was a very nice fellow, very honest, and all right as a man. I therefore, of course, made no objection, because I belong to that old school of politics which thinks that when a Republican administration is in power it ought to have control of the offices, and that when a Democratic administration is in power it ought to have control of the offices. I am not objecting to that, but I am objecting to the lack of frankness in the situation. I would rather just come out and say that—it would seem to me more honest, and upon the whole much more frank, one gentleman talking to another—and be through with it; but, of course, speaking as a partisan Democrat, there is nothing that I would welcome more than a Republican administration undertaking once more to carpetbag the South. It would not only finish them there, if they needed finishing—and they do not, much—but it would finish them in all other parts of this country where men have good sense and a sense of fairness.

Understand, now, I am not complaining about this individual man. His name was White, I believe. I think, if I remember now, that it was White. I made inquiry about him, thinking that if he was either incompetent or dishonest I would object, but thinking that from my standpoint, at any rate, I would not object if he was neither. I did not find that he was either incompetent or dishonest; but if we are to give these so-called veterans—"service men" would be a better expression, a more honest expression—the preference, then they ought to have it, and if we are going to give a man a preference in a southern town because he came from somewhere north of the State, then I should like to know that, because when I am fighting a man I always like to know upon what ground we are fighting. I can fight more squarely and more satisfactorily to myself, and I imagine he can, too, if he is honest.

I hope that the Senator, as chairman of the Post Office Committee, will look into that matter and see, in the interest of the country—not in the interest of the Democratic Party, mark you, but in the interest of the country—that no carpetbagging goes on in the South now. That is out of style, it is out of fashion, it is out of popularity, and it can not possibly help the party in power; but that would not be my reason for objecting, of course. I would do anything to hurt the party in power, but in the interest of the country you want men holding office in any section of the country who are more or less identified

with the people who live there, who think with them—I do not mean think with them politically, but otherwise—and who represent them, and who can be counted upon as fellow citizens when even a demagogue is making a speech and addressing the audience.

Mr. TOWNSEND. Mr. President, just one word in reply to the Senator, as this is a matter which undoubtedly will be involved in some of the other questions.

Of course, I know nothing about carpetbagging in the South.

Mr. WILLIAMS. Mr. President, before the Senator goes on, may I say a word further?

Mr. TOWNSEND. Make it short, please.

Mr. WILLIAMS. Yes; I will. I want to say that I heard lately, in connection with an application for the marshalship in Mississippi, that the gentleman was relying upon one distinguished Senator from Illinois and another from Ohio to get the place, although he was not to the manner born, precisely; but I hope all those things are, as the Senator calls them, political rumors.

Mr. TOWNSEND. Mr. President, there is no more doubt about their being political rumors than there is that the Senator has been talking. I have heard on the floor of the Senate of two or three cases where it was claimed that a man who was not a citizen had been appointed postmaster. Under the rules, he would not be nominated; but here, again, in several of those cases the Senators have come to me and said they have investigated and found that the nominee was a citizen.

Mr. WILLIAMS. This man White had remained long enough to be a citizen. He had spent the requisite statutory time, but that was all.

Mr. TOWNSEND. Mr. President, this rule that we are talking about for the appointment of postmasters is simply an order that the President has issued for his own benefit. There is no law that puts postmasters of the first, second, and third class under the civil service. There was not when Mr. Wilson was President. The President has the right and the authority to nominate men for all of these offices without any restrictions whatever. Then the Senate must act in confirmation. He has said that soldiers shall be given the preference in the examination. They hold a civil service examination, and in that examination the commissioners give these soldiers or ex-service men 5 per cent advantage, a marking of 5 per cent above what their ordinary markings would indicate. Then the Civil Service Commission recommends the highest three to the Postmaster General, and he selects any one of the three eligibles.

Mr. OVERMAN. Has that always been the case?

Mr. TOWNSEND. I have never heard of anything contrary to it.

Mr. OVERMAN. A case came to my attention where three men stood the examination and got on the eligible list; but in order to get in a man of their choice rather than one of the three who got on the eligible list they did away with that examination and had another examination held, and put in the man that they wanted to put in.

Mr. WILLIAMS. These three men that I was talking about were all on the eligible list.

Mr. OVERMAN. What does the committee do about a case like that?

Mr. TOWNSEND. The committee does nothing about a case like that. The committee is interested simply in knowing that the candidate who is presented to the Senate is fit for the office. That is what the committee does. There is no law to govern us in reference to the matter. If any Senator has any objection to one of these candidates as being unfit for the office, all he has to do is to make complaint to our committee, and we will investigate the case.

Mr. OVERMAN. So the committee would not investigate a matter of that kind, where three men stood the examination and got on the eligible list, but the man they wanted to appoint did not get on the eligible list, and they did away with that examination, held another examination, and put him in?

Mr. TOWNSEND. The committee would not feel like rejecting on that ground a nominee who had been presented, because no law has been violated. That is the President's concern, and not ours; but I have said to Senators, "If there is any case that you want the committee to look into or want me to look into I will get for you from the department the facts in reference to it." That is what I am doing now at the instance of the senior Senator from Virginia.

Mr. OVERMAN. I think the Senator is very fair about that, and has been all the time.

Mr. TOWNSEND. But there is not anything that we can do in reference to that except to pass upon the fitness of the nominee who is presented here.

Mr. KING. Mr. President, will the Senator yield?

Mr. TOWNSEND. Yes.

Mr. KING. The Senator, I am sure, believing, as he does, in the civil-service system—at least, I so understand him——

Mr. TOWNSEND. I do.

Mr. KING. The Senator obviously ought to be interested in the observance not only of the letter but of the spirit of the law.

Mr. TOWNSEND. I am.

Mr. KING. Does not the Senator think that the case just suggested by the Senator from North Carolina——

Mr. TOWNSEND. That is not in the law at all.

Mr. KING. May I complete my question?

Mr. TOWNSEND. Yes; but the Senator said "in the law."

Mr. KING. Does not the Senator think that in the case just suggested by the Senator from North Carolina, where an examination was ordered for the purpose of finding who would be eligible for the appointment, and an examination was held, and four or more persons took the examination, and three passed, but the Republican whom the Republicans wanted to be nominated did not pass, and they set aside the examination and ordered another for the purpose of discouraging those who took the examination——

Mr. TOWNSEND. I should think that would be a very unusual thing for the President to do. I would not do it; but, as I said to the Senator from Virginia [Mr. SWANSON], "If you have any case of that kind you can find it out yourself by going to the department and learning why it was done, and if you do not feel like doing that I will do it for you if you will submit your case with your statement to me."

Mr. SWANSON. Mr. President——

Mr. KING. Does not the Senator think that such a procedure as that is improper, and that the committee ought not to recommend for confirmation a man nominated under those circumstances?

Mr. TOWNSEND. I never have heard of such a case. If that is being done for that reason—and I do not believe any such case exists—I want to find out about it.

Mr. OVERMAN. Mr. President, I am informed by leading Republicans in a certain locality in my State that that has been done, and they are very reliable men.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. TOWNSEND. I yield to the Senator from Virginia.

Mr. SWANSON. I introduced a resolution here to investigate the appointments in connection with postmasters in presidential offices, and also rural carriers.

To comply with that resolution would have taken a great deal of work and time, and would have resulted in some expense. I talked with the Senator from Michigan, who is chairman of the Committee on Post Offices and Post Roads, and he told me that if I would give him the name of any case he would investigate and ascertain the facts in reference to it. I have given him the names of some, of which I hope he will make a thorough investigation.

Mr. TOWNSEND. The Senator gave me the name of one, and I am investigating that case, and the result will be presented to the Senator as soon as I get the facts.

Mr. SWANSON. The information I have is of this character, that they have a system now of appointing acting postmasters, whose names do not have to come to the Senate for confirmation. Under the law as it existed up to about two years ago, when the Senate was in session and an appointment was made, the appointee could not get his salary until he was confirmed.

The Executive had for years overridden the Senate in connection with confirmations, so that law was passed. About two years ago, I think, the law was modified, so that in case an acting postmaster is appointed he can get his salary until the regular postmaster is named.

All through Virginia they have a method of appointing acting postmasters, whose names do not come here for confirmation, and they are continued in office from time to time. Then they have an examination, and I understand that when an examination is held, under this Executive order, in many cases where they desire to appoint the man who is acting as postmaster, he is not included among the eligibles, but he continues in office. I understand that is the fact in the case which I gave the Senator for investigation, and I am informed that it is done to a large extent all over the United States.

It does seem to me that that is wrong in two respects. First, it is a violation of an order issued by the President of the United States. The President of the United States ought to know as to whether his Postmaster General violates orders which he issues in connection with the appointment of postmasters, and I think the committee ought to investigate as to whether the Executive orders of the President, who makes these

appointments, have been knowingly or unknowingly violated in connection with the appointments.

Secondly, it is really a fraud on the Senate. They continue in office indefinitely, and the power of the Senate to confirm or reject nominations is nullified by a procedure like that. I think such cases ought to be investigated. If this is continued and continued, the time will come when Senators on the other side will regret the existence of any such practice as that.

I offered my resolution so that that matter might be investigated, and I think if the President is frank and candid he will say that he has no intention of enforcing that order, but will appoint whom he pleases and send the name here for confirmation. I think the position of the Senator is that we ought to investigate to determine whether appointees are competent and whether they are fit, but that the President's order should not be one way and his action another in connection with some of these appointments.

In connection with this increase of 100 inspectors, I want to ask what we want these inspectors for.

Mr. TOWNSEND. Was the Senator here when I made my statement in regard to that?

Mr. SWANSON. I was not. I ask the Senator the reason.

Mr. TOWNSEND. I dislike to have to repeat myself in this matter, but I stated that your committee discovered there were something over 47,000 cases on file on November 30, 1921, which had been before the department for investigation for from two to four years; that the present force was unable to make those investigations; that they had closed many of the cases without any investigation at all, and that thereby they believed they were losing from eight to ten million dollars a year.

I specified just what class of cases were being investigated. The chief inspector of the department was with the department and in the service during the war, and he is not a Republican, as I understand it, although I may be mistaken; he certainly is not actively a Republican, having been in the service a long while. He told us that these matters had to be overlooked during the war, and that for the last three or four years they have not been able to keep even current with the cases which come up, to say nothing about those which should have been investigated in the past.

We are asking for these additional inspectors for the purpose of getting the best kind of post-office administration possible and to apprehend and convict the criminals against the Government who are robbing the mails, who are committing frauds upon the department almost constantly. The number of cases is growing by leaps and bounds, due to the increase in the parcel post, which carries much insured mail, and also due to the increase in the number of C. O. D. packages. The people who suffer losses in those services are demanding damages. Yet we are unable to trace the cases up for the purpose of finding the criminal and stopping the practice.

Mr. SWANSON. I can understand why that condition has occurred. During the last year in Virginia nearly all the inspection has been of frivolous cases, the inspectors investigating the political activity of some Democrat whom they desire to get rid of before his time expires.

Mr. TOWNSEND. But the great bulk of these cases did not arise during the last year. Most of them arose under the Democratic administration.

Mr. SWANSON. If the Senator will permit me, I know of cases in Virginia, in the largest towns, where the postmasters are men who are competent, honest, and capable, as good postmasters as were ever there, where charges have been preferred of a frivolous character to furnish an excuse to get rid of them before their term is up. There is hardly a day that my mail does not bring from some postmaster, an honorable, capable, worthy man, the information that some frivolous charge has been preferred against him here at the department, and that an inspector will be there to see whether he ought to be removed before his time is up. It is political activity, and, as I understand it, cases of theft, cases of robbery, cases of defalcation are delayed in order that they may have a little investigation as to whether the man displayed too much political activity in the last election, in order to remove a Democrat and get him out a year or six months before his time expires. That is what I complain of.

If these inspectors are needed for this work they ought to have them. If they are needed simply to accomplish frivolous political removals they ought not to have them. My experience in Virginia has been that most of these inspectors are engaged in frivolous examinations to create vacancies in which to put acting Republican postmasters.

Mr. TOWNSEND. I think the Senator's statement is based on just about as solid a foundation as that of the senior Senator from Mississippi, who suggested that the old carpetbag system was being established, or might be established, in the South. There is no foundation for either of them.

Mr. SWANSON. I know in the case of Norfolk and I know in the case of Alexandria and I can name a dozen other offices inspectors have been sent to get rid of men of as high character, business ability, and efficiency as ever were in the post office, on frivolous charges. I can cite cases where men have been removed on frivolous charges, their resignations asked for, and the inspecting force stopped examining into these defalcations the Senator has talked about, these robberies, in order to get up some frivolous charges against Democrats in order to let a Republican get the position six months or a year earlier than the term would ordinarily expire.

Mr. EDGE. I understood the Senator from Virginia to state that the system of appointing acting postmasters is a development of the present administration. If the Senator made that statement, or if I was justified in drawing such an inference from his statement, he certainly is incorrect. In the largest post office in the State of New Jersey, at Newark, an acting postmaster was appointed a year or more before the close of the last Democratic administration. A civil-service examination was held in the usual way, and this man did not pass among the first three. He was kept on and on, until after the present administration came into power. Then a postmaster chosen from those three, any one of them, was appointed in order to relieve an assistant postmaster in the office in the largest city in the State of New Jersey. That was under a Democratic administration.

Mr. SWANSON. Under the former law, if a postmaster was appointed while the Senate was in session he could receive no compensation until he was confirmed.

Mr. TOWNSEND. That might have been the law at one time, but it has not been the law for several years.

Mr. SWANSON. The law was changed so that an acting postmaster might be appointed. Before that time the Senate was deprived of its right of confirmation by the continuation of the person in office, and then that law was passed. I do not know whether it was two years ago or when the law was passed, but now they allow an acting postmaster to get his compensation before he is confirmed, and that has been used, and I think abused, in many cases.

Mr. TOWNSEND. It may be, but the executive department has been abused also. It sends nominations to the Senate and they are referred immediately to the committee. Then a subcommittee submits them to the Senators of the State, and many cases have been held up since last December without any complaint being made, without any return to the committee. Senators are holding the present incumbents in office to extend their term of office. I assume that having the right, when it has been determined that they propose to defeat the action of the Executive and of the Congress, the President can appoint an acting postmaster where it is necessary.

Mr. SWANSON. Where the appointment is properly made, in pursuance of the President's order, I think a Republican ought to have the office, and I do not complain at that, if the man appointed is competent; but I do think that we ought to see that the President is not imposed on by his own Postmaster General. I think he meant what he said when he issued his Executive order.

Mr. TOWNSEND. The Senator has presented to me the only complaint which is verified by any statement of facts, and that I am looking into to learn what they really are.

Mr. McKELLAR. The Senator is mistaken about one statement he made, and I will call his attention to it in a moment. In the case of Big Sandy, Tenn., the postmaster was appointed the 1st of last October. He was not confirmed, and charges were made against the appointee. Thereupon the nominee was immediately appointed acting postmaster.

Mr. TOWNSEND. Does the Senator mean that the Senate rejected him?

Mr. McKELLAR. The Senate did not reject him, but it did not pass on him. Charges were made against him and filed with the committee by me. At the new session he was reappointed, the charges were refiled with the committee, and I have asked for the appointment of a subcommittee several times, even in writing. The acting postmaster at Big Sandy has been acting since some time last October or November, and the charges have never been disposed of. I wrote the Senator last week, and then I wrote him again this week, urging that that matter be disposed of. There are several others of a similar nature.

Mr. TOWNSEND. The Senator only a few days ago submitted eight, and that, according to my recollection, is the first time the Senator has ever asked me to appoint a subcommittee of investigation, and I told him I would do it, and that is what I am doing.

Mr. McKELLAR. I am glad to know that the Senator has appointed a subcommittee and that the case will be looked into.

Mr. TOWNSEND. That is one thing which has given me no little trouble. Some Senators on the other side have said to me that I should not put on a subcommittee a Member from the State where the proposed postmaster lives, but I have not felt that way about it. I propose to follow the old course, and to put on that case the member of the general committee who constitutes the subcommittee for that State, so that he can bring every possible fact to light.

Mr. SWANSON. I wish to say that the Senator, as chairman of the Committee on Post Offices and Post Roads, has assured me that he will comply with a request I have made of him. I am satisfied he will do so, because I have known him long in public service, both in the House and in the Senate. He has assured me that if I will furnish him the names, which I expect to do, of different persons where the order of the President has been violated and acting postmasters have been continued contrary to the spirit of the law, in violation of Executive order, he will investigate it.

Mr. TOWNSEND. Mr. President, I will examine them and report to the Senator in regard to them. I have submitted to the department the one case which he has presented to me, and have asked that I be given all the facts in reference to it. I stated to the Postmaster General just what the Senator stated to me.

Mr. SWANSON. I want to tell other Senators that instead of pressing my resolution, compliance with which would take a great deal of time, I will withhold it, in view of the fact that the Senator has assured me that he will investigate cases which are presented to him.

Mr. McKELLAR. Mr. President, mention was made a few moments ago of certain Tennessee civil-service cases, and the Senator from Utah [Mr. KING] asked what was done with the charges made by me as to such cases. I placed these charges months ago before the Committee on Post Offices and Post Roads and at the same time discussed them to some extent on the floor of the Senate.

The facts about that particular matter are that the Republican national committeeman of Tennessee is named John W. Overall. He was the Republican referee and official dispenser of patronage in Tennessee. Through letters and checks and other documentary evidence it was found that Mr. Overall was selling his influence in the selection of postmasters and other civil-service employees. From one man he would collect $10 and from another $25, and the checks were presented as proof, showing where he had received the money. He made an explanation of it in which he admitted he had received the money, but that he had contributed it to the Republican campaign fund.

I sought to get a hearing before the Post Office Committee. The committee did not grant a hearing on the matter. I thought it was a matter that the Committee on Post Offices and Post Roads ought to look into and ought to examine into. I made specific charges, setting them out in detail, signed my name to them, submitted copies of the canceled checks showing Mr. Overall's name on the back of them, and submitted his admission that he had received the money for his influence in bartering those civil-service positions. The result was, Mr. Overall came here and had conferences with the Postmaster General and others, and a settlement was said to have been entered into in some way by Mr. Overall that hereafter he was not to have the influence that he had formerly enjoyed in the distribution of patronage. I was very glad to hear that. A man like Mr. Overall, who sells his influence, and especially for civil-service appointments, ought not to have any influence with any administration.

I filed these same charges with the Civil Service Commission, but that commission took no action in regard to them. I naturally would not expect them to, because they are composed entirely of Republicans and anyone can understand that they would not care whether civil-service positions were bought or sold under them or not if their Republican friends were interested. At all events, whether they did care or not, the proof was clear as to the purchase of civil-service positions and they paid no attention to it. Failing to get a hearing before the Committee on Post Offices and Post Roads, and failing to get any action from the Civil Service Commission, and there having been appointed by the Vice President under a resolution passed by the Senate a special committee to look into civil service, I then brought the matter up before that committee and it has been buried there, too. So I am unable to get a hearing on my charges at all. They have not been considered. Their Republican friends will not investigate, though the charges are specific and the proof is clear. The only thing in the world that was done was to permit these charges to be filed before the special committee. I believe the special committee is now no longer having any hearings. Apparently it is one of the things of the past.

What is the result? The result is that a few days ago there came in from Liberty, Tenn., the appointment of a man by the name of Whaley, who is a nephew of this Mr. Overall. Mr. Whaley enjoys the proud distinction of having been indicted a short while ago for bootlegging, and numerous other charges have been filed against him. His neighbors and friends write me that he is a well-known and notorious bootlegger in the community, and the decent people, practically all the decent people, as I recall, most of them Republicans, have appealed to me to see that this man is not confirmed. Whether you gentlemen on that side of the aisle will confirm such a man or not remains to be seen. He is appointed at the behest of Overall, whose nephew he is. He is even appointed over another deserving Republican.

All I can do is to ask for a hearing. If the Republican Party wants to take the responsibility for confirming such a man, I am simply going to see that there is a record vote in the Senate on it, and I am not going to allow him to be confirmed, if I can prevent it, until there is a record vote on the confirmation of a man of that kind. I think it is the duty of the Committee on Post Offices and Post Roads to examine into these violations of the civil service and to examine into the methods by which such appointments are made.

While I am on my feet I want to say a word or two about another matter. Much has been said about the President's preference order in favor of the soldiers. In that order it is simply provided that in the rating of papers ex-soldiers shall have a preference of 5 per cent; that is, an additional 5 per cent. What is the result? It is utterly meaningless so far as soldiers are concerned. It constitutes no preference whatever in favor of the ex-service men. It is a fraud on its face. Here is the way it is worked in my State: Two soldiers—it may be both are Republicans, though that is immaterial—and a third man, who is a Republican worker or henchman, take the examination. The henchman gets the place. The soldiers get the preference and the henchman gets the job. The reply is that the President's order does not apply to that case. The soldiers may have higher ratings, but that makes no difference.

Let us see how it works out when no civilian takes the examination. Let us take the case of MacKenzie, Tenn. A remarkable thing happened at MacKenzie, Tenn.; three Democratic ex-service men were on the eligible list. That presented a problem, indeed, to our Republican Civil Service Commission and to our Republican administration. Thereupon somebody asked for a rehearing, and the Civil Service Commission set aside the examination, which they themselves had held, and set aside the eligible list, and now they are going to have another examination. In the meantime, if my memory serves me right, a temporary Republican postmaster holds the job.

That is one effect the President's order has had. It is a fake order so far as civil service is concerned. It is a hoax. So far as the ex-service man is concerned it is a complete hoax. Why do I say that? Let me give another illustration.

In the little town of Rutherford, in my State, there were three eligibles, and, by the way, this time they were not in the unsatisfactory condition that the MacKenzie office was in. Two of the eligibles were Republicans and one of them was a Democrat. They had a leeway of two and they could have appointed either one of the two Republicans and it would have been all right. But there was a well-known Republican politician down there, who had been dismissed from a bank for some sort of work that was not considered by good people to be the right kind. It was something in connection with a Liberty-bond transaction. He stood the examination and at the same time took the precaution to have his wife stand the examination, too, so that if there was anything about his moral conduct or moral character involved he would still be where he could have his wife appointed.

The Civil Service Commission did not put either his wife or himself on the eligible list. They published the list of eligibles without the name of either. They put three soldiers, two of them Republicans and one a Democrat, on that list. Somebody came up to Washington and asked for a reexamination before the Civil Service Commission and, of course, received it, and they made a rearrangement of the civil-service list and put the wife of the politician first on the list and she was or will be appointed. It has been so given out. The soldiers are left out again. The reexamination was for that purpose. The Civil Service Commission is not only a Republican aid society, but it is fast becoming an antiex-service men's society.

So, Mr. President, I say that so far as the President's order in regard to civil service appointments is concerned, the soldiers ought to know that it is a meaningless hoax. It is a patent fraud, so far as civil service is concerned. I recall now but one post-office appointment or examination in all that have been held in my State where a soldier was not on the eligible list. In my own home town I think there was the only case where a soldier was not on the eligible list. There have been few soldiers appointed in the State, and in many cases a Republican ex-service man was on the eligible list as well as a Democratic ex-soldier. It is not any question of parties, so far as the soldiers are concerned, but it is a direct, active, working arrangement between the Civil Service Commission and the post office administration against the ex-service man. So far as President Harding's civil-service order as to the ex-service man is concerned, it is a miserable, misleading civil-service cheat, and the ex-service men and all the people ought to know it.

Coming now to the proposed amendment, the bill now pending before us provides for 520 inspectors. During the 132 years of the history of this Government the Post Office Department from the very beginning and on up until the present time has never had more than 420 inspectors, although the number has been constantly growing year by year. Yet here at this time 100 new inspectors are added at one time. Only about 30 have been added during the last 10 years. Of course, it is for political purposes. The business of these inspectors will be to go around and examine into the post offices now held by Democrats or undeserving Republicans and get them out. That will be one of the principal jobs of the inspectors.

The idea of increasing the number 20 per cent at one time, the idea of there being necessity for 100 more inspectors when the total number during all the history of the Government has never exceeded 420, is something marvelous and can not be understood on any other ground except that our Republican friends want these men to get busy to "turn the rascals out."

That may be entirely proper, but it does seem to me that to expend this large sum of money for that purpose in these times when economy is needed is certainly not in accordance with the professions of the Republican platform.

I think under any circumstances the number of inspectors is too great. I urged the committee to cut that number in two, to make it 50, and surely that would be an enormous increase, a perfectly enormous increase. I have no idea that the House will ever consent to any such increase as 100. I do not see how it can in justice to itself ever do it, and surely the Senate ought not to do it. The Senate ought not to agree to this enormous increase in the number of inspectors. The inspectors' salaries were tremendously increased, and properly so, some time ago. The positions are very desirable. They get a good remuneration for that work and that is all very true, but those of us who feel that the expenditures of the Government ought to be reduced to some extent at this time certainly feel that we ought not to add 100 inspectors to be sent around over the country in this way.

Mr. President, the amendment should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. HARRISON. If this amendment should be adopted, would I be precluded then from offering an amendment or proviso to that provision?

The PRESIDING OFFICER. The Chair is of the opinion that while the bill is in Committee of the Whole the Senator would not be precluded from offering such an amendment.

Mr. HARRISON. Then I offer the following amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. At the end of line 23, page 10, after the numerals "$1,660,800," insert the following proviso:

Provided, That the appointment of additional inspectors shall be made upon certification of the Civil Service Commission as heretofore provided.

Mr. HARRISON. Mr. President, I have offered the amendment to see whether or not we can adhere to the rule of the past that these inspectors be named upon certification of the Civil Service Commission. On the amendment I ask for the yeas and nays.

Mr. TOWNSEND. Mr. President, the Senator need not do that. It is so clearly in my mind that that is exactly what will be done that I have no objection to accepting the amendment.

Mr. HARRISON. Then I shall not ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Mississippi to the amendment is agreed to. The question now is on the amendment in lines 21 and 22, page 10, increasing the number of inspectors, as amended.

Mr. McKELLAR. Mr. President, have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. They have not.

Mr. McKELLAR. I move to amend, in line 22, by striking out "520" and inserting "470"; in other words, reducing the number by 50. I hope the chairman of the committee will accept that.

The PRESIDING OFFICER. The question is upon the amendment to the amendment offered by the Senator from Tennessee to the amendment of the committee.

Mr. McKELLAR. Upon that I ask for the yeas and nays.

Mr. PHIPPS. Mr. President, I would like to discuss the amendment to the amendment for just a moment. I caught the Senator's remark that we want to "turn the rascals out," but I do not agree to that proposition. That is not the intention of the proposed increase. The Senator from Tennessee sat as a member of the committee and he made no motion in committee to decrease the number from 100 to 50.

Mr. McKELLAR. Oh, Mr. President——

Mr. PHIPPS. No such motion was made.

Mr. McKELLAR. The Senator is in error as to that.

Mr. PHIPPS. I think the record will show that there was no such motion made.

Mr. McKELLAR. The Senator does not want to do me an injustice.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. PHIPPS. I certainly do not want to do the Senator an injustice. If the Senator made that motion, though I was present at the committee meeting, I did not hear it.

Mr. McKELLAR. I offered such an amendment in the committee.

Mr. PHIPPS. I want to try, if I can, to get those Senators who listened so intently to the remarks of the Senator from Mississippi [Mr. HARRISON] to consider this question from another viewpoint, and that is this: In 1910 there were 390 inspectors; in 1914 there were still 390 inspectors; in 1916 and 1917 there was a slight increase in the number; and for the past two years there have been 435 inspectors.

In 1910 the receipts of the Post Office Department were about $223,000,000. Last year the department carried on a business far in excess of double that amount, to say nothing of the enormous amount of parcel-post matter, which naturally increased the opportunities for theft.

Mr. HARRISON. Will the Senator yield to me?

Mr. PHIPPS. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator stated that in 1911 there were 390 inspectors.

Mr. PHIPPS. The Senator from Mississippi is correct.

Mr. HARRISON. If I understood the chairman of the committee, he stated that there were 390 inspectors, and probably 15 inspectors in charge of divisions, which made 405 inspectors in 1911.

Mr. PHIPPS. No; they were included in that number; 390 was the total number, as I understand.

Mr. HARRISON. I understood the Senator from Michigan to say to the contrary when I asked him the question.

Mr. TOWNSEND. I gave the Senator from Mississippi my opinion. I still think they are not included, but I am not sure.

Mr. HARRISON. They are not included.

Mr. PHIPPS. However, whether the 15 were included or not, the proposed increase is relatively a very small one. There are, in round figures, 30,000 cases involving theft, lost articles, and failure to deliver mail which should be investigated, but which have not been investigated because of an insufficient number of inspectors.

As to the question of the political possibilities involved, and the allegations that the increased inspection force is designed to bring about the removal of Democratic postmasters, certainly that thought has never entered my mind, and I do not believe it has entered into the mind of any man who has advocated this increase in the number of inspectors. I think the department should be given a sufficient number of inspectors to carry on its work, to put an end to the losses to which I have referred, to run down some of the men who have been thieving from the mails, whether they be postal employees or otherwise, to make some examples, and to stop this crime, which is a disgrace to the service.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Johnson	Norris	Spencer
Ball	Jones, Wash.	Oddie	Stanfield
Brandegee	Kellogg	Overman	Sterling
Bronsard	Keyes	Page	Swanson
Capper	King	Pepper	Townsend
Cummins	Lenroot	Phipps	Underwood
Dial	Lodge	Pittman	Wadsworth
Elkins	McCormick	Poindexter	Walsh, Mass.
France	McKellar	Rawson	Warren
Gerry	McKinley	Sheppard	Watson, Ga.
Hale	McNary	Shields	Williams
Harris	Moses	Shortridge	Willis
Harrison	Nelson	Simmons	
Heflin	Nicholson	Smith	

Mr. JONES of Washington. I wish to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. McCUMBER]; the Senator from Utah [Mr. SMOOT]; the Senator from Wisconsin [Mr. LA FOLLETTE]; the Senator from Vermont [Mr. DILLINGHAM]; the Senator from Connecticut [Mr. McLEAN]; the Senator from Kansas [Mr. CURTIS]; the Senator from Indiana [Mr. WATSON]; the Senator from New York [Mr. CALDER]; the Senator from West Virginia [Mr. SUTHERLAND]; and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, there is a quorum present. The question is on the amendment offered by the Senator from Tennessee [Mr. McKELLAR] to the amendment reported by the committee.

Mr. McKELLAR. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. Mr. President, there are some Senators here now who were not in their seats when this amendment was read, and probably there are some who do not know now what they are going to vote upon. I merely want to say, so that the Senators who were not present at the time may know, that this is an instance where they can vote in the interest of economy. By voting for the amendment offered by the Senator from Tennessee they can save $115,000. I might say, too, that in 1911 there were 405 post-office inspectors. To-day there are 430 post-office inspectors, 25 only having been added to the force within 11 years. Here the committee proposes to add 100 at one time. The amendment of the Senator from Tennessee proposes to add only 50.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee [Mr. McKELLAR] to the amendment of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. I understand that he is temporarily absent, unavoidably so, and therefore I am not at liberty to vote. If I were, I would vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW], and will vote. I vote "nay."

Mr. KING. I have a general pair with the Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the Senator from Missouri [Mr. REED], and will vote. I vote "yea."

Mr. GLASS. May I inquire if the senior Senator from Vermont [Mr. DILLINGHAM] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. GLASS. I have a general pair with that Senator, which I transfer to the senior Senator from Texas [Mr. CULBERSON], and will vote. I vote "yea."

Mr. McKELLAR (after having voted in the affirmative). I inquire if the Senator from Indiana [Mr. NEW] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. McKELLAR. I have a pair with the Senator from Indiana [Mr. NEW], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK], and will let my vote stand.

Mr. BALL (after having voted in the negative). I find that the senior Senator from Florida [Mr. FLETCHER] has not voted. I have a general pair with him, which I transfer to the junior Senator from Oklahoma [Mr. HARRELD], and will let my vote stand.

Mr. EDGE. I transfer my general pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Arizona [Mr. CAMERON] and will vote. I vote "nay."

Mr. WILLIAMS. I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. JONES of Washington. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS].

I also desire to announce that the Senator from Kansas [Mr. CURTIS] and the Senator from New York [Mr. CALDER] are detained on business of the Senate.

Mr. GERRY. I desire to announce that the Senator from Florida [Mr. TRAMMELL] is necessarily absent, and that the Senator from Ohio [Mr. POMERENE] and the Senator from Florida [Mr. FLETCHER] are absent on official business.

The result was announced—yeas 21, nays 41—as follows:

YEAS—21.

Ashurst	Heflin	Sheppard	Underwood
Dial	Kendrick	Shields	Watson, Ga.
Gerry	King	Simmons	Williams
Hale	McKellar	Smith	
Harris	Overman	Stanley	
Harrison	Pittman	Swanson	

NAYS—41.

Ball	Johnson	Nelson	Stanfield
Brandegee	Jones, Wash.	Nicholson	Sterling
Bronsard	Kellogg	Norris	Sutherland
Bursum	Keyes	Oddie	Townsend
Capper	Ladd	Page	Wadsworth
Cummins	Lenroot	Pepper	Walsh, Mass.
Edge	Lodge	Phipps	Warren
Elkins	McCormick	Poindexter	Willis
France	McKinley	Rawson	
Gooding	McNary	Shortridge	
Hale	Moses	Spencer	

NOT VOTING—34.

Borah	du Pont	McCumber	Reed
Calder	Ernst	McLean	Robinson
Cameron	Fernald	Myers	Smoot
Caraway	Fletcher	New	Trammell
Colt	Frelinghuysen	Newberry	Walsh, Mont.
Crow	Harreld	Norbeck	Watson, Ind.
Culberson	Hitchcock	Owen	Weller
Curtis	Jones, N. Mex.	Pomerene	
Dillingham	La Follette	Ransdell	

So Mr. McKELLAR's amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is upon the amendment of the committee.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Massachusetts. Mr. President, I desire to say just a word about this amendment.

During the hearings of the Post Office and Post Roads Committee I was very much impressed with the chaotic condition of the inspection service. I think perhaps more than any other member of the committee I urged that something be done to settle complaints and cases of larceny and dishonesty in the Postal Service. It appeared that the number of cases that had not been acted upon was over 47,000, and that a dishonest postmaster or clerk or carrier could not be detected and his books and accounts inspected for a year or more, or for an unnecessarily long period of time, even after it was known or believed that an official was dishonest. It seemed to me that the most important thing that the Postal Service needed to-day was an increase in its corps of inspectors.

I think the committee amendment is a good one, and I believe that even more inspectors than the number provided for in this amendment are necessary. If we are going to carry on our Parcel Post Service efficiently, if we are going to transport valuable property, if we are going to maintain honesty in the Postal Service and exact it and demand it of our postmasters and our clerks and our carriers, we must have a proper inspection service. That is why I voted just now against the amendment to reduce the number of inspectors, and why I am supporting this amendment, because I believe it will do more than anything else in this bill to put our Postal Service on a basis of efficiency, and will tend to promote honest service.

The service rendered by the inspection corps is, on the whole, excellent, and the labors of these inspectors undoubtedly tend to keep our postmasters on their job and stimulate all postal employees to do their work very much more satisfactorily. The value and efficiency of our Postal Service can be largely measured by the extent and quality of the inspection service.

Mr. SHIELDS. Mr. President, may I ask the Senator from Massachusetts a question?

Mr. WALSH of Massachusetts. Certainly.

Mr. SHIELDS. Did the Senator state that there were 47,000 prosecutions for violation of law in the Postal Service?

Mr. WALSH of Massachusetts. There are 47,000 complaints pending, which it is desired to have inspectors take up and report upon, that the inspectors have been utterly unable so far to look into.

Mr. SHIELDS. I just want to say to the Senator that the number of cases that came before the courts last year was not much over one-fourth of that. Some 12,000 cases of violation of law came before the courts.

Mr. WALSH of Massachusetts. Of course, the number I gave includes complaints that are sent to the department of dishonesty and inefficiency, larcenies, embezzlements, and other violations of the postal laws.

Mr. SHIELDS. I simply want to say that if only 12,000 cases came before the courts, less than one-fourth of the number of complaints, there must have been a great many false complaints in that number.

Mr. DIAL. They ought not to be dignified with the name of complaints. They are just grumblings.

Mr. SWANSON. Mr. President, does the Senator know how many of those complaints are of political activity, with a view of having the postmaster or other person removed?

Mr. WALSH of Massachusetts. I must take some of the responsibility for this amendment. I am willing to charge the Republicans with many shortcomings; but I think that more than any other member of the committee I requested and demanded that the appropriation for the inspection service be increased and the number of inspectors increased. Of course, they are appointed by civil-service examination; but I want to say that the one thing in this bill that seemed to me to be most important and helpful to the service was this single item, and I myself have had, as almost every Senator here has had, the experience of sending complaints to the department that have come from one's constituents, and having the reply come back that whenever they get around to do it they will look into the matter, but that the large number of cases pending now may delay the inspection for a long period of time.

Mr. SWANSON. I think most of the inspectors in Virginia have been busy investigating the removal of Democratic postmasters in order to put in Republicans. I should like to know how many complaints and removals have been made on account of political activity—just that one item—and how much time the inspectors have spent on that. I have an idea that if during the last year the inspectors in Virginia had been engaged in investigating the real, genuine complaints in connection with maladministration of the post offices, robbery, and various defalcations they could have done a great deal more work than they have done; but I know that they have been engaged mostly in finding some excuse to get rid of Democrats and put in Republicans. I know that there has been a great deal of that, because scarcely a mail comes in that some Democrat does not tell me, "An inspector is here investigating me on some frivolous charge," and then they ask for his resignation.

I am willing to vote for whatever is necessary to take care of the business of the Government, but I do not like to vote to create a corps most of whom are to be used to get rid of deserving Democrats before their time expires.

Mr. DIAL. Mr. President, from the way the Republicans in my State are acting, it seems as if they do not want efficiency. Where they have had examinations and where the present postmasters and ex-postmasters received the highest marks, yet if an inefficient and unsatisfactory person makes a passing mark they go out and pick him up, notwithstanding the fact that he never had any post-office experience at all. That is pretty universal in my section of the country, and I hear it is in a good many other parts of the country. If they wanted competency, they would continue a postmaster or an ex-postmaster, or they would promote some man in the office who had had experience; but anyone along that line is banned, kicked out, to enable them to send in some man who has had no experience in a post office or any other line of business.

Mr. HARRISON. Mr. President, I dislike at all times to disagree with the Senator from Massachusetts [Mr. WALSH], as he is generally right. I can not understand how he allowed some one to hoodwink him in this instance, because this is about the rawest deal that has ever been attempted in this body. It was not denied, even by the Senator from New Hampshire [Mr. MOSES] that it was to take care of a hundred Republican office seekers and pay them $2,300 a year.

Mr. MOSES. What is that?

Mr. HARRISON. The Senator from New Hampshire may get 10 of them. I hope he will.

Mr. MOSES. What did the Senator say—that I had admitted that this was to take care of Republicans? I said I hoped it was, and I still do cling to that hope, though it is pretty faint.

Mr. HARRISON. There is no question but that it is to take care of a hundred Republicans.

Mr. MOSES. I hope that is true.

Mr. HARRISON. Yes; and the Senator expresses the sentiment of the majority members of the Committee on Post Offices and Post Roads.

Mr. TOWNSEND. Mr. President, I do not generally interrupt the Senator when he is making his political arguments, but when he includes the majority of the committee in any suspicion, even, that this is for the purpose of caring for Republicans, he is entirely wrong. That may go with his colleagues, but those on the committee who have given attention to it know that it is not so. These men must be appointed after four years in the service. They are not taken from the outside, and the Senator, for fear that they might be, offered an amendment which compels the selection of these additional men from the civil-service register now.

Mr. HARRISON. Yes; and I hope it will be followed out, but the Senator knows that the President can issue an order which will invalidate that whole proceeding. The Senator knows that the President has done that in a hundred instances; has issued his Executive order and appointed persons to political office where the appointments should have been under the civil-service regulations.

Mr. TOWNSEND. I know nothing of the kind.

Mr. HARRISON. The Senator knows that the President issued an Executive order in regard to the post office at Marion, Ohio, and appointed a friend of his there. No civil service examination was held, although there were ex-soldiers who desired to take the examination, but they had no opportunity. There are other instances I could cite.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. HARRISON. I yield to the Senator.

Mr. WILLIS. I understood the Senator to say that the President had issued such an order in a hundred cases. Does the Senator mean to say that that occurred in a hundred cases? If that is correct, I should like to have him enlighten the Senate by giving the names of those offices.

Mr. HARRISON. I name the one at Marion, and if the Senator will agree with me, and Senators on the other side will vote for it, I will tender a resolution this afternoon calling on the President to send to the Senate a list of Executive orders appointing persons to office.

Mr. WILLIS. Mr. President——

Mr. HARRISON. Will the Senator agree to vote for such a resolution?

Mr. WILLIS. I challenge the accuracy of the statement that the President in a hundred cases has issued an order of that kind. He issued an order as to the Marion, Ohio, office, in his own State, where he had a perfect right to do it, and I think it was perfectly defensible.

Mr. HARRISON. The Senator indorses that action?

Mr. WILLIS. I do indorse that action. I think the President has not issued a hundred orders, and I think the Senator can not name one other.

Mr. HARRISON. No; the Senator does not expect to name any other except Marion; but that is an illustration.

Mr. WILLIS. That is not a hundred.

Mr. HARRISON. But the Senator from Mississippi will offer a resolution calling upon the President to send to the Senate the names of the persons who have had appointments through Executive order, and I will see whether the Senator from Ohio, the successor of the distinguished President, will help me to have such a resolution passed.

Mr. WILLIS. Will the Senator include in the resolution a request that the department furnish a list of those who were appointed by Executive order under the preceding administration?

Mr. HARRISON. I shall be glad to do that, if it will help the Senator out.

Mr. MOSES. Will the Senator also put in a preamble to this effect: "Whereas it has been charged by the junior Senator from Mississippi that the President has issued 100 such orders: Therefore, be it resolved"?

Mr. HARRISON. If that will do the Senator any good, I will do it.

Mr. MOSES. I wish the Senator would, because I am persuaded that there is more joy in the heart of the Senator from Mississippi over one instance of that kind than over 99 instances where the Democrats threw the Republicans out in 1913.

Mr. HARRISON. The Senator will see that there are many other cases, except the Marion (Ohio) case, when the list comes in, if it ever does.

Of course, as the elections in November approach, we find that the action of the Senate and the House is with an eye single to that election. This provision was written in this bill

to help some candidates in the elections. The fact that there were 40,000 complaints on file on November 30 last is no reason why the taxpayers of America should be burdened with an additional $230,000 to provide for 100 additional inspectors. There has been an increase of only 30 in the last 11 years, as admitted by the distinguished chairman of the committee.

This action is in line with what occurred before the Finance Committee of the Senate last Saturday. I am sure Senators read the story which appeared in the Washington Post, the Republican organ, on yesterday, and I am sure that those of the committee who may be present can tell us whether or not it is true. It reads:

When Senators FERNALD and HALE, of Maine, appeared before the Senate Finance Committee St. Patrick's day and asked for a tariff of 35 cents per bushel on Irish potatoes, the salons formulating the tariff measure thought they were the victims of a joke. But the case of the Maine farmer was duly set forth, and the appeal of the two Maine Senators was given serious attention.

After each had announced that he "had nothing more to say," Senator WARREN, with an amused gleam in his eyes, said:

"Senator FERNALD, we were much impressed by your argument, but we understand that you have a fine voice, and if you will favor us with a song, say 'Throw Out the Life Line,' it may aid your case."

So I suppose the Committee on Post Offices and Post Roads are throwing out the life line to some sinking Republican candidates in the elections this coming November. The article further states that—

Senator FERNALD blushed at the compliment, but, recovering his composure instantly, cut loose, and in strong, well-modulated tones rendered the hymn as requested. In the Capitol corridors passers-by were reminded of an old-fashioned camp meeting. Senators applauded vigorously, and later insisted on an encore, for which Senator FERNALD sang "Lead, Kindly Light."

At the close of the recital Senator WARREN, on the part of the committee, announced "the duty on Irish potatoes will be 35 cents per bushel. There is no denying such an appeal."

So I presume, since you are throwing out the life line, you are resolved to put on us these hundred additional post-office inspectors, at an expense of $230,000 a year.

Mr. HALE. Mr. President, I was not here when the Senator began his remarks, and I have not read the article in the paper to which he referred, but I did see an article in one of the papers which told of a hearing before the Finance Committee which Senator FERNALD and I attended, and there was something said in the article about a song that was sung. I think if the Senator from Mississippi had been at the hearing he would have realized that the argument was made and the committee had reached its decision before there was any singing whatever, and that the singing had nothing whatever to do with the decision.

Mr. HARRISON. I am very glad to hear that the Republicans are not so easily influenced.

Mr. NORRIS. Mr. President, I always get weary when I hear Pot calling Kettle black, and it goes on here every time there is a change in administration. I do not find fault with the man who is opposed to the civil service law and wants to have it repealed and every office in the United States put on the political pie counter. I concede that a man can favor that and be consistent. He may be right, although I think he is wrong. The man who holds that opinion when his party is in power and when the other party is in power is consistent, and is following a course which I do not criticise. The man who is a civil service reformer, however, and a believer in civil service when the other party is in power, and believes in the doctrine that "to the victors belong the spoils" when his party is in power is inconsistent, whether he is a Member of the Senate or simply a precinct committeeman. There are too many men in high position in the United States, in my judgment, who are thus inconsistent.

I believe this amendment is a good amendment, though I may be wrong about it. I think it is guarded. If there is any further guard which can be thrown around it to take it out of politics, I would like to vote for it. It provides, as I understand, that these inspectors shall be selected under civil-service rules, and I believe it is conceded that for the efficiency of the Post Office Department they are needed. To my mind, that is sufficient.

Believing that, and that they are to be appointed under civil-service rules, and that there is not any politics in it, if the law is enforced, I am in favor of it; but if the Senator from Mississippi will offer a resolution, whether it is amended as the Senator from Ohio asks that it be or not, simply providing for a request upon the President in regard to his setting aside the civil-service rules for the appointment of a postmaster at Marion, Ohio, and to give his reasons why he did it, I will support the Senator from Mississippi to the best of my ability in passing that resolution.

I will support it also if he makes it general, and calls upon the President for his reasons every time he has asked that the civil-service law be set aside. I will be glad to support it if he will include the prior administration and ask what the record shows as to how many times and for what reasons President Wilson set the regulations aside. Publicity is good. It will help a great deal, I think, in bringing about good government and the enforcement of the civil service law. If we are to have a civil service law, then it seems to me in common decency, in common honor, we ought to be for it, no matter what party is in power, and if we are genuine sports, if we believe in a square deal between man and man, and we have a civil service law at all, we will enforce it just as faithfully when our party is in power as we will ask the other fellows or expect them to enforce it when their party is in power.

I believe that President Harding took a step backward when he modified the rule which existed which was made by President Wilson in regard to the appointment of postmasters. I concede he had a right to take the step that he did. He had a right to wipe it off the statute books and say these post offices are now the spoils of political warfare.

Mr. TOWNSEND. But this is not a statute. It never has been a statute.

Mr. NORRIS. I understand that.

Mr. TOWNSEND. The Senator referred to it as a statute.

Mr. NORRIS. The rules are printed just the same as a statute.

Mr. TOWNSEND. This was merely an order issued by the President.

Mr. NORRIS. As long as it is there it has the effect of a statute.

Mr. TOWNSEND. But the President issued this order just the same as President Wilson did, to assist him in making a selection in the appointment of a postmaster.

Mr. NORRIS. I understand that. I do not think there is any misunderstanding as to what is the law and what is the rule, although the rule is the same as a statute except the President can set it aside when he wants to. I concede he has a legal right to do that. He must take the responsibility when he does it. He has the power to set the whole thing aside. Every President has set it aside in a great many cases. I can see where there might be cases where he would be justified in setting it aside. I do not believe that President Wilson was justified one-tenth of the times when he set it aside.

I do not believe President Harding is justified in setting it aside for the appointment of a postmaster at Marion, Ohio. The post office at Marion, Ohio, is not any different from the post office at any other place. Because President Harding happened to live in Marion, because that was his home, does not give him any greater moral right to set aside the law or the rules that provide for the nonpartisan selection of a postmaster in Marion. It gives him no more right than it would to set it aside in Philadelphia, New York, or in the city of Washington. I do not think he was justified in doing it, and I would like to see in writing the reasons he could give for doing it. The appointing of a postmaster to that office is not his private business. But he is in the same class with President Wilson when he sets lots of them aside. I concede that, and because I did not believe that Wilson did right when he set them aside is no reason why I or, in my judgment, any other Senator should defend President Harding when we think he is wrong in setting them aside. We must either have a civil service law and rule enforced in good faith or repeal them entirely and go back to the spoils system.

The idea that offices are the personal property of some official of the Government, whether he be the President or a Senator or a Congressman or a governor or anybody else, is preposterous. It is contrary to good government. The modern idea of civil service will not stand for it, and every man who studies the question will admit that is true. I know that civil-service officials are only human. We never get perfection, but I think it is a good deal better than saying we will put these offices upon the political pie counter. Why should there be a Republican postmaster in Marion, Ohio, because there is a Republican President in the White House? What difference does that make? What has the postmaster at Marion, Ohio, to do with the tariff, with the collection of internal revenue, or with the other administrative features with which the President in the White House has to deal? What difference does it make whether there is a Republican or Democratic postmaster in Minneapolis, in San Francisco, in Portland, Oreg., or McCook, Nebr.? They have nothing to do with the administrative features of a great Government like this.

Must the people in every town and in every village and in every city, every time there is a change in the White House, every time there is a change in the political party in power in the country or even a different faction of some party, go through

the formality of having a change in postmaster because there has been a change of the political boss somewhere along the line from the postmaster up to the President in the White House? How nonsensical, how foolish, how contrary to good government! How absolutely destructive it is of efficiency in office! Who can defend it?

Does the Democratic Party stand for it? Does the Republican Party stand for it? Read their platforms and see what they say, where for years and years they have been saying to the people when they were placing a platform before them, "We believe in the efficient enforcement of the civil service law. We are going to enforce the civil service law. We are going to provide for efficiency in office." Yet as soon as they get into office more or less, to a greater extent, and sometimes mostly more, they throw aside their promises by which they did get admittance to the official chamber and say, "Now we believe in dealing out these offices and paying our individual or political debts with them at the expense of the taxpayer and the efficiency of administration.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. DIAL. Does the Senator think the spirit of the civil service law requires that the appointment shall go to the applicant making the highest mark?

Mr. NORRIS. I think so. I said a while ago that I agree with that principle.

Mr. DIAL. For instance, I have in my hand a record of the result of a civil-service examination where the then postmaster, a lady, made 88.35. The next highest mark was made by an ex-soldier of 79.28. The third mark was made by an outsider who had had no experience and was 73.55, and yet the lowest man received the appointment.

Mr. NORRIS. I do not think that is right. It is just as wrong for the Republicans to do it as it would be for the Democrats to do it.

Mr. DIAL. I was satisfied the Senator would think it wrong.

Mr. NORRIS. That is the error in the change in the rules that the President made. That is the error he committed, in my judgment. It was a serious mistake. I objected to it then. I asked in writing that it be not done, when the newspapers were saying he was contemplating doing it. It is not, in my judgment, treating the American people fairly or squarely. I concede that sometimes the rule might result in getting a man in who, if I were holding the examination or if I had the papers to examine, I might think was the wrong man, or if I lived in the same town I might know he was the wrong man, and in my judgment that they were picking out the wrong man for that office.

So it is not a perfect system. No one has ever contended that it is. But when we adopt a system we ought to follow it out in good faith. If we say to the American people we are going to enforce the civil service law, then we are bound to do it in good faith, and if we do not we deserve condemnation and to be taken by the back of the neck and the seat of the pants and thrown over the political fence, as the people have done many, many times with both political parties. I wonder sometimes if the people do not get tired of jumping from the frying pan into the fire, from fleeing from the lack of good faith of the Democratic Party only to have it prove to be the same when the Republicans get control of the administration.

I know that men who talk like I am talking, for instance, in the Republican Party are condemned by other Republicans. They say, "How about those fellows who helped you into office"? First, let me answer that. What did we mean when we said we would enforce the civil service law? Were we acting in good faith? Was it a promise that we ought to keep? Do we believe in it now after the election the same as we did before the election when we were asking for votes?

If we said it then, if we promised it in writing, and if we are honest with the American people, we are going to redeem that promise, whether it hurts or whether it does not. It hurts sometimes; I admit that.

Then they say, "What would you do, and the rest of us, if the workers had not helped us to get in?" Whenever the American people put a man in office for selfish purposes, in order to get out of it something of a personal, selfish nature, like an office or money, or something of that kind, I want to know it. If that is why the American people are putting their servants into office, then that is not right. The only thing then is, if that is the right principle, we must provide as many offices as there are voters.

The millions of American citizens who have voted for Senators and Representatives in Congress and other officials were not thinking of anything selfish for themselves. They were thinking of efficiency in office. They were doing the best they could to decide between two or more men for the office, who would redeem his pledges, who would be loyal to the people. They did not want a man put in office whose highest duty in his judgment would be to divide the swag among the men who had been his friends. The American people do not believe in that. A man ought to be honorable and square enough when he is running for office to say what he is going to do. His party ought to be honest and square enough to say what position it takes on this great principle of civil service before an election, and then ought to be straight enough to do what it agrees to do after elections.

If the amendment is agreed to and the provision stays in the bill and the civil service law is not complied with in the making of appointments, I hope somebody in the Senate or in the House who knows what the facts are will demand an exposure of them all. I for one want to say that I shall be glad to help bring about an investigation or an exposure just as quickly now as though the Democrats were in power.

I want to say to those Republicans who are clamoring only for the spoils of office for somebody, who are asking the taxpayers of the country to foot the bill while they pay their personal debts and obligations with office, that they are not as good Republicans as I am. I want to keep the pledge that we made. They are going to violate it. I believe after election in enforcing the civil service law just as we said before election we would. I want to say to those who are now asking that the civil service rules be set aside, or who are defending, without reason and without cause, the President, even though he be our candidate, for setting them aside and putting the offices on the political pie counter, that I do not believe they are good Republicans. They are violating the Republican pledge. In my judgment no man can do a better service, even to his party, than to expose it when he thinks it is wrong, when its officials have violated the law, and to assist in bringing about an investigation to let the people of the United States know it all in detail.

So I repeat that neither the Senator from Mississippi nor any other Senator can embarrass me by saying he is going to ask for an investigation or for the reasons. I am glad he is going to ask for them. He is justified in asking for them. The President of the United States ought to be required to state his reasons when he sets aside the law just the same as I ought to be required to do so if I set it aside or asked that it be set aside.

The VICE PRESIDENT. The question is on the amendment of the committee on which the yeas and nays have been ordered.

The reading clerk proceeded to call the roll:

Mr. GLASS (when his name was called). Making the same announcement as on the previous vote relative to my pair and its transfer, I vote "nay."

Mr. McKELLAR (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. NEW]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. STANLEY (when his name was called). I inquire if the junior Senator from Kentucky [Mr. ERNST] has voted?

The VICE PRESIDENT. He has not.

Mr. STANLEY. I have a pair with that Senator. Not knowing how he would vote if present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON], who is momentarily absent upon important business of the Senate. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

The roll call was concluded.

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I transfer that pair to the senior Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. EDGE. Making the same announcement as to the transfer of my pair as on the former vote, I vote "yea."

Mr. BALL. Making the same announcement of the transfer of my pair as before, I vote "yea."

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. WALSH of Montana. I inquire if the Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH of Montana. I have a general pair with that Senator. Not knowing how he would vote if present, I transfer my pair with him to the Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. JONES of Washington. I desire to announce that the following Senators are necessarily absent from the Senate, being engaged in the work of the Committee on Finance:

The Senator from North Dakota [Mr. McCUMBER]; the Senator from Utah [Mr. SMOOT]; the Senator from Wisconsin [Mr. LA FOLLETTE]; the Senator from Vermont [Mr. DILLINGHAM]; the Senator from Connecticut [Mr. McLEAN]; the Senator from Kansas [Mr. CURTIS]; the Senator from Indiana [Mr. WATSON]; the Senator from New York [Mr. CALDER]; and the Senator from New Jersey [Mr. FRELINGHUYSEN].

I also desire to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 39, nays 22, as follows:

YEAS—39.

Ball	Gooding	McKinley	Sawyer
Borah	Hale	McNary	Shortridge
Broadegee	Johnson	Moses	Spencer
Broussard	Jones, Wash.	Nelson	Sutherland
Bursum	Kellogg	Nicholson	Townsend
Capper	Kendrick	Norris	Wadsworth
Edge	Keyes	Oddie	Walsh, Mass.
Elkins	Ladd	Page	Warren
Fernald	Lenroot	Phipps	Willis
France	Lodge	Poindexter	

NAYS—22.

Ashurst	Heflin	Robinson	Underwood
Caraway	King	Sheppard	Walsh, Mont.
Dial	McKellar	Shields	Watson, Ga.
Glass	Overman	Simmons	Williams
Harris	Pittman	Smith	
Harrison	Pomerene	Swanson	

NOT VOTING—35.

Calder	Ernst	McCumber	Reed
Cameron	Fletcher	McLean	Smoot
Colt	Frelinghuysen	Myers	Stanfield
Crow	Gerry	New	Stanley
Culberson	Harreld	Newberry	Sterling
Cummins	Hitchcock	Norbeck	Trammell
Curtis	Jones, N. Mex.	Owen	Watson, Ind.
Dillingham	La Follette	Pepper	Weller
du Pont	McCormick	Randall	

So the amendment of the committee was agreed to.

The next amendment passed over was on page 10, line 23, to strike out "$1,367,800" and insert "$1,597,800"; and in the same line, after the words "in all," to strike out "$1,430,800" and to insert "$1,660,800."

The amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment of the committee as amended is agreed to.

The next amendment passed over was on page 11, line 5, to strike out "$375,000" and insert "$474,000."

The amendment was agreed to.

The next amendment passed over was, on page 12, line 6, before the words "at $1,350 each," to strike out "five hundred" and to insert "nine hundred and eighty-six"; in line 8, before the words "at $1,450 each," to strike out "two thousand six hundred and twenty-five" and to insert "two thousand five hundred and thirty"; and at the end of line 8, to change the total appropriation from "$4,530,000" to "$4,999,600," so as to make the paragraph read:

For compensation to watchmen, messengers, and laborers, 986 at $1,350 each; 2,530 at $1,450 each; in all, $4,999,600.

The VICE PRESIDENT. This amendment was passed over at the request of the junior Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN. I simply asked that the amendment be passed over in order that I might make inquiry about it. I now have no objection to agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment as heretofore amended is agreed to.

The next amendment passed over was, on page 24, after line 17, to insert:

SEC. 7. That for the purpose of extending, continuing, and further carrying out the provisions of the Federal highway act, approved November 9, 1921, and all other acts amendatory thereof or supplementary thereto, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000 for the fiscal year ending June 30, 1923; and the sum of $65,000,000 is authorized to be appropriated for such purposes for the fiscal year ending June 30, 1924; and the sum of $75,000,000 is authorized to be appropriated for such purposes for the fiscal year ending June 30, 1925; and the sum of $7,500,000 is authorized to be appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails for the fiscal year ending June 30, 1924; and the sum of $7,500,000 is authorized to be appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails for the fiscal year ending June 30, 1925.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment passed over was, on page 25, after line 9, to insert a new section, as follows:

SEC. 8. For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the Borough of Brooklyn of the city of New York, at an annual rate of expenditure not in excess of $18,500 per mile of double line of tubes, including power, labor, and all other operating expenses, $513,911.50: *Provided*, That the provisions not inconsistent herewith of the acts of April 21, 1902, and May 27, 1906, relating to the transmission of mail by pneumatic tubes or other similar devices, shall be applicable hereto: *Provided further*, That either party to the contract for the transmission of mail by pneumatic tubes or other similar devices may apply to the Interstate Commerce Commission at any time after October 1, 1922, and before July 1, 1923, for a revision of this rate, its decision to be effective after July 1, 1923, but in no case shall the rate exceed $19,500 per mile.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. McKELLAR. Mr. President, the question of the pneumatic-tube service has been discussed so often in the Senate that I do not know that there is any necessity for discussing it again. I think the mind of the Senate is made up on the question and Senators know how they are going to vote. In the past I have consistently opposed the pneumatic-tube system and I still occupy that position. I think at this time to reinstall the pneumatic-tube service would be a useless expenditure of money. I do not believe the service is an efficient one, but, on the contrary, that it is a great detriment to the postal activities in the four or five cities where it has heretofore been in operation. I think it would be a great mistake to return to the pneumatic-tube system. It has been discontinued because of its inefficiency, and the reasons now urged in favor of its being again employed are, in my opinion, not sound. Since the administration has changed there has been a very busy lobby engaged here in the effort to restore the system. It would be very unfortunate if the system were restored; it ought not to be used. I do not believe it will save the Government a cent; but, on the contrary, it will involve an enormous expenditure of the people's money without any corresponding benefit.

The pneumatic tubes carry only a very small portion of the mail. The system is antiquated and worn out, and can not possibly be of any value. As I have heretofore stated, I think that to restore the tube service would be a reckless waste and extravagance in which the Government ought not to indulge. After stating my reasons for voting against it, I am simply going to ask for the yeas and nays, and then, if any other Senator desires to speak upon the subject, of course he will be at liberty to do so. I now ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LODGE. Mr. President, I agree with one of the statements the Senator from Tennessee has made, and that is that there is no use in arguing this question over again, as he has done. We should take a vote on it, and the amendment ought to go in the bill.

Mr. KING. Mr. President, the Senator from Massachusetts dismisses this question as he dismisses many other questions, with his ipse dixit.

Mr. MOSES. No one of course wants to interfere with the Senator from Utah if he desires to speak.

Mr. KING. I wish to ask some questions. If the Senator from New Hampshire, in the plenitude of his wisdom can advise us as to the reason for again making use of the tube service, I shall be glad to obtain it; but I was going to ask the Senator from Tennessee if any different report has been made from that which was made two years ago and four years ago.

Mr. McKELLAR. I think the report of the majority is substantially the same as the one heretofore submitted, and the minority have likewise submitted their views, which I put in the RECORD the other day. It is the same old contest. The Senator will recall that a number of years ago several gentlemen got together in some of the large cities and had the tube system installed. By the experts who were brought forward, however, it was proved that the system was of no practical value; that it did not expedite the mails in any substantial degree; that it was costly and expensive; in fact, about four or five times more costly and expensive than moving the mail by automobiles. As I recall the appropriation for carrying the mails by vehicles is the same as before. It has not been reduced by reason of the proposed installation of the tubes.

One of the great arguments in favor of this tube system, as the Senator knows, is that in the various cities the traffic on the surface is so great that it is well to have this underground system of tubes. That might be so if any considerable part of

the mail were carried in tubes, but no considerable part of the mail is carried in tubes. I doubt if it will ever take off three automobiles in any city in which the tubes are replaced. In other words, substantially the same expense as at present will have to be incurred for automobile service in transporting the mails in these five cities, and we will have the additional expense just for sending a few letters through these tubes.

I have examined the tubes personally. The conveyors are about 12 to 14 inches long, and about 6 to 8 inches in diameter. They are said to carry a great many letters. I imagine that ordinarily a tube would carry two or three dozen letters. I am talking about what would be done in real practice. Of course you can stuff a great many letters in there, but comparatively a very few are really carried. The conveyors look to me like playthings. As a matter of fact, this is what they are. Certain gentlemen in years gone by secured in some way a contract with the Government to put them in, and they were put in, and these gentlemen reaped considerable income from having put them in. During the last administration they were discontinued, and these gentlemen naturally want to reinstate them, and they have had a very extensive lobby here for that purpose. Mr. President, learning in some way my particular views, though I did not know the man who called me, one of them called me up over the telephone this morning to say that he took dinner with Col. W. J. Bryan in New York a few days ago, and that Col. W. J. Bryan sent me his best regards, and had told him to urge upon me as a public duty to vote for the tubes. Whether Colonel Bryan sent this message or not, of course I do not know. I can not believe that he did. I will not believe it until I hear further from Colonel Bryan. But it all shows to what length the tube lobbyists are going.

I told him to convey my compliments to Colonel Bryan and to say that I was glad to hear from him, but that I did not think he knew what he was talking about if this gentleman was giving me his views; that if he had ever examined the tube system he never could be for it, and that if Colonel Bryan actually took that position I thought Colonel Bryan was absolutely wrong.

I am making this statement here on the floor of the Senate because I want Colonel Bryan to know what is apparently being said in his behalf by lobbyists of the tube system. They have lobbied in season and out of season ever since I have been in Congress. They have infested the Halls of Congress in an effort to keep in this system of tubes in the first place; and they lost; but now, when there is a change of administration, they have infested the Halls of Congress in an effort to put them back. I doubt if there is a Senator in this Chamber who has not been approached by these lobbyists for the tube system in the various cities.

If the tubes were efficient, if they would do any good, if they meant efficiency of service in these cities, if they meant even an expedition in the transportation of mail in these cities, they ought to be put back; but I am convinced from a personal examination, as well as from the hearings, that this is a mammoth steal; that it is a fraud upon the Government; that the sole purpose is not the expediting of the mails, but it is to give large sums of money to men who have not put any actual money in the enterprises, but who are getting money out of the Government by way of rent for alleged facilities which have cost them no actual money.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. Certainly; I yield to the Senator.

Mr. NORRIS. I should like to inquire of the Senator whether, since that matter came up before and was voted on, there has been a further investigation made; and if so, by whom?

Mr. McKELLAR. Oh, yes. I do not think these gentlemen have ever let up for a minute. They have had investigations made.

Mr. NORRIS. No; I am not talking about what the Senator classifies as the lobby. When the Democrats had control of the Senate, the majority of the committee, led by the late Senator Bankhead, of Alabama, the chairman of the committee, were in favor of putting back the tubes. A whole lot of testimony was published at that time, and I am asking the Senator whether the matter has been reinvestigated since then; and, if so, by whom?

Mr. McKELLAR. The Postal Commission took some testimony in New York.

Mr. NORRIS. Recently?

Mr. McKELLAR. About a year ago.

Mr. NORRIS. What do they report this time? What is their report?

Mr. McKELLAR. Their report is favorable to the tubes. There is a majority and a minority report. Several members of the commission are opposed to it, and the majority of the commission is in favor of reinstating the tube system.

I asked the president of the company, when we were in New York taking testimony about the matter, to submit a statement of the amount of money they had actually put in. It has never been done. They make a contract with the Government, out of which they virtually run the business. They virtually create the business out of the rentals they get for it, in my judgment, and in order to get the facts we asked the president of that company to submit the facts, and he did not do it. The hearings containing his testimony have been printed, and Senators can see exactly what he said about it. If it forms a reasonable excuse for putting back these tubes, I am unable to see it. I do not believe that they have any such excuse. While I am on my feet talking about this tube matter I want to take just a few moments about another matter of like kind, which shows where we are going in these and similar matters.

Some time ago the Postal Commission had before it a proposition to enlarge the postal buildings in New York City. The first proposition was to put up an additional post office for the city of New York over at Morningside, in Brooklyn, about 7 or 8 or possibly 10 miles away from the present one, and in a field where there was a railroad yard. A lot of expert testimony was given in favor of that proposition; but that was exploded by the cross-examination of witnesses, and it was finally given up. They concluded not to go out in the country to build an additional post office for New York City. Now it is proposed to let out to a company that has been formed with only $10,000 paid-in capital the project of building an additional post office in the city of New York to cost about $6,000,000, but at an estimated cost to the Government of $9,500,000—$2,000,000 for the site that this $10,000 company is going to buy from the railroad, $2,300,000 for financing the proposition, and the remainder of the money, about $6,000,000, they say, is going to be invested in the building. When that is done they propose to rent that building to the Government for $1,200,000 a year for 20 years—a total of $24,800,000 in rental for the next 20 years for a building that will cost about $6,000,000. Think of it, Senators! At the end of the 20 years this $10,000 corporation will have gotten $24,800,000, according to the proposal, and it will have paid out less than $10,000,000 in all. And at the end of the 20 years the $10,000 corporation would still own the ground and building, worth probably all it cost. Is not that frenzied finance run mad at the expense of the Government? It will make a dozen millionaires if the Government agrees to it, and this post-office rental building proposition is quite in keeping with this infamous tube steal that is being foisted upon the Government. The former Postmaster General recommended this rental contract to our commission.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. I shall be delighted to yield to the Senator.

Mr. NORRIS. The proposition of erecting that building is in this bill, is it?

Mr. McKELLAR. Oh, no; it is not in this bill. I am delighted to tell the Senator that it is not in this bill, but it has been proposed to the commission.

Mr. NORRIS. Oh, well, that relieves me. I was very much alarmed. I thought it was in this bill.

Mr. McKELLAR. Oh, no.

Mr. NORRIS. Is it in some other bill?

Mr. McKELLAR. No; this is evidence that has been taken before the Postal Commission, and the project is brought forward and recommended very strongly, I want to say, by the former Postmaster General, Mr. Will Hays. He came forward after he had severed his connection with the Government and testified that it was for the best interests of the Government—that that kind of a proposition was for the best interests of the Government.

Mr. NORRIS. Has the committee acted favorably upon it?

Mr. McKELLAR. It has not yet, and I sincerely hope it will not. I can not believe that the commission or the committee will ever act favorably upon a proposition of that sort; but when I see the committee reporting favorably a proposition like this tube matter I do not know where they are going to stop. I can not imagine any better scheme of separating the Government from its money than the tube system that is in this bill, unless it be the former Postmaster General's scheme for obtaining a new post-office building in New York.

As I say, this tube proposition has been before the Congress in season and out of season during the 11 years I have had the honor to be a Member of it. I have been against it from the very beginning until now, and I am going to vote against it now. I do not mean to say that any of my associates who are voting to the contrary are voting for anything except what they believe to be for the best interests of this country; they have simply been misled; but I say to them that I do not believe it is to the best interests of the country, and I say to the Senate

that I think it is little short of a plain steal of the Government's money.

Mr. OVERMAN. Mr. President, is it estimated for by the Budget?

Mr. MOSES. Yes.

Mr. McKELLAR. Oh, yes; I think so. I think the machinery is all greased for it to go through, absolutely, from start to finish, and I expect, of course, that the Senate is going to uphold the proposition; but, nevertheless, it never can be upheld with my vote or with my voice. I am opposed to it. I am opposed to it because I think it is rotten. It is rotten to the core. It reeks with rottenness. It has been stricken out by the Congress a number of times. It has been voted down a number of times. The House of Representatives, when I was a Member of it, voted it down a number of times. Why, it was like pulling eyeteeth to separate these men from the public pap that they had been enjoying. They had been living on this for a long, long time. I doubt if the records would show that they ever put a dollar into it except the money that they got from the Government, if the truth could be shown, under the contracts that were made with the Government about it. I am wholly opposed to it, and I hope the Senate will not agree to it.

Mr. CALDER. Mr. President, the strange thing about this proposition is that its opponents all live away from the city of New York. We never have had any opposition to this proposition of any moment except from gentlemen who have little knowledge of the needs of the great metropolis.

Mr. McKELLAR. Mr. President, will the Senator yield for just a moment?

Mr. CALDER. Yes.

Mr. McKELLAR. The Senator will recall that the postmaster of New York testified against it for a number of years.

Mr. CALDER. The present postmaster?

Mr. McKELLAR. Oh, no; the preceding postmaster for eight years testified against it.

Mr. CALDER. Oh, no.

Mr. TOWNSEND. Not at all.

Mr. McKELLAR. The Senator is mistaken about that.

Mr. TOWNSEND. The Senator is not mistaken about it.

Mr. McKELLAR. And the postmaster from Chicago, Mr. W. B. Carlile, who was postmaster there for a number of years, said that if the tubes were put back the service would cost the Government in Chicago alone $160,000 or $170,000 per year more than it would cost without them.

Mr. TOWNSEND. Mr. President, it ought to be understood here that there is no proposition to restore the tubes in Chicago or any other place than New York.

Mr. McKELLAR. Oh, of course as soon as the camel gets his head under the tent the whole camel will go in, and they will be restored in Boston, and they will be restored in St. Louis, and they will be restored in Philadelphia, and they will be restored in Chicago. This is just an entering wedge. This is just to count their strength in the Congress. This is to see whether or not this lobby has the necessary power.

Mr. CALDER. Mr. President, let me say that from the very beginning the opposition to this measure came from the recent postmaster, who served during eight years of a Democratic administration of the Government. The city of New York, through its board of trade and transportation, through its merchants' association, through its chambers of commerce, through all of the men who have cause to use the mail, and through all of the people who have cause to use the highways of the city, has been unalterably and at all times in favor of this project. Let me say to the Senator that I have served in the two Houses of Congress for 17 years, and I have never been approached by anyone interested in this tube service to vote for its continuance.

Mr. McKELLAR. Perhaps they understood well how the Senator stood in the matter.

Mr. CALDER. Of course they understood how I stood on the question, because I am interested in my city and am interested in the proper conduct of its business. This is the most important thing for the mail service of the city.

Very often during the winter our streets are blocked by snow for several days at a time. The tubes constantly operate. It will be very helpful, and I am very glad the commission has reported in favor of it. I believe that nothing in the bill will be more helpful to that great city than the adoption of this provision.

Mr. TOWNSEND. Mr. President, if the Senate is ready to vote, I am very willing to proceed.

To say that I have been shocked at some of the statements of the Senator from Tennessee [Mr. McKELLAR] is simply putting it mildly. I do not care to go into that matter now and to take up the question of the post-office building in New York, to which he has referred. That will come up on its merits in due time. It is not in this bill. We will be able to explain the situation as it is when it comes up.

The fact of the matter is, that every commission which has been appointed by Congress, except one, and that a sort of star-chamber arrangement, which was appointed by the last administration, has reported favorably to the continuation of the tubes, has reported that they are a valuable method of transporting the mails in New York, as testified to before our committee by the Democratic New York postmaster, who came before the committee and testified to that fact, as all others have who were familiar with the situation.

We are putting this provision in, not as a result of any lobby influence, which Senators seem to emphasize on every occasion. There has been no lobby influence exerted upon any member of the committee. I ask Senators to testify if I am mistaken about that. Has any lobbyist attempted to influence the Senator from Tennessee?

When the joint commission which investigated the matter was appointed it went into the subject very fully, with the aid of expert engineers, who had nothing to do except perform their duty. They reported in favor of it. A special postal committee, which has been investigating it, reported favorably to it. There have been some witnesses who testified against it, principally those who did not live in New York, or in any of these tube cities, but the great mass of disinterested testimony has been in favor of the restoration of these tubes.

They serve not alone New York, but they serve the whole country, for which New York is the gateway, very largely. As has been clearly shown, they will protect the Government from loss by fraud in the handling of registered mail. Five million letters a day can be sent through the tubes. The Senator from Tennessee said it is an inconsiderable amount, but 5,000,000 letters a day can go through these tubes, and it will save automobile hire in the city of New York, although how much I do not know.

I am not so much interested in that, although I know it will mean a saving. I am interested in serving the mail of the country to the best possible advantage. It has to be done. We must take off of the streets of these large cities as much of the traffic as it is possible, and this will take away one of the great menaces to traffic in New York and Brooklyn. Those are the cities we have investigated. Those are the only ones we are passing upon. There is no obligation to restore the tubes in any other city, and unless the commission and the committee shall find that it is in the interest of the service of the people of the United States, it will not be recommended for the other cities; but if we find that that is so, we will recommend it to the Senate for its judgment. But the statement that there is something rotten must have found its origin in the Senator's mind. It does no exist anywhere else. We have made an unbiased, conscientious investigation, nobody having any interest to serve except the interest of the Government. That is the real situation. Nobody has sought before to charge that there has been some wrong influence at work to secure some imposition upon the people of the United States.

Mr. President, this thing has been up time and time again. It has been investigated by commissions of the Senate and of the House, and every one of them has reported favorably, including the report of ex-Senator Hoke Smith, of Georgia, when he was chairman of or prominent on one of these committees.

The Senator from Tennessee says he has investigated the tubes. He has investigated the dead tubes. He has not investigated them when they were in operation, when they were working to fulfill the purpose for which they were installed. These tubes are under the streets of New York and Brooklyn, but not in operation, due to the action of the last administration. The Senator from Tennessee described the tubes as about 12 or 14 inches long and 6 or 8 inches in diameter. Of course, the tubes are 27 miles long, extending through the congested section of the great metropolis. What he meant was that the container was the length which he measured by his hands.

Those tubes are operated underground. They work under the congested streets. They work when there is congestion in these great centers, which congestion affects the whole country. It is not simply a privilege or an advantage given to New York, although that is much, and it is the duty of this Congress to look after the postal situation wherever it is.

What reason has the committee, what object has it, in advocating tubes, unless it is convinced after a careful investigation, after listening to all the arguments, pro and con, that they are in the interest of the public?

Mr. OVERMAN. Is this the same provision which was in the last appropriation bill?

Mr. TOWNSEND. No; it was not in the last bill.

Mr. OVERMAN. They have not had the tube service over there during the last year?

Mr. TOWNSEND. We have not had the tubes since 1918.

Mr. OVERMAN. How have they gotten on with business in New York since they took them out? Has there been any great complaint about it?

Mr. CALDER. Very great complaint.

Mr. WADSWORTH. There has been very serious complaint.

Mr. LODGE. There has been constant complaint in Boston, where the tubes have been removed. When those tubes were taken away there was constant complaint that it resulted in the greatest possible injury to the service.

Mr. OVERMAN. Is there any precedent for providing for this?

Mr. TOWNSEND. There is.

Mr. OVERMAN. I was going to make a point of order.

Mr. LODGE. A point of order would not stand.

Mr. NORRIS. Mr. President, like other Senators who have been in Congress for some time, I realize that this question has been before the Congress for a good many years in one form or another. I listened to the Senator from Tennessee [Mr. McKELLAR] with a great deal of interest, because his experience was so different from mine. I am satisfied I can not possibly have any prejudice. As the Senator from New York said, the objections come usually from people who are far away from the city, which I think is natural. One would expect it to come from such people, because the tube service is somewhat expensive. But, Mr. President, those of us who do not live in New York or any other great city, but have lived in the country all our lives, have a sense of justice and fairness, particularly if it is in a case where we or our people can not possibly be moved by any ulterior or selfish motive.

I wondered for quite a good many years why this contest over the tube service was carried on. I do not remember just when it was before the Senate before, but during the time when the Senate was under the control of the Democratic Party and this question came up, I took time enough to make an investigation. I had never been on the committee; I had no personal experience with the tubes. I had not lived in a city where the tubes were operated, and I had heard great clamorings made on both sides.

I investigated. I read everything I could get on the subject—the reports of the various commissions and the reasons they gave for their reports. I never came in contact with this great lobby which has been referred to. They let me alone. There has not been anybody lobbying with me or doing any work which looked to me to be rotten or wrong. I have not seen any of it.

I investigated the subject the best I could, read the various reports, some of them made by Democrats and some by Republicans, so that I do not believe there was any partisan bias in it, and as I remember it now, with one exception, every investigation that was ever made resulted in a report in favor of the tubes.

I am inclined to think that when I went into the investigation I might have been prejudiced in favor of the tubes, because I realized that in the progress of civilization and the development of the great cities, the overcrowding which comes in our cities, the business which has come, the invention of the automobile, the crowding of the streets—something must be done, not only in New York but in all the other cities of the country, to get rid of some of the congestion. Some of the things which are on the streets must come off or the streets must be made wider and broader.

It seems to me that in the natural evolution and progress of civilization there must come tubes, there must come tunnels, there must come elevated railways. Means of communication from one part of a great city to another can not be afforded altogether upon the surface of the streets. It is a physical impossibility. Thus we have had developed in all the cities of the world tunnels, street cars running underground, elevated roads running overhead, in order to avoid the congestion which makes such things necessary.

There was only one thing which seemed wrong to me in connection with this tube business, and that is that the Government did not operate the tubes, that the Government did not own the tubes. The public owns the streets, and the Post Office Department handles the mail, and it ought to utilize the streets, if necessary, underground or overhead, or any other way which modern invention and modern business investigation show as the most efficient way. It has seemed to me that the way to send the mail from one part of a great city to another is underground. That, I believe, will become common in all the cities of the country. It is the natural progress and evolution of business. I do not see how we can escape from it, whether we like it or not. It is coming to that.

You can send first-class mail, anyway, underground more cheaply and in a more efficient way than you can send anything else underground, and that is the mail everybody desires to have handled expeditiously. The excavation necessary is small. It is not as expensive as to build a subway, and the tube can operate night and day, in storm or sunshine, regardless of the amount of business that is going on overhead or down below.

We are all sympathetic with any other part of the country when their business is obstructed or interfered with, no matter what may be the cause; so it seems to me that this question extends away beyond New York. It is a question of the most efficient way of handling the mail.

I am not an expert. I have to rely on others who have made these investigations. The recommendations have all been one way, and they coincide with what in a general way seems to me to be inevitable. One does not have to be an expert to know how the streets in the cities are crowded. One does not have to be an expert and go to New York to know that you take your life in your hands, almost, if you try to cross the street there.

Mr. CALDER. It may interest the Senator to know that over 1,000 people were killed in the streets of New York last year—run over by heavy traffic.

Mr. NORRIS. I would expect that. Part of that ought to be avoided, I think, even with the great crowding that we have there. Part of that comes, like it comes in this city and other cities, from recklessness and the crazy manner in which a great many people who ought to be in jail are operating automobiles on the public streets.

But everybody knows that the legitimate traffic in the cities is such as to absolutely interfere with the transaction of business, especially when there is a storm on. A big snowstorm will block almost everything. If there should be piled up a day's mail in the city of New York, the effect of it would be felt all over the United States. I realize that we can not always escape that condition. The management of the tubes may be interfered with. I think accidents may happen to them and they may be affected. If that should happen to come at the same time the service on the street was obstructed, it would be just the same as if we had no tubes.

But, Mr. President, I think the country ought to progress; I think we ought to go ahead and to realize that ahead of us is not only New York, but all the other great cities, and eventually communication between the cities. I may not live to see it, but there are those who will, in my judgment, live to see the day or the time when there will be tubes operated between Chicago and New York, when the mails will be carried all the way between those two great cities by means of tubes, and in the end it will be a great saving of money. It will permit the surface railroads to utilize their forces in the operation and transportation of passengers and freight to a much better advantage.

These things I think are in their infancy and they are a part of human progress. It was not very long ago when lots of fellows stood out against the automobile and said it was nothing but a plaything and would not amount to anything, and yet it has driven the horse off the street.

I remember when I came to Congress, before I had hardly got the seat warm, I listened to a great debate among the leaders of the Democratic and Republican Parties in condemning Langley for trying to fly through the air. I think some time I shall dig up that old debate and read it to the Senate. What a wonderful amount of eloquence and humor was spent in condemnation of those who thought that we might eventually get flying machines. Those who condemned were honest, but they were standing in the way of human progress. If there is anything corrupt or wrong about the tube business, expose it and punish it, but we will not get anywhere if we stand in the way of human progress. That is just as certain as the rising and the setting of the sun. I think we ought to put in tubes. The Government ought to do it. There was an opportunity once to buy all these tubes, and I thought the Government ought to avail itself of that opportunity and operate them. I believe it would bring efficiency and, in the end, economy to the Government.

Mr. KING. Mr. President, I raise a point of order against the amendment.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. KING. It is in contravention of subdivision 3 of Rule XVI, Standing Rules of the Senate, page 21:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

My contention is that this is general legislation, also that it is new legislation. There was a statute, but the maximum permitted in the statute was $17,500 per mile, and this permits an increase above the general law. The contention which is made that there is a general law which covers this does not apply because this modifies the existing law and therefore it would be general legislation. It would not be pursuant to existing law. It is a modification and change of the existing law.

Mr. LODGE. Mr. President, a similar point of order has been made before the Senate previously on this very matter. On an amendment to the Post Office appropriation bill, directing the Postmaster General to continue the pneumatic-tube service until June 30, 1918, and providing for the appointment of the congressional commission, a point of order was made that it was general legislation. Vice President Marshall ruled, and I quote from his ruling:

As to whether this be general legislation or not, the Senate is the ultimate judge on an appeal. The Chair does not think that this is general legislation at all. The Chair believes that the Postmaster General is given the conduct of the affairs of the Post Office Department as the servant of the Congress of the United States, and not its master, which conduct the Congress may change at will.

On March 27, 1920, the Senator from Kansas [Mr. CURTIS] in the chair ruled that pending legislation affecting the tubes was in order, calling attention to the ruling of the Vice President to which I have just referred. The amendment on which the Senator from Kansas ruled as Presiding Officer provided that the machinery of the pneumatic tubes be continued in the post-office buildings and proposed the appointment of a postal commission to consider various postal problems, including the tubes.

Mr. KING. Mr. President, if I may be pardoned, the last illustration which the Senator gave when the Senator from Kansas was in the chair, seems to me is not applicable, nor is it analogous. In that case there was no opportunity whatever to change existing law. The only question was, Shall the existing law be continued? and very properly it was held that the existing law could be continued or might be continued. That would not be a point involved here. The existing law limits, as I am advised, the appropriation to $17,500 per mile. Here is a proposition to increase the amount above that which the existing law provides.

Therefore, the illustration given by the Senator from Massachusetts would not be applicable. This is a change of existing law. If this should fix the same amount as compensation for carrying the mail through the tubes as provided by existing law, a different question would be presented; but so long as it does not reenact, or rather reintroduce, the existing law and permit the application of existing law, but amends existing law, increases the amount which is to be awarded for carrying the mail, then I insist that it is new legislation, general legislation upon an appropriation bill, and comes squarely within the rule.

Mr. LODGE. Of course, the Senator is as well aware as I am that the phrase "change of existing law" is a House phrase. This is a question of general legislation, and I have read the decision that it is not general legislation. Of course, as to increasing the amount to be paid from $17,500 to $18,500, that is taken out of the rule by the fact that it is estimated for and reported from a standing committee. It is also in the Budget estimate.

The VICE PRESIDENT. The position as stated seems to be correct. The amendment is within the exception. The rule provides that—

Unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

New items shall not be added. This amendment does not seem to be general legislation, as it applies only to New York City and Brooklyn. The Chair is of the opinion that the point of order is not well taken.

The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. FERNALD (when his name was called). I make the same announcement as previously with reference to my pair and its transfer and vote "yea."

Mr. McKELLAR (when his name was called). Making the same announcement as on the previous vote as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. BALL. Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. WILLIAMS. I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. KING (after having voted in the negative). I discover that the senior Senator from North Dakota [Mr. McCUMBER], with whom I have a general pair, is absent. I transfer my pair with that Senator to the senior Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. KENDRICK. Has the senior Senator from Illinois [Mr. McCORMICK] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. KENDRICK. I have a general pair with that Senator. In his absence I transfer my pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. Not knowing how that Senator would vote, I transfer my pair to the Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. KELLOGG (after having voted in the affirmative). I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from Kansas [Mr. CURTIS] and let my vote stand.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

I also wish to announce the following pairs:

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 36, nays 19, as follows:

YEAS—36.

Ball	France	McKinley	Rawson
Brandegee	Gooding	McNary	Spencer
Broussard	Hale	Moses	Sterling
Bursum	Johnson	Nelson	Sutherland
Calder	Jones, Wash.	Norris	Townsend
Capper	Kellogg	Oddie	Underwood
Edge	Keyes	Phipps	Wadsworth
Elkins	Ladd	Pittman	Warren
Fernald	Lodge	Poindexter	Willis

NAYS—19.

Ashurst	Kendrick	Robinson	Swanson
Carraway	King	Sheppard	Walsh, Mass.
Harris	Lenroot	Shields	Watson, Ga.
Harrison	McKellar	Smith	Williams
Heflin	Overman	Stanley	

NOT VOTING—41.

Borah	Fletcher	Myers	Shortridge
Cameron	Frelinghuysen	New	Simmons
Colt	Gerry	Newberry	Smoot
Crow	Glass	Nicholson	Stanfield
Culberson	Harreld	Norbeck	Trammell
Cummins	Hitchcock	Owen	Walsh, Mont.
Curtis	Jones, N. Mex.	Page	Watson, Ind.
Dial	La Follette	Pepper	Weller
Dillingham	McCormick	Pomerene	
du Pont	McCumber	Ransdell	
Ernst	McLean	Reed	

So the amendment of the committee was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. LODGE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The ASSISTANT SECRETARY. On page 11, line 26, after the numerals, it is proposed to insert the following:

Provided, That hereafter 45 minutes' night work performed by clerks and special clerks in first and second class post offices, railway mail clerks assigned to terminals, and letter carriers in the City Delivery Service shall be computed the same as one hour's day work: *Provided further*, That for the purpose of this computation night work shall be defined as any work done between the hours of 6 o'clock post meridian and 6 o'clock antemeridian.

Mr. LODGE. Mr. President, at this late hour I do not desire to take the time of the Senate, but I wish to say that my reason for offering this amendment—which may require some modification in conference, but which I think is sound in principle—is that at least 40 per cent of the clerical force, or about 20,000 post-office clerks, work partially or wholly during the

night. They receive no concession in pay or in time off for the hardship of night work. This is nothing new, because other branches of the Government recognize the undesirability of night work by granting pay differentials for night workers as follows: Ten per cent in arsenals, 5 per cent in navy yards, 20 per cent in the Government Printing Office, and 10 per cent in the mail-bag repair shop.

Practically all post-office night work is confined to mail distribution. That means it is performed by men who must study distribution schemes in their own time in order to meet the department's requirements. I venture to think that a shorter workday or some additional pay for night work for the employees covered by the amendment is fully justified.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. TOWNSEND. Mr. President, the proposition involved in this amendment came before the Committee on Post Offices and Post Roads after we had closed our hearings. When we were considering the bill the representatives of the clerks came before us and made a very strong case but not a conclusive one. The committee, I think, as a rule are in sympathy with the idea of granting some recognition to night work, but whether it should be by extra compensation or shorter hours has not been determined. Just how much it would cost the Government if we should adopt this amendment no one can tell; indeed, no one can make a reasonably approximate guess as to what it would cost.

Your committee decided that we were perfectly willing at the proper time to consider a bill proposing legislation to cover this matter if one should be introduced, to hold hearings upon it, and ascertain what ought to be done. Some of the clerks think night work should be recognized by extra compensation, while others think there should a difference in hours allowed.

Mr. President, without any desire to neglect the claims of the employees covered by the amendment, I feel it is necessary under the statement which I have made to make the point of order against the amendment that it is new and general legislation, and under no theory can it be made a part of the pending bill. No one could more regret to make the point of order than do I, but I make it in view of the facts in the case which I have stated. I repeat that should we vote this amendment into the bill that action would be taken without any idea of what it would cost or how it would affect the service. Your committee is perfectly willing to take this question up if any Senator shall introduce a bill to change the compensation for night service, and to hold hearings upon it for the purpose of reporting some intelligent legislation to the Senate. We are not in a position to do that now. For the reasons I have stated I am impelled to make the point of order against the amendment.

The VICE PRESIDENT. The Chair understands that the point of order is that the amendment is general legislation?

Mr. TOWNSEND. I make that point of order against the amendment.

The VICE PRESIDENT. That being the point of order, it is well taken.

Mr. LODGE. I shall not contest the ruling of the Chair. I simply ask permission to have printed in the RECORD at this point certain extracts from the testimony relating to the question involved in the amendment.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Excerpt from testimony of Thomas F. Flaherty, secretary-treasurer National Federation of Post Office Clerks, before Senate Committee on Post Offices and Post Roads March 6, 1922.

Mr. FLAHERTY. Now, testifying before the Joint Commission on Postal Salaries, Mr. Firmin, superintendent of the money-order division, of New York, and one of the experts now that is advising your commission, said on this very question of night work, and I quote briefly from his testimony on page 388.

The CHAIRMAN. Of what?

Mr. FLAHERTY. Of the printed hearings on the postal facilities required at Chicago and Boston.

The CHAIRMAN. Does that say what volume?

Mr. FLAHERTY. That is part 3. The hearing was October 4 and 5, 1921, and this is on page 388. I quote briefly from Mr. Firmin's testimony:

"We believe that some of the things we recommend will minimize night work, but while we have made no recommendation now I think that I can speak—we have taken no vote on it, and haven't discussed it in any way of presenting it to your commission—but I think I may speak for my associates, that we believe the solution of the night work is to shorten the night period of work to make 45 minutes or 50 minutes the equivalent of an hour of work put in between 6 p. m. and 6 a. m.

"That was before your commission, you will recall, when you were discussing salaries and allowances, and it was never enacted into legislation. There wasn't any legislation along that line.

"I think you will concur in that idea.

"Mr. SCHEEL. The idea being to differentiate between the time a man must work who is on night duty and a man who is on day duty?

"Senator MOSES. That suggestion was made uniformly at every office where we took testimony on the salaries commission—as to making a differentiation in the night work.

"Mr. FIRMIN. I believe it would go very far toward removing the objection to night work and promoting the morale."

Then he goes on and makes an excellent argument in favor of the proposition, pointing out how difficult it is in a city of the size of New York, or any other large city, for a man to get the proper rest and recuperation during the daylight hours, because of the noises on the streets as well as the noises of the tenement houses. Consequently it saps a man's vitality, which, in turn, is reflected in his work.

Now, Mr. STEPHENSON says:

"Mr. STEPHENSON. How about the expense of making a 6-hour day instead of an 8-hour day?

"Mr. FIRMIN. I think if you take 10 minutes off of the period put in between 6 p. m. and 8 a. m., that would be 80 minutes in a day; 80 minutes on a tour. That would be an hour and 20 minutes. I don't know—nobody knows—but I believe that that would at least be not less than 50–50 from the working proposition—I think that if you did not get the full 8-hour service out of the man on account of the reduced hours that it would not be more than 40 minutes' loss anyway, and we would have a very much more contented employee with an improved morale, and I think he would be less likely to call upon the Government for disability under our retirement act, and so on.

"In general, I think it would be an improvement to the service."

Mr. Chairman, you are personally acquainted, of course, with Mr. Firmin, and you know that he is one of the best-posted men in the service on this problem, and his judgment in sustaining the views of the employees should carry considerable weight.

I have here also the unanimous report from the House Post Office Committee. This was to the Sixty-fourth Congress. The report was written by Mr. Madden, and in part it says on this question of night work:

"The night work performed as it is by the clerks standing at a letter case or pouch rack, working under artificial light, with the eyes constantly employed, deciphering all kinds of addresses, is unnatural, detrimental to health, and seriously impairs the eyesight.

"Night work constitutes the most discouraging feature that confronts men entering the Postal Service. It cuts them off from all the natural social life of the community; it destroys the possibility of happy home life, depriving the head of the family of the opportunity to enjoy his leisure hours with his family.

"In the British postal service it has long been provided by law that postal employees shall be paid at the rate of time and one-fourth for all work performed after 6 o'clock in the evening. In the Government Printing Office in Washington, D. C., the depressing and unnatural effect of night work is recognized by giving to the employees engaged in the night service the benefit of a differential schedule of hours."

Then this report brings up another phase of this question which perhaps should be brought to the attention of the subcommittee.

"In addition to this handicap, the great majority of post-office clerks are under the constant necessity of studying so-called "schemes" of mail distribution. These "schemes" consist of the names of the thousands of post offices in every State in the country. These "schemes" indicate the railway train that will carry the mails to these thousands of post offices.

"The average post-office clerk is compelled to memorize and carry in his head anywhere from 3,000 to 10,000 names of different post offices."

That statement is embodied in the unanimous report of the House Post Office Committee in the Sixty-fourth Congress.

I might call the subcommittee's attention to the fact that practically all of the night work in the service is mail distribution. The men performing it are distributors, and consequently they must, after office hours, study distribution schemes in order to keep fit mentally. Their promotions depend upon it. In fact, their retention in the service depends upon their ability to pass what is technically known as the "case examination." So when they finish their tours in the office they are constantly put to the necessity of going home and studying upon their own time. That is one compelling reason, in my judgment, why the Congress should reduce the tours for night workers in the Postal Service, taking into consideration the fact that they must devote a considerable portion of their time off duty to really what is post-office work, namely, mastering of distribution schemes.

The Railway Mail Service takes it into consideration in fixing the tours of the railway mail clerks. In the terminal post offices, which, by the way, are under the jurisdiction of the Second Assistant Postmaster General, and are consequently looked upon as part of the Railway Mail Service, the distributors are given a 20-minute time differential every day; that is, they work 7 hours and 40 minutes.

PERCENTAGE OF MAIL DISTRIBUTED AT NIGHT.

Senator PHIPPS. Do you feel that your estimate of 40 per cent of the labor being performed after 6 o'clock p. m. can be correct? Do you think you can substantiate that statement?

Mr. FLAHERTY. I have inquired at the department and they have no data. That is more or less of an estimate. I think it is a little low. I think candidly it would run a little above 40 per cent. We are accustomed to saying that 75 per cent of the mail distribution is performed at night. I have heard that statement made repeatedly.

Senator SPEALING. By night you mean between 6 o'clock p. m. and 6 o'clock a. m.?

Mr. FLAHERTY. Yes, Senator; but some of that, of course, is performed by auxiliary help and some by substitute help. My estimate here is that 40 per cent of the entire clerical pay roll would cover the department's activities from 6 o'clock p. m. to 6 o'clock a. m., because it must be remembered that money-order and station work and a great many of the other activities practically cease around 6 o'clock. The only activity, in fact, of any magnitude after that is the distribution of mail.

We have attempted to minimize the night-work requirements by conducting a "mail-early" campaign. We placed advertisements in magazines, but it does not have the desired effect. We feel really that the only solution is the passing of the legislation that has been suggested, namely, the granting of a time differential of 15 minutes.

Twelve States, by the way, have laws prohibiting women working at night. That is in recognition of its hardships. The British postal service for many years has recognized seven hours of night work as equivalent to eight hours of day work. So there is ample sanction and ample precedent for legislation of this kind.

"Thus is his body often weakened and his health is broken. His spirits are dulled and he becomes disconsolate against most trying condi-

tions. His nerves weaken and make him subject to violent reactions from even the slightest stimulation, since his inhibitory centers have, as it were, ceased to function."

Prof. Frederick S. Lee, of Columbia University——

Senator WALSH (interposing). Is that a decision of the court by Justice Brandeis?

Mr. FLAHERTY. No. That was in a brief that he prepared.

Senator WALSH. Before he was Justice?

Mr. FLAHERTY. Yes, sir.

Prof. Frederick S. Lee, of Columbia University, said:

"Night work is characterized by greater fatigue than is day work. It is interrupted by sleep. Its curve of output falls off at an excessive rate in the morning hours. Its daylight output is less than with day work. It has a deleterious effect on health. All these are inimical to a high degree of efficiency."

I think those statements are particularly pertinent to our postal night-work problem, which is largely the work of mail distribution, performed at high tension, performed frequently under sanitary conditions that are inimical to the health and well-being of the employees.

Most of you men, I think, have been inside of the large post offices, and you know what the environment is.

Senator PITTMAN. In most of the large ones, is it not a fact that artificial light is used a great portion of the time?

Mr. FLAHERTY. Yes; that is true in many of the offices. I regret to say the men are working under artificial light the greater portion of the 24 hours.

ESTIMATED NUMBER OF EMPLOYEES ON NIGHT TOURS.

Senator WALSH. In my absence was there anything said about the number of men in these night shifts?

The CHAIRMAN. No. He estimates that possibly there are 40 per cent.

Senator WALSH. Forty per cent are night employees?

Mr. FLAHERTY. That is a conservative estimate. It will run a little more than that. That would probably be around 20,000 clerks employed at night. There are about 50,000 clerks and special clerks in the service.

Senator WALSH. I am amazed at that.

Mr. FLAHERTY. As perhaps you know, they received no recognition in the way of time or of a differential in wages for the hardships of the night work.

Senator WALSH. We discussed that the other day. That is why we asked for the hearing.

Mr. FLAHERTY. Yes, sir; I discussed that at the beginning. In fact, Senator TOWNSEND said that he felt the subcommittee was familiar with the general aspect of the question, and he suggested to me that I briefly call attention to any new points that I might have in mind. So I have refrained from going into the general philosophy of the thing, which I do not believe is necessary. You must know that night work is unattractive and that on the other hand we realize that some of it is necessary in the service. It can be minimized somewhat, that is true, but there always will be night work.

Senator WALSH. Which would the men prefer, a reduction in hours or an increase in wages for night work?

Mr. FLAHERTY. They would prefer, I believe, a reduction in hours. They do not want to utilize night work as a means of increasing compensation. The primary object, of course, is to curtail the volume of night work. We must concede, however, that by penalizing it, by paying the men who perform it a little more, that effect would be brought about, because the department would immediately move to put into effect certain restrictions.

Senator MCKELLAR. Would that not be better than alternating hours?

Mr. FLAHERTY. I think not, Senator. In fact, this very question has been discussed repeatedly at our meetings and conventions, and we have come to the conclusion that the time differential is better than the wage differential, although as I explained perhaps before you came in, in private industries and in the Government Printing Office, arsenals, the navy yards, and the mail bag repair shop, they have attempted to solve the question by means of a wage differential.

Senator MCKELLAR. What differential do they generally fix?

Mr. FLAHERTY. The Printing Office gives 20 per cent. The navy yards give 5 per cent, the arsenals 10 per cent, and the mail bag repair shop 10 per cent. The War Labor Board during the war—and that was a governmental agency—imposed a 5 per cent differential in night work.

Mr. PITTMAN. Mr. President, I wish to call the attention of the chairman of the committee to an amendment on page 21.

Mr. HARRISON. Before the Senator proceeds, will he yield to me to ask a question of the Senator from Massachusetts?

Mr. PITTMAN. Yes.

Mr. HARRISON. Do I understand the Senator from Massachusetts to serve notice under the rule that he will move to suspend the rule in order that the amendment which he has proposed may be voted on?

Mr. LODGE. That can not be done without a day's notice, as the Senator from Mississippi knows perfectly well.

Mr. HARRISON. Probably the Senator from Massachusetts might get the Senator from Michigan to permit the bill of which he has charge to go over until to-morrow. In that event the Senator from Massachusetts could give notice to-day and the amendment could be voted on to-morrow.

Mr. TOWNSEND. The probabilities are that the Senator from Michigan would hardly agree to that.

Mr. PITTMAN. I desire to call the attention of the chairman of the committee to an amendment on page 21 providing for the readjustment of star-route contracts. The committee amendment simply provides for an investigation and report by the Postmaster General at the next session of Congress. I believe that under the act of July 2, 1918, there was a readjustment of star-route contracts in the first, second, and third star-route sections in the United States; at least, so I am informed.

Mr. TOWNSEND. Mr. President, it is not my recollection that the law to which the Senator refers applied simply to those three sections. A readjustment was authorized of contracts that had been made prior to the war, and quite a number of them were adjusted; that is, hearings were had and a determination was made to grant extra compensation where it was found necessary. The committee amendment proposes that all contracts which have been made during the war or since the war shall be taken up, and that Congress shall authorize a readjustment and additional compensation to be paid.

The committee, realizing full well some of the conditions that obtain in the star-route districts in the West, after hearing the department in the matter, came to the conclusion that we were not in a position to recommend any legislation on this subject until we had all the facts. Therefore we authorized the department to proceed to inform itself and to report to Congress at the beginning of the next session, on the first Monday in December, what are the facts; how many cases there are where complaint is made; under the claims which may be presented what the estimated cost of the readjustment will be, and whether, as is claimed by some, it should be confined merely to the fourth district or should cover all four of the star-route districts in the United States. We considered that very carefully and sympathetically, but we were not in a position, nor could we get in a position at that time, to inform ourselves in such a manner that we could at present report legislation to the Congress on this subject.

Mr. PITTMAN. Mr. President, I think the information which I have from the hearing, that there was a readjustment in all except the fourth section, is correct. That section takes in practically all of the Western States; in fact, it is as large as any other two sections, and the amount of star-route business in that section is probably twice as great as in any other section.

I realize that the committee have given and are giving consideration to this matter. I am also perfectly aware that if any attempt were made to add such an amendment to the bill at this time the amendment would be subject to a point of order, and that the Senator from Michigan would make the point of order. Furthermore, it is probable that under the provision reported by the committee as much time will be saved as would be saved if we authorized the department to adjust these contracts, because, in any event, I assume there will have to be an investigation of each particular case.

I understand that this bill when finally passed will authorize the Post Office Department to hear these cases, to obtain all of the facts, and to make recommendations with regard to them, and then, with their report, to submit estimates to cover any readjustment which may be agreed upon. I hope that there will be no delay in taking action concerning this subject on the opening of the next session of Congress, because personally we all know that a number of star-route contractors, particularly in the West, have suffered greatly. They may have suffered also in other sections of the country, and probably have; but I do not know the facts as to that situation. I simply ask leave now to have printed in the RECORD at this point, for the consideration of Senators and for the Post Office Department, if they shall see fit, a statement by Mr. Leslie T. Alward, president of the Star Route Mail Contractors' Association of the fourth contract section. The statement is very short.

Mr. TOWNSEND. I have no objection to that.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

Statement of Leslie T. Alward, president of Star Route Mail Contractors' Association of Fourth Contract Section, relative to H. R. 9779 (same as S. 2936), authorizing a readjustment of compensation of contractors for the fourth contract section, composed of the following States:

Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. This section is the largest and the service the most difficult to operate in the United States, requiring in many cases expensive motor and horse-drawn vehicles transporting daily tons of parcel-post matter through snow and over mountains to rural sections. This bill was drawn up by officials of the Post Office Department, after conference with a number of Members of Congress and myself, and therefore may be taken as representing the views of the department.

The act of July 2, 1918, authorizing a readjustment of compensation of contractors on star routes, where the contracts were entered into prior to June 30, 1917, were adjusted and paid. This act adjusted star-route contracts in first, second, and third contract sections.

Postmaster General's annual report, 1919, pages 43 and 44. Act of July 2, 1918:

"Congress, realizing the additional burden placed upon contractors for furnishing vehicles used in the transportation of mails as the result of the unusual conditions resulting from the war, incorporated a provision in the act making appropriations for the maintenance of the Postal Service during the fiscal year 1919, authorizing the Postmaster General to investigate conditions arising from contracts in screen-wagon and other vehicle service entered into prior to June 30, 1917, with the view to determine whether any adjustment should be made in the compensation of the contractor and to adjust the same for services and materials thereafter to be furnished in cases where the facts disclosed the necessity for such an adjustment. As a result of these investigations it was found that but few of the contractors maintained records sufficiently complete to show definitely the effects of the war on the

cost of executing their contracts. It has therefore been difficult to make satisfactory adjustments in many of the cases. Practically all of the contracts subject to adjustment have been acted upon, and it is found that the average increase granted amounts to 31 per cent of the contract rate."

Post Office appropriation bill for year 1919, hearings, pages 155 and 156. Mr. Blakslee (Fourth Assistant Postmaster General, speaking of star-route contractors): "Naturally the contractor with the Government has more than the actual compensation in mind when he makes the contract. A large number of these contractors say:

"'This is good advertising for me; this is good in my business, for the reason it is known I am identified with the Government, it is going to help me.'"

Mr. BLACK. I am not talking about the sale of supplies; I am talking about the performance of service. I know of star routes where, if it was left to me to judge as to the equity of salary compared with work of like nature, I would say that they were very inadequately paid.

Mr. BLAKSLEE. I want to give you another suggestion: There ought to be legislation whereby the Postmaster General should be authorized to investigate contracts in existence, and where it is shown that the contractor is suffering material loss, through no fault of his own, he should be authorized to increase the compensation of such a contractor. No man should be asked to continue a contract two years under prevailing conditions, which are abnormal, at the price he bid two years ago.

Postmaster General's Report, 1921, page 55: "During this fiscal year the peak of abnormal prices of material and supplies resulting from the war was reached, and the falling market on tires, tubes, oil, grease, and gasoline is reflected in the operating cost of Government-owned motor-vehicle service. A corresponding decrease in the cost of labor has not occurred. Notwithstanding the statements of the former administration recommending legislation for readjustment of compensation of star-route contracts due to abnormal conditions, an unfavorable report was given by the Post Office Department on various bills introduced in Congress during the past two years for relief of star-route contractors of fourth contract section, 'the far West.'"

During the fiscal year ended June 30, 1921, the peak of abnormal prices of material and supplies was reached.

This great fourth contract section, that lacks only less than 5 per cent of being as large in total as the other three sections combined based on the annual miles of travel, this difficult section, operating in the rural districts over mountains and through snow, transporting tons of mail daily, requires two separate equipments—motor service in summer and horse drawn in winter—transporting the excessive amount of parcel post due to advance in freight and express rates.

The contractors of the fourth contract section have used their savings for years to meet the unusual situation, operating on borrowed capital, their homes mortgaged, and in many cases the personal sureties advancing money. Up to this time their appeals have been in vain; they have seen their families denied the necessities of life, but these conditions have only nerved them for greater sacrifices, and as a result they are now appealing in person to you through a lone contractor who has journeyed across the continent to present their cause. The law for special privileges has no place in our American institutions. All contracts not founded upon justice are a violation of American rights; you may legalize a wrong, but you can not make it right. It is useless for me to enumerate the many readjustments and extra compensation given the railroads, running into many millions of dollars, due to unusual conditions, also the reclassification act adjusting all employees of the Federal Government. I am not here to quarrel with you on that account, but am here appealing that justice be done those struggling contractors of the West, that have so far been given no consideration.

Report of Postmaster General, page 71, 1921: "Humanizing the Postal Service is simply a 1921 application of the golden rule. We are trying to help declare the President's era of the golden rule by applying it to the Postal Service." We have read with deep concern the many publications in the press whereby unusual conditions will be met by new systems, and we firmly believe when the true facts relative to the condition and situation of the star-route contractor of the fourth contract section are known, doubtless a just administration will awaken to their relief.

Number of star routes in operating June 30, 1921.

First contract section, 2,975	$2,552,602.20
Second contract section, 2,118	2,112,487.48
Third contract section, 1,235	1,064,110.95
Fourth contract section, 4,308	5,737,784.07

The cost per mile of travel under these contracts is 15.57 cents.

Cost per mile of rural carriers (over), 20 cents.

Cost per mile, Government owned in cities, with driver operating on paved streets (1921 annual report, p. 182, Table 24):

	Cents.
Ford, three-eighths ton, per mile travel	31
Overland, one-half ton, per mile travel	34
Studebaker, one-half ton, per mile travel	72
Dodge, one-half ton, per mile travel	52
White, three-fourths ton, per mile travel	47
Reo, three-fourths ton, per mile travel	100
White, 1 ton, per mile travel	48
United States, 1½ tons, per mile travel	57
White, 1½ tons, per mile travel	95
Pierce Arrow, 2 tons, per mile travel	84
Packard, 3 tons, per mile travel	70

Page 52, same report:

"With the close of the fiscal year June 30, 1921, there were in operation 27 star routes with Government-owned equipment. Shortly after the present administration assumed charge and general survey was commenced on the assumption that the period for experiment to demonstrate the cost of efficiency of the service by Government-owned motor equipment as compared with like service under contract was at an end and that the department would now be justified in taking steps, where the cost of the service performed by Government-owned equipment is found to be excessive and out of proportion to the needs and requirements of the service, to ascertain whether service under contract could not be obtained at a more reasonable rate and equally as efficient. * * * As a result of this survey eight of the routes have been ordered discontinued and one route curtailed since July 1, 1921, and adequate service under contract will be substituted at much less cost to the department and without impairment to the service."

It is true the contractor of the West has not been able to send high-salaried attorneys here to plead his cause, as has been the case of large corporations, but I believe this honorable investigating committee will give due consideration to the facts presented.

The contractors of the far West are watching with deep concern the action taken on this bill, which they believe will permit a fair and reasonable readjustment and compensate them in part for actual losses which were sustained through no fault of their own, but which were the result of conditions that could not be foreseen.

LESLIE T. ALWARD,
President Star Route Mail Contractors' Association of Fourth Section.

Mr. CARAWAY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 26, after line 21, it is proposed to insert the following:

In the selection and appointment of postmasters and letter carriers, either city or rural, any former honorably discharged soldier of either the Spanish or World War, when eligible, shall have preference in appointment.

Mr. TOWNSEND. I make the point of order against that amendment.

Mr. CARAWAY. I hope the Senator will withhold the point of order.

Mr. TOWNSEND. I withhold the point of order.

Mr. CARAWAY. Mr. President, it was the intention of Congress to give honorably discharged soldiers of the Great War eligible for appointment preference in appointment to positions of employment under the Government. By what process of reasoning I do not know the Post Office Department of the present administration claims that this has no application to appointments as postmasters or letter carriers. I can not understand why the Senator from Michigan should insist that while the law now requires the departments to give preference to ex-service men where they are selected, we will say, as clerks in post offices, he is unwilling that the law shall be extended so that this preference may extend to the selection of postmasters and rural and city letter carriers. Therefore I sincerely hope that the Senator from Michigan will not make his point of order, but will let us give the former soldiers an opportunity to get honorable employment under the Government.

I know it was said over and over and over again, when these boys were called into the military service, that when they should come home, if God should spare their lives, they would be given the preference whenever any good places were to be given out; and I do not think we can afford now to deny them the modest employment of being appointed postmasters and letter carriers, either city or rural.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. MCKELLAR. Especially in view of the fact that so many countless thousands of them are without any employment at all.

Mr. CARAWAY. Absolutely; and there is not any reason this preference should not be extended to them. There is no justification for refusing to do it. We have promised them the preference. Let me call attention again to the statement of the former Postmaster General, Will Hays. He said in effect that any American employer who did not give the preference to a former service man when any good job was to be given out was no longer an American citizen. Can we, in the Senate, afford to fall within the class that the former Postmaster General reads out of American citizenship? Of course, the Postmaster General did not live up to his high premise. I hope the Senator from Michigan will not make the point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. TOWNSEND. Mr. President, I have no objection to a vote being taken on that amendment if it can be taken right now, although it is subject to a point of order. I can not understand, except for political reasons, why it should be introduced here instead of being introduced first as a bill and presented to the committee; but I am anxious to get a vote on this matter. I hardly know what to do. I think I will make the point of order that this is new legislation and general legislation on an appropriation bill.

Mr. CARAWAY. Mr. President, I am astonished that the Senator should renew his point of order denying to the Senate the right to pass upon this question. Why should anyone object to giving these brave soldiers of ours a place of honorable employment?

The VICE PRESIDENT. The Chair rules that the point of order is well taken, being general legislation on an appropriation bill.

Mr. CARAWAY. I offer another amendment, which I send to the desk; and I desire to give notice that to-morrow I shall

move to suspend the rules in order to get a vote upon the amendment which I have just offered.

The VICE PRESIDENT. The amendment which the Senator now offers will be stated.

The Assistant Secretary read as follows:

Hereafter the heads of departments and independent establishments of the Government shall give to employees under their jurisdiction who have been honorably discharged from the Army, Navy, or Marine Corps on account of disability incurred in line of duty preference in assignment of positions and hours of duty and also seniority rights over other employees in the same grade or class.

Mr. TOWNSEND. I make the point of order that this is general legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is well taken. It is general legislation on an appropriation bill.

Mr. HARRISON. Mr. President, I offer the matter which I send to the desk as a separate provision, to go at the end of the bill.

The VICE PRESIDENT. The amendment will be stated.

The Assistant Secretary read as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

Mr. TOWNSEND. I make the point of order that that is a resolution, as the Senator knows, which he can bring up at any time without putting it on an appropriation bill.

Mr. HARRISON. Yes. I will bring it up immediately following the consideration of this bill, then.

Mr. TOWNSEND. I make the point of order.

The VICE PRESIDENT. The point of order is well taken.

Mr. HARRISON. Mr. President, it now being 25 minutes of 6 o'clock, I feel quite sure that the Senator from Michigan will not mind having the bill go over until to-morrow, since everything is finished except one amendment that the Senator from Massachusetts [Mr. LODGE] offered, which is a very splendid amendment, and I am sure would be agreed to if the Senate could vote upon the proposition. So, under the rules of the Senate I give notice, if the Senator will put off the bill until to-morrow, so that we can vote to suspend the rules——

Mr. TOWNSEND. I want to say that I can not consent to put off the bill until to-morrow. We have the bill finished now, and I want it to be acted upon finally before we adjourn. I do not know when we can get the bill up again. To-morrow we shall again begin the discussion of the treaty, and it will doubtless be continued until Friday.

Mr. HARRISON. Can we not get a unanimous-consent agreement that to-morrow at a certain time we shall vote, immediately on the convening of the Senate?

Mr. TOWNSEND. No.

SEVERAL SENATORS. No.

Mr. TOWNSEND. It can not be done. We have a unanimous-consent agreement pending now, and that agreement will be completed on Friday. It seems to me that nothing can be gained by putting off this bill in order that the Senator may present something else to the Senate. I shall make the point of order upon any proposition that proposes general legislation on this appropriation bill. All the other questions which the Senator wishes to bring up he can bring up either by resolution or by bill, and the legislative committees of the two Houses are ready to consider any reasonable, good-faith proposition that is presented to us.

Mr. HARRISON. This is offered in perfect good faith. It is the amendment that was just offered by the leader of the majority and is a very important amendment.

Mr. TOWNSEND. But it went out on a point of order.

Mr. HARRISON. It affects all the night employees in the Postal Service throughout the country, and they would welcome it. The suggestion I make is only to lay the bill over until to-morrow—I know of no other amendments that are going to be offered—so that we can vote on this matter to-morrow, as an expression of the Senate as to whether or not we are in favor of this amendment.

Mr. TOWNSEND. I insist upon the regular order at this time, so as to get through with this bill. The Senator himself is no more in favor of dealing justly with the employees of the Government than I am, as the record will disclose; but I am not ready, as chairman of the committee, to admit matters that are not pertinent, matters that have not been discussed in our committee, and which ought to be considered in the committee. As I said a moment ago, it is not simply a question of shorter hours, but it is an alternative proposition of greater compensation for night work; and until we have had hearings on the subject and a determination of it I shall not consent to new legislation going on this appropriation bill.

Mr. HARRISON. Of course, if the Senator insists on passing the bill to-night, and will not agree to letting it go over, the notice will avail us nothing.

Mr. CARAWAY. Mr. President, I send to the desk a notice which I ask to have read.

The VICE PRESIDENT. The notice will be read.

The Assistant Secretary read as follows:

I hereby give notice that on to-morrow I shall move to suspend Rule XVI of the Standing Rules of the Senate for the purpose of offering the following amendment, to wit:

On page 26, at the end of section 9, add:

"In the selection and appointment of postmasters and letter carriers, either city or rural, any former honorably discharged soldier of either the Spanish or World War, when eligible, shall have preference in appointment."

T. H. CARAWAY.

MARCH 20, 1922.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. TOWNSEND. I ask unanimous consent that the clerks may correct any error that may have been made in the totals and in the numbers of the sections of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. I send to the desk a resolution which I ask to have read, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 258) was read, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. WILLIS. I object.

The VICE PRESIDENT. Objection is made.

Mr. HARRISON. I ask that the resolution may lie on the table.

Mr. LODGE. It is out of order now, any way.

The VICE PRESIDENT. The resolution will lie over under the rule.

SERVICES FOR SOLDIER DEAD AT BROOKLYN, N. Y.

Mr. CALDER. Mr. President, the American Legion, Department of New York, has invited the President of the Senate and the Speaker of the House of Representatives to appoint a committee to attend the funeral services at New York of the last shipload of remains of the men of the American Army who were buried in France and are now being returned to this country. With that in mind, I have offered a Senate concurrent resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I ask unanimous consent that I may report the concurrent resolution at this time, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Without objection, the report will be received. The Secretary will read the concurrent resolution for the information of the Senate.

The Assistant Secretary read Senate Concurrent Resolution 20, submitted by Mr. CALDER on the 11th instant, as follows:

Whereas the United States transport *Cambrai* is expected to arrive in New York on or about March 30, bearing the last of the bodies of American soldiers from the battle fields of the World War: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of five Senators, to be designated by the President of the Senate, and five Members of the House of Representatives, to be designated by the Speaker, is authorized to represent the Congress at such services and ceremonies as may be determined upon as proper and appropriate. One-half of the expenses of such committee shall be paid out of the contingent fund of the Senate and one-half out of the contingent fund of the House.

The VICE PRESIDENT. Is there objection to the immediate consideration of the concurrent resolution? The Chair hears none. The question is on agreeing to the resolution.

The concurrent resolution was unanimously agreed to.

The VICE PRESIDENT. Without objection, the preamble will be agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent

in executive session the doors were reopened; and (at 5 o'clock and 47 minutes p. m.) the Senate, in open executive session, took a recess until Tuesday, March 21, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 20 (legislative day of March 16), 1922.

ASSISTANT SURGEONS IN THE UNITED STATES PUBLIC HEALTH SERVICE.

Dr. Lieuen M. Rogers.
Dr. Hilaire D. Ogden, jr.

UNITED STATES COAST GUARD.

Ensign Norman R. Stiles to be a lieutenant (junior grade) in the Coast Guard of the United States, to rank as such from January 13, 1922, in place of Lieut. (Junior Grade) Joseph R. Reese, retired.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

CORPS OF ENGINEERS.

Col. Curtis William Otwell, Chemical Warfare Service, with rank from July 1, 1920.

Capt. Charles Sydney Hammond, Coast Artillery Corps, with rank from July 1, 1920.

ORDNANCE DEPARTMENT.

Capt. Willis Richardson Slaughter, Infantry, with rank from September 9, 1919.

SIGNAL CORPS.

Capt. James Henry Beals Bogman, Cavalry, with rank from July 1, 1920.

INFANTRY.

First Lieut. John Sanderson Crawford, Air Service, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY.

MEDICAL CORPS.

To be captains.

First Lieut. Carlton Culley Starkes, Medical Corps, from February 28, 1922.

First Lieut. Ira Frederick Peak, Medical Corps, from March 12, 1922.

REAPPOINTMENTS IN THE PHILIPPINE SCOUTS.

To be first lieutenants with rank from April 2, 1918 (provisional appointments expire April 1, 1922).

First Lieut. Harry Allen Sanford.
First Lieut. Earl Wells.
First Lieut. John Willett Smith.
First Lieut. Harry Abbey Mosher.
First Lieut. Roscoe Bonham.

To be first lieutenant with rank from April 10, 1918 (provisional appointment expires April 9, 1922).

First Lieut. Oscar Blair Tudor.

POSTMASTERS.

ALABAMA.

Henry M. Gay to be postmaster at Lanett, Ala., in place of W. C. Starnes, removed.

Arthur G. Smith to be postmaster at Opelika, Ala., in place of R. D. Williams. Incumbent's commission expired August 6, 1921.

Annie M. Oswalt to be postmaster at Fairhope, Ala., in place of H. C. Oswalt. Incumbent's commission expired July 21, 1921.

Clifford T. Harris to be postmaster at Columbia, Ala., in place of C. T. Harris. Incumbent's commission expired January 24, 1922.

ALASKA.

John W. Stedman to be postmaster at Wrangell, Alaska., in place of J. W. Stedman. Incumbent's commission expired August 11, 1921.

ARKANSAS.

Charles W. Burford to be postmaster at Wilmar, Ark., in place of J. M. Daniel. Incumbent's commission expired January 24, 1922.

Hubert C. Hallowell to be postmaster at Pocahontas, Ark., in place of F. A. Hall. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

Roy Buckmell to be postmaster at Upper Lake, Calif. Office became presidential July 1, 1920.

Gus H. Winckler to be postmaster at King City, Calif., in place of S. J. Rice. Incumbent's commission expired January 24, 1922.

Lewis E. Baker to be postmaster at Paradise, Calif. Office became presidential April 1, 1921.

Charles W. Jessup to be postmaster at Gardena, Calif., in place of W. J. Simms, resigned.

John H. May to be postmaster at Seal Beach, Calif. Office became presidential January 1, 1922.

Camp W. Wilson to be postmaster at Burnett, Calif. Office became presidential January 1, 1922.

COLORADO.

Thomas S. Percy to be postmaster at Tabernash, Colo. Office became presidential July 1, 1920.

Cecil N. Richardson to be postmaster at Holyoke, Colo., in place of W. A. White. Incumbent's commission expired January 24, 1922.

Norman P. Beckett to be postmaster at Lafayette, Colo., in place of M. F. O'Day. Incumbent's commission expired January 24, 1922.

Hoyt D. Whipple to be postmaster at Berthoud, Colo., in place of W. E. Rogers. Incumbent's commission expired January 11, 1920.

DELAWARE.

Willard L. Harris to be postmaster at Wyoming, Del., in place of R. W. Emerson, declined.

Josiah D. Robbins to be postmaster at Milton, Del., in place of J. B. Mustard. Incumbent's commission expired October 5, 1921.

Mark L. Davis to be postmaster at Milford, Del., in place of W. H. Robinson. Incumbent's commission expired October 5, 1921.

Arthur S. Hearn to be postmaster at Laurel, Del., in place of E. P. Ellis. Incumbent's commission expired October 5, 1921.

Ernest H. Ryder to be postmaster at Shawnee on Delaware, Pa. Office became presidential October 1, 1920.

FLORIDA.

Homer B. Rainey to be postmaster at Wauchula, Fla., in place of W. E. McEwen. Incumbent's commission expired January 31, 1922.

Roy S. Hanna to be postmaster at St. Petersburg, Fla., in place of W. L. Straub. Incumbent's commission expired July 21, 1920.

David B. Raulerson to be postmaster at Lake City, Fla., in place of E. W. Irvine. Incumbent's commission expired January 31, 1922.

GEORGIA.

Joe B. Crane to be postmaster at Dixie, Ga. Office became presidential April 1, 1921.

IDAHO.

Paul F. Kuehn to be postmaster at Fernwood, Idaho. Office became presidential July 1, 1921.

ILLINOIS.

Peter F. Moore to be postmaster at Lake Forest, Ill., in place of H. C. Smith. Incumbent's commission expired September 24, 1921.

Nellie Mitchel to be postmaster at Mansfield, Ill., in place of W. G. Wack, removed.

Samuel E. Stewart to be postmaster at Humboldt, Ill. Office became presidential January 1, 1922.

Ray F. Trilbett to be postmaster at Mount Pulaski, Ill., in place of W. H. Clear. Incumbent's commission expired February 4, 1922.

Edward F. Sargent to be postmaster at Le Roy, Ill., in place of H. E. Buckles. Incumbent's commission expired February 4, 1922.

INDIANA.

Jennette Mertz to be postmaster at Bunker Hill, Ind. Office became presidential April 1, 1921.

Mervin C. Bond to be postmaster at Oaktown, Ind., in place of W. B. Latshaw, resigned.

Hattie B. Moore to be postmaster at Clermont, Ind. Office became presidential April 1, 1921.

Othor Wood to be postmaster at Waldron, Ind., in place of J. H. Meloy, resigned.

Earl R. Shinn to be postmaster at Mentone, Ind., in place of L. W. Dunlap. Incumbent's commission expired January 24, 1922.

IOWA.

George H. Kinney to be postmaster at Stanyville, Iowa. Office became presidential April 1, 1921.

Kearney F. Elder to be postmaster at Portsmouth, Iowa. Office became presidential April 1, 1921.

William Hayes to be postmaster at Harlan, Iowa, in place of C. F. Swift, deceased.

Joseph H. Dickens to be postmaster at Diagonal, Iowa, in place of Burdette Harsom. Incumbent's commission expired August 17, 1921.

Mikel L. Larson to be postmaster at Callender, Iowa. Office became presidential April 1, 1921.

Simon C. V. Blade to be postmaster at Stanton, Iowa, in place of F. S. Anderson. Incumbent's commission expired January 24, 1922.

KANSAS.

Leo Herrman to be postmaster at Liebenthal, Kans., in place of Rudolf Stollenwerk, resigned.

William R. Logan to be postmaster at Eskridge, Kans., in place of H. C. Peterson. Incumbent's commission expired February 4, 1922.

Philip S. McMullen to be postmaster at Norwich, Kans., in place of A. B. Lock, resigned.

KENTUCKY.

Wyatt M. Insko to be postmaster at Carlisle, Ky., in place of A. B. Tilton, resigned.

LOUISIANA.

John D. Fultz to be postmaster at Newellton, La., in place of R. Y. Newell, removed.

MAINE.

Robert A. Alexander to be postmaster at Saco, Me., in place of J. P. Coughlin, deceased.

Everard J. Cove to be postmaster at Biddeford, Me., in place of J. E. Brooks. Incumbent's commission expired January 24, 1922.

William C. Bryant to be postmaster at Lewiston, Me., in place of Menander Dennett, deceased.

MARYLAND.

William K. Lamble to be postmaster at Mount Savage, Md., in place of F. B. McDermitt. Incumbent's commission expired January 24, 1922.

Raymond H. Russell to be postmaster at Reisterstown, Md., in place of A. H. Uhler. Incumbent's commission expired July 21, 1920.

MASSACHUSETTS.

Benjamin H. Gifford to be postmaster at Woods Hole, Mass., in place of B. R. Gifford. Incumbent's commission expired July 21, 1921.

Thaddeus B. Fenno to be postmaster at Westminster, Mass., in place of Sydney Harrocks. Incumbent's commission expired September 4, 1920.

Russell E. McKenzie to be postmaster at Foxboro, Mass., in place of F. M. Fowler. Incumbent's commission expired August 3, 1920.

MICHIGAN.

Mabelle E. McDonald to be postmaster at Sixlakes, Mich. Office became presidential January 1, 1922.

Hattie B. Baltzer to be postmaster at Scottville, Mich., in place of J. J. Cox, resigned.

Charles J. Gray to be postmaster at Petoskey, Mich., in place of E. L. Rose. Incumbent's commission expired January 24, 1922.

Otto J. Benway to be postmaster at Orion, Mich., in place of Henry Kessell. Incumbent's commission expired January 24, 1922.

Claude E. Hyatt to be postmaster at Linden, Mich., in place of J. J. Sleeman. Incumbent's commission expired January 24, 1922.

Fred G. Rafler to be postmaster at Decatur, Mich., in place of M. S. Carney. Incumbent's commission expired July 21, 1921.

John W. Smith to be postmaster at Detroit, Mich., in place of W. J. Nagel. Incumbent's commission expired January 24, 1922.

Grover J. Howell to be postmaster at Washington, Mich. Office became presidential January 1, 1921.

Theodore G. Oborski to be postmaster at Ruth, Mich. Office became presidential April 1, 1921.

Joseph Delores to be postmaster at Garden, Mich. Office became presidential July 1, 1921.

Joseph L. Kelly to be postmaster at Watersmeet, Mich. Office became presidential July 1, 1921.

Jessie M. Shampo to be postmaster at Ida, Mich. Office became presidential October 1, 1921.

William F. Stoffer to be postmaster at Dexter, Mich., in place of J. W. Barley. Incumbent's commission expired January 20, 1920.

MINNESOTA.

Otto C. H. Heinzel to be postmaster at Sauk Rapids, Minn., in place of E. A. Kurr. Incumbent's commission expired January 24, 1922.

John J. Fitzgerald to be postmaster at De Graff, Minn., in place of G. F. Ryan, removed.

Edward B. Hicks to be postmaster at Winona, Minn., in place of H. L. Buck. Incumbent's commission expired August 7, 1921.

MISSISSIPPI.

Jesse C. Rhodes to be postmaster at Sallis, Miss. Office became presidential January 1, 1921.

William C. Falkner to be postmaster at University, Miss., in place of D. R. Johnson, resigned.

James S. Niles to be postmaster at Kosciusko, Miss., in place of W. M. Noah, deceased.

Lora I. Colemon to be postmaster at Doddsville, Miss. Office became presidential January 1, 1921.

Robert B. O'Reilly to be postmaster at Cruger, Miss., in place of R. B. O'Reilly. Incumbent's commission expired January 24, 1922.

Rubye N. Brasfield to be postmaster at Lorman, Miss. Office became presidential January 1, 1921.

Henry I. Brown to be postmaster at Enid, Miss. Office became presidential January 1, 1921.

Daniel F. Smith to be postmaster at Carriere, Miss. Office became presidential January 1, 1921.

MISSOURI.

Lewis E. Nicholson to be postmaster at Green Ridge, Mo., in place of A. S. Brim. Incumbent's commission expired December 20, 1920.

Fred R. Moran to be postmaster at Branson, Mo., in place of J. R. Bennett. Incumbent's commission expired January 24, 1922.

Lawrence J. Glover to be postmaster at Newark, Mo. Office became presidential July 1, 1920.

Avery P. Blankenship to be postmaster at Holcomb, Mo. Office became presidential January 1, 1921.

Ada C. Luna to be postmaster at Gainesville, Mo. Office became presidential April 1, 1921.

Mary E. Blackburn to be postmaster at Malta Bend, Mo., in place of J. D. Cole. Incumbent's commission expired January 24, 1922.

Fred M. Meinert to be postmaster at O'Fallon, Mo., in place of M. B. Barker, deceased.

Henry Dodge to be postmaster at New London, Mo., in place of J. L. Smith. Incumbent's commission expired January 24, 1922.

NEBRASKA.

Francis E. Davis to be postmaster at Homer, Nebr., in place of Gertrude Shepardson. Incumbent's commission expired March 16, 1921.

Edward A. Walker to be postmaster at Stuart, Nebr., in place of W. L. Ulrich. Incumbent's commission expired July 21, 1920.

NEW JERSEY.

Rae B. Cook to be postmaster at Mount Arlington, N. J. Office became presidential January 1, 1921.

William Q. Schoenheit to be postmaster at Long Valley, N. J. Office became presidential January 1, 1921.

Lucius C. Higgins to be postmaster at Mountain Lakes, N. J., in place of F. W. Winans. Incumbent's commission expired January 24, 1922.

Charles G. Melick to be postmaster at Milford, N. J., in place of H. G. Stull. Incumbent's commission expired January 24, 1922.

Otis F. Lee to be postmaster at Ocean Grove, N. J., in place of W. F. Clayton. Incumbent's commission expired January 24, 1922.

NEW MEXICO.

Lucy R. Haynie to be postmaster at Cimarron, N. Mex., in place of L. A. Chandler. Incumbent's commission expired January 24, 1922.

Fern I. Brooks to be postmaster at Maxwell, N. Mex. Office became presidential July 1, 1920.

Joe P. Medinger to be postmaster at Tyrone, N. Mex., in place of D. W. Smith, resigned.

NEW YORK.

Jennie Mitchell to be postmaster at White Lake, N. Y. Office became presidential January 1, 1922.

Isaiah S. Head to be postmaster at Sylvan Beach, N. Y. Office became presidential July 1, 1921.

Carlton H. Topping to be postmaster at Sodus Point, N. Y. Office became presidential July 1, 1920.

Jesse W. Lewis to be postmaster at Petersburg, N. Y. Office became presidential October 1, 1920.

Clinton D. Drumm to be postmaster at Malverne, N. Y. Office became presidential October 1, 1921.

Frederick J. Sheldon to be postmaster at Lyons Falls, N. Y., in place of E. F. Ryan. Incumbent's commission expired January 24, 1922.

Wilbur A. Van Duzee to be postmaster at Gouverneur, N. Y., in place of F. B. Fuller. Incumbent's commission expired March 22, 1920.

La Dette G. Elwood to be postmaster at Alden, N. Y., in place of J. A. Weisbeck. Incumbent's commission expired January 24, 1922.

Elbridge O. Hurlbut to be postmaster at De Kalb Junction, N. Y., in place of C. B. McGruer, resigned.

Thomas A. Gorman to be postmaster at Niagara University, N. Y. Office became presidential April 1, 1920.

Warren S. Hutchison to be postmaster at Lyndonville, N. Y., in place of L. B. Wright. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Bertie L. Matthews to be postmaster at Vass, N. C. Office became presidential January 1, 1921.

Mack H. Brantley to be postmaster at Spring Hope, N. C., in place of R. E. Wilder, resigned.

Wade E. Vick to be postmaster at Robersonville, N. C., in place of S. L. Ross, deceased.

Otis M. Davis to be postmaster at Fremont, N. C., in place of W. F. Flowers. Incumbent's commission expired January 24, 1922.

Marion B. Prescott to be postmaster at Ayden, N. C., in place of J. A. Harrington, resigned.

Charles A. Bland to be postmaster at Wadesboro, N. C., in place of S. S. Lockhart. Incumbent's commission expired July 21, 1921.

Malpheus F. Hinshaw to be postmaster at Randleman, N. C., in place of W. F. Talley, appointee not commissioned.

NORTH DAKOTA.

Glenn D. Arnold to be postmaster at Calvin, N. Dak. Office became presidential January 1, 1921.

Peter A. McLean to be postmaster at Hannah, N. Dak., in place of J. H. McLean. Incumbent's commission expired January 24, 1922.

August Kreidt to be postmaster at New Salem, N. Dak., in place of Carl Jahnke. Incumbent's commission expired January 24, 1922.

John G. Boatman to be postmaster at Milnor, N. Dak., in place of J. G. Boatman. Incumbent's commission expired January 24, 1922.

Charles A. Jordan to be postmaster at Cogswell, N. Dak., in place of Frank McGraw. Incumbent's commission expired January 24, 1922.

OHIO.

Edwin M. Stover to be postmaster at Oakwood, Ohio. Office became presidential October 1, 1920.

Millard H. Bell to be postmaster at West Mansfield, Ohio, in place of O. E. Curl. Incumbent's commission expired January 31, 1922.

Albert W. Davis to be postmaster at Norwalk, Ohio, in place of Andrew Hiss. Incumbent's commission expired January 31, 1922.

William H. Pfau to be postmaster at Hamilton, Ohio, in place of Homer Gard. Incumbent's commission expired January 31, 1922.

Louis A. Conklin to be postmaster at Forest, Ohio, in place of W. B. Price, resigned.

Vashti Wilson to be postmaster at Corning, Ohio, in place of Samuel Eichenbaum. Incumbent's commission expired January 30, 1921.

Jacob W. Simon to be postmaster at Bloomdale, Ohio, in place of J. W. Simon. Incumbent's commission expired July 21, 1921.

James E. Davis to be postmaster at Belmont, Ohio, in place of L. R. Carman, resigned.

Nellie E. Beam to be postmaster at Ansonia, Ohio, in place of W. H. Ream. Incumbent's commission expired January 31, 1922.

Fred J. Wolfe to be postmaster at Quaker City, Ohio, in place of F. H. Johnson. Incumbent's commission expired January 31, 1922.

OKLAHOMA.

Pearl E. Hughey to be postmaster at Cleo Springs, Okla. Office became presidential July 1, 1921.

Albert M. Dennis to be postmaster at Frederick, Okla., in place of Joseph Garland. Incumbent's commission expired September 6, 1920.

Richard H. Bowser to be postmaster at Blanchard, Okla., in place of A. J. Grayson. Incumbent's commission expired July 23, 1921.

Merrell L. Thompson to be postmaster at Hartshorne, Okla., in place of W. A. Byrne. Incumbent's commission expired January 19, 1921.

OREGON.

Polk E. Mays to be postmaster at Joseph, Oreg., in place of W. C. Wilson, resigned.

Ida M. Miller to be postmaster at Rockaway, Oreg. Office became presidential January 1, 1922.

John N. Williamson to be postmaster at Prineville, Oreg., in place of J. W. Boone. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Joseph B. Seifert to be postmaster at Dover, Pa. Office became presidential July 1, 1920.

Henry C. Kanengeiser to be postmaster at Bessemer, Pa. Office became presidential January 1, 1921.

Arthur A. Butz to be postmaster at Alburtis, Pa. Office became presidential October 1, 1921.

Christian D. Doerr to be postmaster at Colver, Pa., in place of L. J. Lieb, resigned.

George W. Kreidler to be postmaster at Yoe, Pa. Office became presidential October 1, 1921.

Charles E. Lear to be postmaster at Riddlesburg, Pa. Office became presidential July 1, 1921.

John S. Windle to be postmaster at Fernwood, Pa. Office became presidential April 1, 1921.

John O. Whiteman to be postmaster at Claridge, Pa. Office became presidential January 1, 1921.

Herbert M. Black to be postmaster at West Sunbury, Pa. Office became presidential January 1, 1921.

Mary P. McCardell to be postmaster at Westover, Pa. Office became presidential October 1, 1921.

Emma A. Smith to be postmaster at Seelyville, Pa. Office became presidential January 1, 1922.

George F. Grill to be postmaster at Pen Mar, Pa. Office became presidential January 1, 1921.

Edgar J. Dowling to be postmaster at Gouldsboro, Pa. Office became presidential January 1, 1921.

Nellie G. Kendig to be postmaster at Glenfield, Pa. Office became presidential July 1, 1921.

Ephraim F. Heiner to be postmaster at Florin, Pa. Office became presidential January 1, 1920.

Vera Ritchey to be postmaster at Dunlo, Pa. Office became presidential January 1, 1921.

Joseph F. Dolan, jr., to be postmaster at Bala-Cynwyd, Pa., in place of C. J. Hansell. Consolidation of Bala and Cynwyd offices.

Anna B. McCully to be postmaster at Ramey, Pa. Office became presidential January 1, 1921.

RHODE ISLAND.

Samuel Seabury, 2d, to be postmaster at Tiverton, R. I., in place of Samuel Seabury, 2d. Incumbent's commission expired August 6, 1921.

William J. Clemence to be postmaster at Washington, R. I. Office became presidential January 1, 1921.

SOUTH CAROLINA.

Edward V. Truesdale to be postmaster at Kershaw, S. C., in place of T. L. Gregory, declined.

SOUTH DAKOTA.

Arthur M. Hanson to be postmaster at Iroquois, S. Dak., in place of T. J. Sullivan. Incumbent's commission expired January 31, 1922.

Charles H. Stevenson to be postmaster at Doland, S. Dak., in place of A. E. Paine. Incumbent's commission expired January 24, 1922.

Sherman T. Wickre to be postmaster at Andover, S. Dak., in place of John Debilzan, resigned.

Mary V. Breene to be postmaster at Seneca, S. Dak. Office became presidential July 1, 1920.

Bernard P. Corrigan to be postmaster at Cavour, S. Dak. Office became presidential April 1, 1921.

Cornelius N. Trooien to be postmaster at Astoria, S. Dak. Office became presidential April 1, 1921.

Frank Bowman to be postmaster at Eagle Butte, S. Dak. Office became presidential January 1, 1920.

Mary G. Bromwell to be postmaster at Mount Vernon, S. Dak., in place of Michael Dougherty. Incumbent's commission expired January 31, 1922.

TENNESSEE.

Fred Hawkins to be postmaster at Tellico Plains, Tenn., in place of W. B. Hunt, resigned.

Everett R. Doolittle to be postmaster at Madison, Tenn., in place of E. R. Doolittle. Office became third class January 1, 1922.

Lincoln M. Bramley to be postmaster at Iron City, Tenn., in place of L. M. Bramley. Office became third class January 1, 1921.

Robert D. Wilson to be postmaster at Collierville, Tenn., in place of F. J. Branch, resigned.

TEXAS.

William F. Neal to be postmaster at Overton, Tex., in place of C. H. Sewell. Incumbent's commission expired January 24, 1922.

Frank W. Dutek to be postmaster at Flatonia, Tex., in place of A. M. Gorch. Incumbent's commission expired January 24, 1922.

Nathaniel C. Brown to be postmaster at Robert Lee, Tex. Office became presidential July 1, 1920.

Charlie N. Hooser to be postmaster at Maypearl, Tex. Office became presidential April 1, 1921.

Fred M. Carrington to be postmaster at Marquez, Tex. Office became presidential April 1, 1920.

William J. Wade to be postmaster at Littlefield, Tex. Office became presidential July 1, 1921.

May S. Johnson to be postmaster at Follett, Tex. Office became presidential April 1, 1921.

Emma L. McLaughlin to be postmaster at Blanket, Tex. Office became presidential July 1, 1920.

Homer Howard to be postmaster at Lockney, Tex., in place of C. D. Fowler. Incumbent's commission expired January 24, 1922.

Leonard M. Kealy to be postmaster at Lewisville, Tex., in place of O. L. Hamilton. Incumbent's commission expired August 23, 1920.

John J. Allen to be postmaster at Alpine, Tex., in place of W. L. Coleman, resigned.

William D. McGown to be postmaster at Hemphill, Tex., in place of W. D. McGown. Incumbent's commission expired July 21, 1921.

UTAH.

Julius S. Dailey to be postmaster at Kanab, Utah. Office became presidential July 1, 1920.

VERMONT.

Laura B. Hakes to be postmaster at Waitsfield, Vt. Office became presidential October 1, 1920.

Earle J. Rogers to be postmaster at Cabot, Vt. Office became presidential July 1, 1921.

VIRGINIA.

Benjamin T. Culbertson to be postmaster at Dungannon, Va. Office became presidential October 1, 1921.

Edward A. Lindsey to be postmaster at Boyce, Va. Office became presidential July 1, 1920.

Wade H. Hash to be postmaster at Trout Dale, Va. Office became presidential April 1, 1921.

Roy M. Cleek to be postmaster at Warm Springs, Va., in place of H. B. LaRue, resigned.

Lacy C. Alphin to be postmaster at Hot Springs, Va., in place of J. F. Lowman. Incumbent's commission expired July 21, 1921.

Emma J. Breneman to be postmaster at Cootes Store, Va. Office became presidential January 1, 1921.

Charles E. D. Burtis to be postmaster at Bumpass, Va. Office became presidential April 1, 1921.

James S. Smith to be postmaster at Bristow, Va. Office became presidential April 1, 1920.

Thomas C. McCoachie to be postmaster at Remington, Va., in place of H. C. Humphrey, deceased.

Robert E. Newman to be postmaster at Manassas, Va., in place of W. W. Davies. Incumbent's commission expired March 16, 1921.

William E. Hardiman to be postmaster at Dillwyn, Va., in place of G. L. Morriss, removed.

Charles B. Graves to be postmaster at Chester, Va., in place of A. T. Organ. Incumbent's commission expired July 21, 1921.

James W. Moore to be postmaster at Rapidan, Va. Office became presidential July 1, 1920.

WASHINGTON.

Etta R. Eggleston to be postmaster at Marette, Wash. Office became presidential July 1, 1920.

George D. Potter to be postmaster at Springdale, Wash. Office became presidential April 1, 1921.

Fannie I. Jennings to be postmaster at Spangle, Wash. Office became presidential April 1, 1919.

Rachael A. M. Miller to be postmaster at Port Blakely, Wash. Office became presidential January 1, 1921.

May V. Garrison to be postmaster at Sumas, Wash., in place of R. T. Johnson. Incumbent's commission expired January 24, 1922.

George D. Montfort to be postmaster at Blaine, Wash., in place of T. J. Quirt. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

John C. Smith to be postmaster at Tralee, W. Va., in place of J. C. Kleiman, resigned.

James D. Huber to be postmaster at Reedsville, W. Va. Office became presidential July 1, 1921.

Charles L. Pinckard to be postmaster at Berwind, W. Va., in place of J. W. Bailey, resigned.

Ira Greathouse to be postmaster at Flemington, W. Va. Office became presidential October 1, 1918.

Walter C. Whaley to be postmaster at Cedar Grove, W. Va. Office became presidential April 1, 1921.

Cecil H. Ross to be postmaster at Williamstown, W. Va., in place of W. D. Cline. Incumbent's commission expired January 24, 1922.

John O. Stone to be postmaster at Davy, W. Va., in place of R. E. Morgan. Incumbent's commission expired January 24, 1922.

Belfrad H. Gray to be postmaster at Welch, W. Va., in place of T. F. Henritze. Incumbent's commission expired July 21, 1921.

WISCONSIN.

Clifford J. Tice to be postmaster at Redgranite, Wis., in place of H. G. Hanneraman. Incumbent's commission expired January 24, 1922.

Harry J. Lugner to be postmaster at Nashotah, Wis., in place of J. G. Solverson. Incumbent's commission expired January 24, 1922.

Martin A. Hanson to be postmaster at Menomonie, Wis., in place of R. B. Bundy. Incumbent's commission expired June 2, 1920.

William H. Fleweger to be postmaster at Kimberly, Wis. Office became presidential January 1, 1921.

James W. Simmons to be postmaster at Corliss, Wis. Office became presidential January 1, 1921.

Frank H. Colburn to be postmaster at Shiocton, Wis., in place of Louis Locke. Incumbent's commission expired January 24, 1922.

Rita Barber to be postmaster at Marathon, Wis., in place of Frank Lueschen. Incumbent's commission expired January 24, 1922.

Albert H. Andersen to be postmaster at Nelson, Wis. Office became presidential April 1, 1921.

Leslie D. Junkins to be postmaster at Bagley, Wis. Office became presidential April 1, 1921.

Mabel R. Gross to be postmaster at Stone Lake, Wis. Office became presidential January 1, 1922.

George E. King to be postmaster at Winneconne, Wis., in place of G. F. Mader. Incumbent's commission expired January 24, 1922.

Tena W. Krentz to be postmaster at Westfield, Wis., in place of Samuel Dewar. Incumbent's commission expired January 24, 1922.

George E. Bogrand to be postmaster at Wauwatosa, Wis., in place of P. F. Melchior. Incumbent's commission expired January 24, 1922.

Donald C. McDowell to be postmaster at Soldiers Grove, Wis., in place of W. H. Ward. Incumbent's commission expired January 24, 1922.

Nora G. Egan to be postmaster at Highland, Wis., in place of A. J. Egan. Incumbent's commission expired April 16, 1921.

Sever E. Nelson to be postmaster at Argyle, Wis., in place of F. C. O. Muenich. Incumbent's commission expired January 24, 1922.

Elizabeth Croake to be postmaster at Albany, Wis., in place of Elizabeth Croake. Incumbent's commission expired January 24, 1922.

WYOMING.

Evelyn Colburn to be postmaster at Burns, Wyo., in place of C. O. Lyon. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20 (legislative day of March 16), 1922.

UNITED STATES ASSAYER.

Burt G. Shields to be assayer at New York.

POSTMASTERS.

NEW HAMPSHIRE.

Josie L. Pascoe, Chocorua.

NEW YORK.

May L. McLaughlin, Blue Mountain Lake.
Truly Merritt, Brewerton.
Everett W. Penney, Eastport.
William F. Hadley, North Bangor.
Alfred B. Kaent, Nunda.
Chester J. Hinman, Palenville.
Albert H. Clark, Silver Springs.
Sutherland Lent, Sloatsburg.
Isaac Bedford, Thiells.

WISCONSIN.

William A. Roblier, Coloma.
Roy E. Lawler, Gordon.
Thomas F. Edwards, Hazel Green.
William L. Chesley, Lena.
Hazel I. Hicks, Linden.
James Kelly, Ridgeway.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 20, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Spirit Divine, we draw near to Thee in confidence, because Thou art He who is ever touched with a feeling of our infirmities. Thou alone canst make even the night to shine as the day. Receive our penitent submission and be merciful unto our imperfections. With us may life be definite and full of thoughtful meaning. Compensate any who may feel the heavy hand of difficulty or misunderstanding. We bring to Thee our perplexities, our problems, and the exactions of duty. Grant that the Great Teacher, who has spoken in such deathless words, may help us through all the day. For Thy name's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

ORDER OF BUSINESS.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming [Mr. MONDELL] may have two minutes in which to open the storehouse of his information and let us know, if he will, about what happened at the White House and when we will take up the bonus bill.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call for the regular order.

Mr. GARNER. What is the regular order? It is to put my request.

The SPEAKER. The Chair will state that the gentleman from Kansas practically objects, but the Chair will put the gentleman's request. The gentleman from Texas asks unanimous consent that the gentleman from Wyoming may have two minutes——

Mr. GARNER. In which to tell us what happened at the White House and when the bonus bill is coming up.

The SPEAKER. And the gentleman from Kansas demands the regular order, and the regular order is bills on the Calendar for Unanimous Consent. The Clerk will call the first bill.

SEQUOIA NATIONAL PARK.

The Clerk read as follows:

A bill (H. R. 7452) to add certain lands to the Sequoia National Park, in California, and to change the name of said park to Roosevelt-Sequoia National Park.

The SPEAKER. Is there objection?

Mr. OSBORNE. Mr. Speaker, I object.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

Mr. GARNER. Reserving the right to object, I think we ought to have some information concerning the question when we are going to take up the bonus bill.

The SPEAKER. The Chair thinks that is a reasonable request, and the Chair will say that no one will be recognized to bring that up to-day.

Mr. GARNER. Will the Chair be gracious enough to tell us when we are likely to have it taken up?

The SPEAKER. That is not within the province of the Chair, as the gentleman knows.

Mr. GARNER. Has the Chair any information on the subject?

The SPEAKER. The Chair has not.

Mr. GARNER. The storehouse is either locked up or gone dry. I do not know which. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from California that the bill retain its place on the calendar?

There was no objection.

SITE FOR ADMINISTRATION BUILDING, ROCKY MOUNTAIN NATIONAL PARK.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 8675) to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this bill was passed over two weeks ago, in order that gentlemen interested might get some information. I ask to have it passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

AMENDING SECTIONS 5549 AND 5550 OF THE REVISED STATUTES.

The next bill on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I do not know who drafted this bill, but whoever did was not very accurate or careful.

Mr. STAFFORD. This comes from the Committee on the Judiciary.

Mr. WALSH. It is a Senate bill.

Mr. STAFFORD. But it was reported by the Judiciary Committee of the House.

Mr. MANN. The present law provides that in certain cases of imprisonment it shall be had in the house of refuge in the different States. This bill enlarges the scope of the law and then provides for confinement in the State reformatory. In one place in the bill it provides for contracts with persons having control of the State reformatories, and then goes on and further provides for the confinement in the house of refuge. It may be that the State reformatory and the house of refuge are the same thing, but it is quite certain that it is not very good form to provide for the confinement in a State reformatory and that the sentence shall be in the house of refuge. If they are the same thing, the same language ought to be used, and if not, whoever drafted it providing for confinement in one place and sentence to another place is not very accurate.

Mr. BRAND. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BRAND. I have looked into this amendment myself to some extent. The effect of the amendment is to sentence its offender to service in a State reformatory instead of a house of refuge. It does not leave it open to be sent to both places, or to either place in the court's discretion, but the direction is to send them to a State reformatory.

Mr. MANN. I beg the gentleman's pardon, here is the language in the bill, page 2:

SEC. 5550. The Attorney General shall contract with the managers or persons having control of such State reformatories for the imprisonment, subsistence, and proper employment of all such juvenile or female offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney General.

That is an incongruity, to say the least.

Mr. BRAND. Section 5449, which this bill seeks to amend, says: "Juvenile offenders against the laws of the United States under the age of 16 years who may be hereafter convicted of crime shall be confined during the term of sentence in some house of refuge to be designated by the Attorney General and shall be transported and delivered," and so forth.

This section, as amended by the Senate bill, reads as follows:

That section 5549 of the Revised Statutes of the United States be, and it hereby is, amended by adding thereto the following: Whenever a woman or girl shall be convicted of lewdness, prostitution, or similar offenses, under circumstances rendering such offense punishable by im-

prisonment under the laws of the United States, such woman or girl may be confined, during the term of sentence, in some State reformatory to be designated by the Attorney General, in the manner provided in the case of juvenile offenders, by said section 5540, when, in the opinion of the presiding judge, that course seems justified by the circumstances of the case and the intelligence and previous character of the offender—

And so forth.

The object of this bill is to include women who have been tried and convicted of offenses against this statute. There is no objection to this. The only amendment to the statute as it stands is to change the place of confinement and instead of sending them to a house of refuge the amendment directs they shall be sent to State reformatories.

Mr. MANN. The gentleman has not read to us, at least, section 5550, and has not referred to it. The present law, section 5550, provides for entering into contracts with the managers of houses of refuge and the sentencing of prisoners to houses of refuge. This bill provides for entering into contracts with managers of state reformatories and the sentencing of the prisoners to the houses of refuge.

Mr. BRAND. I see the point. You are correct, as you usually are. It is a mistake to have left the words "house of refuge" in the bill at the place referred to. As the bill passed the Senate, section 5549 of the Revised Statutes and the first portion of section 5550 were amended and the words "house of refuge" contained therein were stricken and the words "State reformatory" inserted in lieu thereof; but it seems by mistake the words "house of refuge," in line 17 of section 5550, were not included in the amendment. The words "State reformatory" ought to be in section 5550 just as they are in section 5549.

Mr. MANN. I have an amendment which I think would correct that, but I think the Committee on the Judiciary or some one who has charge of this ought to determine that question.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. WALSH. The gentleman who has charge of this measure is unavoidably detained, as is also the chairman of the Committee on the Judiciary. Would the gentleman from Illinois object to having the matter passed without prejudice?

Mr. MANN. I would not. I think it is proper legislation, if put in proper form.

Mr. WALSH. Then, Mr. Speaker, I ask unanimous consent that the measure be passed without prejudice.

The SPEAKER. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, for the purpose of getting information, does the gentleman from Illinois know whether the term "houses of refuge" is defined anywhere

Mr. MANN. It has been in the statutes for a great many years. I think it has a definition in the Department of Justice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that the bill be passed over without prejudice? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next bill.

GALLATIN NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (S. 255) for the consolidation of forest lands within the Gallatin National Forest, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

RED LAKE BAND OF CHIPPEWA INDIANS, MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6668) for the relief of the Red Lake Band of Chippewa Indians, in the State of Minnesota, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would ask the gentleman from North Dakota whether these Indians will not be taken care of by this specific appropriation which was made some time ago for the relief of destitute Indians in that region?

Mr. BURTNESS. Mr. Speaker, it is not the theory of this bill that it is a charitable payment to these people or that it is a payment that is required absolutely for the purpose of saving them from starvation or anything of that sort. It is true that the Red Lake Band of Indians are members of the Chippewa Tribe of the State of Minnesota; that they did share in the $100 distribution made some time ago. This bill, however, is reported favorably by the committee and is recommended by the Indian Department rather upon the theory that there is a considerable amount of money in the United States Treasury which belongs to these Indians. They are a rather high class of Indians, frugal and intelligent; they all know that the fund belongs to them. The amount that is authorized to be paid by this bill, in the event that it becomes a law, comes from the timber fund belonging to the Red Lake Band, and it is considerable. When all the timber is sold I think the fund will aggregate something like a million and a half, and there are only 1,522 Indians altogether. In other words, the share of each Indian in the total fund will probably eventually approximate almost $1,000. If the $50 provided by the bill is paid to each of them, it will give to these Indians an opportunity to buy something they need, some agricultural implement or something of that sort, which will aid them in carrying on their agricultural work.

Mr. WALSH. Then this is not particularly to relieve destitution or anything of that sort?

Mr. BURTNESS. It is not.

Mr. WALSH. It is a distribution of money that belongs to that tribe.

Mr. BURTNESS. That is correct, giving them part of what they actually own, about 10 per cent of the cash now on hand, the balance of the timber fund on February 24 being $730,720.10.

Mr. WALSH. A sort of bonus payment, as it were?

Mr. BURTNESS. Not a bonus, but giving them a chance to use something which they already own but which is now in the hands of their guardian instead of in their own hands.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to withdraw from the fund in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota according to the provisions of the act of May 18, 1916 (39 Stat. L., p. 137), a sufficient sum to pay per capita to the members of the Red Lake Band of Chippewa Indians of the State of Minnesota living at the date of the passage of this act the sum of $50 each, and to make such per capita payment as soon as possible, this appropriation to be immediately available.

With the following committee amendments:

Page 1, line 4, after the word "authorized," strike out the words "and directed."

Page 1, line 4, after the word "withdraw," insert "as much as may be necessary."

Page 1, line 9, strike out the words "a sufficient sum to pay per capita to the" and insert in lieu thereof "and to make therefrom a per capita payment, or distribution, of $50 to each of the living."

Page 2, line 2, strike out "living at the date of the passage of this act the sum of $50 each, and to make the per capita payment as soon as possible, this appropriation to be immediately available" and insert in lieu thereof the words "under such rules and regulations as the said Secretary may prescribe."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURTNESS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION AND MAINTENANCE OF ROADS, ETC., IN ALASKA.

The next business on the Calendar for Unanimous Consent was H. J. Res. 282, to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, the joint resolution as introduced provided authority to incur obligations to the extent of 75 per cent of the appropriations. The committee amendment reduced that to 50 per cent. I am under the impression that the War Department appropriation bill now pending in the House makes immediately available 75 per cent.

Mr. CURRY. No; the appropriation bill in the House makes available 75 per cent of the amount due during the fiscal year ending June 30, 1924, provided the appropriation bill of the next year does not pass before March 1.

Mr. MANN. But this bill relates to appropriations for the fiscal year 1923.

Mr. CURRY. Yes.

Mr. MANN. That is the appropriation bill now pending in the House.

Mr. CURRY. That is true.

Mr. MANN. That bill, I think, makes immediately available 75 per cent.

Mr. CURRY. No; that bill does not make anything available out of that appropriation for this purpose.

Mr. STAFFORD. If the gentleman will permit, money for road construction in Alaska in the item carried in the War Department appropriation bill, $425,000, is made immediately available; but that bill, as has been pointed out by the engineer having this road construction in charge, may not pass until June, or the latter days of June, and the engineer desires it be made immediately available, and that is the purpose of this joint resolution——

Mr. MANN. I understand that.

Mr. STAFFORD. To make obligations of 50 per cent of that amount which is appropriated in this year's bill.

Mr. MANN. I think the pending bill makes available 75 per cent.

Mr. STAFFORD. No; there is no limit as to the amount available; as the gentleman from California states, that gives the engineer authority to obligate to the extent of 75 per cent of the amount that is carried in this bill for work in the next fiscal year—that is, the year ending June 30, 1924.

Mr. CURRY. The amount in the pending bill is immediately available, but the probability is the bill may not pass the Senate until June.

Mr. MANN. I was seeking to inquire whether there would be conflict between the 50 per cent and the 75 per cent.

Mr. CURRY. There is no conflict. The original amount asked for in this joint resolution was 75 per cent. The chairman of the Alaska Road Commission and the Governor of Alaska stated that they could probably get along with 50 per cent, and they did not wish to make any more available than necessary.

The SPEAKER. Is there objection [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is authorized to direct the Board of Road Commissioners for Alaska to incur obligations prior to July 1, 1922, for the construction and maintenance of roads, bridges, and trails in Alaska of not to exceed 75 per cent of the appropriation for this purpose for the fiscal year ending June 30, 1922, payment of these obligations to be made from the appropriation for the fiscal year ending June 30, 1923.

The committee amendment was read, as follows:

In line 6 strike out "75" and insert in lieu thereof "50."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3209) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the southwest quarter of section 24, township 29 north, range 24 west of the fourth principal meridian, at Minneapolis, in Hennepin County, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. NEWTON of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF SECTION 87 OF THE JUDICIAL CODE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9671) to amend section 87 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill. [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 87 of the Judicial Code is hereby amended to read as follows:

"SEC. 87. That the State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts.

"Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; at Springfield, on the second Tuesdays in May and December; and at New Bedford, on the first Tuesday in August: *Provided*, That suitable rooms and accommodations for holding court at Springfield and New Bedford shall be furnished free of expense to the United States.

"The marshal and clerk for said district shall each appoint at least one deputy to reside in Springfield and to maintain an office at that place, and they may each appoint a deputy to reside and maintain an office at New Bedford."

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

That section 87 of the Judicial Code is hereby amended to read as follows:

"SEC. 87. That the State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts.

"Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; at Springfield, on the second Tuesday in May and December; and at New Bedford, on the first Tuesday in August: *Provided*, That suitable rooms and accommodations for holding court at Springfield and New Bedford shall be furnished free of expense to the United States: *And provided further*, That all writs, precepts, and processes shall be returnable to the terms at Boston, and all court papers shall be kept in the clerk's office at Boston, unless otherwise specially ordered by the court, and the terms at Boston shall not be terminated or affected by the terms at Springfield or New Bedford.

"The marshal and the clerk for said district shall each appoint at least one deputy to reside in Springfield and to maintain an office at that place."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WALSH, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LOWREY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. LOWREY. To ask permission to address the House for one minute.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. LOWREY. Mr. Speaker, I hold in my hand a copy of an article published yesterday in the Washington Star in regard to the amount of seed distribution. It is full of interesting facts to me, and I ask permission to extend my remarks by inserting it in the RECORD.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extened his remarks in the RECORD by inserting an article in yesterday's paper. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, what is this article about? We could not hear the gentleman.

Mr. LOWREY. This is a history and discussion of the seed distribution, and has much information in it that I think would be of interest to the general public.

Mr. WALSH. An article prepared by Mr. Jones, of the Department of Agriculture?

Mr. LOWREY. No; I judge not. It seems to me it must have been prepared by some one connected with the paper. It is a good article, full of interesting facts and a history——

Mr. MANN. Well, of course we have a history of this matter brought up here every time there is an appropriation asked for.

Mr. LOWREY. It is in no sense a propaganda——

Mr. WALSH. All right; I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. LOWREY. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include an article from the Washington Sunday Star entitled "Uncle Sam's free seeds expected to produce $150,000,000 crop," as follows:

UNCLE SAM'S FREE SEEDS EXPECTED TO PRODUCE $150,000,000 CROP.

At a cost of $360,000 food products to the value of $130,000,000 will be grown from 100,000 packages of vegetable seeds and 10,000 packages of flower seeds which are being sent out from Washington by each and every one of the 96 Senators and 435 Members of the House under 13,000,000 franks (free postage) to home gardeners in every State in the Union.

And aside from questions of policy regarding this often-called "seed graft," which causes an annual scrap and a yearly crop of derisive jokes, there is an interesting human-interest story behind this congressional distribution of free seeds—the origin of the custom, which gave birth to the present Department of Agriculture; the field and laboratory job of testing all these seeds, the physical task of putting them into packages and preparing them for postage, the fact that in

some instances they are the only contact between men in the mountains and their Government, the letters from people who have derived pleasure and profit from these seeds—even the story of the historic building which is used as "the Government seed house," on the main thoroughfare of the National Capital.

This is Congress' seed season; doubly so, for the question of continuing for the fiscal year of 1923 the annual appropriation of $360,000 is now under consideration, and within the next two weeks the time expires for Members of Congress to complete the considerable task of writing names and addresses on the 18,000,000 franks or postage-free slips which will carry the seeds everywhere throughout this country.

Although the purchase and distribution of seeds by the Government, which began in 1839, laid the foundation for the establishment of the Department of Agriculture as it exists to-day, for some years now it has been the policy of the department to oppose this particular appropriation on the grounds that the money can be better spent on procuring new and rare seeds and cuttings from foreign countries, which activity by agricultural explorers has been previously described in the Sunday Star.

So the Department of Agriculture has acquired the habit of leaving out this item from its Budget estimates, and Congress just as regularly inserts it, according to time-honored custom and to meet the requests that come in a veritable flood of letters asking for free seeds. That's what the House has just done—inserted again in the Agricultural appropriation bill for the fiscal year starting July 1 next an item of $360,000 for free seeds for congressional distribution. It is a foregone conclusion that the Senate will approve this amendment.

Now, let us look over the historical background for this annual "graft." The purchase of seeds and plants by the Government may be said to date back to colonial days. As early as 1743 the British Parliament granted $600,000 to promote the cultivation of indigo and other crops in the American Colonies, and the assemblies of the various Colonies appropriated small sums from time to time to encourage the cultivation of plants new to the country, such as hops in Virginia, mulberry trees for silk culture in Georgia, and vineyards for the establishment of an American wine industry, lately Volsteaded out of existence in this country or at least driven under cover.

Our greatest patriots contributed active assistance to furthering this encouragement to food production. Franklin, while in England as agent for Pennsylvania, sent home silkworm eggs and mulberry cuttings. Thomas Jefferson, during the years he represented this country as minister to France (1784–1789), forwarded numerous seed samples to the home country. Other representatives of this country during early days followed these notable examples until during the administration of John Quincy Adams instructions were given to all United States consuls to forward plants and seeds to Washington for distribution.

Notwithstanding these efforts to introduce new seeds and plants, many varieties of fruits and vegetables were scarce or unknown. There were few seed farms, nurseries, or seedsmen. Seed were mostly grown by the farmers themselves. Interest in better seeds and securing new seeds and plants resulted largely from the agricultural fairs.

In 1839, through the efforts of Henry L. Ellsworth, Commissioner of Patents, an appropriation of $1,000 was made for the purpose of collecting and distributing seeds, prosecuting agricultural investigations, and procuring agricultural statistics, with which 30,000 packages of seeds were purchased and distributed. This appropriation marked the beginning of the Department of Agriculture.

Demands upon Members of Congress for seeds became so numerous and insistent that it was impossible to fill the orders with new varieties of seeds. The practice of sending out larger and larger quantities of vegetable seeds thus developed. These seeds proved very useful, especially in the new communities to which they were largely sent.

During the years from 1889 to 1893 practically the entire seed appropriation was expended for standard varieties of vegetable and flower seeds. In 1894 a change was advocated and action taken to discontinue the customary distribution. This action was not approved by Congress, which, in an act approved April 25, 1896, changed the wording of the previous act. The Attorney General, to whom the question was submitted for decision, held that the purchase and distribution of seeds, including vegetable and flower seeds, were mandatory and left the Secretary of Agriculture without discretion. Congress has specifically reserved for itself the distribution, with proportionate allotments to each Member of five-sixths of all the seeds and plants purchased by the department. So that is where "congressional seed distribution" originated.

The value of the congressional seed distribution consists in the wide distribution by Senators and Members of Congress to applicants in all parts of the country of standard varieties of garden seeds of known value and of the best quality.

Now, then, it costs Uncle Sam about 3½ cents for every package of seeds sent out by a Congressman. Each package contains five different kinds of seed. The following kinds of vegetable seeds are purchased for free distribution: Peas, beets, lettuce, onions, radish, beans, corn, carrots, cucumber, parsley, parsnip, squash, tomato, turnip, and watermelon. There are 14 combinations, so that a Member of Congress can select the five different kinds of seeds he wants to send out in one package. Similarly there are 22 different varieties of flowers, such as chrysanthemum, aster, cosmos, balsam, candytuft, dianthus, nasturtium, poppy, sweet peas, petunia, zinnias, mignonette.

That package containing five small papers of seeds, which costs the Government 3½ cents, if bought in the open market would cost 50 cents.

The Office of Seed Distribution in the Department of Agriculture keeps an exact account for each Member of Congress, just the same as a bank account. The Member is credited with his quota and is allowed to draw against that quota, just the same as against a bank account.

From one sample package, containing five small papers of seeds, any person can raise at least $15 worth of food, according to the agricultural authorities. Deducting $5 for waste, loss in transit, or carelessness in planting or poor soil, it leaves a $10 net production. Members of Congress are sending out this year 18,000,000 of these large packages (five papers in each), which, it is conservatively estimated, will return $180,000,000 food products for an outlay of $360,000, which certainly should have some effect on the economic life of this country.

When the annual fight over the appropriation is being waged the claim is often made that the free-seed distribution comes near wrecking the Post Office Department and is responsible for an annual deficit. The records show that the run is usually from 1,500,000 pounds to 600,000 or 700,000 pounds, and that if the Office of the Seed Distribution paid postage on each package, the same as any private individual, the postage bill would never have been more than $131,000, and that it would average about $95,000.

Every seed sent out is tested for vitality and for trueness to name. These tests are made on the experimental farm of the department, near Arlington National Cemetery, although the germination tests are mostly made in the laboratory by using blotting paper. All seed has to be of the particular variety ordered. The department, while opposing the congressional distribution, takes very good care that the seeds are all good before they are sent out. It sets a very high standard to which the seeds must register, a much higher standard than is often required commercially. If the seeds do not reach that standard, they are shipped back to the contractor from whom they were purchased at the latter's expense. Some years they reject a very large amount—this year, for example, about 150,000 pounds, after it had reached Washington—because the germination was not high enough. This is sent back as not good enough for congressional seed distribution, but there is no assurance anywhere that the very same seed is not disposed of commercially.

Uncle Sam buys these seeds on straight competitive bids, and when any contractor's deliveries show a consistent poor germination he is blacklisted. Each bidder is informed why he did not get the contract, told who did get it and why and the price paid. This is a straight official letter.

The demand upon Members of Congress for seed this year is greater than ever, and in many cases appears to be owing to the poverty of the people. The Congressmen are getting more letters than usual asking for seeds, and usually from persons who say they can not afford to buy seeds this year.

Congressmen are coming more and more to send their quotas of seeds out, not to the voting lists in their districts but to the school children, to civic organizations, chambers of commerce, banks, and factories for workmen, and a great deal to miners. These packages of seeds in many places, especially in the mountainous sections, received every year through the Congressmen, are the only bit of mail that is received from one end of the year to the other, and are the only connecting link between these hardy mountaineers and their Government.

The seeds are designed primarily to meet the needs of the man with a little back yard in the cities and small towns, and induce him to have a garden and raise a few vegetables. Last year a new custom was started. On the back of each package was printed: "Don't waste this seed! If you can not make good use of the seed in this package, please see that it reaches some one who will. Note carefully the directions for planting on each package. If you want some more information on gardening, write to the Secretary of Agriculture for any of the following farmers' bulletins, which will be sent you free: The City Home Garden, The Farm Garden in the North, Home Gardening in the South, Control of Diseases and Insect Enemies of the Home Vegetable Garden, and Saving Vegetable Seeds for the Home and Market Garden."

It is from scores of letters coming daily in the mail of Congressmen that the best reflex from the free-seed plan can be had. By the thousands they testify that the congressional seeds do grow, and better than other seeds. A little schoolgirl writes in that she has raised $20 worth from one package. A Providence, R. I., man enthusiastically tells his Congressman that his garden netted him $50 and that he took a prize offered by a merchants' association. A home gardener in Chicago, Ill., asked his Congressman to find out why lettuce and onion seed sent out by Uncle Sam produced while others did not. Pictures sent in show that an elderly couple in Hamilton, Ohio, got a $50 prize for their back yard offered by the chamber of commerce, grown from a package of congressional seeds and watered from an old pump and an old-fashioned hand sprinkler. "The people are coming to know that the Government seeds are always good," writes in an agricultural college man from Mississippi.

Some Members of Congress get seeds for use on their own personal gardens, and one Texas Member has just sent in a testimonial to Uncle Sam saying, "I have had excellent results; the seeds germinated well and proved suited to our climate."

Detroit, Mich., is an excellent example of the new system in distribution of the congressional seeds. A great many packages are being sent to automobile factories for distribution among the operatives and which are being sown in plant garden plots. Similarly large quantities are being sent to the cotton mills in the South for distribution among the operatives.

Through a Vermont farm machinery company at Bellows Falls some seed packages were distributed last year. The Polish employees were especially enthusiastic and were allocated certain sections of a big park. Young truck gardens have resulted, and "this hitherto uncultivated land took on new beauty," writes the Congressman.

With the department opposed to the congressional seed distribution, and with Congress habitually for it, Oliver P. Jones, originally from Cincinnati, who is in active charge of this work, has had an unenviable job as buffer between the department and Congress for about 20 years. He probably knows all the Members of Congress more intimately than any other man in Washington, because he is calling upon them in their offices every day in the year. At present he is getting more than 200 telephone calls a day from them, dictates about 100 letters a day to them, and has 20 or 30 of them calling on him in his office each day.

The seed distribution is conducted under the Bureau of Plant Industry, of which Dr. William A. Taylor is chief, but he has too many other duties to give detailed consideration to this one Federal activity, although he does keep well informed about it. E. A. Oakley and J. E. W. Tracy purchase under contract all the seed that enters into the congressional distribution and supervise the mechanical and physical work of filling the packages and mailing them. Mr. Tracy is in charge of the seed warehouse, located at 339 Pennsylvania Avenue, which is not at all modern, well ventilated or lighted, and not fitted with sanitary equipment of modern type.

This building is well worth special attention. It was erected in 1844 and was the scene of receptions, banquets, and inaugural balls for Andrew Jackson, Martin Van Buren, and Abraham Lincoln. It has been used as the seed warehouse for about 10 years. There are three floors in the front of the building and five floors in the rear. The second and third floors have 22 feet of headroom. The third floor, which was the banquet hall, is suspended by four 2-inch iron bars, and measures 44 by 88 feet. This was done so that there would not have to be supporting pillars from the floor below, which was the ballroom. The only entrance that the President had to the ballroom was down a winding stairs and through a small door not more than 5 feet in height, so it must have been an interesting spectacle to see Andrew Jackson and Abraham Lincoln bending their tall frames to duck through this small doorway.

The third floor is now braced from the second floor with big timbers, because during the Spanish-American War the floor collapsed, due to the fact that in a space 22 by 22 feet boxes of ammunition were piled without any thought of weight until about 435 tons was too much of a load and the floors fell through. This is not a Government-owned

building, but has been rented by the department and used as a seed warehouse for about 10 years.

The filling of the orders of Congressmen is an interesting part of the free-seed distribution. The Members supply their franks in sheets of ten. They are cut up into single slips and counted into bundles by expert counters from the Bureau of Engraving and Printing. As a Member sends in an order a blue slip is made out calling upon the seed warehouse to deliver that quantity, and this is accompanied by the corresponding number of franks. The seed packages are either sent to the office of the Member of Congress, if the franks are not addressed, or are mailed out directly from the seed warehouse if they are addressed.

These franks are now coming in at the rate of 200,000 or 300,000 a day. March — is the last date on which orders may be submitted by Members of Congress, which means that about 5,000,000 franks have yet to be received within the next two weeks. All of these seed packages will be sent out before April 10. Each Member is entitled to 20,000 packages of vegetable seeds and 2,000 packages of flower seeds. As each of these packages contains five small papers of seeds, it really means that 110,000 papers of seeds are sent out by each Member of the Senate and House.

The way in which these seeds are first put into the small papers and sealed and then put one each of five different kinds into a larger package and sealed, with the Member's frank pasted on each package for direct mailing, is an interesting part of the congressional distribution system. This is done by contract, and this year a new contractor is on the job, Frank Clarke, of Waco, Tex., who has speeded up the work by devising a new gluing machine.

For only 3 years in the last 22 years has a company of Fitchburg, Mass., missed out on this contract. Mr. Clarke was making a seed distribution for some banks in Texas during the war that were giving away seeds instead of calendars. He heard of the congressional distribution, sent in a bid, and got the job. Under the terms of the contract he is severely penalized for any mistakes or damages—if a franked wrapper is torn, if the right assortment is not in each package, and even if the wrapper is soiled.

The seed envelopes are filled by machinery, which automatically weighs the contents of each envelope. The girls work at one of these machines, one filling and the other sealing the little envelopes on a revolving belt. Filling and sealing 36,000 of these little envelopes is considered a good day's work. The girls get piecework over 20,000 a day. The writer saw two girls at work who have run up as high as 48,206, which means that they had to fill and seal 100 packages a minute all day long.

Other girls sit at big tables pasting the congressional franks onto the container on which are printed the names of the five varieties of vegetables or flowers that are to be placed within. A belt carrier runs beside huge bins into which the small packages of seed have been dumped. As the girls finish pasting the franks on the big envelopes they are carried, one at a time, along this traveling belt goodway and in front of a bin at regular intervals are girls, each of whom slips in a small envelope, and the container proceeds to an inspector and then past another girl, who seals up the package by machinery.

There are 64 of the seed bins, which, when less than half full, contain about 25,000,000 packages of seed. By the use of the automatic weigher on the larger packages of from 1 to 5 pounds, such as beans, alfalfa, and dry-land seed, it has become possible to run 100 pounds a minute, and increases the output from 10 to 20 pounds.

This is one of the very busy corners in Uncle Sam's world's largest industrial plant, which those who are prone to criticize the Government officers as taking a long time to do little or nothing do not see. The congressional distribution of free seeds is quite a more complicated business than people generally know. Members of Congress say their mail shows them that through the free-seeds plan Uncle Sam gets very close to the people.

BOARD OF EQUITABLE ADJUDICATION.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10443) to repeal section 2453 and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, what is the object of this bill? I have not had time to examine the very careful report of the gentleman.

Mr. SINNOTT. The object of the bill is to eliminate the Attorney General's office from the Board of Equitable Adjudication and to repeal two statutes which are really deadwood. There is in the Interior Department a Board of Equitable Adjudication, which reviews cases where the matter is solely between the Government and the land applicant. The board is authorized to decide these cases according to equitable rules. The Attorney General has been a member of that board. However, the department finds that his participation upon the board causes a great deal of delay. He says so himself, and he requests that he be eliminated from the board, and that the matter be handled in the Department of the Interior, where it is really handled for all practical purposes.

Mr. WALSH. This would in no way prejudice the rights of the Government in passing upon these claims?

Mr. SINNOTT. It does not modify the present statutes at all, except to eliminate the Attorney General's office from this board.

Mr. WALSH. Will the solicitor for that department be consulted with reference to legal questions that might arise?

Mr. SINNOTT. Oh, yes; that is, of the Department of the Interior and the Commissioner of the General Land Office.

Mr. MONDELL. Mr. Speaker, I think it is highly important that this legislation should be enacted. The reference of these cases to the Attorney General's office has been largely a matter of form for many years and has resulted in delay. Cases are ordinarily not tremendously important, but they are cases in which the equities are so very convincing and so strong that there can be little doubt, practically no doubt, in regard to their proper determination, though there may be some little question as to some technical point of law. I think it is in the interest of good administration, as construed by the Secretary, that the change be made.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10443) to repeal section 2453 and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States.

Be it enacted, etc., That section 2453, Revised Statutes of the United States, be repealed and section 2450, 2451, and 2456 be amended to read as follows:

"SEC. 2450. That the Commissioner of the General Land Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudge in what cases patents shall issue upon the same.

"SEC. 2451. That every such adjudication shall be approved by the Secretary of the Interior and shall operate only to divest the United States of the title of the land embraced thereby, without prejudice to the rights of conflicting claimants.

"SEC. 2456. That where patents have been already issued on entries which are approved by the Secretary of the Interior, the Commissioner of the General Land Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns."

Also the following committee amendments were read:

Line 3, page 1, strike out the word "section" and insert in lieu thereof the word "sections."

After the figures "2453" insert "and 2454."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time and was read the third time.

Mr. SANDERS of Indiana. Mr. Speaker, I offer an amendment, on page 2, line 6, to strike out the word "of" and insert the word "to" in lieu thereof.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 2, line 6, strike out the word "of" and insert in lieu thereof the word "to."

Mr. MANN. That does not read very well.

Mr. SANDERS of Indiana. It reads:

Divest the United States of the title to the land.

Mr. MONDELL. That has been the law for a long time.

Mr. SINNOTT. The language given here in the bill has been the law for a good many years.

Mr. SANDERS of Indiana. It is incorrect, even if it has been in the law for a good many years.

Mr. SINNOTT. I have no objection to the amendment.

Mr. MANN. That is, the second word "of"?

Mr. SANDERS of Indiana. The second word "of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows:

A bill to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

OVERTIME COMPENSATION, MEAT-INSPECTION SERVICE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10672) to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BLACK. Reserving the right to object, I would like to ask the gentleman in charge of the bill a question, but inasmuch as I do not see him on the floor I ask that the bill be passed without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ERADICATION OF CITRUS CANKER.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10673) to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama.

Mr. BLACK. Mr. Speaker, I make the same request as to that.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

SCIENTIFIC INVESTIGATORS, ETC., DEPARTMENT OF AGRICULTURE.

The next business on the Calendar for Unanimous Consent was the bill H. R. 10819, relating to the Department of Agriculture.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BLACK. I object, Mr. Speaker.

The SPEAKER. The Clerk will report the next bill.

CONSTRUCTION OF RETIREMENT LAW OF 1920.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3265) construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

The SPEAKER. Is there objection to the consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I merely wish to make an inquiry as to the need for the last paragraph in the bill, as to why we should extend the construction of the phrase "classified civil service," to where it may occur in other acts of Congress.

Mr. LEHLBACH. While the opinion of the Attorney General defining the classified civil service contrary to the construction that has been put upon the term ever since the civil-service system of the country has been inaugurated was rendered in connection with the retirement law, nevertheless there are other acts under which the administration has acted in accordance with the original construction of the term and the construction placed upon it by this bill. It is thought advisable to have the term uniform throughout the legislation that might affect the subject.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of an objection.

Mr. MANN. Reserving the right to object—and I do not intend to object—you use this language in the bill: "To include all persons who have been heretofore or may hereafter be given a competitive status in the classified service." That may require a definition. Of course these men are covered into the classified service. They are not given a competitive status, as a matter of fact. I do not know what call there may be that declares them to have a competitive status in order to be covered into the classified service.

Mr. LEHLBACH. I will say to the gentleman that that same objection occurred to me, and I had drafted an amendment to this bill as it passed the Senate expressing in what I tried to make explicit language the cases which are meant to be covered by the term "having a competitive status." I had conferred in the matter with Mr. Wales, who had discussed the matter with the Attorney General's office and the lawyers of the Department of the Interior and with his own people, and all had agreed that the term "having a competitive status" was an unequivocal, well-defined, and generally accepted term, meaning an employee who is under the protection of the civil service law and the regulations thereunder, and that there can not be any question of any misconstruction of that term; and in view of that fact I decided to discard my amendment and adopt the language of the Senate.

Mr. MANN. Very well. That will be satisfactory to me. But in view of the fact that the civil service law has been construed for 30 or 40 years as including in the term "classified service" all those who are covered into the service under the provisions of the act, and along comes a new employee of the Attorney General's office and says that the construction of everybody in the past is wrong, what assurance is there that an Attorney General a few years from now, or one of his subordinates, will not say that "a competitive status" means a status obtained by competition?

Mr. LEHLBACH. Whatever view may be taken of the question by any authority in the future, I can say confidently that there is no prospect of such an opinion coming from the present Attorney General's office.

Mr. MANN. I would hate to have to pass another law now, construing this one, as to the construction of a former law.

Mr. LEHLBACH. The gentleman will understand that the possible construction of the language to mean a status obtained by competition is obviated by the language qualifying what is understood to be meant by the "classified service," stating that such a status may be "with or without competitive examination, by legislative enactment, or under the civil-service rules promulgated by the President, or by Executive orders," so that I think it is airtight at this time.

Mr. STAFFORD. Question.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the civil service retirement act approved May 22, 1920, the expression "all employees in the classified civil service of the United States," as used in section 1 thereof, shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under the civil service rules promulgated by the President, or by Executive orders covering groups of employees with their positions into the competitive classified service or authorizing the appointment of individuals to positions within such service.

The expression "classified civil service" as the same occurs in other acts of Congress shall receive a like construction to that herein given.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEHLBACH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PATTERSON of Missouri (at the request of Mr. FAUST), for 10 days, on account of the dangerous illness of his father;

To Mr. FIELDS, indefinitely, on account of illness; and

To Mr. HAMMER (at the request of Mr. DOUGHTON), for 10 days, on account of important business.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 21, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARDY of Colorado: Committee on the Post Office and Post Roads. H. R. 6954. A bill fixing rates of postage on certain kinds of printed matter; with amendments (Rept. No. 813). Referred to the Committee of the Whole House on the state of the Union.

Mr. KITCHIN: Committee on Ways and Means. House Report No. 804, part 3. A report on adjusted compensation for veterans of the World War. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. H. R. 9746. A bill for the relief of Emmett Otto Cooney; without amendment (Rept. No. 812). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9970) granting an increase of pension to Thomas Smith, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 10966) to provide for the allotting to certain Indians of the Klamath Tribe certain described lands within the Klamath Indian Reservation in Oregon; to the Committee on Indian Affairs.

By Mr. HULL: A bill (H. R. 10967) to relieve unemployment among civilian workers of the Government, to remove the financial incentives to war, to stabilize production in Federal industrial plants, to promote the economical and efficient operation of these plants, and for other purposes; to the Committee on Naval Affairs.

By Mr. WOOD of Indiana: Joint resolution (H. J. Res. 290) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 10968) for the relief of Nathan Matthews; to the Committee on Claims.

By Mr. LARSEN of Georgia: A bill (H. R. 10969) for the relief of Daniel F. Shipp; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 10970) granting a pension to Julia Parrish; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4707. By Mr. FENN: Petition of the Woman's Christian Temperance Union of Hartford, Conn., protesting against any amendment to the Volstead Act; to the Committee on the Judiciary.

4708. Also, petition of Chamberlin Council, No. 2, Junior Order United American Mechanics, favoring the enforcement of the present immigration laws; to the Committee on Immigration and Naturalization.

4709. Also, petition of many citizens of Hartford, Conn., protesting against passage of House bill 9753, relating to Sunday observance; to the Committee on the District of Columbia.

4710. By Mr. GALLIVAN: Petition of city council, city of Lynn, Mass., recommending and favoring the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

4711. Also, petition of New York, New Haven & Hartford Railroad, recommending passage of Senate bill 3187, the purpose of which is to give the railroad companies the option of adopting either daylight or standard time in accordance with the wishes of the communities which they serve; to the Committee on Interstate and Foreign Commerce.

4712. Also, petition of E. F. Mahady Co., of Boston, Mass., recommending legislation to eliminate graft or commissions to physicians; to the Committee on Interstate and Foreign Commerce.

4713. By Mr. HAYS: Petition of Alice Mankin and 27 other citizens of Ava, Mo., protesting against the passage of legislation now pending, namely, House bills 9758 and 4388, and Senate bill 1948; to the Committee on the District of Columbia.

4714. By Mr. KISSEL: Resolutions of mass meeting of New York City residents, March 10, 1922, relative to work in navy yards; to the Committee on Naval Affairs.

4715. Also, petition of the Foster & Reynolds Co., New York City, N. Y., relative to the bonus; to the Committee on Ways and Means.

4716. Also, petition of Hildegard Shipping Co., New Orleans, La., relative to the settlement of claims arising out of the late war; to the Committee on War Claims.

4717. By Mr. LUCE: Petition of Massachusetts Federation of Churches, regarding joint resolution for deferment of the Austrian debt; to the Committee on Ways and Means.

4718. By Mr. STOLL: Resolution adopted by the Mullins Tobacco Board of Trade, opposing any further increase in the tax on cigarettes and other manufactured tobacco; to the Committee on Ways and Means.

4719. By Mr. TILLMAN: Petition of Joseph Baxter and others, of Arkansas, opposing the passage of House bill 9753, or any other Sunday bill; to the Committee on the District of Columbia.

4720. By Mr. WATSON: Petition by the George School Group of Fellowship of Reconciliation, favoring reducing the personnel of the Army to 75,000 officers and enlisted men and the Navy to 50,000 officers and enlisted men; to the Committee on Appropriations.

SENATE.

TUESDAY, *March 21, 1922.*

(*Legislative day of Thursday, March 16, 1922.*)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

As in legislative session,

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment Senate bills of the following titles:

S. 3209. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; and

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 6568. An act for the relief of the Red Lake Band of Chippewa Indians of the State of Minnesota, and for other purposes;

H. R. 9671. An act to amend section 87 of the Judicial Code;

H. R. 10443. An act to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States; and

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

THE FOUR-POWER TREATY.

Mr. LODGE. I ask that the Senate proceed to the consideration of the four-power treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LODGE. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Shortridge
Ball	Gooding	Moses	Simmons
Borah	Hale	Myers	Smith
Brandegee	Harris	Nelson	Spencer
Broussard	Harrison	Norbeck	Stanfield
Bursum	Heflin	Norris	Stanley
Cameron	Johnson	Oddie	Sutherland
Capper	Jones, Wash.	Overman	Townsend
Caraway	Kellogg	Page	Underwood
Culberson	Kendrick	Pepper	Wadsworth
Cummins	King	Phipps	Walsh, Mass.
Dial	Ladd	Pittman	Walsh, Mont.
Edge	La Follette	Poindexter	Warren
Elkins	Lenroot	Pomerene	Watson, Ga.
Ernst	Lodge	Ransdell	Willis
Fernald	McCormick	Rawson	
France	McKellar	Robinson	
Gerry	McKinley	Sheppard	

Mr. JONES of Washington. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, I send to the desk and ask to have read a telegram which I have received from Mr. Paul D. Cravath.

The PRESIDENT pro tempore. Without objection, the Secretary will read the telegram.

The Assistant Secretary read as follows:

[Western Union Telegram.]

NEW YORK, N. Y., *March 21, 1921.*

Hon. HENRY CABOT LODGE,
Senate Chamber, Washington, D. C.

My attention has been called to a charge by Senator BORAH in the Senate to-day to the effect that I had stated that there was a secret understanding between the United States and Great Britain regarding far eastern and Pacific questions and that members of the Washington conference were my authority for this statement. I hope I need not assure you that this charge is unfounded. I never made such a statement nor have I ever talked with any member of the Washington conference on the subject of the alleged statement, or on any subject remotely resembling it. What I have said, in substance, on more than one occasion, is that to my mind the successful and sympathetic cooperation between the American and British delegations at the Washington conference, which is a matter of public knowledge, augurs well for future cooperation between those nations in dealing intelligently and effectively with the problems of the Pacific. My attention has just been called to what purports to be the stenographers' minutes of an informal dis-

cussion at a recent meeting of an organization known as the council on foreign relations, in which I took part. I infer that the language attributed to me by Senator BORAH must be based on a paragraph from those minutes which attributes to me language which, to the best of my recollection I did not use, but which, if used, was the language of informal discussion that did not accurately convey my meaning. When those minutes were submitted to me I corrected them so as to convey my true meaning, and in their corrected form they were printed and circulated by the council of foreign relations. I did not remotely have in mind any secret agreement or understanding between the American and British Governments, but simply that sympathy and understanding which is engendered by successful cooperation and mutual confidence.

PAUL D. CRAVATH.

Mr. LODGE. I also ask to have read a brief letter received from the Secretary of State.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Assistant Secretary read as follows:

THE SECRETARY OF STATE,
Washington, March 21, 1922.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I notice that the latest charge in the course of the debate over the four-power treaty is that there is a secret agreement or understanding between this Government and Great Britain with respect to Pacific matters. Any such statement is absolutely false. We have no secret understandings or agreements with Great Britain in relation to the four-power treaty or any other matter.

In my letter to Senator UNDERWOOD on March 11, in relation to the four-power treaty, I said:

"There are no secret notes or understandings."

Permit me to express the hope that the American delegates will be saved further aspersions upon their veracity and honor.

Faithfully yours,

CHARLES E. HUGHES.

Mr. LODGE. I ask that the telegram and the letter may be printed in the RECORD in 8-point type.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. EDGE obtained the floor.

Mr. BORAH. Mr. President, will the Senator permit me to take just a few moments in reply to the communications just read?

Mr. EDGE. In the course of my remarks, which will require only about 15 minutes, I purpose touching indirectly, if not directly, upon this so-called controversy. I desire to be courteous to the Senator from Idaho, but I am afraid if he starts we would have a running debate for an hour or two.

Mr. BORAH. Very well; I shall not inconvenience the Senator.

Mr. EDGE. Mr. President, either the four-power treaty should be ratified by the Senate, or any further thought of limiting armaments should be indefinitely postponed. The necessity of ratifying both of these agreements or neither is so obvious and self-evident that any other viewpoint is beyond comprehension.

If the Senate by its own vote defeats the ratification of the four-power treaty and thus demonstrates its distrust and lack of confidence in the intent or integrity of other powerful nations, by that very admission it conclusively proves the necessity of our maintaining the most powerful Navy in the world.

If two-thirds of the membership of the Senate favor a limitation of naval armament and a cessation of competition between nations in building warships and isaclads, which action the country undoubtedly demands, then we must encourage international comity and assume some cooperative responsibility to help maintain the peace of the world.

I do not propose to take the time to discuss the technical differences that have arisen in this debate as to when a treaty is an alliance or is not an alliance, or as to the menace of the existing Anglo-Japanese alliance, or to indulge in a historical review covering past happenings in connection with ententes, triumvirates, or other international compacts. We are now dealing with something entirely different and all precedents fail. I will very briefly confine myself to what I consider the practical effect of the proposed four-power compact and its influence on the world's future.

I see a great difference between the League of Nations covenant, with its agreement to preserve the territorial integrity of practically all the country in the world, especially when signed without far-reaching reservations, and a compact between four nations, in effect agreeing to respect each other's present possessions in the only section of the world in which the United States is interested from a territorial standpoint, coupled with a further agreement to confer in case of threatened danger.

For me it is difficult to reconcile the position of those who, during the league debate, argued that we should accept mandates practically to direct the affairs of such turbulent countries as Turkey and Armenia, and who now express a fear of entangling and destructive alliances, which they say would be calamitous when it is suggested that we sit around a table and discuss possible remedies for international problems that may threaten a section in which we have important interests.

We are a Pacific, not a European power.

Apparently no effort at international cooperation would now gain the support of those who take that position, and yet many of the present opponents of the pending treaty were prepared to accept the League of Nations without reservation or amendment. Surely, if the league with its guaranty to preserve existing territorial possessions was not conducive to war, then there would be no danger in that regard under the four-power treaty.

Whether the Anglo-Japanese alliance was a menace to the United States or otherwise, it appeals to me as common sense to scrap a two-party offensive and defensive alliance and replace it with the assured participation of the four powers particularly interested in Pacific possessions and to endeavor by our very presence to influence a recognition of the policies and traditions to which the United States has always subscribed.

Much of the criticism of the pending treaty is centered upon the question as to who wrote it or who inspired it, coupled with expressions demonstrating suspicion of the real intent and purposes of the statesmen representing the different nations. There is criticism even of the home reception of a distinguished foreign delegate. Every rumor of secret understanding, regardless of whether it is officially denied, is seized upon by opponents of ratification as an evidence of complicity. Frankly, I do not believe any of these objections will, or should, greatly influence an impartial judge or critic. If the compact is dangerous or inimical to the interests of this country, no matter who wrote it, it should not be ratified, but the objection should be based upon the terms of the compact itself, and not upon its authorship.

Let us deal in facts, not rumors or fancies.

Speaking as a layman, I do not know how an international understanding could be written in simpler language or in words less susceptible of misunderstanding than the treaty now under consideration. It furnishes the best guaranty for world peace ever presented. How, therefore, can we refuse to do our part?

So far as I am concerned, I have always been convinced that the United States must assume her part in the settlement of international problems, and, under this compact, I do not harbor the slightest fear of international entanglements.

Mr. President, it is a libel on American statesmanship to assume that our representatives at any conference in which we may participate under the terms of this compact would be unable to protect properly the interests of the United States. It is unthinkable that we would not be an important influence in helping to settle threatened difficulties or that the force and power of the participation of our country would not minimize rather than accentuate strife or friction.

Is it not reasonable to assume, if the peace of the Pacific were threatened, that we would naturally be brought into the conflict, whether we were a part of the four-power treaty or otherwise?

Were we not drawn into the Great War without being party to any alliance, compact, or international combination whatsoever? And just as surely as we are debating this treaty to-day, if there were an attempted aggression in the Pacific upon the part of any power, sooner or later we would become involved in the controversy.

Many an international misunderstanding has developed and been fanned into flame because of the distance intervening between those arguing by cable or diplomatic notes. Such calamities possibly could have been averted if representatives of the contending nations could have gathered around a table. People often hate each other at a distance; it is difficult to hate side by side.

Is it not better by far to be associated with the other nations particularly interested in a certain quarter of the world and agree to discuss any threatening situation which may arise and thus give the world, as well as ourselves, the benefit of our influence and power in an effort to prevent war than to endeavor to stop it after it has commenced?

Has it occurred to the critics of this treaty that the obligations under its terms are not all and alone upon us? Might it not be helpful at some time to have other powerful nations bound to respect our rights as well as we to respect theirs? Our policy and rôle are peaceful, and territorial aggression forms no part of our national ambitions. Is it not reasonable to assume that through this mutual understanding and the force and power of this union future invasions will be discouraged, or at least minimized, and that we, as well as our neighbors, shall profit?

I repeat what I said, in effect, upon the floor of the Senate a few days ago, that, in my judgment, so far as our being in any way morally or legally bound to enter war is concerned, the pending treaty, without any reservation whatsoever, permits us more freedom in this regard than would the League of Nations, even with the reservations which were supported by a majority of the Senate at that time.

I reiterate that I can not see the consistency of Senators on the other side who were supporters of the original League of Nations without any reservations picturing all the horrors of entanglements and war in which the United States will become involved if the four-power treaty be ratified.

Personally, I do not believe the pending treaty needs a single word of reservation or interpretation to protect us from either a moral or legal obligation to go to war or to defend any of our associates should they go to war.

I do not object in principle to the proposal that an invitation be extended to other powers that may be involved in misunderstandings in the Pacific and join in any conference called. However, I see no necessity for such a reservation.

I can not conceive of a misunderstanding in the Pacific involving a power other than the four associates in this compact, where their first act and natural policy would not of necessity be an invitation to such nations to send representatives to attend a conference and endeavor to adjust the difficulty.

I object to reservations to this treaty because of the unnecessary distrust reservations indicate, and to me the treaty's language, terms, and meaning are so simple that the tacking on of reservations would only tend to confuse rather than to clarify. Such action would invite similar reinterpretations on the part of other countries and perhaps ultimately delay, postpone, or interfere with the main accomplishment of the conference, namely, the permanent naval holiday provided for. If I shall vote for any reservation, it will only be to insure the treaty's ratification.

After all is said and done, should not other countries of the world very properly look to the United States for practical help and cooperation and expect sympathy and counsel?

By the result of the Great War a world's leadership was inherited by us that we can not refuse to assume and assert. It need not involve us in the domestic politics of other nations; it need not, and should not, alter or destroy the national traditions of America; but it can no more be set aside honorably than can our known responsibilities in any cause of humanity be willfully ignored. If we viewed the world's situation only from a selfish standpoint, we would of necessity be compelled to aid in the readjustment of economic affairs, because it has become apparent, never more concretely than at the present moment when we are confronted with existing industrial depression, that our great country with its largely increased power of production can not be really prosperous by limiting exchange and trade with ourselves.

So far as my personal viewpoint is concerned, I would harbor no fear of America suffering in any way should we participate in the Genoa conference. In our own interest, sooner or later, we must assist in adjusting the economic difficulties of the various nations of the world, whose markets we seek and which as customers contribute to our prosperity. At the same time I recognize the logical reasons advanced for postponing this participation and trust that shortly the difficulties of the situation may be adjusted.

Oh, Mr. President, in my judgment it would be a calamity from which we could not recover for generations if the agreements of the Washington conference were repudiated and it were recorded that the Senate of the United States declined to trust not only the representatives of other nations of the world but even the distinguished Americans who represented us.

Certainly under this compact nothing could be binding without unanimous consent, and certainly no man can find in the plain English presented either a moral or legal responsibility which would involve us, unless we felt that the cause was justified. Efforts have been made to establish this responsibility by comparing the pending treaty with the Entente alliance, but the language and commitments are very different. If, as I have attempted to point out, and as history demonstrates, trouble should occur in the Pacific, we would be involved in any event.

It seems to me, Mr. President, that the very best evidence that this new plan for the interchange of diplomatic viewpoints will succeed is the result of the Washington conference itself. Here were the representatives of nine powerful nations of the world conferring without the interposition of superconstitutions or international understandings of any kind whatsoever. As a result of their deliberations six far-reaching treaties were unanimously agreed upon. Questions which arose from time to time during the course of the conference were compromised or adjusted, and the result of the unanimous action is before us to-day.

Is it not, then, reasonable for us to assume, whatever future difficulty may menace the Pacific, that, with the convening of the representatives of the four powers and an invitation to representatives of other nations which might be involved, an adjustment of some kind will be reached and thus war averted?

The Senate of the United States, it seems to me, with its great power, is now at the crossing of the ways. Either through a ratification of the pending treaties we will admit a willingness to meet in the endeavor to adjust possible difficulties with our neighbors, or we will go it alone. On the other hand, if because of some technicalities or doubts we place our stamp of disapproval upon this final effort mutually to face and adjust world problems, then we must realize that we assume a grave responsibility.

What further suggestion can any statesman offer for world cooperation? Our refusal, Mr. President, as I contemplate the situation, means isolation with all the selfishness and misunderstanding that such a policy must invite. I have never believed that our country should hold itself entirely aloof from all international concerns. I have never feared our ability to protect ourselves in diplomatic intercourse, or, if need be, in the resort to sterner measures. We can not face international problems as the country faced them a hundred years ago. We live in a different world to-day. The problems confronting the world are more interlocking; America is more powerful and potential; and the position of leadership in the world which she is destined to occupy can not be lightly or selfishly thrust aside. A disturbed and distracted world requires our sympathy and advice. We must not, we can not, refuse our aid.

Mr. BORAH. Mr. President, it is not my purpose to take advantage of my position in the Senate to say anything concerning Mr. Cravath that I would not say in a personal interview with him or in a personal discussion with him. I do want, however, to examine his statement in the light of the facts. He has sent a telegram to the Senator from Massachusetts [Mr. LODGE], in which he says:

> My attention has been called to a charge by Senator BORAH in the Senate—

I do not know what he means by "a charge." I made no charge at all. He made a charge, a most grave and serious one, and I read it. I read his statement and permitted it to speak for itself. The whole matter, therefore, turns upon the question of whether or not I was misled in quoting him.

Further, he says:

> I infer that the language attributed to me by Senator BORAH must be based on a paragraph from those minutes which attribute to me language which, to the best of my recollection, I did not use; but which, if used, was the language of informal discussion that did not accurately convey my meaning.

Of course, if that kind of a plea were made in court, the court would pronounce a judgment of guilty upon the man making it.

Mr. ROBINSON. That is not a great international lawyer making that kind of a statement?

Mr. BORAH. Now, this is the part to which I call attention:

> When these minutes were submitted to me I corrected them so as to convey my true meaning, and in their corrected form they were printed and circulated by the council on foreign relations.

Mr. President, I have the document which was printed and circulated by this body of which he is vice president, and I am going to read from this authorized and corrected statement, and I ask the Senate to follow me by reading what I read yesterday, and it will be found there is not a change of a word, not even of punctuation. If this represents Mr. Cravath's view, I take it; I accept it.

I read from a document which bears upon its cover:

> No. 29.
> Proceedings of the Council on Foreign Relations, Inc.
> Comments upon the Conference on the Limitation of Armaments and Far Eastern Questions.

On the inside page I read:

Conference of the Council on Foreign Relations, Inc.
Hotel Astor, New York City.
February 17, 1922.
Subject:
Comments Upon the Conference on the Limitation of Armaments and Far Eastern Questions.
Presiding: Hon. John W. Davis, former ambassador to England.
Speaker: Hon. Norman H. Davis, formerly Undersecretary of State.
Discussion led by Mr. Paul D. Cravath.
Officers and directors:
President, John W. Davis.
Vice president, Paul D. Cravath.
Secretary and treasurer, Edwin F. Gay.
[Directors:] Isaiah Bowman, A. C. Coolidge, Norman H. Davis, Stephen P. Duggan, John H. Finley, David F. Houston, Otto H. Kahn, Frank L. Polk, W. H. Shepherd, Paul M. Warburg, George W. Wickersham.
William C. Grace, general manager, 25 West Forty-third Street, New York City.

I did not purloin this document. It was given to me by a gentlemen who is a member of the corporation who was present that night when the discussion took place and who says that this is the discussion which did take place, and Mr. Cravath says it is not only the discussion but the corrected and printed and circulated discussion. I read:

Now, to my mind—

Says Mr. Cravath—

a very important part of the achievement of the Washington conference is not recorded at all in black and white in that treaty or in any of the other treaties that were negotiated. And that is the bringing about of what seems to be a sympathetic understanding between the United States and Great Britain regarding the Far East and Pacific questions generally. I quite agree that under the program produced by these treaties we have practically surrendered our naval position in the Pacific. I assume that without further fortifications in the Pacific and that with the fortifications and fleets as agreed upon we could not successfully compete with Japan in the Pacific alone, and certainly we could not compete with an Anglo-Japanese fleet in that region. On the other hand, and to my mind this is the much more encouraging statement based on the same facts, an Anglo-American fleet in the Pacific would dominate Japan, and it seems to me that we have substituted in place of the necessity for creating the greatest fleet the world has ever seen, with all the expense and temptations that involves, an understanding and basis for cooperation with Great Britain which gives these two powers the control of a combined fleet in the Pacific which will be large enough to dominate Japan and make her live up to the obligations she has assumed.

This is the correct statement, Mr. President.

Mr. Davis.—

Now, mind you, Mr. Davis asks for specific information. They were engaged in a joint debate.

Mr. Davis. I want to know if you are making that statement as a fact or is it just your own opinion of what would happen?

Mr. Cravath. I have been told by every member of the American delegation—

Corrected copy!—

and while I haven't been told by every member of the British delegation—

Notice the distinction—

I know definitely that the view is held by Mr. Balfour and I think by every other member of the British delegation, that the result of the Washington conference has been not a formal agreement by any means but an understanding, and such a degree of understanding, and such a basis of sympathy has been created between Great Britain and the United States, that both sides assume that in all future emergencies they can both count on having the very closest cooperation.

Mr. Davis. No; that isn't what I mean. What I mean is as to the agreements on fortifications and the agreement as to the naval ratio—do you mean to say that both fleets would dominate the Japanese fleet?

Mr. Cravath. Of course, I have no independent knowledge of that. I am not a naval expert, and have no independent opinion on that point, but I am informed that our technical advisers are satisfied that if the United States and Great Britain are on one side and Japan on the other, that the Anglo-American fleet and the entire Anglo-American naval position would dominate that of Japan in Japanese waters.

As I say—

Continuing Mr. Cravath's revised version—

I have no independent opinion of my own on that. I am simply repeating what I have been told in Washington, but, in all events, we are very much better off if I am right in assuming that underlying sympathy with Great Britain than we would have been with as large a fleet as the one that we have had in contemplation and on our building program, being opposed with the larger fleet that Japan would find herself physically able to build, and Great Britain being bound as a matter of course to keep pace with both. So, assuming that our theory of Anglo-American cooperation is well grounded, it does seem to me that our naval position, as against Japan, has been improved rather than weakened, and we have the great advantage in the reduction of our naval program and all that that means financially and otherwise.

Mr. President, if there is a change of a letter, a change of a word, a change of punctuation, I ask some Senator here who may have followed me to correct me when I say there was none.

Now I am going to bring forth another proof that that actually happened there, because Mr. Davis replied to it. On page 37 of this printed edition—this edition made after due reflection, after the great international lawyer had considered his words and the import of his words—I find this. Davis says:

Really, this whole business now strikes me as being worse after hearing your explanation than I thought it was in the beginning, because you say in substance that we really couldn't tackle Japan. We couldn't whip her alone. So we just decided that as Japan was wanting all these things out there and as she was preparing for war against us the only way to stop her was to surrender any claim or right that we might have there. Of course, you can stop any war that way. Give the party what it wants and it will quit fighting you. That is easy. No country is feel enough to keep on fighting if you will let her have what she wants without fighting for it. You go ahead to say "What have we done?" We have done a marvelous thing. We want to deal fairly with Japan, and all that, but at the same time we have gone ahead and formed a combination whereby we can crush her to pieces if she should refuse to do what is right—what we think is right. We have got so much force now that we can force her position. Now, that is not getting very near to the League of Nations.

Mr. Cravath had assured them in a former part of this debate that this was a step toward the League of Nations.

As much as I favor Anglo-American friendship—and I do most heartily—the very moment that England and America get together to bulldose the rest of the world they will destroy all their usefulness. They must respect the rights of the small nations just as much as anyone else. You don't seem to think that this is an alliance?

And then they went off on a discussion of the alliance.

Mr. President, whatever injustice I did Mr. Cravath, I did not misquote him. I permitted him to make his own case. I leave him to his own reflections.

I, assume, Mr. President, that when I stated yesterday that I read from the stenographic report, Mr. Cravath assumed that I did not have an edition, and he felt safe in the course he adopted to extricate himself.

He begins his speech in a way that leaves no doubt as to the verity of this report. He says:

I approach the discussion of these treaties very much from the point of view of Mr. Davis. Like him, I favored ratification of the treaty of Versailles—bad as I thought it to be. I favored our entering into the League of Nations—dangerous as article 10 and the obligations there imposed seemed to me to be.

And so forth.

Mr. President, I am only going to discuss one feature of the matter to-day, and that is as to whether I correctly quoted Mr. Cravath; but I want to insert in the RECORD the entire debate between Mr. Norman H. Davis, Paul D. Cravath, and the others who took part in it, who were Mr. Roland S. Morris, formerly a representative of this Government in China; Mr. C. G. Young, Mr. J. G. McDonald, Mr. H. S. Houston, Mr. Albert Rathbone, Mr. Sidney L. Gulick, Mr. Dawson, and Mr. Paul Fuller, jr., and the remarks of Mr. John W. Davis, as chairman. He says:

We are indeed fortunate to have the two gentlemen who will open the discussion for us, Mr. Davis and Mr. Paul D. Cravath. The evening belongs to them until they are ready to surrender it. I hope you will all take advantage of the opportunity when they are finished with their addresses, and you are at liberty to shoot at one or both speakers. If you don't care to have them as your target to shoot at, why then set up your own target and shoot at that. I now call on Mr. Norman H. Davis.

Mr. McCORMICK. Apparently the invitation still holds good.

Mr. BORAH. There is another feature of this, Mr. President, which I shall discuss later, and that is as to why this debate took place, why this was said, and why this pamphlet is being circulated in certain circles throughout the United States.

Mr. LODGE. Mr. President, I simply want to correct the Senator in one statement. Mr. Morris was our representative in Japan, not in China.

Mr. BORAH. I think that is correct.

I ask to have the entire debate inserted in the RECORD as part of my remarks, and printed in 8-point type.

There being no objection, the matter referred to was ordered to be printed in the RECORD in 8-point type, as follows:

CONFERENCE OF THE COUNCIL ON FOREIGN RELATIONS (INC.), HOTEL ASTOR, NEW YORK CITY, FEBRUARY 17, 1922.

SUBJECT: COMMENTS UPON THE CONFERENCE ON THE LIMITATION OF ARMAMENTS AND FAR EASTERN QUESTIONS.

[Officers and directors: President, John W. Davis; vice president, Paul D. Cravath; secretary and treasurer, Edwin F. Gay; Isaiah Bowman, A. C. Coolidge, Norman H. Davis, Stephen P. Duggan, John H. Finley, David F. Houston, Otto H. Kahn, Frank L. Polk, W. H. Shepherd, Paul M. Warburg, George W. Wickersham; William C. Grace, general manager, 25 West Forty-third Street, New York City.]

Hon. JOHN W. DAVIS (chairman). Gentlemen of the council, our topic for this evening is undoubtedly the most important of all topics as affecting the foreign relations of this country—the Washington conference and its effect on our foreign relations.

We are indeed fortunate to have the two gentlemen who will open the discussion for us, Mr. Davis and Mr. Paul D. Cravath. The evening belongs to them until they are ready to surrender it. I hope you will all take advantage of the opportunity when they are finished with their addresses, and you are at liberty to shoot at one or both speakers. If you don't care to have them

as your target to shoot at, why then set up your own target and shoot at that. I now call on Mr. Norman H. Davis.

Hon. NORMAN H. DAVIS. The achievements of the Conference on the Limitation of Armament and Far Eastern Questions have been of considerable importance. First among these was the revival of a state of mind by which attention was directed to the superior benefits of peace and cooperation over those of selfishness and strife.

It is of course easy to criticize the failures of the conference. It is easy to show that many important questions still pressing for a solution were not settled and that some of those heralded as happily disposed of may remain sources of future trouble. It is also easy to point out that in so far as any real progress was made, it was only by following in the footprints leading to the League of Nations and world-wide cooperation. Our national welfare is, however, too dependent upon the contribution we make to an improvement in international relationships to excuse a partisan, unintelligent, or emotional consideration of such a vital question. America and the world have suffered almost to the breaking point, partly as a result of the unfortunate controversies over the work of the Paris peace conference, because criticism of real or alleged defects in the treaty of Versailles were allowed to obscure and deprive us of the good and lasting achievements. We must accept and hold to the benefits secured at the Washington conference, but these may be lost if we fool ourselves into believing that all the necessary objectives have been reached and fail to press forward. It is therefore our duty to take stock and examine any defects and mistakes, not with a view of belittling the good results but for the purpose of correcting the defects or avoiding the mistakes in order to preserve our gains and strive for greater achievements.

The apparent rapid progress made at the outset in Washington raised undue expectations. It may be that we advanced too rapidly in some directions and not enough in others. Constructive improvement in international relations comes slowly, because it is regulated by the rapidity with which the respective nations are prepared to adopt enlightened policies. Each delegation at Washington was restricted by what it was thought the peoples acting through their Government would accept. In order to appraise the work of the conference it is therefore necessary not only to survey the principal questions which were causing friction and preventing a decrease in armament for which solutions were sought but first of all to review the state of national opinion as to the relevant matters involved and the circumstances under which the conference was called. We may then examine more in detail some of the questions in the agenda and consider to what extent the difficulties indicated have been removed; what, if any, false steps have been taken, and what further steps should be taken.

The war aroused a general public demand for measures which would prevent a recurrence of such a catastrophe and relieve the peoples of the burdens growing out of armaments. The first serious attempt to bring this about was through the creation of the League of Nations. With the realization that the problem must be dealt with as a whole; that nations would not reduce or discard their arms without some assurance that their rights and interests would be otherwise protected and secured, the League of Nations was formulated on a comprehensive plan which it was believed would attain this result. More than 50 nations, being convinced of the necessity for world conference and cooperation, joined the league. The United States refused to do so or to otherwise cooperate with those powers in reaching settlements which would restore confidence and facilitate a general world-wide reduction in armaments.

Our failure to do this militated against naval disarmament as well as recovery from the world-wide industrial depression. We could not safely throw up our arms without substituting for them protective agreements with the other powers, and obviously the League of Nations could not take steps for effective disarmament, one of its principal objectives, without the concurrence of the United States, the most powerful Nation. As a result we continued to increase our Navy, and England and Japan did likewise. I shall not attempt to state why we failed to enter the league. Suffice it to say, we took the opposite course. Embracing the fiction that we were not concerned with outside controversies, we spurned this opportunity for service and leadership.

As the tide of passion and prejudice which came in the aftermath of the war began to subside, our vision and higher qualities began to emerge, the myth of American isolation began to vanish, and the necessity for international cooperation became more apparent. As Europe's economic collapse spread to the United States as a result of her contracted purchasing power, it began to be seen and admitted that we were concerned in outside questions, at least in those of an economic character. Developments soon showed that Europe's failure to recover industrially was primarily due to political policies, actuated by fear or greed, which prevented a restoration of confidence and stability—the prerequisites to economic recovery—and to a failure to reduce armaments and taxes; and therefore that industry and commerce would not recover in advance of political security and the adoption of political policies which would set the economic forces free. In the Far East trouble and friction were increasing because of the efforts of certain powers to secure for themselves preferential economic and political advantages or controls detrimental to the rights and interests of other nations, as well as to those of the people directly concerned.

It became more apparent that if we were to protect our own economic structure we must change our course and do something definite to assist in the improvement of foreign political and economic conditions, which could be done only by working in concert with the other powers. We began to see how much loss and damage had been caused by our previous failure to realize these facts and to act accordingly; and how unfortunate it was that our participation in world affairs had become the source of such a bitter political controversy that it could not then be dealt with frankly on its merits.

I have held the belief that once the leaders of the present administration were confronted with the same facts and problems which confronted the last administration, and with the same solemn official responsibility for decision and action, they would reach substantially the same conclusions and see the wisdom of adopting the same true American course. My belief has been substantially confirmed, except as to our ratification of the treaty of Versailles and entrance into the League of Nations. Although some of the Republican Senators opposed in principle our entrance into the league, the large majority of these, including Senator Harding, professed to favor it in principle, but insisted upon reservations to rectify or remove certain alleged defects. Furthermore, 31 distinguished citizens, many of whom, including our present distinguished Secretary of State, were intellectual leaders in the Republican Party, had in an open letter on the eve of the election in 1920 expressed the firm conviction that the United States should ratify the treaty of Versailles and enter the League of Nations, and had assumed the solemn moral responsibility of assuring the American people that the election of Mr. Harding would insure our taking this wise course. We must assume that these views, under the circumstances in which they were given publicity, must have been reached after most earnest and well-matured consideration; and also that these 31 gentlemen still believe as we do that this would have been the wise and logical way to secure world-wide cooperation and to deal with disarmament; otherwise they surely long ago would have so informed the public who in such great numbers placed their faith in that assurance. It must be admitted, however, that the "irreconcilables," although in the minority, professed equal assurance that Mr. Harding, if elected, would keep us out of the league. Instead of clarifying issues, the 1920 elections confused them. The overwhelming Republican victory obtained by the temporary combination of groups holding most conflicting views gave to each of them an opportunity to claim approval from the people. Whatever may have been Mr. Harding's views as a candidate, as to which there is still a divergence of opinion, he did talk about a new association of nations without involvements, but did not as President show any inclination to enter the existing one, or to give any clear lead as to a possible new one. To make confusion worse, the public were not told nor could they see what course the administration proposed to take. As a result, the Senate virtually took control of our foreign relations.

Shortly after the present administration came into power, and before it had formulated or announced any definite policy in respect to the future relationship of the United States to world problems, it considered itself forced by a resolution of Congress to make a separate peace with Germany. It would seem, however, that this was in accord with the President's own ideas, since he as a Senator had voted for a similar resolution and after election had invited such action. Before negotiations for a separate treaty with Germany were concluded, the administration considered itself again forced to take another step, as a result of a congressional resolution, to call a conference for the limitation of armament.

Obviously the separate peace resolution and the disarmament resolution were attempts by Congress to respond to a public sentiment again becoming articulate, and to an increasing pressure for a solution of the disturbing world problems, in view of the fact that the administration was failing to act or point the way.

The President and the Secretary of State were evidently in possession of facts which convinced them of the inexpediency

and futility of attempting to bring about a limitation of armament without the concurrent settlement of other questions so intimately related to, if not the cause for, maintaining and increasing armaments. As a settlement of the various controversies relating to China and Siberia had more relation to naval armament, and as it was probably considered premature to tackle European questions, the scope of the proposed conference was enlarged but practically limited to far eastern questions, although conditions in Europe were causing more loss and trouble. There had not been so much controversy or fear over our becoming entangled in Asiatic controversies. Some minds functioned differently in respect to questions in Asia, 7,000 miles to the west of us, than in Europe, 3,000 miles to the east. Future developments may, it is hoped, enable a shortening of mental range, even to the extent of realizing that questions in Europe may have a most important relation to those in Asia and even the Pacific Ocean and to world peace.

I believe, as did those 31 gentlemen who signed the aforementioned letter, that our logical and safe course was to have entered the League of Nations, or, failing in that, the administration should at least have offered some other definite, comprehensive plan for world conference and cooperation. Having done neither, it was decided to tackle the problems piecemeal and to invite to a conference on the limitation of armament and far eastern questions eight members of the League of Nations, apparently with the object of thus securing a part of the desired objective. With the specter of the mangled treaty of Versailles hovering over them, and the uncertainty of what policies would meet with approval, our delegates embarked upon their course without a compass.

We may now review the far eastern questions included in the agenda of the conference which were to be taken up in connection with a limitation of naval armament and see to what extent they have been settled. Most of these relate to the so-called open door, a policy originally announced by the United States, which had by successive interpretations come to mean equal opportunity for all powers in trade and commerce in China and respect by all powers of the territorial and political integrity of China.

All of the powers represented at the conference had for 20 years officially professed to accept this policy, but it was being constantly violated. On account of more recent developments, the United States Government took the position that the principles embodied in this policy should also be applied to Siberia. Japan had been charged with the most serious disregard of these principles in Manchuria, Shantung, Siberia, and Sakhalin.

In 1915 Japan submitted her famous 21 demands, which in effect would have made Manchuria a Japanese Province. The Japanese delegates at Washington announced an intention not to press for acceptance by China of some of the most objectionable of these demands, but this question remains unsettled.

One of the most important questions to be settled was that relating to the Chinese Eastern Railway. This railway, which crosses Manchuria and connects at Manchouli with the Trans-Siberian Railway, belongs to Russia, through the nominal ownership of the Russo-Asiatic Bank, and ultimately reverts under certain conditions to China. On account of the vital necessity of this railway for commerce into Manchuria, Siberia, and Russia, the allied and associated powers, constituting themselves as trustees, took control during the war and appointed an interallied committee, headed by a distinguished American engineer, Mr. John F. Stevens. This committee has been operating the road in the interests of all concerned, pending its return to the owners. Successful operation was prevented, however, by a lack of proper cooperation and because the committee's control did not extend over the Usuri Railway, which is now in control of Japan and connects the Chinese Eastern with the terminus at Vladivostok, nor over its other outlet at Port Arthur, the terminus of the South Manchurian Railway, which is also under Japanese control. Without the removal of these obstacles it is evident that the operation could not prosper and that the open door would be a joke. No progress was made toward a settlement of this matter.

In Shantung Japan had by force taken over the ex-German interests, the right to which was claimed under secret treaties with the Allies. At the Paris conference the Japanese promised to get out, but did not fix a definite date. At the Washington conference this promise has been made good, in part or in full. It is too early to herald a complete and unconditional withdrawal in Shantung, but it is an excellent start. If, however, this withdrawal is to be made at the expense of a more secure hold on Manchuria, and especially on Siberia, it would be a costly one and will not help the situation.

In Siberia the United States has a considerable material interest as well as a moral obligation. For the purpose of extricating certain Czecho-Slovak troops in Siberia and for protecting military supplies at Vladivostok the United States agreed, in the summer of 1918, to the dispatch of allied troops under an arrangement which provided that the United States and Japan would send there a military expedition of an equal number of forces. Japan at once sent several times her quota. The Czecho-Slovak troops were embarked, and in 1920 the American troops were withdrawn. The Japanese forces, although reduced, have not been withdrawn. In spite of the fact that the Japanese Government in August, 1918, at the time of dispatching her troops to Siberia, made an official statement explaining the above object of the expedition and reaffirmed as the Japanese policy that of "respecting the territorial integrity of Russia and abstaining from all intervention in her internal affairs," and furthermore that upon the realization of that object the troops would be withdrawn, leaving "wholly unimpaired the sovereignty of Russia in all its phases, either political or military."

After the withdrawal of the American troops Japan took control of Vladivostok, which is the door to Manchuria and all of Siberia. Subsequently the Japanese troops occupied the northern half of the island of Sakhalin, which is held as a hostage until Japan receives from Russia satisfaction for certain alleged atrocities committed on the Russian mainland against Japanese troops. The original Japanese pledges have been recently renewed, but now those pledges are contingent upon settlements with Russia satisfactory to Japan, and upon a restoration of order in Siberia, which the Japanese occupation and activities make increasingly difficult. These vital questions remain unsettled, and unless and until they are settled we can not expect peace and stability in the Far East.

The controversy over the island of Yap was settled by our agreeing to Japan's claim for a mandate from the League of Nations over the island, subject to our right to land and operate cables there. It is to be presumed that the league will approve this because this island, which formerly belonged to Germany, is of vital importance for cable communication to the Far East, and can serve no other useful purpose.

The Anglo-Japanese alliance was one of the principal obstacles to a settlement of the far eastern differences as well as to naval disarmament. As long as the British were allied with the Japanese they could not act independently in the Far East and we could not consider the two navies separately. It must be admitted, however, that this alliance was not the sole obstacle to British support, because the British Government has not felt as we have the wisdom and justice of applying to Russia the same principles of nonviolation of political and territorial rights which have been professed in respect to China. There has been little, if any, opposition in England to a dismemberment of Russia, and apparently little support at the Washington conference of our views relating to Siberia. While the British realized the desirability of terminating the Anglo-Japanese alliance, they evidently did not consider it expedient to do so until they knew what our future naval and foreign policy was going to be. On the other hand, they were most desirous for a naval agreement, and equally as desirous as were we for a closer understanding and friendship between the peoples of the British Empire and the United States, which could not be had without the termination of this alliance. Japan had no desire to terminate it and was placed in a position to exact something in exchange.

The first step taken at the conference toward a settlement of the above questions was the proposal submitted by Secretary Hughes, to scrap certain battleships already constructed or in process of construction and for a period of years to limit further construction and to retain the status quo of certain fortified islands in the Pacific. This at once gave conclusive proof of our good faith and peaceful intentions and must have allayed any Japanese fears as to the hostile use of our fleet, because it was not made conditional upon Japan allaying our fear that she might continue her present activities in China and Siberia, of which we had heretofore complained. Besides stopping for at least a number of years the naval competition between England, Japan, and the United States, the naval treaty results in a division of naval spheres of influence. The United States is not permitted to increase fortifications at Guam and the Philippines, which in effect confines our naval operations to American waters. England, being permitted to increase her naval bases at Singapore, Australia, and New Zealand, may transfer a large part of her fleet there, which leaves the British and Japanese fleets in control of the Far East.

Subsequently the nine-power treaty was negotiated, which specifies so clearly the principles by which the powers are to be guided in the maintenance of Chinese integrity. This is probably the most promising agreement reached at the conference. It is unfortunate that provision was not made for canceling

existing treaties (secret and public) made in violation of these principles and for a supervising organization or board with power to apply those principles rather than to report their findings to the respective Governments, but it is, after all, a fortunate beginning. It is also unfortunate that the spirit of the treaty has already been violated by the refusal to permit China now to levy import duties of more than 5 per cent, especially when other powers levy as high as 200 per cent on certain Chinese goods. This is unfair and unwise, but China came out of the conference with much more than she went in with.

The next step taken to compose the difficulties in the Far East, including ostensibly the abrogation of the Anglo-Japanese alliance, was the four-power treaty between England, France, Japan, and the United States relating to the islands in the Pacific Ocean. It is more difficult to understand why this step was taken and why it was considered necessary. As the Anglo-Japanese alliance was the principal obstacle to an agreement for the limitation of naval armament, it would have been most logical and natural for our naval proposals to be made contingent upon the cancellation of this alliance, which England and Japan most surely would have welcomed and accepted had they been given the opportunity and alternative.

The Anglo-Japanese alliance covered specifically China and India and in effect provided most definitely for the maintenance of the open door, equal opportunities for all nations, and the territorial and political integrity of China. If we were to sign any treaty in substitution of the Anglo-Japanese alliance, it should have been the naval treaty or even the nine-power treaty on Chinese integrity, which is in complete harmony with the preamble of the Anglo-Japanese alliance, and which should have been made applicable to Siberia as well as to China. Why cover a new portion of the world, unless it were to switch from land to sea in order to baptize us into the system of alliances? Could it be that in exchange for the intangible security to Australia and New Zealand, provided for under the Anglo-Japanese alliance, the British preferred a more tangible security from Japan and the United States, or was it to assure Japan that we would not interfere by force in her activities of which we have heretofore complained?

There exists some fear that we may be morally obligated under this treaty to use force. Senator LODGE has explained that no such obligation exists, but, in so far as I know, he has not made clear just what our obligation is not to use force. It seems to me that we are obligated not to use force without first attempting in conference to adjust any controversy in the Pacific. If a controversy should arise over the failure of one of the powers to keep its pledges in respect to China or Siberia, it is not quite so clear what our rights or duties would be under this treaty. As this and the naval treaty are not in any way conditional upon the observance of those pledges, it would seem that we are in effect estopped from using force in case of nonobservance. It would seem, therefore, that our delegates determined we would not in any event resort to force to secure our rights and interests in the Far East or that they can be properly safeguarded without it. Evidently the principal objective was to relieve all suspicion and tension in the Far East, and the remedy given was for the United States to relieve the tensions by the unconditional withdrawal of the pressure. The wisdom of this depends upon future developments and the extent to which moral force and pressure can be applied. There is undoubtedly an overwhelming demand that international disputes be settled without resort to war. I am a firm advocate of this and also of disarmament, but I am convinced that wars can not be prevented merely by discarding obsolete instruments of war. The cessation of naval competition is a wise economic move and also has a tendency to dispel fear and suspicion, but it will not prevent war. The only possible way to prevent wars is to establish some world-wide effective machinery for securing justice and respect for rights without the necessity of resorting to force except in so far as it may be required to support the machinery of justice. Unless and until the United States forms a part of such machinery, which shall include all of the powers, large and small, I am doubtful of the efficacy or wisdom of surrendering our inalienable sovereign right to use force.

President Harding stated in his message to the Senate that the four-power treaty contains "no commitment to armed force, no alliance, no written or moral obligation to join in defense, no expressed or implied commitment to arrive at agreement except in accordance with your constitutional methods." I do not understand what he means by arriving at agreement in accordance with our constitutional methods. Apparently we are committed beforehand in this treaty to a method of adjusting differences between the parties to the treaty, and in case of aggressive action by an outside power to confer and decide what to do about it. This must mean something, because, as President Harding says, "it is easy to believe, however, that such a conference of the four powers is a moral warning that an aggressive nation, giving affront to the four great powers ready to focus world opinion on a given controversy, would be embarking on a hazardous enterprise." It, of course, might be unnecessary for these powers to join armed forces to deprive other nations of their rights, but what aggressive nation have they in mind? It is conceivable that China and Russia might some day become aggressive in order to recover their territorial and political integrity, to which the United States has contended they are entitled. Surely we would not want "to focus world opinion" against them or to increase the hazard of such an enterprise by having our hands tied with those who have provoked the aggression.

The explanation for the four-power treaty may be that it was considered a most innocuous way to get rid of the Anglo-Japanese alliance in so much as it means nothing more than to confer. If that is so, is it a wise practice for nations to sign treaties that mean nothing? Will not one nation think it means more than another does, and thus cause misunderstanding?

According to an Associated Press dispatch from Tokyo dated January 31, Baron Uchida, Japanese Minister of Foreign Affairs, in replying to interpellations in the House of Peers, stated, in substance, that "the four-power treaty was not intended to abrogate the Anglo-Japanese alliance, but rather to widen and extend it." It would seem that instead of getting rid of this alliance we have entered it, widened, enlarged it, and changed or expanded the territory covered by it.

This new pact has been praised for its shortness and simplicity. Will the Chinese and Russian peoples feel that it is so simple, innocuous, and meaningless? Is it not very probable they may conclude that we have abandoned our independence of action and traditional friendship for them by entering into a pact with their oppressors? Will not this diminish our prestige and moral influence in the Far East and dishearten the peoples of China and Russia in their struggle to maintain their independence pending the working out of their salvation and the establishment of effective governments?

The powerful influence of America has been due in great measure to our impartial advocacy of justice for all nations and our freedom from alliances with one or more nations which would ignore the rights and claims or even arouse the suspicions of other nations. The hope for peace rests not in this four-power pact, but, if anywhere, in the will of the Japanese people for cooperation and peace and their ability to reverse the imperialistic policy initiated by the militaristic party. Fortunately, there appears now to be a growing public sentiment in Japan against her former aggressive policies and a growing realization that it is, from every standpoint, to the interests of Japan to cooperate with the other powers in applying the open-door principles to Siberia and China. There is no difference in principle between the two territories and nationalities; justice, future peace, and stability can not be served by one or more powers taking advantage of unfortunate political conditions in Russia any more than by doing so in China.

Would it not have been well to incorporate this in a treaty? There should have been no objection if the Japanese pledges to abstain from all intervention in the internal affairs of Russia in Siberia and to retire from there are to be complied with in good faith. This would have strengthened the liberal elements in Japan who advocate her withdrawal from Siberia.

If the military party maintains control of Japan and continues its past policy in respect to Manchuria, Siberia, and Sakhalin, the four-power treaty as it now stands may simply tie our hands, protect the Japanese rear, and encourage that party to proceed all the more vigorously with the aggressive policies on the Asiatic mainland. Although these policies were in clear violation of the Anglo-Japanese alliance, the practical effect of that alliance was to assist instead of deter Japan. Now that Japan has refused to evacuate Siberia or to do more than repeat her former pledges to get out after conditions improve to her satisfaction, and the other powers have failed to protest officially against the Japanese actions, was it wise, logical, or necessary for us to bind ourselves unconditionally?

Our liberal and reasonable proposal for a naval holiday created an unusual atmosphere of good will and confidence, which should have facilitated a settlement of the other equally if not more important questions for which the conference was likewise called, particularly those relating to Manchuria, the Chinese Eastern Railway, Siberia, and Sakhalin. After we had agreed to stop naval competition and to enter the four-power pact there was not so much interest shown in settling the other questions,

The treaty on Chinese integrity was signed, but all that was done toward a world-wide reduction of land armaments was to pass a resolution recommending that the Chinese armies be reduced while foreign troops are on her soil. Afterwards some good resolutions were passed and agreements reached condemning the use of poisonous gas and outlawing the use of submarines against merchantmen, but it was impossible to agree upon a definition of a merchantman. Because of the limited number of powers represented, these agreed principles could not be embodied in international law, but they may help formulate and enlist the support of public opinion for future action in a world conference.

While the Japanese Government may have been more determined to hold on to Siberia and Manchuria than we were inclined to try to force them out, I am convinced that Japan was just as anxious to avoid trouble as we were, and that it could have been avoided. Japan knew any possible conflict with us could be easily avoided by a frank compliance with her pledges, but instead she secured from us a pledge of good behavior in the Pacific without giving a reciprocal assurance to cease doing on the Asiatic mainland the very things we have objected to as being unjust and hazardous to peace in the Far East.

Japan owns the southern half of the island of Sakhalin and claims, through occupation, some sort of an interest in the northern half. Would an attempt by Russia to recover control there threaten Japanese interests? Suppose Russia should find it necessary to land troops on the southern half in order to recover possession of her northern half. In that case what would be our obligation or position?

All differences of opinion as to whether or not the Japanese homeland was one of the islands included in the four-power treaty have been cleared up. This never seemed so important to me. The unanswered question in my mind is why was the four-power treaty negotiated and where will it lead us? Certainly it can not remain static. No treaty or alliance does. Few alliances have done what they were intended to do. Is this treaty an alliance, or is it merely an agreement to confer before going to war? If it is an alliance, against whom is it directed? It provides that a conference will be held to adjust any differences arising between the parties to this treaty, but also to determine what to do in case of aggressive or disturbing action in the Pacific by some other power not a party to the treaty. Apparently in the latter case it would automatically develop into an alliance against other powers. If it is not an alliance against other powers, but is merely an agreement to confer in order to prevent trouble among themselves or with any outside power or to settle amicably questions which concern other nations, would it not be logical to widen its scope and to fulfill that purpose by permitting any nation which may now or hereafter have an interest in the Pacific Ocean to become a party to the treaty and to attend the conferences which may be held to consider and settle such questions? That would accord with American ideals of right and justice.

There would be no impartial conference unless all of the powers which may be concerned are permitted to attend and confer as equals over any questions that may arise. Certainly Holland, Portugal, China, and Russia—when there is a recognized Russian Government—all of whom have vital interests in the Pacific, should be parties to this treaty, and why should Italy have been left out? Italy has no island or mandate in the Pacific, but she might under certain conditions be adversely affected by this pact. She supported probably more than any other power at the conference the American views, and it can not but cause some regret in Italy that she was not considered of enough importance to be asked to join in this with the other powers with which she has been associated in war and post-war activities. If a war should come between France and Italy, the latter might have a vital interest in the Pacific, if for no other reason than that of protecting her mercantile marine. If it is not an alliance, there should be no objection to bringing all of these powers in; and if it is an alliance the American people ought to know it and have an opportunity to decide whether or not they want us to adopt the European system of alliances. While there may be a difference of opinion as to the mandate of the American people to enter or stay out of the league, no one claims that they have ever given a mandate to enter an exclusive alliance.

It is difficult to see what objection there could be to inviting all of the nations to join this pact. The answer to this may be that the nations who are to-day members of the League of Nations would be entering into a superfluous agreement because they have already agreed to confer, not only on all questions arising in the Pacific but in any other portion of the world. England, France, and Japan in signing this treaty have of course agreed to nothing whatever except that for which they were already bound as members of the League of Nations, unless it be that it is an alliance meaning more than its advocates contend and that article 2 of the four-power treaty is more binding upon them than article 10 of the covenant of the League of Nations.

Many of the islands in the Pacific, the title and possession of which are in effect guaranteed by us and the other parties to this four-power treaty, are trust estates over which the League of Nations exercises jurisdiction. England, France, and Japan, as members of the League of Nations, are obligated to file this treaty with the league before it is binding on them. Was it advisable for us without even a request from the league to give this guaranty? If we wish to assist the league, is that the best way to do it?

Statesmen have been particularly concerned about two outstanding situations which were disturbing the economic and political equilibrium of the world. I refer to conditions in Europe and the Far East, which have been created more particularly by the state of mind and political policies of two nations, France and Japan, respectively. As heretofore indicated, the difficulties in the Far East which the Washington conference endeavored to solve were due primarily to Japanese activities, to which other nations, and especially the United States, were opposed, and to the fear on the part of Japan that force might be employed to stop them. The situation referred to in Europe has grown out of the war. The principal obstacle to a restoration of confidence and stability, as well as to a reduction in armies, is due to the French policy of taking measures to secure dominance in Europe and so prevent another invasion by Germany. The settlements in the Far East may all be upset unless Europe is straightened out. It is apparent that without some measure of assurance against aggression France can not be persuaded to disarm and contribute her share toward the restoration of Europe's equilibrium. We refuse to give any guaranty to France, or, better still, to enter the League of Nations, and make it such a factor that France would not require further assurance, but we have asked France to join with us in the four-power treaty to guarantee peace in the Pacific and tranquillity to Japan.

In so far as concerns the participation of any one nation in international affairs, there have been up to now only three distinct policies advocated or followed:

First. That of so-called isolation; the refusal to enter into offensive or defensive alliances or to act in concert with the other powers for the settlement of international controversies.

Second. The European system of alliances, or so-called "balance of power." This means agreements between certain groups of nations to act in concert, usually against certain other groups of powers.

Third. Cooperation between all of the powers.

The policy of isolation has under modern conditions become impossible and has now been definitely discarded by the present administration.

In spite of the fact that Europe is strewn with wrecks caused by alliances, wrecks which a "balance of power" has not prevented, there are still those who cling to this forlorn hope. While the alliances, composed of a certain group of powers, have always been alleged as defensive, they are primarily intended to prevent other powers, composing another group, from interfering with alleged rights and interests. Controversial questions between the respective groups are not thus composed. The result has been ex parte arrangements and continued misunderstandings, which have resulted ultimately in armed conflict. While we must admit that through this system the recurrence of war may have been retarded, yet when a war has come it has been impossible to localize it, because so many powers are involved that it becomes a world war.

The third policy of cooperation is based upon the recognition of the failure of the two former policies. The first practical attempt to adopt this latter plan was through the creation of the League of Nations, one of the principal objects of which was to disentangle alliances by bringing all the powers together in an agreement to settle their controversies by peaceful adjustments rather than by force. This was also the first serious attempt made to bring the nations together to work in concert purely and solely in the interests of peace and equity.

I believe in the plan for universal conference and cooperation because the world has become too interdependent to function harmoniously without it, and because it is the only method offered whereby we may cooperate without becoming entangled by alliances.

I also believe in it because of the practical possibilities which it offers, because there would seem to be no harm in trying it, and because it certainly could not play any more havoc than has the system of alliances.

If there were some other means whereby alliances could be done away with and prevented, there would not be so much necessity for an association of nations. But how can this be accomplished unless all of the nations enter into an agreement to that effect and substitute more enlightened methods for adjusting differences and preventing conflicts?

America's first actual contact with the old system of alliances was when it brought us into the World War. Our second contact was with the Anglo-Japanese alliance, which we found to be quite an obstacle to just and peaceful settlements in the Far East. It is, therefore, well for us to know now whether we are rid of this obstruction or have increased its size by becoming a part of it. Alliances or special agreements between certain groups of nations arouse suspicions and militate against cooperation. The existence of the Anglo-Japanese alliance made it difficult to fix a naval ratio. It is equally certain that any subsequent alliance between one of the powers parties to the new naval treaty will upset the respective ratio of naval strength now fixed. It would therefore have been wise to prohibit any party to the treaty from making an alliance or agreement with one or more of the other members, which, since such an agreement would upset the ratio fixed, might ultimately involve joint naval action against any one of the other parties to the treaty.

It is presumed that those who have negotiated the various agreements in Washington will make very clear to us just which of the three above-mentioned plans they propose to follow. If the steps taken with a view to maintaining harmony in the Pacific Ocean and the Far East are part of a general plan to eliminate conflict in other portions of the world, it is difficult to form an intelligent opinion regarding one phase of a comprehensive plan without knowing what the entire plan is and how it will be applied to other regions of the world. If an attempt is to be made to segregate the world's problems into different compartments, would it not be well to know just what relation one compartment is to have to another? If the Far East is to be put in one compartment, the Near East in one, Europe in another, and South America in another, will it not be necessary to define how the relations between different compartments are to be maintained? How many of these groups are we going to join? Is any other power to be in them all? If a nation joins more than one, to what extent will it be a free agent and to which group will it owe most allegiance?

Surely this last war has taught us that conflicts which seem purely local and of little interest to the outside world may spread until they involve all of the powers. It is now generally admitted that some sort of international cooperation is necessary. The world has become too interdependent and interrelated to deal with its problems in separate compartments. What happens in one section affects another, and there can be no appreciable advance toward peace and prosperity until the problems are dealt with as a whole.

This last war, which involved the whole world, including the United States, grew out of issues primarily European, with which we were not supposed to be at all concerned. After that experience how is it possible to believe that questions in the Pacific Ocean merely concern the United States, Japan, England, and France?

It may be argued that this four-power treaty would be different from former or other existing alliances. That, it seems, is difficult to substantiate by existing facts. It had about the same kind of birth. The moral rights of other nations equally interested in the Pacific were ignored at the outset by not being invited to join it. Any alliance composed of powerful nations which ignores or violates the rights and claims of weaker nations would be repugnant to the fundamental and historical American principles of freedom, equality, and justice. Alliances or special agreements between a certain group of nations either originate from moral or material objectives not in harmony with those of other nations or inevitably develop conflicting objectives.

We have learned by experience that even a so-called diplomatic agreement between two powers relating to a particular question or territory results almost invariably in their acting in concert on questions outside the scope of their agreement.

America's moral influence has been due in great part to our freedom from agreements or associations with one or more powers which would commit or even influence us to act impartially against one or more other powers. If we enter the four-power pact, it will be the first time in our history that we will have entered an exclusive agreement of such a character. That, of course, is not in itself an argument against it, but should be sufficient to make us consider it very carefully.

An agreement between the four powers to respect their rights in relation to their insular possessions and dominions in the region of the Pacific Ocean and to confer on any controversy arising between any of them in respect thereto with a view of adjustment is not an alliance or objectionable. Article 2 of that pact is what creates the alliance or exclusive diplomatic agreement by providing that in case the said rights are threatened by the aggressive action of any other power, these four powers shall confer with one another "in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation."

I am not contending that we are legally bound to do more than that, but I do contend that if it is the intention of the four powers to respect equally the rights and interests of all other powers in the regions of the Pacific Ocean those other powers should be parties to this treaty and be permitted to present their point of view on any questions that may arise and which may be of equal concern to them. Even if their rights should be scrupulously respected, their mere exclusion from this treaty and from the conferences over questions which affect their rights will inevitably cause suspicion and tend to create another group of powers to counterbalance the big four. Nine nations were asked to join in the treaty on Chinese integrity, and I can not understand why these same nations were not asked to join the four-power treaty, because whatever happens in the Pacific Ocean may be of great concern to China and also to those powers which were sufficiently interested in the welfare of China to undertake to safeguard it.

Some of my friends have, in spite of misgivings about this alliance, expressed the hope that it will, with the other agreements, ultimately lead us into the League of Nations or some similar association for world-wide cooperation. Some of them also advance the argument that since we made the mistake of not ratifying the treaty of Versailles we ought to take without question whatever is offered now, even if it is objectionable, and hope in time to improve it, because we can not afford again to repudiate the signatures of our plenipotentiaries. I regret that I can not share their optimism, because I have become convinced that the four-power pact as it now stands may not only jeopardize other agreements but that it will lead us in the opposite direction and into the European system of alliances, which will make it more difficult if not impossible thereafter to retrace our steps.

In view of our failure to ratify the treaty of Versailles, even with conditions, it is regrettable that any reservation should be deemed necessary to any of the treaties negotiated at the Washington conference. While it appears to me that the four-power pact was unnecessary and inadvisable, it has been negotiated and signed, and its complete rejection would have a very bad effect. It would therefore seem advisable to approve and ratify it subject to a provision which would clarify the doubts and eliminate the fundamental objections above indicated and thus bring it more into harmony with the letter and spirit of the other treaties negotiated as well as with American principles and practices.

The most serious doubts and objections to this treaty could be eliminated by a simple provision to the effect that any and all powers which may have an interest in the regions of the Pacific Ocean shall be invited to become a party to the treaty and to attend all conferences relative to questions arising there; that its maintenance shall be contingent upon the due and faithful adherence by each party to the principles embodied in the treaty on Chinese integrity and applied also to Siberia; and that the creation of any treaty, alliance, or diplomatic agreement in future between any two or more signatories to this treaty, to which the other signatory powers are not parties, which would tend to create a special community of interest, shall be cause for these omitted to reconsider or renounce this four-power treaty.

It is difficult to see how any one of these powers could have or raise any valid objection to this, because it will not affect them if they comply with the letter and spirit of their existing agreements and professed policies.

Unless the dangers indicated are avoided and unless we get started on the right course now we may soon find ourselves entangled in a chain of alliances covering different parts of the globe; the four-power treaty of alliance in the Pacific; the Anglo-French alliance, the Anglo-Belgian alliance, and the Franco-Belgian alliance against Germany; the Franco-Polish alliance against Germany; possibly a Franco-Rumanian-Hungarian alliance; a Balkan alliance; and then a German-Russian alliance. When all of these alliances get to working for the peace of the world we may well imagine how beautiful are the future prospects for peace.

Mr. PAUL D. CRAVATH. Mr. Chairman and gentlemen of the council, I approach the discussion of these treaties very much

from the point of view of Mr. Davis. Like him, I favored ratification of the treaty of Versailles, bad as I thought it to be. I favored our entering into the League of Nations, dangerous as article 10 and the obligations there imposed seemed to me to be. I agree with Mr. Davis in hoping that we shall never return to the old system of alliances. I was one of the 31 signers of the proclamation of President Harding. I am as sincerely anxious as Mr. Davis may be that we shall work toward ultimate participation in the present league or some other league for universal international cooperation to prevent war and promote peace.

As far as I can see, the only difference between Mr. Davis and myself at the beginning is that he is a Wilson Democrat and I am a Harding Republican. That may be all the difference in the world, as far as I know.

But, before discussing the details of these treaties, there is one preliminary observation to which I attach very great importance. One of the chief arguments that influenced me in advocating our acceptance of the treaty of Versailles and the League of Nations, in spite of all the objections that I saw, was this: It seemed to me that it would be a disgrace to our country if a treaty negotiated by our President in the greatest international conference ever held, at the end of the greatest war the world had ever seen, would not be accepted by the United States Senate, and in spite of all the objections to it I think it was an eternal disgrace to this country that the treaty was rejected. For the same reason, it seems to me that unless the objections to these treaties are absolutely overwhelming, it will be another disgrace, a crowning disgrace, if the Senate should fail to ratify this series of treaties, or any of them, which were negotiated not by a President representing one party but a commission comprising our Secretary of State, our leading constitutional lawyer, and the leaders in the Senate of both parties.

Assuming that all the criticisms that Mr. Davis has made of these treaties are sound; assuming that many of us think that we would have done better if we had been members of the commission at Washington—as many of us thought we could have done better if we had been in Mr. Wilson's place at Paris—nevertheless, it seems to me that in the absence of what I call overwhelming objections, we should advocate the ratification of these treaties, because it seems to me that if now the Senate should reject any one of these treaties our second failure to back up the conclusions reached by our authorized representatives would justly deprive us of the confidence of the world and would convince them that we are not qualified to effectively take part in international relationships.

That argument, gentlemen, to my mind is conclusive of the wisdom of the ratification of these treaties without material reservations, unless the objections are overwhelming, which they seem to me not to be.

I have not given the treaties such careful study as Mr. Davis has, nor do I approach the discussion of these treaties or any one of them with anything like his knowledge of the conditions which led up to the negotiations of the treaties. And yet, at the very outset, we must consider one aspect of the situation. There is a rule of law which is very familiar to us lawyers that in discussing a remedial statute, we must first satisfy ourselves as to the mischief, as to the evils which the statute is sought to correct. Of course, that rule applies to the discussion of this group of treaties which are clearly remedial treaties. They were made to meet the existing situation fraught with peril.

Now, what were the evils with which the negotiators of these treaties dealt? In the first place, at the close of the greatest war in history, this country was entering upon a career of naval expansion which was bound to lead it to enormous expenditures and the absorption of a very substantial amount of our man power, and also—as is very natural and as has been the case all throughout history—was bound to create the temptation that a great army and a great navy always creates—to use that army or navy by having a war with somebody. And so there was a strong popular feeling in favor of some program which would result in the radical curtailment of this gigantic program of naval expansion.

In the second place, and as the cause, the provocation of this great naval program, was the threatening attitude of Japan. Now, in this connection I want to say, and I do not think it is any secret, that the average well-informed man realizes how serious the threatening attitude of Japan was prior to the Washington conference. I happen to have received, to some extent here and to some extent during my visit abroad last summer, a good deal of interesting information bearing upon that subject. There can be no doubt that Japan was feverishly entering upon a career of radical military and naval expansion; that she was taxing her people as no people had ever been taxed before for war purposes for the enlargement of her army and the rapid increase of her navy.

There is no doubt at all that she was placing orders all over the civilized world for munitions and arms. There is no doubt in my mind that she was definitely organizing to take the attitude that she was aspiring to take in China and Manchuria and Siberia, snapping her fingers at the world and saying: "We have a great navy. We are masters of the Pacific. We have the greatest army, in fact the only army in the Pacific, and what will the rest of the world do about it?" I am convinced, I say, that that was Japan's attitude and that was Japan's plan, and I think the conviction that I express was the conviction held at Washington and the various chancelleries of Europe. Last summer I talked with a number of enlightened observers, both in England and France, and with but very few exceptions they expressed that conviction. Of course, this was before the Washington conference was called, but that was the official and almost universal view abroad, and that unless something was done to avert the disaster war between the United States and Japan in a comparatively short time, in the comparatively near future, was inevitable; their theory being that there was a sharp clash between the two countries in commercial interests, and the wholesale preparation for the emergency on the part of Japan, which have heretofore inevitably produced the conditions which have led to war sooner or later.

And then, as a minor question was that presented by the Anglo-Japanese alliance. Great Britain was not overenthusiastic about the alliance, but she honestly hesitated to denounce it for two reasons. The first of these reasons was that she felt that inasmuch as Japan had technically, at least, done her part as ally of Great Britain in the World War, it would be an ungracious and ungentlemanly act on the part of Great Britain to denounce that treaty the moment her service had been completed. And in the second place, official opinion and popular opinion in Australia was very strongly against the denunciation of the treaty.

These were the problems that confronted this Government when the Washington conference was called. The Washington conference was not primarily a conference to bring about naval disarmament. That was an incident. That was a side show. The primary purpose of the Washington conference was to make such a disposition of the problems of the Far East, and more particularly of Japan's program which threatened the peace of the world, and more specially threatened war between this country and Japan, that the danger of war would be reduced to a minimum, and for that reason a radical program for the reduction of naval armament would be possible. That was the primary purpose of the Washington conference.

Now, let us see, bearing these evils in mind, and having the purpose of the Washington conference in front of us, what was accomplished? What has been the actual, concrete result of the Washington conference?

I want to say at the outset that I believe that my good friend Davis is wrong in saying that under the Harding administration the Senate has taken the initiative in respect of our foreign policy—in shaping our foreign relationships. As a matter of fact, I think the contrary is true. I think that Mr. Harding and Mr. Hughes have taken the initiative and have kept it, and on the whole I think that they have pursued a wise course and an effective course, considering—as they have had to consider—the state of mind in the Senate. It is perfectly manifest to me—and I don't believe that there is any secret about it—that the policy of Mr. Harding and the policy of Mr. Hughes has been to avoid a row with the Senate which might have resulted in the early days of the Harding administration in some adverse vote which would have entirely shipwrecked the ambitions of the administration for bettering our international position. The aim has been to go slowly, step by step, and let events force us to make the final and most important decisions. In the international position it was the ambition of Mr. Hughes, at least, that we should be closely identified with European affairs, and this was taken up by Mr. Harding and it finally resulted in Mr. Harvey's position on the supreme council, and having Mr. Boyden an unofficial member of the Reparation Commission. It was undoubtedly the ambition—and here again I believe I am saying something which is an open secret—of the Harding administration not to have a separate peace with Germany. They came to almost an open breach with the Senate over that issue, but they were finally compelled to abandon their ambition for the acceptance of the treaty of Versailles with radical reservations. They were convinced that such a treaty would not be accepted by the Senate, and they thereupon initiated a separate treaty with Germany that did not differ in its effects radically from the action originally contemplated

of accepting the treaty of Versailles. And much to their surprise that separate treaty was accepted practically without any unfavorable comment in France and Italy. Even the trouble that was feared in Germany in this respect did not appear, and on the whole I believe that the administration accomplished a real achievement in putting through that separate treaty of peace with Germany in the way it did.

Then came the Washington conference. My own feeling is that the result of the Washington conference—while not altogether satisfactory; while open to many of the criticisms that Mr. Davis has just pointed out, though not all that he has made, as I shall try to point out in a few minutes—was, on the whole, a very brilliant diplomatic victory for the United States, considering the difficulties that confronted the commission.

And here I want to use in defense of these treaties and in defense of our delegation that negotiated these treaties, the same arguments that Mr. Davis used, that I used, and that most of us used in defending the treaty of Versailles. This is not an ideal treaty. It is rather a bad treaty in many of its provisions. But it is the best treaty that could have been worked out in view of the difficulties that confronted our commission. Mr. Hughes and his associates had great difficulties to contend with. I know that. You know that. We all know it. But I am using the same argument that Mr. Davis used frequently with very great effect in defense of the Versailles treaty. And so what I say is that these treaties, although not free from objections—but open, I think, to very less serious objections than were made to the treaty of Versailles and Mr. Wilson's League of Nations—were probably the best treaties that could have been negotiated by our very able bipartisan delegation under the circumstances in view of the difficulties that confronted them. I think that we should consider them from that point of view, and I think that you will concede that they did accomplish a great deal. We must agree that they did consummate for a period of 10 years at least a very radical program for the reduction of naval armaments, which was more than we were justified in hoping for at the beginning of the conference. If that program stands, if that program is carried through, this country will probably save two hundred and fifty or three hundred million dollars a year in naval expenditures, and will also be saved from the fearful temptations that are involved in having the biggest navy in the world and the biggest that the world had ever seen. God knows what would not be the dangers of our being in that position. We have avoided that, and that is a very great achievement.

And, of course, as is undoubtedly well known to you all, we did get rid of the Anglo-Japanese alliance, and that, you must agree, is a very desirable achievement.

Now, as to China. I think that we are all agreed that the more serious difficulties in the Far East grew out of the treatment of China, and it was our sympathy for China, conflicting with Japan's ambitions in China, that created the most serious problems. I won't take time to analyze—and I couldn't do it intelligently—the treatment of China under the nine-power treaty, but I will say this: Three or four weeks ago when I was in Washington I was told by observers, participants in the conference, that the Chinese delegation were very exacting. They had proven to be very difficult to handle, and it seemed very doubtful if they could be at all satisfied. Now, I have not only read in the newspapers that the Chinese delegation are satisfied with the provision made for China in the nine-power treaty, but I happened to meet Mr. Root yesterday, and he said that the Chinese delegation were going home not only satisfied but happy over the treatment of China in the nine-power treaty. Japan has certainly accepted in respect not only of China but in a less definite form in respect of Siberia, the basic principles for which we have contended. So far as China herself is concerned, those basic principles have not only been accepted in a general way but they have been accepted in considerable detail in the nine-power treaty and included in that treaty, and to such an extent has this been done that, as I have just said, the Chinese themselves, difficult and exacting as they were, seem to be satisfied that China had been fairly treated, all things considered.

And I want to say this: I join the regret of Mr. Davis that a definite agreement was not reached with respect to Siberia. I assume that Manchuria is covered by the nine-power treaty. Is that right or isn't that so?

Hon. ROLAND S. MORRIS. Only in part.

Mr. CRAVATH. Isn't Manchuria a part of China and treated as such in the treaty?

Mr. MORRIS. That's just the point. The dominant feature about that is the treatment of the railroad there.

Mr. CRAVATH. I should assume that whatever provision is made for China includes Manchuria as a matter of course. I am frank to say that I have no definite knowledge on that point.

Hon. NORMAN H. DAVIS. Manchuria is partly under the control of China, but that part of it which includes the Eastern Siberian Railroad——

Mr. MORRIS. Of course, that is not under the control of China.

Mr. CRAVATH. I can hardly conceive that the strip of land on either side of the railroad should be considered as excluded from China for the purpose of the application of the nine-power treaty. My understanding is that the Chinese themselves consider that the nine-power treaty does apply to the Chinese Eastern Railroad.

Mr. MORRIS. Well, there certainly is no claim on their part that the treaty and the principles that have been adopted by the Washington conference did not apply to the Chinese Eastern Railroad.

Mr. DAVIS. At the conference they brought up the point of secret treaties relating to China for this very purpose. We don't know the exact status of China with reference to the Chinese Eastern Railroad and thousands of other phases of the situation, and the intention was to bring up these secret treaties and air them so as to be in a position to make the nine-power treaty really effective, but they couldn't get anywhere on that.

We don't know how many hundreds of secret treaties exist with respect to China. There's the situation, and what was done about that?

Mr. CRAVATH. Well, at all events, none of us claim that the treatment of Siberia and the railroads in Manchuria under the control of Japan is all that we like it to be. But again, while we have not arrived at perfection, I think you must admit that we have made progress, and we probably achieved all that could have been achieved at that conference under the conditions that confronted them. But as far as general principles are concerned, the Japanese certainly have accepted those principles which, if honestly applied, ought to bring relief not only to China but to Siberia as well, and to the fate of the Chinese Eastern Railroad.

Now, to my mind, a very important part of the achievement of the Washington conference is not recorded at all in black and white in that treaty or in any of the other treaties that were negotiated. And that is the bringing about of what seems to be a sympathetic understanding between the United States and Great Britain regarding the Far East and Pacific questions generally. I quite agree that under the program produced by those treaties we have practically surrendered our naval position in the Pacific. I assume that without further fortifications in the Pacific, and that with the fortifications and fleets as agreed upon, we could not successfully compete with Japan in the Pacific alone, and certainly we could not compete with an Anglo-Japanese fleet in that region. On the other hand, and to my mind, this is the much more encouraging statement based on the same facts, an Anglo-American fleet in the Pacific would dominate Japan, and it seems to me that we have substituted in place of the necessity for creating the greatest fleet the world has ever seen, with all the expense and temptations that involves, an understanding and basis for cooperation with Great Britain which gives those two powers the control of a combined fleet in the Pacific which will be large enough to dominate Japan and make her live up to the obligations she has assumed.

Mr. DAVIS. I want to know if you are making that statement as a fact, or is it just your own opinion of what would happen?

Mr. CRAVATH. I have been told by every member of the American delegation, and while I haven't been told by every member of the British delegation, I know definitely that the view is held by Mr. Balfour, and, I think, by every other member of the British delegation, that the result of the Washington conference has been not a formal agreement by any means, but an understanding, and such a degree of understanding and such a basis of sympathy has been created between Great Britain and the United States that both sides assume that in all future emergencies they can both count on having the very closest cooperation.

Mr. DAVIS. No; that isn't what I mean. What I mean is as to the agreements on fortifications and the agreement as to the naval ratio—do you mean to say that both fleets would dominate the Japanese fleet?

Mr. CRAVATH. Of course, I have no independent knowledge of that. I am not a naval expert, and have no independent opinion on that point, but I am informed that our technical advisers are satisfied that if the United States and Great Britain are on one side, and Japan on the other, that the Anglo-American fleet and the entire Anglo-American naval position would dominate that of Japan in Japanese waters.

As I say, I have no independent opinion of my own on that. I am simply repeating what I have been told in Washington. But, in all events, we are very much better off, if I am right in assuming that underlying sympathy with Great Britain, than we would have been with as large a fleet as the one that we have had in contemplation and on our building program, being opposed with the largest fleet that Japan would find herself physically able to build, and Great Britain being bound as a matter of course to keep pace with both. So, assuming that our theory of Anglo-American cooperation is well grounded, it does seem to me that our naval position, as against Japan, has been improved rather than weakened, and we have the great advantage in the reduction of our naval program and all that that means financially and otherwise.

There is another consideration, or rather another form of stating what I have already said in this respect, and that is that it seems to me that the existence of these treaties is in itself a basis for cooperation between Great Britain and the United States, and this in turn has created an opportunity of those two powers in bringing pressure to bear on Japan in such a way as will prove the most effective. Now, I certainly believe, and I think we will agree on this point: That if the old conditions had continued, this country would not have deliberately gone to war for and on behalf of China. We could not have gotten the American people to spend billions upon billions of dollars to create a fleet to fight Japan in the interest of China, and we couldn't have gotten hundreds of thousands of American boys to go and fight for China in the Pacific. Now, then, Japan knew perfectly well that we wouldn't be prepared to enter a great war for the defense of China, and the result was that acting alone as we were, with Great Britain at bay with Japan on account of the Anglo-Japanese alliance, our pressure on Japan was not at all effective. We spoke from the outside, and we were not prepared to back our threats. The chances are that there would have been no war on that count. The danger of war was from an entirely different cause. It was that with a great American fleet and a great Japanese army and a great Japanese fleet, with public opinion in both countries inflamed and sensitive by some untoward accident, like the blowing up of the *Maine* in the Spanish-American War, that something of that nature would inflame the pride or the patriotism of the Japanese people or of our own people, and there would ensue a war, begun by an accident and fed by a patriotism and misguided pride, but not a war for the defense of China or for Siberia or for Manchuria. And the Japanese knew that.

Well, now we have the right to talk to Japan across the table and ask Great Britain and France to sit on our side of the table, and to say to Japan, "You have agreed to certain principles, and we insist on their being applied in your treatment of China, in your treatment of Manchuria, and in your treatment of Siberia," and I think that there can be no serious doubt that as to all important questions, Great Britain, France, and the United States would stand together as against Japan.

So I say that these treaties give us the only kind of pressure on Japan that will really be effective, and furthermore, that it doesn't involve the risk and responsibility and expense on our part wholly out of proportion to our material interests in the problems of the Far East.

Thus, very briefly stated, this is to my mind the real importance and the force of the treaties and the achievements of the conference. Many of the objections that Mr. Davis has given may exist, only I think he has exaggerated some of them. I think some of his fears are not well grounded. I think the basis of many of his misconceptions is his misconception of the scope of the four-power treaty. I confess that I don't understand the four-power treaty as well to-night after reading it more thoroughly and after talking to Mr. John W. Davis about it, but I do think that the scope is much narrower than Mr. Norman Davis assumed, and is much more narrow than I had assumed. Section 1 provides that if there should develop between any of the high contracting parties a controversy arising out of any Pacific question involving their said rights—I should go back a little perhaps to make this a little clearer. It says that the high contracting parties, etc., agree to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. Note that, their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. And it goes on: That if there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights—and involving their said rights, it must do both—which is not satisfactorily settled by diplomacy, and is likely to affect the harmonious accord now happily subsisting between them, shall invite the high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

Article 2 says—and this is what Mr. Davis especially fears—that if the said rights are threatened by the aggressive action; that is, the rights in relation to their insular possessions are threatened by the aggressive action of any other power—the high contracting parties shall communicate with one another freely and frankly in order to arrive at an understanding as to the most effective measures to be taken, jointly and separately, to meet the emergency of the particular situation.

Now, I construe that treaty to relate only to insular possessions and insular dominions in the region of the Pacific Ocean. It does undoubtedly refer to the south part of the islands in the Japanese Archipelago, which I assume is an insular possession of Japan. It does not, however, relate to the rights of the high contracting parties in China, in Manchuria, and in Siberia. Those questions are not touched by this four-power treaty.

Mr. DAVIS. That's my objection to it.

Mr. CRAVATH. You stated it more broadly than that, I think. You assumed that this treaty would tie our hands in relation to Siberia and Manchuria. It doesn't say so in any way, and I therefore take issue with your statement that any of these treaties tie our hands or circumscribe our liberty and freedom of action in respect of the important questions that are likely to arise regarding Japan's action in China, Manchuria, and Siberia, and it seems to me that instead of our position being narrow and confined to a certain course, of necessity, the fact that these treaties exist and certain relations are established under them, gives us, as I said a moment ago, a definite method of approach and places us in a position of real power and influence in insisting across the table, in company with other powers, that Japan shall honestly apply the principles to China, Manchuria, and Siberia to which she has formally agreed.

Mr. DAWSON. In section 1 that you have just read, where it says "their said rights" instead of using the words "one another's said rights"—isn't it a strange use of the word "their"? Do you suppose "their" has any special significance or put in there for any special purpose?

It has been said "their" rights refers to "common" rights. It was put in there for that purpose.

I just want to know if you can see any special reason for the use of the word "their" instead of the other phrase.

Mr. CRAVATH. No. I think it means the rights of either of them. That's quite clear. I think we all agree that the four-power treaty is a self-denying treaty. I don't think it's an alliance in the ordinary sense of the term "alliance," and even if you call it an alliance, it is limited in that respect. It doesn't involve the obligation of our going to war. It's purely a self-denying treaty.

And so I come back to my original proposition—that admitting that the treaties have many faults, and doubtless they have many, but not nearly as many as Mr. Davis thinks, we should give due credit to the very wise members of our commission with having done the best they could, and the best that could have been done under all the circumstances; that real progress has been made in accomplishing all of the objects of the conference; in combating some of the evils—very real evils—by which our country was confronted; and that we will simply double the disgrace that our country is already resting under because of our failure to ratify the treaty of Versailles if we should turn down the recommendations of this bipartisan commission, made up of the ablest men that could have been chosen, simply because some of the provisions of the agreements reached happen not to suit us.

And finally, and I can't discuss this in detail because time doesn't permit, I can't see any complications or obligations to which these treaties commit us, even if you do call them alliances. Nor do I see how they are going to prevent our steady progress for our ultimate participation in some league or association of nations to promote world peace.

Mr. YOUNG. I sincerely hope that the Versailles treaty may be considered by the Senate in connection with the other two treaties, and some way discovered of adopting it.

Mr. DAVIS. The four-power treaty, Mr. Cravath, is that if there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights——

Mr. CRAVATH. That's it; and involving their said rights. You must take the two of them together.

Mr. DAVIS. Exactly. Take the case of Siberia, for example. That borders on the Pacific. If we started out for Siberia, if we should find it necessary to take any action on Siberia, doesn't that mean involving a Pacific question? How are we going to get there without using naval bases and other fortifications in the Pacific region? We have got no right there. We would be going to war over another subject. But you say that we would make Japan keep her obligations. My point is that Japan hasn't made any pledge with respect to Siberia. She has simply said that when conditions improve there to her satisfaction and she can get the proper protection from Russia—and her continued occupation of Siberia can prevent that for an absolutely unlimited period of time—then she will get out. I don't favor going to war with Japan. Besides, I think that Japan was not getting ready to fight us. I think that that whole business of militaristic Japan and her powerful army and navy all prepared to be flung at us an illusion. It reminds me of the person going down the street with stolen goods in his pockets and he thinks that everybody he meets is a policeman. Now, I don't advocate war with Japan at all. I think it would be inexcusable and unnecessary. But neither do I think that it was necessary for us to abandon China and Russia and to put ourselves in a position where we can't help them.

And I think that our moral influence in the Far East has gone down at least 50 per cent as a result of the Washington conference, as a result of our going into an alliance with Japan, because that's what it is and you can't get away from it. Really, this whole business now strikes me as being worse after hearing your explanation than I thought it was in the beginning, because you say in substance that we really couldn't tackle Japan. We couldn't whip her alone. So we just decided that as Japan was wanting all these things out there and as she was preparing for war against us, the only way to stop her was to surrender any claim or right that we might have there. Of course, you can stop any war that way. Give the party what it wants and it will quit fighting you. That's easy. No country is fool enough to keep on fighting if you will let her have what she wants without fighting for it. You go ahead to say, what have we done? We have done a marvelous thing. We want to deal fairly with Japan, and all that, but at the same time we have gone ahead and formed a combination whereby we can crush her to pieces if she should refuse to do what is right—what we think is right. We have got so much force now that we can force her position. Now, that is not getting very near to the League of Nations. As much as I favor Anglo-American friendship—and I do most heartily—the very moment that England and America get together to bulldoze the rest of the world, they will destroy all their usefulness. They must respect the rights of the small nations just as much as anyone else. You don't seem to think that this is an alliance?

Mr. CRAVATH. If it is an alliance, it is a self-denying alliance.

Mr. DAVIS. I don't know what you mean by a self-denying alliance. But in any event, what is the objection to doing what I propose? Why do you want to ignore the rights of Holland and Portugal and Russia, who have just as much interest in the Pacific Ocean as we have? What is the objection to that?

Mr. CRAVATH. There is no recognized government in Russia at the present time.

Mr. DAVIS. Well, let's leave Russia out for the moment. What's the objection to the other Governments? What's the objection?

I think that the Anglo-American combination is indefensible on that ground. I think that this Anglo-American alliance is unsportsmanlike. I don't think that we should have played a trick like that on Japan. I thought a new spirit of cooperation and friendship permeated these agreements. I was under the impression that a new spirit had been set loose at the conference. But evidently, from what you say, this has been the most hypocritical, diabolical game that has ever been played, and Japan has been made the victim.

Mr. CRAVATH. I don't think many tricks have been played on Japan.

Mr. DAVIS. I don't either. But you said it was an American victory. You hail the results of the Washington conference as an achievement and as an American diplomatic victory, and I was taking your word for it. As to the defects in the treaty of Versailles I agree with you, but I don't think that America put in a single one of them. They went in in spite of us; in spite of what we said, and in spite of what we tried to accomplish. We couldn't stop that tide of prejudice and greed that came in the aftermath of the war. But while we had to let those defects go in in order to get the treaty, nearly at every place a machine was set up to eliminate that defect just as soon as public opinion and public conscience would permit and demand. Now, what I am objecting to in the results of the Washington conference are the defects that we put in ourselves, voluntarily. We squirm all around to get rid of this Anglo-Japanese alliance, and then we let it swallow us whole, and then we make no provision about the formation of a similar alliance that would immediately upset the ratio. We don't say anything about that in the treaties. Why don't we? What's the objection to putting in a clause of that kind? Because, if an alliance is formed between any two powers, it will as a matter of course upset the naval ratio that has been fixed. You are not getting anywhere in that way. My God, that ought to be clear enough. I am convinced now that the Washington conference hasn't done the little good that I thought it had done, and I firmly believe that people are fooling themselves when they think that the four-power treaty is leading them to the League of Nations. I think that the people who don't care anything at all about the League of Nations ought to approve everything that has been done in Washington, because if we don't go into the league we have got to try this balance-of-power business. That is very clear to me. That seems to be the direction that we are going in, and, speaking for myself, I much prefer isolation, much as I think it unwise and practically impossible. But if we want to go into the League of Nations and if we want to deal fairly with these people that we have been dealing with in Washington, we don't want to create the impression that the United States and England have made a deal to bulldoze and run all over the rest of the world and make them carry out pledges that have been made. I don't think that we will ever get to the League of Nations that way. If we are ever to approach that goal another way has got to be found. That's what I am working for here—to preserve the good work that has been accomplished in Washington by eliminating some of the glaring errors and positive dangers.

Mr. CRAVATH. That was the only way to get rid of the Anglo-Japanese alliance.

Mr. DAVIS. I don't agree with you. The logical way to get rid of the alliance was through the naval treaty. But instead of that we shoot off all of our ammunition right at the beginning and then we had nothing else to do. But since the treaty has been signed, and since I am just as reluctant as anybody here to increase the batting average of the Senate in knocking our treaties, I say let us eliminate the defects and the real dangers in the four-power treaty by inviting all of them, every power that is interested in the Pacific, to come into it, because as it stands to-day all of the powers that belong to the League of Nations are committed to hold a conference as members of the league over any controversies that arise in the Pacific. In this four-power treaty they are committed to hold another conference. Now, I think that we would be accommodating these nations by providing for only one conference. As we would not attend the League of Nations conference, we provide another conference and invite all the other nations to it. No use in having two conferences over the same question, and so they would naturally attend ours. There certainly should be no objection to opening this thing up and putting it in that way.

Mr. C. G. YOUNG. Could that be done by a reservation that would be acceptable to the Senate at the present time?

Mr. DAVIS. I think it is unfortunate that it is necessary to even consider a reservation. I would like to see us able to approve everything that has been done in Washington, but I think that it is a terrible situation that we have gotten ourselves into where we have got to accept any kind of an agreement that American plenipotentiaries may sign for fear that it may hurt our prestige. I mean that that is a terrible position for us to get in, and we are in such a position. I have come to this conclusion most reluctantly because I do feel that we ought to save our prestige—or what is left of it—all we can. We have lost enough of it, you will all agree. I think that over on the other side, in England as well as on the Continent, they are all laughing up their sleeves at us. Here we sit for three months at a conference. Just imagine—for three months we are sitting around a conference table with eight members of the league, and we do not dare mention the very name of the League of Nations. The world is laughing at us as a bunch of hypocrites. What I say is—let us find out where we are going. If we are going to adopt the system of alliances, and the balance of power and all that, let us know what we are doing and where we are headed for. And if not, if we are really headed for world cooperation and world sympathy and world peace, let us keep in that direction. I don't see how anybody in favor of the League of Nations can fail to favor a reservation to the four-power alliance which will open it up and make it fair and just to every nation that is involved in its subject matter.

Mr. DAWSON. Does Mr. Cravath have any objection to such a reservation if it could be gotten through?

Mr. CRAVATH. Without having definite knowledge of the matter, I think that a general opening up of the four-power treaty would be considered by the Senate as a nuisance, and that they would consider that it had lost its effectiveness.

Mr. DAVIS. Do you think President Harding and Secretary Hughes are really headed toward the League of Nations?

Mr. CRAVATH. I know that Mr. Hughes and I think that Mr. Harding both hope—I won't put it any stronger than hope—that they will eventually land this country into some kind of international association of nations, either the League of Nations or some other association of all the nations.

Mr. DAVIS. Just through the means of a few nations or all the nations?

Mr. CRAVATH. All nations. I think they are going just as fast as they can go effectively. I think they are being guided directly by Mr. Wilson's policies. They may be going a bit too slowly, but they are trying to avoid the wrecking of their program by trying to accomplish too much too fast, and I think in this respect they are very wise.

Mr. DAVIS. I think they are wise, too, but I am just wondering where they are headed for. They have never told us definitely which way they were going. It is very important for us to know where we are going. I don't believe anybody in the Senate is in favor of an alliance.

Mr. CRAVATH. They are not in favor of an offensive alliance.

Mr. DAVIS. There are some few people, I will admit, in favor of an American-Anglo alliance, but there isn't much talk of such an alliance over the country generally.

Mr. CRAVATH. If you had had your way, if your recommendations had been followed, as outlined by article 10 of the Versailles treaty, the nations would have had their respective interests guaranteed, and war was certain to ensue, but in the four-power treaty it's entirely different. If the principle of article 2 of the four-party treaty had been embodied in the treaty of Versailles, it would have been ratified by the Senate.

Mr. ALBERT RATHBONE. I don't believe it, Mr. Cravath. I don't believe the Senate ever intended to accept that treaty, no matter what happened.

Hon. JOHN W. DAVIS (chairman). I believe we have heard two of the most interesting addresses we have ever heard this evening, and I don't believe we are ever likely to hear more interesting ones. The meeting is now open for general discussion. We have heard Mr. Morris once before on the question of the Far East, and I know we would all like to hear him again.

Hon. ROLAND S. MORRIS. I feel that Mr. Norman Davis has raised not an incidental or a secondary question, but rather a very fundamental one. I have been concerned ever since I read the text of the four-power treaty as to whether or not it represented simply a rewording and an enlargement of the Anglo-Japanese alliance. I have felt that whatever may have been the European conditions that seemed 20 years ago to create the necessity for that alliance, they did not at that time, as I read history, arise in the open. They arose from the conditions of the balance of power in Europe, and that it had operated from the start as a deterrent in endeavoring to give to the Orient a full and free opportunity for its own development. When we endeavored to intervene in the interests of justice to China primarily by the announcement of the open-door policy, I think that there was then considerable hope that by that policy we might have prevented the apparent exploitation by not one but several nations of China. That we have failed to do that I have always felt was due in a large measure to the innocent and simple words of the Anglo-Japanese alliance. It acted as a screen to protect the rear of the nations that desired to get control and to go contrary to any fair policy and application of the open door. I had hoped that it might have disappeared in this conference, as it would have been automatically abrogated had the League of Nations succeeded and had we entered it. It does seem to me that that could have been done as part of the naval treaty, as Mr. Davis has pointed out. If it was attained only by our joining in the alliance, I do sincerely regret it, because I fear that by that act we are going to surrender the very extraordinary position that we had attained in the Orient.

The discussion here to-night has seemed to indicate that our position was one of antagonism toward Japan and wholly one of sympathy, for instance, for China. There were times when we very strongly sympathized with China, and protested against what we believed were wrong policies followed by Japan in regard to the continent of Asia. But our independence was the great thing. We were equally able to take another kind of position as regards China, and as a matter of fact did do so during the Boxer days. Thus, even prior to the war between Japan and China we were always in a position where we could stand equally with one side or the other or against one side or the other, and insist upon policies that we believed were conducive to peace, although they were opposed by the Chinese people or the Chinese Government. In other words, our attitude was one of independence. Our desire was solely to have a real equality of opportunity and freedom from exploitation in the hope that there might be a normal evolution and development in which all the nations could participate in the Orient.

Now, then, as I understand the meaning of the term "alliance"—and I stand here to be corrected—it has nothing to do with its object. What it has to do with is the question of who is excluded from that alliance. If in a group of 10 men 5 of them go off by themselves and agree that on questions that might involve any or all of the 10 men they will confer together, that is an alliance. Their object may be peace or cooperation with the ones that are excluded or any one of a thousand other things. I can't see any possible answer to the suggestion that Mr. Davis has made, that if we are going to have conferences in regard to interests in the Pacific, we should not make them ex parte, because you can't tell where that is going to lead. Where one group within another sit down to discuss a situation among themselves which may be created by some one of the whole group that is not there present, you have got a situation that is going to lead almost inevitably to a balancing alliance of some sort to meet that situation.

And here you have China, Russia, Portugal, Siam—interested in the problem, and yet they are excluded from the consideration of that problem which may be of more interest to them than to any one or all of those in conference. This is the first time in our history that this has happened—that we have gone into a limited combination—and I don't think we ought to do it unless we are quite clear that we are now started on our only alternative, which is a series of such alliances, in the hope that we can thereby stabilize the issues of the world and thereby insure peace. I only want to emphasize the distinction that I make between a league of nations which would include all of them, where our independence would be included in the whole group and where we would still retain our so-called American position, and a position where we join one side, one element, a certain number out of many that may be against the rest of the world, who will decide not necessarily antagonistic to the others, but the fact would still remain that we are in and they are out, and proceed to discuss these questions which so vitally affect them. One, I take it, is an alliance, and the other is a world conference for peace.

Now, if we are going toward that alliance system isn't it fair that we should analyze this and determine that factor? The extraordinary position that we occupied in the Orient was attained chiefly because we have earnestly striven for over a quarter of a century to protect what were not only our rights but the rights of the world in the development in every phase of life of the Orient. And now we have put ourselves in the position where we are going to surrender that by apparently going into an alliance and subsequently as a matter of course into a conference behind closed doors and discuss questions affecting China where China can not be. Isn't that a dangerous thing to do, and isn't it likely that sooner or later we will see growing up gradually, more in thought first than in definite action, a combination of Russia and China and perhaps Siam and all other nations that are interested in the question up for discussion, and of necessity try to counteract and undermine any conclusions that may be reached by the conferences of those from which these nations were excluded? That, I take it, has been the history of these alliances from the beginning. They always tend to create groups, and then begins this balancing of power which has always ended in a catastrophe. There is a very real possibility of a Russian-German-Chinese alliance. A sympathetic connection between those countries is closer than, I am afraid, is generally realized. Russia has been able to understand China and has been able to work in closer harmony and cooperation with her because of the curious relationships along that long border line between the two countries, and she has done this better than any other of the European nations, and it well might be that in the course of the next 15 or 25 years that you will see the closest relations between them, not because we were opposed to them, their ideals and ambitions, but because we had excluded them from the consideration of those problems in which they were vitally interested by entering into some form of cooperation with only a portion of the nations interested, and that, I fear, is the way we are going. If this is true, I would put aside all appeals not to tear down what our officials have built up—all appeals to our pride. If I felt that we are running in that direction and away from the peculiar position we once occupied, far better total disaster so that we may keep that unique character that we have had in international relations, in these problems of the Orient. We could go in with all the parties interested and within that group retain our independence of action and cultivate what we like to believe is our underlying altruistic attitude toward the developing of the Orient. But if we go in with any one portion of that group I fear we are driving right against some position which will in the end totally destroy all the influence that we have in China, and will destroy likewise, as it has destroyed in the past, our influence in regard to Russia. Of course, Russia now has become also one of the sick nations like China, and yet with potentialities that are simply beyond the dreams of man for their future development as nations. Both China and Russia are going to be great and reconstructed nations. No one has seen them and not been filled with that feeling of confidence as to their future position in the world, and we have established during the past two or three years a sympathy with the Russian people, who stretch along that border of the Pacific right opposite us on the Pacific Ocean, which will be a tremendous asset to both countries in the years to come. Now are we going to ignore their interests in the Pacific and be part of an alliance which excludes them, particularly when that alliance is with nations who may not have the same feelings about the integrity and development of Russia as we have? They may have very different ones. We must not forget that, and must be very careful so that we do not find ourselves in a position that is contrary to our interests and to our desires.

And so I conclude by summing this entire thing up. Let's see whether we are right in our definition of an alliance—not its object, but whom does it include and whom does it exclude—and then remedy it. But—and this is very important—we are not to take any steps in any spirit of spite to defeat the accomplishments of the Washington conference; in no spirit, I beg of you, of any partisanship or feeling or anything of that sort. But in the interest of a policy that we have never changed, and to preserve the peculiar position that we have occupied for so long and with so much honor and prestige. Ought we not endeavor to include all those nations interested in the Pacific in our treaty?

Mr. J. G. MCDONALD. Mr. Davis and Mr. Morris have raised very serious questions, and all of us have our doubts about the four-power treaty that we did not have before. I was not so much impressed by the basis of his argument, which was the avoidance of any departure from the accepted American program and policy. It seems to me that that was the dominant argument in the League of Nations debate, and we who believe in the league and hope that some day we may get into it should be very careful about urging that point, which with another purpose might be used very effectively against the entrance into the league under any conditions whatsoever.

We ought to give the administration the benefit of the doubt, so that we somehow may get into the habit of ratifying treaties instead of rejecting them, in order to get back some of the prestige that was once ours and try to retain it.

But at the present moment I am concerned with two other things. First, if the debate in the Senate drags out over a long period of months, it will inevitably assume a partisan character. The debate will not be conducted on the basis that this discussion has been conducted, and if we do not get prompt ratification of the treaties we will see something very like what we saw in the debate on the Versailles treaty.

One other point: Whether the conference at Washington has achieved the tremendous results that Mr. Cravath has stated or only those results which Mr. Davis has stated, it has met only one part of the problem. It has not touched Europe; American participation in European economic adjustments is essential. Let us get this over with quickly, to have America effectively cooperate with Europe in order to get a normal economic condition established there.

Dr. SIDNEY L. GULICK. I would like to speak about the effect upon Japan of the adoption of these treaties promptly and wholeheartedly. The effect is the encouragement of the liberal movement in Japan with the power which it will have if it is encouraged of overthrowing the militaristic movement in Japan.

The feverish preparations for war which Japan was making were based upon fear of America. They saw the rising tide of criticism of Japan; of talk of war with Japan; of insistence that we must have a war with Japan. That has been going on for more than 10 years in this country. And then they saw our coming into the Pacific with our very large fleet, and the building program that we had inaugurated. These gave to the militarists the opportunity to put through a program of preparation which probably they would not have been able to put through otherwise.

Through the medium of the Washington conference the liberals in Japan are going to have a fresh chance of pushing their program and of showing to their public that the fears put forward by the militarists are not well grounded.

Mr. PAUL FULLER, Jr. If the exact terms of the four-power treaty are considered, don't the parties agree to respect the territory of the other, in effect recognising first the natural positions of the parties, and secondly in case some outsider takes that territory, to consider what steps to take? Now, is that in any true sense an alliance? Is it really any more an alliance than, for example, the treaty relating to Belgium before the war? In that treaty they simply agreed to respect the territory of Belgium. Would you call this four-power treaty an alliance, being, as it is, limited to purely a self-denying feature?

Mr. MORRIS. I would say that it does make it an alliance. The alliance consists in whether those who have similar interests are excluded from the alliance. It means that a certain group determine the facts in regard to a given situation, without regard to what other nations having an interest similar in character to those represented by the nations in conference might say or do. You may say it is a self-denying alliance. It still is an alliance. And my thought about the matter is, and it has been proven in history time and time again, that the mere fact of exclusion of nations interested in the same things will inevitably create something to meet it and counteract it. I submit that as the real definition of an alliance. It is quite possible and even probable that it isn't a complete and full or fair definition, but I can't see it any other way.

Mr. DAVIS. And is not it true that the treaty of Belgium brought England into the war?

Mr. CRAVATH. That was a defensive alliance. In that treaty the powers agreed and joined in guaranteeing the neutrality of Belgium. It is true that that brought Great Britain into the war, but it was the force of public opinion which interpreted the obligation as meaning that Great Britain was to enforce neutrality if necessary. Lord Grey himself said that it was the Belgium incident that led Great Britain into the war.

One final word I want to say. I agree with all that Mr. Davis and Mr. Morris have said about the dangers of a policy of alliances. I do not know enough about international law to define the term "alliance." Maybe Mr. Morris is right that this is technically an alliance, but I think the kind of alliance that we are opposed to in principle is the offensive or defensive alliance, an alliance that requires affirmative action on our part for the assistance or protection of some other nation. For instance, if we signed a treaty with Mexico by which each party agreed to respect the territorial boundaries of the other, that might be technically an alliance, but it would not do us any harm. We are simply agreeing to refrain from doing what we have no right to do anyway. It creates no obligation beyond the control of our own conduct. Therefore I say that this four-power treaty is exactly on a parallel with such a treaty as between the United States and Mexico. It binds us individually to respect the rights of Japan and Great Britain in relation to their insular possessions in the region of the Pacific Ocean. That we are willing to do. There is no objection to our doing that. It gives rise to no involvement. It carries with it no obligation, and I should say that whatever the four-power treaty may technically be under the definition of an alliance, it is not the kind of an alliance or the kind of a contract that we are seeking to avoid. There may be room for debate about article 2 of the treaty. I suspect that would be considered by the Senate. The President has said publicly, and Mr. Hughes and Mr. Root have said privately—and perhaps publicly—that they do not understand and did not understand that that article placed any obligation beyond giving advice in case an emergency arose. I think there would be no objection in the Senate to adopting a reservation perhaps making it clear that article 2 did not require us to go to war or use force or for any other affirmative steps to be taken in the matter against our will, if I am right in assuming that President Harding was right in announcing that that was the intention of the parties. Therefore I say that while I do not think this is the kind of an alliance that we need fear or that we should seek to avoid, I will say that even though we should join Mr. Davis and Mr. Morris in preferring not to enter into such a contract as that, it is after all an unimportant concession of what seems to me to be a nonessential as a necessary step in accomplishing the important results.

Mr. FULLER. Would you be willing to advocate an amendment in the form of a reservation by the Senate to the four-power treaty, inviting any other powers with interests in the Pacific to join in the treaty without any change in the text?

Mr. CRAVATH. I think there would be no objection on the part of the United States to opening it up to any nation having any legitimate interest in the Pacific, but I should object to anything that would cause any of the three powers to withdraw their adherence. I think I know from conversations I have had with the British delegates both before and during the conference of what caused the most trouble. They say that the Japanese are exceedingly sensitive about consulting nations in

problems which they consider their own. The British delegates said that the Japanese would be very sensitive in having purely Anglo-Japanese questions submitted to a conference participated in by France, Italy, and other nations that were not directly concerned, and I suspect that the treaty was confined to the four powers out of regard for the peculiar sensitiveness of the Japanese.

This town-hall method of discussing questions may be all right in its place, but it does not work in international affairs. One of the great disadvantages of the League of Nations was the assembly, which was a town-hall affair, with an unwieldy body, a great majority of the members having no interest whatsoever in the question before them at the time.

Mr. FUNK. I think your objection to the town-hall method is entirely correct and valid in regard to the negotiation of a treaty. But having been negotiated and signed, they should be accepted with the reservation that those may join who have given due notice of their interest, do not you think?

Mr. CRAVATH. Provided it did not imperil the acceptance of the others. As I said before, in the assembly of the League of Nations that point is a fatal one to-day because of the number of small nations having so very little interest and most of the time no interest at all in the problems in question.

Mr. DAVIS. One of the plenipotentiaries told me that this was an alliance, that everybody knew it was an alliance, and that they admitted among themselves that this was an alliance; but that he had favored it because he had come to the conclusion that we had to adopt the system of alliances. In his opinion the time had come when we should take that step. He was not an American, so a difference of opinion on that point is excusable. Your simile, Mr. Cravath, between America and Mexico is misleading, very misleading. Carry what you said out a bit further to conform more to the present situation, and let us say that America and Mexico sign an agreement whereby they agree to respect each other's territory, and to whip any other nation that comes between them, or to come together and to confer as to what should be done in their opinion should any other nation interfere with their arrangement even though that other nation may have had some right so to do.

Mr. CRAVATH. As I said before, it may be technically an alliance, but from my point of view it is not seriously objectionable because it is self-denying.

Mr. HERBERT S. HOUSTON. I want to say just this one word as a firm believer in the League of Nations. I am not an expert in the meaning of the terms used to-night, but it strikes me that what is much more important is the question whether or not the Government of the United States can function in respect to international relations. It does seem to me that if this country is going to enter into any kind of agreement, any kind of alliances, or if it is going into the League of Nations, we must function with respect to agreements that are entered into by our duly accredited representatives. It seems to me that the way to resume is to resume. Whether we go into the League of Nations, whether we enter into any agreements, or whether we do not, let us decide what we are going to do, and then let us do it.

Mr. POINDEXTER. Mr. President, there seems to be about as animated a question of veracity between Mr. Cravath and his own statement, which was inserted in the RECORD this morning by the Senator from Massachusetts [Mr. LODGE], as there is between him and Mr. Hughes and the other members of the American delegation. I do not care to enter into any discussion of the psychological processes by which Mr. Cravath arrived at these apparently conflicting conclusions and attempt to reconcile them. As far as the facts are concerned, whether or not there was any secret agreement for some alliance between Great Britain and the United States in this conference, I accept the unqualified and unconditional testimony of the distinguished Senators from Alabama and from Massachusetts and the Secretary of State, all of whom speak authoritatively, and who were the officials through whom any such agreement would have been reached if it had been reached.

In case there should be a controversy growing out of this treaty when it is ratified, as I believe it will be, between some of the parties to it, in which the United States should become involved, I personally would feel extremely gratified to have the support of any one of the other parties to the agreement in the contention in which we might be engaged. If Mr. Cravath's statement is a mere prophecy, if it is a deduction which he bases upon such premises as he may see fit to devise from the conditions which surrounded this conference, and such an unfortunate event should take place, it seems to me it would be a very happy issue out of our troubles if such a friendly feeling should have arisen in this conference that any one of the other parties to the four-power pact should take the side of the United States in any controversy which we might have against another.

As to the question of naval power, the question of whether or not the naval position of the United States is weakened by the agreement, that is very largely an academic question, for the reason that whatever our relative position would be under the terms of the treaty, the great question which confronts Congress and confronts the country is not the danger of limiting ourselves to the naval power provided for in this agreement, but the danger that we may not come up to it. The difficulty we are going to have is not by reason of any limitation placed by the agreement upon the building of a navy, but it is to secure the assent of both Houses of Congress and of the people of the country to appropriations which will enable us to maintain a navy upon the ratio provided in this agreement. That matter undoubtedly will be discussed in detail when the naval limitation agreement comes before Congress.

As to another phase of this discussion, we are confronted by the curious situation that the ardent advocates of the League of Nations are opposing this agreement because it differs from the League of Nations and that the opponents of the League of Nations are opposing it because they allege it is the same as the League of Nations. I want to point out just one or two of the essential differences between the arrangement made by the pending treaty and the League of Nations as they occur to me.

The first one which occurs to me is that under the League of Nations there was a visible and tangible organization of world government, composed of a body of men vested with world powers, as defined in the instrument, sitting at some place in Europe to exercise those powers upon the various members of the league and to a considerable extent upon the other nations of the world which were not members of the league. In the agreement which is pending before the Senate there is no such structure of world government. There is not an additional office created by this treaty.

There is no new agency of government, nor is there any new obligation, created by this instrument which does not already exist.

Mr. WATSON of Georgia. Does the Senator from Washington agree with the Senator from New Jersey [Mr. EDGE] that under this four-power pact the United States Government would have a veto on the decision of the other three?

Mr. POINDEXTER. Unfortunately, I did not pay close enough attention to that portion of the remarks of the Senator from New Jersey to hear that statement.

Mr. WATSON of Georgia. He did not state it in those words, but he said it would require unanimous consent, and that, of course, would give a veto to any one of the four.

Mr. POINDEXTER. My opinion is that the United States would be perfectly independent as to its own action. I fail to see how it would have the power to control the action of the other parties to the agreement. The treaty only provides for a conference as between these powers. The United States would determine as to what extent it might follow any agreement which was reached there, but I fail to see how the other three powers to the agreement could be put under the control of the United States.

Mr. BRANDEGEE. If the Senator will permit me, does he not think that where four sovereign powers are conferring in an effort to arrive at an understanding, the inevitable implication is that it must take unanimous consent for the four powers to arrive at an understanding?

Mr. POINDEXTER. For joint action.

Mr. BRANDEGEE. For any action. If they arrive at an understanding as to the most efficient means to be taken to meet an exigency, can they arrive at an understanding except by unanimous consent?

Mr. POINDEXTER. No, they could not; but there is no compulsion on them to arrive at an understanding. That is the purpose for which the conference is called; but they can not be compelled to arrive at an understanding.

Mr. BRANDEGEE. I agree with that; but my point is that if four powers agree to meet in time of danger and attempt to arrive at an understanding as to what measures are to be taken to meet the danger they do not arrive at an understanding unless they all arrive at it.

Mr. POINDEXTER. Certainly not.

Mr. BRANDEGEE. A majority vote of three would not bind the fourth, who objected to it.

Mr. POINDEXTER. Undoubtedly that is true.

Mr. BRANDEGEE. That is my view of this matter.

Mr. POINDEXTER. I agree entirely with the Senator in that respect. So the independence of action of either party to the treaty is perfectly secure.

Another curious development of the argument upon this treaty is that certain distinguished Senators object to it because it is an alliance, an offensive and defensive alliance, between the four powers who are parties to it, and at the same time they propose to improve it, according to their view, by extending its terms and provisions to all of the rest of the world, or at least to a great portion of the world.

If it is objectionable because it binds the United States to go to war in a quarrel of other powers, it would only be adding to that objection to increase the obligation by adding other nations whose controversies the United States would have to assume; but that is one of the arguments launched against this agreement.

The Senator from Idaho [Mr. BORAH] said that he demonstrated its objectionable features by citing the example of the Triple Entente, which was described by the Prime Minister of Great Britain as merely a diplomatic group. He said that that was not considered as a menace to the independent action of the members to it, and yet that it drew Great Britain into the World War. The Senator from Idaho is not sustained by the official record of the powers engaged in the World War and their own statements as to the reasons and causes upon which they based their action.

This agreement provides for a conference. The Senator from Idaho said that if a conference could have been arranged between all the powers of Europe, very probably war could have been averted. So he proposes, as I understand his conclusion, to provide that Russia, Germany, and China shall be admitted as parties to this arrangement, and that provision be made for a conference between those powers and all the powers who have signed the pending treaty.

That was the objection which the Senator from Idaho made to the League of Nations, that it bound up the United States with the rest of the world. One of the features of the League of Nations which does not exist in the pending agreement was the provision that every controversy in which the United States should be engaged should be submitted to a foreign tribunal, and that the United States should be subject to its decision. No Member of the Senate can point out in this treaty any implication by which the United States could be involved in any such surrender of its sovereignty.

When the League of Nations was first suggested it was called a "Constitution" of government, but apparently realizing the obnoxious implications of that word, the name was withdrawn and it was afterwards called a "Covenant." When you write into a world agreement a provision that the organization which is set up by it shall have power to decide every controversy which may arise between the nations of the world, and that they must submit to it, you have transferred the sovereignty of those nations to that world organization. That is what the League of Nations did, and that constituted the chief objection to it. As I said before, no one can point out even an implication in the pending agreement of any such surrender of national sovereignty.

Mr. President, there was another provision in the League of Nations which I recall, of a specific and less important and yet of just as striking character, by which the sovereign powers vested by the Constitution of the United States in Congress were transferred to the council and to the assembly of the League of Nations. That was the provision that the League of Nations should have "supervision"—that was the word used—of the trade in arms and ammunition. There is no more essential power in the protection of the interests of a nation, an essential part of its sovereignty, than the power to regulate the importation or the exportation of the implements of war. That power is vested by the Constitution in the Congress of the United States, while by the constitution of the League of Nations the Congress of the United States was divested of it. It was transferred to an assembly and to a council sitting in Europe, over which the United States had no control whatever.

Are we going to deny the facts shown by the comparison? Can it be said that the pending treaty—which, it seems to me, amounts to nothing more nor less than a treaty of amity and friendship between these powers and an agreement to respect their reciprocal rights—is comparable in any way whatever to such a transfer of sovereignty as that to which I have referred?

Mr. President, I may mention another distinguishing feature which separates by a wide gulf this agreement from the constitution of the League of Nations. One of the most cherished doctrines of the American people is the Monroe doctrine, by which, in its last analysis, by the practice of successive administrations, as it was expressed by a great Secretary of State—I think Secretary Olney—the will of the United States is the law of the Western Hemisphere. That was an exceedingly bold statement, yet in the face of a great emergency in which the principles of that policy were challenged by a great European power, his interpretation of its effect and its application was uttered in those words and applied in action.

I believe that the existence of the free Republics in Central and South America is due more to that American policy than to any other influence under which they have been developed. Under the League of Nations it was proposed to reverse that great principle. It was proposed that in controversies between an American sovereignty and some other power—such as occurred between Venezuela and Great Britain in one instance, and between Venezuela and Germany in another; President Cleveland in one case and President Roosevelt in another, representing the United States—we should not have the power to interfere and to impose the policies and will of the Government and people of the United States in the adjustment and settlement of those controversies which, if persisted in, would have involved the territorial integrity and political independence of those American Republics, but that they should be decided in a court of last resort, from which America had no appeal, sitting in Europe and in which the United States would have had but one vote. So the Monroe doctrine, had the United States become a member of that centralized constitution of world government, would have become a thing of the past—destroyed by our own act.

The pending treaty does not relate to American questions in the sense in which the Monroe doctrine applies to them. It does not relate to territorial questions affecting the countries of the Western Hemisphere. So I am led to state what I believe to be one of the chief virtues, if not the chief virtue, of this agreement, that which makes it a practical working arrangement, and that is that it is limited in its scope both as to the subject with which it deals and as to the area which it covers. It is limited to the region of the Pacific. I think that is a benefit.

Some gentlemen are opposed to it because it is so limited. They would extend it to the mainland of Asia. If it were extended to the mainland of Asia every difficulty, every seed of trouble which they allege is to be found by some difficult and abstruse implication in its words, would be multiplied a thousand times. If their construction is correct, by such extension we would become involved in far-reaching problems of world affairs which, as the treaty is written, are not touched by it. So, Mr. President——

Mr. KING. Mr. President, will the Senator yield?

Mr. POINDEXTER. In just a moment I will yield. It is not only limited to the region of the Pacific, but even as to that region it is confined to what practically amounts to an agreement for friendly relations, for amity, not contrary to the principles of George Washington, but in conformity with them—that "honest friendship" which George Washington laid down as the basis for the relations of this young Republic, as it was then, with the rest of the world.

I now yield to the Senator from Utah.

Mr. KING. As I understand the Senator, he thinks the four-power treaty is greatly improved because it is limited to the insular possessions of the four signatories to the treaty. I ask him whether he believes there is any possible controversy that might arise between the United States and Great Britain over any of Great Britain's insular possessions in the Pacific?

Mr. POINDEXTER. Oh, there is a possible controversy, but not a probable one.

Mr. KING. But there is no probable or even possible controversy, is there, between the United States and France over any of France's insular possessions in the Pacific?

Mr. POINDEXTER. I will make the same answer to that question that I did to the former one.

Mr. KING. Certainly the Senator must concede that the United States does not claim the southern half of Sakhalin or the Pescadores Islands or any of Japan's insular possessions in the Pacific?

Mr. POINDEXTER. The United States does not. I wish the Senator would get down to the application he desires to make of these questions.

Mr. KING. The Senator has kindly answered two questions. Will he answer the third? Does the Senator think there is any possible controversy between the United States and Japan over Japan's insular possessions in the Pacific?

Mr. POINDEXTER. I wish it were not possible.

Mr. KING. The United States does not claim Sakhalin or the Pescadores or any of the Japanese possessions in the Pacific, does it?

Mr. POINDEXTER. No; the United States does not claim it, and yet why should the Senator or why should any of us close our eyes to the world-wide belief that there was a cause

of friction and the germs of difficulty between Japan and the United States in their relations in the Pacific? The Senator does not deny that that existed.

Mr. KING. If the Senator propounds that as a question, I will say that I think there was a great deal of fantastic talk in the world as to the possibility of controversy between the United States and Japan; but I believe that whatever foundation existed for such talk related to the mainland and not to the insular possessions of either Japan or the United States.

One other question, and I apologize to the Senator for taking his time. Does the Senator believe that either Japan or Great Britain or France has any idea of invading any of the insular possessions of the United States which are covered by this treaty?

Mr. POINDEXTER. I do not think so, especially after they have put their signatures to this agreement.

Mr. KING. But aside from this treaty?

Mr. POINDEXTER. I can not tell the Senator what my beliefs are, and I doubt very much whether it would be advisable to discuss the opinions and beliefs of Senators as to what the attitude of foreign nations might be toward the possessions of each other. I have called the Senator's attention to the existence of a controversy on various subjects between certain of the members of this agreement which I think were palliated, mollified, and largely prevented by their mutual agreement—the one which we now have here.

Mr. KING. May I say in conclusion that the answer of the Senator must be convincing, it seems to me, that if there is any source of controversy in the region of the Pacific it relates alone to the mainland, and the mainland under this treaty is excluded. Therefore this treaty, if it is not an alliance, relates to something that is innocuous and does not deal with any possible controversy that may arise between the four nations.

Mr. POINDEXTER. The Senator has put himself in this position: I understand he is opposing the treaty, claiming that it will get the United States into trouble.

Mr. KING. No. I have made no such statement. I have said but little upon the treaty, and have voiced no opposition to it upon the ground that it was an alliance. Indeed, I stated to a Senator the other day that I was not terrified by the idea of an alliance but that I wanted a world alliance, and an alliance with force and power behind it.

Mr. POINDEXTER. Now, the Senator just said we are not liable to have any controversy with regard to the islands of the Pacific; and this treaty only relating to those islands, according to his view, it is not at all likely that there would ever arise any controversy between the parties to it or any difficulty whatever growing out of its terms. I think that is the legitimate conclusion to draw from the remarks which he has just made.

It would seem that some people were so terrorized by the terrible licking they got on the League of Nations issue that they shy at every ghostlike apparition that they think resembles the League of Nations.

It has deprived them of the power, apparently, to discriminate between what I have been free to characterize as an international "monstrosity," looked at from the standpoint of the man who loves the independence of his country—the League of Nations—and an agreement which is very similar in its character to the 72 other treaties and agreements for peace and amity which the United States has already entered into in the long course of its history from the days of George Washington down to the present time, by which it agrees to confer with reference to disputes, to adjust them upon a peaceful basis, to respect the rights of the other nations of the world, and to live, as George Washington said, in peace and "honest friendship" with other countries. They object to that because they were so overwhelmed by the people of the country in their support of the League of Nations that they think this may be confused with it.

Mr. KING. The Senator does not include me in the category of those who are afraid of the League of Nations or the ghost of the League of Nations, because I was for it and I am still for it. I want to state to the Senator that, in my opinion, notwithstanding the election returns, the League of Nations was not the cause of the Republican triumph. If the Senator will read a recent book called "The Great Deception," by a proleague Republican, he will find there an analysis of some of the reasons for the election of President Harding; they will not be assuring to the Senator and will, in my opinion, successfully controvert the views which he just announced as to the cause of the Republican success.

Mr. POINDEXTER. That is all a matter of record. The objection to this agreement that it is an alliance is not based upon anything in the agreement itself.

Even the distinguished Senator from Idaho [Mr. BORAH] says that it is not an alliance; yet he opposes it as vigorously as does the eloquent Senator from Missouri [Mr. REED], and the distinguished Senator from California [Mr. JOHNSON], who say that it is an alliance, and base their arguments against it upon that ground. An alliance, in the sense in which objection is made to this agreement, would be a treaty by which the parties would agree to support each other in case of war, would lend military aid and come to the assistance of the other parties to the agreement.

Now I lay down the proposition that a nation can not be bound to perform the act which holds more of good or evil fortune for its people than any other governmental act which it can perform, namely, the act of making war, unless it is provided for in the clearest and most express terms.

It seems to me to be quite contrary to any rule of interpretation of instruments, even those between private parties, to hold that there may be read between the lines and by implication an agreement to bind a power to lead its people into war. I deny that there is any such principle of construction of treaties or agreements between nations. Mr. President, the entire course of diplomatic history negatives that proposition. There can not be found in this agreement certainly any express provision that the United States shall lend its military aid to any one of the other parties to it.

In the agreement for the maintenance of the sublime porte there was an expression to the effect that invasion of Turkish territory or independence by any power should be a casus belli.

Mr. Gladstone and Lord Palmerston, representing the British Government, which was chiefly concerned and which was chiefly responsible for the status of the Turk in Europe, always contended and always applied the principle in the various controversies which grew out of the situation of the Turk upon the Bosphorus, that that provision imposed no obligation which required Great Britain to go to war on account of the violation of that treaty. Their position was—and it seems to me a perfectly reasonable one—that it gave Great Britain the right to go to war if she saw fit to do so; that its violation would be a cause for war. Mr. Gladstone said if the conditions and circumstances out of which war arose caused Great Britain to feel that war on her part was justified, or that her interests and her obligations looking toward the purpose for which the treaty was framed, justified and required her to take any such step, she should then go to war.

The Senator from Idaho the other day said that the Triple Entente caused Great Britain to go to the rescue of France in the World War. As a matter of fact, Mr. President, the official declaration of war by Great Britain stated that the cause of Great Britain going to the assistance of France in that war was the invasion of Belgium by the German troops and the violation of the agreement which the powers of Europe had entered into in the treaty of 1839. That was written by Great Britain into her declaration of war against Germany.

However, Mr. President, pursuing the question of the interpretation of treaties, suppose for the sake of the argument that the Triple Entente had been the cause of Great Britain's going into that war, what language was there in that agreement which imposed that obligation upon her?

In the very speech of Sir Edward Grey, at that time the Minister of Foreign Affairs of Great Britain, which was quoted here by the Senator from Idaho, Sir Edward Grey declared in the House of Commons that Great Britain was under no obligation to render military aid to France on account of the Triple Entente. He even went so far as to declare that even the treaty of Belgium, in which Great Britain had used the word "guarantee" in defining her obligation as to the neutrality of that little country on the English Channel, did not compel Great Britain to make war. That question had been discussed on various occasions in the House of Commons by the premiers of Great Britain, including Mr. Gladstone, and it was the settled and express policy of Great Britain, even though Great Britain had said that she would "guarantee" the neutrality and integrity of Belgium, that that did not impose upon her an obligation to go to war unless she concluded that the interests of Great Britain justified it; and so it was declared on the outbreak of the great German war. I defy anyone—the Senator from Idaho, learned as he is, or anyone else—to point out in the history of international relations any agreement between nations by which any nation was ever held to be compelled to render military or naval aid to another nation unless there had been the most positive and express agreement in unmistakable terms to do so.

So, Mr. President, basing my construction of this agreement upon the precedents of nations, I say that it is not possible that

it should impose any further obligation upon this country than that which it expressly contains.

I wish to call attention very briefly to one treaty of peace and amity which was made in 1797 between the United States and Tunis.

Mr. KING. Mr. President, before the Senator proceeds to another branch of his argument, will he yield to me?

Mr. POINDEXTER. I will yield to the Senator after I say a word or two more. The Senator from Utah will remember that we entered into various treaties, in many respects very much like the pending treaty, with little powers along the Mediterranean. They violated those treaties; made piratical attacks upon American trade and commerce, and we had to go over there and chastise them. Commodore Decatur burned their ships, and afterwards they thought they would be good, and they renewed their treaties of peace and amity with the United States, by which they agreed to respect our rights and we agreed to respect their rights. We agreed upon certain methods by which disputes between the two nations should be settled, by communication and by conference, just as is provided in the pending treaty. There was no objection on the part of George Washington to those agreements; on the contrary, he negotiated the treaties, in the first instance. I now yield to the Senator from Utah.

Mr. KING. Mr. President, taking the observations of the Senator to-day and his speech delivered a day or so ago together, I have reached the conclusion—and I do not wish to do the Senator an injustice—that the Senator's position with respect to the four-power pact now under consideration in brief is this: That it merely creates an armed status between the four powers—I was about to say a condition of armed neutrality—or, at any rate, it supposes a limitation of naval armament, and makes provision for consultation. The Senator stated the other day, in substance, that we must maintain our Navy and that no treaty, no matter its sanctions and obligations, would be sufficient to protect our Nation. He gave China as an illustration of an unprepared nation, and insisted that, notwithstanding this treaty or any other treaty into which we might enter, we must still be militant and belligerent and have an army and a navy for national protection; that we could not rely upon treaties, but we must rely upon our own resources and mobilized and prepared armies and navies.

Now I ask the Senator—and I do so for information—what is the benefit of this treaty? We are still to maintain a belligerent and bellicose attitude under the guise of peace; we are to be Talleyrands and Machiavellis, professing peace and amity, and at the same time we must have a hand of iron and the sword and the bayonet and the naval gun ready for action. The nations are only to consult if there are any controversies growing out of their insular posessions, but there is no authority in the treaty granted to any nation or any agency to exercise force in order to bring a recalcitrant nation into terms of amity and peace with the other powers signatory to the treaty. Now I ask the Senator what is his interpretation of what this treaty means? I ask the question in good faith, as I respect the Senator's judgment and his sincerity. I want him to tell us what he thinks this treaty does do. What will be the effect of it? What are the advantages to be derived from it if we are still to be belligerent and militant, and if we are only to be brought together at a sort of tea party to consult now and then as to what we may do?

Mr. POINDEXTER. Mr. President, that is a very complicated and elaborate question.

Mr. KING. I know it is; let the Senator cut the Gordian knot.

Mr. POINDEXTER. It is based upon language of the Senator and not upon language of mine. I have never stated that we should maintain a bellicose or belligerent attitude. The great difficulty with the Senator from Utah, I infer from his remarks, is that he does not admit that it is possible for a self-respecting nation to maintain adequate means to protect its rights and its citizens in a friendly way, to be used only upon occasion when those rights are attacked or invaded or when some policy which it regards as essential is assailed. If I may refer again to Washington, he believed in adequate preparedness, and yet, at the same time, he stated that we should live in peace and honest friendship with all nations. The pending treaty goes along with the naval limitation treaty. The Senator can not consider them as entirely independent and unrelated. If those who negotiated the pending treaty and its advocates regarded it alone as sufficient to maintain and protect the rights of the United States, it is very likely that they would have made no provision in regard to the maintenance of a navy, and yet there was very careful provision, after elaborate negotiations, for a navy at a certain ratio with relation to the navies of the other powers to this agreement.

Mr. President, there seem to be two classes of people in this respect. One class seem to pursue such a policy that they will refuse to respect the rights of other people, at least, they will refuse to make an express agreement to do so; they are very careless about that; they have no hesitation about invading other people's rights, and yet at the same time they make no preparation whatever for meeting the consequences of that kind of action.

The opponents of this treaty, nearly all of them—at least, many of them—want to refuse by the adoption of the treaty to agree to respect the rights of the other parties to it, and at the same time want to abolish the Navy. They are not even content with the 5-5-3 ratio, but they want to do away with the Navy altogether. It seems to me that they occupy a very inconsistent and contradictory attitude. On the other hand, there is the other class, who are willing to agree to respect the rights of others, who are very punctilious about doing it, who would go a long way around to avoid offending one of their neighbors, and yet who are very particular to prepare themselves in such a way that in case they do become involved in trouble they can give a good account of themselves. That is the idea that was expressed by one of our great Presidents as "speaking softly and carrying a big stick"; not as seeking trouble, but as anxious to avoid it, but as prepared to meet it when it comes as it inevitably will come soon or late. He was in favor, and so are the advocates of these treaties in favor, of a punctilious observance of our international obligations, of adopting every measure that can be devised, in case a controversy arises, to avoid an armed conflict; yet they realize that you can not guarantee the performance of agreements of this kind. They realize the mutability of governments, the uncertainty of human nature, and that however good the faith may be when the agreement is signed it may be broken, and so they provide and propose to provide, if Congress will support them in it, for security upon this note.

There may be an obligation which a man owes to another which is unexpressed. In order to define and settle it, it may be put in the form of a promissory note. So it was done by writing our unexpressed obligation to Great Britain and to Japan and France, to respect their rights in the Pacific, into this promissory note which comes here in the form of a treaty, that we will carry out a certain course of conduct in relation to our neighbors in the Pacific. But when a man has signed a note, very frequently he wants an indorser besides the maker; so in this case we have as indorsers—each one of those who have signed the treaty—three other powers whose combined moral support will influence the conduct of each of the other nations in its relations with the other powers of the world.

Very frequently, Mr. President, when a man has secured even an indorser upon a note, he wants still further security. So, regarding the priceless value of the interests which are to be affected in controversies between nations, the lives of their people, the honor and the prosperity of their country, in order that no chances whatever should be taken, they pursued the course that is often pursued by wise business men even in matters which have no greater value than money, and that is to take some security in addition to the makers and the indorsers of a note. That security in this case is provided in the treaty in the form of a navy upon the 5-5-3 ratio.

So, Mr. President, there being no League of Nations, there being no surrender of sovereignty, there being no additional agency of government established, this treaty being in the nature of those which it has been the habit of our Nation to negotiate since it first took its place among the sovereign nations of the earth, there is no objection based upon any tangible or demonstrable fact to the ratification of the treaty by the Senate.

The treaty with Tunis, which I referred to a moment ago, is illustrative of many treaties which the United States has entered into. It provides that—

> There shall be a perpetual and constant peace between the United States of America and the Magnificent Pasha, Bey of Tunis; and also a permanent friendship, which shall more and more increase.

I might call attention to the preamble of this treaty; and if the preamble of this treaty did not do any damage, there is no danger of any preamble in any treaty ever doing any harm to those who sign it:

> God is infinite.
>
> Under the auspices of the greatest, the most powerful of all the princes of the Ottoman nation who reign upon the earth, our most glorious and most august Emperor, who commands the two lands and the two seas, Selim Kan, the victorious son of the Sultan Moustafa, whose realm may God prosper until the end of ages, the support of kings, the seal of justice, the emperor of emperors.
>
> The most illustrious and most magnificent prince, Hamouda Pacha, Bey, who commands the Odgiak of Tunis, the abode of happiness, and the most honored Irahim Dey, and Soliman, Aga of the Janissaries, the

chief of the divan, and all the elders of the Odgiak; and the most distinguished and honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Sumia, French merchant residing at Tunis, Chargé d'Affaires of the United States of America, which stipulations and conditions are comprised in 23 articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

And so, of a similar character, we have negotiated 72 treaties, including one with Japan by Commodore Perry, ratified by the Senate, and another one with Great Britain.

I want to call attention, Mr. President, to the authorities on the interpretation of international treaties as to the obligation of making war, upon which alone can be based a decision as to what the obligation of the United States is under this agreement.

On April 15, 1856, France, Austria, and Great Britain—

I am reading from "England's Guarantee to Belgium and Luxemburg," on page 34—

signed a separate treaty, which is important by reason of the use of the words "jointly and severally"; it provides:

"ARTICLE I. The high contracting parties guarantee, jointly and severally, the independence and the integrity of the Ottoman Empire, recorded in the treaty concluded at Paris on the 30th of March, 1856."

"ARTICLE II. Any infraction of the stipulations of the said treaty will be considered by the powers signing the present treaty as a *casus belli*. They will come to an understanding with the Sublime Porte as to the measures which have become necessary"—

Language that is similar to that which is contained in the pending agreement, except that the treaty now before us does not contain the stipulation that violation shall be a *casus belli*—

"and will without delay determine among themselves as to the employment of their military and naval forces."

There military and naval forces were expressly mentioned; but it was invariably held by all the premiers of Great Britain, without objection from any other power, that it was entirely in the discretion of Great Britain as to what use she should make of her naval or military forces, and it was expressly asserted on various occasions that she was not under any obligation to any other power to go to war.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I was very much interested in what the Senator had to say concerning the sentiment in this country regarding the reduction of our Navy. Did I understand the Senator to say that there is some sentiment in this country in favor of reducing the size of our Navy even beyond the limitation provided for in the 5-5-3 ratio?

Mr. POINDEXTER. I am very sorry to say that there is, in the country and in the Congress.

Mr. WALSH of Massachusetts. I am amazed——

Mr. POINDEXTER. I think, if the Senator will pardon me just one word, that the Senator will find, if he is here—as he no doubt will be, as he usually is in his seat in the Senate—that that is a very practical question, which the Senate very soon will be confronted with, whether or not we are going to maintain a Navy at the strength allowed and provided for by this treaty. I call attention to that because it seems to me to cast into the realm of the academic all questions as to whether we should have a larger Navy than that, when the great difficulty is to have one up to that mark.

Mr. WALSH of Massachusetts. Mr. President, I was especially interested, because I know of the Senator's special knowledge of naval matters and his great influence in formulating our naval policy as a member of the Naval Affairs Committee; but it is a matter of great surprise to me to learn that there is any sentiment or influence of substantial proportions in this country in favor of destroying our Navy or even reducing it to the extent of making it inferior to any other navy, regardless of the naval program or policies of other nations. I can understand a sentiment in favor of scrapping all navies, in favor of complete disarmament—not limitation of armament, but complete disarmament of both armies and navies—and I am in full sympathy with it; but I can not understand how our citizens, realizing that armies and navies exist for the purpose of our protection and the security of our rights against other countries that maintain armies and navies, would want our Army or our Navy to be second to that of any other country in its size and in its efficiency to serve and defend our country in time of need.

I am for no navy, if the world will disarm, but with the world armed, I want our country to be second to none in its capacity to protect our lives, properties, and rights. It seems to me that our policy ought to depend entirely upon the attitude of other nations, and that if other nations are going to maintain their navies, we can not afford to take the position of reducing our Navy beyond the size that guarantees reasonable security. We should, however, do everything possible to bring the public sentiment of the world to favor the abolition of all navies, but it is foolhardiness for a nation to begin to scrap its navy when every other nation in the world is increasing or maintaining its full naval strength.

Mr. POINDEXTER. I appreciate those sensible remarks of the Senator from Massachusetts, and I am glad that he has uttered them here in order to call attention to and emphasize that situation, because it is an actual menace. Of course, the strength of the Navy does not depend merely upon the hulks of ships. It depends more upon men and upon the training of the men, and that can not be done without adequate appropriations for the purpose. There is a plan on foot in very responsible quarters, I am told—I do not desire to criticise them at all, because they are entitled to their views and their jurisdiction—for such provision for our Navy as would leave it, instead of the equal of any other navy, the smallest of the three great naval powers. Instead of a ratio of 5-5-3, there would be a ratio of 5-3-2, the United States occupying the position of 2.

So I am informed by the most expert and the most reliable naval authorities; and it is also my own conclusion, based upon a comparison of this with provisions which have been made for the Navy in the past. That is a question which we will have to determine, and we are not impeded in our determination of it by this treaty, or by any other treaty which is pending here, because we act entirely within the limits of the agreement. I may say, although I did not intend to discuss the naval-limitation treaty, that this naval-limitation treaty represents the first authoritative international recognition of the United States as a naval power equal to any other. So much for its effect upon the naval status of the United States.

I usually agree with the Senator from Massachusetts, but I do not do so in his declaration in favor of a complete scrapping of all navies. I do believe in a reasonable limitation, because I can see that where there is a race between nations, without limitation, each one trying to get bigger guns than the other, bigger ships than the other, and more of them than the other, there is no end of it, and whether it leads to war or not, there is a considerable expense, though not so much of an expense as has been represented on various occasions. We are beginning to find that out now. The navy yards are being closed down, and we find that most of the expense of navies goes in wages and into the channels of commerce and in trade; it does not bear the relation to the other expenses of the Government which has been represented by any means. It seems to me, however that may be, that it is perfectly absurd for nations, after they have reached a certain point in the establishment of naval supremacy sufficient to curb and to police the evil influences of the world, which do exist, whether we like to admit it or not, to go on in a continued race for size and number. In that respect, leaving us in the best relative position in which we have ever been, this series of treaties, all interrelated with each other, in my opinion, form a very excellent basis for the adjustment of that question.

Mr. WALSH of Massachusetts. Mr. President, I do not want to prolong the discussion, except to say that I quite agree with the Senator from Washington [Mr. POINDEXTER] that so long as conditions in the world are as at present we must maintain a Navy of such size that it would at least be in a position to make a formidable defense of our rights. It is national suicide to reduce beyond the 5-5-3 ratio unless other Governments do likewise.

There is one thing more I want to say about the question of limitation of armaments. I think our country should have led, not so much in an effort to limit armaments as in an endeavor to bring about complete world disarmament. If a man has two revolvers and his antagonist also has two, and they wish to limit their arms, all they need do is to throw away one revolver, but they can still fight and kill each other. Nations can fight each other just so long as they have armies and navies, whether large or small. An agreement to reduce the size of armies and navies is merely an agreement not to fight so hard or so fiercely. Our Government lost a great opportunity at Versailles, and more especially at Washington, in not insisting on complete world disarmament. That does not mean that we should not have an Army and a Navy sufficient to do policing, but instead of limiting the weapons we shall use when we get into a fight, instead of saying we will not kill each other off so rapidly, we ought to demand that all honest and sincere peace-loving governments throw away all their arms and settle international disputes without having their peace negotiators or peace-shouting statesmen supplied with blackjacks.

As long as men have revolvers they will shoot. As long as nations have armies and navies they will fight. I repeat, we have lost a great opportunity to take the leadership in bringing about complete disarmament. There has never been a time since the coming of the Prince of Peace when the opportunity was so easily within grasp to do something for real world peace as it was for America as the result of the World War, to vigorously contend for and demand complete disarmament. I have not heard one of the leaders of this administration raise his voice in favor of absolute disarmament. Not to have at least made the effort is indefensible. All we have been urging is limitation rather than abolition of armaments. It is well as far as it goes, for it reduces somewhat the expenses of Government, but it does not begin to reach the real evil, which is war. Talk about limiting arms is really camouflaging the truth and misleads the peoples of the world who really long for peace. Our aim should be the ending of war by destroying the weapons of war and the prevention of their manufacture and use. Wars will never end until every nation scraps its navy and until every nation reduces its army to the size of a national police force. Let us give the world its choice—complete, honest disarmament—or if our allies deny us this assurance of peace then let us lead in the possession of the means of defense. We will be safest and the world will be more peaceful if the first course is followed. We will accept the compulsion forced upon us to protect ourselves only when the other nations compel it by refusing to disarm completely. In a world filled with war implements and trained armies and navies our security lies only in an Army and Navy of sufficient size to afford adequate protection.

Mr. POINDEXTER. Mr. President, I want to refer to another authority showing that there is no obligation to make war unless it is expressly provided for. On page 119 of the volume called "England's Guarantee to Belgium and Luxemburg" I find this statement:

The real point is that British statesmen had never considered that there was an absolute obligation—irrespective of all circumstances—to take up arms in defense of Belgian neutrality. There is no need to repeat the evidence given in the last chapter.

Mr. President, as to why England did go into that war, as bearing upon the interpretation of treaty obligations, I want to cite very briefly a few of the official documents. The fact of the case is that she went into it because her vital interests were involved.

In the British Blue Book, giving the official correspondence and negotiations between the great European powers at the outbreak of the Great War—No. 3—I find the following statement in a dispatch from Sir Edward Grey to the British ambassador at Vienna:

The possible consequences of the present situation were terrible. If as many as four great powers of Europe—let us say Austria, France, Russia, and Germany—were engaged in war, it seemed to me that it must involve the expenditure of so vast a sum of money and such an interference with trade that a war would be accompanied or followed by a complete collapse of European credit and industry. In these days in great industrial States this would mean a state of things worse than that of 1848, and irrespective of who were victors in the war many things might be completely swept away.

That is one out of a great number of documents which demonstrate the tremendous efforts toward peace made by the foreign office of Great Britain, contrary to the assumption of some Senators, who argue upon this floor that the triple alliance was the cause of the war. These documents show that, on the contrary, these efforts were put forth to prevent war; that they did have conferences; that they exchanged communications between the British foreign office and all the other foreign offices of Europe of countries which possibly might be involved in the war which was then threatening them.

That, Mr. President, is exactly what is provided for in the pending treaty, that there shall be full and frank communication, as provided in article 2; that there shall be a conference between the parties to the treaty, as provided in article 1, not to make war but to seek to do the thing which the nations which were confronted with the holocaust of world war failed to do, to find some means by which it could be prevented. In other words, the purpose is peace, not military aggression.

In No. 18 of the British Bluebook, in a telegram from the British chargé d'affaires at Berlin to Sir Edward Grey, the British foreign minister, of date July 25, 1914, he said, speaking of the German Secretary of State:

Secretary of State said that he did not know what Austria-Hungary had ready on the spot, but he admitted quite freely that Austro-Hungarian Government wished to give the Serbians a lesson, and that they meant to take military action. He also admitted that Serbian Government could not swallow certain of the Austro-Hungarian demands.

In No. 36, dated July 26, Sir Edward Grey said to the British ambassador at Paris, and also to the chargé d'affaires at Berlin, and to the British ambassador at Rome:

Would the Minister for Foreign Affairs—

That is, the Ministers for Foreign Affairs in these several countries where the representatives were located—

be disposed to instruct ambassador here to join with representatives of France, Italy, and Germany and myself to meet here in conference immediately for the purpose of discovering an issue which would prevent complications?

That was the effort to bring about a conference, just such as is provided for in the pending agreement.

In No. 43 of the same book, being a telegram from the British ambassador at Berlin to Sir Edward Grey, he said:

Secretary of State says that conference you suggest would practically amount to a court of arbitration and could not, in his opinion, be called together except at the request of Austria and Russia. He could not therefore fall in with your suggestion, desirous though he was to cooperate for the maintenance of peace. I said I was sure that your idea had nothing to do with arbitration, but meant that representatives of the four nations not directly interested should discuss and suggest means for avoiding a dangerous situation.

No. 46 of the same book is a dispatch from Sir Edward Grey to Sir E. Goschen, the British ambassador to Berlin. I read a pertinent sentence from it:

Just so other issues might be raised that would supersede the dispute between Austria and Serbia, and would bring other powers in, and the war would be the biggest ever known.

That is dated July 27, 1914.

In No. 49, from Sir Edward Grey to the British ambassador at Rome, he said:

The Italian ambassador informed Sir A. Nicholson to-day that the Italian Minister for Foreign Affairs agreed entirely with my proposal for a conference of four to be held in London.

As regards the question of asking Russia, Austria-Hungary, and Serbia to suspend war operations pending the result of the conference, the Marquis di San Giuliano would recommend the suggestion warmly to the German Government, and would inquire what procedure they would propose should be followed at Vienna.

That was dated July 27. On July 28, No. 59 of this document, the British ambassador at Paris said to Sir Edward Grey, speaking of the French Minister of Foreign Affairs, as follows:

He is grateful for the communication, and quite appreciates the impossibility for His Majesty's Government to declare themselves "solidaires" with Russia on a question between Austria and Serbia, which, in its present condition, is not one affecting England.

In No. 60, dated July 28, from the British ambassador to Sir Edward Grey, he said:

I discussed with my two colleagues this morning his reply, and we found that, while refusing the proposed conference, he said to all of us that nevertheless he desired to work with us for the maintenance of general peace.

On July 28, No. 67, Sir Edward Grey telegraphed to Sir Edwin Goschen, the British ambassador at Berlin:

It would not be an arbitration but a private and informal discussion to ascertain what suggestion could be made for a settlement. No suggestion would be put forward that had not previously been ascertained to be acceptable to Austria and Russia, with whom the mediating powers could easily keep in touch through their respective allies.

In No. 87, dated July 29, Sir Edward Grey wrote to the British ambassador at Paris as follows:

Even if the question became one between Austria and Russia, we should not feel called upon to take a hand in it. It would then be a question of supremacy of Teuton or Slav—a struggle for supremacy in the Balkans, and our idea had always been to avoid being drawn into a war over a Balkan question. If Germany became involved and France became involved, we had not made up our minds what we should do; it was that case that we should have to consider. France would then have been drawn into a quarrel which was not hers, but in which, owing to her alliance, her honor and interest obliged her to engage.

Now as to the obligation of the Triple Entente he said:

We were free from engagements, and we should have to decide what British interests required us to do. I thought it necessary to say that because, as he knew, we were taking all precautions with regard to our fleet, and I was about to warn Prince Lichnowsky not to count on our standing aside, but it would not be fair that I should let M. Cambon be misled into supposing that this meant that we had decided what to do in a contingency that I still hoped might not arise.

M. Cambon said that I had explained the situation very clearly. He understood it to be that in a Balkan quarrel and in a struggle for supremacy between Teuton and Slav we should not feel called to intervene; should other issues be raised, and Germany and France become involved, so that the question became one of the hegemony of Europe, we should then decide what it was necessary for us to do.

He seemed quite prepared for this announcement and made no criticism upon it.

On July 29, No. 89 of the document, Sir Edward Grey wrote to the British ambassador at Berlin, and I will read just a brief extract from it:

But if Germany became involved in it, and then France, the issue might be so great that it would involve all European interests; * * * but we knew very well that if the issue did become such that we thought British interests required us to intervene—

British interests, mind you,

we must intervene at once, and the decision would have to be very rapid.

Omitting a part of the letter, I read further:

But if we failed in our efforts to keep the peace, and if the issue spread so that it involved practically every European interest, I did not wish to be open to any reproach from him that the friendly tone of all our conversations had misled him.

Turning to July 30, approaching very closely to the actual outbreak of the war, the British ambassador at Berlin communicated with Sir Edward Grey by telegram, and I read just one sentence from the telegram:

He—

Referring to the German Secretary of State—

regretted this, as he knew France did not desire war, but it would be a military necessity.

That is from the German Secretary of State in conversation with the British ambassador reported by the British ambassador to Sir Edward Grey.

Turning to No. 105, inclosure 1, relating to the nature of the Triple Entente, I ask to insert that without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The document referred to is as follows:

(Inclosure 1 in No. 105.)

SIR EDWARD GREY TO M. CAMBON, FRENCH AMBASSADOR IN LONDON.

FOREIGN OFFICE, *November 22, 1912.*

MY DEAR AMBASSADOR: From time to time in recent years the French and British naval and military experts have consulted together. It has always been understood that such consultation does not restrict the freedom of either Government to decide at any future time whether or not to assist the other by armed force. We have agreed that consultation between experts is not, and ought not to be regarded as, an engagement that commits either Government to action in a contingency that has not arisen and may never arise. The disposition, for instance, of the French and British fleets, respectively, at the present moment is not based upon an engagement to cooperate in war.

You have, however, pointed out that, if either Government had grave reason to expect an unprovoked attack by a third power, it might become essential to know whether it could in that event depend upon the armed assistance of the other.

I agree that, if either Government had grave reason to expect an unprovoked attack by a third power, or something that threatened the general peace, it should immediately discuss with the other whether both Government should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common. If these measures involved action, the plans of the general staffs would at once be taken into consideration, and the Governments would then decide what effect should be given to them.

Yours, etc.,

E. GREY.

Mr. POINDEXTER. No. 114, on July 31, from the British Minister of Foreign Affairs to the British ambassadors at Paris and Berlin:

I still trust that the situation is not irretrievable, but in view of prospects of mobilization in Germany it becomes essential to His Majesty's Government, in view of existing treaties, to ask whether French (German) Governments are prepared to engage to respect the neutrality of Belgium so long as no other power violates it.

That was the question that was asked just on the verge of war.

No. 119, July 31, from the British Foreign Minister to the British ambassador at Paris:

Though we should have to put our policy before Parliament we could not pledge Parliament in advance. Up to the present moment we did not feel, and public opinion did not feel, that any treaties or obligations of this country were involved. Further developments might alter this situation and cause the Government and Parliament to take the view that intervention was justified. The preservation of the neutrality of Belgium might be—I would not say a decisive but an important factor in determining our attitude. Whether we proposed to Parliament to intervene or not to intervene in a war, Parliament would wish to know how we stood with regard to the neutrality of Belgium, and it might be that I should ask both France and Germany whether each was prepared to undertake an engagement that she would not be the first to violate the neutrality of Belgium.

M. Cambon repeated his question whether we would help France if Germany made an attack on her.

I said that I could only adhere to the answer that as far as things had gone at present we could not take any engagement.

Further down in the statement:

I said that the cabinet would certainly be summoned as soon as there was some new development, but at the present moment the only answer I could give was that we could not undertake any definite engagement.

There are a few more of these documents leading up to the final declaration of war and showing the mistake of the Senator from Idaho in his assumption that if was the Triple Entente that caused Great Britain to enter the war.

No. 128, August 1, 1914, is a telegram from the British minister at Brussels to Sir Edward Grey:

The instructions conveyed in your telegram of yesterday have been acted upon.

Belgium expects and desires that other powers will observe and uphold her neutrality, which she intends to maintain to the utmost of her power. In so informing me, minister for foreign affairs said that, in the event of the violation of the neutrality of their territory, they believed that they were in a position to defend themselves against intrusion. The relations between Belgium and her neighbors were excellent, and there was no reason to suspect their intentions; but he thought it well, nevertheless, to be prepared against emergencies.

On August 1 Sir Edward Grey to Sir Edward Goschen, British ambassador at Berlin:

We are informed that authorities at Hamburg have forcibly detained steamers belonging to the Great Central Co. and other British merchant ships.

I can not ascertain on what grounds the detention of British ships has been ordered.

You should request German Government to send immediate orders that they should be allowed to proceed without delay. The effect on public opinion here will be deplorable unless this is done. His Majesty's Government, on their side, are most anxious to avoid any incident of an aggressive nature, and the German Government will, I hope, be equally careful not to take any step which would make the situation between us impossible.

On August 2, in a telegram from the British Foreign Minister to the British ambassador at Paris, he said—and I read only a portion of it:

I pointed out—

That is, to the French ambassador in London—

that we had very large questions and most difficult issues to consider, and that Government felt that they could not bind themselves to declare war upon Germany necessarily if war broke out between France and Germany to-morrow, but it was essential to the French Government, whose fleet had long been concentrated in the Mediterranean, to know how to make their dispositions with their north coast entirely undefended. We therefore thought it necessary to give them this assurance. It did not bind us to go to war with Germany unless the German fleet took the action indicated, but it did give a security to France that would enable her to settle the disposition of her own Mediterranean fleet.

M. Cambon asked me about the violation of Luxemburg. I told him the doctrine on that point laid down by Lord Derby and Lord Clarendon in 1867. He asked me what we should say about the violation of the neutrality of Belgium. I said that was a much more important matter—

That is, the violation of Luxemburg—

we were considering what statement we should make in Parliament to-morrow—in effect, whether we should declare violation of Belgian neutrality to be a casus belli. I told him what had been said to the German ambassador on this point.

Turning to No. 156, on August 4 the British Minister of Foreign Affairs wrote to the British ambassador at Berlin as follows:

I continue to receive numerous complaints from British firms as to the detention of their ships at Hamburg, Cuxhaven, and other German ports. This action on the part of the German authorities is totally unjustifiable. It is in direct contravention of international law and of the assurances given to your excellency by the Imperial Chancellor. You should demand the immediate release of all British ships if such release has not yet been given.

I want to read another telegraphic dispatch of the same date, August 4, from Sir Edward Grey to Sir Edward Goschen:

We hear that Germany has addressed note to Belgian Minister for Foreign Affairs, stating that German Government will be compelled to carry out—if necessary, by force of arms—the measures considered indispensable.

We are also informed that Belgian territory has been violated at Gemmenich.

This dispatch was dated August 4, and he refers there to the violation of the Belgian neutrality, which had, of course, occurred prior to that time. The German troops entered Belgium early on the morning of the 4th, and that was what was referred to by Sir Edward Grey in this dispatch. The declaration of war by Great Britain against Germany was not issued until the following day, so that the statement of the Senator from Idaho that the declaration of war preceded the violation of Belgian neutrality was a mistake.

Mr. BORAH. I do not think I was mistaken.

Mr. POINDEXTER. The records show that the Senator was mistaken. He is undoubtedly stating the German contention. I think the Germans contend that because the British had notified the French that if the German fleet attacked the north coast of France they would intervene, but the Germans proposed to agree with Great Britain that their fleet should not attack the north coast of France and the British denied that that was a declaration of war. We can not transpose dates, and there is no dispute about the actual dates on which these various documents were written. The declaration of war was promulgated on the 5th and the invasion of Belgium was on the 4th, so I find it difficult to see how the Senator can say that the invasion was after the declaration of war.

Mr. BORAH. May I say that Germany asked Great Britain specifically if they would agree to respect the neutrality of

Belgium, would Great Britain decline to go to the assistance of France, and Great Britain said that notwithstanding they would respect the neutrality of Belgium they would not agree not to go to the assistance of France. Therefore I say that it was not the invasion of Belgium which was the dominating influence that guided England in the war.

Mr. POINDEXTER. I am going to cite some further documents on that point, but what I was discussing at this point was whether or not the declaration of war preceded or followed the invasion of Belgium. I may say, in commenting upon what the Senator from Idaho has just said, that the statement by Sir Edward Grey to the German foreign office that they would not agree not to go to the assistance of France, even though Germany should agree not to violate the neutrality of Belgium, was not, of course, a declaration of war or anything resembling it. It simply amounted to a statement that they would not commit themselves at that time as to what they would do. They made the same statement to France all through the official documents. There was a feverish activity on the part of French officials to commit Great Britain to a promise to come to their assistance. Sir Edward Grey very carefully avoided committing himself either to Belgium or France as to what he would do. He pursued that as a deliberate policy, because he said he did not want to state a definite policy, feeling that that would have a bad effect, did not want to mislead France, because he wanted to reserve the independence of action of Great Britain. That was the reason he made the statements to which the Senator from Idaho refers. The fact that he said he would not agree not to assist France was far from being equivalent to saying that he would agree to assist them. It was just a refusal to commit himself.

On August 4, 1914, Sir Edward Grey telegraphed to the British ambassador, Sir Edward Goschen, at Berlin. His message bears on the question which the Senator from Idaho has again raised as to whether or not it was the invasion of Belgium that was, to use his words, "the controlling cause of the British entry into the World War." Sir Edward Grey says:

We hear that Germany has addressed note to Belgian minister for foreign affairs, stating that German Government will be compelled to carry out—if necessary, by force of arms—the measures considered indispensable.

We are also informed that Belgian territory has been violated at Gemmenich.

In these circumstances, and in view of the fact that Germany declined to give the same assurance respecting Belgium as France gave last week—

France had agreed to respect the neutrality of Belgium in the pressure of these rapidly occurring events on condition that Germany would not violate it.

in reply to our request made simultaneously at Berlin and Paris, we must repeat that request, and ask that a satisfactory reply to it and to my telegram of this morning be received here by 12 o'clock to-night.

That was getting down pretty close to an ultimatum. The question which had to be answered was whether or not Germany would agree to respect the neutrality of Belgium, and whether or not Germany had notified Belgium that, in case she was not allowed peaceably to transfer troops across Belgian territory, she would take whatever forcible military measures might be necessary.

Mr. BORAH. What is the date of the telegram from which the Senator from Washington is reading?

Mr. POINDEXTER. It is dated August 4. Let me complete it; it contains merely a few words.

Mr. BORAH. Very well.

Mr. POINDEXTER. The telegram continues:

If not, you are instructed to ask for your passports, and to say that His Majesty's Government feel bound to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany is as much a party as ourselves.

In view of that statement, how can it be said that the invasion of Belgium was not the controlling cause of Great Britain going into the war?

Mr. BORAH. But that was on August 4. On August 2 Sir Edward Grey gave Mr. Cambon this memorandum, which Germany had in her possession on the 3d:

I am authorised to give an assurance that, if the German fleet comes into the channel or through the North Sea to undertake hostile operations against French coasts or shipping, the British fleet will give them all the protection in its power.

Mr. POINDEXTER. I referred to that a moment ago.

Mr. BORAH. I know the Senator referred to that, but on the 2d of August, when the question of the neutrality of Belgium was not imminent at all, England had given assurance to the French minister that if Germany attacked France she would go to her help. Germany was in possession of that information. Of course, after that the question of the neutrality of Belgium was a mere makeshift or a camouflage.

Mr. POINDEXTER. Not at all; because, as I said a moment ago, Germany had agreed with Great Britain—and I have never heard anyone dispute the fact—that if Great Britain would agree to keep out of the war she would agree that her fleet would not attack the north coast of France. So that question was eliminated. Where the point of conflict and difference came was in Germany's refusal to agree not to invade Belgium. She did agree not to attack the north coast of France with a fleet.

Mr. BORAH. The Senator does not mean that Germany agreed to do so; he means that she proposed in case England would stay out of the war she would agree not to attack the north coast of France.

Mr. POINDEXTER. Yes.

Mr. BORAH. But in the meantime she had in her absolute possession knowledge of the fact that England was going into the war for another reason.

Mr. POINDEXTER. That statement is not based on any document which has come into my possession.

Mr. BORAH. Yes; it is based on the document which I have just read.

Mr. POINDEXTER. Oh, no.

Mr. BORAH. I will read it again.

Mr. POINDEXTER. That relates to the attack on the north coast of France by a fleet and Germany, so it is said, was ready to agree not to do that. With all the efforts Sir Edward Grey had made to bring about some adjustment of this question which would not involve the world in war, the horrible consequences of which he fully foresaw, as is shown by his repeated declarations as to the misery and the economic losses and disturbances that would ensue throughout the world after war was over, the Senator does not suppose, if that had been the only question between them, and Germany had agreed not to take such action, that Great Britain would have gone into the war?

Mr. BORAH. I have not said that that was the only question. I said that the other question was the dominating question.

Mr. POINDETER. The documents, in my judgment, bear out the contention that the dominating and controlling and immediate and direct question was the invasion of Belgium, and that is shown by the declaration of war.

Mr. BORAH. As to that there is a difference of opinion.

Mr. POINDEXTER. Yes; and a difference also of authority.

Mr. BORAH. No; it is not a question of difference of authority.

Mr. POINDEXTER. On August 4, 1914, Sir Edward Grey telegraphed to the British ambassador at Berlin to the following effect:

The King of Belgians has made an appeal to His Majesty the King for diplomatic intervention on behalf of Belgium in the following terms—

We must, if we are to read them intelligently, read these documents in sequence and in the relation one has to the other—

Remembering the numerous proofs of Your Majesty's friendship and that of your predecessor, and the friendly attitude of England in 1870, and the proof of friendship you have just given us again, I make a supreme appeal to the diplomatic intervention of Your Majesty's Government to safeguard the integrity of Belgium.

That is the end of the message from the King of the Belgians. Sir Edward Grey goes on in his telegram, as follows:

His Majesty's Government are also informed that the German Government have delivered to the Belgian Government a note proposing friendly neutrality entailing free passage through Belgian territory, and promising to maintain the independence and integrity of the Kingdom and its possessions at the conclusion of peace, threatening in case of refusal to treat Belgium as an enemy. An answer was requested within 12 hours.

We also understand that Belgium has categorically refused this as a flagrant violation of the law of nations.

His Majesty's Government are bound to protest against this violation of a treaty to which Germany is a party in common with themselves, and must request an assurance that the demand made upon Belgium will not be proceeded with and that her neutrality will be respected by Germany. You should ask for an immediate reply.

The British minister at Brussels telegraphed Sir Edward Grey, on August 4, as follows:

German minister has this morning addressed note to minister for foreign affairs stating that as Belgian Government have declined the well-intentioned proposals submitted to them by the Imperial Government, the latter will, deeply to their regret, be compelled to carry out, if necessary by force of arms, the measures considered indispensable in view of the French menaces.

I quote further, No. 155, dated August 4, by telegram from Sir Edward Grey to the British minister at Brussels:

You should inform the Belgian Government that if pressure is applied to them by Germany to induce them to depart from neutrality, His Majesty's Government expect that they will resist by any means in their power and that His Majesty's Government will support them in offering such resistance, that His Majesty's Government in this event are prepared to join Russia and France, if desired, in offering to the

Belgian Government at once common action for the purpose of resisting use of force by Germany against them, and a guaranty to maintain their independence and integrity in future years.

No. 156, on the same date, from Grey to Goschen:

I continue to receive numerous complaints from British firms as to the detention of their ships at Hamburg, Cuxhaven, and other German ports. This action on the part of the German authorities is totally unjustifiable. It is in direct contravention of international law and of the assurance given to your excellency by the imperial chancellor. You should demand the immediate release of all British ships, if such release has not yet been given.

I will read only a brief extract from the report, designated as "No. 160," dated August 8, by the British minister in Germany to Sir Edward Grey, after the British minister had taken his passports and returned to England. He gives an account of the events taking place in Germany during the few days immediately preceding and on the same day that the invasion of Belgium by German troops occurred:

Herr von Jagow at once replied that he was very sorry to say that his answer must be "No."

That is as to the guaranty to respect the integrity of Belgium—

as, in consequence of the German troops having crossed the frontier that morning, Belgian neutrality had been already violated.

This is the statement of the German Secretary of State to the British ambassador on August 4. Proceeding further, Sir Edward Goschen says:

I again proceeded to the imperial foreign office and informed the secretary of state that unless the imperial Government could give the assurance by 12 o'clock that night that they would proceed no further with their violation of the Belgian frontier and stop their advance I had been instructed to demand my passports and inform the Imperial Government that His Majesty's Government would have to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany was as much a party as themselves.

Furthermore, in the same letter he says:

I protested strongly against that statement, and said that in the same way as he and Herr von Jagow—

The "he" to whom he was referring was the German Chancellor, von Bethmann-Hollweg—

wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, so I would wish him to understand that it was, so to speak, a matter of "life and death" for the honor of Great Britain that she should keep her solemn engagement and do her utmost to defend Belgium's neutrality if attacked.

There is one other brief statement to which I desire to call attention. On August 5 Count de Lalaing, the Belgian minister at London, telegraphed M. Devignon, the Belgian Minister of Foreign Affairs, in Brussels:

Germany having rejected the British proposals—

Those were the proposals as regards Belgium which I have just read—

Great Britain has informed her that a state of war existed between the two countries as from 11 o'clock.

So, Mr. President, while the Senator from Idaho says that Great Britain declared war against Germany 24 hours before Belgian territory was invaded, these official documents show, by the admission of all parties, that while Belgium was invaded early in the morning of the 4th, a state of war was not declared between Great Britain and Germany until the 5th, stating that war actually existed from 11 o'clock on the night of the 4th. So the whole argument made by the Senator from Idaho against the pending treaty, when he compares it with the triple entente and says that the triple entente drew England into the war instead of preserving peace, falls to the ground. The foundation upon which his argument is based is found to be merely imaginary; the alleged facts upon which he builds up this magnificent edifice of attack upon the treaty are found to have no existence.

But, Mr. President, suppose it were true that such an agreement or "diplomatic group" among nations as the triple entente did have the effect of bringing Great Britain to the assistance of France when Germany, after 40 years of preparation, launched her mighty military machine against her, and, as we believe, against the civilization of the world if she had succeeded in overrunning France! Was it an evil, was it to be deplored that there was in existence an agreement which had the effect of bringing the British Empire to the rescue of civilization? I fail to see it; I fail to understand how such a conclusion may be reached, even if the assumption of the Senator from Idaho in the eloquent attack which he made upon this treaty, which was based almost wholly upon that assumption, had been well founded.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. KING. Of course, the Senator from Idaho does not need any defense at my hands.

Mr. POINDEXTER. No; he does not need any defense from me, because I am not attacking the Senator from Idaho. I am referring to matters in issue here in the Senate which he raised.

Mr. KING. Does not the Senator from Washington, though, misconceive the position taken by the Senator from Idaho? The position of the Senator from Idaho has been and still is, if I correctly interpret it, that whenever an alliance is formed, such as the triple alliance, it will necessarily provoke a counteralliance, and that if there was an alliance anterior to the triple alliance, that alliance provoked the triple alliance; and so, if we entered into an alliance—I am not declaring that we did, but assume that we did in this four-power treaty—the position of the Senator from Idaho was that such an alliance would provoke a counteralliance, and that instead of emancipating nations from the conditions of the past and freeing them from the balance-of-power theory and the alliance theory this treaty tends in the direction of the past and will provoke a situation that will result in counteralliances to the disadvantage of the United States and the world.

Mr. POINDEXTER. Yes; that is true; but that does not meet at all the point which I was making. That is the reason that the Senator from Idaho gave for his opposition, but the argument remains the same as it was before, that because it was the adoption of the policy of a balance of power it would lead to the creation of another alliance and tend toward armament and toward armed conflict.

The Senator from Idaho and other Senators who have taken the same position that he does were among the most formidable opponents of the League of Nations; and the grounds upon which those Senators based their objections were that it amounted to a world-wide alliance, and involved the United States in commitments and entanglements with every nation in the world. So, to accept the interpretation which is suggested by the Senator from Utah of his argument against the pending treaty, it seems strange to see the same Senators—not only the Senator from Idaho, but others—who assisted so much in a successful fight for the independence of their country against the world-wide alliance that was contained in the League of Nations—now proposing here to substitute for this simple, limited, and practical agreement between the powers of the Pacific Ocean to respect each other's rights—another League of Nations—to bear them argue that this treaty should be defeated because it does not go further and extend and impose upon us those same obligations and incur those same commitments—which they so much deplored in the League of Nations—to the mainland of Asia and Europe, to China, to Russia, and to Germany. I repeat what I said before: The fact that it does not do that, that it does not involve the United States in the controversies of the rest of the world, constitutes its chief distinguishing characteristic from the League of Nations and one of its greatest merits.

Mr. WATSON of Georgia. Mr. President, the Senator from Washington, in the midst of his very able address, complained of the suspicion with which the four-power pact is regarded. He spoke of these suspicions as not being well founded and compared them to apparitions.

Mr. President, who is to blame if this four-power pact has excited suspicion—a suspicion whose ripples are widening every day? The Senate, after weeks of delay, adopted a resolution requesting the President to call in the three great naval powers to consult with us on the question of limiting naval armaments, and thereby tremendous naval expenditures. Without any suggestion from the Senate there was added to this program that of making what the Senator himself compares to a promissory note with indorsers on it, that which their leading debater, reading a carefully prepared speech, said, time after time, was an association of nations.

Mr. President, when the Senate confines itself to a request looking toward the limitation of naval armaments, and afterwards it is decided, for some reason not stated to the Senate or to the country, to bring into that conference the nation which has the largest standing army that ever did stand upon the earth, naturally people began to wonder why the name of France was added to those of England, Japan, and the United States.

A great deal of publicity was given to the opening of the conference, when, as the country understood and the Senate understood, the purpose was to discuss the naval holiday and the agreement on the relative proportion of navies. Who heard one word about a four-power pact? We could hear about all the other treaties. What did we hear about this? Nothing at all.

The hammers that drove the nails were muffled. The builders who built it built it as silently as those who built the ice

palace of the Russian Empress Ann upon the Neva. "Silently as a dream the fabric rose. No sound of hammer or of saw was there. * * * Intrinsically precious, it was to the feet treacherous and false. It smiled, and it was cold."

Why was this greatest of all these pacts built in secrecy and silence? Did not the American people have some right to know what was going on? Did not the Senate have some right to know? Did not the public press have some right to know? Nobody knew, until it was suddenly brought forth here one day, and then the whole world knew.

What followed? It soon appeared that those from whom we had a right to expect information either could not, or would not, give it to us. Not only that, such mistakes were made when they did speak that it soon became a matter of ridicule in the newspapers not only by the editors but by the correspondents.

The Senator from Massachusetts [Mr. LODGE] on yesterday became indignant as he spoke of "continual implications." Whose fault is it if we are not given the facts? We asked, "By what avenues of approach did you reach this agreement to lay aside the Anglo-Japanese alliance and take this as a substitute? Who made the first suggestion? What reply was made to that suggestion? What proposal and counterproposal, what tentative agreement, ripened into the final agreement? What reasons were advanced pro and con? What understandings were expressed as to its meanings?"

We are left without information. One could almost say that here we have what Cowper wished for—

A lodge in some vast wilderness,
Some boundless contiguity of shade.

He is in the wilderness and very much lost there. He is surrounded by shade. He does not stand in the light as he did when he was standing shoulder to shoulder with those who fought the League of Nations.

In an editorial in the New York World of last Sunday there is a general discussion of the lack of information prevailing as to this treaty. I read:

This applies to President Harding and Mr. Hughes no less than to Messrs. LODGE and UNDERWOOD. Not one of them has given the Senate a lead, not one of them but has dodged the real issues or showed that he did not know what they are. They have all answered eloquently the footless objections about who wrote the treaty and whether it abolishes the Constitution of the United States and why it was not on the agenda, and the rest. But on the test question of whether this is a four-power defensive alliance against a fifth power they have said nothing that sheds any light.

In a previous part of the editorial attention is called to the fact that neither the Senator from Massachusetts nor the Senator from Alabama appears to know the location of the island of Sakhalin with reference to the mainland of Russia. Attention is called in this editorial to the fact that when the Senator from Missouri [Mr. REED] asked the Senator from Alabama what was the distance between the mainland of Russia and the island of Sakhalin, the Senator from Alabama answered that he did not know exactly, but that if the Senator from Missouri wanted a guess, he would say several hundred miles.

As the editor states in this article, and as I remember Senator REED stated, the distance is only a few miles, and in the wintertime—and most of the year is wintertime there—ice bridges the island and the mainland, and anyone can pass from the one to the other on foot.

In the People's Forum appears a letter from a gentleman who does not sign his name, but who lives at West Hoboken, in which he calls attention to what he says are my "perversions of history." I am sorry he did not give his name, because I would like to have him state what they are; he does not state them here. He said that Senator LODGE told the Senate that Sakhalin is an island off Vladivostok, and the writer goes on to say that instead of being off the mainland at Vladivostok, and therefore very near the city, it is six or eight hundred miles away.

That is the kind of impression being made on the country at large, that those whom we deputized to make the treaty did not understand the fundamentals of geography.

Mr. McCORMICK. Mr. President, the Senator will recall that that is usual in all parliamentary bodies. It was Lord Salisbury who first suggested the use of large scale maps to show distances.

Mr. WATSON of Georgia. I gladly accept that luminous contribution to the debate.

Mr. President, I received a letter the other day from Mr. Theo. H. Lunde, whom I do not know, but who lives in Chicago. It is so very interesting that I will state the substance of it. He called attention to the fact that England is given permission to fortify Singapore, and that Singapore was accepted as a Pacific port. Here is the map, which shows that Singapore is not a Pacific port at all. It is situated at the end of the Malay Peninsula, on the China Sea, and the commerce of one-third of the human race passes through that port of transit. Near to Singapore is 90 per cent of all the visible tin in the world, a fact which certainly ought to be interesting to the canning interests of this country, and to other manufacturers in whose products tin is an important element. There are also enormous supplies of rubber near there, a fact which should interest those manufacturers in this country who have to use rubber as a raw material in the manufacture of their products.

Mr. President, I would like to dwell for a moment on this astonishing proposition, that because of the perils to us in the Anglo-Japanese alliance we must go into this shoreless, uncharted sea of the four-power alliance. Do Senators want to go to the extent of saying that they believe England meant to make an attack upon us in the Pacific, if we did not go into this four-power alliance? The senior Senator from Massachusetts [Mr. LODGE] certainly argued to that effect, and I understood one or two other Senators to take the same line. Yet they do not seem to realize that that would be the most frightful indictment which could be drawn against the governing powers in Great Britain.

Would Great Britain attack us when she still owes us, in round numbers, $6,000,000,000 and will not pay us even the interest on it? Would she finance her war against us with our own money? That is what it would mean. She collected like a Shylock the last dollar due to her for the transport of our soldier boys, who were her salvation; and then, having collected that debt for bringing her rescuers across the ocean, would she make war upon us with our money? That is an amazing accusation to bring against our late ally, but that accusation was first brought here by the senior Senator from Massachusetts, and it is in the RECORD. The collection of passenger fare for those soldiers who were speeding across the Atlantic to save England in her hour of peril was one of the most monstrous things that ever was known to history.

I wonder who paid the transportation when England hired the Hessians to come over here and fight our forefathers? I wonder if that little Kingdom of Germany had to pay Great Britain for the transportation of those Hessian soldiers who came over here to fight for Great Britain? A million Hindus went to Europe to fight for England in the Great War. I wonder who paid the freight? I wonder who bought the tickets? I wonder who bore the expense of the transportation? Now we see what England is doing to India as a return. If she would do to Arabia what she has done, after the Arabs helped her win the campaign which gave her Judea, Syria, and Mesopotamia, she would be capable of attacking us, if she thought she could win. England is now attacking her allies, without whose help she would have been crushed; and Japan is doing the same thing.

Who wrote this treaty? Whose brain conceived it? Whose will power put it through? I am confident that Elihu Root is the man who engineered the whole thing. Who is Elihu Root? In Harper's Weekly for January 8, 1914, I find an editorial paragraph with a heading, "Elihu," which reads as follows:

ELIHU.

The original Elihu was one of "Job's comforters," to whom Job made the remark, often quoted since: "No doubt but ye are the people, and wisdom shall die with you." It was after Elihu's long and able address, extending over six chapters, that the Lord inquired: "Who is this that darkeneth counsel by words without knowledge?" But this was Elihu, the son of Barachel the Buzite, of the kindred of Ram.

Senator Elihu Root, in a long and able address, prophesied such an inflation of the currency through the Glass-Owen Act as would weaken the confidence of European nations in our financial system.

That was before they got our $25,000,000,000, which they will not pay back, and do not intend to pay. The article continues:

He referred to railroad securities in particular, mentioning the passing of the New Haven dividend. He might have mentioned the shock to American credit, especially in France, from the recent Frisco fiasco. Senator Root might also have mentioned the destruction of confidence in the former street railway system in New York City, through another kind of inflation by the Whitney-Ryan interests, ably engineered by Senator Root himself, as their attorney. The Senator was wise not to have any illusions about the Presidency. The attorney of Ryan, Whitney, and of guilty New York aldermen and bosses will have enough to explain, if he attempts to retain his Senatorship in a popular election. The Senator's vigorous opposition to the constitutional amendment prescribing a popular election had a commendable degree of foresight.

In that connection it is not irrelevant to mention that, when it was discovered that Elihu Root constructed the New York constitution, which was being offered to the people for ratification, they refused to ratify it by 500,000, instinctively suspicious of Elihu Root.

In the New York World of March 12, 1900, I find an article headlined as follows:

Kilburn says Root arranged Office Boy Shea's $2,000,000 loan. Startling disclosures in official report on State trust scandal. Law clearly violated. Several large loans designated as either illegal or questionable. Several had no collateral. Lame excuses made for criminally loose methods and suppression of facts. Kilburn reflects Andrews's report.

Now I read briefly from the article:

"The Shea loan was arranged for by Elihu Root, a director and a member of the executive committee of the trust company and also its counsel. * * *

"Beyond all question this loan was illegal because excessive and because, in part, it was made indirectly to directors of the trust company. * * *

"So far as the company is concerned I am confident that the action taken by me meets every requirement of public interests. * * *

"If the individuals merit severer treatment, the courts are open and public officials may be called upon to take cognisance of illegal acts."

That is a quotation from the report on State Trust Co. made by Superintendent of Banking Frederick D. Kilburn to Governor Roosevelt.

In other words, the ranking member of this conference which arranged, in secrecy and silence, this four-power pact, against which only one great chain of newspapers has opened batteries—namely, the Hearst papers—is the man who, according to this official report, broke a bank and broke the law in doing so. He not only was able to keep other lawbreakers from punishment due to their crimes but he kept himself out also.

I read from the Pacific Fisherman, a publication at Seattle, Wash., of November, 1909, volume 8, page 12:

PROFITABLE PACKING WITHOUT FISH.

In the Senate of the United States a bill has been pending ever since 1906 which, if passed, will give the Wales Island Packing Co. (Alaska) the sum of at least $81,000 for an abandoned salmon packing shed—abandoned in 1903 on Wales Island, southeast Alaska. This bill has been repeatedly brought up in the Senate, but Senator OVERMAN has stood against it with a handful of hard facts to throw into the RECORD that declares this bill to be nothing less than robbery and most improper in its claim.

Further on, it is stated that Elihu Root was warmly urging the passage of the bill.

In the Pacific Fisherman, already mentioned, Seattle, Wash., August, 1909, will be found a full account of the depredation of the seal rookeries, and there again Elihu Root appears as chief engineer.

It will be remembered that Charles Edward Russell, who is occasionally a Socialist, went with Elihu Root to Russia. The Russian armies had been withdrawn, temporarily, from the combat. Soon after Mr. Root arrived and had a conference with Kerensky those armies were put back into the conflict; and that was the main cause of the second revolution, which put Kerensky out and put Lenin in. Upon his return Mr. Root was given "the valor medal," supposed to be deserved by those who had shown some active heroism on the battle field. All Mr. Root had done, so far as the public knew, was to go into Russia and to come out again. Can it be possible that he carried a bribe to Russia and influenced a change in her military policy? There is more than the insinuation to that effect, in these articles which appeared in the Washington Times, wherein Kerensky is pictured with a pocket full of money and Root is pictured as standing beside him, looking as wise as usual, wiser than any man could actually be.

Mr. KING. Mr. President, will the Senator yield?

Mr. WATSON of Georgia. Certainly.

Mr. KING. There are some things about Mr. Root that some of us do not like. I do not like his politics and many of his political policies. But, if the Senator will pardon me, and I hope I am not trespassing upon his time, I have sometimes felt that an injustice was done those with whom I did not agree and whose views to me were exceedingly obnoxious, and have occasionally ventured to interpose a word of defense.

Mr. WATSON of Georgia. I did not yield for a speech or for a defense. The Senator can take his own time to make that. I yielded for a question.

Mr. KING. It is not a question; it was rather an explanation of the purpose of Mr. Root's visit to Russia at a time that was important for the welfare of our own country. I feel that his work there entitled him to the thanks of the American people. However, I will not trespass upon the Senator's time.

Mr. WATSON of Georgia. May I ask the Senator a question?

Mr. KING. Certainly.

Mr. WATSON of Georgia. For what service was he given the valor medal?

Mr. KING. I am not sure that he was given that. I had not heard of it. I do not know that a valor medal was given him, but if it were I presume it was because he went there to represent this Nation, holding authority from the President of the United States, and for the purpose of expressing, as he did express in eloquent terms, the confidence of the American people in the Russian people, and also for the purpose of urging the Russian Government, whether it was represented by Kerensky or by some other person, to continue the war and to not desert her allies.

I would regard, and I think the Senator would, the departure of any of the allied nations from the fight at that time as an act more or less perfidious. Russia was giving evidence of abandoning the fight under the disintegrating influence of some of the socialists. After expressing the confidence of the American people in the Russian people and the gratification of the American people in the fact that a Russian republic had been organized, I have no doubt Mr. Root urged the Kerensky government to continue in the war. I think he should have urged that course, and, in my opinion, the Russian people should have continued in the fight, loyal to their country and to the common cause of the allied and associated powers.

I shall not trespass further on the Senator's time.

Mr. WATSON of Georgia. If we so loved the Russian people, why did we blockade their coast and make war upon them and bring upon them the first sufferings of starvation? You can not blockade a government. You can blockade a people, and that is what we did to Russia. We did it without any more provocation than that Russia claimed what has always been the American principle, that the will of the people must decide their form of government. That form of government has lasted now four years, and we will not recognize it.

Here is my authority for having said that a valor medal was given to Mr. Elihu Root, who, by the way, was not officially the person to negotiate with Russia on any subject whatever:

[Washington Post, Monday, August 13, 1917.]

VALOR MEDAL FOR ROOT—NATIONAL ARTS CLUB WILL HONOR HEAD OF MISSION TO RUSSIA.

Elihu Root, head of the American mission to Russia, is to receive the first valor medal of the National Arts Club.

Primarily the medals are to be presented as a reward for unusual heroism in the military or naval service of the United States.

[Washington Star, August 12.]

Its first valor medal to be given Elihu Root.

The text following is substantially the same as that in the Washington Post. If the Senator from Utah has some information that those statements were incorrect, I will very gladly let him state it now.

Mr. KING. Does the Senator mean with regard to the valor medal?

Mr. WATSON of Georgia. Yes.

Mr. KING. I have no information one way or the other in regard to that, and that to me is wholly unimportant.

Mr. WATSON of Georgia. The Senator questioned the accuracy of my statement.

Mr. KING. If the Senator will pardon me, I did not mean to question the accuracy of his statement.

Mr. WATSON of Georgia. I do not say that the Senator meant to question my word at all. He thought I was misinformed.

Mr. KING. I merely meant to state that I had not heard that Mr. Root received the valor medal.

Mr. WATSON of Georgia. I was in hopes that the Senator from Utah, whom I so much esteem, would keep an open mind on this matter of Elihu Root until I advanced a little further in my address.

Elihu Root is arraigned now for having been the principal author of the misfortunes of Korea, which misfortunes led to the persecution by Japan of the churches of Christ in that country. That country has been converted to Christianity. She had thousands of churches, thousands of schoolhouses, 9,000,000 converts. They have been subjected to massacre and torture, and Christ is being again crucified in their persons by the Japanese, and it was Elihu Root who made it possible for that dreadful consummation to come about.

Mr. President, in the very declaration of war which Japan made against Russia there was a clause guaranteeing the integrity and independence of Korea. Partly because of that, Korea became the ally of Japan and gave her the base for land operations, without which she could not have successfully waged the war. As I stated the other day, she gave Japan also the use of her railroads and telegraphs, indispensable to the conduct of the war.

Mr. KING. Mr. President, will the Senator yield?

Mr. WATSON of Georgia. Certainly.

Mr. KING. The Senator is now talking about a subject on which I think I agree with him. I agree that our conduct and the conduct of our Government, which involves the conduct of Mr. Root, in dealing with the Korean question at

the time of the destruction of that Government may not be defended in morals nor upon the highest principles of international law.

Mr. WATSON of Georgia. It would have been impossible for Japan to have gained possession of Korea at that time, no matter what she might have done later, had it not been for the connivance of Mr. Elihu Root, our Secretary of State.

I will read the first article of our treaty of peace and commerce with Korea, made in May, 1882:

There shall be perpetual peace and friendship between the President of the United States and the King of Korea and the citizens and subjects of their respective Governments. If other powers deal unjustly or oppressively with either Government, the other will exert its good offices on being informed of the case to bring about an amicable arrangement, thus showing their friendly feeling.

After the war had been won by Japan with the help of Korea she was tempted by the military weakness of Korea and the fact that she herself was in physical possession to abuse that possession and to perpetuate it. To do this she exerted all her powers of intimidation over the Korean prime minister. As I described the other day, he was taken into a private room, the door closed, a sword drawn upon him, and his life threatened. He refused to yield to these threats. He was left in the room under guard, and this same Japanese minister went to the Emperor, who naturally believed that his minister had been murdered, and who naturally feared the same fate, and he signed under duress the paper which the Japanese demanded the minister should sign.

An American, Mr. Hulbert, had been the adviser of the Emperor for many, many years—30, as I remember. This adviser counseled with the Emperor, telling him to appeal by letter to the Government of the United States.

The Emperor of Korea wrote a touching letter, which is so unusual in its character and so much interest, if not of importance, that I will ask unanimous consent, Mr. President, to have it incorporated in the RECORD, in 8-point type, as a part of my remarks.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Without objection, it is so ordered.

The letter referred to is as follows:

"Ever since 1882 the United States and Korea have been in friendly treaty relations. Korea has received many proofs of the good will and sympathy of the American Government and people. The American representatives have always shown themselves to be in sympathy with the welfare and progress of Korea. Many teachers have been sent from America, who have done much for the uplift of the people.

"It is now apparent that Japan proposes to abrogate their part of this treaty and declare a protectorate over our country in direct contravention of their sworn promise in the agreement of 1904.

"It has been said that sentiment should have no claim in such affairs; but we believe, sir, that sentiment is the moving force in all affairs and that kindness, sympathy, and generosity are still working between nations as between individuals. We beg of you to bring to bear upon this question the same breadth of mind and the same calmness of judgment that has characterized your course hitherto, and having weighed the matter, to render us what aid you can consistently in this our time of national danger."

Mr. WATSON of Georgia. In effect and in substance, the Emperor of Korea appealed to our Government to stand by that treaty to which our faith was solemnly pledged. Mr. Hulbert was given the letter and commissioned to present it in person to our State Department, at whose head was Elihu Root. Mr. Hulbert crossed the ocean and was on his way to Washington City, having reached Cincinnati, when this act of intimidation was practiced upon the Emperor of Korea by the Japanese, who did not dare to allow Mr. Hulbert to come here and present the case. No doubt after they had compelled the Emperor of Korea to sign that concession they cabled the fact to Mr. Elihu Root. Mr. Hulbert was within one day of reaching his destination, but he was cut off by a cable no doubt, for when he reached Washington the next day and knocked at the door of the State Department it did not open. Mr. Root was too busy to see him; the next day, and the next, he was also too busy to see him; but after the Emperor of Korea had been forced to sign that concession to Japan, and the crime had been committed, then Japan was willing for Mr. Root to receive Mr. Hulbert. However, Mr. Hulbert was told by Mr. Root that the protest came too late for serious consideration. The Emperor of Korea by some means managed to get a cable message to our State Department, and Mr. Robert Bacon—one of the partners of J. P. Morgan & Co., one of the main instruments of the money power, one of the main instruments in the framing of the deflation policy which has very nearly ruined our country—Mr. Robert Bacon told him, graciously, that he would file it in the archives of the department. I suppose it was filed there.

Then Japan carried out her designs, the first step of which was this: The Anglo-Japanese alliance pledged those two nations to respect the integrity and independence of Korea, but Japan prevailed upon Great Britain, after the close of the Russo-Japanese War, to recede from that pact and to substitute for it a clause in the treaty which virtually said to Japan, "Go ahead in Korea, provided that you do not exclude British commerce; with that exception, keeping the door open for our manufacturers and our financiers, wreak your will upon Korea, in spite of our plighted faith."

That is the ally we are to trust; that is the ally in whom we are asked to place confidence; that is the ally for whom we are to scrap the Monroe doctrine; that is the ally for whom we are to spurn the advice of George Washington.

But the worst of it was the Japanese got the consent, apparently, of Mr. Root to scrap the treaty of 1882, by which our national honor was pledged to at least use our friendly intervention for the protection of the Koreans.

What has been the effect of all this series of crimes? We are told in the book I hold in my hand, which is entitled "The Case of Korea," by Henry Chung, which is published by the Fleming H. Revell Co., and which is full of information which seems to be trustworthy. I should like, Mr. President, if the Senate will give me permission to print several paragraphs showing how Christian churches have been burned and the congregations burned with the churches. Nero never did anything worse against the Christians, and yet Nero's name is anathema maranatha to every Christian, as it has been ever since he set fire to Rome, ascribed the deed to the Christians, and thus provoked the first persecution that Rome knew in which martyrs shed their blood. The Japanese are doing in Korea right now worse things than Nero did in Rome. The Christian world does not know it; the papers will not tell them; the magazines will not tell them. Only those who can come to the Senate galleries, or who can read the CONGRESSIONAL RECORD, or who read the Hearst newspapers, know anything about it. When the people of this country learn that the Japanese right now are burning schoolhouses and burning churches and burning Christian congregations and committing massacres as atrocious as ever were committed in the history of mankind, there will be flames of indignation that will run from sea to sea.

Mr. President, I now ask that the paragraphs to which I refer may be inserted in the RECORD in 8-point type.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

"The Christianity of Korea is predominantly Protestant. Just before Japan began its policy of destroying the churches and schools there were 3,164 Christian churches, with 6,690 ministers. The Buddhists had 258 places of worship, with 313 priests, and the Japanese maintained 65 Shinto places in which to worship the picture of the Mikado. The Christian missionary field in Korea is highly developed and is more or less self-supporting, reaching out into activities that are carried on by the citizen adherents. The Presbyterians have 21 mission centers all told, with full complements of churches, schools, hospitals, etc. The Methodists have 8 and the Catholics have from 20 to 30. The Chuntokyo or 'Heaven worshippers' have a numerical strength about equal to that of the Buddhists, though they are not mentioned in Japanese statistics.

PERSECUTION OF THE CHURCH.

"A Canadian missionery, in a report to his home board, on April 25, 1919, writes:

"'They have questioned all prisoners particularly whether the missionaries led the uprising. Thank God, so far our people have had the strength through torture to tell the truth. In our town over 1,000 Koreans are in prison. Many are Christians, who are beaten and tortured in an endeavor to make them say that the missionaries led them into asking for independence. Women are kicked and beaten to make them tell where their husbands and sons are. A woman was brought in here yesterday, her body horribly mutilated, stamped on by spurred boots. Just the other day seven were beaten to death.'

"A lady missionary at another place wrote to the Rev. Mr. Armstrong, the assistant secretary of the Presbyterian Board of Foreign Missions of Canada:

"'A number of churches are being burned. One, where the Christians were called together by the authorities, was surrounded by soldiers, who fired among them and shot many of them; some tried to escape, only to meet the bayonet. The building was set on fire and the survivors burned to death, 31 in all. It is worse than the Hun and a holocaust that can not be beaten by the Turk. Torture in the prison is the order of

the day. Many die under the stripes they receive. It is a reign of terror, with the Christians as marked men. Many a lash the poor Korean Christians in jail here receive, especially when they try to force them to say that the missionaries urged the Koreans in their call for independence. Schools are closed; our churches are still open, though they are closed and being burned in other places. March 4, with the first cry of "Mansei," my husband rushed down town. He was gone about an hour. He came back crying aloud, "My God! Such a sight! Japanese coolies out with fire hooks and clubs tearing and rending the poor, unarmed Koreans to bits!" He met my Bible woman's husband, dragged along by two coolies, his head gashed open and one leg dragging limp.'

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"An exhaustive description of Christian persecutions by the Japanese in Korea during the year 1919 would fill a volume. The following extract, taken from the annual report (1918-19) of the American Presbyterian mission station at Pyong Yang, is typical of the conditions of the church in its relation with the independence movement. From the description of the plight of this one district the reader may form an idea of the fate of other Christian communities all over Korea.

* * * * * * *

"To sum up what has been committed against the church in the Pyong Yang territory by the police, gendarmes, and soldiers in line with the statements made above we give the following:

"1. They have arrested many of the leaders of the churches, including pastors, helpers, and school-teachers. Many of the rest have fled for safety, for the church leaders seem to have been singled out for punishment and persecution regardless of guilt or innocence.

"2. They have seriously damaged 19 church buildings and broken the bells in others.

"3. They have expropriated the property of at least one church for other purposes without asking for or receiving permission to use the same.

"4. Twenty-six churches have been forced to close for periods up to three months and more.

"5. Many church schools have been forced to close in both city and country, because of the arrest of teachers, for periods up to three months and more.

"6. Helpers, pastors, and Bible women have been ordered to stop preaching in many places.

"7. Christian literature has been seized and destroyed in many places.

"8. The police have ordered the non-Christians to drive the Christians out of their homes in several places.

"9. All the students in the Union Christian College and the Boys' Academy in Pyeng Yang were ordered arrested by the chief of police whether guilty of any offense or not.

"10. Christians have been discriminated against in many ways, of which the following are typical:

"(a) In the special severity shown Christians in connection with the spring 'clean up.'

"(b) In the frequency and severity of beatings administered by police in the performance of their official duties.

"(c) In the special effort to arrest and punish the leaders of the churches on the ground that they were per se leaders, too, in the independence movement.

"11. Christian women in the country have been terrorized by police, gendarmes, and soldiers.

"12. The pastor of the Congregational Church for Koreans (under Japanese control), Mr. Takahashi, has visited certain of our churches and, assisted by police, has forced Christians to gather and listen to addresses intended to alienate them from the missionaries and their present church connection, and attempted to proselyte for his church. This was done with the knowledge and assistance of petty government officials.

* * * * * * *

"The Rev. Edward W. Thwing, formerly of Boston, the secretary of the International Reform Bureau at Peking, China, was in Pyeng Yang, Korea, during March. After his return to Peking he issued a signed statement, which follows:

"'PEKING, CHINA, *April 3, 1919.*

"'In a remarkable manner the Korean independence movement has manifested skill, courage, and organization that has been a great surprise to many. It has shown more than ever before how unreasonable, without justice, cruel, and brutal the military rule of Japan is in this land. I could hardly believe these things if I had not seen them with my own eyes.

"'The police and soldiers have arrested old men and little children and cruelly beaten them. Little girls of only 10 years of age, women, and schoolgirls have been shamefully treated and subjected to physical punishment and torture for no other crime than shouting with peaceful enthusiasm for their own country and crying out for the independence which Japan had guaranteed by solemn treaties.

"'These things have been witnessed not by one or two, but by scores of missionaries and others in many parts of Korea during March. If the world could only know these things it would certainly heed this cry of distress from an oppressed people. But the Japanese are doing all they can to keep the world from knowing the truth. A report has just come that in one city, from which letters have been sent, they are making it very hard for the missionaries, even hinting at deportation, unless they stop telling out the truth.

"'The following are some of the things that I have actually seen with my own eyes:

"'Small schoolboys knocked down and cruelly beaten by Japanese soldiers. This was not a question of arresting them, but savage, unjustifiable barbarism.

"'Soldiers step and deliberately fire into a crowd composed only of girls and women who were simply shouting "Mansei."

"'A small boy of 10 years shot through the back.

"'An unresisting old man of 65 years pounded, kicked, and beaten by several Japanese soldiers until he could not walk.

"'A crowd of about 20 schoolgirls, who were quietly walking along the public road, not even shouting, chased by soldiers, beaten with guns, knocked down, and so shamefully treated that it made one's blood boil.

"'Japanese firemen chasing boys and girls with long iron hooks, trying to catch them with them.

"'A Korean in a hospital, paralyzed, with his head crushed in with one of these hooks.

"'A man dying, shot through the back.

"'One hundred men, with torn and bloody clothes, tied together with ropes, taken to jail.

"'Two Koreans, so injured that they could not walk, tied down on a springless cart and brought to jail.

"'Men standing by, having no connection with the demonstration, and yet knocked about and attacked by soldiers, who will attack anyone, without regard to what they are doing.

"'An American missionary roughly arrested while standing in his own yard and looking on, but doing nothing else.

"'Women knocked down with guns and kicked into the ditch.

"'These and many other things I have seen with my own eyes. Other foreigners have seen the same and worse. One can little imagine the reign of terror in all parts of this land at the very time when the Japanese peace delegates are talking of "humanity and justice and equality of races." They don't know the meaning of these words. And the punishments and tortures at the police stations and jails make a still more awful story. I have seen men who were beaten off wooden crosses by the Japanese.

"'And why is all this cruel punishment given? Not for rioting or for resisting arrest. I have not seen one case of this; not for carrying dangerous weapons; they have none; but just for shouting out the desire of their hearts for the independence of their country.'

* * * * * * *

MASSACRES.

"What has been set forth in the preceding chapter relates largely to methods pursued by the Japanese in cities under the observation of foreigners. In country districts, where there were no foreigners to chronicle the events, villages were wiped out and wholesale massacres took place. What little observations made by foreigners in the remote districts were a small percentage of the burnings and massacres which took place all over Korea. In a signed statement forwarded to the Federal Council of the Churches of Christ in America an American resident describes a massacre in northern Korea, at Maungsan, as follows:

"'During the first part of March, after the people at this place had shouted for independence, 56 people were asked by the gendarmes to come to the gendarme station, which they did. When they were all inside the gendarmerie compound the gates were closed, gendarmes climbed up on the wall and shot all the people down. Then they went in among them and bayonetted all who still lived. Of the 56, 53 were killed and 3 were able later to crawl out of the heap of dead. Whether they lived or not is not known.'

"Mr. William R. Giles, whom I quoted in the preceding chapter, in a statement issued at Peking June 14, 1919, after his visit to Korea, declares:

"'In a valley in southern Korea, about 50 miles from Fusan, the Japanese military closed up a horseshoe-shaped valley surrounded by high hills and then shot down the villagers who attempted to escape by climbing the steep slopes. More than 100 persons were killed in this affray. * * *

"'The people are like sheep driven to a slaughterhouse. Only an independent investigation can make the world understand Korea's true position. At present the groanings and sufferings of 20,000,000 people are apparently falling on deaf ears.'

"In central Korea, near Suwon district, about 30 miles from Seoul, 15 villages were completely wiped out of existence by the Japanese soldiers and gendarmes. Many foreigners in Seoul, including British and American consular officials, visited these devastated districts and made direct representations to the Governor General. 'It was impossible for any evidence to be brought forward to disprove their statement,' wrote an American in Seoul at that time. 'The fact that so many foreigners visited the scene of this useless burning and murdering has forced the Government to take steps which otherwise it would never have taken. They are fully aware that it is useless to deny, as they did in other cases, that these acts of inhuman brutality did not take place; the evidence is too strong against them.' The Governor General, after receiving reports from the foreigners who visited the burned districts, expressed his regret and added that the guilty would be punished, which would mean, as one westerner pointedly commented, 'very likely that the perpetrators would be promoted to higher posts.'

"Whether the soldiers, guilty of massacring the innocent people, were actually promoted to higher posts or honorably dismissed from the Japanese Army is not known. But it is a proved fact that they were never punished, and burnings and massacres continued, despite the assurance given by the Governor General at that time that such outrages would never occur again. The following description of three devastated villages in the Suwon district, given by an American who visited them, furnishes a vivid picture of what has been going on in the remote parts of Korea ever since March 1, 1919:

CHAI-AMM-NI.

"'On Thursday, April 17, news was brought to Seoul by a foreigner that a most terrible tragedy had occurred in a small village some 50 li (17 miles) south of Suwon. The story was that a number of Christians had been shut up in a church, then fired upon by the soldiers, and when all were either wounded or dead the church was set on fire, insuring their complete destruction. Such a story seemed almost too terrible to be true, and being of such a serious nature, I determined to verify it by a personal visit. On the following day I took the train to Suwon, and from there cycled to within a few miles of the village; knowing the strenuous objections that would be made to my visit, I made a detour of several miles over a mountain pass to avoid the police and gendarme station which I knew was near the village.

"'Before entering the village I questioned many people as to the reported burning of villages, but none had any accurate information, and all were very much afraid to speak about the affair. I finally met a boy who lived in the village where the massacre had occurred, but he absolutely refused to tell me anything. He protested his ignorance—terrorism was bearing its fruit—the people were almost paralyzed with fear.

"'Making a sharp turn in the road I came suddenly into the village, and to my surprise found a number of Government officials, military and civil, holding an investigation. After a conversation with some of these officials, I was allowed to further look over the village and take some photographs. From Koreans I could get practically no information—they appeared to be dazed and stupefied, especially the women, while the younger men pretended ignorance of any details.

"'The appearance of the village was one of absolute desolation; about 8 houses remained; the rest (31) with the church had all been burned to the ground. All that remained were the stone jars of pickles and other edibles; these stood in perfect order among the ruins. The people were scattered about sitting on mats, or straw; some had already improvised little shelters on the adjoining hillside, where they sat in silence looking down in bewilderment at the remains of their happy homes. They seemed bereft of speech; they were probably trying to fathom why this terrible judgment should overtake them, and why they should suddenly become widows and their children orphans. There they sat, helpless and forlorn, entirely overcome by the calamity that had overtaken them.

"'Before long the Government party left the village, and when the officers were well out of sight, the tongues of some of these poor frightened people loosened, and they revealed to me the story of the outrage, which follows:

"'On Thursday, April 15, early in the afternoon some soldiers had entered the village and had given orders that all adult male Christians and members of the Chuntokyo (Heavenly Way Society) were to assemble in the church, as a lecture was to be given. In all some 29 men went to the church as ordered and sat down wondering what was to happen. They soon found out the nature of the plot, as the soldiers immediately surrounded the church and fired into it through the paper windows. When most of the Koreans had been either killed or wounded, the Japanese soldiers cold-bloodedly set fire to the thatch and wooden building, which readily blazed. Some tried to make their escape by rushing out, but were immediately bayoneted or shot. Six bodies were found outside the church, having tried in vain to escape. Two women, whose husbands had been ordered to the church, being alarmed at the sound of firing, went to see what was happening to their husbands, and tried to get through the soldiers to the church. Both were brutally murdered. One was a young woman of 19—she was bayoneted to death; the other was a woman of over 40—she was shot. Both were Christians. The soldiers then set the village on fire and left.

"'This briefly is the story of the massacre of Chai-amm-ni. The blame for this can not be placed on the shoulders of the ignorant and boorish Japanese soldiers—officials higher up were cognizant of it, if not directly a party to the plot. It is impossible that the strict discipline which prevails in the Japanese Army would allow any private soldier or sergeant taking such responsibility upon his shoulders.

SU-CHON.

"'The hamlet of Su-chon is beautifully situated in a pretty valley some 4 or 5 miles from Chai-amm-ni, where the previously reported massacre occurred. But the hand of the despoiler had been there, and his fingerprints, black and brutal, lay heavily upon the landscape. The narrow streets were lined with ash heaps; out of 42 cottages 8 alone remained. Little attempt had been made to clear away the débris by the survivors, for they had no sense of security of life and property, and they apparently feared that any attempt to gather their things together would only bring fresh disasters. Some few old women were sitting by their few belongings—their grief had overcome them—and they were listless and indifferent. I could not help thinking that perhaps they were wishing that they had perished in the cruel flames that had swept away their homes and robbed them of all their earthly comfort. There were some little children picking herbs in the fields—they must have something to eat, and all their stocks of rice and other food had been destroyed. The police and soldiers being absent, the people flocked around me and seemed anxious to tell me of their misfortunes. They had recovered from the first shock, but were in constant fear lest the soldiers should come back again and destroy them in the same brutal way that they had destroyed their homes.

"'The following is the story of the destruction of the village:

"'On April 6, before daybreak, while all were sleeping, some soldiers had entered the village and had gone from house to house firing the thatched roofs, which quickly caught and destroyed the houses. The people rushed out and found the whole village blazing. Some tried to put out the fire, but were soon stopped by the soldiers, who shot at them, stabbed them with their bayonets, or beat them. They were compelled to stand by and watch their village burn to ashes. After completing this nefarious work, the soldiers left them to their fate. I was informed that only one man was killed, but that many were seriously injured. I inquired if the wind had spread the fire from house to house. The reply was that the village was on fire at several places at the same time, and that the soldiers carried matches and set fire to the thatch of many houses.

"'I could find no real reason for this useless burning down of a village and making a number of people homeless. By such acts Japan is hardening the hearts of Koreans against her. The people are now beginning to feel that the Japanese intend to kill them whether they are innocent of doing any wrong or not, and are arriving at the conclusion that if they have to die they may as well do so striving for the liberty of their country. They have to die anyway, so what is the good of their trying to live within the bounds of the law—such as it is—when it is impossible for them to obtain justice in any shape or form?

WHA-SU-RI.

"'Wha-su-ri must have been a picturesque village before the barbarous troops of His Majesty's Government transformed it into an ash heap. The village is surrounded by wooded hills, which slope toward the valley of fertile paddy fields. In the center of the village there had been a lovely 'country residence,' which had a tiled roof and gateway. Now it is nothing but a huge heap of broken tile, dirt, and brick. Some thought that the owner had fled, others said that he had been imprisoned, but no one really knew what had happened to the 'squire.'

Out of some forty-odd houses 18 remained. No wind had spread the fire; something more sure, more definite, more cruel—the hands of Japanese troops whose hearts must have been filled with murder. Apart from the definite statement of the people to this effect, there was the evidence of the burnt houses. In some places burnt and unburnt houses alternated. And the space between burnt and unburnt houses frequently was some distance. As usual, all that remained were the earthenware jars used by every Korean household to hold pickles and water. Groups of such pots and the charred ruins of the woodwork, the ashes, and débris were all that remained of the erstwhile happy homes. Nothing had been saved from the flames—this could not be allowed by the soldiers of Japan. The devastation must be complete. A blanket, a sack of rice, a bowl, or spoon could not be saved on pain of death, so one feels justified in characterizing the refugees as absolutely destitute. Many of the poor people, whose homes had been burnt down, had been welcomed by more fortunate neighbors, to share their comforts of bed, food, and fire, while others were living under little straw shelters.

"'The following is the story of the burning of the village:

"'On April 11, some time before daybreak, the villagers were suddenly aroused out of their sleep by the sound of firing and the smell of burning. Running into the open, they found soldiers and police firing the houses and shooting and beating the people. Leaving everything, they fled for their lives, old and young, the mothers with their babies at their breasts, and the fathers with the younger children—all of them fled to the hills. But before they could make good their escape, many were murdered, shot by the soldiers, wounded, and beaten, while a number were arrested and taken to jail.

"'It is not a long story, but one is made to pause and think and to visualize the scene. Think of its occurring to your own home, to your own village; picture the darkness, the shooting, the beating, the screams of the women and children, the flames, and then the firing of the soldiers on those trying to escape.'

"The Rev. Albertus Pieters, of Japan, in an article, 'The moral failure of Japan in Korea—Responsibility of the Japanese Government and Nation,' denounced the massacres as 'unprovoked, deliberate, cold-blooded murder, for which no sort of mitigation or excuse has been alleged.' 'This was not an act of war,' said the Rev. Mr. Pieters; 'no state of war exists in Korea, or could very well exist, as the people have been completely disarmed. Neither was it done by a few rowdy or intoxicated soldiers, who had gotten out of hand, but by an organized detachment acting under orders of their regular officers. There was no resistance or riot to be quelled at the time.' After stating that the Governor General and the officials under him could not escape the responsibility of the crime, the Rev. Mr. Pieters continues:

"'But is there no further responsibility beyond that of the Governor General? What about the moral responsibility of the Japanese people at large? With the deepest concern I have been waiting for the past month, as, I am sure, have many other friends of Japan, to see whether there might be moral feeling and moral courage enough in Japan to find expression in a public protest against this outrage. I have waited in vain. The Japanese residents in Korea outnumber the foreigners many times over, and among them are men of high education and prominent position. The facts were as accessible to them as to the foreigners, but it was left to the latter to wait upon the Governor General and protest again at this crime. Why was there no delegation of prominent Japanese doing the same thing?

"'Tokyo is the nerve center of the Empire, the home of meetings and demonstrations of every kind. I looked and hoped for some expression of indignation from the Japanese people originating there, but nothing happened; no indignation meeting, no burning protests in the press, no denunciation by any political party, no evidence of any kind of concern for the welfare of the Koreans, for the maintenance of righteousness, or for the honor of the Empire. I am reminded forcibly of what a friend said to me at the time of the "conspiracy case": "The trouble with the Japanese is that they lack the capacity for moral indignation at wrongs done to others." It really seems so. The "capacity for moral indignation" is lacking, and hence it is a matter of no concern to the Japanese that unarmed Koreans are shot, bayoneted, and burned by men in the uniform of the Empire.'"

Mr. WATSON of Georgia. By the Yap treaty and by the pending treaty, we become tenants by sufferance in the great Pacific, and our landlords will be Great Britain and Japan.

We have been told here, again and again, that there was a Christian spirit in this treaty. A Christian spirit! With Japan's hand crimsoned with the lifeblood of thousands of Christian converts in Korea, how could any man allude to this compact as being inspired with the soul of Christ?

We have been told that this compact means peace. Why, then, do you vote down the amendments that would say that in plain terms? They are all voted down. Why leave any doubt?

The Senator from New Jersey [Mr. EDGE] said this morning that there would have to be a unanimous vote before any measures could be taken to repel the aggressions of a fifth power against one of the four parties to the treaty. Why, then, is it not so provided in the compact? In the covenant of the League of Nations it was stated that each nation would have so many votes; the voting power of each was arranged with great care; the manner in which questions should be decided was specified; nothing was left in doubt. The proponents of this treaty say that the measures to be taken to repel aggression do not mean war. Then why should they not have specified what they meant, if not war? If they mean arbitration, why did they not establish a tribunal which would pass upon the case? If the aggression was to be repelled by economic boycott, why was not that stated? If it was to be accomplished by the severance of diplomatic relations, why was not that stated? Why was it all left uncertain?

By going into this partnership with three of the members of the league we put it in their power to compel us to bring our case before the league, which would naturally be unfriendly to us, because we refused to join it. In their passing upon our rights the situation will be that of the three other powers leaving the settlement to their partners in the league, as against us who are not a member in the league. That will give us all of the disadvantages of the league without any of its advantages.

We have been told that if we refuse to ratify this treaty Japan and Great Britain will refuse to stop building ships. There we have the threat of war again. We have got to be scared into it; our fears are to be played on; we are to be placed in the attitude of cowards; we are to stand before the world afraid of Japan, afraid of England. Since when did we become afraid of any nation? Why should we be? Has the leopard changed his spots? What Japan did to Korea and to China she will do to us in the Pacific if she gets a chance. What England has done to her late allies she might do to us, if tempted and feeling secure, in the Pacific.

Mr. President, the fate of China is enough to concern the whole world. When our ancestors were wearing the hides of wild animals in the woods of Germany, eating raw meat and glad to get it, the Chinese had a beautiful civilization, a pure and lofty ethical code. China had science, literature, and art before Chaucer ever sang in England, before Alfred the Great ever had his face slapped for letting those cakes burn. China's golden rule is older than ours, and she has lived by it to a greater extent than we have lived by ours. Her great teacher, reformer, "guide, philosopher, and friend," Confucius, lived hundreds of years before our Christ, and for twenty-two hundred years her laws were almost unchanged.

Did you ever think, Senators, of the fact that China never made war on any other country during the whole of her career? She never did. She has been a nation of peace from the dawn of time. One of her Tartar kings made war; but China proper and the Chinese never did declare war against any other part of the human family. The same may be said of Korea; whereas Japan had always been warlike, until she got the worst of it in the war that she waged upon Korea, after which she remained within her shell for about 200 years. Korea had a beautiful civilization, literature, science, art, manufactures, ages before there was any civilization in the western world.

It is said that Congress has the power to declare war, and that no conference can take it from Congress. That argument is fallacious. A conference of American delegates, appointed by Congress or the President, can so commit themselves to a policy which the Senate might not like that the Senate would feel constrained to ratify it, lest the honor of the country be compromised in the eyes of the world. See how we are compromised now. The argument is used that we must ratify this four-power pact because our representatives were parties to it, and yet we did not authorize them to make any such agreement.

Mr. President, I do not know whether my conception of the independence of our country is too low or too high or absolutely correct; but my belief has always been that our forefathers fought for those seven years in order that they might establish in the New World a government different from any of those in the old. We can not go into a copartnership with Europe without being entangled in Europe's ambitions, rivalries, strifes, and clashes of interest, and the Republic can not be the partner of an imperialism without a reaction coming from the imperialism affecting democratic institutions and ideals in this country.

Oh, this compact seems to me a horrible thing, and it makes my heart bleed—indeed it does. I would that I had some power to stop the progress of this movement to enchain our country to the chariot wheels of the monarchies of the Old World and to the ultimate destinies of Africa, Asia, and Oceanica. If I had my way the ideal of the fathers, which the statesmen thought out and the soldiers fought out, would never be lowered.

Mr. KING. Mr. President, if my friend from Georgia [Mr. WATSON] will examine the records from which he read relative to the medal awarded Mr. Root, I think he will discover that it was awarded not by the Government but by the Arts Club of America. I may be in error, but that is my recollection.

Mr. WATSON of Georgia. Mr. President, if I used the word "Government," it was a slip of the tongue. I did not intend to use it.

Mr. KING. I so understood the Senator.

Mr. WATSON of Georgia. I do not remember whether I did or not. The RECORD, of course, will show; but I did not intend to say it.

Mr. KING. My understanding is that no recognition was accorded him——

Mr. WATSON of Georgia. By the Government.

Mr. KING. By the Government for his services, in the shape of a medal; and I do not recall that either by the executive or legislative branch of the Government was Mr. Root given any mark of distinction or honor for his valuable services in Russia. I have no doubt but what President Wilson tendered to Mr. Root his thanks for the work performed during his visit to Russia.

Mr. President, I do not desire to enter into any controversy with my friend from Georgia [Mr. WATSON], and only rise to say a few words concerning Mr. Root and his mission to Russia in 1917. Perhaps a brief reference to conditions prior to our entering the war may be warranted by way of preliminary, and a few sentences concerning Germany and Russia may reflect some light upon the reasons for the Root mission. For years prior to 1914 the military element, the Pan-German forces in Germany, largely controlled Germany's foreign and domestic policies. They sought not only a "place in the sun" for Germany but they designed that she should be the dominating power in the world. A great navy was constructed and a mighty army was prepared for war. Germany became the great military power of the world. Austria-Hungary was her ally and, indeed, her tool. Serbia was to be destroyed by Austria and Germany was to secure territorial or economic gains in the Near East.

Russia, when Serbia was thus menaced, was roused to the danger to the Slav States and made preparations for the conflict.

The German Kaiser assigned as one of the reasons of the war the mobilization of the Russian Army. Of course, that was a pretext to hide the wicked course of the military cabal which was dominating the Central Empires. Russia could see danger to her territory and to her position in Europe and Asia if the scheme of the Central Empires was successful.

Russia was forced into the war by Germany and Austria. Russia's interests were threatened and she became a belligerent nation, not only to defend a weak Slav State but, as she believed, to protect her vital and national interests. Belgium and Serbia and France and Italy and Great Britain and the United States, as well as all of the allied and associated powers, were not only contending for their own rights but for the cause of justice and peace in all the world. Russia's interests were as vitally affected as were those of any of the allied nations. The Russian people were fighting primarily for their own rights and for their own country.

They rejoiced when the United States entered the conflict, because a powerful ally was thus assured and an old and tried friend stood with them. We did not push Russia into the war; she had been fighting heroically for nearly three years when the United States entered the war. We had no reason to believe that Russia would desert her allies and abandon her own interests. We regarded the Russian people with profound affection and trusted them as honorable associates in a great conflict which involved the interests of the world. In the beginning of the war Germany attempted the subjugation of Russia, and Russia, with fine spirit and great vigor, plunged into the mighty conflict. Perhaps of all the nations, not excepting France and Belgium, Russia suffered the most from the war. Her contributions to the war never can be measured in rubles or pounds or treasure or in human suffering and human blood; and any country that was opposed to Germany that attempts to belittle the work of Russia is doing an injustice to that unhappy land and manifesting an ingratitude that seems to me incredible.

During the war it was believed by many of the Russian people that there were traitors in their own Government who were plotting the destruction of their own country. Dissatisfaction developed among the people, and the inefficiency of the bureaucratic and monarchistic class caused widespread discontent. Finally the revolution came. The Czar was driven from the throne and the Kerensky government came into power. It was the purpose of Kerensky and Prince Lvoff and Professor Milukoff and those leaders of what might be denominated the moderate revolutionary party to prosecute the war and to remain true to the allied cause. They knew that the war was being fought as much for Russia as for France or for Great Britain or for any of the allied nations. Lenin and Trotski, and those who formed the radical element of the communistic group, sought the withdrawal of Russia from the conflict and the overthrow of the so-called capitalistic nations of the world. They were at war with all nations and thought that an opportunity had come to destroy what they call "capitalism" as well as all governments, and to establish internationalism and the reign of the proletariat. They believed that if Russia could be withdrawn from the war and a communistic government erected therein the allied Governments would be defeated. Undoubtedly they regarded Germany as a fruitful field for the poison of their doctrines and believed that the German Empire would soon disintegrate and be swallowed up in the tide of communism.

Lenin and Trotski entered Russia and began their intrigues against the Kerensky government. They attacked the morale of the army and of the people and sowed the seeds of discord and destruction. The revolutionary government of Kerensky earnestly attempted to meet the situation, to stabilize conditions, and to carry on the war. They attempted to give the people a constitutional government, and, as I recall, made arrangements for a genuine constituent assembly. The United States took cognizance of the new condition of affairs and recognized the new government, not only as a de facto but as a de jure government. The President of the United States sought to understand the changing conditions, the aims and purposes of the new government, and the aspirations and hopes of the people. That he was anxious for the new administration to continue the vigorous prosecution of the war I have no doubt. And the allied nations were equally desirous that Russia should continue to do her part in the titanic conflict.

President Wilson, acting with high motives and guided by true statesmanship, sent a mission to Russia bearing a message of good will and fraternal greeting from this Republic to the newborn republic of the old world. Mr. Root was selected as the head of that mission. Some may question the wisdom of President Wilson in selecting Mr. Root to head the mission. I had some misgivings, not that I doubted the ability or the integrity of Mr. Root or his capacity to deal with big things in a big way. Perhaps intellectually there is no greater man in the United States or in the world than Elihu Root. Many differ from him in his political views. I have seldom agreed with his policies and never expect to follow his political school of thought, but I pay tribute to his intellectual powers. He is a world figure, though his statesmanship, in my opinion, is too often highly reactionary.

That he went to Russia inspired with a sincere desire to help the Russian people, and to patriotically serve his country, I have no doubt. I believe that Mr. Root, while there, exhibited ability, tact, diplomacy, and statesmanship of a high order. Perhaps no one could have done better service than did Mr. Root in a most trying situation, and for what he did, or attempted to do, as I suggested to my good friend from Georgia a few moments ago, I felt then, as I feel now, that he was entitled to the thanks of the President and to the thanks of the American people.

Unfortunately, the government of Kerensky was not supported by the Russian people. I will qualify that observation, because from all I can learn the Russian people, saddened and disheartened and discouraged as they were, were not desirous of leaving the field and abandoning the fight. Notwithstanding the fact that they had lost millions of men upon the battle fields, notwithstanding the fact that the transportation system had broken down, that their resources were practically exhausted, that demoralization had spread industrially and economically to all parts of the land, deep down in the hearts of the great mass of the Russian people there was an instinctive fear of Germany and a desire that the allied and associated powers should continue the war until a triumphant victory had been won.

But in their discouragement, having lost faith in the Czar, and uncertain as to the capacity and loyalty and integrity of all who appeared as political and, indeed, military leaders, they drifted in a helpless and hopeless and chaotic condition. In this situation they fell victims to the poisonous propaganda which was disseminated by the Marxian socialists of the Lenin kind.

These enemies of Russia became emissaries of the Central Powers. They deceived the soldiers and broke down the morale of the people. They spread the most abominable lies and made many of the people believe that France had withdrawn from the war, that American troops could not be transported across the water in sufficient numbers to be of any value, that the allied cause was about to collapse, and that Germany was assured of victory. The credulous, disheartened, and discouraged Russian peasants became demoralized, and the demoralization extended to the army. Finally there was a complete collapse of the Russian Army, and the Russian soldiers broke ranks and went back to their homes.

I regret that Kerensky's government, or some Russian government, did not come to power for the purpose of continuing the conflict. If Russia had continued for six months longer, the war would have been at an end. With Russia's withdrawal the Central Powers felt assured of success. The cause of the allied nations was greatly imperiled, and if it had not been for the energy and contributions of the United States another story might now be told.

There were certain revolutionary and radical forces in the United States who looked with the greatest glee upon the withdrawal of the Russian forces from the conflict. There were a few Americans who took that treasonable view.

Russia was in the war in defense of her own sovereignty and integrity and to protect the honor of the nation. Russia should not have withdrawn from the war, and it was the duty of the allied nations and the President of the United States to use all reasonable means, all moral suasion, to have Russia fulfill her engagements and to continue with the allied forces until the victory was won.

I again express my regret that Russia abandoned her associates. If she had been loyal to them and to her own interests, there would have been no communism, no bolshevism. She would have rejoiced with the Allies in a common victory and participated with them in making the terms of peace. She would have been at the peace table to help write the Versailles treaty, and the history of Europe from that day to this would have been entirely different. We would not now be discussing the four-power pact. Indeed, the problems of the Orient would have been vastly different. There would have been no Washington conference, and no four-power treaty. Russia, as a great and sovereign State, would now be at peace with all the world. With her inexhaustible resources she would have been the most powerful State of Europe, and pressing forward along the pathway of progress, she would have materially aided in Europe's rehabilitation.

But she fell away from the cause of justice and righteousness and abandoned her allies in the hour of their peril; but, notwithstanding that fact, this Nation has been the friend of the Russian people and is now their true and loyal friend. President Wilson, notwithstanding the treachery of the Bolsheviks, manifested his faith in the Russian people up to the very hour he left the White House. He stretched forth his hand upon many occasions to aid Russia; he lifted his voice in behalf of the Russian people and sought in every possible way the rehabilitation of Russia, the restoration of the Russian people to a condition of peace and prosperity. He was unwilling, when Russia was prostrate, to adopt any policy which would dismember the Russian State or weaken or destroy it.

The great state paper written by Mr. Colby shortly before he left the office of Secretary of State, in which he voiced the position of the then administration and spoke the views of Mr. Wilson, was a defense of Russia and the Russian people and a plea to all the world for the solidarity of Russia and for the maintenance of Russian territory against any possible aggressions. To-day the American people feel sympathy for the Russian people and they are anxious to do everything within their power to lift them up and to set Russia upon the pathway of peace and honor and freedom and lasting prosperity.

Mr. WILLIS. Mr. President, I always listen with delight to the Senator from Georgia [Mr. WATSON]. He is a distinguished Member of this body, an able lawyer, a famous editor, author, and historian, and it occurred to me he might be interested to have the attention of the Senate drawn to the fact that there is a considerable difference in editorial opinion in his State touching the so-called four-power treaty.

I gathered the inference from the remarks of my distinguished friend that he is not in favor of the ratification of this treaty.

In that connection I desire to read into the RECORD a statement from a very important journal of this country. As I now recall, the Hon. Clark Howell, a constituent of the Senator from Georgia, is the dean of the Democratic editors of the country. He has for many years been editor of a great journal, the Atlanta Constitution. In a recent edition of that paper I notice the following advice. I do not subscribe to all of it, particularly that portion of it in which he criticizes the motives and actions of Republicans, but I thought it might be helpful to our brethren on the Democratic side to know what the dean of the Democratic editors of the country thinks about the treaty. I am reading from an Atlanta Constitution editorial written by Hon. Clark Howell. Here is what he said, in part:

> The defeat of the four-power treaty would put the world back 10 years in its recovery from the destructive effects of the war.
>
> It is to be hoped that the Democrats in the Senate will, whatever the Republicans may do, keep their hands clean and their consciences clear, and that they will not permit their party, by the votes of a majority of the Democratic minority in the Senate, to be placed in the attitude of having defeated ratification of this treaty through an unholy alliance with irreconcilable Republicans.

Remember, I am assuming no responsibility for the comment he makes with reference to the Republicans, but I am calling attention to the advice which this distinguished editor is giving his Democratic brethren.

In another editorial he said:

> If enough Democratic Senators join forces with the irreconcilable Republicans in the final test of strength to defeat ratification of this treaty—as they unquestionably have the power to do—they will have assumed a fearful responsibility to their party, their country, and to the world.
>
> That they will do such a thing—that they will emulate the Republicans in the Versailles treaty fight by stooping to play personal or partisan politics—

Of course, I do not agree at all to the motives he ascribes to Republicans, nor to the criticism he implies of the very proper and patriotic action of Republicans in defeating the League of Nations covenant, but I am reading this advice from one distinguished Democratic editor to another distinguished Democratic editor—

> That they will do such a thing—that they will emulate the Republicans in the Versailles treaty fight by stooping to play personal or partisan politics with a principle that involves the prosperity, peace, and general welfare of the human race—is unthinkable.

Then, in that connection, to show the trend of editorial opinion amongst our Democratic brethren, I ask unanimous consent that there may be read at the desk the paragraphs that I have marked in a recent editorial appearing on the front page of the Commoner, a journal fairly well known throughout the country, edited by Hon. W. J. Bryan. This is the edition of March, 1922. I ask that the paragraphs from the editorial be read at the desk.

Mr. KING. Mr. President, before that is read I should like to ask the Senator from Ohio if he were editing the first editorial whether he would strike out the syllable "un," so it would read "holy alliance," or whether he would still leave it "unholy"?

Mr. WILLIS. Not believing in alliances at all, I think I should not care to enter into that discussion. The Senator is familiar with my attitude on that question.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

> Because our fight must be made largely upon economic issues it is unwise for the Democrats to prolong the debate over the peace treaties. Every day's debate will tend to divert attention from the economic issues and the Democrats will not only suffer by this diverting of attention but they will suffer still more if they allow themselves to be put in the attitude of opposition to any steps toward peace. There is no reason why the Democrats should not indorse every good thing connected with the treaties and then claim, as they rightfully can, that such progress as has been made has been made along Democratic lines rather than along Republican lines. The Democratic Party has been the leader in the peace movement and it can consistently support any steps taken toward peace by the Republicans because they are taken along Democratic lines. Take, for instance, the four-power treaty. It is based upon the 30 treaties negotiated by the last administration. Those who framed the four-power treaty claimed that it implied a reservation of independence, but the Senate has insisted that that reservation be made specific. In doing this it has simply added the one provision of the 30 treaties that was left out of the four-power treaty. Why should the Democrats object to a treaty that carries out the ideas of the Democratic treaties? Eighteen of the 30 treaties were ratified in one day; after the first three were ratified there was not a dissenting vote. When the Democrats vote for the four-power treaty they are simply approving of their own policy which the Republicans have adopted. Is it possible that a Republican indorsement can destroy the value of Democratic treaties? The sooner these treaties are disposed of the better.
>
> This does not mean that no reservations should be adopted. Any reservations that any Democrat wants to propose should be proposed and acted upon, but there should be no unnecessary delay. We denounced the Republicans for delaying the action on the treaty of Versailles. Why should we bring condemnation upon ourselves by delaying action upon these treaties, especially when by doing so we divert attention from the economic questions which must be the paramount issue in our fall campaign?

Mr. SPENCER. Mr. President, many of the people of the United States are deeply interested in Korea. This is true not only from the fact that the Korean Government is the historic patriarch among the Governments of the world, but it is also true because of the fact that in 1882 our country entered into a treaty with Korea which was ratified by the Senate in January, 1883, and proclaimed to the world in June, 1883. This treaty expressly provided among other things that—

> If other powers deal unjustly or oppressively with either Government, the other will exercise their good offices on being informed of the case to bring about an amicable arrangement, thus showing their friendly feeling.

It is not my purpose to discuss at this time the relation between Japan and Korea or the conduct of the United States in the matter, though the subject is full of pathos and tragedy. But I do want to make it clear that the pending four-power treaty gives distinct encouragement to the people of Korea and to that vast number in the world who are deeply interested in their welfare. The very purpose of the four-power treaty, as indicated by its preamble, is not alone the preservation of the general peace, but is as well the maintenance of the rights of the parties to their insular possessions and insular dominions in the region of the Pacific——

Mr. ROBINSON. Mr. President, will the Senator from Missouri yield for a question?

Mr. SPENCER. I will yield in a moment. And in any controversy arising out of any Pacific question and involving their rights, if not diplomatically settled, there is to be a conference between the nations and there is likewise to be, under the provisions of the treaty, a full and frank communication between the nations in case any of the rights of either party are threatened by the aggressive action of any other power.

It is not difficult to understand how naturally the Korean question might become involved in any such conference or communication, and the essential and encouraging fact is that whenever any matter in which Korea is directly or indirectly concerned comes before such a conference or is connected with such communication between the four powers it follows that Korea and its interests are brought before a company in which the United States, Great Britain, and France are parties equally with Japan, and Korea will have the tremendous advantage of having the questions in which she is interested considered upon such circumstances.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. SPENCER. In a moment. The friends of Korea have reason to congratulate themselves when the four-power treaty becomes operative.

I yield with pleasure to the Senator from Arkansas.

Mr. ROBINSON. The Senator from Missouri has said that one of the chief benefits of the four-power treaty is the encouragement that it gives to Korea that she may hope for relief from the oppression of Japan. The Senator, of course, knows that under this treaty Korea can have no representation except through Japan in any conference that may result from the treaty. Is not that true?

Mr. SPENCER. Undoubtedly, as the matter now stands.

Mr. ROBINSON. Then the Senator takes the position that it is a great advantage to Korea to be represented in a conference concerning questions which vitally affect her interests, her liberty, and her rights by the very nation that has subverted those rights, overcome and oppressed her. Mr. President, this is one argument that has not heretofore been advanced in favor of the four-power treaty and I do not believe it will again be advanced.

Mr. SPENCER. Mr. President, I merely want to correct the Senator from Arkansas, who started out with a statement putting into my mouth words which I did not use. The Senator said I opened my statement by remarking that one of the chief advantages of the four-power treaty was the benefit that it gave to Korea. I made no such statement. The Senator manufactured a man of straw which, with his usual vigor, he violently hit and knocked down.

All that I said is true, and that is that Korea to-day is in the grasp of Japan, and has, as the Senator from Arkansas truly remarks, no political integrity of its own among the nations of the world. While that is true, when anything which concerns Korea comes before that conference in the future, though it comes through the door of Japan, it comes before a conference where the United States, Great Britain, and France are equal parties to the conference with Japan, and I repeat it is a distinct advantage to Korea, more advantage than those helpless people have had for the last ten years.

Mr. ROBINSON. Mr. President, the Senate has just heard the statement of the Senator from Missouri in criticism of my construction of the remarks he was reading from a carefully prepared manuscript. It is singular that during the course of this debate the proponents of the treaty find it necessary to prepare their remarks with great deliberation, commit them to writing, and read them to the Senate.

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. ROBINSON. I will yield in just a moment. Every Senator who has discussed the treaty from the standpoint of those who advocate its ratification without amendment or reservation has written just exactly what he wanted to say, has come into the Senate and read it, and when a Senator has asked to interrupt him touching a particular point he has said, "Just wait a moment," and he has read on to the end of his manuscript and then declared, "Now I am ready to yield to the Senator."

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield with pleasure to the Senator from Missouri.

Mr. SPENCER. I wanted to ask the Senator from Arkansas if he did not think it would be rather advantageous if the opponents of the treaty gave a little more deliberation to the subject before they spoke?

Mr. ROBINSON. If they had no more success than the Senators who have read manuscripts in furnishing to the Senate information with respect to the treaty, the most careful attention to the preparation of their remarks would not have compensated for deficiency in argument. The Senator from Missouri unquestionably read from his manuscript the declaration that the four-power treaty was of great advantage to Korea. Now, did he not? Did not you hear that? I saw every man in the press gallery take out his pencil and make a note when the Senator from Missouri made that remarkable statement.

Mr. CARAWAY. And the Senator also saw them laugh.

Mr. ROBINSON. Yes; everyone laughed. The Senator from Missouri, if I understand him, now takes the position that because France and Great Britain and the United States are parties to this compact it will be a great encouragement to Korea to have her rights and her interests considered in the conference when they may be presented to the conference by the representatives of the Empire of Japan. Mr. President, when Japan was fighting Russia, Korea made common cause with her. Korea not only had the guaranty of her ally Japan, and of Great Britain, but the assurance by solemn treaty of the United States that her territory and her Government would be respected and preserved. With those relationships and those treaty obligations in existence, Great Britain and the United States stood silently by while the countless emissaries of the Japanese Empire, in pursuit of the policy of economic penetration, which has marked the aggression of that Empire throughout the last 25 years, advanced to the destruction of the sovereignty of Korea and to the oppression of her citizens. How, then, can anyone assert in vindication of this treaty that Korea may hope for liberty and rescue from the oppressions of the Japanese Empire through a conference under this treaty when she can only be heard through the representatives of the Japanese Empire? Do Senators believe that this treaty will prove instrumental in restoring independence to Korea?

Mr. President, if the declaration of the Senator from Missouri is illustrative of the desperate straits to which the advocates of unqualified ratification have been driven, those of us who want to Americanize this treaty and read into it a provision that secret engagements shall not be entered into among or between the powers constituting the pact; those of us who believe that Russia and China ought to be given a hearing in any conference affecting their rights and their destiny may, indeed, take courage and hope that sound judgment and prudent counsel will prevail to safeguard the reputation of our Government for sympathy and justice in dealing with weaker powers.

Mr. JOHNSON. Mr. President, I listened a moment ago with very great interest to the Senator from Ohio [Mr. WILLIS], to the editorial from the Atlanta Constitution, and also the one from the Nebraska Commoner, which he had read at the desk. I have been interested, of course, in the controversy which raged here yesterday and again to-day concerning what some distinguished gentleman in New York had said in regard to the pending treaty. I have been interested, too, in the propaganda with which all Senators have become familiar, not only in this particular matter but in all matters that come before the Senate and the Congress. I have been interested, however, merely from the standpoint of observing the infinite variety of the

human mind and not from the standpoint of being in the slightest degree influenced by any of the writings or any of the telegrams or any of the editorials or any of the propaganda that have come to me. There is too much of that sort of thing today, Mr. President, and too much of the endeavor to bring organized pressure to bear upon this body. The question with which we are now dealing is of such transcendent importance that I assume every Senator in the Chamber, as I endeavor to do, gives to it the best that is in him and that he may exercise his independent judgment. I take it, further, that that is not only the duty that is ours in the position which we occupy but it is the obligation that rests upon us because of the very delicacy and the very great importance of the subject involved.

I wish to say, sir, for myself, in regard to the organized paid propaganda, that I do not care the snap of my finger whether every editorial reference in the United States is of a certain character; I care not, sir, whether every association, civic or otherwise, directs, commands, begs, or protests in reference to the question before us. I do not care whether the Atlanta Constitution indulges in a persuasive endeavor or if Mr. Bryan's Commoner would chide us into a particular attitude. I feel that after all upon us, the individual independent Members of this body, rests the solemn duty to determine, in accordance each with his own judgment and as God gives him to see the light, what should be done.

I have no interest in Mr. Cravath's utterances. So far as I can see, the net result which has followed two days' discussion of him is that he leaves this Chamber, metaphorically, with a veracity shattered in many directions. I think we may dismiss him from all further consideration.

I am not concerned that Mr. Bryan says the Republican side of the Chamber has adopted a Democratic policy. I have said that myself, and that it is obvious I think there is little doubt. But if it were a correct policy in which our side of the Chamber believed, it ought to be adopted, and the fact that it had been two years ago a Democratic policy ought not in the slightest degree to militate against it. It is the policy, not the partisan label, that concerns me. I do become a bit restive, sir, and a bit irritated at the kind of propaganda which shows that it is organized and paid for and comes in exactly the same words from different sources.

There is one thing, sir, that I desire to express an opinion upon, an opinion perhaps at variance with that of my colleagues on both sides, but one concerning which somebody should speak, for it relates to a policy in which we are all very much interested. I speak not at all in criticism of the distinguished gentlemen who have served upon the American delegation to the Washington conference; but I do say, sir, that the circumstances which confront us in this debate and the situation which has come out of this debate show conclusively that upon commissions or conferences of the character of that recently held in Washington, upon the results of which ultimately they must pass in this Chamber, Senators ought not to be appointed; and I hope, sir, that this is the last time that upon any such commission or conference Senators will be appointed.

One further word, Mr. President, with reference to what has been said by the distinguished Senator from Missouri [Mr. SPRINGER] to the effect that Korea will derive encouragement from this treaty. Just think of it! I heard some of my brethren say that in the argument different Senators have been driven to extreme lengths in the discussion of this treaty. That seems to be so now. The Senator from Missouri, as I understand him, assigns Korea's terrible present fate as one of the reasons why this treaty should be ratified, so that relief may come from it and that there may be a palliation of conditions there existing. I understand that to be the substance of the argument of the Senator from Missouri, but the Senator from Missouri could not have meant that. If that be an argument that is advanced seriously upon this floor for this treaty, it ought, upon reflection among those who are familiar with the situation, to react upon the proponents of the treaty.

How did Japan acquire Korea? Mr. President, the very treaty which we are superseding with the four-power alliance, the Anglo-Japanese alliance of 1902, provided in set and fixed terms for preservation of the territorial integrity and the political independence of Korea, substantially, if not literally, in these words. It provided originally for the preservation of the territorial integrity and the political independence of Korea, and under the beneficent phrases of the Anglo-Japanese alliance, which is to be superseded by this four-power alliance, Japan swallowed Korea, and ever since has been in absolute dominion and control of Korea. So it is suggested by my friend from Missouri that that which takes the place of the Anglo-Japanese alliance, which guaranteed Korea and then destroyed her, is going to protect Korea because, forsooth, Korea may speak through her ravisher, Japan. I leave that argument with the Senate and with those who heard it.

In conclusion, I reiterate that the facts that have been developed here, the situation that has occurred, the events that have transpired—and this I say without criticism of either the Senator from Massachusetts or the Senator from Alabama—demonstrate that upon conferences of this sort Senators should not be appointed, and, if appointed, ought not to serve.

Mr. LODGE. Mr. President, I feel, as everyone must who is at all familiar with the subject, great sympathy for the Koreans, but I am sorry to say that I am obliged to differ with my friend the Senator from Missouri [Mr. SPRINGER] in his interpretation of the treaty, and I take the floor simply because I fear my silence might be misunderstood.

All continental questions were carefully excluded from the four-power treaty by the language adopted. The words "insular possessions and insular dominions" were selected with great care in order to exclude from the treaty any question touching either the Continent of Asia or the Continent of America. I am not undertaking to be final; after the rebuke that we have had from the Senator from California [Mr. JOHNSON] I should hesitate to do that; but I am only stating the fact of the interpretation of all those who made the treaty, that the phrase was carefully selected in order to exclude all continental questions.

Mr. LA FOLLETTE. Mr. President, I wish to submit some observations upon this treaty. I desire to speak rather fully upon the treaty. I am a little loath to divide my argument. If an arrangement might be effected which would meet the approval of the Senator from Massachusetts that we should take a recess until, say, 11 o'clock to-morrow, so as to extend the time for discussion to-morrow by one hour, at least, or, if it be thought desirable, to meet even at an earlier hour—I do not want to get in the way of any other Senator who wants to speak on the past—I should like to discuss the terms of the treaty and submit to the Senate an analysis which is, I think, in a way somewhat different from that which has been presented.

Would the Senator from Massachusetts be willing to move a recess at this time until, say, 11 o'clock to-morrow?

Mr. LODGE. Mr. President, I shall be glad to move a recess to 11 o'clock to-morrow. It was my intention to move a short executive session, which, of course, will not interfere with that in any way.

Mr. LA FOLLETTE. Oh, no; not at all.

Mr. LODGE. I think I ought to say that the only Senator who has spoken to me about speaking to-morrow is the junior Senator from California [Mr. SHORTRIDGE], who says he desires to speak to-morrow before the limitation is put on. I know of no others.

Mr. LA FOLLETTE. If there are other Senators who desire to speak to-morrow before the limitation goes into effect, and they will indicate the fact at this time, we might make an arrangement which would accommodate everybody. I certainly do not want to get in the way of any Senator who desires to address himself with some thoroughness to the four-power treaty. I think I should like to take about a couple of hours of the Senate's time.

Mr. SHEPPARD. Mr. President, I think I know of two Senators on this side who desire to speak to-morrow, but I do not think they will consume more than an hour each.

Mr. LODGE. After 3 o'clock, under the unanimous-consent agreement, speeches on the treaty are limited to one hour and speeches on reservations to half an hour. Any Senator speaking after the limitation goes into effect is entitled to an hour.

Mr. LA FOLLETTE. He is entitled to at least an hour, under the terms of the unanimous-consent agreement, at any time between now and 12 o'clock, I think, on Friday.

Mr. LODGE. Yes.

Mr. President, I understand, then, that the Senator from Wisconsin has taken the floor; and if he will yield the floor to me now I will make a motion to go into closed executive session.

Mr. LA FOLLETTE. I yield the floor to the Senator from Massachusetts for that purpose.

Mr. McNARY. Mr. President——

Mr. LODGE. I yield to the Senator from Oregon to make a request.

Mr. McNARY. I desire to ask unanimous consent for the immediate consideration of a conference report.

Mr. LA FOLLETTE. I yield for that purpose, Mr. President.

CHARGES DUE ON RECLAMATION PROJECTS—CONFERENCE REPORT.

Mr. McNARY. I ask unanimous consent, as in legislative session, for the present consideration of the conference report on House bill 9606.

The VICE PRESIDENT. Without objection, the Secretary will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the said bill.

CHAS. L. McNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JONES of Washington. Mr. President, just a word.

Mr. LA FOLLETTE. I yield to the Senator from Washington.

Mr. JONES of Washington. I joined in the conference report receding from the amendment of the Senate. That carried with it recession from the amendment that was put on in the Senate the other day relating to the extension of time on water rights on the Yakima Indian Reservation. I joined in this because in another body there was very strong opposition to this proposition, though not on the merits of it. I realized the force of the opposition, and I joined in the report also upon the assurance of the other body that the bill embodied in this amendment would be acted upon by the committee in another body. That action has been taken and a favorable report has been ordered upon that legislation. So I am very hopeful that we shall be able to get the measure through in the proper and regular way, and for that reason I joined in the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

FLYING FIELD AT DAYTON, OHIO.

Mr. WILLIS. Mr. President, will the Senator yield to me?

Mr. LODGE. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I yield to the Senator from Ohio.

Mr. WILLIS. Mr. President, there has developed in the country a discussion of very great interest to the people of the State which I have the honor in part to represent, and that is with reference to the attitude of the Government toward the relocation of the great flying field now located at Dayton, Ohio. The State of Ohio feels that it made a contribution to the country when it gave the country the airplane and the Wright brothers, and when the matter of abandoning this field at Dayton comes up here there will be a very vigorous contest if there is a disposition to remove that plant from the State of Ohio. It would be an inexcusable blunder on the part of the Government to scatter the wonderful force that has there been collected of the most expert airplane mechanics in the world. To break up and scatter to the four winds those airplane experts would set back airplane production in the United States for decades, and in addition would be a discredit to the city and State that gave the world the Wright brothers and the airplane.

On this subject I ask unanimous consent to print in the RECORD without reading a brief editorial of two paragraphs from the Cincinnati Enquirer of March 18.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

HALT THIS DESECRATION.

Completely inconceivable in sentiment and justice is the thought of abandoning the national aviation headquarters now at Dayton and removing them to a point on Long Island, N. Y., to be made an auxiliary to the Navy.

It was at Dayton that the transcendent genius of the Wrights gave to the world the first practical flying machine and clothed man with dominion over the air, the cosquat of the fowls. There, too, Lord Northcliffe, envoy for the scientific societies of Great Britain, presented the gold medal to the surviving inventor, which, as a symbol, acknowledged priority of discovery and forever fixed the brothers' fame.

From his lips fell the words that should have been uttered by an American, the declaration that in Dayton should be established the world home of aeronautical research, a shrine of the brilliant intellects that made human flight a possibility. To him it was the natural thing to do. Aught else would be a grief to understand.

Those responsible for these matters should sedulously see to it that the whims and crank ideas of institutionalized officials are not permitted to override these glorious ideals. Dayton and the airplane have come to be synonyms. To dismantle the governmental plant there would be very much like bombarding a beautiful cathedral in order to test a new explosive shell. It would, without exaggeration, constitute a national reproach.

MONONGAHELA RIVER CONSOLIDATED COAL & COKE CO. (S. DOC. NO. 170).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the case of the Monongahela River Consolidated Coal & Coke Co. v. The United States, referred to the court by a Senate resolution under the act of March 3, 1887, known as the Tucker Act, which was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ELKINS presented a resolution of Bricklayers' Local Union No. 8, of Clarksburg, W. Va., favoring the enactment of legislation permitting the manufacture and sale of beers and light wines, which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a resolution unanimously adopted by the Marz-McDonald Post, No. 99, American Legion, of Fitzgerald, Ga., favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a petition of sundry citizens of the District of Columbia, praying for the establishment of better school conditions and various changes in the school program in the city of Washington, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Kansas Crop Improvement Association, at Manhattan, Kans., favoring inclusion in the pending tariff bill of a duty of not less than 3 cents per pound on clover and alfalfa seed imported into the United States, which was referred to the Committee on Finance.

Mr. LADD presented a resolution adopted by the Grand Forks (N. Dak.) Trades and Labor Assembly, protesting against the creation of an industrial tribunal or court for the settlement of labor disputes, which was referred to the Committee on Education and Labor.

He also presented a resolution of Grand Forks (N. Dak.) Trades and Labor Assembly, favoring the passage of House bill 9691, providing for the creation of Federal local option districts, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the annual conference of the Farmers Grain Dealers' Association of North Dakota, at Devils Lake, N. Dak., favoring an early and substantial reduction of freight rates, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by Pend Oreille County (Wash.) Grange No. 1, Western Progressive Grange, commending the "agricultural bloc," which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by Wolfred Local, No. 8, and Pend Oreille County Grange, No. 1, both of the Western Progressive Grange in the State of Washington, favoring the passage of Senate bill 2604, the Ladd honest money bill, which were referred to the Committee on Banking and Currency.

He also presented resolutions adopted by Local No. 1, Western Progressive Grange, of Dominion, Wash., the Williston Commercial Club, of Williston, and by a meeting of farmers of Mable Township, Griggs County, in the State of North Dakota, favoring the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of A. B. Smith and 11 others of Williston and Bonetrail, John A. Bokovoy and Sam Donelenko of Kief, Oscar Johnson and 29 others of Hannaford, C. A. Gutzlaff and 32 others of Fargo, and J. S. Bjarke and 56 others of Rugby and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. BURSUM, from the Committee on Pensions, reported the following bills, which were each read twice by their titles, and he submitted reports thereon:

A bill (S. 3309) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors (Rept. No. 569); and

A bill (S. 3310) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 570).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 571) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 3304) granting a pension to Deborah G. McCoy (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3305) for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital Estate (with accompanying papers); and

A bill (S. 3306) for the relief of the Houston (Tex.) Chamber of Commerce, Bertha E. Roy, and Max A. Roy (with accompanying papers); to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 3308) for the relief of the heirs of Israel Folsom, deceased; to the Committee on Indian Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 3311) to improve the navigability of waters of the United States by preventing oil pollution thereof; to the Committee on Commerce.

By Mr. ELKINS:

A bill (S. 3312) to amend section 4730 of the Revised Statutes relating to pensions; and

A bill (S. 3313) to amend section 4747 of the Revised Statutes relating to pensions; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3314) for the relief of Mary Shine; to the Committee on Claims.

A bill (S. 3315) granting a pension to Cecilia W. Farwell; to the Committee on Pensions.

By Mr. KELLOGG:

A bill (S. 3316) to authorize the State of Minnesota to construct a bridge across the Mississippi River in or about section 17, township 54 north, range 25 west, Itasca County, Minn.; and

A bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.; to the Committee on Commerce.

AMENDMENT OF AGRICULTURAL APPROPRIATION BILL.

Mr. HEFLIN submitted an amendment proposing to appropriate $50,000 to meet the emergency caused by the recent introduction and rapid multiplication of the Mexican bean beetle in the State of Alabama and other States, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 6568. An act for the relief of the Red Lake Band of Chippewa Indians of the State of Minnesota, and for other purposes; to the Committee on Indian Affairs.

H. R. 9671. An act to amend section 87 of the Judicial Code; to the Committee on the Judiciary.

H. R. 10448. An act to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States; to the Committee on Public Lands and Surveys.

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923; to the Committee on Territories and Insular Possessions.

COMMITTEE SERVICE.

On motion of Mr. LODGE, it was

Ordered, That the Senator from Illinois [Mr. McKINLEY] be excused from further service on the Committee on Interoceanic Canals and assigned to service on the Committee on Agriculture and Forestry; that the Senator from Wisconsin [Mr. LENROOT] be excused from further service on the Committee on Military Affairs and assigned to service on the Committee on Appropriations; that the Senator from Idaho [Mr. BORAH] be excused from further service as chairman of the Committee on Interoceanic Canals and assigned to the chairmanship of the Committee on Education and Labor; that the Senator from New Jersey [Mr. EDGE] be assigned to the chairmanship of the Committee on Interoceanic Canals; and that the Senator from Iowa [Mr. KENYON] be assigned to service on the Committee on Education and Labor, the Committee on Interoceanic Canals, the Committee on Manufactures, and the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 20, 1922, the President approved and signed bills and a joint resolution of the following titles:

S. 490. An act to consolidate national forest lands;

S. 2471. An act to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stats. L. p. 558);

S. 2897. An act to appropriate $1,500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture;

S. 2908. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; and

S. J. Res. 108. Joint resolution authorizing the erection on public ground in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

THE FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LA FOLLETTE. I yield to the Senator from Massachusetts.

EXECUTIVE SESSION.

Mr. LODGE. In accordance with the understanding which I have with the Senator from Wisconsin, I move that the Senate proceed to the consideration of executive business behind closed doors, and after the secret executive session I shall move that the Senate take a recess in open executive session until 11 o'clock to-morrow.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Wednesday, March 22, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 21 (legislative day of March 16), 1922.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Hoffman Philip, of New York, now envoy extraordinary and minister plenipotentiary to Colombia, to be envoy extraordinary and minister plenipotentiary to Uruguay.

Samuel H. Piles, of Washington, to be envoy extraordinary and minister plenipotentiary to Colombia.

PROMOTIONS IN THE DIPLOMATIC SERVICE.

SECRETARIES OF EMBASSIES OR LEGATIONS OF CLASS 2.

Robert M. Scotten, of Michigan.
Herbert S. Goold, of California.
R. Henry Norweb, of Ohio.

SECRETARIES OF EMBASSIES OR LEGATIONS OF CLASS 3.

Alan F. Winslow, of Illinois.
F. Lamont Belin, of Pennsylvania.
Pierre de L. Boal, of Pennsylvania.
Benjamin Reath Riggs, of Pennsylvania.
Curtis C. Jordan, of California.
George A. Gordon, of New York.
Wallace S. Murray, of Ohio.

UNITED STATES ATTORNEY.

Raymond U. Smith, of New Hampshire, to be United States attorney, district of New Hampshire, vice Fred H. Brown, resigned.

UNITED STATES MARSHALS.

Albert L. Sittel, of California, to be United States marshal, southern district of California, vice Charles T. Walton, whose term has expired.

W. F. Appleby, of Tennessee, to be United States marshal for the western district of Tennessee, vice Stanley H. Trezevant, resigned.

J. Roy Ward, of Utah, to be United States marshal for the district of Utah, vice Aquila Nebeker, term expired.

SURGEONS IN THE UNITED STATES PUBLIC HEALTH SERVICE.

Alvin R. Sweeney, to rank as such from March 7, 1922.
Newton E. Wayson, to rank as such from March 3, 1922.
Frank M. Faget, to rank as such from March 6, 1922.
John H. Linson, to rank as such from March 5, 1922.
Charles V. Akin, to rank as such from March 4, 1922.
Knox E. Miller, to rank as such from March 3, 1922.
Joseph G. Wilson, to rank as such from March 8, 1922.

POSTMASTERS.

ALABAMA.

Joe R. Melton to be postmaster at Pine Apple, Ala. Office became presidential January 1, 1921.

Joseph J. Langdon to be postmaster at Reform, Ala., in place of S. L. Dorroh. Incumbent's commission expired January 24, 1922.

ARKANSAS.

James H. Bass to be postmaster at Marvell, Ark., in place of T. G. Robinson, resigned.

CALIFORNIA.

Harry B. Westgate to be postmaster at Pomona, Calif., in place of F. P. Firey. Incumbent's commission expired January 24, 1922.

IOWA.

Horace B. Sears to be postmaster at Hancock, Iowa. Office became presidential April 1, 1921.

Arthur E. Bassett to be postmaster at Little Sioux, Iowa. Office became presidential January 1, 1921.

Wilson A. Holland to be postmaster at Blockton, Iowa, in place of J. S. Wildman. Incumbent's commission expired January 24, 1922.

KENTUCKY.

Sue C. Beardsley to be postmaster at Harrodsburg, Ky., in place of J. H. Grimes, resigned.

MARYLAND.

C. Virginia Mullikin to be postmaster at Trappe, Md., in place of M. W. McKnett, resigned.

MISSOURI.

Berry Crow to be postmaster at Licking, Mo., in place of O. C. Meadows. Incumbent's commission expired January 30, 1921.

NEW HAMPSHIRE.

Dana B. Rounds to be postmaster at Hill, N. H. Office became presidential July 1, 1920.

NEW YORK.

Wilma B. Scott to be postmaster at West Valley, N. Y. Office became presidential April 1, 1921.

Joseph F. Krampf to be postmaster at Allegany, N. Y., in place of J. T. Norton. Incumbent's commission expired January 24, 1922.

C. Blaine Persons to be postmaster at Delevan, N. Y., in place of G. H. Mills. Incumbent's commission expired January 24, 1922.

Robert L. Wilcox to be postmaster at Port Leyden, N. Y., in place of G. W. Niece. Incumbent's commission expired January 18, 1920.

NORTH DAKOTA.

Donald B. McDonald to be postmaster at Maxbass, N. Dak. Office became presidential April 1, 1921.

OHIO.

Edward W. Williams to be postmaster at New Carlisle, Ohio, in place of D. F. Akers. Incumbent's commission expired January 31, 1922.

Benjamin E. Westwood to be postmaster at Youngstown, Ohio, in place of G. B. Snyder. Incumbent's commission expired January 31, 1922.

OKLAHOMA.

Onie L. Tapp to be postmaster at Marlow, Okla., in place of Bettie Smythe. Incumbent's commission expired July 23, 1921.

PENNSYLVANIA.

John W. Aumiller to be postmaster at Eagles Mere, Pa., in place of C. T. Peale. Incumbent's commission expired August 7, 1921.

RHODE ISLAND.

Henry D. Banks to be postmaster at East Greenwich, R. I., in place of T. H. Galvin. Incumbent's commission expired February 4, 1922.

TENNESSEE.

Curtis K. Burton to be postmaster at Puryear, Tenn. Office became presidential January 1, 1921.

TEXAS.

Mary A. Kent to be postmaser at Corrigan, Tex. Office became presidential January 1, 1921.

Edna Sirman to be postmaster at Grayburg, Tex. Office became presidential July 1, 1920.

John F. Furlow to be postmaster at Alvord, Tex., in place of J. W. Davis, resigned.

Ferman Wardell to be postmaster at Avery, Tex., in place of H. H. Knight. Incumbent's commission expired July 21, 1921.

Bertie Freeman to be postmaster at Detroit, Tex., in place of H. C. Bailey, resigned.

Mary S. Ray to be postmaster at Midland, Tex., in place of J. W. Taylor. Incumbent's commission expired July 21, 1921.

VERMONT.

Burton M. Swett to be postmaster at East Hardwick, Vt. Office became presidential July 1, 1920.

VIRGINIA.

Mary V. Givens to be postmaster at Montvale, Va. Office became presidential April 1, 1921.

Floyd I. Richardson to be postmaster at Sylvatus, Va. Office became presidential July 1, 1921.

Arthur G. Childers to be postmaster at Galax, Va., in place of S. S. Cox. Incumbent's commission expired January 24, 1922.

Frank P. Landon to be postmaster at Hopewell, Va., in place of John Hanlon. Incumbent's commission expired March 16, 1921.

WASHINGTON.

Vinnie M. Seglem to be postmaster at Vader, Wash. Office became presidential October 1, 1921.

Mary A. Johns to be postmaster at Kalama, Wash., in place of Edwin Schauble. Incumbent's commission expired January 24, 1922.

Allan Austin to be postmaster at Onalaska, Wash., in place of W. A. Carlisle, resigned.

H. Robert Nelson to be postmaster at Wilkeson, Wash., in place of L. G. Masters, resigned.

WEST VIRGINIA.

John M. Tulley to be postmaster at Sprigg, W. Va. Office became presidential April 1, 1921.

George A. Flora to be postmaster at Paw Paw, W. Va., in place of P. E. Nixon, resigned.

Robert R. Church to be postmaster at Winding Gulf, W. Va., in place of R. R. Church. Incumbent's commission expired March 16, 1921.

WISCONSIN.

Theodore R. Peterson to be postmaster at Weyauwega, Wis., in place of W. H. Weed. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 21 (legislative day of March 16), 1922.

POSTMASTERS.

ILLINOIS.

Roger Walwark, Ava.
George E. Stauffer, jr., Baylis.
Gustav H. Beckemeyer, Beckemeyer.
Ira A. Coltrin, Cave in Rock.
Robert L. Endicott, Crossville.
May B. Rush, Edgewood.
William Sargent, Griggsville.
Henry W. Schilling, Noble.
Oliver E. Ray, Poplar Grove.

MICHIGAN.

Otto L. Wickersham, Onaway.

MINNESOTA.

Pearl M. Hall, Ah-gwah-ching (late State Sanatorium).

MISSISSIPPI.

John L. Hallmark, Belmont.
Alma M. Furniss, Hollandale.
Andrew R. Shelby, Lauderdale.
Florence Brady, Lula.
Benjamin H. Chatham, Montrose.
Laura L. McCann, Nortfield.
Alma S. Evans, Ovett.
Benjamin C. Feigler, Philipp.
Frances C. Williams, Sunflower.

NORTH DAKOTA.

Lars B. Ness, Edingburg.
Rolfe H. Hesketh, St. John.

OKLAHOMA.

Bruce Hueston, Kellyville.
Roscoe C. Fleming, Tishomingo.

OREGON.

John N. Williamson, Prineville.

PENNSYLVANIA.

Lemuel L. Bosserman, Barnesboro.

SOUTH DAKOTA.

Irene E. Jackson, Lebanon.
Edward M. Schmida, Letcher.
Arthur Griffin, Selby.
James Gaynor, Springfield.
John D. Small, Summit.

WEST VIRGINIA.

Godfrey B. Beebout, New Cumberland.
Robert E. Horan, Summersville.
John W. Mitchell, Wayne.
Roger T. Price, Widen.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 21 (legislative day of March 16), 1922.

POSTMASTER.

Nana Michaels to be postmaster at Argo, in the State of Illinois.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 21, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord our God, wilt Thou come unto us in kindness and rebuke, in chastisement and in blessing, and stoop to our needs. Show Thyself strong and good, for Thy mercy's sake. Interpret unto us our own necessities, and make us to see great things out of Thy law. Grant newness of real, of opportunity and hopefulness to all. Teach us how the good may prevail, and help up to hold on to its achievements. Descend upon our fellow citizens with many blessings; and may they know the riches of life, its vast outlooks, and its wondrous joys. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE FOUR-POWER TREATY.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to address the House for a minute and a half.

The SPEAKER. The gentleman asks unanimous consent to address the House for 90 seconds. Is there objection?

There was no objection.

Mr. LINEBERGER. Mr. Speaker, inasmuch as there is pending before the Senate of the United States a very important treaty, vitally affecting the future of mankind, but upon which one-half of the California delegation there has taken an attitude which I feel to be in direct opposition to the will of the vast majority of the people of California, and particularly to those of the ninth congressional district, which I happen to represent, I desire to have read in the remainder of my time a telegram from my constituency, which is typical of many expressions which I have received, and which I believe to be the almost unanimous sentiment of the people of California on this very important matter. I refer to the so-called four-power treaty now pending before that great body, the United States Senate. Although I realize that this House has no voice in the making of treaties, I desire to add to the sentiments expressed therein my heartiest approval.

The Clerk read as follows:

LONG BEACH, CALIF., *March 19, 1922.*

Maj. WALTER F. LINEBERGER,
Member of Congress, Washington, D. C.:

Board of directors adopted following resolution:

"Realizing the tremendous burdens borne by our own people and those of other world nations because of national ambitions to excel in naval and military strength, and believing that world problems never will be satisfactorily settled by force of arms but rather by an agreement between nations and national leaders, therefore we deeply appreciate the spirit and vision of President Harding in calling the world nations together in the disarmament conference, and we congratulate our own and other interested peoples on the spirit, the wisdom, and the actual accomplishment of the conference; and we hereby call on our United States Senators and Representatives in Congress to cooperate in every way with President Harding and the disarmament delegates, Secretary of State Charles Evans Hughes, Hon. Elihu Root, Senator Henry Cabot Lodge, and Senator Oscar W. Underwood, in securing the approval of the United States Senate to the splendid agreement reached at the disarmament conference, which is a far greater accomplishment than most of our people considered possible, to the end that the United States as well as other nations may limit military and naval expenditures, and thus have available huge sums for constructive development, as well as to enable all the nations to develop good will and the policy of settlement of problems and disputed questions in friendly conference rather than by armed force with all attendant evils."

LONG BEACH CHAMBER OF COMMERCE,
CHAS. S. HENDERSON, *President.*

[Applause.]

CHARGES ON RECLAMATION PROJECTS.

Mr. KINKAID. Mr. Speaker, I present a conference report on the bill H. R. 9606 for printing under the rule.

Mr. GARRETT of Tennessee. Mr. Speaker, what is the title of it?

Mr. KINKAID. Extending the time for payment of charges due on reclamation projects.

WAR DEPARTMENT APPROPRIATIONS.

On motion of Mr. ANTHONY the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 10871, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill, parts of which were passed over.

Mr. ANTHONY. Mr. Chairman, the understanding was that we would start where we first left off.

The Clerk read as follows:

FINANCE DEPARTMENT.

PAY, ETC., OF THE ARMY.

Pay of officers: For pay of officers of the line and staff, $26,896,200: *Provided*, That the sum herein appropriated for the pay of officers shall not be used for the pay of more than 11,000 commissioned officers on the active list, of which number there shall be not to exceed 1 general, 21 major generals, and 46 brigadier generals of the line; the general officers authorized by law for chiefs and assistant chiefs of branches; the number of officers of the Medical Corps now authorized by law of six and one-half for every thousand enlisted men, the number of officers of the Medical Administrative Corps now authorized by law of one for every 2,000 enlisted men, the number of officers of the Dental Corps now authorized by law of one for every thousand officers and enlisted men of the Regular Army; not to exceed 100 commissioned officers of the Veterinary Corps; one chaplain as now authorized by law for every 1,200 officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts; professors at the United States Military Academy; the military storekeeper; and those belonging to branches whose names are carried on the promotion list to be distributed in grades as follows: Not to exceed 4 per cent in the grade of colonel, or 389; not to exceed 4.5 per cent in the grade of lieutenant colonel, or 437; not to exceed 15 per cent in the grade of major, or 1,458; not to exceed 30 per cent in the grade of captain, or 2,915; not to exceed 28.5 per cent in the grade of first lieutenant, or 2,769; and the remainder in the grade of second lieutenant: *Provided further*, That officers found surplus may be recommissioned in the next lower grade in accordance with their standing on the promotion list, or on the relative list if their names are not on the promotion list, or those of less than 10 years' commissioned service in the Regular Army may be discharged with one year's pay, or those of more than 10 years' commissioned service and less than 20 years' service may be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay multiplied by the number of complete years of such commissioned service, or those of more than 20 years' commissioned service in the Regular Army may be placed upon the unlimited retired list with pay at the rate of 3 per cent of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per cent; all under such regulations as the President may prescribe.

Mr. WALSH. Mr. Chairman, I make a point of order.

Mr. KAHN. Mr. Chairman, I want to make a point of order also on the whole paragraph and each proviso of the paragraph.

Mr. ANTHONY. Mr. Chairman, will the gentleman state his point of order?

Mr. KAHN. The number of officers of the Medical Corps is now authorized by law 6½ for every 1,000 enlisted men. The number of officers of the Medical Administrative Corps is now

authorized by law, 1 for every 2,000 men of the Regular Army; not to exceed 100 commissioned officers of the Veterinary Corps, and so on. One chaplain is now authorized by law for every 1,200 officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts.

Section 10 of the act of June 4, 1920, the present law, provides 6½ for every 1,000 of the total enlisted strength of the Regular Army authorized by law, and this section is a change of that provision. The comparison is the same as to the Medical Corps, except that the number is 1 for every 2,000, and in the Dental Corps the provision in the bill is for 1 for every 1,000 officers and enlisted men of the Regular Army; but section 10 of the act of June 4, 1920, says 1 for every 1,000 men of the total enlisted strength of the Regular Army authorized from time to time. That is a different proposition from what this bill calls for. In other words, the law fixes the number of men in the Medical Corps and in the Dental Corps at so many for every thousand men in the Army, and that number changes from time to time; but this provision in this bill fixes a definite number, which can not be changed under the provisions of this bill. I submit that it is clearly subject to a point of order.

Mr. PARKER of New Jersey. Mr. Chairman, I would like to add something. The number of officers in the Army is prescribed by law. This changes the number. It does not merely change the appropriation. It determines the number of officers that there shall be in the Army. It says the appropriation shall not be used for the pay of more than 11,000 commissioned officers on the active list, of which number there shall be not to exceed so many; and when you get down to line 22 it says:

And those belonging to branches whose names are carried on the promotion list to be distributed in grades as follows: Not to exceed 4 per cent in the grade of colonel—

And so forth. If there are more of various grades, it orders them reassigned, and then it says how many officers there shall be.

Now, I take this proviso also to be absolutely connected with the second proviso, which is necessary for its existence; and that second proviso provides what is obviously out of order on an appropriation bill, a means for turning out of the Army and for demoting to lower grades various officers who are in the Army.

Let me read the proviso and see whether there is anything about appropriation. I read, beginning at line 8, page 16:

Provided further, That officers found surplus may be recommissioned in the next lower grade in accordance with their standing on the promotion list, or on the relative list if their names are not on the promotion list, or those of less than 10 years' commissioned service in the Regular Army may be discharged with one year's pay, or those of more than 10 years' commissioned service and less than 20 years' service, may be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay multiplied by the number of complete years of such commissioned service, or those of more than 20 years' commissioned service in the Regular Army may be placed upon the unlimited retired list with pay at the rate of 3 per cent of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per cent; all under such regulations as the President may prescribe.

Now, I respectfully submit that that proviso is not only a proviso as to the management of the Army and not for appropriation, but it is likewise absolutely connected as a part of the first proviso, reducing the number of officers in the Army to a certain number, and not merely reducing the number that should be paid. My point is, first, that the whole of the two provisos should be taken together; and, second, that the first proviso is a proviso for the number of officers that there shall be; and, third, that the second proviso is certainly a proviso which reduces the number of officers in the standing line of the Army, and therefore is entirely out of order.

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman from Kansas if it is the contention of the committee that in lines 11 and 12, where it says "the number of officers in the Medical Corps now authorized by law of six and one-half for every thousand enlisted men," is the number now authorized by law?

Mr. ANTHONY. That is exactly the number authorized by law, and the committee intends to make no change whatever in the nmber authorized by law in the Medical, Dental, Veterinary, or the Chaplain's Corps, to which the gentleman from California has made the point of order.

Mr. WALSH. This is a limitation on the expenditure of the money. If this is the number authorized by law, which I am advised it is not, what is the necessity of using any language in stating the number? Why not say the number of officers in the Medical Corps now authorized by law?

Mr. ANTHONY. Because the War Department has appointed a number far in excess of the number authorized by law. For instance, it has appointed 1,148 officers in the Medical Corps, and the law authorizes 793.

Mr. WALSH. Has the gentleman the language of the legislation which fixes the number of officers in the Medical Corps?

Mr. ANTHONY. Yes. The legislation or law fixes the number of officers in the Medical Corps at six and one-half officers for every thousand enlisted men.

Mr. WALSH. But there is something that follows after that.

Mr. ANTHONY. I will read the entire paragraph:

The number of officers of the Medical Corps shall be six and one-half for every thousand, and of the Medical Administrative Corps, 1 for every 2,000 of the total enlisted strength of the Regular Army authorized from time to time and within the peace strength permitted by this act. The number of officers of the Dental Corps shall be one for every thousand of the total strength of the Regular Army authorized from time to time and within the peace strength permitted by this act.

The War Department took the position that the total authorized strength of the Regular Army was 280,000 men, and that therefore they could appoint the full authorization of officers. They seem to have willfully ignored the provision "as authorized by Congress from time to time." Last year Congress put a limit on the size of the Regular Army of 150,000. The committee contends that the War Department has no right to exceed the limit fixed last year.

Mr. WALSH. Does the gentleman contend that the Appropriations Committee is fixing the size of the Army in this legislation?

Mr. ANTHONY. The Appropriations Committee is limiting the amount of money which may be expended for the pay of officers and enlisted men.

Mr. WALSH. That is within the jurisdiction of the committee, but the committee has no jurisdiction to insert in an appropriation bill a change in the authorization of the law by which the number of officers is fixed. They can reduce the appropriation, but I submit that they can not by legislation change the law fixing the ratio of the officers and enlisted men, and that is what this change of language is attempting to do, because the authorization of the size of the Army is fixed by legislation and not by an appropriation bill.

Mr. ANTHONY. Mr. Chairman, I want to make this statement. As I understand it, the point of order is made by the gentleman from California against the language which repeats the present law as to the Medical Corps, the Administrative Corps, the Dental Corps, and the Corps of Chaplains. The language inserted by the committee in the bill is exactly existing law, not one word changed as far as I can see. The general idea of the committee in limiting the appropriation for the pay of the officers of the Army is that we contend it is in order under the Holman rule, because it is plain on the face of the measure that the proposition is to reduce the total number of officers in the Army. The average pay is $3,300 per annum at the present rate of pay, which is a saving of over $6,000,000 which would be effected by the adoption of the committee's limitation.

As I understand it, no point of order has been made against the reduction from the present number of 13,000 to 11,000, but, Mr. Chairman, the point is made entirely on the language in reference to the Medical Corps, the Dental Corps, the Medical Administrative Corps, the veterinaries, and the chaplains. I contend that the number fixed by the committee is exactly that now authorized by existing law and does not change it one particle.

Mr. CRAGO. Mr. Chairman, I desire to be heard on the point of order. I call the attention of the chairman of the subcommittee to the fact that the point of order lies against the entire paragraph as it was read, and under the admission of the chairman of the subcommittee that it does reduce the number of officers now authorized by law, I claim that the entire paragraph is clearly subject to the point of order, and it is not within the provisions of the Holman rule. I shall read briefly the summary of the opinion of the Chair in a case of a similar nature on an appropriation bill, where it was attempted to compel the Army to transport troops over certain railroads where they were getting a lower rate than over other railroads, and it was a clear saving to the Government in a way. It is a mere matter of argument as to whether it is a saving of money to reduce the amount appropriated for the Army officers and thus compel a reduction in the number of officers authorized by law. Seriously speaking, I say that it is a waste of money; it is a loss of money to this country to do away with what we have already built up at so great an expense.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. MADDEN. The gentleman says that it is a loss of money. On the face of the fact what is it, a loss or a saving?

Mr. CRAGO. On the face of the fact, as it appears to me, it is a loss.

Mr. MADDEN. What is it on the face of the bill?

Mr. CRAGO. Not in the total figures, no. On that very point I contend that this legislation, if it should come before this House at all, must, under the rulings of the Chair in all such cases, come from the committee which has jurisdiction of the subject matter of the legislation, and the decision to which I wish to cite the Chair reads as follows:

The Chair is of opinion that a motion of that kind should come from a committee having jurisdiction, and can not be brought before the Committee of the Whole House on the state of the Union as an integral part of an appropriation bill reported by the regular Committee on Appropriations.

Anything which has to do with legislation in this bill must of necessity come from a committee which has jurisdiction of the subject matter on which we are legislating, and under the decision in this case which I have cited, it takes the attempt out from under the provisions of the Holman rule, and I contend that the entire paragraph is subject to the point of order because it is argumentative as to whether it reduces the final expenditure of the Government. It does not come within the Holman rule because it does not come from a committee which has jurisdiction of the subject matter, and, therefore, it has no place on an appropriation bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. MADDEN. What did the gentleman say of paragraph 2 of Rule XXI, which reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

What does the gentleman say to that?

Mr. CRAGO. I say to the gentleman that that is a limitation which was properly placed on a committee when a committee had jurisdiction of the subject matter of the bill bringing in a bill in accordance with that provision.

Mr. MADDEN. Under that section of Rule XXI this committee has complete jurisdiction, and it has not invaded the jurisdiction of any other committee of the House. It is within the power of the committee to report the legislation proposed under that section of the rule, because on the face we prove beyond a doubt that we are reducing the number of officers, and we are reducing the amount of the appropriation, and we prove the case by the very facts on the face of the bill.

Mr. CRAGO. But you are only doing that in this bill by legislating on a subject matter which belongs to another committee, and the decision which I have read, the decision of the Chair in that case, where obviously on the face of it there was a saving to the Government in the matter of transportation, clearly holds that since it is legislation reported by a general appropriation committee it is not in order, because it does not come from a committee which has jurisdiction of the subject matter.

Mr. GREENE of Vermont. Mr. Chairman, on page 6, line 9, I find that whatever may be the pretext of authority under the Holman rule for making a legislative policy regarding the Military Establishment in an appropriation bill, the Committee on Appropriations certainly has gone outside of its province when it adopts language such as the following:

That officers found surplus may be recommissioned in the next lowest grade in accordance with their standing on the promotion list—

And so forth.

On the face of it, clearly this is a concrete legislative proposition directing the War Department how it shall reestablish the grades of the officers in the military service, and as to what shall be done with them, and under what conditions and circumstances. For instance, under existing law there is no authority to demote people in the military service after the manner contemplated in the lines which I have read.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. In just a moment. There is involved in that very language a question of military policy, which is exclusively a matter of jurisdiction on the part of the legislative committee, as to whether men, having once been established in certain grades of military rank and authority, shall under any form of policy be demoted so that they are put into a different grade or rank and authority over their subordinates. There is, as everybody who has made any study of the administration of military affairs knows, a very serious moral factor involved there.

But it is, I say, a suggestion in a provision that establishes a military policy, a legislative policy, and not a question of economy at all. And yet in just this same fashion this old Bluebeard of an Appropriations Committee will take the other committees of the House one by one and ravish them and lock them up in its room and itself report matters in their jurisdiction.

Mr. STAFFORD. And there are eight——

Mr. GREENE of Vermont. And some day somebody will get the key to the door—look out for it. I have nothing to say except in the utmost good nature about this old Bluebeard. They are taking the Holman rule as a clever subtle provision for establishing a legislative policy for the Regular Military Establishment. You may be able to justify the figures you put in here somewhere through this bill on the strength of the Holman rule, but there is not any question at all in my judgment that in this language, beginning on page 16, line 8, you have assumed jurisdiction over matters that are entirely outside the jurisdiction of the Appropriations Committee dealing with the policy of military legislation and——

Mr. ANTHONY. Will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. ANTHONY. In making the statement the gentleman has made, the language to which he refers was included because it contains the necessary authority to carry out the economies which are to be made.

Mr. GREENE of Vermont. Oh, well, if we mean that and are held to the doctrine of sequences, you can analyze anything down to a protoplasmic globule and claim authority over it.

Mr. ANTHONY. The gentleman knows there are only two ways for officers to get out of the Army, and that is by a court-martial and discharge or by resignation, unless you provide for a method of getting them out.

Mr. GREENE of Vermont. Exactly. The gentleman admits that the bill carries a provision of legislation for some machinery and he adds to the machinery——

Mr. ANTHONY. In order to achieve the saving.

Mr. GREENE of Vermont. And the gentleman is inventing machinery to get men out of the Army.

Mr. ANTHONY. Absolutely.

Mr. GREENE of Vermont. That is not part of the jurisdiction of the Appropriations Committee; it belongs to the legislative committee.

Mr. MANN. Mr. Chairman, this paragraph consists, first, of an appropriation and, second, of two provisos. Of course, the regular law provides for the Army of a considerable size, but that does not obligate the Congress to appropriate for an Army of that size. Everybody will admit that. We appropriate for a lesser number of officers than are authorized by law to be appointed. Then follows the first proviso, which is part of the limitation that the sum herein appropriated for the pay of officers shall not be used for the pay of more than 11,000 commissioned officers on the active list, apportioning them among the various branches of the service. It is not within the power of the House as a limitation to prescribe the exact number of officers who might be paid out of appropriations in each branch of the service. It is not within the power of the House or the committee reporting it to provide a method of ascertaining the number of officers who shall be paid out of the appropriation. The first paragraph does not change in any way the number of officers who may be appointed in the Army. It only provides the number who may be paid under the appropriations made by Congress. That is a pure limitation. The law would still stand. The second proviso, I think, comes within the Holman rule. The gentleman from Pennsylvania [Mr. CRAGO] insisted that this should come from the legislative committee—the Committee on Military Affairs. Under the proviso in the Holman rule the Committee on Military Affairs could offer as an amendment a proposition entirely revising the law as to payment of officers in the Army. This does not attempt to do that. This does not go to the question that the Committee on Military Affairs might report an amendment. But the Holman rule provides that the amendment is in order which proposes a reduction of the compensation of any person paid out of the Treasury of the United States. That is what the second proviso proposes to do, and that is all it does. It would be in order under the Holman rule to provide that hereafter there should be only 11,000 officers in the Army, although that is not what the bill does. It would be in order under the Holman rule to do that, and it is also in order under the Holman rule to provide by law for a reduction, as it would be in order to provide that the salary of a Cabinet officer should be reduced from $12,000 a year to $10,000 or the salary of any other official whose salary is fixed by law shall be reduced.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. GREENE of Vermont. I follow that clearly; but this second proviso, the one to which the gentleman refers, does something more than change the salaries. It changes the scope of authority and jurisdiction of these officers by placing them in different grades from those which we have legislated upon and their military authority and responsibility have been changed.

Mr. MANN. Oh, the number of officers in the Army is fixed in the first paragraph of the bill. The second paragraph of the bill reduces the number of these officers who are supernumerary, and without the second proviso they might be officers in the Army without pay, and the second proviso only provides a method of reducing the pay of officers of the Army.

Mr. GREENE of Vermont. Does not the gentleman concede, beginning on page 15, line 8, that officers found surplus may be recommissioned in the next lower grade, and so forth; that, for instance, that takes a man away from, say, major, and puts him where he is no longer a field officer, no longer subject to the certain responsibility which attaches to the office of a field officer?

Mr. MANN. Oh, well, we appropriate for clerks of the first, second, third, and fourth grades. We do not have to appropriate for the number that are in the service. We can appropriate for a less number and provide for their demotion by an appropriation bill reducing their pay.

Mr. GREENE of Vermont. These clerks do not have an original status and responsibility in law which the Army officer has.

Mr. MANN. It is not the same, but a similar responsibility.

Mr. GREENE of Vermont. Would the gentleman contend that the clerks in a department have that original and initial authority?

Mr. MANN. The departments run the Government. Does not the gentleman know that?

Mr. GREENE of Vermont. Yes; and the organizations outside run Congress.

Mr. MANN. They may run Congress, but the clerks run the Government and have just as much responsibility as officers of the Army who attempt to run Congress.

Mr. CRAGO. I think the point the gentleman from Vermont [Mr. GREENE] wants to make is that the law recognizes a distinction between a field officer and a commanding officer. You may change the status of that man where the law gives him certain duties as a field officer.

Mr. GREENE of Vermont. This man has a distinct constitutional status which is recognized by the fact that his appointment goes to the Senate and is confirmed there. He is established in a certain grade of authority.

Mr. MANN. I know a whole lot of people who believe—and I do not wonder at it—that a man who is appointed as an officer in the Army is fixed for life, so that nobody can change his status.

Mr. GREENE of Vermont. I do not believe that.

Mr. MANN. I think Congress still has power over them.

Mr. GREENE of Vermont. Nobody is contending that in connection with this point of order. The contention is, that while it may be done by Congress it ought not to be done and can not be done through the Committee on Appropriations, but a committee that has legislative authority.

Mr. MANN. The Committee on Appropriations has legislative authority under the Holman rule to make a reduction in compensation, not merely an appropriation. It has the legislative authority under the Holman rule when it makes a reduction in the compensation and number of persons employed. So the gentleman confuses the idea that we may appropriate only for smaller amounts with that we may legislate under an appropriation bill in reducing compensation.

Mr. GREENE of Vermont. You legislate in the reduction of the compensation, but can you change the status in law of the office to be filled according to existing law? Can you change that law?

Mr. MANN. I think we can. Certainly we can. We have done it frequently.

Mr. GREENE of Vermont. Then I think the gentleman will at least agree with me on this——

Mr. MANN. You say it would be a mere matter of appropriation. The Holman rule gives authority to legislate on an appropriation bill when the purpose, as evidenced, is to change compensation.

Mr. GREENE of Vermont. Will the gentleman, then, give me any reason why the legislative committees in this House should be maintained now that "Bluebeard" is at work?

Mr. MANN. Some of the legislative committees, if they would go to work, would be of great value to the House. Some of them that are always standing aside and saying they have not the power are not of much use to the House. They have power enough if they work. I am not seeking to cast any reflections upon the Committee on Military Affairs.

Mr. GREENE of Vermont. Not seeking to do so, but you are kind of aiming straight.

Mr. KAHN. The gentleman has said that we have frequently in the House done this very thing of demoting officers from one grade to a lower grade. Can the gentleman give a single instance in this House where we have reduced men from the grade of major to the grade of captain?

Mr. MANN. I do not know whether we have had such a case or not.

Mr. KAHN. That is the point that the gentleman from Vermont [Mr. GREENE] was making.

Mr. MANN. I am not going to keep the floor very much longer, but——

Mr. KAHN. This changes absolutely the status.

Mr. MANN. Of course; I understand that.

Mr. HUSTED. Has the Committee on Appropriations, under the Holman rule, any authority to introduce a new provision of law which is not necessarily involved in the process of reduction?

Mr. KAHN. That is the point.

Mr. MANN. Whether or not it is necessary is not for the Chair to determine.

Mr. HUSTED. Unless on its face it is involved in the process of reduction.

Mr. GREENE of Vermont. If the gentleman will permit me to supplement that, the language on page 16 that was read and to which I have referred, goes into a variety of detail by which a certain legislative policy may be accomplished which does not relate to economy at all. It does not bear upon the principle involved of cutting down the increase for the pay of the officers. This is a supplementary thing which tells how you can get rid of officers.

Mr. MANN. Everybody knows, including my distinguished friend from Vermont, that this is the very basis of the reduction proposed in the Army.

Mr. CONNALLY of Texas. Will the gentleman permit? If Congress can discharge an officer, why can it not demote an officer? Certainly that goes to a less extent, and they could discharge him and turn around and recommission him the next moment.

Mr. FROTHINGHAM. Congress can. The question is whether the Committee on Appropriations can.

Mr. GREENE of Vermont. That is the point. The question is whether the Appropriations Committee is Congress. [Laughter.]

The CHAIRMAN. The gentleman from California makes the point of order against the entire paragraph, including the appropriation itself and both provisos.

The Chair thinks we should construe the entire paragraph as one concrete whole, especially as it is quite evident that the second proviso is necessary to carry out the first. The gentleman from Pennsylvania [Mr. CRAGO] raises the question of the jurisdiction of the committee. The Chair does not think there is any question about that. The Committee on Appropriations certainly has jurisdiction to bring in an appropriation bill for the pay of the Army, and it may also bring in a paragraph containing legislation, provided that that legislation is in accordance with the rules of the House in considering an appropriation bill. Of course, there is legislation, in the Chair's view, in both provisos, though he thinks he might hold the first proviso in order as a limitation. But there is legislation in both provisos, and the only question is whether this provision of the Holman rule is applicable to the paragraph under consideration:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The present occupant of the chair has been called to rule quite a number of times on the Holman rule, and he is one of those who believes that it should be construed strictly. In other words, the present occupant of the chair must see to his

satisfaction that the provisions in the bill actually and evidently on their face do reduce expenditures in either of the three ways provided under the Holman rule. It seems to the Chair entirely evident that this provision does reduce expenditures of the Government by a reduction of the number of officers and by the amount of money carried. The Chair thinks that this provision is in order, and therefore overrules the point of order.

Mr. SISSON. Mr. Chairman, I rise for the purpose of offering an amendment. But before I do it I would like to ask the chairman of the subcommittee if he does not think it would be more logical that we first offer an amendment as to the size of the Army rather than at this time to offer an amendment as to the number of officers? I think the most logical thing to do would be, first, to let the House determine the number of men that they will have in the Army. These other things follow. Of course, I know it is not absolutely an et sequitur that the number of officers would be absolutely determined by the size of the Army, but to a certain extent that is true, and therefore, unless the chairman of the subcommittee has some objection, I would be very glad if, by unanimous consent, we might first go to the size of the Army, determine that, and then return to the number of officers and determine that.

Mr. ANTHONY. I will say to the gentleman that, so far as I am personally concerned, and as I think the members of the subcommittee are, the number of officers would be fixed independently of the size of the enlisted strength, and I would rather proceed in the regular way.

Mr. SISSON. Then, Mr. Chairman, I offer the following amendment, in line 4, page 15, strike out the figures "$26,896,200" and insert "$21,863,900," and in line 6, strike out "eleven" and insert "nine." There will be another amendment offered in the event this is adopted.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 15, line 4, strike out the figures "$26,896,200" and insert "$21,863,900," and in line 6, page 15, strike out the word "eleven" and insert in lieu thereof the word "nine."

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. KAHN. Mr. Chairman, I wanted to ask a question.

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. SISSON. I have no objection to the gentleman asking a question.

Mr. KAHN. If one desires to offer an amendment to increase the amount carried in the paragraph and also the number of officers, must it be offered as a substitute for the existing provision or can it be offered after a vote has been taken on the existing amendment?

Mr. MANN. May I suggest to the gentleman from California that if the amendment offered to reduce the number is agreed to there could be then no amendment offered to increase it, but if the amendment to reduce the number is not agreed to, then any amendment could be offered to increase or reduce it.

Mr. CHINDBLOM. Why not offer a substitute?

Mr. MANN. The shortest way would be to vote on an amendment to reduce the number first.

Mr. SISSON. Mr. Chairman, I call to the attention of the committee that in discussing this question we should take into consideration not only the number of officers but the number of men we desire in the Army. It is very difficult to discuss this question without discussing the two together. This amendment which I offer provides for 9,000 officers instead of 11,000. That makes more officers than we had at any time before the World War. If this amendment prevails, or whether it prevails or not, I shall offer an amendment to reduce the number of men, which occurs in the following paragraph, from 115,000 down to 100,000.

Now, I want to discuss briefly that amendment as to the number of men. This will save in the neighborhood of $10,000,000 on this item of the bill alone, and there are a number of other items in the bill that will follow and be reduced as a matter of course if you should adopt the amendment reducing the number down to 100,000 or reduce the number of officers to 9,000.

Now, gentlemen of the committee, I do not believe that this country can afford to ignore what is going on in the world. I do not believe you can afford to say to the balance of the world that we are unwilling to disarm to a considerable extent on land after calling the first world conference. Prior to that time we called the nations together in Europe and they there agreed upon the League of Nations, the purpose of which, as understood by the people of America, was to reduce armaments, and the manifest and declared purpose of America, and the stated and declared purpose of the President in calling the nations of the world together in this conference which has just adjourned, was that we might remove from the people the burdens of taxation brought about by the large military establishments of the nations of the world. If you Republicans and your President are sincere in what you say, you will agree to my amendment. Do not fool the people; make good your promises.

Now, let us look at what our neighbors are doing. I invite your careful attention to this. I do not think a more important vote will be taken in this House during this session of Congress than the vote you are going to take on the size of the Army and number of officers. I think it means not only millions of dollars to the taxpayers, but it means a great deal toward defining the policy of this Government and the future policy of the world with reference to military matters; and if you are conscientious and if you feel about this matter as I do, then certainly you will give this your very careful attention.

Now, let us see what England is doing. The English Government has a budget now pending which calls for an army of 210,000 men. This does not include the troops in India. They have an army in India of 70,000 men, but all of that army is paid for out of the Indian treasury. Now, even the most ultramilitarist in control of affairs in England is calling for only 210,000 men, and the committee having that bill in charge are themselves willing to reduce that number by 33,000 men.

There was a committee appointed to look over the entire budget in England, that committee being known as the Geddes committee.

The committee consists of Sir Eric Geddes, M. P. (chairman); Lord Inchcape; Lord Farington; Sir Joseph Maclay; and Sir Guy Granet.

The following were the terms of reference:

To make recommendations to the chancellor of the exchequer for effecting forthwith all possible reductions in the national expenditures on supply services, having regard especially to the present and prospective position of the revenue. In so far as questions of policy are involved in the expenditure under discussion, these will remain for the exclusive consideration of the cabinet, but it will be open to the committee to review the expenditure and to indicate the economies which might be effected if particular policies were either adopted, abandoned, or modified.

The committee finds that in 1914–15 all ranks, British, native, and colonial troops, were 181,000, and the 1922–23 estimates 210,000. The committee complains that there is a material increase, both in cost and numbers, and this applies both to officers and men, and to British as well as native troops.

The units also from the point of view of fighting efficiency are far more powerful than they were in 1914–15. Owing to the production of machine guns, the fire power of an infantry battalion is given as six to eight times as much as it was before the war, and that of a cavalry regiment four times as much as it was before the war. The introduction of heavy artillery, gas, and tanks has increased the fighting power out of all comparison with the number of men engaged, and officers who are intended to increase the efficiency of the army have increased disproportionately to the men. Moreover, there has been added to the defense force of the empire the very costly and highly specialized arm of the air. There will, therefore, be a more powerful army than we had before the war.

This committee also recommend a reduction of the army by 50,000.

We are convinced from our survey of the war office estimates that there is great room for economy in men and money without in any way endangering the defense of the empire.

CONCLUSIONS.

As a result of our consideration we are of the opinion—

(1) That man power has been estimated on a lavish scale for 1922–23, and that a reduction of 50,000 officers and men could be made without in any way reducing the forces employed by the war office on foreign service.

(2) That the introduction of new arms and corps and of the air force, which have been created with the object of increasing the fighting efficiency of the defense forces of the empire, is not reflected in corresponding reductions in other directions, and that savings could be made in that account.

(3) That there has been an increase in all the ancillary and auxiliary services of the army which the country can not afford and in which drastic economies should be made.

(4) That the abnormal reserve of mobilization equipment and arms now held is costly to store, guard, and maintain, and that the effect of holding it results in heavy additional indirect cost.

(5) That the army estimates for 1922–23 should be reduced from £75,197,800 to £55,000,000 for that year, and that in the subsequent year still lower estimates should suffice.

In this recommendation no account is taken of possible further reductions resulting from a review by the Government of our military requirements at home and abroad, normal and abnormal.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, this is the most important feature of this bill. There will be a good deal of discussion on it, and I trust I may have unanimous consent to proceed for 10 minutes.

Mr. KAHN. I ask unanimous consent that the gentleman from Mississippi be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Mississippi [Mr. SISSON] may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SISSON. Now, gentlemen, I am going to talk as rapidly as I can, because this is a great big question and I have much that I want to say. If I had time I would read to you the whole recommendation made by the Geddes committee, which was a committee appointed to review the entire budget of England. It is admitted that those in charge of the English budget are willing to reduce the size of the army by 33,000, and it is a certainty that there will be that reduction from the 210,000 originally reported; but this Geddes committee, made up of five of the most distinguished statesmen in England, recommend and urge that the peace conference ought to mean something to the taxpayers of the world, and they recommend the size of the English Army be reduced 50,000 instead of reducing it 33,000—that is to say that the present budget provides for 160,000 instead of 210,000. Now, take into consideration what England has to guard. In the first place, she has to guard South Africa and her other African possessions. She has to guard her islands in the sea. She has to guard the Suez Canal, Egypt, and Gibraltar, and Canada. She is not yet quite through with the war in Ireland. She has to guard Scotland and England. It seems to me, therefore, that England's Army is 100 per cent more important to her than our Army can possibly be to us. She is exposed everywhere. We are exposed nowhere, except in the Philippines.

Mr. KAHN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. KAHN. Is it not a fact that Australia and New Zealand and South Africa, as well as India, have their own troops to guard their possessions?

Mr. SISSON. Yes; and it is equally true that every State in this Union has its National Guard to control its possessions. [Applause.] It is equally true that the Philippine Islands have the Philippine Scouts. Oh, that is a dodge which I did not expect my friend from California to assume. On the contrary, the principal purpose of England's standing army would be to prevent revolt from her authority, and the fact that the colonies have these large armies would be a splendid excuse for the British Empire to have a strong army in addition to her colonial troops. But I know that my good friend from California [Mr. KAHN] is the avowed friend of militarism——

Mr. KAHN. Oh, no.

Mr. SISSON. I know that he speaks for the militarists of the country. I know that the militarists throughout the world listen to his words. I know that he models his views to meet the approval of all the Army officers. I know that his views meet approval wherever big Army men exist, not only here but everywhere. I know all that. But I want to say to my friend that I do not believe the country will follow him now in time of peace.

Mr. STEAGALL. The gentleman from California was in favor of universal military training.

Mr. SISSON. Yes; my friend from California wanted universal compulsory military training. He believes wholly in the Prussian idea of an army.

Now, gentlemen, do you know that when you have 100,000 men in the Army now you have a military strength equal to 800,000 men as compared with the Army at the outbreak of the war? Did you know that? Did you know that the experts in England and our own military experts here estimate that under the modern method of arming soldiers with rapid-fire guns, with machine guns, with gas, and with tanks, one soldier is six times as efficient as he was before the World War? In other words, for police purposes within the Nation, the Army is easily worth eight times what it formerly was, man for man. The Geddes committee in England states that it is conservative to say that a soldier now is equal to eight soldiers before the war. If that be true, then with 100,000 men you have the equivalent of 800,000 men before the war. This certainly ought to satisfy even my friend from California [Mr. KAHN], if, indeed, an Army ever was big enough for him.

Mr. GREENE of Vermont. Will the gentleman from Mississippi yield?

Mr. SISSON. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. That is true if you can put one man in eight different places in continental America at the same time. That is the proposition that is involved.

Mr. SISSON. I am glad my friend raised that question. This House has repeatedly passed a bill to reduce the number of military posts in the United States. We have now 169 places, in round numbers, which are supposed to be guarded by soldiers. During the Indian wars in the early days we had these posts out West. I believe the President and the Secretary of War have the authority to get rid of these posts. I do not agree with my friends that Congress can not have anything to say about the disposition of troops, but I have not time to discuss that. And I do believe that under his authority as Commander in Chief of the Army he may abandon these posts.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. MANN. When did we first provide in this country for an Army of 100,000 men?

Mr. SISSON. The gentleman means as a limitation down?

Mr. MANN. Up.

Mr. SISSON. We never did have, unless it was just before we entered the war, as many as 100,000 men.

Mr. MANN. I was under the impression that the limit of the Army to 100,000 men was about 20 years ago.

Mr. SISSON. I think that is true.

Mr. MANN. There has been since then not only some increase of population but a considerable increase in the activities of the Army.

Mr. SISSON. I think that is true.

Mr. MANN. Assuming that the limit of 100,000 men was about right 15 or 20 years ago, would it not be perfectly right and proper to add 25 per cent to that number?

Mr. SISSON. I do not think so; I think 100,000 men are infinitely more efficient to-day than they were then; and let me say that we did not have 100,000 men in the Army; for a long time we had much less than 75,000; and while Mr. Hay was chairman of the Committee on Military Affairs the limit was raised to 90,000; but we never had that number in the Army.

Mr. MANN. We never have had anything like the number in the Army that was authorized.

Mr. SISSON. That is true.

Mr. MANN. We had a limit of 100,000 nearly 20 years ago, and since then we have added the Chemical Warfare Service, the Air Service, and a number of other services that I suppose required quite a large number of men.

Mr. KAHN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. KAHN. In 1903 Congress passed the reorganization bill. That was after the Spanish-American War, and the Congress authorized the maximum number of 100,000 enlisted men. Congress did not appropriate for that number, and for quite a number of years we went along with 50,000, 60,000, and even 70,000 men. We finally got up to 100,000 men just before we passed the national defense act.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. SISSON. I will.

Mr. GRAHAM of Illinois. I want to suggest to the gentleman that there is a statute in full force and effect which provides that the Secretary of War may at any time abandon any post or arsenal of the Government.

Mr. SISSON. I am glad the gentleman has called my attention to that law; I had overlooked it.

Mr. LONDON. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. LONDON. The fact that we have never had more than 60,000 men is one of the strongest arguments in support of the gentleman's contention.

Mr. SISSON. Yes; and I want to say in answer to my friend from California that we never at any time had anything like the number of men authorized by law.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have 10 minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman's time may be extended 10 minutes. Is there objection?

There was no objection.

Mr. SISSON. Now, gentlemen, in view of the fact that after the Spanish-American War and when we were in a race with the other nations of the world in building up arms and armament, we never had as many enlisted men on the average as 60,000 men in the Army. Now, if we mean what we say by this conference, then we are going to reduce our Army. Have we attended a conference in which we agreed that there shall be a reduction of arms and armament here, and then immediately turn our backs upon that and proceed as if we had never done so? Because the contention was that the largest Army that England had prior to the war was 171,000 men, the budget was submitted for 210,000, and after the conference here

the committee propose to reduce the 210,000 men for all England, including all of her colonies except India, down to 160,000, England did not propose to be placed in a false light by going before the world with that increase. That matter is now being considered in Parliament.

Mr. MONTAGUE. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MONTAGUE. I am at a loss to know what conference the gentleman has in mind. The gentleman spoke of a conference agreeing to a limitation of armament.

Mr. SISSON. Where has the gentleman been for the last few months?

Mr. MONTAGUE. I have been right here, and I am present with the gentleman this morning.

Mr. SISSON. Is the gentleman serious in his inquiry?

Mr. MONTAGUE. Yes. What conference has there been agreeing to a limitation of land armament?

Mr. SISSON. If the gentleman is going to be so highly technical—we agreed to reduce our Navy, and are you to say that we are not to reduce the Army, that there has been no agreement to reduce the Army? The British Government is acting in good faith and we want to act in good faith.

Mr. MONTAGUE. Perhaps the gentleman has alluded to the Geddes conference.

Mr. SISSON. No; I was speaking of the conference here in Washington.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. FAIRFIELD. Can the gentleman remember what the authorization for this country was at the time of the peace conference, or what the appropriation for last year was?

Mr. SISSON. The authorization last year, as I recall, by special act of Congress, was 175,000 men.

Mr. FAIRFIELD. And we appropriated for how many?

Mr. SISSON. One hundred and fifty thousand men.

Mr. FAIRFIELD. Does not the gentleman think, in view of the fact that when the peace conference was in session we had an Army of 150,000 men, that a substantial reduction of 35,000 would create a very favorable impression in England?

Mr. SISSON. I do not think so. While 150,000 is authorized, the total enlisted strength at present of the Army is only about 130,000. If I had my way about it, I would go lower than 100,000, but I was hoping that we might reach 100,000 as a compromise and as a settlement of the matter.

Mr. NEWTON of Minnesota. How low would the gentleman go?

Mr. SISSON. I do not know just how low I would go. I have not considered my minimum at all.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. KAHN. I want to correct a statement the gentleman made. He said that we had 175,000 men authorized, and that we reduced the number to 150,000. We have an authorization for 280,000.

Mr. SISSON. I know; but a resolution providing for only 175,000 men passed and was the thing that governed and controlled us in making that appropriation.

Mr. KAHN. That was only in the Committee on Appropriations that that was done.

Mr. SISSON. The gentleman from Indiana asked me what we appropriated for, and I answered him correctly.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MILLS. The gentleman has referred to proposed reductions in the British Army as if that program had been adopted by the British Government. Is it not a fact that the figures which the gentleman has used are merely contained in what is known as the Geddes report, and that the Geddes report has not been adopted by the British Government or by the House of Commons?

Mr. SISSON. I have said that several times, but the estimate which they can not now increase is 210,000 men, and the war committee is willing now to reduce it by 33,000, while the Geddes committee recommends that it be reduced by 50,000 men; that is, down to 160,000.

Mr. GREENE of Vermont. Speaking of the figures of the reduction proposed by the Geddes report and by the ministry, the gentleman has not said that in proportion as they reduce the enlisted men they propose to increase the commissioned officers.

Mr. SISSON. They do not do that, either.

Mr. GREENE of Vermont. Then I do not know what I am talking about.

Mr. SISSON. The Geddes committee makes no such recommendation.

Mr. GREENE of Vermont. I did not refer to the Geddes committee. I just made a reference to the policy of the ministry.

Mr. SISSON. The ministry is very much divided upon the question of the size of the Army, but the Geddes committee say, in so many words, that under the proposed army of 210,000, with men and the proposed officers, it is top-heavy in officers. That is the trouble with our Army here. It is top-heavy with officers.

Mr. GREENE of Vermont. It was not when the war broke out.

Mr. SISSON. No; and I do not intend, so far as my vote is concerned, to keep on the backs of the people the number of officers that you must have while we are conducting a war. What war are you going to fight now? Tell me. There is no cloud that I see on the horizon.

Mr. GREENE of Vermont. There was not any cloud to be seen just before that night we met here.

Mr. SISSON. Oh, you people who are enthusiastic with Prussian ideas, the last one of you, from Captain Hobson on down, were pointing for a long time at Japan, claiming that Japan was going to come over and fight us, and then the next thing when they found that Japan would not they adopted Germany, and they saw Germany crossing the Atlantic and fighting us to death.

Mr. GREENE of Vermont. Well, we got Germany, did we not?

Mr. SISSON. Yes; but we crossed the ocean to Germany. She did not come over after us. There is always a bugaboo every time you want to get money out of the Treasury. I am tired of our being frightened to death with the idea that we are going to have a war every few weeks. Oh, no, gentlemen, when you are looking for ghosts you usually find them. When the Army bill is up ghosts appear and will not down till the bill is passed.

Mr. VAILE. Was Germany a ghost? It seems to me, if so, she was a pretty lively one.

Mr. SISSON. I did not say that Germany was. I say that if you are looking for ghosts, you find one; and you are looking for ghosts now. We had to get Germany. She did not come to us. No nation has ever declared war on us first in our history.

Mr. McSWAIN. Will the gentleman take into consideration in answering the militarists, that there are 64,000 trained reserve officers ready to take the field within 12 hours' notice today?

Mr. SISSON. Oh, you can not ever answer them. It is money they want. They never accept anything unless they see a uniform on every street corner, and I want to remind gentlemen that no nation was ever made strong and great and powerful, either in time of peace or time of war, by multiplying army officers and uniforms. You can not make a nation great in time of war by placing burdens upon the backs of the people so great that they are enervated and weak when the war does come. There is not a nation in this world to-day that is standing strong and foursquare to all the winds that relied on arms of a military character to make her great and preserve her. Where is the boasted German Empire with her supermen? These unprepared nations caused her to bite the dust, and why? Because her own people did not believe in her Government, and if you will continue your policy here of increasing the expenditure and increasing the number of uniforms all over this country, you are going to find that the people will lose confidence in you and in your Government.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. KAHN. Mr. Chairman, I offer the following amendment as a substitute for the amendment of the gentleman from Mississippi [Mr. SISSON].

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 4, after the word "staff," strike out the figures "$26,896,260" and insert in lieu thereof the following: "$32,681,500."

On page 15, line 6, after the word "than," strike out the word "eleven" and insert in lieu thereof the word "thirteen."

Mr. KAHN. Mr. Chairman, I like to listen to my friend from Mississippi [Mr. SISSON]. He has a good voice, and he uses it [laughter] on the floor to good effect. I want to read to the gentleman from Mississippi from his own speech of April 28, 1913, before the World War broke out at all, before they had anything like war in Europe, and before, certainly, this country got into it. Now, I agreed with the gentleman from Mississippi at that time, because I believe any State has the right to

govern certain things in certain ways. This is what the gentleman said:

I maintain as a principle of good government that a nonresident alien should not be permitted to own a foot of land in America. The situation in California is a very critical one, and I trust that I may not say anything that will in the least tend to prevent a friendly settlement or embarrass our State Department in its efforts to retain the friendship of Japan; but before I would surrender the right to control a foot of American soil to Japan or any other nation on earth or to permit any other nation to dictate the land laws to one of these sovereign States I would fight——

Mr. SISSON. As the gentleman read it, I did not say "Southern"——

Mr. KAHN. "Sovereign States, I would fight." [Laughter.] I want to show——

Mr. SISSON. I stand by it now. It was good doctrine then, and it is good doctrine now.

Mr. KAHN. As far as I am concerned, I am a Representative from the sovereign State of California, and agree to all the gentleman said; but I respectfully submit that to listen to the gentleman nowadays there is not a particle of fight in his whole composition. [Laughter and applause.] But can the gentleman say positively that we will not have such a question to again confront us? There come times in the history of every country where you have got to defend the rights of the country or sink into abject——

Mr. McSWAIN. Will the gentleman yield?

Mr. KAHN. No; I want to finish this; and if I have a little time later I will yield.

Mr. McSWAIN. Very well.

Mr. KAHN. I also want to read this statement from the gentleman's speech:

The coercion of the people of California in this right is a precedent for any coercion, however drastic, when in the future the demand shall be made by a powerful government. It will be a miserable piece of cringing cowardice for us to yield now, and I am with the good people of California in their fight, and I am willing to vote the last dollar in the Treasury for the defense of her right to control her sacred soil.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent to continue for about 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. KAHN. Now, I simply call attention to these excerpts from the speech of my friend from Mississippi to show that no government on earth can tell when a country is absolutely safe; and so I have always contended that it is the duty of the Congress, representing the people of the United States, to be so prepared that if anything should happen the country would not be quite helpless. [Applause.] But if we had gotten into war, as the gentleman suggested, how would he proceed to fight without officers or men to fight with? Now, before the World War, as I said the other day, we had only about $1,000,000,000 of indebtedness. By reason of our utter lack of preparedness we had to expend in 19 months $24,000,000,000. Of course, we won the war. We won it in 19 months, and yet that 19 months was not all spent in fighting the enemy. Thirteen months of that time our people were getting ready to fight. The other nations—England, France, Belgium, and Italy—were holding the lines while the American officers and enlisted men were being trained. If we had had no help of that kind, how long would we have been able to hold the lines against Germany or any other great militaristic country? That same kind of thing may happen again. We have not settled our differences across the border. Mexico has not been recognized as yet. The President of the United States, President Wilson, had to call out 100,000 men to defend our border in 1916 before we got into the World War at all. Our National Guard went down there, and the training they got down there helped materially when those very men got into the World War a little later. I do not know what country will ever want to fight us. I sincerely hope no country will ever want to fight us. I hope we will have no war at all. The gentleman says I am a militarist. I am not as much of a militarist as he is, because I never said "fight Japan." I never got into that controversy at all. I tried to avoid that very thing, and I think, thank the Lord, that we have avoided that, and that we will be able to settle our differences without the use of arms. I hope so very earnestly. [Applause.] But I still feel that it is an essential thing that my country should be ready for any possible emergencies. The figures I read here to the House a few days ago I think show conclusively that the United States has a smaller Army than any other nation in the world in comparison to population. The conference that was held here not long ago was a naval disarmament conference.

There was no attempt to cut down the Army. The armies were not referred to, and properly. No nation asked for army disarmament. France, as I recall, through her official representative, M. Briand, made a vigorous protest against army reduction. We took no action regarding the armies, and yet I feel that at this time we are taking a very serious step if we intend to cut down the Army below what is a fair base.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. As I say, our Army is lower than any other nation in the world in proportion to population. I yield to the gentleman from Kansas.

Mr. ANTHONY. Do I understand correctly that the gentleman's substitute would provide for 13,000 officers, the number we now have?

Mr. KAHN. Yes.

Mr. ANTHONY. Then why is it the gentleman has reported out from his committee and there is pending before the House here a bill which reduces the number to 12,000 officers? Why does he take one position here and another position at another time?

Mr. KAHN. No; I am not taking a different position at all. That bill was introduced at the request of General Pershing and General Harbord, our chief of staff and his able assistant. It would reduce the number to 12,000, but immediately it would build up again to 13,000. It would enable our Army to build up in the lower grades of first and second lieutenants. I do not know but that General Pershing was before the Committee on Appropriations of the House to explain the whole matter.

He certainly was before the Military Committee, and that committee after due deliberation considered that his proposition for the welfare of our country was one that we could well afford to adopt.

I am no more a militarist than is the gentleman from Mississippi [Mr. SISSON]. He does not look at these things in the same light that I do. Of course, I have never quarreled with him about his position. I know he was directly opposed to things that I advocated during the World War. He had the right to advocate those things, and I think none the less of him for having advocated them. But I see this thing purely from the standpoint of what is best for the United States. The people of this country do not want war, but the people of this country want a certain preparation that will prevent any nation on earth trying conclusions with us and costing us additional enormous sums of money, which the taxpayers of this country will be called upon to meet for many years. We have hard work to pay the taxes now on the $24,000,000,000. In addition, we are paying the taxes on the additional $11,000,000,000 that we loaned our cobelligerents. If we had gone to work in 1916 and courageously had passed laws to put this country into a reasonable state of preparedness, the chances are that that World War would never have come to us, and the people of the United States would have been spared the burden of carrying that enormous indebtedness.

Now, gentlemen, I appeal to you not to make the mistake of 1916 again. Be Americans! Stand for the rights of Americans! We ask you simply to support a provision for a reasonable number of officers and men; let us try to keep the peace of the world with the comparatively few that we have. [Applause.]

Mr. QUIN. Mr. Chairman and gentlemen, I am not surprised at the argument made by my friend from California [Mr. KAHN]. When the Chief of Staff and his aids appeared before the Military Committee with a bill that called for 13,000 officers and a plucking board, by which all they took off would be put on retired pay and every man that had been in the service for 10 years would draw 75 per cent of his pay, and also the confession and admission from the Chief of Staff that now, having about 13,000 officers in the Army, there is not a single second lieutenant in all that number of thousands of officers, it shows you that they endeavor to promote and put the salary basis as high as possible on the taxpayers of this country.

My friend, the chairman of that committee, and his colleagues, over my protest, voted that sort of a bill out for this Congress to pass, and his amendment to this Army appropriation bill is the purported bill that the General Staff had passed through that committee.

Gentlemen, the amendment of my colleague from Mississippi [Mr. SISSON] does not go far enough. I am going to vote with him for the 9,000 officers, because he thinks it as low as the House will adopt, but it really ought to be 7,000 instead of 9,000. You have in the United States now, four years after the close of the Great War in Europe, 64,000 well-trained officers of the Reserve Army of the United States. You have fully 4,000,000 well-trained soldiers in the United States. You had a disarmament conference in the city of Washington, called by the President of the United States, where the leading nations of the

earth participated. You had as a result of that conference the leading nations of the world taking down the mastheads from the great battleships, reducing the naval armaments, and our great Government pursuing the sensible policy of agreeing to that and taking the lead.

Those other nations have great countries across their borders. The United States of America is off here by herself, with oceans separating us from any possible enemies. Surely the gentleman from California [Mr. KAHN] would not consider Mexico as a factor in wanting this country to be armed to the teeth and to the guards all the time. Certainly he would not consider that across the Isthmus of Panama the attitude of any Latin American countries as justifying this country maintaining a large army and large corps of officers? He says we should always be prepared. The American people have enjoyed peace in this country so long as our country has remained in pursuit of peaceful operations and not being armed to the guards. The best way to get into a war is to always have a big standing army and a great growth of Army officers. And the next best way is to have a great fleet, with great battleships and dreadnaughts and admirals, and all that go with it. But, thanks to the results of the disarmament conference, we now see daylight out from under the great Navy burden and the danger of war. It is the duty of the United States of America to lead the way and be the advance guard among the nations of the earth in disarmament.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman, I would like to proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for 10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. QUIN. This great Republic of ours, standing as the exponent of the republican form of government, should stand as the chief exponent of peace, and with us having our hearts right, with this Government showing and demonstrating by its conduct, after this disarmament conference, that it is ready to be a disarmed Government, it will cause the other nations of the earth to reduce their armaments in like proportion.

A senator in the Chamber in France the other day made the broad statement that since the war is over the debt of France has increased by half, so that all the wealth of France is staggering under a nominal bonded indebtedness up to 80 per cent of its value. Is it possible that the gentleman from California would want to set the example in the United States of having this Government pursue a similar insane policy? The other nations of the earth are looking to the United States of America to pursue a sensible and sane policy, if we mean what we have been preaching. Since the war was over this Government has endeavored, through public utterances and through party platform pledges, to maintain a position of peace toward the other nations of the earth, and that by a reduction of its arms, both on sea and on land. But if we carry out the insane policy of increasing the Army at this hour, when we have the 64,000 reserve officers, well trained, placing the Army of the United States under a Regular Army corps of officers of 13,000, what can the other nations of the earth expect of us? They know our condition as well as we know it ourselves. And with this country now staggering under all these billions of dollars of bonded indebtedness, with this country needing to call for the saving of every dollar to be put into some peaceful pursuit or enterprise, the gentleman from California [Mr. KAHN] would propose to have 13,000 officers in the Army and the number of soldiers to justify that. What number of soldiers would 13,000 officers be capable of handling? At least 200,000 men. Perhaps the gentleman from California agrees with the Chief of Staff, that it makes no difference how small the Army might be, you still need 13,000 officers; you still need the full corps of general officers.

He asserts that you will need a full corps of general officers, brigadier generals and majors and all, including 67 generals, but at present the Army has not a single second lieutenant. Sixty-seven generals! This House is called upon to vote and set a standard as to whether this Republic means to keep faith with the arms conference. Does not the gentleman from California know what every sensible man in the world knows, that when this great reduction of naval forces was agreed by all the big governments of this earth that agreement naturally included with it tacit agreement as to a reduction of the Army? Circumstances were a little different with France, as every well-informed man in this country knows. But so far as this Government is concerned, they know and we know that we do not need any big Army.

The gentleman asks what number we will agree to. We ought not to have a man over 50,000 in our Army. What do we need them for? The gentleman from California said the other day before the committee that we need in case of an earthquake, as in the case of that calamity at San Francisco, to preserve order. Can we not use the National Guard in such an emergency? It will prove ample. In ordinary times we do not need them except to keep down riots and to preserve order.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes.

Mr. BLAND of Indiana. What do you need the 50,000 for?

Mr. QUIN. Just for the same purpose as you need the National Guard, simply to keep order. You do not need an Army to go out and fight somebody that we are not mad with, somebody that is not going to meddle with us. When the agreement was made to reduce the size of navies it was then proclaimed and understood that if any nation tried to transport soldiers to another part of the earth with hostile purpose they would be helpless because of the lack of naval facilities.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes.

Mr. KAHN. Where would the gentleman get the National Guard from if you had an accident like the San Francisco accident? The Army was already there. You could not get your National Guard.

Mr. QUIN. Why, the National Guard of your own State would certainly be able to prevent looting and be powerful in preserving order.

Oh, it is nonsense to want 13,000 officers in order to be ready for an earthquake. [Laughter and applause.] We never dreamed we would ever have any earthquakes in the United States except over there in San Francisco, and I hope we shall never have another one. The gentleman would have that great number of officers and not one single lieutenant. The second lieutenant is the man who gets close to the fighting front. It seems they do not want any of them in the Army, when they are very essential men in the Army.

The second lieutenant is much in demand, and yet the General Staff, which has asked for 13,000 officers, has not a single second lieutenant in the Army to-day, and the gentleman from California knows that, and he heard the Chief of Staff testify to it, and yet he puts in an amendment here asking for 13,000 officers.

Who is going to pay for it? The poor people of the United States, the men who make their living in the sweat of their brows. They would be the men who would have to pay the amount necessary to equip and keep up all these officers and the Army that would go with them. This Government of ours has gone far afield, but now it is time for us to come back to the old landmarks. Let us get close to the standard that the fathers intended. The old Jeffersonian standard is good enough for me, and I believe it is good enough for the great mass of the people throughout the Republic. Instead of following the doctrines and preachments of the distinguished gentleman from California, I believe that this House would do well to take into consideration some of the past history of this Republic, some of the teachings of the philosophers of government who really had some feeling for the hearthstones of this Nation and some sympathy with the sentiments of our people. The attitude of our Republic has never been one of hostility toward anyone. The United States Government, standing as the forerunner, bearing the torch of liberty, and demanding "equal justice and equal rights to all, and special privileges to none"—that sort of a government does not need a great standing Army and a large number of officers to be a burden upon the masses of the people. The humble citizens, and those who toil for their living, should be respected by this House on this vote. I thank you, gentlemen. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I have never been a large-Army man. I have never been a large-Navy man. Yet my views were at least slightly modified by an experience in connection with the war. I came back from my home one fall while the war was in progress, before we had entered the war, and made a proposition to the House. I had believed for years that "coming events always cast their shadows before," and that no war came suddenly which was not foreseen by the far-sighted statesmen. I think that is true. I do not think war ever breaks out suddenly that has not been foreseen. I thought that if occasion arose, where the United States was likely to be involved in war, the statesmen of our country could easily see far enough ahead to commence to make provision for war, and when I came back here that fall I could see our country entering the war as plainly as I can see the faces before me in the

House. It seemed to me inevitable that we would get into the war in Europe.

I urged this House with all the power I had to then provide for an army of half a million men. If we should get into war, we would need them; if we should not, we could thank God we kept out so cheaply.

If our Democratic friends in charge at that time—and I am not criticizing them for their point of view—had made that provision and we had had an army of half a million men, both regular and temporary, at the time we entered the war, we would have saved $15,000,000,000 and saved the entering into the Army of more than 2,000,000 American citizens. [Applause.] And I am convinced now that though you can see war in the immediate future a Republic like ours will not provide for it until after it is in it.

Now, that is the case. I am not in favor of a big army, and I am not in favor of the littlest army that is possible. I think we ought to vote down the proposed increase, and then more emphatically vote down the proposed decrease, and stand where the bill provides. [Applause.]

Mr. FISHER. Mr. Chairman and gentlemen of the committee, I know full well that economy of administration is uppermost in the minds of the people of this country to-day. I know they want the War Department to curtail expenses; but I know that they do not agree with the ideas of the two gentlemen from Mississippi [Mr. STEVENS and Mr. QUIN] who have just spoken. Over 20 years I lived in the State of Mississippi, and they were the happiest years of my life. I believe I know the point of view of Mississippians, and I do not think they would want to adopt a policy such as has been suggested which would wreck the Army of the United States.

I am against such radical reduction as is advocated by the two gentlemen from Mississippi. I am against the idea of framing practically the military policy of the Nation here on the floor without due consideration. [Applause.] The proposition for a radical reduction, coming as an amendment to an appropriation bill, makes it all the more harmful. In 1920 after coming through the greatest war in the history of the world we spent months in considering what should be the proper military policy of our Nation, and finally Congress passed a bill which became a law and which is now the accepted military policy, and it was the duty of the Secretary of War and of the General Staff to act in accordance with that policy. The provisions of this bill as to the procedure to be taken to reduce the officers is changing completely the present policy and scheme of organization. Army officers without warning are dismissed. A great deal has been said here about Army officers. I want to say that the officers of our Army are as fine men as live in this land. Hundreds of the officers now in the Army were emergency officers who had been attracted to the service by their experience in the war. They read the act of 1920 as determining the future policy of our Nation with reference to its Army, and in good faith they made applications, passed the examinations, and were accepted in the Army.

Now, without a hearing and without due consideration by the committee whose duty it is to study legislation affecting the Army, it is proposed to jam through a measure which cuts off their heads or retires them, after they have chosen the Army as the subject of their study and their work for life. This would not be fair treatment. I am opposed to thus destroying our military organization that has been built up under the policy adopted in 1920 in the reorganization law, simply because of the desire for economy. It seems to me we have already adopted an economical policy. In the bill which has been reported we have reduced the Army, both officers and enlisted men, far below the number recommended by our military advisers, General Pershing and the Secretary of War. When I came here a few years ago I heard day after day taunts at the then administration, the administration that I was interested in supporting, because they had not prepared the Nation for a great emergency. If we were not prepared then as we should have been, how much greater would be the folly of not listening to sound military advisers. Here we are emerging from the war, and we are cutting down and cutting down, and we have the spectacle of our Chief of Staff, General Pershing, appealing to the country against a committee which reports a bill which in his opinion would destroy the morale of the Army and greatly cripple our military organization. Secretary Weeks has likewise appealed to the country. I hope the Committee of the Whole will not accept any such reduction as proposed by the gentleman from Mississippi, but will accept the amendment offered by the gentleman from California [Mr. KAHN]. [Applause.]

Mr. CLOUSE. Mr. Chairman, I am in receipt of a telegram which calls me away from the city for a few days. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. CLOUSE. Mr. Speaker, I am in receipt of a telegram this morning advising me of the fact that my presence is required in the circuit court of my home city in a case growing out of my efforts to obtain justice for the four and one-half million brave and patriotic men who uncomplainingly, unflinchingly, yea, courageously, offered themselves upon the arena of war in defense of our national honor, our cherished liberty, and the civilization of the world. I welcome an opportunity to defend any assertion that I have made in their behalf, either in public or private, but I regret that this utterly unfounded, if not malicious, suit is to be the cause of my inability to be here and cast my vote for the adjusted compensation bill, which in all probability will be taken up in the House and voted upon before my return. I have this satisfaction, however, that at every opportunity, upon every occasion, and in every legitimate way at my command I have urged upon my colleagues the justness of this legislation, and I leave here under these conditions with an abiding faith that this Congress will exercise the proper judgment and give to our Nation's defenders that which in simple justice they are so richly deserving.

I am not unmindful of the fact that the proponents of this bill have met with the most insidious propaganda that was ever offered in opposition to any legislation in the Halls of this Congress, nor am I unmindful of the fact that most of this campaign of misrepresentation emanates from sinister or political motives. With the few who have registered their opposition to the measure purely from the standpoint of national policy I have no quarrel, but with those who register their opposition from personal, political, or mercenary motives I do have a quarrel, yea, more, a contempt which I shall register here on the floor of this House that my children and my children's children may know that I possessed the moral courage to stand up and fight for common justice toward those brave and courageous men who saved the flag of my country and the civilization of the world in that, the darkest hour of all the ages past.

When war was declared and the trumpet sounded, I can well remember the sights of the brave and stalwart sons as they planted the parting kiss upon the furrowed brow of a loving mother, or caressed for the last time, perchance, a true and devoted wife, and donned the uniform to fight for the principles of eternal right. I can well remember the anxiety with which we waited their arrival on foreign soil, and how with bated breath we awaited the outcome of the first engagement of American troops with the ever-advancing hordes of German assassins. I can well remember the shouts of praise that followed the announcement of their deeds of valor on foreign fields, and I heard, as with one acclaim, "The Nation can never repay them for the sacrifice they have made." Then I can well remember the anxiety felt as we watched their progress for days and weeks and months in that gigantic struggle which meant defeat or victory, and at last, thank God, I remember the glad tidings of "American soldiers break the Hindenburg line and turn the tide to victory." Oh, yes; we said then, but I say now, this Nation owes them a debt which it can never pay. To the patriotic men of my district which furnished the first American blood to be spilled on foreign soil, and which furnished the soldier who was said to be the greatest hero of all the war, to the millions of ex-service men throughout America, I say your sacrifices shall not have been made in vain, and that this Nation will not, can not, and must not turn a deaf ear to your righteous demands.

Ah, we are told now that the sentiment of the people has turned against the adjusted compensation for ex-service men. I deny it with all the vehemence of my soul. The international bankers, the war-made millionaires, the profiteers of America are the ones that most bitterly oppose the payment of a bonus. They are the ones proclaiming the Nation too poor to assume so just a burden, yet they are the selfsame individuals that are willing to see and are urging the United States to cancel the $11,000,000,000 now due and owing us by foreign Governments. Why, can you imagine, do they cry with one breath a "Nation too poor to pay a soldier," and in the very next urge the United States to cancel a debt that will more than four times over pay the debt to the men that saved their fortunes and their liberty in the greatest war of all the world. Their opposition is based upon mercenary motives. They have loaned to foreigners mil-

lions, yes, billions of dollars, some of which they stand to lose if this Government does not give this huge sum to these nations. I want to say here and now that America will never cancel one cent of that claim with my vote, even though American money hoarders lose every "sou" they have loaned in these countries. There are others, some of whom oppose this bill under the pretext that the financial condition of the Treasury is not such as to warrant the withdrawal of a sum sufficient to meet the requirements of this bill, but conceding the Nation to be burdened—and it is—with a tremendous debt, much of which was incurred as a result of inefficiency, extravagance, and waste; yet this money when paid over to the ex-service men of America will remain in America to increase the taxable wealth of the Nation and in time restore to the Treasury of the United States all and more than the outlay. Some of those who oppose this bonus, and I speak now of my Democratic brethren, were willing to accept a mandate for Armenia after the World War at the expense of keeping as the least possible number 59,000 American boys on Armenian soil, with a possibility of increasing that number to 200,000 at any time and at a cost of $276,000,000 for the first year and $756,000,000 for the five years. You were not only willing to do this but you wanted America immediately following the war to loan to the bankrupt nations of Europe millions of dollars which you knew they could never nor would ever pay, and just why you wanted to do this I do not know, and just why you would do it now if you had control of the Government is beyond my conception. It is sufficient to say that after the signing of the armistice and after the war was over in Europe you did loan to European nations the stupendous sum of $2,515,853,946.98, and this is a part of that sum which we hear so much about it being our duty to cancel at this time. The dates when these loans were made, the country to whom loaned, and the amount to each is as follows:

Statement showing dates and amounts of cash advances to foreign Governments after the signing of the armistice to November 15, 1920.

Date.	Belgium.	Czechoslovakia.	France.	Great Britain.	Greece.	Italy.	Liberia.	Rumania.	Serbia.
1918.									
Nov. 11									
12									$400,000.00
14	$1,600,000.00					$10,000,000.00			
15	3,400,000.00	$5,000,000.00	$40,000,000.00	$50,000,000.00		10,000,000.00			
19	8,[illegible]								209,667.70
21						20,000,000.00			
26				10,000,000.00					
27	800,000.00			10,000,000.00		20,000,000.00			
29									
Dec. 2	3,000,000.00			30,000,000.00					
4	1,100,000.00			28,000,000.00					
6									
10			71,437,000.00	30,000,000.00		15,000,000.00			
11	1,500,000.00			25,000,000.00					
12									
17	7,450,000.00			20,000,000.00		10,000,000.00			
18				20,000,000.00		10,000,000.00			
19				30,000,000.00		25,000,000.00			
20			5,000,000.00						
26	5,500,000.00			1,000,000.00					
30			10,000,000.00	30,000,000.00					
31	14,000,000.00					25,000,000.00			
1919.									
Jan. 2									
7	10,000,000.00			20,000,000.00		20,000,000.00			
8				20,000,000.00					
13		4,800,000.00							
14	6,100,000.00			19,000,000.00					
16									
20	2,000,000.00					60,000,000.00			
21	1,000,000.00								
22			10,000,000.00			15,000,000.00			
28	4,400,000.00		81,000,000.00						
30									
Feb. 4	6,000,000.00					25,000,000.00			
5	1,500,000.00								
8						28,000,000.00	$12,000.00		
10	[illegible]							$5,000,000.00	
11	2,000,000.00								
14			10,000,000.00						
18	7,700,000.00					25,000,000.00			
20			5,000,000.00						
21		4,[illegible]	5,000,000.00			15,000,000.00			
25	11,200,000.00								6,185,302.80
27									
Mar. 4	5,500,000.00		10,000,000.00	10,000,000.00		15,000,000.00			
5	5,000,000.00		20,000,000.00	10,000,000.00					
11			31,000,000.00	10,000,000.00		20,000,000.00			
12			10,000,000.00	10,000,000.00					
14			10,000,000.00	13,000,000.00		16,500,000.00			
15	[illegible]		10,000,000.00					5,000,000.00	
19		[illegible]	20,000,000.00	10,000,000.00					5,000,000.00
20									
21			10,000,000.00	10,000,000.00					
25						12,000,000.00			
26						10,000,000.00			
27	1,900,000.00		15,000,000.00			10,000,000.00			
29			10,000,000.00						
31			85,000,000.00			20,000,000.00			
Apr. 1	4,000,000.00		12,000,000.00						
3			15,000,000.00						
4				10,000,000.00					
5				10,000,000.00					
8	300,000.00	[illegible]	10,000,000.00	4,000,000.00					
10	[illegible]	100,000.00	10,000,000.00	20,000,000.00					
11			40,000,000.00	65,000,000.00		5,000,000.00			
17				9,000,000.00		25,000,000.00		5,000,000.00	4,718,608.27
18			20,000,000.00						
19	[illegible]		20,000,000.00						
29	1,000,000.00		10,000,000.00			10,000,000.00			
May 1	5,000,000.00								
5			10,000,000.00	10,000,000.00		5,000,000.00			
8	800,000.00								
13	1,300,000.00					12,000,000.00			
15	3,500,000.00		15,000,000.00	[illegible]		15,000,000.00			
20			12,000,000.00						
22		11,850,000.00							61,867.29
27	2,400,000.00			10,000,000.00		5,000,000.00			
29			10,000,000.00	10,000,000.00				5,000,000.00	
June 3	4,000,000.00					5,000,000.00			
5		4,000,000.00							
12			10,000,000.00						
16						5,000,000.00			
17	[illegible]		5,000,000.00			5,000,000.00			
18			10,000,000.00						

Statement showing dates and amounts of cash advances to foreign Governments after the signing of the armistice to November 15, 1920—Continued.

Date.	Belgium.	Czechoslovakia.	France.	Great Britain.	Greece.	Italy.	Liberia.	Rumania.	Serbia.
1919.									
June 19	$3,200,000.00								
26	600,000.00								
28				$7,000,000.00					
July 1			$10,000,000.00						
3			20,000,000.00			$5,000,000.00			
8	2,000,000.00		5,000,000.00						
9		$5,650,000.00							
10			13,000,000.00						
11								$5,000,000.00	
17			5,000,000.00						
22			5,000,000.00						
24			5,000,000.00						
29			5,000,000.00						
31			5,000,000.00			5,000,000.00			
Aug. 5			5,000,000.00						
7			10,000,000.00						
14						4,175,945.99			
19			5,000,000.00						
21	1,000,000.00					5,000,000.00			
28			10,000,000.00						
28			5,000,000.00			9,100,000.00			
Sept. 2			15,000,000.00						
8			5,000,000.00			17,000,000.00			
10							86,000.00		
11			10,000,000.00						
18			15,000,000.00						
25			10,000,000.00						
26			30,000,000.00						
Oct. 1			10,000,000.00						
2						1,146,127.00			
7			10,000,000.00						
14						8,000,000.00			
16						1,000,000.00			
17			10,000,000.00						
21			10,000,000.00						
24							8,000.00		
Nov. 11			10,000,000.00						
Dec. 2		$1,694,041.10							
8			10,000,000.00						
15					$5,000,000.00				
16						10,000,000.00			
1920.									
Jan. 2			10,000,000.00						
16					5,000,000.00				
Feb. 3			10,000,000.00						
5			10,000,000.00						
Mar. 11			16,000,000.00						
22		2,000,000.00							
Apr. 6			10,000,000.00						
8		200,000.00				416,114.00			
9						5,000,000.00			
May 11			10,000,000.00			5,000,000.00			
June 3		1,000,000.00							
15		2,000,000.00							
July 6			10,000,000.00						
28		1,000,000.00							
Aug. 5			10,000,000.00						
26	10,499,467.89								
31			10,000,000.00						
Sept. 17		732,165.64							
24					5,000,000.00				
28			10,000,000.00						
	175,632,467.89	61,256,206.74	1,037,050,800.00	581,000,000.00	15,000,000.00	586,338,086.99	18,000.00	25,000,000.00	$14,575,495.26

Not only did you loan this stupendous sum to Europe after war was over, but certain of your leaders are to-day bemoaning the fact that a Republican Congress in 1920 prevented your administration from loaning, or giving, so to speak, to these same countries an additional $500,000,000. I quote an excerpt from an article appearing in the CONGRESSIONAL RECORD of November 1, 1921, over the signature of the chairman of your national organization, Mr. Hull, in which he branded the defeat of the Versailles peace treaty as "the blackest of all the black crimes committed in the annals of the human race," and further commented upon the failure of the United States to continue a policy of giving, loaning and giving to Europe, while our heroic soldiers were dying at our very doors from disease and hunger. He said:

> In vain did Henry P. Davidson and other great financiers as late as the early spring of 1920 fairly shout that the crisis is so acute that the situation does not admit of delay except with the possibility of consequences one hardly dare contemplate. Mr. Davidson and many other economists and business men were then urging the creation of a revolving fund of $500,000,000 by this Government * * * to be placed in the hands of a strong commission of our ablest business men to be utilized as temporary credits to the helpless States of Europe. This plea was received with deaf ears by Republican leaders bent on every sort of pandemonium if it was necessary to enable them later to carry the national election of 1920.

If the defeat of the Versailles treaty was the blackest of all the black crimes committed in the annals of the human race, as he says, then his charges must necessarily be lodged against the fathers and mothers, brothers and sisters, comrades and friends of our gallant troops who, by a majority of more than 7,000,000, approved the judgment of the Republican leaders who were responsible for the defeat of that unholy pact which not only committed the financial resources of this Nation but the blood of our citizenry to the maintenance and protection of the bloodthirsty militaristic nations of Europe.

The financiers of New York were the advocates of the League of Nations; they were the proponents of the $500,000,000 credits to which the gentleman, Mr. Hull, referred; they were the advocates of this country going to war months in advance of our real participation therein, because the possession of $5,000,000,000 of allied indebtedness by New York money interests led them to believe that their loans would be worthless if the Allies were defeated, and hence they cried aloud and the people were daily reminded of the insecurity of New York City; they were the strongest advocates of the draft law, and when the boys returned to native soil after achieving the greatest victory of all the world, these same financiers, in order to make sure that their enormous loans were not further impaired, oppose a bonus in any form and simply denounce as infamous any plan that looks to the payment of such a bonus based on the debts now owing us by these foreign Governments to which their loans are made.

Multimillionaires made great fortunes during a few years of war, which were saved from German indemnity by the sacrifices of American doughboys, yet they shout threats because Congress is giving these same doughboys only about what one month of war cost this country. Many months of war were saved to this country and to the world by the heroism of the American soldiers, yet the haughty and selfish financiers and profiteers of New York, who were parading with the throngs

and shouting "Go on, boys," in 1918, have now stepped back into their countinghouses to gloat over their ill-gotten gains and their only cry now is "Go away, boys; the Nation is too poor." For myself, I wish that it were possible to make every cost-plus, profiteering millionaire pay every dollar of this adjusted compensation to the brave boys who fought in the trenches at $1 per day, three-fourths of which was taken from them in allotments and insurance for the benefit of their helpless and dependent families. This under the Constitution of our country can not be done, but we might well adopt a plan levying a tax on inheritance on all amounts in excess of $25,000, increasing the tax rate as the amount of inheritance increases. This tax would impose no burdens upon the average man, but would place the burden where it properly belongs. It would impose the burden on the men who through graft and other illegitimate processes gained fortunes while our boys were undergoing the hardships and privations of war. This tax might also be augmented by another form of taxation covering that of gifts where the amount of the gift exceeds $10,000. These two taxes would produce abundant revenue to meet all the obligations of the soldiers' bonus and would also contribute to the payment of the ordinary expenses of government, thereby making the burdens of the common people rest more lightly upon their shoulders.

Those who so bitterly oppose the granting of any bonus to the ex-service men of America, and who cry the Nation's poverty as an excuse for so doing, might find some consolation in the fact that this administration has through its program of economy lessened the expenses of government until we are able to assure a saving of some $800,000,000 in taxes for the fiscal year. Through the wise leadership of the matchless statesman, Warren G. Harding, we have restored the Nation to a sound business basis, and as a result of his remarkable diplomacy treaties have been negotiated with the four leading powers of the earth by which we will be enabled to save in the next 10 years in the reduction of armaments a sum estimated at some $10,000,000,000. This achievement was attained without the sacrifice of our national honor and without assuming the burdens of entangling alliances with foreign powers. Instead of increasing armaments and maintaining an Army of 500,000 soldiers, as was desired by the former administration, we have reduced the number of our standing Army to 150,000, and will, with the passage of the Army bill which is now under consideration in the House, still further reduce the size of the Army to a number not exceeding 115,000. We have reduced the bonded indebtedness of the Nation approximately $2,000,000,000 in the last 12 months, and have restored the confidence of the people until Liberty bonds, which were selling at an amount far below par during the last year of the former administration, are now bringing from 97 cents to slightly more than their face value. The increase in the market value of Liberty bonds alone, which are distributed among 15,000,000 American citizens, amounts to more than $2,000,000,000.

In the face of this showing we are led to believe that the propaganda that is being circulated through the press and in paid circulars has no ground upon which to stand other than that the profiteers of America are willing to sacrifice national and individual honor in order to save themselves from a loss on their ill-gotten gains.

I want to see every mother who gave her son to her country's cause and every mother who sent her son to war made happy by a Nation's acknowledgment of their heroic deeds. In the trenches, in the field, in the air their boys met the picked soldiery of the world and carried the Stars and Stripes again and again to triumphant victory. They recovered the lost fields of France; they revived the courage of the Allies; they won for our posterity and for civilization a fight that had been lost; and they saved for humanity the ideals of a liberty-loving people. They laid a surer foundation for the perpetuity of our Government. They deserve the thanks of a grateful Nation, the blessings of a rescued world, and recognition that means more than empty words. They deserve and shall receive a just compensation, and with every dollar thus received the prayers and hopes of the American people that out of their sacrifices shall have come an era of peace eternal and everlasting. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, it is, of course, very obvious that the ground we are discussing and the question we are considering, as to what should be the commissioned personnel to be maintained in the Regular Military Establishment, has been gone over times without number here. I can hear the echoes of my own words as I have repeated at various times the arguments that come to my mind to-day. There really is nothing new about it.

The unfortunate part of it is that at just such a time as this we are suddenly confronted with the determination of a military policy for which there has been no general preparation, and I am sure the Members on the floor will frankly admit that fact. It is obvious, too, that most of us come here to this Chamber without much specialization in military affairs. We do not take time to inform ourselves, because in civil life we are not interested in it, although most of the other functions we are called upon to perform here as legislators relate to matters with which we are familiar in our everyday and commonplace experiences back in our private life. We are familiar with the terminology, we are familiar with the relations of things, we are familiar with the reasons for the existence of those various other institutions concerning which we are called upon to legislate, and when we come to act here we act upon that general commonplace knowledge obtained from our everyday experience. We supplement that general knowledge by more specific and direct inquiry into these affairs, and so we act intelligently. But our experience with armies has been limited to seeing a few troops go by in some military pageant on Memorial Day, or with navies to going down to the harbor sometimes to see a distant ship.

People do not pay much attention to the Army. It lives in an atmosphere peculiar to itself. It lives with a language and terminology that most folks do not take the trouble to understand, because they are not interested in it. It has certain traditions, certain customs, a certain philosophy born of the centuries through which men have fought and fought. There are certain lessons of the battle field, even from antiquity, that are part and parcel of the professional life and understanding of these men that are not easily to be made plain to others under the five-minute rule in the House of Representatives, even if one thought one knew something about it.

Now, the theory and philosophy of our present military law are so plain to those who spent months in the preparation of it, and its purposes are so practical, so apparently within the general policy of the United States through all these many years, that it does seem a pity to think that under the technicality of the Holman rule, that camouflage, that pretext may be set up here to juggle with some figures, and underneath it absolutely destroy the military policy established in the Army reorganization act of June 4, 1920.

That military policy was based upon many lessons of the war. The Committee on Military Affairs took 12 months to prepare and put through the House that bill. The preparation of that law included a trip, after the armistice, to our Army in Germany and in France, to the British Army, the Belgian Army, and the French Army. It was seriously done. It was no junketing experience, as any man who accompanied the committee will say. Then back home here, with long consultations and hearings with the representatives of the War Department, with the representatives of the Army of all shades of thought, with representatives of the National Guard, and with men in civil life generally interested in the national defense. Finally a bill was written, and it was hoped and believed that after such mature deliberation it was written with some sense of establishing what might be an enduring policy until a possible future war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Vermont. And it was written with the idea that many lessons of this last war should be incorporated into its terms as nearly as might be practicable in any law.

Now, the basic lesson, if one may apply such an emphatic term to it, as far as the personnel was concerned, was one learned out of the World War, and that was the lamentable scarcity of trained and matured commissioned officers when we went into the war, and afterwards in our conduct of it.

War has come to be something besides mere men of the jungle coming to brutish grips. War has come to be something more than it was through so many centuries, pretty much limited to the mere physical struggle of great masses of men. It has come to be a combat between Titans, not only between their bodily natures but their moral forces and the subtle intricacies of modern mechanics and science as well. People do not realize the character and complexity of the education required of a commissioned officer in the Regular Army of the United States to-day. People do not realize that it is a learned and scientific profession. He starts at 21 years old, and he will tell you if he is honest—and that is a part of his code, to speak the truth "on his honor as an officer and a gentleman"—he will tell you that when he arrives at about the age to retire he has reached a stage when he has some mature knowledge of the art of war.

That is what experienced men say of other professions, and there is much foundation for believing that officers in the Army are quite as sincere and quite as practical about it in their own.

We undertook at the beginning of the last war to prepare young men as commissioned officers for troops in the field by a three months' intensive course at training camps. Everybody knows that that was a makeshift, but we were able to get much bright material and made considerable progress after we got some of the newness rubbed off. And most of those young men afterwards acquitted themselves gloriously in the service. Yet no man will seriously maintain but that that which constitutes a life profession, to be studied daily in long times of peace, would require a larger opportunity than that which was afforded by a hurly-burly scramble to get into the war in three months by men who never had experience in military affairs.

We need officers who are not only learned in the technique of military science but officers who are experienced in the art of command, in the operations of troops; officers who understand men and know how to handle them, how to preserve discipline in a humane way; officers who have become mature minded and seasoned in judgment.

In the new law, therefore, we laid emphasis on the fact that we needed experienced and matured commissioned officers, men who give their lifetime to study, practice, and training in all that pertains to military science and the maintenance of a military establishment. We laid down the foundation without any reference whatever, in a broad sense, to the mathematical ratio as to the number of enlisted men that would be maintained in the Regular Army. The commissioned officers are the only ones who make a permanent Army, the men who make it a lifetime profession. The enlisted man may come and go, but the commissioned officer stays through thick and thin, through peace and war.

Mr. STAFFORD. Will the gentleman yield?

Mr. GREENE of Vermont. No; I am sorry I can not.

Our policy was never to maintain a fighting Army. There is no use to argue about it when men call upon us to reduce the Army just because we had a conference of foreign powers and an agreement to reduce the Navy. That conference had no reference to the military land forces whatever. We never have maintained a fighting Army. We did maintain a fighting Navy, ready to go to sea and fight, but we never have done it with the Army. Everybody understands, and has always understood who has taken the pains to look into the matter, that our Army has been simply a garrison and police and training Army, and that we keep and try to keep only those numbers of men that would suit those three functions in an economic way.

The CHAIRMAN. The time of the gentleman from Vermont has again expired.

Mr. GREENE of Vermont. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes. I want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Vermont be extended five minutes. Is there objection?

There was no objection.

Mr. GREENE of Vermont. Our theory is wisely to maintain as comparatively limited a professional force as we can to sustain those three functions. We have necessary garrisons. No matter how much we may whittle them down, there are some always that we must have, in order properly to police the country. When the gentleman from Mississippi [Mr. SISSON] said that one soldier to-day was equal to eight soldiers before the war because he had equipment and armament that make him eight times as powerful, he failed to mention the fact that, notwithstanding all of these inventions of man, the Almighty had not made the soldier eight times as ubiquitous, and that he never could do any better than to be in one place at one time; he can not possibly be in eight places at one time, and he can not be all over this continental America at the same time. That is the reason you can not compare our figures with European figures.

The gentleman from Mississippi cited figures of the British estimates. Britain is providing for an army in a small, circumscribed, insular area. We have to expand our Army over a great continental area, stretching from the Atlantic to the Pacific. And yet Great Britain, recognizing the theory of what we are talking about to-day, is trying to maintain the upkeep of commissioned officers, because when Great Britain proposes through the ministry to cut down the number of enlisted men, she also proposes in proportion to raise the number of commissioned personnel, because they are her only trained and permanent army.

Outside of this garrison or this police purpose, we have wisely depended on raising a citizen army for purposes of war, and that is a sound policy. It is consistent with our national character. The minute we begin to have a permanent fighting force in peace time, the minute we begin to pay bands of mercenaries to fight for us, then we no longer have a country worth fighting for. Every man ought to bear his share in some way, somehow, in national defense. But these commissioned officers of the Regular Army are the only men in the United States who make a profession of the science of arms in time of peace. They are the only men who give their whole lifetime up to it, and they are the men upon whom we rely, distributed throughout the country, to impart the art of war to the National Guard, the schools and colleges, the reserves, and all of the other civilian agencies and institutions that are preparing the civilian youth of this land to come to the colors at any time when the country may need defense. They are the men upon whom we rely to preserve from generation to generation an active and growing knowledge of the art of war while the rest of their fellow countrymen are following the paths of peace. They are the men upon whom we must rely in time of emergency to prepare and put our war armies into the field to save the country.

If any one can say precisely how many officers we need for that purpose, then he can do better than the War Department can do, or than any committee of this Congress can do. It must admittedly be at best a compromise. No one can put his finger with exactitude on the number. That is obvious.

The American policy of training a civilian population to national defense is a growing thing, but it already is a fact that the tactical organizations of the Army to-day do not have their sufficient complement of officers, and are not getting the proper training in consequence, and the reason for it is that even with what officers we have now the demand is very great for their distribution to these various civilian agencies about which I have been talking, because the public is calling for them day after day, and they are called for in greater numbers than the War Department is able to furnish them.

It is now proposed to reduce the number even by 2,000 from what we have to-day. I say to you, and I say it with all earnestness—and you can cry "militarist" or whatever you may—it is a pity that we can not seem ever to learn any lesson following any war. Nobody is worrying about a foreign war, nobody is frantic about the possibility of our getting into clinches with any foreign Government at this time. The world is tired out and does not want to fight. But we are making a most stupid, a most egregious blunder, a folly of follies, if we permit through our sense of false security the art of war to languish throughout our country, and bring up a generation of young men whose idea is that they have nothing to do but to go their full threescore years and ten, skipping through a fool's paradise, and that in time of war we can call immediately into being a great, forceful, and efficient Army that will spring like Minerva, armed cap-a-pie, from the brain of Jove himself. It is all humbug. [Applause.]

We have been through the results of this same folly war after war, and we have needlessly lost hundreds of thousands of brave young boys because of it. We have sacrificed thousands of men in every war because of untrained officer leadership.

Nobody pretends that we can be absolutely prepared to the last nail, right down to the possibility of never losing anything. We know that it is difficult for Republics to go to war in any event, because they go clumsily into war. They are never so well prepared as are nations under different forms of Government. But at least Republics, if they are more sensible than the other nations about their Government, ought to be equally sensible in remembering some of the lessons those wars teach. [Applause.]

The CHAIRMAN. The time of the gentleman from Vermont has again expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I am against the amendment offered by the gentleman from Mississippi [Mr. SISSON] and I am against the amendment offered by the gentleman from California [Mr. KAHN]. I am for the bill. I believe the time has come when we ought to understand what the situation is. The gentleman from California wants 13,000 officers, the gentleman from Mississippi wants 9,000, the Chief of Staff of the Army wants 12,000, and the Committee on Appropriations recommends 11,000.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Not just now.

Mr. KEARNS. I understand he wants 13,000.

Mr. MADDEN. He wants 12,000, with the understanding that he will put back a thousand a year from now. I do not believe the gentleman from California speaks for the sentiment of his country exactly. At any rate, if the following telegram has any significance, I would judge that he does not:

OAKLAND, CALIF., *March 9.*

CHAIRMAN COMMITTEE ON APPROPRIATIONS:

Sentiment here strongly opposed to retaining top-heavy, swollen commissioned personnel in the Army. Taxpayers and producers on reduced pay see no justice in their continuing to support an inflated pay this absurdly large body of consumers.

ROTARIAN CONVENTION.

That is not from an individual; that telegram is from men from every walk of life. [Applause.] The gentleman from California, when we reach another stage of this bill, will offer an amendment to increase the Army to 150,000 men.

The gentleman from Mississippi will offer an amendment to reduce the Army to 100,000 men. I am opposed to both of those amendments when they come before the House. The Committee on Appropriations come to you with the recommendation of 115,000 men and 7,000 Philippine Scouts, making an Army of 122,000 men, and we propose to reduce the cost of the Army as proposed by the Army from $350,000,000 a year to $224,000,000 a year. [Applause.] We are trying to speak for the men and women of the Nation who pay the taxes. We have no fear that any harm is going to befall any interest in America because we have not a very large Army. We believe the Army we propose will meet every emergency that may arise. I congratulate the Secretary of War for the order he has issued under the direction of the President to bring back the Army from the Rhine. [Applause.] The Committee on Appropriations recommended that. I do not say that action was taken on our recommendation, but I do say that we did that without any thought of what was in the mind of the President or the Secretary of War.

We believed the time had come to bring back the Army [applause] on American soil and confine the Army to the conduct of American activities. [Applause.] We propose to reduce the cost of the Army by $67,000,000 a year. Do you want that reduction, or do you want the taxpayers to be overloaded with these excessive burdens? There is no taxpayer in the Union to-day who is not pleading for relief. Are you willing to grant that relief, or are you insistent, upon having a large Army to please the military men of the United States? Who says there is danger to America; who claims with any degree of certainty we are in trouble or likely to be? There is no opportunity to-day, as there has been in the past, to plead that we are liable to be at war with Japan. That bugaboo has been dissipated. The Conference on the Limitation of Armaments set that aside. Now, what is the trouble? What is it that impels these people to demand untold expenditures for the maintenance of the Military Establishment? Have the people of the Nation no rights that even the Military Establishment is bound to respect? Are we to be forever confronted with the argument that we are unprepared. What is there to-day to be prepared for? If there is anything, is it not peace? Peace is the thing that is uppermost in the mind of every man, every woman, and every child in America. War is to be abhorred. We can only reflect the thought of the people of the Nation by translating this bill into a reduction of the cost of Government. [Applause.] Your Committee on Appropriations proposes that, and we come to you in all sincerity hoping you will agree that we have been reasonable in our reductions. Let me make a comparison. The strength of the Army in 1915 was 101,185. It had 4,798 officers. The expenditures for the Military Establishment then amounted to $115,000,000. We are to-day proposing $224,000,000, and yet the Army says that is not enough. The strength of the Army to-day is 139,000. The number of officers is 13,000. We propose to reduce the strength of the Army to 122,000 and the number of officers to 11,000. The appropriation for the maintenance of the Military Establishment we propose to reduce to $224,000,000. The National Guard in 1915 had 129,000 men. The appropriations for the National Guard in 1915 were $7,500,000. The National Guard enlisted strength at the present time is 142,000 men, and we propose by this bill to appropriate for them $21,000,000, and still the Army says we are unprepared and not giving them proper consideration. The student officers' reserve training corps last year were 97,000. That corps did not exist in 1915, so in addition to the Army we have a student officers' training corps to-day of 97,000. The civilian training camps last year were 11,000. We train them at the cost of the Treasury and the estimates for the training camps for the coming year under this bill will be 30,000 men. The commissioned Officers' Reserve Corps to-day are 65,000 men. In 1915 there was not a man. Who says we are not prepared; who says we are not doing justice to the Army? We are making appropriations for all these activities. The strength of the Army, persons in civil life, in 1915, were provided training outside of the Regular Army, and the National Guard and Spanish-American War veterans practically none.

At the present time there are over 2,000,000 men with training received during the recent war and nearly 200,000 officers who saw service and received training during the war. The number of military posts in 1915 throughout the country and ordnance establishments was 230. Now there are 290, and the Army, because we, forsooth, have 60 more military posts and ordnance establishments, want more men to man the posts. Why, we had better burn up the posts if we have to employ a larger number of men to maintain them when they are not needed. [Applause.] The time has come when we must make the Army to meet the situation and not to man posts simply because the posts are there. We had no Air Service in 1915, and now we have 19 flying fields, which include 4 fields which are parts of other military posts and 15 separate flying fields, and we are providing for them, and the value of flying equipment to-day is $361,000,000, and there was not a dollar of this in 1915; and yet they say we are not prepared, and that this bill proposes to disintegrate that Army. This bill proposes to make an Army that can function for the American people and at the same time it recognizes the right of the American people to some relief from the burdens of taxation for the Military Establishment. Now, we had no Chemical Warfare Service in 1915. The present Chemical Warfare Service has one splendidly equipped plant at the Edgewood Arsenal. The ordnance plants in 1915 numbered 13, and the land value was $28,000,000.

The present ordnance plants number 37, with a cost value of $411,000,000, and they have ordnance stores to-day of $1,355,313,000, as against $60,000,000 in 1915. Who says this bill is not in the interest of preparedness? Who says that we are destroying the Army? Who says that we are not giving proper consideration to the defense of the land? Who says there is going to be a war? Where is it to be? What are we to do? Are we to keep millions of men in uniform in anticipation of a war never likely to occur, at any rate, during our day? The time has come when the American Congress must declare to the American people for a system of peace, and that is what this bill does. This bill declares for a system of peace, and at the same time declares for a system of security. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WURZBACH. Mr. Chairman and gentlemen of the committee, I want to put myself on record as opposed to the motion of the gentleman from Mississippi [Mr. SISSON] and as being generally opposed to the proposition of cutting down the size of our present Army. I realize that it would take more time than is available to me under the five-minute rule to discuss this proposition. We all know that the Army appropriation bill that is before this committee for consideration involves one great, outstanding issue, and that is the question of the reduction of our Army. I regret very much that under the rules and under the practice that prevails in this House it is possible for the gentlemen having control of the time for debate to be lavish in the granting of time to gentlemen who discuss matters extraneous to the bill and limit and practically prevent debate on the real issue involved. Nine hours of general debate was agreed to on this bill—four and one-half hours under control of the gentleman from Kansas [Mr. ANTHONY] and four and one-half hours under control of the gentleman from Mississippi [Mr. SISSON], both of whom are strongly in favor of the reduction of the Army. Of the 9 hours, only 36 minutes were allowed to those opposed to the reduction, 30 minutes to the chairman of the Military Affairs Committee, and 6 minutes to the gentleman from Vermont [Mr. GREENE]. Other Members requested time, without success. Gentlemen were given liberal time to discuss matters not connected in any way with the proposed legislation, and others were recognized to discuss parts of the bill about which there was no controversy and no issue. I have the highest respect and regard for the committee in charge of this bill, but I submit that the important part of this bill was not permitted to be presented as fully and fairly as it ought to have been.

I am not militaristic. I am in favor of having a strong defensive but not an offensive Army. I can not understand why such great deference should be paid the judgment of a subcommittee of the Appropriations Committee and so little respect paid to the judgment of the Committee on Military Affairs, the legislative committee, and especially why so little respect is paid to the experts who are qualified to pass upon this question—I mean the trained and experienced officers of our Army—

and I include herein the President of the United States, who is the Commander in Chief of our armies.

I have noticed since I have been a Member of this House that some Members delight to reflect upon the good faith and sincerity of the officers of the Regular Army of the United States. I hope that that sentiment does not prevail generally among the Members. I hope that this issue of whether or not we will cut the Army or whether we will keep it at its present size will be decided by the real facts and not by prejudice. Why should a Member of this House, why should any American citizen whose memory goes back the short space of three or four years, look down with disdain and disrespect upon the officers of the Army of the United States? We know that the Regular Army was the foundation upon which the entire fighting force of America was built. I am willing to ascribe to those men equal sincerity, equal honesty, equal patriotism, to that of any Member of this House. They were tried, and not found wanting, in the grim test of fire and blood in the greatest war of all times. We trusted them then, why not now?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman, I would like to ask unanimous consent that debate on the pending motion be limited to a reasonable time.

Mr. SISSON. Mr. Chairman, I would like to have five minutes.

Mr. ANTHONY. I suggest that debate on the pending motions be closed in 45 minutes. Will that be agreeable? I also request that the debate be limited to five minutes for each Member. The committee would like to have 15 minutes on this side of the House.

Mr. SISSON. For myself and members of the committee on this side I would like to have five minutes.

Mr. ANTHONY. I think that would be fair. Forty-five minutes on the debate on the pending amendments, 15 minutes to go to the Committee on Appropriations, and half an hour to go to the other gentlemen.

Mr. TEMPLE. Reserving the right to object, does not that include the request also that no person speaking shall have more than five minutes?

Mr. ANTHONY. Yes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate on the amendments now pending be limited to 45 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. Reserving the right to object, I would like to know if the five minutes granted to the gentleman from Texas [Mr. WURZBACH] is included in that?

Mr. HULL. Reserving the right to object——

The CHAIRMAN. The Chair would state that he asked for objections, but heard no objection.

Mr. WURZBACH. Mr. Chairman, it seems to me, if we were willing a few years ago to entrust the well-being, the health, and the lives of 4,000,000 American boys to the officers of the Army of the United States that we ought to be willing, at least, to pay some attention, some heed to their advice in this matter, to which they have given a lifetime's study. This does not in any sense imply a surrender of congressional authority or an evasion of congressional responsibility.

Mr. McSWAIN. Will the gentleman yield?

Mr. WURZBACH. I will.

Mr. McSWAIN. What is the advice of the officers as to how many officers should be in the Army? I have not heard the advice. Has the gentleman heard it?

Mr. WURZBACH. I have only a short time to discuss this question, but I want to say to the gentleman that the President of the United States—that may not mean much to your side of the House, but I want to call it to the attention of the Members on this side of the House—that the President of the United States; the Commander in Chief of the American Armies; the Secretary of War; General Pershing—and I would rather refer to him as the leader of the American forces across the sea than as Chief of Staff—and, in fact, every military expert that has expressed himself upon this question, is opposed to the reduction of the Army as suggested by the subcommittee of the Appropriations Committee, made up of five men who have had very little experience, if any, in matters of this kind, men selected, I suppose, by the chairman of the Appropriations Committee, who has had no military experience at all. I commend the Appropriations Committee in its purpose to reduce the expenses of Government, but I believe the American people are more interested in the way public money is spent than in the amount that is spent.

If we concede then, as we must, equal sincerity of purpose, equal devotion to the Nation's service, and if we further recognize—as we surely must—that a life's study of a problem makes one better qualified on any subject than does the casual consideration given by the average Congressman, it follows as a natural and logical conclusion that the burden of proof rests upon the committee and upon the Congress to show that the recommendations of the officers of the Army are unwise, unreasonable, or unwarranted. I submit that the Appropriations Committee has not successfully borne that burden. But, on the contrary, every witness who testified before the committee, according to the printed hearings, takes issue direct with the conclusions of the committee. The judgment of the committee is not only not supported by the testimony, but is in direct conflict therewith. Therefore, having the same confidence in our Army now that I had in 1917 and 1918, and having heard or read no word of testimony controverting the testimony of the officers of the Army, I shall vote to sustain their conclusions.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STAFFORD. Which Army does the gentleman refer to—the Army of 150,000 or the existing Army of 120,000?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CRAGO. Mr. Chairman, in the limited time allotted me it is impossible even to make a clear statement of my own views regarding this bill. I am opposed to the amendment offered by the gentleman from Mississippi [Mr. SISSON] and I am in favor of the amendment offered by the gentleman from California [Mr. KAHN]; and in connection with his proposition to appropriate for 13,000 officers I want to say that this is only asking for an appropriation as recommended in the bill prepared by General Pershing himself. That bill does reduce the number of officers temporarily to 12,000, but it also provides that the number of officers shall be increased from the bottom up from the lower ranks and decreased from the top down, until it shall have reached the 13,000; and that number is what we should appropriate for, and there is no inconsistency between the fact that the bill introduced by the gentleman from California and reported to this House calls for 12,000 officers and the amendment offered by the gentleman from California asking for pay for 13,000 officers, because that is what it will be before the fiscal year ends.

Now, I would like to refer if I had the time to the fact that the officer personnel has cost us the most, and is one of the most precious inheritances we have as a result of the military system built up during the war. And I ask you, gentlemen, as good business men, is it good judgment to destroy an organization of that kind unnecessarily? Would any business man think of doing that with his business organization, or would any educational institution think of doing it with its faculty or its working force? I think you would say no.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. I would rather not be interrupted. I have a personal view that I wish to present. I hope the gentleman will excuse me. I am trying to follow the policy of the President of the United States, the Commander in Chief of the Army, and of the Secretary of War, whom many of us know as a level-headed, patriotic American who is not going unnecessarily to burden the taxpayers of this country with an excessive number of Army officers. Will you pardon me when I state in a rather personal way my own view of this question?

I am not disposed to condemn the framers of this bill merely because I differ from them in their ideas as to what constitutes a proper Army and proper national defense. I have served for years with two members of this subcommittee, and know that they honestly desire to do what, in their opinion, is best not only for the Army but for the entire country. I do not doubt but that this is the attitude of all the members of the subcommittee. However, the other day when this bill was under consideration the gentleman from Mississippi [Mr. SISSON], in what I suppose he intended as a facetious remark, referred to certain persons as "militarists." We have heard the term used often to-day. I do not, of course, know just what he means by this term, but I do know that my interest in doing what little I can to help my country adopt a safe, sane, sensible policy of national defense comes from anything else than a "militarist" spirit on my part.

It comes, I can say to the gentleman, from the fact that I hate war and all the name implies; and yet when I say I hate war I mean I hate it because of what I have actually experienced, and not as a mere theorist who is afraid of it. [Ap-

plause.] In 1898 and 1899 I saw our boys from Pennsylvania, Tennessee, Kansas, Minnesota, Colorado, Iowa, Nebraska, the Dakotas, Washington, California, Nevada, Wyoming, Oregon, Montana, and Utah make the supreme sacrifice under fire between the point where the enemy guns were effective and the point from which our old antiquated guns, with which our troops were armed, could effectively return the enemy fire. I saw these men in hospitals without proper care and attention because our Medical Corps was not properly organized, and because our medical officers—good men as they were—were compelled to use methods, remedies, and surgical instruments bequeathed to these organizations from the days of the Civil War.

When I saw these things I knew there was something wrong, and I was disposed, like many others, to blame the War Department for these conditions. I made up my mind then, if I could do so, I would try to remedy conditions which made it possible to send our young men to certain death because of a lack of proper arms and equipment. Since those days I have given the subject much consideration. I have read our military histories, and was at first disposed to resent the charges that Congress, and not the War Department, was at fault; but my experience in this House and what we have witnessed during the years of the World War, when the War Department was for the first time in our history given unlimited power and thus unhampered achieved such wonderful results, has convinced me that Congress has been largely at fault; and while I now repeat I hate war, I also add that I hate, despise, and pity the false arguments for economy heard on the floor of this House after every war, arguments which have resulted in destroying the national defense which we had builded during the wars, and thus paralyzing the forces which stood between us and war and made necessary so great a sacrifice when war did come. I will gladly and reverently pray with you that war may never come to us again, but in the meantime I want to work with all real Americans to build up such safeguards as will make war impossible or would put us as a Nation, if war did come, in such a situation that we would not be compelled to send our young men forth to needless slaughter, while behind their dead bodies we frantically and feverishly attempted to do that which should have been done during the days of peace. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SANDERS of Indiana. Mr. Chairman, the form in which these amendments are presented to the House gives a great advantage in favor of the committee. We have the gentleman from Mississippi [Mr. SISSON], who wants an Army of 100,000; we have the gentleman from California [Mr. KAHN], who wants the Army in about its present form; and we have the committee standing in between. I think it is important for the Members of the House who really believe in having an Army such as is necessary for our security to see to it that this advantage does not give the vote of this House in favor of the proposal of the Committee on Appropriations.

The distinguished chairman of the Committee on Appropriations [Mr. MADDEN], who is entitled to credit not only at the hands of the House but at the hands of the country for the work he has done in behalf of economy, says that this House owes a duty to the country to bring about economy. That is true. But this House owes a paramount duty to this country, paramount to every other duty, to see that the security of this country, with her teeming millions of people, is assured. [Applause.]

They say we have had a disarmament conference. We had a conference with reference to the limitation of naval armaments, and, just so far as we can get our competitors to go, I believe is bringing about limitation of armaments.

The distinguished chairman of the Committee on Appropriations asks, with what country is there danger of war? I do not know.

So, gentlemen, you have got the question before you, whether you are to obey the imaginary duty of practicing economy to the point where we shall not be properly defended, or whether you are going to obey the paramount and real duty to see that we are adequately defended, and I ask you to support the amendment of the gentleman from California [Mr. KAHN] and the other amendment that he is going to offer subsequently, so that we can maintain an Army at the standard that all our military advisers say it ought to be maintained at, and give us an adequate military defense of our country. [Applause.]

REDUCTION OF THE ARMY BELOW 150,000 IS A MENACE TO OUR SECURITY.

The Army of the United States under the existing law is now reduced to 150,000. It is proposed by this Army appropriation bill to reduce the Army to 115,000, and it has been proposed by the gentleman from Mississippi [Mr. SISSON] by amendment to further reduce it to 100,000. I do not believe the Republic will be secure if we reduce the Army below 150,000. The Secretary of War and all military advice is opposed to further reduction. We have a very great duty to our people to pursue the course of economy and not to expend a single dollar not needed. We have a paramount duty above every duty to preserve this Republic with her millions of citizens secure from attack from without and from insurrection from within.

Our greatest security from dangers within is in the conduct of government so that ills and grievances of our people will be cured and redressed by a Government just to all. But we ought to have a force great enough to quell any internal disturbances by those who might not be satisfied with such government.

Our greatest security from dangers without lies in establishing and maintaining such friendly relations with other nations as shall encourage peace. We should accord to them just treatment even to the point of tolerance. But we ought to have a nucleus for an Army great enough to build up a combat Army to defend against any nation which might attack us notwithstanding such just treatment. The former administration urged a peace time Army of over 500,000; that, in my opinion, was too high. The present administration is opposed to a reduction below 150,000. Consideration for our security and safety should warn us not to disregard this recommendation. Disarm! We are already disarmed. It has never been our policy to maintain a combat Army in peace time, and we do not now have a combat Army, but we must maintain an Army large enough to quell internal disturbances and to furnish a skeleton organization upon which to build a combat Army if necessary.

I believe in limitation of armament. I am happy to know that as a result of the arms conference we are to reduce our naval armaments and save the country two or three hundred millions annually.

Just as far as we can get our competitors to disarm, just so far we ought to go. But this is international disarmament to cut our own Army below the safety zone without any international agreement is national disarmament and national folly. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I am not a militarist, and I certainly could not be called a pacifist. I do not know much about military matters, but I believe I do know a little something about the history of this war. I have heard considerable comment here about our unprepared condition when we entered the last war. We were unprepared, my friends. I think nobody in the House knows that more thoroughly than I after having groped through the intricacies of these matters for two years. We were unprepared, but we were not unprepared in the way of men to go to the fighting line. We were unprepared in the things that men needed to fight with.

We had nothing to fight with. We had armies in the field, trained men ready to fight, long before we had anything to fight with. Now, there was one other thing in which we were lacking——

Mr. KAHN. Will the gentleman yield?

Mr. GRAHAM of Illinois. No; I can not yield. I have not the time just now. Perhaps I will yield in a moment. There was one other thing in which we were lacking, and that was trained officers. When we went into the war we found suddenly, after our declaration of war in 1917, that we were thrown into that great conflict without an adequate number of officers to guide us, so that untrained officers had to do the work; and if there is anything that this war has taught us it ought to be this, that never again should we be found without a sufficient corps of adequately trained officers. [Applause.] You can get the men to fight in the ranks. You can take an American boy and in six weeks' time you can make as good a soldier out of him as there is in the world, but it takes years to train an officer. Do you know the one thing that caused most of the losses and the most of the extravagance in the construction of our camps? That work was done by what was called the construction division. How many officers did we have in it? We had four commissioned officers in the construction division when the war broke out. What did we find it necessary to do, therefore? We called in contractors, the men who were in the building business, and turned the job over to them, and they wasted our money by the hundreds of millions of dollars. What did we do in the quartermaster's and ordnance departments? We had a very small corps of trained officers and we called in the contractors, the men who had shoes to sell, the men who had clothing to sell, and all that sort of thing, and we said, "Here, take charge of this, because there is nobody here who can do it." Gentlemen of the House, there was not an officer in the quartermaster's department of our Army when the war broke out who knew how to buy a yard of cloth or a pair of shoes intelligently. Yet when this war has given us some officers, when we have a corps of trained men who know something about that business, are we going to discharge them now and cut down our force, and throw away what it cost us, $30,000,000,000, to learn in this war? My friends, I am going to vote for the Kahn amendment. [Applause.] It is the right thing to do. Let us keep our trained officers. They are mighty hard to get. So far as the men in the ranks are concerned, I shall not go along on that proposition, because I do not think it is necessary to have now a large enlisted personnel, but I do think we ought to keep these officers, every one of them, in the Army, because there may come a time when we will need them as we have in the last few years. I think I have learned these things from this war, and I am saying them now because I think it is my duty to say to you what I believe our experience has taught us as an American people. [Applause.]

Mr. KEARNS. Mr. Chairman and gentlemen of the House, perhaps the things that I will have occasion to say have been said a number of times in one way or another this afternoon, but I want to impress upon your minds the importance of this amendment. I will say that every expert who appeared before the Appropriations Committee counseled against the limitation of 11,000 officers that this committee have provided for in this bill. The Secretary of War asked for 13,000 officers in the Army. He certainly can not be classed as a militarist. The head of the General Staff, General Pershing—I do not have him in mind so much now as the head of the General Staff as the man who led the American forces successfully in France—told this committee that it would be absolutely impossible for the Army to get along with less than an officer personnel of 13,000. Then, why do gentlemen conclude that the Committee on Appropriations ought to be followed in the face of all this technical evidence of men who have made a study of this matter? They have warned the members of this committee that the Army will suffer if the number is cut down below 13,000. Yet this committee comes into this House and arbitrarily asks for 2,000 less officers, and some men in this House indicate that they are about to follow the committee who have no information upon this subject except information that would teach them to the contrary.

Gentlemen, I want to appeal to each one of you who has in mind the good of the American Army, to listen to these men who know about these matters, and not to follow the advice of those who do not know and have not heeded the warning which they have received. [Applause.]

Mr. STAFFORD. Mr. Chairman, the committee in recommending the reduction in the number of officers and in the number of enlisted men have in no instance sought to do violence to the existing establishment. In a few words I think I will be able to show to you that so far as the commissioned personnel is concerned the number recommended by the committee is warranted.

When we had an Army of 101,000 men at the close of June, 1915, we had but 4,798 officers. At that time we had no officers in training at the various schools and colleges throughout the country, in the reserve officers' training corps, or any of the other activities that the Army reorganization act provides for. At the present time we have 12,936. Where are they? In the Medical Corps, for instance, there are more than 250 than are authorized under existing law. When we questioned the officer of that corps who came before us as to the justification for that number he could not give any reason for it except that they were in the service. Now, we have taken those 250 into consideration, and many more who are surplus to that provided by law, as in the Dental Corps, the Veterinary Corps, and lopped them off from the present force. At the close of June, 1915, there were but 185 commissioned officers in the Quartermaster Corps, subsistence and finance divisions. To-day there are 993, or over 800 more officers.

Now, take the Coast Artillery Corps. Everybody in this House, even those who have no special information on this subject, knows that there is not to-day need for the same number of officers in our Coast Artillery, because we are curtailing activities in our fortifications. In 1915 we had 728 in that corps. To-day, with not many more fortifications than then, we have 1,099, or 350 more. In the Infantry we had 1,094. To-day we have 4,111, or 2,500 more than we had then. General Pershing came before our committee and said he was in favor of reducing the existing officer personnel to 12,000, getting rid of the deadwood.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. STAFFORD. No; I can not yield. I have not the time. We take the conservative position and only put it at 11,000. We do not seek to reduce the number of cadets at the Military Academy. That goes on and will replenish the Army with its younger officers. We do not seek to cut down the activities of the service connected with the colleges where we are preparing officers in reserve in case of future emergency. We expect that there will be no war in the next 10 years, but if there were war here are thousands upon thousands of officers who served in the World War—65,000 all told in the Officers' Reserve Corps—6,000 of them who have been brought into the service, increasing the number of officers to more than 12,000. Would the 65,000 officers in the Officers' Reserve Corps refuse to do their duty if an emergency arose?

Every one of the subcommittee will challenge the assertion made by the gentleman who preceded me that the committee has not given a thorough consideration to the matter. Eight weeks of continuous service was given to acquiring information from officers of the War Department. The amazing fact is that notwithstanding the Limitation of Arms Conference, not a recommendation from any officer or official of the War Department was made to reduce the estimates prepared many months before that conference met. Great Britain, notwithstanding its many dominion disorders, recognized the call for reduction of military expenses and cut the Army appropriation for next year more than $100,000,000. True, our committee received no help from the Military Establishment to meet the demand for less military burdens. We did it regardless of whether we came from districts that had forts or fortifications or posts or arsenals; our duty was to do what we believed was right to the taxpayers, what was right to the country in general, and not to create any havoc or ravage to the officer personnel, but to carry out General Pershing's own recommendations to reduce the officers to 12,000 and then reduce the Medical Corps and other noncombatant services where no harm would be done to the existing personnel. [Applause.]

Mr. MONDELL. Mr. Chairman, nothing could better illustrate the wisdom of the decision arrived at by the committee than the fact that the two motions that have been made representing the extreme views on this subject leave the decision of the committee squarely midway between them. The path of wisdom can generally be found somewhere in the middle ground between the extremes of opinion and sentiment, and while there may be some little ground for difference of opinion as to the size of the commissioned personnel of our Regular Army, the fact that the decision arrived at by the committee is squarely midway between the extreme views of the little-army men and the big-army men is, in my opinion, well-nigh conclusive proof that the committee is right. [Applause.]

Mr. PARKER of New Jersey. Mr. Chairman, there is little time left, and I do not want to take much. Every man who has studied the last war knows that it is brains and tools that conduct business in war as in peace. Educated brains in a corps of officers are the first requisite, and for that reason the amendment to the national defense act in 1920 established a corps of officers of 17,679. Why? Because they were not merely to take care of the troops but they were to run the various parts of the Army, which the chairman of the Committee on Appropriations referred to as Chemical Warfare, Aviation, National Guard, and the Reserves. You can go through it all, and brains are needed; and if you do not have them, we will be, as at the beginning of the war, without any trained officers. Last year, in 1921, we wanted to reduce expenses; but it is worth notice that the bill then prepared and passed by this same committee, while it reduced the Army from 280,000, including Philippine Scouts, to 150,000, besides Philippine Scouts, but did not reduce the officers by one man. That committee then recognized that officers were needed. We appropriated $46,000,000 for officers' pay, and now it is proposed to cut this sum in half and more, though it is proposed by the gentleman from California [Mr. KAHN] to appropriate three-quarters of that sum for 13,000 officers instead of 17,000. Is not that enough of a cut? It is proposed by this bill to cut the number to 11,000 officers and $26,000,000, and it is proposed by the gentleman from Mississippi to cut to 9,000 officers and $21,-000,000.

My friends, we have now nearly 13,000 officers, and they propose to rub out 2,000 of them. They propose in the amendment of the gentleman from Mississippi to rub out 4,000 of these officers, the men upon whom we rely, men who have all had their war experience or regular training in military affairs. Where shall we get their substitutes in case of need? What will the young men say who thought that they were making the Army their life profession when they find that men who have done their duty, after 20 years of service as is provided for in this bill, are turned out because Congress says we do not want you? [Applause.]

If you want to have an enthusiastic corps of trained men to take care of your Army in time of war, stand by the Kahn amendment and do not turn people out. [Applause.]

Mr. TEMPLE. Mr. Chairman, it sounds very peculiar, indeed, during the discussion of this bill, to hear men spoken of as "big-army men" and "little-army men." The difference between 150,000 and 115,000 men is not enough to make the difference between a little Army and a big Army. Have we forgotten the recommendations that came from the Secretary of War and the President of the United States one year ago, have we forgotten the estimates that came in the annual Budget—we did not call it a Budget then, we spoke of it as the Book of Estimates—one year ago, estimates that we were considering in the House less than a year ago? The President and the Secretary of War had asked for a standing Army of 519,000 men and appropriations necessary to maintain that Army, amounting to somewhat more than $699,000,000. Compared with these demands there are no big-army men in the House now.

What has changed the minds of so many of the Members? Perhaps the minds of the Members have not changed so much. This appropriation bill does not come from the same committee that the appropriation bill came from last year. This bill comes not from the Committee on Military Affairs, most of whom are familiar, through years of study, with military problems, but it comes from a subcommittee of the Committee on Appropriations, disregarding the advice of the military authorities of the Nation. I believe in the new Budget plan, but I do not believe that the Committee on Appropriations should undertake to perform the functions of the legislative committees of the House. [Applause.] It was my good fortune to be on the committee that prepared the Budget legislation. I know that the House never intended the Committee on Appropriations to exercise legislative functions and fix the policies of the United States. [Applause.]

The policy of the United States concerning military matters ought to be fixed in legislation reported by the Committee on Military Affairs. As a matter of fact, the Congress did two years ago pass a bill which was intended to adopt a permanent policy with regard to national defense. That bill had been under consideration for more than a year; the committee had advised with the most competent students of military matters and the most experienced officers of the Army and administrators in the War Department. The size of the Army was cut far below what many of these advisors asked for, but the War Department, accepting the permanent policy adopted by Congress, has organized the Army in accordance with it. We have now less than 140,000 enlisted men in the Army and somewhat less than 13,000 commissioned officers. This bill proposes to appropriate only money enough to pay 115,000 enlisted men and 11,000 officers and to discharge the others unceremoniously. This can not have any other than a demoralizing effect on the remaining officers, who will not know what further cut in their numbers may be made next year. If we are to have no continuity of policy, we can have no Army. [Applause.]

We were told a few minutes ago that there is never going to be another war. If we were sure of that, if we could only be certain that we have arrived at the time when the nations shall learn war no more, we would not need even 115,000 men. We could beat our swords into plowshares and our spears into pruning hooks.

Even without that assurance it is not the policy of the United States to maintain a big Army which would be the real fighting force of the Nation if war should come. We do need, however, a nucleus, a training force for officers and men, around which we may develop a fighting force in case necessity should require it. We declared war in April, 1917, and then began our preparation for it. It was about 15 months before any considerable number of our troops were in actual contact with the enemy. It took us all this time to get ready. It was possible for us to take this time because the armies and navies of our friends were between us and our enemy. If necessity ever calls us again to fight, it is not at all likely that we shall have a year or more to get ready at our convenience.

In maintaining our present Army, untouched by the cut proposed by the Committee on Appropriations, we are no more than banking the fire that it may be ready promptly in case of need; but we do want red coals enough under the ashes to keep the fire from going out completely. We want the Army to be maintained in such condition and numbers that it would be able, if required, to kindle enthusiasm and communicate knowledge and efficiency to the much larger number which would be the real strength of the Nation. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation.

The message also announced that the Senate had passed with amendments the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following Senate concurrent resolution:

Senate Concurrent Resolution 20.

Whereas the United States transport *Cambrai* is expected to arrive in New York on or about March 30, bearing the last of the bodies of American soldiers from the battle fields of the World War: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of five Senators, to be designated by the President of the Senate, and five Members of the House of Representatives, to be designated by the Speaker, is authorized to represent the Congress at such services and ceremonies as may be determined upon as proper and appropriate. One-half of the expenses of such committee shall be paid out of the contingent fund of the Senate and one-half out of the contingent fund of the House.

WAR DEPARTMENT APPROPRIATION BILL.

The committee resumed its session.

Mr. SISSON. Mr. Chairman, I quite agree with the gentleman from Pennsylvania [Mr. TEMPLE], who just took his seat, that in one sense of the word there are no big-army people left, except two. There are two big-army men in this House, and you can not make it too big for them. One is the gentleman from California [Mr. KAHN] and the other is the gentleman from Tennessee [Mr. FISHER]. When they speak, the Army and Navy Club and the General Staff speak to you. There is another thing about this debate that has occurred to me. Every time you find a man who has ever worn the uniform of an officer as high as colonel, you find a militarist and a man who imagines that he has a peculiar knowledge of affairs that does not obtain in any other man. Another peculiar thing about the debate is that you will find a few men who will say that the only men who have a right to a belief about this matter are the men who sit a few days on the Military Affairs Committee, and that no one else has any judgment and sense about the matter at all. The Committee on Appropriations, in the consideration of the Army appropriation bill, has had the benefit of men who have been on the Committee on Military Affairs and the benefit of their knowledge. They were on the Committee on Military Affairs during the entire war, and appropriated billions of dollars during that time and changed the policy whenever they deemed it necessary. The chairman of the subcommittee of the Committee on Appropriations on the military bill served for years on the Military Affairs Committee, and the ranking Democrats who served for many years on the Military Committee are now on the subcommittee of the Committee on Appropriations. So, make the most of it if you want to. There are two members of the Committee on Military Affairs on this subcommittee that made up this bill. You have the opportunity to carry out in good faith a pledge which you and the Democratic Party made last campaign, and that is to reduce expenses.

You can not reduce expenditures very much except in the Army and the Navy. We have done the best we could in the other provisions of the bill, and there has been but little difference of opinion. I believed in making up the bill, and I believe now, that 9,000 officers are ample and if you adopt that amendment you save in the neighborhood of $6,000,000. If you adopt the Kahn amendment you add to the amount of money over what you would expend, if my amendment were adopted, between eleven and twelve million dollars.

Men should bear in mind that when they create a great corps of officers they create that many more life tenures in office. If I had time I would like to discuss that most horrible bill ever introduced and passed through this Congress, the last reorganization bill. Under that bill the Army as now constituted does not have a single second lieutenant in it, and they contend that they are organizing their officers under the terms of that bill. Not only that, but under the terms of that law those men have life tenures in office like unto the United States Supreme Court judges, and men are already beginning to look upon it as a sacred thing when you make an Army officer out of a man. When did that come to be a sacred thing? That law is so bad that it actually smells to heaven. It is nothing more or less

than the work of the General Staff of this Army copied from the Prussian military force. Talk to me about the Military Affairs Committee having made up that bill! They did not do it, they simply visèed it. That bill was prepared by the General Staff of the Army, and for their benefit and not for the benefit of the taxpayer.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ANTHONY. Mr. Chairman, when the committee came to the question of making the appropriation to provide for the proper number of officers for our Army we were faced, first, with a condition that in certain of the noncombatant corps—the Medical Corps, the Veterinary Corps, the Dental Corps, the Chaplain Corps, and others—there was an excess of officers over the number authorized by law and for which to-day there is not the least basic law upon which we can appropriate a dollar to pay them. The committee determined that it would not provide the money to pay their salaries and that it would provide the means to get them out of the Army. Next, we found that the Chief of Staff of the Army, General Pershing, a man in whom the committee has every confidence and in whom you have confidence, stated that there are in the Army to-day 13,000 officers, and that there were 1,000 of the least efficient of these whom he thinks should not be in the service. He has asked Congress for authority to get rid of them. In consequence the committee has provided for 11,000 officers, nearly a thousand of those we propose to get rid of belonging to these corps where there is a surplus above the number Congress says they can have and for which there is no authority of law to pay a dollar of salary, and the others, by which the commissioned strength is reduced, are the officers whom General Pershing says he should be allowed to take out of the service. The charge is made that this will cripple the Military Establishment. I deny that.

Mr. WILLIAMSON. Will the gentleman yield for a short question?

Mr. ANTHONY. I will.

Mr. WILLIAMSON. Some apprehension exists lest the training of students suffer by reason of the lack of reserve officers. Will the gentleman state whether or not this bill curtails that service?

Mr. ANTHONY. I am glad to say to the gentleman that the 11,000 officers will provide a sufficiently large number, so that the detail of every officer necessary for National Guard training, every officer necessary for schools, colleges, and the Reserve Officers' Training Corps work, every officer necessary for the Staff Corps of the Army, and still leave nearly double the number available to duty for the line of the Army than we had in 1915. In 1915 we had 4,788 officers, all told, in the Army. To-day there are some in excess of 6,000 with the line of the Army, leaving 5,000 under the 11,000 maximum under this bill for all other kinds of service, a reservoir from which we can draw a sufficient number of officers to take care of all training and use for all other really necessary purposes.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. I will yield.

Mr. KAHN. Does the gentleman remember that since 1915 we have added a Tank Corps and a Chemical Warfare Service in the Army which require a great many more officers?

Mr. ANTHONY. That is quite true, but we still have 5,000 in excess of the number required for the line.

Mr. STAFFORD. Only 87 for the Chemical Warfare Service.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. GREENE of Vermont. General Pershing, it is true, said he wanted to get rid of, I think, 1,000, but he also stated that he wanted to have authority to replace them with other men.

Mr. ANTHONY. That is, within a year or two years, but I am sure Congress will be able to consider at that time whether it is advisable or not to grant General Pershing's request and add 1,000 more officers to the Army.

Mr. SMITH of Michigan. Do I understand the gentleman to mention the Army of 1915? Does the gentleman claim we had enough officers then?

Mr. ANTHONY. I think for the size of the Army we had we had enough, I will say to the gentleman. Now, in closing I want to say this word: that the United States has to-day as many of the best-trained and most capable officers as any Army in the world, and the committee was thoroughly imbued with the idea of retaining all of the best of those men in the service, and in the provisions of this bill there is not a single one of those of the class I mention who will be compelled to leave the service. We wanted to get rid of those not authorized by law and get rid of the 1,000 of the least efficient whom General Pershing says can be dropped with benefit to the service.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the substitute offered by the gentleman from California [Mr. KAHN] for the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. KAHN) there were—ayes 68, noes 142.

So the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. SISSON) there were—ayes 40, noes 180.

So the amendment was rejected.

Mr. HULL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 4, after the word "staff," strike out "$26,896,200" and insert in lieu thereof "$29,320,954." Line 6, after the word "than," strike out "11,000" and insert in lieu thereof "12,000."

Mr. HULL. Mr. Chairman and gentlemen of the committee, I am not concerned about the reduction of the enlisted personnel of the Army. A year ago I introduced an amendment by which the Army was reduced to 150,000 men. I am concerned about the arbitrary reduction of the commissioned personnel of the Army. This amendment is not the plan of the General Staff. It is a compromise between the General Staff plan and the committee's plan. It will make the commissioned personnel 12,000 instead of 11,000, and would not permit an increase after it had been reduced. The committee plan will reduce the commissioned personnel of this Army about 2,000. This bill will be made into law something near the 15th or 20th day of June. It will give the General Staff orders, as it is constructed to-day, to reduce the personnel of the commissioned officers practically 2,000 men, and give them less than 15 days to do it in. You can not do that without creating chaos in the Army. You have to-day over 3,000 commissioned officers in the different schools. A large number of those men will have to be discharged. You only have 4,329 officers in your Army to-day. The rest of them are scattered all over this country in separate services. Where are you going to cut the Army 2,000 men in 10 days without creating chaos? You can not do it, and you know you can not do it, and the gentlemen, I think, who drew this bill knew we could not do it. It takes but three things to make an Army—enlisted men, supply system, and commissioned personnel—and of the three the important element is your commissioned personnel, and if you want and desire to economize on your Army, for Heaven's sake cut your enlisted men, but leave your commissioned personnel alone. Gentlemen, I will not take up your time; you understand the situation. I appeal to you to support that amendment. It will save the Army, and to reduce it to 11,000 will destroy the Army.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. HULL) there were—ayes 65, noes 115.

So the amendment was rejected.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out on page 16 all after the word "under," in line 23, and all of line 24, and insert the following: "A board of general officers convened by the President, consisting of one retired major general of the line who commanded an army in active operations against the enemy at some time between April 6, 1917, and November 11, 1918; one retired major general of the line who did not command troops in active operations against the enemy at any time between April 6, 1917, and November 11, 1918, and who has been retired on account of age since November 11, 1918; the Surgeon General of the Army; and two general officers of the line to be designated by the Secretary of War."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

Mr. McKENZIE. Mr. Chairman and gentlemen, I do not care to take up the time of the House, but I want to call your attention to this fact: That if you are going to take out of the commissioned personnel of the Army about 2,000 officers there will have to be some system provided whereby it can be done. Under the bill that is all left to the Secretary of War. In the interest of the officer who will have to come up for trial and who will have his case passed upon and perhaps be discharged from the Army, I feel that it is but fair that he should appear before a board of the most responsible officers, and officers of

the very highest character that we have in our Army. And I have undertaken in this amendment—it is immaterial to me whether you adopt it or not—that this board shall be composed of three major generals, two of whom are retired, who stand in high esteem with all the officers of the Army, and the Surgeon General, who, I think, is looked upon by every officer in the Army as a man who is absolutely fair. That would leave, then, for the Secretary of War to select two other general officers to serve on this board. And in the interest of fairness and justice to the men who are going to be put out of the service, I plead with you to adopt some such an amendment as this in order that they may have a chance for a hearing.

Mr. CONNALLY of Texas. Is your amendment so drawn as to really designate the individuals who shall compose this board?

Mr. McKENZIE. I have no objection to saying to the gentleman very frankly that I would like to see on that board Major General Liggett and Major General Morrison, two officers, I think, that every officer in the Army will say they are willing to have pass on their cases, and the Surgeon General as the third one, and I am not so particular as to the other two. I do feel that this ought to be done.

Mr. NEWTON of Minnesota. The gentleman only calls attention to the iniquity of legislation of this character. Here is the Appropriations Committee cutting down the number of the commissioned personnel, but without power under the rules of the House to go to work to take care of the men who must be put out of the service.

Mr. ANTHONY. Will the gentleman yield?

Mr. McKENZIE. I will yield.

Mr. ANTHONY. I want to assure the gentleman from Minnesota [Mr. NEWTON] that his statement is hardly correct, inasmuch as we have provided that these reductions shall be made under regulations approved by the President of the United States, in whom we have great confidence.

Mr. NEWTON of Minnesota. But it takes the matter clearly out of the hands of Congress; and two years ago, when the Army reorganization bill was passed, there was considerable debate over the putting of officers in classes A and B. And it has been brought to my attention that on several occasions it has been attempted to put men out of the service on the worst kind of hearsay evidence, dating back 20 years.

Mr. ANTHONY. Permit me to further add, as one individual, I would have the highest confidence in the officers named by the gentleman from Illinois.

Mr. WOODRUFF. I understood from what I could hear of the amendment that it is the gentleman's purpose to create a body to pass upon the qualifications of those officers whom it would be desired to retire. I take it that body would necessarily have to pass upon the qualifications of all officers if the retirement of these officers from the Army was to be passed upon efficiently and justly and the most inefficient retired. Inasmuch as this bill can not possibly become a law until along near the end of the fiscal year, it seems to me it is going to be a physical impossibility for this body or any other like body to pass upon the qualifications of all the officers of the Army. The pending bill does not provide the funds to pay the salary of the officers to be retired beyond June 30 of this year, when this question must be settled if this bill becomes a law, and clearly this board can not ascertain the facts upon which to base intelligent action during the time intervening.

Mr. McKENZIE. That may be true. I am not prepared to say as to that. But I do say this, gentlemen, that if this Congress is to adopt the legislation which we have this afternoon, which would eliminate 2,000 officers from the Army, then, in God's name, let us provide the machinery that will give these men an opportunity to get a square deal. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFERS of Alabama. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from Illinois.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. GARRETT of Tennessee. I still reserve it.

The CHAIRMAN. The Chair thinks it is not entirely proper to offer an amendment to the amendment with a point of order reserved.

Mr. MANN. I suggest the Chair can very easily overrule the point of order.

Mr. WALSH. I ask for the regular order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Tennessee make the point of order?

Mr. GARRETT of Tennessee. I withdraw it.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JEFFERS of Alabama to the amendment offered by Mr. McKENZIE.

At the end of the amendment add:

"*Provided*, That in carrying out the provisions of this act no officer shall be separated from the service until he shall have been furnished with a full copy of the official records upon which the proposed separation is based. Such officer shall be given opportunity to appeal his case to a court of inquiry, which court of inquiry shall hear his case and such officer shall be given opportunity to present testimony and evidence in his own behalf, which evidence shall be considered by such court of inquiry."

Mr. STAFFORD. Mr. Chairman, I make the point of order that the amendment proposed is not in order. I will reserve it, however, if the gentleman wishes.

Mr. JEFFERS of Alabama. Mr. Chairman, I do not wish to take up the time of the committee with this unduly, but I do think that before a man, an officer in the Army, is arbitrarily separated from the service by any rules promulgated by people of whom we know not under this bill he should be given the record upon which such separation is proposed. That is only a fair and a square deal to the man whose separation from the service is contemplated. It is absolutely against American principles, as I see it, to propose to separate an officer from the service without his being able to have an official record of the case furnished him and a chance to be heard in his own behalf and to present his own evidence and testimony.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes, sir.

Mr. CANNON. How long would it take to make this change—months or years?

Mr. JEFFERS of Alabama. I do not know, sir. I am not able to tell you. But I do know that if I were an officer in the Army to-day I would want a chance to see the record upon which it was contemplated that I was to be separated from the service arbitrarily.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. LINEBERGER. Is not the gentleman's amendment a copy of the present law?

Mr. JEFFERS of Alabama. Yes. It provides a B board, and it says that no officer shall be classified in Class B until he shall have been given an opportunity to appear before a board of inquiry and see a copy of the record on which their action is based and offer testimony in his own behalf.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. NEWTON of Minnesota. As I understand it, after an officer has served at a certain station there is sent on to headquarters a memorandum by his superior as to the character and class of his service, and that record is not available to the officer at the time, but later can be hauled up against him. All that the gentleman seeks to do is to carry out existing law so that before a man can be dropped from the service he can find out the nature of the complaint made against him?

Mr. JEFFERS of Alabama. Yes; to see the record and be able to present testimony in his own behalf.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. TEMPLE. The gentleman from Illinois [Mr. CANNON] has asked how long it will take to do it.

Mr. JEFFERS of Alabama. Yes.

Mr. TEMPLE. Is it proper to refuse justice because it takes too long?

Mr. JEFFERS of Alabama. Certainly not. This man should be given an opportunity; otherwise, my friends, you are going to find that officers now in the Army of certain classes are going to be discriminated against.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. GREENE of Vermont. Is it not manifest on the face of it that to reduce the personnel of the Army by 2,000 will mean that after a comparatively small number have been canceled we are going to take the rest out of the men against whose record there is nothing?

Mr. JEFFERS of Alabama. You propose to take the least efficient, do you not?

Mr. GREENE of Vermont. Yes; that might be based on the present record.

Mr. JEFFERS of Alabama. Yes. You should take out the inefficient men and leave the efficient.

Mr. GREENE of Vermont. I am in sympathy with the gentleman's amendment. The developments show that we are going down into deeps where the merits of men will not be considered at all.

Mr. JEFFERS of Alabama. They prophesy now that after you have reduced the number of officers now, you will then in 12 months' time, or such a matter, have a lot more officers put in to fill up. A number of those men who will be cut off will be retired on three-quarters pay, and you will not cut down your expense, although you may think you will, because more officers will be put in to fill up. The only way to deal fairly with this question is to take this whole list of officers and push it back, and if a man is not satisfied to go down a grade, wherever by the method of pushing the whole list down a man must go to the next lower grade, then let him step out. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. JOHNSON of South Dakota. Is it not the opinion of the gentleman that unless this amendment proposed by the gentleman from Illinois [Mr. McKENZIE] is adopted, together with the amendment you have proposed, these Pooh-Bah lord high executioners that still control the Army will arbitrarily take out of the service everyone that they do not agree with, and that they will promote their friends?

Mr. JEFFERS of Alabama. Yes. The point is that a man should have an opportunity for a fair hearing on his case before he is arbitrarily kicked out. That is the only fair deal. [Applause.]

Mr. STAFFORD. Mr. Chairman, I question whether this is not legislation. I make the point of order that the amendment of the gentleman from Alabama [Mr. JEFFERS] is not germane to the amendment proposed by the gentleman from Illinois [Mr. McKENZIE] or to any provision in the bill. The amendment proposed by the gentleman from Alabama is in no wise necessary to bring about the reduction of the Army, which is the purpose of the paragraph under consideration. The amendment of the gentleman from Illinois proposes a board of general officers instead of merely providing regulations that may be promulgated by the President. But here we go further, and we legislate as to the methods by which they may dismiss or discharge officers from the service. It is not directly connected with the reduction of the officer personnel.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. Does not the amendment of the gentleman from Alabama provide certain details as to the procedure which should be followed by this board which is established by the amendment of the gentleman from Illinois, and would not the gentleman from Wisconsin, if we established a separate board, think it would be germane to provide certain rules of procedure which should be followed and to set forth certain rights which officers who are to be brought before this board might have under the procedure set forth?

Mr. STAFFORD. I grant that the question is not free from doubt, but it is my opinion that it is legislation, and it is not of a character that is necessary in perfecting the reduction of the personnel of the Army.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BANKHEAD. Did the gentleman understand that the original amendment offered by the gentleman from Illinois is germane to the bill and free from the vice that he mentions?

Mr. STAFFORD. It is germane to that last paragraph—"or under such regulations as he shall prescribe."

Mr. BANKHEAD. If the amendment of the gentleman from Illinois is not subject to the objection of violating the rules, then it seems to me the question of the gentleman from Massachusetts [Mr. WALSH] should be answered in the affirmative.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I shall be very glad to yield to the gentleman from Vermont.

Mr. GREENE of Vermont. I rather think, glancing for a moment at the question, that the Committee on Appropriations rebuking legislation is a good deal like Bluebeard rebuking bigamy or Satan rebuking sin. [Laughter.]

Mr. STAFFORD. The gentleman has already shown that Bluebeard had eight wives, so far as the Committee on Appropriations is concerned. Perhaps the gentleman did not wish to apply that to the Committee on Military Affairs. [Laughter.]

Mr. WALSH. The amendment of the gentleman from Illinois provides for a board and establishes the personnel of that board. The bill itself provides that this reduction shall all be under such regulations as the President shall prescribe. I suppose if a point of order were made on that it might be well contended that that is legislation. But the amendment of the gentleman from Alabama [Mr. JEFFERS] goes to questions of procedure before the board and lays down certain rights which officers to be affected by this reduction shall have.

Now, it would seem to me that if we can establish a board as the amendment proposes, we can go further and provide as to certain details of the procedure before that tribunal and certain requirements that may be followed in dealing with officers who are to be affected by the action of this board; and it seems to me that this is a germane amendment to the amendment of the gentleman from Illinois [Mr. McKENZIE], and that the contention of the gentleman from Wisconsin [Mr. STAFFORD] is not well taken.

Mr. TEMPLE. Mr. Chairman, I should like to be heard a moment on the point of order. The amendment offered by the gentleman from Illinois was to the clause which provides that certain things shall be done "under such regulations as the President may prescribe." Now, it seems to me that the whole proviso is legislation and ought to have been held to be subject to a point of order; but having been once admitted——

Mr. MANN. The gentleman misunderstands.

Mr. TEMPLE. I think not; and if the gentleman will allow me to finish my statement he will see that I do not misunderstand.

Mr. MANN. The gentleman has already made a statement based on a misunderstanding. This proviso is held in order as legislation under the Holman rule.

Mr. TEMPLE. Yes; and I say having been admitted it is improper to hold out of order an amendment to it which is of like character; that is, when we admit legislation is held to be in order under the Holman rule, then an amendment of the same character can not be excluded. The legislation which has been decided to be in order provides that certain things shall be done "under such regulation as the President may prescribe." The amendment now offered proposes that certain of those regulations shall be provided in the bill itself. If legislation is in order which confers this power on the President, then an amendment fixing certain of these regulations is obviously not out of order. If we have the right to authorize the President to do certain things we have the right to do them by our own action.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order against the amendment offered by the gentleman from Alabama [Mr. JEFFERS] to the amendment offered by the gentleman from Illinois [Mr. McKENZIE] that it is not germane to the amendment. The Chair admits that he thinks the question is open to some doubt, but he is inclined to agree with the contention of the gentleman from Massachusetts that it is a mere method of procedure to be followed by the board in carrying out the purposes of the paragraph. Under that theory the Chair will hold the amendment to be in order and therefore overrule the point of order.

Mr. SISSON. Mr. Chairman, I do not blame the gentleman from Alabama [Mr. JEFFERS] for offering this amendment. I do not blame the gentleman from Alabama for not expressing confidence in the President of the United States; but the President is the Commander in Chief of the Army, and I heard a gentleman on that side of the House question the right of Congress to put a provision in the bill recalling the troops from one country where they now are. He questioned the right of Congress to do that. Now, this is nothing more or less than one of the regulations within the Army, and if you gentlemen on that side want to go on record as saying that you have no confidence in the President of the United States, that is absolutely satisfactory to me, because even under this amendment some Army officer has got to do it, as the bill is drawn. The President will simply select such machinery as he sees fit and proper to be just and fair with the Army officers that he gets rid of. I realize fully that after President Roosevelt promoted certain Army officers over two or three thousand other officers the Army officers who had been writing this military legislation for the last few years and preparing these bills for the last few years have made every effort to get away from the power of the President to control the Army and to circumvent his constitutional prerogatives; but if you gentlemen want to circumvent that now as much as possible, I do not care. I do not blame my friend from Alabama for doing it, but I do not see just what attitude gentlemen are going to be in on the Republican side in saying they are not willing that the President of the United States shall make any sort of regulation as to how to get rid of these Army officers.

Mr. McKENZIE. Does not my friend from Mississippi think it is perfectly proper for the body which decides for the execution of certain officers at least to take steps that it shall be done in the way that they prescribe?

Mr. SISSON. I think that is a very appropriate term that the gentleman has used—"execution"—because I do not know of anything on earth that in the mind of a militarist on the floor of this House is quite as great a crime as to remove an

officer from the Army. Great God! Has it come to the point that because a man is an officer of the Army you commit a crime when in the interest of the taxpayer or in the interest of economy or in the interest of good service you remove him from the service? What divinity doth hedge the Army officer about that he has grown so great of late that he doth bestride this Republic like a mighty colossus and bids all of us walk between his mighty legs like petty men? [Laughter.]

Mr. MANN. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Illinois.

Mr. MANN. If I understand this amendment presented by my distinguished colleague, it practically directs at least a majority of the board. I have great confidence in my colleague, and probably would agree to his selection; but I wondered whether my friend from Mississippi thinks my colleague would be any more likely to hit the right parties than the President of the United States would after careful consideration.

Mr. SISSON. I do not think so. I will say to my friend from Illinois, nor do I think that when the American people elected Mr. Harding President they intended to substitute either the gentleman from Illinois or the author of this amendment or any other Member of Congress to hold the position which he now occupies. Of course, no one could blame me if I wanted to substitute some one else.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. JEFFERS of Alabama. I ask unanimous consent to change the word "bill" in the amendment to the word "act."

The CHAIRMAN. Without objection, the Clerk will modify the amendment as indicated. The question is on the amendment offered by the gentleman from Alabama [Mr. JEFFERS] to the amendment offered by the gentleman from Illinois [Mr. MCKENZIE].

The question being taken, on a division (demanded by Mr. ANTHONY) there were—ayes 84, noes 60.

Mr. ANTHONY. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed as tellers Mr. ANTHONY and Mr. JEFFERS of Alabama.

The committee again divided, and the tellers reported that there were 87 ayes and 54 noes.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 70 ayes and 78 noes.

So the amendment was rejected.

The Clerk read as follows:

For pay of the officers of the Officers' Reserve Corps, $250,000: *Provided*, That no portion of this appropriation shall be expended for the pay of a reserve officer on active duty for a longer period than 15 days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the Army reorganization act approved June 4, 1920, or who may be detailed for courses of instruction at the general or special service schools of the Army, or who may be detailed for duty as instructors at civilian military training camps appropriated for in this act, or who may be detailed for duty with tactical units of the Air Service, as provided in section 37a of the Army reorganization act approved June 4, 1920, or not to exceed three reserve officers in the Judge Advocate General's Department, or except one officer of the Medical Reserve Corps: *Provided further*, That pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Bureau treated in Army hospitals may be paid from the funds allotted to the War Department by that bureau under existing law.

Mr. HILL. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 17, line 2, strike out the figures "$250,000" and insert in lieu thereof "$981,975."

Mr. HILL. Mr. Chairman and Members of the House, I will ask that you look at the top of page 17, because the appropriation provided by this bill practically wipes out the summer training of the Reserve Corps of the Army. This House has voted to reduce the officer personnel of the Regular Army, and judging from the expressions of opinion by various Members during the debate, this House will probably vote to reduce the present enlisted strength of the Regular Army. There remains therefore as reserve the National Guard and the Reserve Corps. I ask the committee's very careful attention to the figures I shall give you, because I do not believe that it is the desire of this committee to absolutely cripple and ultimately wipe out the Reserve Corps of the United States Army.

This bill provides an appropriation of $250,000 for pay for the Officers' Reserve Corps. The amendment which I have offered provides that one-quarter of the amount which the War Department asks for, $987,975, will be given by this House instead of the above $250,000. The gentleman from Pennsylvania [Mr. CRAGO] in a moment will offer another substitute amendment which will provide that $1,963,951, one-half of what the War Department asked for the Reserve Corps, be granted. The gentleman from Massachusetts [Mr. ROGERS] will offer a third amendment as a substitute suggesting to the House that they give to the Officers' Reserve Corps $3,927,902, the exact amount the War Department asked for. In other words, the War Department recommended that there be appropriated $3,927,902 for the Reserve Corps' pay. The committee has cut that down to $250,000. By the amendment of the gentleman from Pennsylvania [Mr. CRAGO] as a substitute and the substitute of the gentleman from Massachusetts [Mr. ROGERS] the House will have a chance to say whether they will give to the Reserve Corps what the War Department asked, one-half of what the War Department asked, one-quarter of what the War Department asked, or if they want to follow the recommendations of the committee and practically wipe out the training of the Reserve Corps in the coming summer.

I have some figures which I have compiled from the statements before the committee, and I think this matter is so serious to the defense of this Nation that I will ask the committee to listen to these figures.

I wish to make two preliminary remarks. The defect of the American system before the war was the lack of trained emergency officers. Second, a lack of properly organized skeleton units, properly officered units into which you could pour your enlisted men for use in an emergency. I say to the committee that you must remember that not only in times of actual combat but in all times of warfare when your sons and brothers are in the military service their life and health depend on the training of their officers.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. In this past war enlisted men were put into trained divisions and inside of six weeks they were in the front-line trenches, but you can not train officers in the sanitation of camps or in troop leading in that time.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. HILL. Yes.

Mr. JOHNSON of Mississippi. I am very much interested in what the gentleman says, and I am curious to know if General Sawyer would be in any danger unless this amendment is adopted.

Mr. HILL. In my argument I am standing for national defense and not for any particular officer.

Mr. JOHNSON of Mississippi. I thought the "rider of the white horse" ought to know.

Mr. HILL. That touches a subject very dear to me, but if the gentleman had read the bill he would know that I am talking of national defense and not of a return to national common sense on the question the gentleman has in mind.

Mr. JOHNSON of Mississippi. I was asking the gentleman to discuss the common sense of it.

Mr. HILL. On this depends the continued organization of the Reserve Corps in the United States.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. HILL. I regret that I can not yield.

Let me go over some figures about this. There are four items necessary for the maintenance of the organized reserve. This bill provides, first, $250,000 for the pay of the officers of the reserve corps. It provides a nominal $100 for the pay of enlisted men of the reserve corps. It provides for nothing for transportation of the officers of the reserve corps, and nothing for transportation, subsistence, and so forth, for the enlisted men in the reserve corps. The total appropriation under this bill for the reserve corps for those items is $250,100.

At the present time we have 65,000 reserve officers. The War Department planned to train less than one-half of these next summer—that is, 27,722 officers. It is also planned at the same time to train 20,000 enlisted men of the reserve corps, together with some special training. For this the War Department asks $7,441,858 in other items which I shall show in a moment in addition to the pay, because this item of pay is only one item of expense. The estimated cost per man and officer on this basis for pay, transportation, and so forth, for the 15 days' training is an average of $151.80. The War Department proposed to train out of the whole reserve corps only 27,722 officers and 20,000 men, or, with 1,300 other officers, a total of 49,022. This bill provides pay which will train 1,556 officers only in the

whole United States. It will train 184 in each of the nine Army corps areas, and it will train only 34 officers on an average from each of the 48 States of the Union. That wipes out your reserve corps, as far as training goes.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. The War Department requested pay for reserve officers for three months at school—400 officers, half of that is 200, and one-quarter of that, which is my amendment, is 100; officers for 45 days as instructors at military training camps, 900. Half of that is 450, and my amendment is 225. Officers for 15 days, field training, 27,722. Half of that is 13,861, and one-quarter of what they ask for is 6,930, which my amendment will pay. Enlisted men for 15 days, field training, 20,000, asked for by the War Department. There is no pay for them, except $100, provided in this bill. One-half of that is 10,000, one-quarter is 5,000. If my amendment to the officers' pay is adopted, we shall ask for pay for the men in proportion. The total officers proposed to be trained and total men in the nine corps areas is 49,022 under the War Department recommendation. One-half of that is 24,511, and the amendment that I offer furnishes pay for officers based on a total of 12,255. The average for each corps area under the War Department's full recommendation is 5,446. One-half of that is 2,723, and one-quarter of it is 1,361. For each State on that average, War Department recommendation of trained officers and men in the reserve corps this summer, 1,021; one-half of that is 510 and one-quarter 255.

The cost of that is as follows, and I shall read these figures and then conclude:

Under the estimate of the War Department, pay of officers, $3,927,902. One-half of that is $1,963,951 and one-quarter $981,975. For pay of men, War Department recommendation, $517,648; one-half of that is $258,824, and one-quarter of it is $129,412. Total pay, under the War Department recommendation, $4,445,550. One-half of that is $2,222,775 and one-quarter is $1,111,387. In addition to that there is the cost of transportation, which was developed by the questions asked by the subcommittee.

The figures on that transportation are as follows: Transportation, and so forth, of officers, $1,621,000; one-half of that, $810,800; one-quarter of that, $405,400. Transportation, subsistence, and so forth, for men, $1,374,708; one-half, $687,354; one-quarter, $343,677. Total transportation, under War Department recommendations, $2,996,308. One-half of that is $1,508,154 and one-quarter is $749,077. The total cost of pay, transportation, and all these other items would be, under the War Department recommendations, $7,441,858. One-half of that is $3,730,929, and one-quarter of it is $1,860,464.

In the amendment which I have offered I have sought to increase the amount carried in the bill, $250,000, up to $981,975 for officers' pay on the basis of one-fourth of what the War Department asks. If that amendment be passed, there will be necessary other increases to make a total appropriation for training of the Reserve Corps amounting to $1,860,464. The question is whether you want a reserve corps. If you do, then the recommendation in this bill practically wipes it out. If you want a reserve corps, you must decide whether you want what the War Department asks for, whether you want half of that, or whether you want one-quarter of it. The amendment that I have offered provides that you give one-quarter of what the War Department asks for. The amendment which Mr. CRAGO will offer is one-half and the amendment which Mr. ROGERS will offer is for the full amount asked for by the War Department.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. STEVENSON. I want to find out what the gentleman's own attitude is. He speaks of a three-decker proposition. We have a quarter, we have a half, and we have a whole. Is the gentleman in favor of what he offered or is he in favor of the whole or of one-half?

Mr. HILL. I am in favor of the amount that the President and the War Department asked for—the whole amount as will be provided by Mr. ROGERS's amendment.

Mr. STEVENSON. Has the gentleman offered an amendment to that effect?

Mr. HILL. That amendment will be offered by Mr. ROGERS and will be before the committee to be voted on. They will all three be offered, in order that the committee may have a chance to take what it wants.

Mr. STEVENSON. Does the gentleman expect to toll the House along to vote for a quarter and then to raise it to a half and then to raise it to the whole amount?

Mr. HILL. No; but I expect to allow the House, if it wishes to do so, to give what the President wants, or a half of what the President wants or a quarter of what the President wants, and not absolutely strangle the reserve corps. I now yield to the gentleman from Wisconsin.

Mr. STAFFORD. Is the gentleman aware of the fact that the transportation alone of these reserve officers to go to military training for 15 days would aggregate the enormous amount of $1,500,000?

Mr. HILL. I just read into the RECORD that it would cost, with other expenses, $1,621,000.

Mr. STAFFORD. That would not even provide for the entire number; but for 30,000 alone at $50 a man for transportation it would take a million and a half dollars.

Mr. HILL. I invite the gentleman's attention to the table on page 253 of the committee hearings.

Mr. STAFFORD. And I invite the gentleman's attention to the statement of the officer having this matter in charge, at the top of page 25.

Mr. HILL. Well, I am reading from the report the War Department put in in answer to a question by the gentleman from Kansas [Mr. ANTHONY], where he declares that the total is $1,621,000.

Mr. STAFFORD. Here is the direct question propounded by the gentleman from Kansas: For transportation of 30,000 men for 10 days' training, $50 each, $1,500,000.

Mr. ANTHONY. Mr. Chairman, in addition to the training of the Regular Army there are four other branches of training for which this bill provides: First, the training of the National Guard, and we authorize $6,500,000 for the summer training of the National Guard. Next is the civilian military training camps. We had $900,000 for that purpose this year and trained 10,000 men. In this bill we are appropriating $1,500,000 for the training of 30,000 civilians at this summer's camps. Next, for the Reserve Officers' Training Corps, training at schools and colleges, we are appropriating nearly $3,000,000 for that purpose, and there will be 119,000 under that form of training this year. Next is the reserve officers in the reserve corps of the Army. There are 65,000 of them. Probably all of them are veterans of the late war. Nearly all of them are trained as well as it is possible to train an officer in the military art, and to say that it is necessary to take every one of those 65,000 men out and put them through a course of training this summer is preposterous. They are already trained officers, a finished product. It is true the War Department wanted to take about one-third of these men, who have already had the best military training possible only a few years ago, to train them again, but the committee did not see its way clear to do it. In the first place they asked $3,900,000 for the purpose of training reserve officers, who are already trained to command, trained in the best school of all, the school of war, and when the committee attempted to analyze the item we found nearly all of the entire amount of $3,900,000 would be absorbed in the payment of salaries to those men for 15 days. In answer to questions propounded by the committee, we found the War Department had failed in the figure they gave to the Budget to make any estimate at all for transportation and no estimate for the subsistence and cost of maintenance of the men after getting them into the camp, and in answer to queries as to the amount of money requisite they stated that it would require about $3,000,000 in additional appropriations for these purposes, so if you are going through with the proposition to again train these already trained reserve officers, as advocated by the gentleman from Maryland, you want to be prepared to appropriate at least $6,000,000 for that purpose.

Now, if the necessity existed for the training of these reserve officers at this time we would be willing to provide for it, but the committee does not believe that the necessity exists. The War Department did do what the committee thought was a practical thing last summer. They did not have sufficient money available under the appropriation of $250,000, so they tried out an experiment at Camp Meade, and they invited the reserve officers in the States contiguous to that camp to report at a certain time for voluntary training. The result was very satisfactory, and several hundred of the reserve officers answered the call, appeared, and underwent a voluntary period of instruction in a very satisfactory manner.

I believe if the War Department would adopt a similar policy and open such voluntary camps of instruction for reserve officers at different points in the country, asking that they report voluntarily, without provision for pay, that large numbers of them would come, and I would gladly support an appropria-

tion to provide for subsistence and maintenance while they were at such camps, but I do not believe we are warranted in appropriating several million dollars for the salaries of these men under the proposition of the gentleman from Maryland [Mr. HILL].

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. NEWTON of Minnesota. What provision was made in the present fiscal year for this particular item?

Mr. ANTHONY. Two hundred and fifty thousand dollars was appropriated, and we propose to reappropriate the same amount. And now, for the information of the House, I will say this provides for an average of nine officers of the Reserve Corps on duty with the General Staff. It provides for the pay of 77 who were sent to Army service schools. We provide for 77 this year. It provides for officers to serve as instructors to assist Regular Army officers at civilian training camps, and provision for the payment of 630 reserve officers for the 16 days of training.

Mr. NEWTON of Minnesota. There has been no change in the existing law which would prevent the War Department from carrying on voluntary officers training this summer?

Mr. ANTHONY. Nothing except the lack of appropriations for maintenance.

Mr. NEWTON of Minnesota. Where did they get it?

Mr. ANTHONY. They took it from the appropriation for the general maintenance of the Army.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLSPAUGH. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Missouri makes the same request. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. MILLSPAUGH. Mr. Speaker, the taxpayers of the country are to be congratulated upon having in the White House a President with vision enough to sense the craving of the entire world for a return to normalcy, a President with such an abiding faith in those who are associated with him in authority, who have been chosen by the people, that he has summoned to his aid and counsel the best minds of both parties and has launched a program of peace and tranquillity for the world that meets with the approbation of all right-thinking people.

War has left its trail of sorrow and suffering, thousands of homes throughout the land have either been saddened by the placing of a gold star in the service flag on the family altar or have seen their loved ones come back to them broken in body and spirit; financial distress has throttled the Nation; the people are groaning under a burden of taxation, and yet there are those who, obsessed with their personal vanity, seek with their puny hands to muddy the waters and to hold back the irresistible tide of peace which is now running with overwhelming force.

In the face of pressure exerted by those interests which seek to wring from the taxpayers of the country enormous sums with which to build ships to rot and decay and to maintain useless armies in times of peace, Congress has used the knife upon the estimates submitted and has figuratively cut to the bone with the further assurance to the taxpayers that as soon as the recently proposed treaties are ratified, further cutting will be done, to the end that this source of wastefulness in Government expenditures may be curbed.

It is extremely gratifying to know that this Congress has hearkened to the oft-repeated desire of the people for a substantial reduction in the hitherto enormous expenditures for the maintenance of the Army and Navy.

The farmers of our country are aroused as never before against the injustice of spending many hundreds of millions of dollars for the support of useless armies and navies, the cost of which must ultimately be borne by those engaged in agriculture and stock raising, and they will voice their hearty approval of the action of this Congress in eliminating this source of wastefulness.

It is to be regretted that there are those interests which seem to think the farmer is asking too much legislation in his behalf, and who, when legislation is being considered for the advancement and relief of agriculture, plant their feet stubbornly and refuse to be moved; but, fortunately, the time has come when the friends of the farmer are in the saddle in this Congress and his desires and needs are being considered as never before.

To those of us who have been associated with the farmer for many years, who have been his confidant and counselor, who know of the hardships and privations which have been his lot, it is inconceivable that anyone should oppose his efforts to throw off his shackles and enjoy at least a modicum of the advantages and financial returns that accrue in other lines of endeavor.

Surely the man who toils ceaselessly in the heat of summer and the cold of winter to produce the food upon which our existence depends, together with his faithful wife, who must deny herself the many social advantages of the town and city, who is forced by circumstances to work in loneliness, and who must be content to see their children receive an education under great disadvantages, are entitled to better returns for their labor than they have been receiving.

The many measures for the benefit and relief of agriculture which have been enacted into law by the present Congress bear evidence of the fact that those Members who have been sent here from the great Middle West to represent the agricultural interests of that great part of the Nation are functioning.

Extravagance has been checked, appropriations and taxes have been reduced by billions, injurious immigration has been stopped, a budget system inaugurated, a farmers' emergency tariff bill passed, the packers' regulation act has been enacted into law, grain gambling has been restricted, loans to farmers through the War Finance Corporation authorized, and ample funds appropriated for the marketing of farm-loan bonds.

While the war finance act has proven itself a vital factor in rehabilitating agriculture, it must be recognized that it is of a temporary nature and must be followed by a permanent measure which will insure a sound and efficient system of rural credits.

When this has been accomplished and a further substantial reduction in railroad rates has been made effective, coupled with the retrenchment in useless Government expenditures which is now being so successfully accomplished, when the present plans to stabilize the credits of the world bear fruition to enable foreign markets to purchase our grain and manufactured products, surely the taxpayer will have cause for gratification.

Mr. CRAGO. Mr. Chairman, I desire to offer a substitute amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment as a substitute for the amendment offered by the gentleman from Maryland [Mr. HILL], which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. CRAGO to the amendment offered by Mr. HILL: Page 17, line 3, strike out "$250,000" and insert "$1,963,951."

Mr. CRAGO. Mr. Chairman, I do not intend to burden the House with remarks on the reason for this increase. From the data furnished me I am satisfied this increase, in the main appropriated for the pay of officers, would entail a total expenditure to train this number of officers of something over $3,000,000. I will say I am not in favor of appropriating a sufficient sum to pay the cost and the salaries and the expenses of training all the officers in the Reserve Corps, but I believe if we would appropriate such sum as would provide for pay, subsistence, transportation, and the extra cost of the camps for, say, 10,000 of these officers, that we would have taken a step in the right direction. It is a mighty easy thing to ask men to interest themselves in this work and take their commissions in the Reserve Corps, but these men are going to get away from their training. Training is constantly changing, and many of these men are not financially able, as some of them did last year, to voluntarily respond at their own expense and take this training. That leads to a discrimination. It is only the fellow who has plenty of money and plenty of time to spend who can take advantage of that, whereas the great body of the officers of the Reserve Corps are men who can not afford to take this training unless they are for this short period paid the regular pay commensurate with their rank.

If we are going to cut down our armed force and cut down our officer personnel, I feel like insisting very strongly on annually providing sufficient funds to let these men who are enthusiastic in this work and who already have some degree of training to continue their training, and thus keep in touch with the new ideas developed in Army training. I know very well—at least, I think I know—that a man will soon lose his training and lose what he has gained before unless he year after year has a chance to go over some course of instruction. And I think it is a very, very valuable asset of our country, and it is one of the cheapest forms of national defense which we can adopt.

I do not know whether the House is disposed to increase this appropriation or not. I do hope, however, that the men who have this legislation in charge, when the time comes, will agree with the minds on the other side of the Capitol and work out some well-developed plan; not one that will take a great amount of money but one which will enable the men who really desire this training during the next year to take it. I believe it will be money well spent, and an expenditure which will be approved by the great body of the citizens of our country. [Applause.]

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. ROGERS. This is in the nature of an amendment to the substitute.

The Clerk read as follows:

Amendment to the substitute, offered by Mr. ROGERS: Page 17, line 3, strike out "$250,000" and insert "$3,927,902."

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield for a moment?

Mr. ROGERS. Certainly.

Mr. GARRETT of Tennessee. It lacks 15 minutes to 5. It is evident that you can not get through this afternoon.

Mr. ROGERS. I am perfectly willing to withdraw from the floor if there is going to be a discussion of the program.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I will if it will not be taken out of my time. I want only five minutes.

Mr. ANTHONY. Would it suit the gentleman's purpose if the gentleman from Massachusetts should use his five minutes and then that I should make the motion to rise?

Mr. GARRETT of Tennessee. That will be satisfactory.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I am in favor of the largest sum that Congress will devote to the training of officer material in the United States. I was in favor of it this noon. I am more in favor of it now, since the House by a fairly decisive vote has just refused to accept the amendment of the gentleman from California [Mr. KAHN] increasing the number of officers from 11,000 to 13,000. I still hope that by the time this bill is enacted we shall have the 13,000 officers that the President and the Secretary of War and every other competent authority have testified the country will need.

In the amendment I have offered I propose a moderate sum of money to train men in peace who shall be prepared in the event of war. I do not know of any way of getting men who shall be ready to command troops if war comes except by training them before war comes. That is precisely the purpose of this amendment.

I find great difficulty, frankly, gentlemen, in following the recommendations of the committee in many respects throughout this bill. I have a high regard personally for the Members who have made up the bill, but I served on the Committee on Appropriations and I know how these things are done. There is a subcommittee of five. They sit by themselves, and then they report to the full Committee on Appropriations. There is an hour's hearing or so before the Committee on Appropriations given to the chairman of the subcommittee. Then, as in this particular case, the bill is ordered reported out by the committee of 35 without the change of a word, or an item, or a line. That is what happens, and the result of that kind of legislation is that three men, three Members of this House, have decided every controverted point involving the military policy of the United States.

In what I say I have no criticism of the patriotism or of the high purpose of the gentlemen who constitute that subcommittee on Military Affairs of the Committee on Appropriations. But I do not forget, gentlemen, the days in 1916 and 1917, when war was in prospect, and even after war had come. What was the record of those gentlemen of the subcommittee on the great questions that confronted the Congress in those days? One of the five voted against the war altogether. Three of them, a majority, voted against the Kahn amendment, which made vital the draft law; and four of the five, all but one, voted for the well-known McLemore resolution by voting against tabling it indefinitely; that is, in effect, they voted for it by voting against tabling it.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. ANTHONY. Since the gentleman is making a rather gratuitous reference to the votes of these gentlemen, will he tell what he means when he says we were delinquent in certain things? When he said we voted against the Kahn amendment, what does the gentleman imply?

Mr. ROGERS. I mean to suggest this, that during the war time there were things that I regarded as vital. The gentleman took another view of them, but I had no criticism of him for that. But now on questions involving the military policy of this Nation I prefer to take the views of President Harding, Secretary Weeks, General Pershing, and General Harbord rather than the views of the members of the Military Affairs subcommittee.

THE MILITARY POLICY OF THE UNITED STATES IN THE PENDING ARMY APPROPRIATION BILL—A STORY OF SCUTTLE.

The Committee on Appropriations proposes to reduce our officers to 11,000 and our enlisted men to 115,000. It proposes that, except in emergency and after June 30 next, our troops in Hawaii and in the Panama Canal Zone shall be limited to 5,000 enlisted men each, our troops in Europe to 500, and that all our forces now in China shall be withdrawn altogether. For reasons which I have already discussed—see CONGRESSIONAL RECORD, Saturday, March 18, 1922, page 4109—I believe these limitations upon our overseas forces are unconstitutional. Whether or not they are constitutional, I am convinced that they are extremely unwise and shortsighted. I am equally convinced that the drastic cut in the size of the Army, while, of course, constitutional, is also extremely unwise and shortsighted.

Leaving out of account some 7,000 Philippine Scouts, the appropriation act for the present fiscal year appropriates for 14,000 officers and 150,000 enlisted men. The estimates of the War Department for 1923, upon which this bill is based, call for an Army of 13,000 officers and approximately 151,000 enlisted men. Our present Army comprises approximately 13,000 officers and 132,000 enlisted men. The pending bill, as I have said, proposes 11,000 officers and 115,000 enlisted men. The bill thus contemplates a reduction in the Army beginning the 1st of July next of approximately 25 per cent, both as compared with the current appropriation act for the present year and with the estimates of the War Department for the ensuing year.

Clearly, such a drastic cut as this is unwarranted unless the recent arms conference has materially changed the situation. But everyone knows that no agreement whatever was reached at that conference leading to the reduction of the land forces of any of the nations. Similarly, probably everyone knows that several of the nations of the world are maintaining land military forces several times as large as our own. We do not expect trouble from any power in the near future. Still less do we want it. But we certainly do not wish to scuttle our Army and reduce it to a point below the effective minimum both for training purposes and in case it were needed for the national defense.

Secretary of War Weeks, General Pershing, General Harbord, and many other responsible military officers solemnly warn the Nation that a reduction below 150,000 men is a reduction below the minimum of safety. We need the extra 35,000 men, over and above the committee recommendation, not probably for actual use but for insurance purposes—to form the first line of defense in case of need and to form a trained nucleus in case expansion should become necessary. There is not a line of testimony in the hearings which shows either a reason or a basis for the committee action. On the contrary, every witness who dealt with the subject solemnly warned against any considerable reduction.

To my mind, still worse than the cut itself is the manner proposed by the committee for making possible the cut. To-day we have in Hawaii some 12,000 officers and men. The committee proposal would require this to be reduced by 60 per cent, to 5,000 men. To-day we have in Panama some 7,000 men. The committee proposes to lop 2,000 from this force.

Hawaii is the key to the Pacific Ocean and the key to the defense of our Pacific coast. In the islands are 115,000 Japanese and 161,000 of all other races. Forty-two per cent of the population of the islands to-day is Japanese. Secretary Weeks told the committee that there were materially fewer troops even to-day in Hawaii than the requirements of the situation demanded. He pointed out that the Hawaiian Islands are the point from which the defense of the Pacific coast should be made; that any expenditure in the protection of the islands saves a vast amount of preparation on the Pacific coast. He stated that every dollar spent there would mean the expenditure of several dollars on the coast if we did not control the islands. He stated frankly to the committee that there is no reason to control the islands unless we have enough men to protect the situation, and that it would be the height of imprudence not to have a material military force there. Yet, in the face of the testimony of the Secretary of War and of the

even stronger testimony, if possible, of General Harbord, the Assistant Chief of Staff, the committee deliberately proposes to reduce the Hawaiian garrison by 60 per cent, from 12,000 to 5,000. I ask every Member of this House to read General Harbord's testimony, on pages 1454 to 1456 of the hearings, and Secretary Weeks's testimony, on pages 1466 and 1467.

This bill might be termed "A bill to withdraw the western frontier of the United States to a point east of the Rocky Mountains." Some one may say—though the committee report does not say—that the four-power treaty recently agreed to is a sufficient reason for cutting down our Pacific forces to a comparative handful. I have every confidence in the utility of the four-power treaty and earnestly hope that it will be ratified by the Senate. But, to paraphrase General Putnam, "Let us trust in God and in the four-power treaty, but let us also keep our powder dry."

No; I do not feel satisfied to depend wholly upon the good will of other nations. I apprehend no early trouble with any other power. But I know of no more effective insurance against trouble than to keep at least 15,000 American troops at the "crossroads of the Pacific." There they serve as an object lesson to all men. There they are on the spot, to be moved swiftly wherever the danger, wherever the emergency arises. There they are ever present to protect our great naval base, which, under the four-power treaty, is to be our western outpost for the navies of the country.

Suppose by July 1 we cut down our present 12,000 in Hawaii to 5,000 as the bill proposes. Suppose a year or two hence some emergency arises which leads the President and the Secretary of War to conclude that three times the force must be immediately dispatched to the Hawaiian Islands. The instant our troops set forth from the Pacific coast the expedition will be regarded as a grave menace, perhaps almost as an act of war, by the other party concerned in the incident. While, if we retain our present troops, as every military adviser urges, we should have that vastly greater protection in case of need and at the same time avoid the risk of seeming to threaten and of certainly offending another power.

Perhaps it will be said, as it has been said time out of mind on this floor, that no credence is to be placed upon the recommendations of the President, the Secretary of War, of General Pershing, or of the Assistant Chief of Staff, General Harbord. Personally I resent and despise the frequent allegation that an officer of the United States Army—even the Secretary of War—is so prejudiced as to make his recommendations of little value, but, nevertheless, the argument will be urged again, as it has been urged in the past, on this floor.

What is the alternative? To vote with the Subcommittee on Military Affairs.

Let us assume, if you like, that the President, Secretary Weeks, General Pershing, and General Harbord—able men all, to whom the country owes much—are not infallible. What, I repeat, is the alternative? To me the answer is plain. On a matter of military policy I prefer to be recorded with these men rather than with the Subcommittee on Military Affairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Kansas.

Mr. ANTHONY. Mr. Chairman, the gentleman from Massachusetts [Mr. ROGERS] has just made a statement here, which indicates that he himself does not know what he is talking about. It is a statement that has frequently been made in the years that have elapsed since we voted on what was known as the Kahn amendment. The statement is that Members of this House who voted against that amendment opposed some vital legislation which was necessary for the conduct of the war. I deny that, and I rather resent the action of the gentleman from Massachusetts in intruding it into this debate. The majority of the Committee on Military Affairs under the leadership of the chairman of the committee at that time, the gentleman from Alabama [Mr. DENT], reported into this House a bill for raising the military forces of the United States to conduct the war. We provided in that legislation that the President should first call for 500,000 volunteers, giving him the power thereafter to use all the machinery of the draft and to raise all the men that were necessary to conduct that war. The bill so came upon the floor of the House. The gentleman from California merely offered an amendment to strike out the authority to raise 500,000 volunteers.

Mr. MADDEN. But we did raise several hundred thousand volunteers.

Mr. ANTHONY. I am coming to that. The House struck out the authority to raise the increment of volunteers and enacted the exact provisions of the draft act as our committee reported it, and for which I voted. Now, what did the War Department do? They found that if they acted alone upon the language of the Kahn resolution they would lose six months' valuable time in perfecting the machinery of the draft act, so they resorted exactly to the policy outlined by the Military Committee of the House under the leadership of the gentleman from Alabama [Mr. DENT], and instead of raising 500,000 volunteers, they raised nearly a million and a half. [Applause.] And I want to say to the gentleman from Massachusetts [Mr. ROGERS] that my vote on that measure was absolutely sound at that time from the standpoint of military policy, as was demonstrated by the action of the administration and the War Department in following exactly the policy outlined in the report of the Committee on Military Affairs to the House. [Applause.]

I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kansas moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the War Department appropriation bill (H. R. 10871) had come to no resolution thereon.

POST OFFICE APPROPRIATIONS.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post Office appropriation bill (H. R. 9659), disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Post Office appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees Mr. SLEMP, Mr. MADDEN, and Mr. SISSON.

Mr. BOND. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate concurrent resolution 20 and consider the same.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's desk Senate resolution 20, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 20.

Resolved by the Senate (the House of Representatives concurring), That a committee of five Senators, to be designated by the President of the Senate, and five Members of the House of Representatives, to be designated by the Speaker, is authorized to represent the Congress at such services and ceremonies as may be determined upon as proper and appropriate. One-half of the expenses of such committee shall be paid out of the contingent fund of the Senate and one-half out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

The Speaker appointed as the committee on the part of the House Mr. CRAGO, Mr. ARENTS, Mr. FISH, Mr. MCSWAIN, and Mr. RANKIN.

Mr. PAIGE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the post office appropriation bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the post-office appropriation bill. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. PAIGE. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD, I present the following in reference to the pneumatic tube mail service in New York City.

Congress has always voted in favor of the use of these tubes, and on June 28, 1918, this House concurred with the Senate in directing the Postmaster General to continue the tubes in use, but this action was prevented by President Wilson's veto of the post office appropriation bill which contained this provision.

Later Congress authorized a joint commission to look into the subject, and Senator CHARLES E. TOWNSEND is chairman of this commission, which was created by section 6 of the post office appropriation act approved April 24, 1920, "To investigate all methods of carrying the mails, etc."

This commission submitted to Congress on July 26, 1921, the recommendation that the Postmaster General enter into negotiations with the company owning the New York system of tubes "looking into an agreement upon the terms under which service, if restored, may be maintained and such agreement be presented to the commission before final action is taken by the Postmaster General."

This action by the joint commission was based on the unanimous report of its investigating engineers and of a committee of postal experts who were assigned to the commission by the Post Office Department.

A summary of the report of these engineers and experts is as follows:

(a) That these tubes can handle 10,000,000 letters a day if called upon to do so.

(b) That instead of delaying a large number of letters they actually delayed 84,469 in the 12 months ending June 30, 1918, out of 3,158,000,000 carried, or 1 in 37,400, whereas motor vehicles delayed 74,216,000 letters in 3½ months.

(c) That instead of soiling and damaging "many thousand letters" they actually soiled in one year 588 letters, or but 1 in each 5,000,000 transmitted, and damaged 70 letters, or 1 in 45,000,000 transmitted.

(d) That the tube service was remarkably efficient and the criticisms against it unjustifiable and not based on facts.

(e) That the tubes performed in a manner reflecting great credit on the design of the apparatus and on the actual methods of operation.

(f) That 330,858,000 letters were delayed by motor-vehicle service in one year as compared to 84,000 letters by tube, or on the ratio of 3,915 to 1, and that in one severe snowstorm—February 21, 1921—4,963,500 letters were delayed by motor-vehicle service, or fifty times as much mail as the tubes delayed in 365 days.

(g) That when the pneumatic tubes were discontinued it was necessary to increase motor-vehicle service 51 per cent, or by 96 vehicles, thus increasing street congestion and danger of accidents.

(h) That loss and theft of mail is impossible from the pneumatic tubes, and that while in the last six years of tube operation there was but one loss of registered mail, in 1920 there were 113 robberies, with a loss of $234,000, and in 1921, in one instance, a $2,000,000 robbery.

(i) That instead of increasing motor-vehicle service but 15 per cent, as estimated by First Assistant Postmaster General Koons, in 1918, when the tubes were discontinued, it was necessary within six months to increase the service 51 per cent, during which period the postal receipts increased only 5.88 per cent.

(j) That this automobile service, and the necessary extra dispatching clerks, cost $437,844 instead of $193,019, as estimated by Mr. Koons, as compared with the tube contract cost of $472,245 which it displaced,

(k) That the number of pouches increased from 7,183 to 20,354, showing that the tubes carried more than 13,000 pouches daily.

(l) That the automobiles were dispatched half hourly, as compared with carriers' dispatch every 10 seconds, or almost continuously, by tube, and at a speed of 7 to 10 miles per hour, as compared to the tube speed of 30 miles per hour, by which system the mail is delivered directly to the working space of the post office.

The nine postal experts assigned to the commission by the Post Office Department were unanimous in their opinion—

that the pneumatic-tube service expedites the transmission of first-class mail because of its constant availability, increased speed in transmission as compared with motor vehicles, and its freedom from interruption to which all street traffic is subject.

They recommended that the former pneumatic tubes be reestablished; that certain extensions be made; and set forth in detail the data upon which their recommendations are based.

The conclusions of the officials of the Post Office Department and of the Postmaster General after a thorough investigation were the same as those reached by the joint congressional commission, by the engineers and experts assigned to this commission, namely, the urgent necessity for the immediate reestablishment of this pneumatic-tube service. They pointed out in this connection that some 14,000,000 pieces of mail are handled in New York daily. Of this number 8,000,000 pieces, or 57 per cent, is letter mail, although measured by bulk letter mail is but 12 per cent of the total mail.

The postal receipts in New York are in excess of $53,000,000 a year, and the receipts from letter mail in excess of $36,000,000 a year. The letter mail alone pays a profit; all other mail is carried at a loss.

The pneumatic tubes were built to speed the letter mail only, and according to the official records they speeded 72 per cent of the letter mail in New York City, though they connect only 26 of the 46 postal stations under the jurisdiction of the postmaster of New York.

The Postmaster General therefore recommended to the joint congressional commission that an appropriation be made and authority given for the immediate restoration of pneumatic-tube service in New York and Brooklyn.

These tubes connect all but seven postal stations in the Borough of Manhattan, or New York City proper, and cross Brooklyn Bridge to two post offices in Brooklyn. They are 8 inches inside diameter, made of bored cast-iron pipe, through which cartridges, 24 inches long, carry the mail at a speed of 30 miles an hour. These tubes are laid in pairs, like a double-track railway. The capacity of each tube line between each postal station connected is 180,000 letters an hour. These tubes were constructed on the specifications of the Post Office Department and at the request of the Post Office Department.

These tubes will carry 8,000,000 to 10,000,000 letters in New York every day, and at a cost of less than 2 cents per 100 letters carried, or less than 1 per cent of the $2 paid by the public for forwarding these 100 letters. It is pertinent to note in this connection that the public pays approximately 90 cents a pound for the delivery of letter mail, since there are about 45 letters to the pound, as compared with 1½ cents per pound for forwarding second-class mail.

The reestablishment of the tubes in New York City will benefit not only the people in that city but also all people who write to or receive letters from that city, through the earlier, more regular, and safer delivery of the letter mail. The use of the tubes will help to modify street congestion and prevent accidents; will give equal and uniform postal facilities over the entire city, thus tending to prevent business establishments concentrating at one point; and because of their speed, the tubes, for practical purposes, will put all post offices under one roof.

The reestablishment of the tubes will benefit the Post Office Department in reducing the number of automobile trips, pouching clerks, trucking and platform labor, and auxiliary service required to meet late trains. By permitting decentralization and each post office doing its own work, the tubes will save the labor and rent at concentration and transfer points which are now required; will keep clerks busy during storm and traffic delays; will permit portions of the postal load to be shifted immediately, without additional cost to the Government, from busy to nonbusy postal stations; will reduce the number of registered mail guards; and will give to the public the best possible mail service.

The Joint Congressional Commission at a meeting held on January 9, 1922, approved the making of a contract in New York for the reestablishment of the tubes at an annual rental rate per mile of $18,500, or $513,911.50 per year, with the proviso that either the company or the Post Office Department, after the starting of the service, might appeal to the Interstate Commerce Commission for a revision of this rate, which commission, however, shall not find a rate in excess of $19,500 per mile per annum. No minimum has been set. The commission also advised a provision in the contract permitting the Government to purchase the system if it so desired.

The immediate reestablishment of pneumatic tube service in New York City is recommended by the Joint Congressional Commission on Postal Service; by its engineers and postal experts; by the Postmaster General, the Budget officials, and the postmaster and officials of the New York post office; by an advisory committee of New York citizens appointed by the Postmaster General; by the mayor, the city government, the Merchants Association, and all civic organizations in Greater New York.

The statement of the Director of the Bureau of the Budget, which is concurred in and forwarded to the Senate in a communication from the President of the United States transmitting supplemental estimates for appropriation for the Post Office Department, is as follows:

The estimate for pneumatic-tube service was not included in the Budget for 1923 for the reason that the Joint Postal Commission arrived at its conclusion to recommend the resumption of tube service in New York and Brooklyn only last week, at which time the Post Office appropriation bill was already before the House of Representatives.

* * * * * * *

The advantages to be obtained from the resumption of service by these pneumatic tubes can not be measured in dollars and cents, since they consist of, first, expediting the service; second, increasing the regularity and reliability of the delivery of first-class mail; third, increasing the safety with which mail is distributed; and, fourth, the relief of vehicular congestion in the streets.

If the resumption of this service is authorized and appropriation therefor made, it will be possible to reduce the estimates for clerk hire in first and second class post offices, under the First Assistant Postmaster General, by the amount of $150,000 from the amount originally

estimated, and the appropriation for vehicle service in cities, under the Fourth Assistant Postmaster General, by the amount of $200,000 from the amount originally estimated. While these reductions do not effect the cost of the operation of the tubes, they serve to reduce the cost of expedited and more reliable service of distribution, and it is anticipated that the saving in vehicular service in cities, under the Fourth Assistant Postmaster General, can later be increased after the readjustment is completed.

The bill as amended by the Senate carried an appropriation for the reestablishment of the pneumatic-tube service in New York City, and I feel that the reasons that prompted that action may be of interest to Members of the House. I append herewith a report from the Merchants' Association of New York on the subject:

THE MERCHANTS' ASSOCIATION OF NEW YORK.

("To foster the trade and welfare of New York.")

IN THE MATTER OF SENATE AMENDMENT TO THE POSTAL APPROPRIATION BILL FOR THE RESTITUTION OF PNEUMATIC TUBE POSTAL SERVICE IN THE CITY OF NEW YORK.

To the Members of Congress, Washington, D. C.:

The Senate has added to the postal appropriation bill as adopted by the House an item to provide for the restoration of the pneumatic tube postal service in the city of New York.

The abandonment in 1918 of the postal tubes seriously impaired the postal service in this city and delayed the movement of important mail throughout the entire country. The direct effects of such abandonment were:

1. GREAT INCREASE IN THE TIME BETWEEN MAILING AND DELIVERY OF LOCAL LETTERS.

Formerly local letters mailed prior to 1 o'clock were regularly delivered the same day by means of the tubes. Since abandonment of the tubes, in a test of local mail movement made by this association, out of 118 letters mailed before noon of a given day 84 were not delivered until the following day. With the tubes in use the time between mailing and delivery averaged 2 to 3 hours. Without the tubes 18 to 20 hours elapsed between mailing and delivery in 69 per cent of the cases.

With the tubes local service in the business section is usually completely performed within the day of mailing; without the tubes it is usually not completed until the following day.

2. DELAY IN SPECIAL-DELIVERY LETTERS.

At the present time from 15,000 to 17,000 "special delivery" letters per day require from three to five or six hours for delivery. When the tubes were in operation delivery was made in from half an hour to two hours.

3. HEAVY ROBBERIES OF REGISTERED MAILS.

Registered mails of great value move through the tubes with absolute safety against robbery. Since abandonment of the tubes robberies of mail autos carrying registered mails have caused immense losses. To afford protection against robbery an armed guard now accompanies each principal dispatch of registered mail. For this sole purpose about 140 postal employees are required besides a number of United States marines. The annual cost of this protection is very considerable. Restoration of the tubes will fully protect registered mail and make the outlay needless.

4. FREQUENT AND OFTEN PROTRACTED DELAY TO THE ENTIRE BODY OF OUTGOING MAILS.

Winter storms prevent prompt and complete movement of mails by auto. Whenever there is heavy snow it is an almost daily occurrence for autos carrying large quantities of mail for a particular train to miss connection. Such mail is delayed many hours, often until the following day.

To minimize this risk the running time allowed for movement of autos is doubled or trebled, and mails are "closed" at the office of dispatch correspondingly earlier. It frequently happens that important mails are thus closed from two to three hours—and sometimes more—in advance of train time, and large quantities of mail are held over for later dispatch on slower trains with poorer connections. Every part of the country is harmfully affected by delays of this class.

The tube service completely avoids delays from this cause. It assures certain delivery to outgoing trains of all letter mail deposited prior to the normal closing time.

5. DELAY TO LATE OUTGOING LETTERS.

When autos are used the dispatch of letters to trains causes 30 to 45 minutes or more before train time. The dispatch of letters by tube continues only about 10 minutes before train time. The tubes continue to forward letters for a particular train for 20 to 35 minutes or more after their form and movement by auto has ceased. About half a million letters were thus daily expedited when the tubes were in use. With auto service a similar number are delayed each day. That delay frequently makes a difference of 24 hours in delivery.

6. DELAY TO INCOMING MAILS.

The prompt movement of incoming mails was in similar manner impeded by the suspension of the rapid and certain tube service and the substitution of the slower and less reliable auto service. The difference in promptitude of service was especially noticeable in the winter season, when the auto service was impeded by weather conditions which did not affect the tube service. Late delivery of early morning mail was a condition of extreme frequency, and investigation demonstrated that it was mainly due to delays arising from auto service.

The great practical utility of the tube service has been shown beyond reasonable controversy by the searching study, covering two years, of postal methods made by the Joint Commission on Postal Service, of which Senator POMERENE is chairman.

In the conclusions of that commission Postmaster General Hays emphatically concurred.

Gen. Charles G. Dawes, Director of the Bureau of the Budget, whose especial business it is to cut out needless or undesirable appropriations, reviewed the recommendation of the commission and indorsed the desired appropriation; and, finally, President Harding approved the estimates and transmitted them to Congress.

We know by actual experience the deterioration of our mail service which followed the withdrawal of the tubes and which still continues.

We formerly had a facility which was continuous, certain, and speedy in operation. We now have as a substitute an inferior facility, of relative slowness and subject to frequent delays which affect mail movement throughout the entire country.

We therefore urge the restoration of the pneumatic tubes as essential to the restoration of our postal service to its former excellence.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
LEWIS E. PIERSON, *Acting President.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HICKS, on account of illness.

To Mr. CLOUSE, for 10 days, on account of important business.

To Mr. McDUFFIE (at the request of Mr. BANKHEAD), indefinitely, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. WURZBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Army appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. JEFFERS of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks on the Army appropriation bill now pending.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks on rural credits.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, on Friday last I introduced a bill seeking to make rural credits easier and more helpful to the farmers and am preparing for introduction within the next few days a bill seeking to establish a "producer to consumer" marketing system. I invite the attention of Congress and the country to these bills.

The farmers are entitled to a much better rural credit system than they have ever had. I believe I am offering such a system. The farmers are entitled to a much better marketing system than they have ever enjoyed. I believe I am proposing a way to establish such a system. In these efforts I am asking for friendly suggestions and criticisms. Let us do something helpful to the farmers along these lines.

The farmers need loans now. They would not need them if they could only get a fair price for their products. Help the fathers and mothers and boys and girls of the farm to sell all they can produce directly from the producer to the consumer, at a reasonable price, and they will make all the money they need and to spare. Justice is all they ask. Simple justice, if granted, will give them that which is justly theirs and will enable them instead of borrowers to become lenders of money.

Mr. Speaker, I shall discuss these bills more at length at a more convenient season when I can secure more time for a more detailed explanation of them.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; to the Committee on the Public Lands.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that on March 18 they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 9597. An act to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918;

H. R. 9235. An act providing for a grant of land to the State of Washington for public park purposes;

H. R. 10663. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes; and

H. J. Res. 227. Joint resolution extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922.

CALENDAR WEDNESDAY BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday business to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. I object.

Mr. MONDELL. Then, Mr. Speaker, I give notice that I will move to-morrow morning to dispense with Calendar Wednesday business. I ask unanimous consent that when the House adjourns on Wednesday it adjourn to meet at 11 o'clock on Thursday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns on Wednesday it adjourn to meet on Thursday at 11 o'clock. Is there objection?

Mr. GARRETT of Tennessee. I object.

Mr. MONDELL. We will provide for it in the rule.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 22, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

570. A communication from the President of the United States, transmitting a letter from the Secretary of the Navy to the Director of the Bureau of the Budget and the letter from the Director of the Bureau of the Budget concerning the elimination of the estimate of $100,000 for the naval station at Olongapo, P. I., and the addition of the same amount to the estimate for the naval station at Cavite, P. I. (H. Doc. No. 216); to the Committee on Appropriations and ordered to be printed.

571. A communication from the President of the United States, transmitting a paragraph reappropriating for the fiscal year 1923 $600,000 for water supply, Schofield Barracks (H. Doc. No. 217); to the Committee on Appropriations and ordered to be printed.

572. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1923, for salaries, "Bureau of Aeronautics," $56,010, as a substitute for the estimate contained in the Budget of $43,310, and for "Care, custody, and operation of the naval petroleum reserves," $100,000 (H. Doc. No. 218); to the Committee on Appropriations and ordered to be printed.

573. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Providence Harbor, R. I.; to the Committee on Rivers and Harbors.

574. A letter from the Acting Secretary of War, transmitting a tentative draft of a bill to authorize the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER: Committee on Indian Affairs. H. R. 9951. A bill to amend section 28 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921; with amendments (Rept. No. 815). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 10971) authorizing the Commissioners of the District of Columbia to institute condemnation proceedings for the widening of Woodley Road, and for other purposes; to the Committee on the District of Columbia.

By Mr. McKENZIE: A bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Adjustment of Pay, etc.

By Mr. MILLSPAUGH: A bill (H. R. 10973) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended; to the Committee on the District of Columbia.

By Mr. MOORES of Indiana: A bill (H. R. 10974) authorizing the use of special canceling stamp in the Indianapolis post office; to the Committee on the Post Office and Post Roads.

By Mr. SCOTT of Michigan: A bill (H. R. 10975) to provide for the erection of a Federal building at Boyne City, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. GILLETT: A bill (H. R. 10976) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes; to the Committee on Military Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 291) authorizing the President to appoint a special mission of friendship, good will, and congratulation to represent the Government and people of the United States at the centennial celebration of the independence of Brazil; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 292) authorizing the President to appoint a special mission of friendship, good will, and congratulation to represent the Government and the people of the United States at the centennial celebration of the independence of Brazil; to the Committee on Foreign Affairs.

By Mr. MACGREGOR: Concurrent resolution (H. Con. Res. 51) petitioning the President to give consideration to the wisdom of having a proper ceremonial sinking of one of the American battleships; to the Committee on Naval Affairs.

By Mr. IRELAND: Resolution (H. Res. 307) providing for the appointment of a legislative clerk, with compensation at the rate of $3,600 per annum; to the Committee on Accounts.

By Mr. GOLDSBOROUGH: Resolution (H. Res. 308) providing for six months' salary to be paid the widow of J. Kemp Stevens; to the Committee on Accounts.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, memorializing Congress in favor of the passage of Federal law to further regulate the use of narcotic drugs; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURROUGHS: A bill (H. R. 10977) for the relief of Edna Shaw Harris; to the Committee on Claims.

By Mr. CHINDBLOM: A bill (H. R. 10978) for the relief of James O'Brien; to the Committee on Military Affairs.

Also, a bill (H. R. 10979) for the relief of Nicholas Paskaly; to the Committee on Claims.

Also, a bill (H. R. 10980) for the relief of John F. Banks; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 10981) granting an increase of pension to Tillie E. Reeves; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 10982) for the relief of John M. Kills; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 10983) granting a pension to Jane Tilly; to the Committee on Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 10984) for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate; to the Committee on Claims.

Also, a bill (H. R. 10985) for the relief of the Houston (Tex.) Chamber of Commerce and Bertha E. Roy and Max A. Roy; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 10986) for the relief of John F. Walker; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 10987) granting an increase of pension to Susan Maurer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10988) granting a pension to Dudley Harlan; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10989) for the relief of Thomas W. Doherty; to the Committee on Claims.

By Mr. McSWAIN: A bill (H. R. 10990) for the relief of Wade H. Plumley; to the Committee on War Claims.

By Mr. MACGREGOR: A bill (H. R. 10991) granting a pension to Mary Woodward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10992) granting a pension to Fred L. Stewart; to the Committee on Pensions.

Also, a bill (H. R. 10993) granting a pension to Bryan T. Jennings; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 10994) for the relief of Stuart Circle Hospital, Richmond, Va.; to the Committee on Claims.

By Mr. PARKS of Arkansas: A bill (H. R. 10995) granting a pension to Julia C. Taylor; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10996) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased; to the Committee on War Claims.

By Mr. REED of New York: A bill (H. R. 10997) granting an increase of pension to Mahala H. Fisk; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 10998) granting an increase of pension to Sarah Blanton; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10999) granting an increase of pension to Ann R. Kiger; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 11000) granting a pension to Sarah Icenogle; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4721. By the SPEAKER (by request): Resolution adopted by Lake View Post, No. 235, Veterans of Foreign Wars of the United States, favoring the passage of the veterans' compensation bills (S. 506 and H. R. 1); to the Committee on Ways and Means.

4722. By Mr. BARBOUR: Petition of Tulare County Pomona Grange, Calif., protesting against strikes of railroad employees and miners; to the Committee on the Judiciary.

4723. By Mr. BRIGGS: Petition of the Department of Texas, American Legion, indorsing the Bursum bill (S. 1565); to the Committee on Military Affairs.

4724. By Mr. CAREW: Resolution adopted at a mass meeting in the Clermont Avenue Rink, Borough of Brooklyn, New York City, relative to the strength of the Navy and naval repair work; to the Committee on Appropriations.

4725. Also, petition of J. Leslie Kincaid, adjutant general of New York State, relative to the Army appropriation bill (H. R. 10871); to the Committee on Appropriations.

4726. By Mr. CRAMTON: Petition of O. J. Marble and other residents of Lapeer, Mich., protesting against the passage of House bill 9753 and similar bills; to the Committee on the District of Columbia.

4727. Also, resolutions of the Michigan Crop Improvement Association, favoring a tariff of not less than 3 cents per pound on red clover and alfalfa imported into the United States, and the enactment of a law requiring that all imported clover seed sold in the United States be labeled as to the country of its origin; to the Committee on Ways and Means.

4728. Also, petition of B. H. Howland and other residents of Lapeer, Mich., protesting against the passage of House bill 9753 and similar bills; to the Committee on the District of Columbia.

4729. Also, petition of Henry Thompson and other residents of Birch Run, Mich., protesting against the passage of House bill 9753 and similar bills; to the Committee on the District of Columbia.

4730. By Mr. CULLEN: Resolution adopted by the Kings County Historical Society, urging that Congress provide for the maximum naval armament allowed by the treaties agreed to by the Disarmament Conference and opposing any further reduction in the Army; to the Committee on Appropriations.

4731. Also, resolution adopted at a mass meeting assembled in Clermont Avenue Rink, Borough of Brooklyn, New York City, relative to the strength of the Navy and naval repairs; to the Committee on Appropriations.

4732. By Mr. FRENCH: Petition of citizens of Forest, Idaho, protesting against the enactment of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4733. Also, petition of citizens of Viola, Idaho, protesting against the enactment of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4734. By Mr. FROTHINGHAM: Resolution from Metropolitan Chapter, Disabled Emergency Officers of the World War, asking prompt consideration of the Bursum bill relative to the retirement of disabled officers; to the Committee on Military Affairs.

4735. By Mr. HADLEY: Petition of Sander Pierson and other residents of the State of Washington, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

4736. By Mr. KENNEDY: Petition of 35 citizens of Pawtucket, R. I., opposing passage of House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

4737. By Mr. KISSEL: Petition of the Bird Lovers' Club, of Brooklyn, N. Y., urging the passage of House bill 7452; to the Committee on the Public Lands.

4738. Also, petition of John Dunlop's Sons, of New York City, N. Y., against the bonus bill, either in cash or with a deferred payment through use of a certificate; to the Committee on Ways and Means.

4739. Also, petition of Watervliet Arsenal, of Watervliet, N. Y., urging the continuance of the present force at the arsenal; to the Committee on Military Affairs.

4740. By Mr. KNIGHT: Petition of Rubber City Stamp Club of Akron, Ohio, protesting against the passage of House bill 9104; to the Committee on the Judiciary.

4741. By Mr. LUCE: Petition of the congregation of the Oak Square Methodist Episcopal Church, of Brighton, Mass., urging adoption of Senate joint resolution 160; to the Committee on Ways and Means.

4742. By Mr. RADCLIFFE: Resolution adopted by the Board of Commissioners of Trenton, N. J., favoring the passage of House bill 10212; to the Committee on the Judiciary.

4743. Also, resolution adopted by the Board of Commissioners of Orange, N. J., favoring the passage of House bill 10212; to the Committee on the Judiciary.

4744. By Mr. SANDERS of New York: Petition of Flower City Council, No. 203, Order of United Commercial Travelers of America, urging passage of the bill providing for interchangeable mileage books for commercial travelers, with an amendment providing for a 25 per cent reduction from present prevailing rates; to the Committee on Interstate and Foreign Commerce.

4745. Also, petition of the Rochester Chamber of Commerce, of Rochester, N. Y., favoring the bill providing for interchangeable mileage books for commercial travelers; to the Committee on Interstate and Foreign Commerce.

4746. Also, petition of the Rochester Commercial Travelers' Mutual Benefit Association, of Rochester, N. Y., urging the passage of the bill providing for interchangeable mileage books for commercial travelers with an amendment providing for a 25 per cent reduction from present prevailing rates; to the Committee on Interstate and Foreign Commerce.

4747. By Mr. SINCLAIR: Petition of the Commercial Club of Williston, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on wheat; to the Committee on Agriculture.

4748. By Mr. SMITH of Idaho: Petition of members of the Rotary Club of Pocatello, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

4749. Also, petition of members of the Nampa Chamber of Commerce, of Nampa, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

4750. Also, petition of residents of Buhl, Idaho, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

4751. Also, petition of residents of Amsterdam, Hollister, and Hazelton, Idaho, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

4752. By Mr. SNYDER: Petition of Guiding Star Council, No. 29, Sons and Daughters of Liberty, of Utica, N. Y., favoring the enactment of the Towner bill for the fostering and maintenance of the free public-school system; to the Committee on Education.

4753. By Mr. WASON: Petition of E. A. Robbins and 10 other residents of Keene, N. H., protesting against the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

4754. By Mr. WATSON: Resolution indorsed by the Friends Meeting at Hatboro, Pa., concerning the social and economic situation in Austria; to the Committee on Foreign Affairs.

4755. By Mr. YOUNG: Petition of the Williston Commercial Club urging the revival of the United States Grain Corporation, etc.; to the Committee on Agriculture.

4756. Also, petition of Grand Forks Trades and Labor Assembly urging the passage of House bill 9691, providing for the creation of Federal local-option districts; to the Committee on Ways and Means.

4757. Also, resolution of Grand Forks Trades and Labor Assembly with reference to Congress creating an industrial court to aid in the settlement of labor disputes; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *March 22, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met in open executive session at 11 o'clock a. m., on the expiration of the recess.

THE FOUR-POWER TREATY.

Mr. LODGE. I ask that the Senate proceed to the consideration of the four-power treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

The VICE PRESIDENT laid before the Senate petitions of 14,000 ministers of religion, representing the leading denominations in America and members of the Central Conference of American Rabbis, praying for the prompt ratification, without reservation, of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also laid before the Senate a resolution adopted at a meeting of the officers of the executive council, United Synagogue of America, favoring ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also laid before the Senate a statement of the administrative committee of the National Catholic Welfare Council, indorsing the general results of the Conference on Limitation of Armament as a contribution to world peace, which was ordered to lie on the table.

He also laid before the Senate petitions of the Federal Council of the Churches of Christ in America and the Committee for Treaty Ratification, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table and to be printed in the RECORD. (See petitions, when subsequently presented by Mr. LODGE.)

The VICE PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor.

Mr. WALSH of Massachusetts. Will the Senator from Wisconsin yield to me for a moment?

Mr. LA FOLLETTE. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, in view of a possible false impression being had as to the attitude of the National Catholic Welfare Council toward the four-power treaty, I ask unanimous consent to have a letter, copies of which have been sent to all Senators from the general secretary of that organization, entered in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

NATIONAL CATHOLIC WELFARE COUNCIL,
Washington, D. C., March 15, 1922.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

DEAR SENATOR WALSH: A few days ago exception was taken upon the floor of the Senate to what was called the action of the churches in an effort to influence the Members of the United States Senate to ratify at once and without reservation the four-power and other treaties now before it for consideration.

As general secretary of the National Catholic Welfare Council, representing officially the Catholic Church of the United States, I wish to state emphatically that the Catholic Church has taken nopart in such a movement. Dispatches appearing in the press that might have given this impression are entirely without warrant.

The National Catholic Welfare Council issued a general statement after the adjournment of the Conference on the Limitation of Armament. This pronouncement was used by the Church Peace Union, of New York, in a way that may have given a false impression. For your information I inclose a copy of a letter which I sent to every Catholic clergyman in the United States and which will show you that the wish of the Catholic body is simply to promote, in a general way, movements that on their face make for public welfare and for the peace of the world. Documents such as treaties that make such movements concrete are to be left entirely to the judgment of those who have the public responsibility of deciding upon their wording and their acceptance.

Very sincerely yours,

JOHN J. BURKE, C. S. P.,
General Secretary.

NATIONAL CATHOLIC WELFARE COUNCIL,
Washington, D. C., March 11, 1922.

DEAR AND REVEREND FATHER: A false impression may have been given you by a number of notices with inclosed postal card sent out in the one envelope by the Church Peace Union. The postal asked the priests of the country to sign a statement to the effect that they were of the opinion that the United States Senate should ratify the four-power treaty and other treaties now pending before it without reservations.

The inclosure of the statement issued by the National Catholic Welfare Council, commending the Conference on Limitation of Armament and its general results, may have led you to the belief that the National Catholic Welfare Council joined in this movement to have influence brought upon the United States Senate to ratify without reservation. Such an impression is entirely unwarranted and erroneous. The National Catholic Welfare Council refused to join in such movement and is of the conviction that the liberty of conscientious action ought to be left to every Member of the United States Senate.

Respectfully yours,

JOHN J. BURKE, C. S. P.,
General Secretary.

Mr. WALSH of Massachusetts. I also ask permission to have printed in the RECORD a statement by Lindsay Crawford, editor of the Montreal Statesman, a Canadian Liberal journal, in which he expresses the view of the Liberal thought of Canada upon the four-power pact.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

[Extract from a statement of Lindsay Crawford, editor of the Montreal Statesman, a Canadian Liberal journal, presenting the viewpoint of an important group in Canada on the four-power treaty.]

Was it nothing to Americans that Canada had asked in vain to be invited to send a Canadian representative to the Conference on the Reduction of Armaments at Washington? Was it fair to Canadians who, having been assured by Mr. Lloyd-George that Canada and the other Dominions now were the coequals in status of Great Britain, and that this new status had been recognized by the whole world, found the door at the Washington conference bolted and barred against Canada? What was the reason? It might be urged that until Canada definitely and formally claimed international recognition that it was impossible for the Government at Washington to recognize Canada's place in the comity of nations. To Canadians it looked as if Washington had an understanding with England to interpret British official declarations touching Canada's status in terms wholly different from those accepted in Canada. All the official documents of the arms conference referred only to the British Empire, thus perpetuating the old and obsolete idea that in international law there was but one British sovereign State—the British Empire. Whatever the cause there was a deep-rooted suspicion in the minds of many Canadians that British Imperial statesmen were deceiving the Dominions and lulling them to sleep with honeyed words about their improved status in the hope of completing imperial reconstruction on the old, discredited lines. It should be of some concern to Americans, who recalled their own struggle for international recognition of the birth of the American Republic, to find among Canadians a growing feeling of profound disappointment that a country so closely related to the United States by geographical and cultural ties was presumed not to exist, and that the freedom of the United States in her external relations was circumscribed in the case of Canada by some tacit understanding between London and Washington that gave rise to the suspicion that Downing Street exercised a secret and dominating influence at the Capital that was inimical to national freedom on the American Continent, and that enabled England, in defiance of the attitude of Canada and without her knowledge or consent, to reconstruct, reinforce, and complete an imperial sovereign statehood to which Canada in the last resort was resolutely opposed. In support of his contention that British diplomacy exercised an unwholesome and preponderating influence at Washington he (Mr. Crawford) would remind Americans of events at Washington that were fresh in the public memory. It had been denied in some quarters that the British delegation at the arms conference had been given facilities for publicity in the United States that were denied to the American people by their own administration. But when British propagandists left Washington they grew very communicative about the privileges that had been extended to them by America. One of these, Mr. Wickham Steed, editor of the London Times, who was in close and intimate touch with Mr. Hughes at Washington, spilled the beans in a speech delivered at Montreal to the Canadian Club, which was published in the Montreal Gazette of December 28, 1921. In this speech he declared:

"All these agreements are a long step toward the reestablishment of frankness and good faith as a chief medium of international intercourse. As a means to this end the world owes a great debt of gratitude to President Harding, and especially to Secretary Hughes, for the calling of this special conference and the honest and straightforward manner in which it has been conducted."

Continuing, Mr. Crawford said: Then follows the statement to which he specially desired to draw the attention of Americans. This part of Mr. Steed's address was headed by the Gazette report with the appropriate caption, "Did not use press." It was as follows:

"As an instance of the even excessive forbearance and good faith that had been shown by the American delegates at the Washington conference, Mr. Steed, an old newspaperman, cited the fact that no matter how touchy were the matters involving the United States which had been discussed, and despite the invitations to use the American press as a lever to create international disturbances, the American delegates had sealed their mouths. 'The American delegates refused to give out any news at all during the conference,' said Mr. Steed. 'They left this whole matter with the British publicity agent, Lord Riddell, and I am not giving away any state secrets when I say that when Lord Riddell left Washington there was general lamentation among the American and other correspondents, who wondered where they would proceed to get the real news. That may have been Quixotic on the part of the Americans, but rather than be under any suspicion of using their (American) press to turn public opinion against nations with whom they may have had differences, they did this, and the American delegates were absolutely and honorably silent."

The American public was more credulous than he (Mr. Crawford) believed it to be if it accepted without question this British tribute to the American delegates because they remained, in their relations with the American people, "absolutely and honorably silent." What he as a Canadian resented was the use that was made of American institutions and the machinery of American publicity to arrest the natural evolution of the Dominions and to aid the imperialists in London in carrying out their pet project of empire reconstruction that would centralize in London the control of all imperial foreign relations, making of Canada and the other Dominions integral parts of a single imperial sovereign State in international law, securing thereby, contrary to all accepted conceptions of democratic and responsible government, united diplomatic and military action by every part of the British Empire. It was true that in international law no British State existed save the British Empire represented by the Government of Great Britain. But the war had challenged anew the doctrine laid down by the imperialists of the diplomatic unity of the Empire, and the request of Canada to be independently represented at the arms conference represented an official

gesture by the Government of Canada, which, presumably after conversations between Washington and London, was politely ignored by the Executive head of the American Republic. This cold-shouldering of a neighboring nation that was seeking its own is all the more inexplicable, seeing that it was primarily due to Canada that the Anglo-Japanese alliance was forced to the front on the agenda of the arms conference. Mr. Wickham Steed, in his speech at Montreal in December last on his way back to England, told of the talk he had with Secretary Hughes over the Anglo-Japanese alliance, based upon his (Mr. Steed's) personal observations in western Canada, that in any war between the United States and Japan "the position of British Columbia and the western Provinces, as part of the British Empire, would be very hard to maintain." Yet, despite the stand taken by Canada against the Anglo-Japanese treaty, and the part played by her in forcing the issue at the Washington conference, it was left to the Prime Minister of Canada (Mr. Mackenzie King) to complain in the house at Ottawa only the other day that the Canadian Government, represented by his predecessor, Mr. Arthur Meighen, had yielded to pressure in having Canada represented at Washington by Sir Robert Borden, who went, not as a Canadian delegation but as part of a British delegation. What was the result of this understanding between London and Washington? It had rendered of no effect the deliberate declarations of British statesmen that the Dominions no longer occupied the subordinate colonial status in international affairs that obtained before the late war. Speaking at the imperial conference of premiers, held in London last year, Mr. Lloyd-George in categorical terms defined the new status of the self-governing Dominions in these words:

"In recognition of their (soldiers') services and achievements in the war the British Dominions have now been accepted fully into the comity of nations by the whole world. They are signatories to the treaty of Versailles and of all other treaties of peace; they are members of the assembly of the League of Nations, and their representatives have already attended meetings of the league; in other words, they have achieved full national status, and they now stand beside the United Kingdom as equal partners in the dignities and responsibilities of the British Commonwealth. If there are any means by which that status can be rendered even clearer to their own communities and to the world at large, we shall be glad to have them put forward at this conference."

Imperial obscurantism has left Canada under the impression that she is not only entitled to be accepted fully into the comity of nations, but that she has been accepted fully into the comity of nations by the whole world. The distinction between what Mr. Lloyd-George terms full national status and what international law alone recognizes as independent States has been finely drawn in all the imperial pronouncements on the subject, but the doctrine of united diplomatic and military action through a single, centralized Empire State has little backing in Canada, and no Government to-day could obtain the support of a majority of the Canadian people behind any movement that would permanently condemn Canada to the acceptance of the imperial idea that the foreign relations of the self-governing Dominions must remain in the control of a central imperial sovereignty. When would Americans wake up from their lethargy and see in the efforts to reconstruct the British Empire on the old vicious lines of centralized control a menace to democratic government on this continent, and in the end a fruitful cause of international disturbance? It should cease to be a matter of supreme indifference to the great American Nation that the imperial idea of government which the fathers of the Republic so emphatically rejected for themselves and those who followed will in this new day, which has been dedicated to the establishment and maintenance of democracy as the only reliable safeguard of human freedom, receive from the Government and people of the United States the stamp of their approval.

Mr. McNARY. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Oregon.

Mr. McNARY. I suggest the absence of a quorum.

Mr. LA FOLLETTE. I hope the Senator will not do that. I think the time before the unlimited debate will close, at 3 o'clock, is so short that we ought not to waste any time in securing a quorum. I therefore ask that the Senator from Oregon withdraw his call for a quorum.

Mr. McNARY. My only reason for making it, I will explain to the Senator from Wisconsin, is that I know a number of Senators wish to hear him speak, and I think they should be given an opportunity to come by a call for a quorum.

Mr. LA FOLLETTE. I am very much flattered by the observation of the Senator from Oregon, but I think under the circumstances I will ask him not to insist upon a roll call.

Mr. McNARY. Very well; I withdraw the demand.

Mr. LA FOLLETTE. Mr. President——

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

Mr. LA FOLLETTE. I had hoped that the absence of a quorum would not be insisted upon.

The VICE PRESIDENT. The Senator is not required to yield the floor for that purpose.

Mr. LA FOLLETTE. With all deference to my friend from North Carolina, I shall decline to yield, simply because I understand that some other Senator or Senators desire to speak before 3 o'clock, and I am afraid that considerable time will be consumed in securing a quorum.

Mr. JONES of Washington. Mr. President, I can not let the observation of the Chair pass without question. A Senator has the right to make the point of no quorum as a point of order, whether the Senator having the floor consents or not.

Mr. OVERMAN. There is no question about that. It has always been so held.

The VICE PRESIDENT. Sometimes, not always.

Mr. LA FOLLETTE. I will accept the ruling of the Chair, whatever it may be.

Mr. ROBINSON. Mr. President, I think I ought to say, in view of the remarks of other Senators, that when a Senator obtains the floor, under the procedure of the Senate heretofore he is under no obligation to yield to another Senator to suggest the absence of a quorum; and if he refuses to yield for that purpose, a Senator can not make the point as a point of order as other points of order are made. I think the ruling of the Chair is sustained by the weight of the precedents.

Mr. JONES of Washington. I do not desire to take any time to discuss it. I am satisfied that the precedents will show the other way, that a point of order of a lack of a quorum can be made at any time, regardless of whether the Senator occupying the floor yields for the purpose or not.

Mr. LA FOLLETTE. I quite agree with the Senator from Washington.

Mr. OVERMAN. I think as a matter of principle there has to be a quorum present when anything is done, and I do not think the ruling of the Chair could be otherwise. I insist on the point of order that there is no quorum present.

The VICE PRESIDENT. Does the Senator from Wisconsin yield for that purpose.

Mr. LA FOLLETTE. I do not yield, Mr. President.

Mr. OVERMAN. How does the Chair rule?

Mr. ROBINSON. Mr. President, I think, in view of the fact——

Mr. LA FOLLETTE. If it is going to take more time to discuss the parliamentary question than it is to get a quorum, I yield for a call of the roll to secure the presence of a quorum.

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I yield for that purpose.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Myers	Shortridge
Broussard	Harrison	Nelson	Simmons
Cameron	Heflin	Nicholson	Spencer
Capper	Hitchcock	Oddie	Stanfield
Caraway	Johnson	Overman	Stanley
Culberson	Jones, Wash.	Page	Sterling
Dial	Kellogg	Pepper	Sutherland
du Pont	Keyes	Phipps	Townsend
Edge	King	Pittman	Wadsworth
Ernst	La Follette	Poindexter	Walsh, Mass.
Fernald	Lodge	Pomerene	Walsh, Mont.
France	McCormick	Ransdell	Warren
Glass	McKellar	Rawson	Watson, Ga.
Gooding	McNary	Robinson	Willis
Hale	Moses	Sheppard	

Mr. SUTHERLAND. I wish to state that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. HARRISON. I desire to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Wyoming [Mr. KENDRICK], the Senator from North Dakota [Mr. LADD], and the Senator from South Dakota [Mr. NORBECK] are absent at a committee meeting.

Mr. DIAL. I desire to announce that my colleague the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness, being confined to his room at his hotel.

The VICE PRESIDENT. Fifty-nine Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do; certainly.

Mr. LODGE. I merely desire to present petitions from the Federal Council of the Churches of Christ in America, the Central Conference of American Rabbis, the United Synagogue of America, and the Committee for Treaty Ratification, all praying for the ratification of the treaties. They are very brief, and I ask that they may lie on the table and be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The petitions were ordered to lie on the table and to be printed in the RECORD, as follows:

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA,
Washington, March 17, 1922.

To the President of the United States and the Senate of the United States:

The Federal Council, with the cooperation of its constituent bodies, memorialized the President to call the Conference on Limitation of Armament. The churches rendered notable service in creating a spirit

and atmosphere which were undoubtedly of real significance, and they are now called upon to consider, and, if they approve, to support the proposals of the conference. There is a confident feeling that this begins a new era with a new spirit and method in international relations. It therefore has far-reaching significance beyond the immediate results. The proposals of the conference, however, are the matters now before us.

While the churches are not concerned with questions of political procedure, it would seem that the proposals now before our Nation clearly embody the important moral principles on the basis of which the churches urged the President to bring these nations together. If this be true, the duty and opportunity of the churches seem clear in urging the Senate to ratify the treaties heartily and promptly.

The ultimate effect of the achievements of the conference does not rest solely upon their acceptance by our Congress, but, as with the conference itself, upon the force of public opinion, for which our churches have large responsibility. The administrative committee and the commission on international justice and good will believe that this may be the real beginning of a movement toward a waryless world in which our Nation should find its place of moral leadership.

Faithfully yours,

JOHN M. MOORE,
Acting President and Chairman of the Administrative Committee.
JOHN ERSKINE, *Chairman.*
CHARLES S. MACFARLAND,
General Secretary.
SIDNEY L. GULICK,
Secretary Commission on International Justice and Good Will.

CENTRAL CONFERENCE OF AMERICAN RABBIS,
OFFICE OF THE PRESIDENT,
Richmond, Va., February 6, 1922.

DEAR COLLEAGUE: The members of the Central Conference of American Rabbis rejoice in the results attained by the Conference on the Limitation of Armament held in Washington. The treaties and agreements that have been drawn up by the conference are of great value not merely because of the easing of the economic burden under which the world is staggering but more so because they make for peace and common understanding among the nations. They have solved, for a period of years at least, some vexatious and peril-fraught international problems, and they have given not unjustified hope that these solutions will be permanent.

Their even greater and finer value lies in the precedent which the conference has established that such international problems can be safely and satisfactorily solved by peaceful understanding, by mutual respect, by the good will, and by the self-restraint of nationalistic chauvinism. International relations have been by this conference lifted up to a higher plane, into a clearer moral atmosphere, where the vision is less clouded by the mists of selfish ambition and sordid passions. The spirit of God has been made more manifest. The conference was a work of righteousness, and "the work of righteousness shall be peace and the effect of righteousness shall be quiet and confidence forever."

The Central Conference of American Rabbis therefore earnestly urges that the Senate of the United States ratify without undue delay and without reservation the treaties and agreements drawn up by the Conference on the Limitation of Armament.

EDWARD N. CALISCH,
President Central Conference of American Rabbis.

THE UNITED SYNAGOGUE OF AMERICA,
New York, March 1, 1922.

DEAR COLLEAGUE: At a meeting of the officers of the executive council of the United Synagogue of America held in New York City February 20, 1922, the following resolution was passed:

"The officers of the executive council of the United Synagogue of America desire, on behalf of the congregations and auxiliary associations which they represent, to express their profound gratification at the favorable results of the recent conference called by the President of the United States to consider the limitation of armaments and other matters for promotion of peace and security in the Pacific Ocean and throughout the world. They rejoice that so great a forward step has been taken looking to the promotion of international good will and righteousness and pray that the Senate will see fit to give its consent to the treaties which have been negotiated at this conference and have been signed by the delegates to the United States."

Fraternally yours,

ELIAS L. SOLOMON, *President.*

COMMITTEE FOR TREATY RATIFICATION,
OFFICE OF THE SECRETARY,
New York, March 28, 1922.

To the President and to the Senate of the United States.

DEAR SIRS: The Committee for Treaty Ratification (whose names appear on the third page of this document) has made an extensive, and what it believes to be a reliable canvass, to learn the sentiment of the people regarding the treaties now before the Senate, with the following results:

1. The church forces of the Nation appear to be practically a unit in support of the treaties as they stand, as expressing the moral judgment of the people. They include Protestants, as represented in the Federal Council of the Churches of Christ in America; the Roman Catholics, as represented in the National Catholic Welfare Council; and both Hebrew bodies.

2. The civic organizations, commercial, economic, social, and political, have expressed themselves with similar unity.

3. The educational institutions have been unhesitating in their support, and, as far as we know, without any dissenting voice.

4. The outstanding and representative bodies of women have rendered vigorous testimony to the same import.

5. The organizations of labor have expressed themselves in hearty accord with the favorable action of the American Federation of Labor.

These various organizations, composed of members of both political parties, and of all the elements of the body politic, express, we believe, the nonpartisan and comprehensive nature of this support.

The reports of opposition are so negligible as to make it clear to us that the people are more significantly united on the proposals of the Conference on Limitation of Armament than they have ever been on any similar issue.

In behalf of the committee.

GEO. W. WICKERSHAM, *Chairman.*
CHARLES S. MACFARLAND, *Secretary.*

Committee for Treaty Ratification: George W. Wickersham, chairman; Samuel Gompers, vice president; James Byrne, vice president; Charles S. Macfarland, secretary.

Committee on permanent organization: Stephen P. Duggan, John Foster Dulles, John H. Finley, A. Lawrence Lowell, Charles H. Streng.

Members of the committee: Mrs. Richard B. Aldcroft, Mrs. Fannie Fern Andrews, Rev. Henry A. Atkinson, Rev. Anson P. Atterbury, Mr. Grosvenor Atterbury, Mr. Julius Barnes, Rev. James L. Barton, Mr. George Gordon Battle, Mrs. Fred S. Bennett, Dr. Herman M. Biggs, Mr. Cornelius N. Bliss, Jr., Miss Helen Varick Boswell, Mr. Frank Chapin Bray, Rt. Rev. Charles H. Brent, Chancellor Elmer Ellsworth Brown, Prof. William Adams Brown, Mr. George Burnham, jr., Miss Mary A. Burnham, President Marion LeRoy Burton, Mr. James Byrne, Mr. E. J. Caldwell, Mrs. C. Chapman Catt, Rev. Samuel McCrea Cavert, Mr. William M. Chadbourne, Miss Mabel Choate, Dr. Lewis A. Conner, Mr. Robert Grier Cooke, Mr. Frederic Rene Coudert, Mrs. Caroline Bartlett Crane, Mr. Paul D. Cravath, Mr. Frank Crawford, Dr. R. H. Crosfield, Rev. Edward Cummins, Mr. R. Fulton Cutting, Dr. William Darrach, Dr. Katherine B. Davis, Mr. Malcolm W. Davis, Mr. Robert W. De Forest, Prof. Stephen P. Duggan, Mr. John Foster Dulles, Mr. John J. Eagan, President Charles W. Eliot, Mr. Robert Erskine Ely, Mr. Guy Emerson, Prof. Max Farrant, President W. H. P. Faunce, Mr. Edward A. Filene, Dr. John H. Finley, Mr. Homer Folks, Mrs. J. Malcolm Forbes, Rev. Harry Emerson Fosdick, Rev. James H. Franklin, Bishop Thomas F. Gailor, Mrs. H. O. Garvey, Mr. B. P. Gay, Hon. James W. Gerard, Mr. John M. Glenn, Mr. Samuel Gompers, President Frank J. Goodnow, Mr. Linley V. Gordon, Rev. Roy B. Guild, Rev. Sidney L. Gulick, Mr. Albert H. Harris, Mr. Harold A. Hatch, Rev. William J. Hayes, President John Grier Hibben, Mr. Hamilton Holt, Hon. Charles M. Hough, Mr. Herbert S. Houston, Mr. Arthur E. Hungerford, Rev. Finis Idleman, Mrs. H. C. M. Ingraham, Mr. Samuel G. Inman, Mr. Henry W. Jessup, Hon. Robert Underwood Johnson, Mr. Otto H. Kahn, Mr. Alfred E. Kimball, Mr. Lundreth H. King, Mr. J. W. Kinnear, Dr. Abby Porter Leland, Mr. Sam A. Lewisohn, Prof. Samuel McCune Lindsay, President A. Lawrence Lowell, Rev. Frederick Lynch, President Henry N. MacCracken, Rev. Charles S. Macfarland, Rt. Rev. William T. Manning, Mr. James G. McDonald, Bishop W. F. McDowell, Mr. Edwin G. Merrill, Rev. William P. Merrill, Mr. Albert J. Milbank, Mr. John G. Milburn, Mr. William B. Millar, Rev. Rufus W. Miller, Hon. Ogden L. Mills, Prof. Paul Monroe, Mrs. Helen B. Montgomery, Rev. John M. Moore, Bishop Thomas Nicholson, Rev. Frank Mason North, Mr. A. Perry Osborn, Rev. Leighton Parks, Mr. Charles A. Peabody, Mr. Robert P. Perkins, Mr. James J. Pershing, Mr. James H. Post, Mr. John T. Pratt, Prof. M. I. Pupin, Judge Robert P. Raymond, Rev. Karl Reiland, Mr. J. J. Riker, Mr. Kingman Scott Robins, Mrs. Henry D. Ross, Dr. Leo S. Rowe, Mr. Charles Scribner, Prof. Henry R. Seager, Prof. Edwin R. A. Seligman, Mr. Finley Shepard, Mr. William H. Short, Mrs. Vladver E. Simkhovitch, Mr. Francis H. Sisson, Mr. R. A. C. Smith, Rev. Claudius Spencer, Col. Henry L. Stimson, Rev. Ernest M. Stires, Hon. Oscar S. Straus, Mr. Percy S. Straus, Mr. Charles H. Strong, Mr. Charles H. Studin, Mr. Henry W. Taft, Dr. M. Carey Thomas, Dr. Helen B. Thompson, Rev. Worth M. Tippy, Col. Isaac M. Ullman, Rev. Henry van Dyke, Miss Lillian D. Wald, Mr. Paul Warburg, Hon. Henry G. Ward, Rev. E. O. Watson, Mr. Francis M. Weld, Mr. Harry A. Wheeler, Mrs. Frank White, Mr. George W. Wickersham, Mr. Talcott Williams, Mr. Bronson Winthrop, Miss Mary E. Woolley, Mr. George Zabriskie.

[Office of secretary, Room 612, 105 East Twenty-second Street, New York.]

ADDENDA.

President James R. Angell, Mr. Robert A. Ashworth, Dr. Samuel A. Eliot, Mr. John H. Hammond, Prof. Charles D. Hazen, Mrs. A. M. Horne, Mr. Thomas W. Lamont, Mrs. Percy V. Pennybacker, Mrs. William B. Young.

Mr. LODGE. I also desire to present a petition of 14,000 ministers of religion, representing the leading denominations from all over the country, praying for the ratification without delay, change, or reservation of the treaties prepared by the Conference on Limitation of Armament.

The VICE PRESIDENT. The petition will be received and lie on the table.

Mr. LA FOLLETTE. Mr. President, I address myself first to a consideration of the terms of the four-power treaty. I propose to determine its meaning by applying to the language of that document the same principles of construction which are applied to contracts between individuals. It will be found after all, Mr. President, if this proposed agreement shall ever be executed by the United States, that the rights and obligations of this country under it will be fixed by the cold terms of the contract and that the poetical and oratorical imaginings conjured up by Senators in its support will have no part in deciding the grim questions of national policy which we must be prepared to meet at once if we approve this treaty.

Owing to a death in my family I have necessarily been absent during a large part of the time that this and the other proposed treaties have been under consideration by the Senate, and since my return the necessity of attending almost daily sessions of the Finance Committee has still further reduced the margin of time I have been able to spare from my other duties to a study of the several treaties which the President has transmitted to the Senate. I have, however, given to them all the consideration possible under the circumstances, and I have endeavored to acquaint myself fully with the views of my colleagues as expressed in the debates, and I state frankly that if this proposed treaty means no more than is claimed for it by its supporters in the Senate, then it is not worth a single hour's consideration. It has been stated repeatedly by Senators supporting this treaty in the course of debate that it does not obligate us to protect or assist in protecting the rights of any other country and that it affords us no protection in case our rights are assailed from any source whatsoever. All that is

claimed for this treaty by its sponsors here in the Senate, as I gather from the discussion, is that in case certain controversies arise out of certain matters Great Britain, France, Japan, and the United States will hold some conversations about them, and for that purpose will either meet in conference, or if that seems to be too much trouble, they will merely exchange some notes on the subject. Even this does not represent the uselessness of this treaty as expounded by the distinguished Senator from Massachusetts [Mr. LODGE], who has borne the principal burden of explaining the treaty here, for he has made it clear that in the case of an actual attack made by or upon any party to this proposed agreement the others would not be called upon even to go through the form of writing notes about it. The matter would be settled simply by an immediate appeal to arms in the old-fashioned way. This is what I understand the remarks of that distinguished Senator to amount to as reported on page 3554 of the CONGRESSIONAL RECORD of March 8, 1922.

But, Mr. President, when we turn from the language of the Senators to the language of the document itself we find an entirely different story, and that a wholly different problem is presented to our Government.

The proposed treaty at least has the merit of brevity. It contains only four short sections and a preamble which purports to express the purpose of the pact. The preamble declares that the United States, the British Empire, France, and Japan have determined to enter into a treaty—

> With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

One might well pause to inquire here, in view of the construction put upon this treaty by its advocates, how it is that the rights of any party are to be maintained by means of a treaty which does not even purport to maintain any rights. But passing for the moment the language of the preamble, I direct attention to the language of the first section, which is as follows:

> The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.
>
> If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is *not satisfactorily settled by diplomacy* and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

The high contracting parties are the British Empire, the Japanese Empire, France, and the United States. The proposed treaty is also signed by the representatives of the Dominion of Canada and the representatives of the Commonwealth of Australia, and by the representatives of the Dominion of New Zealand, as well as the representatives of India and the Union of South Africa.

I do not know whether the British Government would contend, if this proposed treaty went into effect, that these dominions should each have a separate vote under the treaty, as they have under the League of Nations. Perhaps this is not very material. At all events, we do know that the Anglo-Japanese policy of aggression and imperialism which made the British Empire and the Japanese Empire close allies in the past, and which makes them close allies to-day, will cause them to stand as a unit in opposition to the policies of any power in the Pacific Ocean which dares to insist that the rights of the weaker people there shall be recognized and protected. Whether they outvote us six to one or two to one is not material. They may take us into their corporation, but it will be as a minority stockholder, in which position we can be more easily controlled than we could be if we had kept out of their combination altogether.

Now, the first thing in the document that the high contracting parties agree to do is to "respect" their several rights in their insular possessions and dominions in the region of the Pacific Ocean. Why was it necessary for the parties to this proposed treaty to agree to respect each other's rights in their possessions in the region of the Pacific Ocean? Do not the high contracting parties respect each other's rights, no matter whether those rights arise in the regions of the Pacific Ocean or the Atlantic Ocean or anywhere else? Do you think we asked anyone to respect our rights in the Philippines or in Hawaii? We already have treaties of amity and commerce with these several Governments which insure to each the fullest respect for the rights of the other wherever they arise; and without any treaties at all every honorable nation would respect the clear rights of every other country in its possessions and dominions, wherever situated.

The only possible reason for this language in the proposed treaty is that the rights of some of the parties to it, in their possessions and dominions in the regions of the Pacific Ocean were not clear. They must have been thought to be merely colorable—open to question. This is made clear by the declaration made by all the high contracting parties to accompany the proposed treaty which states that the treaty shall apply to the mandated islands in the Pacific Ocean. And so it is, that by this proposed treaty we are to pledge ourselves to respect the title acquired by Great Britain and Japan to the German colonies in the Pacific Ocean. After pledging themselves to respect the title thus acquired, the makers of this document added to it the language:

> *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

That is, the United States will respect the right acquired under the mandates, but it will not assent to the mandates themselves, and reserves the right to make agreements with the mandatory powers respecting the mandated islands. That right, of course, it would have, whether it was reserved in the treaty or not. And since the United States pledges itself in the most unequivocal manner to respect the rights which Japan and Great Britain assert in all their insular possessions and dominions in the region of the Pacific Ocean, it is obvious that the belated declaration that the United States does not necessarily assent to the mandates themselves is without force or effect.

I come now to the construction of the most important language of this section, and indeed the most important language of this treaty, which provides, in effect, that if there should develop between the high contracting parties a controversy arising out of any Pacific question—not a question respecting merely their insular possessions or insular dominions but any question involving a controversy arising in the region of the Pacific Ocean and which in any way involved their rights to their insular possessions, and *the question is not settled by diplomacy*, then all the other high contracting parties shall be invited to meet together in conference, and when so assembled the "whole subject" of controversy shall be "referred" to them. For what purpose? "For consideration and adjustment." Here is a complete scheme for hearing and adjusting all controversies arising between the parties to this agreement involving their said rights, providing only that such controversies shall arise out of some question originating or existing in the region of the Pacific Ocean and which is not settled by diplomacy.

Mr. KING. Mr. President, may I interrupt the Senator? I ask for information? I am not sure that I understand the interpretation which the Senator places upon the antecedent subject. It seems to me that the antecedent of the verb about meeting together and settling relates to the insular possessions and not to any matters that might be in the region of the Pacific. Does the Senator think that it would mean the mainland if a controversy should arise out of the mainland?

Mr. LA FOLLETTE. Oh, no; I understand that, by the subsequent action of the makers of this treaty, the mainland was taken out of the scope of the treaty, excepting as it might be possible that in a secondary way outside interests might involve interests in the Pacific. Then I think that they would be confined to the consideration of questions arising in the Pacific Ocean; but I am arguing solely upon the theory that the treaty is confined to questions arising in the Pacific.

Mr. KING. That is, to the insular possessions of the parties in the Pacific?

Mr. LA FOLLETTE. The terms of the treaty do not quite say that. "Any Pacific question" is the language of the treaty."

Mr. KING. Yes; "any Pacific question." Is that language qualified by any antecedent which would seem to limit the controversy to the insular possessions?

Mr. LA FOLLETTE. I think it is, and I am arguing it on the theory that it is so limited.

When such a controversy arises, the signers of this contract or proposed treaty are to be convened. That is the first step. When so convened, the controversy is to be referred not merely for consideration, not merely to be examined into and reported upon, but it is to be so referred for "adjustment." You will observe that by the language of this section the jurisdiction of this conference to adjust a controversy is only invoked if diplomacy fails. If the controversy can be settled by diplomacy—that is, by negotiation—the representatives of the high contracting parties are not called together. Clearly, therefore, when the representatives of the high contracting parties are convened as a body they are to act not as negotiators, not as

diplomats, to smooth out differences, but as arbiters to settle the controversy referred to them. The board or body that is to decide the controversy is provided for. The general nature of the controversy which is to be submitted for decision is sufficiently defined or described. It is specifically provided that the controversy thus to be referred is to be adjusted—that is, determined, settled—by the body to which it is referred. "Adjustment" is defined in Webster as "reducing to just form or order; settlement." Its synonyms are "arrangement"; "regulation"; "settlement"; "disposition."

You will observe that the reference of the controversy here is not made for the purpose of a mere examination into the facts. It is made in order that an "adjustment" or settlement of that controversy shall be made by the signatories to this pact or agreement when they shall have been duly convened on the invitation of the immediate parties to the controversy. The language of this document permits of no other reasonable construction than this. It is the construction which any court would give to the language of the agreement if it were made between private individuals. If it had been the purpose of this agreement to provide that the signers of this document as a body should not have power to adjust or settle the controversy, but only to consider and report concerning it, it would have been easy so to declare. The arbitration treaties in 1914, commonly referred to as the Bryan treaties, all contained, in substance, the following language:

> The high contracting parties agree that all disputes between them of every nature whatsoever which diplomacy shall fail to adjust shall be submitted for investigation and report to an international commission to be constituted in the manner prescribed in the next succeeding article.

But the signers of this pact are given far greater power than that. To them "the whole subject" is referred not only for consideration, but the whole subject is referred to them for adjustment. That is to say, Mr. President, if effect is to be given to the plain language of this document, the United States, if it shall become a party to it, will bind itself to submit for settlement to a body composed of a representative or representatives of the British Empire, the Japanese Empire, France, and the United States all controversies affecting the rights mentioned in this document.

Gentlemen may cavil and explain, but that is what the language of this paper says, and that is what it means. It is true that the proposed treaty speaks of this gathering of these representatives of the high contracting parties as a conference. It does not make any difference what you call it. It is what the persons are authorized to do after they are convened that gives character to the body. And they are authorized and required to adjust the controversies mentioned which are referred to them.

Nor is it left optional with the immediate parties to the controversies whether they will refer their controversy for adjustment to this board or body. The language of the proposed treaty is that they "shall" invite the other high contracting parties to meet together, whereupon the whole subject will be referred to them for consideration and adjustment. Simply because an assemblage of the representatives of various nations is called a conference does not prove that such assemblage may not make decisions which will become binding upon the parties concerned.

Our distinguished Secretary of State recently declined in behalf of this country to send representatives to the Genoa economic conference, in which the Italian Government has invited various nations to participate at Genoa in the near future. Mr. Hughes's letter declining in behalf of this country to participate in that conference was published generally in the press of this country on March 9. And without taking the time to read the letter of Mr. Hughes, I call attention to the two reasons which he assigns for not participating in the conference. First, he declines to enter the conference because it "is not primarily an economic conference," and political questions will, he fears, be discussed; and, secondly, he believes that we should not participate in the conference with the present rulers of Russia, whom he holds "chiefly responsible for Russia's present economic disorder." Now bear in mind that the Genoa conference is to be purely a meeting for discussion.

Nothing has been referred to it or is to be referred to it for settlement. Yet the Secretary of State has decided that we ought not to participate in that conference because of the character of some of the subjects that may come up for discussion, and because of the policies of at least one Government which has been invited to participate in the conference. The same Secretary of State and the same administration which has taken this action with regard to the Genoa conference propose to tie us up with an obligation from which we can not escape for at least 10 years to go into conference with the two most imperialistic nations on the face of the globe, no matter what conduct they are guilty of, no matter what people or lands they may ravish in the meantime, no matter to what extent our own rights and honor may be involved. We can not decline to go into a conference with them if we should ratify this proposed treaty.

But, Mr. President, if the proposed treaty went no further than to require us to enter into a conference with the Governments mentioned over any controversy with them, including our rights and duties in the region of the Pacific Ocean, it would be bad enough. It is not difficult to foresee a situation where as a result of a continuation of those methods of aggression and exploitation which have characterized both the British and Japanese Empires in the past, it would be more difficult for a self-respecting nation to go into a conference with them than it was for the present administration to go into the Genoa conference. But this proposed treaty binds us, in the paragraph I am now considering, to go far beyond a conference. Indeed, what this paragraph provides for is not a conference at all. It is more in the nature of an arbitration. It requires us not only to confer, it requires us to refer, and refer for the purpose of obtaining an adjustment or settlement of all of those controversies between the parties mentioned affecting our said rights. Language could not well be broader in including the questions which are to be referred, and it could not well be more definite in prescribing their method of adjustment. The declaration which accompanies this proposed treaty shows that whoever prepared it knew that it provided in this paragraph for something more than a mere conference. That declaration provides, and I think that is a pretty good test—

> "That the controversies to which the second paragraph of article 1 refers (which is the paragraph I am now considering) shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective parties.

They exclude all such questions from the scope of jurisdiction which they confer upon this body. If it is only a meeting to confer and hold conversations, why was it necessary to take away from it all consideration with respect to domestic questions? The makers of this pact well understood that they were turning over to the jurisdiction of this so-called conference power to determine questions, and therefore they did not dare to confer upon them jurisdiction over such questions as Japanese immigration on the Pacific coast. If they are only to meet and hold conversations, why are they not to hold conversations about that as well as other questions?

I suppose that under this declaration or reservation if a controversy arose between Japan and the United States over the admission of Japanese to this country that it would be said that this was a question within the domestic jurisdiction of the United States. But why withhold that subject from the conference if nothing more than discussion was intended? It was clearly contemplated that the questions referred under the provisions of this paragraph are to be dealt with otherwise than by mere discussion. They are to be adjusted. They are to be settled. Hence purely domestic questions were excluded from consideration and adjustment.

It may be true, of course, that we can not be forced to acquiesce in the adjustment which is made of the questions referred. That is true of any agreement we might enter into. But, sir, once we become a party to this treaty we can not, without violating it, refuse, in case of a controversy, to invite the parties to meet together for the purpose of adjusting the controversy, and we can not refuse to abide by that adjustment when made, unless we are willing to repudiate the obligation we deliberately assume when we become a party to the treaty. It has been asserted in the debate by some of the proponents of this treaty that any settlement of a controversy submitted to the representatives of the parties signing this proposed treaty would have to be made unanimously at their hands.

Mr. HITCHCOCK. Mr. President, will the Senator permit a question?

Mr. LA FOLLETTE. Certainly.

Mr. HITCHCOCK. Take, for instance, the Hawaiian Islands, which are now inhabited by a mixed population of races, about one-half Japanese. Conceive that a number of years from now—for instance, when the Japanese are still more numerous than they are now, as they are likely to be—a race controversy arose and a hundred Japanese were killed, just as a number of Japanese were killed by the Russians in the island of Sakhalin. Japan met that situation by moving her army in and taking possession of Sakhalin Island. Would there not be some such controversy there between the United States and Japan, so that Japan might demand that it be settled by a conference of the four powers?

Mr. LA FOLLETTE. If it could be removed from consideration by a determination that it was a domestic issue, then Japan might not be able to insist that it should be considered by this

body which is created to adjust differences, but unless it be held that this conflict with respect to the rights of Japanese in the Hawaiian Islands is a domestic question, clearly it would come within the scope of the authority conferred upon the body created by this treaty to determine questions of controversy which arise between the high contracting parties.

Mr. SIMMONS. Who determines whether the questions raised are domestic or not?

Mr. LA FOLLETTE. That is not made clear by anything in this pact. That would have raised a great many questions here, which would have prolonged the discussion considerably, I think; but it seemed to be a part of the plan with regard to the consideration in the Senate of this crucial and determining treaty, which reaches out to control so largely the whole field, that it must be shortened and simplified as much as possible to avoid controversy.

Mr. SIMMONS. Did we not have the contention, when we were discussing the Versailles treaty, raised chiefly by Senators on the other side of the Chamber, that it was necessary to definitely prescribe, in the reservations, who was to determine whether any question was domestic or not; and was not the argument then made that unless that were done the right to determine what was a domestic question to America would be left to the league instead of to America?

Mr. LA FOLLETTE. I quite agree. My recollection of the debate as it progressed on the League of Nations is that all of these issues, it was argued, could be settled by reservation or by specific amendment, so that there could be no question or controversy about it. But here the matter is left quite open.

Mr. HITCHCOCK. I think the reservations which were adopted on the Versailles treaty went still further. They reserved specifically to the United States the right to determine whether a question was domestic or not.

Mr. LA FOLLETTE. I believe that is true.

Mr. SIMMONS. And that was insisted upon vigorously and persistently on the ground that unless that was done we would commit to the council the right to decide whether the particular question was a domestic question or not.

Mr. LA FOLLETTE. That comes back to me now with very great clearness. I recall that very distinctly. But here the whole question is left open for controversy.

Mr. SIMMONS. That is the point I was making.

Mr. LA FOLLETTE. I think the point is well taken.

Mr. KING. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. May I say, apropos of the question propounded by the Senator from Nebraska, that I do not think our Government or any other civilized nation would admit that the assassination of its nationals by some other Government or State was a purely local or domestic question which that State could determine as it pleased. That becomes an international question. If Japanese citizens were killed in Hawaii or American citizens were killed in the Pescadores it would be, notwithstanding the words "insular possessions," an international controversy, in my opinion.

Mr. LA FOLLETTE. That is quite true.

Mr. PITTMAN. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Nevada.

Mr. PITTMAN. I have in my hand the resolution of ratification of the Versailles treaty, and I wish to call attention to reservation numbered 4. I read only a portion of it, as follows:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating to its affairs, including immigration, coastwise traffic, the tariff, commerce, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or to the decision or recommendation of any other power.

Mr. LA FOLLETTE. May I ask the Senator from Nevada from what he is reading?

Mr. PITTMAN. I am reading from the resolution of ratification of the Versailles treaty.

Mr. LA FOLLETTE. As proposed by whom?

Mr. PITTMAN. These are the reservations adopted by the majority of the United States Senate.

Mr. LA FOLLETTE. And proposed by whom?

Mr. PITTMAN. They were proposed, most of them, by the Senator from Massachusetts [Mr. LODGE], the majority leader of the Senate.

Mr. SIMMONS. Mr. President, if the Senator from Wisconsin will pardon me, the Senator from Nevada read from the treaty a provision which President Wilson had put in that treaty upon his return to Europe, after he had brought the original draft here and conferred with various and sundry Members of this body. My recollection is that upon his return to Europe he incorporated in the treaty a provision similar to the one the Senator is now discussing, namely, that the treaty should not apply or be construed to apply to purely domestic questions, such as immigration, which I think was almost the language.

Now, with that very language or substantially the same language in the Versailles treaty as in this treaty, when that treaty came before the Senate the majority in this body insisted that the rights of the United States could only be safeguarded by the specific terms of the resolution just read by the Senator from Nevada in the reservation.

The two cases seem to me to be on all fours, and it is strange, with that history fresh in the minds of at least two of the delegates, that they should not have insisted upon incorporating in the treaty some such provision as they had insisted upon incorporating in the resolution of ratification of the Versailles treaty.

Mr. LA FOLLETTE. I am bound to say that I quite agree with the view expressed by the Senator from North Carolina. There is no provision in the proposed treaty which settles the question and determines what is and what is not a domestic issue.

Mr. GLASS. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Virginia.

Mr. GLASS. Right on that issue, Japan has frequently contended and Japan now insists that she has a right to participate in the coastwise trade of the Philippine Islands and in the trade from the Philippine Islands to the United States. I would like to inquire if the Senator from Wisconsin could state offhand whether that would be a domestic question or an international question?

Mr. LA FOLLETTE. I should be inclined to say that that is really a domestic question, but I can see that it might well be open to controversy.

Mr. GLASS. It already is being controverted.

Mr. LA FOLLETTE. I so understand.

Mr. PITTMAN. Under article 15 of the Versailles treaty I find this provision:

> If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

That was the provision as brought back in the treaty. It was not considered sufficient to protect the United States.

Mr. LA FOLLETTE. Even that provision had to be supplemented by reservations——

Mr. PITTMAN. By reservation No. 4, which I have just read.

Mr. LA FOLLETTE. Reservations such as were presented by the Senator from Massachusetts [Mr. LODGE].

Mr. PITTMAN. Yes; and adopted by a majority of the Senate.

Mr. LA FOLLETTE. That does not seem to have occurred to the representatives of the Senate who served as delegates to the conference which framed this treaty.

Mr. SIMMONS. One of the delegates who framed this treaty was in charge of the Versailles treaty when it was under consideration in this body.

Mr. LA FOLLETTE. That is true.

Mr. SIMMONS. And he is accredited at least with having written these reservations.

Mr. LA FOLLETTE. I think that is the record.

Mr. President, I want to bring the attention of Senators back to the line of my discussion, so I will repeat briefly.

It is true, of course, that we can be forced to acquiesce in the adjustment which is made of the questions referred under this treaty. That is true of any agreement we might enter into. But, sir, once we become a party to the treaty we can not, without violating it, refuse in case of a controversy to invite the parties to meet together for the purpose of adjusting the controversy, and we can not refuse to abide by that adjustment when made unless we are willing to repudiate the obligation we deliberately assume when we become a party to the treaty.

It has been asserted in the debate by some of the proponents of the treaty that any settlement of a controversy submitted to the representatives of the parties signing this proposed treaty would have to be made unanimously at their hands.

There is no such provision in the proposed treaty, and common sense would dictate the opposite conclusion. That contention would be good in the case of a technical common-law reference. But in such case the immediate parties to the controversy would not sit. When the representatives of the nations involved are convened in the manner provided in this article for the purpose of considering and adjusting controversies referred to them they will necessarily make their own rules of procedure in the absence of specific rules laid down in the

document which calls them into existence as a board or body. They must determine their own methods of procedure, which will include determining the vote by which their decisions will be reached and the manner in which their conclusions shall be stated. A minority can, of course, dissent. But the mandate which calls these representatives together requires them to reach a conclusion, to make an adjustment. And there is nothing express or implied in the document requiring that conclusion to be unanimous. But suppose we took the position that we would not be bound by a decision to which we did not agree, made by this conference or committee or body which we had convened for the very purpose of passing upon the question we had referred to it. What position would that put us in before the other parties to the treaty and before the world? If the decision of the majority were against us, as it would be certain to be in the large number of cases where the interests and purposes of the British Empire and the Japanese Empire were the same, we would be placed in the position of not abiding by the decision we had invoked, and we would be properly charged with having submitted our controversy to a tribunal of our own selection and then repudiating its decision because it was not rendered in our favor. No, Mr. President, if we ratify this treaty, if we become parties to this contract we submit to the tribunal for which it provides the questions for settlement or adjustment specified in this paragraph, and we must abide by the decision rendered. If we are not willing to abide by the results of the conference we must keep out of it altogether.

There is one further objection to this section, which I shall briefly notice.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, before he leaves that line of his argument, if it had not been clearly understood and intended that a majority vote should determine the question and should be a settlement of the dispute, does not the Senator think that the treaty makers naturally would have provided some method of settlement where there was no settlement because of the dissent of one member?

Mr. LA FOLLETTE. Absolutely so, Mr. President; and I think, therefore, that it is implied, and the implied provisions of a contract are just as binding as the expressed provisions. I think it clearly implied here that when the decision is reached all parties to it must be bound, in so far as they can be bound in any such instrument as a treaty, and that is up to the limits of their own honor.

Mr. SIMMONS. The Senator from Wisconsin says it is "clearly implied." Does not the Senator think it is necessarily implied?

Mr. LA FOLLETTE. I do think it is necessarily implied, if that makes it any stronger than the other statement.

Mr. SIMMONS. Because here is a provision for a settlement—an agreement that there has to be a settlement. If it depended upon a unanimous vote——

Mr. LA FOLLETTE. There might never be a settlement.

Mr. SIMMONS. There might never be a settlement. If it was the intention that it should be determined by unanimous vote, I take it that the treaty makers certainly would have provided what was to be done in case no settlement should be reached by a unanimous vote.

Mr. LA FOLLETTE. Clearly they must have done so. In contemplation of working out a consummation of the very purposes of this treaty they must have worked out a provision that would have covered that question.

Mr. SIMMONS. There can always be a settlement when the majority is to determine.

Mr. WATSON of Georgia. Will the Senator from Wisconsin allow me to interrupt him?

Mr. LA FOLLETTE. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Yesterday in his carefully written and carefully read address the Senator from New Jersey [Mr. EDGE], whose position was indorsed by the Senator from Connecticut [Mr. BRANDEGEE], took the position that nothing could be done under this proposed treaty except by unanimous consent. Does the Senator from Wisconsin think that that statement is warranted?

Mr. LA FOLLETTE. I think I have already indicated that it is an impossible conclusion to be drawn from the very terms of the treaty itself and from all that is sought to be claimed for it by its sponsors here in the debate.

Mr. PITTMAN. Mr. President, it will be remembered that the framers of the Versailles treaty, and particularly of the covenant of the League of Nations, felt that in international law it was essential to state in the instrument itself that no act could be performed without the consent of every member of the council of the League of Nations. Otherwise it was assumed that the ordinary parliamentary rule of a majority controlling would govern.

Mr. LA FOLLETTE. Exactly.

Mr. President, there is one further objection to this section which I shall briefly notice. That is that it clearly excludes all other countries than the high contracting parties from the meeting called to adjust the controversies referred to them, no matter how great the interest of such other country may be in the controversy. I have already pointed out that the controversies referred to the representatives of the parties to this pact include all controversies between the parties arising out of any Pacific question in which their rights are involved touching any of their Pacific possessions. Suppose, for example, Japan not only refuses to withdraw her troops from Russian territory but increases her forces there with the obvious design of still further encroaching upon Russia's sovereignty. Naturally, we would object, because our own interest in the Pacific might be seriously menaced by this further aggression of Japan. A controversy between us and Japan would therefore arise, which under the terms of this proposed treaty we would have to refer for adjustment as the terms of this section provide. Or suppose, again, that the Japanese should refuse to surrender the northern portion of the island of Sakhalin, which admittedly belongs to Russia and is now forcibly occupied by Japan, and we, believing that our rights in the Pacific are menaced, as they doubtless would be by such action on the part of Japan, make a protest, and again a controversy arises which must be submitted to the representatives of the four powers signing this document. Clearly in this controversy Russia is a necessary party. She is at least one of the parties in interest, and perhaps the principal party in interest. By the very terms of this document she is excluded from the meeting of the representatives of the four powers called to adjust the controversy. The language of the document is that they—meaning the immediate parties to the controversy—"shall invite the other high contracting parties." They are not authorized or permitted to invite any other power. That is made clear by the next portion of the sentence, which declares that the parties so invited shall meet in a "joint conference"; that is, a conference made up solely of the representatives of the parties so invited to attend. And it is to this conference so constituted that "the whole subject will be referred for consideration and adjustment."

I remember, Mr. President, when this particular question was under discussion, one day during the debate in the Senate two or three Senators—I think the Senator from Nebraska [Mr. NORRIS] among others—raised the question that any of the outside powers could be invited to attend such a conference as is provided for by the treaty. I think, however, the very terms of the treaty exclude them, as I shall presently show.

Mr. WATSON of Georgia. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. If it would not divert the Senator from the line of thought he is pursuing, I should like to present this suggestion to him: At the very time the conference convened in Washington the Japanese were trying to extirpate the schools, churches, and the converts whom the Christian missionaries from this country had financed and consecrated themselves to for the last 50 years; and yet not one word of expostulation was addressed to the Japanese representatives here in Washington. Can the Senator from Wisconsin explain that strange silence against the outrages which Japan was then committing upon the Christian churches of this country?

Mr. LA FOLLETTE. Mr. President, I would not undertake an explanation of that situation without unlimited time in which to go into the subject. I think that is one of the most fruitful sources of discussion which could possibly have been suggested. I have been astounded to find that some of the supporters of this four-power pact, who have heretofore been greatly exercised over and interested in the aggressions which the Japanese Government is making upon the people who have come within her sphere of influence, have apparently lost their interest in those helpless people.

Mr. WATSON of Georgia. May I trespass further upon the time of the Senator from Wisconsin?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. WATSON of Georgia. It has come to me from a source which I can not reveal, but upon which I rely, that the chaplain who opened the Limitation of Armament Conference with prayer, just as our Chaplain opens our sessions here with prayer, had in his prepared invocation alluded to the merits of the blood of our Saviour, Jesus Christ, but he was asked to strike that allusion out, and he struck it out.

Mr. LA FOLLETTE. In other words, he denied his Christ?

Mr. WATSON of Georgia. He did.

Mr. LA FOLLETTE. Why?

Mr. WATSON of Georgia. And he did it in deference to the nation which is now, in the persons of the Christian converts in Korea, again crucifying Him.

Mr. JOHNSON. Mr. President, will the Senator yield to me for just an instant?

Mr. LA FOLLETTE. I yield.

Mr. JOHNSON. The Senator has been discussing the very remarkable reservations which the American delegates attached to this treaty before the ink upon the treaty was dry, and he has been discussing something of the character of the domestic questions and the like which may be involved. I want to read, without comment, a very brief telegram which was published by the San Francisco Call on December 23 last, as follows:

JAP ENVOY ON EVE OF SAILING WIRES ADIEUS TO HARDING.

Katsro Mochizuki, member of the Japanese Parliament, prior to his sailing to-day for Japan, sent the following message to President Harding:

"I am leaving your country to-day with great joy and happiness. Let me once more, my dear President, tender my heartfelt respect to you. Between your country and Japan there are many things still to adjust under your leadership—such as, for instance, the fortification of Hawaii and our immigration question in California. I trust that your lofty and noble idea of statesmanship will do justice toward our country and people in California and Hawaii. Praying you to keep your good health for the sake of the peace of the world at large, au revoir.

"KATSRO MOCHIZUKI."

Mr. LA FOLLETTE. Well, Mr. President, if I were desirous of entering the field of prophecy, I should hazard the forecast that Mr. Mochizuki is not likely to be disappointed.

Mr. President, I feel that I must hasten along. I wish to cover a bit more of the ground which I consider essential to the proper discussion of this important document. I was setting forth a further objection, and I wish now to resume the thread of my discussion.

Introduce another party into the meeting of the four powers and it is not the joint meeting specified. And it is only to the joint meeting of the representatives of the four powers mentioned that the controversy is referred for settlement. Or take another illustration. It is well known that for years the Chinese Government has conducted a heroic fight against the use of opium and the opium traffic among her people and that the British Government has in years past, by the most brutal methods, forced opium upon the people of China. While latterly, I understand, the British policy has changed in this respect, it is still true, authorities upon that subject state, that the principal difficulty the Chinese Government has in combating the evil arises from the fact that opium may be freely bought and traded in in the territory covered by the foreign concessions, and particularly by British concessions. Under the present arrangement the Chinese Government is powerless to stop the traffic in that large portion of her territory practically under British control. Our own interests in the Pacific are, of course, affected by anything that involves the debauching and the demoralization of the Chinese people. And suppose that we make a protest over this or any other matter involving British aggressions in China. A controversy arises which under this proposed treaty must be referred for adjustment in the manner I have described. China can not be a party to it. Here, Mr. President, is the great vice, or at least one of the great vices, of this compact. When we become a party to it we must either make up our minds to go along with the Japanese Empire and the British Empire and acquiesce in whatever they may choose to do in the regions of the Pacific Ocean or, if we protest against their conduct because our own vital interests are involved, we must submit the issue so made for adjustment to a body a majority of which we know in advance is packed against us.

SECTION 2.

My interpretation of section 1 of the proposed treaty is made more conclusive, if that is possible, by consideration of the language of section 2. That section is as follows:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Note well the language: "If the said rights are threatened by the aggressive action of any other power," what happens? Not a meeting together in some designated place by the representatives of the parties to the treaty to consider the case and render a decision as is provided for under section 1, but the parties will communicate with each other. If nothing but communications were contemplated under section 1, why the great difference in language and the entire difference in the scheme of the two sections? Section 1 contemplates that trouble may arise between the parties and it provides a body by which the causes of the trouble will be investigated and which shall then adjust or settle the difficulty. Section 2 contemplates that trouble may arise between a member or members of the pact and some outside power or powers, and it provides an entirely different method of dealing with that situation.

Section 2 contemplates: (1) Aggressive action by some outside power against one of the four signers of the pact; (2) immediate communication between the parties to the pact in order to arrive at an understanding; (3) the understanding arrived at is to embody the most "efficient measures" to meet the aggressive action of the outside power. That is as far as the specific language of the section goes.

Of course, any Senator may argue if he chooses that the efficient measures to meet the aggressive action of a hostile power consist in sending out a delegation with olive branches to talk over with the enemy the matter of its wicked conduct. That seems to be about all that the proponents of this proposed treaty are willing to admit that we obligate ourselves to do under this section. I have marveled, sir, at the arguments made by distinguished Senators in this body during the last few days in an effort to show that this section imposes no obligation upon us to meet the aggressive action of an enemy power with anything more deadly than talk. We all know that what is implied in a constitution or in a statute or in a treaty is just as much a part of the document as what is expressed. Our Government depends to-day for its life and vitality and operation as much upon the implied powers of the Constitution as upon the express ones.

Not only that, sir, but it is the implied rights and duties that attach to all contracts and to all relations in life even more than those which are expressed in words that make it possible for men to live together in a civilized society. Now, sir, the whole scheme of this document is that the high contracting parties are entering into a partnership, or at the very least a joint adventure. By this document they agree to combine together, separate and distinct from all other powers of the earth, for certain purposes, and they declare that they have certain interests in common which it is necessary or at least desirable to protect by means of this combination. By this act alone they make themselves joint adventurers at the very least, and these at once attach to them all the obligations of loyalty and devotion to their joint interests as opposed to all other interests which the law attaches to the relation of partners or joint adventurers.

Lloyd-George, speaking in the House of Commons August 18, 1921, only six months ago, anticipating the results of the Washington conference, said:

If the alliance with Japan could merge into a greater understanding with Japan and the United States on all problems of the Pacific, that would be a great event which would be a guaranty for the peace of the world.

Every war-breeding alliance between nations since the dawn of history has been declared to be in the interests of the peace of the world.

Continuing, Lloyd-George said:

I am still hopeful that such an understanding as would make us feel that this partnership would be established will cause as a result of the coming conference at Washington. (See N. Y. Times, Aug. 19, 1921.)

He had a pretty good understanding, Mr. President, as to what would be accomplished at this conference.

The universal acclaim with which this four-power pact has been greeted by the leading statesmen of the British Empire, including Mr. Lloyd-George, leaves no doubt that in their estimation the hope he expressed was realized in the document now before us. He calls it a partnership. I have used the somewhat looser term of joint adventurers. In either case the same duty attaches to the relationship, which requires the parties to stand together, to work together, and to protect and advance the rights of all in the subject matter of the adventure or partnership against the act or acts of any other power or powers of the world.

Now, sir, recognizing this as the plain obligation which the parties assume from the relationship, it is worse than idle to attempt to argue that this section of the treaty does not obligate us to use force whenever force is the "most efficient measure" with which to repel the aggression of some outside power upon the rights of one of our copartners or coadventurers under this proposed treaty. I shall not consume the time of the Senate in discussing a proposition so obvious.

SECTION 3.

Section 3 of this proposed treaty is as follows:

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

The only point that I wish to make upon this section is that if we ratify this treaty we become bound absolutely to continue under it for the period of 11 years. You will note the entire absence from this proposed treaty of a provision common to many treaties that either party may terminate it upon giving a certain specified notice. Once we ratify this proposed treaty there is no escape for us for 11 years at least. No matter what the conduct of our associates may be during that time, we can not withdraw from the enterprise upon which we enter with them when we become parties to this document. For 11 years at least we are married to them. We must meet with them in conference. We must submit to them for adjustment questions vitally affecting our rights and our national honor, and no matter how divergent or irreconcilable our views and policies may be, for 11 years we are bound to continue in this unnatural relationship.

If any Senator can tell us or tell the people of this country what there is in the history of the British Empire or the Japanese Empire, or in their present conduct or future prospects, which makes him desire to unite the destinies of this Nation with them for 11 long years, I will be glad to listen to his reasons. But, for my part, Mr. President, I know that the road to peace and prosperity for us and our highest service to the world lies in keeping free from this particular combination. We can only serve the world and our own people while we are free to pursue our own ideals and our own ambitions in an effort to uphold freedom and democracy and the rights of the common man.

These, sir, are not the ideals of either of these empires with which we are asked to associate ourselves. Such an unnatural association, Mr. President, must inevitably lead us into conflict with our associates, or we must surrender those principles of liberty and equality which are fundamentally obnoxious to the Empire of Japan and to establish which we fought two bloody wars with the British Empire.

SECTION 4.

The fourth and last section of this treaty provides:

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties, and shall take effect on the deposit of the ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan which was concluded at London on July 13, 1911, shall terminate.

I have now read all the provisions of this proposed treaty excepting its formal parts. We are told by the proponents of it that the chief and, indeed, practically the only value of this treaty to us lies in the last three lines which I have just read. What are they? I repeat them:

Thereupon the agreement between Great Britain and Japan which was concluded at London on July 13, 1911, shall terminate.

Those lines provide that upon the ratification of the pending treaty the treaty concluded between Great Britain and Japan on July 13, 1911, shall terminate. That treaty is commonly referred to as the Anglo-Japanese alliance. That alliance was originally formed in January, 1902. It was modified and renewed in August, 1905, and was again renewed on July 13, 1911, for 10 years more, with the right on the part of either party to terminate it upon one year's notice after the 10 years had expired.

The Senator from Massachusetts, who with the Senator from Alabama has had the principal charge of the treaty in the Senate, in expounding its terms for the benefit of the Senate said, as reported in the RECORD of March 8, 1922:

The chief and most important point in the treaty is the termination of the Anglo-Japanese alliance; that was the main object of the treaty.

Again, on page 3551 of the CONGRESSIONAL RECORD, the Senator, speaking of the work of the American delegation in the preparation of the treaty, said:

We were clearly of the opinion that there lay before us three great objectives, three dominant purposes to be attained. One was the termination of the Anglo-Japanese alliance. The next was an agreement between the five principal allied and associated powers sitting at the table for reduction of naval armament. The third was to accomplish all that was possible to aid China.

The matter of the so-called aid to China and the reductions of naval armament is taken care of in separately proposed treaties, which will be discussed somewhat at length later, so that the only point made, so far as the four-power pact now before the Senate is concerned, was that it terminated the Anglo-Japanese alliance.

Again, on page 3552 of the RECORD, the Senator from Massachusetts says:

The treaty now before us terminates the Anglo-Japanese alliance. * * * It is not necessary for me to go into detail as to the reasons for my opinion as to the great importance of this single achievement. It is sufficient to say that in my judgment the Anglo-Japanese alliance was the most dangerous element in our relations with the Far East and with the Pacific. * * * That menace to peace is removed by the four-power pact treaty. * * * While that alliance was in existence reduction of naval armament was difficult, if not impractical.

I might read many other quotations from the speeches of the Senator from Massachusetts and the Senator from Alabama and other proponents of this proposed treaty to show that substantially the only merit claimed for the four-power pact now before the Senate is that if adopted it will terminate the Anglo-Japanese alliance.

The provision of the Anglo-Japanese treaty of July 13, 1911, and the only one which can be construed as in any way menacing the United States, is that which is contained in article 2. Article 2 of the Anglo-Japanese treaty of July 13, 1911, is as follows:

If by reason of unprovoked attack or aggressive action wherever arising on the part of any power or powers, either high contracting party shall be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this treaty—

That is, in the Far East, and that is the only thing mentioned in the preamble of the treaty—

the high contracting parties will at once come to the assistance of its ally, and will conduct the war in common and make peace in mutual agreement with it.

Now, Mr. President, when we put aside the ominous, mysterious, and threatening innuendoes of the gentlemen who claim that the Anglo-Japanese alliance is such a menace to the United States and look at the language of that alliance itself, we find that it has nothing to do with the United States unless the United States should make an unprovoked attack upon either the Japanese or British Empire in the Far East or take unprovoked aggressive action against one or both of them.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. I yield.

Mr. CARAWAY. Every one of the Senators who now profess such relief that the Anglo-Japanese alliance has been abrogated was opposed to the Borah resolution, which brought about this conference out of which this treaty grew.

Mr. LA FOLLETTE. Certainly.

Mr. CARAWAY. So all their alarm has arisen over the Anglo-Japanese alliance, since over their objection and that of the President the resolution was adopted and the conference was called.

Mr. LA FOLLETTE. That is absolutely true. In other words, the Anglo-Japanese alliance has been brought forward by those who want to tie us up with imperialistic governments for the prosecution of great enterprises among the helpless peoples of the world, and they have taken this Anglo-Japanese alliance and, by subterfuge, have made it appear as a menace to the people of this country and their Government. How many people in the United States have been losing sleep in the last 20 years because of the existence of this treaty? During the 20 years this treaty has been in existence Great Britain was powerful on land and sea; from London, the financial center of the world, she dictated to the business interests of the world, and yet in all those years we heard nothing of the menace of the Anglo-Japanese alliance. Did we hear anything of its menace in 1902, 1906, 1910, or 1914? No; it was only when it was desirable to resurrect it and to project it into this discussion in order that we might be brought into this combination, so desirable to the big interests of this country for the exploitation of all the natural resources of the world.

The plain English of it simply is that if we make an unprovoked attack upon Great Britain, Japan will come to her aid; or if we make an unprovoked attack upon Japan, Great Britain will come to her aid. Now, sir, so long as Japan and Great Britain honestly carry out the terms of that treaty and take no joint action against the United States until the United States makes unprovoked attack upon one or the other of them in the Far East—and that is the language of the treaty—there is not the least possibility of trouble for us in the Anglo-Japanese alliance. If, on the other hand, the Japanese Empire or British Empire does not intend to carry out the terms of this treaty honestly, but either or both are intending to use the language of this alliance as an excuse for making an unprovoked attack upon us, then they are not to be trusted to enter into this four-power pact, or any other agreement, with us. If they will carry out honestly the Anglo-Japanese alliance, we are not in the least danger. If they will not carry out that treaty honestly, there is no reason to suppose that they would honestly comply with the treaty we are now asked to make with them.

But more than this, Mr. President. If this Anglo-Japanese alliance is any menace to the United States, that menace will not be removed by our ratification of this four-power treaty. On

the contrary, it will be aggravated by it. After noting the apprehension with which our distinguished representatives who negotiated this treaty viewed the Anglo-Japanese alliance, I turned once more to the four-power pact they offer us as our sole means of salvation from the peril of this threatening alliance, and I found to my astonishment not a line or a word in it to prevent the renewal of the alliance between the Japanese Empire and the British Empire whenever they choose to renew it.

There is a provision in this treaty which, if ratified by all the high contracting powers, will terminate that Anglo-Japanese alliance, but there is no provision in this pending treaty which pledges Great Britain and Japan not to form another alliance. Follow me just for a moment.

At any moment after we have ratified this treaty the British Empire and the Japanese Empire can renew this alliance. They can renew it in exactly the same terms in which it is written to-day, and there is nothing in the treaty now offered us which forbids their doing this. Ah, but it will be said that two such honorable sovereigns as His Majesty the Emperor of Japan and His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas and Emperor of India would not do so dishonorable a thing. Wouldn't they! I find that these worthy monarchs, when they entered into the Anglo-Japanese alliance, thought it wise and prudent to contract against doing exactly that sort of thing. They did not dare to trust each other as we are now asked to trust both of them.

Article 3 of the Anglo-Japanese alliance provides:

> The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another power to the prejudice of the objects described in the preamble of this agreement.

These two Governments had been allies for a good many years prior to the time they negotiated this alliance of 1911. They had been allies since 1902. They knew each other. They evidently believed that it was a wise precaution on the part of each to bind the other not to enter into a separate arrangement with some other power to the prejudice of the agreement they were then making.

If it was a wise and proper precaution for these powers to take thus to protect themselves from each other, certainly it is the greatest folly on our part not to take at least equal precaution to protect ourselves from both of them.

I wonder if our delegates were asleep on this proposition. They say they were reaching out eagerly to secure the abrogation of this Anglo-Japanese pact, and in it they found recorded against each of the other parties to it the suspicion that they might on the side enter into secret compacts prejudicial to the terms of that compact, unless they were bound not to do it. Yet it seems to have occurred to none of the delegates who were intrusted with the honor and the interests of the United States to so protect us against Great Britain and Japan from entering into another Anglo-Japanese treaty just as soon as they have secured our ratification of this proposed treaty. * * *

Mr. WALSH of Massachusetts. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. How could the Anglo-Japanese alliance be a menace to this country except by some unprovoked aggression on the part of Japan and Great Britain toward our country or by some international conduct on our part that would cause war?

Mr. LA FOLLETTE. Yes, Mr. President; and let me limit the suggestion of the Senator a little further. By the very terms of the treaty, aggression upon our part had to be in the Far East. We might have attacked Great Britain and we might have attacked Japan elsewhere than in the Far East, and then we would not have incurred the hostility of the combined nations under the terms of that treaty to repel the attack. The only thing that treaty provides against, so far as outside powers are concerned, is an aggressive attack against their interests by an outside power in the Far East, and then they are bound to combine to repel that attack. The United States had no disposition to attack, as, of course, we know we had not. We know that if we obey the admonition of the founders of this Government, we will not have trouble in the Far East. We know if we pursue the policy we have pursued for almost a century and a half no trouble will be had with our foreign neighbors. The only reason, the only menace, that the Anglo-Japanese alliance could possibly be to us was that we might offend the two powers combined and bring about a combined attack of those two Governments, provided we invaded what they considered their rights in the Far East.

Mr. WALSH of Massachusetts. Can the Senator imagine a greater reflection upon our self-respect than to say that we have joined in an alliance with these nations because they were a menace to us in that they were likely to do something injurious to our peace when our back was turned?

Mr. LA FOLLETTE. No; I can not.

Mr. WALSH of Massachusetts. What would the Senator think of a man who would join in an agreement to cooperate and unite with two men who were attempting to rob and assault him simply to prevent their unlawful acts being taken against him?

Mr. LA FOLLETTE. I go a little further than that, and I say that the combined efforts and the propaganda used to manufacture the Anglo-Japanese treaty into a present peril was a subterfuge on the part of all who engaged in it. It is a betrayal of the interests of this Government to twist the Anglo-Japanese treaty into a menace, for the purpose of bringing us into this combination and reversing the policy under which we have grown to be a great and independent Nation before all the world and an example that is inspiring to all people who love liberty and equality.

Mr. KING. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. KING. Can the Senator give any reason why, when the call was made pursuant to resolution of the Senate for this conference, the four-power pact was not indicated or cited as one of the paramount purposes of the conference? Can the Senator give any reason why that was not mentioned in the call, mentioned in the agenda, mentioned in the address of the President to the conference, and in the address of Secretary Hughes? Can the Senator account for the reason now that when the conference was called to limit armament, which was the great and paramount purpose of it, that seems to have been subordinated now and this is mentioned as the transcendent achievement and the great and paramount work of the conference?

Mr. LA FOLLETTE. I can only say that I believe that it was the theme that was uppermost in the minds of those who brought about the conference—the President and his administration advisers.

Mr. WALSH of Massachusetts. I would like to say to the Senator from Utah that I had printed in the RECORD this morning a statement by the editor of one of the leading Canadian papers, in which statement he makes the claim that Canada's opposition to the Anglo-Japanese alliance and the pressure which Canada brought upon Great Britain to get rid of it was the reason for this subject being on the agenda of the conference.

Mr. SHORTRIDGE. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from California.

Mr. SHORTRIDGE. I venture to call attention to what the President said in his invitation to the powers to this conference. I would like the attention of the Senator from Utah [Mr. KING] to page 18 of the document—Document No. 126. There the Senator from Utah and other Senators may read as follows, if the Senator from Wisconsin will pardon me taking this much of his time:

> It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

In other words, the invitation was broad enough and comprehensive enough to warrant our representatives in taking up and considering and reaching the agreement indicated by this so-called four-power treaty, as later on I shall hope to make very clear to any senatorial mind.

Mr. LA FOLLETTE. Surely we have had enough of secret treaties in recent years. We certainly ought to take the precaution to protect ourselves against them that those nations took to protect themselves from the danger that each would make a counter alliance against the other.

No, Mr. President; let no man be deceived by the talk of danger to the United States in the Anglo-Japanese alliance. That alliance has existed for more than 20 years, and until the agitation started a few months ago to fasten this agreement upon our people no one in this country ever suggested, so far as I have heard, that there was any danger to us in that alliance. Attention in this country was first called to it seriously by the British talk of terminating it. The fact is, as shown by the speech of the Senator from Massachusetts [Mr. LODGE], that the sentiment in the British Empire for scrapping the arrangement was very strong, especially in the Dominion of Canada, even before the Limitation of Armament Conference

was called. New Zealand and Australia preferred to have the alliance continued, but favored no alliance not satisfactory to the United States. It had become simply a piece of political junk as far as Great Britain was concerned which they wanted for many reasons to get rid of anyway, and her statesmen hit upon the clever idea of polishing it up and selling it to our delegates at the conference as something of great value.

Why, Mr. President, there has not been a time in a hundred years when Great Britain was so incapable of waging war as at the present time. Until she can at least pay the interest on the debt she incurred in her last war she is not likely to undertake another one, and particularly with the United States. At no time during the 20 years and more that the Anglo-Japanese alliance has existed have we ever feared it or had the least reason to fear it, and to attempt at this particular time to distort it into a menace to the United States is grotesquely absurd and smacks of intellectual dishonesty. Imagine Australia and New Zealand, who hate the Japanese as they do the plague, making war upon us in behalf of Japan. Picture Canada, our next door neighbor and lifelong friend, bound to us by the ties of race, language, and religion, and a century of friendship and close association, marching an army against us at the command of the yellow race. No one knows better than the British statesmen that they could not raise and send against us a single regiment of Englishmen merely to fight the battles of the Japanese. Besides all this, Britain's empty treasury and her domestic troubles everywhere make a formidable war unthinkable for her for years to come. With millions of her subjects in open revolt and millions more covertly plotting her downfall, it would be sheer madness for her to enter upon a war against the United States, and particularly as an ally of Japan. Nor is Japan likely to tempt fate by making war against us with the Russian Bear aroused and eager to strike her at the first opportunity in retaliation for the insults and wrongs heaped upon Russia by the Japanese Empire.

I was astounded, Mr. President, at the easy attitude of one of the representatives of the Senate at the conference that there was not any likelihood of trouble for 10 or 11 years from Russia because she could not very well be aggressive.

Mr. President, Russia had an army of 7,000,000 well-trained soldiers that participated in the great World War. She hurled her legions against the German line and drove it back until internal discord broke her military power. Those trained men by the million are in Russia to-day. The natural resources of that country are probably the richest anywhere in the world outside of our own, and our own are being now pushed along many lines toward rapid depletion. Let her effect a combination with some outside power—and nobody for a moment supposes that the power of the German nation is broken—and what would be the result? I think it is beginning to dawn upon the minds of those who made the Versailles treaty that they themselves have got to rescue Europe from the terms of that treaty; that they have got to reinstate the German people in a position where they can be industrially productive again if they hope to save Europe from utter financial destruction.

We are arraying ourselves in this combination against China, India, Russia, Germany, and all the central powers. There will be a day of settlement. Time works out many transformations.

Mr. President, there is some other reason for the attempt to force this treaty upon us. And that reason is found in the desire of the great interests which control the Governments of both those countries to secure the cooperation and protection of the United States in their further schemes of exploitation and Imperialism. We know the shameful history Japan has made in recent years in Korea, China, and Siberia. We know what Great Britain has done and is doing in India, China, Egypt, and elsewhere. Both those countries have shocked and horrified the civilized world with their disregard of treaty rights and the rights of neutral nations and weaker peoples. What they have been doing in the countries mentioned in recent years they wish to continue to do. But they wish to continue to do it with the sanction and, if possible, the cooperation and protection of the United States.

Great Britain, so eager for spoils, increased her holdings at the Paris conference until she so extended her dominions that she is breaking under the strain at many points.

In this connection I will read briefly from an article in the January, 1922, number of the National Review, published at London, entitled "The new Pacific pact," by T. Okamoto, London correspondent of the Tokyo and Osaka Asahi:

> The inclusion of America and France in the new pact is considered in Japan to be merely an extension of the Anglo-Japanese alliance and causes no uneasiness but the greatest satisfaction. Japan's concern is limited to the question of whether concerted action of four powers will be more effective than the benefits obtained by an alliance between the two powers. One criticism of the inclusion of more powers in a Pacific pact was that "there was too much water in the whisky." This might possibly be the case if there were any attempt on the part of one of the powers to impose upon the others a line of policy or to insist on its particular interests without regard to the benefits of the other parties, including China.
>
> It is essential that the powers should keep themselves informed of the changing situation in China and take precautions to adjust their policies according to the variations which are taking place, and if the original aims of the new pact are to be fulfilled success must depend upon the cordial cooperation of all the powers concerned, and especially on that of the two powers with the largest interests involved.

Here you have the whole scheme in a few sentences. It is published in the leading British journal by a leading Japanese correspondent. The Anglo-Japanese point of view, here clearly expressed, is that this pact is simply a means of taking us into the Anglo-Japanese alliance. This, of course, saves the benefits of the alliance to Great Britain and Japan, and by taking us into it makes it something of great value to those countries.

They are a little afraid that our coming in will dilute the whisky somewhat. In other words, they assume that if we enter into their plans for exploiting China and the other defenseless peoples of the Far East they will have to divide the spoils with us. While they apparently regret this necessity, their view, as clearly expressed by this writer, is that our presence in the combine will be worth far more than it costs. Perhaps in view of our conduct in the Philippines, in San Domingo, and Haiti they believe that we will be agreeable to their somewhat more brutal methods of exploitation. It will be noticed that this writer says that if the parties to this pact will fully cooperate with each other all will be well.

That, Mr. President, is what this compact is for; it is to secure our cordial cooperation with Japan in her atrocities in Korea, in China, and in Russian territory. It is to secure our cordial cooperation with Britain in her debauchery and robbery of the Chinese and in holding India in subjection, and thus strengthen her so that she may continue for a while longer these policies and aggressions which have made her so well hated throughout the world. That, Mr. President, is what this treaty is for. That is what it is expected to accomplish. And that is what it will accomplish if we ratify it. The ratification of this treaty means the fulfillment of the plans and ambitions of the imperialists, not only in the British Empire and the Japanese Empire but in these United States as well.

This treaty, Mr. President, makes for war and not for peace. How can it make for peace to unite our destinies with those of the two great island empires whose only political principle is that they must conquer and exploit weaker peoples in order to maintain their existence and their commercial supremacy.

But I speak, Mr. President, not only of the shame of such a partnership as we are asked to form but of the danger of it. It is true that at present Germany and Russia are prostrate and China is impotent. But that condition will not last. It can not last. The day will come when these great countries, with their innumbered millions of subjects, will recover their strength and power, and then woe to the nation and combination of nations which united to oppress and exploit them in their time of weakness and distress. If we ratify this treaty, Mr. President, it means that we deliberately take our place with Japan and Great Britain and the imperialists of France in order to profit by the misfortunes of Germany, Russia, and China, and we will be called upon to pay the penalty, even as the British Empire and the Japanese Empire must pay the penalty of their misdeeds. No, Mr. President, fortunately for us, the path of honor and of self-interest is the same in this case, and that path leads away from this unholy combination of exploiting nations. Let us keep our ancient and honorable position of freedom from entangling alliances. In that position we can follow our own ideals and we can support the cause of justice and condemn acts of injustice among nations according to our own convictions of right and wrong. Both our honor and our self-interest require that we should maintain ourselves in that position by rejecting this proposed treaty.

Mr. SHORTRIDGE. Mr. President, in the purer and better days of the Roman Republic, when the conscript fathers met to consider domestic or foreign affairs, there was this maxim, "Let every man write upon his brow his thought concerning the republic." In what I have to say this day I shall endeavor to speak in the true spirit of that maxim, without malice toward any nation, assuredly without any unkind feeling toward any Senator, asking charity, as I hope always to bestow it, upon those who differ from me.

I think I appreciate the gravity of the question submitted for our determination; I hope I appreciate my own duty. I think of America; I exalt America; I would serve America. I think of my own country and have uppermost and foremost in my mind the welfare of our people. My love for this country is not confined to State boundaries. The interests of Maine, or of Georgia, of Florida, or of Kentucky, are, nationally speak-

ing, as dear to me as the interests of the great State which has overhonored me in permitting me humbly but very affectionately, in part, to represent her. The expression of these sentiments may seem unusual, but I hope not untimely.

I have heard much during this discussion which was amazing, disturbing, and, I fear, hurtful. Friendly nations have been denounced, and vials of wrath poured on the heads of peoples lately our associates in the Great War. Listening to these vituperative addresses, one unacquainted with facts would suppose, Mr. President, that we were at war with all the nations of the earth or with those who but yesterday sat at the conference board and with whom we are now asked to join in friendly treaty. One would suppose that we were at this moment marshaling our forces to strike at Japan or at France or at Great Britain. But I thank God reverently that we are at peace with all the nations of the earth; and may it be so forevermore. I am convinced that what we are asked to do will be in the interest of the peace and happiness of our country, and the peace and happiness of the world, and therefore I shall vote to ratify this treaty.

Mr. President, we are at peace with all the world and we were at peace when our great peace-loving President sent an invitation to certain nations to gather here in our Capital, to sit down at the council board in conference to consider matters of high and vital importance to our own people and to the peoples of the nations invited. It has seemed to me during the debate that passion or prejudice has put out the light of reason. I will not say that personal ambition has prompted utterances, but it has seemed to me that passion or prejudice has prevented those who have discussed this question from bearing in mind the past, the present, and the future—has prevented them from keeping uppermost in mind the purpose of the President as announced in his invitation. There can be no doubt whatever but that every good man and every good mother in this land applauded and thanked the President for sending forth that invitation, which expressed the noble and righteous motive and purpose of this Nation. I do myself a pleasure and, I hope, the cause I stand for a service by putting into this RECORD once more the historic invitation of the President of the United States extended to Great Britain, France, Italy, and Japan. I trust my time will permit me to read it and that it will not be unwelcome to the ears of Senators who do me the honor to be present and to listen.

THE PRESIDENT'S INVITATION TO POWERS.

The President is deeply gratified at the cordial response to his suggestion that there should be a conference on the subject of limitation of armament, in connection with which Pacific and far eastern questions should also be discussed.

Productive labor is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced. It is idle to look for stability, or the assurance of social justice, or the security of peace, while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress. The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity; and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the powers most largely concerned find a satisfactory basis for an agreement to effect their limitation. The time is believed to be opportune for these powers to approach this subject directly and in conference; and while, in the discussion of limitation of armament, the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of warfare may be suitably controlled.

It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as to principles and their application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and far eastern problems of unquestioned importance at this time; that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

I particularly invite the attention of the Senate to the following paragraph in this invitation which I am reading:

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance, the President invites the Government of the French Republic to participate in a conference on the subject of limitation of armament, in connection with which Pacific and far eastern questions will also be discussed, to be held in Washington on the 11th day of November, 1921.

Mr. President, I have made this document a part of my remarks in order that those who may chance to read the proceedings of this day may have before them this invitation, and may see again the purpose of the conference as thus outlined by the President, and in order that that purpose may not be obscured or forgotten—in order that the motive behind the conference, the altogether commendable motive of our President, may be kept in all our minds. Let us see, as we proceed, whether that motive ran through all the proceedings and governed the deliberations and actions of the honorable men who represented you and me and our country in the conference called into being by the President.

I believe that the motive actuating the President and each and every one of our representatives was pure, patriotic, loyal, commendable, and that the hope of each and every one of these honored and honorable men was that they might render some service to their country. I hasten to add that I think every Senator is similarly actuated. If we differ, we differ as patriots. If my views are not in harmony with yours, I cheerfully admit that you are actuated by the same motives that prompt every word I shall utter and every vote I shall cast. I can not suffer myself to believe that the Secretary of State or the Senator from Massachusetts or the Senator from Alabama or Mr. Root was actuated by other than the highest motives, patriotic motives, good motives. All they did, all they said, everything done, everything said by them, was, according to their minds, for the welfare of their country, which they love and would serve just as faithfully as any Senator in this Chamber.

A similar invitation, Mr. President, was sent also to China, to Belgium, to the Netherlands, and to Portugal, with each and all of which countries we are at peace; and so it came about that there were nine nations assembled around the table of conference here in the Capital of this Republic.

President Harding recognized, as we all recognize, the condition of the world, and he thought that such a conference would result in benefit to America and to the whole of mankind. Therefore this invitation was extended to those nations whose interests seemed to lie largely here in the greatest of our oceans, in the Pacific, out upon whose billows I have looked so many times. These invitations were accepted by these several nations. Their acceptances are matter of record. They are printed here and all may read, and I assume that all Senators are entirely familiar with the several acceptances of these eight different nations.

No one, unless he is perversely insistent upon inputing wicked motives, can see any wrong motive in the acceptances by these different nations. They severally respond to the sentiment expressed by our President. These acceptances breathe a commendable and peaceful spirit.

INDEPENDENT SOVEREIGN NATIONS.

It ought to be remembered that these nations came voluntarily to this conference. They were sovereign independent nations. I undertake to say, and I do say, that each and every one of these nations came here voluntarily; they came as independent sovereign nations, even as we were an independent sovereign Nation; they conferred together as independent sovereign nations; in so far as our representatives and theirs could agree, subject to constitutional approval of their acts, they agreed as sovereign independent nations; and finally, I undertake to say, and I do say, that each and every one of these nine nations having met as sovereign, having conferred as sovereign, having agreed as sovereign, having parted as sovereign, stands to-day a sovereign nation. When my country shall have entered into this agreement, if it does, it will continue a sovereign Nation, unbound and unshackled, the master of her own destiny, and we, the Congress, will continue to have the power, cooperating with the Executive, to shape the policy of this Nation in peace time and in war time.

In other words, Mr. President, this agreement, this treaty, does not strip this Nation of any of its sovereign power. It does not bind us to war. To anticipate somewhat my argument, this treaty could not bind us to war. The learned Senators of my profession when in private life know full well, and the people ought to be told or reminded, that no treaty is valid which undertakes to withhold from or deprive Congress of the power to declare war. Any treaty which undertook to bind this Nation to enter into war would be utterly and completely null and void, ab initio, from the beginning unto the end.

The treaty-making power, I remind Senators, is not all-comprehensive. There are well-known limitations to the treaty-making power, and I wish to emphasize, if I may, that if this four-power treaty undertook directly, expressly, or impliedly to commit this Nation in the future to an act of war, or to a declaration of war, it or any such provision in a treaty would be utterly null and void. The Constitution, the supreme law, vests in Congress the power to declare war, and just as any statute is void if it runs counter to the Constitution, so any treaty is void if it similarly runs counter to the Constitution. But I hope it will come to be realized and clearly apprehended that this treaty does not undertake to deprive the Congress of any of its constitutional power in respect of a declaration of war. That power vested in the Congress remains there, and any effort on our part, as a branch of the treaty-making department, to take that power away from the Congress would be a vain and idle effort of no legal or binding effect.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from California yield to the Senator from Missouri?

Mr. SHORTRIDGE. Certainly.

Mr. REED. May I ask the Senator if he supported the League of Nations?

Mr. SHORTRIDGE. I not only did not support the League of Nations; but, following the banner lifted high by my learned friend from Missouri, I opposed it with all my might and all my power, though far away and probably unheard beyond the Rockies.

Mr. REED. I thought that was true, and I am sorry the Senator has abandoned my banner; but that is not the point.

Mr. SHORTRIDGE. No; I have not abandoned that banner.

Mr. REED. I wish to ask the Senator if at that time, when he was opposing the League of Nations, he did not make the argument that it committed us to war, and urged that as an insuperable objection to it?

Mr. SHORTRIDGE. I think I can answer in a few words. I was opposed to the League of Nations. I thought, with the Senator from Missouri, that it set up a supergovernment, and that by virtue of many of the provisions of the covenant of the league we were and would become bound to abide the decision of other peoples and others nations, and that we would not continue to be what we were and what we hoped to be, what I think we still are, namely, a free, independent, sovereign people, and under our Constitution masters of our own fate in peace and war. For that reason, thus broadly stated, I opposed the League of Nations.

Mr. REED. The Senator makes the point that the treaty-making power can not enter into any compact legally committing us to war because the Constitution of the United States does not confer that power upon the President and the Senate. That is true; everybody knows that who knows anything. Yet the Senator says he opposed the League of Nations because it undertook to commit us to the decisions of that supergovernment. Of course, we could not, under the Constitution, have been legally and technically bound by the league any more than we can be bound by the agreement we are now discussing.

The Constitution then was an insuperable obstacle, according to the Senator's argument; nevertheless the Senator argued then that by entering into the league pact, although the constitutional power did not exist to legally bind this country, we were so far committing ourselves by the compact that we could not in honor refuse to carry out the mandates of the governing body. In other words, we were then just where we are now. The argument the Senator urged against the league applies to this treaty exactly and absolutely.

Mr. SHORTRIDGE. There, of course, we differ radically. We differ in our construction of the instrument.

Mr. REED. Certainly; but if the construction of the treaty be correct, namely, that we do engage ourselves with these other nations, then it is no answer to say that we can not engage ourselves, any more than it was an answer in the days when we were discussing the League of Nations. You come out at exactly the same hole in both cases.

Mr. SHORTRIDGE. I think not. Neither the Senator nor I wanted our Nation to agree to that instrument and then hereafter be dragged at the chariot wheels of empires and be put in such a position that if Congress asserted its constitutional power we would be charged with violating a treaty entered into. Therefore, the Senator opposed entering into that treaty, and so did I.

Mr. REED. And for the same reason I oppose this treaty.

Mr. SHORTRIDGE. I see the Senator does.

Mr. REED. And for the same reasons the argument falls which the Senator has thus far made; that is, it applies to the League of Nations as well as to this treaty. The whole question, then, comes down to this: Do we, by this treaty, commit ourselves?

Mr. SHORTRIDGE. To what—to war?

Mr. REED. That is the point.

Mr. SHORTRIDGE. No; I understand the Senator has argued that if we join in this treaty we commit ourselves to use force, which means war.

Mr. REED. That is the whole question.

Mr. SHORTRIDGE. With great deference, I do not adopt that construction, as I shall attempt to point out in a moment.

Mr. REED. The argument the Senator is making that the Constitution is an insuperable objection to our entering the League of Nations applies equally to this treaty. The same argument applies to both instruments. The question therefore recurs, Are we in any way by this instrument entangling ourselves, so that our honor will be involved?

Mr. SHORTRIDGE. I think not.

Mr. REED. That is the whole question.

Mr. SHORTRIDGE. Certainly it is; and I hope the Senator will hear just this word in immediate response to his thought. Of course, no one familiar with the Constitution, as is admitted, will contend that any treaty would be valid which undertook to strip the Congress of its power to declare war. I have briefly stated that proposition here in anticipation of an argument, namely, that this treaty does not undertake to commit us to use force, but that if it did, it would be utterly null and void. That was the thought I sought to express.

Recurring now, if I may, I have said that these nations came here as sovereign nations, conferred as sovereign nations, agreed as sovereign nations, and with the utmost respect for Senators I maintain that these nations parted as sovereign nations, and that each and every one of them to-day stands a sovereign nation, and that by entering into this agreement none of them, certainly not our country, parts with any portion of its sovereignty.

I think it very well to bear those propositions in mind, for they lead to many conclusions. If I thought that entering into this treaty would deprive Congress of the right of determining whether this Nation should take up arms or not; if I thought that this treaty deprived us of the right to enter into or refrain from entering into war; if I thought that this treaty bound us in honor to go to war at any time, or against or for any nation, contrary to the judgment of Congress or the true interests of our country, no one, not even the Senator from Missouri, would be more vigilant and earnest in opposition to the ratification of this treaty than I would be. But I am well satisfied that this Nation remains or will remain absolutely sovereign, and that this or future Congresses, which I trust will meet here in Washington for centuries to come, if our Constitution remains in its present form, will have the unquestioned right, as it has the unquestioned power, to declare war, and to determine the course of this Nation if war is thought necessary as between ourselves and other nations of the earth.

The great peace conference met, and in welcoming the delegates the President delivered an address worthy of the great event. Listen to his words:

Gentlemen of the conference, the United States welcomes you with unselfish hands. We harbor no fears; we have no sordid ends to serve; we suspect no enemy; we contemplate or apprehend no conquest. Content with what we have, we seek nothing which is another's. We only wish to do with you that finer, nobler thing which no nation can do alone.

We wish to sit with you at the table of international understanding and good will. In good conscience we are eager to meet you frankly, and invite and offer cooperation. The world demands a sober contemplation of the existing order and the realization that there can be no cure without sacrifice, not by one of us, but by all of us.

I do not mean surrendered rights, or narrowed freedom, or denied aspirations, or ignored national necessities. Our Republic would no more ask for these than it would give. No pride need be humbled, no nationality submerged, but I would have a mergence of minds committing all of us to less preparation for war and more enjoyment of fortunate peace.

The higher hopes come of the spirit of our coming together. It is but just to recognize varying needs and peculiar positions. Nothing can be accomplished in disregard of national apprehensions. Rather, we should act together to remove the causes of apprehensions. This is not to be done in intrigue. Greater assurance is found in the exchanges of simple honesty and directness, among men resolved to accomplish as becomes leaders among nations, when civilization itself has come to its crucial test.

It is not to be challenged that government fails when the excess of its cost robs the people of the way to happiness and the opportunity to achieve. If the finer sentiments were not urging, the cold, hard facts of excessive cost and the eloquence of economics would urge us to reduce our armaments. If the concept of a better order does not appeal, then let us ponder the burden and the blight of continued competition.

It is not to be denied that the world has swung along throughout the ages without heeding this call from the kindlier hearts of men. But the same world never before was so tragically brought to realization of the utter futility of passion's sway when reason and conscience and fellowship point a nobler way.

I can speak officially only for our United States. Our hundred millions frankly want less of armament and none of war. Wholly free from guile, sure in our own minds that we harbor no unworthy designs, we accredit the world with the same good intent. So I welcome you, not alone in good will and high purpose, but with high faith.

We are met for a service to mankind. In all simplicity, in all honesty and all honor, there may be written here the avowals of a world conscience refined by the consuming fires of war and made more sensitive by the anxious aftermath. I hope for that understanding which will emphasize the guarantees of peace, and for commitments to less burdens and a better order which will tranquilize the world. In such an accomplishment there will be added glory to your flags and ours, and the rejoicing of mankind will make the transcending music of all succeeding time.

THE WORK OF THE CONFERENCE.

When the conference was over, participated in by these sovereign nations, and on our part by gentlemen whom we know, loyal men, patriotic men, men coming from learned New England and from scholarly Southland, we know that the world applauded their work. I do not know how others feel, but I love to think that the very angels sang in joy over the work of that conference. Man rejoiced because man thought, the Nation rejoiced because the Nation thought, that it was a step, a very great, long step, toward world peace, toward peace without sacrifice, toward peace with power unimpaired and rights guaranteed. So the result of the conference, carried on by learned men, speaking different languages, coming from different countries, was certain treaties and certain declarations. The Senate is familiar with the several treaties negotiated, the several declarations put forth, and the several resolutions adopted. We have before us one of these treaties and an accompanying explanatory declaration, but all of these treaties should be borne in mind as we proceed to consider them severally.

It ought to be remembered and it ought to be recalled that at the close of that conference there was no dissenting voice, there was no misunderstanding. There was entire harmony among the representatives of the different nations, each jealous of its own rights. They met, they conferred, they parted, and their work is before us.

The Senate of the United States under our Constitution has very great powers. Doubtless Senators recall that some of the framers of the Constitution thought that Congress should have the exclusive treaty-making power. Others thought that the President should exercise that. A compromise was effected, so that it came about that the President negotiates treaties, which become effective when approved or ratified by two-thirds of the Senators present and voting.

This power of ours, I think, has been wisely exercised. We have entered into a great many treaties with other nations, treaties of amity, treaties of peace, and to-day we have 70 or more arbitration treaties which were negotiated by the Executive and concurred in and approved by the Senate. These treaties are designed for wise purposes. They are designed to avoid war—the bloodshed, ruin, desolation of war. I do not suppose there is any Senator who will oppose entering into an arbitration treaty when its purpose is to avoid war.

WHO DRAFTED THE FOUR-POWER TREATY?

The work of the conference is seen in treaties, conventions, arrangements, understandings, among or between the several nations, and we are here to-day immediately to consider what has been formally termed the "four-power treaty" as one of the many negotiated.

Who drafted this treaty? Who framed it? At the beginning of this discussion in the minds of some Senators there seemed to be some mystery about it. To them it seemed to have been born in darkness, perhaps conceived in wickedness, by un-American-thinking men or by cunning foreign diplomats. We listened to much concerning the alleged "mysterious origin" of the four-power treaty. We were reminded of the dangers lurking in "secret diplomacy" and our chosen representatives were accused of concealing something. But, lo, the truth, the fact, is now known, and perturbed spirits may rest. The letter of our Secretary of State addressed to the Senator from Alabama [Mr. UNDERWOOD], which is to be found on page 3712 of the RECORD, should silence criticism. It was my purpose to read that letter, but time will not permit.

I mention it to add that if there ever was a candid doubt or honest suspicion as to the origin of the four-power treaty, if there was a reasonable suspicion or a reasonable doubt as to who drafted it, who framed it, that doubt has been removed and that suspicion ought to be for all time cut of the mind of any Senator who entertained it. No one with any regard for his own reputation can question the truth of the facts set forth in that letter. I invite the attention of the country to that letter which gives us the origin of this particular treaty. I hold myself in check. I do not wish to say anything which may be construed as offensive by the most sensitive or punctilious. I hold myself in check, but I do venture to say that it is unusual language to utter in the Senate when that language conveys the charge, even by innuendo or remotely, that anything said in the letter of Secretary Hughes is untrue. In view of what we now know it is improper, it is unjust, it is unwise to impute bad faith to our delegates, for see what you are doing. Pause to see what you are doing. You are imputing bad faith to our own Secretary of State. One would suppose, if he dropped down from Mars, that this body was hostile to and had no confidence in the integrity, not to say veracity, of our own adviser. I had hoped, Mr. President, that this debate might proceed on high lines, Senators differing, it may be, but always with respect, always with courtesy, and always with perfect faith in the good motives of others.

Mr. President, this treaty is couched in plain and simple language. The words employed are plain and simple English words. I am not competent to say, but I am assuming that as they appear in the French language they are equally plain and simple and understandable, and being plain, simple, and understandable they need no corroborative or extraneous evidence as to their meaning drawn from contemporaneous utterances; but if there were any ambiguity, uncertainty, or unintelligibility in the language used, we are told by those who drafted the instrument that they understood it and that each and all of them understood the language to mean the same thing.

The junior Senator from Wisconsin [Mr. LENROOT] performed a service when during his address he called our attention to the fact, as found on pages 3844 and following of the RECORD, that when the Senator from Massachusetts [Mr. LODGE] reported the four-power treaty to the conference in plenary session he emphasized the fact that there is no force lurking in its terms. In that behalf the learned Senator from Massachusetts said:

> There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

And, as the Senator from Wisconsin pointed out, this construction was accepted by all the delegations representing the signatory powers.

Why see, or affect to see, uncertainty where there is certainty, ambiguity in unequivocally "plain and direct clauses"?

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. SHORTRIDGE. Certainly.

Mr. CARAWAY. And the Senator from Massachusetts then reported to the Senate a reservation setting forth the very language which the Senator from California now says was already in the treaty.

Mr. SHORTRIDGE. Certainly he did, to remove all doubt from the mind of the Senator from Arkansas; to remove a doubt from all minds; to have it so plain that the wayfaring man, and so forth, can read and understand; to make it so plain that the plainest—yes, the most simple—man would understand.

Mr. CARAWAY. Even a senatorial mind might understand?

Mr. SHORTRIDGE. Yes; even a senatorial mind from Arkansas.

Mr. CARAWAY. And California.

Mr. SHORTRIDGE. Oh, certainly.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maryland?

Mr. SHORTRIDGE. Certainly.

Mr. FRANCE. I hope the Senator has not intended to be so unkind as his remark would seem to indicate.

Mr. SHORTRIDGE. Oh, the Senator can not accuse me of unkindness. I do not mean it toward anyone.

Mr. FRANCE. The language is so plain and so simple as to admit of no differing construction by intelligent men, according to the Senator from California. Yet here in the Senate there is substantial division of opinion not only between the proponents and the opponents of the treaty but even between the proponents of the treaty themselves, as was evidenced yesterday when the Senator from Missouri advanced the thought that this treaty gave protection to the Koreans, and the Senator from Massachusetts advanced the theory that it did not.

Mr. REED. To which "Senator from Missouri" does the Senator from Maryland refer? I wish the Senator would state so that it may appear in the RECORD.

Mr. FRANCE. I refer to the junior Senator from Missouri [Mr. REED].

Mr. CARAWAY. Mr. President——

Mr. SHORTRIDGE. I do not wish to be ungracious or disrespectful, but I will say I can answer Senators separately, though not in battalion.

The PRESIDING OFFICER. Does the Senator from California yield; and if so, to whom?

Mr. SHORTRIDGE. I see the hands of the clock are approaching rapidly the hour of 3, but I will, of course, yield to the Senator from Maryland, though he will recall the unanimous-consent agreement under which we are acting, and appreciate my desire to conclude.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maryland?

Mr. SHORTRIDGE. Certainly; I do.

Mr. FRANCE. What I have said is a statement preliminary by way of answer to a question——

Mr. SHORTRIDGE. Delighted as I am to hear the Senator from Maryland, will he have the goodness to reserve his speech until I have finished? Of course, if he desires to ask me a question, I shall endeavor to answer.

Mr. FRANCE. I do not intend to make an address, but I was merely answering a question which has evidently proven embarrassing to the Senator from California. Therefore, I shall not trespass further.

Mr. SHORTRIDGE. I thank the Senator. What I am saying, of course, Senators may reply to. I have not intended to be offensive; but I am not apologizing, and I do not wish Senators to think I am. I am willing to debate the questions involved with the utmost respect for the opinions of others. If Senators do not think so, I am sorry.

Responding to the thought of my friend from Maryland [Mr. FRANCE], I repeat that this is simple, plain, and understandable language. I am not imputing wrong motives to Senators who may see something in the language which is not what I determine it to be; far from it. The statement which I made can not in the ordinary course of debate be regarded as offensive; it is not intended to be so.

What is there mysterious, what is there obscure, what is there which calls forth the rather vain exhibition in some quarters of acquaintance with the dictionary—to remind us that there is such a thing as a dictionary—in these words:

I.

> The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

I should in fairness, however, say that some question arose as to the meaning of the words "insular possessions and insular dominions," and I cheerfully admit that any doubt upon that point may have been well grounded in the mind of him who entertained it. I admit that the language might be susceptible of future misunderstanding. Therefore, to remove that doubt, there is this supplementary and accompanying agreement or treaty signed by the parties to the main four-power treaty. If there was a doubt, if there was a question in the mind of any honest man—and I assume that if there was a doubt it was in the mind of an honest man—that doubt has been removed by the supplementary treaty, and all argument as to the uncertainty of the term "insular possessions and insular dominions" should cease. The clarifying language in this supplementary treaty, signed February 6, 1922, is as follows:

> The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

Let us examine again the language of this treaty. Article I reads:

> If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy, and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

There is nothing mysterious in that language. When the Senator from Massachusetts [Mr. LODGE] reported this treaty to the conference he explained it, and all those present acquiesced in his statement. The doubts which have arisen, the different constructions which have been placed upon that language since then, do not make the language uncertain. A conference is a conference. We had a conference in Washington, did we not? Nations sat in conference; results had to be unanimously arrived at. Any conference which may be called under the terms of this treaty must be participated in by the same nations, and any result reached at such conference in the future must be unanimously arrived at. There ought to be no doubt upon that question in the mind of any Senator.

Section 2 provides:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

This is provision for a conference which will be participated in by sovereigns, where unanimity of action is necessary. That brings me again to what I said a moment ago, namely, that the power to engage in war is not expressly taken from us and can not be taken from us, for the reason suggested, that power being lodged exclusively in the Congress of the United States under the Constitution of our common country.

Section 3 of the treaty fixes the term of its duration.

The treaty is to remain in force for at least 10 years. That is a very wise provision, for if during that period of 10 years these four great nations can remain at peace there is ground for hope, rational hope, that peace will thereafter continue as between or among them indefinitely. Is not that a prospect of encouragement, and should we not welcome any agreement, any treaty, which leads toward that consummation?

If Senators could persuade me, even though they did not convince me, that entering into this treaty would bring about war or injury to my country, I would not vote to ratify or consent to it. I use the words "convince" and "persuade" I hope correctly. We are often "persuaded" to do things which we are not "convinced" are wise. Therefore I repeat that if I could be even persuaded that this treaty will endanger my country I would not stand here favoring its ratification.

It may be too late to appeal to Senators who have fixed notions upon this subject; it may be altogether idle to attempt either to "persuade" or to "convince" them, and in so far as the verdict of this body is concerned I may be wasting my own time and yours, but perhaps it will serve a good purpose to pursue the argument a little longer.

I am not thinking of my political fortunes. I am thinking of the fortunes of my country. I have been somewhat surprised at the utterances of some Senators who threaten their brethren with retirement because they favor this measure or that measure. I indulge in no such threats. In so far as the personality of the Senate is concerned, if I could forget partisanship I should trust that you might all continue here forever.

I do not personally wish to see any Senator retire because of his views or vote on this or other measures; nor do I threaten him with retirement because he views his duty in a different light than I view mine. I am not speaking for myself nor thinking of my political future, but I am speaking here in behalf of a cause which I think makes for the welfare of every State in this Union and of every man and woman in this country.

I repeat, and concede for argument's sake, to be perfectly fair and frank and candid, that there may have been some doubt—indeed, I must assume that there was honest doubt—as to the meaning of certain words used in the treaty in respect to the term "insular possessions and insular dominions." I assume perfect sincerity on the part of others. I impute no wrong motive to men; I may fight ideas and principles, but not men—although I do not run away from men. We are not in the habit of running away from them in California; and I see so many smiling faces of Senators that I know I will never have occasion to run away from any of them. I say there may have been doubt as to the meaning of the term "insular possessions and insular dominions" as used in the treaty. Very well, be it so. What have we before us upon that subject?

I invite the attention of Senators to page 892 of this Senate document, No. 126, and in order that it may appear once more in the RECORD I take the liberty of reading "the declaration accompanying the four-power treaty." It reads:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:
>
> 1. That the treaty shall apply to the mandated islands in the Pacific Ocean: *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.
>
> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Other doubt as to the meaning of this treaty is removed by the supplementary treaty later entered into by the signatory powers, to which I shall in a moment invite attention.

I pause here, however, to dwell upon this declaration accompanying the four-power treaty.

It seems to me that Senators should be glad and feel relieved because of this declaration accompanying this treaty, for here once again we say, in effect, as we said when we ratified the treaty with Germany, that we do not make ourselves a party to the treaty of Versailles; and as to the second provision in this declaration, anyone who would preserve the civilization of America should be relieved when it is remembered that that provision is an official recognition of the right of America to determine who shall and who shall not enter into and abide in America. It is a solemn recognition of international law, a solemn recognition that the United States has a right to determine the question of immigration without offending justly, under law, any other nation; and to us of the Pacific coast that is a great and important recognition of a vital right.

This declaration, Mr. President, was signed on the same day that the treaty itself was signed. It has the same dignity. It has the same binding force. I have heard something to the effect that it may have been signed physically before the physical signing of the accompanying or preceding treaty proper; but that is neither here nor there. That is scarcely worthy of serious discussion. It is enough for us to know that the treaty was signed, that the declaration was signed by all parties on the 13th of December, and there it is. It is a recognition of a vastly important principle. It is a recognition of a vastly important question of policy for America. It is a recognition that if, in its wisdom, this Nation shall close the doors of the Pacific to oriental immigration, no oriental nation signatory to this treaty will have cause for offense. It is a recognition that this Nation can close the doors of the Pacific or close the doors of the Atlantic to the coming of any undesirable people to America, and that neither Japan nor Great Britain nor France will have any just ground of complaint.

Time was, Mr. President, when nations questioned that right; but long ago America asserted that principle, even as we were the first nation to assert the important doctrine of the right of expatriation. Just as we asserted the latter doctrine—that a man might throw off the allegiance of the nation or country of his birth and take on the allegiance of another country—so we early asserted the doctrine that this Nation had and has the right to determine who shall enter into and abide in the United States. I think it very important that the American people should know of the significance of that declaration and of the recognition of that right.

I turn aside here to say that I was concerned over that immediate point while the conference was in session. While I did not think that any act of the conference would impair that principle or imperil that right, I was overpleased—it is not too much to say that I was overjoyed—when I saw that declaration, wherein Japan admits, concedes, this fundamental, important, and, as I think, vital principle to America. That declaration itself was worth the conference. That declaration will be invoked, if necessary, by me in this Senate Chamber, for I do hope the hour is coming, and may it come quickly, when the doors of the Pacific shall be shut to the coming of undesirable peoples, even as I would close the doors of the Atlantic to the wicked Bolshevik or the man who comes here with torch to burn down or with bomb to blow up the temple of American freedom. I would close the doors of the Pacific and the doors of the Atlantic to the coming of any man or any people who do not come here thirsting for liberty, thirsting for regulated government, thirsting for individual freedom, religious freedom, political freedom, safeguarded by the Constitution of the United States. I would close the doors to every man and to every woman, if there be such, who, coming here, comes with a desire or an intent to overturn or subvert the beneficent form of government which we enjoy. Therefore, even at the risk of wearying you, at the risk of being called repetitious, I repeat that this declaration is a very, very helpful declaration for America, for the time may come when this Nation will deem it necessary to preserve our type and standard of civilization, our level of life and living; and therefore I was rejoiced when all doubt or misgiving or fear in my mind was removed by that declaration.

Lest I be misunderstood, let me say that this Nation, Mr. President, has been and is an asylum of liberty. This Nation has extended its arms in welcome to the downtrodden, the weary, the broken in spirit, the oppressed of many lands; and they have come from many lands, and, with here and there an exception, they have joined in our American life. They have fought, they have died for the Republic of their adoption, and all such America welcomes; but the doors should be shut—they are now partly shut; they should be wholly and completely shut—to classes who come spreading wicked doctrines, revolutionary doctrines which threaten our institutions, but will not achieve their wicked purpose. I trust Senators will bear in mind that accompanying the treaty which we are considering is this important declaration, part and parcel of it; and if you shall be successful in defeating this treaty, remember that you are defeating and nullifying the declaration to which I have devoted so many words. I should grieve to see that accomplished, for, apart from all other considerations, I think this is a public, national, international recognition which will be an anchor of safety to us in years to come.

On pages 802 and 803 of Senate Document 126, and immediately following the declaration to which I have invited attention, Senators will find the supplementary treaty, signed February 6, 1922. I commented briefly upon that treaty, but venture to repeat, perhaps, and to add a few words. Doubt unquestionably did arise as to the meaning of the words "insular possessions and insular dominions," and this supplementary treaty was intended to remove, and I submit does remove, such doubt, for this supplementary treaty provides:

> The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

In other words, to set the matter at rest, to stop argument, to close opposition, to make all here who must act and all others who are concerned in our action cease to have doubt upon the meaning of those words, we point to this supplementary treaty. "Insular possessions and insular dominions" was a phrase which was thought to include, perhaps, the main islands of Japan. We now know that such is not the meaning to be attributed to those words. In fairness, in courtesy—and I wish others were here to hear it now—if there was doubt upon that subject it is removed, unless men perversely insist upon having doubt when all the sunlight of heaven floods their minds.

That supplementary treaty may not have been necessary, Mr. President, but who shall question that it clarifies the meaning, and why not be frank about the matter? Why not admit what I have thus very poorly stated?

If there is such a thing as partisanship entering into this discussion, you and I must forget it. I am glad to know, to feel, to think, to see that partisanship does not enter into this discussion. Quite apart from partisanship, may we not once and for all admit, the one to the other, that further debate upon that point, namely, as to the meaning of the words "insular dominions and insular possessions," should cease, all doubt as to the meaning of the words being removed?

The position of California upon this question in this body may have depended upon this very declaration in respect to the right of nations to determine laws in respect of immigration. I am very sure of the position of California upon that question. California has asserted the right, under the Constitution, which we here now claim, that this Nation may without offense determine all questions of immigration to its shores. That is the position of California. I trust it is the position of every one of the 48 States, and that when the time shall be opportune this Congress or succeeding Congresses will take up that question and will assert that right by appropriate legislation. Our position in California is, of course, vastly strengthened by the terms of the treaty which is under consideration.

But there still remains in the minds of thoughtful men some doubt as to the meaning of this treaty.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. SHORTRIDGE. Certainly.

Mr. ROBINSON. The Senator has just stated that the position of California with respect to the immigration question, namely, that it is a domestic question and not subject to control by international conferences, is well established and well recognized, and that this treaty strengthens the position of California in that regard. Has there ever been any doubt in the Senator's mind as to the position of the United States on the right of this Government to control absolutely, as a domestic question, the subject of immigration to this country?

Mr. SHORTRIDGE. No, Senator.

Mr. ROBINSON. How, then, can it be said that this treaty strengthens the position of California on the subject?

Mr. SHORTRIDGE. I have never had any doubt as to the position of our country upon that question, but I said a moment ago that here is a recognition by Japan, a recognition by Great Britain, and a recognition by France of that right.

Mr. ROBINSON. The conference itself will determine what are domestic questions, will it not? Who will determine under this treaty what constitutes a domestic question or whether a question involving the regulation of immigration is a domestic question?

Mr. SHORTRIDGE. It is the treaty——

Mr. ROBINSON. I know what the treaty says about it, and the Senator does, too.

Mr. SHORTRIDGE. If the Senator will put a direct question, I will try to answer it directly.

Mr. ROBINSON. Under the four-power treaty, who has authority to determine what constitutes a domestic question and whether a question involving immigration is a domestic question?

Mr. SHORTRIDGE. International law determines that question.

Mr. ROBINSON. I did not ask the Senator what principle determines it; I asked whether, under this treaty, one government alone would determine it for itself or whether the governments acting by a majority would determine it?

Mr. SHORTRIDGE. I answer in this way: That paragraph 2 of the declaration accompanying the four-power treaty provides as follows:

> That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Wherefore my contention is—and I submit it to the learning of the Senator—that this conference can not control that matter; that any controversies which may arise as to that matter are not to be controlled by that conference, for here they say, in express terms, that any controversies which arise under the second paragraph of article 1 "shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers." Therefore I see no danger in that conference. That conference would not discuss the question, or, if they did, neither separately or collectively would they have any control or jurisdiction over that matter. They have admitted it; they say it.

Mr. ROBINSON. Does the Senator contend that the rule would be any different respecting the subject if this treaty is agreed to from that which now prevails?

Mr. SHORTRIDGE. No; the fundamental rule would remain, Senator; but, as I have undertaken to say, I think it is much to have Japan and to have Great Britain and to have France thus solemnly make that admission.

Mr. ROBINSON. Suppose a controversy arises between Japan and the United States which Japan insists is not a domestic question under international law and which the United States insists is a domestic question under international law. Who would determine which is right?

Mr. SHORTRIDGE. In such a suppositious case, each nation being sovereign, there is no tribunal, perhaps, to decide it. I hope we would be in the right and I hope we would have the courage to assert our position; but in the case which the learned Senator suggests, of course there is no tribunal set up on earth to determine such a question.

Mr. ROBINSON. Then, Mr. President, has the Senator any objection to modifying the committee reservation, or the reservation carried in the nature of a supplementary declaration in the treaty, so as to provide that each nation shall independently and for itself determine what constitute domestic questions and what questions are not to be submitted to conference under that limitation?

Mr. SHORTRIDGE. There are many reasons why I would not now seek to amend this treaty.

Mr. ROBINSON. I am not talking about an amendment.

Mr. SHORTRIDGE. I was about to say that I have many reasons why I would not now go further than the reservation to which I am going immediately to address myself. I do not think it would accomplish any good for our country. I think this proposed reservation comes late. I think it deals with a question which, perhaps, might well have been considered when all the nations were here assembled, but I do not think it would serve any good purpose now.

Mr. ROBINSON. Will the Senator yield to me for a statement?

Mr. SHORTRIDGE. Yes; if it does not take too much time.

Mr. ROBINSON. I understand that, and I shall not long delay the Senator; I have not interrupted him before.

As I understand the Senator now, he thinks that the conference ought to have made clear in the reservation which it reported with the treaty that each nation shall have the right, and exercise it, to determine what constitutes a domestic question, and what, therefore, is excepted from the consideration of the conference.

The Senator says that suggestion comes rather late and that there are many reasons why he thinks the Senate should not modify the reservation in this treaty, or the amendment in the nature of a reservation, to make clear what the conference ought to have done. What are the reasons?

Mr. SHORTRIDGE. I did not say what they ought to have done. They might well have done it, and later on I will make answer to that; but if the Senator will pardon me, I will give my reasons later on.

Mr. ROBINSON. Certainly. I am compelled to wait.

WE ARE ENTERING INTO NO ALLIANCE.

Mr. SHORTRIDGE. Doubt did arise in the minds of Senators as to the meaning of words, as to the proper interpretation of language, as has been so many times pointed out, but I think that many Senators were more concerned over a doubt as to whether by this treaty we were entering into an alliance, an alliance which bound us in time of peace and in time of war. I can readily understand why such a doubt may have arisen in the first instance. Those of us who opposed the ratification of the Versailles treaty had occasion to study the question of alliances. This is not a time for any display of historical knowledge, but if it were timely anyone could quote more or less elaborately from historical works and books recognized as authorities as to the meaning of the word "alliance" as used without modifying words or as modified by preceding or subsequent words. There were some and there may still be some who think that by the treaty proper we formed an alliance in the sense of an alliance which would bind us in time of peace and also in time of war, so that we would be obliged morally, obligated legally, to join in offensive or defensive war if engaged in by any one of the four powers. I suppose they would argue also that even as we would be bound, so these other three nations would be bound to come to our assistance if we unhappily became embroiled in war. Undoubtedly if that thought was entertained, namely, that this treaty is an alliance of a dangerous character, hurtful to us, it was honestly entertained; but should it be further entertained?

The committee has proposed a reservation to the resolution ratifying the treaty. The language of that reservation is familiar to the Senate. It removes all question as to the alliance proposition. The reservation reads as follows:

> The United States understands that under the statement of the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

How can we further argue, therefore, assuming that we ratify this treaty, that we are committed to armed force, that we have joined an alliance, and that there is an obligation resting upon us to join in any defense?

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. With pleasure.

Mr. ROBINSON. The Senator, of course, understands that the reservation merely attempts to express the understanding of the United States as to the meaning and effect of the treaty?

Mr. SHORTRIDGE. Certainly.

Mr. ROBINSON. The Senator from California is a great lawyer, and he knows that in the making of a contract it is necessary that there should be a meeting of minds; that is, that all the parties to the contract shall understand it mutually.

Mr. SHORTRIDGE. That is true.

Mr. ROBINSON. If Great Britain and Japan construe it to be an alliance and the United States construes it to be a mere agreement to confer, does not the Senator think that the treaty itself should be so amended as to make clear that there has been a meeting of the minds of the nations signing the treaty?

Mr. SHORTRIDGE. I think I have a prompt and conclusive and satisfactory answer to the question which the Senator is good enough to propound. It is quite true that there must be a meeting of the minds, as we say, of the parties to an agreement or contract; but I remind the Senator that so far as I am at present advised Great Britain has not yet formally ratified the treaty, France has not, and Japan has not. Therefore, if we ratify it with this our interpretation, in future controversies, if they should arise, these powers would be presumed and held to have adopted our interpretation.

Mr. ROBINSON. They would only be presumed to have accepted it as the interpretation of the United States. Their interpretation of the instrument would not be governed by our interpretation of it. The Senator, I assume, would regard it as unfortunate if in a matter of so much importance there should be an arrangement construed differently from the beginning by the various parties who have signed it.

Mr. SHORTRIDGE. I would, of course.

Mr. ROBINSON. Then does not the Senator recognize the fact that if the language of the agreement is such as to permit or make possible conflicting constructions of it, the language ought to be clarified so there could be no conflict?

Mr. SHORTRIDGE. I think that we here clarify it. We declare our meaning, our interpretation, if it needs interpretation; and if they accept it, I repeat myself, they would be held

to have ratified the treaty with the interpretation which we have placed upon it.

Mr. ROBINSON. That is to say, with the understanding that the United States interprets it in the way that our reservation expresses it, but that would not impose upon Japan and Great Britain an interpretation which they in fact would not agree to.

Mr. SHORTRIDGE. I think they would be held to the interpretation, we having made it first and before ratification by them.

Mr. ROBINSON. Let me make this illustration: If the Senator signed a note by which he agreed to pay at a fixed time $500 to a given payee, with the usual terms of a note, and then attached to it a stipulation that it is not a note, does the Senator think that would change in fact or in law the nature of the instrument he would have signed?

Mr. SHORTRIDGE. I am not sure, if the Senator accepted the "note" with my interpretation upon it, that it might not be construed as a changed document and he be held to have adopted my interpretation.

Mr. ROBINSON. Would it not be better to change the document itself if the Senator did not want to sign a note, so it would not constitute an undertaking to pay?

Mr. SHORTRIDGE. It might be, possibly, but not necessarily.

Mr. ROBINSON. In other words, the correct policy to be pursued in entering into national agreements is the same as that which ought to govern in engagements between individuals. They ought to understand the nature of their undertaking and they ought to concur in interpretation of the undertaking. No one party to an undertaking can impose upon the other parties to it a construction different from what the instrument itself implies.

Mr. SHORTRIDGE. I merely wish to add, somewhat in rejoinder, that many here think the reservation entirely unnecessary, but they also think that it achieves the purpose in view, which is to remove doubts in the minds of those here who have to pass upon the instrument.

Mr. ROBINSON. Mr. President, will the Senator kindly yield again?

Mr. SHORTRIDGE. With pleasure.

Mr. ROBINSON. It is well known that a number of Senators, at least three, find this agreement positively obnoxious to them, and their convictions as to what the undertaking of the United States ought to be without the reservation, because their construction of the treaty without the reservation is that it does constitute an alliance in law and in fact.

Mr. SHORTRIDGE. There is no doubt about the position of Senators. Touching the wisdom of using language so plain, so clear, as to express thought so as to avoid future controversy, the history of the world affords abundant evidence. I need not remind my friend that the very holy words uttered by our Savior on the cross have been the subject of long and heated controversy, long and heated debates. According as these words are read they have given rise to two great denominations in the Christian world. I hope it will not be improper for me to repeat those sacred words:

> Verily I say unto thee to-day shalt thou be with Me in paradise.

So simple, so beautiful. There are those who believe the Savior meant to say that even that day the penitent thief on His side would be with Him in paradise, while there are others who believe He meant to say that thereafter, after the great judgment day, the penitent sinner would be with Him in paradise.

Whence arises this difference of meaning? It comes from a difference of punctuation. Read thus, as some do:

> Verily I say unto you, to-day shalt thou be with Me in paradise—

And immediate translation into paradise is promised.

Read thus, as others do:

> Verily I say unto you to-day, thou shalt be with Me in paradise—

And a different meaning as to time is conveyed.

Thus we have that centuries-old controversy among honest, devout, sincere, religious people as to the meaning of that immortal sentence. So it is utterly impossible to draw an instrument as to the meaning of which there may not arise some question, some doubt.

Mr. ROBINSON. Mr. President, will the Senator yield again?

Mr. SHORTRIDGE. Certainly.

Mr. ROBINSON. Just what the illustration of the Senator from California has to do with the immediate controversy my mind is unable to comprehend, but I know that——

Mr. SHORTRIDGE. It is my fault, doubtless. It is not the Senator's lack of comprehension, but my poor words.

Mr. ROBINSON. I was about to say it must be my fault rather than the fault of the Senator from California.

Mr. SHORTRIDGE. I had well-defined intentions when venturing to illustrate the difficulty of expressing thought with perfect accuracy; but see how impossible it is for us to make ourselves understood.

Mr. ROBINSON. If there be any force in the suggestion which the Senator from California makes, it is that such are the limitations of human wisdom and language that nations entering into treaties can never write an agreement which accurately expresses the meaning and intention of all of us.

Does the Senator think that if the four powers writing this treaty had intended that there should be no obligation or liability upon the nations signing it except to hold a conference and talk over the subject of dispute coming within the jurisdiction of the conference it would have been a physical impossibility, considering the limitations on human wisdom, to have said so in such language that even a United States Senator could not have placed two constructions upon it?

Mr. SHORTRIDGE. That may be so. If I have any regret now, it is that the Senator who propounds that question was not chosen by the President to serve us in that capacity.

Mr. ROBINSON. Oh, Mr. President, if the Senator will pardon me for a brief reply to that——

Mr. SHORTRIDGE. It needs no reply.

Mr. ROBINSON. I want to suggest to him that, under the Constitution of the United States, the function of negotiating a treaty is entirely separate from that of advising and consenting to its ratification. The Constitution does not contemplate that Senators, whose duty it is under that instrument to exercise a function entirely separate from that of the Executive in negotiating a treaty, shall become negotiators of the instrument and thus commit themselves in advance to the manner in which they shall discharge the constitutional function of advising and consenting to its ratification.

I think that the mistake did not occur in omitting the Senator from California and myself as members of the American delegation to the conference, but the mistake did occur when the Executive, in order to secure influence in this body necessary to ratify this treaty, appointed the majority and the minority leaders as delegates to the Washington conference. I think that that Executive function should have been exercised by some one else, so that the Senator from Massachusetts and the Senator from Alabama could have been left entirely free to do just exactly what they did when the Versailles treaty was before the Senate, namely, to exercise their constitutional function of advising and consenting to the ratification of the treaty independent of the bias that must exist when they have assisted in negotiating the treaty.

Mr. SHORTRIDGE. The Senator from Arkansas has called to my mind a very important discussion which took place over 100 years ago in regard to the functions of the Senate and the President, respectively, in and about the negotiating and the ratifying of treaties. I think Senators will recall that in the early days of this Republic the President invited and cooperated with the Committee on Foreign Relations in and about the negotiation of treaties. I do not quite agree with the Senator from Arkansas as to the true functions of the two departments in respect to the negotiation of treaties. I, of course, see the force of the thought that one who negotiates a treaty should not be called upon to ratify or approve it, but that is an academic question which we can discuss in the cloakroom.

Mr. ROBINSON. Will the Senator from California yield to me?

Mr. SHORTRIDGE. Certainly.

Mr. ROBINSON. We will discuss the question here.

Mr. SHORTRIDGE. With great respect, I contend that it has no bearing upon the present discussion.

Mr. ROBINSON. I think it has.

Mr. SHORTRIDGE. Very well; the Senator from Arkansas may proceed. I will listen to a question, but I am anxious to conclude my remarks.

Mr. ROBINSON. The Senator from California, of course, recognizes that an individual who negotiates an instrument, or is responsible for its negotiation, is, according to every rule of human conduct and practice, bound to its furtherance. The selection of Senators to negotiate treaties invariably confuses the Executive duty to formulate them, in the first instance, and the senatorial duty to pass upon the wisdom of the process and the substance of the negotiation. That, I think, is a subject of considerable importance here.

Mr. SHORTRIDGE. I grant, Mr. President, that the thoughts of the Senator from Arkansas in respect to that matter are worthy of very respectful consideration, but I am very far from thinking that now is the time for weighing or discussing them.

Mr. LENROOT. Mr. President, will the Senator from California yield to me?

Mr. SHORTRIDGE. Certainly.

Mr. LENROOT. I will ask the Senator from California whether the question of the Senator from Arkansas does not imply that if some one else had negotiated the treaty which the Senator from Alabama assisted in negotiating, the Senator from Alabama would have opposed the treaty thus negotiated by some one else?

Mr. ROBINSON. No; but it does imply that if some one other than the Senator from Massachusetts and the Senator from Alabama had negotiated the pending treaty when the treaty was submitted to the Senate, instead of having those Senators from the beginning committed to its ratification, they would have been free to do what the Constitution contemplated they should do—review the action of the Executive rather than become advocates for its support and ratification. That is a distinction which my friend from Wisconsin is bound to admit.

Mr. SHORTRIDGE. George Washington invited members of the Foreign Relations Committee into conference with him——

Mr. HITCHCOCK. And so did Woodrow Wilson.

Mr. SHORTRIDGE. And so have his successors. However, very seriously, I do not quite agree with the Senator from Arkansas. The Senate is a branch of the treaty-making power.

I see no danger, certainly no impropriety, in having Senators, quite regardless of personality or partisanship, cooperate with the President in the initial steps which are taken in the negotiation of a treaty. On the contrary, recalling what I have read upon that subject and the discussions upon it, I can see much wisdom in such a practice. I do not think it follows that because a Senator cooperated with the President in and about the making of the treaty he would vote for its ratification simply because he took part in its negotiation, although, of course, if he approved it when the treaty came from the hand of the President to the Senate, presumably he would vote for its ratification.

Mr. ROBINSON. But if the Senator will permit me——

Mr. SHORTRIDGE. Pardon me just a further thought on this point. It might well be that the Senator chosen to assist the President in and about negotiating a treaty might not agree to the treaty as it finally was framed. When the President, who has such power, I take it, has approved it and sent a treaty to the Senate, it might well be that some Senator chosen to assist in negotiating it would appear here in his place and as earnestly as the Senator from Arkansas now opposes this treaty oppose the one which he had a part in negotiating. So I see no danger; but, with all due respect, I see no advancement of the argument of the case before us by this digression.

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. SHORTRIDGE. Yes.

Mr. ROBINSON. Reference has been made by my friend, the Senator from Wisconsin [Mr. LENROOT], to the Senator from Alabama [Mr. UNDERWOOD] and his course in connection with this treaty. The Senator from Alabama stated a few days ago that he was in cordial sympathy with the provisions and purposes of an amendment proposed by myself. He said he thought it embraced correct principles, but that for fear some other nation, party to the treaty, would not accept the amendment and might reject the treaty because of it, he was unwilling to write into the treaty principles which he himself recognized as just, fair, and righteous.

The point I am making is that the framers of the Constitution of the United States imposed upon the Executive the obligation to negotiate treaties and upon the Senate the duty to advise and consent to their ratification, and that when the President reaches into the Senate and takes the most influential factors there to assist in negotiating a treaty he deprives the Senate of the unbiased judgment and expression of opinion on the part of those Senators, who, for the time being, have become Executive agents rather than Senators.

What I have said is no reflection upon the Senator from Massachusetts or the Senator from Alabama; but the distinction drawn was one which the founders of this Government thought wise to make, and I respectfully submit that in the illustration I have just used their wisdom was given emphasis.

Mr. SHORTRIDGE. Mr. President, I do not myself wish to prolong this digression, but I desire to say in reply to the last words of the Senator from Arkansas that some very great Presidents whom we all revere and some very great Senators whose fame lives have proceeded along the lines of the present Executive—that is to say, have called in Senators to advise and assist, to cooperate and join with him in and about the initial steps in the negotiation of treaties. I am not here to say whether or not such action was wise. I think, however, the Senator from Arkansas magnifies the supposed evil or unwisdom of having a Senator chosen to assist in the initial steps leading up to a treaty.

The Constitution of the United States was framed by wise men; the powers conferred upon the Government by the then existing thirteen original independent States are in the Constitution to-day. The Constitution reserves to Congress the power to declare war, and no treaty, no agreement into which we could enter could deprive the Congress of that power. Such an attempt would be a nullity. Nor would this Nation be morally bound to recognize any such attempted deprivation of power given to the Congress by the Constitution.

Moreover, Mr. President, every one of these nations is aware of the existence of our Constitution, and they are held to know our system of government. Thus being held, they can not hereafter charge us with violation of duty if Congress shall assert its unquestioned constitutional power. We must not assume that the signatory powers are steeped in ignorance; they were represented by intelligent delegates; but, whether they are wise or foolish in international affairs, they are held to know the framework of our Government and the powers of Congress under the Constitution, and no Japanese statesman or English statesman or French statesman in the years to come could ever claim that Congress had abdicated its power, if it could, or that the Senate had ratified an instrument which deprived future Congresses of exercising their constitutional power. It follows that no nation in the future can ever charge us with violating our legal obligation or our implied moral obligation, if it shall hereafter be demanded of us, and we refuse to enter into war obedient to any supposed express or implied terms in this treaty. The answer of Congress would be that the power to declare war was a power which the treaty-making power could not impair, and that all parties to this treaty were, as they now are, presumed to know our constitutional form of government. And Congress might further answer and say: The power to determine what we shall do in any particular instance or situation is vested in us by the Constitution, and we can not be justly charged with breach of good faith if or when we decline to declare war.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Certainly.

Mr. ROBINSON. Of course, the treaty-making power—one of the very greatest powers of the Government, with perhaps less limitations upon it than any other power—is entirely distinct from the power of Congress; and it is true that no authority in this Government, save Congress, can make a declaration of war. Does the Senator say that the treaty-making power can not, within the limitations of its authority, obligate this Government under a defensive or an offensive alliance?

Mr. SHORTRIDGE. To make war?

Mr. ROBINSON. Yes.

Mr. SHORTRIDGE. It can not.

Mr. ROBINSON. I agree with the Senator that Congress has the sole power to declare war.

Mr. SHORTRIDGE. It is exclusive.

Mr. ROBINSON. Undoubtedly.

Mr. SHORTRIDGE. Then it excludes any other body.

Mr. ROBINSON. The Government could enter into a contract, however, through the treaty-making power to make war upon any conditions that it saw fit, could it not? The execution of the contract, which is an entirely different thing from the making of the contract, would, of course, depend, under the Constitution, upon the action which the Congress took or refused to take. But while treaties under the Constitution are defined as part of the law of the land, they are in most instances merely executory contracts; and there is no limitation within my knowledge, under the Constitution or any other instrument, which deprives the treaty-making power of the right to enter into a contract, if it sees fit to do so, to make war or to refrain from making war, notwithstanding the fact that the execution of the contract, the carrying out of it, is dependent, under the Constitution, upon the power of Congress to declare war.

Mr. SHORTRIDGE. I can not agree with the Senator that the treaty-making power, which is made up of the President and the Senate, is broad enough, extensive enough, to deprive Congress of that vital national power to make war, nor can any treaty be so framed as to make it obligatory upon Congress to declare war in order to carry out such a treaty. The right or power to declare war remains there, in the Congress, where the Constitution places it. May I add a word by way of an argument ad hominem? We must stand for the proposition that only Congress can declare war; for, look you, it is conceivable that an unwise President might sit in the chair of Washing-

ton. It is conceivable that an unwise Senate might sit in this Chamber.

Mr. ROBINSON. It is conceivable, but hardly probable.

Mr. SHORTRIDGE. Of course, we are wise in our day and generation. We must never admit—I never shall—that the treaty-making power has the right or power morally or legally to bind this Nation to go to war. I say this because of my reverence for the Constitution, my belief in its wise distribution of powers. We must never pass the sword out of the hand of Congress, which represents all the people. We must never place the sword in the hand of the treaty-making power.

Mr. ROBINSON. Will the Senator yield further?

Mr. SHORTRIDGE. Yes.

Mr. ROBINSON. I agree, and I never have taken any other position, that the power to declare war is vested solely in the Congress of the United States; but I assert, and I am sure the Senator as a lawyer when he reflects upon the declaration will concur in it, that under the treaty-making power the United States, if it chose to do so, could agree with Great Britain to make war upon Japan in case Japan attacked Great Britain, and it could agree with Japan that in the event war arose between Great Britain and Japan it would refrain from engaging in that conflict. I am sure the Senator does not mean to say that merely because the power to declare war is vested exclusively in the Congress of the United States the treaty-making power can not engage in an executory contract with another nation either to make war or to refrain from doing so.

Mr. SHORTRIDGE. Let me now put a question to the Senator.

Mr. ROBINSON. With pleasure.

Mr. SHORTRIDGE. Suppose that the treaty-making power should enter into any such treaty. Does the Senator claim that it would be obligatory on Congress to declare war?

Mr. ROBINSON. The Government would not be legally at war until Congress declared war, and Congress would be at liberty to abrogate the treaty of the United States, just as it has frequently done, by legislation. The Government frequently enters into a contract with respect to import duties. The Congress, by regulating the tariff, may repeal or modify the provisions of that treaty. So that Congress at last is free to exercise its own judgment respecting a declaration of war; but, nevertheless, the treaty-making power can engage in a contract to make war or to refrain from making war.

Mr. SHORTRIDGE. Such a contract would be utterly null and void, and being so would not be binding.

Mr. ROBINSON. It might not be carried out, like a great many contracts that are made that are not executed. Most of the contracts that governments make in the form of treaties are executory contracts, like the treaty with Colombia for the payment of $25,000,000. The treaty-making power agreed with the Colombian Government that the United States should pay to that Government $25,000,000 upon certain considerations. The Constitution provides that no money shall be paid out of the Treasury except upon an appropriation authorized by Congress; so that while we are under a valid contract to pay Colombia $25,000,000, its execution depends upon legislation by Congress; and that is true in many cases. Most of the treaties we enter into require legislation to carry them out; but the Government can enter into a treaty notwithstanding the fact that Congress must carry it out if it is executed.

Mr. SHORTRIDGE. Then let us enter into this treaty and carry it out.

Mr. President, I have heard, I was about to say with amazement, certainly with regret, attacks made here upon nations with which we are at peace.

It must not be forgotten that we are at peace with these signatory nations. It must not be forgotten that we were lately associated with them in a great, tragic war. I do not think it is the time to go over the history of the world, to point out the sins, the follies, the crimes of mankind. The history of the world is wet with blood and tears. It is strewn with broken promises and violated treaties; but, Mr. President, are we to enter into no more treaties because treaties have been broken? Are we to remain at war forever? Of what avail is it to run over the history of the world and point out that this treaty or that treaty was violated? Of course we should study the past for its lessons. There is said to be a certain philosophy of history and that nations may be studied as to future conduct by their past; but I respectfully and very seriously submit to Senators that their language, the language of debate indulged in has been provocative of ill will, of estrangement, of hatred, it might be—perhaps not, but it might be—even of war. The whole United States, the whole world is craving for peace. Because we have had wars with nations, must we never enter into treaties of peace with them? We had, it is true, two wars with England, and at Yorktown yonder the undefeated flag of this Republic floated above the fallen banner of England, and at New Orleans yonder Andrew Jackson, the patriot—God forever rest his intrepid soul—achieved a glorious victory. We had two wars with England—the Revolutionary War and the War of 1812—but we made peace, did we not? And that peace has continued for over a century, has it not?

We had a war with Mexico, and many of us owe our seats in this body, perhaps, to the result of that war. My only regret is that while we were about it we did not acquire a little more of the territory of our southern Republic for our great benefit and for their greater benefit, so that we could control the Colorado River and to-day own Lower California.

We had a war with Mexico, but we made peace with Mexico, did we not? We had a war with Spain in 1898, and a proud hour of my life was when, standing in a Masonic hall in San Francisco, I was privileged to bid Godspeed to the boys of Tennessee who were among the first to cross the Pacific and lift our banner in victory yonder in the Philippines. A war of 100 days was ended by our triumphs at Manila and at Santiago. We made peace with Spain, did we not? Our flag is over yonder now in the Philippines, although there are Senators on this floor who want it hauled down, and some of them who are inveighing against this treaty and betraying concern over the Philippines are on record years ago in favor of immediate withdrawal from those islands. To-day they seem to be very much concerned with our rights in the Philippines. I refer them for the moment to the Jones Act and the preamble to that act, and to the Clarke amendment, which was championed by their learning here in this body. We had war with Spain, but we are at peace with Spain, are we not?

Then we had the great Civil War, that great fratricidal strife. I love to think that from the blue above General Grant and General Lee, reunited in death, look down upon their countrymen reunited for evermore in peace and in war. We made peace, honorable peace, lasting peace, among ourselves and we stand to-day as one people, with one Constitution, with one flag, with one hope, with one love, and standing thus united as one people the world can not excel us in times of peace, nor can it conquer us in time of war.

We have made peace lately with Germany, and let us hope that it will be honored and lasting. I know it will be honored by my country. My country has never violated a treaty. It stands erect, strong, righteous. We are not ashamed of the past. We need not blush to-day. We have made peace with Germany, have we not? We have not striven to crush the fallen foe. We have not striven to oppress or deprive beyond the limit of justice. Why do I say this, a thing so familiar to us all? It is simply to remind Senators that because of wars past, or of broken treaties, we are not to turn away from this proposed treaty of amity and peace.

There is nothing that I could add to convince Senators who have already arrived at fixed conclusions, but the people of this country ought to know the nature of the debate that is in progress, and the real questions of doubt which are being discussed. Wherefore I have trespassed far longer upon the attention of the Senate than I had expected to do.

I, Mr. President, coming from the West, coming from a State with a thousand miles of seacoast, looking out upon the greatest ocean of the earth, we take a peculiarly deep interest in this proposed treaty. The vital immigration problem is ever with us. We are familiar with the Pacific. We have in mind Hawaii, Samoa, Guam, the Philippines, Alaska, and the Aleutian Islands. We visualize that ocean and our possessions. We would have our possessions safeguarded; we would have that ocean the highway for a great and peaceful commerce.

Mr. President, this treaty does not hamper this Nation in dealing with future problems. It does not commit this Nation to armed force, offensive or defensive. It secures recognition of important international law principles. It is a solemn engagement to respect the rights of the parties to it. It makes for peace on earth. It has not in it the seeds of war or the cause of war. It is not a holy or an unholy alliance in that offensive sense. It is not charged with any danger to this country. It will not cause one son of California or Georgia or Alabama to be torn from his mother's heart to fight the battles of the world.

I do believe that every father in America, if he grasped this question correctly, that every mother in America, if she understood it, would call upon us to ratify the work of our great President and our great Senators and those other great Americans who wrought for you and for me and for them.

We have had enough of war, of bloodshed, and of destruction. I do not lose faith in the cause of peace. Humanity has struggled up from darkness and bondage into light and freedom. His path may be wet with his tears and blood, but man

stands higher and freer to-day than ever before. I believe mankind has advanced and is advancing. The sword is in our scabbard now. I would keep it there. The sword is in the scabbard of every one of these four signatory nations. I would keep it there. In pleading to-day for ratification of this treaty I believe I am pleading the cause of peace on earth, for peace with honor, for peace with safety, for peace and for the progress and prosperity and happiness of my country.

This treaty was negotiated and signed by great Americans, and I ask and urge that their words and their acts be ratified and approved.

Mr. POMERENE. Mr. President, I understand we are now proceeding under the rule limiting debate. I have committed to writing the thoughts I expect to submit, and in view of the brief time allotted to Senators from this time on, I ask to be permitted to proceed without interruption. I make this request especially because there are other Senators who desire to follow me. If, after I shall have concluded, it is the desire of Senators to submit questions to me I shall answer them to the best of my ability.

My purpose is to support the four-power pact. I would prefer that it be ratified without any reservation whatsoever. My belief is that most of the Senators on the Republican side of the Chamber and a few Senators on the Democratic side have concluded to vote for the reservation offered by the distinguished Senator from Connecticut. I am opposed to it, but before discussing this reservation let us briefly consider the four-power pact as well as the other treaties in the form in which they have been presented to the Senate.

The Borah resolution calling for the naval disarmament conference was bitterly opposed by the majority on the Republican side of this Chamber. Temporarily, Members who favored the biggest Navy in the world won their fight, but the victory was only temporary. They could not stem the tide of public opinion. The American people—aye, the people of the world—are heartily tired of competition and the expense in building and maintaining engines of war, and finally the Borah resolution won.

Then the President called for the conference, but it was not limited to the three great naval powers—the United States, Great Britain, and Japan. Other powers were invited. The invitation was apparently limited to those who were more immediately concerned in the agenda which the President and the Secretary of State had in mind.

I am not concerned to-day about the wisdom or the unwisdom of inviting these additional powers.

I am not concerned in this discussion about the subjects which might have been considered in addition to those which were considered.

I am not greatly concerned as to who was the real draftsman of this treaty or that treaty, or any particular section of any treaty.

I am concerned only in what was, in fact, done. The question is, Shall we approve or disapprove? And the country is waiting with bated breath the result.

With few exceptions Senators approve the plan for the limitation of naval armament, the restricted use of submarines, and the abolition of noxious gases in war. For myself, I am in hearty accord with what the conference did in that behalf.

And now, Senators, in view of the fact that the United States, the British Empire, France, Italy, and Japan have agreed upon a program to cast aside a part of their armor, what is wrong with the proposals that these powers, partly thus disarming themselves, should go a step further and say to one another, "We are going to respect each other's rights in our insular possessions and dominions"? And if a controversy arises among any two or more of them that it shall be submitted to a joint conference for consideration and adjustment, and if a controversy should arise between one of the joint powers and an outsider, that they shall fully and frankly communicate with one another to meet the exigencies?

FOUR-POWER PACT.

The preamble of the four-power pact declares its purpose to be to preserve the general peace and maintain the rights of the signatory powers to insular possessions and dominions in the Pacific Ocean.

Is not this a laudable purpose? Are we so wedded to the old order of international relations that we shall refuse to look forward to the settlement of international disputes except by the arbitrament of the sword? Must we forever worship the old methods of war? Are we so enamored of them that they must be permitted to continue? Do not the people of the Nation—aye, the world—indulge the hope that the Senate shall take counsel of experience and attempt to devise some ways and means whereby to reduce to a minimum the chances of war rather than to let international disputes go adrift as heretofore? Must we continue in the despairing belief that the only way to defend ourselves is to prepare and to continue our competition in the building of mighty machines of war, both on land and sea? If it be said that there is risk to run in entering a compact such as is now before us, my answer is that the risk certainly is no greater than we have heretofore incurred without these agreements or compacts, to say nothing of the enormous expense to which we have been put, and for which we must continue to contract if the old order is to prevail.

Now, what do the four powers agree to do to preserve the general peace and to maintain their rights in their insular possessions and dominions? Do they agree to equip or furnish armies or navies to preserve the peace or maintain these rights? The treaty does not so say. Do they agree to resort to force for this purpose? The treaty does not so say. Is it an alliance of offense or defense in the ordinary acceptation of that term? There is nothing in the treaty that justifies that conclusion.

What is the plan proposed to thus preserve the general peace and maintain these rights? It is this: They enter into a solemn compact among themselves to respect their several rights in relation to their insular possessions and dominions. Every other stipulation is ancillary to this one single thought.

The learned Senator from Montana [Mr. WALSH] suggests that this provision is nothing more than a statement of the rights of nations as defined by international law, and I assume he means that without this treaty there is the implied duty of each nation to respect the rights of other nations.

On the other hand, the distinguished Senator from Alabama [Mr. UNDERWOOD] takes the position, if I understand him correctly, that under the general principles of international law no Government is required to respect the rights of other Governments. I can not agree with this view. I think the Senator from Montana is correct in his statement that it is the implied duty of each nation to respect the rights of other nations. But the pending treaty is more than an implied obligation. It expresses in exact and unequivocal language this implied duty. It is more. It is a promise on the part of each nation that it will perform its duty toward the other nations.

Wheaton in his work on International Law says (p. 24):

> International law as understood among civilized nations may be defined as consisting of those rules of conduct which reason deduces, as consonant to justice, from the nature of society existing among independent nations, with such definitions and modifications as may be established by general consent.

So we have here in this four-power pact more than an expression of the principle of international law. We have the solemn pledge that each nation will respect one another's rights, or if you please the rights as defined by international law. Our system of international law is found in textbooks of authority—the approved usages of nations; the general opinions respecting their mutual conduct; the fundamental principles of natural justice; to say nothing of various treaties of peace and alliance and commerce regulating international rights and obligations. The principles of international law are not unlike the principles of the common law of England and of this country.

The admission, however, of this fact does not avoid either the necessity or the wisdom of written compacts more clearly to declare or define or modify the law of nations. It might as well be argued that there is no need of a statutory law because the common law may equally protect when once it is understood. Surely no objection can be raised to a solemn compact to respect these rights. What, then, is the next step?

The treaty provides that if a controversy should arise involving the rights of the signatory powers in these insular possessions or dominions which is not satisfactorily settled by diplomacy, then the disputants agree that they will invite their associates to a joint conference to which "the whole subject will be referred for consideration and adjustment."

Does any Senator seriously think that when the four powers agree to submit a dispute between any two of them to a joint conference for consideration and adjustment that this means an obligation to resort to war or to force? Certainly neither war nor force was in the contemplation of the draftsmen of the treaty. On the contrary, the very phraseology of the treaty indicates clearly to my mind that the purpose was to avoid war and force and to settle the matter amicably about the conference table. When the four powers thus meet for consideration and adjustment, if an amicable settlement is not effected then the only alternative is no settlement. And if there is no settlement as the result of the conference the parties to the dispute will be no worse off than they would have been had there been no pact or no conference. Permit me to say with all due respect that they who see war or the use of force under

this pact are not giving to this language the usual meaning which is required by every canon of construction that is known to the law. It is a strained construction they are giving to it.

Let me see if I can make my position a little clearer. When we speak of nations sometimes we become confused. Let us narrow for the moment the scope of our inquiry. Let us substitute for the four nations four farmers entering into a solemn, neighborly compact whereby they agree to respect each other's rights in their farms, and then provide that if a dispute should arise between any two of them the four shall be invited to sit around a conference table and refer the whole subject in dispute to the four for consideration and adjustment. Does anyone seriously believe that such a compact would endanger the peace of the community or that it might result in the use of bowie knives and revolvers? To assert that it would is just as logical as the suggestion that has been made on the floor of the Senate that this pact will lead to war. If that be the conclusion to which our brethren are driven, I shall be very wary hereafter about sitting down with other Senators at the council table in order to adjust our differences over pending legislation.

Let us notice article 2 of the treaty. In substance it provides that if the rights of any of the signatory powers in relation to their insular possessions or dominions in the region of the Pacific are threatened by the aggressive action of any outside power they agree to communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken jointly or separately to meet the exigencies of the particular situation. In controversies between outside parties and parties to this treaty I see no agreement to use force or to go to war or even to furnish the sinews of war. I see in the pact only what its language clearly imports—the signatory powers agree to communicate fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken to meet the exigencies.

Mr. REED. Mr. President, at that point, applying my question to that language, if they were to consult as to the most efficient means to meet an emergency, the emergency being an armed attack, what would come of that?

Mr. POMERENE. Well, Mr. President——

Mr. REED. I have just this instant been told that the Senator asked not to be interrupted, and I beg his pardon.

Mr. POMERENE. I asked that because my time is so very limited.

They would confer together. I can not anticipate what is going to be done. The party that is attacked, I may say, is not required to await the result of the conference before it defends itself. I touch upon that, I may say, later in my argument.

There is nothing in the language of this pact which justifies the conclusion that any understanding which might be reached by the representatives of the four powers would necessarily bind any of them, and particularly the United States, without the sanction of the constitutional authorities.

If one of the powers was in imminent danger of being attacked, there is nothing in this treaty which will prevent it from taking the same measures for defense that it would without the pact, except that it agrees to "inform fully and frankly" the other powers as to the situation with the view, of course, to come to some understanding as to the most efficient measures to be taken to meet the exigencies. There is no reason why this full and frank communication should not take place on the very instant that there is a belief or a thought that aggressive action is threatened. In these days of steam and electricity, of cable and wireless, the threatened aggression could scarcely be begun and become known to the nations threatened until it was communicated to the other powers. I am not willing to say that no good can come out of this full exchange of information and this effort to come to an understanding. My belief is that great good will come out of it. I am not apprehensive of danger.

It is clearly understood that any action by the four powers looking to the consideration and adjustment of any controversy arising between any two of the signatory powers, or any understanding as to any aggressive action by an outside party toward one of the signatory powers, must be by the unanimous vote of the four powers. I think there is no doubt about this. If there is, it can clearly be cared for by a proper reservation in the resolution of ratification.

ANGLO-JAPANESE ALLIANCE.

To me a very important and very significant provision of this treaty is that upon the exchange of ratifications the agreement between Great Britain and Japan concluded at London on July 13, 1911, shall end. That treaty is, to my mind, clearly an alliance of defense, if not of offense and defense. It contains three provisions which are of particular importance in connection with the discussion of the four-power pact:

(1) If the rights and interests of either are in jeopardy "the two Governments will communicate with one another fully and frankly and will consider in common the measures which should be taken to safeguard those menaced rights or interests."

(2) "If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers either high contracting party should be involved in war in defense of its territorial rights or special interests * * * the other high contracting party will at once go to the assistance of its ally and will conduct the war in common and make peace in mutual agreement with it."

(3) Neither party, without consulting the other, will "enter into separate agreements with another power to the prejudice of the objects described in the preamble."

Whether rightly or wrongly, whether with or without justification, there is a feeling of apprehension on the part of some of our very good people largely traceable to this Anglo-Japanese alliance. It has caused in certain sections of our country a sense of uneasiness toward Japan and of dissatisfaction toward the British Empire. In Great Britain, too, the impression prevails that this alliance stands in the way of a better international understanding between the two great English-speaking powers. In my judgment, it lends something to international amity to have it known that this alliance is to end.

Of course, I understand some Senators believe this four-power pact is an entangling alliance which is fraught with danger and will lead us into war. They and I differ so radically that I do not pretend to attempt to reconcile our differences. I am addressing myself rather to those Senators who heretofore have indicated that they did believe in a League of Nations and that they were not afraid of international associations.

The distinguished Senator from Idaho has with great ability, earnestness, and eloquence pointed out the dangers which have grown out of the Holy Alliance and the alliance of the Central Powers. They were alliances of defense, if not of offense and defense. I know that great wars succeeded, if they did not grow out of, these alliances, but I also know that we got into the greatest war of all history without being in an alliance with any nation. I know, too, if I read history aright, that both the Holy Alliance and the alliance of the Central Powers were formed for selfish purposes only, and that their framers were not prompted by either good faith or good will toward their own peoples or the peoples of the world. And if the able Senator from Idaho, or anyone else, can point out to me that there is an element of bad faith in this treaty or that the parties thereto are not inspired by higher purposes than were the members of the two alliances to which he referred, or that the environment is the same, then his argument will have more weight with me than it now has.

BRANDEGEE RESERVATION.

The distinguished Senator from Connecticut has offered this reservation:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

There is no commitment under this treaty "to use armed force" and "no obligation to join in any defense," but if the treaty is not an alliance, what is it? If the phrase "no alliance" is used in the limited sense of an alliance of offense or defense, then I would be content with this part of the reservation, but under the rules of legal construction words must be given their generally accepted meaning, unless a contrary intention appears. Thus construed, can there be any doubt about the proposition that an agreement among the four powers to respect each other's rights in their insular possessions and dominions is an alliance among these nations for that purpose? If so, why should we in the body of the treaty agree to respect these rights, and then by a reservation state that there is no alliance whatsoever? And that is what it will mean if adopted.

This might not be very important, except that under the Anglo-Japanese alliance, in article 2 of that treaty, it is provided:

If by reason of unprovoked attack or aggressive action, wherever arising on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once go to the assistance of its ally, and will conduct the war in common and make peace in mutual agreement with it.

Whatever may be said of the policy of such an agreement between Great Britain and Japan, it is a fixed fact, and it is a treaty of very peculiar value to Japan. Whether rightly or wrongly, a sentiment has prevailed in this country that there is danger to be apprehended on our part from Japan. I think this fear is exaggerated, but it exists. It is a very difficult thing to determine in advance the cause of a war or which party may or may not be the aggressor, and if some difficulty were to arise between the United States and Japan, no matter what its character, who could say with certainty which of the parties was the aggressor? I can not believe we would be, but it would not

be for us to decide under the Anglo-Japanese treaty. It would be a question which Great Britain would decide for herself.

This being so, I am very firmly of the opinion that in the conduct of our foreign affairs a treaty of this kind might be the cause of more or less anxiety or uneasiness on our part, as well as of very great security to Japan. So, then, the United States has something to gain and Japan something to lose by the abrogation of the Anglo-Japanese pact.

And now, if this treaty is ratified, we are rid of the provisions of the Anglo-Japanese pact and Japan has lost her potential security, and all she gets in return is the four-power pact. True, we agree to respect one another's rights in our insular possessions and dominions, but, as I construe this treaty, there is no agreement to go to war in behalf of Japan or any other of the four powers.

We only agree "to confer together if the controversy is between two powers to the pact for consideration and adjustment," and if the rights of any party to this pact are threatened by any other power they agree to communicate together "as to the most efficient measures to be taken to meet the exigencies." That is all; and no understanding which may be reached in the first case and no measure which may be proposed in the second case would compel the United States to act except with the consent of the Senate or the approval of the Congress of the United States, as the case might be.

I look upon this treaty, if ratified without any reservations, as a plighting of good faith, coupled with the obligation of international law to respect one another's rights in the family of nations, and so, if ratified, I regard it as of very great value in the interest of international peace.

On the other hand, let us look at this subject for one moment from the standpoint of Japan. She now has a defensive alliance with Great Britain in the event she is attacked. She gives it up under this treaty as it was negotiated and presented to the Senate, and now with the Brandegee reservation we destroy much of its virility. I assume that those who support the Brandegee amendment expect Japan to ratify the treaty with the reservation. If after the Senate shall have said, if it does say, that this treaty is no alliance, how can the Government of Japan go to her people and say that they have received anything of substantial value in comparison with that which they have surrendered?

I have nothing in common with Japan save and except as I feel it is my duty as a Senator to act in the spirit of good will and good faith toward every member of the family of nations; but I am looking at it rather from the standpoint of the possibility of what we may expect with reference to the abrogation of the Anglo-Japanese alliance in the event that this reservation is adopted. Adopt it, and should we be surprised if Japan should refuse to accept the treaty with the reservation?

I can understand the opposition to ratification of this treaty by those Senators who are opposed to any international alliance or association among the powers of the world, and I have heard their discussions, which were conducted with very great ability and earnestness. I have some very positive convictions upon that subject myself. I can not agree with those Senators, and I am content to let them go their way, as they will permit me to go my way.

But addressing myself for a moment to the Senators who believed in the Versailles treaty, and voted for its ratification in one form or another, I am at a loss to understand how they can justify themselves in voting against the ratification of the present treaty under existing circumstances. If there was a possibility of persuading the President of the United States to return to the Senate the Versailles treaty, and opposition to the ratification of the pending treaties would induce him to do so, then I might believe it wise to continue to oppose ratification, but it is not possible to bring about that course of procedure. It is within the sole power of the Executive to return it to the Senate, and he has decided not to return it. He alone is clothed with power to negotiate treaties with foreign nations, and exercising his constitutional power he presents this treaty.

Certainly no one who approved of article 10 of the Versailles treaty in any of the forms in which it was proposed to ratify it can object either to article 1 or article 2 of the pending treaty. Articles 1 and 2 of the pending treaty are but a pocket edition of article 10 of the Versailles treaty.

Under article 10 the members of the league undertook "to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league," and in case of such aggression or any threat or danger of such aggression the council was required to "advise upon the means by which this obligation shall be fulfilled."

Like it, under article 1 of the four-power pact, the parties agree "to respect their rights" in relation to the insular possessions and dominions, and instead of it being the duty of the council under the Versailles treaty to advise as to what means should be adopted in case of aggression or threat or danger of aggression, each party agrees to invite the other high contracting parties to a joint conference for consideration and adjustment. Or if an attack is made by some other power, then they agree to inform one another fully and frankly in order to arrive at an understanding as to the most efficient means to be adopted to meet the exigencies. The differences between the two treaties, so far as these particular provisions are concerned, are differences largely of phraseology.

I recognize the fact that what I have just said will be considered by those who were opposed to the ratification of the Versailles treaty to be an argument against the ratification of the pending treaty. They may take that view if they will, but it is my reason for voting to ratify this treaty and I prefer to vote for it as it came to the Senate from the President, except to add the reservation which I have proposed and which lies on the table:

It is, however, understood that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2 in order to be binding upon the United States shall be ratified and executed in accordance with the constitutional methods of the United States.

I do not think this reservation is necessary, but it may help to clear the way for those who have doubts to support it, and it is plainly stating to other peoples who may not understand our constitutional form of government just what our position is.

ENTANGLING ALLIANCES.

The opponents of the League of Nations as well as the opponents of the pending four-power pact are constantly quoting George Washington's advice in his Farewell Address "to steer clear of permanent alliances with any power of the foreign world." But they overlook the very material qualification of this language which immediately follows. I quote: "So far, I mean, as we are now at liberty to do it."

This advice to steer clear of permanent alliances must be construed in connection with the context. This advice was based upon a recital of conditions as they then existed.

It follows his declaration that "Europe has a set of primary interests which to us have none or a very remote relation." And then he continues: "Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concern."

Again, he adds: "Our detached and distant situation invites and enables us to pursue a different course."

Without attempting to quote all that he says in this behalf, he adds: "When belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interests, guided by justice, shall counsel."

His advice against permanent alliances is based upon the situation in Europe as he then saw it, and to which I have just called attention. I think when he was advising us to steer clear of permanent alliances with foreign powers he had in mind alliances of offense and defense, not agreements to respect one another's rights or agreements to sit down at the council table to talk the subject over in the event that these rights were infringed.

How different are world conditions now and our relations to them! Then we were a small Nation of 13 Colonies and 3,000,000 people scattered along the Atlantic coast. Now we are 48 empire States with 110,000,000 of people; the greatest industrial and commercial Nation of the world, with a foreign commerce aggregating, in 1920, $13,506,497,797, and extending to the four corners of the earth.

Since Washington's day science has annihilated distance. The stranger nations of yesterday are the neighbors of to-day. Nor can we describe our location in the world as "detached" or as a "distant situation." Washington in the greatest flights of his imagination never dreamed of the steamboat and the locomotive; of the telegraph, the telephone, or the wireless; of the submarine or the airship; or the many countless engines of peace and war with which every schoolboy of to-day is familiar.

To use his own words, he thought of "belligerent nations under the impossibility of making acquisitions upon us," and, of course, in his judgment, at that time they would not "likely hazard the giving us provocation." But I think we ought to give George Washington credit for taking counsel of facts as he saw them in his day. He did not then know that our

country was to extend from the Atlantic to the Pacific or of our island possessions in the Far East.

Can anyone seriously think of George Washington under present changed conditions advising against treaties with the nations of the world agreeing to respect each other's rights in their insular possessions and dominions? Can anyone think of George Washington saying that it would be a dangerous alliance if we were to agree in advance with other nations to sit around a council table for the purpose of considering and adjusting controversies which might arise between them? As well might we think of George Washington in the place of General Pershing at the head of our armies solemnly advising the American people to do away with their modern guns and implements of war and substitute therefor the old flintlock of Revolutionary days.

Again, those who would quote George Washington as an authority against this treaty overlook this paragraph of his Farewell Address:

> Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Are we not confronted by an "extraordinary emergency" now? Have not some of the Senators who are opposed to this treaty been constantly warning the country against the dangers in the Pacific from Japan? Have they not told us that the Philippine Islands are in jeopardy? And have we not been warned of the menace to our security arising out of the Anglo-Japanese alliance? Are we not now so burdened with a national debt growing out of the World War that our people are fairly groaning under the burdens of taxation? If they are sincere in their belief that we may be attacked by Japan in the near future, can they not see that the situation at least approaches the "extraordinary emergency" to which the Father of his Country referred when he said that we might safely trust to "temporary alliances for extraordinary emergencies"?

And now, when we look at the four-power pact, we find, if it is an alliance, is it not in the language of Washington "a temporary alliance"? By the third article of the treaty it is only to continue for a period of 10 years. Does anyone seriously think more danger may arise to this country by agreeing upon a program with Japan, Great Britain, and France for a period of only 10 years to respect one another's rights in our insular possessions and dominions than there will be if we do not make the agreement?

COMPANION TREATIES MUST BE KEPT IN MIND.

Possibly it would have been better if the scope of the four-power pact had been broadened so as to include a final disposition of the Manchuria problem, or even to go further and arrange a settlement of the questions which may hereafter arise between Russia and Japan in Siberia. Thus far we have not seen fit to recognize the Soviet Government of Russia, and it is difficult to understand how, under these circumstances, Russia could have been invited to the conference.

Of course, the four-power pact must to a very great extent either stand or fall upon its own merits, but it is difficult to give proper weight either to its purpose or to its effect without keeping in mind the companion treaties growing out of this same conference.

Let me, therefore, speak briefly of them:

FIRST: THE NINE-POWER TREATY RELATING TO PRINCIPLES AND POLICIES CONCERNING CHINA.

The purpose of the so-called nine-power treaty is to preserve the integrity of China and to prevent further encroachment upon her autonomy. It is not necessary to discuss the aggressions of foreign nations against China during the last generation. We know how that country was victimized by the great powers of the world. Conditions are such that unless the nations which have great interests in the Far East restrain their advances in China, a situation may arise which would threaten the peace of the world. This will be conceded by students of past and present current events. I regret that the treaty has not gone further in its relief to China; but much has been restored to her, and she has gratefully approved what has thus far been accomplished.

To me it is a matter of congratulation that the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal joined in a treaty looking to the preservation of the Republic of China. This treaty is now on the Senate calendar. Under it the signatory powers agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

(2) To provide the fullest and the most unembarrassed opportunity to China to maintain and develop for herself an effective and stable government.

(3) To use their influence for the purpose of effectually establishing and maintaining the principles of equal opportunity for the commerce and industry of all nations throughout the territory of China.

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of citizens or subjects of friendly States, and from countenancing action inimical to the security of such States.

As an incident looking to the carrying out of these high purposes the contracting powers pledge themselves not to enter into any treaty, agreement, arrangement, or understanding, either with one another or with any power or powers, which would infringe or impair the purposes thus declared.

The open-door policy is reaffirmed, and they agree neither to seek nor support their nationals—

(1) In any arrangement which might even purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China.

(2) They have solemnly pledged themselves neither to seek nor to support any monopoly or preference for their nationals which would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government or with any local authority in any category of public enterprise which is calculated to frustrate the principles of the open door or of equal opportunity.

And China undertakes to be guided by these principles.

There are other very important stipulations in this treaty, but they are incidental to and confirmatory of the general principles to which I have referred.

SECOND: TREATY RELATING TO CHINESE CUSTOMS TARIFFS.

Without attempting to discuss China's financial condition, it will be sufficient for my purposes to say that China finds herself in need of more funds; that during the past century she entered into many treaties with foreign nations, including the United States, whereby her customs duties both on imports and exports were limited to 5 per cent ad valorem. Under these treaties practices have grown up which have reduced these duties materially below 5 per cent ad valorem.

The purpose of the treaty with China pending before the Senate is to revise these duties for the purpose of making them equivalent to an effective per cent ad valorem, in accordance with the treaties heretofore concluded. China becomes the beneficiary thereby, because it will increase her revenues. The other signatory powers and their nationals will also benefit, because the equalization of rates will place all of them on an equal footing.

Certainly the Senate can have no objection to this treaty unless it is the purely technical one that we are interfering with the domestic affairs of a sovereign State. The justification for this course is based wholly upon China's present domestic condition. She is not able to act legislatively for herself. China can not make this revision without the assistance of the other signatory powers. We can only hope that her internal conditions will be so improved at an early date that it will not be necessary for outside nations to interfere either in fixing or maintaining by treaty duties which should be fixed only by legislation.

THIRD: LIMITATION OF NAVAL ARMAMENT.

Competition in naval armament has become an unwarranted extravagance, unduly burdening the peoples of the nations thus indulging themselves, adding nothing to the security of the world, but, on the contrary, endangering its peace.

I do not know that anyone can seriously object to this treaty, excepting only those who had an ambition to see the United States possessed of the first navy in the world. Those who are prompted by this spirit seem not to consider the cost. In so far as I know, they have given no indication as to what they would do with the fleet if they had control of it. Some of them, perhaps, have been as little concerned about its use as they have been about its expense. To-day this class of minds is in a negligible minority. For a time this sentiment in the Senate was hastening us on to unlimited expense and extravagance until the Members of Congress began to hear the voice of the people back home and throughout the world, and now with almost universal acclaim the American people—aye, the people of the world—approve the treaty placing a limitation upon armaments signed by the United States, Great Britain, France, Italy, and Japan.

The capital ships are limited as follows, subject only to the approval of the treaty-making powers:

	Tons.
The United States tonnage to	525,850
Great Britain to	580,450
France to	221,170
Italy to	182,800
Japan to	301,320

But under the plan of replacement the maximum tonnage limitations are as follows:

	Tons.
The United States tonnage to	525,000
Great Britain to	525,000
France to	175,000
Italy to	175,000
Japan to	315,000

I have no doubt that many Senators and Congressmen who were carried away by their own enthusiasm and eloquence while they were pleading for the greatest navy in the world now regret their speeches in that behalf. Few, if any, of them will vote against this agreement for limitation of naval armament.

FOURTH: TREATY RELATING TO SUBMARINES AND NOXIOUS GASES.

This treaty declares as a part of the international law the following principles:

(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized. It must not be attacked unless it refuses to submit to visit and search after warning, or to proceed as directed after seizure. It must not be destroyed unless the crew and passengers have been first placed in safety.

(2) Belligerent submarines are not under any circumstances exempt from the universal rules thus stated, and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and seizure and permit the merchant vessel to proceed unmolested.

All other nations have assented to these principles. The signatory powers declare that any person who violates any of these rules, whether under the orders of a governmental superior or not, shall be liable to trial and punishment as if for act of piracy.

Again, in the interest of humanity the use of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices are justly condemned and their use prohibited.

I am sure the Senate will not refuse to approve this treaty.

FIFTH: TREATY WITH JAPAN CONCERNING THE ISLAND OF YAP.

Long prior to the presentation to the Senate of the Versailles treaty a controversy arose between the United States and Japan as to what, if any, rights our Government should have in maintaining a cable and wireless station on the island of Yap. Japan insisted that our commissioners at Paris had surrendered this right, if any we had. President Wilson contended with all vigor that this question was referred for future conversation, and that he had not surrendered our claims therein; and President Wilson was right. However, Japan refused to yield, and our right to maintain a cable and wireless station has been the subject of controversy until it was adjusted by the ratification a few days ago of our treaty with Japan bearing upon this subject.

Our right there now is an accomplished fact, and it settles a very important subject of dispute. Japan has a mandate over the German islands lying north of the Equator, including Yap. Maybe they ought not to have this mandate, but it is too late for those who opposed the ratification of the Versailles treaty to complain now because they have it.

TREATY BETWEEN JAPAN AND CHINA RELATING TO SHANTUNG.

And may I say a word about Shantung? When the Versailles treaty was before the Senate days were consumed in denouncing the treaty because it permitted Japan to receive from Germany all her rights, titles, and privileges in the Province of Shantung. It was one of the most vulnerable points in that treaty. The American people thought it was wrong to allow Japan to retain this interest in China. Of no avail was it that President Wilson and others said that Japan had promised within a reasonable time to transfer substantially all of these rights back to China.

Now it transpires that Japan was wrongfully accused; and that she has kept faith with China and the other nations that sat around the council table in Paris. Certainly this treaty has put an end to any cause of contention between China and Japan, and has reassured the nations of the world that Japan kept her faith.

As the result, therefore, of the International Conference for the Limitation of Armament, we have, in addition to the four-power pact, obligating the signatory powers to respect their rights in their insular possessions and dominions:

First, a treaty limiting naval armament.

Second, the limitation of the use of submarines, and the prohibition of noxious gases in warfare.

Third, the treaty of the nine powers relating to the principles and policies to be followed in China.

Fourth, the treaty between the same nine powers increasing the Chinese customs tariffs.

Fifth, the cession to the United States of the right to build and maintain a cable and wireless station in Yap.

Sixth, the return of Shantung to China.

Certainly, these will prove of great benefit to the whole world and will minimize the possibilities of war.

I regret that the President and his commissioners were not able to go further, but I recognize that they represented only one nation at the council table, and I can conceive some of the difficulties which confronted them. If I thought for one moment that any one of the pending treaties would in the least jeopardize the interests of our country, I would not vote for it; but we must deal with nations as we deal with men, and God help the world if we have so little faith in the other members of the family of nations that we refuse to treat with them or to make an agreement with respect to the meeting for conference when international relations are in dispute. The wings of my imagination are not yet strong enough to take me to the dizzy heights where I may think that I see a chance of war simply because I agree to respect the rights of other nations and to meet them for discussion and adjustment in the event that misunderstandings arise.

The Versailles treaty was submitted to the Senate by President Wilson on the 10th day of July, 1919. My very deep regret is that we did not ratify it. If it had been ratified with reasonable promptness I think we would have been at least two years further on our way to normalcy. I preferred that it be ratified without any reservations whatever, though there were a number of its provisions which I did not like. I felt then as I feel now that it was an attempt to bring the nations of the world into accord. The United States had stepped into leadership among the nations. The other peoples of the world had more confidence in the United States than in any other Government. In any event, we could have stepped out of the league within two years by serving the notice provided for in the covenant of the league. If there were any provisions in it which we did not approve, I have never had a doubt that any reasonable amendments which the United States might have proposed to the covenant would have been promptly accepted by the other members of the league. If they would not have accepted them we could have served our notice and withdrawn. But the Senate refused to ratify the Versailles treaty.

We are told that at the November election in 1920 the League of Nations was overwhelmingly condemned. I do not propose to enter into any lengthy discussion of that assertion. If that election was a condemnation of the Democrats who favored the league, it will be difficult for those same gentlemen to say it was not an approval of the position taken by the Republican President, Mr. Harding. True, he and his political associates condemned the league, but they favored an association of all the nations of the world.

The Republican platform declared, "The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based on international justice." I think from this language the conclusion is fairly deducible that the Republicans wanted an agreement among the nations to preserve the peace of the world, and that they stood for an international association.

President Harding in his speech at Marion August 28, 1920, declared he favored "a society of free nations, or an association of free nations, or a league of free nations, animated by considerations of right and justice instead of might and self-interest; and not merely proclaimed as an agency in pursuit of peace, but so organized and so participated in as to make the actual attainment of peace a reasonable possibility." And then he added: "Such an association I favor with all my heart, and I would make no fine distinction as to whom credit is due."

The PRESIDING OFFICER (Mr. JONES of Washington in the chair; at 4 o'clock and 55 minutes p. m.). The time of the Senator from Ohio on the treaty has expired. There is an amendment pending, and the Senator is at liberty to use 30 minutes on the amendment.

Mr. POMERENE. I thank the Presiding Officer. I desire now to occupy a few minutes in speaking upon the amendment.

MR. HUGHES'S POSITION IN 1920.

On October 15, 1920, Mr. Hughes, now our Secretary of State, with other distinguished leaders of his party, in an address to the voters of the United States with reference to the Versailles treaty, defined the issue between the Democratic and the Republican Party thus:

> The question accordingly is not between a league and no league, but is whether certain provisions in the proposed league agreement shall be accepted unchanged or shall be changed. * * *

He also added:

> The conditions of Europe make it essential that the stabilizing effect of the treaty made between the European powers shall not be lost by them, and that the necessary changes be made by changing the terms of the treaty rather than by beginning entirely anew.

MR. LODGE'S POSITION.

But, again, where stood the distinguished leader of the majority on the subject of a league of nations? Did we not have a right to expect, notwithstanding his opposition to the treaty of Versailles, that he would take the lead in his present responsible position as majority leader of the Senate and as one of the leaders of his party for many years in the organization of another league of nations or an association of nations? Let me refer to a few of his utterances upon this subject.

In the report which he submitted on August 15, 1911, on the general arbitration treaties with Great Britain and France, he said:

> The history of the United States for more than 70 years exhibits a record of arbitration treaties unequaled by that of any other nation on earth. Every one of those treaties has received the cordial assent of the United States.

At Union College, on June 9, 1915, he said:

> We must bear constantly in mind that from the conflict which now convulses the world there may possibly come events which will force us to fight with all our strength to preserve our freedom, our democracy, and our national life. * * *
>
> What can we do in a larger sense toward securing and maintaining the peace of the world?
>
> This is a much more difficult question; but turn it back and forth as we may, there is no escape from the proposition that the peace of the world can only be maintained, as the peace and order of a single community are maintained, as the peace of a single nation is maintained, by the force which united nations are willing to put behind the peace and order of the world.
>
> Nations must unite as men unite to preserve peace and order. The great nations must be so united as to be able to say to any single country, "You must not go to war." And they can only say that effectively when the country desiring war knows the force that the nations place behind peace is irresistible.
>
> In differences between nations which go beyond the limited range of arbitrable questions peace can only be maintained by putting behind it the force of united nations determined to uphold it and to prevent war. No one is more conscious than I of the enormous difficulties which beset such a solution or such a scheme, but I am certain that it is in this direction alone that we can find hope for the maintenance of the world's peace and the avoidance of needless wars. Even if we could establish such a union of nations, there might be some wars which could not be avoided, but there are certainly many which might be prevented. * * * It may seem Utopian at this moment to suggest a union of civilized nations in order to put a controlling force behind the maintenance of peace and international order, but it is through the aspiration for perfection, through the search for Utopias, that the real advances have been made.

In an address before the annual convention of the League to Enforce Peace, May 26, 1916, in Washington, D. C., he said:

> The league certainly has the highest of all aims for the benefit of humanity, and because the pathway is sown with difficulties is no reason why we should turn from it. It is the vision of a perhaps impossible perfection that has led humanity across the centuries.
>
> The limit of voluntary arbitration has, I think, been reached. * * * I think the next step is that which this league proposes, and that is to put force behind international peace. We may not solve it in that way, but if we can not solve it in that way it can be solved in no other.

Keeping in mind, therefore, the declaration of the Republican platform for an "agreement among the nations to preserve the peace of the world," the pledge of the President himself—and I quote his words—in favor of a "society of free nations or an association of free nations or a league of free nations"; the speeches of the distinguished leader of the majority side of the Senate [Mr. LODGE] in favor of a "league to enforce peace"; and the address of our distinguished Secretary of State, declaring that the question for the voters to determine was not "between a league and no league," but whether "certain provisions in the proposed league agreement shall be accepted unchanged or shall be changed," the American people, and particularly the Republican Party, have a right to feel disappointed because more has not been accomplished in that behalf. They have been looking forward eagerly for the presentation of the President's plan, as defined in his speech of August 28, 1920, for the "society of free nations or an association of free nations or a league of free nations."

Surely the Republican Party can not claim that the people of the United States by their ballots in November, 1920, condemned the President's plan for "a society of free nations or an association of free nations or a league of free nations." They approved it by a majority of nearly 7,000,000.

Speaking for myself, I was disappointed when the Versailles treaty was not ratified, and I was disappointed a second time when President Harding did not present a complete plan for our consideration. Under these circumstances what course should I pursue as a Senator of the United States?

I know of no way to persuade the President to resubmit the Versailles treaty to the Senate for its advice and consent.

I know of no way to induce him to present a plan for a society of free nations or an association of free nations or a league of free nations.

I know of no way to influence our honored Secretary of State to present to the Senate the changes in the League of Nations which he had in mind and to which he referred in his address submitted to the voters of the United States on October 15, 1920, by himself and other distinguished party leaders. And he can not do it unless the President shall send back to the Senate the Versailles treaty for further consideration.

I must vote for these treaties here either with or without reservations or vote against them. I am not in a position to demand what I would like. I can only deal with the treaties as they are. I must either approve them in whole or in part or I must condemn them.

I would not be willing to enter into an alliance, offensive or defensive, which would compel this Nation to enter into the activities of war without the consent of the Senate of the United States, or the Congress, as the case might be.

The pending four-power treaty does nothing of that kind. It is not an alliance either offensive or defensive. It is an alliance binding the four powers to respect each other's rights in their insular possessions and dominions, and binds the signatory powers to submit to a joint conference of the four powers any controversy that may arise with respect to these rights for consideration and adjustment; and in case aggressive action is threatened by an outside party, to communicate fully and frankly with one another in order to arrive at an understanding as to the most efficient measures to be taken to meet the exigency.

Why should this language be so strained in its construction as to leave the impression that it is an obligation to go to war? To assert it would be laughable if it were not said so seriously.

I shall not take the time of the Senate to repeat the advantages as I see them which will accrue to the United States and to the world if these treaties are ratified. I have already given them. Suffice it to say these treaties are a step forward, in my judgment, in the adjustment of international controversies by peaceful means rather than to let them drift into armed conflicts.

Feeling as I do, I shall vote for their ratification. To do otherwise would be to prove false to my convictions and false to what I conceive to be the well-defined sentiment of the country.

Mr. TOWNSEND obtained the floor.

Mr. LODGE. Mr. President, I ask the Senator from Michigan to yield to me for a moment that I may make a request.

Mr. TOWNSEND. I yield to the Senator from Massachusetts.

Mr. LODGE. I have been asked by Senators on the other side of the Chamber that there may be an evening session, because there are speeches which they desire to have made. I am very glad to comply with the request.

I ask that at the close of the speech of the Senator from Michigan [Mr. TOWNSEND] there shall be a short executive session with closed doors, and that at the close of that executive session the Senate shall take a recess until 8 o'clock to-night; that it be understood that there will be neither the call of a quorum nor any voting——

Mr. UNDERWOOD. At the night session?

Mr. LODGE. No voting and no call for a quorum during the evening session; and that at the close of the evening session the Senate shall take a recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Massachusetts. Is there objection? The Chair hears none, and it is so ordered. As in legislative session, the Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SLEMP, Mr. MADDEN, and Mr. SISSON were appointed managers of the conference on the part of the House.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SIBNOTT, Mr. SMITH of Idaho, and Mr. BAKER were appointed managers of the conference on the part of the House.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 20) for the appointment of a committee of Senators and Representatives to represent Congress at the ceremonies attending the arrival of the last of the bodies of American soldiers from the battle fields of the World War.

The message also announced that the Speaker of the House, in compliance with Senate concurrent resolution 20, had designated Mr. CRAGO, Mr. ARENTZ, Mr. FISH, Mr. MCSWAIN, and Mr. RAWKIN members of the committee on the part of the House to represent Congress at the ceremonies attending the arrival of the last of the bodies of American soldiers from the battle fields of the World War.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were subsequently signed by the Vice President:

H. R. 7881. An act to authorize the Governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements; and

H. R. 10559. An act making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

POST OFFICE APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TOWNSEND. As in legislative session, I move that the Senate insist upon its amendments, consent to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BRUSSARD conferees on the part of the Senate.

THE FOUR-POWER TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. TOWNSEND. Mr. President, I shall not detain the Senate longer than a few moments in order that I may have an opportunity to express my views very briefly on the controversy now before the Senate.

The debate on the result of the recent Washington conference has covered a large field, and everything which minds of Senators trained not only in legal controversy but in all the arts of the special pleader could devise has been brought before the Senate. The discussion has at no time nor on a single occasion reached the high character of that disclosed when the Versailles treaty was before the Senate. It is true that appeals have been made to love of country, and much of what was said on the former occasion against foreign entanglements has been repeated during this debate. This treaty includes no possibilities for such entanglements.

It seems clear to me that the pending treaty does not in any way bind the United States to the use of force. It is admitted by all that force could not be employed by our Government in the Pacific or elsewhere without the direct action of Congress. The senior Senator from Nevada in his speech a few days ago in the Senate made a statement to which I call your attention. He said that any war in the Pacific would involve the United States, whether this treaty was ratified or not. I think this statement is probably correct, and it answers much of the opposition to this treaty. If the United States will be involved anyway, is it not the part of wisdom for our country to have an understanding with the countries one of which will be involved in any war, if there shall be a war—an understanding to consult with a view to preventing war? The very fact that the four leading nations are to consult will of itself be a great war deterrent.

The opposition to this treaty has become desperate. Not only are the nations who met here at our Government's invitation and who came practically as our guests abused, their motives impugned, their intellectual honesty denied, but the distinguished members of the American commission are in substance condemned either as incompetents or knaves. Their word of honor is sought to be impeached by the statements of men whom the Senators offering them as exhibits afterwards impeach as witnesses unworthy of belief.

I hope the nations who visited us and participated in good faith in a great effort to prevent war and reduce tax burdens through better understanding will know that the few Senators who speak in derogation of them do not speak either for the great majority of the Senate or the American people. It is among the bare possibilities that one more than one-third of this Senate may defeat this treaty, but, sir, that will not disprove the great fact that the large majority believe that the Washington conference was attended by honest, honorable men of great ability and undoubted high character.

If this treaty is defeated by the arguments presented, the world may lose faith in our country. It may hesitate long to enter another conference either called or participated in by the United States, but the humiliation will be ours. This conference was called by our President, not in fear of any nation, not for self-aggrandizement, but for the good of a world blood drenched by war, burdened by the crushing weight of taxation caused by war—called for the purpose of doing every honorable thing to prevent another war and to agree, if possible, upon some plan to lighten those burdens, or at least to prevent their increase.

The treaties before the Senate represent the greatest advancement in civilization that has been experienced in a half century. The leaders in this consummation were great patriotic Americans. They knew and respected our country's sacred traditions. They were wisely informed in foreign affairs. And at least until in desperation a few Senators impugned their motives, they were honorable and honest beyond suspicion even. They prepared the program for the conference, which considered it honestly and directly. Great and complicated questions were involved. The delegate nations were of different traditions and ideals, but all were brought together at the invitation of the one great unselfish Nation to discuss American ideals, and when they left they took with them a better understanding, a wider, better vision of international relations. Some of the delegates at the conference came with bitterness in their hearts toward each other. After weeks of association in the American atmosphere which pervaded the conference they departed at least partially realizing that peace, progress, and prosperity can be better secured and maintained through friendship and honest dealings than through injustice, enmity, and hatred.

That an understanding was reached on this treaty there can be no doubt. That such understanding was what the American commission says it was and what the unequivocal language of the treaty says it was is equally certain.

But some Senators say that it in some way, adroitly hidden, infers at least the moral obligation to resort to war in case deliberation does not peacefully settle the controversy. I am sure that it does not. But again referring to at least one speech which has been made against the treaty, stating that we would be obliged to enter such a war regardless of the treaty, then why not make an agreement which will enable us to prevent such war, if possible?

Senators seem to doubt the wisdom and patriotism of future Congresses. Some of these Senators are wise and distinguished, and I say this sincerely and without tinge of sarcasm. But is it impertinent to suggest that equally wise men will come after them, and inasmuch as no war can be declared or prosecuted without the action of Congress, I am ready and willing to believe that a future Congress will act with wisdom and patriotism. I repeat, however, that there is no legal or moral obligation upon the United States to use force under any provision of this treaty.

But we are told that it was considered in secret. Well, I am simple-minded enough to believe that members of any commission must talk together and not in a hired hall filled with people or in the presence of newspaper reporters and stenographers before they can agree upon the terms of any contract. Especially is this true where some of those nations are unfriendly to each other. Does any sane man believe that any agreement on any of the great matters could have been reached without preliminary discussion in chambers? The Supreme Court deliberates behind closed doors. Its decisions are made public, and the decisions are what the people desire to know.

The matter in which the people are interested is the treaty itself. They care little about what scrivener penned it nor how many times it was rewritten. They want to know what it really is. This treaty carries no suspicion upon its face. Its signers without exception deny that there are any secret understandings relating to it. And of what possible use would be a secret understanding, even if it had been made? After all these denials on the part of the parties to the contract, what nation would feel any moral obligation to observe such a secret understanding? To me this is idle talk.

I am not favorable to the Brandegee reservation. It adds nothing of clarity or force. It simply gives notice to the other parties that we are a suspicious Nation, and by adoption we offer an excuse to other nations to make such reservations or changes as they may impose. The reservation is, however, as inocuous in itself as it is useless, and if I come to the belief its adoption will insure the ratification of the treaty I shall vote for it, but I am sorry that any Senator has thought it necessary in order to make clear what is already entirely obvious.

Considerable discussion has been indulged and unwarranted inferences have been drawn in reference to the fact that two of the four nations to this pact will have when the treaty providing for reduction of armament is adopted a combined naval force in excess of that of the other two nations, and therefore the United States and Great Britain would combine to dominate France and Japan. This criticism dishonors our country. The whole history of our foreign relations disputes this possibility. The world believes that our motive in entering these treaties was not selfish, except that there may be a justifiable selfishness in the desire to prevent any war in which we may be involved, a selfishness which includes not only our highest and best interests but also those of the world.

It is true that Great Britain and the United States under the treaty for armament reduction will have a combined naval force greater than that of the other two nations, but they have such predominance now without reduction if it is conceivable that the United States would enter into any dishonorable contract with any other nation to destroy or humiliate any third nation she can do it regardless of whether these pending treaties are ratified or not, but the Senate must be a party to such an infamy.

I have too much faith in my country, sir, to give this argument serious attention. It is impossible. Our national ideals, our history, is too well established and known now to be affected by unworthy inuendo or unwarranted suspicions. Some men may impugn the motives and character of the great and good men who represented the United States at the Washington conference, but the nations of the earth and the people of our country have faith in them.

Senators who are so eloquently opposing this treaty could with equal force oppose any treaty into which the United States has ever entered. No Senator can be more jealous of our country's unembarrassed sovereignty than I am, but I realize, sir, that our destiny is inextricably involved with that of the world, and that it is the duty of the United States to exert its every proper influence to preserve peace with justice in the world. The late conference opened an honorable and effective way for doing this. We have sacrificed no desirable right, we have entered into no entangling alliance, but we have substituted friendship for hatred among the nations of the world and entered into understandings with them which will reduce the causes for war and make peace more certain.

As in legislative session,

CONDITIONS IN BITUMINOUS COAL FIELDS.

Mr. WILLIS. Mr. President, there has been a great deal of publicity in the country concerning the possibilities of a strike in the bituminous coal fields. The Department of Labor for many months has been making a very careful investigation of conditions in the coal fields. That investigation has covered bituminous fields in 19 different States. Their report is now ready; I have it before me here, and in view of the possibility of difficulty in the coal fields, it seems to me that it would be rather desirable to have this information available for distribution. Therefore I ask unanimous consent that the report covering wages, wage conditions, and so forth, may be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

PAY OF ARMY AND KINDRED SERVICES.

Mr. WADSWORTH. As in legislative session, I ask unanimous consent to submit a report (No. 572) from the special committee of the Senate appointed pursuant to Senate resolution 240, to which was referred the report of the joint committee of the Congress charged with the duty of proposing a revision of the pay and allowance schedules of the Army, the Navy, the Marine Corps, the Public Health Service, the Coast Guard, and the Coast and Geodetic Survey. Accompanying the report is a bill which should go to the calendar, the committee having been authorized by the Senate resolution to report by bill.

The bill (S. 3326) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was read twice by its title.

The VICE PRESIDENT. The bill will be placed on the calendar.

As in legislative session,

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented a memorial of sundry citizens of Kitsap County, in the State of Washington, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAPPER presented a resolution of the board of directors of the Kimeo National Farm Loan Association, of Greenleaf, Kans., favoring certain amendments of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

Mr. WILLIS presented letters and communications in the nature of petitions of the pastor and congregation of the First Church of the Brethren of Dayton; Emily and Jesse Wright, of Springboro; the Kiwanis Clubs, of Warren and Fremont; the First Brethren Church of Ashland; and the Men's Brotherhood of the Methodist Episcopal Church, of Kingston, all in the State of Ohio, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented a memorial of Ward A. Willford Camp, No. 57, Department of Ohio, United Spanish War Veterans, of Akron, Ohio, remonstrating against inclusion of the veterans of the Spanish War in the benefits of the soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. FERNALD presented petitions of sundry citizens of Manset and Waldoboro, both in the State of Maine, praying for the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented resolutions adopted by the congregations of the First Congregational Church of Sumner and the Hammond Street Congregational Church, of Bangor; the United Baptist congregation, of Dryden; the Farmington United Baptist Association, comprising 29 churches, of Jay; and the Maine Commandery, Military Order of the Loyal Legion of the United States, of Portland, all in the State of Maine, favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. TOWNSEND presented a resolution of Washtenaw County (Mich.) Pomona Grange, No. 7, favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by Harding-Olk-Craidge Post, No. 18, American Legion, of Bay City, Mich., favoring the passage of the so-called Fordney soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution of the Research Club of the University of Michigan, of Ann Arbor, Mich., protesting against the imposition of tariff duties on foreign textbooks, which was referred to the Committee on Finance.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 3318) for the relief of James W. Green, jr.; and

A bill (S. 3319) for the relief of the heirs of Morgan Smith, jr.; to the Committee on Claims.

A bill (S. 3320) to provide for the erection of a public building at El Dorado, Ark.; and

A bill (S. 3321) to increase limit of cost heretofore fixed by Congress for purchase of site and erection of building for use as post office at Prescott, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. ELKINS:

A bill (S. 3322) to provide a site in the District of Columbia for a building for the care of tubercular pupils; to the Committee on the District of Columbia.

By Mr. CAPPER:

A bill (S. 3323) for the relief of Ulric O. Thynne; to the Committee on Claims.

By Mr. CAMERON:

A bill (S. 3324) to provide for the further rehabilitation of disabled veterans of the World War who have received agricultural training through the Veterans' Bureau; to the Committee on Irrigation and Reclamation.

By Mr. STANLEY:

A bill (S. 3325) to amend section 4887 of the Revised Statutes relating to patents; to the Committee on Patents.

By Mr. BURSUM:

A joint resolution (S. J. Res. 180) directing the Secretary of the Treasury to sell improvements and buildings owned by the Government at Camp Cody; to the Committee on Public Buildings and Grounds.

AMENDMENT OF DISTRICT STREET RAILWAY MERGER BILL.

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF AGRICULTURAL APPROPRIATION BILL.

Mr. FRANCE submitted an amendment proposing to appropriate $10,000 for the study of the problem of standardization and simplification of farm implements, machinery, and repair parts for same, with a view to more economical manufacture and use, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SECRET EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of secret executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.), under the order previously made, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate in open executive session reassembled at 8 o'clock p. m., on the expiration of the recess.

THE FOUR-POWER TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. WALSH of Massachusetts. Mr. President, I intend to vote against the treaty, and I shall state as concisely as possible what seem to me to be the chief and indeed convincing objections to this instrument.

I. In principle it departs from past American practice of keeping out of international entanglements over "territorial integrity or political independence."

II. It is not, as it is now drawn, inclusive of all the possible parties to a dispute and hence unjudicial.

III. It is an alliance of large powers for mutual defense of rights which will, if world history is correct, inevitably result in the creation of other alliances to counteract its influence and activity.

IV. It alienates friendly powers like Russia and China, who will regard the treaty as being directed toward and militating against their interests and security.

V. It compels recognition of foreign rights we know to have been acquired by force and to be held in contravention to democratic notions.

VI. It implies the use of force for its fulfillment whenever unarbitrable controversies arise.

VII. It extends our protection, which the other parties are so often apt to need in return for territorial protection which we always have, could, and should furnish ourselves.

VIII. It subordinates national self-respect in paying participation in this treaty as the price for the abrogation of the Anglo-Japanese treaty.

IX. It is either antagonistic to the League of Nations or it threatens to involve our tacit recognition of the functions of the league in case any of our allies submit a dispute involving their Pacific rights to that body.

X. On the whole, it would prevent America from passing independent judgment on questions in controversy between nations.

THE ABROGATION OF THE ANGLO-JAPANESE ALLIANCE—IS IT A GAIN FOR AMERICA OR A SURRENDER?

Mr. President, in 1911 England, in surveying the political balance in Europe, and with customary vision for seeing turbulent happenings in her possessions in the Orient, made a secret alliance with Japan. There was never any question about the character of this alliance; it operated mutually, gave guaranties of both offensive and defensive force, characteristic of all alliances in case of necessity. Like all alliances between aggrandizing powers, this alliance provided for an exchange of service in return for a privilege to exploit. When the Great War began, Japan at once cleared the Pacific and the Orient of German control, held a threat over India, and thus freed England to give her attention to affairs in the European war stadium. For her reward Japan, with England's approval, arbitrarily seized German possessions in the Orient, tightened her grip on a defenseless, harmless, friendly China, and acquired ultimately for herself valuable parts of Siberia. Though the post-war conference at Versailles dealt with all the territories Japan had taken over to herself, no substantial concessions were made by her toward the return of these territories, and at the establishment of the League of Nations China and Russia were still paying the price of the Anglo-Japanese alliance. Though the English home government was acquiescent in these exploitations, some of the colonies—Canada, New Zealand, Australia—partly imbued with a sense of justice, partly alarmed at the growth of the Japanese expansionist movement, began protesting the continuance of this pact of aggrandizement. Public opinion in America mounted high also against the English for associating openly with a power manifestly hostile to the national aims and desires of the United States; and Britain, as Balfour put it, was "between two misunderstandings—one in America and the colonies if she continued the alliance and one in Japan if she terminated it." Then, most opportunely for England, came the Washington conference. Why was not this a good chance to unload the alliance carcass and merge it into a general agreement among Pacific powers? The British did not have to bear the embarrassment of the first move—America made it for her. Shortly before the Washington conference convened Mr. Hughes began negotiation with England for the abrogation of the Anglo-Japanese alliance. The four-power treaty is the result.

There is no doubt but what the four-power treaty ends this alliance; that is one of the great achievements advocates claim for it. England has thus temporarily diminished the odium of her Japanese alliance and has transferred the residue to the United States. The Anglo-Japanese treaty has been scrapped; in its place is a treaty in which America holds a leading place. Let us consider the gain, if any, accruing to America from the termination of this insidious treaty.

The proper inference from the fact that the abrogation of this Anglo-Japanese pact was beneficial to us is that its continuance would have been harmful. If this is so, in what respects would it be harmful? Obviously, the answer is that it (1) threatened our coast lines on both Atlantic and Pacific sides, (2) that it subordinated our interest in the Pacific, and (3) that in case of war with Japan we would have England to contend with as her ally. None nor all of these claims are sufficient to show why we should have treated with England and Japan to abolish the treaty. What matter if our coast lines are threatened from both sides as long as our international conduct avoids the causes of war? Mutual protection in imperialistic enterprises was what this treaty sought to give. And since we have neither interest nor designs on properties to which they relate, the chances of our becoming involved over them are small indeed. We should be able to protect our own interests in the Pacific as we have always done and make certain that they were being subordinated to none. Substituting our own country in whom exploiting and dominating are unknown in an alliance in return for the abrogation of another alliance (Anglo-Japanese), the parties to which are apparently incurable addicts to imperial habits, is repugnant alike to American practicality and American ideals.

This treaty binds us for 10 years and if not abrogated by one year's notice at the end of that time may continue indefinitely. The claim has been made on the assumption of the continued military impotency of Germany and Russia that within the 10-year period no power could possibly arise in the Pacific capable of seizing territory. This argument is putting your defense of the treaty on the grounds that whether the treaty is good or bad makes no difference, but that conditions are not such that it would have to be put in effect within the 10-year period. Therefore, there is no harm in entering it, because since no possibility of trouble exists no force will have to be applied. This, of course, is specious and relies on an entirely

false assumption, which would by application of its principle justify the taking and holding of property because its owner would not or could not object. Russia may possibly, in fact, is likely to, acquire strength enough within the next 10 years to assert her rights in Sakhalin, in which event, by the treaty, we would be forced to consult. How could we decide in favor of Japan? And if we should decide against her, how could we remain her ally? This argument, then, it seems quite apparent, is used on the altogether false premise that even if the treaty is binding, the possible aggressive powers are impotent for military attack. The assumption is dangerous that a now subdued and incapable Russia will continue to be one for 10 years. If Russia were to fight Japan over Sakhalin, we would have but two choices—keep the treaty and support Japan, or do nothing and break our covenanted word. In the first case, war and its evils would result; in the second, we would violate our pledge, and hence lose the respect of the powers associated with us as well as resurrect their old suspicion and distrust.

In agreeing to respect the Pacific rights of the contracting parties we have in fact given our approval to stolen territory held arbitrarily against the will of those occupying it. Nothing could be more contrary to past American international practice, for hitherto we have gone along on the principle that we could defend our own territory and while respecting the just rights other nations had acquired we should let other nations defend theirs. Now, by this treaty we are getting something which we do not need: Compelled respect of our Pacific rights by other powers mutually joined with us and in return giving something which the other powers do need and would have difficulty in giving themselves—compelled respect for their territories and the protection which this respect would bring with it against the invasion of their ill-gotten rights.

Mr. President, I now proceed to enlarge upon some of the objections enumerated by me at the outset of this address:

I.

IN PRINCIPLE IT DEPARTS FROM PAST AMERICAN PRACTICE OF KEEPING OUT OF INTERNATIONAL ENTANGLEMENTS OVER "TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE."

Under what theory did the founders consider foreign entanglements undesirable? A survey of the effects which such alliances have had in the past shows that they tend toward the creation of other alliances by excluding the nations having interests in the same sphere, finally ending in misunderstanding and war. Alliances, also, peculiarly enough, seem to have been confined to imperialistic powers for purposes of sustaining territories and rights acquired by imperialistic practice and confiscation. Moreover, alliances make other nations of the world feel a distrust for those participating in them, in that they seem to confine their interest and concern of the signatories to the immediate scope involved.

There is another objection to alliances which seems to me to be the most serious from the standpoint of a country like ours which accepts and has practiced democratic ideas. Inasmuch as it is impossible for us to join with powers who are not imperialistic the tendency in our diplomatic relations will be to regard international rights in the same sense as do imperialists. Admitting the fact that England, Japan, and France have been acknowledgedly selfish in their relations to smaller powers, it is sufficient to add, in view of our recent tendency toward imperialistic practice, as illustrated in San Domingo, Haiti, Samoa, as well as in the tenacity with which we continue to cling to the Philippines, is it not unwise for us to nurture these dangerous imperialistic germs by cementing our national interests closer to such nations?

II.

IT IS NOT, AS IT IS NOW DRAWN, INCLUSIVE OF ALL THE POSSIBLE PARTIES TO A DISPUTE AND HENCE UNJUDICIAL.

Under the present phrasing of article 2 if a dispute arose out of a Pacific question between one or more of the high contracting parties and a power external to the agreement no opportunity would be provided for permitting the nonmember power to state its side of the case. Thus, if after this treaty is put into effect the United States should grant independence to the Philippines and the latter power were to become involved concerning her rights with one of the signatories, the signatory might refer the matter for discussion and adjustment to the conference created by the treaty and arrive at an understanding as to the most efficient measures to be taken without ever having given the Philippines a chance to state the source and scope of the grievance. A conference seeking to do justice would bring in all parties whose rights may be in question in order that full explanations and complete details be obtained from both or all the claimants. Apart from the manifest justice of embracing all the various disputants in the conference, this would tend to expose clearly the causes of trouble and very possibly point the way to an amicable settlement.

Again, it may be readily apprehended that if Russia assumed in the future to gain back by aggressive action that portion of Sakhalin now in possession of Japan, allies, united for and earnestly desiring peace, would permit Russia's inclusion in the communications of the contracting parties relative to the most efficient measures to be taken.

III.

IT IS AN ALLIANCE OF LARGE POWERS FOR MUTUAL DEFENSE OF RIGHTS WHICH WILL, IF WORLD HISTORY IS CORRECT, INEVITABLY RESULT IN THE CREATION OF OTHER ALLIANCES TO COUNTERACT ITS INFLUENCE AND ACTIVITY.

But the possibility of international complications under the treaty are almost incalculable. Commercial, military, geographic rights are held by all the signatories in the Pacific. Under the old system of diplomacy, in which subjection and oppression of other peoples play such an important part, these rights are in a constant state of flux and are continuously being challenged by those against whom they are held. Are we to give our approval directly or impliedly to an instrument which in effect, because it tends to sustain national and international rights, reacts so as to prevent temporarily subdued people from ultimately rising and asserting their claims to the territories they inhabit? If Russia or China rebels against further confiscation of their property or trade rights, we will under this treaty be called into the dispute resulting. Our sanction will be sought by the exploiting party, and if not obtained will give cause for distrust and hard feeling between this Nation and one or more of the parties to this treaty. The whole agreement is a repudiation of fundamental Americanism and a step in the direction of the formation of group alliances, which have been breeders of trouble from the earliest recorded history. The League of Nations at least has the advantage, even if it does create a so-called supersovereignty, of embracing all the world and thus making a system of alliances in different parts of the world unnecessary. This treaty encourages such a system of alliances, for assuming the league to be nonoperative, it leaves Europe, Africa, the American Continent, and the Asiatic mainland unprotected by mutual guaranty between countries, as against the protection extended by this pact to the relatively insignificant insular possessions of the four powers. Assuming the league to be functioning as it was intended to the protection of this pact will, from the standpoint of the league, be meddlesome, unnecessary, and an unjustifiable interference with the functions of the league.

IV.

IT ALIENATES FRIENDLY POWERS LIKE RUSSIA AND CHINA, WHO WILL REGARD THE TREATY AS BEING DIRECTED TOWARD AND MILITATING AGAINST THEIR INTERESTS AND SECURITY.

And how can we regard the attitude toward us of friendly powers like Russia and China, who have territories in the Pacific, and yet who have been excluded from the discussions of this conference? Will they longer continue to look upon us as the champions of the rights of small, weak nations, as the savior of democracy, as the promoters of international peace and justice, or shall they feel that they are left alone and that we, too, are denying them their God-given right to enjoy the natural resources of their own soil and the political rights to which they are entitled? This being the case, is it not natural that they should turn to other sources for protection and help, and that, responding to the call of self-interest and self-preservation, they will link themselves together with other nations to the end of throwing off those who would dominate them and exploit their lands?

V.

IT COMPELS RECOGNITION OF FOREIGN RIGHTS WE KNOW TO HAVE BEEN ACQUIRED BY FORCE AND TO BE HELD IN CONTRAVENTION TO DEMOCRATIC NOTIONS.

Much has been said of the similarity between article 10 of the League of Nations and article 2 of this treaty. A comparison of the two shows, whereas the first concerns itself with the "respecting and protecting" of territories and political independence against external aggression of the entire world, the second demands the "respecting and maintaining" of national rights of the signatories in a certain sphere where their interests lie. Both instruments have designated a conference of the parties to advise upon the means by which these ends shall be achieved. In the strictest sense article 10 of the league is more equitable in that it respects and preserves the rights of the entire world and admits all nations to participate in disputes; whereas article 2 excludes all nations excepting those immediately interested, and reserves for itself the right of determining all disputes arising out of controversies in the relatively limited sphere of the Pacific regardless of other parties thereto. In both articles, if they are presumed to have

any effect, is the obligation to consult and decide upon means and then enforce the decision. Whether in the four-power treaty the use of force is inferential is irrelevant, for if the treaty is to have any strength or use at all it must be expected to apply armed force whenever a breach of rights occurs.

There is indeed something novel about the ethical and moral character of our country that it should be called upon and bind itself in an international treaty to respect the rights of other nations when there has never been an instance in history where this Nation has not respected the rights of other nations.

VI.

IT IMPLIES THE USE OF FORCE FOR ITS FULFILLMENT WHENEVER UNARBITRABLE CONTROVERSIES ISSUE.

The treaty calls for consultation and adjudication to meet the exigencies of a situation by conference in case the dispute is between the parties and by diplomatic communication in case the dispute is between the parties and an outside power. It thus implies that each power agrees to act if the rights of the other powers happen to be put in balance. It is not a question of merely consulting and then withdrawing if the circumstances are unappealing. Alliances in their nature call for mutual defense and mutual offense, or special sanction of the "interests or rights" of their members, regardless of what is set forth, implied, or directly understood in advance outside the context. In an alliance when the situation arises in which certain things are specifically called for there is no evading without breach of national honor. If the treaty is binding it is open to the same objections as the League of Nations. If it is not binding it is nebulous and useless, for in event of trouble in the Pacific it would call for no action other than that which the United States might be expected by the world to perform even if she happened to be outside the obligations of the treaty.

VII.

IT EXTENDS OUR PROTECTION, WHICH THE OTHER PARTIES ARE SO OFTEN APT TO NEED, IN RETURN FOR TERRITORIAL PROTECTION WHICH WE ALWAYS HAVE, COULD, AND SHOULD FURNISH OURSELVES.

The foreign relations of the United States fortunately have always been such that it has been unnecessary to request or seek the help of other powers in the maintenance of our territorial and political rights. This is not a characteristic which is true of the nations now related to us in this pact; every one of them at some time in its history has found itself in a position where it was menaced by external forces to such an extent that it became necessary to ask for support from powers abroad who might be urged to take defensive or even offensive action in their behalf in return for an agreement on their part to render similar service. It is not my belief that the United States ever would be in a position where it would be compelled to get help from other nations. Then we can not assume that we are getting any benefit from this alliance in actual military or naval support. The benefits derived under this treaty go altogether to the other powers, who are almost continuously at war by virtue of their commercial and territorial ambitions, and who, therefore, in getting our guaranties to sustain their rights, are receiving strength, assurance, and definite help in case they get into trouble.

VIII.

IT SUBORDINATES NATIONAL SELF-RESPECT IN PAYING PARTICIPATION IN THIS TREATY AS THE PRICE FOR THE ABROGATION OF THE ANGLO-JAPANESE TREATY.

If we regard as among the chief virtues of this treaty the fact that it terminates the Anglo-Japanese alliance, we have reached a lamentable state. Granted that this alliance was threatening our large trade and territorial interests in the Pacific; granted that a tangible agreement existed between the two powers calling for mutual assistance, in case of trouble; granted that the operations of this alliance might very conceivably be directed against the United States, do these things constitute a justification for entering this new alliance in order to remove the dangers of the old? A deeper national humiliation has never occurred in our entire history than would be marked by the adoption of a treaty of compromise with imperialistic nations in order to avoid their exploitations of ourselves—our Pacific possessions. In private life, if two men of doubtful ethics were to unite against a law-abiding citizen for the purpose of interfering with the enjoyment of some of his rights, what would we think of him if he were to join with them and accept their doctrines and wink at their practices as employed and directed against others just to secure immunity for himself? Before the eyes of the world, in the minds of whatever nations there are capable of judging actions in the light of moral values or shrewd enough to recognize the absence of them, if we ratify this four-power treaty on the grounds that it ends the menace of the Anglo-Japanese alliance, of being whipped into line by the joint brandishments of Japan and Great Britain, America is going to present the identical humiliating spectacle. A vote for this treaty, in my mind, is a surrender in large measure of that strength, vigor, character, and nobility of purpose that has given this country its greatness.

IX.

IT IS EITHER ANTAGONISTIC TO THE LEAGUE OF NATIONS OR IT THREATENS TO INVOLVE OUR TACIT RECOGNITION OF THE FUNCTIONS AND WORKS OF THE LEAGUE IN CASE ANY OF OUR ALLIES SUBMIT A DISPUTE INVOLVING THEIR PACIFIC RIGHTS TO THAT BODY.

The other three high contracting powers of this treaty—Great Britain, France, and Japan—are bona fide members of the League of Nations, a body organized to determine upon such questions as are raised by interference with the rights designated in this treaty. As members of the league, if they intend to be bound by its provisions, they would have to submit disputes arising to the council of that tribunal. The United States is not joined to the league covenant and therefore could give no validity to determinations it might make on questions relating to the same subject matter in the Pacific which it is the aim of this treaty to deal with. Accordingly, it should be definitely understood before we enter that so far as questions arising from the rights of the four powers in the Pacific are concerned they shall be submitted to and settled by the terms of the four-power treaty for the purposes of which the functions of the League of Nations shall be superseded.

[NOTE.—It is not sufficient to answer that this will be registered as a treaty with the league. Even then, in case trouble or the signs of trouble arose under the covenant the council would be free to accept whatever disputes were submitted to it by England, France, and Japan, unless these powers agree to refer them first to and abide last by the action of the four-power treaty.]

ISOLATION NOT THE ALTERNATIVE.

Mr. President, against the opposition to schemes which, whether or not they are entangling alliances, have claimed for them the virtue of aiming to preserve the peace of the world, there are some like those who have written and are supporting this treaty who cry chauvinism, selfishness, isolation, detachment from the responsibility of helping to solve the problems of mankind. This, however, is not a proper analysis of the reasons why I protest and will vote against this alliance. I am, as are all our citizens and every Member of this Senate, concerned with what perplexes or disturbs the course of human progress. I am eager, nay, zealous, to preserve the peace of the world. I desire that our country should play its proper part in truly keeping the world safe for democracy; in reducing the tremendous burdens of modern warfare; in minimizing the possibilities of costly international conflicts. But I believe that it is not necessary for America to bind herself to entangling agreements with other countries to accomplish this. I am further convinced that the strengthening and backing of imperialistic programs and policies never has and never will promote peace in the world. Conference, consultation, publicity, open frankness, an interchange of views taking place freely and by consent of those concerned in disputes, leaving independent judgment and freedom of action for all nations in deciding the merits of a case, I deem to be the best way of insuring peace between men—to discuss the facts when trouble comes, to cast fullest light upon the controversy and its roots, to unravel the misunderstandings which lie behind it in a council of nations summoned for the purpose who are not bound in advance by any guaranties to regard the attitude of special allies, but who can come to a decision as a result of an impartial survey of the situation. It seems to me to offer far more in the way of keeping stable conditions in the world than a system where fair judgments are warped by alliances and thwarted by prejudice.

Mr. President, I conclude with this proposition: What meaning has this treaty if it is not an implied promise to back up, under certain contingencies, some unknown situation with force? But if it does not mean that it certainly constitutes a perilous, obscure, and bewildering possibility of entanglements.

It matters not so much where and how a nation stands, but it does matter tremendously in what direction it is facing. I protest this treaty because it is making our country face about so far as her international policy is concerned. I protest because it is directing our country away from peace, independence, and freedom from international jealousies and entanglements toward ceaseless trouble, misunderstandings, questionable international practices, stultification, and wars.

Mr. SHEPPARD. Mr. President, it may be instructive to compare the methods of the four-power pact for the settlement of disputes with that of the League of Nations.

The league covenant obligates members to submit disputes to arbitration or to inquiry by the council or the assembly.

The four-power pact obligates members to submit the disputes within its scope to a conference composed of the four members themselves.

The league covenant thus provides a disinterested tribunal of which the parties at interest are not members. In no other way could a fair and disinterested settlement be obtained. A court of arbitration on which the parties to the controversy sat would be unthinkable. The league covenant requires that when a dispute shall have been referred to the council or assembly the decision shall be rendered by the member nations who are not parties to the question. There are 8 members of the council and 51 members of the assembly and the parties have the right to submit the question to either body if they do not submit it to arbitration.

The four-power pact provides that the disputing parties shall summon the other members of the pact to a conference and that the four members shall then consider and adjust the controversy. The disputing parties thus sit in judgment on their own contentions. In case of an important quarrel involving vital rights no disputant would ever yield. Refusal to concur in the decision of the majority would mean the end of the pact and war or serious rupture of relations would follow. Again, the four-power pact is confined to rights relating to island possessions and dominions in the Pacific—and the four powers are so intimately concerned and interlinked in connection with these possessions and dominions that they would all be more or less interested parties in any Pacific controversy. Consequently, a disinterested and judicial determination of disputes under the pact is practically impossible. The method provided is more of an invitation to war than to a peaceful composition of differences. So far as the United States is concerned the other three parties have so many interests in common, interests compelling them to make common cause, that she would be handicapped at any conference for the settlement of a dispute to which she might be a party. I shall go into this at length a little later.

The league covenant obligates the parties to a dispute not to go to war for three months after the award by the arbitrators or a decision by the council or assembly and in any event not to go to war with a member complying with such award or decision.

The four-power pact contains no such provisions. There is no stated obligation in this pact to refrain from war at all. Immediately after a decision by the conference of these four powers, including of course the parties to the dispute, a dissatisfied contestant may take up arms at once and probably would.

The league allows time for the cooling of angry passions, the return of reason and practical judgment. This invaluable element in any effective process for the settlement of international disputes is absent, as we have seen, from the four-power pact.

The pact proposes, therefore, a crude, primitive, uncertain, and inefficient method for the settlement of controversies.

The league covenant requires a unanimous vote of member nations before any determining action is had, except in certain minor specified matters.

The four-power pact is silent on this subject and the utmost confusion and dissatisfaction may result.

Indeed, it would have been far better for the peace of the world if Great Britain, France, and Japan had reminded the United States when the four-power pact was proposed that the League of Nations provided a satisfactory and efficient method for the settlement of any differences that might arise among the four powers over rights relating to Pacific islands, and if they had conditioned their acceptance of the invitation to the Washington conference on the willingness of the United States to connect her proposals for naval armament reduction with the world plan for gradual disarmament on water, on land, and in air which the league was carefully working out.

Article 17 of the league covenant provides that in the event of a dispute between a member of the league and a state which is not a member the latter shall be invited by the council to accept the obligations of league membership for the purposes of such dispute on such conditions as the council may deem just. It provides that if the invitation is accepted the league provisions for arbitration and settlement shall be applied with such modification as the council may deem necessary. It provides further that on the proffer of the invitation the council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effective under the circumstances. It provides also that if the State so invited refuses to accept and resorts to war against a member of the league the refusing State subjects itself to article 16 and is deemed therefore to be at war with every other member of the league. Whether the invitation is accepted or not the council must take jurisdiction, must investigate the controversy and make whatever suggestions it may consider most advisable.

The four-power pact stipulates that questions involving the rights of the parties in relation to insular possessions and dominions in the region of the Pacific Ocean and incapable of diplomatic adjustment shall be settled by a conference of the parties.

The United States is not a member of the league. Great Britain, France, and Japan, the other parties to the four-power pact, are members of the league. But for this four-power pact, therefore, the league would take immediate jurisdiction of a dispute between the United States and any of them and we would have the benefit of disinterested arbitration or of the judgment of a body in which nearly all the nations of the world are represented. Having agreed, however, to submit our disputes as to Pacific islands to a conference of four powers, of which we would be one and the other disputant another, the league would naturally hold on beginning the investigation required in article 17 that we should abide by the decision of the conference. The four-power pact deprives us of the equitable machinery so carefully devised by the league for the proper adjustment of disputes and places us at the mercy of parties immediately and directly interested. This pact drives us still further from the greatest tribunal history has yet seen for the maintenance of world peace—and this is in all probability its deliberate object. It is true that Great Britain, France, and Japan are members of the league, but so are forty-eight other nations, and each member has an equal voice in all decisions except when parties to disputes. If it be said that at least two of the other three members of the four-power pact could block a decision in our favor by the league it may be replied that they could not swing a decision against us unless practically all the world should be convinced of its merit. Furthermore, they could not long withstand the opinion of the balance of the league if it should be exerted in our behalf. In any event the jurisdiction of the league would be far preferable and far safer for the United States than that of the few powers immediately and materially and selfishly concerned in the questions covered by the four-power pact.

In my judgment there could be no such thing as a disinterested decision so far as our rights were concerned, when they clashed with those of Japan, or Great Britain, or France, before a tribunal composed solely of us and them. The ties that unite them are far more binding and more powerful than those which unite any of them to us. Great Britain and Japan are the two principal island empires of the earth. For 20 years they have had a military alliance. For 20 years they have said to all the world, strike one, strike both. For 20 years they have stood ready to shed their blood for one another. In 1914 Japan took up arms for Great Britain, who had recently gone to war for France, in the most critical moment Great Britain and France had ever known. So intimate became these relations as the struggle progressed that in secret they sorted out the German possessions in the Pacific—some of which lie across and control the cable, trade, and travel lanes from the United States to her Pacific holdings, including the Philippines—all of which may be zoned, as Germany attempted to zone the British isles in 1917, so as to place the Pacific under British and Japanese domination, and all of which we are asked through this four-power pact to respect and confirm in their new ownership. In my judgment we are also asked to preserve that ownership in certain contingencies with American blood. Great Britain, France, and Japan were armed allies in the World War for more than three years before we entered the fray.

Only a few days ago Great Britain and France formed a military alliance to last for twenty years. We have repudiated the treaty negotiated by our American President at the time, Woodrow Wilson, pledging us to join with Great Britain in protecting France. It is true that the formal alliance between Great Britain and Japan is formally to terminate if this four-power pact is established, but the community of interest that has knitted these empires together for two decades will remain. That alliance was to terminate or to be seriously modified anyway during the present year, and the claim that its abolition is due to the four-power pact reeks with fraud. That alliance was virtually doomed when Great Britain and Japan joined the League of Nations. They admitted that it was not in harmony with the league covenant and practically agreed to eliminate the military features. The league covenant provides that all treaties out of harmony with its purposes to which member nations are parties shall terminate.

Another link that binds Great Britain, France, and Japan together is their treatment of China. For decades they as well as Russia and Germany exploited the products, violated the sovereignty, and despoiled the territory of China. From 1842, the year of the so-called opium war in which Great Britain forced China to legalize the sale of opium, spreading ruin and

degradation among the Chinese inhabitants—from that year dates a story of international theft and plunder that may well bring a sneer from every thinking oriental when European progress is mentioned in his presence. Territories permanently appropriated like Hongkong, territories leased under pressure and placed under foreign rule like Kwang-Chow, vast concessions for railways and for mines, spheres of foreign influence enthroning monopoly and privilege over the fairest and richest sections, erection of foreign post offices and foreign courts on Chinese soil for foreign subjects, control of Chinese tariff laws by foreign Governments—these are some of the marks of western aggression in a land that had organized government, social order, cultivated soil supporting countless millions, philosophy, literature, culture, when the ancestors of these intruders were roving, semisavage tribes.

It is little wonder that the Chinese rose against the despoiler in the antiforeign outbreak known as the Boxer rebellion of 1900, and that for six weeks the world trembled for the fate of western diplomats and citizens beleaguered at Peking. The situation in China may be brought home to the United States by the following quotation: "It was as if the Russians and the English had just seized rival reservations on Long Island and the Jersey coast, commanding New York City; as if the English had wrenched away Charleston; the Germans, Philadelphia; the French, New Orleans; and Cossacks were garrisoned at strategic points throughout New England. It was as if the New York, New Haven & Hartford Railway were manned and guarded by Slavs, the New York Central by Belgians, the Pennsylvania by Prussians; as if the Pittsburgh mines were handed over en bloc to an English corporation and the Russians had exclusive mining rights to the gold of Alaska's Yukon region." The Russo-Japanese war and the World War have left Japan with the Russian and German spoils. The so-called nine-power treaty, which we will soon be called on to ratify, perpetrates a ghastly jest when it solemnly assures the protection of China's integrity for the future. Its meaning is that whatever the rapacious powers have overlooked will hereafter be respected. They respect it only because it got away. But the situation has other complications. Along the western shore of Russia lie numerous Japanese islands, many of them natural fortresses, many of them already fortified, barring Russia's access to the Pacific. Japan knows that Russia will again seek this outlet, and in driving the wedge of the four-power pact between Russia and the United States she, the most militant of the yellow races, has divided two great white centers; she, the devotee of the sun-goddess, heathen to the core, has yoked the greater part of Christendom to her chariot wheel. Great Britain knows that she can not dispense with the aid of Japan in maintaining her Indian Empire under the very nose of Russia; in keeping Russia out of the Indian Ocean and the Mediterranean. France knows that she must have the support of Great Britain in opposing the menace of reconstructed Germany and of Japan in preserving her conquests and aggressions in China.

Consider further that beneath an impassive exterior Japan cherishes a grievance against us of the bitterest and gravest sort. Under our laws no foreigners except whites and blacks are eligible to citizenship by naturalization and no Japanese laborers may enter our country. Japan regards this as an insult; a badge and brand of inferiority, a discrimination imposed by the white race on the yellow. Our laws exclude the Chinese laborers by name, but Japan, with the abnormal sensitiveness and pride of the newly arrived, would not tolerate such an indignity, and through the so-called gentlemen's agreement we permit her to enforce our immigration laws as to her subjects. Of course, this is to her an evidence of cowardice on our part and but deepens her determination to press the issue at every opportunity. She does not enforce the gentlemen's agreement honestly because she holds that her farmers and gardeners are not laborers. The result is that the number of Japanese in continental United States has grown from a few score in 1880 to more than 100,000 in 1920. Most of these are in California, where they are slowly supplanting the white farmer with their lower standards of living and clan exclusiveness. Already California and other States have enacted laws prohibiting aliens ineligible to citizenship from owning land, but lower living standards, group action, and racial solidarity are stronger than law, and wherever a Japanese farming community takes root it fastens itself with the tenacity of a cancer on the soil, ousting the American farmer, who can not, will not, and ought not live under such conditions as do the Japanese. A few months ago two Japanese farmers arrived in one of the most fertile valleys of Texas, having contracted for land they intended to cultivate. A deputation of American citizens met them as they stepped from the train, gave them firmly but quietly to understand that they would not be tolerated, and they were soon speeding back to the place whence they came. The State legislature then passed an alien land law similar to that of California. Thus the two civilizations clashed in Texas—the oriental and the American; the heathen and the Christian; the yellow and the white—a clash which is but the forerunner of a more sinister outcome unless the question is promptly settled. We want no Japanese clans monopolizing any part of Texas soil; we want no Buddhist temples under Texas skies.

Let us examine this problem more closely. For 3,000 years the Japanese have been forced to cultivate small areas until to-day, with the most exacting, tedious, and monotonous toil they make a square mile support 2,000 persons. Their farms average less than three acres to a family, and the income of the average farm family ranges from $75 to $150 per annum. Farm hands get about $27 a year with rice and shelter. The Japanese soldier gets about $5.50 per month. In 1917 the average wage in 33 Japanese industrial occupations was 30 cents a day. Skilled artisans received 47 cents, male textile workers 28½ cents, female textile workers 19 cents. Hours of labor for more than a million of these workers ranged from 11 to 14 per day. Japanese school-teachers get $17.25 a month, or about $207 per year. Multiplying at the rate of 600,000 or 700,000 every year the Japanese have about reached the point where the soil can no longer be made to furnish adequate subsistence, even with the discipline, the labor, the training, and study of 25 centuries. Consider further that Japan produces no cotton, coal, or iron, the basic materials of her already gigantic industrialism. Consider also that the poverty and discontent of the working masses may at any time become a menace to the prestige and control of the present autocratic government and it will be seen that Japan must have an outlet for her restless and growing millions or face internal chaos.

This is why the Japanese have almost accomplished the economic conquest of Hawaii. This is why the hundred thousand Japanese in California are receiving fresh and unlawful accessions from the homeland every day. This is why the Japanese Government could not if it would resist the pressure of its hungry myriads for transfer to the large and prosperous Japanese communities beyond the seas. Remember at this point that since they whipped one of the principal white nations in 1905, and became one of the leading powers of the earth, the Japanese Government and the Japanese people can see no reason why the Japanese should not have equal treatment with all others from every other Government and people. Equality, racial, social, economic, and governmental, is their insistent demand. And the Japanese people expect the Japanese Government to secure that equality. They have been taught that their Government is divine in origin and nature; to worship it as part of their religion; and of course they believe that it can accomplish anything, and naturally they can not see why a people whose Government is divine are not the equals of all other peoples. Therefore, the Japanese Government and the Japanese people furiously resent the action of the United States in barring them from citizenship, in refusing those among them who must wrest subsistence from an overcrowded and overcultivated soil admission to our spacious and unoccupied areas; they resent the action of some of our States in denying the Japanese already here the right to own land; they resent the boycotts and expulsions of Japanese farmers that are inevitably developing as the white race begins to strike in defense of its standards and its homes. How much wiser, kinder, and fairer it would be for all concerned to let Japan know now and for all time that the yellow farmer and the yellow wageworker can not and shall not find lodgment on American soil.

Now, what is happening in Hawaii, the most strategic point on the Pacific, where every vessel operating between America and Asia or America and Australia must stop for coal? The distances are such that if a vessel carried its own coal too little space would be left for cargo or passengers. Hawaii is a territory of the United States, like Alaska, and has its own local government and legislature. Of the 263,666 people in Hawaii, according to the last census, 159,900 are Asiatics, and of these Asiatics 109,269 are Japanese. Every Japanese child born in Hawaii is an American citizen, with all the rights of citizenship under our Constitution and laws. The United States Commissioner of Education made a survey of Hawaii in 1919. The commission making the survey was composed of Frank F. Bunker, of the United States Bureau of Education, Washington, D. C.; W. W. Kemp, chairman of education department, University of California; Parke R. Kolbe, president Municipal University, Akron, Ohio; George R. Twiss, professor of secondary education and State high school inspector, Ohio State University. In studying the school situation in Hawaii, these gentlemen found it advisable to examine the nature and tendencies

of the population. The survey showed that at the present rate of increase 47 out of every 100 voters in Hawaii will be Japanese in 20 years; that in the succeeding 20 they will control the territorial government of this vital American possession.

Of course, nothing can prevent a constant flow of these Japanese-Americans from Hawaii into California where a hundred thousand or more Japanese already have a foothold on the soil, adding further complications to this appalling problem. The survey indicated further that the Japanese had patience, persistence, thrift, ambition, group solidarity, acumen, and astuteness that enabled them to succeed where other races failed; that the Japanese preserved their racial allegiance and identity. The survey showed further that American public schools in Hawaii were seriously handicapped by Japanese schools taught by Japanese in the Japanese language; that wherever there was a group of Japanese families there was set up by the side of the American public school or near it a Japanese school conducted in the Japanese language for Japanese children who attended the American school; that the teachers of these Japanese schools came in all instances from Japan; that they were certified teachers in Japan and had often been recommended by the educational department of the Japanese Government; that not one of these teachers had been born or educated in Hawaii; that a prominent Japanese educator, Obata Shusan, had said in an address before the Japanese Educational Association of the island of Maui, one of the Hawaiian groups, the following:

> Any man who is to teach in Japanese language schools should not be a man with democratic ideas. The language school is not a place for a man with strong democratic ideas. A man of strong Japanese ideas should be its teacher.

The survey contained the following statement from an American school-teacher in Hawaii: "It is pretty hard to teach American ideals to a child who does his thinking in Japanese. As one who speaks Japanese and has had long experience in teaching orientals I wish to say that if the Japanese schools are continued we shall have a mongrel citizenship both in language and customs. The Japanese schools under cover of religious instruction teach the children loyalty to their Emperor and country. The Japanese language schools must go if we are to teach the young Japanese to become Americans."

One of the sentences of this American school-teacher in Hawaii bears repeating, studying, and weighing: "The Japanese schools under cover of religious instruction teach the children loyalty to their Emperor and country."

The survey showed that Buddhism, the Japanese heathen religion, was growing rapidly both in numbers and power in Hawaii; that the Nishi Hongwangji was the strongest Buddhist sect in the islands, having about 75,000 members; that the head of this sect was located in Japan and was called the hoss or chief priest; that he was honored by the sect as they would honor a living Buddha; that he was represented in Hawaii by a kantoku, a sort of bishop, who had absolute authority over the priests, teachers, and members of the sect in Hawaii, controlling them "as easily as he moves his fingers."

But what of the situation in California? The last Federal census places the number of Japanese in that State at 70,196, a number that of itself does not seem formidable in a Commonwealth with a population of 3,200,000. The California State Board of Control says, however, that this figure, as well as that of the State census, 87,279, is too low. The board points out that the census of the Japanese districts was taken by Japanese enumerators because Americans could not be found who spoke the Japanese language, and that the numbers reported were generally recognized as too small; that many Japanese lived in remote valleys and were difficult to reach for enumeration; that smuggling across the Mexican border is in constant progress; that many Japanese work on both sides the American-Mexican border in the Imperial Valley, a condition making it easy for aliens to enter at this point; that the fishing fleets, operated mainly by Japanese in large power boats in both Mexican and American waters, afford perpetual opportunities for the violation of the gentlemen's agreement. The United States Commissioner General of Immigration reported on January 30, 1919, partly as follows:

> Confidential information of unquestioned authenticity shows very conclusively that Japanese smuggling across the Mexican border is carried on successfully and to a very large extent. Southern California possesses a peculiar attraction to the Japanese and it seems inevitable that if some effective means are not found to curb further growth the Japanese colonies in that section will expand in time into such proportions as to create a serious problem. Once safely across the line the contrabands and concealment at conveniently located ranches conducted by fellow countrymen where they work for small wages until a smattering of English and of sophistication are acquired when they proceed toward their respective ultimate destinations. When any of such contrabands are arrested the resident Japanese who have given them asylum rush to their defense and if necessary do not hesitate to perjure themselves as to the period of residence in the United States of the arrested alien.

The real number of Japanese in California might well be placed, according to the board, at 125,000. Far more significant than mere numbers is the fact that they locate in groups and clans, form farming communities under a definite system of cooperation, adhere to their own language, customs, and religion, never merging into the native society; indeed, finding the native society equally opposed to assimilation; and gradually driving out the American farmer, the foundation rock of this Republic, who will not lower his scale of living to compete with their processes and their standards, who will not share their customs and ideals, who will not reside among them, or mingle his blood and theirs. Already, says the board, these Japanese communities operate 458,456 acres of California's richest land, approximately one-eighth or one-ninth of the total amount. Agricultural California, the California of the Sacramento, the San Joaquin, the Imperial Valleys and similar localities comprises about one-sixth of the State's area and contains about one-third of the State's population. Between that third, that million of rural Americans and one hundred thousand or more farming Japanese has begun a silent battle that will grow more bitter with the years, a struggle involving the supreme issue of civilization; whether American individualism and American independence in their most magnificent embodiment, the American farmer, shall survive on American soil. The board states that the market value of crops produced by the Japanese in California has grown from $6,235,856 in 1900 to $67,145,730 in 1919; that between 80 and 90 per cent of most of California's vegetable and berry crops are produced on Japanese farms; that within a comparatively short time some of the State's essential food products will have passed to Japanese control.

Says Yomato Ichicashi, a Japanese instructor in Japanese history and economics at Leland Stanford University through the charts in his book on Japanese Immigration published in 1915:

> Out of every 100 people growing berries in California 88 are Japanese. Out of every 100 who raise sugar beets 67 are Japanese. Out of every 100 who grow grapes 52 are Japanese. Out of every 100 who raise vegetables for market 46 are Japanese. Out of every 100 who grow citrus fruits 39 are Japanese. Out of every 100 who grow deciduous fruits 36 are Japanese.

That was in 1915. The board says that the percentages are much higher now.

The group system of the Japanese is the century-old clan of feudalistic Japan reborn in the United States. It involves a subordination and absorption of the individual in the objects of the mass, antagonistic to and subversive of the very genius of American progress. Elwood Mead, author of a constructive land policy recently adopted by California and noted student of land problems everywhere, says that our country stands at the parting of the ways; that it must protect its civilization against the oriental or be prepared for continual conflict.

The Japanese birth rate in California is exceeding that of the American. The State Board of Control reports that in 1910 one Japanese child was born in California to every 43 white children; in 1919 one to every 12; that in the 18 farming counties where the Japanese have principally gathered, the birth rate has quadrupled in 10 years; that in districts where the Japanese have most largely settled about one-half of all the births in 1919 were Japanese. It is estimated that at the present rate of increase there will be more than a million Japanese in California in 40 years. They have the same Japanese school system in California as in Hawaii—a system preserving Japanese language, traditions, ideals, religion, loyalty to emperor and country.

A close observer of affairs in California describes the Japanese methods as follows:

> Look at the way Japanese districts have built up. Easterners do not realize the team play the Japanese use in this enterprise, and still less the psychological effect upon the whites in the region invaded. Elwood Mead has investigated many of these developments and finds that what happens is something like this: A few Japanese come to work in the neighborhood for a year or two, during which time they study the soils and crops and learn which tracts are best. Next, backed by members of their clan who have not yet appeared, they lease some of the desirable acreage, paying, if necessary, a rental far above the sums a white man would pay. All over the State they have thus forced up the rental value abnormally. Almost invariably the white owner of the land is delighted to make so much profit, so he signs the lease contract. From that time on the Japanese begin bobbing up, and in a short time they have picked up all the good rentable land about a village. They create their own cooperative buying and selling organization. They fill the public schools with their children. They set up native schools. They practice Buddhism. As soon as possible they begin buying farm land either in the names of their American-born babies or else through corporations, which easily evade the intent of the law prohibiting aliens from acquiring title to real estate. Once they possess such land in quantity they begin to force down the rents they have been paying for leased farms; and as many American farmers have, by this stage of the game, left the district in disgust they find this fairly easy. In some neighborhoods rents have first been driven up to three or four times the prevailing scale, only to be driven down later after foothold had been secured well below the earlier level. And by reason of the presence of a Japanese colony the market value of such acreage drops sharply, for no whites will ever move into a Japanese district. Thus the Japanese manage to buy up all they wish at a bargain. In these methods no consistent American can find a moral wrong. They are not nearly so questionable as scores of business practices favored by our commercial classes. They are shrewd; that is the worst one can say of them. But the essential fact is that they anger the whites who have been the victims of the habit. No man likes to see the value of his farm dwindle as the result of alien neighbors. No man likes to see his children in school with a crowd of foreign children who speak their own language and herd apart from his own. No man likes to see his old neighbors move away one by one, leaving him alone in the midst of a people whose tongue he does not speak and with whom he can have no social intercourse, even if he tries to.

Mr. President, it is not surprising that the American citizens of California are beginning to take matters into their own hands. A typical instance was in 1920 when members of the American Legion served notice on the parties that a sale of land by an American to a Japanese could not go through. I need hardly add that it did not.

A few days ago a court in California rendered an epoch-marking decision on this land question. I quote from a writer upon the matter in the Pittsburgh Dispatch. The article is headed:

CAN'T STOP THE JAPANESE.

> The old conflict between constitutional and statutory conditions, the old issue between Federal and State rights, thrust itself into the very center of the California-Japanese land question in the California superior court a few days ago and decided the point at stake in the case of the State of California against Jusuke Shingu. Judge McDaniel decided that American-born Japanese have a right to own land in California—a right that seems to make ineffectual the narrower intent of the land law aimed specifically against the Japanese. The point involved was the legality of a purchase of land by Shingu for his two minor children, which introduced an allegation of fraud and violation of the California antialien land law.
>
> Judge McDaniel stated that he favors the antialien land law and has always upheld its constitutionality, but under the Constitution of the United States any American-born person has the right to the possession in the United States of land in his own right. The court dismissed the charge of fraud, since there was no attempt by Shingu to take possession of the land, and stated that the law does not forbid an alien father from advancing the purchase price of land for the benefit of his children who are American citizens.
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> To the statement of Attorney General Webb that the decision will permit the rapid and indefinite expansion of land ownership by Japanese, Judge McDaniel said if a fault exists it is basic, growing out of the fourteenth amendment to the Constitution, which makes of those born in the United States citizens of the State in which they reside. The land law from which anti-Japanese on the Pacific coast expected so much seems to have become stalled before it got started.

Mr. President, this decision bears a remarkable resemblance to the Dred Scott decision on slavery a few years prior to the Civil War. The Dred Scott decision anchored slavery to the Constitution and made war inevitable. This decision—and it will doubtless be sustained by the higher courts—anchors Japanese land ownership to the Constitution, and serious results are inevitable unless the problem is taken in hand.

Mr. President, why should we attempt to deceive ourselves into the notion that harmonious relations, harmonious treaty arrangements, are possible with Japan as long as this question remains unsolved?

No matter where they go the Japanese never lose touch with the home Government. The worship of the Japanese Emperor, obedience and loyalty to him, are part of their religion. There has been but one imperial family throughout the long history of Japan. It traces an unbroken descent for 25 centuries. The Japanese believe that the first Emperor was the grandson of the sun goddess, "the great heaven-illuminating goddess," Ameratsu, whom they reverence above all other deities, to whose shrine at Ise they make their principal pilgrimages, and who said to her grandson, the first Emperor: "This land (Japan) is the region over which my descendants shall be the lords. Do thou, very august child, proceed thither and govern it. *Go!* The prosperity of thy dynasty shall be coeval with heaven and earth!" Thus world empire is also part of the Japanese religion. The present Emperor is the one hundred and twenty-second in direct lineage from that grandson of the sun goddess. He is therefore a divinity himself and the Japanese, though they travel to the ends of the globe, retain their loyalty and allegiance to him. Keeping up the tradition, he never permits his subjects to drift beyond his tutelage and care. Wherever a community of 100 or more Japanese develops in America or elsewhere a Japanese association is formed under supervision of Japanese consuls and the Japanese Government, and the association practically governs the community. This is going steadily on in California. A tax is levied by the association for Japanese propaganda, a tax authorized by the Japanese Government. Japanese schools are established by the side of the schools of the country in which the community is located—Japanese schools where the Japanese language, Japanese ideals, and the Japanese religion are taught. About 80 Buddhist temples, or churches, have already been erected in California.

Japanese children born in America are American citizens under our laws, but unless their parents or guardians apply to the Japanese Government for permission to renounce Japanese allegiance before these children reach the age of 15, and unless the permission is formally granted, these children are also Japanese citizens under Japanese laws. Thousands of Japanese young men and women in this country owe allegiance, therefore, both to the United States and Japan. It is not difficult to predict which allegiance they would in a crisis prefer. The worship of the Emperor as a sacred being, the constant care of the Japanese Government, the preservation of Japanese customs, language, traditions, and ideals—the hostility of their American neighbors who feel that their own standards of existence are threatened by the Japanese, the influence of clan and family, and of the group unit in the Japanese economic and social system, the refusal of the United States to permit the parents of these younger Japanese to become citizens here, all these operate steadily to alienate the Japanese from everything American—to bind them closer to the Emperor and his Government. Thus there is growing up in the United States a population with which we can never merge—a transplanted Japan to which we can not accord equal privileges with our own people without imperiling our own civilization, and yet on whose equal treatment the Japanese Government will continue to insist, its anger and resentment increasing with our persistent but inevitable refusal until the arbitrament of arms looms on the horizon. It is a problem which must be met and mastered before it gets out of hand.

The special recognition accorded Japan through this four-power pact will make her all the more insistent on the abolition of all discrimination against her people. Her chief aspiration is equality of treatment for her people throughout the world, and every postponement of the controversy makes the final solution all the more dangerous. If I could have my way, I would not undertake any agreement with her until this question had been frankly and permanently set at rest. Sooner or later we must go to the assistance of our American compatriots in California and Hawaii; sooner or later we must make their cause our cause. It is the cause of the American farmer, the cause of American civilization.

It is evident that there can be no genuine understanding between Japan and America until the citizenship and immigration questions are settled. That this view is held also in Japan is evidenced by the fact that Viscount Shibusawa, known as Japan's grand old man, is reported by the Associated Press to have said in a speech at Tokyo on February 25 of the current year that the real attainment of American-Japanese understanding was dependent on the fundamental solution of the immigration question, and that the failure of the Washington conference to take it up was to be regretted.

The reference in Article I of the four-power pact to the harmonious accord now subsisting between the parties is false so far as Japan and the United States are concerned. Japanese presence, Japanese growth, Japanese acquisition in Hawaii, California, and elsewhere in the United States will prove an increasing source of friction with native Americans, and discriminations, restrictions, clashes will multiply. Thousands of Japanese are in the United States whom we have permitted to come, but to whom we deny naturalization or land ownership. Naturally they will claim the protection of their Emperor and their Government—and their Emperor and their Government will keep in close relation with them. Their children will continue to be claimed as citizens by both the United States and Japan, but in their hearts these children will remain Japanese subjects. The Japanese Emperor and Government operating in the very shadow of our flag, with association and with school, will take care that they so remain. The sense of injustice and of wrong cherished by the Japanese Government and people against us on account of what they consider an outrageous discrimination in the matter of citizenship, of immigration, and of rights in the United States, will deepen with the years. Considering the permanent and fundamental hostility of Japan, the ties and interests that bind Great Britain, France, Japan in a community of sympathy and purpose with which we have practically nothing in common—considering the further fact that the most unpopular nation in the world is the nation whom almost every other nation owes—it is easy to see at what a disadvantage the United States would be in any serious dispute under Article I of the four-power pact. We would be presenteenced to defeat. The saddest part of it all is that the American people have been led to believe that the four-power pact is essential to the program for the limitation of arms, and is an assurance of world peace.

Senators argue that the four-power pact is necessary to arms reduction—that the nations would not limit armament without

it—and then tell us that it commits the parties to nothing beyond mere conversation. And this brings us to article 2, which provides that if the insular rights of the parties in the Pacific are threatened by the aggressive action of any other power the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation. If the parties should reach an understanding that the most efficient measure to be taken in a particular case involved force, may anyone reasonably deny that the parties would be morally obligated to use force? Observe that the language is not that the understanding will be as to measures that might be taken, but as to measures is be taken. The words "measures to be taken" are of like meaning as if they read "measures that shall be taken."

In my judgment, the language of this article is capable in honesty and candor of no other construction. And I am unwilling to commit my country to the use of force, in behalf of other nations, except in concert with practically all nations in a general league where the combined obligation of all would assure world peace.

The four-power pact sets up a group of nations that will lead to counter groups—an alliance that will lead to counter-alliances. It is a reversion to the diplomacy of a hundred years ago—the bloody game of powers against powers, continents against continents. It is our punishment for the repudiation of the treaty of Versailles, the rejection of the League of Nations—a maze of intrigue and deception—the outgrowth of secret whisperings beyond the reach of human records—urged as a basis for a so-called reduction of armaments that leaves the world with the largest land forces it has ever known in time of peace, the seas still choked with floating arsenals—a reenthronement of Machiavelli and Cæsar Borgia as the tutelary geniuses of mankind.

Mr. ROBINSON. Mr. President, an interesting and I believe an important issue has arisen between the Government of the United States and that of Great Britain respecting the ownership of Wrangell Island. I have no intention of entering into a discussion of the details bearing upon this controversy, but desire to say that it is quite likely that Wrangell Island will have an important relationship to future aggressions on the Asiatic mainland, whether those aggressions take the character of economic penetration supported by military power or actual military invasion.

In the New York Times, in issues of recent date, appeared a history of the discoveries of this island by Great Britain and by expeditionary forces of the United States, their failure to follow up their respective discoveries with occupation and control, references to the importance of the island from the standpoint of Asiatic commerce, particularly the fur trade of Siberia, and the importance of Wrangell Island from a strategic and military standpoint.

I ask leave to have the articles printed in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection, it is so ordered.

The articles referred to are as follows:

STEFANSSON CLAIMS WRANGELL ISLAND FOR GREAT BRITAIN—THE EXPEDITION HE SENT OUT LAST FALL HAS ESTABLISHED POSSESSION, SAYS EXPLORER—TIMED TO FORESTALL JAPAN—ANY PREVIOUS CLAIMS OF AMERICA OR BRITAIN HAD LAPSED, HE HOLDS—NOW OFFERED TO CANADA—STEFANSSON DENIES THAT RUSSIA, TO WHOM THE ISLAND IS ALLOTTED ON MAPS, HAS ANY RIGHT TO IT.

"The British flag has been raised by a party sent out by Vilhjalmar Stefansson on Wrangell Island, one of the most important islands in the Arctic region, because strategically it dominates northeastern Siberia. The explorer now admits that when the little vanguard of his fifth and latest expedition, including citizens of the United States, landed on Wrangell Island, on September 21 last, its mission was political as well as scientific.

"Wrangell Island, which is about the size of Jamaica, lies 100 miles off the northeastern coast of Siberia and 400 miles west of Bering Strait, in latitude 71° N., and longitude 180°. For the most part it is a typical grass-covered Arctic prairie, noted for its interior granite cliffs, which reach a height of 2,000 feet, and also famed as the paradise of the polar bear.

"Following its discovery by the British in 1849, Wrangell Island was occupied in turn by Americans and British, both of whom, according to Stefansson, permitted their claims to lapse after five years, when neither country provided for continuous occupation. The claims of both the British and Americans were shadowy when the ill-fated *Karluk* was wrecked off Wrangell Island in 1914. The right of the British to occupy the island was reasserted, however, when 17 members of Stefansson's shipwrecked expedition landed and later ran up the British flag. Following the withdrawal of Stefansson's men, the British claims lapsed again in 1919, so toward the end of the five-year period the explorer began the organization of his Wrangell Island expedition.

"The little party that landed on Wrangell Island for the purpose of reasserting the right of British occupation was composed of four white men and as many Eskimos. The American members were E. L. Knight, of McMinnville, Oreg.; Frederick Maurer, of New Philadelphia, Ohio; and Milton Galle, of New Braunfels, Tex.

"Only the leader of the party, a Canadian, was apprised of the real nature of the expedition when it started, and he was Allan Crawford, a son of Professor Crawford, of Toronto University. The Americans, Stefansson explains, became identified with the undertaking simply through love of adventure. But the Americans were let into the secret when the party landed.

CANADIAN GOVERNMENT NOT IN THE SECRET.

"The expedition, which was designed by Stefansson to render an important service to his country, was organized without assistance from the British Government. Indeed, the exact nature of the expedition was not disclosed to the British Government until Stefansson went to Ottawa last Friday to make a report in person to Prime Minister Mackenzie King.

"Stefansson has tentatively planned to sail in the spring for England to report to the British Prime Minister on the results of his latest undertaking in the far north. But, pending instructions from the Government authorities, the explorer does not know whether his country will accept from his hands the gift of Wrangell Island because of possible international complications. He says he has established no personal claims by occupation of the island.

"The Wrangell Island expedition was organized and equipped by Stefansson in the face of many obstacles. The first problem he had to overcome was one of financing. Eventually Stefansson put into the enterprise his entire personal savings from his explorations, his writings and his lectures. Still the financial organization was inadequate. So the explorer sought the assistance of friends. To the generosity of the latter Stefansson attributes the success of the expedition.

"News of the arrival of the expedition was received in New York City by Stefansson on October 22, 1921, in a message signed by Commander Crawford, which was relayed from Vancouver, British Columbia. This message, dated September 21, 1921, read:

"'Arrived at Wrangell Island last night. Letter to you contains documents. Lots of driftwood and tracks. Looking forward to good winter. No ice yet.'

"This is the only message that the organizer of the expedition has received from his men, who are the first white men ever to spend an entire winter on Wrangell Island. But he said that the message, read between the lines, indicated that his party would be able to live off the country, for the driftwood was sufficient to furnish shelter and fuel, and the tracks meant there would be ample food and clothing.

"'I took into my confidence only one man,' said Stefansson. 'His name is A. J. Taylor, a mining engineer in Vancouver. The best men that I had to go north were American citizens, but being a British subject, and desiring to have this a British enterprise, I had to take some Britisher into my confidence. I decided on Taylor, and the latter, acting for me, incorporated under the laws of British Columbia a limited liability corporation called the Stefansson Exploration & Development Co., with offices in the Credit Foncier Building, Vancouver.

"'This company employed the following four men: Allan Crawford, son of Professor Crawford, of Toronto University, who was to be in nominal command, and then along with him two of my very best men, Lorne Knight, of McMinnville, Oreg., with me four years in the North, and Fred Maurer, of New Philadelphia, Ohio, who had been with me in the North and was a member of the party that occupied Wrangell Island in 1914. I sent also a boy, Milton Galle, of New Braunsfels, Tex., who had been with me on a lecture tour.

"'These men, without knowing what they were up to, except that I had confided to a certain extent in Crawford, went by steamer from Seattle to Nome, where I had chartered for them the auxiliary sloop *Silver Wave*. They sailed from Nome on August 8, 1921. The sloop was commanded by Capt. John Hammer.

FIRST BRITISH DISCOVERY.

"'Wrangell Island was discovered in 1849 by a British naval expedition under Captain Kellett, who sailed close in but did not go ashore. For a long time it was described in maps as Kelletts Land and was supposed to be a continent. When Kellett discovered this island it was assumed to be the same sought by Baron Wrangell, who in 1825 came down the Kolyma River,

which has its mouth on the northerly coast of Siberia, and heard from the natives that there was a great land to the north of Siberia. He made seven sled journeys without finding that land.

"'In 1869 an American whaling captain, Long, of New Bedford, sighted Kelletts Land, which was not shown in his maps. But Long had heard of Baron Wrangell, his search and failure, and he connected the island he had sighted with Wrangell.

"'Long told of his "discovery" of the island and of his having named it Wrangell Land in an interview for the newspapers of his first port of call on his return, which happened to be Honolulu, where there were a number of papers published in the English language. His log gave the position of the island correctly, but the discovery which he supposed he had made did not constitute a claim for America.

"'In 1881 several American naval ships were searching for the lost expedition of Captain de Long, sent out by the New York Herald, when two of the ships landed men. The first was the *Corwin*, aboard which was John Muir, author of 'The Cruise of the Corwin.' This party went ashore for only part of a day, but another American ship, the *Rogers*, landed there a party who remained for two or three weeks.

"'Their explorations would give to America the claim to Wrangell Island if they had decided to follow it up. But this claim lapsed in 1886. The situation subsequent to 1886 was that both America and Great Britain had shadowy claims.

"'From that time nobody landed on Wrangell Island so far as I know. It was frequently sighted by American whaling ships, but they never took occasion to land.

"'Our ship, the *Karluk*, a British naval vessel, which was the property of the Canadian Government, and her men all in the employ of the navy, was wrecked just north of Wrangell Island in 1914, when 17 men went ashore and stayed on Wrangell Island from February to September. This is the only time that the island has been occupied.

"'The only Russian who ever looked for that island was Wrangell, and he did not find it. The only Russian ships ever in sight of Wrangell Island were the *Taimer* and the *Vaigatch*. They were ordered by the Russian Government to try to rescue my men when they were on Wrangell Island, but they failed to reach the island on account of the ice. Before they had time to make a second trial the war broke out.

"'There are no treaties so far as I have been able to discover that have any bearing on the ownership of Wrangell Island. It is commonly supposed that under the terms of the treaty by which Alaska was ceded to the United States the right of Russia to any territory to the west of the boundary of Alaska was recognized, but there is no such paragraph in that document, as can be readily ascertained by anyone who will take the trouble to look up the treaty.'

"The fact that Wrangell Island had been identified by map coloration as a possession of Russia is attributed by Stefansson to the irresponsibility or ignorance of publishers. When it was pointed out that some maps issued by the United States Government showed Wrangell Island in the same color as Russia, he insisted that such an error on the part of the Government map makers was likely to occur in view of the limitations of some clerk in the employ of the Government."

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DISPUTE CLAIMS TO WRANGELL LAND—AMERICAN SCIENTISTS POINT TO OUR NAVY'S DISCOVERY PRIOR TO STEFANSSON'S—TWO LANDINGS MADE IN 1881—E. W. NELSON, ONE OF THE DISCOVERERS, TELLS OF PLANTING FLAGS AND TAKING POSSESSION.

[Special to the New York Times.]

WASHINGTON, *March 20.*

"The claim advanced by Vilhjalmur Stefansson that his recent explorations have established British sovereignty over Wrangell Island, or Wrangell Land, is challenged by American scientists and explorers.

"The only claim, they say, that Stefansson can lay to the island is by right of discovery, and any such claim is negatived by prior discovery, the island having been taken possession of twice within a space of two weeks in August, 1881, by officially accredited expeditions of the United States Government.

"State Department officials would not comment to-night on the claims made by Stefansson.

"The two American expeditionary forces that planted the American flag and laid claim to Wrangell Island in the summer of 1881 had been sent into the Arctic region with instructions to search for the missing cruiser *Jeanette*, which had been sent out in command of Lieut. Commander George W. de Long on an expedition the object of which was to drift across the Polar Sea. The *Jeanette* had not been heard from for more than two years, and the American Government sent out five expeditions in 1881 to hunt for the missing steamer, which was later found to have been crushed in the ice, only a few of her crew managing to make their way to the Siberian mainland.

"One of these relief expeditions went in the revenue cutter *Corwin*, commanded by Capt. C. L. Hopper, United States Navy, and another was sent in the *Rodgers*, a United States naval vessel, which had been converted for the purpose from a steam whaler and was commanded by Lieut. Robert M. Berry, United States Navy. De Long of the *Jeannette* had stated his intention of landing on Wrangell Land, as it was then called, and both the *Corwin* and *Rodgers* headed for that region and with some difficulty landed forces on Wrangell Land. Both planted the American flag and both left records in bottles in a cairn.

"The landing party from the *Corwin* was the first body of explorers that ever made a landing on Wrangell Land. The late John Muir, naturalist, was one of the men in the open boat from the *Corwin* who landed and took possession of the land in the name of the United States Government. There are several scientists in Washington to-day who were in that little group of explorers. One of them is Edward William Nelson, who since 1890 has been with the Bureau of Biological Survey of the Department of Agriculture, of which he is now chief.

"'Any claim that Stefansson lays to Wrangell Island by right of discovery,' said Mr. Nelson to the New York Times correspondent to-night, 'is offset by the fact that the United States can set up a priority claim. For nearly a century Wrangell Land had been known to the world of exploration. Lying about 100 miles off the northern coast of Siberia, but considerably west of Bering Strait, Wrangell Land had been known to the Russians and others for a long time. Many efforts had been made to reach Wrangell Land over the ice. They had failed. In the search for the missing *Jeannette*, forces from both the revenue cutter *Corwin* and the naval vessel *Rodgers* landed on what was then known on the maps as Wrangell Land.

"'I was in the open boat that went from the *Corwin* and landed on Wrangell Land,' said Mr. Nelson. 'John Muir, the naturalist, as well as Captain Hopper, the commander of the *Corwin*, and others, were in the boat. We landed, erected an American flag, took possession in the name of the United States by right of discovery, and left a written record in a bottle in a cairn which we had erected. We were the first explorers to land on the island. We established America's prior claim.

"'Within a few weeks, although we did not learn of this until we came back from Wrangell, Lieutenant Berry and a naval force from the *Rodgers* also landed on the island. Lieutenant Berry's force was the first to establish the fact that it was an island and not a continent, as had been previously supposed. Before that Wrangell Land had been shown on the maps as an Arctic continent. Lieutenant Berry's force spent some time on the island, went all around its shores, surveyed and mapped the island, found the cairn our party from the *Corwin* had erected, copied the record we had left, brought the original back to Washington, and left the copy of our record, with their record, in the cairn. Lieutenant Berry's force also planted the American flag.

"'So, you see, both the *Corwin* party and the *Rodgers* party took possession of the island by right of discovery, and that was within a space of a few weeks.'"

"Mr. Nelson did not care to comment on the political aspects of the action taken by Stefansson; but it was learned in an informed quarter that information had reached Washington that British, or Canadian, interests had been considering the establishment on Wrangell Island of a Hudson Bay Co. trading post, and it was pointed out by Government scientists here to-night that such a post would have a strategic value with respect to northeastern Siberia and its wealth of fur. It is learned that there is a fear in some quarters that possession of such a strategic point might, if unchallenged by the United States Government, result in British fur interests elbowing Nome and other American fur interests out of the Siberian fur trade.

"The Supreme Court has held that by the law of nations, which all States have recognized, dominion over new territory may be acquired by discovery and occupation, as well as by cession and conquest; but it has been held that discovery alone is not enough to give dominion and jurisdiction unless followed by possession."

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"The State Department admitted yesterday that Vilhjalmur Stefansson's claim that his recent explorations established British sovereignty over Wrangell Island has led it to study the whole question, with a view to taking a firm stand on such American rights as were gained by the expedition of 1881. American air strategists feel that flying progress has given new importance to the Arctic position."

Mr. KING. Mr. President, soon after the convening of the Washington conference, that is, November 28, 1921, I gave a brief interview to the press concerning the conference. I think it

has some relation to the matter under discussion, and I ask that it may be printed in the RECORD in the usual 8-point type.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

"The suggestion alleged to have emanated from the White House, that the Washington conference is the germ of an association of nations, will not only be disquieting to many, but will have the effect of opening a Pandora's box. The purpose of the conference was not clearly understood by many and its proceedings have not led to a clarification of the situation. There were those who believed that a conference of a few nations could and would limit naval armaments and they saw in the conference a most hopeful prospect. Still others believed that a conference of three of the great naval powers of the world and three or four other nations would accomplish but little in relieving the world from the burdens of either naval or military armament and promoting world peace. These in this category felt that the scope of the conference should be broadened and other nations invited, so that the entire question of world disarmament and the establishment of international instrumentalities as administrative or executive agencies of the participating powers, could be canvassed and determined. They felt that a conference of a few powers to limit naval armament, even though in the agenda the discussion of Far East problems was provided, would fail to accomplish any effective or beneficial results; that any agreement reached would be regarded by the nations as the basis of an alliance with limited and perhaps narrow objectives; that though it limited the naval armament of three powers and thus diminished the tax burdens of such powers, there would be no removal of the causes of war—indeed that the interpretation of such an agreement might be provocative of international disputes; that any agreement between the members of the conference which did not set up tribunals to interpret it and to enforce it would leave the signatories to the agreement in a helpless situation; and that such an agreement, if entered into, might contravene obligations assumed by some of the powers when they became parties to the Versailles treaty. And still others who were unrelenting foes of the League of Nations believed that the Washington conference would separate Great Britain, France, and Japan from the League of Nations and thus compass its destruction, which to such persons was a consummation devoutly to be wished.

"The uncertain and conflicting utterances of President Harding, both before the election and since, leave the average mind in a state of bewilderment as to what the White House suggestion means. To many—and I am in that class—who believe that the United States should have ratified the Versailles treaty and entered the League of Nations, the suggestion will not be enthusiastically received unless it shall be made clear that it is not the intention of the President and the proponents of this scheme to destroy the League of Nations and to attempt to set up a Republican or Harding or purely American league or union or association of nations.

"The overwhelming majority of the American people desire a league of the nations of the world for the purpose of securing not alone a limitation of naval armaments but world disarmament and the establishment of such international agencies through which the nations will execute their purposes and promote world fellowship and world peace. This feeling is shared by the people in every country. The world is anxious for peace and for such a league or association as will bring about disarmament and set the nations upon the highway of international amity and good will. Notwithstanding the defects in the covenant of the League of Nations, it constitutes a basis for world union, and if this Nation should unite with the 50 powers now members of the league the conference at Washington would be unnecessary and the small and narrow field which it seeks to cover would be lost in the broad and generous field of comprehensive purpose for which the League of Nations stands and which it is pledged to accomplish.

"If this alleged White House plan is to set up a rival organization of the league, it is doomed to failure, as it should fail. It would be a crime against humanity to seek the destruction of the league formed by the Versailles treaty. If President Harding desires a world union and world peace, he should address himself to the execution of the purposes of the league and to securing such reservations and amendments to its organic law as may be deemed necessary to protect the interests of this and other nations.

"There is no field for two parallel world organizations aimed at securing disarmament and world peace. If they are not parallel but converge, it were better that the convergence should be accomplished before divergence appears. Any attempt to set up another association of nations would provoke suspicions, jealousies, fears, and controversies throughout the world. I believe most nations are willing to recognize the hegemony of the United States in any plan or union which seeks the establishment of peace and the setting up of tribunals for conciliation, arbitration, and adjudication. This Nation could secure such changes in the League of Nations as would satisfy the American people and thus put our Nation in the way of becoming a member of the league, where it would assume an important and, indeed, a preeminent position. Thus there would be secured not only what the Washington conference seeks but much more—not only a limitation of the naval armaments of nations but a reduction in the naval armaments and the military armaments of all nations, even to the point of world disarmament. It is folly to talk of another association of nations while one already exists and is sincerely and with a broad and liberal spirit addressing itself to a mitigation of the sorrows and evils now afflicting the world. No narrow partisanship and no petty jealousies must be projected at this time to compass the destruction of the noble work to which President Wilson gave so generously of his life and of his soul.

"Neither this conference nor this Nation must send forth the word that unless the nations of the earth accept a plan of world union with the brand of this administration upon it, it must be destroyed. This conference can perform a noble and a mighty work if it shall bring itself into apposition with the league, if it shall provide means of contract with the league and its organizations which are now formulating plans for world disarmament, and cooperate with them, if it shall open the way for the United States to sit down at the council table, around which are gathered the members of the League of Nations and shall aid in enlarging that council until Germany and all other nations have membership therein. If that is its purpose and task, then its achievements will be memorable and President Harding and all who contribute to a consummation so glorious and beneficent will be crowned with honor and immorality."

Mr. KING. Mr. President, later I gave another interview, which was published in a number of papers, among them the New York Times, giving my views upon the conference, and expressing certain apprehensions as to results. I ask that it may likewise be printed in the RECORD in 8-point type.

The VICE PRESIDENT. If there is no objection, it is so ordered.

The matter referred to is as follows:

CALLS CONFERENCE LEAGUE'S RIVAL—PEACE EFFECT ON LEAGUE—EXECUTION OF ITS PURPOSE MAY BE BLOCKED BY TREATIES NOW BEING MADE HERE.

(Special cable to The New York Times.)

"Washington, D. C., December 18.—* * * Events transpiring, not only in the United States, but throughout the world, furnish convincing proof that a league of nations or an association of the nations of the world is necessary, not only for the economic and industrial welfare of the world but for its peace. The economic crisis in the United States, as well as in Europe, challenges attention to the fact that the nations of the earth must associate themselves together to prevent universal bankruptcy and restore prosperity.

DEMAND FOR ECONOMIC COMPERENCE.

"From every country appeals are being made for conferences to deal with economic and fiscal affairs. Business men, farmers, and, indeed, all classes of citizens, are asking for a world conference to deal with economic matters, to stabilize exchange, and to provide means of credit so that the products of fields and mills and farms may find markets where they are so imperatively needed.

"It is vital that the world have peace, that the military spirit be dissipated, and that opportunities be afforded for the resuscitation of business activities of the people. If we had ratified the Versailles treaty with the obligations and sanctions of the league, long before this the nations would have been at peace. They would have felt secure in their territorial integrity and their political independence, and would have voluntarily reduced their military and naval armaments far below the point sought by the Washington conference.

"What is needed in the world is trust and confidence. This will result from an association of all the nations of the world to promote peace as well as economic developments. The Washington conference is a belated effort to place the United States in a position which it refused to accept when it rejected the Versailles treaty.

"The purposes of the conference are praiseworthy. Undoubtedly there are some who are interested in having it called who hoped thereby to effectually destroy the League of Nations. They believed that an alliance between the leading powers participating in the Washington conference would set up a rival organization which would so discredit the league as to bring about its early dissolution. Doubtless there were others who believed that the work of the Washington conference would be supplementary to the work of the League of Nations, and that this conference and the league would harmoniously collaborate to secure the same end.

"But to those who believe in an association of the nations of the world to promote international good will and to secure the blessings of international trade and commerce the Washington conference will appear an imperfect instrumentality to accomplish that end. It will provoke criticism which always attends the formation of an alliance between nations, and by some will be regarded as a scheme to give to the four great powers participating in the conference undisputed power and influence in the Pacific and in the Far East.

"It is calculated to arouse jealousy and provoke resentment on the part of nations who have not been invited to participate and who may fear that their interests in regions referred to will be jeopardized and that a strong quadruple alliance will be formed which will seek to project itself into other parts of the world and to influence the economic and political course of other continents and peoples.

"In my opinion, if representatives at the conference from nations that are members of the league had frankly stated at the outset that while they were glad to take part in the conference and would contribute in every possible way to its success, they felt it their duty to announce that their Governments adhered to the League of Nations, believed in its mission, and would consent to no program which would contravene obligations flowing from the ratification of the Versailles treaty or in any manner impair the league or derogate from its authority and power, their sincerity would now be absolutely unquestioned.

CONFERENCE A CAUSE OF DISTRUST.

"Failure to take this course will lead the people of many nations to believe that the alliance here formed seeks not only to discredit the league but to destroy it. The Versailles treaty provides agencies and a comprehensive plan to secure not a mere limitation of naval armaments on the part of the three great naval powers of the world, but to bring about world disarmament. The purposes of the league are more comprehensive and the machinery provided to accomplish the beneficent results for which it was organized is adequate and will be effective.

"To some it may appear that the action of this conference is hostile to the program and actions of the league. Already a commission is at work, appointed by the league, to provide a plan for world disarmament. That plan may, and doubtless will, call for a far greater reduction in the number of war vessels to be maintained by the United States, Great Britain, and Japan. When that plan is announced will Great Britain and Japan adhere to the quadruple alliance program and the 5-5-3 naval ratio or will they conform to the requirements of the League of Nations?

"Obviously the treaty which it is proposed we shall now enter into, ratifying the 5-5-3 ratio, will prove an obstacle to the plans by Great Britain and Japan as recommended by the League of Nations. In other words, this conference may be an impediment not only to a reduction in the naval disarmament of the three contracting parties, but an insuperable obstacle to world disarmament.

"Of course, peace in the Orient is desired, and it may be supposed by many that the quadruple alliance insures peace in the Orient; but I repeat that the compact here suggested may be an obstacle to the execution of the purposes of the league and the completion of a program more comprehensive and bringing within its sphere of influence and operations substantially all of the nations of the world.

"It would be reassuring if the nations now at the Washington conference should declare that they have no purpose to impair the league or to interfere with its activities; that they only seek to supplement the great work to which it is dedicated, and they desire to bring this conference into contact with it to the end that the program of the Washington conference to limit naval armament may be carried out, but that the broader policy of the league may likewise be executed so that all nations will be brought into close and friendly cooperation, that thereby nations may be relieved from the burdens of naval and military armament, and the fountains of peace may perennially flow for the happiness and prosperity of all nations."

Mr. WALSH of Massachusetts. Mr. President I present a reservation intended to be proposed by me as a part of the resolution of ratification of the treaty under discussion, and I ask that it be printed and lie upon the table.

The proposed reservation was ordered to be printed and to lie on the table, as follows:

Provided further, That if the United States should grant to the Philippine Islands their independence subsequent to the ratification of the four-power treaty, the independent Philippine State shall be admitted to all conferences called under the terms of the said treaty and enjoy the same rights and privileges as the original signatories.

RECESS.

Mr. ROBINSON. I move that the Senate take a recess, the recess being, under the previous order, until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 9 o'clock and 55 minutes p. m.) the Senate, as in open executive session, took a recess until to-morrow, Thursday, March 23, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 22 (legislative day of March 16), 1922.

POSTMASTERS.

CALIFORNIA.

Frank S. Stephenson to be postmaster at Terra Bella, Calif. Office became presidential January 1, 1921.

Alvin L. Woodin to be postmaster at Atascadero, Calif., in place of R. P. O'Connor, resigned.

John W. Mullen to be postmaster at Mendocino, Calif., in place of A. A. Heeser, resigned.

CONNECTICUT.

William S. Tifft to be postmaster at Seymour, Conn., in place of J. J. Molans. Incumbent's commission expired July 21, 1921.

DELAWARE.

Stephen W. Miller to be postmaster at Camden, Del. Office became presidential January 1, 1921.

FLORIDA.

William T. Dupree to be postmaster at Citra, Fla. Office became presidential January 1, 1922.

Orlando J. Price to be postmaster at Okeechobee, Fla., in place of L. M. Raulerson, resigned.

ILLINOIS.

Ralph K. Crawford to be postmaster at West Point, Ill. Office became presidential April 1, 1921.

Pearl Richcreek to be postmaster at Argo, Ill., in place of E. E. Linn, resigned.

Charles W. Jones to be postmaster at Chandlerville, Ill., in place of J. E. Rethorn. Incumbent's commission expired February 4, 1922.

Edgar H. Mills to be postmaster at Lawrenceville, Ill., in place of H. C. Johnson. Incumbent's commission expired February 4, 1922.

Frank E. Walters to be postmaster at Seaton, Ill., in place of T. R. Wright. Incumbent's commission expired January 8, 1921.

Alfred J. Meyer to be postmaster at Worden, Ill., in place of A. Z. Rice. Incumbent's commission expired December 17, 1919.

IOWA.

Elmer Akers to be postmaster at Decatur, Iowa. Office became presidential January 1, 1921.

Jay E. Beemer to be postmaster at Gravity, Iowa, in place of Sam Robinson. Incumbent's commission expired January 24, 1922.

Isabelle A. Boyle to be postmaster at McGregor, Iowa, in place of Anton Huebsch. Incumbent's commission expired January 24, 1922.

Iver Iverson to be postmaster at Northwood, Iowa, in place of C. W. Remore. Incumbent's commission expired August 7, 1921.

KANSAS.

Henry Uhlenhop to be postmaster at Leonardville, Kans., in place of W. P. Turner. Incumbent's commission expired March 16, 1921.

KENTUCKY.

Francis A. Wiseman to be postmaster at Cecilia, Ky. Office became presidential April 1, 1921.

Albert R. Hornback to be postmaster at Sonora, Ky. Office became presidential January 1, 1921.

LOUISIANA.

Ella Farr to be postmaster at Gilliam, La. Office became presidential October 1, 1919.

MASSACHUSETTS.

William S. Curtis to be postmaster at Hanover, Mass., in place of J. H. Flavell. Incumbent's commission expired January 24, 1922.

Louis N. Chase to be postmaster at Weston, Mass., in place of D. A. Sheehan, resigned.

MICHIGAN.

Verl L. Armbaugh to be postmaster at Camden, Mich., in place of I. D. Black. Incumbent's commission expired December 20, 1920.

Lewis J. Hough to be postmaster at Flushing, Mich., in place of F. D. Perkins. Incumbent's commission expired January 24, 1922.

Ira N. Dowe to be postmaster at Ontonagon, Mich., in place of I. E. Bush, resigned.

MISSOURI.

Joseph Snider to be postmaster at Ludlow, Mo. Office became presidential October 1, 1921.

Russell E. Worth to be postmaster at Bogard, Mo., in place of Herbert Standley, resigned.

Alfred L. Jenkins to be postmaster at Chulpa, Mo., in place of Ruth Thompson, resigned.

Mary Shivers to be postmaster at Malden, Mo., in place of C. L. Chandler. Incumbent's commission expired July 10, 1920.

NEBRASKA.

Willard R. Cross to be postmaster at Moorefield, Nebr. Office became presidential January 1, 1921.

NEVADA.

Edward C. Fries to be postmaster at Lovelock (late Lovelocks), Nev., in place of J. H. Causten, appointee, declined.

NEW JERSEY.

Fred D. Mattesen to be postmaster at Berlin, N. J., in place of H. N. Gillon. Incumbent's commission expired January 24, 1922.

NEW YORK.

Roy T. Merrill to be postmaster at Holley, N. Y., in place of Edward Coady. Incumbent's commission expired January 6, 1920.

NORTH CAROLINA.

Walter H. Finch to be postmaster at Kittrell, N. C., in place of I. T. Hunt. Incumbent's commission expired January 24, 1922.

Charles M. Freeman to be postmaster at Troy, N. C., in place of J. F. Saunders. Incumbent's commission expired January 24, 1922.

NORTH DAKOTA.

John K. Diehm to be postmaster at Schafer, N. Dak. Office became presidential January 1, 1922.

OHIO.

James B. Jones to be postmaster at Canfield, Ohio, in place of C. C. Fowler. Incumbent's commission expired January 31, 1922.

Mamie O. Chapman to be postmaster at Euclid, Ohio, in place of F. L. Priday, resigned.

William R. Poulson to be postmaster at Holgate, Ohio, in place of G. E. Ricker, resigned.

OKLAHOMA.

Joseph J. Atterberry to be postmaster at Gould, Okla. Office became presidential January 1, 1921.

PENNSYLVANIA.

J. Russell Clayton to be postmaster at Bryn Athyn, Pa. Office became presidential January 1, 1921.

Frank R. Jones to be postmaster at Iselin, Pa. Office became presidential October 1, 1920.

Mike Humenik to be postmaster at Slovan, Pa. Office became presidential January 1, 1921.

William F. Houser, sr., to be postmaster at Middletown, Pa., in place of J. A. Kramer. Incumbent's commission expired August 7, 1921.

RHODE ISLAND.

Florence E. Booth to be postmaster at Oakland Beach, R. I. Office became presidential January 1, 1921.

TENNESSEE.

Glenn C. Hodges to be postmaster at Cowan, Tenn. Office became presidential October 1, 1920.

WEST VIRGINIA.

Scott Straley to be postmaster at Janelew, W. Va., in place of O. C. Dawson. Incumbent's commission expired January 24, 1921.

John W. Kantle, jr., to be postmaster at Martinsburg, W. Va., in place of J. F. Thompson, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22 (legislative day of March 16), 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Samuel H. Piles to be envoy extraordinary and minister plenipotentiary to Colombia.

COLLECTOR OF INTERNAL REVENUE.

John W. Hering to be collector of internal revenue, district of Delaware.

POSTMASTERS.

ALABAMA.

Clifford T. Harris, Columbia.
Annie M. Oswalt, Fairhope.
Henry M. Gay, Lanett.
Arthur G. Smith, Opelika.

ALASKA.

John W. Stedman, Wrangell.

ARIZONA.

Neil Carlson, Camp Verde.

CALIFORNIA.

Nellie Pellet, Brawley.
Tracy Learnard, Gilroy.
Samuel N. Frost, Holtville.
Laura Teichman, Hydepark.
Mary F. Stevenson, Imperial.
Byron Q. R. Canon, La Mesa.
Frank L. Huff, Mountair View.
Oliver A. Washburn, Nelson.
John W. G. Mauger, Standard.
Claude A. Porter, Thermal.

COLORADO.

Hoyt D. Whipple, Berthoud.
Cecil N. Richardson, Holyoke.
Norman P. Beckett, Lafayette.
Thomas S. Percy, Tabernash.

GEORGIA.

Emma A. Sills, Ochlochnee.

IOWA.

Mikel L. Larson, Callender.
Joseph H. Dickens, Diagonal.
William Hayes, Harlan.
Kearney F. Elder, Portsmouth.
George H. Kinney, Stacyville.
Simon C. V. Blade, Stanton.

MICHIGAN.

Fred G. Rafter, Decatur.
John W. Smith, Detroit.
William F. Stoffer, Dexter.
Joseph Deloria, Garden.
Jessie M. Skampo, Ida.
Claude E. Hyatt, Linden.
Otto J. Benaway, Orion.
Charles J. Gray, Petoskey.
Theodore G. Oborski, Ruth.
Hattie B. Baltzer, Scottville.
Mabelle E. McDonald, Sixlakes.
Grover J. Powell, Washington.
Joseph L. Kelly, Watersmeet.

NEW JERSEY.

William Q. Schoenheit, Long Valley.
Charles G. Mellick, Milford.
Rae B. Cook, Mount Arlington.
Lucius C. Higgins, Mountain Lakes.
Otis F. Lee, Ocean Grove.

NEW YORK.

Donald M. Dickson, Andes.

OKLAHOMA.

Richard H. Bowser, Blanchard.
Pearl E. Hughey, Cleo Springs.
Albert M. Dennis, Frederick.
Merrel L. Thompson, Hartshorne.

OREGON.

Polk E. Mays, Joseph.
Ida M. Miller, Rockaway.

RHODE ISLAND.

Alberta V. Wilson, Anthony.
Charles J. Baron, Centerdale.

SOUTH CAROLINA.

John R. Tolbert, Abbeville.
Clyde H. Culbreth, Landrum.
John M. Collins, Ware Shoals.

WASHINGTON.

William G. Menerce, Carson.
Robert J. Chamberlain, Charleston.
William W. Woodward, Darrington.

WISCONSIN.

Lyle K. Austin, Boscobel.
Alexander F. Fleischmann, Campbellsport.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 22, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, whisper to us the language of the eternal that we may be in touch with things of infinite value. Keep us in harmony with Thy plan and enable us to get at the very soul of things. Carry our manhood to its highest point and help it to conform to the best that we know. Give range and vision to the thoughts that we think and to the life that we live, and may they be according to Thy will. Let us understand that obedience to vision means consecration to duty. Allow no cloud to flood it, but let the light of Thy Spirit direct it. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHICAGO, DETROIT & CANADA GRAND TRUNK JUNCTION RAILROAD CO.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for a rereference to the bill (S. 3268) to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co. or its successors or assigns to lease certain of its properties in the State of Michigan. The bill in question was referred to the Committee on Military Affairs, and I am asking that it be rereferred now to the Committee on the Public Lands. The bill involves lands which, when granted to the railroad company 60 years ago, were a portion of a military reserve adjacent to Fort Gratiot. The fort is abandoned and there is no longer any military reserve there. It is not a matter that the military authorities are in any way interested in at all. It is a matter handled by the Interior Department. I have consulted with the gentleman from California [Mr. KAHN], and it is with his consent that I am asking this rereference.

The SPEAKER. Is there objection to the request of the gentleman from Michigan for a rereference of the bill from the Committee on Military Affairs to the Committee on the Public Lands?

There was no objection, and it was so ordered.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with business in order on Calendar Wednesday.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I should like to say that when this request was made yesterday afternoon by the gentleman from Wyoming I made objection. The reason I did so was that I had not received the bulletin giving the program of the business for the week and consequently had no notice of this and no opportunity to confer with the minority members of the committee whose business would be set aside if Calendar Wednesday should be set aside. Therefore, I made the objection at that time. I have since conferred with them, and I have no objection.

Mr. MONDELL. Mr. Speaker, the fault was mine in not having conferred with the minority leader. I was under the impression that he knew about it, although I realize now there was no way he could know about it. I should have conferred with him, as I ordinarily do in such cases.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7881. An act to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements.

H. R. 10559. An act making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I also objected to that request yesterday afternoon. My reason for doing so at that time was that I was not advised as to the form which the rule that it is expected will be presented to-morrow would take. There was a rumor that probably two days would be set aside for suspensions. I have since learned that that is incorrect. I now understand the form of the rule and I have no objection to the gentleman's request.

Mr. WALSH. Mr. Speaker, reserving the right to object, what is the purpose of this? Is it in order to take up the bonus bill or to permit the consideration of some conference reports?

Mr. MONDELL. In order that we may begin business an hour earlier and conclude the business of the day at a reasonably early hour.

Mr. WALSH. What will be the business?

Mr. MONDELL. I take it for granted that the first business will be the presentation of the rule making to-morrow suspension day, and then to proceed with such suspensions as may be provided for.

Mr. WALSH. The gentleman does not care to venture a prediction as to what might come up under suspension?

Mr. MONDELL. That is a matter for the Speaker to decide.

Mr. WALSH. Well, until we know more definitely——

Mr. MONDELL. I think the gentleman has a fair notion of what may be taken up to-morrow.

Mr. WALSH. The gentleman knows what my notion is, and if he will state that my notion is correct I shall not object.

Mr. MONDELL. I am very hopeful that the Speaker will recognize the gentleman from Michigan to call up the bonus bill.

Mr. GREENE of Vermont. Does the gentleman say that he is hopeful, or that he fears that he will?

Mr. McARTHUR. Mr. Speaker, reserving the right to object, does not the gentleman think it would be well to meet at 10 o'clock, in order that we might get through the agony a little more quickly?

Mr. SEARS. Mr. Speaker, reserving the right to object, why should we debate this bill at all, if the rule is going to provide that no amendment shall be permitted and no motion to recommit? Why not simply put it through and let the Members of Congress vote on the proposition.

Mr. LONGWORTH. Mr. Speaker, I would say to the gentleman from Florida that there are some of us who want to make a few comments on the report signed by the minority.

Mr. SEARS. In answer to the gentleman from Ohio, I think a few comments on the bill would be quite acceptable.

Mr. GREENE of Vermont. Oh, permit me to assure the gentleman from Florida that suicides generally leave some written explanation of why they do it. [Laughter.]

Mr. SEARS. And in reply to that I would suggest that suicides better not leave any explanation.

The SPEAKER. Is there objection?

There was no objection.

PRIORITY RIGHTS FOR EX-SERVICE MEN.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability in-

curred in line of duty, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 9633, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. RAKER.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department, and so forth.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10871, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10871, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. Without objection, the Clerk will report the various amendments now pending before the committee when the committee rose yesterday.

The Clerk read as follows:

Amendment by Mr. HILL: Page 17, line 3, strike out the figures "$250,000" and insert in lieu thereof "$981,975."

Substitute offered by Mr. CRAGO to the amendment offered by Mr. HILL: Page 17, line 3, strike out "$250,000" and insert "$1,963,951."

Amendment to the substitute offered by Mr. ROGERS: Page 17, line 3, strike out "$250,000" and insert "$3,297,902."

The CHAIRMAN. The question is on the amendment to the substitute offered by the gentleman from Massachusetts.

Mr. VAILE. Mr. Chairman, I desire to be heard on the pending amendment. Mr. Chairman, this is an amendment increasing to nearly $4,000,000 the amount provided for training pay for officers of the reserve corps. I rise in support of that amendment. When the committee rose last night three amendments were before us, and I want to make some comment on the whole matter as introductory to my remarks——

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. VAILE. A brief one.

Mr. CHINDBLOM. If the amount for pay of officers of the reserve corps is increased, will it not be necessary to change some of the provisos following in amount of appropriation?

Mr. VAILE. I think probably it will.

On page 3880 of the RECORD of March 14, in the speech of the gentleman from Mississippi [Mr. STENNIS] appears a poem commencing:

"To safeguard peace, prepare for war."
I know that maxim; it was forged in hell.

The maxim thus derided was the solemn warning of George Washington to his countrymen.

I do not concede that even the gentleman from Mississippi is a greater statesman or a wiser patriot.

But I realize that after the votes of yesterday, scarcely a year after the official termination of our part in the World War, it is useless to try to persuade the House to look, even for a moment at the facts of our own history. The gentleman from Mississippi says: "This country can not ignore what is going on in the world." It seems that what we can ignore and what we do ignore is what has gone on in the experience of our own country. That experience is one year of war to six years of peace throughout the whole of our national history. We hope and believe that wars will be less frequent in the future, but no man can guarantee that.

Men still living can recall four of those wars. My own hair is not yet gray, but men of my age have fought in two of them.

But the advice of Washington is useless. According to the gentleman from Mississippi, that advice was forged in hell.

Incredible as it may seem, on the very eve of our action on a bill to provide several billion dollars for some four and a half million soldiers whom we had to train after a war had started, we find representatives of the people who will pay that bill getting up on the floor of the National Legislature and shouting that unpreparedness will keep us out of war. It never yet did keep us out of war. It never in all history kept any other nation out of war.

Our reliance, it seems, is still to be in the maxim—

God takes care of children, fools, drunkards, and the United States.

[Laughter and applause.]

Well, some day even the patience of the Almighty will be exhausted. Some day He will say, "You care nothing for the splendid heritage I have given you. You care nothing for the safety of the country which was won and preserved by the fortitude of your ancestors. I shall take that trust from you and give your country to a race of men."

There are none so blind as those who will not see. Let us take off of our coins the eagle, whose wings can range the sky and who can look at the sun without flinching. Let us substitute for him that peaceful and inoffensive bird, the ostrich, which can, indeed, run on the ground, but which buries its head in the sand, gracefully raising its rear elevation so that its feathers may be plucked at will by all the world. [Laughter.]

Now, gentlemen of the committee, this House yesterday, by a decisive rising vote, evidenced its most unwise determination that the United States shall have the smallest professional army of any nation in the world in proportion to its size. The question now before us in the Rogers amendment is whether we are willing to afford an opportunity for training to nonprofessional officers who in time of national crisis must furnish by far the greater number of those who will have to lead our sons in any future battles of the Republic.

To me the statement yesterday by the chairman of the subcommittee having this bill in charge was a very significant one. At page 4217 of the RECORD he said:

The War Department did do what the committee thought was a practical thing last summer. They did not have sufficient money available under the appropriation of $250,000 (the amount carried in this bill), so they tried out an experiment at Camp Meade, and they invited the reserve officers in the States contiguous to that camp to report at a certain time for voluntary training.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAILE. I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

Mr. JOHNSON of Mississippi. Will the gentleman now yield?

Mr. VAILE. Yes, sir.

Mr. JOHNSON of Mississippi. The gentleman complains that the gentleman from Mississippi quoted George Washington as an authority for his position on yesterday?

Mr. VAILE. No; on the contrary.

Mr. JOHNSON of Mississippi. On the contrary. Did not George Washington also warn us against entangling alliances with European nations?

Mr. VAILE. That is not the question I am now discussing, although I do not believe we have entangling alliances.

Mr. JOHNSON of Mississippi. At the other end of the Capitol to-morrow they will entangle us with Europe.

Mr. VAILE. I do not agree with that statement at all. If there were a threat of entangling alliances, that threat was made in the previous administration.

Mr. JOHNSON of Mississippi. Does not the gentleman agree that the four-power treaty entangles us with foreign countries?

Mr. VAILE. I do not.

I want to quote this further from the chairman of the committee. He says:

The result was very satisfactory, and several hundred of the reserve officers answered the call, appeared, and underwent a voluntary period of instruction in a very satisfactory manner.

Now, what does it mean, gentlemen? It means that those young men who have the time and money, or those who can make the sacrifice of time and money necessary to prepare themselves for their country's service, may be allowed to make those sacrifices, but those who would like to be trained, and who are too poor to take the training at their own expense, are to be barred. And the gentlemen who are forcing upon this country this most drastic reduction of our national defense are shouting on this floor that the Army is a caste system; a petty aristocracy.

Mr. HILL. Will the gentleman yield for a question?

Mr. VAILE. Yes, sir.

Mr. HILL. Is it not true that when you arrange the Officers' Volunteer Corps in such a way that only rich men can go to a training camp you make an aristocratic class?

Mr. VAILE. Absolutely. We go ahead and make our Army a small and exclusive class, its officers regarded with suspicion and distrust, their number confined to the very few whom we are willing to train professionally and to the wealthy amateurs who can afford to take training at their own expense. There you have the real seed of militarism.

The fact is that the bill which is now before us is presented by men who did not believe in the principle of conscription;

that is to say, the principle of universal obligation, even in time of war. They are believers in a system which would train only aristocrats for officers and which would take only our best and most willing youths for the ranks.

I wish I had the eloquence to convince you that the defense of the Nation can rest only in the training of a large number of its citizens without regard to their wealth. The reserve officers for whom training would be provided by the Rogers amendment do not constitute the professional establishment to which you so violently object—when their services are not instantly needed for your defense. They are citizens, anxious to keep themselves prepared for the highest and most self-sacrificing service which a man can render to his country. Let us at least give them this chance.

Of course, if war comes, we shall try to train them all, and many more, in a great hurry. We shall revise our opinion of the Army overnight.

Oh, it's "Tommy this," and "Tommy that," and "Tommy, go away";
But it's "Thank you, Mr. Atkins," when the guns begin to play.

Gentlemen, those of us who believe in a degree of preparedness, which our delegates to the arms conference took for granted at the same time that they were endeavoring to cut down the burden of competitive armaments and to lead the minds of the nations to thoughts of peace, still believe that the time to prepare for possible war is before, and not after, we get into it. We believe that a policy of no defense is not the slightest assurance against war but the strongest possible assurance of national extinction.

We believe that the time to prepare our soul for the future is before we are on our deathbed. [Applause.]

I hope the Rogers amendment will carry. [Applause.]

Mr. FROTHINGHAM. Mr. Chairman, I have listened with a great deal of interest to everything that has been said here. I disagree entirely with the reduction of officers and of the Army as far as this committee has reduced it. If that is to go through and this committee is sustained on that, you sustain their great reason for reducing the Regular Army, which is that its place can be taken by the reserves and by the National Guard. But the committee does not carry out consistently that viewpoint, because they slash the National Guard and the National Reserves also.

I have in my hand here a statement made before their committee, I assume—at any rate, made before the committee of which I am a member—by the men who, above all others, ought to know from experience what this country needs. Now, you may have a prejudice—it seems to exist here—against the Regular Army officers, but if there is any place in this world where training and education are necessary it is in the art of war; and those men, gentlemen, give up their lives so that in case of need they may go forth and bare their breasts to the enemy, to be shot down for your protection and for mine. It is an honorable profession. But you can have no prejudice against taking the evidence of the young men, not in the Regular Army, who gave up their business and their profession to go out and serve their country in this war. Can you get any better evidence than that? Is this committee as competent as those men who have been through the hell and the fire of war? Of course they are not. They love their country, of course, but when it comes to the kind of evidence that this House and this country should listen to I maintain that the evidence of the men who served in this war should be followed by this House rather than the evidence of a subcommittee of the Appropriations Committee.

Mr. STAFFORD. Can the gentleman, who is so widely versed in military affairs——

Mr. FROTHINGHAM. I did not say that. I said that these men were.

Mr. STAFFORD (continuing). Who represents so creditably that great State from which the Secretary of War comes tell the reason why in a fortnight or a month he has changed from his advocacy of an army of 150,000 to an army of 130,000?

Mr. FROTHINGHAM. Why I have changed?

Mr. STAFFORD. No; why the Secretary of War has changed in his advocacy of an army of 150,000 to 130,000?

Mr. FROTHINGHAM. I have not changed. I did not know that the Secretary of War had changed. If he has changed, it is because he wants to get the best he can out of your recalcitrant committee.

Mr. STAFFORD. He stated when he was in Florida that he was in favor of 130,000.

Mr. FROTHINGHAM. I did not know that he was in Florida now.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FROTHINGHAM. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. Will the gentleman yield?

Mr. FROTHINGHAM. I yield.

Mr. KAHN. The Secretary of War has just had a talk with me over the telephone, and he denies positively that he has stood for an army of 130,000 men.

Mr. STAFFORD. Permit me to ask one further question. Why is it with the authorization of our present appropriation bill, providing for an army of 150,000, he had for three or four months stood for an army of 130,000?

Mr. KAHN. Because he could not get more than the 138,000 he has had; in every instance the War Department has always fallen down 10 or 15 per cent below the number authorized by appropriations, because of the number of men that have failed to volunteer for recruiting.

Mr. GREENE of Vermont. Permit me to supplement that. The standing ratio in the maintenance of the Army is about 10 per cent of the authorized strength, both in the enlisted and mounted personnel, the year round, because it is both physically impossible and mathematically impossible to keep every man supplied in one place up to the minute.

Mr. STAFFORD. The average here is 125,000. The authorization is 150,000.

Mr. FROTHINGHAM. Mr. Chairman, I thought I had five minutes more. I wish to get something in the RECORD in that time, if I may. [Laughter.]

Now, gentlemen on the floor yesterday said there was not going to be any war. Nobody hopes more than I that there is not going to be any war, but nobody thought in 1914 that there was going to be any war. It was not thought possible. I was in England just before the war. People did not talk about war. There was no conception that there could be a war, and I went to Germany about 10 days before that dreadful cataclysm broke out, and the people in Germany did not think there was going to be any war. Nobody thought war was possible at this stage of civilization, and they thought if a war were threatened the financial people in each country would be able to prevent it. But the war came. It took us all by surprise, and at that very time people from America were attending a peace conference at Lake Constance, and they had difficulty in getting out and could not get out with their baggage.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. FROTHINGHAM. Yes.

Mr. CAMPBELL of Kansas. The gentleman has just stated that the people of Germany did not expect war 10 days before it began. May I make this suggestion: The mere fact that Germany was prepared for war up to the very last shot made it possible for her to start the World War at a moment's notice.

Mr. FROTHINGHAM. I am speaking of the people of Germany, not the inside clique of the army.

Mr. CAMPBELL of Kansas. Yes.

Mr. FROTHINGHAM. But Germany was not only prepared, but she was overprepared. She had been prepared for some 40 years, ever since 1870. What I want for this country is a modicum of preparedness, and I say the excuse for a reduced Army is that we may depend more upon the National Guard and the reserve. We ought not to cut the heart out of the National Guard and the reserve. I say that because I do not think there is a man on the floor or in this House that can dispute that fact.

Now, this committee of the Legion, composed of men who served in this war, some of them at the front, some of whom served in the National Guard before the war, and some who served as reserve officers, and none of whom, so far as I know, need be objectionable to this committee, because I do not think they ever served in the Regular Army, came before us and stated that—

It is our opinion that the funds included in the Budget estimates are essential to the development of this program. We are convinced that the recognition given by the War Department estimates to the importance of the National Guard and the Organized Reserves represents minimum appropriations for the proper functioning of these component parts of the Army of the United States. We urge the maintenance of these items in their complete integrity.

The American Legion recognizes the national demand for retrenchment and reduction in governmental expenditures, but as practical men, who have learned the lessons of preparedness by the hard experience of war, we are confident that it would be a great mistake at this time to limit the proper functioning of the national defense act by a reduction in the estimates as submitted by the War Department and approved by the Budget Committee.

[Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I want to indorse everything that the gentleman from Massachusetts [Mr. PROTHINGHAM] said with reference to disregarding the advice of practically every man in this House who has had any experience in the World War. It is rather curious that the Committee on Appropriations, when deciding on the military policy of the country, should feel justified not only in disregarding the advice of every one of its professional advisers as to what is actually necessary to a proper state of military preparedness but should go a step further, and, although there are Members of this body men who within four years had personal experience in actual warfare, they should assume to disregard the advice of those men also.

Yesterday we provided for an insufficient number of Regular officers, and the gentlemen who undertook to defend the position of the committee said we did not need them because we had the National Guard and our reserve officers. To-day we propose to appropriate an amount which is absolutely inadequate to the training of reserve officers—1,656 reserve officers, if you please, for 15 days a year.

The gentleman from Mississippi [Mr. SISSON] told the House yesterday that the German Army was defeated by the unprepared nations. The German, as a matter of fact, was defeated by the only nation that was properly prepared in the way of officers, and particularly a general staff. The German Army was defeated by the French Army in 1914, and if the French Army had not had a staff of trained officers competent to meet the German staff and trained German officers, the war would have ended in September, 1914.

If this war has taught us anything, it has taught us that the one need to-day in modern warfare is trained officers, trained staff officers. [Applause.]

Study the history of the British armies in France and what do you find, gentlemen? You find the most hideous slaughter and waste of life in 1915, 1916, and 1917; a succession of costly attacks, ending in comparative failures, with losses out of all proportion as compared with those made by the French armies in similar attacks. And then in 1918, what do you find? The British Army carrying on a series of advances on a huge scale, with almost perfect staff work in the way of supplies, transportation, and troop movements, and with a minimum of losses. What was the answer? That in those three years of warfare the British Army had prepared trained staff officers, men competent to handle great bodies of troops.

In modern warfare you do not handle hundreds or thousands of men; you handle millions of men. In this European war you handled them on comparatively narrow fronts. You had a division, say, of 20,000 men, attacking upon a 2-mile front, with two divisions back of them, and in one of these large attacks these two divisions would go through the first division and carry on. You had on a 2-mile front, possibly one road probably destroyed by the attack, on which to supply some 50,000 men and get up guns and ammunition to them. Gentlemen, in the name of common sense, can you carry on that kind of operation without the best kind of professionals? Yet it seems that to-day gentlemen are against the professional, and believe no technical training is necessary to fit men for modern warfare. Take our own experience. There is not a man who served in the Army of the United States who will not tell you that the one great crying need was trained officers. The reserve officers did well enough with their three months' training, but we were deficient in Regular Army officers competent to handle great bodies of men; and if anyone cares to make a careful study of the two major operations carried on by the American Expeditionary Forces, the St. Mihiel operation and the Argonne operation, I venture to state that he will find throughout those operations evidence of mistakes made owing to the fact that we lacked the necessary trained officers and the necessary staff. So, gentlemen, whatever you may do as to the number of men, for heaven's sake do not repeat the great error that you made yesterday. Yesterday you deprived the Army and the country of the needed trained professionals. To-day you propose to deprive the Army and the country of the necessary trained amateur soldiers by not providing sufficient money for their training.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. I ask for one minute more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. MILLS. All this, Mr. Chairman and gentlemen of the committee, is being done in the name of economy, if you please, within 24 hours of the time when this House will vote billions of money to pay a bonus. Is it to be the policy of the Republican Party as represented by the House of Representatives to vote millions for seeds and billions for bonuses, but only pennies for national defense? [Applause.]

Mr. LONDON. Mr. Chairman, I believe the one man who has not learned anything from the last war is the gentleman who has just left the floor. If he is right we should have a standing Army of three or four million men. The gentleman seems to be planning for a possible future European war. I hope the gentleman will live long. He may be assured that neither within his lifetime nor mine will any American troops be sent either to Europe or Asia, or outside of the American Continent. The military participation of the United States in European conflicts is over. We have had one experience. That will be enough for this generation. No President will ever dare again to embroil the United States in European military conflicts. You Republicans would not have a majority of two-thirds in this House if the American people had really indorsed the participation of this country in the European war. Do not make any mistake about that. In your heart of hearts you know that I am telling the truth. You are here 300 strong because the American people did not want the last war.

Mr. KNUTSON. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. KNUTSON. The gentleman knows that it is very easy to stampede a people into a war if the press is put into the right position. When we were stampeded into the late war the gentleman voted against it. If the gentleman had been told that conscription would follow its declaration he would not have believed it. But it did follow.

Mr. LONDON. The President in his address in which he asked us to declare war against Germany suggested conscription. He knew that it was necessary to use coercion and conscription in order to get the people to fight, because the people's hearts were not in the European war. If America will mind its own business it will have no war.

Mr. GREENE of Vermont. May I ask the gentleman a question?

Mr. LONDON. Yes.

Mr. GREENE of Vermont. We were minding our own business when the Germans were sinking our ships.

Mr. LONDON. Oh, let us not enter into a discussion of the causes of the war. One can not do that in five minutes. It took us a long time to discover that the *Lusitania* had been sunk and that Belgium had been invaded. You know it was not until April, 1917, that we discovered that Belgium had been attacked in August, 1914. You know that prior to the invasion of Belgium there was a vilier and more infamous invasion, and that was the invasion of Serbia by Austria.

Mr. VAILE. Does not the gentleman realize that the party on that side of the aisle had to win an election on the plea that you had been kept out of war?

Mr. LONDON. I know; but you Republicans had half the House. In April, 1917, when war was declared, there were 217 Republicans and 217 Democrats, and if you were honest and consistent and intelligent, as you claimed to be, you could have prevented the declaration of war.

You are in power now because the people voted against the Democratic President. Of course, you know all that. What is the use of telling you all these things? The expenses for the Army of the United States should be reduced to the minimum. You are still suffering from militarism. You can not shake off the language, the terminology of the war, preparing, large armies, large appropriations. Against whom is the gentleman from New York going to conduct military operations? Is he going to try to get Fiume for Italy and send American boys over there to fight for her? Is he going to assert the rights of the Kingdom of Hejaz? Is he going to send American boys to fight so that there may be a larger Serbia? What operations has he in mind when he talks about manipulating big armies?

Mr. HARDY of Texas. Will the gentleman yield?

Mr. LONDON. I do.

Mr. HARDY of Texas. The gentleman from New York [Mr. MILLS] said it was necessary to train officers to be able to handle millions of men instead of hundreds of thousands.

Mr. LONDON. Yes.

Mr. HARDY of Texas. If that be so, then we must have a standing Army of over a million men to train our officers.

Mr. LONDON. Exactly; and when we have a million men, and the European nations are not in a hurry to pay the debts that they owe us, gentlemen will advise sending our Armies to enforce the collection of those debts by force.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. I ask five minutes more.

Mr. MANN. Reserving the right to object, is the gentleman going to discuss this bill?

Mr. LONDON. I will. I am coming to that.

Mr. MANN. I do not think we will get along very fast unless we discuss this bill.

Mr. LONDON. What I have said so far has been said as a foundation for the remainder of my remarks.

Armies are conceded to be an evil. The builders of the Constitution knew it when they provided that no appropriation for the Army should be made for more than two years. They were suspicious of the Army and the psychology of the military crowd. Under the present state of society armies are employed principally in the suppression of industrial disturbances, and under present conditions that is probably their principal function. Is it the purpose of gentlemen who advocate large armies in America to settle our industrial problems by the use of armies?

The gentleman made reference to the bonus. The very fact that the bonus will be voted on to-morrow shows how expensive war is. Are you for the bonus in your hearts? I know you are not. Do you want to vote for it? No. You will. Why? Because militarism is in the air. A body of 500,000 organized soldiers is a political force, and every Member of Congress having 300 or 400 men organized in his district and having no jobs and nothing else to do but to work against him in the next election is a pretty serious menace to him. [Applause and laughter.] We will be voting billions of dollars for the pleasure of having established the Kingdom of Hedjaz. This bonus business should be taken in connection with what you are doing now. The less of an Army the less militarism, the less of money is taken from the Treasury of the people for the development of military ideals, the fewer men in uniform the better. Every American can be trained to be physically, intellectually, and spiritually a giant, so that America shall be an invincible force against any country—that is the kind of preparation that I would stand for. We have no ambition or desire for additional territory; the continent is big enough, America is large enough. Let us make it bigger and stronger by raising it to a nobler sphere of endeavor. Every cent uselessly expended for the Army is a criminal waste. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, it is often said on this floor by way of a question as to the policy of having any kind of military preparedness at all, "Whom are we going to fight? Where will the next war break out? Who can tell us when we will be called upon to mobilize an army? What is the use of having an army if people can not give the specifications?" And as nobody who has not the gift of a seventh son of a seventh son, born with a caul, can tell where it will break out, so the argument is against us.

I want to relate a little bit of an incident which came to my attention when I was in France following the armistice. I fell in with some officers of the Regular Army in the army of occupation in Germany. In discussing the recent terrible struggle they said, "Do you know there was a curious phase of this war which came to every one of us boys who studied at West Point? We studied tactics and strategy under an old-time instructor at West Point. He used to put out before us maps of France which were related to the Franco-Prussian War, and particularly specialized in regard to a certain part of the French and German borders. I can remember those drowsy schoolboy afternoons at West Point when we pondered over those maps of France and Germany, and nobody dreamed, nobody ever dreamed, but that they were being simply employed for our instruction as models of what other people had done 40 years ago. Nobody dreamed that we young schoolboys at West Point, having grown to be officers in command of armies, some day in the future would be conducting war operations of troops over the very territory covered by those maps. It was surprising how many times I heard my fellow Army officers say, 'Is it possible that the maps that we used in the schoolroom for illustrations and that apparently had no bearing upon the remotest contingency that they would ever be used by the American Army itself are the identical maps of the region where these operations of the American Army are now being conducted?'"

Anyone who would have prophesied to those schoolboy cadets at West Point that they would have used those maps for warfare themselves because they were to fight in the territory of the mapped section would have been said to be one of those dreamers who think that the world will get afire and that we shall have a world war some day. And that is exactly what happened. Mr. Chairman, you never can tell.

I want to say a word in regard to the matter of the maintenance of the enlisted strength of the Army, which is to come before us soon. It is a fact, deduced from years of experience in the Army administration, that the enlisted or commissioned personnel is never up to the authorized strength, no matter if recruiting is being conducted right along under sufficient appropriations from Congress to keep it at the authorized strength.

It simply resolves itself into the same kind of tables that actuaries are familiar with, and which prove that you never can have the 100 per cent perfect in human combinations. With the personnel scattered all over continental United States and in our foreign possessions, with the time of enlistments running out every day, with the usual casualties incident to death, retirement, disability, and so on, which take place, it has been found from long experience that the Army is never closer than 10 per cent to its authorized strength, notwithstanding the fact that recruiting is going on just the same. That is incidental to the normal, peace-time operation of the Army, just as you men can easily appreciate it might be incidental to anything where the personnel has to be kept up in the scale of thousands.

Under the present authorization of 150,000 the Army is now short 16,785, and if you reduce the Army to 115,000 men and go away from here confident that you have provided an Army of 115,000 men, you should bear in mind that you have to reduce it by 10 per cent and figure that you have provided the United States with an Army of only about 100,000 men.

Do not be deceived. The appropriation which you provide will not produce the men you may think your figures order. Experience has shown that the Army will always be about 10 per cent short of the men we provide for in the law.

Mr. COCKRAN. Mr. Chairman, this I consider one of the gravest matters likely to come before the House during the present session, with the exception of the measure that will be decided to-morrow. I do not understand how anyone who has heard the speech of the gentleman from New York [Mr. MILLS], delivered with a degree of knowledge acquired by actual experience in battle, can hesitate to support the position that he has taken. We have shown, I think, in this House a disposition to treat the question of the military force we are to establish, the numbers that are to compose it, the equipment to be provided for it—very much as gentlemen sometimes treat a matter of political management in a particular district, where it becomes necessary for a candidate to square himself with a tide of popular opinion running counter to a position which his party platform has proclaimed. But the question before us is not one affecting a policy which the country may accept or reject without serious risk to its safety. It is therefore one to be met by comprehensive measures not to be evaded by ingenious expedients. We here in the House are not competent to decide from our own knowledge the size of the Military Establishment necessary to the national defense. We can under the Constitution fix its extent. We must do so. But it does seem to me that in discharging this most important duty we are taking grave risks with the future of this country if we disregard the advice founded upon knowledge and experience of those to whom we ourselves have intrusted the management of the national defense.

The War Department, the General Staff, all elements charged with the duty of guarding the country from foreign assault, have concurred in recommending a certain number of officers. This advice the committee has disregarded. I have not yet heard a single reason for setting aside the advice of our own military chiefs. I do not believe we can ignore it without peril—grave peril—to the country.

Mr. Chairman, I am one of those who on other occasions made very much the same speech the gentleman from New York [Mr. LONDON] delivered here to-day. That was about 15 or 16 years ago. Perhaps the gentleman from Ohio [Mr. BURTON] can recall how he and I used to stand down there in that center aisle, on opposite sides of it, but joining in ridicule and denunciation of the idea that there was a possibility of war among the greatest nations of the earth in this stage of civilization on a scale that would engulf in devastation and disaster a large part of the world. We contended then, as the gentleman from New York did a few moments ago, that the close interdependence of all countries in commercial activities rendered anything like a World War absolutely impossible and, indeed, unthinkable. But we have lived to see the nations which had reached the largest measure of commercial prosperity, whose inhabitants had spent their days in accumulating property and their nights in planning how to acquire it, plunging into the wildest, most destructive conflict ever waged on this earth, throwing away and destroying the very wealth which the philosophers insisted they would be so anxious to conserve that the mere possibility of war was inconceivable in a mad struggle of blood and slaughter without being able even to explain the causes that had set them at each other's throats.

I am one of those who have been convinced by recent events that as long as armed forces are maintained by nations you will have war. There is just one way to prevent war, and that is by all nations agreeing to put away arms. For that reason I am in favor of total and immediate disarmament, not partial or future disarmament, but disarmament complete, immediate, and universal. Unless disarmament be universal, it is impracticable—while any one country maintains extensive military forces by land and sea all other countries must establish armaments in self-defense. Under the conditions established by the late conference disarmament is impossible. One great country—the one maintaining the largest land forces—has declared that it will not disarm, and that ended the proposal. The actual result of the agreement reached between this and other countries is to make armaments permanent features of civilized life. At a time when the difficulty of maintaining huge military establishments was so great that their abolition seemed to be inevitable, we entered into a compact by which every country is afforded opportunity to keep such an armament as may be within its means. And that means that armaments will last just as long as human nature remains the same.

The absurdity of this position we make apparent when we realize that in effect the three Governments which are going to fight each other on sea, if there is to be any fight at all, have agreed that each one shall fix the size of the armament the other is to maintain. This is about as sensible as if I before engaging in a fight with one of my fellow men should agree with him that neither one should strike the other with over 60 per cent of his full force. That is an agreement which might hold until one blow was landed on the nose of either, but afterwards all provisions of restraint would inevitably be scattered to the winds by both of us. [Laughter.]

Mr. Chairman, we are to have an army. That much is decided. For what purpose is an army established—what purpose is it to fulfill? Is it not to withstand another army—any army that may be brought against us? In the name of God then, why not have the strongest? What are armaments for except to prevail against other armaments? Unless this be their purpose the money spent in maintaining them is a senseless, vicious waste of the public resources. We have before us now a resolution deliberately proposing to become second, or third, or fourth among the armed nations of the world. Could folly go further in the direction of neglecting our most pressing interests? But the Committee on Appropriations is not merely refusing to provide the military forces which the War Department declares necessary. It is actually refusing to provide means by which our unorganized military resources may be made available in a day of peril.

Gentlemen say the arguments in favor of adopting the recommendation of the military chiefs would justify an Army of a million. Without undertaking to analyze this suggestion—my time is already well-nigh exhausted—I will say that I do not think anything less than an Army of overpowering force in this country would be sufficient to force universal disarmament. I believe if we said to all of the world that while other countries maintained extensive armament we will outarm the strongest of them on land and sea; but, on the other hand, we would disband our military and naval forces when all other countries did the same, we would force disarmament immediate and universal. The moment we decide to take first place among the armed nations, second place is the highest that would be open to any of the rest. No nation wants the second strongest armament any more than any gambler wants the second best hand at poker. Possession by a nation of the second strongest armament is absolutely certain to invite disaster, just as the second best hand at poker is certain to entail the heaviest losses on the holder of it. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COCKRAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCKRAN. Mr. Chairman, I want to present this proposition to the House.

You have already reduced the Army to a degree that those in charge of the national defense declare is not safe. If you do not want an Army you can abolish it. This at least would result in an immediate saving of money. But there can be no sense whatever in maintaining an Army with the deliberate purpose of making it inferior to all other armies. I do not believe abolition of our armed force would lead to general disarmament. On the contrary, I believe it would stimulate armaments throughout the world. With us removed from among the armed nations, every country would think that it had a chance to establish the strongest military force. It will enter the game of armaments hoping to establish the strongest; otherwise they would not engage in the game any more than a gambler would enter a poker game, unless he hoped to get the best hand. We have decided that this is to be an armed world. We have, as matter of fact, made provision for permanent armaments. The question remains—it is the only question remaining—Are we to have an Army that is contemptible or one that is formidable? The gentleman from New York [Mr. LONDON] says we will never have another war. I congratulate him on possession of that cheering belief. But suppose he should be in error, suppose that we should have war, what then? Before an invading enemy the assurances of the gentleman would be a very inadequate defense. Even though we put that gentleman in front and offered him as a sacrifice to the folly of his prophecy, it would not save one foot of territory from invasion. [Laughter.] We must deal with the situation of the country as it is. It is a deplorable situation that confronts us, and, indeed, the whole world. The nations have deliberately declared by act, if not by word, that war is possible if not actually probable. If we are liable to be dragged into war, in God's name let us make some kind of preparation for it. If we do not establish a standing army, able always to cope with any force that may assail us, let us at least provide means by which the body of our men in civil life can be quickly organized, promptly armed, and effectively trained to bear our part in war if it comes. There surely can be no sense in assuming war can not come and at the same time making preparations for it.

You are now preparing for it; therefore you are admitting and recognizing the possibility of it. But your preparations are inadequate and ridiculous. The degree of force recommended by the War Department is not sufficient, in my judgment, to meet our requirements. But this number of officers is all the military chiefs believe they can get. I think it is almost an act of treason for any man, either from desire for political advantage or through personal prejudice, to refuse his vote for that measure of force which the War Department, the body charged with our defense, declares to be absolutely the very least that can safely be established. [Applause.]

Mr. TINCHER. Mr. Chairman, I suppose the question that every Member is asking is as to his duty in the premise. I voted for the Army reorganization bill that provided for a maximum Army of 225,000. I remember the debate on that bill when the Committee on Military Affairs, which is fighting for a larger Army, assured the Congress that there was no Army of 285,000 contemplated in peace times, but it would be the duty of Congress in this bill from year to year to fix the size of the Army dependent upon the circumstances and the conditions in this country and our relations with other countries at the time we pass the bill every year. Now, what are the circumstances? I can not agree with my friend who has just left the floor. I have been here long enough to know that a man from New York, a Republican or Democrat from certain sections of New York, when he takes this floor, speaks for an Army as large as possible to provide for an appropriation bill. My friend from my side of the House, who just preceded the distinguished gentleman from New York [Mr. COCKRAN], said it required experience in war to determine these things. How can I agree with him on that, even though I am such an admirer of his record as a defender of his country? I sat yesterday between two soldiers who went to France and who received stars for their services and who voted in the committee against a big Army, and they stand on the floor of this House with just as good a record as the distinguished gentleman from New York [Mr. MILLS]. What is the condition? Is it possible that the conditions of wealth of a neighborhood prompt the people in that neighborhood in their stand on the question of an army? No. I believe that every Member of this House, regardless of the financial standing of his people, wants to do the right thing under this. Who knows whether we should turn down this committee and agree with the Secretary of War, if it is to be along that line, or whether we should follow the Representatives of this body who have heard testimony for months on this subject? Some men say that they would rather follow the Secretary of War. You would have been in an awful hole if you had tried that before. If you had practiced that the last time this committee was before the House with a bill, you would have gotten yourselves into trouble, when the Secretary of War attempted to ignore Congress and to maintain an Army of over 200,000 men after we had only appropriated for and thereby fixed the size of the Army at 175,000. He met the general rebuke of his own party. No one defended his position in that. The next Secretary of War said that we could not reduce the Army below 150,000 at all, and he went to the Chief Executive of this Nation and begged from

him a letter to this Congress telling us that if we reduced the Army there would be more obligations that we must hold ourselves in readiness to appropriate for. What a happy condition a Member of Congress would have been in if he had said, "I do not represent my people, but will let the Secretary of War represent them." Then we would have had an Army of 175,000, when the Secretary of War asks for only 150,000 to-day.

I am for a safe and conservative army, but I believe when this House sends out a committee, and they hear testimony for months, as this committee has heard the testimony, we should not brush it aside. Suppose we should follow the gentleman from New York [Mr. MILLS]. Suppose some one should read the RECORD to-morrow and take from it his statement and believe it. As I say, I sat between two men, and I am authorized by both of them to tell you that they are voting with this committee, as they do not believe that these highly technically trained officers here in Washington, that you talk so much about winning wars, are necessary. And if you want men to fight these Members will offer their lives. They know what war is. And I am voting with them and the committee of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman yield for a question?

Mr. TINCHER. I will.

Mr. MANN. If we were to blindly follow the recommendations of the Secretary of War, would we not have provided two years ago for a permanent army of over 500,000?

Mr. TINCHER. Five hundred and nine thousand.

Mr. MANN. A few odd thousand does not make any difference. Was anybody whom the gentleman knows in favor at that time in the House of following the recommendations of the Secretary of War on the subject of the size of the Army?

Mr. TINCHER. I am afraid there were.

Mr. MANN. I do not know who they were.

Mr. TINCHER. I am afraid the leader of this fight against this committee was. I am afraid the chairman of the Committee on Military Affairs of the House, who declared for compulsory training service, was following him.

Mr. KAHN. If the gentleman will yield, it was the chairman of the Committee on Military Affairs who brought the Army down to 175,000 men at the very time that the Secretary of War was asking for 500,000. [Applause.]

Mr. TINCHER. I am very glad to hear that.

Mr. MANN. Which is proof, I take it, that it is not wise to simply follow the recommendation of the Secretary of War as to the size of the Army. [Applause.]

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. CHINDBLOM. Of course, the Secretary of War who recommended an Army of half a million is not the present Secretary?

Mr. TINCHER. It was the gentleman whose policies the present Secretary of War seems to carry out to the best of his ability.

Let me suggest this proposition: I was impressed with the speech of the gentleman from New York [Mr. MILLS], because I know him and like him. He suggested that he was in Germany 10 days before the war and the people had no idea there was going to be a war. We are here representing those people of our own country. The Army knew that there was going to be a war. They had in their system of government prepared for that war for 40 years. To-day we will have our choice, and yesterday we had in this House, of either standing for the people who did not know about the war that they were going to have within 10 days in that militaristic, autocratic, Prussianized country or for those who are asking for a big Army. I will go for the people. [Applause.]

Mr. MILLS. Mr. Chairman, will the gentleman yield there?

Mr. TINCHER. Yes.

Mr. MILLS. The gentleman, I know, does not want to misquote me.

Mr. TINCHER. No.

Mr. MILLS. I did not state that I was in Germany when the war broke out.

Mr. FROTHINGHAM. I stated that.

Mr. TINCHER. Well, I admire one of you as much as I do the other. [Laughter.]

Mr. FROTHINGHAM. That is very sweet of you. Will the gentleman yield further?

Mr. TINCHER. Yes. You are nice-looking men, both of you.

Mr. FROTHINGHAM. I reciprocate the compliment. When the gentleman said that those who advocated a strong Army, as advocated by the gentleman from New York, come from the East, I beg to be included. I wish to state that in my judgment I was quoting what the military committee of the American Legion wanted, and the gentlemen of that committee included Dr. John Markey, chairman, of Maryland; Edward L. Logan, of Massachusetts; A. G. Thacher, of New York; Hanson E. Ely, of Iowa; George E. Leach, of Minnesota; John McA. Palmer, of the District of Columbia; Arthur F. Cosby, of New York; and E. B. Rickenbacker, of Ohio.

Mr. TINCHER. As I recall, you are speaking of something we voted on yesterday?

Mr. FROTHINGHAM. As to the reserve.

Mr. TINCHER. I was answering the attacks that were made on the votes that were cast yesterday. [Applause.]

Mr. ANTHONY. Mr. Chairman, I will ask that the debate on the pending amendment be closed in 15 minutes, of which the gentleman from Texas [Mr. HARDY] shall have 5 minutes and the gentleman from Iowa [Mr. HULL] 5 minutes.

Mr. FITZGERALD. I would like to have five minutes.

Mr. SISSON. I would like to have five minutes.

Mr. ANTHONY. Make it 20 minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the debate on the pending amendment close in 20 minutes. Is there objection?

Mr. PARKER of New Jersey. Reserving the right to object, I want to say that I do not approve of fixing the time so that people who have not heard the debate can be brought in to outvote people who have heard the debate, and I object.

Mr. ANTHONY. Mr. Chairman, I move that the debate on the pending amendment be closed in 20 minutes.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

Mr. HARDY of Texas. Mr. Chairman, in these questions it is absolutely necessary that we fall back on our common sense to meet the eloquent and able arguments of gentlemen who are shrewdly advocating a big Army. But let me say to this House that if the argument of the gentleman from New York [Mr. MILLS] proves anything, it proves that we can not train an Army officer to meet the emergencies of the future unless he is accustomed to handle at least a million men, and we can not train him effectively except by having him handle those men in actual warfare, and if that proves anything it proves that America ought to maintain an Army of a million men and ought to engage in wars to train our commanders.

The same argument was gone over by the other gentleman from New York [Mr. COCKRAN], who said he was in favor of an Army of a million men, unless we were going to make all the world absolutely disarm. Where does your big Army argument lead you to except the extravagant backbreaking expenditures of maintaining an Army in this country for the purpose of being prepared with men accustomed to drill and fight millions of men, in order to prepare for a war that may or may not come?

The world grows as it marches down the ages. The palmy days of ancient Greece found the military countries engaged in wars perennially, and the whole history of Rome shows that every year brought a war, and the Temple of Janus was closed only twice in 700 years. The ages ran on, and the seventeenth century was full of wars, that came as often as once a year under Louis XIV. The eighteenth century was some better, but ended in a general conflict—the French Revolution. As time advances wars are further and further apart. Every argument made to-day by militarists for increasing the size of our standing Army could have been made after the Napoleonic wars of 1812, to show that that war had imperiled the United States, and that because of that the next war would imperil the United States. The truth is that we were not only drawn into that war but were humiliated by having our capital captured and burned. But the common sense of our fathers enabled them to return to sanity and refuse to keep up vast armies and navies. The truth is that the world grows sicker and sicker of military horrors and military burdens. I think that the man who does not see that the world to-day is sick unto death with militarism is not able to see far.

After the Napoleonic wars we waited until 1870 for another big international war, and that war was brought about by the towering ambition of one single nation seeking to dominate the European Continent. After that war we rested here in our far distant continent, justifiably too, as securely as we did in 1812. If we had followed the argument made here we would have maintained a standing Army from 1812 up to 1870, fearing that we would be led into a European struggle. We would have maintained during those years a standing Army of a million

men, or at least half a million men. Yet men like General Grant, when the war between the States was over, cut down the Army of the United States, I think, to less than 50,000 men, and they were right in that course, and, this country went along bearing her military burdens at least with little oppression and with a little budget.

Suppose we had followed the argument—and we should either follow it or discard it—of the two gentlemen from New York, of enlisting a standing Army of a million in order to train our generals, how much would it have oppressed our people and checked our industrial growth?

In 1916 it was shown that we were giving the mental training for officers every year to thousands of our young men, not at West Point only but in the military schools all over the United States. In 1916 these ran up into the thousands of trained officers. You can not train them in a college to handle a million men. You have got to train them on the chessboard, as it were, how to handle them in theory, how to handle them on paper. There is some truth, perhaps much truth, in the statement that it takes actual experience on the battle field to develop an officer. I think it does. Alexander, Hannibal, Cæsar, Napoleon, Wellington, Lee, and Grant were not developed into great soldiers in training schools or in the peaceful maneuvers of regiments on dress parade. But to develop a great soldier even in actual warfare the great soldier must be there to develop.

I hope we will not encourage or engage in war in order to develop great American generals, but I trust in full faith that in time of war, if it ever comes to us, America will discover and shortly develop the great commander and great soldiers sufficiently great for our needs.

As I have said, all through this country we are training officers to-day in our military colleges, at West Point and elsewhere. Let us have a little common sense and know that if a war does come the great American people are able in a short while to defend their shores against foreign aggression, and will do it without expending billions of dollars in time of peace for maintaining a useless standing Army. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman and gentlemen of the House, I want very briefly to call your attention to the amendment that you are about to vote on. It is the amendment of the gentleman from Massachusetts [Mr. ROGERS] to provide $3,927,902 to train 65,000 officers now in the Reserve Corps. That means less than $70 per man. It is the cheapest and best preparedness there is in all this bill. If you defeat that amendment, you defeat the very cheapest and most economical preparedness that you have. This Committee on Appropriations have provided $250,000 to train 65,000 men. That means practically $3 a man. These are not officers in the Regular Army. They are reserve officers. I appeal to you, gentlemen of the House, to vote for the $4,000,000 that the gentleman from Massachusetts [Mr. ROGERS] has provided in his amendment, so that they will have a little money, at least $60 apiece to pay the expenses of the camps to train the reserve officers in the Reserve Corps.

I yield the remainder of my time to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, because I happen to be one of these reserve officers and feel it my duty to say something, I ask the attention of the House for just a minute or two in regard to two or three facts.

I went over to France in command of an Infantry company which was the size of a regiment of Civil War times, more than 300 men. I had sappers and bombers. I had trench mortar artillery, I had a one-pounder cannon platoon, and full Infantry rifle equipment besides. I did not have sufficient training. I could not have had sufficient training. Nor did the vast majority of our officers. I had had no military experience until I answered the call to go to Fort Harrison in 1917 and take the military training there, the best military training that they could give inside of three months. It included not only studying a great part of the night but working all day digging trenches, learning the nomenclature of military affairs, and how to handle men, and it also included a great many other things, such as scrubbing floors and cleaning cuspidors, and I did the best I knew how. Last year I attended a camp of instruction at Camp Knox, Ky., for the training of our citizens during the summer months. In 30 days I saw a miracle unfold. I saw how much better they had learned to train men. I saw 1,225 men increase more than a ton in weight. I saw them increase an average of one-half inch in height. I saw them increase more than a third of an inch in chest expansion in 30 days' time, and I say to you that it would be unbelievable if it were not that the facts were determined by a Regular physician and surgeon in charge who made the actual measurements. And the gain in morale, in alertness, in mental independence, is something that I could not describe to you. I say to you that if we do not make adequate provision for the instruction of the men in this country who are willing to meet an emergency we are showing a very shortsighted sort of policy toward the physical training and equipment of our race as well as an unfortunate mental attitude toward the very safety of our country and the preservation of its welfare. [Applause.]

Mr. STAFFORD. Mr. Chairman, the Committee on Appropriations in its recommendations for the National Guard, appropriating a total of more than $21,000,000, and in the appropriation for the citizens' training camps just referred to by the gentleman from Ohio [Mr. FITZGERALD], $1,800,000, without regard to the $1,000,000 that will be accredited to them in the way of clothing, trebling the appropriation for this year, in the appropriation for the training of the students at our colleges to become officers in case of emergencies, $2,750,000, have proved that there is no disposition on the part of the subcommittee reporting this bill to restrict or to limit the proper military activities of the Government. As to this item, we have carried the same amount as last year, namely, $250,000. The War Department asked many millions of dollars for the extension of this activity, $4,000,000 in round numbers; but even in that $4,000,000 no estimate was made of the necessary expenses for sustenance and light and clothing, which would involve $3,000,000 more.

It is the sense of the subcommittee reporting this bill that we are accountable not entirely to the military chieftains of this House who have seen Army service or to the military chieftains in the employ of the War Department, but we have a higher responsibility, to reflect the sentiment of the country in favor of economy. [Applause.] We do not in this instance curtail the enlisted reserve officer personnel. Of the 200,000 officers who served in the World War there are 65,000 in the Officers' Reserve Corps.

But we did not think it was essential that we should provide $1,500,000 of this $4,000,000 for railroad transportation of 30,000 of these reserve officers. But we did believe that this $250,000 could be utilized for sending to service schools those who wish to go more than 15 days, which is the limit in the Army reorganization act which reserve officers may be compelled to serve, and where they would receive for three months training that would be of real value if any emergency should call them to the colors. Now, it is merely a question of finance.

These reserve officers, 65,000 all told, to whom high praise should be given, are not going to be reduced in any way. They are not going to resign because of this $250,000. We believe that at the present time it is inadvisable to appropriate $8,000,000, notwithstanding the position taken by the various colonels and captains on this floor who come here by reason of their war service, which is very creditable to them, to echo the views of the Army officers. They seem to be obsessed with the idea that war is impending, and that idea seems to have taken hold of Representatives on the Military Affairs Committee who happen to have arsenals in or near their districts where they wish these activities to be continued.

Great credit should be given to the chairman of the subcommittee who, notwithstanding he has more activities of the War Department in his district than any other member, stands up here as he stood in the subcommittee, in favor of only that which is right. He does not believe in being driven by extreme opinions of the military chieftains which we find so general throughout this Chamber and throughout the War Department. [Applause.] So we say that we present a reasonable proposal. If you want a bill carrying $400,000,000—and I do not think there are many men on this side or on the other side who would want to go to the country in favor of such a large military budget—if you want a bill of that kind you will vote for the pending amendment, but if you are in favor of a reasonable establishment you will vote for the committee's proposal. [Applause.]

Mr. SISSON. Mr. Chairman, I want to say that unless we want to write ourselves down in the campaign of both political parties as a lot of liars and hypocrites you will not increase this appropriation, because if there is anything on earth that can wait it is this sort of a proposition. There is not a single one of you but knows that two weeks' training does not fit a man for an official command on staff duty or anything else, and yet here is a proposition cold-bloodedly asking this committee to give $5,000,000 instead of $250,000 provided in the bill. Go ahead and do it if you want to. You have the power, you have the votes to do it; go ahead, but when you spend $4,000,000 for these exploits in the summer time in my judgment you are squandering the people's money gratuitously.

You can tell something about a man by his history or something about his service in the past. When you find a man who has reached the grade of captain or as high as a colonel in any branch of the service, he comes here and poses as a great expert. He tells everybody who has not actually seen service that they have no business passing on military affairs or voting the people's money away for the Army. Why? Because he does not know anything about it. That is his attitude. If it is true, if that is the wise thing to do, why not abrogate the right of Congress to pass on these things at all and let the General Staff of the Army tax the people what they think is necessary to maintain the Army? Now, gentlemen, you ought not to sacrifice your right to think. Every Congressman has a right to think, even after he is elected to Congress and even after he is sworn in down here in front of the Speaker's desk. [Laughter and applause.] Therefore, if he has a right to do it he ought sometimes to think a little. And yet you hear men come before the House, not appealing to reason, not appealing to your judgment, but telling you what the General Staff and Secretary of War want. If we did what the General Staff wants the Army would be composed of 500,000 men and seventy-odd thousand officers.

Mr. MONDELL. That was a Democratic Secretary of War, as I recollect it.

Mr. SISSON. Oh, the gentleman from Wyoming wants to inject politics into the debate. This is the first time I have heard it. The gentleman knows as well as he knows anything, as well as he knows that he is the leader of the majority, that it was the General Staff and not the Secretary of War. I do not think that the former Secretary of War ought to be held responsible for that. I know that the General Staff to-day controls a great many votes in this House. By the way, they are great on propaganda. I did not believe that they were until the last few years. I thought that the Army was out of politics, but they are in politics up to their ears. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired, all time has expired, and the question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS] as a substitute for the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the various amendments be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendments.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 17, line 3, strike out "$250,000" and insert "$981,975."

Substitute offered by Mr. CRAGO for the amendment offered by Mr. HILL: Page 17, line 3, strike out "$250,000" and insert "$1,963,951."

Amendment to the substitute offered by Mr. ROGERS: Page 17, line 3, strike out "$250,000" and insert "$3,927,902."

The CHAIRMAN. The question is on the amendment to the substitute.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 28, noes 85.

So the amendment to the substitute was rejected.

The CHAIRMAN. The question is on the substitute offered for the amendment of the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. CRAGO) there were—ayes 37, noes 83.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman, I ask unanimous consent that the amendment be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 3, strike out "$250,000" and insert "$981,975."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. HILL) there were—ayes 40, noes 75.

So the amendment was rejected.

The Clerk read as follows:

Pay of enlisted men: For pay of enlisted men of the line and staff, $48,863,088. The Secretary of War is directed, under such reasonable directions as he may prescribe, to grant applications for discharge of enlisted men serving in the continental United States without regard to the provisions of existing law respecting discharges until the number in the Army has been reduced to 115,000 enlisted men, not including the Philippine Scouts. The provisions of this paragraph shall take effect immediately upon the approval of this act.

Mr. KAHN, Mr. SISSON, and Mr. KNUTSON rose.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi, a member of the committee.

Mr. SISSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 16, line 16, strike out "$48,863,088" and insert "$42,605,583," and on page 18, line 21, strike out "115,000" and insert "100,000."

Mr. SISSON. Mr. Chairman, this matter was discussed at length when we discussed the item fixing the number of officers. I then made the statement that I thought that 100,000 men were sufficient. I stated then that 9,000 officers would be sufficient in the event you reduce the number of men down to 100,000. However, I agree with the chairman of the subcommittee that it does not necessarily follow that a reduction in the number of men means a reduction in the number of officers, because the officers are used for so many other purposes than officering the actual number of men within the service.

I want to state at the outset that in the event of war no one believes that 115,000 men would be enough, nor does anyone believe that 150,000 men would be enough. If it were a war that amounted to anything, a half million men would not be enough. In the last war we enlisted 4,500,000 men. One hundred thousand men in my judgment will serve the same purpose as the 115,000 men, because if it is for the purpose of doing police duty we must not forget that the officers of the National Guard say that at the end of the next fiscal year they expect to have 190,000 men in the National Guard. They expect to get 160,000 men by the 1st of July, and if they do, we will begin the fiscal year with 260,000 soldiers. If the Secretary of War and the President will do what the Secretary of War desires, namely, abolish all of these interior posts that are serving no good purpose at the present time, except to spend money upon, then you can take the 100,000 men and perform better duty in the United States than you can now with the 130,000, because now more than 30,000 are not in the United States. If those 100,000 men are stationed about where they would be most needed, you could divide them into five equal parts of 20,000 each, or of 15,000 each, and you would never use them, in my judgment, except for peace purposes—that is, aiding and assisting the governors in keeping the peace in the various States. One hundred thousand men are ample for that, and you will save not only the amount of money that would be carried in this amendment, which is the difference between $48,000,000 and $42,000,000, or over $6,000,000, but in many other items you would be able to save millions of dollars, in feeding the Army and clothing the Army, and so forth.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. If you gentlemen agree with me, I think you can save twelve or fifteen million dollars in this item alone by reducing the Army 15,000 men. If I thought the 15,000 men would add anything to the service of the Army, I would not object to their remaining.

There is one thing I hope you will not lose sight of. Let us be practical in this House, let us do the practical thing. We know that we are going to have a contest on this item with the Senate, and if you agree on 100,000 men you will come nearer to getting 115,000 men in conference than you would otherwise. In other words, they will demand, in my judgment, the present law and the present number of men. If you want to reduce the number of men in the Army the way to do it most easily, in my judgment, is by agreeing to this amendment of 100,000 men. Personally I would not agree with the Senate to go over 100,000 men. I think that number is ample, because if I believed that the uniform and army expenses added to the strength of a nation I would agree to it, but I do not believe they do. I do not believe the Nation is made stronger by it. I believe the Nation is made weaker by a great number of uniforms. If you go into a country and find a uniform on every street corner, if you find the uniform on the streets in great numbers it is the greatest evidence that that country is in bad shape, because it needs an army to support the government; but it also means that the people are bearing on their backs a burden which they ought not to bear.

If the lessons of the past mean anything, big armies and big navies do not bring about peace, but they produce war. It was urged until this last war that it could not be otherwise than that we would have peace, because every nation was prepared for war. On the contrary, I do not believe that that is the true philosophy. I do not believe that human nature acts in that way. Germany was the best-armed country in the world and she sought to get to Constantinople in a few days and obtain the right to build a railroad from Berlin to Constantinople. If she could have gone across the Balkan States in a few days that would have ended the war, provided the nations

would have agreed that she might have held some right over the territories through which her armies had gone. Now, we find the Government of Germany gone, we find it helpless. The head of the Government is a refugee from the wrath of his own people and is afraid to return to his own country. There is a monument to militarism and what militarism has done for a people. You find also that the next military despotism is also gone—Russia. Will men never learn anything? Will you not learn that you can not make nations strong with armies and navies? Will you not learn that the best thing to make a nation strong is to have well-filled corncribs and smokehouses, is to have a happy people everywhere, with everyone contented?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. Is the gentleman really afraid of a military despotism in this country?

Mr. SISSON. Indeed there is nothing that I fear more unless it is the fear of the fancied security of the people who imagine that there is no danger of militarism in this country. The history of the past shows that nations never grow less militaristic, that they grow more so. We find on this floor that those men who served in the Army are the very ones who are championing big armies and are infatuated with militarism.

There are a few men——

Mr. HILL. Will the gentleman yield there?

Mr. SISSON. I will yield.

Mr. HILL. In talking to men who served in the Army and who advocate a proper national defense, they have all said to me they had advocated that because they did not want to serve in the Army any more in the future.

Mr. SISSON. If I thought that sort of philosophy was the proper sort of philosophy, and if there was any sense in that, of course, I would want to have a big Army, but I doubt extremely whether any of those men are intelligent enough to talk to my friend about it——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. SISSON. And I hope he answered it. But, as I say, gentlemen, that the war has taught this lesson, that the principle has finally been determined by great armies. Our fathers thought that when they provided that this national defense should be preserved in the first instance by State Militia, as they called it in those days, and up until a few years ago—that is, up until the passage of the Dick bill a few years ago—the United States for its police power relied upon the State Militia. We have not had a great centralized standing Army until within the last few years. The more you multiply the uniform of the standing Army of the United States you get that much farther away from that principle of freedom that our fathers intended for us. No, gentlemen of the committee; I do not fear anything so much as I do the lack of affection for this Government which will be caused by virtue of oppressive taxation, and when men realize that what they have earned in the factory or on the farm will be taken from them and given to these people who serve in the Army or Navy, or who occupy favorite places in the Government, that moment those people who are producing the wealth lose confidence in the Government. Taxes now are staggering; they are so staggering that both the great parties went before the people of the country and advocated a reduction of taxation. Not only went before the country and said that you not only did not believe in increasing taxes but said you believed in and would reduce taxation. Whether you vote for it or not, that is what you are going to say, and if people will look at this record you will vote in consonance with their wishes and their desires. Those men who vote for large permanent armies and navies are men who believe in the heavy expenditures of the Government. The only place you can greatly reduce expenditures is in the Army and the Navy. That is where you can, in my judgment, take off some $250,000,000 entirely, and if you mean what you say, you can without any danger to this country reduce this Army to 100,000 men.

You, my Republican friends, have the power, you have a large power in this body and in the Senate. You have an overwhelming majority here. Your majority is greater than our membership, and if you want to make good your pledges that you made to the people in order to get their votes—you did not say anything to them about big armies and navies. You said that you would reduce the Army and the Navy and thereby taxation, not a little bit, but you would reduce it very much, and have a radical reduction in taxation. Now, men may smile satirically here at these things, but I tell you it is serious. Now, do you mean it? In the course of a few minutes or perhaps within the next hour you will be called upon to vote. Now, will you vote like you promised? Will you vote like your platform pledged you to vote or will you not? Will you make good and save over $6,000,000 for pay of the Army and in the other items that follow where probably you can save that much money additional? Not only that, but if the provisions of this law under which we are now operating, this Prussianized army law under which we are operating, this army law that is as bad as anything Von Hindenberg ever asked, this law that is as bad as any Prussian militarism which we opposed and cursed so much before we got into war—under that law, as bad as it is, some features of it that are extremely bad by which when men got in the longer they served the more they get, the longer they live the worse it is, so the best thing this Congress could do would be to repeal that Prussian army law that is upon the statute books so that we could control some of the expenditures under the law without having to fill the bill with all sorts of provisos to control the expenditures. Now, gentlemen, in closing let me say that my position is one which is sincerely honest. I do not feel anything at all against those who may differ with me. On the contrary, when men have honest differences, if they are honest in their positions, they do not fall out with other men whom they believe to be equally as honest in their opinions. I know I am honest in my convictions, and I tell you I believe this is your opportunity to serve your country, to reduce the expenditures of your country, and that will not do any harm to the Army in the least. [Applause.]

Mr. McCORMICK. Mr. Chairman, there is no question in the world that this is the crucial point in this bill. The amendment offered by the gentleman from Mississippi reducing the personnel of the Army from 115,000 men in the bill to 100,000 is in keeping with his position on yesterday in offering his amendment to reduce the commissioned personnel of the force. Now, as I look at it, there are three possible positions to take in this situation. As I understand it the chairman of the Committee on Military Affairs will shortly offer an amendment as to whether we will have an Army or will not have an Army.

If we are going to have an army, we must have an army that comes under the provisions of the recommendations that have been offered by the General Staff and are in keeping with the provisions of the act of 1920. Now, if we are not to have an army, but a mere police force or a fire department, then the proposition of the gentleman from Mississippi [Mr. QUIN], as mentioned yesterday, of having a force of 55,000 men is——

Mr. QUIN. I said 50,000 men.

Mr. McCORMICK. Then the gentleman is coming nearer to a fire and police department than I thought was possible under the terms of the gentleman's amendment. As the bill now stands, as recommended by the Committee on Appropriations, you neither have a fire department, nor a police department, nor an army. And in my estimation, gentlemen of the committee, we should not only vote down this amendment just offered by the gentleman from Mississippi [Mr. SISSON] but we should receive favorably the amendment which later on will be offered by the gentleman from California [Mr. KAHN], which will add respectability to our land forces.

Now, the gentleman from Mississippi [Mr. SISSON] is apprehensive lest we see uniforms here and there upon the streets of our country. There was a time not so long ago when the sight of a uniform, either of the Army or the Navy, was very welcome, not only to that gentleman but to 108,000,000 people of this country. Has it come to pass that the sight of a uniform in the United States has become repellent? Gentlemen may talk of disarmament, they may entertain the fancy that we do not fear any armed intervention or invasion of our country from any source, but let me impress upon gentlemen that international disarmament is not an accomplished fact. All we have before us is a treaty pending in the Senate at this time which is a mere proposition to disarm, but so far as the Army of the United States is concerned we went through a practical disarmament conference when we reduced the size of the Army last year from 175,000 to below 150,000. The only reasonable attitude to adopt, in my view, is that we should keep the Army to a size where it will be an army and not where it will be something else. It has occurred to me, Mr. Chairman, that we have fallen on evil days. We have forgotten the lessons of the recent past, when it was abhorrent to the ears of an American to hear the old song, "I did not raise my boy to be a soldier." We went through a period when that sentiment was ridiculed by the people of this country, and justly so, but I fear we are coming back, and at the present time have come, to a situation where that little old ditty is being revived right here in the Halls of Congress. And I wish to register my solemn protest, at least, against a revival of that sentiment. [Applause.]

Congress having had devolved upon it by the Constitution the duty of providing for an army and navy, should provide for a real army and navy, and I trust it will never be necessary, either when it comes to discussing this bill or the naval bill, which will later be brought before this House, to bring our quota below our agreement or below a reasonable margin of safety for the people of this country.

An army is a diversified thing. There are different lines of activity which an army indulges in at the present time which were unknown to armies in former times. Mr. Chairman, it is necessary to have a complete army if you are going to have any army at all. And so in the consideration of this bill we have got to determine among ourselves whether we want an Army or whether we want something else. And I assume that we do want an Army, as it is our duty under the Constitution to provide for an Army. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I desire to offer as a substitute for the motion of the gentleman from Mississippi the amendments which I send to the Clerk's desk.

Mr. QUIN. Mr. Chairman, a parliamentary inquiry. I have an amendment that I desire to offer. Would it be proper to offer it now or after the amendments of the gentleman from California?

The CHAIRMAN (Mr. TINCHER in the chair). The Clerk will first report the amendments of the gentleman from California [Mr. KAHN].

The Clerk read as follows:

Amendments offered by Mr. KAHN as a substitute to the amendment offered by Mr. SISSON:

On page 18, line 16, after the word "staff" strike out "$48,863,088" and insert in lieu thereof "$61,806,375."

And in line 21, after the words "reduced to" strike out "115,000" and insert in lieu thereof "143,000."

Mr. KAHN. What is it the gentleman from Mississippi [Mr. QUIN] wished to know?

Mr. QUIN. I wanted to know, in view of this amendment of mine, striking out "$42,000,000" and inserting "$25,000,000" and striking out "100,000" and inserting "50,000"——

Mr. KAHN. The gentleman can offer that after we dispose of these other things.

I have no desire to take up unnecessarily the time of the House; I simply want to say that the country ought to have an Army that can begin to function immediately if anything should happen. One hundred and fifty thousand men can not win a war. They can not begin to do anything of that kind. The only thing that that number of men can do is to train the citizen army in case it should be called upon to serve during a war.

Mr. CRAMTON. Will the gentleman yield?

Mr. KAHN. I can not yield to the gentleman. I have just a few moments. I do not want to take up the time of the committee.

But I want to call to the attention of the committee that several years ago the Secretary of War made a proposition for an Army of 507,000 men after the armistice had been signed. Not only did he offer it once, but he offered it on a subsequent occasion when the Military Committee was considering the number of men that we ought to have in the Army of this country. The overwhelming opinion of the members of that committee was that 175,000 men could do what was required at that period of time, and this House properly voted for that number of men. We got along very well indeed during the peace period that ensued immediately after the war. However, as I said yesterday, no man can tell when troubles are coming. We have not recognized Mexico. We may have trouble down there overnight. We have a situation in the West which may lead to trouble. We hope not, but it may lead to trouble, and the best thing to do and the cheapest thing to do is to have a moderate sized Army that can go to work immediately in case a war should come.

I do not desire to take up the time of the House any longer. I hope the amendment which I have offered will be adopted.

Mr. QUIN. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. QUIN to the amendment offered by Mr. SISSON: In lieu of the matter proposed in the amendment offered by Mr. SISSON: Page 18, lines 16 and 21: Strike out "$42,065,582" and insert "$25,000,000." Strike out "100,000" and insert "50,000."

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. QUIN. Mr. Chairman, it appears that some gentlemen believe that an Army of 50,000 men is simply a police force. Do they forget that we had only 25,000 men authorized before the Spanish-American War? The United States of America, from the date of the unfortunate engagement between the forces of the Confederacy and the Federal Government, saw fit to have less than what some of you call a fire department for an Army, and the United States got along all right. All the people realize at this time that taxation is an onerous burden and that if we have such a large Army as the gentleman from California [Mr. KAHN] desires we must have an irreparable and continuing burden imposed on us.

I desire to refresh the gentleman's mind about the size of this Army after the armistice, which the gentleman from California and all of the others except Mr. LaGuardia, of New York, and Judge WISE and myself, of the committee, reported out to this House an Army of 509,000 enlisted men and 28,244 commissioned officers. We whipped them on the floor of this House by the aid of gentlemen on both sides of the House going in with the gentleman from New York [Mr. LaGuardia] and myself. The Senate failed to pass on it at all, and a concurrent resolution was passed for the support of the Army, before final adjournment, March 4, 1919. Then, after the gentleman from California became chairman, at the special session called in May, 1919, he brought out a bill for 400,000 enlisted men and 22,000 officers, asking the people of the United States to stand up under that great burden of a standing Army. Again the Members of this House stood by me and other members of the committee and cut it out.

Now, Mr. Chairman, it does not seem that the gentleman from California was so much opposed to a big Army. I want you further to understand that I was not much taken up with the then Secretary of War, a so-called Democrat, at that time; and I will say this, that the gentleman from California did not agree to the big Army at that time in the committee, as he wanted 100,000 in the Regular Army and compulsory military training in time of peace and place all the young men in the reserve army, which would have made in a few years an army of 9,000,000 men. If he could not get compulsory military training in peace times, then he wanted a big Regular Army. I am giving to the committee now what happened in committee and on the floor of this House. The last time we had up the Army appropriation bill the gentleman from California said when you reduced the size of the Army to 175,000 men you ruined the Army. He said when you put down the number of officers to 17,000 that you ruined the Army; when we reduced the Army to 150,000 men and 14,000 officers he thought we were ruining the Army. Now, when the Committee on Appropriations brings in a bill and recommends an Army of 115,000 men and 11,000 officers, he offers his amendment here raising it up, and he still says you are ruining the Army.

I think the proper thing to do is to adopt my amendment, cutting the amount down to $25,000,000, with 50,000 enlisted men. Surely it will not take more than 7,000 officers, including second lieutenants, to handle an Army of that size. You have 142,000 men in the National Guard of the United States, according to the figures supplied by the General Staff. Then why should we have over 50,000 men in the Regular Army?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Will you give me three or four minutes more?

Mr. KNUTSON. Unless the gentleman gets down in front I shall object.

Mr. QUIN. I will get down, then. [Laughter.]

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for four minutes more. Is there objection?

Mr. QUIN. Make it five minutes.

Mr. KNUTSON. I ask unanimous consent that the gentleman may have five minutes more. He has complied with the requirement. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIN. I ask again, Why should we have more than 50,000 men in the Army? Eleven hundred officers is too large a number to keep in the city of Washington. You have a population here of 400,000 people in the city of Washington. I want to say to the gentleman from California that you have enough officers in this city to handle an earthquake. Now, then, if you propose, my friends, to go back to fundamentals, why can we not reduce this army to 50,000? If 25,000 was ample and sufficient in 1897, why is not twice that number sufficient for this country to-day, with a splendid National Guard provided for, and when you have actually in existence to-day 142,000 men in the National Guard located well in every State of this Union, well drilled and qualified to take care of the situation locally? With that 142,000 enlisted men in the

army of the National Guard and 50,000 enlisted men in the Regular Army you have 192,000 enlisted men under arms in the United States. Does this Republic need any more army than that? In all sincerity I reply to the gentleman who talks about 50,000 men being a fire department. What kind of a fire department is he used to? My goodness alive, think of a fire department with 50,000 men and 11,000 officers in it! I am afraid the gentleman indulges in hyperbole and does not respect the pocketbooks of the taxpayers of the United States. [Laughter.]

They are the people who need to have some attention paid to them by the Congress of this Republic. Congress has gone as a body too far afield. Some of you have forgotten the man who actually produces the wealth of this country. Congress is laying on him burdens here through all forms of taxation that will make it so that somebody must answer, and that answer will be at the ballot box of an outraged public.

You Republicans know some of you gentlemen have a discriminating constituency. [Laughter.] They will understand the difference between a great standing Army in peace time and a legitimate Army that they understand will be the proper safeguard for the United States as a Republic. They understand the difference between 7,000 officers and 13,000 officers. They understand what it means to carry on their backs 13,000 officers, with an Army, such as the gentleman from California [Mr. KAHN] desires, of 150,000 enlisted men, with 67 general officers, brigadier generals, major generals, lieutenant generals, and a general. These people look to Congress to act as a board of supervisors in a county toward saving their pocketbooks. If a Republican Congress goes wild on every kind of extravagance it must meet its Waterloo, because the people will repudiate such conduct and actions under stress at the proper time. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I want to speak against the amendments of the two gentlemen from Mississippi and also against the amendment of the gentleman from California. I simply want to call the attention of the committee to the fact that we are carrying in this bill appropriations of about $224,000,000 for military purposes. For the agriculture of the United States and for the Departments of Commerce and Labor we are carrying total appropriations of $70,000,000. Now, I do not wish to be placed in the position of thinking that in this year of the world it is possible to reduce the Army to an ultimate minimum of cost; but I do want to call the attention of this committee to the fact that if there is to be any criticism of our appropriations for the Army it seems to me that criticism should be against the number of officers, and that it is in that direction that we are not getting 100 cents worth of value for every dollar that we spend. I know that the men responsible for the framing of the Army bill believe I am wrong in my philosophy; but I do not believe it is good policy, I do not believe it is the way to get the most out of every dollar expended to have 11,000 officers and only 115,000 men. I do not believe you can train an officer to fight a battle by keeping him at a desk in Washington. I do not believe you can teach an officer strategy by keeping him down in the War Department or in the War College. I have only to point your attention to the fact that in the late war the English Army and the French Army went up against a kind of warfare that they had never dreamed of before they went onto the battle field to meet the German Army. How are you going to develop that kind of military knowledge? You either have to advance on a program of military preparedness to the extreme or else you have to take the other of the two roads, namely, to have just an Army large enough to do police duty in this country.

I want to say again that I believe we could save $4,000,000 on Army officers and not damage the police powers of the United States one whit. I do not believe you can cut the enlisted personnel down below 115,000 and have very much of a police force. I had rather take the amount of money that would be saved by cutting off 4,000 high-priced Army officers and put that same amount of money into the enlisted personnel, and then the 7,000 or 6,000 Army officers that we would have would have something with which to work, to practice and experiment upon, and to develop in our Army tactics.

I want to call your attention to another thing. I do not believe there is any serious danger of this country growing militaristic at all. I do not believe it is necessary or wise to do that. Let us read history. I do not believe my friend from California [Mr. KAHN] is any more militaristic than I am.

Mr. KAHN. Will the gentleman yield?

Mr. BEGG. I will yield briefly.

Mr. KAHN. I call the attention of the gentleman to the fact that when the then Secretary of the Treasury and the Chief of Staff were recommending an Army of 507,000 men, I voted to cut it to 175,000 men.

Mr. BEGG. I agree with the gentleman. I do not think he is a bit more militaristic than I am, as I said. He does not quite agree with me on the number of the personnel, but he has just as good a right to his belief as I have to mine.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. BEGG. I simply want to point out this thing in history, and I want you to observe it: During the past 50 years the militaristic powers of the world produced the poison gas and the tank with which to meet the enemy. As an offset to that the United States, having her small Army of 85,000 men, produced the reaper for the farmer. We produced the tractor to offset the tank. We produced 75 per cent of the inventions that are used by the civilized world to-day everywhere. We contributed to the happiness and prosperity of the human family. Now, if that is true, if in the past 50 years we made progress in the implements of peace rather than in the implements of war, I believe it is a safe guidepost by which we may go for the next few years and cut the Army to the very minimum, to the very bone if you please. I wish the committee had cut the Army officers to a smaller number than they did, although I am willing to follow their suggestion. But I can see no use for having an Army of 140,000 or 150,000 enlisted personnel instead of 115,000.

If there comes any fighting within the next 15 years, within the life of the Army enlisted personnel, that will be enlisted up to 125,000 or 140,000, there are the reserve officers all now trained who can be called upon if danger comes from Mexico, as suggested by the gentleman from California. We have not only the Army officers already trained, out in civil life now, but we have that great army of soldiers whom we can call to the colors in short order; and if trouble comes from Japan, which I think is a mere nightmare since the disarmament conference, and after to-morrow, when I prophesy that at the other end of this Capitol that treaty will be ratified, we can call upon those men who have seen service; but I believe that through the treaty which has been negotiated as a result of the armament conference the possibility of any danger coming to the western part of this country has been postponed 25 or 50 years. And if that is true, the finances of our country need trimming to the bone. We want to save a thousand dollars wherever we can, to say nothing of saving $1,000,000, and if we can save it on the enlisted personnel and get along without the great office force of Army officers, I believe, in common fairness and justice, we ought to save that amount of money.

Mr. ANTHONY. Mr. Chairman, with the idea of limiting the debate on the paragraph and any pending amendments, I would like to ask the gentlemen who want to talk if a limitation of 25 minutes will be sufficient?

Mr. KNUTSON. I should like to say that I have an amendment here that I wish to offer, not on this particular matter but on the paragraph under consideration.

Mr. ANTHONY. There seem to be five gentlemen who desire to talk. Will it be satisfactory to have 30 minutes, 5 to be consumed by the committee?

Mr. SISSON. I should like to reserve five minutes for the committee on this side.

Mr. ANTHONY. Then let us make it 35 minutes.

Mr. SISSON. The gentleman from Mississippi [Mr. LOWREY] desires five minutes.

Mr. KNUTSON. Reserving the right to object, Mr. Chairman, I should like to have it understood that I be given an opportunity to offer my amendment.

Mr. SISSON. If I may have the attention of the subcommittee, I imagine that this will comprise all the debate on the Army proper, because after you have fixed the number of men the rest will be almost a matter of course. I do not want myself but five minutes and the gentleman from Mississippi [Mr. LOWREY] wants five minutes.

Mr. ANTHONY. I suggest that all debate on the paragraph be limited to 45 minutes, 10 minutes to the two gentlemen from Mississippi on the other side of the House and 10 minutes to the committee, and the balance to these other five gentlemen.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate on the paragraph and all amendments thereto close in 45 minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, I would like to know if I am included, as there seems to be more than five other gentlemen on the floor.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Mr. Chairman and gentlemen of the committee, General Pershing and every officer of our Army ask for some continuity of policy. They can not organize an Army if its number changes from year to year, and they have to diminish the number of divisions, scrap them, and send them into other divisions, changing corps areas and changing your posts. They have to have some fixed organization, and what we are doing now is not fair. In 1920 we fixed the Army at 175,000. In 1921 we fixed the Army at 150,000 men, and now it is proposed to reduce it still more. It is not fair to the patriotic officers and men who want an organization, and have a small Army, but a good one. We can not have an Army if we are continually changing our forces. That is my first point. I think the action taken last year was intended to be a finality, and it ought to be treated as such, and it is not fair to go back and say we will do something else.

The other point I want to bring forward is the one indicated by the gentleman from New York [Mr. MILLS], who served in the Argonne. We must have a staff of officers who know something about moving large bodies of men. This can not be learned in a war staff college; it can not be learned at summer maneuvers. Our commanders and officers can not learn how to move a corps of 50,000 or an Army of 100,000 unless these officers have actually tried it and learned how; otherwise we go into war unprepared. It was for that reason that the War Department once asked for an Army of 500,000 men. We thought that was too much, but it was for that reason that we gave them 175,000; it was for that reason that we did not reduce the number below 150,000. I appeal to you not to go below that number, because we must have an Army of sufficient size to train our officers to learn how to make war.

Mr. CRAMTON. Mr. Chairman, there are pending before the House three propositions which demand most serious consideration: 100,000, 115,000, and 143,000. The gentleman from Mississippi [Mr. SISSON] urges 100,000 as an economy measure. The gentleman from California [Mr. KAHN] urges 143,000, representing that element in the House that in all the years I have been here have been constantly for the biggest Army they could get the House to stand for. The gentleman from California takes much credit because at one time he did reduce the number to 175,000 as a limit. The gentleman urged an Army of 175,000 under a suspension of the rules when no amendment was possible, and when, if the House had a chance to vote its judgment, it would have voted for 150,000. The gentleman did it in order to save the biggest Army he knew it was possible to save. So to-day, when he advocates reducing it to 143,000, we have no reason to think that he feels that 143,000 is sufficient, but it is with the idea that that is the most the big Army people can get out of the House at this time.

The other proposition of 115,000 is urged by the subcommittee, and with my judgment of the committee and my admiration for their ability, I am forced to the conclusion that it was an effort to meet the differing views in the House and is a compromise; it is a compromise that is not appreciated by the big Army men. This is a time when we need to economize. It is the supreme need. We ought not to spend one dollar more for enlisted personnel than is absolutely necessary. Before the war we never had 100,000, and there is no need existing now that did not exist then. In addition to the enlisted personnel, we have the federalized National Guard, the civilian training camps, and the Reserve Officers' Training Corps for preparedness for possible war. If we have to fight Japan, as gentlemen claim, an Army of 143,000 will not be any better than an Army of 100,000. It is simply a matter of police force, and if we adopt the amendment of the gentleman from Mississippi we will accomplish that and save from $6,000,000 to $12,000,000. We should make that saving for the taxpayers. Besides that, the United States would appear before the world as the leader in the movement for disarmament. There are four great nations, four great powers, that must lead in the rejuvenation of the world—the United States, France, Great Britain, and Italy. We stand with France as one of the powers that do not want to go back to a prewar figure in the size of its standing army, but lack the excuse that France has. Italy has gone below its prewar figure, and England is going to its prewar figure. The only argument there is whether she shall reduce below the prewar figure. The Geddes report advocates a reduction of 20,000 below the prewar figure and the war office agrees to leave it at the prewar figure. It is urged by the gentleman from California [Mr. KAHN] that we increase our prewar figure by over 50 per cent, and the subcommittee recommends an increase of 15 or 20 per cent. Let us stand before the world not only as leading in the work of naval disarmament, but also as leading in the more necessary work now of land disarmament and not provide an Army 50 per cent larger than we have any need for at this time. I hope the amendment of the gentleman from Mississippi [Mr. SISSON] will be adopted.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CROWTHER. Mr. Chairman, will the chairman of the subcommittee kindly inform me what proportion of the $224,000,000 consists of nonmilitary appropriations? For instance, I notice one here on page 114, an item in the interest of commerce and navigation, amounting to $27,635,000. Does anyone know what the total is that we are spending for real military purposes?

Mr. STAFFORD. The gentleman will find that information on page 11 of the report. For military purposes it amounts to two hundred and twenty-four million seven hundred and twenty-two thousand and odd dollars and for nonmilitary purposes, including the Panama Canal, rivers and harbors, and other activities exclusively nonmilitary, $45,630,000.

Mr. CROWTHER. Then, the $224,000,000 is specifically for military purposes?

Mr. STAFFORD. Yes; for military purposes proper.

Mr. CROWTHER. Mr. Chairman, there has developed during the last two years, dating one year from the signing of the armistice, a remarkable change of sentiment in the minds of Members of Congress regarding preparedness that I do not believe touches a responsive chord deep in the hearts of the American people. During the war everyone, of course, was for preparedness, and there was a great deal of talk at that time that we were never going to be caught unprepared again. During the war, due to our success abroad, following the wonderful strides we made in this country in the preparation of an army, we became in a sense a sort of swashbuckling nation, parading around with a chip on each shoulder and suggesting that we could lick anybody in all the world. The pendulum had swung away over to the side marked "militarism"—not the Prussianized militarism that my friend from Mississippi [Mr. SISSON] is afraid of, because there is a vast difference between that and the militarism which I have in mind. The Prussian Army as it existed on the other side was hated by the people. The people feared their army. The Prussian soldier on the street and in public places was rude and overbearing to civilians. In the United States we learned during the war to love and respect our soldiers. That is the difference, and that is the reason we shall never develop a Prussianized militarism in this country.

We love and respect the men who went to the front and made sacrifices that the imputation "Too proud to fight" might be disproved. And I for one am going to help them to secure a bonus, which has been so much talked of lately. [Applause.] The gentleman from New York [Mr. LONDON] says, "Are you for it?" "Yes," I answered, "I am for it." "Do you want to vote for it?" he asks. "Yes," I answered, "I want to vote for it because I believe that we owe them for the magnificent service they rendered more than we shall ever be able to pay them."

Mr. Chairman, the pendulumn has now swung back the other way, and in the last Congress when we were talking along the line of having universal military training, suddenly this great revulsion of feeling became manifest, and we discovered we did not want it. Many Members of the House immediately got "freezerina pedalius," which is hog latin for cold feet, and wanted all legislation that pertained to militarism in any way, shape, or manner put on a high shelf. That is the condition in which we find ourselves to-day. The chairman of the Committee on Military Affairs and the committee members have been repeatedly humiliated on the floor when they have brought in bills during the last few months. To-day speeches were made on this floor which in war time or shortly after the armistice was signed would have invoked thunders of applause.

The gentlemen from New York [Mr. MILLS and Mr. COCKRAN] and several other Members made speeches of that character. To-day they were hardly given attention, the ordinary attention that would be demanded by courtesy. That is evidence of our lack of interest in this matter. I hope we have a decent sized Army maintained here, and I hope that my country will never again be caught in the trap of unpreparedness, baited with the cheese of pacifism. I never want to see her in that position again. Fear not the militaristic bugaboo of my friends from Mississippi [Mr. SISSON and Mr. QUIN]; they have been seeing bear tracks and hearing noises in the canebrake. Then, once in a while, the gentleman from Kansas [Mr. TINCHER]

comes down here and shakes the Wall Street bugaboo and says that New York Members, Democrats and Republicans alike, come down here and sing the same song in the well of the House, asking for a big Army because they are prompted to do so by the conditions of wealth that prevail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Reserving the right to object, I understand that the time has been fixed and has been virtually parceled out. Therefore to grant the gentleman from New York additional time would be to encroach upon the time of others. If the time were not fixed, I would have no objection.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more, the five minutes time to be added to the time fixed by the committee, giving notice that I shall not consent to anything of that sort hereafter during this time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time fixed heretofore be prolonged for five minutes and that that time be granted to the gentleman from New York. Is there objection?

There was no objection.

Mr. CROWTHER. Mr. Chairman, I thank the gentleman from Illinois for his kind intervention. It appears to me that the gentleman from the Middle West [Mr. TRECHA] has an idea that Wall Street is a sort of wicked hobgoblin that sits at the foot of his bed and keeps him from sleeping at night and steals his breakfast from him in the morning. Wall Street is the West and the West is Wall Street, and my friend from Kansas knows perfectly well that every man who is a bondholder, every man who has a considerable competence to invest, and there are a good many of them in his State and in every other State in the Union, is interested in Wall Street and keeps in as close touch with it as he can. It is the center of finance in this country and is as helpful to the interests in the West as any agency I know of. Let us quit these sectional references for all time. [Applause.]

Mr. Chairman, the Regular Army has been reduced to considerably less than the strength required to fulfill the various missions it will be called upon to perform in accordance with the amended national defense act.

I hope that the good judgment of the House will prevail and that you will not be carried away by this flood of pacifism or allow yourselves to be influenced by the harsh criticism that has been hurled at the General Staff, the officers, and enlisted personnel of the Army.

Give us your support for an Army of 150,000; you have already reduced the officer personnel, which I believe is a mistake.

Help us to maintain our National Guard divisions and aid us in securing an appropriation that will enable our National Guard units to secure some measure of proper training; otherwise all interest in that splendid organization will die out.

The National Guard under our present plan is to become a most important factor in the national defense scheme, and any reduction in these appropriations which would curb their activities would be most unwise.

The National Guard has become about as much of an educational institution as it is a fighting force.

In the regiment that is made up of companies located in my immediate neighborhood there are now something over 1,400 officers and men who spend a considerable portion of their time learning many things that are extremely useful to them in their various occupations.

There are splendidly equipped armories maintained by the State without cost to the Federal Government at Schenectady, Troy, Cohoes, Saratoga Springs, Glens Falls, Whitehall, Hoosic Falls, Saranac Lake, Malone, Amsterdam, and Gloversville, and I know that our folks at home are all interested in and proud of having a well-trained company of militia.

We have had reason to be very proud of our soldiers on very many occasions, modest and unassuming in times of peace, but in the stress of war the finest fighting man the world has ever known. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNUTSON. Mr. Chairman, this paragraph directs the Secretary of War to discharge under such reasonable regulations as he may prescribe any soldier making application for discharge who is serving in the continental United States. Doubtless a great many Members of Congress have endeavored to secure the discharge of boys serving in Hawaii, in the Philippines, Guam, and other insular possessions of the United States and have been turned down by the War Department by reason of the fact that the existing law prohibits their discharge. I can not see why boys who have been virtually exiled from their country by being compelled to serve in our outlying possessions under trying conditions for one, two, and three years should not have the same opportunity to secure their release from the service as those who have been serving within the borders of continental United States surrounded by all the luxuries and other things that make for civilization. When the time comes I am going to offer an amendment to strike out the words "serving in the continental United States," so as to place all the boys serving in the American Army upon the same level, giving to all the same opportunity to secure their release from the service, and I am going to ask that you gentlemen on both sides of the aisle support this amendment, because it is conferring upon those who are serving overseas a mere act of justice. Gentlemen, I thank you.

Mr. LOWREY. Mr. Chairman, I agree with much that was said by the gentleman from New York [Mr. CROWTHER]. I agree with him that we want to avoid all sectional suggestions and thrusts and with his suggestion as to blocs. By the way, those gentlemen who claim not to know what a bloc is should study the part of their anatomy above their necks.

But both the dominant parties are pledged to economy and to cut down taxes. And that is not simply the old low-pressure cry; we all know the general situation. We all know something of the terrific expense that our Government has had in the last few years, and how it seems to accumulate. We are all pledged to the idea of cutting down expenses at every possible point, and it seems to me that the sensible way in which to do this is to do it in the way that the farmer does. For instance, when he has had a hard year and had a heavy expense and made a poor crop and sold at a low price, he puts off certain improvements a year or two until things get better. Now, if there is any one thing we can put off in this country, it seems to me, without any danger of any hurt, it is the matter of enlarging our Army—the whole matter of the Military Establishment. We have some two or three million men already trained, and some man in the War Department has recently said there were enough men already trained in actual war, the very best military training men can get to supply any reasonable demand that may be expected for the next 10 years. We have thousands of officers already trained, trained in actual war. Now, I do not claim we will not need to train any more officers, but we have them for any present emergency. We have all that we will need at an early date, and it is one thing that can be put off. It seems to me the one thing we can most easily put off and wait until a later date. I am for the amendment of the gentleman from Mississippi and in favor of cutting down the Army to 100,000 and would vote lower than that if I had the opportunity. Why should we go on at millions of expense training large numbers of enlisted men and officers now when we have all we need and more.

Now, one other suggestion has been made here several times, and that is that we are showing disrespect to the opinions of our General Staff and of the Secretary of War when we disregard their recommendations. But all safe and sane legislation is a matter of compromise. It is a matter of getting together the views of the various people from various sections and compromising generally on the sane views of the majority. To say we must take all the opinions of the people who have put their lives into any one thing is unsafe. You take a man who has put his life study and his life efforts into anything, and it generally means that he has become an enthusiast on that one thing, and if left to his way absolutely would cherish that one thing even to the neglect of other things quite as important. This is aptly illustrated in the negro fable:

Ole Mistah Billy William Goat
Had all de whiskers he could tote,
And when he tuck and shaved 'em off
He got pneumony and a cough.

He sent for Doctah Rambo Sheep,
Who said, "Dat cold am mighty deep,
But," says he, "maybe you kin pull
Thru if you wrap yo'self in wool."

Then Doctah Gander come along
And say, "Dat cold am mighty strong;
My 'pinion is you sho' is dead
Ef you don't git a feather bed."

And den old Doctah Turtle come
And say, "You gwine to yo' long home;
You sho'ly never kin get well,
Ef you don't git yo'sef a shell."

And den ole Billy William cuss
And say he don't know who to trus',
But dey'e all dead as' gone an' quit
And ole man William's livin' yit.

Every fellow thinks his wares are indispensable. Whatever else you have or do not have you must have his specialty, and so he is not a safe and sane guide. But there is reason why the Army people come to have this common human trait to a peculiar degree. They live in the Army, or we might almost say the Army is their life. They are subject to its laws rather than to civil law. Its stately decorum, its exact discipline, its absolute demands become more and more their ideal. They are not to be blamed for this; they are to be honored for it. Yet often, it seems to me, a big, a magnificent, a perfect army becomes, to their thinking, an end rather than a means.

But really our Army should be a means to national defense and nothing else. And it should be maintained, developed, and enlarged only in so far as is necessary to meet that demand. I claim that under present conditions 100,000 men is an ample army. Should demand arise for more, we have them in the walks of civil life—millions of men and thousands of officers ready at call.

Why spend even the money for 115,000 when 100,000 will do as well? And no man has showed that we need the other 15,000. If the extra millions required to pay and maintain the 15,000 is to be spent in any military line, we need it to care for the disabled soldiers of the World War and to pay the bonus which is evidently coming. And we need the 15,000 men in productive industry rather than as nonproductive consumers.

Mr. STAFFORD. Mr. Chairman, a word first in reply to the suggested amendment of the gentleman from Minnesota [Mr. KNUTSON].

The reason why last year and this year we did not extend the privilege to enlisted men beyond seas to be discharged on their own motion was because of the unwarranted expense that would be entailed upon the Government if such a policy was pursued. The enlisted personnel has the privilege of enlisting for one year or three years, and, after the termination of their first enlistment, of reenlisting for three years more. There are other reasons why it should not be adopted, such as the ill effects of destroying the tactical units in these foreign possessions, where it is so necessary to keep the men and where they are trained to the minute as to their organizations.

As to the justification for the committee's recommendation of 115,000 men, for six months or more the Army, including the Philippine Scouts, that number 6,900, aggregated 138,000, or, exclusive of the Philippine Scouts, 131,000. The War Department all this time has had the privilege of increasing that number from 131,000 to 150,000, but if I understand the testimony of officers and the action of the Secretary of War—and he is to be commended in that particular, and our committee is following out his policy—he was actuated by a desire for economy to curtail the appropriations this year by $50,000,000 in various activities, and he has not seen fit to have a wholesale campaign of reenlistment going on, but has confined reinlistment work only to the posts throughout the country, and thereby has saved the Government hundreds of thousands of dollars in that particular.

There has not been a time during the past year when, if the Secretary of War wanted to have the full complement of men in this time of industrial depression, he could not have secured the maximum number. But he has not seen fit to do so, and I applaud him for his effort toward economy in not going to the maximum and having an Army of only 131,000 men.

In December last we had more than 10,000 troops in Germany. It was the policy, until two days ago, to withdraw them all except 2,000 by May 1. Certain negotiations have come up recently which may have prompted the administration to withdraw the entire Army from the Rhine, for be it remembered, as the Secretary of War stated, that the German Government approved of our army of occupation and desired them to remain for helpful purposes. Ten thousand of those troops will return, which can properly be deducted from the other existing forces of the Government, making but 120,500 men in the Army in the United States proper. Where are the militarists in the face of those figures who say that we are wrecking the present Military Establishment by reducing the Army by but 5,000 men? It is conceded by the Chief of Staff that we have more men in the Philippines than are needed since the four-power treaty has been agreed to. I am not in sympathy with the provision of the bill which seeks to limit the policy of the administration as to where these troops may be assigned. I dissented from it in the committee, and I dissent from it now. Take these figures which I have presented, which represent the action of the War Department, with an Army to-day of 130,000, with 10,000 withdrawn from Germany, with more men to be withdrawn from the Philippines, with a greater number than is needed at Panama, and how can anyone fail to agree, no matter how strong may be their militaristic policy, that with an Army of 115,000 men, which we provide for here, that it reduces the strength of the skeleton Army that is in the United States to-day and has been for the last six months.

Mr. KAHN. Mr. Chairman, I have taken occasion to look up the records regarding the time when we reduced the Army to 175,000 men. We had provided for such a reduction in the appropriation bill. However, as a matter of fact, the then Secretary of War, Mr. Baker, paid no attention to the action of the House. He kept on recruiting and expanding the Army to over 200,000 men. Thereupon, under the instruction of the Military Affairs Committee, I brought a joint resolution to this House fixing the number at 175,000 men. It was passed here and was passed in the Senate. It was sent up to Woodrow Wilson, President of the United States, who very promptly vetoed the measure, because it was too low. The veto came before the two Houses of Congress, and they promptly passed the measure over the President's veto. That is the history of that matter. [Applause.]

Mr. SISSON. Mr. Chairman, I do not know that I will consume even five minutes. But I do want to say before the vote is taken that I have not heard a single argument advanced by anybody that ought to convince any Member of this House that 100,000 men will not be just as effective as the 115,000 men for peace times, and I do not see any necessity for throwing away the $6,000,000 of the people's money. I feel, therefore, that while it is proper for men to vote as they please in reference to every matter, on this one I do feel that it is a man's duty, unless there is a real, positive reason in his mind as to why he would rather have 115,000 than 100,000, to save the $6,000,000, and the $1,000,000 that will follow if you adopt the 100,000.

Mr. MANN. Mr. Chairman, I would like to know whether I understand the situation correctly or not. The Army at present has how many enlisted men? About 130,000?

Mr. MADDEN. One hundred and thirty-nine thousand.

Mr. CRAGO. Including the Philippine Scouts.

Mr. STAFFORD. One hundred and thirty-two thousand. One hundred and thirty-one thousand on December 31.

Mr. MANN. With some of those in Germany, who will be brought home, I hope and believe, in the neighborhood of 7,000 in the Philippines, a large portion of which probably will be withdrawn in view of recent occurrences, I say if that is correct—and I do not hear it challenged by those who desire a much larger enlisted force—I do not see where there is any special objection to the size of the Army as fixed in the bill—115,000 for the enlisted men.

I am not in favor of making a reduction in the size of the Army which would make it so low that it is unable efficiently to operate in the country, either directly or indirectly, in the matter of instruction to officers.

Now, as a practical proposition, I am inclined to think, speaking of secrets publicly, that whatever the House does, the Senate is likely to increase the number of enlisted men by Senate amendment, and if we would make it 150,000, probably they would make it 175,000. If we would make it 115,000, I do not know what they will make it, but it will be something over that. I think in the end probably, in the necessary compromise that comes with legislation, we will have an enlisted force authorized in the neighborhood of 125,000 or 130,000—practically all that they have now in the Army.

If these troops are drawn from abroad, when they have power to have more, that ought to satisfy all on this side of the House. Of course, there is no way of satisfying some of the gentlemen on the other side of the House, who, when they had the power, refused to reduce the Army to 150,000. When they were making the appropriations and doing the legislating they felt their responsibility, and instead of using time mostly in buncombe they made the appropriations for a larger Army; but as soon as we had the power they talk about an Army of 25,000 or 50,000, or something of that sort. We can not afford to be guided by them, when we know they are not sincere about it. [Applause on the Republican side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. QUIN].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now comes on the substitute offered by the gentleman from California [Mr. KAHN].

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. BANKHEAD. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 45, noes 84.

So the substitute was rejected.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. MANN. Mr. Chairman, I call for a division.

Mr. SISSON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 21, noes 93.

So the amendment was rejected.

Mr. KNUTSON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 19, line 19, strike out all of line 19 up to and including the words "United States."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. ANTHONY. Mr. Chairman, is there any time remaining for debate?

The CHAIRMAN. There is some time remaining.

Mr. ANTHONY. I simply want to make the statement that there are reasons why that amendment should not be adopted, the principal one being the great expense involved in bringing men home from the Philippines and our other outlying possessions, and the next the wisdom of not interfering with the tactical organization of those commands in outlying countries.

Mr. NOLAN. Mr. Chairman, will the gentleman from Minnesota yield?

Mr. KNUTSON. Yes; I yield to the gentleman from California.

Mr. NOLAN. Mr. Chairman, I do not think the chairman of the subcommittee has given a sufficient reason for opposing this amendment. I have a constituent, a boy who has a dependent mother, on the Canal Zone in the service. The boy has been informed that he can buy his way out. They are not interfering with the tactical organization when they permit that boy to buy his way out.

Mr. ANTHONY. If he could make proper proof of the dependency of his mother, could he not get his discharge?

Mr. NOLAN. Yes.

Mr. ANTHONY. Then there is something the matter with his proofs.

Mr. NOLAN. Whether it is dependency or the possibility of his purchasing his way out of the Army that interferes, the fact is that he can not get out any more than if you would refuse to let him out under ordinary conditions. The boys in our outlying possessions ought to have the same consideration shown them at least as the men stationed in this country. There ought not to be any distinction between them and there ought not to be any penalty attached to the foreign service. Instead of penalizing them regarding their pay, they give them 20 per cent additional. If they are entitled to 20 per cent additional pay, they should have the same right to get out of the service as if they were in the United States.

I will say in passing that as to the Philippines I have never availed myself of the opportunity of going to the Philippine Islands, which I understand can be done at an expense of $1.25 or $1.50 a day, when one can take his family with him. It surely does not take more to transport a soldier to and from the Philippines than it does a Member of Congress, so that it can not involve any great expense to bring those boys back. The same thing applies to the boys located on the Panama Canal Zone. I do not think we should discriminate against those boys. We ought to adopt the amendment offered by the gentleman from Minnesota [Mr. KNUTSON].

The CHAIRMAN. The time of the gentleman from Minnesota has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. KNUTSON].

The question was taken; and the Chairman announced that the "noes" appeared to have it.

Mr. KNUTSON. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 33, noes 57.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of enlisted men of the Enlisted Reserve Corps, $100.

Mr. HILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 19, line 3, strike out "$100" and insert "$250,000."

Mr. HILL. Mr. Chairman and gentlemen of the committee, this item as reported in the bill provides for the pay of men of the Enlisted Reserve Corps, $100. In other words, it wipes out the Enlisted Reserve Corps for training purposes. The War Department asked for $3,927,902 for pay for officers of the Officers' Reserve Corps. This committee has just voted to appropriate $250,000 for that purpose. The War Department asked for $517,465 for pay of enlisted men of the Enlisted Reserve Corps. This bill appropriates only $100. This amendment provides an increase of this $100 to $250,000 in order that the men of the Enlisted Reserve Corps, noncommissioned officers, may be paid as much as the officers of the Reserve Corps. Will you give to the enlisted men of the Reserve Corps less than you give to the officers of the Reserve Corps? Unless you pass this amendment you will give the officers $250,000 and to the enlisted men only $100.

Mr. ANTHONY. Will the gentleman yield?

Mr. HILL. I yield with pleasure to the gentleman from Kansas.

Mr. ANTHONY. The gentleman knows that if we provided for the training of the enlisted men of the Enlisted Reserve Corps it would actually take about 30 cents.

Mr. HILL. No; because I know that the War Department ascertained that there will be 20,000 in the Enlisted Reserve Corps by summer when the training camps are to be held.

Mr. ANTHONY. The gentleman knows that in answer to my question as to the number of men in the Enlisted Reserve Corps the War Department replied that the number was negligible, which means that we have not any enlisted men for the Reserve Corps.

Mr. HILL. I can say to the gentlemen that there are hundreds of men coming in every month into the Enlisted Reserve Corps in order that the tactical units which are being created may have noncommissioned officers.

Mr. ANTHONY. If the gentleman can find any enlisted men in the Reserve Corps, he has a better spy glass than the War Department has.

Mr. HILL. In the Sixty-second Cavalry Division there are a lot of them. The War Department has asked for $517,465 for this purpose.

Mr. MADDEN. The War Department never hesitates to ask for anything it thinks it needs.

Mr. HILL. I am merely asking that this committee give to the enlisted men of the Reserve Corps as much as they give to the officers.

Mr. ANTHONY. But there are no enlisted men in the Reserve Corps—possibly two or three hundred.

Mr. HILL. The War Department states that there will be men in the Enlisted Reserve Corps by the time this bill becomes available.

Mr. ANTHONY. But there are not now.

Mr. HILL. There certainly will not be unless this $100 is increased. I want to say one word more about that to the committee. It is necessary that you have an enlisted personnel. It is hard enough to get officers or noncommissioned officers to come back into the Reserve Corps, and if you cut out the enlisted men you kill that element of the Reserve Corps. You can not have tactical reserve units unless you have both reserve officers and reserve noncommissioned officers. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Maryland [Mr. HILL].

The question being taken, the amendment was rejected.

The Clerk read as follows:

For aviation, increase, to enlisted men of the Army, $150,000: *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 800 enlisted men.

Mr. LARSEN of Georgia. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LARSEN of Georgia. Gentlemen, while we are under the head of aviation, I desire to call the attention of the committee to a recent decision of the Court of Claims of the United States. It is the case of Rider against The United States, decided February 27, 1922. A decision was rendered by the court in favor of Rider, an ex-Air Service cadet of the United States Army. The court decided that he was entitled to increased pay of 50 per cent. The judgment rendered gave him $306 as such additional pay.

The Government contended that the provisions of the act of June 15, 1917, which established the pay of the plaintiff at $100 per month expired with the appropriations set forth in the act, but the court did not so hold.

The court said:

We are of the opinion that this contention is not tenable because of the provisions of the act of July 24, 1917, and of the act of July 9, 1918, which latter act makes available the appropriations of the act of May 12, 1917, until June 30, 1919. Nor does it anywhere appear that there was any intention to repeal the provisions fixing the pay of enlisted men in training for officers of the Reserve Corps. It is hardly possible to conceive that Congress would at the height of the emergency, while the war was going on, reduce the pay which had been held forth as an inducement to the young men of the country to enter into training for officers in the Reserve Corps.

But, Mr. Chairman, it is not alone to this phase of the case that I would direct the attention of the committee.

It is my purpose to bring to the attention of the House a letter which purports to have been written by Mr. Henry W. Driscoll, an attorney at law in Washington City, to an ex-Air Service cadet of the United States Army. I understand many other such letters have been written and, it may be assumed, to all men who were connected with our service in such capacity during the World War. Omitting name and address of party to whom letter is written, it is as follows:

WASHINGTON, D. C.

MY DEAR SIR: I have been able, after some time, to win a favorable decision of the Court of Claims of the United States involving pay and flying increase of Air Service cadets, United States Army.

As I am informed that you were formerly a cadet, I believe that I shall be able likewise to secure for you their pay at $100 per month for your entire cadet service plus $50 per month flying increase for your cadet flight duty, whether before or after June 30, 1918.

I send you therefore a power of attorney to be executed by you and returned to me promptly, together with fee agreement, so that I may proceed in the court in time for judgment.

I inclose an extract of the decision and opinion of the Court of Claims of the United States which I have been able to win after being rejected in the departments.

I would be very pleased to present your case before the court and serve you in the matter. Return the power of attorney to me duly executed.

Respectfully yours,

H. W. DRISCOLL,
Attorney and Counselor at Law,
715 McGill Building.

The question of ethics which may be involved does not directly or greatly concern the ex-service man, and I will not dwell upon this phase of the matter.

The fee agreement to which the letter refers provides that the attorney shall receive one-third of the amount collected. Authorities in the War Department advise me that the total amount of all such claims, to which reference is made in the letter, is estimated to be from $3,000,000 to $5,000,000. Should the attorney collect these fees under terms of the contract as set out he would receive for his services from $1,000,000 to $1,600,000. Section 13 of the amendment to the war-risk insurance act, approved May 22, 1918, provides that a fee of more than $3 shall not be charged. This legislation has saved many million dollars to ex-service men and their dependents and has prevented unholy grafters from collecting and demanding excessive fees from them.

If the provisions which Congress has heretofore adopted regulating fees to be charged for the collection of insurance, compensation, and so forth, is not applicable to the class of cases to which this letter refers, I believe it is the duty of Congress at this time to pass appropriate legislation to regulate and prevent the collection of such fees as Mr. Driscoll seems inclined to do, and such as he and others undoubtedly will do if the opportunity be afforded them.

I invite special attention to the paragraph of the letter which says:

I send you therefore a power of attorney to be executed by you and returned to me promptly, together with fee agreement, so that I may proceed in the court in time for judgment.

And again:

I would be very pleased to present your case before the court and serve you in the matter. Return the power of attorney to me duly executed.

Necessity for prompt action is implied in order that the attorney may proceed in the court before the claims are barred by the statute of limitations.

The writer must have known that the claims would not be barred until expiration of six years after the accrual of the right of action. Why such prompt action and why representation before the court, when in all probability the claims will be passed upon by the War Department without litigation? If all the litigation which the letter implies should be necessary, one naturally wonders if its author is not skating on very thin ice. Barratry is defined as the practice of exciting and encouraging lawsuits. Many of our States have such laws. A letter mailed in the District of Columbia and delivered in such a State would come within the rule. The postal authorities would be the agent of the sender and not the party receiving the letter, hence the crime, if any, would be committed in the State where delivery was made.

For one, I believe we have made enough millionaires from one war. The ex-service man has been subjected to enough hardships. He received about one-third the salary that was paid to those of similar capacity in civil employment. He was exposed to every hardship of climate and weather, to the ravages of disease, to gas, bullets, and bombs of the enemy. With him the war is not over yet, for 700,000 of his ranks walk the streets and beg for work while others are employed. I do not know whether the author of the letter remained at home during the war and profiteered. If he did, he has profiteered enough and should not be permitted to continue. If he were an ex-service man, he should not now be permitted to make a fortune out of his comrades in arms in the manner which his letter indicates.

If these ex-service men have valid claims against the Government since the legal principle involved has been settled, I am quite sure they will be able to collect their claims without the service of an attorney. No Member of Congress is unwilling to aid them, and I believe they can and will be glad to make the collection without any expense to these deserving heroes. [Applause.]

Mr. STAFFORD. Will the gentleman yield?

Mr. LARSEN of Georgia. Certainly.

Mr. STAFFORD. Has the gentleman any amendment to offer?

Mr. LARSEN of Georgia. I do not think such an amendment could be made to this bill, as its purpose is to make appropriation for the support of the Army for the next fiscal year and not to pay for services performed in the war.

Mr. STAFFORD. I fully agree with the gentleman that there should be general legislation covering an abuse of that kind, so as to prevent claim agents that hover in the city of Washington in large number taking money away from the ex-service men by these contracts.

Mr. LARSEN of Georgia. I thank the gentleman from Wisconsin and trust that others share the same view. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For pay of retired enlisted men, $4,500,000.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. I have received a short document which I am requested to read to the House. It is as follows:

MAHNOMEN, MINN., *February 10, 1922.*

To United States Representatives in Congress for the State of Minnesota:

We, the undersigned, representing the business men and farmers of the village of Mahnomen and vicinity, do hereby express our hearty indorsement of the fourfold plan of adjusted compensation for ex-service men of the World War, believing that it is a measure will adjust the difference between the men who served in the defense of our country and those who enjoyed the increased prosperity then existing while the service men were in the Army, Navy, and Marine Corps of the United States.

And we respectfully urge our Representatives in the Senate and House of Representatives to do all in their power to carry this measure to a successful conclusion.

(Signed by 250 persons.)

Mr. JOHNSON of Mississippi. Mr. Chairman, I rise to oppose the amendment.

The bill before the House makes an appropriation of $27,635,260 for the preservation and maintenance of existing river and harbor works and for the prosecution of projects heretofore authorized.

I dare say there is not a Representative of the people in this Chamber who does not realize that one of the greatest questions confronting the American people to-day is transportation. Rivers and harbors and the railway systems of the country constitute practically all the means of transportation, especially interstate and foreign commerce.

Undoubtedly much prejudice was at one time aroused against the expenditure of large sums on rivers and harbors largely because of efforts of the railroad companies in their publicity campaign wherein they denominated appropriations for rivers and harbors as "pork-barrel" legislation. They succeeded in their efforts to cut down the appropriations for rivers and harbors, and as a result drove most of the ships off the rivers and destroyed a large percentage of the lakes and coastwise shipping in the United States, and then immediately increased railroad freight rates.

To-day we find 80 per cent of the entire foreign trade of the United States passing through the New York Harbor. With

a country 3,000 miles wide and a little more than 2,000 miles long, with every section of the country contributing to the foreign commerce, this commerce has to be hauled thousands of miles by railroads into the worst congested outlet and inlet on the North Atlantic coast. There is a reason for that situation, and that is the railroads of the country have been able to exert such influence with legislators and the Interstate Commerce Commission as to divert traffic to the North Atlantic coast to the great injury of all other harbors of the country and to the shipping public generally, and while other harbors have suffered greatly for want of proper maintenance New York's harbor has had millions upon millions of dollars spent on it.

The Board of Engineers, upon whose judgment Congress has until recently depended for advice regarding appropriations for rivers and harbors, estimated that it would take $63,000,000 to properly carry on the works for rivers and harbors of the United States. The annual report of the Chief of Engineers recommended an appropriation of $63,000,000 for carrying out projects authorized by Congress, but General Taylor cut that down to a little more than $42,000,000—in fact, $42,800,000. He based his estimate upon information received after having considered the necessary amount for each specific project. It is his opinion that the rivers and harbors of this country can not be properly maintained with an appropriation less than $43,000,000.

The Secretary of War recommended $13,000,000. Later on, after further investigation, he recommended $27,600,000. This recommendation is not based upon anything except an arbitrary wish to reduce estimates, thereby indicating to the public that there is an effort to practice economy.

The Secretary of War, while pretending to be economical in the spending of the Government's money in improvement of rivers and harbors generally of the United States, came before the committee of which I am a member, the Interstate and Foreign Commerce Committee, at a time when we were considering the bill to purchase Cape Cod Canal in Massachusetts and recommended that Congress pay $11,000,000 to a private corporation for a canal 8 miles long, which canal is at this time unfinished and not suited to heavy navigation. He recommended $13,000,000 at first for all the rivers and harbors of the United States, yet in his own State he recommended an expenditure of $11,000,000 on an 8-mile canal.

It is shown by the report of the Army engineers that the rivers and harbors of this country will suffer immensely and, instead of encouraging and promoting shipping by water, an insufficient appropriation will discourage the use of water for transportation. When we passed the bill in 1921 appropriating $15,000,000 for rivers and harbors there was an unexpended balance for river and harbor works of $37,565,230.11, which, added to the $15,000,000 appropriated, made a total appropriation of $52,565,230.11 for 1921 work, all of which is spent or will be spent by June 1 this year. The bill before the House provides for the year 1922 just 50 per cent of the money spent for rivers and harbors last year.

It has been shown at the hearings held by the Interstate and Foreign Commerce Committee of this House that business in many sections of the country is paralyzed because of the excessive railroad freight rates. Witnesses before the committee have painted pictures of business demoralization in many western States on account of transportation rates. They say it is impossible to ship farm products, live stock, coal, and many other necessities of life with the prevailing rates in force. They have pleaded with the committee to grant relief. The same witnesses have been before the Interstate Commerce Commission, as have hundreds of others lately, pleading for relief from the oppressive transportation rates, but so far little has come of their efforts. The voice of the people counts for little. The railroads seem to have their way with the commission. How long will this Congress sit supinely by and permit such shameful conditions to exist?

During the war practically all improvements on rivers and harbors were suspended largely on account of the inability of engineers to employ labor, and then it was necessary for the country to mobilize all its assets for the purpose of winning the war. To-day, with between five and six million people idle in the United States, with labor cheap, with hundreds of factories and mills shut down, and with transportation rates unreasonably high—never could there be a better time when money could be used to more advantage on rivers and harbors than now.

It is admitted by every well-informed man that the railroad facilities for transportation in this country are now and have been for several years inadequate, and since the enactment of the Cummins-Esch bill railroad building in this country has been suspended. In numerous cases railroads have been abandoned with the consent of the Interstate Commerce Commission.

No greater economy could be practiced in this country by the Federal Government than to improve its rivers and harbors so that they could be utilized to the fullest extent by the shipping public. If this country returns to a normal condition, or even a prewar state, there will be a repetition of the congested conditions that obtained with the railroads in 1917. I know of no one thing that can contribute so much toward the solution of the transportation question in the Mississippi Valley than the improvement of the Mississippi River. Congress has on several occasions indicated, and even expressed itself, in favor of improvement of this river.

The State of Illinois appropriated $20,000,000 to open up an 8-foot canal from the Great Lakes to Utica on the Illinois River, but they never built the canal for the reason that as soon as the money was available the railroad companies, realizing that they would have such competition in transportation, reduced the rates on railroads, and, as I am informed, succeeded in preventing the building of the canal. Their action was with the permission of the Interstate Commerce Commission.

Wherever there is water competition with the railroads the railroad companies have reduced their rates for the purpose of destroying water competition, but where there is no water competition the freight rates have been increased instead of diminished. How long must the people of the country bear such burdens?

It is shown that the rate on 100 pounds of hardware from St. Louis to New Orleans, 700 miles by railroad lines paralleling the river, was 44 cents prior to January last, while the rate on 100 pounds of hardware from St. Louis to Wiggins, Miss., in my congressional district, which is off the river, was 87 cents—almost twice as much. Under the new rates on the railroads paralleling the river they charge $1.73 for 100 pounds of hardware from St. Louis to New Orleans instead of 44 cents, and charge a rate of $2.08 from St. Louis to Wiggins, Miss., instead of 87 cents under the old rates; yet, with all the discrimination against those engaged in water transportation and in favor of the railroads, the water companies have been able to make money transporting freight. Does not this of itself make the best argument to this Congress for the development of water transportation? Many ports of the country are in imperative need of improvement. Commerce is increasing daily as the business of the country revives.

In my own district the city of Biloxi has a harbor that has been so badly neglected by the Government for the past few years that it is almost impossible for boats to come into the harbor on account of its condition. Recently many boats with valuable cargoes have been foundered in the harbor and were unable to deliver their cargoes in the usual way.

Gulfport (Miss.) Harbor, the natural outlet for the products of the great Mississippi Valley, which amount to untold millions, is to-day unable to handle the commerce offered it. In the year 1921, $4,063,800 worth of commerce passed through the Gulfport Harbor, and 435,277 net tons of commerce. There would have been many more large vessels coming into the harbor had the facilities for receiving them been sufficient. The commerce going through the Gulfport Harbor is increasing yearly. If the harbor can be properly equipped for the handling of the commerce offered it from the great timber and farming regions adjacent to it, the harbor will develop into one of the greatest in the South.

Pascagoula, Miss., one of the natural harbors of the South, has been shamefully neglected on account of the niggardly policy of Congress. Engineers can not improve these harbors unless we give them the money.

Mr. Chairman, Congress has voted millions upon millions of dollars to the railroad companies—in fact, between two and three billion dollars—but it has been niggardly toward the rivers and harbors. It fails to provide for the present conditions and refuses to look into the future, as men of vision should. A few days ago the President of the United States came into this House urging his ship subsidy bill, recommending the granting of a ship subsidy of $30,000,000. Hundreds of millions of dollars have been paid out to war contractors who profiteered and systematically robbed the people during the most crucial time of this Government's existence, and yet when a bill providing for that which tends to the upbuilding of the country and that which would do as much toward preparedness as anything else is presented the Congress pursues a short-sighted policy.

On account of the Federal Government's failure to provide for the Gulfport Harbor, it has become necessary, in order to maintain the harbor, to tax the people of the State of Mississippi to the extent of $80,000. It is not the duty of the State to

maintain the harbors. It is the duty of the Federal Government. It is a Government project, and the people of the State ought not to have to bear burdens of this kind.

Mr. Chairman, I shall vote for an amendment to increase the appropriation to $43,000,000, the least amount for necessary improvements and maintenance of the rivers and harbors of this country, and I trust the amendment will have the support of a majority of this House. [Applause.]

The Clerk read as follows:

For pay and allowances of retired enlisted men on active duty, $2,994.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a few questions regarding the difference between the appropriations recommended by the department in those different items beginning on line 13, page 19, "pay of persons with retired status." Five million dollars is appropriated for that item. I understand that the recommendation of the department in that case was $6,000,000. Is there any reason why that can not be cut down to $5,000,000?

Mr. ANTHONY. It is based on the expenditures for last year. We thought it could be cut down. I think the department anticipates the placing of a considerable number of officers on the retired list.

Mr. CRAGO. The gentleman is satisfied, in his judgment, that this will not necessitate a deficiency appropriation for that purpose?

Mr. ANTHONY. That was our judgment. We always aim to appropriate enough to prevent a deficiency appropriation. The retired list has been growing very fast in recent years.

Mr. CRAGO. I notice in line 19 that for pay of retired enlisted men there is appropriated $4,500,000. As I understand it, the estimate of the department was for $5,000,000. It ought to be very easy to ascertain the exact amount necessary in those cases.

Mr. ANTHONY. We appropriated last year $4,180,167 for that purpose.

Mr. CRAGO. Then, this appropriation is an increase over what was carried last year?

Mr. ANTHONY. It is an increase over the current year of nearly $400,000.

Mr. CRAGO. The next item, for pay and allowances of retired enlisted men on active duty, carries an appropriation of $2,994. I notice the department asked for $16,896, which is almost seven times what is appropriated in the bill. Does that mean that they will have to take these retired enlisted men off the active list?

Mr. ANTHONY. That may be the case, but most of the deductions are made in the pay items because of the fact that the temporary increase authorized two years ago is taken out in the amounts named by the committee, which in the case of the noncommissioned officers amounts to about 20 per cent of their pay.

Mr. CRAGO. I should think that is quite a change. These are usually noncommissioned officers who have been put on the retired list, but who are physically and mentally able to continue in the service. It is hardly fair to them to separate them from the service.

Mr. ANTHONY. That is the difference between the active and the retired pay, and it is proposed, as the gentleman states, that a good many of those men shall not be kept on active duty.

Mr. CRAGO. Is there any reason given why they should not be kept on active duty?

Mr. ANTHONY. During the war a large number of men who were on the retired list were given active duty status, and it has been the purpose of the committee to gradually get back to normal conditions.

Mr. CRAGO. It is a part of economy I think to keep those men on the active duty if they take the place of a man who is really necessary in the service, because all he would be paid would be the difference between his retired pay, which he would get anyway, and his active pay, which is elsewhere appropriated.

Mr. ANTHONY. I agree with the gentleman that it is economy to keep retired men on active duty, such as school duty, and so forth.

Mr. CRAGO. All I wanted to ascertain is whether the committee has appropriated sufficient sums so as to prevent the inevitable deficiency appropriation.

Mr. ANTHONY. I call the attention of the gentleman to the fact that in this item the original amount asked was $16,896. I am now advised that $13,000 of that was for temporary increase. It is rather hard to understand how there should be that amount in the temporary increase, but these are nearly all high-ranking officers.

Mr. CRAGO. In view of the fact that there is likely to be a new pay bill, would that make any difference in the items?

Mr. ANTHONY. Our pay items are based on the pay bill of 1908. Of course, our items will be changed to be in complete accord with any action Congress may take changing the rate of pay.

The Clerk read as follows:

Pay of Army field clerks and civil-service messengers at headquarters of the several territorial departments, corps areas, Army and corps headquarters, territorial districts, tactical divisions and brigades, service schools, camps and ports of embarkation and debarkation: Army field clerks—5 at $2,000 each, 25 at $1,800 each, 44 at $1,600 each, 61 at $1,400 each, 95 at $1,200 each; 80 messengers, at $720 each; in all, $362,400.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. I hesitate to take up the time of the committee, because I realize this is a very important bill and should be passed as rapidly as possible. However, I am being placed in a false attitude in my State. Some of my constituents do not know me personally, having moved into the district in the last few years, as my district is rapidly growing, and they have been led to believe that I am opposed to education. For that purpose I have asked for these few minutes. As you know, for six years I was on the Committee on Education and for two years I was chairman of that committee. House bill 7 was first introduced May 19, 1919, and was reported out by the committee January 17, 1921, but was not considered by the House, although the Republicans were in control. At that time I reserved the right to oppose the bill, because I was not permitted to offer any amendments to the bill while the committee was considering same, although I was the ranking member on the Democratic side. The bill was reintroduced April 11, 1921, and contains practically the amendment that I wanted to offer in the committee, to wit, reserves to the State the right to control its educational system. I believed in that principle then and I believe in it now. The farther you get away from home the less efficient is the service rendered, and such service as is rendered costs a great deal more. I believe the people back home, who are competent to select Members of Congress, can better control their policies relating solely to the State than we can up here at Washington. I simply make these few brief remarks in order that I may, if possible, show to those who do not know me that I am not opposed to assisting the children of our country in securing an education, but I reserve the right to vote for only such bills as will benefit them and to oppose such bills as may be harmful.

In this connection, let me state that I taught school and that for 10 years I devoted my life to the educational work in my State, and I think it comes with poor taste for anyone to say I am not deeply interested in the welfare of the young men and young women of my country. Although the Sterling-Towner bill has been before the committee for nearly a year to date it has not been reported, although the Republicans have been and are in complete control of said committee and have a majority of approximately 165 in the House. It may also be of interest to my constituents to know that H. R. 7, as reintroduced, is different in many respects from the bill reported by the committee during the Sixty-sixth Congress. As my colleagues know, I have not been a member of the committee during this Congress.

Mr. Chairman, in order to save time and also that my constituents may know my interest in education and all matters pertaining thereto, I request to have printed as a part of my remarks my statement before the Committee on Education relative to my bill, H. R. 558, which I believe will be of interest to the Committee on Military Affairs, and may be of some assistance to the Committee on Appropriations.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS. Mr. Chairman, I also ask leave to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS. No lobby was behind my bill perchance because no high-salaried positions were created, but I still believe some day, at least, the objects and principles of the bill will be enacted into law.

TO PROVIDE SCHOLARSHIPS AND TO PROMOTE MILITARY TRAINING.

COMMITTEE ON EDUCATION,
HOUSE OF REPRESENTATIVES,
Tuesday, August 16, 1921.

The committee met at 10 o'clock a. m., Hon. SIMEON D. FESS (chairman) presiding.

Present: Hon. Simeon D. Fess, chairman; and Messrs. Towner, Platt, Dallinger, Robsion, Sears, Brand, Blanton, and Nelson.

The CHAIRMAN. Gentlemen of the committee, if there is no objection to proceeding with the hearing on H. R. 558, we will open the hearing at once. Mr. SEARS, we will hear you.

Mr. SEARS. Mr. Chairman, I have served on the Committee on Education for about four years and a half. Two years of that time my

colleagues were kind enough to make me chairman of the committee. I appreciated that honor more than any honor they could have conferred on me, the more so because I served one term as a teacher and for 10 years was actively engaged in school work in Osceola County, Fla., where I have lived practically all of my life, as county superintendent of schools. I think I can say without egotism that during those 10 years I raised the standard of the schools, not because I changed teachers but because I paid salaries sufficient to permit the teachers to secure training during the summer months. I have always fought for and with the teachers. During those 10 years we found many a stumblingblock, and chief among these was the question of what to do with the boys of the county. Each year a certain number of boys would drop out of the grammar and high schools. I spent many, many sleepless nights and also hours trying to find a solution whereby we might keep the boys in at least the high schools of the county.

I despaired of ever finding a solution. There is no discredit to the boys of a certain high school that I know and now have in mind, because they were bright boys, but at the close of the last school term only one boy passed from the eleventh grade into the twelfth grade and therefore there will be only one boy graduate next year. I forget the number in the tenth and eleventh grades, but only two boys—my son being one of these—passed from the ninth grade to the tenth grade. I have gone to those boys and urged them to continue their school work and they would reply, "Mr. SEARS, what is the use of my going to school longer when I know I can not go any higher than the high school? Besides, I am offered a job at $50 or $75 a month, and each year I stay in the high school I am depriving myself of that much experience in a business that I will be forced to follow, because I can never have a college or technical training." You can not answer that argument; it is unanswerable. I know the parents of those boys. They are willing to send them to college, but financially unable to do so. I urged each boy to look on the bright side and finish his high-school course and cross the other bridge when he came to it, but I was unable to impress that idea upon him.

It might have been argued a few years ago that the poor boy, with ability and ambition, could find the opportunity to work his way through college without State or Government aid. Many of them did. But, Mr. Chairman, their number was few, indeed, compared with the great army of deserving boys who would make themselves, their families, and their country incomparably better and stronger could they have had the further mental and physical training that under present conditions is denied them.

I hesitate to make a personal reference, but, as I stated to the President in an interview, I am proud of the boys who have worked their way through college, the more so because I was one of them and because I know the hardships involved. My father was a practicing physician of the old school. He left me a heritage that no money can buy, no wealth replace; a heritage that lives to-day in the memory of all who knew him and knew that his life was chiefly devoted to serving sufferers not always able to pay in worldly goods—often to the exclusion of more profitable work which was offered him. Neither am I unmindful nor shall I ever forget the labor and privations which my mother underwent to assist me. But that heritage, Mr. Chairman, priceless as it was and is, would not buy a college training. Fortunately, an absence of false pride and hard manual labor—sometimes mental labor—did buy it for me. But the opportunities of gaining a college training in that way are growing fewer each year as compared with the numbers of our growing boys. Many a brighter boy than I was is being deprived of a college training because there is no such opportunity open to him. Mr. Chairman, one of the chief reasons which led me to run for Congress was the hope that some day I might aid in relieving this situation.

Let me say in passing that I never spent more pleasant years than I did when I was chairman of this committee. If there was any friction I failed to see it; if there was any bad feeling between the members it was not shown in the committee meetings; if there was any politics it never appeared while the Committee on Education was in session or when we had a measure before the House. When our beloved Mr. Hughes, who was chairman of the committee, had up for consideration before the House the great vocational bill, I point with pride to the fact that while we on the majority side fought for the passage of the bill, among the leaders on the other side were those also fighting for it, because it was a great educational advancement, and, as I said, no politics was permitted in this committee.

When the rehabilitation bill for the benefit of the disabled soldier came up last year your present chairman and myself conferred on the measure and the honor fell to me to introduce same, and by a unanimous vote of the committee a favorable report was made and the bill was passed by the House.

When your present chairman this year fought to make that bill broader, after the strenuous fight that the Committee on Education has not forgotten, may I say with a little pride and a good deal of pleasure, as ex-chairman of the committee, I assisted the chairman in securing the passage of the bill, as did also the other Democratic members. I trust, and perhaps you will admit, we were of some small assistance.

We have heard about clashes. Sometimes they are bitter, the lines are drawn; and this is perfectly proper and will always be the case. But I trust the day will never come when we shall play politics before the Committee on Education or on the floor of the House when a great educational bill is up for consideration. This statement is made with all the sincerity that is in me and with no degree of flattery, and I believe the committee is in strict accord with the sentiments just expressed.

I am glad, furthermore, to have this bill before this committee for consideration. Last year I introduced a similar bill, and I will say to you frankly I did not urge its passage for several reasons. First, I was chairman of the committee and somebody might say I was taking advantage of the chairmanship to report out a bill because the members did not want to oppose the chairman. Second, I did not believe the time was ripe for the pressing for passage of the bill. So the bill simply stayed before the committee, and in my humble way I endeavored to create a sentiment for it. I am glad the bill has again been referred to this committee, because in looking over the names of the members I find that SIMEON D. FESS, of Ohio; HORACE M. TOWNER, of Iowa; Edmund Platt, of New York; ALBERT H. VESTAL, of Indiana; JOHN H. ROBSION, of Kentucky; William L. Nelson, of Missouri; and myself have made a life study of school work. They should be on the Committee of Education. And I would not overlook the other members of the committee, to wit: SHERMAN E. BURROUGHS, of New Hampshire; EDWARD J. KING, of Illinois; FREDERICK W. DALLINGER, of Massachusetts; DANIEL A. REED, of New York; WILLIAM B. BANKHEAD, of Alabama; CHARLES H. BRAND, of Georgia; THOMAS L. BLANTON, of Texas; and JEREMIAH T. DONOVAN, of New York; because a committee composed solely of those who have studied educational matters might have become so warped that it would be impossible for them to see except the one side. The last-named members have been very active; their counsel has been wise and timely; and many times they have helped us to perfect a bill which otherwise, due to the condition which I have just referred to, we might have overlooked.

I believe now, Mr. Chairman, the time is ripe for the passage of this bill. May I say in the beginning it is immaterial to me to whom the credit is given. If the Committee on Education, when they consider the bill, think it best, think it is wise, if it will assist in the passage of the bill, to strike out the name of the introducer and suggest the name of any other member of this committee or any other Member of Congress, I want to say to you in all frankness that you will never hear me claiming to be the author of the measure. I am not wedded to a single section of the bill except the general principle of aiding the boys. That sounds strange coming from a man who has given 15 years' or more thought to a measure and 2 years of careful thought and study in drawing the bill, but I again assure you it is results and not honor I am after. As stated, I am only wedded to the one idea or thought, and that is this Government owes something to the young men of the country; I am only wedded to the one great idea that it is time for our country to wake up and realize that the boys of our country are worth as much as the pigs of the country; that we owe them something along educational lines.

Now, with this brief explanation, let me call attention to the bill, and I will do this briefly, because I think the bill speaks for itself. Mr. Chairman, I ask that the bill be published as a part of my remarks.

(The request was granted, and the bill is printed in full, as follows:)

"A bill to promote military training by providing scholarships for students enrolled in public institutions of higher learning, and for other purposes

"*Be it enacted, etc.*, That for the purpose of cooperating with the States and the District of Columbia in providing military training for young men within their borders there shall be appropriated the sum of $50,000,000, or so much thereof as may be necessary, for the fiscal year ending June 30, 1920, and a like sum annually, or so much thereof as may be necessary, thereafter to be apportioned among the States and the District of Columbia in the proportion that the number of males of the ages of 16 to 20, inclusive, bears to the total number of males of said ages in the territory defined in this section.

"SEC. 2. That not more than 250,000 students at any one time shall be granted scholarships as provided for in this act, and no student holding a scholarship shall be permitted to enter any class except the freshman class. Said students shall be apportioned by the Federal Board for Military Training to the States and the District of Columbia in the proportion that the number of males of the ages 16 to 20, inclusive, bears to the total number of males of said ages in the States or District of Columbia, and the Federal Board for Military Training shall, on or before the 1st day of August of each year, certify to each State and the District of Columbia the number of scholarships allowed, as shown by the said apportionment: *Provided*, That for any one year the Federal Board for Military Training shall only certify one-fourth of the number of scholarships as provided for in this act, except in the case of resignation, death, or expulsion of any student the said board shall make an additional certification, and said additional scholarship or scholarships shall be apportioned in the States as provided for in section 8 of this act: *Provided further*, That the said Federal board may, during the first year this act is in force, issue to students in the sophomore, junior, or senior year scholarships, provided said students sign the obligations as provided for in section 11 of this act, and any student accepting said scholarships shall be subject to all the terms and conditions of this act.

"SEC. 3. That upon receipt of certification from the Federal Board for Military Training of the number of scholarships apportioned to said State, the authority designated under section 10 (i) shall apportion said scholarships to the several counties of the State in the proportion that the number of males of the ages 16 to 20, inclusive, bears to the total number of males of said ages in the State: *Provided*, That if the allotment to any county exceeds the number of graduates from high schools in that county, said excess of scholarships may be apportioned to the other counties. Graduates from high schools shall be entitled to scholarships in the order in which they pass their final examinations, and the county school superintendent shall immediately upon the graduation of any pupil from a regular high school of his county certify to the authority designated under section 10 (i) the name of said pupil, his age, and address, together with final marks made: *Provided further*, That in the case of the District of Columbia the authority designated to carry out the terms of this act shall see that the scholarships are equitably distributed throughout said District.

"SEC. 4. That after the passage of this act and before any State or the District of Columbia shall receive any appropriation as provided in this act the legislature or lawmaking body of said State or District shall by resolution or other enactment designate such educational institution or institutions already established or which may be established to receive the benefits of this act, and shall also pass such other legislation or laws as may be necessary to comply with the requirements of this act.

"SEC. 5. That the institution or institutions designated for the purpose of carrying out the provisions of this act must meet the following conditions:

"(a) They must be under public support and control.

"(b) No pupil shall be eligible for admission to any institution except the one in the State in which he resides, and he shall be 16 and not over 20 years of age, must be a graduate of a high school, and physically able to take military training.

"(c) Said institution or institutions shall, as near as practicable without interfering with the literary course, conform with the rules and regulations prescribed for West Point, but in no event shall the military drill and instruction at said institution or institutions be less than 7 hours per week for 4 years of not less than 36 weeks each.

"(d) The President of the United States shall detail from the officers of the United States Army or the National Army or the National Guard or from officers on the retired list 1 officer for each 500 students or fractional part thereof, and the military control, instruction, and discipline shall at all times be under the direction and control of the officer or officers designated for said duty. The ranking officer shall be in charge and have full control. The limitation of the number of officers which may be detailed to military schools under section 1225 of the Revised Statutes is hereby abrogated. Officers detailed for said duty shall retain their rank and pay the same as if they were in the active service.

"(e) The general discipline and control of the nonmilitary functions of the institutions shall be at all times under the presidents of the

institutions: *Provided*, That any student may have the right to appeal to the president of the institution in case he feels he has been unjustly dealt with: *Provided further*, That no student shall be expelled from any institution except by those who now have authority or to whom authority may be given to do so in the future.

"(f) The president of the institution shall, on or before October 15 and April 15 of each year, certify or cause to be certified to the State or district treasurer and the Federal Board for Military Training, the names of students entitled to receive installments on scholarships. He shall also immediately certify to the above-named official and the above-mentioned board the name of any student who has left said institution and is no longer entitled to said installments.

"(g) The president of the institution shall within 15 days after the close of any school year register or cause to be registered to the State or district treasurer and the Federal Board for Military Training, as provided for in section 16 of this act, a complete list of all students who have received six months' training or more, as provided for in this act, which said list shall contain the full name, home address, age, and rank of each student.

"SEC. 6. That the sum hereby appropriated to the States and District of Columbia shall be paid in semiannual installments on or before the 1st day of November and May of each year by the Secretary of the Treasury upon the certification by the majority of the members of the Federal Board for Military Training of the number of students entitled to receive same, out of any funds in the Treasury of the United States not otherwise appropriated, to the State or District of Columbia treasurer, who shall pay the same in quarterly installments upon warrants of the treasurer of duly accredited and designated public institutions of higher learning. The treasurer of the institution shall pay the same, on or before the 5th of each month, to holders of scholarships certified by the president of said institution, as provided for in this act.

"SEC. 7. That the funds allotted annually under section 1 of this act shall be distributed in sums of $200 per annum to holders of scholarships, which said amount shall be used by the student in part payment of board, clothing, and incidental expenses.

"SEC. 8. That for the purpose of assisting public institutions of higher learning and to carry out the provisions of this act, there is hereby appropriated the sum of $25,000,000, or so much thereof as may be necessary, for the fiscal year ending June 30, 1920, and a like sum, or so much thereof as may be necessary, annually thereafter to be apportioned among the States and the District of Columbia in the proportion that the number of males of the ages 16 to 20, inclusive, bears to the total number of males of said ages in the territory defined in this section.

"SEC. 9. That from the funds appropriated under section 8 of this act there shall be paid to each institution qualified to participate in the benefits of this act the sum of $100 for each student actually enrolled and receiving instructions and holding a scholarship as provided for in this act, which said sum shall be used for the sole purpose of aiding the States or the District of Columbia in (a) payment of salaries of teachers, (b) providing quarters, (c) providing adequate drill grounds, (d) upkeep of buildings and grounds, which may be made necessary by the passage of this act: *Provided*, That not more than 70 per cent of said amount shall be used for expenses under (a) of this section, and not more than 25 per cent shall be used for expenses under (b), (c), and (d) of this section.

"SEC. 10. That before any State or the District of Columbia shall participate in the benefits of this act it shall be necessary for the legislature, or in the case of the District of Columbia the proper legal body, to take the following actions:

"(a) Accept the provisions of this act.

"(b) Designate the institution or institutions which are to receive the benefits of this act and to carry out the provisions of same.

"(c) Authorize the State or District treasurer to receive and pay out the funds appropriated by the act.

"(d) Authorize the treasurer of the institution receiving the benefits of this act to pay out the same according to the provisions of said act.

"(e) Appropriate funds sufficient to provide the sum of $50 for each student holding a scholarship as provided in this act, and authorize the State or District treasurer to pay the same to holders of scholarships upon certification of the president of the institution: *Provided*, That the said sum of $50 shall be used by the student in part payment of board, clothing, and incidental expenses: *Provided*, That no tuition shall be charged any student holding a scholarship.

"(f) Appropriate funds sufficient to provide facilities for well-rounded courses of instruction and to properly house and care of said students.

"(g) Provide for adequate drill grounds for said students.

"(h) Provide for such reports as may be required from time to time by the Federal Board for Military Training.

"(i) Designate the branch of the government of the State or District of Columbia which shall see that the provisions of this act are carried out.

"SEC. 11. That before any person shall receive a scholarship to any institution provided in this act he shall sign obligations in triplicate which shall be furnished by the Federal Board for Military Training stating in case the United States is at war he shall be liable for services and subject to the call of the President of the United States, and that he will serve the United States subject to the laws now in force or which may be hereafter enacted, as follows: (a) Two years for the first six months or year, (b) two years for the second year or fractional part thereof in excess of six months, (c) one year each for the third and fourth years or fractional part thereof in excess of six months, which said obligations shall be filed with the president of the institution, who shall cause one to be filed with the treasurer of the institution, and he shall immediately forward one to the State treasurer and one to the Federal Board for Military Training: *Provided*, That no student shall be subject to call who is actually attending any institution or after he has attained the age of 31.

"SEC. 12. That after leaving said institution if any person having availed himself of the benefits of this act shall change his address at any time prior to attaining the age of 31 years, he shall immediately forward to the Federal Board for Military Training the name of the place to which he has moved.

"SEC. 13. That anyone violating any of the provisions of this act shall upon conviction be fined not more than $1,000 or imprisonment for not more than 12 months.

"SEC. 14. That nothing in this act shall be construed to repeal any laws which have been passed or may be passed affecting educational matters in any State or the District of Columbia, and there is specifically reserved to each State and the District of Columbia the right to regulate their public institutions, and the board hereinafter provided shall only have the right to prescribe rules and regulations governing the military feature of said institution.

"SEC. 15. That the uniforms, shoes, and other equipment of students holding scholarships shall be the same as those in use in the Regular Army, except there shall be worn on the left arm an insignia to be selected by the Federal Board for Military Training, and letters denoting the institution to which the student belongs shall be placed on the hat or cap. No person shall wear said uniform who is not a student of the institution.

"SEC. 16. That the Quartermaster Department of the United States Army, upon receipt of requisition from the Federal Board for Military Training, is hereby instructed and directed to furnish to the students through the treasurers of said institutions, uniforms, shoes, and clothing, as provided for the Regular Army, at cost, and further directed upon requisition received from the Federal Board for Military Training hereinafter provided to furnish to said institutions the necessary arms and equipment which may be necessary to properly train said students.

"SEC. 17. That the treasurer of the institution shall collect from the students the amount due for uniforms, shoes, and clothing and shall every 30 days remit same to the Quartermaster General of the United States Army. The Quartermaster General shall, upon receipt of payment from the treasurer of the institution, turn same over to the Treasurer of the United States, and said amounts shall be placed to the credit of the general fund of the Government.

"SEC. 18. That the Federal Board for Military Training is hereby created, to consist of the Secretary of War, the Secretary of the Treasury, and the United States Commissioner of Education. The board shall elect annually one of its members as chairman and shall adopt such rules and regulations as may be necessary to properly carry out the provisions of this act. The sum of $250,000, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1920, and a like sum, or so much thereof as may be necessary, thereafter for the necessary expenses, including salaries in the District of Columbia and elsewhere, rent, printing, reports, traveling expenses, and incidentals.

"SEC. 19. That said board, as authorized under section 18 of this act, shall cause to be made by a Regular Army officer at least once during each school year a thorough inspection of each institution receiving any assistance under the terms of this act, and shall keep on file, indexed, a complete list of those attending the several institutions as herein provided for and also a full and complete list of those who are subject to service under this act in case of war.

"SEC. 20. That the Secretary of the Treasury of the United States is hereby authorized to purchase from any State or the District of Columbia any bonds which may be issued for the sole purpose of complying with the provisions of this act. Said bonds shall be due and payable in not exceeding 20 years and shall bear a rate of interest not in excess of the maximum rate of interest the United States Government pays on any of its bonds: *Provided*, That the State shall pay all expenses in connection with the issuance of said bonds and also all expenses that may be incurred in examining into the legality of said bonds.

"SEC. 21. That all laws or parts of laws in so far as they are inconsistent with this act are hereby repealed."

The first section of the bill simply provides an appropriation. The entrance ages are based practically on the ages for entrance to West Point and Annapolis, one being 17 to 21 years and the other 16 to 20 years, and this bill provides for 16 to 20 years.

Mr. TOWNER. Will the gentleman permit a suggestion?

Mr. SEARS. Yes; with pleasure.

Mr. TOWNER. I know from our experience with the Committee on Appropriations that they will not allow this committee to present any further bills for appropriations and they will ask that it be transferred to the Committee on Appropriations, and that the Speaker will grant the request. So I suggest to the gentleman, in order to prevent that, that he should change the language of the first section so that there shall be authorized to be appropriated, instead of that there shall be appropriated.

Mr. SEARS. Perhaps that suggestion is wise, and you will notice that I say "There shall be appropriated."

Mr. BLANTON. In that connection, wouldn't the old precedent still prevail whatever agreements may have been entered into between the Speaker and the Appropriations Committee? I am heartily in favor of their contention that the appropriations, if an appropriation measure, should go to their committee; but there is no rule that has been adhered to that after a bill has gone to a committee and had a hearing on it and wasted the time of the members that it will not be interfered with. Isn't there such a precedent.

Mr. TOWNER. Yes; we have had a precedent of that kind in this committee, but that is by sufferance, and they do not allow that sufferance to continue.

Mr. SEARS. I am glad Judge TOWNER called my attention to the wording of the bill as above. This bill was first referred to the Committee on Appropriations; they were very busy and it was then referred, at my request, to the Military Committee. I want to say to you that it is an educational bill and should be considered by the Committee on Education, but I stated to the chairman of the Military Committee at the last session that as it was my bill and as I was chairman of the Committee on Education I did not care to have myself and the committee pass on it, because I wanted the bill to pass, and if the Military Committee would report it I thought I could assure him each member of the Committee on Education would be back of it and that we would work just as hard for its passage. However, the chairman of the Military Affairs Committee stated that they could not reach the bill at all and that he thought it should properly come before the Committee on Education. This year, therefore, I asked that the bill be referred to this committee. The appropriation in the first section is $50,000,000. It seems large, but we have voted away about $32,000,000,000, I think, to kill young men and to teach men to destroy men and property; $50,000,000 is just about one public building bill. By this I trust I may not be construed as opposed to such a bill. It is about the usual rivers and harbors bill. I hope we will have them; we must have them. So you see, Mr. Chairman, it is not such a large appropriation after all. I have yet to find the first man or woman who pays taxes, directly or indirectly, to complain against any taxation that has for its purpose the betterment of the children of our land.

They may complain about their road tax, because they think the road is good enough; they may complain about the tax which pays the current expenses of the Government; they may complain about every other tax; but even the bachelor, educated, or deprived of an education because he did not have the funds to secure one, never complains of any tax he pays for the purpose of helping the young

men of the country secure an education. So I think the amount of the appropriation is a mere bagatelle and should not and will not frighten Members of Congress into voting against it.

Now, the second section provides for division among the States. The scholarships provided for in this bill will be 250,000. These shall be divided amongst the States pro rata in proportion to the number of youths between the ages of 16 to 20 years. New York will get the number she is entitled to—no more, no less. Iowa will get the number she is entitled to—no more, no less. The same with Ohio, Florida, Georgia, and Missouri, and every other State in the Union.

Then the question comes up as to the division in the States—as to how to divide them among the districts and counties of the State. I have provided in this bill that they shall be divided in each State pro rata in proportion to the representation in the House of Representatives. In other words, if my State should be entitled to a thousand under this bill my district would get 250 and the other three districts would get 250 each. Then this number would be divided again between the counties of the district in proportion to the number of youths in each county between the ages of 16 to 20 years. And the above would apply to every State and the District of Columbia. Therefore you see there is an absolutely fair division among the States, the districts of the States, and each county of the State, and there will be no chance for politics to enter into the division.

I realize that many bills are passed for political effect. I have seen the disadvantages of political influence in educational matters. If you will read this bill you will find there are in it specific provisions that will make it impossible to play politics or favoritism in its administration. That it might not be charged that the Committee on Education was trying to build up a great political machine and that the Members were trying to place themselves in perpetual power (because that is what it would be if you were permitted to appoint, without safeguards and the merit system, 250,000 young men to collegiate courses each year), I have provided that graduates of high schools from each district shall be certified to by the authorities in the State on educational matters, giving the rating of each. In other words, Mr. Chairman, it is a system of merit. If Jim Jones, son of a day laborer, who, under the present cost of living, is hardly making enough to sustain his family, should graduate from a high school in my State with the highest mark, or with a mark that would place him among the list of eligibles that county was entitled to, that boy would get a certificate entitling him to a scholarship in the University of Florida. Exactly the same would apply to the son of a man of means, and that is why I have provided that it be certified in that way.

Let me say here it is impossible for me to cover this just like I would like to at one hearing without imposing on your patience, but I want to get it before you and let you study it. I believe that not a single boy will fail to strive to secure one of the scholarships provided for in this bill, unless physical disability or sickness prevents him from doing so. If this bill could be placed on the statute books it would be the greatest incentive possible for him to finish high school. Why? I just explained in my opening statement that the boys quit high school because there is no chance of their going to college. Until the last day of the high-school course the boy will be digging and hoping, if there are 15 boys to go from that high school, that he will be one of them, and if he should be the sixteenth and fail, this committee would have done much for that boy in the future years of his life by having caused him in part to prepare himself for the battle to follow.

Mr. PLATT. May I interrupt?

Mr. SEARS. Yes, sir.

Mr. PLATT. Isn't it true that on account of the high wages the boys are considerably less in number demanding appointments to West Point and Annapolis?

Mr. SEARS. It may be, but I am flooded with them. As I said before, it is not a question of wages. Ninety-nine boys out of a hundred who get in the tenth grade of the high school have an ambition to go higher and to finish their education, but they can not go higher because they have not the financial ability to do so. I have had the pleasure of sending two or three through school, but they owe me nothing, because since then they have a hundred times more than paid me; paid me what I advanced in money; paid me in friendship which would overwhelm any man. I have in mind to-day a young man who graduated from the high school; he had the nerve to stick; he was a born mathematician; had a wonderful mathematical mind. Because of financial conditions that boy is working now behind a counter; he has been there for two years and will be there perhaps the balance of his life. By the above, far be it from me, even in the slightest, to reflect on the young man behind the counter, for his occupation is an honorable one.

Mr. PLATT. Let me say, the last time I was at home a boy that took the competitive examination last year for appointment to Annapolis by me is now working for $3.50 a day.

Mr. SEARS. That may not last always.

Mr. PLATT. Perhaps not, but it is interfering now.

Mr. SEARS. Mr. Chairman, I do not want to take up too much of your time, but my whole heart is in this question. This bill provides that the nonmilitary functions of the institutions shall at all times be under the supervision of the president of the institution. Let me call attention to the fact that H. R. 858 provides that the commandant of cadets shall be in charge of the discipline of the institution, because he is the only one who can be in charge of the discipline, and if you are going to have military training that provision must be in the bill. It is specifically provided, however, that the commandant can not expel a boy, but expulsion must be referred to the president of the institution and the proper authorities must act before a boy can be expelled from the institution. It is further specifically provided that any student may appeal to the president of the institution if he believes he is receiving unfair treatment.

I want further to call your attention to the fact that under section 9 of the bill it is provided that not more than 70 per cent of the amount appropriated by said section shall be used for expenses under "A" of said section, and not more than 25 per cent shall be used for expenses under "B," "C" and "D" of said section. You will see that 5 per cent is left out; but this is only a typographical error. The committee should correct that error and also make such division of the appropriation as they think best. I have added this section because I believe both the Government and the State should do its part. I would not vote for any bill where the Government should do it all. Unless the State assumes some of the liability and responsibility in connection with the carrying out of this act, the State will lose interest. Therefore should this bill become a law I insist that the State must do its part. I would not vote for a bill, to be frank with you, that did not leave with the State the right to control the institution or did not require the State to assume a part of the burden. These institutions have fundamental rights, and I do not think the committee should or would take them away. I would put every safeguard around the appropriations, so that the money would not be wasted. Every dollar appropriated under this bill goes for the benefit of the young men of this country.

Mr. Chairman, I have here a clipping on "Army schools offer educational chances." This article clearly shows the importance of the bill you are now considering, and I ask that same be printed as part of my remarks.

The CHAIRMAN. If there are no objections, it may be printed.

(No objections were offered.)

ARMY SCHOOLS OFFER EDUCATIONAL ADVANTAGES—SCHOOLS ARE EQUAL TO COLLEGES IN THEIR LINES—UNITED STATES ARMY DOES MORE FOR ITS SOLDIERS THAN ANY OTHER NATION—OFFERS BEST ADVANTAGES.

The United States Army of to-day is doing more for the training of its soldiers, either for military or civilian life, than that of any other nation on earth. The World War proved that educated soldiers in every respect were just as important as the educated banker or any other business man, and for that reason young men will find some of the best schools in the United States Army to-day. For a young man who can not avail himself of a college education after completing his high-school course, he can find no place that offers him a chance like the Army does in the way of training, physically, morally, and mentally. And besides, he is getting paid for it. At the pay of a private, he is making much more than $100 at the present price of everyday necessities.

"We must have an Army of trained men in every respect, and we are going to get it, and the best way to get it is to train it," said an Army official recently. "Some people ask the question, 'Why take a young man at an expense for one or three years, and when that time is up he will go on the outside at a much larger salary?' That is possible, and that is the beauty of it. But about two-thirds of the men, at the expiration of one or three years, receive at better salary and much better chances for promotion.

"For a young man who is seeking the outdoor life, which is absolutely essential to the future health of anyone, he can find nothing that gets no near to nature's front door as some branches of the service.

"There are not any of our leading business men of to-day but will tell that when they started out in life they considered the future in preference to salary or conditions. There are a good many young men who may think that our leading business men just happened with good luck. They had a good start or some other financial backing, but no man can get that kind of backing unless he has the ability, and in the Army is a good place to get that kind of ability.

"The Army is run like a large business, with hours for work and hours for freedom. The soldier off duty writes letters, smokes, plays basket ball, pool, football, or most any other healthful game he likes; goes to the movies or theaters; calls on his girl if he has one; in fact, he does about as he likes. Being in uniform, his self-respect, as well as the rules of the service, demand that he conduct himself as a soldier and a gentleman. It is just as important, and more so, that the United States soldier be a gentleman in every respect as anyone. He is representing a people—the best people—and the people are of the best nation on earth; the people of the United States have always been aware of that fact, but it has been proven to nations—nations that were in doubt—by the part accomplished in the World War. The United States soldier is a soldier of renown for bravery and achievements.

"The War Department has recently authorized one-year enlistment periods in some branches, regardless of whether the recruits have had previous service or not, namely, the Quartermaster Corps and the Medical Department. This should be an inducement to young men to have a try out and see for themselves just what the United States Army is offering to young men.

"Young men who can not avail themselves of the necessary funds for a college education should not fail to consider just what they can obtain from one enlistment, in the Aviation or Motor Transport Corps schools.

"Pay in the Army runs from $30 per month to $121.50 per month, with all necessary living expenses paid by the Government."

Mr. SEARS. I also ask to have printed a part of "The Army policy," wherein the Secretary of War states that the Army has no policy; that the future must unfold it.

The CHAIRMAN. If there is no objection, it may be printed.

(No objections were offered.)

THE ARMY POLICY.

"The action of the Senate in voting appropriations upon the basis of a contemplated army with an average strength of 400,000 men during the next fiscal year has no bearing upon a national permanent military policy. The House made its appropriation upon a basis of a contemplated average of 300,000 men, while the War Department recommended an average of 509,000 men. Consequently, it is evident that in conference the Army appropriation bill will be drafted upon either the House or Senate figures or upon a compromise between the two.

"The national defense act provides for a standing Army of 175,000 fighting men, with Quartermaster Corps, Medical Corps, and other branches which bring the total number up to 250,000 or 300,000. Before the expiration of the next fiscal year it is anticipated that the Army will be down to the maximum strength authorized in this law.

"After that, what? Neither Congress nor the War Department is ready at this time to take the responsibility of recommending a permanent military policy for the United States. There is talk of a comparatively small standing Army with universal military training which would keep the youth of the land in readiness for an emergency call to the colors, and it is generally realized that universal training as a policy is stronger now among the people than it was before the war. But even if this policy is adopted, the country must maintain a standing Army sufficient to meet the requirements placed upon the Government and to serve as the nucleus of a large Army in the event of another war."

Mr. SEARS. I contend this bill is the best policy and will meet every requirement set out by the Secretary of War and at much less cost than any other plan. I will undertake to show that. Since the above was published in the paper the Secretary of War and the General Staff have recommended a bill providing that each boy when he reaches the age of 18, I believe—if I am wrong, correct me—shall be drafted or conscripted and forced to give three months of his time to military training. I say as a man who has had experience in school work that a boy who has been studying his books for 9 months, and if your term is 10 months, should not be required to take up this extra work; besides, you practically cause him to lose one year of school work. I say without fear of contradiction that you can not train a boy in military tactics in three months, and that the money so spent will be practically wasted. I do not say that without thought. I went to a military school for four years; I served under West Pointers; and

I know the value of military training. My father urged me to go there in preference to a nonmilitary school because of my physical condition.

When I entered the Florida State College I only weighed 95 pounds, and, as stated, my health was poor. When I graduated four years later I weighed 145 pounds and my health was perfect, and I am satisfied this was due entirely to the military training I received, and there were many similar cases to mine. I owe, I believe, as I told the President, my present position in life to the military training I received at school. To my obedience to commands; to my power to think as an officer; to the strict military discipline which was in force; to the training in handling men while at college; I think I owe in a large part my way through life.

It may be charged that you should not do this because it will create a military caste; it will make a war party. I want to say that of all my schoolmates I do not believe there was one but who abhorred war. They had been taught that the weapon was deadly. While they had been taught to shoot straight, they had also been taught not to shoot until it was absolutely necessary, and while that spirit was instilled in those young men at the same time a spirit of patriotism and respect for the flag was also instilled and many of them during the present war received commissions because of that training, although received many years ago. I have one personal friend, Lieutenant Johnson, who was at the head of an electrical department in some electrical works at San Francisco. He had formerly been on the ocean, but had given it up and gone back to land work. When the President called for volunteers he resigned his position and entered the service for the purpose of helping to transport food and supplies. He dodged the submarines, and he with many others did splendid service during the present war. I have another college mate here in the city connected with the Quartermaster Corps. Many of those boys responded and all made good. Many more wanted to respond but were prevented from doing so because of the age limit.

It is charged, Mr. Chairman, that this bill will cost $75,000,000 annually. That is true, but I want to say to you that of all the moneys spent by the Government none will be more wisely spent or used for a better purpose.

May I relate here briefly what General McAndrews told the Committee on Military Affairs of the Senate? He told the committee that in his opinion a military peace strength of 300,000 officers and men is sufficient under the plan for universal military training.

In view of the facts, however, that the universal military service plan could not begin functioning for two or three years hence, he said a large Army might be required to afford protection during that time. He certainly has lost sight of the three or four million brave, patriotic, thoroughly trained young men who have just been or will shortly be discharged. General McAndrews also told the committee that the three months' training proposed in the bill was insufficient to turn out a valuable soldier and asserted that contrary to general belief the average training time of soldiers composing the American combat divisions abroad had been not less than six months.

General Bullard told the committee that in his opinion three months was the minimum training period, and that even then three experienced soldiers would be required to train one inexperienced man. If this is true, I will let you figure out the cost of training under the universal plan and ask that you compare same with the cost under this bill. May I call the committee's attention to this fact: That under that system it will take three commissioned officers, first sergeant, sergeants, and so on, after they are partially trained, and all of these must be paid. As I have said, all these officers, the general, the colonel, and the lieutenant colonel, will have to be paid for this universal training of three months, which, according to some of the officers, is at its best only inefficient training. Under my system it will only be necessary to furnish one officer to 300 men. The cadets themselves become the officers. They take a pride in it, they study it, and they will receive thorough training. I began as a private and finished with the rank of captain. All take the greatest pride in their work. The officers will love the boys and the boys will love the officers, because each one understands the other. So you will see the immense expense saved by teaching the boys in public owned or controlled colleges.

Now, some people will object to this bill because they will say they do not want their boy to go to a military school. If the parent does not want his boy to go to a military school there are many colleges of the highest standard where he can go without taking the military feature. The bill covers only military colleges and schools under State control. If one boy does not finish he drops out and another boy gets his chance to make good. The other colleges will not suffer, for there will be a sufficient number of boys able to pay their way who will attend same.

I also ask that this article on "Military training" from the Washington Post, May 30, 1919, be printed as part of my remarks.

The CHAIRMAN. If there is no objection, it may be done.

(No objections were offered, and the article referred to is here printed, as follows:)

"MILITARY TRAINING.

"An important step toward universal military training was taken when Secretary of War Baker recommended to the House Military Affairs Committee the establishment of a system of military training in high schools, colleges, and universities throughout the country. He stated that the Army had already demonstrated its educational value to the youth of the Nation, which formed a very strong argument in favor of including military training in the curriculum of educational institutions.

"Members of Congress who have visited Europe since the war have learned many things in favor of training the young men for military service. They have visited schools where the fundamentals of tactics are taught, resulting in the physical improvement of the young men and strengthening the protection of their country. The legislators have returned to this country convinced that some plan can be worked out which will permit of the adoption of military training in a form which will meet with general approval.

"Secretary Baker in appearing before the House committee was careful to state that he did not wish to advocate any permanent military policy at this time while the League of Nations covenant was pending. It is assumed from this statement that the adoption of the league would make a difference in the character of recommendation which otherwise he would make to Congress.

"That view, however, does not prevail with the Congressmen who have studied the question in Europe. There are potent reasons why the young men of the Nation should be trained in the rudiments of military tactics, even if the league were in effect. The physical benefits which they themselves reap from this training is one of the best arguments in favor of it. Even if there were no prospects of war for many years to come, there would be nothing inconsistent in teaching the young men the fundamentals of military training.

"Universal training is the real object aimed at, and it is believed by many Members of Congress that the prejudice which existed against it before the war has now largely disappeared since parents have had an opportunity to witness the wonderful benefits their sons have had from military training. In the near future it will be incumbent upon Congress to adopt a permanent military policy for the Nation, and this will be one of the important phases to be considered."

Mr. SEARS. As I said, the bill is one which provides efficient military training at a minimum cost and at the same time prepares the boy for his duties in life. The bill provides, Mr. Chairman, that for a certain length of time served by the boy, only in case of war, that boy shall respond to the country and give a certain length of time to serving in the defense of his Government. Some parent may say he does not like that feature. I am aware they would not want anything that would force them into war. But why should that system not stand? Congress has adopted a system of conscription and the boy has to serve whether he wants to or not. I would say that the nation is indeed small which would make a boy go out and fight for the nation—not ask him, but make him, glad to do it though he may be, but the "make" is still there—and then not be willing to give that boy an equal chance with the boys who have been more fortunate; who have had the silver spoon in their mouths and secured an education. As I have said in some of my letters that I have written to those who are devoting their lives to the betterment of the young men, any nation that is worth living in is worth fighting for, but the nation that makes it possible for the young men of the country, for the boys of the country, to secure an equal chance to fight their way through life, to secure that training which will aid them in fighting the battle which is always extreme, as you gentlemen know, is not only worth fighting for but worth dying for, and the boy will gladly, if necessary, die for that nation.

We make annual appropriations in the millions for the Agriculture bill; we make appropriations for the rivers and harbors bill; we make appropriations for public buildings bill; and many others. These appropriations are necessary and Congress should make them. You appropriated for my State $500,000 for investigation and eradication of the citrus canker. I want to say that Congress saved the orange industry of Florida and California and the United States. But you required my State to meet it with an equal amount, and I told you Florida would meet it, and Florida, as usual, made good that promise. It was a worthy appropriation. You have appropriated thousands of dollars for the investigation and eradication or destruction of the boll weevil. Congress appropriates annually large sums for the eradication of cholera and the protection of the little pig, so that he may be nourished to where he will be raised to the size of pork that the "hog" might get him and make the people pay more for pork. These appropriations should be made, but I want to say if the hog is worth protecting, if the citrus canker should be eradicated, and if the boll weevil should be controlled, how much more important is it that people should finally realize the importance and the necessity of assisting the young men of the country? I believe that the time is coming; I believe the time will be here, if not this year, later; if not by the aid of this committee by the aid of some other committee; that some similar bill like this one will be introduced and passed through Congress, and until then we can not expect to take our real stand as leaders of the nations of the world.

But you say this is a State proposition. Is it a State proposition when the Government demands of your boy to fight and die for the country? Is it a State proposition when the boy owes all to the Government and the Government owes all to the boy? Yes; the State should do a part of it, and the State is doing a part of it. You say that the free educational system, the grammar school and the high school and the rural school is enough. It is the most popular one, because that appeals to the boys, but unfortunately is all the average boy can ever expect. There are more grammar-school boys, more high-school boys, but that should not make it paramount, because I believe this committee and the Members of Congress should rise above a mere local or political question. The question is whether you are going to help these boys get a higher education.

Why does the bill name State institutions? Let me just call attention to the fact, Mr. Chairman, that in 1917 the value of buildings of the publicly owned and controlled institutions was $7,252,848. Let me also call your attention to the fact that there was appropriated by Congress in 1918 for the agricultural colleges, where there are about 30,000 boys taking military training, $5,359,077. The value of the grounds of the State institutions owned by the States at the present time is $28,905,709. I thought it was best to start with these colleges as a nucleus and thereby save the enormous expense necessary to establish new colleges. That money has been spent, and there is no use going out and building new ones when you can add to these and let the work go on without interfering with it.

Do the people of this country realize that there was in 1917 but a few more than 70,000 boys in public controlled and owned institutions in all of the United States? When I found it out it was appalling to me. Out of 100,000,000 people only 70,000 boys taking advantage of our public-controlled institutions.

Mr. ROBINSON. You mean colleges?

Mr. SEARS. Colleges; yes. Just think, the great State of New York has less than 4,500 in her public institutions.

The CHAIRMAN. What do you include in public institutions?

Mr. SEARS. Those owned and controlled by the State.

Mr. TOWNER. Those aided by State funds?

Mr. SEARS. Yes.

Mr. PLATT. This would not prevent a boy going to Columbia.

Mr. SEARS. It would not prevent him.

Mr. PLATT. Are there any State institutions in New Jersey?

Mr. SEARS. I have not looked that question up, and therefore can not give you the desired information at present. My recollection is there are 52 public owned or controlled institutions in the United States and that each State has at least one, and if not there should certainly be at least one such institution.

The CHAIRMAN. We have three in Ohio.

Mr. SEARS. Mr. Chairman, I desire to thank you for that information, and may I add that is perhaps at least in some degree the reason why Ohio ranks so high among the States.

Mr. PLATT. What, in competition with Yale?

Mr. SEARS. Not in competition; Yale has won her laurels and nothing can take them from her. The University of Florida is not in competition with Stetson. No institution of learning should be in competition with any other, but all should work together.

I said in the beginning of my remarks that there are plenty of institutions of the highest standing—Princeton, Yale, and Stetson and Rollins in Florida, and others too numerous to mention—where the boys who are able to pay can go if they want to.

Mr. PLATT. Those colleges all have a large number of scholarship men—Yale, Princeton, and Harvard.

Mr. SEARS. There are less than 200,000 out of the 100,000,000 in all the colleges in the United States.

Mr. PLATT. What do you mean—scholarship men?

Mr. SEARS. No; pupils. There are 1,000,000 young men, according to the War Department statistics, who become 19 years of age annually. There ought to be at least 300,000 men in the colleges. Of course, I know that the 1,000,000 men could not all go to colleges, but it looks like we could increase the enrollment to 250,000 besides those who will attend the private institutions.

I want to mention this situation which was called to my attention by one of the presidents I wrote to. In the New England States the president of one college called my attention to the fact that the bill provides that the county superintendent shall certify eligibles and that they have no county superintendents in New England. Frankly, I was not aware of that fact, and I trust some member of the committee who is familiar with the laws of the New England States will find out who is at the head of the high schools in the county or district and that he will offer an amendment which will meet the requirements of those States.

Mr. DALLINGER. We haven't any county organization at all; each city and town is independent.

Mr. SEARS. I trust you will prepare an amendment covering such cases. I was going by the States that I knew of. There was no desire on my part to name any particular person, and I thought the provisions of the bill would cover all States. But I find such is not the case, but that can be easily remedied.

I desire now, Mr. Chairman, to call your attention to a newspaper clipping showing the amount necessary to be appropriated for the Army and Navy, as an indication of what will be necessary in the way of additional taxes, unless H. R. 553 or some bill along the lines suggested therein becomes a law. I also want to have printed as part of my remarks two editorials, one from the Florida Times-Union of March 20, 1918, written by A. S. Hough, a gentleman of mature thought and years; and one from the Palm Beach Post, indorsing the bill, written by Joe Hugh Reese, now with the Savannah Morning News. The ability of both these gentlemen is too well known to the press of the country to need any encomium at my hands.

The CHAIRMAN. Is there objection? If not, these clippings and editorials may be printed.

(No objections were offered, and the clippings and editorials referred to are printed in full, as follows:)

ARMY AND NAVY BILLS FINISHED—MEASURES CARRYING $900,000,000 AND $327,000,000 TO GO TO SENATE.

America's defense during its first year under the League of Nations—assuming that the covenant is accepted—probably will consist of:

An Army of 400,000 men; a Navy of 29 battleships and 191,000 men. This defensive strength will cost $1,527,000,000 for the year beginning next Tuesday.

These figures will go before the Senate next week for final approval. No changes are expected except in minor details.

After working feverishly this week, often staying until midnight, the Senate Naval Affairs Committee last night had finished the two big appropriation bills for the Nation's defense. They will be voted on in the Senate early next week.

The Army bill carries $900,000,000, provides for an Army averaging 400,000 men, and allows $55,000,000 for aviation.

The Navy bill carries approximately $627,000,000, provides for abolition of the 8,000 yeowomen, authorizes a personnel of 191,000 men, and allows $35,000,000 for naval aviation.

Both bills show increases over House appropriations, the Army about $150,000,000 and the Navy about $25,000,000. The Army was increased in size by 100,000 men and the Navy about 20,000.

[From Florida Times-Union, March 20, 1918.]

A GOOD BILL.

Chairman SEARS, of the Committee on Education, has introduced in the House a bill proposing an appropriation of $50,000,000 a year to establish for graduates of high schools scholarships in institutions that teach military training. The scholarships are to be given as a result of competitive examinations so there will be no chance of favoritism. The fund is to be divided between the States in proportion to their male population between the ages of 16 and 20, inclusive.

It is proposed that each holder of a scholarship be given from this fund $200 a year to be used in paying board and incidental expenses, the tuition to be free.

The educational advantages of this plan are apparent. There is no need to consider only its military advantages. A great many people in this country favor compulsory military training. This would take at least a million of our population a year from industry. If their earnings if employed on an average would amount to only $500 a year, this would mean a loss to the country of a half billion dollars a year. It would make every man in the United States a soldier, and there is no need for every man in the United States to be a soldier.

On the other hand, there are those who would increase the strength of our Regular Army, which cost us in time of peace nearly $1,000 per man. If the number were increased to half a million men, the cost of the Army would be half a billion dollars a year.

Now, let's see what Mr. SEARS's plan would do. It would furnish about 62,500 trained soldiers a year, and this would amount to 625,000 trained men between the ages of 21 and 30, inclusive. These men in time of peace would be engaged in their regular work, adding to the productive power of the country, but in case of war they would furnish a ready trained Army of 625,000 men at a cost in time of peace of $50,000,000 a year, which is about half as much as our Regular Army, only one-tenth as large, has been costing in time of peace. If we continue to employ a Regular Army of 100,000 men at the old cost the cost for the 725,000 would be only $180,000,000 a year and the 625,000 ready but not in service would be adding to the wealth of the Nation as much as a billion dollars a year instead of being merely a consumer of wealth.

We are having some experience in sending men across the ocean, and as it would be so difficult for an enemy to send them across as it is for us to send them all who think now know that an army of 725,000 men ready for service could capture any invaders so fast as they could get across. If we were fighting across the ocean we could not send more than 60,000 men across in a month. This means we would have ready on the declaration of war 725,000—as many as we could send across the ocean in 12 months. If more were needed we could train in a year as many more as we wished, and they would be ready in every way by the time our trained soldiers were across.

This is by far the best military bill we have seen, and we hope Congress will prove its wisdom by enacting it. It would give us for $150,000,000 as large a number of trained men as we could employ under our old method for $700,000,000, and it would not take our most active and energetic young men from production.

[From Palm Beach Post, March 23, 1918.]

SEARS BILL FOR MILITARY TRAINING.

"To a Florida Representative belongs the credit of introducing a measure in Congress designed to provide the general military training which this Nation will unquestionably find expedient if not absolutely necessary by reason of the circumstances which have forced upon it the desirability of having ready for call at all times an army drilled and at least in some measures equipped for prompt service.

"While it serves no purpose which is not readily apparent to direct attention to the certain rejection which would have greeted such a bill three years ago, it is nevertheless appropriate at such a time as this to indicate what a vast change has taken place in the attitude of the public toward such matters by venturing the prediction that the bill which WILLIAM J. SEARS has presented will not only have serious consideration but will probably be passed. When subjected to the critical inspection of a Congress even now schooled as to the needs of the future, based upon recent experience of unpreparedness, it is not to be doubted that amendments to the original text of the bill will be written into it, but as a basis upon which to build and as an outline to follow, the Sears bill will likely be adopted; either this or some similar measure, and Mr. SEARS will be accorded his due in thinking out the solution of a problem which demands the greatest and gravest consideration.

"In brief the bill provides an annual appropriation of $50,000,000 for establishing a system of military training in the institutions of higher learning in each State, scholarships to be granted to boys graduating from the high schools upon certain conditions guaranteeing an equitable distribution and insuring a sufficient amount to each to bear the expense of the student through four years of training, which is to be under the tutelage of an Army officer. Certain obligations are imposed upon the State to meet the terms of the bill, such as providing drill grounds and barracks and the keeping of accounts, which shall be reported to a Federal board. Whether this Nation continues to keep up a large Military Establishment after the war or not, the advisability of military training in the higher institutions can scarcely be questioned. Frequently it has been remarked since this country entered the war that the training in military camps would be well worth the price to the physical well-being of the Nation's manhood if the other and more urgent question of national defense were eliminated. There will be few to dispute the truth of this statement, though some may deplore at the extravagant cost which hurried preparation and utter lack of preparedness made necessary. When the benefits of such training as that proposed in the Sears bill are considered solely from a health viewpoint the cost is estimated to be too great."

Mr. SEARS. I want to say to the committee, frankly, that I have mailed to every president of a public-owned and public-controlled institution a copy of the bill, but many of them are off on their summer vacations, and their secretaries have written me that as soon as they return their attention will be called to same. I would like to ask the committee for authority to have published in this hearing, or a hearing to be held at a subsequent date, the replies I receive. I will not withhold anything from the committee just because it happens to be adverse to the bill.

The CHAIRMAN. Without objection from members of the committee, that permission will be granted.

There was no objection.

Mr. SEARS. Mr. Chairman, at this time I will only print extracts taken from an article which was published in Everybody's Magazine of February, 1915, as follows:

PRESIDENT SCHURMAN, OF CORNELL UNIVERSITY, BELIEVES EVERY COLLEGE SHOULD INTRODUCE MILITARY TRAINING.

"It would be self-deception of the grossest character if Americans made their love of peace the criterion of the military policy and preparedness of their country. It would be madness to unfoldle and imperil the United States because we believe peace the chief blessing of the nations.

"America will never equip herself for aggressive wars. She will never set up a large standing army or require military service of all the young men of the country. Historic policy and the abiding sentiments of her people forbid.

"I am a firm believer in the intrinsic value of military training, even apart from its utility to the public in time of war. Cornell University is one of the 65 universities and colleges in the United States which prescribes military training for the students, and in 1914 it was included in the group of 10 distinguished colleges selected by the War Department for excellence in military training, while at the same time it was first in the country in membership. I have long felt that this military training is one of the best things the undergraduate receives at the university.

"Military training teaches the young man how to stand and walk and hold himself; it gives him vigorous out-of-door exercise, so that gradually his chest expands and his muscles grow firm; it inures him to physical hardships; it disciplines him in orderliness, punctuality, accuracy, and alertness; it endows the senses and the intellect with quickness, precision, and the habit of concentrated attention; it develops self-control as well as obedience to proper authority and resistance to improper; it accustoms the individual to cooperation and teamwork, while fostering comradeship, thus facilitating community life and lubricating social intercourse, and it prepares youth for better citizenship by constantly emphasizing the conceptions of duty and service.

"If wars were banished from our planet I would retain military training side by side with athletics as an instrument of physical education in our universities; and not only for its physical advantages, great as they are, but also for its moral, mental, social, and civic effects and reactions.

"Now, since the great Federal land-grant act of 1862 in the interest of agriculture and the mechanic arts there has been one college or university (often the State University) in each State of the Union which prescribes for its students a certain amount of military training. This at the present time extends over two years, and occupies

three separate periods a week of not less than an hour each period; and this military training, which is prescribed for freshmen and sophomores, may be continued as an elective by the upper classmen for two years longer.

"Counting Hawaii and Porto Rico there are now 52 land-grant colleges and universities, and in 1913 they had enrolled in their military departments 23,864 students. Besides these there must be added 16 similar institutions for the colored race, in which in 1913 there were 2,426 students enrolled for military drill. And in all these institutions the military training is in charge of an officer of the Regular Army; and in detailing him the War Department instructs him that it is his duty to qualify students who enter the military department to be company officers of Infantry, volunteers, or militia.

"Here, then, under the auspices of the National Government we have our colleges and universities already engaged in the military education of young men with a view to qualifying them to become company officers of Infantry, volunteers, or militia. And this is a reservoir from which the Nation might draw, almost indefinitely, officers to train our reserve army of volunteers.

"Hitherto the Government has paid little attention to the military work done in these colleges and universities. Yet there is no other way in which officers for reserves can be secured so easily and so economically—officers, too, of superior mental endowments and scholastic and scientific attainments. All that is needed is that the Government shall adopt the policy of utilizing them.

"In his report as Chief of Staff in 1913 General Wood made one recommendation which if acted on would constitute an important first step in this direction. He recommended that there be selected from the graduating classes of the institutions at which officers are detailed as military instructors 400 men each year who should be commissioned as provisional second lieutenants in the Regular Army for a period of one year with full pay and allowances, to be discharged at the end of the year with a certificate of proficiency if they merit it as company, troop, or battery officers of militia, volunteers, and the Regular Establishment in war.

"Let the Government then offer such commissions in the Regular Army to the best-trained men in the military departments of our colleges and universities, on the understanding that after a year they may return to civil life, retaining their commissions as officers of the reserve.

"I believe the young men would generously respond to the offer. And I firmly believe there is no better general qualification for success in civil life than a college education, with four years of incidental military training, followed by a year of service as an officer in the Regular Army.

"But it is possible for the land-grant universities (if not the colleges) to go further in this matter. Just as they now have departments of agriculture, civil and mechanical and electrical engineering, architecture, and, in many cases, law and medicine, which train men for definite vocations and professions—so they might establish military departments or colleges in which those desiring to fit themselves for the military profession might study the theoretical branches underlying that profession, as is now done at West Point, while at the same time undergoing a more extensive and intensive practical military training than that now required of other students.

"This would not involve any considerable addition to the existing departments of the large land-grant universities. When one compares their announcements of courses with that of West Point, it appears that most of them already have all the subjects covered by the latter except military engineering, ordnance and gunnery, and military hygiene. Special Federal appropriations to establish these departments would be necessary, but the cost should not exceed $15,000 or $20,000 a year for each fully organized and equipped military college of a land-grant university. And probably less than a score of institutions could undertake the establishment of such a military college.

"If such a course is to furnish officers for the reserve, it would entail some military obligations later—say, camp service for a week or two annually for a limited number of years; and therefore some financial recognition should be given to undergraduates, not, however, for the whole course, but only during the last two years, when the study of the specific military subjects had begun.

"The pay of a cadet at West Point is $600 per year for four years and one ration per day, or $709.50 if commutation be allowed therefor. If a student in the system of military colleges which I am imagining were to receive that amount during his entire course, I should consider it sufficient. The expense to the Government would be slight, a little over $700,000 a year for every thousand students.

"Nor does this exhaust the possibilities of cooperation between our universities and the Government in this great cause of national defense. I have spoken so far only of that group of colleges and universities which have received Federal aid and which are under legal obligation to maintain military tactics in their curriculum. But the privately endowed universities and large colleges or many of them would, I believe, if the Government authorized the necessary detail of officers, be quite willing to organize voluntary classes for military training. This is a resource which the Government should by all means utilize and develop. The system of military training now in operation in the land-grant colleges and universities might be at once extended to these sister institutions, and as new experiments were tried out in the former they could be established in the latter.

"It is quite conceivable that we may see the athletic excesses from which American colleges and universities still suffer find an effective corrective in military drill, with results highly beneficial to the individual and immensely serviceable and helpful to the Republic. Such students, if our Government only has the wit to utilize existing institutions and develop well-established practices, could be prepared before graduation to qualify as military officers competent to train in time of war our volunteer armies, which in a last resort form the military bulwark of the Republic."

I also desire to call your attention to a copy of the letter which I sent to each president. I include this copy because it briefly outlines the purposes of the bill.

WASHINGTON, D. C., *May 23, 1919.*

DEAR ———: I am herein inclosing you H. R. 553, which I trust will receive your careful consideration. This is the same bill I introduced in the last Congress, but on account of war measures I was unable to get consideration.

I have had a conference with the President on this bill and the main objection he offered to the same was the lack of guns, etc., and the cost of same. This objection, as you know, has been removed, because the boys are being discharged and the Government is seeking a place to store arms and equipment. I desire especially to call your attention to section 2, methods of appointing the young men to scholarships. You will notice it is absolutely on merit and the poor boy is given the same chance as the rich boy. I had one term of teaching school and was for 10 years county superintendent of public instruction. The main trouble which worried me was how to keep the boy in high school. When I would go to him he would say, "What is the use? I can not hope to go through college as my parents are not able to send me, and as I have a good position offered me and it is the best I can do, I think it best for me to stop now." My bill will overcome, I believe, this trouble and will be a spur to each boy to try his best to secure the scholarship.

Of course this bill will have to be approved by each State and therefore it will take several years to get it into full operation. However, I estimate that in 10 years under my bill, if adopted, there will be one million and a half or two million young men, not with a meager six months' training but with a thorough military training and mentally and physically prepared to support this great country. Certainly, if we expect our boys under the draft system, which our Government has adopted, to fight for and many to die for our country, we should be at least liberal enough to give him an equal chance to make a good living. A country worth living in is worth fighting for, but a country which will make it possible for a boy to secure a collegiate education and at the same time teach him to intelligently care and fight for his country is doubly worth dying for.

Some may suggest that this will create a military caste and system, but I assure you such is not the case. I went through a military college and I owe my present health and I think I can say my present position to the training which I received. It puts everyone on an equal footing, removes the caste, and does anything except create a military spirit. However, I am proud to say that many of my classmates were able to materially assist in making possible our present great victory.

You will also note that I specifically reserve for each State the right to control the institution in that State. I am frank to state that I would object to surrendering this right. I am not wedded to a single section in this bill except the one to make it possible for our boys to secure a thorough education. It may be appalling to you to state that only about 83,000 boys annually attend our colleges.

I do not desire to weary you, but some have raised the objection that they do not care to send their boys to military schools. This is not and should not be an objection, for there are many private colleges of the highest standing where the boy with means can secure his education without having to undergo military training.

I am herein inclosing you editorial from the Palm Beach Post and the Jacksonville Times-Union on my bill. I sincerely trust you will give this bill your most careful consideration, and if it meets with your approval I trust you may see your way clear to bring it to the attention of those with whom you are associated, and I will more than appreciate a letter relative to same, and such suggestions as you care to make.

Yours very truly, ———, M. C.

Mr. SEARS. Mr. Chairman, in connection with one of the editorials that I offered and asked to have printed in the hearing—the editorial from the Florida Times-Union, I believe—it is clearly shown that the necessity for a large Army will be practically eliminated if this bill becomes a law. I sincerely trust that we may never have another war. Why? I say it without hesitancy—I said it during my last campaign and at other places where I have spoken—that the citizens of the United States will never appreciate what Members of Congress have gone through since the great World War began. I have said that the percentage of fatality in Congress was greater than that on the battle field. The figures will bear me out. I have said that that fatality was among men in the prime of life, and I think that fact will also be borne out; men who have worked hard, because we were up against a hard proposition. This bill, in part, is offered to relieve that condition in the future.

Why will it take the place of a large standing Army and make a large standing Army unnecessary? This bill provides for 250,000 scholarships in certain institutions. If the General Staff is correct, and I want to be just as fair to the committee as I am to the House, they drafted 18-year-old boys, and some of them were sent across, certainly with only a meager training. Under the terms of this bill such could not be the case, but on the contrary at the end of the first year you would have 250,000 boys who will have had one year of military training instead of three months. If we should not have a war in 10 years, and as I said, I sincerely trust that neither we nor our children may live to see another war, you will have in the United States, if you adopt this bill, between 700,000 and more than 1,000,000 men with one year, and more up to four years, of thorough military training. In addition to that, you will not have practically a million men, in round figures, who will have to be taught to read and write, as was the case with some of the recent Army that was called out to fight for us. It is no reflection on them, they fought bravely.

Therefore at the end of the second year, or at the end of the third year, after the law has been in operation—these figures are necessarily estimates because it is impossible to give them exact—you would have 250,000 young men 19 years of age with one year or more of military training. They pledge that in the case of war against the Government, defensive or offensive, and upon a proclamation of the President they will respond to the call and fight for the country. You can readily see you can reduce your standing Army in proportion. There is no question about that. After the bill has been in force for about five years, outside of a mere nucleus, the necessity of a standing Army in this country would be practically naught, and the expense saved in maintaining the necessary Army and that standing Army of 500,000 or 300,000, unless this bill becomes a law, would more than pay for keeping the boys in colleges and at the same time give them military training.

At the expense of repetition let me say again concerning the hesitancy of some boys to take advantage of the bill that they need not oppose it; they need not fear the result of the bill because of the compulsory clause, because unless Congress reverses itself if you have a war you are going to draft them and they will have to fight. Therefore he is not giving away any of his rights but is gaining all—an education.

Mr. DALLINGER. Why not enlarge the scope of your bill and take 500,000 boys?

Mr. SEARS. My answer to that, Mr. DALLINGER, is, as I answered the educators of the New England, Northern, Western, and Southern States, the difficulty of getting schoolmen to agree. If the rehabilitation bill, reported by this committee two years ago, had gone as far as Doctor Fess's bill went this year, there would have been no rehabilitation bill. Congress would have voted it down, because of its advanced ideas. So I had to fix upon some figure that would appeal to the people. I would like to make it a million, because if there should be only 200,000 boys who can qualify mentally and physically, then it follows you would

only appropriate for that number. According to your suggestion, if you had 500,000 it would cost the Government $150,000,000, and, to be absolutely frank with you, I doubt if you could secure the passage of such a bill. Further, I know you could not secure that number of high-school graduates at present and you will not be able to do so until they fully appreciate the advantages of the bill.

Mr. DALLINGER. You do not think to-day that there would be 500,000?

Mr. SEARS. I regret to admit it, but I doubt it very seriously, and that is why I put it at 250,000. I put a provision in the bill that during the first year same is in force boys who are now in college shall be accredited with a scholarship. In other words, you take the Williams College that you referred to, and, while I forget the number, those who are already in there will get one year of military training or more, depending upon whether they are in the sophomore, junior, or senior year, and they agree to serve the Government for two years in case of war.

Mr. DALLINGER. Have you figured up what the capacity of these State-controlled and State-aided institutions is?

Mr. SEARS. I have to some extent.

Mr. DALLINGER. And you say that there are only 250,000 boys in all the schools of this country, Government-controlled and private, who would be qualified to take advantage of the provisions of this bill?

Mr. SEARS. You take my college—not my college, it is my alma mater—you take the University of Florida. It is never filled to its capacity; there are not enough boys to go there who can pay their way, but Florida will meet the requirements. Of course, now, to be equally frank with you, perhaps every institution will have to enlarge, but may I ask by way of answer, What State will be less generous to her boys than she has been for good roads? You must not forget the $78,000,000 already spent for grounds.

Mr. DALLINGER. I thought it was a hundred.

Mr. SEARS. No; $28,000,000 in buildings and $78,000,000 for grounds. As has already been said, there are seventy some odd thousand in those institutions to-day, and we are paying five million a year for certain of those institutions to run, and this amount perhaps could be reduced.

Mr. DALLINGER. This bill gives each student $200?

Mr. SEARS. Yes; and the State shall not give less than $50.

Mr. DALLINGER. Of course, that means each student will have to pay a considerable part of his expenses out of his own pocket.

Mr. SEARS. True, they will have to pay something, but I take it that the boy who is ambitious can find a way to earn $125 a year if he finds his finances running short by that amount. It cost me that much when I went to school, but I found a way to assist my parents in making it up, and I think that any boy who is given $300 or $400, if that much is necessary, to send him through school can find a way to make up the other hundred; if he can not, then he does not want an education very badly. I am glad you brought that question up, as it is right to the point. I am not in favor of the Government paying all the cost; the State ought to be interested. I am not in favor of the State paying all the cost; the boy ought to be interested. Let him appreciate some of his hardships; let him work. I have in mind a young friend of mine. If this bill had been in effect at the time he was going to school there is no telling the amount of good he might have done. He did much as it was. He started teaching for me in Osceola County with only a third-grade teacher's certificate—the teacher's examination in Florida is very strict. He taught one or two terms and then went to Stetson and spent the money he had saved. He came back and received a second-grade teacher's certificate. Of course, that increased his salary. He taught one term and then went back to Stetson; taught another term and went back to college at Lake City, Fla.; came back and received a first-grade certificate. He then taught one or two terms, and, as I remember, received his diploma. He came back and was again without money, but under his first-grade certificate he was appointed principal and taught another term. He then went before the State superintendent, who holds special examinations, and received a State certificate. Of course, what follows might have happened if my bill had been in effect. Before he could take advantage of his State certificate he was stricken with typhoid pneumonia and died. I will not say his time was wasted, for no doubt his struggle made him broader; but think how much more he could have accomplished if this bill had been a part of the law. Mr. Chairman, there are thousands of similar cases, no doubt, and you could possibly find them in your own district.

As I said, in 10 or 11 years after this bill becomes a law and the States have complied with its requirements you will have nearly a million young men in this country who, within an hour's time after the proclamation of the President, will be ready to take up arms and ready to fight; not only ready to fight, but trained to fight. Trained to the highest efficiency.

When I had my conference with the President he said he doubted the advisability of the bill at present, because of the cost. He said the cost of 250,000 guns and equipment would be enormous and at that time almost out of the question. With that statement I was in hearty accord, for we were at our wit's end to secure funds for our Army, but the committee realizes now that we will have a million guns—perhaps a couple of million or more—that could be placed in these colleges at practically no cost. If I had my way, Mr. Chairman, every time a new gun or cannon was invented at least one of said guns would be sent to each one of the colleges, in order that the boys there might keep pace with the advancement along these lines and know how to operate those instruments of warfare.

Mr. DALLINGER. As a matter of fact, it has always been the custom to give these schools the old discarded guns.

Mr. SEARS. I think Columbus must have used the gun I had, but I got so I could shoot fairly well with it, and I could hit four bull's-eyes out of five at 300 yards. I do not know what I would have done if somebody had been shooting at me. I doubt if I could have fired as accurately under fire, but there is no necessity of sending old guns now, because we have up-to-date guns to-day. I hear they are selling the Army blankets. I provide in this bill—and that will cut down the expense you are talking about—specifically that the Government shall furnish these and other necessities at cost; that is, a uniform at actual cost, blankets at actual cost, shoes at actual cost, etc., the student paying for them out of the $250 that the State and the Government provide. Certainly the Government, by buying these articles in large quantities, ought to be able, when we get back to a real peace-time basis, to buy these at a very low figure, and therefore sell them to the student at a minimum. I believe you will agree with me that the above is, or at least should be, true.

There is another great argument for the passage of this bill. I can appreciate it, because I went through it myself. When you put a boy in one of these colleges and put on him the uniform of the Government, even though he may not have a nickel in his pocket, even though it takes $100, as suggested by my good friend, more than given him by the Government and the State, and he has to borrow that from a friend; even though he has not a nickel to spend on ice cream or luxury, if he is neat and clean he can go down the streets of any city in the United States and hold his head up just as proudly and just as erect as the son of any millionaire, and I have seen it done. I have seen the rich boy—not the millionaire, because there were none of them in my school—but I have seen the boy, the son of the man with plenty and the boy who was working his way through college take the same standing in society and in their debating societies, just because everyone was on an equal footing and merit alone counted. I have gone to other schools, and I want to say that in the case of the boy who goes there and works his way through, many and many is the time at night, when he is down digging over his studies, tears will course down his cheeks because of some rebuff that was directed at him the day before because he did not, perchance, have on clothes as good as the other boy. It is only the strongest character that can stand those taunts and go on through college and prepare himself to fight the battles of life.

In conclusion, Mr. Chairman, may I say that I have always been for constructive measures and, frankly, I do not believe that the universal system, as suggested by some—but I am not going into that at present, for I haven't the time. I will content myself with saying a great propaganda for it has been carried on. Why, I do not know. I do not care much for propaganda, as I have tried to make my constituents know I want to do right and, at least, that I believe I am in the right when I take up a fight. I hope that the day will never come—I doubt if it is wise to place these words in the record—when I shall cast a selfish vote. I have made this statement on the floor of the House repeatedly and have also made the same statement during my campaigns. I have never voted for a proposition for New York simply and solely because it affected New York, nor have I voted against a proposition because it affected New York and did not affect my district and State. I have never voted for a proposition that affected my district solely because it affected my district; but, on the contrary, I have taken stands against propositions for my district because I did not believe they were entitled to it or because I did not believe same was for the best, and I take that stand to-day. I sincerely trust I will never be forced to cast a selfish vote.

I have but one child. He is the idol of my heart and the apple of my eye; each heartbeat of his is a heartbeat of mine, and before I would vote to place him at the age of 18 or 19 or any age, under the age of 21, after trying for all these years to instill into him patriotism, love of his country, the importance of high moral standing, the importance of efficiency, and the confidence of his fellow man; if I should have to vote on a proposition to have him dragged out and placed among a million, indiscriminately gathered together, to be ruled over—and this with no reflection, because they are good men—and controlled by officers that did not know him, where there can be no personal touch, where they would not have a chance or opportunity to get in touch with him, I would vote against that proposition simply and solely from a selfish motive. I do not want to undo in three months what I have been all these years trying to do. However, if you take that boy and send him to the school under the control of the State, under the control of the people elected, where the reputation of the school is at stake, you get far better results, and, at the same time, you help to broaden him, you help mold him, and you help build up the character of the young man. Instead of perchance tearing down you add to what the parents have done. I am for these constructive measures. Let us look to the future and not just grasp something that is very temporary and which we will have to banish to-morrow. Let me urge upon this committee in the strongest possible terms the necessity of doing something to instill into the boys of this country a hope for the future and give them a chance to better their condition.

I have found it hard to create a lobby for a proposition where no interests are at stake. Parents love their children and you think they would take to this. I have had many parents tell me they wanted the bill to pass and some have also written me, but the large majority are busy making a living most of the time, and the boy has no one to represent him. I believe if you could go out before the country to-day and let the young men who are in the high schools appreciate the advantages of this bill Congress would be flooded with letters from the boys urging and requesting the passage of the bill. While they can not vote now, in a few years they will be the leading citizens of our country, and in a very few years more will be filling our places in the Halls of Congress. However, I want to state frankly I have many times doubted the advisability of a lobby and believe better results would many times be secured if we simply followed our judgment.

Mr. DALLINGER. Just one question, Mr. SEARS, before we adjourn. Had you thought of the advisability of taking advantage of all the educational institutions, private as well as public, just as the Government did during the war? As I understand it, the bill applies to public-owned and State-aided institutions.

Mr. SEARS. I have thought of that, but I doubt if they would agree to it. For instance, there are many conflicts—Baptist institutions priding themselves on being Baptist institutions, and so on.

Mr. DALLINGER. Do they exclude boys that are not Baptists?

Mr. SEARS. No, sir; but generally Baptist boys go to Baptist institutions, and to the Presbyterian schools it is principally Presbyterians who go, and so with other denominational schools the same condition exists.

Mr. DALLINGER. Why could not some arrangements be made in the apportionment of the number of pupils that should be assigned to each school, and let the boys choose their colleges?

Mr. SEARS. I have no fight to make against those institutions, as I said before.

Mr. DALLINGER. And if he wants to go to a Baptist college, let him go?

Mr. SEARS. In many of those institutions there are boys who can not qualify and boys who do not want to take the military training. You are going to find that there are many of them. It is not a one-sided proposition. I have talked to them, and, as I said, I have had personal experience. There are thousands of boys that can not qualify under this law that will want to go to these other institutions, and they would not go to the public institutions because of the strict military training, unless "father" should make them go. A great many boys do not like to submit to this training. Personally, I did not like it. I wanted to go to another institution, but my father had more sense than I did—I did not believe it at the time, but I have found it out since. So I do not think you will find any trouble in having the other institutions filled up. I would not object to such

an amendment, except the system of checking up would be intricate. I would like to get one bill through Congress—and I do not say there have not been many—where every dollar appropriated, as far as possible, goes for the purpose for which it is appropriated. Do you get the point? I am trying to make it as near as possible so that if you appropriate $75,000,000, $50,000,000 of it will not be spent for a clerical force in Washington and useless purposes in checking up to see that the $25,000,000 was also spent. This is all arranged very simply in this bill, because the State colleges have to report to the State authorities and send a duplicate to the Secretary of War and to the board named in the bill. The expense is practically naught. The State superintendent or the head of the State institutions in the New England States would check up same and send a copy to the board at Washington, and you have it checked up.

The appropriations are paid quarterly and should not be paid more frequently.

Unless the privately controlled institutions will agree to make military training a real factor, there will be a great deal of conflict. For instance, take the University of Florida, and I am only speaking of that one because I am naturally more familiar with conditions and know more about the military training there. The military training at that institution, not because of the commandant, because he is a very efficient man and a perfect gentleman, has become practically nothing during the past few years. They only require the students to take a two, I believe, or perhaps a three, year course. You will find a large body of students walking around in civilian clothes, and they stand off and laugh while the other follow is drilling. Naturally this condition creates a spirit of discontent among the boys who are compelled to drill. If these private schools will make it strictly military—that is, every student physically able must drill, must wear the uniform, must salute the flag, and the institution will enforce military discipline—it perhaps would be all right.

Mr. DALLINGER. You do not quite understand me. What I meant to say was that I do not see why, for instance, a college like Harvard University might not institute a course of military training such as they did during the war, and which, I understand, they intend to continue for such of the student body as desire to avail themselves of it.

Mr. SEARS. There is no objection to that.

I want to sincerely thank the committee for their attention and to apologize for my rambling remarks. But the bill is so long and so important that it is impossible to cover it in any reasonable time. There are members of the committee who could have presented it in a stronger and more favorable light than myself, and I only trust something I have said may cause you to become interested.

The ACTING CHAIRMAN (Mr. TOWNER). The committee desires to thank Mr. SEARS for his very exhaustive and enlightening exposition of his bill, and I may add that it is not necessary for him to apologize for taking the time of the committee. He is entitled to it on his own account, because of his long and distinguished service as a member of this committee, and he is also entitled to it because of the intrinsic interest of the subject. If other hearings are desired for the further consideration of the bill, arrangements will be made, of which the committee will be notified.

Mr. SEARS. I want to thank the gentleman for these kind words. They are appreciated to the fullest extent.

The CHAIRMAN. The committee is now adjourned.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, and expenses of taking depositions and securing other evidence for use before the same, $70,000.

Mr. ROGERS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 5, strike out "$70,000" and insert in lieu thereof "$87,500."

Mr. ROGERS. Mr. Chairman, this is the item which provides the necessary funds for the expenses of courts-martial, courts of inquiry, and other judicial processes of that character which are carried on in the War Department. The sum of $87,500, which I propose in my amendment, is carried in the current law for this purpose, and the estimate of the War Department for 1923 calls for $88,415 for this purpose. I assume we should be in complete agreement, whether we believe in a large Army or a small Army; that we should have an ample sum of money available at all times for the administration of justice; and when I speak of the administration of justice I include also the granting of clemency to those who deserve it. That is a very large part of the work of the office of the Judge Advocate General. The committee recommendation adopted yesterday, cutting down the number of officers from 13,000 to 11,000, has a very direct and vital effect upon the office of the Judge Advocate General. I shall be glad if I may have the attention of the chairman of the committee, because I want to check my facts if my understanding differs from his.

Mr. ANTHONY. I will give the gentleman a little information right now. The committee appropriated $70,000 for this purpose. The department asked for $88,000 for courts-martial for an Army of 150,000 men. The revised figures submitted by the Chief of Finance for an army of 100,000 men calls for $83,000, so we figured that on the exact proportion for an Army of 115,000, and we allowed a little more ratio and gave $70,000, so our figures are in proportion to those submitted by the Chief of Finance.

Mr. ROGERS. I assume it is true in regard to testimony of the Chief of Finance that it is predicated upon the theory that we were to have 13,000 officers in the Army?

Mr. ANTHONY. This has largely to do with the enlisted men. They may figure a per capita basis.

Mr. ROGERS. I see. The point to which I wish to direct attention particularly is this: Yesterday we reduced the number of officers from 13,000 to 11,000. I was interested to ascertain just how that reduction would affect this branch of the War Department work.

I took occasion to telephone the Office of the Judge Advocate General to-day to learn what would happen with regard to that particular office. The Office of the Judge Advocate General has an authorized commissioned personnel of 114 at this moment, with 1 vacancy. Thus there are now 113 commissioned officers under the Judge Advocate General. Part of the 113, of course, are of the so-called Regular Army class, and part of them are retained on the force from the emergency class.

Mr. VAILE. If the gentleman will yield, I hope the gentleman will call attention to the fact that the work of the Judge Advocate General's Office now is by no means confined to courts-martial matter. It has a very large amount of civil business to attend to, such as the preparation of contracts, matters arising out of the ownership of land, and matters connected with admiralty law.

Mr. ROGERS. All kinds of claims growing out of the war are handled by the Office of the Judge Advocate General in addition to the types of cases which the gentleman from Colorado and I have already cited. Thus it is true that the administration of courts-martial and other disciplinary matters comprises only a fractional part of the functions of that office.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Will the gentleman yield again?

Mr. ROGERS. Certainly.

Mr. ANTHONY. This item, I will say, goes almost entirely to the pay of witnesses and the expenses of reporters and stenographers in trials. It has nothing to do with the pay of officers of the Judge Advocate General's Office.

Mr. ROGERS. I entirely understand that. My purpose in offering this amendment is to raise the point whether, in view of the reduction of the commissioned personnel in that office, we are not going to need more money to replace with civilian personnel the officers who will necessarily be eliminated.

Mr. ANTHONY. I do not see how it could possibly affect the officers in the Judge Advocate General's Department.

Mr. ROGERS. Here is the situation: There is 1 major general of the old Regular Establishment, who is the Judge Advocate General. There are 13 colonels in all, of whom 9 are of the old Regular Establishment and 4 are emergency officers. There are 15 lieutenant colonels, of whom 7 are of the old Regular Establishment and 8 are emergency officers. There are 50 majors, 7 of whom are old line officers and 43 are emergency officers. There are 34 captains, none of whom are of the old establishment, but all of whom are emergency officers. Thus of the 113 officers now attached to the office of the Judge Advocate General, 24 are of the old Regular Establishment and 89 are emergency officers. My next statement may possibly be questioned by some members of the committee. It is my impression, however, as the result of the legislation on pages 15 and 16 of this bill, that every one of those 89 emergency officers will find themselves out of the service either voluntarily or because their resignations are asked for. If that is true, and I believe it to be true—and I am told by the office of the Judge Advocate General that it is true—the result of this legislation is that there will be only 24 officers attached to the Judge Advocate General's Office when the pending bill becomes effective.

A very small proportion of those 24 men are technically trained in the law. It is extremely difficult to procure commissioned regular officers who are trained, tried legal men, and who can serve in the manifold duties which are required. As a matter of fact, as I say, very few of the 24 of the old Regular Establishment are equipped with the kind of legal experience which they have always needed, but which, as the gentleman from Colorado [Mr. VAILE] suggests, they need much more now than ever before. It is these 89 emergency officers, mostly majors and captains, who have been handling a tremendous part of the legal problems which have multiplied almost in geometrical ratio as a result of the war. It is they who will be eliminated by this bill.

I should like to call the attention of the committee to the testimony of the Judge Advocate General, which appears in the hearings, beginning on page 224. He shows the great volume of work on the criminal side of his office. The Judge Advocate General's office is getting some 3,000 cases of all kinds every

month. Six hundred to seven hundred cases involving courts-martial findings come to the office every month.

The number apparently is increasing from time to time instead of decreasing, as one might have expected, to correspond with the decrease in the size of the Army which has already occurred. It is for that reason that I am inclined to disagree with the viewpoint of the chairman of the subcommittee in saying that as the Army is reduced the need for the sum originally requested becomes reduced. I am inclined to think there will be at least a maintenance of the present requirement. The present law, which I am incorporating in my proposed amendment, carries $87,500 for this purpose. I am convinced that as a result of the officer legislation carried in this bill we are going to cut down the number of officers available for this extremely difficult and important work from 113 to 24. I propose by this amendment to do the best we can to remedy in part the deficiency in this extremely important branch of the military service.

Mr. ANTHONY. Mr. Chairman, I want to again assure the gentleman from Massachusetts [Mr. ROGERS] that there is nothing in the bill that I know of that has the slightest reference to a reduction of officers in the Judge Advocate General's Department, and his increase of this item from $70,000 to $87,500 will not have the slightest effect in the world on the number of officers in that department. In fact, the entire question would be in the hands of the Secretary of War. And if the gentleman from Massachusetts has confidence in the Secretary of War, Mr. Weeks, to maintain the proper number of officers in the Judge Advocate General's Department, I am sure there will be no change there.

Mr. ROGERS. Will the gentleman yield for a question?

Mr. ANTHONY. Yes; I yield.

Mr. ROGERS. I should like to ask whether, if this amount was increased, as proposed by the amendment, from the $70,000 in the bill the extra $17,500 would not be available for the civilian employees to remedy the absence of the commissioned personnel?

Mr. ANTHONY. That is taken care of in another item in the bill, and this item, as I have tried to explain to the gentleman, pays for witnesses, expenses of stenographers, and so forth, at military trials.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. STAFFORD. Division, Mr. Chairman.

The committee divided; and there were—ayes 9, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation of clerks and other employees of the Finance Department, $1,000,000.

Mr. KING and Mr. WOODRUFF rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. KING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KING: On page 22, line 15, under the War Department, strike out "$1,600,000" and insert in lieu thereof "$1,300,000."

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. KING. Mr. Chairman, this is a section that has to do with compensation of clerks and other employees of the Finance Department, for which $1,000,000 is appropriated.

There was $300,000 set aside in last year's bill for the contract audit division of this department, which this year, for some reason, has been eliminated, and the appropriation has been cut down from $1,300,000 to $1,000,000. It is very important for the House to take notice of this, it seems to me, and I desire at this point to call its attention to the amendment, which I hope the House will adopt. At this point I simply want to drive a peg to which we can go back to some of these days. Here I simply want to turn down a page of the CONGRESSIONAL RECORD, so that we may some future time easily find it and to inform the House of the work this department is doing, for the purpose of bringing to justice those men who robbed this Government of millions of dollars during the war in Europe.

If you stop this work then they can not accumulate the evidence which they are now getting together for the purpose of instituting and conducting these prosecutions. They are doing a great work, and I am satisfied if the "Budgetry" have had a hand in keeping down this appropriation they did not know of the great work that this department is doing. I desire to read a short letter which I wrote a few days ago to the Secretary of War, which will explain the situation:

MARCH 20, 1922.

Hon. JOHN W. WEEKS,
Secretary of War.

MY DEAR MR. SECRETARY: In perusing the hearings and the report of the House Committee on Appropriations in connection with H. R. 10871, Army appropriation bill, I have noticed that the amount named for the field service of the Finance Department is $1,000,000, which, I understand, is some $300,000 less than the amount appropriated for the present fiscal year.

Will you kindly inform me what portion of the above-named amount is to be used for the war contract auditing activity of the Finance Department, as I am very much interested in this particular function and feel that ample provision should be made for its continued and enlarged prosecution.

I understand that there has been found up to this time an amount approximating $48,000,000 due to the United States Government from war contractors, and that there has been so far recovered by the energies of the Chief of Finance without the assistance of the Department of Justice about $3,000,000.

Detailed and complete information on the above matter is respectfully requested, as I am impressed with the belief that the public interest demands not only a continuance and enlargement of this activity of the Finance Department but a more complete coordination with the Department of Justice, to the end that recovery may be made of the millions of dollars wrongfully and fraudulently taken from our Government.

As the Army appropriation bill is now before the House, it is requested that the above information be furnished me at your early convenience.

Very truly yours,
EDWARD J. KING.

Now, Mr. Chairman, the time is coming in this country, and the people are demanding it, when justice will have to be meted out to those who exacted undue profits and excessive prices from the Government during the war. Congress has not forgotten it. Let no man think this Congress has forgotten the work of these great extortionists during the war. Congress is the friend of the people. It is their only recourse. And the Congress will demand the prosecution of these men. The time is coming slowly, but surely. You know the old quotation—

The mills of the gods grind slowly,
But they grind exceeding small.

Not only this, but the failure to prosecute these people, which I am sure the administration will not permit, is ruining this country and proving a demoralizing agency. If you ask any prosecuting attorney what reason is given by lawless men for holding up trains, robbing banks, and continually engaging in crime, the prosecutor will tell you that they answer, every one of them, or at least nine out of every ten, "Well, the big fellow is getting his, and I am going to get mine." If you want to bring back the moral conditions that existed in this country prior to the war, this prosecution should go on.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. LONDON. The gentleman says, "the mills grind exceeding small." Do not the mills grind the exceeding small?

Mr. KING. They are grinding, and some day these fellows, however powerful they are, and whatever technicalities they may raise, will by the force of public opinion be brought to the bar of justice and punished for their wrongdoing, as they should be. [Applause.]

Mr. WOODRUFF. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. WOODRUFF. Mr. Chairman, I had intended to offer the amendment which was just offered by the gentleman from Illinois [Mr. KING], and would have done so had the Chair recognized me for that purpose. So I arise in support of the amendment, as I believe it of the utmost importance that sufficient funds be provided with which to carry on the work of auditing the 100,000 war contracts and recovering for the Government the hundreds of millions of dollars which this audit will prove was unlawfully collected from the Public Treasury.

I have some information in my possession in regard to the particular activities covered by the amendment of the gentleman who has just spoken—information, perhaps, which was not given to the committee during their hearings. I have scanned the committee hearings, and I fail to find in the testimony given by the representatives of the Finance Department in the War Department where the committee was given any information as to the vast amount of work to be done by the force engaged in the auditing of war contracts. One gentleman who appeared there on behalf of the Finance Department stated that in the last year and a half the contract audit section had audited 15,000 war contracts, and that he believed about one-third of those war contracts had been audited. This gentleman either misunderstood the question asked him or he was grossly ignorant of the matter under discussion, as I was informed no later than to-day by the head of the Finance Department that

there were in all approximately 100,000 war contracts to be audited.

Now, Mr. Chairman, the contract audit section of the Finance Department has been in operation about one and one-half years, during which period there have been audited 15,000 war contracts which were entered into by the various bureaus of the War Department.

In the course of this audit there has been found due the United States from war contractors approximately $46,000,000, of which there has been collected by the Chief of Finance, without the assistance of the Department of Justice, about $3,000,000.

The findings of the contract audit section forms a positive and tangible basis for action by the Department of Justice, and it is estimated that there will be developed by a close coordination between the two activities named an amount of money approximating $750,000,000 which was wrongfully and fraudulently taken from the United States Government by those war contractors, whose operations have, incident to the audit of their contracts, indicated unmistakable criminal dishonesty. A large percentage of these millions may be recovered and returned to the Public Treasury.

While 15,000 contracts have been audited and $46,000,000 found to be due the Government, approximately $3,000 per contract, it would seem that the sum estimated to be found by a complete audit is too large. This is not the case, however, for to date only a very few of the larger contracts have been audited, the work done consisting almost exclusively of the smaller ordnance contracts. In the few larger contracts audited very large recoveries are indicated in almost every case, and it is on this condition the figures of $750,000,000 are based.

The amount stated in the Army appropriation bill—fiscal year 1923—now pending for the field service of the Finance Department is $1,000,000, which is nearly $300,000 less than the appropriation for the present fiscal year. The contract audit section is a part of the finance field service, and was only allotted for the present fiscal year about $200,000, and at this time has only a civilian personnel of 87.

It can readily be seen that if an amount was appropriated for this activity which was commensurate with its importance, an additional personnel of expert accountants could be employed on this work, and the United States Government would recover an enormous sum of money with a very small outlay. This is the purpose of this amendment.

The recovery of this vast sum would not only have a decided effect on the morale of the commercial world but would offset to a large extent any funds which might be required in connection with meeting the obligation incident to the soldiers' bonus.

To give the committee some idea of the working of the contract audit section I propose to cite a few typical examples of war contracts audited by this section:

A contract was made by a bureau of the War Department for the disposal of a large amount of a special kind of supplies. An audit of this contract was made by the contract audit section, which developed the fact that the amount being received by the United States was very much less than the true value of the property sold and that the United States was being put to expense for the purpose of converting the property from a condition in which it was to be paid for under the contract at a higher price to a condition in which a lower price was applicable. The Department of Justice took up this case with a view to recovering any funds wrongfully withheld from the Government, the amount of which will be subsequently determined.

A contract was made by a bureau of the War Department for the disposal of a very large quantity of surplus raw material. An audit of this contract has indicated that the contractor has underpaid the Government in the amount of $1,854,076.04. This case is now in the hands of the Department of Justice.

Production contracts were made by a branch of the War Department with a large corporation for a certain class of war material. An audit of these contracts has demonstrated that this contractor was paid about $9,000,000 for which, as far as the War Department records show, no services were rendered or property delivered. This case has also been given to the Department of Justice, who will call upon the contractor for an accounting for this sum.

Contracts were made with a corporation where materials were supplied to contractor by the Government and not accounted for by him in finished articles delivered or materials otherwise returned to the Government. The amount found due from this contractor is $1,371,368.02. This case is being prepared for transmittal to the Department of Justice.

A contractor had two contracts with the Government, one of which provided that the contractor should be furnished Government material and the other contract provided that the contractor should furnish his own material. An audit of these contracts showed that the Government material had been used on both contracts. The amount involved is approximately $700,000. This case is now the subject of correspondence between the finance office and the contractor.

On a contract for the sale of surplus war supplies, when shipments were made to Government arsenals the Government was to pay the freight. An audit showed that under this provision the Government had paid approximately $30,000 in freight to private manufacturers. The same contract provided that the price to be paid for the material was to be determined to a considerable extent by commercial sales during the period of the contract. The contractor furnished statements covering the amount of such sales, which were used as the basis upon which he made his payments to the Government. When an audit of the contract was undertaken and the contractor was called upon to show the correctness of these figures, he stated that they were made without first-hand knowledge on his part, but had been obtained from a third party, and that he understood that the basic papers upon which these figures were based had been destroyed. The approximate amount involved is $2,200,000. This matter is being made the subject of further investigation.

As a result of an audit of contracts for the manufacture of certain articles of equipment it was found that the contractor was indebted to the United States in the sum of $44,527.51 on account of Government-owned material not accounted for. A cash collection was made covering the value of this property.

The finance department recovered $71,093.39 in cash as the result of an audit by the contract audit branch of a number of ordnance contracts between the Government and the Republic Iron & Steel Co.

T. A. Gillespie on one ordnance contract overused Government material valued at $98,984.61, which was determined after a complete audit of the contract. The amount due was collected by the finance department.

A contract was placed with the Washington Steel & Ordnance Co. for machining 14-inch high-explosive shells. Forgings of the value of $104,450.89 were delivered by the United States to the contractor's plant for use under this contract. The armistice intervened before work was started on this contract, and these forgings had apparently been lost sight of. The audit of the contract disclosed that the forgings were still on hand at the plant, and that, while the department had been advised in November, 1918, that the forgings had been shipped to the contractor, no action had subsequently been taken toward recovering the material, which has since been accomplished as a result of the audit by the office of the chief of finance.

These cases are quoted as typical of many hundred contracts already audited, and are illustrating the reasons why a complete audit is vitally necessary for the public interest. They represent but a very few of the many cases where this department has either collected the money due the Government or supplied the Department of Justice with the facts upon which to base prosecution.

Mr. Chairman, as I said before, one of the witnesses before the committee stated 15,000 contracts had been audited and that the work was about one-third completed.

Now, as a matter of fact there are 36,000 Ordnance contracts; there are 37,000 Air Service contracts; there are 800 large construction contracts, and those construction contracts involve sums running from $500,000 up to something like $80,000,000 or $90,000,000, including the Muscle Shoals construction contracts. These construction contracts were all let upon a cost-plus basis, and the possibilities of making large recoveries on these particular contracts seems to me very great.

Now, we all know there has been more or less scandal regarding the construction contracts the Government entered into at the beginning of the war and during the progress of the war, and it seems to me highly important that these contracts should be carefully audited and with expedition. The contract audit department has merely touched the air contracts, and yet the Government expended something like $1,200,000,000 in that department during the war without ever putting a battle plane into action. One of the very few of these contracts audited to date discloses the fact that the contractor has been paid millions in excess of the sums he should have been paid. As a result of the audit these millions will be returned to the Treasury, and I most sincerely hope the contractor will be jailed. There are 37,000 of these contracts. There are innumerable quartermaster supply contracts. There are so many of these contracts

that the officials have not the slightest idea how many there are. Then there are contracts for the Chemical Warfare Service, for the Signal Corps, for the Motor Transport, and transactions pertaining to the sale of surplus property that need careful auditing.

In one of these Air Service contracts the contract audit has discovered that certain people were guilty not only of taking from the Government millions of dollars, but that in doing so they made themselves criminally liable. This case is now in the hands of the Department of Justice for collection and prosecution.

In calling attention to these typical cases I have in some instances named the companies or individuals involved. These people have shown a desire to settle with the Government when the conditions have been called to their attention. In other cases I have carefully refrained from mentioning the firms or individuals implicated, for the reason that the evidence is such as to indicate criminal liability, and I do not wish to embarrass the Department of Justice in their work of prosecution.

In auditing these accounts the contract audit has found many firms who settled promptly and gladly when the facts were brought to their attention. In many other instances evidence of criminal conspiracy and graft have been discovered and these cases have been turned over to the Department of Justice for prosecution, and, as I said before, I do not believe the committee during the hearings had the slightest information that the number of contracts was as large as it is. The figures I quote, I will say to the members of the committee, are figures that I received from the department. They are authentic. I was told this morning by General Lord that in his opinion there were at least 100,000 war contracts to be audited by his department. There are 87 men employed in that department. In a year and a half they have been able to audit less than 15,500 of these accounts.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. STAFFORD. Is the gentleman aware of the fact that this item does not extend to the clerical force of the War Department in Washington, in the District of Columbia?

This item is for the employment of clerk hire in the field, in this country and outside the country, at posts, as, for instance, in Paris and in New York, in Boston, and elsewhere.

Mr. WOODRUFF. Does the gentleman know that there are only nine members of the contract auditing force employed in the city of Washington, and that these nine auditors have in the year and a half they have been employed at this work given to the departments of the Government information upon which to base a recovery of $13,000,000?

Mr. STAFFORD. There are 14 clerks employed in that work.

Mr. WOODRUFF. There are nine clerks only employed in the contract audit in the city of Washington.

Mr. ANTHONY. Most of the clerks employed in the contract auditing force are in the field—out in these factories—where they ought to be.

Mr. WOODRUFF. I quite agree with the chairman of the committee that a large force of these auditors should be in the field. I do not believe, however, that a sufficient number is employed either in Washington or in the field. With the personnel we have at work on these contracts it has been possible to audit them only at the rate of 10,000 per year, and even though this force is not to be reduced it will be 10 long years before the last of the contracts are audited, the money recovered, and the criminals brought to the bar of justice.

The purpose of this amendment, Mr. Chairman, is not alone to keep the present capable group of men at work, but it is to enable the Finance Department to employ enough additional help to complete this audit before either the statute of limitations or death itself intervenes to defeat the ends of justice. I would like to see the contract audit section largely increased. This amendment will accomplish this end. That the committee reduction over last year's appropriation as contemplated in this bill does not provide sufficient funds to pay the men now engaged in this work, to say nothing about increasing this force, is indicated by a statement made to me by a man high in authority in the Finance Department to the effect that if a cut is to be made in the appropriations the effect must of necessity be felt largely in the contract audit section. This means a reduction in the personnel of this department.

Mr. Chairman, I believe the chairman and every member of the Appropriations Committee feel exactly as I do. I believe they want to see this work carried on to its completion. In view of the testimony submitted to the committee, from which they could infer there were only 45,000 contracts all told to be audited, they concluded this work would be completed in two years more and that the present force in this department would not be reduced by reason of the reduction in the appropriation. But I have given the facts as they are and not as the committee supposed them to be, and I believe it would be the height of folly to reject this amendment. Either this work is to be done within the generation or it is not. Adopt the amendment and this work will be speedily completed, hundreds of millions recovered for the Treasury, and I hope every guilty man placed behind the bars.

I doubt whether the Members of the House can condone the actions of many of our business men in seizing with alacrity the opportunity of vastly increasing their wealth through the execution of war contracts at a time when millions of our young men were compelled by law to offer their lives, and were paid but a dollar a day for their offering. We all agree, I think, that business should have been satisfied with a legitimate profit. The work of the contract audit section is disclosing that the great majority of the business concerns of the country were satisfied to stay within the law. It is also disclosing the fact that this country harbors to-day many supposedly respectable business men who did not hesitate to throw to the winds conscience, decency, and morals when by so doing they could, supposedly, profit at the expense of the public and a war-burdened Treasury.

It is only justice that the decent, law-abiding business men be given a clean bill of health. It is their due. It is justice, also, that the law-defying grafter, the man who would deliberately steal from the Government, be made to return his ill-gotten gains and to suffer the most extreme penalty which an outraged justice can impose. I most sincerely hope the amendment will be adopted. [Applause.]

Mr. JOHNSON of Mississippi. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, the item under discussion refers to the clerical force of the finance department at work in the field outside of Washington, except the nine men who are at work in the auditing of contracts in the office here in Washington.

Last year the total appropriation for this purpose was $1,420,000. For the next fiscal year the estimate of the Budget was $1,267,000. The committee have allowed $1,000,000. The estimate of $1,267,000 was based upon an army of 150,000 men. The chief of finance states that the reduction can be made in view of the reduction in the size of the Army. We have reduced it below the amount that they have stated it could be reduced, but not a great deal. The gentlemen who have spoken are interested in the auditing of war contracts. So are the committee that prepared this appropriation bill interested in the auditing of these war contracts. We do not want to interfere in the slightest degree with that work.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. ANTHONY. I yield to the gentleman from Illinois.

Mr. McKENZIE. I simply wish to ask the gentleman from Kansas if it is not a fact that in the finance department they have quite a large force of clerks checking up on the contracts for purchases in order that they may take advantage of the discount?

Mr. ANTHONY. Oh, yes.

Mr. McKENZIE. And if this appropriation is cut too low they will have to transfer clerks from that division into the auditing division if the auditing division is to keep up with its work.

Mr. ANTHONY. I think not.

Mr. McKENZIE. Therefore it will cripple them either at one end or the other.

Mr. ANTHONY. I think not. I will say to the gentleman that every bureau, when you lessen the number of clerks, immediately sets up a hue and cry that you are crippling their work, and if we had listened to the complaints of these various bureaus every year they would still have the forces that they had while the war was going on.

Mr. WOODRUFF. I think the gentleman from Illinois [Mr. McKENZIE], who has just interrogated the chairman of the committee, will vouch for what I said a moment ago when I stated that a man high in authority in the office of the Finance Department said to me this morning, in the presence of the gentleman from Illinois, that if this cut was made the contract-auditing end of the work would have to suffer.

Mr. ANTHONY. If the gentleman to whom you refer should cut any of the force engaged in the auditing of war accounts, I am sure we would all be very much disappointed, and we do not believe he will have to do it. The 1923 estimate provides for 905 clerks, of whom 187, at a total salary of $140,000, are employed in the auditing of war contracts. Now, we are appropriating $1,000,000 for this entire work, and it seems to us that it ought not to interfere with the continued use of $140,000 for this very meritorious work of auditing war contracts. I do not want to criticize the Finance Department, because they are very efficient and they are doing a good work. There is a disposition in the Finance Department to station finance officers at every Army post in the country, whether there is necessity for it or not. Now, where there is a small post and a quartermaster's officer is stationed there, economical administration would suggest that the quartermaster's officer be allowed to make the disbursements, instead of putting in a finance officer above him and perhaps a few more clerks.

Mr. WOODRUFF. I quite agree with the gentleman.

Mr. ANTHONY. We believe they could work economies along this line, and we are cutting down the appropriation about $100,000 below what they thought it ought to be for an Army of the size we are providing for.

Mr. WOODRUFF. I do not want the chairman of the committee to misunderstand me. I assure him and the members of the committee that I believe he is doing the very best he can and that he has at heart the best interest not only of the service itself but of the people generally. I believe he has made an honest attempt to arrive at the proper figures, but I do not believe he had the information on which to base those figures when he presented the bill to the House, and I believe the fact that there are something like 100,000 contracts yet to be audited should receive some consideration.

Mr. KING. Will the gentleman yield?

Mr. WOODRUFF. I yield to the gentleman from Illinois.

Mr. KING. I do not think either the gentleman who has just spoken [Mr. WOODRUFF] or anyone else has intended to criticize the committee in any degree whatever.

Mr. Chairman, we know the great work this committee is doing, but we have received the information that they intend to cut off that part of the appropriation which applies to the contract auditing department in the District of Columbia, which is a part of the Quartermaster Corps. Now, we want to know, is this going to be cut off, and is this work of the investigation of war contracts going to be suspended?

Mr. ANTHONY. If they should cut off any of it, I think they would be entitled to very severe criticism.

Mr. KING. That would not do much good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. KING].

The question being taken, on a division (demanded by Mr. WOODRUFF) there were—ayes 12, noes 40.

Accordingly the amendment was rejected.

The Clerk read as follows:

No part of the appropriations made herein for pay of the Army shall be used, except in time of emergency, for the payment of troops garrisoned in China or for payment of more than 500 officers and enlisted men on the Continent of Europe; nor shall such appropriations be used, except in time of emergency, for the payment of more than 5,000 enlisted men in the Panama Canal Zone or more than 5,000 enlisted men in the Hawaiian Islands.

Mr. CRAGO. Mr. Chairman, I reserve a point of order on the paragraph just read.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order on the paragraph.

Mr. ROGERS. I suggest that the gentleman make his point of order.

Mr. CRAGO. I make the point of order; and in support of the point of order I simply wish to call attention to the fact that this is new legislation, and is a limitation which is not in accordance with the rules in such cases provided. The provision is—

Nor shall any provision in any such bill—

Speaking of an appropriation bill—

or any amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall reduce expenditures—

In certain ways.

First, by the reduction of the number and salary of the officers of the United States. This does not do that, as I think it will be admitted. Second, by the reduction of compensation of any person paid out of the Treasury of the United States. I think it will be admitted that this provision does not do that. Third, by the reduction of the amount of money covered by the bill. I think it will be admitted that this provision does none of these three things.

Now, my point of order goes to the fact that this is legislation and an attempt to usurp the functions of the President of the United States and Commander in Chief of the Army of the United States. If it is proper for this language to be used in an appropriation bill, it would be possible for Congress in an appropriation bill to direct that no moneys herein appropriated shall be used for the payment of, say, more than 100 troops stationed along the Mexican border; or it would be possible to say by legislation that no part of this appropriation shall be paid for the maintenance or pay of troops unless they are all quartered north of Mason and Dixon's line. I insist that the language is repugnant to the principles which govern general appropriation bills and is therefore subject to a point of order.

Mr. MANN. Mr. Chairman, the power to do a thing and the exercise of the power are two entirely different things. We could provide in this bill that no part of this money should be paid to anybody in the Army but red-headed men or blue-eyed men. Having the power to make an appropriation, we can put a limitation in as to whom it may be paid to and whom it may not be paid to. That is the appropriation. That does not interfere with the power of the President. He can not maintain any troops unless we appropriate the money for it unless he paid it out of his own pocket. We have the power to say that we will not appropriate a dollar for any purpose. There is no power in the world except our constituency which can reverse our action. Having the power to appropriate, having the power to refuse to appropriate, we can appropriate on conditions with limitations. That is all this is. I question the advisability of exercising the power. That, however, would be a matter for the Congress to determine. I do not see how there can be any question as to the power to put a limitation on the appropriation as far as the rules are concerned.

The CHAIRMAN. The Chair will be very frank in saying that he is so much opposed to this proposition that he has tried to find some way of holding it out of order. But the Chair does not see how that is possible in any way in compliance with the rules of the House. Furthermore, the Chair conceives that his personal opinion of the merits of a proposition should never govern his decision on a point of order but only his knowledge of precedent and orderly procedure.

Congress has the power to limit or decrease executive discretion by withholding an appropriation. It has not the power to affirmatively direct the doing of a particular act, but it has the power, through its control of the purse strings of the Nation to prevent an appropriation being made under certain conditions. There are a number of precedents on this point which are not worth while to cite, because the merits of the question here involved seem to the Chair entirely clear. The Chair recollects a notable case where the decision was made by the House itself. It was in a case where the gentleman from Ohio [Mr. BURTON] offered an amendment to the sundry civil bill providing that no part of the appropriation to erect a certain building in the city of Cleveland could be used unless it were built of granite. Under the law the Secretary of the Treasury had the discretion of building it either of granite or sandstone. The Chairman of the Committee of the Whole ruled the amendment out of order because he held it to be affirmative legislation, but the Committee of the Whole on an appeal by a very large vote refused to sustain the decision of the Chair.

Congress has the complete and exclusive power to appropriate for the pay of the Army. It may grant or withhold appropriation to any extent it pleases. It has not the power to direct the President to do or not to do a particular thing with reference to the assignment of the Army to this country or that, but having the power to entirely withhold the appropriations that go for the pay of the Army it unquestionably has the power to direct that no part of the appropriation shall be used to pay that portion of the Army that is in a certain country or countries, as this provision does. The Chair therefore feels compelled to overrule the point of order.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 22, beginning with line 20, strike out the paragraph ending with line 2 on page 23.

Mr. ROGERS. Mr. Chairman, I am very much opposed to the retention of the paragraph in the bill for two reasons: First, because to my way of thinking the proposal is clearly unconstitutional; and second, because I think that even if it be deemed constitutional it is an extremely unwise exercise of the power of the Congress.

So far as the constitutional point is concerned, I prepared and had inserted in the RECORD some days ago a discussion of the authorities so far as I had at that time been able to find them. That discussion, in case any members of the committee are interested in this phase of the matter, will be found in the CONGRESSIONAL RECORD of last Saturday, at page 4109. Since that time I have assembled further authorities on this subject, which I should like to have printed in the RECORD as a part of

my remarks in the ordinary CONGRESSIONAL RECORD type. I ask unanimous consent to do that.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in 8-point type. Is there objection?

There was no objection.

Mr. ROGERS. There is no authority upon the constitutional aspect of the case that I have been able to find which discusses the question at all which does not definitely state that such a provision as this is beyond the power of Congress.

But as the Secretary of War says, in effect, in the course of his testimony before the committee of the House—if it is not treason to quote the Secretary of War on this floor—"I think Congress has not the constitutional power to do these things, but even if it has the power, I believe it will be a mighty bad thing for Congress to exercise that power." If we once begin undertaking to run the details of the Army and Navy of the United States, telling the President who shall go here and who shall go there, how long they may stay, and what they may do when they get there, there is absolutely no end to the inefficiency and demoralization which will result from a program of that kind.

In my judgment this attempt is bad in itself. It is even worse because of what it may easily lead to. If we embark on a policy of trying to run the Army from the House of Representatives and the Senate it will result in the most colossal and most untold damage to the morale and efficiency of the Army for all time.

Other members of the committee wish to discuss this paragraph. As I have already discussed it twice, I shall not take any more time of the committee.

THE POWER OF CONGRESS TO CONTROL THE DISTRIBUTION OF THE FORCES COMPOSING THE REGULAR MILITARY ESTABLISHMENT OF THE UNITED STATES.

It is believed that the power of Congress stops, and ought to stop, when it has determined the nature and size of the Military Establishment, and of the component parts thereof, and that the distribution of the forces composing such Military Establishment is an incident to the use of these forces, and that this distribution and this use pertain to the functions of the Commander in Chief of the Army and Navy. It is accordingly believed that the distribution of these forces belongs to the President of the United States, both as a matter of a constitutional division of powers between the legislative and executive branches of the Government, and also that this belongs to the President as a matter of sound judgment, policy, and wisdom, and that whatever may be the powers of Congress they ought not to be exercised in such manner as to limit the President of the United States in his distribution and use of the military forces.

CONSTITUTIONAL POWER OF CONGRESS TO DISTRIBUTE THE MILITARY FORCES OF THE UNITED STATES.

Pursuant to Article II, section 2, clause 1, of the Constitution, it is provided that—

> The President shall be the Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

It must, of course, be conceded that the Constitution is doing something more than giving a name to one of the functions of the President. The Constitution indisputably is conferring upon the President certain powers of command of the military and naval forces, and pari passu, it is withholding those very powers from the legislative branch of the Government. The only question is: What are the powers thus conferred?

The simplest answer to this question is that the framers of the Constitution must have intended to confer upon the President those powers of command with which they were familiar as being enjoyed to their knowledge, and within their experience, by a commander in chief, and these powers thus enjoyed in 1787 included, of course, the power of the commander in chief to determine where the different units and component parts of his command should be sent for use, actual or prospective. The commander in chief had and has no responsibility in determining the size or character of the force which is to constitute his command. His function is to command it when supplied to him, but when once raised, organized, and supplied to the commander in chief, the function of the legislative or other authority by which the military force is raised and supplied has been discharged. The acts of Parliament will be searched in vain to find instances in which the power of a military commander has been attempted to be curtailed by directing that a particular portion of his command shall be used in a particular way or sent to a particular place. It is, of course, true in general that the power which creates an Army may afterwards terminate its existence, or curtail it, or bring to an end any of its parts or organizations, and that any component part of a command may, by such authority, be taken from one commander and transferred to another commander, but this general proposition is entirely inapplicable to the command exercised over the military and naval forces of the United States by the President, because the Constitution gives him command of all the military and naval forces of the United States, and Congress may not constitutionally devolve supreme command of any part of these forces upon anyone other than the President of the United States.

Authorities dealing with this proposition are not numerous.

The Court of Claims has said in Swain *v.* United States, 28 Ct. Cls., 173, 221, that Congress can not impair the authority of the President as commander in chief, and that so long as we have a military force Congress can not take away from the President the supreme command.

In the United States *v.* Sweeny, 157 U. S., 281, 284, the court said that the Constitution has conferred upon the President—

> such supreme and undivided command as would be necessary to the prosecution of a successful war.

It must be obvious that the court was merely defining in terms of the situation existing in time of war the general nature of the command of the President, the nature of that command being, of course, the same both in peace and in war, for the Constitution makes him commander in chief in peace as well as in war. The President could not, of course, legally or properly commit aggressive acts of war in time of peace, but this fact has nothing to do with the nature of his command or rather the quantum of authority implied in the command which the Constitution gives him. It has only to do with determining how he shall exercise the power that he has.

The only other case in which our highest tribunal has said anything on this subject is the case of Fleming *v.* Page, 9 Howard, 603, 615.

Sutherland in his Notes on the United States Constitution, page 469, states the ruling of the Supreme Court in this case as follows:

> As Commander in Chief the President is authorized to direct the movements of the naval and military forces placed under his command, and to employ them in a manner which he may deem most effectual for the purposes for which they exist.

But in this language Sutherland has missed a part of the doctrine which it would seem was in the mind of Chief Justice Taney in his opinion of this case. For what the Chief Justice really said in that opinion was really this—

> as Commander in Chief, the President is authorized to direct the movements of the naval and military forces placed by law at his command.

There seems to be an antithesis in the mind of the Chief Justice indicated by the words that Sutherland omits. The forces are placed by law at the command of the President, and the source of the law is, of course, Congress. In other words, it is Congress that creates the force for the President to command, and it is the President and not Congress that is authorized to direct its movements. It is, of course, clear that the directing of the movements of the military force is inseparable from the controlling of the disposition or distribution of the force.

Pomeroy in his work on Constitutional Law draws very clearly the distinction between the powers of the President and the powers of Congress. It is Congress, not the President, that fixes the strength of each unit or organization, the number and grade of its officers, their duties and their pay, that defines military offenses and fixes their punishment, and that provides for the procedure of courts-martial; but it is the President, and not Congress, who is empowered to make all dispositions of troops, vessels, supplies, and munitions when once these troops, vessels, and supplies are placed under the command of the President. The language of Pomeroy is well worthy of quotation, reading as follows:

> Congress, under its supreme authority, passes laws which concern the military alone, and these the President must enforce with the same diligence and by virtue of the same function that he carries out those legislative mandates which apply alone to civilians; he is not then operating as commander, but as a supreme civil magistrate. But as Commander in Chief he calls other attributes into action, for which the legislature has furnished the occasion, but which do not consist in executing any positive laws. I repeat, it is important that those two classes of powers and duties should be kept distinct. Under its authority to raise armies, maintain navies, furnish supplies, and the like, Congress may direct the manner in which the President's power shall be exercised, for he will be, in fact, but executing its commands. Thus it may determine how many men shall be enlisted in each branch of the service, or what and how many armed vessels shall be constructed. As Congress is to make all appropriations, it may declare the specific purposes for which money is to be used; what forts shall be erected, and their cost; what ships built, their character and cost; what kind of arms purchased or manufactured and the cost. Instances of this sort might be multiplied. In all these cases great or little discretion may be left to the Executive and his subordinates, as the legislature deems best. Congress is authorized to make rules for the government of the land and naval forces; it may therefore arrange and classify these forces; fix upon the plan of organization; determine upon the number, duties, and pay of officers; define military offenses and allot the punishment; provide for the creation, jurisdiction, and procedure of courts-martial, and for carrying out their sentences. The President's duties in respect to these various subjects may thus be clearly defined and controlled by the legislature. But in time of peace he has an independent function. He commands the Army and Navy; Congress does not. He may make all dispositions of troops and officers, stationing them now at this post, now at that; he may send out naval vessels to such parts of the world as he pleases; he may distribute the arms, ammunition, and supplies in such quantities and at such arsenals and depositories as he deems best. All this is a work of ordinary routine in time of peace and is probably left, in fact, to the Secretaries of War and of the Navy, and to military officers high in command.

706. When actual hostilities have commenced, either through a formal declaration made by Congress or a belligerent attack made by a foreign Government which the President must repel by force, another branch of his function as Commander in Chief comes into play. He wages war; Congress does not. The legislature may, it is true, control the course of hostilities in an indirect manner, for it must bestow all the military means and instruments; but it can not interfere in any direct manner with the actual belligerent operations. Wherever he the theater of the warlike movements, whether at home or abroad, whether on land or on the sea, whether there be an invasion or a rebellion, the President as Commander in Chief must conduct those movements; he possesses the sole authority and is clothed with the sole responsibility. (Pomeroy's Constitutional Law (Bennett's tenth edition), pages 590, 591.)

Professor Willoughby expresses his views in language very similar to that of Pomeroy. He says:

> Through or under his [the President's] orders, all military operations in times of peace as well as war are conducted. He has within his control the disposition of troops and the direction of vessels of war. (2 Willoughby, Constitution; p. 1207, sec. 713.)

Hare, in his American Constitutional Law (vol. 1, pp. 171, 172), takes the same view, insisting upon a proposition that the President is not, in theory, an agent of Congress for carrying into effect the laws which it enacts, but he is equally with Congress an independent representative of the people of the United States. His language referred to is as follows:

> He is as much the representative of the entire people of the United States as any Member of Congress can be of his district and should therefore exercise the discretionary powers confided to him by the Constitution in the way that he may deem best calculated to promote the welfare of the country, which may not be the way deemed best by Congress.
>
> So the question whether the South should be relieved from military occupation and regain the political freedom which the Constitution guarantees was recently determined by the Executive and not by the legislature, which could neither command the withdrawal of the troops nor direct that they should remain.

The want of constitutional power of Congress to control the distribution or use of the military forces of the United States, when once they have been provided by Congress, was also recognized and declared by Mr. Seward in the note which, as Secretary of State, he addressed in October, 1861, to Lord Lyons, the British ambassador:

> It seems necessary to state, for the information of that Government, that Congress is by the Constitution invested with no executive power or responsibility whatever, but, on the contrary, that the President of the United States is, by the Constitution and laws, invested with the whole executive power of the Government and charged with the supreme direction of all municipal and ministerial civil agents, as well as of the whole land and naval forces of the United States, and that, invested with these ample powers, he is charged by the Constitution and laws with the absolute duty of suppressing insurrection, as well as of preventing and repelling invasion. (Quoted in Stevens's Sources of the Constitution, 101, 102.)

It may not be inappropriate to this question to refer to Landon's comments on the authority of President Lincoln to issue the emancipation proclamation. After giving, with evident disapproval, the prevailing answer of Civil War times to the objections of those who held that the President's proclamation exceeded his constitutional powers, Landon says:

> * * * But the true answer is that, as Commander in Chief of the Army and Navy, the President has the constitutional power to employ the means recognized by the laws of war as necessary to conquer the enemy. Congress can pass no law which can deprive the President of the power which the Constitution confers in creating him Commander in Chief. (Landon, Constitutional History and Government of the United States, 205.)

Landon's reasoning would, of course, have compelled him to say, had it been relevant to the subject under discussion, that the President has constitutional power to employ the means that are universally recognized as necessary to put his country in a state of defense against the possible exigencies of a prospective war, and that Congress, when once it has provided a military force, can pass no law which will prevent the distribution of this military force in time of peace in such a manner as will, in the President's judgment, best prepare the country to resist attack in the event of its becoming involved in a war.

The case of Captain Meigs, which was passed upon by Attorney General Black, is perhaps useful by way of analogy. It did not involve the distribution of the forces, but it did involve power of Congress to divide military duties between Army officers. Upon the theory that Congress had by statute conferred upon Captain Meigs the right to superintend and control the building of the Washington Aqueduct, the Attorney General said:

> As Commander in Chief of the Army it is your right to decide according to your own judgment what officer shall perform any particular duty, and as the supreme Executive Magistrate you have power of appointment. Congress could not, if it would, take away from the President or in any wise diminish the authority conferred upon him by the Constitution. (9 Ops. Attorney General, 462, 468.)

The general principle applicable to this subject was thus stated by Judge Advocate General Davis in his Treatise on the Military Law of the United States (third edition, p. 323):

> In the exercise of military command and in the conduct of military operations the President is not subject to legislative or judicial control.
>
> As Commander in Chief the President is authorized to direct the movements of the land and naval forces placed by law at his command and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country and subject it to the sovereignty and authority of the United States. But his conquests do not enlarge the boundaries of this Union nor extend the operations of our institutions and laws beyond the limits before assigned to them by the legislative power. The power of command and control reserved by the Crown was placed by the Constitution in the hands of the President.

Perhaps the fullest treatment of this subject by any of the text writers is that which is found in Watson's Constitution of the United States (vol. 2, p. 914). Watson says that by the first clause of Article II, section 2, of the Constitution, the President is made commander of the military and naval forces of the United States for the whole time that he is President. He then continues:

> No other department of the Government and no other officer of the Government can exercise this power or assume to command either the Army or the Navy unless designated by the President to do so. Congress can legislate relative to the number of the Army or the Navy, the compensation of the officers and men, and the terms of their service, as well as many other matters, but the command of the Army and Navy is vested in the President, and Congress can neither command them or take that power from the President.
>
> The power is vested in the President to dispose of or arrange the component parts of the Army and Navy at his pleasure.
>
> While Congress can make rules for the Army and Navy, it can not interfere with the President's power as commander of such forces.

SOUND POLICY REQUIRES THAT THE PRESIDENT BE LEFT FREE TO CONTROL THE DISTRIBUTION OF THE MILITARY FORCES.

Whether or not the views expressed above, concerning the want of power of Congress to interfere with the President's control of the distribution of the military forces, are shared by Congress, it would seem almost indisputable that as a matter of wisdom and policy Congress ought not to exercise such power.

When the question of the adoption of the Constitution was before the Legislature of the State of New York, the question whether the military power conferred by the Constitution upon the National Government would be a menace was one of the topics of discussion. Alexander Hamilton seems to have conceded that there would be danger of oppression of the people by military power if the right to raise and support armies, and also to direct the use to be made of them, were lodged in a single arm of the Government. Then he added:

> But where the purse is lodged in one branch and the sword in another, there can be no danger. All governments have possessed these powers; they would be monsters without them, and incapable of exertion. (2 Elliot's Debates on the Constitution (2d ed.), 349.)

The same thought was expressed in a somewhat different manner by Mr. George Nicholas in addressing the Virginia Legislature upon the ratification of the Constitution (3 id., 497).

While Congress may perhaps not entirely relish the thought, it is true that there is less danger of tyranny and oppression if the power that creates the Army and that taxes the people to support it shall not have the control of the Army when thus raised. If the control, including the distribution of the Army, is vested in the Executive, then there are two branches of the Government that operate as mutual agents upon each other.

This consideration, which was so prominent 135 years ago, seems very unimportant now that the liberties of the people of this country are by tradition and the developments of our history so well protected. The practical reason why Congress ought not to interfere in the distribution of the military forces of the United States is that such interference must, of necessity, conduce to weakness of this Nation in its relations with other nations.

The distribution and use of the military forces involve many problems of difficulty, problems that are soluble advantageously only by trained experts in the art of war; and the Presidency, as an office, includes the military knowledge, experience, and skill of the trained military officers of the Regular Army of the United States. The use of the military forces which the President will make, while, of course, liable to some mistakes, as all human activities are, will on the average be wise and advantageous; whereas if Congress or a committee of Congress were

to attempt to do the same thing, it needs no argument to show that on the average it would be done much less advantageously.

But even if Congress were composed entirely of military experts, the direction and distribution of the military forces of the United States could, in the nature of things, not be advantageously exercised by Congress. The delicacy of the relations of the great nations between one another is such that information of a military nature—that is, information that is calculated to influence the directing mind in determining the use and distribution of the military forces of the United States, is almost invariably of a confidential character. Whoever is to determine the use and distribution of the military forces, and to do so wisely, must, of necessity, have access to this information. But to put this information before Congress would necessarily be to publish it to the world, and to put this information before a committee of Congress would be to incur a serious risk of making it public. The fact of making public information of this character would, in many cases, be to precipitate war before the country could make adequate preparations to protect itself against the prospective enemy.

But the incompetency of Congress to control the use and distribution of the military forces is one which it shares with all popular representative assemblies. It is in the nature of things a deliberative body. Its function is and must be to weigh the pros and cons of every measure carefully and then to enact into a law the results of its deliberations. This machinery is, and ought to be, such that quick action is impossible. If Congress were to take upon its shoulders the responsibility for determining this distribution of the forces, it would frequently be met with new situations, due to international or other complications, and would be asked to give new directions as to distribution of the forces. In such case, the strong probability would be that before the two bodies of Congress had acted and had authorized the necessary redistribution of the forces the emergency which made such redistribution advantageous or essential would have passed, and the damage to the country through not having an actual redistribution would have been suffered.

If all the annals of history are searched, few instances, and perhaps no instance, will be found in which a deliberative assembly has attempted to control the distribution and use of military forces. In the French Revolution no such attempt was made, but an attempt was made to punish military commanders whose action in the matter of the use or distribution of military forces did not accord with the views of the legislative authorities in Paris. This was done through civilian commissioners, who attended all of the armies. It is unnecessary to point out to what extent this system proved to be despotic and oppressive and highly disadvantageous in a military sense. There seems to be warning enough against attempting to control the use and distribution of military forces by a deliberative assembly; that in the numerous cases in which a control of this character has been vested in a committee or commission of an executive character, rather than in a single responsible executive, the result has always been highly disadvantageous. Weakness and delay have always followed, and the result has invariably been a deliberate abandonment of this scheme or else the assumption of dictatorial powers by one member of the commission or some other individual. As, for instance, when Napoleon assumed the reins of supreme power.

How bad it would be for Congress to set a definite limit of the military force in a particular place may be pointed out by a single illustration:

Suppose Congress limited the number of troops to be maintained within a strategic distance of the Mexican frontier to, say, 15,000. Suppose the President of the United States through confidential military channels were to learn that Mexico was organizing an army of 250,000 soldiers to invade the United States without any declaration of war, the communication of this fact by the Executive to Congress would, of course, precipitate war before the United States could take measures to meet the emergency. On the other hand, if the President thought the emergency so serious that he could justify his conscience in defying the statute and sending a larger number of troops to the Mexican frontier than the statute authorized, believing that when the true situation became known Congress would promptly vindicate him, the result would be almost as bad. The first movement of troops would precipitate the invasion. In such a case the only safety lies in permitting the President, without taking anyone into his confidence except a few of his military advisers of the highest rank, gradually to send troops to the threatened area and to have mobilization of troops in such case keep pace with the receipt of confidential information as to the growth of the menace.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD for the purpose of inserting therein some authorities with reference to this matter.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, under the Constitution the responsibility of raising and supporting an Army rests upon Congress. It is our business and our responsibility to fix the size of the Army. I have disagreed with the distinguished chairman of the subcommittee [Mr. ANTHONY] and the members of that committee on their recommendation to the House as to the size of that Army. The vote of the House has demonstrated the fact that the judgment of the Committee on Appropriations reflected the judgment of a majority of the Members of the House, and that matter is now settled.

While we fix the size of the Army, the control, disposition, and movement of that Army is without our jurisdiction entirely, and under the Constitution is vested in the President as the Commander in Chief.

Article II, section 1, relating to the power of the President, provides:

> The executive power shall be vested in a President of the United States of America.

Section 2 of the same article provides:

> The President shall be Commander in Chief of the Army and Navy of the United States.

It will be noted that the President is the Commander in Chief of the Army and Navy, with no restrictions as to whether the country is in peace or war.

It will not be claimed that Congress has the power under the Constitution to control, move, or dispose of the Army in direct and express legislative terms. The power to move and dispose of an army necessarily rests in the Commander in Chief, otherwise he, the Commander in Chief, has the title in name only. So that the committee has not attempted in express terms to deprive the President of the power which the Constitution confers upon him. They do this not directly but indirectly under the guise of a limitation upon an appropriation for the support of the Army. In this manner the Committee on Appropriations requests the House to control the Army and its disposition and thereby deprive the President of the power that is rightfully his.

In so doing they have accomplished their object just as effectively as if they had gone about it through a direct legislative direction to the President. For example, it will not be contended that Congress has the power by express terms to provide that no troops shall be garrisoned in China, but the same result is obtained by this limitation as would have been obtained if a direct provision had been embodied in the bill, for the limitation prevents any troops so garrisoned in China from being paid, and an army can not be maintained when deprived of its pay.

I deny, first, the power and authority of Congress, under the Constitution, to interfere with the exclusive powers of the Executive. Secondly, assuming for the purposes of argument that Congress has this power, I disagree emphatically with the judgment of the Committee on Appropriations as to the wisdom of exercising it.

I shall first take up the question of constitutionality, and I use that term in its broad general sense as distinguished from the purely technical legal sense.

The fathers who sat in the constitutional convention had some very definite ideas about government. They believed in separating the legislative, executive, and judicial branches of that government and, in so far as possible, to make those branches independent of one another. They had but emerged from the War of Independence and were trying to avoid the anarchy and chaos following that war. Its members included Washington, Hamilton, and others who had witnessed during the days of the Revolutionary War the inefficiency of the legislative body attempting to function as an executive, which resulted in interference with military operations and caused great trouble and embarrassment and added materially to the increasing of the cost of the military operations. Washington had had to put up with congressional interference and knew its evils. Hamilton had been on Washington's staff and was thoroughly familiar with all of the troubles and embarrassments that Washington had been subjected to by the Continental Congress, which was clothed with the powers of an executive. There is no question but what they and their colleagues made up their minds that the new Government would have an Executive that was clothed with real power. Furthermore, the governors of several of the 13 States were clothed with power, making them commander in chief of the military forces of their State. Therefore, with experience and precedent to guide and direct them, the Chief Executive was made the Commander in Chief of the Army and the Navy, both in time of war and peace.

There is nothing plainer in the Constitution than the provision conferring upon the President, without limitation, the power of the Commander in Chief of the Army and Navy.

In looking over the various grants of power in the Constitution to the President it will be found that there are, generally speaking, three distinct classes of powers or duties devolving upon the President. First, as the Chief Executive he is charged with seeing that the laws are executed and obeyed. While it is his duty to see that the laws are enforced, the President can not exercise this grant of power until Congress has placed upon the statute books laws to be obeyed and enforced. Secondly, the President under the Constitution is made the sole instrument of communication with foreign nations in our negotiations and transactions with them. This is a different grant of power, for it will be observed that he, and he alone, is charged with this responsibility, and his right to so speak and act rests not upon any action of Congress at all, but upon this constitutional grant of power. The exercise of power under this grant requires no legislation whatever. Third, then there are those powers that are conferred that require legislative action before there is created an opportunity for the President to exercise the powers conferred in the Constitution. They involve instances where the power is complete but where the subject matter is lacking. For example, while the President is Commander in Chief of the Army and Navy, there is nothing for him to command until Congress acts and raises an Army and builds a Navy. But the moment that Congress does act, and raises an Army and builds a Navy, it thereby furnishes the President an opportunity to exercise fully and completely the power that the Constitution confers upon him as the Commander in Chief of the Army and the Navy. Congress exhausts its own power and authority when it raises the Army and provides a Navy. It is as to this power that I call special attention to. In this connection I desire to quote from Pomeroy, from Constitutional Law, third edition, page 470:

> The President is thus clothed with a most important military function. He is to command the forces at all times; Congress never commands them. As such commander he wages war; Congress never wages war. We must endeavor, however, to ascertain the exact limits of this attribute and to distinguish it from the ordinary duty of executing the laws. The legislature alone furnishes the occasions upon which it can come into play, but can not interfere with or control the attribute itself. Congress raises and supplies armies and navies, and makes rules for their government, and there its power and duty ends. The additional power of the President as supreme commander is independent and absolute.

The writer then quotes from the opinion of Mr. Chief Justice Chase in the celebrated case of Ex parte Milligan, where the Chief Justice said:

> The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President in war more than in peace intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law.

The author then proceeds to detail some of the powers of Congress in reference to the Army and the Navy, and contrasts those with certain distinct and independent powers of the President. I quote further from page 471:

> In the time of peace, therefore, the President's functions, as far as they relate to the Army and Navy, are of two separate and entirely distinct characters, and to avoid confusion we must carefully distinguish between these attributes. In respect to certain classes of measures he acts entirely in his general capacity of executive, and takes care that the laws are faithfully executed. Congress, under its supreme authority, passes laws which concern the military alone, and these the President must enforce with the same diligence, and by virtue of the same function that he carries out those legislative mandates which apply alone to civilians; he is not then operating as commander, but as the supreme civil magnate. But as Commander in Chief he calls other attributes into action, for which the legislature has furnished the occasion, but which do not consist in executing any positive laws. I repeat, it is important that these two classes of power and duties should be kept distinct. Under its authority to raise armies, maintain navies, furnish supplies, and the like, Congress may direct the manner in which the President's power shall be exercised, for he will be, in fact, but executing its commands. Thus it may determine how many men shall be enlisted in each branch of the service, or what and how many armed vessels shall be constructed. As Congress is to make all appropriations, it may declare the specific purpose for which money is to be used; what forts shall be erected, and their cost; what ships built, their character and cost; what kind of arms purchased or manufactured, and the cost. Instances of this sort might be multiplied. In all these cases great or little discretion may be left to the Executive and his subordinates, as the legislature deems best.
>
> Congress is authorized to make rules for the government of the land and naval forces; it may, therefore, arrange and classify these forces; fix upon the plan of organization; determine upon the number, duties, and pay of officers; define military offenses and allot the punishment; provide for the creation, jurisdiction, and procedure of courts-martial, and for carrying out their sentences. The President's duties in respect to these various subjects may thus be clearly defined and controlled by the legislature. *But in time of peace he has an independent function. He commands the Army and Navy; Congress does not. He may make all disposition of troops and officers, stationing them now at this post, now at that; he may send out naval vessels to such parts of the world as he pleases; he may distribute the arms, ammunition, and supplies in such quantities and to such arsenals and depositories as he deems best.*

In the CONGRESSIONAL RECORD for February 17, 1909, will be found a speech by Senator Bacon, who was an authority upon constitutional law, and which details the powers of the President. It is as follows:

> The President is an executive. Upon him devolves the execution of the law and the enforcement of the law; and the enforcement of the law must necessarily be, in its last analysis, through the military arm. Of course, the President can not be the supreme executive unless he has the supreme command of that through which the execution of the law must be enforced. The civil authority is supreme, and the military authority is subject to the order of the civil authority and executes its order. Here is an order from the court; the posse comitatus is summoned for the purpose of executing the mandate of the court, but is unable to do it by reason of superior force opposed to it; and finally it must appeal to the Executive to use the military arm to carry out the order of the court. That is what I mean by saying that in the last analysis the military arm is that by which the law is executed or must be executed.

Watson, on the Constitution, page 914, volume 2, with reference to the powers of the President as Commander in Chief of the Army and the Navy, has this to say:

> By this clause he is made commander of the military and naval forces of the United States for the whole time that he is President. No other department of the Government and no other officer of the Government can exercise this power or assume the command of either the Army or the Navy unless designated by the President to do so. Congress can legislate relative to the number of the Army or the Navy, the compensation of the officers and men, the term of their service, as well as many other matters, but the command of the Army and the Navy is vested in the President, and Congress can neither command them nor take that power from the President.
>
> The power is vested in the President to dispose of or arrange the component parts of the Army and Navy at his pleasure. In practice he does this through the military and naval departments of the Government, but their action is his action. While Congress can make rules for the Army and Navy, it can not interfere—it can not interfere with the President's power as commander of such forces. The line between the exercise of his power as commander and that of Congress is plain, and neither can rightfully or legally invade the other.

It seems to me that it is clear from these authorities that the President as the Commander in Chief of the Army in peace or in war can move or dispose of them as he sees fit. It is difficult to find court decisions that are directly in point for the very reason that it is difficult to so raise a question of this kind as to present it to the courts for decision. On a question of this character, if Congress insists upon its power to act, whether constitutional or not, the Executive would be without a remedy.

If Congress can by this method limit the power of the President and prohibit him from maintaining troops in China, it would have the right to limit or prohibit the garrisoning of troops in any other part of the world, including any part or portion of the United States. If it can limit one garrison, it can limit all garrisons; if it limits all garrisons, then what is there left of the power and authority of the Commander in Chief of the Army?

If Congress has the right to so limit the Army, it could provide that no part of the appropriation for the Navy should go to the payment of marines who are landed upon foreign soil to protect the lives of American citizens. The President is charged with seeing that our laws are enforced. In foreign affairs he speaks for the country. It is his business to see that the lives of American citizens are protected. In fulfilling his obligation under the Constitution it has been the practice of Presidents to land American marines on foreign soil to protect the lives of American citizens. In so doing he is only doing his sworn duty; if he fails so to act, he would be violating his obligations under the Constitution; yet if Congress has this power, which the Committee on Appropriations seems to feel that it has, it could prevent the President from paying any marines so used by him.

Mr. Chairman, from such examination and consideration of the authorities as I have been able to make, I am thoroughly convinced that Congress would be violating the spirit of the Constitution, if not the letter, if we passed this appropriation bill with this limitation, for it is perfectly clear that those who framed the Constitution intended and in expressed terms provided that if an army was raised, that army and its disposition and control should be by its Commander in Chief, the President of the United States.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. QUIN. But let us take the great number that there is in Panama and the great number in Hawaii. If the Chief Executive wants to keep that big army over there against the

will of Congress, how is Congress going to stop it unless we legislate in this fashion?

Mr. NEWTON of Minnesota. Let Congress reduce the Army to the size it would like to have it, when the Executive will have to arrange the Army accordingly. When we go that far, that is as far as we can go.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. MANN. Suppose the Executive should determine to keep 50,000 American troops in Germany and that everybody in Congress was opposed to that. Does the gentleman think that Congress ought to sit down and do nothing and let the Executive do as he pleases about it, and pay the troops regardless of whether we want them there or not?

Mr. NEWTON of Minnesota. That is not the question before us.

Mr. MANN. But that is the constitutional question before us.

Mr. NEWTON of Minnesota. That is the constitutional question; but it is my own opinion that so far as that is concerned the power rests with the President, and that the only control that Congress has is over the purse strings. Of course, there is the power of public opinion over the President.

Mr. MANN. I agree with the gentleman as to the item in the bill, but I do not agree with the reason that he gives.

Mr. ROGERS. If the gentleman will permit, there is the further power of impeaching the President if he abuses the power that is granted to him.

Mr. NEWTON of Minnesota. Exactly so. I now come to the question of the policy and wisdom of exercising this power, assuming only for the purposes of argument that Congress has the power. This provision limits the pay available for troops at Panama and in the Hawaiian Islands and in Europe. It provides that it shall not be available to pay for troops garrisoned in China. The question before us is not that pertaining to the wisdom of maintaining troops in these various localities. My objection to this form of legislation is not as to the policy of maintaining or withdrawing them, but as to the wisdom of Congress in attempting to interfere in a question which is so closely involved in the question of our national defense and in the handling of our foreign relations. The President is the mouthpiece of the Nation in all communications with foreign countries and in negotiating matters with foreign nations. We have seen here that this limitation in effect absolutely precludes him from having any troops whatever in China.

Mr. ANTHONY. Oh, I think the gentleman does not mean to make that statement, because the President in the time of an emergency could send the entire Army to China.

Mr. NEWTON of Minnesota. In time of an emergency, yes; but the gentleman does not think that an emergency exists to-day.

Mr. ANTHONY. We certainly do not, and no military officer advanced any argument to the committee why there should be.

Mr. NEWTON of Minnesota. This provision is a mandate to the President to withdraw troops from China, no matter what our foreign relations happen to be at the present time.

The arrangement and disposition of our small Army is vitally connected with the military policy of our country. It is the judgment of those men who are charged with the responsibility of handling and disposing of our Army that these restrictions should not be placed. Our action in this respect will have material bearing upon our foreign relations. It is claimed that in one instance it will affect our obligations not only to our own citizens but to other nations growing out of understandings entered into with those nations. It would seem to me that this being the case, that this committee before making this recommendation to the House should have sought the advice, counsel, and judgment of the Secretary of State, but a search of the hearings fails to show any effort to get the opinion of the Secretary of State. Mark you, that the Secretary of War appeared before the committee and advised the committee that this was a State Department and administration question. But notwithstanding this the Secretary of State was not called before the committee. Since that time the Secretary of State has advised the House by a letter to the chairman of the Committee on Military Affairs of the responsibility and obligation that this country is under by reason of the conditions in China. I quote from the letter as follows:

DEPARTMENT OF STATE,
March 15, 1922.

The Hon. JULIUS KAHN,
Chairman Military Affairs Committee,
House of Representatives.

SIR: With reference to your conversation of to-day over the telephone with the Far Eastern Division of this department, I have the honor to state that the right to station troops at Tientsin, China, and along the line of the railway which connects Peking with the sea was conceded to the United States and to certain of the European powers by the final protocol for the settlement of the disturbances in China of 1900, which was signed September 7, 1901.

During the Chinese revolution of 1911 and 1912 the powers who were party to the protocol of 1901, including the United States, considered that the disturbed conditions then prevailing in the neighborhood of Peking necessitated the stationing of troops at Tientsin and at other places along the railway between Tientsin and Peking for the purpose of maintaining open communication between the capital of China and the sea. In recognition of its obligation in this connection the United States dispatched to Tientsin a number of troops, which in 1921 numbered 62 officers and 1,468 enlisted men. During the summer of 1921 the Secretary of War raised the question as to whether this number of troops might be entirely withdrawn or reduced, and on July 9, 1921, the State Department informed the Secretary of War that it did not favor the entire withdrawal of these men, because such action might result in unsettling the situation then prevailing.

The department expressed itself, however, as being agreeable to a reduction of 50 per cent. The Department of State now understands that a reduction of 50 per cent was effected last fall. The conditions prevailing on July 9, 1921, have not changed, and the department still believes that it would be inexpedient at the present time to effect any radical change in the present arrangement.

I have the honor to be, sir,
Your obedient servant,
CHARLES E. HUGHES.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. This action is being taken against the advice of the Secretary of State and the Secretary of War, the General of our Armies, and the Assistant Chief of the General Staff, and a search of the hearings produces no evidence in any way controverting the statements or the arguments of these men.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman from Massachusetts.

Mr. FROTHINGHAM. Will the gentleman tell the committee how it is physically possible or how it is going to be physically possible to get troops any such distance as that in adequate time after the emergency has arisen?

Mr. NEWTON of Minnesota. Why, you can not get them there in time. There are two different governments there. We know from the press and reliable authorities that one is kept in power largely because of the influence of a large group of bandits, and yet under those circumstances, and with that situation confronting us, this House is asked to upset the policy of 125 or 130 years and direct the President where he shall put the Army of the United States. Gentlemen, it is wrong.

Mr. TINCHER. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. TINCHER. As I understand from my friend, he is advocating the keeping of soldiers in China for the purpose of taking sides in a possible pending controversy?

Mr. NEWTON of Minnesota. No; the gentleman from Kansas did not understand the gentleman from Minnesota to be advocating anything of the kind. The gentleman from Minnesota does not advocate that, but the gentleman from Minnesota says that the President of the United States, who is charged with the administration of our foreign affairs, can be trusted with 500 men or 50,000 men. [Applause.] The gentleman from Minnesota says to the gentleman from Kansas that this House ought not under these circumstances, with a man like Judge Hughes as Secretary of State, to say to the President of the United States, coming, as he does, from the great conference here, that this Congress is not willing to trust its President—its Chief Executive—in the handling of our foreign affairs. [Applause.]

Mr. TINCHER. Does the gentleman claim there is an emergency in China?

Mr. NEWTON of Minnesota. I do not make any such claim.

Mr. TINCHER. Well, it has been held by the Secretary of War since he appeared before the committee that there was not an emergency in Germany and he is sending the troops home, where they should have been three years ago.

Mr. NEWTON of Minnesota. But bear in mind the hearing was on the 20th of February, and at that time the Secretary of War informed the committee that he was reducing the forces there, and that very soon it would be reduced to 2,000 men. Since then we have been denied payment of the expense of maintaining this Rhine army. In my judgment the Secretary of War for that reason is going to withdraw the troops, and it ought to be left to him; it ought to be left to the President, and we ought not to usurp the functions of the Chief Executive.

Mr. EDMONDS. Do I understand this will take away the regiment we have in China at the present time?

Mr. NEWTON of Minnesota. Absolutely. We are under an understanding with the several nations to maintain troops there,

and this committee has reported to the House a provision which will take them away.

Mr. ANTHONY. The bill very plainly says except in case of an emergency, and if this country is in such condition as the gentleman says, and the President says there is an emergency, he can keep the whole 115,000 there.

Mr. NEWTON of Minnesota. Yes; but there is not an emergency there to-day, the gentleman says.

Mr. ANTHONY. The gentleman was just describing an emergency of civil war in China.

Mr. NEWTON of Minnesota. That would not be considered an emergency, because that condition existed when the bill was up for consideration.

Mr. ANTHONY. I do not want to infringe upon the gentleman's time.

Mr. NEWTON of Minnesota. I will yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. I would like to have five minutes additional.

The CHAIRMAN. The gentleman from Minnesota asks for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Will the gentleman permit me to quote to him what the Secretary of War says about it?

Mr. NEWTON of Minnesota. Yes.

Mr. ANTHONY. I asked him this:

Mr. ANTHONY. In regard to the force we maintain in China: This committee is going to insist, Mr. Secretary, on trying to lop off every expense it considers unnecessary, and so far there has been no real argument presented to this committee why we should continue to maintain the expense of keeping a force of troops in China.

Secretary WEEKS. Mr. Chairman, the desires of the committee are the desires of the War Department; we are all in the same boat. We want to economize and reduce wherever we can do it with safety; the only difference will be perhaps in judgment about the extent and where the reductions in expense should be made. I do not know about the conditions in China that require the maintenance of a force there. It is part of the Philippine Islands force—two battalions, as I remember. That is largely an administration and State Department matter. I have never asked the President how long he wanted to maintain those troops in China; perhaps I have been negligent in that respect, although I assume if he and the State Department wanted to make a change that I would get my directions, and the change would be made, of course.

Now, if there is any pressing necessity, does not the gentleman think the Secretary would have intimated it to the committee?

Mr. NEWTON of Minnesota. He admitted he did not know but that it was a matter within the discretion of the State Department. Now, was he called in for advice—the Secretary of State? There is not a word in the hearings to indicate that he was, but since then we know that the Secretary of State feels that the troops should not be withdrawn.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. PARKER of New Jersey. If the bill is passed in this way in reference to the keeping of troops unless in any of those places there is declared to be an emergency, I want to ask the gentleman whether it is not often very dangerous to declare an emergency?

Mr. NEWTON of Minnesota. The gentleman from New Jersey is absolutely correct. The feeling that there was an emergency requiring the moving of troops to a place might create an even greater emergency, which would cost the country millions of dollars.

Mr. CHINDBLOM. What would have been the attitude of the world if, when President Roosevelt sent the Navy around South America, he had announced there was an emergency that required the demonstration?

Mr. LAYTON. As a matter of fact, as the constitutional leader of the Army and the Navy of the United States, it is not only the privilege but the duty of the President of the United States to shift any of the armed forces wherever he thinks it is necessary for him to do it, and if he has not that privilege, then he is not Commander in Chief of the forces.

Mr. NEWTON of Minnesota. The gentleman is correct.

Mr. EDMONDS. After the Boxer rebellion there was an international agreement between several nations that they would each carry sufficient troops to guard the railroad between Tientsin and Peking. There may be no emergency in China to-morrow or next week; but it was an international arrangement and has been carried out ever since, and it is a very necessary arrangement, in my mind, and should be carried out.

Mr. NEWTON of Minnesota. I agree with the gentleman.

Mr. LINEBERGER. I take it from the gentleman's argument that he considers the provisions of this bill, in fact, a usurpation of the President's prerogatives and powers?

Mr. NEWTON of Minnesota. There is no question about it at all.

Mr. DEMPSEY. Might there not be an emergency in China which was not an emergency between the United States and China but might require the presence of the United States troops there, when there is such an unsettled condition there that there are two rival governments being maintained now?

Mr. NEWTON of Minnesota. We have big responsibilities in China, and we are placing the President, in a way, where he, as the head of our Nation, can not perform them.

Mr. DEMPSEY. Is it not plain enough that we have American citizens in China and that they have large property interests there and still need the presence of American troops to protect them in such a time as there is in China at present, without the presence of an emergency at all?

Mr. NEWTON of Minnesota. Exactly.

Mr. Chairman, why should we adopt this unprecedented course? Why should we overturn the precedents of over a century and deprive the Executive of his rightful power over the Army? Have we lost confidence in the President? Has he in any way abused its powers and privileges? As the head of our Army has he in any way failed to carry out his responsibilities and duties? No one claims this. Furthermore, no one could claim it. Mr. Chairman, the President's handling of the foreign relations of our country has probably been unexcelled in our history. He came into the office one year ago at a very critical time. During this one-year period we have settled our difficulties with Costa Rica and other Central American countries, brought Mexico to a point where now she respects this country and its flag and no longer molests our borders or takes the lives of our citizens. We are adjusting the rights of American citizens in Mesopotamia. Finally, at the Washington conference which has just closed, with masterly hand the President of the United States and his able advisor, Mr. Secretary Hughes, have negotiated treaties which, when ratified, will settle the very vexing problems of the Far East and permit this country and the other great nations of the world to limit their expenditures for navies and thereby take from the backs of the people tax burdens equaling hundreds of millions of dollars annually. Why should this Congress manifest its lack of confidence in such an Executive, at such a time when the whole country has repeatedly manifested its confidence in him?

Mr. Chairman, this action is unwarranted. It is uncalled for. It is in violation of the spirit of the Constitution, if not the letter. It is such action that if once taken by us probably can not be corrected, for it would be difficult to review it in the courts. The power of Congress and the power of the House of Representatives over the purse is in practical effect without limit. The House of Representatives ought always to be very jealous of its own power. We ought always to reserve to ourselves the right to say what size the Army shall be. But, while we jealously guard our own rights, we ought not to intrude upon the rights of the Executive. Mr. Chairman, the motion to strike out the limitation, consisting of the entire paragraph, should prevail.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, and had come to no resolution thereon.

MODEL MARINE INSURANCE LAW.

Mr. FOCHT. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include an address of David M. Lea, delivered before the Washington Board of Trade on the model marine insurance law, March 21, 1922.

The address is as follows:

ADDRESS OF DAVID M. LEA, DELIVERED BEFORE THE WASHINGTON BOARD OF TRADE ON THE MODEL MARINE INSURANCE LAW, MARCH 21, 1922.

Mr. President, honored guests, and fellow members of the board of trade: In the preparation of this paper on the subject of the recently enacted model marine insurance bill, which has now become a law, I am keenly aware of the largeness of the subject and the smallness of my ability to properly put before you a subject so highly technical and bristling with difficulties of interpretation. Therefore I shall not worry you with the technical side of this question, but endeavor to touch upon the more salient features of it in its broader aspects.

There are few within the sound of my voice who realize that three-fourths of our insurance on vessels and two-thirds of our insurance on both cargoes and vessels are under the control of foreign insurance companies. In order to explain more clearly to those who are not familiar

with this subject, I desire to call attention to the highly technical and competitive character of the business and the way in which it is handled and controlled.

Eight brokerage firms in this country place practically all of the insurance and place it abroad for the reason that foreign companies, owing to lack of legislative restrictions and lower taxation, can quote lower rates and thus render it impossible for American companies to compete. This is a distinct disadvantage to American commerce because price competition in international commerce is so close that frequently the difference in the cost of insurance determines the country to which the order is to be given. There is no international agreement on rates such as there is between fire insurance companies in this country, which, by consent of the States and with a nationwide organization, are enabled to charge the proper rate to cover the hazard, consequently making a fixed rate. Such is not the case in marine insurance, which is very fluid and is subject only to the conditions and demands in the various countries, thus practically putting it in the hands of the brokers instead of the companies. The law under consideration removes these restrictions and lowers the taxation, thereby enabling companies in the United States to compete for their share of the business.

The United States Government, both by expenditure of money and by legislation, has endeavored to create a fleet of vessels to carry our cargoes abroad and be competent for the world's trade. Over these vessels flies the American flag but under it and rendering it useless is the cover of foreign insurance, because our leading competitors have for years used marine insurance to precempt leading lines of trade. Nations that are strong in marine-insurance facilities may deny the service altogether or give it only under unfavorable conditions to the citizens of other nations who do not possess adequate facilities of their own. Possession of sufficient underwriting capacity, free from foreign control, is essential to the proper protection of commercial secrets from our trade competitors. Foreign underwriters, when insuring American cargoes, necessarily learn the facts concerning the carriers used, the consignees, methods of packing and handling, financial affiliations of the consignees, costs of production, and the conditions and price of sales. Therefore, there is pressing need for ample and independent American marine insurance companies, and I take it for granted that no American citizen wishes to see such a deplorable state of affairs to continue.

It is necessary, therefore, to remove the shackles that have bound marine insurance ever since the decision by the Supreme Court of the United States many years ago, in the case of Paul v. Virginia, in which it was decided that insurance was not interstate commerce and was, therefore, subject to the control of each individual State, a condition which has produced a chaos of 48 different varieties of legislation, taxation, and rates on a matter that, in spite of the decision of the Supreme Court, is the support and basis of credit for all interstate and foreign commerce and should be treated as such.

Insurance, in its last analysis, is a tax upon the people and should be fairly and economically administered. Modern taxation of business is being modeled more and more upon the principles of ability to pay, fair treatment between different types of essential industries, and avoidance of burdens so harsh as to destroy the initiative of capital; and it is difficult to explain why the freedom of incorporation prevailing in this country with respect to other business enterprises should have been denied to insurance companies.

People do not realize that insurance is a part of the cost of everything that is used—the clothing they wear, the food they eat, and the houses they live in. And yet insurance is rapidly replacing the railroads as a legislative toy. The drift is unmistakable, the threat of danger precise and certain. In 1916 there were 720 bills relating to insurance introduced in State legislatures. In 1921 there were 1,429 such bills presented, a gain in the five-year interval of almost 100 per cent. While some of these proposed laws were constructive and necessary measures, the great bulk of them were of a radical, restrictive, or harassing nature with a distinctly socialistic background. The anxiety of our legislative medicine men, who seek to cure all ills by a dose of laws, should occasion little wonder, as a business insurance ranks with the foremost enterprises of the age, and, therefore, offers a fruitful field for political terrorism and plunder. It would be no difficult to think of commerce without insurance as it would be to think of transportation without railroads, vessels, automobiles, or airships. Modern life has become so completely intwerced in the theory and practice of insurance that there are few contingencies affecting human relationships to which its principles have not been successfully applied. It is, perhaps, our most universal institution, reaching in its wide sweep all classes of people, all industries, and all business interests. To human progress it has become essential and as a means toward general economic security it is indispensable. The prospect, therefore, that it may be tinkered with and exploited by designing, corrupt, or ignorant politicians is worthy of the most serious consideration.

Therefore I do not hesitate to designate the law under consideration as the Magna Charta of insurance legislation, for, while it applies particularly to marine insurance, it is equally applicable in its principles to fire and other lines because of the inclusion of the multiple line feature which, with the exception of one State—Wisconsin—is recognized in this country for the first time, although it has been in existence in Europe for 200 years and has been used as a means of strengthening and enlarging our foreign competitors, who, through it, have been able to reach the various markets of the world and to enjoy the average obtained by handling the different branches of insurance, while our institutions have been confined to a single market and a single branch of insurance. All of which tends to a lower cost of production, lower loss ratio through distribution of hazard, and more economical management in one of our essential industries.

Marine insurance is a national commercial weapon, and it may be doubted if any other essential and strategic business has suffered so cruelly from unwise and merciless taxation. It is interesting to know that the taxation equals the underwriting profits recently agreed upon by the national convention of insurance commissioners, which decided upon an allowance of 5 per cent as a reasonable and fair profit. What other important business could stand such an inroad upon its profits? In order to preserve their solvency this has to be passed on by the companies to the people in the rates charged. The law under consideration obviates this by a tax upon the profits instead of the premiums received, and therefore lowers the cost.

The law was prepared with a view to its adoption by the various States following the example of the District of Columbia, which process has already begun—notably in New York, Pennsylvania, and Illinois—and it is hoped will result in a standardization of the business so that the conditions will be the same insurance wise in California as well as in New York.

Such is the contribution it is hoped the District of Columbia will make to the national welfare, and I would like to pause for a moment in this discussion to call attention to the important part that the board of trade has had in this legislation. It is the only trade body in the District of Columbia which contributed anything toward the development and the final results of this law through the cooperation of its insurance committee which, in the inception of the movement in regard to this law, was called into consultation by those handling the measure and by the superintendent of insurance of the District of Columbia, Dr. Lewis A. Griffith. I also beg to call attention to the splendid services of Doctor Griffith, who, when he discovered that certain portions of the bill were inimical to the welfare of the local District of Columbia companies, particularly in regard to the requirements for capitalization and surplus, demanded and obtained changes that safeguarded the interests of our local companies.

Having set forth the national and international aspects of this law, I desire briefly to touch upon its interests to the District of Columbia. Although it is essentially a national commerce measure, one should not lose sight of the fact that various sections of the law are designed to benefit the District of Columbia in very important particulars.

Section 3 provides for the creation of corporations for the sole purpose of transacting a reinsurance business, and there seems to be no reason why purely reinsurance companies can not advantageously organize in the District. Incidentally, I would like to state that movements are already on foot to accomplish this purpose, and organizations possessing millions of dollars are considering taking advantage of the law and establishing companies in the District at the present time.

Section 21 provides for the organization within the District of corporations engaged exclusively in the writing of insurance in foreign countries, the capital stock of which corporations may be owned by American companies engaged in the same kind of insurance.

Other sections of the law will serve very materially in fostering the success of these two types of companies, as well as other companies which may decide to organize within the District. Moreover, the American marine insurance syndicates already have their domicile in the District, and one of the essential purposes of the law is to bring about a legislative situation under which these syndicates may develop and thrive so that it will no longer be necessary to send nearly half a billion dollars of premiums abroad, carrying with it vital trade secrets for the information of our commercial rivals in the competition for the trade of the world.

There is no reason why, with this favorable legislation, Washington should not become one of the country's largest insurance centers, and as we have the finest material for the selection of efficient clerical forces of any city in the country, the opening of offices for those desiring to take advantage of this law will afford employment to many people.

It is a known fact that a single company entering the field of marine insurance is somewhat handicapped and in many instances has met with disaster, but to those operating through syndicates, by the enlargement of premium income, distribution of losses through the scattering of the hazard, through the material lowering of expenses on account of economy of operation, and by having the experience of the best brains in the marine business at comparatively little cost, participation may be advantageously made by companies otherwise financially unable to enter this important field. At the present time the syndicates operating in the District of Columbia are confined in their cover to $2,000,000 on hulls under syndicate B for Shipping Board vessels and two and a half million dollars on hulls under syndicate C for privately owned vessels. The entry of other companies not only from the District but from the balance of the country into these syndicates under the provisions of this law will be greatly welcomed and would enable them to carry the four or five million dollar cover, which is the goal at which they now aim. It seems to me that to the extent of their resources that this is a legitimate avenue for the enterprise of our local fire companies.

The organization of large reinsurance companies in the District of Columbia should very greatly help our local fire companies, which hitherto have hesitated to branch out into larger fields because of inadequacy of finances.

Lastly, our local fire insurance companies should be congratulated on the opportunity afforded them to take advantage of what is believed to be the most advanced, fairest, and soundest piece of insurance legislation that has been enacted in this country for the last hundred years. And in conclusion I desire to pay high tribute to Congressman GEORGE W. EDMONDS, of Pennsylvania, but for whose tact and untiring energy it could not have been accomplished, and I desire to give him his full meed of praise for the passage of this measure, which was universally believed to be impossible.

Respectfully submitted.

DAVID M. LEA,
Chairman Insurance Committee, Washington Board of Trade.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House, under its previous order, adjourned until Thursday, March 23, 1922, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. H. R. 10461. A bill to add certain lands to the Siskiyou National Forest in Oregon; with amendments (Rept. No. 816). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLSPAUGH: Committee on the District of Columbia. H. R. 7454. A bill to authorize the extension and widening of Ninth Street, from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.; without amendment (Rept. No. 820). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLSPAUGH: Committee on the District of Columbia. S. 3170. An act regulating corporations doing a banking business in the District of Columbia; without amendment (Rept. No. 821). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WHITE of Kansas: Committee on the Public Lands. H. R. 9016. A bill to provide for the issuing of a patent to Richard Murphy for a certain tract of land in what is known as the Big Pasture of Oklahoma, and upon which he has made full payment of purchase price; with an amendment (Rept. No. 817). Referred to the Committee of the Whole House.

Mr. MILLSPAUGH: Committee on the District of Columbia. H. R. 10973. A bill to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended; without amendment (Rept. No. 818). Referred to the Committee of the Whole House.

Mr. RAKER: Committee on the Public Lands. H. R. 10554. A bill authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes; with amendments (Rept. No. 819). Referred to the Committee of the Whole House.

Mr. LANGLEY: Committee on Public Buildings and Grounds. S. 3046. An act to donate the gates at the head of West Executive Avenue, in the city of Washington, D. C., to the Hayes Memorial Museum, Fremont, Ohio; without amendment (Rept. No. 822). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GORMAN: A bill (H. R. 11001) placing certain positions in the Postal Service in the competitive classified service; to the Committee on Reform in the Civil Service.

By Mr. BUTLER: A bill (H. R. 11002) to increase the efficiency of the naval personnel, and for other purposes; to the Committee on Naval Affairs.

By Mr. BECK: A bill (H. R. 11003) to provide for the inspection of railroad tracks which are alleged to be inadequately maintained and in unsafe condition and authorizing and requiring the Interstate Commerce Commission to make the necessary investigations and order the employment of additional men; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: A bill (H. R. 11004) authorizing free delivery of library books on rural routes; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: A bill (H. R. 11005) to provide payment for the completion of the bridge across the Little Colorado River, near Leupp, Ariz.; to the Committee on Indian Affairs.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 11006) to permit joining the United States of America as a party defendant in an action in Federal and State courts in certain actions affecting title to real property; to the Committee on the Judiciary.

By Mr. RIORDAN: Joint resolution (H. J. Res. 293) to appoint a commission for the exchange of sites for lighthouse station at Tompkinsville, Staten Island, N. Y., between the Federal Government and the officials of the city of New York; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring legislation as will provide for proper and effective Federal regulation of the importation of narcotic drugs; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER of Oklahoma: A bill (H. R. 11007) granting a pension to B. C. England; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 11008) granting an increase of Pension to John H. Berard; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 11009) granting a pension to Sarah M. Love; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11010) granting a pension to Helen J. Cook; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 11011) granting a pension to George O. Pratt; to the Committee on Invalid Pensions.

By Mr. KISSEL: A bill (H. R. 11012) for the relief of the parents of Garnet Murphy; to the Committee on War Claims.

Also, a bill (H. R. 11013) for the relief of the parents of Emmett Murphy, deceased; to the Committee on War Claims.

Also, a bill (H. R. 11014) for the relief of the parents of Donard Murphy; to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 11015) granting an increase of pension to Mahala J. Stoner; to the Committee on Invalid Pensions.

By Mr. PRINGEY: A bill (H. R. 11016) for the relief of Dawes Columbus; to the Committee on Claims.

By Mr. SANDERS of Texas: A bill (H. R. 11017) for the relief of Mrs. M. E. Hairgrove; to the Committee on War Claims.

By Mr. SNELL: A bill (H. R. 11018) granting an increase of pension to Mary A. Dean; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 11019) granting a pension to Martha Highland; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4758. By the SPEAKER (by request): Petition of Salvador Silvestriz and Carlos Feltiou, of Juncos, P. R., protesting against the continuance of Governor Reily in Porto Rico; to the Committee on Insular Affairs.

4759. Also (by request), petition of the Society of Native Borns of the United States of America, urging the enactment of the bonus bill with a sales tax to pay it; to the Committee on Ways and Means.

4760. Also (by request), petition of the National Disabled Soldiers' League, protesting against the injustice of the removal of Riley R. Briggs and requesting that an investigation be had of the activities of Thomas J. McAvoy, subdistrict manager of the Newark Veterans' Bureau office; to the Committee on Interstate and Foreign Commerce.

4761. By Mr. ANSORGE: Petition of a number of citizens of New York City, urging the ratification of the four-power treaty without reservations; to the Committee on Foreign Affairs.

4762. By Mr. BULWINKLE: Resolutions adopted by the Charlotte Central Labor Union, of Charlotte, N. C., praying for a Federal investigation in the cotton industry in the United States; to the Committee on Labor.

4763. Also, resolutions adopted by the Joint Textile Council of Charlotte, N. C., Edgar W. Smith, secretary; Charlotte Textile Workers, E. L. Chapman, secretary; and Concord Textile Workers, of Concord, N. C., T. R. Cozart, secretary, praying for a Federal investigation of the cotton industry in the United States; to the Committee on Labor.

4764. By Mr. CULLEN: Resolutions adopted by the memorial and executive committee of the Grand Army of the Republic of Kings County, Department of New York, urging the enactment of legislation providing a pension of $72 a month for the veterans and $50 a month for their widows, and favoring the monthly payment of Civil War pensions; to the Committee on Invalid Pensions.

4765. By Mr. DYER: Petition of the United Hellenic Societies, relative to the pending immigration bills; to the Committee on Immigration and Naturalization.

4766. By Mr. FROTHINGHAM: Resolution passed by the Legislature of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress the power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

4767. By Mr. GALLIVAN: Petition of the Rev. Alexander Mann, of Trinity Church, and of Miss Alice P. Tapley, of Boston, Mass., recommending passage of the Lodge amendment proposing a delay of 25 years in the payment of our loan to Austria; to the Committee on Ways and Means.

4768. By Mr. KETCHAM: Petition of residents of Barry County, Mich., and Hastings, Mich., protesting against the Sunday observance bills; to the Committee on the District of Columbia.

4769. Also, petition of residents of Barry County, Mich., protesting against the Sunday observance bills; to the Committee on the District of Columbia.

4770. By Mr. KING: Petition signed by Edna C. Westlund and 12 other citizens of Kewanee, Ill., opposing the passage of blue-Sunday legislation; to the Committee on the Judiciary.

4771. By Mr. KISSEL: Resolution of Kings County Historical Society, of Brooklyn, N. Y., relative to appropriations for the Army and Navy; to the Committee on Appropriations.

4772. Also, petition of the Pattern Makers' Association of New York City, N. Y., urging the passage of House bill 10646; to the Committee on Interstate and Foreign Commerce.

4773. Also, petition of Charles E. Phillips, Esq., of Washington, D. C., urging the enactment of the Bursum bill (S. 1565); to the Committee on Military Affairs.

4774. By Mr. MACGREGOR: Resolution adopted by the American Legion, Department of New York, earnestly recommending the passage of the American Legion fivefold optional plan of adjusted compensation; to the Committee on Ways and Means.

4775. Also, resolutions adopted by Elma Grange, No. 1179, of Elma, N. Y., opposed to the settlement of mine or railroad disputes between capital and labor by means of strikes, but urges that such settlement be made between capital and labor as may prevent a strike; to the Committee on the Judiciary.

4776. Also, resolutions adopted by the American Legion, Department of New York, demanding that the needs of wounded men be immediately met and proper hospitalization provided by the Government, and that the Langley bill for hospitalization be immediately reported to Congress; to the Committee on Public Buildings and Grounds.

4777. By Mr. MAPES: Petition from citizens of Coopersville and Conklin, Mich., and vicinity, protesting against the passage of House bill 9753, a bill to secure Sunday as a day of rest in the District of Columbia, and against the passage of any other Sunday bill; to the Committee on the District of Columbia.

4778. By Mr. OLPP: Petition of 230 employees of Keuffel & Esser Co., of Hoboken, N. J., favoring the adoption of the American valuation plan; to the Committee on Ways and Means.

4779. By Mr. RIDDICK: Petition of farmers of Sand Springs, Union, McCone County, Fergus County, and Eagleton, all in the State of Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

4780. Also, petition of farmers of Enid, Mont., urging revival of United States Grain Corporation; to the Committee on Agriculture.

4781. Also, petition of farmers of Phillips County, Mont., indorsing House bill 9952; to the Committee on Agriculture.

4782. Also, petition of citizens of Laurel, Mont., indorsing the Towner-Sterling bill; to the Committee on Education.

4783. Also, petition of citizens of Savage, Mont., indorsing Towner-Sterling bill; to the Committee on Education.

4784. Also, petition of citizens of Fort Benton, Mont., urging passage of Towner-Sterling bill; to the Committee on Education.

4785. Also, petition of several citizens of Great Falls, Mont., urging passage of the Towner-Sterling bill; to the Committee on Education.

4786. Also, petition of citizens of Box Elder, Mont., urging passage of Towner-Sterling bill; to the Committee on Education.

4787. Also, petition of farmers of Valley County, Mont., indorsing Senate bill 3077, amending the farm loan act; to the Committee on Banking and Currency.

4788. By Mr. ROGERS: Petition of Arthur Benube and others, of Lowell, Mass., opposing the passage of House bill 9753 and any Sunday bills; to the Committee on the District of Columbia.

4789. By Mr. STEENERSON: Petition of John Dobemeyer and others, of the village of Mahnomen and vicinity, in the State of Minnesota, heartily indorsing the adjusted-compensation bill for ex-service men; to the Committee on Ways and Means.

4790. By Mr. TAYLOR of Tennessee: Petition of the United Mine Workers of America, District No. 19, per S. A. Keller, president, urging Congress for a speedy investigation of the conditions and for relief for the miners, their wives and little children, in this district, that they may not be evicted from their homes; to the Committee on Labor.

4791. By Mr. TIMBERLAKE: Petition of B. H. Fulton and others, of Stratton and other places in Colorado, opposing the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4792. By Mr. TINKHAM: Petition of the Associated Industries of Massachusetts, favoring the Great Lakes-St. Lawrence waterways project; to the Committee on Interstate and Foreign Commerce.

4793. By Mr. TOWNER: Petition of Dr. George M. Bennett and 1,067 other citizens of the city of New York, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4794. By Mr. VOLSTEAD: Petition of 438 citizens of the seventh congressional district of Minnesota, urging the revival of the United States Grain Corporation and a guaranteed price on farm products; to the Committee on Agriculture.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE
SIXTY-SEVENTH CONGRESS

OF

THE UNITED STATES
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PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS
SECOND SESSION.

SENATE.

THURSDAY, *March 23, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met in open executive session at 11 o'clock a. m., on the expiration of the recess.

As in legislative session,

SERVICES FOR SOLDIER DEAD AT BROOKLYN, N. Y.

The VICE PRESIDENT. In compliance with Senate concurrent resolution 20, the Chair designates Mr. CALDER, Mr. FERNALD, Mr. SPENCER, Mr. BROUSSARD, and Mr. HARRIS as the members of the committee on the part of the Senate to represent Congress at the ceremonies attending the arrival of the last of the bodies of American soldiers from the battle fields of France.

EMPLOYMENT OF ATTORNEYS BY ALIEN PROPERTY CUSTODIAN.

The VICE PRESIDENT laid before the Senate the following communication from the Alien Property Custodian, relative to information requested by the Senate pursuant to Senate resolution 191, which was ordered to lie on the table and to be printed in the RECORD:

ALIEN PROPERTY CUSTODIAN,
Washington, D. C., March 20, 1922.

The VICE PRESIDENT,
The Capitol, Washington.

DEAR MR. VICE PRESIDENT: On January 13, 1922, I addressed a communication to the Senate through you, informing them of the receipt by this office of Senate resolution 191, directing that certain information be sent by this office to your honorable body. At that time I indicated that the information would be prepared as expeditiously as possible.

I am taking the liberty of writing you again concerning this matter, having noted from remarks on the floor of the Senate several days ago an inference that the information requested in the Senate's resolution was not forthcoming, and that this office had been negligent in not supplying the same. I desire to notify the Senate through you that the employees of this office have devoted as much time as has been possible on this work. With an increase of daily and routine work and a reduced personnel it has been impossible to complete the data requested up to now. To date the work on the report comprises several thousand typewritten pages, and before completion this amount will be considerably increased.

I wish to assure you that everyone in this office is thoroughly apprised of the import of complying with the Senate's resolution, and it is my intention to forward this report to you at least in part, if not in whole, within 10 days.

Respectfully,

THOMAS W. MILLER,
Alien Property Custodian.

CALL OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Hale	Myers	Sheppard
Brandegee	Harreld	Nelson	Shields
Bursum	Harris	New	Shortridge
Cameron	Harrison	Newberry	Simmons
Capper	Heflin	Nicholson	Smith
Caraway	Hitchcock	Norbeck	Spencer
Colt	Johnson	Norris	Stanfield
Culberson	Jones, Wash.	Oddie	Sterling
Cummins	Kellogg	Overman	Sutherland
Curtis	Kendrick	Page	Swanson
Dial	Keyes	Pepper	Townsend
du Pont	Ladd	Phipps	Underwood
Edge	La Follette	Pittman	Wadsworth
Ernst	Lenroot	Poindexter	Walsh, Mont.
Fernald	Lodge	Pomerene	Warren
France	McKellar	Ransdell	Watson, Ga.
Glass	McKinley	Rawson	Weller
Gooding	McNary	Robinson	Willis

Mr. SUTHERLAND. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Indiana [Mr. WATSON], and the Senator from New York [Mr. CALDER] are detained at a meeting of the Committee on Finance.

The VICE PRESIDENT. Seventy-two Senators have answered to their names. A quorum is present.

OPINION CONSTRUING TRANSPORTATION ACT OF 1920 (S. DOC. NO. 172).

Mr. CUMMINS. Mr. President, I ask unanimous consent to have printed as a public document a very important opinion, very recently rendered by the Federal court of Ohio, upon a phase of the transportation act of 1920. I think it desirable that it should have general circulation.

Mr. ROBINSON. What is the aspect of the transportation act involved?

Mr. CUMMINS. It is with regard to the jurisdiction of the Interstate Commerce Commission over electric and interurban roads.

Mr. ROBINSON. That is a very important matter.

The VICE PRESIDENT. Without objection, it is so ordered.

ADVANCES FOR BENEFIT OF AGRICULTURAL INTERESTS.

Mr. POMERENE. Mr. President, I have before me a statement which was sent to me by the War Finance Corporation as to advances which have been made for the benefit of agricultural interests, and also showing the distribution of the money among the several States. I think it is a matter that will be of considerable interest to Senators. Therefore I ask that it may be incorporated in the RECORD and also that it be referred to the Committee on Finance.

There being no objection, the statement was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

WAR FINANCE CORPORATION.

OPERATIONS OF THE WAR FINANCE CORPORATION FROM JANUARY 4, 1921, TO AND INCLUDING MARCH 11, 1922.

I. *Advances to assist in financing exports under sections 21, 22, and 24 (par. 2), approved from January 4, 1921, to March 11, 1922, inclusive.*

(Sec. 21 was added to the original War Finance Corporation act by the act of Mar. 3, 1919, and secs. 22 and 24 by the agricultural credits act of Aug. 24, 1921.)

COMMODITY.

Grain	$5,209,810.69
Tobacco	3,596,369.77
Cotton	38,572,378.21
Canned fruits	400,000.00
Meat products	1,000,000.00
Condensed milk	1,000,000.00
Textile products	250,000.00
Sheet steel	180,000.00
Copper	145,600.00
Sugar-mill machinery	470,966.36
Agricultural machinery	500,000.00
Railroad equipment	2,925,000.00
Lumber	1,000,000.00
Total	50,250,120.03

Total does not include advances aggregating $27,887,816.10 originally applied for and approved under section 21 for export purposes, and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under section 24. Of the total amount $37,573,650.26 represents advances approved subsequent to August 24, 1921.

II. *Advances to banking and financing institutions and cooperative associations for "agricultural and live-stock purposes" under section 24 (par. 1), approved from August 24, 1921, to March 11, 1922, inclusive.*

(Sec. 24 was added to the original War Finance Corporation act by the agricultural credits act of Aug. 24, 1921.)

(A) BY COMMODITIES.

Cotton	$23,404,200.52
Grain	21,290,189.31
Live stock	64,127,443.90
Sugar beets	9,996,000.00
Rice	2,500,000.00
Canned fruits	300,000.00
Dried fruits	1,250,000.00
Peanuts	1,097,700.00
Tobacco	10,000,000.00
General agricultural purposes	124,224,068.53
Total	258,189,602.26

This sum includes advances aggregating $27,387,816.10 originally applied for and approved for export purposes (under sec. 21) and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under the agricultural credits act of August 24, 1921 (sec. 24).

(3) BY STATES.

(1) To banking and financing institutions.

Alabama	$321,300.00
Arizona	2,767,500.00
Arkansas	242,000.00
California	2,106,859.06
Colorado	6,177,163.59
Florida	710,000.00
Georgia	5,366,000.00
Idaho	3,117,017.28
Illinois	4,814,000.00
Indiana	1,105,500.00
Iowa	22,631,616.08
Kansas	4,299,296.40
Kentucky	346,248.56
Louisiana	1,899,399.77
Michigan	20,000.00
Minnesota	10,581,049.26
Mississippi	1,407,838.19
Missouri	7,384,270.39
Montana	9,538,402.50
Nebraska	11,331,415.15
Nevada	248,000.00
New Mexico	6,224,580.25
New York	[illegible]
North Carolina	5,245,000.00
North Dakota	17,773,272.16
Ohio	1,177,806.00
Oklahoma	2,786,865.56
Oregon	3,515,112.39
South Carolina	8,597,379.25
South Dakota	13,771,684.50
Tennessee	2,767,500.00
Texas	16,719,496.44
Utah	10,651,101.00
Virginia	1,807,700.00
Washington	579,648.00
Wisconsin	4,269,000.00
Wyoming	7,265,744.38
Total	199,801,786.16

(2) To cooperative associations.

Arizona	$1,200,[illegible]
Arkansas	1,250,[illegible]
California	2,800,000.00
Idaho	962,355.66
Kentucky	10,000,000.00
Minnesota	15,000,000.[illegible]
Oklahoma	6,000,000.00
Tennessee	5,000,[illegible]
Texas	9,787,566.50
Virginia	1,000,[illegible]
Washington	5,327,[illegible]
Total	58,387,816.10

This total includes advances aggregating $27,387,816.10 originally applied for and approved for export purposes (under sec. 21) and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under the agricultural credits act of August 24, 1921 (sec. 24).

III. *Summary of advances for export and agricultural purposes under sections 21, 22, and 24, approved from January 1, 1921, to March 11, 1922, inclusive.*

To cooperative associations	$63,650,000.00
To banking and financing institutions	235,824,913.40
To exporters	8,935,708.89
Total	308,439,722.29

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from a mass meeting of citizens at San Francisco, Calif., praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table and to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *March 22, 1922.*

Hon. CALVIN COOLIDGE,
Vice President of the United States, Washington, D. C.:

Ten thousand peace-loving men and women of San Francisco assembled in mass meeting to-night ordered transmitted to you the following resolutions, which were unanimously adopted. We ask that you lay these resolutions before the United States Senate:

"*To the Senate of the United States of America:*

"Whereas pursuant to a resolution unanimously adopted by your honorable body, as well as by the House of Representatives, the President of the United States invited foreign powers to join with this Republic in a conference to consider the reduction of national armament, and the invitation to join with this Republic in such a conference was accepted in good faith by the major powers of the world, and such conference recognized that the underlying cause of war consists in a state of mind wherein it is assumed that the disputes which inevitably arise between nations will be determined by armed forces ending its initial expression in hostile aggression. And it was determined by the distinguished representatives of all nations participating in the conference that a new state of mind could be best created by evidencing to all peoples of the world that international disputes would be approached and solved through friendly conference rather than by immediate resort to arms; and

"Whereas this thought is the foundation upon which are based the treaties approved at the conference on world disarmament and on which hang the future peace and prosperity of the civilized world and now presented to your honorable body for ratification; and

"Whereas Senator HIRAM W. JOHNSON, one of the Senators now representing California in your body, has joined in opposition to the four-power treaty:

"Now, therefore, we, citizens of California in mass meeting assembled in San Francisco, comprising every religious and political faith, having a profound desire for peace and mutual understanding amongst nations, mindful still of the dying cries of 10,000,000 men, and trusting in the wisdom and policy of the President of the United States and his distinguished American associates who so successfully guided the conference, do here and now urge the ratification of all of the treaties as adopted at the Washington conference, and we do further declare that the attitude of Senator HIRAM W. JOHNSON does not reflect our sober and earnest convictions

"*Resolved*, That copies of this resolution be forwarded by telegraph to the President of the United States, to the President of the United States Senate, to Senator LODGE, chairman of the Committee on Foreign Relations, to Senator HIRAM W. JOHNSON, and to Senator SAMUEL SHORTRIDGE."

W. W. MORROW, *Chairman.*

Mr. JOHNSON subsequently said: Mr. President, just prior to the recess there were presented by the Vice President certain resolutions passed at a meeting in California with some references to myself. They were ordered printed in the RECORD. I ask, without reading it, that my reply to the particular telegram may be printed immediately following the resolutions in question.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, it is so ordered.

Mr. JOHNSON's telegram is as follows:

[Telegram.]

WASHINGTON, D. C., *March 22, 1922.*

Hon. W. W. MORROW,
Judge of the United States Circuit Court, San Francisco, Calif.:

I have just received your telegram transmitting to me resolutions passed at a mass meeting held March 22 in San Francisco.

I am always very glad to have the views of any considerable number of my constituents, and, indeed, of any individual Californian. I recognize the right of every man to his opinion and the public expression of that opinion. In a democracy like ours it is not only appropriate but helpful and healthy that individual and mass opinions be transmitted to those who briefly hold official power. But I recognize, too, that one who occupies a position as United States Senator must, in the questions which come to him, reach his decisions and cast his votes as his judgment and his conscience dictate. He would, indeed, be a poor and contemptible representative who yielded his conscience and his judgment to every varying popular gust or to every demand which might be made upon him by groups or individuals. I do not question the sincerity of your opinion and that of those who met with you last night, and I welcome your public expression of it. Equally, of course, I take it, you do not question the sincerity of my opinion, and if I were cowardly enough to fail to give expression to it because any one or any number of my constituents, however many or powerful, demanded otherwise, I would forfeit your respect, and what is worse, and what I value more, I would forfeit my own self-respect.

You and I together but two short years ago faced what seemed to be a rising and irresistible public clamor for a League of Nations. Without thought of the effect, politically or otherwise, we fought then what we believed to be a danger and a peril to the Republic. The exact arguments that were then made, the methods to deter and to silence us, are those now employed. We were told then that there was a new state of mind in the world; that disputes between nations would be solved through friendly conferences rather than by arms; and that the medium of their solution was the League of Nations. We were told then by some of the very gentlemen who participated in your meeting, and by others who are now speaking in California, that if we did not join the League of Nations our beloved country was headed straight for war. You and I fought on though, because we believed we were right, and because we wanted to preserve our cherished heritage just as we had received it for those who follow us. You and I desired to keep our Nation, not aloof from others, but free from their controversies, their spoliation, their imperialism, and their oppression. We fought the good fight then and we won it. Time demonstrated every lugubrious prophecy, and every dire prediction made by those opposing us, to be utterly without foundation. To-day I believe substantially the same situation confronts us. We are by degrees being taken into what two years ago we so fortunately escaped. This step in the Pacific, in my opinion, is but the prelude to others. If we are to enter the league I prefer to take my beating standing, and with head up enter the front door, rather than creep in the back.

I recognize fully the peculiar psychology with which we have to deal to-day, and I sympathize wholly with the yearning of all good people forever to put an end to the horrors of war. I do not oppose and I never have opposed consultation among nations. I have always sincerely advocated it, and do so now. I am unable to understand why if we seek consultation we do not plainly say so, and when pretending only a desire for consultation we undertake to maintain British and Japanese possessions. Instead of conference and consultation alone the treaty before us provides for maintaining territory and meeting aggression. I do not want to put any obligation, direct or indirect, express or implied, upon our country, upon our sons or our grandsons, to meet aggression against British or Japanese possessions, and I will not do so. With the past so indelibly stamped in my memory, with my knowledge of the world situation, a knowledge perhaps greater than that of many of my constituents, I can not by my vote take my country into a partnership with other nations which will inevitably lead us into unknown perils and do just that against which you and I so vigorously fought. The dangers, aye, the consequences, of just such agreements as the one under consideration are written in all the bloody pages of history.

I oppose this present treaty which would carry us into a pact no stronger than that which was in part responsible for the great World War, because I would save this Nation and all the nations of the earth from future murderous horrors and devastating wars. In the name of the 10,000,000 slain in the great World War invoked by you, in the name of the hallowed graves of the Americans who unselfishly gave their lives, I would preserve my country to play its great part in its appointed destiny free and unfettered, the leader of the nations of the earth, the hope of civilization. It was to this end by this to prevent

a recurrence of the awful tragedy from which we have just emerged. I gave of my substance and my effort in the difficult contest we made together. I believe, and I am sure on reflection, you will agree that our country can aid the world better with our ideals untouched, our independence of action undiminished, under the policy by which we have reached our present high eminence and great power, than as a partner of Britain and Japan. I may have been mistaken in my position two years ago; I may be mistaken now; but then I fought, and now I am fighting, as an American for my America, and God helping me, I will continue that fight until I die.

HIRAM W. JOHNSON.

Mr. LODGE presented a resolution of the board of aldermen of the city of Somerville, Mass., favoring the passage of an adjusted compensation bill for veterans of the World War, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Wellesley and Dover, both in the State of Massachusetts, remonstrating against the making of appropriations for the free distribution of seeds, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by members of the Oak Square Methodist Episcopal Church, of Brighton, Mass., favoring the passage of legislation for the relief of the suffering people of Austria, which was ordered to lie on the table.

He also presented communications in the nature of petitions of the congregations of the Church of Christ of Granby; the Marlboro Methodist Episcopal Church, of Marlboro; and the Oak Square Methodist Episcopal Church, of Brighton; a meeting of the executive council of the Beverly Churchmen's Union, representing men of seven Protestant churches and the Young Men's Christian Association, etc., of Beverly; the Men's Club of the North Congregational Church, of Lynn; the executive board of the Boston League of Women Voters, of Boston; members of the First Congregational Church of Georgetown; the Bolton Monthly Meeting of Friends, of Bolton; the Kiwanis Club of Northampton; members of the East Congregational Church, of Ware, and the Federated Church of Somerset; a meeting of the Boston Methodist Social Union, of Boston; the congregation of the Second Church in Dorchester (Congregational); a meeting of over 100, representing the men's clubs of the Baptist, Congregationalist, Episcopalian, and Universalist Churches, of North Cambridge; a meeting of the Unitarian Ministers' Monday Club, of Boston; members of the First Church in Cambridge; members of the faculty of the College of Liberal Arts of Boston University; members of the First Parish in Cambridge and the Epworth Methodist Episcopal Church, of Cambridge, all in the State of Massachusetts, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented resolutions of the Knunet Club, of Brockton, Mass., protesting against the ratification of the four-power and naval limitation treaties, which were ordered to lie on the table.

He also presented a resolution of the Grattan Literary Association, of Whitman, Mass., protesting against the ratification of the four-power treaty, which was ordered to lie on the table.

He also presented communications in the nature of memorials of Thomas J. Fitzgerald Post, No. 561, Veterans of Foreign Wars, of South Boston, and of the Central Council, United Irish Societies, of Springfield, both in the State of Massachusetts, protesting against the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. MOSES presented a memorial of sundry citizens of Berlin, N. H., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a resolution adopted by the Fremont County Beekeepers' Association, of Lander, Wyo., favoring inclusion in the pending tariff bill of an adequate duty on imported honey of not less than 5 cents per pound, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution adopted by members of the Methodist Episcopal Church, of Delphos, Kans., favoring the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. WILLIS presented a petition of members of the United Presbyterian Church, of New Concord, Ohio, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a resolution of the Federated Improvement Associations, of Dayton, Ohio, favoring the passage of more stringent immigration legislation, which was referred to the Committee on Immigration.

Mr. LADD presented a petition of members of Purdue University Chapter, Society of the Sigma XI, Lafayette, Ind., favoring the passage of legislation adopting the metric system of weights and measures, which was referred to the Committee on Manufactures.

He also presented resolutions of Whatcom County Progressive Grange, of Ferndale; Renton Local, No. 2; Western Progressive Grange; Clover Hill Local, No. 7; Western Progressive Grange, of Arlington; Mansford Local, No. 36; and Western Progressive Grange, of Darrington, all in the State of Washington, favoring the passage of Senate bill 2604, the Ladd honest-money bill, which were referred to the Committee on Banking and Currency.

He also presented petitions of Emil Richter and 3 others, of New Salem; J. J. Nettum and 3 others, of Fargo; Edward Olson and 106 others, of Havelock and vicinity; John and Billie H. Evashenk and Aneky Sepchenko and 5 others, of Kief, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORT OF A COMMITTEE.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 10429) authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts, reported it without amendment and submitted a report (No. 573) thereon.

CHANGE OF REFERENCE.

Mr. NELSON. The bill (S. 3312) to amend section 4730 of the Revised Statutes relating to pensions and the bill (S. 3313) to amend section 4747 of the Revised Statutes relating to pensions were erroneously referred to the Committee on the Judiciary, as they relate to pensions. I move that the Committee on the Judiciary be discharged from the further consideration of these bills and that they be referred to the Committee on Pensions.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 3327) to refund to John B. Keating customs tax erroneously and illegally collected; to the Committee on Claims.

By Mr. MCNARY:

A bill (S. 3328) for the relief of Almeda Lucas; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 3329) for the relief of Tom Henderson; to the Committee on Finance.

A bill (S. 3330) granting an increase of pension to Richard H. Atkinson; to the Committee on Pensions.

By Mr. MCNARY:

A joint resolution (S. J. Res. 181) providing for the payment of war-risk insurance in certain contingencies; to the Committee on Military Affairs.

PUBLIC-LAND ENTRIES BY DISABLED EX-SOLDIERS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH of Montana. I move that the Senate insist upon its amendment, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. NORRIS, and Mr. WALSH of Montana conferees on the part of the Senate.

THE FOUR-POWER TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating

to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LODGE. Mr. President, I ask that a new print be made of the pending four-power treaty. In printing it the committee reservation was printed as a part of the resolution, not showing that it is an amendment. I desire to have it printed with that part which I have underscored in italics so as to show the committee reservation, which I have already moved as an amendment to the resolution of ratification and which will be taken up when we read the resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRANDEGEE. Mr. President, I ask that the unanimous-consent agreement which appears on the calendar be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The unanimous-consent agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that no vote shall be taken upon any amendment or reservation that may be pending or that may be proposed to Executive N, a treaty between the United States, the British Empire, France, and Japan, relating to their insular possessions and their insular dominions in the Pacific, until the calendar day of Tuesday, March 21, 1922; that beginning at 3 o'clock p. m. on Wednesday, March 22, 1922, no Senator shall speak in the aggregate more than 30 minutes upon any pending amendment or reservation or any amendment or reservation that may thereafter be offered, or more than once or longer than one hour upon the treaty itself, which hour may be utilized at any time; and that on the calendar day of Friday, March 24, 1922, the Senate shall convene at 12 o'clock meridian, and shall immediately proceed to vote, without further debate, upon any amendment or reservation that may then be pending or that may be offered, and immediately thereafter upon the resolution of ratification of said Executive N, as amended by a reservation, or reservations, or otherwise. [March 9 (calendar day, March 15), 1922.]

Mr. BRANDEGEE. I wish to ask the opinion of the Chair, if it is proper to do so, whether, if debate should cease to-day upon any amendment or reservation that is pending, a vote could be had to-day?

The VICE PRESIDENT. It is the understanding of the Chair that a vote is in order at any time after Tuesday on amendments or reservations, but a vote is not in order on the main question of the treaty until 12 o'clock on Friday.

Mr. BRANDEGEE. That was my understanding.

Mr. COLT. Mr. President, the main argument which is so strongly urged against the ratification of the four-power treaty is the familiar argument that the United States should keep aloof from the quarrels of other nations, and that this treaty will involve us in those quarrels in the Far East.

The answer to this argument is that the quarrels of other nations inevitably involve the peace and security of the United States. Our Monroe doctrine affords a striking illustration of this fact. That doctrine rests on the proposition that threatened acts of aggression by any non-American State against any of the Central and South American Republics is injurious to the peace and safety of the United States.

It is upon the ground of self-protection, which is the basic principle of the Monroe doctrine, that we intervene in every quarrel between any of the 20 Republics of the Western Hemisphere and any non-American State where such quarrel concerns the acquisition of territory or threatens the independence of these Republics. And what is true of the New World is also true in a large degree of the Old World, because to-day, broadly speaking, the New World and the Old World are one.

The great lesson taught by the World War is that the United States, on the ground of self-protection, can not stand aloof from the quarrels of other nations. Five-sixths of the human race were drawn into the World War, and that war demonstrated that a conflict between the great powers is not only a menace to America, but will involve us, because nations in time of war, on the ground of self-preservation, will disregard the rules of international law and the rights of neutral nations. And what is true of European wars is especially true of the Far East, where we have large possessions. A war in the Pacific Ocean between the great powers would in all human probability involve the United States. It is manifest, therefore, that the safety of the United States is threatened in the quarrels of other nations, whether in the Western Hemisphere or in Europe or in the Far East. The Great War has emphasized the fact that under modern conditions the nations are one in time of war as in time of peace. There is little force in the suggestion that this menace does not exist in the case of wars between small States, since no one can tell how far the conflagration may spread. The Balkan wars have threatened the peace of the world for more than a generation.

The four-power treaty is further attacked on the ground that it is an alliance, using that term in its ordinary sense, and carries with it the obligation to use armed force.

This question turns upon the proper construction of section 2 of the treaty:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

There is clearly in this section no contractual obligation to go to war in the case of "the aggressive action of any other power," since before taking any action the contracting powers are to arrive at an "understanding." Any one of the four parties may refuse to reach an understanding or agreement for the use of armed force. But while there is no legal or contractual obligation to use armed force I can not resist the conclusion, upon reading this section in connection with the preamble of the treaty and looking at the end sought by the treaty—the preservation of the existing rights of the parties to their insular possessions and insular dominions in the region of the Pacific Ocean—that there is an implied moral obligation to use armed force if it should be found that such force is necessary to meet the exigencies of the particular situation. But it is also true that section 2 may be so construed as to impose no legal or moral obligation on the part of the contracting parties to use armed force, and I am satisfied in view of what took place at the conference that the United States could properly and rightfully insist upon this construction. In view, however, of the importance of this question and of the fact that the treaty on its face is open to another construction I believe the Brandegee reservation should be adopted, thus making it perfectly certain that the treaty involves no commitment by the United States to the use of armed force. In other words, with the Brandegee reservation the United States is entirely free to exercise its own independent judgment with respect to the employment of armed force.

It is further contended that with no obligation to use armed force the treaty amounts to nothing more than a conference; but this by no means follows. All the Brandegee reservation does is to make certain that the United States is not committed to the use of armed force, but this does not limit the operation of section 2 to a mere interchange of notes or a mere conference; it merely leaves the use of armed force to the independent judgment of each of the four powers.

With regard to the objection that a conference under the treaty is limited to the four powers, I can see no reason why the United States before reaching any "understanding" under section 2 should not insist upon calling in any interested power.

Mr. President, the four-power treaty is an international association of peace and conference between the United States, Great Britain, France, and Japan. The history of Europe for the past hundred years shows that wars are diminished through international associations of peace and through conferences. Muir, in his work on nationalism, points out that from 1494 to 1815 it is impossible to name a single decade during which all the European States were at peace, while in the hundred years from 1815 to 1914 there have been two long intervals of peace, and that, "leaving out the Turkish Empire, there was no war between European States from 1815 to 1848—33 years—while between 1878 and 1912, 34 years, there has been no war at all except the brief and trifling Bulgar-Serb War, and the Greek War of 1897."

And Phillips, in his work on the confederation of Europe, while pronouncing all attempts at such confederation failures to secure permanent peace, says:

The experiment in the international organization of peace with which we have been concerned failed, it is true, as in the long run it was bound to fail. But it was by no means wasted effort. Its temporary use I have already pointed out; it preserved peace during the critical years following the fall of Napoleon, and so gave to western Europe the opportunity for that marvelous industrial and economic development which was to change the face of the world. It did more than this. It set the tradition of that feeling of common interest among nations the growth of which is the strongest factor making for peace. It gave a new sanction to international law, the outgrowth of this feeling, thus making possible the developments that culminated in the conferences of The Hague which, whatever the disappointments they may have prepared for the world, went a long way toward providing means by which war should be made the exception and not the rule. Last, but not least, it set the proceedings for that concert of Europe to which the world owes more than sometimes, in its more impatient moments, it has been willing to allow.

Mr. President, I now desire to call special attention to the character of the European wars during the century from 1815 to 1914, with a view of emphasizing the importance of international cooperation and conference as a means for preventing war.

Lord Bryce, in his recent work on international relations, calls attention to the fact that very few of the wars which have broken out since the congress of Vienna in 1815 were

susceptible of arbitration by a court on legal principles—in other words, that they were wars arising from political disputes. Of the 16 European wars between 1815 and 1915, two or possibly three could have been averted by any judicial proceedings. Neither the Crimean War of 1853 between Russia and France and England, nor the war of 1859 between France and Austria, nor the war of 1870 between France and Germany, nor the war of 1877 between Russia and Turkey, nor the war of 1897 between Greece and Turkey, nor the war between the United States and Spain in 1898, nor the war of 1904 between Russia and Japan, nor the Balkan wars of 1912–13, nor the World War in 1914 involved in any material way justiciable disputes which could have been adjusted by arbitration.

While arbitration and a world court are necessary in the settlement of legal disputes, it is manifest when we investigate the causes of modern wars that these instrumentalities do not meet the situation, and that the really dangerous causes of wars are of a political nature and must be dealt with by other means, such as international associations of peace, conferences, and reduction of armaments.

Mr. President, the purpose of the four-power treaty is to secure peace in the Pacific by the joint action of the United States, Great Britain, France, and Japan. And in this connection can it not be truthfully said that the future peace of the world, for the next generation at least, rests largely upon the joint action of these great powers? This treaty is an international association of peace confined to the Pacific and designed to dissipate all menace of war from that region of the world. It provides for obligatory conferences, which experience has shown to be the best means yet devised for settling political quarrels between nations. With the ratification of another treaty we shall also have a reduction of naval armament by the great naval powers. We have thus in the Washington conference in the form of treaties the best known human agencies ever devised for the adjustment of those political disputes which are the great cause of modern wars.

Mr. President, the Washington conference was conceived in the loftiest patriotism by the Nation's head and our delegation represented the highest and best in American life. Their work involved no surrender of American independence or American ideals and no commitment to war in our international relations. And it may be said that if the spirit which prevailed in that conference spreads to all nations it will do much to assure the future peace of the world.

The Washington conference has adjourned, but its work will live unless destroyed by the Senate. That conference is America's contribution toward the solution of the gravest problem which confronts the human race—the avoidance of war. It may not solve this problem, but it is certainly a forward step toward its solution. Oh, it is easy to tear down with ruthless criticism any creative work. The Federal Constitution was subjected to this ordeal, but it still lives. As the critics of the Federal Constitution had no other constructive plan to arrest the drift of the thirteen Colonies into anarchy, so the critics of the Washington conference have nothing constructive to propose.

Realizing the awful destruction of life and property and the economic ruin wrought by the Great War and the longing of the nations for an enduring peace, may we not confidently believe that the Senate of the United States, acting in the same spirit in which the conference was conceived and which marked its deliberations, will approve and ratify all its work as an important step in advancing the peace of the world?

Mr. EDGE. Mr. President, in addressing the Senate on the subject of the four-power treaty a few days ago, I took the position that under the terms of the treaty any action that might be proposed would not be binding upon the United States unless the action was unanimous. I have noticed since that time that this viewpoint has been questioned by other Senators who have addressed the Senate on the subject.

It seems to me to be perfectly clear that the view that unanimous action is absolutely essential to bind any country that is a party to the compact is the correct interpretation of the pending treaty. I want to draw attention to the words used in the treaty; and certainly we must arrive at our conclusion by a consideration and study of the meaning and definition of those words.

Article 1 of the treaty refers to controversies arising out of any Pacific question involving the rights of the parties. Then the treaty goes on to article 2, which reads as follows:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding—

Note the word "understanding"—

as to the most efficient measures to be taken, jointly or separately—

And so forth.

It appeals to me as conclusive that the word "understanding" describes the obligation on the part of the four powers. You can only arrive at an understanding—to use, as nearly as I can recall it, the language of the distinguished Senator from Connecticut [Mr. BRANDEGEE]—by all arriving at it.

The authorities, it seems to me, make the definition of the word "understanding" perfectly clear.

Webster's New International Dictionary defines an understanding as—

An agreement—

An agreement!—

of opinion or feeling;—

An agreement must be an agreement, not a majority decision—adjustment of differences; anything mutually understood or agreed upon.

Certainly there can be no question in regard to the meaning of the word "mutually."

The Standard Dictionary defines an "understanding" as—

A practical agreement or consensus of opinion between two or more persons, especially an informal or confidential compact.

The very word "compact" is used in the definition.

Also, the subject of such compact; the thing agreed on; sometimes an arrangement of settlement of differences, or of disputed points.

A settlement!

The Century Dictionary and Cyclopedia gives the following definition for the word "understanding":

Intelligence between two or more persons; agreement of minds; harmony; union of sentiment; also, something mutually understood or agreed upon, as, there was an *understanding* between them.

It seems to me, Mr. President, that on the question of unanimous action there can be no disagreement. The compact, after referring to possible differences and providing the way in which the four powers shall be notified and asked to meet in joint conference if the ordinary diplomatic methods have failed, plainly provides that then they shall endeavor to reach an understanding; and every authority makes it perfectly clear that an understanding must be a mutual agreement.

Therefore I contend that there can be no reasonable doubt that if, after the ratification of this treaty, the United States on any disputed point should not agree with the representatives of the other members of the conference as to the methods suggested, the parties do not reach an understanding, and each of them is in no way morally or legally bound to carry out the views of the others.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LADD in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Glass	McNary	Ransdell
Ball	Hale	Moses	Robinson
Brandegee	Harreld	Nelson	Sheppard
Bursum	Harris	New	Shortridge
Cameron	Harrison	Newberry	Simmons
Capper	Heflin	Nicholson	Smith
Caraway	Johnson	Norbeck	Spencer
Colt	Jones, Wash.	Norris	Stanfield
Culberson	Kellogg	Oddie	Sterling
Cummins	Kendrick	Overman	Swanson
Dial	Ladd	Page	Townsend
du Pont	La Follette	Pepper	Underwood
Edge	Lenroot	Phipps	Wadsworth
Ernst	Lodge	Pittman	Watson, Ga.
Fernald	McKellar	Poindexter	Weller
France	McKinley	Pomerene	Willis

Mr. JONES of Washington. I have been requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Vermont [Mr. DILLINGHAM] are in attendance upon a meeting of the Committee on Finance.

Mr. SHEPPARD. I wish to state that the Senator from Montana [Mr. WALSH] is temporarily detained on official business.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. CARAWAY. Mr. President, before finally we shall vote upon this treaty, I want to submit, only briefly, a few thoughts which seem to me should at least have some consideration before we shall have entered into this alliance.

Either this is an obligation which binds us or it does not bind us. Those who have most recently apologized for having offered it say that it has no binding obligation. If it has not, there is no excuse for having entered into it. If it does bind

us and there is no harm in the obligation assumed, there ought to be no apology for having entered into the obligation. I take it for granted that we mean to keep faith with the nations which have entered into this pact with us and we are going to assume that they will abide by their agreement. If we do, we should not be afraid to tell the world what the obligations are which we assume and the people ought to know. However, we have had a speech to-day, made by the Senator from Rhode Island [Mr. COLT], saying that this treaty has force back of it, and that he expects to support the treaty. We had a similar interpretation that it was an alliance made by the junior Senator from Missouri [Mr. SPENCER], who is going to support the treaty. We had a positive declaration by the junior Senator from Ohio [Mr. WILLIS] that if that be the correct interpretation, he would not support it. We ought to be able to agree.

Most of us have practiced law, and I venture the assertion that if a client had come to any of us with a contract and asked us, as attorneys, whether he should sign, we would determine what his obligation was under the contract, and we would ask him what he was expecting to do, and if he should say, "I do not know what the obligation is I am entering into; I want you to tell me," if we were not able to say positively what his obligations were, we would say, as attorneys, "Do not sign that contract until you know what you are required under it to do."

The future of a nation of 110,000,000 people is at stake, a contract is offered, and we are asked to ratify it. Some Senators say it is a binding obligation; that it is an alliance. Others say it is not. I know that one of the American delegates who negotiated the treaty at one time thought it was an alliance and that it carried with it an obligation to use force, if necessary. He may have changed his opinion, and doubtless has, since he negotiated the treaty, but that was his opinion at one time. That is the opinion now of the Senator from Rhode Island [Mr. COLT]. It seems to be the opinion of the junior Senator from Missouri [Mr. SPENCER]. I know it is the opinion of a majority of the Senators on this side. Some on the other side say it does carry with it no such obligation, and therefore I say, if we would not advise a client to sign a contract involving, we will say, an estate of $100 until we could determine what his rights and liabilities were under that obligation, shall we rush headlong into an agreement binding 110,000,000 people when none of us knows exactly what the obligations we are assuming are or what the liabilities we incur are?

I do know this: That if treaties mean what treaties are presumed to mean, three of the powers with whom we contract have contracted in an agreement heretofore entered into that if any dispute shall arise between one of them and any other power, whether a party to that treaty or not, that controversy shall be brought before the League of Nations.

I do know, unless they are willing to prove recreant to the obligations they entered into with fifty-odd other powers, if any dispute arises between any of the parties to this alliance we are about to ratify and us, we are going to be invited into the league in order to settle it, or else they must break their obligations to these other people, because the covenant of the league provides that, whether the nation with whom the dispute arises is a member of the league or not, that nation shall be offered membership in the league for the purpose of adjusting that particular dispute, and unless the nations with whom we are dealing are willing to break the obligations they entered into in ratifying the Versailles treaty they must, instead of adjusting any differences which arise between themselves and us as provided in this treaty, take us before the league. If you say they will not do it—and I rather think they will not—if you say they will not live up to that treaty, why should we bind ourselves with this?

Either they must break one treaty or the other if a dispute arises. They can not undertake to settle it among themselves. If they do, they break the word they gave when they signed and ratified the treaty of Versailles. If they do undertake to call us before the league, they must break their faith pledged in this alliance we are about to ratify. One or the other is inevitable.

I was astonished, if I may be permitted without offense to say it, at two statements the senior Senator from Alabama [Mr. UNDERWOOD] made. First, he laid down the proposition that there is no international law or obligation which rested upon one nation to respect the rights of another nation. On the 11th of this month he made the statement over and over again that there was no international law which required us to respect the rights of other nations or which required other nations to respect our rights. If that statement is true, we went to war with Germany under false pretense, and the Senator from Alabama, in voting for that war, stultified himself, because we said that Germany was ignoring our international rights, was trampling on international law, and therefore we dedicated all of our resources, wealth, and man power to repelling the aggression of Germany on what we said was our international right, which she was, under international law, compelled to respect.

In order to justify this agreement the Senator says there is not any international law which requires us to respect other people's rights or requires other people to respect ours, and therefore we must enter into this treaty. I am proud to say that in the desire of the Senator from Alabama to justify himself for voting for this treaty he alone has been driven to the necessity of declaring that this is a world without law and that there is no international obligation resting upon one nation to respect the rights of another. I was never more astounded than I was when the Senator from Alabama, in order to justify his position, was driven to that extreme.

Let me say, in the beginning, that I wanted to vote for this treaty if I could. It has been charged that the opposition to this treaty upon the part of the Democrats is due to partisanship, that they are trying to make a political question out of it. Let me dispel that idea. The senior Senator from Alabama is the titular leader of the Democratic minority in the Senate. He has not conferred with a single one of his Democratic colleagues about this. He confers every day with the leader of the majority, the senior Senator from Massachusetts [Mr. LODGE], and last night, as before, reported progress to the President of these United States. Therefore it is unfair to say it is a political question. The Senator from Alabama pledges so many votes to the President in favor of ratifying the treaty.

The junior Senator from Wisconsin [Mr. LENROOT] said the other day that if this treaty were defeated it meant war. He said more than that, that if it were defeated the President would be justified in withdrawing the other treaties negotiated by the conference from the consideration of the Senate. The senior Senator from Massachusetts [Mr. LODGE] said practically the same thing. The junior Senator from New Jersey [Mr. EDGE] has practically said that the defeat of this treaty would mean war. I want to call the attention of the Senate to the fact that every one of these Senators who now so loudly proclaim the advantages of this treaty, every one of them who threaten such dire disaster to this country if we shall refuse to ratify, was opposed to the Borah resolution, which resulted in the calling of the conference out of which this treaty grew. If the senior Senator from Massachusetts had been able to control the Senate, if the junior Senator from Washington [Mr. POINDEXTER] could have had his wishes respected, there would have been no conference, there would have been no four-power treaty, and the world, according to their present declaration, would have been plunged into war and into hopeless night.

Mr. HARRIS. Mr. President, I want to ask the Senator from Arkansas how many votes he thinks the Borah resolution would have received if it had provided for a four-power alliance?

Mr. CARAWAY. It would not have received one, because the Senator from Idaho himself would not have voted for it. But the thing I want to call attention to is that these newly arisen prophets, who can see the future now with clearness, and who now threaten the world that if we shall refuse to ratify this treaty it means hopelessness, that it means eternal night, that it means war, three months ago did not know anything about it. I am not willing to concede that they wanted war, that they wanted hopelessness, that they wanted night, and yet if they could have had their way they would have defeated the very conference which drafted this treaty.

It was not in their minds; they did not want it. They had to take the Borah resolution because they found that they did not have votes enough to defeat it, and the President of these United States, who now calls Senators into conference, although he said he would not lobby for the ratification of this treaty, finds himself driven to the necessity of sending for Senators. What arguments he makes I do not know, but I know that whatever inducement he can he brings to bear upon them to get votes to ratify the treaty, and yet he did not want the conference out of which this treaty grew.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. CARAWAY. I yield to the Senator.

Mr. POINDEXTER. The Senator said that four months ago we did not know anything about the four-power treaty, and consequently were not aware of the great injury that would result from not having it, because it was not conceived at that time. Four months ago we also did not know about the outcome of the naval limitation treaty.

Mr. CARAWAY. No; and we would not have had it if the Senator from Washington could have prevented it.

Mr. POINDEXTER. The fact of the case is——

Mr. CARAWAY. Oh, I remember the Senator standing on the other side and fighting the Borah resolution day after day—and the Senator was reporting to the President, and I venture the assertion that he appealed to the President for a letter to help him defeat the Borah resolution on the floor of the Senate.

Mr. POINDEXTER. The fact of the case is that whatever may have been my attitude——

Mr. CARAWAY. I know; we will forget the past.

Mr. POINDEXTER. Of course, if the Senator does not allow me to make a statement I will not undertake to do it, but I just wanted to take a few seconds of time——

Mr. CARAWAY. Very well.

Mr. POINDEXTER. I am not forgetting the past at all, but I wanted to call his attention to the fact that I supported the Borah resolution and announced my support of it on the floor of the Senate.

Mr. CARAWAY. May I suggest to the Senator that he had been fighting it until he got the President's letter, which so straddled that he did not know whether he could stand on it or not?

Mr. POINDEXTER. The fact remains——

Mr. CARAWAY. I know it remains.

Mr. POINDEXTER. That I announced my support of the Borah resolution, as shown by the RECORD. But the Senator can take whatever view he chooses in regard to that.

Mr. CARAWAY. I am going to believe the Senator each time he talks, but he was against it once. He said he was, and I believe he was.

Mr. POINDEXTER. I just wanted to make a very brief statement to the Senator on another phase of this matter, and then I will leave it.

Mr. CARAWAY. I would leave that phase if I were the Senator, but go ahead and make another statement.

Mr. POINDEXTER. I am perfectly willing to return to it; but I was speaking about the Senator's argument, that we could get along without this four-power treaty just as well now as we could several months ago, before the resolution for a conference was adopted. I want to call his attention to the difference between the present situation and the situation then, and the Senator can take the record which he has as to my position in regard to the conference which was being called for the purpose of the limitation of naval power among these nations and confirm my present position in regard to the matter.

Mr. CARAWAY. I do not know what it is.

Mr. POINDEXTER. That is, if we are to abandon our naval strength that we would have had under the 1916 program, and reach an agreement among the nations to so limit their naval power, the four-power treaty to keep peace in the Pacific, and to hold conferences for the purpose of avoiding war, has a new value attached to it different from any value that could have attached to it before an agreement for the cutting down of naval power was arrived at, or even definitely conceived of.

The Senator from Arkansas seems to occupy just the reverse of that position, although I may be mistaken about his attitude in regard to the naval limitations treaty. I understand he is opposed—and I put this in the form of a question, because I want to be correct about it—I understand the Senator is opposed to the four-power agreement to keep the peace, and is in favor of reducing our naval strength at the same time. In other words, he wants to retain the causes of war and at the same time abandon the means by which we could meet the dangers of war.

Mr. CARAWAY. I understand now that this treaty to keep the peace is acceptable to the Senator from Washington, because he could not get power to build the biggest navy in the world, that he would rather the Nation should have played the bully and threatened the world, but if he could not get the armament with which to do it, then he will agree that we will keep the peace.

Mr. GLASS. Does the Senator from Arkansas admit that this treaty is intended to keep the peace?

Mr. CARAWAY. I do not intend to admit that, because no one really admits that, and I do not want to do like the Senator from California [Mr. SHORTRIDGE] did yesterday, stand up and argue the obvious. He said yesterday with a great deal of learning that if a thing is unconstitutional it is void.

Now, the President, who is so interested in having ratified this obligation upon our part, although, as I said, he had announced that he would not lobby for it and he would not trade for votes to ratify it, has scrapped that declaration and is sending for Senators nightly. Whether he is trading or not I do not know. I do not know what the President had in his mind when he said he would not trade. Not being well advised as to his mental processes, I venture no conclusion as to what he meant when he said he would not trade with any of you gentlemen in order to get your votes, and that he would not lobby with you; but lobbying he is, if I may be permitted to use that term, because Senators are being sent for and are being urged to support the ratification of the treaty.

To show that the President did not want the opportunity to call this conference out of which the treaty grew and that he has been compelled to find himself, as he now says, offering a solution for all the ills of the world. I want to read what the Senator from Maine [Mr. HALE] said when he was on the Naval Affairs Committee and this treaty was not then within the purview of anybody's mind, but the Borah resolution was pending before the Senate out of which this treaty grew, and what the Senator from Washington now says was obviously necessary to grow out of that conference. The Senator from Maine [Mr. HALE] was asked about his and the Senator from Washington's visit to the President. They had gone to see the President and had been informed to kill it. They were again informed to kill it—the Borah resolution—in the Senate, and undertook to do so. They found out after awhile that it took more help than they had, and surrendered. Talking on this very question on the 13th day of May last, he said:

> I stated that my impression after talking with the President was that he considered that this is not the time to go ahead with a resolution of this kind. Of course, the Senator realizes our foreign relations at the present time are extremely delicate and that the country at large is looking to the President to straighten out those foreign relations.

He may now have straightened them out, but he had to have a miraculous demonstration of divine power to change from persecutor to a follower in this new way. He was not exactly struck blind, but I presume admits now he was blind and had his sight restored. All these, the Senator from Massachusetts [Mr. LODGE], the Senator from New Jersey [Mr. EDGE], the Senator from Washington [Mr. Poindexter], and all those who now say that the destiny of the American people and of the world rests in the ratification of this treaty, were unalterably opposed to having called the conference out of which comes this great treaty.

Mr. POINDEXTER. On the contrary, Mr. President, of course, if it makes any difference to the Senator from Arkansas between stating what is correct and stating what is not correct, the President had made arrangements, so I am informed, to call the conference long before any of the occurrences to which the Senator is referring. He had already begun negotiations with certain of the powers before the Borah resolution came up for the purpose of having this conference.

Mr. CARAWAY. Why was he so bitterly opposed to the Borah resolution?

Mr. POINDEXTER. I was not bitterly opposed to it.

Mr. CARAWAY. I said why was the President?

Mr. POINDEXTER. The Senator had better ask the President. I do not know that he was bitterly opposed to it.

Mr. CARAWAY. The Senator knows. Will he tell me?

Mr. POINDEXTER. The Senator said the President was opposed to the conference. The facts are that he had made arrangements to call the conference. Outside of the fact that he is misstating facts, the Senator from Arkansas is right in other respects.

Mr. CARAWAY. What arrangements had the President made? Will the Senator from Washington tell us?

Mr. EDGE. Mr. President, I think——

Mr. CARAWAY. I will yield to the Senator from New Jersey when the Senator from Washington has told us what arrangement the President made.

Mr. POINDEXTER. I will not undertake to go into detail about it. He had negotiated——

Mr. CARAWAY. With whom?

Mr. POINDEXTER. With one of the powers a party to the treaty.

Mr. CARAWAY. Which one?

Mr. POINDEXTER. Great Britain.

Mr. CARAWAY. When?

Mr. POINDEXTER. I will not undertake to give the exact date, but long before the time to which the Senator refers.

Mr. CARAWAY. The Senator from Washington, if he will pardon me, reminds me of an election contest one time in a county down in my State. A man went down into that county to investigate and came back and made his report. He said there were only two kinds of people down there—one did not know and the other would not tell.

Mr. POINDEXTER. That reminds me very much of another election contest I heard of in the Senator's State. They have a great many of them down there. A man was charged with stealing nine ballot boxes.

Mr. CARAWAY. Stealing what?

Mr. POINDEXTER. He was charged with stealing nine ballot boxes in Arkansas in one of those election contests in Arkansas to which the Senator referred, and his defense was that he did not steal nine, he only stole five.

Mr. CARAWAY. I am satisfied that information is as accurate as anything the Senator has. It is the same kind of information he has been dealing out to the Senate on this treaty. I have just as much faith in one statement as I have in the other. Of course, I know that incident about the ballot boxes did not happen.

I yield now to the Senator from New Jersey.

Mr. EDGE. I think I understood the Senator from Arkansas to include the Senator from New Jersey as one of those who was not in favor of the adoption of the so-called Borah resolution providing for the calling of a conference to consider the limitation of armament. I do not wish in any way to detract from the very able arguments and work of the Senator from Idaho, but if the Senator will look over the RECORD he will find that at the end of the session referred to, at the end of the last special session, I think it was, when the Senator from Idaho was not apparently pushing his resolution for calling the conference, I took it upon myself to reintroduce the same resolution with some slight changes, and it was really as a matter of fact the resolution introduced by the Senator from New Jersey that passed the Senate of the United States unanimously. I think that the record is sufficiently clear to demonstrate the position of the Senator from New Jersey on the question of the limitation of armament.

Mr. CARAWAY. I was certainly mistaken, then. I read a speech which the Senator made and got the wrong impression from it.

Mr. EDGE. The Senator did not see anything in any speech the Senator from New Jersey made to that effect.

Mr. CARAWAY. Evidently I misunderstood it if the Senator is correct now. I do not care which time he is right.

Mr. EDGE. The Senator did not see any speech the Senator from New Jersey made in which he took a different viewpoint on the limitation of armaments.

Mr. SWANSON. Mr. President——

Mr. CARAWAY. I yield to the Senator from Virginia.

Mr. SWANSON. In connection with the naval limitation resolution, it was introduced and referred to the Committee on Naval Affairs. The Senator from Montana [Mr. WALSH], if my recollection is correct, moved to include it in the naval appropriation bill. It received every Democratic vote in the committee, and, if I mistake not, every Republican member of the Committee on Naval Affairs voted against including it in the bill which was reported to the Senate. Consequently, it was understood that the Democrats would press the matter when it came to the Senate.

Mr. CARAWAY. And all the Republicans would oppose it.

Mr. SWANSON. If my recollection is correct, every Republican member of the Committee on Naval Affairs voted against including it as an amendment to the naval bill, and the bill was reported without having it included, and Senators stated they would bring it out on the floor of the Senate.

Mr. CARAWAY. Just for the record, I want to read the names of the Republicans who constituted the membership of the Committee on Naval Affairs. The Senator from Vermont [Mr. PAGE]; the Senator from Massachusetts [Mr. LODGE], who now finds this treaty is the hope of the world, although he borrowed President Wilson's language in order to commend it; the Senator from Washington [Mr. POINDEXTER]; the Senator from Maine [Mr. HALE]; the Senator from Delaware [Mr. BALL]; the Senator from Michigan [Mr. NEWBERRY]; the Senator from New Hampshire [Mr. KEYES]; the Senator from Maryland [Mr. FRANCE]; the Senator from Colorado [Mr. NICHOLSON]; and the Senator from Pennsylvania [Mr. CROW], though I am sure that Mr. CROW was not present.

Mr. SWANSON. I will say that some of the Republican members were not present, but those who were present voted against it and the Democrats who were present voted for it. The Senator from Montana [Mr. WALSH] offered it, but it was defeated in the committee. My recollection is that every Democrat who was present voted for it as an amendment to the naval bill, and the Republicans who were present voted against it.

Mr. CARAWAY. Passing that for the moment, I can see how the Senator from Wisconsin [Mr. LENROOT] could have consistently said that the President, if this treaty were not ratified, would seize upon that opportunity very likely to withdraw the other treaties, because I have shown by the record that the President did not want the conference out of which the limitation of armaments grew. He did not want the conference out of which the four-power pact grew.

The Senator from California [Mr. SHORTRIDGE], who is never quite so humorous as when he is serious, assured us yesterday that we ought to be everlastingly distressed because some people questioned whether or not there was a secret agreement entered into at the same time. Here is what I want to call attention to for whatever it is worth, though I am making no assertion.

When the President brought to the Senate the treaties he brought a bale of manuscript along and referred to it rather dramatically as all the information, the conversations, the agreements, the offers that took place in the conference. Everyone naturally presumed there would be the full information leading up to the negotiation of the four-power pact.

But to everybody's astonishment except those who were on the inside—I rather imagine the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Massachusetts [Mr. LODGE] knew—there was not a word of information about this treaty. When asked under a resolution introduced by the Senator from Nebraska [Mr. HITCHCOCK] to furnish this information, the President declined to do so, but assured us there were "no secret understandings or agreements." Nobody had then intimated, nobody had suspected, nobody had said there was any secret understanding or agreement between the nations who entered into this treaty, and yet in advance of anybody ever suspecting it, anybody ever saying it, the President went out of his way to assure us no secret agreements had been arranged. The senior Senator from Alabama [Mr. UNDERWOOD]—and I regretted to see him do it—stood here like a schoolboy covered with delight and read the letter from the Secretary of State, Mr. Hughes, commending his effort in this matter and backing up what he had said. As if he needed to call a witness here from the other side in order to make his colleagues believe what he said was true, he read with much pleasure the letter of Secretary Hughes. Secretary Hughes, though it had never been charged, went out of his way to say to the Senator from Alabama and have him say to the Senate that there were no secret agreements entered into.

Mr. UNDERWOOD. I am sure the Senator from Arkansas wants to tell the truth.

Mr. CARAWAY. I certainly do, sir, as nearly as I know how, and I am perfectly willing to match my veracity with that of the Senator from Alabama at any time.

Mr. UNDERWOOD. If the Senator from Arkansas remembers the incident, he will recall that I was asked what I knew about the negotiation of this treaty.

Mr. CARAWAY. And the Senator stated he did not know anything about it, or practically that.

Mr. UNDERWOOD. The Senator, I hope, will allow me to make a statement.

Mr. CARAWAY. The Senator prefaced his statement in rather an offensive way.

Mr. UNDERWOOD. I withdraw it if it was offensive.

Mr. CARAWAY. Then I withdraw what I said.

Mr. UNDERWOOD. I certainly did not intend to say anything offensive to the Senator.

Mr. CARAWAY. I accept the Senator's statement.

Mr. UNDERWOOD. During the course of the debate I was asked to state what had occurred in the negotiation of the four-power pact, and I said very frankly that I was called away from the city by reason of a death in my family, and that I was not present when the treaty was negotiated; that the Secretary of State had conducted the negotiation and had told me of it when I returned. The question was really put to the Secretary of State as to what had been done, for it seemed that the information was desired on this side of the Chamber. So when the Secretary of State sent me a letter telling what he had done, it seemed to me that it was entirely in accord with what was proper to read his letter to the Senate.

I know that some of my colleagues continually charge me with the fault of not being present when these negotiations took place, but I could not be present. However, I gave them the information through the only man who possessed the information, the one who actually conducted the negotiations. I think it was entirely proper that I should have read the letter of Secretary Hughes.

Mr. CARAWAY. I am not criticizing the Senator from Alabama for not being present at the conference.

Mr. UNDERWOOD. If I made a statement that the Senator from Arkansas thought was a reflection on him, I wish him to understand that I withdraw it——

Mr. CARAWAY. I know that.

Mr. UNDERWOOD. Because I have no desire to offend him.

Mr. CARAWAY. I am curious to ask the Senator what statement I made which caused him to preface his remarks by saying that he knew I wanted to tell the truth.

Mr. UNDERWOOD. The Senator said I would not give the information.

Mr. CARAWAY. The Senator from Alabama must not say that. I did not say that. I said the Senator got a letter from Secretary Hughes and read it.

Mr. UNDERWOOD. But first the Senator said that I would not give the information.

Mr. CARAWAY. Oh, no.

Mr. UNDERWOOD. That is the way I understood the Senator. I have no objection whatever to the Senator's criticism of me; I only want the facts shown.

Of course I was not a participant in the real negotiation of the four-power pact, for the reasons I have stated, and I could not be. I tried to give the Senate candidly all the information I could, and as a part of it I read a letter from the Secretary of State in reference to the negotiation of the pact. The Senator from Arkansas has overlooked the fact that the letter from the Secretary of State as to whether or not there were secret negotiations was a letter written to the Senator from Massachusetts [Mr. LODGE]; that it was a subsequent letter.

Mr. CARAWAY. No; the letter to which I had reference is in the Senator's speech in the CONGRESSIONAL RECORD which I have before me. To show how inaccurate the memory of the Senator from Alabama is, I may say that during the course of that speech he read the letter of the Secretary of State in which is made the statement upon which I have commented.

Mr. UNDERWOOD. I am not questioning that, and I am sure I said there was no secret negotiation.

Mr. CARAWAY. I did not charge the Senator with having said it. I said that the Secretary of State, Mr. Hughes, in advance of anybody having charged that there were any secret arrangements or understandings entered into, saw fit, in his letter which the Senator from Alabama read to the Senate, to say there were none.

Mr. UNDERWOOD. The Senator from Arkansas is mistaken about that, for there had been such charges made. They were charges of a general nature, but the gravamen of the Secretary's letter to me was not as to the question of secret negotiations; it was as to who negotiated this treaty. The letter was written for the purpose of showing who negotiated the pact; and the Secretary wrote the letter to me to show that he had carried the draft to the conference of the powers where the treaty was framed. I believe the Senator is right that incidentally in that letter there was something stated about there being no secret obligations, but the matter to which I was referring in that connection was the statement which was made by Mr. Cravath as to there being some secret understanding. That letter was not directed to me, but to the Senator from Massachusetts [Mr. LODGE].

Mr. CARAWAY. I knew that; and if the Senator had done me the courtesy to hear anything at all I said he would have been saved the necessity of making a long explanation. I knew that the Senator from Alabama read the letter of Secretary Hughes on the 11th day of March. I have said, and I repeat, as one of the very greatest admirers the Senator from Alabama ever had, that if I were he I would not have called upon somebody on the outside to back up the assertions which had been made by me on the floor of the Senate; but, of course, that is a question of taste for the Senator from Alabama.

Mr. UNDERWOOD. I am sure the Senator will allow me to make a statement. I am the last man in the world to object to my colleagues criticizing me; they have done so, and I take it in good part and in good nature. I try to do so and intend to do so; but, if the Senator will allow me to say so for the RECORD, I think he is mistaken about it being a question of good taste. It was not a matter of backing up my statement. The Secretary of State, Mr. Hughes, and I were both delegates to the conference. I had said that the information which was asked of me on the floor I did not possess, because I was absent for a reason which I stated; but there was a man who had the information; he wrote me a letter giving me the information; and it seems to me it was not only proper that when I had the information from him in my hands that I should read it to the Senate, but it was highly important if the Senate wanted the information. Perhaps they did not want it.

Mr. CARAWAY. That is a question of taste. I am perfectly willing for the Senator to take that view of it; doubtless he is right and I am wrong; but I do want to say, if I may not become embroiled with the Senator from Alabama further, that if the Secretary of State had valuable information which no other member of the delegation negotiating the treaty possessed—and under no other theory ought he, I presume, to have been dragged in here through the medium of a letter—if the Senator from Alabama did not have the information, if the Senator from Massachusetts knew nothing about it, and if Mr. Root had no information, then I think that the Secretary of State ought not to have left the country when the treaty was before the Foreign Relations Committee, at a time when he could have appeared and given the information. According to the statement of the Senator from Alabama, the Secretary of State was the only man who did know anything about the negotiation of the treaty, and he left the country; he would not give to the Foreign Relations Committee the desired information. I have never had a great deal of admiration, Mr. President, for those who do not want to come before a tribunal where they may be questioned, but, instead, at long distance prefer to write letters to convey the information. It may be scurrilous, perhaps, if the Senator from California will pardon me, but I should like to say that that kind of conduct reminds me very much of a situation that existed at one time in the section of the country where I live. I resided on a river which was the boundary line between two States. When the grand jury sat in one State many young fellows living in that State would cross the river to the other State and return when the court had adjourned. The Secretary of State left the country when the committee could have called him and obtained information; and he now confines himself to writing letters to the Senator from Alabama and to the Senator from Massachusetts. The letter which he wrote to the Senator from Massachusetts showed considerable heat. He said he hoped—I am not quoting his exact language—that we would now have a sufficient sense of propriety to quit making faces; that he had settled this controversy once and he did not want anybody to have such a lack of consideration as to raise it again.

All I want to say is that, in the absence of anybody charging there was a secret understanding of any kind, both the President and the Secretary of State, the two men who knew most and knew least about the facts, said there was no such understanding. I say these two men knew most and least about it, because the President gave out an interview that the mainland of Japan was not included in the treaty.

I do not know whether the Senator from Alabama and others had to inform the President that he evidently did not understand the matter; that he was wrong about it; and that the treaty did include the mainland of Japan; but, at any rate, it became necessary to negotiate a separate treaty in order to embody the President's interpretation. Now, we are told that the Secretary of State, Mr. Hughes, was the only man who knew something about it. The President showed he was the one man who knew absolutely nothing about it.

I do not know whether the pending treaty is to be a blessing or a curse. I do not think I should have had so much suspicion of it if those who negotiated it had not shrouded it in mystery. From past experience, I think all of us are loath to enter into agreements where those who seek to have us become parties to them refused to furnish any information as to why the agreements were reached, what were the necessities for such action, or when those upon whom we ought to be able to rely for a correct interpretation did not agree as to what obligations were incurred.

I have never been charged with saying anything scurrilous about other nations; but there are three land-grabbing nations in the world to-day, and we propose to enter into an agreement with those three nations. There are only three nations in the world to-day whose colonies include more people than inhabit the parent nations; those three nations have partitioned the world until their colonies are greater in population than the mother countries; and we propose to enter into an agreement with those three nations. There are only three nations in the world to-day whose foreign policies threaten war, and we see fit to single out those three nations and to enter into an alliance wish them. There are only two nations in the world to-day who are irrevocably committed to militarism; those two nations are France and Japan; and we are asked to enter into an alliance with both of them. There are only three nations to-day which are seeking to destroy the rights of the most ancient peoples on the earth, which have seized their territory, have abridged their political and commercial rights, and we propose to enter into an agreement with those three nations to protect them in their aggressions. There is only one first-class power on the earth to-day with which this country never had a quarrel; never had a dispute; a nation that stood by the Union when the Civil War was raging and prevented the Union from being embroiled with another great empire; a nation which upon every occasion has shown its friendship to the United States, which ceded to us, practically gave to us, one of the richest territories the United States possesses; a nation nine millions of whose men were either killed or hopelessly maimed in waging, as our associate, the World War. Yet we have entered into an agreement which is hostile to that nation with three other

nations with which we have had trouble always, with one of which we have waged two wars, with another of which we raise an Army and a Navy to war with it and commissioned our ships to prey upon its commerce. I refer to France. There is but one colored race that ever attacked a white race—Japan—and we ally ourself with it.

As for Japan, we were told by some Senator here the other day that Japan was placing orders in every civilized country in the world in order to accumulate munitions of war to attack us. Yet we enter into an alliance with that nation to repel any kind of a force on the part of Russia, which has been our friend always, in any effort to expel Japan from her territory.

If that is good statesmanship, if that is good morals, if that is good common sense, you will have to pardon me, for I do not seem to possess either.

Oh, and there is the matter of the 10 years, as suggested by the Senator from Georgia [Mr. HARRIS]. I am glad he directed my attention to that, for I wanted to call attention to another very remarkable statement made by the senior Senator from Alabama [Mr. UNDERWOOD] in his speech on the 11th of this month. In that speech he said that no one believes that either China or Russia—two nations with which we have always been friendly—would be able in 10 years to assert her rights and repel the aggressions of Japan, and therefore we could safely go into this alliance for 10 years, and trust to the intelligence of a President or a Secretary of State at the end of that time, when these countries might be so recovered that they could resist the aggression, to slip out of it. The high morality that makes us want to go into a compact against the interests of our friends in order to get some kind of an advantage for 10 years, and then to sneak out of it when the obligation might finally be imposed upon us to pay for the benefits we are presumed to have received, is a viewpoint that I am not able to accept.

If this is a good treaty, if it is one that we ought to make, we ought to stay with it, because we will need it 10 years from now as much as we need it now. If it is a bad treaty, if it is a time-serving treaty, if it is a treaty made against the interests of our friends—our national friends for a national lifetime—we ought not to enter into it for 10 years; and either horn of that dilemma I am willing for those who support the treaty to accept.

I presume the treaty will be ratified, and I will venture no assertion about what the people may think of it one way or the other. I do, however, venture the assertion that the Senator from Wisconsin [Mr. LENROOT], who said that if he looked only to politics he would be glad to have the treaty defeated, because it would be of immense political value to the Republican Party, if he was not joking when he made that statement, would vote against its ratification.

Mr. WATSON of Georgia. Mr. President, will the Senator from Arkansas allow me to make a suggestion?

Mr. CARAWAY. I yield.

Mr. WATSON of Georgia. Those powers of propaganda which can put this four-power alliance over on the Senate so soon after the verdict of the people at the polls in 1920 will have gathered additional power in 10 years, and they can extend this alliance indefinitely.

Mr. CARAWAY. I think that is obvious.

I do not charge any man with bad faith for being for or against the treaty, and bad faith is not implied when I say the position is inconsistent. It was said by one or two Senators on the other side that it was incomprehensible, and said by the very distinguished Senator from Ohio [Mr. POMERENE], who read an essay in favor of the treaty last night, that it was inconceivable why anyone could have supported the Versailles treaty and oppose the four-power pact. If there is any reason in that argument it must be that the four-power pact is the same as the Versailles treaty. Therefore, when you try to impale us on the horn of inconsistency by saying we were for the Versailles treaty and against the four-power pact, by that very declaration you admit your own inconsistency, who defeated the Versailles treaty and now support the four-power pact. If that sort of logic appeals to you, I think I can understand why you should vote for ratification. Otherwise, I should be at some loss to understand.

I say this: The Senator from California [Mr. SHORTRIDGE] with a great deal of heat yesterday said that he was opposed to the treaty of Versailles, but that every mother and every God-fearing father in this land and everybody else was praying as he talked, as I understood, and the angels were singing, for the ratification of this treaty. Incidentally, I might say that I wonder if they made the angels delete their songs as they did the chaplain who opened the conference, by requiring him to strike out the name of Jesus Christ from his prayer. If the Senator from California is correct that all the powers of righteousness are on his side now, I do not know how he is going to account for their being with him last year also, because last year he was against a treaty which extended to the world what this treaty undertakes to do for the Pacific Ocean. If the Senator from California is content to say, "My prayers and my hopes and my love of humanity are confined to the Pacific Ocean, and to the Pacific Ocean only, and I do not care what happens to all the rest of the earth if the Pacific is made what its name implies, a peaceful sea"—if that is his viewpoint, his position is perfectly consistent; but I want to say that there is this difference:

Here are four nations, three of them with selfish ends to serve in the Pacific Ocean, three of them holding subject nations in the Pacific Ocean, three of them in possession of territory that does not belong to them and never did rightfully belong to them, going into an agreement with us in order to stabilize conditions as they now are in the Pacific Ocean. The Versailles treaty went further than that. It provided that all the peoples of the earth should enter into an agreement, and they should guarantee peace throughout the world by each agreeing to respect the rights of the others. If they had lived up to that treaty there could have been no war, if it had been ratified by this country, because if each nation respected the rights of the others there would be no cause for quarrel. If you say they would not live up to that treaty, I ask by what authority you say now that they will live up to this one? If you believe that nations can be bound by treaties—and I at one time hoped they could—how can you justify your act in defeating the Versailles treaty; and if you do not believe nations can be bound by treaty, how can you justify yourselves in voting for this treaty?

I want to call attention to the fact that the Senator from New Jersey [Mr. EDGE] said yesterday, when he made the speech of which he gave us a revised version this morning, that it is impossible to hate if you are brought together; that if you could bring nations together and let them sit around a table it would be impossible to hate, and therefore impossible to have a war. Well, God bless your soul, if it is impossible for people to hate as they sit around a table, why was the Senator from New Jersey then opposed to letting all the people sit around the table? Why was he opposed to the Versailles treaty? Why not ratify it, if sitting around a table banishes hate and banishes war? How, then, can he justify himself for having defeated the treaty that undertook to bring all the people into conference?

Mr. EDGE. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield to the Senator from New Jersey.

Mr. EDGE. I am sure the Senator does not desire to get into a controversy at this time as to the great difference between many other principles of the Versailles treaty and this getting around a table, as the Senator describes it. So far as the League of Nations was concerned, the principle of getting around a table, even with all the nations of the world, I heartily agree with. The League of Nations, with proper reservations, received my consistent and regular support.

Mr. CARAWAY. In other words, whether or not you have peace depends upon what table you sit around. Here is what the Senator said yesterday, if I remember correctly: "Many an international misunderstanding has developed and been fanned into flame because of the distance intervening between those arguing by cable or diplomatic notes. Such calamities possibly could have been averted if representatives of the contending nations could have gathered around a table. People often hate each other at a distance. It is difficult to hate each other side by side."

Mr. EDGE. Mr. President, does the Senator from Arkansas differ from the viewpoint that such a misunderstanding possibly could have been averted by discussion around a table?

Mr. CARAWAY. No; I was not falling out with the Senator about that sentiment. I was just wondering how the Senator reconciled his statement with his opposition to the Versailles treaty, which undertook to bring all the people to a common conference.

Mr. EDGE. The Senator from New Jersey has just stated quite clearly, I think, that the principle of the League of Nations, with our country properly protected, always received my support of the Senator from New Jersey.

Mr. CARAWAY. "Properly protected" by killing it, by cutting the heart out of it; then the Senator was willing to ratify it.

Mr. EDGE. Of course the Senator from New Jersey reserves the right to decide what is proper protection.

Mr. CARAWAY. Why, of course the Senator from New Jersey has a perfect right to be just as inconsistent as he sees fit, and I am not criticising him. I was merely calling attention

to the noble sentiment uttered by the Senator from New Jersey in appealing to his colleagues to ratify this treaty by saying that hate is impossible if you can bring people to a common council table, and entertaining a different view when the treaty of Versailles was before the Senate.

Again, if I may be permitted to suggest it, as it was suggested by the Senator from Tennessee [Mr. MCKELLAR], the Senator from New Jersey voted against the amendment offered by the Senator from Arkansas [Mr. ROBINSON] which undertook to make it possible to get all the nations involved in the controversy around the table. That amendment said that not only we four nations who bind ourselves together will confer, but we will invite to the conference any nation with which any one of these powers may become embroiled. Now the Senator says that if you can get them around the table they can not hate, or they can not war; and yet the Senator from New Jersey voted against an amendment which would have made it obligatory to get around a table not only those who ally themselves together, but those with whom one of them might have a controversy.

Mr. EDGE. Does the Senator from Arkansas contend that there is anything in the pending treaty which prohibits the members of the compact from inviting to the conference any other nation which might be involved or interested in possible disputes in the Pacific region? Does not the Senator from Arkansas recognize the difference between interests in the Pacific, in which the United States is particularly involved because of territorial possessions, and the interests of the entire world?

Mr. CARAWAY. Why, of course. I do not know whether the Senator from New Jersey is a lawyer or not, but in our profession——

Mr. EDGE. No, Mr. President; I have many things to answer for, but I am not one of the lawyer Members of the Senate.

Mr. CARAWAY. I am very glad the Senator is not, because he can be inconsistent then without being conscious of it. In the practice of law, however, it is always bad faith and one would be disbarred if he were guilty of it if he conferred with his own client and the other man's client also. You have to stay with one side or the other if you obligate yourself to do it. Here we contract with Japan—and if we mean anything by what we say, we will do it—that "If you get into trouble with Russia or China by reason of your aggression upon those people, we will confer with you to enable you with our advice to devise the best means of resisting that nation," which means to plan campaigns with them, and determine what armies and what navies would be advisable, and what economic pressure might be exerted. It means that you are going to confer with Japan to enable her perpetually to enslave Siberia; and it would be bad taste, and this country would not indulge in it, to say: "While I am your ally, and I am backing you up, I am going to go over and have some conversations with the other side, also."

It is unthinkable, and the very fact that the Senator from New Jersey voted against an amendment which would require this Nation to do it, shows that he does not believe this Nation would, for otherwise he would be perfectly willing to accept such an amendment. If we intend to do it, if it is our purpose to do it, if it is our right to do it, if it is our moral obligation to do it, I think we should write it in our bond. I have never had any confidence in anybody who would say, "You know, I always do what I say I will do, but I will not sign a contract to do it."

Mr. EDGE. Mr. President, I have not the honor and the pleasure of being a lawyer, with the additional knowledge that implies and makes possible, but I have a conviction that the fewer the words used in a contract or an agreement the better for those involved, or those who are making the contract. In other words, one of the features of the pending treaty which has appealed to me is its brevity. When the average lawyer finishes writing a contract or an agreement there is so much in it that it always brings on the litigation which he perhaps expects. But the brevity of this document, the absence from it of a statement that the parties will do the obvious thing—that is, will invite other nations into conference if other nations are involved, the fact that there is not put in it provisions for meeting every possible contingency which may arise—appeals to me very strongly. It is left to the representatives of four nations to use common sense and judgment when a contingency arises.

Mr. CARAWAY. May I ask if the Senator is going to vote for the Brandegee reservation?

Mr. EDGE. Yes; if it is necessary to save the treaty, because I think it is more important that the treaty should be ratified than that through some unfortunate circumstances it should not be ratified. When you can not have everything you want in this world, it is well to compromise, if you do not compromise against principle.

Mr. CARAWAY. What an apology for voting for this treaty. That you take not what you want, but what is in this secretly negotiated treaty thrust upon you.

I love justice, national and international, too well to bind my country to make common cause with the aggressor against an unoffending people; to bind ourselves to support the pagan against the Christian faith; to strike the white race to aid a colored one. I can not, I will not, do it. I will not vote to ally my Nation with a colored nation to oppose a white one. I never will do it.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired. The question is upon agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to article 1 of the treaty.

Mr. LENROOT. Mr. President, I desire to occupy only a very few minutes of the time of the Senate in putting in two or three authorities upon two questions which have been raised during this debate. When it has been shown what the declarations of the negotiators were at the time these treaties were signed, and when the acceptance of that construction by the other members of the conference is shown, some Senators have attempted to brush that aside as being either of no value, or the weakest kind of evidence.

Mr. President, I hold in my hand a work entitled "International Law Chiefly as Interpreted and Applied by the United States," by Prof. Charles Cheney Hyde, and I want to read his text with reference to the subject of the value to be given to declarations of negotiators. In section 534 he says:

> Declarations on the part of the negotiators of a treaty at the time of its conclusion, or by plenipotentiaries exchanging ratifications, indicating the understanding of the parties as to the sense in which particular terms were employed, are useful as sources of interpretation and should not be disregarded. Nor are the declarations of negotiators even long subsequent to the perfecting of an agreement without value. The reason why, according to the common law, declarations of intention could not be given in aid of the interpretation of documents, save under certain exceptional circumstances, was that they were considered as dangerous for a jury, who, not being expert in such matters, might attach to them too great weight. This objection is not applicable to adjudications concerning the interpretation of agreements between States. Declarations of their plenipotentiaries, in so far as they indicate the sense in which terms were employed, are valuable, not merely because they are enlightening, but also because they may be safely entrusted to the consideration of judges or arbitrators, or to the ministers of State. The Department of State has appreciated the significance of such statements. Courts of arbitration have accepted them.

There are very voluminous footnotes as to the value which has been placed by our own Government and by other Governments with whom we have had treaties, upon the understanding of negotiators as to the construction of treaties to which they are parties.

Mr. BORAH. That is, in an instance where there is an ambiguity in the language.

Mr. LENROOT. Of course, I did not suppose that the Senator from Idaho claimed that there was from his standpoint no ambiguity in the language, because no one has ever claimed that there was an express obligation in the instrument for the use of force. It must be admitted that it is silent, and therefore it is clearly a construction of the treaty upon which we must arrive at the intent of the parties, if there could by any possibility be any kind of an implication to use force.

Mr. BORAH. The Senator from Idaho does not contend that the treaty is without ambiguity, but what I was thinking of was that the Senator from Wisconsin was rather severe upon some of us because we had called attention to the construction which had been placed upon the treaty by the representatives of foreign powers. Of course, if the construction of the negotiators or the representatives of the different nations is to be taken, then you want the views of all the nations through their representatives taken as a whole. We now have the situation that while the representatives of the United States place one construction upon it, we do know that a different construction has been placed upon it by the representatives of other powers.

Mr. LENROOT. Mr. President, the Senator from Idaho does not quite accurately state my view or the criticism I have made. I made no criticism because attention was called to statements made by negotiators subsequent to the conference to which the Senator from Idaho has referred. My criticism was that in the debate upon this treaty by its opponents, almost without exception, they have ignored the construction placed upon this treaty by the American delegates and accepted at the time the treaties were signed. They have cast that aside as of no value, and placed upon the treaty the construction of subjects of other countries, most of whom were not negotiators at all, as being of more value. That was what I complained of.

Mr. BORAH. Mr. President, I quite agree with the Senator from Wisconsin that when this treaty is once ratified and becomes binding it would naturally follow that we would take the construction placed upon it by our delegates. I take the very opposite view up until the time the treaty is ratified. For instance, Mr. President, suppose the able Senator and some other able lawyer should be negotiating a contract to close a very important transaction for their respective clients; and suppose that before the contract was signed, sealed, and delivered, the Senator from Wisconsin should learn that the attorney upon the other side placed an entirely different construction upon the contract from that which he had placed upon it. I am quite sure the Senator would hasten to do one of two things. He would either hasten to change the contract to make it read so plainly and specifically that there could be no question about it, or else he would undertake to ascertain the basis upon which the opponent placed his construction.

Up until this time the treaty is not a treaty; it is simply a proposition. Up until that time I think it is not only legitimate, but the highest duty, to understand the construction which other nations are putting upon it.

Mr. LENROOT. Mr. President, in reply to the Senator from Idaho I would say, taking his own illustration, that if he represented a client, and another able lawyer represented a client, and there arose a question of construction of a contract which had been preliminarily entered into, as to which the only step remaining was to make it absolutely binding, I would not expect the Senator from Idaho to place a construction on it against his own client, and accept the construction of the opposing attorney. That is what has been laid down here in the Senate.

Mr. BORAH. The contract is not closed yet.

Mr. LENROOT. No; it is not closed.

Mr. BORAH. The time to debate the other man's view is before it is closed. Let me call the Senator's attention to another illustration. I suppose everybody agrees that Secretary Hay was one of the ablest men and one of the most careful Secretaries of State we have ever had. I feel quite certain that by reason of a lack of thorough discussion and a thorough understanding as to language we are practically the losers in the building of the Panama Canal. A construction was placed upon the treaty under which we built the canal, subsequent to its ratification, which they did not believe it bore before the ratification, but which construction has now obtained to such a degree that we are losing out in the contention entirely and the foreign power is succeeding in its own construction. It would have been infinitely better had the debate taken place before the treaty was ratified, rather than afterwards.

Mr. LENROOT. Mr. President, again taking the Senator's illustration, the Senator must admit that if this treaty is ratified—and it is going to be ratified—the construction he and other Senators opposed to this treaty have given to the treaty may possibly raise a question hereafter which would never have been raised but for the view taken by the Senators, and that, Mr. President, is why I expect to vote for this reservation. When this treaty was first presented to the Senate there was not, in my judgment, the slightest reason for placing upon this treaty any reservation, and if there be any reason now it is because Senators opposing the treaty have throughout this entire debate endeavored to construe it against the interests of America.

Mr. BORAH. If the Senator is correct and follows his logic to its conclusion he must accept the reservation of the Senator from Arkansas then, because, under the Senator's argument, that is more essential now as a reservation than is the reservation of the Senator from Connecticut.

The fact of the business is, with all due respect to those who urge the reservation which is now attached to the treaty, I do not get any consolation out of saying that a thing is not an alliance. I judge whether it is an alliance or not by the language which is contained in the treaty.

Mr. LENROOT. For once the Senator and I agree.

Mr. BORAH. We agree quite often, when the Senator from Wisconsin is right.

Mr. LENROOT. I wish I could agree more often with the Senator from Idaho.

Mr. BORAH. Perhaps that happy day will come. But this treaty is an alliance or it is not an alliance, according to the terms which are in the treaty. You can not by attaching a label to a bottle put anything in the bottle which is not already in it. If you form a partnership, and if the terms of the contract make it a partnership, no court pays any attention to the fact that you may declare it is not a partnership.

Mr. LENROOT. So far as the word "alliance" is concerned, I did not have that in mind at all when I spoke of the reservation. What I did have in mind with reference to the reservation was as to whether there was any obligation to use force.

Mr. BORAH. The Senator knows that the Senator from Idaho has never taken the position that according to the technical terms of the treaty itself there is any commitment to force.

Mr. LENROOT. Either express or implied?

Mr. BORAH. So far as the technical language of the treaty is concerned, that is correct.

Mr. LENROOT. When the Senator so very ably argued his position with reference to the obligations of this treaty, assuming that the construction of the proponents was correct, I had supposed that he made that assumption only for the purpose of argument. I am very glad to know now that that is his own construction of the treaty.

Mr. BORAH. I took that position in the committee. I take that position now. I have taken it all the time. But here is the question: You have nevertheless created a situation where, without any commitment upon the part of the terms of the treaty, force may be determined upon by those who are representing us in this matter, and then the Congress of the United States, as I contend, will be under moral obligation to carry out whatever they determine upon. I agree, and I have said over and over again, that when this expression "fully and frankly" is given between the representatives of those nations under article 2 that they may agree not to use force, and they are under no obligations by the terms of the treaty to use force. I agree to that perfectly. But I contend just as earnestly that they may agree to use force; and if they do, the Congress of the United States is under the moral obligation to carry out their agreement. It is not in the express terms of the treaty, but in the unlimited discretion of the conferees, which may result in a course from which the Congress can not in honor escape.

Mr. JOHNSON. Mr. President, will the Senator pardon me?

Mr. LENROOT. I yield.

Mr. JOHNSON. Does not that mean, then, that there is an application of force, according to the contention of the Senator from Idaho?

Mr. LENROOT. I leave the Senator from California to argue that out with the Senator from Idaho. The Senator from Idaho says not.

Mr. BORAH. I say that according to the terms of the treaty itself there is no more agreement to use force than there was in the entente—not a particle. There was no agreement to use force under the entente; nevertheless a condition arose by which force became inevitable—the Commons bound itself—morally bound—by the acts of the Secretary of Foreign Affairs.

Mr. LENROOT. Very well; the Senator and I absolutely agree upon the construction of the treaty.

Mr. BORAH. But I say that you have authorized your representatives to take either one course or the other. They may agree not to use force. They may refuse to use force. If they do refuse it there is nothing in the treaty which compels them to take any other course. On the other hand, if they agree to use force we are under moral obligation to carry out the action of our representatives. It is in the uncircumscribed discretion of the conferees, which may leave the Congress no moral discretion.

Mr. JOHNSON. Then, if the Senator from Wisconsin will pardon me, the implication for the use of force is there, and there is no escaping that conclusion.

Mr. BORAH. I have no objection to the Senator from California entertaining that view. He may be right; but my objection lies elsewhere.

Mr. LENROOT. I am very glad to have the Senator from California and the Senator from Idaho disagree.

Mr. JOHNSON. I wanted to make perfectly clear what was said in respect to the implication of force. As I understand the Senator from Idaho, he holds that while there may not be, under article 2 of this agreement, any resort, any understanding, and the like, as to force, yet there may be as well a determinattion that force ultimately ought to be used, and that then comes the obligation resting upon those who are parties to the contract to carry out the agreement which may be made or the understanding which may be had. Is that accurate?

Mr. BORAH. I think that is accurate. The only difference between the Senator from California and myself is this: The Senator from California finds it in the treaty. I find it in the authority which we give our agents to represent us. That is the only difference between the two propositions.

Mr. JOHNSON. The genesis of it is the treaty which gives the authority.

Mr. BORAH. Exactly; but the representatives may take the very opposite view.

Mr. JOHNSON. Assuredly.

Mr. BORAH. Then there is an implication to arrive at a conclusion through peaceful means. It is just as much an implication to arrive at a conclusion by peaceful means as it is the other.

Mr. JOHNSON. Of course; but the implication is there by which they may arrive at the other means.

Mr. BORAH. Very well. I am perfectly willing, as I said, for the Senator to call it an implication. I do not regard it as an implication at all. What I think is that we have designated these agents to represent us in a certain situation. They are our representatives. They may decide to meet the situation by peaceful means. If so, there is nothing in the treaty upon which we could assess any criticism of them for doing it. On the other hand, they may determine to meet it by force. Now, we are under obligation, in my judgment, to carry out the decision of our representatives; and therefore I say that the moral obligation is binding upon the Congress, not by reason of the terms of the treaty, but because we have created an agent whose execution we must follow to a successful end. In other words, this agency forestalls free action on the part of Congress.

Mr. EDGE. Mr. President, suppose three of the nations agree that force is the only solution of the problem and the representative of the United States disagrees, then what would be the Senator's interpretation of our responsibility and duty?

Mr. BORAH. Of course, the representative of the United States has a right to disagree, but what I want Senators to consider is this: Suppose the representative of the United States agrees? I do not want to turn over what is practically the war-making power to one man, to represent 110,000,000. If you say that he may disagree you must admit that also he may agree or can agree, and if he does agree, the Congress of the United States is morally bound to carry out that agreement and you thus have one man practically committing us to war—one man speaking for 110,000,000 people. I want to bring the war-making power closer to the people. I do not want the people to have a mere technical right after their agents have morally committed them. I wholly distrust diplomats in matters of war. The World War was the work of diplomats; the people did not want it. I do not propose to trust a few men with the power to morally bind us to go to war.

Mr. EDGE. Then, I take it from the Senator's statement that he does not believe an understanding has been arrived at, which term is used in article 2 of the treaty, unless the representative of the United States does agree with the other three—in other words, that the four must agree?

Mr. BORAH. I understand that they must all agree.

Mr. EDGE. That is the question I asked.

Mr. BORAH. Yes. They must all agree. When they do all agree, however, we as a people are morally bound to carry out their agreement. Think of the infamy, after what we now know of the facts about how the World War was brought on, of signing a treaty under which four men may start a world war—may by their action drag the people into war as a dozen men dragged the people into a world war in 1914.

Mr. LENROOT. I think the Senator, if I understand him correctly, is confusing the obligations under article 1 and article 2. Under article 1 there is, of course, a conference. We are obligated to enter into a conference under article 1 where there is a dispute which can not be settled by negotiation between any of the four powers. But under article 2, which I think is the situation the Senator from Idaho refers to, there is no obligation to go into conference at all.

Mr. BORAH. I am perfectly willing to concede that, although I think that if war were imminent men would not stop to write letters. That has not happened very often. If war were imminent they would come face to face just as rapidly as they could. I am perfectly willing to agree that they do not have to come face to face to have a conference. But the result I am afraid of would be just the same if they should write letters and agree by letters to come to the use of military force.

Mr. LENROOT. Right at that point, the understanding that the parties are to arrive at must, of course, be made and agreed to by competent authority. The Senator must admit that proposition. Any proposition involving an understanding to go to war can not be made by the President of the United States or any plenipotentiary of the United States, there being no prior obligation as there was in article 10. If the matter involves the use of force there is but one thing under the treaty that the President can do, and that is to submit it to the Congress and to arrive at the understanding in that way if force is to be used.

But I am very glad, I want to confess, that the position of the Senator from Idaho has been very much cleared up to me this morning. I am very glad to have his construction, because we clearly now have the Senator from Idaho, as I would have expected from the beginning, to so construe the treaty that there is no obligation, express or implied, for the use of force. But the Senator from Idaho must admit that among the opponents of the treaty he is very lonesome in that position.

Mr. BORAH. No; I do not think so. The Senator from Idaho is taking precisely the position that he took in the Foreign Relations Committee and that he has taken from the very beginning.

Mr. LENROOT. I do not charge the Senator with changing his position.

Mr. BORAH. If the Senator will search the Record and read my remarks he will find nothing to the contrary at all. My sole objection to the treaty, so far as this particular proposition is concerned, is that in my judgment it commits to the discretion of one representative an act which may carry this Nation into war or compel us to repudiate our own agent, or seek dishonor.

Mr. GLASS. If that is not an implication of force, what is it?

Mr. BORAH. If I designate the Senator from Virginia as my agent, to use his discretion either for peace or against it, so far as the designation is concerned, in my judgment, there is no implication. I give him, however, unlimited discretion to decide either upon peace or upon force. I do not want to leave that to the discretion of one man. I think this is a matter which ought to be dealt with by the Congress of the United States, without any previous moral obligation of any kind.

Mr. GLASS. But when you do set up an agency and prescribe a process that may involve us in war, is not that an implication of force?

Mr. BORAH. I do not think so.

Mr. GLASS. Then I can not understand what an implication of force is.

Mr. BORAH. It is an implication of force in one sense, but not by reason of the terms of the treaty itself. We simply have create an agency and we say to that agency that he may do a certain thing. He exercises discretion. What I am objecting to is turning over our discretion to the discretion of an agent.

Mr. GLASS. But we do not say to the agency that he may do a certain thing. We say to the agency, "You may do one of two certain things," and one of those things is to take this Nation into war. In other words, the very process itself involves not only the possibility but the probability of taking this Nation into war.

Mr. BORAH. I agree with the probability that it will. I think that he would have the right to decide for war, and that is my fundamental objection to the treaty, that we are leaving it to a representative to place us in a position where, while we are not legally bound to do it, we are morally bound to carry out his decision.

Mr. LENROOT. Mr. President, I am not going to prolong the discussion upon this point further than to say that if it be admitted, as the Senator from Idaho admits, that there is no obligation in the treaty for the use of force, then it necessarily follows that no representative of the United States can bind the United States beyond the constitutional authority of that representative, and the constitutional authority of the United States, which so far as we are concerned is the Congress of the United States, is the only power in the United States that can determine upon war.

Mr. GLASS. That is a very fine argument that the Senator from Wisconsin took special pains repeatedly to controvert when the covenant of the League of Nations was before the Senate.

Mr. LENROOT. Oh, no. I am surprised at the Senator from Virginia. The reservation that was adopted to article 10 of the league covenant left article 10 substantially as this four-power treaty leaves the four powers. With the reservation to article 10 it left, and left only, the obligation to respect the territorial integrity of all the other members of the league. But I pointed out, and every other Senator who took the same position as I did pointed out, that without that reservation there was a guaranty of territory, and therefore there was a moral obligation entered into by the constitutional authority, the treaty making power, a moral obligation to go to war in order to fulfill the guaranty, which is entirely lacking in this treaty.

Now, I wish to speak of one other point.

Mr. BORAH and Mr. PITTMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Wisconsin yield, and if so, to whom?

Mr. LENROOT. I yield first to the Senator from Idaho.

Mr. BORAH. I want to say that in my opinion article 2 of this treaty and article 10 of the League of Nations covenant contained the same moral obligation exactly.

Mr. LENROOT. Does the Senator make no distinction, then, between the guaranty of political independence and territorial integrity and the guaranty to respect and, in case of dispute, to confer?

Mr. BORAH. Here is the proposition. The Senator does not state it. We agree here that in case of aggressive action—in other words, that in case any outside power may attack our territory or the territory of Japan—then the question of territorial integrity may be involved. That aggressive action may consist of something else, but it may also consist of an attack on territory, and then the whole question of territorial integrity is involved. When that question of territorial integrity is involved, we agree under article 2 to confer as to the most efficient means to meet the situation. That is practically what we agreed to under article 10.

Mr. LENROOT. No; but the Senator has admitted this morning and has admitted many times previously in the debate that there is no obligation under article 2, moral or otherwise.

Mr. BORAH. Oh, no. I did not say not morally.

Mr. LENROOT. That is all an obligation in a treaty is.

Mr. BORAH. I said repeatedly we were under moral obligation to carry out the decision of our agent.

Mr. LENROOT. The Senator is getting away now from the proposition. I am talking about the obligation in the treaty, and that is what the Senator is talking about—that there is no obligation, moral or otherwise, to guarantee the integrity or repel that aggression, because the Senator has this very morning admitted that the United States, when such a case arises, may refuse to have anything to do with it, and there is no moral fault upon our part.

Mr. BORAH. The United States might have refused under article 10, too.

Mr. LENROOT. No.

Mr. BORAH. Let me read that article.

Mr. LENROOT. No; I do not want the Senator to get away from this proposition. We could not under article 10, without the reservation, have refused without being guilty of violating the treaty; but the Senator admits that under article 2 of the pending treaty we can refuse without any violation of the treaty; and that is the distinction.

Mr. BORAH. The same question as to whether there was anything except a moral obligation arose in the conference at the White House between the President of the United States and the Senate Foreign Relations Committee. The President of the United States took the position which is taken here that there was nothing in article 10 except a moral obligation. That matter was debated at the White House. The President always contended that there was nothing in article 10 except a moral obligation. Now I want to read what the then Senator Harding and President Wilson said to one another at that time:

> Senator HARDING. The President expressed a while ago surprise that I raised a question as to the value of this compact because of the moral obligation feature. Let me premise by the statement that I look upon a moral obligation as that which the conscience of the contracting party impels. The conscience of any nation in Europe, for example, may be warped by its prejudices—racial, geographical, and otherwise. If that be true and any nation may put aside or exercise its judgment as to the moral obligation in accepting any recommendation of the league, really what do we get out of this international compact in the enforcement of any decree?
>
> The PRESIDENT. We get the centering upon it generally of the definite opinion of the world, expressed through the authoritative organs of the responsible Governments.

The President of the United States placed precisely the same construction upon article 10 of the League of Nations covenant that the supporters of this treaty are placing upon article 2; but the Republican side of the Chamber refused to accept that construction. Why? Because they said that the Nation could not disregard its moral obligations without traveling the path of dishonor. I read further:

> Senator HARDING. Would it not be quite as moral for this Republic itself to determine its moral obligations?
>
> The PRESIDENT. Undoubtedly, Senator; but in the meantime the world would not have the knowledge before it that there will be concerted action by all the responsible Governments of the world in the protection of the peace of the world. The minute you do away with that assurance to the world you have reached the situation which produced the German war.

Here is the point:

> Senator HARDING. What becomes of our standing among nations if the council fixes a moral obligation upon us and we reject the judgment of the council as to the moral obligation?

What I ask is, What becomes of this Nation if our representatives agree to use force and we reject the obligation? It is the same question exactly that was presented in the League of Nations debate, nothing less and nothing more.

Mr. LENROOT. Mr. President, I had supposed that the question of moral and legal obligations, so far as treaties are concerned, was well settled and accepted by every Senator in the long debate upon the Versailles treaty. I had supposed that it was an accepted doctrine, accepted by the Senator from Idaho, that all treaty obligations are moral obligations. They are nothing but moral obligations, and can not be anything other than moral obligations. But, Mr. President, I do not want the Senator from Idaho to get away from the proposition now before us. We are arguing now as to whether or not there is any obligation in the pending treaty to use force. The Senator from Idaho has admitted there is not. Therefore the United States will be free at any time in the future to take any such action as it may see fit, and if the action involves war there is no moral obligation, as there was in article 10, but the Congress of the United States will decide that question when it arises, absolutely free from any treaty promise whatever.

Mr. BORAH. Was there any obligation in article 10, except a moral obligation?

Mr. LENROOT. Certainly not. I have said that all treaty obligations are moral obligations.

Mr. BORAH. Precisely. Then we are in the same position that we would be under article 10. If there was no obligation under article 10 except a moral obligation, and there is no obligation under this treaty except a moral obligation, so far as the obligation is concerned we are in precisely the same position under both instruments.

Mr. LENROOT. No; Mr. President.

Mr. BORAH. And we are in just the same position in another respect. If our representatives upon the council of the League of Nations had decided upon the use of force, everybody conceded in the debate upon the treaty that the Congress of the United States would have a right to reject that decision if they wanted to, but we all considered upon this side of the Chamber that it would be an act of moral dishonor if we did so.

Mr. LENROOT. The trouble with the argument of the Senator from Idaho is that in the League of Nations under article 10 the whole jurisdiction of the council was to determine how there should be carried out an obligation which existed by the very terms of the treaty; they were to advise how that obligation was to be carried out; but the Senator from Idaho now admits that there is no obligation in the pending treaty. Therefore, our representative in the conference is under no obligation whatever to give any kind of advice. So, Mr. President, it leaves the United States, when the time arrives, absolutely free to settle this question, if it be one of war, free from any prior moral obligation by the war-making power of the United States, which is the Congress of the United States.

Mr. BORAH. Mr. President, so far as——

Mr. LENROOT. My time is running short, and I should like to conclude.

Mr. BORAH. Just one word, and then I shall not bother the Senator any more. Article 10 of the League of Nations provides that—

> In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

Advise; simply advise.

Mr. LENROOT. Exactly, "this obligation"; but here there is no obligation. That is the difference.

Mr. BORAH. Mr. President, we have an obligation to carry out the terms of our representative's act, have we not?

Mr. LENROOT. I am surprised at the Senator from Idaho. Article 10 of the League of Nations, the Senator must admit, expressly laid upon the United States an obligation and a guaranty.

Mr. McCORMICK. Mr. President, I suggest that the Senator read the first sentence of article 10. I am not enamored of this treaty, as the Senator from Idaho knows, but I can see a distinction between the pending treaty and article 10 of the League of Nations covenant.

Mr. BORAH. I know the Senator from Illinois is not enamored of the pending treaty, and I am sorry he has as much "enamorosity" for the treaty as he has.

Mr. McCORMICK. There are sometimes "marriages of convenience."

Mr. LENROOT. The Senator from Idaho must admit that in article 10 there is an obligation to guarantee territory.

Mr. BORAH. All that article 10 provides for is advice.

Mr. LENROOT. No; the Senator is again mistaken.

Mr. BORAH. Article 10 says "shall advise upon the means"; that is the language used.

Mr. LENROOT. Article 10 provides for a guaranty on the part of the United States of the territorial integrity of every other member of the league. I think the Senator from Idaho is one who took the position which I took—that, irrespective of that advice, if there was external aggression affecting territorial integrity, the moral obligation was imposed upon the

United States to send such men and ships as might be necessary to preserve that territorial integrity.

Mr. BORAH. Mr. President, I know that one position which the Senator took was that we were permitting one representative sitting in the council of the League of Nations to place us in a position where we were morally bound to do whatever he said. That is precisely what we are doing under article 2 of the pending treaty. We are placing in the power of one man to decide whether we shall have peace or whether we shall have war. We may, if he decides for war, reject that decision; so might we have done under the League of Nations, but we could not have done so honorably.

Mr. LENROOT. Mr. President, again I must merely repeat that under the League of Nations covenant what the representative was authorized to do was to advise how an existing obligation should be carried out. Now, the Senator from Idaho admits, as I contend, that there is no obligation in the pending treaty to use force, and therefore, it seems to me, with all due deference to the Senator from Idaho, that the case attempted to be made by the opponents of the treaty has fallen to the ground. I am very glad that the opponents of this treaty have not now the assistance of the Senator from Idaho in their construction of it.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LENROOT. I yield.

Mr. PITTMAN. There is the same obligation in the four-power treaty as there was under the league covenant.

Mr. LENROOT. Oh, Mr. President, if the Senator wants to ask me a question, very well; I will yield; but I am not going further to argue a question that is so plain. If the Senator says that there is the same obligation under the four-power treaty as there is under article 10 of the League of Nations, I want to suggest to the Senator that I can not argue such a proposition as that.

Mr. PITTMAN. Will the Senator be so condescending as to permit the reading of the preamble of the treaty he is discussing?

Mr. LENROOT. No; I do not care to permit that to be done; it is perfectly plain to everybody, and I have discussed that at great length.

Mr. PITTMAN. It states emphatically that the treaty is entered into for "the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean."

The whole object of the treaty is to maintain their rights and their possessions.

Mr. LENROOT. Certainly.

Mr. PITTMAN. Is there not an obligation in that respect?

Mr. LENROOT. I have discussed that at great length in times past. I do not desire to take any credit to myself for that, but I have called attention to the clear harmony between the articles of the treaty and the preamble, and stated that, in so far as we did respect the rights of other nations we did maintain the peace, and in so far as we came to friendly understandings, we did to that extent maintain their rights; but for any Senator to undertake to read a guaranty into the preamble of the treaty, while he may do so if he desires, I do not care to argue further any such proposition as that.

Mr. President, it has been asserted—it was asserted quite vigorously yesterday—with reference to article 1 that the provision that in case of dispute there shall be a conference of the four powers or that there shall be an invitation extended to the other parties to confer about the matter, to whom it shall be referred for consideration and adjustment, involves an arbitration, and that such proceeding is subject to all the rules of an arbitration, and there being no rules provided in the treaty itself, that the representatives of the different powers at the conference may make their own rules and may determine that the question shall be settled by a majority vote.

Mr. President, it so happens that our own Supreme Court has had occasion to consider that very question involving the construction of the word "adjustment" and as to whether a reference for "adjustment" can be said to be an arbitration. In the case of Gordon against United States, reported in Seventh Wallace, page 188, the court delivered an opinion bearing on that point. In that case there was under consideration an act of Congress which was passed in 1848 for the relief of certain claimants against the Government and "authorizing and requiring the second auditor of the Treasury Department to examine and adjust"—note the words—"their claims on principles of equity and justice, having due regard for the proofs for the value of the property taken or destroyed, providing that the said representatives should be paid for the same out of part of any money in the Treasury not otherwise appropriated."

That act was afterwards amended to place the same power and duty with the Secretary of War. After an adjustment had been made and the claims allowed by the Secretary of War, something like a year afterwards, the entire legislation was repealed and Congress annulled the action theretofore taken in so far as it could do so.

The claim was made in the Supreme Court of the United States that this was in the nature of an arbitration; that the adjustment had been made by the regularly constituted authority of the Government, and therefore the claimants had a vested right. With reference to that, and in denying that contention, the court said:

> In order to clothe a person with the authority of an arbitrator the parties must mutually agree to be bound by the decision of the person chosen to determine the matter in controversy. The resolution under which the Secretary assumed to act did not authorize him to make a final adjustment of the matter embraced in it.

And so forth.

But, Mr. President, with reference to the language used in article 1, the draftsman of this treaty simply followed the plain, elementary rules of international law, and of course he must be presumed to have known that in providing for a conference the things that could be done in that conference would be governed by the rules of international law touching conferences. I am glad again to have the Senator from Idaho agree this morning, in distinction from those who have insisted that a majority of the conferees could bind the United States, that the United States can not be bound in such a conference unless we ourselves agree to it. In making that statement the Senator from Idaho has simply stated the well-settled rule of international law, and yet it has been deliberately stated upon this floor that if we entered into that conference we can be bound by the action of the conferees by a majority vote.

I read—and I shall read very briefly—from Oppenheim's International Law, the chapter upon "Congresses and Conferences." He says:

> International congresses and conferences are formal meetings of the representatives of several States for the purpose of discussing matters of international interest and coming to an agreement concerning these matters. As far as language is concerned, the term "congress" as well as "conference" may be used for the meetings of the representatives of only two States, but regularly congresses or conferences denote such bodies only as are composed of the representatives of a greater number of States.

Now, note the language that he uses as to the object of international conferences:

> For the purpose of discussing matters of international interest and coming to an agreement concerning these matters.

That is the object, and of course that is substantially the language that is used in article 1 of the present treaty. It provides for a conference at which they are to consider these matters and to come to an agreement if it is possible to do so.

As to whether, where a matter is submitted to an international conference, a majority vote can bind any one who dissents, I read from page 512:

> It is usual—

The author says—

> but not obligatory, for the Secretary for Foreign Affairs of the State within which the congress meets to be elected president. If the difficulty of the questions on the program makes it advisable, special committees are appointed for the purpose of preparing the matter for discussion by the body of the congress. In such discussion all representatives can take part. After the discussion follows the voting.

Now—

> The motion must be carried unanimously to consummate the task of the congress, for the vote of the majority has no power whatever in regard to the dissenting parties.

Mr. President, I hope we have now heard the last in this debate of any claim that if the United States enters into a conference under article 1 a majority in that conference can bind the United States. I repeat that I am glad to have the view of the Senator from Idaho—whom it is casting no reflection upon to say that he is the leading opponent of this treaty——

Mr. BORAH. Oh, no.

Mr. LENROOT. I am glad to have the view of the Senator from Idaho that an acceptance by the United States is required in order that the United States shall be bound by any adjustment at such a conference.

Mr. BORAH. Under the League of Nations we would have had to have a unanimous vote, would we not?

Mr. LENROOT. Yes.

Mr. BORAH. That is it, exactly. There was no fight on that proposition in the league contest.

Mr. LENROOT. No; but the Senator knows that this contention has been made on this floor.

Mr. BORAH. Of course the Senator from Idaho can not possibly represent anybody's views but his own——

Mr. LENROOT. Certainly not.

Mr. BORAH. And not even those very well.

Mr. LENROOT. Very well.

Mr. BORAH. But I never contended for a moment that we could make a treaty which would take away from the Congress the power to declare war.

Mr. LENROOT. I know that.

Mr. BORAH. No; and I never contended that if we entered the league a majority could bind us and that we would have to consent. What I contended was that if our representative did consent, the Congress of the United States was morally bound to carry out his decision; and that is precisely the position which I take with reference to article 2. If our representative consents, we are morally bound to carry out his decision.

Mr. LENROOT. Mr. President, I shall only repeat what I have heretofore said. Apparently the Senator from Idaho did not read in article 10 any obligation to guarantee the territorial integrity of the other members of the league. He cast that aside, when it seems to me that it must be entirely clear that in article 10—and that is the distinction between this treaty and the Versailles treaty in that respect—there was an express obligation to do everything that was necessary to preserve the territorial integrity of the other members of the league from external aggression, and that all that our representative would have to do was, in conference with others, to advise upon the means of carrying out the obligation. But, Mr. President, if they never advised at all, if they did not come to any unanimous decision, the obligation of the United States would remain just the same and we would be under the moral obligation, though no advice was ever given, to use all the soldiers and all the ships that were necessary in order to carry out the obligation that we had solemnly entered into, when, as I say, the Senator from Idaho now admits that there is no such obligation in the pending treaty.

Mr. BORAH. Mr. President, I am not going to debate this matter at present. I simply want to call attention to one matter, because I did not want to trespass too long upon the time of the Senator from Wisconsin.

As I see it, the moral obligation under article 2 of this treaty is precisely the same moral obligation that there was under article 10, and particularly article 11 of the League of Nations covenant. President Wilson always took the position that there was never anything but a moral obligation to carry out either article 10 or article 11. That was his contention before the Foreign Relations Committee—or, rather, when the Foreign Relations Committee was before him—and also his contention in all his addresses throughout the Western States, that there was simply a moral obligation.

Mr. GLASS. Mr. President, to make the point more emphatic, he stated explicitly that he so said to the peace conference when they were considering the Versailles treaty.

Mr. BORAH. Precisely; and, therefore, so far as the obligation upon the part of the United States was concerned, there is no difference between the obligation here and the obligation under article 10, because they are both nothing more than moral obligations.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. LENROOT. I should like to ask the Senator a question. Does he think there is any legal obligation at all in international relations? Are not international obligations moral obligations?

Mr. BORAH. In the sense that there is no sanction behind them except that of the discretion of the nation of course that is true; but if that is true, then we come back to the original proposition that there is no difference between this obligation and that of the League of Nations, because if there can not be anything but a moral obligation, then there was not anything in the League of Nations but a moral obligation, and so it is here.

But let me read you article 11 of the League of Nations covenant. Article 11 was accepted by all the Republicans who finally were willing to take the treaty of Versailles with reservations. Article 11 says that:

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

There is a remarkable similarity between the principle involved in article 2 and the principle involved in article 11, because certainly if there was aggressive action upon the part of an outside power against Japan, or against England there would be a war or a threat of war, and in case of aggressive action or a threat of war the league would take such action as it deemed wise, and in case of a war or threat of war or aggressive action here the conferees, whether by writing to one another or by talking to one another, will take such action as they deem wise.

Under article 11 we would be under a moral obligation to carry out whatever they had unanimously decided upon, and under article 2 we are under a moral obligation to carry out whatever they unanimously decide upon.

Although I knew there were others who differed with me, in my contention I assumed all the time that under the league our representative would have to agree to the program; but what I contended against specifically at that time, and what I contend against now, is that we were delegating to one representative upon the council of the league the power to determine upon the most efficient measures to guard the peace of the world, and that if he determined upon a particular measure we were under a moral obligation to carry out whatever he determined upon. As I see it, precisely the same obligation and the same power to decide rests with our agent under article 2.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. LENROOT. Has not the Senator admitted many times that we are under no obligation to send any agent under article 2—that the understanding, if any is reached, will be reached by the constitutional authorities?

Mr. BORAH. I have said many times that it does not make any difference whether you write a letter or whether you talk to a man. Whether you write a letter or whether you talk to him face to face, you finally come to an agreement, you finally come to an understanding by which all the powers will agree to take a certain course under article 2. I do not care whether they write letters or whether they talk to one another; if they do agree, precisely the same moral obligation exists that existed under article 11 of the League of Nations covenant.

Mr. President, it so happens that article 11 is the one article under which the League of Nations has practically carried on all its actions since it has been in existence. It has never, to my knowledge, invoked article 10. It did in two instances invoke article 11; and when it invoked article 11 and acted under it, in my judgment it was acting under the identical principle that is contained in article 2 of the pending treaty. I remember, too, that Mr. Hughes—then in private life, now Secretary of State—was always in favor of article 11. He was willing to take article 11 without any change or modification whatever, and in my humble judgment there is not a particle of difference between article 2 and article 11 so far as the principle is concerned; and if article 11 is good, then article 10 is unnecessary.

I read further from article 11:

> In case any such emergency should arise the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.
>
> It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

If it be contended that there was an implication of the use of force under article 11, it is clear to my mind that there is an implication of the use of force under article 2; but I always regarded the objection to article 11 as consisting of the fact that we were delegating to one man the question of determining upon a program which might involve us in war.

We are now delegating to one man, the Secretary of State, or whoever may represent him, either in person or by letter, the power to determine as to the most efficient measures to meet the exigency. What exigency? An attack upon the territorial integrity of Japan, an aggression upon Japan, the same as under article 11 of the covenant of the League of Nations.

Mr. GLASS. Mr. President, just on that point, to meet what sort of aggression, an aggression provoked by what considerations? The Senator from Wisconsin says that there is no obligation in this treaty to maintain the territorial integrity of the parties to the treaty.

Mr. BORAH. I do not agree with that view of the Senator from Wisconsin.

Mr. GLASS. What is the purpose of the treaty?

Mr. BORAH. I said a moment ago that in my opinion there is just as much obligation to maintain territorial integrity as under article 10 of the league covenant, because if the aggression takes place, then we are called into conference, and called there for the purpose of meeting the aggression. We may meet it one way or we may meet it in another, but we are there for the purpose of meeting the aggression.

Mr. ROBINSON. The usual way of meeting it is by force, by counteraggression, is it not?

Mr. BORAH. Yes; it is.

Mr. ROBINSON. If one nation attacks another with military force, the nation attacked usually considers no other method than the best means of marshaling military force to resist it.

Mr. PHIPPS obtained the floor.

Mr. GLASS. Mr. President, the Senator from Wisconsin emphasized the fact that article 10 of the covenant bound us to maintain the territorial integrity of the members of the league. So I say this treaty binds us to maintain the territorial integrity of the four contracting parties. What is the purpose of the treaty if that is not its object? It is stated in the very first paragraph, where it says:

> With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions.

That means the maintenance of their territorial integrity, and not only of their territorial integrity but the maintenance of their rights, indefinable rights. It goes even further than article 10 of the League of Nations covenant.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PHIPPS. I yield.

Mr. LENROOT. May I ask the Senator from Virginia whether he takes the position that a man can not make a contract whereby, in order to carry out certain purposes, he agrees to do certain things, without being obligated to do other things which are not found in the contract?

Mr. GLASS. When a man enters into a contract he is morally bound to observe the very purposes he avows in that contract at the outset, and the major purpose of the contract is to maintain the territorial integrity and rights of the contracting parties. We proceed to set up an agency for the purpose of carrying out the avowed object of this treaty. Then can we say that if our agent commits us to the use of force there is no moral obligation upon this Nation to use force, but that under the covenant of the league there was a moral obligation? Mr. President, that is a legal refinement and quibble that is beyond the discernment or comprehension of a man of ordinary intelligence who does not belong to the legal fraternity.

Mr. LENROOT. Will the Senator from Colorado yield for just one statement?

Mr. PHIPPS. I yield.

Mr. LENROOT. I believe there is such an institution known as the Wilson Foundation. According to the argument of the Senator from Virginia, if he subscribes $1,000 the purpose of which was to establish the Wilson Foundation, to carry out his view of it, he would be obligated to contribute every dollar he had in order to carry out the purpose, if it was necessary.

Mr. GLASS. Oh, Mr. President, that is childish, if the Senator will excuse me.

Mr. LENROOT. I have offered a childish argument because I thought, perhaps, it would be necessary.

Mr. GLASS. The Senator said he could not argue this proposition, and I quite agree with him that he has not argued it, whether he can or not; but there is the avowed purpose of this four-ply pact. It is to maintain the possessions of the signatory nations, and it defines the processes whereby we are to reach conclusions as to the most efficient means of maintaining the possessions and rights of the signatory powers.

Mr. PHIPPS. Mr. President, may I inquire whether the Senator is speaking in his own time or in my time. I thought I was recognized some minutes since.

Mr. GLASS. I thought I was speaking in the time of the distinguished Senator from Idaho. It was that Senator whom I interrupted. I did not observe that the Senator from Colorado was even on his feet.

The PRESIDING OFFICER. The Chair has repeatedly stated that the Senator from Colorado has the floor.

Mr. GLASS. I did not hear the Chair.

Mr. PHIPPS. I did not desire to take the Senator from the floor if he had not concluded his statement. I am perfectly willing to yield, and I might be willing to yield in my own time, if he had not concluded.

Mr. GLASS. I will say what I have to say in my own time.

Mr. BORAH. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BORAH. I just want to find out for future exigencies how much time I have absorbed in this interchange of views. Is any time charged to me at all?

Mr. GLASS. I beg the Senator's pardon if I encroached upon his time, because I am sure he occupies it to very much better advantage than I could.

Mr. BORAH. I am perfectly willing for the Senator to have it charged to my time, but I want to know how much time I have left.

The PRESIDING OFFICER. Replying to the Senator's inquiry, the Chair will state that the Senator has consumed 10 minutes of the time allotted to him under the unanimous-consent agreement.

Mr. PHIPPS. Mr. President, as I desire to take only a few minutes of the time of the Senate, I prefer to proceed with my statement until its conclusion without being interrupted, after which I shall be very glad to endeavor to answer any questions which may be propounded.

Mr. President, I hesitate to address myself even briefly to the pending treaty in view of the lucid and convincing statements made upon this floor by the distinguished Senators who are deeply versed in international affairs. However, because of the far-reaching importance of this subject, a few words may not be out of place.

The terms of the four-power pact are plain. Article 1 provides that the "parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean." Who will urge that the United States should not respect the territorial rights of other nations? What objection can we have to the agreement on the part of other nations to respect our rights in the Pacific, if they care to enter into such an understanding?

Note that there is no sanction, no obligation, to resort to arms; no agreement to use force should controversies arise between any of the parties regarding their possessions. In such cases, where the matter is not satisfactorily settled by diplomacy, "they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment." That is all.

Mr. President, I have given this matter conscientious consideration, and yet I can not possibly read into this language, so simple and explicit, anything which would justify dark and gloomy forebodings or raise the fear of future complications leading to war.

Article 2 is also self-explanatory. In case of aggressive action in the Pacific on the part of any nation other than the signatories, the parties "shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." This article can not properly be construed as creating an alliance, offensive or defensive in its nature—as doing anything, in other words, which would bind America to any line of warlike action at any future time. The obligation is merely to "communicate fully and frankly."

What is the real significance of the four-power treaty? Its terms are simple and easily understood, but what of its effect? Has the pact any power for permanent peace among nations? I think so. In fact, I am convinced that the work of the Washington conference, which centers around this treaty, has done more toward establishing a better understanding and friendly relationship among nations than any other single event in history.

It has been reiterated upon this floor and elsewhere that this document contains no commitment to armed force, and it has been urged that it is, therefore, a meaningless thing, without force or effect. But the fact alone that four powers such as these have placed implicit confidence and trust in each other is sufficient to create a great moral power for peace in the world. The whole spirit of this agreement gives the lie to jealousies and suspicions and tends to promote friendly cooperation among those who have signed it. As stated by the senior Senator from Massachusetts:

> This is an attempt to remove causes of war over a great area of the globe's surface by reliance upon the good faith and honest intentions of the nations which sign this treaty, solving all differences through the processes of diplomacy and joint consideration and conciliation.

The trite saying that 90 per cent of all business transactions are conducted on faith is generally admitted to be true. It would be even more accurate to say that no treaty ever entered into between two or more nations was disregarded if it had been written and signed in all good faith and that same intent continued in the disposition of the signatory powers. Have we so soon forgotten the sad story of the wrong done Belgium in the year 1914, when a solemn treaty involving her was broken without fair notice or warning? Continued good faith

on the part of Germany would have saved her from the disgrace which became her portion.

The four-power treaty is valuable because of its subject matter. It was generally recognized after the Great War that trouble in Europe on a large scale was not to be expected for many years, but that in the Far East conditions were different. The Pacific was likely to prove a fruitful source of suspicion, of danger, and of warfare. Hence, a pact such as this whereby the nations chiefly interested express their willingness to confer freely and frankly should disputes arise will help to establish confidence and good will and to maintain permanent peaceful relations in that part of the world.

In this connection the four-power treaty expressly terminates the agreement made in London on July 13, 1911, between Great Britain and Japan, known as the Anglo-Japanese alliance, which might prove dangerous to the United States. No argument is necessary to show the value of the provision contained in article 4, which does away with this old agreement. Here was a real alliance. The great difference between the present treaty, an agreement to confer, and the Anglo-Japanese pact, an alliance offensive and defensive, is clearly brought out by a comparison of articles 1 and 2 of the four-power treaty, already quoted in large part, with article 2 of the old agreement between Great Britain and Japan, which reads:

> If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once go to the assistance of its ally, and will conduct the war in common and make peace in mutual agreement with it.

Note the alliance, Mr. President; note the agreement to be bound to resort to military and naval action at some future time. To my mind there is no similarity between the terms of the two treaties. A peace pact is being substituted for a war alliance.

Again, this treaty should be ratified because around it revolves the whole program of the Washington Conference on Limitation of Armaments. It would be the height of folly to disarm, even in part, without removing as far as possible the causes of future wars. It would be most unwise to agree to limit our armaments or to abandon our proposed naval program while a compact such as the Anglo-Japanese alliance remained in existence. I believe in the effective work of the Washington conference; I intend to support each one of the treaties proposed as a result of that international gathering; and yet I think the whole program would fail if this four-power pact should not be ratified.

Senators, make no mistake. Our citizens are in earnest regarding this pact. Americans are a plain, practical people and can not see any force in the fancied objections which have been raised by some. They do know that there is a vast difference between this simple treaty and the dangerous world commitments and entanglements of the complicated treaty of Versailles. They do know the men who represented the United States at the conference table and have the utmost confidence in them. Our people have been assured in most solemn language that this document makes for peace and that America's rights have been most jealously safeguarded. For that matter, the public has been given the principal details of the negotiations. The treaty itself has been carefully studied from all angles. Our citizens are satisfied with the work of the Washington conference and have called it good.

To summarize: This treaty should be ratified because:

1. In place of warlike preparations it provides for conferences and calm consideration of the difficulties arising between nations, and its moral effect is therefore profound.

2. It furnishes a means for the settlement of questions involving the Pacific, a potential source of danger.

3. It terminates the menacing Anglo-Japanese alliance.

4. It is the pivot around which the work of the Washington conference revolves; and

5. It meets with the approval of the people of the United States, of whom we are, in part, the representatives.

Mr. President, it is significant that shortly after President Harding submitted these treaties to the Senate he appeared before the Congress with a practical program for the expansion of our merchant marine. That was no idle coincidence. The program of the present administration, and let us hope of administrations to come, is to encourage the arts of peace, to build up American industry, American agriculture, American commerce, and to discourage military and naval ambitions. We shall substitute "trade, the calm health of nations," for the devastating disease of war. We shall proceed, not with our heads in the clouds, but along the beaten highway, working out our ideals, as did our representatives at the conference, along practical lines and with proper regard for American interests and traditions.

These agreements, which furnish the proper impetus, propose practical methods of keeping the peace among nations, based, as they should be, upon the honor and good faith of the signatories, and will also prevent the huge expenditure of the Nation's assets for war purposes. Not only does the United States save $88,000,000 in her Navy bill for the coming fiscal year despite the reimbursement which must be made to contractors; not only will there be greater savings in the years to come; but also—and this is much more important—there will not be the dreadful toll of suffering, hatred, and death which comes with the dogs of war.

Mr. President, I hold in my hand a photostat reproduction of the front page of the Illustrated London News, issue of Saturday, June 5, 1909, and desire to call attention to the following inscription which appears beneath the portrait of Mr. Andrew Carnegie and his good wife:

> Mr. Andrew Carnegie, ever desirous that the nations shall live in love and charity with their neighbors, proposes that an international conference for the limitation of armaments shall be called, and suggests that the call shall be made by the United States.

I quote as follows his statement made to a newspaper correspondent at that time:

> I find Europe in a ferment and nations gone "dreadnought mad." Italy has just decided to spend on battleships many millions of pounds which she can ill spare. Austria has embarked on the same insane program; while France has resolved on no fewer than 38 sea monsters as necessary to her security. All this is caused by German and British rivalry. Now this is not merely a spectacle for the United States of America to marvel at, but it has a direct and vital interest for us. Our country is necessarily about to be drawn into the vortex, and it has become a pertinent question whether it is permissible that any two nations should involve the other chief nations in this mad rivalry or doom them to a practically defenceless state.

Mr. President, I feel that I may properly take this occasion to pay my slight tribute to the memory of an outstanding man and dear personal friend, who devoted his every effort to advance the cause of peace among the nations of the earth. Mr. Carnegie's untimely death was undoubtedly hastened by brooding over the terrible effects of the Great War, which devastated large areas of Europe, and which was only brought to a conclusion through the assistance of our armed forces.

Mr. President, the United States has assumed her rightful position among the leading nations of the world, and by precept and example can accomplish much in the great work of bringing about "peace on earth, good will toward men."

Mr. ROBINSON. Mr. President, it must be surprising to those who attend the debates of the Senate relative to the ratification of the pending treaty to observe how varied and confusing are the constructions placed upon the meaning and the effect of the language employed. Some Senators, unqualifiedly advocating the treaty, declare it to be an alliance and express their emphatic opposition to the reservation expressing the understanding of the United States that the treaty contemplates no alliance. Other Senators say that they support the treaty because it is perfectly clear to them that no alliance is contemplated by its terms, and that no obligation, moral or otherwise, is implied in the treaty to exercise force to carry out the conclusions and purposes of the parties who are signatories to it.

Other Senators have indicated their intention to vote against the resolution to advise and consent to the ratification of the treaty because they assert that under the terms there are implied involvements which might make it the duty of this country to engage in war against the opinion of the Congress of the United States.

That there exist grounds for differences of opinion concerning the true interpretation and effect of the treaty, it appears to me is conclusively established by admitted circumstances. First, the conference which negotiated the treaty found it necessary, or, if not necessary, found it advisable to interpret the meaning and effect of the language employed in two particulars.

Second, the conference which negotiated the treaty found it necessary to negotiate a supplementary treaty explaining the terms of the main instrument to mean something very different from what the language employed was admitted to mean without the interpretation carried in the supplementary treaty.

In the third place, the Committee on Foreign Relations reported the reservation of the Senator from Connecticut (Mr. BRANDEGEE) expressing the understanding of the United States to be that this treaty really means no alliance and no commitment to the use of force.

So we find those who are responsible for the negotiation of the treaty and for the resolution proposing its ratification have admitted the existence of ambiguities and the necessity or advisability of explanatory reservations. Whatever may be the

true interpretation of the instrument, all Senators must admit that it is desirable and wise to secure in advance of the ratification of the treaty, if possible, an interpretation that is acceptable to the governments which are parties to the treaty.

When two or more persons enter into a contract, the first requirement in the law is that there shall be a meeting of the minds of the contracting parties; and if one party understands the instrument differently from the other, it may result that no contract is, in fact, entered into. Since it is perfectly apparent that the American delegates themselves thought the treaty needed explanation, and in order to make clear its terms recommended a reservation; since after debate extending over a period of several days there exist among able lawyers in the Senate great differences, irreconcilable differences as to what the treaty really means and what may occur under it, how can any person who is actuated by good faith, whether that person be a Senator or merely a citizen, oppose a policy that would clarify the meaning of the treaty so that Senators may know and understand and agree as to what that meaning is, and so that the other parties to the treaty may reach a mutual and common interpretation of the provisions and effects of the instrument?

Mr. WATSON of Georgia. Mr. President——

Mr. ROBINSON. I yield with pleasure to the Senator from Georgia.

Mr. WATSON of Georgia. The Senator from Illinois [Mr. MCCORMICK] reminded us a few days ago that the enlarged maps showing distances, which are now in universal use, were first introduced by Lord Salisbury, who has been dead for some years. Can the Senator from Arkansas explain to the Senate and the country how it came about that our representatives at the Washington conference did not know of the relation of the enormous island of Sakhalin to the mainland of Russia, and also the tremendous importance of Singapore, which is not on the Pacific Ocean at all but on the China Sea?

Mr. ROBINSON. Mr. President, I have said on another occasion that it is incomprehensible to me that any delegate should have signed this treaty without first ascertaining the relationship of the territories affected by the treaty to the controversies that already exist. The Japanese islands, including the island of Sakhalin now in its possession, occupy such a position in relation to the continent of Asia that it would be a physical impossibility for any nation to approach an Asiatic port in the Pacific coast without passing through what Japan claims to be Japanese waters. The importance of the island referred to by the Senator from Georgia, considered from a strategic or military standpoint, can not be doubted. To our amazement we are informed that no consideration whatever was given to that subject by the American delegates when they signed this treaty; to our astonishment we are told that no consideration whatever was given by the American delegates when they signed this treaty to the fact that its provisions embraced the mainland of the Japanese Empire.

No explanation has been offered by any Senator satisfactory to a student mind why, if the inclusion of the mainland of Japan was immaterial in the first instance, it became of such great importance that the conference concluded it necessary to report a supplementary treaty taking the mainland of Japan out of the provisions of the treaty.

Mr. President, in my opinion this treaty when ratified in its present form will not promote peace and harmony and justice among the nations which are primarily interested in the regions of the Pacific Ocean. It seems to me to be elemental that all persons interested in a controversy should be given an opportunity to engage in a conference which convenes for the purpose of effecting a harmonious settlement of that controversy. If the principle thus expressed is applicable to the affairs of individuals, how much more applicable must it be when the affairs, the interests, the territory, and the rights of nations become involved?

Underlying the Asiatic problem is a condition with which all Senators are familiar, but which they seem to be loath to discuss. We know, notwithstanding the fact that Korea allied herself with Japan for the defeat of Russia, that, in violation of treaty agreements and every principle of international justice, Japan took possession of Korea, oppressed her citizens, and still maintains oppressive control of Korea. While Japan was doing that the United States, though under an express obligation to respect and to assist in safeguarding the territory and independence of Korea, tacitly consented to her ravishment. We know that Japan, in pursuit of a policy of expansion, has gone into Manchuria, Mongolia, Shantung, and Siberia.

Mr. President, the Japanese mainland is densely populated, and Japan believes that a policy of overflow or expansion must be provided for if her people are to continue existence, much more if they are to prosper. The United States has not wanted Japanese immigration and Great Britain has not encouraged the coming of Japanese into her colonies; but Great Britain has recognized the necessity for Japanese expansion, and she apparently has been content that Japan should overflow into Asiatic territory. It is not my purpose to enter into a discussion of racial controversies. Neither treaties nor statutes can eliminate from the habits and principles and lives of men those inherent differences that grow out of what we politely call race prejudices. Great Britain and the United States are unwilling to recognize the doctrine of race equality long boldly asserted by the leaders of the Japanese Empire.

They have been content, it seems, to witness Japanese penetration into territory inhabited by peoples of the Caucasian race so long as Japan, in the process of expansion, has not trespassed upon American or upon British territory. Japan has adopted a policy of expansion, as she defines it—of aggression, as her enemies term it—out of a desire for economic advantage, if not out of a desire to overcome economic necessity. Japan is lacking in her mainland and her other islands in the production of certain essential products and materials. She has found that she produces a very limited quantity of certain fundamental materials without which she can not make rapid progress and without which she could not maintain herself during war.

Take, for instance, petroleum. Japan produced in 1918 2,500,000 barrels of petroleum, an essential fuel. The world product that year was 525,000,000 barrels, and of the total amount the United States produced 360,000,000 barrels. Japan, therefore, is clearly dependent upon the United States and upon Great Britain for the petroleum necessary in the conduct of her activities. Japan, it is explained, could supply her war requirements of petroleum for a period of only 30 days.

Another illustration is coal. The annual production of coal in Japan prior to the acquisition of Chosen, or Korea, was 21,000,000 tons. Korea increased that amount 7,000,000 tons. In Manchuria, particularly in the Fushun district, she acquired almost unlimited quantities of coal, and in Shantung other supplies of coal became available. Japan, therefore, under present conditions, if she maintain herself in the territory that she has taken possession of from China, is independent of the world as to the production of coal. Moreover, coal operations at Fushun make possible great and immediate increase in production through a process of stripping the surface.

With respect to iron and steel, important considerations may be mentioned.

Prior to the acquisition of Chosen, Japan's annual production was 150,000 tons per annum. This was increased to 260,000 tons, while at the same time her consumption was increased to 600,000 tons per annum. Shantung contains proven ore deposits approximating 100,000,000 tons. The total production of iron in 1913 was: Japan, 170,000 tons; Chosen, 145,000 tons; China, 425,000 tons. Thus it becomes apparent that Japan is not only dependent upon her Asiatic possessions for coal but likewise for the iron ore necessary in the production of steel for use for military and other purposes.

Japan produced within her own borders in 1918, 180,000,000 pounds of copper. In Siberia, in the regions of the Ural Mountains, she can secure all the additional copper needed in peace or in war.

With respect to platinum, Japan has access to the world's greatest supply in the Ural Mountains.

I have stated these facts to show you that the Japanese policy of expansion, begun out of what she regards to be necessity, continues to be pursued. There is not the slightest likelihood, therefore, of a reversal of the policy that Japan adopted years ago of expanding and acquiring the possession and control of territories in which are deposited minerals and other materials necessary for her prosperity and necessary for the maintenance of her engagements in case of war.

With these facts brought clearly to the attention of the Senate one can readily see the importance of the amendment which the Senate rejected a few days ago and to be proposed as in the form of a reservation, designed to give to Russia and to China, in case of conflict with any one of the four powers parties to this treaty, the right to a hearing in a conference called for the settlement of the dispute. Do not blind yourselves with the delusion that following the Washington conference Japan is going to reverse her policy, based upon what she terms economic necessity, and recede from the territory she has already taken in Korea, Manchuria, Mongolia, Siberia, and Shantung. The reason she went there in the main was not only to further the interests of her commerce, but to acquire possession of materials which she felt she needed, and without which she was dependent from both a commercial and a military standpoint. If that premise be correct, then you must know that back of her move-

ments in the Orient is the purpose of economic penetration, supported by military authority which has already made her the mistress of territory many times greater in extent than the original area of the Japanese Empire.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. ROBINSON. I yield to the Senator from Illinois with pleasure.

Mr. McCORMICK. The motive of the so-called open-door policy, upheld by this and other Governments, I presume is no less economic?

Mr. ROBINSON. The open-door policy is not designed to give one nation paramount or dominating interests in China; and the Senator from Illinois, who is well informed on international questions—one of the best-informed men in the Senate—must know that the open-door policy originated on the part of the United States out of a desire to protect China from aggressions threatened or committed by various nations. It could have had no other justification. It could have originated for no other purpose. The open-door policy as it has finally come to exist involves two principles: First, the absolute equal right of all nations to opportunities for commerce with China; second, the agreement and guaranty of all nations engaged in commerce with China that they will respect and safeguard the territorial rights and the political independence of China.

After the open-door policy had been reaffirmed and reexpressed by the Root-Takahira agreement, and during the last war, while Great Britain and France were entering into secret engagements with Japan for a disposition of the islands in the Pacific Ocean to be conquered from the German Empire, the United States entered into an engagement in what is known as the Lansing-Ishii agreement. If you will read it you will find that, while the Lansing-Ishii agreement expressly reaffirmed the principles of the open-door policy, it contained an additional stipulation. It recognized, on account of geographical proximity, that Japan had special interests in China; and during the course of the negotiations, as disclosed by Secretary Lansing before the Committee on Foreign Relations, it was made clear that Japan insisted that "special interests" should be interpreted "paramount interests." Japan has always, at least during the last quarter of a century, taken the view that she occupies toward the Asiatic mainland something of the relation that the United States bears toward the Western Hemisphere. Japan has contended for an oriental Monroe doctrine in which the Japanese Empire should be the controlling and dominating factor. Japan's viewpoint is, and her practice has been, that she should have, and must have, from economic necessity, paramount interests in China and in Russia.

With that in mind, and with the history of her aggressions summarized, does any Senator believe that Japan, as a result of the four-power treaty, is going to reverse her traditional policy in the Orient, withdraw from the various territories which she holds and which she seized because she found it necessary to do so, and adopt a policy entirely different from that which she has pursued since she became a wide-awake nation among the peoples of the world? Japan will continue her present policy of economic penetration supported by military power. She will hold the territory seized in Siberia. The yellow race will dominate there, with cruelty unspeakable, the race to which you and I belong. Nobody pretends that Japan has any intention of early retiring from Siberia. Take into consideration the circumstances under which she seized Sakhalin, the circumstances under which she went into Siberia, the United States going with her, American and Japanese soldiers engaging in a common expendition, Japan sending many times her quota. She will not retire from her advance into Asia. Take this, Senators: Whatever may be your opinion of Japan as a nation or of the Japanese as a man, during the last 50 years you can not point in history to territory once occupied that has been vacated without compensating concessions.

Our troubles with Japan in the past have related in part to her policy respecting the Asiatic mainland. We have protested, ineffectually, against her aggressions upon Russia and China. That policy is still in force. Japanese merchants are swarming out on the mainland, into the great territory of Russia and China; Japanese soldiers, well trained and fully equipped, are carrying with them, as stated so brilliantly by the Senator from Texas last night, the politics, the religion, the purposes of the Emperor of Japan and of his Empire. Their march is always forward, forward, forward. How pitiable it seems that in this conference, where the United States was represented by men of brains and international renown, no consideration should have been given to many subjects of the greatest importance.

You can not escape here, or in the eyes of the people, who will watch your action on this treaty, responsibility for your refusal to say in the treaty that while the four dominating powers—the United States, France, Great Britain, and Japan—are banding themselves together for the protection of their rights and their possessions, and announce their purpose to make common cause against any enemy which assails them, they will not unnecessarily attack an outside power. How, I ask you, can you justify refusal to adopt the declaration, based upon sound American policy, that if Japan has a controversy with China or Russia—as she must have in the years to come; there is no escape from it—all powers concerned may assemble around a conference table and try to work out their problems?

The Senator from New Jersey [Mr. EDGE] made an astonishing declaration this morning while my colleague [Mr. CARAWAY] was speaking. He said that there is a clear implication, an obvious obligation, on the part of the high contracting parties, to invite all interested into any conference which may be called for the purpose of considering a dispute between any one of the high contracting parties and any outside power. Senators heard the declaration. My colleague used a fitting and forceful illustration to disclose the absurdity of the suggestion of the Senator from New Jersey. Under the treaty only the parties to it will confer, and this will prevent, not promote, settlement.

Take an illustration which may be well founded and justified: When the great wounded bear regains his strength and rises to strike in fury at those who have assailed him, what will he do? Russia, with 180,000,000 people, will not always be helpless. If you will read the history of the Russian people, you will realize that in their blood and in their traditions exist the wellsprings of a civilization which can not be overcome by famine, which will not be destroyed by invasion.

When Russia awakens, when she emerges from her stupor, her first act will be to order Japanese soldiers out of Siberia and off her half of Sakhalin. Then Japan will feel justified in calling a conference. Do you imagine she would consent to her associate in this treaty, the United States, conferring with her enemy, Russia? If you do not fear her refusal, then say what manhood and fairness and righteousness require you shall assert, that if a controversy arises between Russia and Japan we will sit at no table where Japan alone is represented, that we will only sit with both Japan and Russia. Throughout the course of this debate the fairness of that proposition and its importance touching the subject matter and purposes of this treaty have been asserted. No Senator, whatever his construction of the treaty, has contested the principles of the reservation, its fairness, aye, even the necessity of it.

If you refuse to adopt the provision that each of the four powers, while safeguarding their own rights and possessions, will respect the rights and possessions of other powers; if you refuse to say that all nations interested in a controversy shall join in the conference in which you participate, then you make yourself a party to the perpetuation of Japanese power and Japanese control not only over China but over Russia, inhabited by white peoples.

Why waste time in quibbling about the meaning of words? The traditional policy of the United States has been one of cordiality and friendliness toward Russia and China. This policy has given to our Government a prestige and an influence in oriental affairs in which all Americans may well take pride. In this treaty, sirs, you are abandoning that policy. In this treaty you are destroying the prestige and popularity of the United States in both China and Russia. Having yielded control of the Pacific in all naval matters, having obligated this Government not further to fortify, and having thus left American possessions in the Pacific Ocean at the mercy of the only nation on this earth likely to overrun them, you are asked now to subscribe to an engagement that if Japan is attacked by any other power you will sit with Japan and France and Great Britain in a conference which will inevitably determine the fate of that other power, and you are asked to say that the outside power shall not even be granted an opportunity of a hearing in the conference which may prove so fateful to her interest and to her destinies.

Is that American? Is it necessary? Is it justifiable to reverse the policy which this Government has pursued, proudly pursued, throughout her dealings with China and Russia, and now enter into an engagement to confer with their probable enemy and refuse conference with them? That is the big proposition, and you can not escape it.

The net result of this treaty as it is written is that Japan will dominate the Pacific Ocean and dominate the Asiatic mainland, and no matter what blood may be shed, no matter what territory may be wrested from peoples of the Caucasian race,

your Government will be powerless to protest until Japan summons you to her counsel, and then your Government's protest can avail nothing.

We have had much to say about what will be our obligation when the hour comes that Russia strikes back. What a pitiable answer it is to say that she will be too feeble and helpless to strike back within 10 years, and that at the end of that time, by giving a year's notice, we may escape the obligations of the treaty. What will happen when the United States gives notice that she terminates this treaty which Japan says is an effective alliance by which she secures three allies instead of one in substitution for the Anglo-Japanese alliance? If at the end of 10 years the United States serves notice upon Japan that she is going to quit the partnership; that she is going to pursue her own course hereafter independent of the Japanese Empire, the same feeling will exist then that arose when Great Britain sought an opportunity to escape from her alliance with Japan.

In the meantime nothing will have been accomplished of which the United States should be proud. Talk about the triumph of Christianity, liberty, enlightenment, and peace under an agreement of this character? Japan will not reverse her policy. She will continue her aggressions, and this Government will be tied, for two reasons: First, by the terms of the treaty and the obligation under it, whatever it may be, growing out of her agreement with Japan; second, by the necessity for acquiescence that must come from having stripped this Government of its power and having removed from the support of our flag the force through which it was first uplifted in the Pacific. Of what use would be a protest of the United States against the ever-continuing advance of the Japanese Empire, whether in Russia or in China, if the United States in the Pacific Ocean and in the possession of her Territories were at the mercy of Japan?

The result will be that Japan will continue her present policy with little molestation. Her arrangements with France, her relationship with Great Britain, justify that conclusion. And the United States, throughout her history the friend of feeble nations, the supporter of right, however menaced, will be powerless to raise a voice or to uplift a hand.

What glory will come to our flag by entering into this combination and denying helpless nations the right to be heard merely because they are too weak to strike? What pride can you take, sir, when you recall the circumstances under which this Republic was born? What boast can you make of your act by which you knowingly seal the doom of peoples who have been friendly to your Government throughout their history? And for what reward? For the contempt of a nation whose people do not love yours, and whose political integrity you dare not trust.

Too often we are diverted from the great proposition to the relatively significant one. Why talk about the meaning of this word or that word? Why make caviling and technical distinctions when in the clear light of every reasonable construction and application this treaty means not peace but aggressive, merciless war waged with the acquiescence of the United States?

Mr. GLASS. Mr. President, I have very earnestly desired to be numbered among the supporters in the Senate of the four-power pact. I have wanted to vote for the treaty, first, because I had hoped it would accomplish something in the direction of universal peace. Then again I wanted to support it because I am averse to exchanging places with those Senators who are responsible for the defeat of the League of Nations purely upon partisan political grounds. I have not desired to find myself in the attitude of one who would be willing to vote against a league for peace contrived by my political adversaries for no better reason than that these adversaries had voted against the league for peace contrived and presented by an administration of my own faith. Hence, I say, Mr. President, I have very earnestly desired to ratify the work of the so-called Conference for the Limitation of Armament if I could find it at all agreeable to my judgment and conscience to do so.

It has been said that the four-power pact is in no respect akin to the League of Nations which was rejected by the Senate. I grant that it has none of the complete virtues of the League of Nations, but in one respect, at least, it has some resemblance to the league. It has been said and sought here to-day, by the most extraordinary species of casuistry to which a deliberate body ever listened, to show that this pact involves no exercise of force. Article 10 of the League of Nations covenant, it was pointed out, distinctly assumed an obligation, but it was denied that even a moral obligation is in this treaty that would constrain the United States to use force. Quoting from article 10 of the league covenant, the Senator who adopted this amazing refinement called attention to the fact that the League of Nations undertook to "respect and preserve the territorial integrity" of the members of the league. I call attention to the fact that the only avowed purpose of this four-power agreement now being considered is to "preserve and maintain" not only the territorial integrity, not only the possessions of the parties to the treaty, but to preserve and maintain the "rights" of the respective parties and of all of them.

Ah, but it is answered with the quip of the trained lawyer that, however much this might have been the avowed purpose of the treaty, the makers of the treaty did not accomplish their purpose. Yet the text of the treaty itself says that the parties to it have determined to conclude a treaty "to this effect." Will the distinguished Senator from Massachusetts [Mr. LODGE] or the Senator from Alabama [Mr. UNDERWOOD] confess upon the floor of the Senate that, having specifically set out to "preserve and maintain the possessions and rights" of those nations and to "write a treaty to this effect," they failed in their attempt; that they so juggled the English language as, at least, to cast doubt upon the meaning of their work?

I say the single, avowed purpose of the treaty is to "respect and maintain the territorial possessions and the rights" of the parties to it; and, Mr. President, it was the interpretation of at least one of the American delegates to the conference that the treaty itself imposes just as binding a moral obligation upon this country to use force as was imposed by article 10 of the covenant of the League of Nations. Of course, that delegate had the inalienable right to change his mind. I find no fault with him because he changed his mind. But having, in the first instance, accepted his initial interpretation of the treaty and having found that it was in entire accord with my own interpretation of the language employed, I shall not change my interpretation because he has changed his.

I would have it understood, Mr. President, that I do not object to the implied use of force in this treaty. I most earnestly subscribe to the doctrine once enunciated and advocated by the distinguished Senator from Massachusetts [Mr. LODGE], chairman of the Foreign Relations Committee of this body, when he said:

> The limit of voluntary arbitration has, I think, been reached. I think the next step is that which this league [League to Enforce Peace] proposes, and that is to *put force behind international peace*. We may not solve it in that way, *but it can be solved in no other way*.

That was what the Senator from Massachusetts thought before his exceeding dislike of Woodrow Wilson and his apparent eagerness to gain a party advantage made him change his mind and keep us out of the League of Nations. Now he brings to the Senate another scheme for "voluntary arbitration," which he says does not involve any moral obligation to use force, although its avowed purpose is to "maintain" as well as to respect the "rights" of the contracting parties!

Not only is there inherent in the pending treaty every conceivable obligation that was imposed by article 10 of the covenant of the League of Nations, but it is broader in its scope. We are to be obligated to preserve and maintain the "rights" of the contracting parties. Who may accurately define the "rights" of Japan in the Pacific Ocean? Yet we are obligated to confer for the purpose of preserving and maintaining any assumed "rights" of Japan in the Pacific Ocean.

That, however, is not the point of my objection, Mr. President. I believe in force behind a treaty to insure peace. What I am objecting to is that there is not force enough behind this treaty. It is not too much force behind the pact that excites my hostility; it is too few member nations. In other words, instead of bringing us a treaty to preserve the peace of the world, the delegates have brought us a group intrigue, such as has disturbed the peace of Europe for 200 years; a group alliance such as our forefathers denounced and against which this Nation has set its face since its existence; a group alliance pregnant with war itself. It is a misnomer, it is a travesty to speak of this pact as a treaty for peace.

Three of the nations signatory to the pact are members of the League of Nations; they are subscribers to the covenant of the league. Surely not one of them has an aggressive purpose. If it has, it has agreed to submit the dispute, first, to arbitration; and if not subject to a satisfactory arbitrament, it has solemnly agreed to submit it for adjustment to the League of Nations. The only other party to the pact is the United States. True, we are outside the League of Nations, but this country has no intent of an aggressive nature against any other nation. It seems such an obvious waste of time as to be trivial for me to reiterate here things that have been so much better pointed out than may be done by me. Yet I must venture to repeat that the real purpose of this pact is not to promote peace but is to assert the supremacy of four great powers over the rest of the

world in the Pacific Ocean and to bind the United States in an entangling alliance which would make us helpless to preserve neutrality in the certain event of war in the Orient.

The distinguished Senator from Arkansas [Mr. ROBINSON] impressively pointed out what may be expected in that quarter of the globe. Who does not believe, who is not morally convinced that when Russia shall have recovered her equilibrium and renewed her military power she will seek, either alone or in conjunction with Germany and China, to drive Japan from the mainland, to exclude Japan from Siberia and Manchuria? Who does not believe that Germany would cheerfully, when she shall have recovered her power, join in that effort to retake from Japan islands in the Pacific?

Yet in that event the United States would find itself obliged to assist Japan to protect and maintain her territorial possessions in the Pacific. That would mean war with Russia and with whatsoever nations Russia may secure as allies. So that my objection to the treaty is that it is not a league of nations for peace but a group alliance for militaristic purposes, which is certain to constitute itself an international bully and exclude all other nations from consideration. It will provoke other nations to form counter groups; it will excite their animosity against us; it will arouse anew their suspicions; it will cause them to execrate us.

It has been suggested to-day that a plain obligation would rest upon these four nations to invite to their council chamber any other nation with which trouble might be brewing. Why not, then, express the obligation in terms, as is proposed by the reservation of the Senator from Arkansas? We do not express it in the text, because we do not want it there; and it is not there in any guise, whatever Senators may say. Quite the contrary is true. Nobody has told us, and I venture to say nobody will tell us—because they tell us as little as they may—whether it was affirmatively suggested to incorporate in the treaty that precise proposition of admitting other nations concerned in disputes to the council board. When the Senator from Massachusetts is asked the question he conveniently turns his back and walks out of the Senate Chamber, and when the Senator from Alabama is asked the question he frankly states that he does not know.

Mr. President, I have no desire or inclination to speak harshly of any colleague. I have entertained the warmest affection for the senior Senator from Alabama. Before I had qualified as a Senator, while yet in the Treasury Department, I sent word that I should support him for the leadership of the minority in this body. I think it may accurately be said that my decision to do this made him leader of the minority side; but I do feel that it is a matter for exceeding regret that, notwithstanding the distressing bereavement which took the Senator from his duties at the conference for a few days, he should not have learned more about this treaty before coming here with the great prestige of his position as Democratic leader to ask his colleagues to support the conclusions of the conference.

I am not, however, one of those who want to cavil or to exaggerate the importance of learning, either from the President or any one of the delegates to the conference, what is meant by the plain terms of the treaty. Nor do I care who wrote the treaty. As written I think it means force, and I advocate force. If you will put enough of the nations of the earth behind the force we shall have peace, instead of a menacing little imitation league, a four-ply alliance, destined to involve us in distress and humiliation, if not in actual war.

I shall vote for that particular treaty which it is said will bring about, in some measure or degree, disarmament. I shall do it with vastly more relish than those who negotiated and reported it, because originally they did not want any disarmament. They were against the Borah resolution and would have ripped the life out of it right here in the Senate if they had had enough votes to venture.

The indisputable fact is that they only abandoned opposition to the Borah resolution in the conviction that they could not muster the votes necessary to defeat it. Having assented, in these coercive circumstances, to the passage of the resolution in the Senate, they tried to beat it at the other end of the Capitol. They offered a meaningless substitute for it there, but could not muster the votes. However, I cheerfully impute to the other side a degree of astuteness that the minority does not possess. You maintain a cohesion that seems always to put our side to shame. You exhibit a resourcefulness that never fails to deceive the country. You have done it in this case; so that to-day I am getting letters from little misses in Virginia, who would not recognize this four-power pact if they should see it in the road with a red flag attached to it, urging me to support it. Somebody has deceived them into thinking that the four-power pact is a disarmament agreement. They do not know the difference, but I do. I intend to support the treaty for the limitation of armament; and yet it adds nothing to my zeal to realize that presently we shall have adopted a treaty which a little later will necessitate increased armaments. It is a matter of principle with me. When I am called on to say by my vote and influence whether or not I favor a reduction of armaments, I say "yes." If I could, I would banish from the high seas every man-of-war and every auxiliary vessel with great guns. I am for the measure of disarmament, although what we are doing is to scrap some obsolete battleships that would have the stuffing shot out of them before any one of them could reach a hostile vessel of modern type.

Mr. REED. Mr. President, will the Senator permit an interruption?

Mr. GLASS. I yield to the Senator.

Mr. REED. I have been very much interested in what the Senator is saying, but will he permit a correction? England is scrapping obsolete battleships that are already scrapped. We are scrapping good fighting ships, completed and almost completed. Japan and England are doing what they call scrapping some ships to be built, but they are on paper. Not a single good ship is being scrapped by either Japan or England.

Mr. GLASS. Yes; I understood, Mr. President, that included in our scrapping activities were some of our modern vessels. That simply helped to deceive the public. My information is to the effect that there is not a nation signatory to the disarmament treaty which will not have a navy infinitely more powerful than it had before the World War—not one; not only that, but with all of the murderous appliances of air machines and of poisonous gas and of other things held in readiness.

Mr. REED. Mr. President, may I interject again? I put in the RECORD a few days ago the figures of experts, which nobody has challenged and nobody can successfully challenge, showing that when we are through with the disarmament program England will have at least 20 per cent the advantage of us on the seas.

Mr. GLASS. Mr. President, I have no fear of Great Britain. I am English by lineage. I believe in Great Britain, and I was willing to enter a world alliance with Great Britain for universal peace; but I am not willing to amplify the Anglo-Japanese alliance, characterized here by the distinguished Senator from Alabama as a menace, by joining it ourselves. That is all this group treaty is—as amplification of the Anglo-Japanese menace—and we become a part of the menace to the balance of the world.

We may be sure Japan knows what she is about. We are asked gravely to accept the wretched nonsense as to Japan having renounced her defensive alliance with Great Britain without deriving any compensatory advantage! Japan is not that simple, even if we in the Senate Chamber are. Japan knows what she got. She knows that in addition to Great Britain's powerful support she got a treaty that binds the United States to "preserve and maintain" not only her territorial possessions but to preserve and maintain her "rights" as she may assert them. Already Japan is claiming rightful ownership of the southern half of Sakhalin and is said to be denuding the northern half of its natural wealth. Already Russia is denouncing the invasion and threatening reprisal for the theft. In the controversy the United States, by this group alliance, is bound to side with Japan against Russia. In short, we are intriguing with three powers only, one of which, constantly threatening our peace, is already at war with a nation which constantly has been our friend.

The Senator from Alabama [Mr. UNDERWOOD] made a touching appeal to his colleagues to substitute the power of Christ for the menace of the sword. There is not a semblance of the spirit of Jesus Christ in this alliance with a pagan nation, not a semblance of it. It constitutes a quadruple alliance as the world's bully; it is an invitation to all the outside nations of the earth to hate us because we have deliberately excluded them from participation in this group league of ours. Does that reflect, in any sense or degree, the spirit of Christ? I thought the spirit of the Savior of mankind was all-inclusive. I have been taught that it means the brotherhood of man, and not group alliances to menace the world. There is not even in the agreement to reduce naval armament any thought of Christ. Primarily that pact was not intended to be a contribution to peace. It is not a permanent scheme to prevent war. It is a temporary expedient to avert bankruptcy. Instead of invoking the spirit of Christ, which teaches nations to love one another, the conference merely applied the cold mathematics of trained technicians to make it certain that there was no abridgment of the relative capacity of any contracting nation to precipitate war.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. GLASS. I yield.

Mr. HITCHCOCK. The Senator might go further, if he pleased, and assert—what will not be denied—that the opening prayer of the clergyman at that conference was censored, and he was not permitted to mention the name of Christ out of regard for Japan.

Mr. GLASS. Oh, it is perfectly obvious that there is nothing about the pact suggestive of the spirit of Christianity. It is brutally exclusive. It was intended to be threatening, and is threatening. It is a challenge to the rest of the world.

A preacher down in my State, visiting my own town, said the League of Nations failed because it did not contain in its text the name of God. I wonder what he thinks of this pact, at the very inception of which the name of Jesus Christ was deleted! Yet, Bible classes and Sunday school scholars write to me to vote for something that could not be prayed for in the name of Christ, something they do not know anything about, something which, after 20 days of discussion and inquiry, I can find out very little about. I will not vote for it. I would not do it if I should never see the inside of the Senate Chamber again. The people in my State, I think, understand that when they sent me here, they sent me here to exercise my best judgment and to heed my own conscience. I will not vote for a cash bonus and I will not vote for this miserable group alliance just because, without knowing what they are asking, misinformed persons write me to vote for them.

Mr. President, I apologize for taking the floor at all. I had not intended doing it, but I thought perhaps I might spare myself some pains and the fatigue of correspondence if I would say what I have said.

Mr. BORAH. Mr. President, article 2 of the league which we are discussing, or the alliance, or the political pact, whatever it may be termed, reads as follows:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

There is a wide difference of opinion in the Senate Chamber and elsewhere as to whether or not this constitutes an alliance, and as to whether there is upon the face of the treaty an implication of the use of force.

So far as I am concerned, I have never been particularly interested in the technical term which you would apply to this pact. I am satisfied, in my own mind, that according to the rules and standards and definitions ordinarily adopted, this is an alliance. I should not, however, be at all changed in my opinion if I should be convinced that it was not an alliance. I have not felt that upon the face of the treaty itself, technically speaking, there was any committal upon the part of the United States to use force. I should not be changed in my position, however, if I should be convinced to the contrary, or if I should be convinced most positively that force was not implied. Those, to my mind, are not the essential and fundamental things with which we have to contend.

I have observed that all the reservations, with the exception of the reservation offered by the Senator from Arkansas [Mr. ROBINSON], which rests upon a different basis entirely, have proceeded upon the theory of clarifying the language of the treaty itself. In other words, if the reservation which was offered by the able Senator from Connecticut [Mr. BRANDEGEE] is adopted, it is supposed to have eliminated any idea of an alliance or of the use of force, but even if that reservation were adopted, and I should understand it as the advocates of it understand it, the fundamental objection to the treaty as I see it would still obtain, and that I desire, as briefly as I may, to discuss.

To enlarge upon this idea a little further, no reservation is offered, or has been offered, to control the action of the conferees. Suppose you do adopt the reservation offered by the Senator from Connecticut which says that this is not an alliance, and that we are not obligated to use force according to the terms of the treaty, nevertheless, when the conferees meet and determine that under the treaty, which is not changed, because there is no proposition to change the terms of the treaty itself, they are authorized to come to an understanding as to the most efficient means or measures to be taken, jointly or separately, to meet the particular exigency which they are called there to consider, there is no limitation upon their jurisdiction. There is no limitation upon their discretion. No one has proposed a reservation that when these conferees meet they shall not be permitted to consider or include within their jurisdiction the question of force, but that is left open. They simply propose to say that the treaty itself, according to its technical terms, does not commit us to force, but they leave the discretion in our agents, and do not limit or circumscribe their discretion or their jurisdiction, and we are morally bound by whatever judgment they may conclude themselves to be bound by. While the treaty does commit us to force, we create agents and put no limit upon their discretion.

I have before me now the address of Trotski made before the soviet congress a short time ago, and I can use this address to illustrate what I mean. In his address before that legislative body, which was delivered since the pact before us was written and published, he said:

> Japan throws band after band of enemies against us. These bands are paid with her money, and officered by her instructors. Here is an appeal of the Government of the Far Eastern Republic:
>
> For the fourth successive year Japanese bayonets violate the will of the Russian people in the Far East. Japanese fortifications have been built on the banks of Russian rivers, and the channels of these rivers have been mined with Japanese mines. On the Island of Sakhalin Japan rules as though it were her own territory, selling timber and other wealth belonging to Russia. The people of the Far East have more than once raised their voice in protest against these violations, but no one has listened to this voice."

Continuing, Trotski said:

> That voice has not been heard by the capitalist countries, but it has been heard by the laboring masses of Soviet Russia. Great Britain, America, Japan, and partly France, rule the Pacific. On one of its shores are the domains of these powers: on the other is the territory of the Russian workmen and peasants. The four powers have concluded an agreement amongst themselves, and as a result the attacks on the Russian territory have increased: and these attacks are carried out by bands officered by the instructors of one of these powers.

Mr. President, there may be division among the Russians on the question of the Soviet Government, and there may be division among the Russian people on other questions, but there is no division among the Russians as to their opposition to Japan invading Russian territory. On this question all Russia is behind Trotski. The first apparent result of the treaty is to unite Russia.

I read a few days ago a statement from the former foreign minister of the Kerensky government along the same line, agreeing in principle with Trotski. It does not make any difference to whom you address your communication or from whom you hear all Russians feel as Trotski feels with reference to Japanese aggression. So I say it is immaterial whether you call it an alliance or what you call it, or whether upon the face of it it implies force or does not. The outside world construes it as a challenge to their rights from the hour when it is announced. He said:

> We have just received telegraphic reports that the city of Khabarovsk has been captured with the aid of the Japanese bayonets. Under these conditions, shall we remove our troops from the territory of the Far Eastern Republic. No; we can only regret that there are not enough of our troops there to defend our territory properly. But we are certain that the time will soon come when red bayonets will be strong enough to repel the attacks of these insolent imperialist vultures.
>
> It is time for them to know that besides the four powers who have just signed some sort of an agreement among themselves, there is also a fifth power—Soviet Russia and her red army.

There is a challenge, Mr. President, before this treaty is ever ratified. There is the construction placed upon it, not by men who discuss it technically in the Senate of the United States, but by men who discuss it from the standpoint of the rights of peoples and nations, and whether you call it an alliance or whether it has implied force upon the face of the treaty or not, Russia has construed it as a challenge to the Russian people. Now what happens? Suppose the treaty is ratified and suppose that the reservation offered by the able Senator from Connecticut is adopted, and we have a treaty which provides for a conference and specifically provides that we are not committed to the use of force. Nevertheless, our conferees meet after Mr. Trotski, with his red army, has started his march down the island of Sakhalin.

I agree with you perfectly that they could decide that we will retreat, that we will not use force; but you must admit also that they have the right to decide that the only method or means by which to meet the exigency is the use of force. If they do decide that the only method or means by which to meet the exigency is the use of force, what position does the United States occupy if it retreats from the decision of its representative? What different position would we occupy than we would have occupied had the same agent decided it on the League of Nations?

Mr. PITTMAN. Mr. President——

Mr. BORAH. I yield to the Senator from Nevada.

Mr. PITTMAN. The same argument was made by the leader on the other side, the distinguished Senator from Massachusetts [Mr. LODGE], and his followers with regard to the council of the League of Nations, exactly the same argument. It was

contended by them then that no matter what reservation we had with regard to the use of force, if our agent, with unlimited authority, as a member of the council of the League of Nations should consent with the other members of the council to the use of force, we would be bound by the action of our agent, and to avoid that the Senator from Massachusetts offered the following reservation to the Versailles ratification and it was adopted by almost the unanimous vote of the Members upon the other side of the aisle. It is reservation No. 7 and reads as follows:

No person is or shall be authorized to represent the United States nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

Mr. BORAH. I thank the Senator for the suggestion. I have a distinct recollection in regard to that reservation. As I called attention this morning, Mr. Wilson, the ex-President, always contended that there was nothing in article 10 and article 11 except a moral obligation and that we, as a Congress, were not bound to follow our agent if we did not want to do so. But the same question precisely arose and therefore this reservation was offered as to what would be our position should our agent decide to use force. We would undoubtedly have the right to reject it as a Congress, but we would be morally derelict before all the nations of the earth should we do so.

One thing further in regard to that before I go to the other proposition. Suppose that our conferee, whether he write a letter or whether he confer in person, being informed as to the attack from Russia, as to the aggression upon the part of Russia, agrees with his other conferees, wherever they may be, whether he agree by letter or by personal conference, that the only method by which we can meet the situation is by the use of force and that report is made to us by the President of the United States that the Secretary of State, through correspondence, or the Secretary of State, through agents, and the conference have come to the understanding so far as they are concerned that there is only one way to meet the situation, and that is by the use of force.

The President comes to the Congress of the United States and presents it and immediately the Brandegee reservation is read as an answer to it, that we are not committed to the use of force. The President would say, as Earl Grey said, "I agree that you are not committed to the use of force." They then read the other clause that we are not committed to the defense of these islands. The President might reply, as Earl Grey replied, "I agree that you are not committed to the defense of the islands." But you did provide that these governments should confer. The executive department has conferred. We have came to its understanding, so far as we are concerned, that there is no other method by which to reach the situation." What would be the position of the Congress of the United States? It would be in the same position as I always understood it to be under the League of Nations—it could reject it. Technically it would have that power. You can not take away from the Congress by a treaty the power to declare war or not to declare war. That is always in Congress. But you can, by delegating other powers to confer with foreign nations, place us in a position where we can not retreat from following out the program except to retreat over the path of dishonor. You say here that there shall be a communication for the purpose of arriving at the best means to meet the exigency. If the conferees all agree, Congress will be robbed of everything except a bare technical right.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. I will yield in just a moment. That has always been my objection—that is, the fundamental objection—both to the League of Nations and to article 2; they set up machinery, which machinery, impliedly or morally, passes upon the question and presents it to us. We have reserved the technical right to refuse it. We have the binding moral obligation, however, in my judgment, to follow up and support our conferees.

I yield to the Senator from Wisconsin.

Mr. LENROOT. I was just about to ask the Senator whether that is not the distinction. The League of Nations did set up the machinery through which the United States should act. It provided an agency. But where does the Senator find any machinery in article 2? The understanding to be arrived at is an understanding upon the part of the United States. Where is there any authority clothed in any agent to act for the United States?

Mr. BORAH. Of course, I agree perfectly that there must be an understanding, but I am discussing now the modus operandi by which we arrive at that understanding.

Mr. LENROOT. Yes; but unless some agent of the United States be given power to arrive at an understanding, because it is not found in the treaty—the Senator must admit that?

Mr. BORAH. Oh, no; I do not admit that.

Mr. LENROOT. Oh, the Senator must. There is no agency created under the treaty to arrive at an understanding. The understanding is to be had by the United States. The United States is to be communicated with, presumably through the regular diplomatic channels, but the agency is not created that the understanding shall be arrived at with the diplomatic officers of the United States. The understanding must be arrived at by the competent authority of the United States. Is not that a distinction between the League of Nations covenant and this treaty?

Mr. BORAH. Of course, I know that the Senator from Wisconsin and I will never agree upon this proposition, but I am willing to continue my efforts in a good cause.

Necessarily, Mr. President, there must be some one through whom this communication, which is to be fully and frankly had, will be made. The Congress of the United States is not expected to appoint a committee and send it over there after the aggression begins. I assume that it is the executive department. I assume that because under the constitutional subdivisions of our Government it would naturally belong to the executive department. If a controversy should arise, the party who would take it up for consideration, I assume, would be the executive department. The executive department, through the Secretary of State, undoubtedly would communicate with the executive departments of Great Britain, Japan, and France. They would come to an understanding as between themselves. I am perfectly willing to concede, for the sake of the argument, that that would not be a binding understanding until the Congress would pass upon it. I am perfectly willing to concede that.

I am not going to stand upon technicalities in this matter if by eliminating technicalities I can keep the friendship of my friend from Wisconsin.

Mr. LENROOT. The Senator is going to keep that anyway.

Mr. BORAH. I am perfectly willing to concede that; but what I am saying is that the man who goes there and communicates, who ascertains the facts, who talks with the representatives of the other nations, comes back and says to the Congress of the United States, "There is only one way to meet this situation, and that is by force." Then the Congress of the United States is in the position of repudiating the Secretary of State or else following out the judgment he has exercised.

When I think of the moral pressure which has been brought upon the Senate to follow, without the crossing of a "t" or the dotting of an "i," the judgment of the Secretary of State in regard to this treaty, I know what a tremendous influence would be brought to bear upon the Congress to follow the judgment of the Secretary of State when he reported that the Red Army, 1,000,000 strong, was marching against Japan.

I have had a good deal of experience in the short time I have been here about resisting moral pressure, and when it comes from the executive department of the Government—it does not make any difference which party is in power—there is a surrender in the United States Senate, which leads me to believe that it will happen again. While technically Congress retains its power over peace or war, morally its power is forfeited.

Mr. REED. Mr. President——

Mr. BORAH. I yield to the Senator from Missouri.

Mr. REED. We have had the point made that we can enter into this agreement because it binds us to do nothing, and consequently binds no other nation to do anything, and therefore amounts to nothing. Now we have the further defense that there is no agency to meet and consult in these consultations which are to bind nobody to do anything.

I want to lay down a proposition. The agreement into which we are asked to enter provides:

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy * * * they shall invite the other high contracting parties to a joint conference.

Then it is provided:

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding.

If that does not mean the ordinary diplomatic channels of communication, does it not follow that the machinery must be created and that it must be created as soon as the difficulty arises? Therefore a machinery must exist, either diplomatic or superdiplomatic. When the conference meets and arrives at a conclusion, why will not that conclusion be just as binding upon us as though the agencies were created now by this treaty and set in motion under the treaty? In either event, an agency must exist before there is any action. So the argument that is made simply comes to this, that the defense of the treaty is that there is no agency to carry it out and therefore we may safely ratify it.

Mr. BORAH. Mr. President, I appreciate the contribution of the Senator from Missouri and I agree with him, but I want to say again, as I said a moment ago, that when the exigency arises there will be no technical construction of this treaty; there will be no looking back over our shoulder to see what authority we may have. When Sir Edward Grey permitted the naval experts of Great Britain to confer with the naval experts of France years prior to the war of 1914 he did not have any authority for doing it; he did not look for any authority; he confessed before the House of Commons afterwards that he had no authority, but he thought the exigency of the situation justified his using his discretion. So, Mr. President, when the exigency arises any man who would stand up here and argue a technicality as to our authority would be shamed out of the Senate. It would be said, "Here is an exigency; our ally is in trouble; our agents have decided we must go or else we travel back over the path of dishonor."

Mr. President, that brings to the forefront the reservation offered by the Senator from Arkansas [Mr. ROBINSON]. The first sentence of that reservation reads:

Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers.

We know now that aggression, according to one great nation, is taking place; we know now that their rights are being disregarded in the minds of the Russians; we know that one of the Allies is upon the territory of a nation not a signatory to this treaty. How can the Senate of the United States, if it believes in peace, not require its associate to desist in its aggressions? What answer will we make when, informed as we are, we are asked why we voted down a reservation which simply required the nations signing the treaty to respect the rights of other nations?

Mr. LENROOT. Will the Senator yield to me?

Mr. BORAH. Yes.

Mr. LENROOT. The Senator has been very fair. Does the Senator really think what he has read is a reservation? Is it not an amendment to the treaty?

Mr. BORAH. As I understand, it is to be offered as a reservation.

Mr. LENROOT. I appreciate that; but the Senator is familiar with the rule with reference to reservations and amendments, and does the Senator think that, according to the usual construction of treaties, that is a reservation?

Mr. BORAH. If it is not, it may be changed by two words so as to make it a reservation. It may be made to read that "the United States ratifies this treaty with the understanding that the high contracting powers will respect the rights of all other nations and powers." That would make it a reservation.

Mr. LENROOT. Does the Senator think there is any such understanding conveyed in the treaty as it is?

Mr. BORAH. That we will respect the rights of other nations?

Mr. LENROOT. Yes.

Mr. BORAH. No; there is nothing in the treaty about that.

Mr. LENROOT. Would the Senator be willing to vote for a construction of the treaty of which he himself says it is not capable?

Mr. BORAH. I am making this treaty now.

Mr. LENROOT. Ah, that is what I thought, and that is why the Senator is suggesting an amendment which would clearly be a change of the treaty and not a reservation. That was the point I was making.

Mr. BORAH. According to that reasoning the reservation of the able Senator from Connecticut is an amendment of the treaty, because the Senator from Connecticut, who is no ordinary lawyer, contends that at the present time we are committed to the use of force and that by his reservation he takes that commitment out. That is an amendment to the treaty, according to the argument of the Senator from Wisconsin.

Mr. LENROOT. It is not an amendment, according to the construction of the Senator from Wisconsin.

Mr. BORAH. It may not be according to the construction of the Senator from Wisconsin, but it is according to the construction of the Senator from Connecticut.

Mr. LENROOT. That I leave to the Senator from Connecticut, of course, to decide.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment?

Mr. BORAH. I yield.

Mr. ROBINSON. I stated at the time the proposal was submitted as an amendment that in the event the amendment was rejected I would offer it in the form of a reservation. So my friend, the Senator from Wisconsin, will have an opportunity of accepting it as a reservation, having rejected it as an amendment, although I have some doubt whether he will do so.

Mr. REED. Mr. President, I should like to inquire whether it would be more difficult to amend this treaty now than it would be to go into a war into which we might be dragged because of the phraseology of the treaty?

Mr. BORAH. I think now is the time to make the treaty, for we will have no opportunity to make it after the Senate has passed upon it; but even if it were an amendment to the treaty, that would not be an insuperable objection by any means, because if the treaty is made for the purpose of preserving peace, and it is manifest as now written that it is calculated to excite the antagonism of another nation, we ought to do anything that we can in order to remove that antagonism.

Mr. STANLEY and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from Kentucky; then I will yield to the Senator from Connecticut; and then I am going to ask that I may be permitted to continue my discussion.

Mr. STANLEY. Does not the Senator from Idaho think it a rather ominous admission that any inference that the powers signatory to this treaty intend to respect the rights of other nations should be admittedly excluded, when it is also known to all men that one or more of these nations are now engaged in aggressions that only the weakness of the other nations, and not justice, permits?

Mr. BORAH. I agree with the Senator from Kentucky. I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I would not intrude upon the time of the Senator from Idaho if he had not referred to the reservation which I offered in the Committee on Foreign Relations. As I understand the Senator, he thinks that reservation changes the treaty. I have not offered it with any such purpose; I have no such intention. In my opinion, there is a doubt in the treaty as to whether we are bound to maintain rights in reference to the insular possessions of the other high contracting parties, and the reservation which I have offered is, according to my purpose, simply a clarifying reservation, an interpretative reservation, a reservation which will declare in clear words that the treaty is what the authors of it, two of whom are members of the Senate, claim it to be.

I think that a very fair argument might be made 10 or 15 years hence to the effect that if some one of the other high contracting parties should be in distress and should call upon us for aid, it may claim that we are obligated by the treaty itself; and it was my idea to negative that by the reservation. I do not claim that it changes the treaty; on the contrary, I claim that it makes the treaty, by the resolution of ratification of the Senate, mean exactly what the two Members of the Senate who were members of the American delegation to the conference which negotiated the treaty say it means, my fear being that some of the other parties, years hence, perhaps, after we are all dead, might set up a different claim.

Mr. BORAH. I was not so badly in error after all. The Senator from Connecticut, in other words, wants to change the treaty from a treaty of ambiguity to a treaty of certainty.

Mr. BRANDEGEE. That is my point exactly.

Mr. BORAH. That is a very important change in the treaty, indeed. If the Senator from Connecticut can change the treaty so that there will be no uncertainty about it, he will have earned the gratitude of all mankind. If the doubt, however, should be resolved in favor of the fact that there was an implication to use force, then the Senator would have to concede that the effect of his reservation would be to change the treaty entirely.

Mr. BRANDEGEE. No; I do not, Mr. President. I confess that the reservation, if adopted, would limit the obligation of the United States of America, because the Senate would have ratified it on that condition.

Mr. BORAH. As I understand the Senator, he wants to clarify the treaty so as to express the view that there is no force implied?

Mr. BRANDEGEE. Yes; and there is no obligation to come to the defense of the other powers.

Mr. BORAH. And the Senator is now afraid that that might be implied?

Mr. BRANDEGEE. Yes. If I were not, I would not have offered the reservation.

Mr. BORAH. Then, the Senator is changing the treaty to that effect, so far as the United States is concerned.

Mr. BRANDEGEE. No; it is ratifying the treaty with that understanding on our part and leaving the treaty where it is on the part of the other powers.

Mr. BORAH. The reservation of the Senator from Arkansas can be changed so as to meet the same condition exactly. The Senator from Arkansas can amend his reservation so as to read that "it is the understanding of the United States," and so forth.

Mr. BRANDEGEE. Yes.

Mr. ROBINSON. That is the form of the reservation I have submitted.

Mr. BRANDEGEE. The Senator from Arkansas could do that, and thereby make it conform to the usual structure of a reservation, but instead of being an interpretation of what the treaty purports to provide it would be an extension of the treaty to comprehend other nations and a state of facts which apparently is not within the scope or purpose of the pending treaty at all, and hence would be an amendment of it.

Mr. BORAH. The advocates of the treaty, it seems to me, must take one of two positions with reference to the so-called Robinson reservation or amendment: They must concede that at the present time there is an obligation upon the part of the four powers to respect the rights of outside nations, or that we are forming an alliance here in which there is no obligation to respect the rights of other nations. Under the present circumstances in the Far East, I think that would be a very dangerous proposition, and if we are not willing to put into the treaty a reservation which interprets it or construes it so far as the United States is concerned, as an obligation to respect the rights of other nations, we must necessarily permit it to go out to the world that the true construction is that there is no obligation to respect the rights of other nations.

Mr. BRANDEGEE. Mr. President, if the Senator is attempting to get me to assent to that proposition, I shall have to differ from him.

Mr. BORAH. No; I am not attempting to get the Senator to assent to it; I was simply looking at him while I was talking.

Mr. BRANDEGEE. Yes; and I was watching the Senator. But, Mr. President, because the Senate of the United States does not add a great many other reservations which it might add and which this country might want to add to the treaty is no reason why he would not be in favor of them if they were presented as independent proposals.

Mr. JOHNSON. Mr. President, may I ask the Senator before he concludes if he will permit me to call his attention to a few articles in Russian newspapers along the line of what he is saying now, concerning the attitude of other countries toward this particular alliance? I do not want to interrupt him, but before he concludes, will he permit me to read these articles?

Mr. BORAH. I am perfectly willing to have the Senator read them now.

Mr. JOHNSON. We need not subscribe to what is said by these newspapers, but it is very interesting as indicating the view in the far eastern press.

Here is an extract from a leading article entitled "The Quadruple Alliance" in the newspaper Russia, December 15, 1921, published in Harbin (politics, independent):

* * * The treaty of the great powers, as should have been expected, is already producing a heated protest from those powers who, by this treaty, have practically been made vassals of the new collective world ruler. * * *

The Chinese public opinion is confronted by the problem of the necessity to defend its national interests. * * * The same problem is confronting Russia and Germany, who must also be joined by Italy, who has been thrown out of the ranks of the great powers at the present time.

As a counterbalance to the quadruple (but in reality "triple") alliance, there must arise new international alliances and alignments of countries at whose expense the bargain is being made at Washington.

The next is an extract from a leading article entitled "The New Entente" in the newspaper Novosti Zhizni, December 15, 1921, published in Harbin. The newspaper is independent in politics, and the leading articles are written by a former official of the Kolchak government:

Conceding that the quadruple alliance is built on a firm foundation, nevertheless the question may be asked whether or not this hegemony of four (powers) will lead to most disastrous consequences to peace. There is no doubt that this entente, realizing its invincible power, will carry on an extremely aggressive policy. Prior to the World War, one international alliance stood against the other; the imperialistic plans of one met with the resistance of the other. The alliance which has been formed now is the only alliance of great powers in the world, and, not meeting with any obstacles in the effort to achieve its objects, it will inevitably be compelled to enter upon the road of annexation and "peaceful" conquests.

It is necessary to say that under such conditions "harmony" will soon be disturbed, and then, even more clearly than now, will become evident all the beauties of imperialism—competition and rivalry of powers. Any attempt to divide the world in a peaceful manner is nothing but a beautiful dream, and in the process of realizing this beautiful dream such a catastrophe may be expected before which will pale anything that has already been experienced by humanity * * *.

The Washington agreement, by isolating Russia, Germany, Italy, China, and other States, is only a forecast of new adventures and cataclysms.

Versailles created a useless but harmless League of Nations—Washington has forged a union of blood and iron.

One becomes horrified at what the future holds forth.

From the same newspaper, December 25, 1922—and this is the last I shall read, if the Senator will pardon me:

[Extract from leading article entitled "One More Attempt."]

* * * To Russia the new alliance is a direct military threat, and in the best case a serious warning. * * *

In the order of the day of Europe is a struggle with Russia, but not a direct struggle, but through the forces of an Asiatic power. * * * In regard to the coming Russo-Japanese war, the heads of the European powers hope, like Pilate, to wash their hands.

Mr. BORAH. Mr. President, the reading which I have made from Trotski and the newspaper articles which have been read by the Senator from California show how utterly useless it is for us here to spend time upon a technical construction of the meaning of this treaty so far as the question of implied force or the question of an alliance or any of those questions are concerned. The outside world not members of the treaty have construed it, and they have construed it as a combination or political grouping upon the part of the four powers which is inimical to those who are not members of the alliance, or whatever you may call it.

Now, Mr. President, I must hurry on, because I have already occupied too much time.

Colonel Roosevelt said, upon a very important occasion:

There is something both pathetic and ludicrous in the belief that signing names to a bit of paper will of and by itself forward the cause of peace.

It is not what nations promise to do, it is what nations by their acts disclose they are willing to do, and the policies which they adopt, which counts for peace. Political pacts such as this have been made from time immemorial, and I do not know of any exception to the rule that they have never been observed after the interest of the nations signing them had changed or had been modified by exigencies or circumstances. In other words, it is not what nations enter into a treaty to do, but it is the attitude in which they place themselves toward the other nations of the world, and the policies which they adopt, and the policies which they are following up, which count for peace and make for peace.

Lloyd-George declared a short time ago:

It matters not what treaties are signed, what pacts are entered into between nations, or what understandings they may establish: if nations are armed against each other for war, war will inevitably ensue in the end.

I said, Mr. President, when this four-power treaty was first published, that my attitude toward it would be determined very largely by what the conference did with reference to disarmament. I do not propose to underestimate the services rendered by the conference to the cause of disarmament. I do not propose, especially, to underestimate the services rendered by the American delegates in the cause of disarmament; but I do say that, regardless of whose fault it was, so far as future wars are concerned there was no disarmament at the Washington conference. There was a very great service rendered to the cause of economy by stopping the building of useless battleships. There was a very great service rendered to the taxpayers by the cessation of building these luxuries which float on the sea, but so far as the weapons with which the next war is to be fought are concerned, there was no limitation of armament at all in my opinion.

If these four powers who were unchallenged in their military supremacy had been desirous of peace and had been willing to rest their cause upon the principles of justice rather than force, there would have been some real disarmament with reference to those weapons with which the next great war, if it comes, will be fought. There has been no disarmament by land. Europe to-day is covered with tremendous armies. France has 750,000 men under arms, more or less, and in addition to that some 400,000 in Poland practically maintained by France. Italy has a vast army, Japan has a vast army, and the military power of the world is now centered in the four nations which are signers of this treaty.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. The Senator from Idaho has now spoken for one hour.

Mr. BORAH. I am going to speak for 30 minutes longer, if I can do so.

Mr. ROBINSON. That arrangement, I think, is contemplated by the unanimous-consent agreement.

Mr. BORAH. I will use a part of my 30 minutes now, so as to avoid trespassing upon the patience of the Senate a second time.

Mr. KELLOGG. Mr. President, will the Senator yield to me?

Mr. BORAH. Yes; and then I should like to occupy my own time thereafter.

Mr. KELLOGG. I shall not bother the Senator again.

Did I not understand the Senator, when he was advocating the resolution of Congress requesting the President to call a disarmament conference, to say that he thought it was unwise to include the land forces?

Mr. BORAH. I did.

Mr. KELLOGG. And the Senator simply advocated the limitation of naval armaments. Does not the Senator consider an agreement not to go beyond the armament provided for here a limitation?

Mr. BORAH. I did not understand the last question.

Mr. KELLOGG. Does not the Senator consider that this treaty, limiting the building of war vessels in the future, is a limitation?

Mr. BORAH. I have already stated so. It is a limitation, but not a limitation as to the weapons with which the next war will be fought. In other words, I do not regard the battleship now as anything of great moment with reference to future naval warfare; and while I am very happy indeed that the discontinuance of the building has taken place, and while I am willing to accord all kinds of credit and commendation for having achieved that, I am speaking now with reference to war, and not with reference to economy.

I also stated at the time that I did not think there was any use of including land disarmament, because, in my opinion, nothing could be gained by it. I think the Senator from Minnesota will agree that the prognostication of the Senator from Idaho was correct, that there was no need to include it, because you did not get anywhere with it. I understood perfectly that Europe did not intend to disarm by land, and I understand perfectly now that she does not intend to disarm. What I say is that so long as she does not disarm, there is no hope that a mere promise to keep the peace will result in the maintenance of the peace. Until real disarmament takes place I certainly want no political alliances.

Secondly, Mr. President, we not only have failed to disarm by land but, as I say, we have failed to disarm by sea with those weapons with which the next war will be fought. Before I go to that, however, let me call your attention to just one item with reference to another matter.

This telegram appeared in the New York World the other day. I hesitate these days to read anything here, because I anticipate that somebody will rise the next day and say that the person quoted was misunderstood; but we have to go by what we see in the public prints and by what takes place in public debate, the manuscript of which we are able to get hold of.

The New York World says:

A commission of British experts, headed by Col. M. L. Wilkinson, is now in the United States investigating American methods for producing noxious gases, with a view to incorporating into British practice any improvements.

Despite the sweeping condemnation of poison gas in the arms conference treaty, signed by representatives of the five leading powers, Great Britain holds that the only adequate defense against poison gas in the hands of a possible enemy is preparedness. Accordingly, the British Government proposes to continue without curtailment experimentation in chemical warfare.

The British experts will study both industrial and military plants. Permission to inspect Edgewood Arsenal and other Army posts has already been given.

American Army officials said to-day that nothing would be kept secret from the British experts.

That, possibly, was one thing that misled Mr. Cravath that there was an understanding between the United States and Great Britain in regard to these matters. When military experts begin to reveal to one another their secrets, it has the appearance of an "understanding." But, Mr. President, notwithstanding the treaty, there is no cessation of preparation of the instruments which the different nations signing the treaty regard as essential to future warfare. No limitation has been placed upon submarines. Every effort was made to curtail the building of submarines, and, I understand, of course, that the American delegates were in favor of that curtailment; but the conference as a conference, composed of the nations which signed this treaty, were not only unwilling to prohibit its use but were unwilling even to limit the number of submarines. Mr. President, neither as to the Army nor as to poison gas nor as to airplanes nor as to airplane bombs nor any of those instruments is there even a limitation upon the part of those nations. We all know that when the submarine first made its appearance the whole world stood aghast, and trembled, as Milton would say, at the hideous name.

It was believed by all to transgress the last remaining principle even of that bloody business whose highest achievement it is to kill. It wiped out the last vestige of international law. It degraded and brutalized war itself. It seemed as if the spirit of destruction incarnate had searched and chemicaled hell and given to man the results of its efforts. Yet this instrument, regarded as the most brutal and hideous and destructive of modern warfare, especially upon those who are not actually engaged in war, nonbelligerents, and noncontestants, the conference was wholly unable to prohibit or to limit in the production.

Therefore, Mr. President, notwithstanding the efforts of the conference and the efforts of the American delegates, these four powers will have, when this treaty is ratified, the naval power of the world at their command; they will have a navy such as was never before dreamed of; they will be complete masters of the sea. You may say that means peace. If it does, it means peace by force. They will not only have control of the navy but they will have all the standing armies of any moment, outside of Russia, and when they meet in conference there in the Pacific under article 2 they will be the most powerful and controlling military force that ever met for conference in the whole history of mankind.

That will have its bearing upon the construction of article 2. If I felt that there was peace in the hearts of these nations, if they were ready to disarm, if they were ready to practice the policies of peace, I would look with considerable indifference upon the obligations of article 2, but so long as I see Japan unwilling to discharge a single soldier, and France taking control in a military way practically of all Europe, so long as I see the military power centered in these nations, I know that one of two things will happen—either the nation whose rights are being aggressed will have to surrender and yield up its rights or force will be used against it. I see spoliation and injustice on the one hand, just as these things happened under the Anglo-Japanese alliance, or I see war. When you bring in a program which destroys the weapons of modern war, which prohibits, or at least limits, submarines and poisonous gases, airplanes and bombs, and curtails armies to within reason, then I will be more ready to accept your promises written into treaties. But I want a manifestation of faith by good works. I want policies, not promises. I want disarmament, not political alliances the members of which continue to arm, continue to practice imperialism, continue to "aggress" against all other powers. Peace, peace! How can you have peace with a world armed as it was never armed before? There can be no peace, it makes no difference how many treaties you have, until nations disarm and until the power to declare war is brought nearer and more completely under the control of the people—those who must fight and die in case war comes.

Mr. SHORTRIDGE. Mr. President, I hold in my hand a very courteous, forceful article on the results of the late conference, written by Mr. Duraind, connected with the San Francisco Chronicle. I ask consent that it may be printed in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection, it is so ordered. The article referred to is, as follows:

[From the San Francisco (Calif.) Chronicle.]

NEW AGE WILL FOLLOW NEW WORLD SPIRIT—OLD DIPLOMACY TO GIVE WAY BEFORE PRINCIPLES OF MODERN BUSINESS LIFE—HARDING IS A SUCCESS WHERE WILSON FAILED—BY CREATING NEW METHODS OF DEALING WITH WORLD'S WAR GENERATING DISPUTES.

The Washington conference marks the end of the centuries-old system of secret diplomacy born of the imperialistic principle and the balance-of-power idea. It celebrates the beginning of a new era based upon the principle of business. The Versailles conference was probably the last great congress of the nations to be dominated by the old diplomatic methods. From now on every international conclave for the adjustment of disputes and controversies must be based on the Washington conference and its new methods of friendly discussion, give and take, fair play, and its will to harmonize and conciliate where differences are acute. No future world conference can ignore the lessons Harding has taught the nations.

Look at the wonderful achievements of Harding's new methods:

The first great work done was the four-power Pacific treaty, signed on December 3. The full scope and significance of this pact has not yet been grasped by the public. It is much more than a treaty of amity and good will, and an agreement to respect one another's rights in the Pacific. The distinct achievement of this treaty is to substitute international law for the

use of force in all future disagreements. The signers of the treaty solemnly agreed to meet in friendly discussion and to exhaust every peaceful method of settlement before an appeal to arms.

NAVAL COMPETITION STOPPED FOR 15 YEARS.

This agreement to submit to the orderly processes of evolution virtually amounts to a reinstitution of international law as a living vital force in world affairs, and brings the nations of the earth back to the point where in 1914 chaos took the place of the reign of law and every State became a rule unto itself. That is what is the matter with Europe to-day. But with the nations at the top governing their course by international law the smaller States must eventually fall into line.

The second great achievement of the conference was the five-power naval treaty, by which the signers agreed, not only to limit the size of their navies but to take a naval holiday for 15 years.

The wonderful thing about this important treaty is not that navies are merely limited, the United States alone scrapping some 500,000 tons of battleships, and others proportionately. The great gain is that new shipbuilding has been stopped for 15 years. At one fell swoop a knockout blow has been delivered to the solar plexus of the god of war. It is disastrous naval competition that was principally the cause of the late war. This feverish naval expansion, each nation seeking to beat the other with ever-enlarging fleets, also led to increase of the land forces, both keeping pace with each other in a mad race for supremacy.

Now naval increases are stopped. What a tremendous fact this is. It seems almost impossible, yet it is true. The Washington conference has accomplished what the League of Nations could not do. When this solemn contract is up most of the battleships will be old and obsolete, and the nations will be ready for further reductions.

POISON GAS ELIMINATED FROM FUTURE WARS.

The third agreement reached by the conference was the treaty which eliminates poison gas from future wars, and which prohibits submarines from sinking merchant ships. It was these things which made the late war so horrible and barbarous. Is not this an achievement to be proud of?

The fourth treaty of the conference was a six-power one, which allocated the German Pacific cables that had been a source of so much acrimonious controversy, and which could easily have led to war.

The sixth treaty refers to a settlement of the Chinese tariff question, and this treaty comprehends other questions concerning the Chinese, the contracting nations agreeing to respect her sovereignty, and to cease the old policies of spoliation and special privilege. It means a real open door.

The seventh treaty settles the serious dispute of the United States with Japan as to the island of Yap, and mandates. The eighth treaty deals with the stopping of new fortifications in the Pacific. Has not the absence of fortifications between the United States and Canada contributed to peace for the last century? To build forts and place guns at another's door is not the way to produce confidence and cooperation.

The eighth and remaining treaties of the conference settle the many differences between Japan and China, such as Shantung, the railroad, mines, and the famous 21 points. Shantung is returned intact to China and differences in Manchuria and Mongolia are settled.

Not the least important work of the conference, arising out of the new spirit that it has created making for justice and peace, is the fact that Great Britain has pledged herself to return Wei-hei-wei, one of the most important seaports of China, to its rightful owner, and France has likewise promised to restore Kwang Chow, farther south.

These important possessions were wrested from China by the military powers without show of right. For 40 years strong, strangling hands were reaching for China's throat and robbing her of her choicest possessions, without which a nation can not progress—sovereignty, seaports, mines, railroads, banks, custom duties—usurping even courts of law.

CHINA RESTORED HER RIGHTS OF SOVEREIGNTY.

Now, the Washington conference has stepped forward and called these strong hands off, giving China once more her freedom and making the spoilers return the graft. How preposterous, then, with all these wonderful gains, is it to say that China is getting nothing from the conference. Think what it would mean to us if New York, San Francisco, Boston, and Galveston had been in the possession of alien hands for a generation and had been suddenly restored to us, would it not mean something? Yet that is just what has happened to China. Beyond this is a still greater gain for China, and that is the new spirit of fair play and protection, with hands off, that in going to permit her to develop according to the will of her own people. In other words, she will now be free as a nation.

Are not these things better than devastated France, the *Lusitania*, aerial bombardment of peaceful cities, lethal gas, the flower of the world's youth wallowing in the trenches, billions of debts for the generations to pay?

Lastly, as a result of all these treaties, and particularly the four-power pact, that great menace to world peace, known as the Anglo-Japanese alliance, has been done away with. This achievement alone would have justified the conference, as there was no greater danger on the political horizon than this union of Japan and England to control in their own interests the development of the Asiatic Continent. It was only a question of time when such a policy of selfish exploitation would have plunged the world into another conflict.

These are the achievements of the Washington conference. They are positive, real, and peace creating. President Harding did not start out like Wilson to create elaborate machinery for producing a perfect world, settling all international disputes at once, and guaranteeing universal peace for ages to come. President Harding erected no magnificent, idealistic scaffolding as the basis of his policy. He formulated no golden dreams of a perfect world and worshiped at no mystic shrine of perfection.

President Harding did not set himself up as the peace underwriter of the world. His idea was to move in the direction of peace, and world peace would come of its own accord. His plan was: Create a new spirit, not a new machinery. It was dwelling on a new machinery, the League of Nations, and forgetting the spirit (vide Shantung, fourteen points, reparations) that ruined Wilson and made his attempt at world peace abortive. Harding's method was different. It was the method of Christ—change the attitude, the way of thinking, the ideal, and a new man and a new world will be born. Do this and the proper institutional machinery will take care of itself. Wilson, on the contrary, sacrificed everything to get his machinery, the League of Nations, and when he did get it it would not work.

The greatest triumph of the Washington conference, therefore, is this marvelous moral success of Harding's, this contribution of a new spirit for future international conclaves, and this creation of a new method of handling serious controversies without impairing the independence and national sovereignty of the nations.

What has been done in the United States as regards naval limitations and future security on the Pacific can certainly be done in Europe if the lesson of the Washington conference be learned.

HARDING METHOD EMPLOYS PRINCIPLES OF BUSINESS.

Only a year ago Czechoslovakia and Austria were at daggers points with all the bitter hates resulting from the war keeping them apart. Since the Washington conference they have come together in a treaty of amity and cooperation which is an object lesson to the rest of Europe. Poland has also joined in a similar treaty.

Can not France and Germany do what these three nations have done? If not, why not? That's the problem of Europe, and not reparations, huge armies, and guarantees of protection. Create a new spirit, put by the old diplomacy, and come into the new age of Harding. That's the lesson of the Washington conference.

No institutional machinery like the League of Nations can bring about world peace. No law can produce it. World peace, if it comes, will be born alone of a new world spirit. There are many serious questions in the air pressing for international solution that carry with them the germs of possible wars. The Washington conference has shown the way to solve these pressing problems, how to handle these difficulties so that they will not lead to war and embroil all the nations.

With Harding's method the gain is the new method of approach, the new spirit of friendly conference, the new necessity of fair play and give and take, the new attitude of mutuality and reciprocal understanding—in a word, the business method applied to international policies.

With such a method there is no dispute among the nations that can not be amicably settled. In time it means a real association of all the nations, and a real international court for arbitration purposes. That great day will be Harding's work and Harding's glory, and will be the reason for inscribing his name in golden letters in the Pantheon of humanity.

GEORGE J. DURAIND.

Mr. KELLOGG. Mr. President, the amendment to which the Senator from Idaho addressed himself provides that each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers.

Of course, the Senator admitted that that was an amendment of this treaty bringing in practically every nation in the world, broader in its terms than article 10 of the covenant of the League of Nations, in which the signatory powers agreed to respect the rights of all members of the league. The Senator objected to that, objected to respecting the rights of those nations which had been created by the conference in Paris. Now, this would make a new treaty, going outside of the parties signing it, forcing these other signatory powers to agree to respect the rights of all nations of the world.

He can not make it less an amendment by saying that the United States understands that each of the high contracting parties will respect the rights and possessions of all other nations, and refrain from all acts of aggression against any other power or powers, because the treaty says nothing of the kind, and nobody could make it so that the Senator from Idaho would understand anything of the kind. This, of course, is an entire change, an amendment of the treaty, which would defeat it. It would require a reassembling of all the signatory powers in order to find out whether they were willing to extend this treaty to all nations of the world.

Mr. President, of course the Senator from Idaho has been perfectly open and frank; he has made no claim that he was for this treaty. He has always opposed it, and would no doubt support a reservation or a resolution which would defeat it.

I stated the other day on the floor of the Senate that I did not understand the Senator from Connecticut [Mr. BRANDEGEE] to claim that this treaty imposed any obligation on this country to use force in the defense of the rights or possessions of any other country. The Senator from Idaho differed with me as to the understanding of the Senator from Connecticut. I am very glad the Senator from Connecticut made his meaning clear to-day. He did not make any claim that the treaty provided for the use of force in maintaining the rights of any other country, but he said, in substance, that there might be some doubt about it, and some country might claim in the future that such was the intent, or that some obligation could be implied from it.

I stated in the speech I made on the treaty when it first came before the Senate that, in my opinion, there was absolutely no obligation resting upon this country or any other of the signatory powers to use force or come to the defense of any one of those countries in the protection of their rights, but only to consult, and see if an adjustment could be made of any disputes which might arise.

I am still of the same opinion, and when the Senator from Arkansas said to-day that the members of the conference who were Senators thought it was necessary to have a reservation in order to protect the United States, I begged to differ with him, because if anything was made clear on the floor of the Senate by the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. UNDERWOOD], it was that they did not believe there was any such obligation, and did not believe the reservation was necessary. The Secretary of State did not believe it; Mr. Root, a great international lawyer and experienced statesman, did not believe it. Every man who spoke at the conference before the treaty was ratified gave the same construction to it which the Senator from Massachusetts has given to it.

I stated the other day that I voted against the reservation in the committee because I did not believe it necessary. I believed there was no obligation imposed. That seemed to be perfectly clear, not only from the language of the instrument, but from the construction given to it by all nations who were parties thereto. I think it would do no harm, unless it might invite other nations to make other reservations or amendments which might do harm.

A few days ago I noticed in the papers a dispatch from Paris, which I intend to read in part. I have a good example for quoting this in the distinguished Senator from Idaho. The dispatch may or may not be true, but it states that Mr. Poincare said:

> I am not the sponsor of the French delegation. I had nothing to do with the shaping of its policies or the naming of its members.

The article further proceeds:

> It was tacitly agreed between the interpolators and the Government that there should be no discussion in the open Chamber of Deputies on the Washington conference before the Senate ratifies or rejects them. The probability of amendments being made in the agreements by the American Senate was taken into consideration in reaching this conclusion.

That indicates what I had in mind. If it were necessary to adopt a reservation or an amendment to protect the rights of the United States, or to save an obligation to go to war, I should be perfectly willing to vote for it. I am willing to vote for this reservation, not because I believe it necessary; I would not vote for it if I did not believe that it was necessary to adopt it in order to get votes enough to ratify the treaty. There are a few Senators who are afraid that some moral obligation may be implied, and I am willing to vote for the reservation in order to get the treaty ratified.

Mr. BORAH. The Senator then regards the reservation as necessary, but not necessary for clarification?

Mr. KELLOGG. No. I stated what necessity I thought there was. I certainly think it is not necessary to make this treaty perfectly clear, and I have excellent authority in the speech of the Senator from Idaho. The Senator from Idaho is too good a lawyer to stand on the floor of the Senate and say that he believes there is any obligation in this treaty to use force or to defend the rights of other nations in the islands of the Pacific.

Mr. BORAH. Let me ask the Senator a question: The Senator says he is going to vote for this reservation because it is necessary to have the reservation in order to get votes enough to ratify the treaty. Then the Senator's understanding is that there are Senators who think this reservation so vital that if it were not adopted they would vote against the treaty?

Mr. KELLOGG. The Senator has heard arguments on the other side of the Chamber from some Senators that they thought there was an obligation implied. I understand there are two or three Senators on our side who feel the same. I am very much pleased that the Senator from Idaho does not believe it.

The Senator from Idaho stated in his speech the other day that he did not consider there was any obligation upon the United States to use any force to come to the defense of the rights of any other nation, or any obligation upon any delegate attending any conference called under this treaty to agree to come to the defense of any other nation a signatory power, and I understood the Senator to-day to reiterate that statement. I agree with him. Therefore I thought, and still think, that the reservation is entirely unnecessary, because there is no obligation in the treaty to use force.

As I understood the Senator the other day in his very able speech, he placed his objection to this treaty not upon any obligation which would require us to go to war or to take up arms in defense of or to come to the defense of any other country, but because it constituted a political grouping, a diplomatic grouping, which, whether an alliance or not, would encourage other countries to create like diplomatic groupings, and that those two groups would ultimately come into antagonism.

That is the position I understood the Senator to take. Of course, that position would make it necessary that this country never have any understanding with any one, two, or three nations, but have such an understanding with every leading nation in the world at the same time.

I think the Senator went the other day rather far in drawing his analogy from the triple alliance and the triple entente to this understanding. In the first place, the triple alliance and the triple entente did array against each other when they were made two antagonistic groups. They were not antagonistic because of the treaty, but they were antagonistic by reason of their relation to each other in Europe, and some of them had been for centuries, and the Senator knows it. Why, the Senator admitted it the other day in response to questions that I asked him. I asked:

> Did I understand the Senator to say that if Mr. Hughes attended a conference under this treaty he would be no more bound to agree to a war than if he attended any conference not provided for by this treaty?

The Senator from Idaho said:

> I did not say that exactly, but I think I said about the same thing.

Now, in drawing the conclusion that this agreement to consult together about the islands in the region of the Pacific was like the triple alliance and the triple entente, the Senator proceeded to read what he understood to be the principal feature of the triple alliance, and I quote his language from his speech, and I beg the Senator's pardon because he was mistaken. He quoted from a treaty of alliance between Germany and Austria which was an absolute, binding, defensive alliance to go to war.

That was a treaty between Germany and Austria, and it was an absolute binding treaty of alliance by which they agreed to go to war and defend each other's rights and possessions. The Senator read the following statement from it:

> Considering, in fine, that an intimate agreement between Austria-Hungary and Germany can threaten no one, but is rather calculated to consolidate European peace as created by the stipulations of the treaty with Berlin.
>
> Their Majesties the Emperor of Austria, and King of Hungary and the Emperor of Germany and King of Prussia, promising each other solemnly never to give any aggressive tendency whatsoever, to their purely defensive agreement, have resolved to conclude a reciprocal alliance of peace and protection.

The quotation from the preamble of the treaty between Austria and Germany contains that language. Then the Senator said:

That was the language which dedicated the triple alliance to the cause of protection and peace. Considering that they would never give aggression, or attack anyone, they formed the alliance for the purpose, as we say here, of protecting their respective possessions and in the cause of peace. The language used was quite as laudable as that found in this pact.

But that treaty and the various treaties which followed it contained absolute agreements to come to the defense of each other's possessions. That was in the treaty of 1879, and articles 1 and 2 provided:

ARTICLE 1. Should, contrary to their hope, and against the loyal desire of the two high contracting parties, one of the two empires be attacked by Russia, the high contracting parties are bound to come to the assistance one of the other with the whole war strength of their empires, and accordingly only to conclude peace together and upon mutual agreement.

ART. 2. Should one of the high contracting parties be attacked by another power, the other high contracting party binds itself hereby not only to support the aggressor against its high ally but to observe at least a benevolent neutral attitude toward its fellow contracting party.

Should, however, the attacking party in such a case be supported by Russia, either by an active cooperation or by military measures which constitute a menace to the party attacked, then the obligation stipulated in article 1 of this treaty, for reciprocal assistance with the whole fighting force, becomes equally operative, and the conduct of the war by the two high contracting parties shall in this case also be in common until the conclusion of a common peace.

Mr. President, that was far different from this agreement, which includes all of the nations having islands in the Pacific, not a part of them against another part but all of them, and was an absolutely defensive alliance.

That was followed by the triple alliance of 1882, which was superseded by the triple alliance of 1887, and the third triple alliance of 1891, and the fourth triple alliance of 1902, and the fifth triple alliance of 1912, which really went into effect only a few days before the war, owing to the fact that the previous one had not expired. I shall not stop to read the provisions of the various alliances, but simply state that they were absolutely offensive and defensive alliances. I ask to have inserted in the RECORD as a part of my remarks articles 1, 2, 3, and 4, page 247, the Secret Treaties of Austria-Hungary, 1879–1914.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

ARTICLE 1.

The high contracting parties mutually promise peace and friendship, and will enter into no alliance or engagement directed against any one of their States.

They engage to proceed to an exchange of ideas on political and economic questions of a general nature which may arise, and they further promise one another mutual support within the limits of their own interests.

ARTICLE 2.

In case Italy, without direct provocation on her part, should be attacked by France for any reason whatsoever, the two other contracting parties shall be bound to lend help and assistance with all their forces to the party attacked.

This same obligation shall devolve upon Italy in case of any aggression without direct provocation by France against Germany.

ARTICLE 3.

If one or two of the high contracting parties, without direct provocation on their part, should chance to be attacked and to be engaged in a war with two or more great powers nonsignatory to the present treaty, the casus foederis will arise simultaneously for all the high contracting parties.

ARTICLE 4.

In case a great power nonsignatory to the present treaty should threaten the security of the States of one of the high contracting parties, and the threatened party should find itself forced on that account to make war against it, the two others bind themselves to observe toward their ally a benevolent neutrality. Each of them reserves to itself in this case the right to take part in the war, if it should see fit, to make common cause with its ally.

Mr. KELLOGG. How far different from the simple, benevolent preamble which the Senator from Idaho read to the Senate the other day. Of course the triple alliance became known to every country in Europe, although it was supposed to be secret. After reading this preamble the Senator said:

There, Mr. President, is the basis of the second political grouping in Europe. It provided for nothing except a conference, a discussion; no alliance, no commitment to force, no agreement to use force, no agreement to cooperate with the military forces of the other power. The only thing which they agreed to do is what it is said here we agree to do, and that is in the case of an attack to consult together to determine what measures, if any, we shall take in order to meet the exigencies of the situation.

Let us look at the triple entente a moment and see if that is true as to that agreement. It is true as far as Great Britain's participation was provided for by the correspondence with the French Government, but not true as to the agreement between France and Russia. It is not true that the triple entente was a mere agreement to consult together. The triple entente had its origin in a military alliance between France and Russia which provided as follows:

France and Russia, animated by a common desire to preserve the peace, and having no other aim except to be prepared for the necessities of a defensive war which may be provoked by an attack upon the forces of the triple alliance against one or the other of them, agree to the following terms—

The statesman who wrote that preamble foreshadowed what was to come years later. The agreement proceeded:

If France is attacked by Germany, or by Italy supported by Germany, Russia will employ all its mobile forces to fight Germany.

If Russia is attacked by Germany, or by Austria supported by Germany, France will employ all its mobile forces to fight Germany.

There we have the triple alliance on the one side and the dual alliance between Russia and France on the other side, to which England afterwards became a party, but in the correspondence between the British Empire and the Republic of France it is true that England did not agree to come to the defense of France.

It was not, Mr. President, the political grouping of Europe by these documents which brought on the war. Germany was the ancient enemy of France. She had invaded France, overrun her Provinces, and wrung from her large tribute. France feared and rightly feared a recurrence of this attack. When the triple alliance was formed, naturally France sought an ally in Russia, because the triple alliance was aimed at Russia and aimed at France. Oh, the Senator said, the British Empire simply agreed to a discussion of the question and there was no obligation to come to the defense of France. I shall not stop here at this late hour to discuss the reason why Great Britain entered the war. In her declaration of war, as stated by the Senator from Massachusetts [Mr. LODGE] the other day, the sole cause was placed as the invasion of Belgium by Germany. That was sufficiently stated by the Senator from Massachusetts and the Senator from Washington. But, Mr. President, there was another reason, I believe, why Great Britain could not permit the violation of Belgium. Germany would take Belgium and the Netherlands and would overrun France, and England would be the next.

England knew, whether there was any treaty or not, that if Germany, who had been preparing for this war for 30 or 40 years, should succeed in overrunning Holland, Belgium, and France, she would reckon with England next. England was fighting for the very existence of her Empire; every one knows that; and yet this most extraordinary example of the Triple Alliance and the Triple Entente, which were not the causes of the war at all, is brought forward here as the principal argument in opposition to the four-power treaty. As I have already said, the four-power treaty is not between political groups in opposition to political groups, but it includes all the powers having islands in the Pacific. It was not intended to apply to the mainland of Asia or to Russia or to China.

Mr. HITCHCOCK. Mr. President——

Mr. KELLOGG. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Is it not true that the Netherlands has islands in the Pacific?

Mr. KELLOGG. I was about to make a statement in regard to that. As to the Netherlands, the four powers attending the conference sent a note that it was the intention of the signatory powers to respect the territory of the Netherlands.

Mr. HITCHCOCK. Can the Senator state why the Netherlands was excluded from participation in the making of this treaty?

Mr. KELLOGG. The Senator from Massachusetts [Mr. LODGE] sufficiently stated that; I was not a member of the conference, and I can not tell; but would the Senator from Nebraska defeat the pending treaty because the Netherlands was not brought in? Would the Senator vote against the treaty because the Netherlands was not a party to it?

Mr. HITCHCOCK. Can the Senator state why the Netherlands was not admitted?

Mr. KELLOGG. If the Senator from Nebraska will answer my question I will answer his as well as I can.

Mr. President, has it come to this, that four of the great nations having possessions in the Pacific can not agree with each other that they will respect each other's rights, and can not agree that they will consult together if there should arise any dispute in order that the dispute may be adjusted?

In opposition to this treaty, which some of the Senators on the other side of the Chamber say amounts to nothing, if our construction is correct, they raise every objection—all the bogie men—that a distorted imagination can bring forth. It is said that the treaty will protect Japan in ravishing the Province of China. They forget that China has entered into a treaty with Japan settling substantially all the questions which have existed between those two Governments since the war, embodying greater concessions by Japan and resulting in a greater

success than any Senator believed the conference would bring about.

Mr. President, I say the pending four-power treaty meets the approval of the people of this country and the enlightened sentiment of the world. It is a step toward peace, and, coming after the great conflict which laid waste the fair lands of Europe and sacrificed millions of its sons, it does not become the Senate, representing the United States—the leader of this conference—to reject the treaty.

Mr. HARRIS obtained the floor.

Mr. LODGE. Mr. President, I have no desire to interfere with the Senator from Georgia or with the Senator from Wisconsin [Mr. LA FOLLETTE] who desires to present reservations. I was only going to propose that after a short executive session the Senate shall take a recess until 8 o'clock to-night, with the understanding that there shall be no votes taken and no quorum called at the evening session.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator present his suggestion in the form of a request for unanimous consent?

Mr. LODGE. I submit my proposal as a request for unanimous consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? If there be none, it is so ordered. It is, therefore, the order of the Senate that when the Senate takes a recess——

Mr. LODGE. It is understood that the Senator from Georgia [Mr. HARRIS] will now speak, and then the Senator from Wisconsin desires to present certain reservations to the treaty. Under the unanimous-consent agreement heretofore entered into the Senate will meet at 12 o'clock to-morrow. It is very explicit. That is the reason why I said nothing about the time of meeting to-morrow.

Mr. LA FOLLETTE. Of course, the Senate may remain in session all night, if it is desirable to do so?

Mr. LODGE. Absolutely. We have merely agreed to meet at 12 o'clock to-morrow.

Mr. JONES of Washington. And to recess until that time?

Mr. LODGE. The Senate may either take a recess or adjourn.

Mr. HITCHCOCK. I should like to hear what the request is.

Mr. LODGE. My request is that after the Senator from Georgia shall have concluded his speech, and after a short secret executive session, the Senate shall take a recess until 8 o'clock; and that it shall then remain in session as long as it sees fit, with the understanding that there shall be no votes taken and no quorum calls.

Mr. HITCHCOCK. Mr. President, the result of that understanding will be that there will probably not be more than five Senators present and a mere farce will be perpetrated.

Mr. LODGE. That may be. If the Senator from Nebraska thinks he can compel Senators to come here and listen to speeches, he may make the effort; he may compel them to sit about the neighborhood of the Chamber, no doubt.

Mr. HITCHCOCK. I think it would be better to have a session of the Senate and leave the matter as to whether or not a quorum shall be called to be decided at that time, and also as to whether votes may be taken.

Mr. LODGE. Very well, Mr. President, I am ready to vote at any moment. I made my request to suit the convenience of others; and the request came from the side of the Chamber of the Senator from Nebraska, not from my side of the Chamber. Of course, if the Senator from Nebraska wants to hold the Senate in continuous session and to have a series of calls for a quorum in order to make sure that there is a quorum in the neighborhood, it is his privilege to do so. I was trying simply to make an arrangement that I thought was agreeable to the great body of the Senate, as the request, I repeat, came from the side of the Chamber of the Senator from Nebraska, and not from my side of the Chamber.

Mr. HITCHCOCK. I will say to the Senator from Massachusetts that I have not found any Senators on this side of the Chamber who take that view of the matter.

Mr. KING. I do, and there are several others.

Mr. LODGE. It is useless to deny it, Mr. President. When I told the Senator that the request which I have preferred came from his side of the Chamber I meant it, and I told him the truth.

Mr. HITCHCOCK. I have discovered so far only one Senator who has made such a request.

Mr. LODGE. Must I produce evidence?

Mr. HITCHCOCK. No; I am not asking for any evidence. I do not think it makes any difference from which side of the Chamber the suggestion came; it leads to a farce when Senators are required to talk to empty chairs.

Mr. LODGE. I would be the last Senator to put any obstacle in the way of securing a vote, and if the Senator thinks that it is best that we should remain here and continue the session, with the constant demands for a quorum, with the result that Senators who desire to speak and who have put their names down may find themselves at 12 o'clock to-morrow without having had any chance to address the Senate, well and good; I have no objection personally.

The PRESIDING OFFICER. The Secretary will state the request for unanimous consent.

Mr. NORRIS. Mr. President, has there been any objection to the request?

The PRESIDING OFFICER. The Chair did not hear any specific objection.

Mr. NORRIS. Will the Chair not state the request to the Senate?

Mr. HITCHCOCK. I made objection.

The PRESIDING OFFICER. The Chair understands the Senator from Nebraska to object.

Mr. NORRIS. Then, when the absence of a quorum is developed the only motion that may be made is to adjourn.

Mr. LA FOLLETTE. Mr. President, in the meantime, while Senators are negotiating in respect to the session this evening, I should like to offer, if I may, some reservations intended to be proposed by me to the four-power pact. I ask to have them printed in the RECORD and also printed in the usual form and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that, upon one year's written notice given by one of said high contracting parties to this treaty that the party giving said notice desires to be released from the said treaty, the said party giving such notice shall, upon the expiration of one year from the date when such written notice is given to said other high contracting parties, be released from all obligations of said treaty.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that none of the high contracting parties shall, during the life of such treaty, without consulting the other parties, enter into any separate arrangement or understanding with another power, whether one of the high contracting parties or not, with reference either to their insular possessions and insular dominions in the region of the Pacific Ocean or to the Asiatic mainland, which shall in any way prejudice the objects and rights of the said parties under this treaty or which shall be inconsistent with the terms thereof.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made part of such ratification, that the agreement between Great Britain and Japan concluded at London on July 13, 1911, shall not in fact or in substance be renewed during the life of said treaty.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made a part of such ratification, that in case any of the high contracting parties shall have entered into any separate treaties, agreements, and understandings, whether public or secret, either between themselves or with any other power or powers, which are inconsistent with the terms of this treaty or prejudicial to its objects, it shall be the duty of such high contracting party or parties upon the ratification of this treaty to terminate such separate treaties, agreements, or understandings at the earliest time compatible with their terms.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to the Pacific possessions:

Provided, That it being the intention of the United States to grant full and complete independence to the Philippine Islands within 10 years, the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the high contracting parties to this treaty agree to recognize and respect the political independence and territorial integrity of the Philippine Islands after such independence is granted.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That it being the intention of the United States to grant full and complete independence to the Philippine Islands within three years, the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the high contracting parties to this treaty agree to recognise and respect the political independence and territorial integrity of the Philippine Islands after such independence is granted.

Mr. LODGE. Mr. President, before the Senator from Georgia proceeds——

Mr. HARRIS. I yield to the Senator from Massachusetts.

Mr. LODGE. Of course, if the Senator from Nebraska is going to insist that the Senate shall remain in session in the effort to secure an audience for the Senators who desire to speak, I shall take the sense of the Senate by making a motion to recess.

Mr. WALSH of Montana. Mr. President——

Mr. HARRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I submit an amendment which I intend to propose to the resolution of ratification, and ask that it be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. HARRIS. Mr. President, I strongly supported the Borah resolution to bring about a naval disarmament conference. The majority leaders in the Senate opposed the resolution until they realized it would pass the Senate, as all of the Democrats and many western Republicans favored it. I am supporting actively the naval armament limitation treaty, as well as the other treaties growing out of the purpose for which the conference was called. Had the Borah resolution provided for a four-power alliance or any such arrangement it would not have passed the Senate.

There is a general idea that the four-power treaty is an integral part of the disarmament feature of the Washington conference. An effort is made to connect with disarmament everything touching the conference, as disarmament is favored by all. The four-power pact has no connection whatever with the other treaties negotiated at the conference, but its supporters are trying to make it appear so in order to secure ratification.

The four-power treaty is an alliance, in my judgment, and one of the kinds of entangling alliances which this country has always avoided, beginning with the first warnings of George Washington. President Wilson fought to prevent such alliances for all time by the creation of the League of Nations, composed of all nations. The four-power treaty is contrary to the ideas and principles advocated by Mr. Wilson, who almost gave up his life to end just such entangling alliances as this one—which history shows have always been breeders of wars.

There is no way to compare a league for all nations with a league of four nations. They are different in purpose and in spirit.

The Republican leaders, with the aid of prominent Democrats, are trying to appeal to friends of the League of Nations with the same kind of argument as was urged by the Democrats when the league was before the Senate. Because the Republicans played politics with our foreign policies in 1919 and 1920 they are trying to create the impression that everyone in disagreement with them now is guilty of their tactics of two years ago. The Democrats have sincerely supported the purpose for which the conference was intended and gave every encouragement to it. They did not offer any embarrassment to the conference, which compares strangely with the tactics of the Republicans in 1919, who did everything they could to destroy President Wilson's influence while he was representing the United States in negotiating a treaty. The Republicans have played politics with foreign policies to such an extent that they think everybody else is guilty of the same policy.

The Senator from Arkansas [Mr. ROBINSON] offered an amendment, for which I voted. Practically all Democrats supported it, but it was defeated by Republican opposition. Had it been adopted I and nearly all of the other Democratic Senators would have voted for the treaty as amended or as a reservation. Under the four-power treaty, if there should develop any controversy between any one of the four powers relating to their insular possessions, far eastern questions, and so forth, only those four powers would consider "the most efficient measures to be taken, jointly or separately."

The Robinson amendment provided:

> If there should develop between any one of the high contracting parties and any other power or powers a controversy relating to said insular rights and possessions, or to any far eastern question which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting powers shall invite all powers claiming an interest in the controversy to a joint conference, to which the whole subject shall be referred for consideration and adjustment.

If China should have trouble with Japan about the island of Formosa, which Japan took from China in the Chino-Japanese War; if Russia should try to recover her losses taken by Japan and resist Japan's recent aggressions in Siberia; or if the Christians in Korea should try to regain their country, taken by Japan—and to-day's paper tells that since the way the Koreans were treated by the Washington conference they have lost all hope; that is stated in a telegram from Tokyo to the Washington Post—then, under the fourpower treaty, the United States is bound to consult only Japan, Great Britain, and France to settle the matter, although we are friends of those nations and people which are suffering from Japanese aggressions. If the views expressed in the Robinson amendment had prevailed all parties to the dispute would be at the conference instead of its being a one-sided affair.

Some who have urged support of the four-power treaty insist that in principle it is like the League of Nations. The opposite is true, in my judgment. It has none of the advantages of the league and all of the dangers feared by those opposing the league.

Just after the armistice, in Manchester, England, former President Wilson said:

> You know the United States has always felt from the very beginning of her history that she must keep herself separate from any kind of connection with European politics, and I want to say very frankly to you that she is not now interested in European politics. But she is interested in the partnership of right between America and Europe. If the future had nothing for us but a new attempt to keep the world at a right poise by balance of power, the United States would take no interest, because she will join no combination of power which is not a combination of all of us. She is not interested merely in the peace of Europe but in the peace of the world.

The Senator from Alabama [Mr. UNDERWOOD] frankly admitted that he had not heard of the four-power treaty until it was ready for signature. Last week Mr. Barrant, a French delegate to the conference, in the presence of Premier Poincare, admitted he had not been consulted about it in the preliminary stages, and he was severely criticized on that account. When the first information was given out about the treaty, President Harding said it did not include the mainland of Japan. Such lack of knowledge of the provisions of the treaty shows that a few questions about it are not out of place, but those in position to know decline to give us information. If President Wilson had made such a statement about the Versailles treaty, it would have furnished a text for daily debate in the Senate, while President Harding's statement has only been mentioned once. For my part, I hope the party to which I belong never will be discourteous to the President of the United States, no matter how much they differ with him; and I do not believe that the Senators who were discourteous to President Wilson are now proud of that record.

A simple request for information seems to offend the Senator from Massachusetts [Mr. LODGE] and other leaders, although the Senator from Massachusetts was very bitter in his denunciation of President Wilson about giving information as to the negotiations at Paris. It is a striking contrast. Secretary Hughes did not appear before the Senate Foreign Relations Committee. The committee declines to call him before them. President Wilson and Secretary Lansing appeared before the committee and were questioned at great length by members of the committee.

Japan and Great Britain have an alliance which is about to expire. Canada, Australia, New Zealand, and other dominions of the British Empire were opposed to a renewal of this alliance. Japan and Great Britain said their alliance did not apply to the United States. Supporters of the treaty say it was intended to end the Anglo-Japanese alliance, which supporters of the treaty disapprove. They argue that we should do away with a two-power alliance, but substitute this four-power arrangement, although Japan and Great Britain said their alliance was not aimed at America. Japan, Great Britain, and France are already members of the League of Nations.

It is likely that the four-power treaty will be ratified, and, in my judgment, when the American people find out what it really means they will agree that it should have been extended to all nations.

No Member of the Senate would go further in supporting measures than I would to bring peace to our country and the world. I would gladly support the four-power treaty if I thought it would accomplish peace. But when history shows that such arrangements between a few countries have always brought about wars, and when all of our great leaders from George Washington to Woodrow Wilson have opposed and warned us against just such alliances, and when it has been against the policy of our Government for all time, I can not give it my support.

Mr. LODGE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Capper	Elkins	Hale
Broussard	Caraway	Fernald	Harris
Bursum	Curtis	Gerry	Harrison
Cameron	Edge	Glass	Heflin

Hitchcock	McKellar	Pepper	Stanfield
Johnson	McKinley	Pittman	Sterling
Jones, Wash.	McNary	Ransdell	Townsend
Kellogg	Moses	Sawyer	Underwood
Kendrick	Nelson	Reed	Wadsworth
Keyes	New	Robinson	Walsh, Mont.
King	Newberry	Sheppard	Warren
La Follette	Nicholson	Shields	Willis
Lenroot	Oddie	Shortridge	
Lodge	Overman	Smith	

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Fifty-four Senators having answered to their names, a quorum is present.

Mr. LODGE. Mr. President, I wanted a quorum in order to have the Senators here. I fear that some have gone already, expecting that the arrangement would be made which was made last evening. I desire to make the same request—that after a brief executive session the Senate will stand in recess until 8 o'clock, and then return, to sit for such period as it may choose, and that the understanding shall be that there shall be no vote, and no quorum call, of course.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that after a brief executive session the Senate will take a recess until 8 o'clock; that it will convene and remain in session so long as may be desired, with the understanding that there shall be no vote on any proposition and no call for a quorum. Is there objection?

Mr. REED. Mr. President, I presume that we might just as well consent to the request, because the Senator from Massachusetts has it in his power to adjourn the Senate until tomorrow at noon, if he sees fit to take that course. My preference would be that the Senate should remain in session as it would under ordinary circumstances, because then the Senate would be here. Everyone knows that under the arrangement suggested there will be practically no attendance. I want to take this occasion to say that it will be some time before there is another unanimous-consent agreement to vote on any question requiring discussion.

I do not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

SECRET EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to; and the Senate proceeded to the consideration of secret executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.), under the order previously made, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate, in open executive session, reassembled at 8 o'clock p. m., on the expiration of the recess.

THE FOUR-POWER TREATY.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. WATSON of Georgia. Mr. President, a lady of this city, Miss Lillian Scott Troy, placed in my possession this morning a booklet which she has caused to be published. While I have not had time to verify her statements, I have no reason to doubt their correctness.

Ordinarily, when a subject of one country publishes a libelous attack upon all the people of another it is a matter of which the government of that country will take no notice, it being considered an individual affair. In this case the publisher is well known as the author of several standard works. He is known to be the personal friend of the British ambassador, Sir Auckland Geddes. He is known to be a frequent visitor at the British Embassy. He has been decorated by the Governments of Great Britain and Japan, as well as that of Belgium. Therefore what he says against our people in general—drawing what Burke said could not be drawn, an indictment against a whole people—has some significance when we remember that we are now asked to enter into an alliance with his country, he the friend of the British ambassador.

It is said that some Senators from the South are going to vote for this revolutionary departure from our traditional policy. I want those Senators from the South to hear what this friend of the British ambassador, this honored guest of the British Embassy, this wearer of decorations from Japan and Great Britain, has said about us as a people. Writing of the colonizers of Virginia and the South, Mr. A. Maurice Low says:

> In the early days many of them went there because they had no option, because they were criminals and paupers; they were transported by the Government, as in later days English criminals were sent to Botany Bay.

Think of that! The South compared to the slave colony of Botany Bay! Criminals! Paupers! So says this friend of the British ambassador, this visitor to the British Embassy. He further said:

> Some immigrants to Virginia were, to some extent, a shiftless and degraded set of creatures from slums and jails of English seaport towns.

Virginia, in whose Jamestown settlement was set the foundation of American democracy, representative government, manhood suffrage, trial by jury, while Massachusetts was making the experiment of a theocracy which did not work.

He further said:

> The men who have made some parts of the South a dark and bloody ground, where to this day the only law known is the law of the rifle and the knife, where dense ignorance prevails and superstition holds sway, are the legacy of this colonial era and its social system.

And from the South have come so many of the intellectual stars that light the galaxy of America's pride, that one could stand an hour, mentioning their names and giving a brief summary of their deeds. From the South has gone much of the money and the missionaries which converted Korea to Christianity, which Japan is now trying to stamp out.

> The negro fastened his own weaknesses, his shiftlessness, and his slackness upon the southerner.

In the South, as elsewhere, we have our shiftless class of negroes, but they are very much in the minority. The greater number of the negroes of the South have learned the ways of civilization and Christianity, and the tax books, the official records, will show how rapid has been their accumulation of property. Their schoolhouses and their churches compare favorably with ours, when we consider that a few years ago they were slaves. Mere justice to my black constituents in the State of Georgia, whose good will and confidence I am proud of, impels me to say that they have been foully slandered in this book of the friend and guest of the ambassador of Great Britain, who now has an office here in Washington City and a membership in the Cosmos Club—which ought to expel him.

> Blacks corrupted their masters and corrupted their morals. The effect of slavery was more demoralizing in South Carolina than in any other colony.

This friend of the British ambassador says that slavery demoralized that State to a greater extent than it demoralized and debauched and degraded any other State. I wonder if a Senator from South Carolina would dream of voting for this damnable treaty.

Mr. SMITH. Not this Senator.

Mr. WATSON of Georgia. I know that.

Mr. SMITH. The Senator from Georgia said "a" Senator.

Mr. WATSON of Georgia. I said I wondered if a Senator would vote for the treaty; yes. I know the Senator's position.

Again, another British writer, Mr. P. A. Vaile, in his book Yankee America's Peril, said:

> Quite a few men in America are effeminate looking. Many of the young men have quite nice waists, and then are developed not quite so sturdily as one who has the welfare of the Nation at heart might wish; in fact, not to put too fine a point on it, their development beneath the waistline is distinctly feminine.

He then goes on to say:

> It simply means, of course, that from the boy who shines your boots to the Senator they are a nation of "boodlers."

From the boy who shines your boots to the Senators here in this Chamber, they are boodlers! That is not a pleasant thing to read from the bosom friend, the constant guest of the British ambassador, the man who belongs to the Cosmos Club, and who has entrée to the British Embassy. Boodlers, bootblacks, and Senators! I see one of them standing before me now.

Mr. REED. I will sit down after that.

Mr. WATSON of Georgia. I read further:

> Yankee! Yankee! Yankee! Have you anything in your land that is not hollow?

To-morrow's vote will begin to show. To-morrow's vote will show whether we have anything in the land that is not hollow. I am not drawing the inference myself. He is doing it.

A little further on he said:

> The population of America consists to a large extent of offcasts from every land on the face of the earth.

Now listen to this:

> By the time I had been in the States a month I began to ask myself was any woman in the land to be trusted.

No virtue in these United States? An insult to your mother, if she is alive; an insult to your wife, if she is alive; an insult to your daughter, if she is alive; an insult to your granddaughter, if you have one; an insult to your sister; an insult to American womanhood, for which every American man has been ready to risk and lay down his life if accusation were brought against it, impugning its honor, its splendid elevation.

No American woman pure, says this prominent English writer, who writes in the same way as does the friend of the British ambassador, this man who is the welcome guest at the British Embassy and who wears the imperial decoration of Japan, of Great Britain, and of Belgium.

They may say they did not know he had said it or had written it or had published it. They will know it in the morning.

Mr. President, the junior Senator from Ohio, my good friend Mr. WILLIS, placed in the RECORD two editorials, one by Mr. Clark Howell, Georgia's member of the National Democratic Committee, the other by Mr. William J. Bryan, often the nominee of the Democratic Party for the Presidency, now a resident of Florida.

As to Mr. Howell, who edits, perhaps, the most widely circulated daily newspaper in the State of Georgia, I will simply say this, which the Senator from Ohio [Mr. POMERENE] could not have been supposed to know: In the campaign of 1920 Mr. Howell placed in the race for a seat in this body the governor of Georgia, and he ran on this issue. He was not elected; he was overwhelmingly defeated, in spite of all the valiant service which could be rendered to him by my personal friend, Mr. Clark Howell. Had he been elected he might have been making a different speech from the one which I am trying to make to-night.

As to Mr. Bryan, I would not want to say anything that is at all malicious, although I have no cause to love him. It will be remembered that he opposed the Spanish-American War, and then came, in his grandstand manner, to offer his services as a soldier to President McKinley. He went to the White House to do it, instead of enlisting as the others did out in Nebraska. President McKinley made him the colonel of a regiment, but another man had to drill it for him. He was sent down to Tampa, Fla., where he fought sand flies and mosquitoes in the most heroic manner. There were no audiences down there to speak to, and President McKinley did not want him to get to Cuba, lest he spoil the plans of the campaign. He was kept at Tampa until he got tired of it. He wanted the war to close, so he came to Washington City, wearing his uniform, and he implored several Democratic Senators to lend their votes to our Republican friends on the other side of the Chamber to ratify the treaty of Paris by which our taxpayers invested $20,000,000 in buying property which our soldiers had won with their blood. He succeeded in lending our Republican friends a sufficient number of Democratic votes to ratify that treaty. We thereby obtained the Philippines, and the Philippines are now being used as the excuse for going into this four-power pact.

One of the Senators who was persuaded by Mr. Bryan to vote for that treaty was Mr. Clay, of Georgia. I was at Mr. Clay's house a short while before his death. He knew that he was afflicted by an incurable disease. In his house and at his table he told me that his vote for the Paris treaty was the one act of his political life that he most regretted; that he had been persuaded to cast that vote by Mr. Bryan. The widow of Senator Clay still lives, and by the magnanimity of this Republican administration the widow of that Democrat remains the postmaster of her home town at Marietta, and I am sure if she were asked to do so she would corroborate every word that I have said. With the solemnity of a dying confession Senator Clay expressed his profound sorrow that he had allowed Mr. Bryan to overpersuade him. Any southern Senator who now allows Mr. Bryan to persuade will carry similar regret to the last day of his life.

The other Senator from Ohio [Mr. POMERENE], who is also personally my very good friend, spoke of George Washington as being obsolete, out of date, old fogy, behind the times; that he had not dreamed of railroads, telegraphs, telephones, radio stations, airplanes, submarines, or any of the new adjuncts of modern civilization, and therefore what he said about the fatal consequences of foreign entanglements did not apply. The natural consequence of the Senator's logic was that if he had known of the railroads, telegraphs, telephones, radio stations, airplanes, and submarines he would have withdrawn his Farewell Address. I wonder what the voters of Ohio will say about that matter in a few days?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. WATSON of Georgia. With pleasure.

Mr. REED. I think it is very true that when Washington wrote his Farewell Address he had not heard of the airplane or of the automobile; he had not even heard of a Ford. If the argument is good that because he had not heard of these instrumentalities of modern locomotion, the principles of government which he announced are thereby destroyed. I wonder what my friend from Ohio would say of the Sermon on the Mount. At the time it was delivered, or shortly before, Christ had ridden into Jerusalem on an ass and He has never heard of a "Tin Lizzie," or of any of the modern appliances, and yet some people think that the principles of the Sermon on the Mount live notwithstanding modern inventions.

Mr. KING. The Senator might also mention the Ten Commandments.

Mr. WATSON of Georgia. The line of argument pursued by the senior Senator from Ohio would, first of all scrap the Constitution itself, then, of course, it would scrap the Golden Rule, and, of course, it would scrap, also, the Sermon on the Mount.

Mr. REED. And also the Ten Commandments.

Mr. WATSON of Georgia. Oh, yes; and also the Ten Commandments.

We heard an eulogy delivered here on Mr. Elihu Root, who is said to be a great man actuated by pure and lofty motives. Mr. President, I think that a lawyer who has consciously devoted his whole life to showing law-breakers how to escape the penalty of their crimes does himself become morally warped because of having done that. Let us see. When Mr. Root was Secretary of State under President Roosevelt he violated the honor and the contract this Government pledged to Korea in 1882; and, after having done that and drawn his friend, the President, into it, he went to Chicago and drove a knife into his back; he steam-rolled his delegates, and nominated Mr. Taft, who had placed his brother's law partner in the Cabinet, in which position that law partner of Henry Taft surrendered to the Sugar Trust the Philippine lands, for which this Government had paid the friars $7,000,000, and he sold them to the Sugar Trust for less than our taxpayers had had to pay for them.

Mr. President, it is a small matter to mention, but the four-power pact and its supplementary treaty show the punctuation of a lawyer, and not that of a literary man. Having been both a lawyer and a literary man, I know the difference between the one system and the other. So I say a lawyer wrote that document, as it has the punctuation of a lawyer. It is not necessary to impute corrupt motives to Mr. Root. He is a lawyer representing his client, and his client is the Anglo-Japanese alliance, and he wants to change that contract in the interest of his client, and to give to that client two more allies which will contribute to Japan's military strength an irresistible force already in existence.

We are told that this pact will exist only for 10 years. Of course, on its face it is plain that it will last for 11 years. It is said that nothing can happen in Russia in 11 years. How does anybody know that? A good deal is happening in Germany right now. With her abundance of paper money she is industrially on her feet, and she is again competing with American and English manufacturers in nearly all the marts of the world. We, deprived of paper money, deprived of circulation to the extent of $2,000,000,000 in two years, are on the very brink of economic ruin, and unless our financial policy is reversed and the money put back into circulation there will be no rehabilitation of our industrial and economic system.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. WATSON of Georgia. Certainly.

Mr. REED. Since the Senator has been speaking about Mr. Root, I should like to ask him if he saw this article in the Chicago Herald-Examiner of Friday, October 28, 1921? It is very short. It is by Oswald F. Schuette, a writer of prominence:

WASHINGTON, October 27.—A prominent American who returned recently from London and who had access to the highest British and American officials brought back the following account of British interest in the American delegation to the Washington conference on armaments.

When President Harding made public his plans, the British Prime Minister sought to learn details of the plans from an American in London who is known to sustain exceedingly intimate relations with the White House.

"Do you know whom your President is likely to name as delegates to this conference?" asked Lloyd-George.

"If he follows the usual custom," was the reply, "he would name Senator BORAH, because it was Senator BORAH whose resolution for an armament conference really started this whole matter."

"But he is a fanatic," was the complaint of Lloyd-George. "We never could get along with him. Is there anyone else who is likely to be named?"

"Senator Knox," was the second suggestion. "He is a former Secretary of State, a leader in the Senate, and an authority on international affairs."

"He is too pig-headed," was the explosive comment of the British premier. "Why does not President Harding name some one like Elihu Root? We could deal with him."

In this connection, I call attention to a fac simile letter which was printed on March 19 in the New York American, on the letterhead of the United States Senate, Committee on the Philippines; in the upper left-hand corner, "Warren G. Harding, Ohio, chairman."

JUNE 30, 1919.

Mr. WILLIAM F. BREWSTER,
Edison Building, Chicago, Ill.

MY DEAR MR. BREWSTER: Permit me to make grateful acknowledgment of your gracious letter of June 28.

We seem to be in essential accord about the League of Nations, and I quite agree with you that it has been helpful that we had pioneers in attacking the plan which has been negotiated by the President.

I have been very much interested to note the contents of your letter to * * *. What especially attracted my interest was your reference to Mr. Root. I join in paying very high tribute to Mr. Root's commanding ability, but I agree with you that he is not infallible and I am perfectly frank to say he has not been so helpful as he might have been in dealing with this matter, if he had been free from professional entanglements which have committed him more or less to the League of Nations plan.

Very truly yours, W. G. HARDING.

I think the two statements fit somewhat into the Senator's remarks.

Mr. WATSON of Georgia. Mr. President, they do. I had a photographic copy of that letter in my hands or on my desk when I spoke here the other day; but it had not then been made public property, as it has now been, and it has always been my conception of propriety to not use a private letter in public without the permission of the person who wrote it; and not having that permission, and the letter not then being public property, as it is now, I did not feel free to comment upon it. What the Senator from Missouri has read into my remarks exactly tallies with what I was saying. The English Government wanted Mr. Root because he is their lawyer. He is the attorney for the Anglo-Japanese alliance, and he is the attorney of the J. P. Morgan banking house. He is the attorney of the international bank, and behind all of this drive are the international bankers who mean to exploit China, Siberia, and that island which, it is said, has as much mineral wealth as Mexico—Sakhalin. It is virtually a part of the mainland of Russia, but our negotiators said it was six or eight hundred miles off.

Mr. President, the Senator from California [Mr. SHORTRIDGE], answering a question put to him by the senior Senator from Missouri [Mr. REED], stated to the Senate that he had run on the issue of the League of Nations, but he considered this nothing of a league and that therefore there was no inconsistency in his supporting this while he opposed the other. To show you how careless have been those who wrote this treaty and who have spoken about it, he put into the RECORD a clause which states that the United States do not assent to the mandates given to Great Britain and to Japan at Paris—mandates over those 25,000 islands in the Pacific Ocean. Why, Mr. President, the Yap treaty contains the express language "The United States consent to those mandates." Which of these was written first? Here is the supplementary treaty, the declaration accompanying the above four-power treaty. It says the United States do not assent. The Yap treaty declares that the United States do consent. Which was written first? Were they written by the same man? Why could he not remember what he wrote?

The Senator from California asked, "What is mysterious about this?" Well, I think that is mysterious. In the one, where we are told it is merely a matter of laying a cable on the way to China, the United States are made to consent to those mandates—to consent so far as Japan is concerned in express terms, and by implication to consent to Great Britain, because we can not consent to the one and deny the other. That must be manifest to every intelligent mind. Yet here we have these two treaties. The cable company Japan may control by buying up a majority of the stock, and censor all the news that we send to the East, and all that the East sends to us. In the Yap treaty we consent to those mandates which carry out the secret agreement which Mr. Balfour denied, and which, if we had known, we would have required to be abrogated before ever we sent our boys abroad to die for France and for Great Britain. In the one we say we will not consent; in the other we do.

And whispering I'll ne'er consent—consented.

What sort of attention was paid to our national honor and our interests when Singapore, at the end of the Malay Peninsula on the China Sea, was classed as a Pacific port—a port of transit through which passes the commerce of 500,000,000 people on the one side and 500,000,000 on the other, one-third of the human race?

Mystery? Why, there is mystery after mystery in this treaty. The Borah resolution did not call for anything but disarmament, and the whole country got the idea that we were going to have peace, peace, no more wars, and there was a grand flourish and a fanfare of trumpets at the opening of the conference in the hall, as I understand, where they were guests of the Daughters of the American Revolution. I wonder if those noble, patriotic women dreamed that as their guests these men were going to conspire to surrender the independence, the glories of the Revolution, which that order was founded to keep fresh in the memories of succeeding generations!

We heard about the naval ratio, 5-5-3. We heard about the tariff that China was to be allowed to increase slightly. We heard about the submarine, the poison gas, and all the rest of it. The one thing we heard not one whisper about was this surrender of American freedom; because you do surrender freedom when you tie your hands in a four-power pact or a pact with any other number of powers. It can not be denied. If you go into any kind of organization, church or lay, you surrender part of your individual independence. In becoming members of society the individual is assumed to have been willing to surrender a part of his individuality to get the protection of the whole. That is the very basis of society; and what is true of a society composed of individuals is necessarily true of a society composed of nations.

With whom are we going into a combination and against whom? We are going into a combination with a pagan Empire which is now waging war upon a Christian-converted country, Korea, and is making war upon a great Greek Catholic Empire, Russia. We are paganizing ourselves to assist the Buddhists to rob the Christians of Russia and Korea. Can that be defended in any forum where reason prevails?

Mr. STANLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. With pleasure.

Mr. STANLEY. I have heard much of this pagan alliance with Japan in answer to the beautiful beatitudes connected in a smoky and vague way with this treaty. The inference is that we are united with our Christian brother, England, in the spread of the spirit of the Redeemer throughout the world. I wish to ask one of the greatest historians who has ever adorned this body whether I am not right in the statement that from the day the first Christian perished on the bloody sands of a Roman arena, until the last Christian gave his life rather than burn incense before the altars of Diana, in one year, in a single 12-month, Great Britain has caused the death of more Christians by Turkish brigands and Turkish janissaries than ever fell before all the powers of all the Nerons and all the Domitians and all the Tiberiuses that ever made war upon the Christian faith throughout the whole history of the Roman Empire?

Mr. WATSON of Georgia. That is true, Mr. President, and a comparatively recent illustration of it is this: That the Crimean War was fought for the purpose of maintaining the rule of the Turks who had committed all sorts of atrocities against the Christians in the Balkan Peninsula and against the Christians in Armenia.

Mr. STANLEY. At that point, not to interrupt the Senator, I often wondered why——

The PRESIDING OFFICER. The Senator from Kentucky will address the Chair first to determine whether the Senator having the floor will yield. That is the procedure which must be followed.

Mr. WATSON of Georgia. I gladly yield.

Mr. STANLEY. I anticipated no trouble there.

The PRESIDING OFFICER. It is not a question of anticipation; it is a question of a rule of this body.

Mr. STANLEY. If I have stepped incontinently on the toes of the Presiding Officer I most humbly apologize; it was not intentional.

The PRESIDING OFFICER. There is no apology needed. It is only a question of following the rule. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. With pleasure, Mr. President.

Mr. STANLEY. Mr. President, may I interrupt the Senator from Georgia?

The PRESIDING OFFICER. The Senator from Georgia yields.

Mr. STANLEY. We are as highly technical as this treaty. I often wondered why, at the foot of that beautiful poem now quoted in all our textbooks, "The Charge of the Light Brigade at Balaklava," where

Cannon to right of them,
Cannon to left of them,
Cannon in front of them,
Volleyed and thundered,

While the Six Hundred went to death and to immortality, they did not write, "Not one of them fought or one of them fell, not one of them gave his red and heroic blood, in order that a pagan Turk might murder a Christian with impunity in Armenia, under the aegis of that Christian and canonized nation, Great Britain."

Mr. WATSON of Georgia. Mr. President, that is quite true. The net result of the Crimean War was to continue the power of Turkey; but we need not be surprised at anything done by Great Britain; and when I say that, I mean the governing powers there, the oligarchy. I do not mean the people, because by blood I am an Englishman myself.

Mr. STANLEY. So am I.

Mr. WATSON of Georgia. But the governing power there is like it is in so many other countries—it represents caste and privilege and organized wealth, disregarding the rights of the masses and the true interests of civilization.

I was about to refer to Russia when my friend, the Senator from Missouri, got in. How does anybody know that Russia will not come back within 11 years? How does anybody know that her armies will not be marching toward the Arctic Circle, within the next week or the next month, to hurl the Japanese away from what is really the Russian mainland, not only in Siberia but in the island of Sakhalin, which, for a part of the year at least, is connected with the Russian mainland, and which is as much the property of Russia as Alaska is ours?

In that case, then, we will be bound to raise another expeditionary force, and again have American blood reddening the snows of Siberia. We may have again another blockade of the Russian coast, reducing noncombatants—men, women, and children—to the agonies of starvation. Stranger things have happened. We did not think we would get into this World War, but we did, and we are not out of it yet. I wish to God I could see before me far enough to fix the time when we will be out of it, and out of its direct and dire consequences.

Senators on the other side say that there are no words in this treaty which bind us to an alliance and commit us to sending military and naval aid to repel the aggressions which some fifth power may make on one of these four. No, the words are not there. Elihu Root and Arthur Balfour were too shrewd to show their cards. They dared not write those words expressly in the treaty. They wanted the American people to be duped. They wanted the American people to believe that this treaty meant peace, the end of war. Therefore, with the cunning of a shrewd lawyer who had been cunning enough to keep out of the penitentiary some of the worst criminals that ever trod the American continent, this shrewd lawyer wrote words which, while I think they convey his meaning, are not so very plain as to catch the attention of the ordinary American reader, who suspects no guile, because, as a rule, the American is not a man of guile.

Going to another point, American missionaries, American Bible women, American school-teachers, American surgeons, financed by the money given in our churches by consecrated Christians, had turned Korea into a Christian land, which led our great Georgia Methodist missionary, Warren Candler, to say that St. Paul never had such an opportunity in his life as we had in Korea. At Seoul the Christians had one of the most magnificent universities on the globe. They had thousands of schools, thousands of churches, millions of devoted converts. The Buddhist Japanese have been burning those schoolhouses, burning those churches, burning the worshippers in the churches, butchering the converts, torturing the girls, torturing the boys, torturing the men, torturing the women until the horrors of the Dark Ages have been excelled; and we are becoming partners to it. It was going on while these conferees were sitting as guests of the Daughters of the American Revolution. Was there any protest, any remonstrance, any expostulation? Not a word. On the contrary, we were so tender of the feelings of these Buddhists that the chaplain, the Christian chaplain who opened the session with prayer, was not allowed to mention the name of his Lord and Saviour, Jesus Christ. Surely we must be very much afraid of Japan.

Do not Senators argue here, on both sides of the aisle, that there was a great emergency upon us, a great danger from the Anglo-Japanese alliance? Do they intend to go before their constituents in the fall election——

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. With pleasure.

Mr. STANLEY. The Senator from Georgia, with perfect respect to both! Again invoking the profound knowledge of history of the Senator from Georgia, does he know of another instance in the history of the world except the opening of this conference where God Almighty was ever insulted by a doctored prayer?

Mr. WATSON of Georgia. Mr. President, I do not know of any such instance. If somebody wanted to censor the prayer of our Chaplain, the worthy Doctor Muir, there would be a riot on the floor of the Senate. I wish to know what line of defense the senior Senator from Ohio [Mr. POMERENE], who is soon to go to the judgment bar of public opinion in his State, will take, able lawyer that he is, when he is asked to explain why he virtually indorsed the striking out of the name of Jesus Christ from a Christian prayer. I would like to know upon what line of reasoning he is going to defend himself before the brave people of Ohio after having stated here that we must vote for this abomination, this surrender of our perfect, unfettered freedom, because we are afraid of Japan.

I, for one, would not dare to go back to the State which I have the honor in part to represent here and tell my people there that I made the plea of a coward, in behalf of cowards, and based my action upon craven cowardice.

The very women would beat me off the hustings with their house brooms. But that is the attitude taken on the other side of the Chamber, and the attitude taken on this side by those who advocate this abominable departure from historic American policy which has made our country the most powerful in the world.

The PRESIDING OFFICER (at 9 o'clock and 1 minute p. m.). The Chair is obliged to state to the Senator from Georgia that his hour has expired.

Mr. WATSON of Georgia. Have I 30 minutes more?

The PRESIDING OFFICER. The Senator has 30 minutes on the pending amendment.

Mr. WATSON of Georgia. I will address myself to that, at once.

As I was saying a moment ago, they have told us that this is an alliance or agreement or compact to confer, as the junior Senator from Missouri [Mr. SPENCER] said, "an agreement to get together and talk." Why was any agreement needed for that? Men can always talk; so can women. Why was any agreement necessary for that? If the propagandists put this over, they will have 11 years in which to perpetuate its life by similar methods. If what the people said at the polls in November, 1920, can be so soon forgotten, what will be forgotten before the 11 years are up? The propagandists, the invisible powers, the irresistible force that can put this thing over, can put anything over, including a life term for the President, which will be a thinly veiled monarchy—and that is the goal toward which we are tending.

The Senator from California [Mr. SHORTRIDGE] declared his belief that the Japanese question on the Pacific coast would not be affected by this treaty. Why, Mr. President, this treaty throws the case into the jurisdiction of a court where Japan will have greater influence than ourselves, because she is a member of the League of Nations, into which she could drag us to try that case, and the league does not love us, for we did not join it. Her case will virtually be tried by herself.

She will be the judge of her own case. Is not this a Pacific question? The treaty expressly states that Pacific questions shall be the subject of conference and of adjustment. She need not try it in the conference composed of the United States, France, England, and Japan. She can summon the United States to plead before the bar of the council of the League of Nations, and if the United States refuses to answer the summons to obey the process our refusal will be an act of war, and every one of the 50 nations in the League of Nations will at once become our enemy under the covenant of the league.

The junior Senator from California said that the treaty binds us to no more than to respect the international rights of other nations. International law does that much. To trample upon the rights of another nation is a cause of war under international law, and it was that which caused President Wilson in his address to Congress to ask for the declaration of war that led us into the European conflict. That is international law. They need not to juggle behind closed doors, whispering to one another, week after week, to reach that point. International law does it. We do not need four powers to agree on that. That is the law applying to all the powers.

The junior Senator from California, who was elected as an opponent of the League of Nations, said that international law allows the State of California freedom of legislation against the Japanese. I dispute that proposition. I know he is an able lawyer, a gentleman for whom personally I have the greatest respect and with whom I live upon the most cordial terms here in the Senate. But, Mr. President, the international law, as he will find it in the standard authority of Hall, sixth edition, pages 211 and 212, says that no State of this Union, nor

can the whole Union, under international law pass any statute which discriminates against any one country. The law must be uniform. It must apply alike to all. That is in international law.

In the case of a question arising as to whether Japan's nationals are being treated on an equality with the nationals of France, England, Germany, or any other country, Japan decides that question for herself. That is the principle of international law. See what dangers there are in the California question, a Pacific question under international law and under this compact.

As I have said once or twice previously, the old fight, so arduous, so long, and so self-sacrificing, that our forefathers made to win our present freedom thrills me with its memories and inspires me to make one more effort to arouse public sentiment against this abject surrender to Great Britain and Japan. I would like to see our country always free, worthy of the struggles of our forefathers. In the old country a man of my name, of my family and my blood, refused to take office under King George III until he had promised to allow his Prime Minister to recognize the independence of these struggling Colonies. At the same time that he was doing that in the old country my immediate ancestors in name, in family, and in blood were giving their lives to win the independence which has been our proud heritage.

Liberty lighting the world! And now we league ourselves with those who are trampling out the liberties of the world in India, in Korea, in China, in Siberia, in Syria, and in Mesopotamia. When the time comes that we can no longer sing the Star-Spangled Banner, when the flag no longer waves in the sunlight or in the evening's glory, when this no longer is "the land of the free and the home of the brave," I for one would rather be at the bottom of the narrow home where some day my bones must rest.

In the beauty of the lilies Christ was born across the sea,
With a glory in His bosom that transfigures you and me:
As He died to make men holy, let us die to make men free.

Has that old spirit died out? Is the spirit of seventy-six gone? Is it all over, this dream of a free Republic? Is it all over? It seems so, Mr. President; it seems so! We are going into an alliance with the greatest enemy of human freedom that ever built an empire.

Think of their hiring East Indian negroes to burn and ravish day after day and night after night the coast and towns of Virginia. Think of their hiring savage red men to burn, to slave, to scalp, to tomahawk men, women, and children in the South and on the northwestern frontier. Think of their burning this Capitol, burning the White House, stopping our ships on the high seas, seizing American sailors and driving them into involuntary servitude on the battleships of England. Think of the way they murdered millions of Chinese to force the opium trade on them.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. I yield with pleasure.

Mr. STANLEY. While the Senator is recounting the interesting history of the employment of negro slaves to turn rapists and murderers in Virginia, of red savages to massacre women and children, and of the hiring of the Prussian hordes, I would like to remind the Senator, just to make his picture complete, that the only reason why we did not suffer the horrors of 20,000 Russian cossacks at the same time was because Catherine II—yes, even Catherine II—had too much decency to sell them to George III.

Mr. WATSON of Georgia. I accept with great pleasure that addition to what I was saying.

Would that I had the time to give the Senate and the country something of the public morality of Japan. It is the only country on earth where a candidate for high office publishes the fact that he has been indorsed by the lawyers, by the merchants, by the bankers, and by the prostitutes. I can see where the lawyers might come in and the bankers and the merchants, but how the prostitutes got in I do not know. Japan is the only country on earth where a candidate publishes the testimonial of the head woman of the guild of prostitutes, because they are organized in a guild, these gilded women. It is the only country on earth where a man near to the Emperor published a defense of the foul, cowardly assassination of the Queen of Korea. He had no conception of the moral turpitude of that deed. We could form an idea of the character of such a defense if we could suppose that some American lawyer had published a defense of the assassination of President Lincoln.

Oh, I suppose we are going in. Politics make strange bedfellows, but it never made a stranger one than when we took in a country where they elect the man vouched by the geisha-titutes. I feel like crying, "Come back to us, Bayard, the knight without fear and without reproach." I feel like the country needs a new baptism in the old doctrines of Americanism for which our fathers fought, of which our statesmen thought, for which our workmen wrought, and which have been the warp and woof of our greatness.

Mr. REED. Mr. President, I am perfectly aware that the only purpose any remarks may have at this point in the debate will be to, in a way, sum up the arguments that have been made and to state the case as it has been clarified by debate. It is too late to change votes in the Senate. It is, perhaps, not too late to enlighten the country.

When the League of Nations compact was before the Senate, the valiant leader on the Republican side fought for time; he exhausted all the ingenuity of his great mind in seeking to gain sufficient time for action by the country. Time was gained; and whether the opponents of that treaty were right or were wrong, a question which I do not propose now to stop to debate, the country was finally permitted to express its voice.

If the last election had been fought out between a four-power alliance and the League of Nations—that is, between a four-power alliance and an alliance of 48 powers—who shall say that Warren G. Harding would have been elected President of the United States? The issue presented to the American people was not that issue. The issue presented to the American people was a League of Nations, whose opponents claimed it to be an alliance with foreign powers, and a candidate who declared on a hundred platforms, and, I think, a thousand times on his own front porch, that he was opposed to every form of entangling alliance. That verdict rendered, he came before the American people in an inaugural address, in the opening paragraphs of which he renewed his pledge of faith to America and to Americanism and reasserted his adherence to the doctrines of George Washington.

The country was lulled to sleep, the sleep of confidence. There was born in the hearts of good men and good women everywhere a desire to limit the horrors and ravages of war and to lift from the taxpayers' heavily burdened shoulders the weight of military establishments.

A resolution was introduced in the Senate by the distinguished Senator from Idaho [Mr. BORAH] calling for a conference looking to the reduction of armament by the principal military powers of the earth. So much was the administration set against that resolution that every power of the administration and of the special representatives of the administration upon this floor was brought to bear to prevent the passage of the resolution. It was only because the determination, the eloquence, the zeal of the Senator from Idaho became irresistible that the administration finally yielded and called a conference for the purpose of considering the reduction of armament. That was a question upon which there was no division of opinion among thinking Americans. The American citizen was for a reduction of armament. All that he asked was that the United States should be left in a position of reasonable security. The American citizen and the Members of this body are still of that opinion.

The conference, we asked, should be held in public; that star-chamber proceedings and dark-lantern methods should for once be abolished; and that the people of the world, who were the parties concerned, should not be kept in ignorance of what their temporary representatives might be doing. We were assured on this floor by the distinguished leader of the Republican side that if the resolution demanding publicity of all matters should be modified so that it was not absolute in its terms the proceedings would be made public in all possible respects.

We had a grand entry, something like the grand entry of a circus, when the band plays and all of the actors appear in their variegated uniforms. We had some speeches, which, of course, told us nothing, except that the world was about to be regenerated and redeemed, and that the sun of the millennium was just painting with glory the horizon of the immediate present. Then the foreign delegates retired into the closet. Sometimes they took with them the American representatives and sometimes they did not, and when they had determined upon a course of policy and fixed what was to be done they came before the public with another grand entry and another flourish of trumpets and another beating of drums and told us what they had done to us; but no one, not even the representatives appointed from this body, pretends to tell us the debates, the history of the negotiations, the demands made upon us by other powers, or the reasons advanced why particular contracts should be made.

But the people were still having their eyes directed toward the sun of peace, toward disarmament, when suddenly, out of the dark, out of the silence, out of the mystery, we were confronted with a four-power alliance. That was followed by a

proposition to turn over to Japan and Great Britain 26,000 islands in the Pacific Ocean, and the people were told only that we were dealing with reference to Yap, and we were told that the only interest we had in Yap was a telegraph pole or two.

That was followed by a disarmament proposition which I demonstrated a few days ago upon this floor—not by my figures, but by the figures of high experts—leaves Great Britain with at least 20 per cent advantage on the ocean as against the American Navy, takes from us the right to fortify the Philippines or to fortify Guam, places the Philippines in a position where they can be taken overnight by Japan, places Guam in a position where it can be taken overnight by Japan, and once taken and once fortified America never can retake the Philippines, never can attack Japan in her home islands or successfully attack Japan's fleet, even though we may have chased it across the Pacific Ocean, and all of this for the very simple reason that no American battleship or any other battleship can sail 6,000 miles of ocean and be prepared to fight a battle, first, because it will not have sufficient fuel to return to its base, and second, because the bottoms of the vessels will be so foul that they can not be successfully navigated in a sea fight. In addition to that is the Chinese treaty—a treaty which denies to China the right to fix her own revenues or to exercise the powers of an independent nation.

This, then, is the outcome of all this treaty making. The American people do not know it to-day, but the American people will know it, and know it in the near future. Propaganda may succeed for an hour; misrepresentation may have its day of success, but in the end the American people will find out the truth regarding every proposition. I hesitate not to say, though I claim not the gift of prophecy, that not a Democratic convention will meet in the United States in the next 12 months or the next 2 years which will not condemn the four-power pact we are considering to-night, and I do not hesitate to predict that great multitudes of American citizens who, regardless of party, voted against what they believed to be an entangling alliance will stand more true to their principles than the irreconcilables who quit the flag of their country when the flag of their party was held above them.

Mr. President, what is the four-power treaty, the four-power alliance? Its language has been quoted over and over again; but I want to take the time very briefly to read the four-power pact when we strike from it language that is practically surplusage. Follow it:

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean * * * the high contracting parties agree—

Notice, first, that they have in view the preservation of the general peace, and that general peace is to be preserved by this alliance; not a peace between the four parties to the treaty, for if that had been the case the language would have been "with a view to the preservation of the peace between England, France, Japan, and the United States." That is not the language. The language is, "with a view to the preservation of the general peace."

I continue reading:

And—

In addition, now, to preserving the general peace—

And the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

So there are two objects: One to preserve the general peace; the other to preserve the rights of these four nations in the Pacific Ocean.

Article I:

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

That is one of the objects, and that is met by an agreement between the parties with relation to their insular rights. Then we come to article 2, which deals with the other portion of the preamble, which I read:

If the said rights—

That is, the rights of any of these parties—

are threatened by the aggressive action of any other power, the high contracting parties shall communicate * * * in order to arrive at an understanding—

As to what?

As to the most efficient measures to be taken—

How?

to be taken, jointly or separately, to meet the exigencies of the particular situation.

Mr. President, there is nothing in human language that more clearly outlines the fixed purpose of these powers to stand together in the Pacific Ocean, and, in case of an attack, to meet and agree as to the most efficient means to be employed to repel that attack. What is the most efficient means that can be employed to repel an attack? Clearly, you can not repel an attack by a great navy by passing a resolution. You can not stop the advance of armed ships by a verbal protest. There is but one way, one efficient means—and they are to agree upon the most efficient means—and that is a superior navy, superior guns, superior metal. The man who will stand and try to construe away the plain meaning of those words I will not say is dishonest, but in my opinion he has a mentality that it is not safe for him to trust to take him home at night without a guide, or else he is dishonest. Every man who reads those words, every statesman in the chancelleries of the world, understands what those words mean.

Mr. President, what are we told? We are told, first, that the treaties are all-powerful; that they insure the peace of the Pacific. We ask: "Why are they powerful?" and we are told because this is a combination of the power of the four great fighting nations of the world. Then we inquire if that be not an agreement in the form of an alliance, because if there is no agreement to do those things there is no aggregation of power; for aggregation of power implies the agreement to employ the power, and how the power shall be employed. The moment we confront our friends with that argument—the obvious, the clear, the certain argument—to what position are they driven? They say: "It is not an alliance. We have agreed to do nothing. The other nations have agreed to do nothing." Then the answer is: "If we have agreed to do nothing, and the other nations have agreed to do nothing, then the agreement amounts to nothing, and your declaration that the peace of the Pacific is assured because of a great combination of power is a false argument, is an untrue argument, is a miserable deception practiced upon the people."

There is and there can be no escape from the one or the other of those conclusions.

Finally, this afternoon, when the Senator from Idaho was pressing this same point home, the Senator from Wisconsin rose and proceeded to place the matter one step farther from any effective agreement, for, said he, there is nobody appointed to meet with the other nations, and consequently there is not even any machinery to bind us, there is not any individual authority to bind us morally or otherwise. In other words, we have made an agreement that we will meet and we will agree to do something, and nobody is bound to agree to do anything, and if they do agree to do anything, they are not bound to do it; and, second, there is nobody to meet to agree to do anything, consequently we have as a sum total this result, the addition of two nothings together, a great power that will protect the Pacific and keep the peace of the world.

If that be not idiocy refined, if that be not chicanery reduced to the thousandth power, if that be not subterfuge practiced in the most impudent manner in the face of the American people, then I can not understand what is subterfuge, and I can not see that which is crooked.

Then they tell us it is only a moral kind of an obligation, that if we meet and talk things over we may agree and we may not agree; we will do as we please, and we will get all through, and when we ask what security that gives us, they answer, "None." Yet, on the strength of that security, we are asked to scrap our battleships, to yield our bases, to give up the possibility of protecting our possessions, upon the strength of a thing which they say is a mere moral obligation.

Mr. President, I heard some arguments of that kind made on this floor when we were discussing the League of Nations. I heard some men, not all, say that there was nothing but a moral obligation, that we had not agreed that we would carry out any arrangement which might be made as the result of conferences or agreements, the language in that instrument I am now discussing being almost identical with the language which is employed in this instrument. When that argument was made, it was not the true argument, for the true argument of any man supporting the League of Nations was that it was a league of such power that it could enforce its mandates, and that if it rendered wise decisions and could enforce them, there would be a wise result. Those who took the other ground were the quibblers, who were afraid to face the issue that they were willing to create a great aggregation of world power. When those quibblers advanced that argument they were met by an argument, and I want to read the argument that was hurled in their teeth. Senators will find it in volume 58, page 5221, of the CONGRESSIONAL RECORD, and it was uttered on September 11, 1919.

Let every man make the distinction that he prefers.

This orator was discussing the argument to which I have referred.

A contract is a contract, a covenant is a covenant, and if this Republic does not mean to do as it promises, it has no business to make the promise.

There is no language in the covenant more plain than article 10. Either it means what it says and obligates the member nations to go to war in defense of a member nation, or it means nothing at all. *If it leaves any member nation free to exercise its own judgment as to the merits of any attack*, it does not guarantee the territorial integrity or peace of any nation. *It is worse than phantom; it is the mirage that lures nations thirsting for peace to the very desert of cruel destruction.*

Who said that? Warren G. Harding, who now stands sponsor for a compact the defenders of which on this floor are driven to make the same argument Mr. Harding then answered as a Member of the Senate, namely, the argument that we enter a compact and are not bound; that we agree to do something and at the same time do not agree to do it.

Further, he said:

Ours is truly an expanded influence and a world interest, but there is yet for us a splendid isolation. * * * The people of this Republic were not concerned with governing the universe. Their interests, their hearts, their hopes, their ambitions, their weal or woe—all of these are in the United States of America. We wanted nothing abroad but respect for our just rights, and that we mean to have, in peace or war, no matter who threatens.

It would have been so easy, if our commission had thought of America first, to have said to the allied powers, "Look here, friends and allies—yes, and to enemies as well—we came over and helped you bring an outlaw to terms because he trespassed our rights beyond endurance. He is humbled now, and it is yours to restore order and make a just and abiding peace. We want peace, and we want to go to work and replace the waste of war. We will advise, if we can and you wish it, but we are asking nothing, and we will go back home and see to our own affairs. *We do not mean to mix in again, unless some bully is making a row infringes our rights and murders our citizens and destroys our lawful property. In that event we will be forced to come back, but we will come more promptly the next time." That would have left a good impression, and we would have been at peace, and so would Europe, months ago.*

"We do not mean to mix in again, unless some bully in making a row infringes our rights," and behold, the sun has not circled the earth for one year until we are mixing in again, though no bully threatens our rights. We are mixing in with foreign nations in foreign affairs, and agreeing to unite with them in defense, if you please, or in an attack, if you may, of other powers.

Mr. President, some Senators discussed this same doctrine which the now President was discussing. Some of these Senators to whom I shall refer were then known as "irreconcilables." How brave they were; how valiantly they stood and declared that, regardless of party, and not because of difference in party, but because of love of their country and their respect for the traditions handed down by Washington and Jefferson and the other immortal dead, they were standing against every form of alliance. How valiant those "irreconcilables" looked as they charged over the wall, as they bravely held the line, as they stood foot to foot and elbow to elbow, invincible and unyielding. Now, behold the crowd of reconcilables into which they have been transformed. How tamely they take to the leash. With what subservience they bare their backs to the party whip. How readily they bow their necks to the master's yoke. They are all absent to-night. I wanted to say this in their presence; but there is not one of them but feels to-night like any other man would feel who turned his coat and exposed a very disreputable lining.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I yield.

Mr. JOHNSON. I wish to make merely one observation. Does not the Senator realize that if this treaty had come to us from Woodrow Wilson, instead of four votes on this side against it there would be 40 votes against it?

Mr. REED. Undoubtedly. I want to say about the "irreconcilables," that there are about five over there who stayed true to their colors, thoroughbreds; men who have in the past shown that they have no master except their conscience and their God. Of course, everybody in this country knows who they are; I do not need to name them.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. REED. Certainly.

Mr. STANLEY. I recall very vividly that these temporary irreconcilables were engaged at that time in throwing great big bouquets at the Senator from Missouri for doing what they would no more dare to do than a rabbit would dare to spit in a bulldog's face.

Mr. REED. Mr. President, as I stood then doing what I believed to be my duty, opposing a plan of a Democratic President, for whom I had a great respect, opposing it because I believed the international agreement which he proposed was full of danger, I remember making arguments in which I asserted that we could not, even in an agreement where there were 48 powers, place ourselves in any manner subject to the influence of the vote of Japan, and when that question came before this body a speech was made by one of the "irreconcilables" on the other side of the Chamber. Let me read it to you:

Ostrichlike, our Government has declined to recognize that the promises of the great Asiatic military power fronting our Pacific coast are to be measured by her performances in the past. By that measurement the promises are worthless.

Although "enlightened expediency" may stop the ears of the American peace delegates, the Senate can not be deaf to the truth. *For 35 years Japanese foreign policy in Asia has been one of consistent perfidy and aggression. I defy anyone to make candid answer to that charge. The wonderful material advance of Japan was contemporaneous with that of modern Prussia, and in close imitation of it. Japanese society, the Japanese constitution, the Japanese junkerthum, the Japanese monarchy, the Japanese Army, all have been molded in Prussian lines. The diplomacy of Japan has been patterned after that of Frederick the Great in its disregard of truth, solemn pledges, and human rights. If anyone doubts this, let him review his own memory of Japan's relations with China and Korea, her secret and now discovered violation of the pledges exchanged with the Government of the United States.*

The man who made that speech was the distinguished Senator from Illinois [Mr. MCCORMICK], one of the "irreconcilables." To-day, if rumor is to be credited and if his attitude here is to be credited, he proposes to vote for a treaty with this power that breaks treaties, with this power that is without conscience according to his own words, with this power that does not regard treaties even with the respect due to a scrap of paper, and upon the strength of the written promise of this Nation that he has denounced in these burning words he proposes that we shall junk the battleships of America and shall repose our trust in that nation's plighted word.

Mr. President, I am wondering where my friend from Illinois is to-night; and he is my friend. He came to my State. He made speeches denouncing every form of alliance. He declared that this country is America, and that America should observe the teachings of George Washington and there should be no alliances of any kind whatsoever.

I wish to insert in the RECORD the remarks of the Senator from Connecticut [Mr. BRANDEGEE]. I shall only take the time to read one sentence:

The United States should keep itself in such a position that if it must go to war it may go to war in behalf of such peoples and principles as it itself may decide on at the time, and not permit itself in advance to be dragged into a foreign war upon the side or upon the conditions determined by an international foreign council sitting in secret upon which we will have only one vote.

That is exceedingly applicable to the case in hand. When we sit down to this conference it is to be a conference. The man who sits down in the conference and says in advance that he intends to confer, but intends to be bound by nothing, morally or otherwise, is a dishonest scoundrel who has no business at the council board. If you are not there to counsel and if you have agreed in advance to agree, if you then propose to say, having agreed to counsel and having agreed to agree, that you do not propose to do anything you have agreed to do, you are a trickster and a juggler of words, an unworthy thing.

I ask that the remainder of the remarks of the Senator from Connecticut be inserted in the RECORD without reading, together with brief extracts from the remarks of several other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. BRANDEGEE. Dragged into this league, as I said, with the Senate claiming one interpretation of our obligations, or denying that we are obligated at all, and the President of the United States, the Commander in Chief of our Army and Navy, the man who appoints all our ambassadors and ministers abroad, claiming that we have assumed the obligation, who is to decide it? The compromise modification of the Lodge reservation provides that the Congress then, "under full liberty of action," shall decide in each specific instance. In what does the "liberty of action" consist?

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* * * Why men of honor and good faith only have such liberty of action under those circumstances as would consist in repudiating every practicable means by which the obligation which we have sacredly assumed could possibly be carried out. Is that the sort of camouflage that this mighty Nation of 110,000,000 of Christian people want to take refuge behind in this hour of the world's civilization, when the violation of the sanctity of an international treaty was the cause of all the death and destruction from which we are just now emerging?

Is that the Janus-faced, deceptive quibbling that this Nation wants to make as a guaranty of its good faith under the higher morality of the dawn of a new day? Such a course as that, it seems to me, would be a blot upon that Starry Banner back of you, Mr. President, which could never be eradicated from the flag or the history of this country. Call it moral or legal, it would be a plain case of dishonor, of leaving your accomplice in the lurch in the time of trouble.

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Mr. President, if we assume the obligation, or any part of it, it is inevitable that we shall be drawn into a complete fulfillment. Nations in common danger can not quibble with each other about the

exact proportion of the forces that they shall render for the common cause. With the rest of the world financially embarrassed, as they are, some of the countries bled white, and we—the richest and most powerful of all—we can never deny to the call of anguish, if we are obligated at all, that we are obligated to the extent necessary to accomplish the purposes of article 10. We are their reliance, as they say. You do not hear one of them over there but what says they must have us. (Mar. 11, 1920; vol. 59, pp. 4175-76, 66th Cong., 2d sess.)

Mr. POINDEXTER. The ancient and modern policy of America, from Washington and Jefferson down, has been to keep ourselves free from foreign entanglements. How can the President honestly tell the people that a League of Nations which obligates us to participate in every important European quarrel is not a violation of these ancient principles? I think he has told them that; but how can he do it? Under these unwritten laws of our foreign policy we have grown great; we have been free, prosperous, and happy; and we have been able to render valuable service to the world under these ancient muniments of our foreign policy. Why does the President suppose that our condition would be improved, or our ability to render service to the world would be increased, by an abandonment of these policies?

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It is not so long, Mr. President, since our fathers made their desperate but successful struggle to free our States from a union with European powers. When the President now utilizes the powerful and almost immeasurable influence of his great office to bring about the formation of a union with European powers, is he not desecrating the memory of the fathers of the Nation? Is he not betraying the most sacred trust of his office?

* * * * * * *

The President says, in his stately style, "Put up or shut up": accept the League of Nations or offer a substitute for it. The opponents of the League of Nations offer as a substitute for it the Constitution of the United States, the Declaration of Independence, and Lincoln's "government by the people." That is the substitute for a league of nations.

* * * * * * *

When Washington was sharing the sufferings of his men in the gloomy winter of Valley Forge there was no doubt in his mind as to the alternative for a union with a European power. Washington's alternative was to enter the union. That was what he was fighting for. That is what he and his soldiers suffered for, and that is what is involved in this issue before the American people to-day.

Now, when a European union is again proposed, the alternative is to reject the proposal and pillory the man who proposes it. If a rattlesnake is about to strike you, would the President ask what alternative you have to propose? The alternative is to kill the rattlesnake. When the President asks this question, does he not know that the alternative to the wars for which he is even now enlisting American boys to be carried on in Asia and Europe under the League of Nations, the hate they will engender, the burdens of taxation on the backs of the poor, the bereft parents of those sons, the widows and orphans of those who would carry out the mandate of the League of Nations on a fool's errand in Asia, the supreme sacrifice of all this, as the President characterizes it—does he not know that the alternative of all this misery and folly is the peace which we have earned in a victorious war that is now finished?

Will he not be frank and tell the people that the "old order," of which he said at Suresnes we were ashamed, brought us the supreme happiness of mankind? If the President is ashamed of our past, as he says he is, does he not know that our people are not ashamed of it?

* * * * * * *

It was anathema to the great leaders, the greatest who ever lived in this or any other country, the statesmen who founded this Nation upon the natural rights of man, and preserved, through liberal government by the people, to entangle ourselves with European affairs in a League of Nations. We had none. And when, during all that period, did we ever live in isolation from the rest of the world? He says we must live in isolation from the rest of the world or have a League of Nations. We have lived to the present time without a League of Nations, and we have never been for one moment of that time in isolation from the rest of the world. The man who says so is deceiving the people. (Sept. 8, 1919, Cong. Rec., vol. 58, pp. 5027-5028, 66th Cong., 1st sess.)

Mr. POINDEXTER. The argument that Japan would have a cause of complaint against us if we do not agree to the transaction is quite transparent. We are under no obligation to Japan in regard to Shantung, and yet it is said by writers and speakers of influence that if we do not sign this treaty giving Shantung to Japan, Japan will have cause for war against us. She will not have anything of the kind. We are under no obligation to sign that instrument. We never agreed to do it. Japan has no right to expect or to claim that we should do it. We are entirely free agents in the matter. The attempt to coerce and terrorize the public opinion of the United States on this great question by the false assertion that we are liable to have war with Japan or with France or with England if we do not join in the rape of China is a rank insult attempted to be practiced upon the people. There is no such danger. There is no such condition. (Sept. 8, 1919; vol. 58, p. 5029, 66th Cong., 1st sess.)

Mr. STERLING. Mr. President, * * * the proposal to give the guarantee of article 10 could hardly have come in the first instance from the representatives of the United States. If they did, no expression on the part of the people or the people's representatives ever authorized them; but the proposal having been made, it should not be cause for wonder that since there was to be a league to enforce peace, the willingness of our representatives to assume the burden of so great a guaranty was gladly welcomed by the other nations most concerned.

Mr. President, our forefathers strove and warned against European entangling alliances. Until to-day we have heeded the warning. But the proposed reversal of this great policy does not stop with Europe. To know the full extent of the obligations we assume, the burdens we may have to bear, you must look at the map of the world. Of course, they welcomed our willingness, for had we not just demonstrated our promptness and efficiency in war? And do not our obligations extend to a guaranty of the territorial integrity and political independence against external aggression of the British Empire, which, in addition to the British Isles, means Canada, New Zealand, Australia, South Africa, India, and insular possessions innumerable? Of course, France welcomes our agreement in article 10, for, in addition to the protection the agreement will afford against the invasion of her home territory by Germany or Austria, may not the French Congo or Sierra Leone, or Algiers in Africa, or her empire in Indo-China in Asia be the subject of attack?

And is it cause for wonder that Italy, with her newly gained possessions in Europe, wrested by force of arms from Austria-Hungary, with her African possessions also to defend and protect, welcomes the guaranty of the United States?

Mr. President, I think Clemenceau was right in insisting on the principle of the balance of power in Europe. Of course, there can be no "concert of Europe" now, and the next best thing, if not a better thing, for France than even the balance of power or "concert of Europe" was to put the resources of the United States at the command of the council of a league of nations which had determined we should make good the guarantee of article 10.

This is a part, and only a part, of the price we are to pay for our first real departure from the old landmarks, for our first diplomatic entanglement in foreign alliances, our first forgetfulness of America and the "passion of America," which has been "to live her own life according to her own principle," our first ambitious attempt to prescribe regulations for the government of the world. (Aug. 4, 1919; vol. 58, pp. 3610-3611, 66th Cong., 1st sess.)

Mr. WADSWORTH. There have been a good many explanations of that article. There have been a great many efforts to assure people that it does not mean what it says; and I do not suppose that there has ever occurred in a discussion of two sentences so much quibbling and squirming and ducking as in connection with the two sentences of article 10. To my mind the President has settled it, and settled it right, as to its meaning. He said it constitutes a binding moral obligation. All the play in and around the meaning of the word "advise" amounts to nothing. * * *

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History should teach us that the mandates or decrees of Kings or Emperors or of Congresses or of Parliaments are utterly futile and helpless in preventing this restless human race indulging in these activities, indulging in these efforts to improve its life, indulging in these efforts to climb upon a higher plane of civilization, indulging in these efforts to find the true God. And any group of men in the year 1919 who think they can establish a status quo and mark out a system of boundaries which shall not be disturbed without their consent, and which shall preserve the existing political system subject to their revision, are afflicted with the height of human folly. They are flying in the face of all human experience and are assuming to themselves a wisdom and an infallibility that no group of human beings has ever possessed. (Sept. 19, 1919, vol. 58, pp. 5619, 5620, 66th Cong., 1st sess.)

Mr. WARREN. One of the pillars of our American Constitution has been the right of Congress to sanction any declaration of war. The right of the majority of the people, through Congress as their mouthpiece, to approve or disapprove the sending forth of American soldiers to possible death has never been questioned. And yet article 10 of this document, in my opinion, strangles the breath of life from this principle.

* * * * * * *

There are those who say that we are only morally bound to protect the members against external aggression. This, to me, is a distinction without a difference. If our Nation is morally bound to do a thing, then certainly in all sincerity we should be legally bound. No sincere American can hold otherwise. Our national integrity and honor would not suggest any other theory. Granting this to be true, I see no other path but to make our position clear to the other contracting parties.

Our eminent doctors of law, in their primary lectures on contracts, lay special emphasis on the necessity of stating clearly and definitely all the terms of an agreement, leaving nothing to be inferred which may later give rise to serious controversy and lawsuit. Unless the minds of the contracting parties have met in one accord, then there is no contract. Let us set out in succinct and definable language the intent and purpose of our mind in order that we may perfect a noncontroversial agreement. (Oct. 17, 1919, vol. 58, p. 7065, 66th Cong., 1st sess.)

Mr. WATSON of Indiana. * * * When she (Japan) went into Formosa she promised to retire, but she is still there. When she went into Korea she promised to retire, * * * is still there. * * * Count Okuma, the Japanese premier, on October 27, 1914, stated to the people of the United States "As premier of Japan I have stated and now again state to the people of America and of all the world that Japan has no ulterior motive, no desire to secure more territory, no thought of depriving China or other peoples of anything they now possess," but Japan is still there.

On the 18th of January, 1915, without any previous warning, growing out of no unusual conditions between the two countries, and to the utter surprise of the Chinese, Japan issued to her a demand, couched in 5 groups and 21 clauses. * * *

Group 4 provided:

"The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China."

* * * * * * *

These demands close with this threat, Senators, not veiled, not obscured, but bold, open, and defiant, made at a time when all the world was engaged in the greatest war of history, and at a time when Japan knew that she could easily coerce helpless China into agreeing to her imperative demand. This is the demand. Listen to it, for it speaks trumpet tongued of the intention of Japan with reference to China:

"The Imperial Government again offer their advice, and hope that the Chinese Government, upon this advice, will give a satisfactory reply by 6 o'clock p. m. on the 9th day of May. It is hereby declared that if no satisfactory reply is received before or at the specific time, the Imperial Government will take steps they may deem necessary."

My friends, this discloses the entire intention of Japan with reference not only to the Province of Shantung but the whole of the Chinese Empire. * * * Japan's ulterior motive is easily seen in the time and manner these demands were made, and clearly shows a determination on the part of Japan to take full possession of the Chinese Empire.

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And the mendacious character of these demands and the untoward conduct of Japan throughout the transaction is further evidenced by the fact that when, notwithstanding the injunction of secrecy, it became rumored that Japan had made certain demands upon China Japanese officials denied it. Then when it became no longer possible to conceal the truth the Japanese Government officials supplied the other treaty-making powers with what purported to be a list of the demands, a list which it was afterwards ascertained omitted some of the most important and some of the most drastic features.

Senators, I do not believe that the treaty should be ratified unless and until Japan either withdraws from China or states in unequivocal terms that she will withdraw, or better still, fixes a definite date of withdrawal. If we ratify the treaty with the Shantung provision in it, we give this robbery the seal of our approval; we condone all of Japan's past wrongdoing in all parts of the Chinese Republic; we ratify a secret agreement made between Japan and the allied nations in derogation of the rights of China and in base betrayal of an ally, and we place in Japan's hands a blanket indorsement of whatever future action she may see fit to take in the Chinese Empire. Personally I shall not vote for the peace treaty itself unless some modification is made of the article with reference to Shantung, or until we at least have expressed our intense disapproval of her conduct, coupled with an explicit statement of our determination to take this matter up at once after the league is formed and press for a righteous solution of the problem, for I believe it to be as monstrous a proposition as has ever been proposed to civilization. (Aug. 5, 1919. Vol. 58, pp. 3636-3638. 66th Cong., 1st sess.)

Mr. WATSON of Indiana. The President very forcefully said in his last address to the Senate:

"These were all arrangements of power, not arrangements of natural union or associations. It was the imperative task of those who would make peace and make it intelligently to establish a new order which would rest upon the free choice of peoples rather than upon the arbitrary authority of Hapsburgs or Hohenzollerns."

And he might with propriety have added Mikados. (Aug. 5, 1919. Vol. 58, p. 3643. 66th Cong., 1st sess.)

Mr. WATSON of Indiana. It can not be denied that if the people of Shantung revolt against the galling yoke of Japan, if they weary of her tyrannical and despotic régime and attempt to cast it off, and if China shall rise to protect her own people, then by the provisions of article 10 we shall be compelled to send American soldiers at the expense of our own people to subdue China, struggling for the possession of her rightful territory and fighting for the recovery of her own.

* * * * * * *

Japan's hostilities toward Christian missions and Christian preachers in Korea have been so extensive and long continued and severe as to amount almost to barbarism, and it is not to be presumed that her treatment of the representatives of the Christian religion in China will be of a milder or a more friendly character.

If the League of Nations is to be formed and Japan is to become a member, let her come into it with clean hands. If she is to sit in the chamber of the council we here she, with eight of her nations, will direct the destiny of the world, let her prove herself worthy of such high trust. She should not be permitted to sit as one of the judges to determine either the legality or the morals of her larceny. Before she sits in that august tribunal, unless it is to become the gigantic mockery of history, she should be made to leave her stolen fruits outside of the temple gates and, once in, she should release her associates from all obligation to execute the treaty they made in the dark in 1917.

* * * * * * *

Let them not, while proclaiming peace, hold fast to the results of a militaristic policy practiced upon a helpless race. Let them not come in the name of freedom and fasten the chains of servitude upon a weak and innocent race.

Better Germany in China than Japan, for there Germany was isolated; there she had no neighboring garrisons, while Japan is everywhere. Japan is in Formosa, in Korea, in Manchuria, in Mongolia; Japan is everywhere in the neighborhood of China, and wherever she is she is slowly but surely reaching out her tentacles of power to clutch and hold as spoils the territory of that new Republic.

When they talk of a peace that shall be lasting because founded on justice, our answer shall be "Shantung." When they speak of the equality of races and the right of self-determination of peoples, our response shall be "Shantung." When they proclaim that the central thought of their treaty is that all Governments derive their just powers from the consent of the governed, our reply shall be "Shantung."

Shantung is the fraud that vitiates the entire contract, and Shantung is the cancer that carries the death-dealing poison to the whole body of the treaty. And even though proclaimed in the name of peace, yet the everlasting law of righteousness will prevent the tranquillity of the earth while so great a wrong remains unavenged. Senators, there is but one method of peace, and that is that all the nations of the world shall be inspired by the sense of justice that ever impels the American people and which is at once the pride and the power of the American Republic. (August 5, 1919, vol. 58, p. 3645-3646, 66th Cong., 1st sess.)

Mr. REED. Indeed, Mr. President, it is better stated than that in the paper now before me:

Why men of honor and good faith only have such liberty of action under those circumstances as would consist in repudiating every practicable means by which the obligation, which we have secretly assumed, could possibly be carried out. Is that the sort of camouflage that this mighty Nation of 110,000,000 of Christian people want to take refuge behind in this hour of the world's civilization, when the violation of the sanctity of an international treaty was the cause of all the death and destruction from which we are just now emerging?

Is that the Janus-faced deceptive quibbling that this Nation wants to make as a guaranty of its good faith under the higher morality of the dawn of a new day? Such a course as that, it seems to me, would be a blot upon that Starry Banner back of you, Mr. President, which could never be eradicated from the flag of the history of this country. Call it moral or legal, it would be a plain case of dishonor, of leaving your accomplice in the lurch in the time of trouble.

That is from the eloquent lips of the Senator from Connecticut [Mr. BRANDEGEE]. It was uttered on March 11, 1920, and is recorded in Volume 59, pages 4175 to 4176 of the CONGRESSIONAL RECORD.

The Senator from Maine [Mr. FERNALD] even grew eloquent. He stated that—

We will preserve the principles which have been bequeathed to us by former generations, unweakened by alliances with other Governments of earth.

Former Senator Kenyon, of Iowa, said, in discussing the quibbling over article 10:

If the President's contention is correct, then under article 10 we simply do as we please, which is, of course, true in any event should we desire to utterly disregard the obligations of solemn, binding agreements.

That causes me to pause a moment to answer another miserable argument made here. We are told that we are safe to enter into this agreement because before any war can be declared the Congress of the United States must declare war, and that if we make an agreement binding ourselves to go into war it would be unconstitutional. Let us see where that argument leads us. The distinguished Senator who made it, the Senator from California [Mr. SHORTRIDGE] opposed the League of Nations. He opposed it upon the ground that it would drag us into foreign wars.

Yet it was as true then as it is now that the President can not declare war; that the League of Nations could not declare war; that no power on earth could declare war except the Congress of the United States. If that fact be a protection against this treaty and this agreement, it was equally a protection against the League of Nations; so why not join the League of Nations and say we will make war or we will keep the peace just as the Congress determines, because you are powerless by any league of nations or by any compact to drag us into a war without the voluntary act of Congress.

But the Senator did not say that then. The Senator then said that if we entered the League of Nations and if the decrees of the governing bodies were that we should enter into war, then it would be our duty to obey that mandate and that we would be in honor bound to furnish our men and boys to die in foreign parts. If it was true that we would be compelled to do that under the League of Nations, notwithstanding the fact that Congress itself has the power to make war, then I am asking why it is not true with reference to this compact? Or, if it is true with reference to this compact, why was it not equally true with reference to the League of Nations?

Of course, everybody knows that before war can be made legally by the United States the Congress of the United States must declare the war. Therefore why waste time discussing such a question? The question is, Are we to pledge the national faith, and if we do pledge the national faith are we then to escape from that pledge upon the subterfuge that Congress has the legal power alone to declare war or not as it pleases? Every treaty of peace that has ever been made, or alliance for war, could be violated in the same way, because any nation could say that simply, "We will not furnish the army," and that would be the end of it. That is all we would be doing if we had our Congress refuse to furnish the army.

But what of the faith of the nation that thus violates its pledges?

Would the junior Senator from California be willing that the United States should sit down and agree with France and Great Britain and Japan that in the event of any war against any of them we would send a million men to their aid, and then, having made that sort of an agreement, have a mental reservation, "But we will not send the men if we do not want to send them at the time, because we did not have any constitutional power to make that agreement"? Certainly the Senator would not.

Mr. SHORTRIDGE. Mr. President, may I answer the Senator by saying no.

Mr. REED. Certainly not.

Mr. SHORTRIDGE. Of course, I would not.

Mr. REED. The Senator would not think the Constitution was sufficient, then?

Mr. SHORTRIDGE. On the contrary.

Mr. REED. Now, the question then comes to this: What do we agree to do here? Is this a compact having any vitality? If it is a compact having any vitality, then it contains two, if not three, propositions. First, we agree that we will respect each other's rights in the Pacific. Well and good. There is no objection to that. That is solemnly written in the treaties that we have with every one of these powers now, for we have agreed to remain at peace with them; we have agreed to respect their rights. We have gone further than that, and we have agreed in the event of any dispute that we will arbitrate such dispute. I think we have agreed that we will not go to war for a certain fixed period of time. That is already in agreement, and we gain nothing by having four powers sign the same instrument if they are to act independently of each other and no force is to be applied.

But we agree to do something else here. We agree that if any one of the island possessions of the Nation is attacked, if they are threatened, if the peace of the waters of the Pacific is threatened in substance and effect, that then in that event we will meet with these other powers, and when we meet with these other powers we will do something. What is that something? Is it that we will find who is right and who is wrong? Is it that we will submit this proposition to some tribunal? Is it that we will appeal to the generosity and sense of fairness of the

nation that is invading the waters or assailing the islands? Oh, no; that is not what we agree. We agree that we will consult upon and determine the most effective means to be employed to repel that attack.

The man who says that he does not believe in battleships and cannon, men and blood, is a man who believes that 16-inch shells can be stopped with hot air. No other nation so construes this compact. But, for Heaven's sake, let not the irreconcilables be guilty of making the argument that we have agreed to do something, but yet we agreed to do nothing; that all that this thing is is a great balloon of false pretenses and that a pin prick will send it into eternity, with nothing left except a memory. Yet that is the way its advocates defend their own treaty.

Either this is a treaty with power and force and weight back of it, or it is nothing. If it has power and force and weight back of it, then we must furnish our share of that power, that weight, that force. That means that whenever the island possessions of any of these four countries are attacked, that moment we must sit down and agree as to the best means of repelling the attack—to wit, how many ships we can furnish, how many men we can furnish, how many boys we can send out to die.

The PRESIDING OFFICER. The Chair must inform the Senator from Missouri that his hour has expired. He has 30 minutes left in which to speak on the Robinson amendment.

Mr. REED. I thank the Chair. I will now speak on the Robinson amendment.

Mr. JOHNSON. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I do.

Mr. JOHNSON. In the quotations made by the Senator from Missouri I did not observe that he quoted the language of the distinguished leader upon the Republican side concerning Japan and the necessity for caution on our part in dealing with her. Am I correct in that?

Mr. REED. I did not quote these remarks of the Senator from Massachusetts. I have them here, but I should be glad if the Senator from California will contribute them.

Mr. JOHNSON. I will only read two very brief excerpts from the speech of the Senator from Massachusetts in the case of Shantung. The one on page 8 of the pamphlet containing his speech reads:

> Does the history of the 21 demands justify Americans now in trusting Japan, even though President Wilson says he trusts them?

Now, from page 12 of his address I quote further from the Senator from Massachusetts one brief extract, and then I shall not further take the time of the Senator from Missouri. The Senator from Massachusetts was admonishing us at that time, mind you, concerning the nation with which now he would have us ally ourselves. He said:

> The Senate, I think, should not only keep fully in mind the aggressive measures taken by Japan from 1894 to the present in order to note the strides that she has made and what may be anticipated in the future, not only should they note her methods of unscrupulous disposition, but they also should not lose sight of other acts of hers which will enable them to judge of their effect upon a people falling under her control.

Now, by an alliance the Senator from Massachusetts asks us to assist in the oppression of the peoples falling under her control.

Mr. REED. Mr. President, I thank the Senator from California. I had some quotations from the speech of the Senator from Massachusetts, but I think not those particular ones. If, however, we were to ransack the RECORD of those debates we should find that the Senator from Massachusetts was going directly in one direction, while to-day he is going in exactly the opposite direction. The difference, of course, is that now he is following a Republican President, and the Republican President is following certain advisers, and every one of those advisers was for the League of Nations; but the President can not quite take it all and he has taken a section, or, as the Senator from Ohio [Mr. POMERENE] says, a pocket edition of article 10 of the League of Nations covenant. I venture to predict that the American people will discover the fact that there has been an absolute repudiation by the President of the United States of the position he took when he sought and gained the suffrage of the American people.

Mr. President, since time runs on so rapidly with me, as it does with all except those who are listening—and they are all voluntary listeners, for nobody made even the Members of the Senate who are present come here to-night—I will ask what, after all, is the excuse that is offered for putting us into this four-power pact, this four-power alliance? Driven to the wall, forced to state a reason, its proponents tell us that the reason for ratifying this treaty is in order to get rid of the Anglo-Japanese alliance. To that point they come; that is the sole reason they assign.

Let us examine that contention for a few moments.

Japan and Great Britain made that alliance a number of years ago. Every student of history knows that in the early days of the World War Japan was getting ready to repudiate the alliance. It was an offensive and defensive alliance. Many of the phrases of the pending treaty were taken directly from the treaty which constituted that alliance. But Japan and Great Britain and about 40 other nations went into the League of Nations, and when they went into the League of Nations and signed the treaty of Versailles the members of the league severally agreed—

> that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any agreements inconsistent with the terms thereof.
>
> In case any member of the league shall, before becoming a member of the league, have undertaken any obligation inconsistent with the terms of this covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

In the language which I have read there was a positive agreement by every nation signing the document that all such treaties as the Anglo-Japanese alliance should be abrogated. That is step number one. These nations have an obligation to the other nations; they have pilghted their word, and, whether or not we are in the Versailles treaty, if they are honorable nations they will redeem their promise.

Mr. President, they have recognized that. I read from the September, 1920, issue of the official publication of the League of Nations. The text is in both French and English. I will read it in English as a matter of preference.

ANGLO-JAPANESE DECLARATION.

> English official text on the Anglo-Japanese declaration forwarded on July 8, 1920, by the foreign office and the Japanese Government.
>
> The declaration was registered by the secretariat of the League of Nations on July 8, 1920.
>
> Spa, July 8, 1920.
>
> The Governments of Great Britain and Japan have come to the conclusion that the Anglo-Japanese agreement of July 13, 1911, now existing between the two countries, though in harmony with the spirit of the covenant of the League of Nations, is not entirely consistent with the letter of that covenant, which both Governments earnestly desire to respect. They accordingly have the honor jointly to inform the league that they recognize the principle that if the said agreement be continued after July, 1921, it must be in a form which is not inconsistent with that covenant.
>
> (Signed.) CURZON.
> (Signed.) CURZON OF KEDLESTON.

Mr. STANLEY. Mr. President, what is the date of that?

Mr. REED. July 8, 1920, is the date of this announcement. It is contained in the September, 1920, issue of the official publication of the league. The Anglo-Japanese alliance had to be abrogated, and it was, in substance and effect, abrogated, and, having been abrogated, we are trading our independence of judgment in signing the four-power alliance to get rid of a thing that already is dead, to escape from the attack of a corpse that has already been interred. But, sir, if that were not true, then to ratify this treaty in order to escape the Anglo-Japanese menace would be to make ourselves party to a thing which was an infamy at its birth and a menace every day it existed. If it is right for Japan and Great Britain to unite and agree to attack and destroy in common any nation with which one of them may have trouble, if that be the policy of the nations of the world, then all the talk about the League of Nations, and all the talk that we hear about humanity and the democratization of the world vanish into thin air, and we have a reign of power.

But, sir, we are asked to join this iniquitous thing, to become parties to it, in order to get rid of the Anglo-Japanese alliance. As I said the other day, it is like the old lady who married the old man to get rid of him. And, by the way, while I did not hear his words, if he has been correctly quoted to me, my distinguished colleague from Missouri [Mr. STANCEL] compared this compact which we are asked to ratify with the contract of matrimony.

I think the comparison was not bad. In the first place, matrimony is a very close relationship, and, in the second place, having once been entered into, it is not to be easily escaped by honorable people. The closest relation in the world is, of course, the marriage relation. The junior Senator from Missouri has occasionally blundered upon a great truth—no; in this case not blundered upon; he arrived at a great truth. He arrived at another when he said that this treaty might affect Korea. Of course, he said it might benefit Korea. He was mistaken in that. It will have directly the opposite effect, but it will affect Korea; and a dispute in Korea could very easily be transferred to the islands of the Pacific, and we could be very easily drawn in for the purpose of forging the chains

doubly tight upon that poor and oppressed country. There is a relationship.

Mr. President, in the few minutes that are left to me I want to tell the Senate and the country what I regard as the certain result of this treaty if it is ratified, and the certain menace there is in it. I affirm that war is in this treaty; that death is in this treaty; that the slaughter of our young men is in this treaty. That is inevitable according to all the laws that govern or control nations.

When the four great militant powers agree to control the Pacific, the nations of the world will construe it as an alliance. Already we have had put in evidence this afternoon documentary proof that Russia so regards it. No man need question the opinion that Germany will have of it. These nations are still upon the earth. They do not intend forever to be subordinate nations. The German has been exterminated, as his enemies thought, many times in history; and when they have returned to the solitude they created, they have been confronted by an army of armed men that have sprung up apparently from the soil.

I believe that Germany was wrong in this war. I voted for this war. I wanted to see it prosecuted with every power of our Government, but I did not want to destroy the German people; and whether you want to destroy them or not, there are 65,000,000 of them left, the most highly educated people on earth, skilled in all the arts and the sciences, and they will not be destroyed as a people.

Yonder on that map is Russia. Look at the dimensions of it—four times the size of the United States, three times the agricultural land, greater mineral resources than we possess, 180,000,000 people, brave people. It took brave men to stand on the field of battle when only every third man had a gun, and the only chance of the unarmed man to get a gun was to wait until his comrade was shot down and then take the weapon from his dead hand. They are an ignorant people, because their rulers were infamous; a people that may not be trained in all the arts and sciences, because their rulers put shackles on their arms and shackles on their brains, and compelled them to the double servitude of mind and of the body; but there they are, with all their vast resources, absolutely illimitable. It is estimated that Russia could herself support within her own borders one thousand million human beings.

Take Russia, and add to her Germany, and add to her Hungary, this part of the map that is shown here, and then let me ask you what is left of Europe? Look at little France. We need not consider Spain. Spain is dead. Portugal is moribund. Norway and Sweden lie off by themselves. There is Poland. There are newly created States that would be crushed as an eggshell is crushed between the hands of two mighty giants. Drive Germany and Russia together and you at once control Asia, and you at once control Europe. You create an absolutely irresistible power, and this treaty drives those two nations together.

What is the eternal logic of it? Four nations conquered Germany. Three of those nations are now exacting tribute from Germany. Germany has agreed to pay; but there is not a German living who does not hope that the day will come when that debt will be wiped out. They have no particular love for those four nations; and if those four nations unite, Germany will regard it as a menace to her.

What about Russia? Six million of her sons went to death fighting the battles of France and of Great Britain and of Japan, if you please. They committed no offense against us except that they withdrew from the battle line; and yet England and France and America invaded Russia from two sides, and Japan invaded her from the other. Japan's feet are still upon her soil. Japan's armies are still holding her cities. Japan's fortresses are still on the banks of her rivers. One of Japan's mighty bases is on the island of Sakhalin, which we agree to protect under this treaty. What will those nations necessarily do? They will necessarily get together for mutual protection. They are driven together by this alliance. German scientists are flocking to Russia by the thousand. German schoolmasters are flocking to Russia by the thousand. German military officers are going into Russia and aiding in the management of her armies. German manufacturers are seeking the raw materials of Russia.

Germany may be disarmed; Russia is not. Germany may be held by treaties; Russia is not. Given German science plus German manufacturing ability plus Russian raw material, and you have the ability to create cannon, to create armaments, to prepare for the conflict. Give them a few years to get upon their feet—and they are bound to get upon their feet—and you have amalgamated the greatest force that has ever been drawn together in all the tides of time. When that force strikes, it will strike with a deadly power; and when it strikes, it will strike at France and strike at England and strike at Japan, and this treaty will bind us to come into the conflict.

You, sirs, who ought to occupy these vacant benches—you, Senators, who are regarding the whip of a political master—are voting for a treaty here that may be redeemed in the blood of our sons, that may be washed out in the tears of our mothers, that may bring impoverishment and want upon our blessed country. You may proceed as you are, thinking you will gain a political advantage; but I say that the man who ties the United States to Japan in her effort to invade the land of Russia, who pledges directly or indirectly the blood of America's sons, commits a crime against humanity. He does not vote for peace; he votes for bloody war; and within the womb of the future we can not tell how soon that war will be incubated.

I tell you, sirs, that those who think that Russia can not do anything within 10 years are wiser in their day and generation than the children of light if they can see that far into the future.

Who shall say that within 18 months' time—age, within eight months' time—the armies of Russia may not be pressing the Japanese back? Who shall say that Japan will not be sending over fleets carrying more and more soldiers? Who shall say that the line of Japan shall not be broken? Who shall say that the island of Sakhalin shall not be invaded for the purpose of driving the Japanese from that place and for the purpose of destroying the Japanese forces? When that time comes, and when the conference is called, who will dare say that America has made no compact, that she has agreed to do nothing, that we stand acquit, that we went through an idle, silly form, that we engaged in a performance of buffoonery and tomfoolery? Who will then dare say it?

I appeal to the American sentiment. In the World War I voted to send away the last boy to fight on foreign soil. Unless I know that he must go abroad again to fight for America's flag and for America's honor, never will I give my consent to send away a boy to die in foreign lands. Never will I by my vote send him to defend the Japanese who seeks to take away the white man's home. Never will I give my consent to vote away the life of an American boy in order to fasten the paganism of Japan upon a Christian land and a Christian people.

Let those who will carry out this compact; let those who will turn their coats; let those who will betray their country; but as for me, I stand where I have always stood: "America for Americans." Behind our seagirt walls we will stand and defend our own rights. Beyond them we will not go to infringe upon the rights of others. We will revere the name of Washington though he never rode in an automobile; we will believe in his principles though he never saw an airplane, for his principles of government were as eternal in government as the principles taught by Jesus Christ were eternal in the great realm of religion and morals. As Christ never saw an automobile, and as He never saw a submarine, and as Moses as he came from the mountain never had seen any of these modern inventions, yet as they proclaimed great and eternal truths which will stand forever in the realm of morals and in the realm of religion, so the doctrines of George Washington will outlive all the quibblers of this earth and all of those who trifle with the destiny of the Republic lie established with his sword. [Applause in the galleries.]

Mr. STANLEY. Mr. President, before the Senator takes his seat I wish to add that what he has said very eloquently has only expressed, in my opinion, half of the truth. If this anticipated, almost certainly coming, war between the allied nations of this four-power pact and the nations the Senator has mentioned should arise from the aggressions of Japan against China, he could throw another country as big as Russia and 400,000,000 more people into the scales.

Mr. REED. I might add, the latest utterance of Lord Northcliffe, the wisest of English statesmen, that the whole Mohammedan world is gathering for a conflict to throw off the thraldom of Great Britain. I have Lord Northcliffe's statement, followed by the statement made only a few days ago, that the Mohammedan world is already seething and making its demands, followed by the statements of British statesmen that the armies of India must be increased, followed by the further fact that the revolutionist of India has been thrown into prison for six years, the poor, half-naked man Gandhi, whose revolution consisted in insisting that the Mohammedans of India should make their own clothing, weaving the yarns upon their own spinning wheels, the spinning wheel being the only weapon. He advocated no force, but the right of each man to make his own clothing. For that he has been thrown into prison by the British Government.

So you may have the Moslem world also brought into this conflict, and we are to be the pawns, moved about by the skillful

fingers of European diplomats, while our own representatives knew so little of this treaty that the President himself did not know the treaty had included Japan's mainland. Another of our distinguished representatives said that the question of the strategic value of islands was never considered. Another one of our illustrious representatives said that he was absent and did not know what was going on. But Japan knew, France knew, England knew, and I must say in my closing words what has been entirely omitted from this discussion, that the Franco-Japanese alliance still exists and is not removed. It still remains, and our troubles with Japan now exist and remain unadjusted.

Mr. WATSON of Georgia. Mr. President, I wish to add to what the Senator has so eloquently said, that according to the press dispatches, England is even now demanding soldiers of Japan to crush the liberty movements in India.

RECESS.

Mr. CURTIS. Under the agreement there was to be no vote to-night, and if there is no other Senator who desires to address the Senate, I move that the Senate now take a recess, the recess being under the unanimous-consent agreement, until 12 o'clock to-morrow.

The motion was agreed to; and (at 10 o'clock and 47 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Friday, March 24, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 23 (legislative day of March 16), 1922.

CHIEF JUSTICE OF THE SUPREME COURT OF HAWAII.

Emil C. Peters, of Honolulu, Hawaii, to be chief justice of the Supreme Court of the Territory of Hawaii, vice James L. Coke, whose term has expired.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

Antonio M. Perry, of Hawaii, to be associate justice of the Supreme Court of the Territory of Hawaii, vice Samuel B. Kemp, whose term has expired.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Carlos Franco Soto, of Porto Rico, to be associate justice of the Supreme Court of Porto Rico, vice Emilio del Toro.

POSTMASTERS.

ALABAMA.

Emory Folmar to be postmaster at Troy, Ala., in place of T. E. Hill, resigned.

Anthony J. Bowab to be postmaster at Atmore, Ala., in place of J. F. Beatty. Incumbent's commission expired July 21, 1921.

ARKANSAS.

Robert B. Landers to be postmaster at Melbourne, Ark. Office became presidential October 1, 1921.

Horace D. Cammack to be postmaster at Crossett, Ark., in place of J. L. McCain. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

Charles J. Towson to be postmaster at El Monte, Calif., in place of G. P. Dobyns, resigned.

COLORADO.

Anna B. Danford to be postmaster at Haswell, Colo., in place of R. N. Frame. Incumbent's commission expired January 24, 1922.

FLORIDA.

Charles N. Hildreth, jr., to be postmaster at Live Oak, Fla., in place of W. R. Dorman. Incumbent's commission expired January 31, 1922.

IDAHO.

Benjamin O. Braham to be postmaster at Kellogg, Idaho, in place of C. L. Hollar. Incumbent's commission expired August 6, 1921.

ILLINOIS.

Charles W. Grant to be postmaster at Bement, Ill., in place of W. G. Cloyd, resigned.

Bernard A. Dorries to be postmaster at Breese, Ill., in place of Henry Werth, resigned.

INDIANA.

Joseph A. Spears to be postmaster at Loogootee, Ind., in place of Lewis Walker. Incumbent's commission expired July 21, 1921.

IOWA.

Laura M. Smith to be postmaster at Montour, Iowa. Office became presidential July 1, 1920.

Sid J. Backus to be postmaster at Algona, Iowa, in place of I. M. Finnell. Incumbent's commission expired January 24, 1922.

LOUISIANA.

Esther Boudreaux to be postmaster at Donner, La. Office became presidential April 1, 1921.

Dennis M. Foster, jr., to be postmaster at Lake Charles, La., in place of H. J. Geary. Incumbent's commission expired July 21, 1921.

Carl C. Brown to be postmaster at Haynesville, La., in place of C. C. Brown. Incumbent's commission expired July 21, 1921.

Harry J. Monroe to be postmaster at Elton, La., in place of E. S. Hart. Incumbent's commission expired January 31, 1921.

MASSACHUSETTS.

Arthur I. Randall to be postmaster at Rockland, Mass., in place of M. A. Keegan. Incumbent's commission expired May 14, 1921.

Harry E. King to be postmaster at Millis, Mass., in place of James Sheehan. Incumbent's commission expired August 3, 1920.

Almon L. Pratt to be postmaster at Belchertown, Mass., in place of E. E. Sargent. Incumbent's commission expired January 24, 1922.

MICHIGAN.

Fred L. Wright to be postmaster at Bad Axe, Mich., in place of Joseph Fremont. Incumbent's commission expired January 24, 1922.

MISSOURI.

Vaughn V. Hammitt to be postmaster at Curryville, Mo. Office became presidential April 1, 1921.

William M. Harbin to be postmaster at Puxico, Mo., in place of Fred Kelley, declined.

MONTANA.

James N. Starbuck to be postmaster at Valier, Mont., in place of J. H. Hines, resigned.

Leontine M. Turco to be postmaster at Absarokee, Mont., in place of C. B. Arnold. Incumbent's commission expired December 20, 1920.

NORTH CAROLINA.

Robert F. Blevins to be postmaster at Jefferson, N. C. Office became presidential July 1, 1920.

Charlie L. Walters to be postmaster at Mayodan, N. C., in place of H. R. Martin. Incumbent's commission expired March 16, 1921.

NORTH DAKOTA.

Victoria Quesnel to be postmaster at Bathgate, N. Dak. Office became presidential January 1, 1920.

James W. Pratten to be postmaster at Milton, D. Dak., in place of W. T. Reilly. Incumbent's commission expired January 24, 1922.

Mary B. Engbrecht to be postmaster at Goldenvalley, N. Dak., in place of J. H. Isaak, removed.

Carl Indergard to be postmaster at Belfield, N. Dak., in place John Galyen. Incumbent's commission expired July 21, 1921.

NEW HAMPSHIRE.

Albert C. Cochran to be postmaster at Andover, N. H., in place of A. H. Rollins. Incumbent's commission expired March 16, 1921.

NEW JERSEY.

Mary E. Cubberley to be postmaster at Hamilton Square, N. J. Office became presidential July 1, 1921.

Charles Morgenweck, sr., to be postmaster at Egg Harbor City, N. J., in place of Henry Otto. Incumbent's commission expired January 24, 1922.

NEW MEXICO.

Claud E. Herndon to be postmaster at Cloudcroft, N. Mex., in place of B. B. Sellars, resigned.

NEW YORK.

Mortimer F. McKeel to be postmaster at Yorktown Heights, N. Y. Office became presidential October 1, 1920.

Harrison M. Russell to be postmaster at Staatsburg, N. Y., in place of J. J. Maher. Incumbent's commission expired January 24, 1922.

John W. Hedges to be postmaster at Pine Plains, N. Y., in place of A. D. Barton. Incumbent's commission expired January 24, 1922.

George A. Case to be postmaster at Honeoye Falls, N. Y., in place of R. L. Earl. Incumbent's commission expired January 24, 1922.

Albert Van Essendelft to be postmaster at West Sayville, N. Y., in place of G. C. Ross. Incumbent's commission expired December 20, 1920.

Percy Burr to be postmaster at West Haverstraw, N. Y., in place of Charles M. Roes, removed.

Frederick F. Dickerman to be postmaster at Walton, N. Y., in place of J. G. More. Incumbent's commission expired January 24, 1922.

Fred C. Stadler to be postmaster at Pleasantville, N. Y., in place of W. Y. McIntosh. Incumbent's commission expired January 24, 1922.

Moses W. Drake to be postmaster at Bay Shore, N. Y., in place of P. J. O'Neill. Incumbent's commission expired January 24, 1922.

OHIO.

John C. Caldwell to be postmaster at Oxford, Ohio, in place of W. B. Meyer. Incumbent's commission expired January 31, 1922.

Florence S. Van Gorder to be postmaster at Warren, Ohio, in place of L. C. Brown, removed.

Orlow L. Wertenberger to be postmaster at Leroy, Ohio, in place of W. W. Daniels. Incumbent's commission expired January 31, 1922.

OKLAHOMA.

George M. Caldwell to be postmaster at Maramec, Okla. Office became presidential July 1, 1921.

LeRoy K. Butts to be postmaster at El Reno, Okla., in place of M. B. Cope. Incumbent's commission expired July 23, 1921.

John E. T. Clark to be postmaster at Coalgate, Okla., in place of M. B. Hickman. Incumbent's commission expired August 30, 1917.

James W. Elliott to be postmaster at Fairland, Okla., in place of J. C. Baker, removed.

OREGON.

James E. Whitehead to be postmaster at Turner, Oreg. Office became presidential January 1, 1921.

Ralph R. Huron to be postmaster at La Grande, Oreg., in place of E. B. Bragg. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Nathaniel E. Lyons to be postmaster at Cheat Haven, Pa. Office became presidential April 1, 1921.

Ellis D. Keyes to be postmaster at Aeriel, Pa., in place of J. W. Andrews. Incumbent's commission expired September 7, 1920.

SOUTH CAROLINA.

Francis B. Gaffney to be postmaster at Gaffney, S. C., in place of F. B. Gaffney. Incumbent's commission expired August 10, 1921.

SOUTH DAKOTA.

Emma Peterson to be postmaster at Draper, S. Dak., in place of F. A. Northrup, resigned.

John W. Woods to be postmaster at Worthing, S. Dak., in place of W. F. Berens, declined.

Lester W. Button to be postmaster at Bradley, S. Dak., in place of E. A. Sprout. Incumbent's commission expired July 21, 1921.

TENNESSEE.

Solomon Seches to be postmaster at Memphis, Tenn., in place of C. W. Metcalf, jr., resigned.

TEXAS.

John Plummer to be postmaster at Thurber, Tex., in place of W. P. Boyd. Incumbent's commission expired January 24, 1922.

Frank L. Irwin to be postmaster at Terrel, Tex., in place of A. H. Ables. Incumbent's commission expired July 21, 1921.

Thomas A. Matlock to be postmaster at Petrolia, Tex., in place of E. M. Duvall, resigned.

Hugo Simon to be postmaster at Farmersville, Tex., in place of R. S. Rike. Incumbent's commission expired January 24, 1922.

Augustus S. Hightower to be postmaster at Millsap, Tex. Office became presidential July 1, 1920.

Hugh D. Burleson to be postmaster at Streetman, Tex. Office became presidential January 1, 1920.

Wilmer D. Randolph to be postmaster at Menard, Tex., in place of J. F. Highsmith, resigned.

Charles E. Wood to be postmaster at Alto, Tex., in place of W. D. Armstrong. Incumbent's commission expired January 24, 1922.

Lee K. McKewen to be postmaster at Huntington, Tex., in place of R. N. McMullen, removed.

UTAH.

Gussie Harkness to be postmaster at Scofield, Utah, in place of A. L. Downing, resigned.

WASHINGTON.

Corn A. Smith to be postmaster at Seaview, Wash. Office became presidential January 1, 1922.

Clarence E. Hiatt to be postmaster at Deer Park, Wash., in place of E. E. Wood, resigned.

VERMONT.

Frank C. Stewart to be postmaster at Fairfax, Vt., in place of G. C. Parris. Incumbent's commission expired January 24, 1922.

VIRGINIA.

Dwight D. Ball to be postmaster at Barboursville, Va. Office became presidential October 1, 1920.

Harvey W. Nester to be postmaster at Fieldale, Va. Office became presidential July 1, 1921.

WEST VIRGINIA.

William N. Cummins to be postmaster at Red Jacket, W. Va. Office became presidential July 1, 1921.

Herman H. Haeberle to be postmaster at Macdonald, W. Va., in place of W. G. Bayliss, resigned.

Mamie H. Barr to be postmaster at Winfield, W. Va. Office became presidential January 1, 1921.

J. Carlin Hustead to be postmaster at Meadowbrook, W. Va. Office became presidential January 1, 1921.

WISCONSIN.

Harry B. Loper to be postmaster at West De Pere, Wis., in place of J. V. Linden. Incumbent's commission expired January 24, 1922.

Theodore Buehler, jr., to be postmaster at Alma, Wis., in place of Theodore Buehler, jr. Incumbent's commission expired January 24, 1922.

Carlton C. Good to be postmaster at Neshkoro, Wis. Office became presidential January 1, 1921.

Emma Thompson to be postmaster at Deer Park, Wis. Office became presidential January 1, 1921.

WYOMING.

Robert E. Fuller to be postmaster at Shoshoni, Wyo., in place of L. E. Blackwell. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23 (legislative day of March 16), 1922.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Hoffman Philip to be envoy extraordinary and minister plenipotentiary to Uruguay.

PROMOTIONS IN THE DIPLOMATIC SERVICE.

SECRETARIES OF EMBASSIES OR LEGATIONS OF CLASS 2.

Robert M. Scotten.
Herbert S. Goold.
R. Henry Norweb.

SECRETARIES OF EMBASSIES OR LEGATIONS OF CLASS 3.

Alan F. Winslow.
F. Lammot Belin.
Pierre de L. Boal.
Benjamin Reath Riggs.
Curtis C. Jordan.
George A. Gordon
Wallace S. Murray.

UNITED STATES ATTORNEY.

Raymond U. Smith to be United States attorney, district of New Hampshire.

ASSISTANT SURGEONS IN THE PUBLIC HEALTH SERVICE.

Hilaire D. Ogden, jr.
Lieuen M. Rogers.

POSTMASTERS.

ALABAMA.

Joe R. Melton, Pine Apple.
Joseph J. Langdon, Reform.
Dona M. Dees, Repton.

IDAHO.

Paul F. Kuelm, Fernwood.

INDIANA.

Jennette Mertz, Bunker Hill.
Hattie B. Moore, Clermont.
Earl B. Shinn, Mentone.
Mervin C. Bond, Oaktown.
Othor Wood, Waldron.

NEW YORK.

La Dette G. Elwood, Alden.
Elbridge O. Hurlbut, De Kalb Junction.
Wilbur A. Van Duzee, Gouverneur.
Warren S. Hutchison, Lyndonville.
Frederick J. Sheldon, Lyons Falls.
Clinton D. Drumm, Malverne.
Thomas A. German, Niagara University.
Jesse W. Lewis, Petersburg.

Carlton H. Topping, Sodus Point.
Isaiah S. Head, Sylvan Beach.
Jennie Mitchell, White Lake.

NORTH CAROLINA.

Malpheus F. Hinshaw, Randleman.
Wade E. Vick, Robersonville.
Bertie L. Matthews, Vass.

OHIO.

Nellie E. Beam, Ansonia.
Jacob W. Simon, Bloomdale.
Vashti Wilson, Corning.
Louis A. Conklin, Forest.
William H. Pfau, Hamilton.
Edward W. Williams, New Carlisle.
Albert W. Davis, Norwalk.
Edwin M. Stover, Oakwood.
Fred J. Wolfe, Quaker City.
Millard H. Bell, West Mansfield.

TENNESSEE.

William D. Howser, Clarksville.
Albert F. Adair, Decaturville.
Robert H. Hurst, Grand Junction.

TEXAS.

John J. Allen, Alpine.
John F. Furlow, Alvord.
Ferman Wardell, Avery.
Emma L. McLaughlin, Blanket.
Mary A. Kent, Corrigan.
Bertie Freeman, Detroit.
Frank W. Dusek, Flatonia.
May S. Johnson, Follett.
Edna Sirman, Grayburg.
William D. McGown, Hemphill.
Leonard M. Kealy, Lewisville.
William J. Wade, Littlefield.
Homer Howard, Lockney.
Fred M. Carrington, Marques.
Charlie N. Hooser, May Pearl.
Mary S. Ray, Midland.
William F. Neal, Overton.
Nathaniel C. Brown, Robert Lee.

WEST VIRGINIA.

Charles L. Pinckard, Berwind.
John O. Stone, Davy.
Ira Greathouse, Flemington.
John C. Smith, Tralee.
Beltrad H. Gray, Welch.

WITHDRAWALS.

Executive nominations withdrawn from the Senate March 23 (legislative day of March 16) 1922.

POSTMASTERS.

MONTANA.

Arie W. De Groot to be postmaster at Absarokee in the State of Montana.

OKLAHOMA.

John W. S. Opdyke to be postmaster at El Reno in the State of Oklahoma.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 23, 1922.*

The House met at 11 o'clock a. m. and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, be not far away, for we would speak to Thee. Thou hast not forgotten us; having loved us, Thou wilt surely love us to the end. How we thank Thee for this miracle of Thy mercy! Continue to create in us the noblest conceptions of life, character, and duty. Throughout our broad land give truth power and victory. Keep us in the serene faith of its progress and high destiny. In all things may we gain in knowledge, in wisdom, and in all those virtues that make good men and wise citizens of the Republic. Be gracious to all peoples and help them to come to their liberty by coming to righteousness and fidelity. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUSPENSION DAY.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 300.

Resolved, That it shall be in order on Thursday, March 23, 1922, after the adoption of this resolution, to move to suspend the rules under the provisions of Rule XXVII of the House of Representatives: *Provided, however*, Instead of 20 minutes' debate being allowed to each side for and against the motion, there shall be two hours for such debate to each side.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the resolution is not privileged.

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT of Tennessee. In that it is violative of the latter part of Rule XI, I believe it is, which reads as follows:

The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present.

That is the Calendar Wednesday rule, which is not involved in my point of order. Then further:

Nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

Mr. Speaker, it has been openly and frankly avowed everywhere outside this Chamber by Members of this body, and it has been openly and frankly avowed by the responsible leaders of this body outside the Chamber, that the sole purpose of this rule was to have a suspension of the rules for the consideration of the soldiers' adjusted-compensation measure, and that the sole purpose of having a suspension of the rules in order to consider the measure was to prevent any motion to recommit. If that be the purpose—and the Speaker, of course, knows whether it is the purpose—then it does violate in all of its essentials the spirit of the language which I have just read from the rule.

I call the attention of the Chair respectfully to the exact wording of the rule:

Nor shall it report any rule or order which shall operate to prevent the motion to recommit being made.

I have before me the debate which was had in the House at the time that this provision which I have just read was adopted, on March 15, 1909. It will be remembered by the Chair, of course, and those who were present at the time that this particular resolution, along with others, was presented by the gentleman from New York, Mr. Fitzgerald, one of the ablest parliamentarians who ever sat in this House, and in the course of his argument he stressed with great vigor the importance of this particular section, to the end that the rights of the minority might be preserved to offer its motion to recommit.

"It is the spirit that keepeth alive." I am aware of the fact that two years ago this same subject matter came before the House and in the same way in a degree a ruling was then made by the present occupant of the Chair, overruling a similar point of order, except that there was then included in the point of order a proposition referring to Calendar Wednesday. I think the Speaker will recall that the principal arguments made by different gentlemen who discussed it revolved around Calendar Wednesday and not so much around the point I am making, although that was then directed to the attention of the Chair by myself. That probably will be referred to as a precedent.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. MANN. Does the gentleman remember that I made a point of order against a rule reported from the Committee on Rules on the ground that it would set aside Calendar Wednesday in its effect, and Mr. Speaker Clark overruled the point of order?

Mr. GARRETT of Tennessee. I do not recall the occasion.

Mr. MANN. There was such an occasion.

Mr. GARRETT of Tennessee. At any rate, the Calendar Wednesday rule is not involved here. I took the view at the time we were debating that before, so far as Calendar Wednesday was concerned, that a point of order would not lie, because I thought probably the Committee on Rules had the right to report a rule where it takes two-thirds, because it takes two-thirds to set aside Calendar Wednesday; I mean a rule where it takes two-thirds to bring up a suspension on a Calendar Wednesday day. Calendar Wednesday is not involved here, and I do not want to get it confused with this proposition. This rule is designed—it is not only the effect of it, but it is designed—to take away the right to make a motion to recommit, which the rules adopted for the first time on March 15, 1909, and since adopted at the beginning of every Congress undertook to protect for all time the House.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. FESS. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Ohio first.

Mr. FESS. Is this the contention of the gentleman from Tennessee, that the Committee on Rules could not make any day a suspension day?

Mr. GARRETT of Tennessee. Yes; substantially that, where it would operate to prevent a motion to recommit.

Mr. FESS. Of course it would always operate that way. I wanted to know whether the gentleman means that the Rules Committee can not bring in a rule fixing any day that it chooses to fix as a suspension day?

Mr. GARRETT of Tennessee. I take that position, Mr. Speaker, that it would not be privileged. Of course the committee could bring in a rule to do so, and it could take its place on the calendar like other nonprivileged matters and be considered when reached in order.

Mr. TOWNER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield now to the gentleman from Iowa.

Mr. TOWNER. Would it not have been subject to the same objection if, instead of having a rule for making a day other than the regular day suspension day, this bill had been brought up regularly on suspension day under suspension of the rules?

Mr. GARRETT of Tennessee. No; it would not. It could have been brought up regularly on suspension day under suspension of the rules.

Mr. TOWNER. Is not the gentleman facing this dilemma, then, in saying what he has said to the gentleman from Ohio [Mr. FESS], that a rule can not be brought in by the Committee on Rules making any day a suspension day except the regular suspension day?

Mr. GARRETT of Tennessee. No; I am not at all illogical, I think. I believe the gentleman asked me if I was not illogical.

Mr. TOWNER. No; I asked the gentleman if he was not facing that dilemma.

Mr. GARRETT of Tennessee. I am not at all illogical. The general rules of the House fix suspension day. There is a limitation placed upon the power of the Committee on Rules by the House.

Mr. TOWNER. Will the gentleman yield further to this question?

Mr. GARRETT of Tennessee. I do.

Mr. TOWNER. Of course there would be no necessity of having a Committee on Rules unless it was for the purpose of varying the general rules of the House—changing them. Is not that the object and purpose of the Committee on Rules?

Mr. GARRETT of Tennessee. Yes; but there are two limitations placed by the general rules upon the Committee on Rules. One is that they shall not bring in a rule that will destroy Calendar Wednesday, and the other is that they shall not bring in a special rule that will prevent the motion to recommit.

Mr. TOWNER. The gentleman's argument means that that ultimately would be the effect, but directly it occurs to me that you might say that there can not be any modification of a rule which makes the Committee on Rules have the right to determine a modification, for instance, of the day when bills shall be considered. Has it not been settled on almost every possible point of order that could be raised that it is the special duty of the Committee on Rules to modify the general rules of the House? That certainly has always been done in such cases.

Mr. GARRETT of Tennessee. I do not deny that, except where the Committee on Rules is limited by the general rules of the House, and where that limitation is placed, then when the Committee on Rules attempts to go beyond that limitation it presents a resolution which is not privileged.

I say there is the ruling made in May two years ago which may be called a precedent, but I think it would be a very great error to make the mistaken precedent of yesterday the law of to-day.

Mr. CAMPBELL of Kansas. Mr. Speaker, precisely this question arose two years ago. The gentleman from Tennessee [Mr. GARRETT] made the point of order then that he makes now. He argued the question then more forcefully than he has to-day. The language of the rule prohibiting the Committee on Rules from reporting a rule that would set aside Calendar Wednesday or deny the motion to recommit, of course, as the Speaker knew two years ago, and as the gentleman from Tennessee then knew and now knows, inhibits the Committee on Rules from reporting a rule for the consideration of a bill under the ordinary rules of the House that would deny the right of the motion to recommit. This resolution is an amendment to the rules of the House, providing an additional suspension day—to-day. And as the Speaker well decided two years ago, the Committee on Rules is within its right in reporting such a resolution, as the Speaker then held, when in overruling a point of order on all fours with the point of order now made the Speaker said, referring to that point of order—

The Committee on Rules can not report a rule which is aimed indirectly or directly at overthrowing Calendar Wednesday or the motion to recommit, but this does not prevent the committee from reporting a resolution couched in general terms which may indirectly ban that ultimate result, such as a resolution providing for six days' suspension of the rule.

Then, we provided for six suspension days, which included Calendar Wednesday. To-day we provide for one suspension day.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. Will the gentleman say to the Speaker and to the House that the purpose of this rule is not indirectly to prevent the motion to recommit?

Mr. CAMPBELL of Kansas. I am not engaged in the sort of quibbling that the minority have been indulging in upon this bill in presenting their minority views. [Applause and laughter.]

Mr. GARNER. I should like the gentleman, instead of denying quibbling, to be honest enough with the House to tell them whether the committee intended to do that or not.

Mr. CAMPBELL of Kansas. We are making to-day suspension day, and this privilege of suspending the rules has been a privilege of the House throughout its history. It has been used less during recent years than formerly, but it has always been resorted to when it was thought necessary by those charged with the responsibility of conducting the business of the House.

The SPEAKER. The Chair is ready to rule. The Chair thinks, as intimated by the gentleman from Tennessee [Mr. GARRETT], and as quoted by the gentleman from Kansas [Mr. CAMPBELL], that his decision is determined by the ruling made two years ago, that the Committee on Rules has the right to bring in a rule providing that on certain days suspensions shall be in order. This practice, as the gentleman from Kansas suggested, has not been availed of much of late, but formerly it was a frequent practice. The Chair remembers one Congress when suspension was made in order for weeks, and he thinks for months, and where the vote need be only a majority instead of two-thirds. The Chair thinks that the provision in Rule XI, cited by the gentleman from Tennessee [Mr. GARRETT], applies to rules reported by the Committee on Rules for the consideration of bills and does not apply to a rule like this setting apart a day for suspensions, and the Chair overrules the point of order.

Mr. CAMPBELL of Kansas. Mr. Speaker, I will take one hour and yield one-half of it to the gentleman from North Carolina [Mr. POU]. First, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, two years ago I voted against the bonus bill because it did not provide an equitable method by which it could be financed, and the Treasury Department was not in condition to handle it. I would not then nor would I now vote for a cash bonus that does not carry with it an equitable system of taxation to finance it. Our first concern is to our country, our whole country, including the service men. Our duty is not respected if we cripple the country's finances to prevent it to rehabilitate and relieve the industrial depression, the continuance of which is to the hurt of all our citizens, including our service men. In the two years we have witnessed a remarkable progress in Treasury financing. Our funded public debt has been reduced by two billions and our floating debt by $700,000,000. Interest and discount rates are declining, Government securities are appreciating, and business generally is growing better. If I were convinced that the proposed legislation would interrupt this splendid achievement, I would not give my support to it.

Two years ago, failing either to eliminate the cash feature or providing a method for financing it, I had no other alternative than to vote against the bill.

But this proposed bill omits the cash feature, which obviates the necessity of new taxes for at least three years. At that time the amount that may arise out of the loan feature will not reach $500,000,000; it is estimated that it will not go beyond $275,000,000. No one will hold that this amount will seriously affect the Treasury.

Whether it is right or wrong, the country is committed to bonus legislation. We pay a bonus to our civil employees. We defended this practice upon the basis that it was to take care of the added cost of living due to the war. But the war closed

over three years ago. Notwithstanding this fact we are still paying the bonus to these people.

The soldier thinks, and we can not remove that conviction, that we are discriminating against him. He can not understand this attitude and has for some time asked the question, Why regard the bonus for civil employees to-day and deny it to the men who served under the colors? During the war times some of us believed, as we stated at the time when we were discussing the man-power bill to win the war, that if we entered on the policy of conscription of our men to organize the Army we ought to adopt conscription for all persons engaged in war work. Had we done this we would not to-day be called upon to pay either exorbitant war contracts or bonuses of any character. But that was thought impracticable and was not adopted, and as a result of the unwise policy of the cost-plus contract an orgy of profiteering was engaged in everywhere, high prices and extravagance became the rule at home while a dollar per day was the pay for the service of the men in the trenches. While I have never believed in a general way in the principle of bonus legislation, yet here is a discrimination that we are responsible for in having failed to place everybody doing war work under conscription during the period of the war. This omission which enabled this discrimination in pay is a basis of justice for what these men are requesting. [Applause.]

Mr. Speaker, there is an additional reason. We have by special legislation completed informal contracts made during the war. We have allowed an enormous sum to care for these war claims as of much loss due to war, but which nevertheless must be respected. We will be called upon to do more of this sort of legislation. Wherever the contract was made to build the war machine we must pay it. There will be demands on the Treasury growing out of contracts with numerous corporations called upon to aid the Government to win this war, and, in my judgment, to my way of thinking, we will be compelled to respect those contracts and to fulfill them because our Government will not repudiate its obligation when once the obligation is established.

While we are doing that we are told that we are always willing to pay what is due the contractor, but we hesitate when it comes to the man who offers his life and withhold our recognition of our obligation to the soldier who did the work, not under a contract, it is true, because it was one sided where the Government is the only party to the contract, by the employment of its necessary power and right of conscription, in which the wish of the soldier could not be consulted.

So, gentlemen of the House, this bill eliminating the cash feature and adopting the insurance feature in the interest of thrift and which will not place a burden immediately on the Treasury, since it gives us three years to take care of whatever charge may arise out of the loan provision of the bill. By that time we can make provision for an equitable system of taxation to care for it. I do not see the embarrassment on the Treasury such as some of our friends think there is. My opposition to the former bill is not applicable to this bill, and for that as one reason I am going to vote without hesitation for this measure, believing that it is not dangerous to the general welfare of the country and is a recognition of our appreciation due the soldier. In our attitude toward our treatment of war demands we can not provide bonuses and relief for one and refuse it for another. [Applause.] If bonuses are to be given, and we have committed ourselves to it, this bill gives such relief as is available. However, it does not commit the country to the demagogic view of the Democratic Party.

While it is not a party measure I can assert that I would not support the plan of our Democratic friends as set out in their minority report in which they demand a cash bonus to be financed by a revival of the excess-profits tax and an additional surtax placing the rate at 73 per cent. While this sounds well no one can close his eyes to the inevitable depression of industry, the increased unemployment, and general suffering such a policy if written into law would entail.

The Republican Party in its platform committed itself to the principle, but not to a business-wrecking policy that could not be practicable. No one will deny that the plank was inserted to be interpreted to mean what it says—coming one month after the bonus bill was passed by the House. The President in promise in the campaign in 1920 committed himself to the principle, but not to this democratic folbie. We, in conference, committed ourselves. The people of many States, including my own State, are committed by special State action to the principle. Even the chambers of commerce throughout the country, in their referendum recently held on the original bonus proposal, did not show such opposition as is usually attributed to that organization. On the other hand, two of the four features voted on were favored by substantial majorities.

Reclamation feature was favored, 1,250 to 461.
The home feature was favored, 1,023 to 677.
Vocational education was favored, 1,379 to 325.
The certificate feature was defeated, 1,231 to 467.

In my own State the report stood as follows: First plan, 61½ to 43½; second, 46 to 55; third, 64 to 41; and fourth, 35 to 73.

But the bonus by the people in the last election was favored by over a 3 to 1 vote.

Our service men are our best men, otherwise they could not have gotten into the service. They do not find that their service is appreciated by Congress as when they answered the call to the colors. We can not afford to invite this conviction. They are to-day the guardians of American liberty and American institutions. They are our safeguard against the antigovernment movements in our midst. They are our guaranty of true Americanism. Their good will is essential and any appearance of lack of appreciation through clear discrimination is unwise. I will vote for this bill.

Mr. POU. Mr. Speaker, I yield to myself 10 minutes.

The SPEAKER. The gentleman from North Carolina is recognized for 10 minutes.

Mr. POU. Mr. Speaker, in the first place, I submit that this question ought not to have been made a party question. [Applause.] It is beneath the dignity of a great political party to attempt to play politics in doing justice to the men who risked their lives to save civilization. [Applause.] Now, I deny that the monetary help the Government extends to ex-service men is a bonus. Bonus is a misnomer. I deny further that ex-service men are in any way responsible for initiating the movement that is to be brought to a climax to-day. [Applause.] Where did the proposal to pay these men additional compensation originate? Right here in this Chamber. And I am proud to admit that I am one of the men that helped to start the movement for additional compensation. [Applause.] There were probably 50 or 75 bills introduced providing additional compensation for ex-service men even before they had an opportunity to organize or pass resolutions. The movement was started while 2,000,000 men were still in France. So I insist that any help we provide for these men can not properly be called a bonus.

It is no more a bonus than the $1.25 per diem the men got. If Congress decides that the debt of gratitude to the men who won the war is not fully discharged, any additional amount appropriated is not a gift. It is payment on a debt owing these men by every man, woman, and child in America.

In the next place, I regret exceedingly that this measure comes before the House in this way. It looks as if those who drafted this bill are not really at heart for it. It reads like a proposition framed by men who hoped the proposed legislation would fail. For that reason it may be viewed with some degree of suspicion. It certainly is brought in here in a way to invite opposition. By a brutal disregard of our rights you invite the minority to oppose your bill, but so far as I am concerned you are going to be disappointed. [Applause.] Even though you may desire it, you are not going to line up the minority against this bill, notwithstanding it has serious shortcomings. Almost unanimously we sincerely favor additional compensation for these men. I would be ashamed of myself if I voted against any additional help for the ex-service men. [Applause.] I am against this rule because it cuts off absolutely any amendment to improve the bill. I would like to vote for a bill drawn by men who favor a cash payment to our war veterans—a bill which also provides means for raising the money. That is the kind of bill every true friend of additional compensation in this Chamber would like to vote for. The bill seen to be considered is a makeshift, but it is better than no bill at all. I shall vote for it, as nearly all on this side will, but we would like to have the privilege of making the bill a better measure. The rule prevents this, so I am against the rule. I can not support the rule and remain true to my convictions.

Now, what are the facts? While men were being drafted and sent to Europe to fight to save civilization there was an era of money making and high prices of farm products such as the country had never seen. Every drafted man was cut off from all participation in this unprecedented opportunity for money making. They had no choice. They were selected by law for service in the war. Some farm products reached such a high point as to produce undreamed prosperity for the time being. Everybody was making money who would work, and these men, 2,000,000 of them across the water in a struggle to save civilization, and 2,000,000 more ready to go, were cut off entirely from the privilege of participating in this period of money making. What was the result? Wages were high. The daily wage of some equaled the monthly wage the same men received before the war. Wheat, cotton, beef cattle, hogs,

corn, all were bringing wonderful prices. Everybody bought what he desired. Salaries were raised. A bonus of $240 annually was voted to Government employees, a bonus they are still enjoying. These employees suffered no hardships, were exposed to no dangers, had comfortable quarters, and they were paid not only the customary salary but they received a bonus of $240 for each year of service in addition to such salary. When actual war ended we paid the men who were drafted, who won the war, who broke the Hindenburg line, the men who by their heroism turned the tide of war; to these men we paid the additional sum of $60. Does anyone wonder at the protest which immediately was aroused?

The discrimination was too great to be tolerated. Does anyone wonder that twenty-odd States by vote of the people have provided additional compensation for the ex-service men of those States? It was wrong, wrong, my friends. No man can defend the difference in treatment. Now let us see what other nations have done since the Great War ended.

I quote some figures that were put into the Record on the 21st day of February by our colleague, Mr. FREAR, in a speech which gives evidence of careful investigation:

From the foregoing it will be noted the maximum payments made to the enlisted man by the several governments were as follows: Canada, $631; France, $249; Italy, $64; Belgium, $492; England, $190; America, $60.

Is there any man who is willing to stop right there? Is there any red-blooded American who is willing to have his country at the foot of such a list? Every drop of blood in my body cries out "No." I would very much prefer to see my country at the head of the list—not at the foot. [Applause.] I pay no attention to the cheap argument that if we give these men additional compensation it is going to ruin them, and yet this is what we hear from the enemies of this legislation: "Don't do this thing, because you will ruin the ex-service man." That is cheap, claptrap argument.

This is a serious matter. There is much involved in this issue. There is dissatisfaction in the rank and file of these 4,000,000 men. For God's sake let us do what we can to remove it; let us all make them feel that the Government for which they suffered and for which they were ready to die is deeply grateful to them. Make these men feel that their Government is grateful and you win a moral victory which will have influence for good for a thousand years to come.

I hear other opponents of this bonus legislation, as they call it—additional compensation, I call it—who say, "Are we not taking care of the wounded, have we not provided hospitals for them?" Why, my God, you do that for the pauper, for the worst criminal. We do that for the pauper and the criminal, and yet that is used as an argument against additional compensation to the ex-service men.

I honestly believe that the greatest insurance policy—guaranteeing law and order—that America has is these 4,000,000 men whom Uncle Sam drafted to fight the World War. [Applause.] Is it wise policy to leave them in a position where they must apologize for what their country has done as compared with other nations?

A wiser policy I respectfully submit would be to err, if we err at all, in the other direction. It is better to settle the question now, for economic conditions will remain unsettled until the question is settled. Nothing in the future is more certain than that some sort of compensation bill will be passed. Let us act now and remove the issue from politics and from business.

This bill is not what we of the minority wanted to vote for. I regret that there was not nerve or statesmanship enough among those who had charge of this measure to bring in a bill that provided a cash bonus and a plan to raise the money now. [Applause.] March up to your responsibility; do not be afraid of it. Do not attempt to play politics. You are passing a bill here that your own President will never sign, unless he violates inspired statements that come from those who sit constantly at the feet of Gamaliel. So, with all its shortcomings, I can only say that the bill is better than no bill at all, and I shall vote for it. First having voted against this unfair and vicious rule which cuts off every amendment. I shall vote for the bill in the hope that somewhere along its legislative pathway there may be found statesmanship sufficient to frame a bill which we can all support and which will redound to the honor and glory of the greatest and richest of all the nations of the earth. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, there has been no proposition before Congress during my seven years of service that I have given such careful and thoughtful consideration as I have to the bonus. There is no man who has a higher regard for or appreciates the service rendered by our soldiers more than I do. There is no Member of Congress that has labored more diligently than I have to prosecute the individual claims of the soldiers and their families in connection with insurance, vocational training, family allowances, and compensation, and I think I may say with a fair degree of success and to the satisfaction of the individual members of the Legion in my district.

I have voted for every appropriation for the care of the sick and wounded and for vocational training, and expect to continue doing so, but I deeply regret that the bonus question has been forced to an issue at this time when the finances of the Government are in no shape to meet it. There is no doubt in my mind that if we could wait for a few years until we partly recover from the effects of the war this perplexing question would receive much more careful and mature consideration—consideration that would be more satisfactory to both the soldiers and the people than it is possible to give it at the present time.

The President and Secretary of the Treasury have both stated that it is impossible to pay a cash bonus at the present time or to place any additional burdens on the Treasury without new and increased taxes to pay them with. If I know anything about the people of this country they are opposed to any additional taxes, and it is criminal cowardice to pass this legislation without any provision to raise the money. [Applause.] And, furthermore, let me tell you the same people who are today forcing this bonus on us will as soon as election is over force some new and obnoxious taxes down the throats of the American people to pay it with, but they do not dare to put them on now before election.

This whole proposition at this time is the cheapest kind of subterfuge to buy the soldiers' vote at the fall elections with Uncle Sam's money. Why, every man with an ounce of common sense well knows that if it were not for elections this fall there would not be 75 votes in this House for the bill now before us. [Applause.]

By passing this bill at this time you are not only buncoing all the American people but you are selling the soldiers a gold brick. Neither will be satisfied, and everyone as soon as he finds out what this legislation means will condemn the spineless, cowardly Congress that passed it. The only hope or reasons its supporters have for rushing it through now is that it will be defeated at the other end of the Capitol or vetoed by the President.

The business of the country is just beginning to feel a new thrill of life and there is slight improvement, but the least suggestion of unfavorable legislation will retard if not entirely overcome this improvement, and I believe I am doing a greater service to the people of this country by trying to keep down Federal expenditures by decreasing taxation and by encouraging legitimate business and thereby furnishing an opportunity to the strong, active, and able young men to gain a livelihood than I would be by making them wards of the Government and placing additional burdens on the laborer, the farmer, and business man. You can not take this money out of the Treasury unless you put it in, and remember that in the end it is the people who pay the bills.

I would be pleased to support an adjusted-compensation measure with a clean-cut insurance proposition, vocational training, or aid to buy a home or farm that you knew something about, but I will not at this time support a cash bonus or this haphazard makeshift for one that no one knows how much it will cost; no one knows when the needy soldier will get his money; and what is worse yet, no one cares, if this sop will only last until after we are reelected in November.

Mr. Speaker, the campaign slogan of the Republican Party last presidential election was, "Put more business in Government." I can not see how any man who honestly believes that and has read what the President and Secretary of the Treasury have said about this measure can vote for it at this time.

I shall support the President and vote against it. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. SCHALL].

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. SCHALL. Mr. Speaker, I vision a vast, surging current of khaki-clad youth; strong, sinewy, slender, young, physically perfect enough to pass the rigid tests to enter the Army. On, on, on they come, 4,000,000 of them, a seemingly endless concourse; the Nation's best and bravest, the cream of our youth. That is how they went away.

I see 2,000,000 on the bridge of boats, crossing the gray water, in danger of lurking submarines; I see them in training camps lying on cold, damp ground; in the trenches, in mud and dirt and rain; ill used and sick in prison camps; at Chateau Thierry, where 13,000 of them stopped five German divisions and shot

American courage up and down the whole allied line; under the hideous barrage; in the path of bombs and curtains of fire; at Brest, in mud up to their hips. Before St. Mihiel, where General Pershing said he would give four divisions, 125,000 men, to take it—a liberal case! I see our boys on the fields of battle in the Argonne wounded, lying drenched in their blood, on account of criminal neglect of general headquarters, with insufficient arrangements for stretcher bearers and doctors for long, torturing hours; a succession of horrors, of agony, of misery, and suffering—the awful tale of war that nobody who has not been in it and of it can even dimly imagine.

Then I see the war over and I hear the Allies all claiming that they would have won the war any way. Like hell they would! These are the boys that won the war. Think of that gallant band as they returned from the war, broken in spirit by the fearful disillusioning they received at the hands of Blackjack Pershing's inhuman, un-American, hard-boiled methods, their health undermined by unnecessary hardships, their lungs shot to pieces by poison gas, the ghastly total of physical wounds and nervous disorders of this most fearful nightmare of a war.

Was it only frothy sentimentalism that gripped our throats and misted our eyes as we sped them on their way?

What did all that talk mean about nothing too good for the boys—

When they come back,
And they will come back.

Did the war mean to us just a big show, a thriller, a penny dreadful? What was back of our ready promises? Are we to duplicate the English, and make Tommy Atkinses of our boys?

It's Tommy this, and Tommy that, and Tommy, damn your soul,
But we've thin red line of 'eroes when the drums begin to roll.

How can we men who stayed safely behind, "Keeping the home fires burning," close our minds and eyes and hearts to these facts? It has been scandalously long delayed now; it has ceased to be a matter of gratitude. The fine flavor of it is gone. It should have been done long ago. Other nations having large proportionate debts, discharged their obligations to their soldiers first with money borrowed from us.

How we forget; how we forget. A terrible indictment against us as a Nation. Shall we show the petty minds of the burgomasters of Hamelin town, speaking to the pied piper, after he had rid their town of rats—

A thousand guilders, come, take fifty!
A matter of money to put in your poke,
But as for the guilders, what we spoke
Of them, as you very well know, was in joke.

Shall we acquire the scrap-of-paper conscience that twists a promise into just what the present moment makes expedient? Uncle Sam used to be a homespun, horny-handed, uncouth figure, but when he stretched out that hand his heart was back of it, and when he gave his word, the whole country undertook to make it good. But since he struggled his long legs under the Versailles table he has absorbed the virus of European diplomacy and become secretive, petty, and little, exacting and quibbling over the money pots. He developed an international conscience, in the keeping of Morgan & Co., who have $5,000,000,000 worth of foreign bonds to dispose of in this country, and who have put the old gentleman to screwing and veering about, and straddling the fence now on this side and now on that; he will give a bonus, he will not give a bonus; it must be on sales tax or nothing; it must be later; it will bankrupt the country; till you feel there is not a true thing about him, and even his whiskers might come away with a good pull.

There is no justification in refusing the soldiers a bonus. A promise is a promise. The soldiers were promised a bonus during the war. The Republican Party reiterated that promise. There is no other position to take, in honor, but to fulfil our pledge.

Labor drew a bonus during the war. Government employees were given a bonus and are still drawing it. Some of our Senators who are most bitter against this legislation are drawing pensions monthly for as much as the whole of a soldier's cash bonus could amount to under this bill. The war over, the soldier was given a ragged little $60, which, at the prices then prevailing, would not buy him a new suit of clothes. It is always a question of whose ox is gored. We passed legislation to take care of money lost by war contracts so that these great interests should not be injured by the stopping of the war, and to fulfil the Government's obligation in mining and other projects where the stopping of the war caused them to suffer loss.

And in all cases where capital was interested, we have seen to it that it was properly reimbursed for its war losses. We gave the railroads, under the Esch-Cummins bill, a liberal bonus in guaranteeing the 6 per cent net, which, if figured on the inflated and watered stock value, would amount to better than 9 per cent, and a cash outright bonus of a billion six hundred million dollars, and we later, under the pretext of the war, granted their request for a loan of five hundred million. They are about to ask for new freight cars, claiming the failure of the United States to buy them new cars is justly chargeable.

Under the guise of helping the farmer, we passed the Kellogg amendment, which struck out the enacting clause of the Norris bill and substituted for a real farmers' aid bill a pure bankers' proposition of a billion dollars.

After much haggling on the part of those who have been opposed to the bonus, we succeeded in getting the Government to loan $1,500,000 for seed for the drouth-stricken farmers of this country. But these same fellows joined us very willingly for the $30,000,000 to be given starving Russia, because it would have a tendency to depreciate confidence in their present form of government, and incidentally give the bankers of the country holding large stores of grain an opportunity to that extent to unload. We also gave Europe $100,000,000 after the war.

The present bonus bill, with no provision allowed for amendment, is another bankers' drag proposition. But I must be for this pawnbrokers' bonus bill, because I am bound the boys shall have a bonus, even if they do have to contribute the bankers' toll in order to get it. The dollar must have been shot up, gassed, mangled, wounded, and put in awful condition during the war, for under all kinds of disguises it has been bonused magnificently ever since. It is time we show a little concern about 4,000,000 human beings.

Supposing, as the opposition declare, the money will be spent. It will go back into the streams of trade, and in that way business will benefit. But as compared with the few who can afford to squander, there are numbers and numbers in actual want, out of jobs, in need, after this unusually severe winter and long stretch of hard times and unemployment. While the soldier was working for a dollar a day, labor was not drafted and got large wages. When the boys came back they did not find their jobs waiting for them. They lost out. This will not even partially reimburse them. Had the war lasted even another week, it would have cost more than the sum needed for the cash end of the bonus. The cash amount involved is inconsiderable when reckoned against the huge sums we have been accustomed under the new dispensation to reckon with. Time was a billion-dollar Congress was meat for scandal. Now, billions heap on billions, and we look in vain for any relief among it all for the plain man, the ordinary folks. It seems that the men and interests who have most benefited should be the last to object to share with the boys who bared their breasts to protect all that material interest.

I am opposed to a sales tax, or any such subterfuge to make the soldier and his family pay his own bonus. Two just sources are plainly available. One, the interest owed us by the Allies on the money they borrowed from us in good faith. The other, the funds that grew by feeding on the war these men carried on. The war profits, that have never felt any but the tender hand of a gentle nurse. Put back the excess-profits tax into the revenue bill and you will have more than enough to take care of the soldiers' bonus. Under the Budget plan now in vogue, the administration will have saved enough even under the present revenue bill to more than take care of the bonus. Then, too, short-time bonds secured upon the foreign debt could easily be issued. But the fat boys are strenuously opposed to any bonds being put upon the market, for it, they fear, would immediately depreciate the loaning power of the tax-exempt bonds which have been bought up at far below par from the poor devil who could not afford to hold them and which are now better than par. This bill is not to my liking, and the rule under which it is to be submitted to the House with no opportunity for amendment is far from satisfactory, but it is the only method left to the House under the powers that be by which we can get consideration and force the matter into the open for the understanding of the people of the country.

I am for the bonus for the soldiers, body and breeches, and if I can not get what I want, I am not going to use it as a pretext to avoid taking a less or more imperfect thing.

It is all hosh to say that we are not financially able to take care of the defenders of our country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL, of Kansas. I yield to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Speaker, on yesterday it was my privilege, as a member of the Committee on Rules, to vote for the rule which is now under consideration, and which provides for the consideration of H. R. 10874, commonly known as the bonus bill or adjusted compensation bill.

I voted for this rule in committee. I shall vote for the adoption of the rule by the House, and I shall vote for the bill. This is exactly what I did two years ago.

On the 29th day of May, 1920, I voted for a similar rule in the committee making in order, under the suspension of the rules, consideration of H. R. 14157, which provided for adjusted compensation for the veterans of the World War. I voted then for the adoption of the rule by the House and for the bill.

Then, as now, serious opposition, determined opposition was encountered by the friends of the bill.

Then, as now, those opposed to paying the soldiers a bonus pretended they were in favor of the bonus, but they were not satisfied with the provisions of the bill as drawn.

The same objection is raised to-day. One of the objections to-day is that the bill does not provide a cash bonus payable at once.

The bill under consideration two years ago did provide a cash bonus, and was opposed because it so provided.

Another objection to this bill is that it does not provide the revenue with which to pay the bonus. The bill two years ago did so provide, and yet it was equally objectionable.

The truth is that those in favor of adjusted compensation for the soldiers will vote for the bill, just as they did two years ago.

It is true that many of us are not in full accord with all the provisions of the bill. Were I to write this bill I would include in the provisions the Spanish-American War veterans.

I would provide for a cash bonus to be paid at once and would borrow the money necessary to pay it. I would do away with certain provisions and would include the insurance feature. But because this bill is not drawn exactly as I would draw it is no reason why I should not vote for it, although it might serve as an excuse if I did not want to vote for it.

The question is, Do we want to pass a bonus bill or do we not? If we are not going to pass one until a bill is presented which meets the individual views of every Member of this House in all its provisions, it will never be passed.

I am not unmindful of the fact that when this bill becomes a law that it will involve a certain expenditure of money, and that this money must be raised by taxation in some form or another.

I am fully aware of the financial, industrial, and economic condition of the country and of the cry that is raised by the opposition to the measure, both in and out of Congress.

To me this abuse by certain newspapers and magazines means nothing. The question and only question is, Should the bill be passed?

When I remember the responsibility we assumed on the 6th day of April, 1917, when by resolution we declared that "war existed between the United States of America and the German Imperial Government," and a few months later passed the selective service act by which we drafted the young men from their homes and firesides, from their schools and colleges, from their positions in business, manufacturing, and their chosen professional and commercial pursuits to serve the Nation, to preserve its institutions and uphold its honor, my duty is plain.

As I said two years ago, it makes no difference to me whether it was in the recent World War, the Spanish War, the Civil War, or any other war in which my country was engaged, I always have and always will honor and revere those who for love of country have laid their all upon the altar, a willing sacrifice that this country shall live.

Let us recall our willingness and eagerness to supply the funds necessary to prosecute the war—how we appropriated millions and billions of dollars without any thought as to how the money should be raised—and then let us also remember that it was because of the sacrifices made by the boys who are the beneficiaries of this bill that the war ended a year or a year and a half earlier than we had expected, and because of this fact saved the expenditure of billions of dollars—in fact, an amount so enormous that it would have increased our national debt possibly 100 per cent.

It has been asserted that a vote for this bill is an attempt to buy the soldier vote at the coming election. Up to and until a week or 10 days ago I had not decided whether I should be a candidate to succeed myself, but my mind was fully made up to vote for this bill, as I have always consistently supported all legislation favorable to our soldiers. I regard the charge against any Member voting for this bill as being desirous of catching the soldier vote as the most damnable charge that could be made against the soldier; not against those who vote for the bill but against the boys who bared their breasts against shot and shell on Flanders field; against the men whose honesty, integrity, and patriotism is unquestionable; against the men whose votes are not for sale and can not be bought. It is a most cowardly charge, made for the express purpose of defeating this bill and depriving the very boys we drafted from their homes from the benefits of this legislation.

They are the same boys we followed to the station in our home towns and communities, carrying a small bundle or, perhaps, an old, discarded suitcase tagged and ticketed for a cantonment. These are the boys that we bid Godspeed as they took leave of their dear and loved ones, perhaps never to see them again. They are the same boys who later on went over the top, defeated the flower of the German Army, and shed imperishable glow on the history of our Republic.

The only argument against this bill worthy of consideration is that it carries no revenue provision; and it is true that the country is not now in as prosperous a condition as we would like to see it to properly finance and carry out an adequate plan of adjusted compensation at this time, but this same objection was made two years ago; and the question naturally arises, When will the country be ready if it is not ready now? In my judgment—in fact, we all know—there is no question as to the ability of this country to meet the requirements of this bill without injuriously affecting the business conditions or retarding general prosperity in any way.

This country is by far the richest and the best situated financially of all the nations on the globe, yet we have been hesitating and delaying in this matter of adjusted compensation while other countries that are comparatively poor and whose debt is enormous have all promptly given suitable recognition to their soldiers.

Canada, with a debt of 29 per cent on her estimated wealth, has given $634.40 to each of her enlisted men; Belgium, with a debt of 39 per cent on its estimated wealth, has given $493; France, with a debt of 55 per cent on its estimated wealth, has given $233.50; England, with a debt of 32 per cent on its estimated wealth, has given $189.54; Italy, with a debt of 52 per cent on its estimated wealth, has given $73.34; while the United States, with a debt of but 7 per cent on its estimated wealth, has given $60.

These countries, notwithstanding their enormous indebtedness, do not hesitate to recognize the services of their soldiers. The fact that they are owing us over $10,000,000,000 does not enter into it. They make us wait for the money we loaned to them—they do not even pay the interest—and I hear no insistent demand that we collect our debt forthwith, regardless of consequences, because they have misapplied their money in paying it to the soldiers instead of applying it to the liquidation of their indebtedness to us.

The estimated requirements to carry out the provisions of this bill, as given in the report of the committee, is as follows:

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 5½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land-settlement aid.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land-settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1923	$16,090,000	[illegible]		[illegible]			$64,279,000
1924		26,440,000		20,000,000	$72,000,000	[illegible]	126,440,000
1925		26,720,000		550,000	64,000,000	31,000,000	121,370,000
1926		26,825,000			50,000,000	60,000,000	136,825,000
1927		26,938,000				16,000,000	42,938,000
1928		27,045,000					27,045,000
1929		27,233,000					27,233,000
1930		27,415,000					27,415,000
1931		27,674,000					27,674,000
1932		27,932,000					27,932,000
1933		28,205,000					28,205,000
1934		28,600,000					28,600,000
1935		29,004,000					29,004,000

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 5½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (6) 7½ per cent to receive land-settlement aid—Continued.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land-settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1936		$29,448,000					$29,448,000
1937		30,093,000					30,093,000
1938		30,593,000					30,593,000
1939		31,333,000					31,333,000
1940		32,144,000					32,144,000
1941		33,105,000					33,105,000
1942		34,251,000					34,251,000
1943			$3,154,823,350				
Total	$10,000,000	577,571,000	3,154,823,350	$62,325,000	$125,000,000	$112,000,000	4,036,719,350

If these estimates are approximately correct, and it is believed they are, it will be noticed that the heaviest demands on the Treasury in any one year will be in 1926, when the total reaches $136,825,000. Until 1943, when the major portion of this compensation will mature, it certainly can not be said that the amount required, as shown in this statement, is going to cause any financial embarrassment to this country.

Mr. Speaker, let me say in closing, lest I might be misunderstood, that I consider the adjusted compensation provided for in this bill in no way a payment for services rendered, but rather an expression of appreciation. Patriotism can not be bought or sold, but it can be cultivated, or you can trample the life out of it. What we need now in this country is to cultivate Americanism; we need to emphasize the respect for law and order, and a high regard for our Constitution. If we spend a little money to cultivate patriotism we will have to spend less to stamp out Bolshevism. If we emphasize loyalty to our flag, it will be easier to supress the red flag, and we can not shut our eyes to the prevailing conditions of unrest in our country, which evidence is excellent opportunity for the unlawful element to spread its seditious propaganda, aiming at the destruction of the very foundation of our Government, and, after all, should trouble come again, it is these same boys, in whose behalf I am now speaking, that we shall look to for assistance.

To those of you who are so fearful that we are spending a few dollars in behalf of our soldiers, I want to say and remind you that in addition to this bill we can not for one moment neglect those of the boys who have come back broken in body and mind; they must be taken care of regardless of cost. Only last week the Committee on Public Buildings and Grounds reported a bill carrying $17,000,000 for the building of additional hospitals, and I sincerely hope that early next week the House will pass this bill. It was my privilege as a member of this committee to support the bill in the committee, and I shall do all I can to secure early consideration in the House, and am perfectly willing, as a member of the Committee on Rules, to vote for a rule making that bill in order. It is perhaps needless to state, but it is a fact, that we are woefully unprepared and our facilities are wholly inadequate to properly care for our sick and wounded soldiers.

Why should we hesitate and quibble about this bill? The United States has always acknowledged and discharged its debts. To pass this bill is simply to acknowledge a debt, which, though it can never be compensated, can be recognized. It is a debt of honor, and we should meet and discharge its obligation promptly.

To continue to hesitate, to haggle and to postpone, is cowardly and extremely unworthy of this or any other Congress, as the administrator of a grateful Nation. [Applause.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Will the gentleman from Tennessee use some time?

Mr. GARRETT of Tennessee. Mr. Speaker [applause], I suppose this is the day which will scatter the political bones of many statesmen over the Republic to bleach in the sunlight or rot in the rain. [Laughter and applause.] And we can not tell just who will be numbered among the slain. [Laughter.] The previous question on this rule ought to be voted down. There is no disposition, so far as I know, on the part of anyone to prevent this bill being considered in a proper way and under a proper rule. But what have we here? We have a bill instituting a new principle, or at least a new practice, in Government, a bill that will ultimately impose upon the taxpayers of the United States a burden heavier than has been imposed by any Government in the history of the world in times of peace. We have a fivefold proposition, each proposition differing from the other. We are dealing with 4,000,000 patriotic men, their direct interests, and it is proposed to consider this bill with all its magnitude for four hours of talk without the opportunity even to offer an amendment for so much as the crossing of an "i" or the dotting of a "t." [Laughter and applause.] Well, that was a slip of the tongue, but even an amendment like that might improve this bill. [Laughter and applause.] If the previous question be voted down, then we will have an opportunity to amend the rule and bring the bill before the body for consideration under circumstances which in common decency are required. The consideration proposed is a farce. The dignity of the subject merits more honorable treatment. [Applause.] Of course I have no time to analyze the bill. No one else will have. Only 10 minutes allowed one to discuss a bill of this magnitude involving millions of men and billions of dollars in taxes—what a travesty! From the standpoint of the taxpayer, which, of course, includes the soldier himself, this bill carries all the burdens that the adjusted compensation bills which have been proposed in the past carried and more. From the standpoint of the soldier it does not carry what the soldier who is demanding the cash bonus has always requested. This bill discriminates among the soldiers themselves. The man who went overseas and served long enough to draw $625 under it receives a certificate upon which he may borrow, if he can find a bank that will lend, roughly speaking, 50 per cent.

The man who did not get in until late and who served just long enough to get $50 gets the cash. It is pointed out in the report filed by the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Connecticut [Mr. TILSON] that the man who is not needy who obtains one of these certificates can hold it through the years, drawing 4¼ per cent up until 1942. The man who is needy now and has got to have the cash now, if he can get it from a bank, has to put up his certificate and pay at least 2 per cent more interest on it than it draws. I want to venture the prediction now that if this bill shall pass it is going to prove the gravest disappointment to these service men throughout the country who are interested in the cash bonus. Why, I know the situation of the banks in my country, a typical agricultural country. They are probably in as good condition as the banks in agricultural communities elsewhere, but I am sure that they are not going to be able to take from their funds and lend any appreciable amount of money to service men throughout that section; and although the banks are permitted to rediscount the paper, they are not going to be able to find the banks in which they can rediscount it and secure funds to be tied up for a possible three years with which to make any appreciable amount of loans.

What, then, will be the result? The ex-service men will receive their adjusted service certificates. They will go to the banks—those who need or desire cash—and seek to obtain loans in the amounts permitted by the bill, 50 per cent of the adjusted service pay plus a little interest. The banks will not have the money to lend them and at the same time take care of their current business. Even when the banks may have some money that they might lend they will be unwilling to violate all the principles of sound banking and tie up their assets for three years.

Bear in mind only banks are permitted to make loans upon these certificates. No individual, however much he might desire to accommodate an ex-service man, is permitted to make a loan

upon the certificate as security. It is expressly provided by the bill that a loan by other than a bank or trust company shall be void.

How will the ex-service man feel when he finds that the credit which he has been led to believe he would obtain is refused him? Unnumbered thousands of them who know nothing about banking will fail to understand. They will be embittered at the banks and they will be more embittered at their Government for which they fought and which they will then feel has deceived them.

Oh, gentlemen of the House, however one may feel about the so-called cash bonus, surely all ought to agree that the soldier is entitled to candid treatment by the Congress. They ought to know just what they are getting. I for one am unwilling to deceive them, and I will not support the bill, whatever the consequences may be to me personally. It comes desperately near being a fraud upon them.

Let it be ever remembered that you are not saving the Treasury anything by this hocus-pocus. You are mortgaging the future without benefiting the present. At the end of three years, or in 1925, you have got to be prepared with assets in the Treasury to pay off such loans as the banks shall have made and which have not been repaid, together with the additional amounts that may be then due under the terms of the bill to the soldier who borrowed and defaulted in payment. And the Treasury is required to begin to loan direct in 1925, and you must by that time arrange to get the millions that will be necessary for that.

The political purposes of this bill are so manifest as to be almost an insult to the soldiers whom it is supposed to benefit.

It is provided that the adjusted service certificates shall bear date of October, 1922. It will be a physical impossibility for the departments to prepare the records and issue the certificates by that date, even if the bill shall pass the Senate and become the law within the next few weeks. The elections will be in November. The soldier may therefore be laboring under the delusion that something has been done for him and will not learn the full measure of the deception until after the election.

The period for the Treasury to begin loans direct and to pay those due the banks is postponed until 1925. The next presidential election will be in 1924. Therefore it is designed to postpone the bringing of the tremendous tax which will be essential to meet the obligations growing out of the measure until after the next presidential election, but the obligation will be fixed; it will have to be met then.

This procedure is cowardly, and I shall not be a party to it. Why are the bonus proponents unwilling to do the brave thing now and make the provisions that must be made?

It would be embarrassing politically perchance, but it would at least have the merit of some courage upon the part of supposedly responsible statesmen.

The land-settlement proposition which is involved in this bill will probably eventually prove to be the very worst feature of the legislation. It proposes to set up a tremendous organization which will not be established until after the soldiers are settled with. The fact is that before that organization can scarcely be set up, certainly before it can acquire a foot of land in any State, under the terms of this bill a soldier will have had to make his election as to what he is going to take, which one of the fivefold plans, and by processes of legislation a few years from now Congress will proceed to carry on all this vast, gigantic scheme of going into every State in the Union and buying cut-over land and swamp land and redeem it at public expense. That is not a soldier proposition. It was never asked for by the soldiers in the beginning. It was imposed upon the soldiers by influences desiring to put the Federal Government into the business of buying or condemning land in all the States, transplant the European village life system into the United States, build roads, moving-picture houses, schools, churches, and so forth, at the expense of the Federal Government. That feature of this bill will continue long after every soldier has been settled with, and gradually it will grow until the cost lies beyond any power of our present calculation.

I have tried to discuss this bill from the standpoint of the soldiers interested. I have not touched upon the merits of the adjusted-compensation principle itself, but I can not forbear to say this in conclusion: The soldiers of other wars have not had cash bonuses. The soldiers of the Spanish-American War did not have it and did not demand it. The soldiers of the Federal Army who preserved the Union received no adjusted compensation and demanded none. The soldiers of the Confederate Army not only received no adjusted compensation but for the last two years of their service they received no compensation at all, and they received no pensions after the war until they were old and helpless. They went home from the battle fields, crossing over the graves that billowed their land, in tatters and in rags. They took their places in the field, the factory, and the shop. They laid their hands to the plow. They built up again a land whose whole social structure had been destroyed and whose very civilization was threatened by the political environment and reconstruction conditions which surrounded them and made that section to blossom again as the rose, an achievement which stands to-day the pride and the glory of history. [Applause.]

Mr. GALLIVAN. Will the gentleman yield for just a question?

Mr. GARRETT of Tennessee. I yield.

Mr. GALLIVAN. The gentleman is perfectly willing to have it go into the RECORD that in all that he has said, despite the fact that he is the acting Democratic leader, he is speaking solely for himself?

Mr. GARRETT of Tennessee. Absolutely.

Mr. GALLIVAN. That is all.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman has five minutes remaining.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Speaker, I think the minority is under great obligations to the gentleman from Massachusetts [Mr. GALLIVAN], who brought out the fact that the gentleman from Tennessee [Mr. GARRETT], the minority leader, was speaking only for himself in what he said. I am sure that much that he said will not find a responsive echo on the minority side, and I doubt if any part of it will meet with approval on the majority side.

Mr. Speaker, I propose to be very frank in regard to this rule; and in my frankness, lest there should be any here who might disagree with me, let me say that I am uttering my own personal views. [Laughter.] I favor the consideration of this bill under the suspension of the rules, without opportunity for amendment, because I am convinced—and if I had had any doubt on the subject, the minority views signed by Mr. KITCHIN are all persuasive—because I am convinced that, so far as the minority is concerned, all of the amendments that would be offered if an opportunity were afforded, or the major portion of them, would be offered solely for political purposes, with the hope of embarrassing, with the view of embarrassing, without thought of improving the bill, and amendments which in the main would be of a character that those offering them, if they were adopted, would not themselves support.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARRETT of Tennessee. Would it embarrass the gentleman from Wyoming, who says he speaks only for himself, if the minority——

Mr. MONDELL. I have not said anything about anybody on our side being embarrassed. I said your amendment, if an opportunity to amend were offered, would be offered with the view and the hope and the expectation that they would embarrass those that desired to support the bill, whether they are on the minority or the majority side.

Mr. GARRETT of Tennessee. Would it embarrass the gentleman and his party if an amendment should be offered adopting the suggestion of the President of the United States that the bill be financed as it is enacted into law? [Applause.]

Mr. MONDELL. In the first place, the gentleman's statement is incorrect. The President of the United States has made no suggestion with regard to the financing of the bill now before the House. [Applause.] The President's suggestion was that if a bill providing for a cash bonus—which few on your side are favorable to, no matter what they may say in public—and making a heavy drain upon the Treasury was to be enacted, it should provide its taxation burden bearer. Since the President made that suggestion the bill has been amended so that the drain on the Treasury for the next three years will be but little more than that caused by the road program which will be presented here in a few days, and not half the immediate burden on the Treasury of the transportation act.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. MONDELL. I can not yield. I have only five minutes. It would be contrary to all the practice of the House to carry a taxation provision on a bill that lays no more burden on the Treasury in the near future than this measure does. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield the remainder of my time, five minutes I believe it is, to the gentleman from Texas [Mr. HARDY]. [Applause.]

Mr. HARDY of Texas. Mr. Speaker, if I had a political life to sacrifice I would gladly sacrifice it, if necessary, at the present moment on the altar of my country's welfare. Unfortunately I have no political life, I am not a candidate for reelection, but I voted two years ago when I was a candidate the same way I intend to vote to-day.

Gentlemen, in my judgment this bill is more dangerous to the welfare of our country than were the roving companies of disbanded soldiers in Europe in the Middle Ages, for the reason that those soldiers were unorganized. They became freebooters and took what they could lay hands on, without shame, and claimed the right to a living from the public. The American Legion is organized, an organized political power. It is an organization spreading its propaganda and producing in the minds of public officials a change of honest convictions between one term of Congress and another. I said a change of honest conviction, and I mean it, but the menace of thousands of hostile votes is a powerful persuader, and a bound-together organization foists to-day upon our people and upon the backs of the toiling taxpayers, according to Senator LODGE, a $4,000,000,000 burden, and may add in the coming years another $4,000,000,000 or more. I do not believe, I can not believe, that the Legion is conscious of the burden they are placing on their country. It has not been sufficiently presented to them.

Gentlemen, for the welfare of my country let me plead against the increasing of the burdens of national taxation by increasing the volume of national indebtedness.

Mr. GALLIVAN. Will the gentleman yield?

Mr. HARDY of Texas. I have only five minutes.

Mr. GALLIVAN. One question.

Mr. HARDY of Texas. Excuse me. I do not want to yield.

Mr. Speaker, there is no surer way of enslaving the toiling masses of the people than by piling high the bonded indebtedness of a nation. And we know it. More than $20,000,000,000 of indebtedness now hang over this country, and this bill will add at least $4,000,000,000 in the coming years to the present indebtedness.

Your children and your children's children will not see the end of the payment of this obligation. And not only so, but the industrious, the intelligent, the sober soldier himself and his children will bear the burden of paying back far more than any of them receive. I know the claim is that these men need the money now, but there will never come a time when a vast number of men well organized will not need the money if it is dangled before their eyes. Let us grant that some of the soldiers who are given this small gratuity, as it is called by the gentleman from Ohio [Mr. FESS], will save it and invest it and make it grow. We know that hundreds will not save it, and when some do not save it those that do will have to bear the burden of repayment to the Government by taxes of every dollar taken from the thrift of the country and bestowed upon those who are not thrifty.

The slavery of a people is not always evidenced by chains. Burdens imposed by government or tribute paid to the strong under forms of law may constitute slavery. Do we take pride in piling up $4,000,000,000 of debt? Why, England has not paid the debts of the Napoleonic wars yet. One hundred years have passed, and still the interest is bearing down upon the shoulders of the toilers of England. I speak for the toilers.

You say, "We must give adjusted compensation." Why, if you are going to compensate these soldier boys, if you give them pay in proportion to the pay of profiteers that stayed at home, you have got to increase it far beyond the terms of this bill, and it may be that in the not distant future that fact will be the basis of another bill for another four billions of readjusted compensation. I know a negro boy, 14 years old, who received during the year 1919 $3.50 per day. From that to $5 a day was the rate paid to boys. This bill does not give to the soldier boys pay equal to that received by the 14-year-old negro boy.

And many skilled laborers, no more skilled than many of our soldiers, received $10 per day. What are you going to do about it?

Let us conceive the boys as saying, "While we were fed and received only small compensation while soldiers, we willingly tear out of our financial life two pages, representing the years 1917 and 1918 and cast them on the altar of American liberty and American rights." Are they big enough to do it? I firmly believe they were and are if agitators and propagandists will let them alone. I know they would scorn the idea of laying a heavy burden on their whole country for the sake of the individual pittance they will receive under this bill. The gentleman from North Carolina, an ardent and honest advocate of the bill, says the soldier boys did not initiate this proposition. No; but there are men who honestly believe that they can ride into office by the agitation of soldier-bonus legislation, and the organization is here day after day. We find men who in their conscience and convictions knew that this was evil to the country and to the Government, yet yielded to the pressure of a stupendous organization, and the danger is that the manhood of Congress will never be able to stand up against the menace of the organization. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HARDY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY of Texas. Mr. Speaker, of course no adequate discussion of this bill could be made in the few minutes allowed to each Member who asked to be heard. And yet no subject deserves more study by Congress and by the public. I have always abhorred war and all its evils. Abhorrence of war is to-day universal, but the means of its prevention has not yet been found; or, if it was found in the League of Nations, it was not accepted by our Senate. Before discussing this bill further I wish to make one suggestion to our country and to all countries: In the Great War we made a long step toward peace when we adopted universal conscription, or the selective draft, as it was called. We will make a longer step when another great war comes if we then conscript all labor and all capital as well as soldier boys. This was too unheard of in 1917 to make it possible then. But it is being seriously thought of now, and I believe it will be done if ever we enter another great war like the last. It will end all profiteering during war if it does not end war. But let me discuss the bill. I spoke of the tax burdens. Many advocates of the bill talk of making the rich and war profiteers pay it, but these same advocates are not ready with any plan to accomplish that result.

Instead of that, the chief proponents of the bill, like Mr. FORDNEY, are foremost in every proposal to lessen the taxes on great wealth and great incomes. They took off the war excess-profits tax and lowered the war rate of taxation on the higher incomes. Our public debt, represented by tax-exempt securities, is so vast that many of the idle rich can practically escape all taxation. And the power of monopoly and combination is so marvelous that it is easy for them to pass the burden of heavy taxation on to the small producer and the individual consumer. Banks and money lenders increase their rates as times grow harder and taxes higher; manufacturers count their costs, including taxes, and fix prices to yield such profits over all as they see proper, restrained only by the limit that is fixed by the public's ability to pay. Finally all tax must be paid out of production, and it is safe to say 90 per cent of it comes from the pockets of the "little man" we see so often caricatured as the public. Let not the small farmers and the wage earners, the kinsmen of the soldier boy, delude themselves into believing they can make the Morgans, the Rockefellers, the Mellons, the Steel Trust, and that class pay this bonus or any of the rest of these war debts. Ninety per cent at least of it will be paid by you farmers, you wage earners, and you soldier boys, if you ever get above the rank of pauper. There is not a soldier boy in America, if he is intelligent, sober, and industrious, who will not pay back to the Government in taxes twice or three times all he will receive if this bill passes. I do not discuss the question of frozen credits or possibility of the boys sacrificing the pittance they are to get. I am afraid if I commanded an army I would not make flank movements. All my attacks would be front attacks. And so I say that my opposition to the bill comes from my belief that it will be an injury and burden to my country and in the end to the boys themselves. I have one boy only. He will be entitled to receive something under the bill. I earnestly hope he is made of such stuff that he will pay back more than he will receive; that is, that he will be a fair producer somehow in the industrial life of the Nation. In the progress of this debate it has been suggested that the time of the soldier boy while he was in the Army was not altogether lost. I heard one man dwell at length on the physical improvement wrought by the 12 months' military training of his boy. In the cloakroom another told of a boy who, in discussing his experience in Europe during 18 months, declared that he would not take $10,000 for that experience, and that it was the equivalent of a liberal education. I know that in after years the experiences of the boys over there will be a source of great pride and of great pleasure in the many memories they will recall and recount to those less fortunate—or less unfortunate, if you count it that way—who

never got across the water. To their dying day the emblem of their service, whether over here or over there, will be a badge of honor and a recommendation to them in public or private life and a priceless heritage to their children after them.

Provision has been made, running close to half a billion dollars per year, for the care and training of those who were injured or broken in health by the war. We are speaking now of the young man who has returned to his home sound in body and mind. Would he commercialize, if not tarnish, the glory of his service to his country for the pittance of $50, of $200, of $500, or of $1,000 wrung from the labor of the young and old who are to-day no better off in this world's goods than he? I have addressed many meetings of old Confederate soldiers who spent from two to four years in the hardest and most hazardous service ever borne by soldiers; I have recounted to them the undying glories crowning forever their names and deeds; but I have often said to them that the crowning glory of their lives consisted in the fact that when they came back to their devastated or wasted homes they asked for no aid and looked for no aid from the States that sent them out to service, but they laid by the trappings of war and took up the harness of industry and started to work to build up the waste places, to rebuild and restore their homes, and to lead their communities in every righteous path of life. They became a shining example to their children and to all the countries of the world of the highest type of manhood, and their labors were crowned with such success that in the after years the old Confederate soldier was on the average far better off than were the soldiers who wore the blue and began to receive pensions in 1865. It is that kind of halo I would like to see gathered upon the heads of our boy heroes who came unscathed from the Marne and Belleau Woods. There is another angle from which to view this question. It is expressed in the Tulsa World of December 9 under the heading, "The soldier bonus again." I do not know the politics of this paper, nor does that matter. It says:

> It is deeply significant of many things, none of which are creditable, that Members of Congress returning to their duties after a brief sojourn among their constituents express their determination to take up the soldier bonus legislation at an early date and make a law of it before the session ends. In this apparent consensus of congressional opinion one is permitted to see at close quarters the compelling force of American statesmanship and it is a grisly, grotesque, dangerous thing—not what is right, not what should be done for the country, but what will make votes and what the apparent articulate factions may desire. Next year is election year. * * *. The World has always opposed the bonus for able-bodied ex-soldiers. It has opposed it because * * * it puts a price upon patriotism and sets up a precedent that must be eventually tremendously embarrassing to the Republic, because it cheapens the sacrifices of every mother's son who sleeps over there.

I do not despair of the Republic. The menace of socialism, communism, and sovietism threatens from afar to-day. The burdens of taxation and of tribute levied by monopoly and combination and the increasing power of organization and propagandism are driving us in the wrong direction, driving us away from the ideals of independence and self-respecting manhood so dear to our fathers; but those ideals are not dead, and in many ways the moral training of the people of to-day is elevating and ennobling them, and I trust that the moral courage is growing which will cause our men of the future, both in public and in private life, to dare more than ever heretofore to do right.

Mr. MANN. Mr. Speaker, reserving the right to object to the request of the gentleman to extend his remarks—and I shall not object—I would like to suggest that if one man shall have the right to extend remarks in the RECORD on the bonus bill, perhaps it would be just as well to give everybody in the House that right. [Applause.] I ask unanimous consent, to bring it before the House, that the Members shall have the right to extend remarks in the RECORD on the rule and also on the so-called bonus bill, if that comes up to-day, for 10 days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all Members shall have the right to extend their remarks for 10 days. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized. The gentleman has 12 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule before the House makes it in order to move to suspend the rules to-day. The usual debate of 20 minutes on a side is extended to 2 hours on a side. This is the most liberal provision for debate on a motion to suspend the rules within my memory in 20 years of service in the House. Much important legislation in the history of our Republic has been passed under suspension of the rules. It is not, therefore, an affront to the House of Representatives to pass a great measure under suspension of its rules.

Now, Mr. Speaker, I want to address myself briefly to the remarks of the gentleman from Texas [Mr. HARDY], who has just taken his seat, and to the opposition generally enunciated by the Democratic minority in their report upon this bill. [Applause.] The gentleman from Texas likened our soldiers in the Great War, who are organized into the American Legion and Veterans of Foreign Wars, to the bands of marauding soldiers who traveled through Europe in the Middle Ages and lived off the country. That is only a greater insult to the soldiers than the assumption generally entertained and expressed by those opposed to this bill that the veterans of the war can be purchased by adjusted compensation legislation. [Applause.]

Any man who thinks, any newspaper that thinks, any man who charges, or any newspaper that charges, that you can purchase the votes of the veteran soldiers of our Republic in the Great War by the passage of this bill does not know the men who made up that great army. He does not know the men who lay in the trenches, who went over the top, and through no man's land. They were not purchasable men. They are and will be for more than half a century the strongest men in the body politic of this Republic. They are above price. [Applause.]

The adjusted compensation proposed in this bill is small. I wish it could be greater. I wish we could do as much for the veterans now as we did for the soldiers of the Revolution, for the soldiers of 1812, for the soldiers of the Mexican War, and for the soldiers of the Civil War. We offered to all of these lands from the public domain. We bade them go upon it and make their homes there, and they did! Our public domain is gone.

This bill does what the country now feels it can do.

We have gone through a great war under the management of a Democratic administration that engaged in an orgy of expenditure. You, gentlemen, here on my right, you Democrats who criticize this bill because it would raise and disburse a few hundred millions of dollars, raised and disbursed $40,000,000,000 in a period of three years. You did not spend one dollar of that to adjust the compensation of the returned soldiers. In the year 1919, after the war was over, while in full control of the Government, you raised and disbursed over $19,000,000,000 and you did not give a dollar to the returned soldier as additional or adjusted compensation. To-day you indulge in demagogic claptrap in your minority report on this bill to a degree that would put any self-respecting body of men to shame. [Prolonged applause.] You talk about raising money from multimillionaires made during the war and giving cash bonuses to the soldiers. Why did you not pay some of that $40,000,000,000 that you took from the American people to the soldiers when you had the chance? Why did you not give some of the $19,000,000,000 that you raised in 1919, after the war, to the soldiers when you had the chance? The boys can not be fooled with your demagogy and claptrap. During a period of three years you took from the American people $40,000,000,000, more money than it cost to run the expenses of the Republic from the day of the adoption of the Constitution up to 1912. You were in full charge of the war. You permitted soldiers to freeze and die in barracks and in hospitals. [Cries of "No!" "No!" on the Democratic side.] You did! You permitted them to go into battle without the support of airplanes and artillery. You permitted them to walk knee-deep in mud while waiting for boats upon which to come home.

Mr. UPSHAW. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No. And yet you indulge in all this tommyrot as to what should be done now, printed in your minority on this bill. Yours is signed by Mr. KITCHIN, the minority leader, and four of his colleagues. I understand it is so putrid that the gentleman from Texas [Mr. GARNER] refused to sign it. You have not so far grown out of memory of the boys as to be able to impress them with your interest in them. When you were raising money by the billions by taxation and by the sale of bonds, you were giving it to the contractors to whom you now refer as having made millions and billions out of the war. They were your contractors, your profiteers. You made the contracts with them and adjusted the payment of their canceled contracts after the war was over.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. In discussing this question in this House on May 26, 1920, I said:

> Mr. Chairman, the people of the United States are able to and are willing to pay every obligation growing out of the war, legal, equitable, and moral.
>
> When a state of war was declared with Germany a wave of patriotic fervor, accompanied by a disposition on the part of all our people to make every sacrifice, spread over the country. The man power, the financial strength, and the industrial resources of the Republic were mobilized for war. The country changed from a peace to a war basis. All were willing to adapt themselves to the changed conditions and to make the same sacrifices that the young men who went to the front to

fight the battles were called upon to make. Four millions of the boys were mustered in. Two millions of them reached the battle front. War contractors, such as are provided against loss under the provisions of the bill now under consideration, produced but little material that reached the front before the armistice was signed. Let us say they did their best as the boys did their best. The boys offered their lives; the contractors the product of their industries.

But immediately following the armistice and ever since every specie, every variety, and every character of contractor came to Congress with as many varieties of contracts and asked for money to secure them against loss. Some had contracts that were partly completed, some upon which little had been done, some upon which nothing had been done, and many had no contracts at all. These contractors and would-be contractors appealed to Congress to indemnify them not only against loss but some of them asked for the profits they had expected to make out of the war contracts they had or thought they had.

Let me not lose sight of the fact that the industries of the country, as well as the man power of the country, were all commandeered for war purposes. War contractors and those who controlled the industries of the country were under the same obligation to render patriotic service to the Nation as the young men who offered their lives upon the battle fields. But the men whose property instead of their lives was commandeered have received from the country since the armistice was signed $2,179,272,966 to indemnify them against loss.

When the men who were to furnish their property or the products of their industry for war purposes appealed to Congress, those who to-day protest against legislation to in a small way indemnify the boys who offered their lives in battle against financial loss were the earnest advocates of the war contractors. As to the contractors, they do not complain that it would bankrupt the Treasury; that it would increase the cost of living; that the country could stand no additional taxation. But when it is proposed to indemnify the young men, every one of whom offered his life for his country, in an amount that about equals the amount the Government deducted from their pay during the war, a propaganda is spread over the country protesting against legislation readjusting the pay of these heroic boys.

During the war half of their pay was kept from them and sent to dependent relatives. A quarter of it was retained by the Government for insurance. They had in the neighborhood of seven dollars and a half a month for their personal use during the war. Out of this pittance they could save nothing. When they were discharged they received $60, which was not enough to buy citizens' clothing, that during their absence had more than doubled in price. They had a year and a half of war—of hell—whether in cantonments, on the sea, or on the battle fields. Their lives were made over. Their nerves were strained to the breaking point. And yet some Members here protest against legislation that will help these boys get on their feet and make their way with those who have made rapid progress in every profession, trade, and industry during their absence in the war.

Mr. Chairman, I serve notice now that until Congress is ready to do something for the men who fought the battles of the war I shall oppose appropriations, or authorizations for appropriations, or authorizations for contractors, or would-be contractors, to establish their claims against the Government of the United States. You have been told that the boys who fought the battles of the war should not commercialize their patriotism. I say that the contractors of the war should not commercialize their patriotism. [Applause.]

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BANKHEAD. To what legislation does the gentleman refer which should be enacted before we take up legislation of the character now under consideration?

Mr. CAMPBELL of Kansas. I refer to the bill that has been under consideration, readjusting the pay of the soldiers—indemnifying them in small degree for loss sustained during the war.

Mr. BLANTON. Commonly known as the bonus proposition.

Mr. CAMPBELL of Kansas. Yes; against which a solid Democratic vote is pledged.

Let it not be said that the country has for the soldiers only cheers for the living, tears for the dead, but indemnity for contractors.

Let me remind you that the boys for whom a readjustment of pay is asked are the same boys that you followed to the station when they were embarking for the cantonments. They are the boys for whom the sweaters were knit and the bandages were made. They are the boys who lay sick in hospitals beside the frozen bodies of dead comrades; the same boys who braved the perils of the sea to reach the enemy on the battle fields of France and Flanders. They are the same boys who lay in the trenches, who went over the top amid the shot and shell and deadly gases of the enemy. They are boys who added glory to the Republic by their patience in the cantonments, by their courage on the sea, by their endurance in the trenches, by their bravery and heroism in going over the top into "no man's land." They are the boys who stirred the heart of the Republic, who cheered England, and France, and Italy, and Belgium; who put new life and courage and new soul into the war. They are the same boys who drove terror into the heart of the Hun, who forced the Kaiser from his throne and drove the German Army back across the Rhine. They are the boys whose comrades sleep beneath the poppies in France and Flanders, and in every State of the Union.

Their silent tents are spread
Where glory guards with sacred round
The bivouac of the dead.

A bill for their relief should pass ungrudgingly. It is said that it is intended to buy the votes of these brave boys. Their votes can not be bought. It is said that this legislation is commercializing the patriotism of the boys. It is not said that legislation for contractors is commercializing the patriotism of the contractors.

I appeal to the opposition to the soldiers' pay legislation everywhere to support it with the same patriotic support they gave to the legislation mobilizing the boys for war.

Again, on May 27, 1920, I said:

Mr. Chairman, a great many special rules have been brought out of the Committee on Rules that have cut off debate and prohibited amendment, but no rule from that committee within my recollection has met such united opposition from the Democratic side of the House as has the rule for the consideration of the bill providing indemnity for the soldiers of the Great War. [Applause on the Republican side.] The political minority of the House is opposed to that legislation.

Mr. RUBEY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. The political minority on the Democratic side is united with 49 Members on the majority side of the House.

Mr. RUBEY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not. This makes a majority of the membership of the House against the previous question on the rule and against the rule.

No man interested in this legislation would bring in a rule here, move the previous question, and have a united Democratic minority, supported by half a hundred on this side of the House, vote down the previous question and throw the whole question into the hands of the enemies of the legislation. [Applause on the Republican side.] And that is exactly what the enemies of this legislation are prepared to do.

Mr. FULL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No.

Mr. GALLIVAN. Will the gentleman yield to me for a moment? Here is one Democrat who is with you.

Mr. CAMPBELL of Kansas. That is one thing I do not propose to do. I shall not turn this legislation over to its enemies, to those who propose at any cost to defeat it. I propose on Saturday morning to bring in a rule providing for six days of suspension. Under that rule it will be in order to move to suspend the rules and pass the bill, and you gentlemen then can not go behind a barrage of previous questions and alleged drastic rules and vote against this legislation. The gentleman from Massachusetts [Mr. GALLIVAN] says he will be for it. I am glad to say he has been for it from the beginning; but other gentlemen on that side of the House will have to come from behind the barrage. You will have to "go over the top" and into "no man's land" and vote for or against the main proposition. [Applause on the Republican side.]

Mr. FULL. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. No.

This proposition does not differ from other important legislation brought here under special rule under which the previous question is ordered, under which amendment is denied. I have brought in such rules. The gentleman from Tennessee [Mr. GARRETT] has brought in such rules during the time that he and his party were in the majority. The same thing has been done throughout the history of legislation. Everybody knows that if the legislation that is proposed to indemnify the soldiers for some of the losses that they sustained during the war were thrown open for all sorts of amendment and debate such action would mutilate it and defeat its purpose as sought by the men who are attempting to get consideration for it under conditions that would enable them to do that. [Applause on the Republican side.]

And again, on May 29, 1920:

Mr. Speaker, gentlemen who oppose legislation that will in a small degree compensate the soldiers of the Great War for the losses they sustained are opposed to this resolution. [Applause.]

Every gentleman who is opposed to legislation compensating the soldiers in any degree for losses they sustained are opposed to this resolution. [Applause.]

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not yield now.

Mr. CLARK of Missouri. Yes; you can. [Laughter.]

Mr. CAMPBELL of Kansas. Every gentleman on this side of the House who voted against laying the appeal from the decision of the Chair on the table is opposed to compensating the soldiers of the Republic who bared their breasts to shot and shell on the fields of France and Flanders. [Applause.]

No gentleman who has so far discussed this question can refrain from announcing his opposition to some feature in this bill. The gentleman from Missouri [Mr. CLARK] says he is in favor of compensating the soldiers. The soldiers in the country will take his vote upon this resolution rather than what he says about it. [Applause.]

"By their fruits ye shall know them." The time has come to unmask on this question. It is time to raise the barrage. It is time now to compel gentlemen to go over the top, to go out where they will face the fire, vote aye or no, and you who vote no against this resolution will be known to the country and known everywhere as opposed to soldiers' indemnity legislation.

Who are the boys for whom this legislation is intended? They are the boys who shed imperishable glory on the history of the Republic. [Applause.] They terminated the war a year or a year and a half earlier than it had been expected it would terminate. And I call the attention of you gentlemen over here to this fact: That if it had not been for the bravery and the indomitable courage and endurance of these boys the Kaiser would be levying tribute on you to-day. [Applause.] You made this statement in the opera houses and in the churches to the people you addressed in support of the bond issues during the war.

Now, I want to unmask a little further. Some of you on the Democratic side who are opposed to this legislation are opposed to it because 350,000 to 375,000 colored boys would come within its provisions. I deny now in their behalf and in behalf of every man who were the uniform of his country and followed its colors that they will waste this money and become profligate by reason of receiving it.

Mr. STEVENSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No. The young men who enlisted in this Great War or who were drafted for the war came out of it mature and great men, and they will save this country from all enemies in the years to come. [Applause.] They are entitled to some compensation for the losses they sustained during two awful years.

Mr. UPSHAW. Give us a chance for a straight vote.

Mr. CAMPBELL of Kansas. You will have a chance in five minutes. [Applause.] If you vote it down, you must square yourselves with your consciences.

You say this is to buy the vote of the soldiers?

Mr. FULL. Yes.

Mr. CAMPBELL of Kansas. That is the most infamous charge that could be made against these brave boys, and no man who has regard for their integrity and for their place in history would make that statement. Their votes can not be bought. No men in the history of wars suffered more from the time they entered the cantonments until the armistice was signed than these boys, and many of them suffered every agony after the armistice was signed. These boys went through a literal hell in the cantonments, and in the camps, in the trenches, in the field, and whether they were in the air, on the land, on the sea, or under the sea, they rendered great service and terminated, in glorious victory, the greatest war in history. [Applause.]

It is proposed to raise a billion and a quarter dollars in their behalf. We have already paid two and a quarter billion dollars to the contractors since the armistice was signed, and you gentlemen voted it. You never uttered a word against that legislation. You did not say that it was infamous. To-day you attempt to cover yourselves behind a barrage of an alleged drastic rule and say you can not vote for this thing. If it were not for this soldier legislation there would scarcely

be a single vote in this House against this resolution. The opposition to this resolution grows out of the fact that immediately upon its adoption the gentleman from Michigan [Mr. FORDNEY] will be recognized by the Speaker to move to suspend the rules and pass the bill that will provide some compensation for these splendid boys. Are you in favor of it?

SEVERAL MEMBERS (on the Democratic side). Yes.

Mr. CAMPBELL of Kansas. Then vote for the resolution so you can vote for the bill. If you are against this legislation you will go on record against this resolution.

Mr. SABATH. Mr. Speaker——

Mr. CAMPBELL of Kansas. No; I can not yield. You will vote against this resolution if you are against this legislation. You can not play fast and loose, blow hot and cold on this question.

The SPEAKER. Does the gentleman yield?

Mr. CAMPBELL of Kansas. No. I do not yield. You can not say in one breath that you are for the soldiers, for compensation for them, and then as soon as you have an opportunity vote against a resolution that makes it possible to consider the bill that would give them the compensation that has been agreed upon. This bill provides everything the soldiers ask for and one thing more, viz. the insurance feature. It provides for raising the revenue by taxing stock and grain gamblers, by taxing large incomes, by taxing transfers of real estate, by taxing tobacco, and by taxing stock dividends. [Applause.]

What I said then is pertinent to-day. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were yeas 274, nays 127, answered "present" 1, not voting 27, as follows:

YEAS—274.

Ackerman	Dyer	Kraus	Roach
Anderson	Echols	Kreider	Robertson
Andrew, Mass.	Edmonds	Langley	Robsion
Andrews, Nebr.	Ellis	Larson, Minn.	Rogers
Ansorge	Evans	Lawrence	Rose
Anthony	Fairchild	Lazaro	Rosenbloom
Appleby	Fairfield	Leatherwood	Rossdale
Arents	Faust	Lehlbach	Ryan
Aiken	Favrot	Lineberger	Sanders, Ind.
Bacharach	Fenn	Little	Schall
Barbour	Fess	Longworth	Scott, Mich.
Beck	Fish	Luce	Scott, Tenn.
Beedy	Fitzgerald	Luhring	Shaw
Begg	Focht	McArthur	Shelton
Benham	Fordney	McCormick	Shreve
Bird	Foster	McKenzie	Siegel
Bixler	Frear	McLaughlin, Mich.	Sinclair
Blakeney	Free	McLaughlin, Nebr.	Sinnott
Bland, Ind.	French	McLaughlin, Pa.	Slemp
Boies	Frothingham	McPherson	Smith, Idaho
Bond	Fuller	MacGregor	Smith, Mich.
Bowers	Funk	Madden	Snell
Brennan	Gahn	Magee	Snyder
Britten	Gensman	Maloney	Sproul
Brooks, Ill.	Gernerd	Mann	Stevenson
Brooks, Pa.	Glynn	Mapes	Stephens
Brown, Tenn.	Goodykoontz	Martin	Strong, Kans.
Browne, Wis.	Gorman	Mead	Strong, Pa.
Burdick	Gould	Merritt	Summers, Wash.
Burke	Graham, Ill.	Michaelson	Swank
Burroughs	Graham, Pa.	Michener	Sweet
Burtness	Green, Iowa	Miller	Swing
Butler	Greene, Mass.	Millspaugh	Taylor, N. J.
Cable	Greene, Vt.	Mondell	Taylor, Tenn.
Campbell, Kans.	Griest	Montoya	Temple
Campbell, Pa.	Hadley	Moore, Ill.	Ten Eyck
Cannon	Hardy, Colo.	Moore, Ohio	Thompson
Chalmers	Haugen	Morgan	Tilson
Chandler, Okla.	Hawley	Morin	Timberlake
Chindblom	Hays	Mott	Tincher
Christopherson	Hersey	Mudd	Towner
Clague	Hickey	Murphy	Treadway
Clarke, N. Y.	Hill	Nelson, A. P.	Underhill
Classon	Hoch	Nelson, J. M.	Vaile
Cleuse	Hogan	Newton, Mo.	Vare
Codd	Hukriede	Nolan	Vestal
Cole, Iowa	Hull	Norton	Volk
Cole, Ohio	Husted	Olpp	Volstead
Colton	Hutchinson	Osborne	Walters
Connell	Ireland	Paige	Ward, N. Y.
Connolly, Pa.	James	Parker, N. Y.	Wason
Cooper, Ohio	Jefferis, Nebr.	Patterson, N. J.	Watson
Cooper, Wis.	Johnson, S. Dak.	Perkins	Webster
Copley	Johnson, Wash.	Perlman	Wheeler
Coughlin	Jones, Pa.	Petersen	White, Kans.
Crago	Kearns	Porter	White, Me.
Cranton	Keller	Pringey	Williams
Crowther	Kelley, Mich.	Purnell	Williamson
Curry	Kelly, Pa.	Quin	Winslow
Dale	Kendall	Radcliffe	Woodruff
Dallinger	Kennedy	Ramseyer	Woodyard
Darrow	Ketcham	Ransley	Wurzbach
Davis, Minn.	King	Reavis	Wyant
Dempsey	Kinkaid	Reece	Yates
Denison	Kirkpatrick	Reed, N. Y.	Young
Dickinson	Kissel	Reed, W. Va.	Zihlman
Dowell	Kline, Pa.	Rhodes	
Dunbar	Knutson	Ricketts	
Dunn	Kopp	Riddick	

NAYS—127.

Almon	Bell	Box	Bulwinkle
Aswell	Black	Brand	Burton
Bankhead	Bland, Va.	Britten	Byrnes, S. C.
Barkley	Bowling	Buchanan	Byrns, Tenn.
Cantrill	Hardy, Tex.	Lowrey	Sanders, Tex.
Carew	Harrison	Lyon	Sandlin
Carter	Hawes	McClintic	Sears
Chandler, N. Y.	Hayden	McFadden	Sisson
Cockran	Hooker	McSwain	Smithwick
Collier	Huddleston	Mills	Stafford
Collins	Hudspeth	Montague	Steagall
Connally, Tex.	Humphreys	Moore, Va.	Stedman
Crisp	Jeffers, Ala.	Moores, Ind.	Stevenson
Cullen	Johnson, Ky.	Newton, Minn.	Stoll
Davis, Tenn.	Johnson, Miss.	O'Brien	Sullivan
Dominick	Jones, Tex.	O'Connor	Sumners, Tex.
Dougherty	Kiess	Oldfield	Tague
Drane	Kincheloe	Oliver	Thomas
Drewry	Kindred	Overstreet	Tillman
Driver	Kline, N. Y.	Padgett	Tinkham
Dupré	Knight	Park, Ga.	Tyson
Fisher	Kunz	Parker, N. J.	Upshaw
Freeman	Lanham	Parks, Ark.	Vinson
Fulmer	Lankford	Pou	Walsh
Gallivan	Larsen, Ga.	Rainey, Ill.	Weaver
Garner	Layton	Raker	Wilson
Garrett, Tenn.	Lee, Calif.	Rankin	Wingo
Garrett, Tex.	Lee, Ga.	Rayburn	Wise
Gilbert	Lee, N. Y.	Riordan	Wood, Ind.
Goldsborough	Linthicum	Rouse	Woods, Va.
Griffin	Logan	Rucker	Wright
Hammer	Lonergan	Sabath	

ANSWERED "PRESENT"—1.

Herrick

NOT VOTING—27.

Blanton	Himes	Mansfield	Sanders, N. Y.
Brinson	Jacoway	Ogden	Speaks
Clark, Fla.	Kahn	Parrish	Stiness
Deal	Kitchin	Patterson, Mo.	Taylor, Ark.
Elliott	Kleczka	Rainey, Ala.	Taylor, Colo.
Fields	Lampert	Reber	Ward, N. C.
Hicks	McDuffie	Rodenberg	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Patterson of Missouri with Mr. Deal.

Mr. Lampert with Mr. McDuffie.

Mr. Rodenberg with Mr. Mansfield.

Mr. Elliott with Mr. Blanton.

Mr. Hicks with Mr. Ward of North Carolina.

Mr. Reber with Mr. Taylor of Arkansas.

Mr. Kahn with Mr. Clark of Florida.

Mr. Himes with Mr. Brinson.

Mr. Kleczka with Mr. Fields.

Mr. Ogden with Mr. Jacoway.

Mr. Speaks with Mr. Rainey of Alabama.

Mr. Sanders of New York with Mr. Kitchin.

Mr. Stiness with Mr. Taylor of Colorado.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. McARTHUR) there were—ayes 221, noes 121.

Accordingly the resolution was agreed to.

Mr. FORDNEY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 10874, including the amendments reported by the committee.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass a bill which the Clerk will report.

The Clerk read the title of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. My understanding is that the gentleman from Michigan moves to suspend the rules and pass the bill as amended by the committee.

The SPEAKER. He moved to suspend the rules and pass the bill which he sends to the Clerk's desk, with the amendments as they appear in the bill.

Mr. TREADWAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TREADWAY. Is it proper at this point to demand a second?

The SPEAKER. Not until after the bill is reported.

The Clerk read the bill, as follows:

Be it enacted, etc.,—

TITLE I.—DEFINITIONS.

SECTION 1. This act may be cited as the "World War adjusted compensation act."

SEC. 2. As used in this act—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "overseas service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands; and service afloat, not on receiving ships; including in either case the period from the date of embarkation for such service to the date of disembarkation on return from such service, both dates inclusive;

(c) The term "home service" means all service not overseas service;

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Title II; and

(e) The term "person" includes a partnership, corporation, or association, as well as an individual.

TITLE II.—ADJUSTED SERVICE CREDIT.

SEC. 201. The amount of adjusted service credit shall be computed by allowing the following sums for each day of active service, in excess of 60 days, in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran: $1.25 for each day of overseas service, and $1 for each day of home service; but the amount of the credit of a veteran who performed no overseas service shall not exceed $500, and the amount of the credit of a veteran who performed any overseas service shall not exceed $625.

SEC. 202. In computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Porto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian Scout—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or the Navy;

(g) Any individual granted a farm or industrial furlough—for the period of such furlough; or

(h) Any individual detailed for work on roads or other highway construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 9 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919.

SEC. 203. (a) The periods referred to in subdivision (e) of section 202 may be included in the case of any individual if and to the extent that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 307.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 202 which are applicable.

(c) If part of the service is overseas service and part is home service, the home service shall first be used in computing the 60 days' period referred to in section 201.

(d) For the purposes of computing the 60 days' period referred to in section 201, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 202, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included.

(e) For the purposes of section 201, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States.

TITLE III.—GENERAL PROVISIONS.

OPTIONAL PLANS.

SEC. 301. Each veteran shall have the right to avail himself of any one but only one, of the following plans:

(1) To receive "adjusted-service pay," as provided in Title IV; but the veteran can not choose this plan if the amount of his adjusted-service credit is more than $50;

(2) To receive an "adjusted-service certificate," as provided in Title V;

(3) To receive "vocational training aid," as provided in Title VI;

(4) To receive "farm or home aid," as provided in Title VII; or

(5) To receive "land-settlement aid," as provided in Title VIII.

APPLICATION BY VETERAN.

SEC. 302. (a) The veteran's choice among the plans enumerated in section 301 shall be made by application filed with the Secretary of War, if he is serving in, or his last service was with, the military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made on or before July 1, 1922, and if not made on or before such date shall be held void; but if application for land-settlement aid is made on or before such date, the time for receiving the credits and exercising the preferences provided for in title 8 shall be as specified in such title.

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section.

PROOF OF VETERAN'S CHOICE OF PLAN.

SEC. 303. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Secretary of the Treasury, if the veteran has chosen an adjusted service certificate, or to the Director of the United States Veterans' Bureau if the veteran has chosen vocational training aid, or to the National Veterans' Settlement Board if the veteran has chosen farm or home aid or land-settlement aid, a certificate setting forth—

(1) That the applicant is a veteran;

(2) His name and address;

(3) The plan chosen; and

(4) The amount of his adjusted service credit.

(b) Upon receipt of such certificate the officer or board to which it is transmitted shall proceed to extend to the veteran the benefits conferred by the plan chosen, as provided for in this act.

PUBLICITY.

SEC. 304. (a) The Secretary of War and the Secretary of the Navy shall, as soon as practicable after the passage of this act, jointly prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act, accompanied by such statements as to the comparative advantages of each of the plans enumerated in section 301 as may be of assistance to veterans in making their choice among such plans; and shall from time to time thereafter jointly prepare and publish such additional or supplementary information as may be found necessary.

(b) The officer or board having charge of the administration of any plan or part thereof enumerated in section 301 shall transmit to the Secretary of War and the Secretary of the Navy as soon as practicable after the passage of this act full information and explanations as to the matters of which such officer or board has charge, which shall be considered by the Secretary of War and the Secretary of the Navy in preparing the publications referred to in subdivision (a).

(c) The publications provided for in subdivision (a) shall be distributed in such manner as the Secretary of War and the Secretary of the Navy may determine to be most effective to inform veterans of their rights under this act.

STATISTICS.

SEC. 305. Immediately upon the passage of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2, and, as to each veteran, the number of days of overseas service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit; and their decisions shall not be subject to review by the General Accounting Office.

ADMINISTRATIVE REGULATIONS.

SEC. 306. Any officer or board charged with any function under this act shall make such regulations, not inconsistent with this act, as may be necessary to the efficient administration of such function.

REPORTS.

SEC. 307. Any officer or board charged with the administration of any plan under this act, or of any part thereof, shall make a full report to Congress on the first Monday of December of each year.

EXEMPTION FROM ATTACHMENT AND TAXATION.

SEC. 308. No sum payable under this act to a veteran, or to his estate, or to any beneficiary named under Title V, no adjusted service certificate, and no proceeds of any loan made on such certificate shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation.

UNLAWFUL FEES.

SEC. 309. Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

TITLE IV.—ADJUSTED SERVICE PAY.

SEC. 401. There shall be paid to any veteran, as soon as practicable after receipt of an application in accordance with the provisions of section 302, and in addition to any other amounts due him in pursuance of law, the amount of his adjusted service credit, if, and only if, such credit is not more than $50.

SEC. 402. Payment shall be made by the Secretary of War if the veteran is serving in, or his last service was with, the military forces; and by the Secretary of the Navy if he is serving in, or his last service was with, the naval forces.

SEC. 403. If the veteran dies after making application in accordance with the provisions of section 302 for adjusted service pay and before receiving payment, payment shall be made to his estate.

SEC. 404. No right to adjusted service pay under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. The Secretary of War and the Secretary of the Navy shall not pay the amount of adjusted service pay to any person other than the veteran or his estate or such representative of the veteran as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe.

TITLE.—ADJUSTED SERVICE CERTIFICATES.

SEC. 501. The Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to issue without cost to the veteran designated therein an adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the sum of (1) the adjusted service credit of the veteran increased by 25 per cent plus (2) interest thereon for 20 years at the rate of 4¼ per cent per annum compounded annually (such amount being approximately equal to 3.015 times the adjusted service credit of the veteran). The certificate shall be dated, and all rights conferred under the provisions of this title shall take effect as of October 1, 1922. The veteran shall name the beneficiary of the certificate and may from time to time, with the approval of the Secretary of the Treasury, alter such beneficiary. The amount of the face value of the certificate (unless the certificate has been canceled as hereinafter in this title provided) shall be payable (1) to the veteran on September 30, 1942, or (2) upon the death of the veteran prior thereto, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran.

LOAN PRIVILEGES BEFORE OCTOBER 1, 1925.

SEC. 502. (a) A loan may be made to any veteran prior to September 30, 1925, upon his adjusted service certificate only in accordance with the provisions of this section.

(b) Any national bank, or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia (hereinafter in this section called "bank"), is authorized to loan to any veteran upon his promissory note secured by his adjusted service certificate (with or without the consent of the beneficiary thereof) any amount not in excess of 50 per cent of the loan basis (as defined in subdivision (f) of this section) of the certificate, such loan to mature on or before September 30, 1925. The rate of interest charged upon the loan by the bank shall not exceed by more than 2 per cent per annum the rate charged at the date of the loan for the discount of commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which the bank is located. Any bank holding a note for a loan under this section secured by a certificate (whether the bank originally making the loan or a bank to which the note and certificate have been transferred) may sell the note to, or discount or rediscount it with, any bank authorized to make a loan to a veteran under this section, and transfer the certificate to such bank. In case the note is sold the bank making the sale shall promptly notify the veteran.

(c) If the veteran does not pay the principal and interest of the loan within six months after its maturity (or on or before September 30, 1925, if the loan matures on or after March 30, 1925), the bank holding the note and certificate shall present them to the Secretary of the Treasury not earlier than May 30, 1925, and not later than October 15, 1925. The Secretary shall thereupon cancel the note and the certificate and pay to the bank the amount of the unpaid principal due it, and the unpaid interest accrued, at the rate fixed in the note, up to the date of the check issued to the bank. The difference between 80 per cent of the loan basis of the certificate at the time of its receipt by the Secretary and the amount so paid to the bank, shall be immediately paid by the Secretary to the veteran, if living. If the veteran dies before such difference can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran.

(d) If the veteran dies before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued up to the date of his death shall be immediately due and payable. In such case, or if the veteran dies on the day the loan matures or within six months thereafter, or, in case the loan matures on or after March 30, 1925, if he dies on or after the day the loan matures but before October 1, 1925, the bank holding the note and certificate shall, upon notice of the death, present them to the Secretary who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the Secretary of the Treasury and fails to present the certificate and note to the Secretary within 15 days after the notice, such interest shall be only up to the fifteenth day after such notice. The Secretary shall deduct the amount so paid from the face value (as determined under section 501) of the certificate and pay the remainder in accordance with the provisions of section 501.

(e) When any loan becomes in default, the bank holding the note shall within 30 days thereafter notify the Secretary of the Treasury of the facts relative to the note, the name of the veteran, and the number of his certificate.

(f) The loan basis of any certificate at any time, shall, for the purposes of this section, be the amount of the adjusted service credit, plus interest thereon, from October 1, 1922, to such time, at the rate of 4¼ per cent per annum, compounded annually.

(g) No payment upon any note shall be made under this section by the Secretary of the Treasury to any bank, unless the note when presented to him is accompanied by an affidavit made by an officer of the bank which made the loan, before a notary public or other officer designated for the purpose by regulation of the Secretary, and stating that such bank has not charged or collected, or attempted to charge or collect, directly or indirectly, any fee or other compensation (except interest as authorized by this section) in respect to or because of any loan made under this section by the bank to a veteran. Any bank which, or director, officer, or employee thereof who, does so charge, collect, or attempt to charge or collect any such fee or compensation, shall be liable to the veteran for a penalty of $100, to be recovered in a civil suit brought by the veteran.

LOAN PRIVILEGES AFTER SEPTEMBER 30, 1925.

SEC. 503. The Postmaster General is hereby authorized and directed to instruct postmasters of the first, second, and third classes to take applications of veterans for Government loans and collect payments thereon.

SEC. 504. (a) Application for Government loans may be made at any post office of a first, second, or third class. Such loans, secured by the adjusted service certificate, shall be made by the Secretary of the Treasury, with or without the consent of the beneficiary, and payments thereon collected, in accordance with the provisions of this title, under rules and regulations to be prescribed by him. He shall supply postmasters of the first, second, and third classes with blanks upon which veterans may make applications for Government loans. Such applications shall be in the form prescribed by the Secretary of the Treasury, and have attached thereto a form of promissory note to be executed by the veteran, and a receipt, to be delivered to the veteran, which shall be signed by the postmaster receiving the application, and which shall acknowledge the receipt of the note and the certificate, and contain a description of each. The postmaster shall thereupon transmit to the Secretary of the Treasury the application, note, and certificate. Upon the approval of the loan by the Secretary of the Treasury he shall transmit to the veteran a check for the amount of the loan. He shall also issue in triplicate a statement showing the name and service of the veteran, the number of his certificate, and a schedule of the amounts of the several payments, and the dates when due. The original of the statement shall be retained with the application, the duplicate shall be transmitted to the postmaster receiving the application and the triplicate to the veteran. The postmaster holding such statement shall receive and indorse thereon the payments made by the veteran; shall give a receipt to the veteran; and shall promptly transmit payments to the Secretary of the Treasury. Such payments shall be covered into the Treasury as miscellaneous receipts. The veteran shall make repayment of the loan upon an amortization plan by means of a fixed number of annual installments sufficient to cover (1) interest on the unpaid principal at the rate of 4¼ per cent per annum and (2) such amount of the principal as will extinguish the debt within an agreed period not exceeding the life of the certificate.

(b) If the veteran fails to make any payment when due, and such default continues for the period of one year, thereupon the Secretary of the Treasury shall declare the certificate of the veteran to be forfeited and cancel and surrender the note to the veteran; but if the Secretary of the Treasury subsequently finds any such certificate was forfeited by mistake, or under any misapprehension of fact, he shall reinstate the same upon payment of the amount then due the Government on the loan, and upon the receipt of a new note from the veteran on the same terms as the original note for the remaining amount due.

(c) If the veteran is in default and his certificate is forfeited, when he has borrowed an amount less than the maximum authorized under either subdivision (a) or (b) of section 503, the Secretary of the Treasury shall pay to him 80 per cent of the difference between what he has borrowed and the maximum which he was authorized to borrow under either subdivision (a) or (b) of section 503. If the veteran dies before such 80 per cent can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran.

SEC. 505. No Government loan shall be made upon any certificate prior to October 1, 1925. The amount of such loans to any one veteran outstanding at any time shall not exceed:

(a) If the loan is made on or after October 1, 1925, and before October 1, 1928, 85 per cent of the sum of (1) the adjusted service credit of the veteran plus (2) interest thereon from October 1, 1922, to the date of the making of the loan, at the rate of 4¼ per cent per annum, compounded annually, or,

(b) If the loan is made on or after October 1, 1928, and before October 1, 1842, 70 per cent of the sum of (1) the adjusted service credit of the veteran increased by 25 per cent, plus (2) interest thereon from October 1, 1922, to the date of the making of the loan, at the rate of 4¼ per cent per annum, compounded annually.

SEC. 506. No certificate issued or right conferred under the provisions of this title shall, except as provided in section 502 or 504, be negotiable or assignable or serve as security for a loan. Any negotiation, assignment, or loan made in violation of any provision of this section shall be held void.

SEC. 507. In the case of the death of the veteran or the forfeiture of his certificate, any Government loan made upon the certificate, and the note in respect thereto, shall be canceled; and in case such loan has been canceled as a result of the death of the veteran, the Secretary of the Treasury shall deduct the amount of the unpaid principal and interest of the loan from the amount of the face value of the certificate in respect to which the loan charge.

SEC. 508. Any certificate issued under the provisions of this title shall have printed upon its face the conditions and terms upon which it is issued and to which it is subject, including loan values under sections 502 and 505.

SEC. 509. If the veteran dies after making application in accordance with the provisions of section 302 and before October 1, 1922, the amount of the adjusted service credit of the veteran shall be paid by the Secretary of the Treasury to his estate.

TITLE VI.—VOCATIONAL TRAINING AID.

SEC. 601. The Director of the United States Veterans' Bureau (hereinafter in this title referred to as the "director"), upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to pay to the veteran designated therein (if he is not receiving the benefits of the vocational rehabilitation act, as amended) the sum of $1.75 for each day of his attendance (on or after January 1, 1923), on a course of vocational training previously approved by the director as suitable for such veteran. Such payments shall be made without deduction for Sundays, holidays, or vacations not exceeding two weeks in duration, or for absence for other cause which the director deems justifiable; but the total payment shall not exceed 140 per cent of the amount of the adjusted service credit of the veteran.

Payments under this section shall be made monthly, or at more frequent intervals, as the director may determine generally or in special cases.

SEC. 602. The director shall establish such regulations as will insure the regular attendance of the veteran on his course of training, and no sum or sums shall be payable under this title unless the director has been furnished proof of such regular attendance. For each day of unjustifiable absence the veteran shall forfeit the sum payable for that day and shall receive no reimbursement for it in any other form.

SEC. 603. If the payment under section 601 plus the amounts forfeited under section 602 is less than 140 per cent of the adjusted service credit, either by reason of the duration of the course approved or by reason of the veteran's discontinuing, with the approval of the director, his attendance on his course of training, he shall be entitled to receive an amount equal to the difference between (1) his adjusted service credit and (2) that proportion thereof which the payments made or accrued under section 601 plus the amounts forfeited under section 602 bear to 140 per cent of his adjusted service credit: *Provided*, That from the amount thus computed there shall be deducted an amount equal to the sums forfeited under section 602.

SEC. 604. If before the completion of the payments under this title the veteran is separated from the military or naval forces under other than honorable conditions, or is discharged therefrom on account of his alienage, no further payments shall be made under this title.

SEC. 605. (a) If the veteran dies after making application in accordance with the provisions of section 302 and before any payments have been made or have accrued under this title, the amount of the adjusted service credit of the veteran shall be paid by the director to his estate.

(b) If the veteran dies after the course of training has begun, his estate shall be paid by the director the same amount as would have been paid to the veteran under section 603, treating for such purposes

the date of his death as the date of discontinuance of attendance on his course of training.

SEC. 606. (a) The director is hereby authorized to cooperate with State boards for vocational education in such manner as will secure their assistance in the approval of courses of training for veterans, and other assistance in carrying out the provisions of this title.

(b) Whenever any State provides funds for assistance to veterans in attendance upon approved courses or provides for free tuition in approved educational institutions, the director is authorized and directed to cooperate with the State board for vocational education of such State in securing the maximum educational opportunities to veterans entitled to the benefits of this title.

TITLE VII.—FARM OR HOME AID.

SEC. 701. (a) The national veterans' settlement board created by Title VIII (hereinafter in this title referred to as the "board") upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed, on or after July 1, 1923, to pay to the veteran designated therein, in one payment or in installments, an amount equal to his adjusted-service credit increased by 25 per cent.

(b) Such payment shall be made for the purpose, and only for the purpose, of enabling the veteran to make improvements on a city or suburban home, or a farm not selected under Title VIII; or to purchase or make payments on such a home or farm.

SEC. 702. No such payment shall be made unless and until the board has approved the purpose for which it is desired by the veteran, and has suitable assurance that the money will be expended for such purpose. The board may, at the option of the veteran, or on its own motion, make the payment directly to the vendor or other person to whom such payment is due from the veteran.

SEC. 703. For the purpose of enabling it to pass upon the desirability of the investment, the board may make use of the services of land-bank appraisers of the Federal Farm Loan Board, to be designated by the latter board.

SEC. 704. (a) If the veteran dies after making application in accordance with the provisions of section 302 for farm or home aid and before a contract has been entered into with the approval of the board, the amount of his adjusted-service credit shall be paid by the board to his estate; but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If before the veteran's death a contract has been entered into with the approval of the board, and payments under this title on such contract are still due, such payments shall be made by the board to the vendor or other person to whom such payments are due from the veteran.

TITLE VIII.—LAND SETTLEMENT.

NATIONAL VETERANS' SETTLEMENT BOARD.

SEC. 801. (a) There is hereby established a board to be known as the "national veterans' settlement board" (hereinafter in this title called the "board") and to be composed of five members as follows:

(1) The Secretary of the Interior (hereinafter in this title called the "Secretary"), and

(2) Four members to be appointed by the President, by and with the advice and consent of the Senate.

(b) No veteran retired for age or longevity of service from active service in the military or naval forces shall be eligible for appointment to, or remain eligible for membership upon, the board. Any vacancy in the office of an appointed member shall be filled in the same manner and under the same limitations as in the case of the original appointment.

(c) The Secretary shall be the executive and administrative officer to carry out the plans and purposes adopted by the board under the provisions of Title VII and of this title. The members of the board, except the Secretary, shall receive an annual salary of $7,500. Of the members appointed to the board in the first instance, one shall be appointed for a term of two years, one for three years, one for four years, and one for five years. Their successors shall hold office for terms of five years; except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds.

ESTABLISHMENT OF PROJECTS.

SEC. 802. The board is hereby authorized to establish veteran settlement projects (hereinafter in this title called "projects") for the reclamation and settlement of lands, by means of irrigation, drainage, or other manner or method of development and improvement thereof, including the building of necessary public roads within the projects. Projects shall be selected by the board with a view to the development of one or more projects in each of the several States where the establishment of a project is feasible.

SEC. 803. (a) The board may by gift, purchase, deed in trust, or otherwise acquire lands suitable for any project; but no project shall be finally selected, and no lands shall be acquired by purchase, unless the price and other conditions of acquisition have been submitted to and approved by (1) the governor of the State in which the lands are located, (2) as to price only, a land bank appraiser to be designated by the Federal Farm Loan Board, and (3) the board. If the governor of the State fails to signify his approval or disapproval within such time as the board by regulation shall determine, the land commissioner, or if there is in the State no official of such title, then the agency which under the laws of the State is authorized to perform the functions ordinarily exercised by a land commissioner may act in lieu of the governor.

(b) In case any project includes privately owned land, no construction work shall be commenced upon the project until the owners of all such land in the project have each conveyed or agreed to convey to the United States title to all land owned by him in excess of a farm unit as established for the project under the provisions of section 806.

(c) The Secretary (1) may withdraw from location, sale, settlement, entry, or other disposition and place under the control of the board such unappropriated public lands as he deems necessary for any project, and (2) shall restore to public entry lands so withdrawn if subsequently the board finds that such lands are not so required.

(d) The board may in its discretion contract with any irrigation or drainage district or other public corporation organized under the laws of the State in which the project is located to establish, develop, improve, and otherwise cooperate (in accordance with the provisions of this title) in the execution of and the administration of the affairs of any project comprising only the lands of such district or corporation.

COOPERATION WITH FEDERAL AND STATE AGENCIES.

SEC. 804. The board may, in executing the provisions of this title—

(a) Make use of, cooperate with, and allot moneys appropriated for its use to any existing agency of the Federal Government or which agrees to act as the agent of the board. Such agency is hereby authorized, within the limits of the moneys allotted it and under the direction of the board, to perform work in connection with any project.

(b) Whenever a State provides funds to be expended by the board in the establishment, development, and improvement of any project within the State, the board may contract with the State, or any agency thereof designated by the governor, to cooperate with the board, to such extent as the board deems advisable, in the work in connection with the project. The board may further establish a branch office in the State to administer matters arising in connection with projects in the State.

(c) Whenever a State provides not less than 25 per cent of the amount of the funds which are, in the opinion of the board, necessary to be expended by it in the establishment, development, and improvement of any project within the State, the board shall authorize the State, or any agency thereof designated by the governor, to undertake, subject to the general supervision of the board, (1) the selection, acquisition, and subdivision of lands for, and the improvement of farms within, any project, and (2) the development thereof after the project is open to settlement.

SEC. 805. So far as practicable, veterans shall be employed and their services utilized in the administrative and field work necessary to the establishment and development of any project by the board and all Federal agencies cooperating therewith. All contracts or other agreements of the board with any cooperating State or agency thereof shall contain a like stipulation. At the earliest practicable date each veteran so employed upon a project shall be allowed to select and shall be allotted, as hereinafter in this title provided, a farm unit upon which he may construct a dwelling and make other improvements.

ALLOTMENT AND SALE OF LANDS.

SEC. 806. (a) The board shall establish for each project or portion thereof (1) farm units of an acreage sufficient, in the opinion of the board, for cultivation by and the support of a family, and (2) farm worker's units of a small acreage sufficient, in the opinion of the board, for part-time cultivation by a farm worker's family.

(b) The board may set apart and reserve tracts within any project for use free from all charge for community and other public purposes, but the title to such lands shall remain in the United States. Whenever any such tract fails to be used for the purpose for which it was set apart and reserved, the board shall, after due notice and hearing, declare the tract forfeited to the United States. Such tract shall thereupon resume its original status.

(c) The board may establish town sites within any project and develop and sell lots therein, to veterans and repatriates only, under such regulations and upon such terms as it shall prescribe.

SEC. 807. (a) When used in this title, the term "repatriate" includes (1) any citizen of the United States who has served with the military or naval forces of any nation allied against the German government or its allies without loss of citizenship, and (2) any former citizen of the United States who has so served with loss of such citizenship but has since been repatriated; except that such term shall not include a veteran or any individual who was separated from such forces under other than honorable conditions.

(b) Whenever in the opinion of the board farm units or farm workers' units, within any project, are available for settlement, the board shall give public notice and description thereof, together with a statement of the construction charges and other conditions incident thereto, and shall mail individual notices to any veteran whose name has been certified to the board under the provisions of section 303. The board shall allot a farm unit or a farm workers' unit to any such veteran or repatriate who applies therefor in such manner as the board shall by regulation prescribed. As between applicants, preference in making allotments shall be given, first, to a veteran who has been employed upon and who has rendered substantial service in the development of any project; and, second, to a veteran or repatriate, who, in the opinion of the board, is least likely to fail in his enterprise or to cause the United States loss.

(c) The board shall allot farm units, farm workers' units, and town lots to veterans and repatriates only.

SEC. 808. (a) The cost of construction, including the purchase price of any lands acquired for the project, but excluding administrative expenses and the expenses of maintaining general offices and exercising general supervision over projects, shall be apportioned equitably among the farm units, farm workers' units, town lots, and other tracts within the project in proportion to the selling value of each such lot, or tract; and the total sale price of all lands within the project shall be fixed with a view of repaying the total of such construction cost of the project.

(b) Each allottee of a farm unit or farm worker's unit shall pay to the board such price as the board shall fix for the unit in pursuance of the provisions of subdivision (a) of this section; except that in case the allottee is a veteran there shall be deducted from such price the amount of his adjusted service credit.

(c) A veteran or repatriate may at his option, in lieu of payment in full at the time of entry, pay all balances due upon the purchase price for his unit upon an amortization plan by means of a fixed number of annual installments sufficient to cover (1) interest on the unpaid principal at the rate of 5 per cent per annum, and (2) such amount of the principal as will extinguish the debt within an agreed period not exceeding 25 years from the making of the contract of purchase. In the case of a veteran, the installments shall be so arranged that he will not be required to pay any installment until two years after the making of the contract of purchase. The board may in its discretion, whenever it is of the opinion that any emergency has caused default in the payment of any installment of the veteran or repatriate, postpone the payment of such installment until such date as it deems expedient. Such postponed payments shall continue to bear interest on the unpaid principal at the rate of 5 per cent per annum from the date of the contract of purchase. The board shall make such regulations as to residence upon, and use or cultivation of, units by a veteran or repatriate, as in the opinion of the board, will carry out the purpose of making the unit his permanent home.

SEC. 809. A patent or deed, as the case demands, shall immediately be issued to a purchaser who has paid the full price for his unit, and may be issued at any time more than five years after the date of purchase to any purchaser under the amortization plan who has met all payments then due from him to the board and has observed all conditions prescribed by regulations issued under the provisions of subdivision (c) of section 808. Each such patent or deed shall expressly reserve to the United States a prior lien on the land patented or deeded, superior to all other liens, claims, or demands whatsoever, for the repayment of all sums due or to become due to the board.

SEC. 810. (a) If the veteran dies after making application in accordance with the provisions of section 302 for land settlement aid and before having entered into a contract of purchase under section 808, the amount of his adjusted service credit shall be paid by the board to his estate, but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If the veteran or repatriate dies previous to the completion of his contract of purchase, the successor by law to his interest in the land, if a widow or heir at law, may assume the contract of purchase. If the successor is other than a widow or heir at law the balance due the board under the contract of purchase shall be due immediately and shall be paid the board within such time after the death of the veteran as the board shall by regulation prescribe.

SEC. 811. No lands within any project shall in any event become liable to the satisfaction of any debt contracted prior to the issue of the deed or patent therefor. No transfer, assignment, mortgage, or lease of the interest of any purchaser of a unit shall, unless approved by the board, be valid previous to the issue of the deed or patent for the land, or within five years after the date of purchase.

SEC. 812. Prior to the issue of a deed or patent, as the case may be, for any unit, lot, or tract within a project, such unit, lot, or tract shall be subject to taxation by any State, or political subdivision thereof, but only upon the appraised value of the owner's interest in the land and improvements thereon. If the owner fails to pay any such tax or assessment the board is authorized to pay such tax or assessment and to include the amount of the payment, together with interest and penalties at the rate provided by law for delinquent taxes in the State in which the land is located, in the installments payable under the contract of purchase.

SEC. 813. Upon the default of any payment due to the board under, or upon the violation of, the provisions of subdivision (c) of section 808, or of section 810, 811, or 812, the interest of the purchaser in the unit shall revert to the United States free of all encumbrances, but subject to the right of the defaulting debtor, or any mortgagee, lien holder, judgment creditor, or subsequent purchaser, to redeem the land, within one year after the board gives notice of such default, by payment of all moneys due with interest at 5 per cent per annum from the date of default, and costs. The board, at its option, may cause the land to be sold at any time after such failure to redeem. From the proceeds of the sale the board shall retain all moneys due, with interest as provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee. In the case of sale after failure to redeem under this section, the board is authorized to bid in such land at not more than the amount in default, including interest and costs.

SEC. 814. In case a veteran has entered upon land reclaimed under the reclamation law, the board shall, upon application of the veteran, pay to the reclamation fund the amount of the adjusted service credit of the veteran, and the Secretary of the Interior shall thereupon credit such sum to the amount payable to the fund by the veteran.

RECEIPTS FROM PROJECTS.

SEC. 815. All moneys received by the board as payments in respect to lands within any project shall be covered into the Treasury of the United States as miscellaneous receipts; except that from such receipts shall be deducted the amounts required to make such repayment or reimbursement to any State or designated agency thereof, or to any district or other public corporation, as is necessary to carry into effect the provisions of subdivision (d) of section 803 and of subdivisions (b) and (c) of section 804.

APPLICABILITY OF RECLAMATION LAW.

SEC. 816. The board shall, so far as possible, in executing the provisions of this title, make use of existing agencies in the Department of the Interior and comply with the reclamation law in so far as such law is applicable and not inconsistent with the provisions of this title. Such reclamation law shall, for the purposes of this title, be deemed applicable to the reclamation of lands by drainage or by any other manner or method, as well as to reclamation by irrigation. This section shall not be construed to give the board any control over the disposition of moneys in the reclamation fund.

EFFECTIVE DATE.

SEC. 817. Sections 802 to 816, both inclusive, shall take effect on January 1, 1923.

TITLE IX.—MISCELLANEOUS PROVISIONS.

SEC. 901. The officers and boards having charge of the administration of any of the provisions of this act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, for the purchase of reports and materials, for publications, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this act and as may be provided for by the Congress from time to time. With the exception of such special experts as may be found necessary for the conduct of the work, all such appointments shall be made subject to the civil service laws; but for the purposes of carrying out the provisions of section 305 such appointments may be made without regard to such laws until the services of persons duly qualified under such laws are available. In all appointments under this section preference shall, so far as practicable, be given to veterans.

SEC. 902. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 903. Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Title III, IV, V, VI, VII, or VIII, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than five years, or both.

SEC. 904. The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Director of the United States Veterans' Bureau, and the National Veterans' Settlement Board shall severally submit to Congress in the manner provided by law estimates of the amounts necessary to be expended in carrying out such provisions of this act as each is charged with administering, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, amounts sufficient to defray such expenditures.

The SPEAKER. Is a second demanded?

Mr. GARNER. Mr. Speaker, I demand a second.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Under the rule providing for two hours' debate on a side, having demanded a second, what would be the division of time under that rule?

The SPEAKER. Normally under a motion to suspend the rules, when there is only 20 minutes on a side, the gentleman making the motion has 20 minutes and the gentleman demanding a second has 20 minutes. Under the general rules of the House no one is recognized for more than an hour. The Chair thinks that the gentleman from Michigan [Mr. FORDNEY] should be recognized for one hour in favor of the motion and the gentleman from Texas [Mr. GARNER] one hour against the motion. Then there would be two hours remaining, which the Chair thinks would be within the recognition of the Chair.

Mr. GARNER. May I ask if the Speaker expects to recognize anyone in favor of the bill on the Democratic side?

The SPEAKER. The Chair will state frankly what his purpose is. The Chair thinks he should recognize the gentleman from Michigan for one hour in favor of the motion and the gentleman from Texas [Mr. GARNER] for one hour against the motion, and then normally he would recognize the gentleman from Arkansas [Mr. OLDFIELD] in favor and the gentleman from Massachusetts [Mr. TREADWAY] against. But under the present circumstances the Chair is placed in this dilemma: The rule provides that one-half of the time given to debate be in favor and one-half in opposition to the proposition. It seems to the Chair that anyone who has read the report signed by the gentleman from Arkansas [Mr. OLDFIELD] would not expect the time he consumed would be in favor of the proposition. Therefore, the Chair has come to this conclusion, that he will recognize the gentleman from Michigan for one hour, the gentleman from Texas for one hour, and the next ranking member of the Committee on Ways and Means, the gentleman from Iowa [Mr. GREEN] for one hour, he having assured the Chair that he will yield one-half of that hour to the gentleman from Arkansas [Mr. OLDFIELD], and then will recognize the gentleman from Massachusetts [Mr. TREADWAY], as opposed to the bill, for one hour.

Mr. OLDFIELD. Mr. Speaker, I do not want the Speaker to put me in a wrong attitude in regard to the bill. The Speaker states that from the minority report, signed by myself and others, he would take it that I was opposed to the bill.

The SPEAKER. Oh, no; the Chair was unfortunate if he gave that impression. The Chair understands that the gentleman is in favor of the bill, and the Chair thinks that the report which the gentleman signed so states. But, of course, the report attacks the bill——

Mr. OLDFIELD. It does attack the bill in one section.

Mr. MONDELL. The gentleman is for the bill but against the provisions. [Laughter.]

Mr. WALSH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Is not the effect of the rule that the House adopted this morning to provide that instead of the gentleman who moved the suspension of the rules and the gentleman who demands a second having 20 minutes on a side they shall have 2 hours?

The SPEAKER. The Chair does not think that the rule means that the gentleman from Michigan shall have two hours and the gentleman from Texas two hours. The Chair does not think that is a proper interpretation of the rule.

Mr. WALSH. The language of the rule is "that there shall be two hours on a side." The general rules of the House on the limitation of debate certainly does not apply to the motion to suspend the rules.

The SPEAKER. The Chair thinks it does; that the general rule of the House of one hour applies; and the Chair does not think there is any way under this rule by which a gentleman can have more than one hour except by unanimous consent.

Mr. WALSH. Then that rule is not suspended?

The SPEAKER. The Chair thinks not.

Mr. GARNER. Mr. Speaker, what does the Chair conclude is the meaning of two hours on a side? I assume that these two hours are in favor and two hours opposed to the proposed

bill. That being the case, I have this suggestion to make in the interest of fairness. I am opposed to the bill. On this side the gentleman from Louisiana [Mr. MARTIN] is in favor of the bill. He voted in committee to report the bill out and declined to sign the minority report, and said that he would not sign any report that criticized a bill that he proposed to vote for. [Applause.] I am glad to get that applause, because I want to suggest to the Speaker in the interest of fairness that he ought not to force a Democrat to go to the Republicans to get time in favor of this bill. The Speaker is proposing to recognize three Republicans, or two hours in favor of the bill and one Democrat opposed to it, and force every Democrat to go to a Republican to get time to advocate the measure. I suggest to the Speaker, I plead with him, that he ought to be fair to this side of the House, and when a man can come within the rule that is laid down against the gentleman from Arkansas [Mr. OLDFIELD], as does Mr. MARTIN, who voted for the bill and desires recognition that he may yield to his colleagues on this side who are in favor of the bill.

The SPEAKER. The Chair wishes to assure the gentleman, and he hopes it will be credited, that his desire is to be entirely fair to the Democratic side of the House. He would normally and naturally recognize the gentleman from Arkansas [Mr. OLDFIELD], but it seemed to the Chair that doing that would really give to the opponents of the measure three hours, or that at least most of three hours of the time for debate would be occupied with attacks on the bill, leaving only one hour in its favor. Therefore the Chair made the arrangement which he suggested. It will not be necessary for gentlemen on the Democratic side of the House to go to the Republican side for time, because the gentleman from Arkansas [Mr. OLDFIELD] will have 30 minutes to dispose of as he pleases.

Mr. GARNER. Then, if I understand it, the position of the Chair is this, that while he wants to deal fairly with the Democratic side of the House he is only willing that those in favor of the bill on the Democratic side may have 20 minutes in which to discuss the bill, while he will give to the Republican side an hour and 30 minutes in favor of it. That does not seem to me like fairness.

The SPEAKER. The Chair thinks that he is justified in that by the attitude taken by those on the Democratic side of the House as evidenced in the minority report, showing that while they are going to vote for the bill they desire to use their time in criticism of it.

Mr. MARTIN. But, Mr. Speaker, I did not sign that minority report.

The SPEAKER. The Chair was unaware of that until within a few moments, and that might have made a difference.

Mr. MARTIN. Why should it not make a difference now?

The SPEAKER. At the same time the Chair doubts if the gentleman would find many to whom he could yield time who take the same position that he does.

Mr. GALLIVAN. Oh, Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. Having lived to see this day when I could vote for a soldiers' bonus bill, I will state now that I can not get any time on the Democratic side of the House to speak in favor of the bill or any bill which will treat our boys fairly, nor can I get any time on the Republican side of the House.

Mr. FORDNEY. Oh, the gentleman's name has been down for time on this side for some time.

Mr. GALLIVAN. Splendid. I thank the gentleman from Michigan.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. GARNER. Mr. Speaker, may I make a suggestion?

The SPEAKER. Certainly.

Mr. GARNER. In order that the matter may be arranged so that the time may be allotted from two gentlemen to one gentleman out of their time, would it not be well now to recognize the four gentlemen the Chair intends to recognize, so that they may yield their time? For instance, out of my particular time I desire to yield to the gentleman from Georgia [Mr. CRISP], and I understand that the gentleman from Arkansas [Mr. OLDFIELD] also desires to yield time to the gentleman from Georgia. In that way I think the Chair would accommodate gentlemen.

The SPEAKER. That is a good suggestion. Without objection, then, the Chair will recognize at this time the gentleman from Michigan [Mr. FORDNEY] for one hour, the gentleman from Texas [Mr. GARNER] for one hour, the gentleman from Iowa [Mr. GREEN] for one hour, and the gentleman from Massachusetts [Mr. TREADWAY] for one hour.

Mr. OLDFIELD. Mr. Speaker, I want the understanding with the gentleman from Iowa that I get 30 minutes.

Mr. GREEN of Iowa. The gentleman will have 30 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Dakota. I have been trying to get recognition to make this inquiry for some time. Would the Speaker take into consideration before he makes that sort of ruling, which would prohibit gentlemen on the Democratic side in favor of the bill from getting recognition, the fact that many members of the Rules Committee had a tacit understanding before the rule was reported that the time was going to be equally divided between the two sides of the House? I think that statement would be certified to by the gentleman from Tennessee [Mr. GARRETT] and by the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The Chair thinks that he will abide by his ruling. The gentleman from Michigan is recognized for one hour.

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, I am reminded of a few lines that I read during the war that made a lasting impression upon me. They are from the pen of Mr. Kenneth Graham Duffield, and run as follows:

Somebody's boy has crossed the sea,
T' do the fightin' for you and me.
Let's call him "Bill"—he's any man's son
That carries a pack and shoulders a gun.

The question of a soldiers' bonus has been before this body for the past two years. By resolution of the House in the last Congress all bills relating to this subject—and there are over 50—have been referred to the Committee on Ways and Means. During the Sixty-sixth Congress the committee presented a bill for a soldiers' bonus, which successfully passed the House but failed of passage in the Senate.

In connection with the bill now under consideration, permit me to state that the committee has given most careful consideration to all the suggestions presented to it, working in season and out of season in an effort to prepare and bring back to the House an acceptable bill—a most difficult task.

Many forms of taxation have been presented and considered, but none of them could be agreed to. Because of the condition of the finances of the Government the committee, believing that the enactment of legislation providing for a cash bonus would result in embarrassment to the Treasury, finally eliminated the cash feature, except in cases where the amount due is less than $50, and agreed to the bill now before the House.

In explaining some of the important features of the bill let me say:

1. The benefits of this bill are not subject to attachment.

2. The soldier entitled to an amount not in excess of $50 will receive cash for the full amount due him.

3. The most important provision of the bill is the one which provides for the issuance to the soldier by the Government of an insurance certificate dated October 1, 1922, covering the amount due him. The maximum number of days for which adjusted service credit will be given is 500 over and above the 60 days for which he has already received additional compensation under the provisions of the revenue act of 1918. This credit is established on the basis of $1 per day for each day of service rendered on this side and $1.25 per day for each day of service rendered on the other side, across the sea, between April 5, 1917, and July 1, 1919, provided he was "in the service" prior to the signing of the armistice. The face value of the insurance policy is payable 20 years from the 1st of October next and the policy bears interest at the rate of 4¼ per cent per annum, compounded annually. At the end of 20 years the insurance certificate will yield a return to the soldier of a fraction over $3 for every dollar's worth of credit to which he is entitled under the certificate. For instance, if the certificate is based on a credit of $500, at the end of 20 years the soldier will receive a fraction over $1,500. If the credit is $600, then at the end of 20 years he will receive a fraction over $1,800. In case of the soldier's death before the expiration of the 20 years, his family or other beneficiary will receive at the time of his death the full amount of the insurance that would otherwise be due in 20 years.

The question is raised as to how much immediate relief a soldier will be able to secure under the provisions of this bill. The bill contains a provision which will enable the soldier who holds an insurance certificate to take the certificate to a national bank, trust company, or bank organized under the laws of any of our States and there borrow 50 per cent of his adjusted service credit by giving his note, running for such time as may be agreed upon, and putting up his insurance certificate as collateral to his note.

The Comptroller of the Currency states this would result in what he terms "frozen securities" for three years. The Secretary of the Treasury, the Comptroller of the Treasury, and the Director of the Federal Reserve Board appeared before the committee and pointed out certain objections to this provision of the bill. The committee then amended the bill to provide that the bank making the loan to the soldier may transfer, rediscount, or sell the note, accompanied by the collateral security—the insurance certificate. If the soldier defaults in the payment of the note, the bank can then at the end of three years present to the Secretary of the Treasury the note and certificate, accompanied by an affidavit as to the exact amount of money loaned, the rate of interest charged, and so forth, when the Treasury Department will pay to the bank the soldier's obligation and will also pay to the soldier the difference between the bank's claim and 80 per cent of the veteran's service credit. At the expiration of three years the soldier may borrow from the Government 85 per cent of his service credit, and after 1928 he may borrow 70 per cent of the amount of that credit, plus 25 per cent and plus 4¼ per cent accrued interest.

The Government will charge the soldier 4¼ per cent interest on the money loaned him, which will offset the 4¼ per cent interest due on the certificate to the extent of the amount borrowed.

This provision enables the soldier to secure a cash loan of 50 per cent of his service credit from any bank in the country, for his collateral security is the best in the world. There is no bank that will refuse the soldier the privilege of borrowing that money.

Mr. COCKRAN. Will the gentleman allow me to ask him a question?

Mr. FORDNEY. I have only eight minutes of my time remaining, and I would rather not yield. If the gentleman will be kind enough, I would like to make this statement.

Mr. COCKRAN. It is in reference to the point the gentleman has just been discussing.

Mr. FORDNEY. What is it?

Mr. COCKRAN. Is there any way you can guarantee the insured that the bank will loan the money?

Mr. FORDNEY. There is no assurance except this: The certificate is as good as a Government bond, because it is a Government bond, and there is not a bank in the country to-day that will not lend money and is not lending money on Government bonds—not one. [Applause.]

Mr. FREAR. And Governor Harding so stated to the committee.

Mr. FORDNEY. He stated that it would be the very best collateral security that could be offered. The insurance certificates are not assignable except as collateral security to a note given by a soldier in negotiating a loan with a bank or trust company.

Gentlemen, another provision of the bill enables the soldier to purchase a home in the city, or a farm, in which event he will receive the amount of his service credit and 25 per cent thereof in addition to apply on the purchase of that home. If you want to make a good citizen of a man, have him own his home. If there is anything in this world a man will fight for, it is his home.

The bill also contains a provision for vocational training. The soldier who accepts this feature will receive 40 per cent in addition to the service credit, or an amount equal to $1.75 per day for the period to which he is entitled to adjusted compensation.

Then there is the home-settlement provision, reserved absolutely for the soldier boy. This is one of the best provisions of the bill, and it has safeguards thrown around it to prevent any waste of money. The bill provides for the creation of a commission, men to be appointed by the President of the United States, to control the expenditure of the money under this home-settlement provision.

Excluded from the benefits of the bill are—

1. Officers above the rank of captain; and

2. Men in the service employed on this side in war industries who received more than service pay or who were given farm furloughs during the period of such employment or furlough.

The Secretary of War and the Secretary of the Navy, under the terms of this bill, must publish pamphlets explaining the various advantages of each option named in the bill.

The Republican Party in its platform adopted at Chicago at the national convention in 1920 pledged the party to a reduction of taxation. That pledge has been fulfilled. The revenue act of November 23, 1921, reduced internal-revenue taxes for the year 1922 nearly $1,000,000,000. The amount collected this year, caused by the business depression of the country, will be more than $1,000,000,000 below the amount collected from the same sources last year.

It might be said in this connection that the demands upon the Treasury to meet the payment of the soldiers' bonus for the three years next following October 1, 1922, will be so small that the committee considered it unnecessary at this time to impose any tax for the purpose. Three years hence will be ample time to consider the question of how to meet the obligations that will then be due. It has been suggested, wisely, I believe, that when we receive the bonds in settlement of the amounts owing to us by foreign Governments, the same be indorsed by our Government and sold at not less than par, to raise the funds necessary to meet these bonus payments three years hence.

The object of the provision that the soldier can at no time borrow quite the full amount of the certificate is to induce him, if possible, to hold the certificate as an insurance for his family in case of his death, or as a good, practical business proposition, one which will bring him $3 for every $1 named in the certificate if he carries the certificate for the 20 years.

It has been said by those opposed to the bill that while opposed to a bonus they would be perfectly willing to see a tax upon the people for the purpose of caring for the sick and disabled soldier. To this I can only reply that existing law amply provides for these unfortunate sick and disabled veterans. If some of them fail to receive these benefits it is not the fault of the law, but is due to inefficient administration of the law.

The benefits of the bill are but a small recognition of the great obligation the American people owe to the soldiers who took part in the late war, who rendered such invaluable service at such dreadful cost to themselves. In speaking of the soldiers of the late war I am not unmindful of the debt we owe to the soldiers of former wars, particularly those of the Rebellion; a debt we can never pay. I do not understand how any public-spirited, patriotic, loyal citizen can possibly object to this small recognition on the part of our Government of the services rendered by our boys.

It is now two and a half years since the signing of the armistice, and on every hand and from every side we hear that veterans generally are still adrift.

It seems to me imperative in the national interest that effective means should be promptly found for the reestablishment of the soldier and his assimilation into civil life.

It is essential that such reestablishment should be accomplished in such a manner as to place the veteran as nearly as possible on equal footing with those whose business or professional career or other earning power was not interrupted by military service, so that he may be adequately rehabilitated in civil life and the better enabled to bear his share of the immense burden of taxation which the war has placed upon the country.

It is most desirable that such reestablishment should be accomplished with a minimum of administrative cost, so that the soldier may receive the maximum of benefit from the money expended and the burden to the country may not be unduly increased.

The homely little poem that I will now repeat expresses pretty well how we all felt and spoke about the boys during the war:

Over in France, in th' dirt an' mud,
There's a boy of ours;
He said he'd fight till th' war was through,
An' leave the rest t' me an' you.
We promised to help in every way;
If we couldn't fight we said we'd pay.
It's up to us, we can if we will;
Let's stop our fussing an' pull for Bill.

What does it matter, when all is done,
T' you an' me,
T' keep our money, but lose th' fight,
An' bend our necks to th' German's might?
Let's learn t' save an' go without;
Our money is talkin'—let's make it shout.
It's up to us, we can if we will;
Let's pull together, and pull for Bill.

It's easy to stand a wheatless day,
If it's helpin' Bill.
We'd rather be cold than have it said
We used the coal when he needed bread.
It isn't much, and it's rather small,
T' give so little when he gives all.
It's up to us, we can if we will;
Let's stand together and stand by Bill.

How would you like t' take his place
Out on the front?
How would you like t' be young an' strong,
A-doing your part to right the wrong?
Your part's at home—it's hard, I know,
To stand aside when the others go.
It's up to us, we can if we will;
We'll pull together—we're all for Bill.

Yes, we were all for "Bill" when he was giving his all for us. We promised him everything in return. Now, however, when Bill is in need of help in his effort to reestablish himself in civil life are we trying to help him? Are we standing by "Bill"?

Practically all of the principal countries that participated with the Allies in the late war have already given a bonus to their soldiers. Canada, just across the border, has paid the largest sum per soldier of all, a maximum of $634.40, paid by monthly installments in 12 months' time. I will here quote from a table showing the amounts paid in bonus by the various Governments, the total debt of each Government, its estimated wealth, and the percentage of its debt compared with its wealth:

Country.	Maximum bonus.	Debt of nation.	Estimated wealth.	Debt (per cent).
Canada	$634.40	$2,345,000,000	$10,000,000,000	[illegible]
Belgium	492.00	4,870,000,000	12,000,000,000	[illegible]
France	[illegible]	50,900,000,000	92,500,000,000	55
England	189.54	37,910,000,000	120,000,000,000	32
Italy	73.34	18,650,000,000	35,500,000,000	[illegible]

Australia, too, has paid her soldiers a bonus. I do not have the figures before me, but I am informed that the amount is quite in keeping with that paid by Canada.

Against the above table I wish to state that the total debt of our Federal Government is but 7 per cent of its wealth, and if we deduct from the debt the amount owing to us by foreign Governments the debt is but 4½ per cent of our wealth, or the lowest percentage of debt in proportion to its wealth of any principal country in the world. This being true, how senseless to say that we can not afford to pay this bonus; to do as much for our soldiers as Canada has for hers.

My friends on the Democratic side, I am going to be a little bit severe in my remarks about you who are opposing this bill. You had control of both Houses of Congress and of the Executive when you passed the act of 1918 that carried $60 additional pay to the soldiers. Why, in the name of God, did you not then do for the soldiers what you say we should do for them now? [Applause.] Twenty-one States in this Union have taken action in favor of aid for the soldiers. Ten of them have already paid bonuses. Of the 21 States referred to not one is south of the Mason and Dixon line. In all these States the vote was from 3 to 1 in favor of the bonus to every 1 against it. Yet many people from these very States are now protesting against Government aid to the soldiers. [Applause.]

I have frequently made the statement that we were very patriotic during the war when our boys were marching to the front. We cheered them to the echo and with tears in our eyes marched with them down the street on their way to the front. When we arrived at the depot or the wharf where the boys took the train or the boat for overseas the boys went forward and we turned back. Many of those who accompanied the boys to the depot, who shouted the loudest and waved flags the wildest, are the very people who now begrudge this slight recognition; who snivelingly protest against a possible small tax for the present aid of the boys. Of course, many of these objectors contributed their share to the support of the soldier boy during the war, but that required no patriotism, no great sacrifice. It was money to be used by our Government for its own protection; for ourselves and future generations.

When the boys returned, how soon we seemed to forget their sacrifices. Some even say that this bonus is but a sale of patriotism. How unreasonable! How unjust! These boys are our neighbors. They were of the flower of the Nation when called to arms. Over 50 per cent of them were less than 20 years of age; schoolboys, full of life and full of patriotism; full of determination to do or to die.

I should feel guilty and conscience stricken to look one of these dear boys in the face and say to him "I owe you nothing; my Government owes you nothing."

A PRAYER FOR BILL.

I ain't been much on prayin', God,
Er goin' to church;
I've tried to do what I thought was right,
A-helpin' my friend an' treatin' 'em white.
I'm kinda sharp on a business deal,
I haven't lied an' I wouldn't steal.
An' so I'm askin' you, God, to-night:
Watch over Bill when we start t' fight.

I know you've a lot of work t' do
Way over there,
A-watchin' the Hun at his hellish play,
An' countin' the souls as they fly away.
Bill's only a boy, but he had t' go.
With mother an' me a-lovin' him so,
An' so we pray, dear God, tonight:
Watch over Bill when we start t' fight.

We're lonely, God, and want our boy,
Across th' sea.
All we can do is wait an' pray;
It's hard to bear with him away.
Oh, keep him clean an' brave an' true,
He's fightin' for mother and me an' you.
So hear me, God, as I pray to-night:
Watch over Bill when we start t' fight.

We know it will end somehow, some day,
Fr all things do.
The dead will sleep in the madman's track.
An' only the strong come marchin' back.
We'll count it lost if the fight is won,
The price of success our only son.
An' so I pray, dear God, to-night:
Watch over Bill when we start t' fight.

Mr. GARNER. Mr. Speaker, I yield myself five minutes.

I would not have, no one else would have, time during the four hours to analyze this bill to the satisfaction of the Members of the House. It would be impossible to analyze it in that length of time, if one man had the entire four hours. But, Mr. Speaker, I do want to call attention to the methods pursued by the majority in the consideration of this bill. They have been so unfair, so indefensible, that I could not possibly imagine that they would lead the Speaker himself. In the beginning of the consideration of this bill the Democratic membership was allowed to attend the public hearings. After the public hearings were through, we were no longer allowed to participate in the consideration of the bill. And, by the way, there were eight of them. I know you Republicans are fair as a body; you want to do what is right, unless the question gets to the point where it is going to pinch you, and then you grab the under hold, as you have done in this instance. We had hearings over there the other day, and to show you the strong-arm methods pursued by the committee, or at least by its chairman, unanimous consent was granted to put into the record a certain letter from an ex-Assistant Secretary of the Treasury, but when the hearings were printed, lo and behold, that letter did not appear. I made inquiry, and the clerk told me that the chairman of the committee directed that it be left out, although the record itself shows that by unanimous consent the committee ordered it put into the hearings for the information of this House. You have not got it and you can not get it, because, forsooth, of the strong-arm methods of the chairman of the Ways and Means Committee.

Mr. Speaker, I feel, sir, that I have as great a respect for you as has any man who stands on the floor of this House. I have served with you many years, and I say now that in all of your experience in the chair, sir, no one can mention an instance that approximates this, and so far as I know this is the only instance in which there has been shown gross unfairness to the minority by virtue of your office. There exists gross unfairness, because it is shown by the various members of the Rules Committee, Republicans themselves, protesting against it, that the Rules Committee, when they made up this rule, understood that the time would be equally divided between the Republican and Democratic sides of the House. But what do we find? We find three Republicans recognized and one Democrat, although more than two to one of the Democrats in this House who will cast their ballots this afternoon will vote for this measure. You do not give a single one of them recognition from the chair for the purpose of presenting his views. That is not fair play, but that is characteristic of the consideration of this bill from its infancy. And I can only express the hope that will not follow to the young man who keeps the time, and that, at least, he will be fair in watching the clock.

Mr. Speaker, I have not said anything about this bill. I have not criticized or questioned the methods of the men who are going to vote for it, but I think I would be justified, Mr. Speaker——

The SPEAKER. The time of the gentleman has expired.

Mr. GARNER. I yield myself one minute more.

I think I would be justified, Mr. Speaker, in saying that we had a right to question not only the methods but the motives of the men who drew this legislation. I say it without fear of contradiction in the hearts of men who will advocate it—that it is not the legislation that you want to place upon the statute book. I see the gentleman from Iowa [Mr. GREEN], who has an hour in this, smile as though he were saying, "This is my beloved child, of which I am proud, proud of all its attributes," but I venture the assertion that the gentleman from Iowa will not say this is the legislation that, if he had his way, he would write upon the statute books. Then, I do question, Mr. Speaker, not only the methods that have been adopted for its consideration in its preparation and for its consideration in the House, but I can question the methods of many of you who are going to vote for this measure, although in your hearts you know that it is not what you want and it is not what the country wants, and the worst part of it is it is not what the soldier wants.

Mr. Speaker, I reserve the balance of my time, and yield 10 minutes to the gentleman from Georgia [Mr. CRISP].

Mr. OLDFIELD. Mr. Speaker, I also yield 10 minutes to the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] is recognized for 20 minutes.

Mr. CRISP. Mr. Speaker and gentlemen of the House, I am a mild-mannered man and do not approve the use of harsh language, and I am frank to say that everything in the minority report, which I signed, did not have my approval. [Applause.] But neither did I approve the unfair way in which the Republican majority in this House has handled the bonus proposition. There was no party politics in it, but they made politics of it. They excluded us from any consideration with them in drafting this bill, and it was apparent even to the blind that when they brought it into this House they would bring it in under methods that would deny to the minority the right to offer amendment or to present their views to the House and to the soldiers. And, believing that one provision of this bill was indefensible and was not what the soldiers wanted, and desiring to let my position and views be known, I signed the minority report. But, Mr. Speaker, I have always heard that the hit bird flutters, and, listening to the remarks, the demagogic speech, of the gentleman from Kansas [Mr. CAMPBELL], which was ill-tempered, abounding in misstatements, and vituperative, I fear it is very apparent that his thin skin has been pinched [applause], and I do not believe it was the language in the minority report that did it, but it was the fact that the soldiers' attention and the country's attention was called to the fact that they were not giving them what they asked for, but were giving them a gold brick.

Now, Mr. Speaker, the gentleman from Kansas got his dates mixed when he talked about soldiers dying from improper food and care. He undoubtedly had in mind 1898, the Spanish-American War [applause], when the Republicans were in charge of all matters of government, at which time our soldiers were fed rotten beef, impure canned goods, furnished improper clothing and sanitation in camps, which resulted in the death of many of them.

Mr. Speaker, the gentleman from Kansas spoke about $19,000,000,000 that was spent in 1919. That money was raised to pay for ships, for cannon, for airplanes, for food, for munitions of war, that were used by the American forces while we were at war [applause], and the gentleman from Kansas and my Republican colleagues who were in the House at that time also voted for every one of those bills. [Applause.]

Now, I was on the Committee on Ways and Means all during the war, where legislation was framed raising money to finance the war, and never was there a single conference of the Democratic members of that committee without every Republican member of the committee being invited to participate in it. [Applause.]

Now, so much for that, Mr. Speaker. I shall vote for a bonus because I think the American soldier is entitled to adjusted compensation.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CRISP. I will.

Mr. GARNER. And he has got to get two-thirds of his time from the opposition.

Mr. CRISP. Yes; but you are such a partial friend. I know that if you had any you would divide with me.

Mr. Speaker, I know taxes are high and burdensome, but those from which the great masses of the citizens are suffering are not Federal taxes but ad valorem taxes levied on lands, houses, and personal property by the various States, counties, and cities. Congress has no voice in nor control over such taxes. These local taxes must be paid whether the taxpayer is prosperous or insolvent. Federal taxes, with the exception of tariff duties and special excise taxes, which constitute but a small per cent of the total revenue of the Government, are paid only when the taxpayer is prosperous. If he prospers, he is taxed in proportion to his net profit; if he is unsuccessful and makes no gain, he pays no direct tax to the United States. In making the above observation I do not mean to imply that Federal taxes are not high, for they are, and I conceive it to be the duty of Congress to strive to lower the expenses of the Government so as to reduce tax burdens. Since the armistice I have consistently voted against every appropriation involving the Government in new undertakings and for reduced appropriations for all existing Government activities; and I shall continue to so vote except for the completion and construction of hospitals for disabled soldiers and in instances where a project is partially constructed and common sense and good business judgment demand that the matter be carried to completion, as, notably, in the case of the Muscle Shoals water power and nitrate plants; and except, also, in cases where the Government is legally or morally committed.

If the Government is obligated, it must pay, whether or not it is convenient to do so. The question we must now decide is whether the Government is obligated to the ex-service men to pay them adjusted compensation. No one can contend that the Government is legally bound to do this; therefore, the question is narrowed to whether or not the Government is morally bound to do it. To this question I answer, yes; for the following reasons:

When we entered the war, under the selective draft act, 24,000,000 citizens of the United States of military age were registered for military duty. We read in Holy Writ, "Then shall two be in the field; the one shall be taken and the other left," and so it transpired in the execution of the draft. Of the 24,000,000 registered, 4,000,000 were conscripted into the military service, the remaining 20,000,000 being left at home. The 4,000,000 men were forced to leave home, loved ones, and private business, and to serve under the orders of the Government, not for 8 hours a day only, but for 24 hours in each day, at a compensation of a dollar a day, this small amount being reduced even more by required payments for life insurance, Liberty bonds, and often allotments; while the remaining 20,000,000 men registered for military service and all the other citizens of the United States were left at home to suffer no hardships or privations, but to enjoy such an era of high wages for their labor and high prices for their commodities as the world had never before known. The testimony before the committee shows that drafted men worked in the construction of Army camps and cantonments, doing carpentry and other skilled work at a meager $1 a day; while private citizens engaged in the same work, in the same gang, received from $8 to $10 a day. In France, enlisted men worked on roads and dug trenches, while private laborers working with them received many times their compensation.

While the service men were undergoing privations and hardships unparalleled in history many of those remaining at home were living in luxury, and numbers of them accumulating enormous fortunes. In 1912, according to the last authentic statistics available, the total wealth of the United States amounted to $187,739,071,000, and to-day Government actuaries estimate it at $286,000,000,000, an increase of about $98,000,000,000, this colossal gain having been accumulated for the most part during the period of the war when the service men had no opportunity to share in it. In 1916 the gross income earned by individuals and corporations in the United States amounted to $45,400,000,000 and the net taxable income to $15,065,900,000, while in 1917 the gross income amounted to $53,900,000,000 and the net taxable income to $24,430,400,000, and in 1918 the gross income was $61,000,000,000 and the net income $24,400,000,000, these years of 1917 and 1918 being the two years of the war when the service men were exiled from civil life with its marvelous opportunities for amassing wealth.

When the armistice was signed and the service men were discharged and returned to civil life they found their boyhood friends and neighbors who had remained at home, riding in automobiles, some of them with bank accounts, many with large holdings of Government and other high-grade securities, and not a few millionaires, while the returning ones had nothing. And in thousands of instances the positions they occupied before they entered the service were lost to them forever. During the war thousands of patriotic and efficient women entered the province of business and filled acceptably the positions formerly occupied by men who were drafted into the military service. When the war was over and these men were returned to private life their former employers, in many instances, did not feel justified in discharging these splendid, capable women who had to earn their living in order to give the places back to the soldiers. And so the returned soldier found himself without money and without a job, his unfortunate position being largely brought about by the patriotic service he rendered his Government. The Government Labor Bureau and other statisticians say there are practically 4,000,000 men in the United States out of employment, and a published statement of Commander MacNider, of the American Legion, asserts that 700,000 of these are ex-service men.

While the bestowal of a bonus would prove a temporary and partial good to the soldiers, would not the bestowal of a permanent job prove a much more practical and lasting one? In Mr. Ford's offer to lease Muscle Shoals we are offered a partial solution at least of this deplorable unemployment problem. Yesterday in a published interview in Atlanta, Ga., Mr. Ford stated that if given the Muscle Shoals contract he would give employment to ex-service men now idle. The Republican Party, which boasts of its efficiency and constructive ability, has been

in charge of all branches of the Government for over a year and of both legislative branches for three years. They have talked much, they have proclaimed much, on the floors of both Houses of Congress and through the press, of the great reductions which they have brought about in Government expenditures, though I apprehend the average taxpayer has seen no benefit from these paper economies, and they are merely paper ones, for there have been no real reductions in expenditures up to date.

They have boasted that their efforts have restored prosperity throughout the United States, notwithstanding there are in the large cities to-day more idle men and longer soup lines and bread lines than have been seen there in many years. In my judgment it is time for them to cease proclaiming and to perform. If the Ford contract is entered into work will be at once resumed on the big dam which is to provide this superb water power, and employment will thus be given to thousands of needy men who now walk the streets seeking it. When the dam is completed large industries will be established, giving employment to many thousands more, and the farmers of the United States will be given nitrate, an essential element of fertilizer, at one-half the cost they are now paying the fertilizer companies for it. I appeal to my Republican colleagues who control the House to bring in at once a resolution accepting the Ford proposition, so that the contract may be entered into and work inaugurated on this great enterprise which will mean so much for the material prosperity of the country we all love.

Since the armistice Congress has passed a number of laws which I opposed as wholly unjustifiable. Congress passed a bill validating many illegal contracts made by the War Department with the big interests of the country for war supplies, totaling over three billions of dollars, and has appropriated over six hundred millions of dollars to pay many of these war profiteers the supposed profit they would have made out of the Government had the war continued. I read in the press a few days ago that the Eastman Kodak Co. had returned to the War Department a check for $180,000 sent them as a supposed profit they would have made out of contracts with the Government, the Eastman Kodak Co. saying they were not entitled to this sum. This one instance of a company that returned the largess so lightly bestowed by the Government stands out, however, as a lonely, notable, and shining exception among the many who retained it; and yet many of those who now loudly protest against levying any tax or paying any bonus to the soldiers were as silent as the tomb when it was proposed to tax the people of the United States millions of dollars to pay war contractors who had already made enormous profits out of the Government. During the war the Government took over and operated the railroads, and taxed the people approximately two billions of dollars to pay for losses it sustained in the undertaking; yet the voices that are now in the main condemning the soldier bonus were loud in urging the Government to tax the people for the payment of these $2,000,000,000, claiming at that time that such a tax would turn the wheels of industry and make the country prosperous. Congress passed a law providing several million dollars to pay mineral and mining speculators for profits they would have made had the war gone on, and again we heard no protest against taxing the people for this purpose. Millions were appropriated to pay losses sustained by the Shipping Board, the money thus appropriated going, as a general rule, to the big interests; and there was no protest that the tax to raise this money would work injury to the country. I might cite numerous other instances, as the payment of $100,000,000 to feed Europe and $20,000,000 for Russia. But when it comes to adjusted compensation for the ex-service men, many interests that largely profited and profiteered during the war are loud and vociferous in their protests, claiming that payment of this bonus will work injury, havoc, and ruin to the business interests of the country. I do not believe this.

In the fall of 1920 the Federal Reserve Board, who control the finances of the Nation, decided to force down prices. To accomplish this they raised interest rates, refused to discount many solvent notes eligible for rediscount at the Federal banks, had member banks call numerous loans, and, according to the testimony of Governor Harding, of the Federal Reserve Board, have caused to be canceled to date $1,250,000,000 of Federal reserve notes, all of which acts brought about a rapid deflation of the currency in circulation. This enormous reduction of the circulating medium of exchange made credits scarce and difficult; prices of prime commodities, like agricultural products, dropped far below the cost of production, resulting in many cases in bankruptcy and general business stagnation and depression in the agricultural sections of the country, which conditions still largely obtain. At the time this policy was adopted by the Federal Reserve Board I felt it would result in irreparable damage to the business interests of the country. Therefore I vigorously and earnestly protested against its adoption, and, in company with a number of other Representatives, urged the Federal Reserve Board to pursue a liberal fiscal policy and not force a financial stringency. Our efforts were unavailing, and, in my judgment, the action of the Federal Reserve Board in bringing about such a rapid deflation is largely accountable for many business failures, closed factories, uncultivated farms, and general business depression. I believe if the circulating medium is increased—and I am now convinced the only way we can cause it to be done is by bonus legislation—the prices of farm products and other commodities will advance, that farmers and business men in general will be able to continue to operate, and their purchasing power and debt-paying ability will be increased. The farmer will be able to pay the merchants and the merchants the bankers, business generally will be revived, and employment will be furnished to many now idle. But it is charged if the cash bonus is granted it will be immediately spent and will result in no benefit to the soldier. Even should this be true, the circulating medium of exchange will be increased, credits will be made available, and a volume of currency will be supplied with which debts, State and county taxes, and other obligations may be paid, a result which will go a long way toward reestablishing prosperous conditions.

During the World War the Government paid a bonus of $240 a year, or $20 a month, to each of its civil employees drawing less than $2,500 a year. These employees underwent no hardships, but performed their duties during the cold of winter in steam-heated houses and in summer under the cooling breezes of an electric fan. The amount so paid these employees totaled millions of dollars a year, but there was no complaint throughout the land of the people being taxed to pay this gratuity. Mr. Speaker, it seems to me that almost all who had a connection with the Government during the war, or who rendered a service in a civil capacity, have been treated generously by the Government since the armistice, and I can not get my consent to invoke the strict letter of the law against the ex-service men and say the Government shall do nothing for them because it is not legally bound to do it.

Many of the opponents of the bonus say it is wrong in principle, and that the Government should not inaugurate such a policy. Mr. Speaker, there are innumerable precedents for the payment of such a bonus, enough to establish as a governmental policy the rewarding of those who served in the military forces in time of war. The distinguished junior Senator from Georgia [Mr. WATSON], than whom there is no more profound student or abler historian in public life, in a speech in the Senate on February 14 cited some of these precedents. He stated that Gen. George Washington, the Father of our Country, accepted a bonus for service rendered in the French and Indian war and in the Revolutionary War; that General Lafayette, in recognition of his service in the War of Independence, was given a bonus of $200,000 and 20,000 acres of land in Florida; that a month's salary was paid by the Government to each member of the crew serving under the able naval hero, Capt. James Lawrence, known to fame because, when dying and carried below decks, he cried, "Don't give up the ship!" that the soldiers who served the Government in the war with Mexico, the Indian war, and the Civil War were given a bonus in the form of land warrants and bounties; that about one-half of all the lands of Tennessee trace their titles back to the bonus or the land warrants granted to the soldiers of the Indian wars and the War of 1812; that great States in the West, such as Kansas and Nebraska, were settled, made into farms, and beautified by the soldiers who drew them from the Government as bonuses by way of land warrants.

Mr. Speaker, let us contrast the financial condition of our allies with our own, as shown by the following table which was introduced in evidence before the Ways and Means Committee:

Country.	National wealth.[1]	National debt (Austin).	Percentage of debt to wealth.
France	$66,100,000,000	$61,000,000,000	97
Great Britain	70,500,000,000	37,900,000,000	53
Italy	21,800,000,000	18,650,000,000	85
Belgium	5,840,000,000	4,670,000,000	80
United States	[2] 265,000,000,000	23,000,000,000	[3] 8

[1] By Bureau of Foreign and Domestic Commerce.
[2] National Bureau of Economic Research.
[3] Approximate.

It is observed that, in calculating the national debt of the United States, no credit is allowed for the eleven billions our allies in the late war owe the United States. Great Britain, France, Belgium, and Italy surely will pay their obligations to the United States, so our national debt should be credited with $11,000,000,000, leaving a net debt of about twelve billions. With a debt of twelve billions and assets of two hundred and eighty-six billions, the amount owed by our Nation is negligible, not being over 4½ per cent of its total wealth. It will be readily seen that the financial strength of the Allies is incomparable with our own; yet, notwithstanding the huge debt of our allies, they have all granted substantial bonuses to their soldiers, as follows: France, $249; Great Britain, from $142 to her privates to about $7,000 to her officers; Italy, $64; Belgium, $492; Canada, our neighbor on the north, has paid her privates a bonus of $600 and her officers $972, and has advanced her soldiers money to buy farms, and after discharge made them an allowance each month until they secured employment; Austria and New Zealand have paid their soldiers a bonus. If these countries, in their financial condition, can extend to their ex-service men a substantial evidence of appreciation of their service, surely the United States, the richest Nation of the world, with a great national wealth and a relatively small debt, can afford to be equally as generous and appreciative to her patriots.

During the titanic struggle, while our brave boys were uncomplainingly daily submitted to the deadly rain of shot and shell, fired sometimes from the air by swift-flying planes, sometimes from under the sea by murderous submarines, or again from the surface of the land or water; while they were facing death from poisonous gases, from German bayonets, or from sickness caused by exposure to rain and mud; while they were sleeping and fighting in the trenches in France, their bodies filled with slime and loathsome body lice—while these conditions prevailed we all delighted to sing the praise of our soldiery, to laud their valor and matchless prowess, and to do them honor. From one end of our country to the other we boasted of their heroic, sacrificial service. From the pulpit and platform, from the streets and housetops, through the press, and in the Halls of Congress we assured them that their beloved country would never forget their splendid service nor cease to be grateful to them for it; that nothing was too good for them; and that the wealth of the land was at their backs. Surely, Mr. Speaker, these were not merely idle words, with no sincerity of purpose back of them. [Applause.]

In republics the people rule through political organizations. In our country the two dominant parties, one or the other of which is always in control of the Government, are the Democratic and Republican Parties. Let us see their attitude on the soldier bonus when their candidates were before the electorate, seeking election to Federal office. The Democratic Party in its platform adopted at the San Francisco convention, held in 1920, said:

> We pledge our party to the enactment of soldier settlements and home-aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine Government assistance unencumbered by needless difficulties of red tape or advance financial investment.

The Republican platform adopted in the Chicago convention held in June, 1920, reads as follows:

> We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill in appreciation of the services rendered by its defenders on sea and land.

I believe a large majority of the men and women of the United States desire Congress to do something for our ex-service men, and as ours is a representative Government, Congress should carry out their will.

The first duty of an appreciative Government is to provide and care for its wounded and maimed heroes. They are the wards of the Nation and should be shown every consideration. The Congress of the United States has fully performed its duty in this respect, having appropriated for their care already $1,259,930,729, which amount was expended as follows:

To 299,879 men: Vocational training	$212,724,533.37
To 381,717 men: Compensation	300,141,766.52
To 150,171 men:	
Insurance	283,286,606.04
Marine and seamen's insurance	35,084,378.48
Allowances	282,049,110.33
To 206,037 men:	
Medical and hospital service	99,566,243.00
Administrative	47,078,092.25

If the soldiers have not received proper hospitalization, care, and medical treatment and prompt consideration of claims for compensation the fault lies at the door of the executive branch of the Government and not at the door of Congress. There is no division of sentiment in the United States, nor in Congress itself, as to the duty of Congress toward our disabled service men. All agree that they must be given every loving care and attention that money and gratitude can lavish upon them. [Applause.]

The bill which we are now considering does confer some valuable privileges upon the service men who were not injured. The bill is far different from what I would like to see it; but the Democratic Members of the House had no voice in its preparation. The Republicans, who control the House by over a hundred and sixty-five majority, saw fit to exclude the Democratic Members from participation in the preparation of the bill, consequently we have had no opportunity to perfect it. Let us briefly consider the relief provisions of the measure: Four options are offered the service man, and he may receive his adjusted compensation in any one of the four ways by making application, before July 1, 1923, to the Secretary of War or the Secretary of the Navy (according to the branch of the service in which he served), specifying which method of payment he elects. Failure to serve such notice forfeits all right of the service man to the benefits offered by the bill. In each option the compensation due the soldier is computed on a basis of a dollar for each day's service in this country up to a maximum of $500, and $1.25 for each day of overseas service up to a maximum of $625. The options follow:

> Option 1. A cash payment in cases where the amount due is not more than $50.
>
> Option 2. Vocational training on a basis of $1.75 for each day's attendance at the school, the total payment not to exceed 140 per cent of the adjusted service credit of the veteran.
>
> Option 3. Aid in purchasing farms or homes to the extent of the amount of compensation due plus 40 per cent.
>
> Option 4. A certificate of insurance for the amount due increased by 25 per cent, this certificate to be due 20 years from October 1, 1922, and to draw interest at 4½ per cent per annum, compounded annually.

The option feature of this bill may be likened to the bee which deposits much of honey but sometimes a sting. The options providing for vocational training and aid in purchasing homes and farms are the honey, in that they make for better citizenry, which is the chief asset of any nation; but in the provision for obtaining loans on the certificates lies the sting, as the soldiers will find when they attempt to obtain the loans. It is expressly stipulated that no one but a bank can make a loan on these certificates and the bank can only loan 50 per cent of the value; that the bank can charge a rate of interest only 2 per cent higher than the prevailing rate of discount at the Federal reserve bank of the district, and that each loan must be accompanied by an affidavit of an officer of the bank that this regulation has been complied with; the maturity of most of the loans will be about three years; these certificates are not eligible for rediscount at the Federal reserve banks of the Nation, and Comptroller of the Currency Crissinger, who has supervisory control over all national banks and State banks that are members of the Federal reserve system, testifying before the Ways and Means Committee of the House, said that such loans would be "frozen credit," and that he would recommend that no bank discount these certificates. Under these restrictions and under present depressed financial conditions what banker would consider making such a loan? In my judgment, any service man electing this option with a view to obtaining a loan on it will find himself in possession of a gold brick, for he will neither be able to sell it or to obtain a loan on it.

This plan will be of no immediate benefit to the soldiers generally, as I do not believe 10 per cent of them will be able to obtain a loan under it, and the ultimate cost to the taxpayer will be many millions of dollars more than they would have to pay if the soldiers were given the option of an immediate cash bonus, which a large per cent of them desire. The Republican Party, now in control, should not try to bunco the soldiers. They should either give them a cash bonus or have the courage to say they do not approve this kind of compensation, or at least permit the House to vote on giving a cash bonus.

The Republican steering committee proposes to pass this bill under suspension of the rules. This method of consideration will prevent freedom of debate and discussion and will deny to every Member of the House the right of offering an amendment, the plan being adopted for the purpose of binding and gagging the House and preventing intelligent consideration of the measure. We, as Congressmen, will only have the privilege of either voting for or against the bill just as it is presented by the Republican leaders. This method of legislating on a measure of this magnitude is undemocratic, un-American, and indefensible, and should not be tolerated in a free Republic; but the Republicans, who have an overwhelming majority in the House, adopt this method when they are afraid to permit the Democrats to discuss and offer amendments to legislation proposed by them.

I am confident, however, when it reaches the Senate, where there is no cloture rule, but always unlimited debate and the

unrestricted right of amendment, it will be corrected and perfected and this objectionable loan provision stricken out. The bill levies no taxes and provides no method of raising the revenue to meet its provisions, but this is left to future legislation. Believing it can be financed without any undue hardships upon the taxpayers, and, as it does provide vocational training and aid toward purchasing farms and city homes, and it being my only opportunity to vote to assist the ex-service men, it is my intention to vote for the bill. I am opposed to a general sales tax, for the hearings before the Ways and Means Committee have convinced me beyond peradventure of doubt that the money power, the monopolistic corporations, the captains of industry, and the multimillionaires are endeavoring to have this plan of taxation adopted by the Government as a part of our revenue system for the purpose of relieving the wealth and big business of tax burdens and placing them upon the backs of the toiling multitudes. I am convinced if this system of taxation is approved for any purpose it will be the entering wedge to do away with the income tax, the corporation tax, and other taxes upon wealth and those best able to bear them.

So feeling, I shall not vote for a sales tax to pay a bonus or for any other purpose. Neither will I vote for any other additional consumption taxes such as a tax on gasoline, automobiles, bank checks, increased postage, or other new excise taxes on clothes, food or other necessities of life, which would fall upon those citizens who must struggle and toil for daily bread and existence for themselves and families; for they are already overburdened with taxation. If such taxes are levied the soldiers themselves would pay a large part of them.

The Treasury Department has submitted to the Ways and Means Committee the following estimate as to the probable expenditure required if the bill becomes a law:

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 4½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid.

Fiscal year	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1923	$16,000,000	$26,604,000		$31,675,000			$74,279,000
1924		26,440,000		20,000,000	$72,000,000	$6,000,000	124,440,000
1925		25,720,000		650,000	64,000,000	30,000,000	121,370,000
1926		26,825,000			38,000,000	60,000,000	130,825,000
1927		26,936,000				16,000,000	42,936,000
1928		27,045,000					27,045,000
1929		27,233,000					27,233,000
1930		27,415,000					27,415,000
1931		27,674,000					27,674,000
1932		27,932,000					27,932,000
1933		28,265,000					28,265,000
1934		28,600,000					28,600,000
1935		29,004,000					29,004,000
1936		29,448,000					29,448,000
1937		30,003,000					30,003,000
1938		30,593,000					30,593,000
1939		31,333,000					31,333,000
1940		32,144,000					32,144,000
1941		33,105,000					33,105,000
1942		34,251,000					34,251,000
1943			$3,154,823,350				
Total	16,000,000	577,571,000	3,154,823,350	52,325,000	186,000,000	112,000,000	4,098,719,350

It is observed that for the next 20 years the total amount to be expended will amount to less than a billion dollars. During the next 20 years the national debt of the United States should be retired, Government expenditures greatly reduced, tax burdens lightened, and a sinking fund accumulated to meet the expected expenditure for 1943. In this way the debt can be so gradually paid as not to injuriously affect business or inflict hardship upon the taxpayers.

The question naturally arises, How, then, would I finance the proposition? I would provide for the payment of the compensation from the interest due us by the foreign governments, which interest amounts to over five hundred millions annually. Congress has passed a bill providing for funding this debt, and, until the interest is paid, I would have the Treasury issue short-term Treasury certificates to meet the obligations of the bill; and when the interest is collected from the foreign governments these certificates could be canceled and retired. I am unalterably opposed to canceling this foreign debt, and I believe, if it should be set apart as a trust fund for those brave service men who saved Europe and civilization, that the foreign governments owing these large sums, propagandists in this country, international bankers who have a selfish interest to subserve, and all others would cease talking about the cancellation of the debt, truly "a consummation devoutly to be wished." While I consider this the ideal plan, if Congress should differ with me, then I suggest the reenactment of the excess-profits tax, with a specific tax exemption of $50,000 instead of $3,000, as provided for in the act of 1918, and the old sur-income tax rates on incomes above $50,000, which this Republican Congress has repealed, thus annually relieving a comparatively few rich men and a small number of our wealthiest corporations of $500,000,000 in taxes. A few days ago I read in a trade journal of the boot and shoe industries, that the year 1921 was a very prosperous one, the manufacturers having made twenty-five millions more profit than the year before. The statement of the American Bell Telephone & Telegraph Co., published on March 2, 1922, shows that the year 1921 was the most successful one in its history, the net profit being fifty-four million; and the published statement of the Standard Oil Co. of Indiana showed a net profit for the year 1921 of twenty-five millions after setting aside two millions for Federal taxes. All of these profits were made after paying the old excess-profits tax and the higher sur-income taxes. I am confident there are numerous other corporations in the United States that did equally as well in the year 1921 as the companies above cited. By restoring these tax assessments ample funds can be raised to pay this adjusted compensation without adding one dollar of taxes to the great body of taxpayers of the land or injuriously affecting business.

But if this plan does not meet with the approval of Congress, I believe, by a large reduction in the personnel of the Army and Navy and by the scrapping of ships, supplemented by increasing inheritance taxes, ample funds for this purpose can be collected without levying any other additional taxes. President Harding, the Secretary of the Navy, and other high officials loudly proclaim that the treaties entered into by this Government and the foreign nations at the disarmament conference recently held in Washington will result in a saving to the taxpayers of from two hundred to three hundred million dollars annually. One hundred and fifty million additional can easily be raised from inheritance taxes; so it is apparent, if this suggestion is adopted, funds for the adjusted compensation can be raised without hardship to the taxpayers of the land.

Mr. Speaker, I know patriotism can not be measured in dollars and cents or be paid for in sordid things; patriotism is one of the noblest emotions of the human heart, and man approaches most nearly the full stature of what the Creator intended him to be when his heart is filled with love of God, love of his fellow man, and love of country.

Breathes there a man with soul so dead,
Who never to himself hath said,
This is my own, my native land?

Of course, the surpassingly unselfish and heroic service rendered our Government by her patriotic sons who served in her military forces can never be paid for in dollars and cents, and no one proposes to do it; but I believe that country which shows appreciation and gratitude to those sons who have rendered her unselfish and sacrificial service will best command the love and respect of her sons and inspire the greatest patriotism in their bosoms. Believing the splendid service rendered by our service men entitles them to some substantial evidence of appreciation from a grateful Government, I shall vote for the bill. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I do not rise for the purpose of discussing the provisions of this bill. I hope to have a little time later in which to do that. I rise now for the purpose of answering the charge of the gentleman from Texas [Mr. GARNER], relative to the action of the Speaker in apportioning the time.

The Speaker was not only fair, but he has been very liberal, both to the Democratic minority and to what will prove to be the minority when this bill is voted on. There are to be four hours of debate. Two hours of that time are controlled by the gentleman from Texas [Mr. GARNER] and the gentleman from Massachusetts [Mr. TREADWAY], both of whom are unqualifiedly against the bill. Of the remaining half of the time an hour and a half will be controlled by those favorable to the bill and half an hour by those who, though they may vote for the bill, will probably put in most of their time criticizing its provisions. So that as a matter of fact, of the four hours' time allowed for the discussion of the bill two and one-half hours will be occupied by those who are either unequivocally against the bill in all its provisions or those who are against certain provisions of the bill, and only an hour and a half will be occupied by those who are favorable to the legislation. [Applause.]

Mr. FORDNEY. I yield two minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, the first question to be decided is, Do we owe the veterans of the World War any adjustment of their compensation? It is admitted that all the soldiers of the war received the $1 per day fixed by law for domestic military service and $1.10 for foreign service. Would the Congress morally be justified in saying to the service men, "We have paid you in full all that the law provided when you entered the service—$1.10 per day for service on the battle fields of France and $1 per day for service in the United States preparing yourselves for foreign service"? That is the first question to be answered. If there is no obligation outstanding—no moral obligation, and it is conceded that there is no legal obligation—then there is an end of the matter and nothing to discuss. Without question we will care for the wounded, disabled, and ill soldiers, as we all acknowledge our responsibility to provide for them unstintingly, and Congress is making an honest effort to do that, to rehabilitate the injured and give vocational training to the disabled, so as to enable them to resume as far as possible the useful and self-supporting activities of life. I am glad to say that there has never been any question raised in Congress as to the duty of the country to the disabled veterans of the World War, and there has always been a generous response in appropriations to carry out that purpose. The immense extent of this work for a long time overwhelmed the administration of the three great beneficent activities now under the control of the United States Veterans' Bureau, and there was more or less inefficiency, resulting in undeserved hardship to the veterans. But conditions are now greatly improved and the Veterans' Bureau is now running more smoothly and efficiently.

The question here involved, however, applies not to the disabled service men, but to those who were so fortunate as to have come through unscathed from the death-dealing missiles and poisonous gases of the enemy, and to have escaped consumption or other diseases that accompany military life, or to have recovered from the effects of wounds or disease. These service men, not being crippled or in ill health, and having drawn from the Government $1 or $1.10 per day, as provided by law, do we owe them anything and is the account settled finally?

OTHER ADJUSTMENTS OF COMPENSATION.

Throughout the period of the World War the Nation held every resource within its boundaries subject to its command in prosecuting the great struggle, and we in Congress supported the Government in this extreme exercise of the powers of sovereignty. Personally, the first vote that I cast in Congress was for the joint resolution recommended by President Wilson declaring the state of war with Germany. I followed it with a vote for the selective draft act. Then, with a great majority of the Members on both sides of the House, I voted for each issue of the Liberty bonds and for every supply bill that was asked by the administration and that came before Congress. I voted for every bill asked by President Wilson for grants of extraordinary powers that he believed were necessary to the successful prosecution of the war or that would assist in that supreme struggle. I voted for the Overman Act; for the act taking over the railways of the country by the National Government, in order to give the transportation of soldiers and war supplies precedence over all other traffic; for the espionage act, which placed the liberty of all the people in the control of the officers of the Government. In short, I voted for every grant of power and of funds that President Wilson asked of Congress from the beginning to the end of the war. For many of these acts I voted not without deep concern and serious misgivings; but I voted for them just the same, in order that the President might be free and unfettered in his herculean task of conducting our part in the Great War. I have never regretted one of those votes. In like circumstances I would again vote the same way.

The sudden termination of the war on November 11, 1918, came at the height of our war activities. Every nerve of the Nation was being strained to turn out instruments and facilities of war. Shipbuilding plants were established at every available harbor on the Atlantic, the Pacific, and the Gulf, and they were being worked at high pressure and to the fullest capacity on Government contracts. Every steel works was turning out great steel guns.

Hundreds of manufactories had been converted into munitions plants and scores of others had been built, and all were working to their full capacity, night and day, turning out shells, grenades, and other death-dealing missiles. All had uncompleted contracts with the Government, upon the basis of which they had made enormous investments in plants and materials. With the close of the war the Government had no further use for war supplies, and the contracts were canceled. The Government had encouraged and induced miners to engage in mining certain minerals rare in this country, needed for war purposes, such as tungsten, manganese, chrome, and magnesite. It takes time and a great amount of money to develop a mine, and the close of the war found many of these mines just beginning to produce, or possibly not fully developed. Shipments at once came in from the foreign sources of supply which had been interrupted by the war, and these miners found themselves losers to nearly the full extent of their investment. Many encountered complete financial ruin.

The peremptory canceling of war contracts with the close of the war was obviously the right thing to do, and it was done. Two million soldiers were returned from Europe and, with the two million at home who had not yet gone overseas, were discharged. The railway lines were returned to their owners. Contracts of all kinds were annulled. Undoubtedly, in many instances there were heavy losses to the holders of these incomplete and suddenly terminated contracts, and there were appeals to the administration and to Congress for an adjustment of these contracts. It was not an unreasonable request. Actual and fully proved losses sustained by reason of the Government's action ought to be adjusted and paid. By the combined action of Congress and the President they were adjusted and paid. As I, in common with most of my colleagues, voted for the war and voted to give the administration the power to make these contracts, I felt it my duty to honor the contracts so made, either by carrying them out or by making a reasonable adjustment of losses entailed by their cancellation. I think that that was the right thing to do as between man and man and as between the Government and its citizens. In the process of these adjustments hundreds of millions of dollars have been paid by the Government. The enormous sum of $1,550,000,000 has been paid on account of the railways alone, and additional hundreds of millions to contractors and others. So far as public opinion may be judged from expressions in the press, very little objection was made to this policy, provided the adjustments were made honestly and justly.

NO ADJUSTMENT FOR SOLDIERS.

Now we come to the soldiers of the World War. Practically we have adjusted the compensation of everybody who suffered from loss of property through their contracts with the Government, and have paid them. We have recognized the principle that adjustments of compensation for financial outlays, even where legally they could be denied, are morally binding and should be and have been paid.

Ought not the same principle to be applied to the ex-service men? I maintain that it should be, and so believing I voted for the adjusted compensation bill in the Sixty-sixth Congress and I shall vote for this bill. I do not believe that $1 per day was a full and just compensation for a private soldier even for domestic service, nor do I believe that 10 cents additional was full and just compensation for service on the battle fields and in the trenches of France and Belgium. Nor do I believe that the slight increase paid to noncommissioned officers was sufficient. These men were young men and physically vigorous and their services were in special demand in the various lines of their employment because of that physical strength and youth. They went out at $1 per day and 10 per cent extra for foreign service, while those who remained behind were earning from $5 to $20 per day in shipyards, munitions plants, and

various mechanical occupations. Many service men left good positions, which they found filled by others on their return. Others were in schools or colleges and lost two years' time in acquiring an education, and perhaps lost their opportunity of doing so. There were few who did not have their life plans interrupted and often badly damaged by their Army service. Have not these $1 and $1.10 per day soldiers good reason to feel that some adjustment is due them? I certainly feel that they have.

COMPARISONS WITH THE CIVIL WAR.

Some of the opponents of this legislation call attention to the fact that bonuses were not paid to the soldiers of the Civil War, nor any Government allowances paid to the families of those soldiers. I recall that when I was mustered out of Civil War service, at 16 years of age, I had two months' pay due me, at $13 per month—$26 in all. I was compelled to wait around camp for six weeks before I was able to get this modest sum with which to start in life. There were no committees nor agencies, so far as I remember, to assist in getting employment for discharged soldiers. I finally received my $26 and started out for a job, which I succeeded in getting in a short time. I heard nothing further from the Government until 46 years later, when I reached the age of 62 years. I was then given a service pension of $12 per month, which has been generously increased since. I have no complaint to make; on the contrary, I feel that the country has been not only just but generous to me and to such Civil War soldiers generally as received neither wounds nor serious disability.

When comparison is made between the treatment of Civil War soldiers and of those of the World War, it is to be remembered, however, that those of the Civil War who were disabled received pensions and service pensions were granted to all who survived the age of 62 years, and that in the last years of the Civil War, when men were becoming scarce and States and counties were contesting to make up their quotas considerable bounties were paid to volunteers. By no means all the Civil War soldiers, even in the last years, received bounties, and those who volunteered in the first three years received none at all. But in the aggregate a good many millions were paid in bounties by States, cities, and counties, upon no fixed or definite scale. At the close of the Civil War employment was more easily obtained than now. The West was being rapidly settled and transcontinental railways being built.

It is also to be remembered that nearly the entire Union Army of over 2,000,000 men were volunteers. It was in comparatively rare instances that resort was had to the draft.

In the World War the conditions of service were quite different. More than two-thirds of our great Army and Navy were brought in through the selective draft.

From April 2, 1917, to November 11, 1918, the voluntary enlistments were as follows:

Army	877,458
Navy and Naval Reserves	437,527
Marine Corps	52,891
Total enlistments	1,367,876
Total inductions through selective draft	2,810,296
Total	4,178,172

Thus it will be seen that the Government with its strong arm reached out over the country and forcibly took two out of every three men who were in our Army and Navy. It mattered not what their private engagements were or what were their wishes in the matter—they were taken from their homes, their families, and their employments and plunged into the rough activities of war. That they recognized the call of their country and cheerfully, faithfully, and uncomplainingly performed their duties is to their everlasting credit. That the Nation took them involuntarily is an added reason why the Nation should treat the entire Army, volunteers and inducted men alike, with justice and generosity.

And how did these 2,810,296 men who were inducted into the Army perform their duties and what was the nature of their service? I made this inquiry of Maj. Gen. Enoch H. Crowder, Provost Marshal General, United States Army, who had charge of the selective draft, when I verified these figures in his office. General Crowder stated that every one of these 2,810,296 were selective-draft men. He further stated that he had recently inquired of The Adjutant General as to the proportion of these drafted men to volunteers who were on the firing line November 11, 1918. He was told that it was not possible at this time to give the exact figures, but that an approximate estimate was that 52 per cent of the men on the firing line on November 11, 1918, were inducted, or drafted, men. General Crowder believed that when the correct figures were obtainable it would be found that at least 66⅔ per cent of the men on the fighting line were inducted men.

This high testimony speaks volumes for the service of these brave American soldiers. Their service was for their country, and for all the people of the country. They all made sacrifices. They went. We remained at home. Shall we now sit smugly by and say: "Oh, the war is now over; let us forget it! These service men were not killed. We all had to undergo sacrifices during the war." These sacrifices have to do with a little less sugar in our coffee, a reduced quantity of wheat bread at meals, and extra taxes.

Occasionally we hear criticism of ex-service men and of the American Legion because they call attention to their claims for adjusted compensation. If their fellow citizens, and especially their Representatives in Congress, fail to press their just claims to effective consideration, what is left for them but to take up the subject themselves? In fact, practically, they have been asked to do so by Congress; not formally, but soon after the boys were returned home, whenever the subject was referred to among Congressmen, the hope was expressed that the American Legion and other representative organizations of ex-service men would indicate in some formal way what in their opinion ought to be done. Action in Congress was by common consent suspended until after the November, 1919, meeting of the American Legion in Minneapolis, so that the views and wishes of that great organization could be known. I believe that the leading men, and probably the majority of the rank and file, of that great organization were reluctant to present and press their claims. But practically they were invited to do so by Congress and the press. They were confronted with the obvious fact that unless they took hold of the matter themselves nothing would be done. Neither the ex-service men nor the American Legion ought to be blamed for calling the attention of the country to the neglect which seemed to envelop the public and official mind with reference to a proper readjustment of their illy paid service to the Nation. The questions involved are those of high public policy and of economic financial procedure. They are in no sense political. All sections of the country, and all of the people, without reference to their political views and affiliations, are interested. These questions ought not to be used for the advancement of political or personal interests.

Do these facts prove to the fair mind that we owe the ex-service men an adjustment of their compensation? It seems to me that they do.

First, the volunteers were serving their country at $1 and $1.10 per day when workingmen generally were receiving wages of from $5 to $20 per day.

Second, the Government took the selective-draft men by force; by the exercise of the extreme power of sovereignty. When in the exercise of the same extreme power we took property, we paid for it. But with the selective-draft men we did not say so much as "By your leave." We simply gave them a number and told them when and where to report. Can anyone justly say that they have not something coming to them?

PLAN OF ADJUSTMENT.

The Committee on Ways and Means of the House have devoted weeks to patient and careful consideration of this legislation. They have had public hearings at which they have taken the testimony of all who might have knowledge of the subject or interest in it, including the national officers of the American Legion and other soldiers' organizations. More than 90 bills dealing with the subject, introduced by as many Members of the House, were before the committee and were duly considered. From all this assembled data the committee evolved the bill under consideration as their best judgment as to the method of meeting the situation and properly adjusting the pay of our veterans of the World War. It would be impossible to form a plan that would be satisfactory to everybody. Especially would it be impossible to adjust the taxes necessary to meet the outlay provided in the bill in such a way as to avoid objections of taxpayers immediately affected, but in a general way the bill impresses one who scrutinizes it thoroughly as having been carefully drawn with a view to substantial fairness to the veterans and little or no strain to the Federal Treasury.

The bill offers five plans for adjustment, either one of which may be chosen by the veteran, but he is limited to the single plan chosen. These five plans are as follows:

(1) "Adjusted service pay," which consists of $1 per day for each day of "home service" in excess of 60 days, and $1.25 for each day of "overseas service" between April 5, 1917, and July 1, 1919, the aggregate not to exceed $500 for a veteran who performed no "overseas service," or $625 for one who did perform such service. This applies to all veterans of the Army, Navy, and Marine Corps up to and including the rank of captain in the Army and lieutenant in the Navy. There is a long list of

exceptions of persons and classes who do not receive the benefits of the bill. It is only available to those whose adjusted service pay does not exceed $50.

(2) "Adjusted service certificate." The veteran receives a certificate of a face value equal to his adjusted service pay increased by 25 per cent, plus interest for 20 years at 4½ per cent compounded annually and payable 20 years after date of application. The total will amount to 3.015 times the adjusted service pay. Provision is made for the negotiation of these certificates.

(3) "Vocational training aid." The veteran may receive $1.75 for each day of his attendance on a course of vocational training, the total payment not to exceed 140 per cent of the amount of adjusted service pay to which he might be entitled.

(4) "Farm or home aid." The veteran may receive in one payment or in installments an amount equal to his adjusted service pay plus 25 per cent for the purpose, and that purpose only, of making improvements on a city or suburban home or a farm, or to purchase or make payments on such a home or farm.

(5) "Land settlement aid." The veteran may apply his adjusted service pay to the first payment on a farm within projects established in the various States by the "national veterans' settlement board," to be followed by small annual installment payments, running over a period not exceeding 40 years.

A great many people, probably a majority, agree that there is a moral obligation out to adjust the compensation of the ex-service men. "But," they say, "we can not do it now. Business is bad and additional taxes would make it worse. We can not issue bonds, because that would hurt the bonds outstanding." Virtually, they oppose every way of accomplishing the result. They say that the bill must provide the way of raising the money necessary, and then object to every plan that is suggested to or by the Committee on Ways and Means.

The bills that provided for other adjustments of compensation for property losses were not required to provide special ways of raising the money to pay them. They were all paid from current funds or they are now represented either in bonds or other forms of national indebtedness.

Granting that the Nation owes these ex-service men something, our attitude has been like that of a man who owes a debt, but says to his creditor: "My dear sir, I admit that I am indebted to you, but I am really very hard up, and as it would be inconvenient to pay you, I must put you off until some indefinite time in the future." Now, this is very unsatisfactory, and the creditor may quite reasonably say, "While it is very pleasant to me to hear you acknowledge the debt, my own necessities are such that I would like to have something beside pleasant words. If you are unable to pay me in cash, you certainly can give me your note."

That is precisely what we are doing in this bill. We are doing better than that. We are not only giving our note but we are pointing out to our ex-service men a fellow who will discount the note at a narrow margin, so that he can realize on it to the extent of his immediate necessities.

It is true that an immense amount of money is involved. But is that any reason for saying that, as it will greatly discommode us to pay a debt, therefore we will leave it unpaid? Rather should we direct our attention to the methods of meeting the obligation, with the firm purpose to discharge it.

A billion and a half or two billions of dollars, and possibly more, is indeed a vast sum, and particularly so on top of the twenty-five billions that we already owe. But had the war lasted another year or two, as in the spring months of 1918, when the German hordes were pressing apparently irresistibly toward Paris and Calais, it looked as if it might, we should have had ten or fifteen billions more piled on the debt. Had such been the fact our patriotic people would have found some way to meet the added load. Happily for the Allies, for our own country, and for the world, our brave boys, part of these same service men whose case is here demanding balance in the scales of justice, fresh from their homes in America, with undaunted courage and bravery, checked the advance of Hindenberg at Chateau-Thierry, and the ten or fifteen billions of money that would have been exhausted in one or two additional years of war was saved.

Had the Germans been successful in conquering Great Britain, France, and Italy, it was beyond doubt their intention, and so stated by Emperor William, to land forces here and compel America, from its vast resources, to pay the expenses of the war. We would have been placed in the condition of vassalage in which Germany now finds herself, with a master and tax collector vastly more severe than are the Allies in Germany, and no less so than can be imagined of the head of the Hohenzollerns.

No thoughtful American can forget his obligation to the American soldiers and sailors of the World War. No owner of property, be it little or great, should forget that in no small degree he owes his safe title to that property to the protecting strength and valor of these same soldiers and sailors. Had it not been for the magnificent services of such of the service men as were called into actual conflict and the millions of others who stood ready to be called, the owners of property might to-day be saved the discomfort of taxes by having no property to tax, due to confiscation by the victorious Germans.

One often hears the remark from some wealthy opponent of the adjusted compensation bill that it is an insult to the patriotism of the service men to pay them money; that the obligation is so great that it would be a sin to attempt to recognize it in so sordid a way. Coming from a service man, this would be a noble utterance, signifying a commendable renunciation of any personal or selfish interest. But coming from one who would protect his own pocketbook by withholding any financial assistance to the ex-service man, it has the suspicious and ridiculous sound of an expressed desire to do a small, mean, and selfish thing under the guise of a lofty and noble concept of patriotism.

We hear a good deal from some who are opposed to the bill from every standpoint that these certificates will clog the banks and result in a congestion of "frozen credits." I have had a good many telegrams in opposition to various taxes proposed, like increased postage, taxes on stock sales, real estate, and so forth, but to this moment I have not received a single telegram or letter from a bank in California or elsewhere that they were in fear of "frozen credits" if this bill should be passed. Frankly, I believe that the banks would absorb these certificates without difficulty and with satisfaction to themselves and their soldier clients. Put hope in the hearts of these 4,000,000 men and the opportunity to embrace one of the five alternatives and to have a few dollars to start up their activities again and, in my opinion, we will "start something" in the way of new life and activity in the business world.

I appreciate that this is a gigantic undertaking and the exercise of enormous power in behalf of justice to our World War soldiers. It is not, however, a greater exercise of power than that which Congress and the Government exercised when, during the World War, they reached out and forcibly took the persons of 2,810,296 men from their homes, their families, and their occupations and placed them in training camps, in tents and barracks, and transported half of them across the Atlantic to the trenches and battle fields of Europe. That was indeed a high exercise of authority, but it is a proper one, and one necessary to the preservation and perpetuity of our beloved country.

Let those who may be called upon to pay these taxes to meet this debt of honor remember the cause and the purpose for which the funds are to be used. Let us remember the brave soldiers who nobly came to the defense of their country in its peril and offered their lives in its defense. Let us remember the dark days of the spring of 1918, when we in Congress were each day anxiously contemplating the maps of the seat of war in France and Belgium that hung in the Speaker's lobby and watched the advancing pegs on the war map, which marked the front of the steady advance of the German armies toward Paris and Calais. Let us remember the feeling of profound relief and thankfulness when our brave soldiers at Chateau-Thierry checked the fierce onslaught of the enemy and turned him back toward the Rhine. Let us remember that while these heroic acts were in progress we who authorize the taxes and we who pay them were sleeping of nights in our comfortable beds at home and eating appetizing food three times each day at tables draped with clean, white linen, while they were struggling in the muck and mud, getting their food wherever and whenever it could be obtained, their bodies infested with filth and vermin, while thousands of their comrades were sorely wounded by German machine guns, bombs, and shrapnel, and other thousands gave their brave young lives to their country. Let us remember these things, my colleagues and countrymen, and let us pass this bill of justice with some measure of the uncomplaining, patriotic Americanism that distinguished our brave soldiers throughout the war. [Applause.]

Mr. GREEN of Iowa. I yield to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker, the violent opposition which this adjusted compensation measure arouses here in Congress and elsewhere is evidence of the woeful gulf between 1918 and 1922.

Then cruel, relentless war hung over the world. Mankind was back in the jungle, with brute passions finding fiendish expression. Millions of men were killing and being killed. All the scientific achievements of the race were being used to destroy life and property. Bent on world conquest, a mighty military power was sacking the accumulated treasures of the ages and

multiplying the widows, the orphans, the suffering, and the distresses in every land on the globe.

What destinies swayed in the balance on those crucial, world-racking days of July, 1918! I landed in Bordeaux, France, just in the midst of them; and time can never erase their memory. Old Frenchmen on the streets of the ancient city declared that the war was over. The Boche, they said, had come triumphing over the Marne and had their beautiful Paris in his bloody hands. France, after four years of superhuman bravery, was down in the mud and mire, prostrate under the heel of the arch enemy of civilization.

It was a dark, despairing picture of a dark, despairing time. At that moment there was not a fighting man on the great Russian line, the victory there having gone to Germany through treason and dishonor. Rumania was out of the fight, and not a foot of Serbian territory was left in the hands of that valiant nation, the Bulgarian Army being in complete control. The Italian Army was battling desperately to hold the Austrians from ancient cities after the rout of a recent day. The British Army had just been told by General Haig that another foot backward meant utter destruction. The Belgian King had a strip of territory 10 miles wide under his sovereignty, and no more. The French Army was in retreat from the Marne; and the Prussians, flushed with victory, were rushing down on Paris.

Then, out of defeat came victory; out of utter blackness came the sunrise. I saw the roads north of Paris filled with marching soldiers—young lads from America. Confident and sure, they swung by, and all who saw them took hope again. Far in advance of the line planned they fixed their position and stood the brunt of the Prussian legions. For three days they stood invincible—a stone wall of defense that could not be moved. Then the Crown Prince ordered an assault that should brook no resistance. He told his soldiers that on the other side lay Paris, peace, and Deutschland uber alles. Like a thunderbolt his gray-clad legions burst against the khaki line. It was overmatched in granite bravery, determination, and heroism. The conquering army broke into rout and disorder; it turned its face from Paris toward Berlin, and it never looked around until the war was over.

What rejoicings rang round the world in the epic hour. The French people poured out their tributes, and 20 nations vied with each other in paying honors to the youthful fighters for freedom whose valiant faith and devotion forced the darkness to flee away and bade the morning break. America herself, losing for a while the lust of gold, declared that all she had and was must be the heritage of those who so nobly fought for the Old Flag. What promises were then shouted to high heaven that America would follow Lincoln's command to "care for him who shall have borne the battle."

Victory followed victory, until the Hun power was destroyed and the menace removed. Home came the lads who saved civilization—all save those who lay asleep beneath the poppies of Flanders fields, the last full measure of devotion paid.

Then, Mr. Speaker, there came a change over the spirit of America's dream. Forgetfulness and neglect followed extravagant praise and hero worship. "Let's forget it" was the slogan of many Americans. That sentiment and spirit has grown until to-day the mightiest wave of propaganda which has struck Congress since Count von Bernstorff handled the Hun campaign in America is that which is directed against any form of national adjustment of war-time compensation for war-time service with the colors. It is a veritable bombardment led by the Big Berthas of great financial interests and joined by poppan individuals and organizations who always take their cue from them.

I have been at some pains to study this propaganda in the form of letters, telegrams, circulars, and booklets. The similarity in the very wording of the protests points to a common sources of origin and through every line are evidences of brazen selfishness and arrogant ingratitude. Only a fool will mistake the specious and selfish arguments advanced for a holy zeal for the welfare of America.

In every case, these opponents of adjusted compensation for the soldier boys lift up their hands in holy horror at the very thought of such an unprecedented, unheard-of measure. It should be answer enough to refer them to the fact that after every war in which America has been engaged, including the Revolution, there were legislative enactments to compensate the soldiers of America for sacrifices caused by their service. Bounties, land grants, and homesteads have been awarded these soldiers with the overwhelming approval of the people.

But, aside from that history, the fact is that this last war itself has seen multiplied precedents of adjusted compensation. Of course the compensation was for guaranteed profits of contractors, and that perhaps was not regarded as a parallel case by those who see and think life in terms of stocks and bonds and coupons and profits and never in terms of manhood and womanhood. They consider materials worthy of full recompense, but flesh and blood to be too cheap for reckoning.

Mr. Speaker, very shortly after the armistice, Congress passed a measure authorizing the War Department to adjust the compensation of war contractors who had informal contracts with the Government. These contracts had been made over the telephone and by slips of memoranda and not one of them could have been collected through any court. A great hue and cry was passed with the approval of practically all of those who now so severely condemn any recognition of the merits of the boys who won the war. That one measure has resulted in the payment of almost a billion dollars from the Treasury of the United States.

Nor was that all. The Secretary of the Interior was then authorized to adjust the compensation of contractors, who, under the war minerals act, developed mines for supplying needed materials. Many of these men never produced a pound of mineral and their only claim lay in producing a newspaper article which set forth the needs of the Government, but they were compensated and the bill paid by the Government is mounting to huge figures.

Mr. Speaker, there has been adjusted compensation for the builders of ships, by which their profits were guaranteed; there has been adjusted compensation for the contractors engaged on public buildings, levees along the Mississippi, and other public works because the war increased the cost of materials; there has been adjusted compensation for the railroads through which their profits have been made sure in spite of conditions incident to war.

These and similar measures mean an expenditure of $3,000,000,000 from the Treasury of the United States. Comparatively few persons know that they have been passed, but that is because there was no high and wide barrage laid down against them by the interests which are opposing adjusted compensation for America's fighting men. These same interests urged the passage of all these measures, holding that refusal would be dishonor and treachery. They held that it was more important to give big business a bonus than to pay adjusted compensation to the soldiers.

Although their cost has been more than the entire adjusted compensation of soldiers will cost, the burden levied upon the people to pay them did not affect these watchdogs of the Public Treasury in the slightest degree. They were as merry as bees in clover. Nor was there ever the slightest suggestion from these superpatriots that the acceptance of this adjusted compensation by the war contractors would stamp them with ignominy and put the "dollar mark on their patriotism." They boldly declare that adjusted compensation to assure profits in rich contracts is a patriotic fulfillment of a sacred obligation, while adjusted compensation of the losses of the soldiers is a conscienceless raid upon the Treasury. They are willing that the ninety and nine fighters go empty handed so that one contractor receive his reward. They are willing to be the shearers if the soldiers and their families will be the shorn.

As far as I am concerned, I believe that there is something seriously wrong about the conduct of a war for self-preservation, when those who do the most receive the least, while those who do the least receive the most. I believe that the man who faced the shells in France deserves as much consideration as the man who made the shells in America. I believe that the obligation of the Government to adjust the compensation of the men it commanded to risk life and limb for their country on the other side of the globe is far more sacred than any obligation it owes the dollars of the country.

Then there is the cry that "every able-bodied citizen who served in the Great War was only discharging his duty and the country owes him nothing for discharging that duty; he was simply conscripted to serve." Here is the important consideration: About 24,000,000 men were registered under the draft law, but less than 4,000,000 were inducted into the service. The Government commandeered the services of less than 4,000,000 at a basic salary of $1 a day, less deductions for insurance allotments, and so forth, and ordered them into the fighting line, while the 20,000,000 continued at peace-time tasks, profiting hugely from war conditions and the fact that they were not called into service. It is most unjust to say that there should be no adjustment of the compensation of the 4,000,000 who served in camp and field when the 20,000,000 were paid many times the amount received by those commanded to serve in the first line of defense.

On a par with that argument of the propagandists is the other line to be found in every communication from them—that is, that this is an effort to expend billions in gratuities. This cry comes with poor grace from those who cheered the boys as they marched forth to war and then stayed behind to make money with both hands. They would put poison ivy in the laurel

wreath intended for any heads but their own. They are the men who take but never give without compulsion. To my mind their yells against adjusted compensation for the soldiers is the bell back of the bull's eye—it shows that the proposal hits the mark. It will help prevent that burning injustice to fighting men—

Oh, it's "Tommy this" and "Tommy that," and "Throw him out, the brute";
But it's "Savior of his country" when the guns begin to shoot.

Mr. Speaker, the cry that this is a gratuity is false. The soldiers to be benefited by this measure saved manyfold the amount involved by ending the war long before it was believed possible by the most careful observers. In August, 1918, I talked personally with General Pershing, General Diaz, General Foch, and others of the highest commanders of the allied armies. These chiefs united in the declaration that the final victorious drive against the Germans would be made in the spring of 1919. They made all their plans for a great attack in March which should break the back of the Prussian power.

Then I talked to private soldiers in the front line, men of the Keystone Twenty-eighth, the Blue Ridge Eightieth, the Ohio Thirty-seventh, the New York Seventy-seventh, the Rainbow Forty-second, and others. "We'll have the Hun out of France before Christmas" was the unvarying cry of these doughboys. They had measured strength at hand grips with the enemy and they knew what they could do in combat with him.

The doughboys were right. They sent the famous Prussian legions flying to final submission in November, 1918, a long month before Christmas. For four years the Central Powers were victorious, but the last 115 days saw a complete reversal, with defeat changed into triumph complete.

During the last 10 months the war cost us $44,000,000 every day. Six months more and $8,000,000,000 would have been poured out in the task of destruction. Why was this sum not burned up in the great conflagration? Simply and solely because the men of America's fighting forces were neither fearful nor feeble and would not be denied their desire for speedy and final victory.

The spirit of the American Army was that of the lad who went over the top in one of the assaults on the Marne. Just before the zero hour he said, "We have a big job to do and we are going to finish it, and if I can help I won't mind one of those wooden crosses for a monument like the other fellows have."

They waged war for the ages and not for the wages, but they saved their wages a thousand times over. Without their daring and devotion we would have paid our "gratuities" at the point of a Potsdam pistol. Happy should we be that instead of firing these dollars in great guns and exploding them in mines and bombs, we have an opportunity to spend them in giving a brighter, better chance, through money, insurance, homes, and vocational education to those who saved America this tremendous toll of war.

Ah, America has spent millions on hopes for the future; here is payment for services performed. We have risked millions on aspirations; here is reward for accomplishments. We have appropriated great sums for blue prints; here are expenditures for the building, finished and complete.

This money has been earned. It is rightfully due, a more binding obligation than the promises printed on the bonds we sold, for this debt is the pledge of the Nation's honor and refusal to pay spells moral bankruptcy.

Then, Mr. Speaker, come the propagandists against adjusted compensation and unite in chorus that this is class legislation. Yes it is class legislation just as the selective service law was class legislation. It goes to fighting class chosen as the very best of 105,000,000 Americans. It goes, every dollar of this compensation, to those who wore the uniform of Uncle Sam in the world's greatest war. It goes, not to the quitters and quailers, not to the shirkers and slackers, not to profiteers and patrioteers, but to men who staked life and limb for their country. It goes to men who left good jobs in America's most prosperous times to face blood and mire at $33 a month. It goes to men who, as soon as they landed in France, landed on Germany. It goes to men who, when we did not know where they stood, all the world knew how they stood.

It goes to men who spent weary months of training in camps in America. It goes to men who faced the submarine-infested seas to convey the Army across. It goes to the soldiers who took Belleau Woods, held the insolent foe at Chateau-Thierry, stormed the salient at San Mihiel, and blasted the foe out of the forest of Argonne. It goes to men who outgamed and outgeneraled the audacious Hohenzollern gambler—

Whose game was empire and whose stakes were thrones,
Whose table earth, whose dice were human bones.

It goes to men who came back to their jobs to find a piece of their pay envelopes snipped off by the extra cost of every mouthful of food, every thread of clothing, every day's rent. It goes to men who put off the khaki garb of American soldiers to enter upon a vain search for work. Yes; it goes to the class of 100 per cent fighting Americans who dared to face death that the homes, and the property, and the future of the Republic might be assured.

Then the propagandists deliver a solar plexus in the slogan which is sweet sounding in their ears: "This adjusted compensation for the soldier boys means putting the dollar mark on their patriotism." I always read it the other way. It will put the "patriotism mark on their dollars." The money necessary to pay this adjusted compensation will be Americanized, and that will be the greatest transformation possible to imagine of some of the wealth of this country. Securing this money through proper taxation and paying it to those who have earned it will turn profiteers' gold into an ingot of patriotic purpose. It will wilt the insolence of some unearned money even as the Germans wilted before those soldiers in the fields of Flanders.

The mobilization of an army of $3,000,000,000 for the constructive benefit of America's defenders will be an inspiring declaration that while America's sons risk their lives in her defense her dollars shall not be slackers.

More than 4,000,000 men stood at attention when Uncle Sam called the roll of his defenders in the last war. It will be a patriotic act now to conscript the army of dollars necessary to adjust their compensation. It will put no dollar mark on their patriotism, but it will put the patriotism mark on every dollar used for this worthy purpose.

Mr. Speaker, there is one final argument which crops up in all antiadjusted compensation propaganda. "It may be all right," say the opponents, "but now is not the time for the payment." They declare that the country can not afford it at present, but some time in the future.

I wonder if those who make this plea realize that America, the best able of all the nations of the earth to meet this universally acknowledged obligation, is the last to meet it.

Every important nation engaged in the Great War has passed legislation to compensate its veterans for economic, educational, and social losses except the United States of America. Thus far we have "said it with flowers" only; have promised the defenders everything and given them nothing.

Every French family was loaded down with a debt of $9,000 as a result of the war, but France has paid adjusted compensation to her poilus, who said, "They shall not pass," and made it good with their bodies and their lives.

Every Italian family has a debt of $3,000, but adjusted compensation has been paid the men of the Alps and the Piave. The families of Great Britain carry a debt burden of $4,000 each, but the British Parliament has made provision for the soldiers who fought from Mons to Mesopotamia. Every family in Belgium must pay a yearly interest on a debt of $3,000, but her soldiers have had their adjusted compensation. Canada and Australia have provided compensation for their soldiers, which makes the figures provided in the bill now before Congress seem a pittance.

Mr. Speaker, is the Yank less deserving than his comrades? Did the British, or the French, or the Belgian, or the Italian or the Canadian, or the Australian fight better than ours on land or sea or in the air? Is it a worthy argument to say that America can not afford to pay the debt which all these others have acknowledged and paid—America, with a national wealth greater than any four of these nations and with a debt of $625 a family?

This talk of poverty is the excuse of the professional debt dodger. It should not longer be used to evade payment of the most sacred debt contracted in our struggle with the Central Powers. It was not used when contractors asked for profit protection; it was not used when civilian employees were paid $240 a year bonus in their safe and secure jobs. Decency and our own self-respect forbid the use of this scarecrow of national bankruptcy as a shameful excuse for not paying a righteous debt. That which is just can never really harm anyone. This great Nation must no longer press down on the brow of patriotism the thorny crown of base injustice and ingratitude.

I know that this crass and cruel selfishness expressed by certain interests which have sunk to the very bottom of the ocean of baseness is not the feeling of the people of the great Republic. I know the hearts of the people beat with gratitude to the lads who held the fate of the Nation in their strong young hands in the Great War. I have seen the miracle of a great Nation aroused and eager in a noble cause, for which they were willing to pay the price, whatever it might be, in blood and treasure. That devotion and that emotion can not be erased in four years.

Mr. Speaker, I see again the Halls of Congress, where the Representatives of the people made the most momentous decision in American history. The all-night session, the tense hours, the searchings of hearts, the glimpses of grim-visaged war taking fearful toll of fellow countrymen; then the solemn vote and the iron declaration of war against the Imperial German Government.

I see again the long lines of youthful Americans before their schoolhouses complying with the selective service law and registering in the mightiest military force the world ever saw—the citizen army of the United States.

I see again the celebrating crowds on city streets and country roads, their hearts beating with one desire, as the lads selected by the boards march to railroad stations to take trains to the cantonments while bugles call and bands blare and people cheer. I see again the building of battle organizations in training camps, infantry, machine-gun battalions, heavy and light artillery, signal corps, engineers, motor transport, and all the rest of the constituent parts of divisions and armies.

I see again the mighty transports manned by fighting men of the Navy and filled with khaki-clad youths ready for the great adventure and lustily shouting to Liberty Statue in Manhattan's harbor, "We won't be back till it's over over there."

I see again those boys as they go into battle between the Marne and the Vesle, nestling in fox holes along the roads beneath screaming shrapnel until the zero hour. Then over the top, answering the music of the guns, and in hand-to-hand combat breaking the heart of Prussia and bringing victory to their flag and peace and security to their homeland.

I see again the crazed throngs of armistice day, and a whole Nation shouting out its joy for victory and its gratitude to the soldiers who made it possible.

I see again the return of the victorious veterans, the marching hosts and the happy millions crowning them with laurels as the bravest of the brave.

Sadly true that there are more and bitter sights. I see again the funeral ships with the bodies of thousands of those who died. I see the columns of the men blinded by gas and explosions and hear the tapping of their canes as they make their painful way along our pavements. I see the men on crutches and those with empty sleeves who gave their limbs for America. I see the shriveled forms of the countless thousands whose lungs were wasted by poison gas. I see the twisted faces and hear the maniac shrieks of those whose minds snapped beneath the horrors of monstrous scientific savagery. I see the countless hospital cots which contain the broken bodies of the men who paid with their health and strength for their heart's desire.

I see again a mournful procession, containing 900,000 soldiers who came back with victory in their hands to find that the Nation for which they fought could not afford them a chance to earn their livelihood and that they must doff the khaki uniform of the Army to enter the tattered battalions of the unemployed. They were trained in muscle and mind, but could find no job in which to use them. Like driftwood they swept along, useless and unwanted, but on the breasts of some of them gleamed the croix de guerre and the distinguished service medal and in the hearts of all of them were memories of the days when they were hailed as saviors of freedom and light.

I see that great army, practically every man of whom sacrificed months or years of his life, at meager recompense, in order that all other Americans might remain at home in peace and prosperity. Everyone who found a place in industry after demobilization found also that others had profited while he served in the armed forces. Not only had he taken all the chances of losing life and limb, but he had lost in every other way as well. Bitter indeed is their experience in hearing themselves called mercenaries, bribe seekers, beggars, profiteers, by those who refused to share the burdens of war.

Surely every patriotic American who recalls the facts of the past four years, who sees again in memory the stirring scenes when a world's freedom and safety swayed in the balances, will not hesitate to stand for justice to these soldiers, chief actors in the drama in which life was victorious over death. Gone are the strains of bugles and bands; silent are the songs of camp and field; but a harmony just as vital is possible through a worthy expression of a nation's gratitude. Let us prove now that deathless saying of Lincoln when, after the election of 1864, he urged permanent provision for the soldiers and sailors of America: "Gold is good in its place, but living, brave, and patriotic men are better than gold."

Investment of gold in these "living, brave, and patriotic men" of 1917 and 1918 is a safe and sane investment which will promote the general welfare, the common defense, and establish greater unity, and prove that national gratitude is more than a meaningless phrase in America. [Applause.]

Mr. TREADWAY. Mr. Speaker, I join the gentleman from Wyoming [Mr. MONDELL] in protest against the unfair criticism which has been made of the Speaker relative to the allotment of time. The analysis that the gentleman from Wyoming has made is an absolute defense of the more than fair treatment that the Speaker has afforded both the minority and those of the majority in opposition to the bill. The reason for the criticism by the gentleman from Texas is that some Members on his side have placed themselves in a very peculiar position in voting the bill out of the committee and intending to vote for the bill when it comes before us, but signing as disagreeable, uncomplimentary, and unfair report as I have ever seen issued from the floor of this House by any minority members of a committee. That is the reason for the situation in which the gentlemen of the minority find themselves at this time, and they have no one to blame but themselves. The Speaker has, as usual, been perfectly fair to all.

It is not my intention to enter into any lengthy discussion of my reasons for not favoring this bill. The basic idea as contained in title 5, namely, that loans for the first three years of its operation should be made by local banks, has been given very meager consideration by the Committee on Ways and Means. It, therefore, can be very properly said that the public or the friends of the veterans have very little knowledge of its contents.

I greatly regret not being able to accept any proposition which may be regarded as beneficial to ex-service men. I have invariably favored and will continue to favor every measure suggested which will be beneficial to the needy, sick, wounded veterans, their families, or widows. I feel I should record in this brief form some of my objections to H. R. 10874.

1. The bill does not differentiate between the able-bodied and the sick and wounded veterans, and in effect discriminates against those who are pressed financially as compared with their more fortunate comrades. Thus the well-to-do veteran can hold his certificate and will receive an increase of 25 per cent over his adjusted compensation, plus compound interest for 20 years, while the man who is obliged to borrow and is unable to meet his note when due not only loses the 25 per cent increase and compound interest, but is compelled to accept 80 cents on the dollar of that compensation which proponents of the bill claim he is morally entitled to.

2. The adjusted service certificate places an artificial interest rate on the accumulation, naming 4¼ per cent, a rate of interest higher than any Government loan except in time of war. Had this rate been made 4 per cent instead of 4¼, there would have been a saving to the Government in the 20 years of more than $412,229,000, provided all the veterans accepted this plan. In the event that 70 per cent accepted this plan, the amount of saving would have been $288,560,300.

3. The method under which the veteran can obtain a loan during the first three years indicates the financial stress of the country. The system has been condemned by the Treasury authorities as unsound. It does not seem to me that Congress can afford to go absolutely contrary to such advice. The Secretary of the Treasury has convincingly explained the effect this form of loan will indirectly have on the Government finances and has designated it as an abuse of Government credit. The Comptroller of the Currency has designated it as a form of investment which he, the official in authority over the regional banks, can not recommend to them. The governor of the Federal Reserve Board has stated that the Federal reserve banks should not be included among those to accept these certificates as collateral. Therefore, it is apparent that each Government official is opposed to having the certificates used in the department over which he is directly in charge. With due respect to the wisdom of my committee colleagues, I feel that I should accept the judgment of the officials who regard the matter from the broad viewpoint of governmental finances rather than that of popular acclaim. To successfully meet the great problems of the day, there must be intimate relations between the administrative and legislative branches of the Government. In matters involving the financial credit of the country I conceive it my duty to at least give due deference to those in charge of our finances.

4. A serious defect in the present bill is the entire lack of amortization, taxation, or refunding for anticipated payment of the large sum the Government will owe in three years. The majority report overlooks this important feature. At the bottom of page 3 the majority report reads as follows:

> After October 1, 1925, the veteran can obtain a loan from the Government more than sufficient in amount to take up any loan he has obtained from the bank. As he would obtain 20 per cent more by so doing, it is believed that few of the veterans will let the certificates lapse prior to that date.

If this supposition is correct, it would naturally follow that on October 1, 1925, the Government will be called on to make

very large returns to commercial banks. This amount would undoubtedly be in excess of $600,000,000, an item which seems to have been entirely overlooked by the majority members. This amount will be required very shortly after the expiration of refunding nearly $7,000,000,000 of Victory notes. It does not require very far-sighted financial acumen to see that no provision being made for the enormous sum required to redeem the certificates will create a condition those in authority have steadily endeavored to avoid, namely, the need of additional taxation and the further issuance of Government securities, either method accepted meaning higher interest rates.

5. The President, in his letter of February 16 to the chairman of the Ways and Means Committee, refers to "transactions under consideration which ought to prove of great relief to the Federal Treasury." Should such receipts materialize, returns should be used in accordance with previous legislation, namely, to reduce the public debt. Should these receipts not be used for such purposes, purchasers of Liberty bonds during the war period could rightly claim Congress had acted in bad faith. Moneys used otherwise than to reduce the public debt would simply mean additional financing to meet maturing indebtedness.

6. Attention is called to the significance of the date the certificates are to bear, namely, October 1, 1922. Expert testimony was given of the enormous amount of work that will be required and investigations to be made in order that the certificates shall be properly issued. With a large force of clerks and the best expert assistance possible, comparatively few certificates could be issued by that time, and it would be at least six months before any large number could be put out. The reason for the date, therefore, of the operation of the bill as October 1 next, one month prior to election, is very apparent. No consideration whatever has been given and no estimates furnished the public as to the cost of the operation of the necessary bureaus for carrying out the intricate machinery that must be established.

The following summary is furnished by The Adjutant General's Office:

Number of clerks required:	
Adjutant General's Office	2,000
Finance office, War Department	750
Total number of clerks in Army	2,750
Estimated cost for Army branch (per annum)	$4,000,000
Number of clerks in Navy	350
Estimated cost for Navy branch (per annum)	$475,000

It is conservatively estimated the total administrative cost in the two departments will be about $4,500,000 yearly. This does not include work in the Treasury Department, which I am informed will require about the same assistance as was necessary for the War Risk Insurance Bureau.

7. Frequent reference has been made to payments made by foreign countries for similar purposes to this bill. It may be invidious to state in many instances these payments have undoubtedly been made with money borrowed from the United States for which our citizens purchased Liberty bonds.

8. Title VIII, known as the land settlement, establishes an expensive machinery of management, offers untold opportunity for reckless expenditure, and under the guise of veteran aid it permits, among other things, the board to lay out town sites and build unlimited highways. Such general authority should not be granted under the guise of veteran aid. Preference could have been given veterans under existing reclamation laws, accomplishing the purpose for which this title purports to be written.

9. Enactment of this bill would be directly contrary to the advice of the Executive. Under date of February 16, he wrote "that any compensation legislation enacted at this time ought to carry with it provision for raising the needed revenue." Should the suggestions referred to in his letter not be adopted, he further stated: "It would be wise to let the legislation go over until there is a situation that will justify the large outlay." I thoroughly agree with the Executive's views as stated, that "such a postponement shows no lack of regard for the service men, in whom all the American people are so genuinely interested."

10. The Republican Party emphasized in its Chicago platform reduction in taxation and decreased governmental expenditures. It is very apparent that should this bill be enacted into law, there can be no reduction in expenditures and there must be increased taxation.

This is a party pledge and one we should respect to the fullest extent. The proponents of this bill have plainly shown that they have little expectancy of the bill becoming law. Whenever legislation is proposed not sincerely accepted as fundamentally right, its mistakes are apparent and it invariably returns to haunt those favoring it. I predict the usual result for this bill.

I have read all the statements of the Executive, and I am convinced that the position I have taken on this bill is four-square with his views.

Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, in opposing this bill I do not commit myself against such form of compensation to soldiers of the late war as is just and not disastrous to the welfare of the country. At the same time I verily believe it would be far better for those soldiers who are strong of limb not to seek appropriations for a bonus, at least not at this time. Their record of patriotic service is a much nobler and more valuable reward than any opportunity to borrow on certificates of insurance or any dole from the Treasury. Is love of country dead? Must all better impulses and every ennobling action be melted down into dollars? With those who perished in the struggle it was not so. They made the last final sacrifice for a cause. The whole world acclaims the American soldier who fought in France and Belgium. The men who fought on the battle front with only limited training, and going forth from a land whose ideals are for peace, showed a courage and a prowess unsurpassed by the trained legions of Europe. They were glorious in battling for us and for the cause of liberty and right. Not only would their own honest pride of service be a more excellent reward than any payment of money can bestow, but the burden of any bonus would rest with crushing weight upon them as well as upon all others of their fellow citizens. We are now passing through a period of industrial depression much more serious than any ever experienced in the United States. This condition is due to the waste and destruction of war, the dislocation of industry, a season of unparalleled expansion and extravagance, and is accentuated by the troubled condition of those countries upon whose prosperity our own so much depends. The seriousness of the situation can hardly be exaggerated. Millions are out of employment, soup kitchens have been established, and bread lines. A ray of light is now appearing. There is hope; let us not dissipate it. That which is most immediately pressing is the incubus of debt and taxation under which the country is staggering. It is an absurd fallacy to suppose that this enormous load of debt and of expenditures rests upon the taxpayer alone. The whole country is suffering from the injurious effect. Industry is fettered. The cost of living continues to be high. Undertakings which would bring widespread benefit to all classes of our population are abandoned, and each additional burden spreads a blight of discouragement all over the land.

This measure baldly manifests a lucky-go-easy disposition, to add to the weight of expenditures, which are already almost overwhelming, other outlays to be counted in billions, and trust to a future which may abound in hope or be dark with despondency. It is sometimes the last straw which breaks the camel's back. Expenditures for the future, whether they be postponed for 1 year or for 20 years, threaten to bind industry hand and foot. It would be far better if these payments which are sought to be made were provided for now by taxation. Why was this measure referred to the Committee on Ways and Means? It was because they have the jurisdiction over measures for raising revenue, and for no other reason. For a nation, as well as an individual, the only sane policy is to take careful account of conditions, provide for the future, making appropriations from the Treasury only when means are provided to meet them.

Any proposition for newly adopted expenses now is ill timed unless provision is made to meet it. It is absolutely essential that the careless disregard for the burdens of large expenditures should receive a check. This can only be done by bringing vividly home to the minds of the people the realization that if billions are to be paid out of the Federal Treasury they must pay. Until this is done, and there is due consideration for the welfare of the country and of all its people, postponement should be arranged for the bonus or adjusted compensation or any other form of additional expenditures. Our responsibilities are of to-day. We should not place a mortgage upon an uncertain future. In this connection I may repeat what I said here nearly a year ago, that for the wounded, the suffering, and the disabled there should be the utmost care, even though it requires the last dollar in the Treasury. To this all should agree.

I have little confidence in the figures that have been prepared as estimates of the cost. We may be reasonably certain that the claims will be much larger. In the State of Ohio a bonus was voted, and the estimated cost was $25,000,000; $20,000,000 in bonds were issued, and it is now believed that $34,200,000 will be required. Attention should be called to the fact that while the debts of States have increased but a little more than one-half (55 per cent), the national debt has increased since

the beginning of the war more than 22 times. This fact should make us pause and, at least, we should wait until the country is relieved from excessive taxation. The returns of revenue for 1921 have proven altogether disappointing. Do not indulge in the delusion that further amounts can be obtained from profiteers; they will laugh at you. We now know that it would have been infinitely better to have drafted into the service of the country in an appalling emergency not merely those who were to take up arms, but all, from the highest to the lowest—the banker, the merchant, the employee in the factory and in the mine, as well as those who risked their lives in the struggle. No country is safe or worth while unless those of military age can be called to the colors and every citizen be required to do his part when the life of the Nation is at stake.

I am thoroughly aware, Mr. Speaker, of the dangers which threaten the political fortunes of those who vote against this bill. I have carefully considered the probable results, but no desire for political support when weighed in the balance should count for a moment against what I regard as a plain duty to my constituency and to the country which I have sworn to serve. I have the utmost respect for those who from conscientious motives or possibly groundless fear entertain a different opinion, but here we are, and we are facing to-day a responsibility from which we can not flee. Especial condemnation should be visited upon a campaign which has been waged for securing this bonus by threats and by the claim that those who advocate it control some millions of voters, who will oppose anyone who votes against it. As against such a vicious movement there is but one remedy, and that is courage.

It is forecast that this measure will pass by a large majority. Be it so. I still believe that the list of those who vote against it will constitute a roll of honor, rather than of discredit, and that when the tumult and the shouting of to-day have died away and the intensity of this campaign has ceased the country will approve our course.

Mr. TREADWAY. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, this bill, this particular bill, so reeks with injustice that it ought to be condemned not only by every man here but also by every Legion post in the land, as well as by every ex-service man not in the Legion.

It is unjust to the wage earner because it tends to delay the return to full employment.

It is unjust to the farmer, the manufacturer, the merchant, because it tends to postpone the revival of business.

It is unjust to the administration because it will embarrass the public finance.

It is unjust to the people because its machinery involves the needless expenditure of perhaps $20,000,000 for interest and as much more for administrative expenses that would be saved by the simple program of the President for raising the money at once by taxation.

It is unjust to the thrifty millions who, through deposits in the banks, furnish the capital for industry and commerce, for it will tie up through three years a third of a billion dollars that might otherwise be available for housing, reconstruction, production.

It is unjust to that part of our banks, perhaps a third, and notably those in the West and South, which to-day are hard pressed for the quick assets needed to lend in the communities that are suffering most from hard times.

Worse yet is the unfairness of this particular bill to the soldiers themselves.

It is unfair because to the beneficiaries who saw the least service, 60 to 110 days, it causes the least trouble, for they and they alone are to get cash.

On the other hand, to those who served longest, members of the National Guard and the early volunteers, it denies adjusted compensation for more than 500 days, no matter how long they were away from their home work.

To those who went across it gives the same daily credit whether they were of the 1,400,000 who reached the front or of the 700,000 who did not. At the same time it gives a 25 per cent advantage to the 700,000 who went across and were not exposed to danger over the 2,000,000 who did not get across.

The bill pays no regard to age, training, or earning capacity. It ignores the number of dependents or whether there are none at all. In short, it does not take into account either comparative deserts or individual needs, save that its lending provisions bear hardest on the man whose needs are greatest, the man who must borrow or suffer.

The burden of the cost—$4,000,000,000 before we get through with it—is to be borne by a people including the men who could not go because they were rejected by reason of physical and other infirmity and those who could not go because they were too old or too young or of the sex that could furnish only nurses. It includes all who at home suffered by the war—far the larger part of the wage earners, because measured in commodities their wages were reduced; practically all Government employees, teachers, clergymen, salaried persons generally; the many millions of depositors in savings banks who saw the mysterious processes of finance deprive them of a third of what purchasing power they had laid aside against the needs of sickness and old age. It includes those who made sacrifices of time and strength and sometimes health in the work of draft boards, the Red Cross, the Liberty loan campaigns.

On the other hand the benefit accrues to four million and more of youths who, so far as unscathed, came out of the war with healthier bodies and broadened minds, trained by discipline and their earning power increased; assured of preference in business, of social favor, and of political advantage as long as they live; blessed with friendships that otherwise would not have been theirs; bearing honors of which they can never be deprived; endowed with priceless memories that will ever make them the envy of their fellows; conscious of having risked the greatest sacrifice that country demands.

If, indeed, the fate that took them on this wonderful adventure and brought them home safe and sound nevertheless caused them loss greater than that which through the war came to far the larger part of the rest of the Nation, and if this loss should be compensated, let it not be done by processes that will work fresh injustices and untold harm.

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, the minority of the committee have stated very clearly and convincingly the objections to the bill, particularly from an economic point of view. The majority of the committee labored long and faithfully in the effort to satisfy those of the service men who are demanding a bonus or some other form of compensation, and at the same time to provide the necessary funds without laying an undue burden on the taxpayers of the country. Of course they have failed, because there is no possible way of handing over five thousand million dollars of value to any class in the community without taking it away from the community as a whole, including those who are the supposed beneficiaries under the act.

The majority of the committee have finally produced a bill which they state, and perhaps fondly hope, will make no immediate and direct call upon the Treasury of the United States, and therefore will not cost anybody anything, but it is perfectly clear that to satisfy the ex-service men who are demanding this legislation some means must be provided for giving cash to those who want it immediately, and to produce this it is provided that the so-called adjusted service certificates can be used as collateral for loans at the national banks. It is further said that these loans are voluntary, and the comptroller states that he will not advise any national bank to loan on this collateral, because its form is such that the loan will be fixed or frozen for three years. While the advances by the banks under this provision are nominally voluntary, the loans are, to all intents and purposes, forced contributions, especially in the smaller towns and cities, because in those places no bank could stand up under the pressure which would be exerted upon it to loan to the ex-service men the full amount which under the act could be loaned on their certificates as collateral. It will now be perceived that the committee, while claiming that this bill would produce no direct call upon the Treasury, ignores the fact that it is calling upon the very source from which money for the Treasury is produced. The Treasury will be in the market in the next three years for several thousand millions of dollars, and it is clear that to just the extent the banks are called upon to supply hundreds of millions of dollars to veterans, so much less will be available to the Treasury, and this unquestionably will produce a higher interest rate on the Treasury borrowings, which will be a continuing charge on the people of the country for years to come. And a worse effect on the unemployed throughout the country, including the ex-service men themselves, will be produced because this very money which the banks are handing over on these certificates would naturally be used in assisting farmers, manufacturers, and merchants to take advantage of improving business conditions and expand their business and increase their employment.

Any supposed improvement of business by the handing out of bonuses will simply be a temporary flash, due to inflation, which will not benefit those who receive it and will have no permanent beneficial effect on business. Business is not improved by merely handing out and spending money, but only by spending it for projects which increase products and increase profits.

As to the remaining proposals in the bill, I do not propose to add anything to what is said in the minority report. They call

for an unknown expenditure running into billions. No one can dispute that the burdens laid upon the country by this bill will be a tax throughout all this generation, and probably two generations beyond it.

The Civil War ended more than 50 years ago, and yet the annual appropriations for the pensioners of that war exceed two hundred millions, and the total expended on account of the pensions for the Civil War has been over five thousand millions, while the men in the Army and Navy during that war were less than half those engaged in the late war. If precedents go for anything, it should be recalled that President Grant, in 1875, over 10 years after the Civil War, vetoed a bonus bill which called for the relatively small amount of $8.33 a month for time served during the war. In returning the bill to Congress President Grant gave the following reasons for his unwillingness to sign it:

First, that it appropriates from the Treasury a large sum of money at a time when the revenue is insufficient for current wants and this proposed further drain on the Treasury. The issue of bonds authorized by the bill to a very large and indefinite amount would seriously embarrass the refunding operations now progressing, whereby the interest of the bonded debt of the United States is being largely reduced. Second, I do not believe that any considerable portion of the ex-soldiers, who, it is supposed, will be beneficiaries of this appropriation, are applicants for it; but, rather, it would result in a measure for the relief of claim agents and middlemen, who would intervene to collect or discount the bounties granted by it. The passage of this bill at this time is inconsistent with the measures of economy now demanded by the necessities of the country.

And it must not be forgotten that no general service pension or bonus legislation was passed until 30 years or more after the close of the Civil War.

The committee report states that about 4,500,000 individuals are eligible to receive benefits under the bill. Of that number The Adjutant General states that 2,086,279 served as members of the American Expeditionary Forces up to the end of 1918, of whom approximately 1,390,000 saw service at the front in combat units.

These figures show that approximately three millions of those who would be entitled to the privileges of this bill either never left the country or never were at the front. This is no discredit to them, and I do not mention it in any critical or ungrateful spirit.

I have always thought, and think now, that the selective draft legislation was one of the great acts of the war, and the spirit in which it was carried out, both by those who administered it and those who were drawn into the service under it, was one of the most inspiring things which has ever happened since the foundation of this Government. It proved that the foundations of the Republic are sound, and that those who enjoy its privileges acknowledge that these privileges imply obligations as well, and that those who were drawn under the selective draft willingly and gladly assumed those obligations. I gave The Adjutant General's figures merely to show that some three millions of those inducted into the Army, who must have been, in order to pass a medical examination, the selected youth of the land, who were not subjected to any dangerous hardships, who went through a useful and healthful training physically and mentally, and most of whom at the end of their term of service were better men in every regard than when they entered it, are those who will receive the bonus or some other material reward under this legislation.

That means that these 3,000,000 young men, at a time when the country is just about to recover from a severe business depression, when many hundreds of thousands of men and women are without employment, are to be selected by legislation to receive from the public funds a sum immense in the aggregate, which must be paid by all citizens, many of whom are not so well situated as are the ex-service men themselves, and most of whom are not so well able by reason of their health and vigor to make their own way. I say that all other citizens must contribute to this special fund and special class. Congress may endeavor by some specious tax provision to put the burden of this expense upon the few, who, they say, can easily bear the burden, but, fortunately or unfortunately, no tax and no levy can be placed on the shoulders of any one class. Its burdens are sure to be distributed and affect every citizen and inhabitant of this country. In fact, many of those taxes which are supposed to be confined to the rich or the well-to-do will in the end produce a greater burden upon the working class than taxes which they may think hit them more directly.

Despite the ability and ingenuity of the majority of the Ways and Means Committee there is no miraculous and innocuous way of raising five thousand millions of dollars or any other sum by taxation.

But to my mind there is a more serious side to this legislation than the economic side, serious as that is. That this side was appreciated by those who were largely responsible for the founding of the American Legion is shown by the following extract from the first general caucus of the American Legion which was held in St. Louis in May, 1919, when the bonus question was first presented officially to a general meeting of the legion. I quote the following from the official record of the proceedings, on page 139. The convention was engaged on a report from the committee on resolutions and was considering the resolutions paragraph by paragraph, whereupon the chairman, who was Col. Henry D. Lindsley, of Texas, stated as follows:

The CHAIRMAN. The secretary will read the next resolution.

The SECRETARY. Eighth paragraph, additional pay for enlisted men:

"Whereas the financial sacrifice of the enlisted persons in the military and naval service of the United States in the World War was altogether in excess of that of any other class of our citizenship; and

"Whereas the great majority of these persons left lucrative employment upon joining the colors; and

"Whereas this direct financial sacrifice was made at a time when men, many of them aliens, who remained in safety at home, were enjoying the advantages of an exceptionally high war wage; and

"Whereas the service which involved this sacrifice was a Federal service in defense of our national honor and national security: Therefore be it

"*Resolved*, That the delegates to this caucus of those who served with the colors in the World War urge upon the Members of the Sixty-sixth Congress the justice and propriety of appropriating a sufficient sum from the National Treasury to pay every person who served in the enlisted personnel in the military or naval service for a period of at least six months, between April 6, 1917, and November 11, 1918, six months' additional pay at the rate of $30 per month, and to those persons who served less than six months in the military or naval service, between April 6, 1917, and November 11, 1918, the sum of $15 per month for each month so served, this bonus to be in addition to any pay or bonus previously granted or authorized to be paid upon and subject to the honorable discharge of any such person."

Then, after some suggested amendment, the chairman spoke as follows:

The CHAIRMAN. Before I put this motion I want to call to your attention the fact that this is a pretty serious matter that you are considering. It is for this caucus, of course, in its wisdom to determine that which it wants to do, but up to this time it has assumed continuously a most splendidly high patriotic and unselfish attitude toward all questions. It has dealt immediately and fairly and positively with regard to employment problems, but I suggest to you that we ought to consider very carefully whether we want to go on record as a caucus, as provided in this resolution, and I would prefer not to put the question until you have considered and discussed it further.

After another suggested amendment Lieutenant Colonel Roosevelt, of New York, spoke as follows:

Gentlemen, I want to draw to your attention to one feature of this. I heartily agree with what the chairman has said so far.

I want you to get this reaction. In coming out here on the train, one of the delegates who was coming out on the same train with me stopped and talked to the conductor, who said: "That is young Teddy up there, and he is going out to St. Louis to get the men together and sandbag something for them out of the Government." To "sandbag something out of the Government." Now, you get the idea of what he thought we were trying to do. We want everything which it is right for us to have, but primarily we are going to put something into that Government instead of subtracting something from it. In thinking over this resolution, think of that.

Whereupon, a member of the committee offering the resolution moved to table it, which was unanimously agreed to.

I think it is perfectly clear from these remarks that at least the chairman and Lieutenant Colonel Roosevelt felt instinctively that this legislation was not going to carry out the idea of the leaders of the movement; that the proper object of the Legion was, "To put something into that Government instead of subtracting something from it."

It is possible that in the minds of these ex-service men, who appreciated what a great instrument for good the American Legion might be, there was a lurking fear that, if started wrong, the Legion might not only interfere with its possibilities for good, but might become an actual danger. These men appreciated and Members of this House appreciate the danger in all democracies of compactly organized minorities who seek their own advantage irrespective of the public good, and who, through the menace of a compact and numerous vote, unduly influence legislation in their own favor, particularly in election years. It is this menace that I, for one, dread as the outcome of the passage of this bill if it becomes a law. It is unusual for any organization which demonstrates its power to force through legislation for its own benefit ever to rest content. There will always be some new claim which the organization thinks it has on the country, and it will use its power to force these claims into law from time to time. It is still possible for the American Legion and the ex-service men in general to continue to be of the greatest possible service to the Nation. Let us hope that they will use their power for the general good and not degenerate into a selfish organized minority favoring themselves at the expense of the other 95 per cent of the inhabitants of this country.

There is no one in this House and no real American anywhere who does not appreciate with lasting gratitude the services, and in many cases the sacrifices of the men who were in the service on land and sea. Those of us who were unable, by reason of age or otherwise, to take part in that active service

envy the young and vigorous men who did. We feel, as they must feel, that the memory of their service and their sacrifice is a precious possession for them and for their descendants. And it seems to me a very doubtful benefit and a very fleeting satisfaction to demand or receive from the Government any bonus or reward which will cloud that memory with even a suspicion of commercializing their patriotic service. We can not compensate the sacrifices which many of the men made by any money payment. Equally, it is a duty and a pleasure for all of us, not only by our votes but by any necessary sacrifice of money, to endeavor in the best ways which lie open to us to take care of all those who were wounded or incapacitated.

There never has been, and will not be, any hesitancy on the part of Congress or the American people to recognize their obligations in this regard to the fullest extent. The American Legion and all other ex-service men appreciate this and have made public statements to that effect.

I believe it is true that no other Government in the history of the world has ever been so generous and solicitous to care for its sick and wounded as has the United States, and the fact that we are to-day spending over a million dollars a day for this purpose testifies, so far as money can testify, to the truth of that statement.

On that particular point my only criticism is that there are some classes, such, for example, as the student nurses and the reconstruction aides, who just as truly sacrificed their health, and in many cases their lives, as did the men at the front, who have not yet received recognition.

If we are to distribute money in the shape of bonuses, what shall we say of all the devoted men, and especially the women, who during all of the years of the war, at home and abroad, labored incessantly, in many cases sacrificing their health, in the service of their sons and the sons of others in order that the service men might receive proper care both here and abroad? While the Army and Navy were the fighting arms of the United States, it should not, in fairness, be forgotten that the whole Nation, on the farm, in the workshop, in the offices, and in the homes, worked and made sacrifices to the end that the fighting arms of the Nation might be upheld and might do their work in an efficient manner.

If a bonus is to be distributed to the young and able-bodied men who served in the war, why should the old and feeble mothers and the young and delicate wives and sisters, who made their sacrifices, be forgotten?

The inspiring spectacle of the war was the whole Nation working together without regard to section or age or sex to uphold the national honor and to save the world from despotism. All the people and all the wealth of the Nation were working together in war, and if the Nation and its people are to prosper they must work together in peace. No section and no class can long prosper at the expense of the balance of the Nation. Let us not forget that we should legislate, not for any class or section, surely not for the sake of votes in our own districts, but for the lasting good of our country. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW of Massachusetts. Mr. Speaker and Members of the House, those who oppose any plan to add to the pay of our World War veterans base their opposition upon one or another of three main lines of argument. They say, first, that the veterans do not deserve it, or, at any rate, that it is inappropriate to reward them financially for merely doing their duty; second, that it will be wasted, or that it will do the veterans more harm than good; and, third, that the country can not afford to pay it. These are the only serious lines of argument against adjusted compensation, and I propose, with the time and privilege accorded me, to show why not one of these arguments has any foundation in reason or any justification in fact.

WHY THE VETERANS DESERVE COMPENSATION.

First, I know that many whose generous judgment and patriotism I hold in highest regard are opposed to giving any additional pay in any form, and no matter by what name such payment may be called, to former soldiers and sailors who were not physically injured in the war. They insist that the men who in time of war offered their youth and their lives for their country can not be compensated with money or land or insurance; that it is the immemorial privilege of a country's youth to serve their homeland when in danger, and that the true reward for such service is to be found in the esteem of their kindred and neighbors, in the recollections they have of comradeship in a great and noble undertaking, and in the consciousness of the high example they have set to coming generations. I understand this point of view; I respect it; I sympathize with it; and in large degree I share it. One can not but respect the nobility of such sentiments, if sure that they are uttered by those who are not thinking of their own income and the possible avoidance of tax burdens which might menace that income.

But, Mr. Speaker, and this is equally manifest, it is not alone the soldiers and sailors to whom this argument should have been addressed. Exactly the same considerations were applicable to those who supplied property needed by their country in prosecuting the war, and to those who—many of them exempted from military service, though of military age—helped in producing munitions and materials essential to their country's defense. They, too, should have found their true reward in the glory and memory of patriotic service and in the example of devotion which they were privileged to offer to the unborn future. But has anyone the temerity to claim that those who made guns and shells for their country in the hour of its danger were asked to find adequate compensation in lofty memories or high esteem? Were the workers and investors in plants which made shoes and uniforms for the soldiers imbued with this spirit and recompensed on this principle? Did the manufacturers of airplanes find satisfaction in spiritual and intangible rewards? Did those who sold to the Government woolens, or copper, or automobiles, or ships? Did the brokers and great metropolitan banking houses who negotiated Government contracts rest content with contemplating the sacrifices which they had endured for a suffering world?

Mr. Speaker, I can not discover any fair basis for distinguishing between the Government's debts to the brokers who negotiated Government contracts and to the firms that manufactured war materials and to the civilian laborers employed by these firms, on the one hand, and its debts to the soldiers and sailors who offered their youth and strength and life on the other. Our Government was called on to pay to the last Shylockian drop for everything that it bought or hired in connection with the war except for its soldiers, sailors, and marines. It paid during the war prices inflated "beyond the wildest dreams of avarice" for most that it bought and most that it hired. When the war was over, it settled for canceled contracts, even those entered upon after the armistice, and in many cases even for contracts which were only implied, with unheard-of prodigality. Contractors were not only paid for losses incurred but even for profits not gained. Those who pressed claims against the Government for money invested or for property sacrificed in the war were not told to find their reward in a happy conscience or in fame. They had their compensation more than adjusted. They received their compensation on the cost-plus basis, and no suggestions were ever made that they should accept memories and dreams in lieu thereof. Some, in fact, who to-day are most tenaciously contesting the relatively modest claims of the veterans on the ground of the Treasury's impoverishment are the very ones who did not hesitate, when their own interests were at stake, to press gross and viciously inflated claims against this same Treasury.

Now, Mr. Speaker, I know the argument that some of the gentlemen opposing additional compensation for the veterans are accustomed to advance. They ease their consciences in opposing such payments by saying that if they had had their way the laborers would have been drafted and mobilized just as the soldiers and sailors were, and munitions plants and mines and factories supplying war materials would have been commandeered in the same way. "Of course," they always add, "the cost-plus system was wrong, and the Government ought not to have done what it did, but two wrongs do not make a right." Most of us have heard that cunning argument so many times that it sounds almost phonographic. But in legislation, as in everything else in life, we have to face the facts as they are and deal with the situation as it is and not as it might have been.

Having recognized so fully, as every one admits that we did, our debts to the contractors and brokers and civilian workers of the war, we are now morally bound to recognize, even if belatedly, the obligation that the country owes to those who were our soldiers and sailors, and whom, when they returned from the war, our Government turned out jobless, without giving them enough to buy, at that time, a respectable suit of ready-made clothes. Those who were in charge of the Government unquestionably ought to have given more generous help to the men retiring from its military service. They ought to have given it then and there. But they did not do so, and there remains for us to-day, three years after, an inescapable obligation to try and rectify their failure, even if we can only hope to do so in very small degree. It is hard to see how any one of generous instincts can feel otherwise. Suppose any other employer of labor, confronted with an emergency, had sent a third or fourth of his employees upon a mission involving hardships and possibilities of peril. Suppose also that he had designated the particular men who were to go without consulting their choice or desire. And then suppose that while they were gone he had reduced their pay, and had doubled or trebled the pay of those who remained. What would you think of the fairness and justice and generosity of such an employer who, when the laborers returned, made no effort to adjust their compensation? What would you think of a nation which treated its defenders in such manner? The answer is as clear as the very sunlight of God's heaven.

HOW COMPENSATION WILL HELP VETERANS.

Second. We come now to the next argument against adjusted compensation, what might be called its second line of defense. Opponents of the measure insist that even if the Government did deal unjustly and ungenerously with its veterans at the moment when they were discharged from the Army or the Navy, nevertheless a belated payment made to-day would do them more harm than good. Such payments, they say, would be wasted, or worse, they would encourage idleness and dissipation. One opponent, in a widely circulated statement, has declared that "it will put obstacles in the way of the veterans' true advancement. It will induce men to quit work and loaf, and will have disastrous effects upon industry all over the country." Another predicts that many veterans, when they receive their money, will take passage for Europe, or some country where they can escape the benign provisions of the Volstead Act, and will live riotously until their funds are exhausted. He was referring to the cash bonus, since eliminated from the bill, which allowed a veteran, at the most, payments of $50 at intervals of three months. This would have amounted in the aggregate to $200 per year, or an average of $4 per week. Now, under the new bill, if a veteran had served overseas for the greater part of two years, he might, by borrowing the maximum, secure cash to the extent of $312. But surely any soldier would command the admiration of Members of this House, both for his optimism and for his financial ability, who could get transportation to and from Europe and live extravagantly upon any such modest sum. These are only chance examples among many that might be cited of the exaggeration and of the ignorance of the provisions of the bill which have been displayed in statements sent broadcast by its opponents.

No one, of course, would claim that veterans are instinctively more wise or more thrifty than the common run of men. Among the youth who served in the war, as among the youth and their elders who did not so serve, there are some who save their earnings, and there are some who squander them. I firmly believe, however, that the handicaps and obstacles which the veterans have had to overcome during the past three years have tended to make them more appreciative of the value of money and of the difficulty of acquiring it, and I also believe that the provisions of the pending bill, especially if somewhat simplified in detail and definition, will induce the majority of veterans to conserve their adjusted compensation as insurance for themselves and their families in the future.

THE VETERANS' UNRECOGNIZED HANDICAPS.

Our ex-service men have struggled during the last three years under more and greater handicaps than most people recognize. It is not, as many assume, merely a question of their having failed to get the wages during the years of the war which they might have gotten if they had remained in civil life. It is not simply that they came back to find their companions of prewar days able to live far more luxuriously than they were able to do. Nor was it merely that they found themselves of a sudden "dumped out," along with several million others, on a world that had few places waiting for them. There were other and still more difficult handicaps for them to overcome. Their military life had not only not fitted them for ordinary occupations; it had actually tended to unfit them morally and mentally to resume quickly the responsibilities and routine of civilian life. For months, running in most cases well into two years, those who were enlisted men had lived without initiative, without either obligation or opportunity to do more or otherwise than they were daily told to do, knowing each day that what they did would have no helpful bearing in the way of preparation for their future. They had lived a vagrant, nomadic life, one month here, the next month there, perhaps on the other side of the ocean, a life of change, of intermittent excitement and intense nervous strain, a life far removed from home and its customary restraints and duties, a life as different from all that had gone before, or all that was destined to come after, as the Middle Ages were different from modern times. No other life that one can conceive of would so unfit a youth mentally—I am not oblivious to the physical benefits, which were many—as the life of a common soldier in time of war. In the course of six or eight months after the war ended approximately 4,000,000 young men, who had undergone these very unsettling experiences during one or two years, were turned loose without jobs, without clothes other than their Army equipment, and without other money to help them make a new start in life than the paltry $60, which was all that the Government handed them, and which at that time was insufficient to buy more than an overcoat or a civilian suit of poor material, one or the other, not both. We have seen them as the months and years have passed still going about in their khaki blouses and shirts and their Army shoes, and in winter wearing their Army coats, dyed or remade because the Army forbade them to wear their unchanged uniforms after discharge.

It is probably true that many of them did not seize the first chance of employment that was offered to them; that they hesitated to drop back to work inferior to that which they had known before they left for the war; that they were reluctant to accept wages, perhaps high in terms of dollars as compared with prewar standards, but much lower in buying power, and far inferior to the wages received by their pre-war companions who had remained at home. It is doubtless true that many of them remained restless, turned from one thing to another and could not settle down at once to steady work. It was one of the inevitable results of the life they had been living. It was one of the handicaps which they had to face and overcome, and which we as a people ought to understand and recognize.

Gradually, however, the 4,000,000 veterans began to readjust themselves. The vast majority of them were finding places that enabled them to get along, to contribute their share to the family rent and grocery bills, perhaps even to assume the responsibility of a family of their own, when abruptly the business of the country withered and collapsed. Mills and factories which had been working to capacity shut down in part or closed their doors completely. Mines similarly curtailed operations or ceased working altogether. Stores and shops and offices reduced their forces. Again several million men were unemployed. I do not mean to pretend that only the veterans found themselves out of work, but I do contend that it was almost inevitable that the "last hired" should be the "first fired," and that ex-soldiers who had been "taken on" since the war should be dropped sooner than those who had had the advantage of longer experience and greater proficiency, gained at home during the war period. The situation needs no argument by way of proof. It is known to everyone who has visited the crowded headquarters of veteran organizations, or who has been at all familiar with the busy bureaus for unemployment anywhere in the country during the past year.

Now, it is because our veterans have had to face these many distressing handicaps since their return from the war—handicaps due first to their retarded start in life; second, to their own mental unrest; and, finally, to the general unsettlement of the country's industry and business. It is because of the long, hard struggle they have had to make during these past three years in order to hold their own and to get along that I believe the veterans to-day will appreciate and profit by the financial benefits which the Government proposes to offer them—not only more than they would have three years ago but also more than any other group of citizens in the country.

THE MEASURE ENCOURAGES THRIFT.

Furthermore, the measure which lies before us has been framed in such a way as to encourage a thrifty regard for future benefits rather than present consumption or enjoyment. In every one of the alternatives offered to the veteran this idea is dominant. The bill offers him help in securing a farm or a home; it offers him help for vocational training; it offers him, free of charge, an insurance policy (or certificate, as it is nondescriptly called in the bill) which will be paid to the beneficiary whom he may name or to his heirs in case of his death, or which will be paid to him if still living at the end of 20 years; and while it gives him a chance to obtain cash loans on the security of his insurance when needed, it stimulates him to repay these loans, not only by penalizing his failure to do so but by adding to the maturity value of his capital in case he does.

I could have wished that these penalties and rewards had been reduced to a more simplified and more easily comprehensive system in the bill, but the very desirable principle of thrift encouragement is fundamentally embodied in the measure and it will not be difficult for those who have still to deal with it to perfect its details.

In a word, the measure now before the House offers to our veterans not only a just and fair, if long overdue, reward, but also a reward that has been framed upon the principle of helping the beneficiaries to help themselves, which is the guiding principle of all intelligent humane legislation.

THE COST OF COMPENSATION.

Third. We come now to the third and last serious line of defense—the line of most grim and dogged resistance on the part of the opponents of adjusted compensation. It is the argument of those who say that they would like to give the veterans such compensation, who admit that the veterans deserve it and that it would doubtless be very helpful to them at this time, but who insist that the country simply can not afford it. The argument is generally premised upon the assumption of an involved expense running into inconceivable billions, and this, it is naturally asserted, will force a multiplication of the tax burdens under which the country is now staggering, will retard, if not reverse, the recovery of the country's business, and will cause in the end much more distress than that which it is intended to alleviate.

I have received, as every Member of Congress has received during recent weeks, a deluge of market bulletins and circular letters from corporations and brokerage houses professing to estimate the burden which the adjusted compensation bill, if adopted, will place upon the business of the country, but I have yet to read one such circular or to read any financial letter in any important metropolitan daily which gives anything but a grossly exaggerated statement of the probable cost of the pending measure. The financial writer of the Philadelphia Public Ledger recently stated that the bill "will require two billions of dollars, initially," and this seemed bad enough, but an editorial in the Washington Star a few days later estimated the cost as ranging somewhere between fifty and seventy-five billions. After that, one was not surprised when the Secretary of the Treasury raised the limit to one hundred and eighty-five billions—although he subsequently admitted an error of one hundred and sixty-seven billions in his original estimate.

What are the facts?

According to the tabulations furnished by the finance officers of the War and Navy Departments the maximum cost of the payments provided for in the bill reported on March 16 by the Ways and Means Committee would be a little in excess of $4,000,000,000 in the course of 20 years. If all the veterans kept their insurance intact and did not forfeit any of it by borrowing against it and defaulting, so that its maturity value reached the maximum, the total cost would foot up to this aggregate of $4,000,000,000 by 1943, an aggregate roughly equal to the total expenditures of our Government during a single current year, but this aggregate would be distributed over 20 years and not more than a quarter of it would have to be paid before 1943.

The minimum expense of the measure would be $1,200,000,000 and would occur only under the following conditions: If all the veterans were to borrow cash from the banks at once to the full limit authorized by the bill, and all were to default upon their notes, it might cost the Government altogether $1,200,000,000 three years hence, at the end of 1925, but that would be all that it would ever cost. These are the maximum and minimum costs involved in the present bill—the maximum, $4,000,000,000, scattered over 20 years and for the most part not due before 1943; the minimum, $1,200,000,000, possibly due in 1925.

The actual cost will depend upon the choice of the veterans as between the different alternatives that are offered them. According to the estimate of the committee, in no year before 1943 would the total expense amount to more than $126,000,000, and during most of this time it would range around $30,000,000. The committee estimates make no allowance, however, for borrowing on the part of the veterans, which would doubtless hasten and materially add to the Government's expenditures during the years immediately following 1925. For the first three years their estimates of the expense involved are as follows:

1923	$74,279,000
1924	124,440,000
1925	121,370,000

WHAT CANADA DID FOR HER VETERANS.

These are indeed formidable sums from the point of view of an individual, but they are not terrifying from the viewpoint of a great country like ours, and they are but surface ripples as compared with the mountainous wave of expense which the writers of financial bulletins have pictured as about to inundate the country in case the veterans' bill is adopted. Canada in the single year of 1919 paid to her soldiers "war-service gratuities" amounting to $164,000,000, and her population is not one-twelfth as great as ours. If our Government were this coming year to pay her veterans as adjusted compensation an amount aggregating per capita what Canada paid to her veterans as "war-service gratuities" in 1919, it would amount to more than $2,000,000,000. It would not only acquit once and for all the whole cash bonus as proposed in the original Fordney-McCumber bills, but it would leave an additional bonus of more than $500,000,000 available. Surely if Canada, notwithstanding that she had been engaged in war for four years and that 10 per cent of her population had been enlisted, could pay this gratuity in the first year after the war ended, we ought to be able to pay the incomparably lesser sum asked for to-day, and to pay it without the remotest suggestion of ruin to the business interests of the country.

I have already named the sums asked for during the next three years. They are not of staggering proportions. They range from $74,000,000 in 1923 to $126,000,000 in 1925, the largest total being less than a tenth of what the Army and Navy cost last year.

TAX PROVISIONS DESERVE NO PLACE IN BILL.

It has been said that in order to raise these sums, special taxes must be levied. But the suggestion of levying special taxes in order to meet a special expenditure has seldom been raised with regard to any other measure, and never has it been raised before in connection with the adjustment of compensation for any other war claimants. When the Dent Act was passed, which arranged for settling claims of war contractors, no particular revenue measure was provided, although the actual compensation paid under that act amounted to nearly $3,000,000,000. No prejudice was created against these claimants and there was little protest against them, because they were paid out of the general resources of the Treasury, and no definite taxes were assigned for their settlement. The same is true of the adjustment of the compensation proposed for the railroads, amounting to $500,000,000 for the losses incurred under war administration. It is true, also, of the $40,000,000 voted to compensate mine owners for losses incurred merely in getting ready to produce minerals for chemical warfare, but without actually producing them. It is true of the many millions voted for the relief of Shipping Board contractors. If, as has been suggested, we were now to incorporate new taxes in the act adjusting the compensation of the veterans, we should discriminate in a manner quite without precedent against the claims of those who offered to their country not property, but their youth and their lives—claims amounting to only a fraction of those already met for property. We should help to turn what is intended to be, and what ought to be, an expression of gratitude and an act of justice into a source of criticism and disparagement of the country's defenders. This has, in fact, already resulted to a serious extent from the agitation of such proposals.

HOW EXPENSE OF COMPENSATION CAN BE MET.

That the requirements of adjusted compensation as provided for in the present bill can be easily met during the next years without additional taxation would seem obvious, if it had not been disputed by those in authority. If the results of the recent Conference for the Limitation of Armaments prove anywhere near as substantial as we hope and believe, the resultant economies in the appropriations for the Army and Navy will amount to at least $200,000,000 yearly. These are economies which were not contemplated and taken account of in next year's budget, and they are more than double the estimated requirements for compensation during the next two years. If continued for 20 years, these economies alone will aggregate enough to cover the total cost of adjusted compensation. The War Finance Board, which, according to present litigation, will begin liquidation on July 1 next, will also release enough millions of Government money to meet a large part of the veterans' bill for the next two years. But even if these sources did not exist, merely a part of the interest which is annually accruing on the British debt would be sufficient to meet the soldiers' claims for the next two years. In fact, the interest accrued and accruing on that debt alone would cover every expense involved in adjusted compensation throughout the whole 20 years of its payment. I mention Great Britain specifically, because her solvency does not depend to the same degree as that of France and Italy upon reparation payments from Germany, and because the British Government has already begun to reduce its own domestic debt. Within the past fortnight, in fact, announcement has been made that payment of £50,000,000 (over $200,000,000) in interest to the United States is being arranged for in next year's British budget.

This of itself is more than double the amount required for the coming year by the pending bill. In any one of these several ways our veterans can easily be compensated without increased taxation, without increased loans, and without even touching the principal of the debts which are owing us. And such being the case, Congress ought, in justice to the veterans, to pass the adjusted compensation act without attaching to it any special revenue measure, and it not only ought to do so but it can do so without fear of embarrassment to the Treasury.

POLITICAL ASPECTS OF COMPENSATION.

There is another line of argument against adjusted compensation to which I might also allude. It is the most unworthy of all arguments, but the one most frequently and most vigorously presented by those of my correspondents who are opposed to the bill. It is well illustrated by the weekly letters of the National Founders' Association, signed by its president, William H. Barr, copies of which have, I believe, been received by most of my colleagues. In his letter of March 9 Mr. Barr says, "Make it plain to them—the Members of Congress—that there are political reasons which should compel them to avoid any further bonus burden," and in his letter of March 16 Mr. Barr renewed his gentle admonition in these words, "Even if the Senate by the exercise of good sense should defeat this bill," he says, "we shall remember those who were responsible for it." I have received during the past two months several scores of such menacing letters from men similarly placed at the head of large corporations, but never a promise or a threat, or any appeal to personal advantage has come to me from any veteran or any veteran organization. This, I believe, has been the experience of most of my colleagues in the House. We have received an occasional mildly worded resolution from a legion post or other veteran association expressing indorsement of the plan of adjusted compensation or of some of its features, but without ever a suggestion of that bullying and browbeating attitude which has become all too familiar from the other side.

I realize that the debt which our Government owes to its defenders has come to be regarded very much as are all debts for services long since rendered. The feelings of many of our people toward it are akin to our individual feeling toward the bills of doctors and lawyers for services which they may have performed in time gone by. The doctor may have saved the life of one of us or of one we love, several years ago, or the lawyer may have saved our home and fortune. But we face their belated bills for such services perfunctorily and with a not unnatural desire to find any possible means of escape.

WASHINGTON AND COMPENSATION.

Unfortunately with our debt to the veterans the situation is even more depressing. The vision that illumined the world four years ago has paled with the lapse of time. The spirit of brotherhood and of willingness to sacrifice which animated the country has gradually flickered out. Even the memory of what was great and beautiful in those epic years is fading rapidly. We have almost forgotten how we sent our soldiers off to the war with music and garlands and pledges of undying gratitude, and how frantically we acclaimed their return with unbridled expressions of affection and appreciation for what they had done. We have almost forgotten that we only offered them words and music and flowers, and that we still have a tangible debt to pay. We have almost ceased to realize that, as Washington said 140 years ago of the compensation he thought was due to the soldiers of his Army, "It is more than a common debt. It is a debt of honor which can not be canceled until it is fairly discharged."

Washington, addressing Congress again in 1783, added these words, which we can confidently repeat to-day:

> If the whole Army have not merited whatever a grateful people can bestow, then I have been beguiled by prejudice and built opinion on the basis of error. * * * But I am under no such apprehension. A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude.

My friends, I have had no part in the framing of this bill. Such suggestions as I have made from time to time have not been incorporated in it. There are features in it which I do not like. It is not in many of its details what I should have preferred it to be. But all legislation, like everything else in life involving choice, inevitably requires compromise. I believe in the principles that underlie this bill and in the attempt which it offers to repair a great injustice. I believe that some of what seem to be its errors can be corrected later. I shall certainly vote for it.

Mr. OLDFIELD. Mr. Speaker, I yield to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. Mr. Speaker, I want to refer to the remarks of Mr. CAMPBELL of Kansas wherein he said, while pointing his finger at the Democratic side of the House, that "your contractors" were the ones who so unscrupulously robbed the Government both during the war and in settling up contracts after the war. In that connection I wish to call attention to the fact that the Standard Steel Car Co., owned by the Mellon affiliated interests, as shown by testimony taken before the Graham subcommittee, were proven to be the worst type of the grafters who robbed the Government on war contracts both during the war and in settling up the unfinished contract after the war. Now this same Mellon, of the Mellon affiliated interests, is your (Republican) Secretary of the Treasury, prince of profiteers and greatest grafters on this Government, and he now rides around in a big $10,000 limousine and opposes adjusted compensation for the poor devil of an American doughboy soldier who sweat blood and slept in the mud for the safety of the homes of this country, for the protection of the flag we love, and to keep this country safe for profiteers and grafters on the Government like your Mr. Mellon. [Applause.]

Mr. Speaker, a great deal has been said about helping disabled ex-service men first. It has been intimated that the American Legion was putting the welfare of the able-bodied ahead of the care of the disabled. That is not true. The Legion has always pushed legislation for the care of the disabled first. Here is a statement to prove that from the disabled ex-service men at the Mount Alto Hospital.

Their statement is followed here by a list of petitions, all of which were signed by disabled ex-service men. These representations were presented to the President of the United States, together with an accompanying letter from the National Legislative Committee of the American Legion, as follows:

> Whereas the American Legion has always given first consideration to the disabled men in urging legislation of benefit to them before Congress; and
>
> Whereas this is amply attested to by the passage of the first Sweet bill, now Public 104, increasing the temporary total benefits to the disabled from $30 to $80 per month, at a total cost of approximately $80,000,000 a year; and the appropriation of $18,600,000 for the construction of permanent hospitals for the beneficiaries of the United States Veterans' Bureau; and in urging the passage of the consolidation bill, now Public No. 47, an act to establish the United States Veterans' Bureau; and in securing from Congress the passage of a bill allowing time spent in vocational training to apply as residence upon a homestead; and in urging sufficient appropriations for the departments of the Government providing hospital care, compensation, insurance, and vocational training; and in urging the passage of S. 1565, just passed by the Senate, granting the right of retirement to disabled emergency officers; and
>
> Whereas the American Legion is the only organization of ex-service men that has appeared before Congress urging the passage of all of the above legislation and many other bills in addition thereto: Now, therefore, be it
>
> *Resolved*, That each and every signer of this resolution believes that the national officers of the American Legion, duly elected and instructed by national conventions of the American Legion in urging the passage of the adjusted compensation bill, are carrying out properly the request of all ex-service men and women, whether disabled or not, that the Congress pass immediately H. R. 1, now pending before the Ways and Means Committee of the House, and S. 506, now pending before the Senate Finance Committee, both bills being practically identical and providing for an adjustment of compensation for all ex-service men and women who served honorably between April 6, 1917, and July 1, 1919.

Arthur J. McNamara, H. Frederick Moyer, Joseph R. McDonald, Emory M. Snyder, Robert M. Skinner, Samuel E. Stokes, Theodore Payton, Shuford Fincher, Richard H. Powell, P. Rollins, O. F. Vogt, R. E. Goodwin, Milton Roach, W. P. Geis, Francis M. Dwyer, E. G. Yates, John J. Heffernan, A. E. Prince, David Roner, E. P. McIntyre, jr., Walter D. Lowell, A. H. Sando, E. C. Capers, C. R. Sollers, Chas. Stack, Tony Gilatto, Charles Brewster, H. J. Graham, Ed. J. Hughes, B. A. Abbott, S. C. L. Jensen, William G. Liesert, Paul Hershey, Russell E. Hudson, W. J. Kirkpatrick, Edward S. Quad, Eddie B. Stewart, Andrew Joyce, Robert E. Clark, D. A. Fox, Erwin V. Parham, Edwin M. Haines, Thomas Kirby, John P. McDonald, Chas. N. Hess, Sam. Middleton, John Little, Stephen Nonides, Chas. Hartinger, Paul Samek, Joseph D. Salatto, N. A. Pillow, Manry C. Smith, Thomas Martin, William R. Clatterbuck, Edward L. Means, Thomas J. Kessler, Arthur Metcalf, J. H. McVay, Wm. F. Grosskurth, Richard Kennedy, John J. Capper, Arthur Ellis, Charles W. Rose, Fred Smoots, M. P. Kelly, J. F. Gilmartin, R. E. Banks, Wm. G. Simms, Lucius J. Jones, Hugh Malone, Robert Johnson, William H. Webb, Miles Williams, Robert Cooper, Marion Page, A. R. Cropper, Sara Clagett, Evelyn J. Davis, M. F. Siddall, Elmer N. O'Haver, Rossville, Md.; Litha E. Taylor, 2021 Mitts Avenue, Wilmington, N. C.; Hoke S. Palmer, Gate City, Va.; W. E. Dempsey, Washington, D. C.; L. E. Maddox, Macon, Ga.; F. F. Damron, Fairmont, W. Va.; Clifford Knutson, Crookston, Minn.; Hugh Pendleton, McDowell, W. Va.; George C. Graham, San Francisco, Calif.; Luther S. Woodward, Boston, Va.; James L. Gallagher, Vineland, N. J.; Arthur J. Hichcock, Washington, D. C.; William J. Morrissey, New York, N. Y.; Harry C. Poole, Ednor, Md.; John H. Carter, Chilhowie, Va.; Paul C. Sprinkle, Manassas, Va.; Parker V. Skipper, Baltimore, Md.; Edgar W. Brown, Boston, Va.; James E. Burdette, Silver Spring, Md.; Matthew J. Garney; Russell Sonders, Washington, D. C.; Meyer Hurwitz, Washington, D. C.; Daniel Ellison, Washington, D. C.; William J. O'Sullivan, Brooklyn, N. Y.; F. E. Goodnow, Cherrydale, Va.; Sitios Bitapaes, California; Dennis Lane, New York; Emil Kuns, New York; William J. Hart, New York; Charles Kauffman, Lewistown, Md.; R. Goodell, 2650 Wisconsin Avenue NW., Washington, D. C.; O. W. Richardson, 2650 Wisconsin Avenue NW., Washington, D. C.; Charles Bergman, 2650 Wisconsin Avenue NW., Washington, D. C.; Neil Farmer, 2650 Wisconsin Avenue NW., Washington, D. C.; Fred. Beckner, Callaway, Va.; Guy C. Angell, 3630 Thirteenth Street NE., Washington, D. C.; James R. Pendleton, 3630 Thirteenth Street NE., Washington, D. C.; Clifford D. Armstrong, 2650 Wisconsin Avenue NW., Washington, D. C.; Nicholas Karson, 2650 Wisconsin Avenue N. W., Washington, D. C.; R. J. Brown, 905 Thirteenth Street NW., Washington, D. C.; William Henderson, 1011 M Street NW., Washington, D. C.; Albert Gilpin, 6703 Georgia Avenue NW., Washington, D. C.; John Cross, jr., 317 F Street NE., Washington, D. C.; Howard Ward, 4751 Jackson Street, Seattle, Wash.; Joseph Colavecchio, 663 Crescent Avenue, Bronx, New York City; Deprun Bedrosian, 345 Pennsylvania Avenue, Washington, D. C.; Jacob A. Toessounian, 903 Twenty-second Street, Washington, D. C.; Thomas White, 2576 Eighth Avenue, New York City; Otis Sanford, Bellwood, W. Va.; Hugh J. McKenna, 3540 Thirteenth Street NW., Washington, D. C.; T. J. Keating, 2650 Wisconsin Avenue, Washington, D. C.

Washington, March 22.—Petitions from 10 different groups of disabled war veterans from vocational training schools and Public Health hospitals in various sections of the country were presented to President Harding to-day by John Thomas Taylor, vice chairman of the national legislative committee of the American Legion. The petitions were signed by 1,982 disabled service men, and call upon the President and the Congress to enact the fourfold adjusted compensation bill, drawn by the Legion at the request of Congress and now before the lower House for passage.

The petitions were from the following:

C. W. Francey Post, No. 70, United States Public Health Service Hospital No. 66, Otsego, S. C., 344 signatures.

Sherman Technical Association, United States Vocational School No. 1, Chillicothe, Ohio, 350 signatures.

Disabled men in training, United States Veterans' Bureau, Pittsburg, Kans., 200 signatures.

United States Veterans' Hospital No. 45, Biltmore, N. C., 190 signatures.

Galbraith Chapter, No. 3, D. A. V. W. W., Tyler, Tex., 170 signatures.

United States Public Health Service Hospital No. 53, Dwight, Ill., 159 signatures.

United States Veterans' Hospital No. 32, Mount Alto, Washington, D. C., 123 signatures.

Disabled veterans of Sioux Falls, S. Dak., 66 signatures.

Chapter No. 1, Disabled American Veterans of the World War, Fargo, S. Dak., 57 signatures.

Disabled men taking vocational training at Hill's Business College, Oklahoma City, Okla., 33 signatures.

Copy of telegram from disabled veterans of the World War, announcing that their national convention at Detroit unanimously adopted resolutions favoring immediate passage of adjusted compensation bill.

The majority of the petitions state that persons opposing adjusted compensation legislation in the name of disabled veterans misrepresent the attitude of the disabled. They request that the discrepancy in pay between the men in the service during the war and those at home be equalized in part.

The petitions were accompanied by the following written statement to the President:

MARCH 22, 1922.

The honorable the PRESIDENT,
White House, Washington, D. C.

MY DEAR MR. PRESIDENT: In view of the fact that such wide publicity has been given to the visit of a small number of patients of the Walter Reed Hospital in opposition to the soldiers' adjusted compensation bill now pending before Congress, I take the liberty of presenting to you at this time petitions from about 2,000 disabled men, received at this office, and selected from the great number forwarded from hospitals all over the country. These petitions more clearly voice the sentiments of the disabled men regarding this legislation.

These men protest vigorously against the misrepresentation of their real attitude by a few of their number located here in Washington, and they desire by this means to convey to you their true feelings with regard to their buddies with whom they served side by side in the Great World War.

Respectfully,
JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Mr. Speaker, I shall take advantage of the general leave to extend my remarks later.

Mr. OLDFIELD. Mr. Speaker, I now yield to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Speaker, to the last day of my life I shall never be able to forget that memorable morning of April 6, 1917, as the debate on the resolution declaring a state of war against the German Empire was drawing to a close.

Peace had ever been a passion with the Nation. It had been to the American people "like a pillar of cloud to lead them the way, and by night a pillar of fire to give them light to go by day and night."

Each and every one of us here at that time fully recognized, terrible as war is, great as the sacrifice we might be called upon to make, the hour had arrived when the mailed fist of despotism and savagery must be stricken down; Prussianism must perish from the face of the earth.

No people who are afraid to die for their rights ever long retained them. Whenever the time comes that America will submit to a violation of her rights anywhere on earth, through fear of tyrannical military autocracy, then we will witness our Nation decay to its inevitable doom. We will behold the degeneracy of our people; see the fires of democracy which were lighted in this country and which flashed across the earth, illuminating the darkest spots, smolder and die.

Forces of circumstances over which we had no control had at last brought us into the whirlpool of destruction—the most colossal war of all history.

Upon the adoption of the resolution this great Government and its millions of people buckled on the armor of war and turned their thoughts from peaceful pursuits to the successful prosecution of the war. The unlimited resources of the Nation were placed in the scales of war, and there could be no turning back until the enemy had been beaten into the dust before the victorious armies of the world and peace and happiness again restored.

In a marvelously short time over 4,000,000 of the bravest of the brave, the flower of the land, were under arms. From every walk of life they came. Two millions of these soldiers fought the battles of the Republic 3,000 miles away from home and loved ones. They were the saviors of our civilization; they struck the blow that shattered the armies of the enemy; they rescued Europe and the world from the domination of military autocracy.

Time in its tireless flight will never cause us to forget the heroism of our soldiers as it was displayed at the Marne, Chateau-Thierry, and in the Argonne, and upon every other field of battle.

Mr. Speaker, there is another day indelibly stamped on my memory, and it is the 11th day of November, 1918—one year and seven months after the adoption of the war resolution.

Sitting in this very Chamber on that day, all of a sudden I heard the clang of hammers, the trumpet call of bugles, and the constant roar and echo of cannon, all mixed and mingled with the shouts of the people of the Capital City.

What was it all about? was the question asked by everyone. The answer came: "The armistice is signed." Thank God, the war is over. From yonder balcony of the Capitol I gazed down on historic Pennsylvania Avenue. Thousands upon thousands of people were parading the streets, waving banners and shouting for joy. There was rejoicing in every city, village, and hamlet throughout the land, and mothers who had gold stars in their window stood with tears streaming down their cheeks and thanked God that the war had ended and that no other mother's boy would have to die in the conflict.

The war being over, the millions of soldiers whose fame and heroism will live until principalities and powers have gone away forever and the everlasting republic is established where the brotherhood of man and the fatherhood of God are sung to the music of the spheres, returned to their homes and loved ones to once again assume their places in the everyday walks of life.

This mighty Government of ours has gathered under its beneficent care the disabled soldiers and the dependents of those who made the supreme sacrifice and sleep the last sleep in a soldier's grave; has become a husband to the widow and a father to the orphan.

It is the solemn duty of this Government, which it gladly performs, to care now and in the future for the disabled defenders of the Republic and the dependents of those who gave their all.

No stinted allowances are made or ever will be made, for the whole Nation recognizes this obligation, and the Government has liberally made appropriations and will continue to do so for the spilled blood and destroyed sinews of the country's defenders; a debt which, however, can never be repaid. Nevertheless, the Government will do its best to alleviate their suffering and want; but, sir, while we have been caring for the disabled and the dependent ones scant attention has been accorded to those brave soldiers who were fortunate enough to escape injury or death and who carried the flag to triumphant victory.

Does not this Government owe a debt of gratitude to these men? While we will never fail to care for the disabled and dependent ones, yet we should do justice by those who escaped injury as well as by those who were injured.

On February 14, in a speech in the Senate, the distinguished Senator from Georgia [Mr. WATSON], replying to the argument of the Senator from Idaho [Mr. BORAH], who had addressed the Senate in opposition to the bonus bill and who had advanced the idea that only the disabled ones were entitled to compensation, in unanswerable logic Mr. WATSON said:

> Are battles won by disabled soldiers? Those who were killed in battle die "the beautiful death of a soldier," but they do not win the battle. The disabled soldier, nobly risking his life and being put out of action, does not win the battle. No matter how much the dead man may have contributed, no matter how much the disabled man may have contributed, he does not win the battle. The Hindenburg line and all other lines are broken by the men who are neither dead nor disabled. Two soldiers confronting the enemy, equal in bravery, equal in the sense of service, take exactly the same risk. One is shot down. The other goes forward and wins the victory.
>
> In what degree is the patriotism of the one less than that of the other? By what process of reasoning do you reach the conclusion that the man who fortunately escapes injury or death deserves less at the hands of his country than the man who is so unfortunate in taking the same risks as to be disabled or killed? Mr. President, the test of the Senator from Idaho has never been applied anywhere at any time. It certainly has never been applied in this country.

To this argument there can be no answer.

It is an indisputable fact that from a financial standpoint every soldier was a much poorer man when he left the service of his country than he was when he joined the colors.

This can readily be understood in view of the fact that he received but $30 per month. From this amount he was called upon to purchase Liberty bonds, make an allotment of $15 per month to the support of his family, and to pay his insurance premium to protect his family from financial destitution in event he fell in battle, which cost the average soldier from $6 to $8 per month, leaving him for his own use a mere pittance from his pay.

On the other hand, it is also an indisputable fact that in an overwhelming majority of cases those who stayed at home, who knew nothing of the hardship and suffering, much less of the danger with which the soldier was constantly confronted, took advantage of the condition of the country and was from a financial standpoint far better off at the close of the war than at the beginning.

It is contended by some of those who are hostile to this bill that the granting of a bonus or adjusted compensation to the ex-service men will commercialize their patriotic service and take the glory from it. Such a contention is absolutely without merit.

Washington, the Father of his Country, has not lost nor will he ever lose his glory and renown or the high esteem, love, and affection in which he always has been and will continue to be held by the American people on account of his having received his bonus in the shape of land grants for his gallant service, not only in the Revolution but also in the French and Indian wars.

No aspersion was ever cast, or ever will be, on the fame of the brave soldiers who stood with Jackson at New Orleans or those who returned with Scott's victorious army from Mexico for having accepted from a grateful Republic land warrants to vast tracts of land throughout the country.

A large portion of the territory of the Central West and the West was populated by veterans of the Civil War, who received land grants as a bonus from an appreciative Government for their valiant and patriotic service.

It has always been the policy of this Government from the very foundation to show its gratitude in some form to its brave defenders.

I oftentimes wonder if any of those who argue that the acceptance of a bonus will tend to commercialize the patriotism of the ex-service men ever stood in the mud, filth, and slime of the vermin-infested trenches in all kinds of weather waiting for the zero hour when they would go over the top to face death in no man's land.

I wonder if any of those who have persistently fought this legislation and whose fortunes were swollen by the profit they made during the storm and stress of the war ever stopped for one moment to realize in what a pitiable condition they, as well as the entire country, would have been had not the ex-service men, who by this legislation are only seeking elementary justice, stood a bulwark of living, suffering human flesh and blood between them and the hungry hordes from across the Rhine, which would have made short work of their piles of wealth, as well as those of the Nation.

Mr. Speaker, we are the richest people on the face of the earth. There is no other nation beneath the sun as rich as this one. The national wealth of this great Republic is estimated at $250,000,000,000, and there is to-day in circulation $5,447,953,533, giving to every man, woman, and child a per capita circulation of over $50. Our national debt is $23,251,139,569. The national debt of the United States does not exceed 7 per cent of the national wealth.

Yet we have neglected in a most shameful manner our ex-service men who returned from the war uninjured. Never before in the history of this Nation has it been guilty of such a niggardly policy toward its brave defenders, and it will ever be a stain upon the fair escutcheon of the country.

Under this bill the ex-service men who accept the adjusted-service certificate as provided for under Title V, which is a scrip upon the Treasury of the United States, is forced to hawk the same throughout the Nation to get 50 per cent of its face value, and is required to borrow that from the bankers, paying 2 per cent over and above the discount rates of the Federal reserve bank, which means 7 per cent on every dollar that he borrows on his scrip.

England, France, and Belgium were not guilty of such a policy against its citizenship who in the hour of the country's need offered their all for it. They did not send their defenders throughout their country to pawn their scrip, but, recognizing the debt of gratitude, opened the door of their treasury and paid direct from it, though they were scarcely able to do so.

If there is a country in the world on the verge of bankruptcy it is France. Her national wealth is $58,000,000,000, her national debt is $51,000,000,000; the percentage of the debt to the wealth is 87 per cent, yet France, poverty stricken as she is, paid direct from her treasury to her soldiers the equivalent of $249.

The national wealth of Great Britain is $70,000,000,000; her national debt is $37,000,000,000; the percentage of the debt to the wealth is 55 per cent, yet England, with her enormous national debt, paid direct from her coffers $141 to her enlisted men, and as high as $4,000 to her officers.

Belgium—poor, bleeding Belgium—with many of her cities leveled to the ground, owing 80 per cent of her national wealth, did not send her soldiers scurrying to the banks of Brussels but paid to them direct from its treasury the equivalent of $492 in American money.

Owing only 7 per cent of our national wealth, it is contended by this administration that we can not afford to draw further on the National Treasury to compensate our ex-service men.

It is absurd to say that a nation that only owes 7 per cent of its national wealth can not stand additional demands on the Treasury, especially when the demand is for the country's defenders, when all of our allies long ago, some of them almost on the verge of bankruptcy, owing as high as 85 per cent of their national wealth, have shown their gratitude by paying to their ex-service men direct from their treasuries.

It is argued by this Republican administration that it will bankrupt the Treasury if cash is paid to those ex-service men who would select that feature. Ah, sir, however, it does not seem that it will embarrass, much less bankrupt, the Treasury to give back at least an equally enormous sum to the corporations by remitting their taxes. In plain language, this administration claims that $471,000,000, approximately the amount remitted by the repeal of the excess-profit tax and the reduction of the surtax in the pockets of the corporations, will stabilize business and preserve the country, but that $471,000,000 in the pockets of the boys who fought the Nation's battles will bankrupt the country.

There was no hesitancy on the part of some of you to vote direct from the Treasury hundreds of millions of dollars as provided for in the Dent Act to reimburse war contractors; you opened the coffers of the United States to the extent of $40,000,000 for the relief of the mineral contractors; you appropriated $50,000,000 for the relief of the Shipping Board contractors; you gave direct from the Treasury of the Nation $500,000,000 to the railroads, but when it comes to doing justice—simple justice—to our ex-service men, who offered their lives for their country, different treatment is accorded them and the doors of the Treasury are shut in their faces and they are sent downhearted broadcast throughout the land to make the best bargain they can.

This method of payment is not what the ex-service men want; nor is it what the rank and file of the membership of this House want. It should be paid in cash direct from the Treasury, and in that manner the billion of dollars withdrawn from circulation by the unwarranted policies of the Federal Reserve Board would again be put into circulation and would contribute enormously to bringing about a better condition in the country.

You have brought this bill before the House under a suspension of the rules and by such parliamentary tactics that no Member is permitted to offer any amendments. In other words, we have got to accept this bill just as it is written by you Republican members of the Ways and Means Committee without dotting an "i" or crossing a "t." We must take it just as it is or reject it in its entirety.

There are good features and objectionable features in the bill. This method of payment of the adjusted compensation in its present form is most objectionable; and, mark my words, the banks are not going to make loans on these certificates. Already the Comptroller of the Currency has stated that he will advise the national banks not to accept the certificates as provided for in Title V as security for loans. You will not give the House the privilege or opportunity of correcting the objectionable features.

It has always been said that by a multitude of witnesses there is strength and by the exchange of ideas best results can always be obtained, but you by your refusal to allow amendments are not seeking strength and do not care for the exchange of ideas and are not endeavoring to meet the wishes of the ex-service men. Why is it you refuse to allow any Member of this body to offer amendments? I will tell you the reason, and you well know it, for you have got to face it in November. It is because you are apprehensive that the cash that the soldiers might desire to accept in lieu of other provisions of the bill will have to be paid into the Treasury of the Nation by taxing the corporations that you are seeking to protect and that have been guilty of making an excess profit.

By this bill of yours you have chosen this day whom you will serve; your acts speak louder than words; it is not the soldier boys that are first in your thoughts, but, sir, it is the corporations, the profiteers, and the millionaires for whom you have shown preference. You have placed their interests above those of the country's defenders.

To protect the corporations and the profiteers from excess-profit tax and the nitrarich from an increased surtax, the millionaires and multimillionaires from the raising of the inheritance tax rates, you have so drafted Title V, which forces the boys who bared their breasts to the storm of battle who

accepts this feature of the bill, to pay to the bankers of the country over $100,000,000 in interest for loaning to them 50 per cent of the value of their Treasury scrip.

Never before in the history of this Nation, or any other nation, have such vast fortunes been accumulated as were during the war. Advantage was taken of the Government in every contract, and the holders of these fortunes should be required by taxation to disgorge that part of their wealth wrongfully obtained.

No man is more jealous of the rights of property than I, but, sir, I am heartily in accord with taking, through a proper and effective medium of taxation, such parts of this ill-gotten wealth which was wrung from the Government during the stress of the Nation, to help meet this obligation, as well as other enormous debts, occasioned by the war.

The acid test of war shows what is mean, unpatriotic, and vicious in our nature. It discloses the yellow in us, if there be any. It enables every man to grade and register his peculiar and personal standard of citizenship, and one of the dark pages of the war, which will ever cast its shadow over the many other glorious and bright ones, is that which portrays the vast fortunes built up by the profiteers while the very existence of the Nation hung in the balance.

In your revenue bill you repeal the excess-profits tax and reduce the surtax, and by doing so relieve the corporations who had been guilty of making enormous profits of over $450,000,000 of taxes, and the millionaires with their swollen fortunes increased many fold by the war had their surtaxes reduced $61,000,000, and the amounts that you have remitted in taxes to the corporations and millionaires is estimated to be sufficient to give a cash bonus to the ex-service men.

If the revenue of the Nation is not sufficient to meet the cash demands it should be derived from the reenactment of the excess-profits tax, which requires a corporation or institution that makes more than 10 per cent net to pay a graduated tax upon its profits above that amount, and if that law had not been repealed by you Republicans, this year it would have brought into the Treasury approximately $450,000,000; the surtax rates also should be put back where they formerly were, and by doing so it is estimated that the Nation would have collected $61,000,000 this year from that source.

The inheritance tax last year brought into the Treasury $154,040,208. These rates should be increased and that form of taxation made to bring in larger revenue. I know of no form of taxation which has more to commend it than the inheritance tax. It is wise, because it does not touch the property during the life of the owner, therefore levies no burden upon business activities. Simple, because it is easily ascertained and collected while estates are being administered in the probate court; effective, for the reason that by the application of progressive rates, it places no burden on the poor, but permits those who have much to contribute to the Government somewhat in proportion to their ability to pay.

On the luminous pages of Gibbon's History of the Decline and Fall of the Roman Empire, the historian tells us that such a tax was instituted by Cæsar Augustus for "the reward of the veterans."

Mr. Speaker, there are some debts that can be repaid in money. Every person throughout the land that purchased Liberty bonds will eventually, when the bonds become due, receive back from the Government every dollar that was paid for them, with interest. This debt will be repaid with the utmost exactness, but, sir, on the contrary, there is no such thing as repaying the ex-service men, who offered their lives for the country's sake, for their brave and patriotic service.

It is impossible to compensate them for the loss of jobs, the loss of school advantages, the destruction of business plans, the loss of prospects in life. The sole object and purpose of this bill is to give some recognition for their sacrifice during the war. There is not enough wealth in this Nation, nor on earth, to compensate them for their heroic service. One dollar a day in this country or a dollar and a quarter a day across the sea is not compensation but is simply an expression of everlasting gratitude to those brave and patriotic soldiers of America who fought the Nation's battles.

Mr. Speaker, I am heartily in favor of a soldiers' bonus bill giving to the ex-service men the option of accepting a cash bonus, and on the 4th day of May, 1921, I introduced such a bill providing for the payment of a bonus direct from the coffers of the Nation which would have rehabilitated business by putting into circulation many hundreds of millions of dollars, and shown our gratitude to them for their service, but recognizing fully that this is the best bill that you Republicans will bring before the House for consideration, to which you allow no amendments, compelling Members to either support it in its entirety or reject it, and believing that half a loaf is better than none, I shall give this measure my support.

Mr. GARNER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, I am very clear in the conviction that no Member in this House should vote for any measure in which he has a direct financial interest. Under the provisions of H. R. 10874, section 202, commissioned officers of the rank of captain and below will be entitled to the benefits of the provisions of said bill if it becomes law. That would include myself, and for that reason I feel that it is my duty to state my position squarely upon the records of this House before the vote is cast, just as I frequently stated during my campaign for election to this House, that I will not accept personally any of the benefits of any legislation that may be enacted by Congress for the benefit of the former service men. I love them all and have given my time and thought unstintedly and my support in Congress to all measures and proceedings to help—first of all, the sick and disabled; and, next, to assist worthy and deserving ex-service men to obtain and receive vocational education; and, next, to see that those who need and deserve adjusted compensation shall be fairly treated by their Government. I regret that the majority party in control of this House has seen fit to try to force this bill through the House under a special rule that will not admit of any amendments whatsoever. There are several amendments that I would like to offer in order to make the bill conform to my personal belief as to what is best for the country and best for the taxpayers and best for the service man himself. But "justice delayed is justice denied," and if we postpone action upon adjusted compensation until the next administration, when I hope the Democrats will be in control, then it will be too late to be of service to those who need relief and assistance most.

Whatever is done should be done now. I am therefore compelled to meet the situation as it exists and not as I would desire it to be. I sincerely hope that more of the former service men than the present opponents of the adjusted compensation seem to believe will accept the inducements of the bill looking to vocational training, home buying aid, and farm settlement aid. All of the citizens with whom I have talked in my district have agreed that relief along these lines, though expensive, will be entirely justified by building up an educated citizenship and a conservative home-owning citizenship. If the bill becomes law I sincerely hope that it will encourage thousands and thousands of young men to settle upon farms, and many thousands more to buy homes, because home owning will encourage thrift and economy and will build up strong stalwart citizens. As these men have been the defenders of the country's life in time of war against foreign foes, so I hope and pray and believe they will be the defenders of the Nation's safety and sanity against enemies within who would seek to overthrow the established order of society. The American Legion is a tower of strength against Bolshevism and radicalism in all forms. The Nation must have the whole-hearted and vigorous thought and service of these 4,000,000 young men who endured the hardships of camp and field and transport and the harshness of discipline enforced too often by temporary tyrants, in order that the country's rights and the rights of humanity might be defended. These young men constitute about 30 per cent of the male voting strength of the Nation, and in a very few years, as the older men pass on, they will be in control of affairs in the Nation and the State, with the assistance of their wives and sisters who believe in them. These young men believe that justice and fairness require some adjustment and settlement for themselves as was made in the case of the railroads, the furnishers of war supplies and materials, and the war profiteers generally. I know thousands of these young men personally and I know that they are patriots and sound at heart, and I know that they themselves did not start this agitation about adjusted compensation, and I know that their first participation in the discussion was by reason of an invitation from many official representatives of the Government, and I know that action was deferred by the Congress in power when the war ended in order that the organizations of the service men might be perfected and that their official representatives might advise with the Government as to the wisest and best form for the adjusted compensation to take. Nearly one hundred different bills were introduced in Congress shortly after the war ended looking to some sort of relief and compensation for ex-service men. The bravery and daring of American soldiers brought the war to an early end and saved thousands of millions of dollars and thousands of precious lives. The boys at the front ask no special favors over those still in reserve, because they too were eager and anxious to fight for American honor and rights.

Mr. Speaker, only two courses are open to me. The one is to decline to vote at all, because personally and pecuniarily interested. The other is to renounce all possible benefits and then to cast my vote. The first would be the line of least resistance. But I will not choose that course. I will not seek to escape any responsibility. I therefore formally renounce any benefits or rights that may accrue if the bill should ever become law, and I will then be free to cast my vote without taint of personal interest, and in accordance with my promises during the campaign for election. [Applause.]

Mr. GARNER. Mr. Speaker, I now yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I voted for the soldiers' adjusted compensation measure when it was before the House on a previous occasion, but that bill was wholly different from the one now pending, which, in my opinion, is a sham and a fraud, especially as applied to those ex-service men who are out of employment and who have been led to expect that they are to be paid something in cash to relieve their immediate and pressing needs. The former bill passed the House but was defeated in the Senate, which was then, as now, controlled by a Republican majority. At that time there was an excess-profits tax on the larger corporations on the statute books which yielded annually $450,000,000. There was also a large graduated surtax on the great incomes of millionaires and multimillionaires which brought in something like $90,000,000 annually. These taxes had been imposed during the war by a Democratic Congress and approved by a Democratic President. Business was more prosperous then and taxes so collected were paid without particular hardship. They could have taken care of a cash bonus, and this would have been peculiarly proper, since they were at least in large measure levied on profits made possible by the war.

But since then, with the approval of a Republican President, a Republican Congress has repealed the excess-profits tax and largely reduced the surtax on the larger incomes. Likewise a commission has been authorized to settle our foreign debt, and it is generally understood that it is its purpose to forego the collection not only of the principal but also the interest on that debt for a number of years, and which otherwise could be used to adjust this compensation.

And now, after repealing the tax on the wealthy the Republican leaders of the House, knowing that the public revenues will not even meet the ordinary running expenses of the Government, propose by this bill to substitute for the cash provision of the former bill certificates of indebtedness, limiting their borrowing capacity to 50 per cent of their value and prescribing that only banks can make loans thereon. Under this bill the veteran who needs immediate cash, and who is, therefore, the most interested in the passage of an adjusted compensation measure, will only be able to borrow one-half of the amount of his certificate, and upon which he must pay a larger interest, and at the end of three years will be paid 30 per cent as a final payment. In other words, the World War veteran who must borrow money on his certificate to relieve present necessities will not realize more than 50 per cent of the face value of the certificate which is issued to him. There is also the question as to whether he will be able to borrow anything at all from the banks. To say the least, many will have some trouble in doing so, for we all know that State banks are finding it difficult now to meet the demands for loans to business men and farmers to carry on their business on account of lack of loaning capital, and I dare say there will also be some hesitancy in making these loans because of their inelasticity, the law providing that the certificates must be held for three years before the Government will refund the loan with accumulated interest. There is even a more serious doubt as to whether the national banks will loan on the certificates, for the Secretary of the Treasury and the Comptroller of the Currency have repeatedly declared that they will advise the national banks not to take the certificates as collateral for a loan.

This bill is, therefore, unfair to the World War veteran, and particularly to those who stand in need of immediate relief. To the soldier who entered the war at an early date and served his country overseas a certificate of $625 would be issued as the maximum amount. If he is in easy financial circumstances, and, therefore, in a position to hold his certificate for 20 years, he will finally collect the full amount, with 4½ per cent interest, compounded annually. But if he needs money and is compelled to borrow on it, then he would receive the amount borrowed plus 50 per cent of the amount with accumulated interest at the end of three years.

Again, the soldier who served throughout the war and served overseas is compelled to accept a certificate, whereas the soldier who for any reason entered the war just before its close, and his compensation therefore does not exceed $50, is paid in cash. This creates a distinction and a difference between the soldiers of the World War which I do not think is either fair or just. It is also unfair to the banks and their customers who are looking to the banks to finance them, for if adjusted compensation is a Government obligation, then the Government should take care of it and not pass on to the banks the necessity and responsibility of providing the cash to meet its obligation. Those who are pressing this bill are perfectly well aware of this, but they are hoping that it will either be defeated in the Senate or vetoed by the President, and that therefore its insufficiency and its insincerity will never be demonstrated by its actual operation.

There are other objectionable features of this bill to which I could refer, but I have not the time, nor will I trespass on your patience by doing so. I may do so later, if opportunity is given and the occasion justifies it.

But in advocating this measure they are fooling neither the soldier nor the taxpayer. The soldier is not going to be caught by any such political buncombe, which is an insult both to his intelligence and to his patriotism, for his political support is not to be gained or purchased by legislative benefits, whether real or fancied. I yield to no man in my gratitude for the sacrifices made by the World War veteran in behalf of his country or in admiration for his courage and the splendid service rendered by him. I have, both in committee and in the House, cheerfully voted every dollar that has been needed for the disabled soldier, and will continue to do so, but I would feel that I was false to that high sense of gratitude and admiration if I gave my support to the measure now pending, which, if it ever becomes a law, will surely prove a disappointment to the veteran in its failure to give him the benefits which have been promised.

For three years the Republican Party has been in control of both branches of Congress. During that time its representatives have fed the World War veteran on promises. You did so in the heyday of prosperity and you have done so in the present leaner days, when thousands of them are out of employment. Why did you not either make your promises good or have the courage to say that you are not going to do so on account of the present economic conditions? Why do you bring in a measure like this, which is neither fish nor fowl, under a suspension of the rules and thus deny opportunity to those who favor real relief to offer amendments? Why are you trying to sell the World War veteran a gold brick? If you propose to keep your promise and grant immediate relief to the thousands of World War veterans who are now out of employment, why do you not have the courage to bring in a bill providing such relief and make proper provision to supply the necessary funds? If you are unwilling to do that, why not have the courage to say so frankly, instead of proposing a bill which holds out the false promise of immediate relief to the veteran who needs relief, and which at the same time would have the taxpayer believe that his taxes will not be increased? Let me repeat, in proposing a hybrid measure like this you are fooling neither the veteran nor the taxpayer.

If the Republican members of the Ways and Means Committee had thought more of the country's obligation to the World War veterans and had been less concerned about protecting the pockets of the immensely wealthy they would have presented a bill which would have provided for a cash payment to the soldier. The Republican leaders know full well that if the Democrats were permitted to offer an amendment this would be proposed and that a majority of their own side would not dare vote against it. It is for this reason that they propose to pass this bill under a gag rule which deprives a Member of the right to offer an amendment, and which they have forced their following to adopt by the use of the party lash. For my part, I shall vote against the motion to suspend the rules and pass the bill without amendment. If it should be voted down there will be opportunity to amend the bill so that it will not reflect upon the good faith of Congress. If this is not the time to give relief, let Congress have the courage to say so, and not make itself ridiculous by trying to deceive the intelligent veteran and an enlightened citizenship. [Applause.]

Mr. CLARKE of New York. Mr. Speaker, I have voted and will continue to vote appropriations to the limit to care for the wounded and dependents of the Great War, and to assist in carrying on all helpful activities including hospitalization, vocational training, and so forth.

I have voted and will continue to vote appropriations for additional public improvements to give employment to the unemployed, preferably soldier boys.

I think this bonus legislation should be postponed until the President, who is friendly to a bonus, but not to this one, with his fuller information, advises us it can be paid without hampering industries and therefore increasing unemployment.

Mr. Speaker, only two courses are open to me. The one is to decline to vote at all, because personally and pecuniarily interested. The other is to renounce all possible benefits and then to cast my vote. The first would be the line of least resistance. But I will not choose that course. I will not seek to escape any responsibility. I therefore formally renounce any benefits or rights that may accrue if the bill should ever become law, and I will then be free to cast my vote without taint of personal interest, and in accordance with my promises during the campaign for election. [Applause.]

Mr. GARNER. Mr. Speaker, I now yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I voted for the soldiers' adjusted compensation measure when it was before the House on a previous occasion, but that bill was wholly different from the one now pending, which, in my opinion, is a sham and a fraud, especially as applied to those ex-service men who are out of employment and who have been led to expect that they are to be paid something in cash to relieve their immediate and pressing needs. The former bill passed the House but was defeated in the Senate, which was then, as now, controlled by a Republican majority. At that time there was an excess-profits tax on the larger corporations on the statute books which yielded annually $450,000,000. There was also a large graduated surtax on the great incomes of millionaires and multimillionaires which brought in something like $90,000,000 annually. These taxes had been imposed during the war by a Democratic Congress and approved by a Democratic President. Business was more prosperous then and taxes so collected were paid without particular hardship. They could have taken care of a cash bonus, and this would have been peculiarly proper, since they were at least in large measure levied on profits made possible by the war.

But since then, with the approval of a Republican President, a Republican Congress has repealed the excess-profits tax and largely reduced the surtax on the larger incomes. Likewise a commission has been authorized to settle our foreign debt, and it is generally understood that it is its purpose to forego the collection not only of the principal but also the interest on that debt for a number of years, and which otherwise could be used to adjust this compensation.

And now, after repealing the tax on the wealthy the Republican leaders of the House, knowing that the public revenues will not even meet the ordinary running expenses of the Government, propose by this bill to substitute for the cash provision of the former bill certificates of indebtedness, limiting their his compensation therefore does not exceed $50, is paid in cash. This creates a distinction and a difference between the soldiers of the World War which I do not think is either fair or just. It is also unfair to the banks and their customers who are looking to the banks to finance them, for if adjusted compensation is a Government obligation, then the Government should take care of it and not pass on to the banks the necessity and responsibility of providing the cash to meet its obligation. Those who are pressing this bill are perfectly well aware of this, but they are hoping that it will either be defeated in the Senate or vetoed by the President, and that therefore its insufficiency and its insincerity will never be demonstrated by its actual operation.

There are other objectionable features of this bill to which I could refer, but I have not the time, nor will I trespass on your patience by doing so. I may do so later, if opportunity is given and the occasion justifies it.

But in advocating this measure they are fooling neither the soldier nor the taxpayer. The soldier is not going to be caught by any such political buncombe, which is an insult both to his intelligence and to his patriotism, for his political support is not to be gained or purchased by legislative benefits, whether real or fancied. I yield to no man in my gratitude for the sacrifices made by the World War veteran in behalf of his country or in admiration for his courage and the splendid service rendered by him. I have, both in committee and in the House, cheerfully voted every dollar that has been needed for the disabled soldier, and will continue to do so, but I would feel that I was false to that high sense of gratitude and admiration if I gave my support to the measure now pending, which, if it ever becomes a law, will surely prove a disappointment to the veteran in its failure to give him the benefits which have been promised.

For three years the Republican Party has been in control of both branches of Congress. During that time its representatives have fed the World War veteran on promises. You did so in the heydey of prosperity and you have done so in the present leaner days, when thousands of them are out of employment. Why did you not either make your promises good or have the courage to say that you are not going to do so on account of the present economic conditions? Why do you bring in a measure like this, which is neither fish nor fowl, under a suspension of the rules and thus deny opportunity to those who favor real relief to offer amendments? Why are you trying to sell the World War veteran a gold brick? If you propose to keep your promise and grant immediate relief to the thousands of World War veterans who are now out of employment, why do you not have the courage to bring in a bill providing cash

Mr. GARNER. Mr. Speaker, I yield now to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, two years ago, just previous to the then pending congressional elections, this House passed a bill to pay to the ex-service man an adjusted compensation for the services rendered by him during the war. That bill ascertained the extent of the liability of the Government, provided for its payment in cash, provided for raising the necessary revenue, and placed the burden where governmental burdens properly belong. I voted for the bill, and I have no apologies to make for that vote. The bill died in the Republican Senate.

The principle on which that bill was based was that the compensation to the ex-service man during the war was arbitrarily fixed during a period when the prospect was that the resources of the Government would be taxed to their uttermost by a long-continued war. The amount of the soldier's pay was necessarily limited to the resources of the Government then under severe trial.

It was then recognized, and has ever since been conceded, that the compensation was not in any measure commensurate with the services and sacrifices required of the soldier, nor commensurate with the possibilities which were open to him had he not been taken into the service.

Two years have elapsed, and another congressional election is pending. The political exigencies of the moment call for a reopening of the question. The fact that the Republicans sponsored the bill two years ago just before the elections and then let it die in the Senate is proof that its passage was accomplished by the Republican majority for political purposes, and those of us who voted for the bill at that time in the hope of securing proper consideration for the claims of the ex-service man were as much deceived as the soldier.

The rights of the ex-service man to adjusted compensation are now reiterated, but the financial policy of the Government is changed. This Congress has reduced taxes, but the reduction has been confined mainly to the contribution of those whose income exceeds 300,000 a year and to corporations paying excess profits taxes. The political exigencies of the pending election therefore require two things: First, promises to the ex-service man, and second, assurances to individuals and corporations making enormous incomes.

The present bill comes very near to meeting these political requirements, and would be entirely satisfactory as a political expedient if the ex-service man would only be satisfied with promises and the rich taxpayer would be satisfied with present relief and entertain no dread of the to-morrow.

If the Government owes the ex-service man an adjusted compensation as an honest debtor, the Government should pay him. If the Government is unable to meet its obligations with available cash and is not disposed to increase present revenues, then the Government should issue its obligation in the usual governmental way of meeting loans. It is evident that the ex-soldier can not be paid in cash without an increase in taxation. The method suggested by President Harding, namely, a sales tax, is the most unjust and inequitable form of taxation ever contemplated by any Government. The tax is laid upon the rich and the poor, the fortunate and the unfortunate, alike, without regard to the financial capacity of the person on whom the burden is laid. The dealer making millions in sales and the dealer losing millions are taxed alike. The consumer is taxed without regard to his earnings or responsibilities. I am utterly opposed to a sales tax and will vote against it, no matter for what purpose it is levied. This House is determined not to meet the issue of relieving the multimillionaire of taxes by imposing taxes on the poor, the struggling and unfortunate, and the consumers generally. So in the bill now under consideration no provision is made for meeting the obligations admitted to be due. For some unexplained reason the present House is also unwilling to issue bonds which will have a commercial value and which would be to the soldier an equivalent of cash. In the financing of every governmental obligation heretofore it has always been considered a necessary requirement of sound finance to provide for the annual interest and a sinking fund to retire the obligations at maturity. This bill violates every one of these principles. Five years after the war began, nearly four years after the war ended, two years after this House acknowledged its indebtedness to the ex-service man, it now enters upon a settlement on the basis of a present indebtedness. It acknowledges the debt of a certain specific sum, but makes no provision for its payment.

The bill first ascertains the amount of the indebtedness; second, it multiplies it by three if held till maturity; third, it postpones payment for 20 years; and fourth, it makes no sort of provision for the payment of the indebtedness. It is true that a certain small amount may be borrowed by the ex-service man on the certificate of indebtedness from certain specified financial agencies at exorbitant rates of interest before October 1, 1925, provided such financial agencies are willing to lend the money, and also a small proportion of the indebtedness may be borrowed from the Government after that date. But outside of this narrow margin the ex-service man can not make present use of his certificate of indebtedness. He is dependent entirely even in securing this small present relief upon the banks and financial agencies mentioned in the bill. At the end of 20 years, if the present status exists, the Government will owe about $12,000,000,000 instead of owing the present estimated amount of $4,000,000,000.

It is fair to consider the situation of the Government at the end of 20 years as this bill will leave it if unchanged. The Government will owe $12,000,000,000, according to the estimates of the Treasury Department, and the soldier will hold an obligation of the Government without a dollar in the Treasury and without the slightest provision made for its payment. The ex-soldier will have a promise and the Government will be without means of meeting its assumed obligations. If the Government owes the ex-service man the money, it should pay him. If it desires to postpone the payment to a future day, it should meet the situation in the usual way. It is evident further legislation must be enacted to finance even the present liability, and before committing the country to any such evil as here proposed the people should know the scheme of finance contemplated.

I do not believe there is any serious contemplation of this bill becoming a law in its present form. It would be a wrong to the ex-service man and a wrong to the general public. A promise to pay without providing the means of payment may suit the political exigencies of a congressional election, but it will fool no one. The bill is being forced through this House without the slightest opportunity for amendment of any of its provisions, and no opportunity is given to any friends of the adjusted compensation to the ex-service man to make any alteration in any of its features or to modify its objectionable provisions. It is utterly inadequate as a measure for the relief of the ex-service man, and eventually must be burdensome unnecessarily to the taxpayers of this country. I therefore propose to vote against it. I will vote for no bill that does not give a square deal to the ex-service man and a square deal to all the people.

Mr. GARNER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, every Member of this House knows I have since the signing of the armistice in November, 1918, been an advocate of the United States Government settling an adjusted compensation on our soldiers and sailors who volunteered and those who were drafted into the service of their country to fight the Imperial German Government and the cohorts of the Kaiser.

Early in 1919 I reported a bill from the Military Committee to pay them $60 on being discharged from the Army. The soldiers and the naval service men received that amount on being honorably discharged from the service. We have endeavored to have the additional bonus paid them, but it has died in the Senate.

This bill, reported by the Republican committee of this House, does not meet the wishes of the ex-service men and does not suit me, but I am supporting it and voting for it as the best thing you will agree to in behalf of the World War veterans. I can not understand why the powerful influences in this country are endeavoring to prevent the soldiers from receiving this compensation, which is so justly due them.

The Government has right now a surplus gold reserve, on which currency could be issued to pay all of those who would want the cash in lieu of the other provisions of the bill. That could be done without any injury to values or the monetary system of the Government. Every kind of excuse has been given by the opponents of the veterans' bonus why no such legislation should be passed.

I have always believed the bonus should be paid out of war profits, excess profits, and out of the interest on our foreign loans. A Republican administration will not consider that plan.

We are indeed lucky to get any kind of bonus bill reported from your administration Ways and Means Committee. I hope every Democrat will vote for this measure, whether it suits his notion or not. Everything was promised to our heroes when they were being sent to war. They won the war, brought honor and glory to our flag. Who would begrudge them a reasonable bonus? Who would say our Nation is without gratitude?

Mr. GARNER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, at the very outset of my remarks I do not mind saying that I have had more trouble in making up my mind on how to vote upon this bill than any other bill which has confronted me since I have been a Member of Congress, not because I have not entertained serious objections to certain provisions of the bill from the very first time it was reported to Congress by the Ways and Means Committee, but because of the natural desire that I have, in common with most Members of the House, to be liberal minded toward legislation for the benefit of the ex-service men who bore the heat and burden of the war. Since war was declared in April, 1917, I have gladly supported all measures which have been adopted by the several sessions of Congress which have had for their purpose the advancement of the welfare of our soldiers and their dependents. The time allotted to me in this debate will not permit me to mention all of these bills in separate detail. I refer to them briefly as the war risk insurance act, the vocational rehabilitation act, the two Sweet bills amending and broadening these laws, and the bill passed in 1921 authorizing and directing the consolidation into one bureau the work of vocational training, of hospital treatment, and payment of compensation and insurance benefits. Occasionally the statement is made, evidently by those who are careless and unthoughted, that the United States has done nothing for its soldiers. That statement is a very bad mistake. The real facts are that the United States has and is doing more for its wounded and disabled soldiers than any other nation in the world. It is the discharge of a duty which we owe and which we must not for a moment neglect.

Some few days ago Col. C. R. Forbes, Director of the Veterans' Bureau, gave out a statement setting forth some very interesting and informing data of what has actually been done along this line.

FIGURES SHOWING EXPENDITURES FOR BENEFITS EXTENDED WOUNDED AND DISABLED EX-SERVICE MEN.

Mr. Forbes stated in substance the following: The Government just now is paying out $700 a year per man in cash and for the purchase of medical treatment and other benefits for disabled former service men and dependents of disabled former service men who are in need of assistance.

A total of 649,588 persons are on the rolls of the veterans bureau as beneficiaries.

This year the bureau will spend $438,122,400 to buy direct and indirect aid for former service men and their dependent relatives.

Next year the bureau plans to spend $455,232,702, according to the Budget estimate now before Congress. In all probability the expenditure will be more than that amount and will reach at least $500,000,000. Since its establishment—at first under the title of the War Risk Insurance Bureau—the Veteran's Bureau has paid out a total of $1,269,930,730.

How the money was disbursed is shown in the following table by Director Forbes: Vocational training, $212,724,533; insurance, $283,286,606; compensation benefits, $300,141,767; allowances, $282,049,110; marine and seamen's insurance, $35,084,378; medical and hospital service, $90,566,243; and administrative, $47,078,092.

The total is $1,259,930,730.

These figures are down to January 1, 1922.

There are now on the rolls of the Veterans' Bureau a total of 649,588 persons who are receiving cash or for whom money is paid out for service and other benefits on account of service during the Great War.

These persons are classified as follows: Receiving vocational training, 107,478; compensation, 361,113; insurance, 150,107; and hospital treatment, 30,890.

In addition to its other benefits, the Veterans' Bureau is operating for ex-service men an insurance bureau, with no administrative cost to those carrying insurance. Of course, the insured have to pay their actual mortality cost premiums. Insurance in force totals more than $3,500,000,000. Up to February 28 the bureau had disbursed more than $300,000,000 in insurance benefits.

These large amounts which are now annually expended for the payment of benefits to the disabled veterans will, of course, steadily increase as the years go by, until the amount will undoubtedly reach the total of at least $1,000,000,000 a year because America has always been generous to its veterans when they become disabled either from disease or the infirmities of age.

It has been liberal to the veterans of all wars in the past and it will likewise be liberal to the veterans of the recent World War. Concerning that fact there can be no possible room for doubt.

Yet in the face of these figures there are some who say the United States is "doing nothing for its soldiers."

FORDNEY ADJUSTED COMPENSATION BILL.

These things which I have just cited have been accomplished under laws for which I voted. Time has now brought us to this Fordney bill which we now have under consideration and which I can not support. I believe that the most enthusiastic friends of this bill are bound to admit that the Treasury of the United States does not now have in sight a single dollar with which to pay the numerous obligations that this bill will impose upon the Treasury, under existing taxation laws, and the bill itself provides no means whatever for raising the necessary funds. I take the position that any bill that is written upon that sort of basis violates the simplest and most elementary principles of sound public policy. [Applause.] If the Government of the United States is going to pay our ex-service men adjusted compensation there is but one right way, there is but one honest way, there is but one courageous way to do it, and that is to write into the bill the necessary legislation to pay it with. This should be done by either providing a bond issue carrying its own sinking fund provision or by levying new taxes with which to get the money. My own opinion is that if the House determines to pay adjusted compensation, it should be treated in the same manner as other war obligations and a bond issue should be provided, with provisions to create an adequate sinking fund to redeem these bonds at maturity. The Secretary of the Treasury has recently made an estimate based on present tax laws that there will be a deficit in the Treasury at the end of the fiscal year of 1923 of about $400,000,000. This Fordney bill provides neither for a bond issue nor additional taxation and is designed to create huge obligations against the Government, with no means provided with which to meet them. Therefore, because the bill does not meet the tests of sound public policy, I will vote against it. I feel that, regardless of political consequences, I must do my duty on this question. I stand here and vote to-day as the representative of approximately 270,000 people who live in my district. They have no other legislative voice in this Chamber except mine. When the roll is called, that voice must ring true. The only way it can ring true is for me to vote my convictions of what is the right thing to do. If the people I have the honor to represent in this legislative body had a way to read and study this bill, I would gladly abide by the will of the majority, and would vote their direction.

But I have no way of knowing what the will of that majority is, and, therefore, I must be guided by my own judgment and convictions.

These have not been lightly formed.

My decision has been reached after a most careful and exhaustive study of the bill.

For nearly eight years now—some of them strenuous years—I have served in the House, and at the end of each term I have been able to go back to my people and say: "Here is my record. It has been honestly and conscientiously made. Take it and do what you will with it. I will gladly abide the voice of the majority."

I will not have to adopt any different rule after to-day. I will still be able to look my constituents squarely in the face and say: "Here is my record. It has been honestly and conscientiously made. Take it and do what you will. I will be content." [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield such time as he may desire to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, neither my seat nor any other man's seat in this Congress is worth what this bill proposes to place upon us, and therefore I shall vote against it.

Mr. GREEN of Iowa. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. OLDFIELD. And I will yield two minutes.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. GALLIVAN. Mr. Speaker, this is the day which the Lord hath made. [Great applause.] Let us be glad and rejoice therein. Whether it be the Republican leaders of this House or the Democratic vigilantes, who have watched them closely and carefully and have probably forced their hands to give us this opportunity to vote for adjusted compensation for the soldiers, sailors, and marines, we are all most grateful in this hour. I repeat, it is not to the credit of the Republican Party that this bill is here to-day. Neither is it to the credit of the Democratic Party. Notice particularly how nonpartisan I am in what I am saying. It is to the discredit of both parties that this bill was not written into the law of the land months ago. [Applause.]

I heard the criticism a moment ago that the Democrats of the House, when in majority control, had the opportunity to pass legislation which would take care of the service men. Yes; that is true, but they have not had the many opportunities that have been presented to the Republicans of this House and of this Congress to pass a bonus bill. We passed such a bill in 1920. What happened to it? It was choked to death in a Republican Senate at the behest of a Republican President. Let us tell the truth. Do not let us try to fool the service men.

Mr. MONDELL. If the gentleman will yield. Has the gentleman forgotten that there was a Democratic President in the White House in 1920?

Mr. GALLIVAN. There was, and I do not refer to the Democratic President, who never went to the Senate against a bonus bill. I refer to what happened in 1921, when the present occupant of the White House appeared in the other chamber in opposition to legislation of this character. I might add that the Republican leader [Mr. MONDELL] forgets that I was not on such intimate terms at the White House during the last Democratic administration that I am supposed to remember off the reel when they went into office or when they went out of office. [Laughter and applause.]

My friend from Wyoming [Mr. MONDELL] and the House know that I refer to the visit of the present Chief Executive to the Senate. Almost on bended knees he appealed to the Republican Senate to refuse to pass a bonus bill, and I notice my friend from Wyoming [Mr. MONDELL] does not interrupt me in that statement. [Laughter.] He knows that I speak the truth. This is a day for plain speaking.

Mr. MONDELL. Will the gentleman yield?

Mr. GALLIVAN. If the gentleman will get me two more minutes I will yield for any question that he may want to ask. [Laughter.]

Mr. GREEN of Iowa. I yield the gentleman one additional minute.

Mr. GALLIVAN. I am afraid it will take me longer than that to answer my friend from Wyoming [Mr. MONDELL].

The SPEAKER. The time of the gentleman has expired.

Mr. GALLIVAN. The gentleman from Iowa [Mr. GREEN] yielded me a minute.

Mr. MONDELL. The President only asked us to postpone, and we are now prepared and ready to act.

Mr. GALLIVAN. And the same President wants another postponement. [Laughter and applause.] I would be unfair to the Chairman of the Ways and Means Committee [Mr. FORDNEY] if I did not take this opportunity to tell the friends of the service men in this House that he has always been 100 per cent back of them and in favor of adjusted compensation. [Applause.] He has never wavered the fraction of an inch from the position which he first took in support of this bill. He has never faltered.

The SPEAKER. The time of the gentleman has expired.

Mr. GALLIVAN. And in fairness to Chairman FORDNEY I want to pay to him this afternoon this tribute because he has helped with all his energy and honesty to bring this bill into this House, and the service men of the country ought not to forget him. [Applause.]

Personally, I do not believe that the bill is half as bad as it is painted. I think I have as close communion with the service men of the country as any man in this House, because I introduced in December, 1918, the first service compensation bill introduced into the Congress of the United States. [Applause.] I would like to see a better bill, but no World War veteran in my district has even hinted to me that he opposes this bill, and, therefore, I feel that much of the criticism against it has been far-fetched. We must vote for this bill, apparently, if we are to get any bonus legislation in this session, and, therefore, not having the opportunity to offer perfecting amendments, I propose to support the pending measure with a hearty "aye" when the roll is called. [Applause.]

Mr. Speaker, it will do no harm if I repeat here and now some words of my own used on another occasion but with reference to this proposed legislation. And I ask the attention of the House to the undeniable fact that—Congress has listened to many voices since November 11, 1918; it has preferred the siren to the soldier. It has wasted the Nation's wealth on dubious schemes disguised as charity, health, education, and the egregious things called uplift and welfare. The horseleech's daughter has sat at the door of the Treasury. Congress has given millions to the railroads for imaginary losses; it has paid the usury of the alien carrier, forgetting his vast indebtedness to us; and the fantastic claims of contractors and patriotic profiteers have cost us billions and never a voice of protest raised. We are spending millions throughout the land for posthumous honors to the dead in ceremonials, in monuments, in arches, and in temples, and yet we have to be driven to bind up the wounds and satisfy the hunger of the living who call to us. We are exhibiting the historical ingratitude of republics, forgetting in these days of peace and safety the promises made in the hours of panic and sacrifice, and repeating again the practices that called forth the reproach of the poet of the Revolution:

> When war is over and all things are righted,
> God is forgotten and the soldier slighted.

Look around, my friends, and witness, if you can, without blushing, the nations that were associated with us in the war and their treatment of the soldiers who served them in their hour of need. England and France remembered their promises; Australia and South Africa have not forgotten; our neighbor, Canada, has redeemed her pledges magnificently. No financial fears have kept them from the path of honor. They gave in peace as we gave in war—until it hurt—and the very voices that shrieked bankruptcy in our ears to keep us from the ways of honor and the fulfillment of our promises were the ones that gathered up our money to enable our associates to meet their pledges. They were willing to gather and give our money to the alien, and have denied it to our own soldier.

Lest we forget in these piping days of peace, let us go back in memory to those dreadful days of yesterday.

Whether they went as volunteer or conscript, our soldiers went with joy and enthusiasm to the service of the Republic; they sacrificed all they had—assured position and income, the promise of thriving business and lucrative profession; they went ungrudgingly beyond the seas at the call of duty to face dirt, danger, disease, and death; they put behind them home and all they loved and that made life worth living; they surrendered comfort and decency for filth and pestilence; and they faced the hazards and horrors of trench and trap uncomplainingly; indifferent to the pittance they were paid, sustained by their faith in their fellows and their confidence in the pledge of their Government that all would be well with them and their dependents in war and the peace beyond it.

At home in safety, far from the stealth of the submarine and the terror of the trench, remained the banker and the merchant, the contractor and the trader, the sponter and the chair warmer, the parasite and the profiteer, to cheer on the departing soldier, to swell the chorus of promises and pledges, to clutter up the streets of Washington and the pay rolls of the Nation and grow fat, insolent, and ungrateful on the grab and graft of greasy opportunity. In those days no promise was too glittering, no pledge too grandiloquent, to make to those who went out to do and dare and die. To-day none is too sacred to break and laugh at. The limping hero of the war has become the battered outcast of peace; and those who then dipped deepest in grab and greed shout loudest to-day of the "graft" of the hungry soldier.

Mr. Speaker, "bonus" is a Latin noun meaning "good." Most high and Latin school pupils will remember having been asked to "Decline bonus." If some men in this Congress continue their present tactics, it is more than possible that our soldiers and our sailors and our heroic marines may not even be asked to decline bonus.

Mr. GREEN of Iowa. Mr. Speaker, I yield such time as he may desire to the gentleman from Oklahoma [Mr. GENSMAN].

Mr. GENSMAN. Mr. Speaker, scarcely a Member of this House can pick up a paper from the remotest part of his district but what he sees somewhere in it a cartoon depicting Congress in the likeness of a man in some precarious situation, undecided as to which way to jump. There is going out to the country, daily, either in cartoons, patent print, or well-written editorials, the statement that the Congress is afraid to pass the bonus bill, and afraid not to pass it. Some have been so unkind as to say that politics enters into the question. The propaganda against the bonus is on every hand and I will admit that the arguments that can be made against the bonus are more numerous than I thought they were. It is emphasized that business will suffer in the event the bonus bill is passed. It is said that big business is most emphatically opposed to it and is using every means to defeat it. I notice in the press the statement purporting to have been made by the president of the National Association of Manufacturers to the effect that every Member of Congress who votes for the bonus will be defeated in the coming elections. That may be correct. I have the most profound respect for the opinion of so eminent an authority, and when a prediction is made by one who has given the matter the study that this gentleman undoubtedly has given it I am impressed with the prognostication. That statement, coupled with similar statements made by so-called big business, would indicate to my mind that those who vote for the bill that is under consideration in the House to-day will leave here after their vote as marked men, marked for slaughter at the polls in the coming elections. Whether that be the case or not makes little difference to me. I propose to vote for this bill if they hang a strip of my political hide on every barbed-wire fence in my district. If I am to be marked, I cheerfully, willingly, and gladly mark myself in "box-car" letters, "He voted for the bonus."

When this country was called to arms I watched thousands of soldiers at Camp Doniphan, Fort Sill, Okla., train in the

dust, dirt, and heat. As that great mass of men entrained for the seaboard I watched them and my heart went out to them. As the boys assembled from my county and started to the training camp I walked down to the train with them. As time went on, and the calls for further troops were made, my time to go rapidly approached. I had no excuse for not going, and made none, and my going was only delayed by age, and when the war ended I was within 11 days of being called. I mention these facts for the reason that I wish to impress upon you that I can vividly feel for and sympathize with and understand the attitude and feeling of the boy that went to the war. Now comes the dollar-a-year patriot, or one of those who found some position to fill that kept him out of the war, or who for other reasons stayed behind, making some excuse or other, profiting in war contracts, claiming exemption and dependents, or dodging the draft, and who at that time stood upon the sidewalks and watched the boys from rural districts, and those from the cities, villages, and towns, without political or family pull, march off to war, and who was then loud in his praise, slapping the boy on the back as he marched by, shouting "sick 'em Tige," but, under his breath, said, "God be with you, for I won't." And now, since the roar and smoke of battle has died away, since the sacrifice has been made, since the boy has returned, leaving, perhaps, a leg or arm on Flanders Field, this person is loud and vociferous, going about over the country like a garrulous old busybody, making the statement, "The debt can not be paid in money." Every one knows it can not be paid with money, but the payment of a compensation does not, in my estimation, detract from the patriotism of the recipient one iota; neither does it detract from him in any other way. I feel that the boys took a chance on their health and lives for me and mine when I needed it, and I gladly take a chance on losing a seat in Congress for them, and if the president of the National Association of Manufacturers is right in his forecast and I am one of those elected to stay at home, I'll have the satisfaction of knowing, in my own mind, that I did right in the matter.

Since the beginning of history soldiers have received pensions, bonuses, and compensation in various forms and in various amounts, depending upon the ability of their country to pay them. I am very much impressed with the idea or rule that we can only judge the future by the past, and with that in view I have taken the trouble to go back into ancient history for precedent. In one instance we find that Rugulus, the ancient Hun, received from Theodocius, the Roman, 350 pounds of gold, which was equivalent to 14,000 pounds sterling, which Rugulus divided as a bonus or compensation among his victorious warriors. It is further related that Attilla and Bleda, the two sons of Mundzuk, and the grandsons of Rugulus, returned from their conquests with the Romans, and immediately upon entering the walls of their city were showered with presents of gold, precious stones, live stock, and food by their admiring and grateful countrymen as a bonus or compensation. We find in the rehearsal by Moses of the story of the Children of Israel in the wilderness that these warlike people, at the behest of the Lord, slew the inhabitants of certain cities and took for a prey unto themselves their cattle and the spoils of the cities to be divided among the victors, and in the last days of Moses he incited them to war against the Midianites, and directed that the prey be divided between those "that took the war upon them; who went out to battle," and so forth. Numerous other instances could be cited from the Holy Bible in which it was directed that the soldiers be especially compensated for their daring and their valor. Now, let us turn to the history of England, the mother country. We find that within 100 years from the discovery of America by the renowned Columbus England passed her first pension law, during the reign of Queen Elizabeth. This was shortly after the defeat of the Spanish Armada. Sad to relate, these pensions were granted at a time when the victors had long since returned maimed and crippled, and had become a charge upon the people. Less than 20 years after the landing of John Smith at Jamestown, a soldiers' pension was proposed and passed by the colony of Virginia, and within a comparatively short distance from the exact spot where we are sitting to-day. This proposed measure only failed to become a law because of the refusal of the mother country to ratify the same. Within a comparatively short space of time several of the Colonies passed pension or compensation legislation. During the Revolutionary War various forms of legislation were passed for the relief of the soldiers of that war, and this legislation went so far as to provide for the widows of those who were slain, and as early as August 26, 1776, the Continental Congress passed the first soldiers' relief law in the United States. During those trying days, when economy in the affairs of the Nation was imperative, considerable criticism was directed at Congress for its delay. It was late in the spring of 1778 before a bill to grant adjusted compensation to officers and enlisted men of the Army received consideration, during all of which time it is pleasing to note that Gen. George Washington urged upon the Continental Congress the necessity of such legislation. The bill was eventually passed, not to the entire liking of the service man, but by compromise, which after all was probably as nearly adequate as could be expected, taking all the circumstances and financial conditions of the country into consideration. The bill as it was finally passed limited half-pay gratuity of the officers to a period of seven years after the close of the war, and a gratuity of one year's full pay to enlisted men and noncommissioned officers who served up until the close of that great struggle, which amounted to approximately $80, a large sum in those days. This law was later amended, as are all pension and compensation laws of this kind. Compensation laws in various forms were passed after every succeeding war. We are all more or less familiar with the laws passed after the War of 1812, the Mexican War in 1845, the Civil War, and the war with Spain. History teaches us that there is always more or less opposition to laws of this kind, but again allow me to call your attention to the fact that the father of this country, the illustrious Washington, when called upon to pass upon the advisability of a law of this kind, raised his voice in fearless advocacy at a time when the country was in dire financial straits, and heartily indorsed the enactment of a law granting to service men the first compensation or bonus ever granted to an American soldier, and I maintain that Gen. George Washington came nearer being right in his opinion on all great questions than any other statesman America has yet produced.

As is always the case after every great war, the depression that is now at the low point in the West and Middle West, especially in my State, is first noticed along the Atlantic seaboard. In 1919 and 1920 to the experienced eye could be seen the approaching financial storm. As it became obvious in the larger cities, a pall began to settle over the East. It was not so noticeable in the Middle West. I live in the Middle West, and we heard dire stories of the financial condition in the East, which we did not think would come to Oklahoma; but the wave moved westward, and for some time the people of the West have felt most acutely this depression. But, thank fortune, the wave is moving on and a change to better times is obvious. The wheat market is showing a very a healthy condition; corn, cotton, live stock, and nearly every product of the farming districts is gradually coming up, thanks to the emergency tariff, the War Finance Corporation, the farmers' future trading act, the packers' bill, and various other laws enacted by this Congress. The East is rapidly "snapping out" and the financial condition all over the country is taking on a healthier hue. I am indebted to Mr. Basil Manley, director of the legislative service, for the following information.

The character and amounts of profits can be seen from the headlines appearing in the Wall Street Journal during the past month. They are reproduced below:

Associated Dry Goods enjoys a banner year—Year ended December last, net profits, after charges and taxes, $10.24 on common, compared $4.11 in 1920. Surplus for year; totals, $938,979, against $168,733.

Baldwin's actual 1921 net was $27.53 a share—Standard Steel Works, 100 per cent owned, showed small deficit after dividends to parent company—Working capital increased $6,837,383 in past year.

American Ice Co. may declare stock dividend—Certain interests in board favor doubling the common and increasing cash rate to $8.

People's Gas Light 1921 report best in history—Balance sheet at the close of last year shows $2,874,000 working capital, replacing floating debt.

S. S. Kresge reports $20.25 a share on common—Net earnings in 1921, after taxes and contingencies, $3,402,033, against $2,753,506 in 1920—Cash account increased.

National Biscuit enjoyed large earnings in 1921—In its best year showed net after taxes and preferred dividend equal to $13.48 a share on common.

Gillette Safety Razor earns $28.03 before taxes—Net $7,018,564 compares with $6,803,407 in the year 1920—Chairman says financial position is strong.

Nash Motors earned $35.48 a share on common stock—Compares with earnings of $122.79 a share on common stock in preceding year.

G. W. Helme Co. earns $31.46 a share common—Previous year $27.06—Net earnings after Federal taxes $1,538,463 and surplus after dividends $698,463—Profit and loss surplus $3,728,178.

Endicott-Johnson earns $10.79 on common shares—Compares with $6.43 in 1920—Sales decrease to $38,892,348 from $74,870,103, but profits increase.

F. W. Woolworth reports $20.04 a share on common—Net profits for common $13,022,960, biggest in history and $4,000,000 over the 1920 figure—Cash increased $6,750,000 to $11,050,799—Inventories reduced over $2,000,000—Sales largest of any year—Profit and loss surplus $22,038,950—Preferred stock reduced by $2,000,000.

Electric Storage Battery makes new high since 1919—Wednesday sale at 145 a high point—Company operating at 70 per cent and management optimistic over outlook.

United Fruit earned $16.97 a share in 1921—This compares with $29.01 a share earned in the preceding 12 months' period.

Tobacco manufacturers had prosperous year—Earnings statements for 1921 expected to show increase in earnings over preceding 12 months—Funded debt reduced.

Corn Products Refining has a good outlook—Earned between $10 and $12 a share on the common last year after charges and taxes.

William Wrigley, Jr., Co.—William Wrigley, Jr., Co.'s annual report for year ended December 31, 1921, shows net profits after Federal taxes of $3,710,477 against $3,325,847 in 1920.

Virginia Iron, Coal & Coke—Declared a stock dividend of 50 per cent payable in 5 per cent cumulative preferred stock.

Mexican Eagle profits $40,490,000 last year—Return for year ended June 30, 1921, compares with $28,626,000 for the previous year; $15,000,000 transferred to reserves and $886,090 to surplus.

Southern Pipe Line shows $10.90 a share earned—Profits last year $1,086,986, compared with $1,315,191, or $15.15 a share, in 1920. Cash at end of year $577,753, against $361,984.

Alliance Realty shows $10.51 a share earned—Surplus after charges and taxes, $203,710; preceding year, net, $130,314, or $6.51 a share. Assets include $175,005 cash; surplus, $800,806.

General Cigar Co. reports net income of $1,768,356—Equivalent after preferred dividends to $8.06 on common, compared with $15.12 in preceding year.

Westinghouse improves its financial position—All bank loans wiped out first nine months and cash and securities are over $12,000,000. Earnings will show around $6,000,000.

Parke, Davis & Co.—Parke, Davis & Co. for year 1921 reports net profits of $2,873,336, equal to $6.06 a share (par value, $25) earned on the $11,841,985 outstanding stock, against $5.27 a share in 1920.

Brooklyn Edison shows $10.28 a share earned—Surplus after taxes, $1,780,583. Company to build a generating station to take care of increasing business.

Adams Express earnings over $8 a share in 1921—Progress in claim settlement and reduction of Government note. Surplus $383,097, against $2,126,792 deficit.

Worman-Burton reports $19.27 a share common—Net, after all charges, $4,843,261. Previous year net was $1,805,526, or $22.30 on a share. Surplus in 1921 was $869,330.

Mackay Co.'s year gave satisfactory results—Figures compare favorably with war years and exceed prewar results, President Mackay says at annual meeting.

Underwood Typewriter shows $10.14 a share on common—Maintenance of production of standard machines at 75 per cent capacity causes increase in inventory and note borrowing. Portables selling well.

Northern Pipe Line—Net after depreciation and taxes equal to $11.32 a share on the stock.

I will not burden you with further citations of this kind. Many more could be referred to. A large number of these financial institutions are known in a general way to the humblest citizen. It is evident that at least a large number of institutions in the East are not in the precarious condition financially they would have us believe they are. Those opposing the granting of the adjusted compensation at this time, like those opposing similar measures in the past, plead poverty as an excuse, but a casual observer of the acts of the present administration during the short time it has been in charge of affairs seen revealed the program of economy begun and adhered to whereby a saving of $800,000,000 to the taxpayers during this fiscal year has been accomplished. A further great reduction of future expenses has been accomplished by the conference lately had with the four leading powers of the world, by which during the naval holiday $10,000,000,000 will be lifted from the shoulders of the taxpayers, which was brought about without the sacrifice of national honor and without entering into entangling alliances with powers across the sea. The preceding administration advocated the maintaining of an Army of 500,000 men. The present administration made provision for 150,000 for the present year, and I feel sure that there will be a further reduction for the coming year, reducing the Army to in the neighborhood of 115,000 men. The bonded indebtedness of the country has been greatly reduced in the last 12 months; confidence has been restored to the extent that Liberty bonds are now selling for approximately par that a year ago were selling in the neighborhood of 85 cents on the dollar, this increase in the value of Liberty bonds alone representing an increase of wealth to the people of the country of $2,000,000,000.

I am anxious for the day to arrive when our Nation, like nearly every nation engaged in the war, acknowledges the heroic deeds of every one of those who left a loving mother, a devoted wife or sweetheart behind and went to the front in the defense of his country, there to meet in combat the greatest military machine of all ages and time, and who returned to his native soil victorious, as did his forefathers of all the great wars our country has engaged in. Through their valor and courage and by their typical Americanism they put new life into our allies. They won for posterity of the greatest nations of the world a losing fight. They received the thanks of a grateful Nation and the blessings of a bleeding world.

I was for them when they tramped away; I was for them when they returned as conquering heroes; and, in the language of the typical Oklahoman, I am for them first, last, and all the time, and for my part my vote shall be cast to compensate them, not by empty words of praise but by something more substantial. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, if both parties and if our country were ever committed to a policy, it is the policy that is being presented to-day by this measure. The Republican Party says that it will fulfill every obligation to the ex-service men, and the two last provisions in this very bill are copied literally out of the platform of the Democratic Party.

We are the richest country in the world, why should we hesitate with this obligation staring us in the face?

We talk about frozen assets. I want to say that there is no frozen asset with the name of our Government written on it. [Applause.]

If there is anyone who thinks the World War veterans ought not to receive any bonus, the question to him is easy of solution.

We pay $240 bonus per annum to our Federal employees.

Every one of our European allies, excepting Russia, paid a bonus to their enlisted soldiers, from $64 by Italy to $492 by Belgium, while Canada paid $631. The following is a compensation table taken from the CONGRESSIONAL RECORD of February 21, 1922, page 3203, as compiled by the gentleman from Wisconsin [Mr. FREAR]:

COMPARISON OF BONUSES AND ABILITY TO PAY.

From the foregoing it will be noted maximum payments made to enlisted men by the several Governments were—

Canada	$631
France	249
Italy	64
Belgium	492
England	100
United States	60

In this connection it is further noted that the estimated wealth of the United States of more than $250,000,000,000 is subject to a debt of $24,000,000,000, or less than 10 per cent. Of this debt a credit exists in favor of the United States from foreign Governments of $11,000,000,000, of which last amount the Secretary of the Treasury estimates 80 per cent, or approximately $8,000,000,000, will be paid, leaving a net national debt of about $16,000,000,000, or about 7 per cent of the national wealth

On the 20th day of May, 1920, nearly two years ago, we passed an adjusted compensation bill through the House by 289 yeas to 92 nays, with 46 not voting. The measure has not been acted upon in the Senate, but the vote had in the House shows a clear majority of 3 to 1 in favor of this legislation. The Ways and Means Committee, after extensive hearings, reported this bill out by more than 3 to 1. The Republican National platform states that—

We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill in appreciation of the services rendered by its defenders on sea and on land.

While the last Democratic national platform clearly covers and pledges the Democratic Party to soldier settlement and home aid. The last two provisions of the bill are as follows:

We believe that no higher or more valued privilege can be afforded to an American citizen than to become a freeholder in the soil of the United States, and to that end we pledge our party to the enactment of soldier settlement and home-aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine Government assistance unencumbered by needless difficulties of red tape or advance financial investment.

The principal objection being that we ought to defer this payment; that payment now would injure business; and that the condition of the Treasury of the United States and of the banks does not warrant such payment at this time, I herewith submit a statement published in the Washington Post on the 3d day of March, 1922, purporting to have been sent out by the Federal Reserve Board and showing the condition of the 12 Federal reserve banks during the previous week:

ALL SET FOR INDUSTRIAL REVIVAL.

Financially, the stage is set for an industrial revival. The current statement of the Federal Reserve Board discloses the following heartening situation:

Within a week the 12 Federal reserve banks have increased their gold holdings by nearly $50,000,000. During the same period they have reduced the amount of their loans by more than $70,000,000. The total of those loans stands to-day, according to the report, at $732,000,000. A year ago the total was $2,015,000,000. That is deflation with a vengeance.

In the face of this remarkable showing, the chief national banks of the country—807 in number—put an additional $67,000,000 to work in developing business enterprises within the week. Further, the business men of the country added $101,000,000 during the same period to their accounts with these same institutions. At the present time these banks have $11,348,000,000 in deposits subject to check. This is $350,000,000 more than the total six months ago.

The Federal reserve system alone at this time, according to the board's report, could safely extend more than $15,000,000,000 in additional credit.

The last report of the Comptroller of the Currency shows that there were in the country on June 30, 1921, 8,000 national

banks and 23,000 State, savings, trust companies, and private banks, with credit deposits of $48,000,000,000. It would seem that these financial institutions would be able to furnish the amount necessary to take care of this expenditure, variously estimated at $600,000,000, the first year, if it reaches this cost. The following is taken from the report:

BANKING POWER OF THE UNITED STATES.

The banking power of the United States on June 30, 1921, represented by the combined paid-in capital, surplus, and profits, deposits, and circulation of all reporting banks, including National and State, nonreporting private banks (estimated), and the 12 Federal reserve banks, was $48,210,900,000. Comparison of this amount with the banking power for June 30, 1914, aggregating $24,840,100,000, discloses an increase in this 7-year period of $23,879,800,000, or 98.11 per cent.

Banking power of the United States, June 30, 1921.

[Money columns in millions.]

	Number of banks.	Capital paid in.	Surplus and profits.	Deposits.[1]	National bank circulation, Federal reserve notes, and Federal reserve bank notes.	Total, June, 1921.	Total, June, 1920.	Decrease over 1920.
National banks	8,154	$1,273.8	$1,522.4	$12,091.3	$704.1	$16,491.6	$17,786.9	$1,295.3
Reporting State banks, savings banks, trust companies, and private banks	22,658	1,630.0	1,930.3	22,858.0	.....	26,418.3	27,026.3	608.0
Nonreporting private banks (estimated)	443	7.1	5.2	84.2	.....	196.5	296.1	99.6
Total	31,258	2,910.9	3,461.6	35,033.5	704.1	43,010.1	44,992.3	1,982.2
Federal reserve banks	[2] 12	102.1	242.9	2,098.0	2,766.8	5,209.8	5,989.6	779.8
Grand total	31,270	3,013.0	3,704.5	38,031.5	3,470.9	48,219.9	50,981.9	2,762.0

[1] Includes dividends unpaid, postal savings, and United States deposits, certified checks and cashiers' checks outstanding, but not amounts due to other banks, except deposits of Federal reserve banks, which are reported gross.

[2] June 29.

NOTE.—Information for nonreporting private banks has been estimated by using as a basis for the calculation statements of reporting private banks. Only such institutions as are performing the functions of a bank are included in the total number of private banks. Concerns whose business is confined to the selling of investments are not included in the list of private bankers.

It would seem from this statement that it would not be a great drain or strain upon the Federal reserve banks to supply all the money necessary to pay this compensation in cash, if need be. The Federal reserve bank is our great national banking institution. The boys fought for the Nation, and if Germany had won there is no question but what this bank would have come into her possession. And further, I am one of those who has a fixed and settled opinion that the victory was assured by our going into the war.

The bill provides five options, any one of which may be taken by the soldier:

1. To receive "adjusted service pay."
2. To receive an "adjusted service certificate."
3. To receive "vocational training."
4. To receive "farm or home aid."
5. To receive "land-settlement aid."

And in explanation of these options I insert from the report of the committee the principal provisions of the bill:

THE BILL (H. R. 10674).

The bill herein recommended by your committee proposes to permit the veteran to elect to receive the benefits of any one of the five following plans of compensation:

(1) Adjusted service pay, where the amount of credit is $50 or less, as provided in Title IV.
(2) Adjusted service certificate (Title V).
(3) Vocational training aid (Title VI).
(4) Farm or home aid (Title VII).
(5) Land settlement aid (Title VIII).

A "veteran" is described as any individual who was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include any individual dishonorably discharged therefrom, any conscientious objector, or any alien discharged from such forces on account of his alienage.

A brief description of the various provisions of the bill follows:

TITLE II. ADJUSTED SERVICE CREDIT.

The plan is predicated on an "adjusted service credit," which shall be computed by allowing the following sum for each day of service in excess of 60 days in the military and naval forces of the United States after April 5, 1917, and before July 1, 1919; $1.25 for each day of overseas service and $1 for each day of home service, but the total amount of the credit for overseas service shall not exceed $625 and for home service shall not exceed $500.

An officer holding a permanent or provisional commission or acting warrant is excluded from the benefits of the bill during the period of service under such commission or warrant, and all other officers above the grade of captain in the Army or Marine Corps and lieutenant in the Navy are likewise excluded. Other exclusions apply to commission or warrant officers performing home service not with troops and receiving commutation of quarters or of subsistence for the period of such service, individuals granted farm or industrial furloughs, civilian employees, and certain others receiving civilian pay or not subjected to hazard. The committee has endeavored to extend the benefits of the bill to the classes most deserving.

TITLE III. GENERAL PROVISIONS.

This title sets forth the five optional plans, any one of which a veteran may elect to receive.

Application for any of the plans enumerated must be made on or before July 1, 1923, to the Secretary of War, if the veteran's last service was with the military forces, or to the Secretary of the Navy, if the veteran's last service was with the naval forces.

The application must be made personally by the veteran, unless physically or mentally incapacitated, in which instances it may be made by his representative under regulations prescribed jointly by the Secretary of War and the Secretary of the Navy.

This title exempts from taxation and attachment any sum payable under the provisions of the act. It likewise makes it unlawful to attempt to charge or collect fees for assisting a veteran in obtaining any of the benefits under the act.

TITLE V. ADJUSTED SERVICE CERTIFICATE.

This title provides for the issuing by the Secretary of the Treasury of an adjusted service certificate to veterans choosing this option, which certificate will have a face value equal to the sum of his adjusted service credit increased by 25 per cent plus interest thereon for 20 years at the rate of 4¼ per cent per annum, compounded annually (such value being approximately equal to 3.015 times the adjusted service credit of the veteran). The certificate shall be dated October 1, 1922, and shall be payable to the veteran September 30, 1942, or in the event of his death to the beneficiary named. * * *

The certificate will have an immediate loan basis equivalent to the amount of the adjusted service credit of the veteran plus interest thereon from October 1, 1922, to the time the loan is made, at the rate of 4¼ per cent per annum, compounded annually.

BANK LOANS.

Until September 30, 1925, a veteran may borrow from any national bank, or State bank, or trust company, a loan not to exceed 50 per cent of the loan basis of the certificate, such loan to be secured by the adjusted service certificate of the veteran on his promissory note. The bank may charge interest upon the loan, which shall mature on or before September 30, 1925, at a rate not to exceed by more than 2 per cent per annum, the rate charged at the date of the loan for the discount of 90-day commercial paper by the Federal reserve bank for the district in which the bank is located.

If the veteran fails to pay the principal and interest of the loan within six months after its maturity the bank shall present the certificate and note to the Secretary of the Treasury not earlier than May 30, or later than October 15, 1925, and the Secretary is authorized to cancel the note and certificate and pay the bank the amount of unpaid principal and interest accrued at the rate fixed in the note. The difference between 80 per cent of the loan basis of the certificate at the time it is received by the Secretary and the amount paid to the bank shall be paid to the veteran. If the veteran is deceased the amount is to be paid to his beneficiary or his estate.

In the event of the death of the veteran before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued to the date of his death shall be immediately due and payable. In such case or in the event the veteran dies within six months after the loan matures, the certificate and note shall be presented to the Secretary by the bank and the Secretary shall cancel the note and pay the bank's claim. The Secretary shall then deduct the amount of the claim from the face value of the certificate and pay the remainder to the veteran's beneficiary or his estate.

When any loan becomes in default the bank shall notify the Secretary of the Treasury within 30 days, stating all the facts in the case. The Secretary of the Treasury can not pay any note presented by a bank unless the note is accompanied by an affidavit made by an officer of the bank, stating that the bank has not charged or attempted to collect any fee or compensation in respect to making the loan. A penalty of $100 to be recovered in a civil suit brought by the veteran is provided where a bank or any of its officers attempt to charge or collect fees.

* * * * * * *

If a veteran's certificate is forfeited by default when he has borrowed an amount less than the maximum authorized, the Secretary of the Treasury shall pay to the veteran 80 per cent of the difference between what he has borrowed and the maximum which he was authorized

to borrow. No certificate issued under the provisions of this title shall be negotiable or assignable or serve as security for a loan except in the manner provided. Should the veteran die after making application for the adjusted service certificate, and before October 1, 1922, the amount of the adjusted service credit of the veteran shall be paid to his estate.

There is presented herewith a comparative table of the benefits to be derived under the provisions of this title with the loan values:

Loan value of certificates.

HOME SERVICE.

Days' service.	Adjusted service pay.	Face of certificate, maturity value.	Loan value of certificates. Beginning of first year.	Beginning of second year.	Beginning of third year.	Begin. ning of fifth year.	Beginning of tenth year.	Beginning of fifteenth year.
100	$100.00	$101.46	$60.00	$62.25	$64.60	$101.36	$130.08	$162.05
200	200.00	602.93	100.00	104.50	108.20	202.73	260.67	324.09
300	300.00	904.39	130.00	136.75	163.80	304.09	390.10	486.14
400	400.00	1,205.86	200.00	209.00	216.41	405.46	520.13	648.18
500	500.00	1,507.32	250.00	261.25	273.01	506.82	650.16	810.23

OVERSEAS SERVICE.

Days' service.	Adjusted service pay.	Face of certificate, maturity value.	Loan value of certificates. Beginning of first year.	Beginning of second year.	Beginning of third year.	Begin. ning of fifth year.	Beginning of tenth year.	Beginning of fifteenth year.
100	$125.00	$376.83	$62.50	$65.31	$66.25	$126.70	$162.54	$202.55
200	250.00	753.66	125.00	130.63	136.50	253.41	325.08	405.11
300	375.00	1,130.49	187.50	195.94	204.75	380.11	487.62	607.67
400	500.00	1,507.32	250.00	261.25	273.01	506.81	650.16	810.23
500	625.00	1,884.15	312.50	326.56	341.26	633.52	812.71	1,012.78

TITLE VI. VOCATIONAL TRAINING AID.

This title provides that the Director of the United States Veterans' Bureau shall pay to the veterans choosing this option the sum of $1.75 for each day of his attendance on and after January 1, 1922, on a course of vocational training previously approved by the director as suitable for such veteran, but the total payment to the veteran is not to exceed 140 per cent of the amount of his adjusted service credit. The veteran must furnish proof of his regular attendance upon the course chosen, but for each day of unjustifiable absence will forfeit the sum payable for that day, and receive no reimbursement for it in any other form.

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TITLE VII. FARM OR HOME AID.

This aids benefits the veteran who desires to purchase a city or suburban home or a farm, not within the limits of the land projects provided for in Title VIII, or to make improvements upon such home or farm. For such purposes there may be paid to the veteran in one payment, or in installments, an amount equal to his adjusted service credit, increased by 25 per cent. Such payment may be made directly to the veteran or to the vendor or person to whom the payment is due from the veteran, under certain safeguards, by the national veterans' settlement board created by Title VIII.

No payments can be made under the provisions of this title until July 1, 1922, that being as early as it was thought examination could be made of the applications under this provision and the property to be purchased with the funds obtained.

TITLE VIII. LAND SETTLEMENT.

Under this title provision is made for homes for veterans upon land reclaimed by irrigation, drainage, or other means. Only the amount of adjusted service credit is deducted from the purchase price of the land selected.

After such deduction has been made, the balance may be paid in full at time of entry, or by amortization payments for a period not exceeding 25 years. The installments, however, are to be so arranged that the veteran will not be required to pay any installment until two years after making the contract for the purchase of the land.

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Estimate of the veterans eligible to receive the benefits provided under H. R. 10977, including days served and average number of days for which adjusted service credit would be given.

	Army.	Navy.	Marine Corps.
Service period (days), Apr. 6, 1917–June 30, 1919	836	836	836
Average number of days of service	269	420	449
Average number of days for which pay would be due	339	410	360
Total number of man days	1,443,630,000	269,062,184	52,479,224
Total number of man days in American Expeditionary Force	641,360,000		13,231,360
Total number of man days afloat		142,484,185	
Ratio of man days in American Expeditionary Force	0.4295	0.55	0.266
Total who served	4,650,000	551,738	88,101
Excluded classes	717,500	107,228	7,410
Number of men entitled to adjusted service pay	3,933,000	444,508	80,891
Total eligibles	4,458,199		

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 5½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing). Deaths.	Maturity.	Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land settlement aid (7½ per cent).	Total.
1922	$16,000,000	$26,604,000		$31,675,000			$74,279,000
1924		26,440,000		20,000,000	$72,000,000	$6,000,000	124,440,000
1925		26,720,000		650,000	64,000,000	30,000,000	121,370,000
1926		26,825,000			50,000,000	60,000,000	136,825,000
1927		26,996,000				15,000,000	42,996,000
1928		27,046,000					27,046,000
1929		27,233,000					27,233,000
1930		27,415,000					27,415,000
1931		27,674,000					27,674,000
1932		27,932,000					27,932,000
1933		28,235,000					28,235,000
1934		28,690,000					28,690,000
1935		29,094,000					29,094,000
1936		29,448,000					29,448,000
1937		30,003,000					30,003,000
1938		30,505,000					30,505,000
1939		31,333,000					31,333,000
1940		32,144,000					32,144,000
1941		33,105,000					33,105,000
1942		34,251,000					34,251,000
1943			$3,154,923,350				
Total	16,000,000	577,571,000	3,154,923,350	52,325,000	186,000,000	112,000,000	4,098,719,350

Personally I think we should fund our foreign debt, whether we use any of it for the payment of the adjusted compensation or not.

Personally, also, I think we should indorse some of the foreign bonds and put them on the market and use the money to pay this bonus. By this means it would extend the time until we could get back to settled conditions. By this means we could avoid the levy of additional taxes to raise the money. By this means, if we used a part of this foreign debt to pay the bonus, we would stop the talk and propaganda about cancellation of our foreign war debt, about which we read and hear so much.

If we used a part of our foreign debt it would not injure any man, firm, or corporation, but benefit everyone by an adjustment both of the foreign debt and of the bonus.

There can not be the semblance of a doubt about our ability to pay this bonus. I think this is conceded by everyone. We are the richest nation on the globe. Our national wealth equals that of all our European allies put together save Russia. And they all paid their veterans adjusted compensation.

Country.	Debt of nation.	Estimated wealth.	Per cent of debt.
United States	$25,000,000,000	$300,000,000,000	8
Canada	2,345,000,000	10,000,000,000	23
Belgium	4,670,000,000	12,000,000,000	39
France	50,980,000,000	92,500,000,000	55
England	37,910,000,000	120,000,000,000	31
Italy	18,650,000,000	35,500,000,000	52

The United States debt is generally estimated at only 8 per cent of its wealth.

But our greatest ability, greater than that of any nation, is in the inventive genius, efficiency, and energy of our people to

increase wealth. The annual income from our manufacturing and agriculture is estimated at $40,000,000,000. Eventually we will have this bonus to pay. Why not now? I believe in time most of our foreign debt will be paid. No country ever repudiated its national debt and survived. Most of our allies received large stretches of domain and reparations. We received practically nothing. While we received nothing ourselves, those of our allies that received large holdings can justly afford to and ought to pay. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I regret that the provisions of the bill now before the House compel me to reverse my former vote on the bonus measure. This reversal of my former position is the result, first, of what appears to be, in my judgment, a rapidly growing opposition to the cash and certificate provisions of a bonus measure on the part of the people of the country. A few days ago I wrote approximately 400 constituents in the fourth Nebraska district, asking each if they were in favor of the payment of a cash bonus to able-bodied ex-service men at this time. Up to the present I have received 92 returns, of whom 80 are opposed to the cash provisions of the present bill and 12 of whom are in favor of it. These letters have come from men engaged in various occupations, a number of whom are ex-service men.

I wish it were possible by the rule under which the bill is being considered to publish a number of these letters in the RECORD, as they contain much food for thought in connection with the consideration of this subject. One gentleman in the district who is decidedly against a cash bonus at the present time says that the various schemes proposed in the present bill tending to shift the burden of payment is proof that Congress knows the country is not in position to raise the money for a cash bonus at this time, but that the future will pay dearly for it. He says, "I have four sons, all volunteers in the late war, and all of them are against the bonus. What the country needs is a return to normal business conditions, so that the ex-service men can get employment instead of a bonus."

One of the sons of this man writes the following statesmanlike words:

> The bedrock of principle upon which the bonus ought to have been opposed is plain enough if one but faces the question squarely. The sacrifice which a citizen makes in simply taking the share fairly and squarely allotted to him in fighting his country's enemies it is his plain duty to endure without looking for any special material reward. Where the sacrifice goes beyond that which is entailed in the mere fact of military service, where a man suffers physical disability, impairment, or mutilation, it is right that the Government should endeavor to make up to him in material support a loss which such support, however generous, can never repair. But if the mere fact of service be regarded as a basis for a similar claim, what limit can be assigned to the demand? The country must stand on the principle that the soldier did only his duty in serving—that the Nation was entitled to his service at the rate of pay fixed by law—or else surrender itself to indefinite exploitation, carried on by what is in essence political duress. The note that should have been struck is that which was sounded with such unwavering courage by Grover Cleveland. Perhaps it is not yet too late.

My second reason for opposition to the present bill lies in the fact that the bill itself makes no provision by way of a tax levy for the financial outlay it entails. In the statement of the history of bonus legislation in the majority report we find this expression: "On May 20, 1920, H. R. 14157 was introduced containing the so-called fivefold plan of adjusted-service pay, adjusted-service certificate, vocational-training aid, farm and home aid, and land-settlement aid. It also carried provisions for raising revenue sufficient to meet the expenditures under the bill." That is the bonus bill I supported. The bill now before us carries no provisions for raising revenue for the payment of the bonus. If a cash bonus must be paid, then I contend that the only proper thing, the only courageous thing for this Congress to do is to arrange now for its payment. The certificate plan of the present bill will mean in the end the expenditure in the way of final redemption of the certificates, interest compounded and millions of dollars of overhead expenses to four or five times the amount that would be necessary now to pay a cash bonus and have it over with. I do not believe the country, even the ex-service men themselves want this great additional burden passed on to their children and children's children.

If we had the privilege of amending the bill so as to include an adequate paid-up insurance option, and to eliminate titles four and five, I would be glad to give the same my hearty support, or if even the present bill made any provision for raising the money necessary to take care of the expenditures it will incur I would be inclined to support it, even though I tremble at what my colleagues may consider the necessity of placing this great additional burden upon the country at this critical time.

The majority report emphasizes the fact that France, Italy, England, and Canada have paid some sort of adjusted compensation to their ex-service men, but the report does not call attention to the fact that American soldiers were better paid at the time of their service than any other soldiers in the world, and it does not emphasize the fact that all of the countries named, with the exception of Canada, after having paid a bonus to the veterans of the war are inboring under such a staggering debt and such adverse economic conditions that it is a serious question as to whether or not they will prove their solvency.

All of the replies to the questionnaire which I mailed out giving expression against a cash bonus at this time hasten to assure Congress that the people are anxious and glad to do everything within their power to provide for the disabled soldiers of the late war and their dependents, and it is a well-known fact that Congress has endeavored in a heroic manner to make provision for all disabled veterans. It is no doubt true that there are cases here and there where justice has not been done, but such cases are due to oversights or delays in the administrative branches of the Government and are in no sense due to lack of Congress to make ample provisions for their support. Two of the men answering my questionnaire give as their reasons for favoring a cash bonus at this time the fact that they desire to have all of the obligations incurred in connection with the late war paid off now, once and for all time, instead of allowing the matter to drag along and finally be taken care of in the way of pensions, as has been the case with the veterans of other wars, but these constituents overlook the fact that, no matter what provision is now made in the way of a bonus, multiplied thousands of the veterans of the late war will be on the pension roll of the country for a half century or more to come, and the more time elapses the greater the proportionate pension budget. If anyone believes by supporting the present measure that he is in any sense avoiding the necessity for continuing the pension policy of the Nation, he is greatly misguided.

Another one of these expressing himself in favor of a cash bonus qualifies his statement by saying that the money should be raised from the large financial interests of the country and that no portion of the tax burden should fall on the country in general. In other words, he favors a bonus, providing he is not under the necessity of paying any part of it himself; so that when these exceptions are taken into account the answers to my questionnaire are practically unanimous in opposition to the payment of a cash bonus at this time.

It is an easy matter for the soap-box orator and the demagogue to keep on ranting about making the profiteers pay the cost of the war and provide the bonus, but who is in position to put his hand on the individual profiteer and extract from him the money required. After all the bickering and passing the buck is ended, the fact remains that the people of the entire country must pay proportionately for the expenses of the war and make adequate provision for its disabled soldiers. Any added burden in the way of taxation that will cripple the development and extension of business throughout the country is not only an injustice to the ex-service men who may be out of employment, but an injustice to all of the people. The moment the factories of the Nation are operated at full capacity and the business concerns of the Nation are doing a normal proportionate business and the farmers of the Nation are receiving the cost of production plus a reasonable profit, all the unemployed men, including ex-service men, will be busily engaged at an adequate wage, which happy condition will mean far more to the ex-service men than any cash bonus that might be provided.

Notwithstanding the fact that I regard any additional tax burdens at this time as a great handicap to the Republic, as I have previously stated, if the Ways and Means Committee had provided in this bill for the raising of funds to meet the expenditures the bill requires, I would be inclined to support the bill, as I did the previous measure. At the same time, from the very beginning of the bonus talk, which originated on the floor of this House and spread to the remotest corners of the country, I have felt that it is in a sense an insult to the noble soldiery of the late war to offer them a financial consideration for the performance of a patriotic duty.

No amount of material wealth can in any way compensate a man for patriotic service in time of war, and if we are going to launch forth on a policy at this time in the history of our country to which every citizen owes in time of trouble or distress his last drop of blood, and to which he owes loyalty and obedience and thrifty service in time of peace, where, may I ask, will such a policy end and when will we reach the time that no longer will any citizen of our beloved Republic say, as

did one great hero, "I only regret that I have but one life to give in defense of my country."

If we are going to attempt to compensate the men who stood between the Nation and its enemies in a monetary way, why stop at $50 or $500 or $1,000? The wealth of the entire world could not compensate one man for patriotic service rendered to his country in time of distress, and if we attempt to launch forth on this false policy at this critical time is there not danger that we will create such a false impression in the minds of the coming generation that instead of men hereafter rushing to the defense of their country as a patriotic duty the Nation will be obliged to resort to a hired soldiery, which is proven in history to be one of the last steps in a decadent nation before it sinks into oblivion.

I am in favor of the land-settlement provisions of the bill; I am in favor of provisions which will enable ex-service men to acquire homes; in favor of special beneficial insurance provisions—in fact, I am in favor of any provision that is sane and constructive and which will ultimately add to the wealth and power of the Nation and to the comfort of its citizens.

I regret that this bill could not have been brought in in such a manner as to permit its perfection on the floor of the House. The conscientious opposition that I am constrained to exert to titles 4 and 5 of the bill not only embarrass me but grieve me. In answering correspondence during the past few months from officers of certain legion posts I have assured them that I supported the previous bonus bill and expected to support the one that was forthcoming, but at that time the Ways and Means Committee was contemplating the laying of adequate taxes to raise revenue to meet the provisions of the bill. Had they continued along that line I would have supported the present measure, but having made no provision for the raising of such funds and having left the entire question of revenue to meet the requirements of the measure for future consideration, the bill appears to me as being in the nature of a sight-unseen proposition—a pig in a poke or a game of blindman's buff. Should the bill become law in its present form and the ex-service men who elect the certificate option find themselves under the necessity of going to local banks and surrendering their certificates for a loan of half of the value thereof and in the end being compelled to accept 80 per cent of the face value I am confident that the ex-service men themselves will largely agree that the measure was a makeshift, that it rendered them no adequate benefit, and that they will find themselves and their posterity struggling under a great load of debt which will prove a burden and a menace to the entire Nation.

Mr. Speaker, it is a well-known fact that the gross waste and extravagance of the former administration in paying unheard of high wages to the men who worked in the shipyards, lumber camps, and in the munition factories and construction camps was the thing which first led ex-service men to believe that they should receive a bonus in addition to the amount paid them during the war.

The insane and reckless conduct of the former Secretary of the Treasury and Director General of Railroads, Mr. McAdoo, in paying these excessive and uncalled for wages in an effort to build up a political machine that would perpetuate the Democrats in power was one of the biggest mistakes economically and politically that has ever happened in the history of this country, and it was this huge mistake that has led to the present consideration of a cash bonus for able-bodied soldiers. I raise the question seriously, Mr. Speaker, whether we can right one great economic wrong by perpetrating another, whether we can cure one mistake by making another?

The policy that should by all means have been pursued by the administration in power during the war would have been to draft men to work in the shipyards and lumber camps and construction camps and all other places where the Government employed men, at exactly the same pay that the soldiers received. Then there could have been no possible thought or suggestion on the part of anyone of discrimination or unfair practices. Should our country ever be called to meet the emergencies of war again—and God forbid that that time will ever come—I earnestly hope that the Government, profiting by the egregious blunders of the Democratic administration, will at that time draft men for labor and construction work away from the danger zone on exactly the same terms that men are drafted for military duty.

To my mind it is far more important for the good, well-being, and prosperity of the ex-service men, as well as for the entire Nation, that we make every effort to establish a sound, economic policy during the present administration that will serve as a guiding star both from the political and economic standpoint for years to come. This is exceedingly more important, in my judgment, than is the election of any individual to Congress or the perpetuation of any party in power. We must proceed to reduce expenditures and cut down taxes rather than increase them. We must of necessity prepare to redeem the six billions of securities that will mature within the next 15 months. Every move that we now make that will add to the burden of taxation will have a proportionate depressing influence on the business of the country in all of its branches and ramifications. Every move that we make to lessen the burden of taxation and encourage business in general to resume operations in a normal manner will have a reflex influence for good in all parts of the country. There is a limit to which both an individual and a nation can go in its borrowing, and if I have correctly diagnosed the economic symptoms of this Republic we have reached the dead line in our borrowing and must immediately begin to pay our indebtedness and continue to pay it as rapidly as possible. Such a policy on the part of this administration will restore confidence, open up the avenues of trade, put the unemployed to work, furnish a favorable atmosphere in which our beloved ex-service boys can make their well-deserved place in the community and the Nation, and result in general satisfaction and national prosperity. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Speaker, as one of the inevitable results of the war the country has been and is now passing through an industrial depression. The strain upon the credit of the country by the passage of this bill will have a tendency to retard the emergence from that depression. We have already begun to see returning prosperity, increased industrial and business activity. Probably that will come faster or slower anyhow, but the strain upon the credit of the country by this bill will retard that return of prosperity.

What do you propose to do? Why, the boys who are working now for good pay do not need this as an emergency measure, and the boys who are out of steady work at good pay want a job. That is what they want. They want a chance to work. You want to put back the chance to work. Instead of retarding prosperity, so that all may have a chance for steady work at good pay, you propose to offer them a certificate, not a job, and you give them a chance to get into debt, and not a chance to draw pay. So much for that.

There is another feature of this bill—the reclamation part of it—which proposes to start this Government on the wildest orgy of waste and extravagance that any Government has ever started on. That is the reclamation feature, carried in the bill as an appendix, with not 20 per cent of the men in this House in favor of it, but forced to vote for it against their desire. And everyone here will be condemning Congress in a few years for entering upon this orgy of wasteful extravagance. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. LANGLEY] such time as he may desire.

Mr. LANGLEY. Mr. Speaker, if I could have had my way about it, I would have had the hospital bill first, because I think we ought to take care of the sick men before we take care of the well men. However, I am for this bonus bill, and as I have said before, I would rather resign my seat in Congress than to vote against some measure for relief of our soldier boys, even though they are not now disabled. I say this not merely because I am a soldier in the ranks of the Republican Party, which is standing for this legislation, but as an American I believe we owe a debt of lasting gratitude to all of the boys as well as the heroic women who were nurses, all of whom made sacrifices in this great World War. Even though a soldier returned from the battle front unscathed, I believe he is still entitled to consideration at our hands, because he left home and family and occupation and offered his life upon the altar of his country, and millions of them went across the sea to face the instruments of death contrived by a vicious, atrocious, and scientific foe. It took nerve to do that, and the men who did it, even if they are not now disabled, deserve the grateful recognition of this Republic. [Applause.]

I believe, however, that with the exception of taking care of our disabled ex-service men that the present generation has sacrificed its full share in connection with the World War. We gave up the lives of nearly 100,000 of our boys and nearly a quarter of a million of them have returned home disabled and must be cared for. We raised money unstintedly and loaned generously nearly eleven billions of it to foreign countries. The present industry of the country is overtaxed, and I believe that the menace of the threatened additional taxes is one of the chief influences that is holding back the immediate and rapid revival of business prosperity. If this country is half as great as foreign nations evidently think it is, and being as powerful

in the affairs of the world as we know it to be, I think we ought to collect the interest upon these foreign loans and pay that money to the soldiers as a bonus, and if that is not enough I think the balance of the money should be raised by the issuance of long-time bonds. If there was any good reason for our entering the war it was to preserve the civilization and Christianity of the world, and if we by our sacrifice helped to do that—and we surely did—then I think that future generations will receive much more of the benefits of that sacrifice than the present generation will receive, and I am in favor of letting these future generations help to share the great burden that this war has entailed upon our country. [Applause.]

For 15 years the honor has been mine to represent a part of the Kentucky mountaineers in this great body. To me they are the most loyal people on earth. It is the home of patriotism and loyalty to friends. No great event has ever taken place in the history of our country in which the mountaineers of Kentucky had opportunity to participate in which they have failed to answer to the call of duty.

Back in 1813, when her sons, hearing of the approaching battle at New Orleans, a company of more than 100 of her young and stalwart men got together and walked from Breathit County, Ky., to New Orleans in 29 days to help General Jackson fight that battle against Pakenham January 8, 1815, and the leader of that company, approaching one of the generals of the Army asked that their unarmed men be given the arms of those who had fallen in battle. This request was borne to General Jackson with a protest from the officer, who said that it would be murder to put these Kentuckians in battle who had never been trained in arms, to which General Jackson replied, "Those mountaineers need no training; all they need is a gun, and they'll shoot h—l out of the English," which they did. In the great Civil War these mountaineers responded to the call of Lincoln in such numbers that, although there were many who joined the Confederate Army, the volunteers to the Union Army alone outnumbered the total voting populations of most of the counties.

When the late World War came on and this country had finally decided to enter it the news spread from mouth to mouth until everyone knew it, and before the day had arrived for enforcing the draft more of the young men had volunteered in one county—Breathit—than her entire quota under the draft. This county stands as the only one in the United States of America from which none of her sons were ever drafted. There are many heroes in that section of the country who won all degrees of honor across the seas, but they are modest and unassuming and but little has been said of their deeds of heroism. There is one hero, my neighbor and my constituent, from the hills of Perry County, who crowned himself with immortal honor while overseas. His name is Sam Joseph. He went over the top time and time again, and received more than 100 wounds from machine guns, shrapnel, and other missiles of that deadly war. I will insert under leave to extend my remarks a clipping from the Lexington Herald of recent date, which gives an account of his heroism. It is as follows:

SAM JOSEPH IN LEXINGTON HOSPITAL—WOUNDED WAR VETERAN AT HOSPITAL IS IN CLASS BY HIMSELF—FIFTEEN MONTHS ON FRONT UNSCATHED—THEN STOPPED 102 BULLETS—"NEVER FELT BETTER," SERGT. SAM JOSEPH, OF HAZARD, ASSERTS.

Sergeant York and Sergeant Woodfill may divide honors for capturing or destroying Germans in the World War, but at the Good Samaritan Hospital is a man who is in a class by himself. He probably stopped more bullets than any man in the American armies at least, and, unsung, has a war record that vies with those of York and Woodfill.

Sam Joseph, a native of Hazard, is recovering from an operation on his foot performed last Tuesday. It was his fifteenth. Altogether 67 bullets have been taken from his arms, legs, and body. He was hit 102 times, so there must be considerable lead in him yet.

Joseph, a student at the Sue Bennett Memorial School at London, yesterday declared cheerfully that, with the exception of his foot, which has given him a great deal of trouble, "I never felt better in my life." A large man physically, he would be characterized in the vernacular as "husky."

O. K. 15 MONTHS—THEN.

Fifteen months at the front, during which he went over the top more than a dozen times without a scratch, and then to stop 102 bullets—"some" record. Fifteen of the bullets passed entirely through his body. A recital of his war experiences sounds like a history of "America in the World War."

Joseph was a sergeant in Company G of the Eighteenth Infantry, First Division. He was among the first 20,000 men who went to France, and was in practically all the battles in which the forces of the United States took part. He landed in France June 26, 1917, and after five weeks' intensive training his company was sent in the trenches with the Forty-fourth French Colonials (the "Blue Devils") on the Alsace-Lorraine front.

May 26, 1918, his company participated in the capture of Cantigny, which was after 27 days of fighting. Company G suffered a loss of 196 men in this drive out of its original 250. These 196 men were all killed by the heavy artillery fire of the enemy, which kept up a continual barrage during the entire time. The Germans counterattacked the same day, but failed to retake the town.

ONLY 57 NOW LEFT.

A month and a half after the first American battle the Eighteenth was moved to Monditaor, where they arrived at 11.30 o'clock at night, and went over the top at daybreak the next morning. They were seven days taking the town, and at the end of the week only 57 men were left.

Removed to the Somme front, he took part in the great drive at Soissons July 18, 1918, advancing 13 days continually. Joseph said that this was the first time he experienced hand-to-hand fighting, when for three hours and a half the Allies and Germans struggled hand to hand. At the end of the 13 days 1,200 men were left out of the 3,800 which had begun the fight. A captain, Joseph, and seven privates were the only survivors of the original personnel of his company.

On the Champaign front two battalions held back two divisions of the Germans until reenforcements were hurried to their aid. They were on this front 45 days and were then transferred to Mount Sept to participate in the drive for that strategic point. In this offensive the Americans suffered 50 per cent casualties, and still Joseph was without a scratch. The night before the offensive Sergeant Joseph and a patrol of seven men were sent on a scouting party in which they met up with a German patrol. Three of his men were killed and one wounded, but when the survivors returned they brought seven prisoners and two machine guns as souvenirs.

ONE OF 13 SURVIVORS.

At Chateau-Thierry Joseph was a member of a party of 117 men who were surrounded by the Germans for three days, after which 13 succeeded in fighting their way back to their own outfits. He was one of the lucky 13.

Soon after this Sergeant Joseph was hit in the back of the head by a German while on a raiding party, but outside of a 15-minute sleep and a bump on the back of his head he was none the worse for the experience.

Then his outfit was sent to the Argonne Forest, where Joseph received his wounds and was put out of the fight. It was in this fight that Hill 240 was taken, and it was within a few feet of the top of this ridge that he received his wounds. His company ran into a German machine-gun nest and he was struck by 93 balls. Soon afterwards a 4-inch shell exploded at his feet and the remainder of his wounds came from flying bits from this exploded shell. He managed to drag himself into a shallow crater made by the explosion and lay there over two days before he was finally taken to the hospital.

He was taken to mobile hospital No. 2, where his first operation was performed. He was in the hospital 28 months before his discharge, 14 of which he was not able to turn himself or even to feed himself.

That's the story as he tells it—modestly, as all who've "been there" talk. The doctors will tell you about his wounds.—Lexington Herald.

He has suffered and sacrificed without a murmur and his achievements upon the battle field challenge comparison of any other hero of that or any other war, and at the same time challenge the admiration of all mankind. I would not seek to detract the slightest honor from the just fame of those other heroes of this war like Sergeant York, of Tennessee, and Willie Sandlin, of Leslie County, Ky., but let me place side by side with them this young man of the mountains, this boy of Perry County, Ky., Sam Joseph, whose record on the battle fields of foreign lands, the number of wounds received, as far as I am advised, has no equal. It is but natural that I should feel proud of such a constituency as this, and of such as these who have made that great Commonwealth the wonder of the world. It shall be the proudest memory of my public life that I had a share in enacting legislation for the relief of our disabled soldiers, and also in recognition of all those who offered their lives in the defense of the honor of our Nation and in the preservation of the civilization, liberty, and Christianity of mankind. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. BACHARACH].

Mr. BACHARACH. Mr. Speaker, as a member of the Ways and Means Committee who voted to favorably report this bill to the House I am going to vote for its passage, because I believe that under the circumstances existing it is the best bill that can be had at this time.

Personally I would prefer to see before us a measure which carried with it a provision to meet the financial requirements of the bill. In my humble opinion the logical and best method of financing this legislation would be through the medium of a sales tax of some sort; either a general sales tax of a very low rate or a limited sales tax, such as a manufacturers' tax or a wholesalers' tax, which, of course, would necessarily have to be at a rate high enough to raise the amount needed.

But apparently Congress has not yet sufficiently convinced itself of the wisdom of a sales tax, although there is a very general and strong demand for it throughout the country, and our efforts to have such a tax incorporated in this bill went down to defeat.

With the prospects of a presidential veto on any bill having a cash-payment feature and which carried with it any tax provision other than the sales tax—and that plan not acceptable to the majority of the committee—we had to look about for an entirely new means of meeting the situation, and the plan contained in this bill to take the place of the cash feature is the result.

When the question of adjusted compensation for our ex-service men first came before the Committee on Ways and Means in the extra session of the Sixty-sixth Congress, by

reference to that committee of the many and various bills that had been introduced in the House, I suggested the feasibility of giving to each man a life insurance policy of the 20-year endowment plan, with liberal provisions for borrowing on the policy at a moderate interest rate, the policies to be issued by the old-line insurance companies so as to save overhead cost, and so forth, to the Government. Out of that suggestion has been developed the adjusted-service certificate or insurance plan which is now the principal feature of the bill under consideration.

The opponents of this measure, both in the House and out of it, seem to have made, and they are still making, a determined effort not to let the general public get the real facts about this legislation.

This is not a cash-payment bill; it does not have any of the features of the cash-payment plan excepting as to those whose service was of such short duration as to entitle them to $50 or less. These veterans are to be paid in cash, and it is estimated that it will require about $16,000,000 to pay all such claims.

If every man entitled to do so should accept adjusted-service certificates and immediately, or as soon after he receives his certificate as he can do so, should borrow the full amount of its borrowing value, it would require about $600,000,000 to finance these loans during the three years the banking institutions of the country would be obliged to carry the loans. This is less than 1 per cent of the total assets of the National and State banks and trust companies of the United States.

But it is estimated by the committee and Treasury officials that approximately only 70 per cent of the veterans will take adjusted-service certificates. If all of this number should immediately borrow on their certificates, the amount required to be loaned by the banks would be $420,000,000.

I do not grant the assumption of the opponents of this legislation that the majority of the boys will take the certificates and immediately borrow on them to the limit allowed, wastefully squander the money, and give no further attention to their obligations to the banks.

I believe the greater number of the men entitled to the benefits of this bill are men of good sense and sound judgment, and they will appreciate the advantage of holding these certificates until maturity. Most of our ex-service men are still young in years, and 20 years hence they will just be in the prime of life, and the increased value of their certificates will be of more use to them then than the small amount which they will be able to borrow on them now. In the meantime their families are protected with the additional insurance to the face value of the certificate plus accrued interest compounded at 4½ per cent.

My own opinion is that not more than one-half of those who take the certificates will borrow on them at any time during the three years in which the banks are permitted to carry the loans. That would mean that not more than $210,000,000, at the outside, would be needed to carry these loans. There are now approximately 30,000 National and State banks and trust companies in the United States. On this assumption the average amount of loans each bank would make on this class of security, assuming that all would loan alike, would be $7,000. As a matter of fact, I think it is safe to assume that it would not average more than $5,000 for the 3-year period, for, even assuming that 50 per cent of the veterans borrowed on their certificates, they could not and would not all borrow at the same time. Their notes would be handled the same as any other commercial paper and would be renewed every three or four months, and certainly a large percentage of the borrowers would reduce their obligations each time the notes became due.

Those who oppose the bill try to convey the impression to the public that a veteran entitled to an adjusted-service certificate or insurance policy can go to anyone at all and sell his policy for what he can get for it, or that he can convert it into cash without the least trouble and, as they contend, go out and squander the money, if he so desires, on a "good time," and they contend that that is what most of the veterans will do.

I can not conceive of any bank, no matter how large or how small, to which a veteran might come to borrow money on a policy, whose officers would not ascertain from him the purposes for which he wanted the money, and unless he could give a definite statement and a good reason as to the necessity for making the loan it is very likely that he would have considerable difficulty, and properly so, in getting a loan on his certificate.

It must be remembered that the banks are not compelled to make these loans, and they could not be subjected to criticism for refusing to make a loan where it is clearly shown that the veteran had no need for the money and wanted it just to squander away. It would be in the interest of the veteran's welfare as well as in the interest of good banking business to decline to make a loan under such conditions.

While it would be true if the banks should loan money on these certificates promiscuously to be wastefully squandered by the owners, these loans might be considered as "frozen credits," it is equally true that if the money borrowed goes into useful channels such loans could no more be considered as "frozen credits" than loans made to merchants for commercial purposes or to individuals for improving their property or for any other useful need.

These insurance certificates are of the very essence of thrift; and if those who are inclined to borrow on them are properly educated as to the value of the certificates as a means of starting a savings account which will be available to them in later years for the purpose of home building or engaging in business, this legislation will be the means of starting many young men on the road to prosperity and happiness.

In so far as the veterans are concerned, the certificate plan incorporated in this bill offers greater advantages to them than the cash payment plan. Let us take the case of a man who has a service record in home territory which would entitle him to the maximum of 500 days, or $500.

Under the cash plan he would be entitled to $500, payable in 10 quarterly installments, or at the rate of $200 per year. Under the adjusted certificate plan he will receive credit for 500 days, or $500, and if he wishes to borrow on his certificate the day after he receives it, it has a borrowing value of $250. Under the cash plan he would have to wait far more than a year's installments before receiving that amount of money.

It is true that he would have to pay the bank interest on his loan, but in the meantime his certificate is drawing compound interest at the rate of 4½ per cent, so that the loan would cost him the difference between that and the current rate of interest, which in most instances would not be more than 6 per cent. If he holds his certificate intact until maturity it will be worth approximately $1,500.

If that is a "gold brick," as contended in the minority report, there is certainly considerable gold in it which will be of real use in the building of homes or in many other uses which the veterans may have far it in the future.

I most strongly and vigorously resent the charge of the opponents of this legislation that this is an attempt on the part of Congress to pay our veterans for their patriotism. The country owes to the young men and women who entered the service and who fought and died on the field of battle a debt of gratitude which is immeasurable in its immensity and which can never be repaid by a monetary or other material consideration.

This legislation is just what the bill says it is; nothing more, nothing less. It is to "Provide adjusted compensation for veterans of the World War." In other words, it is an effort on the part of Congress to more equitably adjust the compensation which we paid to our soldiers, sailors, and marines while in the service, as compared with the wages paid to those who, by reason of age or other conditions, were not compelled to go into the camps and the trenches, but who remained at home in safe employment at never before heard of wages.

That Congress is justified in its attitude it seems to me is clearly demonstrated by one of many incidents which occurred in my own district, of which the following is typical:

Shortly after we entered the war a young electrician was working at Camp Dix as a civilian. He soon became imbued with the spirit of patriotism, resigned his job, returned home and enlisted in the Army. He was later ordered to Camp Dix, and upon his arrival there he was put to work as an electrician doing the same work that he had been doing as a civilian but with this difference: As a civilian he was getting about $121 a week, but in the uniform of a soldier he was paid at the rate of $1 per day, or $7 per week.

It is well known that Congress has appropriated billions of dollars to reimburse contractors for the cancellation of contracts which were terminated by the signing of the armistice; to reimburse the railroads for losses sustained by them during the operation of the roads under Government control; to reimburse contractors for the erection of post-office and other Government buildings for losses sustained by reason of the increased cost of materials and labor.

If it was right and proper for Congress to do these things—and the business interests of the country who are now opposed to this legislation did not oppose that legislation—is it not equally right and proper for us to reimburse our soldiers in some measure for the financial losses which they sustained when called upon to take up arms and go to war whether they wanted to or not?

If the country was financially able to meet the demands made upon our Treasury to pay these tremendous sums to private corporations so that they would not sustain any financial loss

by reason of their working for the Government—and we are still the wealthiest nation in the world—is it fair, just, and reasonable to contend that we are too poor to reimburse those boys who went to fight and die, if necessary, for their country? It seems to me that such an argument is pusillanimous in the extreme and not worthy of one who calls himself an American citizen.

Are war contractors and war profiteers who were reimbursed for contracts terminated by reason of the ending of the war entitled to more consideration and sympathy at the hands of Congress than the soldier boy who gave up a good position, who sacrificed the comforts of home and separation from those he loved, to live for months and months the almost inhuman life of the trenches?

Mr. Speaker, I can not forget that I was one of the Members of this House who voted for war knowing full well all that that meant. Neither can I forget that I voted for the selective service act which sent millions of our best young men into the training camps and across the seas to the front-line trenches to fight and die for their country, while cognizant of the fact that I would not personally be subject to military duty.

As long as I live the scenes in this House on the night of April 2, 1917, when the President of the United States came before us and asked for a declaration of war against the Imperial German Government; and then, a few days later, when, after a session which lasted all night and long into the hours of the next morning, we finally adopted the resolution declaring a state of war to exist between the United States and the Imperial German Government, shall ever remain vividly in my memory. Nor will time eradicate the awful horrors of the war through which our brave boys fought on and on until victory crowned their magnificent efforts.

With these momentous days and events in the history of our Nation once again called freshly to mind by the consideration of this legislation, which seeks in a very small way to give recognition to the just claims of our ex-service men, I feel it to be not only my duty but a solemn compulsion to vote for this bill. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SPROUL].

Mr. SPROUL. Mr. Speaker, I desire to read into the RECORD a resolution passed by the city council of the city of Chicago, as follows:

Whereas the United States has collected in the neighborhood of $400,000,000 per year in taxes and licenses from Chicago; and

Whereas there are pending in Congress soldiers' bonus bills affecting thousands of boys in Chicago who served in the World War: Therefore be it

Resolved, That the city council go on record in favor of Congress passing a liberal bonus bill at once, and the mayor is hereby directed to appoint a committee of five, of whom our colleagues, Alderman Chris Jensen and Alderman Dorsey Crowe, shall be members, and the said committee shall go to Washington as the direct and official representatives of the city council and urge the passage of the soldiers' bonus bill at the earliest date.

STATE OF ILLINOIS, *County of Cook*, ss:

I, James T. Igoe, city clerk of the city of Chicago, do hereby certify that the annexed and foregoing is a true and correct copy of a resolution in favor of soldiers' bonus bill, adopted by the city council of the city of Chicago on the 8th day of March, A. D. 1922, original of which resolution is on file in my office, and that I am the lawful custodian of the same.

Witness my hand and the corporate seal of said city of Chicago this 20th day of March, A. D. 1922.

[SEAL.] JAMES T. IGOE, *City Clerk*.

Mr. FORDNEY. I yield one minute to the gentleman from Michigan [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, there seems to be little purpose in making speeches upon this bill to-day in so far as the effect those speeches will have upon the action of the House. The bill will pass, as it should, by an overwhelming majority. Thus a certain measure of recognition, belated and inadequate though it may be, will be accorded to the services of our war veterans, which can never be valuated or compensated with cash, or certificates, or land, or training. But there may be another purpose in the addresses made to-day. Technically and formally the responsibility of the House ceases with the roll call to-night; but in fact ours is a continuing responsibility until this measure or a similar one is adopted by the Senate and approved by the President. The opposition in the Senate will not be directed against adjusted compensation on its merits, but will be directed to the fact that there is no money in the Treasury at the present time with which to finance the bonus, and eventually the House itself will be asked to grapple with this problem and to solve it, or our action to-day will be but an idle gesture.

Mr. Speaker, as a member of the Michigan State Senate I voted in favor of ratifying the eighteenth amendment to the Constitution of the United States. I voted in favor of a strict prohibition law. But, in view of the failure of prohibition, as defined by the Volstead Act, and in view of the eventual requirement of new revenues, I ask that the Senate, and at a later date, the House, consider the advisability of legalizing and taxing nonintoxicating beer of a mild alcoholic content as the most practicable method of financing the bill which we will pass to-day. [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, no doubt, as the gentleman from Massachusetts [Mr. GALLIVAN] has declared, this is a day that the Lord made. But I am satisfied that the Lord was not consulted by the Republican members of the Ways and Means Committee when they drafted the pending bonus bill. [Laughter.] I shall vote for this bill [laughter], because a part of loaf is better than no loaf at all. I voted for the bonus bill before, and we were assured then that it would pass the Senate right away. And more than a month ago the chairman of the Ways and Means Committee [Mr. FORDNEY] assured this House that a bonus bill would be introduced and passed within 10 days. This bill will be passed here, but it will die in the Senate, as the other bill did. I resent the imputation of some Members who intimate that any Member of this House is voting for this bill in order to secure votes for himself. [Laughter.] Perhaps they are measuring other members' corn in their own half bushel.

The SPEAKER. The time of the gentleman has expired.

Mr. OLDFIELD. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. COLLINS].

The SPEAKER. The gentleman from Mississippi is recognized for two minutes.

Mr. COLLINS. Mr. Speaker, this is a bill to adjust the compensation for veterans of the World War. During the war the Government paid them about $30 per month, or $1 a day, for their services, and in many cases, after insurance premiums and one or more allotments had been deducted, the boys received only $5 or $6 for their month's services. Every fair-minded person has long since been convinced that a Government rich in resources and with an indebtedness less than 7 per cent of its wealth should deal more justly with its defenders, and the Nation generally had demanded that Congress pay what is justly due these valiant men. When war was declared they were in the fields and the factories and in the colleges scattered over this land of ours, beginning their careers. The Government needed them and they were taken away. War meant much to them. It seriously broke into their plans, and their chosen work was given up without any time for calculations for the future. They risked everything—health, property, and life. Many were the families, too, that were left without help, and these loved ones at home were made to endure many hardships because of the absence of the ones in the service. The soldiers themselves could render but little help toward the family upkeep on account of the meagerness of their own compensation. Those of a similar station in life who remained at home were paid many times the amounts received by the soldiers. Prices mounted. Profiteering became the order of the day. Big industries profiteered and made their swollen millions, not only during the war but up to and long after its ending. The boys, however, shared in none of this. They were losers by it. When they came home they found their old jobs gone or filled by others. They were compelled to pay large prices for all of the necessities of life, prices which had increased many times in their absence, and many of these soldiers are now on the brink of want because they are without jobs. Mr. Taylor, of the American Legion, testified that the number of ex-service men without jobs now is between 600,000 and 900,000. A just Government should make it possible for these men to work. It should not permit them to wander over the country without employment or to labor in employment far below their abilities.

The Government has dealt most generously with other classes. Every Government employee making less than $2,500 a year was taken care of not only during the war but up to the present time, a bonus of $20 a month being given every one of them. The railroads, landlords, shipbuilders, and business interests generally were given everything they wanted, and after the war was over they came back to the Congress, not satisfied with the millions wrung from the people, and demanded more, and Congress has acceded to their demands in nearly every case. The railroads came and were given several billions of dollars. War contractors came, and they were given about three billions, and those others came who merely claimed that the Government owed them something, claims for goods never made or delivered. They asked for billions, and Congress authorized payments to the extent of a billion and a half. The shipowners came, too, and have gotten theirs. They are not through. It is

proposed to sell to them for a song our fleet which cost us billions of dollars, and they will get it, too, and about $30,000,000 a year besides as a subsidy or as a bonus. Mining interests came and have been tenderly cared for. All of the rich who have made claims, real or imaginary, have been caressed and fondled by a willing Congress. These concerns doubtless rendered some service to the Government during the war, but in comparison with the service rendered by the veterans their service was puny indeed. In addition to the huge sums given these big interests, billions have been poured into the lap of Europe, much of it after the war was over. Two hundred and forty-one millions have been expended in keeping an American Army on the Rhine River for the benefit of European nations. So I say that no fair-minded man can deny that the ex-service men are entitled to everything in the bill and more too. We owe them a debt of honor and ought to pay it. It should have been paid more than two years ago. It is long past due.

The provisions of the bill:

The bill under consideration provides compensation for those who were in the service from April 5, 1917, to July 1, 1919, at the rate of $1.25 per day for overseas service and $1 per day for home service after having deducted 60 days. This deduction is made because all ex-service men have already received $60 extra compensation. The total amount, however, for overseas service shall not exceed $625 and for home service not over $500, and no extra compensation is provided for commissioned officers above the rank of captain in the Army or lieutenant in the Navy and similar ranks in other branches of the service. There are five options provided, and a veteran is permitted to avail himself of any one of them, but only one.

THE ADJUSTED COMPENSATION PAY OPTION.

The veteran can not choose this plan if the amount of his service allowance is more than $50.

THE ADJUSTED SERVICE CERTIFICATE OPTION.

This plan provides for the issuance of a certificate to the veteran by the Secretary of the Treasury upon certification by the Secretary of War or the Secretary of the Navy, according to the branch of the service of the veteran, of the face value of the adjusted-service credit, increased by 25 per cent, and further increased by interest for 20 years at the rate of 4½ per cent per annum compounded annually. This makes the value of the certificate 3.015 times the adjusted-service credit of the veteran. These certificates are dated October 1, 1922, and are due September 30, 1942. In other words, they are paid-up 20-year endowment insurance policies. Certain loan provisions are permitted on them, the first being a loan within three years from the date of the issuance of the certificate. This loan must be made at a bank or trust company, and the veteran is not permitted to borrow over 50 per cent of the amount of the adjusted-service credit plus interest thereon from October 1, 1922, to the date of making the loan at the rate of 4½ per cent per annum compounded annually.

If a loan is made after September 30, 1925, and before October 1, 1928, then the veteran is permitted to borrow 85 per cent of the sum of the adjusted-service credit plus interest thereon from October 1, 1922, to date of loan at 4½ per cent per annum compounded annually. If a loan is made after October 1, 1928, then the veteran is permitted to borrow about 88 per cent of the adjusted-service credit plus the interest thereon from October 1, 1922, at 4½ per cent per annum compounded annually.

VOCATIONAL TRAINING OPTION.

This plan provides for vocational training. Certain courses will be mapped out by the Director of the United States Veterans' Bureau, and a veteran will be paid while taking this training at the rate of $1.75 for each day's attendance so long as his compensation will permit, and here his compensation may be increased by 40 per cent. In other words, if his adjusted service credit is $500 and 40 per cent is added to this, which may be done, he will receive $200 more, or a total of vocational training aid to the extent of $700, paid at the rate of $1.75 per day.

THE FARM OR HOME PAY OPTION.

Under this option a veteran is permitted to draw his entire service credit, just so he applies it to the improvement of his home or farm or toward the purchase of a home or farm or in making payment on a home or farm already purchased.

THE LAND-SETTLEMENT OPTION.

Under the land-settlement option certain reclamation, irrigation, drainage, and other projects will be inaugurated and developed solely for the benefit of ex-service men, and these lands will be divided into units and veterans will be permitted to make a choice of one of these units. If the unit chosen, however, amounts to more than the compensation allowed the veteran, then he is permitted to pay the balance within a period of 20 years upon an amortization plan.

GOOD FEATURES AND BAD ONES.

I shall vote for the bill because it is the best I can get; besides, it has some very good features. I think the vocational training plan is a very fine one, also the farm or home aid plan, and if a veteran needs insurance, the adjusted service certificates plan is good, too; but with 900,000 ex-service men out of work and many others in need of ready money, it is a great pity that the veterans who need the money are not permitted to get the cash if they want it. When war contractors presented their claim bills you did not issue to them insurance policies. Nor did you give the railroads a due bill for the amount they claimed the Nation owed them. You gave them the cash, and you did not owe them a dime; but when it comes to the veterans who fought the war and to whom we really owe something, you bring in a bill which may suit many of them who are not in need, but which will not suit any that are without work and who need the everyday necessities of life. You did not stop at this. You bring in a rule which prevents me or any Member of this House from offering amendments. We have to take the bill as it is or none at all. We are simply gagged, so that those of us who want to deal justly by the soldier who is in need are not permitted to do so. Why do you give to the soldier who saw only a few days' service the cash, and deny it to those who went into service at the very beginning? Why do you deny it to those who saw long service and lost most? Why give those who need the money now certificates redeemable in 20 years drawing 4½ per cent interest? This is an attractive proposition for a service man with means, but to the poor fellow out of employment it is not what he is entitled to. He should not be made to accept less than his more fortunate fellow service man. He can borrow only 50 per cent of the face value of his adjusted service credit, and if he needs the money within three years he must borrow this at a bank and pay 2 per cent more for it than commercial paper pays at Federal reserve banks.

This means that he will pay from 6½ per cent to 8 per cent interest, and if at the end of three years he is unable to redeem his certificate the Government will pay the bank the amount advanced and the interest thereon and will give the soldier the difference between 80 per cent of the face value of his adjusted service credit and the amount paid the bank. Mind you, the Government does not pay him the difference between the amount of his adjusted service credit and the amount due the bank, but only 80 per cent of his adjusted service credit less the amount due the bank.

Why give the unfortunate soldier only 80 per cent of the amount he is entitled to and give his more fortunate brother 100 per cent, or, as is the case with the vocational training option, 40 per cent more than the face value of the adjusted service credit? This is a species of unfairness toward the poor man which ought not to be tolerated, and if I could amend the bill I would certainly change this provision of it. But you will not permit me or anybody else to amend it in this or any other particular. Your obnoxious rule forbids this. You heap injustice after injustice on the poor man; you have drawn the bill so that it is doubtful if loans can be obtained at all upon these certificates. If you had drawn it so that notes secured by the certificates would be eligible for rediscount in the Federal reserve banks and provided that said banks should make a special credit to its member banks on this paper, so as not to interfere with the regular line of commercial credit allowed the member banks, the financing of loans to soldiers would be simple and without embarrassment to the banks. The Federal reserve on yesterday was $1,610,157,350 in excess of lawful requirements. Federal reserve notes could be issued to two and one-half times that in addition to those now outstanding, or $4,025,392,000 of additional notes could be issued and 40 per cent reserve to all notes be maintained. This would inflate the currency, it is true; but this will happen anyway if all or a large number of the veterans borrow on their certificates. Besides, I think inflation is very much needed now.

Also, you do those boys who were killed or who have died before the passage of this bill a great injustice. Many of them had dependent relatives, and they should have fared as the others. A discrimination against a boy who gave up his life on the battle field ought not to be tolerated; yet, gentlemen, you have made such discrimination in this bill, and you are also unfair enough to prohibit me or anyone else the right to amend the bill so as to blot out this injustice.

I am not at all pleased with the land-settlement provision. I am afraid that many million dollars will be wasted in buying cut-over lands and in reclamation schemes in various parts of

the country which will be of no benefit whatever to the veterans of the war. I understand that they themselves do not want this feature, or at least that there was no demand on their part for it, and I see no reason why it should have been put into the bill unless at the behest of big interests who may want to dispose of acres of worthless lands.

CERTAIN INTERESTS OPPOSED TO ANY COMPENSATION BILL.

Certain large financial interests and their newspapers and journals think it is an awful thing for this Congress to pass this or any other bill calculated to benefit the soldier. They are bitter in their denunciation of every Congressman who recognizes the soldier's claim. They do not stop at criticising the Congress; they say that the veterans themselves are blackmailers; that patriotism is for sale. They cry, "Shame," and wring their hands and say to Congress, "Don't pay." The Harriman National Bank advertises to defeat any bill. The plutocrats who got their billions out of helpless peoples at war now pretend that it is a crime for the poor service man to get a small pittance more for his service. Their methods of attack are two-fold. First, they exaggerate the cost to the Government of adjusted compensation, and, second, they would load it down with all sorts of outrageous tax scheme that they know in advance will not find approval with Congress or the people.

As to the cost, experts connected with the War Department say that a cash compensation to all those connected with the Army would amount to $1,278,000,000. Experts with the Navy say that a cash compensation to those serving in the Navy would amount to $207,808,418, and experts connected with the same department say that a cash compensation to those serving with the marines would amount to $30,563,330, or a total for all branches of $1,510,871,748, an amount infinitely less than has been paid either to the railroads or war contractors. The plutocrats, however, have no figures on the cost, and they do not want any. They care nothing for facts. They merely want to scare the public and the Congress. Some of them estimate the cost of this bill as high as $50,000,000,000. Just any amount that sounds big they use. This country's total indebtedness is about $24,000,000,000 and the wealth of the country is estimated at $350,000,000,000. In other words, the indebtedness is less than 7 per cent of total wealth. France's indebtedness is 87 per cent of her wealth. Great Britain's is 53 per cent of her wealth; Italy's is 85 per cent of her wealth; Belgium's is 80 per cent of her wealth. Still France has given to her soldiers a bonus of $233.53, England has given a bonus of $189.54 to her enlisted men, Italy has given a bonus of $73.34 to her enlisted men, and Belgium has given a bonus of $402 to her enlisted men. Canada, our nearest neighbor and a country with less population than New York State and not nearly the wealth, has given a bonus of $624.40 to her enlisted men. Certainly with nearly all of the world's gold, the richest nation of the earth, with an indebtedness as small as we have in proportion to our wealth, our country is in no great financial danger if our debt to our soldiers and sailors is paid them.

As to obnoxious taxes, this second way of scaring us, the profiteers suggest a tax on all sales. They say the consumers of the country should pay the cost of an adjusted compensation. They do not want to tax persons in proportion to their wealth or according to their income; no. They want to tax the poor and needy to the same extent as the rich man. They want to make the poor man with a small income pay the same tax as the richest man on earth. This is their idea of justice and fair dealings. They know this scheme is unpopular and so suggest that it be hooked on to an adjusted compensation bill. Others of them suggest the enactment of a law permitting the sale of light wines and beer, and that a large tax on the sale of these articles be authorized as a means of raising revenue to pay the extra compensation for ex-service men. They know this scheme is unsound, too, and will be defeated, and along with it a compensation bill to which they would attach it, and this is the reason they suggest it. Similar wild and impractical schemes are suggested and for similar purposes. They want to get an adjusted compensation bill in bad company, like "old dog Tray," so that all good people will shun it.

I see no necessity for adding a tax bill to an adjusted compensation bill. No other bill authorizing an appropriation or making one has ever provided for the raising of the revenue to pay it. It has never been done or even suggested heretofore, and I do not think it should be done in this instance. After the bill becomes a law, then it is the duty of Congress to raise sufficient revenue by appropriate legislation for the costs of its administration if it is found that additional revenue is needed. For that matter a reenactment of several provisions of the recently repealed revenue law would raise ample funds, and in a very short time, to finance even a cash compensation to all ex-service men. At least $450,000,000 could be raised from excess profits alone, $60,000,000 additional from income tax, $26,000,000 on soft drinks, $25,000,000 on jewelry, $6,000,000 on perfumes and extracts, $4,000,000 on sporting goods, $8,000,000 on seats, berths, and staterooms, and $1,800,000 on chewing gum, and if it is found that more is needed we can materially increase our tax on inheritances, and then it would be a lower tax than is levied in England. For that matter sufficient money can easily be saved on appropriations for the Army and Navy to more than pay the entire cost of the present bill.

The ex-service man knows these facts. He knows, too, that the fear of just taxes on vast profits and large estates is one reason that he is opposed. He knows, too, that there is fear in certain circles that if he is paid some of the dishonest claims now pending will not be allowed. He knows, too, that his is a just claim. He knows that in every State where the people have spoken an overwhelming majority registered their approval of additional compensation—that 21 States have provided for some form of adjusted compensation for their soldiers. He wonders why Congress seems not to consider his point of view. He wonders why the international bankers want to give to the countries of Europe the $11,000,000,000 that we loaned to them, and why the same international bankers are not willing to give to him the paltry sum that is his due. He knows that he saved the international banker and the capitalist from ruin, and their ingratitude amazes him. He knows that he is not a blackmailer. He knows that he was not a hired mercenary. He knows that he does not deserve the mud that has been plastered on him, and there is bitterness in his heart.

I appeal for a fair and equitable compensation for those men that they may know that real, true Americans appreciate their unselfish service and desire to deal fairly with them.

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. TILSON] such time as he may desire.

The SPEAKER. The gentleman from Connecticut is recognized.

Mr. TILSON. Mr. Speaker, it is a very unpleasant duty for me to vote against this bill. Every natural impulse urges me to favor its aims and purposes. I sincerely wish that its provisions were of such a character that I could support it. I feel constrained, however, to vote against it because, in my judgment, if enacted into law it would prove far more harmful than beneficent. Measures in which ex-service men are peculiarly interested have uniformly received my most cordial support, and shall continue to receive it so long as their interest does not conflict with the higher interest of the people as a whole, the ex-service men themselves included. I believe, however, that the bill, if enacted into law, would do more harm to the people of the country, the veterans themselves and their families included, than it will do good to the individual beneficiaries.

During the last year the Treasury Department has been engaged in formulating plans for refunding the Victory loan next year and for taking care of the other large financial undertakings that must come within the next few years. These plans have been worked out in a manner and to a degree that command the admiration of those who have kept informed in regard to it and should have the support of all. For one I am proud of the record made by the Treasury Department during the last year and believe that if given a fair chance it will solve in a manner advantageous to the taxpayers, to business, and to all the people the many difficult financial problems immediately ahead of us.

The passage of this bill as it is written would produce an effect upon these plans comparable only to that produced by throwing a large monkey wrench into a finely constructed, delicately adjusted, and rapidly moving piece of machinery.

It has been said that the Republican platform pledged the party to the enactment of this legislation. This I most emphatically deny. Had it been the intention of the framers of that platform to promise this kind of measure they would of necessity have omitted some of the other promises contained in the platform. Two things the Republican platform adopted at Chicago did declare for without ambiguity and with great emphasis, and these were a decrease in public expenditures and a reduction of taxation. The fulfillment of these two promises the party has entered upon with earnestness and energy and thus far has attained a fair degree of success. The passage of this bill will make it impossible for us to reduce expenditures and will make it necessary for us to increase taxation. [Applause.]

The proposed method of having the banks of the country loan to a very large number of men—one can only guess how many—a sum aggregating no one can tell how much seems to be about as unsound economically and unfortunate from every point of view at this particular time as could possibly be devised. It is

claimed by some that no considerable number of men will avail themselves of the immediate cash provision. If they are correct, it should be eliminated from the bill as a dangerous and unnecessary provision. It is contended by others that the banks will not make the loans provided for. If so, the provision becomes a dead letter and of no avail in the hands of the confiding veteran and Congress becomes guilty of attempting to impose upon him. On the other hand, if a very large portion of the 4,500,000 ex-service men avail themselves of the borrowing provision to secure immediate cash, as is quite generally believed by the veterans themselves, then the matter of providing the necessary cash becomes an important one.

The figures of the Actuary of the Treasury show that the maximum amount of immediate cash obtainable under the bank-loan provision is about $750,000,000. Some of the most ardent advocates of the scheme profess to believe that $300,000,000 will be about the amount required. The actual amount would probably be between these two sums. Accepting the lower figure and disregarding the very considerable sums that will doubtless be paid out of the Treasury directly under the home and farm aid provision, the cash to be paid at once to those receiving less than $50, and the enormous cost of administering the law, it is a sum sufficiently large to cause apprehension among those who are expected to raise this sum, as well as those responsible for administering the financial activities of the Government. Secretary of the Treasury Mellon characterizes the scheme as "an abuse of Government credit," and the loans provided for as in effect forced loans. He states positively that in the end it would be better for the Government to borrow the money and make the loans directly, but this method has been rejected by the committee. I do not feel justified in disregarding the expert advice of the Secretary in this matter.

Comptroller of the Currency Crissinger is quite positive that in the present financial condition of the country it would be unfortunate, and in many cases impossible, for the banks to assume the additional burden. The amendment adopted at the last moment does not overcome the objection that this form of loan is not desirable for banks in that if such assets are not "frozen" in the original loaning bank they will be in the bank accepting them from the original loaning bank. By those in the best position to judge, it is believed that the carrying out of such a provision at this time will make more difficult the refunding of the Victory loan next year; that it will increase the interest rate necessary to be paid on a very large sum through a long period of years, and that it will materially halt the progress now being slowly and painfully made toward the return of normal prosperity.

Whatever uncertainty there may be as to the amount required to finance the bank loans provided for during the first three years, it is beyond all doubt that in 1925, when the banks are required to cash in their loans at the Treasury and the veterans are authorized to borrow directly from the Treasury 85 per cent of the full amount of their adjusted service credit plus interest, there will be a demand upon the Treasury for a very huge sum of money. The maximum amount possible is over $1,200,000,000. One guess is about as good as another as to what the actual amount will be. No one can foretell, not even the veterans themselves, what their financial exigencies will be three years hence. Half of the maximum amount, or $600,000,000, is probably an unduly conservative estimate of the amount that will be required to take up the bank loans and to make new loans directly to the veterans.

The bill carries no provision for raising by taxation or otherwise any portion of the sum required. It should carry a proper taxing provision to raise the necessary revenue to pay the expense. Even $600,000,000 is a considerable sum to be raised over and above current revenue requirements; and if necessary to be raised in a single year, or even two years, would doubtless prove seriously inconvenient as an additional burden. The only reason for the subject matter of this bill being referred to the Committee on Ways and Means was the necessity for raising revenue to pay the obligations created; in fact, by the rules of the House, jurisdiction of this committee attaches by reason of this fact only. When payment is finally provided for, as it must be, this House must first consider and act upon the legislation. Why not now? It should be a part of this legislation in order that it may begin as soon as possible to produce the necessary revenue. To fail to do so, in my judgment, evidences a want of wisdom and courage to squarely face and honestly deal with a perfectly obvious situation.

We know now that if this bill becomes a law a very large sum of money will be needed just three years hence to meet its provisions. The next session of Congress will last just three months—too short a time to carry through both branches any large hotly contested legislation. Barring unforeseen circumstances requiring an extra session, the next Congress will not meet until December, 1923, and no taxation measure can be enacted before the spring of 1924. If any kind of income or corporation taxes should be levied, they would be upon the 1924 income, and collection would be begun in March, 1925, only a few months before the unusual payments are to be made. Borrowing on a large scale, with all of its attendant evils, would have to be resorted to.

If we are to receive the credit due for dispensing liberally the public revenues, we should be willing to accept along with it the responsibility for laying the necessary taxes to provide the funds. Explorers are still searching the remotest corners of the earth for a race of men who like to be taxed. The American people do not like especially being taxed, but we tax them and must continue to do so unflinchingly to the extent necessary to meet all just obligations and to keep the Treasury in such sound condition that it may economically and advantageously serve the people.

Title VIII of the bill—the so-called reclamation feature—is dangerous in the extreme. It is vague and uncertain at the best, and of itself should be a sufficient reason for the rejection of any bill carrying it, even though the measure were in all other respects unobjectionable. Neither the experts of the Treasury nor anyone else has been able thus far to compute or even to intelligently estimate what this provision of the bill will cost. It has received comparatively little serious consideration upon the assumption that only an inconsequential number of men will choose this plan. If this assumption is well founded the bill should be amended and this provision should go out as unnecessary as well as dangerous. There is a firmly grounded belief, however, in the minds of many that this provision has been saddled upon this bill with the hope and expectation of carrying through Congress on the sturdy backs of the veterans a measure so fraught with dangerous possibilities and uncertainties that it would receive scant support if forced to stand alone in the open on its own merits. It will be a continuing reproach to the veteran that he has thus been made the innocent vehicle for carrying through Congress a vicious measure which he neither desires nor approves.

Party loyalty is in nowise involved in the passage of this bill. No political party has placed in its platform a plank declaring for or against such legislation. Staunch advocates as well as opponents of the bill are found in both parties. The credit for enacting the legislation can not be rightfully claimed by any political party. Such credit or blame as may attach by reason of support of or opposition to this bill rightfully belongs to the individual Member in each case.

In estimating the political effect of the support of this bill, however, I believe that a rank injustice is being done the intelligence and patriotism of the ex-service men. It seems to be assumed that because each individual veteran is to receive a slight pecuniary reward, therefore he and his friends will in return politically reward those who vote for it and punish those who do not, regardless of what the effect of the legislation upon the country as a whole may be. We believe this to be unjust and untrue. It is not the spirit in which the veteran enrolled to serve under the flag in a foreign land. It was America first then, not his own individual gain. He has the same spirit and the same love of country now. If, upon careful consideration of this bill, he concludes—as I believe he will—that if passed in its present form it will work serious injury to the country as a whole, then no miserable pittance it may carry for him personally will purchase his approval.

Mr. TREADWAY. I yield three minutes to the gentleman from New York [Mr. HUSTED].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. HUSTED. Mr. Speaker, I think nothing has happened during my entire service in Congress of which I feel quite so proud as the action of four American Legion posts in the twenty-fifth congressional district of New York, the district which I have the honor to represent. Those Legion posts adopted resolutions opposing the payment of a cash bonus to able-bodied ex-service men, and they requested me to carry out their wishes. One of those posts was in the largest city of my district, the city of New Rochelle. Another post was in a residential town, and one of those posts was in Rockland County, in a mill town, where the members were largely the sons of mechanics working in the mills.

Those men do not want me to vote for that kind of legislation, because they believe it belittles their patriotism and their manhood. Those men went to war to defend their country; not for wages, but because they realized that service was the

price which they paid for their citizenship, and they were glad to fight to defend their country, which has shed so many blessings upon them and upon all of us.

And particularly they did not want a bonus paid to them when there are 100,000 ex-service men in this country who can not obtain compensation, although they are disabled, because they say that this disability can not be traced to service origin. And they do not want to be paid a cash bonus when they know that sooner or later taxes to make it up will be imposed upon the fathers and the mothers and the sisters of men who died in France or who are disabled in this country. [Applause.] And the members of these posts were undoubtedly looking forward to the day when their comrades shall have passed the meridian of life, and through age or physical ailments will really need assistance. They feel that if the gratitude of the Nation is ever to be expressed in dollars that then will be the time, not now, when they are ablebodied and fit for life's battles. They do not want anyone, when that time shall come and this relief is sought, to be able justly to say, "while you demand Government aid you have no moral right to make demand, because when you were young and strong and healthy, in your early twenties, you preferred to settle with your country on a cash basis." I agree absolutely with the stand these men have taken. I shall not vote for any measure which belittles their patriotism and manhood. I will not support any bill which sanctions the barter of a glorious inheritance for a miserable mess of pottage. I will not vote to authorize commutation of a Nation's gratitude for this miserable pittance.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TREADWAY. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. MILLS].

The SPEAKER. The gentleman from New York is recognized for seven minutes.

Mr. MILLS. Mr. Speaker and gentlemen of the House, I indorse every word said by the gentleman from Illinois [Mr. MANN] as to his reasons for opposing this bill.

The committee rejected a cash bonus and the tax plan because we could not stand any more taxation. They rejected a bonus financed by Treasury borrowing because it would interfere with present refunding operations, and they finally brought out a bill which contains all the evils which they thought to eliminate and adds a few more, because they now propose to involve the banks of the country in the unscientific and uneconomic plan they present to this House.

Mr. Speaker, I do not believe there is any real moral issue involved in this question, but if there be one I hold the proposition that men are entitled, as a matter of right, to a cash reward for defending their country to be untenable. If, then, there be no such obligation, this measure must find justification on one of two theories: Either we are voting billions of dollars to our veterans because they are in need, and it is unthinkable that the country should remain indifferent to their misery, or else, as a mark of appreciation for services rendered, the country proposes to give its former soldiers a gratuity. May I interject at this point that the proposed rewards differ radically from the cash bonuses paid by other countries to their soldiers at the time of demobilization, in that the latter were intended to assist the soldier during the interim between his discharge from the army and his resumption of the normal activities of a civilian, and included the cost of civilian clothes. Such a payment obviously stands on a very different footing from those here proposed.

Turning now to the first of the two alternative theories to which I have referred, no evidence of need has been presented, and admitting that many ex-service men are now out of employment, far from limiting its benefits to those who are in want, this bill actually discriminates against them. The well-to-do veteran can hold his certificate and will receive an increase of 25 per cent over his adjusted compensation, plus compound interest at 4½ per cent for 20 years, while the man who is up against it and is obliged to borrow loses not only the 25 per cent increase and compound interest, but is compelled by a grateful country to accept 80 cents on the dollar of that "adjusted compensation" which proponents of the bill hold he is morally entitled to.

On the other hand, assuming that we are actuated solely by a feeling of national gratitude, I could find much merit in such an argument had we a surplus in the Treasury or could the vast expenditures be financed without imposing too great a burden on all of the people, including, of course, the service men themselves. I decline to segregate the latter; I decline to divide the Nation into two groups—those who served in the Army and Navy and those who did not. I reject as wholly unsound the argument that the former defended the latter and that it is now up to those who remained in civil life to reward their defenders. The 2,000,000 men, more or less, of the American Expeditionary Forces and their companions in the Navy did defend those at home; but in doing so they defended their country, not some one else's; they defended their home, not some one else's; they defended their mothers and fathers and wives and children, not some one else's; and those at home did not just go to the depot and wave good-by, as has been suggested by the chairman of the Ways and Means Committee, but to the whole measure of their strength and ability assumed their share of the war burden. To the young men, of course, fell the arduous and dangerous task of fighting. But what of it? The whole Nation was at war, and the whole Nation responded, with very few exceptions. No, no! We were one people then and we are one inseparable group now, and what is bad for the country is bad for the veteran, and no man looking at the proposition from a broad and fundamental standpoint can maintain at the same time that the measure will benefit the veteran, though it hurt the country. If it hurts the country it can not benefit the 4,500,000 alleged beneficiaries. The only question, then, to be determined is whether the effects of this measure are likely to prove harmful. That question must, in my judgment, be answered in the affirmative, and I am prepared to give my reasons.

To understand the character of the problem it is necessary to make a rapid survey of the financial status of the Government. For the current fiscal year the Budget estimates indicate total receipts of $3,068,000,000, as against total expenditures of approximately $3,092,000,000, or an apparent deficit of $24,000,000. For the next fiscal year total receipts are estimated at $3,345,000,000, as against total expenditures, as estimated by the Budget Bureau, of about $3,512,000,000. I understand that the Committee on Appropriations has so reduced the estimates of the Budget Bureau as to give reasonable expectation of a balanced budget for the fiscal year 1923, though this is on the assumption that Congress does not make any additional appropriations for purposes not contained in the appropriation bills. But no man, however optimistic, has ventured to suggest that there will be a surplus this year or next year or for the next few years. The public debt amounts to almost $23,500,000,000, of which about $5,000,000,000 fall due within the next 15 months, over $2,500,000,000 in the form of Victory notes, over $1,600,000,000 in the form of Treasury certificates, and nearly $700,000,000 in the form of war-saving stamps. In addition, within but a little more than a year later, there will mature an additional $800,000,000. There will be maturities as large, or larger, in the succeeding years up to 1928, when about $3,500,000,000 of the third Liberty loan matures. These obligations can not be paid off; in large part they must be refunded. How great a task this is may be appreciated when we recall that the first and second Liberty loans together amounted to only $5,800,000,000, and that even with the patriotic stimulus of war it required the assistance of several million people, devoting the better part of their time for several months, to assure the successful flotation of the offering. It is essential that the Treasury conduct these operations with the minimum of financial strain and interference with the normal demands of business and industry and that it should borrow at the lowest possible interest rate, so as not to disorganize the general level of interest rates on other obligations and securities. To provide for an orderly refunding of this $5,000,000,000 debt which will fall due within the next 15 months the Treasury has worked out a plan under which it has and will from time to time offer short-term notes in moderate amounts with maturities of from three to five years, thus distributing the short-dated debt over a longer period of years and providing for more convenient maturities. To date some $1,900,000,000 of these short-term notes have been successfully floated at lower interest rates than have prevailed for a long time. But it must be noted that the one special factor which has facilitated the Treasury's public-debt operations has been that the operations since 1919 have been accompanied by a gradual retirement, and it is obvious that the whole problem becomes enormously more complicated if, as contemplated in this bill, this policy is reversed and refunding operations are no longer favored by a decreasing debt but impeded by a very material increase.

The bill in question provides for a cash payment to those who served for so short a time that their total adjusted pay would not amount to more than $50, the total being estimated at about $18,000,000. It provides in addition for four other plans, including farm and home aid, land-settlement aid, and vocational training, but the principal bonus plan is contained in Title V under the head of "Adjusted service certificates." These adjusted service certificates are, in effect, paid-up endowment insurance policies issued by the Government to mature at the end of 20 years or upon the death of the veteran. The

maturity value of these policies is calculated on the basis of the so-called adjusted service pay plus an increase of 25 per cent, with interest on the combined figure at the rate of 4½ per cent, per anum compounded annually for 20 years. They are nonnegotiable, except that national and State banks and trust companies are authorized to make loans to holders of certificates up to 50 per cent of their base value, with interest to the date of the loan, until September 30, 1925, after which date the policyholder may borrow directly from the Government up to 85 per cent of the sum of the adjusted service credit plus interest thereon from October 1, 1922.

If the veterans who borrow from the banks fail to repay the loans within six months after maturity or before September 30, 1925, the Government must redeem the certificates in cash upon demand at 80 per cent of the adjusted service credit, plus interest, and apply the proceeds of such redemption first to the payment of the bank loan, with principal and interest, and then any balance to the veteran or his beneficiary.

It is well-nigh impossible to estimate just what this measure will cost the Government, because no man can tell what proportion of the veterans will elect each one of the five plans submitted to them. But, assuming that 70 per cent will choose the certificate plan, 23 per cent the farm and home aid plan, 5 per cent the vocational training plan, and 2 per cent the land-claiming plan, the Government actuary estimates that the direct cost to the Government will be nearly $1,200,000,000 within the next 3½ years, and a total of approximately $3,000,000,000 extended over a period of 20 years, with a payment of $1,173,500,000 falling due in 1943. In addition to which there may be obligations running into hundreds of millions if the land-settlement plan is appropriated for and carried through. The figures for the first three years are, I believe, an underestimate, because they assume that only 50 per cent of those borrowing will default. My own judgment is that it will be nearer 80 than 50 per cent, and if this be so, the amount due in 1925 must be increased by approximately $200,000,000. Moreover, in my judgment, more than 70 per cent will elect the certificate plan, for it is only under that plan that immediate benefits may be received. Farm and home aid has been postponed for a year, while the reclamation benefits can be claimed only in even a more distant future. But by electing to take a certificate and by borrowing on it, the veteran may obtain cash immediately and will not be under obligations to pay one cent of interest for three years. My guess is—and it is only a guess—that 90 per cent of those claiming a bonus will take certificates; and how many of these do you think are likely to have the cash to repay the loan with interest three years hence, when there is no penalty attached for defaulting, and when, in spite of defaults, the veteran will still be entitled to additional cash from the Government?

I confess that I am unable to understand the estimates given in the majority report. The table contained on the last page of that report gives the total cost to the Government for the next four years as $456,914,000, but the estimate makes no provision whatsoever either for repayment of loans to the banks or for direct loans by the Government. This omission is apparently explained by the statement contained on page 3 of the report in which it is pointed out that few of the veterans will let the certificates lapse because after "October 1, 1925, the veteran can obtain a loan from the Government more than sufficient in amount to take up any loan that he has obtained from the bank," plus 20 per cent. It does not seem to have occurred to the majority of the committee that whether the Treasury repays the bank or whether the veteran borrows from the Treasury and then repays the bank, in either event money comes out of the Treasury, and that under the latter method the amount paid is likely to be 20 per cent more than if the Treasury repaid the bank. This slight error will account largely for the difference of nearly $700,000,000 between the Treasury estimate and that worked out by the committee.

The bill violates the very fundamentals of sound government finance by making no provision whatsoever for meeting these obligations, whether in the form of sinking fund, amortization, or other reserves against the liability that will be thrown on the Government in 1925, the liability on the certificates at the end of 20 years, or to meet the payments which will accrue from year to year on account of the death of the veterans, the $183,000,000 adjusted service pay claims, vocational training, home aid and land settlement, or the great administrative expenses connected with administration of the act. If there be an obligation, why do not we raise the money and discharge it? No government in good credit settles its obligations by issuing promissory notes, and no wise government issues promissory notes without making provision for their payment.

Last year we established a Budget system and have rightly claimed credit for doing so. It is difficult to overestimate its value to the country or to overemphasize the importance of its accomplishment up to date; but the very life of the Budget system depends on the recognition that expenditures for which no provision is made in the Budget must be accompanied by revenue measures adequate to meet them. Otherwise the Budget system becomes a farce and the alleged balancing of the Budget but a means of misleading the taxpayer. Viewed in this light, the present bill constitutes a direct attack on the Budget system, and as such must be condemned.

The argument that we need not make provision for raising the money two or three years in advance is captious. Men responsible for the financial policy of a great country can not live from day to day, but must look ahead, must lay out and adhere to a program. To do otherwise is to invite confusion in Government finance and uncertainty and hesitation in the business world. Even if we accept the committee figures which omit the two principal items of direct obligation, to wit, repayment of bank loans and direct Government loans, it appears that the measure will cost $456,914,000 by 1926, which, if we include administrative expenses, will exceed $500,000,000. Where is this money coming from? And how is the Government going to meet in cash in a single year the stupendous sum estimated by the majority of the committee at $3,154,000,000, if Congress declines to provide a sinking fund, an omission which can only be explained on the theory which led Louis XV of France to exclaim, "After me, the deluge"?

Originally two methods were suggested for paying the bonus. One was by means of additional taxes, the other by Treasury borrowing. Such serious objections were raised to these plans that both were abandoned by the Committee on Ways and Means, which now presents to the House a bill which seeks to avoid the evil effects of direct Treasury borrowing by issuing nonnegotiable Government obligations and providing that they may be discounted by the banks of the country. The Secretary of the Treasury has pointed out that every objection that can be urged against direct Treasury borrowing can be urged with equal, if not greater, force against the proposed measure. For my part, it seems to me that direct Treasury borrowing would be infinitely preferable. The adjusted-service certificates constitute a direct obligation of the Government and have no value whatsoever as collateral, except in so far as the Government credit is behind them, yet they are not to be issued under Government control, and when redeemed by the Government the latter will be called upon to pay an interest rate much higher than it would pay on its certificates of indebtedness. Moreover, they will tend to prove a most disturbing element in the investment market at the very time when the Treasury refunding operations are in full swing. How much they will interfere with those operations it is difficult to estimate, but it must be obvious to everyone that when the Government is refunding obligations amounting to $5,000,000,000 falling due inside of 15 months by means of notes with maturities ranging from one to five years, the difficulties of the operation must be enormously increased, when within that period of five years you impose on the Treasury an additional obligation of over a billion without making any provision for raising the funds to meet that obligation.

Turning now to the banks, let us consider the part which they are expected to play in carrying out this plan. According to the Treasury figures, if 70 per cent of the veterans should select the certificate plan and 85 per cent, which I believe is a moderate estimate, should borrow, the banks would be called upon to loan some $479,000,000. I do not assume that most banks will desire to loan on this form of certificate, but public opinion will probably compel them to do so.

The very essence of good banking practice is to have liquid paper in the bank portfolio, and obviously a certificate which can neither be sold nor discounted can not be classified as liquid paper. Should, however, the banks make the loans, one of two results must follow: Either they will loan the amount from available funds, and that will necessarily reduce the amount available for business and commercial purposes by some $500,000,000, with a consequent restriction of credit and increased interest rates, or else they will rediscount eligible paper in that amount with the Federal reserve bank, against which Federal reserve notes or credit currency will be issued, and that means inflation, with all of the evils with which recent events have made us so thoroughly familiar. Such an issue of notes constitutes inflation, because by issuing them we are not increasing the wealth against which securities and money are issued. The result may be an artificial stimulus to business, a temporary increase in prices, but both will be followed by the depression which inevitably succeeds these upward movements resting on

no firmer foundation than that afforded by the printing press. It has been stated that compared with the total outstanding loans and discounts of all banks, $500,000,000 represents a sum altogether too small to produce far-reaching effects. But let me remind the gentlemen that during the great period of deflation which we have just gone through, loans and discounts of all commercial banks which report to the Comptroller of the Currency, decreased from approximately $27,600,000,000 on June 30, 1920, to approximately $25,000,000,000 on June 30, 1921, or but by $2,000,000,000, and that $500,000,000 is 25 per cent of this decrease; that the earning assets of the Federal reserve banks that have been so widely held responsible—unjustly, I believe—for price deflation and restricted credit, decreased from approximately $3,270,000,000 on July 2, 1920, to $1,176,000,000 on March 8, 1922, and that $500,000,000 represents approximately 25 per cent of this decrease; that from January 2, 1920, to March 8, 1922, Federal reserve notes in actual circulation decreased but $971,000,000, and that if $500,000,000 of Federal reserve notes are now issued, over 50 per cent of that decrease will be offset; that during this great period of deflation about which we have heard so much, total money in circulation decreased from July 1, 1920, from approximately $6,000,000,000 to approximately $5,400,000,000 on March 1, 1922, or but $600,000,000, and that $500,000,000 of Federal reserve notes is over 80 per cent of the decrease. These figures demonstrate clearly that $500,000,000, even in so great and rich a country as ours, is not a negligible amount, and that whether you arbitrarily divert these millions from the business and commerce of the country to nonproductive purposes, or whether you inflate our currency by printing half a billion of notes, in either event the economic consequences are bound to be far-reaching, and, if business judgment and experience be worth anything, harmful.

Finally, it is evident that whether the money be first obtained from the banks or by Treasury borrowing, or by whatever other means may be devised to postpone the settlement, ultimately these charges must be met out of taxes. Let there be no illusion, then, on the floor of this House or among the people of the country. If this bill becomes law, all hope of early relief from existing tax burdens disappears. We may have to increase taxes; we certainly can not reduce them. This is all the more disappointing because this administration and this Congress had made such splendid progress with the program of drastic economy and reduced taxation that, in spite of our heavy annual fixed charges, it was not too much to anticipate a $3,000,000,000 budget in the near future; and when annual expenditures reach a maximum of $3,000,000,000 the remaining war taxes can go, high income-tax rates can be reduced, and I am satisfied that we can work out a well-rounded system that will not weigh too heavily at any one point and will not constitute too great a burden for us to bear. You are going to vote that hope away to-day. You are going to wipe out all that the President and you yourselves have accomplished in the last year, and you are going to serve notice on the merchants, the manufacturers, the farmers, and the workingmen that if a business revival is to come it must come without the help of this Congress, which by passing this measure irretrievably commits the Government to a policy of increased expenditures and continued war taxes.

I hope I have overdrawn the picture and exaggerated the consequences; but surely the dangers are sufficiently patent to warrant prudent men accepting the President's advice and postponing action. [Applause.]

Mr. FORDNEY. I yield one minute to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, the people of the State of New York, by a vote of over 3 to 1, have declared themselves in favor of the soldiers' bonus. [Applause.]

On the occasion of the memorial services held on the 26th day of July, 1918, at La Ferte, France, when the Twenty-sixth Division came out of Chateau-Thierry, I told those boys over there that the great moral obligation which the American people owed them would be paid some day. The day of payment has now arrived. It is here, and this Congress is going to show to the country and to those boys who fought for us so bravely under most trying conditions that we remember the obligation and that we are going to give them that, which we promised them. We have not forgotten and we never will forget them. [Applause.] It took courage to face the enemy over there, but it takes no courage to refuse to vote these boys a fair deal. Patriotic Americans are always ready to pay their taxes, and especially so to compensate our heroes to some extent for the sacrifices they have made.

Mr. Speaker, the whole country during the war praised the heroism and gallantry of the famous "lost battalion" of the Seventy-seventh Division, made up of East Side boys from New York.

It was a time when the ordinary unknown soldiers showed their courage under trial.

As Col. Charles W. Whittlesey, of the famous "lost battalion," said on November 11, 1920:

> They were in a forest in northeastern France in a cold and damp October, without rations, without surgical attention, cut off, as they supposed, from the notice of their fellow men; they gave to the day's hardships and duties a courage and plain human kindliness that will always make one proud of the record of the American soldier. Such achievements are not attributable to any officer or group of officers or leaders. They arise from brave men working unselfishly together with faith in the cause which they serve. When an individual shows courage under stress we feel a thrill at his achievement, but when a group of men flash out in the splendor of manliness we feel a lasting glow that is both pride and renewed faith in our fellow men. And as a member of such a regiment, for which I feel deep affection, I feel a bond of understanding and fellowship for the American soldier in every place and time, doing his job simply and finely, asking neither sympathy nor praise. May the armistice be lasting and these great qualities find their true place in peace.

Colonel Whittlesey, unable to see the sufferings of the disabled men who were unable to obtain hospitalization or proper compensation, decided to end it all and drop into the sea. His memory lives for all time, because he is now one of those "up there."

In his battalion was a buck private whose name was L. C. McCollum, who wrote a poem which expresses the views of the ordinary private who saw service on the other side, entitled:

THE PRICE.

Now listen here, old pal of mine,
I've fought from the Veale clear up to the Rhine,
At Chateau-Thierry and in the Argonne Wood,
I did my bit as best I could.

Why, I've cut my way through an ocean of wire,
And stood the test when under fire;
I've lain in the cold and the rain all night,
Fought like hell for what I thought was right.

I've marched to the band, and felt mighty proud
Because I was one of that fighting crowd.
Now I'm back in this land of ours,
And will be in my civies in a few short hours.

But somehow or other it all seems bare,
And I feel like hell when people stare,
For some are thinking of loved ones lost,
And others of how much we're going to cost.

And that's the bunch I'm sore about,
The patriot who was so willing to shout,
Then turn us out when we came home
On two months' pay in the world to roam.

If I had the time, I would repeat what I said on May 29, 1920, as to why I voted for adjusted compensation for the veterans at that time. I then said on the floor of the House as follows:

> Mr. SIEGEL. Mr. Speaker, I voted for war. I voted for the selective draft. I saw thousands of young men, making up the manhood of America, leave our shores to go to France to fight to uphold that which we maintained must be upheld regardless of expense, namely, the freedom of the seas. Later on I saw these same boys in battle upon the other side. I had been probably the only Member of the House of Representatives who had actually seen and been on board one of the first ships which left our country to carry America's best to the other side. That was two months after we had declared war. Later, I saw thousands of other men who had either volunteered or answered the call of duty under the selective draft law leave our shores. In Europe I saw how our boys in many instances made the supreme sacrifice, and my eyes will never forget those terrible scenes of men wounded, others crippled, and others being buried.
>
> There are some people here whose sole underlying thought while the war was on was the accumulation of wealth. Many of their next of kin found soft places at home. On the other hand, there were sons of great men who gave to the Nation all that they had when the war was on. Many voices were raised urging our people to buy Liberty bonds, encouraging patriotism, and arousing others to herculean efforts to help win the World War. Upon the lips of men one could hear the constant cry that when the boys came back there would be nothing too good for them.
>
> Others who went through the struggle and came back found that many of their pals, friends, and relatives who had not answered the call, or who for some reason or another had been permitted to continue work in factories and shipbuilding yards, had grown fat with prosperity, while the veteran had given even his life for a dollar a day.
>
> Our brave boys entered the service with only one thought—that was to give their lives to save the Republic. Solemn as their duty was and fully recognising that they might not return, they showed courageous faces when saying good-by to their next of kin. They felt that surely while they were in the dugouts of France those who were being left in America would be prepared to make sacrifices, the same as they were making.
>
> Upon their return home what did they—our brave boys—find? They discovered that the cost of living had been permitted to rise beyond comparison; that every tax which had been laid upon a manufacturer, middleman, and retailer had been passed on to their next of kin, with an additional profit. They beheld, also, that nobody at home had had any other thought, apparently, except to see how much money could be had from the Treasury of the United States.
>
> No wonder, then, their amazement grew into wrath. They felt that they were the only ones who had given their most to the Republic.
>
> In addition, the Government failed lamentably in taking care of the wounded, the crippled, and the maimed. Its lack of efficiency in paying allotments had become a public scandal. All of those things made the ex-soldiers feel that they had been unjustly treated.

Not every veteran will apply for the adjusted compensation. Each man must determine this question for himself. I do not believe that this is the fairest bill either to the veteran or to the taxpayer. No one likes to pay taxes. Our method of taxation has never done justice and never will. Our methods of taxation were failures during the war, as we can readily see by the 33,000 millionaires that the war created.

I am firmly of the opinion, and I say so advisedly, that the attempt made through this legislation to satisfy in some small degree the men who are the mainstay of our country will be a very small cost compared to the feeling of dissatisfaction which the failure to enact it is bound to cause.

Let some of those who are opposing this legislation answer the question as to whether they themselves would have made the sacrifices upon the fields of France in the face of the most terrible conditions and under the grave hardships which our men underwent, and ask themselves whether they do not believe that those men are getting a small recompense compared to what men got who remained here. They did not fail us in the time when we needed them, and we must not fail them now. [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Speaker and gentlemen of the House, a great deal has been said here to-day for and against the passage of this bill. Some criticism was made of the minority report. I signed that report and I would not retract a single word of it, especially after what has happened here to-day. [Applause.] Mr. Speaker, you placed me upon the Committee on Ways and Means, and when I joined that committee it was with the expectation of taking part in the legislation referred to that committee. What has happened? Your committee has had one meeting, and one meeting only, upon the subject of this bill, and that was one week ago last Tuesday when the majority of the committee brought in the measure and immediately made a motion to report it to the House.

It has been claimed that this bill is satisfactory to the ex-service men. No, Mr. Speaker; it is not. It is not the bill they asked for. It is not the bill they want. But, like the Members of the House who are in favor of a bonus, the veterans must take what they can get, and we of the minority party are obliged to vote for a bill which was prepared and presented by the majority party in the committee without consulting its Democratic associates.

Mr. Speaker, I believe this bill is an insult to the intelligence of the veterans of my country. Yet I must vote for it. I coincide and agree with the statement the chairman of this committee made in a speech a few days ago in the western part of the country, when he criticized those who are opposing this bill. He told his audience in effect that the people of the country cheered the boys when they went to the war and in their minds and hearts promised them everything within the gift of the country if they came back from "over there." And up to the present time, although the activities of war ceased three years ago, we, the people, have done nothing more than praise their work.

The chairman of this committee was right in his statement, and while this measure is not all that its title suggests or what I believe is due the veterans of the war, I must vote for it because it is the only thing presented for my consideration.

As a member of the committee I have yet to have one man or one Legion post or one camp of Veterans of the Foreign Wars in my district ask me to vote for this bill. I have talked with members of the Legion, for I wanted their views, and without exception they have said to me, "Give us something and we will pray for justice at the other end of the Capitol; they can see what the Members of the House can not see, and will give to the men who have served their country at least a fair consideration."

The gentleman from Kansas claims that the Democrats never appropriated money for the soldiers when that party was in control of the Government. Mr. Speaker, every dollar appropriated for the war was voted in this House regardless of party; when the war was on and the men for whom this measure is to pass the House to-day were being shipped to the fields of France there were no party lines, and this is not the time to make war expenditures or war appropriations a party issue.

For three years the Republican Party has had control of the legislative branch of this Government, and in that time this House has passed a bonus bill. That bill was defeated and laid aside in the Senate by the vote of a Senator who has been charged with purchasing his seat.

Mr. CLARKE of New York. What?

Mr. TAGUE. Yes; and the country knows it.

Mr. COPLEY. Give us the evidence.

Mr. TAGUE. The evidence is on file in the Senate. Mr. Speaker, this criticism of what the majority has said and done is justified when to-day I, as a Democratic member of the Committee on Ways and Means, must go to the Republican side of the House to get a few minutes in which to express my views on this bill.

Who are opposed to the bill? Who have called on Congress to defeat it? The only people who have approached me, and the only ones who have requested me to vote against this bill, are the men who rolled up their wealth while the boys were fighting in the trenches in France. They are the ones who should pay the bill and would be compelled to pay had you not enacted into law their exclusion. Those who by their excess profits accruing from pilfering and profiteering on everything essential to the successful prosecution of the war almost destroyed the great work and service performed by the soldiers, sailors, and marines of the country. [Applause.]

Mr. FORDNEY. I yield 12 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL] this morning had something to say about the Democratic minority report. I have something more to say about it, particularly in view of the statement made by the gentleman from Massachusetts [Mr. TAGUE], who has just left the floor, that he is proud of it and would not withdraw one word. I say to you gentlemen that if anything was necessary to absolutely justify the course the Republican Party to-day has taken in providing for the consideration of this bill, it is to be found in the report signed by five out of eight of the Democratic members of the committee. I say to you that in all the years I have been in this House never before have I seen a report or document here submitted so cheap, so fatuous, so wantonly vulgar, so disgraceful as is this report. I absolve my friend from Georgia, Mr. CRISP, from any complicity in the writing of it. He had the manhood to say that he did not approve of many things in it. Other gentlemen seem to be proud of the fact that they have at least given their O. K. to the report whether they may have written it or not.

Now, my friends, in what situation do you find yourselves?

The gentleman from Arkansas is about to vote for a bill which he himself describes as "an insult to every war veteran." The gentleman from Georgia supports a measure which he has described as "a shameful discredit to Congress and the Nation." The gentleman from New York in his zeal to reward the war veteran is about, using his own words, to "stab him in the back," and the gentleman from Massachusetts, while professing imperishable love for the service man, is about, according to his own statement, to give him a "gold brick." [Laughter.] There is consistency for you. I am going to read one sentence from this report, and while I dislike to besmirch the CONGRESSIONAL RECORD, I think the country ought to know some of the things that have been written by these five gentlemen, or at least O. K'd by them. I read from page 3 of the report:

> So we are presented with the shameful spectacle of the party that aborted the war, divided our country's war associates, disgraced the peace, deluded the people, deceived the veteran, deserted the wounded, relieved the profiteer, reduced the millionaires' income tax, repealed the excess-profits tax on the profiteers, and which still maintains a blasphemous, bibulous bootlicker at the Court of St. James to besmirch with his drunken banquet babble the high war purposes of the American people and the inspiration of the American soldiers, now offers to redeem its reckless campaign pledges with an I O U, designated a "certificate," which the administration has, in advance of its issue, fatally impeached and discredited.

[Applause on the Democratic side.]

In spite of the applause by some gentlemen on that side, I characterize this as the most disgraceful, the most vulgar language ever contained in a report submitted to the American Congress. [Applause on the Republican side.] I am not here for the purpose of defending, and I do not intend to defend, the gentleman at whom this gross insult is leveled; but I say this, that it will not hurt him more than it will hurt the President of the United States to be described as you gentlemen describe him in this report as a "briber."

You say the Republican Party "aborted" the war. That means, if it means anything, that the Republican Party stood for adequate preparedness for war and tried to force your side to make such preparation, but you were so intent upon winning the coming campaign on the issue "He kept us out of war" that you would not pay heed to us.

The gentleman from New York [Mr. CROWTHER] yesterday used a colorful phrase. He referred to "the stinking cheese of pacifism." That is the ration you fed to the American people during that campaign.

I am proud that it was my party which urged preparedness. I was proud to follow the two great pioneers in their insistence, day in and day out, for preparedness. I refer to our beloved former colleague in this House, Maj. Augustus P. Gardner [applause], and to one of the greatest of all Americans who ever

lived. I am going to do something now which I never have done before and read a portion of a letter from him. This was written to me a few days after the death of Gus Gardner, and the sentence which I wish to read to you is as follows:

Poor Gus! He was the first advocate of military preparedness and efficiency and the first victim of military unpreparedness and inefficiency.

It is signed "T. R." [Applause on the Republican side.]

You say that the Republican Party has divided our ex-war associates and disgraced the peace. What party was it that brought together our war associates only a little while ago in the city of Washington? What party was it that has made possible the passage of a number of treaties which are going to secure the peace of the world? [Applause on the Republican side.]

Many of you were sitting in the gallery when Mr. Harding's great Secretary of State, Mr. Hughes, in his opening speech did more in 20 minutes to secure a lasting peace of the world than Bryan or Wilson ever did in 20 years. [Applause on the Republican side.] You say we shamed the peace. What we did was to see to it that that un-American monstrosity, the League of Nations, was beaten in Congress; and that its defeat was indorsed by a popular vote of 7,000,000 majority. [Applause on the Republican side.]

You beseech us in this report to "treat the boys white." What would happen if you had the opportunity to amend this bill in the way you announce in the report that you would amend it? You would restore the cash bonus and you would pay it out of a reenacted excess-profits tax and a reenacted tax of 73 per cent upon the higher incomes; but you know that if such a measure could pass, which God forbid, it would be vetoed at the other end of the Avenue. You talk about a gold brick. You know that your proposition would be to "hand the boys a gold brick."

Mr. COCKRAN. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. COCKRAN. Could the gentleman assure us now that this measure will be approved at the other end of the Avenue?

Mr. LONGWORTH. I shall answer the gentleman frankly. I have read every statement, written and oral, that has been made by the President of the United States on this subject. I have conversed with him repeatedly, both before and since he has been President, upon this question; and while I do not assume for a moment, as no man should, to speak for the President, I say from my knowledge of what I believe to be his views that this bill meets the fundamental objections he had to House bill No. 1. Furthermore, if the bill should pass the Senate in substantially its present form, as I believe it will, I shall be very greatly surprised if it does not receive the approval of the President. Do I answer satisfactorily the gentleman from New York?

Mr. Speaker, I concede that this bill is not ideal. Personally, I should have been glad if House bill No. 1 could have been passed carrying with it a provision to raise by a small rate of taxation, spread over a very large sphere of taxable objects, the money necessary not only to pay the cash that might be at once needed but enough in addition to furnish a sinking fund which should wipe out the entire obligation. But that is impossible, and everyone knows it is impossible under present conditions and in the present temper of Congress to enact a sales tax.

There was but one way to meet the objection of the President, the objection that the Treasury could not afford now to pay out a large sum of money with no means of taxation to provide it. That objection is met in this bill. This bill is not a cash bonus bill, and comparatively nothing will be necessary in the next three years with which to finance the bill.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. FORDNEY. Mr. Speaker, I yield three minutes more to the gentleman from Ohio.

Mr. LONGWORTH. Mr. Speaker, I have no quarrel with those gentlemen who conscientiously believe that it is wrong to pay an able-bodied man a financial reward for service, pure and simple, but the fact remains that every other country has done it and that this country has invariably adopted that principle at some time after every war. I am rather impatient with some of the arguments we hear. I have seen in newspapers, I have heard through the mails, that it is immoral to admit the principle of bestowing upon able-bodied men any financial reward.

Yet my own State last fall by a vote of more than 4 to 1 indorsed that principle, and while it does not necessarily mean that those who so voted are in favor of a Federal compensation law, yet it means that they favor the principle of the payment of financial reward to able-bodied men. If I were a man of big business, with real vision, I should be glad to see the veterans of this war given an opportunity to pursue vocational training, to be given an opportunity to settle on farms and to build homes. I should be glad to see a great majority of the ex-service men in possession of an insurance certificate running for 20 years. If there is anything in the world that will prevent an organized and successful demand within the very near future for a pension based on service alone, a demand which would cause the sums carried in this bill to pale into insignificance, this bill will do it. If any man objects to this legislation because, perchance, he will have to pay some part of the cost later on, it seems to me that the objection is short-sighted. I do not believe the bill will interfere with the return of prosperity. I do not think that it is going to hurt the banks of this country to lend less than eight-tenths of 1 per cent of their assets on a security that is as good as gold. The only objection offered by the Treasury Department from the banking point of view is that this bill as originally offered would create assets that would be "frozen" for three years. That objection, it is conceded, has been obviated by the amendment adopted by the Ways and Means Committee and now a part of the bill. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. GARNER. Mr. Speaker, I yield myself two minutes. Mr. Speaker, I agree with the gentleman from Illinois that it is sometimes dangerous for a Member of Congress to criticize a measure for which he intends to vote. But the minority views expressed by my colleagues on this side are not the only ones that come within that objection. I heard a gentleman stand on the floor of the House this morning and defend this measure, and it was somewhat of a surprise in view of his declared position no longer than the 17th day of this month. Here is what the gentleman is reported to have said, and I understand it was in his own handwriting:

There is little merit in the proposed bill. It is entirely too indefinite and uncertain in its provisions.

Viewed from any angle, the Treasury Department faces a very difficult proposition to solve its financial problems, and it is unfair for the House to impose any greater hardship.

That statement was made by the chairman of the Republican congressional committee, the gentleman from Ohio [Mr. FESS].

Mr. FESS. Will the gentleman yield?

Mr. GARNER. I do.

Mr. FESS. That statement was not made by Mr. FESS. The statement that I made was that the loan feature of the bill was indefinite, and I did not like that feature of it. I said to the gentleman to whom I was talking that I did not favor that feature of the bill.

Mr. GARNER. Mr. Speaker, the minority criticized that feature of it that the doctor is reported to have criticized also, so they are not entirely inconsistent with this statement of our Republican friend, Dr. FESS. I do not know whether the doctor made this statement or not. All I have is from the New York Herald, a Republican paper. [Laughter.] Oh, it is; you may repudiate it now, but it is.

The SPEAKER. The time of the gentleman has expired.

Mr. GARNER. I yield myself one additional minute. Mr. Speaker, it is at least put down in the category of Republican newspapers and quoted as such, and the young man who furnished me this paper and who took the interview from the doctor assured me he was correct, or else I would not have read it into the CONGRESSIONAL RECORD. Now, it is a question of veracity between the doctor and the Republican correspondent of a very distinguished Republican newspaper; but I take the doctor's view of it, and I beg pardon if the gentleman——

Mr. FESS. Will the gentleman yield just a moment? The gentleman stated it was in my handwriting. I never submitted a written interview to any correspondent of any newspaper.

The SPEAKER. The time of the gentleman has again expired.

Mr. GARNER. I yield myself one additional minute. Does the gentleman deny that he is the writer of this interview in the New York Herald?

Mr. FESS. I most certainly do.

Mr. GARNER. That is sufficient.

Mr. FORDNEY. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Speaker, it is to be regretted that sufficient time has not been accorded for debate upon this important question of adjusted compensation for the American soldiers who served in the European war. Adequate time should have been allowed to permit discussion in orderly fashion here upon the floor of this House by each Member having views to express. Four hours for debate with a membership of 435 is

not sufficient. The effort to crowd the debate into four hours has created here the usual farcical spectacle too frequently witnessed on this floor. Debate has degenerated into one minute allotment of time, schoolboy fashion, to many Members, with little or no opportunity for debate to any.

I have no fault to find with my genial friend from Michigan [Mr. FORDNEY], the chairman of the Ways and Means Committee. I feel instinctively sure, with my knowledge of him, that he endeavored to obtain sufficient allotment of time for orderly debate. The fault lies with the rule just adopted and with the sponsors for that rule. I would have voted the more willingly for the rule if it had given a time for debate appropriate to the importance of the subject.

The rule does not permit amendments to the bill, but no fault should be found with it on that score. It has been too well understood that the desire to offer amendments rests with the advocates of excess-profits tax, increased surtaxes, and other pet forms of additional taxation of the kind that stifles business enterprise and injures mostly not the rich but the struggling men and the unemployed. It was very proper not to permit the adjusted compensation bill to be used as a vehicle to exploit additional taxation schemes harmful to the business life of the Nation. But the rule should have permitted more time for debate.

Mr. Speaker, although for the reason indicated I voted reluctantly for the rule, I shall vote very, very willingly for this bill when it comes to a vote. [Applause.] I have purposely refrained until now from making this announcement. To neither advocate nor opponent of the bill have I committed my vote in advance. Of this, my correspondents on both sides of the question can bear witness.

Although I, myself, am a firm believer in the principle of adjusted compensation for the returned soldiers, I have felt it due to each constituent desiring to communicate with me on the subject to hold myself as near as humanly possible open-minded for the consideration of any argument or suggestion that might be presented. Every communication has been personally read and properly considered by me.

When letters from opponents of the bill have mirrored the misrepresentations of the press, I have fervently wished that there could have been opportunity to discuss with these correspondents the various features of the proposed legislation. I have realized that unfortunately the active business man has little opportunity for independent investigation and is therefore of necessity dependent upon the press and becomes the unconscious victim of lying propaganda.

And I may say in passing that the gross misrepresentations of the press opposing this proposed legislation have equaled if not exceeded in mendacity any previous instance within my experience and observation.

Mr. Speaker, I have also been unwilling to be committed for or against the particular bill under consideration until I had opportunity to sufficiently acquaint myself with its provisions. It is one thing to favor the principle of adjusted compensation. It is quite another thing to approve any and every proposition advanced for the purpose of accomplishing a desired result. I am free to say that if the adjusted compensation bill had come before this House saddled with any of the injurious forms of taxation which recently so aroused the righteous indignation of the business public, I would have been compelled to vote in the negative. I am rejoiced that the committee has reported out a bill for which I can cheerfully vote.

I have spoken of the mendacity of the press. In that portion of the press opposing this legislation it has been repeatedly suggested that Members of this House are being subjected to threats, coercion, and undue pressure upon the part of those who favor this legislation. I have received letters from good, sincere friends at home, misled by this false propaganda, urging me not to surrender to "the threats of bonus propagandists." Mr. Speaker, upon my solemn oath, up to the present moment I have yet to receive the slightest hint of a threat from those who favor this legislation. I have received from them appeals and arguments upon the merits, but not the slightest semblance of attempted pressure or threats.

It is true that I have received threats; that I have been subjected to attempted coercion; that a considerable number of communications have attempted to influence my vote on this measure, with threats of loss of votes for me on election day. But, Mr. Speaker, communications of this nature have been limited exclusively to those who have written in opposition to any adjustment of compensation for the boys who were taken away from opportunities in life and sent to the battle front at one dollar and one dollar and a quarter per day. From those who have sympathized with these boys, with their lost opportunities, with their present lack of employment, with the uncertainties of their future, has come no word of threat, not even a word of protest. Only kindly appeals have come from them. The intolerant demands, coupled with threats, have come only from their nonsympathizers.

For the great majority of those who have thus threatened, no one should have other than a kindly thought. It is evident that they have been misled, carried away by the false notion that the alleged "bludgeon" was being used by the proponents and therefore should be offset. How little they have realized that they themselves were misled into being exclusively guilty. Already I have received an apology from one who, unprompted, has taken a second thought and has been willing to believe the truth that the legislators here in Washington have been conscientiously endeavoring to arrive at a just conclusion uninfluenced by threats or attempted coercion from any source.

To those who have attempted to influence my vote against this adjusted compensation bill, not by argument but by threats of reprisal, let me suggest that over present before me in my home there has stood for years, in a frame, these inspiring words of the immortal Lincoln:

> I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have.

Mr. Speaker, in the war Congress I voted for the declaration of war, and I voted for the selective service law that took these boys from their jobs, from their opportunities in life, and sent them to the battle front. You will recall, Mr. Speaker, the burden of responsibility felt by all in this House at that time. There was no lack of understanding. We fully realized what it all meant.

We could foresee the great loss of American lives, and, if life was spared, the sacrifices required of our young men who would return home disabled not only in health and limb, but also in lost opportunities in life's struggle. We could foresee all this. And we could foresee the great burden of indebtedness under which this country must struggle for many years to come. It was no easy task. The thought of the boys who would be torn from their homes brought tears to the eyes of many as they voted for war. Those were days burdened with heavy responsibilities, from which there was no escape. I for one am glad to be here in this Congress on this day to vote for some measure of recompense to the disabled boys—to those disabled physically something additional to what they are now receiving, and also something to those disabled in lost positions and lost opportunities in life.

One good neighbor wrote me recently in opposition to the proposed legislation. He wrote feelingly of the loss of my only son in the war. In his reference to adjusted compensation legislation I take the liberty of quoting from his letter:

> No one could give more than you gave to the war—your son. And I am quite sure that if he were living to-day he would feel that money offered to him for the service he did could only place those services on the same plane and the same basis as other things that can be bought with money.

To this suggestion I could only reply that—

> I appreciate deeply what you say in regard to my son. You are quite right. I am sure that if my son were living to-day he would not accept the bonus if offered. He would not need it. I am also quite sure that if he were here his lack of need for himself would not prevent him sympathizing with the many who have returned from the war in need and disabled through the loss of position and opportunity. That thought is one of the elements which I feel bound to consider in my efforts to reach a right conclusion.

Mr. Speaker, this reference to my personal loss took my mind back to 1917, and to a thought in my mind when in the spring of that year my son graduated at Yale in the class of 1917. I recall how rejoiced I then felt that my boy had finished his college course before the war came to take him away. Then, Mr. Speaker, my thoughts turned to the boys who had to be taken from college before graduation. They would be too long away to make it possible ever to retrieve the lost ground. Those of the class of 1917 were fortunate. But how about those of the later classes in the colleges of the land? No hope for them.

And, Mr. Speaker, what about the young men who were then just starting in a business of their own with thrifty savings all invested in the venture? The selective service law for which we voted permitted no exemption because of loss of business. The business had to be sacrificed in each case when the young man was taken. His accumulation, with his life's ambition, was destroyed overnight to meet the exigencies of war.

And how about the boys taken from jobs that meant more than the then job? In the great corporations where many were employed the job meant a life's opportunity. How about them when they returned to find the places filled by those who had not gone to the war? Is there nothing to be said for these when it is proposed to readjust to some small extent the pit-

tance of a compensation accorded to them under the exigencies of war by our votes when they were taken away?

Accorded to them by our votes! I recall, Mr. Speaker, the debate on the selective service law when the $1 per day was agreed upon. We named $1 per day, and then later $1.25 for overseas duty. We dared not name more because we did not know how long the war would last. If we had then named $2 per day and $2.50 for overseas duty, no voice would have been raised in protest, and it would have been little enough. No one would have called it "placing a dollar mark on patriotism." Patriotism impels the young man to go, but patriotism requires of us who could not go that some just consideration be accorded to those who suffered the sacrifice.

Let me quote from one of the speeches of the day—April 28, 1917—when we adopted what legislation termed the "selective service" law and the newspapers designated "conscription":

> Back of it all I want to see this Government, great and rich and resourceful as it is, furnish the means to pay the men who go to the front to fight its battles for it at least as much money as men can earn at home who are left out of danger to continue in the vocations that will furnish them prosperity not only for the present but after the war is over, when the soldier boys are out of their jobs.

This sentiment met with applause, but the soldier boys were voted only $1 per day. Now we propose to readjust this compensation with $1 per day additional and $1.25 per day additional for overseas service. There is no element of gift, no element of gratuity, in performing this act of justice.

I, for one, can not understand how any Member of this House who then voted to conscript these boys at $1 per day under the exigencies of war can now fail to readjust the compensation on the basis of $1 a day additional. These boys by their valor shortened the war. If the armistice had been delayed one month, the additional cost to our Government would have been far greater than the total involved in this readjusted compensation. Every other country associated with us in the war has since the close of the war granted additional compensation to the returned soldiers. Is this country of ours, the richest country of them all, to be the only country to refuse readjustment of a pitiably small pay to the soldiers who have sacrificed so much to gain the victory for our flag?

And what will be the total cost of this readjusted compensation? One New York paper, which I have read daily since my maturity and shall continue from habit to read, notwithstanding its present despicable misrepresentation, has repeatedly reiterated the falsehood that it would cost $5,000,000,000, intending to mislead its readers with the thought that on a cash basis, paid now, the Government must raise additional taxes to that amount. The fact is that under the provisions of this bill no additional taxes will be required. In place of a present cash payment the bill offers a 20-year paid-up endowment insurance policy. The total 20 years hence, with all the 20 years of interest accumulation, provided every soldier continues his policy, would then amount to not more than $4,500,000,000. The average adjusted service pay for each man amounts to $374, and with the 25 per cent added, as provided in the bill, to $467.50. With 4,000,000 men in the service, the present actual value of the settlement amounts, therefore, to less than $2,000,000,000, a difference of more than $3,000,000,000 between truth and newspaper falsehood.

Mr. Speaker, I have yet to meet a man from home opposed to this bill who has the faintest conception of its provisions, so flagrant have been the published misrepresentations. Many have been aroused by fears of additional taxes when no additional taxes will be required. This Congress has reduced ordinary expenditures more than $1,000,000,000, more than 30 per cent, for the current fiscal year to date. This will mean a saving of more than a billion and a quarter dollars for the complete fiscal year, and a substantial reduction in taxes. A little later on the public will become advised of these material facts. In the meantime we can expect a continuance of the misleading propaganda against the adjusted compensation bill until it has been enacted into law by action of the Senate and the signature of the President. Then and only then will the misrepresentations cease. The public will then have discovered that no increase in taxes has resulted, no dislocation in business, no disturbance in finances, and no injurious frozen credits in the banks.

The savings banks and trust companies can easily absorb all paid-up policies presented for loans. If loans by the banks to the limit permitted by the bill were made upon the maximum total of paid-up policies that can be issued under its provisions, the total loans would not amount to more than eight-tenths of 1 per cent of the total assets of the banks. How absurd is all this talk of frozen credits.

Mr. Speaker, the more I have studied the provisions of this bill the more willing I have been to give it my support. The substitution of paid-up insurance policies in lieu of cash will tend to encourage thrift and will provide immediate cash payment for the full amount of the policy to the loved ones in case of death. It presents a splendid solution of a difficult problem, and it is my hope and belief that it may soon receive the concurrence of the Senate and the approval of the President.

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I realize that it will be impossible for me to discuss very many things upon this matter in the limited time I have. I am not a member of the Committee on Ways and Means, and therefore I do not perhaps visit as frequently with the President as some of those members. The gentleman from Ohio, who has just left the floor, was asked the question as to whether the President would sign this bill. I think that question that was put to him by the gentleman from New York was rather evasively answered. I want to say that within a week I had a talk with the President about this bonus bill, and I shall be exceedingly surprised, if we pass this, if he signs it. [Applause.] In that I differ with the gentleman from Ohio.

Mr. Speaker, this question of a cash bonus for able-bodied veterans of the World War seems to me one embracing not only our present welfare but the welfare of this Republic for years to come. I believe that it is a claim founded not on solid ground, but on a principle which, once established, will lead to results dangerous to the solidity of the Republic.

I was amazed at the claim of the men behind this movement. I had hoped that they themselves, after careful consideration and after sensing the disfavor in the country with which their demand was received, would withdraw that demand and coincide with the majority, that their course was not only unjust but unpatriotic. If this bill is enacted it will put to shame our theory that the men of the United States are patriots, and go far to prove that they are mercenary and rendered their great service—a service which can not be repaid with money—from a sordid and unworthy purpose.

If this measure is enacted, the "flag of the free and the home of the brave" will become only a memory, and the defense of the country will hark back to the Roman era, when men of wealth and standing hired mercenaries to wage their battles, that their sons might escape peril.

The very principle of our freedom and continuity as a nation is against measures such as this bill contemplates. Some of these men served voluntarily; some of them were drafted; all fought well. All earned the praise and the plaudits of the Nation, but it is fair to say no one expected a demand of this character from them. It is un-American and almost unbelievable. With America in peril, what we were proud to point to as "the flower of our manhood" were called to war. They were transported overseas and fed and clothed as no Army ever was. They fought valiantly; many of them died in battle, and others are with us to-day, maimed and possibly helpless.

From the date of their embarkation, both east and west, this Government cared for these men better than any other nation ever cared for its armies. Our service of supplies, food, and clothing was never equaled on any field, and our ministration to the wounded was not only beyond criticism but beyond that of any other country at any time—far beyond that of the Civil War veterans, who, by the way, were glad to uphold the Stars and Stripes and weld America into a solid dominion, free and untrammeled, without demand for extra recompense.

To-day, it seems to me, gentlemen, that America is being asked to pay a premium for loyalty to the country. This bill, should it be enacted, would open the doors to demands which could not be met; the country would sink to the lowest level, as far as patriotism and love of the flag is concerned, and only the question of price for valor would remain. Such a situation was never contemplated by our forefathers, who suffered that we might found a Nation of our own, men who fought to retain that Nation "one and indivisible." When we give way to sentiment, when America's men place themselves upon a mercenary basis, then will follow a disruption of the land, and those upon whom we rely as defenders of the country in time of stress or peril will themselves attempt to fix a price for their services. America is not founded on this crumbling pedestal. It demands now, and will continue to demand, the unpurchasable and untarnished loyalty of its men and women.

However, to my mind a situation is before us for which we are responsible and which we should at a near-by date correct. From the pay of an enlisted man in the Army with dependents at home—members of his family dependent upon him for support—there was regularly subtracted from his Army pay $15 per month. That $15 became known as the allotment which was taken from the soldier's pay and sent to his dependent family; and, at the same time, the Government matched that

amount with $15 directly from the Treasury, and with additional amounts at the rate of $10 for the first child and $5 for each additional child. In any event, every soldier who went into the Great War in defense of the United States, and who left behind him dependents in his family, had taken from his Army pay $15 per month.

I believe that when soldiers volunteer or are drafted to defend their country the Government should assume the entire burden of maintaining their actual dependents at home. Therefore I believe that the Government should pay back to those men the allotments they were compelled to make out of their pay, and balance the debt with them by that action, and assume the entire obligation for the care of dependents, as it should have been assumed in the first place.

I do not believe that the citizens of this country really appreciate what a very small minority of the ex-service men are really enthusiastically supporting and urging the passage of this measure. For example, I recently received a letter from Little Falls Post, No. 31, American Legion, of Little Falls, N. Y., which is a city of about 15,000 inhabitants, where I reside. The letter stated that at a recent meeting of the post a resolution was passed unanimously in favor of the adjusted compensation bill. In going further into the matter the following facts were disclosed: First, there are in the city of Little Falls approximately 750 ex-service men. Of this number only 110 belong to the American Legion. Of this 110 only 50 were present at the meeting and voted on the resolution. In other words, only one-fifteenth of the ex-service men in my home city have expressed themselves. I believe that this proportion holds true all over the country. In my opinion, the result indicated by the vote in this particular case is very significant. I do not believe that the majority, or anything like a majority, of ex-service men in the United States are so lacking in the fundamentals of patriotism and duty to country as to be in favor of this measure.

For the patriotic reasons that I have outlined above I am opposed to this legislation. But there are further economic reasons which to my mind make it impossible for the Government to carry the additional tax burden that will be put upon it eventually by this enactment, should this bill become a law. And if we are to believe the Secretary of the Treasury, the Comptroller of the Currency, and the Governor of the Federal Reserve Board, not one out of ten of those who would receive these loan certificates would ever be able to turn them into banks for cash; and I know of no reason why we should not take absolutely into account the facts which they have laid before us. It would be very ill-advised to put this additional burden upon the people of this country. Everyone with any sort of common sense must know that if we are to pay out of the Treasury within the next few years even $4,000,000,000, it must be paid into the Treasury by somebody from somewhere in some form of taxation. And when we consider the fact that the country is now carrying a loan burden of $24,000,000,000, with the business of the country at almost the lowest ebb in the history of the country, and only just now beginning to start back on the road to normal, I can not see my way clear to be a party to continuing that process any further, and I am certain, after a careful study taking into consideration all of these economic conditions—and I know that this is the belief of many honest, honorable, far-seeing men—that any additional burden put upon the business of this country would continue the depression of the country to such an extent that these able-bodied men who are out of jobs would continue out enough longer to more than offset any gain they might receive by reason of the small amount of money which would come to them through the proposed legislation.

And it is my further belief that the bill before us as now proposed will not be accepted by the President, and there are not enough votes in the Congress, in either the House or Senate, to pass the bill over his veto.

I am absolutely opposed to subterfuge or camouflage in legislation of every form; and I am convinced that there is not one out of ten of the men in this House who are to vote for this measure who believe that it will ever become a law in the form that it now appears. If we owe the able-bodied veteran additional compensation, there is just one thing to do, and that is to create whatever burden is necessary to be paid into the Treasury, by some reasonable form of taxation, and to pay off that obligation to the veterans of the World War in actual money worth 100 cents on the dollar, that will be current for his expenditures on the day that he receives it. This bill does not pretend to do anything of the sort, and therefore for this and other reasons which time does not permit me to state, I am unalterably opposed to it. [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I voted for the last bonus bill, which died in a Republican Senate. I shall vote for this bill with the hope and aspiration that it shall fare better than the last. I believe we ought to have paid the boys at this time the cash we propose to give them and relieve them of high interest and difficult financing. [Applause.]

It is a sad commentary upon the operations of this, the greatest legislative body in the world, representing the interests of more than 110,000,000 people, that it should be absolutely hamstrung, hobbled, and fettered through a rule of this House, by which it is impossible not alone to amend but to even dot an "i" or cross a "t" in a measure which will mean eventually an expenditure of over $4,000,000,000.

It is hard to realize that Members of this House, of 435 men, elected from every section of this country, representing people in the large cities, the villages, and the country districts, should be assembled here and compelled to either vote for or vote against a measure prepared by less than the Republican membership of the Ways and Means Committee, consisting of 17 men.

The Hon. Champ Clark, former Speaker of this House, during many speeches of his lifetime, said that "a Member of this great legislative body had a just right to be proud of his membership herein, selected from a constituency of more than 200,000 people." I wonder how proud he would be if he were here to-day and found himself voting upon one of the greatest measures which has ever confronted this body, and without the chance of doing anything except talking upon the subject and voting without an opportunity to improve the bill.

I had hoped that when we came to appropriate a sum of money as an adjusted compensation to the boys who wore the khaki and the blue that it would be done in a spirit of freedom from all contention, and with a deliberation in which every Member of this House might express his gratitude that he had an opportunity to do justice unto those who had done so much for America; those men who offered themselves for the defense of civilization, for the enforcement of those rights and privileges of which every American should feel proud; for those men who were willing and those who did fight the battles and brought glory and honor to the American arms.

Certainly no one will contend that under the provisions of this bill we are doing very much in cash adjusted compensation for the American veteran of the World War. We are passing a measure by which we issue to him a certificate of indebtedness upon which he should be able to exercise the fullest freedom and have access to the same financial institutions that the poorest in this country, with proper security, have access to, and yet, as a warning, and in the face of the issuance of such certificate, the Republican Comptroller of the Currency notifies them that the great national banks of the country will be closed to loans upon their security. I do not believe these great financial institutions will stand for such orders.

We have given too much thought, however, as to the cash payments under this bill and previous suggested bills, and too little to the other advantages which will be derived under the bill before us. There are four options, all of great benefit, and each of more benefit to the veteran who can wait than a cash payment would be. For instance:

Option 1. A cash payment in cases where the amount due is not more than $50.

Option 2. Vocational training on basis of $1.75 for each day's attendance at the school, the total payment not to exceed 140 per cent of the adjusted service credit of the veteran.

Option 3. Aid in purchasing homes or farms to the extent of the amount of compensation due plus 40 per cent (immediately available).

Option 4. A certificate of insurance for the amount to increase by 25 per cent. This certificate would be due in 20 years from October 1, 1922, and to draw interest at 4½ per cent per annum compounded annually.

The vocational-training feature will be of wonderful value in that it gives the man a trade by which to earn a competent living, and is worth much to him and the Nation in producing men of ability and skill in various lines of endeavor. The insurance feature speaks for itself. There is not a man who does not know the value of insurance. I say, therefore, that aside from the cash feature of this bill, the other three objects will be of wonderful advantage in the upbuilding and stability of the Nation.

It will be noted that the option giving the veteran the full amount of his money with 40 per cent additional with which to purchase a home or farm is a cash payment, and will materially strengthen our country in that it will provide homes and farms for the veterans, which makes good citizens and strong advocates of a stable government. This provision alone is worth the whole bill.

Many persons have said that if the Government would take care of the sick and wounded it should be enough. May I remind that, in the language of Representative Pou, we do that much for the greatest criminal and the worst pauper in the country. If a criminal or pauper becomes sick or wounded, the hearts of the people immediately go out to him and adequate and often luxurious hospitalization and care is provided. Certainly this is not enough for our veterans. The Government is, however, doing everything possible by appropriations for the sick and wounded veterans, as evidenced by the table which I append and which speaks for itself:

To 280,879 men: Vocational training	$212,724,533.37
To 333,717 men: Compensation	300,141,766.52
To 150,171 men:	
Insurance	283,286,606.04
Marine and seamen's insurance	35,084,378.48
Allowances	282,040,110.33
To 208,037 men:	
Medical and hospital service	99,566,243.00
Administrative	47,078,082.25
Total	1,259,930,729.99

Much has been said about the effect the passage of this measure will have upon Government bonds by reason of the extra burden upon the National Treasury and the increased taxes it will occasion. It is strange, but true, that since it has become a certainty that this bill will pass the House of Representatives Government bonds have really increased in value, showing that the investors in Government bonds have no fear of an adjusted compensation act.

I do not believe the passage of the bill will increase Government taxes in the country. It has been estimated if all the veterans keep their insurance certificates intact and do not forfeit any of it by borrowing and defaulting that their maturity value would reach the maximum of $4,000,000,000 by 1943, but we must realize that this vast sum is distributed over a period of 20 years. If all the veterans were to borrow cash from the banks at once to the full limit permitted by the bill, and should all default upon their notes, it might cost the Government $1,200,000,000 about two years hence by reason of the Government assuming these obligations, but that is the very extreme limit and one which is not likely to happen; certainly will not happen.

I believe the funds necessary for this adjusted compensation can be met without additional burdens. Great Britain has already begun to reduce her domestic debt and has announced that she will pay to the United States £50,000,000—over $200,000,000—as interest upon her debt to us, which is now being arranged for in her budget.

The saving by the reduction of the Army and Navy will amount to more than $200,000,000. These items were not contemplated in the Budget and will more than produce sufficient for the expenditures under this adjusted compensation bill.

The War Finance Board will begin liquidation about July next and release millions to us. It is quite apparent that the demands will be met without additional taxes, and this obligation which must be assumed will be disposed of without further relay.

Many persons think it remarkable that our Government should attempt to adjust the compensation with these World War veterans, and some are even fearful that it will financially wreck the country. Certainly these very persons if the war had kept up another three months would not have said that we could not meet the necessary expenditures, but would have aided in meeting them with the greatest enthusiasm. It was these veterans who brought the war to a close by their valor and bravery, and saved us that expenditure in money, and what is more important in lives. If we could have carried the war on longer, we can with much greater ease compensate these men who fought it to a close. Note what the two dominant political parties had to say in their platforms about the soldiers.

The Democratic Party, in its platform adopted at the San Francisco convention held in 1920, said:

> We pledge our party to the enactment of soldier settlements and home-aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine Government assistance, unencumbered by needless difficulties of red tape or advance financial investment.

The Republican platform adopted in the Chicago convention, held in June, 1920, reads as follows:

> We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill in appreciation of the services rendered by its defenders on sea and land.

Is it for us to say that we can not do as much for our men as Canada has done? Canada has about 12 per cent of the population of the United States, and 10 per cent of her population enlisted in the war. In 1919 that country paid to her veterans $164,000,000, and that was immediately after the close of hostilities. If this country should pay her veterans in the same proportion according to our population, it would amount to $2,000,000,000, and would have given to the men the cash payment which was provided in the original bill and left a balance in the Treasury of $500,000,000.

The following table will show what has been done by other nations with whom we were associated in the war for their soldiers:

Country.	Maximum payment to enlisted men.	Debt of nation.	Estimated wealth.	Per cent of debt.
Canada	[illegible]	$2,345,000,000	$10,000,000,000	23
Belgium	692.09	4,670,000,000	12,000,000,000	39
France	[illegible]	56,380,000,000	92,500,000,000	55
England	189.54	37,910,000,000	120,000,000,000	[illegible]
Italy	73.34	18,650,000,000	35,000,000,000	[illegible]

The United States has paid its soldiers $60 each, and its debt is generally estimated at only 7 per cent of its wealth. Comment on this comparison is unnecessary. It speaks for itself.

Then, again, let us take into consideration the national wealth of the various countries involved in the great struggle, as shown by the following table, in which the $11,000,000,000 loaned by the United States to our allies has not been calculated:

Country.	National wealth.[1]	National debt (Austin).	Percentage of debt to wealth.
France	[illegible]	[illegible]	[illegible]
Great Britain	70,500,000,000	37,910,000,000	[illegible]
Italy	21,500,000,000	18,650,000,000	85
Belgium	5,840,000,000	4,670,000,000	80
United States	[3] 285,000,000,000	25,000,000,000	[illegible]

[1] By Bureau of Foreign and Domestic Commerce.
[2] National Bureau of Economic Research.
[3] Approximate.

It has been said that it is unusual for this Government to grant adjusted compensation, commonly called a bonus. It has perhaps been overlooked that during the war the Government paid a bonus of $240 a year, or $20 per month, to each of its civil employees drawing less than $2,500 per year, to which no complaint was made though it cost the Government millions of dollars and did no more than justice to the employees. When the Dent Act was passed, which authorized settlement with war contractors whose contracts had been suddenly discontinued when the armistice was signed, $3,000,000,000 was appropriated to settle with them, and there was not a murmur of complaint, though they were paid out of the general resources of the Treasury and no definite taxes were assigned.

In the adjustment of claims of the railroads, the enormous sum of $1,550,000,000 has been paid to them alone, and in addition to that an amendment to the bill provided that the Interstate Commerce Commission should allow them such rates as would guarantee 6 per cent upon the value of the properties.

How can the Government, in the face of these expenditures, refuse to adjust the compensation of the veterans who served at $1 per day for home service and $1.10 per day for foreign service, while in all walks of civil life people were receiving enormous salaries and the great financiers and merchants of the land were enabled to lay aside immense fortunes by virtue of high prices during the period of hostilities.

I am of the opinion many people look upon adjusted compensation as some do upon doctors' bills. When sick they want the doctor to come as often as he chooses, and charge what he thinks his services are worth, but when they are well and the bill is presented, many wake up for the first time to believe the doctor came too often and charged too much. When our boys were charging at Vimy Ridge, when they met the onrush of the Germans at Chateau-Thierry and Belleau Woods, drove them across the Marne and back toward the River Rhine; when they fought the great battles in the Argonne Forest and cleared the sector about St. Mihiel; when they were distinguishing themselves for their valor and bravery, and spreading glory upon the Stars and Stripes, while they withstood the machine guns, bombs, and shrapnel, there was nothing too good for them. Certainly now, after a brilliant victory and peace restored, and the United States recognized as the leader of the world, we

should not lessen our ambition to assist them in every possible manner our resources and our love for them will permit.

Much has been said as to what Washington would do not alone in reference to treaties, leagues, and so forth, but even on the question of adjusted compensation, commonly called bonus. For that reason I quote from data which has been compiled by Mr. E. K. Meade, of Boyce, Va., as follows:

Washington warmly advocated "bounses," and either largely or entirely through his own efforts secured these for the American Armies of the Revolution: (a) Payment by the Continental Congress of $100 cash in 1779 to each man who had enlisted for the war prior to January 23, 1779; (b) payment of five years' full service pay, in addition to all back pay, to all commissioned officers, voted by the Continental Congress in 1783; (c) payment of one year's full pay, in addition to all back pay, for every enlisted man, voted by the Continental Congress in 1783; (d) gift to all enlisted men of their arms and accouterments, voted by the Continental Congress in 1783.

The Sun indorses as a true statement this: "* * * there is not a single line written by him [Washington] in which he advocates extra presents for his men."

The facts: There are scores of Washington letters containing literally hundreds if not thousands of such lines. See Marshall's "Life of Washington"; Irving's "Life of Washington"; volumes 5 to 9, inclusive, of "The Writings of Washington," by Sparks; also the Journals of Congress from 1778 to 1783, inclusive.

Washington accepted 15,000 acres of land in Ohio for his services in the Indian War.

* * * Washington accepted a cash payment of $300 for his services and losses in Braddock's campaign. He declined to accept any "bounses" for his personal benefit following the War of the Revolution.

Washington's men shared according to rank in the land distribution following the Indian war. Washington had no command in Braddock's campaign. The "bounses" received by "his men" after the Revolution have been enumerated. See Irving's "Washington," volume 1, pages 229, 211, chapter 31, also page 360; Washington's letter to Reuben Slaughter, dated "Philadelphia, 26 February, 1792"; his letter to John Witherspoon, dated "Mount Vernon, 10 March, 1784"; his letter to Presley Neville, dated "Philadelphia, 16 June, 1794."

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Further proof: Irving in his "Life of Washington," volume 3, page 376, writes:

"He (Washington) recommended not only that their pay should be increased, but that there should be a provision for their future support by half pay and a pensionary establishment, so as to secure them from being absolutely impoverished in the service of their country. This last recommendation had to encounter a great jealousy on the part of Congress, and all that Washington could effect by strenuous and unremitted exertions was a kind of compromise by which officers were to receive half pay for seven years after the war and noncommissioned officers and privates $80 each."

From Washington's letter to Governor Livingston, dated "Headquarters, 19 February, 1780," this:

"Congress, at my instance, were pleased to order a gratuity of $100 to all men enlisted for the war prior to the 23d of January, 1779." (See also his letters to the board for war in 1779.)

Washington wrote the President of Congress from "Headquarters, Newburg, 18 March, 1783," this:

"For if beside the simple payment of their wages a further compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken, indeed; if the whole Army have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice and built opinion on the basis of error."

From his headquarters at Newburg on the 8th of June, 1783, Washington addressed a farewell circular letter to the governors of all the States, to be read to every State legislature. "A sacred regard for public justice," says he in his letter, "is essential to the existence of the United States as an independent power," and he proceeds under this heading to urge the States to levy taxes to make good the "bounses" voted the troops by the Congress.

Space alone prohibits the almost indefinite offering of further proof. All here given and much more is available to any person sufficiently interested to look it up.

Mr. OLDFIELD. Mr. Speaker, how much time have I left?

The SPEAKER. Six minutes.

Mr. GARNER. I will yield the gentleman two minutes, if he desires it, out of my time.

Mr. OLDFIELD. I thank the gentleman. Mr. Speaker, while I shall vote for this bill [applause], I want to say that the certificate plan of the bill is just what we said it was in the minority report. It is a gold brick to the soldiers of this country, and I think I can prove it to you. There are other things in this bill except the insurance-certificate proposition. I am in favor of the home-aid provision, Mr. Speaker. I am in favor of the farm-aid proposition in this bill. I am in favor of the vocational-training proposition in this bill, and then I agree with the gentleman from Ohio [Mr. LONGWORTH] on this proposition—that is, if we had our way about it we would substitute the cash provision of House bill 1. The gentleman from Ohio [Mr. LONGWORTH] spoke of the offensive terms of certain language in the minority report, but he did not say the minority report did not tell the truth.

He called attention to the fact that we allege in the minority report that you repealed the excess-profits tax. He did not deny that that was true. He also calls attention to the fact that we allege in this report that you relieved the multimillionaires of high surtaxes to the amount of $90,000,000 annually, and yet he does not deny that that is true. Now, gentlemen, this bill ought to have been passed just like we passed it a year or more ago. We ought to have had the cash provisions of that bill in this bill, and I offered an amendment in the committee, and would offer an amendment here to-day substituting the cash provision of H. R. 1 for this certificate provision if you had not adopted this rule cutting off all amendments. And is there a man in this House who doubts that the American soldier, the war veteran, would be thankful if the House would do that thing? Do you not know that you are not going to please the soldiers? Certainly you do, gentlemen. But you hope to do what? You hope to put this thing off until after another election, as you did two years ago, because this thing is not operative until after October, 1922, just a month before the election, and it will be impossible for these soldiers to get returns or know what they are going to get until after the next election. That is the reason you place this thing in here. You think you can get by another election. You said to the soldiers before the last election, "We have passed the bonus bill in the House and we are going to pass the bill in the Senate after the election," but you did not do it. Now, you hand them this thing, gentlemen.

I want to say to you that if you would reenact the excess-profits tax and pay these soldiers a cash bonus and get the money in that way, and reenact the high surtaxes, four-fifths of the people of America would agree with us and all the soldiers would agree with us. [Applause.] But we lost $450,000,000 when we repealed the excess-profits tax, according to Secretary Mellon's estimates, and according to what the Treasury Department says. We lost, according to the estimates, $90,000,000 when we repealed the high surtaxes on the multimillionaires' incomes, if you please—$540,000,000 in all, which is more than necessary to pay the soldiers a cash bonus. That is the kind of an amendment we would offer if we had an opportunity. That is the reason we were opposed to this rule. That is the reason the Members in this House, who believe in the mass of the people, in the plain people, would so vote if given an opportunity. And I say that the reason the leaders of the Republican Party in this House had this rule adopted preventing amendments to this bill was because they were afraid that some of the Republicans would join with the Democrats and reenact the excess-profits taxes and high-incomes taxes. [Applause.] That is the reason we did not have an opportunity to vote on this proposition.

What does this do—this makeshift you have here, this gold-brick proposition? It gives the soldier a certificate, say, for $200. He can go to a bank and borrow 50 per cent of that $200 certificate, or $100, provided the bank will lend him the money; and the Comptroller of the Currency says he will advise the banks not to lend one dollar on these certificates. Of course, he would have to pay 8 or 9 per cent on this money for three years. Why did not you gentlemen, if you wanted to save the soldiers as much expense as possible, have the Treasury Department, which is borrowing money to-day, and borrowed yesterday, and will borrow to-morrow, at 4¼ per cent, borrow it and lend it to the soldier at 4¼ per cent? But you want to charge the soldier 8 or 9 per cent interest, which will cost them from two hundred to five hundred millions of dollars in the next three years in interest charges. Is that a fair proposition? Is that anything else than a gold brick?

There are a few corporations in this country that in the five years from 1916 to 1920, inclusive, made over $37,000,000,000 after all the taxes—State, county, and municipal—had been paid. In other words, the corporations of the country, and especially the big corporations, during the war made $40,000,000,000 in the five years, or $8,000,000,000 a year, and those same corporations had never made exceeding $3,500,000,000 in any prewar period. Why not tax these big profiteering corporations on their excess profits and pay the soldiers the cash bonus instead of handing them this gold brick? [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield three minutes to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Speaker, although I voted for the soldier bonus bill which passed the House on May 29, 1920, I can not vote for the pending measure. Present conditions are vastly different from those that existed two years ago, and the American people simply can not stand the additional taxes which will result from the enactment of this legislation. The country is staggering under an enormous burden of indebtedness, and further taxation now or in the immediate future, means more unemployment, more industrial depression, and more economic disorders. Such conditions would more than counterbalance the financial benefits which this bill proposes for the World War veteran, for he, along with everybody else, would feel the depression. The country is beginning to see prospects of better business conditions, but these will disappear very quickly if

Congress authorizes additional taxes or passes legislation which will necessitate such taxes.

If the pending bill should become a law, it will afford only a small measure of financial relief to the individual beneficiary who elects to accept the certificate option and borrow on the same at a bank, but the sum total of the money which the Treasury Department must raise to redeem these hypothecated certificates on October 1, 1923, will, according to reliable estimates, amount to $650,000,000, and the immediate cash payments and expenses of administration will amount to not less than $80,000,000 additional. The eventual cost of the legislation to the taxpayers of the United States will be not less than $5,000,000,000.

The Republican platform of 1920 pledged Congress to a program of economy, and a good beginning has been made, but all the good work will be undone if this additional burden is authorized. With a national debt of over $23,000,000,000, with interest and running expenses of the Government amounting to $5,000,000,000 annually, with maturing obligations amounting to $5,000,000,000 during the next 15 months, and with the slim prospect of receiving any substantial payments on our foreign loans, Congress should continue its program of economy rather than pass legislation which will increase the burden of taxation.

The Republican Party is not pledged, either directly or impliedly, to the enactment of this legislation. The Chicago convention pledged continued support to our disabled and infirm veterans of the World War, but not a word was said about a bonus or adjusted compensation. Congress has already appropriated more than $1,500,000,000 for the disabled and infirm, and has done so whole-heartedly and ungrudgingly. The country is squarely behind Congress in fulfilling every obligation to the disabled and the infirm, but I venture the opinion that the country does not look with favor upon the pending measure. What the country has a right to expect of this Congress is rigid economy in the expenditure of public funds and a reduction in the running expenses of the Government, both of which were promised in the Chicago platform. The increase in taxation—national, State, and local—has reached alarming proportions, and the people in every section of the country are demanding retrenchment along all lines.

This bill is open to a number of serious objections. The first is the danger of loading the banks of the country with nonliquid assets. Every dollar tied up in such paper withholds a dollar from the channels of business, industry, and agriculture—channels where money is badly needed at the present time. This objection has been ably and forcefully presented by Hon. Andrew W. Mellon, Secretary of the Treasury, and by Hon. CARTER GLASS, former Secretary of the Treasury.

The measure is also faulty in that it provides no sinking fund or amortization plan for the redemption of the adjusted-service certificate in 1925. This means that the necessary funds must be raised by additional taxation; and, in the final analysis, the burden will fall upon the backs and stomachs of the consuming public. It is useless for gentlemen to deny this, for it is as inevitable as the rising and setting of the sun. Gentlemen may talk glibly about our great national wealth, but money does not grow on trees; neither can wealth be created by running the Government printing presses. For every appropriation made by Congress there must be a tax in equal amount on the people of the country.

Another serious objection is the attempt to satisfy both the World War veteran and the taxpayer until after the next congressional election. The veteran will receive a certificate upon which he can raise only a portion of the money allowed him by the proposed law and the taxpayer will not feel the burden until after the polls close next November. Proponents of the measure may imagine that they are doing something clever in this respect, but the average veteran will not be satisfied with his small amount of cash and the taxpayer will place responsibility where it belongs.

The President of the United States has suggested that the proposed bonus legislation be financed by a sales tax or postponed until the country is better able to stand the increased burden of taxation. The country is apparently opposed to the sales tax, particularly when it is proposed as an additional rather than a supplemental tax. It would seem, therefore, that the only proper alternative is a postponement of the measure in accordance with the President's suggestion. For my part, I intend to uphold the President's hands and vote against the passage of the bill. I have been told that such action will cost me my seat in Congress, but this consideration will not sway me from what I believe to be the pathway of my plain and positive duty.

I have the greatest respect and admiration for those who wore the uniform of our country during the World War and have consistently supported legislation in their behalf, but I feel that this ill-advised and untimely measure will result in no real benefit to them. [Applause.]

Mr. CHANDLER of New York. Mr. Speaker, I am amazed at the number of Members of the House who are opposed to this bill, who believe and assert that it is positively bad and that still declare that they will vote for it.

Of course, we, friends and colleagues here, understand the devious mental processes and the mainsprings of motive of each other. But a stranger sitting in the gallery, a visitor from a foreign country, might be led to ask if it were a habit of the American Congress to think one way and vote another. He might also be led to ask the cause of the phenomenon and to seek the reason for the discrepancy between thoughts and votes.

One of the most distinguished and highly respected Members of this body has just devoted his entire speech to a denunciation of the bill as a miserable makeshift, a fraudulent proposition, a legislative hoax. The climax of denunciation was reached when he declared that the bill was a "gold brick" which the Republican Party was seeking to hand to the people of the country generally and to the ex-service men particularly. And then, to my bewildering astonishment, he declared that he was going to vote for the measure.

The honorable Member from Arkansas is certainly not alone in this strange and incomprehensible attitude of inconsistency and contradiction. I have listened to the debates of an entire day without hearing a single speech of unqualified, uncompromising advocacy and championship of the pending bill. It is probable that no measure ever came before the American Congress that was more completely damned by faint praise than this.

In all the history of congressional action, of parliamentary debate in America, it is probable that no more amazing, disheartening, and disgusting proceeding has ever been witnessed than the filing of the minority report on the measure by five Democratic members of the Ways and Means Committee.

The report deals out scathing, withering criticism of the bill, its plans, methods, and objects, at times employing language approaching billingsgate that is wholly unjustifiable in congressional action and debate.

Permit me to quote a single paragraph, one of the most moderate in character and expression, that typifies, in a way, its entire context, tone, and tenor. In the report we find the following paragraph:

The due-bill, rain-check, borrow-money bonus mode of payment, as provided by the bill, is an insult to every World War veteran and a shameful discredit to Congress and the Nation. By the bill the veteran is given a scrap of paper and told to go out and hawk it from bank to bank in the hope, after being held up for a high rate of interest, of getting a little cash on it, not, however, to exceed 50 per cent of what the bill confesses the Government now justly owes him.

And this is the concluding sentence:

When his country called he—the veteran—offered life and limb. What do you now offer him—a "gold brick"?

Candidly, my colleagues, I am convinced that there is much truth wrapped up in the report, and especially in the paragraphs cited. The chief criticism to be offered upon the report itself is the reckless use of unparliamentary language to be found in certain passages, language wholly out of place in enlightened parliamentary debate, and wholly unworthy of the distinguished gentlemen whose names are signed to it.

The great censure to be passed, however, is upon the gentlemen themselves, upon their unpatriotic motives and cowardly conduct in denouncing in such unmeasured terms the bill as bad, and then voting for it. The American taxpayer whose money must pay the bills created by the passage of this measure, the healthy minded American citizen, who has no terror of elections, that does not hold an office and would not hold one if you would give it to him, will naturally ask with indignation and disgust: Why did these men vote for the bill if it were so wretchedly bad as they said it was? What motives prompted them to do it? Were they animated by such bitter partisan hatred of the Republican Party that they were willing to denounce a good bill as a bad one because the Republicans proposed it? Or were they determined to support an admittedly bad bill because they feared outside influences and were willing to save their political jobs at the expense of their honest judgment and at the complete sacrifice of all conscience and manly scruple?

When the vote has been taken the record will show that the Democratic floor leader, Mr. KITCHIN, was the only Member who signed this report that had the courage, conscience, and manliness to square his vote with his convictions by voting against the bill.

In denouncing this minority report and the motives that inspired it, I am certainly not influenced by partisan feelings. The CONGRESSIONAL RECORD of this day's proceedings will reveal insincerity, vacillation, and cowardice on the part of Republicans as well as Democrats. The same record will tell the country that certain brave, conscientious Democrats have refused to sacrifice the Nation's interest to party prejudice and passion or to sinister and threatening influences from without.

The entire proceedings will reveal to the people of the Republic a recreant and time-serving Congress, a majority of whose Members have either privately or publicly denounced this bill as bad and have then voted for it to their own personal shame and to their country's hurt and damage. Shades of the Revolutionary fathers and of the iron-hearted defenders of the Union, shades of Ulysses S. Grant, who vetoed a bonus bill, has the American Congress fallen so low in statesmanship and grown so cowardly in conduct that a majority of its Members are willing to declare a certain measure bad and pernicious and then vote for it because of menacing voices from without threatening them with defeat?

In one of his revolutionary speeches Patrick Henry is said to have exclaimed: "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery?" Paraphrasing, may we not ask to-day: Is a seat in Congress such a precious thing that we can afford to crush honest judgment, stifle conscience, trample upon all the charities of the heart, surrender manliness, and betray the best interests of the people in order to procure or retain it?

The shortest and one of the best speeches in all the debates upon this subject was pronounced by the gallant gentleman from Mississippi [Mr. SISSON], when he resumed his seat after having declared in a single sentence, "Neither my seat nor any other seat in Congress is worth the price that this bill proposes to pay for it, and I shall vote against the measure." I extend congratulations and greetings across the aisle to the brave and conscientious Democrat who uttered this fine and splendid sentiment.

The appalling menace of this measure, my colleagues, is not to be found in the provisions of the bill itself that would saddle billions of dollars of unjust and unnecessary taxation upon the American people. The Nation is strong enough to stand the strain of money pressure and still survive. The great danger to the Republic is in the degradation of American public life as manifested by the conduct of the Members of this House, whose judgment and conscience point one way and whose votes are cast another way.

The historian of the future in scanning the debates of this day will inevitably contrast the timid and vacillating language of Congressmen with the brave and splendid utterances of the heroes of our history.

Listen for a minute:

I have not yet begun to fight! (Paul Jones.)
Don't give up the ship! (Lawrence.)
I would rather be right than be President! (Henry Clay.)
We have met the enemy, and they are ours! (Perry.)
Millions for defense, but not one cent for tribute! (Pinckney.)
I regret that I have but one life to give my country! (Nathan Hale.)
In the name of the Great Jehovah and the Continental Congress! (Ethan Allen.)
If any man attempts to pull down the American flag, shoot him on the spot! (John A. Dix.)

These were the brave words, the patriotic utterances of Americans of other days, men of blood and iron, whose voices in the Senate were those of Stentor, and whose hearts upon the battle field beat like kettledrums.

Now, contrast for a moment, if you please, this language with the declarations in private conversation and in public debate of the Members of this House upon the pending measure:

The bill is an insult to every World War veteran, a shameful disgrace to Congress and the Nation, but I will vote for it.
I do not believe that the measure is a good one, but the soldier boys at home want it, and let them have it.
I know that it is a bad measure, but I have made a pledge to support it, and I shall have to keep the pledge.
Any man who votes against the bill will be defeated. I shall vote for it.
It may be statesmanship to oppose this bill, but there is such a thing as a statesman without a job. Excuse me.
The bill is damned bunk, but the Legion demands it.

These are almost verbatim quotations of language that I have heard from Members in hotel lobbies, in the lobbies of the House, and on the floor of this Chamber. And these are but specimens of scores of others that I have heard.

I repeat that this spirit of cowardice and surrender on the part of the people's chosen Representatives, the legislative guardians of their national rights and interests, is more dangerous to the Republic than the worst possible industrial and economic consequences of the bill if it becomes a law.

The proceedings are too serious and the time is too limited to enter into an academic discussion of personal traits and qualities of Members of Congress, but I submit that the Nation's welfare is as much dependent always upon a proper and timely exhibition of personal and political courage as it is upon personal and political wisdom and intelligence. It is hard to tell which should occupy the order of precedence in the character of a Congressman, courage first and then wisdom, or wisdom first and then courage. As a matter of fact, the true order should be a hand in hand and breast to breast accompaniment of the two great qualities and virtues in every great crisis of both public and private life. In any case it can not be denied that the absence of either quality constitutes a fatal defect in the qualifications of a Member of this House for public service.

There is inherent in the highest and noblest of the human species a quality of courage which knows no fear; that prefers death and annihilation to dishonor and disgrace; that believes with Cæsar that it is better to die at once than to live always in fear of death, and with Mahomet, that paradise will be found in the shadow of the crossing of swords. This quality of courage is peculiar to no race of men and to no form of civilization. It has existed everywhere and at all times. It causes the spirit of man to tread the earth like a lion and to mount the air like an eagle. To this sentiment of courage, which is natural to man, the proceedings of this day are in bold antithesis, in flat contradiction.

I do not wish, however, to transgress the rules of decorous congressional debate. I certainly do not intend to offend anyone who honestly holds views upon this subject different from my own. For the opinions of my colleagues, who sincerely believe that this is a good measure, I have nothing but feelings of indulgence and respect. Broad-minded tolerance of opposing opinions is absolutely essential, not only in the debates of the Representatives of a free people in Congress assembled, but also in the ordinary social intercourse of private life in matters of friendship and good will. My feelings of resentment have been aroused, my indignation excited, and my denunciation directed against those only that have insulted and outraged themselves personally and have betrayed their country's highest interest politically, by boldly declaring an intention to vote for a bill which they themselves have asserted to be both worthless and wicked.

I am opposed to this bill and shall vote against it, because I believe that it is bad, very bad. I shall square my vote with my judgment and my conscience if it is the last act of my political life. I have served long enough in Congress if I have to stultify my brain and degrade my conscience in order to secure votes for reelection. A congressional mantle becomes a dirty and filthy thing, a Nessus shirt of dishonor and of shame, when purchased at the price of the sacrifice and surrender of political independence and manly self-respect.

But I want it distinctly understood that in voting against this bill I intend no unfriendliness whatever to the ex-service men who served the Republic and the flag so bravely and so well. My admiration and love for them and their great achievements are without limit.

When the hosts of freedom were arrayed in solid masses against the hordes of monarchy upon the battle fields of Europe, our brave boys were there. Great, strong-limbed, ruddy-faced youths in khaki, they surpassed all our expectations and filled our minds and hearts with unbounded joy and pride and exultation. Their heroic deeds shook the very thrones of Europe's tyrant kings and filled their hearts with terror and despair. They met face to face in battle the proud Prussian Guards, the boasted invincibles of the Kaiser, and in terrific hand-to-hand combat conquered and destroyed them. They taught the military despots of Germany that an ounce of freedom in the heart is worth a ton of discipline in the ranks of tyranny. They taught all the European critics of America who have called us merchants, peddlers, and pawnbrokers that we are not only fond of money making but that when freedom calls we derive exceeding great joy from the deafening roar of cannon and from the fierce rapture of a bayonet charge. They wept and broke rules of discipline when refused immediate chance to lead the van and mingle in the awful melée, and when finally summoned to the field of battle they sent to generations yet unborn and to centuries yet to come a message of sublime decision and deathless valor.

The grand achievements of our soldiers at the battle front in France are worthy of all our past and prophetic of our future. And when the historian of the Great War describes the mighty conflict and pays fitting tribute to all the splendid nations that waged it, he will say: The Americans were among the greatest, grandest, and bravest of them all. American Cavalry illustrated superbly the dashing chivalry of mankind; American Infantry drove bayonets through columns that never before yielded to the shock of carnage; American Artillery sent unanswered anthems to the god of battles.

The results of the Titanic conflict will be of lasting benefit to all mankind through all the ages that must follow. The great struggle was fought to a finish and the decision was definite and final. Freedom won, despots and tyrants were vanquished, exiled, and executed. Thrones were overturned, and the theory of the divine right of kings was displaced forever by the doctrine of the majesty and sovereignty of the people of the earth. Never again, in my humble judgment, will a few men gathered in Bundesrath or Star Chamber be permitted to imperil the lives and fortunes of the whole human race.

This experience has been the bitterest and the most awful that the world has known. The youngest and best and bravest of 20 nations were offered as a bloody sacrifice to the criminal ambitions of two royal houses of Europe. The possibility of a repetition of this experience is a thing not to be imagined, unless mankind is to abandon reason, repudiate all the teachings and tenets of pure religion and sane philosophy, and relapse permanently into savage and barbaric night.

There has been an awful reckoning with tyrants and despots, but the reckoning must be made complete. There must be no aftermath except the absolute triumph of freedom and the permanent establishment upon the earth of the inalienable rights of man. The recent abortive attempt of Charles of Hapsburg to regain his throne and the mutterings of the monarchists of Germany should put freemen everywhere on guard. To allow a vestige of Prussian militarism and autocracy to remain would be to mock the manes of all the slaughtered dead of every battle field of Europe. To allow monarchy to dictate even one term of peace would be to slander the lives and insult the memories of Washington and Lincoln, and of all the martyred dead of every race and time who made willing and heroic sacrifices of their lives for the freedom of mankind.

If the results of the Great War have been at once colossal and beneficent, if the world has been made safe for democracy by the destruction forever of militarism, absolutism, and imperialism, if a sorely afflicted race has been disciplined and chastened in the trials and sufferings of a horrible catastrophe, if the dawning of a better and grander day is at hand for all the children of men, then our own brave boys who contributed so valiantly and so substantially to the sum total of all these things must not be neglected or forgotten. To them must be decreed not only the laurels that adorn the victor's brow, but to them also must be given, sooner or later, the substantial rewards that a grateful and loving Republic has to bestow. Nothing too good can be said, no praise too high can be pronounced upon all the veterans of the Great War, able-bodied and disabled alike. They carried our flag to victory on bloody battle fields of Europe and covered themselves and their country with glory at Chateau-Thierry and in the Argonne Forest. A grateful Republic should compensate them one and all at the proper time. But that time is not now in the case of able-bodied veterans, who can afford to wait for a more favorable period in the Nation's industrial life and strength.

I am opposed to the bonus bill and shall vote against it for the following specific and enumerated reasons:

(1) Because the bill provides gratuities for able-bodied soldiers whose duty it was to serve their country from no other motive than love of country and flag, and because in the Great War liberty, humanity, and civilization demanded it.

Because to compensate able-bodied men by a cash bonus or by a gratuity of any kind for having served their country in a supreme crisis of its history would have a tendency to degrade American manhood and place a stigma upon American soldiery by branding both with the dollar mark.

I may add in this connection that it was some 30 years after the Civil War before anything in the way of bonus or pension was given to the able-bodied veterans of that war. The relief extended before that time was intended only for disabled veterans. Our young soldiers of the Great War, gallant descendants of the heroes of Gettysburg and Antietam, should feel too proud to tarnish the inherited record of their brave ancestors for patriotic and self-sacrificing service in war and battle, by demanding a few hundred dollars cash at this time for the great work they did in Europe. They should rather emulate the fine spirit and example of the saviors of the Union, many thousands of whom never applied for a pension, even in old age, until they found themselves sick and disabled and had to call upon the country for help.

(2) I am opposed to the bonus bill, because our first duty is to the sick and disabled, and if we cripple and paralyze the tax-producing, revenue-yielding energies of the country by giving millions and billions of unnecessary money to the able-bodied, we shall be compelled, as a matter of national financial necessity, to show at least partial neglect to the weaker, more unfortunate, and more deserving of our soldier boys.

We are now spending more than $1,000,000 daily, about $500,000,000 annually, for these disabled men. We have already appropriated more than $1,500,000,000 for them, and we should appropriate and spend many millions more, if need be. In other words, for the sick and infirm veterans of the Great War we should do everything possible. In the language of the street, the sky should be the limit. But the able-bodied veterans, if they claim compensation at all, at any time, should be content to wait until we have had time to readjust the Nation's finances, rehabilitate the Nation's industries, and re-create national prosperity. They should not at this time make demands that would depreciate every Liberty bond in the Republic, if bonds should be adopted as the means of raising the necessary amount of money to carry out the purposes of the bill, or that would destroy business and create unemployment if direct taxation of any kind should be resorted to.

(3) I am opposed to the bonus bill and shall vote against it, because of its inherent absurdities, inequalities, and iniquities. It is malformed and deformed in almost every feature.

The compensation provided by it is nowhere commensurate with services rendered or with risks of battle incurred. It is meanly discriminating at times against the bravest and most deserving. The man who went abroad and bared his breast and brow to the bullets of the Germans gets no more under four plans of the bill, and very little more under the remaining plan, than the man who stayed at home. The man without a job gets no more than the man with a job. The pauper veteran gets no more than the young millionaire veteran, and, in the nature of things, under the certificate plan, will not receive as much. For, as the minority Republican report truthfully says, the well-to-do veteran can hold his certificate and will receive an increase of 25 per cent over his adjusted compensation, plus compound interest for 20 years, while the man who is obliged to borrow and is unable to meet his note when due, not only loses the 25 per cent increase and compound interest but is compelled to accept 80 per cent on the dollar of that compensation, which proponents of the bill claim he is morally entitled to.

And as a climax to the absurdity, inequality, and injustice of it all, the great majority of the brave women who served the Republic well in its hour of trial and anguish have been completely ignored by its provisions.

It is true that a small number of enlisted women, yeomanettes, so-called, will receive the benefits of the measure. But their number is insignificant when compared with the multitude of other women who crossed the seas to serve the country as members of the Red Cross, Young Men's Christian Association, the Jewish Welfare Board, the Salvation Army, and as women workers of the National Catholic War Council. All these women were as brave and as self-sacrificing as the men themselves.

And let us not overlook the significance or fail to understand the injustice of this omission to include these women under the benefits of this bill. The War Department informs me that they were given a certain military status by Army rules and regulations; that they were compelled to wear a uniform peculiar to their organizations under these rules and regulations; and that they were subject to discipline under the second article of war.

Let us also not forget that the duties of these women were not merely clerical, whose performance was free from danger and privation. Many of them, and especially Red Cross nurses, were in zones of danger within the firing lines. Many of them went with their ambulances across battle fields among the dead and dying, with shells bursting above and all around.

Gentlemen of the Ways and Means Committee, was your sentiment of chivalry, as well as your sense of justice, dead when you failed to include these brave women under the benefits of this bill? Gentlemen of the Rules Committee, was your sentiment of chivalry, as well as your sense of justice, dead when your brought in a rule that prevented an amendment to the bill that would have included them within its benefits? Gentlemen of the House of Representatives, are your sense of justice and your sentiments of chivalry so dead that you will vote for a bill introduced into this House and sought to be passed under gag rule that discriminates meanly against brave and deserving women of our country? What would you say to an American Red Cross nurse who, amidst shot and shell, with eyes beaming grandly and heart beating wildly for flag and country, helped to carry wounded American boys from the battle fields of France, if she should ask you why you gave to an able-bodied American male veteran who stayed at home a bonus for services never rendered and denied one to her? Would not the flush of shame mount to your cheeks, would not your tongue cleave to the roof of your mouth if you attempted to answer her?

It is bad to perpetrate a wrong upon men. It is infinitely worse to perpetrate it upon women.

(4) I shall vote against this bill because the country's business conditions and the state of its finances will not justify the payment of bonus gratuities to able-bodied veterans at this time.

The Great War fell like a curse, like a blight upon the human race. The gathered wealth of centuries of peaceful industry in many lands was sacrificed for naught. Economic and industrial paralysis, political chaos, moral degradation, and mental despair have been the horrible results of the mad orgy of the criminal ambitions of the crazy rulers of the houses of Hapsburg and Hohenzollern.

Our own dear country has been and is still a sufferer in common with other countries that participated in the gigantic struggle. We spent billions of dollars and lent still other billions to our allies, until now our national debt has reached the enormous figure of upward of $23,000,000,000.

In addition to the annual interest and ordinary running expenses of the Government, amounting to nearly $5,000,000,000 annually, we shall have to meet maturing obligations of this public debt, amounting to nearly $5,000,000,000, within the next 15 months, for within that time Victory notes amounting to some $2,500,000,000, Treasury certificates aggregating something more than $1,000,000,000, and war-savings stamps amounting to nearly $700,000,000 will fall due. Within a year from the expiration of these 15 months an additional $800,000,000 of public indebtedness will mature, and each succeeding year will see the maturities of equal or larger amounts until the year 1923, when the third Liberty loan will fall due and the Government must pay $3,500,000,000.

The difficulties of the Treasury Department are certainly great enough at the present time, for it must suggest itself to you that these obligations can not be completely paid off as they mature but must in large part be refunded. Yet, in spite of all this, you propose by this measure to still further tie the hands and increase the difficulties of the Government by voting additional billions of public indebtedness during the very months and years in the immediate future when the strain of the general public debt is heaviest and when refunding operations intended to lighten the burdens of taxation have just begun.

Nobody can tell exactly how many billions of dollars this bonus bill will cost if enacted into law, and where nobody knows everybody has a right to guess. It will depend of course, upon the proportion of the more than 4,000,000 veterans who adopt the different plans. In this connection the opinion of Secretary Mellon, the Government's great financial expert, is more than pertinent. In his letter of January 24, 1922, addressed to Hon. J. W. FORDNEY, chairman of the Committee on Ways and Means, he wrote:

> It is difficult to estimate how much additional taxation would be necessary, for the last bonus bill considered was S. 806, reported by the Committee on Finance of the Senate on June 20, 1921. From the report of the committee and the estimates of the Government actuary it would appear that the total cost of the bonus under this bill would be about $3,250,000,000, of which at least $850,000,000 would fall in the first two years of its operation, with varying amounts over intervening years, and an ultimate payment in the twentieth year of over $2,117,000,000. The minimum cost would apparently be about $1,500,000,000, in case substantially all the veterans should take the cash plan, and the maximum cost about $5,250,000,000 in case substantially all of the veterans should elect to take the certificate plan in lieu of cash. If an unexpectedly large proportion of the veterans should choose cash, the cost within the first two years might run well over $1,000,000,000. It would seem reasonably certain, however, that at least one-half would elect the cash-payment plan, in which event the cost in the first two years would be about $850,000,000, and the total cost would fall between the two extremes, or at about $3,250,000,000. These estimates take no account of expenses of administration or the possible cost of vocational training aid, farm or home aid, or land-settlement aid to veterans who elect such benefits, which would involve substantial additional cost. The expenditures involved, moreover, would be in addition to already substantial expenditures on account of veterans of the World War, chiefly for relief to disabled veterans, which amount to about $450,000,000 a year, according to the estimates for 1922 and 1923. The Government's obligation to the disabled veterans is continuing and paramount, and heavy expenditures for their relief will be necessary for many years to come.

The most reasonable supposition, under all the circumstances in the case, is that the maximum cost would be about $5,250,000,000, as suggested by Secretary Mellon, although he stated in another letter, which was given to the press, that if all the veterans should choose to select the plan of land-settlement aid the ultimate cost to the Government would approximate $18,562,500,000.

In any event, any of the possible maximums named would be a crushing addition to the burdens of taxation already imposed and soon inevitably to be imposed upon the American people.

These considerations force me to oppose the bill, because I am thoroughly convinced that everybody would be hurt by the passage of the measure, and no one more than the service men themselves. The placing of a burden of possibly $5,000,000,000 additional taxation at this time would create business stagnation and industrial paralysis by forcing capital into investment in tax-exempt securities as a means of evading taxation for bonus purposes instead of allowing it to flow naturally in channels of trade and industry, thus developing national prosperity through abundant production of all the products of farm, factory, and mine and through universal employment of all classes of labor, including the labor of the service men themselves.

The veterans should remember, in this connection, that if unemployment comes as the result of business depression and industrial paralysis, from whatever cause, they themselves will be the first victims. They should be reminded that a few hundred dollars of bonus money will not compensate them for months of unemployment in which enforced idleness will cast its baneful influence not only upon their pocketbooks but upon health, morals, and character as well. They should be further reminded that the bonus money will do them no permanent good; that it will not establish them in business; that it will not buy a farm, create a profession, or secure an education. At best, it can be only temporary in its enjoyments and benefits, and they will be the great losers if the final operations of the bill should result in commercial disaster and industrial panic. We have heard much of killing the goose that laid the golden egg. We have also read about Samson, who pulled down the pillars of the temple upon himself as well as others. Let the ex-service men not fail to profit by these suggestions and reflections.

(5) I am opposed to the bonus bill and shall vote against it because I am personally and politically pledged to the people of my district to do everything possible at Washington to reduce Federal taxation to the lowest possible level consistent with efficient administration of the Government. I personally made campaign pledges to that effect.

Besides, the Republican national platform of 1920, upon which I stood when elected, pledged me personally and the Republican Party generally to a program of economy, of retrenchment, and reform. I believe that a political platform is a covenant with the people, a sacred thing, to be observed loyally and executed faithfully by every representative of the people who stood upon it when elected. Regardless of what others may do, I shall earnestly and zealously try to fulfill my platform pledges to the people.

The Republican national convention, assembled at Chicago in 1920, adopted a platform which said not one word about any bonus or adjusted compensation. It did pledge continued support and ample aid to our sick and disabled veterans, and that pledge has been kept so far as national finances and the circumstances of the times would permit. I myself pledged to the people of my district my best efforts in Congress in behalf of our infirm veterans, and I have lost no opportunity in fulfilling that pledge. On the other hand, I told the voters of my district candidly in every campaign speech that I made that I would not favor a bonus for able-bodied veterans by voting billions of dollars that would increase the burden of taxation and render difficult the return of national prosperity.

The Republican Party has faithfully kept its pledge to reduce national expenses and to administer the Government economically and well. But can we continue to fulfill our national platform pledges in this regard if we vote a possible $5,000,000,000 additional taxation upon the people at this time? I think not.

(6) I am opposed to the bonus bill and shall vote against it because of the confidence that I have in the business and official judgments of the Secretary of the Treasury and the Comptroller of the Currency, both of whom have warned both the Congress and the people repeatedly against the disastrous consequences of the proposed legislation.

I am well aware, of course, that the executive and legislative branches of the Government are distinct and independent and that we are not necessarily bound by the advice of Secretary Mellon. Nevertheless, I feel that there should be close cooperation and teamwork between the two branches for the good of all the people. Indeed, the fathers of the Republic seem to have intended that it should be so, else they would not have required the President by constitutional provision to deliver an annual message conveying advice and information to the Congress upon the state of the Union.

In any case the advice of Secretary Mellon is valuable as that of an eminent expert whose patriotic impulses and high sense of official responsibility have caused him more than once to sound an alarm in regard to the bonus and to warn of its evil consequences as a sentinel upon a tower signals the approach of an enemy and warns of impending danger. I am

opposed to this measure for the reason, among other things, that you have ignored his advice and derided his warning in the framing and passage of the bonus bill.

(7) I am opposed to the bonus bill and shall vote against it because it makes no provision for raising the revenue with which to carry out the purposes of the measure and because in the failure to do so the advice and expressed wish of President Harding are completely ignored.

The President has very plainly and pointedly advised the Congress to incorporate a provision for a sales tax in the bill or to postpone the legislation to some later date. He has virtually informed us that he will veto the measure if the bill is passed at this time without the sales-tax provision. The gentlemen of the Ways and Means Committee have seen fit to ignore his advice and warning completely, and for this reason, among others, I am opposed to the measure.

The psychology of the situation that has been created by the failure to incorporate the sales tax in the bill is strange and bewildering. The mystery of motives is both puzzling and fascinating. It is easy to understand why certain Members oppose this form of taxation, because they have made themselves understood by clear and emphatic declarations both in private conversation and in public debate. But the motives of the vast majority it is impossible to understand when they tell you that the sales tax is a good one but that they are opposed to it. When asked for the reason of their opposition, they generally look tired and bored, yawn and gape, and then remark about the state of the weather and the approach of spring.

Since the question of the sales tax arose in connection with the bonus I have worked hard to fathom motives and classify reasons for the opposition of Congressmen to the advice and expressed wish of the President. I would not be ungenerous or uncharitable toward my colleagues, but the truth must be told. I must make public the results of my studies and investigations. The fatal classification must be made.

I find that the opponents in Congress of the sales tax in its relation to the bonus may be divided into two main classes:

First. Those who have no well-defined or deep-seated convictions upon the sales or any other kind of tax.

Many of these gentlemen will not hesitate to admit that the sales tax may be a just and equitable form of taxation, but that they are glad that it was omitted from the bill, because its final defeat will be realized in the veto of the President. They will tell you that they are going to vote for the bonus measure because of the critical situation in which they find themselves in their districts, but that they sincerely trust that it will never become a law. Many of them prophesy and express the hope that the Senate will save the country, and, having so prophesied, they then heave a deep sigh of patriotic relief.

The honorable members of this class of statesmen and patriots will pardon me if I inform them that I shall find it impossible to join with them in the program of bluff and buffoonery, fraud and deception, born of their fears and prophecies, hopes and aspirations.

Second. Those who have well-defined and deep-seated convictions concerning the sales and many other kinds of taxes.

The members of this class of opponents of the sales tax are more numerous, more serious, more capable, and better informed than the members of the other class. The members of the first class may be dismissed with derision and contempt. The members of the second class are more dangerous and must be dealt with seriously and with gloves off. They are dangerous because of almost fanatical attachment to local interests and because of strong proletarian tendencies that at times characterize their public conduct. In their covert as well as their open assaults upon capital and the business interests of the country, in discussing the sales tax, they are not content with merely proclaiming the rights of the plain people, rights that nobody denies; they insist, as a cover to hide their demagoguery, on invoking the great name and using the mantle of the great emancipator by speaking of "Lincoln's plain people."

To be more concrete and specific, this class of Congressmen are willing to admit that the sales tax would be just and proper as a form of taxation if everybody were poor or only moderately wealthy. But they contend that it is hopelessly bad and objectionable in a republic where the profiteer must be murdered and wealth be made to pay all the taxes. I agree with them that the profiteer should be murdered, if we can locate him and identify him as a profiteer, but I object to including honest business men in an indiscriminate slaughter because they happen to have been successful and to have accumulated wealth. Nothing would please me more than to take money out of the pockets of the profiteers and place it in the pockets of the veterans, if I could locate and identify the profiteers. But I object to pulling down the pillars of the Nation's industrial temple by an indiscriminate assault upon business interests in the name of profiteer chasing, and I despise the hypocrisy and demagoguery that inspire the assault.

We are all agreed that the profiteer is a bad character, that he should never have been created, and that he should be destroyed now that he has been created if we can locate and identify the criminal. But when Democrats turn their patriotic gaze across the aisle toward the Republican side, their great eyes in fine frenzy rolling, and their voices hoarse with declamation in defense of the people and in denunciation of Republican profiteers, the spectacle is one to split the sides of all the gods at once.

What is a profiteer anyway? The Democrats have defined him as a war contractor who took advantage of his country and countrymen and their necessities during the Great War and became enormously rich illegitimately and illegally. Very well and good as a matter of definition. But under whose administration, by whom, and to whom were these contracts given? Were the Democrats not in complete control of all branches of the Government? Were the heads of departments and Cabinet officers whose duty it was to make and draw war contracts and ratify them after they were made and drawn, were these men not chiefly Democrats? And if the truth were known is it not a fact that the criminal contractors, the profiteers themselves, were chiefly Democrats? Ah, my Democratic friends, practice your demagoguery back at home on the stump, but spare us here, for we know you well, your purposes and methods.

When the President suggested a sales-tax provision as a necessary part of the bonus bill, the proletarian guard arose at once in wrath and opposition. They declared that it could never be, because it would be taking the burdens of taxation from the shoulders of the rich and placing them upon the backs of the poor. They have never explained to any clear-thinking, strong-minded man how it would happen. They have merely contented themselves with declaring that the consumers of the country would, under this form of taxation, be compelled finally to pay the bills, and they are probably right. But, in the name of all the Republican and Democratic gods at once, who are the consumers of the country if they are not all the people of the country? Is there a single living man, woman, or child in the United States who is not a consumer of something—clothing, food, tobacco, milk, or liquor? And is it not right and just that taxation should be borne by all the people of the country?

Gentlemen in their sophistry and sectional blindness would have you believe that under the sales tax the selling would be done by the East and the buying and consuming by the West, when, as a matter of fact, North and South, East and West, all sell and buy and all are consumers. We in the East sell you our manufactured goods and you sell us your raw material. We sell you our clothing and manufactured articles and you sell us your cotton from the South, your beef cattle from Texas and New Mexico, your wheat from Nebraska and Minnesota, your lumber from Maine and Wisconsin, your automobiles from Detroit, your fruits from California and Florida, and please do not forget that you charged us profiteering prices for all of them during the war. In our patriotic resignation and self-sacrifice we never once protested. And now come gentlemen of the proletarian guard with loud cries about prices and profiteering.

The fact of the matter is that, when the mask has been torn away, when camouflage and demagoguery have been brushed aside, you have simply defied the President, whose big heart and brain suggested the sales tax as an equitable one, because you knew that under it all the people of the country in all the States would be compelled to pay the tax, and that is not what you want. You want all the taxes paid, as far as possible, by one section of the country and chiefly by one State, the State that I have the honor in part to represent—the State of New York. These motives and desires caused you to fear the influence of the President and the results of free and untrammeled debate on the subject of a sales tax. You were therefore willing to bring in a gag rule that would shut out the possibility of amendments that might have shown the justice of this form of taxation in the debates upon them.

I have had something in my political system ever since I have been in Congress, and I am going to get it out now. I have never believed, and I do not now believe, that the great State of New York is fairly treated in the matter of Federal taxes, and I serve notice upon everybody, Republicans and Democrats alike, that I will support no more revenue bills in this House that are not national in their scope and equitable in their distribution of tax burdens among the States of this

Union. I serve notice further that the lash of party discipline has no terrors for me, and that I will obey no dictates except those of my judgment and my conscience.

I represent a brave and intelligent, a proud and patriotic, people who love their country with passionate devotion and are ready at all times, in peace and in war, to make supreme sacrifices for the glory of the flag and for the honor and safety of the Nation. They are more than willing to meet the full measure, even to overflowing, of their financial obligations to the Republic in times of peace. They ask no prouder privilege than to lead the victorious column of the States on the battle fields of the world in defense of flag and country. But they are getting very tired of being regarded as the people of a conquered Province, to be fleeced in matters of Federal taxation by the various legislative blocs of the West and South.

In order that you may understand that this is not mere declamation, let me furnish you with a few facts and figures. Mr. White, of the Treasury Department, has furnished me with the following statement from the Treasury records:

Total receipts of the Federal Government from all sources of internal revenue for the fiscal year ending June 30, 1921, in round numbers, was $4,593,000,000. The amount that was credited to the State of New York was $1,125,000,473, which is equal to 24½ per cent of the total internal revenue.

Mr. White suggested that these figures included New York's share of national income taxes, but did not include New York's proportion of either postal or customs revenues. Indeed, it is practically impossible to tell the exact proportion of either postal or customs revenues that is to be credited to any one State, since these revenues are in their very nature essentially national. But when we consider that the port of New York is the great port of entry of foreign goods, and that the merchants of New York City are the great importers of the country, it is not unreasonable to credit New York State with a large proportion of customs revenues. Furthermore, when we consider the enormous quantity of letter postage used by the people of New York, it is not unreasonable to credit to the people of that State a very large percentage of the postal revenue.

In any case, a most conservative estimate of New York's proportion of postal and customs revenues, a figure believed to be ridiculously small, would be such a percentage that, when added to the 24½ per cent proportion of internal revenue, would make New York State's share of all Federal revenues at least 33½ per cent.

Stop and think, if you please. One State in 48, with 10 per cent of the population, is compelled to pay 33½ per cent of all Federal revenues for all purposes whatever. What is the justice of it under any possible plea? In reply, I am told by certain Members that New York has all the money and should therefore pay all the taxes. Emphasis is placed upon the fact that New York millionaires are simply rich emigrants from other States and that they carried all their wealth with them when they left home, that having bled the country for New York's benefit, they should pay big blood money as a penalty.

There is a grain of truth in this contention, but only a grain. The fallacy of the idea is apparent to everybody who will reflect a moment. In the first place, the millionaires are not all in New York. In the second place, no considerable proportion of New York millionaires made their money elsewhere. In the third place, those millionaires who did emigrate to New York did not carry all their wealth with them. When Rockefeller went from Cleveland to New York, he did not take all Standard Oil properties with him, not even all the stock of the company. When Carnegie went from Pittsburgh to New York, he did not take the steelworks nor all the stock of the company with him. When they arrived at New York, they both created foundations as agencies for sending their money back to the States to found universities, build libraries, combat disease, and educate the ignorant. When the Vanderbilts built the New York Central Road, they enriched the landowners along the line in every State through which the road passed. They endowed a university at Nashville, Tenn., and made enormous charitable and educational contributions to other States. It is estimated that every gold and silver dollar in circulation has cost several dollars to get it out of the mines. We New Yorkers have borne the expense of this metal money which you use in the West and South by buying your gold bricks, your bogus mining stocks, that you have imposed upon the credulity of our people.

The balance has never been struck yet to show whether the Nation has given more to New York or New York to the Nation, and I protest now and shall continue to protest against unjust taxation with no other pretext than the socialistic, proletarian pretense that New York is richer than other States and therefore should pay enormously in taxes.

New York asks nothing else than to be fairly treated in the matter of tax burdens for the running of the Government. The people of the Empire State are first in population, first in wealth, and equal to any other in high ideals and patriotic impulses. They would scorn to play the baby act in matters of national obligations. My district would condemn me as their Representative if I should assume a captious attitude or attempt to play an isolated rôle in matters of national legislation. But I am convinced that the people of my district in particular and the people of New York State in general demand that I pay some attention at least to their special rights as a constituency and as a State, and I propose from now on to do it more energetically than I have heretofore.

The people of New York State voted a bonus to their own veterans, but the law was declared unconstitutional by the highest State court. Certain of my colleagues from New York have contended that the people of the State, having subscribed to the principle of a bonus, have practically instructed its Representatives in Congress to vote for the bonus bill. I am as keenly sensible of legitimate mandates as any of my colleagues, but I must first understand that it is a mandate, that it is from the people, and that the mandate has reference to the legislative matter engaging my attention.

If the present bonus bill becomes a law and the maximum of $5,000,000,000 of taxation is levied upon the people, New York will have to pay more than $1,500,000,000. Her population being only 10 per cent of the total population, and the veterans being only 10 per cent of all the veterans of the country, the State of New York would receive only about $500,000,000 in return for an expenditure of $1,500,000,000. In other words, this bill calls upon the State of New York to make a present to the veterans outside her borders of $1,000,000,000. Would my colleagues from New York contend that if this question were submitted to the people of our State they would jump over each other getting to the ballot box to vote it? I think not, and as a New York Representative I can not conscientiously vote the money of the people of New York into the pockets of the people of other States without their explicit consent; nay verily, without a special mandate from them. I do not feel that I have received any instructions whatever from either the people of my district or from the people of New York State to vote for this national bonus bill, and it will not receive my support.

In summary and in conclusion let me say that I am opposed to this bill and shall vote against it, because I do not believe that American taxpayers should be called upon at this time to provide gratuities for able-bodied soldiers; because all the money that we can raise in the next few years should be devoted to the sick and disabled; because of its inherent absurdities, inequalities, and iniquities that discriminate meanly against the bravest and most deserving; because the country's business conditions and the state of its finances will not justify the payment of bonus gratuities to able-bodied veterans at this time; because I am bound personally and by platform pledges to work for the restoration of national prosperity through retrenchment, reform, and economy in government, pledges that it is impossible to fulfill if I vote for this bill; because the Secretary of the Treasury and the Comptroller of the Currency, the country's best and greatest financial experts, have both warned against it; because the President of the United States is opposed to it in its present crude and unamendable form; and, finally, because I firmly believe that the majority of the people of the great district that I represent and the majority of the people of the great State that I have the honor, in part, to represent do not desire me to vote for it.

For all these reasons I shall vote against the bonus bill, with the prayer that the God of our fathers who was with us at Valley Forge, at Gettysburg, at Chateau-Thierry, and in the Argonne Forest, who has guided our footsteps in every period of our history along the paths of national progress and prosperity to a marvelous and magnificent destiny, may protect and preserve the Republic and all its people from the ways and wiles of the demagogues of this House who believe one way and vote another; that have declared this bill to be bad, very bad; and now propose to vote for it. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FORDNEY. Mr. Speaker, I yield one minute to the gentleman from California [Mr. LINEBERGER].

The SPEAKER. The gentleman from California is recognized for one minute.

Mr. LINEBERGER. Mr. Speaker, as many Members of this House know, I was strongly opposed to bringing this bill before the House without first submitting it to a Republican conference, because I believed the importance of the legislation merited thorough consideration by the entire responsible Republican majority. However, the vast majority of my Republican colleagues were against me in this matter and I bowed to the will of the majority.

I think this is the best bill that could have been brought out under the parliamentary situation now existing, but I continue to deplore the fact that it was not brought before a Republican conference. I have always believed in adjusted compensation, because I think it is right in principle. Therefore I expect to vote for this bill, and I trust that it will pass, not only here but in the Senate, without delay and that it will then receive the early signature of the President, thereby resulting in the payment to the soldiers of the World War the adjusted compensation to which they are so justly entitled and for which they have been waiting for three long years. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from Illinois is recognized for two minutes. [Applause.]

Mr. CANNON. Mr. Speaker, I am not going to try to make a speech. I voted against the bonus bill that passed the House on a former occasion. I went home. Attacks were made upon me because of that vote, especially by my Democratic friends. That is all right. I also received some criticism from some of my Republican friends. I beat my Republican opponent for the nomination 3 to 1, notwithstanding the vote that I gave at that time.

We have got our hands full taking care of the sick, the armless, and the legless in the hospitals. You may say, "Do you not recognize the great and important services that these gallant men gave to the Republic?" Yes. They owed that service and gave it loyally and courageously. Thank God, the great majority of them came back sound and safe.

Our first duty after every war is to those who returned wounded and with shattered health, and to the dependents of those who gave their lives for the defense of the country. We have done that in the most generous manner that any Congress ever legislated for the men who incurred disabilities in war and their families, and we have done it without counting the cost to the Treasury. We are still doing everything possible to take care of the disabled and the dependents of the dead, and more appropriations are coming for more hospitals and more hospitalization. I have had a tabulation of the appropriations made for allowances and benefits on account of the soldiers, sailors, and marines who participated in the war with Germany, and it makes a total of $1,979,200,634, and when we pass the bill for new hospitals this total will pass the two-billion mark. I do not mention this great total to excuse any failure we may have made in caring for the men who fought in the war, but to show that we have not hesitated at any expenditure in taking care of the disabled and the dependents. The Veterans' Bureau is paying out $450,000,000 a year in compensation to the disabled, and that expenditure will continue for many years to come. We have not reached the peak of this expenditure.

I have said repeatedly that I would vote for legislation to compensate the soldiers who came back in health as well as those who incurred disabilities, when the House could have a bill presented by the committee that would provide the revenue to pay that compensation. I would so vote to-day if this bill provided the revenue to meet the authorization of such expenditure, but it does not. This proposed authorization of insurance certificates is an experiment at best—an experiment for the soldiers as well as for the Government, and I do not believe that it will give satisfaction to the men who are proposed to be benefited thereby. The men who are in immediate need will use these certificates to borrow and you have provided that the banks may loan not less than 50 per cent of the face value of the certificate. In my judgment, that authorizes the banks to loan only 50 per cent, and when they do it will be called robbery of the service men of half their compensation. I would be tempted to characterize such loans on Government securities in the same way and so would you all if done on any Government paper, taking advantage of the necessity of the borrower to appropriate one-half of his compensation. But in this bill you authorize such practices by the banks. I can not support such an experiment at a time when revenues are falling off and appropriations are being increased. If we are going to obligate the Government for $4,000,000,000 or $5,000,000,000 we should provide some means of meeting that obligation, and the only means we have for raising revenue is by taxation. The Government has no income of its own. It must take the money from the pockets of the people by taxation, and when it borrows it must pay or repudiate. This money for compensation will have to be paid in taxes some day, and that day will be 20 years hence when these young men have become the responsible taxpaying citizens, and the burden will fall upon them years after they have had and spent the proceeds of the loans they can secure on these certificates. I do not believe they will bless Congress for placing such a burden upon them.

In the fullness of time, as fast as Uncle Sam can get the money, they will be cared for. In the fullness of time employment will become well-nigh universal, I hope, with an increased wage. I may not live to see it, but many of you will live to see it, and I hope you will, and you will see that a service pension comes. Why, a service pension came from the Civil War, and it came from other wars. Uncle Sam has looked after his defenders just as fast as he could in all these years.

Now, that is about all that I want to say at this time. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FORDNEY. The gentlemen over there have more time. I suggest that they use some time now.

Mr. COLLIER. Mr. Speaker, acting for the gentleman from Texas [Mr. GARNER], I yield two minutes to the gentleman from New York [Mr. LONDON].

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. LONDON. Mr. Speaker, this hocus-pocus bonus bill and the method of debating it is a combination of the worst kind of political fakerism and parliamentary charlatanism. [Applause.] It is hard to conceive a sadder farce than this debate. Twenty or thirty men have already spoken in the last three hours, each taking a minute or two, speaking in unfinished sentences, in incomplete phrases, without an opportunity afforded for the expression of consecutive thought.

Neither the word bonus nor the word compensation is applicable to the situation. The word bonus is a term used in industry and denotes compensation over and above usual compensation. In fact, it is delayed compensation.

Whom will the bonus satisfy? If the man was a volunteer offering his life for the ideals of his country, you can not compensate him. If the man hated the war, but as a citizen obedient to the law of the land responded to the call of his country, he is even more of a martyr and you can not discharge your obligation to him by giving him a sum of money. You can not measure his martyrdom by dollars and cents. Nor is there any way of paying the man who was opposed to the war and served merely because he was compelled to, because he was physically taken possession of and forced to fight.

No cash, money, dollars, or cents can pay any of these men. In England they paid what we call a bonus, something like $200 to each man. The money did not last very long, and when the unemployed ex-service men appealed for relief to that prince of statesmen and to the high priest of diplomacy, Lloyd-George, he advised them to emigrate, to emigrate from their own country.

The ex-service man has a right which no one has mentioned during this so-called debate—a right to work, a right to earn a livelihood in the country in obedience to whose laws he offered his life as a sacrifice. Something more than a mere opportunity to tramp the roads in the vain search of employment should be accorded to the soldier returning from camp or battle field.

One-fourth of the amount which this bill will require invested in the building up of industries, in loans to cooperative societies of workers, in furnishing aid to labor unions, in the building of homes, now that industry is paralyzed and nearly 5,000,000 men, and among them 700,000 ex-service men, are out of employment, would have been of infinitely greater service to the war veteran than any possible doling out of cash gratuities or of insurance certificates such as are proposed by this bill.

Do you know of any more sacred right than the right to work? Private industry, which is never inspired by national ideals, and which will not employ a man unless it can make a profit, has no care for the unemployed, though the unemployed be a hero of heroes; and if industry, managed and operated by private capitalists, refuses to furnish opportunities to earn a livelihood to millions of men, the Government, which should be the agent of the entire people, must not shirk the responsibility.

Prior to the war and during the war, and whenever I had an opportunity, I stressed the need of taking adequate steps to prepare to meet the very emergency we are facing to-day.

The leaders of the American Legion, who undertake to speak for the organized soldiers, do not represent the real thought of the World War veterans.

The official organ of the American Legion expects to meet the unemployment problem by the collection of old clothes, by begging for odd jobs, and by demanding a cash bonus. Unable to get a cash bonus, they are willing to accept this makeshift of an "adjusted service certificate," a piece of financial legerde-

main, utterly unintelligible to any living being, including its proponents.

When we speak of ex-soldiers we speak of 4,000,000 citizens, of a citizens' army, not of a military clique. We speak of an important part of our citizenship whose fate is tied up with the fate of the rest of the people.

All workers out of employment, whether they be war veterans or not, are entitled to an opportunity to work, to help create useful things that make life worth living. Private industry can not be relied upon to meet the situation; it is up to the Government to help create opportunities for employment, not only such as existed prior to the war but under conditions which would give the toilers a voice in the conduct of the industries under which they are to work. More than once during the war they were called upon to fight for a new and a better world. Neither a cash bonus nor an "adjusted service certificate" gives any promise of anything new or better.

The proposed bill, in addition to the so-called "adjusted service certificate," contains provisions for vocational training aid, for farm or home aid, and for land settlement. These provisions have no relation whatever to the possible needs of the man who is to take advantage of them. A mere examination of the bill will show that.

Thus, for instance, the section dealing with farm or home aid which allows to the veteran for the purchase of a suburban home or farm an amount equal to his adjusted service credit—which amounts to a dollar a day for home service and a dollar and a quarter a day for overseas service, in no event exceeding $500—plus 25 per cent. In most cases the amount will not be sufficient to pay the fare to the home or land that is to be purchased.

So far as land settlements are concerned, so many things are to happen before a land settlement can be accomplished that the veteran is more likely to get to heaven or "in the opposite direction" before he will settle on the land.

The conditions under which this bill was brought up made it impossible, as I said before, to offer any suggestions or to propose any amendments. The rule prohibited the offering of amendments. Under these circumstances a vote against the bill could have easily been interpreted as a vote against giving consideration to the needs and the interests of the veterans. And then there is the possibility that once presented the question of according some measure of relief to the veterans may receive attention in the Senate where a brave and courageous minority has at least an opportunity not to permit itself to be gagged. It is true that with the powers that be in control that hope is a very faint one, but I have made it a rule long ago never to despair.

This is a proposition involving $4,500,000,000. The Nation's gratitude is to be translated into a bootblack's tip. First, you promised cash. Now you are to give certificates of insurance. And there is no way of amending the bill, no way of making a suggestion, no way of changing it, no way of improving it. With a two-thirds majority the Republicans did not have the courage to give the House an opportunity to amend the bill so that something real might be done for the veterans.

The SPEAKER. The time of the gentleman has expired.

Mr. COLLIER. I yield one minute to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, I want to briefly discuss that part of the minority report submitted by the Republican members of the Committee on Ways and Means, because the chief objection which they make to this bill is the controlling reason why I shall vote in favor of its passage. These gentlemen say that the land settlement provisions of the bill—

> establishes an expensive machinery of management, offers untold opportunity for useless expenditure, and under the guise of veteran aid permits, among other things, the board to lay out town sites and build unlimited highways. * * * The so-called reclamation feature is dangerous at worst and uncertain at best and of itself should be a sufficient reason for the rejection of any bill carrying it even though the measure were in all other respects unobjectionable.

In another paragraph of this report these gentlemen say: "Enactment of this bill would be directly contrary to the advice of the Executive." It is true that the President opposes the passage of this bill unless it includes a sales tax as a means of raising the money to meet the cash payments when due. These gentlemen evidently propose to follow Mr. Harding's advice only when he happens to agree with them, which is convenient but most inconsistent. A little over three months ago, in an address to the Congress, the President said:

> After each war, until the last, the Government has been enabled to give homes to its returned soldiers, and a large part of our settlement and development has attended this generous provision of land for the Nation's defenders.
>
> There is yet unreserved approximately 200,000,000 acres in the public domain, 20,000,000 acres of which are known to be susceptible of reclamation and made fit for homes by provision for irrigation. * * *
>
> Contemplating the inevitable and desirable increase of population, there is another phase of reclamation full worthy of consideration. There are 79,000,000 acres of swamp and cut-over lands which may be reclaimed and made as valuable as any farm lands we possess. * * *
>
> Home making is one of the greater benefits which government can bestow. Measures are pending embodying this sound policy to which we may well adhere. It is easily possible to make available permanent homes which will provide, in turn, for prosperous American families, without injurious competition with established activities, or imposition on wealth already acquired.

These words from the President's message of December 6 can not be construed in any other manner than a complete and unqualified indorsement of the land-settlement features of this bill. The plan for the establishment of "veteran settlement projects for the reclamation of lands by irrigation, drainage, or other manner or method," literally and specifically carries out the recommendation thus made by the Executive, and his advice should be heeded by those who are so prompt to quote him on other occasions and for other purposes.

There are gentlemen who refer with approval to the result of the referendum taken by the Chamber of Commerce of the United States which disclosed that over two-thirds of the votes cast were against bonus legislation, whether paid in cash immediately or with payment deferred through the use of certificates, but they are careful to tell but half the truth. At that same referendum, which was completed on February 21, the following question was submitted to the business organizations in every State which constitute the membership of the national body:

> Do you favor a national system of reclamation to be initiated through adequate Federal appropriations and to be carried out for the purpose of affording ex-service men opportunity to cultivate the soil?

On this question the vote was 1,250 votes in favor and 461 opposed, the majority being larger than that against the cash bonus.

There is another organization likewise nation-wide in its scope which, although it frequently disagrees with the Chamber of Commerce of the United States, thoroughly approves of a plan of national reclamation such as is provided in this bill. The American Federation of Labor, through its accredited legislative representative has said:

> The best service that America can render to the world, in our opinion, is to keep America healthy. I do not believe personally, from what I have seen, that there is any hope of alleviating this unemployment condition in the country except through a well thought out program made active, and it is my opinion—and the opinion of the American Federation of Labor—that the reclamation idea, covers a greater scope, promises more for the alleviation of this condition, than any other program that has been presented.

I could quote at greater length expressions in favor of a national reclamation policy from both of these sources, one representative of the great business interests of America and the other speaking for the toilers of our land. When capital and labor unite in demanding the adoption of legislation which will make waste land productive, provide homes for our returned soldiers, and increase the wealth of the Nation and the prosperity of all our people, then Congress should not hesitate to act. [Applause.]

Mr. COLLIER. I yield five minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Speaker, the House and the Senate went through the war period without partisanship. The situation to-day, in our attempt to return to normal conditions, requires the same courage and spirit that carried us through then.

During the war the Ways and Means Committee was under Democratic control, but Republicans were freely admitted to all discussions, so that when a measure was reported it represented the judgment of both Republicans and Democrats.

This measure has not been reported in this spirit, nor have the public or the Members of this House been permitted to voice their opinion.

The Rules Committee have provided a rule which permits but a few minutes' discussion by each Member and then absolutely bars any attempt to amend.

We must pass it exactly as the 17 Republican members of the Ways and Means Committee wrote it. It can not be changed. It can not be altered. It can not be improved.

We have attempted by legislation to provide for our wounded and sick soldiers and have made provision for the dependents of those who died in service.

But there is another class, numbering 332,113, of which 230,758 have applied for disability allowance due to injury or sickness, and 101,355 have applied for pensions because of death. These claims have been disallowed, and yet we are aware that Spanish-American veterans are to-day drawing service pensions upon the substantiation of similar claims.

The bill before us is for the soldier who, through absence in service from his vocation, has suffered loss and who now asks an adjusted compensation.

The American Legion, advocating his claim, caused to be presented to the House a measure providing for five options.

The first option was for cash money, and it has been generally accepted that from 75 to 95 per cent of the veterans wanted cash under this option.

This option has been eliminated, so the bill is not the one indorsed by the American Legion or which had been advocated by the soldiers.

This bill will not satisfy the soldier when he understands its provisions. It will not satisfy the taxpayer, because he is not told how much he will have to pay and when he will have to pay, so that he can adjust his affairs to meet the obligation.

The soldier, instead of being paid cash, is given a paid-up insurance policy with a limited borrowing capacity of 50 per cent, upon which each of the soldiers will be compelled to pay interest.

I shall vote against this bill because it does not give the soldier a "square deal." It does not give the taxpayer a "square deal," and it will confuse and make difficult its administration by our National Government.

I would vote for a proper bill, but I can not support this impossible measure.

The bill is not expected to pass the Senate without radical amendment. If the President does not reverse his frequently expressed opinion, he will not sign the bill in its present form, which will cause delay.

The bill may temporarily fool the soldier and the taxpayer, but when the soldier finds that he has been deceived and the taxpayer finds that he has been fooled, they will both be dissatisfied.

The passage of this particular bill will cause delay for the soldier, uncertainty for the taxpayer, and confusion in national administration.

The only way to secure a good bill is to fight a bad bill, and this I have done.

Mr. WILLIAMSON. Mr. Speaker, while I do not like the certificate feature of the adjusted compensation bill now under consideration, I shall vote for it. We are under the same moral obligation to adjust the economic loss of the ex-service men as we were to adjust the loss of war contractors. To adjust these we have already raised and paid out funds running well past the $2,000,000,000 mark without levying special taxes for the purpose. All these claims have been paid out of moneys in the Treasury raised in the ordinary way for meeting Government expenses. The proposed soldiers' bonus is in no respects different from any of these other claims; should be paid in cash and be paid out of any funds in the Treasury not otherwise appropriated.

As pointed out in my speech upon the subject in this House on January 20 last, such additional funds could easily be raised by a sale of surplus war materials, by an increase of the inheritance tax upon the descent of large estates, and by the collection of interest upon obligations due us from foreign Governments. If a sufficient amount can not be derived from these sources to maintain a balance in the Treasury with the additional drafts which would be imposed by the payment of cash adjusted compensation to the ex-service men, we can well levy a progressive income tax upon corporations after allowing such liberal exemptions as would permit them to function without detriment to the business interests of the country. This method would not only save huge sums for the Government but would be much more satisfactory to the veterans themselves.

I can not agree that the above methods of raising additional revenue would in any way hinder that upward trend of business activity now becoming increasingly noticeable throughout the country. On the other hand, the proposed sales tax would have a most depressive influence upon the public mind in that it would place the burden upon those least able to pay, greatly add to the cost of living, now on the downward trend, and would cause much resentment among the ex-service men themselves, who would thereby be called upon to pay a great part of the bonus out of their own pockets. As those of large property and income had the most to gain from the successful prosecution of the war, so they should be called upon to pay their fair proportionate share of the burdens incident to that war.

Mr. GARNER. I yield five minutes to the gentleman from Florida [Mr. SEARS].

Mr. SEARS. Mr. Speaker, it would be absurd to undertake to discuss this bill in a logical manner in five minutes. To my mind the bill is "bunk." The first 10 pages are devoted to explanations. There is really only one redeeming feature in the bill, sarcastically speaking, and that is the section which provides for four positions, at a salary of $7,500 each a year, and an army of clerks to carry out the work.

Let us trace the history of the bonus proposition. Last August a year ago the House passed a cash bonus bill which provided the means of raising the money to pay the soldiers. That was just before an election. We saw that bill die in the Senate. Now, just before another election another bill, or supposed bonus bill, is presented to the House, when my colleagues know it will never pass the Senate, or, at least, it is extremely doubtful if it will ever pass. If, perchance, the bill does happen to pass the Senate and the President stands by the statement he has issued—that unless a sales tax is carried in the bill he will veto it—it will never become a law, for you know you will not pass it over his veto.

Mr. Speaker, for some years the Agricultural Department has been experimenting with berries. They did not bring the berry to perfection, and it remained for the other branch of the Capitol to discover a "Newberry," which has been discussed from one end of the country to another. I shall not go into that matter now. While I do not condone it, there was this defense, namely, he spent his own money and the money of his relatives in securing his election. But this bill, admitted by those who have argued for it, "out-Herods" the Senate, and I am, therefore, going to give it the name of the "due berry." The only difference between the two recently discovered berries is the hope of purchasing our seats at the next election out of the taxpayers' money, and this—to my mind, at least—can not be defended.

I wish, Mr. Speaker, I could go into this matter at some length. The soldier boys of my district know how I stand on this matter. As chairman of the committee I introduced the first soldiers' rehabilitation act and assisted in conducting the hearings on same, and it later became a law. Afterwards, as ranking Democratic member of the committee, I also assisted in the passage of a bill extending further relief to the disabled soldiers. I have voted for every measure that I believed would be of benefit to those who defended my country, but I can not bring myself to vote for a bill that absolutely means nothing, or, at least, no one can explain it; how much it will cost or how we shall raise the money. In conclusion, Mr. Speaker, although the son of a southern soldier, I am going to quote the words a President used in a message when he vetoed a bonus bill in 1875; although my Republican colleagues seem to have forgotten him, nevertheless his memory still lives and he has at least not been forgotten by the "Yanks" or "Rebs":

> The passage of the bill at this time is inconsistent with the measures of economy now demanded by the interests of the country.
>
> U. S. GRANT.

[Applause.]

Let my good Republican friends turn their minds backward just for a moment and recall his message and pay tribute to his courage in vetoing same. If you want to give the soldier boys a bonus, come out and give it, but provide some way to raise the money and do not deceive them. There is another point about the bill. It so happens that a man who was sent across the seas and faced the bullets of the enemy has an I O U, as the Negroes in my part of the country call a little scrap of paper, such as this bill provides, after they have won it in a crap game—and he gets for example a $300 certificate, which he will have to carry around for 20 years before he can get anything on it, because you know and I know that the banks of this country can not loan money due three years after date and perhaps drawing only 6 or 7 per cent interest, and if they should attempt to do so I fear the depositors would withdraw their money. Besides, the soldier would have to lose the difference in interest between 4½ per cent and the amount charged by the bank. But if the soldier happened to be in the service prior to November, 1918, just long enough to be entitled to $49 or less, he would get it in cash, although he never heard the sound of a gun or faced the enemy. On the other hand, the boy who served in the trenches in France, if the amount due him after deducting the first bonus is in excess of $50, only gets a certificate of indebtedness. If he should die before 1942 it might be well to put upon the marker of his grave "Here lies a brave soldier, who died hoping to the last that he had not been misled." However, there is this consolation, if such you can call it, if he has a family perhaps the family will be able to cash the certificate.

There are many other inequalities and injustices in this bill which can not be defended, but at this time I shall simply call your attention to two editorials on this bill which will at least show you what others think of it. The editorials are as follows:

[From the Palm Beach Post, March 7, 1922.]

THE SHOW-DOWN.

The Century Dictionary says of the word politician: "This word has degenerated so as generally to imply that the person busies himself with partisanship, low arts, and petty management."

In the light of that we quote from Washington dispatches:

"It became known to-day that Representatives FESS, and DICKINSON, of Iowa, and WOODRUFF, of Michigan, called on Chairman FORDNEY yesterday and laid before him the whole situation, placing emphasis on its political aspects. They were understood to have contended that a sales tax would cause general dissatisfaction throughout the country, would make the soldiers' bonus extremely unpopular with the people, and might result in political upheavals in many normally solid Republican districts."

We should doubtless be grateful to politicians for at least confessing that the bonus is a political issue, pure and simple. Certainly the merits and means of a bonus are rapidly giving way in the public mind to the sinister political aspects of the question. The public may not yet have reached an opinion on the bonus bill, but it has learned a thing or two about the workings and motives of its Congress. It has seen the administration blow hot and blow cold on the subject, take it to its heart again as elections approach, venturing first one means and then another, and so hastily withdrawing them as notice is served that they would cost more votes than the service men could muster.

At present Congress is back where it started. It is for the bonus, but can not find the wherewithal. Therefore it proposes to pass the bonus bill but provide no means for paying it. Simple—and we trust satisfactory to advocates of the bonus. We would rather like to see Congress do just that. Surely even the most trusting elements of our electorate would comprehend the dishonesty of such an act, and scan with a more critical eye future deeds of those who were a party to the fraud.

—

[From the Washington Daily News.]

BUNK FOR BONUS?

The President stood long against any bonus bill which did not carry the taxation to pay the bonus. He was right.

You can't make omelets without breaking eggs. You can't raise the money for the bonus without taxation.

If the present scheme is carried out for a bonus law by which the ex-soldiers are given certificates running three years, on which they are supposed to borrow money, it will be a cowardly campaign dodge to catch votes, and it will be a cowardly political dodge toward ruin if it works.

The ex-soldiers can either borrow the money from the banks on the proposed certificate or they can't. If they can't, they will have been cheated and lied to.

HITS LABORER AND HOME BUILDER.

If they can, a huge amount of frozen credit will be added to the Nation's troubles. But Comptroller of the Currency Crissinger says he would advise banks to refuse loans on bonus certificates. Being three-year, nonnegotiable paper, the banks could not rediscount the certificates, so that if the banks did loan on them $750,000,000 to $1,500,000,000 of credit would be frozen solid. That would tend to high-money rates, financial stringency, and, hitting farmer, laborer, home builder, manufacturer, and merchant, would cost the people of the country more in dollars and cents than the necessary tax to pay any bonus outright.

SOME ONE CHEATED EITHER WAY.

The third expedient is the Cozey plan of issuing currency. That means inflation. That means a return to the high prices and high cost of living.

Of the three methods congressional leaders are hell bent for the certificate plan. Under Crissinger's ruling the certificates would be mere scraps of paper.

Better give the soldiers nothing rather than pretend to be just or generous and hand them a scrap of paper.

BUNK INSTEAD OF BONUS.

The most earnest advocate of the bonus is not called upon to favor such a trick as this, for it cheats the soldier if it fails to work and ruins the country's finances if it does.

Cowardice never pays. And this is congressional cowardice of the basest sort.

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Missouri [Mr. ROACH].

Mr. ROACH. Mr. Speaker, certain leading newspapers have been attempting to create public sentiment against the enactment of an adjusted compensation law by this Congress. They have had a great deal to say relative to the demerits of such legislation, but have studiously avoided discussing its merits. Considerable publicity has also been given to the attitude of some of our departmental officials upon the subject. During all this time the Members of Congress have been earnestly engaged in an effort to work out a solution of this question along intelligent and reasonable lines, and have not taken the time to answer the criticisms that have been made against such legislation.

The time has arrived, however, when we should present our side of the case, and I am glad of this opportunity to express my individual views, and, if possible, correct some of the false impressions that have gone out over the country in relation to this proposed measure. It has been stated by the press that "Congress is in a panic over the bonus law." This and similar statements have doubtlessly been made to create an impression in the public mind that Congress is in a state of uncertainty on the subject. I for one have not observed any evidences of panic or uncertainty upon the part of Members of Congress charged with the responsibility of this legislation. I am happy to know that quite the contrary is true.

Those to any degree familiar with what has been going on do not need to be informed that a propaganda backed by the big money interests and certain powerful newspapers to create a popular prejudice against the enactment of any adjustment compensation law has been under a full head of steam, and by deceit and misrepresentation of the facts have sought to defeat the enactment of such a law. We should not deceive ourselves into believing that public sentiment thus created represents the wishes or judgment of persons who have considered this subject from a fair, just, and impartial standpoint. It has been the fixed purpose of the big financial interests and war profiteers of this country who are opposed to any bonus legislation now or at any other time to create a belief in the minds of the people that such legislation would lay additional forms of taxation upon the people. Their opposition is born out of the fear that they will be required to give up a portion of the wealth and profits accumulated by them during the course of the war. It should be remembered that these are the same big interests and influences that were so loud and insistent in their demands that Congress take these boys from their homes and positions and send them to do our fighting. It should be remembered that when these war profiteers and Government plunderers were made to realize that the grateful citizens of this Nation wished to do justice to the ex-service men by the enactment of this law that it was then sought by them to forestall this public sentiment by forcing upon Congress and the public the thought and belief that the enactment of such a measure would necessitate a tax rider with additional crushing forms of taxation and thereby render the measure unpopular and destroy its chance of enactment. They were quite ready to lend their support to such a measure if Congress would only enact a sales tax and thereby shift the burdens of taxation from their own shoulders to those less able to pay it. The people are to be congratulated that the farm organizations throughout the country were on the job and rendered the necessary assistance to Members of Congress to defeat this move. Meeting defeat in this direction they are now directing a violent assault against the provisions of the bill under consideration, and are attempting by every means possible to render it unpopular with the public and encompass its defeat.

A false impression has been conveyed to the public that the so-called bonus law is merely the granting of a certain amount of cash compensation to the ex-service men, and it is claimed that the expenditure of money in this way is unjustified and would not result in benefiting the ex-service men. If it were true that the present bill did no more than to pay over to the ex-service men a certain amount of cash, such objection might be made, but Congress is considering the subject from a much broader viewpoint and undertaking not only to provide for the immediate necessities of the ex-service men but to enact legislation that will provide for their future necessities, comfort, and welfare when the misfortunes of life have overtaken them.

The problem of working out a proper plan is a stupendous one. More than 100 bills upon this subject have been introduced in Congress and considered by the Committee on Ways and Means. It is therefore not surprising that we can not all agree upon the wisdom of any one single plan. It is certain that in order to secure legislation upon the subject we must be willing to give and take and harmonize our own views to some extent with those of others holding different views, and by such compromises of opinion reach a common ground upon which to enact legislation. In my opinion this bill, which is to a certain extent a compromise of the various plans proposed by different Members, will accomplish the main purposes in which we are all interested, is fair to the ex-service men, considerate of the taxpayers, and protects the Government, three prime factors to be considered in any legislation upon this subject. The bill permits the veterans to elect to receive the benefits of any one of the five following plans of compensation: First, adjusted service pay where the amount of credit is $50 or less; second, adjusted service certificate; third, vocational training aid; fourth, farm or home aid; fifth, land settlement aid.

A study of the benefits given to the ex-service men under each subdivision of this fivefold plan of compensation will convince the unbiased mind that the bill not only affords a means of immediate relief for the veterans but encourages thrift and industry upon their part, protects them and their families from misfortune in the future, and brings into existence a class of producers and home builders who will greatly increase the wealth and taxable property of this country.

ANSWERING OBJECTIONS TO BILL.

One of the chief objections being made to the bill is that it carries no tax-rider provision with which to finance it. This objection to my mind is a good argument in favor of the bill. In my opinion the people of this country will be unanimous for this legislation when they learn that it does not require extra forms of taxation and will in no way retard restoration

of business throughout the country. That is exactly what this bill accomplishes. The investigations of the Committee on Ways and Means disclose that the expenditures under the bill during the fiscal year ending June 30, 1923, will not exceed $75,000,000, and the committee having carefully gone over the revenues and estimated expenditures during that period, the majority of the committee report that no new forms of taxation or special provision of taxation are required to be inserted in this bill.

If we are sincere in our desires to grant relief to the ex-service men, this legislation should not be endangered and perhaps defeated by a tax-rider provision of any sort. I have particularly opposed a sales-tax provision. It has been my belief, and is yet my belief, that any measure enacted should be financed out of the ordinary receipts of the Treasury. Congress has appropriated multiplied millions of dollars to reimburse war contractors, relieve the railroads, and otherwise aid the so-called business industries of the country, and not a single one of these bills carried a tax-rider provision of any sort. I insist that we are not justified in treating legislation for the ex-service men differently from that of other legislation and not a single act has heretofore been burdened with a tax rider. If Congress will enact this law without a tax-rider provision the payments can and should be provided for out of the ordinary receipts of the Treasury, and by so doing we furnish a strong additional reason for still further paring down expenditures in other governmental agencies and departments, and at the same time offer another reason for collecting the interest on our foreign loans, both of which could and should be done.

As already stated, it is necessary to give and take in legislation of this character if we accomplish its enactment, and it oftimes happens that agreements thus reached come nearer of accomplishing our purpose than to stand out for our own ideas, and I am very much inclined to believe that such may prove to be true with the present bill. I have been of the opinion that a greater cash-compensation provision should be made, but I am willing to accept the provisions of this bill rather than to secure no legislation at all, which would seem to be the ultimatum.

The adjusted-service certificate provided in this bill most effectually disposes of the objection against the payment of a cash bonus on the ground that such cash would prove of no value and be frittered away over night. The adjusted-service certificate feature is made so valuable and attractive that it will encourage every effort of thrift and economy to hold it until its maturity, and it can not be disputed that something of great and lasting value has been given, yet at the same time the service man is permitted to secure a temporary loan on his certificate if his circumstances are such as to require it. If you will pause to consider you will conclude that this plan is decidedly preferable to an all-cash bonus. It is the common experience and observation among men that a person will not borrow money, and the banks will not loan money, to be used for frivolous purposes. The loan provisions of this bill strongly argues that the ex-service man is given every inducement to practice thrift and economy in order that he may receive the full benefit and value of his certificate, and at the same time answers the argument that the benefits derived will be of no value.

Another objection which has been made against the bill is that the loan feature might create a condition of frozen credits. It should be remembered that the question of making such loans is entirely optional with the banks. They are placed under no obligation to make them and will not do so, unless their finances will permit and the necessities of the ex-service man require and justify the loan. However, in order to meet this objection, the bill could and should be amended so as to make these loans negotiable and transferable, and I suggest that the amendment go even yet further and require the Federal reserve banks to rediscount loans made by the member banks of their districts where such loaning banks require such rediscount. This would not only make the securities more liquid but make the loans obtainable from a source better able, in my opinion, to handle them. I hope that this or some similar amendment will be adopted. In this connection it should be remembered that on October 1, 1925, all loans or notes given by the veterans under the provisions of this bill, which are in default of payment, will be paid to the banks making such loans upon presentation to the Secretary of the Treasury. Then, again, the bill specifically provides that after September 30, 1925, the veteran can obtain his loan direct from the Government by applying through the postmaster at the place where he may reside.

In view of the great advantage to be derived by the veteran in holding his certificate, I anticipate but few loans will be applied for previous to that date. In other words, the ex-service man will not hypothecate his service certificate unless his necessities require it, and he will then make his loan for as short a term as possible in order to recover possession of his certificate. Few loans will be applied for prior to the date that such a loan is obtainable direct from the Treasury, but for that matter the security which the ex-service man will have to offer for such short-term loans as he might require is first class, and I predict that no bank will hesitate to accommodate his temporary needs upon such security.

In my opinion, the bill should be amended by inserting a provision by which the widow, children, or other heirs of a deceased ex-service man would be given the benefits of the provisions of this law. Such an amendment appears to me to be only an act of simple justice, and I am unable to agree with those who do not favor extending its provisions to the heirs of an ex-service man, and I hope that such amendment as this will be added to the bill before it finally becomes a law.

Statements have been made that the ex-service men would become the victims of loan brokers and money sharks if this bill was enacted. The persons making this objection have evidently not studied the bill. Section 502 (a) restricts the loan features on the service certificate to banks or trust companies organized under the law of any State, Territory, possession, or the District of Columbia, and limits the rate of interest that may be charged. Section 309 provides a fine of $500, or imprisonment for one year, against a person who charges or attempts to charge or collect any fee or other compensation than is provided in the bill. These safeguards are certainly sufficient to overcome that objection.

I have referred briefly to the principal objections that I have heard against the bill, some of which have emanated from those holding places of high authority in our Government.

Let me say right here that I consider it perfectly right and proper that the committees of Congress in shaping any legislation should receive the benefit of any advice or suggestion that may be made by the heads of departments of our Government, but I wish to emphatically voice my protest against allowing departmental officials to dictate to Congress the character of legislation that they will or will not approve. The tendency of Congress is to give departmental officials too much leeway in this respect and I hope to see the practice discontinued. The country is looking to Congress and not to them for its legislation. The Members of Congress were elected and sent here to represent the people of this Nation, and I am not willing to become a rubber stamp for any man or set of men. If we have an opinion upon a question we should have the courage to back it up with our voice and vote. If we have not any judgment and opinion we should resign our office and go back home and let the people elect some one to take our place.

It has been stated here on the floor that the veterans of the Civil War did not receive their pension or such allowances as were made to them by the Government for many years after the war, and for that reason we should delay action on this bill. To my mind such talk does not present an argument that requires an answer. It was unjust and wrong that the soldiers of the Civil War did not have their rights recognized much sooner than they did, but two wrongs never make a right, and because an injustice was done to the veterans of the Civil War is no argument why we should do an injustice to the veterans of the late World War.

Right here I want to digress from my subject to call attention of the House to the fact that members of the Enrolled Missouri Militia, and similar organizations, who rendered valiant service in the Civil War, and recognized by President Lincoln as having rendered such service, have never yet been placed on a pensionable status.

There is now pending in this House a bill which would give these old veterans a pensionable status, and regardless of what others may think or say about it, I consider it one of the most meritorious and just pieces of legislation now pending in Congress. It makes my heart sick to realize that Congress has so long delayed recognizing the service of these old veterans and placing them on a pensionable basis. Let me urge the fair-minded and just-thinking men of this House to immediately put their influence behind this bill and enact it into law without any further delay. It will only be a few years until all of these old veterans will have passed away. Many of them are now in needy and almost destitute circumstances, and if we are to help them and give them that which is justly theirs, we must act now, or it will be too late.

Getting back again to discussion of the measure under consideration, opponents of the measure have stated that they do not wish to put the dollar mark on the patriotism of the ex-service men. Oh, yes; it is all right to pay the war contractor, the war profiteer, the fellow that sat back at home in a swiveled chair grafting the public and plundering the Government Treasury, and the fellow who drew unheard-of wages, and everyone

else, but these same fellows now raise a howl to the high heavens when we so much as mention a just compensation for the boys who fought the fight, kept the faith, saved the institutions of this Government, and made the supreme sacrifice of all. The absurdity and ridiculousness of such claptrap is exploded when we consider what the compensation of the soldier was during the war as compared with that of the fellows who stayed at home and who are now setting up the cry against putting the dollar mark on the patriotism of the soldiers. The dollar mark is all that the ex-service man has thus far received, while these high-browed war profiteers, tightwad financiers, and dollar-a-year patriots who are now raising this cry against him stayed at home raking in the dollars. Let us remember that these boys were called to the defense of their country and sent to the battle fronts of Europe to undergo the hardships and tortures of a living hell at the munificent compensation of $1 per day, out of which they were required to make allotments for the support of their dependents, buy Liberty bonds, thrift stamps, and what not, which cut their own pay to less than nothing, while the fellows who for one reason or another stayed at home, grabbing the positions, business opportunities, and chances in life away from these boys, made an average wage of ten times that which the boys were making, and in multiplied instances built fortunes overnight.

Remember that these boys were drafted into the service and had no choice but to go. Remember that when they were called to arms some were engaged in profitable business; others had just embarked upon the responsibilities of life, while yet others were finishing an education preparatory to assuming such responsibilities. Remember that the time to improve an opportunity is when you have it, and that in calling these boys to arms at a time when their opportunities were with them that we changed the entire course of their future life. Oh, yes; they returned, but broken in health, sick, maimed, wounded, gassed, shell shocked, and discouraged, to find their job taken away from them, their once prosperous business absorbed by others, the opportunity which was once theirs flown forever. Multiplied thousands of these boys who once had good employment, a well-established business, and a bright future are now tramping the streets of our cities and towns begging for employment, and the big interests who are now yelling themselves hoarse saying that it would put the dollar mark on the patriotism of these boys for a grateful Government to recognize the sacrifice made by them, will not even keep their patriotic promise made during the war to give the boy his old job back. These self-sufficient and self-satisfied patriots might make a demonstration of their own patriotism by restoring to some degree to the ex-service men the employment and opportunities which was theirs when they were called to arms. It is to be regretted that the draft law did not include and apply to all persons and business enterprises of this country and put them all on an equal footing. If this had been done and these dignified, self-respecting citizens who remained at home and profited by the millions overnight, and who are now raising this cry against compensating the ex-service men, had been reduced to the same pitiful compensation received by the boys doing their fighting, I do not imagine that we would now be hearing anything about putting the dollar mark on any one's patriotism. A better phrase to use would be to say that we will put the mark of patriotism on the dollar, which we will do by the enactment of this bill.

I am ready to vote to pass this bill. If the President wishes to assume the responsibility of vetoing it, which I am sure he will not do, I am ready to pass it over his veto. The country is becoming impatient at the delay in settling this question, and I believe that the time has arrived when we should show the President and the Senate the dotted line on which to sign, and if there is then any further delay the people of this country have sufficient intelligence to know where to place the responsibility.

A persistent attempt has been made by the big interests of the country, backed up by some of the powerful newspapers, to create the impression that because of the refusal of Congress to accept a sales tax or some other of their pet theories of transferring taxes from the rich to the poor that we have been thrown into a state of confusion as to the character of legislation that we should enact, and our colleagues who are opposed to this measure have seized upon the opportunity presented by this newspaper propaganda to attack and criticize the bill now under consideration. Only quite recently my colleague from Missouri [Mr. HAWES], if correctly quoted, sought to render the bill unpopular by applying to it a number of high-sounding phrases and epigrams, in which he is quoted as saying that the name of the father of this legislation was "Haste," its mother "Fright," and that of the bill itself "Bunk." Legislation of this character has been under earnest consideration for more than a year, and there is neither evidence of haste, fright, or bunk in the terms of this bill. My colleague from Missouri no doubt refrained from saying what was really in his mind, and that was that the name of the Republican Party would be Dennis, with a big "D," if we failed to keep our preelection promise to enact legislation compensating the ex-service men, and he no doubt hopes by his clever criticism of this bill to bring it into disrepute and encompass its defeat and thereby accomplish the real purpose which he had in mind. I suggest to my colleague from Missouri and others who are so ready with their criticism of this bill that they have had ample time and abundant eppportunity to present a better plan, if they had one. It is easy to condemn and tear down but not nearly so easy to construct. The criticism of my colleagues suggest to my mind the incident of the two Tommies, who, in the heat of battle, with bullets whistling past their ears and great shells exploding around them, were compelled to take refuge in a convenient shell hole, at which time one of them remarked, "Tom, this is a 'ell of a 'ole you 'ave got us into," whereupon Tom replied, "If you know of a better one, we will go to it." [Laughter.] That is my answer to the criticisms of this measure by my colleagues. This seems to be decidedly the best measure that has yet been proposed, and if you have a better plan you should have submitted it for consideration and not content yourselves with criticizing this measure. I consider it a good start in the right direction and am ready to vote for the bill. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. SCOTT].

Mr. SCOTT of Tennessee. Mr. Speaker, arguments advanced by opponents of the pending measure utterly fail to convince me that Congress would commit the unpardonable sin were it to stamp this legislation with its approval. It has been urged that this legislation establishes a new policy extraordinary in effect and is without precedent. History, both ancient and modern, successfully refutes such erroneous contentions.

Cæsar, the greatest individual and international leader of all antiquity, whose efforts held intact the Roman Empire and gave to the world the proper conception of law and government, did not forget his warriors who made possible the promotion of essential principles to civilization.

Napoleon, hailed by many as the greatest soldier and statesman of the modern world, the renowned dethroner of emperors, rulers, and kings, whose spectacular and eventful career had its good and evil effect upon the civilized nations, both during and since his rise and fall, destroyed forever the feudal system and compelled kings and rulers to learn from him there is no despotism so stupendous against which there is not some recourse. His brave and loyal soldiers were not forgotten after the flag of victory had been raised.

Washington, the hero of the Revolution, the Father of our Country, whose name is to-day the symbol of liberty throughout the civilized world, advocated and urged gratuities for his unconquerable defenders of freedom. I beg the opponents of this pending legislation to heed the appeal of our country's first leader, who dared to break the shackles of British tyranny, as expressed in the last two paragraphs in a letter from General Washington to the Continental Congress March 18, 1783, which reads as follows:

> For if beside the simple payment of their wages a further compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken, indeed. If the whole Army have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice and built an opinion on a basis of error. If this country should not in the event perform everything which has been requested in the late memorial to Congress, then will my belief become vain and the hope that has been excited void of foundation. And if, as has been suggested for the purpose of inflaming their passions, the officers of the Army are to be the only sufferers by this Revolution; if, retiring from the field, they are to grow old in poverty, wretchedness, and contempt; if they are to wade through the vile mire of dependency and owe the miserable remnant of that life to charity which has hitherto been spent in honor, then shall I have learned what ingratitude is. Then shall I have realized a tale which will embitter every moment of my future life. But I am under no such apprehensions. A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude.

These expressions come from the pen of our country's greatest leader on the subject of additional compensation for his soldiers, which at that time had his serious and favorable consideration. Where is the man who will dare to challenge his love of country, his devotion to honor, and genuine patriotism?

Mr. Speaker, legislation carrying for soldiers some form or character of gratuity has invariably followed all wars in which our country has participated.

Let us turn to the pages of recent history and see what the allied nations of Europe have done for their defenders.

World War statistics.

	Population.	Area.	Wealth.	Debt. 1913, prewar.	Debt. 1920, postwar.	United States loans to Europe.
		Square miles.				
Italy	40,000,000	120,000	$35,000,000,000	$2,921,153,000	$18,102,000,000	$1,095,200,129
France	41,500,000	212,659	92,500,000,000	6,346,129,000	46,025,000	3,047,974,777
Australia	5,900,000	3,033,041	8,000,000,000	80,733,000	1,583,000,000	
Great Britain	46,080,000	121,633	80,000,000,000	3,485,818,000	39,314,000,000	4,277,000,000
Canada	8,370,000	3,730,000	10,000,000,000	544,201,000	1,925,940,000	
United States	105,683,108	3,026,788	380,000,000,000	1,028,354,000	24,277,221,467	
Japan	78,263,000	200,736	25,800,000,000	1,241,997,000	1,300,000,000	
Russia	167,000,000	8,300,000	60,000,000,000	4,557,861,000	25,000,000,000	187,729,729
Belgium	7,500,000	11,400	15,000,000,000	825,289,000	4,000,000,000	350,428,793
Turkey	8,000,000	174,900	4,000,000,000	675,654,000	2,000,000,000	
Greece	5,000,000	41,935		370,840,000	400,267,000	68,216,826
Bulgaria	4,560,000	42,000	4,000,000,000	135,300,000	2,165,000,000	
Rumania	15,000,000	122,000	15,000,000,000	316,663,000	1,022,000,000	25,000,000
Serbia	5,000,000	34,000	15,000,000,000	128,232,000	128,232,000	26,780,895
Germany	65,000,000	208,780	85,000,000,000	1,194,052,000	55,261,000,000	
Czechoslovakia						67,338,041
Cuba						10,000,000
Liberia						5,000,000

Bonuses provided for home service.

	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	Lieutenant.	Second lieutenant.	Warrant officer.	Sergeant major.	Quartermaster sergeant.	Color sergeant.	Sergeant.	Corporal.	Private.
Italy	$369.92 to $852.92		$305.58 to $691.58	$241.25 to $617.17	$209.08 to $490.54	$176.92 to $434.25	$125.45 to $337.75	$112.58 to $209.08	$112.58 to $209.08	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$34.74 to $63.69
France	(1)	(2)	(2)	(2)	(2)	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53
Great Britain	1,436.00 to 7,290.00	810.00 to 4,860.00	724.34 to 3,645.00	679.99 to 2,673.00	532.17 to 2,430.00	399.13 to 1,944.00	340.00 to 1,458.00	310.43 to 1,215.00	72.90 to 53.32	54.64 to 58.32	58.32 to 116.64	49.21 to 116.64	47.39 to 97.20	32.81 to 87.48	98.42 to 24.30
Canada	744.00 to 2,392.00	403.00 to 1,380.00	322.30 to 874.00	183.75 to 759.00	155.00 to 613.33	115.22 to 497.66	80.60 to 361.96	93.60 to 301.86	71.30 to 315.00	70.10 to 300.00	70.00 to 300.00	70.00 to 300.00	70.00 to 300.00	70.00 to 300.00	70.00 to 300.00
United States	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00

[1] Special, not with fighting units. [2] Special.

Bonuses provided for overseas service.

	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	Lieutenant.	Second lieutenant.	Warrant officer.	Sergeant major.	Quartermaster sergeant.	Color sergeant.	Sergeant.	Corporal.	Private.	Length of service (years).
Italy	$369.92 to $852.00		$305.58 to $691.58	$241.25 to $617.17	$209.08 to $490.54	$176.92 to $434.25	$125.45 to $337.75	$112.58 to $209.08	$112.58 to $209.08	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$34.70 to $63.69	1-4½.
France	(1)	(2)	(2)	(2)	(2)	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	1-4½.
Austria	260.61 to 751.89	$174.96 to 524.88	174.96 to 534.88	147.62 to 420.87	120.29 to 360.86	92.96 to 278.84	74.72 to 224.17	74.72 to 224.17	61.97 to 185.90	54.64 to 164.03	58.85 to 158.56	54.64 to 164.03	49.21 to 147.62	47.39 to 142.10	32.81 to 98.42	1-3.
Great Britain	1,436.00 to 2,430.00	810.00 to 7,290.00	724.34 to 4,860.00	679.99 to 3,645.00	532.17 to 2,673.00	399.13 to 2,430.00	340.00 to 1,944.00	310.43 to 1,458.00	72.90 to 1,215.00	53.32 to 53.32	58.32 to 58.32	58.32 to 58.32	38.88 to 38.88	29.16 to 29.16	24.30 to 24.30	1-5.
Canada	744.00 to 2,926.00	403.00 to 1,586.00	322.30 to 915.00	183.75 to 762.50	155.00 to 610.00	115.22 to 457.50	80.60 to 317.20	93.60 to 280.60	71.30 to 280.00	70.10 to 280.00	70.00 to 280.00	70.00 to 280.00	70.00 to 280.00	70.00 to 280.00	70.00 to 280.00	1-3.
United States	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	(3)

[1] Special; not with fighting units. [2] Special. [3] On discharge.

England, our ally in the recent World War, did not forget the sacrifices of her soldiers. Statistics furnished me by the Congressional Library show that England has paid her defenders of honor more than $4,000,000,000 since the declaration of peace. England, with a national indebtedness of nearly 50 per cent of her national wealth, at the close of the world's most horrible conflict, her shoulders bent by an almost unbearable war tax, yet notwithstanding this fact we find this grateful nation immediately following the cessation of hostilities turning her attention first to her valiant and heroic warriors.

At the close of the awful conflict let us turn to France. We find her homes devastated, her industries paralyzed and financially impoverished, her national credit strained. France, the most outraged and war-plundered of all participants, save perhaps Belgium, yet we find that France, courageous and patriotic France, has long since expressed her gratitude to her world-admired and home-loved defenders by paying them additional compensation exceeding $5,000,000. She, too, with a national indebtedness in excess of 50 per cent of her national wealth.

Yet we hear the cry that this legislation commercializes our soldiers' patriotism and valor. I deny this infamous insinuation. The charge is the product of the ingrate and uninformed.

Italy, notwithstanding her burdensome national indebtedness, promptly and unhesitatingly provided additional compensation for her gallant sons who so gloriously preserved her national security and international honor.

Canada, our neighbor, ally, and friend, showed her undying gratitude to her victorious liberty-loving heroes without the slightest quibble or delay by providing them with a handsome bonus. Yet Canada's national indebtedness equals 20 per cent of her national wealth.

What has been true of England, France, and Italy has also been true of Belgium and Australia, who amid the shouts of victory did not forget those who made it possible.

Where is the man who would be so unfair as to contend that the soldiers of England, France, Italy, Belgium, and Canada deserved more consideration at their country's hands than the sons of America, whose psychological efforts snatched victory from the jaws of defeat and saved civilization from the brutal rule of a European war lord?

It has been said by some gentlemen that our Government is not able to meet the expenditures which this legislation incurs. Evidently my good friends have failed to note the fact that the United States Government has a national wealth which exceeds

the combined wealth of England, France, Italy, Canada, and Australia. The wealth of the United States has been computed by experts to exceed $300,000,000,000. The combined national wealth of England, France, Italy, Canada, and Australia is less than $250,000,000,000. The combined national indebtedness of these five nations approximates $120,000,000,000, nearly 50 per cent of their total national wealth. Including the national obligations incurred under the provisions of this bill, the total national indebtedness of the United States Government will be little less than $28,500,000,000, hardly 10 per cent of our national wealth.

In the face of these figures, conceded by reputable statisticians to be approximately correct, I here and now emphatically deny the charge that our Government is not financially able to compensate her soldiers as provided in this bill.

Let us not longer delay this long-due compensation.

Mr. Speaker, the eagerness and anxiety of the people to express their appreciation for their soldiers' sacrifices can be found by an examination of the acts of the numerous State legislatures. The following States have already granted a bonus to their soldier-citizens: Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, and Wisconsin. It is interesting to note that the electoral vote of all these States was recorded in the last presidential contest in favor of the present administration. This, in my judgment, should be a signal to the majority party to support this legislation.

Some distinguished gentlemen declared this bill to be inconsistent with their conception of what they believe a bonus bill should provide, and for that reason they will be compelled to oppose its passage. Oh, excuse, how oft thy door has been the exit of a defenseless antagonist. I do not insist that this bill is my ideal.

There are certain provisions I should be glad to see amended. However, I must admit that I would be reluctant to yield the power of amendment to certain gentlemen who so vigorously protest its provisions. Back of this criticism which has been apparently so earnestly urged I fear lurks that unconquerable character better defined as conscientious objector. It is from this same opposition comes the cry that the Treasury of the United States is depleted and is not equal to the demands which will follow this legislation.

It hardly becomes certain people to charge that this bill in effect commercializes the valor and patriotism of our soldiers in view of the war record of those who make the charge. What is the source of this antibonus propaganda which has been so generously dispensed over the country? Why, Mr. Speaker, it emanates from those centers of wealth and industries which so liberally lubricated their bank accounts during the war. You hear these war-time profiteers, now peace-time patriots, proclaiming in vociferous tones their love for country and how they regret to see this additional burden imposed upon the people. It is indeed unfortunate for the country that this spirit of patriotism failed to penetrate their hearts while the sons of America were dying in no man's land and painting the soil of France red with their blood.

I have no quarrel with those who honestly believe that a soldier bonus at this time might retard the return of normal economic conditions. I can conceive that one may be grateful and appreciative of the gallant and valiant service rendered by the veterans of the recent war, yet out of misapprehensions conclude that a bonus would be more hurtful than helpful, but I want to impress that the source and purpose of the antibonus propaganda justifies in my judgment the charge of pure selfishness and lack of proper gratitude of certain citizens who enjoy individual and national liberties as a result of the sacrifices of those whom they refuse to reward.

These selfish citizens and interests, proclaiming at one time that the country is bordering on bankruptcy, and is not able to assume additional compensation to soldiers, in the next breath we hear these same voices urging the United States Government to cancel more than $10,000,000,000 of our foreign loans. If we are too poor to pay the soldiers less than $4,000,000,000, we are certainly too poor to cancel our foreign debts. Here let me say that I can not persuade myself to believe that the people of the United States, who so self-sacrificingly tendered their sons and resources to hurl the German hordes from the devastated homes of France and Belgium, will ever consent to the unbusinesslike policy of complete cancellation of foreign debts held by this Government against solvent foreign countries. It is reasonable to presume, Mr. Speaker, should the United States Government make the sad mistake of canceling her foreign debts, as suggested by certain antibonus propagandists, that our financial status would in all probability be materially embarrassed. But as I have heretofore stated, this preposterous assumption will not be permitted by the American people. The fact is that the long past-due interest on a large portion of our foreign loans, judging from recent reports regarded as authentic, will soon be paid. This interest fund can be applied to the cash payments provided in this bill, thereby causing no strain on the Treasury.

Mr. Speaker, who constitute the chief opposition to this bill? Why, every slacker, every selfish profiteer, every alien enemy, every national ingrate, is opposed to this bill. I do not mean that all who shall oppose its passage are of the heretofore mentioned class, for many honest, conscientious people have been unduly alarmed as to the results of such legislation, and oppose it upon what they regard as well-founded reasons. I am only calling to their attention the company in which they unfortunately find themselves.

On the other hand, every citizen who favors this legislation stands first, last, and forever for honor, home, and country. They believe in the time-honored principle that a country that wantonly fails to provide for its defenders does not deserve to be defended.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from New York [Mr. ROSSDALE].

Mr. ROSSDALE. Mr. Speaker, I introduced a bill early in this session of Congress to provide for adjusted compensation for those who served honorably in the Army and Navy or in the Marine Corps, with a provision for compensation of a dollar per day for service in the United States and a dollar and a quarter per day for service overseas. I introduced that bill then, and have labored throughout the session to secure the enactment of an adjusted-compensation measure for the veterans of the late World War because I believed it was a solemn obligation of the Nation which should have been met when the men were discharged from the service at the close of the war by the administration that was then in power.

I believe a great wrong was done these veterans by the neglect to provide this adjusted compensation. It should not have been delayed long enough to become even a question, for it is undeniably a public debt and an obligation that we ought to discharge now.

I firmly believe that if my Democratic friends on the other side of this House who were in that Congress and then in power had as much zeal for the soldier and sailor who served in the war as they had for the war speculators and war munitions contractors and for all that ignoble host of war profiteers which they evidently had when they introduced and passed the Dent bill, under whose operation the Government paid out of the Treasury $3,000,000,000 for canceled war contracts, it would not be necessary for this Congress at this time to meet this situation. [Applause.]

The Dent bill was passed shortly after the armistice, in February, 1919. It was passed by a Democratic House and Senate and signed by President Wilson. It empowered the Government to make payments in settlement for canceled war contracts, and so forth. I have not the time or desire to rake up the muck from out of that iniquitous legislative act. It is history now, and the entire country knows that it was cheated and defrauded of the larger part of those $3,000,000,000.

That Democratic Congress displayed remarkable haste and surprising speed in passing that legislation. It was the same Congress that enacted a so-called "bonus bill" for the Army and Navy it was then demobilizing by providing each discharged soldier and sailor with a $60 bonus upon being mustered out of service. They evidently regarded it as timely and as proper to adjust the compensation for the "war brides" and "war babies" of Wall Street, and there was money enough in the country then to pay to the bankers and brokers and to "big business" in general who had financed these speculations. But they evidently thought it was untimely and unnecessary to decently adjust the compensation of the 4,000,000 men who had suffered financial loss either of salary, pay, wages, or business opportunity by reason of their service in the military or naval forces during the war.

We conscripted human life by enacting the draft laws, and held "property rights" to be sacred and inviolable; labor remained a commodity purchasable according to the law of supply and demand. We had the right to conscript human life to preserve the Nation, and very properly exercised that right. We also had the right to conscript human labor to win the war, but we failed to exercise that right. Why we did not, only God and the Democratic administration who were then in power know. It has never been explained, and it probably never will be understood, why we stupidly upset and dislocated our entire industrial and economic structure by withdrawing more than 4,000,000 men from their ordinary occupations and inducting

them into military service and at the same time competing with private employers for the labor we so urgently required in our shipyards, machine shops, munition factories, and war-material plants.

Had we conscripted human labor as we conscripted human life, both in uniform service at $30 per month, there would have been less industrial upset, the high cost of living would not have been so extremely high, and the country would have returned to more normal conditions ere this. It is certain that if there had not been so glaring inequalities between the man in military service at $30 per month and the war worker at home reaping the benefits of the others' absence by big wages or big profits there would not now be any question or issue of adjusted compensation.

When the war began we raised the pay of the men in service to $30 per month, but in reality they did not receive that amount, for they were subject to various deductions and extra expenses by reason of that service. A single item—war-risk insurance—considerably lessened the monthly pay check. It was a gross injustice to compel the men to pay their own war insurance; then we exhorted them to be patriotic and buy Liberty bonds on installments, and that, too, was taken from out of that $30 per month; deduct from the remainder the allotments to dependents at home, and the average pay of our soldier or sailorman was about $8 per month.

A comparison of the legislation for the men who were in the service and for those who for divers reasons, physical, family, or otherwise, remained in civil life proves in effect that we actually gave a substantial bonus to war workers and to those others who reaped the benefits of high wages and large earnings in civilian life at home. Can we, then, in fairness to all concerned, further delay and neglect to make an equitable adjustment? I think not. For my own self I deem it to be my duty to express by my voice and vote as a Member of the House the justice of this measure.

The bill has been popularly termed a bonus bill, but it is not a bonus measure, and the term "bonus," as generally applied to it, is a misnomer. A bonus is a gratuity or gift. If I thought it was really that, I would strenuously oppose it, for I do not believe that any large number of our ex-service men desire or would accept any gratuities or gifts for either their service or sacrifice. It is exactly what the bill states it is—to provide adjusted compensation for veterans of the World War.

It has been argued that we ought to provide for the maimed and injured veterans before we give consideration to any plan for relief for those who returned from the war physically uninjured. It is a sacred obligation of the American people to care and provide for the wounded and disabled veterans. I believe we ought and must give proper consideration to both the injured and uninjured. Congress has met this obligation for the injured with legislation for hospitalization and compensation for all ex-service men whose injuries or illnesses result from their war service. Although pledged to economy, this Congress appropriated last year $500,000,000 for this purpose and $50,000,000 additional for more hospitals. The complaints of lack of care or provision for the wounded or disabled service men result mainly from administrative faults and rulings of the officials in charge of the various bureaus to whose care is intrusted these disabled veterans. There is no lack of appropriation of funds to care for the injured, and it is plainly our duty to care for both. Our late allies made no distinction between their injured and uninjured veterans, they generously compensated both. Presumably with our own money; only America has held back.

The bill I had introduced differs in many respects from this bill as reported out by the committee and which will be passed by the House to-day, judging from the vote we have just had on the suspension of the rule and for which I, too, have voted. My own bill provided for a cash payment option to those who were urgently in need of cash payments, with a sales-tax provision for raising the revenue necessary for such cash payments.

It is regrettable that Members of the House were not given the opportunity to amend the bill, for I am firmly convinced that if the House were not forced into the position of adopting the rule preventing amendment, the sales-tax financing plan recommended by President Harding would prevail. However, the bill will go to the Senate, where it can be considered without restriction, and I hope it will be amended to provide the greatest amount of relief to those ex-service men urgently in need of same. This bill is admittedly not a perfect bill, for it penalizes those who unfortunately are in need of immediate payment, while the more fortunate among the veterans can afford to hold their certificates as an investment.

I much prefer the cash payment plan because it offers immediate relief and because it would be less costly to the country. My own bill imposes a sales tax of 1 per cent, with a limit of two turnovers with exemption for foodstuffs and other essentials, and would provide the money needed for this purpose in a painless, indirect way. I have studied the operation of the sales tax as it is levied by our neighbors in Canada, and I am convinced that the imposition of a small sales tax would hardly be felt by the ultimate consumer. It is generally conceded by Canadians that this tax is absorbed in the overhead costs of business and its effect is almost imperceptible.

However, I am quite ready to accept the present bill presented by the committee, although it differs materially from my own bill, because I know that all legislation is the result of a compromise, hence it is necessary that all Members of the House who are in favor of an adjusted compensation measure and all those who have introduced other adjusted compensation bills do their individual part in effecting such a compromise and accept this bill since it provides a practical way without danger of financial or economic disturbance for the Nation to discharge its long overdue obligation to those who by their service and sacrifice won the war.

I vividly recall the stirring days of the war and my mind goes back to that time when "our country" spelled the magic word "service" to the youth of the land. We had yet to win the war. It meant something to serve then, for patriotism was in the very air and our hearts went out in welcome to every boy in uniform. We could not do enough for them then, and as we prayed for the safety of the overseas journey our thoughts were of the ships, of the camps, and the trenches. In fancy I can still hear the muffled trend of the troops as they silently marched down to the wharves in the quiet of the night or early morning to embark for "over there."

I can hear the tumult and the shouting of the armistice celebration and see the storm of paper confetti, resembling a snowstorm, with which overjoyed New York—my city—hysterically greeted the news. I can hear the tramp, tramp of our victorious divisions as they marched up flag-bedecked Fifth Avenue and picture the laughter mingled with tears of joy in the family reunions. There were bands of music and cheering crowds to greet them, and we felt that "nothing was too good for the boys."

Oh, we were tremendously patriotic then, but that was in 1919; the war is over now, and in 1922 we must measure and pay the tremendous costs. Taxes are high and business is dull, for the aftermath of every war is thus unpleasant and it is in human nature to quickly forget. There are many who have already forgotten and in place of the cheers there are jeers, especially from "big business," who profited most by the war.

The great mass of the American people, however, have not forgotten and will never forget the services these men rendered, and despite the selfish organized commercial propaganda directed against this measure they believe it is fitting and proper that Congress enact this adjusted compensation bill for our World War veterans.

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Speaker, to-day there are from 800,000 to 900,000 ex-service men out of employment in the United States, through no fault of their own. These men were physically strong and healthy young men when they entered the service and so pronounced by the doctors that examined them. After serving their country on an average of from one year to a year and a half they returned here to find their employment gone, and to find also several million other men out of employment. I believe every man who entered the service for a dollar a day, who left his employment, received a very severe handicap, and that it is the duty of our Government to make that right as well as we can. I believe this bill will help to do it. [Applause.]

Mr. Speaker, I therefore intend to vote for this bill providing for adjusted compensation, not as a gift or a bonus but as a deferred compensation.

I do not think it is as good a bill as the Fordney bill, which was passed by the House of Representatives May 29, 1920, by a vote of more than three to one, which bill met its death in the Senate. I voted for that bill, and can see no reason why anyone who voted for that bill should not vote for this. I wish this bill provided for victory taxes the same as the bill we passed, and that it also provided for a cash payment instead of the certificate plan that compels the veteran to either wait until September 30, 1942, or discount his certificate at the bank. I will offer an amendment, if I am allowed to do so, providing for a cash payment in lieu of the certificate plan of payment provided for in this bill.

A NATIONAL OBLIGATION.

I do not believe that 5 per cent of these 900,000 ex-service men and women who are out of employment to-day were out of employment when they enlisted. Every ex-service man and

woman suffered a severe economic handicap as a result of their service in the World War. When these men and women enlisted they gave up their positions, which were immediately filled by others. When they returned it was impossible in a great majority of cases for an employer to turn off the person who was filling the position satisfactorily and restore the ex-service man to his former position. When these veterans, numbering over four and one-half millions, were discharged at the close of the war, the labor market was overstocked. It was a condition brought about by the war. Many suggested that the Government engage in some great internal improvements that would give employment to the returning soldier.

WILSON ADMINISTRATION DID NOTHING TOWARD REHABILITATION.

At the close of the war the Government had over 300,000 motor trucks in its possession and the most complete equipment of all kinds for road building ever assembled. It had an unlimited quantity of explosive T. N. T. and other equipment for land clearing. It had stores of food, stocks of clothing enough to last an army of four and one-half million men another year if the war had lasted. With all of this equipment and with tens of thousands of engineers who had aided in rebuilding France at its command, the administrative part of this Government did nothing to utilize this wonderful equipment, which was sold at the lowest figures and allowed to go to waste.

Soon after the close of the war Congress passed a resolution requiring the Secretary of War to turn over the surplus trucks to the Agricultural Department to be distributed among the different States to be used for road building, but the War Department did not turn over a single truck or any road equipment for over six months, and then only after constant prodding by Congress. The entire road-building year passed with this valuable equipment, most of it exposed to the elements and going to ruin, and the States unable to buy the same kind of road-building equipment at any price.

THE GOVERNMENT SHOULD HAVE GIVEN EMPLOYMENT TO ITS SOLDIERS BY ENGAGING IN GREAT INTERNAL IMPROVEMENTS.

If the war had lasted another year, we would have spent at least $2,000,000,000 more than we did. If the Government of the United States had spent one-half that amount in productive work, such as building roads, clearing and reclaiming lands, improving our great waterways, every citizen would have been benefited and we would have no unemployment but plenty of work for all, and our soldiers would have been reabsorbed into civil life.

When this Government discharged over four and one-half million soldiers to return to private life without making any provision for them to enter into productive employment it made a colossal blunder. But, in addition to this, the Federal Reserve Board struck a death blow to prosperity when it retired from circulation over $1,000,000,000 of our currency in a single year between November 1, 1920, and November 1, 1921, thus paralyzing private enterprise from one end of this land to the other, by denying to business the extension of credit and by deflating farm produce below the cost of production.

THE RANK AND FILE.

Battle is normally determined by physical encounter with the bayonet or the fear thereof, says the War Department in a recent report. All other agencies, however potent, serve to make possible the advance of the foot soldier in hand-to-hand encounter. Alexander the Great, Cæsar, Napoleon, Washington, Grant, Lee, and Pershing gave credit to the rank and file of the armies for their greatest victories. I am told of a little rhyme which used to be sung by the doughboys in France, which was as follows:

The Infantry, the Infantry,
With dirt behind the ears,
The Infantry, the Infantry,
Their pay is in arrears;
The Cavalry, Artillery,
and valiant Engineers,
They couldn't lick the Infantry
In a hundred thousand years.

This bill is intended to help the rank and file, who only received a dollar a day while in the service, while the greater portion of this amount was retained for insurance and his dependents at home. This bill, if it becomes a law, will give immediate aid to those in dire distress; it will help others in acquiring homes and procuring land to make farms; and it will also help the incapacitated and crippled soldier, who we all know will need it as he struggles through life under the handicap that grows heavier as the years go by.

England, France, and Belgium, and Canada have given their soldiers a bonus, although some of these countries were on the verge of bankruptcy. The United States has never in its history had to be prodded or had other nations lead the way in acts of justice or generosity toward its defenders, and God grant that it never will become so mercenary that it loses its high sense of gratitude toward those who were willing to make the supreme sacrifice for their country.

I hope that no poet can write as Kipling did 20 years ago when he painted the picture of ungrateful England toward its soldiers back from war in the following lines:

I went into a theater as sober as could be,
They gave a drunk civilian room, but 'adn't none for me;
They sent me to the gallery or 'round the music 'alls,
But when it comes to fightin', Lord! they shove me in the stalls.
For it's Tommy this and Tommy that and "Chuck him out, the brute!"
But it's "savior of 'is country" when the guns begin to shoot;
An' it's Tommy this an' Tommy that and anything you please;
But Tommy ain't no bloomin' fool—you bet that Tommy sees.

MORALE.

We heard a great deal in the late war of the importance of keeping up the morale of the soldiers. The morale of the soldier was regarded as very important and oftentimes turned the tide of battle. Is it important for the Government at the present time, with eight or nine hundred thousand citizen soldiers out of employment, through no fault of theirs, to be just and fair with them? Will it help the United States if in the future she has to call upon her citizens again to offer their lives in defense of their country? Will such an act of justice make for a good, enthusiastic, and contented citizenship? I firmly believe it will.

OPTIONS GIVEN BY THE BILL.

Besides the adjusted service certificates, this bill provides for vocational training aid. The option to receive farm or home aid—Title VI. The option to receive land settlement aid—Title VIII. These options are more satisfactory than the adjusted service certificates and would be better than a cash payment bonus. But I realize that probably a majority of the ex-service men are in immediate need of money to obtain the necessities of life or to embark in some undertaking. Therefore an opportunity is needed for those ex-service men so situated, and I regret that Congress did not meet the situation squarely by levying taxes in some or all of the following ways, which I urged before the Ways and Means Committee on February 6, 1922:

First. Reenact the excess-profits tax.

Second. An additional surtax on individual incomes of 1 per cent of the amount by which the net income exceeds $5,000 and does not exceed $10,000; 2 per cent from $10,000 to $26,000 and 3 per cent of incomes in excess of $26,000. This provision is estimated to yield $108,000,000 per annum.

Third. A tax equivalent to one-fifth of 1 per cent on the sale of stocks and bonds. This provision is estimated to yield $190,000,000 per annum.

Fourth. A tax equivalent to one-half of 1 per cent on the sale of real estate. This provision is estimated to yield $50,000,000 per annum.

Fifth. A tax of 3 per cent on the gross incomes of mail-order houses doing a mail-order business of over $50,000 per year.

Sixth. An excise tax on corporations issuing stock dividends subsequent to March 15, 1920, equivalent to 10 per cent of the value of stock so issued. This provision is estimated to yield $45,000,000 per annum on future stock dividends.

Most of these ways of raising taxes were favored by the Ways and Means Committee and passed by Congress May, 1920, by a vote of three to one. If these ways to raise the bonus were sound then, I wish some one would inform me why they are not sound now.

Mr. FORDNEY. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman.

Mr. MONDELL. Mr. Speaker, it will be two years the 20th of May next when this House passed by a vote of more than three to one a soldiers' adjusted compensation bill. Within a week of that vote the Republicans met in convention at Chicago and there made a declaration which, in the light of what had occurred here within the week, if it was not an approval of an adjusted compensation bill had no meaning at all. Then came the campaign, and from every stump and platform in the land Republicans and Democrats, with few exceptions, expressed themselves as favorable to the recognition of the service of all the men who had taken up arms in the Great War and generally along the lines of the bill that was voted on in this House in May, 1920.

Mr. Speaker, I am one of those who believe that political parties ought to keep their pledges and their promises. [Applause.] I know that sometimes it is inconvenient for individuals and for nations and for parties to keep their pledges. I know that sometimes it interferes with plans and involves sacrifices. I know that sometimes in the world's history men and nations have

treated their solemn promises and obligations as mere scraps of paper. However, no political party will live, and no political party ought to live, which will not and does not, even though conditions may somewhat change, even though the pledge may have been made without full appreciation of its cost, keep the pledges and promises on which the people of the country gave it authority and control. [Applause.].

This is not a perfect bill. No piece of legislation ever voted on in this House has been or will be perfect, but it is a better bill than the one we voted on two years ago. At least we have listened to those voices of caution, if not of wisdom, that have said to us that we should not have a cash bonus.

Mr. Speaker, we have been conservative. We have prepared the best bill that, in my opinion, can be prepared, and we will pass it by an overwhelming majority and keep our pledge. [Applause.]

Several speakers have criticized the land reclamation or soldier settlement of the bill, and have been almost as extravagant in their statements as that clerk in the Treasury Department, who got his by his own admission one hundred and sixty-seven billion too high. This home-building land-reclaiming section of the bill is its best feature. It was embraced as the first section of the fourfold plan of the American Legion. It has been indorsed by every legion organization that has passed upon the various features of the bill. It has the personal indorsement of many thousands of ex-service men and of forward-looking men in all walks of life.

The estimates that have been made of the cost of this work of farm and home building are too absurd for words. No money can be spent for this development except as it has been estimated for by the Bureau of the Budget and appropriated by the Congress. The sums that will be spent will depend entirely on the number of men who may desire farm homes and an opportunity to work to secure them, and on the extent to which the Congress may see fit to appropriate for this work of national home building. If this plan of reclamation shall meet the approval of the ex-service men; if the development of the work shall prove its worth, considerable sums may eventually be expended; if it shall not appeal to the soldiers or commend itself to the good judgment of the House, it will not go far or cost much.

Whatever may be said of other features of this bill, this plan of encouraging the ex-soldier to seek farm homes and help in developing farm areas is in perfect harmony with our past policy as a people and certain to be helpful to the soldier and to the Nation.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. COPLEY].

Mr. COPLEY. Mr. Speaker and gentlemen, the question of whether or not an adjustment of compensation to the soldiers is a moral obligation that rests on the shoulders of the people of this country is very much like a belief in the miracles of the Bible. If I believe, then no argument can change my mind; if I do not believe, neither arguments and evidence may be produced that will lead me to change my mind. I believe an adjustment of compensation to the soldiers is a moral obligation resting on the shoulders of the people of this country, just as there is a moral obligation on the part of our people to settle the so-called contracts through which men and corporations would have lost enormous sums of money. Of course, this is going to cost the people of this country money. We can not settle anything that we justly owe without paying for it, and we can not pay for it without taking it out of the taxes in some form or other. Enormous as the figures are, they still have relation to other figures—relation to the wealth of this country and to our ability to pay.

The amount which we owe is not the $4,500,000,000 of 20 years hence, but it is the $1,492,000,000 that would settle it now. What we owe at present is the true measure of value. That is what we owe to our soldiers at the present time. Let us see what relation that has to the wealth of the country. It was estimated in 1910 by the Treasury Department and the United States Census Bureau that the total wealth of the country was $188,000,000,000, and the estimates of the increase from that time until 1920 vary all the way from $300,000,000,000 to $450,000,000,000, or an increase of from $113,000,000,000 to $263,000,000,000. Therefore the present measure of value of this obligation, if we settle it, would amount to a little less than 1 per cent of the increase of the wealth of the people of this country for the period between 1910 and 1920. [Applause on the Republican side.]

That increase is left to us after we shot away $50,000,000,000, and that is the moral obligation on the part of the people of this country, and we ought to settle it. It is a very small part of our wealth. Much has been said about figures and about so-called gold bricks this afternoon. The average wealth of this country in 1920, per capita, was perhaps around $3,300, and what we are offering the soldiers of this war in adjustment of their compensation is about $465 per man. That is about one-seventh of the entire wealth which the average man, woman, and child of this country has accumulated in a lifetime, which we are paying to these young men for their services on the average of one year. My own opinion is that it is a fair and liberal settlement with them, and I hope they are going to so regard it. I think they will be satisfied.

One hundred and thirty-two of my fellow workers in the industries with which I am connected went to this war. Those who came back all returned poorer than when they went. Their fellow workers who stayed at home had opportunities to improve their condition and just about that same number took advantage of that opportunity, and they materially improved their condition because of this war.

Now, the point I wish to make is this: That no Republic can live unless it give the men who do the voting an equal opportunity under the law. We are treating these men fairly.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker, I demur to that provision of the rule which requires that the time of the majority should be divided and a portion thereof assigned to the coterie of gentlemen on the minority side who oppose the bill. That group of gentlemen should have gotten their time from the Democrats.

Mr. Speaker, I find that the very men who are in favor of the cancellation of the war loans we made to foreign Governments are also objecting to the granting of the benefits proposed to be conferred upon the ex-service man by the bill which is now before us. Also, I am pained to note that certain gentlemen who a short time ago voted to donate $20,000,000 to the Russians are now ready to vote against the soldiers' bill.

The soldiers' adjusted compensation bill, at the last session and during this, has had my sympathetic, active support. It was Senator Foraker, of Ohio, who said that the claims of soldiers should not be weighed in an apothecary's scales.

Congress has appropriated $3,000,000,000 to settle the claims of war contractors, and perhaps as much more to cover loss in operation of railroads that were guaranteed their prewar earnings.

The war resulted in 25,000 additional American millionaires. One of these during the war said to me, "We are making so much money we don't know what to do with it."

Now we are told that we should take care of the crippled soldier, but that to give an able-bodied one extra compensation or other benefit would be to put a premium on patriotism, and that Members who vote for such legislation do so for selfish political reasons.

These are the arguments of the profiteer whose face never saw battle and whose hide remains intact, and whose ill-gotten gains he wishes not to be taxed.

The soldiers have not bothered me about this bill. They should not be expected to have to ask for action. They did their part and did it well. Those that are dead are beyond our reach. Those that are crippled are receiving ample appropriations for their care and need. I never see one of the poor, maimed fellows but that my heart is not touched for the suffering he has borne and the affliction that shall follow him to his grave.

Such funds as may be distributed to the soldiers will not be wasted. The money will reach most every home in the land. The soldier will be relieved, and what he spends will go into circulation. The merchant, the banker, and other business men—in fact, the whole country—will be benefited.

Other nations associated with us in the war have recognized the special obligation they were under to their soldier by voluntary grants of considerable sums, in the case of Canada the grant being $1,700 to these fighting men. We are the wealthiest Nation, and to say that we are not able to pay is an absurd statement.

The bill as framed can not possibly embarrass the Government, and the passage of it will indicate our appreciation of the boys who were the defenders of the Republic in the time of a great war. Had we lost the war, the Germans would have taxed us—and, more than likely, confiscated our property—and liberty would have been gone. The taxpayer should accept this legislation without grumbling. Congressmen have been deluged with propaganda directed against this bill.

An effort has been made to intimidate and bulldoze the soldiers into a state of inaction or quiescence by assertions to the effect that the soldiers were trying to hold up the Government

by sandbagging the Congress. Nothing could be further from the truth.

The ex-service man may rest assured that the Republic is grateful and that the vastly preponderating majority of the American people whole-heartedly indorse the provisions of the bill.

Be that as it may, I am the keeper of my own conscience, and conscience tells me to vote for the bill, and that I shall accordingly do.

It affords me pleasure in concluding my remarks, to record the fact that it was my distinguished colleague from West Virginia [Mr. BOWERS], of the Committee on Ways and Means, who suggested the compromise which made it possible to report the bill in such form as to meet the approval of the House.

It is rather interesting, also, to note the fact that the first suggestion of the certificate plan of settlement came to me from the Eph Boggs Post of the American Legion, of my home town, Williamson, W. Va. [Applause.]

Mr. FORDNEY. I yield to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, regardless of the good or ill of bonus legislation, regardless of any individual opinion for or against the bonus for the soldiers of the World War, any man who cares for the truth of history must admit that the administration leadership has literally fallen to pieces in handling the situation. Everybody knows that if the bonus was a good thing it ought to have been passed by the last Congress and on the first possible day of that session, for that was the time when the returning soldier most needed his Government's helping hand. Everybody knows that the Government would still be running if, when that pittance of $60 was given to the soldier—barely enough at that time to buy a suit of clothes—the amount had been made at least a dollar a day for service rendered. Patriotism ran so high then, gratitude to our heroes was so deep and radiant then that such a bonus would not have been regarded as a payment for patriotic service but simply the country's grateful handclasp of fellowship in an hour of mutual reciprocal need. If the soldier bonus bill was fit to be passed on the 20th day of May, it was worthy of passage on the 20th day of January or February or March or April, when there would have been time to push it through the Senate; but it was passed by this House on the 20th day of May, remember, only three days before the adjournment of the Sixty-sixth Congress, when it was legislatively impossible to get it through the Senate.

And then—ah, well, Mr. Speaker, upon my word I do not like to be harsh or critical—my whole course since I have been a Member of this House has proven that, I believe; but no man can tell the truth about this thing without telling the truth. And everybody knows that the administration leadership then went forward to political battle, shaking hands with the soldier and pledging him speedy help with one hand and then winking at gleeful plutocracy on the other hand and saying, "Oh, thou that fillest our campaign coffers, thou seest how well we managed not to pester thee with increased taxation." Again, I declare that a thing as good as some people declare the bonus to be should have been passed in the hour of the soldier's greatest need. And now, after weary months of waiting and wading through the sixty-seventh session, during which the big Republican majority has had everything in its own hands, it has kept the soldier out of whatever blessing the bonus would have brought for another long year. If it was too bad to be passed at the beginning of the last Congress, or certainly at the beginning of the present session, then, surely, it is too bad to be passed again on the eve of another election. Gentlemen, I would not be bitter for the world; that is not my type; I love to love folks, both friends and opponents; but again I declare that nobody can tell the truth about this thing without telling the truth. Down in Georgia I heard of a little boy who caught a minnow out of the limpid brook and was trying to scale the poor little captive while it was alive. The minnow wiggled and wriggled, because it hurt; and the lad declared with a grin, "Hold easy, little fish; I will skin you just as easy as I kin, but you have got to be skun." Come on, imperial administration bloc, I will skin you just as easy as I can, but you must be "skun." "Shelt down the corn." You know you have played politics—petty, political politics—with this absorbing question, and to-day some of you, poor dears, caught in a jam between the protests of plutocracy and the pleadings of positive want, some of you would give half your political kingdom if you had never heard of a soldier bonus.

[illegible]

With the President calling for one thing, the Secretary of the Treasury calling for another, the unterrified insurgents calling yet for another, and the soldiers and sailors, their aids and abettors, divided in camps of schism and quest, behest and protest, the administration leadership cries with pale face and excited gestures, "Which way I fly is confusion; I, myself, am confusion."

Senator POMERENE asked me the other day, "How are you getting along over in the House?" And I could have for him but one answer, which I make now my solemn indictment: The administration bloc is groping in a pitiful maze of timorous indecision and floundering in a seething maelstrom of incompetent incoherency. And, gentlemen, I submit that that is a terrible malady, nearly always proving fatal. The pathetic eventualities are expected to eventuate during the early ides of November. I voted for the soldier bonus during the Sixty-sixth Congress, when it was a case of about 50-50 between protest and request; but I honestly felt, in the radiant and yet tragic aftermath of America's victorious part in the greatest war that the world has ever seen, that if I should make an economic mistake at all I wanted to make it on the side of personal and national gratitude toward the men who offered their all to keep the flag of America floating over your home and mine. I resent the charge that I was voting to pay soldiers for their patriotism. That is a debt which the Nation can never pay. But I honestly felt that if we could invest nearly $10,000,000,000 to help foreign nations—although they were our honored allies—solve their domestic ills and their soldier problems, we could certainly do half as much for our own soldiers—God bless them!—who left their fields and farms, their offices and their factories, on the crest of delirious prosperity and came back from the Army only to find their business, all business, shot to pieces; the major part of 4,000,000 of America's defenders, the heroes of yesterday's wild enthusiasm, now all dressed up in their country's uniform, but nowhere to go for their bread of to-day nor their prospects for "to-morrow's to-morrow." We were ready then to face extra taxation to help give the soldier a brother's helping hand, but ah! this "aching of the waiting"; this "hope delayed," which has made the heart sick. Chiefly at the behest of men who grew rich and richer on the bravery and the blood of American boys during the war, this bonus legislation has been slapped about and scrapped about until the glory has almost faded from its wan and wasted face. No wonder that many of the gallant fellows who needed a substantial handclasp then have grown disgusted with the tedious suspense. The halo has been broken, the charm has lost its luster, and the thrill of a common victory, a common prospect, and a common reciprocal obligation seems to have ceased to quicken the soldier's pulse or stir the Nation's heart.

Again I declare that, regardless of the merits of the case, the long and tortuous delay in handling it is utterly without excuse. This country is not bankrupt, and if it is able now to assume an obligation to our "soldiers of freedom," why, in the name of common sense and common justice, have we waited so miserably long to perform our national duty?

DELAY HAS FORFEITED SOLDIERS' GRATITUDE.

No fair man can escape or deny the indictment that must be laid at the door of administrative leadership when we declare that that leadership has forfeited every atom of the gratitude of the soldier for whatever of tardy good this legislation may carry to them. The soldier knows that if the Republican majority had really wanted him to have this bonus, this bill, or something better, would have been passed by both branches of the Sixty-sixth Congress. He knows that if this bill, failing by administration indifference in the last Congress, is now worthy to pass on the last lap before another election, it was worthy to pass as the first legislation of the present Congress; this soldier knows that the President did the very unusual thing to come before the Senate early in this session and urge the postponement of soldier bonus legislation; that same soldier knows that the President later took this same bonus proposition and proposed to tie it onto a rejected taxation scheme—the sales tax—which could not stand alone on the floor of this House or even in the Ways and Means Committee. This method was righteously declined in the committee that heard the voice of the people and refused to call on the burdened masses, and especially the 4,000,000 soldiers themselves, to help provide their own bonus. The soldier knows all this, and he will not forget.

Speaking personally, I promptly announced that I would not support the bill if it imposed new burdens upon the staggering masses at a time like this. I also refused to lend my support to the vicious proposition made early in the year to debauch the young manhood of America through a tax on light wines and beer in order to pay the soldier debt of a great and grateful Nation. But I did take my place beside that high financial authority, Chairman McFADDEN, of the Committee on Banking and Currency, that this obligation to our soldiers should be financed out of the interest and the corpus, if necessary, of the $10,000,000,000 which we so freely furnished other nations to help

them discharge their duty to their armies and navies. Of course, this money, especially that part due by England, could be converted into stable and salable bonds. And the money, the cash so much needed by hundreds of thousands of soldiers who have never been able to recoup their personal finances during the stressful times that have prevailed since their return from France, would be a positive godsend to them now, and to every merchant, to every real estate man—indeed, to all the channels of trade that are languishing now from the shattering shock of war.

If some brave young man here and there feels that he does not want the benefits of the bill now presented, let him present the shining example of heroic refusal to accept; but let him not condemn his less fortunate comrade who needs his country's fellowship in these days that are trying the souls and bodies and purses of our defenders in war and our heroes in peace.

While this imperfect bill that has been brought out at last by the tardy administration forces is far from what it ought to be, I am supporting it as the only thing in sight, the only way in which I can help my country take its place beside the allied nations in expressing our practical, well-becoming gratitude to the human redeemers of our threatened civilization. [Applause.]

Mr. GARNER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. WOODS].

Mr. WOODS of Virginia. Mr. Speaker, in my view no man and no interest should be allowed to retain financial benefit accruing from war conditions as long as a soldier or anyone else suffers financial loss because of the war—this as a matter of abstract justice—but it is extremely difficult, if not indeed futile, to adjust these inequalities, and the present bill does not attempt it. It makes no distinction, except as to the slight difference between the foreign service and home service, as to the character of the service or the sacrifice the soldier made, nor does it make any distinction as to the needs of the soldiers. Aside from this, it is a clumsy and vain effort to compensate or measure in dollars and cents a patriotic service. The richest compensation which the soldier boy has is the enduring love of a grateful people and the satisfaction he will carry with him through life that in the hour of the Nation's need he responded to the call of his country and of humanity. His service can never be adequately compensated in money, and I refuse to believe the average soldier desires his patriotism put upon such a mercenary basis; but should we even attempt to thus compensate him, there is no treasury rich enough to discharge the liability.

The soldier did not fight for pecuniary compensation. He entered the service with no such paltry motive. If the country had said to the average stalwart soldier as he stood ready to sign his enlistment papers, "You are going to brave dangers of the submarine and the pestilence of camp life; you will bare your breast to enemy bullets; you will be called upon to go over the top, to charge through shot and shell, to meet deadly gases, and perhaps at last to be impaled on enemy bayonets, and for this service I propose to give you, in addition to your regular pay, $1.25 a day extra compensation," that brave boy would have struck down from your mercenary hand your contemptuous offer. He would have pointed you to that flag and told you that for it and those protected beneath its folds alone would he gladly serve and suffer and if need be die.

We owe our highest duty to the disabled soldier, and I have supported every measure of relief for him which amounts now to approximately $500,000,000 per year. The country for the future depends upon the tried patriotism of the returned soldiers who were fortunate enough to come back sound. We should be careful to do nothing that would deprive them of the spirit of initiative, enterprise, and self-reliance they have heretofore so fully demonstrated. The wisdom of such a policy calls to my mind the fairly well-established fact that 35 years after the Civil War the Confederate soldier who went back to a war-wasted land, with no hope of aid from his Government, paid taxes upon more property, man for man, than did his more fortunate brother in the Federal Army. The one knew he must rely only upon himself; the other knew he could in time of want depend upon Federal aid.

The above result is significant. [Applause.]

Mr. GARNER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 15 minutes remaining.

Mr. GARNER. I yield that 15 minutes to the gentleman from New York [Mr. COCKRAN]. [Applause.]

Mr. COCKRAN. Mr. Speaker, I am opposed to this measure because it embodies the most radical violation of fundamental democratic principles ever submitted to a representative body in a democratic country. It vindicates every objection ever advanced since the dawn of civilization against democracy as a system of government. It justifies every apprehension that has ever been expressed of democracy in actual operation. It fulfills every prophecy of inevitable ruin which its critics have always asserted would overtake any attempt to organize society on a basis of democracy.

Before I undertake to show that in saying this I am not indulging in exaggerated rhetoric but stating accurately a conclusion which is inevitable from conditions that are indisputable, I want to make perfectly clear my conception of the debt which our country owes the soldiers who have borne arms for its defense.

For the man who has been disabled no provision ever yet made has been sufficient, or half sufficient, in my judgment, to requite or properly acknowledge the merit of his sacrifice. If I had my way, there would be in different parts of this country not "*soldiers' homes*"—hardly to be differentiated from almshouses—but establishments situated in the most beautiful parts of the country, equipped with every comfort that money can provide, to be known as "*heroes' palaces*," so distributed that those privileged to occupy them could enjoy every variety of climate the country affords; each close to some great community whose citizens would be glad to visit it for the purpose of cheering the men rendered glorious by injuries suffered for the country, and in doing this imbibe inspiring lessons of patriotism themselves. I would maintain these helpless heroes in affluence, transporting them freely and by the most agreeable agencies from any one of those palaces to another as often as they wished, on the assumption that if they had preserved their limbs and all their faculties unimpaired they would have been able to establish affluence for themselves. Not reward, but simple compensation—inadequate, woefully inadequate, but all that is possible—would be such an acknowledgment of what the country owes these living martyrs to its service, its safety, and its glory. [Applause.]

But to the man who had the privilege of bearing arms in the most momentous conflict of all history and who has returned from that glorious adventure safe and sound, I deny there is any obligation whatever. I deny that he desires any money compensation or asks for it. It is the politician who covets his vote, but who I believe utterly misunderstands him, that is urging this measure. The American soldier who risked his life to save civilization (as has been said here repeatedly on the floor) is a hero deserving to rank first among all those on whom the judgment of humanity has conferred the crown of heroism. His heroism is his reward. It must be his complete reward or his heroism does not exist. The man who accepts compensation of any kind for patriotic sacrifice which is the essential constituent of heroism ceases to be a hero and at once becomes a mercenary.

Sir, the American soldiers who saved this civilization in the greatest crisis that ever menaced it will not abandon willingly the noble heights of heroism to which they have raised themselves by their valor for the abasement to which politicians by this measure are inviting them. Were it otherwise, the future of democracy in this country would be desperate.

Surely it needs no argument to show that if mercenaries numbering four millions or more are to be established within our political system with no one to withstand their demands except politicians—always subservient to the behests of multitudes—the prosperity, and indeed, the very existence of this Republic, are doomed to irretrievable ruin.

But, Mr. Chairman, I have not the slightest fear that politicians can succeed in transforming these heroes who won deathless fame resisting and defeating the enemies of our country into mercenaries intent on raiding the Treasury of our country.

So far as we may judge from the expressions of opinion that have reached this floor, the veterans of the late war are not demanding but opposing enactment of this bonus bill.

The gentleman from North Carolina [Mr. POU], one of its warmest advocates, has declared emphatically here within a few minutes that this measure originated not with the veterans but with the Congress. And he was entirely right. It is not the soldiers who took all the risks of battle that have initiated this raid upon the Treasury, but the politicians who covet office and who are endeavoring by sordid offers to debase the heroes whom all generations would be delighted to honor and revere into mercenaries whom this generation will have every reason to distrust and fear.

But these politicians are, in my judgment, very likely to overreach themselves. Even though these veterans should be found willing to sacrifice the glories of heroism for the sordid profits of plunder, the politicians who have tempted them to that abasement will not profit by it. There is nothing easier in this life than to outdemagogue a demagogue.

Gentlemen acting here under the assumption that the bribe this measure carries will assure them the suffrages of these ex-soldiers are almost certain to be disappointed. When they seek reelection there will in all probability be found in their districts abler—that is to say, less scrupulous—demagogues ready to promise the veterans twice what it is proposed here to give them. No movement of this character was ever started anywhere in the world that did not engulf its originators. And you gentlemen of the Congress with whom this demand, according to the gentleman from North Carolina [Mr. POU] originated, will very probably be the first victims of it. But this aspect of the proposal is of minor importance. It is not the number of votes politicians can win or forfeit by dubious methods that I want to discuss, but the effect of this legislation upon our country and upon the civilized world.

The gentleman from New York [Mr. MILLS] has stated with great force, as has the gentleman from Illinois [Mr. MANN], the immediate consequences that must follow enactment of this measure. With the Treasury already suffering from a deficit where formerly there was a surplus, it is proposed to incur a new debt of vast proportions without the slightest provision for raising revenues to meet it. I wonder if gentlemen realize the enormity—I am using the word advisedly—of such a proposal.

There was a time in the life of this country—a happy time not very long ago—when in considering the propriety of making an appropriation it was not necessary to take into account the condition of the Treasury. There was always abundance of money to meet every draft that Congress—even an extravagant Congress—might make on it. Now we find ourselves in a condition when even the most reckless purpose or the most halting intelligence is forced to realize that before any money can be taken out of the Treasury by appropriation it first must be put into the Treasury by taxation.

It is conceded that you can not levy a tax to meet this new expense which it is proposed to impose on the country. Why? Not because the disposition to levy it is lacking but because the sources of taxation are exhausted—literally dried up. Yet knowing this—stating it openly—you persist in an attempt to dispose of moneys which you have not got and which you can not get.

The gentleman from Michigan [Mr. FORDNEY]—always generous—is kind enough to say that the banks will come to the rescue of this enterprise; that is to say, they will proceed in defiance of all economic law to tie up their funds—free action of which is essential to keep industry in motion throughout the country—in loans extending over three or six years. This would be wholly indefensible, and indeed impossible, no matter what the security offered for the loan might be—whether a regular Government bond or this most irregular obligation which you propose to issue. Every rule of safe banking restricts bank loans to short periods—three months at the longest. If banks undertook to make loans which would endanger their effective—that is to say, their safe and profitable—operation, deposits would be at once withdrawn, and then they would have no money whatever to lend. As was pointed out by the gentleman from New York [Mr. MILLS], to tie up banking resources in what has been happily styled "frozen loans," would be an absolute bar to the return of prosperity. And "frozen loans" in vast numbers must inevitably be the first result of this law should it go into actual operation.

The gentleman from New York [Mr. MILLS] and the gentleman from Illinois [Mr. MANN], far from exaggerating the evil consequences which must follow this legislation, fell short of describing them fully.

Mr. Speaker, should this measure pass these three or four billions of dollars it proposes to bestow on ex-soldiers now are not by any means all that the country will be forced to supply. If there is any excuse for giving each of them three or four hundred dollars, there are three times as many excuses for giving him $1,200 or $1,400 or $2,000. Even $5,000 would not be excessive if we are to measure the value of military service in money. If this measure is enacted to discharge a debt, as its advocates insist, these men will be entirely justified in declaring, and in believing, that the amount given them is not full satisfaction, but only a payment on account of it. You explain the amount of this bonus as being not all that should be paid but all that can be paid while the Treasury is practically empty. Is it not absolutely certain that they will return and demand a fuller payment, if from the industry of the country the Treasury should ever again be replenished? Why should they not?

You will have established their right to come again with renewed demands the moment you pass this law. And if by bestowal of this gratuity you awaken among such a great number of men an appetite for further spoils, you will find that cupidity can empty the Treasury much faster than industry can fill it. So long as these soldiers remain alive you will have this possibility, this certainty, that they will return with fresh demands—which after passing this bill there will be no excuse for refusing—projected like a black pall over the prospects of the country. Under that cloud our credit can not fail to decline and perish. Here is the capital calamity to which this legislation inexorably leads: Collapse of the national credit. And when credit is struck down the Nation will be bankrupt. Ruin will be the portion of the whole people. From that universal catastrophe there can be escape for no one.

Some gentlemen appear to regard bankruptcy of the Treasury as though it were the bankruptcy of some neighbor, a thing to be regretted, of course, but not affecting seriously anyone except the bankrupt. Do you really know what bankruptcy of the National Treasury would mean? The day that by suspension of its operations it acknowledged or was forced to acknowledge inability to meet its obligations every bank in New York would close; no pay rolls could be liquidated; no wages could be paid; no commodities could be transported; means of subsistence could not be obtained. Famine would soon be stalking through our cities as it is stalking now through cities in Europe which only a few years ago were theaters of wealth and splendor but which have become depopulated and are now practically deserted; the countries adjacent to them reduced to misery so abject that cannibalism has actually been revived, as was stated in the newspapers last Sunday.

We in this country are still some distance from such direful calamities, but they are not so far away that the eye of a thoughtful man is unable to discern them.

As Mr. Wells said in one of the articles he contributed to the New York World while the peace conference was in progress, it is impossible for men in the midst of plenty to realize the possibility that starvation is actually devastating another part of the world. That writer, even though he himself had been a witness of famine and all the hideous circumstances that accompany it in Petrograd, and though he had described them in terms which proved the closeness of his observation and the depth of his sympathies, said he could not succeed in keeping clearly before his consciousness while he was moving about in the prosperity and luxurious gayety of New York and Washington the awful fact that people were dying of hunger on the other side of the Atlantic.

Sir, I venture to remind the House that the conditions of luxury and gayety in our great cities which Mr. Wells described are exactly those which preceded every great calamity that has overtaken the human family. It has always been in a world given over to dancing and feasting—striving frantically to forget in varied amusements a doom vaguely felt to be impending—that all the great cataclysms occurred which shattered existing social conditions, subverted political systems, brought the most prosperous countries to the verge of disaster, and often to total destruction.

Pause, gentlemen of the House, I beseech you, before enacting at a time when the country can not meet its actual obligations this measure imposing on it new burdens which you can not suggest means of meeting; casting over our credit, already staggering under a strain it can hardly bear, the shadow of fresh exactions, which must prevent it from ever regaining its normal economic vigor. And conditions can not remain stationary. They must by every law of nature move upward to improvement or totter downward to deeper disaster. If you prevent the country from regaining prosperity, you doom it to distress, growing ever deeper and wider.

Mr. Speaker, if the economic effects of this measure must be disastrous, its political results are likely to be ruinous. From the beginning of civilization it has always been true that mercenaries have proved fatal to every country that invoked their aid—more surely fatal than to the foe they were enlisted to repel.

If this bill passes and these ex-service men are transformed through its baneful operation from heroes into mercenaries more damage will be done to this country than an enemy could have perpetrated if he had succeeded in occupying one of our largest cities. If the Huns had captured New York, for instance, they would undoubtedly have laid a heavy tribute on it; but after we had paid the ransom we would be at the end of our disaster. They could not come back for fresh tribute without levying another war, and in these days to levy war is a stupendous undertaking, involving years of preparation. But these mercenaries, should you succeed in setting them up here, will always be with us. They will come back with fresh demands, and obtain them every time that there may be any money in the Treasury and a complaisant Congress can be cajoled or a cowardly Congress terrorized. [Applause.]

Can anyone doubt that a political system beset by such conditions is in serious danger of perishing from the face of the earth?

Mr. Speaker, as I read this bill and weigh the speeches in its favor I am again reminded that there is nothing new in vice and little new in folly, as I have had occasion to mention in this House before. It seems to me that we are in grave peril of entering the pathway—the old oft-trodden pathway—down which every republic and free government that has ever perished took its way.

The manner in which the Pretorian guards of old debased and dishonored the Roman government, so that its overthrow became inevitable, is generally considered the darkest page in the annals of political disaster. Are we not preparing the way for recurrence here of a similar catastrophe?

These Pretorian guards were not—as many believe—a band of desperate men, always contemptuous of restraint and determined to justify their greed or vengeance at any cost to the body politic. Originally they were the picked men of the Roman army. It was just such gratuities as you propose to bestow in this bill that worked their demoralization. The Emperor or General under the Roman system was theoretically chosen by the senate and confirmed by the army. But the Roman army was scattered over what was then the whole civilized world, and so its confirmation came to be expressed by these guards, who were the flower of it. From the very beginning each new Emperor on his accession bestowed on these Pretorians a gift of money—a donative it was called. At first it was a moderate sum given, it was said—as is now being said here—to compensate men for military services of peculiar value. These services consisted in guarding the city, which was the heart of the Empire. But, as matter of fact, this was the one service that incurred no risk whatever. And this bonus will be paid to men who are no longer subject to risk of any kind. The amount of the donation grew larger as the part of the Pretorians in deciding the choice of Emperor became more important. It finally came to be decisive, and the donation reached enormous proportions. After these guards murdered the Emperor Pertinax, his father-in-law, Sulpicianus, who had been sent by the dead Emperor to their camp at the beginning of the mutiny in the hope of appeasing it, actually attempted to obtain the throne for himself by offering them a donative of great size. But by this time conscious of their power they determined to use it so as to derive the last penny of profit from it, and so they went out on the ramparts and put up the Roman world at auction. A lively competition began, with Didius Julianus, a wealthy senator, and Sulpicianus the bidders. An emissary from the Pretorians went from one to the other acquainting each with the amount of his opponent's bid. In the end it was knocked down to Julianus for the sum of about £200 sterling to each of the Pretorian guards. They numbered 11,000 according to some, 16,000 according to others. But whatever the number the amount paid was stupendous. We have now actually before us a proposal likely to produce conditions ominously similar.

If these millions of ex-soldiers become organized mercenaries their votes will undoubtedly be decisive of national elections, and if these votes are to be obtained by moneys voted to them from the Treasury, there will be lively competition among ambitious politicians for their favor. We are not likely to have two Senators ambitious to be President striving to win that favor by money gifts. But we will have political conventions of the two parties bidding against each other for the support of this organization by promising large sums from the Treasury in the forms of bonus bills or adjusted compensation measures. Under such conditions the country can never be solvent, and universal knowledge of that fact must shatter the last remnants of our credit.

Sir, people will not continue to work if the results of their toil are to be seized by taxation and diverted to the use and benefit of men who have no claim to it except the degree of terror inspired by their numbers among politicians. A measure which establishes new and extraordinarily severe drains upon the Treasury and at the same time obstructs gravely the flow of revenue into it is about as complete a scheme for creating confusion that must be hopeless and disaster that must be measureless as perverted human wit has ever devised.

Mr. Speaker, there is one great objection to democracy as a principle of government which is as old as civilization itself. It is that if in any country control of government were intrusted to the whole people the poor, who are always a majority, would inevitably be found abusing and perverting its powers to plunder and oppress the rich, who are always a minority. And as the exactions of a multitude—though the amount obtained by each member of it be very small—will in the aggregate inevitably exceed largely the benviest levy of a single despot—it came to pass that before the foundation of this Republic all powers of government were centered everywhere in an autocrat or in a small class assumed to be specially qualified for prudent exercise of functions affecting the whole body politic.

Since this Government was established, however, its operations down to this day have refuted and exploded this conception of democratic institutions. Nowhere has property been so secure; nowhere have the rights of every individual been so jealously guarded. But now by this bill you are reviving that ancient objection to democracy; nay, more, you are vindicating it. What you propose to give these men by this measure will be a mere pittance to each one, but it will be a staggering load to place upon the country, under which (and the additional burdens that are sure to follow its enactment) our credit will fall prostrate, never, perhaps, to rise again. [Applause and cries of "Vote!"]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FISH].

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. FISH. Mr. Speaker and gentlemen of the House, I have listened with interest to the remarks of my colleague from New York [Mr. COCKRAN] in his dire prediction of famine, disaster, pestilence, and sudden death if this bill should pass. I would remind him that 5,000 years ago the King of Babylon sent a gold brick to his son, the prince, upon which was written in hieroglyphics a message which predicted exactly the same misfortunes, because the people wanted his victorious troops rewarded and given adjusted compensation. This bill is either a matter of simple justice or it is a gross swindle. It is, in my opinion, a sacred obligation which this country has been tardy to fulfill, and which has been recognized and fulfilled by every single one of our allies in the World War, and yet we plead poverty to escape a like obligation. [Applause.]

I would say to my colleagues from New York that the people of the State of New York voted, by a majority of 880,000 or slightly more than two to one, to give a monetary recognition to our soldiers, although it came solely out of the pockets of our taxpayers, and these veterans did not serve the State but the Federal Government. [Applause.] They have been deprived of that monetary recognition through a constitutional technicality, and it is problematical whether they ever receive any of it. Yet my colleagues have the temerity to come here on the floor of the House to speak and vote against the expressed will of the people of our State and to try to continue to deprive these men of adjusted compensation at the hands of a grateful Republic. [Applause.]

Mr. TREADWAY. I yield four minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Speaker, whether the President of the United States signs this bill or vetoes it does not change my responsibility as a Member of this House. I consider this bill fundamentally wrong. It is wrong because it fixes upon the Treasury an uncertainty. It injects into the Treasury a responsibility which will handicap the Secretary of the Treasury in discharging the great responsibilities which will rest upon him during the next five years.

Mr. Speaker, I do not believe that a majority of the soldiers of the late war are in favor of this bill. I do not believe that the soldiers of the late war understand what this bill will do. I want to voice my opposition to the Congress of the United States extending an invitation to 4,000,000 worthy soldiers, who are needy at this time, to enter into obligations and borrow from banks. I consider that the Ways and Means Committee have acknowledged the fact that the Treasury of the United States is unable at this time to meet the payment requirements provided for in this bill, and this is a plain attempt on their part to shove the responsibility off onto the banks of the United States, and in doing so to give those banks of the United States an opportunity to exploit the ex-service men and thus discriminate against them. Certain it is that those soldiers who most greatly need help are the ones who must go to the banks and must demand loans from the banks, and they thus incur an obligation which is not going to be satisfactory at all to the soldiers of this country.

I think the method of presenting to the Congress of the United States a bill of this importance which fixes an obligation upon the people of this country, the amount of which no one knows, is certainly absurd when we stop to consider that there are 435 Members with equal responsibility in this House who are having to vote on a bill which, I am lead to judge from the debate here to-day, has been considered by only 15 men—the Republican members of the Ways and Means Committee.

Gentlemen, the reclamation feature of this bill places on the people and the Treasury of the United States financial obligations the extent of which no one knows. [Applause.]

Mr. Speaker, on March 2, 1920, I appeared before the Ways and Means Committee, when the subject of the soldiers' bonus was first discussed by that committee, and suggested that they make available for the payment of the soldiers' bonus the proceeds from the permanent bonds which the Public Treasury would receive from the British Government.

Again, this year, when the Ways and Means Committee had this matter under consideration, I appeared before that committee and urged that they consider the utilization of the proceeds from sufficient of these bonds to pay the soldiers whatever amount might be agreed to under a proper bonus bill.

I mention the utilization of the debt due from the British Government because that country is in the best financial condition of any of the countries that owe us; and inasmuch as they owe us something over $4,000,000,000 and this bonus is estimated to cost the country anywhere from two billion to four or five billion dollars, I felt that that was the most practical and it could be utilized to the best advantage because of the credit position of England. The statement was made by some one, I believe, that if this English debt was utilized and the sale of the bonds guaranteed by the United States they would not sell in the market as readily as our own securities and would have to be sold at a discount.

It seems to me that that is an error, because I can not imagine any method whereby an obligation made by Great Britain and guaranteed by the United States would not be in a better market condition as to solubility than the United States' own securities. I think also they would sell in the market at a higher rate than our own securities because of the great additional security of Great Britain.

I want to repeat to you the salient features of the proposition that I made in March, 1920: First, the obligation to our soldiers and sailors is thus paid without an additional Liberty bond issue, which if made at this time to the extent of two or three billion dollars, owing to our peculiar financial situation, would probably reduce the market value of our outstanding Government bonds 10 points. Second, this plan of settlement would obviate the levying of an additional tax burden upon the people of this country, a portion of which would necessarily have to be borne by our soldiers and sailors. Third, this plan will not interfere with our financial equilibrium in the United States, but will simply furnish to investors an additional security investment at a favorable rate of interest.

Attention is called to the present market value on both British and French loans in this country. Fourth, this plan will take out of the Treasury of the United States securities for which the United States has paid par and place in the hands of the investing public these securities to the necessary amount required to settle with the soldiers and sailors. It is safer for the American people that these securities be held by individuals and institutions rather than in the Public Treasury, as this distribution removes the temptation from the administration officials to cancel or compromise these obligations in any adjustments or settlements in connection with our international problem. The argument is put forward that these foreign countries are asking for an extension of time in the payment of interest on these obligations, and the Secretary of the Treasury has asked Congress for directions to aid him in his negotiations with these countries in this respect. It is to be hoped that Congress will so instruct the Secretary of the Treasury in these negotiations to the end that the United States may receive without further delay the issuance of the permanent and bona fide obligations of these countries representing these loans made to help them win the war.

Since this matter has been discussed over a period of two years while it has been under consideration, the principal ones that I find opposed to this proposition are those people who are in favor of canceling these foreign debts which are owed to the United States.

I have had many communications and many talks with many people in regard to this, and it goes right back to that idea that they are interested in the cancellation of the foreign debt, and it originates either with the international bankers or those people who are engaged in international trade, in view of the authority that was given in the Liberty loan act. I do not believe it is any breach of faith in that respect for the Public Treasury to utilize these bonds. As I understand those Liberty loan acts, they gave the authority to lend this money to foreign countries and to take those securities into the Treasury. It is implied by inference largely, I think, that when that money is paid it will be used in the reduction of our public debt.

But I do not believe it is an absolute necessity that that shall be done. I believe that it is the function of the Department of the Treasury to utilize the payment of that money in the manner that it sees fit when it comes in. Therefore, if we can relieve the burden on the public, if we are going to give the ex-service men this bonus and utilize some securities already in the Treasury that can be marketed—and I believe that these bonds could be disposed of throughout the country by means of a patriotic drive, and that they could practically be sold in 30 days' time; and inasmuch as we have given this refunding commission the power to settle these foreign debts, it would seem to me that we could set a definite date; for example, the 1st of October, when these securities will be made available, and in that manner provide the money through the sale of these securities in a properly developed plan by the Treasury Department, by public offerings; and I believe it will be possible in practically every community to sell in that community sufficient bonds to local investors to take care of what would be required to pay the soldiers in that immediate locality. Only sufficient bonds would need to be sold to meet the requirements, and we could let the rest of them remain in the Treasury.

There is just one other thought I want to impress upon the Members of this House, and that is that by the payment by these countries of the interest due on these obligations it would have a tremendous bearing on our international trade relations. It is my thought—and I simply express my own personal opinion, but I believe it worth considering—that we should not require those countries who owe us to make payment direct to us. In order that we may trade with the world we will have to advance money to the world.

It is my belief that every dollar's worth of that interest which is owed to us for the next 5 or 10 years ought to remain on the other side and be placed in the form of a loan to such of those countries as will best rehabilitate Europe, and thus permit us to sell agricultural products and manufactured products to the world; in other words, I believe that the best policy we could pursue to-day would be, "in addition to loaning them this $500,000,000 worth of interest," to put another $500,000,000 with it and loan it to Germany, because I believe that is the best place to begin to build up Europe. If we thus can stabilize Germany and secure to those countries that owe us the full payment of the reparations, that means we can not only help Europe, but we can help secure the payment of the debt that is owed to us.

It seems to me that inasmuch as we are the largest creditor—and I realize how delicate this matter is—that we are in a particularly strong strategic position to assume a leadership in connection with this situation by working out and suggesting some such method as I have just very briefly outlined here, saying to those countries: "You must cut your budgets down to the minimum, and when you do that we are ready to help you, and we will help you financially, and we will help you rehabilitate Europe to that extent. But we will not do it unless you do." We all know that the power and influence over debt—not that we want to exact our "pound of flesh," but we are conscientiously trying to rehabilitate Europe so that we can trade, and if we can revive commercial relations we can secure the payment of the debt to us.

It seems to me that there is an opportunity here, if we are going to pay this bonus, to do it with the least amount of trouble. I am fearful of the results of levying additional taxes on the people at this time; and if we can utilize these securities just as an individual would utilize them if he had an obligation to meet, take out of a strong box something that you have there and dispose of it, that that is the practical solution of this problem.

I was assured by a large number of the Members of this House that they were in favor of such a plan, and I believe now that this is the proper plan to adopt, because it is the only method so far presented that will not bring embarrassment to the Public Treasury and will not interfere with the rehabilitation of business in this country. It also will provide the method of payment which is so badly needed at this time. There is nothing in the argument which suggests that these funds are not now available, because we have not the permanent refunding plans which the British Government perfected. The Congress has already provided the authority for the commission and the President has appointed the members, and they have authority to refund into permanent long-time securities this English debt, amounting to over $4,250,000,000, and certainly these securities will be available by the time the machinery can be put into operation under any bonus bill that may be decided upon.

The improved money conditions in this country will permit the ready sale of these securities upon a very favorable basis. This type of security, issued by Great Britain and indorsed by the United States, carrying a rate of interest of 4½ per cent, would be the finest security in the world and could be sold at

a very favorable price in the money market, and is unquestionably much preferable to the plan proposed in this bill which will of necessity make borrowers out of our soldiers.

I regret that the Ways and Means Committee have not adopted this plan, and I trust that before the bill passes the Senate many of the objectionable features now in the bill will be eliminated; and I am firmly of the opinion that before this bill becomes law provision must be made for the payment from the proceeds realized from the sale of these foreign securities.

I can not in conscience vote for this bill in its present form because of these reasons. And certainly I could not in fairness to the high principles of my constituents place any added burden of taxation upon them to take care of such a proposition, nor would I attempt to further my political ends in this manner and have them carry, presumably through the Public Treasury, this unnecessary tax which will be entailed. And, further, I do not want to hand the soldiers of this country, to whom the country owes such a great obligation, a gold brick, and I can not but feel that that is what you will do if and when you pass such a measure as the present one. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. TREADWAY. Mr. Speaker, I yield four minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker and gentlemen of the House, I yield to no man in my admiration of and gratitude to those who went forth in the time of national peril to fight for and to die for our country. It has been my privilege to have aided in drafting, perfecting, and liberalizing the war risk insurance act, the Veterans' Bureau act, and various rehabilitation and hospitalization acts, the terms of which are the most liberal of any country in the world. To carry out the work provided for in this legislation this country is now spending yearly between five hundred and six hundred millions of dollars for the disabled service man and his dependents. Organizations to carry this work out have to be hurriedly provided for. In many instances through faulty administration claims of deserving men have been turned down and the cases have been brought to my attention. These cases have received my personal attention, resulting in personal trips to the Veterans' Bureau and a personal examination and inspection of the files. In many instances I have found insufficient evidence either as to the disability or the service origin of that disability. In such instances I have advised the service man what the trouble is, making suggestions as to proof, and so forth. In other cases I have had to appeal them to the board of review and then to the board of appeals, involving the briefing of the facts and the setting forth of the law, just as if I was handling a lawsuit. In a majority of these cases my efforts have been successful and hundreds of deserving disabled men cared for.

Mr. Speaker, these men and their dependents know of my willingness to go the limit for the sick and disabled and their loved ones. But this measure is not to provide for the disabled service man, but for the strong and able-bodied discharged soldiers. The work accomplished by our Army and Navy was such that it was suggested they be rewarded in a substantial manner, hence the agitation for a bonus or adjusted compensation. We gave veterans of the Civil War grants of public lands, thereby showing our appreciation of the Union soldiers who aided materially in the settling of our great western country. Our public lands are now gone; we can not give the veterans of the Great War land, and it has been urged that we give them cash. During the last Congress various measures were introduced involving expenditures of from $2,000,000,000 to $20,000,000,000; out of them all came the bill which passed the House during the last Congress involving a payment of cash, payable $50 per quarter, and a total expenditure of something like one and one-half to two billions of dollars.

A different question would be raised if the money to meet this was in the Treasury. A different question would be presented to us if we did not now have a national debt of about $24,000,000,000, as against $1,000,000,000 before we entered the World War. A different question would be before us if out of the World War we did not have a fixed charge against the Treasury of the United States of $2,000,000,000 per annum growing out of these three items alone; interest on the public debt of about $1,000,000,000; a sinking fund to retire Liberty loan bonds and certificates of indebtedness, $300,000,000; allowances to disabled service men and dependents of about $600,000,000.

When the Committee on Ways and Means proceeded to consider the bill that is before us it was perfectly apparent that in order to meet the money payments new taxes would have to be levied. With this in mind the committee informally agreed upon a bill with the necessary tax provisions. Just as soon as these provisions became known they met with protests from all over the country, and the provisions were immediately withdrawn. Then it was suggested that the necessary moneys could be obtained by a sales tax. The moment that this was proposed a greater storm of protest came from all over the country. The truth of the matter is that business has been suffering for a long time from heavy war-time taxation in times of peace. All of this has resulted in retarding business, stifling industry, and throwing men out of employment. What the country needs and what the service man needs is employment and not a bonus. The enactment of this legislation into law, in my judgment, will only aggravate the present unemployment situation.

Then it was suggested that the bill be reported in the House with no provisions whatever for raising the necessary taxes. Hence, the bill that is now before us for our consideration. It proposes to give cash to the service man, but without any drain whatever upon the resources of the Treasury. It proposes to obligate the United States to something like $4,000,000,000 without any provision whatever for raising the necessary revenue with which to meet these obligations.

Mr. Speaker, I have been opposed to a cash bonus. I voted against the bonus bill when it was up for consideration two years ago. In my judgment, in many ways an out-and-out cash bonus is preferable to the one that is now before us. Furthermore, if the Government owes this debt, as the proponents of this measure claim it does, then it ought to pay this obligation just like it pays other obligations, not by long-time certificates with limited borrowing power but by the payment of cash.

I have not the time to discuss the various benefit provisions of the bill. I will discuss but one of them. Most of the men, judging from the letters which I receive, want cash, expect cash, and will be disappointed with any measure that does not give them cash. As a substitute for cash this measure in brief provides for the issuance of a certificate granting a credit of $1 per day for every day served over 60 days in this country, and $1.25 per day for every day served overseas. Regardless of the length of service, no man overseas can receive more than $625 and no man serving in this country can receive over $500. The certificate is payable in 20 years with 25 per cent added thereto and compound interest. If a man served in this country 100 days over the 60 days, a certificate at the end of 20 years would amount to about $300.

The banks are permitted to loan not to exceed 50 per cent of the initial value of the certificate until September 30, 1925. Thereafter the Government agrees to loan up to 80 per cent of its initial value. After September 30, 1925, when the Government agrees to loan up to 80 per cent, there is no telling how many certificates will be cashed in in this manner per annum. In my judgment, most of them will apply to the Treasury for the maximum amount in the year 1925. This means an expenditure during that year of hundreds of millions of dollars, and this bill makes no provision whatever for raising the necessary revenue with which to meet those expenditures.

Mr. Speaker, three different Secretaries of the Treasury have advised against the enactment of any bonus legislation until, at least, the country has recovered from the after effects of the war. Two of these Secretaries have been Democrats and one a Republican. This bill consists of 38 pages and involves a charge against the Treasury of over four and one-half billions of dollars. It was reported out of committee less than a week ago.

The bill provides not one penny of revenue with which to meet this expenditure. Yet it is brought before us under a rule which limits debate to but four hours and absolutely prevents any change or amendment, even to the extent of dotting an "i" or crossing a "t." Mr. Speaker, I am opposed to this bill, first, because of the manner in which it has been brought before us for consideration. It is not the way the House of Representatives should transact the people's business. [Applause.]

Oh, yes; my Democratic friends, I note your applause. But let me remind you that the bringing in of this rule, so limiting and restricting debate and consideration of this measure, has been largely due to your own tactics. You have filed a report with the House that is so biased and partisan as to convince us that if given an opportunity you would go the limit in playing politics upon this measure. Nevertheless, I feel that we should have stood upon our own responsibility and put up with your partisanship and the amendment you would offer for campaign purposes. [Applause.]

Second, I am opposed to this bill at this particular time because I know it will involve enormous expenditures of money which are not now in the Treasury. The fact is that we will undoubtedly have a deficit at the end of the present fiscal year. The Treasury officials this very day have admitted in the re-

ports of the income-tax returns on March 15 that they have overestimated the income from that source for this fiscal year by over $200,000,000. I know that we not only have no money in the Treasury for additional expenditures, but we will undoubtedly have a deficit. Our only means of collecting additional money is through taxation. If this bill becomes a law, we must increase rather than decrease our taxes.

Something has been said here about party obligations. Mr. Speaker, I believe in parties standing by their obligations to the country. I deny that the Republican Party has pledged itself to the enactment of this or any other similar measure. I quote from the Republican platform as follows:

> We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill of the appreciation of the services rendered by the defenders on sea and on land.
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> Republicans, then, are not ungrateful. Throughout their history they have shown their gratitude toward the Nation's defenders. Liberal legislation for the care of the disabled and the infirm and their dependents has ever marked Republican policy toward the soldiers and sailors in all the wars in which our country has participated. The present Congress has appropriated generously for the disabled in the World War.
>
> The amounts already applied and authorized for the fiscal year 1920-21 for this purpose reached the stupendous sum of $1,180,571,893. This legislation is significant of the party's purpose to generously care for the maimed and disabled men of the recent war.

I submit that any fair consideration of this plank leads to but one conclusion, and that is an obligation to care for the disabled service man and his dependents. This obligation this Congress has fulfilled.

Let me remind gentlemen that the Republican Party did, through its platform, lead the people to believe that it would reduce taxes and do away with the consequent repression of enterprise. If we enact this bill into law we will have violated that express plank in our platform. If we meet and pay the obligations of this bill we must increase taxes, thereby further retarding business and postponing a return of prosperity, when all can find employment.

During the war our people bought Liberty and Victory bonds up to the amount of $24,000,000,000. To-day those bonds are selling below par. One year from now the Victory loan bonds mature. They amount to three and one-half billions of dollars. We must either pay them or pay the entire issue. Interest rate is already high. If we pass this bill, we will increase interest rates generally and will make it more difficult for the Secretary of the Treasury to fund these Victory bonds at a reasonable interest rate, and he may have to sell them below par. Furthermore, there is no investor who has given any thought or consideration to this but who will agree that the passage of any bonus legislation at this time will depreciate the market value of the Liberty or Victory bonds.

Mr. Speaker, I further oppose this bill because it creates a charge against the Treasury without making any provision whatever for increasing our revenues. This can only result in the piling up of a deficit, with a hurried demand upon Congress to enact hastily prepared and unwise emergency tax legislation to meet the situation. This is at such a time that if tax provisions are inserted in the measure it would actually wipe out certain lines of business entirely. If we are going to enact this bill into law, we at least ought to deal frankly with the people who must pay the bill and give them to understand how we are going to raise the necessary funds with which to make the payment. Apparently the framers of this measure preferred to enact the measure into law before election without any taxation features, and then face their constituents as to the necessary increased taxes following the election.

Gentlemen, I oppose this bill upon the further ground that it does not deal frankly with the service men whom it is designed to benefit. With the exception of the man who served but a short time, this bill confers no cash benefit whatever.

The service man expects cash. He has been led to feel that the Government is under an obligation to him to make his pay during the war commensurate in a degree with the wages paid civilian labor. This being the case, he figures that the Government will pay its obligations to him in cash, just as it pays its obligations to others in cash. This bill does no such thing. It merely issues a certificate redeemable 20 years from date and good previously thereto in the event of death. As the service man is expecting cash, this would, of course, be a grievous disappointment. To offset this the bill authorizes the banks to loan up to not to exceed 50 per cent of the initial value of the certificate. The only immediate right conferred, therefore, upon the service man is permission to become a debtor, providing a bank is willing to loan money upon the security. No one knows just how this plan will work out. We do know this, that the Comptroller of the Treasury has advised against it. He certainly ought to know something about it. He also knows that a good many country banks, at least, are loaned up to the limit at the present time. What is the service man going to think when he presents his certificate to one of these banks that is loaned up to the limit when he is told that they can not loan him any money upon the certificate? What is he going to think of his Government? What is he going to think of this Congress that passed such legislation? Furthermore, after 1925 these certificates become demand notes on the Government, payable up to 80 per cent of their initial value plus interest. The right to a loan up to 80 per cent of the value makes them, in effect, demand notes. No one knows how much of a demand may be made in the year 1925 or how much of a demand will be made in subsequent years. There is no way whereby the Government can ascertain in advance just when these certificates will be presented. This prevents us from being able to properly provide for the necessary revenue.

Before closing I want to call attention to another feature of this bill. I have any number of cases under my observation where service men were killed or died overseas and who left dependent widows and mothers. No one will deny the right of these to our first consideration. Does this bill give it? No. Under the terms and provisions of this bill the man who came home safe and sound would be granted this additional compensation, while the widow or mother of the man who lost his life with his face against the foe is absolutely barred from receiving the benefits of the act. The provision is unjust and utterly indefensible. Yet this deliberative body, the House of Representatives of the greatest country on earth, is powerless to amend this bill. We are asked to ratify in every particular the action of the committee, regardless of their mistakes or how we differ with their action. Mr. Speaker, I believe in representative government. I believe that the people of my district are entitled at all times to have the benefits of my best judgment. They have a right to expect me to act in accordance with that judgment. I believe that the measure in question is presented to us at a time when the country can ill afford any increase in taxation. I believe that the measure is economically unsound and indefensible. I believe it would injure the country. I believe that we ought to so frankly advise the service man. These men, who fought so valiantly overseas, when convinced of the effect of this legislation upon their country's welfare, will be the very first to condemn it. Let us meet the situation the way President Grant did in 1875. When confronted with a similar bill Grant informed Congress that the legislation was unsound and would embarrass the funding operations, increase the bonded debt, and delay the return of prosperity, and promptly vetoed it. Gentlemen, this legislation is wrong and ought to be beaten. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, we all know that the money for these ex-service men will come out of the pockets of the people. We also know that the $1,000,000,000 which Congress authorized to be paid to the railroads of this country came from the same source. So, also the $2,000,000,000 that we authorized the Secretary of War to pay to contractors and alleged contractors who presented claims against this Government that were not based upon any contract, express or implied, came from the same pockets. And yet the same men in and out of Congress who to-day oppose this bill sanctioned every dollar that went into the pockets of those men. [Applause.]

Mr. Speaker, perhaps the soldiers' adjusted compensation bill that is before this House for consideration to-day is the best bill of its kind that could possibly be put through Congress at this session. In all of its particulars it is not just what I could desire. I am going to vote for it because I believe in the main it will meet with the demands of the soldiers and will be satisfactory to those who will have the bills to pay. Had I had my way in this matter I would have provided a sales tax that would raise the necessary money to meet the cash requirements made necessary by such legislation. When I say a sales tax I do not mean any kind of a sales tax that could be written. I have in mind a tax of 2 per cent on the first sale of the manufactured product, which amount, I am told, would raise a sum sufficient to meet the cash demands. I would have written into this sales tax law a clause that would have made it a crime punishable by a fine of $10,000 and a term of years in the penitentiary for any person who raised the price of a commodity that he had for sale in a sum greater than the amount of the tax. I would have made the law broad enough to catch anyone who would add to the price of the commodity the tax, or any part thereof, after it had already been added once. In this way there could have been no pyramiding of taxes. It would have been paid once, and only once.

Under our tax laws as they stand to-day the dishonest merchant or the dishonest manufacturer can add on the tax many times and carry it to the public in this form and the public has no way of knowing that it is paying the tax not only once but many times. This system has permitted dishonest tradesmen to raise the price of necessities until even to-day they are yet beyond the reach of many who must buy. Under the sales tax system that I have just described a manufacturer's price of a pair of shoes that retails for $5 is about $3. A tax of 2 per cent on this amount would be 6 cents. Therefore, under the scheme that I have in mind the price of shoes could not retail for more than $5.06, and with competition spirited the general public would never pay this additional amount of 6 cents, because it would be absorbed before it reached the ultimate consumer. Competition in trade would see to this long before it reached the last buyer.

Mr. Speaker, to-day the manufacturers' sale price of sugar is 4 cents a pound. A 2 per cent tax on this would only be 0.0008 mill, an amount so very insignificant that it can hardly be considered. What is true of these two commodities is true of every other household necessity, and it seems to me there ought to be enough wisdom in Congress to devise means that would prevent the dishonest manufacturer or the merchant with profiteering inclinations from charging the consumer, in addition to his fair profit, the tax many times multiplied. And these manufacturers and merchants who would seek to defraud the public by raising the price of the necessities of life under the guise of heavy taxes ought to be made to feel the sting of a law that has real teeth in it.

Again, a sales tax of the kind that I have just described, guarded by a criminal statute, would reduce the high cost of living, and it would not shift the burden of taxation from the pockets of the rich to the backs of the poor. Each family when paying tax under this plan would pay according to consumption. The family that spent $10,000 a year would pay tax on the manufacturers' price and the family that spent $1,000 a year would only pay a 2 per cent tax on the manufacturers' price of the goods and products consumed by that family. But this plan of taxation was not written into the law.

Mr. Speaker, I am for this bonus bill because I know that these soldiers did not financially receive a square deal. The Congress of the United States, at the request of the President when we were in war, passed a law that conscripted for military service boys of a certain age and health, and they fixed their wage or salary at a dollar per day. The boy who volunteered or was conscripted was forced to accept this $1 a day or stand a military trial, which meant in the end either prison or death. But this same Congress that passed the conscriptive law allowed the boys and men of all ages who stayed at home to go into the industries and charge for their products or their services any price that they could demand and get. In scarcely any instance was the wage paid to those who stayed at home and went into the industries less than a dollar an hour.

Well do we all remember that the boys and men were often not satisfied with the $1 an hour they were getting, but they called a strike and refused to make shoes and clothing and the manufactured foodstuffs and the blankets and the powder and the shells and guns that were needed by these boys until their wages were raised to $1.50 an hour, and remained in idleness for days and even weeks, until finally their demands were met, and they went back to work at this increased price. The manufacturers of this country immediately raised the price of their commodities to cover the increased cost of labor, and the dishonest merchant made this an excuse to raise the price of his commodity many times the increased cost of this labor. The profiteer ran wild. The Government went out to buy these various products that were necessary to the carrying on of the war and the dishonest seller demanded and received unconscionable prices. So sure were these profiteers of their grip upon the throat of the country that they alone made the war cost the taxpayers of the United States many billions of dollars more than it should have cost. Absolute and brazen theft under the very eyes of the administration cost the taxpaying public many more billions. I have in mind now a $1,000,200,000 appropriation by Congress for the building of airplanes when the war was on, and not a fighting plane ever reached the battle front, yet all of this cost found its way into somebody's pocket. This somebody is to-day crying out against this bill when that somebody ought to be behind prison bars, instead of running at large threatening Congress if it does not deny these boys this adjusted compensation. If this bill passes, the problem of to-morrow will not be how to pay the money that will be required by this legislation, but the problem now is and to-morrow will be how to pay the bills made by all this wasteful extravagance and theft when the war was on. These profiteers became so bold that they did not even stop to mask, but went into the Treasury of the United States and every home throughout the Nation and brazenly stole from the Government and the public. The taxpayers of the country are to-day paying these bills, and yet these same men with these dishonest methods are those who are foremost in starting the propaganda that the Government will be bankrupt if this extra burden is added.

I have already called your attention to the fact that if the boys had refused to fight for this paltry dollar per day they would have gone to prison or to death. That was the mandate of Congress at the request of the President. But no such stringent law governed or threatened the industries or those men and boys who stayed at home. I have never been able to know or understand why a Government that boasts of its authority to conscript the man power to fight can not conscript the man power for the industries and fix the wages of those who stay at home. Neither am I able to understand why the great industries of the country can not be marshaled into line by the Government and made to furnish war materials at peace-time prices.

I know and you know this could be done, but the influence of enormous wealth is great. The Government loudly proclaims its absolute and despotic power over the life and destiny of the young man in the military service when war is on, but seems to stand in fear and trembling in the presence of big business. I defy any man to challenge the truthfulness of that statement as applied to the last war. I say the last war because I know something about it. I know more about this conflict than I do about what governing influences were present in prior wars. This cringing homage paid to the big profiteer in the World War will always stand as the crowning disgrace of that titanic struggle. I only have in mind the dishonest business man. I know there were many good and patriotic citizens engaged in the manufacturing and mercantile business who were honest and condemn this profiteering just as much as you or I. But the profiteers of the country got the Government by the throat. They made the war cost twice what it ought and the taxpayers are confronted with the paying of these additional billions to-day. Besides this, they were taking untold billions from the pockets of the buying public. I am told that big business alone took in profits since April 11, 1917, forty billions. This in part explains the twenty-five billions bonded indebtedness. When the boys returned they were given a cash bonus of $60, but so high were prices that this amount scarcely bought them a suit of clothes. While they were gone they sent $15 a month home to dependents, but the profiteer had boosted prices so high that the dependent mother, father, wife, or sister was not able to purchase to exceed five or six dollars' worth of the necessities of life with the $15.

Is it any wonder these boys believe that they have not been treated squarely and is it any wonder that Congress is determined to see that the boys get at this time a square deal as far as it is possible to give to them justice?

The objection that the big taxpayer has had to all previous contemplated bonus bills has been that the taxpayer was already overburdened and that it would greatly hamper business if such a bill should be passed. The bill under consideration now entirely eliminates these objections. For those who desire the ready cash it is provided that the soldier can accept an adjusted-service certificate. This certificate will be sufficient collateral security to enable the holder to borrow money at any bank not to exceed 50 per cent of the loan basis of the certificate. This will provide a way whereby those veterans who are in needy circumstances can get temporary relief and it will not require additional taxes or another bond issue. Besides this method the bill provides for vocational training aid, farm or home aid, and certain land settlements. In the main it is a good bill. I shall gladly vote for it, notwithstanding it does not embody my views in all respects.

Mr. Speaker, there is another reason why these boys should be paid an adjusted compensation, and that is found in the fact that from early in 1917 every civilian employee of the Government was voted by Congress a bonus of $20 per month. Remember that was back in 1917, and these civilian employees of the Government have been getting that amount ever since, and are now receiving this bonus of $20 per month. I voted for that bonus for the civilian employees, and why should I refuse to vote this paltry sum to these men who presented themselves to fight the battles of their country and 2,000,000 of them were on the firing line? They fought well. When they reached France the soldiers of the allied countries were making their last stand. The Central Powers had driven them back until they were standing with their backs against the wall. It is true they were fighting, and fighting bravely and desperately. They were fighting like the brave and true soldiers that they

were, but nevertheless they were facing certain defeat. The American soldiers immediately turned the tide of battle. At once the soldiers of the Central Powers were stopped by bullets and shells fired by American soldiers, and these boys never stopped until the German soldier had hoisted the white flag and prayed for peace. While they were fighting 100,000 of them fell and were buried in a foreign soil, and 150,000 of them were crippled and blinded and sent home staggering. Since then many more of them have died and thousands of them are in ill health. When I think of all of this and I think of the greed and graft that were permitted at home while they were thus fighting I am determined to vote for this adjusted compensation bill that will partly adjust the difference in the salaries or wages of the soldier and the civilian. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, when England asked for four thousand million dollars we gave them to her and she stood for the insult. When France wanted three billion and a half dollars we gave it to her and she swallowed the insult. [Laughter.] Even the dear, kind King of Belgium went home with a hundred and fifty million dollar draft in his pocket. And now when our own boys come for what they ought to have, men orate all day long and hesitate. I do not hesitate, I am going to vote for this bill, because we can afford it. I am in favor of getting the money from England and collecting the debts of these other nations that owe us. [Applause.] It can be done. Our promise that we would build a bridge of support all the way over and all the way back has not been kept. I mean the promise you and I made under the trees in the courthouse yard the day the boys went away. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the President has announced that while he is favorable to the soldiers' bonus proposition a method must be found by which money can be raised without adding new burdens to the already overtaxed people of this country. He therefore recommends the passage of a sales tax.

Both Senator McCUMBER, chairman of the Senate Finance Committee, and Representative FORDNEY, chairman of the Ways and Means Committee of the House, according to newspaper accounts, are opposed to a sales tax. So is the agricultural bloc, if the newspapers speak correctly.

The Secretary of the Treasury has announced that it would require $2,500,000,000 to $5,000,000,000 to pay a bonus to the ex-service men. It is a terrific burden to place upon the shoulders of the taxpayers of this country at this time. Many of our leaders are preaching economy in season and out of season. If they put this bill through, it will mean "save at the spigot and leak at the bunghole."

The Ways and Means Committee have been considering various recommendations by which to raise the money to pay the bonus. They have suggested at various times that a tax might be levied on automobile license tags; they have also suggested a tax on gasoline, a stamp tax on bank checks, a tax on real estate transfers, increased taxes on theater admissions, a tax on stocks and bonds, a tax on cigarettes, tobacco, and documentary stamps on a variety of official papers.

Of course everyone who is hit by any of the proposed taxes is filing a vigorous protest. In short, many people are willing that the bonus be paid if the tax is put on somebody else's shoulders.

In my humble opinion, the first duty of Congress at present is to consider and enact such legislation as will facilitate the resumption of normal activities which will mean prosperity for everyone. Just at this time Congress should be devoted to the great problems of reconstructing a world broken down with the burdens of war. It is regrettable that the demand for bonus legislation should be made upon Congress at a time when every mind should be bent upon getting the normal course of business activities reestablished as quickly as possible. The bonus legislation now under consideration is only hindering this program; in fact, it is delaying our return to that prosperity which will far outweigh in its benefits, even to the veterans themselves, the small amount any blanket bonus would carry.

I have frankly stated that I am opposed to a soldiers' bonus at this time when we are trying to get back to a condition of normalcy.

I am happy to say that I have received many letters commending me on my stand on the bonus question. As one of my constituents wrote me, "There are many ex-service men who regard the demand for a bonus as a reflection upon their wisdom or their loyalty or both." I am convinced that there are many men who fought without injury in the World War who consider the fight now being made for a bonus unworthy of our best traditions.

Of course, the men who were wounded and who are disabled ought to be cared for by the Government regardless of cost. In fact they are being cared for; some billions of dollars have been spent to help them along. But I honestly believe that the men who were in the war, and who are in as good or better health to-day than they were when they went to the war, ought not at this time to talk about a bonus for themselves.

Mr. Speaker, a somewhat similar measure was passed by Congress in 1875. It was entitled "An act to equalize the bounties of soldiers who served in the late War for the Union." The demand for its passage was not unlike the demand for the bonus bill now pending before this House. On March 3, 1875, President U. S. Grant, who in his day was as good a friend of the Civil War veterans as any individual in the whole United States, wrote a veto to the House of Representatives in the following language:

WASHINGTON, *March 3, 1875.*

To the House of Representatives:

House bill No. 3341 (an act to equalize the bounties of soldiers who served in the late War for the Union) is herewith returned without my approval, for the reasons, first, that it appropriates from the Treasury a large sum of money at a time when the revenue is insufficient for current wants, and this proposed further drain on the Treasury. The issue of bonds, authorized by the bill to a very large and indefinite amount, would seriously embarrass the refunding operations now progressing, whereby the interests of the bonded debt of the United States is being largely reduced. Secondly, I do not believe that any considerable portion of the ex-soldiers, who, it is supposed, will be beneficiaries of this appropriation, are applicants for it, but, rather, it would result more in a measure for the relief of claim agents and middlemen who would intervene to collect or discount the bounties granted by it. The passage of this bill at this time is inconsistent with the measures of economy now demanded by the necessities of the country.

U. S. GRANT.

Unfortunately, the House of Representatives had adjourned before the message could be sent. President Grant wrote it in the President's room at the Capitol. It is printed in volume 7 of the "Messages and Papers of the Presidents" at page 320. The Congress adjourned and the matter was never again brought up. But the same reasons quoted by President Grant apply with equal force to-day.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Speaker, the burdens which this bill will place on our country have been very greatly overemphasized. Who on the 1st day of November, in 1918, would have hesitated a moment to have voted $4,000,000,000 or four times $4,000,000,000 to help these boys prosecute the war and bring it to a successful conclusion? Yet these same boys, by their indomitable will and courage and great sacrifice, brought the war to an end one year sooner than any of us in this country thought would be done. The fact is, if the war had continued for a period of 90 days longer, this country would have expended more money in that short time than it will have to expend under this bill for the next 20 years.

Mr. Speaker, there were two principal factors that fought and won the war—man power and money power. By money power I mean the industries of the country—the factories, railroads, mines, and other business. This Government has already established the principle of adjusting the compensation of all business concerns which were drafted by the country to help win the war. Under the Dent bill nearly $3,000,000,000 has been paid out to the business interests of this country to make up their losses suffered under war contracts. Billions more have been paid out to the railroads to make good their losses and furnish them with their guaranteed profit of 6 per cent. The mining interests were taken care of under the war mineral relief act. Now, having established this principle for the benefit of the business interests of the country, can we refuse to extend the benefits of the same principle to the boys who did the actual fighting?

The sacrifices of business can not be compared to the sacrifices of the men who went to war. They made every sacrifice that was possible to make. They gave up their jobs where they were making good money, they surrendered their civil rights and liberties, they forsook places of absolute safety to enter upon battle fields, and last and greatest of all, they left their homes and loved ones for how long they knew not—in some cases, forever. The fact is, the business of our country during the war was never more prosperous. More millionaires were made during that period than during any other equal period during the history of our country. It seems to me that the business interests of our country having accepted the benefits of the principle of adjusted compensation, ought not to complain of the extension of the benefits of the same principle to the soldier boys who made the greater sacrifice. [Applause.]

Mr. FORDNEY. I yield to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Speaker, debate has continued for almost four hours on the floor of this House this afternoon. We have heard speeches from a few men in opposition to the passage of any adjusted compensation or so-called bonus bill. We have at least admired these men for their candor. Members of the Committee on Ways and Means, excepting those who signed the minority report and a few dyed-in-the-wool Democrats who see no good in anything proposed by the majority, not even in a little help at this time to our soldiers who saved our own country and the countries of our allies from vandalism, and other Members of the House think this bill represents the very best judgment of Congress.

It is a sorry spectacle to see Members on this floor condemning a bill out of hand without offering an iota of constructive criticism or a suggestion to improve same. The one question before us to-day is whether or not the boys who served us so gallantly in the World War are entitled to compensation. I believe most emphatically that they are and that the vote which will be taken in a few minutes will prove this by a large majority.

Let your memory carry you back to those dark yet glorious days of 1917 and 1918, when the flower of America's manhood left the plow, the saddle, and the mine, the print shop, the counter, and the school to don the khaki and to shoulder the rifle. Do you remember then we could not do enough for our boys? You remember the thrill a boy in uniform gave us then; how the men and women of wealth took the boys into their homes and entertained them, visited them in camps, and marched with them from camp to train. Few of them went one step further than this. "Wait until your return, boys," they said; "you will then be taken care of; your job will be waiting for you."

Hundreds of thousands of these boys are to-day walking the streets, waiting for their jobs, while the employers have taken up a new national pastime called "lip patriotism." This form of light exercise by the great interests in the United States helps neither the needy ex-service man nor the country as a whole to get back to prosperity.

While our soldiers wallowed in French mud, were shot, and bayoneted, and gassed for $1.25 a day, we all know the shipyard riveter had his pay increased from $4 and $5 a day to $12 and more, and the number of rivets he handled in a day decreased 50 per cent. Many men who never looked at a square and saw except in a magazine advertisement were put to work as carpenters on Government contracts at $10 to $20 a day while the Government paid some profiteer cost plus 4 to 10 per cent for this construction.

Many of my constituents who are ranchers and live-stock men know that Sherman was right when he said, "War is hell." No sooner had the workers, the sons and husbands, left for Army camps than the town loafer, the farm hand, refused to work in the hayfield if he had money in his pocket, and when he would work he demanded $5 to $10 a day for work not more than 50 per cent efficient. This same condition existed in nearly every industry and line of endeavor in our country. Yet this was at a time when more than 4,000,000 young men were drafted into service and the cry of the Nation was "Work and save lest we perish."

Let us look for a moment at the battle line in France. Picture a wooded knoll. One flank of an advance line of American boys rests here. The ground slopes away for half a mile to a river. German rifle and artillery fire controls this slope. A message must go from the advance line to headquarters. A runner, a mere boy, leaves the woods on the knoll and starts down the slope with the message. He reaches the line of German fire. A rain of bullets hits the ground behind and in front of him. The boy is hit and collapses—drops dead. As he falls another youth, with no hesitation, valiantly, gladly, for his comrades and his country, with no thought save that it is all in the day's work, leaves the woods with a duplicate message, down the same path his slain buddy took, through a hell of fire, and makes it. Many more boys were watching on this wooded knoll to take his place did he fail.

This is the noble thing, my friend, any one of the millions of our soldiers would have done had the opportunity presented itself. They had no thought of high wages, overtime, or luxuries. Does not this Government owe a debt of gratitude to these men? We must do justice to those who escaped injury. We must never fail to care for the disabled and dependent ones. It has always been the policy of this Government from its very inception to show its gratitude in some form to its soldiers of every war. I often wonder if those who have fought this legislation so persistently, many of whom piled up swollen profits during the war, realize their true position in the estimation of their fellow countrymen.

We are a rich Nation. It is estimated that the wealth of this country approximates $335,000,000,000. Without a quibble we advanced to European countries more than $10,000,000,000. Our debt is but 7 per cent of our estimated wealth, yet we gave our soldiers a bonus of $60. Canada, with a debt of 25 per cent of her estimated wealth, has given $634.40 to each of her enlisted men. France, with a debt far greater than that of England, has given $235.50. Belgium has rewarded her soldiers magnificently, and Italy, with a staggering debt, has paid her soldiers $73.34.

Can we fail to do for our soldiers what is proposed in this bill, my friends, and yet say we have given tangible evidence of our appreciation of them? We owe a debt of honor to our soldiers. This debt never can be fully compensated. By passing this bill we simply acknowledge this debt. We should not use it as an excuse for passing on to the people some new form of tax, or through it force upon the great mass of citizens of small means greater burdens.

To be able to borrow a full 50 per cent of the face value of the certificate now, at once, is to my mind far better than the receipt of a payment of $50 every quarter year, as contemplated in the original bill.

The country can and will meet this obligation. I have been for a compensation bill since the inception of the idea. I am for it now. I will cast a yea vote without mental reservation, and I know an overwhelming number of my colleagues are about to do the same. And I know that my constituents and your constituents will applaud us for so doing.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Speaker, this bill proposes to give additional pay or compensation to our ex-service men and women of the World War. Great Britain, France, Italy, Belgium, and Canada have already given increased pay to their ex-service men and women of that war. Some have keenly criticized our country for tardy action in this matter. Several of our States have already voted additional compensation to their own citizens who were called to the colors within the period of the war.

On May 29, 1920, this House passed a bill providing for adjusted compensation to veterans of the World War—H. R. 14157, Sixty-sixth Congress, second session. Under the terms of that bill each veteran was to have the choice of any one, but only one, of the five following plans:

(1) To receive an "adjusted service certificate," as provided in title 2;

(2) To receive an "adjusted service certificate," as proveded in title 3;

(3) To receive "vocational training aid," as provided in title 4;

(4) To receive "farm or home aid," as provided in title 5; or

(5) To receive "land settlement aid," as provided in title 6.

This bill (H. R. 10874) grants to each veteran the right to select any one, but only one, of the five following plans:

1. To receive "adjusted service pay," as provided in title 4; but the veteran can not choose this plan if the amount of his adjusted service credit is more than $50;

2. To receive an "adjusted service certificate," as provided in title 5;

3. To receive "vocational training aid," as provided in title 6;

4. To receive "farm or home aid," as provided in title 7; or

5. To receive "land settlement aid," as provided in title 8.

Each one of these bills and each provision of each bill should be carefully compared with respect to the benefits that it proposes for the veterans on the one hand and the taxes or burden that it levies upon the National Treasury upon the other hand.

For one, I desire it to be known that I shall not vote for this bill with the idea of making a donation to the veterans, but for the purpose of paying to them additional compensation for what they did. Although the word "bonus" is commonly used in this discussion, we should regard it as additional pay whatever the term may be used to designate what the veteran is to receive.

The Government called him from his occupation on the farm or in the store or other place of business and directed him to proceed to war, which involves the greatest loss and the greatest risk to which a citizen can be assigned by his Government. He was compelled to go regardless of his wishes, and if he had resisted he might have landed in the penitentiary. Even those who encouraged others to evade the law were placed under confinement in order that they might have ample time to meditate and be deprived of the opportunity of interfering with the progress of the war. While the boys were training in America and fighting in France, their own business

affairs were largely destroyed. But those who remained at home had special advantages, for big profits and the preservation of their own business enterprises furnishing profitable employment after the war.

The bill H. R. 14137 of the Sixty-sixth Congress, second session, passed by this House May 29, 1920, carried five tax provisions designed to raise increased revenues, aggregating $1,236,500,000 within the period of three years immediately succeeding the date of its effective operation. The committee report on that bill enumerated these provisions as follows:

"1. An additional surtax on individual incomes of 1 per cent of the amount by which the net income exceeds $5,000 and does not exceed $10,000; 2 per cent from $10,000 to $20,000; and 3 per cent of incomes in excess of $20,000. (This provision is estimated to yield $108,000,000 per annum.)

"2. A tax equivalent to one-fifth of 1 per cent on the sale of stocks and bonds. (This provision is estimated to yield $190,000,000 per annum.)

"3. A tax equivalent to one-half of 1 per cent on the sale of real estate. (This provision is estimated to yield $50,000,000 per annum.)

"4. An increase of approximately 15 per cent in the existing tax on cigars and tobacco and of approximately 25 per cent of the tax on cigarettes. (This provision is estimated to yield $55,000,000 per annum.)

"5. An excise tax on corporations issuing stock dividends subsequent to March 15, 1920, equivalent to 10 per cent of the value of stock so issued. (This provision is estimated to yield $45,000,000 on stock dividends already declared and $7,500,000 per annum on future stock dividends."

In contrast with that increase of taxation, note the significant fact that the pending bill does not increase taxation in any form.

The committee report (No. 864) on this bill (H. R. 10874) points out the following advantages of the new plan now under consideration:

ADVANTAGES OF NEW PLAN.

"First. No new taxation or issuance of new securities is at present required.

"Second. It provides for the veteran in need a method of obtaining aid.

"Third. The amounts required each year after July 1, 1923, are small compared to those which have heretofore been met and can be provided without any difficulties or derangement of our financial situation.

"Fourth. The plan tends to promote saving habits among the veterans.

"Fifth. It protects the veteran himself and his family from misfortune in the future.

"Sixth. It will create a class of home builders who will greatly increase the mass of property in the country."

ADJUSTED SERVICE CREDIT.

An adjusted service credit for each veteran is based upon an allowance for each day of service in excess of 60 days—bonus of $60 paid heretofore—in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, at the rate of $1.25 for each day of overseas service and $1 for each day of home service, with a maximum of $625 for overseas service and $500 for home service. Every veteran whose allowance on this basis is $50 or less will receive cash.

For the fiscal year 1923 such payments will aggregate $16,000,000, approximately. Every veteran whose allowance on this basis exceeds $50 will receive an adjusted service certificate which will have a face value equal to the sum of his adjusted service credit increased by 25 per cent plus interest thereon for 20 years at the rate of 4¼ per cent per annum, compounded annually—such value being approximately equal to 3.15 times the adjusted credit service of the veteran. The certificate is to be issued under date of October 1, 1922, and will be payable to the veteran September 30, 1942. In the event of his death, however, the amount due him will be paid to his beneficiary, if any; otherwise to his estate.

This adjusted service certificate is substantially a paid-up 20-year endowment insurance policy for the face value thereof. An adjusted service certificate for $125—overseas service—will be worth $376.83. An adjusted service certificate for the maximum, $500, for home service will be worth $1,507.32 at maturity, and an adjusted certificate for maximum overseas service, $625, will be worth $1,884 at maturity.

According to these allowances the adjusted service certificate will be a paid-up insurance policy which will be paid in full at the veteran's death to his beneficiary or his estate. Those who live beyond the expiration of the 20-year period will receive the face value of their certificates at maturity. If, unfortunately, a veteran should die soon after the issuance of his adjusted certificate, or its allowance, its full amount would be paid at once to his beneficiary or his estate. Thus every veteran's wife and family, if he is married, would have at once cash equal to the face value of his adjusted service certificate.

Moreover, he will not be troubled from month to month, quarter to quarter, year to year, for payment of insurance premiums. He will have a paid-up policy that can be deposited in a safety box as life insurance.

The estimates furnished from official sources and quoted in the committee report show that the largest draft upon the Treasury in any one year prior to 1943 would be made in 1926—$124,825,000.

BANK LOANS.

These adjusted certificates will be serviceable as security for bank loans prior to September 30, 1925, to the extent of 50 per cent of the loan basis of the certificate. Of course, they can be handled as collateral with the veteran's promissory note prior to that date. The bank rate of interest to be charged on such note is not expected to exceed by more than 2 per cent per annum the rate charged from the date of the loan for the discount of 90-day commercial paper by the Federal reserve bank for the district in which said bank is located. If the payment of the veteran's note, principal and interest, should be in default at any time for a period of six months, the Secretary of the Treasury may liquidate and cancel said note by the payment to the bank of the amount of unpaid principal and interest due at that time.

If the veteran is deceased, the difference between the value of the certificate and the amount of the bank's claim will be paid to the veteran's beneficiary or his estate by the Secretary of the Treasury.

It seems to me that the chief value of these adjusted certificates appears in their use as an insurance policy to be paid in full at the death of the veteran or at the end of the 20-year period. Thus the veteran's family would receive a marked benefit at a time of urgency and at the end of the 20-year period the surviving veterans would receive a cash return that would be very valuable to them at an important period in their business career. This plan promises protection to a family that may be in urgent need. It is of marked advantage to the veterans in the midst of their business activities when the amount of the insurance can be used wisely in business pursuits.

The following table quoted from the report of the committee will give at a glance the total cost of the bill to the Government for each and all of the various options specified in the bill, the grand total being $4,098,719,350:

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 5½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (5½ per cent).	Farm and home aid (10 per cent).	Land settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1923	$16,000,000	$26,694,000		$21,675,000			$74,370,000
1924		26,460,000		20,000,000	$22,000,000	$5,000,000	124,440,000
1925		26,725,000		828,000	64,000,000	30,000,000	121,370,000
1926		26,925,000			30,000,000	60,000,000	126,825,000
1927		26,895,000				38,400,000	42,895,000
1928		27,065,000					27,065,000
1929		27,253,000					27,253,000
1930		27,415,000					27,415,000
1931		27,674,000					27,674,000
1932		27,952,000					27,952,000
1933		28,245,000					28,245,000
1934		28,600,000					28,600,000
1935		$28,004,000					$28,004,000
1936		29,448,000					29,448,000
1937		30,005,000					30,005,000
1938		30,563,000					30,563,000
1939		31,333,000					31,333,000
1940		32,144,000					32,144,000
1941		33,105,000					33,105,000
1942		34,231,000					34,231,000
1943			$3,154,825,350				
Total	$16,000,000	$577,571,000	$3,154,825,350	$42,325,000	$126,000,000	$132,900,000	$4,098,719,350

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 5½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid—Continued.

At this point we naturally ask the question: From what sources can we secure the money to liquidate these obligations? The appropriations for the fiscal year ending June 30, 1923, will show such a marked reduction from the expenses of preceding years that the payments required each year prior to 1943 could be made readily from current funds without any increase of taxation in any form whatever.

In addition to this, we note the fact that the British budget now pending in Parliament provides for an appropriation of $25,000,000, nearly $200,000,000, for payment of interest on their debt to the United States. Such payment annually would cover any demand for any fiscal year under the terms of this bill prior to 1943. The principal and interest now due on the British war debt amounts to $4,883,000,000, nearly $800,000,000 more than the total cost of this bill.

We have recently created a foreign debt commission, authorized and instructed to secure from the British Government its bonds in lieu of the due bills now held by our National Treasury for the loans advanced to that Government during the period of the war. Those due bills concede a rate of interest at 5 per cent. Our foreign debt commission is required to demand at least 4¼ per cent annually, and the interest due from British loans will more than cover the annual charges of this bill prior to 1943.

Moreover, when the British bonds are secured they can be placed upon the market for investment purposes with the guaranty of the United States, and thus ample funds can be secured to pay any demand that may arise under this bill. So we may dismiss at once the anxiety with respect to an increase of taxes to pay this obligation to the ex-service men of the World War.

The money represented by those British bonds was secured from the people of this country in time of war for war purposes. So by the use of these securities we can cancel a war obligation with money secured for war purposes.

These facts will surely serve as an adequate antidote to all the skepticism and narrow complaint on the part of the critics of this bill. I believe that its enactment and application will demonstrate its wisdom and the justice of its terms.

Mr. GREEN of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, the mental processes exhibited here this afternoon have been so baffling that in order that one might know where he is going to stand, it is well to state his position. So many gentlemen have talked against the bill and have yet declared that they are going to vote for it, that I think it necessary for me to say that I am in favor of any bonus bill for these men, and if I had the time I believe I could tell you why. I have not time to go into it at any great length, but I want to tell you that I was here before the war and during the war, and I have been here since the war. I have heard all of the debate, and I saw what happened to these young men. Our friend from California [Mr. KAHN] was insistent that they should all go and go at once, and the trouble about it was that they did not go quite soon enough, great and glorious as was their victory over the iron lines of the Germans and the summit of fame and glory they reached. I say that that carries an implication applicable to the White House "keeping us out of war," which I could explain at greater length, and I hope I may have the opportunity at some other time to do so. To quiet your apprehension about paying this, I want to say that it is so absurd that it is a mere incident. Let me take you back to the days of the Revolutionary War. Pennsylvania furnished Robert Morris, who took care of that situation, and Pennsylvania later furnished Jay Cook during the Civil War, and notwithstanding what Mr. Mellon may say, Pennsylvania furnishes you his genius, which will pay this. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield now to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Speaker, I shall not attempt in the short space of time allotted me to discuss the merits of this bill. I am for the bill because I believe it to be right, but it may be of some interest to the Members of this House to know that at a meeting of the Pennsylvania delegation this morning, when 31 out of 36 Members attended, 30 Members agreed to vote for the bill, and only 1 was against it. I am also assured that of the 5 Members absent from the conference this morning 3 will vote for the bill, making a total of 33 votes in favor of granting the soldiers a bonus. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield the remainder of my time to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Speaker, I am extremely sorry that I find myself unable to give my support to this bill. I had hoped that after many weeks of consideration the Ways and Means Committee might be able to report a bill that would be fair to the ex-service men and fair to the country.

But I am opposed to this bill in the form in which it comes before us, as I was opposed to a similar bill presented here nearly two years ago. I am opposed to it on grounds of expediency and I am opposed to it on grounds of principle. I am opposed to it because business conditions throughout the country and the financial condition of the Treasury do not, in my opinion, justify a vote for it at this time. I am opposed to it because it undertakes to do a most unwise and altogether impossible thing, namely, to measure in dollars and cents the sacrifices made in time of war.

I can understand and approve the principle by which a grateful nation taxes its people to care for those of its defenders who are in need—broken and shattered in body or in mind as a result of their service. I might even go so far as to approve the principle by which, when economic and financial conditions seem to warrant it, public funds are used to relieve a great body of ex-service men shown to be in need from any cause not the result of their own misconduct. But, Mr. Speaker, I am wholly unable to understand or to approve any measure that seeks to compensate or reward according to the value of the service out of the Public Treasury perfectly well and able-bodied men, not shown to be in any need whatever, for the performance in time of great national emergency of one of the primary duties of citizenship. Such a principle, according to my view, is contrary to the very essence of democracy.

Just stop a minute and think of it. If once you embark upon such an enterprise, where will you stop? If once you admit this principle, where is it bound to lead you? Will anyone for a moment contend that the miserable pittance provided in this bill is any adequate compensation for the service and sacrifice of our soldiers in the war? Of course not. Will anyone be so bold as to claim that for $1 or $1.25 a day we can "adjust" the stipend—never intended as compensation—received by the service man to the basis of pay received by those who took advantage of their country in her hour of perilous need? My answer is it can not be done; and if it could be done we would only be trying to correct one wrong by committing another one.

If this is in fact, as it pretends to be, an attempt to "adjust compensation," all I can say is it is a pitiful failure. You are not even paying a decent installment on the obligation, to say nothing of settling it in full. "Adjustment" means settlement if it means anything. I ask you now—and I have a right to

ask it—what assurance have you that this is the end of it? If this bill is passed and this money is paid under any of the options of the bill, what sort of a release or acquittance do you propose to take? Just how do you propose to be discharged of the "obligation" you are "adjusting"? I say you will get no release. You will not be discharged. But you will do at least three things. In the first place you will admit an obligation that the Government of the United States must "compensate" those who defend it in war, a thing that has never before been done in our history. In the second place you will not meet the obligation but, at most, will make a miserable little payment on account of it. And, in the third place, you will leave the door wide open for cheap politicians to start another drive, exactly as they started this one, for another "adjustment," at any time when a few million votes are thought to be badly needed. All of which leads me back to the proposition with which I started, namely, you are seeking to do the impossible when you try to measure patriotic service and sacrifice in terms of dollars and cents.

Government aid, Mr. Speaker, for that is all this is, no matter what you may call it, to its ex-service men should be based upon their need of it and not upon the fact of service. I object to this bill because it makes no distinction whatever in terms between the man who is in need and the man who is not in need. In effect, however, it clearly discriminates against the man who is in need as compared with his more fortunate comrade. As stated by the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Connecticut [Mr. TILSON] in their minority report:

> The well-to-do veteran can hold his certificate, and will receive an increase of 25 per cent over his adjusted compensation plus compound interest for 20 years; while the man who is obliged to borrow and is unable to meet his note when due not only loses 25 per cent increase and compound interest, but is compelled to accept 80 cents on the dollar of that compensation which proponents of the bill claim he is morally entitled to.

I am opposed to this bill because it is a "leap in the dark." No man living can tell what it will cost. No man living can give a rational estimate of what it will cost. The majority of the committee in their report fix the probable cost at approximately $4,000,000,000. On the other hand, the Secretary of the Treasury has said within a week that the possible cost to the Government involved in one of the options of this bill amounts to $18,562,500,000. The truth is doubtless somewhere between these extremes, but just where nobody knows, and one guess is as good as another. I cite these figures merely to show the utter impossibility of making any dependable estimate as to the cost to the Government involved in the bill. This is bound to be so, because it is impossible to tell or even to estimate what percentage of the 5,000,000 of ex-service men will choose any one of the options provided in the bill. Under date of March 13, the Secretary of the Treasury said:

> It is clear that whatever form the soldiers' bonus may take, whether it contemplates a thoroughgoing insurance plan or follows the outlines of the bill which is now pending, it will cost from $300,000,000 to $400,000,000 for the next three or four years, and may involve continuing liabilities thereafter of over $200,000,000 a year until 1943.

But whatever the cost, we do know it is bound to be great. Even the committee does not put it at less than $4,000,000,000. Now, where is all this money coming from? There is not a word of a suggestion in the bill from beginning to end as to how this money is to be secured. It is well known that various plans have at one time and another been considered by the committee, but each one has in turn been discarded, and now we have a bill without any provision whatever for securing the funds with which to pay the huge amounts required. The whole bill seems to have been framed upon the philosophy of the man who still thinks it possible to have his cake and eat it, too; or of those other optimistic individuals who are still trying to extract sunshine from cucumbers or to lift themselves by their boot straps. I ask again, Where is the money coming from? Certainly it is not in the Treasury of the United States, and there is no prospect of its coming there from any legislation now on the statute books. With the Treasury under a great strain; with more than $6,000,000,000 of Victory notes to be financed in the next 15 months; a national debt, including loans to the Allies of over twenty-three times the total debt before the war; with all the productive agencies of the country staggering under the burden of excessive taxation; with millions of unemployed walking our streets; with credits for many months past almost at the breaking point, and rates of money and living costs only just beginning to recede from a level generally higher than for half a century; with a deficit of receipts over expenditures for the year forecasted at approximately $300,000,000; with estimates of receipts from the income tax for the year 1922 about one-half what they were last year; with such a situation existing and the country just emerging from a financial condition which at various times has threatened results almost too appalling to contemplate, the danger of imposing at this time a further burden, which will certainly be as much as $4,000,000,000, and will probably be five or six billions of dollars, and may, indeed, be a great deal more than that, with no provision whatever for paying it, seems to me so evident as to need no argument. A vote for such a proposition under such circumstances seems to me an act of utter folly, unworthy of any reasonable man.

Again, I am opposed to this bill, Mr. Speaker, because I believe we should put first things first. The primary obligation of this Government to its ex-service men is to the wounded and disabled. Consider for a moment what that obligation means. What are we now doing for these men? What has already been the expense to the Government on their account? What is it likely to be in the future?

I have before me a statement furnished by the Director of the Bureau of the Budget, giving me data concerning the United States Veterans' Bureau as of February 1, 1922. This statement shows the total of expenditures by the Government for its disabled ex-service men and their dependents from the date of the passage of the war risk insurance act, October 6, 1917, to February 1, 1922. It shows that the following amounts have been actually paid by the Government for the following purposes:

Vocational training	$226,293,259.70
Insurance	294,621,689.83
Compensation	310,149,892.17
Allotments	300,947,327.60
Allowances	282,107,540.78
Medical and hospital services	105,655,210.91
Administrative	47,561,869.53
Total	1,567,336,790.52

From these figures it will be seen that it has taken $47,561,869.53 to administer a total of $1,567,336,790.52 of actual expenditures. This, as I reckon it, is less than 3½ per cent.

The above-quoted statement of expenditures does not include the assumed liability of the Government by reason of insurance awards. This amounts to $880,154,493. Nor does it include the $60 bonus given to every ex-service man upon his discharge. This amounts to $256,239,900. Nor does it include the amounts appropriated for the construction of hospitals. This figure is $18,600,000.

If these amounts are also added to the expenditures noted above it will be seen that there had been on February 1, 1922, a grand total of expenditures to the ex-service men of $2,702,321,185. This would still further reduce the percentage of cost of administration.

The following statement furnished me by the Bureau of the Budget gives in detail the principal operations of the Veterans' Bureau as of February 1, 1922:

Principal operations as of February 1, 1922.

INSURANCE.

Number of claims received	172,840
Number of claims allowed	150,971
Commuted value of claims allowed	$1,322,206,345.98
Amount paid in awards to date	$294,621,689.83
Amount paid out in January	$9,432,913.51

COMPENSATION.

Claims received	775,812
Claims allowed	388,069
Claims active	204,133
Commuted value of claims allowed	$13,158,758.32
Amount paid in awards to date	$310,149,892.17
Amount paid in January	$10,194,506.92

VOCATIONAL TRAINING.

1. Number of applications		508,726
2. Number entered training		138,524
3. Number now in training		104,923
4. Disbursements to date		$226,293,259.70
5. Disbursements in January		$15,012,960.75

HOSPITALIZATION.

1. Total number of admissions to hospitals to date		212,131
2. Number in hospitals:		
Tuberculosis	12,198	
Neuropsychiatric	8,833	
General and surgical	9,614	
Total		30,645
3. Disbursements for medical and hospital services		$105,655,210.91
4. Disbursements monthly		$6,500,000.00

The assumed liability of the Government by reason of insurance awards amounts to $880,154,493. This figure is arrived at by deducting the premiums collected from ex-service men, so that the total expenditure by the Government for disabled ex-service men amounts to $2,427,491,286. To this amount also might be added $256,239,900, which represents the $60 bonus given to every ex-service man upon his discharge from military or naval service, which would make a total of $2,683,731,186, to which there might be added $18,600,000, the amount appropriated for the construction of hospitals, which would make a grand total expenditure to ex-service men of $2,702,321,185.

II. *Comparative table of annual pensions of allied countries in comparison with compensation paid by United States, per annum.*

TOTAL PERMANENT DISABILITY (MAN ALONE).

Great Britain (Value in United States dollars, $376.48.)		£104
Canada (Value in United States dollars, $540.)		$300
France (Value in United States dollars, $514.)	francs	4,000
Italy (Value in United States dollars, $55.44.)	lire	1,200
United States		$1,200

N. B.: In addition to compensation benefits, above referred to, the United States also pays insurance; if the ex-soldier becomes permanently and totally disabled, his insurance policy matures and he receives such payments in addition to payments of compensation.

III. *Allowances by the various Governments for benefits of families of soldiers while they were absent in the military or naval service.*

	Per annum.
France	$50.15
Great Britain	202.36
Italy	11.24
United States	360.00

IV. The United States have approved for vocational training 303,276, and 104,923 are still in training. The minister of labor states that England under the labor ministry's scheme has approved 58,000 ex-service men for training, and 24,000 are still in training.

Rates of pay for enlisted men.

Great Britain	per month	$11.40
France	do	1.50
Japan	do	1.78
Italy	do	1.58
United States	do	30.00
United States (if overseas)	do	33.00

VI. *Table showing total amounts paid to soldiers of the various wars in which the United States has been engaged from 1790–1917.*

Revolutionary War	$70,000,000
War of 1812	46,054,572
Indian War	20,017,919
Mexican War	54,471,001
Civil War	5,749,030,456
War with Spain and Philippine insurrection	76,000,000

VII. Compensation at the rate of $8 per month was all that was allowed soldiers of the Civil War who were disabled in the struggle to save the Union for 25 years after the Civil War, and now 40 years after the Civil War disabled veterans are allowed $50 per month, or in case of absolute helplessness $72 per month.

VIII. Spanish-American War veterans for 20 years after the close of the Spanish War were only allowed $30 per month for commissioned officers of the rank of lieutenant colonel and higher rank who were totally disabled and $8 per month for noncommissioned officers and privates who were totally disabled. Spanish-American War veterans are now limited to maximum of $30 per month and a minimum of $12 per month, depending upon degree of disability.

IX. The United States has spent as much as both France and Great Britain combined for benefits in favor of disabled ex-service men, despite the fact that the casualties of France and Great Britain were far greater.

From these figures and also from information furnished me by Col. C. R. Forbes, Director of the United States Veterans' Bureau, it is my understanding that the Government of the United States is now—

Paying out over $1,000,000 in cash every day, including Sunday, directly into the hands of the ex-service man or his dependents.

Providing, without cost, hospital care and treatment to 30,000 veterans. This care includes board and lodging and represents an expenditure by the Government of $60,000,000 per annum.

Giving vocational training, without cost, to over 100,000 disabled ex-service men at an expenditure for tuition and supervision of $30,000,000 per annum.

Mailing out 650,000 checks every month, representing $42,000,000.

Conducting an insurance business for over 600,000 ex-service men without any cost of administration to them. Insurance in force; Three and one-half billions.

Conducting over 50,000 medical examinations every month.

Giving outside treatment in cases where hospitalization is not required to 20,000 ex-service men every month.

Receiving 1,000 new claims every day in addition to the 1,200,000 already on file; employing 4,000 ex-service men and women in carrying out the work.

Requiring for 1922 expenditures in behalf of the disabled ex-service man, $510,000,000—more than the entire expenditure of the whole United States in 1897.

The United States of America is already doing more for its disabled veterans than any country in the world, despite the fact that their losses were far heavier than ours.

I make these statements, Mr. Speaker, and quote these figures not for the purpose of showing that the Government of the United States has done its full duty, or, indeed, is doing all that should be done for its disabled ex-service men. I know that is not the fact. A great deal yet remains to be done. There is altogether too much delay in acting upon worthy claims. More hospitals must be provided to care for the sick in body and mind. If we may judge from experience following the Civil War, these disability claims are bound to continue and to increase in number and amount for at least twenty or thirty years. Well-informed men believe that by the end of this period such claims may well have cost the Government as much as $50,000,000,000.

With such a tremendous obligation, admitted by all to be of primary importance, confronting the Government, I, for one, feel that at least while business and economic conditions remain as at present, we should not impose further burdens upon our people in order to provide, a "bonus" for perfectly well, able-bodied men.

Mr. FORDNEY. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. HERRICK].

Mr. HERRICK. Mr. Speaker and gentlemen, I am in favor of a soldiers' bonus. I may say that I am not satisfied with this bill, but I shall vote for the bill, because if we do not pass this bill I am afraid that the soldier boys will not get anything. Rather than that they shall not have anything I am going to vote for the bill. We took care of the 10 per cent plus men, we took care of the shipping interests, we took care of the railroads, and every grafter that had anything to do with the war [laughter and applause], and I would be ashamed to call myself an American citizen if we could not do a little something for the soldier boys. The soldier boys would not be in the deplorable condition that they are to-day if the profiteers had not seen huge and heretofore undreamed-of profits to be gotten out of getting the United States into the European war. All the rant, cant, and propaganda that they had put out about the United States entering the war to make the world safe for democracy was a fake and a fraud and a lie upon the intelligence of the people. The United States was forced into the war for two reasons and two only: First, to make the world safe for three and one-half billions of British bonds held by J. P. Morgan & Co. and a few other New York profiteers; second, the colossal profits that the profiteers knew that they could reap by plunging the Nation into war, and which subsequent history has since proved that they did reap. In this crime against the American people the Democratic Party was far more guilty than the Republican Party, because the Republican Party was honest enough to demand that the United States should enter the war when the Germans sank the *Lusitania;* and if the United States ever was going to get into the war that was the time to get into it or forever stay out of it. From that time on the Republican Party was a war party, and was honest enough to openly advocate the entrance of the United States into the war, while the Democrats hypocritically pretended to be a peace party and won the election in 1916 upon the false cry "Wilson kept us out of war." The fact that the Democrats won that election upon an antiwar platform was positive proof that the American people were unalterably opposed to the United States departing from the time-honored policy of no participation in any foreign entangling alliances. Had the United States not entered the war it would probably have been fought to a draw, and even had the Germans won they would have been too exhausted to attack anyone more than 3,000 miles away with a broad ocean between.

All of the statements that the propagandists had put out that the Germans intended to attack and sack the United States was the veriest rot and drivel, put out solely for the purpose of working the people up into a frenzy in order that the people would sanction the sacking of the United States by the war profiteers, which was duly done on a colossal scale such as was never known before. They saddled upon the country a debt of $34,000,000,000 as an immediate debt and untold billions in compensation, hospitalization, and war-risk insurance payments, to say nothing of the loss of undetermined billions of productive wealth by the crippling and the impairment of the health of 4,000,000 of our national man power, thereby destroying their ability to produce wealth to the extent of undetermined billions. And now it is these same enemies of the Nation who, under the guise of patriotism, robbed the Nation of untold billions, who are raising the cry that the Nation is unable to pay the ex-service man a small stipend to partly compensate him for the irreparable injury that they have done to him. It was these same hellians that by their frenzied opposition have prevented the passage of any bonus bill that would be of any real benefit to the ex-service man. This miserable makeshift of a so-called adjusted compensation act really ought to be entitled "a bill for the enabling of the banks to collect additional interest and for the creation of additional Government expense by the creation of unnecessary clerical expense." Under title (V), adjusted service certificates, section 501, the Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, is directed to issue to the veteran a certificate which the veteran can take to a bank and borrow 50 per cent of its face value thereon, paying the banker interest there-

for. Now, if the Government is going to issue to the veteran a certificate upon which he can borrow circulating medium paper money, which money will in many instances be United States notes, why the devil can not the Government issue sufficient noninterest-bearing United States notes to pay the veterans' bonus, and pay the veteran in full without compelling him to pay part of his bonus to the banks in interest? If the salaries of the Members of Congress can be paid in United States notes, as they are, why the devil can not the soldiers' bonus be paid in United States notes? Yes; I know that those who think that this Government can not do anything except by indirection and that nothing will be done right unless it gives the bankers and profiteers a share in it will say that this is a wild and visionary proposal, and will shout that the United States notes would be flat money, and that there would be nothing back of them; but if you would ask them what is back of Government bonds and what would be back of these certificates, they would immediately reply, "Why, the whole credit of the United States Government," and they would be quite correct, except that the United States notes would also have the entire credit of the whole United States back of them also.

The only difference between a United States bond and a United States note is that the bond draws interest and the note does not; and further, that the bond is not subject to taxation, while the United States note, being circulating medium, is. Therefore, the bond is a favored investment for those who belong to the class that have, and want to hide away, their wealth in nontaxable securities and thus escape paying their just proportion of the burden necessary in maintaining the Government. It is high time that something be done to check the rapid concentration of the entire wealth of the Nation in the hands of about 2 per cent of the population. This condition is rapidly approaching, and when that day comes it will mean the dissolution of the Government either from internal disorder or external aggression, for this has been the cause of the decay and the decline of every nation that rose to world power and then declined to oblivion since the dawn of primeval time. I say, in all sincerity, that if something is not done to check this rapid absorption of all the national wealth in the hands of an infinitesimal portion of the population and the dispossession of the masses, there are many men who are now Members of this Congress that will live to see the day when the red banner of Bolshevism will float over this Capitol. For it should be remembered that money of itself is not wealth, but is merely the medium for measuring and controlling wealth. Wealth is food, clothing, shelter, buildings, lands, and tools to work with. The minimum wealth of this whole Nation has been estimated at $287,000,000,000, and our present national debt at $24,000,000,000, so I fail to see just how the adaption of one-half of $1,000,000,000 in noninterest bearing United States notes would bankrupt the country, for in so long as a nation does not owe more than the total amount of wealth in the nation amounts to, the nation is not broke.

But even this method need not have been resorted to; there were still other methods. One would have been to have taxed back from the profiteers a little of the stupendous and heretofore unheard-of profits that they made during the war on account of the boys being over there, amounting, in some instances, to from 400 to 1,400 per cent. This could have been done by the reenactment of an excess net profits tax, with a tax upon excess dividends, and a tax on stocks and bonds.

There was still another way, and that was to have compelled England and France to pay us the $500,000,000 interest that they owe us on the $10,000,000,000 that they borrowed from us, and which they are using to further strengthen their militarism, and use it to pay our soldier boys their long overdue compensation.

And still there was another way. That would have been to have passed House bill 3454, a bill by Mr. HERRICK levying a 50 per cent net profits tax upon the film producers and theatrical shows. This would have absorbed, for the laudable purpose of paying the soldier boys their compensation, some of the excessive and inordinate profits that the movie film producers make and spend in Bacchanalian revels, such as the "Fatty" Arbuckle debauch and many others that the daily press has been filled with during the last six months.

The Democrats are very loud of mouth concerning Republican procrastination in granting compensation to the ex-service man and Republican toadying to the grafters and profiteers. Unfortunately, these charges are only too true. But by what right do the Democrats arrogate to themselves the right to cast stones? Was it not a Democratic President "who kept us out of war"? Who plunged us into war and sent these same boys overseas to become crippled up? And was it not a Democratic administration who flung wide the gates of the United States Treasury to the wildest orgy of profiteering that the world has ever known? And was it not a Democratic administration who, instead of issuing noninterest-bearing United States notes for the payment of conducting the war, foisted upon the people the so-called Liberty bond graft, wherein each individual had arbitrarily assigned to them a certain quota of bonds which they were required to purchase regardless of whether they were able to purchase them or not under penalty of being charged with being pro-German? As at least 90 per cent of the people to whom quotas of bonds had been assigned had no money with which to purchase the bonds, they were, of course, compelled to go to money lenders and give their notes, with 10 per cent interest, and when their notes became due the bonds, which they were assured would be worth 100 cents on the dollar, had depreciated to 84 cents on the dollar, and the makers of the notes were compelled to forfeit the bonds to the holders of the notes at the then market price, and to pay to the holders of the notes the differential of $16 upon the hundred, with the 10 per cent interest, making a net loss to the individual to whom the bond had been assigned of $26 on the hundred; and in some cases, where the holders of the notes were complete Shylocks and also confiscated the 4 per cent due from the Government, of $30 upon the hundred. This, to my mind, was one of the two major causes for our present era of depression. This, coupled with profiteering, bled the country white financially. And yet this is the party that is asking the electorate to return them to power. Would it not be better for the people to purge the Republican Party of whatever undesirable elements it may contain, and continue the Republican Party in power, than to return the Democratic Party to power after saddling upon the country a calamity from which it will take a generation for the country to recover from its baneful effects?

Mr. FORDNEY. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Speaker and Members of the House, I am for the soldier bonus bill. When our lads left their native land to fight on foreign soil, the hearts of the American people went with them. The hearts of the American people are with them in their struggle to secure consideration and just recognition from this Government. They followed their flag to a foreign land; they brought it back unspotted and unsoiled. This Nation owes them a debt of gratitude that can never be paid. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I have the highest respect for those gentlemen who have frankly avowed that they are opposed to any kind of additional compensation to the soldiers whatever. I would be better pleased, however, if the others who have stated here they were going to vote against it had frankly made the same avowal. Their actions, however, speak for themselves. Have these gentlemen who propose to vote against this measure and now criticize the bill ever approved any of the numerous plans that have been presented? Have they now any plan to present to you? They have not. They never have presented a plan.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not; I have only the short time remaining.

Mr. McFADDEN. The gentleman knows that I have presented a plan.

Mr. GREEN of Iowa. In the two years that we have been deliberating over this bill and wondering whether after all Congress would give the soldiers any compensation nobody has ever been able to devise any plan that met with the approval of these gentlemen. Of course there are gentlemen on the floor here, like the gentleman from Pennsylvania [Mr. McFADDEN] and like some gentlemen on the other side of the House, who can each fix up a bill that he in his wisdom would approve, but that no other man in the House would vote for. [Applause.]

Mr. Speaker, when this bill was first introduced it was almost universally hailed in Congress as a solution of the difficulties surrounding the subject of adjusted compensation, and it seemed to be conceded that it met and overcame the objections which had been made to the bills heretofore introduced. The main objections to previous bills, and the only objections that were ever taken seriously, were made against the cash bonus and the fact that the previous bills, if enacted, would immediately cause large drafts upon the Treasury, which could only be met either by increased taxes or Treasury certificates. The bill now before the House obviates both of these objections. The cash bonus is done away with. No very large sums, comparatively speaking, will be drawn from the Treasury for more than three years. No new taxes are necessary, and nothing could be more useless than to tax the people to raise money that is not needed. Moreover, if we get, within the next three years, the interest

which we expect to receive on what foreign nations owe us, the amount due from England alone will far more than take care of what will be required in the future.

Under these circumstances we expected general approval of the bill, and it would have been so received if an organized and well-financed propaganda had not been started, not merely to misrepresent the bill but to falsify its provisions. As soon as it became evident that the bill would pass by an overwhelming majority bedlam broke loose, with all kind of crazy statements from people who knew nothing about the bill and could not, in the very nature of things, have looked at it at the time they made their objections. Even on this floor to-day there have been so many misstatements of what is contained in the bill that I could not in an hour correct them, if I did nothing else. One common statement is that the bill gives the man who only served on this side the same as those who had overseas service. A casual reading of the bill would show that this is not so. Another statement is that it gives large sums to those who only served a few days on this side. The fact is that those who only served 60 days receive nothing under the bill, and no one gets anything except for the number of days in excess of 60 days he served. Another common statement is that the farm-settlement option would involve the Government in enormous expense under the reclamation provisions. If gentlemen that made such statements had only given a little thought and study to these provisions they would have discovered that this plan is the least expensive to the Government, for those who take the option, of any of the five provided. Those taking it are merely allowed their service-credit pay as a payment upon the tract which they enter, and every other expense by the Government must be repaid in the same manner as upon the reclamation projects now carried on by the Government. Nor can any money be expended under this provision unless it is first approved by the board created to supervise these provisions, next approved by the Budget Bureau, next by the Appropriations Committee, next by Congress, and, lastly, by the President. The only danger connected with this provision is that we have taken such pains to safeguard it that a question may arise as to whether anything will be done under it, and it must be admitted that it will be several years before any of these projects get fairly under way.

Mr. Speaker, I have observed that some metropolitan dailies have been foremost in misrepresenting the bill and abusing those who supported it. This line of criticism, utterly without fact or argument, is one in which the parties using it so especially excel, that I shall not enter into competition with them in its use. I notice, however, that these same newspapers have joined hands with the gentleman from North Carolina [Mr. KITCHIN], who wrote the minority Democratic report, although he was formerly so abhorrent to them. But, Mr. Speaker, I do not intend to use any time discussing that minority report, nor do I need to answer the attacks that have been made in these papers, or, as it seems to me, those which have been made on this floor to-day. They answer themselves with their inconsistencies and their contradictions. You have been told here to-day, on the one hand, that the bill gives the soldiers nothing and that it is merely a "gold brick"; and on the other hand, you have been told in this House by so distinguished a gentleman as Mr. MANN, of Illinois, and others, that enormous sums of money will be paid to the soldiers under this bill. You have been told by one set of objectors that the soldier would get no relief under its provisions; by others you were told that they would take large sums of money which were given them under the bill and squander every dollar of it, a statement not very complimentary to the men that fought our battles and won imperishable glory for our country on the fields of France. You have been told also that the soldier will be able to get no money at the bank, although other gentlemen have told you that the poor banker was being imposed upon by the bill and being compelled to make what they called "forced loans" in great amounts.

If parties who are not familiar with the bill had no better excuses to offer for not voting for it than what we have heard to-day and could only contradict themselves in attempting to justify their action, we would not be surprised. But, Mr. Speaker, we were amazed when the Secretary of the Treasury came before the Ways and Means Committee to hear him state in effect that it would be better for the Government to borrow an indefinite sum to meet a payment due at an unknown time than to take from the banks what might be needed in the next three years; and some of us could not restrain a smile when we heard the Comptroller of the Currency, who admitted that he had approved loans by banks on which the only security were mortgages on real estate running for five years, state that the soldiers' notes, secured by the promise of the Government, due in three years or less, were nothing but "frozen securities," which ought not to be accepted by the banks. Such statements require no refutation. Like other arguments that have been made here to-day, they refute themselves. They were made by those who do not approve of the soldiers being granted any additional compensation whatever, and who would not be satisfied with any plan which proposed giving it to them.

Mr. Speaker, I never impugn the motives which actuate any Member of this House, but I must say that those who propose to vote against this bill are now found in very poor company. Every man who, all through the war, devoted his energies to his own selfish interest, and thereby piled up a great fortune without aiding the war, is opposed to this bill. Every slacker that refused to take his share of the Government bonds which were offered during the war is opposed to this bill. Every wartime profiteer who gouged the people and bilked the Government until his swollen profits fairly dripped from the ends of his fingers is opposed to this bill. Every man that interfered with recruiting and gave aid and comfort to the enemy is opposed to this bill. Go into any extremely wealthy community filled with people that could pay their share of the expense under this bill and never feel it, mostly people who profited by the war, and there you will find most numerous those who are opposed to this bill. They tell us that we who support the bill are afraid of the soldiers' vote. Is not the real truth rather that those who are opposing the bill are afraid of the influence, power, and the wealth of these classes who have started the propaganda against it and the attacks of newspapers owned by multimillionaires?

Mr. Speaker, they tell us that we are not ready for this measure, that the country is not financially situated to carry it out. If not, when in Heaven's name will it be? Shall we wait until a greater part of the soldiers have passed away? Shall we wait until those who survive have passed the time when aid would do them any good? Shall we wait until the foes of this bill can say that there is no longer any use for it? Does it not seem as if that was their plan?

You have been sitting here seven hours. A few more words and I conclude.

Gentlemen of the House, in these days when socialism, sovietism, Bolshevism threaten to undermine our institutions, the soldiers that came forward willingly to risk their lives in the defense of their country are still the great bulwark of our institutions, and upon their continued support the safety of this Nation must depend. You can not convince these men that they have been treated fairly after this Government, with at least the tacit approval not only of Congress but of the people at large, paid during the war to workers in our shipyards and ammunition plants from three to five times the wages which they received. Nor can you convince them that this country, by far the wealthiest and best situated financially of any nation upon the globe, is not in a position to carry out the provisions of this bill, when devastated France and ravaged Belgium have joined with Canada, Australia, and England in giving additional compensation to their soldiers since the war. This bill provides for the issuance of endowment insurance policies to the soldiers, having a loan value; but it also, in effect, contains in its provisions an insurance policy for the Government itself and the people of this Nation in the continued support of the great army which won the war. I feel that this bill appeals to your judgment and I say these last words in the debate satisfied that it will pass by an overwhelming majority. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. FORDNEY], that the House suspend the rules and pass the bill.

Mr. FORDNEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 333, nays 70, answered "present" 4, not voting 22, as follows:

YEAS—333.

Almon	Beedy	Britten	Carew
Anderson	Begg	Brooks, Ill.	Carter
Andrew, Mass.	Bell	Brooks, Pa.	Chalmers
Andrews, Nebr.	Benham	Brown, Tenn.	Chandler, Okla.
Ansorge	Bird	Browne, Wis.	Chindblom
Anthony	Bixler	Bulwinkle	Christopherson
Appleby	Blakeney	Burdick	Clague
Arentz	Bland, Ind.	Burke	Classon
Aswell	Boies	Burtness	Clouse
Atkeson	Bond	Butler	Codd
Bacharach	Bowers	Byrnes, S. C.	Cole, Iowa
Bankhead	Bowling	Cable	Cole, Ohio
Barbour	Brand	Campbell, Kans.	Collins
Barkley	Brennan	Campbell, Pa.	Colton
Beck	Briggs	Cantrill	Connell

Connally, Pa.	Hersey	Hartley	Shelton
Cooper, Ohio	Hickey	Mead	Shreve
Cooper, Wis.	Hill	Michaelson	Siegel
Copley	Hoch	Michener	Sinclair
Coughlin	Hogan	Miller	Sinnott
Crago	Huddleston	Millspaugh	Sisson
Cramton	Hudspeth	Mondell	Smith, Idaho
Crisp	Humphreys	Montoya	Smith, Mich.
Crowther	Hull	Moore, Ill.	Smithwick
Cullen	Hutchinson	Moore, Ohio	Sproul
Curry	Ireland	Morgan	Stafford
Dale	James	Morin	Steagall
Dallinger	Jeffers, Nebr.	Mott	Stedman
Darrow	Jeffers, Ala.	Mudd	Stevenson
Davis, Minn.	Johnson, Ky.	Murphy	Stephens
Dempsey	Johnson, Miss.	Nelson, A. P.	Stevenson
Denison	Johnson, S. Dak.	Nelson, J. M.	Stiness
Dickinson	Johnson, Wash.	Newton, Mo.	Stoll
Dominick	Jones, Pa.	Nolan	Strong, Kans.
Dowell	Jones, Tex.	Norton	Strong, Pa.
Drane	Kearns	O'Brien	Sullivan
Driver	Kelley	O'Connor	Summers, Wash.
Dunbar	Kelley, Mich.	Oldfield	Swank
Dunn	Kelly, Pa.	Olpp	Swoet
Dupré	Kendall	Osborne	Swing
Eagle	Kennedy	Overstreet	Tague
Echols	Ketcham	Paige	Taylor, Colo.
Edmonds	Kiess	Park, Ga.	Tayler, N. J.
Ellis	Kincheloe	Parks, Ark.	Taylor, Tenn.
Evans	Knutrel	Patterson, N. J.	Temple
Fairchild	King	Perlman	Ten Eyck
Fenn	Kinkaid	Petersen	Thomas
Fess	Kirkpatrick	Porter	Thompson
Fort	Kissel	Pou	Tillman
Foss	Kline, Pa.	Pringey	Timberlake
Fish	Knutson	Purnell	Tincher
Fisher	Kopp	Quin	Towner
Fitzgerald	Kraus	Radcliffe	Tyson
Focht	Kreider	Ramey, Ill.	Upshaw
Fordney	Kunz	Raker	Vaile
Foster	Langley	Ramseyer	Vare
Frear	Lankford	Rankin	Vestal
Free	Larson, Ga.	Ransley	Vinson
French	Larson, Minn.	Rayburn	Voigt
Frothingham	Lawrence	Reece	Volk
Fuller	Lazaro	Reed, N. Y.	Volstead
Fulmer	Lea, Calif.	Reed, W. Va.	Walters
Funk	Leatherwood	Rhodes	Watson
Gahn	Lee, Ga.	Ricketts	Weaver
Gallivan	Lineberger	Riddick	Webster
Gensman	Linthicum	Riordan	Wheeler
Gernerd	Little	Roach	White, Kans.
Gilbert	Logan	Robsion	White, Me.
Goldsborough	London	Rogers	Williams
Goodykoontz	Longworth	Rose	Williamson
Gorman	Lowrey	Rosenbloom	Wilson
Graham, Ill.	Luhring	Saundale	Wingo
Green, Iowa	Lyon	Romjue	Winslow
Greene, Mass.	McArthur	Rucker	Wise
Griest	McCormick	Ryan	Woodruff
Griffin	McCrate	Sabath	Woodyard
Hadley	McLaughlin, Mich.	Sanders, Ind.	Wright
Hammer	McLaughlin, Pa.	Sanders, N. Y.	Wurzbach
Hardy, Colo.	McPherson	Sanders, Tex.	Wyant
Haugen	Madden	Sandlin	Yates
Hawley	Mapes	Schall	Young
Hayden	Martin	Scott, Mich.	Zihlman
Hays	Mahaney	Scott, Tenn.	
Herrick	Mapes	Shaw	

NAYS—70.

Ackerman	Freeman	Lee, N. Y.	Rayes
Black	Garner	Lehlbach	Robertson
Bland, Va.	Garrett, Tenn.	Luce	Sears
Box	Garrett, Tex.	McAtlister	Sisson
Buchanan	Gipson	McFadden	Snell
Burroughs	Gould	McLaughlin, Nebr.	Snyder
Burton	Graham, Pa.	Magee	Summers, Tex.
Byrns, Tenn.	Greene, Vt.	Mann	Tinkham
Cannon	Hardy, Tex.	Merritt	Treadway
Chandler, N. Y.	Harrison	Mills	Underhill
Clarke, N. Y.	Hawes	Montague	Walsh
Cockran	Hooker	Moore, Va.	Ward, N. Y.
Collier	Humphreys	Newton, Minn.	Wason
Connally, Tex.	Husted	Oliver	Winslow
Davis, Tenn.	Kahn	Padgett	Woods, Va.
Jacoway	Kline, N. Y.	Parker, N. J.	
Drewry	Knight	Parker, N. Y.	
Fenn	Ladoux	Perkins	

ANSWERED "PRESENT"—4.

Deal	Layton	Moores, Ind.	Wood, Ind.

NOT VOTING—22.

Blanton	Himes	Mansfield	Rodenberg
Brinson	Jacoway	Ogden	Speaks
Clark, Fla.	Kitchin	Parrish	Taylor, Ark.
Elliott	Kleczka	Patterson, Mo.	Ward, N. C.
Fields	Lampert	Rainey, Ala.	
Hicks	McDuffie	Reber	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Patterson of Missouri and Mr. Lampert (for) with Mr. Kitchin (against).

Mr. Speaks and Mr. Ward of North Carolina (for) with Mr. Deal (against).

Mr. Elliott and Mr. Kleczka (for) with Mr. Layton (against).

Mr. Jacoway and Mr. Fields (for) with Mr. Hicks (against).

Mr. Blanton and Mr. McDuffie (for) with Mr. Himes (against).

Until further notice:

Mr. Wood of Indiana with Mr. Taylor of Arkansas.

Mr. Ogden with Mr. Brinson.

Mr. Moores of Indiana with Mr. Clark of Florida.

Mr. Rodenberg with Mr. Mansfield.

Mr. Reber with Mr. Rainey of Alabama.

Mr. DEAL. Mr. Speaker, I would like to withdraw my vote of "nay" and answer "present." I am paired with the gentleman from Ohio, Mr. SPEAKS, and the gentleman from North Carolina, Mr. WARD. Had they been present, they would have voted "yea."

Mr. CLARKE of New York. Mr. Speaker, although my colleague, Mr. HICKS, is paired, I am requested by him to say that had he been present he would have voted "nay."

Mr. BURTON. Mr. Speaker, I am requested by my colleague, Mr. HICKS, who is absent because of illness, to say that had he been present he would have voted "nay."

Mr. LAYTON. Mr. Speaker, I want to withdraw my vote of "nay," because I am paired with the gentleman from Indiana, Mr. ELLIOTT, and the gentleman from Wisconsin, Mr. KLECZKA.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida, Mr. CLARK, but I am satisfied from what he has told me that if present he would vote for this bill, and therefore I wish to let my vote of "yea" stand.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 9850) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BROUSSARD as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following title:

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

S. 3209. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 7881. An act to authorize the Governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements; and

H. R. 10659. An act making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

EXTENSION OF REMARKS ON ADJUSTED COMPENSATION BILL.

Mr. GORMAN. Mr. Speaker, I do not like this bill—H. R. 10874—to provide adjusted compensation for veterans of the World War, but I am going to vote for it. I do not like it because, in my opinion, it does not treat the saviors of civilization with even a modicum of the liberality which a rich, powerful, and grateful nation ought to bestow upon its gallant defenders.

I do not like to visualize the veteran compelled to hawk his nonnegotiable certificate and pay interest for a loan thereon when he should have received cash for his adjusted compensation directly from Uncle Sam. This is called an adjusted compensation bill, but that is a misnomer. Some of my colleagues have referred to it as a bonus bill, but that is an incident appellation, because a bonus begins where adjusted compensation leaves off. I am going to vote for it, because those who control the bill and those who control the parliamentary situation have been compelled to decree, in the face of a storm of opposition, that the veterans will take this bill just as it is or nothing. The rule permits of no way of improving the bill by amendments or a motion to recommit, and if it were defeated the veterans would not have a China-

man's chance of ever getting adjusted compensation. It is a case of Hobson's choice—take it or leave it. Therefore on the principle that a half loaf is better than nothing at all, I will vote for this bill, doing so, however, with a deep conviction that we are not measuring up to the American standard of national justice in this exhibition of warped prodigality.

During and since the war everybody received a bonus except those who fought the war. The three-dollar-a-day stay-at-homes had their pay boosted all the way from $5 a day to $30 a day. The corporations, the banks, the shipbuilders, the munitions makers, the food profiteers, the rapacious landlords—everyone engaged in business at home—obtained bonuses piled upon bonuses until the sky line was reached. Even the newspapers, some of which are denunciatory of adjusted compensation for World War veterans, received their bonuses in increased subscription and advertising rates during the war orgy. Yet when the heroes of war ask for a small measure of the stipends they lost while engaged in a life-and-death struggle they are told it is sordid to put a price upon bravery and sacrifice. Piffle! Such sophistry is nauseating. If they were exacting toll for their bravery they would become possessed of all the wealth of the Nation. It was their sacrifices which saved our nationhood. It was their bravery which determined the present rate of exchange—which debased the German mark and Austrian crown and made the American dollars the highest-valued coin in the entire world.

If those sacrifices were not successfully and heroically made the opulent opponents to adjusted-compensation legislation would now be impoverished by the confiscation of their wealth in the payment of indemnities to the different set of victors.

There are many methods any one of which might be resorted to in order to give the defenders of the Nation adjusted compensation more commensurate with their deserts than is provided for in this bill. Adequate adjusted compensation might be paid in cash out of the excess profits of corporations, out of the pyramided profits of war contractors, out of the spoils of the war's 30,000 newly made millionaires, out of the economies effected by the Director General of the Budget, and out of the curtailed appropriations for the Army, the Navy, and other governmental departments, so intelligently effected by the House Committee on Appropriations.

Adequate adjusted compensation might be paid in cash out of the issuance of bonds, out of short-time negotiable Treasury certificates, or out of the ten billions and interest owed to us by our late allies.

An adjusted compensation bond issue would increase the monetary circulation of the country, place a new spending power in the hands of 4,000,000 veterans, and thus bring about a revival of business through the production of things the people will buy, put the unemployed to work, stimulate agriculture and industry, and make justice the handmaid of prosperity.

Mr. YOUNG. Mr. Speaker, the Representative from West Virginia [Mr. BOWERS] has no press agent and is slow to talk about himself. Probably few know that it was he who suggested the compromise which made it possible to report this bonus bill in a form which would stand a chance of its passage by the House and Senate and its approval by the President.

The Republican members of the committee had been working early and late for days and weeks, and all proposals were being voted down or vigorously opposed, no matter by whom submitted. Finally, late one afternoon the gentleman from West Virginia [Mr. BOWERS] suggested that the cash-payment feature be eliminated; that the Government undertake to make no loans until after a period of three years; and that in the meantime banks should be authorized to make loans upon the soldiers' insurance certificates. This suggestion met with a quick, hearty, and favorable response from all members present. From that time it was only a question of changing the bill to conform to these broad lines. While all members of the committee worked hard, and the chairman particularly worked untiringly, the solution of the problem, which had reached an impasse, belongs to BOWERS.

Mr. BROWNE of Wisconsin. Mr. Speaker, under the leave granted I desire to extend my remarks by inserting a letter written by myself in reply to a letter received by me written by the Harrison, Smith Investment Co., of Philadelphia, expressing my views on the soldiers' adjusted compensation bill:

MARCH 21, 1922.

HARRISON, SMITH & CO.,
Investment Securities, 221 South Fifth Street,
Philadelphia, Pa.

GENTLEMEN: Your letter of recent date opposing the soldiers' bonus bill has been received and contents carefully noted.

You state that passing a soldiers' bonus bill spells "inflation," as the sum thus raised will be given away for services already paid for, and, like all moneys thus received, will be spent unproductively, on the old "easy come, easy go" principle.

In answer to the above statement in your letter, I wish to say that the so-called bonus is not in the nature of a bonus or a gift. It is adjusted compensation for soldiers. I take issue with you and emphatically deny your statement that the amount of money appropriated for the soldiers will be given for services already paid for. Thirty dollars a month was allowed the soldiers; part of this amount was withheld for insurance and other deductions, so the soldier received very little. Not 1 soldier in 1,000 was able to bring home one dollar that he had saved. Young men spent from one to two years in the service of their country.

They not only risked their lives but underwent the severest hardships and privations which will tell on their health in future years. They made no complaint but fought with a courage and enthusiasm that placed them side by side with the bravest of our soldiers in other wars, and in all ways they lived up to the highest traditions of American valor.

After winning the war these citizen soldiers returned to their homes and were welcomed by a grateful people. But what about their former employment, for none of these healthy, strong young men were idle when they enlisted? A very large proportion found others in their jobs that they had formerly occupied, and they found a million more men than there were jobs. They also learned that civilians doing the same work they had formerly done had received from two or three or even four times the compensation they had received for the same work. They also learned that some of the men who seemed the most patriotic and cheered the loudest upon America's entering the war capitalized their patriotism and exploited the people and made large fortunes by so doing. That corporations in existence in 1917, when we entered the war, were capitalized at $25,000,000,000. That these same identical corporations, besides paying enormous profits, oftentimes exceeding 100 per cent, passed over to surplus and increased their capital stock the enormous sum of $10,000,000,000, this tremendous increase of corporate wealth being entirely due to the war. That one individual in the United States in one year of the war had an income of $34,000,000. Two other individuals had incomes of sixteen million each; and 248 men, whose incomes were each over $1,000,000 in a single year, and these people had exerted enough influence to have the excess-profits tax repealed and the surtaxes lowered, and now propose a sales tax on everything we eat and wear to raise revenue to pay the expenses of the war.

With the enactment of the Fordney bonus law the United States will then have done less for her soldiers than Canada has done for her soldiers.

I intend to support the so-called bonus bill, which is more properly an adjusted compensation bill, and regret that this bill does not deal more generously with the veterans of the World War than it does.

I am, yours respectfully,

E. E. BROWNE.

Mr. O'BRIEN. Mr. Speaker, it is my intention not only to vote for the bonus bill but to influence as many others as I possibly can to obtain their support for this measure. While this bill is not entirely satisfactory to me; while in fact it is rather a shifting, evasive proposition, and has not received the honest consideration it deserves, and while it does not go far enough as a matter of honest dealing, it is a step in the right direction, and as such I approve of it, feeling that my course will be sustained by all fair-minded people of the country. There has been some propaganda in certain circles against this bill, but it not only proves the stupidity, arrogance, and selfishness of those who are against the bonus bill, but it has made those who are in favor of it more determined than ever before to carry the measure to a successful conclusion. The opposition to it has developed among a certain class of international bankers who would involve us in foreign broils, who would wipe out, if they dared, the debt of $11,000,000,000 that European countries owe us, and who are now most active in effecting a foreign pact or treaty that virtually means an alliance of this country with England and Japan.

I well recall the many days shortly after war was declared when we assembled in the armory and to patriotic music marched gally to the train and wished Godspeed to the boys who were about to become part of the greatest Army that the world ever knew, and which fought for the greatest cause that human endeavor could ever inspire. From those who by force of circumstances were compelled to remain at home the hearts, the hopes, and the prayers went with them, and it was this perfect, though invisible, bond of sympathy and affection for our boys that led them on to die and dare in their efforts and determination to protect the altars and the homes of their sireland. What the result has been and what have been the benefits for democracy and what the benefits have been to our own country the world well knows. And if this country has forgotten, Europe will long remember the accuracy of our fire and the thrust of our steel.

When the news of the first great American victory was wafted over the ocean to us, how we cheered and cried with joy over the valor of American arms, and as triumph after triumph was later recorded, what a feeling of exaltation came into our hearts that the final issue could never be doubted. With the termination of the war and the return of the American soldiers, our happiness knew no bounds; but such a sentiment did not long endure.

When we saw the armless sleeves, the crutches, the sightless eyes that would never again look upon the beauty of nature or behold the faces of their loved ones; when we saw those whose sense of hearing had been forever lost and to whom the beauty of music would be as nothing; when we saw the hollow-chested,

gaunt, and tottering bodies, the nerve-wracked, gassed specimens of humanity; when we saw those who, upon their departure, were in the first flush of manhood, return with a high color upon their cheeks and the fever and body-rending cough that showed that the dreaded consumption had claimed another victim for its own; and, even now, when we contemplate the thousands who still lie on a bed of pain, and those whose reason has been dethroned, to whom death will be a welcome relief, and when we further contemplate the fact that little or nothing has been done to alleviate their condition, we are almost impelled to ask, Is it true that Republics are ungrateful? I do not believe that we will permit the story to be transmitted to future generations that this great and powerful Government of ours has been unmindful of its duties toward its defenders.

Upon their return the thought of added compensation in the way of a bonus or remuneration never entered the minds of the American soldiers, but when this suggestion was made the people in their enthusiasm regarded as a fitting tribute in some slight way to show their appreciation of the heroism and accomplishments of our boys. Certainly the soldiers themselves never even hinted at such a proposition. They were satisfied to return to their homes and take their places in the industrial and commercial marts and other fields of endeavor which they had willingly left for the Nation's honor and defense in its time of peril.

To-day the ex-service man is concerned not so much with the thought of a bonus as he is with being placed in his original position so that he might again become a useful member of society and have the same opportunities for forging ahead that he had before the great catastrophe happened. The ex-service man does not want pity. He despises that as much as he laughed at death in the trenches. He wants the opportunity to receive that square deal which a great many mountebanks say should be his, but which has been so brutally denied him. He wants to forget about war and its horrors, and be restored to that place in American life where, by his industry and ability, he can perform work as beneficial to his country in peace time as he did on the field of battle. If those so-called captains of industry will not take care of him to such an extent, then it is the duty of this Government which he defended to make provision for him, either through the bonus or some other method that will help him to a new start in life and eventually result in the opportunity of making a decent living. The time to do that is now. One hundred dollars at the present time will be worth three times that amount in the future when, by the very force of circumstances, the country has regained its financial and industrial footing and necessity does not press as hard upon them as it does to-day.

The injustice of this whole affair is particularly noticeable when it is recalled that hundreds of thousands of these young men, in shouldering the gun, were taken suddenly from lucrative positions, in many instances with promises that their old places were theirs upon their return, and these young men are now forming a part of the bread line. One case in particular is fresh in my memory concerning an enlisted man from my own town, who, after receiving his honorable discharge from the Army, tramped the highways and byways for more than a year looking for an opportunity to supply himself with the bare necessities of life. In the city of New York it is a matter of recent record that in the line forming on the outside of one of the charitable institutions waiting for a pitiable dole of food were found two majors, four captains, several lieutenants, and a great number of privates.

Complete statistics are lacking to show to what particular extent this condition prevails in other cities throughout the rest of the country, but there is no doubt that this condition does exist and yet little or no effort has been made to remedy the situation. The financial interests are shocked at the mere mention of a bonus bill for the soldiers, but these same interests did not refuse nor did they protest against the granting of $1,000,000,000 to the railroads, which still continue to stifle trade by their oppressive freight rates and other charges. Moreover, these same interests have been busy in spreading their propaganda to the effect that the ex-service man does not desire the bonus and are supported in their fight by those who are not primarily interested in the soldier. To those who are fortunate enough not to need this support from the Government, I would say there is no law compelling them to accept a bonus, and they can show their patriotism by returning it to the Government and so permitting it to go into other channels of commercial activity.

Another method of camouflage that is being resorted to by the financial interests is the alleged argument that it would take billions of dollars and many years to settle the question. By such means do the financial interests hope to terrify the country and so arouse public sentiment against the bonus.

There is no question as to who won the war. The American soldiers alone saved Europe from the worst catastrophe in its history. If it had not been for the American soldiers Europe would not recover for the next 500 years. If the war had lasted six months longer, a condition which the American soldiers prevented, the drain on the National Treasury would be a great deal heavier than it is now with the speedy determination of the war, and the cost would have been double the amount now required in the bonus bill. If America had been defeated the probabilities are that we would not only lose some of our territory, but we would be paying an indemnity of $1,000,000,000 a year for the next century. Why, then, object to these young men who actually saved our country from such a terrible possibility of receiving a comparatively small amount, the financial effect of which upon the whole country will quickly pass away. Why object to paying such a comparatively insignificant amount, when, if reverses had come to us, future generations would be carrying the almost unbearable burden of prolonged taxation.

Nor can we forget the eleven billions of dollars that European countries still owe us. We not only fought and won the war through American manhood, but our National Treasury was opened to the European powers to take therefrom any amount of money that might be necessary for their purposes. Not an attempt has been made to collect or pay this honorable debt. Not only would this sum meet all requirements in the matter of the bonus, but its liquidation would mean the beginning of an era of prosperity such as this country has never known. Seven hundred millions of dollars in interest alone remains unpaid, and this would go a long way toward meeting our financial requirements. It has been said that it would be an indelicate matter to urge the immediate payment of the debt of these European countries. Has anybody in authority as yet attempted to demand the payment of the debt, with interest? If not, why has payment not been requested? The European powers were certainly not backward in asking us to loan them money. Why, then, should we now, nearly four years after the conclusion of the war, hesitate to demand what is rightfully ours?

Another question arises is why can these foreign powers pay a substantial bonus to their soldiers, while ours remain neglected? The answer is that our money is needed over there to pay a foreign bonus bill, and our soldiers must suffer the consequences. It is this sense of injustice that appalls the American people. It is this sense of indecency on the part of the financial interests, after making immense profits from the grime and blood of the American soldier, that shocks the country. A few months ago, on the third anniversary of Armistice Day, with the greatest honors that could be conferred upon a human being, the body of an unknown soldier, representing America in the World War, was placed in the rotunda of the Capitol at Washington. Amid pomp and splendor and majesty the greatest tributes of respect, admiration, and affection were paid to the lifeless clay that typified America in the World War. From the four corners of the earth came nations to lay a wreath of honor upon his bier. Escorted by a great cortege, such as this country has never before witnessed, the body was placed in its final resting place. Nothing was left undone or unsaid to make the occasion the most memorable of any kind in our history. In death no honor was too great to be accorded him; and the country bowed its head in grief in token of the sorrows of America.

If this unknown soldier were so deserving of the homage paid him, why may we not extend this sentiment of reverence to those who survived? We can not be true to the dead and at the same time remain false to the living. Those who have passed away in defense of American liberty have erected a monument more lasting than marble, more enduring than bronze, and their memory shall remain green with the countless millions who are yet to come and call this country blessed. The recollection of their deeds shall be as imperishable as the stars, and in their permanence shall serve as an inspiration to all who are determined to perpetuate American principles and American institutions. Their work is done, but it remains for us to perform our duty to those who, surviving in cripple and mangled form, played equally well their part in perpetuating the principles for which their companions in arms rendered the last full measure of devotion. For myself, I can say that my sense of gratitude to these men can never be fully expressed, because they protected my home, my family, and made it possible for me to still glory in my American citizenship. This sentiment should be shared by every American in this country, and a determination be made to fittingly remember those who

made the permanency of American liberty possible. For my part, let me express the hope that this Government of ours, living up to its traditions, will recognize its duty in this matter, and faithfully perform it. Let it be said that no American soldier, sailor, or marine, who manfully measured up to every situation at the time of the country's peril, will be neglected now by our Government in its hour of security. Let the American people exercise the same will to win as in former instances when success meant the very existence of our Republic, and in holding aloft the torch of justice so that all nations may see. It can be recorded in history that the Government of this generation has preserved our national honor.

Mr. GRIFFIN. Mr. Speaker, nearly two years ago, on May 29, 1920, this House passed a bonus bill, embodying the fivefold plan, very much like the bill before us. What became of it? It went over to the Senate where, after certain formalities having all the outward semblance of serious consideration, it was duly embalmed and buried. In the meantime a presidential election had come and gone. The partial passage of the bill had doubtless served its purpose, and we heard no more about the bonus for our valiant soldiers and sailors until the imminence of the 1922 congressional elections admonished our friends on the other side that they had better make good.

"ITS POLITICAL ASPECT."

This political aspect of the situation is very frankly and aptly shown in the Republican minority report, signed by Messrs. TREADWAY and TILSON. They are not deceived themselves and they are not willing to camouflage for partisan advantage. They say:

6. Attention is called to the significance of the date the certificates are to bear, namely, October 1, 1922. Expert testimony was given of the enormous amount of work that will be required and investigations to be made in order that the certificates shall be properly issued. With a large force of clerks and the best expert assistance possible, comparatively few certificates could be issued by that time, and it would be at least six months before any large number could be put out. The reason for the date, therefore, of the operation of the bill as October 1 next, one month prior to election, is very apparent.

The Ways and Means Committee, to which was assigned the task of rejuvenating the corpse of the old bill, began its work—a work in which not the slightest semblance of partisanship should have been permitted to enter—by holding secret sessions from which the Democratic members of the committee were excluded. They were so greedy for partisan advantage that they would not brook the presence of a single Democrat to share with them the glory. In short, they want this to go out to the world as a purely partisan measure. So be it. They can not, however, prevent us from voting for it. If it fails in the Senate, as it failed before, they alone must bear the responsibility.

HISTORY REPEATS ITSELF.

History has a perverse faculty of repeating itself. The bill of two years ago was brought before the House under a suspension of the rules. This parliamentary device limits debate and bars all amendments. To-day the same ruthless expedient is resorted to. It means that we must take it or leave it—an arrogant exercise of brute force which all self-respecting Members of this House must resent.

BILL NOT WHAT IT PURPORTS TO BE.

The bill before us purports to provide for adjusted compensation for the veteran who was deprived of his economic advantages by reason of his military service. The term, as applied to this bill, is a palpable misnomer. This country is not rich enough to provide real, honest adjusted compensation to make up for the economic losses of its soldiers and sailors. Their losses are far beyond our powers to calculate or appraise. We can never perhaps make up for those losses, but we can, at least, take the first step, the clear and obvious step that is apparent on the face of the proposition. If it is adjusted compensation that will meet the needs of the veteran, why not give it to him plainly and honestly without cluttering up the benefaction with a number of options and alternatives which can have no other effect than to make his relative position worse than before?

REAL ADJUSTED COMPENSATION.

He wants adjusted compensation. Very well, what was his compensation and how can we make him equal to his fellows? In the first place, you took from his pay sums ranging from $3.25 to $8 or $10 per month under the guise of war-risk insurance. This was a preposterous proposition—to ask a soldier to pay for the risk incident to his service in protecting the flag and conserving the wealth of his country! The Government insured its ships; why should it not insure its soldiers and sailors? The first step toward adjusting his compensation, therefore, should be to return to the veteran the amounts deducted from his pay for war-risk insurance.

The next step should be to return to the veteran the allotments deducted from his pay for the support of his dependents. I know for a fact that the draft boards deliberately kept this factor in mind when they separated sons from their dependent parents and young husbands from their wives.

The allotments were compulsory. They amounted, on the average, to $15 per month. This, together with the deductions for war-risk insurance, and also installments on Liberty bonds, left the devoted, patriotic soldier in the camps and trenches with only two or three dollars to supply him with little luxuries. These are the men who suffered real privation and who are in most need of adjusted compensation. Why not return to them the amounts so deducted for war-risk insurance and allotments?

WHAT WILL IT COST TO DO THE RIGHT THING.

What will it amount to, you ask? Well, the average service was 11 months. The average insurance to be returned would therefore be $65 and the average allotments to be returned would be $165, making a total of $230 to be returned, on the average, to each veteran.

The cost of working out this plan would aggregate about $520,000,000. Under the bill which I introduced to carry out this proposal (H. R. 10276) I provide for the issuance to each veteran of a certificate of indebtedness for the amount he is entitled to bearing 4¼ per cent interest. This he can keep or negotiate at his pleasure. I do not limit him, as the bill now before the House does, to apply only to certain banks to negotiate the Government certificate. He can sell or pledge or negotiate it with whomsoever he pleases and get the face value without impairment and not be obliged to take a certificate, as under the bill before us, upon which he can only borrow half its face value.

My bill further provides that, if he so elects, the veteran may take paid-up insurance for such amount as his length of service warrants.

THE OPTIONS IN THE BILL RIDICULOUS.

As for the other options in the bill before us they have no place in an adjusted compensation bill. The first duty which confronts us is to adjust compensation, and this can only be justly and fairly done by putting all veterans on the same footing and restoring to them such amounts, deducted from their pay, as will make them all equal.

Having done that, then we are prepared to consider the other matters improperly tied up with the compensation question in the bill before us.

VOCATIONAL TRAINING AID.

What an absurdity it is to consider the vocational training of a veteran as such an imposition that it must be dragged into an adjusted compensation act as an instrumentality to deprive him of adjusted compensation. I consider the vocational education of the veteran as a duty the country owes him. I would provide for that by an amendment to the vocational rehabilitation act and consider his acceptance of training as a benefit bestowed on his country. I would establish scholarships in schools and colleges to which an honorable discharge from the United States Army or Navy would be a universal passport.

FARM AND HOME AID.

This addition to the pending "adjusted compensation" bill is also an incongruous inconsistency. We furnish loans to farmers to help them raise their crops. We might very well help the soldier to establish a farm or ranch without violating any precedents. Why tack such a provision as this upon a bill which purports to be intended to adjust compensation?

LAND-SETTLEMENT AID.

There is another anomaly. Why burden an adjusted compensation bill with legislation purporting to encourage the veterans of the World War to settle upon the vacant land? Every man, whether soldier or not, who takes up the pick and shovel of the pioneer and establishes a farm or ranch in the vast unsettled prairies or wildernesses of the land becomes a benefactor of the Nation. The soldier and sailor should be encouraged to take up this task, and he should be helped in his noble undertaking, but he should not have the ridiculous proposition put up to him that if he accepts this burden as one of the alternatives of the pending bill he shall be denied adjusted compensation. In this connection I can do no better than to quote from the exceedingly able minority report of my colleagues, Messrs. TREADWAY and TILSON:

8. Title VIII, known as the land settlement, establishes an expensive machinery of management, offers untold opportunity for reckless expenditure, and under the guise of veteran aid it permits, among other things, the board to lay out town sites and build unlimited highways. Such general authority should not be granted under the guise of veteran aid. Preference could have been given veterans under existing reclamation laws, accomplishing the purpose for which this title purports to be written.

A POLITICAL CATCH-ALL.

On the whole the bill seems to be a political "catch-all," primed and ornamented with a great variety of glittering bait to mystify, to daze, and to coax the soldier and sailor vote. All of which is utterly unnecessary, for all that the veteran has been seeking is an adjustment of his war-time compensation. To do this would take no more than two pages of a simple direct bill. Instead of that the majority of the Ways and Means Committee have constructed an elaborate maze of nine titles or chapters, covering 38 pages. For instance, it has one title or chapter devoted entirely to "definitions" and another on "miscellaneous items." In short, the ingenuity of the drafters of the bill seems to have been taxed to the utmost to produce a labyrinth of words and ambiguous complications.

Ninety per cent of the men who will vote for this bill realize that it is a trap, its objectionable features being purposely retained to entice the minority into a negative vote. I for one do not propose to be caught by such devices. I will vote for the bill.

Mr. GOULD. Mr. Speaker, nearly two years ago, when the so-called soldier bonus bill was passed by the House of Representatives, unavoidable absence from the city prevented my voting on the same. However, in order to be on record, announcement was made that had I been present I would have voted against the bill.

My position in the matter has not changed since that time, and I shall vote against the proposed bonus bill now under consideration.

I fully believe, in view of the economic conditions existing throughout the country, that if this bill becomes a law it will work undue hardship not only on the Government but the country at large. With our national debt of over $23,000,000,000, payment of interest, running expenses of the Government amounting to approximately $5,000,000,000 annually, and barely sufficient funds to meet the same, Congress should endeavor to carry out its program of economy in accordance with its pledge to the people as contained in the Republican platform of 1920.

The passage of this bill would add to our already overburdened Government debt billions of dollars of additional expense, and would exceed over and over the millions of dollars which this Congress has so successfuly saved the Government by reducing appropriations and other unnecessary expenses. This bill provides for the payment of billions of dollars, but does not provide any means whatsoever, nor does it even contain a suggestion as to where the money is to come from to pay the same. The United States Treasury can not meet this additional expense without additional funds, and as this bill provides no source of revenue it can readily be seen that to meet the obligation which this measure imposes it will be necessary for the Congress at a future date to provide some source from which sufficient revenue can be secured.

In my judgment it will cause additional and increased taxation to all the people. Financial experts of the highest standing estimate that this legislation will increase the debt per family throughout our country to about $253 per family, and the increased indebtedness equivalent to an amount equal to $9,000,000 additional on the property and assets of the five counties in my congressional district. In the long run the ultimate consumer himself, who is already taxed to the limit of endurance, will have to pay the bill. The ex-service men, who are supposed to be benefited by this measure, and every member of their families will alike be called upon to stand his and her share of the burden of taxation.

For the past two years the country has been struggling to keep its head above water during the period of war adjustment. Progress has been made; prices and cost of living reduced, and prospects of better business are evident, but all these will rapidly disappear, prices will advance, as will the cost of living, and business will be retarded if additional and increased taxes are imposed upon the country.

I believe that we should do all and everything in our power, financially and otherwise, to assist and help the disabled veterans and their dependents, and the widows and dependents of those boys who did not come back, but to pass at this time such an unsound and uneconomic measure as this proposed soldier adjusted compensation bill in view of the Government's lack of funds and present-day conditions throughout the country, I can see no wisdom, but only calamity in so doing.

Mr. MAGEE. Mr. Speaker, I desire to take advantage of the privilege granted by the House to each Member to extend his remarks in the RECORD upon the pending adjusted compensation bill for the purpose of expressing briefly my personal views thereon. In doing this I hope that what I may say will not be construed by anyone as reflecting in any way upon the action or motives of any of my colleagues. They voted in accordance with their views. I voted in accordance with mine, and I speak only for myself.

I think that it is indefensible to jam through the House under a suspension of the rules a bill involving the expenditure of public funds aggregating billions of dollars without reading the bill in the usual way for discussion and amendment. This judgment applies with special force to the land-settlement provisions of the bill, involving the reclamation of swamps, deserts, and, generally speaking, arid land. I fail to see where these provisions of the bill have any place whatever in a soldiers' relief bill. If these provisions should be enacted into law, the result would probably be the expenditure of billions of dollars from the Federal Treasury, not in the interest of the soldiers but almost wholly in the interest of land speculators. I am satisfied that an opportunity to amend this bill would result in the striking out of these land-settlement provisions by an overwhelming majority in the House.

So far as adjusted compensation is concerned, my sympathies are with the ex-service men. Having voted for the declaration of a state of war, and for the selective draft act, I would go further for them than I would go for myself. However, an adjusted compensation bill should be based upon principles of sound finance. The Treasury to-day is carrying some $6,000,000,000 of temporary indebtedness which must be taken care of within the next three years. I understand that the Secretary of the Treasury states that in addition thereto the Treasury is facing a deficit for the coming year of $300,000,000. In view of the material decrease in the amount of income and corporate taxes that will be paid to the Government, I am of the opinion that this deficit will greatly exceed the above amount. In view of these conditions, it is apparent that any adjusted compensation bill at this time, as has been clearly indicated by the President, should provide the ways and means for carrying out the obligations created in the bill. Otherwise there would be grave danger of bringing business and financial disaster upon the country just at this time when a revival of business has set in. It will certainly help nobody, but will surely injure everybody, to throw a monkey wrench into the wheel of reviving industry.

I am strongly opposed to the adjusted service certificate provisions of the bill. They provide for issuing to more than 4,000,000 ex-service men an I O U, which the soldier is authorized to use as collateral security for the payment of his own promissory note in attempting to get a loan at a national or State bank. Such bank is authorized to loan, as I read the act, up to 50 per cent of the face value of the certificate. The bank making the loan, unless the soldier makes payment on the note, can not realize thereon for a period of three years. I think that such a wildcat scheme of finance would prove generally disappointing to the ex-service men, and that it is only a question of time when they would become bitter toward those who put the camouflage across. An adjusted compensation bill should give the ex-service man cash, or a negotiable security, or a paid-up insurance policy without any string to it, something that would be absolutely his own to do with as he pleases.

I have been impressed with the idea that some of my colleagues fear that if they voted against the pending bill ex-service men would defeat them at the polls. I do not think that it can be possible that there is any real basis for such a fear. I think that the kind of men who fought at Chateau-Thierry, at the second Battle of the Marne, at Soissons, at St. Mihiel, and in the Argonne, the best soldiers the world ever saw, would defend and uphold the man in public office, whether they agreed with him or not, who had the courage to vote in accordance with his convictions, based upon the sole consideration of the best interests of his country. If I am not right in this judgment, then the Nation's defenders would prove to be the Nation's destroyers. The end of the Republic would be in sight, and free government would no longer be safe upon this earth.

The bill further provides that the adjusted service certificate provisions shall go into effect on October 1, a few weeks before the elections. Comment is unnecessary upon a provision of such character. It would be much better to suffer decisive defeat than to take any action which could be reasonably construed as an attempt to use the Federal Treasury for a continuance in power. In my judgment the seats of all the men in the House could not be regarded as worth the price. Such a scheme would be unworthy of any political party. It would be directly contrary to the traditions of the Republican Party, to its great achievements, and to the great principles for which it has uniformly stood.

The question of adjusted compensation to ex-service men should be absolutely divorced from politics and considered upon its merits. In no other way can we impress upon them that they are entitled to and will receive a fair and square deal at our hands. We must provide so far as lies within our power, and without regard to cost, for the relief and care of the man

disabled in the service of his country. We must make reasonable provision for the care and support of the dependents of those who made the supreme sacrifice. We must aid and protect in every reasonable way all who were in the service, to whom the country owes a debt of gratitude that it can never pay. In whatever we do politics should have no place. We should be guided and controlled only by patriotic motives and by what is deemed for the best interests of our heroic soldiers and of our common country.

Mr. MONTOYA. Mr. Speaker and gentlemen of the Congress, I favor and will vote unreservedly to-day for the soldiers' bonus bill. I feel, like all loyal American citizens, that this measure should have been a law long before this in justice to the American boys who defended our country and flag in time of need.

Their great reward has been their service and record in the annals of our country, which will live forever and will be an undying example and source of pride for their families and descendants.

The great mass of the American people, I know, will approve of our action to-day, as they, like we who represent them, feel deep in their hearts the gratitude which we owe our defenders, whose services this Nation can never adequately repay, because there is no method, law, or any other human agency that can reward loyalty and patriotism. Those two attributes and qualities are born in the soul and no human action can weigh them or measure them in gifts or money. Loyalty and patriotism are their own reward in the consciousness of performing a duty to the country and flag.

But it is our duty by our action to-day to recognize, approve, and exalt said qualities by national recognition and pride, not in what little we can do but in the spirit of doing it wholeheartedly, gladly, and enthusiastically.

We can show the boys that our hearts were with them when they went away to war, and that our hearts are still with them and will always remain with them since their return to the country which they honor.

Would to God that we could have with us to-day the thousands of heroes who rendered their lives for our cause and the cause of humanity, but all we can do in such stress of soul is to remember the undying words of the great statesman who said on an occasion after the Civil War, "Cheers for the living, tears for the dead." The world's views have moved since then, and now it recognizes that aid for the living is one of the main essentials of gratitude.

In casting my vote for the bill I do so not as a partisan or in a partisan spirit but as an American, as Representative of my State, New Mexico, performing a duty to the best part of our citizenship—the American soldier. I am glad to be a Congressman at this time to record my vote for this act of pride and justice.

Three of my boys, volunteers, served in the American Expeditionary Forces in France throughout the war, and I owe it to them and to the millions of other boys to be grateful for their services. My boys have rendered me the greatest honor of which I can be proud, more than being a legislator or holder of any other office, that of being the father of sons who have done their duty to our country and flag against all comers.

In regard to soldiers' bonus, I wish to insert as part of my remarks the following verses, sent to me by Mr. W. F. Noble, Mount Dora, N. Mex., touching upon adjusted compensation, the worries and delays in regard to the same as seen by some of our ex-service men way out in the Sunshine State. While the verses are sharp I am glad that our action to-day will result in the future in a milder style of poetry.

OUR WORLD WAR VETERANS.

O country of the noble free,
  O nation, strong and great!
Shall we neglect our gallant sons—
  Become the base ingrate?
They fought through suffering hells to win
  "Our cause," full well we know;
Shall we refuse to pay them now
  The debt we justly owe?

Tear off their tattered uniforms
  And trail them in the dust;
Go offer up their service bars
  Unto the god of Lust;
Exploit their service for mankind,
  And coin it into gold;
Go fill your greedy coffers full
  Their blood that ye have sold.

Yes, mount on wings of song their praise,
  And waft it on the breeze.
Ye silver-tongued, ye orators,
  Talk "Heroes overseas";
Thus coin their deeds for guilty fame
  That in your souls ye seek;
Nor cringe, nor blush for awful shame
  Upon your leprous cheek.

Take billions from our countrymen
  And loan it overseas—
Aye, don't forget our profiteers,
  For you'll have need of these.
Loan all the nations "over there"
  The money that they need;
Yes, all their hungry and distressed
  Pray don't forget to feed.

Weep salty tears for Belgium—
  Just hand them out our gold;
Poles, Slovaks, Frogs, Italians,
  Give them our wealth untold.
Give twenty millions to Soviet,
  Armenia twenty more;
Just hand them out our moneybags,
  We have a bounteous store.

Our own brave boys who won the war,
  Just pay them not a cent,
But tell them, "Be ye very proud
  That overseas ye went
And won the day for all mankind
  And make the world secure.
Now, go to work an build anew—
  A living you'll procure."

Far better had ye scuttled the
  Transports that bore them home
And sunk them in the angry deep,
  Beneath its raging foam,
Than show such base ingratitude,
  Which, like a poisoned dart,
Instills the agony of hate
  Within the soldier's heart.

O, country of the noble free!
  O, Nation great and strong!
How can ye bend the servile knee
  To such a monstrous wrong?
Blind Senators and Congressmen,
  You've won us black disgrace,
And every patriot mother flings
  Her scorn into your face.

—W. F. NOBLE, *Mount Dora, N. Mex.*

Mr. ATKESON. Mr. Speaker, I desire to submit a few remarks upon the pending bill under the rule. I have not felt impelled to take up the time of the House and have been content to listen to the speeches of the Members who have discussed this bill pro and con. Upon the bald proposition of adjusted compensation for our soldiers, sailors, and marines in the World War my mind was made up before I became a Member of this Congress.

My greatest interest during the progress of the debate was to see if I could find any reason for changing my mind. I failed to be convinced that I was in error or that I ought not to vote for the bill. In confessing my predilection for the measure I do not mean to say I stood committed in my mind to this particular bill or all of its specific provisions. But I was sure, and am still sure, that our soldiers were and are entitled to some sort of compensation more than they had received. I arrived at this conclusion somewhat by analogy; that is to say, that inasmuch as Congress had adjusted the claims of everybody who had asked or demanded it, I could see no reason why our Army should be made the "goat," or why, after the profiteers and millionaires and multimillionaires, many of them made so by the war, and while our boys were in the trenches in a foreign land, had been generously taken care of, the soldier boys were not entitled to consideration and to an adjustment that would at least even them up a bit. Every consideration, viewed from any angle, led to the conviction that if this great Government owed anybody adjusted compensation it owed it first to the soldiers in a generous degree. I do not regard this measure as generous or adequate. Its provisions are distinctly less than our boys are entitled to; but as it is I give it my hearty and cordial support as the only thing just now possible.

The sooner we get away from the notion that this country exists for the joy and delectation of wicked profiteers and swollen multimillionaires the better it will be for our country. The sooner this Congress realizes there are other people in this country who love the flag and their homes, who are entitled to some consideration at our hands, the better it will be for all of us. The money dealers who produce no wealth have no exclusive right to our coddling and tender care to the injury of 99 per cent of the people who produce, with the help of Providence and by labor, all the wealth in this country.

I can not refrain from referring to the propaganda which found its way to the desk of every Member of this House sent out by the Chamber of Commerce of the United States, an institution which has this city as its habitat. Its dope was positively disgusting. It carried on its face the most intense prejudice against our soldier boys. It was millionaire drivel or "hogwash" ladled out under the guise of commerce. It surely had the commercialized idea of patriotism. It was too bold to be effective and too rotten to be persuasive, so it has done no harm and it is not likely the millionaire class will use it again for organized propaganda.

Every one of our allies has provided in some degree for their soldiers who followed their flag to a common victory. We have provided only for those who fattened off war conditions. Other countries, who are indebted to this country in billions and say they can not pay even the interest, managed to pay additional compensation to their soldiers at a time when it would be of greatest benefit to them. We have waited more than three years, and still hesitate to provide an adjusted compensation for our soldiers. Provision for and care of our injured and crippled soldiers can in no way be involved in the measure now under consideration. That this Government has provided liberally for the injured, crippled, and afflicted no one denies. We are expending more than a million dollars a day to care for and rehabilitate them as far and as fast as it can be done. But this we were bound to do by the very conditions of their service. That matter is not involved here and now, and so I pass it.

There is one feature of this subject not dwelt upon to any extent in this discussion which I think is entitled to some thought. The great body of the World War soldiers were taken from their homes and business by the strong arm of this Government. They were not permitted a choice even to serve on this side the waters. The drafted men became parties to a contract written by the Government and were compelled to sign on the dotted line made by the Government. By that enforced contract they were to receive $1 per day for service in this country and 10 per cent increase for service overseas. In addition to this, practically every one of them took out life insurance with the Government and paid for it out of their service pay; and any allotment to dependent parents was deducted, thus leaving the soldier with precious little of his pay received by him under the contract dictated by the Government. I am raising no question of right or propriety on the part of the Government to do what it did do. The emergency seemed to make the draft, if not the best, the only way to obtain the necessary Army quickly. But if I had my way about it, this Government, in addition to the provisions of this bill, would pay back to every soldier every dollar he paid out on allotments and for insurance. In my judgment, the sooner this is done the better it will be for the Government; for the time will come, notwithstanding the careful provisions, when pressure will be brought upon Congress to provide a service pension for all World War soldiers, and the Government will not be in good shape to meet that demand until these items are paid and the books squared.

We have listened to the propaganda of the "predatory rich" until we have well-nigh forgotten our duty to the boys who stood in the trenches, who faced the enemy without wincing in the midst of the most merciless shell fire ever known in the history of warfare; who crawled over no man's land in the darkness; who made every sacrifice in the discharge of soldierly duty without a murmur, and who brought victory and glory to our flag and our country. The cry of flesh and blood ought to be heard by us more distinctly than the cowardly wail of the conscienceless profiteer or the whip cracks of the arrogant multi-millionaire.

And this reminds me of the most sickening incident connected with both the public and private discussion of this bonus bill, to wit, the attempt by this same bunch of high surtax payers to fasten upon the plain people of this country a sales tax. They seemed to think Congress, in its great desire to pass this adjusted compensation measure, would swallow anything as a means to that end. But they were mistaken. They could not even get a bill reported out by the committee with a sales tax attachment. All honor to the men in this Congress who turned their backs upon that nefarious scheme to lay additional burdens upon the backs of the people least able to pay and lift it from those most able to pay. It is an un-American plan and the American people will never submit to it—at least not while millionaires flourish and multiply in this country.

Mr. COOPLEY. Mr. Speaker and gentlemen, the question of whether or not an adjustment of compensation to the soldier is a moral obligation resting on the shoulders of the people of this country is very much like a belief in the miracles of the Bible. If I believe them, no arguments can change my mind. If I do not believe, it is scarcely possible that either arguments or evidence might be produced that will lead me to a change of mind.

I believe an adjustment of compensation to the soldiers is a moral obligation resting on the shoulders of the people of this country, just as there is a moral obligation on the part of our people to settle the so-called contracts through which individuals and corporations would have lost enormous sums of money because of the unexpected and sudden termination of the war.

One hundred and thirty-two of my fellow workers in the industries with which I am connected went to this war. All those who came back returned poorer than when they went. Their fellow workers who stayed at home had opportunities to improve their conditions, and just about that same number took advantage of their opportunities and they very materially improved their condition because of this war.

Aside from the definitions and administrative features, this bill provides for four great options. The bill passed two years ago contained a fifth option, providing for a settlement in cash. All the other options of the proposed act two years ago were predicated on the principle of a cash settlement. We find ourselves at the present time unable to make a settlement in cash directly from the United States Treasury without seriously impairing the welfare and prosperity of all our people.

We have almost $7,000,000,000 of short-term securities, including about $4,000,000,000 in Victory notes, three-quarters of a billion in thrift stamps, and about two and one-quarter billions in short-term certificates, all of which must be refinanced within the next 15 months. Any material amount of cash at the present time taken directly from the Treasury of the United States would unquestionably add to the interest rate which we would have to pay on the $7,000,000,000 to be refinanced, and this increased interest rate would probably be carried along for a great number of years, thus actually enormously increasing the burden, due solely to the financing of the adjusted compensation within the next 15 months.

This is even more true if we should attempt to sell bonds or short-term certificates of indebtedness at the present time. In fact, any plan other than the one we have presented in this bill would probably be followed by most disastrous results in the long run.

It has been frequently stated this afternoon that this is going to cost $4,500,000,000. Of course, that means at the end of 20 years. The real fact is that the sum of money necessary to take care of it at the present time is the true measure of the value of the total which we must provide at the present time, and if we postpone these payments we must add interest and compound it annually.

The basis of the payment in cash of the bill two years ago was continued as the basis for the four options remaining after that one had been removed. It was as follows: The veteran was allowed $1 a day for every day he served in this country and $1.25 per day for every day he served overseas, counting his overseas service from the date of embarkation to the date of debarkation again on this side. But we had already paid each one of these soldiers $60, therefore from the number of days' service to be used as a basis this 60-day period was subtracted.

There are two modifications. The first is that if a veteran has less than $50 coming to him for service it must be paid in cash. This will amount to a little less than $16,000,000, and will provide for about 470,000 men. There is a second modification, that under this act no man can receive pay for more than 500 days' service, either in this country or overseas, which means that the limit of his cash for service in the United States would be $500 and for service abroad $625, providing we had continued the cash feature in the bill of two years ago.

This is called the adjusted service pay, and from this we have drafted the four options.

First, a paid-up endowment insurance policy is issued to the veteran covering a 20-year period. The amount of this is determined by taking the adjusted service pay and compounding it for 20 years at 4¼ per cent annually. A short and simple method would be to multiply the adjusted service pay by 3.01+, the plus being so small that it makes very little difference in the total. For instance, if a man has $100 coming to him, he would have an insurance policy of $301 plus issued to him. At the end of 20 years this would be paid in cash. If he died meanwhile, it would be paid to his wife or his mother, his daughter or his sister, or whatever beneficiary he might name. All of these insurance policies were made nontransferable, so the veteran could not lose the benefits intended that he should receive through any misfortune or any act of foolishness of his own. However, in lieu of the cash feature which we had cut out of the bill we arranged that he might assign within the first three years by going to any bank or trust company chartered under the laws of the United States or of any State and borrow half of the adjusted pay plus accrued interest up to the date of his borrowing. For instance, if a veteran's certificate for adjusted pay were for $100, he might borrow $50 plus the accrued interest at the date of making the loan and assign his certificate of insurance as security to the bank.

This provision led to a great deal of criticism from the Treasury Department and directly from the Comptroller of the Currency. They called these loans "frozen credits," and they have been referred to on this floor as such. Consequently we

called the Secretary of the Treasury and the Comptroller of the Currency and the Governor of the Federal Reserve Board as witnesses at a hearing on Tuesday of last week. The Secretary of the Treasury was asked what were the total assets of the banks entitled to make these loans, and he answered that he did not know. He was asked if these loans should amount to less than eight-tenths of 1 per cent of the assets of the banks whether or not the freezing of that inconsequential percentage would seriously affect either the prosperity of the banks of this country or the solvency of the banks, and he replied that in his judgment it would not. In a letter which the Secretary had written to Chairman FORDNEY estimates were given indicating that the amount of such loans would be less than $275,000,000.

The Comptroller of the Currency was asked what were the total assets of the banks allowed to make these loans, and he replied that they were a little over thirty-eight billion dollars; therefore these loans, by the Secretary's estimate, would amount to less than eight-tenths of 1 per cent of the total assets of the banks authorized to make the loans.

Governor Harding, of the Federal Reserve Board, was asked if in his judgment the freezing of less than eight-tenths of 1 per cent of the assets of the banks for three years on the securities of the United States Government would seriously impair the resources or effectiveness of the banks. He replied that he did not think it would.

The testimony of all three of these gentlemen indicated that this was a much more desirable loan for savings banks and trust companies, who are in the habit of loaning a very large percentage of their assets on credits which take some extended time to liquidate. As a result of this hearing the committee promptly amended the act—and these are the amendments covered by the rule—such that banks might either discount or sell these loans and transfer the collateral to any other bank which would have been eligible to make the loan originally.

I would like to predict for my distinguished fellow member of the committee from Massachusetts [Mr. TREADWAY] that the trust companies and savings banks of his own State and all the rest of New England will get as many of these loans in their possession as they possibly can before their maturity.

There have been many misstatements on the floor to-day from men opposing this bill, alleging that the veterans would be charged 7, 8, or 9 per cent interest. Under the very terms of this act the maximum rate of interest which any bank can charge is 2 per cent above the discount rate for 90-day paper, as maintained by the Federal reserve banks of the region in which the original loan is made. Governor Harding unequivocally stated that in his judgment no bank would refuse to make a loan for any legitimate purpose to any veteran who lived in the community in which the bank was located. The bank did not dare say it did not have the money, or the depositors would withdraw their deposits. He further added that public sentiment would compel these loans.

I am a stockholder in five banks, and I do not believe for one moment that any one of them would refuse a legitimate loan of this character.

The maximum amount which the banks would be asked to loan in the first three years would amount to less than $275,000,000, and there are more than 30,000 banks eligible to loan it. It would be an average of less than $9,000 per bank. It is ridiculous to argue that this would be a menace, and particularly at the present time, when money is piling up in many sections of this country, when deposits are increasing and interest rates are reducing.

The reason why this arrangement was made for the first three years was to carry us well beyond the time when the refunding of all of our short-term obligations was well out of the way.

If this is a moral obligation it is as much a part of the war as the paying of any other expenses, either during that struggle or that have remained unsettled since, and ought to be paid for in exactly the same way. If we count the loans which we made to the other European countries as a part of the war debt, we paid over 40 per cent of the entire cost of this war in four years, and if those loans are ever repaid to us it means that we have paid over 50 per cent of the entire cost of the war in four years. There is but one sane thing to do, and that is to provide for this expenditure when the time is favorable by the sale of a long-time bond and retire a small percentage each year, and I feel perfectly free in predicting to you gentlemen now that long before this period of three years is up it will be possible to float Government bonds well under 4¼ per cent.

We have met every objection which has been offered to this bill, with the single exception of the failure to recognize this as a moral obligation.

If any of these veterans have borrowed money for any purpose and on short-term notes, and if these notes become six months overdue, the bank holding the notes promptly notifies the Secretary of the Treasury, and between May 1 and October 1, 1925, the Secretary will refund to such bank the total of its loans and past-due interest, plus interest on the same. In other words, there is no chance for any bank to make anything excepting a moderate rate of interest out of the veterans.

The Secretary of the Treasury will pay to the veteran who is in default the balance between what he owes the bank and 80 per cent of his adjusted service pay, plus accrued interest to the time of such settlement by the Secretary of the Treasury. The veteran can not possibly get into the hands of a pawnbroker. The United States Government ultimately settles with him. When the Government takes over the loan, after the first three years are up, it is authorized to advance 85 per cent of the adjusted service pay plus accrued interest, and must carry it at 4¼ per cent or the same rate which the soldier is receiving. Three years after that, or after October 1, 1928, the veteran can borrow from the United States Treasury 70 per cent of the total of his adjusted service pay plus the 25 per cent plus compound interest at 4¼ per cent from the date of issuance, October 1, 1922. To use our same example, if he had $100 in adjusted service pay at the end of the six-year period he could borrow over $105. There is no chance for him to lose by any default from that time on providing he keeps his interest payments made, and there is no chance for him to lose very much at any time providing he keeps his interest paid, and there is no chance for any bank or the United States Government to make anything except the rate of interest which I have specified, and no chance for any individual to speculate in these certificates in any way whatever.

The original cash option paid to the veteran his adjusted service pay in 10 equal quarterly installments after the beginning, or taking two and one-half years to pay it all to him. By this plan he can get by borrowing from the banks 50 per cent immediately, and at the end of three years he can get by borrowing from the United States Government 85 per cent plus accrued interest, which would be almost 13 per cent more, or a total of 98 per cent; so if the veteran is in need of money he can get five times as much immediately and within 2 per cent as much at the end of three years, and at the same time retain his insurance feature and his right to all the increment at the end of 20 years.

I feel perfectly free to say to you that in discussing this feature of the bill with any man who believes that it is a moral obligation, I can defend it against any objection which he can make.

We have heard a number of men this afternoon designate this as a gold-brick scheme. Consider what I have just said for a moment and then the following: The total wealth in this country as estimated by the Treasury Department and the Bureau of the Census was $188,000,000,000 in 1910. The total wealth in 1920 has been variously estimated, in the absence of official returns, as from $300,000,000,000 to $450,000,000,000, but the general consensus of estimates is around $350,000,000,000, or less than $3,300 per capita. The average adjusted service pay for all the men who are to receive it will amount to almost exactly $374; therefore the adjusted service certificate of insurance, when we add the 25 per cent, will amount to $467.50; that is the actual value of the settlement at the present time which we make with each one of these veterans; or, in other words, we are giving each one of these young men in adjusting his compensation for a service which on the average amounts to almost exactly one year, just about one-seventh of the wealth which the average man, woman, and child in this country has accumulated in an entire lifetime. This is indeed a gold brick, but the gold will assay 100 per cent pure. As a matter of fact, it almost exactly represents what the average man who stayed at home and practiced ordinary industry and thrift might have saved over and above his living expenses, and we are therefore putting the average soldier on almost exactly the same financial basis as the average young man who stayed at home. In other words, we are equalizing the opportunity to acquire property between the men who went to war and the men who stayed at home. The veterans knew no such thing as an 8-hour day; there were no union rules. They worked night and day. There were no rules of shop sanitation in no man's land.

The second option provides for vocational training for such of the veterans as may choose this. In this instance the adjusted service pay is increased by 40 per cent, or on an average a man choosing this option would have over $523 to his credit while he was taking the course of vocational training. This would be paid to him so long as his credit lasted at the rate of $1.75 per day.

The third option provides for aid in purchasing a farm or a home in town. In this instance again 25 per cent is added, and on the average the young man selecting this option would

have to his credit $467.50, which the Government would pay on the purchase of a farm or home in town.

The fourth option provides a method of reclaiming lands which are now waste either because they are arid, owing to too little water, or swampy, because of too much, or stump lands, or, in fact, any sort of worthless lands at the present time which could be made valuable by the addition of labor and capital. This is purely a soldier project. It must be selected by soldiers, soldiers must be engaged in the work of reclamation, and soldiers must be given an opportunity to buy these lands.

In event the veteran chooses this option, he has only the adjusted service pay without any additional percentage, amounting, on the average, to $374. This option provides good employment at fair wages for the veteran and then a chance to buy a home in which the Government furnishes the capital and takes its payments in 25 annual installments, taking over for the first one or two payments, or as long as it lasts, the credit to which the adjusted service pay entitles the soldier.

There has been a lot of criticism about this option generally. In the first place, the Secretary of the Treasury estimated that this might cost $185,000,000,000 if all the veterans chose this option. That contingency is, of course, impossible. Our estimates are that less than 2 per cent would select this form of adjusted compensation. We showed the Secretary that he had misplaced a decimal point, and instead of amounting to $185,000,000,000, by his own figures it was $18,500,000,000. Even this is manifestly two and one-fourth times too high, but we thought we had called his attention to a sufficiently glaring error. The average cost to the Government of all reclamation projects is just about $2,100 per farm, and therefore to take care of the 4,100,000 men it would require $8,610,000,000 instead of $18,500,000,000. If our estimates of 2 per cent are correct, it will amount to only $172,200,000, running over a period of possibly 6 or 10 years. The adjusted service pay of the 2 per cent would amount to less than $71,600,000, so the balance, or about $141,000,000, would be all the Government would have to advance during that period of time.

This would be repaid to the Government in equal installments bearing 5 per cent interest, and if the projects are intelligently selected and honestly administered we will not only get the money back but probably increase the wealth of this country by anywhere from five to ten times the maximum amount which we have ever had invested.

A board is provided and the projects will have to satisfy the board. Then it is sure that they must also satisfy the Director of the Budget, next the Appropriations Committee of the House, next the House itself, next the Senate, and then the President. Gentlemen, I submit to you that this is just about as formidable an array of hurdles as any worthy project has been compelled to face, to say nothing of the added difficulty when the plan is inherently vicious.

We can not pay this adjusted compensation to the soldiers any more than we have paid all the other forms of expenditures incurred by this Government since its inception in any other manner excepting by taxes sooner or later, and I again submit that the amount necessary for the next three years is so small that it will be no drain whatever on the Treasury of the United States, and it will not interfere with nor in the slightest degree embarrass the Secretary of the Treasury in refinancing the $7,000,000,000 of short-term securities that come due within the next 15 months, and at the end of that time we ought to begin selling long-term bonds to take care of this adjusted compensation just as we have in every other expenditure which was too much for the Treasury at the moment. The interest on these bonds and the principal as well must be paid for in taxes, but by spreading the taxes over a comparatively long period of time the burden is going to be made lighter for each year of the period. The estimate of the entire expenditure for the next three years under this act amounts to not more than $300,000,000 as a maximum, or less than $100,000,000 per year, which is about what we expect to save over the Budget estimate in the Army bill alone.

I have tried to cover the bonus bill for you in this discussion. Perhaps I have reasons, which are not financial, to appreciate better than the average man the opportunity which a great war can present for men to improve their financial condition. It is purely personal, and with your indulgence I will take up a few moments more in telling it to you.

My father was a prosperous merchant in a little town in Illinois in 1857. The panic of that year bankrupted practically all of the merchants in the smaller communities of the West, not because they were not good merchants but because we had no stable currency, and the further removed they were from the larger centers, with the limited facilities of that time for transmitting information, the slower they were to learn which currency was good, which was bad, and which was shaky. The consequence was that they naturally were loaded up with the shaky currency, much of which became bad in their hands. Out of the wreck he saved only 160 acres of ground, which he had purchased from the Government some time before for $1.25 per acre. In fencing this raw land the next year an accident destroyed the sight of his right eye, and again in 1860 an accident blinded the other eye for about two years and seriously damaged its usefulness for the rest of his life.

The Civil War came on during this period and my father managed his farm, being led around by a little boy, an older brother of mine. Solely owing to the war prices of farm products were so enhanced that he was able to pay all of his debts, leaving him a modest competence.

I was born in 1864. At 18 months of age, like many other children in teething, I was afflicted with ulceration of the eyes. People knew nothing about sanitation in those days and my eyes became infected as a consequence. The ulcers being very much more severe, left scars over the pupils. There are a good many adults in this country to-day blind from exactly the same cause. In 1867 my parents decided to move to the little city in which I now live, only 37 miles from Chicago, in order that I might have the benefit of the best form of medical care.

As a result, at the age of about 7 I was able to see again, and my vision gradually improved as the scars were slowly absorbed through the treatment which I was receiving. Gentlemen, war prices from 1861 to 1865 gave me sight. They enabled my father, practically a blind man, to pay his debts and lay the foundation for a comfortable competence, and the opportunities which they opened up to him they also opened up to other men who stayed at home during that period.

Ever since I have been a Member of Congress no veteran of the Union Army during the Civil War has ever appealed to me in vain if it were possible for me to help him.

The Spanish-American War, fortunately for the people of this country, opened up no such opportunity. It was too insignificant to make much of a ripple in the economics of the world.

I appreciate just as highly the services of the heroic men who offered their own lives at that time that the distressed people of Cuba might enjoy the blessings of justice and freedom, and I have done everything in my power to help them, their widows, and their dependents.

The World War reopened these opportunities to every man who stayed at home.

I believe that one of the powers of this Government must be that it can conscript men whenever its security or honor has been assailed and that these men must sacrifice to the fullest extent if necessary. We were new in the war game. I voted for everything that the Commander in Chief asked for, believing that one head, whether or not it might be the best, was still more effective in a great crisis than two debating societies in either end of this Capitol. I have no criticism to make and no excuses to offer. I accept my full share of responsibility; but I know now and every man in this room knows, I think, that we ought to have conscripted all the man and woman power in this country and all the wealth. No American citizen should have been allowed to enrich himself because of the war while his conscripted fellow citizens were offering their lives in the trenches. We can not make all of these things right. We can not replace the precious lives to the sorrowing fathers, mothers, and wives, but we can replace the earning power to their dependents, and we owe it not only to their memory but to our own self-respect to do so. We can not replace the health, the torn and shattered limbs, but we can restore to them their earning power, and we owe it to our sense of fairness and gratitude to do this. We have already spent more than a billion dollars for the sick and disabled. I am sure that we will continue to provide for them liberally.

We owe it to our sense of justice to replace to those of our boys who came back well in body and mind that which they lost in the competition with their fellow men who stayed at home in the opportunity to acquire a competence in the race of life. We owe it to our country, for no Republic can live where every man votes unless we give to each man an equal opportunity under the law, unless we give to the soldiers of this war who did the most important work an equal opportunity with their fellow workers, although the latter were engaged in other equally necessary occupations in such a time of such national crisis.

Mr. RYAN. Mr. Speaker and gentlemen, the principal arguments that I have heard against this particular measure are to the effect that a tremendous burden will be placed upon our country, that the Treasury and the taxpayers of the United States will never recover from the effects of the same. These all I believe to be greatly exaggerated. There is no one that I know of who would have hesitated on or about the 1st of November, 1918, to have voted four billion or four times $4,000,000,000 to help prosecute the war and bring it to a successful termination. Then, again, it is said that a bonus is an insult to the men who took part in the great struggle, and that it casts aspersions upon their patriotism and heroism.

I believe that this so-called bonus bill is really an adjustment of compensation that is a moral obligation resting upon the shoulders of the people of this country. All of those who came back returned surely no richer than when they went. Their fellow workers who stayed at home took advantage of opportunities to improve their conditions, and they very materially improved their condition because of the war.

I have this to say for the gentlemen from New York who have spoken against this particular measure, that when the people of the State of New York voted by a majority of 800,000, or slightly more than two to one, to give a monetary recognition to our soldiers, even though it came out of the pockets of our taxpayers, and these veterans did not serve their State so much as they served the Federal Government, that they did not properly represent the wishes of the people who elected them to office.

When England asked for $4,000,000, we gave them to her. When France wanted three billion and a half dollars, we gladly surrendered the same to her keeping. Belgium borrowed $150,000,000, and this without any security or the promise of repayment, and now when our boys come in for what they ought to have we orate all day long and hesitate. If we should collect the moneys due from England and the other nations, it would be a very practicable and easy way of meeting this particular demand. The shipyard workers—in fact, the great majority of the war workers and Government employees—received a bonus, and a great number of them to-day receive a bonus for their work. Is it too much to give to those who suffered as much as those who stayed behind in peace, comfort, and happiness? I am not so heartily in favor of this particular bill, but as it is the best that will be reported out by the committee at this time I am not only going to work for it but support it to the best of my ability. I much prefer the cash-bonus plan, and did suggest in a measure introduced before the House a 4 per cent tax on imports, that would provide the compensation for the veteran without an additional drain upon the taxpayers of this country.

I personally did not hear the tumult and shouting of the armistice celebration which overjoyed New York when it hysterically greeted the news of the victory. You men who stayed here were tremendously patriotic then; but that was in 1919. I was in France recovering from injuries received while in active service over the enemies' lines. Our welcome was indeed splendid when we returned, and I did not believe that a grateful country should ever forget those who sacrificed to the best of their ability in her behalf.

In casting my vote for this bill I do so not as a partisan or in a partisan spirit, but as an American, as Representative of my district, the fifteenth New York, performing what I believe to be a duty to the best part of our citizenship—the American soldier. I do so because it is my belief that such action on my part is the consensus of the opinion of the people that I represent.

The only influences that I can see against the same are the money interests, which launch no logical arguments against it, but who merely cry out against what they claim will be a tremendous burden upon the people. This same agitation is led by the interests who seek to bring about a cancellation of our foreign debt to promote business for themselves, and is done in that spirit of philanthropy that would allow one to give away anything that belongs to some one else as long as his own pockets are emptied in no way. These same people, I feel sure, will now clamor for the collection of this same foreign debt, and may realize that they would never care to put in execution in their own particular business the cancellation of the debts due them, which is practically the same principle that they have advocated prior to the passage of this particular measure.

Mr. FRIEAR. Mr. Speaker, the letter herewith sent to a handful of people in response to antibonus editorials from New York papers is self-explanatory. The bill was discussed with some detail on March 17, and this letter comments on criticisms of that speech and on propaganda against any soldiers' compensation bill, which has been fast and furious from Wall Street sources for many weeks. It is significant that notwithstanding propaganda against the bonus bill it passed the House, as was predicted in a letter long ago sent Secretary Mellon, by a vote of 333 to 70, or nearly 5 to 1. The letter follows:

WASHINGTON, D. C., *March 17, 1922.*

MY DEAR SIR: Inclosed find remarks on the soldiers' bonus bill delivered March 17 in the House several days before the bill's passage. Editorials from different New York papers recent references in the speech to "Wall Street." For many weeks the press of New York, with a few notable exceptions, denounced any soldiers' bonus bill, lampooned Congress, and declared Members to be cowards, governed by politics, seeking to "loot the Treasury." The terms of the bill were distorted, accompanied by unfounded tales regarding views of the President, while nine out of ten letters on the bill come from big business men of New York City who joined their mite with the anvil chorus.

Distortion, misrepresentation, or abuse were avoided in inclosed remarks, but the unfair position assumed by Wall Street toward Congress and the soldiers' bonus bill was pointed out. As disclosed by the Pujo report by Justice Brandeis, Tarbell, and others, "stock gamblers," "money gamblers," "profiteers," "railroad wreckers," and equally abusive names have often been applied to the Street. Such terms presumably are as objectionable to legitimate business men of New York as are terms of political cowardice and "Treasury looters" when applied to men with legislative responsibilities.

According to reputable authorities, less independent thinking, less horse sense, and more provincialism exists on Manhattan Island than anywhere else in the world, and that the same New York press has little influence at home, where best known, is indicated by many elections, including the last. That press which flippantly derides the rest of the country and Wall Street nabobs who give orders to Congress should cross the Hudson and learn that nearly 3,000 miles of country lie due west and 100,000,000 people live outside of New York City.

Remarks on the soldiers' bonus are accompanied by a speech on refunding of foreign debts, which discloses that influential New York financiers who favor cancellation of $11,000,000,000 in Government foreign debts are against granting a comparatively small portion of the same debts to pay any soldiers' bonus. In letter to Secretary Mellon, March 13, quoted, it was said the bill would come from committee with slight opposition and pass the House by a vote of 5 to 1. It was reported from committee by vote of 19 to 5, the same vote was recorded against any sales tax, and the bill passed by the House 10 days later by a vote of 333 to 70, or nearly 5 to 1. Reasons therefor will be found in the remarks.

Very truly yours,

JAMES A. FREAR.

The above letter transmitted speech of March 17 and is self-explanatory.

The subject might be left without further comment, in view of the overwhelming vote evidencing disregard by the House for threats, abuse, and unjust criticism launched on Congress from inspired writers and business men of New York City. However, these writers and business men, representing large financial interests in New York and elsewhere, seem to look upon a soldiers' bonus bill, agricultural legislation, "farm blocs," and all else that does not pour water on the Wall Street wheel as dangerous to perpetuity of a free government. A confused idea exists with them that "farm blocs" and Main Streets generally are conspiring to destroy the power and prestige of Wall Street, which to them is all of our Government worth knowing.

Thousands of Main Streets are to be found in the cities, villages, and hamlets that exist within the borders of our land. Main Street's influence reaches far out from the immediate confines of cities and villages, while millions of farmers, mechanics, and other workers whose rural mail delivery and parcel post bring them in daily touch with public matters form a part of that Main Street. From Main Street and Mulberry Street, Congress sent 100 soldiers to war, compared with every soldier taken from the Wall Streets of the country. Wall Street grows specialists, often translated into selfishness; Main Street invites independent thinking.

The Wall Street man or big business man, if a stockbroker or dealer in futures, margins, or other legitimatized speculation or gambling, glances each day first at market reports found in his moral and spiritual press adviser, whether it be the Times, Journal, Sun, or other mentor, and thereafter at the headlines and editorials. Swallowing these press statements and opinions he starts out the day believing the universe contains little that he does not know as he whets his steel for business antagonists of the day. Those in other occupations on the Street with slight variation follow the same program and measure results by financial success in the everlasting Street chase for the almighty dollar. This is not an estimate from Main Street, because Main Street knows little and cares less for Wall Street's methods, but it is an opinion expressed quite generally by New Yorkers and business men of themselves when they pause to think, and some of them occasionally engage in that pastime.

A big deal is to be put over, a large bond issue is coming out, a railroad has been milked or is to be reorganized, dividends paid, dividends passed, and high finance schemes in general are vital to Wall Street, although of little comparative interest to Main Street. The man who started life at $8 a month and is now rated by expert authorities at $2,000,000,000 wealth is pointed out with mixed awe and pride even in Wall Street, whereas the farmer 1,000 miles away only wonders "How did he get it?" "How much did I pay toward it?" "How soon

will gas again be boosted in price," and "How far will a dollar's worth run the separator or the tractor?"

Men who control vast continental railway lines, who get large appropriations from Congress for their needy lines, and have their hands on the throttle of many industries are objects of veneration and pride in Wall Street, although the man who throws the switch, or the one who telegraphs train orders, sells tickets, sweeps out during rest periods, at $75 per month, wonders why manipulators of roads manage to gather several hundred million dollars for themselves while only enough filters down to their fellow workers on Main Street to keep body and soul together. War contractors, who entered the game at the right time, and profiteered by war essentials, from foodstuffs to guns and branding irons to bedsteads, are among the lucky ones on Wall Street, particularly after Congress authorized a $3,000,000,000 credit to meet any possible loss, while on the other hand 4,000,000 men whom we sent to war at $1 a day, 500,000 of whom now look vainly for jobs from Main Street to Mulberry Street, are wondering at the turn of the wheel in this the greatest democracy of the world, which affords no work for them to-day.

It may be a surprise for Wall Street to learn that those back on Main Street and amidst its surroundings are not revolutionists because they fail to understand this philosophy of government, nor are those in Wall Street who have the dollar ideal and the dollar idol necessarily better citizens than the Main Street product.

TWO BILLION DOLLARS IN RECENT FOREIGN INVESTMENTS.

A leading press apostle of finance publishes the following news item coincidently with passage of the bonus bill:

More than two billion American dollars are working abroad earning dividends (on foreign investments) for their owners on this side of the Atlantic, according to computation of officials of the Federal Reserve Board.

This same paper has daily berated Congress, denounced the bonus bill, demanded a general sales tax as a substitute for income tax, and repeatedly declared that no capital can be found for business investment because of our tax laws, yet every dollar of dividend received from the recent $2,000,000,000 foreign investments pays its proportionate tax, if reported, and that fact percolating back to Main Street is a well-grounded reason for its habitual distrust of Wall Street propaganda.

Big "business blocs," "bankers' blocs," "railway blocs," and other recognized blocs in Congress and in State legislatures for a half century have had control in their different spheres for so long a time that, like the elephant trumpeting with indignation and fear at a wee mouse, they storm heavily at the modest so-called "farm bloc" of to-day.

In their campaign against any soldiers' compensation bill Wall Street and interests representing the Street, and the press that speaks for the Street have lampooned, misrepresented, threatened, and recklessly condemned nearly five-sixths of the House, including the Main Street vote, registered by the emphatic verdict of 333 to 70 in favor of the bill. One reason for the result occurs through distorted descriptions of the bill and its effect that in scope of general untruthfulness excels the record of Mr. Ananias of old.

Financiers of Wall Street who demand the cancellation of $11,000,000,000 in foreign debts, at the same time refuse to consider paying a soldier's bonus bill with one-fifth of these debts, although interest on the single British debt, without touching any of the principal, in 20 years would reach more than every soldier's bonus certificate, if carried to maturity. This may be mathematically demonstrated.

Financiers of Wall Street, who enormously profited by the war and are generously profiting to-day, demand of Congress the passage of a general sales tax to relieve them from tax payments based on their net income, and would tax 500,000 unemployed soldiers and 4,000,000 other men who are without jobs, compelling the jobless and all others alike to pay higher prices, including concealed taxes levied on what they consume—on what they eat, wear, and use—in order to relieve wealth from taxes levied according to ability to pay.

SOURIS THE BONUS BILL IN INCOME-PROFITS TAXES REPEALED.

Financiers of Wall Street demanded of Congress repeal of the excess-profits tax and reduction of surtaxes that were bringing to the Treasury more than double the cost of the soldiers' bonus bill now under consideration, or $540,000,000 for 1921. Congress repealed the tax. In like manner inheritance taxes on great wealth, equal to those of Great Britain, gift taxes to prevent avoidance of inheritance taxes, and many other legitimate tax laws have been and are all opposed by Wall Street, willingly defended by Main Street, because of a belief that any government which enables enormous fortunes to be collected in a lifetime has a special claim on part of such fortunes when the lifetime is ended.

It is not true, of course, as frequently claimed, that Wall Street is composed of cold-blooded, selfish, calculating men, many of whom engage in philanthropies that are published from one end of the land to the other to help the conscience fund, but it is urged that Main Street and the hundred million people who live outside of New York, together with the great mass of people of Mulberry Street and elsewhere who do not breathe the atmosphere of its financial district, are entitled to hold their views without being denounced by the self-appointed masters inhabiting the Trinity Church precincts of the world's great business center.

A claim that America needs Wall Street and that the Street is a necessary part of America, frequently voiced in editorials, is in part true, but only presents half the case. Wall Street could not exist without the lambs that grow on Main Street, nor without farm products that feed the world, nor without labor that runs the railroads, the mines, and business generally. The two streets are interdependent, and any man who fails to realize that fact is one who does not do his own thinking. Both streets will get along better when reason and fair play take the place of prejudice and abuse.

Is it not time, then, for those who assume to speak for Wall Street and for the Street itself, the most powerful in the world, that they make it a power for governmental good and for the general welfare rather than for the reckless condemnation of others and glorification of Wall Street alone?

Less denunciation, less threats, less suspicion, less attempted direction of legislation is a first step toward needed reform.

It may seem useless to bury these few suggestions in the RECORD instead of being among the elect sometimes found on the pages of mighty journals. That is one of the privileges of Main Street's limited vision, and if it does no good it ought do little harm. The bonus bill passed the House overwhelmingly because it was right, and the bill should become law because it recognizes a just, moral claim upon our bounty. We are the wealthiest country in the world, and yet are behind all other governments in recognition of the claims of ex-service men, as has been presented by the record.

Mr. PRINGEY. Mr. Speaker and gentlemen of the House, I am for this bill.

I recognize, as you all do, that no nation can long endure that does not honor her soldiers and her statesmen. I am not unmindful that the best minds of Congress have been trying for months to solve the problem of how to lift the hand of taxation from the shoulders of the people, and at the same time raise sufficient funds to meet the obligations of this Government, which are enormous. I am also convinced that the American people do not expect us to plead poverty when it comes to taking care of these noble defenders of civilization and our flag.

I am proud of American arms and of what America achieved on the field of battle. I am proud of the spirit of Washington. I am proud that the blood of our forefathers is coursing through the veins of our noble young men of to-day. I believe the American Government is just such a government as God in His wisdom intended should be instituted among men when He endowed man with an intellect. God was at Yorktown when Lord Cornwallis surrendered his sword, red with the blood of American patriots, to the great chieftain Washington. I believe God was at Appomattox, when Lee surrendered to General Grant, and Grant told him to go back with his horses and plow cotton and corn. I believe that God was at Manila Bay, when tyranny was driven from the Western Hemisphere. I believe that God was on the battle field of France, when our noble young men, with the proud spirit of Americanism, bared their breasts to Prussian steel and exclaimed, "By the gods, they shall not pass."

Gentlemen of the House, let us not forget that when our boys marched away, keeping step to the wild, grand music of war, we waved them a sad farewell and bade them Godspeed. Immediately after their departure financial inflation began and went to the very mountain top of extravagance. Unscrupulous men took advantage of the opportunity and in a short space of time there were made 20,000 millionaires. While our boys were falling, the motto at home among many of these men was, "Get while the getting is good."

When these same boys returned home deflation had set in, and it came back down the mountain side like an avalanche and landed in the low valley of depression. Commander MacNider, of the American Legion, states that we have 700,000 idle soldiers among us to-day. These same boys gave their services to the country at the rate of $1 a day, while wild speculation and profiteering were running rampant here in our land.

Through the disarmament conference we have established a friendly relationship with the nations of the world. The nations that sat with us in council have a greater respect for America to-day than ever before in our history, and there is not one of them that does not court the friendship of Uncle Sam. We must not forget that there has never been a time in the history of the nations of the world when there was as much strife as to-day, and the time might come—but I trust to God that it never will—when we will need these boys again.

Looking at their achievements from a financial standpoint, although the expenditures were enormous, it is a good investment, because it is not one-tenth of 1 per cent on the value of the Nation and of the civilization they saved. In rewarding our noble boys for their courageous deeds we are simply emphasizing loyalty to our flag, and it will be easier to suppress the red flag here in our own land. We can not close our eyes to the fact that seditious propaganda aiming at the very foundation of our Government is being scattered broadcast in our land.

The adjusted compensation proposed in this bill is small. I wish it could be greater. I wish we could do for the veterans now as we did for the soldiers of the Revolution, for the soldiers of 1812, for the soldiers of the Mexican War, and for the soldiers of the Civil War. We offered to all of these noble men public lands and bade them come upon them and make homes. I regret that as against total appropriations of about $4,000,000,000 for this current year of 1922, the previous administration, in 1919, spent $19,000,000,000, and not one dollar of it given as a bonus to the soldiers of the great World War.

As I have said, during the war these boys served for a dollar a day. One-half of that amount was kept from them and sent to their dependent relatives, and a quarter of that amount was retained for Government insurance. They had in the neighborhood of $7.50 a month for their personal use during the war. During this time the commonest inborer in America was receiving from $5 to $10 a day.

It is to be observed that Canada, with a debt of 23 per cent of her estimated wealth, has given $634.40 to each of her enlisted men; Belgium, with a debt of 80 per cent of her estimated wealth, has given $493; France, with a debt of 87 per cent of her estimated wealth, is giving $233.50; England, with a debt of 53 per cent of her estimated wealth, is giving $189.54; Italy, with a debt of 85 per cent of her estimated wealth, is giving $73.34; while the United States, with a debt of but 8 per cent of its estimated wealth, has given only $60.

In 1912, according to the last authentic statistics available, the total wealth of the United States amounted to $187,739,071,90, and to-day the Government authorities estimate our national wealth at almost $286,000,000,0000, an increase of about ninety-nine billions, that colossal amount having been accumulated for the most part during the period of the war, when the ex-service men had no opportunity to share in it.

In 1916 the gross income earned by individuals and corporations in the United States amounted to 45 billions 400 millions, and the net taxable income, 15 billions; while in 1917 the gross income was 53 billions and the net income 24 billions; and in 1918 the gross income was 61 billions and the net income 24 billions, these years of 1917 and 1918 being the two years of the war when the service men were exiled from civil life, with its marvelous opportunities to amass wealth.

To show that our Government can well afford to be generous in its treatment of our ex-service boys, let me cite a few figures:

France has a national wealth of 58 billions and a national debt of 51 billions. Great Britain has a national wealth of 70 billions 500 millions and a national debt of 37 billions 910 millions. Italy has a national wealth of 21 billions 800 millions and a national debt of 18 billions 650 millions. Proud little Belgium has a national wealth of 5 billions 840 millions and a national debt of 4 billions 670 millions. The United States, with a wealth of 286 billions, has a national debt of 23 billions.

Colonel Forbes, head of the Veterans' Bureau, tells us that there are now on the rolls of the Veterans' Bureau a total of 649,588 persons who are receiving cash, or for whom money is paid out for service, through benefit, on account of service during the Great War. These persons are classified as follows:

Receiving vocational training	107,478
Compensation	241,113
Insurance	150,107
Hospital treatment	30,890

In addition to its other benefits, the Veterans' Bureau is operating for ex-service men an insurance bureau, with no administrative cost to those carrying insurance. Of course, the insured have to pay their actual mortality cost premiums. The insurance in force total 3 billions 500 millions. Up to February 28 the bureau had disbursed more than three hundred millions in insurance benefits.

In conclusion, Mr. Speaker and gentlemen of the House, permit me to say that no words of mine can add luster to the names of the World War heroes. Their fame is undying. Their memory is embalmed in the hearts of a grateful posterity. Generations yet unborn, as they turn to view the course of the human race, will see the forms of the heroes of the World War towering like pyramids above the masses with the torch of civilization and freedom in their hands. As they open the pages of universal history they will see the names of those heroes indelibly written by the hand of ages on pages of silver in letters of gold. I thank you. [Applause.]

Mr. THOMPSON. Mr. Speaker, I am availing myself of the opportunity of extending my remarks on the World War soldiers' adjusted compensation bill.

In 1917, 24,000,000 of young men in the United States were available for military service. Four millions of them were used. They were mostly inducted into military service and their liberty and their lives placed in jeopardy at a dollar a day. The other 20,000,000 remained at home, and received from $5 to $10 per day in civil employment far from danger.

The 4,000,000 men taken were used by the Government to preserve the business of the country, and there is not a single business man in the United States who did not receive valuable protection from that service. The American soldiers brought the war to a close a year sooner than had been anticipated, and on the 1st of November, 1918, there was not a patriotic business man in the Union who would not gladly have submitted to any kind of a tax to continue the war to a successful conclusion.

In 1910 the total wealth of the United States was $188,000,000,000. The estimated wealth of this country is now approximately $450,000,000,000, or an increase between 1910 and 1920 of $263,000,000,000. It is estimated by the Government actuaries that the present bonus, if paid off in cash, would amount to $1,492,000,000. Such sum represents our moral obligation and is the true measure of value which we owe, and which would mean that the cost of adjusted compensation to the World War soldiers would be less than 1 per cent of the increase of the wealth of our country between 1910 and 1920. It is, therefore, obvious that the country is not being looted by settling of a war claim such as the moral obligation of adjusted compensation.

I would hesitate to vote this additional burden on the shoulders of the American people had I not been assured that the interest on the British debt owing us, which will fall due in the late summer, will be applied to pay the soldiers' bonus since the amount to be paid is nearly $500,000,000. I therefore vote for the bill.

Mr. ROUSE. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD, I include the following report:

[House Rept. 804, pt. 3, 67th Cong., 2d sess.]

SOLDIERS' ADJUSTED COMPENSATION.

Mr. KITCHIN, from the Committee on Ways and Means, submitted the following minority views, to accompany House resolution 10374:

Of the eight Democratic minority members of the Ways and Means Committee three voted against reporting the pending bill favorably and five voted to report it favorably but do not approve of many of its provisions.

In justice to the Democrats of the committee and of the House who shall vote for the bill, it must be remembered that no Democratic member of the committee was permitted to participate at any meeting either in the discussion or preparation of the bill, nor was any Democratic member allowed even to be present at any meeting for the discussion or consideration of the bill, so this bill is exclusively a barred-door Republican product.

The committee and the House being absolutely under the control of the Republicans, according to Republican methods, this is the only bill which any Democrat in the committee or in the House will be given a chance on which to vote.

So under the Republican scheme the proposition confronting the Democrats is: This bill or nothing. Many Democrats of the House prefer this bill to nothing, as it may be of some little possible aid to some needy veterans. Some prefer nothing to this bill.

We are confident that if the Democrats had control of the committee and the writing of a bonus bill was committed by the House to their charge, they would have prepared and presented to Congress a bill far more just and satisfactory to both the veteran and the Government.

The undersigned are unanimous in the following views:

Undoubtedly a large majority of the Democrats and Republicans in Congress favor a bonus or adjusted compensation of some sort to the World War veterans of the United States, and undoubtedly the House will pass the pending bonus bill, provided the Republicans who profess the most devoted, affectionate, and exclusive friendship for the veteran have the courage to keep their repeated pledges to the members of the American Legion and defy President Harding and Secretary Mellon and the money power, whom they represent, in their violent opposition to a bonus.

We believe that President Harding and the Republicans were right in their first proposition, to wit, that whatever kind of bonus bill or compensation act should be passed, there should be included in it a specific levy of taxation for the payment thereof.

We believe and insist that the amount of the money bonus or service credit which Congress concludes is justly due the veteran should be paid in cash on demand, and we protest against the veteran being given, as is provided by the pending bill, a 20-year due bill, or, as the Comptroller of the Currency calls it, a rain check, which he can pawn with some bank for a loan of only one-half of the amount which Congress by the bill confesses the Government justly owes him, provided, of course, he can get some bank to ignore and defy the administration in its advice to the banks not to loan a veteran a penny on such due bill or "certificate." If the Government justly owes the veteran an additional compensation, as the bill admits, why should it not treat him as it does its other current creditors, pay him on demand in cash? When our country needed his services and required of him sufferings and sacrifice of blood, limb, and life, he went, and willingly, at once. He did not demand an installment plan or delay of 20 years for his services and sacrifices.

The due-bill, rain-check, borrow-money bonus mode of payment, as provided by the bill, is an insult to every World War veteran and a shameful discredit to Congress and the Nation. By the bill, the veteran is given a scrap of paper and told to go out and hawk it from bank to bank in the hope, after being held up for a high rate of interest, of getting a little cash on it, not, however, to exceed 50 per cent of what the bill confesses the Government now justly owes him.

Should a grateful Nation, after by act of Congress it confesses that it justly owes him an amount as additional compensation for his sufferings and sacrifices and offerings of life and limb during the World War, permit the banks, in order for him to get a pittance in cash, to hold him up to the extent of from two hundred to five hundred millions of dollars in interest charges at the high rate of from 6 per cent to 8 per cent, when the Government, according to the reports in yesterday's papers, can and is now getting all the money it wants to pay its current and other expenses on its certificates of indebtedness at the rate of 4¼ per cent interest? Why should not the Government also issue certificates of indebtedness, borrow money at 4¼ per cent, and pay its indebtedness to the veteran, admitted by the bill to be absolutely just? Why give him a due bill or rain check and then stab it in the back, as does the administration through its Comptroller of the Currency with the warning and advice; "Nonnegotiable—no bank should loan to any veteran a penny of money on it."

Every Republican member of the committee, when it provided in the bill for the veteran to borrow money from the banks on his due bill or "certificate," knew that the administration's Comptroller of the Currency, who is the supervisor of all the national banks, had publicly announced in an interview published in all the papers throughout the country that he was going to advise all the national banks in the United States to refuse to loan a penny of money on them. They knew, too, that the President was opposed to the payment of any bonus or adjusted compensation to the World War veteran except by a sales tax.

The proposition in the bill, with this attitude of the administration and its Comptroller of the Currency, is absolutely a "gold brick" handed to the veteran, and a plain violation of the wide-mouthed pledge daily made for the last two years by the Republicans to the World War veterans. So we are presented with the shameful spectacle of the party that aborted the war, divided our country's war associates, disgraced the peace, deluded the people, deceived the veteran, deserted the wounded, relieved the profiteer, reduced the millionaires' income tax, repealed the excess-profits tax on the profiteers, and which still maintains a blasphemous, bibulous bootlicker at the Court of St. James to lecture with his drunken banquet babble the high war purposes of the American people and the inspiration of the American soldiers, now offers to redeem its reckless campaign pledges with an I O U, designated a "certificate," which the administration has, in advance of its issue, fatally impeached and discredited.

They are not conscious of, they do not realize how the insulting, mortifying indignity involved in sending the soldier from the Capitol to hawk his due bill about the country from bank to bank in search of some bank which for a high rate of interest will ignore the administration's advice and loan him a few dollars on it.

The schemers, the conspirators, the assassins who stabbed the peace can never thrill with the ardor of the American soldier who crossed the sea to end war singing, "We won't come back till it's over over there." Kassommed with easy during the war, they never felt that exultant thrill, and as they are incapable of appreciation they are not capable of rewarding such a service.

Their eyes have never seen the light of the torch of Flanders field. With the veteran and his needs they reveal their incompetence. They start and stop. They are for this to-day and for that to-morrow. They potter around in darkness, they fumble, they muff. Incapable of dealing with the economic situation, they have directly brought upon the American people the worst depression that ever came upon them. Equally incapable of dealing with the war veteran situation, they stutter and stagger. Blind, they wander around. They pick it up and put it down. Their last condition is worse than their first. Their victory of November, 1920, has turned to ashes. The honey of March, 1921, has turned to the wormwood of March, 1922. With a bold and impudent effrontery they offer to the American soldiers not the glory of a complete victory or the tribute of the Nation's gratitude, but a pawn ticket or a rain check. "How long, O Lord, how long!" cry the people unto Thee. "When wilt Thou deliver us from the body of this death?"

We favor and insist that whatever kind or sort of bonus or adjusted compensation Congress shall deem justly due the World War veteran should be paid out of the taxes specifically levied for such purpose upon the big incomes of the millionaires and multimillionaires, whose number has more than trebled and whose wealth has increased to the extent of many billions of dollars since the beginning of the war, and upon the conscienceless, excessive profits of the big monopolistic corporations, who have plundered and profiteered upon the people and the Government since January 1, 1916, to the extent of over $40,000,000,000 of net profits and who persist in continuing their profiteering. These millionaires and multimillionaires and corporations were the real financial beneficiaries of the war. Why should they not now be made to pay this additional expense of the war?

For this purpose we favor the reenactment of the surtax on the large incomes of these millionaires and multimillionaires which was repealed by the Republicans in their revenue act of 1921, and a reenactment of the excess-profits tax which was also repealed by them in said act, with a specific exemption of $50,000 instead of $3,000, as provided for in the act of 1918. By such exemption we would lose or sacrifice less than one-tenth of the excess-profits tax. In other words, heretofore corporations making an amount in excess of $50,000 yearly have been making nine-tenths of all the corporate incomes and have been paying nine-tenths of all the excess-profits taxes, and will continue to make and pay in such proportion if we reenact the excess-profits tax as above set out for this unquestioned war liability.

Ten hundred and twenty-six corporations, with incomes each from five millions to five hundred millions, had several hundred millions more income yearly and paid several hundred millions more excess-profits tax annually than all the balance of the 317,000 corporations in the United States, and these are the corporations which have, during the war and since, and will continue, especially under Republican administrations, to profiteer and prey upon the people of the United States and the Government. By our method we propose to make them bear the largest portion of this additional expense for the World War veterans' adjusted compensation should Congress pass one.

Since the Republican Congress and administration, in its last tax bill, relieved from taxation the millionaires and multimillionaires to the extent of over $200,000,000 yearly, as estimated by the Treasury Department, on their big incomes—that is, reduced the rate of taxation on the incomes of the millionaires to that extent, and released to the big monopolistic corporations of this country, whose big stockholders are contributors to the Republican campaign funds, over $450,000,000, according to the Treasury's estimate, annually hereafter, by the repeal of the excess-profits tax—why can not the Republicans now be equally as generous to the brave boys who made sacrifices, who braved the dangers of the sea and the trenches, and who took the risks of life for their country and their flag, and rescind the repeal and make these big incomes and excess profits of the millionaire profiteers, corporate and individual, who, without making a sacrifice, without enduring a hardship, without incurring a risk, remained at home in peace and safety and collected out of the people and the Government billions of blood money, pay whatever sort of bonus Congress may pass. They were filling their coffers here while the boys were spilling their blood there, and are still and will continue to prey upon and plunder the people.

Be it remembered that our brave boys were making these sacrifices, enduring these hardships, and taking these risks and shedding their blood in defense and for the protection of these same millionaires and corporations—these same fabulous blood-money profits—as well as for their Government and for their country.

The Republican administration favors paying the bonus out of taxes levied upon a general sales tax; that is, levying a tax upon the necessity to buy in order to sustain life. It wishes to put the taxes as much as possible upon the people, the soldiers themselves, and relieve the millionaire profiteers, corporate and individual. It desires to make all the people, the poor as well as the rich, World War veterans as well as the rest of the people, pay this tax; that is, it desires the poor veteran, with no property and no income, to pay as much toward the bonus or adjusted compensation as John D. Rockefeller, with his billion of wealth and millions of yearly income.

President Harding and Secretary Mellon boldly offer a bribe to the World War veterans to espouse the cause of the money power in their efforts to establish as a part of our revenue system the vicious policy of a general sales tax. They offer a bonus in consideration of the veteran and his friends favoring a sales tax. They vigorously fight a bonus without a sales tax in the hope that the brave boys will be tempted to yield and be willing to help the President and Mr. Mellon and the money power to drive the first effective wedge under the established policy of the income tax, founded upon the principle of ability to pay, and finally to force from our statute books the revenue policy of the entire income tax—a policy which the people established in our tax system after a quarter of a century of hard and persistent struggle with the money power and the Republican leaders.

We undertake to say that the World War veteran, even for the bonus or adjusted compensation offered by the Republican President and his Secretary of the Treasury, is unwilling to surrender to the money power of the United States the fruits of the people's struggle and victory, and in its stead establish, which the President and Mr. Mellon heartily desire, the vicious principle of taxing the necessity of all the people to buy, proclaiming a new doctrine for the United States—equal burdens by all, rich and poor alike—no relief to any except the millionaires and monopolistic corporate interests. We are unalterably opposed to this Harding-Mellon money-power scheme.

Treat "the boys" white, gentlemen of the Republican Congress. If you really favor the money bonus, pay them, like men, in cash in full and not send them out of the Capitol with only scraps of paper as tramping mendicants at the mercy of the banks in our towns and cities. During the war he treated you and your country "white." He now deserves fair, manly treatment at your hands.

The Republicans ask, How can we get the cash now to pay? We answer: Exactly as we have been getting the cash to run the Government for the last five years. Exactly as the Republicans got the cash to pay $3,000,000,000 to the war contractors, two billions to give and loan to the railroads for the benefit of the holders of railroad securities, fifty million for war mineral contractors, millions to feed Europe, and exactly as they propose to raise millions for the purpose of paying a ship subsidy.

Levy the taxes as we suggest and issue certificates of indebtedness in anticipation of collection of taxes, to be redeemed when the taxes are paid, as is now provided by law.

When his country called, he offered life and limb. What do you now offer him—a "gold brick"?

CLAUDE KITCHIN.
W. A. ODDIE.
CHAS. R. CRISP.
JOHN E. CARAWAY.
PETER F. TAGUE.

Mr. RAINEY of Illinois. Mr. Speaker, it is a duty lying heavy on the conscience of the American people, enjoying all the benefits of a free country and a democratic form of government, to do justice to the 2,000,000 of the most physically fit and mentally alert and morally sound young manhood who in the face of the world's greatest fighting machine that was built up by a century's training buried back that menace that sought to dominate the world with autocratic power.

I challenge the statements made by some of my colleagues and the even more ignoble insinuations that many Members of Congress are voting for this so-called "bonus" because we fear reprisal at the polls. The kind of men who fought in the Argonne Forest, at Chateu-Thierry, in the Battle of the Marne, and at Soissons will not in selfish resentment knife on election day any Member of Congress who votes according to his honest convictions.

This adjusted compensation—it is not a bonus or gratuity or charity—will be paid because the American people remember that, while these pick of American manhood were in the trenches and hospitals and camps, others physically, mentally, and morally inferior, who could not be trusted to hold the line on the forefront of civilization, were reveling in the greatest orgy of money-grabbing this Nation ever knew. It will be paid because it is the greatest insurance policy ever written in all the world's history. The future of this country in military preparedness no more than in legislation, in commerce, in industrial enterprises, and in national spirit rests with these returned heroes of the war, who will mold public opinion for the future. It is the cheapest and best national insurance to show these picked young men that loyalty and patriotism and self-sacrifice are highly esteemed and appreciated by all of the people.

Let none say from his heart what some have suggested here with their lips for political sentiment, that this is an attempt to buy patriotism. Loyalty and patriotism are fruits of the soul, but the morale of our young men, who must ever be the Nation's safeguard against foreign aggression, is built up by a public appreciation of these intrinsic qualities.

This is not a "soldier-bonus" measure, as it has been persistently called. It is adjusted compensation for our soldiers, sailors, and marines—an inadequate adjustment and long overdue—but the best that our leaders believe the country can do at this time, and there is imperative reason that action should not longer be delayed.

Why should it be paid at all? Why did their pay need adjustment?

We conscripted them for military service. Out of 24,000,000 registered under the selective draft law—passed by us in Congress assembled—following our directions 4,000,000 were chosen to do the Nation's fighting. They left home, their professions or jobs, suffered every hardship, facing death repeatedly, under physical and mental and moral strain 24 hours in a day. We paid them nominally $30 a month, or $1 a day, but by the time they got through with allotment and insurance deductions and buying Liberty bonds at our exhortation their $30 a month dwindled to $8, less than 25 cents a day.

We did not conscript labor, which, with 4,000,000 men drawn from their customary places in productive enterprise, no longer felt the keen competition for employment, and reveled in a period of high wages beyond their most eager dreams, where practically every man got as much for one 8-hour day's work as the soldier got in a month for 24-hours-a-day toil, with all the hellish inventions of modern warfare bursting about him and sweeping over him in a fog of gas. Oftentimes they worked side by side in the construction camps, the soldier at $1 and the other at $10 a day.

We hired boys and girls and men and women by the hundreds of thousands and put them in mahogany-furnished offices, equipped with all the latest devices for comfort and to make work easy and paid them not $30 a month but multiplied many times their pre-war salaries, and on top of that gave them a $240 bonus, which they are still receiving.

Why should we try to give the service man any adjustment of compensation?

Because when he came home from this sickening toil, having won the fight for the world, he found he had lost two years of his life—two years of happiness and ambition. He found the stay-at-home—20,000,000 of them against the 4,000,000 who went—had taken his job, had taken the girl he left behind him, and that out of touch with the business and industrial life, soul-sickened by what he had seen overseas, he had to begin all over again. Depressed by the loss of his buddies, out of money, and out of a job—his plight the result of his patriotic service—he saw how the stay-at-homes had grabbed what might have been his.

According to Federal statistics, there are about 4,000,000 men out of work to-day in this country, and Commander MacNider, of the American Legion, says that fully 700,000 of these are ex-service men.

Whose shame is it that this remnant of the greatest Army in all history is to-day walking the streets idle? Theirs or ours?

This is the richest Nation in all the world, our aggregate wealth being $286,000,000,000, more than one-third of which accrued during the war, and our debt being approximately only 8 per cent of our wealth. When our boys came home we gave them $60. But what did our allies do, with debts running from 23 to 57 per cent of their wealth, and who can not even pay us the interest on the $15,000,000,000 they owe us? They granted immediately substantial bonuses to their soldiers. Great Britain from $142 to $7,000; Belgium, $492; Canada, $600 to privates and $972 to officers; France, $240; and Italy, $64.

We got the best service; we gave the least to our fighting men. With our money other nations pay bonuses to their warriors, and we have been telling ours we can not afford to give you anything, until the American people, who really pay the bill, have rebelled and demanded that we in Congress, who sent these their sons to war, must do them tardy justice now.

Can not we afford it? But for these boys we and all the world would have been paying Germany an indemnity of at least a billion a year for a century to come. If it had taken them six months longer to win the war, we would have drained the Treasury for ten times what this proposed adjusted compensation will cost.

Can not we afford it? In the last two years our funded public debt has been reduced by $2,000,000,000 and our floating debt by $700,000,000. The adjusted compensation bill will not cause new taxes for three years at least, and then the maximum on the loan feature will not be in excess of $500,000,000, and more likely $275,000,000.

We did afford to give the war workers at home a $240 bonus each year, and then gave the returning heroes who broke the Hindenburg line $60. The shame of this was so great that twenty-odd States could not stand it, and by direct vote of the people provided additional compensation for their own ex-service men.

We paid stay-at-home labor as we went for services. We reimbursed capital, appropriating $3,000,000,000 to settle claims of war contractors, and as much more to the railroads, a bonus guaranty of 6 per cent even on inflated stock values. We made an advance of $1,500,000 for seed to the drought-stricken farmers of the Northwest. We gladly gave starving Russia $20,000,000. We gave Europe $100,000,000 after the war—and we gave our own heroes $60—not enough to get them decent civilian clothes.

Out of the war came 25,000 additional American millionaires—and 700,000 ex-service men jobless to-day.

Can not we afford to give these boys adjusted compensation—even though unduly late and entirely inadequate—when instead of hoarding it as the new millionaires will put it in circulation to the benefit of the shopkeeper, the butcher, and baker and manufacturer and farmer and banker, and into every line of business and every home in the country?

But, mark ye, be not all set up with the idea that you are being generous with the ex-service men. We here in the House, voting on this adjusted compensation bill are merely doing our best to get something for these boys. This is the only proposition we have been able to get from the Ways and Means Committee after long months of haggling and waiting and some persistent and adroit efforts to prevent any legislation. We who from the first have insisted that some adjusted compensation must be paid are now hoping that the Senate will do larger justice in giving these boys a more nearly fair adjustment.

We propose to give them less than 1 per cent of the increase in wealth of their country during the days that they were saving their country from being next assailed by the marauding militaristic machine. Is that whole-souled generosity of such spendthrift recklessness that it threatens to wreck the National Treasury?

And remember that increase in wealth of approximately $100,000,000,000 is what it left after we have shot off $50,000,000,000. The average wealth per capita in this country—according to the latest available Federal statistics—is $3,300, and we propose to give to these boys who threw up all their chances in the get-rich-quick days an adjustment of about $465 per man—will anyone who can figure say we can not afford it?

To a soldier boy out of a job because of his patriotism, who sees that some corporations have been making more than 100 per cent profit, that 1 individual had an income of $24,000,000, 2 individuals incomes of $16,000,000 each, and 248 incomes of more than $1,000,000 during one year that he was "over there," while he was handling only about $8 a month of the $30 he nominally received—it is hard to explain that he ought to feel a very deep concern for the financial stability of the National Treasury and forego any adjusted compensation—just as he gave up his job to go to war.

Why try to give these 2,000,000 who went overseas a monopoly on patriotic sentiment and sacrifice? Why not let the 20,000,000 not called in the draft get some small belated share in the war by helping to pay adjusted compensation to those who went across in their stead out of the excess profits and excess pay they collected at home during the period of inflation all along the line?

We assume a sanctimonious pose and say, "We must care, first, for the maimed and sick. We have provided hospitalization facilities as fast as physically possible, and are about to

pass another $17,000,000 appropriation for more hospitals." Just as though we had not always done the same thing for paupers and insane and criminals. Everlasting shame on us if we would not always do that for a weaker brother—not to mind the human wreckage of the world's greatest war.

When we conscripted our boys for overseas service they did not try to drive a close bargain with us. If they had said, "What will you give us to win the war?" we would have replied, "Write your own ticket." They did their job nobly, heroically, with an abandon of zeal which is the American ideal. Even when they came back they did not say, "What reward do we get?" They had their real reward throbbing in their breasts—the consciousness of a great deed nobly done without thought of price. It is a moral obligation upon us to make it right with these boys—and in no niggardly, penny-squeezing fashion.

We must remember ourselves—as we wish them to remember—that money weighs light in the scales against patriotism.

Mr. DAVIS of Tennessee. Although the adjusted compensation bill involves the interests of about four and one-half million ex-service men and the ultimate expenditure of what is variously estimated at from $3,000,000,000 to $10,000,000,000, yet only a short time was granted for a debate in the House and only one-fourth of this time accorded to the Democratic side. As it was impossible for me to obtain time within which to express my views on the floor of the House, I shall take advantage of the privilege granted by the House to each Member to extend his remarks in the RECORD upon this bill.

This bill was brought up under a suspension of the rules, for the deliberate purpose of precluding any opportunity to offer amendments. In a statement given to the press on yesterday Speaker GILLETT frankly stated that this course would be pursued so as to prevent the Democrats from offering an amendment or a motion to recommit. In this connection he stated that it was apparent from the minority report on the bill submitted by Democratic Members that if given an opportunity they would endeavor to amend the bill so as to provide the necessary revenue by the restoration of the excess-profits taxes and high surtaxes and also to provide for the payment in cash to such soldiers as should elect to take cash. During the debate to-day Republican Floor Leader MONDELL candidly made a similar statement. In other words, the leaders did not dare to permit a vote upon an amendment providing for the enactment of the original five-option plan as officially approved by the American Legion and providing for the necessary revenue therefor to be collected from the war profiteers. Consequently, we were confronted with the alternative of voting for or against the bill in its present form.

I am the friend of and in full sympathy with the ex-service men, as evidenced by my every act and every utterance affecting their interests. I gladly voted for the measure giving preference in Government appointments to honorably discharged soldiers, sailors, and marines, and the widows and children of such; and in every instance where I have made a recommendation for appointment and there was an ex-service man on the eligible register I have recommended the appointment of an ex-service man. I have cheerfully voted for every measure providing for the hospitalization, vocational rehabilitation, compensation, and other benefits for the veterans of the World War. The annual appropriations for these items aggregate more than $450,000,000 per annum. I have esteemed it a privilege to aid each and every ex-service man who has sought my assistance as to any matter, having rendered to hundreds of them the best service of which I was capable.

I also voted for the soldiers' adjusted compensation bill that passed the House in 1920 and which was permitted to die in a Republican Senate. That bill embodied the regular five-option plan officially recommended by the American Legion, including a cash payment to those who elected to take cash. At the time of its passage through the House we were collecting annually $450,000,000 in excess-profits taxes and were likewise collecting a large amount by a graduated surtax on the incomes of millionaires and multimillionaires. Those taxes had been imposed during the war by a Democratic administration in order to reach the war profiteers who were waxing still richer at the expense of the masses of the people. Besides, at the time of the passage of said former bill through the House the whole country was prosperous, the farmers were getting peak prices for their products, the merchants and manufacturers were doing a prosperous business, labor was drawing the highest wages in history, and the Nation could have easily taken care of the cash payments to be paid under the provisions of the bill. On the other hand, a part of the soldiers had just returned and the others were returning home and needed the assistance to tide them over until they could get back into gainful occupations.

Since that time, in return for large campaign contributions from the wealthy classes, and particularly the profiteers, a Republican Congress, with the approval of a Republican President, has repealed the excess-profits taxes and also greatly reduced the surtaxes on the higher incomes. As before explained, the fear of the restoration of said taxes upon the profiteers and immensely wealthy impelled the Republican leaders to so manipulate the parliamentary situation that it was impossible for the real friends of the ex-service men and of the taxpayers to amend the bill in the interest of either the ex-service men or the masses of the taxpayers, or both.

I contend that no person or corporation had any moral right, during the demoralized conditions obtaining during and following the World War, to make more than a fair, peace-time profit, any profits in excess of a normal profit being ill gotten and unjustifiable, and that equalizing compensation for the ex-service men should in all fairness be collected from the war profiteers by the enactment of a provision taxing the average yearly profits for the six-year period of 1916, 1917, 1918, 1919, 1920, and 1921, in excess of the average yearly profits for the pre-war period of 1911, 1912, 1913, and 1914, or, if a corporation or partnership was not in existence or an individual was not engaged in a trade or business during the whole of such period, then for as many of such years during the whole of which the corporation or partnership was in existence or the individual was engaged in a trade or business. By computing the profits on the six-year basis credits would be given for such losses as may have been sustained during the years 1920 and 1921, and, of course, credit would be given for taxes already paid. In this computation and taxation should be included all stock dividends, which were generally issued for the specific purpose of evading taxation and which, by reason of a decision of the United States Supreme Court, have escaped taxation entirely.

During the time that our soldiers, sailors, and marines were absent from home in the service of their country, it is an undeniable fact that there was an orgy of profiteering here at home. While the overwhelming percentage of our people did not profiteer, and many had a more difficult time than before because of deflated prices and no corresponding increase in their incomes, yet there were large numbers who did profiteer in a most conscienceless manner. Thousands upon thousands of new millionaires were made during the war and most of those who were already millionaires multiplied their millions. In fact, the number of millionaires in this country has been more than trebled since the beginning of the war. The net excess profits made since January 1, 1916, chiefly by the big monopolistic corporations who plundered and profiteered upon the people and the Government, have amounted to more than $40,000,000,000. These were the real financial beneficiaries of the war. Why should they not be compelled to pay the adjusted compensation of the ex-service men who fought for them as well as the other citizens of our Republic? Why should these holders of such ill-gotten gains not be required to pay this additional expense growing out of the war? Any fair-minded man must admit that taxes should be collected from those who received more than their just share during the war in order to compensate the soldiers who received less than their just share. The Republican leaders know that a majority of the House would not go on record against such a just proposition as this, and that is the reason that they brought this bill up under a drastic gag rule which precluded an opportunity to even offer an amendment. Why are the Republican leaders so against collecting the necessary revenue from those who made billions of excess war profits? Simply because, as is a matter of common knowledge, their obligations for past campaign contributions and their dependence upon further campaign contributions from these millionaire profiteers and favored monopolies are such that they would rather take the chance of taxing and deceiving the masses of the people than to incur the wrath of these holders of vast ill-gotten gains.

The Republican leaders, being unwilling to raise the necessary revenue in the fair and legitimate manner suggested, first turned to a sales tax, which of all the taxes ever devised is a tax upon the poor, as it taxes what a man and his family must eat and wear instead of taxing what a man earns and what he possesses. However, the protest against this proposed iniquitous tax was such that they were compelled to abandon it—for the time being at least. Being unwilling to tax wealth and the profiteers and being afraid to impose any additional tax burdens upon the masses of the people on the eve of the coming election, they have devised this miserable makeshift which has been variously and correctly described as a "bogus bill," "loan-shark bill," "gold-brick for the soldiers," and so forth.

The chief difference between the adjusted compensation bill which passed the House in 1920 and the pending bill is that

the former bill provided that the Government should pay cash compensation to the ex-service men who elected to receive in cash the amounts due them, whereas the pending bill does not provide cash payment to any except those who entered service so late and served such a short period that they are not entitled to more than $50. These are to be paid in cash. However, under the provisions of the pending bill those men who served overseas, undergoing the dangers and hardships of actual warfare, and those who served long periods in training camps are not to be paid in cash but are to be given certificates, upon which they are accorded the poor privilege of borrowing 50 per cent of the amount to which the bill concedes them to be entitled if they can find a bank able and willing to extend the loan. They are only given the privilege of borrowing on their certificates from banks, not being permitted to borrow from any individual, however much he might desire to accommodate them, as the bill expressly provides that any loan on a certificate by other than a bank or trust company shall be void. The bill expressly authorizes banks to charge from 2 to 4 per cent per annum more than the interest which the certificate bears.

It is estimated by the Department of Labor and the American Legion that there are 700,000 ex-service men out of employment. All of these would naturally desire to be paid in cash the compensation to which they are entitled. There are large numbers of other ex-service men whose financial circumstances are such that they need and would desire to draw cash. These are naturally most interested in the immediate passage of a fair, honest, adjusted compensation bill; and yet, instead of paying them in cash the amounts to which they are entitled, as the Government pays all of its other obligations, the ex-service men under this bill are to be treated in the manner indicated. An ex-service man in easy financial circumstances, able to hold his certificate for 20 years, will finally collect the entire amount with 4¼ per cent interest, compounded annually, and if he should die in the meantime the beneficiary would collect the full amount with accrued interest. However, if his circumstances are such that he needs the money now, his only recourse is to attempt to borrow from some bank one-half of the amount now due him and pay a high rate of interest. If he can not borrow from a bank he can not raise any money on his certificate prior to October 1, 1925, and then he can only cash his certificate by taking 80 per cent of the amount due him.

It is a matter of common knowledge that the banks of the country, particularly in agricultural sections, almost without exception have loans outstanding up to the extent of their capacity, and in most instances have large amounts of money borrowed in an effort to meet the demands of their customers; and even then most banks are unable to meet the necessities of their regular customers—farmers, merchants, and others. Consequently, it is highly improbable that the banks, especially in agricultural sections, will be able to accommodate the ex-service men to any extent. In so far as they may feel constrained to do so, it will doubtless be to the detriment of their regular customers, who in large measure are the fathers of the ex-service men. Is it not cowardly for the great Government of the United States to "pass the buck" to the already overburdened banks?

Furthermore, the Secretary of the Treasury and the Comptroller of the Currency have already emphatically declared that they would advise the banks not to lend upon these certificates, upon the ground that they would be nonnegotiable and would constitute the worse form of "frozen credits," not being redeemable by the Government for three years, and would be an unsafe form of banking. In other words, at the same time the leaders in the legislative branch of the Government undertake to satisfy the ex-service men for the purposes of the coming campaign, the executive branch of the Government discredits the certificates.

Conclusive evidence that the Republican leaders, who are responsible for this "bogus bill," fully realize the accuracy of what I have just said is the fact that these certificates are not to be dated or issued prior to October 1, 1922. As the Government is not called upon for more than three years to raise any revenue or to pay any cash under the provisions of this bill, except to those entitled to $50 or less, which amounts it is estimated will aggregate only about $16,000,000, why do they defer the issuance of these certificates until October 1? If they are acting in good faith and if they really believe that the men can borrow even one-half of the amounts due them, why do they not issue the certificates immediately after the passage of the bill in order that the hundreds of thousands of men now out of employment and those who for other reasons now need financial assistance may receive their certificates and borrow upon them? The reason for deferring the issuance of the certificates until a month before the election is palpable. They realize that it will not do for their plan to be put to the acid test before the election. They know full well that four and one-half million certificates could not possibly be made out and placed in the hands of the ex-service men between October 1 and the day of the election. The Republicans have been in complete control of both branches of Congress for more than three years and in complete control of the executive branch for more than a year, during which time they have been feeding the ex-service men upon promises. Now, having waited until the eve of another election, and, although passing this bill through the House in March, they expressly defer the issuance of the certificates until next October, just about a month before the election. Those responsible for this miserable makeshift are not the friends of the ex-service men; they are proceeding solely from a standpoint of political expediency, and at the same time presuming upon the credulity of the ex-service men. They hope and believe that this bill will never pass the Senate, or that if it does pass the Senate, it will be vetoed by the President. However, assuming that there is a possibility of it passing the Senate and being signed by the President, they preclude the possibility of its ineffectiveness being fully demonstrated in actual practice and the enormity of the fraud being fully exposed prior to the date of the coming election.

There is not a single real friend of the ex-service men in the House of Representatives who is satisfied with this bill; there are none of them who do not admit publicly or privately that the facts I have heretofore stated are true.

Five Democratic members of the Ways and Means Committee signed a minority report in which they described this bill, in part, as follows:

> The duebill, rain check, borrow-money bonus mode of payment as provided by the bill is an insult to every World War veteran and a shameful discredit to Congress and the Nation. By the bill the veteran is given a scrap of paper and told to go out and hawk it from bank to bank in the hope, after being held up for a high rate of interest, of getting a little cash on it, not, however, to exceed 50 per cent of what the bill confesses the Government now justly owes him.
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> Should a grateful Nation, after by act of Congress it confesses that it justly owes him an amount as additional compensation for his sufferings and sacrifices and offerings of life and limb during the World War, permit the banks, in order for him to get a pittance in cash, to hold him up to the extent of from two hundred to five hundred millions of dollars in interest charges at the high rate of from 6 per cent to 8 per cent, provided they can borrow on their certificates at all, when the Government, according to the reports in yesterday's papers, can and is now getting all the money it wants to pay its current and other expenses on its certificates of indebtedness at the rate of 4¼ per cent interest? Why should not the Government also issue certificates of indebtedness, borrow money at 4¼ per cent, and pay its indebtedness to the veteran, admitted by the bill to be absolutely just? Why give him a duebill or rain check and then stab it in the back, as does the administration, through its Comptroller of the Currency, with the warning and advice: "Nonnegotiable; no bank should loan to any veteran a penny of money on it."
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> They are not conscious of, they do not realize the insulting, mortifying indignity involved in sending the soldier from the Capitol to hawk his duebill about the country from bank to bank in search of some bank which, for a high rate of interest, will ignore the administration's advice and loan him a few dollars on it.

This same report also denounced this bill as "absolutely a 'gold brick' handed to the veterans." Yet four of the signers of this report voted for this bill.

A characteristic attitude taken by Republican Members was expressed by the Representative from Illinois [Mr. GORMAN], who said:

> Mr. Speaker, I do not like this bill, H. R. 10769, to provide adjusted compensation for veterans of the World War, but I am going to vote for it. I do not like it, because, in my opinion, it does not treat the saviors of civilization with even a modicum of the liberality which a rich, powerful, and grateful Nation ought to bestow upon its gallant defenders.
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> I do not like to visualize the veteran compelled to hawk his nonnegotiable certificate and pay interest for a loan thereon, when he should have received cash for his adjusted compensation directly from Uncle Sam. This is called an adjusted compensation bill, but that is a misnomer.

I have given the typical viewpoint of both Republicans and Democrats who denounced the bill in unmeasured terms and then voted for it. I feel the same way about the bill that they do, but, feeling that way about it, I could not conscientiously support it. I vote the same way I talk, and vice versa.

I would have again voted for a fair, honest adjusted compensation bill to-day, and especially would I gladly support such a bill if the revenue therefor would be raised in a proper manner, either by the provisions of the bill or by general legislation, so that the adjusted compensation would not have to be paid by the ex-service men themselves and their parents. However, I am unwilling to stultify myself by being a party to a palpable sham, political buncombe, and assuming that the ex-service men

are fools, by placing myself in the attitude of saying, in substance, to the ex-service men: "Because I am your friend, and in order to further my own political ends, I voted for this bill, fully realizing that we are handing you a gold brick, a thinly veneered sham, with the hope that it will not become a law and be put to the test, or, if it does, that you will not see through it before the coming primary or election."

I have no patience with the criticism of ex-service men, and want it understood that I do not approve same. I am especially intolerant of the imputation of "dollar diplomacy" to ex-service men who seek adjusted compensation; many of those who prate of this at the same time favor permitting the war profiteers to retain their blood money. The fact of the business is that the agitation for adjusted compensation did not originate with ex-service men. However, I fully recognize the justice of their plea. For that very reason I am unwilling to aid in perpetrating a fraud upon them. The Nation's heroes are entitled to better treatment than to be cajoled, deceived, and exploited for political purposes. I believe that they are as intelligent and patriotic as they are brave, and I feel sure that they will ultimately realize that this bill is a fake pretense. However, I will not help perpetrate this fraud upon the ex-service men, upon the supposition, which numerous Members of the House freely admit they are proceeding upon, that the ex-service men will not see through the fraud before the coming primary or election. I have a loftier conception of my duty and a higher opinion of the fairness and intelligence of the ex-service men of my district. I do not believe that the ex-service men have any better opinion of a coward in official life than they have of a coward on the battle field.

In conclusion I call attention to the fact that while this bill is unfair to the soldiers yet it does not result in any saving to the taxpayers. It simply defers for a little more than three years the beginning of the collection of taxes to meet the provisions of the bill. In passing up the opportunity to tax the war profiteers and deferring the collection of the taxes for periods ranging from 3 to 20 years, it simply defers the collection of same to a time when the tax burdens will fall all the more heavily upon the ex-service men themselves, who will become larger taxpayers as time goes by.

Mr. TAYLOR of Tennessee. Mr. Speaker and gentlemen of the House, I desire to avail myself of the privilege accorded to all Members of the House to extend their remarks in the RECORD on the bill under consideration. While this measure does not fully embody my ideas or conform to my wishes in respect to a bonus for our ex-service men, nevertheless I shall accept the verdict of the Ways and Means Committee, which has given the proposition long and laborious consideration, that it is the best that can be done under the circumstances.

From the very outset I have been a conscientious and consistent supporter of the so-called bonus for the soldiers, and I have gradually grown "stronger in the faith" as the contest for this just and highly deserved recognition of our recent war veterans has progressed.

NO NEW PRINCIPLE INVOLVED.

The "bonus," "adjusted compensation," "bounty," or by whatsoever other name you may please to designate it, is no new principle with us or with the other nations of the earth. Since the dawn of history nations and peoples have seen fit, and properly so, by one measure or another to reward their soldiers by material as well as by verbal expression. We are taught in Holy Writ that the fighting Israelites of Biblical days participated in the distribution of the spoils of war as a partial reward and compensation for their services and sacrifices on the field of battle.

The Grecian and Roman soldier not only participated in the division of the "spoils of war," but history tells us that upon his triumphant return he was showered with gifts and gratuities of every character by a proud and grateful populace. So, throughout the ages, this principle has been observed by all of the nations of the globe as a just recognition and partial recompense to those who undergo the mishaps and hardships of "grim-visaged war." I presume, however, that in every instance there have been those who, inspired by honest, conscientious convictions, or by venal and selfish motives, have opposed assigning as a reason or pretext the financial depression of the country, the immorality of the practice, or basing their objection upon some other real, imaginary, fictitious, or fancied hypothesis. Nevertheless, Mr. Speaker, the large majority of the people have always favored the proposition, and the necessary means have always been provided without bankrupting or seriously jeopardizing the credit of the particular nation involved. I assume that we are confronted by substantially the same arguments and objections to-day that were employed by those who opposed the proposition in the past. No one appears, however, to possess the hardihood to gainsay the soldier's right to a bonus or adjusted compensation; albeit, we are told that the country can not afford it. Opponents of the measure, with sad faces, in sepulchral and lugubrious tones, prophesy dire calamity to the country if the Congress passes the bill under consideration. To hear them talk you would infer that through the proposed legislation, with a reckless abandon hitherto unknown, Uncle Sam is about to cast into a burning brush heap or pour into a bottomless pit, and thereby utterly destroy, the colossal sum authorized to be expended by the provisions of this bill. My friends, whatever sum of money may be paid to the soldiers is not lost or destroyed by any sort of means. It will go into immediate circulation, and instead of retarding the return of prosperity, in my opinion, it will stimulate and hasten it.

WE HAVE THE RESOURCES.

Mr. Speaker and gentlemen of the House, I challenge the statement that this Nation is in such poor financial condition that it can not afford to make this appropriation. We boast of the fact, and it is acknowledged by all of our contemporaries, that the United States is the richest and most resourceful Nation on the face of the earth. Our national wealth is conservatively estimated at from two hundred and fifty to three hundred billion dollars, whereas our national debt, after deduction of the approximately $11,000,000,000 principal and interest owed us by foreign nations, is only about twelve billion, or less than 5 per cent of our aggregate wealth.

The national wealth of France is considered to be about $58,000,000,000 and her national indebtedness is about $51,000,000,000, or more than 80 per cent of her entire wealth. The national wealth of England has been estimated at about $70,000,000,000 and her national indebtedness at about $37,000,000,000, or 55 per cent of her aggregate wealth. The national wealth of Belgium is estimated at about $12,000,000,000 and her indebtedness at about $5,000,000,000, or approximately 40 per cent of her wealth. The estimated wealth of Canada is about $10,000,000,000, whereas her estimated indebtedness is about $2,250,000,000, or about 25 per cent of her aggregate wealth. Since the war England has paid her soldiers a maximum bonus of $189.54; France, $233.53; Belgium, $492; and Canada, $634.42. If our allies, far more sorely smitten by war's terrible ravages than we, can afford to thus provide for their soldiers, in the name of God and common justice, why can not we?

Mr. Speaker, in October, 1918, it was costing this country to prosecute our war program approximately $30,000,000 a day. The indications pointed to the continuation of the struggle for at least another year, and perchance much longer. No true American then was heard to complain at the cost of the war. United, with our patriotism fanned to fever heat, we had only one purpose, and that was to win the war and make the world safe for civilization. Thanks to the intrepid, indomitable spirit of the American soldier the war came to a sudden conclusion on November 11, 1918. Now, shall we deny to those gallant men who won the war adjusted compensation which will about equal the sum it would have cost us had the war continued three months longer? I know it is difficult to estimate the value of patriotism in dollars and cents or to calculate the price of human sacrifice. But, my friends, the boys can not live on praise alone. While their heroism has immortalized their names, their physical needs remain the same.

OBLIGATION A MORAL ONE.

It is not contended by the advocates of this measure that the Government is under any sort of legal obligation to pay the soldiers a bonus. The obligation is purely moral, and therefore, in my judgment, all the more sacred and binding. These 4,000,000 American boys did not enter the war altogether of their own volition. They were not even consulted as to the practicability or advisability of the war. They were summoned by their Government from their peaceful pursuits—from the city, from the town, from the hamlet, from the mountains, from the field, and from the factory, from every avocation and profession, the very flower of the land—and rushed into the vortex of the most gigantic struggle that the annals of history have ever chronicled or this old world has ever seen.

The beneficent tenets of the 8-hour day did not apply to them, but from daylight to dark and from dark to daylight they served their country in the training camp, on the firing line, sleeping in muddy, vermin-infested trenches, inhaling noxious and poisonous gases, facing deadly machine-gun fire 'midst flying shrapnel, charging through shot and shell under the merciless aim of treacherous aircraft on foreign soil in no man's land. And for this heroic service to their country they were paid the paltry sum of $30 per month. And at the end of the month, after deductions were made for allotments to dependent relatives, for life insurance, for Liberty bonds, and

war-savings stamps, practically nothing was left. While these 4,000,000 American boys were thus serving the colors we at home, secure from all harm and in the full enjoyment of home associations, were receiving the benefits of such an era of prosperity, as a result of the war, as this country had never witnessed before. The price of everything—labor and all articles and commodities of trade and commerce—doubled, trebled, and in many instances quadrupled, and the demand far exceeded the supply. The testimony before the Ways and Means Committee showed that soldiers in the construction of Army camps and cantonments worked as carpenters and other mechanics for soldier pay alongside civilian carpenters and mechanics who were paid by the same Government from ten to fifteen dollars per day. While our service men were undergoing hardships and privations unparalleled in history, those who remained at home were enjoying the comforts of peaceful prosperity, some living in luxury and others accumulating enormous fortunes. Many of the boys were forced by the operation of the draft to give up good lucrative positions which they had attained after years of hard work and efficient service only to return and find these positions filled by others and lost to themselves forever. Of course the small pittance which it is proposed to give them will in no wise equal the monetary loss which they have sustained, but it will at least afford them temporary relief, and at the same time testify in a small measure to the appreciation of a grateful Republic.

HAVE WE SUFFERED A LAPSE OF MEMORY?

My friends, let us not so soon forget the heroic sacrifices and brilliant services of our soldier boys. Let not the American soldier experience the cold irony contained in Kipling's celebrated lines—

I went into a theater as sober as could be,
They gave a drunk civilian room, but 'adn't none for me;
They sent me to the gallery or 'round the music 'alls,
But when it comes to fightin', Lord! they shove me in the stalls,
For it's Tommy this and Tommy that and "Chuck him out, the brute!"
But it's "savior of 'is country" when the guns begin to shoot;
An' it's Tommy this an' Tommy that and anything you please;
But Tommy ain't no bloomin' fool—you bet that Tommy sees.

Whenever we forget the sacrifices our soldiers have made and the sufferings they have endured; whenever we cease to weave garlands of glory for those living and scatter roses and lilies over the graves of those that are dead; whenever we fail to honor the scars of valor which they incurred fighting the battles of the Republic; whenever we cease to canonize the unique heroism which they have displayed in behalf of freedom and humanity—then the glory will fade from our flag and liberty will perish among its worshipers.

Oh, how we sang the praises of these boys in the dark days of 1918 and with what feeling and fervor we declared—yea, we asseverated—that nothing was too good for them. With what admiration, not unmixed with anxiety, we scanned the bulletin boards and read the press dispatches telling of their brave exploits—on the ground, in the air, and everywhere. In our mental vision we behold them now at Chateau-Thierry and Belleau Woods, where the treacherous and bloodthirsty Hun received his first lesson in American courage and American efficiency in arms, administered in typical American fashion by the indomitable American marines. We see them along the Marne crimsoning its waters with their own precious blood. We see them scaling the heights of St. Mihiel and charging through the Argonne, that great Golgotha of human sacrifice and human suffering. And finally we see them utterly amaze the cohorts of the Kaiser by knocking the supposedly impregnable Hindenburg line into a veritable "cocked hat." During those anxious days we went down into the very "shadows of the valley" and on bended knees, as it were, solemnly covenanted with ourselves that the gallant sacrifices of these brave lads must not go unrewarded. Was it only idle, empty sentimentalism that gripped our hearts and misted our eyes in those trying days? Surely not. But, Mr. Speaker, it is time to abandon simply "lip service" and empty adulation and show the boys some substantial manifestations of the country's appreciation.

THE FUTURE UNKNOWN.

Mr. Speaker and gentlemen of the House, one of the chief inspirations of the American soldier in the past has been the self-assumed assurances that a grateful Government will be generous to him or to his dependents in the event of his misfortune. No one knows what garments may be woven in the loom of the future. No one knows when nor from what source our next war may come. Representatives of the greatest powers of the earth recently sat around a conference table in this great Capital City and evolved an agreement which apparently greatly minimizes the possibilities of war, so far as we are concerned, for a generation. To all intents and purposes, we are standing upon the threshold of an era of enduring peace. Yet, my friends, when we reflect upon the history of the past, with the knowledge of the envy and the avarice and the ambition that afflict the races and nations of the earth, we realize that we have no absolute and certain guaranty against war. A few years ago, with perfect composure, we read in the newspapers one day an account of the assassination of an Austrian prince by a youthful political fanatic. Little did we dream then that this far-away tragedy would be the match that would ignite a conflagration that would set the world on fire and ultimately involve us, the most peaceful Nation on earth, 5,000 miles removed. I pray God we may never have another war, but if we should, perhaps it may proceed from a source just as remote. Napoleon Bonaparte, the greatest military genius in the world's history, predicted that the time would come when the world would either be all Cossack or all republican. Lothrop Stoddard, recognized generally as an expert and authority on the eastern question and author of the "Rising Tide of Color" and the "New World of Islam," declares that events in the Mohammedan world are moving with incredible swiftness toward a crisis. He predicts that if the Moslem millions hurl themselves against Europe, Bolshevism will support the banner of Islam. Of course, if such a cataclysm should come America would be inevitably effected. Lord Northcliffe, the great English publicist and perhaps the greatest statesman of the age, has just concluded a tour of the world on which he made a careful study of world conditions. In a published interview, full of dread forebodings, he called attention to the racial, religious, and political prejudices which he observed in his travels. He confirms the opinion of Stoddard that the Moslem nations are marshaling now preparatory to a contest for world supremacy. We do not know how soon we may call upon the boys again to rally to the colors. God forbid that we shall ever be forced to again summon them to arms; but if we must, let it be understood by example that any man that comes to the relief of the Nation in times of the Nation's stress may expect similar relief at the hands of the Nation "when his evil day cometh."

Mr. PATTERSON of New Jersey. Mr. Speaker, I intend to vote for H. R. 10874, to provide adjusted compensation for veterans of the World War—the so-called bonus bill—simply as a matter of justice to the 4,000,000 young men who helped to carry our flag to victory, stopped the onrush of the Hun, and saved the world to civilization. Their task was no light one, and was bravely and valiantly done, and in my humble judgment those who fought for us and who were willing to die for us are entitled to their reward.

If I thought this bill was putting a premium on patriotism, as is so often carelessly said, I would vote in the negative; but I can not conceive by any stretch of imagination that such a result is accomplished. The history of all warfare from the earliest recorded time shows that grateful nations rewarded their heroes with gifts of many kinds, and while in the olden days it was the custom to allow the victors to pillage and loot and carry off the spoils of war, the modern rules of warfare prohibit such methods. A grateful Nation rewarded the immortal Washington and his ragged heroes, and the defenders of 1812 and the conquerors of Mexico in 1848 were not forgotten by their compatriots. The participants in the Titanic struggle of 1861 to preserve the Union of States were the recipients of bounties and bonuses, and Uncle Sam has been fairly generous to the survivors in the way of pensions. All this is as it should be, and I am confident that few, if any, of the soldiers of the late World War will be insulted if the representatives of the sovereign people attempt to partially compensate them for the hardships they endured or the material benefits they lost in responding to the call for the defense of civilization and the saving of this country from probable invasion.

During the war we paid bonuses to our Government employees and to our policemen and firemen and other civil workers, and the wages of workmen in the various industries reached unheard-of heights. Why, then, deny the men who fought our battles some adjustment of the compensation that is rightfully due them?

Is this Nation, with its three hundred billions of wealth, too poor to make payment of a debt that is due those who lost so much? The alarmist cries that we already owe $25,000,000,000 and that the soldiers' bonus will add five billions to that sum, disturbing economic conditions to such an extent that business will be retarded and nothing but disaster can be seen in the offing. Our allies owe us ten or eleven billions—with which money borrowed from us they paid their own soldiers a bonus—and if this was repaid we would be in debt less than $20,000,000,000. Any firm that possesses assets of three hundred billions and has liabilities of less than one-fifteenth that amount would be considered pretty safe in financial circles and not in much danger of bankruptcy.

Personally I favored a bond issue or a sales tax to pay the soldiers who want a cash bonus, but as under the rule I can not vote for such an amendment, I am willing to take the plan that is offered rather than have no plan at all.

Practically the cash feature is eliminated and a 20-year endowment insurance policy is substituted, worth three times its face value at maturity and negotiable at a bank for a loan under carefully guarded conditions. No bank is compelled to loan on these insurance policies, but it is not likely that many will refuse to do so if they are presented by patriots in distress who need temporary aid and assistance. The cry is that such loans will be "frozen credits" and will keep money from business enterprises that need it to bring the country back to normalcy. The banks practically provided all the funds for all the Liberty and Victory loans, and after the war bought these securities at the depressed market price from the public, scared by propaganda and eager to realize on them at a discount of 12 per cent. Many banks made thousands of dollars by sustaining the credit of the Government in purchasing these bonds, and the Government itself went into the market and bought its own bonds below par. To say now that the banks could not finance a proposition one-tenth the volume of the task they successfully undertook during hostilities is too absurd to need denial.

But to return to the subject of the justice of the claim of the men for adjusted compensation. During the war I was a member of Camden County, N. J., No. 1 draft board from the beginning to the close of hostilities. This was one of the few draft boards that served without compensation and paid its own expenses—with the exception of clerk hire—as the members considered that the Government was under enough expense, with the contractors grabbing for every dollar in sight. In that service to the Government I had a rare opportunity to observe the difference in compensation paid the soldiers and the slackers. Some of the men sent to the Army by the draft boards were, perhaps, unworthy from some standpoints. In the larger cities the idle, vicious, and those criminally inclined were included in the draft, as well as the hard-working and honorable young men. But who among us could have separated the sheep from the goats? Some of the men drafted probably never had made over $30 a month, but a majority of those drafted by our board averaged $30 a week, and some as high as $60 a week. The Government paid them $30 a month and deducted $15 a month for support of dependents, $5 a month for insurance, and $5 a month for Liberty bonds, leaving $5 a month for luxuries and cigarettes, the doughnuts that they got being a gift from the Salvation Army lassies.

On the other hand, our draft board was compelled by the law to put on the exempt list hundreds of able-bodied young men who were sent to the shipyards and munition factories where they drew $10 a day, and the contractors, on the 10 per cent plus agreement, received $1 a day for each of them for keeping them out of war. That is the fly in the ointment with the service men. While they were wearing khaki and eating beans, the slackers were buying silk shirts and sirloin steaks.

Had the draft law been universal in its application there would now be no need of an adjusted compensation law. Do you suppose for one moment that if you had paid the soldiers $10 a day, as was paid many a slacker, you would be asked now to adjust the compensation of the service man? Had such a course been pursued the national debt would have been nearer $50,000,000,000 than the present $23,000,000,000, with a prospective increase of $2,000,000,000 under the bill under consideration.

The only people I find against the bonus bill are representatives of the big financial interests who fear a return to the surtaxes and excess profits of the war-time income tax law, but as that danger is past, we can dismiss that ghost of the dark days without further comment.

The plain people favor a bonus for the soldier, as is evidenced by the overwhelming majorities in favor of the plan in those States which have taken a referendum on the subject. One protestant against the bonus, who does not live in my district, threatened me with defeat of the Republican Party by the votes of himself and wife and four servants if I dared to vote for the bonus bill, and I answered him by recommending that he dispense with one of his servants and devote the wages of that employee toward compensating the men who had two years taken out of their careers because of their devotion to the cause of liberty.

Some people are mean enough to say that the war was a mere picnic and a joy ride, and that at the best it was a wonderful adventure in which anyone should have been glad to have participated, but I notice that these people were among those who never got further than the station to say "good-by" to the boys on the way to camp, when the latter were surrounded by sobbing and heart-broken relatives who were sure their loved ones would never come back.

It has been charged that I will vote for the bonus bill in the hope of making votes for reelection. That charge is about as base as is the one that the members of the American Legion are selling their patriotism for a mess of pottage. Owing to the propaganda circulated by the financial interests through the New York and other papers controlled by them, it looks as if those who vote for the bill will lose as many votes as they will gain. It is merely another case of being "damned if you do and damned if you don't."

From the threats contained in the press, I figure that I will lose more votes than I will gain. Therefore I draw the deduction that I will vote for the bill as a matter of principle. My party platform and my personal pledges based on that platform commit me to adjusted compensation for the soldiers, and I fully intend to attempt to keep my pledges to the people, however short my career in Congress may be.

The great trouble with the people of the country to-day is that they expect the Republican Party to undo in 12 months all the mischief perpetrated by the waste and extravagance of a Democratic administration in power for eight years. That is an impossibility except for miracle workers, and evidently we are not in that class. We will be fortunate if we can get back to normalcy in the four years of the wonderful administration of President Harding, which has opened so auspiciously. This Republican administration has already cut the expenses of the Government from six billions annually to approximately three billions a year, and the Director of the Budget and the Appropriations Committee have apparently just started to work. Of that three billions, over one-third is necessary to pay the interest on the war debt, and $500,000,000 are being spent in caring for the soldiers who were disabled or are suffering from the effects of the great conflict. The Army and the Navy and pensions absorb another billion, and a careful analysis will show that the running expenses of the Government are almost back to a prewar basis. To my mind, the work of reconstruction on the part of the Republican Party has been remarkable, and I am confident that under the lead of President Harding and the able statesmen in his Cabinet and on the floor of the Senate and House of Representatives, that a way will be found for our people out of the present slough of despond and that instead of the threatened deficit in the Treasury, owing to the slump in the receipts from income taxes, there will soon be a surplus for the Democrats to squander if the evil day ever comes again to put them in charge of the Government.

Mr. BOND. Mr. Speaker, this bill may be approached from two different angles. That it is a bonus, a gift, a gratuity from a grateful Nation to its victorious soldiers, or that it is adjusted compensation to equalize in a measure, at least, the difference between those who served in the armed forces of the United States with those who remained at home. From the first viewpoint it may be likened to the action of a great business corporation which has had a prosperous year and which makes a return to its faithful employees over and above their fixed salaries or wages, as an appreciation of good services rendered, and to keep up the "esprit de corps" of the organization. Looking at it from this viewpoint, the United States Government during the years 1917 and 1918 was embarked upon the greatest enterprise of its history, to wit, to win the war. The employees, the soldiers and sailors were most faithful and effective. Through their enthusiasm, vigor, strength, and indomitable courage they brought the war to a successful issue months and perhaps years earlier than it would have been otherwise. Had the war lasted but six weeks longer it would have cost the United States in money alone more than this proposed bonus legislation will cost. The United States Government then, looking at this matter as a great business corporation might look at it, might well say such faithful services should be remembered and rewarded by a bonus, a gift, a gratuity over and above the amount of the fixed compensation. Of course, there was a patriotic duty on the part of these boys to render the service, and of course there is a duty of every employee of a great corporation to render full and faithful services in return for salaries and wages received. It is not a price for patriotism any more than the bonus given by large corporation is a price for loyalty. Patriotism to the country and loyalty to the employer are duties which legally and morally require no added compensation. But big business gives such bonus; the country may well do so.

Looking at this question from the standpoint of adjusted compensation, which is in accordance with the views of the American Legion and most of the proponents of the legislation, we have this situation. Approximately 4,000,000 of a total of

24,000,000 of the men in this country who were registered in the selective draft were in the armed forces of the United States during the war. The privates in the Army service received $30 per month.

The right to contract or to appeal for higher compensation was denied them, and properly so. Those who were not under arms retained their freedom to contract, could work for whomsoever they pleased, whether for essential industries or not. They could sell their services to the highest bidder. Wages and salaries during this period greatly increased. Those who stayed at home received the benefits of this increase. Our soldiers and sailors did not. Many of those who stayed at home were engaged in the manufacture of munitions, shipbuilding, and other industries which produced those things necessary to win the war. They were told that their services were just as essential to the success of our arms as were those of the men in the trenches. Upon the return of the soldiers they learned that many of those who remained at home made $10, $15, or $20 per day. A striking contrast as against the $30 per month received by the soldier. Had all of our male citizens between the ages of 21 and 31 been drafted, and those required for the military forces used for that purpose and those not so required used in essential industries, no inequality would have arisen. Whatever may be the viewpoint of those opposed to the bonus it must be admitted that this inequality would and did quite naturally result in dissatisfaction on the part of the returned soldier. The so-called bonus bill is an effort to somewhat relieve this discrepancy between the pay of the soldier and the pay of the "stay-at-home." From a practical standpoint, it is impossible to adjust this difference correctly or indeed even approximately, but it is an effort, a conscientious effort, to show these returned soldiers that the country is willing and anxious to do what it can to equalize this difference, and so it is that we have two viewpoints. One that this money is a pure gift to the soldier in grateful appreciation of splendid services well rendered, and, secondly, that it is an attempt to adjust financial differences between the soldier and the "stay-at-home." In either view it means to me that this country, the wealthiest country in the world, whose material resources were actually increased during the World War rather than decreased, should make this gift or adjustment. In coming to this decision I recognize the sincerity of the position and the force of the arguments in opposition to the bonus. I fully realize that a bonus can not be given without the country having to pay for it and the financial obligations of the country are already great and hard to meet. I can well see why the men of large means, the leaders of industry of this country, view with alarm this legislation. Unfortunately, under our present system of raising revenue, by means of an income tax, 5,000,000 of the people pay for the running of the Government of 105,000,000.

The industrial leaders of the country can well be fearful that this might mean a return of the obnoxious excess-profits taxes, a tax which, in my opinion, is not only not good for the business men but is distinctly bad for the entire people. While the present Congress has reduced the surtaxes from a maximum of 73 per cent to a maximum of 50 per cent, this is not enough. I took pleasure in voting to reduce the surtaxes to 32 per cent. I think this is high enough and should never be permitted to go higher. I did this not because I am in favor of the rich as against the poor or that I am in favor of any one class as against the other, but because I believe that in the long run it works to the detriment of the whole people to have these surtaxes so high. It tends to drive men who have large capital which would otherwise be used in productive enterprises and in the employment of thousands of men into buying tax-exempt securities. It keeps money which would naturally be used in the encouragement of new enterprises out of them, and this prevents many from obtaining profitable employment. Although these high surtaxes may seem to make the rich pay for the expenses of running our Government, this is apparent only and not actually. The people as a whole suffer by this method. If the expenses of this bonus could be spread among the whole of the people, comparatively little opposition would have developed. It might well have been raised by some form of a sales tax by which all would pay in an amount so moderate as not to have been seriously felt by any. I believe that all the people under a republican form of government are willing and desire to pay their fair portion of taxation for the carrying on of the work of the Government. We recognize, of course, that taxes should be somewhat in proportion to wealth, but I think we should also recognize that our laws should not be so framed that the well-to-do pay all the taxes.

The bill under consideration has been so framed as to meet with the approval of the veterans of the late war and yet at the same time it has been so worked out as to be as little detrimental to the industrial welfare of the country as is possible. The principal benefit provided by the law is the so-called service certificate, which is, in effect, a 20-year endowment policy, with suitable loan provisions. The payment of this gift or adjustment is therefore spread over a period of 20 years in such a way as not to seriously handicap the finances or business of the country. By means of loan values provided in the certificates the veteran in urgent need of funds for immediate use may obtain them.

And so it is that while recognizing fully the force of the arguments against the bonus and taking into full consideration the present financial condition of the country and its obligations created by the war, I have come to the conclusion that, all things considered, this bonus bill should have my approval and my vote. While the problem has not been one free from doubt, after most mature consideration and deliberation I can not in conscience do otherwise than support this measure. I do this freely and without mental reservation, without regard to whether it will make votes or lose votes. I believe the country owes its soldiers fair and generous treatment, and only regret that this action should not have been taken more promptly and in such a spirit that our returned soldiers would feel as I know they do feel, that the country is truly grateful for the great services they have rendered.

Mr. LUHRING. Mr. Speaker, it has been frequently said, both in and out of Congress, by those opposed to the payment of a bonus to the ex-service man that those favoring the proposition were actuated solely and alone by political motives, and that the bill would pass because the Members of the House seeking reelection would vote for it in order to curry favor with the soldier. For my own part I resent this gratuitous insult, which would impute most unworthy and despicable motives to the great majority of this membership. I am a candidate for reelection, but my reelection does not depend upon my vote in this particular instance. The ex-service men of my district have had ample proof of my interest in their welfare, not only by the record evidence of my votes in favor of every measure for the betterment of their condition but also by actual service rendered them in the collection of insurance, the adjustment of compensation, and in having them properly placed for vocational training. I have made their troubles my own, and not a day passes without my having taken up some matter for an ex-service man or his dependents with the Veterans' Bureau. In this I have had the active cooperation of friends in the various departments of the bureau, and quick and successful results have followed my efforts. The ex-service man in my district knows this, and he is grateful, too, for the assistance I have so freely and cheerfully given. His letters tell me that and assure me of his support in the coming election.

Of course I shall vote for the adjusted compensation or bonus bill, whichever gentlemen may choose to call it. I vote for it because it is fundamentally right. I vote for it because I am unwilling to say that the splendid services rendered by the boys of my district are not worth $2 per day. I vote for it because I am unwilling to admit that war contractors and stay-at-homes are the real patriots, and they alone are entitled to the consideration of this Government.

Here is a bill that meets with the approval of the ex-service man. It provides substantial recognition of his services—services that he was compelled to render for the most part on foreign soil—and enables him in a measure to provide for his immediate needs.

Mr. SMITHWICK. Mr. Speaker and gentlemen of the House, in availing myself of the privilege accorded to the Members of the House to extend in the RECORD their remarks on the adjusted compensation bill for World War veterans, I wish first to say that I do not approve of all the provisions of the bill, especially the loan-certificate feature. But under the "gag rule," as applied by the majority, those of us who want to vote for some sort of a bonus bill must take this or nothing, and while it has its objectionable features, my own notion is that it has in it more good than bad.

In behalf of the veterans of my district, I want to say that not a post of the American Legion nor an individual soldier nor any other person, for that matter, in the whole third Florida district has written me in behalf of the pending measure. This does not mean that they are not interested in it. Many of them actually need and want this bonus. Only eight persons in the whole district have ever written me in opposition to the bill. My position, therefore, in behalf of the adjusted compensation is my own conviction after having given it serious consideration.

Ours is the richest country on earth, with the smallest percentage of public debt in proportion to its national wealth, and certainly should provide as well for the World War veterans as

any nation on earth. The truth is that all the principal nations of the World War have done more for their ex-service men than we have done for ours.

Great Britain, with a public debt of 53 per cent of its national wealth, has provided an adjusted compensation of from $142 to her privates to about $7,000 to her officers. Devastated France, with a public debt of 80 per cent of her national wealth, has given adjusted compensation of $249 to her soldiers. Little Belgium, mercilessly plundered, with a public debt of 87 per cent of her national wealth, has provided adjusted compensation of $492. War-torn Italy, with a public debt of 85 per cent of her national wealth, has paid her veterans $64. Canada not only paid her privates $600 and her officers $972, but made monthly payments to the men after discharge until they secured employment, and also advanced them money with which to buy farms. And the United States, with an estimated national wealth of $280,000,000,000 and a public debt of only 8 per cent of the national wealth, has paid her ex-service men only $60.

Why have all the principal nations in the World War made provision to pay their fighting men more than their service pay? It was in response to a world-wide sense of justice because conditions at home were similar in many respects in all of the nations engaged in the war.

When most of the able-bodied men were called to the colors, with the demand for labor intensified in all industries, wages increased to the highest point in history. The men who were not called into service earned from $5 to $10 and more per day, while the men who were called upon to face the firing line received only $1 per day. When the deductions for war-risk insurance, family allotments, and Liberty bond payments are considered, the boys in the service had little more than $8 per month left from their dollar-per-day pay. The same conditions that required these men to go to the front brought about a situation that produced in this country 30,000 millionaires while the war was on, which, to my mind, plainly shows that while these men were at the front fighting for the flag somebody was profiteering on their people back home. These profiteers ought now to be willing to give up a part of the enormous wealth they accumulated out of these unfortunate conditions in order that the veterans, who returned to their homes without money and to find no jobs, may have their compensation adjusted.

This Government has recognized the principle of adjusted compensation to the business interests in the country, and the Congress has appropriated over $3,000,000,000 for claims on canceled war contracts, not including the amount paid to the railroads for guaranties of pre-war earnings. The men who represent these interests, and who have received their adjusted compensation, are largely the ones who are responsible for the propaganda against a square deal for the soldiers, sailors, and marines.

The propaganda in opposition to this bill that has swept through this country originated largely with those who are in favor of the cancellation of the debts owed us by foreign nations. They want these debts written off of the books in order that they may the more quickly receive payment on the obligations they hold against foreign Governments.

I am unalterably opposed to the cancellation of one penny of the interest or the principal of any of the foreign debts owed to these United States. It would be a crying shame for this country to neglect its own veterans while canceling debts amounting to something like $11,000,000,000 owed by people who are taking our money and paying their fighting men more than we will pay ours, even if the bill under consideration becomes the law.

Mr. LAWRENCE. Mr. Speaker, I have listened to the arguments both for and against the matter of adjusted compensation until it seems to me that the memory of some of our people and their legislators is very short. It should require no great effort on the part of anyone to recall those days that saw America enter the lists against the Kaiser, and her sons forsake their vocations and the positions they had won for the training camps and the battle fields of France. Who paused then to think of expense? Truly it was no time to think of such. While those who stayed at home reaped the profits of high wages and contractors robbed the Government with their cost-plus system of contracts, these boys sailed away to such hardships as you and I will never know. How we cheered them. How our hearts thrilled with pride as we bade them farewell. To many of them it was a last farewell, and you and I did not know but that it might be the last for each of them. Gone were their positions, the large salaries, and business profits that fell to those who stayed behind. Thrown out as a barrier between us and the war lord of Europe these men received the sum of $1 a day, out of which they were asked to subscribe for Liberty bonds. Did they do it? You know they did. Nothing was too much for them to give. They responded to the extent that many of them only drew cash to the amount of $7.50 per month, out of which they could save nothing. Those that were spared, many of them incapacitated, returned to find their positions filled by others, the cost of living more than doubled, and, although their bonds for which they had sacrificed many comforts and necessities had greatly depreciated in value, they must needs sell them in order that they might live. Approximately $10,000,000,000 of the money derived from the sale of bonds, to which these soldiers subscribed millions of dollars, was advanced to our allies, and, I would call to your attention, that in doing so our boys indirectly aided in the payment of a bonus to the allied soldiers. For, while our soldiers received as bonus the princely sum of $60 each, England paid her soldiers $190, France $249, Belgium $492, and Canada $631. Are you proud that we, the richest Nation on earth, with all our vast resources, have paid our ex-service men the smallest bonus of any of the allied countries? Then why hesitate to pass this bill, designed to discharge a part of our obligation to these ex-service men? Who can deny the obligation?

What do you suppose is the reason behind all this propaganda that decries the "placing of a price on patriotism," broadcasted through the large newspapers of the country and by the chambers of commerce. Is it their interest in the economy of Government expenditures? They would have you think so, but that can not be their reason, for it was from this same source that now so greatly magnifies the cost of this payment there came appeals to repay the railroads, the shipbuilding companies, the men of big business for the money lost to them during the war. Anyone and everyone who had any kind of a contract or implied contract besieged Congress to reimburse them for losses which I am constrained to believe in many cases were imaginary. It cost the Government $40,000,000,000 in actual cost alone to carry on our part of the war, and it does not seem plausible that those firms with whom the Government contracted should have suffered such heavy losses.

Gentlemen, what of the cost that would have been ours if the courage and daring of our boys in France had not brought the war to a close so much sooner than any of us deemed possible? Three months more of war would have cost us a great deal more than the sum entailed in the payment of this bonus. Those who profited most by the war would have you believe that the majority of the people are not in favor of bonus legislation, and again I take issue with them. The rank and file of our citizens desire to do justice to the World War veterans. The average man does not atempt to belittle the service they did for him and his country. It is not from his slender savings but from the money sacks of the profiteers that the dollars come the hardest. I know that in my own State of Missouri, as well as in many others, bonus legislation has been adopted by popular vote and overwhelming majorities, and in those issues the same arguments were used that have been employed on the floor of this House, "that it would be too heavy a burden on the taxpayer," "that the ex-service man would squander the money," "that it would be of no benefit," and many other arguments which had best be termed excuses.

Gentlemen, I honor the ex-service man. I do not consider him as a waster, a spendthrift, a vagrant. The service man of yesterday will be the business man, the Congressman, the Senator of to-morrow, and he can, I believe, put the sum received to as good a use as any man. Let us not forget the burden of debt that might have been ours had not his disregard for death and suffering so quickly ended the Kaiser's dream. Had Europe been conquered, think of the task we should have had to turn aside that march of a world empire. The question, then, resolves itself into this: "Do we owe them?". Our allies have recognized, and have in part discharged, their obligation to their ex-service men. There are none deserving of more credit than the American soldiers, who were instrumental in so large a degree in bringing the bloody conflict to a speedy close. I therefore give this measure my hearty support.

Mr. VOLK. Mr. Speaker, at various times different plans have been suggested and bills introduced to grant the ex-soldiers adjusted compensation or a so-called "bonus," in recognition and as evidence of the gratitude on the part of the American people for their wonderful services during the late World War.

During the first session of the Sixty-seventh Congress I introduced an adjusted compensation bill which provided for the issuance of Government bonds, tax exempt, drawing interest at 5 per cent, negotiable, and maturing at the end of 20 years. It also provided for a paid-up insurance policy based on single premium rates.

During the second session of the Sixty-seventh Congress I introduced a bill containing substantially the same fivefold plan which has just passed the House of Representatives, with the

exception that the veteran could, if he so desired, receive his cash payments in quarterly installments of $100. The necessary funds were provided for by means of a manufacturers' sales tax of 1½ per cent limited to two turnovers. This bill was patterned after the Canadian sales tax, which has received so much commendation, and worked out so satisfactorily for the Canadian people; so much so that it is called the "painless tax."

The fact that the adjusted compensation act would pass was never in doubt. Yet subsidized newspapers made bitter attacks on the proposition. It was called at different times "a raid upon the Treasury" or "an attempt to purchase the veteran vote." Neither of these statements is worthy of a moment's consideration. No one knowing the character of the men, and surely it is not claimed that they have changed since the war, expects that such a statement will be taken seriously.

Again, it was said that the financial condition of the country would suffer if we provided for the payment during the year of $500,000,000, the estimated amount necessary to provide for four quarterly cash installments of $50 to each veteran choosing the cash plan. It seems strange that no such argument was advanced when we paid $500,000,000 to the railroads of the country, nor when we provided $3,000,000,000 under the Dent Act to take care of the canceled war contracts, nor is anything said of the strain occasioned by the payment at present to Government civilian employees of a $240 bonus each year. Neither is it suggested that the failure of our allies to pay the interest on their war debts contributes in any way to the present financial depression. Wherever the question of the payment of adjusted compensation or bonus to the ex-soldier has been submitted by referendum to the people they have overwhelmingly and often by a majority of 3 to 1 voted in favor of granting it.

However, the bill is certain of passage in its present form, and I believe that a short statement of what it provides for the ex-service men coming within its provisions would be of interest.

There are five plans. The ex-soldier who is entitled to less than $50 receives cash. If the amount is above $50 he receives an "adjusted service certificate" of a face value equal to the sum of the adjusted service credit, increased by 25 per cent, plus interest thereon, for 20 years, compounded annually at 4½ per cent. This, it is estimated, is equal to 3.015 times the adjusted service credit. The certificate begins to run from October 1, 1922. At the end of 20 years the amount will be paid to him if alive or, if he dies sooner, becomes immediately payable to his designated beneficiary or estate.

At any time within three years he may borrow 50 per cent of the face value of the certificate at any bank using his certificate as collateral and giving a promissory note. This amount, however, must be paid back by the end of the three years. After October 1, 1925, the certificate may be pledged with any postmaster, and before October 1, 1928, the borrowing value is 85 per cent of the sum of the adjusted service credit of the veteran plus 4½ per cent from October 1, 1922, to the date of making the loan. After October 1, 1928, and prior to October 1, 1942, the borrowing value is 70 per cent of the sum of the adjusted service credit, increased by 25 per cent, plus compound interest thereon, at the rate of 4½ per cent per annum, from October 1, 1922, to the date of making the loan. The certificate is not otherwise negotiable or assignable, and may not be used as security for any loan except in the way above provided.

Section 308 provides:

> No sum payable under this act to a veteran, or to his estate, or to any beneficiary named * * *, no adjusted service certificate, and no proceeds of any loan made on such certificate, shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation.

If the veteran defaults in his payments of interest or installments of the principal of the amount borrowed, the certificate is canceled and he receives back the difference up to 80 per cent of the face value of his certificate.

The third plan provides for "vocational training aid" unless the veteran is receiving training under the vocational rehabilitation act, and he receives $1.75 for each day of his attendance on a course of vocational training, but the total payment shall not exceed 140 per cent of the amount of the adjusted service credit.

There is also "farm" or "home aid" under which to enable the veteran to purchase or make payments on a home or farm or to make improvements on a city or suburban home the veteran receives in one payment or in installments his adjusted service credit increased by 25 per cent. The fifth and last plan is "land settlement aid," which provides for settlement projects on reclaimed lands.

The passage of the bonus bill is merely an act of justice on the part of the Government, and is the discharge of a moral debt owing to the men who stood ready to give everything they possessed, even to sacrifice their lives, in order that the war might be brought to a successful finish.

It is not a bonus but an adjustment of compensation. The men who participated in the war returned poorer than when they left, while their fellow workers stayed at home, took advantage of the condition of affairs then existing, and reaped the benefits of the prosperous times.

We can attempt in a way, though not entirely, to equalize this difference. The passage of the bill will go far toward quieting the feeling on the part of the millions of our ex-soldiers that the people were not sincere in their statements made during the excitement of the war, "There is nothing too good for our boys."

This adjusted compensation act is an insurance policy against future unrest and dissatisfaction. There is hardly any doubt of its early passage by the Senate, and it will show to the ex-service men that further interest in them on the part of the Government did not cease with the end of the war.

Mr. GAHN. Mr. Speaker, in listening to the remarks of certain Members of this House it occurs to me that the opposition to the bonus bill has drifted far from the true course of righteousness and fair dealing.

Not one of them back in the days of October and early November of 1918 would have thought, much less suggested, that the soldiers, sailors, and those doing and helping the intense fighting which was bringing the World War to a victorious close were not deserving of every ounce of our country's resources. We would every one have given our all to them.

Let us not heed their admonitions now; let us hark back to those wonderful and glorious days and do our duty toward them who made it possible for our grand Republic to go forward, as it is, for the world's civilization and betterment, yea, a world of peace.

Some Congressmen say that their "lamp of conscience" must be their guide when voting against the bonus.

But it is my firm conviction, whether they know it or not, those Congressmen are upholding the malefactors of big business.

Scan the list of those who oppose the bonus and it will be found that many are wealthy or have represented wealth.

And again, let me ask, where were the "lamps" of those conscientious objectors when Congress voted to pay $3,000,000,000 raised by taxes to manufacturing enterprises on their contract losses because the war prematurely ended, cutting off their profits?

Where were their "lamps" when the iniquitous tariff bill rode the skids through Congress?

Where were those "lamps" when the big dye monopoly was given a complete embargo, forcing up the price of clothing?

Where were those "lamps" when the railroads were given paternal guaranties of profits when the Government turned them back after the war?

My guess is that the "lamps of conscience" in those cases were hidden under a bushel or else put out entirely.

The whole opposition to the bonus comes from big business, including the 23,000 millionaires made during the war, the very ones who profited most from the blood and valor of the boys who fought, fought in hardship and deprivations for one dollar a day.

But, thanks to patriotic and sympathetic Congressmen, the bonus bill will pass.

Though it is not a bill which will satisfy all—no law ever was passed that did—it is one which will, partially at least, do something toward making an adjusted compensation to those who fought for our country.

The propaganda that the country's business and finances will be ruined is all bugaboo.

All our allies in the war have paid much higher bonuses than this bill provides, and those allies are on the average in debt to the extent of 50 per cent of their wealth. The United States' debt is but 7 per cent.

Besides, Ohio, and especially my district, is for the bonus, and I am but reflecting their wishes when I vote for it.

It may be that the big majority who are going to vote for this bill are all out of tune; time will tell. But at least we shall vote according to our convictions, and the only "lamp" we shall follow is that of justice.

Mr. GERNERD. Mr. Speaker, while listening to the many eloquent speeches that have been made to-day in support of this just and well-considered bill, my memory wandered to a scene that occurred in my home city in Allentown, Pa., on that summer's morning when our first boys assembled at the court-

house to take leave on that fateful journey that took them thousands of miles away from the environment of their childhood, to fight the cause of a secured civilization. As the hour arrived for departure the streets were crowded with anxious, nervous, and sympathetic people whose emotions were intense and upon whose faces could be read the thoughts that were coursing through their troubled souls. There was martial music to cheer and comfort the boys and their loved ones. Down the streets came the boys with fathers and mothers, brothers and sisters by their side, carrying a few small packages containing the last morsels prepared with a mother's care, to comfort them on their way. There was a "Good-by, Bill," "So long, John," "Good luck, Harry," and here and there a sweetheart was clinging to the shoulders of a strong rugged youth, slowly bidding farewell with kisses that never before were as sweet or possessed so much meaning. The bugle sounded and in a few minutes thereafter the boys started on their march, followed by thousands of citizens. The march to the station seemed short, but none shall ever forget it, for every step was marked by the sacred tears that fell from the cheeks of accompanying friends and relatives. Never have I seen boys so brave as they, whose very hearts must have been at the point of breaking, as they marched on amid the surging crowd and sobbing mothers. But it was soon to be like the passing of a stirring dream, the station reached, the train in waiting, and in double-quick time they boarded. One great mass of humanity stood there, friends and parents were lost in the crowd, and as the engine sent forth its shrill, penetrating whistle, the inevitable hour had arrived, and the wheels of fate carried them forth amidst the tumult of shouts of farewell and Godspeed. All eyes followed that moving train until it was lost in the distance.

Many of those boys are now sleeping on the hillsides of France, close by the scenes of immortal combat. Others returned with scars of honor, while many are vainly struggling to resist the progress of some insidious disease that has been harassing their impaired bodies, which were shattered by the terrible exposures to indescribable hardships experienced in the trenches and in action.

The 16,000 boys from my congressional district were but a small part of our gigantic army of heroes, but I know that they did their full part in the great adventure.

During those stirring days while they were experiencing all the hellish machinations of war, those of us at home were anxiously, fearfully exerting all our efforts to raise the sinews with which to win the war. All of us felt an intense feeling for our brave boys, and we pleaded from the pulpits, the street corners, the movies, and the theaters to keep on giving until it hurt. The people responded, and all felt a patriotism never before experienced, for we appeared to rededicate ourselves to the cause of international liberty. It was grand. It was noble. It was heroic. The prayers of our fathers found expression in every American heart.

Now that that marvelous young manhood has again returned to the peaceful pursuits of American life, shall we withhold from him the mild expression of our gratitude? Shall we prove unfaithful to the high purposes that we gave utterance to when we bade them Godspeed? I for one, as a Member of this great American body, shall stand by them however inadequate this bounty may be. I shall vote for this adjusted compensation bill. Many have said we can not pay; others allege that we are commercializing American patriotism; still others would have us believe that we would plunge the Nation into a financial abyss. But not one of these presumptions has any real merit. How can it be said that a nation whose national resources are conservatively estimated at more than $300,000,000,000 can refuse to give a listening ear?

In 1910 it was estimated by the United States Treasury Department that the total wealth of the United States was $187,739,071,000. And the estimate of our national wealth in 1920 is from $300,000,000,000 to $450,000,000,000, or an increase during the past 10 years of approximately $113,000,000,000. Therefore the amount that we propose to give to our boys is a little less than 1 per cent of the increase in the wealth of our people during the period from 1910 to 1920. Truly, this can not be said to be an extravagant expenditure.

Shall the richest Nation in the world turn a deaf ear to the appeals of her warrior sons at a time when thousands are in great need? Are we less appreciative than Canada has been, who gave to each one of her boys the sum of $634.40, while Belgium responded by giving her veterans $498. We propose to give to each one of our boys the sum of $465.50.

No one is insensible to the present business depression, and the great burdens of taxation that we all must bear. But we all are sanguine in the belief that this condition will soon disappear and that the great dynamic energy of America will again assert itself, when new wealth and production will more than meet the exactions of the National Treasury. For this very reason a cash bonus has not been deemed advisable at this time, and the present bill was conceived and drafted into legislative form. I feel confident that the provisions of the bill can be met without levying additional taxes until the expiration of the next three years, by which time we hope to receive enough interest upon our foreign debts to make it unnecessary to exact this anticipated burden.

There appears to be considerable confusion in the minds of many people as to what this bill undertakes in behalf of the ex-service men, and I shall endeavor to set forth three of its principal provisions.

1. The benefits of this bill are not subject to attachment.

2. The soldier entitled to an amount not in excess of $50 will receive cash for the full amount due him.

3. The most important provision of the bill is the one which provides for the issuance to the soldier by the Government of an insurance certificate dated October 1, 1922, covering the amount due him. The maximum number of days for which adjusted service credit will be given is 500 over and above the 60 days for which he has already received additional compensation under the provisions of the revenue act of 1918. This credit is established on the basis of $1 per day for each day of service rendered on this side and $1.25 per day for each day of service rendered on the other side, across the sea, between April 5, 1917, and July 1, 1919, provided he was "in the service" prior to the signing of the armistice. The face value of the insurance policy is payable 20 years from the 1st of October next and the policy bears interest at the rate of 4¼ per cent per annum, compounded annually. At the end of 20 years the insurance certificate will yield a return to the soldier of a fraction over $3 for every dollar's worth of credit to which he is entitled under the certificate. For instance, if the certificate is based on a credit of $500, at the end of 20 years the soldier will receive a fraction over $1,500. If the credit is $600, then at the end of 20 years he will receive a fraction over $1,800. In case of the soldier's death before the expiration of the 20 years, his family or other beneficiary will receive at the time of his death the full amount of the insurance that would otherwise be due in 20 years.

What we propose doing by this bill is but an attempt to discharge a moral obligation which I feel we sincerely owe to every ex-service man. It is not a quid pro quo. When we recall that each private received but $33 per month, out of which one-half was withheld and applied for the use of dependent relatives, and another fourth to take care of his governmental insurance, it can be seen that he had but a paltry sum left, to wit, $7.50, for his own personal use.

There can never be such a thing as paying for the services that our boys rendered in the Great War. The spirit that went forth, the suffering endured, and the hazards taken are an immensurable equation. Such a service is the result which comes from the rich heritage of American citizenship. And their adventure shall forever illuminate the pathway of liberty and stir men on to a newer and greater civilization.

Mr. DRANE. Mr. Speaker, so much has been said in connection with the pending bill that nothing new can be said, and for that reason I would refrain from making any remarks thereon, except to say that had I a voice in the construction of the bill I should have produced something for the real benefit of the soldier, rather than the makeshift which has been reported here.

Whatever may be my personal desire in connection with the proposed legislation, under the special rule which governs in the particular case one must either take it in its entirety, and without any change whatever, or must reject it in its entirety.

Confronted with this condition, I am admonished by my own sense of propriety that the legislature of my State at its last session, June, 1921, passed resolutions urging the Florida delegation in Congress to vote for the passage of the then pending "bonus bill," which subsequently passed the House of Representatives and was pending in the Senate when the President, in a personal appeal to the Senate urging the postponement of all legislation for adjusted compensation for World War veterans, in that way brought about the defeat not only of that particular bill but of another then pending in the Senate. These bills of more than a year ago are probably still in some forgotten file in that body, dead; dead by the hand of the President and those who followed his advice.

In this connection, Mr. Speaker, I wish to here place in the RECORD, as appropriate to the spirit of the American people toward the soldier of the World War, a poem of such tender pathos, such patriotic fire, such beautiful sentiment that to lose it to the world would seem a sacrilege. Sitting in the office of a friend of mine at Tampa, Fla., we were discussing Armistice

Day and the burial of the unknown soldier. My friend modestly exhibited the poem which he had written, and which but for my importunity would never have seen the light of day. It follows:

HIS MOTHER.

[The burial of the unknown soldier, Arlington, November 11, 1921.]

(By Edwin D. Lambright.)

If his mother could know—
Could feel that this luminous glow
Of color that moves along the street,
This rythmic tramping of martial feet,
This radiant spread
Of the flag overhead,
This highest honor to nameless dead,
Is for him,
Flesh of her flesh! Heart of her heart!
That from palace and hovel, temple and mart,
Flows this reverent human tide,
A people's tribute to one who died—
And that one her boy!
What unspeakable joy
Would shine through the tears
Of her lonely years.

Home, over road and wave,
From the land he fought to save,
From the unnamed grave—
Home!
For him, under the great gray dome,
A world's offering of flowers
Perfumed the love-filled hours.

For him, this glorious day,
A busy Nation paused to pray.
A President voiced, to list'ning host,
The Republic's blessing, coast to coast.
Unknown?
Nay! Now and forever known.
But Oh, if his mother could know!

Mr. BECK. Mr. Speaker, just before starting for the House this morning I received a package of literature from the United States Chamber of Commerce opposing the soldiers' bonus on the ground that it will inflate the currency of the country, that it will do the soldiers more harm than good, that it will disturb "business," because "business" is in no condition to bear its share of this burden.

Yet this very institution would force this burden upon the farmers of this country whose homes are being mortgaged and sold by the thousands for payment of taxes; upon the wage earners of the country, 5,000,000 of whom are out of work; upon the thousands of business institutions in our agricultural communities who are being compelled to seek refuge in courts of bankruptcy; upon the soldiers of the country who are daily being driven to the poorhouse, to the asylum for the insane, and to suicide, and it would do all this by forcing upon us a sales tax, the chief motive behind which is the ultimate repeal of all income taxes upon large and exorbitant incomes. It would do all this as brazenly, as openly, and with as little compunction as, according to estimate, it squeezed $38,000,000,000 in war profits out of these same people; and it would do it now, just as it did then, and it would urge Congress now, as it did then, to pass a law making it a crime against the Government for these people to complain about it.

UNITED STATES CHAMBER OF COMMERCE A "WAR BABY."

Let us look into the history of this United States Chamber of Commerce a little. This institution was organized during the early part of the war. It advertised to the world that it was organized to help the Government in placing contracts for war munitions in a way that these materials could be produced with the least possible delay and with the greatest possible economy. It was organized at a time when the United States Government needed the wholehearted, loyal, and patriotic support of every citizen or combination of citizens, without thought of personal gain or loss, but with the single purpose of successfully getting through with the war at the earliest possible date with the least possible sacrifice of "life, liberty, or pursuit of happiness." Many of the newspapers carried front-page articles lauding the great patriotism exhibited by some of the members of this organization in telegraphing the President tendering him the free use of their factories to use in any way he saw fit to win the war.

But when we get behind the scenes we observe an altogether different picture. This institution, as I have said, advertised to the world that it organized to help the Government secure the necessary war material in the shortest period of time and at the least possible expense. It began this great patriotic and philanthropic work by organizing committees composed of its own members. It organized a committee on coal supply; it organized a committee on airplanes; it organized one on powder; another on shoes; another on ships; one on nose bags for horses; one on horseshoes; one on halters; one on spurs; others on swivel chairs, bedroom sets, paper napkins, toothpicks, clothes, and a hundred and one other articles.

THE "DOLLAR-A-YEAR" MEN AND GOVERNMENT CONTRACTS.

It then secured the appointment of the members of these committees as Government officials at a "dollar a year" salary. Then the scramble began. Nearly every member of this aggregation wanted a contract and nearly every one of them got it. If, perchance, some member took a contract for about what it was worth, he was later induced to cancel it and take more. If a contractor should not be satisfied with making one collection for completing his contract, he sometimes collected a second time; and in one instance a contractor collected six times for the same bill of goods, and every contract made during the war was at a profit of three to two thousand times what it ought to have been.

Nor is this all. These dollar-a-year chamber of commerce fellows let contracts to themselves for constructing powder plants to manufacture powder, nitrate, gas, and so forth, to the amount of over $311,000,000, and not a pound of usable material made by these plants ever arrived at the battle front. They let contracts to themselves for constructing port terminals to the amount of over $145,000,000 that were never used during the war, except in one or two instances were used for storage purposes. They let contracts to themselves for building airplanes to the amount of over $1,000,000,000, collected the money, and never delivered a single airplane on the battle front. They awarded themselves contracts to the amount of $60,000,000 on spruce production and on spruce railroads, and then the Government was forced to buy over 90 per cent of its lumber at private mills at three times what it was worth. They awarded themselves contracts to the amount of over $1,400,000,000 for constructing cantonments, largely by the cost-plus system, that could have been constructed for a half billion dollars less money. They made 3,014 contracts with themselves to furnish shells to the Government amounting to nearly $4,000,000,000. Under these contracts only 20,000 shells ever arrived at the firing line. These 20,000 shells cost the Government nearly $200,000 each. The full amount was collected—sometimes in advance—on every one of the above contracts.

Nor is this all. They awarded themselves contracts to furnish three and a half million soldiers 41,000,000 pairs of shoes—12 pairs per soldier, 1 pair for each week day, and 6 pairs for Sunday. We had less than 70,000 horses overseas, and yet these dollar-a-year men awarded themselves contracts for enough horseshoes to be used mostly on these horses to shoe practically every horse in the United States and enough horseshoe nails to allow 400 nails to the shoe. They awarded themselves contracts to furnish each horse used in the Army 10 saddles, 25 halters, 6 saddlebags, 12 blankets, 3 brushes, 9 currycombs, 25 nose bags, and a total of 195,000 branding irons. They ordered 36 spur sets for each officer in the Army. They awarded contracts for furnishing toothpicks, paper napkins, swivel chairs, hammers, paint, and such articles by the carload and by the train load. They let contracts to themselves for building hotels, paving streets, laying gas and water mains and sewers to the extent of over $3,000,000,000, and are coming to this Congress asking for more money to pay for supposed outstanding bills.

SOLDIER BONUS FOES SILENT ON BIG BUSINESS RAIDS IN TREASURY.

During all this time did this organization ever express any anxiety over the Public Treasury? Did it ever call a halt lest the Government would become bankrupt? Oh, no. Whenever it saw the Government funds running low, running down to a point where its contracts would likely be endangered, it would start a few of its agents out over the country, possibly under the auspices of the National Security League, shouting "traitor," "pro-German," or "disloyal" to the people to scare them, and then proceed to take another million or billion—whichever it happened to think of—away from the people.

While doing these things, did this organization ever send literature to Members of Congress to the effect that the $38,000,000,000 its members made in war profits "would do them more harm than good"?

But let us not dwell on ancient history. Let us come down to the present Congress. Did this organization or any of its members protest against our completing a useless battleship program that would cost this country over $600,000,000? Did it protest against the hundreds and hundreds of millions of dollars Congress has been voting to the railroads? Has it objected to the hundreds of millions of dollars the railway officials are unjustly exacting from the people through their system of taking repair work out of the hands of the railroads and awarding it to themselves at from two to five times the price the railroads could do it for? Did it oppose our appropriating millions of dollars to a Shipping Board that squandered over $3,000,000,000 of the people's money during the war? Oh, no. That is "business."

MY RECORD DURING THE SIXTY-SEVENTH CONGRESS.

I voted against the Shipping Board appropriation. I voted against the battleship appropriation. I voted against the railroad appropriation of $500,000,000. I voted against the tariff bill which, in my opinion, if enacted into law will perpetuate the profiteering that has been in vogue in this country during the last eight years under the guidance of the chamber of commerce. I voted against destroying the seamen's act. I voted against the battleship appropriation bill. I voted against the revenue bill which relieved wealthy members of the chamber of commerce of hundreds of millions in tax burdens and placed them upon the backs of the poor. I voted against a bill that reduced the tax burdens on large combinations of wealth, making large profits, and proportionately increased taxes on small business institutions making small profits. I voted against the dye monopoly. I voted against increasing the membership of the House from 435 to 460. I voted against refunding the foreign debt; if foreign nations can maintain huge war machines in peace times they can pay their debts. I voted against a bill appropriating millions of dollars to war contractors who claimed to have lost money as a result of acting upon newspaper advertisements, and had no contract with the Government whatever. I have consistently and persistently voted against any and all special privileges and concessions to big business institutions, because they ought to stand on their own feet or fall.

I have voted for every bill that I thought would, even in the remotest degree, protect the producers of wealth and business institutions in small communities against big business encroachments. I voted for free lumber. I voted to give farmers and business men in agricultural communities the same privileges of borrowing money from the Government at the same rates this Congress accorded to the railroads and at the same rates the Federal Reserve Board accorded the speculators of New York City. I voted for a bill that was calculated to relieve the producers of live stock from unjust discrimination of the packers. I voted for a bill curbing the grain exchanges in gambling in "futures" on grain. I voted for a bill to permit farmers to market their produce cooperatively, just as big business markets its wares. I voted for the emergency tariff on farm products. I voted to reduce the Army from 325,000 men to 115,000 men. I voted for compelling Government ships to be repaired in Government navy yards when it could be done at less expense than in private yards. I voted to limit immigration until such time as our own people can find employment. I voted for the peace resolution. I voted for monthly payment of pensions to old soldiers. I voted for the Borah disarmament resolution. I voted to increase taxes on large incomes from 32 per cent to 58 per cent, and will vote for another increase when I have an opportunity.

I have introduced bills to save the dairy interests of this country and the farmers in general from the filled milk, skimmed cheese, and oleomargarine frauds. I have introduced bills that will enable the Interstate Commerce Commission to lower freight and passenger rates by anywhere from 25 per cent to 40 per cent, and at the same time give the wage earners on those roads a chance for existence. In my every act I have tried to do the thing that I thought would be for the best interests of the great mass of common people. That is one reason why I am for the soldiers' bonus.

HOW THE FARMER WAS "DEFLATED."

It is said this bill will inflate our currency. Well, through the action of our Federal Reserve Board our currency has been deflated nearly $2,000,000,000 within the last two years. Would it not stand a little inflating now, and do it with beneficial results? Would not a little inflation help out in view of the fact that farm values have been deflated to the extent of $18,000,000,000 within the last 24 months? If we are to have a permanently prosperous Nation, it must come through the prosperity of the masses and not through the prosperity of the few. We never can have a permanent prosperity in this or any other country so long as 2 per cent of the people control 65 per cent of the wealth as is now the case, while 65 per cent of the people are engaged in producing that wealth.

But aside from all this, what is the situation in which the soldiers find themselves? Thousands of them left their businesses and professions, which went to pieces during their absence. Others left school never to return, and still others left their jobs to find them filled upon their return, and all who served as privates received not to exceed $700 per year in clothes, board, and wages, while the wage earners who remained behind received, on the average, about 50 per cent more than that, though the amount they did receive did not buy as much of the necessaries of life as the wages they received before the war.

On the other hand, as I said before, the corporations in this country doing war work made billions of dollars during the war, while, had they been as patriotic as they pretended to be, they would have given their services and their factories to the Government free of charge. These tremendous profits came, for the most part, from Liberty bonds squeezed out of the poor of this country, out of the fathers and mothers of the soldier boys, and even the soldiers themselves paid a part of it out of their small pittance of $30 per month. I am not complaining of this now. I did not complain of it then. Neither did any of these people complain, though it came very hard at times to take all the bonds required of them. They knew that if they did not back the boys up no one would. But now the war is over, and, as far as I am concerned, those who failed to make any sacrifice during the war must make it now.

OUR ALLIES FOUND MONEY TO PAY THEIR SOLDIERS A BONUS.

England and Canada adjusted the pay of their soldiers almost immediately after the war, and France and Italy followed later. I wonder if "business" in those countries objected to it. If it did, it was not heeded. It should not be in this country.

The Chamber of Commerce of the United States is proposing a sales tax to pay this bonus or adjusted compensation. But that simply means that the same people who bore the burdens of the war must bear this burden. It means that every time the soldier buys a pair of shoes he pays himself a bonus. It means that every time any consumer buys a dollar's worth of goods he pays a bonus, and if a poor man wears out as many shoes as a rich man he pays as much as the rich. I am absolutely opposed to this scheme of raising the money to pay this just debt, and I do not believe the soldiers favor it. Those who took advantage of the country and made their millions during the war must pay this bill, and if that "breaks" anyone, let it break. The soldiers are being "broke" every day. Thousands of them are idle, other thousands are being driven to insane asylums and poorhouses, and many to suicide. Business, no doubt, needs consideration, but the soldiers need more.

CHAMBER OF COMMERCE SUBSTITUTES PRIVATE POLL FOR 1920 ELECTION.

More than this. The chamber of commerce proceeds to give the result of a vote upon the bonus question taken by its members, with all the solemnity it can muster, and with the apparent authority of a monarch whose word is law. It seems to forget that there are a few other voters in this country who settled the case to the tune of over 7,000,000 majority at the last election. It seems to forget that every party that is represented in this Congress pledged itself to the program which included legislation in line with this bill. It seems to forget that in the 12 States enacting soldiers' bonuses the voters have overwhelmingly registered themselves in favor of this legislation. In fact, it forgets everything except its own pocketbook.

Now this body has a committee on "suppression of free speech." It has a committee whose duty it is to see to it that no one is elected to State or National legislative bodies who will devote their energies to freeing the farmers and wage earners of the country from the clutches of big business, and when I say "farmers" I include business institutions of the agricultural sections of the country. It has a committee on banking whose duty it is to use the banks in the wealth-producing sections of the country for extracting that wealth and shoveling it into Wall Street. It has a committee on water powers whose duty it is to gobble up the water powers of the country, about the only resource left that is yet partly in the hands of the people. It has a committee on highways whose duty it is to squeeze the public on furnishing construction material to highway builders. It has a committee whose duty it is to card-index every individual in the country who has at some time run counter to the aims and purposes of big business, who has dared to defend his fellow men against the bondage that is being placed upon them by Wall Street. Such a one is card-indexed. He is tried, but is denied a hearing in his own behalf. He is sentenced and the brand of Cain is placed upon his head, never to be effaced. This is the invisible government.

This is government of dollars, by dollars, and for dollars, that will go to any length to get dollars. It is the government that snaps its fingers in the face of Uncle Sam every day and says, "Uh, I'm bigger than you are."

SPECIAL INTERESTS BLOCKING ALL MEASURES OF GENERAL BENEFIT.

Its opposition to the bonus bill is only one phase of its general opposition to everything that does not help tighten its grip upon the throats of the people. My support of this bill is only a part of the program I have mapped out for myself to follow, and that is to favor every proposal made in this House for the benefit of the great mass of people.

This bill does not provide for money to pay the cash bonus, but there are bills now before Congress providing for an excess-profits tax and a larger tax on inheritances, to pay for the bonus. I shall support both of these bills. I shall also support any legislation that can be devised that will recover from those

who robbed the Government and its people during the war, sufficient funds to pay this bonus (though the statute of limitations has already run against the worst offenders), and I invite the United States Chamber of Commerce, which now shows such deep concern for the condition of the Public Treasury, to join with me in support of this action and to marshal its powerful agencies for molding public opinion in that direction, with the same energy it has displayed in its campaign for relieving the wealthy from taxes and blocking legislation for the relief of the soldiers.

Mr. ANSORGE. Mr. Speaker and Members of the House, under the present condition of our finances I have advocated, and still advocate, a selective or limited bonus for the sick, the injured, and the needy.

This will take care of all those who are now in need of the bonus and eliminate the well-to-do able-bodied ex-service man who does not need the bonus and does not want it.

WILL SAVE $3,000,000,000.

It will save to the taxpayers of the country three thousand millions of dollars, without working a hardship on anyone.

The plan is a simple one and can be easily worked out.

THE PLAN.

On February 22, 1922, I submitted the proposal to the Ways and Means Committee of the House in the following letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C.

Hon. JOSEPH W. FORDNEY,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

DEAR MR. FORDNEY: Permit me to make a suggestion in reference to the soldier bonus.

Many opponents of the measure have assured me that they would not oppose a "selective bonus" for the sick, the wounded, and the needy. There are many ex-soldiers who do not need the bonus and do not want it, and in the present condition of our finances we should not force it upon them. Some method should be provided to divert that portion of the bonus to hospitalization and rehabilitation for the sick and wounded, thereby decreasing appropriations for that purpose.

Perhaps 50 per cent of our ex-soldiers would fall within the category of those who are sick, injured, or in need, and estimating the proposed bonus at from two to five billions, one-half of this stupendous sum would be saved to the Government.

WOULD CALL SELECTIVE DRAFT BOARDS.

The status of the sick and disabled as a result of the war is fixed under the provisions and operation of existing statutes for the benefit of the ex-soldier. I would call into existence for a short period the members of the selective draft boards, before whom those entitled to the "selective bonus" would appear and file certificates properly witnessed and acknowledged. All others would be regarded as not in need of the bonus or not desiring it, and as contributing their shares to the sick and wounded.

FULL FAITH TO CERTIFICATES.

Full faith and credit could be given to the certificates. Since the bonus of those not claiming would go to the sick, the wounded, and the needy, the percentage of those not entitled who would file certificates would be very small.

WOULD LESSEN OPPOSITION.

There would be much less opposition to the bonus bill if it were limited and provision made for those who did not need it or want it to waive it for the benefit of their more unfortunate buddies.

Believe me to be,
Sincerely,

MARTIN C. ANSORGE.

I received the following reply from Mr. FORDNEY:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 24, 1922.

Hon. MARTIN C. ANSORGE,
House of Representatives, Washington, D. C.

DEAR MR. ANSORGE: Thank you very much for your suggestion in regard to the soldier bonus question. I shall be pleased to bring this to the attention of the committee.

Very truly yours,

J. W. FORDNEY.

PLAN NOT ADOPTED BY COMMITTEE.

I regret that this plan for a selective bonus was not worked into the bill by the committee.

I remember but a few years back that the distinguished gentleman from Ohio [Mr. BURTON] filibustered in the Senate for days to save fifteen or twenty millions of dollars to the taxpayers in an appropriation bill. Here, by a few strokes of the pen, thousands of millions could be saved.

HOPES PLAN WILL GAIN HEADWAY—WILL VOTE FOR BEST BONUS BILL—FAVORS ADJUSTED COMPENSATION FOR THE SOLDIERS.

Many Members of the House have told me they favor the limited bonus plan. I hope the proposal will gain headway as the bill progresses through the Finance Committee and the Senate, as a great deal of opposition to the bonus would disappear if it were limited to the sick, the injured, and the needy. As for myself, I shall vote for the best bonus bill we can get. I am in favor of adjusted compensation for the soldiers.

ALLIES HAVE PAID A BONUS.

All our allies have paid their soldiers a bonus.

The maximum amount paid is as follows:

Country:	
Canada	$634.40
Belgium	492.00
France	233.53
England	189.54
Italy	73.34

Uncle Sam paid his soldiers $60 each.

UNITED STATES AT BOTTOM OF THE LIST.

I am not willing that the United States, the richest country in the world, should stand at the bottom of the list.

Under the last administration the stupendous sum of $40,000,000,000 was raised and disbursed in three years. If the war had lasted a few more months it would have cost us as much as the entire bonus and we would still have been the richest country in the world. I am not one of those who believe the country will go into bankruptcy if we add to our war debt adjusted compensation for our veterans.

These boys shortened the period of war by more months than enough to pay the bonus.

I do not believe that my people want America to be cheap in regard to its defenders. Let us come out of it clean, so that in years to come we can say, "We did the job well and then did not forget our soldiers."

WE ARE NOT BUYING THEIR PATRIOTISM.

By giving the boys adjusted compensation we are not buying their patriotism. You could not buy their patriotism for one thousand times a bonus. We are paying them $1 a day, or $1.25 a day if they served overseas, to equalize in a small measure the financial losses they sustained when they gave up their jobs or closed down their businesses, perhaps at the very threshold, and entered the service of their country. We are paying them a little bit in addition to the $30 a month they received, while those at home were earning from $5 to $15 a day or more and many were becoming wealthy as a direct result of the war. From the $30 a month the boys were allotted Uncle Sam deducted insurance and held back a portion for their dependents. And when they returned, their jobs were not waiting for them, as promised, and some of their personal liberties had been taken from them.

ORGANIZED PROPAGANDA AGAINST THE BONUS.

The propaganda against the bonus was instigated and organized by the international bankers and war profiteers who made millions, yes, billions, out of the war, and who want to hold on to every penny of it, even at the expense of the soldiers.

THE "DENT" BILL.

The last Congress, by the Dent bill—it should have been spelled with a small "d"—appropriated three billions of dollars to reimburse the war contractors.

NOW THE SOLDIERS ARE CALLED RAIDERS OF THE TREASURY.

Now, these boys who risked their lives or were subject to call are dubbed by the profiteers "raiders of the Treasury," because forsooth they are to receive an extra dollar a day while they were in service. We paid bonuses to our civil employees, and are still paying them, because everyone knows they are underpaid. They have been receiving and are still receiving, three and a half years after the war, $240 a year. Should we discriminate in favor of our civil employees and against the soldiers?

The attack on the bonus has been most unfair. It has certainly been one-sided. Many a veteran has been shamed into believing that he is a "raider of the Treasury."

IT WAS DIFFERENT WHEN THEY MARCHED DOWN FIFTH AVENUE.

Oh, it was different when they marched down Fifth Avenue with their tin hats and their guns.

They were going over to save our skins and our homes. They could have had our shirts that day! Now they are thieves and crooks.

IT WAS DIFFERENT WHEN THEY MARCHED UP FIFTH AVENUE.

It was different, too, when they marched up Fifth Avenue—those who did. They could have had the City Hall. "Maybe I am a crook." "Maybe I am a thief" if I take this bonus. So he keeps quiet to-day, or prefers not to have it.

When I sold Liberty bonds in the theaters of my district, in Harlem and Washington Heights, I remember the wave of enthusiasm that swept through the audience when I said that nothing would be too good for the boys when they came back home. I can not believe we did not mean it.

The world moves swiftly. The public soon forgets. But my district is made up of the backbone and sinew of our Nation. I am proud to say that of the hundred or so of letters received

opposing the bonus, all but a few came from corporations outside the district. Not all of the public forget as quickly as others. I for one have not forgotten.

THEY REPRESENT THE MANHOOD OF OUR NATION.

Americans with red blood in their veins, knowing the facts which have been withheld by the newspapers, which presented only one side, do not want Uncle Sam to be second to any nation in regard to our defenders. These boys, 4,000,000 strong, represent the manhood of America. It is bad business to have them disgruntled.

As Representative of my district, the twenty-first New York, where the majestic Hudson flows down into the bay and into the great Atlantic, I do not believe that my people, my friends back home, with a knowledge of the facts, want me to vote to put America, the richest country in the world and the most patriotic, at the bottom of the list. With the organized press, with one exception, opposing the bonus, it takes more courage to vote for it than against it. Believing as I do, it would be cowardly for me to surrender my honest convictions to the press. The New York newspapers have not always truly reflected public opinion. New York State by a 2 to 1 popular vote has decided in favor of the bonus. Other States have done likewise. Within the past few weeks the New York Assembly at Albany, recently elected by the people, unanimously voted to recommend to Congress the passage of a bonus bill.

PROVISIONS OF THE BILL.

The bonus bill before the House is not what I had desired. I hoped for a limited bonus and that the allied debt and the interest would be used to pay it.

However, under the bill before the House no appropriation will be required for three years, with the exception of the small amount necessary for those who receive $50 or under. During that time the interest on the allied debt, and I hope a refunding of the allied debt, will take care of the payments to be made. The certificates to be given to the soldiers will be equivalent to Government securities, and under the bill the veterans can borrow immediately from the banks 80 per cent and retain their equity in the balance.

The veterans can elect to receive the benefits of any one of the five plans of compensation:

1. Adjusted service pay, where the amount of credit is $50 or less, as provided in title 4.
2. Adjusted service certificate (title 5).
3. Vocational-training aid (title 6).
4. Farm or home aid (title 7).
5. Land-settlement aid (title 8).

Legislation is a matter of compromise. I shall vote for this bill because it is the only bill before the House and is a move in the right direction. I favor a bonus generally, and shall vote for the best bill we can get. I hope that this bill will be improved upon by the Senate Finance Committee and by the Senate, and that the limited bonus plan will be worked into it.

A PLAN FOR THE SELECTIVE BONUS.

The plan for a selective bonus, limited to the sick, the injured, and the needy, has nearly 100 per cent approval in New York. The most rabid opponents of the bonus have said in answer to the question: "Would you oppose a bonus for the sick, the injured, and the needy?" "No; that is different; that is all right." Much of the opposition to the bonus comes from wealthy ex-service men who do not need the bonus and do not want it. This plan gives them the way out, and also provides a method for any ex-soldier who does not want the bonus to waive it for the benefit of the sick, the injured, and the needy.

It has been estimated that there are 800,000 ex-service men out of employment. Suppose the number of sick, injured, and needy should total 1,000,000, or even more, it would cut the bonus considerably. There would be no practical difficulty in working out the plan, because the certificate to be filed by the ex-service man would be taken at full value. The function of the members of the draft board would be merely to take the oath of the applicant to his certificate. Those not appearing to file claims would waive for the benefit of hospitalization and rehabilitation.

This plan has another very important feature. It could, if so desired, defer for the present the determination of the method of paying the bonus until it were known by the selective system what amount will be necessary. It would also determine accurately by having the ex-service man so specify which desire the cash bonus and which some other plan. It would certainly give us light, which is now lacking in regard to the number of men who want cash. All plans to date have been based upon estimates or guesswork.

No matter what plan is adopted for the raising of the necessary funds for the payment of the bonus, any plan that will cut the amount from 50 to 75 per cent will meet with popular approval. The proposal will eliminate the able-bodied well-to-do ex-service man who does not want the bonus and take care of all the others.

Mr. POSTER. Mr. Speaker, I shall vote for this bill, which has the approval of the national commander of the American Legion. It is the best obtainable at this time by way of adjusted compensation. I predict it will soon pass the Senate and after this long delay will become a law. I introduced a bonus bill in each of the two Congresses of which I have been a Member. The last one was "on all fours" with the complete plan of the American Legion, but carried 25 cents per day additional pay. I favored it over this bill, but I shall support this as the best now obtainable.

The draft disclosed 24,000,000 males within the draft age. Four million of this man power entered the war at a wage of about $1 per day, two-thirds of which was repaid for insurance, allotments, and Liberty bonds. Twenty million were left at home, doing necessary work, for which they averaged twice the usual wage. This bill grants, in part, an adjusted compensation to the 4,000,000 men whose sacrifice and devotion made possible the excessively enhanced earnings of the remaining 20,000,000.

Our Government has been generous in granting millions to help adjust and rehabilitate the railroads of our country. The Government paid billions by way of adjusting contracts with shipbuilders, some of which settlements smelled to high heaven. The cost-plus contractor has also received his adjustment. May I ask on what principle of justice and fair dealing can we at this late day deny to those 4,000,000 boys—the flower of American manhood—an adjustment of their compensation? All of our allies have long since adjusted the compensation of their soldiers, at a time when they owed us $11,600,000,000, on which they have not yet paid one cent of interest. The time for longer temporizing has passed. The day for action is here.

Mind you, these 4,000,000 boys—400,000 of whom are now out of employment—are not asking for this adjustment as a compensation for military risk assumed. They consider that risk an incident of their service. An American soldier is too game to seek pay for that risk so willingly borne. However, he does object most strenuously to being longer denied an adjustment, already accorded by all his allies, that will wipe out the unfair discrimination between the 4,000,000 who bore arms and the 20,000,000 who did not. It is but an act of simple justice to grant this adjusted compensation. We should have done it long ago.

I introduced two bonus bills, voted for the only one which came to a vote in the House, and will vote for this one to-day. I shall always recall, with pardonable pride, that during my three years in Congress I have consistently and persistently supported all legislation for the care, comfort, and rehabilitation of the wounded soldiers, as well as for the proper recognition of their unwounded brothers, who were more fortunate in that respect. Let us make this vote unanimous.

Mr. ROBSION. Mr. Speaker, and gentlemen of the House, the House by a very large majority, on May 29, 1920, passed the bonus bill, and on that date in a brief speech on the floor of the House I set forth my reasons for my support of the bonus bill. The Courier-Journal and Louisville Times, Democratic newspapers, and owned and controlled by Mr. R. W. Bingham, then denounced the veterans of the World War for asking for this adjusted compensation and branded them as "mercenary patriots" and "vote sellers" and denounced Members of Congress as cowards and bribe givers because of their votes and defense of the veterans of the World War. On June 3, 1920, on the floor of this House, I denounced the charge of Mr. Bingham and his newspapers as being vile slanders, willful and malicious lies. These Democratic newspapers have continued their attacks upon the World War soldier and the Members of Congress who favor this measure. Practically all of the millionaires and big interests of the country have taken part in this assault upon the defenders of our country. I think it proper to set forth at some length the view of the veterans in requesting adjusted compensation and my reasons for the support of this measure. The people ought to know the truth, and I wish to consider the following questions:

1. Do the veterans of the World War want their compensation adjusted?
2. What does the present bill provide for and what will it cost our country?
3. Is the demand of the veterans just?
4. Has our country paid the veterans of other wars a bonus and has our allies in the World War paid their veterans a bonus?
5. Is it the duty of our country to pay this bonus?
6. Can our country pay the bonus without material injury to the country?

VETERANS OF WORLD WAR WANT COMPENSATION ADJUSTED.

The American Legion, the Veterans of Foreign Wars organizations, the Private Soldiers and Sailors' organization of the World War, and all other organizations of the veterans of the World War strongly indorse and urge the passage of the bonus bill which was adopted by the House in May, 1920, and so far as I can learn all of these organizations and the rank and file in general of the veterans of the World War favor the present bonus bill. Now and then you find a veteran of the World War who says he does not want his compensation adjusted. As a general rule this is some officer who got a good salary during his service, received the honors of an officer, and is in good circumstances. As a rule the officers of the World War came from the well-to-do classes and were men of fair education, and do not need this bonus. Under this bill no officer above the rank of a captain can receive a bonus, and, of course, there is nothing in the bill to compel a World War veteran to accept a bonus. If there be any such, he need not make application for the bonus if this bill becomes a law. I have never heard a private soldier yet say that he did not feel he was entitled to have his compensation adjusted. This is a bill more especially for the benefit of the private soldiers and sailors, whose pay was very small.

IF PAID IN CASH WOULD COST ABOUT $1,492,000,000.

It has been said in newspapers and in public speeches by the opponents of this bill that it would place a burden of about $5,000,000,000 upon the taxpayers of this country, and would cripple business. Nothing is further from the truth. No extra levy of taxes will be required. If all of the veterans of the World War would take or receive cash for their bonus, it would cost the Government about $1,492,000,000, but the bill only provides cash for those whose bonus amounts to $50 or less. This includes 475,000 veterans and will involve $16,000,000. Under the provisions of this bill the payments will be spread over a period of 20 years, and the cash required to meet these payments will not at the outside exceed $300,000,000; that is not more than $100,000,000 per year for the next three years. The Congress will save more than enough in cutting down the Army and Navy in the next three years to take care of all cash required to meet the bonus and then have several hundreds of millions of dollars left.

The Democratic Congress in 1919 allowed the soldiers a bonus of $60. This bill provides that the basis of the adjusted pay shall be $1 per day for each day the veteran served in this country over 60 days, and $1.25 additional per day for services outside of the United States. This would amount to about $1,492,000,000 if paid in cash. All of those whose claims are $50 or less will receive cash, and this will amount to about $16,000,000. Those whose claims are above $50 may accept either one of four propositions:

The first proposition is service certificates. The soldier is given a certificate for a little over three times the amount of his bonus; that is, if his bonus was $500 he would receive a service certificate for a little over $1,500. This is in the nature of paid-up insurance, and he would receive the $1,500 at the end of 20 years; or, if he died within the 20 years, his dependents or his estate would receive this $1,500. This would be true if he died the next day after receiving his certificate; but this certificate has other advantages.

The bill provides that any bank is authorized to loan to him one-half of his base bonus—that is, one-half of the $500, if that is the amount of his bonus—on the veteran's own note with this certificate as security, and after three years from the date of the certificate the soldier could borrow from the Government nearly the full amount of his bonus, without giving any security other than putting up his certificate; and the borrowing power of this certificate increases as the years increase, and if he is living at the end of 20 years he will receive a little over three times what his bonus would amount to; that is, if his bonus was $100 he would receive $300 and a little over, or if his bonus was $400 he would receive a little over $1,200, or his dependents or estate would receive the amount of this certificate at the time of his death. It is better than a 20-year paid-up life insurance policy.

2. The veteran may go to school until he takes up his bonus and 40 per cent additional; that is, if his bonus amounted to $500, for the purpose of going to school he would receive $700, and this would be paid to him at the rate of $1.75 per day while in school, or if his bonus was $200 he would receive $280 for the purpose of going to school at the rate of $1.75 for each day in school.

3. The veteran may accept the third proposition; that is, if he wants to invest his bonus in a home or farm, the Government will pay on said real estate the amount of his bonus with 25 per cent added.

4. The fourth proposition provides that the Government may reclaim arid lands or cut-over lands and help the soldier improve same with long period of time to pay for same at a low rate of interest.

THE DEMAND OF THE VETERANS IS JUST.

Under the selective draft act in 1917 about 24,000,000 young men of America were available for military service. About 4,000,000 of that number who will be the beneficiaries of this legislation entered the military service. The other 20,000,000 were allowed to remain at home and engage in the productive and gainful industries and occupations of the country. It has been very clearly determined that the men who remained at home and were able to work, and did work, averaged around $10 per day. This does not include millions of men who owned their own business and carried on their own business. It is difficult to say what that class of men averaged per day. We do know that practically all classes of business earned enormous profits during the war. The war produced nearly one millionaire for every soldier boy who lost his life on Flanders fields. Our national wealth has doubled in the last 10 years. Many laboring men made from $15 to $50 per day. Everybody received increases in wages, and the average workman's day was eight hours, while the soldier's working day was 24 hours. There were nearly a million men and women on the Government pay roll in civil employment during the war. Their average pay was around $1,400 per year, yet a Democratic Congress voted a bonus to those who were receiving $2,500 per year and less of $240 per year, and these civil employees have already received more bonus than any soldier could get. The big war contractors had their hands in the Treasury up to their elbows. Most of them were operating under a cost-plus 10 per cent contract, yet immediately after the war a Democratic Congress appropriated nearly $3,000,000,000 to pay the alleged losses claimed by war contractors. This was more than twice enough to pay the soldiers' bonus.

"UNCLE SAM" AND HIS SONS, JOHN AND BILL.

"Uncle Sam" had two sons, John and Bill. A great danger threatened "Uncle Sam," his home, his family, and his business. He ordered John to take his gun and go many hundreds of miles and some thousands of miles to meet a terrible foe. Bill remained at home, slept upon his mother's good feather bed and ate his mother's cooking. John went willingly and with great courage destroyed the foe and averted the danger that threatened his father, his family, and possessions. After about two years he returned home, and Uncle Sam called in John and Bill for a settlement and he says: "Bill, you remained at home; I am going to allow you around $10 per day for every working day during the war, and John, I think $1 or $1.10 per day will be enough for you." John looked up in wonderment and says: "Father, what do you mean by allowing Bill several times as much as you allow me?" And the father responds, "John, you must not claim any more or you will not be patriotic. You will take your pay in the glory you get out of your service and in mud trenches, rain, and snow." Finally, John says: "Father, it is all right for Bill to have $10 per day and stay at home, but now if you will give me another $1 or $1.25 per day in addition to my $1 or $1.10 per day and let the payments be spread out over a period of 20 years (I know Bill received his money every week or every month), I will take this and be satisfied." Would not "Uncle Sam" be a strange father if he turned down John's request? Gentlemen, that is the exact situation as it presents itself to this House on this bonus bill. The folks who remained at home averaged $10 per day for their work and have already received their pay and either spent it for pleasure, for automobiles, or homes, and the soldier boys have come back with nothing and many without jobs and are saying to us that although we gave the other boys $10 per day in cash, we shall be satisfied if you will give us another $1 or $1.25 per day and let it be spread out over a period of 20 years so as to make payments easy. I would rather resign my seat in Congress to-day than to refuse John's request, and it would be a poor "Daddy" who would show this great partiality for Bill over John. I have not had an opportunity to vote for a measure I think more just than this, and the American people should pay it gladly.

WE PAID OUR SOLDIERS OF OTHER WARS A BONUS.

The people of the United States paid to George Washington a large bonus in public lands, and he recommended a bonus for his soldiers of the Revolution and this country provided a bonus in money and land for such soldiers. The soldiers of the Civil War were granted a bonus, and we have granted a bonus in public lands to our soldiers in all of our wars and thousands of soldiers of our wars availed themselves of these public lands,

but all of the desirable public lands have been taken up and we can not offer the veterans of the World War public lands.

Our allies in the World War have paid to their soldiers substantial bonuses. Canada has granted to her soldiers of the World War an average of about $600 each. The average bonus that our soldiers will receive under this bill is about $375. No overseas veteran can receive more than $625 and no soldier serving in this country can receive over $500 under this bill. We loaned to the Allies and turned over to them in cash since the war more money than would be necessary to pay the soldier bonus under this bill if every veteran should demand and receive cash for the amounts provided in this bill. The last administration turned our money over to the Allies and they paid their soldiers a bonus. We say we can not pay our veterans a bonus. Just after the war closed war contractors filed claims for alleged losses and a Democratic Congress allowed these war contracts for their alleged losses during the war on Government contracts nearly $3,000,000,000. Our soldiers lost wages and business opportunities, yet there are those who are unwilling to pay them anything. The war contractors received twice as much in so-called losses as would pay the soldiers' bonus. We dug up about $4,000,000,000 to pay for the losses to the railroad companies and others which were sustained, as claimed, under Government control. After the war we turned over to a so-called representative of the defunct Russian Government enough cash to take care of the bonus for the next three years.

REPUBLICAN PARTY COMMITTED TO PAYMENT OF BONUS.

The Republican Party, which is in control of both branches of Congress and the executive department of the Government, declared in its national platform in 1920 in favor of the soldiers' bonus. This was one of the issues before the American people. As I now recall, President Harding and Governor Cox in their campaign speeches of 1920 both declared themselves in favor of a bonus for the World War veterans. I feel that it is the duty of the Republican Party and my duty as a Republican Member of Congress to vote for this bill and carry out that pledge.

WE CAN PAY THE BONUS WITHOUT MATERIAL INJURY TO COUNTRY.

The big interests of the country and many of the big newspapers have tried to create the impressions that the enactment of this bonus bill without a sales tax would ruin the country. I am opposed to a sales tax to be attached to this bonus bill. In the first place, it is not necessary, and many persons are advocating a sales tax in order to defeat the legislation. They know a sales tax would be very unpopular. In the second place, a sales tax would put the large part of the burden of the payment of the bonus on those least able to bear the burden and it would relieve those who made great fortunes out of the war and are best able to bear the burden. All of the big interests and millionaires of the country are against the bonus—insist that if a bonus is paid we pay it with a sales tax. Under the present tax law men with big incomes and corporations with big profits pay a large bulk of the taxes and, of course, would have to pay a big portion of the bonus unless we raise the money by a sales tax, and all of the big interests and practically every millionaire of this country are fighting the soldiers' bonus. As heretofore pointed out, it would require less than three hundred million for the next three years to take care of the provisions of the bonus bill, or less than $100,000,000 per year. We are spending nearly that much money each year on Federal aid for highways.

Our Navy has been costing us about $500,000,000 per year, and our Army has been costing us around $400,000,000 per year. Because of the success of the disarmament conference we propose to cut down the expense of the Army and Navy nearly $300,000,000 this year. We save enough this year to take care of the bonus for the next three years. The cost of the Government for the last year of the Wilson administration was $6,500,000,000. The first year of the Harding administration was around $4,000,000,000. Harding's administration saved nearly enough the first year to pay double the soldiers' bonus, if every dollar of it was paid in cash now. The Allies owe us nearly $2,000,000,000 in interest. Congress has passed a law requiring the Allies to give us cash or bonds for their debts and interest to us. No doubt that Great Britain within the next few months will pay us over $500,000,000 in interest. This will take care of the bonus for at least four years. The interest that the Allies owe us will more than pay the soldiers' bonus.

The Wilson administration spent from July 1, 1918, to June 30, 1919 (only four and a half months of which was war), over $19,000,000,000. They spent enough every month to more than pay the soldiers' bonus provided in this bill and provided it was paid in cash. In one year they spent more than 12 times enough to pay the soldiers' bonus in cash. The Wilson administration spent from July 1, 1919, to June 30, 1920, over $7,500,000,000. Enough money to pay the soldiers' bonus provided for in this bill in cash five times over. The last year of Wilson's administration cost over $6,500,000,000. This sum would have paid the soldiers' bonus four times and more. When Mr. Harding went into office Liberty bonds were selling around 85 cents on the dollar. Some of the issues now are worth more than 100 cents on the dollar, and the other issues are worth nearly 100 cents on the dollar and going up. Business is on the increase. The outlook is growing brighter every day. In view of what has taken place since the war, why should anyone claim that the soldiers' bonus would upset business and ruin the country.

COUNTRY WILL GET VALUE RECEIVED.

We were spending more each month for war than would pay the soldiers' bonus in cash to-day. The courage and loyalty of our soldiers certainly shortened the war more than one month. The folks at home made enormous profits, and the workers at home received the highest wages in the history of this country. It is only fair for our veterans to feel that their splendid sacrifices should receive proper recognition at the hands of a grateful Nation. This bonus will help many soldiers to get on their feet. The money will be expended among our own people. Their claim is just. The greatest safeguard to the institutions of this country and to its industries and the greatest barrier and check to Bolshevism, Anarchism, and the other isms that threaten our country is this splendid army of World War veterans. It is worth $1,492,000,000 to the business men of this country for these boys to be satisfied and to feel that their country has not forgotten their sacrifices.

I want to see the Courier Journal, the Louisville Times, and their owner and editor, Mr. Bingham, who got a bonus of $5,000,000 during the war, denounce the war profiteers; the wasting of millions at Camp Taylor and Camp Knox; the expenditure of $150,000 per mile on a few miles of road near Louisville by the Government; the granting of $3,000,000,000 as bonuses for war contractors after the war; the wasting of other billions in the operation of the railroads; the expenditure of nearly $33,000,000,000 by the Wilson administration from July 1, 1918, for the three years following; the expenditure of nearly $2,000,000,000 for airplanes, with no fighting plane reaching the battle front to protect our soldiers; the expenditure of nearly $4,000,000,000 for building wooden, concrete, and other ships, many of which are worthless; the expenditure of hundreds of millions of dollars for powder and shells, and no powder or shells produced; the expenditure in 18 months of ten times the entire cost of the Civil War; the turning over to the French Government of $1,700,000,000 of our supplies for the sum of $400,000,000. The last Democratic administration wasted enough money in any one of nearly a dozen projects to have paid the bonus provided for in this bill in cash. I want to see the big interests of this country, the big newspapers of this country—the Courier Journal and Louisville Times—denounce some of this extravagance and waste and quit denouncing the veterans of the World War, who suffered and sacrificed so much, and the Members of Congress who are attempting to do this act of justice to them. But for the waste of the past administration and the cost-plus contracts and the payment of billions to war contractors and war profiteers there would be ample money in the Treasury to-day to give to the American soldier in cash double the amount we are now proposing to give him. Some good people have read these vile slanders put out by the big interests of the country and have been misled. I believe that every unselfish disinterested person who will study this problem carefully will come to the conclusion the Congress is right in granting this bonus to the World War veterans. These are some of the reasons for giving this bill my support and vote.

Mr. MACGREGOR. Mr. Speaker, there has never been any doubt in my mind that the bill providing for adjusted compensation to the service men would pass the House with a very large majority. The people of the country are strongly for the bill, although a small minority, composed mostly of those who reaped large financial benefit from the war, are very vociferous about the lessening of the luster of the patriotism of the boys. In the language of Shakespeare—

> The lady doth protest too much, methinks.

I am not at all fearful of the patriotism of the boys; they have shown theirs in unmistakable terms. I am more uncertain as to the patriotism now and heretofore of many of those who are doing the protesting.

It is not my intention to make a speech upon the reasons why the bill should pass. The Members of the House generally are quite convinced upon that subject. I desire, however, to place in the RECORD a little history.

The statement has been frequently made that this is the first time that the Government has given a bonus to men who have fought the battles of the Nation. Those who make the statement have evidently not been students of history.

WAR OF THE REVOLUTION.

By resolution of Congress September 16, 1776, it was provided that grants of land should be given to men and officers serving during the war as follows:

	Acres
Colonels	500
Lieutenant colonels	450
Majors	400
Captains	300
Lieutenants	200
Ensigns	150
Noncommissioned officers and privates	100

By resolution of Congress June 22, 1779, it was provided that a gratuity be paid to those who enlisted prior to January 23, 1779, of $100.

By resolution of August 24, 1780, it was provided that seven years' half pay should be given to officers continuing in service to the end of the war.

WAR OF 1812.

Act of Congress, 1812: Noncommissioned officers and men upon discharge to be given a bounty and 160 acres of land. By act of December 10, 1814: Men thereafter enlisted to receive 320 acres of land.

MEXICAN WAR.

Men serving through Mexican War entitled to warrants for 160 acres of land with option of bonus of $100.

CIVIL WAR.

Men entitled to receive patents for 160 acres of land. Various bounties paid for enlistment and service during war by Federal Government ranging from $150 to $400. Amount paid in bounties by Federal Government, $405,621,000.

In addition, the various States paid bounties as follows:

Local bounties paid.

Maine	$7,837,642.97
New Hampshire	9,636,313.00
Vermont	4,528,774.88
Massachusetts	22,965,550.36
Rhode Island	820,768.60
Connecticut	6,887,554.27
New York	86,629,228.15
New Jersey	28,868,966.62
Pennsylvania	43,154,986.92
Delaware	1,136,599.66
Maryland	6,271,992.00
District of Columbia	134,010.00
West Virginia	864,737.00
Kentucky	692,577.00
Ohio	23,557,373.00
Indiana	9,664,855.00
Illinois	17,296,205.00
Michigan	9,664,855.00
Wisconsin	5,885,356.19
Iowa	1,615,171.20
Minnesota	2,000,464.00
Missouri	1,282,148.55
Kansas	57,407.00
Total	296,781,256.09

Mr. HAUGEN. Mr. Speaker, it would seem that there should be no further delay in providing for the payment of the soldiers' adjusted compensation, the most meritorious of all claims arising out of the war, especially, in view of the liberal provisions made for the payment of other claims, many based on moral obligations only. In my opinion the soldiers' adjusted compensation should have been one of the first bills to have been taken up after the armistice, and should have been paid in cash at once. I have voted for every soldiers' bonus bill that has come before the House, and have always contended that the sooner the adjusted compensation is paid the better.

I believe that it was a mistake for another body to fail to pass H. R. 14157, the adjusted compensation bill, which passed the House May 29, 1920; but if the bill under consideration is promptly enacted, better late than never. I congratulate the majority members of the Committee on Ways and Means on again bringing in a bill, the proposed bill. If fair to take from the Federal Treasury billions of dollars to pay railroads and others who reaped enormous profits from the war, certainly we should pay the claim of men who gave their service to their country for $1 a day and who exposed themselves to shot, shell, and poisonous gas. Though I would prefer a bill carrying a cash-payment plan, I welcome the opportunity to vote for this bill, which is far superior to none at all or to a further delay, which I have felt in the past should have been avoided.

What are the facts? Four million of the 24,000,000 men registered were inducted into the military service. The 4,000,000 inducted were forced to leave their homes. One hundred million American people were permitted to remain at home to pursue their occupation or profession. Many lived in luxury. Many with fat contracts in their pocket feasted on $8 steaks and accumulated enormous fortunes. Federal employees drawing $2,500 or less were and still are paid a bonus of $240 a year. Practically all persons out of the military service shared in the increase of the total wealth of the United States, estimated to have increased from $187,730,071,000 in 1912 to about $286,000,000,000 during the war. On the other hand, 4,000,000 men in the service received the meager sum of $1 a day. Six million farmers, tilling 6,000,000 farms, supplied our soldiers and our allies with food, much of it at a price fixed by agencies of the Government. Food was most essential in making it possible for those in the service to fight and win the war.

Mothers and fathers worked and prayed, and not only sacrificed time and money but endured sleepless nights and breadless days. The sorrow, worry, and solicitude for our country's welfare and those near and dear caused the loss of life in many a home. The loyalty of the American people, their generous support of the Red Cross, the Young Men's Christian Association, and the numerous other worthy and deserving organizations all went to show their backing of our boys who so willingly took their lives in their hands and risked them on their country's altar as a sacrifice.

Considering, on the one hand, the services rendered and the achievements attained by our boys, and, on the other hand, the fact that Congress has passed numerous laws validating contracts aggregating $3,000,000,000, and has appropriated up into the millions for the payment of claims of various kinds, it would seem that the soldiers' adjusted compensation should have been paid long ago. The railroad act, approved March 21, 1918, guaranteed profits equal to the average net operating income of railroads during the three years ending June 30, 1917, which was estimated to be from one hundred and seventy-five to two hundred million dollars annually in excess of what should have been guaranteed. This, together with subsequent legislation, resulted in taxing the American people approximately $2,000,000,000 for railroad operation, in addition to the large increase in transportation rates aggregating billions, which, in my opinion, was wholly unjustifiable, and neither of which bills could I nor did I vote for. In view of all the money squandered, authorized, and expended, it would seem that Congress should have lost no time in passing a just and fair adjusted compensation bill. All will concede, had it not been for our boys stopping the enemy at the Marne, breaking the attack at Chateau-Thierry, driving the enemy back at the Argonne, and finally forcing them to surrender, the results of the war would have been different.

According to the committee's report, 16 States had provided, up to January 31, 1921, some form of adjusted compensation for their soldiers. Other countries have acted promptly in the matter. The following table, printed on page 5 of the committee's report, shows the debts and estimated wealth of other countries and what has been done since the war for the soldiers of our allies in the way of payments:

Country.	Maximum payment to enlisted men.	Debt of nation.	Estimated wealth.	Per cent of debt.
Canada	$634.40	$2,345,000,000	$10,000,000,000	[illegible]
Belgium	492.00	4,670,000,000	12,000,000,000	39
France	283.53	30,960,000,000	92,500,000,000	[illegible]
England	189.54	37,910,000,000	[illegible]	32
Italy	73.84	18,650,000,000	35,500,000,000	[illegible]

The United States has paid its soldiers $60 each and its debt is generally estimated at only 7 per cent of its estimated wealth of $286,000,000,000. If the States deem it just to pay adjusted compensation, if our neighbor, Canada, with a population of less than 8,500,000 people, staggering under the burden of high taxation and the heavy load of $2,345,000,000 debt, a debt equal to 23 per cent of its estimated wealth, could afford to pay $634.40 adjusted compensation to each of her enlisted men, certainly our Government, the wealthiest, most generous, and prosperous nation on earth, with a debt estimated at only 7 per cent of its wealth, can and should pay.

According to an official report Canada had up to the 1st of October, 1921, granted loans to 27,003 of its ex-service men for the purchase and improvement of lands, as follows:

For the purchase of land	$47,457,393.14
For removing incumbrances	2,019,826.77
For permanent improvements	9,921,591.55
For stock and equipment	26,584,191.14
Total	85,983,012.60

If Canada could afford to loan $85,000,000 to assist 27,003 of her ex-service men to purchase land, remove incumbrances, make

permanent improvements, and secure stock and equipment, it seems to me that this great Nation of ours, the most prosperous, by far the richest, and the best situated financially of all the nations of the earth, populated by the most generous people on earth, can afford to do as much at least to pay the ex-service men's just claim. No one will deny that they have a just claim. If not a legal liability, all will recognize the moral obligation.

The adjusted compensation bill proposes to permit the veteran to elect to receive the benefits of any one of the five plans of compensation, which are:

(1) Adjusted service pay where the amount of credit is $50 or less.
(2) Adjusted service certificate.
(3) Vocational training aid.
(4) Farm or home aid.
(5) Land settlement aid.

My understanding is that the adjusted compensation provided in this bill and terms of payment determined upon by the committee meet with the approval of the legislative representatives of the American Legion. If so, and if the ex-service men are satisfied with the amount paid and the time fixed for payments, very well; it is not for me to question the amounts or the terms agreed upon. However, it would seem that if the amount of adjusted compensation agreed upon is justly due—and it by all means is—it should have been paid before and surely it should be paid now, not years hence. As before stated, Congress has provided funds to pay other claims; why not pay this now? Generally, the answer is, "The Treasury is short of funds; taxes and debt are already too high."

We have been short of funds for some time, and the chances are that we will be just as short of funds as we now are when the certificates to be issued under this plan fall due. Hard-luck stories and appeals for extension of time on payments are not always accepted in payment of services or debts, especially by those in need of funds, which, I understand, is the case with many ex-service men. The general practice is when one's note falls due to either pay or renew with interest. My experience has been that a business man's obligations are either paid when due or he submits to terms prescribed by his creditor as to extension and rate of interest. That is the only proper way I know of redeeming obligations. If that is expected of an individual, why should not Uncle Sam redeem his obligations to these worthy claimants promptly and satisfactorily?

The answer most prominently given is that the sales tax is the only available source of obtaining the revenue required.

SALES TAX.

Generally speaking, I am opposed to a sales tax. In my opinion it is one of the last methods of taxation that should be resorted to, but I am in favor of paying the soldiers adjusted compensation, and if a sales-tax provision is necessary to provide the revenue to pay the adjusted compensation to the ex-service men, believing as I do, the quicker the adjusted compensation is paid the better, I should favor one if patterned after that of Canada. If a sales tax is necessary and one is to be imposed, it should follow the Canadian plan which exempts, first, foodstuffs in their natural state; second, the initial sale by the farmer of farm products of his own production; third, the first product of the fisheries, mines, and forests; and which, fourth, requires manufacturers selling goods to jobbers or wholesalers to collect and pay into the Treasury one-half of the sales tax, and the wholesaler or jobber selling to the retailer or consumer to collect and pay into the Treasury the other one-half, or if the manufacturer sells direct to the retailer or consumer, to collect and pay into the Treasury all of the sales tax, and which requires in every case that the purchaser be furnished with a written invoice of all sales, which invoice states separately the amount of the sales tax as provided in the Canadian sales tax act, assented to on June 4, 1921, and put in effect May 10, 1921, which makes the collection of taxes certain and inexpensive. If it is necessary, in order to redeem in cash the obligation to our ex-service men, to impose a sales tax of a fraction of ½ per cent or even of 1 per cent, which is only one-third of the amount of the Canadian sales tax, I believe that it would be more satisfactory to the ex-service men and all concerned than the issuing of certificates as provided in the bill. It seems to me that if a sales tax is necessary and if it is the only source of revenue available to meet this obligation, every American citizen would welcome the opportunity to contribute in this respect, which would in a degree express his appreciation and debt of gratitude for the heroic services rendered. However, there are other available sources of revenue.

There are a number who made enormous, yes, excessive profits on war contracts, who should welcome an opportunity to share with the boys or, at least, to give up a part of their gain. They should not only be given an opportunity, but they should be made to contribute liberally to this deserving cause. In my opinion they should not be overlooked. Further, the payment of interest on our $11,000,000,000 loan to foreign nations should be insisted upon and paid. With more than $3,000,000,000 of gold coin and gold bullion in the United States Treasury, with more than $2,000,000,000 in gold held jointly by Federal reserve banks and agents, and that with only about two and one-half billion dollars of Federal reserve notes in circulation and only $346,681,016 of United States notes outstanding—which amount is about $1,000,000,000 less than the amount of Federal reserve and Treasury notes outstanding in 1920—undoubtedly a considerable amount of Federal reserve or United States notes could be issued without interest to take care of a part of the adjusted compensation; or if the proposed certificates are issued with interest, if the Federal reserve notes were loaned, interest charged and the interest covered into the Treasury, the interest thus collected would more than offset the interest which the Government would have to pay on the proposed certificates. If $1,000,000,000 of Federal reserve notes could be thus issued and circulated it would not only provide for a billion-dollar cash payment to the ex-service men but it would also save our Government some forty or fifty million dollars annually in the payment of interest; besides, there are other available sources to draw upon.

AGRICULTURAL LEGISLATION.

In this connection I desire to refer briefly to agricultural conditions and legislation enacted affecting agriculture.

The recent war brought agriculture into prominence and demonstrated its value and preeminent importance. As you will recall, food products were given the right of way; munition trains, passenger trains, and all others were sidetracked for the train carrying food. The splendid achievement of our country was made possible not because of its munitions or automobile factories, but because of its food supply. According to the Statistical Abstract the farmers in the past have furnished more than half of our exports. The highest per cent was 84.3 in 1820. In 1919 they furnished 53 per cent, or $4,107,158,758 worth out of our total export of $7,081,409,988. It is clear to all that without the industry and success of our 6,000,000 farmers and 6,000,000 farm hands, the balance of trade in our favor would dwindle into insignificance and in a short time turn into an adverse balance. Not only that, but, generally speaking, the progress, prosperity, and happiness of practically every man, woman, and child is dependent upon the farmer. Our interests are in common. We go up and down together, hand in hand. It is unnecessary to say that, had it not been for our food supply—our bread basket—the results of the World War might have been different. No matter how brave or strong men may be they can not fight or endure for any length of time, nor can any nation exist, without food. Food supplies energy; yes, life. The United States might, by lowering its wage scale and its high standard of living to the level of other countries, be thus enabled to compete with other countries in the products of its mills and factories and increase its exports of those products so as to exchange them for food, and thus succeed for a while but only for a short time. Just as sure as the sun rises in the east and sets in the west, without the farmer Uncle Sam's factories, mills, and banks would crumble and fall, his railroads would rust, his beautiful towns and cities, including the schoolhouses in the valleys and churches on the hilltops, would disappear, until our beautiful land—with its grand and glorious Government, its splendid and magnificent institutions, its productive fields producing bread, the staff of life, in a sufficient quantity to feed not only our 105,000,000 people but millions in foreign lands—would cease to occupy first place among the nations and much of it would return to unproductivity and forests.

The World War has brought the farmer into prominence. We now more than ever realize that the progress and prosperity of our people and the stability, growth, and greatness of our Nation are dependent upon the tillers of the soil. As a class they compose the great conservative force of our Nation. They are the producers of new wealth, annually producing about 900,000,000 bushels of wheat, 5,000,000,000 bushels of cereals, which equals about one-third of the total wheat and cereal production of the world. According to the report of the Secretary of Agriculture, the estimated value of crops and live stock on the farms on the 1st of January, 1918, was $24,700,000,000. In amount more than three times the stock of money then in the United States, and that after our presses had been running overtime turning out all sorts of money. According to the recent report made by the Bureau of Markets and Crop Estimates, the average value of 10 crops; consisting of nine-tenths of all crop production, has fallen in two years 59 per cent, or from $35.74 an acre in 1919 to $14.52 in 1921.

With the deflated prices on farm products, heavy taxes, scarcity of money, high transportation rates, and unfortunate conditions confronting agriculture, naturally legislation affecting the farmers was the first and all-important to be taken up by Congress in its reconstruction work. Naturally all interested in agriculture expected the party in power to act quickly in the enactment of remedial laws and to secure an honest and rigid enforcement of such laws, especially to enact legislation to promote progress and prosperity on the farm, for, of course, the American people can not be content with anything less. With that in view, and recognizing the limited power of Congress, every member of the Committee on Agriculture, which committee has jurisdiction over all matters pertaining to agriculture, pursued their duties with fidelity and with a firm determination to bring about the results desired. Many seemed to believe that it was in the power of Congress and other legislative bodies to legislate value and prosperity and that all that was necessary was for Congress to authorize the issuance of more money and bonds and to regulate business. Congress and legislative bodies are, of course, limited in their power; as, for instance, it is not in the power of Congress to increase or lessen yield, except through the process of taxation. However, it has the power to levy and collect taxes, to appropriate money for the employment of persons and other means to foster, encourage, and promote agriculture, to issue money, to obligate the Government, and to make loans, but without our natural resources and the integrity of the American people back of it the money issued or obligations incurred would be of little or no value.

Conditions have materially improved. Undoubtedly legislation recently enacted has had much to do with the improved conditions. Evidently our most serious trouble to-day in agricultural districts remote from consumption centers is the present high freight rates. Take, for example, corn in Iowa. A few months ago corn sold as low as 16 cents a bushel; deducting from that 5 cents a bushel for picking and cribbing left 11 cents net for 70 pounds of corn. The farmer then received less than 16 cents a hundred pounds in compensation for his taxes, rent, seed, and year's work in planting, cultivating, and marketing the corn. The railroads hauling the corn to Chicago received 25½ cents a hundred pounds. If hauled to New York, 55½ cents. True, conditions have improved; but even at that, while corn is selling for 40 cents a bushel, or about 60 cents a hundred pounds, the railroads get practically as much for hauling the corn from Iowa to New York as the farmers get for growing it. It goes without saying that with such conditions prevalent the farmers can not pay taxes, interest, and maintain their families as they should, and unless prices on farm products advance or freight rates are materially reduced or the factories, mills, labor, and the consumers are moved closer to the food-producing areas, thus eliminating the great transportation costs, the farmer will necessarily have to transfer his activities to a more remunerative occupation. The Interstate Commerce Commission was given power to fix just and reasonable railroad rates and was authorized to ascertain the fiscal value of railroad property as a guide and basis for fixing such rates. That commission is functioning and claims to have fixed rates accordingly. The United States Railroad Labor Board was organized and authorized to fix the wages of railroad employees. It is also functioning and has determined the wage scale. The Constitution provides that property shall not be taken except by due processes of law—that is, without just compensation. If the rates and wages determined are just and fair, there seems to be nothing further that can be done; however, if the freight rates have been fixed too high, which seems to be the case, a review is in order, and if a review can not be had to determine a just and fair rate it may be necessary to provide for a new commission or to abolish it or to repeal the law and leave the matter—under proper restrictions as to pooling, merging, granting rebates, and all other unfair, unjustly discriminatory practices and devices—to the railroads themselves, to solve their own problems, or for Congress to exercise its power to directly fix just and reasonable rates.

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE.

Congress has amended and enacted since the change of party three years ago more real constructive laws affecting agriculture than it has in any 10 previous years. In less than three years the Committee on Agriculture of the House, of which I have the honor of being Chairman, has reported and had passed amendments to practically every law on the statute books affecting agriculture and has initiated and had passed more new legislation than it had in any previous period of 10 years prior to the war. I might add that any suggestion that may be made in the future which will better the conditions of the tillers of the soil will be given the same speedy and favorable consideration by the committee.

The Committee on Agriculture in the Sixty-sixth Congress held 111 days of hearings, and so far this Congress 58 days, a number of the hearings starting at 9 o'clock in the morning and running until midnight. The hearings in the Sixty-sixth Congress were on 28 subjects, covered in 7,484 pages of printed testimony, and so far this Congress on 22 subjects, covered in 2,873 pages, a total of 10,357 pages of printed testimony before the committee. In the Sixty-sixth Congress 18 bills were reported from the committee, of which 6 were enacted into law, in addition to the many new, important legislative amendments carried in its agricultural appropriation acts. So far this Congress 19 bills have been reported from the committee, of which 6 have been enacted into laws. In addition, one of the bills reported this Congress has passed the House, while the other 12, not enacted, are on the House Calendar.

The first bill to be taken up, reported, and passed by the Committee on Agriculture in the Sixty-sixth Congress was the Agriculture Appropriation Bill for 1920, H. R. 7413, introduced and reported by me, which carried $33,900,211. Owing to the urgent demand for legislation, and in order to expedite such legislation, considerable new legislation was incorporated in the appropriation bill. For instance, an amendment to the Pure Food and Drugs Act requiring the marking of the net weight on wrapped hams and bacon, which guaranteed full weight to the consumer and obviated much deception; an amendment requiring the inspection and marking of horse meat, thus bringing it under the Meat Inspection Law and affording protection to the consumer; an amendment to the United States Warehouse Act; an amendment extending the Weeks Act, under which lands for the protection of watersheds of navigable streams are acquired; an amendment continuing the enforcement of the Government regulations covering the handling of the wool clip of 1918, under which the Government has collected and distributed to producers large sums unjustly withheld by the commission men; and, probably the most important of all, an amendment repealing the so-called Daylight Saving Law, which worked such an inconvenience, hardship, and injustice to the farmers, and city people as well, which amendment repealing the law, after a long contest, was passed, vetoed by President Wilson, and finally passed over the President's veto.

The committee authorized me to report and had enacted my bill (H. R. 8624) amending the Food Control Act. It permitted cooperative bargaining by any cooperative association or other association of farmers, which relieved farmers from persecution and unwarranted prosecution unjustly imposed from coast to coast. The testimony before the committee showed that farmers in California, Illinois, Ohio, and other States who had disposed of their farm products by collective sales had been unjustly indicted, arrested, and tried for such sales. The amendments attached a penalty for unlawful profiteering, hoarding, and destroying of necessities. The amendments in addition carried the District of Columbia Rents Act, providing for a commission to regulate rents. The commission has heard hundreds of complaints and has adjusted numerous rent controversies; thus thousands have been given protection against profiteering landlords.

The committee authorized me to report and had enacted a bill authorizing the President to continue the United States Sugar Equalization Board and take over the Cuban sugar crop. Had President Wilson exercised this authority to take over the 1920 Cuban sugar crop the consumer would have been furnished sugar at about 10 cents a pound instead of at the exorbitant price paid, due largely to the establishment by Attorney General Palmer of zones, which permitted the Louisiana sugar grower to receive approximately twice as much for his product as those in the beet-sugar and other districts.

The committee authorized me to report and had enacted the Barbour bill, which authorized the acquisition of certain valuable vineyards.

The committee authorized Mr. HUTCHINSON to report and had passed by the House and Senate his cold-storage bill, which limited the time in which food could be held in cold storage to one year, regulated the sanitary conditions of cold-storage warehouses, and required reports on all food held in cold storage. This bill failed in conference.

The committee authorized me to report and had passed by the House my bill amending the Pure Food and Drugs Act.

The committee authorized Mr. RUBICK to report and had enacted his bill to loan $2,000,000 to farmers in the drought and storm stricken sections of this country for the purchase of seed.

The committee authorized me to report and had enacted a resolution defining what constitutes a crop failure in making loans of seed wheat for crop purposes.

The Agricultural appropriation bill for 1921, introduced and reported by me, appropriated $31,714,784 for the Department of Agriculture. It eliminated and reduced many useless items, a reduction of $2,185,427 for the year. It carried much important legislation, as, for instance, an amendment extending the plant quarantine act to the District of Columbia; an amendment reducing the number of grades deliverable on a contract under the Cotton Futures Act; an amendment transferring to the Department of Agriculture the reindeer work in Alaska, which is its chief source of food supply and is fast becoming its chief industry; an amendment transferring the enforcement of the ten importation act to the Department of Agriculture, under whose jurisdiction comes the enforcement of all legislation affecting food; and an amendment creating the Joint Committee on Short-Time Rural Credits, of which I have the honor of being Vice Chairman, made up of members of four committees of the House and Senate, which joint committee has held extensive hearings in various sections of the country with a view of establishing a practical system of short-time rural credits, which, it is needless to say, would be of benefit, especially to certain sections of the country.

The committee authorized me to report a number of other bills, including a resolution dealing with the cotton crop; a resolution authorizing the participation of this country in the World's Poultry Congress; a bill providing a grade for American Egyptian cotton; two resolutions calling for the suspension of speculative short sales of grain on the grain exchanges; and bills dealing with other matters.

The committee's hearings embraced a number of bills and subjects which were not reported upon, as, for instance, the establishment of a farm-produce exchange; extension of the Food Control Act; prohibition legislation; cost of living; amendments to the Warehouse Act; an agriculture conference; grazing fees; the guarantee price of wheat; agricultural relief; transportation and marketing of farm products; refund to woolgrowers; various recommendations of the Secretary of Agriculture; and other bills and matters.

Among the most important measures reported and had enacted by the committee so far this Congress—the Sixty-seventh Congress—is the Haugen Packer and Stockyards Act introduced and reported by me, which was enacted in practically the same terms as my substitute for the Senate packer bill in the Sixty-sixth Congress. This legislation has been under consideration by Congress the past quarter of a century. The act extends over every ramification of the packers and stockyards transactions in connection with the packing business. It gives the Secretary of Agriculture complete inquisitorial, visitorial, supervisory, and regulatory power over the packers, stockyards, commission men, traders, buyers and sellers, and all activities connected with the slaughtering and marketing of live stock and live-stock products. The act gives the Secretary power to prevent the packers and all persons dealing in the stockyards from engaging in unfair, unjustly discriminatory, or deceptive practice or device; regulate and prescribe practices on the stockyards; prevent abuse; award damages; regulate and prescribe all rates, fees, and charges for services in stockyards, including the fee of commission men, yardage, feeding, watering, weighing, and handling live stock; and prescribes the manner and form in which packers and all concerns operating in stockyards shall keep their books and accounts. The act provides specifically for cooperation in the marketing of live stock through cooperative associations in the stockyards by permitting them to return to their members on a patronage basis their excess earnings on live stock handled, subject to regulations by the Secretary. With the complete and exclusive power granted the Secretary, if any abuse exists we may look for relief if the act is properly administered. If not, it is the fault of those in charge of its administration; but there seems to be no question but that the act is being effectively administered. The act has been upheld unanimously in a vigorous opinion by Circuit Judge Evans and District Judges Landis and FitzHenry sitting in banc in the district court, and on March 21 the constitutionality of the act was argued before the Supreme Court of the United States.

Another very important bill reported and enacted is the Tincher Future Trading Act, introduced and reported by Mr. TINCHER, to regulate the grain exchanges. This legislation has been under consideration by Congress for a number of years. The bill enacted gives the Secretary of Agriculture power to prevent manipulation and limit operations in grain futures. It requires that the records of transactions be kept and be made available for inspection. If properly administered, which I am certain it will be, it should give the relief long sought.

The committee authorized me to report and has had passed by the House my amendments to the Pure Food and Drugs Act, known as the "Slack-Filled Package Bill," which prohibits the use of slack-filled or other deceptive forms of packages, as, for instance, spice and cereal packages only partly filled with food, designed to mislead the consumer as to the quantity of food purchased and to exact from him a price based on the apparent rather than the true quantity of the article thus packaged; bottles with inverted bottoms or made of thickened glass designed to magnify the contents; cans containing an excess of liquid, water, or foreign matter and a deficiency of food material; and other containers which give the purchaser a false impression as to the quantity, quality, size, kind, or origin of the food contained therein.

The committee this Congress, in addition to the Packer, Future-Trading, and Slack-Package Legislation, has authorized me to report and has had enacted bills deferring the payment of grazing fees on national forests, thus affording relief to the stockmen of those sections, affected by the agriculture and business depression; a bill granting certain relief to the cotton belt; and a bill appropriating a million and a half dollars for the purchase of seed in the drought-stricken area of the Northwest.

It has held hearings on the subject of filled milk and authorized Mr. VOIGT to report the Voigt bill prohibiting the sale of filled milk—that is, canned skimmed milk mixed with cottonseed or other vegetable oil.

It has investigated the grades for spring wheat and has authorized me to report to the House a bill embodying revised grades, which, it is thought, will be adopted. If so it will materially benefit the producer of wheat.

It has authorized Mr. WARD and Mr. CLAGUE to report two Senate resolutions governing the disposition of certain sugar imported from the Argentine.

It has authorized me to report a bill further extending the life of the Weeks Act, under which land for the protection of the watersheds of navigable streams is acquired; and a number of other bills, as, for instance, my bill authorizing the payment of meat inspectors for overtime, my bill readjusting the salaries of scientists in the Department of Agriculture, and bills affecting other matters.

It has held a hearing on the transfer of the Mount Weather property to the Soldiers' Institute (Inc.), for the benefit of ex-service men.

It has held extensive hearings on forestry legislation, with a view of reporting a bill setting forth a policy governing the cutting of our forests and a plan for reforestation which will prevent exploitation and depletion of this marvelous resource and provide for future generations an adequate supply of timber.

It has made a careful investigation of various plans submitted proposing to stabilize the price of farm products. Exhaustive hearings have been held on this subject with a view of reporting a suitable bill.

It has held hearings on the work and policy of agriculture experiment stations to ascertain the need for further endowment of these stations.

It has held hearings on, and, in all probability, will soon authorize a report on a migratory bird refuge and public shooting ground bill, which will insure further protection to migratory birds and will provide throughout the country public shooting grounds.

It has held hearings on other subjects—a warehouse bill, use of aircraft in spraying trees, DIAL's cotton future amendments, transfer of various bureaus to the Department of Agriculture, recommendations of the Secretary of Agriculture, and other subjects.

Thus I might go on, but I believe sufficient has been said to convince any unbiased mind that my committee—the Committee on Agriculture—and Congress have done their duty. As stated by Mr. MONDELL, the majority leader of the House, in his remarks before the Committee on Agriculture on February 27 last:

> No committee has done as much as this committee or inaugurated as much legislation in the interest of farmers as this committee, and I have been for it all.

Mr. JEFFERS of Alabama. Mr. Speaker, as a part of my remarks on the adjusted compensation measure I desire to extend in the RECORD a letter written recently by me to one of my constituents. In this letter I have tried to outline in plain and simple language some of the things which must be considered in connection with this legislation. Here is the letter I refer to:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 24, 1922.

Mr. T. E. WILLIAMS,
Talladega, Ala.

MY DEAR FRIEND: Regarding the adjusted compensation bill it can be truly said that there has been so much uncertainty recently as to what form this measure would take in the Ways and Means Committee that it has been hard to make definite statements about it.

The Ways and Means Committee were about ready, it seemed, to report the bill out recently with a certain schedule of taxes attached to it, but they decided not to do that, and again they were about ready to report it out a few days ago with a sales tax provision attached to it, but decided before doing that they would again resubmit it to a subcommittee of the Ways and Means Committee, charging that subcommittee with the framing of the bill as it will be presented by the Ways and Means Committee. We do not know what form it will take, and, of course, every one here is anxious to see what they will recommend.

I believe that the country has been unduly frightened by an immense propaganda which has been and is being carried on by interests that are against any adjusted compensation for ex-service people. I also believe that there is a desire on the part of some of those who are high in the administration circle here in Washington to attach some obnoxious tax to the adjusted compensation measure because they believe such a special tax would serve to create sentiment not only against the measure itself but would also reflect against the ex-service people all over the country. Politicians of this stripe want, I believe, to kill the ex-service men and women as a rising and growing political factor by deliberately trying to make this soldier legislation unpopular with the people.

Very soon after the armistice there were between 50 and 60 compensation bills introduced in Congress. The Ways and Means Committee called in the legislative representatives of the American Legion and requested them to help study the different proposed bills and to help determine what would be best. The representatives of the Legion made an exhaustive study of the bills and investigated the circumstances and conditions of the ex-service people over the country and worked out the five-plan idea. It appeared to be the most feasible plan that could be submitted. Since the day the armistice was signed the ex-service people have been promised some suitable adjusted compensation. The American Legion and other organizations of ex-service people have been given to understand that it was coming. The ex-service people have been led to believe all along that a compensation measure like this was to be passed, not as a matter of charity at all but as a matter of right and justice. Consequently it has gotten to the point now that there is no way for the issue to be settled until an adjusted compensation measure is passed and taken care of. Now that it is actually being considered, and after leaders have publicly promised that it would soon be passed, certain interests are flooding the country with propaganda to scare the people with greatly exaggerated statements about the immediate cost of the legislation. I am glad to say that I feel sure that Congress and the people of the Nation will be agreeably surprised when they see how many of the ex-service people will take advantage of the other and better features of the bill instead of the small cash payments.

About the matter of attaching a special tax to this particular piece of legislation, that is a thing that has not been done before. The hundreds of millions of dollars that have been paid to the railroads out of the Treasury during the last 24 months came out of the taxes paid by the people, of course. They say that was a matter of right and justice that the railroads should be so reimbursed. Be that as it may, it all came out of the pockets of the people in taxes. And I noticed a day or two ago that the railroads still claim that reimbursement is due them to the amount of about $350,000,000 more than has already been paid, and they expect to "collect" that very soon. But there is no movement on foot to place a special obnoxious tax on the people for the purpose of raising the money to pay the railroads.

It cost billions to reimburse war contractors; the war mineral relief bill carried forty millions; a bill for the relief of Shipping Board contractors carried fifty million; twenty million was voted recently for Russian relief without question as to how the money would be raised; all these measures were put over without any special obnoxious tax being attached to them to make them a stench in the nostrils of the public. Why single out the soldiers' compensation measure to put a special tax upon the people to raise the funds when they have not mentioned any special taxation to pay all these other debts? Why attach all the odium to the soldiers?

The giant interests of the country who are now fighting the adjusted compensation measure were in favor of most of the above "relief" measures, I believe, and they did not want anything said about any taxes necessary to pay those sums of money because of the fact that they do not want to bring the railroads and other special interests into disrepute with the people; but now that an adjusted compensation measure for the soldiers is being considered they do want to put an obnoxious tax on the people in connection with it.

You understand, I am sure, that I am not for a moment saying that you yourself look at this proposition in this light, but I am merely saying that certain things appear to me to be very evident in connection with this propaganda about the adjusted compensation measure. Believe me when I say that all this is written in a perfectly friendly spirit.

I also wish to assure you that I am not antagonistic to the interests of the railroads of the country nor to the interests of the honest business corporations. I realize that the problem of the transportation and the railroads is a very serious one in this country at this time, and one which deserves the best thought and attention of all those who have anything to do with the readjustment of the transportation facilities of the country.

I have given much thought to this subject, naturally, and I can truthfully say that I have tried and am trying to look at the proposition in a broad-minded way. I want to act wisely and do what is right in all things.

Let us consider the civil-service employees and the great army of war workers. Added compensation of $240 per year was given them to help them meet rising living costs. That's all right; they needed it, no doubt. Now, while thousands of ex-soldiers are unemployed to-day these war workers still have the jobs and are still drawing the $20 per month as "bonus" or added compensation. That is a matter of right and justice; but it all comes out of the Treasury. There is no special tax attached to that particular expenditure.

If full reparation to the railroads for all losses sustained during the war; if reimbursement for war contractors; if help for the Russians; if a square deal for the great army of war workers; if all this is done in the name of justice, then why not grant this adjusted compensation to the men and women who turned themselves over to Uncle Sam and went away to serve for $1 per day, less allotment, less insurance, less other items that left a man about $2 per month which he could squander on tobacco and other luxuries?

Seriously, these ex-service people all over this country need a little help now in order that they may be able to more readily pick up again the broken threads of their civil lives. It is mighty hard for them to come back and take things up again where they left off. They lost out in many ways. They are young Americans, and many of them are right now struggling against odds to begin life all over again as heads of young American families. They should be encouraged. It is America's sacred duty to be considerate now of those who wore her uniform in time of war.

Another thing to be considered is that other countries have given this adjusted compensation to their ex-service people. England granted adjusted compensation ranging from $150 to $750 per man.

That brings us to the point that England and other countries owe the United States about $10,000,000,000. I am much in hopes that some way will be found to finance some part of that debt with sufficient security to provide for all needs, so that no special, odious tax measure will be attached to the adjusted-compensation measure. There are those here, who are in position to know, who say that can be done. Banking institutions in this country, however, to whom our allies also owe money, are against this plan, because they want to try to get their pay from our allies before our Government gets here.

I favor adjusted compensation for the ex-service men and women of the United States, and I trust it can be worked out so that it will not ruin this rich country of ours, as Secretary Mellon and other interests would have us believe.

Surely our country can give recognition to her ex-soldiers and ex-service women equal to what other countries have done for theirs.

I want you to know that I was very glad to hear from you. I have written at some length on this subject, because I am anxious to put clearly before you the many things in connection with this matter which must be considered. I do not believe there is occasion for great alarm.

It goes without saying that there is nobody in the district to whom I feel more grateful for past kindness than I do you. I certainly hope and trust that I may be able to always retain your friendship and good will.

I do not know what is going to be the outcome of this agitation over this compensation measure, but, as stated above, I have and will continue to look at the proposition in a broad-minded way.

I shall be very glad, indeed, to hear from you again about this or about anything else in which you may be interested. I am here for service, and while I am here I want this office to give to the people of the district the good service which they should receive. Anything you see fit to give me at any time in the way of information, suggestions, or advice will be welcome and appreciated.

With warm personal regard and good wishes to you and all the boys, I am,

Cordially and sincerely your friend, LAMAR JEFFERS.

Now, Mr. Speaker, with regard to the procedure here on the floor to-day, when this very important legislation is being jammed through in such hasty fashion, let me say that this is certainly in striking contrast to the delay that has applied to this measure. I do not mean that the time for debate has been limited to too short a time, because there is no need for a longer time for debate. But what I refer to is that part of the rule adopted for the passage of this bill which absolutely puts a "gag" upon the Members of this House in so far as offering any perfecting amendment to this bill is concerned.

Why should not Members of this House be allowed to offer amendments to this bill if they want to, and why should not the membership of the House have opportunity to vote on any amendments that might be offered?

I wish to call your attention to an extract from a news item in the Washington Star of March 21, 1922, which is as follows:

> Speaker GILLETT said the proposition had narrowed down to whether the bill should be put on its passage without opportunity for amendment or with opportunity for one motion from the Democratic side, and that he was inclined to think it would be better not to permit the Democrats to offer the one motion. In this connection he called attention to the minority report on the bill prepared by Representative KITCHIN, of North Carolina, and some other members of the Ways and Means Committee, in which it was urged that the excess profits and high surtaxes be restored.

To my mind it is clear that the "gag rule" has been put on by the Republicans, as indicated by the above-quoted news item, to prevent the Democrats from offering any amendment to this bill, which amendment might provide for the raising of the necessary funds by restoring the surtax feature on swollen fortunes and otherwise taxing war profiteers. They are the ones who should pay the burden of the bill.

The adjusted compensation certificate, as provided in this bill, is a subterfuge, yet the Members of this House are bound by this "gag rule" and can offer no remedial amendment. The adjusted compensation certificate will, I believe, prove a bitter disappointment.

I believe the committee which has brought out this bill and the committee which has framed this rule, under which this bill is to be jammed through without any opportunity being given to the Members of the House to offer any amendment, are simply afraid to take a chance on allowing the House to vote on any amendment. In my opinion, it is a matter of protecting the profiteers.

We must vote on this bill as it is. We must "take it or leave it." I am going to vote for it. It is the best I can do under the circumstances. In casting my vote for it let me say to the Republican majority on the committee that reported this bill out in its present deceptive and disappointing form that I feel

toward it like the old negro felt about the liquor that his boss gave him. The boss gave old Sam this liquor one evening, and the next morning when they met the following colloquy took place:

The Boss. Good morning, Sam; did you drink that liquor I gave you last night?

OLD SAM. Yassar, Boss; yassar; I drunk it.

The Boss. Well, Sam, how was it? How did you like it?

OLD SAM. Well, sah, I drunk it all right.

The Boss. Well, how was it, Sam?

OLD SAM. Well, sah, I reckon you'd call dat likker jes about right for er nigger.

The Boss. What do you mean by that expression, "just about right for a nigger"?

OLD SAM. Well, Boss, you see dat likker was like dis: if hit had er kin any better you wouldn't er gi' it to me, and if hit had er kin any weaser I couldn't er drunk it.

[Laughter and applause.]

Mr. MOORE of Ohio. Mr. Speaker, when the United States entered the World War and sounded the call to arms 4,000,000 men were marshaled for that conflict. They left their homes, their occupations, or preparation for some profession in life. Profuse were the promises that were made in every city, village, and place of embarkation. There is no question but what the throwing of the young manhood of America into the conflict put beyond question the outcome of the war and its victorious conclusion in favor of the allied cause.

Now that the war is over the Nation has set about to readjust as much as possible such things as were disordered during the war. We have been called upon and responded in the business world to make adjustments of contracts and other inequalities. Surely when we have thought about the material we shall not forget the human element that was the determining factor in this great conflict. One hundred and twenty-five thousand of the Nation's young men laid down their lives in camp, on the battle field, or somewhere in this titanic struggle.

There is no question that a great many in our country profited financially during the war. Of course, it is readily admitted that we can not compensate in dollars and cents the sacrifices and losses of those who directly participated in the World War. This bill, which is known as the adjusted compensation bill, is a sincere effort to attempt in a small way an adjustment; at least it will recognize the services of those who responded to the Nation's call and will show that a grateful Republic is appreciative of the services of its defenders.

The Government has been liberal in its provision for our disabled ex-service men and it is safe to predict that this attitude will continue unchanged. Almost a billion dollars have been appropriated to care for our disabled ex-service men and their dependents.

I resent, for the boys who responded to the call to arms, the insinuation and suggestion made by some that their influence is purchasable by the passage of this bill. It is a reflection upon their honor which is unwarranted, and upon the honor and integrity of the country of which they are an important part.

We fought side by side with our allies, and, naturally, comparisons are in order. We are the richest Nation in the world; and, while I recognize that this does not give us license for unwarranted expenditures, it certainly does challenge our attention to determine if we should not be as considerate of our soldiers as were the other allied nations. Great Britain, France, Canada, and Australia and other countries gave their soldiers adjusted compensation, and, since these nations recognized the services of their soldiers in this way, it seems to me but fitting that our soldiers should receive this recognition and know that this Nation is just as appreciative of the services of her soldiers as any one of the Allies.

There seems to be no question but what an adjusted compensation bill will be passed. President Harding has expressed his approval of the principle, and it only remains a question as to when and how the promise to the ex-service men shall be carried out. I shall support this bill because it seems the best possible bill under the circumstances, and I believe that it is wise to have the matter determined, both from the viewpoint of the soldier and the country.

A great many of the States of the United States have by popular vote favored an adjusted compensation in the several States. In Ohio, and by the votes in my own district, there was an overwhelming vote in favor of an adjusted compensation for the ex-service men in Ohio. I supported a similar bill in the Sixty-sixth Congress, and I therefore feel that I am registering the overwhelming sentiment of my constituents when I support this measure. To my mind, it is worth while in this way to recognize the services of our soldiers in the World War and thus evidence in a small way the gratitude of a grateful and appreciative Republic. In this way we will translate some of our promises into performances and some of our sentiment into substance.

Mr. LOWREY. Mr. Speaker, the gentleman from Texas [Mr. BLACK] states that in his whole experience in Congress he has never before considered a bill upon which it was so hard for him to decide how he ought to vote. I agree fully with him in the sentiment. Like the gentleman from Ohio, too [Mr. LONGWORTH], "I have no quarrel with those gentlemen who conscientiously believe it wrong." In the present condition of the Federal finances and the present serious economic conditions everywhere, I admit there is very strong presumption against passing any bill that makes such large demands upon the Treasury. Yet before coming to any final argument I want to mention some things also that give a presumption in favor of our paying our soldiers adjusted compensation.

First. Our allies have done so. Italy, England, France, Belgium, and Canada have paid their enlisted men from $64 to $651 each, and yet these countries have national debts of from 23 to 55 per cent of their total wealth, while ours is only 8 per cent. True, some of them might have been wiser to spend their money in payment of their debts, and we might have been better off had they done so. Yet their liberality to their service men gives a presumption in favor of our doing something for ours.

Second. Half the States of the Union have made some provision of this kind for their soldier boys, and in 18 of the States it has been done by the vote of the majority, often the overwhelming majority, of the people, which indicates that a majority of our people favor such a move, and in a democracy the will of the majority is final.

Third. The boys themselves in polls taken through the American Legion seem almost unanimously to consider that this is a just obligation of the Government to them.

But these are only presumptions. The conclusive argument with me is this: By the selective draft many of these ex-service men were required to enlist and serve in the Army or the Navy at $1 to $1.25 a day. While they did this almost everybody at home either profited or profiteered. Labor, farm products, manufactured articles, the output of the mines—everything rose to unprecedented prices. So that those who stayed at home had financial opportunities and made money as never before. I knew boys in their teens, under service age, to receive over $200 a month for physical labor. I knew one boy who left a shipyard job to enter the service at $1 a day when he had received $9 a day for the last day's work done in the shipyard. In camp, soldier boys worked at $1 a day side by side with civilian employees who were receiving from $7 to $10 a day.

Thus the service men were denied all opportunity to profit financially by the conditions from which all other classes were enriched. But again when these service men returned home they fell upon a time of depression. Those who would work for wages or salaries found jobs scarce and many found the places occupied before permanently filled by people who had enjoyed at home the period of prosperity. So we now find from 700,000 to 900,000 of these men unemployed. And hundreds of thousands more working on farms where it is impossible to get actual cost for their products. Now, since these men by their military service made us all safe from German domination and German indemnity, and gave us all the greatest financial opportunity in our history, and since they themselves missed this opportunity, and since they have fallen upon evil times and conditions, and since they call upon us for this measure of relief, I submit it would not be fair or right to refuse them. It may cost us heavily, but if it is right we can meet the cost. And people can afford to do right in spite of cost, and can not afford to do wrong to save cost. But a word more as to the cost.

Our boys brought the armistice from 6 to 12 months earlier than we expected. Had the war gone on for that much longer it would have cost us in money twice as much as the cost of this so-called bonus, to say nothing of the anxiety, sorrow, suffering, and blood.

Second. The money we save in our disarmament move and naval holiday will more than twice pay the bonus.

Third. The money we save by cutting down the current expenses of our Army and Navy would pay the bonus.

Fourth. The reduction which the recent revenue bill made in surtax and excess profits tax, if put on again, would carry the expense of the bonus.

Again, everybody has been "bonused" but the ex-service men. Every Government clerk and employee receiving less than $2,500 a year had gotten a bonus, at a total cost of millions. The railroads and big contractors have been "bonused" with billions, and our claims committees are constantly considering propositions to remunerate men and corporations who lost by

the war. I am far from satisfied with the bill. I think it ought to carry a plan for raising the revenue. As I recently said in a newspaper interview, I believe the revenue ought to be raised by tax on things that are purely luxuries and on large incomes, inheritances, and unearned increments generally.

I vote for the bill hoping that this improvement will be made in it before it passes the Senate and is signed by the President. I at least hope that the Senate will not be gagged by an unscrupulous and mad majority that would prevent a free and fair discussion of one of the most important measures that could come before a post-war Congress, and that Members there will not be forced to "extension of remarks" in the RECORD, rather than open, honest debate.

Mr. HAYS. Mr. Speaker, on the 29th day of May, 1920, this body passed an adjusted-compensation bill. I worked and voted for the measure at that time. The bill did not become a law, however, for the reason that no favorable action was taken by the Senate. To-day we are considering in this body a new bill very similar to the original bill we passed in 1920. Every argument that helped me form an affirmative judgment in 1920 appeals to me with more persuasive force to-day; and new conditions that have come about add to my conviction in favor of this relief for our ex-service men.

This bill, in its title and in its context, purports to be a measure to provide adjusted compensation for veterans of the World War. It is not a bonus bill. Webster defines a bonus as something given beyond what is usual or strictly due. The compensation provided for in this bill is not a bonus; it is not a gift; it is the payment of a just debt. When the war was on the price of labor was higher in America than it had ever been before. The early stages of the war in Europe, before America became a party to the conflict, paralyzed industry on the other side of the ocean. The hordes of working men in the allied countries and in the Central Powers were withdrawn from the peaceful pursuits of industrial production and were sent to service in the destructive work of war. America, alone among the great powers, was left to supply the wants of the civilized world. We all remember that within a short time after the first hostile gun was fired in Europe every line of industry in our own country had expanded to its maximum capacity. The farms, the forests, the mines, the factories, and the transportation systems all responded to the imperative demand for excess production. Money literally poured into America. Wages were multiplied in every line of endeavor. Unskilled labor went to $5 per day, and often beyond that sum, while skilled labor was correspondingly higher. Every able-bodied man in the Nation who was willing to work with hand or brain found a market for his efforts at a price hitherto unknown. This was the condition when America entered the war; this was the condition when our Government commandeered the services of more than 4,000,000 stalwart, capable, intelligent American boys; this was the condition in our country when they were required to give up the profitable vocations of peace and to assume the hazardous duties of war at the rate of a dollar a day.

The position of us who favor the bill, briefly stated, is as follows: We know the ex-service men performed a duty that was hard and exacting and attended with extreme peril; we know that they received only a fraction of the pay they could have earned in civilian life, free from danger and amid congenial surroundings; we believe the heavy loss they sustained in pay should be adjusted and settled.

No question arises here as to the right of the Government to make this call upon its citizenship; no question arises as to the right of the Government to limit its legal liability to the rate of $1 per day plus maintenance, with an added 10 per cent for foreign service; no question arises as to the legal obligation of the draftees and volunteers to accept the terms of service so fixed. The business we have in hand to-day is to determine whether we will insist on the harsh terms of a hard bargain or whether we will recognize the equity of a moral obligation.

In time of stress the Nation has exercised its power to commandeer the business of a man or a corporation or a great transportation system, but in every instance when the business was returned, the owner has been held free from loss. Immediately after the armistice was signed and while the ink was scarcely dry on that great document, the Government contractors presented to Congress their demands for settlement. They had invested their money in contracts with the hope of growing rich out of the war, but not one of them has put his life in peril for the Nation. Congress settled with them, and I have no complaint to make about it, because their contracts imposed upon the Government a legal obligation. Honesty on our part demanded a settlement and we made it. We owe these ex-service men a debt that is backed by a moral obligation, and we should pay it.

We hear opponents of the measure say it is an effort to put the dollar mark on patriotism. They forget that Lincoln applied for and received a liberal compensation for his service in the Black Hawk War. They forget that Washington, in a like manner, received an extensive grant of land for his service in the Revolutionary War. Yet I am sure that no opponent of the bill would challenge the patriotism of Lincoln or of Washington.

American patriotism is not a commodity for sale in the market places; it is a pearl without price; it is a sublime trait of character that has a worth not measurable in cash. Every American boy knew when he put on the uniform that he was assuming all the perils and hardships attending the enterprise of war; he knew his health or his life might be the price of his devotion to duty; and yet he stood ready to pay that price if need be. Just how well our forces fought will be the theme of future song and story. They fought as we would have them fight when the opportunity offered, and they were constant in seeking that opportunity. In the dark days of the conflict we applauded their willing sacrifice, and to-day we are proud of their achievements. Now, let us not forget the practical, human side of their existence. The war is over. The memory of a duty well done does not restore the lost business opportunity nor fill an empty pocket. The knowledge of past service will not buy a suit of clothes nor pay a grocery bill. The work these men did for the Nation was certainly as valuable as the work done in civilian duty at home. Then, is it not fair to restore to them at least a portion of the income they lost while in service?

In reply to an insinuation made on the floor of the House to the effect that those of us who vote for the bill will do so to win favor with the soldiers, let me say: My standing with the veterans of the district I represent is not dependent on this vote; they already know of my activities in their behalf. The three years I have spent in Congress have been given to hard work and quiet effort on behalf of my constituents, without attempt to gain the limelight of newspaper publicity. But the records of the Veterans' Bureau will show that during my service here few Members of Congress have handled a larger number of personal relief cases for ex-service men than I have handled, and few Members have scored a higher percentage of good results in that work than I have scored. I have studied the problems of these young men with sympathetic interest and have never turned a deaf ear to any appeal for claim adjustment. In all matters of legislation affecting their welfare I have voted for their best interests, and I have not felt that any such vote infringed the rights of the general public.

Mr. Speaker, I will support the bill.

Mr. PARKER of New Jersey. Mr. Speaker, I will vote for every relief that is possible for the sick, wounded, and disabled soldiers and their dependents. A bonus to those who are well is a different matter.

I have given careful and conscientious consideration to this bonus bill, otherwise known as the adjusted compensation act. I can not favor that bill on general principles nor in these days when we have not sufficient revenue and are likely to have less.

I was a boy of 16 when the Civil War ended and I should be willing to give all that I own to wear the Grand Army button. There is no training like that in the field for learning how to deal with men. When I first came to Congress all the leaders were Civil War veterans. My friends now who have been in the front and who have kept their health will find, as the years go by, that they get far ahead of those who were unable to go with them.

It is not plain that they really received less than those who stayed at home. It is true that $30 a month, the base pay, is not large, even if there were extras, but the soldier received food, housing, and clothing free, and while larger wages were paid at home during the war, rents and prices went up faster than wages, and extravagant living increased still more. It will not be found that the war workers saved very much. They spent all they got.

This was especially true where those who stayed at home were married and had families to support, while those who were abroad were free of such expenses.

The high prices hit those hardest who had small salaries or small properties and income; the aged, the widow, and the orphan. We all know such cases. There were millions who borrowed money at 6 per cent to subscribe for Government bonds at 3½ per cent and then could not sell those bonds for what they paid for them.

The rise of wages during the World War was generally small compared to the growth of expenses. The great rise in wages came in 1919 and 1920 after the boys got home. They shared in the benefits of that demand for work. It is only since 1921 that work has become scarce. All now share in the present distress, caused by the fall of prices, stoppage of industry, high taxes, and the uncertainties of commerce and exchange. The Government expects a deficit next year in spite of all economies.

The misery of war is that it so often hurts the deserving and helps the profiteer, but it is impossible that legislation can remedy all the injustice that was done.

The soldier, like anyone else, stands by the bargain that he has made and asks for no more.

If it were just to pay a bonus, the United States has not now the money. It owes over six and a half billion dollars in short-term notes, which must be paid within two years, and that money must be borrowed. Taxes are falling off. The United States income tax is based on profits, and it will give no revenue if there be losses instead of profits. Profits depend on prices which have fallen off on farm products and are likely to decline in everything else; transportation, rents, wages, and retail sales. Meanwhile many of the mills are shut and the doctors of finance only worry us by their assurance that the patient is better. Over a billion and a quarter dollars of other claims are pending against the Government. The critical question is where the revenue is to come from, and every sensible man should agree with the President that no further obligations should be placed upon the United States unless provision is made for getting in the money. In a word, ways and means should go together.

We must also agree with the President that we can not increase the present taxes on capital without driving it out of business, and that the only practical means of raising new revenue is a simple sales tax, such as was used during the Civil War and was recommended by Sterling, of Illinois, when the first revenue bill was passed; a tax which will be equal and fair and distributed in the course of business among all classes of the community.

This bill evades the question of revenue by issuing certificates of indebtedness. If these were marketable, they would break the credit of the United States by swamping the market with new short-term obligations. They are therefore made unmarketable and useless to the holder, except that banks may lend upon them up to 50 per cent at an interest of not more than 2 per cent above what the Government pays, and if the poor soldier does not pay his loan both the loan and certificate are made payable by the Government in 1925 at 80 per cent, or a fifth discount.

That is to say, national banks are to be authorized to lend on three-year obligations, although the first rule for a bank ought to be that none of its notes ought to run over three months. We are assured that there would be very few such loans. If there are good times, it is quite possible. If there are bad times, every one of these certificates will be discounted.

I am not in favor of playing with the credit of the United States, and should have expressed my opinion on this subject long ago, except that I felt it a duty to wait until the bill should come out of the kaleidoscope into its final form.

But the worst injustice is done to the soldier himself. The poor fellow who could not get abroad gets an adjusted credit of a dollar a day. The soldier who got to the fighting line and had that glory and satisfaction gets a quarter more. The veteran who is poor and has to borrow is paid only four-fifths of this compensation, or $80 out of $100. The veteran who is better off and can hold his certificate gets $125 for every $100 of this compensation, with 4¼ per cent compound interest, free of Government tax—a higher rate than is paid anyone else—and at the end of 20 years he receives $301.50 for every $100 of his adjusted service credit, while his poor brothers only got $80.

The whole system is unfair—one of usury for the benefit of the man who can afford to wait and of penalty to the man who can not.

No one can reckon the amount to be paid by the United States. There are over a billion and a half days. If times are bad and all veterans must borrow, the United States must pay a billion and a quarter dollars in 1925 in cash. Such an indeterminate obligation is dangerous in shaky times, when we have to refund six to eight billion dollars of short-term obligations.

We owe $24,000,000,000 already and should be very careful before we add billions of short-term obligations to our debt without provision for their payment and with such great injustice and discrimination against the soldier who is poor.

I can not support this bill. It is unjust to the soldier himself and it is unsafe at this time.

Mr. SHELTON. Mr. Speaker and Members of the House, I do not desire to unduly criticize the view of anyone who does not view the bill as I do. I shall gladly give to others the privilege I ask for myself. I long ago realized that men could be honest and yet not agree. I have carefully weighed this question, and after analyzing it as best I could I have reached the conclusion that justice requires that I should support the bill. Let us look the matter squarely in the face. We admit that we had reached a condition that made war inevitable. A law was passed to draft the young men of our country for service. What kind of men were wanted? We all know; the very flower of the youths of our country. Young men that were sound of body, of good morals, and good intellect. They were taken, drilled a short time, then sent across the seas, there to stand in the water and mud, rain and sun, facing the foes of civilization. And to their credit and our honor they faced them. While they were there at the command of their country and ours, some of them scaling the heights and crossing no man's land, many of them falling never to rise again, they were getting the sum of about $33 per month, and many of those that were left here were left standing with both hands outstretched to grab the dollars that were thrown recklessly all over the country. While many of the boys were pouring out their lifeblood, many here were raking in the dollars. Why this great discrimination? I believe that the Government had the same right to draft you or me to do any of the governmental work that we were competent to do, at a salary fixed by the Government, that it had to draft our boys to fight the battles that gave to them and us among the greatest honors that ever befell mankind. I do not agree that we are paying them what we are owing them. I contend that it is only a token of the honor and esteem in which we hold them. Nothing that we can do can ever pay them for the sacrifices that they made for us.

The opposition claim that it will wreck the financial institutions of our country to take such a great amount of money as will be necessary to pay the amount that will be called for out of the banks. Do they think that the amount that will be taken from the banks by the soldier boys will be destroyed? They need not fear. It makes me think of a circumstance in my own life. We had a mean cat, and my mother wanted me to kill her or take her away off somewhere so we would not be bothered with her any more. I took her about 3 miles away and turned her loose, and when I got home there was the cat. The same will be true in the case of the money the soldier boys get from the banks. They may go to the bank and get their loan and depart, and before they see the bank any more the money will be there transacting business as before. It is said that our expenses were $44,000,000 per day at the time the armistice was signed—$44,000,000 per day! Suppose the war had gone on another year, what would we have done? We all know what we would have had to do, pay the cost. Could we have done so? Yes; all say yes. Then, if we could have raised more than $16,000,000,000 to pay costs, why can not we now raise less than one-fourth of that amount for the defenders of our country and the benefactors of mankind?

I am glad to know that a great majority of those at home were just as loyal as our soldier boys, and did all they could in giving of their means and sacrificing in any way they could for the comfort of the boys. It was a small minority that feasted upon the unfortunate circumstances.

Some of the opposition have declared that those favoring the bill were bidding for the support of the soldier boys in the coming campaign. It seems to me that that was a serious reflection upon the intelligence of the ones uttering such remarks, and an insult to the soldiers. If, after picking our country over and selecting the best, one is justified in such remarks, what manner of man are we?

I should be exceedingly glad if it were possible that those who raked in their millions could be made pay the bonus proposed by this bill.

Some say that other soldiers were not paid bonuses. What are the facts? From time immemorial the soldiers who fought the battles of their country have been rewarded afterwards in lands and otherwise. What would the world say after England, France, Italy, Canada, Australia, and Belgium have given liberal bonuses if the United States House of Representatives should vote down this bill, if America, the greatest Nation on earth, the best Government in the world, the richest country on the globe, the country that has always justly claimed to have the most generous people anywhere, should refuse to pass this bill?

It has always been my motto "to stand by those who stood by the flag."

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until Friday, March 24, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PORTER: Committee on Foreign Affairs. S. J. Res. 173. A joint resolution authorizing the President to appoint a commission to represent the Government of the United States at the centennial celebration of the independence of Brazil, to be held at Rio de Janeiro in September next; with amendments (Rept. No. 824). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAINEY of Illinois: A bill (H. R. 11020) providing for an international live-stock exposition cancellation stamp to be used by the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. GILBERT: A bill (H. R. 11021) for the prevention of venereal diseases in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BLAND of Indiana: A bill (H. R. 11022) to establish a commission to inquire into labor conditions in the coal industry; to the Committee on Labor.

By Mr. MADDEN: A bill (H. R. 11023) providing for a "Pageant of Progress Exposition" cancellation stamp to be used by the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. DOUGHTON: A bill (H. R. 11024) to authorize the appropriation of additional sums for Federal aid in the construction of post roads, and for other purposes; to the Committee on Roads.

By Mr. KAHN: A bill (H. R. 11025) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBSION: A bill (H. R. 11026) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented by the act approved November 9, 1921, and for other purposes; to the Committee on Roads.

By Mr. MICHAELSON: A bill (H. R. 11027) authorizing the Secretary of the Treasury to pay war-risk insurance to the mother of Harry G. Healy; to the Committee on Interstate and Foreign Commerce.

By Mr. KISSEL: Memorial of the Legislature of the State of New York, urging the retention of the Brooklyn Navy Yard and continued in full operation; to the Committee on Naval Affairs.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, urging that the navy yard at Brooklyn be retained and continued in full operation; to the Committee on Naval Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of New York, urging that the navy yard at Brooklyn be retained and continued in full operation; to the Committee on Naval Affairs.

By Mr. RIORDAN: Memorial of the Legislature of the State of New York, urging that the navy yard at Brooklyn be retained and continued in full operation; to the Committee on Naval Affairs.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

By Mr. PAIGE: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 11028) for the relief of William Elder; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 11029) granting a pension to Elizabeth K. Carr; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11030) granting a pension to F. G. Milback; to the Committee on Pensions.

Also, a bill (H. R. 11031) granting a pension to Jennett Pangle; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11032) granting a pension to Roy S. Davis; to the Committee on Invalid Pensions.

By Miss ROBERTSON: A bill (H. R. 11033) granting a pension to Maranda N. Small; to the Committee on Invalid Pensions.

Also, A bill (H. R. 11034) granting a pension to Tenny A. Littlejohn; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 11035) granting a pension to John B. Free; to the Committee on Pensions.

Also, a bill (H. R. 11036) granting a pension to John E. Vaughn; to the Committee on Pensions.

Also, a bill (H. R. 11037) granting an increase of pension to John M. Carver; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4795. By the SPEAKER (by request): Petition of the Massachusetts State conference of bricklayers, masons, plasterers, marble masons, and tile setters, at Lawrence, Mass., favoring compensation for veterans of the World War; to the Committee on Ways and Means.

4796. By Mr. ANSORGE: Plan submitted by Julius Hyman, as secretary of the committee on education of the Allied Patriotic Societies of New York, 15 William Street, New York City, in furtherance of its plan for Americanization of the foreign born by "home teaching of English to foreign-born residents of New York City by pupils of our public schools"; to the Committee on Education.

4797. By Mr. APPLEBY: Papers to accompany House bill 10968 for the relief of Nathan Matthews; to the Committee on Claims.

4798. By Mr. BARBOUR: Petition of members of the Junior Order United American Mechanics of the State of California, indorsing the Sterling-Towner educational bill; to the Committee on Education.

4799. By Mr. DYER: Petition of the Sportsmen's Protective League, of Carthage, Mo., opposing the transfer of the Forestry Division of the Department of Agriculture to the Department of the Interior and favoring the passage of the Tincher bill (H. R. 9599); to the Committee on Agriculture.

4800. By Mr. GALLIVAN: Resolution unanimously adopted by Dorchester Post, No. 498, Veterans of Foreign Wars, of Dorchester, Mass., Edward J. Feeley, adjutant, urging passage of the adjusted compensation bill; also resolutions adopted at a public mass meeting held by the Veterans of Foreign Wars on March 21, 1922, asking for immediate passage of the soldiers' adjusted compensation bill; to the Committee on Ways and Means.

4801. Also, petition of the Pleasant Social Club, of Boston, Mass., urging passage immediately of the adjusted compensation bill; to the Committee on Ways and Means.

4802. By Mr. KINDRED: Petition of J. Leslie Kincaid, adjutant general of New York State, relative to the Army appropriation bill (H. R. 10871); to the Committee on Appropriations.

4803. Also, petition of Joseph Blauvelt and others, of New York City, opposing the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

4804. By Mr. KISSEL: Petition of the Brooklyn Young Republican Club, of Brooklyn, N. Y., opposing the bonus bill and favoring aid to all disabled veterans of the World War; to the Committee on Ways and Means.

4805. Also, petition of the adjutant general of the National Guard of the State of New York, regarding the National Guard of New York and House bill 10871; to the Committee on Appropriations.

4806. Also, petition of the Merchants' Association of New York, New York City, regarding the amendment to the Post Office appropriation bill, for the resumption of pneumatic-tube postal service in the city of New York; to the Committee on Appropriations.

4807. Also, petition of the memorial and executive committee of the Grand Army of the Republic, Kings County, Department

of New York, relative to the passage of a bill providing a pension of $72 a month for the veterans and $50 a month for their widows, and favoring monthly payments of Civil War pensions; to the Committee on Invalid Pensions.

4808. By Mr. MACGREGOR: Resolution of Niagara Frontier, Buffalo Chapter, Daughters of 1812, urging the appropriation of $30,000 for the purpose of erecting a retaining wall for the protection of property at old Fort Niagara, and the repair and renovation of the buildings located therein; to the Committee on Appropriations.

4809. By Mr. MAPES: Petition from citizens of Coopersville, Nunica, and Conklin, Mich., protesting against the passage of House bill 9753, a bill to secure Sunday as a day of rest in the District of Columbia, and of any other Sunday bill; to the Committee on the District of Columbia.

4810. By Mr. A. P. NELSON: Petition of farmers of Polk County, Wis., favoring the Beck-Fordney bill or some other bill that will effectively prohibit the manufacture and sale of filled milk anywhere within the United States; to the Committee on Agriculture.

4811. By Mr. RIORDAN: Petition of the Merchants' Association of New York, relative to the Senate amendment to the postal appropriation bill, for the resumption of pneumatic-tube postal service in the city of New York; to the Committee on Appropriations.

4812. By Mr. SINCLAIR: Petition of J. H. Christensen and 18 others of Mercer, N. Dak., urging the revival of the United States Grain Corporation and a fixed price on wheat; also petition of Frank Baker and 38 others of Donnybrook, N. Dak., urging the revival of the United States Grain Corporation and a fixed price on wheat; to the Committee on Agriculture.

4813. Also, petition of Muddy Valley Farmers' Club of Williston, N. D., urging the revival of the United States Grain Corporation and a stabilized price on wheat; to the Committee on Agriculture.

4814. Also, petition of Andrew Omholt and 11 others of Williston, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; also petition of R. Kaufmrick and five others of Kongsberg, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4815. Also, petition of P. W. Horbenko and 29 others of Dogden, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4816. By Mr. SNYDER: Petition of R. S. Blackburn and others of Utica, N. Y., against the enactment of House bill 4388 or Senate bill 1948, pertaining to the exercise of religious liberty; to the Committee on the Judiciary.

4817. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of New Jersey protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

4818. By Mr. TOWNER: Petition of Rodney T. Martinsen and 1,228 other citizens of Brooklyn, N. Y., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

FRIDAY, *March 24, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE FOUR-POWER TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] to article 1.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Chair is of the opinion that under the unanimous-consent agreement it is necessary to proceed at once to vote.

Mr. REED. But a suggestion of the absence of a quorum is in order at any time, under any circumstances, as a point of order. I do not think that can be disputed.

Mr. ROBINSON. Mr. President, the custom has never prevailed in the Senate of counting a quorum. The universal rule is that when the absence of a quorum is suggested the Chair automatically and without discretion directs the calling of the roll. I am sure the Senator from Massachusetts [Mr. LODGE] will concur in this statement as to the practice.

Mr. LODGE. I have no objection to calling for a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Shortridge
Ball	Glass	Moses	Simmons
Borah	Gooding	Myers	Smith
Brandegee	Hale	Nelson	Smoot
Broussard	Harreld	New	Spencer
Bursum	Harris	Newberry	Stanfield
Calder	Harrison	Nicholson	Stanley
Cameron	Heflin	Norbeck	Sterling
Capper	Hitchcock	Norris	Sutherland
Caraway	Johnson	Oddie	Swanson
Colt	Jones, Wash.	Overman	Townsend
Culberson	Kellogg	Owen	Trammell
Cummins	Kendrick	Page	Underwood
Curtis	Keyes	Pepper	Wadsworth
Dial	King	Phipps	Walsh, Mont.
Dillingham	Ladd	Pittman	Warren
du Pont	La Follette	Poindexter	Watson, Ga.
Edge	Lenroot	Pomerene	Watson, Ind.
Elkins	Lodge	Ransdell	Weller
Ernst	McCormick	Rawson	Williams
Fernald	McCumber	Reed	Willis
Fletcher	McKellar	Robinson	
France	McKinley	Sheppard	
Frelinghuysen	McLean	Shields	

Mr. ROBINSON. The Senator from Massachusetts [Mr. WALSH] is detained from the Senate on account of a delayed train. I am advised that he is expected to arrive about 1 o'clock.

The VICE PRESIDENT. Ninety-three Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON], which the Secretary will report.

The ASSISTANT SECRETARY. Add at the end of article 1 the following:

Each of the high contracting parties will refrain from entering into or being a party to any secret treaty, agreement, or understanding with any other power or powers during the life of this treaty.

Mr. ROBINSON. On agreeing to the amendment I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. ROBINSON. I desire to repeat the announcement made a few minutes ago that the Senator from Massachusetts [Mr. WALSH] is unavoidably absent on account of a delayed train. If he were present, he would vote "yea."

The roll call being concluded, the result was announced—yeas 32, nays 61, as follows:

YEAS—32.

Ashurst	Glass	La Follette	Shields
Borah	Harris	McKellar	Simmons
Broussard	Harrison	Overman	Smith
Caraway	Heflin	Owen	Stanley
Culberson	Hitchcock	Pittman	Swanson
Fletcher	Johnson	Reed	Trammell
France	Kendrick	Robinson	Walsh, Mont.
Gerry	King	Sheppard	Watson, Ga.

NAYS—61.

Ball	Frelinghuysen	Myers	Smoot
Brandegee	Gooding	Nelson	Spencer
Bursum	Hale	New	Stanfield
Calder	Harreld	Newberry	Sterling
Cameron	Jones, Wash.	Nicholson	Sutherland
Capper	Kellogg	Norbeck	Townsend
Colt	Keyes	Norris	Underwood
Cummins	Ladd	Oddie	Wadsworth
Curtis	Lenroot	Page	Warren
Dial	Lodge	Pepper	Watson, Ind.
Dillingham	McCormick	Phipps	Weller
du Pont	McCumber	Poindexter	Williams
Edge	McKinley	Pomerene	Willis
Elkins	McLean	Ransdell	
Ernst	McNary	Rawson	
Fernald	Moses	Shortridge	

NOT VOTING—3.

Crow	Jones, N. Mex.	Walsh, Mass.

So Mr. ROBINSON's amendment to article 1 was rejected.

Mr. ROBINSON. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. ROBINSON. Are there pending undisposed of any further amendments to article 1?

The VICE PRESIDENT. There are no amendments now pending to article 1. The question is on agreeing to article 1.

Mr. ROBINSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ASHURST responded to his name, voting in the negative.

Mr. LODGE. I do not think the pending question was quite understood when stated by the Chair. The vote, as I understand, is on agreeing to article 1?

The VICE PRESIDENT. The question is on agreeing to article 1.

Mr. ROBINSON. I withdraw my request. I did not know the vote was on article 1.

Mr. LODGE. It is too late for the Senator to withdraw his request.

Mr. ROBINSON. I think not.

The VICE PRESIDENT. One Senator has responded to his name on the call of the yeas and nays.

Mr. ROBINSON. I ask unanimous consent to withdraw my request for the yeas and nays. There is no very serious opposition to article 1.

Mr. POINDEXTER. I call for the regular order. The call of the roll must proceed.

Mr. ROBINSON. There is so much noise we did not understand upon what the vote was being taken. I do not understand that there is any considerable opposition to article 1. Therefore I withdraw my request for the yeas and nays.

Mr. POINDEXTER. Regular order!

The VICE PRESIDENT. The question is on agreeing to article 1.

Mr. POINDEXTER. I insist upon the continuation of the roll call, which has begun and under the rule can not be interrupted.

The VICE PRESIDENT. The Secretary will proceed with the calling of the roll.

The reading clerk resumed the calling of the roll.

Mr. FERNALD (when his name was called). I have already announced my pair with the senior Senator from New Mexico [Mr. JONES] on this question. I understand, if present, he would vote as I am about to vote. I therefore feel at liberty to vote and vote "yea."

The roll call having been concluded, the result was announced—yeas 74, nays 15, as follows:

YEAS—74.

Ball	Gooding	Myers	Simmons
Brandegee	Hale	Nelson	Smith
Broussard	Harreld	New	Smoot
Bursum	Harrison	Newberry	Spencer
Calder	Heflin	Nicholson	Stanfield
Cameron	Jones, Wash.	Norbeck	Sterling
Capper	Kellogg	Norris	Sutherland
Colt	Kendrick	Oddie	Townsend
Cummins	Keyes	Overman	Trammell
Curtis	Ladd	Owen	Underwood
Dial	Lenroot	Page	Wadsworth
Dillingham	Lodge	Pepper	Walsh, Mont.
du Pont	McCormick	Phipps	Warren
Edge	McCumber	Pittman	Watson, Ind.
Elkins	McKellar	Poindexter	Weller
Ernst	McKinley	Pomerene	Williams
Fernald	McLean	Ransdell	Willis
Fletcher	McNary	Rawson	
Frelinghuysen	Moses	Shortridge	

NAYS—15.

Ashurst	Gerry	La Follette	Shields
Borah	Harris	Reed	Stanley
Culberson	Johnson	Robinson	Watson, Ga.
France	King	Sheppard	

NOT VOTING—7.

Caraway	Glass	Jones, N. Mex.	Walsh, Mass.
Crow	Hitchcock	Swanson	

So article 1 of the treaty was agreed to, as follows:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

The VICE PRESIDENT. The Secretary will read article 2 of the treaty.

The Assistant Secretary read as follows:

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Mr. ROBINSON. I propose the amendment to article 2 which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of article 2 the following words:

Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers, a controversy relating to said insular rights and possessions or to any far eastern questions which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject shall be referred for consideration and adjustment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas to article 2.

Mr. ROBINSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have heretofore announced my pair with the senior Senator from New Mexico [Mr. JONES]. On this vote I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. ROBINSON. Repeating the announcement as to the occasion of the absence of the Senator from Massachusetts [Mr. WALSH], I desire to say that if he were present he would vote "yea."

The result was announced—yeas 33, nays 59, as follows:

YEAS—33.

Ashurst	Glass	McKellar	Simmons
Borah	Harris	Myers	Smith
Broussard	Harrison	Overman	Stanley
Caraway	Heflin	Owen	Swanson
Culberson	Hitchcock	Pittman	Trammell
Dial	Johnson	Reed	Walsh, Mont.
Fletcher	Kendrick	Robinson	
France	King	Sheppard	
Gerry	La Follette	Shields	

NAYS—59.

Ball	Frelinghuysen	Moses	Shortridge
Brandegee	Gooding	Nelson	Smoot
Bursum	Hale	New	Spencer
Calder	Harreld	Newberry	Stanfield
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Kellogg	Norbeck	Sutherland
Colt	Keyes	Norris	Townsend
Cummins	Ladd	Oddie	Underwood
Curtis	Lenroot	Page	Wadsworth
Dillingham	Lodge	Pepper	Warren
du Pont	McCormick	Phipps	Watson, Ind
Edge	McCumber	Poindexter	Weller
Elkins	McKinley	Pomerene	Williams
Ernst	McLean	Ransdell	Willis
Fernald	McNary	Rawson	

NOT VOTING—4.

Crow	Jones, N. Mex.	Walsh, Mass.	Watson, Ga.

So Mr. ROBINSON's amendment to article 2 was rejected.

Mr. HITCHCOCK. Mr. President, I move to insert before the word "aggressive," on the second line of article 2, the word "unprovoked," so that the article will read:

If the said rights are threatened by the unprovoked aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska.

Mr. HITCHCOCK and Mr. ROBINSON called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement of transfer as before, I vote "nay."

The roll call was concluded.

Mr. FERNALD. I wish to withdraw my pair on this vote. If the Senator from New Mexico [Mr. JONES] were present he would vote as I have voted.

The result was announced—yeas 29, nays 63, as follows:

YEAS—29.

Ashurst	Glass	McKellar	Smith
Borah	Harris	Overman	Stanley
Caraway	Harrison	Pittman	Swanson
Culberson	Heflin	Reed	Trammell
Dial	Hitchcock	Robinson	Walsh, Mont.
Fletcher	Johnson	Sheppard	
France	King	Shields	
Gerry	La Follette	Simmons	

NAYS—63.

Ball	Capper	Edge	Hale
Brandegee	Colt	Elkins	Harreld
Broussard	Cummins	Ernst	Jones, Wash.
Bursum	Curtis	Fernald	Kellogg
Calder	Dillingham	Frelinghuysen	Kendrick
Cameron	du Pont	Gooding	Keyes

Ladd	Nelson	Phipps	Sutherland
Lenroot	New	Poindexter	Townsend
Lodge	Newberry	Pomerene	Underwood
McCormick	Nicholson	Ransdell	Wadsworth
McCumber	Norbeck	Rawson	Warren
McKinley	Norris	Shortridge	Watson, Ind.
McLean	Oddie	Smoot	Weller
McNary	Owen	Spencer	Williams
Moses	Page	Stanfield	Willis
Myers	Pepper	Sterling	

NOT VOTING—4.

Crow	Jones, N. Mex.	Walsh, Mass.	Watson, Ga.

So Mr. HITCHCOCK's amendment was rejected.

Mr. SHIELDS. I offer the amendment which I send to the desk, to be inserted after article 2.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of article 2, the following words as a separate paragraph:

The United States gives its consent to the foregoing treaty and becomes a member thereof for the sole purpose of aiding, by its friendly offices and efforts, in removing friction and controversy between the several high contracting parties concerning their insular dominions and possessions in the Pacific Ocean in the regions described and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions and contentions of foreign nations and Governments.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Tennessee.

Mr. SHIELDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have already announced my pair; but on this question I AM reliably informed that my pair, if present would vote as I am about to vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 13, nays 73, as follows:

YEAS—13.

Ashurst	Frazier	La Follette	Watson, Ga.
Borah	Gerry	Reed	
Caraway	Johnson	Shields	
Final	King	Stanley	

NAYS—73.

Ball	Glass	McNary	Shortridge
Brandegee	Gooding	Moses	Smoot
Broussard	Hale	Myers	Spencer
Bursum	Harreld	Nelson	Stanfield
Calder	Harris	New	Sterling
Cameron	Heflin	Newberry	Sutherland
Capper	Hitchcock	Nicholson	Swanson
Colt	Jones, Wash.	Norbeck	Townsend
Culberson	Kellogg	Norris	Underwood
Cummins	Kendrick	Oddie	Wadsworth
Curtis	Keyes	Owen	Walsh, Mont.
Dillingham	Ladd	Page	Warren
du Pont	Lenroot	Pepper	Watson, Ind.
Edge	Lodge	Phipps	Weller
Elkins	McCormick	Poindexter	Williams
Ernst	McCumber	Pomerene	Willis
Fernald	McKellar	Ransdell	
Fletcher	McKinley	Rawson	
Frelinghuysen	McLean	Sheppard	

NOT VOTING—10.

Crow	Overman	Simmons	Walsh, Mass.
Harrison	Pittman	Smith	
Jones, N. Mex.	Robinson	Trammell	

So Mr. SHIELDS's amendment was rejected.

Mr. REED. Mr. President, I offer the following amendment, to be added at the end of article 2:

If any nation shall refuse to concur in any understanding, it shall in no respect be bound by the understanding arrived at by all or any of the other parties.

So that the article, as amended, will read:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation. If any nation shall refuse to concur in any understanding, it shall in no respect be bound by the understanding arrived at by all or any of the other parties.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a pair which I have already announced, which may stand for the day. Not knowing just how the Senator with whom I am paired would vote on this question, I transfer my pair to the senior Senator from Pennsylvania [Mr. Crow] and vote "nay."

The roll call was concluded.

Mr. ROBINSON. As heretofore explained, the junior Senator from Massachusetts [Mr. WALSH] is unavoidably detained from the Senate. If he were present, he would vote "yea."

The result was announced—yeas 29, nays 64, as follows:

YEAS—29.

Ashurst	Harris	Overman	Stanley
Borah	Harrison	Pittman	Swanson
Caraway	Heflin	Reed	Trammell
Culberson	Hitchcock	Robinson	Walsh, Mont.
Fletcher	Johnson	Sheppard	Watson, Ga.
France	King	Shields	
Gerry	La Follette	Simmons	
Glass	McKellar	Smith	

NAYS—64.

Ball	Fernald	McNary	Ransdell
Brandegee	Frelinghuysen	Moses	Rawson
Broussard	Gooding	Myers	Shortridge
Bursum	Hale	Nelson	Smoot
Calder	Harreld	New	Spencer
Cameron	Jones, Wash.	Newberry	Stanfield
Capper	Kellogg	Nicholson	Sterling
Colt	Kendrick	Norbeck	Sutherland
Cummins	Keyes	Norris	Townsend
Curtis	Ladd	Oddie	Underwood
Dillingham	Lenroot	Owen	Wadsworth
du Pont	Lodge	Page	Warren
Edge	McCormick	Pepper	Watson, Ind.
Elkins	McCumber	Phipps	Weller
Ernst	McKinley	Poindexter	Williams
Fess	McLean	Pomerene	Willis

NOT VOTING—3.

Crow	Jones, N. Mex.	Walsh, Mass.

So Mr. REED's amendment was rejected.

Mr. REED. I offer the following amendment, to be added to article 2:

It is expressly understood that no nation shall by reason of any agreement arrived at be in any manner obligated to do any act of war.

So that article 2 as amended will read:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation. It is expressly understood that no nation shall by reason of any agreement arrived at be in any manner obligated to do any act of war.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Montana. I ask that the amendment may be read at the desk.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Add, at the end of article 2, the following words:

It is expressly understood that no nation shall, by reason of any agreement arrived at, be in any manner obligated to do any act of war.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I am privileged to vote on this amendment without a transfer of my pair. I vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 65, as follows:

YEAS—27.

Ashurst	Harris	McKellar	Simmons
Borah	Harrison	Overman	Stanley
Caraway	Heflin	Pittman	Swanson
Culberson	Hitchcock	Reed	Trammell
France	Johnson	Robinson	Walsh, Mont.
Gerry	King	Sheppard	Watson, Ga.
Glass	La Follette	Shields	

NAYS—65.

Ball	Fletcher	Moses	Shortridge
Brandegee	Frelinghuysen	Myers	Smoot
Broussard	Gooding	Nelson	Spencer
Bursum	Hale	New	Stanfield
Calder	Harreld	Newberry	Sterling
Cameron	Jones, Wash.	Nicholson	Sutherland
Capper	Kellogg	Norbeck	Townsend
Colt	Kendrick	Norris	Underwood
Cummins	Keyes	Oddie	Wadsworth
Curtis	Ladd	Owen	Warren
Dial	Lenroot	Page	Watson, Ind.
Dillingham	Lodge	Pepper	Weller
du Pont	McCormick	Phipps	Williams
Edge	McCumber	Poindexter	Willis
Elkins	McKinley	Pomerene	
Ernst	McLean	Ransdell	
Fernald	McNary	Rawson	

NOT VOTING—4.

Crow	Jones, N. Mex.	Smith	Walsh, Mass.

So Mr. REED's amendment was rejected.

Mr. JOHNSON. Mr. President, I move, after the word "efficient," to insert the word "pacific," so that the article, if amended, will read:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient pacific measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Upon the amendment I ask for the yeas and nays.

The yeas and nays were ordered; the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). I have again to announce that if my pair, the Senator from New Mexico [Mr. JONES], were present he would vote as I am about to vote. I vote "nay."

The roll call having been concluded, the result was announced—nays 26, yeas 65, as follows:

YEAS—26.

Ashurst	Harris	McKellar	Smith
Borah	Harrison	Pittman	Stanley
Caraway	Heflin	Poindexter	Swanson
Culberson	Hitchcock	Reed	Walsh, Mont.
France	Johnson	Robinson	Watson, Ga.
Gerry	King	Sheppard	
Glass	La Follette	Shields	

NAYS—65.

Ball	Fletcher	Moses	Smoot
Brandegee	Frelinghuysen	Myers	Spencer
Broussard	Gooding	Nelson	Stanfield
Bursum	Hale	New	Sterling
Calder	Harreld	Newberry	Sutherland
Cameron	Jones, Wash.	Nicholson	Townsend
Capper	Kellogg	Norbeck	Trammell
Colt	Kendrick	Norris	Underwood
Cummins	Keyes	Oddie	Wadsworth
Curtis	Ladd	Owen	Warren
Dial	Lenroot	Page	Watson, Ind.
Dillingham	Lodge	Pepper	Weller
du Pont	McCormick	Phipps	Williams
Edge	McCumber	Pomerene	Willis
Elkins	McKinley	Ransdell	
Ernst	McLean	Rawson	
Fernald	McNary	Shortridge	

NOT VOTING—5.

Crow	Overman	Simmons	Walsh, Mass.
Jones, N. Mex.			

So Mr. JOHNSON's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to article 2.

Mr. JOHNSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. JOHNSON. After agreement to the article, is it then that the reservations are presented, reservations both to article 1 and article 2?

The VICE PRESIDENT. Reservations may properly be presented after the treaty has been considered as in Committee of the Whole and in the Senate.

Mr. LODGE. If the Chair will allow me, I think the ruling of the Chair at the time of the Versailles treaty was that reservations could be offered to the resolution of ratification in Committee of the Whole.

The VICE PRESIDENT. They may there be offered.

Mr. LODGE. After the articles are completed, of course.

Mr. JOHNSON. But they are not appropriately offered until the article shall have been adopted?

Mr. LODGE. That is my understanding.

Mr. WALSH of Montana. Mr. President, the Committee on Foreign Relations reported a reservation generally referred to as the Brandegee amendment. It is an amendment to the resolution of ratification.

Mr. LODGE. It is.

Mr. WALSH of Montana. That is in the nature of a reservation.

Mr. LODGE. It is.

Mr. WALSH of Montana. Of course, it would be possible to amend that by attaching other reservations or modifying it otherwise.

Mr. LODGE. It can be amended.

Mr. WALSH of Montana. When that reservation comes before the Senate for consideration?

Mr. LODGE. Certainly. When that is reached the pending amendment which I have moved is, of course, open to amendment by substitution or by addition or by perfecting amendments in any way.

Mr. BRANDEGEE. Mr. President, may I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BRANDEGEE. Am I correct in assuming that under the rule of the Senate, providing for the consideration of treaties, the same rule of procedure provided in that rule as to amendments will be observed in its application to reservations?

The rule, as I recall it, provides that the decision of the Senate arrived at in Committee of the Whole shall be reduced to the form of a resolution of ratification. A reservation is one of the decisions. So we will hardly know how to formulate a resolution of ratification unless we know what to incorporate in it, what the decisions have been. Therefore I assume that all amendments and reservations to be made are to be made in Committee of the Whole and that when we get into the Senate it will not then be in order to offer any more reservations or amendments, but only to reduce to the form of a resolution of ratification the decisions which the Senate has arrived at in Committee of the Whole.

I do not know that the Chair followed me completely. I made the statement roughly and not with the rule before me. It was called to my mind by what has taken place.

Mr. LODGE. I think that after the action of the Committee of the Whole has been reported to the Senate it is then open to amendment, but after the amendments have been disposed of in the Senate it is not open then to further amendment.

Mr. ROBINSON. May I call the attention of the Chair and the Senator from Massachusetts and the Senator from Connecticut to the express provision of the rule governing the consideration of treaties? It is not superseded by the unanimous-consent agreement in any particular. The provision to which I am referring is found in Rule 37, page 40, of the copy of the Senate Manual which I have. The provision of the rule is:

And when through with the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.

Mr. LODGE. I tried to state that.

Mr. ROBINSON. So that after the report is made to the Senate from the Committee of the Whole and after a vote has been taken on the amendments made in Committee of the Whole, either en bloc or separately, new amendments by the express provisions of the rule will be in order.

Mr. LODGE. That is what I just tried to state, but I am afraid I did not do it clearly.

Mr. ROBINSON. I understood the Senator to say that after the amendments made in the Committee of the Whole had been concurred in in the Senate, no new amendments could be offered.

Mr. LODGE. I said that then amendments could be offered in the Senate, but after they had all been agreed to, new amendments and all, it was not then open to amendment.

Mr. ROBINSON. If that is the understanding of the Senator, I concur in it.

Mr. LODGE. I think the rule is perfectly clear.

The VICE PRESIDENT. The question is on agreeing to article 2.

Mr. ROBINSON. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary called the roll.

Mr. FERNALD. Making the same announcement as before, I am privileged to vote, and vote "yea."

The result was announced—yeas 66, nays 28, as follows:

YEAS—66.

Ball	Fletcher	Moses	Shortridge
Brandegee	Frelinghuysen	Myers	Smoot
Broussard	Gooding	Nelson	Spencer
Bursum	Hale	New	Stanfield
Calder	Harreld	Newberry	Sterling
Cameron	Jones, Wash.	Nicholson	Sutherland
Capper	Kellogg	Norbeck	Townsend
Colt	Kendrick	Norris	Trammell
Cummins	Keyes	Oddie	Underwood
Curtis	Ladd	Owen	Wadsworth
Dial	Lenroot	Page	Warren
Dillingham	Lodge	Pepper	Watson, Ind.
du Pont	McCormick	Phipps	Weller
Edge	McCumber	Poindexter	Williams
Elkins	McKinley	Pomerene	Willis
Ernst	McLean	Ransdell	
Fernald	McNary	Rawson	

NAYS—28.

Ashurst	Harris	McKellar	Simmons
Borah	Harrison	Overman	Smith
Caraway	Heflin	Pittman	Stanley
Culberson	Hitchcock	Reed	Swanson
France	Johnson	Robinson	Walsh, Mass.
Gerry	King	Sheppard	Walsh, Mont.
Glass	La Follette	Shields	Watson, Ga.

NOT VOTING—2.

Crow	Jones, N. Mex.

So article 2 was agreed to.

The VICE PRESIDENT. The Secretary will now read article 3 of the treaty.

The Assistant Secretary read as follows:

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

Mr. REED. I move to amend article 3 by striking out the words "and after the expiration of said period it shall continue

to be in force," so that the article as proposed to be amended would read:

This treaty shall remain in force for 10 years from the time it shall take effect, subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri to article 3.

Mr. REED. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as heretofore, I vote "nay."

The roll call having been concluded, the result was announced—yeas 29, nays 64, as follows:

YEAS—29.

Ashurst	Harrison	Pittman	Swanson
Borah	Heflin	Reed	Trammell
Caraway	Hitchcock	Robinson	Walsh, Mass.
Culberson	Johnson	Sheppard	Walsh, Mont.
France	King	Shields	Watson, Ga.
Gerry	La Follette	Simmons	
Glass	McKellar	Smith	
Harris	Overman	Stanley	

NAYS—64.

Ball	Fernald	McNary	Ransdell
Brandegee	Fletcher	Moses	Rawson
Broussard	Frelinghuysen	Myers	Shortridge
Bursum	Gooding	Nelson	Smoot
Calder	Hale	New	Spencer
Cameron	Harreld	Newberry	Stanfield
Capper	Kellogg	Nicholson	Sterling
Colt	Kendrick	Norbeck	Sutherland
Cummins	Keyes	Norris	Townsend
Curtis	Ladd	Oddie	Underwood
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Warren
du Pont	McCormick	Pepper	Watson, Ind.
Edge	McCumber	Phipps	Weller
Elkins	McKinley	Poindexter	Williams
Ernst	McLean	Pomerene	Willis

NOT VOTING—3.

Crow	Jones, N. Mex.	Jones, Wash.

So Mr. REED's amendment to article 3 was rejected.

Mr. REED. Mr. President, I move to amend article 3 by adding at the end thereof the first line of the last paragraph of article 1 of the covenant of the League of Nations, which reads as follows:

Any member may, after two years' notice of its intention so to do, withdraw from this treaty.

On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 63—as follows:

YEAS—28.

Ashurst	Harris	McKellar	Simmons
Borah	Harrison	Overman	Smith
Caraway	Heflin	Pittman	Stanley
Culberson	Hitchcock	Reed	Swanson
France	Johnson	Robinson	Walsh, Mass.
Gerry	King	Sheppard	Walsh, Mont.
Glass	La Follette	Shields	Watson, Ga.

NAYS—63.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Myers	Smoot
Calder	Hale	Nelson	Spencer
Cameron	Harreld	New	Stanfield
Capper	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Nicholson	Townsend
Cummins	Kendrick	Norbeck	Underwood
Curtis	Keyes	Norris	Wadsworth
Dial	Ladd	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis
Ernst	McKinley	Pomerene	

NOT VOTING—5.

Crow	Owen	Sutherland	Trammell
Jones, N. Mex.			

So Mr. REED's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to article 3.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

The roll call having been concluded, the result was announced—yeas 67, nays 26, as follows:

YEAS—67.

Ball	Fletcher	McNary	Rawson
Brandegee	Frelinghuysen	Moses	Shortridge
Broussard	Gooding	Myers	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Harreld	New	Stanfield
Cameron	Jones, Wash.	Newberry	Sterling
Capper	Kellogg	Nicholson	Sutherland
Colt	Kendrick	Norbeck	Townsend
Cummins	Keyes	Norris	Trammell
Curtis	Ladd	Oddie	Underwood
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Warren
du Pont	McCormick	Pepper	Watson, Ind.
Edge	McCumber	Phipps	Weller
Elkins	McKinley	Poindexter	Williams
Ernst	McLean	Pomerene	Willis
Fernald		Ransdell	

NAYS—26.

Ashurst	Harris	Pittman	Stanley
Borah	Harrison	Reed	Swanson
Caraway	Heflin	Robinson	Walsh, Mass.
Culberson	Hitchcock	Sheppard	Walsh, Mont.
France	Johnson	Shields	Watson, Ga.
Gerry	King	Simmons	
Glass	La Follette	Smith	

NOT VOTING—3.

Crow	Jones, N. Mex.	Overman

So article 3 was agreed to.

The VICE PRESIDENT. The Secretary will read the next article. The reading clerk read article 4, as follows:

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the procès verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington, the 13th day of December, 1921.

The VICE PRESIDENT. The question is on agreeing to article 4.

Mr. KING. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

The roll call having been concluded, the result was announced—yeas 73, nays 8, as follows:

YEAS—73.

Ball	Fletcher	McNary	Shortridge
Brandegee	Frelinghuysen	Moses	Smoot
Broussard	Gooding	Myers	Spencer
Bursum	Hale	Nelson	Stanfield
Calder	Harreld	New	Sterling
Cameron	Harris	Newberry	Sutherland
Capper	Heflin	Nicholson	Townsend
Caraway	Jones, Wash.	Norbeck	Trammell
Colt	Kellogg	Norris	Underwood
Culberson	Kendrick	Oddie	Wadsworth
Cummins	Keyes	Owen	Walsh, Mont.
Curtis	Ladd	Page	Warren
Dial	Lenroot	Pepper	Watson, Ind.
Dillingham	Lodge	Phipps	Weller
du Pont	McCormick	Poindexter	Williams
Edge	McCumber	Pomerene	Willis
Elkins	McKellar	Ransdell	
Ernst	McKinley	Rawson	
Fernald	McLean	Sheppard	

NAYS—8.

Ashurst	Glass	La Follette	Smith
France	King	Reed	Walsh, Mass.

NOT VOTING—15.

Borah	Hitchcock	Pittman	Stanley
Crow	Johnson	Robinson	Swanson
Gerry	Jones, N. Mex.	Shields	Watson, Ga.
Harrison	Overman	Simmons	

So article 4 was agreed to.

Mr. LODGE. I move the adoption of the committee amendment to the resolution of ratification.

The VICE PRESIDENT. The Secretary will report the committee amendment to the resolution of ratification.

The READING CLERK. Following the numerals "1921," insert a comma and the following words:

subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

So as to make the resolution of ratification read:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, *subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:*

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. POMERENE. I offer as a substitute for the amendment the language which I send to the desk.

The VICE PRESIDENT. The Secretary will report the substitute.

The READING CLERK. As a substitute for the committee amendment, insert the following:

It is, however, understood that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2, in order to be binding upon the United States shall be ratified and executed in accordance with the constitutional methods of the United States.

Mr. WALSH of Montana. I offer the following amendment to the amendment reported by the committee.

The VICE PRESIDENT. The Secretary will report the amendment for the information of the Senate.

The READING CLERK. The Senator from Montana proposes the following, to be added at the close of the resolution:

and that in case any controversy shall arise between any of the high contracting parties and any other power involving the rights of any of said powers in relation to their insular possessions or dominions in the region of the Pacific Ocean, not satisfactorily settled by diplomacy, and likely to lead to war, a conference such as is provided for in article 1 of said treaty shall be called by the parties thereto, to which all nations interested in said controversy shall be invited for the consideration and adjustment of such controversy.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. WALSH of Montana. The amendment offered by myself being an amendment to the resolution reported by the committee, I inquire if it does not take precedence over the substitute offered by the Senator from Ohio, and whether it is not now before the Senate?

The VICE PRESIDENT. The Chair understands that the amendment offered by the Senator from Ohio is an amendment to the amendment reported by the committee. The rule provides that committee amendments shall first be considered.

Mr. WALSH of Montana. That is not the point I am making. The rule provides that committee amendments must first be considered, and I am proposing an amendment to the committee amendment.

The VICE PRESIDENT. The Senator from Ohio made his proposition first, and the Chair holds that it should be considered first.

Mr. WALSH of Montana. I invite the attention of the Chair to the rule that a substitute can not be entertained until the resolution itself, for which it is offered as a substitute, is perfected, and accordingly the amendment tendered by myself would be for consideration first.

Mr. LODGE. Mr. President, I may have misunderstood the nature of the amendment, but I understood the amendment of the Senator from Ohio to be in the nature of a substitute. If it is in the nature of a substitute, it is clear that under general parliamentary law a perfecting amendment, such as that offered by the Senator from Montana, would come first.

The VICE PRESIDENT. That is correct. The first question is on agreeing to the amendment offered by the Senator from Montana to the committee amendment to the resolution of ratification.

Mr. REED. Let it be reported again.

The VICE PRESIDENT. The Secretary will report it again.

The READING CLERK. At the close of the resolution of ratification add the following:

and that in case any controversy shall arise between any of the high contracting parties and any other power involving the rights of any of said powers in relation to their insular possessions or dominions in the region of the Pacific Ocean, not satisfactorily settled by diplomacy, and likely to lead to war, a conference such as is provided for in article 1 of said treaty shall be called by the parties thereto, to which all nations interested in said controversy shall be invited for the consideration and adjustment of such controversy.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. WALSH] to the resolution of ratification.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POMERENE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. POMERENE. I am not sure that I understand at what point the Senator from Montana desires to insert this language. Is it intended to follow the language known as the Brandegee reservation?

Mr. WALSH of Montana. It is; so that it shall read:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense, and that in case—

And so forth.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). If my pair, the senior Senator from New Mexico [Mr. JONES], were present, he would vote "yea" on this question. I therefore transfer my pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call having been concluded, the result was announced—yeas 36, nays 55, as follows:

YEAS—36.

Ashurst	Glass	McKellar	Sheppard
Borah	Harris	Myers	Simmons
Broussard	Harrison	Norris	Smith
Caraway	Heflin	Overman	Stanley
Culberson	Hitchcock	Pittman	Swanson
Dial	Johnson	Pomerene	Trammell
Fletcher	Kendrick	Reed	Walsh, Mass.
France	King	Robinson	Walsh, Mont.
Gerry	La Follette	Shields	Watson, Ga.

NAYS—55.

Ball	Fernald	McLean	Shortridge
Brandegee	Frelinghuysen	McNary	Smoot
Bursum	Gooding	Moses	Spencer
Calder	Hale	Nelson	Stanfield
Cameron	Harreld	New	Sterling
Capper	Jones, Wash.	Newberry	Townsend
Colt	Kellogg	Nicholson	Underwood
Cummins	Keyes	Norbeck	Wadsworth
Curtis	Ladd	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis
Ernst	McKinley	Rawson	

NOT VOTING—5.

Crow	Owen	Shields	Sutherland
Jones, N. Mex.			

So the amendment of Mr. WALSH of Montana to the committee amendment was rejected.

Mr. ROBINSON. Mr. President, I offer the following amendment to the so-called Brandegee reservation.

The VICE PRESIDENT. The Secretary will report the proposed amendment.

The READING CLERK. Add at the end of the reservation the following words:

The United States understands that each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

Mr. ROBINSON. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk called the roll.

Mr. FERNALD. If my pair, the senior Senator from New Mexico [Mr. JONES], were present he would vote "yea" on this amendment. I therefore transfer my pair with that Senator to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The result was announced—yeas 36, nays 56, as follows:

YEAS—36.

Ashurst	Glass	McKellar	Shields
Borah	Harris	Myers	Simmons
Broussard	Harrison	Norris	Smith
Caraway	Heflin	Overman	Stanley
Culberson	Hitchcock	Pittman	Swanson
Dial	Johnson	Pomerene	Trammell
Fletcher	Kendrick	Reed	Walsh, Mass.
France	King	Robinson	Walsh, Mont.
Gerry	La Follette	Sheppard	Watson, Ga.

NAYS—56.

Ball	Dillingham	Jones, Wash.	McLean
Brandegee	Edge	Kellogg	McNary
Bursum	Elkins	Keyes	Moses
Calder	Ernst	Ladd	Nelson
Cameron	Fernald	Lenroot	New
Capper	Frelinghuysen	Lodge	Newberry
Colt	Gooding	McCormick	Nicholson
Cummins	Hale	McCumber	Norbeck
Curtis	Harreld	McKinley	Oddie

Page	Rawson	Sterling	Warren
Pepper	Shortridge	Sutherland	Watson, Ind.
Phipps	Smoot	Townsend	Weller
Poindexter	Spencer	Underwood	Williams
Ransdell	Stanfield	Wadsworth	Willis

NOT VOTING—4.

Crow	du Pont	Jones, N. Mex.	Owen

So Mr. ROBINSON's amendment to the committee amendment was rejected.

Mr. PITTMAN. Mr. President, I offer an amendment to the reservation to follow immediately after the amendment proposed by the committee.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Secretary will report the amendment offered by the Senator from Nevada.

The ASSISTANT SECRETARY. Add to the resolution of ratification and following the amendment proposed by the committee the following words:

And that if there should develop between any of the high contracting parties or any other power or powers having possessions in the region of the Pacific a controversy arising out of any Pacific question involving said insular rights and possessions threatening war, which is not satisfactorily settled by diplomacy, the United States shall have the right to invite said other power or powers to a joint conference with the four powers, to which the whole subject shall be referred for consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. GERRY. Mr. President, I ask that the amendment be restated.

The Assistant Secretary again reported the proposed amendment.

Mr. HARRISON. On this amendment I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Not knowing how the senior Senator from New Mexico [Mr. JONES], with whom I have a pair, would vote if present, I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

The roll call having been concluded, the result was announced—yeas 31, nays 60, as follows:

YEAS—31.

Ashurst	Harris	Norris	Smith
Borah	Harrison	Pittman	Stanley
Caraway	Heflin	Pomerene	Swanson
Culberson	Hitchcock	Reed	Trammell
Fletcher	Johnson	Robinson	Walsh, Mass.
France	King	Sheppard	Walsh, Mont.
Gerry	La Follette	Shields	Watson, Ga.
Glass	McKellar	Simmons	

NAYS—60.

Ball	Fernald	McLean	Rawson
Brandegee	Frelinghuysen	McNary	Shortridge
Bursum	Gooding	Moses	Smoot
Calder	Hale	Myers	Spencer
Cameron	Harreld	Nelson	Stanfield
Capper	Jones, Wash.	New	Sterling
Colt	Kellogg	Newberry	Sutherland
Cummins	Kendrick	Nicholson	Townsend
Curtis	Keyes	Norbeck	Underwood
Dial	Ladd	Oddie	Wadsworth
Dillingham	Lenroot	Page	Warren
du Pont	Lodge	Pepper	Watson, Ind.
Edge	McCormick	Phipps	Weller
Elkins	McCumber	Poindexter	Williams
Ernst	McKinley	Ransdell	Willis

NOT VOTING—5.

Brousard	Jones, N. Mex.	Overman	Owen
Crow			

So Mr. PITTMAN's amendment to the committee amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk to the committee amendment.

The PRESIDING OFFICER. The senior Senator from Wisconsin offers an amendment to the committee reservation, which will be stated by the Secretary.

The ASSISTANT SECRETARY. At the end of the resolution of ratification, following the amendment reported by the Committee on Foreign Relations, it is proposed to add:

Provided, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made part of such ratification, that the agreement between Great Britain and Japan concluded at London on July 13, 1911, shall not in fact or in substance be renewed during the life of said treaty.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin to the committee amendment.

Mr. LA FOLLETTE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I am privileged to vote on this amendment, and I vote "nay."

The roll call having been concluded, the result was announced—yeas 30, nays 62, as follows:

YEAS—30.

Ashurst	Harris	Norris	Stanley
Borah	Harrison	Overman	Swanson
Caraway	Heflin	Pittman	Trammell
Culberson	Hitchcock	Reed	Walsh, Mass.
Fletcher	Johnson	Sheppard	Walsh, Mont.
France	King	Shields	Watson, Ga.
Gerry	La Follette	Simmons	
Glass	McKellar	Smith	

NAYS—62.

Ball	Fernald	McNary	Shortridge
Brandegee	Frelinghuysen	Moses	Smoot
Broussard	Gooding	Myers	Spencer
Bursum	Hale	Nelson	Stanfield
Calder	Harreld	New	Sterling
Cameron	Jones, Wash.	Newberry	Sutherland
Capper	Kellogg	Nicholson	Townsend
Colt	Kendrick	Norbeck	Underwood
Cummins	Keyes	Oddie	Wadsworth
Curtis	Ladd	Page	Warren
Dial	Lenroot	Pepper	Watson, Ind.
Dillingham	Lodge	Phipps	Weller
du Pont	McCormick	Poindexter	Williams
Edge	McCumber	Pomerene	Willis
Elkins	McKinley	Ransdell	
Ernst	McLean	Rawson	

NOT VOTING—4.

Crow	Jones, N. Mex.	Owen	Robinson

So Mr. LA FOLLETTE's amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk as an amendment to the committee amendment.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment to the amendment of the committee to the resolution of ratification, which the Secretary will read.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that none of the high contracting parties shall, during the life of such treaty, without consulting the other parties, enter into any separate arrangement or understanding with another power, whether one of the high contracting parties or not, with reference either to their insular possessions and insular dominions in the region of the Pacific Ocean or to the Asiatic mainland, which shall in any way prejudice the objects and rights of the said parties under this treaty or which shall be inconsistent with the terms thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin to the amendment of the committee.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I am reliably informed that if my pair, the Senator from New Mexico [Mr. JONES], were present he would vote as I am about to vote on this question. I therefore feel at liberty to vote, and vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 59, as follows:

YEAS—27.

Ashurst	Glass	Norris	Smith
Borah	Harris	Pittman	Swanson
Caraway	Harrison	Reed	Trammell
Culberson	Hitchcock	Robinson	Walsh, Mass.
Fletcher	Johnson	Sheppard	Walsh, Mont.
France	La Follette	Shields	Watson, Ga.
Gerry	McKellar	Simmons	

NAYS—59.

Ball	Fernald	McLean	Rawson
Brandegee	Frelinghuysen	McNary	Shortridge
Broussard	Gooding	Moses	Smoot
Bursum	Hale	Myers	Spencer
Calder	Harreld	Nelson	Sterling
Cameron	Jones, Wash.	New	Sutherland
Capper	Kellogg	Newberry	Townsend
Colt	Kendrick	Nicholson	Underwood
Cummins	Keyes	Norbeck	Wadsworth
Curtis	Ladd	Oddie	Warren
Dial	Lenroot	Page	Watson, Ind.
Dillingham	Lodge	Pepper	Weller
du Pont	McCormick	Phipps	Williams
Edge	McCumber	Poindexter	Willis
Elkins	McKinley	Ransdell	

NOT VOTING—10.

Crow	Jones, N. Mex.	Owen	Stanley
Ernst	King	Pomerene	
Heflin	Overman	Stanfield	

So Mr. LA FOLLETTE's amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I offer the further amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment to the committee amendment, which will be stated.

The Assistant Secretary read as follows:

Provided, That the Senate advises and consents to the ratification of said treaty, with the understanding, to be made a part of such ratification, that in case any of the high contracting parties shall have entered into any separate treaties, agreements, or understandings, whether public or secret, either between themselves or with any other power or powers, which are inconsistent with the terms of this treaty or prejudicial to its objects, it shall be the duty of such high contracting party or parties upon the ratification of this treaty to terminate such separate treaties, agreements, or understandings at the earliest time compatible with their terms.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). On this amendment I am privileged to vote without transfer. I vote "nay."

The roll call having been concluded, the result was announced—yeas 17, nays 64, as follows:

YEAS—17.

Ashurst	France	Pittman	Walsh, Mass.
Borah	Harris	Reed	Watson, Ga.
Caraway	Johnson	Sheppard	
Culberson	La Follette	Shields	
Fletcher	Norris	Stanley	

NAYS—64.

Ball	Frelinghuysen	McLean	Shortridge
Brandegee	Gooding	McNary	Smoot
Broussard	Hale	Moses	Spencer
Bursum	Harreld	Myers	Stanfield
Calder	Hitchcock	Nelson	Sterling
Cameron	Jones, Wash.	New	Sutherland
Capper	Kellogg	Newberry	Townsend
Colt	Kendrick	Norbeck	Trammell
Cummins	Keyes	Oddie	Underwood
Curtis	Ladd	Page	Wadsworth
Dial	Lenroot	Pepper	Walsh, Mont.
du Pont	Lodge	Phipps	Warren
Edge	McCormick	Poindexter	Watson, Ind.
Elkins	McCumber	Pomerene	Weller
Ernst	McKellar	Ransdell	Williams
Fernald	McKinley	Rawson	Willis

NOT VOTING—15.

Crow	Harrison	Nicholson	Simmons
Dillingham	Heflin	Overman	Smith
Gerry	Jones, N. Mex.	Owen	Swanson
Glass	King	Robinson	

So Mr. LA FOLLETTE's amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I have one more amendment, which I send to the desk and ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the resolution of ratification the following:

Provided, That, it being the intention of the United States to grant full and complete independence to the Philippine Islands, the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the high contracting parties to this treaty agree to recognize and respect the political independence and territorial integrity of the Philippine Islands after such independence is granted.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

The result was announced—yeas 27, nays 60, as follows:

YEAS—27.

Ashurst	King	Pittman	Smith
Fletcher	Ladd	Ransdell	Swanson
Gerry	La Follette	Reed	Trammell
Harris	McKellar	Robinson	Walsh, Mass.
Harrison	Norris	Sheppard	Walsh, Mont.
Hitchcock	Overman	Shields	Watson, Ga.
Johnson	Owen	Simmons	

NAYS—60.

Ball	Ernst	McKinley	Pomerene
Brandegee	Fernald	McLean	Rawson
Broussard	France	McNary	Shortridge
Bursum	Frelinghuysen	Moses	Smoot
Calder	Gooding	Myers	Spencer
Cameron	Hale	Nelson	Sterling
Capper	Harreld	New	Sutherland
Colt	Jones, Wash.	Newberry	Townsend
Cummins	Kellogg	Nicholson	Underwood
Curtis	Kendrick	Norbeck	Wadsworth
Dial	Keyes	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis

NOT VOTING—9.

Borah	Culberson	Heflin	Stanfield
Caraway	Glass	Jones, N. Mex.	Stanley
Crow			

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

Mr. PITTMAN. I present the following amendment, to follow the committee reservation.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Add at the end of the resolution of ratification, and to the proposed amendment of the committee, the following words:

and that the United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way for consideration.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I am privileged to vote, and I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 65, as follows:

YEAS—28.

Ashurst	Glass	La Follette	Simmons
Borah	Harris	Overman	Smith
Caraway	Harrison	Pittman	Swanson
Culberson	Heflin	Reed	Trammell
Fletcher	Hitchcock	Robinson	Walsh, Mass.
France	Johnson	Sheppard	Walsh, Mont.
Gerry	King	Shields	Watson, Ga.

NAYS—65.

Ball	Frelinghuysen	Moses	Shortridge
Brandegee	Gooding	Myers	Smoot
Broussard	Hale	Nelson	Spencer
Bursum	Harreld	New	Stanfield
Calder	Jones, Wash.	Newberry	Sterling
Cameron	Kellogg	Nicholson	Sutherland
Capper	Kendrick	Norbeck	Townsend
Colt	Keyes	Norris	Underwood
Cummins	Ladd	Oddie	Wadsworth
Curtis	Lenroot	Owen	Warren
Dial	Lodge	Page	Watson, Ind.
Dillingham	McCormick	Pepper	Weller
du Pont	McCumber	Phipps	Williams
Edge	McKellar	Poindexter	Willis
Elkins	McKinley	Pomerene	
Ernst	McLean	Ransdell	
Fernald	McNary	Rawson	

NOT VOTING—3.

Crow	Jones, N. Mex.	Stanley

So Mr. PITTMAN's amendment to the amendment was rejected.

Mr. JOHNSON. I offer the following as an amendment to the pending reservation.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add at the end of the resolution of ratification the following words:

The United States understands that the most efficient measures to be taken under article 2 shall be exclusively pacific measures.

The VICE PRESIDENT. The question is on agreeing to the amendment to the committee amendment.

Mr. JOHNSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 29, nays 63, as follows:

YEAS—29.

Ashurst	Harris	Overman	Smith
Borah	Harrison	Pittman	Swanson
Caraway	Heflin	Pomerene	Trammell
Culberson	Hitchcock	Reed	Walsh, Mass.
Fletcher	Johnson	Robinson	Watson, Ga.
France	King	Sheppard	
Gerry	La Follette	Shields	
Glass	Norris	Simmons	

NAYS—63.

Ball	du Pont	Keyes	Nelson
Brandegee	Edge	Ladd	New
Broussard	Elkins	Lenroot	Newberry
Bursum	Ernst	Lodge	Nicholson
Calder	Fernald	McCormick	Norbeck
Cameron	Frelinghuysen	McCumber	Oddie
Capper	Gooding	McKellar	Owen
Colt	Hale	McKinley	Page
Cummins	Harreld	McLean	Pepper
Curtis	Jones, Wash.	McNary	Poindexter
Dial	Kellogg	Moses	Ransdell
Dillingham	Kendrick	Myers	Rawson

Shortridge	Sterling	Wadsworth	Weller
Smoot	Sutherland	Walsh, Mont.	Williams
Spencer	Townsend	Warren	Willis
Stanfield	Underwood	Watson, Ind.	

NOT VOTING—4.

Crow	Jones, N. Mex.	Phipps	Stanley

So Mr. JOHNSON's amendment to the amendment was rejected.

Mr. JOHNSON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. As a part of the resolution of ratification the Senator from California offers the following:

The United States understands that it assumes no obligation, either legal or moral, to maintain the rights in relation to the insular possessions or insular dominions of any of the other high contracting parties; and that the consent of the Congress of the United States shall be necessary to any adjustment or understanding under articles 1 or 2 by which the United States is to be bound in any way, and that there is no obligation, either legal or moral, to give such consent.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. HARRISON. Is it in order for me to inquire of the Senator from California if this is the original Brandegee reservation which was agreed to in the Foreign Relations Committee and which was changed at the request of the President?

Mr. JOHNSON. It is.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California to the committee amendment.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I am privileged to vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 64, as follows:

YEAS—28.

Ashurst	Harris	McKellar	Sheppard
Borah	Harrison	Moses	Shields
Caraway	Heflin	Norris	Simmons
Culberson	Hitchcock	Overman	Stanley
France	Johnson	Pittman	Swanson
Gerry	King	Reed	Walsh, Mass.
Glass	La Follette	Robinson	Watson, Ga.

NAYS—64.

Ball	Fernald	McLean	Shortridge
Brandegee	Fletcher	McNary	Smoot
Broussard	Frelinghuysen	Myers	Spencer
Bursum	Gooding	Nelson	Stanfield
Calder	Hale	New	Sterling
Cameron	Harreld	Newberry	Sutherland
Capper	Jones, Wash.	Nicholson	Townsend
Colt	Kellogg	Norbeck	Trammell
Cummins	Kendrick	Oddie	Underwood
Curtis	Keyes	Page	Wadsworth
Dial	Ladd	Pepper	Walsh, Mont.
Dillingham	Lenroot	Phipps	Warren
du Pont	Lodge	Poindexter	Watson, Ind.
Edge	McCormick	Pomerene	Weller
Elkins	McCumber	Ransdell	Williams
Ernst	McKinley	Rawson	Willis

NOT VOTING—4.

Crow	Jones, N. Mex.	Owen	Smith

So Mr. JOHNSON's amendment to the amendment was rejected.

Mr. ROBINSON. I offer the following amendment to be added at the end of the pending reservation.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add at the end of the proposed amendment of the committee to the resolution of ratification the following words:

The United States understands that each of the high contracting parties will refrain from entering into any secret treaty, agreement, or understanding with any other power or powers during the life of this treaty.

Mr. ROBINSON. On the amendment I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 32, nays 60, as follows:

YEAS—32.

Ashurst	Harris	Norris	Simmons
Borah	Harrison	Overman	Smith
Caraway	Heflin	Pittman	Stanley
Culberson	Hitchcock	Pomerene	Swanson
Fletcher	Johnson	Reed	Trammell
France	King	Robinson	Walsh, Mass.
Gerry	La Follette	Sheppard	Walsh, Mont.
Glass	McKellar	Shields	Watson, Ga.

NAYS—60.

Ball	Ernst	McLean	Rawson
Brandegee	Fernald	McNary	Shortridge
Broussard	Frelinghuysen	Moses	Smoot
Bursum	Gooding	Myers	Spencer
Calder	Hale	Nelson	Stanfield
Cameron	Harreld	New	Sterling
Capper	Jones, Wash.	Newberry	Sutherland
Colt	Kellogg	Nicholson	Townsend
Cummins	Kendrick	Norbeck	Underwood
Curtis	Keyes	Oddie	Wadsworth
Dial	Ladd	Page	Warren
Dillingham	Lenroot	Pepper	Watson, Ind.
du Pont	Lodge	Phipps	Weller
Edge	McCumber	Poindexter	Williams
Elkins	McKinley	Ransdell	Willis

NOT VOTING—4.

Crow	Jones, N. Mex.	McCormick	Owen

So Mr. ROBINSON's amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment to the resolution of ratification.

Mr. POMERENE obtained the floor.

Mr. REED. Mr. President——

Mr. POMERENE. Does the Senator from Missouri desire to offer an amendment?

Mr. REED. I do.

Mr. POMERENE. Very well. I expected to offer my substitute, but if the Senator from Missouri desires to offer an amendment I yield to him.

Mr. REED. I offer the amendment, which I send to the desk, to the amendment reported by the committee.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following proviso:

Provided, That the United States agrees to this treaty with the express understanding that it reserves to itself the right to withdraw therefrom at any time any of the other parties to the treaty shall, in the opinion of the President of the United States or of the Congress by joint resolution expressed, wrongfully engage in war with any country, thereby imperiling the peace of the Pacific.

Mr. REED. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 63, as follows:

YEAS—28.

Ashurst	Harrison	Overman	Smith
Borah	Heflin	Pittman	Stanley
Caraway	Hitchcock	Reed	Swanson
Culberson	Johnson	Robinson	Trammell
France	King	Sheppard	Walsh, Mass.
Gerry	La Follette	Shields	Walsh, Mont.
Harris	McKellar	Simmons	Watson, Ga.

NAYS—63.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Myers	Smoot
Calder	Hale	Nelson	Spencer
Cameron	Harreld	New	Stanfield
Capper	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Nicholson	Sutherland
Cummins	Kendrick	Norbeck	Townsend
Curtis	Keyes	Norris	Underwood
Dial	Ladd	Oddie	Wadsworth
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis
Ernst	McKinley	Pomerene	

NOT VOTING—5.

Crow	Jones, N. Mex.	Owen	Warren
Glass			

So Mr. REED's amendment to the committee amendment was rejected.

Mr. REED. I offer another amendment to the amendment of the committee to the resolution of ratification.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following proviso:

Provided, That the United States agrees to this treaty with the express understanding and reservation that article 2 of said treaty shall not apply to any situation arising out of the military occupation of any of the high contracting parties of any part of the mainland of Asia included in the boundaries of the Chinese or Russian Empires as they existed in 1890.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri to the amendment of the committee to the resolution of ratification.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. ROBINSON. I hope we may have the yeas and nays on the amendment.

The VICE PRESIDENT. Is the demand seconded? [A pause.] The demand is not sufficiently seconded.

Mr. REED. Then, Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll, and called the name of Mr. ASHURST, who responded to his name.

Mr. WADSWORTH. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. WADSWORTH. I make the point of order that the absence of a quorum can not be suggested at this time, the roll call last had having disclosed the presence of a quorum and no business having intervened in the meantime.

The VICE PRESIDENT. The Chair is of the opinion that the point is raised too late, because the roll call was proceeding. The Secretary will continue calling the roll.

The reading clerk resumed and concluded the calling of the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Shields
Ball	Gooding	Moses	Shortridge
Borah	Hale	Myers	Simmons
Brandegee	Harreld	Nelson	Smith
Broussard	Harris	New	Smoot
Bursum	Harrison	Newberry	Spencer
Calder	Heflin	Nicholson	Stanfield
Cameron	Hitchcock	Norbeck	Stanley
Capper	Johnson	Norris	Sterling
Curtis	Jones, Wash.	Oddie	Sutherland
Colt	Kellogg	Overman	Swanson
Culberson	Kendrick	Owen	Townsend
Cummins	Keyes	Page	Trammell
Curtis	King	Pepper	Underwood
Dial	Ladd	Phipps	Wadsworth
Dillingham	La Follette	Pittman	Walsh, Mass.
Edge	Lenroot	Poindexter	Walsh, Mont.
Elkins	Lodge	Pomerene	Warren
Ernst	McCormick	Ransdell	Watson, Ga.
Fernald	McCumber	Rawson	Watson, Ind.
Fletcher	McKellar	Reed	Williams
France	McKinley	Robinson	Willis
Frelinghuysen	McLean	Sheppard	

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

Mr. REED. Now, Mr. President, a quorum having been developed, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 24, nays 64, as follows:

YEAS—24.

Ashurst	Harrison	Pittman	Smith
Borah	Heflin	Reed	Stanley
Caraway	Hitchcock	Robinson	Swanson
France	Johnson	Sheppard	Walsh, Mass.
Gerry	La Follette	Shields	Walsh, Mont.
Harris	McKellar	Simmons	Watson, Ga.

NAYS—64.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Myers	Smoot
Calder	Hale	Nelson	Spencer
Cameron	Harreld	New	Stanfield
Capper	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Nicholson	Sutherland
Cummins	Kendrick	Norbeck	Townsend
Curtis	Keyes	Norris	Underwood
Dial	Ladd	Oddie	Wadsworth
Dillingham	Lenroot	Page	Warren
du Pont	Lodge	Pepper	Watson, Ind.
Edge	McCormick	Phipps	Weller
Elkins	McCumber	Poindexter	Williams
Ernst	McKinley	Pomerene	Willis

NOT VOTING—8.

Crow	Glass	King	Owen
Culberson	Jones, N. Mex.	Overman	Trammell

So Mr. REED's amendment to the amendment of the committee was rejected.

Mr. REED. Mr. President, I have one more reservation, which I send to the desk and ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the proposed resolution of ratification, the following:

Provided, That the United States agrees to this treaty with the express understanding that it may withdraw from the same at any time by giving one year's notice of its intention to withdraw.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I am privileged to vote, and vote "nay."

The roll call having been concluded, the result was announced—yeas 26, nays 64, as follows:

YEAS—26.

Ashurst	Harrison	Overman	Stanley
Borah	Heflin	Pittman	Swanson
Caraway	Hitchcock	Reed	Walsh, Mass.
Culberson	Johnson	Sheppard	Walsh, Mont.
France	La Follette	Shields	Watson, Ga.
Gerry	McKellar	Simmons	
Harris	Myers	Smith	

NAYS—64.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Myers	Smoot
Calder	Hale	Nelson	Spencer
Cameron	Harreld	New	Stanfield
Capper	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Nicholson	Sutherland
Cummins	Kendrick	Norbeck	Townsend
Curtis	Keyes	Norris	Underwood
Dial	Ladd	Oddie	Wadsworth
Dillingham	Lenroot	Page	Warren
du Pont	Lodge	Pepper	Watson, Ind.
Edge	McCormick	Phipps	Weller
Elkins	McCumber	Poindexter	Williams
Ernst	McKinley	Pomerene	Willis

NOT VOTING—6.

Crow	Jones, N. Mex.	Robinson	Trammell
Glass	King		

So Mr. REED's amendment to the amendment was rejected.

Mr. POMERENE. I now offer the substitute heretofore sent to the desk.

The VICE PRESIDENT. The Secretary will read the substitute.

The ASSISTANT SECRETARY. The Senator from Ohio moves to amend the committee amendment by striking out the last three lines, in the following words:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

And in lieu of those words inserting the following:

It is, however, understood that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2, in order to be binding upon the United States, shall be ratified and executed in accordance with the constitutional methods of the United States.

Mr. POMERENE. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 10, nays 78, as follows:

YEAS—10.

Ashurst	Fletcher	Sheppard	Walsh, Mass.
Culberson	Pomerene	Trammell	
Dial	Ransdell	Underwood	

NAYS—78.

Ball	Glass	McNary	Simmons
Borah	Hale	Moses	Smith
Brandegee	Harreld	Myers	Smoot
Broussard	Harris	Nelson	Spencer
Bursum	Heflin	New	Stanfield
Calder	Hitchcock	Newberry	Stanley
Cameron	Johnson	Nicholson	Sterling
Capper	Jones, Wash.	Norbeck	Sutherland
Caraway	Kellogg	Norris	Swanson
Colt	Kendrick	Oddie	Townsend
Cummins	Keyes	Overman	Wadsworth
Curtis	Ladd	Page	Walsh, Mont.
Dillingham	La Follette	Pepper	Warren
du Pont	Lenroot	Phipps	Watson, Ga.
Edge	Lodge	Poindexter	Watson, Ind.
Elkins	McCormick	Rawson	Weller
Ernst	McCumber	Reed	Williams
Fernald	McKellar	Robinson	Willis
France	McKinley	Shields	
Frelinghuysen	McLean	Shortridge	

NOT VOTING—8.

Crow	Gooding	Jones, N. Mex.	Owen
Gerry	Harrison	King	Pittman

So Mr. POMERENE's amendment to the amendment was rejected.

Mr. POMERENE. I move to amend the reservation by inserting, just before the concluding period, the language I send to the desk, so as to make it an additional reservation instead of a substitute.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add at the end of the resolution and at the end of the committee amendment a comma and the following:

And that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2, in order to be binding upon the United States shall be ratified and executed in accordance with the constitutional methods of the United States.

Mr. POMERENE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 13, nays 71, as follows:

YEAS—13.

Ashurst	Fletcher	Pomerene	Walsh, Mass.
Borah	Harris	Ransdell	
Culberson	Johnson	Sheppard	
Dial	La Follette	Underwood	

NAYS—71.

Ball	Frelinghuysen	Moses	Simmons
Brandegee	Gerry	Myers	Smith
Broussard	Gooding	Nelson	Smoot
Bursum	Hale	New	Spencer
Calder	Harreld	Newberry	Stanfield
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Kellogg	Norbeck	Sutherland
Caraway	Kendrick	Norris	Swanson
Colt	Keyes	Oddie	Townsend
Cummins	Ladd	Page	Wadsworth
Curtis	Lenroot	Pepper	Walsh, Mont.
Dillingham	Lodge	Phipps	Warren
du Pont	McCormick	Poindexter	Watson, Ga.
Edge	McCumber	Rawson	Watson, Ind.
Elkins	McKellar	Reed	Weller
Ernst	McKinley	Robinson	Williams
Fernald	McLean	Shields	Willis
France	McNary	Shortridge	

NOT VOTING—12.

Crow	Heflin	King	Pittman
Gerry	Hitchcock	Overman	Stanley
Harrison	Jones, N. Mex.	Owen	Trammell

So Mr. POMERENE's amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment to the resolution of ratification.

Mr. WILLIAMS. I call for the yeas and nays.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. HITCHCOCK. The question is on the resolution of ratification?

The VICE PRESIDENT. The question is on the committee amendment, on which the yeas and nays have been ordered.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. PEPPER. The senior Senator from Pennsylvania [Mr. CROW] is absent on account of serious illness. No pair has been arranged for him. If present he would vote "yea."

The result was announced—yeas 91, nays 2, as follows:

YEAS—91.

Ashurst	Frelinghuysen	McLean	Sheppard
Ball	Gerry	McNary	Shields
Borah	Glass	Moses	Shortridge
Brandegee	Gooding	Myers	Simmons
Broussard	Hale	Nelson	Smith
Bursum	Harreld	New	Smoot
Calder	Harris	Newberry	Stanfield
Cameron	Harrison	Nicholson	Stanley
Capper	Heflin	Norbeck	Sterling
Caraway	Hitchcock	Norris	Sutherland
Colt	Johnson	Oddie	Swanson
Culberson	Jones, Wash.	Overman	Townsend
Cummins	Kellogg	Owen	Trammell
Curtis	Kendrick	Page	Underwood
Dial	Keyes	Pepper	Wadsworth
Dillingham	La Follette	Phipps	Walsh, Mass.
du Pont	Lenroot	Pittman	Walsh, Mont.
Edge	Lodge	Poindexter	Warren
Elkins	McCormick	Pomerene	Watson, Ga.
Ernst	McCumber	Ransdell	Watson, Ind.
Fernald	McKellar	Rawson	Weller
Fletcher	McKinley	Reed	Willis
France	McNary	Robinson	

NAYS—2.

Spencer	Williams	

NOT VOTING—3.

Crow	Jones, N. Mex.	King

So the committee amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the treaty will be reported to the Senate.

The treaty was reported to the Senate as amended.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment.

Mr. ROBINSON. Mr. President, the first matter in order, as I understand the rule, is concurrence in the amendment agreed to in Committee of the Whole.

The VICE PRESIDENT. Without objection, the resolution of ratification will be reported to the Senate.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. LENROOT. Has the reservation made as in Committee of the Whole been concurred in?

The VICE PRESIDENT. It has not.

Mr. LENROOT. I submit to the Chair that the reservation should be concurred in exactly in the same way as if it had been an amendment. The decision of the Committee of the Whole is to be concurred in first.

The VICE PRESIDENT. Without objection, the amendment made in Committee of the Whole to the resolution of ratification will first be concurred in. The question is on concurring in the amendment.

The amendment was concurred in.

The VICE PRESIDENT. If there are no further amendments, the resolution of ratification will now be read.

The Assistant Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington, December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. HITCHCOCK. I would like to ask the Chair whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty:

In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:

1. That the treaty shall apply to the mandated islands in the Pacific Ocean; provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

The VICE PRESIDENT. The Chair understands that that is the declaration of the signatory powers and not a part of the treaty.

Mr. HITCHCOCK. I beg to inquire when opportunity will be given to offer amendments to that declaration?

The VICE PRESIDENT. The Chair does not understand that it is open to amendment.

Mr. HITCHCOCK. I call the attention of the Chair to the fact that it changes the meaning of the treaty, and it was adopted on the same day with the treaty.

Mr. LODGE. Mr. President, I make the point of order that this discussion is out of order under the unanimous-consent agreement. The Chair has ruled correctly.

The VICE PRESIDENT. The Chair has answered the parliamentary inquiry of the Senator from Nebraska.

Mr. LODGE. Regular order!

Mr. HITCHCOCK. I only want a ruling by the Chair. Does the Chair rule that the resolution of ratification ratifies this declaration which has been made a part of the treaty?

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. Under the unanimous-consent agreement the Senate agreed that immediately after the reservations and amendments that might be pending should be acted upon it would then vote upon the resolution of ratification. That has been presented and is now before the Senate. The matter to which the Senator from Nebraska alludes is not the resolution of ratification, and is not pending as an amendment to the resolution of ratification.

Mr. REED. What is it?

Mr. BRANDEGEE. I should judge from its being signed by the delegates to the international conference that it was their interpretation of the treaty, but it would be just as pertinent to make the President's address to the Senate a part of the

resolution of ratification as to make the interpretation of those who framed the treaty. I make the point of order that the unanimous-consent agreement compels a vote unless there are other amendments or reservations to be offered to the resolution of ratification.

Mr. HITCHCOCK. I am not disputing that. I am simply seeking to get a ruling of the Chair to go into the RECORD, and if the Chair does not care to hear me on that subject, I of course shall desist at once. It is for the Chair to say whether he desires to hear me.

Mr. BRANDEGEE. The resolution of ratification is before the Senate, and it is for the Chair to say whether the inquiry raised by the Senator presents a parliamentary inquiry.

The VICE PRESIDENT. The Chair will state the position of the question.

Mr. HITCHCOCK. If the Chair will permit me I will add one other thing. I am calling it to the attention of the Chair at this time because under the rules of the Senate it is required that the treaty shall be read, and this portion has not been read.

Mr. LODGE. It is not a part of the treaty. That is why it has not been read.

Mr. HITCHCOCK. It was transmitted to the Senate by the President as a part of the treaty——

Mr. LODGE. It was not.

Mr. HITCHCOCK. And it is printed with the treaty in advance of the resolution of ratification.

Mr. LODGE. Mr. President, all this debate is out of order, but the matter referred to by the Senator from Nebraska was not reported as a part of the treaty, and is not a part of the treaty. It is merely a declaration of the understanding and intent of the signatories of the treaty.

Mr. HITCHCOCK. I assume that the Senate has the right to pass upon the position of the United States as well as those who negotiated the treaty. Can they bind the Senate without the matter having even been read to the Senate?

Mr. LODGE. I make the point of order that this debate is out of order.

Mr. HITCHCOCK. It is not a debate. I am addressing myself to the Chair.

Mr. LODGE. It is a debate, and it is addressed to the merits of the question.

The VICE PRESIDENT. The Chair desires to cite the rule governing the deliberations of the Senate in the consideration of treaties. It is as follows:

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent—

Which was had in this case—

the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

Nothing is now in order except to vote on the resolution of ratification.

Mr. HITCHCOCK. Mr. President——

Mr. FERNALD, Mr. WADSWORTH, and Mr. LODGE. Regular order!

Mr. REED. The Chair does not mean to say that an amendment to the treaty could not now be offered?

Mr. LODGE. It could not be under the rule.

The VICE PRESIDENT. Under the rule an amendment to the treaty can not now be received except by unanimous consent.

Mr. HITCHCOCK. Does the Chair rule, then, that the resolution of ratification upon which we are now to vote includes the declaration to which I have referred?

The VICE PRESIDENT. The Chair does not make any ruling on that question, because it is not before the Senate, as the Chair understands.

Mr. LODGE, Mr. FERNALD, Mr. WADSWORTH, and others. Regular order!

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

Mr. LODGE and Mr. WATSON of Indiana called for the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. On this question I understand, if that Senator were present, he would vote as I am about to vote. Therefore I feel at liberty to vote. I vote "yea."

Mr. GERRY (when the name of Mr. JONES of New Mexico was called. The Senator from New Mexico [Mr. JONES] is unavoidably absent. I am informed that, if present, he would vote "yea."

The roll call was concluded.

Mr. PEPPER. The senior Senator from Pennsylvania [Mr. CROW], who is absent on account of illness, if present would vote "yea."

The roll call resulted—yeas 67, nays 27, as follows:

YEAS—67.

Ball	Fletcher	McNary	Rawson
Brandegee	Frelinghuysen	Moses	Shortridge
Broussard	Gooding	Myers	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Harreld	New	Stanfield
Cameron	Jones, Wash.	Newberry	Sterling
Capper	Kellogg	Nicholson	Sutherland
Colt	Kendrick	Norbeck	Townsend
Cummins	Keyes	Norris	Trammell
Curtis	Ladd	Oddie	Underwood
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Warren
du Pont	McCormick	Pepper	Watson, Ind.
Edge	McCumber	Phipps	Weller
Elkins	McKellar	Poindexter	Williams
Ernst	McKinley	Pomerene	Willis
Fernald	McLean	Ransdell	

NAYS—27.

Ashurst	Harris	Overman	Smith
Borah	Harrison	Pittman	Stanley
Caraway	Heflin	Reed	Swanson
Culberson	Hitchcock	Robinson	Walsh, Mass.
France	Johnson	Sheppard	Walsh, Mont.
Gerry	King	Shields	Watson, Ga.
Glass	La Follette	Simmons	

NOT VOTING—2.

Crow	Jones, N. Mex.

The VICE PRESIDENT. On this question the yeas are 67, the nays are 27. Two-thirds of the Senators present and voting having agreed thereto, the Senate advises and consents to the ratification of the treaty.

SUPPLEMENTARY FOUR-POWER TREATY.

Mr. LODGE. Mr. President, I now desire to call up the treaty supplementary to the four-power treaty.

The VICE PRESIDENT. The Chair lays before the Senate the supplementary four-power treaty, which the Secretary will read.

The Assistant Secretary read as follows:

The United States of America, the British Empire, France, and Japan have, through their respective plenipotentiaries, agreed upon the following stipulations supplementary to the quadruple treaty signed at Washington on December 13, 1921:

The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said treaty to which it is supplementary.

The provisions of article 4 of the aforesaid treaty of December 13, 1921, relating to ratification shall be applicable to the present agreement, which in French and English shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other contracting powers.

In faith whereof the respective plenipotentiaries have signed the present agreement.

Done at the city of Washington the 6th day of February, 1922.

CHARLES EVANS HUGHES [L. S.]
HENRY CABOT LODGE [L. S.]
OSCAR W. UNDERWOOD [L. S.]
ELIHU ROOT [L. S.]
ARTHUR JAMES BALFOUR [L. S.]
LEE OF FAREHAM [L. S.]
A. C. GEDDES [L. S.]
R. L. BORDEN [L. S.]
G. F. PEARCE [L. S.]
JOHN W. SALMOND [L. S.]
ARTHUR JAMES BALFOUR [L. S.]
V S SRINIVASA SASTRI [L. S.]
A. SARRAUT [L. S.]
JUSSERAND [L. S.]
T. KATO [L. S.]
K. SHIDEHARA [L. S.]
M. HANIHARA [L. S.]

Mr. LODGE. I ask that the resolution of ratification reported by the committee may also be read.

The VICE PRESIDENT. The resolution of ratification reported by the committee will be read.

The Assistant Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive O, Sixty-seventh Congress, second session, an agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan, signed at Washington February 6, 1922.

The VICE PRESIDENT. Is there objection to present consideration?

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Chair hears none.

Mr. ROBINSON. Just a moment, please. Is it the purpose of the Senator from Massachusetts to proceed with the consideration of the supplementary treaty to a final disposition to-day?

Mr. LODGE. I should be very glad to dispose of it to-day. It seems to me that it is a treaty which requires but little debate.

Mr. ROBINSON. Mr. President, there is at least one amendment which will be presented and which will require some consideration. I do not know how much discussion will occur. We have been in session for quite a prolonged period——

Mr. LODGE. Of course, the treaty can only be considered at this moment by unanimous consent. One objection will carry it over until to-morrow.

Mr. ROBINSON. I understand that, but I prefer not to raise an objection. I merely wanted to state the viewpoint of some Senators who have given consideration to this subject, and to inform the Senator from Massachusetts that an amendment to the treaty will be presented and discussed. I should prefer not to object to the consideration of the treaty if the Senator from Massachusetts would allow it to go over until Monday.

Mr. LODGE. Whether objection is made or not, if it goes over it will be in the same parliamentary status to-morrow; that is, it will be in order. Of course, it will be open then to debate.

Mr. ROBINSON. I will be very frank with the Senator from Massachusetts. My primary object in making the inquiry which I have submitted is to ascertain whether or not the treaty might go over and the Senate take a recess or adjourn until Monday.

Mr. LODGE. No, Mr. President; I can not consent to an adjournment until Monday.

Mr. ROBINSON. Will the Senator permit me to make a statement in connection with that suggestion?

Many of us have been so busily engaged in the consideration of the four-power treaty that we have had no opportunity whatever for the performance of other official duties. Many of them are pressing for attention; and I believe it would be a proper and wholesome proceeding to adjourn over until Monday, in order that Senators might be afforded an opportunity to give attention to other matters. If the Senator has given consideration to that proposal and reached a conclusion, I shall be glad to have him advise us.

Mr. LODGE. Mr. President, I appreciate how much work on the treaty and its consideration here has prevented, I think, probably all Senators from attending to current business. I know it has prevented me; but I think it necessary that we should press these treaties as rapidly as possible, because the tariff bill will come in very shortly, and I am anxious to have the remaining treaties—to which I hope there will not be very serious objection—disposed of; and I should not feel justified in consenting to an adjournment until Monday.

Mr. ROBINSON. Mr. President, may I say, in reply to the statement just made by the Senator from Massachusetts, that I am not apprised of any disposition to delay unduly the consideration of the remaining treaties. I think the procedure that has been taken in connection with the treaty just disposed of enforces the conclusion that no effort has been made to delay unfairly the disposition of that treaty. If the Senator from Massachusetts feels disposed to persist in that attitude, I shall object to the present consideration of this treaty.

Mr. LODGE. I was perfectly willing to let it go over, but I can not consent to an adjournment until Monday.

Mr. ROBINSON. I object, Mr. President.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Chair understands that objection is made to the present consideration of the resolution of ratification.

Mr. LODGE. Then, Mr. President, the treaty will go over and be taken up in the morning.

As in legislative session,

SENATE TREATY OF TIMBERS.

Mr. FLETCHER. I ask permission to have inserted in the RECORD, in 8-point type, a communication from the Director of the Forest Service and also one from the Secretary of Agriculture with respect to measures looking to the restoration of forests.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 21, 1922.

Hon. DUNCAN U. FLETCHER,
United States Senate.

DEAR SENATOR FLETCHER: I have your letter of March 11, with which you inclosed a copy of the resolutions adopted by the Southern Crate Manufacturers' Association concerning the necessity for action to assure future supplies of timber for the agricultural industry of Florida. These resolutions, after pointing out the serious situation confronting the agricultural industries of Florida with respect to future supplies of wood for use in those industries, urge the enactment by the Congress of laws for the establishment and maintenance of a forest experiment station in Florida, and of House bill 129, introduced by Mr. SNELL of New York, which bill provides for a nation-wide development of forestry.

The fears of the Southern Crate Manufacturers' Association as expressed in their resolutions, seem to me to be well founded. The virgin forests of Florida are being cut rapidly, as are all those of the southern pine region. Meanwhile, there is a very large expansion of agriculture in the State, especially in the citrus industry, which ships most of its products in wooden containers. Estimates by local experts, based on the acreage already planted, indicate an annual consumption of 40,000,000 boxes by the citrus growers alone within less than 10 years' time. This will require about 240,000,000 feet of timber every year. The truck producers are also using millions of wooden crates, boxes, barrels, and baskets each year. Thoughtful and well-informed men in the State have told me that they do not know where these industries can obtain supplies of wood for their business needs beyond the next ten or fifteen years except by importations from the Pacific coast. And this is wholly aside from the large needs of your State for lumber in housing and general construction.

The Florida farmer is in a less fortunate situation with respect to his future wood supply than is the farmer in California with whom he competes. The farmers' associations in California are manufacturing the containers needed by their members to a large extent. The various cooperative associations have seven or eight sawmills and box factories, all drawing their logs wholly or in part from the national forests. They are sure of the opportunity to secure timber in the future, because the national forests are managed on the principle of furnishing a continuous supply of timber, and cutting in them is regulated so that it does not exceed the growth. Future crops of timber on the land now being cut over are assured.

The Florida farmer can not be sure of his future supplies, since the only national forest in the State is of too small size to grow more than a small fraction of the timber which will certainly be needed. Without the protection from fire and the careful methods of cutting which are practiced on national forests, privately owned timberland produces new crops only by accident, and such new stands as do start up may be spoiled by injudicious early turpentining or may be cut before they should be.

The Snell bill, which the resolutions of the Southern Crate Manufacturers' Association indorse, provides for a national program to meet the timber-supply situation throughout the country. One of its provisions would authorize the extension of national forests by the purchase of land chiefly suitable for growing timber crops, irrespective of a demonstrable effect of the maintenance of a forest cover on the navigability of streams. It would extend to the southern pine region, for example, the establishment of national forests through purchases, which has been carried on in the Appalachian Mountains. Meanwhile at least one part of the Snell bill program has been favorably acted on by the Congress in a separate bill. Probably other features of this general program will be similarly considered separately. There may be considerable delay, and meanwhile the situation in Florida is acute. I believe that in Florida public-spirited citizens would give the United States title to considerable areas of land chiefly valuable for growing forests, subject to certain temporary reservations, if they were assured that those lands would be administered as national forests and that the future timber crops grown on them would be devoted first to supplying the needs of the agricultural industries of the State. In view of the uncertainty of the early enactment of the proposed general legislation with a sufficient appropriation to enable effective action to be taken promptly, and in order to take advantage of any opportunity for earlier action in Florida that may result from offers of land without the necessity of drawing on the Federal Treasury for purchase money, I believe that special legislation should be enacted promptly. A suggested form of bill is inclosed.

The State has virtually extended an invitation to the Federal Government to help in meeting the situation by acquiring and administering additional national forests within its borders, as premeditated in the proposed legislation. The State legislature passed and on June 2, 1921, the governor of the State approved the following act (General Laws of Florida, 1921, vol. 1, p. 373, chap. 8564):

SECTION 1. That the consent of the State of Florida be, and is hereby, given to the acquisition by the United States, by purchase, gift, or condemnation with adequate compensation, of such lands in Florida as in the opinion of the Federal Government may be needed for the establishment, consolidation, and extension of national forests in the State: *Provided*, That the State of Florida shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the State of Florida, against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed.

SEC. 2. Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the administration, control, and protection of such lands as may be from time to time acquired by the United States under the provisions of this act.

If it should prove possible to establish one or more national forests in Florida under the proposed legislation and in response to the State's invitation, the only expense to the Federal Government would be for the protection and administration of the land so acquired; but there would be little, if any, revenue from the national forest or forests so established until such grazing rights as might be reserved by the donor had expired and the new crop of timber had reached a size where cutting or turpentine operations were feasible. In this respect such lands would be in the same status as much of the land which had been purchased in the Southern Appalachians and in the White Mountains under the act of March 1, 1911.

Lands so acquired would be withdrawn from local taxation, so far as the land itself is concerned, but under existing law 25 per cent of the gross revenues from the national forests are given to the States in lieu of taxes for the benefit of the school and road funds of the counties in which the national forests are situated. This revenue would be small or lacking at first, but would ultimately be much greater than the counties could hope to get from the same land were it to remain in private ownership. I am informed that large areas of cut-over pine land of low value for agriculture are reverting to the State of Florida and to the other States in the southern pine belt, because the owners are unwilling to pay taxes on them under the current assessed valuations and rates of taxation. These lands are in reality a liability to the State rather than an asset, and the placing of them in a national forest in order that they may be made productive would assure the State and county that these lands will later contribute liberally to the expenses of the local governments.

The resolutions cover also the question of forest experiment stations. This I realize is a matter in which you have been personally interested, as shown by the introduction of a bill to establish such a station (S. 627). The position of the department is so well covered in its report of May 12 on this bill that I am inclosing a copy, and will not attempt to repeat the points which it makes. I am inclosing also a copy of Departmental Circular 183, which also covers somewhat the same ground. In order to supply the rapidly growing needs of the South itself for timber and to assist in supplying as well the requirements of the Middle West and the North the forest lands of the South must be made to produce timber to their full capacity. This can be accomplished only by intensive technical methods of forestry, the basis for which can be obtained only through the work of a forest experiment station. Instead, however, of establishing stations in individual States, my suggestion would be to enlarge sufficiently the work already under way on a small scale in the South to cover the problems of all the States in the southern pine belt. The cost of the work can be held to a minimum and its effectiveness increased if the closely related problems of the different Southern States are approached and handled from the regional standpoint.

Very truly yours,

W. B. GREELEY, *Forester.*

[Inclosure.]

A bill to authorize the acceptance of title to forest lands in the State of Florida and to create national forests therefrom and for other purposes.

Be it enacted, etc., That to enable owners of lands chiefly valuable for the growing of timber crops, situated in the State of Florida, to donate or devise such lands to the United States for national-forest purposes in order to assure future timber supplies for the agricultural and other industries of the State, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations, by the donor, of the present crop of merchantable timber and of mineral and grazing rights as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this act, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to examination and acceptance of title: *Provided*, That any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests by themselves or jointly with other lands acquired under this act or jointly with the existing Florida National Forest.

SEC. 2. Lands to which title is accepted under this act shall, upon acceptance of title, become national forest lands, subject to all laws affecting lands acquired under the act of March 1, 1911 (36 Stat., 961). In the sale of timber from national forest lands acquired under this act, preference shall be given to applicants who will furnish the products to meet the necessities of citizens of the United States engaged in agriculture in the State of Florida.

SUPERVISION OF PROPOSED FOREST EXPERIMENT STATION, FLORIDA.

MAY 12, 1921.

Hon. GEORGE W. NORRIS,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR NORRIS: Receipt is acknowledged of your request of April 28 for a report on the bill (S. 627) to establish and maintain a forest experiment station in the State of Florida, together with the views of this department.

The department is glad of an opportunity to express its views on this bill, since the establishment of thoroughly equipped and adequately manned experiment stations in all of the important forest regions of the United States is one of the most essential steps to be taken in connection with the development and practice of forestry in this country. There can be no question as to the urgent need for the establishment of such a station in the Southern States at the earliest possible moment. A few facts as to the present forest situation in that region will make this clear.

The original pine forests of the South Atlantic and Gulf States covered from 125,000,000 to 130,000,000 acres and had a stand of timber close to 650,000,000,000 feet. Four-fifths of this stand has been cut since 1870 and chiefly since 1890. Moreover, the cutting has been done in such a way that 31,000,000 acres, or more than one-fourth of the present pine area of the region, is wholly unproductive and an additional 60,000,000 acres only partially productive. As a result the total cut of southern yellow pine is about three times the annual growth, while in the case of saw timber alone the present cut is more than four times the annual growth.

These facts mean that the production of southern yellow pine, which for more than 20 years has dominated the cut of softwood timber in this country, can not be maintained indefinitely. A recent survey covering 5,460 mills owning or controlling practically the entire remaining virgin stand in the South indicates that nearly 82 per cent of these mills will cut out their timber in five years or less, and that over 97 per cent of the mills will cut out their timber in 10 years or less. As these larger mills cut out, small mills operating on second growth and scattered tracts will take their place, but the net result will be a decided and constantly increasing reduction in the total pine output of the region.

The effects of this decreased production will be felt even more keenly in other parts of the country than in the South, which at present consumes only about one-third of its total lumber cut. The remainder is used chiefly in the northeastern, central, and middle western States, where yellow pine for many years has been the standard construction timber. Since the exhaustion of white pine in the Lake States, the South has thus served as the chief source of timber supply for the great lumber-consuming centers of the country, both agricultural and industrial. These other regions are therefore as vitally interested in maintaining the productivity of the southern forests as is the South itself.

The steady depletion of the southern pine forests also means the serious crippling of the naval stores industry, which is already commonly regarded as a dying industry in this country. For at least the last century American production of naval stores has led the world, and even at present constitutes approximately 80 per cent of the total world production; but for the South, as a whole, production has been falling off for a number of years. Recent estimates indicate that the production of gum naval stores in the southern pine belt will within 10 years have been reduced to such and extent that export markets, and even our own, must look elsewhere for their main supplies. In North Carolina, which was for many years the leading State, the production of naval stores is now negligible, as is also the case in South Carolina. Georgia and Alabama will be practically eliminated as large producers of naval stores within 5 years, Florida and Mississippi in 8 years, Texas in 10 years, and Louisiana, the last stronghold of the industry, in 15 years. Destructive methods of turpentining, coupled with lack of intelligent forest management, have helped to bring the naval stores industry to its present position.

While yellow pine is the predominant species in the Southern States, there are also large stands of bald cypress and valuable hardwoods, such as oak, red gum, ash, and cottonwood.

In the case of cypress, lumbering is seldom followed by a second growth of timber, so that with the completion of present operations the cypress industry naturally ends. Many well-informed lumbermen place the duration of the important commercial cut at no longer than 10 years. Although the cut of hardwoods in the southern Mississippi Valley is still on the increase, this last of the great hardwood regions of the country is well on its way toward complete exploitation and it is only a question of time when the virgin stands and large mills of to-day will be replaced by culled second-growth stands operated by small, portable mills. While the bulk of the bottom-land stands are on fertile soil which will, for the most part, be cleared for agriculture there are also large areas, particularly in the uplands, which can and should be used for the permanent production of timber.

It is thus evident that the present timber situation in the South is a serious one not only from the standpoint of the South itself but of practically the entire country. Under present methods of exploitation one of our most valuable natural resources is being utilized with little or no provision for its replacement. Such second growth as follows lumbering is a matter of chance and is deficient in both quantity and quality. Unless active steps are taken to handle the forest lands of the South in such a way as not only to maintain but to increase their productivity the effects will be felt in a growing scarcity of lumber and correspondingly increased prices throughout the United States east of the Rocky Mountains.

To determine what measures should be taken to produce the greatest amount of the most desirable species in the shortest possible time under the widely varying climatic and soil conditions found in various parts of the South requires constant and extensive investigation on the part of thoroughly trained men. Experience has shown that such investigations can be conducted to best advantage from a forest experiment station similar in general character, purpose, and scope to the agricultural experiment stations of the country. Such a station is necessary to provide adequate instrumental equipment, to keep the investigator in constant touch in the field with the problems which he is studying, and to afford that continuity of investigation which is so essential to the study of problems connected with a long-lived crop such as the forest.

Among the many problems which might well be studied at a forest experiment station in the Southern States the following may be mentioned as typical:

Methods of cutting to use with various species of southern yellow pine and hardwoods in order to secure satisfactory natural reproduction of the most desirable species. This in turn involves studies of the life histories of the trees involved, including such points as their requirements for light, heat, and soil moisture, seeding habits, rate of growth, susceptibility to injury, and so forth.

Artificial reforestation of denuded or cut-over areas, either by direct seeding or by planting, including such points as amount of seed per acre to use, method of sowing, preparation of ground prior to sowing, methods of nursery practice, age and size of stock to use in field planting, etc.

Care of young stands in order to secure maximum growth of desirable species, involving such operations as thinning out poorly formed and unhealthy trees or undesirable species.

Methods and effects of forest fire protection, including such points as the disposal of the slash after lumbering operations, relation between stock grazing and forest fires, influence of light surface fires on survival and rate of growth of young seedlings, damage done by more severe fires to older trees, etc.

Effect of grazing on forest-tree reproduction, with special reference to hog grazing and long-leaf pine, which in certain regions and under certain conditions appears to be severely damaged by such grazing.

Rate of growth and volume per acre yielded by different species at different ages and in stands of various densities in different parts of the region and under different soil conditions.

Methods of turpentining, with a view to securing maximum yields with minimum damage to trees affected. Preliminary experiments on the Florida National Forest, for example, have already shown that good yields of naval stores may be obtained under conservative methods of tapping, which materially prolong the life of the trees and result in comparatively little loss of merchantable timber.

In short, such studies would include all important problems relating to the life history and management of the forest from the seedling to the mature stand. That such investigations are essential to secure the perpetuation and maximum yield from our forests is too obvious to require argument. Only in this way can accurate information as to the behavior and possibilities of our forests be obtained. Experience in forestry, as in agriculture, engineering, and other fields, has amply demonstrated that intensive studies by a staff of thoroughly trained men yield practical results of more value in a shorter time and at less cost than can possibly be obtained in any other way. Moreover, the experiments themselves serve as demonstration areas, and in this way, as well as by furnishing the essential facts on which the rational handling of our forests must be based, greatly hasten the actual practice of forestry by timberland owners generally.

The department believes that the work in the southern pine belt should be developed and handled as a whole, and that the station should in every sense be a regional institution. Our conception of the station to be developed eventually would be the location of as much as possible of the work at one center and with additional work at a number of other centers throughout the South so located as to cover thoroughly the rather widely diversified conditions which exist.

Instead of definitely deciding in advance that the central station should be located in any one place or even in any specified State, the department believes that it would be better to start the work in a number of carefully selected centers and postpone final decision as to the central headquarters for two or three years until conditions and requirements for the entire region are better understood. This plan would permit the work to go actively forward on the most important problems of the region, it would make it possible to secure the most advantageous terms, and in the end it would insure the best possible location of the central station. It is recommended, therefore, that the bill be amended by the insertion, after the word "Florida" in line 10, of the following: "or at such other suitable place or places in the southern pine region."

It is going to be possible to initiate a comparatively small amount of work in the South after July 1. But the department is convinced that the critical situation described fully justifies a station with a permanent technical staff of at least 12 men, together with necessary clerical help, temporary assistance, labor, supplies, equipment, etc., and for such a station the appropriation carried by Senator FLETCHER's bill would be necessary. Such an expenditure for the conduct of investigations on which to base the management of the immensely valuable forests of pine, cypress, and hardwoods in a region which has over 150,000,000 acres of forest land and which is one of the principal sources of timber supply for the entire eastern United States would unquestionably prove a paying investment.

The department, therefore, recommends favorable consideration of this measure by your committee.

Very sincerely, yours,

HENRY C. WALLACE, *Secretary*.

AFFAIRS IN ARMENIA.

Mr. KING. Mr. President, a few days ago a mass meeting was held in this city at which certain resolutions were adopted asking that the good offices of the United States be exercised in behalf of the Armenians and the Greeks who are suffering atrocities at the hands of the Turks. A committee was appointed to wait upon the chairman of the Committee on Foreign Relations and to hand him a copy of the resolutions. The committee came to the Senate, but not being able to meet the chairman of the committee they requested me to present the resolutions. I now present them to the chairman of the committee in open session, and ask their reference to the Committee on Foreign Relations.

The VICE PRESIDENT. That reference will be made.

PATRIOTISM VERSUS CRIMINAL SYNDICALISM.

Mr. JONES of Washington. Mr. President, on February 3 of this year I had inserted in the RECORD a statement from the Seamen's Union with reference to the action of steamship companies, especially on the Pacific coast. I have here an answer to that statement, with the request that it go in the RECORD. I think it is perfectly fair and just that it should go in the RECORD, in view of the insertion of the other matter; and I ask unanimous consent that it may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

PACIFIC AMERICAN STEAMSHIP ASSOCIATION,
San Francisco, March 15, 1922.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce, United States Senate, Washington, D. C.

SIR: Our attention has been called to the CONGRESSIONAL RECORD of February 3, 1922, pages 2123 to 2128, entitled "Patriotism versus criminal syndicalism," under which documents were made of record by you, on behalf of Mr. Andrew Furuseth, of the Seamen's Union.

Your statement in this connection is noted as follows:

"I hope that the shipowners' organization will consider well the charges here made, that men who have been expelled from the Seamen's

Union because of their affiliation with the Industrial Workers of the World are being taken into crews of ships going all over the world, carrying their red cards and propagating their doctrine. If that is true, the shipowners who are permitting that are doing something that is not patriotic, to say the least."

It hardly seems fair to the shipowners to be called upon for patriotic reasons, and in justice to themselves, to defend this charge that they are hiring radicals or members of the Industrial Workers of the World on board their vessels in preference to other seamen, after the bitter experience the shipowners have had, and the expense they have been put to in manning their vessels during the recent strike, when strenuous efforts were made to clear their ships' personnel of criminal syndicalism and to weed out from the crews the radicals, practically all of whom at that time were marine union members and harbored by said unions.

Mr. Furuseth knows this to be the fact. We therefore request that you make this, our statement, a matter for publication in the CONGRESSIONAL RECORD, in answer to the matter contained on pages 2123 to 2128, inclusive, and that this reply be indexed in such manner that legislators reading the charge may also read the reply.

For some time prior to May 1, 1921, the date of the last marine strike, the established custom was to apply to the various marine unions for men needed to man vessels. It was also the practice prior to the date mentioned to allow the union patrolmen, or union delegates, on board vessels. One of the duties of the union delegates was to keep in touch with steamers as they arrived in port and interview the union men, soliciting dues, memberships, and to hear real or fancied grievances from the crews, to be taken up by the unions against the owners, the ships' personnel at this time being approximately 100 per cent union.

On May 1, 1921, the date the owners adopted the American or open-shop plan, a rule was made not to allow anyone aboard their vessels except those who had authority or urgent business to transact with the vessel. This rule, of course, excluded the union delegates, who were thus prevented from interviewing the men, as had been their custom, and collecting dues from those who had not paid dues to the unions. This plan was adopted after all negotiations had failed to bring about agreements between the owners and the marine unions, due to refusal of the marine union officers to accept a reduction in wage scales.

The Pacific American Steamship Association and the Shipowners' Association of the Pacific Coast agreed to establish an employment office, where all classes of marine labor could be secured by the shipowners. Since the establishment of this employment office by the shipowners we have registered more than 20,000 men of all grades from master down to deck boy and have supplied our vessels without difficulty on the open-shop plan, based on the policy of a square deal, with no discrimination made on account of affiliations.

In our effort to make it easy for the men to secure positions and to keep a record of their employment, also to enable the operators to know the character and ability of their marine employees, the certificate and discharge book was introduced in the service. This certificate is no different than the ordinary letter of recommendation business firms use to determine the character and ability of applicants. It gives the honest and efficient employee his rating in the same manner as the certificate and discharge now used in the British marine service. It also gives the employer a chance to check the slacker, the trouble maker, the radical or I. W. W., and the unfit for sea employment. During the last two months we have issued nearly 4,000 of the discharge books to men who are now employed, and practically no complaint has been made concerning these books. Our marine employees have received them with satisfaction, because they will have their record in neat and compact form for the future. The men know that if their record is good the certificate will be the means of continued employment, without the necessity of using any influence but their own character and ability, and the book is a source of pride to them. With this book and proper length of service an examination for licensed officer is assured the holder.

Mr. Furuseth is opposed to these books, and states that their use will drive honest and capable men off the sea. He professes to see that the men are humiliated and classed as criminals because these books are required, but fails to remember that many nations have used these books for years and that the seamen value them when their records are clear. The men who do not want the books are men who are afraid of their own records, the trouble maker, the sea lawyer, the slacker, and the radical. There is no ulterior motive in the minds of the operators concerning these books. No employer has any desire to hinder an honest and competent employee. Mr. Furuseth would have us believe that the only card of merit that the shipowners should consider is the book of the Seamen's Union or the working card of the various marine organizations. Mr. Furuseth has repeatedly strongly condemned the employment service bureau and the methods it uses, because he is not taken into consideration. The power of employment has been taken from his hands and the marine employee is made independent to come and go as he pleases, regardless of walking delegates or anyone but himself and his ability to perform the service required. At no time has the employment service bureau discriminated against marine unions in selecting men for sea service, and at the present time at least 90 per cent of the men employed on board ship have been or are members of the various marine unions. The shipowners and operators have had costly experiences with labor-union leaders. They have learned that to depend upon the promises of labor-union leaders is fatal and costly, and that it is wiser to do business with the men themselves in an independent capacity than to attempt to do business with those who seek their own personal advancement instead of the advancement of the men who do the work. The fact that the unions could no longer furnish jobs for their members under the plan adopted by the owners was naturally resented by the union leaders and caused the officials of such unions to feel resentment against our employment service bureau, as the shipowners' plans interfered with their delegates gaining access to the ships, the collection of dues from their members, and the furtherance of union domination of American privately owned and even Government owned vessels.

Following the strike of May, 1921, while Mr. Furuseth was in Washington, local branches of the Seamen's Union became so impregnated with radicalism as to cause a great fear to arise in the minds of the leaders that the radicals would soon control the seamen's organization and turn it over to the Marine Transport Workers' Union. Mr. Furuseth returned to San Francisco and asked the assistance of the shipowners and operators to help him regain control of the Seamen's Union. In an unofficial way some of the shipowners did render assistance, and the former editor of the Seamen's Journal and a score of other radicals were expelled from the Seamen's Union, which once more placed Mr. Furuseth in the seat of power. Then Mr. Furuseth wanted the shipowners to refrain from using the certificate and discharge book later adopted. He was opposed to the employment service and asked permission for the union delegates to again visit the vessels of our fleet. The shipowners denied this request, which caused Mr. Furuseth great anger, and he then began to threaten the shipowners and operators.

The radicals expelled from the Seamen's Union, as claimed by Mr. Furuseth, were members in good standing during the marine strike of May, 1921, and their efforts benefited the Seamen's Union, if any benefit could be claimed for their acts. The shipowners have, not only from patriotic motives but for self-preservation, fought to expel from their vessels syndicalism, whether the radicals be members of the Seamen's Union or the Industrial Workers of the World. In this connection we note the definition of "syndicalism" in Webster's Dictionary:

"The theory, plan, or practice of trade-union action which aims to abolish the present political and social system by means of the general strike (as distinguished from the local or sectional strike) and direct action (demonstrations, strikes, sabotage, and violence, as distinguished from ordinary political methods)."

Mr. Furuseth in his documents has presented the constitution of the Industrial Workers of the World and the Marine Transport Workers' Union as a warning to the shipowners and operators of the country, yet Mr. Furuseth admits authorship of the following article:

"HOW SHALL WE GET RID OF THE SHIPOWNERS' SHIPPING OFFICES?—THE OLD REMEDY: THE ORACLE—THE ORACLE? WHAT IS IT?

"There are at least two ways of fighting. The regular battle and the skirmishing, bushwhacking, or the guerilla. To get rid of the shipowners' offices you must make the offices a failure. The offices are established to get men for the vessels, to keep the vessels from being delayed. If the office causes delay instead of preventing it, the office is a failure and will be abolished.

"To make the office a failure—to make it the reason for delay; to make it the cause of delay—the men must ship through it and then when the vessel is ready to cast off the lines the men walk ashore, because they were shipped in or by the office. You know how to do this when you shipped out of the union office. You can do it now when you ship from the owners. You know how. You do not need to learn this, as you have practiced it.

"The vessel is ready and the master orders the lines cast off. You cast your duds on the wharf and then follow the duds. The vessel is delayed. She must find another crew. This crew may do the same thing or go up the coast and leave her there. She is again delayed. How long will the shipowners stand for that, especially in passenger vessels?

"We did this years ago—abolished the offices. We did it when the owners and the boarding masters were together. We did it even when we were arrested for it and were brought back to the vessel and compelled to work.

"We certainly can do it now when we can not be arrested for doing it in any safe harbor. The seamen's law, section 7, gives all seamen in American ports the right to quit work at will. You will lose what money you have coming to you, that is true. What are you willing to do to get rid of the shipowners' offices here and elsewhere? If you are not willing to do that much you will never get rid of those shipping offices.

"You need not lose the money, however, because section 2 of the seamen's act provides that you shall be divided into at least two watches, to be on deck alternately or successively. It further says that when this is not done (where dry men are carried) the contract is broken, and you are entitled to your discharge and the money that you have earned. The whole section will be published in the Seamen's Journal. You read it and learn what your rights and what your duties are. You must learn your duties and be willing to perform them. You must learn your rights and how to insist upon them. The seamen's act is not a roasted goose; it is a gun with which to shoot the geese.

"Now please understand you are not to practice the oracle now. You are to learn what it is and how to use it. When you know, you will be ready to fight the shipping offices and you will be able to abolish them in short order.

"First, however, you must get back into the union so that you can trust each other and work together. When they begin to keep the law about the watches and you can not get your money in that way, we have another section of the seamen's act which gives you one-half of the wages due to you in any port (not oftener than after each fifth day)—this is section 4. This is the section under which foreign seamen have left their vessels these last five years and have collected many thousands of dollars. To state how much has been collected under this section would be impossible. It has all been tried out in the courts and it stood the test. The Supreme Court of the United States ruled with us. Of course, you will lose some of your wages now and then in this fight, but if you are not willing to do this—then you prefer serfdom to freedom—then for you there is no help. God himself can not help the man who will not help himself. Are you willing to help yourself? If you are, study this and learn how to use it.

"Come to the meetings and learn how to trust each other and how to help each other. Please understand you are not to practice the oracle now. You are to learn what it is and how to use it."

This article was sent as a document to the marine unions on the coast as a means for direct action to tie up the merchant ships when Mr. Furuseth thinks the unions are strong enough to accomplish what he hopes for. Please note how well it fits Webster's definition of syndicalism.

The Government of the United States and the laws of the State of California have declared against radical syndicalism, and anyone who values his citizenship would resent a defense of the Industrial Workers of the World or its policies. Certainly the shipowners who have suffered from acts of sabotage and radicalism during the marine strike, during which there were many cases of damage to public and private property and personal injuries, deny that radicals are knowingly hired or protected in crews of their vessels.

Some of the instances of violence and sabotage reported against striking seamen during the marine strike of 1921 are the following:

UNITED STATES SHIPPING BOARD'S STEAMSHIPS.

May 7 the *Demoines Bridge* was visited by rioting and striking seamen, who tried to prevent the vessel from sailing.

May 7 the nonunion crew of the *Escanaba* were badly beaten by strikers.

May 7 the *Willimantic* was found with all the sea cocks open and 15 feet of water in the hold.

May 9, 300 strikers rushed the police lines in San Francisco, boarded the *Bakersfield*, and assaulted the crew of nonunion men and drove them off the vessel. Later when this vessel was sent to sea union seamen on board the vessel filled the journals with emery dust and caused her to go into Los Angeles badly damaged.

July 11 the passenger steamer *Hawkeye State* had to put into Salina Cruz in distress.

The passenger steamer *Creole State* put into Honolulu with her journals full of emery dust and her steering gear spiked. One Joseph Wing was convicted in the Federal court and sentenced to seven years in the Federal prison at McNeil Island. He was charged with putting emery dust in the oil bearings of the *Creole State* while that ship was en route to the Orient with passengers and cargo. Evidence showed he held a card in the International Seamen's Union.

The passenger steamer *Buckeye State* was found on fire outside of Baltimore.

OTHER VESSELS.

May 12 the steamship *West Totem* was nearly sunk by strikers, who opened all her sea cocks at New Orleans.

Counsel for the marine unions represented the defendants in the following cases:

One W. T. Martin, an employee of the General Steamship Corporation, was attacked on the evening of June 12 by a group of men, was kicked and beaten and thrown in front of an automobile upon the approach of a policeman. The one assailant arrested was at the time a member of the seamen's union.

One Frank Mendes, an employee on the *Golden State*, was attacked outside of the Stewards' Union. Attempts were made to break Mendes's arms and he was beaten about the head and body. One of his assailants, Edwin Forrest, was convicted of this attack. Forrest was a member of the Stewards' Union.

Edward Arata, 18 years of age, employed by Matson Navigation Co., was attacked on Saturday, June 4, as he alighted from a street car. One of the assailants was identified by Arata as a marine fireman and a member of the marine firemen's union. Arata was knocked down and kicked in the face and chest, but was finally rescued by passers-by.

On May 27 one Horrigan, member of the sailors' union, threw a lag bolt into the steering gear of the *Admiral Sebree*, owned by the Pacific Steamship Co. Horrigan was charged with criminal syndicalism. When the case was called he forfeited bail in the sum of $750.

On June 3 one Vasilis, alias Vasilias, attempted to shoot one Rinder, an employee of the Pacific Mail Steamship Co., and one Rouulers, a policeman of the city and county of San Francisco. Vasilis was a member of a large group of striking seamen and a member of the Marine Firemen, Oilers, and Watertenders' Union of the Pacific. Vasilis was charged with assault with intent to commit murder and was convicted in the court.

One Colleen, an employee of Matson Navigation Co., was attacked on May 31 by a number of striking seamen, some of whom were recognized as being members of the Sailors' Union of the Pacific, and was badly injured.

An attempt was made by union men to damage the engines of the steamer *Salina* by inserting abrasive material, probably emery dust, into the engines. The offenders were not apprehended.

The following cases appear in the court records:

People against William Riegel; assault. Convicted and sentenced to five days in county jail, May 28, 1921.
People against Jacobson; assault. Bail forfeited, June 25, 1921.
People against Oldenwalden; assault. Bail forfeited, June 30, 1921.
People against Thypin; assault. Bail forfeited, June 25, 1921.
People against Goedicke; assault. Bail forfeited, July 18, 1921.
People against Martin; assault. Bail forfeited, July 18, 1921.
People against Thomas; assault. Bail forfeited, July 26, 1921.
People against Olsen.
People against Meiler.
People against Neilson.
People against Beiden.
People against Brown.
All assault cases. Bail forfeited in each case, July 26, 1921.
People against Johnson; assault. Convicted July 26, 1921, and fined $25.
People against Hickey; assault. Convicted July 26, 1921, and fined $10.
People against Krok. Convicted August 18, 1921, and sentenced to 10 days in jail.

These are only samples of what happened during the marine strike, and they could be multiplied by the score. The arrests of many union men all over the United States puts the blame of these overt acts where they justly belong.

From this it will be seen that many radicals are numbered among union members, but it would be unfair to blame the entire rank and file for these acts. A labor union radical is just as dangerous to the peace and safety of the country as an I. W. W. radical, and it does not matter what banner he walks or sails under. While Mr. Furuseth bitterly complains against the radicalism of the Industrial Workers of the World and the Marine Transport Workers' Union, he must know that overt acts were committed by members of his own organization, who took the law into their own hands and were only curbed when Federal injunctions were granted in various ports of the Pacific coast, which prevented the reign of terror that had taken place by reason of lawlessness of direct action squads of the marine unions during the strike.

The shipowners deny having sought to destroy marine labor unions, but desire to curb the growing radicalism and arrogance of its leaders.

Mr. Furuseth is attempting to mislead the public and the United States Congress as to the evils of the Industrial Workers of the World and kindred organizations, when the same complaints might be made against the organization which he represents.

Yours, very truly,

PACIFIC AMERICAN STEAMSHIP ASSOCIATION.
J. P. WILLIAMS, *Secretary-Treasurer.*

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3200. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; and

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

THE SESQUICENTENNIAL OF THE DECLARATION OF INDEPENDENCE (S. DOC. NO. 173).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

It seems appropriate to call the attention of the Congress to the fact that the 4th day of July, 1926, will mark the one hundred and fiftieth anniversary of the Declaration of Independence, and the beginning of our separate national existence. I am sure the Congress will agree that such an epochal event, which has meant so much to our own Republic, and has provided such a stimulating example to liberty-loving peoples throughout the world, should have fitting commemoration.

The Declaration of Independence was written and signed in Philadelphia. In that city also the Constitution of the United States was framed. So that fine and characteristically American city may claim honors as the birthplace of the Nation and also of its permanent governmental institutions.

Because of these things the centennial anniversary of the Declaration of Independence was signalized by a World Exposition in Philadelphia in 1876. Mindful of the success of that enterprise, and of its helpful influences, a movement was recently initiated by the mayor of that city, which is already cordially supported by an organization of its representative citizenship, to celebrate the sesquicentennial anniversary by holding "an exhibition of the progress of the United States in art, science, and industry, in trade and commerce, and in the development of the products of the air, the soil, the mine, the forest, and the seas; to which exhibition the people of all other nations will be invited to contribute evidences of their own progress, to the end that better international understanding and more intimate commercial relationships may hasten the coming of universal peace."

I am advised that it is proposed to hold this exhibition on a scale of impressive grandeur commensurate with the occasion to be celebrated, and the position of eminence in world progress which our Nation has come to occupy. The city of Philadelphia has pledged an appropriation of $5,000,000, and the State of Pennsylvania has taken suitable action to provide for the generous participation of the Commonwealth, and the request now comes to the Federal Government to signify its approval so that the participation and cooperation of the nations properly may be invited.

There is every assurance that necessary additional funds for the general expenses of construction and operation will be assured by the public-spirited citizens of Philadelphia through the Sesquicentennial Exhibition Association, which is now organized and heartily committed to the task of making the occasion in every way worthy of the great event it will celebrate.

I believe the proposed celebration worthy of the indorsement of the Congress, and I recommend, therefore, the enactment of a suitable measure fixing the year 1926 as the time for commemorating the sesquicentennial of the Declaration of Independence, and designating the city of Philadelphia as the place for the official ceremony, and for holding an international exposition in which all the nations may be asked to participate. Such a sanction will not only challenge the attention of our own people to the patriotic and ennobling deeds of the American founders, and lead them to survey anew the basic landmarks of our history, but it will contribute materially to the growing spirit of amity among the peoples of the earth and to the fuller realization that the progress of mankind is shared by all nations. It will emphasize the advantages of peaceful and friendly intercourse and remind all mankind that its greater achievements are along the ways of peace. Finally, and this I would especially emphasize, it will fittingly signalize a new era in which men are putting aside the competitive instruments of destruction and replacing them with the agencies of constructive peace.

All races and nations have contributed generously to bring civilization thus far on the way to realization of the human commonwealth. Each has contributed of its especial genius to the common progress; each owes to every other a debt which can not too often be acknowledged. This is the one debt which men may go on forever increasing, with assurance that it will impose no burdens, but only add to their prosperity and good fortune. We can not doubt that the great international expositions heretofore held have done much to bring to all mankind a feeling of unity in aspiration and of community in effort. Nor can we question, I think, that in this era of larger cooperation and unprecedented eagerness for helpful understandings there is peculiar reason for emphasizing the thought of mutual support in all the enterprises which promise further advance toward the goal of universal good.

So it seems wholly fitting that this occasion should receive suitable sanction by the Congress, that the lessons of American development and progress may be emphasized at home, and a new spirit of American sympathy and cooperation signalized to all the nations. In inviting display of evidence of the progress and achievements of other peoples, we will further inspire our own endeavors and prove our interest in the accomplishments of all who contribute to human advancement, wherever they may be.

In connection herewith I am inclosing copies of a chronology of the sesquicentennial project, together with a copy of the resolution passed by the city council and approved by the mayor of Philadelphia on the 1st day of February, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, *March 24, 1922.*

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a memorial of members of the Wednesday Study Club, of St. Charles, Mich., remonstrating against the imposition of high tariff duties upon women's leather gloves, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Chamber of Commerce of Battle Creek, Mich., favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Oshtemo, Mich., favoring the prompt ratification, without reservation, of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. CAPPER presented a memorial of sundry citizens of the District of Columbia, remonstrating against changing the name of Vernon Street to U Street, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of the District of Columbia, praying for certain changes and improvements in the school system of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution of the Chase Woman's Christian Temperance Union of Cuyahoga County, Cleveland, Ohio, protesting against the enactment of legislation to permit the manufacture and sale of light wines and beers, which was referred to the Committee on Finance.

He also presented the memorial of Harry M. White and sundry other citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented communications in the nature of petitions of the congregations of the Church of the Brethren of Ashland and the Centerville Baptist Church, of Centerville; and Rev. Charles W. Harrison, of Rutland, all in the State of Ohio, and the Unitarian Laymen's League, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. NEWBERRY presented petitions of members of the congregations of the Oshtemo, Comstock, and Wilson Memorial Methodist Episcopal Churches, of Oshtemo, Mich., praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented a resolution of the Calumet Woman's Club, of Calumet, Mich., favoring the prompt completion of the Great Lakes-St. Lawrence project for ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a resolution of Washtenaw (Mich.) Pomona Grange, No. 7, favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of Harding-Olk-Craidge Post, No. 18, American Legion, of Bay City, Mich., favoring the passage of the fivefold adjusted compensation bill for veterans of the World War, which was referred to the Committee on Finance.

He also presented a memorial of members of the League of Catholic Women, of Mount Clemens, Mich., remonstrating against the imposition of high tariff duties upon women's leather gloves, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of St. Louis and vicinity and Alma and vicinity, in the State of Michigan, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (S. 1282) for the relief of the estate of John Stewart, deceased, reported it without amendment and submitted a report (No. 574) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce, reported it with amendments and submitted a report (No. 575) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELKINS:

A bill (S. 3331) granting an increase of pension to James A. Criswell; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3332) to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation under certain conditions; to the Committee on Public Lands and Surveys.

By Mr. CAMERON:

A bill (S. 3333) for the erection of a public building in the city of Prescott, Ariz.; and

A bill (S. 3334) for the erection of a public building in the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

EXAMINATION OF PASSENGERS AND BAGGAGE.

Mr. NEWBERRY. I ask unanimous consent that the Committee on Finance be discharged from the further consideration of the bill (S. 3150) to exempt ferryboats and the owners, masters, and agents thereof from payment for services of officers or employees of the United States in the examination of passengers and baggage.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NEWBERRY. I move that the bill be withdrawn from the files of the Senate.

The motion was agreed to.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

The bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Appropriations.

Mr. LODGE and others. The Committee on Finance.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. HARRISON. May I ask what was the bill just laid before the Senate?

The VICE PRESIDENT. What is the inquiry of the Senator from Mississippi?

Mr. HARRISON. I understand the bonus bill from the House was laid before the Senate. Did I understand the Chair to send it to the Committee on Finance?

The VICE PRESIDENT. The Chair referred the bill to the Committee on Finance.

Mr. HARRISON. There is already a bonus bill before that committee, and it sleeps. Can not this bill be sent to another committee, so that it may be brought out?

Mr. WADSWORTH. I understood the Chair to refer it to the Committee on Appropriations.

Mr. LA FOLLETTE. The Chair changed the reference very properly; it goes to the Committee on Finance.

Mr. WADSWORTH. On the ground that it is a measure to raise revenue?

Mr. LODGE. It came from the House Ways and Means Committee.

Mr. WATSON of Indiana. Then, of course, it must go to the Finance Committee.

Mr. LODGE. It provides for the issuance of certificates.

Mr. HARRISON. I ask the Senator from Indiana about what time he thinks the bill will come out of the Committee on Finance?

Mr. WATSON of Indiana. That is a personal question, which I decline to answer.

The VICE PRESIDENT. The bill has been referred to the Committee on Finance.

ORDER FOR RECESS.

Mr. LODGE. Mr. President, the Senate has had a somewhat long and fatiguing day. I am about to move an executive session behind closed doors. I move now that at the end of the secret executive session the Senate shall stand in recess until 12 o'clock to-morrow.

The motion was agreed to.

SECRET EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

MARIE DOUGHTY GORGAS.

As in legislative session,

Mr. UNDERWOOD. I ask unanimous consent for the present consideration of the bill (S. 3300) granting a pension to Marie Doughty Gorgas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie Doughty Gorgas, widow of William Crawford Gorgas, late a major general in the United States Army, and pay her a pension at the rate of $150 per month in lieu of any pension or compensation to which she might otherwise be entitled, in special recognition of the eminent services of said William Crawford Gorgas in the eradication of yellow fever from the island of Cuba and the Isthmus of Panama.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CEMETERIES FOR AMERICAN MILITARY DEAD IN EUROPE.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to expend not to exceed $856,680 of the appropriation, "Disposition of remains of officers, soldiers, and civilian employees," in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, approved March 4, 1921, for purchase of such real estate as is necessary to establish suitable burial places in Europe for American military dead, and for suitable and necessary improvements thereon, of which not to exceed $111,000 may be applied to the purchase of land as follows: Aisne-Marne, $20,000; Suresnes, $9,000; Somme, $11,000; Brookwood, $32,000; St. Mihiel, $15,000; Oise-Aisne, $20,000; Flanders Field, $5,000; total, $111,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. LODGE. I move that the Senate take a recess, the recess being under the previous order, until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Saturday, March 25, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24 (legislative day of March 16), 1922.

UNITED STATES PUBLIC HEALTH SERVICE.

To be surgeons.

Alvin R. Sweeney.
Newton E. Wayson.
Frank M. Faget.
John H. Linson.
Charles V. Akin.
Knox E. Miller.
Joseph G. Wilson.

UNITED STATES COAST GUARD.

To be lieutenant (junior grade).

Ensign Norman R. Stiles.

POSTMASTERS.

ALABAMA.

John R. L. Carmack, Brewton.

CALIFORNIA.

Charles H. Windham, Long Beach.

FLORIDA.

William T. Dupree, Citra.
Orlando J. Price, Okeechobee.
Homer B. Rainey, Wauchula.

IDAHO.

Florence M. Shockey, Firth.
Russell C. Plummer, Homedale.

ILLINOIS.

Samuel E. Stewart, Humboldt.
Peter F. Moore, Lake Forest.
Edward F. Sargent, Le Roy.
Ray F. Tribbett, Mount Pulaski.
Edward F. Guffin, Pawpaw.

IOWA.

Wilson A. Holland, Blockton.
Elmer Akers, Decatur.
Ralph A. Dunkle, Gilman.
Jay E. Beemer, Gravity.
Horace B. Sears, Hancock.
Arthur E. Bassett, Little Sioux.
Isabelle A. Boyle, McGregor.
Iver Iverson, Northwood.

LOUISIANA.

Paul T. Thibodaux, Donaldsonville.
John D. Fultz, Newellton.

MICHIGAN.

Verl L. Ansbaugh, Camden.

MINNESOTA.

William Pennar, Laporte.

MISSISSIPPI.

Sedley B. Thomas, Terry.

NEBRASKA.

Minar Anderson, Elwood.
Francis E. Davis, Homer.
Willard R. Cross, Moorefield.
Edward A. Walker, Stuart.

NEVADA.

Bert M. Weaver, Goldfield.
Edward C. Fries, Lovelock (late Lovelocks).

NEW YORK.

Joseph F. Krampf, Allegany.
C. Blaine Persons, Delevan.
Robert L. Wilcox, Port Leyden.
Wilma B. Scott, West Valley.

NORTH CAROLINA.

Warren G. Elliott, Wilmington.

NORTH DAKOTA.

George Klier, jr., Bisbee.
Glenn D. Arnold, Calvin.
Charles A. Jordan, Cogswell.
Peter A. McLean, Hannah.
Donald B. McDonald, Maxbass.
John G. Boatman, Milnor.
August Kreidt, New Salem.
Bernard E. Rierson, Regan.
John K. Diehm, Schafer.
Syver O. Tveden, Watford City.

OHIO.

James B. Jones, Canfield.
Mamie O. Chapman, Euclid.
William R. Poulson, Holgate.

PENNSYLVANIA.

Joseph F. Dolan, jr., Bala-Cynwyd.
Henry C. Kanengeiser, Bessemer.
Clyde S. McNeely, Dauphin.
Margaret W. Troxell, Egypt.
Ephraim F. Heiner, Florin.
Helen H. Rodgers, Fredericktown.
Harvey L. Sterner, Gardners.
William F. Houser, sr., Middletown.
Daniel L. Kauffman, Oley.
Thomas Powell, Patton.
Philip W. Hunt, St. Davids.

SOUTH DAKOTA.

Sherman T. Wickre, Andover.
Cornelius N. Troolen, Astoria.
Harry E. Kjenstad, Brandt.
Bernard P. Corrigan, Cavour.
Charles H. Stevenson, Doland.
Frank Bowman, Eagle Butte.
Arthur M. Hanson, Iroquois.
Mary G. Bromwell, Mount Vernon.
Mary V. Breene, Seneca.

TENNESSEE.

Bethel C. Brown, Cleveland.
Robert D. Wilson, Collierville.
Glenn C. Hodges, Cowan.
Lorenzo L. Parnell, Denver.
Lincoln M. Bramley, Iron City.
William J. Whitsett, Lewisburg.
John L. Sullivan, Lexington.
Everett R. Doolittle, Madison.
Fred Hawkins, Tellico Plains.
James G. McKenzie, Big Sandy.
Will F. Sherwood, Petersburg.
John A. Wilson, Sharon.
Thomas J. Welch, Soddy.
Warren S. Yell, Wartrace.

TEXAS.

George F. Bates, Lyons.
James B. Christner, Weslaco.

VIRGINIA.

Edmund S. Hooker, Nokesville.

REJECTION.

Executive nomination rejected by the Senate March 24 (legislative day of March 16), 1922.

COLLECTOR OF CUSTOMS.

George V. Denny, of Savannah, Ga., to be collector of customs for customs collection district No. 17, with headquarters at Savannah, Ga.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 24, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O merciful God, only through the fulfillment of the prophecy of Thy condescending mercy do we stand in Thy presence. We therefore acknowledge Thee to be our Jehovah-Father. We are so thankful that we are living under these broad skies and in this abundant land. Keep our Nation as great and good as it has promised to be. Through love of virtue, zeal for knowledge; by policy and legislation may we pursue the things that make for national peace, happiness, contentment, and that edify mankind. O keep us, that we may never be corrupted by our gains or retarded by our successes. Hasten the day when Thy name shall be honored in all the earth; Thy kingdom embrace all lands and the joy of the Lord shall fill the world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, submitted for printing, under the rule, the conference report on the bill (H. R. 9681) making appropriations for the Executive and for sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. STAFFORD. Will the gentleman from Indiana kindly inform the House when he expects to take up the conference report?

Mr. WOOD of Indiana. As soon as I possibly can. We do not want to interfere with the consideration of the Army appropriation bill, but as soon after that is disposed of as I can I want to take it up.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds or disability incurred in line of duty, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. NORRIS, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that in pursuance to Senate Concurrent Resolution No. 20 the Vice President had appointed Mr. CALDER, Mr. FERNALD, Mr. SPENCER, Mr. BROUSSARD, and Mr. HARRIS members of the committee on the part of the Senate to represent the Congress at such services and ceremonies as may be determined upon as proper and appropriate upon the arrival of the United States transport *Cambria* in New York, bearing the last of the bodies of American soldiers from the battle fields of the World War.

PAYMENT OF CHARGES DUE ON RECLAMATION PROJECTS—CONFERENCE REPORT.

Mr. KINKAID. Mr. Speaker, I call up the conference report on the bill H. R. 9606 and ask that it be agreed to.

The SPEAKER. The gentleman from Nebraska calls up the conference report on the bill (H. R. 9606) extending the time for payment of charges due on reclamation projects, and for other purposes, which the Clerk will report.

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the said bill.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9606) extending the time for payment of charges due on reclamation projects, submit the following statement explaining the effect of the action agreed on

The effect of the Senate receding from its amendment restores the language of the bill as it passed the House.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

Mr. KINKAID. I presume it is superfluous to state that the House bill is fully restored, the Senate receding from its amendments.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ETHEL M. STEVENS.

Mr. IRELAND. Mr. Speaker, I ask consideration of the following resolution, which I send to the Clerk's desk, reported from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 308.

Resolved, That there shall be paid, out of the contingent fund of the House, to Ethel M. Stevens, widow of J. Kemp Stevens, late an employee of the House of Representatives, a sum equal to six months of his compensation as said employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said J. Kemp Stevens.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PRESERVATION OF FORT M'HENRY, MD.

Mr. PATTERSON of New Jersey. Mr. Speaker, I wish to extend my remarks by publishing a letter protesting against the abandonment of Fort McHenry.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks by printing in the RECORD a letter as indicated. Is there objection?

Mr. GARNER. Who is the letter from? Is it an official letter?

Mr. PATTERSON of New Jersey. The letter is from the Daughters of 1812, sent to me.

Mr. GARNER. Well, as a usual thing the gentleman from Massachusetts [Mr. WALSH] objects to these communications going into the RECORD, but, if I observe correctly, the letter in the gentleman's hand is a very short one.

Mr. PATTERSON of New Jersey. Yes; it is a very short one.

The SPEAKER. Is there objection?

There was no objection.

Following is the letter referred to:

[National Society United States Daughters of 1812. Headquarters, office of the president national, Mrs. Clarence F. R. Jeane, 47 May Street, Hartford, Conn. State of New Jersey: Mrs. Robert C. Maxwell, president, 926 West State Street, Trenton, N. J.; Mrs. Frederick A. Waldron, registrar, 180 Lincoln Road, Westfield, N. J.; Mrs. Richard Burrowes, corresponding secretary, 310 Bellevue Avenue, Trenton, N. J.; Mrs. C. A. Glass, treasurer, 366 Montrose Avenue, South Orange, N. J.]

Hon. FRANCIS F. PATTERSON, Jr.,
Washington, D. C.

MY DEAR MR. PATTERSON: The National Society United States Daughters of 1812, State of New Jersey, a purely patriotic society, comprised of the descendants of our country's preservers at a time when our Nation was passing through a most trying period, is grieved to learn that Fort McHenry, no longer useful to the Government, is to be passed on out of its control and care, forsaken, so to speak, by its debtors, and unless the State or municipality in which it is located chooses to preserve it it will crumble to ruin as a monument to an unappreciative people.

Sentiment prevails, and rightly so, to perpetuate the glories of those who died upon the fields and seas of battle during the great World War, which was so successfully terminated, but not without its torrents and sacrifices, that we might retain the blessings of liberty and the right to govern ourselves. But should we forget those who made as great, if not greater, sacrifices during the War of 1812 to keep together the Union of States, then in its infancy?

It is this latter thought which prompts us to suggest to you and the august body of which you are a Member the proposal to preserve rather than to destroy old Fort McHenry. It should be retained as an inspiration to future generations of Americans as the place where our national anthem, the Star Spangled Banner, was written.

Give a thought or two to yesterday and restore the former historical condition of Fort McHenry and you will receive the plaudits of all real American patriots.

Very truly, yours,

VIOLA BEEKMAN BURROWES,
Corresponding Secretary.
JESSIE LEONARD MAXWELL,
President.

(Mrs. Richard Burrowes, 310 Bellevue Avenue, Trenton, N. J.)

MARCH 6, 1922.

LEGISLATIVE CLERK TO THE FLOOR LEADER.

Mr. IRELAND. Mr. Speaker, by direction of the Committee on Accounts, I submit the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 307.

Resolved, That there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, for the services of a legislative clerk, compensation at the rate of $3,600 per annum, the said clerk to be appointed by and to be under the direction and control of the majority floor leader.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, the duties of the majority leader have been so vastly increased that this assignment of a legislative clerk to his office seems to have become a necessity, and it has been so pointed out to the Committee on Accounts. The additional work which has been heaped upon the majority leader necessitates the employment of some competent person to digest and brief bills and measures that are introduced and report them to him, so that he may the more intelligently, and with the salient features of these bills before him, explain them to the inquiring Members of the House and thus be better enabled to direct the program of legislation. This employee, it is believed, should be a graduate lawyer, a man possibly skilled in parliamentary law as well, and possessing other requirements that the average clerk can not fill.

This subject was broached some six months ago, but at that time the creation of that office of the House was not urged by the request of the majority leader. Since he has elected in his own mind to promote himself to another body within the ensuing year or so, it is entirely appropriate that I should offer this resolution at his suggestion, without any thought or personal, selfish desire on his part of securing another employee for his office, but with a better knowledge of its needs than any of us can have to present this additional equipment of the office to his successor, whoever he may be.

Mr. ASWELL. Will the gentleman yield?

Mr. IRELAND. Yes.

Mr. ASWELL. Would it not be quite proper that the minority leader should have the same assistance?

Mr. IRELAND. I think that matter will be considered at the proper time. I will await the suggestion of the gentleman. You will recall that when we supplied the majority leader with additional clerks at the beginning of the Sixty-sixth Congress we later provided the minority with the same complement of clerical assistance.

Mr. KING. Is the gentleman speaking about the floor leader or the leader?

Mr. IRELAND. I am speaking of the majority leader.

Mr. KING. I just wanted to know the fact.

Mr. GARRETT of Tennessee. Mr. Speaker, I want to say that so far as I know there will be no request by the minority leader or by the acting minority leader, but I hope there will be no objection to this resolution on the part of anyone, because from absolutely reliable information which I have obtained I have no doubt that the majority leader needs this additional assistance for official business.

Mr. MANN. Will the gentleman yield to me two or three minutes?

Mr. IRELAND. I gladly yield to my colleague from Illinois.

Mr. MANN. Mr. Speaker, I think this resolution ought to be agreed to. I know something about the work, and I think in the interest of the House it is desirable that the majority leader have this additional employee. I am not sure but that sooner or later a request for a similar employee will be made from the minority side of the House, either in this Congress or a subsequent Congress, whichever is the minority at that time.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MANN. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. We expect to take the majority place in the next Congress. [Laughter and applause.]

Mr. MANN. However, I arose principally for another purpose. This morning I had the extreme pleasure of a meeting with the minority leader [Mr. KITCHIN], who was apparently in very good health. [Applause.] This is the fifty-third anniversary of his birth. [Applause.] I am sure that we all wish for him on this day and all the time complete restoration to health and a long life, which as long as he lives I know will be useful, and I hope happy and prosperous. [Applause.]

Mr. TOWNER. Will the gentleman yield?

Mr. IRELAND. Gladly.

Mr. TOWNER. The resolution provides that this clerk shall be appointed at once, does it not?

Mr. IRELAND. It does.

Mr. TOWNER. I sincerely hope so, because notwithstanding what has been said, I think we all of us desire that the present floor leader of the majority shall receive the benefit of this assistance, first, because he needs it, and second, because he deserves it.

Mr. IRELAND. I am sure anyone familiar with the conditions will agree with that statement. [Applause.]

Mr. WALSH. Will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does this resolution provide who shall select the appointee?

Mr. IRELAND. Oh, yes; he is under the direct control and appointment of the majority leader.

Mr. WALSH. I wish this resolution might have been passed before yesterday.

Mr. GARNER. Will the gentleman from Illinois yield?

Mr. IRELAND. Gladly.

Mr. GARNER. Will the gentleman put in the RECORD at this point a statement of the employees now authorized for the majority and minority leaders of the House, in order that the House may have that information?

Mr. MONDELL. Both?

Mr. GARNER. Yes; both majority and minority leaders—what employees are now provided by the Congress for the majority and minority leaders of the House.

Mr. IRELAND. The majority and minority leader have each a clerk, an assistant clerk, and a messenger. Then, of course, the minority has six other employees. I do not know that these latter are directly under the minority leader, however.

Mr. GARNER. I am speaking about the employees directly under the employment and supervision of the majority and minority leaders.

Mr. IRELAND. There are three of them for each leader.

The SPEAKER. The question is on agreeing to the amendment to the resolution.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

On motion of Mr. IRELAND, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. HUKRIEDE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Army appropriation bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the Army appropriation bill. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HUKRIEDE. Mr. Speaker, I desire briefly to call the attention of the House to the needs of a more liberal allotment of the moneys appropriated for rivers and harbors for use in the protection and maintenance of the channel of the Missouri River. More funds are necessary for the purpose of properly preserving the channel of the river for navigation purposes and of protecting the lands adjacent thereto. It is my purpose to call attention to the absolute necessity of protecting lands bordering on the channel of the river.

It is a matter of common knowledge that the Missouri is the most treacherous and destructive river in this country. Having its source in the heights of the Rocky Mountains, its channel has an abrupt fall and its current is swift and of tremendous force. It is the outlet of the surplus water of a large area tributary to it. It becomes a mighty stream when it reaches the State of Missouri, and there its changing channel is a continuing menace to lands and property bordering on it.

It is impossible even approximately to estimate the damage wrought by the waters of the Missouri in the State of Missouri. The washing away of lands, the destruction of homes and property, is beyond the imagination of those unacquainted with the Missouri's insatiable hunger for land. Thousands upon thousands of acres of the most fertile and productive lands in the State of Missouri have been undermined and washed away. Where once were fields of waving grain the swift currents of the Big Muddy now roll on. I remember some years ago standing on the banks of the river and looking across the fertile fields of prosperous farmers to a little village then a mile or more from the banks of the river. Those fields and that little village have long since gone into the river. This has not happened in one but many instances. Many farmers who by their industry came into the possession of 160 acres or more have seen their property washed away acre by acre until all was gone. They themselves are helpless and the Federal Government is doing but little to protect them in their holdings.

These lands were settled in the early days by hardy pioneers of the West. Their lot was not an easy one. It required men of determination to do what was done by them. The task of clearing the lands of the dense and heavy timbers required energy and determination. It required courage to do the work and battle with the difficulties that confronted them. It was then not a healthy place to live. Marshes and timbers and swamps faced the pioneers on every hand. His intrepid courage was often rewarded with chills, malaria, and typhoid. But true to the indomitable spirit of that day, he did not give way, but kept about his task. The result for all his labors, difficulties, and sacrifices was a home and a fine farm. A large portion of land was thus made habitable and the productive area of the State of Missouri greatly increased.

I have referred to the nature of the soil commonly known in the State of Missouri as Missouri River bottom lands. For fertility and average annual production, these lands are unexcelled in this Nation. They produce corn and wheat, the foodstuff for our people. A failure of crop, unless it is caused by overflow, is practically unknown. These lands produce the stuff, and daily rains and the furnishing of free seeds are not necessary to secure a crop.

The call of the day is for legislation that will aid agriculture. "Help the farmer" is the slogan of the hour. With that program I am in full accord. I come from a district where agriculture is the chief pursuit, and I think I know something of the difficulties the farmer has to meet and what his needs are. I am aware that in this period of readjustment, following the Great World War, the farmer has suffered heavy financial losses, and I am glad that this Congress has realized the urgency of his needs and has met the emergency with sympathy and a determination to do the best. I hope, too, that we will not cease in our efforts. I am sure the aid given will not be confined to any particular locality or State, but that assistance will be given when and where it is possible. We are called upon, and usually respond, to appropriate money for various purposes in the interest of agriculture. Just recently an appropriation was made to buy seed for certain arid sections of our country.

We appropriate annually large sums of money for seeds and for research and investigation for the benefit of agriculture. We give liberally, and almost yearly, for the prevention and destruction of insects which are harmful to certain sections of our Nation. We spend millions for the reclamation of arid lands. It is well that all this be done, but in doing this it is not just, fair, or good business to overlook the needs of the farmers along the Missouri and other rivers, who are in constant danger of having their highly cultivated and valuable lands washed away and forever lost, not only to them but to the whole agriculture interests of the Nation.

The time has come when this question must receive the very earnest attention of the Government. The loss already sustained is far too great. More attention should have been given to the improvement and a permanent maintenance of the banks of the Missouri River years ago. The loss has been sustained. It remains to be seen whether we will profit by the experiences of the past and now meet the issue as it is or whether we will go on as we have been doing. The call for strict economy can not apply when it comes to questions of this nature. To stand by and let the destruction of vast fields of fertile land of productive soil go on, when proper efforts and comparatively small outlays of money would prevent it, is not economy in any sense, but the most extravagant kind of waste.

The Government, I think, rightfully reserves to itself the jurisdiction of its navigable streams. They belong to the Government and constitute a part of its holdings. The abutting landowner has no right to protect his lands against the ravages of the stream without first securing the consent of the Government. Therefore it is the bounden duty of the Government to safeguard and maintain the channels of such streams in order that the minimum loss will be incurred. So far as it relates to the damages on the Missouri River, there is but little justification for the injury and loss sustained in the days gone by and there will be no just excuse for neglect in the future.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE.

The SPEAKER laid before the House the following message from the President:

To the Senate and House of Representatives:

It seems appropriate to call the attention of the Congress to the fact that the 4th day of July, 1926, will mark the one hundred and fiftieth anniversary of the Declaration of Independence, and the beginning of our separate national existence. I am sure the Congress will agree that such an epochal event, which has meant so much to our own Republic, and has provided such a stimulating example to liberty-loving peoples throughout the world, should have fitting commemoration.

The Declaration of Independence was written and signed in Philadelphia. In that city also the Constitution of the United States was framed. So that fine and characteristically American city may claim honors as the birthplace of the Nation and also of its permanent governmental institutions.

Because of these things, the centennial anniversary of the Declaration of Independence was signalized by a World Exposition in Philadelphia in 1876. Mindful of the success of that enterprise, and of its helpful influences, a movement was recently initiated by the mayor of that city, which is already cordially supported by an organization of its representative citizenship, to celebrate the sesquicentennial anniversary by holding "an exhibition of the progress of the United States in

art, science, and industry, in trade and commerce, and in the development of the products of the air, the soil, the mine, the forest, and the seas; to which exhibition the people of all other nations will be invited to contribute evidences of their own progress, to the end that better international understanding and more intimate commercial relationships may hasten the coming of universal peace."

I am advised that it is proposed to hold this exhibition on a scale of impressive grandeur commensurate with the occasion to be celebrated, and the position of eminence in world progress which our Nation has come to occupy. The city of Philadelphia has pledged an appropriation of $5,000,000, and the State of Pennsylvania has taken suitable action to provide for the generous participation of the Commonwealth, and the request now comes to the Federal Government to signify its approval so that the participation and cooperation of the nations properly may be invited.

There is every assurance that necessary additional funds for the general expenses of construction and operation will be assured by the public-spirited citizens of Philadelphia through the Sesquicentennial Exhibition Association, which is now organized and heartily committed to the task of making the occasion in every way worthy of the great event it will celebrate.

I believe the proposed celebration worthy of the indorsement of the Congress, and I recommend, therefore, the enactment of a suitable measure fixing the year 1926 as the time for commemorating the sesquicentennial of the Declaration of Independence, and designating the city of Philadelphia as the place for the official ceremony, and for holding an international exposition in which all the nations may be asked to participate. Such a sanction will not only challenge the attention of our own people to the patriotic and ennobling deeds of the American founders, and lead them to survey anew the basic landmarks of our history, but it will contribute materially to the growing spirit of amity among the peoples of the earth and to the fuller realization that the progress of mankind is shared by all nations. It will emphasize the advantages of peaceful and friendly intercourse and remind all mankind that its greater achievements are along the ways of peace. Finally, and this I would especially emphasize, it will fittingly signalize a new era in which men are putting aside the competitive instruments of destruction and replacing them with the agencies of constructive peace.

All races and nations have contributed generously to bring civilization thus far on the way to realization of the human commonwealth. Each has contributed of its especial genius to the common progress; each owes to every other a debt which can not too often be acknowledged. This is the one debt which men may go on forever increasing, with assurance that it will impose no burdens, but only add to their prosperity and good fortune. We can not doubt that the great international expositions heretofore held have done much to bring to all mankind a feeling of unity in aspiration and of community in effort. Nor can we question, I think, that in this era of larger cooperation and unprecedented eagerness for helpful understandings, there is peculiar reason for emphasizing the thought of mutual support in all the enterprises which promise further advance toward the goal of universal good.

So it seems wholly fitting that this occasion should receive suitable sanction by the Congress, that the lessons of American development and progress may be emphasized at home, and a new spirit of American sympathy and cooperation signalized to all the nations. In inviting display of evidence of the progress and achievements of other peoples, we will further inspire our own endeavors, and prove our interest in the accomplishments of all who contribute to human advancement, wherever they may be.

In connection herewith I am inclosing copies of a chronology of the sesquicentennial project, together with a copy of the resolution passed by the city council and approved by the mayor of Philadelphia on the 1st day of February, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, *March 24, 1922.*

[Applause.]

The SPEAKER. The message and accompanying documents will be referred to the Committee on Industrial Arts and Expositions.

WAR DEPARTMENT APPROPRIATIONS.

On motion of Mr. ANTHONY, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

Mr. ANTHONY. Mr. Chairman, when the House adjourned day before yesterday we were on the paragraph in the bill which places a limitation on the use of troops outside of the continental limits of the United States. The view was expressed by some Members of the House at that time that this paragraph was an intrusion on the prerogatives of the President as Commander in Chief of the Army. I want to assure the House that the committee had not the slightest intention in the world of intruding on the rights and powers of the President as Commander in Chief of the Army of the United States. There is absolutely nothing in the language prohibiting the President, if he sees fit, from stationing every one of the 115,000 men in China or in any other part of the world.

Some criticism has also been made in regard to the constitutionality of the limitation. To that also I must dissent. I take the position that the Congress is absolutely supreme in a matter of this kind; that it has the power to raise and equip armies and provide for their regulation; and when making appropriations for raising an army there is no question whatever that it can provide where and how that army shall be used if Congress so desires.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. The Constitution makes the President Commander in Chief of the Army and Navy. If Congress has the power to provide where the Army shall be placed, what becomes of the Commander in Chief? He is without power altogether.

Mr. ANTHONY. If Congress chooses to assume supreme power it is my belief that it can if it so desires. In other words, the people are paramount in our Government.

Mr. NEWTON of Minnesota. Is not that directly contrary to the spirit of our Constitution which vests in the President in peace and war the power of Commander in Chief of the Army?

Mr. ANTHONY. The gentleman is correct, if he refers to the tactical control of the Army.

Mr. NEWTON of Minnesota. The disposition of troops in China has something to do with the tactical control of the Army.

Mr. ANTHONY. I think not.

Mr. SISSON. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SISSON. I suggest to my friend that Congress might decide to have no Army at all. In addition to that Congress might say that we appropriate and make a law governing and regulating the use of the Army, and that would be a law if signed by the President. Congress can make a law as to the disposition of troops, for instance, the placing of troops at fortifications. Congress has not surrendered its right to control appropriations.

Mr. WOODRUFF. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WOODRUFF. I notice that in line 24 it provides that certain things shall not be done except in the time of emergency. Who has the power to say that that emergency exists?

Mr. ANTHONY. The President.

Mr. WOODRUFF. If the President has not the power to distribute the troops, what power has he?

Mr. ANTHONY. As I stated a moment ago, it is not intended to infringe on that power.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ANTHONY. I would like to complete my statement.

Mr. SANDERS of Indiana. I simply wanted to know what the purpose of this is.

Mr. ANTHONY. I am coming to that. The committee makes some very radical reductions in the appropriations for the maintenance of the Army. They are so radical and the amount saved in comparison with the current year's appropriation is so large that it is perfectly obvious that the Army can not be administered during the next fiscal year upon the same basis that it is being operated this year.

The committee found that a considerable proportion of the expense of maintaining our Army comes from stationing 45,000 troops out of the total of 139,000 outside the continental limits of the United States—the expense of caring for the troops in foreign countries or in our outlying possessions was so great that with the reductions these appropriations would not take care of them. Therefore it was up to the committee to outline some method or policy by which the appropriations would meet the expense of taking care of the number of troops we are authorizing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANTHONY. For instance, we found that with the troops in Europe on the Rhine one year ago Germany was not meeting her obligations and that every dollar of the fifty millions or more of annual expense was becoming a charge on the pockets of the taxpayers of this country. The committee at that time thought it was an unnecessary expense and that our troops should be withdrawn, although we did not go so far as to place a limitation in the bill. Then this year we found during the hearings, as the record will show, that financial conditions with reference to the payment of the cost of our troops in Germany was going from bad to worse and we were getting deeper and deeper in the hole, and I think it was largely from what developed in our hearings that the War Department has come to the wise conclusion that our troops should be withdrawn from the Continent of Europe, and within the present week they have issued orders bringing the troops out of Germany.

In regard to our forces in China, it is also evident that the expense of maintaining troops there is greater than if stationed in the United States. That is also true of the troops in Hawaii and Panama, and the total cost is fully 25 per cent greater than the cost of maintaining them in this country.

In addition to that, the committee finds that in Hawaii our military plans for the extension of facilities for the housing of troops, for the storage of supplies, and so forth, were based on stationing there an ultimate force of 14,000 men. The same is true in Panama. We were asked for additional appropriations for construction in both of these places to care for increased garrisons and we are refusing them in this bill. We find they want in Hawaii $6,000,000 more to take care of the additional number of troops that are required there and to provide facilities for a division, and that the Panama program will involve a total expenditure of $83,000,000. I think we have spent $10,000,000 or $12,000,000 there already. The committee hesitates to give tacit approval to the War Department to embark on any such program of expenditures in those two places for the accommodation of a larger number of troops, when, in our own opinion, it is not necessary, and where we believe the judgment of a majority of this House would be that it should not be permitted.

We tried to show in this limitation how a saving in the cost of the Army could be made during the next fiscal year. The committee, I think, feels, from the fact that the War Department has already shown an inclination to partially follow the policy laid down in this limitation, that perhaps the necessity for the language does not exist at this time. I believe that the War Department will follow out the suggestions which are made as far as possible, because they will no doubt feel that they are the result of the careful deliberations of a committee of Congress, and in view of the fact that the House has so far abundantly sustained the general purpose and the general policy of the committee in presenting this appropriation bill, I feel that perhaps the necessity does not exist for continuing the language in the bill. Therefore, Mr. Chairman, I ask unanimous consent that the paragraph beginning on line 20, page 22, down to line 2, page 23, be eliminated.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the paragraph beginning on line 20, page 22, and ending on line 2, page 23, be eliminated from the bill. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, may I be recognized to discuss the matter?

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, I am very glad that the gentleman from Kansas [Mr. ANTHONY] has taken the position that he has just expressed. I believe the committee was fully justified in the action that it took. I believe it was well that the committee placed this provision in the bill. Of course, we all know that the President, as Commander in Chief of the Army, has the power to place the Army where he sees fit, at least within American territory. There may be some question whether the President has authority to send large detachments of our Army abroad in time of peace; but unquestionably the President has the right to send our troops to the Philippines, to Hawaii, and to the Canal Zone in such numbers as he deems wise. There is a very considerable question of policy involved in the matter of the size of the garrisons at these distant points, and it is the duty of Congress to establish or at least to suggest a policy. Congress is endeavoring to reduce the cost of the Military Establishment. Congress, at least the House, I think agrees with the committee. We do not need a division of troops on the Canal Zone, nor do we need a division of troops in the Philippines. There is some doubt as to whether we should maintain a full division of troops in Hawaii, important as that great outpost is. It seems to me it is not only within the jurisdiction of the Congress to limit appropriations for the maintenance of troops at distant points, but it would be well to do that if there were any serious question relative to the establishment and maintenance of a policy which the Congress did not approve. We do not any of us believe that the administration is disposed to maintain great forces at these outposts of the Republic, but it has been urged and reiterated that the reductions that were proposed were too great, both in numbers and in funds, and the committee sought to emphasize the propriety of its action and to demonstrate the fact that the reductions proposed can be made without seriously impairing the efficiency of the establishment by suggesting that smaller garrisons might well be maintained at these outposts than have been maintained, or than have been proposed by the General Staff. The thought, the view, and the purpose of the committee, as I understand it, in calling the attention of the country and of the Congress to the possibility of a reduction in numbers and in cost by the reduction of these overseas garrisons have been accomplished. The House is in harmony with the committee's view and purpose of reduction. We have every confidence that the War Department, having been advised of this view of the House that the overseas garrisons may be reduced, to the end that the expense of the establishment may be lowered, will give consideration to that view, as it should.

There is this difficulty confronting us, almost necessitating the action that the gentleman from Kansas has taken. Of course, in time of emergency, to be determined and declared by him, the President could send all of our troops to any of these points; but the very fact of the declaration of an emergency might be unfortunate. So that the committee having done an entirely proper thing to emphasize its view, the purpose of this emphasis having been accomplished, I think it is well that these limiting provisions should go out of the bill.

Mr. SISSON. Mr. Chairman, I reserve the right to object. I have no objection whatever to the course fixed by the chairman of the subcommittee. I do feel, however, that the troops should be reduced in these foreign possessions. We are betraying absolutely no military secret when I say that the Secretary of War not only will say that the garrisons ought to be reduced in the foreign possessions but he expects to do that.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. STEVENSON. As a matter of fact, in the last two or three days have not orders been issued to bring back the troops from Germany?

Mr. SISSON. Yes; an order has been issued, I think, that meets with the entire approval of Congress, to bring the troops back from Germany.

Mr. ROGERS. Is there any intimation that the Secretary of War approves the reduction to 5,000 troops in Hawaii?

Mr. SISSON. I do not know that I am authorized to say specifically that that is the number he would agree to. I do not know whether it was the Secretary of War or some one else, but in an informal discussion connected with the War Department I had it fixed in my mind that they would not be averse to a reduction to 4,000 troops.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. ANTHONY. I think the gentleman perhaps refers to the statement of the Secretary of War in which he said that he would probably bring home practically all of the United States troops from the Philippines.

Mr. SISSON. Yes; and also that he had no objection to a reduction of the force in Hawaii.

Mr. ANTHONY. I do not recall that.

Mr. SISSON. That is my recollection of it. Some of the officers want to keep a full division in Hawaii, but I know the Secretary of War does not agree to that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. ROGERS. I simply wish to reiterate what the chairman of the committee has said, and call the attention of the gentleman from Mississippi to the fact that the Secretary of War said there ought to be more troops in Hawaii than the 12,000 there now. As far as the hearing developed, there is not a word of suggestion that he does not think it would be grossly improper to reduce by one man the present force in the Hawaiian Islands.

Mr. SISSON. I do not want to divulge any matter that may have been communicated to the committee, because in reference to certain matters the Secretary of War and General Pershing came before the subcommittee and discussed matters which they thought ought not to go into the hearing. I would not have objection myself to the world knowing all that was said, but because I am not a military expert I respect their wishes in the matter. Now, gentlemen of the committee, after all that is said on this matter I do not want to have it understood that I agree with the gentleman that Congress has no right to put this limitation in the bill.

Mr. GRAHAM of Illinois. Mr. Chairman, I demand the regular order.

Mr. SISSON. I ask for one minute to yield to the gentleman from Virginia.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. I understand the gentleman to say, and I agree with him, that this provision that is now proposed to be stricken out is a wise and valid provision.

Mr. SISSON. That is my contention; yes, sir.

Mr. MOORE of Virginia. And yet I understood the gentleman to say further that this provision should be stricken out?

Mr. SISSON. No; I did not say that. I said I had no objection to its being struck out on his request or motion. I would keep it in if I had my way about it. I only mean that I will not resist. I was interrupted when I wanted to give my reason for it, and that was that I feel sure from the conversations we have had and I have had personally with the Secretary that practically what the committee desired will be done.

Mr. MOORE of Virginia. Now there is a difference of opinion as to that. There are some gentlemen who say it will be done and some gentlemen who say it will not be done. Now if this is a wise provision, why should we not adopt the provision instead of eliminating it?

Mr. GRAHAM of Illinois. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. CONNALLY of Texas. Well, I object.

Mr. ANTHONY. Mr. Chairman, I move that all debate be closed upon the section and amendments thereto.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question was taken, and the amendment was agreed to.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

Mr. MANN. There is no last word.

Mr. HAYDEN. Mr. Chairman, fear of the Lord is the beginning of wisdom. The chairman of the subcommittee was wise in agreeing to have stricken out of the bill the provision which seeks to dictate the size of the garrisons that shall be maintained in China, the Hawaiian Islands, at Panama, or on the Rhine. In my judgment it is not the province of the Committee on Appropriations to insert legislation in an appropriation bill which fixes a policy to be followed by the War Department.

Mr. MANN. Mr. Chairman, I make the point of order the gentleman is not discussing either the amendment or the paragraph under consideration. As far as I am concerned, I am willing to have debate with some time limit.

Mr. HAYDEN. I have not heretofore discussed this bill, not even for five minutes, and am entitled to be heard.

Mr. MANN. That has nothing to do with it. The gentleman wants to open up again a subject that has been closed so that everybody else can talk on it. There may be 50 gentlemen wishing to talk on it and 49 be cut off.

The CHAIRMAN. If the gentleman from Illinois presses his point of order, of course the Chair must sustain it.

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Arizona will proceed in order.

Mr. HAYDEN. Mr. Chairman, I shall endeavor to do so. The thought that I had in mind was perhaps not well expressed, so I shall restate it. The subject that I wished to develop, and which, I am sure, is entirely proper to discuss in connection with the paragraph under consideration, was the action taken by the Committee on Appropriations in attempting to adopt a policy as to the size of the Army. As I understand the rules of the House, the Committee on Appropriations has jurisdiction to report bills making appropriations authorized by law, but it has no authority to report legislation which, in this instance, seeks to dictate a policy as to the location of troops.

The military policy of the United States should be provided for in a bill reported by the Committee on Military Affairs, which now has jurisdiction over all legislation relating to the Military Establishment except appropriations for its support. If this House desires to reduce the size of the Army from 150,000 men to 115,000, the right and proper way to go about it is to pass a bill reported from the Committee on Military Affairs fixing the enlisted personnel at the lesser number. But instead we find the Appropriations Committee usurping the jurisdiction of the Committee on Military Affairs by failing to provide funds to pay more than 115,000 enlisted men. And even worse than that, under the guise of a limitation the Appropriations Committee has sought to have the House direct where these soldiers shall be stationed.

I am opposed to this method of legislation. I have voted for every amendment offered to increase the sums appropriated for the pay of officers and enlisted men. I regret that these amendments were rejected, and I hope that when this bill is considered by the Senate that the full amount requested by the War Department and recommended by the Budget Bureau for an Army of 13,000 officers and 158,000 enlisted men will be restored to this bill. In my opinion this is the absolute minimum force that is necessary to care for the military posts and other Government property, police our insular possessions, and protect the Mexican border. By my vote no greater reduction in the Army shall be made.

Let me repeat that when Congress has established a military policy for the United States it is the duty of the Committee on Appropriations to provide the funds necessary to maintain an Army in keeping with that policy. That committee has no right, by indirection, to assume a legislative authority which it does not possess. The House will not long abide any such usurpation, and the gentleman in charge of this bill [Mr. ANTHONY] has shown great wisdom in agreeing to the elimination of the provision which sought to limit the number of troops that may be stationed outside of the United States.

I hope that this will be a warning to the Committee on Appropriations that it must not attempt to dictate the military policy of the United States by reason of its control over appropriation bills. A continuation of such action in the future will surely result in having complete jurisdiction restored to the Committee on Military Affairs of all appropriations for the support of the Army and the other activities of the War Department.

Mr. GRAHAM of Illinois. Pursuant to the unanimous consent granted, the following observations are now here inserted.

The provision of the bill in question is:

> No part of the appropriations made herein for pay of the Army shall be used, except in time of emergency, for the payment of troops garrisoned in China or for payment of more than 500 officers and enlisted men on the Continent of Europe; nor shall such appropriations be used, except in time of emergency, for the payment of more than 5,000 enlisted men in the Panama Canal Zone or more than 5,000 enlisted men in the Hawaiian Islands.

It is claimed by the proponents of the bill that this section is constitutional, while many of those who attack it claim that the provision is unconstitutional, and in support of the latter contention many authorities have been cited which appear in the CONGRESSIONAL RECORD.

The provision is nothing more than a limitation upon the purposes for which the fund in question can be used, and there is no language in the provision which can be construed in any way as a statement of legislative policy as to the various territories occupied by our military forces in China, Europe, the Panama Canal Zone, or the Hawaiian Islands.

The Constitution provides in Article I, section 8, that Congress shall have power to raise and support armies. Section 2 of Article II provides:

> The President shall be Commander in Chief of the Army and Navy of the United States.

The only other provisions of the Constitution pertinent to the matter is section 9 of Article I, which provides in part:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

The President is made by the Constitution Commander in Chief of the Army. As Commander in Chief he has control of the military forces of the Government and can direct their disposition and conduct in a general way. However, in every step he takes he must operate within the law of the land. The fact that he is Commander in Chief of the Army gives to him no right to determine matters of legislative policy. The President is an executive officer and executes the mandates of the people as expressed by the legislative branch of the Government. It seems to me that gentlemen, in discussing this question, have lost sight of the important principles that the President is given nothing by the Constitution which in any way

detracts from the right of the people through their legislative branch to determine what its policy shall be and how it desires to have such policy executed.

In the case of Cross v. Harrison (16 Howard, 164 [193]) the Supreme Court was passing on questions arising from the occupation of the Territory of California after the close of the Mexican War and before a State government had been established. In that case it was said, among other things:

> The Territory had been ceded as a conquest, and was to be preserved and governed as such until the sovereignty to which it had passed had legislated for it. That sovereignty was the United States, under the Constitution, by which power had been given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with the power also to admit new States into this Union, with only such limitations as are expressed in the section in which this power is given.

Again, in the same case, it was said:

> The President might have dissolved it by withdrawing the Army and Navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done.

Again, in the case of the United States v. Castillero, 2 Black, page 2 (358), it was said:

> It is true that in the case in which these observations are made, the point to be determined was whether enemies' territory, which in the course of hostilities had come into our military possession, became a part of the United States and subject to our general laws. But they are important to this case as defining the power of the President in war to be merely that of the military Commander in Chief; that territory can be acquired only by the treaty making and legislative authority, and, consequently, that the fact that hostilities are by the military authority directed against a particular portion of the enemy's territory, can not be said to make the acquisition of that territory the object of the war.

This also was a case arising out of the conquest of foreign territory in the War with Mexico.

The section of the bill in question deals with territory outside of the United States, and in the case of China and the Continent of Europe, has to do with territory over which the United States has no claims of any kind except such rights of occupation as may exist by virtue of treaties now existing between the United States and the Governments of the occupied territories. It may well be doubted whether a different rule does not apply to the occupation of territory within continental United States and territory which is outside continental United States, and occupied for some temporary purpose by military forces of the United States. While it would stand to reason that the President has ample authority to direct the transfer of military forces from one post or station to another in continental United States in his discretion, and where no contrary policy has been declared by Congress, it does not follow that the same may be true as to the occupation of foreign territory.

Even in the continental United States troops are called and moved by the President in times of emergency by virtue of an act of Congress passed in the very early days of the Republic. It was under this act of Congress that President Lincoln called for volunteers during the Civil War, and under which act many troop movements have been directed by the President since that time in matters originating within the continental United States. It is obvious that any occupation of foreign territory by United States troops in times of peace must be by express authority of the Congress, or in carrying out a policy which has been expressed by an act of Congress.

During the administration of President Wilson, military forces of the United States were sent, on at least two occasions, into Mexico, where combats were had with military forces in that country. It may well be doubted whether any constitutional authority existed to support this action. No declaration of war had been made and no congressional policy authorized such course. In the same way an occupation by the President of territory in foreign countries by the military forces of the United States is absolutely without authority unless in pursuance to some policy indicated by Congress.

Following the principles announced in the above cases, no reason exists why Congress might not, by the passage of proper acts, cause the entire abandonment by our military forces of every portion of the lands occupied in China, the Continent of Europe, the Panama Canal Zone, and the Hawaiian Islands. With this policy the President has nothing to do. It is his duty to have charge of the operations of the Army in pursuance to the general policy Congress has expressed. Congress, of course, is nothing more than the expression of the voice of the people as to policy, a right which the people have not granted away by any constitutional provision.

As has been noted, the Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law. The Congress has full and complete authority over the purse strings of the Government, and can appropriate moneys for certain constitutional purposes or refuse to appropriate the same as it desires. Hence it may be that just and legal claims against the United States may be entirely avoided by the failure of Congress to make the necessary appropriations. This may at times go so far as to amount to a repudiation of the obligations of the Government to other nations.

An illustration of the power of the Congress over appropriations is found in Hart's case, One hundred and eighteenth United States, 62. In that case Hart, who had been formerly engaged in the rebellion of 1861, had a claim for compensation against the Government of the United States. In November, 1865, he was granted a full and complete pardon by the President of the United States. Congress, by an act approved March 2, 1867, provided that no person engaged in the said rebellion might have any valid claim against the Government of the United States which existed prior to April 13, 1861. The Supreme Court held, on the pleading of this statute, that Hart, irrespective of the action of the President, had no valid claim, Congress having definitely determined the policy in that respect.

I think there is no particular difference of views as to the power of Congress in this respect. Even the authority cited by the gentleman from Minnesota [Mr. NEWTON], Pomeroy on International Law, states the law clearly, as quoted on page 4296 of the CONGRESSIONAL RECORD of March 22:

> As Congress is to make all appropriations, it may declare the specific purpose for which money is to be used.

There can be no doubt as to this general proposition.

However, this further limitation on the doctrine must be admitted. Where Congress has directed a certain policy, and the President, in pursuance of that policy, finds it necessary to utilize military forces in a certain way and thus incurs expense, it must be admitted that such expense would be a proper and legitimate charge upon the Treasury of the United States, and should be paid by proper deficiency appropriations.

In Sixth Opinions of Attorney General, 28, the following is said:

> But when the Constitution of the United States, or any act of Congress, authorizes and requires the President to do a thing which involves the expenditure of public money, then, and in such case, the legality of an engagement of the President to have the thing done—that is, of a contract for its performance—is wholly independent of the question whether there is or is not an adequate appropriation by Congress for the object.

My conclusion from such investigations as I have made of the subject leads me to believe that there is ample authority in Congress to enact the provision in question, and that if enacted into law it would be valid and constitutional. I am also as fully convinced that Congress has the right to declare in express terms either the abandonment of any of the territory in question or to make any other provision relative to its occupation by military forces or otherwise as it may desire to do. Whether it has done so in the case of the territory in question in this bill is a question to be determined by the acts of Congress relating to those particular subjects. If such occupation of these countries is not in pursuance to any law of the land or policy expressed by Congress, then the President should, if well advised, withdraw such armed forces at once. If, however, the occupation is in pursuance of some congressional policy, I am as thoroughly convinced that the Congress of the United States should and will make adequate provision for necessary expenses incurred.

Waiving the constitutionality of the section in question, I am convinced that this provision in this bill is absolutely ill-advised. The President of the United States must be trusted with some discretion in these matters. He is presumed to be acting within his constitutional limitations. Nothing has been made to appear to this committee that he is doing otherwise, nor has any such claim been made. He has every source of information available to him. The State Department and the other departments of the Government inform him from time to time thoroughly as to the necessities of our Government and the steps that should be taken for the preservation of the life and property of our citizens. He has full knowledge of the treaty obligations of our Government. On these matters Congress is not, nor is the Appropriations Committee, fully advised. The President is presumed to know more about these matters than we do. So far as I am personally concerned, I feel constrained to believe that he ought to be given great latitude in his course of action in these matters. I am sure the provision in the bill was written with good intentions, but I am as sure that it is unwise. There never was a time when our foreign relations were in a more delicate condition than now. Just

what is needed is unknown to most of us, and conditions change from day to day. To hamstring the presidential authority is unwise. Nothing has appeared to this committee which would lead one to believe that the Chief Executive needs to be conducted by leading strings in what he does in these matters. I, for one, am opposed to any such provision in any bill at this time and am pleased that the committee has yielded to what is obviously the overwhelming sentiment of the House and has eliminated this undesirable provision.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks on this bill.

Mr. HAYDEN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. J. M. NELSON. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of postmasters.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

MILEAGE OF THE ARMY.

For mileage to commissioned officers, warrant officers, members of the Officers' Reserve Corps when ordered to active duty, contract surgeons, expert accountant, Inspector General's Department, Army field clerks and field clerks of the Quartermaster Corps, when authorized by law, $1,100,000.

Mr. VESTAL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen of the committee, I regret exceedingly that I can not agree with the committee on all the provisions contained in this bill.

A committee having charge of legislation has the right, of course, to expect Members of the House to at least give careful consideration to recommendations made by it, especially when that committee has had the opportunity to study the questions and ascertain the facts about matters pertaining to the particular legislation proposed, and I regret to find myself opposed to the committee as regards certain provisions of the bill.

In the first place, I think it was a grave mistake to make such a drastic cut in our Army. The only reason advanced for the decrease in the size of the Army was that of economy. I am as much in favor of economy as any Member on the floor of this House, but I believe that such a weakening of the national defense as was proposed and carried in this bill is a false economy, which may prove in the end to be disastrous to our national safety. I believe, of course, that we ought to settle upon a definite military policy and provide for an Army large enough to command respect in peace time, and with a force of trained officers sufficiently large to readily prepare and train a citizen army should occasion demand. Feeling as I do about the matter, I heartily indorsed the Kahn amendment, increasing the size of the Army from 115,000 to 150,000, and the number of trained officers from 11,000 to 13,000.

But the immediate matter under consideration is the motion of the gentleman from Massachusetts [Mr. ROGERS] to strike out the paragraph near the bottom of page 22, beginning with line 20, as follows:

No part of the appropriations made herein for pay of the Army shall be used, except in time of emergency, for the payment of troops garrisoned in China or for payment of more than 500 officers and enlisted men on the Continent of Europe; nor shall such appropriations be used, except in time of emergency, for the payment of more than 5,000 enlisted men in the Panama Canal Zone or more than 5,000 enlisted men in the Hawaiian Islands.

The enactment of this provision would constitute an undertaking on the part of Congress to regulate the distribution of the Army, a power heretofore exercised only by the President of the United States under his constitutional appointment as Commander in Chief of the land and naval forces. This is the first time in the history of the country, so far as I know, where Congress has ever attempted to take away from the President the right to allocate the troops in the Army or the Navy. The only precedent for such legislation, if it could be called a precedent, is found in section 2 of an act of March 2, 1867, entitled "An act for the more efficient government of the rebel States." That section of that act divided the Southern States into military districts, and required that each district be placed under the command of a general officer, and expressly made it the duty of the President to detail a sufficient military force to enable such officer to perform his duties and enforce his authority. Of course, we know that this act was born of a bitter political and personal hostility to the President, and was designed to thwart his power; yet, even under that act, the number of troops that he was directed to detail to such districts was left entirely to the President's own discretion. It prescribed neither a minimum nor a maximum that the President might in his discretion assign to one place or to another for the safety and welfare of the country. This provision, which we seek to eliminate by this amendment, directs the President in the number of troops he can detail to the Panama Canal Zone, or to the Hawaiian Islands, or in China, or on the Continent of Europe. It absolutely takes away from the Chief Executive the right given him under the Constitution, as the Commander in Chief of the Army and the Navy, to distribute the Army for the protection of our citizens and for the safety and welfare of the country.

On one other occasion, and one only, a similar provision to the act of March 2, 1867, was considered. This was on the 5th of April, 1917, when the House of Representatives had before it a resolution declaring the existence of a state of war with Germany, when an amendment was offered prohibiting the ordering of troops to land duty in Europe until so directed by act of Congress. This amendment received no support, and in speaking on this amendment the gentleman from Illinois [Mr. CANNON] used these words:

Of course, we give the President power to use the Army and the Navy. You can not very well restrict his power or cripple him by legislative provision.

If this provision stays in the bill, and the President is prohibited from stationing troops in China, it would prevent the maintenance of a proper, or, in fact, any policy in our foreign relations, because it ignores any agreement the President or any former Presidents may have made with other nations for our and their mutual safety and benefits. Moreover, as has been said, it is an announcement to the world that the United States has no legal and responsible agent with which it may treat as to matters of international peace and concord.

I think that the provisions in this paragraph, especially relating to Hawaii and Panama, are very dangerous. These territories are as much entitled to protection as the District of Columbia. Indeed, they are as much a part of the United States as the District of Columbia. They are two great outposts against attack upon our shores. If war should be made upon us, these must be held at all hazards. Sufficient garrisons should be maintained in those places so that in the event of the breaking out of war they may be defended against a sudden naval attack; but you answer me and say, "We are at peace; where is any danger?" There may be no danger now, but I hesitate to say that the millennium has arrived. Wars come without warning. Can we not trust the President of the United States in the handling or disposition of the Army and the Navy? What has happened recently that the committee should feel that Congress ought no longer trust the President and the Secretary of War in the handling of our troops? We have trusted our Presidents, 25 in number, for more than 125 years. Are we going to say that the present Executive is not worthy of our trust? But, you say, the bill provides that in cases of emergency the President shall have unlimited power in the disposition of the Army. If this bill should become a law with this provision in it, would not the sudden dispatch of troops announce to the world, and especially to any nation contemplating an attack upon us, that the United States regarded war as imminent, and might not this very thing bring on a war which might otherwise be averted? Surely this Congress will not say to the world that we can not trust the Commander in Chief of the Army and the Navy, the President of the United States. I hope that this amendment will be adopted. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the figures "$1,100,000" and insert in lieu thereof "$1,100,005."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 9, strike out "$1,100,000" and insert in lieu thereof "$1,100,005."

Mr. GREEN of Iowa. Mr. Chairman, it is unnecessary for me to say that I offer this amendment merely for the purpose of gaining the floor at this time in discussing the right of Congress to control these appropriations. In making this particular provision Congress has exercised its right to control appropriations which limit the size of the Army. My particular purpose, however, in rising at this time was because I saw some statements in the RECORD a few days ago, I think day before yesterday, which I think under no circumstances ought to be permitted to go unchallenged. Those statements related to the power of Congress with reference to so controlling appropriations as to affect directly the policy of this country in military activities and, in fact and effect, to fix the point where troops, a portion of the Army, should be stationed.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. GREEN of Iowa. I make the point of no quorum.

The CHAIRMAN. The gentleman from Iowa will proceed in order.

Mr. GREEN of Iowa. I make the point of no quorum. It is something I have not done before. I have not spoken here on this bill and taken up any of the time on it.

Mr. MANN. There are Members who wish to speak on this subject just as much as does the gentleman from Iowa.

Mr. GREEN of Iowa. I have no doubt about that, and they ought to be permitted to do so. I make the point of no quorum.

The CHAIRMAN. The gentleman from Iowa makes the point of no quorum. The Chair will count. [The Chair proceeded to count.]

Mr. GREEN of Iowa. I withdraw the point of no quorum. Mr. Chairman, I have made some study, not only of the Constitution of this country but also of the constitution of England. The Constitution of this country was framed, so far as it related to the control of the Army and Navy, largely upon the principles that govern the constitution of England. The constitution of England, of course, as the Members are aware, is not a written constitution.

Mr. MANN. Mr. Chairman, I make the point that the constitution of England has nothing to do with increasing this amount by $5, as suggested by the gentleman's amendment, and the gentleman ought to abide by the rules of the House.

Mr. GREEN of Iowa. The gentleman ought not to be so captious. I usually yield to my distinguished friend from Illinois. I think this is the first time in 10 years that I have not, but I think on this particular occasion that my friend is somewhat exceeding that authority which he exercises over us in view of his distinguished services.

Mr. MANN. I make the point that that is not discussing the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of no quorum, to show that there is no time being saved by this kind of procedure. I could have concluded in the time which will be used.

The CHAIRMAN. The gentleman from Iowa makes the point of no quorum. The Chair will count. [After counting.] One hundred and fifteen gentlemen are present, a quorum.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the word "Army" on page 23, line 7.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 23, line 7, strike out the word "Army."

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee——

The CHAIRMAN. The Chair understands the pro forma amendment of the gentleman from Iowa [Mr. GREEN] is withdrawn.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, under the Constitution of the United States the command of the Army is lodged in the President. Under the policy of the subcommittee on appropriations the Commander in Chief of the Army is the ranking Republican member of that subcommittee. It has been urged here, and correctly so, that Congress may refuse to make any appropriation whatever for an army in China, in Germany, or elsewhere. Why, of course, Congress can refuse appropriations if it so desires, but the spirit of the Constitution is that after the Congress has fixed the size of the Army the President of the United States under the Constitution has the right to say where that Army shall be.

Mr. MANN. Mr. Chairman, I make the point of order the gentleman is not discussing the amendment.

Mr. CONNALLY of Texas. I am moving to strike out the word "Army," Mr. Chairman.

The CHAIRMAN. If the point of order is pressed, of course the Chair would have to rule that inasmuch as this paragraph relates to mileage and payment of officers the point of order is well taken.

Mr. CONNALLY of Texas. I suggest to the Chair that mileage certainly refers as to where we shall send these soldiers and officers. It takes mileage to get them to China and Germany, and it takes mileage to get them home.

Mr. LINEBERGER. Will the gentleman yield?

Mr. CONNALLY of Texas. I can not yield now, because the gentleman from Illinois [Mr. MANN] is on the floor.

Mr. MANN. If the committee wants to agree to have Members discuss that item, I have no objection.

Mr. CONNALLY of Texas. The House agrees, if the gentleman from Illinois will not object. I know the gentleman from Illinois is a large part of the House, but he is not all of it.

Mr. MANN. I have had a speech on this subject in my system for days and I can not get rid of it.

Mr. CONNALLY of Texas. I will say, in deference to the gentleman from Illinois, I was not on the floor the other day when this matter was discussed and did not have an opportunity to express myself, and while I know the gentleman is full of this subject I would be perfectly willing to excuse him for a few minutes until I conclude my remarks. [Laughter.]

Mr. MANN. Doubtless the rest of us would like to get out while the gentleman is talking. [Laughter.]

Mr. CONNALLY of Texas. I will say to the gentleman from Illinois he is at perfect liberty to do so, because I do not expect either to convince or to persuade him.

The CHAIRMAN. The time of the gentleman from Texas has expired. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY.

For payment of claims of not to exceed $500 in amount for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, $50,000: *Provided*, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. CRAGO. I would like to go back to that language as to mileage for the Army and ask the chairman of the subcommittee a question or two. I notice the item for mileage is $1,100,000. As I understand it, the Budget Bureau and the Secretary of War asked for about $2,000,000 for that item.

Mr. ANTHONY. That is correct.

Mr. CRAGO. And the Secretary of War, I believe, added $500,000 to that to call the R. O. T. into training.

Mr. ANTHONY. Yes; the reserve officers.

Mr. CRAGO. I would like to ask the gentleman if the amount appropriated here, $1,100,000, contemplates the calling in of the R. O. T. in training?

Mr. ANTHONY. The gentleman refers to reserve officers?

Mr. CRAGO. Yes.

Mr. ANTHONY. No. The committee does not contemplate calling any of those into the service.

Mr. CRAGO. Then this item will not provide any transportation for that purpose?

Mr. ANTHONY. No; only for the Regular Army.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Vermont moves to strike out the last two words.

Mr. GREENE of Vermont. I do so for the purpose of asking the chairman of the subcommittee whether, in the course of the discussion in the hearings or otherwise, there was brought to the attention of the committee the ruling of the comptroller that kept the mileage back from the families of Regular officers under certain conditions, such as delay in reaching the post on details involving change of station.

Mr. ANTHONY. No.

Mr. GREENE of Vermont. I have in mind this situation, which has been brought to my attention by several officers, and it is manifestly unjust. Under the law when an officer is directed to change stations a certain allowance is made to his family to change with him. In this case a considerable number of officers were directed to change stations, and they changed stations, but were told at the time that there were not then sufficient accommodations for their families, and that they themselves would have to subsist at the post as bachelor officers until later, when the department would notify them that their families could join them. Later on, when their families did join them, they were told that their families had not joined them within a reasonable time, and that therefore the mileage allowance for their families could not be given.

Mr. MANN. That is for the Committee on Military Affairs to act upon.

Mr. GREENE of Vermont. Yes; and between these two stools something is coming to the ground.

Mr. MANN. We can not affect the rulings of the comptroller by this legislation.

Mr. ANTHONY. The hearings show that there will be about $1,200,000 expended for mileage during the current year, and the committee thought that the appropriation of $1,100,000 would cover it, considering the reduction in the size of the Army.

Mr. GREENE of Vermont. I am not questioning the size of the appropriation, but I was wondering as to what would be

done in regard to this allowance for the transportation of their families.

Mr. ANTHONY. The committee did have some discussion before it about the necessity of enlarging the scope of the provision for the transportation of dependents of officers, but did not go into that. Of course, we could not go into it.

Mr. GREENE of Vermont. Some mileage has been withheld under the technical construction of the comptroller that because the families did not join the officers on changing stations within a month they did not join them within a reasonable time and therefore were not entitled to allowance for travel. The families did not join the officers because the department told them not to.

Mr. ANTHONY. They will have a balance of something over $600,000 out of the appropriation for this year.

Mr. CRAGO. The allowance for families was in the temporary increase which we granted to the officers, but that was permanent law.

Mr. MILLS. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. MILLS. Referring to the question of mileage, do I understand the gentleman from Kansas to say that the committee does not contemplate any training for reserve officers this summer?

Mr. ANTHONY. No training for reserve officers except a certain number provided under the appropriation of $250,000.

Mr. MILLS. That is only for the pay.

Mr. ANTHONY. No. This item of $1,100,000 could be used for that purpose.

Mr. MILLS. I understood the gentleman to answer a previous question to the effect that the whole $1,100,000 was intended for the purposes of the Regular Army.

Mr. ANTHONY. That was the intention, but the department can use it for reserve officers.

Mr. MILLS. I know, but the committee has so appropriated for the Regular Army that it makes no provision for mileage for the reserve officers.

Mr. ANTHONY. Yes; we thought the expense would be so great that we would not embark on it this year.

Mr. MILLS. Then the gentleman's committee resolved not to provide for any training of reserve officers?

Mr. ANTHONY. No; out of this appropriation——

Mr. MILLS. They can walk to camp. The gentleman has just stated that this is just sufficient for the purposes of the Regular Army.

Mr. ANTHONY. No. There is a surplus now of $639,000 in the money appropriated for the current year, so that it looks as if they had plenty of money.

The CHAIRMAN. Without objection, the pro forma amendments are withdrawn. The Clerk will read.

The Clerk read as follows:

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; construction and repair of military reservation fences; stoves and heating apparatus required for the use of the Army for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts in the field and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers, including members of the Officers' Reserve Corps when ordered to active duty, and enlisted men, warrant officers, and field clerks, including enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902, and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for ice for issue to organizations of enlisted men and officers at such places as the Secretary of War may determine, and for preservation of stores; materials for cleaning and preserving ordnance and ordnance stores; for cold storage; for the construction and maintenance of laundries at military posts in the United States and its insular possessions; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of relief maps for issue to organizations, commercial newspapers, market reports, etc; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry and batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, $10,932,000: *Provided*, That from this appropriation not to exceed $850,000 shall be expended for the pay of civilian employees; not to exceed $1,250,000 shall be expended for power, heat, and electric current; not to exceed $57,000 shall be expended for maintenance and repair of buildings (including repair of machinery) for laundries; not to exceed $225,000 shall be expended for the maintenance and repair of heating apparatus (other than stoves); not to exceed $175,000 for maintenance and repair of electric wiring and fixtures; not to exceed $15,000 for the repair and exchange of typewriters; not to exceed $3,000,000 for fuel; not to exceed $4,000,000 for forage, including salt and vinegar and bedding for animals, and straw for soldiers' bedding; not to exceed $175,000 for ice; and not to exceed $125,000 shall be expended for stationery: *Provided further*, That the Secretary of War is authorized and directed to sell as soon as possible after the approval of this act, upon such terms and under such conditions as he may deem most advantageous to the best interests of the Government, such horses and mules now being held at remount stations and posts or with organizations of the National Guard or units of the Reserve Officers' Training Corps as are not in actual use.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. CRAGO. Mr. Chairman, I do so for the purpose of asking the chairman of the subcommittee about the item of $10,932,000. The estimate there was $12,292,755. Now, in that item you have specified that not to exceed $850,000 shall be expended for the pay of civilian employees. I will ask the gentleman if he is contemplating a reduction in the number of civilian employees on the transports and such other activities as the Army might have?

Mr. ANTHONY. It does not cover the transport service, but it covers activities of the Army where civilians are employed in connection with this particular item. For the current year there was $1,000,000 used out of this appropriation for civilian employees. In the estimates for next year they planned to use $862,000, which is almost half the amount they used for the current year for civilian employees, but on the basis of the general reduction which we made in the size of the Army the committee reduced the amount for civilian employees to $850,000, about in proportion.

Mr. CRAGO. I will say to the gentleman that if he is satisfied that is a sufficient appropriation I am satisfied, because I am in thorough sympathy with the idea of reducing the civilian employees wherever possible and using the men in the Army for as much of the work as possible. I think it is a sad commentary on the efficiency of the Army that they need so many civilian employees.

Mr. ANTHONY. Of course, this affects the entire question of civilian employees in the Army as a whole, and I know the gentleman realizes that there has been great progress made by the War Department in reducing the number of civilian employees during the current year. I think when Secretary Weeks started in at the War Department there were over 80,000 civilian employees in the Army, and to the credit of the War Department and their efforts for economy it should be said that the number of civilian employees has been reduced to approximately 50,000, which shows that the Army is steadily getting rid of its unnecessary civilian employees. This appropriation is limited about in proportion to the reductions that have been made, and as the committee figured they would be made during the next fiscal year.

Mr. CRAGO. I suppose you have taken into consideration the fact that they are gradually getting rid of a great many of the surplus stores, and so forth, and that because of this the number of civilian employees can be reduced?

Mr. ANTHONY. That is true, and in other parts of the bill we are providing additional amounts of money to enable the different bureaus to consolidate their storehouses. Where they have, for instance, from a dozen to 30 storehouses scattered over the country, we are giving them the money and the labor to consolidate those storehouses into two or three, where the stores can be taken care of more economically.

Mr. CRAGO. I do not want to see the committee cripple the transport service that has been built up and that would be difficult to replace once it is destroyed.

Mr. MANN. Did not the President recently recommend that the Army transport service be abandoned?

Mr. CRAGO. I do not agree with the President in that. Sometimes we may differ, you know.

Mr. LINEBERGER. He recommended that the transport service be reduced.

Mr. ANTHONY. The Committee of the Whole ought to have the benefit of some very interesting figures that were developed in the hearings with regard to the transport service. When the question of bringing back some of the troops from Germany was brought up a few months ago, the Shipping Board were very desirous of having the job; so they were asked by Executive authority to prepare an estimate and submit a bid as to what they would charge for bringing these troops back. The figures are very interesting. The contract was not given to the Shipping Board, but the troops were brought back by the vessels of the Army transport service, and the Army transport service brought them for less than half the amount of the bid submitted by the Shipping Board, showing that the Army transport service is not only efficiently operated but economically operated.

The cost to bring this lot of troops back from Germany in Army transports was $958,470. Bids were asked from the commercial lines—Shipping Board vessels—and they bid $2,212,000 for that work. The commercial lines were the Shipping Board vessels.

Mr. McKENZIE. Of course, the gentleman will understand, I take it, that the turning over of the Army transports to the Shipping Board is a part of the subsidy scheme that is intended to have the Government pay more for transporting troops and supplies than we have to pay now, and it is justified as a subsidy to the Shipping Board.

But that is not the question I wanted to ask. The gentleman from Kansas [Mr. ANTHONY] knows that I have always joined with him and others on the Committee on Military Affairs in an effort to rid the Army of the great number of civilian employees who have been engaged by the War Department. But I want to ask the gentleman what connection there is or can be between the reduction of the commissioned personnel and the enlisted force of the Army and the reduction of the civilian employees? I do not get that.

Mr. ANTHONY. Simply because the activities of supplying 115,000 troops are much less and require much less civilian help than would be required to feed and supply 150,000 men.

Mr. MANN. That is, if 10 men are required to wait on 13 it will not require 10 men to wait on 9.

Mr. ANTHONY. A large number of civilians are employed to do the actual labor in the Army; for instance, nearly every pound of freight and most of the labor around our military posts is handled by civilians. About all the labor that a soldier does in connection with subsistence, for instance, is to raise the food from his plate to his mouth. Civilians do the rest.

Mr. McKENZIE. I asked this question simply to have it appear in the RECORD that so far as I am personally concerned I prefer to keep a larger number of enlisted soldiers in the Army and cut down the civilian employees, believing that it is better preparedness than to cut down the enlisted personnel and go on with a large force of civilians.

Mr. ANTHONY. In other words, the gentleman thinks it might be possible to get a certain amount of work out of the soldiers?

Mr. CRAGO. Yes.

Mr. ANTHONY. I think the efforts in that line have not been productive of very good results in the Army. It is often very difficult to train the Army and keep it in condition and in active training and do the necessary military work, and then in addition to try to do other things. It does not leave them much time.

Mr. CRAGO. The other work really applies to the Army. They should be self-sustaining and self-supporting.

Mr. McKENZIE. I think the gentleman from Kansas [Mr. ANTHONY] and also the gentleman from Pennsylvania [Mr. CRAGO] will agree with me that many of the activities in the Army to-day now performed by civilian employees, such as vocational training and all the other things that have been brought in by reformers from the outside who want to have a bloodless army and a reform army and to have soldiers educated in everything except fighting, is responsible for that condition of affairs and not the military men of our country. I think that should be said in justice to the Army.

Mr. ANTHONY. For the purpose of getting the number of civilians into the RECORD I want to present these figures: On December 31, 1920, there were 92,798, of which number 19,000 were engaged in civil work, largely river and harbor work. On December 31, 1921, a year later, there were 49,534, of which 12,231 were employed on the civil work.

Mr. HILL. Mr. Chairman, I move to strike out the last two words. I desire to ask the chairman of the subcommittee in reference to line 17, page 30, the item not to exceed $4,000,000 for forage. As I understand, that is the amount the War Department asked for.

Mr. ANTHONY. They asked for $4,475,553, but in consideration of the fact that the price of forage is considerably less than a year ago we shaved the amount a little.

Mr. HILL. Will the gentleman state how many animals that is intended to take care of?

Mr. ANTHONY. The number of animals in the Regular Army is at present 57,000.

The Clerk read the paragraph for the transportation of the Army and its supplies, beginning on page 33, line 8, and ending on page 37, line 9.

Mr. GREEN of Iowa. Mr. Chairman, on page 36, line 17, I move to strike out the sum of $16,000,000 and insert $14,000,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GREEN of Iowa: Page 36, line 17, strike out $16,000,000 and insert in lieu thereof $14,000,000.

Mr. GREEN of Iowa. Mr. Chairman, I make this motion more in the nature of a pro forma amendment than otherwise because it brings up the question that I was attempting to discuss a short time ago. It is obvious that if my motion prevailed it would restrict the transportation of troops in this country to the Philippines and other foreign regions, and the question arises in connection with the motion I made as to the propriety of it under the constitutional right of Congress.

Mr. Chairman, various claims have been made as to the rights of this body, and no more serious question can come before it than the question of the extent of those rights. If I correctly understand, some gentlemen in discussing this question a few days ago intimated that Congress had no right to restrict the transportation of troops to foreign lands in any such way as to determine the policy of keeping them in those lands. It was also held by some gentlemen that Congress had no right to restrict the appropriation made for the Army so as to determine the policy of the size of the Army and the number of the personnel thereof.

Mr. Chairman, the framers of the Constitution of this country in respect to the control over the Army and the Navy followed the doctrines that had so long prevailed. The constitution of England is not a written constitution but is determined by the action taken by the English Parliament and the decisions of the courts of England. No one who reads the history of England going back for 200 or 300 or 400 years will fail to see that there was for years a struggle between Parliament and the King as to whether Parliament had the power to control the policy of the nation in relation to the Army and the Navy by restrictions in making appropriations, and it was long ago settled beyond any further dispute that Parliament had such power. I am aware that some gentleman said on the floor the other day that that was not the case in England. Gentlemen who make such statements should be more careful, for they certainly have not read the parliamentary debates. If they would read the parliamentary debates even to the present day they would recognize that although the King has the power to direct the movements of troops, no one claims that it is an infringement of the constitutional right for Parliament to restrict such control by limiting the appropriations.

The King of England controls the movements of the army and the navy in the same way that the President of the United States does here. There is not in my opinion any more sacred right vested by the Constitution in Congress than the right to control the Army and Navy through control of the appropriations. The moment this right is abandoned—and some gentlemen seem to think it ought to be abandoned—the moment this right is abandoned the liberty of the country is lost. It is true that nothing has so far occurred showing a disposition on the part of any President to abuse his powers as Commander in Chief of the Army and Navy; but that is not the question. The question is whether, if this right belongs in Congress, it should be sacredly preserved and kept as a precaution against some improper person who might by some chance in the future occupy the presidential chair.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. NEWTON of Minnesota. Does not the gentleman recognize a distinction between Great Britain and the United States in the power of the Executive? In Great Britain the King is nominally the head and acts only on the advice of the Prime Minister, who is the leader of the majority party and in control of Parliament.

Mr. GREEN of Iowa. I do not know that there is any difference so far as the matter I have been discussing is concerned. The King is the absolute commander of the army and the navy in England, the same as the President of the United States is in this country.

Mr. NEWTON of Minnesota. Does the gentleman mean to convey the idea to the House that the King has the right under the constitution of England to dispose of the army, disregarding the wishes of the Prime Minister?

Mr. GREEN of Iowa. The King of England, as the gentleman is aware, theoretically, can do no wrong. If any wrong is committed, it is a wrong committed by his ministers. That is all theory. As a matter of fact, of course, Kings of England have done wrong, and, as a matter of fact, they can not absolutely control the army.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection the amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

HORSES FOR CAVALRY, ARTILLERY, ENGINEERS, AND SO FORTH.

For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts for officers entitled to public mounts for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian Scouts, and for such Infantry and members of the Medical Department in field campaigns as may be required to be mounted, and the expenses incident thereto (including $25,000 for purchase of remounts, and $150,000 for encouragement of the breeding of riding horses suitable for the Army, including cooperation with the Bureau of Animal Industry, Department of Agriculture, and for the purchase of animals for breeding purposes and their maintenance), $180,000: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and unless otherwise ordered by the Secretary of War no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, within a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horse below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *And provided further*, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place: *And provided further*, That the Secretary of War may, in his discretion, and under such rules and regulations as he may prescribe, accept donations of animals for breeding and donations of money or other property to be used as prizes or awards at agricultural fairs, horse shows, and similar exhibitions, in order to encourage the breeding of riding horses suitable for Army purposes: *And provided further*, That the Secretary of War shall report annually to Congress, at the commencement of each session, a statement of all expenditures under this appropriation, and full particulars of means adopted and carried into effect for the encouragement of the breeding of riding horses suitable for the military service.

Mr. HILL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 28, line 11, after the word "maintenance" strike out "$180,000" and insert "$296,257."

Mr. HILL. Mr. Chairman, I desire to make a brief statement about this, and then ask a question of the committee. The department asked for $296,257 for this item. The effect of this reduction will be to curtail Cavalry activities for the coming year. The item of $180,000 for the purchase of horses, and so forth, includes $150,000 for the encouragement of breeding, which should under no circumstances be reduced. This leaves $30,000 for the purchase of animals. There are at present 25,000 riding horses on hand, notwithstanding the fact that approximately 34,000 are actually required for an Army of 150,000 men. The number authorized for the Cavalry is 11,364. The proportional Cavalry replacement of 175 horses would amount to 80 horses, or seven one-hundredths per cent. A replacement of 5 per cent, which is a low estimate of minimum requirements, amounts to 568 animals for the Cavalry alone. That is about 393 more remounts than are allowed for the entire Army. The reduced appropriation will not take care of the Cavalry school alone. I want to ask in reference to this matter if the general reduction of the Army, which already has been agreed to by the committee, from the present strength will approximately reduce the estimate asked for by the War Department in order to allow a full supply for Cavalry? If that is the case, I shall withdraw the amendment.

Mr. STAFFORD. Mr. Chairman, the committee in arriving at its estimate did not provide to any great amount for the purchase of additional horses or mules for the Military Establishment during the coming year. On July 1 of last year there were 39,000 horses and some forty-five thousand and odd mules in the control of the department. At the present time there are 34,700 horses. It has not been the policy of the War Department to dispose of any of the Cavalry horses, even though there is no present need for them. In response to an inquiry by the chairman of the subcommittee as to whether the reduction in the size of the Army would not have its effect in the reduction of this estimate, the officer testifying on this item stated that it would. We have in this bill reduced the strength of the Army. It is not determined whether there will be a proportionate corresponding reduction in all arms of the service as there was last year. That is General Pershing's testimony before our committee. We do not seek in any wise to curtail the number of horses that are now in the service. It is our policy to have the department retain those now in the service for their present and coming uses. So this item is based on the idea that there will not be much need for the purchase of additional horses or mules during the coming year, and for us to give the estimate originally proposed would be merely cumulative and rather wasteful.

Mr. HILL. Mr. Chairman, in other words, the reduction which has been agreed on will make available the necessary horses for the Cavalry.

Mr. STAFFORD. Yes; that is the way I understand it.

Mr. HILL. Mr. Chairman, I withdraw the amendment.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Wisconsin a question. This is the item that provides the appropriation for the purchase of stallions for improving the breed of horses to be used in the Army, as I understand it.

Mr. STAFFORD. This is the item that provides for the taking over of the horses originally under the control of the Bureau of Animal Industry in the Department of Agriculture, now under the control of the War Department.

Mr. McKENZIE. Can the gentleman tell us how many horses have been donated to the War Department under this law?

Mr. STAFFORD. As I recall the testimony, the number is in the neighborhood of 80.

Mr. McKENZIE. Donated?

Mr. STAFFORD. Donated to the War Department.

Mr. McKENZIE. Can the gentleman tell us whether there have been any horses imported from foreign countries that would tend to improve the breed?

Mr. STAFFORD. I can not say whether any have been imported, but the department has purchased 120 within the last year or so in order to improve the breed.

Mr. McKENZIE. What is the entire number now owned by the War Department for this purpose?

Mr. STAFFORD. The number under the direct supervision of the War Department is 200.

Mr. McKENZIE. Can the gentleman tell us how these horses are handled and what expense it is to the Government?

Mr. STAFFORD. Mr. Chairman, I am rather surprised that my good friend should catechise me so minutely on this proposition. I recall that he was a member of a committee of three that made a report to the House on this very subject recently. I read that report. It is true that the gentleman was a minority of one who presented adverse views. I would not charge the gentleman from Illinois with aphasia or absent-mindedness, because his actions testify so frequently to his wonderful retentive memory. Unless he merely wishes to refresh his recollection, I can see no special reason for all this minutiæ of detail.

Mr. McKENZIE. I know the gentleman from Wisconsin has the information, and I merely wanted to get it into the RECORD for the benefit of the people of the country, so that they may know just what is going on in the War Department along this line.

Mr. STAFFORD. I know the gentleman is a very busy member of the Committee on Military Affairs, and it can not be expected, even with such an industrious member, that he would have time to read the very voluminous hearings of the Committee on Appropriations that cover this subject, even this one item in which his heart is so wrapped up.

The gentleman will find, page 600 of the hearings, testimony as to the way this service is operated at the present time by the War Department.

Mr. McKENZINE. Just tell us briefly.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

MILITARY POSTS.

For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including all appurtenances thereto, $916,000, including $400,000 for continuing construction of post at Camp Benning, Ga.; $55,000 for construction of one hospital ward at Letterman General Hospital, San Francisco, Calif.; $262,000 for general construction at Camps Dix, Meade, and Lewis; and $198,000 for continuing construction and enlargement of barracks for guards at the United States disciplinary barracks, Fort Leavenworth, Kans.

Mr. HUDSPETH. I move to strike out the last word. I do it for the purpose of calling attention to a matter that is vital to a portion of my district, the people along the border. Mr.

Chairman and gentlemen of the committee, I note in the hearings where my friend General Harbord testified and was interrogated by the gentleman from Mississippi relative to the border patrol. I want to state to the committee I voted against the amendment of my good friend from Mississippi [Mr. SISSON] to reduce the enlisted strength of the Army to 100,000 for the reason that I think we ought to keep the Army at its present strength, so that it will be an adequate and sufficient force to properly police this country and its dependencies. Now, I note where General Harbord, whom I esteem very highly as a man and as an Army official, stated that he was in favor of withdrawing the border patrol, concentrating the troops in large part in posts in the interior, I take it. My friend from Mississippi asked him who was responsible for the present border patrol, which I think has done splendid work in protecting the lives and property of our citizens from Mexican bandits and marauders. Now, I want to state to you, gentlemen, that there are six Congressmen who represent the entire border line of this country between us and Mexico—3,600 miles—myself, my colleagues, Mr. GARNER, Mr. WURZBACH, Mr. MONTOYA, of New Mexico, Mr. HAYDEN, of Arizona, and Mr. SWING, of California. Take the border I represent, 800 miles. I want to ask my good friend from Mississippi if he has ever been in the Big Bend of Texas, a scope of territory there of about 400 or 500 miles, extending from the east part of Hudspeth County to the western part of Val Verde County, a distance of four or five hundred miles?

This border patrol was established by a former official of this Government. They keep a few troops at a point here and then a few miles over the mountain at another point, all along that border, to prevent these bandits and thieves from Mexico coming across and destroying the property and the lives of American citizens. Now, I want to state to my good friend from Mississippi and the members of this committee that the establishing of a patrol of a few soldiers scattered all along will prevent these marauding bands of Mexico, in that rough fastness, from crossing over to this side and depredating upon my people and Americans all along the border from Brownsville to California. I want to state to my friend that in that big scope of country—and while it is not the most fertile and valuable part of our country it is American territory—why my friends there are places there so rough along the Rio Grande where a billygoat could not climb the mountains unless he went up in an airship and came down with a parachute. I want to tell my friend that four years ago last Christmas a bunch of Mexicans, I think about 300, came across the Rio Grande there, mounted, one a Carranza lieutenant in the uniform of the Mexican Army, and raided the ranch of Mr. L. C. Bright, a prominent ranchman, on Christmas Day, and killed one of his men right in the yard. His men barricaded themselves in the ranch houses and stood off the bandits until American troops could get there from Marfa, Tex., and ran them across the Rio Grande. The American troops killed a portion of them and recovered some of the loot they had taken from the ranch.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDSPETH. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Killed most of them?

Mr. HUDSPETH. Yes. That is what they should have done, and they got the Carranza lieutenant in the full uniform of Carranza's army. And I want to state to my good friend from Wisconsin [Mr. STAFFORD], who is on the committee, I do not know whether he agreed with General Harbord, and I want to state here that I am not quarreling with this splendid Army official but simply taking issue with him on this matter, about the removing of this border patrol, but I want to state to him that when it is removed the local officers of my State will not be able to cope with the situation, I fear. We have not as many of the Texas rangers there, unfortunately, as we have had.

Take off the border patrol and you are going to leave about 800 miles of territory in my district virtually unprotected, as I see it and the citizens living along the river largely see it. General Harbord, as I stated in the beginning, is a very efficient officer, but I think he is mistaken when he advocates their removal. What is the use of having troops at San Antonio, Fort Sam Houston, or even at Fort Clark, when a bunch of bandits can come across at Langtry, or south of Sanderson, and steal a herd of cattle and kill a number of Americans and get safely back across the river before the troops would be able to reach the scene? What could troops do at San Antonio toward stopping the raid at Eagle Pass or Del Rio?

Mr. STAFFORD. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. STAFFORD. I do not know whether the gentleman stated that General Harbord made a personal investigation of border conditions?

Mr. HUDSPETH. Yes, sir; I know that he has made a full investigation all along the border in Texas just recently.

Mr. STAFFORD. In reply to the inquiry directed by the gentleman from Texas, I have every confidence in the general's ability as to what is needed and necessary for the military activities of the Government, and I accept the decision of the military authorities in everything pertaining to tactics.

Mr. HUDSPETH. Well, I do not. I claim to be somewhat familiar with the conditions in that section, having been born and raised there, and I do not think the citizenship out there would agree with my friend from Wisconsin or General Harbord that this border patrol should be removed.

Now, with all due respect to my friend, General Harbord, he has made the inspection and states that he has abandoned some posts down in another district there; but I want to state to you gentlemen here—and I think the citizenship along the border would agree with this, that it is very dangerous at this time to remove the border patrol and concentrate the troops at interior points. When you do that you leave the citizenship at the mercy of every bandit on the other side who may desire to come across and get some free cattle and free horses, and probably take an additional toll in the lives of good Americans. We have not yet recognized Mexico. I do not know when we will do so. And while conditions, I will state, are better along the border now than they were a year ago, or two years ago, it is not absolutely quiet there yet. And I want to state to you gentlemen on the majority side that I believe in protecting every foot of American soil.

I believe in protecting the life of every American, and I do not think we ought to have to resort to methods pursued probably 40 years ago, at any rate, when the bandits and Indians used to come across and depredate our Americans and when a certain American force under a certain American general chased them into Mexico about 100 miles and rounded them up and killed every one of them. I do not think we ought to go back to a thing of that kind. This statement is not made in a spirit of hostility toward anyone, but I make it in justice to the people I represent and the protection of their property. General Harbord, I will state, recently stated to me that he had no intention of abandoning certain posts along the border; but I would very much regret to see the border patrol taken off, and it is of so grave importance I felt I should call it to the attention of the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SISSON. Mr. Chairman, I want to assure the gentleman that it was not the intention of the subcommittee in any way to weaken the defense of the Mexican border. I believe it is the duty of the Federal Government to protect that border. I do not believe it is even one of the duties of the State, unless the State wants to voluntarily assume the duty, to guard that border. It is purely the business of the National Government. But the 3,600 miles of border which my friend speaks of is an enormous territory to patrol if the members are to touch elbows. By that I mean, to go from one point to another. The Army assure us they do not want, or is it necessary, to have that guard on the border now, when the patrol is divided up into small squads, the Army officers seeming to think that that is the most dangerous sort of patrol, because if you have small squads of 40 or 50 men scattered along at different places on the 3,600 miles you can not have an effective force. So the military experts, who alone ought to know best about this particular matter, contend that with these posts that are back from the border a reasonable distance, with proper observation they can more successfully defend the border against an invasion than they could if you had a guard made up of these small units. Now, whether that is true or not, I do not know, and I do not pretend to know.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Texas.

Mr. HUDSPETH. There was, however, a difference of opinion relative to that by another official of this Government, at another time, was there not?

Mr. SISSON. I think there was a division of sentiment about it.

Mr. HUDSPETH. Now, I want to ask my friend a question. Does it not stand to reason that a body of troops stationed 100 or 150 miles from a post base can not properly protect that border when you can only get there on horseback, or put down a raid or protect the lives of the people living along that border if a party of Mexicans came across in order to make a raid?

Mr. SISSON. I do not know that it is the intention of the War Department to keep a force that far from the border.

Mr. HUDSPETH. But Fort Sam Houston is 150 miles from the border.

Mr. SISSON. I do not know about the distance of the post from the border. But the idea is you can guard a broader scope of territory if you have at the center of your arc, if you will permit that description, a sufficient force to enable them to get at the point of invasion quickly. I do not believe it is the intention of this Congress, or the intention of the War Department, or the intention of anybody, to guard that 3,000 miles as if we were actually at war, because I do not believe that half a million men could sufficiently guard the border so that a man could not possibly cross the border at all.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. SISSON. Yes.

Mr. MOORE of Virginia. I do not quite understand what my friend from Texas is specifically proposing. Does this bill give latitude to the War Department to protect the border sufficiently?

Mr. SISSON. I think so. Now, along the border they have small squads of men stationed in little posts, or whatever you want to call them. They are very unsatisfactory places for the men to stop in.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask for an additional five minutes.

The CHAIRMAN (Mr. MAPES). The gentleman from Mississippi asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Now, these men were scattered along in small squads. The War Department's idea, as I understand it, is to keep back 40 or 50 miles from the border with larger forces of men so as to have a sufficient force together to move to any point of invasion and thereby, as they say, strengthen these guards on the border.

Mr. MOORE of Virginia. What I would like to know is this: Does this bill force any definite policy upon the War Department in guarding the border?

Mr. SISSON. Not at all.

Mr. HUDSPETH. I call attention to General Harbord's testimony.

Mr. GARNER. Will the gentleman permit me to ask a question?

Mr. SISSON. I will.

Mr. GARNER. Congress has no power to force troops along the Rio Grande unless we pass a special law that they should be located on that border. You make an appropriation for so many troops, but it is in the discretion of the War Department whether they shall distribute them along the Rio Grande or put them in St. Louis or elsewhere.

Mr. SISSON. Absolutely.

Mr. GARNER. Congress is helpless, so far as locating the troops is concerned, at any place along the border.

Mr. SISSON. I agree with the gentleman that under the present law he is right about it.

Mr. GARNER. Congress could pass a bill, as I understand it, that would compel the maintenance of a certain number of troops along the Rio Grande, but there is no such statute.

Mr. SISSON. Yes.

Mr. GARNER. And as a result it is wholly within the discretion of the War Department as to where they will locate these troops.

Mr. SISSON. That is correct. We have no right to pass such legislation upon this bill. When the officials of the War Department come before us and ask for a certain amount of money necessary to patrol the border we give it to them, but we, of course, leave the question of how to dispose of the troops to the officers in charge.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. TINCHER. The controversy prevailing seems to be between my friend from Texas [Mr. HUDSPETH] and the views of the War Department. I wonder if there is not some misunderstanding about the question of safety. Of course, it will be easily seen and understood that if the troops are massed in larger numbers and kept 50 miles from the border, both the troops and the officers would be safer. But how about the 50 miles of border? [Laughter.] I think there was a misunderstanding as to the safety be when. [Laughter.]

Mr. SISSON. I think it is perhaps safer and they will get longer notice when they are 50 miles from the border than if they were spread along the actual border; but your committee has absolutely no power to control that matter.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. CRAGO. I do so for the purpose of asking the chairman of the subcommittee a question. Has the attention of the subcommittee been called to the fact that by a War Department order what was formerly known as Camp Benning, Ga., is now officially known as "Fort" Benning, Ga.?

Mr. ANTHONY. We have no official knowledge of that fact. The same language is contained in the Budget.

Mr. CRAGO. I know; but ought not some consideration be given to that before the bill is finally enacted into law in order to forestall some decision by a comptroller in holding up this entire appropriation?

Mr. ANTHONY. The committee has no official knowledge of a change of name.

Mr. CRAGO. I want to call the attention of the committee to the fact that there is a War Department order officially designating this school as "Fort Benning," and in the bill the post is designated as "Camp Benning."

Mr. MANN. The gentleman should remember that there is nothing fixed or settled by the War Department.

Mr. CRAGO. What I want to avoid is the danger of some technical comptroller holding up this appropriation.

Mr. ANTHONY. I think "Camp Benning" would indicate the location of the appropriation all right.

Mr. CRAGO. I would not like to risk it. All that I ask is that the chairman give some consideration to the matter before it is too late.

Mr. ANTHONY. If the gentleman desires, we will have the clerk of the committee ask the War Department what it desires in that connection.

Mr. CRAGO. I will appreciate it if the gentleman will do that.

Mr. GARNER. Mr. Chairman, speaking of the question of the patrol of the border, in the last 20 years that question of the patrol of the border has been very interesting to my people. There are nine posts in the district that I have the honor to represent in Texas. At one time, when Mr. Taft was Secretary of War, there were only two companies of troops along that stretch of 1,200 miles from El Paso to the mouth of the Rio Grande River, at Fort McIntosh. That was done on the ground that there was local objection to the presence of colored troops, and that if they did not want colored troops down there they could not have any troops at all, and they moved them away.

The fact is Congress has nothing to do with the control of those troops unless it undertakes the direction of maintaining certain classes of troops at certain posts, and Congress up to date has not assumed that responsibility.

Now, we need more troops along that border, in my opinion, and they ought to be Cavalry troops, and I think if the administration would exercise a little discretion and get out from under the influence of certain gentlemen they could move some of the troops from Wyoming—Cavalry troops—and distribute them along the border. That would be in accordance with the best judgment of the country. [Applause.]

I know whereof I speak, because I have been told by the best-informed men in the Cavalry branch of the Army that those troops at a certain post in Wyoming—a Cavalry regiment—has no business being there. They ought to be somewhere else. But you know, and the country knows, why they have remained there. They are influential men who have brought it about, men who are particularly influential in another body as well as this, and it is their influence, in my judgment, that causes those troops to remain at that post when they ought to be distributed along the Rio Grande or at some other point.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. ANTHONY. Does not the gentleman think it would be more advantageous to the Government to use the splendid big barrack buildings that are in this Wyoming post than go to the expense of maintaining the troops at these expensive border camps?

Mr. GARNER. Oh, Mr. Chairman, that is exactly what is the matter now.

Mr. ANTHONY. We already have the necessary barracks and quarters there.

Mr. GARNER. Oh, the purpose of maintaining an army is not simply that they should occupy the quarters which exist at some particular place.

Mr. ANTHONY. Does the gentleman know the Big Bend country?

Mr. GARNER. Yes.

Mr. ANTHONY. It has been one part of the border that has been most heavily patrolled in the last six years. It is only 150 or 200 miles across it.

Mr. HUDSPETH. It is not 300 miles.

Mr. ANTHONY. They have had from 12 to 15 posts there, and it was costing the Government more than a million dollars a month more to maintain those 12 or 15 posts than if those troops were concentrated in one post. General Harbord says he has cut out those scattered posts and is going to concentrate the troops along the border.

Mr. GARNER. So far as the invasion for war purposes of Texas is concerned from an enemy across the border, I admit that. We now have sufficient troops in striking distance to prevent it. However, if you are going to undertake to protect the border from every raid of two or three bandits who steal our cattle and kill our citizens, you are not doing it in the way it should be done. I think the War Department takes the position that so far as petty theft is concerned by two or three people coming across to steal horses or cattle, and, if necessary, to kill a Texan in order to accomplish the result, they are not going to be responsible for that kind of invasion; and I admit that if you consider such an invasion not a matter for the War Department to consider, then the War Department is looking at the matter in the proper way.

I think there is another reason why these troops are not kept along the border. The Army is human, the same as you and I, and Army officers and men would rather stay at Fort Sam Houston, San Antonio, than to stay at Fort Ringgold, many miles from the railroad. There is no doubt about that. If you give a young officer an assignment to one of those places, he is as mad as he can be and he will do everything he can to get away from it. I do not blame them, but I say if the War Department is undertaking to take care of that border, to protect the lives and property of the citizens of Texas, it ought to pursue a different method from the present one.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. GARNER. The district which I represent extends between 400 and 500 miles along the border. I have no complaint to make as to the troops along the border in that district, and I want to say to my colleague [Mr. HUDSPETH] that I had a letter from General Harbord yesterday in which he assured me that there was no intention to remove the troops in the district that I represent. I was very much gratified by that, because I had had a number of letters and petitions asking me to intervene and to suggest the retention of the troops at the posts which they are now occupying. As I say, General Harbord assured me that those troops would probably remain at their various posts where they are now situated, and especially at the one I referred to, Fort Ringgold, which is the most outlying post probably in my district.

Mr. McCLINTIC. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Oklahoma.

Mr. McCLINTIC. Does the State of Texas still maintain a force of rangers to protect the citizens along the border?

Mr. GARNER. Yes; we have four companies of rangers.

Mr. HUDSPETH. Fifty men.

Mr. GARNER. We have 50 rangers, or four companies, but they are not used so much along the border as they are in the interior of Texas. Wherever there is a condition existing where the sheriff is not entirely sure that he can maintain order he requests the adjutant general to send him two or three rangers, and they are sent into that territory.

Mr. DENISON. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Illinois.

Mr. DENISON. What condition arises, or might arise, in the interior to call for the presence of these rangers?

Mr. GARNER. The same as in most States, I presume. Sometimes in the trial of criminal cases there will be factions, and sometimes the sheriff might not be doing his full duty, and the district judge might conclude that it was better and safer to have an impartial officer there.

Mr. DENISON. Does the State of Texas have a National Guard?

Mr. GARNER. Yes; we have a pretty well organized National Guard. I wanted to make this statement merely in order that the House may understand, and in order that the committee may understand, that Congress has absolutely nothing to do with the location of the troops in this country unless it undertakes to determine the matter by legislative enactment, which it has never done. All we can do regarding that border is to place the matter before the War Department in the best way we can, trusting to them to take care of the people of Texas, and they have said repeatedly and I believe that it is their purpose to see that the people of Texas and their property are thoroughly taken care of.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. WRIGHT. Mr. Chairman, on page 39, line 23, I move to strike out the word "Camp" and insert the word "Fort."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 39, line 23, strike out the word "Camp" and insert in lieu thereof the word "Fort."

Mr. ANTHONY. Will the gentleman yield?

Mr. WRIGHT. I will.

Mr. ANTHONY. I want to tell the gentleman that at the request of the gentleman from Pennsylvania [Mr. CRAGO] the clerk of the committee just called up the War Department to ask its wishes in regard to the amendment the gentleman offers, and the reply came back that they would prefer to allow the present language to remain.

Mr. WRIGHT. Then I will withdraw my amendment.

The CHAIRMAN. Without objection the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

MILITARY POSTS, HAWAIIAN ISLANDS.

For a refrigerating plant at Schofield Barracks, Hawaiian Islands, including the necessary structures and equipment requisite for completing and placing the same in readiness for operation, $150,000.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: On page 40, after line 9, add the following paragraph:

"The appropriation of $600,000 made in the deficiency appropriation act for fiscal year ending June 30, 1921, which was approved June 16, 1921, for the installment of a pipe line to replace the present water main from Koolau Reservoir to Schofield Barracks, fiscal year 1922, is reappropriated and made available for fiscal year 1923: *Provided*, That the funds so appropriated may be expended for any modified or alternative supply system which the Secretary of War on further investigation may determine to be more economical and satisfactory."

Mr. ANTHONY. Mr. Chairman, the amendment just offered has come to the committee from the Bureau of the Budget in the form of a supplemental estimate within the last few days, after the bill had been printed and placed before the House. Briefly the situation is that a year ago we appropriated $600,000 to improve the water supply for Schofield Barracks, Hawaii. It seems that several years ago the water main which conducts the supply from its source to the barracks was laid with steel pipe, and that in the few intervening years the steel pipe rusted and gave way until there was grave danger of the water supply failing at any time. The mistake was that the pipe was steel instead of wrought iron, the latter being the material universally used. Now the War Department says that instead of replacing this pipe line it would like to have the authority to make other needed changes in the water-supply system. The water supply at the Schofield Barracks is growing less and the number of men there increasing each year, and they desire to make improvements to get water from additional sources. They want an appropriation not only to relay the pipes but to improve the water service, and the committee thought it would be proper to give them this sum.

Mr. WATSON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WATSON. What is the acreage of Schofield Barracks?

Mr. ANTHONY. I have not the exact figures, but if I recollect aright the reservation there comprises several thousand acres of ground.

Mr. WATSON. How many soldiers are stationed there?

Mr. ANTHONY. In the island of Oahu all told there are 11,000.

Mr. WATSON. Are there any native soldiers?

Mr. ANTHONY. Some Hawaiians are in the National Guard. They have several efficient units of the National Guard well organized. I think it numbers approximately 1,500 or 2,000.

Mr. WATSON. This $150,000 for a refrigerating plant—is that to build a new one?

Mr. ANTHONY. That is a new proposition. Schofield Barracks is located 12 or 15 miles from Honolulu, and they get their supply of ice for a large garrison of about 6,000 men by rail and by motor truck. A considerable portion of the ice is

lost in that hot climate during the transit. Then they claim that they have no proper refrigeration for food supplies, being dependent on Honolulu cold storage, and so we thought we would give them the appropriation referred to.

Mr. WATSON. What is the total appropriation for this military post in Hawaii?

Mr. ANTHONY. It is not subdivided in that way. The lump-sum appropriations for various items are divided among all the posts by the War Department.

Mr. WATSON. It must be considerable where you appropriate $900,000 in one lump.

Mr. ANTHONY. Yes; the committee gave it as its judgment that the cost of maintaining that part of the Army in Hawaii and in Panama is almost as much to-day as the entire cost of the Army was after the Spanish War.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

ROADS, WALKS, WHARVES, AND DRAINAGE.

For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of grounds at military posts and stations, $500,000: *Provided*, That none of the funds appropriated or made available under this act shall be used for the permanent construction of any roads, walks, or wharves connected with any of the National Army cantonments or National Guard camps.

Mr. STRONG of Kansas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 42, line 14, after the word "camps," strike out the semicolon and add "for the building and improvement of roads through Fort Riley (Kans.) Reservation to connect with the State highways reaching said reservation from the north, south, east, and west, $191,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, the purpose of this amendment is to build Government roads through the Fort Riley (Kans.) Reservation which will connect up with State roads already built by the county and surrounding territory to the reservation. The Fort Riley Reservation consists of about 20,000 acres in the midst of a very rich agricultural section. Along the southern portion is a main highway, called the Golden Belt Highway, that runs east and west through the State of Kansas and traverses this entire reservation. The reservation cuts off much agricultural territory to the north and east from its market at Junction City. The Government by its highway appropriations has encouraged the building of highways in the territory surrounding Fort Riley, and they have built good roads up to the reservation. Last year a brick road from Junction City was built to the west side of the reservation. Roads from the north have been completed down to the reservation and from the south, and east. The roads through the reservation, however, are practically worthless for transportation facilities. During the war the War Department built a road from Fort Riley to Camp Funston, but the heavy traffic destroyed the surface and now it is in such a condition that it will be entirely destroyed if it is not resurfaced. There is no road running south and north on the reservation.

I want to read a letter sent and signed by the different civic bodies at Junction City, Kans.:

SEPTEMBER 17, 1921.

Hon. JAMES G. STRONG,
Washington, D. C.

DEAR MR. STRONG: The undersigned organizations and officials wish to outline further the matter of improving the roads across the Fort Riley Military Reservation, which was discussed informally with you when you were here.

In the last few years this country has spent a large amount of money and has done a great deal of work toward improving its road system. Within the last year alone it has finished about 8 miles of hard-surfaced road. Its dirt roads are kept well graded and dragged, and it has been planned to hard-surface a new road each year.

The Fort Riley Military Reservation lies in the midst of a rich agricultural section, and on one side adjoins the city of Junction City. The trade territory of Junction City completely surrounds the reservation. Three heavily traveled cross-country highways traverse the reservation, as do several other roads of more local use. The roads on the reservation, except a few which are of military importance, are in miserable condition and in great contrast to those in the country surrounding.

The road marked "No. 3" on the accompanying map connects Junction City with the towns of Army City, Ogden, and Manhattan, and forms a connecting link in the great Golden Belt and Union Pacific Highways, both of which extend from Denver to Kansas City. The part of these highways off of the reservation is colored yellow on the map. During the past summer this section of road has been traveled by hundreds of tourists daily, besides an immense local traffic between the points mentioned above and Fort Riley and Camp Funston. The part of this highway from the west end of Geary County to the edge of the military reservation is paved with concrete or brick. From the Republican River bridge, at the entrance to the reservation, up to the hospital in Fort Riley it is paved with asphalt, and is in good condition. From the hospital northwest to the reservation line, a distance of over 4 miles, the road was paved with penetration macadam during the war. Since that time it has had no care, and is now full of holes. It can not be traveled with comfort at any speed, nor at a greater speed than 15 miles per hour without danger to springs and axles. It becomes worse daily. It needs immediate repair and constant maintenance work.

The road marked No. 2 on the map is part of the north and south highway from Canada to the Gulf. It more immediately connects Junction City and points south with Riley, Keats, and points north. It is used by a large farming community north of the reservation to reach Junction City, which is the natural trading point of the community. The part of the north and south highway not on the reservation is colored brown on the map. The part of this road in Geary County is about equally divided between an extremely well-kept natural road and a concrete or brick pavement. After entering the reservation across the Republican River bridge at the north boundary of Junction City, about 500 yards of the road is a very wretched macadam, on which nothing has been done for the last several years. For about 1½ miles farther on the road is bituminous macadam and is now in good condition. In the near future, however, it will need maintenance work to keep it so. The bituminous macadam road turns east around a bend in the Republican River toward Fort Riley. At this turn the north and south highway branches and after winding up a canyon through the bluffs goes in a northerly direction to the north end of the reservation. This part of the road is in extremely poor condition. No attempt has ever been made to pave it, and it has been many years since it has been graded. No action is taken on the part of anyone to drag it or keep it in good condition. No culverts are provided. It is crossed by many small ravines or draws which in rainy weather wash ruts and valleys without moderation. The road through the canyon is narrow and dangerous, and at a great many periods of the year it is impassable for any traffic and is generally in such condition that heavy loads can not be hauled over it. On the uplands the road is a shifting one. Whenever it becomes so badly worn in one place that traffic is impossible, travelers take to the side of the road and a new track is worn. There are about 4 miles of road in this condition.

The road marked No. 1 on the map is a link in a county road connecting the small towns of Milford and the surrounding country with Junction City. The part of the road in Geary County is a well-kept natural road. The part on the reservation is partly dirt and partly macadam, but the macadam was put down about 15 years ago and has had no attention paid to it since. The road would be better if nothing had ever been done to it. Traffic generally abandons the macadam and takes to the side of the road. All of this road on the reservation is extremely sandy and is full of large and small holes. A very large local traffic uses this road. Heavy loads can not be hauled across it by one team, except at the cost of very great exertion. The part on the reservation is 3 miles long.

The road marked No. 4 on the map connects Fort Riley with a county road leading to the eastern part of Geary County and traveled by the people living in about one-third of the whole county, only the west half of which is shown on the map. The part of the road from Fort Riley to the Kansas River bridge has recently been resurfaced with asphalt and is in excellent condition. The part east of the river is a mere track and can be used only in dry weather. In wet weather water stands from a few inches to a foot deep on a considerable part of it. The road is not generally now traveled by people from the east part of the county, except in dry weather, because there is a well-kept road going around the edge of the reservation. These people would prefer road No. 4 if it were kept in condition because it more immediately connects with the paved road from Fort Riley to Junction City. The part needing attention is only 1 mile long.

* * * * * * *

The main traveled county roads connecting with reservation roads are colored purple on the map. The roads herein mentioned as being on the reservation are all colored red.

Attempts have frequently been made in the past to have these roads improved. Commandant after commandant has recommended improvement to the War Department. The War Department investigates, not as to its necessity to the surrounding community but as to whether or not the improvement is a military necessity. Of course it is not. On finding that it is not a military necessity, but only for the general convenience of the civilian population surrounding the reservation, the War Department refuses to spend the money. They claim, and perhaps rightly, that their appropriations are only to be expended for work actually necessary from a military point of view. On the other hand, we see Congress appropriating millions and millions of dollars to aid the States in building and maintaining hard-surfaced roads. Our own county has availed itself of many thousands of dollars of these appropriations. In spite of this, the coordination of effort in the Federal Government is so loose that the roads on the Government's own property are worse than existed in the surrounding community 50 years ago. While encouraging the State to improve its roads it sets the example of doing nothing to improve its own.

The authorities of the State and county have absolutely no control over the reservation roads. Exclusive jurisdiction of the reservation was ceded to the Federal Government in 1880. Both the State and Federal Supreme Courts have held that this placed all legislative power in Congress. Even the money which the county spends on the upkeep of road No. 3 is expended illegally, and any taxpayer could prevent the work being done.

We earnestly urge that this matter is one which should not be left to the War Department to pass upon only as to its own needs, but that there is a duty which the Federal Government owes its citizens who live around the reservation to keep the arteries of communication in at least as good condition as those in the country surrounding. Better even than this would be for the Federal Government to set an example in the building and upkeep of roads. If this can be done through interdepartmental action, well and good. If an act of Congress is necessary, we urge you to introduce and push it.

Yours truly,

JUNCTION CITY CHAMBER OF COMMERCE,
By HARRY FISHER, *President*.
JUNCTION CITY MERCHANTS' ASSOCIATION,
By R. J. SCHULTZ, *President*.
JUNCTION CITY ROTARY CLUB,
By ARTHUR E. O'DONNELL, M. D., *President*.
JUNCTION CITY BOOSTERS' CLUB,
By C. W. HAMILTON, *Secretary*.
BOARD OF COUNTY COMMISSIONERS OF GEARY COUNTY, KANS.,
By H. L. HEINE, *Chairman*.
BOARD OF COMMISSIONERS OF THE CITY OF JUNCTION CITY, KANS.,
By JOHN T. MILLER, *Mayor*.

The proposition was taken up with the War Department in an effort to get them to procure an appropriation. An officer visiting Fort Riley two months ago made an inspection of the condition of the roads and recommended that the roads should be built, but suggested that the State should build the road. Under our constitution money can not be appropriated by the State for internal improvements. This condition was taken up by me with the War Department and I will read a letter from the Secretary of War explaining his position:

WAR DEPARTMENT,
Washington, February 15, 1922.

Hon. JAMES G. STRONG,
House of Representatives, Washington, D. C.

MY DEAR MR. STRONG: With reference to your conversation on the 15th instant with General Harbord, I find that there are no funds available at the disposition of the War Department for improvement of the roads through the Fort Riley Reservation, which are desired by the citizens in that neighborhood.

As I understand the matter, your improvement of roads in Kansas by the State is limited by your State constitution to the expenditure of funds on public roads which are raised by assessment or taxation on real estate to which the road is adjacent or near where the road is expected to run, constituting a benefit district, and that even with this State limitation to affect it when the road law shall ultimately be passed, as yet your legislature has failed to pass its road law.

Under these circumstances, if the case has been correctly stated to me, I see no reason why the National Government should not undertake to pay for such necessary roads through the reservation as connect up with important highways reaching the reservation from either side and the passage of which through the military reservation would not prejudice its military activities. I can not undertake to meet such expense, however, from any funds now at my disposition or that are included in the Budget for 1923, nor could I consent to any such an item for 1923 to the exclusion of any other item now appearing in those estimates.

If, under these circumstances, you desire to seek a separate appropriation for the construction of roads through the Fort Riley Reservation, designated as follows, the department will interpose no objection: The Golden Belt Highway, and the Beatrice, Nebr., Junction City line running north and south through the reservation.

Very sincerely yours,

JOHN W. WEEKS,
Secretary of War.

The civic bodies at Junction City, Kans., had the county engineers prepare an estimate of what these roads would cost, and I have a letter of February 18, 1922, addressed to me by Attorney Arthur S. Humphrey, inclosing such estimate, which I will read:

HUMPHREY & HUMPHREY,
Junction City, Kans., February 18, 1922.

Hon. JAMES G. STRONG,
Washington, D. C.

DEAR MR. STRONG: The county engineer has prepared an estimate of the cost of the reservation roads, which I inclose. He has figured this for 18-foot roads of bituminous macadam. This, of course, is much less expensive than concrete or brick.

Yours truly,

ARTHUR S. HUMPHREY.

Bituminous macadam roads on Fort Riley Reservation, 18-foot roads.

No. 1, 3¼ miles, at $16,000 per mile	$52,000
No. 2, 4 miles, at $18,000 per mile	72,000
No. 3, 4¼ miles, at $12,000 per mile	51,000
No. 4, 1 mile, at $16,000 per mile	16,000
Total	191,000

It seems to me that if the Federal Government has a reservation in the heart of an agricultural community, which has been encouraged by the Government to build roads up to the line of the reservation, that the Government should build the roads through its own territory to permit the people to pass through the reservation. I hope this amendment will be allowed to come to a vote and that it will receive favorable consideration.

Mr. STAFFORD. Mr. Chairman, I am sorry that I can not meet the expectation or the wishes of the gentleman from Kansas [Mr. STRONG]. I make the point of order that this is not authorized by existing law and is not germane. As I understand the proposal, it is for the construction of public roads through a military reservation—not only one public road, but three or four public roads. The gentleman from Kansas admitted that in his statement in justification of the appropriation. There is no authority in law anywhere for the construction of a public road or any road through this reservation. It is on a par with the case which has arisen many times in connection with the Indian appropriation bill, where it required special legislative enactment to authorize the construction of a highway through an Indian reservation. If this were in order, it would be in order for me to offer an amendment to provide for highway construction through the branch home at Milwaukee; it would be in order to authorize highway construction through the branch home at Dayton, or any of the reservations or posts throughout the country.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LITTLE. Do I understand that this Congress can not appropriate money to build a road through a military reservation?

Mr. STAFFORD. It can not authorize money to build a public highway.

Mr. LITTLE. Can it construct a road through a military reservation?

Mr. STAFFORD. This is for the construction of a public highway, as admitted by the gentleman from Kansas.

Mr. LITTLE. But I am going to rename it; I am going to call it a military road. Can we build one through a reservation?

Mr. STAFFORD. Oh, yes; you can build a road through a military reservation for military purposes, but not for highway purposes.

Mr. LITTLE. What is going to be the difference? I am asking for information. The gentleman is familiar with the laws governing this. What is the difference between one road and another? They will be exactly alike, will they not?

Mr. STAFFORD. Oh, no. For instance, through an Indian reservation for the uses of the Indians themselves one character of road might be sufficient. For the purposes of a military reservation one character of road might be sufficient. Here it is proposed to build three or four roads, not for the restricted benefit of the reservation, but for the benefit of the outside public. Futhermore, it is not germane. This appropriation provides for the construction and repair under the control of the quartermaster of these roads. That leaves it in his discretion to dispense the money appropriated for the construction of roads.

This amendment invades that discretion which he now has by directing him to build a road which had not been heretofore authorized. If this amendment is in order, an amendment would be in order for the construction of buildings, to erect a building on any of these reservations for the benefit of the public, even though it may have incidental benefit to the members of the post. There is no direct authorization for the construction. It invades the discretion now vested in the department in the construction of roads, and because it invades that discretion it is violative of the rules. It is legislation and should not be carried on an appropriation bill.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McKENZIE. Is it not true that, so far as the War Department is concerned, it has no jurisdiction over the construction of roads, except within military reservations, and then only for military purposes?

Mr. STAFFORD. The gentleman from Illinois, who has had long experience on the Committee on Military Affairs, points out the limitation of the War Department in respect to the construction of roads, that they must be within miliary reservations and for military purposes.

Mr. LITTLE. Mr. Chairman, if the gentleman from Wisconsin is correct in his interpretation of the law, you could not ever build any road across a military reservation. Any road that you build across one would surely be a public road for individuals to travel across, and anybody could drive across there. Every single, solitary road that is built across a military reservation would be impossible, if his argument is sound, because it would be "a public road." It is true that the gentleman from Kansas [Mr. STRONG] spoke of it as a public road for public benefit. I am quite familiar with this reservation. Every road that has been there has always been used by the public. It is true that they are not very good, but it is also true that they ought to be. There is no reason in the world why this Congress should not arrange for a reasonable appropriation to make decent roads in that reservation. Its roads are discreditable to the Government. It will be just as much accommodation to the military people as to anyone else. There is nothing in this argument, because, if the gentleman is correct, all one has to do is to have some Congressman get up and in a debate say that it will be a public road, traveled by the public, and the gentleman from Wisconsin will then rule it out. This is a sensible, reasonable proposition of Mr. STRONG's. As far as the expression "public road" is concerned, that certainly can not have any weight with reasonable men. It is just an expression. All he charges is that the gentleman from Kansas happened to speak of it as such. I can watch these debates and all that is necessary is that I should get up and say that this is going to be a public road, and out it would go, if the gentleman from Wisconsin is right.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. RAMSEYER. This paragraph to which the amendment is offered is for the construction and repair of roads under the Quartermaster Corps. Does the Quartermaster Corps control this road in this particular reservation?

Mr. LITTLE. Yes. It will be used more by the Army than anyone else in the world.

Mr. RAMSEYER. Then it is germane to this particular paragraph.

Mr. LITTLE. Yes; certainly.

Mr. STAFFORD. It is within the province of the gentleman from Kansas, the mover of the amendment, to offer an amendment to increase the amount so as to leave it within the discretion of the quartermaster in the disbursement of that fund, but he can not specially authorize the construction of a road which has not been heretofore authorized by legislation.

Mr. STRONG of Kansas. But there is no specific authority for any of these roads. The gentleman admits the Congress has the power to build roads in this reservation.

Mr. LITTLE. What is the difference between one road and another? A little difference in width or material. That will be left to the quartermaster. He is not going to tell us that we can not make this appropriation because it is called a public road. It is absurd. This military road will be used by the public who drive through the reservation. So will every military road everywhere. But this does not prevent the existence of miles and miles of them and should not prevent this.

Mr. STRONG of Kansas. Mr. Chairman, I referred to these roads as public roads because the public uses them, but they are necessary to the use of the reservation and are a military necessity. The Fort Riley Reservation would be in a very peculiar predicament if the public had not built roads to it. Of course the fort would not be of much value if they had not roads to the reservation and within it, and one of those roads crossing the reservation from west to east, running from Fort Riley to Camp Funston, is a military road built of macadam during the war. I said very plainly in my remarks on the amendment that the surface of this road had been destroyed, and unless repaired the foundation of the road would be entirely destroyed. It is for the repair of this and other roads on the reservation that the appropriation is asked. The War Department itself will say that in the operation and conduct of its fort that these roads are a necessity. Now, as to the matter of its being germane, you will notice under this section, entitled "Roads, walks, wharves, and drainage," there is a provision placed in it by the committee which reads as follows:

Provided, That none of the funds appropriated or made available under this act shall be used for the permanent construction of any road, walk, or wharves connected with any of the National Army cantonments or National Guard camps.

If the committee did not think they had given the right under this section to construct roads and walks to the different camps, why did they put in the proviso? It seems to me the very fact they did put in the proviso shows that under this section the building of roads was authorized. Therefore this amendment is germane.

The CHAIRMAN. The Chair is prepared to rule. In the opinion of the Chair this amendment must be justified, if it is to be justified at all, as an appropriation for the continuing of an existing public work already in progress. The Chair hardly thinks that the proposition of building a new road across a military reservation to connect with outside highways to approach, as the amendment says, from the north, south, east, and west, would be construed to be a continuation of a public work already in progress. The Chair feels compelled to sustain the point of order.

Mr. STRONG of Kansas. Mr. Chairman, I would like to offer another amendment in regard to the appropriation; in line 10, add to the sum of $300,000 the sum of $191,000.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 42, line 10, strike out "$300,000" and insert in lieu thereof "$491,000."

Mr. STRONG of Kansas. Mr. Chairman, the Secretary of War, having given his approval to the building of these roads in the letter I have placed in the RECORD, practically says they are necessary, and having explained to the committee that this reservation is in the heart of a rich agricultural section in which the people have built roads at enormous expense up to the reservation on the north, south, east, and west—it does seem to me that this Government ought to build roads through this reservation both for its own use and for the use of people who have built roads up to it. I hope that this amendment may prevail. The Secretary of War will build the roads if he can get the money for the purpose, because he knows it is just to do so.

Mr. STAFFORD. Mr. Chairman, just a word. If we would launch into the policy suggested by the gentleman from Kansas [Mr. STRONG], of building highways as may be needed to connect with highways outside of reservations, it would require much more than the $191,000 proposed in the amendment, or $691,000 in all, but would run into the millions of dollars. It has not been and should not be the policy of the Government at this time, when the committee is doing everything in its power to conserve the revenues of the Government, to authorize or even to increase the amount of appropriations beyond that which is necessary. Six hundred and ninety thousand dollars is a very large amount to be appropriated for this purpose. It is not necessary. If we would improve public highways in all the reservations carried in this bill on the scale proposed by the gentleman's amendment, it would run up to three or four or possibly ten or twenty million dollars. We are not attempting to single out any one project for special consideration, and I do not think the committee wishes to introduce that policy.

Mr. SISSON. Mr. Chairman, I have just one word to say. I do not know whether, as a military proposition, this is needed or not. There is no disposition to prevent the increase of the appropriation if it is needed for military purposes, but there has been no hearing, no estimate for this amount; the War Department evidently saw no pressing necessity for it. Your committee has not had an opportunity for any hearing, no record of any kind except an ex parte statement about it, and I think it would be a very unfortunate precedent to set, and would be a very bad method of appropriating $191,000, without some evidence or some record to support it other than the statement of a Member on the floor.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. SISSON. I will.

Mr. STRONG of Kansas. I put in the RECORD the letter of the Secretary of War showing he had made an investigation of it and that these roads ought to be built.

Mr. SISSON. I do not want an ex parte statement about the matter; I would rather have a hearing on it. Now, if you are going to appropriate money in this way, every gentleman who goes and gets a letter from a Cabinet officer stating that a certain amount of money is needed and brings that letter here—then if we deal with all of them alike, and as the gentleman wants to be dealt with here, then every one of us would be entitled to an appropriation if we can get one Cabinet officer to say that we need it.

Mr. STRONG of Kansas. Is not this the forum where you present your case if you have a just one?

Mr. SISSON. Absolutely; but it is a case that must be presented so that every man can vote upon it intelligently.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The sum of $50,000 of the appropriation available for the fiscal year 1923 for the "Disposition of remains of officers, soldiers, and civilian employees," may be expended for personal services in the Cemeterial Division, office of the Quartermaster General, for compiling, recording, preparing, and transmitting data incident to bringing home and disposition of remains from abroad: *Provided*, That no person shall be employed under this allotment at a rate of compensation exceeding $1,800 per annum except one person at $2,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Kansas a question. Do the employees that are listed at the top of the page get commutation of quarters?

Mr. ANTHONY. The civilian employees do not.

The Clerk read as follows:

AIR SERVICE, ARMY.

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Service activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including patents and other rights thereto, and plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airships, balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the purchase, manufacture, and issue of special clothing,

wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings and other facilities for the handling or storage of such equipment; for the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, including necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Service; for printing and binding, including supplies, equipment, and repairs for such Air Service printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, $12,421,000: *Provided*, That not to exceed $2,750,000 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding $400,000 may be expended for experimentation, conservation, and production of helium; not exceeding $3,250,000 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; not exceeding $450,000 may be expended for the production of lighter-than-air equipment; and not exceeding $324,000 may be expended for improvement of stations, hangars, and gas plants for the Regular Army: *Provided further*, That not less than $2,058,000 shall be expended for the production and purchase of new airplanes and their equipment, spare parts, and accessories: *Provided further*, That claims not exceeding $250 in amount for damages to persons and private property resulting from the operation of aircraft at home and abroad may be settled out of the funds appropriated hereunder when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Service and the Secretary of War: *Provided further*, That claims so settled and paid from the sum hereby appropriated shall not exceed in the aggregate the sum of $4,000: *Provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Mr. GREEN of Iowa. Mr. Chairman, on page 50, line 17, down to line 19, I move to strike out the words:

For the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Iowa: Page 50, line 17, after the word "plants," strike out the following language:

"For the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas."

Mr. GREEN of Iowa. Mr. Chairman, it may seem somewhat surprising that I make this motion, when I state that Major Thornell, who was in command of the ill-fated airship *Roma*, was the son of a very old and dear friend of mine, a colleague on the bench for 16 years. No one save a near relative could more regret the tragic death of Major Thornell than myself. He was a young officer of exceedingly great promise, and his death is an unquestionable loss to the Air Service.

Mr. Chairman, when the *Roma* went down, as usual we heard a chorus from the papers all over the country that this disaster was the fault of Congress for not having appropriated more money for helium gas. Outside of the question of whether we may with propriety continue further the experiments with helium, I want to say that we have already expended $8,000,000 trying to get helium. Whether we had enough to have filled that particular airship or not, I do not know. Probably the chairman of the committee could advise us in reference to that. But if we did not have enough to have filled that ship, we better not expend any more money on helium. If we had enough, it certainly was not the fault of Congress that the ship was destroyed. And I might say incidentally that I do not think the accident was due primarily to the kind of gas with which this great dirigible was filled. But in any event, before these appropriations go through, I want to call the attention of the committee to the fact that so far as I am aware all of the countries that are principally interested in aviation at this time for military purposes have discarded the giant airships. England has gone out of the production of them entirely; has refused to build any more, and sold us, or attempted to sell us, one great "white elephant" it had on its hands, which subsequently met with disaster.

Mr. ANTHONY. I want to also remind the gentleman that in this morning's Washington Post is an advertisement for the sale of British airships of the R type.

Mr. GREENE of Iowa. I am obliged to my friend for the information. I had not noticed it.

I do know, however, from the repeated statements in the English papers and the elaborate discussion that has been going on that they had concluded not to build any more of them and they had concluded they were of no value in warfare. It may be said the reason they had come to that conclusion is because helium is not at present available on the Continent or in England, but I do not think this is the reason, as it can be obtained in Canada and probably in any part of Europe where there are gas wells. I only know, of course, as other Members know, that these big balloons have been filled with hydrogen gas. And I want to say in that connection that hydrogen gas has considerably more lifting power than helium. The percentage of lifting power of helium as compared with hydrogen gas is about 92 per cent. And I doubt very much if the *Roma* would have worked properly if filled with helium gas. But at all events the disposition to pass the responsibility of that disaster upon Congress is one that seems to affect the whole country now, and when anything goes wrong it is laid to Congress.

The Italian Government also wants to get rid of its other ships of this type. The French Government has never approved building any of these monsters. The long and the short of it is that the best aviation authorities of the world are opposed to expending any more money in this line for military purposes. The reason for this is plain. It was well demonstrated during the last war that these big balloons were readily attacked by airplanes and easily destroyed. Of course, it will be said that they were easily destroyed on account of the material with which they were filled.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. But the fact is that there were other reasons. The airplanes are so much speedier, they rise so much more rapidly, they work so much more handily, that they take any position they wish with reference to these big dirigible balloons, preferably one above them, where they can not be attacked by those on the dirigible and where they can let down bombs on them or play upon them with whatever artillery they carry. And all of you know that the airplanes are now built large enough to carry very formidable pieces of artillery. Of course, the balloons would be more easily destroyed when filled with hydrogen gas than when filled with helium. But I undertake to say that the conclusion of the best authorities is that they are so easily attacked and destroyed by the more active airplanes that they are of no further use and of no further military value. I hope we will not spend any more money in this direction.

I confess I have had but little expectation that my amendment would be adopted, inasmuch as I have tried similar amendments many times. While my predictions have been eventually realized, my arguments fell upon indifferent ears so far as the majority of the House is concerned. But I want to put myself on record so that I shall not be held responsible for wasting money on helium when at a future day it is finally concluded, as I am satisfied it will be, that these monster airships are useless for military or naval purposes.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKENZIE. Does not the gentleman from Iowa think it might be practicable to put up one of these large dirigibles and have it surrounded with a squadron of flying machines to protect it, and in that way get some real service out of it? [Laughter.]

Mr. GREEN of Iowa. If the gentleman believes in building a dirigible in order to build more airplanes to protect the dirigible, perhaps that might be a good theory upon which to proceed with the building of dirigibles.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GREENE of Vermont. Of course, the gentleman does not mean to include in his strictures the ordinary sausage balloon, intended for making observations?

Mr. GREEN of Iowa. I was not speaking of them.

Mr. GREENE of Vermont. That, of course, is an anchorage balloon for plotting and observation purposes, and it does not involve the risk which these giant airships of other types involve. There might be more support given to the gentleman's amendment if it is understood that the purpose is not to discontinue the use of these lesser balloons.

Mr. GREEN of Iowa. A punctured balloon will fall whether filled with hydrogen or helium.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. LANHAM. Mr. Chairman and gentlemen, I had expected to remain silent with reference to this appropriation by reason of the fact that I thought that, due to the conclusive evidence

which has been afforded, we had come to the deliberate judgment that it behooves us to conserve and extract this great national asset of helium gas. Regardless of whether or not there has been criticism of the Congress for its expenditures in this regard, I think surely, in the light of recent developments, Congress may be criticized if it now fails to take advantage of the opportunity which has been brought with such force to its attention.

I do not think that the gentleman from Iowa [Mr. GREEN] could pass a better eulogy upon his friend, or give a better tribute to his heroic service, than by trying to make it impossible for American boys living to-day to meet a similar fate. It must have been his inaccurate information with reference to the subject that prompted the gentleman's remarks. He says he does not know whether or not we have enough helium to fill an airship as large as the *Roma*. The *Roma* had a capacity of 1,200,000 cubic feet. We have in this country to-day 2,400,000 cubic feet of helium, which has been extracted from the natural gas in Texas. The gentleman says that the *Roma* accident primarily might have resulted even if the dirigible had been filled with helium. It might have happened primarily, for it seems to have been the fault of the steering device, or the rudders or elevators, or something of that kind. But one thing is recognized by the experts who have made an investigation of that awful catastrophe, and that is that if the *Roma* had been filled with helium gas instead of with hydrogen there would have been no explosion, and consequently there would not have been the great loss of life which resulted in consequence of the explosion.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. GREEN of Iowa. If we had not bought a perfectly useless balloon, then it would not have happened.

Mr. LANHAM. Then you are talking about the structural features of the *Roma* and not about the gas with which it was filled?

Mr. GREEN of Iowa. No. I am talking about that class of balloons.

Mr. LANHAM. The gentleman is going contrary to the conclusion of all the experts in that field of investigation, who tell us that for long-distance work there is no machine of the air that is comparable to lighter-than-air craft; and I want to say that I believe that much of this opposition to this project arises from the fact that we have in this country a practical monopoly of the helium sources of supply in all the world. The other countries, realizing the safety in the use of helium and that it absolutely obviates the likelihood of explosion, may not want us to go ahead and develop this God-given resource that we have found here in abundance in our own land. It is time for us to begin to take notice.

You say such airships are not worth while. I want to call the gentleman's attention to the fact that Captain Lucas, who brought the *R-34* across the Atlantic from England and took it back, made the statement that if the Allies had had during the war two ships of that size filled with helium they could have gone over and put the German Navy out of commission any day they pleased and could have accomplished what they wished at the Dardanelles.

Mr. GREEN of Iowa. The Germans had some ten or a dozen which were equal, if not superior, to that airship, and yet with them they did not destroy an army or sink a navy or do any considerable damage.

Mr. LANHAM. They did not have helium. But, as the gentleman will remember, they did bomb London time and time again, and inflicted considerable loss of life, despite the fact that they had to use hydrogen. And despite that fact also they were preparing to bomb New York City.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LANHAM. So they recognized the practicability and value of lighter-than-air craft, even with the use of hydrogen. In this country we have a practical monopoly of this helium gas, with 92 per cent of the lifting power of hydrogen.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. CROWTHER. The gentleman from Texas said there was enough helium in the United States to perhaps have more than filled the *Roma*.

Mr. LANHAM. That is true.

Mr. CROWTHER. A good deal is said in the newspapers about the responsibility for that accident to the *Roma*. Whose fault was it that we did not have helium in it if we had enough to supply it?

Mr. LANHAM. I am not going into the question of whose fault it was for not having helium in the *Roma*. I am concerned in having enough helium in this country, so that there will be no further cause for accidents of that kind with the frightful loss of life. The amount that we are spending in war-risk insurance alone to those who sacrificed their lives in the ill-fated *Roma* is almost equal to the amount which this bill appropriates for the acquisition of sources and the extraction and production of helium.

Mr. CROWTHER. I am in sympathy with the gentleman's purpose.

Mr. LANHAM. I thank the gentleman.

Mr. CROWTHER. I have read the statement, but what is the use of keeping this helium in tanks down there?

Mr. LANHAM. If the gentleman is advised with reference to the situation, of course he knows that this helium project is a new one and that there had not been a flight in a helium-filled dirigible until the *C-7* recently made its trip from Hampton Roads to Washington and return. In that flight it was discovered that, in addition to its invulnerability from attack, in addition to the absence of explosive features, a helium-filled dirigible behaves better in the air from the standpoint of mechanical operation than one filled with hydrogen.

Mr. CROWTHER. Why should we keep the helium down there stored up in tanks? Why do we not use it?

Mr. LANHAM. It is contemplated to use it. Probably the *Roma* was not filled with it because they did not want to put all their eggs in one basket; but I do not undertake to say. The gentleman will have to make that inquiry of those in charge of that work.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LANHAM. Certainly.

Mr. BANKHEAD. With reference to the trip of the *C-7* from Hampton Roads to Washington, were there any actual experiments to determine whether or not inflammable bullets would set off that gas? Were there any practical experiments to show its invulnerability to attacks of that sort?

Mr. LANHAM. Of course, they did not shoot into the balloon, because they had already determined in their laboratory experiments with helium that it was inert, noncombustible, and noninflammable; but when that machine landed over here in Anacostia a party of us gathered around it smoking to our hearts' content and the pilot of the ship sat in the cockpit smoking his pipe. Now, 100 yards, I understand, is the minimum distance they will allow you to approach a hydrogen-filled dirigible with fire. Yet there we sat smoking in perfect safety all about this machine. That feature of it has been demonstrated beyond any question.

Mr. BANKHEAD. I am in thorough sympathy with the gentleman's argument and what he is seeking to accomplish; but as a matter of curiosity I wanted to know whether there had been any actual experiments to demonstrate beyond mere theory that this helium gas is as safe as it is assumed to be.

Mr. LANHAM. I will say to the gentleman that there have been experiments with very small balloons, which have determined that helium is noncombustible and noninflammable.

Mr. CAMPBELL of Kansas. The gentleman knows a great deal more about helium than anybody else whom I have heard talk about it here on the floor. I have been trying to find out for some time about the helium that is in Dexter, Kans. A number of years ago a company bored for gas there. They found an unusually strong well, an abundant supply of gas. All the people plumbed their houses to burn the gas for fuel. The streets were laid with gas mains, plumbers established themselves in the town, everybody got a gas stove, and then they turned on the gas, when they found that it would not burn at all, and it never has burned. As I say, the flow of gas was unusually large. I wish to ask if that is helium, or how much of it is helium?

Mr. LANHAM. Not all of the noncombustible character of that gas is due to helium, because, of course, there are a great many other noncombustible elements of gas. For instance, the gas from which we are now extracting helium contains less than 1 per cent of helium. However, that gas in Kansas has shown a very high content of helium.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LANHAM. The field in Kansas is thought to be one of the chief sources of the supply of helium.

Mr. HULL. Will the gentleman yield?

Mr. LANHAM. Certainly.

Mr. HULL. What did it cost the Government for the 2,000,000 cubic feet of helium that we have at the present time?

Mr. LANHAM. I am very glad the gentleman asked that question, and I am glad to answer it. On the 14th of this month I made some remarks in this Chamber on that subject, showing that in our three experimental plants, and in the establishment of a permanent plant, in a contract for conservation, and in the building of a pipe line after the feasibility of the project had been determined, we had expended almost $8,000,000. That was before we began the extraction of helium, except the small amount that was extracted in the experimental plants. Since we have begun the extraction of helium we have devoted to that purpose $500,000, and for that $500,000 we have obtained about 2,000,000 cubic feet of helium. From the standpoint of successful operation those figures are most gratifying, especially when we take into consideration the fact that this is an element heretofore almost unknown, and that only a few cubic feet of it had been extracted in all the world before the war began, and that at the prohibitive cost of from $1,700 to $2,000 per cubic foot.

Mr. EVANS. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. EVANS. Does the gentleman include in the $500,000 the plant or process by which the helium is extracted, or is that included in the millions that the gentleman mentioned just a moment ago?

Mr. LANHAM. The nearly $8,000,000 were expended to build the three original experimental plants and to build the permanent plant and to build the pipe line. Then, since we began the operation, we have appropriated for that purpose $500,000, and for the small amount that has been devoted to the extraction of helium the results have certainly been most gratifying.

Mr. OLIVER. I understand the gentleman to say that with the money expended we are now prepared to extract the helium for a comparatively small future expense.

Mr. LANHAM. Yes.

Mr. OLIVER. In reference to the statement of the gentleman from Iowa [Mr. GREEN], is there any doubt in the minds of naval or Army experts who have given study to this subject as to the military value of the lighter than air machine, especially when filled with helium gas?

Mr. LANHAM. There certainly is not, and I thank the gentleman for his contribution. On the other hand, they are unanimous in proclaiming the great usefulness of the lighter than air craft when this wonderful asset of helium—this inert, noncombustible, and noninflammable gas—is available.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. GREEN of Iowa. Of course, the gentleman is correct in stating that helium gas is not inflammable.

Mr. LANHAM. That is true.

Mr. GREEN of Iowa. Consequently it can not be set on fire by an explosive bomb. But does the gentleman doubt that the machines would be destroyed, whether they were filled with inflammable or noninflammable gas?

Mr. LANHAM. I will say that I doubt that seriously in the case of large machines. They may be constructed in compartments. The gentleman says that helium has only 92 per cent of the lifting power of hydrogen. That is more than nine-tenths, and in the little navy blimp *C-7* they brought a crew of four or five from Hampton Roads up here and back. The carrying capacity of large dirigibles is between 70 and 80 tons. When you figure that in war an airship filled with noninflammable gas can carry 70 or 80 tons, go as high or as low as desired, and hover, if necessary, I do not think it is going to be subject to such terrible attacks from airplanes.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 52, line 9, after the word "exceeding," strike out "$3,250,000" and insert "$4,200,000."

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, there is no scientific subject which has been of more interest to me since the invention of the airplane than the one under present discussion. I have given to it more study and attention than to any other scientific matter in the last few years. But I shall not ask the committee to place any weight on what I say on my own authority, for with all the care that I have given and the preparations I have made I have nothing but a superficial knowledge. I have in what I am about to say been guided by the subcommittee which has prepared this bill, because they have been kind enough to inform me of the views they have taken, and I have had their help in the testimony of the witnesses which is before the House in the printed hearings.

I want to invite the committee's attention first to page 808 of the hearings, in which General Patrick states, in answer to Mr. SISSON, that "Major Bane is the most expert engineer which we have." Now, in view of that statement, I wish to read a letter which Major Bane has prepared upon the subject connected with this appropriation. It has been suggested that there has been too much experimentation on different sorts of engines. That question was not asked anywhere in the hearing. I can readily see, however, how the committee might have received that impression. So I wrote a letter to Major Bane to prepare a statement as to all the engines they were experimenting upon and whether they were necessary.

The letter is as follows:

WAR DEPARTMENT,
AIR SERVICE, ENGINEERING DIVISION,
McCook Field, Dayton, Ohio, March 18, 1922.

MY DEAR MR. FITZGERALD: Referring to your inquiry of March 17, I regret that the Appropriations Committee gathered the impression that the Air Service is developing too many aircraft engines. The facts are, we are limiting our development to the bare necessities of the service. Of course, different engines are required for different purposes, and the science of engine design is advancing rapidly, and we must keep abreast. We require the following types of engines for the purposes indicated:

1. Training of fliers: Reliable durable engines of 150 to 200 horsepower.

2. Light pursuit for alert work: Radial air-cooled and small V engines, water cooled, of 200 to 240 horsepower.

3. Heavy pursuit: Light, high performance, compact engines of 300 to 400 horsepower.

4. Corps observation and various other two-seated airplanes: Reliable, durable, smooth-running economic engines of 400 to 550 horsepower.

5. Heavy bombardment and heavy ground attack: Reliable, durable, long-lived, economical engines from 600 to 1,000 horsepower; the higher the horsepower the heavier the load of bombs and armor plate that can be carried.

To fill the above requirements we have already developed the following engines for each class of work:

1. Training:

(a) The Wright 180 horsepower, model B-2, V-type, water-cooled engine.

(b) The Lawrence radial air-cooled 180 horsepower, model J-1.

2. Light pursuit: The above training engines are used with minor modifications to increase volumetric efficiency, which modifications can be made in field.

3. Heavy pursuit:

(a) The Wright 300 horsepower V-type, 8-cylinder, water-cooled, model H-3, engine.

(b) Packard, 500 horsepower, V-type, 12-cylinder, water-cooled, model 1237, engine.

4. Corps observation:

(a) Liberty, 400 horsepower, 12-cylinder, V-type, water-cooled, model 1921, engine.

(b) Packard, 550 horsepower, 12-cylinder, V-type, water-cooled, model 2025, engine.

5. Heavy bombardment: McCook Field, 700 horsepower, 18-cylinder, W-type, water-cooled engine.

In order to keep the United States abreast of the rapidly advancing science of aircraft engine design the development of the following engines has been started and must by all means be pushed to prompt completion if this country is not to lag in this field, which basically controls aircraft performance:

1. Pursuit:

(a) Curtiss, 375 horsepower, 12-cylinder, V-type, water-cooled engine; the most compact water-cooled pursuit engine of this power yet conceived.

(b) No satisfactory air-cooled high-powered engine is yet in existence, notwithstanding the extravagant claims of foreign designers. The Wright 350 horsepower, radial air-cooled, model R-1, engine is under development and shows great promise.

2. Heavy bombardment: McCook Field, 1,000 horsepower, 18-cylinder, water-cooled engine.

It should be noted that all the above engines are designed along fairly conventional lines. The Air Service, however, can not overlook the possibilities of suggestions made by commercial concerns which depart from standard practice and which appear to have promise; such a suggestion is the Almen, barrel-type, 375 horsepower pursuit engine. This engine is a distinct departure from conventional practice, being composed of a barrel-shaped engine with nine cylinders on each end horizontally placed. This engine offers possibilities in improving airplane performance due to its compactness, light weight per horsepower, small frontal area, and freedom from vibration.

There is a possibility that air-cooled engines will ultimately replace water-cooled engines for aircraft. We are therefore paralleling the development of water-cooled engines, the science of which is fairly well established, with the development of similar air-cooled engines where possible. This situation might account for the fact that the Appropriations Committee thought that we, perhaps, were developing too many types.

In addition to the above engine development we are vigorously pushing the development of superchargers to enable us to reach much higher altitudes with our airplanes.

Trusting that the above data may assist in making the situation clear to you, I am,

Respectfully,

THURMAN H. BANE,
Major, Air Service, Chief Engineering Division.

To Hon. ROY G. FITZGERALD,
117 Forest Avenue, Dayton, Ohio.

Now, I want to call the committee's attention to page 840 of the record, where General Patrick, in answer to an interrogatory by the gentleman from Kansas, said:

> Airplanes are not in the slightest degree standardized or stabilized. It is in a state of flux all the time and new things are being constantly developed. We have some brand-new things at Dayton that we are developing now. If the Air Service, either military or civilian, is to advance at all, there must be for years to come continued experimentation and research.

Now, on page 898 of the hearings General Patrick makes this statement:

> General PATRICK. From the best information we have from abroad, sir, foreign nations are carrying on far more experimental work than we are along all sorts of lines, and they are subsidizing very heavily the aircraft operators. The French, for example, pay so much for each plane that a company purchases in order to enable it to carry on its aerial commercial ventures. The English have set aside some £600,000 to be expended during the next two or three years to encourage aviation, and the Belgians have done the same thing.

Subsidies are un-American, we are told, and yet we must compete against these policies for our commercial success and our national defense.

I want to direct attention to the fact that one of the two Wright brothers is still living. He has not a dollar's interest in the production of any type of aircraft, but is devoting his life to research work. I called upon him last Saturday after talking with the subcommittee, and he handed me this letter.

Mr. Chairman, I would like to say here that Mr. Orville Wright is one of the two boys who invented the airplane, whose efforts were ridiculed, who would not be believed. The Government of the United States ignored their work. Their work was taken over by the Government in France. I went to see the great monument erected to their memory at Le Mans, in France, during the war. We came into the war without any kind of aircraft, and this Congress in feverish haste appropriated over a billion dollars to put airplanes on the front in France. In all the time of the war, with all of our money, with all of our ingenuity, we could not put a single fighting plane on the European front. I want now to read this letter from Orville Wright:

DAYTON, OHIO, *March 18, 1922.*

Hon. R. G. FITZGERALD,
House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: Yankee ingenuity has done great things for America, and in time of war it has produced the ironclad *Monitor*, the Gatling gun, and other useful weapons. But more than Yankee ingenuity is required in the development of aircraft.

Military aircraft development can come only with long, hard, patient, scientific research. Only that machine will be useful which has been designed from the latest and most accurate scientific knowledge and has then been tested thoroughly before being put into process of manufacture. No part of an air program is so important as this.

McCook Field is now doing this work, and it is doing it well and efficiently. A curtailment of the work through a reduction of its appropriation would be most unfortunate. The appropriation now is not large enough. Economy in this case really is extravagance.

Very truly yours,

ORVILLE WRIGHT.

In connection with that I call the attention of the committee to the fact that the Director of the Budget, who has never been accused of any particular liberality, approved an appropriation of $4,200,000 for this work. The committee in its wisdom has reduced this amount by $950,000. I have no criticism to make of the committee, because they have uniformly cut everywhere that there seemed to be a possibility of saving of money. If this country can learn anything by experience, which is the best teacher, and some say that fools can learn only by experience, then we have to judge of the future by the past, and if the one thing that looms up on the horizon as revolutionary in transportation is to be ignored in this country, although it is going ahead by leaps and bounds across the seas, if nations across the seas who can not afford to pay even the interest on the money they owe us can see the advantage of profiting by their experience in getting superiority over us both commercially and in a military way and are experimenting in research work on aircraft, then it seems to me that this Congress might consider it possible to review the action of the committee, and that the committee might join me in requesting that that be done. [Applause.]

Gen. William Mitchell, our only flying general, has just returned from investigations in Europe. He has wired me as follows:

MILWAUKEE, WIS., *March 22, 1922.*

Congressman FITZGERALD,
House of Representatives, Washington, D. C.:

Replying to your telegram, any curtailment of our aviation research will be a great blow to our development and our position in aeronautics compared to other powers. All our technical aeronautical progress in America centers in our engineering division. Aeronautics is now the first line of defense of every country and its greatest prospective means of rapid communication commercially. Our advance in material depends on efficient research and at present our engineering section is as good as any. Give them at least half the chance that others are getting.

MITCHELL.

Mr. ANTHONY. Mr. Chairman, the committee has no idea of handicapping in any way the very valuable work in experimentation and development in aircraft which is carried on at Dayton, Ohio. For the current year $4,300,000 was appropriated for that purpose. The state of the fund to-day is that $400,000 of that amount has been placed in reserve and probably will not be expended during the current year. The committee felt that appropriating $3,200,000 for that purpose would be fairly liberal for experimental and development work.

Take this view of the situation: Not only is the Army carrying on this valuable work in experimentation and development of the airplane activity, but the Navy is duplicating all of their work at their plant in Philadelphia. I do not know what their appropriation is, but it must be about the same as ours. As a matter of fact, those activities should be consolidated, and probably will be at some time, when the two departments can get together and build one plant and completely equip it, where this valuable work is carried on.

The intention of the War Department is not to continue the Dayton plant. They are seeking now a new location. They are handicapped at their Dayton plant by lack of room. McCook Field is in the city limits of Dayton, surrounded by buildings, trees, telegraph wires, and obstructions of that kind, which make it an unsafe landing field. The Army is anxious to get away. The House will probably recall that two years ago the committee endeavored to secure authority to purchase the Dayton-Wright plant, located 4 or 5 miles farther out in the country from McCook Field. The House refused to give authority to acquire that valuable property for experimental purposes, and made a mistake, I think, so that we are going to be forced to make a much larger appropriation than was asked for that plant to secure a new location. In the meantime the committee felt it would be unwise to go in for any additional experimental work other than that work carried on there now.

With the $3,250,000 we do not believe they will be curtailed in any essential work of experimentation. Their plan is, whenever they hear of a new airplane or airplane engine, to immediately buy one, order it shipped there, and proceed to experiment with it and demonstrate it. They have engaged in a large number of activities of that kind. The committee felt if they would concentrate their work on fewer types and carry them to successful conclusion that they would get better results in the end. Therefore, in conformity with the program of economizing we felt that we could safely reduce the amount to $3,250,000. I know it will be a disappointment to the Dayton Commercial Club and other organizations which have been frequently telegraphing us.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BURTON. I think the disappointment will be much more widely spread than the Dayton Commercial Club. This is the home where the first experiments which were successful with regard to aircraft were made. Is it not true that the $400,000 was put in reserve because 350 men were ordered to be discharged, and is it not further true that that crippled the force?

Mr. ANTHONY. If 350 men were ordered discharged by the Secretary of War, he undoubtedly did it believing that he could dispense with their services.

Mr. BURTON. It was not the Secretary of War; it was by the Budget Bureau.

Mr. ANTHONY. I do not understand how the Budget Bureau would have the power to discharge any men.

Mr. BURTON. It is so stated. No doubt word was sent to the Secretary of War.

Mr. FITZGERALD. One million dollars was ordered off the appropriation by the Budget Bureau, and $400,000 was taken from the research work, and immediately they discharged 350 men and disorganized the work.

Mr. ANTHONY. If the pay roll of the Dayton plant at McCook Field is scrutinized you will probably find more high salaries in the payment of mechanical and technical engineers that are employed there than in all of the other services of the Government combined. I am not saying that these men are not doing good and valuable work, but there are more well-paid mechanical and technical engineers there on the Government pay roll than you will find in all of the other activities.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MANN. Does part of this agitation come because the Secretary of War thought he could dispense with the needless services of 350 men living in Dayton who help support the merchants of that town?

Mr. ANTHONY. The fact that 350 men were ordered discharged some time ago is news to the committee. We had not

heard of it. I know that an order of that kind is immediately reflected in demands on Congress to appropriate more money.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FESS. Mr. Chairman, I move to strike out the last word. The chairman of the subcommittee stated that we failed to purchase the Dayton-Wright plant.

I was not much concerned whether we did that or not, because I do not know the facts. The Wilbur Wright Flying Field is in my district and therefore I have no interest from the standpoint of local influence, because it does not touch the field in my district where we are speaking about—the McCook Field. My interest is on the same line I heard the gentleman from Illinois three or four years ago when he spoke of the interest of giving assistance to the Bureau of Standards, not simply to keep a going concern progressing, but rather to find the things that are not yet known in the way of research. If this amount of money allowed will not interfere with this newest field we have, and in some ways certainly the most important, I joi.. the committee, but I have had it represented to me in a convincing manner that this reduction will seriously cripple the research work.

Mr. ANTHONY. Will the gentleman yield?

Mr. FESS. Yes; gladly.

Mr. ANTHONY. I would agree with the gentleman, and if it could be shown that the limitation of the appropriation would prevent the carrying on of developments of any particular type of engine or any particular type of plant I will be very glad to join with him in enlarging the appropriation. As far as known we find they can do just as good work with $3,200,000 as they could with $4,000,000, except probably they will have to lop off some demonstration and experimentation and a few of the less important types of engines and plants.

Mr. FESS. Over in that section they have established many records. They have made the world record in height reached, as the gentleman knows, and they are constantly making the effort to make and break the record that has been made. Again, this is one of the most important items in national defense, and everybody will admit that aircraft in that sense is an unknown field. We are yet in our infancy in aviation, and I think it would be really unfortunate and false economy to cut off any needed appropriation necessary to advance this most important field of research. I have been convinced that this will cripple the research work which ultimately will be a loss to us far beyond the money requested.

Mr. GARNER. Will the gentleman yield?

Mr. FESS. I will yield.

Mr. GARNER. If I understand the gentleman from Ohio, it is that the chief to-day has reduced the work over there to the extent of a million dollars this year, and that of course is with the acquiescence of the President of the United States, because he is acting for him under the law. If it is, the President of the United States is crippling the service.

Mr. FESS. But the committee has reduced it below the Budget Director's recommendation a million dollars.

Mr. GARNER. I understand that. This year they have reduced it to the extent where they have put off 350 men.

Mr. FESS. I want to say to the gentleman I would not ask an appropriation merely to retain employees. I do not join that group. I want, however, sufficient money to employ research men doing this new work, and it seems to me that is exceedingly important.

Mr. DICKINSON. Is it not true the Government maintains an independent bureau here called the Bureau of Aeronautics and which——

Mr. FESS. Well, that is true. But the vast and important work is done in the McCook Field.

Mr. DICKINSON. The chairman of the committee has stated here that it is duplicated by the Navy, and if there is research being done by the Bureau of Aeronautics how many times do we want to do these things?

Mr. FESS. I understand McCook Field is going ultimately to be removed to more commodious quarters, so that will clear me of any suspicion that there is any local interest in it. I have no concern about that at all. What I am concerned about is to get the best results with the expenditure of money in this new field.

Mr. ANTHONY. Does not the gentleman agree if the department withholds $400,000 of the current year's appropriation that certainly would be an intimation that we could reduce the appropriation next year by at least that amount?

Mr. FESS. Well, it appears that would be justified.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. May I have a moment on this proposition?

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. My information from the head of the Air Service is that the Director of the Budget demanded a saving of a million dollars from the entire appropriation for aviation; that $400,000 of that saving was apportioned to the research work, and so was cut off McCook Field. In the face of that and with that knowledge the Director of the Budget approves $4,200,000 as the appropriation for this year, and then the committee cuts that $950,000.

Mr. MADDEN. Will the gentleman yield to me?

Mr. FITZGERALD. Yes.

Mr. MADDEN. The Director of the Budget has no power to curtail expenditures in any department which may be appropriated. Any curtailment of expenditures in any branch of the Government from the appropriations made for the fiscal year 1922 has been made as the result of an order by the Secretary of the department, and that is true as to all departments, and it is not the Budget officer. It is the Secretary of the department, and we must assume that he knows what he is speaking about; that it is not necessary to expend the money we have appropriated; that there will be turned back a certain amount of reserve saving, and if he continues to maintain the position he has held from the beginning that economy can be practiced; and he reserves to himself the right to say to every bureau chief under his administration that thus far shalt thou go and no further.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. FITZGERALD) there were—ayes 23, noes 39.

So the amendment was rejected.

Mr. FESS. Mr. Chairman, I offer an amendment to strike out "$3,250,000" and insert "$3,850,000," taking off this $400,000.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. FESS: Page 52, line 9, strike out the figures "$3,250,000" and insert in lieu thereof the figures "$3,850,000."

Mr. FESS. Just a moment, in order to ask the gentleman from Illinois [Mr. MADDEN] a question. Conceding that his position is correct, and I do concede it, does not the gentleman think in that work of research we ought to make an exception to the general rule of slicing recommendations?

Mr. MADDEN. I think the Secretary of War, when he made the order to put into reserve a certain amount of the appropriation, had in mind all the work that had to be done for research and all other kinds of work, and the information upon which we based our decision in reporting this appropriation leads to the conclusion that there would be no diminution in the research work of aviation, except that there would not be quite as many types of engines, perhaps, upon which to make the experiments as there would be if they had a larger sum, but that all the results could be obtained by making the research work on a fewer number that might be obtained by making the research on a larger number.

Mr. FESS. Does not the gentleman think that we are apt to get a greater percentage of results by using a larger number of types?

Mr. MADDEN. I do not think so, and I do not think anybody else thought so.

Mr. FESS. I join the gentleman in the general proposition. I make the exception, not as a matter of location but in the character of work done.

Mr. MADDEN. I understand the gentleman.

Mr. MANN. Will the gentleman yield?

Mr. FESS. I yield.

Mr. MANN. Agreeing with him as I do about research work, after all is not $3,000,000 a considerable sum to appropriate for research work along a particular line? And is there any other branch of the Government that has had that amount for research work along any particular line?

Mr. FESS. I can not answer comparatively. The amount seems very large. But I have confidence in men who have represented to me, such men as Mr. Wright, in whose scientific judgment I have great confidence, that this will cripple the work that is done over there.

Mr. MANN. Wright has done great work, the greatest that anybody in this world has ever done, as to flying. I doubt if all the work he has ever done, however, cost half of $3,000,000, except the commercial end of it.

Mr. FESS. That may be true. But after all, it seems to me that it is not really sound economy not to go to the maximum limit in this investigation at this time.

Mr. MANN. I agree with the gentleman it is not sound to cut off appropriations for real research. I think it is sound economy to cut off appropriations for fancy research, because if you give some of these so-called scientific gentlemen a billion dollars they will spend it like they did a billion dollars during the war for the Air Service, and not accomplish a thing.

Mr. FESS. That may be true in the case of the fanciful scientific fellows, but it is not true as to Mr. Wright.

Mr. STAFFORD. Just a word, Mr. Chairman. In the appropriation for this Air Service your committee has in no wise sought to unduly restrict the activities that are going on in experimental work. We have not sought in that connection to limit the salaries that are paid to these high-priced engineers. On page 836 of the hearings are detailed the salaries paid to over 630 of the technical men, ranging from $5,000 down to $3,000. We are not seeking to tell them that they should employ so many at such and such a salary, but the detailed estimates on page 890 show that more than one million and a quarter was to be used for the purchase of airplanes and accessories. And the testimony of General Patrick is to the effect that they wanted to purchase not only one of a certain type but many. Our committee realized they could proceed without purchasing any great number of experimental planes, but go ahead and purchase merely one or a very limited number. If you will examine the testimony closely you will see we are providing ample funds for this experimental work, notwithstanding the statement of the expert whose heart is in this work.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FESS. I find no fault with the salaries that are paid. I had not looked into that. But my friend will recall that not long ago a scientist on a very low salary made an investigation and a report that has brought to the Government an immense amount of money in the production of a certain product out of crude oil. I refer to Dr. Rittman. We find fault with having him do the work, when one discovery he makes will pay all the salaries that will be paid in that entire field.

Mr. STAFFORD. We are not restricting the salaries that are paid to these men. We are not placing any limit on the maximum as we do in certain activities. We give them free range.

Mr. FESS. Can you put a money value on the invention in aircraft?

Mr. STAFFORD. But we do say that there is no need for spending so much in the purchase of airplanes and accessories as they estimate.

Mr. FESS. That may be true.

Mr. STAFFORD. And that is the basis of our curtailment of the estimates.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to say that that is the difficulty with this subcommittee. Seeking information as to what they have done and why, I was informed they cut out $500,000 from the appropriation designed for the purchase of aircraft lighter than air. After I traced it down I found there was no such thing. Now, I see that a member of the subcommittee is confounding the purchase of airplanes with research work. They do not need to purchase any quantities in research work and they do not purchase any quantities; not more than two or three of any design of any sort or kind of aircraft. What the testimony shows under that head is the purchase outside of their own appropriations.

Mr. STAFFORD. Here is the detail. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. On page 896, under the head of "Experimental and research, including pay and expenses of civilian employees," I read:

Airplanes, accessories, and their spare parts	$875,300
Airships, accessories, and their spare parts	242,000
Balloons, accessories, and their spare parts	27,700
Engines, accessories, and their spare parts, airplanes	395,000
Equipment, general, heavier-than-air, not otherwise covered by purpose code	40,800
Equipment, general, lighter-than-air, not otherwise covered by purpose code	20,000
	70,000

If you take that into consideration, you will see that we are not in any wise crippling this service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. FESS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read

The Clerk read as follows:

ENGINEER SCHOOL.

For equipment and maintenance of the Engineer School, including purchase and repair of instruments, machinery, implements, models, boats, and materials for the use of the school, and to provide means for the theoretical and practical instruction of Engineer officers and troops in their special duties as sappers and miners; for land mining, pontooning, and signaling; for purchase and binding of scientific and professional works, papers, and periodicals treating on military engineering and scientific subjects; for textbooks and books of reference for the library of the United States Engineer School; for incidental expenses of the school, including chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; for compensation of civilian lecturers, and for payment of tuition fees of not to exceed 50 student officers at civil technical institutions in addition to the 2 per cent of commissioned officers authorized to attend technical, professional, and other educational institutions as provided for in section 127a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920; for unforeseen expenses; and for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and for other absolutely necessary expenses: *Provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation, $85,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. What is the necessity now of paying civilian lecturers for instructing men at this engineering school? Have we not Engineer officers enough in the Army to deliver lectures and give instruction to these men who attend this school?

Mr. ANTHONY. Yes; I think we probably have as highly skilled men in the Engineer Corps as can be found anywhere in the country. But our Engineer officers work in close harmony with the leading technical institutions throughout the country and the leading mechanical and civil engineers and the heads of the largest manufacturing plants, and they deem it advisable to have these leading civil engineers come in, at merely nominal fees, to give the students the benefit of their knowledge. We feel that it is a good idea to have this infusion of outside knowledge both at West Point and at the War College and at the engineering school. About $2,000 is used in each place for that purpose.

Mr. WALSH. That is a good explanation. How long do these students remain in the Army after they get that valuable instruction?

Mr. ANTHONY. They are supposed to devote their lives to it. They are nearly all officers of the Regular Army.

Mr. WALSH. This paragraph does not apply to the enlisted men at all?

Mr. ANTHONY. Not that kind of instruction; no.

Mr. WALSH. What has become of this appropriation that has heretofore been carried and which amounted, I think, in one year to $5,000,000 for vocational education, teaching them to be electricians and accountants and draftsmen and bookkeepers and farmers and professors and teachers and butchers and bakers and candlestick makers?

Mr. ANTHONY. There is going to be a limited amount of that work carried on in the Army next year, but it will all be done under the tuition of Regular Army officers or enlisted men.

The request for that appropriation did not show up this year from the War Department. I think the observations of the gentleman from Massachusetts last year had a great deal to do with its disappearance. [Laughter.]

Mr. WALSH. That is full compensation, to have the gentleman express that opinion, although "the gentleman from Massachusetts" cooperated with some other gentlemen.

Mr. ANTHONY. He had the full sympathy of many others.

Mr. WALSH. I appreciate that. This paragraph has no reference to that proposition?

Mr. ANTHONY. No; it has no reference to that proposition. The men who visit the Engineer School and these other institutions are high-class technical men from the colleges and from the large manufacturing concerns.

Mr. MANN. May I ask how high a grade of officers they send to the Massachusetts Institute of Technology, for instance?

Mr. ANTHONY. They are mostly the younger men whom they desire to give a larger degree of instruction in engineering than they receive at West Point. At West Point they get a smattering of a large number of things, and they devote only a part of their time to engineering.

Mr. MANN. They are supposed at West Point to absorb all the information that there is in the world. I appreciate that that is not quite possible. I wondered if they sent anything above lieutenants or captains.

Mr. ANTHONY. I think majors are included. Promotions have been so rapid in the Army in recent years that many of the rank of major are quite young in years and head for this additional engineering education.

Mr. WALSH. What is the nature of that section of the Revised Statutes that is made inapplicable?

Mr. ANTHONY. The average newspaper, especially a foreign periodical, requires payment in advance. This authorizes them to remit in advance.

Mr. WALSH. Particularly in Kansas?

Mr. ANTHONY. I think all over the country.

Mr. WALSH. A farm weekly, I understand, is published in Kansas, devoted to the uplift of agriculture. I understand that it is rather difficult to get that unless you subscribe in advance, or unless you happen to belong to a particular bloc.

Mr. ANTHONY. That is appreciated more by the farmers of Kansas than by the engineers of the Army.

Mr. WALSH. Mr. Chairman, I withdraw my reservation.

Mr. MANN. Mr. Chairman, may I interject a remark that in another distinguished legislative body a vote has just been had on ratifying a supposed four-power treaty, with 67 for and 27 against? [Applause.]

Mr. ROBSION. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. ROBSION. I do so for the purpose of asking the consent of the House to extend my remarks setting forth certain facts, and so forth, submitted to me by the United Mine Workers of the nineteenth district. It is information which they want Congress to have.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks by printing certain information relative to the mine workers.

Mr. ROBSION. The coal situation and the proposed strike.

The CHAIRMAN. Is there objection?

Mr. WALSH. Reserving the right to object, this is not a resolution or memorial of the sort which usually goes through the basket, is it?

Mr. ROBSION. I want to extend my remarks by incorporating this. It is short.

Mr. WALSH. I say it is not the usual memorial which goes through the basket, is it?

Mr. ROBSION. Yes; it is somewhat of a memorial. It sets forth certain facts and conditions.

Mr. WALSH. If it is going to be incorporated with the remarks of the gentleman from Kentucky, I will not object.

Mr. BURTON. May I ask the gentleman from Kentucky how lengthy this is?

Mr. ROBSION. It is part of one page of typewriting; that is all.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. ROBSION. Mr. Speaker, the United Mine Workers of District No. 19 have sent to me the memorial or resolutions hereinafter set out, with a request that it be brought to the attention of the Congress, and I hereby submit same to the Congress for its consideration:

UNITED MINE WORKERS OF AMERICA.
Knoxville, Tenn., March 18, 1922.

Whereas the Bituminous Coal Commission appointed by Hon. Woodrow Wilson, then President of the United States of America, after a thorough investigation, awarded the bituminous coal miners throughout the country an increase in wages amounting to $1 per day on day wages, 24 cents per ton, and 20 per cent on all dead work; and

Whereas the miners and operators in district 19, comprising the mines of east Tennessee and southeastern Kentucky, met on April 13, 1920, and negotiated an agreement in keeping with the award, which agreement was signed and accepted by all operators in the above-mentioned territory to run concurrently until March 31, 1922; and

Whereas the coal operators appealed to the board of arbitration provided for in the agreement for a reduction of $2.50 per day on day wages, 24 cents off of the ton, and 20 per cent on dead work, which appeal was granted by the arbiter of the board under his award dated December 20, 1921, being effective as of December 1, 1921, and which award provided that the cost of living at the respective mines of the operators was to be decreased as much as possible; and

Whereas the miners throughout the district accepted the award and continued working; and

Whereas the coal operators are not yet satisfied, but are endeavoring to force further reductions, and in many places endeavoring to compel the miners to sign individual agreements, without permitting them to in any way participate in the negotiation of same; and

Whereas all miners who refuse to sign these individual agreements are not allowed to return to their jobs in the mines, but instead the operators have instituted court proceedings seeking to evict the miners, their wives, and children from their homes, these men having nowhere to take their families for shelter; and

Whereas the coal companies have failed to make effective that portion of the arbiter's award relating to lowering the cost of living and are still charging the miners about 35 per cent more than is charged for the same commodities in environing towns; and

Whereas the price of coal in the city of Knoxville, Tenn., runs from $6 to $8 per ton, being almost as high as it was prior to the operators being granted a reduction in wages: Therefore be it

Resolved, That the executive board of district 19, United Mine Workers of America, appeal to our United States Congress, through the Congressmen from the congressional districts having jurisdiction over these mines in east Tennessee and southeastern Kentucky, for a speedy investigation of these conditions and for relief for the miners, their wives, and little children in this district, that they may not be evicted from their homes.

Respectfully submitted.

DISTRICT 19, UNITED MINE WORKERS OF AMERICA,
Per S. A. KELLER, *President*.

The Clerk read as follows:

ENGINEER EQUIPMENT OF TROOPS.

For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase, maintenance, operation, and repair of the necessary motor cycles; the purchase and preparation of engineer manuals and procurement of special paper for same, and for a reserve supply of above equipment, $75,000.

Mr. ANTHONY. Mr. Chairman, we have now reached the point in the bill where we read the other day, and I ask unanimous consent to return to page 4 of the bill, to the paragraph "Contingencies of the Army." My understanding is that the Clerk read that paragraph, but that the House took no action upon it, because it might be affected by any change in the size of the Army from that specified in the bill. As there was no change made in the provisions of the bill respecting the size of the Army, I ask unanimous consent that the paragraph stand as read by the Clerk.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the paragraph referred to stand as read by the Clerk. Without objection it will be so ordered.

There was no objection.

Mr. ANTHONY. I ask that the Clerk proceed with the next unread portion of the bill.

Mr. STAFFORD. That is on page 79.

The CHAIRMAN. The Chair is informed that that is on page 79, at line 22. The Clerk will read.

The Clerk read as follows:

ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD.

For procurement of forage, bedding, etc., for animals, $800,000: *Provided*, That this appropriation shall not be used to provide forage, bedding, etc., for more than 4,000 animals.

Mr. CRAGO. Mr. Chairman, I offer an amendment to that paragraph on line 25, page 79, to strike out "$800,000" and insert in lieu thereof "$1,002,800."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 79, line 25, strike out the figures "$800,000" and insert in lieu thereof the figures "$1,002,800."

Mr. CRAGO. In support of this amendment I want to say that the gentleman from Maryland [Mr. HILL], who intended offering it, is necessarily absent from the Hall and asked me to offer it. This embraces the matter of the number of animals to be kept by the National Guard, which follows in the next section. Of course, if we fail to provide for the forage of these animals it will be useless to provide for the animals themselves. The Chief of the Militia Bureau has figured that this increase should amount to $1,000,000, but in figuring for the number of animals which the guard now has and would like to retain during the current year at the amount per annum which it is estimated is necessary to furnish forage, the calculation reached is the figures $1,002,800.

At the present time there have been issued to the National Guard units animals to the number of 8,000. The appropriation as it appears in the bill will furnish forage, bedding, and so forth, for only 4,000, or less than half the number of animals already issued and in care of the National Guard. If the figure is not changed every animal will have to go on half rations or 4,000 animals or more will have to be disposed of. This, of course, would prove a hardship to those who are engaged in the raising of horses. Again, the States have secured stable room and have prepared buildings for the housing of 8,000 animals, which they now have in their possession. To take away from them half these animals will create dissatisfaction in the States, as the accommodations have been provided by State funds.

Mr. FESS. Will my colleague yield?

Mr. CRAGO. I yield to the gentleman from Ohio.

Mr. FESS. Does the gentleman agree to all that he is reading?

Mr. CRAGO. If I have read it correctly, I do. I may have made some misinterpretation of the words I intended to read.

Mr. FESS. Does the gentleman believe the Government ought to go into the purchase of animals simply to stimulate the raising of animals?

Mr. CRAGO. We have appropriated money for that very purpose. While I have never been very much in sympathy with that, we have appropriated money here to stimulate that industry because we hoped that when the necessity arose for the use of these animals in time of war or other emergency the country would have them. We have offered inducements along that line.

Mr. FESS. What are we coming to?

Mr. CRAGO. I think that is rather a little too socialistic myself. Many of these horses have been transported to their present locations at the expense of the State, due to the fact that the Federal Government has failed to provide adequate funds for transportation during the present year. If the organizations already in existence are to receive their proper equipment, which is incumbent by the act of June 4, 1920, the National Guard should now have in its possession 9,740 animals. It is fully realized that the maintenance of these animals is an expensive proposition, but I submit this change is necessary in order that the animals now in the hands of the States—approximately 8,000—be retained by the States. This amount does not contemplate issuance of additional animals to the National Guard during the fiscal year 1923. It merely contemplates the appropriation for the care and keep of the animals already in the possession of the National Guard units.

Mr. Chairman, I submit that these amendments and the other amendments which will naturally follow relating to the National Guard are of vital importance to this country, and there is no use of our talking of encouraging the National Guard of our country, and claiming that that is the one great unit which we must encourage, if we attempt at this early date to break down organizations which have been built up with so much trouble and so much care.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CRAGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. ANTHONY. Mr. Chairman, reserving the right to object, it is my intention to move that the committee rise at quarter of 5 o'clock. If the gentleman will allow me to have two minutes of his five minutes to make a statement, it is then my purpose to have this matter go over until to-morrow.

Mr. CRAGO. Mr. Chairman, with that understanding I shall be very glad to curtail my remarks upon this subject until we reach it when the bill is again under consideration.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAGO. I want to leave this thought with the committee: It has not been an easy task to make these organizations in the National Guard conform to the tables of organization in the Army. They have been compelled to disrupt many of their organizations in order to build up these Artillery and Cavalry organizations, which they did not want to build up at first.

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. FROTHINGHAM. What is going to become of the eight thousand and odd horses that have already been acquired? I have a letter here from the adjutant general of Massachusetts, and he brings up these points. He is very anxious to have some of these amendments and to know what is going to be done.

Mr. CRAGO. In my opinion, of course, they can be disposed of, but at the same time we will disorganize the organizations to which these animals were issued.

Mr. ANTHONY. Mr. Chairman, I would state to the gentleman from Pennsylvania that it is our understanding that the purpose of the limitations that we have made as to the number of animals and on several of the National Guard appropriations are intended to effect a change in the present plan of organization of the guard with the idea of reaching a more reasonable cost, and I think the War Department admits the present plan is exceedingly expensive, and I think a change may meet with the approval of the War Department. I think it perhaps not advisable to proceed further to-night, but to take it up in the morning.

Mr. CRAGO. I agree to that, but I want to say to the gentleman that I do not agree with the War Department in their recommendations regarding the National Guard, and I do not believe the gentleman himself will be very insistent upon them when the time comes.

Mr. ANTHONY. Mr. Chairman, the situation seems to be that there are 8,000 animals, for instance, now in the guard, and the department would like to have enough animals to raise that number to 9,200. We find that it is costing in excess of $200 per year to maintain an animal in the National Guard. It costs $100 in the Regular Army. Thirty-two animals are issued with each troop or battery in the National Guard. They have to be cared for, largely in livery stables, and we have to appropriate for caretakers, in addition to cost of forage, stables, and so forth. It is a big expense. One or two practical ideas have been presented to us. One is that these animals, especially in the smaller towns, should be allotted to members of the organization to take care of between the times they are used for drill purposes. For instance, different farmers would take the animals and care for them and keep them in condition, make light use of them for their keep with the understanding that they are to be returned to the organizations on the drill day.

That would relieve the Government entirely of the cost of maintenance, and it is believed by the committee to be very practical. Regardless of any such solution of the problem, our information is that the War Department has expressed its approval of the idea of so changing the organization of the guard as not to compel it to take on additional mounted organizations, or motor equipment and technical units, and expensive things of that kind so that we can effect quite a material saving along those lines. I am quite sure there is not a single member of the subcommittee who wants to injure the National Guard in the slightest degree.

In fact we are in full sympathy with its expansion and development but we did want to put a stop to the increased cost of maintenance of animals, motors, and tactical units.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. I want to state that if we have 8,000 horses, and $100 to a horse, it will use up the $800,000. Does the gentleman think they can keep a horse for $100 a year?

Mr. ANTHONY. No. Under the provisions of the bill we would have to take half the animals from the guard. There is no question about that. We required the Regular Army to dispense with ten or fifteen thousand animals last year. They said they could not possibly get along without them. We did sell a number, but the War Department seems to have turned a lot of them over to the guard. The Regular Army got along very nicely by reducing its cost for animals, but they are eating up National Guard money at a rapid rate.

Mr. SMITH of Michigan. I did not know but that the gentleman proposed to furnish 8,000 horses, and, of course, they could not be kept for $800,000.

Mr. ANTHONY. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10871, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. MILLER, until March 31, on account of visit to Muscle Shoals as a member of the Committee on Military Affairs.

EXTENSION OF AUSTRIAN DEBT FOR WHEAT.

Mr. FORDNEY. Mr. Speaker, by direction of the Committee on Ways and Means I report Senate joint resolution 160 without amendment.

Mr. GARNER. Mr. Speaker, I do not believe that is a privileged bill; but anyhow I desire, if necessary, to reserve all points of order.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. LONGWORTH. I have given some thought to this and looked up some of the precedents, and I am of the opinion it is distinctly a revenue bill.

Mr. GARNER. It is a revenue bill.

Mr. LONGWORTH. It directly affects the revenues, just as the various Liberty loans that were put out.

Mr. GARNER. This bill, as I understand, deals with profits derived from the Grain Corporation. It deals, as I understand, with a loan this Government has made and extends the payment of interest. This loan was made by the Grain Corporation.

Mr. LONGWORTH. It was made by the Grain Corporation out of the profits which the Grain Corporation made, which has gone into the Treasury.

Mr. GARNER. However, I reserve all points of order that can be had at this time.

The SPEAKER. The gentleman from Texas reserves all points of order. The Clerk will report the title of the joint resolution.

The Clerk read as follows:

Senate Joint Resolution 160.

Joint resolution authorizing the extension, for a period of not exceeding 25 years, of the time for the payment of the principal and the interest of the debt incurred by Austria September 4, 1920, for the purchase of wheat from the United States Grain Corporation, and for other purposes.

The SPEAKER. Referred to the Union Calendar and ordered printed.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Saturday, March 25, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

575. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lynns Bayou, Tex., including an entrance channel connecting with the harbor basin at Port Lavaca; to the Committee on Rivers and Harbors.

576. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Little Wicomico River, Northumberland County, Va.; to the Committee on Rivers and Harbors.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 5188. A bill for the relief of Orlando Ducker, major and surgeon in War with Spain (Rept. No. 829). Laid on the table.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. House Report No. 828. A report on the disposition of useless papers in the Post Office Department. Ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANKFORD: A bill (H. R. 11038) to provide for the experimentation in and to promote and establish the sale of farm products directly from the producer to the consumer; to the Committee on Agriculture.

Also, a bill (H. R. 11039) to provide for experimentation in and to promote and establish the sale of watermelons and cantaloupes directly from the producer to the consumer; to the Committee on Agriculture.

By Mr. NORTON: A bill (H. R. 11040) to amend an act entitled "An act authorizing the sale of the marine hospital reservation in Cleveland, Ohio," approved July 26, 1916; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 11041) extending the time for the construction of a bridge across the Missouri River at Chamberlain, S. Dak., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLINTIC: A bill (H. R. 11042) to prohibit speculation in grain and food products; to the Committee on the Judiciary.

By Mr. GALLIVAN: A bill (H. R. 11043) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of the Legislature of the State of New York, urging the continuing of work in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. MEAD: Memorial of the Legislature of the State of New York, urging the continuing of the operation of the navy yard at Brooklyn, N. Y.; to the Committee on Naval Affairs.

By the SPEAKER: Memorial of the Legislature of the State of Arizona, urging the passage of the Towner-Sterling bill, known as the education bill; to the Committee on Education.

Also, memorial of the Legislature of the State of Arizona, urging the recognition of the Mexican Government and also President Obregon by the United States Government; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Arizona, urging adjusted compensation for the soldiers and sailors of the World War; to the Committee on Ways and Means.

By Mr. TAGUE: Memorial of the Legislature of the State of Massachusetts, memorializing Congress in favor of the passage of Federal law to further regulate the use of narcotic drugs; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Massachusetts, in favor of an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Minnesota: A bill (H. R. 11044) granting a pension to Ellen A. Media; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 11045) granting a pension to Dennis Higgins; to the Committee on Pensions.

Also, a bill (H. R. 11046) granting a pension to Patrick Brosnan; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 11047) granting a pension to Clara Allington; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 11048) granting a pension to Levi T. Miller; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 11049) granting an increase of Pension to Bennett Vandetturn; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 11050) granting a pension to August Hertz; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11051) granting an increase of pension to Fannie M. O'Linn; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11052) for the relief of Charles W. Harlow; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 11053) granting an increase of pension to Joseph McG. Lunsford; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4819. By Mr. CRAGO: Petition of Sons of the Revolution in the State of Maryland, urging the United States Government to retain ownership of Fort McHenry, etc.; to the Committee on Military Affairs.

4820. Also, petition of the Pennsylvania Branch, Society of American Foresters; also, petition of Center County Conservation Association, of Center County, Pa., protesting against the transfer of the Forest Service and the national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

4821. By Mr. CROWTHER: Petition of numerous residents of the city of Schenectady, N. Y., protesting against the enactment of House bill 9753; to the Committee on the District of Columbia.

4822. By Mr. FULLER: Petitions of the Woman's Club of Ottawa, Ill., and the members of the Oglesby (Ill.) Union Church, protesting against any modification of the prohibition enforcement law to permit the manufacture and sale of beer and wine; to the Committee on the Judiciary.

4823. By Mr. GALLIVAN: Petition of Taylor Bros. Laundry (Inc.), of Dorchester, Mass., protesting against any proposal to place duties on soya-bean oil, coconut oil, cottonseed oil, tallow, whale oil, and other foreign vegetable, animal, and fish oils which laundry-soap makers use in the manufacture of laundry soap and other soap preparations; to the Committee on Ways and Means.

4824. By Mr. JEFFERIS of Nebraska: Petition of L. L. Bailey and other citizens of Arapahoe and Omaha, Nebr., protesting against the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4825. By Mr. KISSEL: Petition by George H. Morgan, of Brooklyn, N. Y., relative to the Bursum bill (S. 1565); to the Committee on Military Affairs.

4826. Also, petition of the National Association of Oxychloride Cement Manufacturers, of New York City, N. Y., relative to the pending tariff bill; to the Committee on Ways and Means.

4827. Also, petition of the Grain Trade Association of the San Francisco Chamber of Commerce, favoring light wines and beer; to the Committee on the Judiciary.

4828. By Mr. KOPP: Petition of H. E. Reese, commander Clyde Ben Post, No. 113, American Legion, of Keosauqua, Iowa, and other citizens in favor of adjusted compensation, without imposing special taxes on necessities; to the Committee on Ways and Means.

4829. By Mr. SNELL: Petition of sundry citizens of St. Regis Falls, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4830. By Mr. SWING: Petition of various citizens of Fullerton, Calif., protesting against House bill 9753, providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4831. Also, petition of citizens of National City, Calif., protesting against compulsory Sunday observance; to the Committee on the Judiciary.

SENATE.

SATURDAY, *March 25, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

RECOGNITION OF PRESIDENT OBREGON.

Mr. ASHURST. Mr. President, I have received copies of memorials adopted by the Legislature of the State of Arizona. According to my view memorials and resolutions adopted by the legislature of a State or by either house of a State legislature should be included in the CONGRESSIONAL RECORD.

Mr. JONES of Washington. I think the rule requires that.

Mr. ASHURST. I therefore present and ask for inclusion in the RECORD Senate memorial No. 1, urging our Secretary of State to recognize the Obregon government in Mexico.

Article 2, section 3, of the Federal Constitution contains the expression from which we draw our impression that the executive branch of the Government is the only authority in our Government authorized to recognize the existence of new nations or to receive ambassadors and other public ministers.

It will be understood that the Legislature of Arizona is not attempting to interfere in affairs in which it has no proper function, but the legislature of a State, or either house thereof, has the undoubted right under our form of government to express an opinion on such a subject, and the Senate of the Legislature of Arizona has adopted this resolution in the belief that such expression of its opinion will assist the State Department in the settlement of this problem.

Senate memorial No. 1 was referred to the Committee on Foreign Relations, as follows:

Senate memorial 1, fifth State legislature, first special session, State of Arizona.

IN THE STATE SENATE.

To the President of the United States, the Congress of the United States, the Secretary of State of the United States, and to Arizona's Representatives in Congress:

Your memorialists, the Senate of the Fifth Legislature of the State of Arizona, in special session assembled, do respectfully represent:

That being a "border State" and adjacent to the great State of Sonora, of the Republic of Mexico, Arizona is keenly alive to the problems now confronting, and which for a decade past have confronted, the said Republic of Mexico.

That your memorialists, men of affairs of the State of Arizona, chosen from the mining and cattle interests, mercantile life, and the professions, see with the clearness born of intimate relationship the magnificent struggle that has been waged, the seemingly insurmountable obstacles that have been overcome by the new-born Republic of Mexico, and the glorious achievements that have been attained by the unselfish devotion to duty, the untiring energy, the honesty of purpose, and tenacious will to lead his countrymen into the peaceful enjoyment of harmonious brotherhood, by Alvaro Obregon, President of Mexico.

That from a chaos thereto unknown and a misery never before experienced in the Western Hemisphere, Mexico has in less than one and one-half years emerged triumphant and to-day faces the dawn of national achievement, seeking from her strong northern neighbors her just recognition that she may be enabled to take her place in the God-given light of national equality.

That but one short year ago Arizona—in the spirit of western manhood expressed her faith in Mexico and in the man who, like our own illustrious Washington, had as soldier and statesman led his people to a safe and lasting peace—by a memorial to the Congress of the United States prayed for such recognition. That quickly following the lead of Arizona similar messages of confidence and faith were speeded to the Congress from the States of California, Texas, Oklahoma, Kentucky, Maryland, Illinois, and Michigan, representing 60,000,000 souls, urging the immediate recognition of Mexico.

That to-day is witnessed in Mexico an era of industry and prosperity plainly indicative of permanent peace; farming and ranching restored, industrial and mining activities steadily increasing. During the 15 months' occupancy of the presidency by Alvaro Obregon no American or other foreigner in Mexico has been killed: It is therefore

Resolved by the Senate of the Fifth Legislature of the State of Arizona in special session assembled, That time has amply demonstrated the statesmanship of the President of Mexico, his clarity of vision and singleness of purpose to place his country firmly amongst the great stable governments of the earth; that Mexico is no longer a belligerent nation, torn with internal strife, but a country of peaceful pursuits and honorable ambitions, and that no good reasons, no just causes exist further to deny to it the just recognition which the United States of America itself achieved only after its baptism of blood: It is therefore further

Resolved, That the President be requested to recommend to the Congress of the United States that full recognition be extended to the Republic of Mexico and to its President, the Hon. Alvaro Obregon: It is also further

Resolved, That copies of this memorial be transmitted to the President of the United States, the Secretary of State of the United States, the President of the Senate and Speaker of the House of Representatives, and to the Hon. HENRY F. ASHURST and Hon. RALPH CAMERON, United States Senators, and Hon. CARL HAYDEN, Congressman, and that they each be requested and urged to use all honorable means to further the prayed-for recognition of Mexico. Also, that an engrossed copy be transmitted to the Hon. Alvaro Obregon, President of the Republic of Mexico.

Adopted by unanimous vote of the senate March 17, 1922.

Mr. ASHURST. I also ask that a pamphlet written by Mr. Chester W. Hansen, entitled "Mexico and Obregon," be included in the RECORD; likewise an article entitled "It is time to accord recognition to President Obregon and Mexico," by Hon. William Randolph Hearst.

I also desire at this point to ask unanimous consent to include in the RECORD a letter from our Secretary of State giving the information as to the number and names of other Governments that have recognized the Obregon government.

May I secure such permission before I pass to another subject?

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

MEXICO AND OBREGON.

(By Chester W. Hansen.)

A STATEMENT OF FACT WITH REGARD TO EXISTING CONDITIONS IN MEXICO AND POLICY OF THE PRESENT ADMINISTRATION.

In May, 1920, the present administration came into power in Mexico. General Obregon, though always considered the moving spirit of the new government, refused to assume the rôle of executive until requested to do so by the people at their duly-called and regulated election. Adolfo de la Huerta, therefore, after being formally elected by Congress, took the oath as provisional President and functioned in that capacity until the inauguration of Obregon in December, 1920, after his election by an overwhelming majority on September 8, 1920. At this election military force was entirely absent and not one single instance of disorder at the polls was reported. General Obregon received more than 1,000,000 votes. Considering the population of Mexico (16,000,000), 1 person in every 16 cast a ballot for him. Ex-President Wilson in 1912 received slightly over 6,000,000 popular votes, or slightly less than 1 for each 18 of population.

This comparison conclusively shows that his election expressed the will of all of the people and was not the mock affair which so many agencies would have us believe.

The United States elections of 1916 and 1920 can hardly be used for comparative purposes because of women's suffrage, which is not applicable to Mexico.

President Obregon laid down a specific course to be pursued. These policies speak for themselves, and the wisdom and justice of them can not nor have they ever been questioned. Their execution and the sincerity of the promulgators have been questioned. Therefore I submit a few extracts of policy, together with accomplishments to date, so that the reader may himself judge the spirit prompting the actions of the administration and their sincerity of purpose.

Permit me to quote from a statement by President Obregon of June 26, 1921, to the New York World:

"The States of Texas, Arizona, and California, acting independently and without the slightest inspiration, have made official requests upon Washington for resumption of formal relations that will permit proper and complete expressions of friendship between Mexico and the United States. The action of these States, so intimately in contact with my country, tells its own story of peace and order along the border at the moment of writing."

[NOTE.—Since above was written the States of Michigan, Illinois, and Oklahoma, as well as the chambers of commerce of the cities of St. Louis, Los Angeles, San Francisco, and others have without inspiration done likewise. This action was taken after thorough personal investigation and first-hand observation by their representative members on various trade trips through Mexico.]

"To-day there is not a single armed force in the field against the Federal authority."

[NOTE.—This condition has continuously prevailed to date. Even the ever-rebellious Yaqui Indian, who has been in a state of steady revolt since the time of the Spanish conquest, throughout the rule of the great Juarez and the iron Diaz, has laid down his weapons of war and turned, contented, to peaceful, constructive pursuits.]

"Reconciliation is our fixed policy. We mean to end every hate as far as possible and heal every division.

"One of the first things that the revolution did was to call in every history that taught the youth of our country to hate the United States and Spain."

[NOTE.—Though handicapped by lack of funds, hundreds of schools, with volunteer corps of instructors, have been established and maintained throughout even the remotest sections of the Republic as a nucleus of the educational system to come. Arrangements are practically complete for interchange of scholarships with American universities and interchange of professors as well. This interchange of students and professors can not help but form a solid foundation for continued friendship, based upon actual knowledge secured through continued residence and study in the respective countries. President Obregon has already made liberal financial contribution for the furthering of this cause through the Mexican-American scholarship foundation.]

"The truest test of peace and order, however, is to be found in our army figures. On June 30, 1920, the army establishment of Mexico numbered 23,767 officers and 105,098 men. To-day (June 26, 1921) the army numbers 16,784 officers and 77,289 men, an annual saving of $36,500,000. This is not the end by any means."

[NOTE.—Since the above was written the army has been still further reduced and announcement made of continued further reductions.]

"Instead of carrying the paper money issues as a continuing internal obligation, with all of the disastrous results which that would have meant, we abolished the issuance of currency, retired the issues in circulation quickly and as an just a basis as possible, and placed business on a gold basis * * * our internal debt has been saved from a new burden, and we are in a better position to take care of our external obligations."

[NOTE.—To-day the entire commerce of Mexico, both internal and external, is conducted on a gold basis—nothing but metal medium is in circulation. Billions of dollars worth of currency, of many issues and doubtful value, were retired in favor of a gold standard.]

"It is not possible to turn in a day to the instant and satisfactory settlement of complicated problems and unknown claims throughout the revolution. However, we stated repeatedly that Mexico would not repudiate any just obligations. We have always paid our debts. We always will pay our debts. We have seen a loan of $20,000,000 received in 1824, changed magically into a debt of more than $100,000,000. We have seen Maximilian sign an obligation for $40,000,000 in return for a loan of $20,000,000. We have seen Miramon, the counter-revolutionist, sign a note for $15,000,000 in return for a loan of $750,000. Yet not once, even under these outrageous burdens, have we ever advanced the idea of repudiation. Throughout the revolution we stated repeatedly that Mexico would meet every just obligation without evasion. It is a promise that will be kept to the letter. Even now we are planning the machinery that will settle all claims in accordance with the principle laid down by international law. Nor should it be forgotten that as late as six months ago we urged our creditors to send a committee to Mexico for conferences in the interest of fair and honest settlements. Strangely enough, acceptance of the frank invitation has been prevented by various governmental pressure, and to date Mexico has not been able to secure these face-to-face meetings that are her desire."

[NOTE.—Mr. Thomas W. Lamont, a representative of the International Committee of Bankers on Mexico, is now in that country in response to a further invitation from the Mexican Government. To date no action has been taken by our Government in regard to participation in conferences invited by Obregon to discuss ways and means of arriving at equitable adjustment of claims. It can be readily conceived that Americans fleeing Mexico at the instance and persuasion of our Government, who later filed claims with our State Department for damages caused by confiscation, etc., during the revolution, would place their damages at a maximum, and such claims are certainly subject to adjustment.]

"Foreign capital will be invited and given every justice * * *. Every private right acquired prior to May 1, 1917, when the new constitution was adopted, will be accepted and fully protected. The famous article 27, one section of which declares the nation's ownership of subsoil rights in petroleum, will never be given retroactive effect, nor has it ever been given retroactive effect. * * *

"Here are the figures for exportation of Mexican oil year by year since 1917:

	Barrels.
1917	42,545,852
1918	51,768,110
1919	77,763,289
1920	151,058,257
1921 (January to May, inclusive)	76,493,564
1921, probable production	199,000,000

"Does this steady increase indicate that the Mexican Government has been placing any obstacles in the way of development?"

[NOTE.—August 30 the Supreme Court of the United States of Mexico rendered a decision to the effect that article 27 could not be construed retroactively.]

"As for recent tax increases, the necessity should be clear to all. Every country in the world has had to increase its taxes in order to meet increased expenses. In addition, Mexico is facing delinquent obligations that must be met. The increase in petroleum, for instance, is for specific application to our foreign debt. To this purpose, and this purpose alone, the entire proceeds of the tax will be devoted. I stated this clearly in the decree that established the tax, and there will be no departure from it. To call the tax confiscation, as the oil group is doing, is absurd. * * * for even while earning enormous dividends out of the oil taken from Mexican wells it is still unwilling for Mexico to receive even an appreciable share of its natural wealth as an aid in meeting the just demands of the holders of our foreign obligations. It is these dividends that give the best answer to the cry of confiscatory taxation. The net profits of the Mexican Petroleum Co. in 1920, after depreciation and taxes, were $9,773,693. (This on a capitalization of $48,000,000.) Its interlocked associate, the Pan American Petroleum & Transport Co., declared net profits of $12,987,757 in 1920, after deducting interest charges, taxes, and contingencies. The British American Petroleum Co., another rich subsidiary formed in order to avoid the scandal of lumped earnings, showed a profit of $5,000,000 in 1920. It will thus be seen that the Doheny group pumped close to $28,000,000 in net profits out of the soil of Mexico in the single year of 1920."

[NOTE.—During August, 1921, the American group of oil producers of Mexico, represented by W. C. Teagle, president of the Standard Oil Co.; E. L. Doheny, president Mexican Petroleum Co.; H. F. Sinclair, president Sinclair Oil Co.; J. W. Van Dyke, president Atlantic Refining Co.; and Amos L. Beatty, president Texas Co., attended a series of conferences with officials of the Mexican Government, the result of which was the announcement by the American committee that a satisfactory taxation agreement had been reached, and they began the exportation of oil the day following. The text of this agreement has not as yet been made public. A few days later the Mexican Petroleum Co. declared its regular quarterly dividend (12 per cent annually) which throughout the entire period of the taxation controversy had been neither postponed nor reduced.]

It would be exceedingly difficult for anyone to elaborate on the above. The policies speak for themselves and the accomplishments to date sustain them sufficiently to compel the confidence of the world in the assurance that they will be carried out to their fullest limit.

I do, however, wish to call the attention of the reader to a few facts which reflect the success of the policies of the present administration during the short period in which they have been in power.

The Government of Mexico took over the railroads during time of stress in much the same manner that the United States took over our railways during the recent war. These are being rapidly returned to their owners, but only as they are restored to their normal state. As to the wisdom of this policy, we need look no further than the chaotic condition in which we find our railroads to-day and the hundreds of millions of dollars of claims against our Government because of the conditions surrounding their return to private ownership. One railway in Mexico has already been returned, the Mexican Railway, a British property extending from Vera Cruz to Mexico City. This was possible because of its small mileage and the fact that it has suffered least. The Southern Pacific Railroad, with its large mileage, was never taken over by the Government. Every cent of railroad revenue is being devoted to reconstruction in a vigorous attempt to restore them to their normal condition. In the past few months $5,000,000 of the Government's own funds have been spent for rolling stock, and the day is near at hand when the national lines can be returned to their owners in such shape as to make damage claims fairly simple of ascertainment and adjustment.

When consideration is given to the fact that Mexico has a far greater railroad mileage per capita than either the United States, the United Kingdom, Germany, France, or Italy, the task which confronted them in the rehabilitation of these lines can more easily be realized.

The following figures prepared by the United States Department of Commerce show the actual railroad mileage of these countries for each 10,000 inhabitants:

United States	2.5
Italy	3.2
United Kingdom	5.1
Germany	5.8
France	8.5
Mexico	10.2

Land taxation is being readjusted on a basis which will make the holders of vast acreage bear their just proportion of taxes, and will in itself compel these holders to either subdivide and dispose of or develop their holdings. Land banks have been established, and a plan of rural credits is in the process of formation. Colonization schemes are under way and great irrigation projects are being worked out. It is the hope of the administration to in a short time double the arable acreage of the nation. The Mexican is at heart an agriculturist. Encouragement and assistance in all that is necessary to make for tremendously increased agricultural development.

The attitude of the Mexican citizen toward the American is one of friendship, spectacular propaganda to the contrary notwithstanding. A few months ago the author communicated with several hundred leading American business men in every section of the United States who had recently visited Mexico. He requested their opinions. Of the hundreds of replies received not one expressed anything but the strongest feeling that the present administration should be recognized without delay, and were pleasingly surprised at the sincere demonstration of friendship toward the Americans and at what they saw. Extracts from a number of the letters are attached.

Our exports to Mexico have increased from $41,066,775 in 1915 to $131,455,101 in 1919, $143,786,000 in 1920, and the first seven months of 1921 shows exports of $155,699,499, an increase of 61 per cent over the same period in 1920. With one exception Mexico was the only country to whom our exports increased during that period—our total exports showing a decrease of 42 per cent. Significant of this is the fact that no complaints arising out of our Mexican commerce during that period have been filed with the State Department, while those arising out of trade with other Latin-American countries were considerable.

The national debt of Mexico per capita is by far the lowest of any major country in the world. Note the following comparison:

England	$824.78
Italy	398.60
France	1,114.26
Germany	797.57
Canada	290.00
United States	235.96
Mexico	24.54

[NOTE.—Above figures taken from report of international financial conference, called by League of Nations at Brussels, July, 1921. Of further importance is the fact that all of Mexico's loans were incurred during a period when low interest rates prevailed. Her interest per capita per annum, therefore, presents even a more striking comparison than the above.]

Attached are statements by Samuel M. Vauclain, president Baldwin Locomotive Works, and Elmer Dover, financier of Tacoma, Wash., and former secretary of the National Republican Committee. These men are leaders in their lines of endeavor in this country. Their judgment and ability to analyze a situation, as well as their Americanism and honesty of purpose, is most certainly unquestioned. These men have very recently been in Mexico—have seen the existing conditions and unbiasedly studied them. Their opinions must be given worthy consideration.

President Obregon and his administration stand squarely on the policies they have established and ask us to judge their ability to carry them out and their sincerity of purpose by their administration to date.

Mexico asks no quarter, but is keenly sensitive of the good which can only spring from whole-hearted cooperation with this country, and rising phoenix-like from out the ashes of 10 years of chaos and revolution, extends to us the hand of friendship. Shall we accept her offer so sincerely made, or shall we compel her to look across the seas for the friendship which should so rightly come from us—her big brother—whose aims and aspirations are identical?

It is Time to Accord Recognition to President Obregon and Mexico.

(By William Randolph Hearst.)

WHY WE SHOULD RECOGNIZE THE MEXICAN GOVERNMENT.

(There was ample reason why the United States should not recognize the Government of Carranza, which was nothing more than an authorized state of protracted anarchy; but what reason is there why we should not recognize the established and universally supported govern-

ment of General Obregon, which has almost entirely restored law and order and civilized conditions in Mexico; a government which not only maintains the peaceful and ethical conditions of civilized society, but offers the friendship and encouragement to citizens of the United States in Mexico which have so long been denied them?)

THE OBREGON GOVERNMENT SHOULD NOW BE RECOGNIZED.

[Published August 24, 1921.]

Why do not the United States of America and the Republic of Mexico come to an agreement that will properly protect the citizens of the United States and permit the recognition by the United States of the present government of Mexico, which is eminently a good government?

President Obregon is a capable, conservative man. He has largely restored law and order and civilized conditions in Mexico. He is very friendly to Americans. It would seem very difficult to secure in all Mexico a better man for President than General Obregon. Therefore, if recognition of President Obregon's government will help him in his task of fully restoring peace and order in his country—a task which all the world, and our country particularly, must sincerely desire to see accomplished—why can not an agreement be reached which will bring about that recognition on terms equally satisfactory to Mexico and to the United States?

The United States can not expect that Mexico will surrender her sovereignty as an independent nation and consent to any definite limitation of her just powers and privileges of government, nor can Mexico expect that the United States will ever again maintain the shameful indifference to the lives and the property rights of her citizens that this country exhibited during the Wilson administration.

There has been but one such administration in the whole history of this Nation, and, please God, there will never be another.

No more will the policies of our great country be determined by the exaggerated egotism of one unbalanced autocrat. No more will an affront to his vanity plunge the Nation into war, while murder and outrage of American citizens and insults to the whole Nation are passed unheeded.

The present administration of the United States Government is characteristically American. It regards itself as the servant of the people, placed in power to protect their interests.

This administration will surely permit no encroachment upon the just rights of its citizens in Mexico or elsewhere.

Starting with that assumption, or rather with that obvious fact, and starting, also, with the evident inclination of the Mexican administration to be very well disposed toward Americans, there should be no difficulty in reaching an agreement between the two nations which will properly define what adequate protection of American rights and interests means under international law and usage.

Then let the United States promptly proceed to recognize the government of General Obregon and to give that able executive full support in the great task of reconstruction and rehabilitation that he has so capably and courageously assumed.

Peace throughout the world is the earnest desire of the people of the United States, but particularly to be desired are peace, order, and prosperity in Mexico, which is our immediate neighbor and which for many years preceding this last insurrection had been our good neighbor and good friend.

And since peace and order and prosperity in Mexico and restored friendship between Mexico and the United States are our desire as a people and as a Government, let us do our best to help secure it by a generous attitude toward Mexico and her established government.

MEXICAN RECOGNITION PROBLEM FOR PEOPLE OF AMERICA TO SOLVE.

EL PASO, TEX., *October 17, 1921.*

President Obregon, of Mexico, has given an interview to representatives of the press which contains statements sadly discouraging to those who are anxious to see the most cordial relations developed between the United States and Mexico.

President Obregon says that official representatives of Mexico will not be present at the convention of nations to be held at Washington. This is genuinely distressing to Americans who believe in the policy of "America first" and the cultivation of friendly conditions and relations in America first.

There might be representatives of Armenia, Eurania, China, Korea, Siam, the Congo Free State, Liberia, or any kind of nation or pseudo-nation in distant Europe, Asia, Africa, and Australia at the historic assembly in Washington, but there will be no representative of peace and good will from our important immediate American neighbor and sister Republic of Mexico.

Why? What is the reason that the Government of the United States of America does not recognize the present stable government of the Republic of Mexico?

There was ample reason why the United States should not recognize the government of Carranza, which was nothing more than an authorized state of protracted anarchy; but what reason is there why we should not recognize the established and universally supported government of General Obregon, which has almost entirely restored law and order and civilized conditions in Mexico; a government which not only maintains the peaceful and ethical conditions of civilized society but offers the friendship and encouragement to citizens of the United States in Mexico, which have so long been denied them?

What is the United States asking of the Mexican Government in return for recognition which the Mexican Government is unwilling to grant? The principle of our demand should be supremely simple. We should ask nothing of Mexico that we would not freely and fully grant to Mexico if that country made the request of us. And Mexico for its part should withhold no right from our citizens in Mexico which it would not wish withheld from its citizens in the United States.

This is the plain principle of the golden rule applied to international relations, and it applies as aptly to politics and diplomacy as it does to religion, morality, business activity, and all phases of human society.

The situation between the United States and Mexico needs light. It needs the light of publicity. It is time that some of the fine phrases propounded by Mr. Wilson and never practiced by him were actually put into political operation by the present more practical and apparently more genuine American administration of President Harding.

What has become of the plan to abolish secret diplomacy, for which as one object our idealistic American youth sacrificed their lives? What has become of the open covenants openly arrived at which were so inspiring a watchword in our self-sacrificing crusade for democracy?

Let us make our negotiations with Mexico a matter of democratic diplomacy. Let us take our citizens, whose wisdom we so highly extol and so constantly ignore, into the confidence of government. Let us make our public policy public. In our Government negotiating with Mexico for the rights of our whole citizenship or for the special advantage of certain financial interests?

Friends of the administration naturally suppose that the Government is considering only the public interest, but when Lamont, spokesman of the international bankers, rushes into print to say what shall be done in regard to Mexico some citizens feel justified in entertaining a mild suspicion as to our purposes, or at least as to our agencies.

Why should our Government be mysterious about its demands? Why should Mexico be secretive about its reply? There are more than technicalities at stake in this negotiation; there are the friendship and the intimate political, social, and commercial relations of two great republican nations which are neighbors and which want to progress together in harmony and amity, in cordiality and healthful cooperation. It is the province of statesmen to find ways and means to enable them so to progress.

The obstacles which stand in the way of recognition and cordial relations should be dissipated by actual concession and consideration. If statesmen can not solve the problem, let the public know the facts. The combined wisdom and friendly disposition of the people of the two sister republics will accomplish the results which both desire.

WHAT I FOUND IN A MONTH'S TRIP THROUGH MEXICO—THE COUNTRY IS NOW ORDERLY, SAFE FOR NATIVES AND FOREIGNERS, WELL GOVERNED, HAPPY AND PROGRESSIVE.

EL PASO, TEX., *November 10, 1921.*

I have just returned to the United States after an interesting month in Mexico.

If any American business men are anxious to know whether life and property are safe in Mexico, I can only cite for their information my own life and my own properties.

I have properties in the north of Mexico and in the south of Mexico. These properties were in continual trouble and turmoil during the several preceding administrations, but have been in complete peace and security during the administration of President Obregon.

Furthermore, to speak perfectly frankly, I would not have cared to venture personally into Mexico during some of these previous administrations or maladministrations, but under this present administration I have traveled through Mexico by railroad, by automobile, and by horseback, not only in the thickly populated centers, but also over infrequented highways and byways, both by day and by dead of night, and I have never experienced the slightest inconvenience nor witnessed the slightest disorder.

All the Americans whom I met in Mexico have had practically the same experience that I have had and none of them can understand why the United States Government recognized the Carranza administration, which could not and did not protect American life and property in Mexico, and why our Government does not recognize the Obregon administration, which can and does protect American lives and interests.

My viewpoint is purely the American viewpoint. I say that without hesitation.

When a Mexican administration was indifferently permitting the killing and outraging of Americans, I was for intervention, but when any Mexican administration is protecting Americans in their lives and liberties, I am for recognition of that competent and friendly administration.

This protection of Americans is, I think, the main matter to be considered by our American people and by our American Government. But, of course, President Obregon has done much more than merely protect Americans. He has protected his own people. He is restoring law and order and popular rights and liberties completely throughout his whole country and for all classes, rich and poor alike.

He is not a partisan of any class or clique. He is not playing favorites. He is endeavoring to do absolute justice. And it is because he is resting his orderly social and governmental structure upon the firm foundation of equal justice that I believe the peace and prosperity of Mexico will be permanent.

As a matter of fact, the principles and policies of President Obregon seem to me so sound and sincere that I could wish that some of our own statesmen would learn a lesson from him.

To illustrate all that I have said above, let me review in some detail my trip through Mexico. When I left Los Angeles I was told not to go into Mexico by way of El Paso and Chihuahua, as the railroad was in terrible condition and was infested by bandits. The trip to Mexico City was much longer, however, by way of Laredo, so I determined to go by way of El Paso and Chihuahua. I found the roadbed to be on the average quite as good as our American roadbeds, and I found no bandits whatever, nor anything that resembled a bandit from one end of the road to the other.

I stopped at various towns along the route to investigate conditions—at Aguas Calientes, at Silao, at the great mining town of Guanajuato, at Irapuato, in the center of a great agricultural district, at Celoya, and at Queretaro, famous in the history of Mexican independence. I went through these towns usually in the street cars, talked with the people as best I could, and as none of them rose in protest against my bad Spanish, I felt justified in concluding that they were at present at least a patient and peaceful lot.

In Mexico City itself I found the city considerably increased in size and population. It is now said to number a population of approximately a million. The streets are thronged, the shops are busy. The newspapers are lively and full of advertisements. The theaters are many and well patronised, and life seems to be going along as it does in any other big metropolis.

Certainly the city is well policed and as safe by night as by day.

I do not mean to say that there is no crime in Mexico, but apparently there is no more than there is in New York or any other big city, while the police in Mexico are extraordinarily prompt and efficient in their detection and arrest of criminals. While in Mexico City I read that the pay car on one of the railroads had been robbed and $75,000 stolen. In 24 hours the police had captured the thieves and had recovered the money.

In some of the papers I read of a mail robbery of $500,000 in New York City. These thieves have not yet been arrested and this money has not yet been recovered.

I rode through the various suburbs of Mexico City in an automobile, and found the people everywhere contentedly attending to their businesses. I went over the mountains to Cuernavaca and talked with Gov. Jose Porres there. He said that his State had been in complete quiet for about a year and that everything had settled back into the regular routine of civilized society. That statement meant much, because this region had been the stamping ground of the terrible Zapata, the most savage and destructive of Indian banditti

who sprang up during the revolutionary period. Now, however, the town of Cuernavaca is in complete quiet. The surrounding country as far as the eye can see from portals of the old palace of Cortes is thriving in the peaceful pursuit of agriculture.

On my return to Mexico City I had a long and extremely interesting interview with President Obregon.

I found him quite confident that his country was completely and permanently restored to peace and order. The just and legitimate objects of the revolution had been accomplished. The Government had been wrested from the narrow, selfish control of the great landed aristocracy. A government of the people, by the people, and for the people had been substituted, with rotation in office instead of a permanent dictatorship. The greatest good of the greatest number was the prime object of the Government. The people were contented because of the more liberal social and government conditions. They were prosperous, because they received a greater measure of the fruits of their industry. Peace was based on satisfaction with better conditions—order established upon recognized justice and equity.

President Obregon is a man who inspires confidence both in the excellence of his purposes and in his ability to carry his plans through to successful operation. He has a strong face, which portrays much force of character, but he has a pleasant smile, which gives evidence of a kindly disposition, and also an acute sense of humor.

Like our great President Lincoln, however, he likes to give special point to his statements by a joke or a good story. He is a very human man. He speaks without pose or affectation, but with great dignity and impressiveness. He is a man of many-sided abilities—a successful business man, the possessor of large wealth, a brilliant military man, the most successful general the revolution produced, a wise diplomat, as proven by his clever handling of the Villa situation, and a powerful executive, as shown by the achievements of his administration to date. It is doubtful if another man in Mexico could be found with all the qualities so necessary for the successful handling of the reconstruction situation, and if our country can strengthen President Obregon's hands by recognition, and so help him in his great work, it would seem to be the worst of bad judgment for it not to do so.

President Obregon told me that he hoped that I would go not only to the big centers, where most Americans went, but to some of the more distant districts in my tour. As this was also very much in accord with my own desires, I determined on my way back to the United States to go to the city of Colima, at the end of some of the branch railways and then make horseback trips from there into the interior. I went, therefore, to Uruapan first—the end of a line—and rode from there through coffee plantations and banana plantations and ranches and rice fields. Everywhere I saw the people at work and apparently glad to be at work developing the products of their fields and farms.

Then I went through Guadalajara to Colima, well down toward the west coast. There was considerable evidence of revolutionary destruction here, in razed buildings and looted churches, but all was peace and quiet now and the work of restoration was in full progress. I rode from Colima all day and far into the night through the surrounding plantations up to the base of the great volcano. I saw nothing but order and industry.

Returning late that night through deep barrancas and by lonely roads under the dim light of a thin moon, there was every opportunity for adventure, but none occurred. We passed occasional groups of horsemen or plodding peons, but we were never molested. If we were accosted at all it was only with a courteous "Adois, Señor," "God be with you, Señor," and sometimes I felt that we had need to have God with us in these solemn solitudes amid subtropical jungles, but we traveled in peace and returned in safety. All, too, without other guard than our guide, an aged Mexican, who looked like a bandit, but talked and acted like the caballero that he was.

When we got back to our car I gave him a gun in gratitude. He weighed it approvingly and said that if ever I had need he would gladly use it in my defense.

I said that I would remember, but that I thought I would never have greater need than I might have had that very night, which remark I meant rather seriously, but which he considered a bit of pleasantry and laughed at it accordingly.

For the Mexicans themselves believe that their country is completely restored to peace and quiet, and that life and property are entirely safe.

The Mexican people like their government. They know that no government that they have ever had has done one-half as much for their prosperity and progress.

They know that the highest amount that was ever spent for schools under former administrations was $9,000,000 a year, while the Obregon administration is spending over $50,000,000 on education, and purposes increasing that amount.

They know that not only schoolboys but all other civilized influences are being developed. They know that the railroads are being extended and improved, and that the great highways are being built from the railroad terminals into distant districts. They know that the telephone systems are being installed between towns, that electric lighting systems are being put even into the smallest towns, that power is being developed, that water systems are being improved for drinking purposes, for irrigation purposes, and for manufacturing purposes.

They know that hospitals are being built and cleanliness and sanitation encouraged. They know that temperance legislation has passed in some States and is pending in others. They know that farm schools and manual training schools are being established to teach the farmers and the workingmen how to make the most and best out of their opportunities.

They know that everything is being done to increase the intelligence, the skill, the productivity, the per capita wealth, the happiness of the individual citizen.

What they do not understand is why the United States, which is supposed to be a progressive and democratic nation, does not recognize a sister Republic which is keeping pace with it in progress and democracy, and in the effort for social betterment.

General Ignacio Enriques, capable and cultured governor of Chihuahua, distinguished graduate of the University of Illinois, intense patriot, sincere Democrat, and profound thinker, declares that the Mexican revolution sprang from the mind of the United States of America, like Athena from the head of Zeus.

Very many Mexican young men of the upper classes have been educated at American schools and colleges. Many Mexican business men and workingmen in pursuit of their occupations have lived in America for protracted periods.

All these men of all classes have come back to Mexico imbued with American ideas of political freedom, of equality before the law, of opportunity for individual and general betterment, and have desired to engraft these ideas upon the Mexican governmental system.

Thus, says Governor Enriques, the revolution started in those northern Mexican States which were nearest to the United States and was born of American thought and modeled on American customs.

Why, then, should the United States hesitate to recognize this truly republican Government which is in large measure the child of its own brain, and which seeks but to follow in the path of liberty and enlightenment, of progress and prosperity which the United States itself has trod?

We Americans who have been in Mexico can only echo Governor Enriques's perplexed inquiry: "Why, indeed?"

WHY IS THE FRIENDLY, ORDERLY, REPRESENTATIVE GOVERNMENT OF MEXICO NOT RECOGNIZED?

[Published January 15, 1922.]

When is the Government of one nation "recognized" by the Governments of other civilized nations?

The answer to this question is very simple, the practice hitherto invariable.

The Government of a nation is recognized, first, when it is representative of the nation it governs, when it holds office by the will and through the act of a sufficient majority of the people.

The Government of a nation is recognized, second, when it demonstrates that it is an efficient Government, maintaining law and order and civilized conditions.

The Government of a nation is recognized, third, when it is a reasonably friendly Government to other nations, extending proper protection to the citizens of other nations in their political and property rights.

The Government of the United States of Mexico conforms to all of these three requirements.

Why, then, is it not recognized by the Government of the United States of America?

The government of Alvaro Obregon has been in office more than a year.

It was elected overwhelmingly. It has been supported almost unanimously.

It is therefore the most representative government that Mexico has had in the life of the present generation.

The government of Alvaro Obregon restored peace in Mexico immediately upon its accession, and installed better order and a more generally approved and respected law, and more just and equitable and beneficial civilized conditions in Mexico than have ever prevailed in the history of the country.

And, finally, the government of Alvaro Obregon is more friendly to the United States of America and the people of the United States than any Government of Mexico has been for many years.

The people of this country are invited into Mexico by the Obregon government.

They are protected while in Mexico by the Obregon government.

They are offered opportunity for investment, and security for their investments; they constitute almost a favored class in the community, in the fact that many laws which are intended to regulate and restrict the property holdings of Mexican citizens do not apply to the citizens of the United States.

The Obregon government is not only friendly to the people of the United States but to the Government of the United States, making our Government its model in many respects and always speaking and acting in the most friendly and generous way toward our Government and toward the individuals who constitute our Government; notwithstanding the fact that Mexico has encountered so little courtesy and consideration—in fact, so great a lack of courtesy and consideration—at the hands of this Government.

There would appear to be then no reason, political or personal, why the Government of Mexico should not be recognized by the Government of the United States.

And as a matter of fact there is no reason, political or personal, but there is said very plainly to be a financial reason.

And the citizens of the United States must discover the truth about this situation, and this financial reason, although the truth may be rather humiliating to learn.

The plain facts, as stated by various informed correspondents of these publications, are that the international bankers contributed very largely to the campaign funds of the Republican Party, and that these international bankers have since been seeking every opportunity to recoup themselves and make a handsome profit in addition, not only at the expense of the reputation of the Republican Party but at the sacrifice of the public welfare of the people of the United States.

Consequently, instead of a patriotic and creditable diplomat going to Mexico to represent this country and negotiate recognition, Mr. Thomas W. Lamont, representative of the international bankers, was sent to Mexico and is declared to have submitted to the Mexican Government the proposition that it secure recognition by redeeming at 120 a vast quantity of Mexican bonds which the international bankers had bought at an average of approximately 40.

In other words, the price of recognition was many million dollars in blood money to be paid the international bankers.

A proposition of this extraordinary, not to say outrageous, kind savors somewhat of blackmail; and it certainly is not an inspiring thing to think of the Government of the United States acting as agent of the international bankers in an attempt to blackmail the Mexican Government out of many million undue and undeserved dollars as the price of recognition, which should be extended Mexico as a matter of right and justice and plain friendship between neighboring Republics.

Perhaps the Government of the United States does not know to what extent it was used by the international bankers.

Perhaps the Government of the United States does not know to what extent disappointed big interests have lately endeavored, unsuccessfully, to foment revolution in Mexico, and to overthrow a righteous and rightful government, whose only crime was that it would not bleed its people to pay blackmail to the international bankers.

If the Government of the United States does not know these discreditable facts, the Hearst publications will proceed to establish them more and more day by day until the Government is convinced of these facts, and proceeds to consider the question of Mexican recognition upon its merits and apart from the selfish schemes of the international bankers and certain big oil interests.

This article is being written not in the interest of the people of Mexico but in the interest of the people of the United States.

The friendship of the people of Mexico is important to the United States in a commercial way and in a civic way.

The good will of a country extending for so many miles along our frontier is of much more vital consequence in a military way than

alliances with distant and fundamentally different peoples which can bring us nothing but complications and obligations.

It is time our Government realized to what extent it is being misled by the selfish interests of the international bankers into alien associations which can do us no good and into neighboring enmities which may do us much harm.

It is time our Government paid less attention to the interests and influences of the international bankers and gave more heed to the will and the welfare of the American people.

—

DEPARTMENT OF STATE,
Washington, February 13, 1922.

The Hon. HENRY F. ASHURST,
United States Senate.

DEAR SENATOR ASHURST: I am in receipt of your letter of February 8, 1922, requesting to be furnished with a list of the governments alphabetically arranged that have recognized the administration now functioning in Mexico.

In reply I beg to inform you that the department's information, derived entirely from Mexican sources, indicates that the governments of the following countries have extended recognition:

Argentina, Austria, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Ecuador, Germany, Guatemala, Holland, Honduras, Italy, Japan, Nicaragua, Norway, Panama, Paraguay, Peru, Salvador, Spain, Sweden, Switzerland, Uruguay, Venezuela.

The department can assume no responsibility as to the accuracy of this information, and regrets that it is not in a position to furnish you with the dates requested in your letter.

I am, my dear Senator ASHURST,
Sincerely yours,
HENRY P. FLETCHER.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. ASHURST. Mr. President, I also present senate joint memorial No. 3, passed unanimously by both houses of the State Legislature of Arizona, urging the early passage of the bill known as the soldiers' adjusted compensation bill.

There being no objection, the joint memorial No. 3 was referred to the Committee on Finance and ordered to be printed in the RECORD.

Senate joint memorial No. 3, fifth Legislature, State of Arizona, first special session. In the State senate.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas it is the opinion and judgment of the Arizona Legislature, in special session convened, that the millions of citizens of this Nation who unselfishly risked their lives in patriotic devotion to the Nation during the great World War have not received the consideration from this Nation due them for their patriotic sacrifices; and

Whereas we deem that some prompt and decisive action should be taken by the Congress of the United States toward not only doing justice to our soldiers but also to impress the world at large that this United States, a Nation whose form of government is voluntary and grants the greatest amount of liberty and freedom to its people, is not ungrateful to each individual who, when the Nation's safety is imperiled or when the peace of the world is at stake, unselfishly offers everything possessed, even life itself, that law and order, liberty and righteousness shall prevail; and

Whereas there are now pending in the Congress of the United States various proposals, commonly denominated "bonus measures," having the end in view of making substantial payments to ex-service men and women in recognition of their service to their country; Now be it

Resolved by the senate and house of representatives of the fifth Legislature of the State of Arizona in special session convened, That the Congress of the United States be hereby petitioned to speedily arrive at a just and equitable plan whereby the ex-service men and women taking part in the great World War may receive substantial recognition for their patriotism and services.

In adopting this memorial we do so with the firm belief that a righteous plan can be evolved by which funds can be provided for this purpose through the reduction of unnecessary expenditures of the Government and through the utilization of means of revenue which do not impose a burden upon the people and without the imposition of special taxes for that purpose, and we earnestly memorialize the Congress of the United States toward this end; be it further

Resolved, That a copy of this memorial resolution be forwarded to the President of the United States Senate, to the Speaker of the National House of Representatives, and to each of the Senators and Representatives in Congress from the State of Arizona.

Adopted by unanimous vote of senate March 14, 1922.

H. B. WILKINSON,
President of Senate.
ROY H. DAVIDSON,
Secretary of the Senate.

Adopted by the house March 13, 1922, by viva voce vote.

P. C. KEARNS,
Speaker of the House.
OSCAR ZARY,
Chief Clerk of the House.

Filed in the office of the Secretary of the State of Arizona this 20th day of March, A. D. 1922, at 11.50 a. m.

RAYMER R. HALL,
Secretary of State.
By JOHN McK. RAYMOND,
Assistant Secretary.

Approved March 20, 1922.

THOMAS E. CAMPBELL,
Governor of Arizona.

DEPARTMENT OF EDUCATION.

Mr. ASHURST. Mr. President, I also present and ask to have inserted in the RECORD a copy of senate joint memorial No 4, adopted unanimously by both houses of the Legislature of the State of Arizona, urging early passage of the Towner-Sterling bill, which proposes to create a department of education.

Senate joint memorial No. 4 was referred to the Committee on Education and Labor and ordered to be printed, as follows:

Senate joint memorial 4, Fifth State Legislature State of Arizona, first special session.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Fifth Legislature of the State of Arizona in special session assembled, respectfully represent that—

"Whereas the world-wide extension of popular government has placed upon the masses of the people responsibilities never borne by their forefathers; and

"Whereas enlightenment and the development of wise leaders can only be brought about by educational process; and

"Whereas it is evident from a consideration of conditions now existing in this country as regards illiteracy and the unsatisfactory assimilation of immigrants that methods of handling these problems now in force are inadequate; and

"Whereas a bill is now pending in the Congress of the United States providing for the acceptance of national responsibility for and aid to public education through the appropriation of $100,000,000 to the several States and the establishing of a Federal department of education: Therefore be it

"*Resolved by the senate of the first special session of the Fifth Legislature of the State of Arizona (the house of representatives concurring)*, That we hereby memorialize Congress to enact into law the Towner-Sterling bill, known as the education bill; be it further

"*Resolved*, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

Passed the senate March 16, 1922, by unanimous vote.
Adopted by the house March 18, 1922, by unanimous vote.

ADDRESS BY THE PRESIDENT ON RESPECT FOR LAW.

Mr. WILLIS. Mr. President, I think one of the most important subjects that can possibly engage the attention of the American people is the question of enforcement of law. Lincoln well said, "Let reverence for the law become the political religion of the Nation. Let the old and the young, the grave and the gay sacrifice unceasingly on its altars." If this Republic is to live, it will live through respect for the law. This is a Government of law and order. Either the law must be respected or we shall descend into the weltering chaos of the mob. We shall stand on the rock of law enforcement or be swallowed up in the quicksands of lawlessness.

On the subject of respect for law the President of the United States delivered a very interesting, eloquent, and instructive address last night at the Calvary Baptist Church in this city. I ask unanimous consent that the address of the President be printed in the RECORD in the regular 8-point type.

Mr. NORRIS. May I inquire of the Senator whether that was the address delivered last night at the Baptist Church?

Mr. WILLIS. It was.

Mr. NORRIS. I have no objection to the Senator's request. May I ask him whether the outline of the address as it appeared in the morning papers was fair?

Mr. WILLIS. I did not read the newspaper account very fully. I will say to the Senator from Nebraska. I read enough of it to lead me to think the address interesting and important. I called one of the President's secretaries this morning by telephone and asked if I could get a copy of it, and I secured this copy. The newspaper outline I saw was fair.

Mr. NORRIS. The Senator has an authenticated copy?

Mr. WILLIS. Yes. The copy I am offering was sent to me by one of the secretaries of the President at my request.

There being no objection, the President's address was ordered to be printed in the RECORD in 8-point type, as follows:

ADDRESS OF THE PRESIDENT TO THE VAUGHN BIBLE CLASS OF THE CALVARY BAPTIST CHURCH, FRIDAY EVENING, MARCH 24, 1922.

Mr. Chairman and gentlemen of the class, it is a very great pleasure to be associated with you to-night, to utter greetings and commend the great work your class is doing. Frankly, my relationship is one of association rather than participation, because I do not feel myself equal to a discussion of the very great topic which has been hinted as my assignment.

Apart from contact with this unusual organization, I have thought I would like to commend such activities, because your class reveals a pursuit of religious activity of inestimable value and interest, and challenges the too prevalent impression that the pursuit of the Christian religion is always solemn and lacking in the charm which is so desirable in our social life. It is a very simple discovery, but there are far too few discoverers, that the Bible is the most fascinating study in all our literature and the lessons taught are the most helpful which may be brought into our daily lives.

There is no relationship here between church and state. Religious liberty has its unalterable place, along with civil and human liberty, in the very foundation of the Republic. Therein is shown the far-seeing vision of the immortal founders, and we are a better people and a better Republic because there is that freedom.

I fear it is forgotten sometimes. In the experiences of a year in the Presidency there has come to me no other such unwelcome impression as the manifest religious intolerance which exists among many of our citizens. I hold it to be a menace to the very liberties we boast and cherish.

In spite of our complete divorcement of church and state, quite in harmony with our religious freedom, there is an important relationship between church and nation, because no nation can prosper, no nation can survive if it ever forgets Almighty God. I have believed that religious reverence has played a very influential and helpful part in the matchless American achievement, and I wish it ever to abide. If I were to utter a prayer for the Republic co-night, it would be to reconsecrate us in religious devotion and make us abidingly a God-fearing, God-loving people.

I do not fail to recall that the religious life makes for the simple life, and it would be like a divine benediction to restore the simpler life in this Republic.

There is a good deal of loose talk nowadays about the cause of the spiritual demoralization of the community, which it has become popular to attribute to the abnormal conditions that were incident to the war. But, in fact, the war is not wholly to blame. Before the war started, or was dreamed of, we were already realizing the tendency toward a certain moral laxity, a shifting of standards, a weakening of the sterner fibers. I think we should do well to recognize that these tendencies are not a mere momentary incident, but a serious phase in the intellectual and moral evolution of the community. It would be a grievous error to allow ourselves to feel too confident that this is only a temporary and passing aspect.

Take, for example, the matter of regard for the law. Without giving too much weight to alarmist expressions, we must nevertheless recognize that there is a very apparent tendency to a lighter and a more frivolous view of the citizen's relations to both the state and the church. We can hardly hope for a restoration of the old ideals in religion and in moral conduct so long as this tendency to disregard for the law shall continue. It is absolutely essential to the maintenance of a secure society and to the statement of a proper moral plane that the law should be recognized as sacred and supreme. It should have at its back and enlisted in its support every element of the community that realizes the desirability of sound, secure, and stable institutions. Disregard of one statute inevitably must breed a lack of respect for the law in general. This tendency is obvious, and ought to give the deepest concern to people who have seen in this world the fearful results that may flow from the breakdown of respect for the social fundamentals.

Whatever breeds disrespect for the law of the land in any particular department of our community relations is a force tending to the general breakdown of the social organization. If people who are known as leaders, as directing influences, as thoroughly respected and respectable members of society, shall in their respective communities become known for their defiance of some part of the code of law, then they need not be astonished if presently they find that their example is followed by others, with the result that presently the law in general comes to be looked upon as a set of irksome and unreasonable restraints upon the liberty of the individual. Every law involves more or less of this element of restraint. Nearly every individual will find some part of the code that to him seems an unreasonable inhibition upon his personal freedom of action. Our only safety will be in inculcating an attitude of respect for the law as, on the whole, the best expression that has been given to the social aspiration and moral purpose of the community. Unless we can accomplish this in the domain of citizenship, and thereby sustain enforcement, we may well feel that the outlook is not encouraging for the achievement of those loftier spiritual purposes to which the church is devoted. Therefore I can think of no higher service that the church in a time like this may render than to put forth its utmost influence in behalf of frank and willing obedience to the law of the land. Therein, I think, will be found the largest contribution toward guaranty of the Nation's safety, the most promising assurance of ultimate realization of the highest aspirations of the church in behalf of all humanity.

Nations have left their lessons in the pages of history. This Republic is yet youthful enough to learn from the study of these lessons. The failures of the past invariably have been preceded by contempt for the law, by spiritual paralysis, and moral looseness, all of which had their earlier reflex in the weakened influence of the church. We know the helpful, exalting influence of our religious institutions. No one dares to dispute. We shall be made stronger as they become stronger, and we shall ever find greater pride and greater security in the Nation which righteousness exalteth.

RESTRICTION OF IMMIGRATION.

Mr. HARRIS. Mr. President, some days ago I called attention of the Senate to a statement by the head of the American Legion in which he said there were 700,000 ex-service men idle. Also I read a letter from the head of the American Federation of Labor protesting against the immigration bill which has passed the House, is now before the Senate Committee on Immigration, and is to come before the Senate. The American Legion officials and also the American Federation of Labor have indorsed the principle.

I have advocated in doing away with all immigration for five years. I introduced a bill to prevent further immigration for five years, and I have an amendment to the House bill pending before the Senate Immigration Committee to prevent immigration for five years. I have here a statement from President Harding's special commissioner, Mrs. Lillian Russell Moore, who has just returned from Europe on an important mission for President Harding. She spent several months in Europe studying the immigration question as it affects our country. She advocates doing away with all immigration for five years, which is in line with the bill that I have presented and the amendment I offered which has been before the committee.

I noticed in the Atlanta Journal a statement of Mr. Henry Ford, who was passing through Atlanta on his way to Florida, with reference to the bonus and unemployment, in which he says he is opposing the bonus. I do not agree with that; but he says if he gets Muscle Shoals he will give preference to ex-service men in the employment of men needed in this development and that he can take care of a large part of the idle ex-service men, will do away with the necessity for the bonus, and also greatly help to do away with the unemployment of this country.

I ask permission to have inserted in the RECORD both of the statements to which I have referred.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal.]

Mr. Ford said: "If Congress would give me the right to develop Muscle Shoals, there would be no need of a bonus; I'd provide good, steady jobs for those boys."

The automobile magnate disclosed plans to develop 800,000 horsepower at Muscle Shoals and employ one man for each horsepower if Congress accepts his bid.

"Within 12 hours after Congress told me I could take over Muscle Shoals, I would have thousands of men on the way there to go to work, and preference would be given former soldiers and sailors," he asserted.

Mr. Ford said his fight for Muscle Shoals had hardly begun.

"I know the opposition interests are moving heaven and earth to block the acceptance of my bid, but I am fighting back and intend to keep on fighting until I land the property," he asserted.

"And when I get it," he said, "I'll do the very best I can to develop it fully just as quick as I can."

Mr. Ford said the first thing he would do would be to develop the manufacture of nitrate for the farmers. He said it would be sold to them at the cost of production plus 8 per cent, adding it was his policy "never to ask more than a fair profit for what I produce."

The manufacturer said he wanted possession of the shoals, not for his own benefit but for the benefit of the American people.

CAN DO WITHOUT IT.

"Personally it doesn't matter whether I get it or not," he said. "I can manage, I think, to get along without it; but I do see a great opportunity to render a real service to the people of the country, particularly to the farmers of the Southern States who are so hard hit at this time."

The first development, in the event his bid is accepted, will be the manufacture of nitrate, Mr. Ford said. Then the development of great electrical power and other projects would be pushed forward, he said.

"The first thing I'd like to do would be to pull your southern farmers out of the hole," he said.

Figuring that he would be able to give 800,000 men steady work at the big plant, Mr. Ford declared he believed this figure more than covered the number of ex-service men who are now idle.

"Those boys don't need a small Government bonus that would be an insult and a premium on their patriotism; what they need and want is regular work at good wages, and that's what I'm asking the Government to let me give them," he went on.

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ADVOCATES FIVE-YEAR IMMIGRATION BAN—LILLIAN RUSSELL TO REPORT HERE THIS WEEK ON INVESTIGATION IN EUROPE FOR UNITED STATES—SEES FARM LABOR AS NEED—SPECIAL COMMISSIONER, DESCRIBING TRIP, GIVES VIEWS ON METHODS OF EDUCATING ALIENS.

(By Winifred Van Duser.)

[Special to the Washington Post.]

NEW YORK, March 19.—Lillian Russell, in private life Mrs. Alexander P. Moore, will recommend a law prohibiting all immigration for a period of five years when she reports upon her investigation of immigration problems at Washington next week.

Mrs. Moore, who is the first woman ever to hold such a post, has returned from a three-months tour of Europe as special commissioner of immigration.

FARM WORKERS NEEDED.

To-day she stated that at least five years would be required to straighten out problems incident to the passing on potential citizens by the various consuls abroad and receiving those citizens in this country. She said:

"Europe is ready to release thousands of immigrants, most of them undesirable, the moment our restrictions are lifted. It is for us to stem such a destructive tide by legislation which will admit to residence here only constructive labor. We need farm workers, not lower East Side denizens, which are the sort most eager to enter here.

"From information gathered on my mission I should say that this latter element comes largely from the Slav countries—Russia, Poland, and so on.

RIDE THROUGH ITALY REVELATION.

"The thrifty farm workers are Italians and Hungarians. It was a revelation to ride through Italy. There is not any chance of space there not being cultivated. I saw miles of artichokes and more miles of carnations.

"Such industry is what we need in the United States. By supplying this country with farm workers we would cut down the inordinately high prices of foods by the very simple method of supplying people to cultivate the earth which now lies worthless for want of care."

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I hold in my hand a signed editorial by William Randolph Hearst on the merchant marine situation. It is so clear and concise and states so forcibly the problem which confronts us that I think it would be well to have it inserted in the RECORD. I ask that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

(From the Washington Times, Sunday, March 19, 1922.)

PEOPLE URGED TO BACK HARDING'S PLAN FOR BIG MERCHANT MARINE.

President Harding has proposed a plan of creating an adequate American merchant marine by measures providing for ship subsidies.

There is no question of the necessity for developing an American merchant marine at least equal to the merchant marine of any other country.

America has assumed the leadership of the world in industry, and the desirability of possessing an American merchant marine to distribute American products through the world and to develop to the utmost new markets for them is apparent to everyone.

A new and vital need for an American merchant marine, however, has arisen with the proposed new treaties of alliance and agreements to limit naval construction.

The theory of these agreements is that the United States should be allowed a Navy equal to that of Great Britain. But the actual sea power of Great Britain, the actual naval force available in time of war, is the navy of Great Britain plus the convertible merchant marine.

In fact, it is easily conceivable that the actual battleships of Great Britain might not in time of war equal in importance the immense convertible merchant marine which Great Britain has developed and is always further developing.

Certainly the actual naval vessels of Great Britain plus her convertible merchant marine—her auxiliary navy—give her a sea power double that of the United States under present conditions.

And when we add to this the sea power of Great Britain's ally, Japan, which consists of a formidable navy plus a formidable convertible merchant marine, we see how dangerously inferior the United States is with a naval defense limited to its purely naval vessels.

To express the situation in figures similar to those which have been used in the international naval agreement, let us place the actual British naval strength at five plus a convertible merchant marine equaling another five.

Let us then place the Japanese navy at the figure three, plus a convertible merchant marine equaling another three.

The total of these units of sea power would then sum up 10 for Great Britain, 6 for Japan, and 16 for the Anglo-Japanese alliance.

To oppose this combination, or even to oppose one of these nations individually, the United States has an actual naval force equal to five units, and a convertible merchant marine barely equal to one unit.

So that under present conditions the fighting force of the United States—naval power plus merchant ships convertible into an auxiliary navy—is practically no greater than that of Japan, not much more than half that of England, and only a little more than a third that of the Anglo-Japanese alliance.

The importance of a merchant marine, therefore, for the United States now becomes much more than commercial.

It is a vital matter of adequate naval defense.

The proportion of naval defense patronizingly permitted to the United States by Great Britain is wholly inadequate in the face of the Anglo-Japanese alliance.

But it becomes fearfully inconsistent in the absence of a convertible merchant marine at least equal to that of Great Britain. The question, therefore, before the country is not whether we should have an adequate merchant marine. All patriotic citizens, Democratic or Republican, must agree on that point.

The only question is how such a merchant marine can be secured in the best manner and in the quickest manner.

There are three available methods: One may be called the Democratic method, by means of preferential duties; another may be called the progressive method, through public ownership and operation; the third is what we might call the conservative method, through subsidies.

It may be urged more or less convincingly by Democrats that the method of preferential duties is the best, and that it has demonstrated its value by the actual creation of an American merchant marine in the past which flaunted the American flag on every sea and challenged in every quarter of the globe the supremacy of Great Britain on the seas which she is supposed to rule.

It may be logically argued by the progressive thinkers of the community that Government ownership and operation of a merchant marine is the method most in line with modern thought and modern economic and political development.

It may also be argued with equal logic by conservatives that the ship subsidy method of developing an American merchant marine is the easiest, because it is the method employed by the nations which actually possess the greatest merchant marines, such as England and Japan.

The question, however, is not so much a theoretical one as it is a practical one, and resolves itself into the plain proposition, as to which of the three methods can be employed most immediately and most effectively.

The present Republican national administration—the only power to which the people can look for help in this emergency—has pronounced in favor of the ship subsidy as the best means of creating the required American merchant marine.

The Hearst papers have never been in favor of a ship subsidy, but they will support the proposal of President Harding on the purely patriotic grounds that it is better to have a merchant marine created by a ship subsidy than not to have a merchant marine at all. And obviously there is no immediate prospect of securing a merchant marine by any other means.

Moreover, with a merchant marine once thoroughly established and efficiently operated, there will be no reason why some progressive administration in the future may not take over this established merchant marine and operate it under Government ownership—if the people of the United States at that time shall feel convinced that Government ownership is the best method of operating a merchant marine in the interests of the whole Nation.

The Hearst papers call upon their readers, of whatever political faith, to support President Harding in his patriotic demand for an American merchant marine, and not to deliberate too long or to debate too much over the particular method by which this merchant marine is to be secured.

Preferential duties can always be added to our policy at a later date if desirable.

Ultimate Government ownership, as stated above, can be looked forward to by those who are committed to that method.

But the immediate opportunity under the present administration is a merchant marine through ship subsidy.

And the requirement of a merchant marine is so immediate, the necessity so pressing, that the quickest way is the best way in the opinion of these newspapers.

There is, moreover, much to be said in illustration of the demonstrated success of ship subsidies in developing the British merchant marine.

And there is likewise much to be said by argument derived from proved practice and experience in encouraging the railroads to develop their carrying facilities by steamship lines operated in connection with the railroads.

This much has been demonstrated by the British Empire in connection with the Canadian Pacific Railway, and these newspapers advise the people of the United States and the Government of the United States to put into immediate practice in the creation of a merchant marine all that Great Britain has proved to be practical and beneficial, and then to add to these plans and policies whatever the enterprise and ingenuity and resourcefulness of the people of the United States shall devise in the future to increase the advantage of these plans and policies.

Let us, therefore, good citizens, stand back of our President in his demand for an American merchant marine, and agree with him, for the present at least, upon the policies which he considers best suited to its immediate creation.

Thus we will, without selfishness and without prejudice, do our patriotic duty as we see it.

WILLIAM RANDOLPH HEARST.

WRANGEL ISLAND.

Mr. ROBINSON. Mr. President, I ask permission to have printed in the RECORD a brief letter from W. R. Reynolds, captain commandant of the United States Coast Guard, furnishing interesting information in connection with the issue which seems to have arisen between this Government and Great Britain respecting Wrangel Island.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
UNITED STATES COAST GUARD,
Washington, March 20, 1922.

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am much interested in your remarks concerning Wrangel Island which appeared in the CONGRESSIONAL RECORD of yesterday on pages 4260 and 4261. I was a junior officer on the revenue cutter *Corwin* in 1881, when she made the cruise in the Arctic Ocean in search of the *Jeannette* relief expedition.

It was in the boat that landed on Wrangel Island on August 12, 1881, which was the first-known landing on that island. In addition to the boat's crew there were in the boat the commanding officer of the *Corwin*, Capt. C. L. Hooper; Dr. Irving Rose, the ship's surgeon; Fred E. Owen, an engineer officer; Prof. John Muir and Mr. Nelson, who were passengers, and myself. The captain and I landed together, being the first to get ashore. I had the flag, and with the captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America. I planted the flag on a bluff a little to the northward of our landing place, and left it there, together with a record of our visit. The place was subsequently visited by the U. S. S. *Rogers*, which was also in search of the *Jeannette*.

Very sincerely yours,

W. R. REYNOLDS,
Captain Commandant, United States Coast Guard.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a memorial of the Legislature of Florida, which was referred to the Committee on Finance, as follows:

OFFICE OF THE SECRETARY OF STATE,
STATE OF FLORIDA,
Tallahassee, March 7, 1922.

Hon. D. U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SIR: I am inclosing certified copy of house memorial No. 8 as passed by the Florida Legislature of 1921 and filed in this office.

Yours very truly,

H. CLAY CRAWFORD,
Secretary of State.

Whereas there is now pending before the Congress of the United States a bill known as the soldiers and sailors' adjusted compensation act; and

Whereas said bill is sponsored by the American Legion of the United States; and

Whereas said bill is also known as the American Legion's fourfold plan for a bonus; and

Whereas the American Legion of the State of Florida, at its convention held at Orlando, Fla., May 16 and 17, 1921, has requested the Legislature of the State of Florida to memorialize Congress in aid of said bill; Now, therefore, be it

Resolved by the House of Representatives of the State of Florida (the Legislature assembled (the Senate concurring), That the Florida Representatives in the Congress of the United States—Hon. D. U. FLETCHER, Hon. PARK TRAMMELL, Hon. FRANK CLARK, Hon. H. J. DRANE, Hon. J. H. SMITHWICK, and Hon. JOE SEARS—be, and they are hereby, requested to inform the Congress of the United States that the people of the State of Florida are interested in the passage of the bill now before Congress, commonly known as the American Legion's fourfold adjusted compensation bill; and be it further

Resolved, That the Florida Representatives in the Congress of the United States be, and they are hereby, requested to use their every effort in securing the early passage of said bill through the Congress of the United States; and be it further

Resolved, That the secretary of state of the State of Florida be, and he is hereby, directed to send a copy of this memorial, under the great seal of the State of Florida, to the Congress of the United States and to each of the Senators and Representatives of the State of Florida in Congress assembled.

STATE OF FLORIDA,
Office Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of house memorial No. 8 as passed by the Florida Legislature of 1921 and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 6th day of March, A. D. 1922.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. NELSON presented a resolution of Glenwood Lodge, No. 520, Brotherhood of Railway Carmen of America, of Minneapolis, Minn., favoring the passage of the so-called Dyer anti-lynching bill, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution adopted by the Urichsville Board of Trade, of Urichsville, Ohio, favoring enforcement of the laws against the liquor traffic, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented a memorial of sundry citizens of Little Rock, Ark., remonstrating against the reduction of the enlisted personnel of the Navy below the numbers recommended by the Secretary of the Navy, which was referred to the Committee on Naval Affairs.

He also presented resolutions adopted by the Junior Order United American Mechanics of Sebastian County, Ark., favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. CAMERON presented a resolution of the Senate of the State of Arizona favoring the full recognition of the President and Government of Mexico, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Legislature of Arizona praying for the passage of legislation granting substantial recognition to ex-service men and women of the World War, which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of Arizona favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

[See resolutions in full previously presented by Mr. ASHURST.]

He also presented resolutions adopted by Stephen D. Little Garrison, No. 125, Army and Navy Union, of Nogales, Ariz., favoring the enactment of beneficial legislation for veterans of all wars, the imposition of an excess-profits tax rather than a sales tax for raising the necessary funds therefor, and the passage of the so-called Morgan bill, increasing the pensions of Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. SIMMONS presented a memorial of the Minneapolis (Minn.) Republican Club, remonstrating against the ratification of the four-power treaty, which was ordered to lie on the table.

He also presented a resolution of the Reserve Officers' Association of Western North Carolina, of Asheville, N. C., favoring the maintenance of a Regular Army of at least 125,000 men and 12,000 officers, which was referred to the Committee on Military Affairs.

He also presented a resolution of the Reserve Officers' Association of Western North Carolina, of Asheville, N. C., remonstrating against the proposed reduction of 50 per cent in the steaming coal allowance of the Navy, which was referred to the Committee on Appropriations.

He also presented a resolution of the Central Labor Union of Charlotte, N. C., favoring an investigation of the cotton industry in the New England States, which was referred to the Committee on Education and Labor.

FISH-RESCUE STATION ON MISSISSIPPI RIVER.

Mr. LENROOT, from the Committee on Commerce, to which was referred the bill (H. R. 2293) to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce, reported it with amendments and submitted a report (No. 576) thereon.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 25, 1922, they presented to the President of the United States enrolled bills of the following titles:

S. 3209. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; and

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

CHANGE OF REFERENCE.

Mr. JONES of Washington. The bill (S. 3279) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex., was referred to the Committee on Commerce. This is a bill, I understand, that provides for the building of a bridge across a nonnavigable stream connected with an Indian reservation, and it should go to the Committee on Indian Affairs. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 3335) to authorize the acceptance of title to forest lands in the State of Florida and to create national forests therefrom, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 3336) granting an increase of pension to Charles A. Bills; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3337) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate and foreign commerce, and for other purposes; to the Committee on Agriculture and Forestry.

Mr. NORRIS. Mr. President, I think I ought to state for the benefit of Senators in just a word what this bill is, because undoubtedly there will be inquiries with regard to it. It is a verbatim copy of the cold storage bill as it passed the Senate in the last Congress. The Committee on Agriculture and Forestry of the Senate at a recent meeting thought the bill ought to be reintroduced in this form. There is no change from the bill as it passed the Senate at that time, and, as Senators know, it failed to become a law by reason of disagreement in conference.

By Mr. EDGE (for Mr. FRELINGHUYSEN):

A bill (S. 3338) for the relief of Joseph A. Frayne; to the Committee on Naval Affairs.

A bill (S. 3339) for the relief of the children of Stephen Dickerson; to the Committee on Claims.

A bill (S. 3340) granting a pension to Barney McKay; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3341) to abolish capital punishment in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURSUM:

A joint resolution (S. J. Res. 182) making available certain appropriations for registers and receivers at the land offices at Fort Sumner, Clayton, and Tucumcari, N. Mex.; to the Committee on Appropriations.

SUPPLEMENTARY FOUR-POWER TREATY.

Mr. LODGE. I ask for the regular order.

The VICE PRESIDENT. The regular order is Executive O, the four-power supplementary agreement.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider the agreement submitted by the President of the United States between the United States, the British Empire, France, and Japan supplementary to the

treaty between the same four powers relating to their insular possessions and their insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan.

Mr. ROBINSON. I offer the following amendment to the treaty. In the second paragraph I move to strike out the words "Karafuto (or the southern portion of the island of Sakhalin)."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed in the second paragraph, after the word "only," to strike out the words "Karafuto (or the southern portion of the island of Sakhalin)," so that if amended the paragraph will read:

> The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Formosa and the Pescadores and the islands under the mandate of Japan.

Mr. PITTMAN. Mr. President, I do not intend at the present time to address myself directly to this amendment. However, I intend to call attention to the opportunity to remedy, in action on this treaty, some of the omissions, as it occurs to me, on the ratification of the treaty upon yesterday, the four-power treaty.

In the four-power treaty as it was presented to the Senate was a reservation, placed there by the signers of the treaty. That reservation has been eliminated from the treaty. It has ceased to exit. I am frank to confess that I do not understand by what authority or action it was eliminated from the treaty.

Mr. LODGE. If the Senator will allow me, it never was in the treaty at any time and never has been eliminated. It stands, just as it always stood, as a declaration of the signatories.

Mr. PITTMAN. That is exactly what I am trying to ascertain. That is what the Senator said upon yesterday.

Mr. LODGE. And that is the fact.

Mr. PITTMAN. But I have in my hand here the four-power treaty as presented to the Senate, and I find the statement in it as presented. I find that statement signed by all the signatory powers to the treaty. It was signed with exactly the same formality as the main body of the treaty was signed. It reads as follows:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:
>
> 1. That the treaty shall apply to the mandated islands in the Pacific Ocean *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.
>
> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.
>
> WASHINGTON, D. C., *December 13, 1921.*

It is signed by Charles Evans Hughes and the other signatories to the treaty.

Mr. President, a treaty is nothing on earth except a contract between nations, and everything that is in the writing signed by the parties to the contract must be taken into consideration as bearing upon the agreement. The signatories could not make an agreement. The main body of this four-power pact was no more a contract before it was ratified by two-thirds of the United States Senate than was this addendum to the contract which was not ratified by the United States Senate. They both came before this body as simply a preliminary contract negotiated by the parties who signed it. It was the duty of the President to present that contract as negotiated for the consideration of this body. In my opinion, either the President of the United States did not perform his constitutional duty or those in this Chamber who were representing him did not perform theirs. Only a portion of this treaty was presented to the Senate.

The Senator from Massachusetts says that it constituted merely an explanation on the part of the makers of the treaty. The whole body of the instrument is only the explanation of the makers of the treaty. The language in the four articles is solely for the purpose of trying to convey what the agreement was; but the makers of this treaty found it was necessary to place an addendum to the four articles to explain what they meant in the four articles, and that explanation becomes just as much a part of the written contract as if it were article 5. There would have been no distinction if it had been article 5. It had just the same relation to the treaty as negotiated as the so-called Brandegee amendment now has to the treaty as ratified. The Brandegee reservation becomes a part of the treaty; I do not think there is any question about that. It would certainly be useless if it did not become a part of the treaty, if it did not become a part of the contract.

Mr. President, I remember very distinctly that when the Versailles treaty was under consideration there were Senators who proposed that, instead of adopting reservations to the treaty itself, we should pass a separate resolution declaring our interpretation of the treaty. It was then argued, and argued forcefully, that a separate resolution would not become a part of the contract; that other powers would not have to consider that separate resolution, would not have to read it, and would not be bound by it in any way.

However, it may be argued possibly that the other three countries can not go back upon the declaration made by the executors of the treaty, even though it has not been adopted as a part of the treaty, because it is the commitment of those who wrote it. Mind you, Mr. President, if the drafters of the treaty had the legal authority under our Constitution to make the contract without the concurrence of two-thirds of the Senate, then it would be binding upon this Government and upon other powers; but certainly it can not be held that this declaration of the signatory powers which has now been eliminated is binding upon the United States, because it was presented to the United States Senate, whose concurrence is essential to making a contract on the part of this Government, and the United States Senate expressly refused to ratify it. We could not assume that the United States has given silent consent to the interpretation placed upon it by the signers, because it came to the notice of the United States Senate in being presented to them, and the United States Senate declined to approve it by a vote of this body, as it did approve the four articles of the four-power pact.

But, nevertheless, the fact remains, Mr. President, that the Senate of the United States has gone further in denying the authenticity of this reservation, because the second paragraph of the reservation, which was eliminated by the Senate, provides—

> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

That was undoubtedly considered of importance to the United States in the adoption of the treaty. The matter was called to the attention of the Senate by the Senator from Nebraska [Mr. HITCHCOCK] on yesterday. He then said:

> I would like to ask the Chair whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty:
>
> "In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:
>
> "1. That the treaty shall apply to the mandated islands in the Pacific Ocean; *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.
>
> "2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers."
>
> The VICE PRESIDENT. The Chair understands that that is the declaration of the signatory powers and not a part of the treaty.

Later on the Senator from Nebraska said:

> And it is printed with the treaty in advance of the resolution of ratification.
>
> Mr. LODGE. Mr. President, all this debate is out of order, but the matter referred to by the Senator from Nebraska was not reported as a part of the treaty, and is not a part of the treaty. It is merely a declaration of the understanding and intent of the signatories of the treaty.
>
> Mr. HITCHCOCK. I assume that the Senate has the right to pass upon the position of the United States as well as those who negotiated the treaty. Can they bind the Senate without the matter having even been read to the Senate?
>
> Mr. LODGE. I make the point of order that this debate is out of order.

So, Mr. President, that safeguard with regard to our domestic relations, although, as is contended, it was not referred to this body, was considered vital by the distinguished Senator from Massachusetts, not only in the making of this treaty but in connection with the ratification of the Versailles treaty. He thought it was vital; in fact, so vital that he had it incorporated in the four-power pact as an addendum, signed by all the parties to be bound by it; and yet when it came to this body he states that it is not a part of the treaty; that it is only an expression on the part of the individuals who drafted the treaty. Therefore, so far as the four-power treaty is concerned, this addendum, whether or not it was merely an individual expression at the time it was written, is now nothing, because it has gone out of existence, never having been read nor acted upon in accordance with the rules of the Senate. It is now too late, because the rest of the treaty has been ratified and returned to the President.

Mr. President, on yesterday I offered a reservation intended to protect our domestic questions against consideration or adjustment by the four signatory powers. The reservation

offered by me was in identical language, except as to the last three or four lines, with the reservation presented by the distinguished Senator from Massachusetts as an amendment to the resolution of ratification of the Versailles treaty. I will not read it because Senators are familiar with it, but, with the permission of the Senate, will place it in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The reservation referred to is as follows:

> And that the United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way for consideration.

Mr. PITTMAN. I feel that at this point I should defend the Senator from Massachusetts to a certain extent, because I notice that one of the morning papers, in commenting upon the proceedings of yesterday, stated that the resolution was so involved that portions of it being heard provoked merriment in the galleries. It is possible that it is involved, and yet I had such confidence in the ability of the Senator from Massachusetts to draft reservations and the reservation presented by him to the Versailles treaty having been approved by a majority vote of the Senate at the time of consideration of that treaty, that I adopted the exact language which was approved by the Senator from Massachusetts and by the majority of this body in connection with the resolution of ratification of the Versailles treaty. I ask consent at the end of my remarks to place in the RECORD the entire resolution of ratification to the Versailles treaty as finally adopted by a majority of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITTMAN. It will be found that the resolution which I offered yesterday designed to protect the United States against interference in its domestic affairs by the four powers at any conference which may be called was taken word for word from reservation No. 4 to the Versailles treaty. Let me call attention to the fact that every Senator, except four, who voted for that reservation to the Versailles treaty voted upon yesterday against the similar reservation to the four-power pact.

Mr. President, it is hardly worth while to call attention to the materiality of a provision of that kind in any treaty that may be so construed as to involve questions affecting our domestic relations. As I have said before, the drafters of this treaty saw the necessity of it, and they provided for it, and then for some reason they determined that they would take it out of the treaty, which they did effectually by not permitting it even to be read to the Senate.

I have read what purports to be a statement by the British ambassador at a public meeting with regard to threats of war in the Pacific that endangered the United States.

Mr. LODGE. Mr. President, it is only fair to say that he absolutely and flatly denied that he made that statement.

Mr. PITTMAN. Mr. President, the Senator from Massachusetts is more accurate in discussing historical matters than he is in discussing newspaper reports, or matters of less importance. As a matter of fact, I will place in the RECORD later with the consent of the Senate what the British Ambassador said. He denied categorically that he said that war was imminent. He admitted that what he did say, however, was what had been said a number of times throughout the country. That was his denial. His denial was a negative pregnant. He denied using the exact language—that is all. It is a common form of denial when you can not make any other kind of denial; but in that very denial he authorized it to be said that what he did say was what was said publicly all through this country with regard to the threat of war in the Pacific. So he did say something with regard to the threat of war in the Pacific, and the Senator from Massachusetts will not deny that he admitted that.

What did he say with regard to the threat of war in the Pacific? Possibly the Senator from Massachusetts knows. Did he say that the United States was threatened by that war? Did he say that the United States was relieved from that threat by virtue of the four-power pact? That was the whole object of his speech—to disclose that the United States was now removed from that fear by the four-power pact.

Mr. FRANCE. Mr. President——

Mr. PITTMAN. I yield to the Senator from Maryland.

Mr. FRANCE. In that connection, I will say to the Senator from Nevada that Mr. Nevinson, before he left for England, stated that we had avoided war with England by deciding to reduce the size of our fleet. He said that if we had continued to build our fleet, war with Great Britain would have been inevitable; so that that statement would seem to support the views of the other distinguished Britisher.

Mr. ROBINSON. Mr. President——

Mr. PITTMAN. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. Nevinson, connected with the Manchester Guardian, to whom the Senator from Maryland [Mr. FRANCE] has referred, not only stated that by agreeing to reduce our fleet we had escaped war with Great Britain, but he said that war inevitably would have occurred within the next five years if we had not pursued the course we did pursue in agreeing to certain of the treaties proposed by the Washington conference. That statement was published in the Outlook. I myself referred to it some days ago during the debate on the four-power treaty.

Mr. FRANCE. I thank the Senator.

Mr. PITTMAN. I am not raising this question for the purpose of prefacing an attack on the British ambassador, and I hope that will not be the effect of it. What I am getting at is this: The British ambassador was making a speech of assurance to western people. It was a comforting speech. He was assuring them that the dangers of war that had been hanging over them in the Pacific were now forever removed by the four-power pact.

There is no doubt about that. Whether he said that the war was imminent or not is immaterial to me. He spoke with regard to war and threats of war, and threats of war must be somewhat proximate, or there would not be much fear with regard to them. But here is the question: The ambassador must have had in mind the cause or the causes of those threats of war. What were they? Was there ever any unpleasant feeling between Japan and the United States by reason of any aggression or threatened aggression on the part of the United States against any of the possessions of Japan? Never. There never has been an intimation that the United States Government ever coveted a foot of land possessed by Japan or even claimed by Japan. What was, then, the cause of this unfriendly feeling between the United States and Japan? Did it involve anything the United States was doing or threatened to do in the Far East? If so, I never have heard of it. Did it originate by reason of any act or threatened act upon the part of the United States with regard to the policy of Japan in the Far East? If so, I never have heard of it.

Mr. President, the British ambassador knew, and we knew, and we know now, the cause of the unfriendly feeling, if any exists, between the Japanese people and the people of the United States. It is with regard to our own conduct of our domestic affairs; that is all. It is because it is claimed that we have injured the dignity and pride of the Japanese race by not treating them as we treat other nations within our own borders. That is the cause of the unfriendly feeling. It is because California and Texas and other States have passed laws prohibiting Japanese subjects from acquiring real property—land—in those States. That is the reason of it. It is because we deny them the right of becoming citizens of the United States. Those are the reasons of it, and those are the only reasons that have ever caused any unfriendly feeling between the Japanese people and the people of the United States. Those are the only causes that have threatened war with the United States, and the British ambassador knew it.

How is the four-power pact to relieve that condition? And yet the British ambassador says that the four-power pact does relieve that threat of war. As long as the United States or any of its States prohibit Japanese subjects from becoming citizens of the United States, the same as the subjects of Great Britain and France and other countries, there will be that bitter feeling against the United States. So long as the States of this Union pass laws prejudicial to the subjects of Japan in comparison with the subjects of other States, that hard feeling will exist. These threats of war will continue as long as that feeling exists. How does the four-power pact remedy that situation?

I can see how the four-power pact would relieve Japan from any fear of aggression on our part against her islands, but Japan has never had that fear, because there never has been a threat of that kind on the part of the United States; but how can this pact relieve Japanese feelings with regard to our discrimination against her subjects within our borders, unless—mind you—unless those questions are to be referred to these four powers?

Is it the intention of the Senate of the United States that should there arise a threat of war between the United States and Japan by reason of our exclusion of Japanese subjects from becoming citizens of the United States the question will be taken up in conference by the four powers? If that is not the intention, then the four-power pact does not in any way tend to relieve the threat of war that has existed, if it ever did exist,

between Japan and the United States. Is it the intention of the Senate that in the event of a threat of war between Japan and the United States by reason of the prohibition by certain States of Japanese subjects obtaining land that such cause of controversy will be referred to these four powers? Then, if that is not the intention and that is not the plan the four-power pact has nothing to do with the causes that bring about hard feelings between the United States and Japan and the causes that threaten war, if there are any threats of war; and the British ambassador said that there were threats of war, and that the four-power pact had forever removed that danger of war as far as the United States is concerned. I say to him that if he is right in that, then he must have had in mind that it is the intention of the four powers to take under consideration and settlement the very questions that are threatening war, and those are domestic questions; and yet the proponents of this treaty have deliberately refused to have read in this body and voted upon a part of the treaty, signed by the same people who executed the main body of it, which expressly states that the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Mr. President, if those having charge of this treaty had said, "Let that be read; let that be considered as a part of this treaty," then at least there would have been some protection against an attempted consideration of these domestic questions by those four powers; but they did not do it. They would not let it be read under the rules of the Senate; and yet it was sent to us by the President of the United States as a part of the treaty, signed by the same parties, and not only signed by the same parties but followed by the resolution of ratification.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. ROBINSON. If I correctly understood the Senator from Massachusetts yesterday, he stated that this was a mere supplementary declaration issued by the signers of the four-power treaty, and that it was no part of the treaty itself. Nevertheless, in the first clause of the declaration the following language is used:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan, it is declared to be the understanding and intent of the signatory powers—

And so forth. Then follow the two declarations in the nature of reservations to which the Senator from Nevada has been referring. So that at the time of the signing of that declaration it was manifestly the expectation of the signers that it should be regarded as a part of the treaty, for they undertook to speak for the signatory powers. Of course, we all understand that Mr. Hughes, and Mr. LODGE, and Mr. UNDERWOOD, and Mr. ROOT can not bind the United States to an international understanding that is not advised and consented to by the Senate of the United States. Clearly it was the purpose at that time to treat it as a part of the treaty itself.

Mr. PITTMAN. Mr. President, when we were considering the covenant under the Versailles treaty there was a contention made on the other side, and a very strong contention, that we might be required to submit to consideration of the League of Nations questions involving some of our domestic relations. A clause of article 15 of the covenant of the League of Nations provided:

> If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law—

"Which by international law," mind you, the same language as in the reservation referred to in the four-power treaty—

> is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

They were not satisfied with that. That exclusion of our domestic relations was not considered sufficiently definite. At that time the distinguished Senator from Massachusetts was thinking more of the protection of our domestic affairs than he was of our foreign relations, and in that he is not subject to criticism. But a great change has come over him. For a brief moment, possibly, when they were drafting this four-power treaty, he thought of the domestic affairs of this country and drafted a reservation to the treaty which became a part of the execution of the treaty, because it says so. Then, apparently for some reason, having more assurance, possibly, than he did when he drew it, and maybe because some objections were made by some of the other countries—he has not told us what the reason was—he changed his position, because he would not permit such reservation to be read to the Senate or acted on by this body. Now he says that it is not a part of the treaty, it is not a part of the contract at all; that it is simply an expression of the individuals who drew it. Yet when we had the Versailles treaty under consideration the Senator would not accept the language I have read, declaring that questions determined to be domestic under international law should not be considered by the council of the League of Nations. As I said before, when considering the covenant of the league, he realized that it was so important to keep our domestic affairs to ourselves, that he assisted in the preparation of, and he presented to this body the reservation I am about to read, and this reservation was adopted by a majority vote of this body as a part of the resolution of ratification of the Versailles treaty. I am reading from reservation 4:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

Yet the Senator from Massachusetts himself, by main force and the power of his position, prevents a reservation of similar import, which the framers of this treaty had in the treaty, from being read or considered by this body, and absolutely wipes it out of existence. Having done that, he refuses to permit the same reservation to this four-power pact which he himself presented and had adopted to the Versailles treaty.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. PITTMAN. I yield.

Mr. LENROOT. Will not the Senator admit that under the Versailles treaty in case of a dispute between the United States and another member of the league it would be referred to a body where the United States would have no vote and no voice?

Mr. PITTMAN. Does the Senator mean now?

Mr. LENROOT. No; under the Versailles treaty.

Mr. PITTMAN. If the Senator means to say that the United States could not participate in the consideration of a question affecting itself, I reply that undoubtedly it could not.

Mr. LENROOT. Under the four-power treaty when any question is referred to the conference the United States would participate, and no action could be had without the consent of the United States; but that was not true under the Versailles treaty.

Mr. PITTMAN. Mr. President, I read just now the paragraph referring to domestic questions, and it covered domestic questions, those recognized as domestic questions under international law.

Mr. LENROOT. But the point is that under the Versailles treaty we would have no voice or participation in the determination of the question, and, therefore, if it were submitted they could bind us, while under the four-power pact we participate in the consideration of every question which comes before the conference, and we can not be bound unless we agree to be bound.

Mr. PITTMAN. Mr. President, the distinguished leader of the majority in drafting this treaty referred to questions which, according to the principles of international law, lie exclusively within the domestic jurisdiction of the respective powers. There would have been upon the council of the League of Nations, Great Britain, one of these four powers; Japan, another one of these four powers; France, another one of these four powers; Italy, Brazil, and Belgium. Does the Senator mean to say that these people with whom we are willing to contract for 10 long years, by this instrument, would not have decided the principles of international law according to law?

Mr. LENROOT. The Senator from Wisconsin takes the position that he would not submit to any international conference the power to decide these questions where the United States did not participate. Under the four-power pact the United States does participate and can not be bound without its consent. The Senator must know that.

Mr. PITTMAN. The Senator is absolutely right in his statement. He says he would never submit a domestic question to consideration. Undoubtedly he would not. Why does he not agree that we shall so provide in this instrument? Yesterday he voted against saying that. That shows the distinction. That is the mysterious thing about all this.

Mr. ROBINSON. The Senator from Wisconsin is willing to say it in the Senate, but not willing to say it in the treaty.

Mr. PITTMAN. Mr. President, there is yet a chance, possibly, in the consideration of this addendum to the treaty to do something consistent with past performances. There is an

opportunity still to show some interest in the domestic affairs of this country.

I remember that when the Versailles treaty was up there was even a question as to whether the language meant that it was necessary to have a unanimous vote, and every effort was made to cover that question in the resolution of ratification and by the reservations. Yet in this case there is not a single statement in the treaty that a unanimous vote is required to reach an adjustment.

The Senator from Wisconsin says:

> Well, but in this one it requires our consent. A majority of them can not decide against us. We can stop it.

Yet on yesterday he voted against the reservation which expressly stated that we should not be bound by any adjustment arrived at without our consent. What was the harm in that, if it means the thing he says it means? Why does he want to leave it doubtful and ambiguous? When he was trying to protect his country against the Versailles treaty there was not a safeguard he could think of that he was not willing to throw around it, and yet to-day he is not willing to have added to this treaty a safeguard which means the same he says it means, but which others doubt.

The other day the Senator said:

> Why place in this treaty a declaration which the nations would obviously carry out? Why require these four powers to invite in an outside power with whom they were having a controversy which threatened war? They would naturally do that.

That is what he said. Let me ask him this question: If a controversy arose between some of the four powers, would they not naturally call a conference to discuss it? The four powers did not think it would naturally follow, so in article 1 they absolutely provided it.

Mr. LENROOT. It so happens that the Senator from Wisconsin never made any such statement as the Senator from Nevada is now referring to.

Mr. PITTMAN. The Senator from New Jersey [Mr. EDGE] did. I am told I was mistaken. The Senator from Wisconsin did not say so, but I will ask the Senator now whether he believed that in the event of a controversy between one of the four powers and an outside power threatening war the outside power would be invited into the conference?

Mr. LENROOT. The Senator from Wisconsin stated that his position is, that in such a contingency the United States can suggest to the other powers that the outside power be invited in, and if they refuse, all obligation upon the part of the United States to attempt to come to an understanding is fulfilled.

Mr. PITTMAN. But that exact expression, or one nearly to that effect, was yesterday offered in the form of a reservation, that if the suggestion of the United States was not agreed to the United States be allowed to withdraw, and the Senator from Wisconsin voted against it. I was mistaken in saying that he made the statement I referred to. It was the Senator from New Jersey, as has been called to my attention. He said that these four powers being humane powers, working for peace, they would naturally invite an outside power in with whom they were having a controversy to discuss that controversy. The Senator from Wisconsin denied that he said it. I do not know whether to take that to mean he does not believe it or not; but if he has any respect for these four powers, he must believe that they would do what was humane and peaceful. He must, then, think that the Senator from New Jersey was right when he said that they would do the natural thing, invite the outside power in; but whether he thinks that or not, the situation is this: That these four powers, in framing this treaty, were not willing to trust each other to that extent. They expressly provided that in the event of a controversy between any of the four powers they would confer with regard to that controversy.

Why was that necessary? It was necessary because those four powers did not want any misunderstanding about it. It is equally necessary that there should be no misunderstanding with regard to a conference with regard to any controversy between any of these four powers and an outside power at which the outside power may be present. Yet the Senator from Wisconsin voted for article 1, which requires the consideration of internal controversies, and voted against the reservation which requires consideration of external controversies.

Now, here is our treaty, and I ask leave to attach as addenda to what I am saying such four-power pact as it was finally ratified.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PITTMAN. I want this in form so that any intelligent person may read the treaty and then read the reservations that were offered to the resolution of ratification and see whether or not in their opinion they do not believe that the reservations should have become a part of the treaty.

Here is one of the first reservations offered. It was offered by the Senator from Missouri [Mr. REED] as an amendment to the reservation, and reads:

> If any nation shall refuse to concur in any understanding, it shall in no respect be bound by the understanding arrived at by all or any of the other parties.

Yet that reservation was voted against by all except four of the Republicans. They are willing to take a chance whether any of these powers can withdraw from the conference. Why take a chance? Why be satisfied by saying we know it means that anyway, when you can protect your own people so easily by adopting that very reservation? Is there any excuse for it? You objected to this in the form of amendment. You said the amendment changes the treaty, but when it was asked to have that provision made a part of the Brandegee reservation you were equally opposed to it and voted it down.

The Senator from California [Mr. JOHNSON] wanted to carry out the expressed thought of this body. He wanted to carry out the sentiments of the people of the country and wanted to include in article 2 the word "pacific." What happened? Here is the way it would have read with the amendment that he offered:

> If the said rights are threatened by the aggressive action of any other power the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient pacific measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The only change that he asked to make in article 2 was to put the word "pacific" ahead of the word "measures." That was so there could be no misunderstanding that the people of this country do not favor agreeing on war measures against an outside party. You voted it down. Why? What is the objection to it? The Brandegee reservation had to be considered by the other powers. It would take no longer to consider the word "pacific." There can be only one interpretation of it, and that is that you did not want "pacific" measures. There can be only one interpretation of it, and that is that "pacific" measures would not do—that the only way you could meet outside aggression would be with force, with war. Yet having placed that interpretation upon it you will not stand for any kind of reservation that will bring about a conference with those outside parties before it reaches a stage of aggression and war.

A reservation was offered by the Senator from Montana [Mr. WALSH] providing the machinery for a conference to settle the controversy with outside parties before it reached the stage of war, and you voted it down. I shall not read that reservation. With the consent of the Senate, I will place that in my remarks without reading.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

> And that in case any controversy shall arise between any of the high contracting parties and any other power, involving the rights of any of the said powers in relation to their insular possessions or dominions in the region of the Pacific Ocean, not satisfactorily settled by diplomacy and likely to lead to war, a conference such as is provided for in article 1 of said treaty shall be called by the parties thereto to which all nations interested in said controversy shall be invited for the consideration and adjustment of such controversy.

Mr. PITTMAN. The Senator from Arkansas [Mr. ROBINSON] offered an amendment to the Brandegee reservation carrying the same principle, but in different form, in the hope that it might appeal to Senators on the other side, and that was defeated by a unanimous Republican vote, with the exception of four. I ask permission to place that in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

> The United States understands that each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

Mr. PITTMAN. Following these two reservations I offered a reservation which was more limited than the other two in scope in the hope that it might find supporters on the other side. In that reservation I limited it to powers having possessions in the Pacific. Not only that, but I stated that it was understood that the United States Government, not the other powers, but the United States Government alone, ratified the treaty with the understanding that it should have the right to

invite such outside powers into conference with the four powers in the event of controversy with such outside powers that threatened war. Yet they voted that down. They denied to our Government individually itself the right to invite an outside nation with whom war was threatened into conference with the four powers. They could not contend we were trying to force Japan, Great Britain, or France to do the inviting. It was a privilege that we had a right to reserve to ourselves, yet all except four Republicans voted against it.

My reservation was as follows:

And that if there should develop between any of the high contracting parties or any other power or powers having possessions in the region of the Pacific a controversy arising out of any Pacific question involving said insular rights and possessions threatening war, which is not satisfactorily settled by diplomacy, the United States shall have the right to invite said other power or powers to a joint conference with the four powers, to which the whole subject shall be referred for consideration.

What was the matter with the reservation which was offered as an amendment to the Brandegee reservation providing that none of the four powers should enter into a separate peace with some other power which was in conflict with the four-power pact and which was destructive or injurious to our rights under that pact? What was wrong with that? Is it possible that we are going to encourage such agreements between the four powers? These things have taken place. We deliberately encourage it by refusing to condemn it. That amendment to the Brandegee reservation I will place in the RECORD at this point without reading.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that none of the high contracting parties shall, during the life of such treaty, without consulting the other parties, enter into any separate arrangement or understanding with another power, whether one of the high contracting parties or not, with reference either to their insular possessions and insular dominions in the region of the Pacific Ocean or to the Asiatic mainland, which shall in any way prejudice the objects and rights of the said parties under this treaty or which shall be inconsistent with the terms thereof.

Mr. PITTMAN. Here is another one. Why, it has been contended time and time again that we had to get rid of the Anglo-Japanese alliance so we could protect the Philippine Islands; that the Philippine Islands were threatened by that alliance. Of course, the absurdity of that is known to every intelligent student of history. We know that Great Britain never would join with Japan in a war of aggression against the Philippine Islands, never as long as we are the sponsors for the Philippine Islands. Certainly no one in the United States is afraid of Japan alone attempting to take anything of ours.

But a reservation was offered yesterday which we should have adopted in all honor, which was an obligation upon us to the Philippine people. What was it? Why, we have been telling the Filipinos that we were going to give them independence. We have told them that for 20 years, and there is no doubt that, sooner or later, independence must be given to them. You can not hold on to that imperialism much longer, and when you give them their independence, are you going to have no reservations to protect them? Are you going to turn them loose without the protection that you yourselves claim in this selfish pact? When it comes down to the proposition of protecting the poor little Filipinos you say no. The reservation introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] provided that when we do grant independence to the Filipinos it is understood that their rights and their territory shall come under the protection of the four-power treaty. Should it not? Then why did you not adopt it? Instead of that, every Republican except four voted against it.

Mr. President, we are bound for 10 years by this treaty, and then for a year after that. Oh, when we were considering the Versailles treaty—yes; when the Versailles treaty was being framed—one of the great complaints in this country was that it would take us too long to get out of that treaty. There was an amendment made to it by the drafters of it by reason of that complaint before it was presented to this body. When it was finally presented to this body it provided that we could get out of that treaty within two years. In the four-power treaty we have no way of getting out of it under 11 years, and yet this amendment to the Brandegee reservation was presented and voted down:

Provided, That the United States agrees to this treaty with the express understanding that it reserves to itself the right to withdraw therefrom at any time any of the other parties to the treaty shall, in the opinion of the President of the United States or of the Congress by joint resolution expressed, wrongfully engage in war with any country, thereby imperiling the peace of the Pacific.

You are unwilling when one these powers wrongfully commences a war, and the President of the United States so declares, or the Congress by joint resolution so affirms, to permit this country to withdraw from this 10-year pact. What excuse have you to offer? You have voluntarily tied your hands for 10 years. You have tied your hands in a pact that may bring wrongful war, and you have provided no means by which you can escape from it. Yet that reservation was voted against by every Republican except four in the Senate.

There was another reservation which attempted to limit the effect of the treaty to the insular possessions and to prevent its extension to the mainland of Siberia and China, lands that have threatened war every hour and every year, and will continue to threaten war until one of the greatest wars of all history breaks loose. Yet there was no effort to protect this country from that danger. Here is the reservation that was offered as an amendment to the Brandegee reservation:

Provided, That the United States agrees to this treaty with the express understanding and reservation that article 2 of said treaty shall not apply to any situation arising out of the military occupation by any of the high contracting parties of any part of the mainland of Asia, including the boundaries of the Chinese or Russian Empires as they existed in 1890.

The Senate understood the danger arising from that mainland situation. The Senate understood that under article 2 if an aggression arose there and extended to the insular possessions of Japan we would be involved in it, and yet that amendment to the Brandegee reservation was voted down by all of the Republicans except four.

Mr. President, I now read another amendment which was offered to the Brandegee reservation:

Provided, That the United States agrees to this treaty with the express understanding that it may withdraw from the same at any time by giving one year's notice of its intention to withdraw.

It was voted down. These were all amendments to the reservation which the Committee on Foreign Relations presented to the Senate. They were really not new reservations; they had to do with the reservation which the Foreign Relations Committee had already approved.

There was another amendment in the nature of a substitute which was offered to the Brandegee reservation by the Senator from California [Mr. JOHNSON]. It was in form the original reservation presented by the Senator from Connecticut to the Committee on Foreign Relations of the Senate.

Mr. President, the reservation as originally presented by the distinguished Senator from Connecticut was offered by the Senator from California as a substitute for the final Brandegee reservation. I will not read it; it has been read; but I will place it in the RECORD at this point in my remarks, so that those who may desire to study the four-power treaty may have it before them in concise form.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The reservation referred to is as follows:

The United States understands that it assumes no obligation, either legal or moral, to maintain the rights in relation to the insular possessions or insular dominions of any of the other high contracting parties; and that the consent of the Congress of the United States shall be necessary to any adjustment or understanding under articles 2 or 3 by which the United States is to be bound in any way, and that there is no obligation, either legal or moral, to give such consent.

APPENDIX.

THE FOUR-POWER TREATY.

The United States of America, the British Empire, France, and Japan,

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

Have determined to conclude a treaty to this effect and have appointed as their plenipotentiaries,

Who, having communicated their full powers, found in good and due form, have agreed as follows:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the proces verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 13th day of December, 1921.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

TREATY OF PEACE WITH GERMANY.

IN THE SENATE OF THE UNITED STATES.

March 11 (*calendar day, March 18*), *1920*.

Ordered printed showing the amendments proposed to the resolving clause and paragraph, together with the several reservations as agreed to in Committee of the Whole.

RESOLUTION OF RATIFICATION.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to part 13 (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said part 13, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member

of the League if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

Mr. LODGE. Mr. President, I have no intention of entering into a discussion of the various points which have been made by the Senator from Nevada. I think I ought to say, however, that when I referred to the denial of the British ambassador I had a very strong impression that the point made here in relation to the first report of what he had said was that he had declared that war was imminent—not "eminent," but imminent—and that he denied.

Now, as to the question of unanimity, it is a commonplace of international law that all actions or agreements of an international body must be unanimous unless otherwise provided. In the treaty of Versailles there were several cases in which a majority was to decide, and therefore, perhaps from a superabundance of caution, the framers of that treaty placed in it the statement that action was always to be unanimous unless otherwise provided.

Mr. President, when I presented the four-power treaty to the plenary council, after I had read it, I said:

> The signing of this treaty is, on the part of the United States, subject to the making of a convention with Japan concerning the status of the island of Yap and what are termed the mandated islands in the Pacific Ocean north of the Equator, the negotiations in regard to which are almost concluded, and also to the reservations with respect to what are termed the mandated islands in the Pacific Ocean south of the Equator.

Then I said:

> It should also be observed that the controversies to which the proposed treaty refers do not embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

That is the statement I made when I presented the draft of the treaty on December 10 to the plenary conference. The statements which I then made, and which were accepted, of course, by all the powers present, and afterwards agreed to when the record of the meeting was approved at the next plenary council, were then embodied in the declaration which the representatives of all the powers concerned signed on the same day on which they signed the four-power treaty; in fact, they signed it first. It is a declaration, as stated here, accompanying the four-power treaty.

It was not a part of the treaty; it was not within the ratifying clause; it had not the usual ratifying paragraphs; but it was simply a declaration of the understanding and intent of the signatory powers made by their delegates.

Yesterday when the question was raised I had no opportunity to say anything, because I was cut off by the terms of the unanimous-consent agreement. I desire to say now what I was prepared to say then, if the opportunity had been afforded, that, personally, I should be very glad, indeed, to have the Senate ratify and approve that declaration. If Senators desire this done, I will offer at the proper time a ratifying resolution which will cover the declaration.

Mr. President, I am not going to follow the Senator from Nevada through his elaborate review of the amendments and reservations which perished on yesterday.

Mr. JONES of Washington and Mr. SHIELDS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. LODGE. I yield, first, to the Senator from Washington.

Mr. JONES of Washington. Mr. President, in connection with what the Senator has stated, a question was asked a day or two ago during the course of the debate as to whether or not the treaty, if ratified, would prevent us from applying our coastwise laws to the Philippine Islands. I think the Senator to whom the question was addressed expressed the opinion that there was nothing in the treaty that would prevent us from doing that.

Mr. LODGE. Oh, nothing.

Mr. JONES of Washington. I have no doubt in my mind with reference to it, but I should like for the RECORD a statement from the Senator from Massachusetts, who was one of the delegates to the conference.

Mr. LODGE. I am very glad to make it. In the preamble to the four-power treaty and again in the treaty itself, the words "their rights in relation to their insular possessions and insular dominions" are used. Of course, the term "their rights" means the sovereign rights of each power in regard to its dominions and possessions, and the right to enact coastwise laws for domestic traffic is an undoubted sovereign right. I do not think that would be questioned by anybody.

Mr. JONES of Washington. As I take it, the regulation of coastwise traffic is purely a domestic problem, in the opinion of the Senator.

Mr. LODGE. It is purely a domestic affair, and the other powers to the four-power pact can not possibly interfere with it any more than they can interfere with any of our other domestic legislation.

Mr. SHIELDS. Mr. President——

Mr. LODGE. I yield to the Senator from Tennessee.

Mr. SHIELDS. I do not know whether I fully understand the Senator from Massachusetts, but in characterizing this agreement, what did he call it?

Mr. LODGE. Call what?

Mr. SHIELDS. The paper which he now holds in his hand.

Mr. LODGE. I called it a "declaration," which is the name given to it officially.

Mr. SHIELDS. Do I understand that it is no part of the four-power treaty?

Mr. LODGE. It is no part of the four-power treaty.

Mr. SHIELDS. It is a mere declaration?

Mr. LODGE. It is a declaration of the signatories; that is the way it has been described.

Mr. SHIELDS. How does the Senator describe this language:

> The United States of America, the British Empire, France, and Japan have, through their respective plenipotentiaries, agreed upon the following stipulations?

Does not a stipulation mean a contract?

Mr. LODGE. From what is the Senator reading?

Mr. SHIELDS. I am reading from the supplementary treaty, which is an additional contract, is it not?

Mr. LODGE. I am not talking about the supplementary treaty now; I am talking about the declaration which the Senator from Nevada has been discussing, the declaration accompanying the four-power treaty; I am not speaking about the supplementary treaty at all.

Mr. SHIELDS. I have just come into the Chamber. Yesterday afternoon the supplementary treaty was taken up. Has that been disposed of this morning?

Mr. LODGE. No; the supplementary treaty is now before the Senate, although the Senator might not guess so from the debate. The word "stipulations" occurs in the supplementary treaty.

Mr. SHIELDS. Does the Senator from Massachusetts call that a declaration?

Mr. LODGE. No; I call it a treaty, which it is.

Mr. SHIELDS. Is that the matter now before the Senate?

Mr. LODGE. That is the matter now before the Senate, but is not the matter about which I was talking. The Senator missed hearing the able speech of the Senator from Nevada.

Mr. SHIELDS. Let us talk about the matter before the Senate.

Mr. LODGE. That would be very unusual.

Mr. SHIELDS. It would be with the Senator from Massachusetts when he is not altogether certain of the path he is traveling.

Mr. LODGE. The Senator from Nevada has been making a long and able speech, reviewing all the amendments and reservations which were voted down yesterday, and giving especial attention to the declaration accompanying the four-power treaty. There is nothing in that treaty about "stipulations" so far as I am aware.

Mr. SHIELDS. Then, may I ask the Senator from Massachusetts whether he considers the paper to which we are now referring as a part of the four-power treaty?

Mr. LODGE. Does the Senator mean the declaration?

Mr. SHIELDS. I do not see anything about "declaration" in it; I see something here about "stipulations."

Mr. LODGE. The Senator is reading from the supplementary treaty, while I am talking about the declaration in connection with the four-power treaty; they are two entirely different things.

Mr. SHIELDS. I am asking the Senator a question about what is called the supplementary treaty.

Mr. LODGE. I was coming to that in a moment. I was just about to part company with the declaration.

Mr. SHIELDS. Very well; then I will not interfere with the Senator, but I understood him to call this a "declaration," and I did not understand his language. It seems to me it is a part

of the four-power treaty which the Senator omitted yesterday, or forgot about, when he was presenting the four-power treaty for action.

Mr. LODGE. No; the supplementary treaty is at the bottom of the same page—26—but it is entitled "A treaty." I was merely saying, and that is all I have to say on that point, what I was unable to say yesterday—that I shall be glad to offer a ratifying resolution to the declaration if Senators desire. I should like nothing better than to see it ratified by the Senate. I do not think it would add much to it, however.

Mr. HITCHCOCK. Mr. President, does the Senator hold that he still has the power to offer a ratifying resolution for this part of the treaty that was omitted yesterday?

Mr. LODGE. It was not a part of the treaty; but undoubtedly we have a right to ratify and approve that declaration if we choose. We did that in the case of the Bagot notes.

Mr. HITCHCOCK. Has it not been decided by every court to which the question has been submitted that a written instrument signed in connection with another, and contemporaneously with it, is a part of the written agreement?

Mr. LODGE. I was not aware that it was a part of the agreement. I supposed two agreements could be signed on the same day and not be part of each other.

Mr. HITCHCOCK. I will say to the Senator that I will present to him this afternoon abundant judicial decisions to that effect——

Mr. LODGE. If they have any bearing on the case, I shall be very glad to have them.

Mr. HITCHCOCK. That it is in law a part of the written contract entered into at that time. Not only that, Mr. President, but I think I can show to the Senate that the precedent here is to the effect that such declarations as this, signed simultaneously with the treaty and by the parties to the treaty and in the name of the parties, have heretofore been ratified by the Senate at the time the treaty itself was ratified.

Mr. LODGE. Some have and some have not. On that point I can speak. The notes of Mr. Clayton and Sir Henry Bulwer, after the treaty bearing their names, were never approved by the Senate.

Mr. HITCHCOCK. I can show the Senator an instance where notes were ratified, but this is different.

Mr. LODGE. I have just mentioned a case where notes were ratified—the Bagot notes.

Mr. HITCHCOCK. But this is a different proposition from the exchange of notes. This is a solemn agreement.

Mr. LODGE. This is not an exchange of notes. This is a declaration.

Mr. HITCHCOCK. This is a solemn agreement as to the purpose, effect, and application of the treaty.

Mr. LODGE. It is a declaration as to its intent and understanding. We might as well be exact about the words.

Mr. President, to come back to what is before the Senate, I only desired to say that the treaty is one of extreme simplicity, and the purpose of it is well known to everyone—to exclude the mainland of Japan, the Japanese Empire proper, which is composed of islands, from the provisions of the four-power treaty. The agreement is in a sentence, and was agreed to by all the powers. There can be no question as to its interpretation, and, of course, to change it now might very well mean the loss of the treaty; and I have not supposed that there was really any great anxiety to force the inclusion of Japan within the provisions of the four-power treaty. I hope, therefore, the amendment will not prevail.

Mr. HITCHCOCK. Mr. President, I have been rather surprised at the offer of the Senator from Massachusetts now at this late day, and a day which I think is too late, to submit to the Senate for ratification this declaratory statement which came to us attached to the treaty.

Mr. LODGE. It was not attached to the treaty, Mr. President. It is distinctly stated that it accompanied it. It was not attached to it and not made part of it in any way, and that appears on the face of the document. They were two separate documents, separately signed, and it was not made part of the four-power treaty.

Mr. HITCHCOCK. I think the Senator is drawing rather a fine point there.

Mr. LODGE. I am only stating the plain facts which appear on the face of it.

Mr. HITCHCOCK. All that the Senate has before it is this printed document which is designated as Executive N and in the resolution of ratification the thing that is ratified is the treaty known as Executive N. A part of Executive N is this statement, this declaration, signed by those who negotiated the treaty. Let me read it once more.

Mr. LODGE. I think that would be a good plan.

Mr. HITCHCOCK (reading):

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers—

Mr. President, yesterday the Senator from Massachusetts said that this was a declaration of the statesmen selected to negotiate the treaty.

Mr. LODGE. Mr. President, if the Senator will allow me, how it is printed there is of no consequence. That is the Senate print. In the official print the Senator will observe, if he will look at it, that they are two entirely distinct documents, and were so given. It was a mere accident that it was stuck on that paper.

Mr. HITCHCOCK. I will pass that over for the present, but the Senator from Massachusetts stated yesterday, in attempting to disassociate this from the treaty, that it was a mere declaratory statement of those who negotiated the treaty.

Mr. LODGE. That is all it is.

Mr. HITCHCOCK. Mr. President, the document itself shows that that is not correct.

Mr. LODGE. Mr. President, it ought never to have been included in the Senate print. The way it was submitted shows that it was not so at all. It was submitted officially, to be found in the documents accompanying the President's message; and in this reprint that was made from what was presented by the President of the United States they are submitted as two totally distinct documents.

Mr. HITCHCOCK. For the moment I am passing over that, Mr. President. I shall come back to it. I am calling the attention of the Senator from Massachusetts to his error yesterday——

Mr. LODGE. I think I made no error, Mr. President.

Mr. HITCHCOCK. When he stated that this was a mere declaration as to the meaning of the treaty made by the men who negotiated it. It is not that.

Mr. LODGE. I think it is.

Mr. HITCHCOCK. I will prove to the Senator that it is not.

Mr. LODGE. Very well. I am very sure it is, because I happened to be one of the signers, and I am very sure that it was a totally different transaction.

Mr. HITCHCOCK. The Senator would be correct if it stated that "it is declared to be the understanding and intent of the signers of this treaty"; but it did not say that.

Mr. LODGE. No.

Mr. HITCHCOCK. Or "the negotiators of this treaty."

Mr. LODGE. No.

Mr. HITCHCOCK. It declared it to be "the understanding and intent of the signatory powers."

Mr. LODGE. It did, and they represented them. There is no use in shouting so.

Mr. HITCHCOCK. "The signatory powers" has a meaning.

Mr. LODGE. It has, to those who understand it.

Mr. HITCHCOCK. This is declared to be the meaning of the United States, the meaning of Japan, the meaning of France, and the meaning of Great Britain; and if it is the meaning of those signatory powers, it is something much more than the Senator undertook yesterday to say that it was—a mere declaratory statement of those who negotiated the treaty.

Mr. LODGE. I have stated over and over again that that is my opinion, and I think I know and understand it. The Senator is asserting over and over again that that is my error. I do not think it is. I think I am right; and his asserting it does not in the least affect or alter my opinion.

Mr. HITCHCOCK. I am not asserting anything. I am reading from the document itself, which states that it is the understanding of the signatory powers.

Mr. LODGE. Of course, that is what it says. I am not denying that.

Mr. HITCHCOCK. That was not what the Senator said it was yesterday.

Mr. LODGE. No; I said it was a declaration by the signers of the document and nothing else, and that is all it is.

Mr. HITCHCOCK. Oh, no; it is a declaration by the signatory powers.

Mr. LODGE. Certainly. We were signing in that capacity. We were unable to sign in any other.

Mr. HITCHCOCK. And if it is a declaration by the signatory powers, it is a declaration that has to be passed upon by the Senate of the United States.

Mr. LODGE. Very well. I have said that I shall be delighted to offer a resolution ratifying and approving it, if the Senator approves it. If he does not approve it, of course there is no use in doing that.

Mr. HITCHCOCK. I gave the Senator yesterday an opportunity to have it ratified.

Mr. LODGE. The Senator yesterday was engaged in violating the unanimous-consent agreement, and I declined to discuss it.

Mr. HITCHCOCK. I called it up at an opportunity when the Senator could have moved to recommit the matter to the Committee of the Whole and have it passed on. Instead of taking that natural course, he elected to ignore it and treat it as not part of the treaty.

Mr. LODGE. I declined to try to make it a part of the treaty when it was not a part of the treaty.

Mr. HITCHCOCK. And I say to the Senator now that he has lost his opportunity. He can not at this time, by any method that I can conceive of, except by beginning over again on the treaty, ratify that particular portion of the treaty.

Mr. LODGE. If the Senator does not want to ratify the declaration, I do not care one straw about it. I do not think it matters in the least. I am willing to do it to oblige my friend from Nevada [Mr. PITTMAN], who seemed to put some stress on it.

Mr. HITCHCOCK. This is a very much larger question than what the Senator from Massachusetts wants or what I want or what any other individual Senator wants.

Mr. LODGE. Then let the Senator make a motion to go back, and see where he lands.

Mr. HITCHCOCK. This is a question which involves the validity of our act yesterday in purporting to ratify that treaty.

Mr. LODGE. The Senator can take that into the Supreme Court and try it out.

Mr. HITCHCOCK. I lay down these propositions: If that declaratory statement of the signatory powers is a part of the treaty that we had up for consideration yesterday, and we ignored it by not reading it and we ignored it by not submitting it to the Senate, we not only failed to ratify that but we failed to ratify the treaty itself.

Mr. LODGE. Oh, Mr. President, I deny absolutely that it is a part of the treaty. I have denied it over and over again, and the Senator goes on saying that it is a part of the treaty. That is denied.

Mr. HITCHCOCK. I shall present to the Senate before we adjourn to-day, or the Senator from Montana [Mr. WALSH], who is looking up the authorities, will do it, plain proof that a writing contemporaneously made by the same parties who make the main contract becomes by that act a part of the contract itself; and a treaty is nothing more than a contract, except what additional dignity it gains by being made formally by the constituted authorities between two nations or more.

Mr. LODGE. Mr. President, signing a document on a particular day does not make it part of another document that is signed on the same day.

Mr. HITCHCOCK. The Senator from Massachusetts stated here in the Senate, as I recall, that this was a contemporaneous matter; that the actual fact was that this declaration was signed even in advance of the main treaty.

Mr. LODGE. It was signed in advance; yes.

Mr. HITCHCOCK. That act, making it contemporaneous, made it a part of the treaty; and it is just as much a part of the treaty as though it were written into this treaty at the proper place.

Mr. LODGE. If that is a comfort to the Senator, I have not the slightest objection to his taking that view.

Mr. HITCHCOCK. The Senator, perhaps, is aware of the fact that in the past treaties negotiated and having these supplemental or additional or declaratory or interpretative paragraphs made have specifically declared that they had the same force and effect as the main treaty, and the same force and effect as though they were written in word for word.

Mr. LODGE. Yes; and in many other instances there have been contemporaneous things which were not embodied in that way in the treaty. If the Senator will pursue his researches a little further, he can find them. The treaty with Portugal was one. I will give him that clew.

Mr. HITCHCOCK. I have not had much time to look up the precedents, but I have found a number of cases——

Mr. LODGE. Undoubtedly; it is a common thing.

Mr. HITCHCOCK. In which the Senate has not only ratified the main treaty but in which the Senate has ratified supplemental or contemporaneous agreements.

Mr. LODGE. Mr. President, it has been done over and over again; and what of it? It has been done the other way also.

Mr. HITCHCOCK. It is possible the Senator can find instances where it was done the other way, but I can not recall them.

Mr. LODGE. I can find them.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. Is it not the Senator's position that these declarations submitted with the treaty do in fact constitute a part of the treaty submitted?

Mr. HITCHCOCK. Yes; they become a part of the treaty.

Mr. LENROOT. Then will not the Senator admit that the resolution of ratification covers the declarations?

Mr. HITCHCOCK. No; because the rules of the Senate require that a treaty must be read article by article, and read in full to the Senate, for the purpose of giving opportunity for amendment.

Mr. LENROOT. I want to ask the Senator this question——

Mr. HITCHCOCK. Let me finish first. That was not read to the Senate. No opportunity was afforded the Senate to pass upon it; no opportunity was afforded the Senate to amend it, although I took the occasion to call it formally to the attention of the Senate, without being given much opportunity to explain it. Then there was an opportunity for the Senator from Massachusetts to move to recommit the treaty to the Committee of the Whole for the purpose of considering it. I yield to the Senator from Wisconsin.

Mr. LENROOT. Is it the Senator's position that if a rule of the Senate is violated it invalidates the official action taken upon the subject matter?

Mr. HITCHCOCK. It does if it is contemporaneously called to the attention of the Senate.

Mr. LENROOT. The Senator can not find any authority to sustain that position. It is all the other way.

Mr. HITCHCOCK. I think the record has to show a legal ratification of this treaty.

Mr. LENROOT. But it is the final action which the court will examine, and the final action is the action on the resolution of ratification, and when the Senator says that the declarations form a part of the treaty he admits that they are covered by the resolution of ratification.

Mr. HITCHCOCK. Mr. President, I think the Senator is precluded from taking that position. If I had remained silent, if there were nothing in the record to show that there was a refusal to read that treaty to the Senate, then I think there might be something in the Senator's contention. The record would not show that. I made the record show, first, that the declaration was not read; second, when a demand was made for it, it was refused. Any court in passing upon it is bound to say that that was not a legally ratified treaty.

Mr. LENROOT. Does the Senator take the position that the Senate can not violate its own rules?

Mr. HITCHCOCK. It does an illegal act when it ratifies a treaty in that way.

Mr. LENROOT. What makes it illegal?

Mr. HITCHCOCK. Suppose the Senate should undertake to ratify a treaty by a 51 per cent vote of its Members, and suppose the record showed that. Does the Senator claim that any court would say that such a treaty was ratified legally?

Mr. LENROOT. No; because that is covered by the Constitution; but if a rule of the Senate which requires a certain vote complies with the constitutional direction, that rule being in addition to the requirement of the Constitution, its violation would not affect the validity for a second.

Mr. HITCHCOCK. Mr. President, the Constitution gives the Senate the right to make its rules, and the Constitution giving the Senate, which is a coordinate body, the right to make its rules, any court will say that an attempt to ratify a treaty in direct violation of the rules which have been made in accordance with the constitutional power of the Senate is not a legal ratification.

Mr. LENROOT. Mr. President, the Senator from Nebraska is not a lawyer, but I would be willing to have him submit to the Senator from Arkansas [Mr. ROBINSON], or any Democratic lawyer on the other side of the aisle, whether he is not mistaken as to that.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I yield.

Mr. KING. I think the position of the Senator from Nebraska is substantially correct, if I understand his position. Let me give a concrete case which seems to me must justify his position, or it would subject the Senate to the charge of perpetrating a fraud upon itself and upon the American people.

Assume that the treaty which we ratified yesterday contained a reservation, or a supplemental agreement—and it does contain

one, to which the Senator is now calling attention—and that reservation or supplemental provision of the treaty declared something which was inconsistent with the treaty itself.

For instance, assume that the treaty included within it domestic affairs, and that the declaration to which the Senator is now calling attention excluded domestic affairs from the operation of the treaty. Assume that the Senator from Massachusetts presented both instruments, assuming, however, that one of them was to be presented on the following day or voted upon separately or not voted upon at all, and he read only the first treaty, which included domestic affairs within the operation of the treaty, and neglected to read the other part, which excluded them, and Senators voted for the first treaty upon the theory that the latter would be submitted to them so that they could vote upon it, because they were contemporaneous instruments.

Obviously, if it were a contract, they both would have to be considered together. Being a treaty, both would have to be construed together, and if we ratified one and the Senator from Massachusetts did not present the other and the Senate did not ratify it, then I submit that, while possibly in international law we might be bound by the first, it would be such a fraud that we would be justified immediately in repudiating the first treaty, notifying the signatories to the treaty that we repudiated it because a fraud had been perpetrated in the Senate, and a part of the treaty, to wit, the supplemental or declaratory statement, had not been submitted so that we could vote upon it. So the Senator from Nebraska in his ultimate conclusion obviously is right.

Mr. LENROOT. Will the Senator from Nebraska yield?

Mr. HITCHCOCK. Certainly.

Mr. LENROOT. The Senator from Utah will at once agree that he can not accept the construction of the Senator from Nebraska that these declarations form a part of the treaty, in coming to the conclusion which the Senator has reached. The Senator in his statement assumes that they are two different instruments. The Senator from Nebraska insists that the declarations are a part of the treaty, and my point is that if they are a part of the treaty those declarations have been included in the resolution of ratification.

Mr. HITCHCOCK. Mr. President, the Senator's position is almost impossible. If there ever is a serious thing which the Senate of the United States does, it is the ratification of a treaty; and the Constitution of the United States specifically requires that there must be a two-thirds vote to ratify a treaty. The record must show that there was a two-thirds vote when it was done. That same Constitution gives to the Senate of the United States the power to make the rules under which it will proceed, and the Senate has made those rules and Senators have a right to rely upon those rules and to assume that those rules will be lived up to.

Mr. LENROOT. Mr. President——

Mr. HITCHCOCK. I want to finish my statement. There has grown up here a rather careless habit in acting upon treaties. The other day we ratified a treaty upon the same day on which it was considered as in Committee of the Whole, without having it lie over a day; but you made the record show that it was all right. In this particular case the record does not show that. The record does not show that this was a legal ratification. The record shows that this part of the treaty was not read to the Senate. The record shows that Senators did not have an opportunity to pass upon it. The record shows that it was not voted upon, and the record shows, furthermore, that when I called it to the attention of the Senate, even then no steps were taken to rectify the omission.

Under those circumstances there is a record of an attempt to ratify a treaty by the notorious violation of the rules of the Senate; and not only that, but it is just the same as if we ratified that treaty without reading a word of it. To fail to read those two paragraphs of the treaty is just the same as though it had been presented here and we had attempted to ratify it without reading a single word of the treaty.

Mr. LENROOT. Exactly; and could we not have done it if two-thirds voted for it?

Mr. HITCHCOCK. Mr. President, if the Senate of the United States can ratify a treaty without even reading it, I must confess that it seems to me we have reduced the matter to an absolute absurdity, and I do not think it is true. I do not believe that the United States Supreme Court, which has the right to pass upon and construe treaties, just as it has the right to pass upon and construe other laws of the United States, would say that the Senate had performed its constitutional function in its act of attempted ratification.

Mr. LENROOT. The court has said just that in numerous instances. There are two distinguished lawyers here, members of the Senator's own party, and I am very sure that both of them will assure the Senator that the United States Supreme Court will never inquire into the parliamentary forms which have been followed or as to whether the rules have been violated. We may violate every rule of the Senate, but if we take the action upon a measure which is required by the Constitution it is valid.

Mr. HITCHCOCK. Mr. President, I am not asserting that the Supreme Court would take a mere statement of a litigant that the Senate of the United States had not gone through the legal forms in ratifying this treaty. The point I am making is that if the Supreme Court comes to examine this record it will have a right to inquire as to the act of the Senate in ratifying that treaty. Here is a legal record before the Senate. Here is a record made in open Senate. This is not a case of a litigant claiming that the legal requirements in connection with the ratification of a treaty have not been complied with. Here is the proof; here is the record showing that there was no ratification.

Mr. LENROOT. But there was a legal ratification.

Mr. HITCHCOCK. I think not. I do not believe—and I am amazed that the Senator from Wisconsin should assert it—that a mere farce could be enacted here which would be called a ratification; that the Senate could meet, for instance, and merely have the title to a treaty read, and vote to ratify it without having the parts of the treaty considered. The mere act of ratification involves consideration. The mere act of ratification involves reading the treaty itself. The Senate can not consider a thing that is not read. It is utterly impossible.

Mr. LENROOT. Mr. President, I assert as a legal proposition that we could at this moment have a treaty submitted to the Senate by the President of the United States, a resolution of ratification could be immediately offered, the treaty never having been read to the Senate, and if it received a two-thirds vote the ratification would be just as valid as if every rule of the Senate had been complied with.

Mr. HITCHCOCK. Of course that is the Senator's position. He is bound to take that position.

Mr. LENROOT. It is the position of every lawyer in the Senate who is familiar with the subject.

Mr. SWANSON. It seems to me the Senator's contention is this: The record shows that a certain document was before the Senate and acted upon. The record shows this supplemental declaration was not before the Senate and acted upon. No roll call was had upon it. Consequently, it is simply an understanding between the parties, not ratified by the Senate. I do not see how anyone could say a matter that was not presented to the Senate, not read to the Senate, not before the Senate, could be considered as having been ratified. The record shows that the Senator from Nebraska tried to bring it up. It shows that it was not considered by the Senate, and I do not see how it can be held to have been considered. This part of it was not considered by the Senate at all, was it?

Mr. LENROOT. No; it was not.

Mr. SWANSON. How could the Senate act on a thing that was not before it?

Mr. LENROOT. The Senator from Nebraska insists that the declaration is a part of the treaty. If it be a part of the treaty, then it is covered by the resolution of ratification. If it be a separate instrument, of course the Senate never has acted upon it.

Mr. HITCHCOCK. I do not claim that it is a part of the treaty now. I claim that the negotiators of this treaty sent one treaty to the Senate, and the Senate ratified another. We did not ratify what was sent here. That is what I mean. I mean that the negotiators of this treaty sent the treaty here with the declaratory statement in it, which makes it one kind of a treaty, and we ratified something entirely different.

Mr. LENROOT. We ratified what was sent to us as a part of the treaty.

Mr. HITCHCOCK. No; we did not. The Senator from Massachusetts declared at the time that it was not a part of the treaty. I am prepared to show it is a part of the treaty as negotiated. The negotiators negotiated one treaty, and the Senate has undertaken to ratify another.

Mr. LENROOT. Does not the Senator say that if it is not a part of the treaty the Senate has not acted upon it, but if it is a part of the treaty it is covered by the resolution?

Mr. HITCHCOCK. I do not say that at all.

Mr. LENROOT. Ask the Senator from Arkansas [Mr. ROBINSON].

Mr. HITCHCOCK. What I say is this, that the treaty as negotiated was one thing; the treaty as ratified is another thing. We have ratified something that has not been negoti-

ated. They negotiated something which we have not ratified. You can not claim that there is a legal ratification under those circumstances, and I do not care what quibbles the Senator indulges in.

Moreover, I think it rather a demoralizing position and not a creditable position for responsible Senators to take here that we can have a great instrument like this shrouded in this doubt. We have supposed that a treaty was of enough dignity and importance so that there should be no doubt as to what was ratified and what was agreed. To have doubt is to involve ultimately one or two or more nations in war with each other, perhaps. We have entered into an agreement with these three other countries. Part of that agreement that they agreed to contains these very important paragraphs. We have ratified a different instrument without even giving those paragraphs consideration.

We have nominally a ratification. We may even have legally a ratification. I shall not undertake to split hairs with the Senator, but the very offer made by the Senator from Massachusetts to-day to proceed to the ratification of this declaration shows that you know you have not ratified the declaration. You have not protected the people of the United States. I call the attention of the Senator from California [Mr. SHORTRIDGE] that you have not protected the people of California from having immigration made a question that these four powers can pass on.

What was the supplemental declaratory statement?

Mr. WALSH of Montana. Mr. President, will the Senator permit an interruption?

Mr. HITCHCOCK. Certainly.

Mr. WALSH of Montana. Touching the matter of the colloquy between the Senator from Nebraska and the Senator from Wisconsin, doubtless the Senator from Wisconsin is quite right that the Supreme Court would not inquire into the parliamentary procedure by which ratification was arrived at. The Supreme Court would simply determine the matter upon the certification of the document; it would not look into the record at all. It would take up the document bearing the signature of the proper officers of the Senate showing that it was passed by a two-thirds vote. If the officers of the Senate should sign below the supplemental declaration found on page 7 and certify that the "foregoing treaty," which of course would include the supplemental document, was approved and ratified by the Senate, that would end the thing so far as the Supreme Court is concerned.

I apprehend probably the officers of the Senate would do nothing of the kind. They would not dare to do anything of that kind, because they know that nothing of the kind happened. They would certify by their signatures under the treaty as it is found in the printed document down to and including page 6 and they would attach their signatures thereto. Then the attention of the Supreme Court would be called to the fact that only a part of the treaty had been ratified, because the other document, signed the same day, at the same time, under the indisputable rules of law and construction forms a part of it and the two constitute one and the same treaty. So the question probably is not so simple as it might seem, as suggested by the Senator from Wisconsin.

Mr. HITCHCOCK. I thank the Senator from Montana. That bears out what I said, that the negotiators negotiated one treaty and the Senate has undertaken to ratify another.

Mr. KING. Or a part of one.

Mr. HITCHCOCK. They call it a treaty. They can not do that.

Mr. LENROOT. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Wisconsin.

Mr. LENROOT. With reference to the contention made by the Senator from Montana that the Supreme Court should determine that this declaration was a part of the treaty, if the Supreme Court had the resolution of ratification in exactly this form before it would it not hold that the treaty, whatever it was, was ratified?

Mr. WALSH of Montana. That is a queer position to take.

Mr. LENROOT. Let us see. Suppose an article of the treaty had been omitted in the certificate, but it is shown that it was a part of the treaty covered by the resolution of ratification——

Mr. WALSH of Montana. It could not be shown, except by extraneous evidence.

Mr. LENROOT. It might be.

Mr. WALSH of Montana. Not at all. The document is there and that article is not in it. Now, if anyone contends that it ought to be in it, it would require extraneous evidence to show it. Here the court takes judicial notice of the fact that these two things were negotiated——

Mr. LENROOT. Very well, the court takes judicial notice——

Mr. WALSH of Montana. And that they constitute one and the same document.

Mr. LENROOT. A certificate is made that the treaty made on such and such day was ratified by the resolution of ratification that is incorporated in the certificate. The Supreme Court then, if it sustains the contention of the Senator from Nebraska, will be compelled to hold that the declaration is also ratified. Of course, if the court holds that it is not a part of the treaty, but a separate document, it will not be ratified.

Mr. HITCHCOCK. Mr. President, there is a very much higher question here and a much larger question than is involved in a mere technicality. I ask why was it decided not to ratify this declaratory statement, just as other similar statements have been ratified by other treaties in the past? For instance, in a treaty made between the United States and Sweden and Norway in 1827, after the negotiators of that treaty—Appleton upon the part of the United States and Wetterstedt on the part of Norway and Sweden—had agreed to the 20 articles of the treaty, they found it necessary to add a separate article, which they signed on the same day, just as this declaratory statement was signed on the same day by the same men who had negotiated the treaty. It was declared in that article desirable "to remove from their commercial relations all kinds of ambiguity or motives of discussions," just as it was intended in this declaratory statement here to remove ambiguity. That article, which has exactly the same effect as this declaratory statement and interprets ambiguities or removes ambiguities and makes possible doubt plain, was ratified by the Senate of the United States, just as this should have been ratified by the Senate of the United States.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. Certainly.

Mr. SPENCER. Was it not expressly stated in that article that it became a part of the treaty itself?

Mr. HITCHCOCK. Yes; it was; but it does not matter whether the signers state that it becomes a part of the treaty itself or whether the law makes it a part of the treaty itself, if it is a contemporaneous writing signed by the same men at the same time and relating to the same subject, it becomes a part of the contract, as the Senator well knows.

Mr. SPENCER. I can see how the effect might be to explain the provisions of the treaty, but when the signers of the treaty make what the Senator from Massachusetts has called a declaration, and in that declaration refer expressly to a different document, to a treaty which they have this day signed, and then go on to make some explanation of what that treaty, that separate document, signifies, does not the Senator think that at least creates the situation that there is a separate treaty, a separate document, at least, which has been signed, and therefore when we have ratified that separate signed document which is referred to as a treaty in the declaration, we at least have ratified that document?

The Senator may or may not be right. For the purposes of the argument I admit that this declaration constituted, if you like, another treaty, an explanatory treaty, which may or may not have needed ratification; but certainly this declaration refers to a separate document which is called a treaty and which had been formally executed, and that separate document we ratified yesterday in all its particulars.

Mr. HITCHCOCK. I can not conceive that what the men who signed the treaty stated makes any difference. It is a question of law. It is a contemporaneous document signed by the same men, relating to the same subject, and sent to the Senate at the same time, constituting, as the Secretary of State evidently thinks it does, one transaction.

Mr. SPENCER. Would I not answer the Senator from Nebraska by this illustration? Suppose that in this so-called declaration the signers had expressly stated they did not intend this to be a part of the treaty, that they intended it to be merely an explanation of what the treaty contains. Certainly the Senator from Nebraska would not argue that it then became a part of the treaty, merely because it was signed by the same parties on the same day.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. I yield.

Mr. ROBINSON. During the course of the debate the Senator from Nebraska has been several times asked by my friend the Senator from Wisconsin to invite my view respecting the effect of the action taken yesterday on the provisions to which

the Senator from Nebraska has referred, namely, the explanatory declaration signed by the signatories to the four-power treaty.

Mr. LENROOT. The Senator I know wants to quote me correctly. My invitation was to ask the view of the Senator from Arkansas upon the right of the Senate to violate its own rules without affecting the validity of the instrument.

Mr. ROBINSON. Unquestionably the Supreme Court of the United States would not inquire into the question as to whether or not the Senate, in advising and consenting to a treaty, had pursued the course which its rules contemplate. It is undoubtedly true, as stated and implied by the Senator from Wisconsin, that the Senate is at liberty by unanimous consent to violate its own rules in every particular save where those rules are made in conformity to requirements of the Constitution. In that respect, of course, the Senate can not disregard its rules.

Nevertheless the position of the Senator from Nebraska that the signatories to this treaty intended that the declaration should be a part of the treaty is, in my opinion, justified by the language of the declaration itself. I called the attention of the Senate to that fact during the remarks of the Senator from Nevada [Mr. PITTMAN]. In signing the declaration they do not assume to speak as individuals; they assume to speak in the name of the signatory powers whom they represent. For that reason I had understood throughout the progress of the debate that the declaration under consideration was intended to be a part of the treaty.

The Senator from Massachusetts, when his attention was called to the matter yesterday by the Senator from Nebraska, announced in open session of the Senate, and it is printed in the RECORD this morning, that this declaration, in his opinion, was no part of the treaty, that there was no intention or purpose to submit it to the Senate; that the Senate should be denied any opportunity to pass upon the matter; and that course was taken. In view of that declaration and in view of the well-known fact that the Senate not only did not pass upon the declaratory statement but was denied the opportunity to pass upon it when the attention of those in charge of the treaty was called to the subject, will the Senator from Wisconsin or anyone else contend that the declaration by virtue of the adoption of the resolution of ratification became a part of the treaty?

The Senator from Massachusetts repeated this morning the statement made yesterday, repeated it emphatically, and has even gone to the length of expressing his impatience with anyone who would take the contrary view. He said he experienced considerable disgust that anyone would assert that the declaration is a part of the treaty. Certainly, whatever may have been the intention of the signatories, the declaration was not advised and consented to by the Senate, because the Senate was denied the opportunity to pass upon the matter.

There is no question in my mind that this declaration is not a part of the treaty. If it is to become effectual as a treaty, or as anything more than a mere extra judicial statement of the men who signed it, as constituting their opinion of the meaning of the treaty, it must be submitted to the Senate and disposed of in a constitutional way. That has not been done, and the privilege of doing that has been denied the Senate. It would not only be violative of the Constitution and violative of all principles of orderly procedure, but it would be violative of common honesty to say that the United States Senate should be held to have ratified a declaration which it was expressly denied the opportunity of considering.

Mr. HITCHCOCK. Mr. President. I think that we should take account of the fact that this declaratory statement was, as the Senator from Massachusetts [Mr. LODGE] has stated, actually signed in advance of the main treaty. I do not know that that adds much force to the contention, but it certainly, to my mind, gives warrant for the statement that every word written into that declaratory statement was intended to have exactly the same force and effect as if it had been written into the main body of the treaty, just as other declaratory statements in the past have contained the specific statement that they were intended to have that same force and effect. But, Mr. President, while I do not know how the proponents of this treaty intend to extricate themselves from their position, they have at least succeeded in casting a great doubt over this document. There will be an endless dispute, if it is left as it now is, as to whether the three paragraphs of the declaratory statement are or are not a part of the treaty. There will be a dispute as to whether or not the nations have agreed to the things which are stated in this part of the treaty.

Evidently it was considered by those who drew the treaty that it was not specific and definite enough in its terms. They have boasted here that it was a wonderfully short document, and yet they have been compelled to adopt, first, a declaratory statement explaining the meaning, and finally a supplemental treaty to explain it further. We have actually here three documents now, apparently, instead of one particular treaty.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. KING. To emphasize the view of the Senator from Nebraska that this treaty may lead to disputes or complications, I desire to suggest to the Senator this situation: Suppose that some controversy shall arise between the United States and Japan, and Japan shall insist that domestic questions fall within the treaty; that is to say, that the United States under the treaty is compelled to submit its domestic concerns to the consideration of the parties to the treaty; then the signatories, other than the United States, agree with Japan and take the view that the treaty as originally drawn does not exclude domestic concerns of the United States from the operation of the treaty. Then the United States says, "For the purpose of negativing that position we call your attention to this supplemental declaration which is found on page 7 of the treaty," and Japan replies, "But that was never ratified; you elected to ratify the treaty in a form which we insist brings your domestic affairs within the jurisdiction of the treaty and did not take advantage of the excluding provision. Why did you not ratify the excluding part of the treaty? You did not ratify what the Senator from Massachusetts [Mr. LODGE] declared to be the declaratory part. That conclusively establishes the point that you intended that your domestic affairs should come within the operation of the treaty." The Senator from Nebraska can see that immediately there is ground for controversy. If it was intended that the domestic affairs of the United States should not be included within the treaty, why did we not ratify that part of the treaty, a contemporaneous agreement, that expressly excludes them? The Senator from Nebraska is correct in his premise that there is ground for controversy in view of the attitude in which we are left by the obstinacy of the Republican leader and the Republican majority.

Mr. HITCHCOCK. Yes, Mr. President, I was coming to that question; and I think there lies behind this situation a very peculiar thought.

Mr. WATSON of Georgia rose.

Mr. HITCHCOCK. If the Senator will allow me to proceed for a moment, I desire to ask what was the object of the declaratory statement? Obviously it contemplates two purposes. The first, as embodied in paragraph 1, was evidently urged by Japan. Japan wanted this treaty to cover the mandated islands which she had seized from Germany; Japan wanted the United States to include the mandated islands in her possessions; and Japan evidently secured that first portion of the declaratory statement, which provides that the treaty shall apply to the mandated islands in the Pacific. Japan evidently was in doubt as to whether the treaty itself included the mandated islands, and she wanted a specific declaration that it should include the mandated islands. That concession was made to Japan, and it was declared that the treaty should apply to the mandated islands. The United States conceded that, wrongfully, I think. I do not think that we should include the mandated islands. Japan has no such title to the mandated islands as she has to her other island possessions; Japan is only a trustee for those islands under the authority of the League of Nations; but we have consented in that first paragraph to include the mandated islands in the insular possessions of Japan, which we practically, in a way, guarantee.

Now, let me come to a second point. In a moment I shall yield to the Senator from Georgia. As an offset for that, in the second paragraph, the negotiators of the United States evidently demanded of Japan that she should specifically agree that domestic questions, such as immigration, should not be included in the questions to be adjusted by the four powers. That was evidently a demand of the United States. The paragraph reads:

> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

That is the American position, which we required Japan in that declaratory statement to concede, and it was conceded not simply by the representatives who signed the statement, but it was conceded by the signatory powers referred to in the first few lines. Now, what becomes of that position? If that portion of the statement is not a part of the treaty and is not ratified, what becomes of our domestic questions? As the Senator from Utah has well said, it leaves Japan free to claim that domestic questions come within the purview of the treaty, and she can still agitate the question of immigration in California and

still have a cause for trouble with us and a cause for negotiation with us.

But how about the Japanese mandated islands? Oh, they are provided for in the supplemental treaty which is before the Senate to-day. In that document we agree to include her mandated islands; Japan's interests are safeguarded, for that treaty provides:

The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

Japan is protected; but where is there anything in this supplemental agreement which will protect the United States in the assertion that domestic questions shall not be included in the four-power pact, and which will prevent domestic questions being dragged by Japan into the provisions of the four-power pact? It seems to me rather strange that the representatives of the United States, after Japan had secured the concession as to the recognition of her mandated islands, should have dropped the only protection we had against immigration among the possible questions that might be dragged before the tribunal of the four powers created by this pact.

So I say that this presents a very serious question for the United States, and it raises a question upon the Pacific coast which Senators will have to take into account sooner or later, because, if it is omitted from the treaty, it is an abandonment of the concession which we wrung from Japan that immigration should not be considered among the questions subject to the jurisdiction of the four powers.

Mr. President, I do not know what the responsible leaders of the majority of the Senate propose to do about this situation. They have certainly succeeded by their performance in getting this treaty into the realm of doubt and uncertainty. There is nobody here who can say with authority and definitely whether or not that declaratory statement has been ratified. The Senator from Wisconsin [Mr. LENROOT] claims that it is ratified, while the Senator from Massachusetts [Mr. LODGE] says it is not a part of the treaty.

Mr. LENROOT. No; the Senator must not misquote me again. I stated that if this declaration is a part of the treaty, as is contended by the Senator from Nebraska, then it is ratified.

Mr. HITCHCOCK. Leaving the "if" out, what does the Senator from Wisconsin think?

Mr. LENROOT. Taking the statement of one of the signatories that this was an independent document and an independent understanding arrived at, it is my view that it is not covered by the resolution of ratification.

Mr. HITCHCOCK. Then the Senator takes that horn of the dilemma that the declaratory statement made by the representatives of the four powers has not been ratified by the Senate and need not be ratified by Japan, and that we are, then, in the position of having unsettled the matter whether or not immigration is subject to the jurisdiction of the four powers. It does not matter which horn of the dilemma we may take, we are in trouble.

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment?

Mr. HITCHCOCK. I yield.

Mr. SWANSON. It seems to me it is not difficult to show that the declaratory statement which has been referred to has not been ratified. No treaty is effective until there is a concurrence of the Executive mind and the mind of the Senate expressed by a two-thirds majority. There has certainly been no concurrence of these two minds in the declaratory statement, because the very record of the Senate shows that there has been no opportunity to express any concurrence in that provision.

The certificate of the Secretary is prima facie, but not conclusive. Whether fraudulently or otherwise, it is possible that a misstatement of the facts might be made; but the Supreme Court in examining the question would consider the Journal of the Senate to ascertain whether there has been a concurrence, expressed by a two-thirds majority, between the Executive and the legislative mind. No one can contend that there has been any such concurrence in connection with a matter which has never been presented to the Senate even for consideration. The declaratory statement lacks the concurrence of a two-thirds vote to give it effect as a treaty provision.

So it seems to me the contention of the Senator from Wisconsin is well founded that it requires a separate resolution of ratification to make the declaration effective and to show affirmatively that the legislative mind of the Senate by a two-thirds majority has concurred in it. My recollection from reading cases before the Supreme Court involving the tariff and other matters is that the court have said that the rules amount to nothing; the question to be ascertained is, Has the legislative mind consented as provided by the Constitution? That is what the Supreme Court has held in various cases which have come before it as to whether or not a law or a treaty was duly passed or ratified. It has expressed the view that it is not governed by the rules, but it is governed by a determination whether the legislative mind has consented. The very records in connection with the four-power treaty, as disclosed by the proceedings of yesterday, will show that the legislative mind did not consent to this declaratory statement. I think both the record and the Journal will so show.

Mr. LENROOT. Mr. President, the Senator will concede, will he not, that if this declaration is an integral part of the treaty, as contended for by the Senator from Nebraska, the record shows that the legislative mind has consented?

Mr. SWANSON. The Senator's position is based on the assumption that the legislative mind must consent to a treaty as an entirety. That was the old rule in Napoleon's time; a treaty or a law was accepted or rejected as an entirety when he was consul or emperor; but there is nothing in the Constitution that requires us to accept a treaty as an entirety. We can accept it in part, or we can reject it, or we can do as we please. I say there has been no concurrence of the legislative and executive mind except as to the terms of the original treaty itself. To say that a concurrence can be implied is erroneous. A concurrence can not be implied. In order to make a treaty effective it must be shown affirmatively under the Constitution that the Executive mind and mind of the Senate have concurred, and it must be shown by the Journal, in which the votes are recorded. It must be shown by the records kept by this legislative body, and the records will show exactly the reverse; that this part of the treaty, if it is a part, has not been concurred in, has not been ratified.

Mr. LENROOT. Mr. President, when we say that we advise and consent to the ratification of a treaty, that is advice and consent to every part of the treaty, and any part that is not consented to must be expressly excepted. Will not the Senator agree to that?

Mr. SWANSON. I have exactly the contrary idea. The Constitution says that in order for a treaty to be effective it must be shown affirmatively that two-thirds of the Senate has consented to it.

Mr. LENROOT. Certainly.

Mr. SWANSON. The Senate could ratify half of it, one-third of it, or the entirety; but the records of the Senate disclose that only this portion of it has been consented to.

Mr. LENROOT. No, no; the record that governs is the resolution of ratification.

Mr. SWANSON. No; it is what was before the Senate. The Senator can look at the Journal. The Journal will show that that matter was not before the Senate.

Mr. LENROOT. I am surprised at the Senator from Virginia. Will not the Senator admit that the final act of the legislative body is what governs, and if the final act says that the treaty is advised and consented to it covers every portion of the treaty?

Mr. SWANSON. No; then the Journal will show what portion of that treaty was before the Senate and acted upon.

Mr. LENROOT. Oh, no.

Mr. SWANSON. Take an act of legislation. It is necessary to show what the legislative body consented to. That must be affirmatively shown.

Mr. LENROOT. Take a bill. The same rule would apply. If we had here a section in a bill, and the Journal did not show that that particular section was before the Senate, but it was in the bill as finally enacted, would the Senator say that that was not an effective part of the bill?

Mr. SWANSON. If it was never before the Senate, the Senate did not act on it.

Mr. LENROOT. But it is before the Senate on final action. That is the point.

Mr. SWANSON. That was not before the Senate for final action. It must be before the Senate for final action, and the Senate must finally act on it before it becomes valid. It can not be done in any other way.

Mr. KING. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. KING. I should like to inquire of the Senator from Wisconsin whether, in his opinion, the Secretary, in certifying the record of the proceedings yesterday and in certifying the treaty, will certify that that declaratory statement of the delegates to the conference was passed upon by the Senate and constitutes a part of the treaty? If he did, he would certify to a fraud.

Mr. LENROOT. Mr. President, I would not anticipate that the Secretary of the Senate would attempt to decide that question. I should expect that the Secretary of the Senate would recite the facts of the submission of the document and certify to the adoption of the resolution of ratification.

Mr. KING. Does not the Senator think that when the treaty is prepared in final form the Secretary would be compelled to certify as to what is the treaty?

Mr. ROBINSON. After the repeated statements of the Senator from Massachusetts, and even the statement recently made by the Senator from Wisconsin that this declaration was no part of the treaty and had not been advised and consented to, and after the further fact that the Senate was denied the opportunity of passing upon it, does the Senator suppose that if the Secretary of the Senate certified that this declaration had been ratified, advised, and consented to by the Senate it would preclude a court from investigating the matter as a fraud?

Mr. KING. I think not. Certainly it would be a fraudulent certification upon the part of the Secretary.

Mr. LENROOT. None of the Senators claim that the Secretary is required to or should do anything except recite the facts, and let some one else draw his conclusions.

Mr. ROBINSON. The Secretary does not certify the facts. He does not certify the proceedings of the Senate. He certifies the record.

Mr. LENROOT. The final record.

Mr. ROBINSON. Yes.

Mr. HITCHCOCK. Is the Senator from Wisconsin disposed to revise his opinion, expressed a little while ago, when he agreed with the Senator from Massachusetts that this is not a part of the treaty?

Mr. LENROOT. I said I took the statement of the Senator from Massachusetts that this was a separate agreement and understanding.

Mr. HITCHCOCK. Then it is not a part of the treaty. Very well. Then we are in the position that, having opened the conference by a prayer which excluded the mention of Christ in order to satisfy the Japanese, we close the matter by abandoning the declaration which excludes a domestic question, like that of immigration, from the jurisdiction of these powers. That is the beginning and the end of the conference.

Mr. LENROOT. Mr. President, if this is no part of the treaty, this separate agreement is still before the Senate for action. That is all there is to it. There can be no other conclusion.

Mr. HITCHCOCK. Now the Senator has entered into another and entirely different situation. The Senate of the United States may ratify a matter in that way if it undertakes by strong-arm methods to ratify a section of the treaty as negotiated, but Japan will not ratify it. The Senator knows that Japan will not ratify it. It will be null. You can not secure the ratification of Japan unless you have it a part of this treaty which Japan wants.

Mr. WATSON of Georgia. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. We now see why it was that this short document was not rewritten and this thing inserted in it. It was put off upon the country in very much the same way as a codicil would be put to a will by a man who did not want to rewrite his will and put into the body of it what the separate clause in the codicil contained. I suggest to the Senator from Nebraska that they have played a trick upon the country and upon the Senate.

Mr. JOHNSON. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from California.

Mr. JOHNSON. In line with something that the Senator has said concerning this domestic question, not as indorsing the facts—because I know nothing at all of them—I want to read a dispatch that appeared in the Sacramento Bee recently, from the city of Seattle. I think it may be interesting:

SEATTLE, *March 18.*

Unless there is "mental disarmament," declared Hiroshi Saito, secretary to the Japanese delegation at the recent Washington conference, in an address before the Rotary Club here yesterday, "the destroying of a few ships will be of no avail."

The Japanese diplomat stated that mental disarmament will require the United States to lift the present bars against the Japanese.

Referring to the Japanese situation on the Pacific coast, Saito stated that "All pending questions between the United States and Japan have practically been solved except that of Japanese residents on the coast. If you approach this problem on a broad international basis, it can also be solved." The speaker declared that the prosperity of the Pacific coast is bound up with that of the Far East.

While he avoided any direct statement with reference to the building of warships before the 10-year period is up, he made it plain that a tremendous campaign is to be launched at once and wholesale propaganda is to be spread in behalf of Japanese citizenship and landownership rights within the United States. The plan is to club the United States into line in behalf of these demands in exchange for continuing the naval holiday.

The "broad international basis," according to Saito, would grant to Japan everything they are asking within the borders of the United States.

If they are not granted, he said, in substance, if these purely domestic questions continue to be treated as purely domestic problems by the United States, then Japan stands ready to prepare for war by discontinuing the naval holiday principle.

I think this is an Associated Press dispatch. It is printed in a newspaper of the very highest standing and widest influence in the State of California.

Mr. HITCHCOCK. Mr. President, if the Senator from Wisconsin and the Senator from Massachusetts cling to the horn of the dilemma which they now occupy, we are then in the position that this is a separate document; that Japan can ratify the main treaty and leave this out, and through the rather extraordinary and revolutionary methods advocated by the Senator from Massachusetts this declaration can be brought in here and given the ratification of the Senate, although it was only a part of a treaty already ratified. We may ratify that declaration; Japan may reject it; and then we will be in the position of having lost what was evidently deemed of some importance, I suppose—that domestic questions shall be excluded from the jurisdiction of the four powers bound together in this alliance. That is the position we are in, according to the theory which the Senator from Massachusetts and the Senator from Wisconsin now adopt.

Mr. LODGE. It is not in the treaty at all.

Mr. HITCHCOCK. It is not in the treaty?

Mr. LODGE. No.

Mr. HITCHCOCK. Then they have negotiated a treaty and yielded to Japan everything that Japan demanded as to the recognition of the mandated islands and not secured what they purport to secure in this declaration. They have not secured it because we failed to ratify it. Japan can ratify the rest of the treaty and decline to ratify this declaratory statement, although, as I say, by revolutionary methods I suppose the majority is capable of attempting to ratify this fraction of a treaty.

Mr. ROBINSON. Mr. President, will the Senator yield to me to ask the Senator from Massachusetts a question? He has just observed that the declaration respecting the elimination from the conference of domestic questions is not in the treaty, and that statement the Senator from Massachusetts has made several times; and I am sure that, whether it was intended to be in the treaty in the beginning or not, it is not in it now, because it was not advised and consented to by the Senate. I want to ask the Senator from Massachusetts why that declaration was not incorporated into the treaty?

Mr. LODGE. The opinion was—it is my opinion, as I stated when I presented it—that the four-power treaty has no relation whatever to domestic questions, and they can not be forced in under it in any way.

Mr. ROBINSON. Yes; but, Mr. President, in connection with the four-power treaty there was entered into a declaration explanatory of its provisions to the effect that domestic questions were not included. If the Senator from Massachusetts, as one of the representatives of this Government, thought it important enough to sign such a declaration in advance of executing the four-power treaty, I repeat my question as to why it was not made a part of the four-power treaty, so that the respective Governments in advising and consenting to the ratification of that treaty would at the same time advise and consent to the construction placed upon the treaty by the Senator from Massachusetts and those who joined with him in negotiating it? Why was it left so that Japan could ratify the four-power treaty and refuse to ratify the construction of the four-power treaty which the Senator from Massachusetts impliedly insists upon?

Mr. LODGE. The signatory powers all agreed to the declaration and all signed it, and I do not apprehend that they are any more dishonest than other nations. I think they will adhere to their declaration. It does not bind us without the action of the Senate any more than it binds them.

Mr. ROBINSON. Mr. President, if we decline to act upon it, if the Senate fails to advise and consent to it, may not Japan very properly say that, it being no part of the treaty, she will place a construction upon it hereafter that she has placed upon it heretofore; that she will insist upon the settlement of these so-called domestic questions in any way she can? That is the real acute controversy between this Government and Japan. What is accomplished by entering into a declaration of this nature? What is the benefit of it to the United States?

Mr. LODGE. It is to avoid any possible misunderstanding.

Mr. ROBINSON. But do we avoid any possible misunderstanding?

Mr. LODGE. I think we do. They all agreed to that understanding; they all accepted it. If it is a part of the treaty, we have ratified it. If it is not a part of the treaty, we can still do it.

Mr. ROBINSON. If it was important to have an understanding about the matter, if it was necessary to settle this question by a declaration of understanding before the four-power treaty was signed, I repeat my question to the Senator from Massachusetts and to other Senators, why was it not incorporated into the treaty so as to remove all doubt as to whether it would become the interpretation of the Governments or remain the mere interpretation of the individuals signing it?

Mr. CARAWAY. May I suggest to my colleague, if it is not a part of the treaty it has no more binding effect than if it had been written on a board.

Mr. ROBINSON. Certainly not; it is a mere statement by individuals who signed that treaty as to what their construction of it is.

Mr. CARAWAY. What their construction ought to have been, not what it is.

Mr. ROBINSON. If they had intended to bind their Governments. If they had intended to secure for California the protection which is implied in this reservation, they would have put it in the treaty.

Mr. CARAWAY. May I ask the Senator what the attitude of the Senator from Massachusetts was with reference to this same question when the treaty of Versailles was before the Senate?

Mr. ROBINSON. The Senator from Massachusetts then insisted upon the insertion of language into the treaty which would remove the possibility of the League of Nations council considering any question which the United States thought was a domestic question.

Mr. HITCHCOCK. Specifically mentioning, among others, immigration. At that time the Senator from Massachusetts was very anxious to protect this country from any possibility that any tribunal could take jurisdiction of the immigration question, and he was not satisfied with the statement in the treaty itself, which is just as strong as the statement in this treaty. He insisted on having a reservation drawn and incorporated with the act of ratification, providing specifically that immigration should be excluded from the jurisdiction of the tribunal.

Mr. LODGE. I did, to remove a doubt which was in that treaty. There is no doubt in this treaty whatsoever, in my judgment, on the subject.

Mr. HITCHCOCK. Evidently it was thought there was some doubt when this matter was brought up here, because in the part of the treaty which you have refused to ratify there is this provision:

> That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

There evidently was some doubt in the mind of somebody before that treaty was signed as to whether domestic questions might be claimed to come within the jurisdiction of this four-power tribunal.

Mr. CARAWAY. May I ask, were we not told that the Secretary of State himself drew this treaty?

Mr. HITCHCOCK. Yes; and I desire here to amplify what the Senator calls my attention to, and what his colleague, the senior Senator from Arkansas [Mr. ROBINSON], has stated. No reason has been given, and I believe no reason can be given, why this was put in the form of a declaratory statement, or postscript to the treaty, instead of having it incorporated in the treaty itself. The Senator from Massachusetts has stated that the treaty itself was not signed when this declaratory statement was agreed to. He has gone further than that: he has stated upon the floor of the Senate that he and the others signed the declaratory statement before they signed the treaty itself.

Mr. LODGE. That is perfectly true.

Mr. HITCHCOCK. Yet it was not considered desirable to incorporate it in the treaty, and now it is mysteriously dropped out of consideration of the Senate. I ask, Why was that barred from ratification? I call the Senator's attention to the fact that Japan is protected in what she wants by the additional treaty, which is supposed to be under consideration to-day, but we are not protected. I call the Senator's attention to the fact, and I challenge his denial, that the declaratory statement contains two parts—one desired by Japan and one desired by the United States. The part desired by the United States is in section 2; the part desired by Japan is in section 1.

Japan is protected by this supplemental agreement which we are considering to-day by the inclusion of the mandated islands. That is what Japan was demanding. The United States was demanding the exclusion of domestic questions; but those are not included in the supplementary treaty which we have up to-day. Why was Japan protected in this supplementary treaty, and why was the demand of the United States not included?

Mr. LODGE. Does the Senator want to put the mainland of Japan back into the four-power treaty?

Mr. HITCHCOCK. Not at all.

Mr. LODGE. That is all there is in the supplementary treaty.

Mr. HITCHCOCK. That is not the question. The question is as to the mandated islands. I am not referring to the mainland. This does not refer to the mainland. Here it is stated, evidently on the demand of Japan, that the treaty shall apply to the mandated islands in the Pacific Ocean.

Mr. LODGE. What is the Senator talking about now?

Mr. HITCHCOCK. I am talking about this declaratory statement.

Mr. LODGE. The declaratory statement was made entirely by the United States, and was never suggested by anybody else. The first clause was intended to preserve our rights.

Mr. HITCHCOCK. The Senator has discovered a wonderful amount of information. I have not been able to get out of him heretofore very much information about this treaty.

Mr. LODGE. That is not my fault.

Mr. HITCHCOCK. The Senator has stated it was negotiated by the American Secretary of State, and that he was not present at the negotiations. I repeat, in section 1 Japan evidently has secured the inclusion of the mandated islands in her possession. In section 2 the United States secured the statement that domestic questions should be excluded from jurisdiction. You dropped out this declaratory statement, failed to ratify it, declare that it is not a part of the treaty, as the Senator from Massachusetts has done, and you have lost both the inclusion of the mandated islands and the exclusion of domestic questions. If that were all, that would be one thing; but in the supplemental treaty which you have up to-day you have included the mandated islands. So Japan has no complaint about this being left out. But in your supplemental statement you make no provision for the protection of the United States against the inclusion of domestic questions in controversy. That is my point.

Mr. LODGE. I do not know at all what the Senator is talking about. I do not know what he means.

Mr. HITCHCOCK. Shall I repeat it?

Mr. LODGE. We recognized Japan's title to the mandated islands in the Yap treaty.

Mr. HITCHCOCK. Mr. President, my recollection is that we did not recognize anything in the Yap treaty.

Mr. LODGE. We recognized the title of Japan in the mandated islands in the first clause of the Yap treaty. I advise the Senator to read it.

Mr. HITCHCOCK. For some reason or other, Japan desired that her title in those islands should be recognized in this treaty and she got it specifically recognized, and we, as a consideration for that, in this declaratory statement got Japan to assent that domestic questions should not be within the realm of questions submitted to the four powers.

Mr. LODGE. Nothing of the sort. The two declaratory statements were made by me first when I presented the treaty. Both of them were the statements of the United States. The first one does not recognize the title of Japan in the mandated islands. It reserves to us the right to recognize it, which we subsequently did in our treaty about Yap. It is expressly stated in that treaty.

Mr. HITCHCOCK. It says here that the treaty shall apply to the mandated islands in the Pacific Ocean.

Mr. LODGE. The Senator is speaking of the supplementary treaty?

Mr. HITCHCOCK. I am speaking about domestic questions.

Mr. LODGE. The Senator skips so rapidly from the declaration to the supplementary treaty that I am never quite sure what he is talking about.

Mr. HITCHCOCK. It is the declaratory statement I am talking about.

Mr. LODGE. I thought so. Then the Senator reads from the supplementary treaty.

Mr. HITCHCOCK. No; I am reading from the declaratory statement.

Mr. LODGE. Read the first one. It declares that we reserve our right to recognize the title of Japan in the mandated islands.

Mr. HITCHCOCK. That the treaty shall apply to the mandated islands in the Pacific Ocean. I think perhaps the Senator is thinking about the proviso which follows, protecting the rights of the United States.

Mr. LODGE. I see what the Senator means. He leaves out the proviso.

Mr. HITCHCOCK. Yes.

Mr. LODGE. That makes it different. It reads:

> *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates.

Mr. HITCHCOCK. What does that mean?

Mr. LODGE. Is that not clear?

Mr. HITCHCOCK. It is provided here that the mandated islands are included in the possessions of Japan, and yet that the United States does not consent to the mandates.

Mr. LODGE. Certainly; unless she makes a separate treaty, which she has done.

Mr. HITCHCOCK. But it does make the treaty apply to the mandated islands.

Mr. LODGE. Yes; if the United States assents, it does.

Mr. HITCHCOCK. The United States has assented.

Mr. LENROOT. But not to the title of Japan in the mandated islands.

Mr. LODGE. No.

Mr. HITCHCOCK. There is nothing to the contrary.

Mr. PITTMAN. Mr. President, at the time this treaty and this declaratory statement were drawn the Yap treaty had not been ratified. Evidently, article 1 of this treaty was put in so that if the Yap treaty were defeated, Japan would still have a chance for protection.

Mr. LODGE. Mr. President, it requires the ingenuity of the Senator from Nevada to find that. There is nothing of the sort.

Mr. PITTMAN. As a matter of fact, Mr. President, the Yap treaty was ratified by this body after this was drawn, and Japan not only got her rights recognized in the Yap treaty but got us to recognize the mandates. Consequently, before we acted on the four-power pact Japan had gotten more than she asked in article 1.

Mr. LODGE. Is the Senator under the impression that the only mandated islands in the Pacific are those belonging to Japan?

Mr. PITTMAN. No; not at all; but I am talking about article 1——

Mr. LODGE. The object was to make the provisions of the treaty apply to the mandated islands, which are not supposed to be strictly covered by the words "insular possessions and insular dominions."

Mr. PITTMAN. But at the time you wrote this in, Japan had not had her rights to mandates in the Pacific islands recognized at all.

Mr. LODGE. Not by the United States.

Mr. PITTMAN. Not by the United States.

Mr. LODGE. Nor had Great Britain. Great Britain has not had hers recognized yet.

Mr. PITTMAN. In the event the Yap treaty were defeated, then Japan could fall back upon this article 1 in the declaratory statement, which says that the treaty shall apply to the mandated islands in the Pacific Ocean; but the Yap treaty having been ratified before we acted upon this——

Mr. LODGE. No one except Senators who are opposed to all these treaties would think of reading that without the proviso.

Mr. PITTMAN. Undoubtedly; now you have granted them the proviso; now you have eliminated the proviso of the Yap treaty.

Mr. LODGE. Yes; so far as Japan is concerned; but we have not eliminated it so far as the others are concerned.

Mr. PITTMAN. We are talking about the benefit Japan was assured in this declaratory statement. She got everything that was assured to her in this declaratory statement before this came up for consideration, and having gotten that, she was not interested in it. The United States alone was interested in protecting her domestic questions. For instance, this morning the Senator from Washington asked whether or not the question of our trade with the Philippines was a domestic question.

Mr. LODGE. No; he did not ask that.

Mr. PITTMAN. As to whether or not that could be involved in this conference.

Mr. LODGE. That is not what he asked.

Mr. PITTMAN. I beg the Senator's pardon.

Mr. LODGE. He asked whether we had a right to pass coastwise laws for the Philippine Islands.

Mr. PITTMAN. Put it in any manner you want; it means the same thing. The inquiry was as to whether or not the four powers to this treaty could raise a question as to a discrimination in favor of our citizens in trading with the Philippine Islands.

Mr. LODGE. Of course they could not.

Mr. PITTMAN. I understand, and the Senator said that, but the distinguished Senator from Washington, who is just a little bit less intelligent than the Senator from Massachusetts, was not certain about it.

Mr. LODGE. No; he wanted me to make the statement publicly, that is all. He agrees with me entirely.

Mr. PITTMAN. Am I to understand, then, that any public statement made by the Senator from Massachusetts binds the United States Government and the other three powers?

Mr. LODGE. Not at all; no more than would the statement of the Senator from Nevada.

Mr. PITTMAN. I have heard to-day much about the Senator admitting this and the Senator conceding that, and that he gives notice of this and that, when the Senator knows that this Government can not be bound by a treaty or any form of agreement with another nation unless the particular agreement is ratified by two-thirds of this body. There was not a statement in the four-power pact, before it was ratified by this body, which had any effect whatever, not the slightest, and yet the Senator wants a part of it to have effect without being ratified.

Mr. LODGE. I deny that it is a part of it, and I do not think it would alter this situation if it were.

Mr. PITTMAN. If it is not a part of it, then we have no protection for our domestic rights.

Mr. LODGE. The domestic rights are not included in any way in the four-power treaty, and if this declaration did not exist they could not be brought under it.

Mr. PITTMAN. That question arose during the consideration of the Versailles treaty, and the Senator was doubtful at that time as to whether the question of our domestic rights was involved in the Versailles treaty, and he was so doubtful that he offered the long reservation which I submitted yesterday.

Mr. LODGE. Certainly I did, and I think there was reason for it. There was cause for doubt.

Mr. PITTMAN. Undoubtedly; the Senator wanted to be perfectly cautious, and nobody criticized the Senator's caution, but to-day he is entirely uncautious, because he is dealing with another crowd. That is the only distinction. If this is a hard-and-fast alliance that you can trust, the less you put into it the better. If it is not an alliance, all right. If a question arises with regard to coastwise trade in the Philippine Islands, and Japan objects to it on the ground that it is a discrimination and threatens war with Japan, what are you going to do about it? Is it going to be referred to the four powers as a controversy between some of them threatening war?

Mr. LODGE. Of course not; never in the world. There is nothing in the treaty to suggest it, of course.

Mr. PITTMAN. And if an immigration question comes up between Japan and the United States that threatens war, is it going to be considered by the four powers?

Mr. LODGE. Why, of course not. There is nothing in the treaty at all that can be tortured into that construction.

Mr. PITTMAN. If a question comes up about the prohibition of Japanese subjects becoming citizens of the United States and that threatens war, is it going to be considered by the four powers?

Mr. LODGE. Of course not. The treaty has nothing to do with it whatever.

Mr. PITTMAN. What causes are there that threaten war between the United States and Japan which are to be relieved by the four-power pact?

Mr. LODGE. I think we have gotten rid of the Anglo-Japanese alliance. That was the purpose of the treaty.

Mr. PITTMAN. But we had no threats of war except those I have mentioned, and the Senator has said those have nothing to do with the treaty.

Mr. LODGE. The Senator would like to have continued the Anglo-Japanese alliance, and so voted; therefore he does not apprehend anything from it. I do.

Mr. PITTMAN. Under their treaty would the English join with the Japanese in a fight against the United States on account of any of our domestic questions?

Mr. LODGE. I do not think they would; but that is not the point.

Mr. PITTMAN. I still can not see how the four-power pact releases us from any threats of war because of the reasons I have stated.

Mr. LODGE. I think it does. I think it is a pretty good thing to get rid of the Anglo-Japanese alliance, and the treaty terminates it.

Mr. PITTMAN. But now the only references to domestic questions that were in this treaty have been absolutely elimi-

nated from the treaty, if they ever were there. I contend it does not make any difference in a contract whether it is written on one sheet of paper or twenty. The fact is, if it relates to the same subject and is interlined and governs the execution of both instruments, it is a part of the agreement, and it does not have to be on one sheet of paper. As a matter of fact, article 1 of what you call the declaratory statement, which was signed by all the powers that signed the treaty, limits article 2 and defines article 2. It is a part of article 2. It says expressly as to article 2, "That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace" certain questions. That is a limitation on article 1 of the four-power pact. Is it possible that a limitation signed contemporaneously with a contract does not become a part of it?

Mr. LODGE. It is a part of it if it is ratified.

Mr. PITTMAN. If it is a part of that contract——

Mr. LODGE. If it is not a part of it, the Senator can have it ratified if he wants to.

Mr. PITTMAN. That is one of the very remarkable expressions made by the Senator from Wisconsin, of course, and I would suggest possibly that you get something different there.

Mr. LENROOT. Does the Senator disagree with that?

Mr. PITTMAN. Oh, undoubtedly.

Mr. LENROOT. I suggest that the Senator from Nevada consult some of the lawyers upon his side of the Chamber.

Mr. PITTMAN. I have no intention of being disrespectful, but I think it would be a good thing for the Senator from Wisconsin himself if this body would disbar him as a lawyer here and let him keep his seat as a Senator. Then he would have the same excuse the Senator from New Jersey [Mr. EDGE] has with regard to these inconsistencies. I was addressing the distinguished Senator from Massachusetts, however.

If this statement was there as a part of the treaty——

Mr. LODGE. It was not.

Mr. PITTMAN. All right. I am taking the two sides of it. If it was drawn as a part of the treaty, which is a contract, it is not now a part anyway, because it ceases to be a contract unless voted for by two-thirds of the Senate, and it never was.

Mr. LODGE. Then it is not a part of the treaty.

Mr. PITTMAN. Whether it was drawn as a part of the contract or not drawn as a part of the contract, it is not now a part of the contract, because no contract is binding on this Government until ratified.

Mr. LODGE. It is either a part of the treaty or it is not.

Mr. PITTMAN. We are agreed on that.

Mr. LODGE. The Senator takes the ground that it was a part of the treaty and is not now a part of the treaty. Of course, his position is perfectly clear.

Mr. PITTMAN. There is no doubt that it is not now a part of the contract.

Mr. LODGE. And it never was.

Mr. PITTMAN. As to whether it was is another question, but the absurd statement of the distinguished constitutional lawyer from Wisconsin that it is not a part of the treaty, yet if it was a part of the treaty it has been ratified, because the Senate ratified some other things, hardly requires comment. We have ratified this treaty section by section, article by article, by a two-thirds vote. Even the Senator from Wisconsin, I think, recognizes that the two-thirds vote was necessary to ratify article 2, and he voted for it.

Mr. LENROOT. No; I do not think so; not when we were voting article by article, and neither does the Senator from Nevada, if he knows anything about it.

Mr. PITTMAN. Undoubtedly, when it was reported to the Senate. Under the Constitution and rules of this body the action of the Committee of the Whole is to be reported to the Senate.

Mr. LENROOT. Not under the Constitution, but under the rules of this body.

Mr. PITTMAN. When the Constitution authorizes a rule it is then under the Constitution. Of course, the Senator does not know that, but that is the fact. Under the rules of the Senate, which are authorized by the Constitution and therefore are constitutional, whenever the Committee of the Whole has agreed on a certain contract, that is reported to the Senate, and the Senate acts on it. The Senate did act on it, and the Senate was informed that the Committee of the Whole, by a two-thirds vote, had adopted articles 1, 2, 3, and 4.

Mr. LODGE. No; none of the articles were adopted by anything but a majority. Let the Senator study the rules.

Mr. PITTMAN. By a majority. If I said two-thirds——

Mr. LODGE. I beg the Senator's pardon; he did say two-thirds.

Mr. PITTMAN. Then I withdraw it and make it a majority, so the Senator will be satisfied. But it was reported that the Committee of the Whole had adopted it, and their action was the adoption of articles 1, 2, 3, and 4. That was the report. There was not any report whatever that they had adopted this other statement. In fact, when inquiry was made it was distinctly said that it had not been and would not be ratified. Therefore, whether it was originally intended to be or not, it was eliminated before the resolution of ratification was voted on, and therefore the resolution of ratification could not apply to it in any circumstances whatever.

Mr. LENROOT. The Senator from Nevada evidently was out of the Chamber when the Senator from Arkansas [Mr. ROBINSON], who, I think the Senator from Nevada will admit, has some legal ability, concurred with me in every statement that I had made with respect to the binding effect of the action taken by the Senate, and that we could violate every rule of the Senate and it would not have the slightest effect upon the validity of the final action taken.

Mr. PITTMAN. When I was practicing law in Nome, Alaska, we had two law books up there——

Mr. LENROOT. That perhaps accounts for the Senator's legal ability.

Mr. PITTMAN. Oh, well, I have a high regard for the Senator from Arkansas, and, in fact, I realize he is far superior to the Senator and myself in legal knowledge; but when I was in Alaska with those two books I remember a very distinguished lawyer got up before the court one time and went to quoting from a very distinguished author on mines, Mr. Lindley. He quoted very fluently from Mr. Lindley on mines. It made no more impression upon the court than many statements made on the floor of the Senate very frequently. The court simply remarked that he would prefer to read the language of Judge Lindley than to have it quoted from memory.

Mr. HITCHCOCK. Mr. President, I was rather surprised that the Senator from Massachusetts, in attempting to give the reasons why the four-power pact was proposed and agreed to, should abandon one after the other the possible causes and finally attribute the desire to get rid of the Anglo-Japanese alliance as the real cause for agreeing to this pact. It is pretty notorious by this time that the Anglo-Japanese alliance is not at this time and had never been a menace to the United States. At the present time there are at least three reasons why it is not a menace to the United States:

First, it contains a provision that it shall not apply to the United States.

Second, the public opinion of Great Britain would never tolerate its application in the case of war between the United States and Japan. It would disrupt the British Empire to do it.

In the third place, under the covenant of the League of Nations the Anglo-Japanese alliance as it existed was outlawed, and Japan and Great Britain jointly signed a statement made to the League of Nations authorities admitting that it could not be longer continued in effect and must be revised.

There are three distinct reasons at least why that bugaboo could not be held up as a reason for the United States making any sacrifices to form the four-power pact.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. HITCHCOCK. I yield.

Mr. SWANSON. I have listened to the Senator very carefully. He deserves a great deal of credit for showing to the Senate and to the country the condition in which we have been put by the action of the Senate yesterday. We have had a resolution of ratification of the four-power treaty. Nothing has been done about the supplemental declaratory statement additional to that in article 2, which was intended to eliminate from all the conferences that might be held under the four-power treaty the question of immigration, the condition of Japanese in California, and to leave those matters entirely eliminated from such conferences.

By our action of yesterday we are put in a very embarrassing situation. I do not know whether it was done intentionally or whether it was done through oversight. We have ratified a treaty in which nothing has been done in connection with the conferences of the four powers being debarred from consideration of our domestic questions of immigration and the treatment of Japanese in the United States.

That having been eliminated and the provision protecting the United States in article 2 of the declaratory statement not having been acted upon, and the Senator from Massachusetts now saying it is not a part of the treaty, consequently Japan can ratify our action of yesterday, and that matter would entirely be eliminated. We would have nothing but the declaration of her minister here, which could be repudiated by the Japanese Government, which could at any time be changed, and not a solemn treaty of 10 years' duration, as the other compact is.

If we should ratify by a separate resolution of ratification, as suggested by the Senator from Wisconsin, what is the condition? We then have the four-power treaty, in which Japan is interested, which she can ratify, and then we have the declaratory statement which we have ratified in a separate resolution, which she could fail to ratify. Then we are put in the attitude of leaving the question unsettled as to what power shall exist or shall be vested in the four-power conference.

The only bone of contention between Japan and this country, the only possibility of trouble, being the question of immigration and the treatment of Japanese desirous of becoming citizens of this country, the Japanese Government claiming the right still to interfere here and say what kind of treatment shall be accorded them, it seems to me that some provision should have been included in a distinct treaty and resolution of ratification so that there could be no further differences between the Japanese Government and this Government upon those questions. If we had one resolution of ratification ratifying the four-power treaty and the supplemental declaratory statement to it, it would all have been included, and Japan would have to accept both or none. But now we put ourselves in the attitude of allowing Japan to ratify the one and reject the other.

I do not know whether that was done intentionally or whether it was an oversight. If it was an oversight, the proper course to pursue is to move to reconsider, within the three days, the resolution of ratification of yesterday and let that resolution of ratification be amended to include both. That is the only way this Government can get a guaranty that Japan shall acquiesce in our contention as to immigration, and that when her people become citizens of this country they are subject to our domestic laws. It seems to me we are now in such a position that Japan can get what she desires under the four-power treaty and refuse to ratify the other portion of it.

Mr. HITCHCOCK. Yes, Mr. President; I have already called attention to that matter, which the Senator from Virginia has much more completely covered. A serious question is presented. The subject of immigration is of far more importance in a treaty with Japan than in a treaty with any other country. It is the only big question at issue between the United States and Japan. It does not involve simply the States up and down the Pacific coast, but, in a large degree, it involves the Hawaiian Islands. In those islands there is a mixed population. More than half of that population to-day is Japanese. The Japanese have acquired rights there; they have married there; children have been born unto them, and a considerable proportion of the population of the Hawaiian Islands to-day is Japanese by descent but American by birth.

It is almost inevitable that in the Hawaiian Islands there will develop sooner or later a very acute form of race question. When that develops, the door has been left open for Japan to claim under the provisions of this treaty that the question involved is one affecting her rights and the rights of her nationals in the Pacific islands under article 1 of the treaty. We have virtually abandoned, as I see it, section 2 of the declaratory reservation. The Senator from Massachusetts has specifically said that the following provision is not a part of the treaty:

> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Not only the Senator from Massachusetts says that is not a part of the treaty, but the action of the Senate makes it not a part of the treaty. It could have been made a part of the treaty; that could have been done on yesterday; it may be done, I presume, under a reconsideration, as the Senator from Virginia suggests, within three days; but if it is not done, the United States abandons the position which it has the opportunity to maintain, that the question of immigration is not within the jurisdiction of the four powers.

Mr. President, I have occupied the floor much longer than I intended to, though I have not done so very much speaking myself.

Mr. SPENCER. Will the Senator yield to me?

Mr. HITCHCOCK. I yield.

Mr. SPENCER. I conclude from the statement of the Senator from Nebraska that he is of the opinion that what is called the declaratory statement is and ought to be considered a part of the treaty itself and ought to have been read and acted upon by the Senate precisely as the other articles of the treaty were?

Mr. HITCHCOCK. Exactly.

Mr. SPENCER. I wonder if the Senator has thought of this view of the case: When that treaty was signed, it was signed by 19 plenipotentiaries who acted for the President of the United States, for His Majesty the King of Great Britain, for the President of France, and for the Emperor of Japan. They were acting as plenipotentiaries. When they signed in that capacity, they signed officially, and the Senator from Nebraska will find on looking at the treaty that each affixed his individual seal. They were acting in an official capacity and formulated a treaty.

When that treaty was signed and completed with such formality the same 19 men as individuals, not as plenipotentiaries, not even indicating that they were acting, as they did in signing the treaty, by the authority of their Government, but acting as individuals and without seal, without the formalities of execution, expressed their interpretation of what their respective Governments meant by that treaty. Is there not a distinct difference? One is an official treaty; the other is the declaration of the same men, but not acting officially, as to what that treaty meant. One is binding; the other is indicative. If that is correct, the declaratory statement never could be ratified by the Senate. It does not possess the indicia of a treaty; it is an expression of individual opinion. We could approve it; we could say it represents what we believe; but we could not ratify it with the formalities with which a treaty under our Constitution must be ratified.

Mr. HITCHCOCK. Mr. President, there are just two answers to the position taken by the Senator from Missouri. The first answer is that the Senate has in the past ratified treaties to which the representatives of the respective Governments have not affixed their official seal. One case to which I can cite the Senator is the treaty with Portugal for the extradition of criminals. After the treaty had been drawn and had been signed by Elihu Root and Alte with legal seals, Alte wrote a letter to Mr. Elihu Root without an official seal and Elihu Root answered it without an official seal, and agreed to the proposition, and the Senate of the United States ratified that agreement.

Mr. SIMMONS. Mr. President——

Mr. HITCHCOCK. One moment. There is a second answer to the Senator's position. If there was the intention to make the declaratory statement any less binding than the treaty itself, it was a very deplorable thing to do. It was agreed to before the treaty was signed. The treaty could have been rewritten, it consists of only four paragraphs, and its framers could have embodied the declaratory statement in the treaty as of equal dignity. If our representatives placed our reservation of the question of immigration upon so flimsy a foundation as the Senator indicates, they did something which was outrageous; but I can not put that interpretation upon their action. I yield now to the Senator from North Carolina.

Mr. SIMMONS. I simply want to call the attention of the Senator from Nebraska to the fact that the declarations bear upon their face the evidence that contradicts the contention of the Senator from Missouri, when he claims that the declarations were the individual acts of the plenipotentiaries and not the acts of the Governments which they represented.

Mr. HITCHCOCK. That is a third answer to the position of the Senator from Missouri. I had omitted that.

Mr. SIMMONS. The language employed is very clear and shows that they were acting in their official capacity and acting for their Governments. It reads:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan, it is declared to be the understanding and intent of the signatory powers.

Mr. HITCHCOCK. Exactly.

Mr. SIMMONS. Not "the understanding and intent" of the individual delegates to the conference; not of the "plenipotentiaries" of the signatory powers, but of the "signatory powers." It is declared to be "the understanding and intent of the signatory powers," and hence the signers must have been acting in their official capacity whether they used a seal or did not use a seal.

Mr. SPENCER. When they used the language "in signing the treaty this day," to what did they refer?

Mr. SIMMONS. They referred to the treaty itself.

Mr. SPENCER. That is as a completed document?

Mr. SIMMONS. Yes.

Mr. SPENCER. Outside of the declaratory statement?

Mr. SIMMONS. Exactly. But they declared that the understanding and the intent which is set forth in this declaration is the understanding and intent of the signatory powers.

Mr. SPENCER. Then the Senator will agree with me that the treaty was intact and complete in itself, and that the declaratory statement was an expression of their understanding as to what that treaty meant?

Mr. SIMMONS. I take it as a matter of fact that they were contemporaneous documents.

Mr. HITCHCOCK. And the Senator from Massachusetts has already stated that the declaratory statement was signed first; so there would have been time to rewrite the treaty to embody the statement in the treaty as should have been done. The form, however, is not unusual. A number of cases may be cited where, after a treaty had been duly drawn and even before it was signed, an additional article was written and signed by the same men on the same day, sometimes modifying and sometimes merely explaining an ambiguity in the treaty; but in every such case which I have found that additional article has been ratified by the Senate of the United States.

Mr. SPENCER. Mr. President, has not the Senator found in every case that there was a reference in the explanatory or additional statement which expressly stated it was to be a part of the treaty?

Mr. HITCHCOCK. I have already stated to the Senator that I consider it utterly unimportant whether it is itself a part of the treaty or whether the law makes it a part of the treaty. A treaty is a contract, and the Senator, as a lawyer, knows that a writing signed by the same person at the same time relating to the same matter becomes a part of the contract.

Mr. SPENCER. There must be one other element, namely, the persons must act in precisely the same capacity at both times. Then it does become a part of the contract, but not without that essential.

Mr. HITCHCOCK. These men had no right to act in any other capacity than as representatives of sovereign powers, and they acted in that capacity; they represented sovereign powers.

Mr. WATSON of Georgia. Mr. President, may I ask the Senator from Missouri a question, with the permission of the Senator from Nebraska?

Mr. HITCHCOCK. I yield.

Mr. WATSON of Georgia. What is the construction of the word "supplementary" in connection with a book or a paper or a treaty?

Mr. SPENCER. I should say that it implied something added to the original, but I do not find the word "supplementary" in the declaratory statement, which is now being discussed.

Mr. WATSON of Georgia. The word "supplementary" is used; here it is.

Mr. SPENCER. I do not find it in the declaratory statement.

Mr. LODGE. That word is in the supplementary treaty, but not in the declaration to the four-power treaty.

Mr. SPENCER. The Senator from Georgia is evidently referring to the supplementary treaty which is now before the Senate, while we are discussing the declaratory statement appended to the treaty which was ratified yesterday. The word "supplementary" does not occur at all in connection with the question we are now discussing.

Mr. HITCHCOCK. Mr. President, mere quibbling with words, it seems to me, is not of any importance. The declaration was signed at the same time the treaty was signed, or even a little before. It reads:

In signing the treaty this day—

Is not that the same as saying "in signing the present treaty"? Does not the Senator think that is what it means?

Mr. SPENCER. I should not think it meant quite that. I should think that the clear meaning of those words was that the 19 delegates, referring to a treaty which they had officially completed, gave their individual opinion as to what the signatory powers meant by the treaty to which they had officially agreed. That is the way I should read it. I do not see how it can be read otherwise.

Mr. HITCHCOCK. That is what it was; it was an addition to the treaty, a change in the treaty, designed to remove an ambiguity in the treaty.

Mr. SPENCER. If it had meant——

Mr. HITCHCOCK. Mr. President, I shall refer now for the record to a number of treaties embodying additional paragraphs or declarations which have uniformly in the past been ratified by the Senate of the United States.

Mr. SPENCER. May I say to the Senator from Nebraska that if it had meant what he evidently thinks it means, how simple it would have been to have said, "As a part of the treaty signed this day"? That is what was done, in effect. I venture to say, in the case of every one of the illustrations the benefit of which the Senator from Nebraska is now about to give us.

Mr. HITCHCOCK. I will not stop to examine as to that, but I will put the documents in the record, and I will ask any Senator on the other side when he comes to speak on this question to put into the record a reference to any treaty which contains such a supplemental or additional declaration which the Senate of the United States failed to ratify.

Mr. STANLEY. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HITCHCOCK. I yield.

Mr. STANLEY. It has appeared from the discussion that the so-called declaratory statement was signed before the treaty was signed. It was at first thought by the President of the United States that there was no guaranty of the territorial integrity of the main islands of Japan. The whole country was aroused over that question, and the attention of the whole country was focused on this supplementary statement at the time it was made. I should like to ask the Senator from Missouri why he supposes——

Mr. KING. He has gone.

Mr. STANLEY. While I was asking him, he departed. If the seals are so important, and in one case they acted officially, as contended by the Senator from Missouri, and in the other case it was simply a statement of plenipotentiaries, without any binding force upon their Governments, I will ask the Senator from Massachusetts why in one case they signed with their seals and in the other they did not? What was the reason for it?

Mr. CARAWAY. Mr. President, may I ask the Senator from Kentucky a question? Does not the situation on the other side of the Chamber remind him of the story about the boy who "stood on the burning deck, whence all but him had fled"?

Mr. STANLEY. I do not know which is in the worse fix—the deck or the boy.

Mr. CARAWAY. I think the deck is in the worse fix.

Mr. HITCHCOCK. Mr. President, I shall not conclude tonight by putting in these references until I can supplement them somewhat. As another Senator desires the floor, I yield it.

THE MERCHANT MARINE.

Mr. RANSDELL. Mr. President, I addressed the Senate on the 15th instant in support of the four-power treaty, and stated at the time it was my opinion that the treaty for reduction of naval armament and the treaty concerning the principles and policies to be followed in relation to China should stand or fall with it.

I shall now discuss the naval disarmament treaty, and shall devote the major portion of my time to the relation of this treaty to the upbuilding of an effective American merchant marine.

The treaty on reduction of naval armaments provides that the United States and Great Britain shall be on equal terms of five to five as to the size and relative strength of their capital ships, Japan being on the ratio of three to five. I am very much pleased at the terms of this treaty, the spirit and intent of which is to make America the equal of Great Britain in its naval strength, neither country being expected to enjoy any superiority over the other in so far as its power on the sea is concerned. As I understand the situation, that was the plain intention and desire of the American delegates who framed the treaty, and I believe that the people of America so understand it. From now on we should have a Navy just as great and strong as that of Great Britain, who for so many years has been the mistress of the seas.

MERCHANT SHIPS VITAL TO NAVY.

There is only one way, however, for this expectation of equality to be realized, and that is for America to make very material additions to its commercial fleet. It is well understood that swift vessels of commerce, carrying both freight and passengers, and having a speed in excess of 15 knots—preferably 20 knots and over—can be and are utilized very effectively as auxiliaries to the Navy in time of war. These swift vessels, having a tonnage of ten to fifteen thousand and over, prepared to handle passengers as well as freight, and to perform both general and special service on the sea, are complements and essential parts of a complete and perfect navy.

Great Britain is well supplied with vessels of this character. She has a total of 146 ships of the combined passenger and cargo type of 10,000 gross tons and over, aggregating 1,870,147 tons, with a speed of 12 to 20 knots and over, while the United States has only 44 such vessels, with an aggregate of 638,247 tons. In other words, Great Britain has nearly three times as many ships which are susceptible of being used as naval auxiliaries as the United States.

If the commercial marine of the United States is to remain at its present level so far as these fast ships are concerned, then Great Britain, with her large fleet of potential naval auxiliaries,

would beyond question continue, as she is to-day, very much more powerful on the sea, even though our naval vessels—our fighting ships—are her equals on a tonnage basis.

PAST EXPERIENCE SOUNDS WARNING.

How shall this inequality be overcome? Vessels other than the fighting fleet which would be needed by the Navy in time of war, and which would largely be drawn from the merchant marine, include scouts, colliers, ammunition ships, supply and refrigerating ships, distilling ships, tankers, hospital ships, repair ships, dispatch vessels, mine sweepers, mine layers, aircraft carriers, aircraft tenders, submarine tenders, destroyer tenders, gunboats, and yachts. Similarly, in any military enterprise involving the movement of troops overseas, the matter of first and paramount importance is the sufficiency, suitability, and readiness of transports for troops and for supplies. These necessities involve not only problems of material, but also—and perhaps of even greater importance—of personnel. Our experience during the Spanish War and the situation that confronted us when we entered the World War should be convincing evidence of the necessity of an adequate merchant marine as a matter of national defense.

In the Spanish War, for the transportation of the Santiago expedition in 1898, the Quartermaster's Department chartered every American vessel that could be obtained in Atlantic ports during the 20 days following the declaration of war and succeeded in obtaining a fleet of only 36 vessels, averaging 2,500 gross tons, and only 2 of these were as large as 4,000 tons. These ships had an aggregate capacity of 90,000 gross tons, or less than one-half the quantity required at that time to embark a force of two divisions. The Navy was able to obtain 103 auxiliary vessels during the Spanish War, all but 6 of which were purchased abroad, the majority of them coming from Great Britain.

LACK OF TROOPSHIPS A MENACE.

At the outbreak of the World War the lack of an American merchant marine and the consequent lack of a trained seagoing personnel were immediately felt. The United States Shipping Board was established to undertake the vast task of creating a merchant marine, and one of the most difficult phases of the problem was to obtain an adequate trained personnel to man the merchant fleet. During the war the number of privately owned vessels purchased and chartered by the Navy was 1,677. When we entered the conflict our Army transport service consisted of only 7 vessels under the control of the War Department, and on July 1, 1917, there were in service 7 troopships of 46,000 dead-weight tons and 6 cargo ships of 48,000 dead-weight tons. This number was later increased to 512 vessels having a dead-weight tonnage of 3,251,000, not including a cross-channel fleet of 104 lake vessels, with a tonnage of 311,000. These figures include 460,000 dead-weight tons of seized German vessels and 300,000 dead-weight tons of Dutch vessels. Our success in meeting the situation was due not only to these acquisitions of foreign tonnage but also to the cooperation of our allies; for of the total number of troops carried overseas, namely, 2,086,009, less than half, or 46 per cent, were carried in American vessels, and 54 per cent were carried in vessels flying foreign flags, of which 48 per cent were British vessels.

So much for the past. Any limitation through international agreement in the future construction of naval vessels will render the necessity of a merchant marine and its personnel of even greater importance than it has been in the past in determining naval and military effectiveness; and without an adequate merchant marine the safety of our country might easily be imperiled. We are on the most cordial terms with Great Britain, Japan, and other sea powers to-day, and it is my sincere hope that this friendly relationship and cooperation will continue with all the world. But one can not foresee what will happen in the future; and while wars are universally abhorred, there is no assurance that they will not recur at times and in regions that can not be predicted very far in advance. If such a breach in our international relations should occur, we would need a very large number of naval auxiliaries and a large number of supply vessels to serve our fleet. There would be no time to build these vessels after diplomatic relations were broken; it would not be safe to trust to the chance of being able to purchase or charter foreign-flag merchant vessels; and the only course open from the standpoint of national safety is to have these vessels form a part of our permanent merchant marine.

RELIEF OFFERED BY LEGISLATION.

It would seem that the mere statement of the case is sufficient, and no argument is necessary to prove the extreme desirability and necessity of such a commercial fleet as I have described—not, perhaps, as great a merchant marine as that of Great Britain, but certainly one of sufficient size and so adjusted and balanced as to furnish all necessary naval auxiliaries.

In order to insure such a marine, there must be very material changes in our legislation. President Harding, in his recent message on shipping, suggested a number of measures of relief which are embodied in a bill introduced by the Senator from Washington [Mr. JONES] on the 23d of last month.

I shall discuss several phases of this bill, and earnestly commend its most careful consideration.

The bill first proposes to allow the Shipping Board to create out of the sale of its assets, at the world's market prices, a fund of $125,000,000 within the shortest period possible, and to loan this money to American shipbuilders at not less than 2 per cent interest. This feature is calculated to be of inestimable value in encouraging the construction of the higher type of vessel suitable for naval auxiliaries of which we are so sorely in need. Such a procedure was followed by Great Britain when in 1902 it loaned to the Cunard Line twelve and a half millions at 2½ per cent for the construction of the *Lusitania* and *Mauretania*. Besides this loan Britain agreed to pay to this company a fixed subsidy of £150,000—$750,000—a year in lieu of the previous Admiralty subvention of £15,000—$75,000. In a nutshell, the increased subsidy not only provided the interest on the twelve million five hundred thousand but amortized it in about 30 years, the life of a ship.

The interest amounts to $312,000 per year. The increased subsidy of $675,000 not only covers the interest but gives them $362,000 a year more. That $362,000 a year would in about 30 to 35 years pay the twelve and a half million. In other words, this was not a mere loan but a gift. So that Great Britain practically made a gift of the two finest passenger ships of the day to the Cunard Line in order to build up the British merchant marines.

TO STIMULATE SHIPBUILDING.

The Shipping Board already has authority to create this $125,000,000 construction loan fund from the sale of its assets, but at the present time it can be loaned to shipbuilders only at the rate of $25,000,000 a year. It is sought to expedite the realization of this fund, so that a greater amount may be made available immediately for the American shipowners in giving work to American shipyards at this particular time when it is so badly needed. This is a revolving loan fund. It is not a payment outright. Sums lent will bear interest and return that interest to the Public Treasury. It is not a subsidy; it is a business loan, the Government being protected by a first mortgage all along. It is the kind of indirect aid which a great many of the maritime nations of the world have given to their merchant marines.

The next provision is that 5 per cent of all freight moneys shall be deductible from income and corporation taxes if such freight moneys have been paid, inbound or outbound, to American ships. This provision is proposed in lieu of the benefits which were to have accrued to American shippers from section 34 of the Jones Act, which, in effect, as we all know, allowed preferential tariffs or discriminating duties on goods shipped in American vessels. President Harding, concurring with President Wilson, does not consider it in the national interest to abrogate the treaties existing with other nations which prohibit the imposition of discriminating duties. As the proposed substitute would apply both to exports and imports, I feel that it would be potentially of as great value as the discriminating duties of the old American practice, and of the provisions of section 34 of the merchant marine act of 1920. Its benefits will flow to every shipper in the United States; to the farmer, the miner, the manufacturer, the merchant, the importer and exporter. We will all be aided by it and at the same time it will aid our shipping.

FAIR SHARE OF IMMIGRATION SOUGHT.

Still another form of indirect aid very wisely proposed is a provision that at least 50 per cent of the immigrants that enter our country shall come in American ships. There is nothing difficult or complex about this proposal. Prior to the World War the European steamship companies that conveyed virtually all of our trans-Atlantic trade had a working agreement among themselves by which the immigrants were portioned out—such a per cent to the British lines, such a per cent to the German lines, and so on, with a negligible remnant to American vessels. Had such a provision as this been on the statute books in 1907, when our country reached the peak of immigration of 1,200,000 people per year, our own steamship companies would have been receiving most of the very substantial sums that poured into the coffers of foreign lines through this trade,

and we would not have been in such sad need of passenger ships when the war broke upon us in 1914.

The measure further proposes to create a merchant marine naval reserve, to consist of persons who are employed for a major portion of their time on merchant vessels, or who by appointment or enlistment obligate themselves to serve on merchant vessels in time of national emergency. The purpose of this provision is to insure a well-trained 100 per cent American crew for every vessel pressed into Government service in time of national emergency. This reserve, it is estimated, will cost about $650,000 the first year, and will reach a maximum of $3,000,000. This sum contemplates a reserve of about 5,000 officers and 30,000 men. I have already pointed out the difficulty we experienced in manning our merchant marine during the recent war. I merely wish to state further in this connection that it was often necessary to stop our ships at sea in the war zone to take off men who were friends of our enemies and hostile to our cause. In fact, at least 30,000 men were removed from our ships during this period. In view of our past experiences I believe that all will admit the necessity for such an organization as is provided for in this bill.

GOVERNMENT SHOULD USE AMERICAN SHIPS.

Still another effective form of indirect aid is the proposed requirement that American officials traveling on Government lines at Government expense must travel on American ships wherever these are available.

Another indirect aid on which we will all find it easy to agree is to discontinue so far as practicable the expensive Government transport services of the Navy and Army, and make our cargo-passenger ships the agencies of such communication, as do all other maritime nations of the world. Such a provision should increase the net earnings to those private owners engaging in such trade, and be an impelling inducement to private owners to purchase at a fair valuation the Shipping Board passenger-cargo vessels adapted for this service.

And, finally, the bill provides direct aid to our shipowners to enable them to compete with the shipowners of other countries having wage and building costs far below our standards. The expense of this subsidy is estimated at $15,000,000 the first year, and $30,000,000 at the end of five years, which will be about the maximum. I will not go into the details of the formula, which was worked out with a view to building up a well-balanced merchant marine of the types of ships needed to cover the routes and the trades that meet our purposes. Stated in simple terms, it amounts to one-half cent per gross ton for each 100 miles steamed in the foreign trade plus an additional amount for high speeds. For speeds up to 13 knots on light draft the rate of one-half cent per ton per 100 miles is constant. Beginning with 13 knots, the rate increases rapidly, thus placing a premium upon speed.

The reason for adopting this premium is to encourage the building and operating of high-speed vessels suitable for carrying the mails and for use as naval auxiliaries, and to compensate for the increased cost of construction and operation. The board is authorized to increase the amount of compensation up to twice the amount provided for in the bill when necessary to induce the establishment and maintenance of lines, and to reduce such compensation when the amount under special circumstances is excessive. Fast vessels receiving the subsidy must carry our foreign mails when required, for which no payment will be made to them, but the proper credit for the service rendered will be made by the Post Office Department to the Shipping Board. This amount expended for carriage of foreign mails is estimated at about $5,000,000 per annum.

PROFITEERING GUARDED AGAINST.

If the owner of a vessel during any fiscal year receives a net return of more than 10 per cent he is required to pay the Shipping Board 50 per cent of such earnings in excess of 10 per cent until the amount of compensation received under the act is returned. The provision is a safeguard against any profiteering at the Government's expense.

There are a number of other minor provisions in the bill which I do not consider necessary to discuss.

This bill deals with American shipping as Congress finds it to-day, not with American shipping as it might have been or as many of us would like to have it. It recognizes that the laws enacted to meet the demands of labor for superior living and working conditions on American ships are on the statute books to stay. Therefore, provision is attempted to be made whereby the Government is to assume such additional burdens as its legislation imposes. Furthermore, it recognizes the fact that it is more expensive for us to break into the commercial fields now fully occupied by our competitors than it is for us to remain in those fields after they have once been acquired. Japan clearly recognized this fact, and therefore, despite its cheap labor, provided through the Japanese act of 1896 for Government bounties to aid in the construction and operation of Japanese ships. This should be sufficient demonstration for us.

It should not be overlooked that it is not because we have no foreign commerce at the present time that our ships designed for the foreign carrying trade are idle. The Government reports for the year ended October 31, 1921, show that shipping to the amount of 127,301,777 net tons engaged in foreign trade entered and left our ports, and that cargoes in this trade to the amount of 85,035,851 tons were brought in or carried away. This vast amount of freight is nearly twice the amount which would be required to give employment to all existing American vessels suitable for the foreign trade, and therefore primarily the question is how to enable American ships to secure their share of this vast amount of traffic.

FOR A 100 PER CENT AMERICAN MERCHANT MARINE.

All the provisions of this bill are important, and each is calculated to be helpful in reaching the desired end—a real 100 per cent American merchant marine. The indirect aids are carefully prepared and well planned for effectiveness, and I believe are certain of acceptance substantially in their present form by the Senate and House of Representatives.

I wish to present somewhat in detail, however, the arguments in favor of the direct aid provided in the bill, which is commonly referred to as a subsidy, and without which the encouragement provided by the indirect aids would not suffice to set our merchant flag again upon the ocean. It must be remembered that for 60 years and more foreign shipowners have been in command of the situation. They hold to-day the mastery of most of the great routes of ocean commerce. They have their agencies, their representatives, their established interests and communications all over the world. They are determined to maintain their mastery and to drive off our American ships and to dominate our ocean-carrying trade, because they well know its advantages to their own manufacturers and merchants. These foreigners are resolved that the United States shall not become an independent maritime nation, with ships capable of serving its own people in foreign commerce and possessed of an adequate naval reserve. They are quite willing that we should go on doing as we have in the past, paying tribute to the shipping of their nations and enabling them to build up their commerce and their merchant marines at our expense.

The President, appealing in his merchant-marine message to all the people of the United States, declares that those who oppose this policy "ought in all fairness to propose an acceptable alternative."

SUBSIDIES USED BY OUR COMPETITORS.

Whatever our prejudices may be against the word "subsidy" and the policy it stands for, is there any alternative? I know of none. The United States is the only maritime country in which the question of subsidy is ever debated. It is the only maritime country that has ever hesitated to employ a subsidy policy commensurate with its means and opportunities. Just before the late Great War the rest of the world was spending $50 annually in subsidies and bounties to shipping, where the United States, the wealthiest Nation in existence, was giving one, and that in mail pay to a few ocean services.

Every nation in the world that has a merchant marine worth considering has in some way or another included subsidy with other forms of national aid. This is the fully established practice of all of the sea-trading peoples. Would these shrewd commercial folk adopt and continue a subsidy system if it did not "produce results" commensurate with each nation's racial fitness and opportunities?

We must approach consideration of the subsidy problem in the fullest possible spirit of open-mindedness. Is it not quite possible that the other nations of the world in their attitude toward shipping subsidies have been right and that America has been wrong?

Let us look for a moment into the history of Government aid to the merchant marine. We all know that by common consent the American Congress in the very first law passed by the first Congress under the Constitution—a law framed by the founders of the Republic, by Washington, Adams, Madison, and Jefferson—provided the protection of discriminating or preferential duties for the young American merchant marine. We all know that under that policy in a few years, instead of carrying 23 per cent of our imports under our own flag, as in 1789, we were carrying 85 and 90 per cent in our own vessels, and that the tonnage of our overseas shipping rose with an unexampled swiftness from 123,000 in 1789 to 981,000 in 1810.

OUR ADVANTAGES THROWN AWAY.

Our achievement was so extraordinary, our confidence so strong, that in the years after the War of 1812 we allowed ourselves to be tied up in commercial treaties by the clever and far-seeing diplomats of Europe, so that the discriminating duties were finally, though not completely until 1850, abandoned by our Government. Looking back we can now see that we were outgeneraled and beaten.

And what did the governments of the Old World do when they had us thus bound hand and foot against renewal of the discriminating duties? These governments deliberately took up another policy, a very effective policy, of steamship subsidies and subventions, begun by Great Britain in a mail subsidy of $425,000 a year, which created the Cunard Line of trans-Atlantic steamers in the year 1839. Having called the Cunard Line into being, the British Government granted another subsidy of $1,300,000 a year to the Peninsular & Oriental Line to the East Indies, and still another subsidy of a like sum to the Royal Mail Steam Packet Co. for a steamship service under the British flag to the West Indies and the east coast of South America. Practically all of the British merchant steamship services were subsidized in those crucial years of the development of steamship building and steam machinery building. So that very soon Great Britain, which had been squarely beaten in sail craft, saw her hope to regain the mastery of the seas.

But the United States then was not blind and idle. Barred by the treaties from a readoption of discriminating duties, the American Government sought to meet British competition by initiating a vigorous mail-subsidy system of its own. This is the record of history, perhaps forgotten by some of us, but not forgotten by all of us.

SOUTHERNERS INITIATED SUBSIDY POLICY.

I would invite the attention of Senators to the recorded fact that these first and earliest of American steamship subsidies were given by southern lawmakers, acting on the recommendation of a Democratic President.

The honor of initiating this first American subsidy policy, which, while it was applied, proved splendidly successful, belongs to two southern Senators of distinguished reputation in their time—Thomas Butler King, of Georgia, and Thomas J. Rusk, of Texas. Only a year after the first British Cunard steamships had begun their regular trans-Atlantic service from Liverpool to Halifax and Boston Senator King began to advocate in Washington an annual appropriation of a million dollars for the carrying of the mails and the encouragement of American steamship building and navigation. Later Senator Rusk was an ardent advocate of the same policy. Senator King, for example, said:

> It is sufficient to show that they (British statesmen) are resolved, as far as practicable, to monopolise the intercourse between these two important points. This movement shows clearly that the time has arrived when we must decide whether we will yield this essential branch of navigation and this indirect means of extending our naval armaments to our great commercial rival, or whether we shall promptly extend to our enterprising merchants the necessary means to enable them to bring American energy, enterprise, and skill into successful competition with British sagacity and capital. Of all the lines of sailing packets which cross the Atlantic, not one is owned in Europe; and it is not to be doubted that American merchants, properly encouraged, will assuredly excel in them (steamship lines) as they have done in sailing vessels; and when we reflect that this may be accomplished to the mutual advantage and advancement of our commercial and military marine, it would seem that no statesman ought to hesitate for a moment to give his support to a measure which is demanded alike by prudence and the necessities of our position.

These words found a patriotic response in the Congress. An act of Congress in 1845 authorized the Postmaster General to make contracts with American shipowners for the carriage of mails in American-built ships to Europe.

HOW DEMOCRACY AIDED SHIPPING.

President Polk, in a message to Congress, speaking of supplementary legislation, said:

> The enlightened policy by which a rapid communication with the various distant parts of the world is established, by means of American-built steamers, would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of the mail, over and above the postage received. A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels.

These were days of strength and glory for the Democratic Party in the Nation. For the most of these years that party continued to control our national destinies. It was characterized in its foreign and domestic policies by the fervent patriotism of Andrew Jackson and of the great Democrats who came after him. Those statesmen saw nothing inconsistent between Democratic Party faith and national mail subsidies to American steamships, serving as these ships did as our indispensable naval reserve in time of war.

JEFFERSON'S WORDS RING TRUE TO-DAY.

The immortal founder of the Democratic Party, Thomas Jefferson, had the American merchant marine in mind when in 1793 he wrote these remarkable words to the House of Representatives:

> Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defense essential. Its value as a branch of industry is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level, and in times of war—that is to say, when those nations, who may be our principal carriers, shall be at war with each other—if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war freight and insurance, and the articles which will not bear that must perish on our hands.
>
> But it is as a resource of defense that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land board, and nothing to desire beyond their present rights. But on their seaboard they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and of artisans and establishments in readiness for shipbuilding.

No wiser words were ever uttered, and every one of them is applicable to-day.

EFFECT OF EARLY SUBSIDY.

Under our ocean mail law of 1845 and a later law of 1847 a subsidy of $200,000 a year for 20 voyages was provided for the Ocean Steamship Co. to maintain a line from New York to France and Germany. The first line of the Pacific Mail Steamship Co. was established on the Pacific coast, and another and connecting line was established by mail subsidy from New York to the Isthmus of Panama. Moreover, excellent, though smaller, services were put upon the seas from Charleston and New Orleans to the West Indies.

In 1847 a very important contract was concluded between the Postmaster General and the Collins Steamship Line for a service from New York to Liverpool, which was intended to be the most effective in the world. The first subsidy to that line was of $385,000 a year—a sum, it is to be remarked, much smaller than the $425,000 which Great Britain had paid for the establishment of the Cunard Line, with smaller and inferior steamers. Not only did the Collins company fulfill its contracts, but it even exceeded them by building steamships twice the size and of far greater speed than the Cunarders, the most powerful, swift, and efficient steamers in existence. Because of their extraordinary performances and of their higher cost Congress voluntarily increased the Collins subsidy to $858,000 a year. At that time, or soon after, the Cunard steamers, regularly beaten by the American, voyage after voyage, were receiving about $900,000 from the British Government.

WHEN AMERICAN SHIPS LED ALL.

The results of that noble trans-Atlantic steamship competition—and it was inaugurated by Democrats, I want my Democratic colleagues to understand—was all in favor of the American flag. The great American steamers drew all the best passenger traffic and broke the monopolistic freight rates of the British steamers from £7 10s. to £4 per ton. American deep-sea steam tonnage rapidly increased from 20,870 in 1849 to 115,045 in 1855, when our best ocean steamships were incomparably better than the best ocean steamships of the British fleet. Dr. David A. Wells, remembered to-day as a great authority on trade and commerce, in his history of the merchant marine, thus describes this memorable achievement:

> During the single year 1849–50 we increased our ocean steam tonnage 113 per cent, and the seagoing qualities and performances of our vessels were so admirable that the Cunard company, which had then been in operation 10 years, was obliged to bring out new ships to compete with them. The prospect, therefore, at one time was that the United States, although late in the start in this new department of foreign shipping, would soon equal if not overtake her great commercial competitor.

A united country devotedly upheld the national mail-subsidy policy which was bringing such profit to the country and glory to the Stars and Stripes. Senator Bayard of Delaware—a name of high honor in the annals of the Democratic Party—in speaking directly for the subsidy to the Collins steamers, said:

> I am willing to trust American skill and industry in competition with any people on the globe, when they stand nation to nation, without Government interference. But if the treasury of a foreign nation is poured into the lap of individuals for the purpose of destroying the interests of my country, or for building up a commercial marine at the expense of the commerce and prosperity of the United States, I, for one, will count no cost in countervailing such governmental action on the part of Great Britain or any foreign power.

PROTECTION OR DEFEAT AND DISHONOR.

Now, I ask Senators to listen to these eloquent words from Senator Lewis Cass, of Michigan, a distinguished western Democrat. In advocating the Collins subsidy he said:

Well, sir, it is a question of protection—of high and important and holy protection—in the best sense of the term; the protection of our country, of our expatriated seamen, of our commerce, of our interests, of our honor, of our soil, or all that gives dignity and character to nations; protection against defeat, disgrace, and dishonor.

Merchants and shipowners of Charleston, S. C., petitioned Congress to continue to grant the Collins subsidy of $858,000, asking for it "not as residents of Charleston but as patriotic citizens of the United States."

This was the situation, Senators, when the storm of civil war began to cloud the national horizon. By the end of the decade before 1861 we all recall how the sections were splitting asunder in the fratricidal quarrel over slavery and secession. The national spirit that had been so strong and united gradually changed to sectional hatred. And with it there came a terrible but inevitable change in the national attitude toward the merchant marine.

Mr. FLETCHER. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. RANSDELL. I yield.

Mr. FLETCHER. My recollection is that the aid to the Collins Line, which had been increased to $858,000, was reduced from that figure to the original amount, and then subsequently abandoned before the outbreak of the Civil War. I am not sure about that, but that is my recollection.

Mr. RANSDELL. It was practically abandoned. My next paragraph, I will say to the Senator, will go somewhat into detail as to that.

SUBSIDY WITHDRAWAL FATAL.

Most of those great steamships sailed from northern ports. All of the steamships were potential factors in war. There is no need to go into particulars of that sad experience. But the fact, briefly, is that on the insistence of some, though not all, of the southern Senators the national policy of mail subsidy to American steamers was cut down in 1856—just as the Senator from Florida suggests—and almost swept away in 1858 against the opposition of the merchants of the country and the opposition also of most of the public men of the Northern States and of some of the public men of the Southern States. Within a few months the American trans-Atlantic ships, without a subsidy, were overwhelmed by the British subsidized competition, now more generous and insistent than ever, and not one regular American steamship line was left in trans-Atlantic service when the Civil War actually broke out in the spring of 1861.

It was not the actual fighting of the Civil War that crippled and began to destroy the American merchant marine. Its decline had set in before the war because of the withdrawal of national aid from American shipping companies, which allowed them to be struck down by the heavily subsidized steamship companies of Great Britain. That is the record of history. It has its impressive lesson for all of us reunited Americans of to-day.

We all know and deplore how many of the passions and prejudices of the Civil War remained after the war had ended. For many years thereafter it continued to be impossible to bring the country together in support of any adequate policy of national encouragement to the merchant marine. A few brief, insufficient mail subsidies were given to American steamships to South America and across the Pacific Ocean, with scanty results because these subsidies were not persisted in as were the similar payments of Great Britain. Not until 1891 was a comprehensive shipping bill passed by the Senate of the United States, and that bill was so badly reduced and crippled in the House of Representatives that no real results were anticipated from it. As a matter of fact, that measure—the ocean mail law of March 3, 1891—was vigorously enforced by President Cleveland, in whose second administration the new American line of trans-Atlantic steamers, with first-class ships of 20 knots, was established from New York to Southampton, a line that was destined to render the country invaluable service in the Spanish War of 1898 and again in the World War of 1914. That was a subsidy law, a mail subsidy law, but it was impartially upheld alike by Republicans and by Democrats.

OUR SHRINKING SHARE IN OUR SEA TRADE.

This comparatively recent scanty mail subsidy legislation had little or no effect on our merchant marine, which had been shrinking continually from the time the broader policy of mail subsidy to American steamships was swept away in 1858. After 1860 our foreign commerce in American ships dropped rapidly from 65.2 per cent in 1861 to 26.2 per cent in 1875, to 12.8 per cent in 1890, and to 8.2 per cent in 1901.

Speaking after 1901, the postmaster general of Great Britain, Henniker Heaton, contrasting our national policy of neglect with the vigorous British policy of encouragement, said—and I hope Senators will listen to this quotation from the British postmaster general:

As American ships were not subsidized, their owners could not compete with the Cunard and other companies, the art of shipbuilding languished, and the American carrying trade was transferred to foreign bottoms. In 1891 only 13 per cent of the exports from the United States were carried in American ships, which at one time had engrossed 90 per cent.

With a manifest contempt for American blindness and inaction, this British postmaster general added—listen to this:

As a consequence of refusing $5,000,000 a year in subsidies during 30 years to native shipowners, or $150,000,000, the United States had to pay in the same period not less than $3,000,000,000 for freights, while their mercantile marine dwindled into insignificance.

Senators, that is the statement of the postmaster general of our great commercial rival, Great Britain, and I do not think he began to state the case as strongly as it should have been stated. Such is American maritime history as keenly seen and unerringly stated by our chief competitor.

When the World War broke out in 1914 about 9 per cent of our foreign commerce was being carried in American ships. The coming of this great conflict found us with practically no merchant marine, and it was not until 1916 that the Government, through the shipping act, showed a determined intention to put our shipping back on the seas. This was forced by the realization of the absolute necessity of protecting our country and our commerce, as well as the commerce of other nations, in view of the rapid destruction of merchant vessels by German submarines. Little was accomplished before we entered the war in 1917, however, and we were then brought to realize our helplessness and the folly of allowing our marine to fall off to the extent that we had. When the German ships were interned or withdrawn totally and the ships of the other nations were partially withdrawn, there resulted a paralysis in our export commerce which we shall never forget. A great part of our grain, cotton, meat products, lumber, copper, and manufactured goods available for export could not be moved. Our producers lost billions of dollars and our national prosperity was for a time imperiled. The resultant increase in the cost to the consumers of foreign food products, as well as to the manufacturers dependent upon essential foreign raw materials, was also tremendous. The whole country felt the effect.

FARMERS SUFFER FROM LACK OF SHIPS.

It was the farmer who suffered first from this paralysis of our export commerce. It was the farmer who was forced to pay the most extortionate freight rates by the reduced foreign shipping that remained in service. Rates on grain from Galveston to Liverpool were increased 174 per cent, on cotton 361 per cent. Other rates on agricultural products were raised to a similar extent, so that at one time our farmers were actually compelled to pay more money for the carriage of their grain to Liverpool than they received for all the labor of producing it.

The unceasing cry of our allies was, "Ships; more ships!" The cry was taken up and repeated by our own farmers, miners, merchants, and manufacturers who sought markets across the sea for their surplus products. It was necessary also to move 2,000,000 soldiers across the sea and everything required by them. Our allies made constant and heavy demands upon us which could be supplied only by more ships. The result was the purchase and construction of a vast number of vessels, which cost about three and one-half billion dollars. These ships—1,442 steel, Government-owned vessels, approximately 7,000,000 gross tons—are now the property of our country; they are our ships, and they are being handled by our agents, seven patriotic American citizens who constitute the United States Shipping Board, loyal, true men, who are doing their very best with a most difficult situation, and are entitled to our cordial, active support. They are handling to the best of their ability these Government ships and a vast deal of property connected with shipping.

The board and its agent, the United States Emergency Fleet Corporation, constitute by long odds the greatest shipping organization on earth, having in its hands and under its control a much larger tonnage of ships than has ever before been handled by a single corporation since the world began. We must give every assistance in our power to the Shipping Board, in order that it may make a success of its giant task and in so doing may perform service of inestimable value to the Republic. The board has made the most elaborate study of every question connected with shipping and presented its findings and

recommendations to the President, who, in turn, has sent them to Congress, as I have indicated herein. We can not do better than follow the advice of the Shipping Board.

WE SHOULD CARRY HALF OUR COMMERCE.

It is important for many reasons—indeed, it is imperative in the interest of national welfare—that the United States create and maintain a merchant marine capable of carrying not less than one-half its foreign commerce, and that at least 50 per cent of its exports and imports of every kind, including passengers, be actually carried in ships owned, operated, financed, and insured by Americans. The percentage is fixed at one-half on the assumption that our imports will about equal our exports for some years to come, and it is fair for our ships to handle an amount equivalent to the volume of our exports. We must of necessity for a long while import practically as much as we export; for most of the world is unable to pay us any money, and the only practical way to engage in foreign trade is by barter and exchange of commodities.

Without imports we would in many cases either have to produce the things now imported or cease to use them. Our climate, soil, and resources are not favorable to the production of many articles which we import in large quantities.

American ships are our delivery wagons. They belong to us. We are vitally interested in their success. Their officers and crews are citizens of the United States, who pay taxes and perform the same patriotic duties as other citizens of the Republic. Foreigners are our competitors in selling. Why should we make our business rivals act as salesmen and delivery wagons for us? Is it reasonable to expect them to work solely for our interest? Would our great merchants be satisfied to have deliveries of their goods made by their competitors?

The same principle applies on the seas. The ships of the British, our chief maritime rivals, pay no taxes in America to sustain our schools and churches, our Government and civilization. The wages earned by English crews go to make homes in Britain, while our sailors make American homes. The earnings of British ships pay interest on capital and insurance to British companies, while our ships earn a return for American investments and American insurance companies.

UNITED STATES SHIPS VITAL TO UNITED STATES TRADE.

The United States is a great mercantile Nation of 110,000,000 souls, having close business connections with the whole world; and our only means of transportation to the people from whom we buy and to whom we sell, except as to Canada and Mexico, is by ship. The ship is to the sea—which covers 73 per cent of the earth's surface, the land being only 27 per cent—what the steamboat is to canal and river, the freight and passenger train to the railway, the truck and automobile to the highway. It is the means of transporting freight and passengers from place to place; and just as Americans own and operate the agencies of transportation on their interior waters, highways, and railways so should they own and operate enough ships to carry their commerce on the seas.

During the calendar year 1921 our total foreign commerce, aggregating forty-six and a half million cargo tons, was valued at $6,000,000,000. The commerce of 1920 was double that amount in value, and it is thought that the commerce of the current year will be worth greatly in excess of six billions. Exports in 1921 were valued at $3,806,995,000 and imports at $2,186,365,000. Of this total commerce of exports and imports last year 36 per cent was carried in British vessels, 35 per cent in American, and 29 per cent in ships of all other nations. These figures are exclusive of the oil and Great Lakes trade. It thus appears that only a little more than one-third of our foreign commerce, excluding oil and that handled on the Great Lakes, was carried in American ships.

In general, economists figure that ocean freight charges average about 8 per cent of the value of the goods carried. On this basis, by making an analysis of the returns of the Department of Commerce, it is possible to figure out what was paid for shipping to various nations engaged in trade with this country. For the calendar year 1921 the freight moneys divided among three classes of shipping were as follows:

American	$171,000,000
British	172,000,000
Others	135,000,000
Total	478,000,000

Of this large sum paid for freight, 36 per cent went to British vessels, 35 per cent to American, and 29 per cent to the ships of all other countries combined. The division of earnings by flags was as follows in millions of dollars: British, 172.3; American, 171.0; Japanese, 33.6; French, 20.1; Norwegian, 18.8; Dutch, 18.5; Italian, 14.3; Danish, 6.2; Swedish, 6.1; Spanish, 5.7; Belgian, 2.8; German, 1.4; and others, 7.1.

In addition to this vast sum of $307,000,000 paid to foreigners last year for freight on our commerce, we sent them more than $100,000,000 for marine insurance—a total payment to foreigners of $407,000,000 in 1921 for marine freight and insurance, at least one-third of which should have been kept at home.

OUR SHIPS FAILING IN COMPETITION.

A cursory analysis of trade returns shows—and, Mr. President and Senators, this is a sad thing to me—that American shipping is not standing up under competition, and that matters are growing worse instead of better. In December, 1920, over 50 per cent of the vessels engaged in our foreign trade were under the American flag, and with that number we were carrying slightly more than 38 per cent of the value of the total exports and imports. In December, 1921, however, although we still had more than 50 per cent of the active ships, we carried only 29 per cent of the value of the goods; and the value of the goods carried last December—1921—to the net tonnage of the vessels engaged was only $28 for the American ship per ton to $68 for the foreign tonnage.

We were carrying 50 per cent of our trade in our own ships two years ago, exclusive of oil and the Great Lakes trade. Since then the volume of ship tonnage under the American flag has grown steadily, and the proportion of cargo tonnage or commerce moving in our own vessels has declined almost as steadily. In May, 1920, 50.1 per cent of our imports were American-carried; in December, 1921, only 28.5 per cent—a decline of nearly 22 per cent. In the same period the proportion of our exports going in American bottoms has fallen about 20 per cent.

BRITISH SHIPS LEAD IN OUR OWN TRADE.

In fact, we have now reached the point where British ships are carrying more of our trade than we are. I do not mean merely in the trade between the United States and British possessions, but between the United States and the world. The same is true of the minor maritime nations grouped together; so that out of the three groups comprised of British vessels, all other foreign vessels, and American vessels our ships are now at the tail of the procession, carrying only slightly more than a quarter of our foreign commerce. This is true of the amount of cargo carried as well as the value of that cargo. Figures compiled by the Shipping Board show that in the last month for which I have a record—December, 1921—out of 3,505,000 tons carried in the overseas trade, 1,098,000 were transported in British vessels, 1,390,000 in those of other foreign merchant marines, and only 1,017,000 in American bottoms.

Great Britain is our chief competitor; but there are many others who must not be discounted as rivals, as a glance at the millions of dollars paid out in freight last year will show. Norwegian ships alone took not far from twenty millions. How much of this do you suppose was received for carrying goods between the United States and Norway? Eighty per cent of the Norwegian ships coming to and going from the United States are engaged in commerce in which Norway has not one penny of interest, either as the buyer or seller of the goods.

Nearly thirty-five millions went to Japanese ships, twenty millions to French, about nineteen millions to Holland, and about fifteen millions to Italy. Denmark, Sweden, Spain, Belgium, and Germany were all credited with lesser amounts, which amounts, however, run into the millions; and after the ships of all these nations have had their share there still remains an item of over seven millions earned by the ships of other countries in our carrying trade. Who are these others? They include vessels of the merchant marines of Finland, Honduras, Chile, Cuba, Yugoslavia, and a few other nations.

BRITAIN CARRIES HALF WORLD'S COMMERCE.

We can not, of course, expect to have all our foreign trade carried in American vessels; but we are at least entitled to one-half of it. Britain's merchant marine carries two-thirds of Britain's trade, nine-tenths of the trade of her possessions, and so large a slice of the commerce of other countries that it is estimated her ships transport more than half of the world's sea trade. She carried 36 per cent of our ocean commerce during 1921, and figures just issued by the British Government show that American vessels in 1921 transported less than 5 per cent of the sea-borne trade of the United Kingdom. This is a splendid showing for Britain and a very poor one for us.

It is manifest that we are letting our ocean-carrying trade slip away from us, and that if nothing is done to aid our merchant marine we may cut an even smaller figure on the seas than before the war, when less than 10 per cent of our trade was American-carried.

The United States has never given any but mail subsidies to American ships. The provision to pay to American "tramp" cargo steamers of less than 13 knots a compensation of one-half

of a cent per gross ton for each 100 nautical miles sailed, that is contained in the new shipping bill, undeniably marks a new departure in marine legislation. Higher compensation is provided for faster ships of regular services carrying the mails on a per ton per hundred miles basis; but these ships thus compensated must carry the mails without the pay provided by the present law, which means a return of a sizable portion of the subsidy.

AID WILL MAKE SHIP SALES POSSIBLE.

If the Government does not extend direct aid to shipping, and thereby materially encourage men to enter into the shipping business with a reasonable prospect for earning a fair return on their investment, it will be impossible for the Shipping Board to dispose of the greater portion of its very large fleet of slow, moderate-sized vessels. Most of these ships are suitable only for the tramp service, being small to medium size, 3,000 to 7,000 tons, with a rather slow steaming radius, and not equipped to carry passengers. Vessels of this class, if given reasonable assistance, as provided in the pending bill, can operate from a number of the smaller ports of America with a fair prospect of success, thereby establishing business out of these ports to the great benefit of the country generally, increasing the number of its ocean ports, and preventing congestion. The prospect of such a business as this, conducted in smaller vessels, will naturally create a demand for them, and the Shipping Board will have an opportunity to sell a great many, if not all of them, whereas without such special aid or subsidy, if that term be preferred, a vast number of these vessels will remain in the hands of the Shipping Board indefinitely, with colossal ultimate loss to the Nation.

It is my candid opinion that the increased value of the Shipping Board vessels and the creation of a market for them resulting from the passage of the pending bill, especially the provision for direct aid, will more than offset the total amount paid by the Government in aid of shipping under the bill during the next 10 years. In other words, I consider that sound business justifies the passage of this bill in order that the Government may be able to dispose of a very costly asset to its own citizens, which is now unsalable, and which by the passage of the measure would be rendered saleable at a reasonable price.

Even if a strong American merchant marine were not needed for patriotic reasons, nor for the purpose of handling at least one-half of our vast commerce, nor for use as a naval auxiliary, then we should pass this bill to create a market for the big lot of vessels now in the hands of the board.

THE SOUTH VITALLY CONCERNED.

I would particularly invite the attention of Senators from Southern States to the fact that this compensation or aid to the slower, smaller cargo ships is of especial value to the South, with its exports of cotton, lumber, tobacco, and other bulky commodities. Without aid to these slower cargo ships it is not probable that many of our existing services in Shipping Board steamers can be continued out of southern ports, or that these ports will maintain a foothold for the gradual development of the faster and larger passenger ships, to a share of which they are rightfully entitled. Compensation for mail steamers, amply justified by Democratic precedents which I have cited, would not suffice for present southern interests. There must be compensation also for the cargo "tramps" especially adapted to our new and growing lines if those lines are to be saved to the ports of the South Atlantic and the Gulf of Mexico.

Within the last four or five years we have seen the creation of a new sea power on the South Atlantic and the Gulf of Mexico—an American sea power of ships managed and operated from our southern ports, purchasing their stores there, employing their crews there, carrying our commerce to markets some of which we have never reached before. Foreign ships had come and gone through the years—ships built abroad, owned abroad, officered and manned abroad, distributing their profits mostly abroad, and carrying our commerce on routes which foreign shipowners and merchants determined. In other words, the European maritime powers had held our southern ports in almost absolute vassalage, and had destroyed all hope of an American shipping of our own. Are there any of us who would like to have these old conditions return to Norfolk, or Newport News, or Wilmington, or Charleston, or Savannah, or Jacksonville, or Tampa, or Mobile, or New Orleans, or Houston, or Galveston?

No; never! Equally with our brethren of the North, we of the South want our own American merchant marine, and this proposed bill points more clearly and powerfully than any bill which we have seen before the way in which we can secure and keep it.

RECESS.

Mr. LODGE. I move that the Senate in open executive session stand in recess until Monday at 12 o'clock.

The motion was agreed to, and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until Monday, March 27, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 25, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, Thou hast given us such beautiful ministries as the unseen love, the unannounced joy, and the satisfactions of labor that fill the common and the unheeded ways of life. For these gracious bounties we have no self-satisfying return, but in our hearts is the psalm of gratitude. We would ask Thee for wisdom to conceive, for power to execute, and for love to constrain, that we may at all times seek the good and prefer to do it. O be a shield, a staff, and a shelter to the loves of our hearthstones and those who may be away, and when the harsh winds blow hold them to Thy breast. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that Mr. HARRY ST. GEORGE TUCKER, who has been elected to fill the vacancy caused by the death of the late Representative H. D. Flood, of the tenth district of Virginia, may be permitted to take the oath of office without presenting his credentials. He was elected without opposition, I may say.

The SPEAKER. The gentleman from Virginia [Mr. MONTAGUE] asks unanimous consent that Mr. TUCKER may be permitted to take the oath of office at the present time, although his credentials have not arrived. Is there objection? [After a pause.] The Chair hears none.

Mr. TUCKER appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3300. An act granting a pension to Marie Doughty Gorgas.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and for improvement thereof.

ANNIVERSARY OF LANDING OF GOVERNOR CALVERT.

Mr. HILL. Mr. Speaker, to-day is the two hundred and eighty-eighth anniversary of the landing of Gov. Leonard Calvert at St. Clements Island, in the settlement of Maryland, a colony dedicated to religious and civic liberty. I ask unanimous consent to extend my remarks in the RECORD on that subject.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the War Department.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10871, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10871) making appropriations for the military and non-military activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CRAGO].

Mr. ANTHONY. Mr. Chairman, I ask that the Clerk report the amendment.

The Clerk read as follows:

Page 79, line 25, strike out "$800,000" and insert "$1,002,800."

Mr. HARRISON. Mr. Chairman, the National Guard asked for an appropriation of $1,928,000 for this item, and they stated that it was necessary for the continued development of the National Guard along the lines that they were then developing. Now, it does seem to me there ought to be a policy one way or the other. We ought to make a sufficient appropriation here to enable the National Guard to develop in the way that it is now developing, or we ought to adopt the committee report, which is on the line of eliminating all expensive technical units. And in order to bring that question before the committee I move to amend the amendment of the gentleman from Pennsylvania [Mr. CRAGO] by substituting $1,928,000.

Mr. CRAGO. I will accept that amendment.

Mr. HARRISON. And then we will have the proposition directly before the House.

The CHAIRMAN. Does the gentleman from Virginia offer his amendment now?

Mr. HARRISON. Yes, sir.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

Mr. HARRISON. One minute, Mr. Chairman, I would like to make an explanation.

The CHAIRMAN. The gentleman will state his amendment to the Clerk.

Mr. HARRISON. I move to substitute $1,936,320.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRISON to the amendment offered by Mr. CRAGO: Page 79, line 25, strike out "$800,000" and insert in lieu thereof "$1,936,320."

Mr. HARRISON. My object, Mr. Chairman, in offering the amendment is to bring squarely before this committee the question as to whether we wish to develop the National Guard according to the lines on which it is now being developed or whether we wish to eliminate all the expensive technical units in the service. Now, it seems to me to be utterly unfair, if we are going to continue the expensive units that I have referred to—the Cavalry, the Tank Corps, and the various technical units of the National Guard—that we should not stop the progress now being developed in the National Guard. Why should the States that now have these units be permitted to have them while States that need them should be denied them by reason of the appropriation? Therefore I think that we should bring the question squarely before the committee as to whether we are going to have these units in the National Guard. If we are going to have them, the National Guard in the various States that do not now have them should be permitted to organize them, and they should not be confined to the States that have already organized them. Therefore I offer the amendment in the present case in order that the committee can pass directly upon the question, and if they vote down this amendment, then we ought to vote down all the amendments to the committee report.

Mr. SISSON. Mr. Chairman, I am somewhat amazed at my friend's amendment, because he is now asking for several thousand dollars more than the Militia Bureau itself asked for. They asked for only $1,928,000. The gentleman asks for $1,936,320.

Mr. HARRISON. I took it from the record of the hearings.

Mr. SISSON. They made an estimate of $1,928,000. But it shows you, gentlemen of the committee, that when a man gets the military spirit in him a few thousand dollars does not make any difference.

Now, I believe that every real friend of the National Guard will oppose this amendment. The moment you convince the American people that the National Guard is as expensive a unit as the Regular Army, then there is no argument in favor of the National Guard.

The gentleman who is at the head of the National Guard now, if he had his way, while he is unwilling to put his judgment against that of the General Staff, believes that the development of the soldier as an infantryman and an artilleryman is as far as we ought to go. Now——

Mr. HARRISON. I would like to read from the hearings exactly what he said.

Mr. SISSON. I have not the time to yield now.

Mr. HARRISON. It is $1,928,000.

Mr. SISSON. But you ask for $1,936,000.

Now, I want to say to you, gentlemen, that if you will look at the appropriation here for 1914—I believe it was; I may be mistaken as to exactly the year—the National Guard appropriations were $800,000 and some odd, perhaps nearly $900,000. Next year it was about $1,000,000, and then this bill now carries between $25,000,000 and $30,000,000 for the National Guard.

In other words, it increased from the year 1914 down to the present time from less than $1,000,000 to more than $25,000,000. We make provision in this bill to take care not only of the National Guard as it is now, but if they propose to develop the organization of infantrymen at the close of the next year we are asked to provide that the outlay for forage of the National Guard may be $1,928,000—the greatest National Guard that ever we had since the organization of this Government. And yet my friend and colleague on the committee [Mr. HARRISON] comes and asks this committee to give $1,936,000, which is $8,000 more than was originally asked for.

Now, I can not conceive of this committee, committed as you have been on your side to a policy of economy, committed as our party has always been to economy—I can not conceive how you will not only add 100 per cent but more than 100 per cent to this item; and if you continue to develop technical units, airplane units, chemical-warfare units, and cavalry units, you will find the people themselves will become so heartily disgusted with the National Guard that they will scourge out of Congress any man responsible for that extravagance. Wherever you find these units where the boys drill three or four times a week and keep horses and other expensive accouterments and implements the taxpayers of that neighborhood will complain of the expense.

I may be doing wrong in thus stating the attitude of the taxpayer, the man who pays the taxes, but I do believe you ought to give some attention to him, especially in view of the fact that we are willing to develop the National Guard in numbers as rapidly as the country wants, except that we are denying to this organization technical units that are more expensive than the ordinary organization of the National Guard requires, and I hope this amendment will be voted down. [Applause.]

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to change my amendment to "$1,928,000" instead of "$1,936,000." I ask unanimous consent that my amendment be made to read "$1,928,320."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the gentleman's amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 79, line 25, strike out the figures "$800,000" and insert in lieu thereof "$1,928,320."

Mr. ANTHONY. Mr. Chairman, when we passed the national defense act of 1916, in providing for the National Guard we laid the foundation for a military force which, if it is allowed to grow, can expand, as we all hope it will, until it will far eclipse the Regular Army, not only in the number of men but in its military strength. It means that within a very few years you will have a force of approximately 440,000 men in the National Guard.

All we did at that time was to prescribe the maximum to which it should grow, something over 400,000 men. The War Department was authorized to prescribe the details of its organization. Under regulations adopted by the Board of the General Staff, which formulated the organization of this new guard which we authorized in 1916, they provided that it should consist of 18 divisions. A division now consists of 14,000 men. Of the 18 divisions, 15 are to be infantry and 3 are to be cavalry. We are at present considering an item for the forage of the animals now in the National Guard, not only for the cavalry regiments but other mounted units of the National Guard.

Mr. HILL. Field artillery, for instance.

Mr. ANTHONY. Yes. Now, if we allow the National Guard to expand along the lines of the organization prescribed by the War Department, it means that instead of providing 8,000 animals, as we are asked by the War Department now, in a few years you will be asked to provide for 60,000 or 70,000 animals, according to the number of animals per unit prescribed for the artillery and the cavalry.

Your committee thought it was not good policy for Congress to permit any such expensive expansion, not only because they thought the Cavalry units were unnecessary from the military standpoint, or so large a proportion of Cavalry, because of the well-known fact that Cavalry is rapidly going out of date as a preponderant arm in the military service; but from the standpoint of expense, which you can readily see is foreshadowed here, and the ultimate cost of the National Guard when fully organized, will amount to more than that of the Regular Army now.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEGG. What is the practical use of a Cavalry troop in a State now, as compared with what it has been in past times, as a branch of the National Militia? Would it be for the purpose of putting down insurrection or disorder?

Mr. ANTHONY. For that purpose, in my opinion, a company of Infantry would be worth more than a Cavalry troop.

Mr. LAYTON. From that standpoint a Cavalry troop would be useless along the border?

Mr. ANTHONY. Well, I do not know as to that.

Mr. LAYTON. Largely.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. There are a number of very efficient National Guard Artillery units. Several of them are motorized and some of them are mounted. I was wondering what effect this cut will have upon these Artillery units. It seems to me that is very important, because artillery is very important to-day.

Mr. ANTHONY. The committee has provided for only one-half of the number of animals that the War Department has suggested for the National Guard, and undoubtedly it would be necessary to demount some of those mounted units and convert them into some other form of organization.

Mr. NEWTON of Minnesota. Would not that disturb the balance of the organization in the division and create a situation somewhat like that which existed before the war?

Mr. ANTHONY. I do not believe the Artillery of the guard is organized in detail into divisions. I think it is organized as Army and corps Artillery.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NORTON. Is it not a fact that Cavalry was particularly useful in the patrol of the Mexican border?

Mr. ANTHONY. Yes; but I said that for local use in preserving order, in my opinion, Infantry was more effective than Cavalry.

Mr. NORTON. Was not the patrolling of the border more effective by the Cavalry than by the Infantry?

I know in the patrol of the Mexican border there was a troop of cavalry from Cleveland that was said to have rendered excellent service.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SNYDER. Is it not a fact that at the present time there are 8,000 horses in use by the various establishments of the National Guard?

Mr. ANTHONY. They are issued to the National Guard, but I deny that they are in use.

Mr. SNYDER. They are supposed to be in use, and are now held for use when desired.

Mr. ANTHONY. A gentleman suggests that they are now in the livery stables.

Mr. SNYDER. That is a statement that is made, and perhaps it is true. But there are times in the year when training is in operation when these horses would all be used.

Mr. ANTHONY. True.

Mr. SNYDER. Now, if the appropriation is left as it stands in the bill, it will reduce by one-half the number of horses that are now on call for this purpose.

Mr. ANTHONY. That is correct.

Mr. SNYDER. These horses are an absolute necessity if the units that are now organized go into training, are they not?

Mr. ANTHONY. No; the Government could provide them with horses when they go into their annual training camps.

Mr. SNYDER. From elsewhere?

Mr. ANTHONY. Yes; when they report for duty at the camps for their summer training, the Government could have the animals there.

Mr. SNYDER. I should like to say just this much further to the gentleman. I would be disposed to hold the number of horses where it is, but I am absolutely opposed to reducing the number so as to lessen the opportunity to give training to those who desire it. It is very important that we keep up the proper spirit in the National Guard, so that they can enlist men and maintain the interest in the organization, and unless you have the tools, the machinery, and the horses for them to train with, you can not expect any permanent sentiment in favor of men going into the National Guard.

Mr. ANTHONY. I think I can say to the gentleman that the committee has the same purpose in view. We really do not want to cut off one efficient mounted organization of the guard. If they can take away the animals from some of the companies which can probably be just as efficiently maintained as infantry, or some cheaper form of organization, we want them to do it; but before we get through with this thing I am sure we want to provide all the money that is necessary to take care of the present efficient organizations in the guard. But let me outline a statement of policy that perhaps will change the gentleman's view.

Mr. SNYDER. I want to break in just once more, and then I will subside. The gentleman uses the expression "some cheaper form of organization."

Mr. ANTHONY. Yes.

Mr. SNYDER. It seems to me we are all trying to economize wherever we can, but it is not always economy to do the cheapest thing.

Mr. ANTHONY. But in this case I will say to the gentleman that the War Department has practically reached the same conclusion——

Mr. SNYDER. I am willing to be convinced.

Mr. ANTHONY. I have a communication from the War Department in which they at last say they are ready to consider a new table of organization for units of the guard.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Before the gentleman makes his statement of policy will he give us this information: How many animals are taken care of by the appropriation recommended by the committee, and how many will be taken care of by the amendment offered by the gentleman from Virginia [Mr. HARRISON] if adopted?

Mr. ANTHONY. The amount recommended by the committee would take care of 4,000 animals in the National Guard, and the amendment of the gentleman from Virginia [Mr. HARRISON] would take care of 9,200. The amendment of the gentleman from Pennsylvania [Mr. CRAGO] would take care of about 8,000.

Mr. MOORE of Virginia. How many are provided now?

Mr. ANTHONY. There are 8,000 in the guard now.

Mr. CRAGO. The amendment proposed by the gentleman from Virginia [Mr. HARRISON], as I understand, takes care of what they had proposed to issue to the National Guard, bringing the number up to 9,000?

Mr. ANTHONY. That is correct. Now, it is interesting to go back to 1915. We had then 120,000 men in the National Guard, and they cost us $7,500,000 a year. We now have 140,000 men in the National Guard and we are appropriating $21,500,000 for them.

Mr. CRAGO. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Pennsylvania.

Mr. CRAGO. The gentleman will admit that since that time we have enacted legislation which gives pay to these men and officers.

Mr. ANTHONY. That is true.

Mr. CRAGO. And we have federalized the National Guard since that time and relieved the States from a great deal of the financial burden.

Mr. ANTHONY. I am simply stating this in order to show the growth of the expense of maintaining the National Guard.

Now, in the table of organization which has been prescribed for the National Guard the War Department has ordered that units of the class that I am going to read to you be formed, and it will be apparent at once that under this table of organization it is going to cost us ever-increasing amounts of money to maintain the guard if it is permitted. They are not only going to carry the three divisions of Cavalry that I spoke to you about, but in the table of organization they propose to create in the National Guard observation squadrons in the Air Service, balloon groups, balloon companies, balloon parks, photo sections of balloon groups, air parks, communication sections, all in the Air Service. In the Medical Service they propose to form medical regiments in the National Guard and headquarters corps medical services for each corps headquarters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. In the quartermaster activities they propose to organize in the guard train headquarters, corps trains, motor-transport companies, motor-cycle companies, motor repair sections, and wagon trains. Under the head of special corps troops they propose to organize signal battalions, military police battalions, field remount depots, service battalions, ordnance companies, and so on down the list. Why, gentlemen, if we allow them to develop along these lines, in two or three years we will

be appropriating just as much for the National Guard as we are appropriating for the Regular Army to-day.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New Jersey.

Mr. PARKER of New Jersey. What kind of an army will it be if it does not have these details?

Mr. ANTHONY. The Regular Army will supply these necessary details and such technical organizations as would be necessary in war.

Mr. ELLIS. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Missouri, but I would like to finish this statement first, because I do not want to occupy all the time in the debate. During the hearings this matter was taken up with the Secretary of War, and I want to quote him.

Secretary Weeks says:

> If you go directly to the question which you asked me, I think your militia costs are going to mount much higher than warranted if you are going to spend much money for the supplementary service connected with the Army. Generally speaking, that should be left to the Regulars. The militia should be largely infantry, and that, from the militia standpoint, would do much to lower the cost of the service. Turning over horses, air machines, and various other things, including tanks, to militiamen on the whole, is not well advised. I will not say that it should not be done at all, because I think we should have enough with the militia organizations so that they would know what a tank is.

That is an expression in absolute harmony with the committee's view. Since the hearings and since this bill has come before the House the committee has received a letter from the Secretary of War which is, in substance, a statement that the present tables of organization of the National Guard are unduly expensive; that they can by reorganization work out a saving of money, and a committee of the General Staff has been formed to undertake a study of new organization tables. The suggestion is made to Congress, whether it shall be taken up in this bill or will be taken up before the bill becomes a law, I do not know, or whether it should be taken up by another committee of the House, I will not say, but the recommendation is made to Congress that there should be restrictions on the growth of the guard along lines now authorized. There should unquestionably be a change in the present method of its organization.

The Secretary's letter is as follows:

MARCH 21, 1922.

Hon. D. R. ANTHONY, Jr.,
Committee on Appropriations,
House of Representatives.

MY DEAR MR. ANTHONY: During my recent hearing before your subcommittee the question of modifying the present allotment of National Guard troops to the States, with a view of eliminating some of the more expensive units which could be organized in a less expensive category, was informally discussed, and I agreed to examine more fully into the matter and to furnish you my views thereon. With this object in view I have had prepared a study showing the basis of the present plan for the organization of the National Guard and the state of its development. A copy of this study is transmitted herewith.

It will be noted that the present plan and allotments to the States were prepared in the War Department by a special committee of the General Staff, organized in accordance with section 3a of the act of June 4, 1920, and which consisted of 3 members of the General Staff and 10 National Guard officers of wide experience, and that in addition the allotments were discussed with the State authorities concerned, adjustments made, and finally accepted by all States. This plan is believed to be the first comprehensive program for the development of the National Guard under any law.

I desire to invite your attention to the provisions of existing laws upon which the present plan is based, especially to section 62 of the act of June 4, 1920, which prescribes the strength of the National Guard. It will be noted that the strength of the National Guard is identical with that prescribed in the act of June 3, 1916. It will also be noted that in the last mentioned act no provision was made for reserve forces except the reserves of the Regular Army and of the National Guard, which, as we knew, failed to develop. On the other hand, the act of June 4, 1920, provides for the development of the Organized Reserves, and this feature gives us the opportunity to develop in this component with the minimum expenditures of public funds such units as can be more economically provided for therein in accordance with the principles recently enunciated to you by General Pershing.

It appears from the study that the above facts were clearly realized by the officers who prepared the plan, but in order to utilize the prescribed strength of the National Guard without having an excessive number of divisional units or independent infantry organizations, and in order to avoid reorganization of units on mobilization, the difference between the numbers required for the 18 divisions and the prescribed strength was placed in corps and Army troops, where they could be employed most usefully in case of mobilization. With the exception of some small units of special troops, all of those organizations would be available for use by the States in time of peace.

I have examined into the basis of the present plan, and I am constrained to believe that it was formulated in good faith and in accordance with the law and the intent of the Congress as expressed therein. At the same time it is impossible to avoid the conclusion that since the enactment of our basic military law and since the formulation of the present plan for the development of the National Guard the situation has been changed in important particulars. The States as well as the Federal Government are confronted with the urgent necessity of reducing expenditures. This is reflected in the reduction of the Regular Army component in strength from 280,000 to 150,000 enlisted men. The States are confronted with large expenditures for armories and other facilities above those which now exist. From the best information available the States are reluctant to meet the requirements demanded by the ultimate expansion of the National Guard as now required by law. In view of these facts it appears to me that a more modest development of the National Guard is in the best interests of that component as well as of the country.

There are two methods by which the desired adjustment may be accomplished:

(a) By limiting the strength and development of the National Guard by appropriations.

(b) By prescribing a more reasonable requirement as to prescribed peace strength.

In my opinion the latter is the fairest and best; moreover, it is due to both the National Guard and to the War Department to know where they stand. In view of the fact that the present peace strength was fixed solely by the Congress, and being fearful of being misunderstood by the National Guard, I hesitate to make any definite recommendations.

The suggestion has been made from National Guard sources that a peace strength of 250,000, or 450 or 500 per Senator and Representative, would be adequate at the present time. This strength would permit of the completion of the 18 infantry divisions, a proper proportion of Cavalry troops, the Coast Artillery companies and certain independent Infantry, and special troop units which are essential and necessary. I consider the 18 Infantry divisions the keystone of the structure, and, in my opinion, nothing should be done which would interfere with their completion. It is possible that certain auxiliary units which are included in the division could be withdrawn, such as the air squadron and the tank company, in those cases where the States will have difficulty in maintaining units of this character.

In order to ascertain what can be done along the lines indicated above, I have directed that a committee, organized as required by law, be assembled to study these questions, in cooperation with the Chief of the Militia Bureau, preparatory to revising the present plan for the development of the National Guard, should the reduction mentioned above be authorized at any time in the future.

JOHN W. WEEKS,
Secretary of War.

Now, gentlemen, I hope that the House will not radically increase these appropriations for forage and other maintenance items of the National Guard. They have purposely been reduced to a minimum by the committee with the idea that we will take care of any changes in the policy of the War Department so as to amply provide for the National Guard.

Mr. GREENE of Vermont. Mr. Chairman, I think anybody who has very carefully studied the situation of the National Guard and its relation to the Army, and the general scheme of the national defense, will quite agree that there is a possibility of the introduction of too many technical units into the National Guard. The National Guard by the very nature of its being can not be as stable an institution, of course, as the Regular Establishment, because its personnel is held to no obligation of life service, and, as a matter of fact, as we all understand, simply engages in the National Guard activities after it has got through with its day's work. As the personnel of the National Guard is more or less casual, the younger men change their residence quite frequently, and after a time as youth and its inclination to military matters pass and the older men, more mature, do not give attention to it, there is constantly a change in the personnel, and therefore there is less stability in the National Guard. That is one reason why the more complicated technical units ought not to be so widely distributed throughout the National Guard. I think the National Guard men themselves would readily concede that.

But I do think there ought to be some reasonable compromise on the thing. I doubt if it is wise to proceed on the theory that it is good economy to maintain the National Guard almost exclusively with Infantry just because the Infantry does not cost as much as the more complicated and technical units. What is our experience every time there is an emergency? One arose when they were summoned for participation in the World War. The infantryman can be secured in great numbers, and it is fair to say that he does not need a very strict technical training to place him in the field at the start. His preparation for the field is apparently simple when compared with the preparation necessary to make a good field artilleryman or a good cavalryman or an aviation man, and so on throughout the service. Of course, if he specializes in some of the activities in infantry he has as technical a job as anybody else. But I speak of the rifle-carrying infantryman, who does not have as much to learn besides taking care of himself as do others. The man in other organizations has animals or great mechanical engines to look after. So I say we were confronted in the World War with the proposition that all at once, when there was no time, we were called upon to produce these highly specialized and technical military units and organizations for which there had been no practical foundation laid to any great extent throughout the militia of the country, and it is not a very simple matter to do.

It seems to me there ought to be some provision in a law of this kind that at least sprinkled through the National Guard there will be a sufficient number of these technical units, so that there can be an opportunity for the National Guard man to familiarize himself with the peculiar technique that those

services require, and keep them in such a manner that when war time does come the matter of expansion will be more practical and easy.

Mr. PARKER of New Jersey. Mr. Chairman and gentlemen of the committee, it is said by the minority representative of the Committee on Appropriations that he is willing to have any number of men in the National Guard, but that he does not want to have the special training for them which consists in tanks, cavalry, artillery, and so forth. That is to say, that we shall enroll any number of men but shall not give them the training of an army. We know that the Signal Corps, the Artillery, the Cavalry, and the various branches of the service which tie the Army together are what makes an army, and unless we have a balanced National Guard it is no army.

The particular proposition is fairly stated as follows: We are using 8,000 horses now in the National Guard for artillery and cavalry, and it is proposed to reduce the number to 4,000. The proposition assumes that it is good policy for this country to starve out the cavalry and the artillery of the National Guard. I deny that. The gentleman from Kansas says that cavalry are of no use in time of peace. A mounted troop is what keeps order in Pennsylvania throughout the coal-mining district. It has done that for years, and when we had the riots and trouble in the State of New Jersey 1 troop was worth 10 companies of infantry because it could get where it was wanted and do the necessary thing. Those troops are made up of a character of men who know how to deal with the strikers as gentlemen should deal with them. There are now in my State 12 troops of cavalry, a regiment. A lieutenant colonel of the Army is with them, drilling them three and four days a week. They have to drill in parcels because they have not enough horses to go around. They are made up very largely of veterans of the late war who have reenlisted in the Cavalry because they know they can do hard and good work there. A cavalryman has to learn not only to be an infantryman, but a cavalryman as well. He has to know how to ride horses of all sorts, so that when he is called out for maneuvers in the summer, when it is proposed to give horses to men who do not know how to ride, there will be men who do know how to ride. Mounted troops are found necessary for all sorts of work about camps, military police, scouting duty, and the joining together of the various units. There is nothing that takes the place of a good regiment of cavalry and mounted artillery for getting there and doing the work, and there is no training that is equal to it. I say that without hesitation. Those 12 troops in New Jersey were 1 troop before the war, and from the men they trained in a course of years they put over 200 officers in the war. Troopers were selected and preferred because of their activity.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. STAFFORD. Will the gentleman advise the committee how many cavalry troops there were in the State militia in the State of New Jersey before the National Government nationalized the National Guard?

Mr. PARKER of New Jersey. One.

Mr. STAFFORD. And under this nationalization of the guard how many are there to-day?

Mr. PARKER of New Jersey. We have 12 troops.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. That one troop was in one town. We have 12 troops now in some 10 different towns. We are giving to the people of the State—the young men—real training, a training which is that of a soldier who takes risks from day to day, and they become men who do what they are told to do with energy and fervor, and you can not get that energy from anything except a man who is used to going as fast as a horse will carry him. I stand for the Cavalry as a means of training the young men, and when we can say that we have 8,000 horses now actively employed in our militia in the Cavalry and in the Artillery, it is a crying shame that men who say they stand for national defense should want to starve out those organizations by taking away the horses. [Applause.]

Mr. HILL. Mr. Chairman, I wish to speak in favor of the amendment offered by the gentleman from Virginia [Mr. HARRISON]. I am very glad to have heard the remarks of the gentleman from New Jersey [Mr. PARKER] on the side of the National Guard cavalrymen and field artillery. I can never forget that during the border trouble in 1916 the cavalry of Virginia, which the gentleman from Virginia [Mr. HARRISON] has in mind, the Richmond Blues, had been a distinguished infantry organization since the Revolutionary War, and that the needs of the border service in 1916 made it necessary that these historic Richmond Blues should become a mounted organization. They were a National Guard unit that served on the Texas border when the horse and the horseman were necessary for the protection of that border. Nor can I forget that those same Richmond Blues became a part of the Blue and Gray Division and became the mounted section of the One hundred and fourth Ammunition Train of the Twenty-ninth Division; and that those same cavalrymen, for whom the gentleman from Virginia speaks, bore the ammunition to your troops north of Verdun in October, 1918.

You need mounted troops in the National Guard. You should not wipe them out. I can not fail to recall the services of the mounted troops of the State of New Jersey. It is true there were fewer troops before this war. My recollection, however, is that there was more than one troop in New Jersey; but I do know that the mounted troops of New Jersey served with the mounted troops of Virginia and with the mounted troops of the National Guard of Maryland in this last war in the Twenty-ninth Division, in which all of the National Guard of New Jersey, Maryland, District of Columbia, and Virginia were incorporated. And I know the vital and necessary work that was done by the mounted National Guard troops of Virginia, New Jersey, District of Columbia, and Maryland in actual war days when, for the first time in the history of this war, your troops pushed back the enemy from the machine-gun protected fastnesses north of Verdun and opened the hinge upon which the whole movement of the front turned just before the armistice.

Now, gentlemen, I know it is the fashion to say that the horse is no longer necessary and that practically no war implements will be necessary in the near future. I say to you there is not a man who served in this last war but does not abhor war, and yet some here say that because a man was in this war he has become a militarist. I say to you it is up to the American people to decide what kind of protection they want. If they do not want the National Guard, I do not think we will hurt the feelings of the members of the National Guard. It is only a question of what protection you want.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I ask for another minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Now, this amendment provides for 9,200 animals for the Cavalry and for the Field Artillery of the National Guard. At the present time you have 8,000. The committee provision cuts in half the present mounted service of the National Guard. If this committee desires to do that, if you desire to cut down your units which you have organized, or if you desire to discourage the National Guard in this essential component of its tactical organization, adopt the committee provision. If you do not, vote for the Harrison amendment. [Applause.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 15 minutes.

Mr. NORTON. Will the gentleman give me eight minutes? If not, I shall object. I have not spoken on the bill yet.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate on the pending amendment and amendments thereto close in 15 minutes. Is there objection?

Mr. NORTON. Mr. Chairman, I object.

Mr. STAFFORD. Will the gentleman withhold his objection?

Mr. NORTON. If you will give me eight minutes.

Mr. STAFFORD. No; but will the gentleman withhold his objection?

Mr. NORTON. Yes.

Mr. STAFFORD. I wish to say, Mr. Chairman, it is the disposition of the chairman of the committee to conclude the consideration of this bill to-day. We have not only the National Guard item, but the river and harbor item, which will provoke debate, and the Panama Canal item still to consider. This is Saturday and it is usually a short day in the consideration of the House, and if we are to take two or three hours for the consideration of the National Guard items it will be impossible to conclude the consideration of this bill. It is not the disposition of the committee to foreclose any Member in speaking, but we do wish——

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. MANN. It is absolutely impossible to finish this bill to-day.

Mr. STAFFORD. That is the wish of the chairman of the committee.

Mr. MANN. That is the wish of every man who has charge of a bill.

Mr. STAFFORD. I ask unanimous consent that debate on the pending amendment and all amendments thereto close in 20 minutes.

Mr. NORTON. Will the gentleman give me eight minutes?

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate on the pending amendment and all amendments thereto close in 20 minutes. Is there objection?

Mr. NORTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STAFFORD. I move that all debate on the pending amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate upon the amendment and all amendments thereto close in 25 minutes.

The question was taken, and the Chair announced the ayes appeared to have it.

Upon a division (demanded by Mr. SMITH of Michigan) there were—ayes 61, noes 22.

So the motion was agreed to.

Mr. NORTON. Mr. Chairman and gentlemen of the committee, it is well known by a great many of you that I am not in favor of cutting the Army the way they have cut it. I am not in favor of cutting the National Guard the way they are cutting it. I do not believe in wiping out the protection of our country. Take, for instance, what they are doing to-day. I am going to speak of two organizations only. The Cleveland Grays were organized in 1837. To-day they are part of the National Guard. They have been in every war since then, and all but four or five—I think four—became commissioned officers in the last war. That is what that kind of an organization does. That is what it is. The city troop of Cleveland was one of the first to go down to the Mexican border and they were the last to return. They were among the first in France. The first city troop of Cleveland was first organized as a cavalry company. You all remember the Black Horse Cavalry. They came down here for three inaugurations. That is the kind of an organization they are. They were sent down to Mexico and were the patrolling company on the border during the entire time. They stayed there until it was over, and they got back just in time to go to France. They went to France, and they went as an Artillery company. Every man was prepared [applause] and practically every man became an officer. That is what training does, gentlemen. There were two organizations, of which nearly every man became a commissioned officer, available when you wanted them, and that is one reason I am in favor of saving the National Guard; that is the reason also I am in favor of maintaining the Army. There comes a time when you need them, and preparation is better than a fight. America to-day stands first. The time may come when she will not stand first unless we maintain an Army so everybody will respect us. If we desire to be respected it is necessary we be prepared. I want to state to you, gentlemen, that there is preparation in a National Guard. What could we do without cavalry on the Mexican border? They were needed once and may be again; and you needed artillery, and we had them then because we were prepared for the business they were to do, and they were prepared also to train other enlisted men. [Applause.]

I have known something about it, having been connected with one of them, and I know that the man who is trained in one of those organizations can at any time, I care not when, command a company. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Chairman, I would like to have read in my time a communication which I send to the Clerk's desk.

The Clerk read as follows:

GRAND LEDGE, MICH., *March 20, 1922.*

From: Commanding officer Battery D, Field Artillery, Michigan National Guard, Grand Ledge, Mich.
To: The adjutant general of Michigan.
Subject: Effect of Army appropriation bill on supplies to National Guard units.

1. The citizens of Grand Ledge have raised over $12,000 for the purpose of building stables and other buildings for Battery D, One hundred and nineteenth Field Artillery, Michigan National Guard.
2. Said body of citizens do not intend to erect said buildings unless horses and such equipment will be furnished the local unit.
3. In view of the present Army appropriation bill, there is some doubt in their minds as to whether horses can be furnished said local unit.
4. As the citizens of Grand Ledge are ready to commence the erection of stables and a riding hall, it is desired that they be informed as to whether horses will be furnished the local unit in view of said appropriation bill.

B. G. CAMERON,
Captain One hundred and nineteenth Field Artillery.

Mr. SMITH of Michigan. Mr. Chairman, I am as well aware as anyone that in order to lessen the burden of taxation which is now imposed upon the people we must reduce expenditures somewhere. I am also convinced of another thing. We are relying for the defense of our country after the cutting down of our Army largely upon the formation of the National Guard. Before the war there was no unit in my county. Now there are three, one in my home city, one in Grand Ledge, and one in Eaton Rapids. They are composed of the finest young men in the community. A number of them are former service men. They could be relied upon in any emergency.

Mr. Chairman, I think that the formation of the National Guard is the real safeguard to our country. When we are cutting down our Army we are losing our protection. With these units formed into the National Guard, we feel as safe as we did when we had a large Army.

The people are supporting these units. This letter is but an indication of what is transpiring the country over. The National Guard wants to know whether or not the Government is going to cut down the Army and then cut them out? We have provided for this troop. Now, by the appropriations we are going to be deprived of it. We are prepared to furnish our part of it with only a nominal expense to the country, but you do not propose to give them any support. If we are going to abandon our Army entirely, of course we must then dismiss these troops. But what the gentleman from Ohio [Mr. NORTON] has just stated and the kind of sentiment he has referred to makes us proud of our country. We are forming these guards without large expense to the taxpayers. Now, then, if that is true, why deprive the country of the use of such an Army in time of war?

Mr. SNYDER. I want to interpose in order to say that the gentleman is making exactly the same kind of a speech that I would make if I could get the time.

Mr. SMITH of Michigan. I thank the gentleman for that.

My friends, there is not a Bolshevik, there is not a radical, there is not an anarchist, there is not a soviet but that wants every man discharged from the Army. They do not want an Army. What kind of a country will we have when these men are standing around on soap boxes committing treason? It is as bad for a man to stand on a soap box and say that this Government should be destroyed by force as it is for a man to take a gun and bear arms against his country. And I think the man that advises others to destroy our Government by force is as bad as the man who would do it with a gun. They are both enemies. [Applause.]

It would be a little easier for these evil-minded and evil-disposed persons to carry out their purpose and desire if we had no Army than it would if we had plenty of National Guards. This bill provides for 160,000 home troops. Intertwined with them are many ex-service men trained to the minute. They are all the flower of our land and all patriots. I do not like soviet propaganda or the kind of a government there is now in Russia.

Greece has a reserve army of 250,000. Switzerland has a reserve army of 260,000. And both countries together do not equal Michigan in area. Let us maintain our National Guard until the world settles down a bit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, the House has cut down the Army in both enlisted men and officer personnel. It would be a mistake, in my judgment, to continue this policy and to further cut our Military Establishment by cutting down the necessary appropriation for the proper training and equipment of our National Guard.

During the late war many of our National Guard regiments were sent overseas, only to be there used as replacement troops. This may or may not have been necessary then, but if necessary, we then agreed that such steps should be taken as to prevent the necessity for such action in the future. As I understand it the newly organized Army will have National Guard units so equipped and organized as to fit in, and in the event of hostilities to immediately become a part of our active military forces, fit in every way for the first line of defense. As I understand it, this is the goal that those of us who are interested in a sound military policy have been striving for.

This has necessitated the forming of new tactical units in order to do this. My own State has one regiment of artillery which, since the war, has been motorized. Another regiment has been tentatively agreed upon but has not yet been organized. Other States have formed cavalry regiments. I understand that some States have formed, or have been requested to form, engineering units, and other strictly technical units.

The late war, with the advantages of modern science and twentieth century inventive genius, made possible the expand-

ing of previous methods of making war and consequently developed many new technical branches of the service. These have come to stay; every modern military establishment must have them, and their usefulness ends if they are not kept up to date in every way. In carrying out this unified Army policy I understand that the War Department and our military leaders have felt that the development of these new branches of the service should proceed not only in the Regular Establishment but in the National Guard as well. The guard is so constituted as to make it possible to interest young men in these various new activities. This is especially true in the large cities, for a sufficient number of young men so interested in these various activities can be gathered together so as to develop real effective outfits, to be depended upon in the event of an emergency. If these are left to the Regular Establishment and our Regular Establishment is cut down, as this House has seen fit to cut it down, we will not have a properly balanced Army in the event of an emergency, and in time of war it would be too late to then organize, train, and equip these outfits.

I do not mean by this that every State should be authorized to have every possible kind of a technical unit; I do not feel that every State should have a tank corps, a chemical warfare division, an air force, and so forth; that is not necessary and would involve great expense. But where one or more of these can be organized and economically maintained in a State, it should be provided for if that sort of a unit would fit in well with an Army based upon a sound military policy. I have not any sympathy with the proposition that the National Guard should be practically restricted to infantry. I very much fear that if the policy proposed should be adhered to that that is what it will ultimately result in.

In my own city we have an Artillery regiment. It has been in existence for years. During the war it was the One hundred and fifty-first Field Artillery of the famous Rainbow Division. [Applause.] In that great combat division it rendered service second to none. Upon its return a goodly number of its officers and men, led by the man who commanded the regiment throughout the war, now the mayor of my city, reorganized the regiment and went back into the National Guard service. It now stands upon the rolls of the War Department as one of the most efficient outfits in the country. Horse artillery when the war broke out, it has since been motorized, and its officers now have under their control Government property and equipment amounting to $1,000,000. This equipment requires expert care and attention, and the War Department has authorized the hiring of several expert mechanics to care for this valuable equipment and to keep it in shape. I fear that if this reduction is made that this expert force may be decreased or done away with; if so, it will be a big mistake, and in the long run it would not be a measure of economy but one of extravagance and waste.

The headquarters company of this regiment is now fully equipped with a complete, up-to-date radio outfit. A portion of this they have furnished themselves. Its members are being trained in its use. An efficient regiment of Artillery to-day must have equipment of this character and its personnel must be trained in the use of that equipment. I personally know that officers and men of this regiment are putting in many hours every week because of their interest in their regiment and to aid in developing and maintaining an effective military establishment in this country.

This work should be encouraged. Yet to make this reduction is to give discouragement and to hamper these men in their efforts. I do not question but what there has been extravagance in the way this money has been handled from Washington. If this is the case, we ought to prevent a repetition of the extravagance by correcting the mistakes of administration, rather than cutting down the appropriation necessary to maintain these Artillery, Cavalry, and other technical units, which, in the event of an emergency, will take their place effectively in the Army that will then be necessary to protect our country. [Applause.]

Mr. CRAGO. Mr. Chairman, I want to take just a few minutes in order to try to make plain the parliamentary situation in which we find ourselves.

The amendment which I offered at the request of the gentleman from Maryland [Mr. HILL] yesterday is thought by some of the Members who are interested in this subject a sufficient amount to take care of all the animals already issued to the National Guard, although I doubt that somewhat. The amendment offered by the gentleman from Virginia [Mr. HARRISON] is the estimate proposed by the Militia Bureau for caring for something over 9,000 animals, which is about 1,000 in addition to what has been used, and which it is proposed to issue during the current year, owing to the increase of the guard and the acceptance of new units of Cavalry and Field Artillery.

Now, the situation is this: I shall support the Harrison amendment, but if the committee believes that we should only take care of the animals now in the possession of the National Guard units, I take it that they will support the amendment increasing this appropriation to $1,200,000 and strike out the proviso, which I would move to do in that case, which provides that no more than 4,000 animals shall be taken care of. Then I think the purposes for which we are contending will be met, because I have confidence enough in the subcommittee and in the chairman of the subcommittee to believe that when they meet in conference the Members from another body, the House having expressed itself clearly in favor of providing a sufficient sum for caring for the animals already issued to the National Guard, they could figure out to a mathematical certainty what amount of appropriation should be provided, and I believe that that can be done.

Now, if the House believes in extending the issue of horses, it should support the Harrison amendment, but if you believe in caring only for the number issued, support the amendment that was offered placing the amount at $1,200,000 and agree to strike out that proviso for caring for 4,000 horses.

This is the national policy. The National Guard has been absolutely forced, and you and I have been besieged for two years to get this thing or that thing done by the War Department, to enable the units of the National Guard to be recognized. They arbitrarily laid down their tables of organization. They compelled Infantry organizations in our State of Pennsylvania to disband and reorganize. One Infantry organization in Pittsburgh, which had been known ever since the Mexican War as the Duquesne Greys and later the Eighteenth Infantry, was forced to disband and to accept organization as a regiment of Field Artillery.

Now, having compelled these organizations of the National Guard to make these arbitrary changes, I submit it is not fair to cut this appropriation to such an extent as to deprive these organizations of animals that have already been issued to them. [Applause.]

Mr. SMITH of Michigan. I would like to ask the chairman, who was absent when I introduced a letter here, whether it is the purpose of the committee to reduce these units so that they can not supply the batteries with the 32 horses that they have at the present time?

Mr. ANTHONY. I said it was necessary to supply the forage required for the National Guard. We hope, before we get through with it, to be able to work out some plan whereby they can reduce the number of animals. The gentleman is aware of the fact that the National Guard has not the full number of animals now to fully mount it. There are 12,000 mounted men now and 8,000 animals.

Mr. SMITH of Michigan. If these batteries are not going to get the horses they require, it is too bad. They have raised $12,000 in the city of Grand Ledge, where the Doorkeeper, Mr. Kennedy, lives, and are all ready and prepared to construct the required buildings.

Mr. ANTHONY. The War Department says that many of the States have built stables and storehouses for troops, batteries, and the tanks. It is a hardship on the States to do that. I do not believe they will take away from any of the States that have provided the facilities the animals or motors that they now have.

Mr. SMITH of Michigan. But from the statement the gentleman has made they are not warranted in putting up these buildings for these National Guard units?

Mr. ANTHONY. No.

Mr. SMITH of Michigan. That is a direct answer to my question, and is what I want to know.

Mr. CRAGO. This legislation would compel them to take away half of these animals?

Mr. ANTHONY. I said we hoped, before this bill becomes a law, to provide for them; but otherwise, if the War Department has reached no conclusion, it can run wild.

Mr. CRAGO. I do not think it is proposed to do that.

Mr. STAFFORD. Mr. Chairman, if you adopt the amendment offered by the gentleman from Virginia [Mr. HARRISON], you are running exactly counter to the present opinion, and the well thought out opinion, of the Secretary of War; you are running counter to the opinion of the head of the Militia Bureau, who in his testimony before our committee stated that the number of Cavalry compared with the number of Infantry is out of all proportion.

Are you going to allow the head of the Militia Bureau to run counter to the opinion of the Secretary of War, when the chairman of the committee promises here that this matter, which is now undergoing readjustment, will receive thorough consideration in conference and that it will be the disposition

of the committee to work out a plan that will harmonize with the views of the Secretary of War?

The technical heads of the Army also approve of the policy of the Secretary of War in taking away these highly technical units from the National Guard. We do not seek to restrict the use of cavalry in the Army of the United States. We have not reduced one iota the forage appropriation for the horses connected with the cavalry, yet there is a difference of opinion in military circles as to whether cavalry is as much needed now as it was in prior times.

If you are going to let Members from home districts, who are not acquainted with the big problems that are confronting the War Department, to come here and urge a doubling of appropriations, when the country from coast to coast is demanding economy, you will have before you a pork barrel proposition that will become a scandal as the years go on.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I can not yield now. There has been no disposition anywhere to curtail the proper activities of the National Guard, but we want to develop that activity along the line of economy and efficiency and in accordance with a well-thought-out program of military endeavor. The State of New Jersey had only one cavalry organization prior to the present organization of the National Guard. The State of Wisconsin had only one battery.

And now we find little communities asking for the establishment of these technical units, out of all proportion to a well-balanced Army, so that even the Chief of the Military Bureau admits it. If you are going to be carried off your feet by doubling the appropriation against the committee that is trying to act in harmony with a well-adjusted plan, and in harmony with the spirit of economy that is abroad in the country, you are going counter to the development of that plan. I hope that as the House has backed up the judgment of the committee in the past, it will back up the judgment of the committee in this particular, because we do not want to do that which is not for the interest and welfare of the country. I ask for a vote.

Mr. LINTHICUM. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. QUIN. Mr. Chairman, I would like to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, it occurs to me that the amendment offered by the gentleman from Virginia [Mr. HARRISON] is ill-timed. He proposes to increase the number of horses for the National Guard more than 1,000. His amendment even calls for more than 9,200 horses for the National Guard. In my judgment, the National Guard of the United States ought to be confined to infantry and machine guns. If this wild policy is kept up of placing all of these units in the National Guard, where will the expense go to? The States will not be able to maintain a National Guard on such an expensive scale. They can not afford to pay for great barns full of horses and for the necessary feed and for the stableboys to take care of them.

Mr. HARRISON. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman for a question.

Mr. HARRISON. If we are going to have technical units in the National Guard, ought we not to have all those that are necessary for its proper organization?

Mr. QUIN. I can not agree with the gentleman. If you are going to have all the different things that would make an ideal allocation of all these units in the National Guard, the poor States of this Union will be unable to maintain their pro rata of the National Guard. We ought to stand by this committee in this provision that they have brought forth here. If the gentleman from Virginia [Mr. HARRISON] was correct, they could have airplane squadrons in the National Guard, and chemical warfare squadrons, and the great military organization that would be carried out would be a burden and would destroy the National Guard. Why, the State of Mississippi, which I have the honor to represent in part, would be unable to maintain a National Guard.

Mr. HUDSPETH. Will the gentleman yield?

Mr. QUIN. I have not the time. I beg the gentleman's pardon. Ninety per cent of the States of this Union would be unable to maintain all of these expensive units. Then why not let us restrict this as far as possible to the men who have guns in their hands? The National Guard are not presumed to fly in the air. They are not presumed to go up in dirigibles, they are not presumed to get astraddle of horses. Why, think of the National Guard in a little State like Kansas over here, or Mississippi or Alabama, having hundreds of horses to maintain and support and all the expense of airships. You know that it is but an indirect method of destroying the National Guard, and if there is one branch of the Military Establishment that should be kept up it is the National Guard, the best part of the Army, that the people in every State can rely on to take care of any emergency. Instead of having all this great expense that would break it down, let it be a National Guard of infantrymen. That is what we need. Men with rifles in their hands and a few machine guns can take care of any situation in the States. Then why break it down so that the State legislature can not afford to appropriate the natural part that a State ought to bear and has to bear under the Constitution?

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Virginia [Mr. HARRISON] to the amendment of the gentleman from Pennsylvania [Mr. CRAGO].

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. CRAGO].

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 45, noes 46.

Mr. CRAGO and Mr. SMITH of Michigan asked for tellers.

Tellers were ordered, and the Chairman appointed Mr. ANTHONY and Mr. CRAGO.

The committee again divided; and the tellers reported—ayes 60, noes 56.

Accordingly the amendment of Mr. CRAGO was agreed to.

Mr. CRAGO. Mr. Chairman, after this expression of the attitude of the Committee of the Whole I think the chairman of the subcommittee [Mr. ANTHONY] will not object to striking out the language of the proviso beginning in line 25, on page 79, which is to the effect that not more than 4,000 animals can be cared for under this appropriation.

Mr. ANTHONY. It is still the opinion of the subcommittee that we ought to limit it to that number. Of course, if the gentleman and the House want to turn these National Guard appropriations into a pork barrel, I presume the committee will have to obey the will of the House.

Mr. CRAGO. I think that is hardly a fair statement.

Mr. ANTHONY. Oh, yes; the gentleman knows that this vote is the result of propaganda sent out, and these votes come from the influence of the local National Guard organizations.

Mr. CRAGO. Should we not listen to them?

Mr. ANTHONY. No; we should not listen to them entirely. We should economize the expenditure of the people's money wherever possible and use our own best judgment.

Mr. CRAGO. We now have in all of the National Guard units 8,000 animals, and by the adoption of this amendment we have provided what we think will pay for forage for them. As there is a limitation in this proviso confining them to 4,000 animals, which is only half the number already issued, I move to strike out the proviso beginning in line 25, page 79, and ending in line 2, on page 80.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 79, line 25, strike out the proviso beginning in line 25 and ending in line 2, page 80.

Mr. ANTHONY. Mr. Chairman, there are over 12,000 men in the cavalry organizations of the National Guard to-day, but there are only 8,000 animals issued, all told, both to the artillery and cavalry organizations. I do not believe the cavalry organizations have over 4,000 animals. I am informed that they have not that many.

Without some kind of a limitation on the number of animals it would be possible to issue for the Army, or for the National Guard, if the Army could issue all the animals it wanted to to the National Guard, they could unload animals on the National Guard to be cared for. The committee believes that in the present state of lack of a new plan for the organization of the National Guard and the intention of the War Department to change the present organization there should be some limit of the number of animals, unless the House wants to leave it wide open.

Mr. CRAGO. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CRAGO. Would not the gentleman agree that the number that could be issued would be limited by the amount appropriated? We have increased the appropriation only $200,000, and would not that limit the number issued? I do not want to see the thing run wild.

Mr. ANTHONY. I have stated what I think is going to happen. I think the War Department will take a number of the

animals away from the National Guard and replace them by motors.

Mr. CRAGO. I believe in that policy.

Mr. ANTHONY. If you do not need the money appropriated, I think the House has gone ahead blindly.

Mr. CRAGO. If we keep the number of animals we have——

Mr. ANTHONY. The War Department may take away a number of them, as I say, and replace them by motors.

Mr. CRAGO. They will have to provide the motorization for the number of units, and all we ask is that the limitation be taken off, that only 4,000 should be appropriated for.

Mr. HULL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HULL. Would not it be perfectly absurd to provide for 8,000 animals, as at present in the guard, and then provide that you could not have but 4,000?

Mr. ANTHONY. I agree that it is perfectly absurd to provide a great amount of money for forage when the War Department has just told us in a letter from the Secretary of War that it is going to organize a board to reconsider the tables of organization.

Mr. HULL. They are not going to demobilize any units.

Mr. ANTHONY. No; but they may change them into some other type of organization.

Mr. HULL. They have the animals and have provided for the animals in the organization.

Mr. SISSON. Mr. Chairman, it does not necessarily follow that because you increase the feed for the animals that you want to provide for more than 4,000 animals. But if this should be the logic of the House, to carry out what you have done to its logical conclusion in reference to the National Guard, you ought to increase the other units so that it will amount to something like $10,000,000. I will tell you what you have done. Certain pet places in the country where a good many young men are members of wealthy organizations, Cavalry units, because they want it, you propose to appropriate the amount of money necessary to keep that organization going. You can not have a general Cavalry unit organized as a National Guard in each of the States without, in my judgment, creating such an expense as to destroy the National Guard in the minds of the taxpayers, because if they are going to pay that much money to keep up the National Guard men in the National Guard, they would infinitely rather take all of the man's time and put him in the standing Army. Therefore, you are creating a method of destroying the National Guard. Now, if this is your position, then you ought to have followed it to the logical conclusion with all the tactical units—the Tank Corps, the Chemical Warfare Corps, and all those—and the result would be that if this is done you have a harmonious Army in the present National Guard, and it will cost you half a billion dollars.

Now, I want also to ask you people whether or not if this vote had been taken a few days ago you would have voted as you now have. I know the adjutants general over the country have got busy. I do not know how many telegrams you have received, but I know the propaganda has been going on. The adjutant general of my State imagines that the whole country is rising up because you are doing something to the National Guard.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. SMITH of Michigan. If the State will furnish a large part of the expenses of maintaining the National Guard, does not the gentleman think the Government could furnish a little?

Mr. SISSON. Absolutely; but they want the Government to furnish the horses and furnish the care for them. Why, I can get you 2,000,000 National Guard men if you will let the Government furnish the horses and the feed, and furnish the care for the animals and saddle them and bring them to the boys. You need not talk about what the States will furnish. In my State every boy from 16 years old up will join the National Guard if you will furnish him the horse, feed the horse, care for the horse, and bring it to him. [Laughter.] That is what they want the States to furnish.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I will to my distinguished friend, one of the officers here who has gotten to be strong for a big Army.

Mr. HILL. One of the purposes of training the Cavalry and Field Artillery in the National Guard is to teach them to saddle and to curry horses.

Mr. SISSON. Oh, I know what the purpose is as well as the gentleman does. A man does not have to serve as a colonel or a major or a captain in the Army to know the purpose of these things.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. I do not have to go to a man who has worn the uniform to tell me about those things, but if one would listen to them here one would imagine that the only man who has one particle of judgment about what sort of an army or a navy we need is an officer. You let a fellow serve for three or four months in the State militia or in the Army, and he comes back here and poses as an expert on military matters. When one of these privates will come up here who served over in France all of the time as a private and begins to tell me about something, then I will listen to him, or if he goes down into my district and begins to run for office against me, I get uneasy; but I am not uneasy about the captains, nor the majors, nor the lieutenants, nor the colonels who run against me—these officers who pose as being mighty experts on military affairs. I am not afraid of them politically. If a man gets above the grade of colonel, then, if he carries his own precinct, it will be on account of home pride. I have always been a consistent advocate of the National Guard. As I said before, when I addressed the House on this subject, I do not care how large you make the National Guard as long as you confine it to Infantry units and will drill the men for service, but I am opposed to the creation of these technical units that mean that the taxpayers can not bear the burden, and in order that the taxpayers may know how we stand on this proposition I only ask that one-fifth of the membership of this House will stand up with me and demand a record vote upon the amendment which has just been placed on this bill. I want the record to show, because the Constitution provided that when one-fifth of the Members present demand that the constituents back home shall learn how we vote, men must go on record, and that should be done now, especially when we are staggering under the burden of taxation that we are.

If there ever was a time when you could have saved several million dollars if you carry what you have done to its logical conclusion, that time is now, and you could have rendered a great service and a great benefit to the country. If you want to vote for more than 4,000 horses, very well. We have tried as a committee to get rid of the surplus horses. We have made an effort to have them sell the horses. If the gentlemen could see the bills that they render for the forty-odd thousand surplus horses they had, running into the millions of dollars, keeping them off the market, keeping men to care for them, they would begin to understand why it is that military matters are so expensive, and gentlemen will understand why it is that the fathers of the Republic were afraid of military matters.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. HILL. Mr. Chairman, you have just voted to provide forage for 8,000 horses for the use of the Field Artillery and Cavalry of the National Guard. You are now asked to remove from the bill the limitation that there shall not be more than 4,000 horses to be fed by the appropriation providing for 8,000. You have already decided that you want 8,000 horses issued to the National Guard. As a logical consequence you can not fail to remove the provision of the bill by which you limit those horses to 4,000. The distinguished gentleman who has just spoken, the gentleman from Mississippi [Mr. SISSON], I think, makes a mistake in the attitude of his speech. He obviously thinks that we who advocate an efficient National Guard are playing politics. His speech would do him credit upon the stump at home, but I say to you that I take my opinion on this horse question from a very distinguished Democrat, although I am a Republican. I take my opinion from a man who started out as a private in the Maryland National Guard and who served as a colonel north of Verdun in 1918. I know that it is almost a disgrace in the minds of some gentlemen in this House for a man to have worn the uniform of an officer in the past war, and I would like to ask the gentleman from Mississippi if he thinks officers who served the Government in this last war were so utterly vicious, why it is that we combed the divisions to pick out the best enlisted men to make officers of them?

Mr. SISSON. I understand the gentleman was decorated with the croix de guerre.

Mr. HILL. I prefer not to discuss my military record.

Mr. SISSON. And I understand that the gentleman was one of those men who never fired a gun.

Mr. HILL. I fired a pistol at enemy troops a good many times north of Verdun. I want to say to the gentleman that I am not here to discuss my war record. I have never mentioned my war record, and I do not want to do it. It is very bad taste for any officer to refer to it, but what I want to say to the gentleman is this——

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. GALLIVAN. When, in the history of any war, did any officer fire a gun or when was he expected to fire a gun?

Mr. HILL. I will say to the gentleman from Massachusetts that the Army equipped officers with Army automatic pistols, and we did not have guns except in the Infantry.

Mr. SISSON. What branch of the Army did the gentleman serve in?

Mr. HILL. I would rather not discuss my service.

Mr. SISSON. Was it a fighting corps that the gentleman served in?

Mr. HILL. I was combat liaison officer in the fighting north of Verdun, if the gentleman knows what that is. [Applause.]

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. SISSON. I did not intend to make this a personal matter at all. The gentleman injected personalities into it.

Mr. HILL. Oh, I beg the gentleman's pardon, and I ask a personal privilege of this House. I never said a word about my service in the war until the gentleman got up and started it.

Mr. SISSON. But the gentleman discussed me personally about what I would say in my district. Now, I want to say to my friend that at any time he wants to make this a personal matter nothing will be more acceptable to me, except that I do not want the matter pulled off in the presence of the House and therefore be in contempt of the House, because I want to say to my friend——

Mr. GALLIVAN. Oh, Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Chair understands the gentleman from Maryland yielded to the gentleman from Mississippi.

Mr. HILL. I have yielded to the gentleman.

Mr. SISSON. I would say to the gentleman from Maryland that there was nothing further from my mind in the beginning of this debate than to make it personal, but when the gentleman assails me and my motives, talking about its being a nice thing to talk about down in my district, I want to say that I do not make one speech here and another in my district.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, may I have five minutes additional?

Mr. SISSON. I ask unanimous consent that the gentleman may have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Gentlemen of the committee, it is very embarrassing for me to say what I am about to say. I have talked on military matters in this House because since 1904, when I enlisted as a private in an Artillery battery, I have tried to do what I could for the national defense, and I have never referred to any war service of mine on the floor of this House. I did not come here to speak personalities. I came here to advocate a decent national defense from the views of men who have had experience. The letter I have in my hand is one which was sent to me by the adjutant general of Maryland. They used to call the National Guard "tin soldiers." We bore that. They used to laugh at us before the war. We bore that. But this adjutant general of Maryland started out as a private and he carried your troops through the fighting north of Verdun in October, 1918. He is a Democrat. I am a Republican. The gentleman who spoke before said that he would rather have the judgment of a private than he would of any officer. He said that men who wore an officer's uniform and reached the grade of captain in the past war came here and posed as experts. Now, gentlemen, that is all I have said. There has never been any word I have said on the floor of the House to lead anybody to know I had ever seen service. [Applause.] The gentleman gets up here and wants to make you think I am here boasting of my service, or he is trying to discredit it. He asked what arm I served in. I do not care to discuss these things, but I am perfectly willing to have the gentleman look at the record of my service in the War Department. As a matter of fact, I will say to the gentleman that one of the reasons why I am in this House is because my predecessor for some foolish reason attacked my war record without knowing what he was talking about, and that beat him. I did not raise any personal issue with the gentleman from Mississippi, for I believe he stands for what he believes in. What I said was this: I said to the gentleman that on the floor in the past few days I have listened without any word of criticism to repeated statements here which make it appear that it is discreditable for any member of this body to have been in the past war. [Applause.] Why, the gentleman said that he would rather have the judgment of a private—that he was only afraid of privates politically—than an officer, and I ask him why we combed the Regular Army to get men who are capable of being officers?

Mr. SISSON. Will the gentleman yield?

Mr. HILL. I would be glad to yield.

Mr. SISSON. I want to state to the gentleman from Maryland that I have no desire in any wise to reflect upon an officer or his record in the Army. My discussion of the position of officers here on the floor sometimes have been more in jest than otherwise, and I have noticed and noted that the speeches made by those men who served in the Army have been for these large appropriations. Now, the statement that I made about the privates to the effect I was not uneasy if an officer ran against me but I was if a private, was also said largely in a matter of jest, without any desire to reflect upon any officer who had served his country and done his duty. I am also glad my friend from Maryland does not mean anything personal by his statement, and if I have misinterpreted the gentleman's motives, why I am sorry I did so. I think it is due that I should make that statement [applause], because it is not my purpose to reflect upon any man's position in this House personally; and if the gentleman has no desire to reflect upon my position personally, if I have done or said anything that offends the gentleman from Maryland, I am sorry for it. [Applause.]

Mr. HILL. Mr. Chairman, I want to make my position clear before I ask for a vote on this amendment. The reason why we have stood, some of us, for well-trained officers is that on the experience and training of the National Guard officer and your Regular officer and your Reserve Corps officer depends the health and the life of the enlisted men who must do the actual fighting. Now, gentlemen, I want to ask you one more thing. You have already fixed the appropriation for forage for animals in the National Guard at a sufficient amount to give 8,000 animals. I ask you to remove the provision here that limits them to 4,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, the committee resists the striking out of this provision, notwithstanding the vote of the committee a few moments ago increasing the sum by more than $200,000, because we believe in the limitation of the number of horses that should be paid for out of this amount. This is not the last time when this question will be presented for consideration of the House of Representatives. The subcommittee believes there should be some limit and restriction of the activities in consonance with the policy enunciated by the Secretary of War and called to your attention by the chairman of the committee, who is now planning, with the aid of the Chief of Staff, a readjustment and rearrangement of these tactical units of the National Guard. Mr. Chairman, I call for a vote.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ANTHONY) there were—ayes 62, noes 30.

So the amendment was agreed to.

The Clerk read as follows:

For compensation of help for care of matériel, animals, and equipment, $750,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question and call his attention to the fact that there is only $750,000 provided for the care of these animals. I take it for granted in conference, if the conferees decide to provide more animals, there will be no trouble in arranging so this will be a proper amount.

Mr. MANN. That is only $750,000 for the care of the animals?

Mr. CRAGO. Yes.

Mr. MANN. It is to provide outside men to take care of the animals in order that the National Guard may ride them?

Mr. CRAGO. It does provide for caretakers in some instances, but I am only calling attention to the fact that necessarily this should be somewhat increased.

Mr. MANN. But this is only for the care of the help to take care of the animals?

Mr. CRAGO. And matériel, animals, and equipment.

Mr. MANN. For the compensation of help for care——

Mr. CRAGO. Of matériel, animals, and equipment.

Mr. MANN. But this is only to pay for the help?

Mr. CRAGO. That is correct, and if they decide the men themselves should do more of this work that is a sufficient sum.

Mr. NEWTON of Minnesota. How much of a cut is this from the estimate?

Mr. ANTHONY. It is less than half of what they want. Under the present system of the War Department, with every mounted organization they allow the salary of five civilian care-

takers for the horses; with every tank company or technical unit, where there is machinery, they allow the pay of five civilian mechanics. Under the amount asked for by the War Department they want to provide for 14 tank units at $410 a month for mechanics to care for them. They now have 11 of such units, as I understand it, in the service. And they issue 14 big tanks to each one of those units. They also provide for 14 regiments of motorized howitzers, which is a large type of field gun. They now have 6 in organization. The committee thought that it would be inadvisable to organize any more of these expensive tank units in the guard; that those are functions the Regular Army should take care of.

Mr. NEWTON of Minnesota. I have not any idea of disagreeing with the committee on that. The thing I am interested in is that the committee did not discontinue or curtail the work of units that are already in existence.

Mr. ANTHONY. I will say to the gentleman, if I had my way about it, I would wipe out every tank unit in the guard. They have no business there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to inquire of the gentleman further. It is necessary, of course, that these motorized units of Artillery should have some mechanics, who put in all or part of their time in the guard, which is absolutely essential?

Mr. ANTHONY. Yes; I presume it is thought that as long as we have the money in the Treasury we ought to shovel it out.

Mr. NEWTON of Minnesota. We have thousands of dollars of equipment which ought to be cared for. I am wondering whether it is the purpose of the gentlemen on the committee to discontinue these men who are putting in their time and who are caring for it.

Mr. ANTHONY. Not all of them. We intend to provide for about half of the program the War Department outlines.

Mr. NEWTON of Minnesota. And that includes this additional program?

Mr. ANTHONY. Yes. As I explained, of the 14 tank units proposed there are 11 organized now, and of the 14 howitzer organizations there are 6 of them organized now, and our desire was to not expand those units any further.

Mr. NEWTON of Minnesota. There is a million dollars' worth of property out in our own armory that must be cared for.

Mr. ANTHONY. It is a part of the game, I am afraid, that they are trying to unload on the States the caring for much of the surplus property we got from the war. The gentleman wants to bear in mind that with the organization of every Artillery unit in some country towns they ship the unit 19 carloads of supplies that it has to take care of.

Mr. NEWTON of Minnesota. Does the gentleman contend the Artillery unit is something that they ought not to provide?

Mr. ANTHONY. They ought not to have such an unnecessary large amount of that stuff shipped to them.

Mr. NEWTON of Minnesota. I have sufficient confidence in the gentleman and his discriminating ability that if he will come out and see this particular unit that I have referred to, he will not have any criticism to offer.

Mr. ANTHONY. I have four or five of them in my district, I will say to the gentleman.

Mr. NEWTON of Minnesota. The gentleman is fortunate.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For expenses, camps of instruction, $6,500,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the figures "$6,500,000" and insert in lieu thereof the figures "$8,000,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 80, line 5, strike out the figures "$6,500,000" and insert in lieu thereof the figures "$8,000,000."

Mr. CRAGO. I do this notwithstanding the fact that the Chief of the Militia Bureau asks for an appropriation there of $9,500,000, which is $1,500,000 more.

Mr. ANTHONY. I think the gentleman is mistaken. He asked for $8,000,000.

Mr. CRAGO. I was going to explain. But the War Department and, as I understand, the Budget Bureau, recommended only the $8,000,000, and in support of the necessity for some amendment along this line, I want to call attention to the fact that this $6,500,000 provided will, under the figures furnished by the Militia Bureau, only provide for the going into camp the coming summer of 115,000 men.

Mr. ANTHONY. I think we can convince the gentleman that that is an ample sum which is provided.

Mr. CRAGO. The gentleman means——

Mr. ANTHONY. That this $6,500,000 is an ample sum.

Mr. CRAGO. To send to camp all the present Organized Militia?

Mr. ANTHONY. All the men that are in organizations that will report. The Militia Bureau bases its estimate on the fact that they expected every man to report for summer training. In our investigation we found out—and this appropriation is $500,000 more than last year—that only 66⅔ per cent of the National Guard reports at this summer period of training.

Our estimate is based on allowing about 80 per cent to report. Now, it is a dead moral certainty, in my opinion, that you will not get 100 per cent of the National Guard to report at these camps.

Mr. CRAGO. But you would get 100 per cent of the units.

Mr. ANTHONY. Yes; but not of the members.

Mr. CRAGO. The reason why a larger percentage did not report in camp last year is that the adjutants general of the different States were confronted with the fact that there was not sufficient appropriation to take care of them all.

Mr. ANTHONY. There was $200,000 left over out of the appropriation that we made for that purpose last year.

Mr. CRAGO. But since that time the gentleman will admit that the guard has been increased, and additional units have been mustered into the service, and we have to-day 140,000.

Mr. ANTHONY. Does the gentleman know or have any assurance that more than 60 per cent will appear and report for duty in camp in the coming year?

Mr. CRAGO. Many of the companies have a minimum of only 50, although they were required by the tables of organization to have 65 in a company unit.

Mr. ANTHONY. Does not the gentleman think that if we appropriate the full maximum amount for the National Guard it is a dead certainty that it will not be used?

Mr. CRAGO. Yes. That is the reason why I cut this estimate from $9,500,000 to $8,000,000.

Mr. ANTHONY. This is in accordance with what has been recommended by the Secretary of War and recommended by the Budget Bureau.

Mr. CRAGO. The Secretary of War was very liberal.

Mr. ANTHONY. That is what we are following.

Mr. MADDEN. Mr. Chairman, I hope the amendment of the gentleman from Pennsylvania [Mr. CRAGO] will not be adopted.

It is all very well to stand here and advocate large appropriations for increased activities in every branch of the Government, but we must realize that the time has come when we must give serious consideration to the needs of the people of the United States and to the needs of the Treasury.

What is the use of trying to give consideration to the problems that are before the Nation when, after having given consideration to those problems and bringing the best judgment that can be brought to bear upon the subject and after that having reached conclusions, we then have, without any consideration whatever, amendments offered to increase by millions items that are recommended by the committee?

I do not believe the country will sustain any such attitude on the part of Members. We ought to give serious consideration to the needs of the taxpayers. The National Guard is not being discriminated against. Every needful provision for their training is made in the items offered for your consideration by the Committee on Appropriations. Does the gentleman from Pennsylvania assume to say that without any consideration whatever he knows more about the needs of this service than those men who have been sitting for 90 days and giving earnest and serious consideration to every phase of the problem? What is the use of talking economy and then practicing extravagance? [Applause.]

If any single Member upon the floor of the House can override the recommendations that have been given serious consideration, when there is no justification whatever for the recommendation that he makes, what is the use of our bringing recommendations in here? We believe that we represent in our recommendations the best thought of the men in the military service who have given attention to this subject, and there is not a man on the Committee on Appropriations that seeks to destroy either the efficiency of the Military Establishment or the National Guard. We are as much interested in the efficiency of these arms of the Government as anybody else.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I do not yield.

We come to you seriously recommending decent economy, while we come also recommending decent service. The demand of America to-day is for economy. Assume the responsibility of overriding that demand, and then go before the people and apologize for it.

We are here to accord as far as we can with the sentiment of the American people, and while we are endeavoring to accord with that sentiment we are bringing to you for your consideration problems thoroughly digested, with the assertion on the part of this committee, without fear of successful contradiction, that the recommendations that we make in this particular are adequate to every need, and there will be no let-up or slack-up on the training that can be given under the recommended appropriation of $6,500,000. I hope that the committee will agree with the Committee on Appropriations and not adopt the amendment of the gentleman from Pennsylvania increasing that amount from $6,500,000 to $8,000,000. [Applause.]

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. DALLINGER. Mr. Chairman, we have just listened to a most extraordinary proposition from the gentleman from Illinois [Mr. MADDEN]. According to what he says, because three men constituting the majority members of a subcommittee of five members of the Committee on Appropriations have brought in here a bill of 133 pages——

Mr. MADDEN. I deny that. There are 35 men on this committee, and they have all passed on this bill.

The CHAIRMAN. Does the gentleman yield?

Mr. DALLINGER. I can not yield. I repeat what I said, Mr. Chairman, because it is well known that the recommendations of these subcommittees, after very little consideration, are adopted practically unanimously by the Committee on Appropriations.

Mr. ANTHONY. Does the gentleman mean to imply that these recommendations are brought in here without consideration?

Mr. DALLINGER. Not at all. I am simply stating that the gentleman from Illinois has made the astounding proposition that because three men, or five men, if we assume that the minority members of the subcommittee have exercised their full share in the work of preparation, Members of this House, have brought in this bill with all these items, this House should accept it, regardless of the facts of the case, regardless of the wishes of the President as Commander in Chief of the Army, and regardless of the advice of the Secretary of War and his experts. Mr. Chairman, what are we here for? [Applause.] What are we sitting for in Committee of the Whole House on the state of the Union? Why not have the bill as drawn by the Committee on Appropriations sent directly to the Senate, passed by that body without change, and then sent to the President of the United States for his signature? As I understand it, we are in Committee of the Whole House on the state of the Union to consider the recommendations of the Committee on Appropriations.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. DALLINGER. I decline to yield.

We should, of course, give due weight to the recommendations of the committee; but if we find, as we have found from National and State officials and from patriotic men in different parts of this country who have fought overseas and are now trying to do something to build up the National Guard, that this absolute refusal of the Committee on Appropriations to carry out the recommendations of the War Department will seriously cripple and handicap the National Guard, it is the patriotic duty of the members of this Committee of the Whole House to differ with the Committee on Appropriations and to offer and support appropriate and necessary amendments. That is why, under the rules of the House, the House resolves itself into a Committee of the Whole House on the state of the Union for the consideration of an appropriation bill like the one now before us.

If the proposition of the gentleman from Illinois [Mr. MADDEN] is correct, we are wasting our time; we should accept this bill in toto without crossing a "t" or dotting an "i" and not spend time here in going over these items. I recognize the fact that the Subcommittee of the Committee on Appropriations of which the gentleman from Kansas [Mr. ANTHONY] is chairman has worked hard. The members of that committee have gone into this matter exhaustively, and they are entitled to credit for what they have done; but we are not compelled to accept their judgment on questions of policy, and if the gentleman from Pennsylvania [Mr. CRAGO], who has had long experience in the National Guard and as a member of the Committee on Military Affairs of this House, can make out a good case, as he did a minute ago when he succeeded in securing the adoption of an amendment increasing the appropriation for the forage of Cavalry and Artillery horses at the bottom of page 79, this Committee of the Whole House should give heed to the facts and arguments presented by him and act accordingly. Otherwise, as I said before, we are wasting our time and ought to accept these bills as they are reported from the committee and read by the Clerk, and send them to the Senate and the President without spending our time at the expense of the people of the United States in discussing amendments in Committee of the Whole. [Applause.]

Mr. CRAGO. Mr. Chairman, just one word. I have no criticism of the argument for economy, but I want to say to you that I do not care to face the members of the National Guard of my State, and I do not believe you want to face the members of the National Guard of your different States, when the word goes out from the adjutant general of your State that he can invite only a certain part of the National Guard into camp this year because Congress refused to appropriate a sufficient amount to allow all of the National Guard units to be invited to go into camp. We have here the recommendation of the Secretary of War for this appropriation of $8,000,000, and we have the recommendation of the chief of the Militia Bureau for $9,500,000. I have taken the figures of the Secretary of War, thinking that perhaps the chief of the Militia Bureau might have been too optimistic in his view of the number of men who would go into the National Guard before the time comes for the summer training camps; but the amount appropriated here will not enable the Government to offer training to the men whom we already have in uniform. We had better have a small balance unexpended than not be able to say to the governors of the different States that they can offer this summer training to all of the National Guard units of each State. That is all I have to say on that. [Applause.]

Mr. FISH. Mr. Chairman, I was reluctant to vote for the last amendment until I heard the effective speech of the gentleman from Mississippi [Mr. SISSON], which compelled me to side with my colleague from Maryland [Mr. HILL]. [Laughter.] But, Mr. Chairman, I am whole-heartedly in favor of this amendment now before the House. The question boils down to this: What is to be our policy of national defense for this country? Are we going to reduce the Army and keep reducing the Army, and then not provide adequately for the National Guard? Last year I helped with others to reduce the Army to 150,000, and advocated that course of action because I knew that the National Guard, which was then less than 100,000 men, was rapidly increasing, and, as we predicted, has increased to over 150,000. Even the chairman of the subcommittee [Mr. ANTHONY] agrees that the National Guard will amount to 160,000 by the 1st of July, the beginning of the new fiscal year. The subcommittee have provided for encampment expenses for only 115,000, and we should provide for a mean average of at least 144,000 National Guard men. I take it we are all agreed on the policy that every National Guard soldier should be provided with at least two weeks' training during the year. That is the policy that was laid down June 4, 1920, in the Army reorganization act. For the past two years the policy laid down in that act of June 4, 1920, has been revised, amended, and almost kicked into a cocked hat; but we must decide here to-day whether or not we are to have a definite policy of national defense or whether we are to continue to pursue a conflicting and vacillating policy which promises to maintain the efficiency and training of the guard, but in reality does not provide for anything like two weeks' training for the number of men now in our federalized National Guard. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman, I would like some information which we have not yet obtained. Will the amount carried in the bill, $6,500,000, pay the expenses of camps of instruction for the militia forces that we now have enrolled?

Mr. FISH. It certainly will not.

Mr. GRAHAM of Illinois. Will the gentleman give his authority for that statement?

Mr. FISH. Certainly. I hold the authority in my hand, the statements of the Assistant Secretary of War and of the Chief of the Militia Bureau, both of whom I presume we may call experts. The appropriation is sufficient for only 115,000 men. The chairman of the subcommittee states that we will have in the National Guard 160,000 men by the 1st of July, the beginning of the next fiscal year. Yet we are providing funds for only 115,000 for encampment purposes. Does that answer the question?

Mr. GRAHAM of Illinois. Yes. So that if the appropriation is only $6,500,000 some of the militia forces will be unable to take this training?

Mr. FISH. Yes. I differ with the chairman of the subcommittee as to the number, but I should say approximately 25,000 will be unable to take that training.

Mr. Chairman, I simply want to emphasize the fact that we should decide now whether we are to have a definite military policy, whether we are going to back the guard and provide sufficient funds to enable every member of the guard to have two weeks' training, or whether we shall mistakenly economize and say that only a certain percentage of the guard shall have this training. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I do not want to repeat unnecessarily the statements that I have made heretofore, but my distinguished friends who are advocating the increase in this appropriation—and they are all men whom I respect very highly, Colonel CRAGO, Colonel HILL, and Colonel FISH—are used to commanding troops that always report for duty when they are ordered to do so, but in the case of the National Guard at these annual maneuvers, many of them are unable to take this summer training. They are engaged in business and are unable to report with their organization.

Mr. CRAGO. Will the gentleman yield right there?

Mr. ANTHONY. Yes.

Mr. CRAGO. Does not the gentleman think it is the part of the wisdom, however, for us to appropriate a sufficient amount so that the adjutant general of each State can say to all of his units, "You can attend these encampments," and have a surplus, rather than to make an appropriation based on a certain percentage of individuals not showing up, which would be taken as an excuse for not offering training to all the units?

Mr. ANTHONY. I will say to the gentleman that if he ran his individual business that way, and made allocations of money and capital far in excess of what was necessary to carry on that individual activity, he would go broke in a very short time, and so would this Government if we made appropriations in that way.

Mr. CRAGO. Not only have all the troops to be asked——

Mr. ANTHONY. They will all be asked.

Mr. CRAGO. Not if you cut down this appropriation.

Mr. ANTHONY. Now, if the gentleman will allow me—I can not yield further—the gentleman from New York [Mr. FISH] said that the amount would not be sufficient to train the number of men reporting for duty. As I explained to the House, only about 66⅔ per cent reported for duty last year. Basing the strength on a National Guard of 150,000, and suppose we put it as high as 70 per cent that will report for duty, a number far in excess of that which is reported heretofore, that only means a little more than 105,000 men. Now, we are allowing sufficient appropriation for 120,000 or 125,000 men, and I do not believe that number will report at the camps. As I stated a moment ago, of the $6,000,000 appropriated last year $200,000 is unexpended. We want to take care of every member of the guard that wants training, and I believe there will be money enough to do it and some left over. If the House wants to appropriate eight or nine million dollars, why, they can do it and have the surplus left.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. If the gentleman's estimate of the number who would be kept at home should turn out to be wrong, then it is too late to correct it.

Mr. ANTHONY. Oh, the gentleman knows there is not a National Guard in the country but that has a number of men who by their business can not take the training; that they can not leave home.

Mr. NEWTON of Minnesota. If the effort is put forth to get the men into the camps, and if the appropriation involved in the amendment of the gentleman from Pennsylvania is adopted and they can not get them, the money is left in the Treasury; it is not expended.

Mr. ANTHONY. Oh, no; but if it is appropriated another body may put in a proviso to make all of these appropriations interchangeable, and if you vote $2,000,000 extra it is very likely to be expended.

Mr. NEWTON of Minnesota. I have sufficient confidence——

Mr. ANTHONY. The gentleman's confidence is not justified by past experience.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FAIRFIELD. Were all of the National Guard units given training last year?

Mr. ANTHONY. Not only was there a sufficient appropriation to take care of all that reported for training last year, but there is $200,000 left.

Mr. FAIRFIELD. The gentleman has no doubt that all will be called and given an opportunity for training this year?

Mr. ANTHONY. I have not the slightest doubt that that is so, and if it can be shown that the fund would be needed higher than the past year we would willingly provide the money.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. RAMSEYER. How many reported for training last year?

Mr. ANTHONY. I can not state exactly.

Mr. HULL. I would like to ask the gentleman how many National Guard men were sent to the camps last summer?

Mr. ANTHONY. I have just stated to the gentleman from Iowa that I did not know the number, but 66⅔ per cent was present.

Mr. HULL. That is, 66⅔ of the present strength of the units, but not the strength of the guard. The gentleman is mistaken. There was less than 10 per cent that failed to go, and there is the trouble, that the gentleman's figures take the strength of the units.

Mr. ANTHONY. The gentleman is mistaken; I did not base the number on the strength of the units. There was 66⅔ present at the training camps.

Mr. HULL. There was less than 10 per cent absent.

Mr. ANTHONY. I do not think the gentleman knows anything about it.

Mr. STAFFORD. Why does not the gentleman say 1 per cent instead of 10?

Mr. HULL. As a matter of fact, you are not providing in this bill for a number in excess of 115,000. You are going to have on the 1st of July 160,000 in the National Guard, and unless this appropriation is increased, at least 40,000 guardsmen can not be at the camps. When you do that, you destroy the guard to a large extent.

Mr. RAMSEYER. I have been listening to the discussion with much interest. The appropriation last year was $6,000,000.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. Every man in the National Guard was offered training.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. At the end there was $200,000 left.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. And this year you are appropriating $6,500,000.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. Now, I want to know how much greater demand there will be on the part of the National Guard men this year than there was last year?

Mr. HULL. The National Guard has increased about 50 per cent in one year.

Mr. ANTHONY. Oh, the gentleman is not correct.

Mr. STAFFORD. That is hyperbole.

Mr. HULL. There were 97,000 a year ago and it will be 160,000 by the 1st of July.

Mr. ANTHONY. There will not be 160,000.

Mr. HULL. There will be more than 160,000.

Mr. ANTHONY. The gentleman is very enthusiastic.

Mr. FISH. Mr. Chairman, the question has been asked why we should appropriate $500,000 more this year than we did last year. Last year we appropriated $6,000,000 to take care of the National Guard encampments.

This bill provides for $6,500,000. That in itself answers our case, because the guard has increased more than 50 per cent. Last year at this time the federalized guard numbered less than 100,000; by July 1 it will be 160,000. A proportionate increase to provide two weeks' encampment for all National Guard troops would require an appropriation of $10,000,000, but we are only asking for $8,000,000, which should be the minimum.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. FISH. With pleasure.

Mr. ANTHONY. General Rickards states in the hearings that at training time the guard numbered 114,000; so that we have all been mistaken.

Mr. FISH. And this year it is admitted that it will be 160,000.

Mr. RAMSEYER. Does the gentleman know how many availed themselves of this training last year?

Mr. HULL. Ninety-seven thousand last year, at the 1st of July.

Mr. RAMSEYER. Who went into training?

Mr. HULL. Oh, no. I do not know the exact number—nobody seems to know that—but there were 97,000 on the 1st of July, and when training time came there were 114,000. Today you admit that there will be 160,000 in the guard on the

1st of July, and yet you are providing for only 115,000. The guard will increase 25 per cent from the 1st of July to the time it is sent to camp.

Mr. LINTHICUM. Mr. Chairman, I hesitate to prolong the debate, but I want to say that I am for this amendment because, in the language of the early settlers, while we pray I believe in keeping our powder dry. When we began taking the young men into the Army during the last war it was found that many of the men were physically unfit. One of the strong arguments at that time was that we ought to give our young men military training if for no other reason than for physical reasons. I believe the young men of this country, so far as we are able to do it, ought to be given a chance for military training. They ought to be brought up in such a way that if their services are called for they will be prepared to undertake the duties assigned to them. The gentleman from Wisconsin [Mr. STAFFORD] argued that we ought to follow the advice of the Secretary of War in reference to the increase of the Cavalry. The gentleman did not say, however, that he did not follow the advice of the Secretary of War in regard to the size of the Army. It seems to me if we are going to put the Army down to 115,000 enlisted men we ought at least to provide for men in the event of another war, and the best way to do it is to educate and give military training to the young men of the country. It will not only give them a chance in a military way but it will give them certain healthful recreation. They will be examined, and it will be a guide for their course in the future and will be of great benefit to them physically.

In view of the fact that the National Guard will be increased this year from 100,000 to 160,000 men, certainly $8,000,000 will not be too much for that increase. I think it will be money well expended. The people do not want a large Army, but they do want the young men of the country in the National Guard given a chance for military training. At least, that is the way they feel in the State of Maryland.

Mr. BLACK. Mr. Chairman, I am opposed to this amendment. I find that the bill already carries $6,500,000 for this particular purpose. The entire Army appropriation bill that we have before us carries $270,000,000. That is a very considerable amount of money and is very much more money than we spent on the Military Establishment prior to the war. I am opposed to increasing these appropriations for two reasons: First, we already are forewarned that there will not only not be any surplus in the Government revenues for the next fiscal year, but there will be a deficit, and if the $200,000,000 decline in the income and excess-profits tax collections for this year, 1922, materialize, there will be $200,000,000 more of deficit than has been previously predicted; second, I am opposed to increasing this particular provision because we all know that the usual result is, if the House appropriates, say, $250,000,000 for the Military Establishment, when the bill goes to the Senate that legislative body invariably increases it. If we were to take up all of these War Department recommendations and write them into the bill and send the bill over to the Senate with an appropriation of $300,000,000, I have no doubt that it would come back to the House with a very substantial increase. I think therefore we will do well to follow the figures that the committee has agreed upon and defeat this amendment. In opposing the pending amendment I do not do so because of any lack of appreciation and regard for the National Guard. I think it is of a high value as an integral part of our national defense forces and is entitled to receive liberal consideration at the hands of Congress. I oppose the amendment because I am well convinced that the amount of money now carried in the bill is ample to meet all needed expenditures for this particular purpose, and if we can save this $1,500,000 we should do so. Even $1,500,000 in these days of big items will help some.

Mr. HARRISON. Mr. Chairman, the gentleman from Iowa [Mr. HULL] speaks of a National Guard of 160,000 men, and I ask you gentlemen to consider what the proposition of having 160,000 men with the usual expansion in the National Guard means. One hundred and sixty thousand men on July 1 next and 191,000 at the end of the year at $210 per man, which is the average cost in the National Guard, means $48,000,000, about. This appears in the hearings. If the line of amendments is carried out, it will mean that we are going to increase the appropriation to the National Guard by over $27,000,000. It is a necessary consequence of these various amendments in regard to the National Guard. The appropriation which the Budget Bureau recommended is $30,000,000, and that takes care of 140,000 men. This appropriation of $6,500,000 will take care of that number in the National Guard if we discount the number by such of the guard as will not attend. It we increase this to $8,000,000, it means we are contemplating having about 140,000 in these camps, or that you are going to have 160,000 men in the National Guard at a cost of nearly $50,000,000.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. RAMSEYER. Word has just been brought to me from the War Department that last year 90,000 men availed themselves of training. According to the figures given here by the chairman of the subcommittee that cost $5,800,000, or $65 per man.

Mr. HARRISON. Fifty-six dollars and twenty-five cents per man.

Mr. RAMSEYER. This figures out $65. It is said that there will be 140,000 who will avail themselves of training this year, and $65 a man would be $9,100,000.

Mr. HARRISON. The actual figures given by the department are $56.25 a man, and my understanding is that $6,500,000 will take care of about 143,000 men in the National Guard after proper allowance for stay at homes.

Mr. RAMSEYER. You could not take care of 140,000 men at $56 per man with $6,500,000.

Mr. HARRISON. But the entire appropriation takes care of 140,000 men. The Budget Bureau has recommended $30,000,000, and that takes care of the entire National Guard of 140,000.

If you are going to take care of 160,000 in the National Guard you have got to increase the appropriation to $48,000,000, $18,000,000 more than the Budget Committee requested.

Mr. RAMSEYER. Speaking of this one particular item——

Mr. HARRISON. We are talking about what it is going to cost for the instruction of the National Guard——

Mr. ANTHONY. If the gentleman will yield, in regard to the cost of this summer training the gentleman mentioned the figure of $56.25. That is based on training the guard at the old cantonments and includes quite a lot of railroad travel. If the guard training was confined and concentrated to the military posts within individual States the cost can be cut very considerably and a great number of men trained. Is not that true?

Mr. HARRISON. Yes.

Mr. ANTHONY. Mr. Chairman, I ask for a vote.

Mr. HUDSPETH. Mr. Chairman, let us have the amendment again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ANTHONY) there were—ayes 53, noes 53.

Mr. CRAGO. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. CRAGO and Mr. ANTHONY) reported that there were—ayes 65, noes 68.

So the amendment was rejected.

The Clerk read as follows:

For expenses, selected officers and enlisted men, military service schools, $250,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. I do this not for the purpose of offering any amendment to increase the appropriation but to ask the chairman of the subcommittee a question. The committee has appropriated $250,000 for officers and enlisted men, military service schools. Does the gentleman think that that will be a sufficient sum to send to these service schools the number of men and officers of the National Guard who desire to attend them?

Mr. ANTHONY. The department asked for $348,000 for that purpose.

Mr. CRAGO. Yes.

Mr. ANTHONY. We gave $225,000 during last year and we give $250,000 this year. Of course, it will not send all the National Guard officers to service schools. It is only a selected number, and the amount of the appropriation will depend upon how large a number the department selected.

Mr. CRAGO. I will say to the gentleman that that is something which should not be neglected, because a great many of the National Guard officers who are enthusiastic and who really want this instruction at much loss to themselves are willing to take these prescribed courses at these different schools, and it makes them very efficient officers, and it makes them eligible to appointment to general staff duty, and that is about the only way a man in the National Guard can qualify for any duty other than duty in the National Guard. It is a subject which has been given a great deal of study and consideration, and the appropriation has been used in the past for sending men to those

schools who have found themselves able to leave their other vocations for this time.

Mr. MANN. What are these, military schools?

Mr. CRAGO. Like any service schools we have. A course of study as it is now at Camp Benning in the Infantry and Camp Bragg probably in the Artillery, or Fort Riley or some of the other schools for the Cavalry. They send so many National Guard officers and they are making classes of these men, and they get the same intensive course of training now which is given to the officers of the Army.

Mr. ANTHONY. If the gentleman will yield, the department is sending next year 221 officers and 329 enlisted men, so the gentleman will see it is a very small program.

Mr. CRAGO. In the opinion of the chairman, will this $250,000 be sufficient——

Mr. ANTHONY. No; I do not think it will do that.

Mr. CRAGO. The program, then, will be curtailed?

Mr. ANTHONY. They will send a few more than were sent this year, but it will not permit the sending of as many as the department asked for.

Mr. CRAGO. But as many as were sent last year?

Mr. ANTHONY. Yes, sir.

Mr. CRAGO. Mr. Chairman, I do not care to offer an amendment, because I think probably in conference the conferees can work out something.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For general expenses, equipment and instruction, National Guard, $850,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman some questions with reference to this item. As I understand it, the Secretary of War has recommended an appropriation of $1,605,620?

Mr. ANTHONY. Yes.

Mr. CRAGO. And the gentleman has appropriated practically half that amount?

Mr. ANTHONY. We have appropriated $100,000 more for the next year than we appropriated for the current year for this purpose.

Mr. CRAGO. How did the committee divide that item from the other items on the National Guard budget?

Mr. ANTHONY. How do we make——

Mr. CRAGO. General expenses, equipment, and instruction.

Mr. ANTHONY. It is made up of a variety of items. For instance, they would pay for blank forms and publications, $50,000; traveling expenses in connection with business, $6,000; rental target ranges, $70,000; purchase target ranges, $35,000; construction, improvements, target ranges, $325,000; transfer of supplies within States, $107,500; travel expenses, surveying officers, $6,000; rental, construction, and repairs, shooting galleries, $15,120; markers and scorers, $160,000; caretakers on rifle ranges, $70,000; prizes and entrance fees, $6,000; incidental expenses, $20,000; printing, general orders, circulars, forms, and so forth, $40,000; oil, gas, and repairs to motor equipment and tanks, $525,000; amount reserved for new units, $70,000, and so forth.

Mr. CRAGO. Then the amount appropriated here will not be sufficient?

Mr. ANTHONY. No. As I said to the gentleman, the War Department has been turning over to the National Guard worlds of equipment. With every unit of Field Artillery there are 19 carloads of material, with every tank company they give them 14 tanks, and with every motor company that is organized they give them worlds of motor trucks. They are evidently trying to get rid of this material, and have the National Guard take care of it and they want us to appropriate for it. We do not think it is proper for the National Guard to take care of so much of this material.

Mr. CRAGO. I hope it will be possible for the gentleman to work out something for this.

I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

For travel of officers and noncommissioned officers of the Regular Army in connection with the National Guard, $200,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. The department here has recommended an appropriation that seems to be concurred in by the Chief of the Militia Bureau and the Budget Committee of $500,000. I notice the appropriation is only $200,000. This is an item which provides for the pay, expenses, allowances, and so forth, of the commissioned and noncommissioned officers of the Army who are detailed to the National Guard. I would like to ask the gentleman if he thinks it is possible for them to keep up the present courses of instruction which they have begun under this appropriation?

Mr. ANTHONY. During the current year there is appropriated for that purpose $85,000, which was later on augmented by $100,000. We are appropriating $200,000, an increase of $15,000.

Mr. CRAGO. Is that an increase over the two appropriations?

Mr. ANTHONY. Both of them. Of course, the number of officers in the Regular Army utilized by the National Guard is a flexible number, and they will use more of them or fewer of them, dependent upon the state of the appropriation.

Mr. HULL. I want to call the gentleman's attention to this fact: That last summer in my State—and I think in a great many other States—they could not send the Regular Army officers to the camps because they did not have enough money in this item to pay their railroad expenses. We had a great complaint from our State in regard to the matter. All they wanted was money enough to pay the transportation. It was a small item, but nobody could provide the money to pay the Regular Army officers to these camps of instruction, where they were so badly needed.

Mr. CRAGO. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For transportation of equipment and supplies, $375,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman if that is in line with his desire to curtail the shipment of these different supplies to the National Guard units?

Mr. ANTHONY. The department asked for $500,000, I will say to the gentleman.

Mr. CRAGO. It makes a difference of $125,000

Mr. ANTHONY. And we are appropriating $375,000, which the gentleman will notice is an increase of $200,000. There will be a number of new units to supply undoubtedly during the year, and that is the reason for the increase. The expenses under this item were very heavy last year, because of the fact that so many supplies and so much equipment were furnished the guard.

Mr. CRAGO. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

For pay of National Guard (armory drills), $9,000,000.

Mr. HULL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL: Page 80, line 20, after the parenthesis, strike out "$9,000,000" and insert "$11,000,000."

Mr. HULL. Mr. Chairman and gentlemen of the committee, in my opinion this is the most vital proposition in regard to the National Guard. It is the actual pay that you provide for the armory drills. Now, we have here an example, to my notion, of the guesswork of the Budget. The Militia Bureau originally asked for $15,000,000 for this item, and the Budget cut it down to $8,500,000, and the committee gave them $9,000,000. Last year you appropriated $9,750,000, and your guard this year is 50 per cent higher and you are appropriating less money than you did last year. Now, you can not have a guard without you pay the men who attend the drills. They may be a tank corps, they may be Cavalry, or they may be Artillery; still you have got to pay them, or else they will not attend the drills and they will go out of the guard. It is a moral obligation on this Government to pay these men, and one of the greatest things that is tending to build up the guard as it is to-day is the fact that the men are being promptly paid every time they have to attend a drill.

Now, they are not paid unless they attend. I claim that unless you increase this appropriation at least as much as they asked for you will kill the National Guard. I do not think myself that the amount that I have put in the bill will be sufficient, but it will be within a million or two million dollars of enough money to pay the guard. Remember that your guard to-day is 140,000. A year ago, the 1st of July, it was 97,000. It is estimated—and I think the estimates are very close, because they figure on a normal increase of 3,000 every month—that on the 1st of July we will have 160,000 and an average strength during the year of 175,000. My amendment provides for pay of only 130,000. It is true that probably 10 per cent, or a little

less than 10 per cent, of the men that are in the National Guard are failing to attend the drill, but it is never more than 10 per cent. I have figured very closely on this item, and I am sure the amount I ask for is less than you will have to put in the bill before you get through with it. I submit this proposition, knowing these facts, that you ought to put in as much as you know you ought to have here in the Committee of the Whole.

Mr. VAILE. Mr. Chairman, I move to strike out the last word. I rise for the purpose of supporting the amendment of the gentleman from Iowa [Mr. HULL].

There was a time when it was believed in this country that a well-regulated militia was necessary to the security of a free State. Of course that was a long time ago. That theory was announced away back in 1789. It was embodied in our Constitution by the second amendment. If it is to have any force to-day, naturally we must presume that if we are going to have a well-regulated militia, we have got to have some militia to regulate.

Now, this amount of $11,000,000, I believe, is figured by the War Department as the minimum estimate of the pay of the National Guard. It is perfectly evident that the American people will not stand for a large professional establishment. It is very evident to me at least that a majority of this House want a very, very small professional establishment. But in a time of war we have got to depend on the citizen soldiery, and it is the part of only elementary prudence to provide for the training of citizen soldiers, soldiers of the nonprofessional class.

I want to read a little item from the Stars and Stripes, the American Legion publication, of this date, which came to my office to-day:

THE NATIONAL DEFENSE.

With $9,000,000 whacked off from the National Guard appropriations of the annual Army budget by the House of Representatives and various and sundry other wallops at the Army and the Reserve Corps, it behooves everyone who does not want to see economy extended to utter unpreparedness to get a word to their Senators on the subject.

Some of the best friends of the present three-part defense system, with a small Regular Army, a substantial National Guard, and a large citizen reserve corps, are worried because the doctrinaires of pacifism and economy seem to be united and to be making use of differences of opinion between the various parts of the national defense system.

Since the World War we have had a sort of open season at knocking the Army, and many of us have felt that we could take out any of our left-over grouches on the Regular Establishment, meanwhile merrily boosting for the National Guard and for the reserves. Now we come to a pinch, where the Congress is going to determine whether we shall have any substantial national defense or none worthy the name, and we discover that we are all standing or falling together—the Regulars, the guard, and the reserve.

The matter gives us pause. We like to carry on our own joyful little battles, such as the Colonel Peck episode, but we do not like to see the whole scheme of national defense get the worst of it merely because of our sportive instinct in heaving rocks at the Regular Army. In our hearts we know that we need an effective Regular Establishment, and since in this matter of appropriations we are living in a glass house we begin to hope that our rock throwing won't be taken seriously.

The moral of this is that we had better write to our Senators and tell them that we want adequate appropriations for an effective system of national defense. We will lose all the fun of our personal squabbles between the guard and the Regulars and the reserves if all three of them are whittled down to little or nothing worth while talking about.

Mr. Chairman, I shall not ask now to take up the time of the committee, because the several items referred to have already been considerably discussed, but I would like the privilege of extending my remarks for the purpose of putting in a one-page letter from the adjutant general of the State of Colorado on the items we are now considering in this bill. The adjutant general calls attention to the fact that 60 per cent of our officers in the World War got their initial training in the National Guard. That is, however, only a small part of the benefit derived by the country from the military education of a large body of patriotic men who have always served as our first line of defense in time of war.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following is the letter referred to:

STATE OF COLORADO,
OFFICE OF THE ADJUTANT GENERAL,
STATE CAPITOL BUILDING,
Denver, March 20, 1922.

From: The Adjutant General.
To: Congressman WILLIAM N. VAILE, Washington, D. C.
Subject: Appropriation, H. R. 10871.

1. I desire to bring to your attention the matter of H. R. 10871, and to ask your favorable consideration to the end that a more liberal appropriation can be effected toward the National Guard, a force which has proved its worth to the United States Government, and the force which offers the best known means for the training of young men of the country to be better enabled to protect the country in times of need.

2. The following information is furnished in connection with the above-mentioned bill:

No item for purchase of animals.

Page 79, lines 24 and 25, provides for 4,000 animals, whereas 8,000 have already been issued to the National Guard.

Page 80, lines 3 and 4: Care of matériel, animals, and equipment, $750,000; provides for caretakers for 4,000 animals and a balance of $100,000 for other caretakers and mechanics.

Estimates submitted for 8,740 animals, caretakers, $1,016,500.

Page 80, line 5, camps of instruction:

Six million five hundred thousand dollars will provide for only 115,000 men for 15 days. National Guard has now a strength of over 145,000; $9,500,000 minimum requirement.

Page 80, lines 6 and 7: Expenses officers and specially selected men, $250,000. Item may send 156 officers and 156 men only. Last year 220 applied to attend Benning alone.

N. B. No funds under section 81, national defense act.

Page 80, lines 12, 13, and 14: Travel of noncommissioned officers, $200,000. Insufficient present year and $500,000 needed for 1923.

Page 80, line 17: Transportation and equipment and supplies, $375,000. Inadequate this year and $200,000 additional needed under provisions of bill for 1923.

Page —, line 20, armory drill pay, $9,000,000; estimated $11,000,000 minimum requirement.

Page 82, lines 7, 8, 9, 10: The mounted, motorized, and tank units of the National Guard shall be so reduced that the appropriations made in this act shall cover the entire cost maintenance of such units for the National Guard during the fiscal year 1923.

3. It must be remembered that of all officers of the Army of the United States during the World War 60 per cent thereof had their initial training in the National Guard.

* * * * * * *

4. I respectfully urge that you carefully consider the above-mentioned H. R. 10871 and support a more favorable appropriation to provide for a betterment of the conditions surrounding the National Guard.

P. J. HAMROCK,
The Adjutant General, State of Colorado.

General Hamrock is an officer of long experience, both in the ranks of the Regular service and as a National Guard officer and as an officer commanding troops in the field in the World War. He commanded the One Hundred and Fifty-seventh Infantry in France. That regiment, formed upon a nucleus of Colorado National Guard battalions, was complimented by general officers who inspected it as one of the best trained and best equipped regiments in the service. Although it did not see action as a unit, its personnel, used as replacement troops for other organizations, particularly in the Argonne fighting, rendered service of which the State and the Nation may well be proud and which will be a lasting testimonial to the regiment's commanding officer, Colonel Hamrock.

It is my earnest hope that such efficient training may be liberally continued in the future. It is a credit to the men engaged in it and it is of the utmost value to the country.

Adjutant General Hamrock speaks with an authoritative knowledge of his subject. He also speaks from the standpoint of patriotism and of devotion to the public service.

Mr. FISH. Mr. Chairman, I am very fearful that the Members of the House do not appreciate the fact that a federalized National Guard is an entirely different body from the old National Guard that we had before the war. We are now paying the members of the National Guard for attending drills. They are no longer a body over which we have no control, and we can call them into the service at any time. To-day the National Guard is the first line of defense, on a par with our Regular Establishment. For the benefit of some of the Members of the House I wish to point out the fact that the federalized National Guard as at present organized has about 75 per cent of World War officers in the infantry units and in the artillery units about 90 per cent of the officers saw service. Although the men are new, we have a federalized National Guard that can be called into the service without delay, and it will be practically on a par with the Regular Establishment.

What you have got to decide is whether you are going to support the policy of maintaining a federalized National Guard or whether you are going back to the prewar days when we did not pay the National Guard for drills and for attending the encampments. I do not care one iota what the subchairman or his committee of five say. This amount in the bill will not provide pay for the drills of every member of the guard. I ask you to listen to the figures presented by the gentleman who proposed this amendment. All that I have got to depend upon is what the War Department says and what the Militia Bureau says. I am not familiar with the figures any more than any other Member, but I know this much, that the federalized National Guard is your first line of defense, and you have got to decide on a definite military policy. You have got either to pay them for their drills and encampments or you have got to throw the whole thing overboard and depend solely upon the Regular Establishment. That is the issue and that is what you have got to vote on. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JEFFERS of Alabama. Mr. Chairman, I feel that it is the duty of every Representative here to speak what he thinks is the will and desire of the citizens of his district and the citizens of his Commonwealth; and I feel that the citizenship of the State that I have the honor in part to represent is desirous of supporting the National Guard of our States. [Applause.]

Now, during the days before the World War the National Guard came in for many useful purposes. Since the war the National Guard is being reorganized as rapidly as it is possible to reorganize it, and the adjutant generals of the States and their staffs are working night and day trying to get the guard well organized again in the different States. The guardsmen are often needed at home within the different States, and, as has been mentioned here several times, should we become engaged in conflict again, the National Guard would be called upon as promptly and as urgently as it was when we became engaged in the late World War.

The National Guard is growing to-day. They number far ahead of what they were a year ago. That increase must be taken into consideration. I think, as I said before, the citizens of the States which we represent wish to support a strong National Guard. This is a citizen army which we are trying to build up, and which our citizenship wants, which will feed itself 50 weeks in the year, and I think that we should, in carrying out the will and desire of our people, provide to feed and pay these men two weeks in the year during the summer encampment, which, by the way, is no frolic for them. They get right down to real business and to hard work, and they study tactics and work out problems and maneuvers. It is a training which they need and which will give them a little jump on the other fellow in case of need. Of course, they are paid a small amount for attending drills throughout the winter and throughout the year. That is as it should be.

In the old days the guard had a hard struggle for its very existence, because of the fact that there was very little popular support. But the people desire the guard to be supported now and to be provided for when they go to the summer encampments. As I said, they feed themselves 50 weeks in the year.

If you will build up a strong, efficient National Guard, you will have a nucleus in case you get into any sort of trouble; a nucleus that is ready to step right into the breach, and ready to act as instructors to those who have never had any military experience at all.

I know that at the beginning of the late war many a young fellow who had had, comparatively speaking, only slight experience in the National Guard went straight into the Army, and with that little experience as a start he developed so quickly that he was soon able to take his place at the head of untrained troops. A strong, well-trained National Guard will prove to be the best possible insurance policy for the peace and security of our Nation. [Applause.]

When we cut down the Regular Army establishment it is most certainly the better part of wisdom to develop and build up the National Guard of the States. Remember, it is not only for war purposes that we need the guard, but for many useful purposes at home in the cities and throughout the country during peace time. Some people cuss the National Guard around pretty severely some of the time, but in my experience in the National Guard, if you will pardon a personal reference, and in my observation of experiences in other places I have noticed that while the National Guard are cussed out and cuffed around a good deal the fact remains that whenever anything happens—if there is a riot, a flood, a fire, or any emergency—people yell for the National Guard to turn out immediately, and they want them there in "double time." [Applause.]

Now, concerning our policy for the National Guard, which is our hope for the future, so far as an Army is concerned, let us not be "penny-wise and pound-foolish." Therefore, my friends, I earnestly bespeak your support for the amendment pending. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, as one of the members of the Committee on Military Affairs associated with our good friend Mr. ANTHONY, of Kansas, Mr. CAMPBELL, of Pennsylvania, and other gentlemen who are Members of the House, I took a very great interest, as all of these gentlemen did, in writing the law for the federalizing of the National Guard, rather than the adoption of what was to be known as the continental army scheme. I was profoundly interested in the National Guard at that time and have been ever since. In a little speech that I made on the national defense act I said at that time that the National Guard was now on trial and that it would remain to be seen whether it could make good or not; that if it failed we would have to adopt some other military policy. But I am sure we all agree after the experience of the Great War that the National Guard did make good. As a citizen of Illinois, I am proud, indeed, of the record of the Thirty-third Division, which included the National Guard of the State of Illinois. [Applause.] That is no reflection on the National Guard of the other States of this Union, which did equally well. Now, to-day I am only interested in seeing to it that the National Guard has sufficient funds to enable it to function properly. I want to ask my good friend from Kansas [Mr. ANTHONY], the chairman of the subcommittee, a question or two in regard to this matter. I would like to ask the gentleman how he arrived at the figures $9,000,000 for drill pay?

Mr. ANTHONY. The same question is involved in the matter of drill pay that is involved in the matter of the summer training. It is entirely guesswork as to the number of men in the guard who will qualify for the maximum pay allowed by law. If a man attends every drill—that is, four drills a month for the entire year—an enlisted man can obtain $60 per annum; but the figures show about the same percentage of attendance at drills as of attendance at the summer encampments, and that percentage, as I am informed by the clerk of the committee who has just called up the Militia Bureau, is 66 per cent. So in making up our bill we take 160,000 men and estimate the maximum enlisted pay they can get at $60 a man, and that makes $9,600,000. Two-thirds of that amounts to $6,400,000 for the percentage that actually attend the drills, as proven by past experience. Now, we have got to allow for the officers. We have about 7,000 officers in the National Guard, so that the committee felt that, based on the percentages of attendance, $9,000,000 would take care of this item. I want the gentleman to observe that that is half a million dollars more than the budget estimate. We have endeavored not to exceed the budget estimates, and we have increased them in only one or two instances, but this is one of the instances where we increased the budget estimate half a million dollars.

Mr. McKENZIE. These boys get a dollar a night for drill pay, and I have always understood that the gentleman from Kansas was a friend of the National Guard.

Mr. ANTHONY. As the gentleman knows, I had something to do with the preparation of the defense act of 1916.

Mr. McKENZIE. I would be the last man to criticize the efforts of this committee in their work, but I want to be sure and I want the committee to be sure that in placing the figures in the bill as they have them written, especially on this item, they are satisfied that the National Guard will not suffer for lack of appropriations from this Congress.

Mr. ANTHONY. Does not the gentleman agree that it is a matter of guesswork as to the exact amount of money that will be requested by the guard?

Mr. McKENZIE. Of course.

Mr. ANTHONY. It is simply a matter of the number of drills that the men attend?

Mr. McKENZIE. Certainly.

Mr. ANTHONY. And it is all a matter of guess and estimate. We figured that when we increased the budget estimate half a million dollars we had a good margin of safety.

Mr. HULL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Iowa.

Mr. HULL. How much did you appropriate last year?

Mr. ANTHONY. Last year we appropriated $9,750,000.

Mr. HULL. Your guard has increased 50 per cent, and yet you have cut your appropriation down. How do you make your figures correspond?

Mr. ANTHONY. Well, we presumed that the Budget Committee probably made an investigation and has some idea.

Mr. HULL. As a matter of fact the Militia Bureau wanted $15,000,000.

Mr. ANTHONY. Oh, yes.

Mr. HULL. And the Budget Committee insisted on cutting it down 50 per cent without knowing anything about it.

Mr. ANTHONY. The figures of the Militia Bureau were so wild on their face that we did not believe we should follow them.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. Is there going to be any surplus left of the $9,750,000 appropriated for this fiscal year?

Mr. ANTHONY. I can not give that information. We can not tell what percentage of the men will attend these drills the balance of this year.

Mr. SUMMERS of Washington. What is the indication at this time?

Mr. ANTHONY. I can not say as to that. The Militia Bureau says the percentage of attendance is 66⅔.

Mr. SUMMERS of Washington. It would seem that after eight months of the year had passed by the Militia Bureau ought to be able to give some pretty accurate estimate of that.

Mr. ANTHONY. It would be rather difficult.

Mr. SUMMERS of Washington. They report every two weeks, do they not?

Mr. ANTHONY. The men may not attend all of the drills during the next few months. They can not tell what the attendance will be.

Mr. SUMMERS of Washington. Can not the Militia Bureau tell how the fund is holding out?

Mr. ANTHONY. It is impossible to fix an accurate figure for this appropriation.

Mr. HARRISON. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Virginia.

Mr. HARRISON. Will the gentleman allow me to call attention to the figures given in the hearings? Major Wilson says:

> Allowing for possibility of facts yet to occur being different from the forecast, it is believed that $11,000,000 should be appropriated for the armory drill pay for the National Guard for the fiscal year 1923 on the basis of the ultimate strength of 191,000 for that year.

Mr. ANTHONY. That is the view of the Militia Bureau?

Mr. HARRISON. Yes. That is on page 1339 of the hearings.

Mr. ANTHONY. They will not average 191,000 during the next fiscal year, and it is perfectly evident that we do not have to appropriate that amount.

Mr. SWING. Mr. Chairman, this item of $9,000,000 for drill pay constitutes a direct limitation upon the size of the National Guard of this country, because it is evident that no more men will go into the National Guard than are appropriated for under the bill. When I was a member of the National Guard drill was a matter of pride and patriotism, and it may be that it is a question that can be argued as to the advisability of paying the men, but one thing is certain, that since you have established the principle of paying for drills you must provide pay enough for all. You can not expect some to drill for only the glory of it while others are being paid $1 per night for drilling.

The added responsibility and liabilities placed on the National Guard by the federalized law probably justifies the giving of them this very small pay, which is but a fraction of the cost of a standing army of similar size, whom you have to feed in addition to paying it. I think we ought to be glad to pay this small pittance to every citizen of this country who is willing to take a drill a week to make himself proficient, as far as he can become proficient, by being a part of the National Guard. I think this amendment is in accordance with the traditional policy of our country. We have always been against a large standing Army in time of peace. I myself voted last session to cut the Army down to 150,000, and I am satisfied with the cut that is now made to 115,000, provided you furnish a second line of defense to take the place of the reduction you have made in the standing Army by building up and supporting a strong National Guard. It has been said that the Militia Bureau asked for $15,000,000 and the committee gave them $9,000,000. This amendment increases the item in the bill to $11,000,000. If the National Guard men do not use it, it will not be wasted; it will revert to the United States Treasury. It is an incentive to the officers to get the men into the guard and to attend drill if they know that the money is there for them. If the money is not there, they will lack the incentive to ask the men to come out and take the drill. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HULL) there were 36 ayes and 42 noes.

Mr. HULL. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. ANTHONY and Mr. HULL.

The committee again divided; and the tellers reported that there were 60 ayes and 54 noes.

So the amendment was agreed to.

Mr. REED of New York. Mr. Chairman, I move to strike out the last word. I desire to speak for just a few moments out of order. It is a matter of personal convenience to me, otherwise I would not ask to keep you here, because I understand that you will adjourn in a few minutes.

I am going to refer to certain conditions in my home town. I am going to use it to illustrate a national problem. This matter properly comes under the items of rivers and harbors.

A few years ago the Government agreed to perform certain work in the harbor at Dunkirk, N. Y., provided the city as a condition precedent would erect a municipal dock. The city fulfilled its obligations, and in order to do so bonded itself heavily and built a fine modern dock, which was approved by the Secretary of War. The city was then ready to develop its commerce, had plans under consideration for the erection of warehouses, modern unloading apparatus to develop its commerce, but the Government failed to repair the breakwater which has caused the harbor to shoal. This detached breakwater, 2,800 feet long, is almost utterly destroyed, and as a result every storm throws tons of stone and sand into the harbor, causing it to shoal. There has not been a time prior to 1917 that the vessels in the harbor and the property along the shore have not been in danger from the severe storms that almost annually visit the locality.

In December, 1921, a severe storm swept across Lake Erie and two ships in the Dunkirk Harbor were sunk. The new municipal dock is now in danger of being destroyed by these heavy storms, a thoroughfare of the city is being gradually washed, and recently some of the street lighting along this street was destroyed.

It appears in the report of the Chief of Engineers of the United States Army, 1920, page 1683, that the citizens of Dunkirk bonded the city for a large amount and built a fine municipal dock, which had the approval of the Secretary of War. There has not been a time since this expenditure on the part of the city that the Government has sufficiently maintained the harbor to enable the shipping that desires to enter the harbor to do so.

On page 231 of the hearings on this bill General Taylor, without intending to do so, left the impression with the committee that the Dunkirk Harbor could not be used because its depth is only 16 feet. He states that because of this the harbor is not sufficient for the large lake boats to enter the harbor even if the breakwater were repaired. It is quite true that the largest lake boats could not use this harbor, and the city of Dunkirk is not seeking to have the harbor made available for the largest boats. As a matter of fact, when we consider that on June 30, 1918, the Great Lakes documented American merchant fleet totaled 2,939 vessels of 2,797,503 tons, of which 133 were sailing vessels, 2,295 were steam vessels, only a few of which draw 21 feet, it is apparent that the traffic is not confined to deep-draft boats.

On June 30, 1919, the documented American merchant fleet on the Great Lakes aggregated 3,043 vessels of 3,023,762 tons. It is obvious that the number of smaller boats on the Lakes is rapidly increasing; that the very large boats are built exclusively for the iron ore, coal, and grain trade, although much of this freight is handled by the smaller boats drawing less than 16 feet of water.

With reference to the number and character of the boats that could enter Dunkirk Harbor if the breakwater were to be put in repair and the shoals referred to in the Engineer's Report removed, I wish to insert in the RECORD the names and dimensions of boats that could enter Dunkirk Harbor either for the purpose of commerce or as a harbor of refuge.

Passenger steamers that could enter Dunkirk Harbor if breakwater were repaired and shoals removed.

Name of vessel.	Length of keel.		Beam.	
	Ft.	In.	Ft.	In.
City of Buffalo	340	8	43	8
City of Cleveland	402	8	54	0
Essex	194	0	36	0
Greyhound	276	0	38	0
Huron	200	0	32	8
Islander	130	0	33	5
Pere Marquette	196	0	34	8
Pilgrim	200	0	38	0
Americana	203	0	45	8
Canadiana	270	0	45	0
Chicora	194	5	33	0
City of Ottawa	220	0	32	5
City of Toledo	212	0	33	8
Puritan	200	0	40	0
Wanketa	175	0	34	4
Turbinia	250	0	13	0

Freight vessels that could enter Dunkirk Harbor at its present depth if breakwater were repaired and shoals removed.

Name of vessel.	Length of keel.		Beam.	
	Ft.	In.	Ft.	In.
Aberdeen	99	8	22	0
Advance	175	8	44	3
Alaska	212	0	32	0
Amaranth	150	0	28	0
Andaste	266	8	36	0
Annie Laura	133	0	24	6
Arabian	178	8	38	0
Arga	[illegible]	0	36	0
Arizona	189	8	32	4
Aspen	118	0	25	0
Atikokan	300	0	48	0
Aztec	140	0	33	8
Baffin	[illegible]	0	44	6
L. L. Barth	185	0	44	0

Freight vessels that could enter Dunkirk Harbor, etc.—Continued.

Name of vessel.	Length of keel.		Beam.	
	Ft.	in.	Ft.	in.
Beaverton	240	0	42	0
Belcher	251	0	43	6
C. F. Bielman	291	0	41	0
C. F. Bielman, jr	67	6	14	0
Mary H. Boyce	181	1	34	2
Charles H. Bradley	301	0	37	0
R. C. Brittain	142	0	24	0
Edward Buckley	154	3	31	7
George Burnham	149	0	29	0
Cadillac	290	0	37	0
C. W. Cadwell	152	0	36	0
Canadiau	252	0	38	0
W. J. Carter	122	0	28	0
Cataract	175	0	23	6
Cecon	241	0	41	0
Sussex Chapman	122	0	41	0
Alva S. Chisholm, jr	159	0	36	0
T. S. Christie	160	0	30	3
T. L. Church	254	0	43	6
City of Dresden	93	0	21	0
City of New York	186	0	27	6
Clinton	217	0	37	0
Clover	80	0	23	0
A. R. Colborne	120	0	28	0
W. Colin	256	0	36	0
Corunna	220	0	34	0
John W. Cullen	141	0	23	0
H. Dahlke	152	0	28	6
James Dempsey	182	8	42	9
Senator Derbyshire	220	0	40	0
J. P. Donaldson	185	0	30	4
Douglaldmac	235	4	38	6
Douglas	120	3	22	10
R. F. Deville	116	0	28	0
Easton	250	0	42	0
Wm. Edenborn	478	0	52	0
Edmonton	240	0	42	8
Ellis	420	0	52	0
W. Ene	224	7	35	4
Favorite	158	0	40	2
Fallowcraft	256	0	40	0
R. P. Fitzgerald	236	0	38	0
Fleetwood	305	6	40	6
Emory L. Ford	580	0	60	0
J. C. Ford	173	0	33	0
Parks Foster	262	0	38	0
I. N. Foster	134	9	28	0
Frontier	121	0	38	0
Gladstone	261	0	40	0
Glenbeae	274	0	40	0
Glencadam	244	0	43	0
Glenellish	250	0	43	2
Glenfinnan	324	0	42	0
Glenmavis	266	0	38	0
Glenmavis	250	0	42	5
Glenmount	302	0	40	0
Glenstraven	274	0	41	6
Gogebic	275	0	40	4
C. H. Green	192	6	33	0
Gunana	345	0	44	2
Hall	102	8	22	5
Henry B. Hall	213	0	35	0
Stephen C. Hall	161	2	30	5
Harlow	194	0	35	0
Harriet B	283	0	38	6
F. E. Harvey	133	0	31	0
W. G. Hassler	144	0	35	0
W. A. Hazard	154	0	29	0
Charles Heden	160	0	35	0
Helen C	186	0	35	0
Hennepin	208	8	35	0
H. H. Hettler	210	0	34	7
Hickley	108	0	24	0
Ralph T. Holcomb	133	0	30	0
H. Houghton	128	0	27	0
W. Howard	225	2	37	8
Huronton	238	0	42	0
Huron City	167	3	29	0
Hesperia	150	0	28	0
Hydro	169	0	40	0
Imperial	162	4	28	5
Imperoyal	240	6	43	1
Inpoco	242	0	40	1
Iolia	215	9	36	4
Iowlite	250	0	43	0
Ioxoma	244	2	42	6
Adrian, Isolin	244	0	43	0
C. W. Jacob	208	0	41	0
Jedidah	208	7	35	9
H. N. Jay	160	4	28	5
Jupo	139	7	26	8
Chester B. Jones	167	0	30	3
Joses	90	9	24	0
Juniho	105	0	22	6
Kalkaska	178	0	36	9
Kelly Island	175	0	38	0
Harvey J. Kendall	141	7	31	0
Kenwa	249	9	40	6
Julius Kessler	251	0	43	7
J. B. Ketchum, 2d	148	0	34	8
Keybell	244	0	42	6
Key Port	250	8	42	5
Keyone	250	0	42	5
Keywest	250	0	43	5
Key West	250	8	42	5
George King	178	5	33	9

Freight vessels that could enter Dunkirk Harbor, etc.—Continued.

Name of vessel.	Length of keel.		Beam.	
	Ft.	in.	Ft.	in.
La Salle	266	0	38	0
Lakeland	240	0	39	0
Lake Michigan	135	0	23	9
Landbo	240	0	41	5
Langel Bayn	151	0	30	0
Simon Langel	195	4	34	6
Lewiston	272	0	38	0
Liberty	240	0	39	6
Linden	205	0	35	0
C. H. Little	144	0	28	0
John M. McKerchey	161	0	37	1
A. E. McKinstry	250	0	42	7
Pierce McLouth	173	6	30	7
A. McVittie	249	2	42	0
M. C. & M. C. No. 7	149	6	30	0
A. D. MacTier	244	0	43	0
Malahat	245	7	43	8
Malton	253	0	40	0
Manchester	281	0	41	0
Manola	249	7	40	2
Manistique	157	0	31	0
Maplebore	207	0	34	2
Maplebranch	231	0	35	6
Maplecourt	335	4	44	8
Mapledene	219	2	39	9
Mapleglen	241	0	40	0
Maplegurge	300	0	38	0
Maplegrange	191	0	34	0
Maplegreen	215	0	34	0
Maplegulf	174	0	32	6
Mapleheath	250	0	42	6
Maplehill	243	0	42	0
Mapleton	250	0	42	6
Marlcopa	405	0	48	5
Marigold	159	0	27	0
Marion	242	0	35	0
Marysville	160	0	35	0
Maggie Marshall	130	0	30	0
Samuel Marshall	198	0	34	0
Mary H	116	0	29	5
Matoaka	430	0	50	0
Samuel Mather	398	0	38	0
Mecosta	281	0	40	0
Fred Mercur	242	0	35	6
G. A. Mitchell	194	0	33	0
Samuel Mitchell	293	0	40	6
Wm. B. Morley	240	0	42	8
J. V. Morrow	246	0	41	0
Mueller	172	0	30	0
Niagaho	185	0	35	6
N. J. Nessen	149	0	37	0
Nevada	230	0	34	1
Niagara	296	0	42	0
Niko	180	0	35	0
John Oades	212	0	36	0
Oceanica	261	0	37	3
Ogemaw	162	6	30	0
Orinoco	295	0	44	0
Frank C. Osborn	155	0	37	0
John Otis	148	7	27	4
Overland	215	0	31	0
Pahlow	155	0	30	0
Parima	355	0	42	1
C. E. Parks	134	5	28	0
Pennsylvania	158	0	35	4
Penobscot	129	0	27	4
Pentland	192	5	35	6
T. P. Phelan	241	0	41	0
Quebec	295	0	40	0
F. J. Ralph	211	5	37	0
E. P. Recor	123	0	30	0
L. W. Robinson	244	0	43	0
Rock Ferry	235	3	37	2
John Rolph	159	6	37	8
Roumania	273	0	39	5
Royalite	250	0	43	0
Wm. Rudolph	145	0	23	8
John Ruger	216	0	35	0
Joseph L. Russell	121	0	25	0
Sachem	167	0	34	0
Sacramento	308	0	43	0
Saginaw	142	0	26	5
Sarnolite	250	0	43	0
Saskatoon	250	2	42	8
Philetus Sawyer	152	0	31	6
Wm. H. Sawyer	201	0	37	0
Scranton	200	0	38	0
Senator Derbyshire	220	0	40	0
Chas. H. Shaw	240	0	42	0
Shenandoah	308	0	43	0
F. A. Shores	178	0	35	0
M. Sicken	128	10	26	0
Simla	225	8	34	8
Sowards	119	6	25	4
W. R. Stafford	184	10	34	1
C. H. Starke	149	6	30	0
I. Watson Stephenson	172	0	35	0
S. M. Stephenson	166	0	33	0
Frank B. Stevens	146	0	28	0
Stormount	251	0	35	4
Sumac	160	0	30	0
Superior	138	0	30	5
Trentonian	251	0	43	6
United Lumbermen	199	0	31	6
Valeartier	154	0	44	0
Venezuela	265	0	42	8

Freight vessels that could enter Dunkirk Harbor, etc.—Continued.

Name of vessel.	Length of keel.		Beam.	
	Ft.	in.	Ft.	in.
Vinmount	246	8	36	0
J. H. Wade	266	0	38	0
R. C. Wente	141	0	30	0
Wesee	260	0	42	3
Westerian	210	0	32	0
Mathew Wilson	141	4	27	9
Windsor	242	0	41	0
Winnipeg	252	5	35	0
Winona	252	0	43	5
Wm. H. Wolf	285	0	42	0
Wotam	191	6	36	6
Yorkton	250	0	42	6
Zillah	201	8	37	0

Steam freight barges that could enter Dunkirk Harbor if breakwater were repaired and shoals removed.

Name of vessel.	Length of keel.		Beam.	
	Ft.	in.	Ft.	in.
Acacia	102	0	26	0
Acadia	150	0	26	5
A-D	147	0	30	1
Albion	110	0	22	8
Alice	120	7	25	8
Aloha	171	2	32	0
Abbie L. Andrews	136	0	26	0
Ark	175	6	35	6
Atlasco	218	0	33	6
Auger Antoine	151	0	26	0
Augustus	177	5	30	6
Aurora	200	0	41	0
M. S. Bacon	182	0	33	6
J. J. Barlum	194	0	40	8
B. L. Blackburn	122	1	24	1
Nelson Bloom	197	7	31	2
John B. Booth	113	0	24	2
Rhoda Bottsford	167	1	32	9
K. Brainard	169	8	30	0
E. E. Bremner	113	0	24	2
Brighton	179	6	34	7
Brightie	182	0	33	2
Brookdale	213	3	39	8
Belle Brown	124	6	27	4
Brunette	106	0	24	0
Burma	183	6	30	5
Richard Burns	178	0	32	6
J. Burstall	119	7	24	1
Myron Buttman	164	3	31	2
Bertie Calkins	134	0	28	0
W. S. Calvert	191	0	29	0
Fred Carney	152	2	30	4
Carrier	123	0	26	0
A. A. Carpenter	165	6	33	0
J. I. Case	208	0	34	6
Lyman Casey	136	0	26	0
Chattanooga	306	0	45	0
Chieftain	382	0	46	0
Cobalt	146	0	26	0
Cobourg	179	5	34	7
Condor	190	7	34	5
Mary Ellen Cook	118	0	25	6
Corisande	157	0	36	0
Ida Corning	168	0	31	3
Mike Corry	153	0	29	3
Cotsen	157	6	27	0
R. M. Cox	112	8	24	0
J. L. Crane	196	8	31	9
Crete	288	6	44	6
Cuba	168	7	25	6
Dwight G. Cutler	165	0	36	0
Cyrenian	135	0	26	0
Dakota	170	4	30	6
Lyman M. Davis	123	0	27	2
Geo. T. Davise	177	5	35	0
Dayton	184	2	30	0
Delaware	173	6	30	0
D. P. Dobbins	162	3	31	6
Dominion Coal Co. No. 7	170	0	34	0
Dorchester	148	5	27	1
Gougaldmac	235	4	38	6
Dunmore	182	5	34	0
Edgewood	191	1	36	8
Edith	130	0	27	0
J. R. Edwards	175	2	30	6
Empire	160	0	40	0
Empire No. 1	170	0	31	5
Frank D. Ewen	202	0	37	0
Ethel	158	0	27	9
Grace M. Filer	128	0	27	0
C. J. Fillmore	161	0	31	0
Edson Fitch	120	0	24	0
J. A. Francombe	180	0	36	0
Robert L. Fryer	175	0	33	0
Thomas Gawn	178	0	31	7
Genoa	168	9	34	1
F. A. George	200	6	35	4
Gladys, H.	211	0	34	8
Jeremiah Godfrey	177	0	34	8
Golden Age	278	0	37	8
Grampian	218	0	38	0
Grenada	247	0	41	0

Steam freight barges that could enter Dunkirk Harbor, etc.—Contd.

Name of vessel.	Length of keel.		Beam.	
	Ft.	in.	Ft.	in.
Grandee	197	2	38	5
Levi Grant	127	0	27	0
John Gray	110	0	23	0
Guido	114	0	24	0
Halstead	171	1	33	4
Hamilton	173	0	26	0
Do	212	0	41	0
Harriet, D	161	6	32	2
Ben Harrison	175	0	32	2
Harson	144	0	40	0
Hector	170	3	35	5
Helvetia	204	6	35	6
Hilda	160	0	30	0
Nelson C. Holland	187	6	31	8

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REED of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REED of New York. It may be of interest to Members of the House to know something of the volume of freight traffic on the Great Lakes. The statistics show that the passage of vessels through the Sault Ste. Marie Canals in the navigable season of 1895 amounted to a total of 15,062,580 short tons of freight, of which 70 per cent was carried by steamers. Of this total only 3.75 per cent was carried by Canadian vessels. In the season of 1918 the freight carried through the Sault Ste. Marie Canals was 85,680,327 short tons, of which 96 per cent was carried in steamers, and only 6 per cent of the whole was carried in Canadian vessels.

The Dunkirk Harbor is located about halfway between Erie and Buffalo, and is the only harbor of refuge for freight and passenger boats for a distance of 100 miles. In this connection it is interesting to note that the volume of shipments of grain and flour—mainly grain—which passes directly by the Dunkirk Harbor to the city of Buffalo, a distance of 41 miles, as shown by the receipts amounted in 1913 to 214,806,812 bushels. The shipments of grain that went into Buffalo during the year 1914 amounted to 185,061,619 bushels; and in the year 1915 the shipments amounted to 250,152,948 bushels; in 1916 the shipments amounted to 208,727,132 bushels; in the next year 163,031,322 bushels; and in 1918 they were 158,400,567 bushels.

The 1918 Canada Yearbook, published by the Dominion Government, states that the shipments of grain on Canadian vessels from Fort William and Port Arthur during the navigable seasons of 1917 and 1918 were: In 1917 a total of 198,455,258 bushels, of which 101,012,536 bushels went to Canadian ports and 97,422,722 bushels to American ports. In 1918 the total was 51,215,097 bushels, of which 50,830,272 bushels went to Canadian ports and 384,825 bushels to American ports. The Canada Yearbook fails to give any reason for the decrease from 1917 to 1918.

I mention this vast tonnage that passes the Dunkirk Harbor coming from the West to the East, because it shows the possibilities of developing commerce at the Dunkirk Harbor if the Government would maintain the breakwater, remove the shoals, and meet its responsibility so far as maintenance is concerned.

Aside from this, it has prevented certain industrial development and thus greatly injured the city and prevented the promotion of a large commerce at our port. You may be interested to know that two years ago an industry employing 600 men at high wages desired to locate on our lake front without one cent of cost to the city, provided we could give some assurance that the harbor would be maintained for lake traffic. This is a matter of personal knowledge, because I conducted the negotiations. Because of my failure to secure any assurance of cooperation from the Government, I was obliged to state to the officers connected with this industry that we could not meet this requirement. The development of the Dunkirk Harbor has always had the opposition of the railroad companies. It was only after a most bitter controversy that the people of the city were able to secure the water front from the grasp of the railroad company for the location of the present municipal dock. It has also been the policy of the railroads at Dunkirk, as elsewhere, to throttle every attempt to provide water transportation, and in view of the present high cost of transportation rates, our business men feel that we should not be prevented through lack of Government cooperation in utilizing our municipal dock and other facilities at this time.

The facts are quite clearly set forth in a recent letter from the Board of Commerce at Dunkirk, N. Y., a portion of which I shall ask permission to insert in the RECORD:

Due to the condition into which the Government has permitted our harbor to get, we have at present but little lake business outside of the boats, or fishing steamers, which make this harbor their home; but this business is one of no small importance. The C. J. Alexander concern handled last year the production of 23 steamers and gasoline boats, employing 100 men, and produced 1,237,645 pounds of fish valued at $62,229. The Desmond Fish Co. operates about 18 boats, most of them steamers, employs about 115 men, and from December 1, 1918, to November 30, 1919, produced 1,702,273 pounds of fish, valued at $106,982.23. Apart from what the employment of these 200 men mean to Dunkirk, of still more importance is the fact that in these days when the fishing problem and high cost of living is so vital, it should be seen to that this approximately 3,000,000 pounds of fish per annum should not be lost to the people of the United States, but the fishing companies inform us that their boats are battered and in constant danger in our harbor due to the dilapidation of the break wall, and that unless repairs are made this industry will have to be abandoned.

As to the commerce in our harbor: It is passing by us through no fault of ours nor through any indifference on the part of the navigation companies, but only because the Government has failed to back our efforts with reasonable help. The letters from the navigation companies will show you the interest felt by them in urging the present needed repairs.

In reply to the statement that there is no commerce at the city of Dunkirk, I wish to show how the water transportation companies feel with reference to this harbor. I respectfully submit letters from various transportation companies on this point.

The Cleveland & Buffalo Transit Co. writes as follows:

As you know, this company operates daily between Cleveland and Buffalo, passing in the vicinity of your harbor. In former years we had a remunerative business in and out of your harbor and might be glad to make it a port of call in the future, if the harbor is kept up and made safe. Also the Lake Excursion Co., of Buffalo, N. Y., has done considerable business between Buffalo and your city and would continue with good safe harbor facilities.

I therefore trust and hope you will be able to convince the committee at Washington to proceed with these repairs and improvements. I might also add that under certain weather conditions Dunkirk Harbor might prove valuable as a harbor of refuge.

The Great Lakes Transit Corporation makes this appeal:

Dunkirk is the only port between Erie and Buffalo on the American side. We feel deeply interested in the usability and availability of all the Lake ports along the chain of lakes, and are interested in having such ports available for business or safety, as the case may be.

We are informed that the breakwater at Dunkirk is in such bad condition that unless repaired now it is doubtful whether anything other than building anew will avail.

Trusting that you will give this your early and earnest attention, we remain.

Brown & Co., Lake Transportation, Buffalo, N. Y., write as follows:

As you are aware, Dunkirk is the only port between Buffalo and Erie on the American side. We, of course, being interested in the transportation business, are interested in the availability of all Lake ports along the chain of lakes and in having such ports available for business or safety.

We are also informed that the breakwater at the port of Dunkirk is in such deplorable condition that unless repairs are made it is doubtful whether there will be any new projects started, as there is not a satisfactory breakwater there.

We sincerely hope that you will give this matter your earnest and prompt consideration.

The Interlake Steamship Co., Buffalo, N. Y., express their views as follows:

It is of vital interest to us as well as the shipping interests of the Lakes that these repairs should be made at once, as well as making every effort to place a suitable depth of water at that point to meet the requirements of the fleet that is navigating the Great Lakes and destined to Buffalo. As a harbor of refuge as well as a port of entry, it deserves the attention of your committee.

WATER.

One of the leading industries in my home town is the Atlas Crucible Steel Co., the product of which goes to all parts of this country and abroad. This company is very desirous of water transportation for its products, and I quote from their letter with reference to the importance of immediate action in connection with the Dunkirk Harbor:

Dunkirk certainly needs a harbor, and it needs a good one. The present condition of the break wall is not such as to encourage lake commerce from this port. So far as our own company is concerned we want to say that we have large steel warehouses in Cleveland, Detroit, and Chicago, and in each of these cities we have customers whose tonnage purchases from us are very heavy. The present transportation facilities offered by the railroads are becoming most prolific sources of delay, inconvenience, and annoyance, and our company is virtually praying for the time to come when Dunkirk will be provided with adequate harbor facilities, so that our heavy tonnages of steel might be transported by water. If we had these aided facilities it might encourage extensions in our own plant and business, which otherwise we can hardly consider.

We can not think of anything at this time that is more imperative and essential to the future growth and prosperity of Dunkirk than the improvement of our harbor and the introduction of adequate lake service, which would inevitably follow. It would benefit not only Dunkirk, but it would be of paramount advantage to those large consumers of steel in Cleveland, Detroit, Chicago, and western points which draw upon us for their requirements of this important commodity.

We are certainly watching with interest the efforts you are putting forth in this connection, and hope that the legitimacy of your contentions for an improved harbor at Dunkirk will be recognized by the good people at Washington.

I would like to quote from a letter written by the manager of the United States Radiator Corporation, located at Detroit, Mich., with plants at Dunkirk, N. Y.; West Newton, Pa.; Geneva, N. Y.; Edwardsville, Ill.; Paola, Kans.; Detroit, Mich.; and Corry, Pa. He states as follows:

We use at our Dunkirk plant materials which might very profitably be carried by water. We secure pig iron from both Buffalo and Cleveland markets, and we secure sand in large quantities from Lake Michigan ports. We also ship finished materials to Detroit, Minneapolis, and Chicago. On all of this material we need very much to enjoy the benefit of lake rates. We therefore sincerely hope that the improvement will go through.

Supplementing this letter is one from the manager of the United States Radiator Corporation, located at Dunkirk, in which this statement is made:

We have at Dunkirk one of our largest plants for the manufacture of radiators for house heating. In the pursuit of our business we find it necessary to procure pig iron from both Buffalo and Cleveland markets, and we procure sand in large quantities from Lake Michigan points.

We also ship finished materials in carload quantities to Cleveland, Detroit, Minneapolis, and Chicago. On all this incoming and outgoing material we need very much to enjoy the benefit of lake rates or lake and rail rates. We are advised that the appropriation under consideration will complete the making of a real harbor at Dunkirk, which no doubt will become a port of entry to transportation lines seeking business.

We therefore sincerely hope that the improvement will go through.

Boland & Cornelius, lake transportation, write from Buffalo, N. Y., with reference to the importance of Dunkirk as a harbor of refuge:

For some time past we have realized the importance that should be given to Dunkirk Harbor as a harbor of refuge. The breakwater there now is in such a bad condition that if it is permitted to remain in its present state the value of it will be entirely destroyed and the Government, at some future time, will be obliged to spend a far greater sum of money than would be necessary at the present time.

With the increasing commerce of the Lakes, there is no question but that, in a short time, if the Government sees fit to improve this harbor at Dunkirk, a large amount of shipping would be done at that port. It has great advantages for a large shipbuilding or steel plant, and this can not be nor will it be entertained unless the Government does its share in the improvement of this harbor.

We respectfully urge that you use your influence for this important project.

A letter received from the Commercial Machine Co., of Dunkirk, N. Y., written prior to the damage done by this recent storm, sets forth the facts with reference to the breakwater, which I will read:

Referring to the condition of the break wall in the Dunkirk Harbor. One of the bad places is just opposite our shop on West Front Street. This wall gets the incoming seas in the winter very hard. The poles supported by trolley wires are just at the edge of the bank now. Two years ago they were fully 6 feet within the edge of the bank. If the storms this winter are as severe as those of last winter I expect to see from 4 to 8 feet of West Front Street scattered over the harbor. It looks to us as if the break wall should be repaired at the earliest possible moment, as continual wearing away of the bank will not only fill up the harbor but carry away the poles on West Front Street.

A storm previous to this last great storm in December tore away the poles referred to in this letter and destroyed 160 street lights along the street, which is one of the main traveled thoroughfares in our city and the only direct route along the lake front for through highway traffic from Chicago to Buffalo.

It seems to me that the Government is under a moral obligation to maintain the harbor in view of the large expenditure made by the city in the erection of the municipal dock. The city should be permitted to carry out its plans to develop commerce at this port and not be told repeatedly each year that it has no commerce, when it is obvious that there can be no large volume of shipments because the Government has permitted certain portions of the harbor to shoal. This failure also to maintain the breakwater leaves all ships that enter the harbor exposed to every severe storm that visits that locality.

There is another obligation resting on the Government, and that is to maintain the breakwater and an open channel so that boats in distress may use it as a harbor of refuge. It may be of interest to the Members to know that in 1917 there were 20 ships lost on the Great Lakes, representing a total of 24,086 gross tons; in 1918, 21 ships, of 21,035 gross tons. The loss during the season of 1919 amounted to 18 ships, which represents a gross tonnage of 20,485. When the Government placed a lighthouse at Dunkirk, it realized that this harbor afforded the best chance for rescue of ships in distress anywhere between the city of Erie and the city of Buffalo. This last fall during a heavy storm one of the tugs left the harbor under most adverse conditions because of the condition of the breakwater, went out to a foundering ship, and saved every person on board except one. It is unfair under the plea of economy to expose the lives of passengers and crews to the fury of the storms when a small expenditure would make the Dunkirk Harbor a safe refuge in case of threatened disaster. The importance of Dunkirk as a harbor of refuge is supported by many letters from lake transportation companies, and without taking more of your time I will quote from a letter from

Boland & Cornelius, engaged in lake transportation, who stress this point in their letter, a portion of which I wish to quote:

For some time past we have realized the importance that should be given to Dunkirk Harbor as a harbor of refuge. The breakwater there now is in such a bad condition that if it is permitted to remain in its present state the value of it will be entirely destroyed and the Government at some future time will be obliged to spend a far greater sum of money than would be necessary at the present time.

With the increasing commerce of the lakes, there is no question but that in a short time, if the Government sees fit to improve this harbor of Dunkirk, a large amount of shipping would be done at that port. It has great advantages for a large shipbuilding or steel plant, and this can not be nor will it be entertained unless the Government does its share in the improvement of this harbor.

We respectfully urge that you use your influence for this important project.

The Clerk read as follows:

Expenditures for carrying out the provisions of this act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate.

Mr. HULL. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HULL: Page 102, line 24, after the word "rate," insert a new paragraph:

"That no part of the appropriations made in this act shall be available for the salary, or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job or of any such employee between the starting and completion thereof, or the movements of any such employee while engaged upon such work, nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. ANTHONY. Mr. Chairman, I reserve the point of order.

Mr. NOLAN. Had we not better have the point of order settled at this time?

Mr. HULL. Yes. What is the point of order?

Mr. ANTHONY. Mr. Chairman, I make the point of order that it is not germane and that it is new legislation.

Mr. HULL. Mr. Chairman, it has been on the appropriation bill for nearly 10 years. It has been carried on the military bill and on the naval bill and on the fortifications bill for nearly 10 years. The point of order has been decided some 30 times.

Mr. NOLAN. Mr. Chairman, I think the amendment offered by the gentleman from Iowa is clearly in order. It has been on every Army and Navy bill since 1914 and also on the fortifications bill when that bill was reported as an independent appropriation bill. This is the so-called stop-watch provision. It has been held in order repeatedly, and I am surprised that the chairman of this subcommittee makes the point of order. He knows as well as any Member of the House that the matter has been held in order time after time by the chairmen of the various committees.

The CHAIRMAN. The Chair is ready to rule. Whatever the opinion of the Chair might have been if this were being brought up for the first time, he feels bound by the precedents and practices in ruling upon this and similar amendments. The Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Miss ROBERTSON. Mr. Chairman, I ask unanimous consent to return to page 105 for the purpose of offering an amendment.

The CHAIRMAN. The lady from Oklahoma asks unanimous consent to return to page 105 for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, what is the amendment?

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Amendment proposed by Miss ROBERTSON: Page 105, between lines 19 and 20, insert the following new paragraph:

"For reconditioning the road from Fort Gibson, Okla., to the Fort Gibson National Cemetery, Okla., $20,000."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Miss ROBERTSON. Mr. Chairman, after strife comes peace. After the soldier's life, for many a grave in some quiet national cemetery. Such a quiet resting place for more than 3,000, nearly 400 of whom are "unknown dead," is the old cemetery at Fort Gibson, a pioneer fort of more than a hundred years ago, then one of the border chain of military posts, and so far remote as to be a place of banishment. Jefferson Davis, an ambitious young lieutenant, was punished by exile there for his daring in aspiring to the hand of the fair Betty Taylor, and through weary months of lonely brooding over what he felt was wrong and injustice, he perhaps was planning his future career as he rode the Fort Gibson trails in his cavalry drills or Indian scouting.

Not in the officers' plat but one in the long line of modest stones bearing names of Indians who followed the Stars and Stripes in the sixties is one placed for Billy Bowlegs, one of the intrepid band of Seminoles driven from the Florida Everglades, who turned against the South that banished him, strangely fighting and dying under the flag he had fought, as later men of the South fought and died under the Stars and Stripes in the Spanish-American War.

Within the past year and a half 20 men of the World War have found their final resting place in this historic, sacred ground. The road leading from the old abandoned post is a mere rough trail. It must be reconditioned. The Army owns it, but there is no appropriation. Therefore I ask you, against whose proposed millions of appropriations I have so consistently voted, to give this $20,000.

Talking on "the bonus bill" many of you had much to say about our men who gave all. I can not talk about them. I bade them good-by and "Godspeed" with a smile on my face, but you know the grief under the smile; you said "good-bys," too, and you followed them with hope and love and prayer. You have stood with bowed head and tear-filled eyes when "taps" were sounded over the open grave.

Over this rough trail was borne a few days ago the body of a gallant soldier who carrying dispatches in the Argonne was wounded and gassed. He made as brave a fight for life as he had made for his country, but it was a losing fight away from home in a distant hospital. Our country tried to save him. You know not one of us here but would take the last dollar in the Treasury if necessary to care for our wounded and helpless World War veterans, but all that could be done was vain. He sleeps where the sod is already green over his comrades and where the mocking birds unceasingly trill from the great trees that shade them.

On Decoration Day the Boy Scouts, growing up into earnest loyal citizens, will lead the procession over this rough trail with the martial dirge of their fife and drum. Then will follow the World War men, the Spanish War veterans, the National Guard, and if the trail after the spring rains is not too rough the little handful of Boys in Gray and Boys in Blue of the War between the States. There will be patriotic music and speeches. Sombrely clad widows and gold-star mothers will bedew with tears the flowers they so tenderly strew, and white-robed maidens will place the little flags and scatter blossoms over the grassy mounds of a century's dead. Outside the walls the patriotic women workers in war days, ministers of help and comfort in peace because they have not forgotten war, will serve the veterans of all the wars with coffee and sandwiches.

I have trailed over that rough road in the final journey of my own kindred for whom this year I may not strew flowers. I know the pain of that rude jostling on the way. Will not you give us the money—the $20,000—for this road? [Applause.]

SEVERAL MEMBERS. We will.

The CHAIRMAN. Without objection, the amendment of the lady from Oklahoma will be considered as pending, and the question is on the amendment.

The question was taken, and the amendment was agreed to. [Applause.]

The Clerk read as follows:

The following unexpended balances or portions of unexpended balances or combined unexpended balances or combined portions of unexpended balances of appropriations for the support of the Military Establishment and for other purposes shall be carried to the surplus fund and be covered into the Treasury immediately upon the approval of this act: Arming and equipping the militia, $178,129.90; field artillery for Organized Militia, $549.84; temporary office building, War Department, $4,907.10; military posts, Schofield Barracks, Hawaii, $856.00; transportation for refugee American citizens from Mexico, $50,846.09; transportation to China of Chinese refugees, $31,165; memorial archway at Vicksburg, Miss., $500; National Memorial Celebration and Peace Jubilee, Vicksburg, Miss., $23,229.63; medals for officers, men, etc., of National Guard, War with Spain, and Mexican border service, $207.87; equipping Army transports with lifeboats and rafts, $2,218.08; exchange of Army cold-storage plant, Chicago, Ill., $500; supply depot, Fort Sam Houston, Tex., $1,017.49; Army supply depot, Fort Mason, Calif., $2.04; road to national cemetery, Salisbury, N. C., $235.09; Signal Service of the Army, $407.10; repair and restoration of defenses of Galveston, Tex., $1,797.81; sea walls and embankments, Panama Canal, $3,270.99; land defenses, Panama Canal, $1,165.30; terminal storage and shipping buildings, $21,440.43; armament of fortifications, act of February 28, 1920, $2,619; proving ground, Sandy Hook, N. J., $93,538.09; ordnance depot, Panama Canal, $35,980.22; storage facilities at armories and arsenals, $1.45; automatic rifles, $2,439.20; ordnance depot, Honolulu, Hawaii, $42.68; Army powder factory, $2.40; international rifle competition, Camp Perry, Ohio, $2,202.38; inland and port

storage and shipping facilities, $2,000,000; radiodynamic torpedoes, [illegible] Frankford Arsenal, Philadelphia, Pa., $165,777.64; Picatinny Arsenal, Dover, N. J., $[illegible]; Rock Island Arsenal, Rock Island, Ill., $[illegible]; San Antonio Arsenal, San Antonio, Tex., $3,723.31; Springfield Arsenal, Springfield, Mass., $1,945.01; Watervliet Arsenal, West Troy, N. Y., $2,257.62; Watertown Arsenal, Watertown, Mass., $[illegible]; total appropriations recovered, $3,694,944.95.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman as to terminal storage and shipping building, in lines 7 and 8, $21,600.42.

Mr. ANTHONY. What page?

Mr. GRAHAM of Illinois. Page 104.

Mr. ANTHONY. Lines 7 and 8?

Mr. GRAHAM of Illinois. Yes.

Mr. ANTHONY. I can tell the gentleman by looking into the matter just what terminals and storage buildings are referred to. I think it refers to terminal and storage buildings authorized during the war, and this is the unexpended balance.

Mr. GRAHAM of Illinois. That is what I would like to know, whether we are still expending money on projects like that at Charleston, S. C., and Brooklyn, N. Y.

Mr. ANTHONY. I will state that the object of the committee in making the investigation was to see what we could find out about sums appropriated for the War Department in past years and still available for expenditure and not expended and put them back into the Treasury, so that Congress would know from now on just what it was doing. That was our idea in assembling all of these unexpended balances, which total some $3,000,000 and more, and putting them back in the Treasury.

Mr. GRAHAM of Illinois. Is there anyone who can tell me now just where this comes from?

Mr. ANTHONY. What does the gentleman want to know?

Mr. GRAHAM of Illinois. Mr. Chairman, I do not like to take up the time of the committee, but I wish the chairman of the subcommittee would extend his remarks on this question and give this information as to where this comes from.

Mr. ANTHONY. We have in the files of the committee a list of these different items with the date of appropriation and how long the appropriation would still be available, and so forth. Most of them are available until expended, but we went very carefully over the entire list with the Chief of Finance and agreed with him that this amount should be turned back into the Treasury. We thought it unwise that this amount of money should remain available for expenditure for objects of which Congress had probably lost track.

Mr. GRAHAM of Illinois. If the matter is not too long I would ask the gentleman to insert it in the RECORD.

Mr. ANTHONY. If the gentleman will come to the committee room we can give the information to him.

Mr. GRAHAM of Illinois. I withdraw the pro forma amendment.

Mr. ANTHONY. Mr. Chairman, has the Clerk read the title of the next item?

The CHAIRMAN. The title has been read.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 10871 had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXVI, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2681. An act granting a pension to Marie Doughty Gorgas; to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNBAR, for six days, on account of business.

To Mr. ARMOUR, for six days, on account of official business.

To Mr. REED of New York, for six days, on account of business.

Mr. QUIN. Mr. Speaker, I would like to have leave of absence in order that I may go with the Military Committee to Muscle Shoals, to be back Friday.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for leave of absence until Friday. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Miss ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the appropriation bill which has been under consideration to-day.

The SPEAKER. The lady from Oklahoma asks unanimous consent to extend her remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, after the conclusion of the consideration of the bill now before the House, it is the intention of the chairman of the Ways and Means Committee to call up for consideration Senate joint resolution 160, authorizing the extension for a period of time the payment of the principal and interest of the Austrian debt incurred in the purchase of flour. It will probably take but a short time to dispose of it.

Mr. GARRETT of Tennessee. Will the gentleman yield in connection with that?

Mr. MONDELL. I yield.

Mr. GARRETT of Tennessee. A point of order was reserved on the resolution. I think it is a matter of some importance to be considered before it is called up, as to whether or not the resolution is privileged. I venture, if the gentleman will permit, to state now the idea that is in my mind.

Mr. MONDELL. I simply refer to that resolution for the purpose of submitting a unanimous-consent request, namely, that following the consideration of the resolution, if the Committee on Ways and Means should call it up, we may take up for consideration under the rules of the House applicable thereto the bill H. R. 10884, to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and so forth.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. MADDEN. Reserving the right to object, would that interfere with the possible consideration of the naval appropriation bill on Wednesday?

Mr. MONDELL. I think not. It will be disposed of before that time.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. WALSH. In what shape will the gentleman's request be if the point of order be sustained that the resolution in regard to the Austrian debt is not privileged?

Mr. MONDELL. Consideration of the Austrian resolution, if it is brought up. Of course, if it is held out of order, this bill would then be considered.

Mr. WALSH. It would not follow it then.

Mr. MONDELL. If the gentleman, who seems to take a different view, can suggest some way different in which I can present a request that after the Austrian debt resolution is disposed of, one way or another, we can consider the other bill——

Mr. WALSH. I am not criticizing the form in which the gentleman presented his request, but I presume he wanted the hospital bill considered, and in the form in which he stated his request, if the Austrian resolution is held not privileged, the hospital bill would not come up for consideration.

Mr. MONDELL. It seems to be a little difficult to present these requests so that gentlemen understand them. I think I made that very plain, that after we have disposed of the Austrian resolution one way or another, either by considering it or by deciding not to consider it, we can take up the other bill.

Mr. GARNER. Why does not the gentleman ask unanimous consent that this bill may be in order to call up at any time under the rules of the House? Then you have got a privileged status.

Mr. MONDELL. If that pleases the gentleman better——

Mr. KING. Mr. Speaker, reserving the right to object, the gentleman from Illinois [Mr. MADDEN] suggested that this would not interfere with the taking up of the naval bill on Wednesday. I would like to ask the gentleman from Wyoming if it is his intention to suspend Calendar Wednesday next week?

Mr. MONDELL. I think we ought to do that, although the request that I have made does not involve that question; I think we ought to do it, because the naval bill will be ready for consideration, and I think ought to be considered.

Mr. KING. Will there be an opportunity for Calendar Wednesday within the near future?

Mr. MONDELL. Very soon. We hope to consider the matter the gentleman is interested in.

Mr. Speaker, I ask unanimous consent that the hospital bill be given a privileged status.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill referred to be given a privileged status. Is there objection?

Mr. RAYBURN. Reserving the right to object, is that the bill that is going to turn over this hospitalization to the Veterans' Bureau?

Mr. MONDELL. The gentleman, I think, knows what the bill contains. I suppose there will be some difference of opinion in regard to the provisions of the bill. We are simply asking an opportunity for its consideration.

Mr. RAYBURN. I do not see any majority members of the Committee on Interstate and Foreign Commerce here who have handled most of the matter.

Mr. MONDELL. I have talked the matter over with the members of the committee and they are all very anxious to have the bill considered at the earliest possible date.

Mr. RAYBURN. Well, they did not talk that way to me. But it is all right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, the question in connection with this Austrian loan resolution that I think deserves the very thoughtful consideration of the Members of the House is this: If it be a privileged bill, it is privileged because it is a revenue proposition, coming within the constitutional provision and the provision of the rule. Now, if it be a revenue bill, it has originated in the wrong body under the Constitution.

LEAVE OF ABSENCE.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the members of the Committee on Military Affairs who are going to Muscle Shoals may be absent five days on official business.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the members of the Committee on Military Affairs may be excused for five days on official business. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned until Monday, March 27, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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By Mr. BELL: A bill (H. R. 11055) to increase salaries of certain officials in the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Idaho: A bill (H. R. 11056) to provide for the grant to the city of Boise, in the State of Idaho, the use of a certain part of the Boise Barracks Military Reservation under certain conditions; to the Committee on Military Affairs.

By Mr. KELLER: A bill (H. R. 11057) to abolish capital punishment in the District of Columbia; to the Committee on the District of Columbia.

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By Mr. CURRY: Joint resolution (H. J. Res. 294) defining the status of Lieut. Col. Frederick Mears as a commissioned officer in the United States Army; to the Committee on the Territories.

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PRIVATE BILLS AND RESOLUTIONS.

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By Mr. ROBSION: A bill (H. R. 11063) granting a pension to Silas G. Burkett; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 11064) granting a pension to Margaret V. Bartlett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4832. By Mr. DAVIS of Tennessee: Resolution adopted by the citizens of Lawrence County, Tenn., held in the city of

storage and shipping facilities, $2,000,000; radiodynamic torpedoes, $720,000; Frankford Arsenal, Philadelphia, Pa., $165,777.64; Picatinny Arsenal, Dover, N. J., $92,824.11; Rock Island Arsenal, Rock Island, Ill., $243,354.04; San Antonio Arsenal, San Antonio, Tex., $3,723.31; Springfield Arsenal, Springfield, Mass., $1,946.01; Watervliet Arsenal, West Troy, N. Y., $2,237.62; Watertown Arsenal, Watertown, Mass., $5,788.56; total appropriations recovered, $3,694,944.95.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman as to terminal storage and shipping building, in lines 7 and 8, $21,440.43.

Mr. ANTHONY. What page?

Mr. GRAHAM of Illinois. Page 104.

Mr. ANTHONY. Lines 7 and 8?

Mr. GRAHAM of Illinois. Yes.

Mr. ANTHONY. I can tell the gentleman by looking into the matter just what terminals and storage buildings are referred to. I think it refers to terminal and storage buildings authorized during the war, and this is the unexpended balance.

Mr. GRAHAM of Illinois. That is what I would like to know, whether we are still expending money on projects like that at Charleston, S. C., and Brooklyn, N. Y.

Mr. ANTHONY. I will state that the object of the committee in making the investigation was to see what we could find out about sums appropriated for the War Department in past years and still available for expenditure and not expended and put them back into the Treasury, so that Congress would know from now on just what it was doing. That was our idea in assembling all of these unexpended balances, which total some $3,000,000 and more, and putting them back in the Treasury.

Mr. GRAHAM of Illinois. Is there anyone who can tell me now just where this comes from?

Mr. ANTHONY. What does the gentleman want to know?

Mr. GRAHAM of Illinois. Mr. Chairman, I do not like to take up the time of the committee, but I wish the chairman of the subcommittee would extend his remarks on this question and give this information as to where this comes from.

Mr. ANTHONY. We have in the files of the committee a list of these different items with the date of appropriation and how long the appropriation would still be available, and so forth. Most of them are available until expended, but we went very carefully over the entire list with the Chief of Finance and agreed with him that this amount should be turned back into the Treasury. We thought it unwise that this amount of money should remain available for expenditure for objects of which Congress had probably lost track.

Mr. GRAHAM of Illinois. If the matter is not too long I would ask the gentleman to insert it in the RECORD.

Mr. ANTHONY. If the gentleman will come to the committee room we can give the information to him.

Mr. GRAHAM of Illinois. I withdraw the pro forma amendment.

Mr. ANTHONY. Mr. Chairman, has the Clerk read the title of the next item?

The CHAIRMAN. The title has been read.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 10871 had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXVI, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3999. An act granting a pension to Marie Doughty Gorgas; to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNBAR, for six days, on account of business.

To Mr. ATMON, for six days, on account of official business.

To Mr. RIEE of New York, for six days, on account of business.

Mr. QUIN. Mr. Speaker, I would like to have leave of absence in order that I may go with the Military Committee to Muscle Shoals, to be back Friday.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for leave of absence until Friday. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Miss ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the appropriation bill which has been under consideration to-day.

The SPEAKER. The lady from Oklahoma asks unanimous consent to extend her remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, after the conclusion of the consideration of the bill now before the House, it is the intention of the chairman of the Ways and Means Committee to call up for consideration Senate joint resolution 160, authorizing the extension for a period of time the payment of the principal and interest of the Austrian debt incurred in the purchase of flour. It will probably take but a short time to dispose of it.

Mr. GARRETT of Tennessee. Will the gentleman yield in connection with that?

Mr. MONDELL. I yield.

Mr. GARRETT of Tennessee. A point of order was reserved on the resolution. I think it is a matter of some importance to be considered before it is called up, as to whether or not the resolution is privileged. I venture, if the gentleman will permit, to state now the idea that is in my mind.

Mr. MONDELL. I simply refer to that resolution for the purpose of submitting a unanimous-consent request, namely, that following the consideration of the resolution, if the Committee on Ways and Means should call it up, we may take up for consideration under the rules of the House applicable thereto the bill H. R. 10864, to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and so forth.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. MADDEN. Reserving the right to object, would that interfere with the possible consideration of the naval appropriation bill on Wednesday?

Mr. MONDELL. I think not. It will be disposed of before that time.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. WALSH. In what shape will the gentleman's request be if the point of order be sustained that the resolution in regard to the Austrian debt is not privileged?

Mr. MONDELL. Consideration of the Austrian resolution, if it is brought up. Of course, if it is held out of order, this bill would then be considered.

Mr. WALSH. It would not follow it then.

Mr. MONDELL. If the gentleman, who seems to take a different view, can suggest some way different in which I can present a request that after the Austrian debt resolution is disposed of, one way or another, we can consider the other bill——

Mr. WALSH. I am not criticizing the form in which the gentleman presented his request, but I presume he wanted the hospital bill considered, and in the form in which he stated his request, if the Austrian resolution is held not privileged, the hospital bill would not come up for consideration.

Mr. MONDELL. It seems to be a little difficult to present these requests so that gentlemen understand them. I think I made that very plain, that after we have disposed of the Austrian resolution one way or another, either by considering it or by deciding not to consider it, we can take up the other bill.

Mr. GARNER. Why does not the gentleman ask unanimous consent that this bill may be in order to call up at any time under the rules of the House? Then you have got a privileged status.

Mr. MONDELL. If that pleases the gentleman better——

Mr. KING. Mr. Speaker, reserving the right to object, the gentleman from Illinois [Mr. MADDEN] suggested that this would not interfere with the taking up of the naval bill on Wednesday. I would like to ask the gentleman from Wyoming if it is his intention to suspend Calendar Wednesday next week?

Mr. MONDELL. I think we ought to do that, although the request that I have made does not involve that question; I think we ought to do it, because the naval bill will be ready for consideration, and I think ought to be considered.

Mr. KING. Will there be an opportunity for Calendar Wednesday within the near future?

Mr. MONDELL. Very soon. We hope to consider the matter the gentleman is interested in.

Mr. Speaker, I ask unanimous consent that the hospital bill be given a privileged status.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill referred to be given a privileged status. Is there objection?

Mr. RAYBURN. Reserving the right to object, is that the bill that is going to turn over this hospitalization to the Veterans' Bureau?

Mr. MONDELL. The gentleman, I think, knows what the bill contains. I suppose there will be some difference of opinion in regard to the provisions of the bill. We are simply asking an opportunity for its consideration.

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The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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There was no objection.

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Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

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Lawrenceburg, asking that Henry Ford's Muscle Shoals offer be accepted; to the Committee on Military Affairs.

4833. By Mr. GALLIVAN: Petition of the Boston Chamber of Commerce, opposing any action which will deprive the Interstate Commerce Commission of the power to remove unjust discrimination against interstate commerce brought about by the action of State railroad or public utility commissions; to the Committee on Interstate and Foreign Commerce.

4834. By Mr. KISSEL: Petition of Metropolitan Post, Disabled Emergency Officers of the World War, of New York City, N. Y., urging passage of Senate bill 1565; to the Committee on Military Affairs.

4835. Also, petition of the Federal Council of the Churches of Christ in America, of New York City, N. Y., urging relief for Austria; to the Committee on Foreign Affairs.

4836. Also, petition of the American Industrial Leaders' Association of Harrisburg, Pa., relative to certain legislation; to the Committee on the Judiciary.

4837. By Mr. MEAD: Resolutions adopted at a mass meeting assembled in the Clermont Avenue Rink, Borough of Brooklyn, New York City, relative to the strength of the Navy and naval factories; to the Committee on Naval Affairs.

4838. Also, resolutions adopted by the Grand Army of the Republic of Kings County, Department of New York, relative to pensions and the payment of pensions to Civil War veterans; to the Committee on Invalid Pensions.

4839. Also, petition of the Barbers' Supply Dealers' Association of America, protesting against paragraph 258 of House bill 7456, the tariff bill; to the Committee on Ways and Means.

4840. Also, petition of Metropolitan Post, Disabled Emergency Officers of the World War, of New York City, urging the passage of Senate bill 1565, making eligible for retirement, under certain conditions, emergency officers of the World War; to the Committee on Military Affairs.

4841. By Mr. TOWNER: Petition of Alfred Osterland, jr., and 844 other citizens of Brooklyn, N. Y., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4842. By Mr. WATSON: Resolution passed by Pottstown Council, No. 78, Sons and Daughters of Liberty, located at Pottstown, Pa., favoring the Towner bill; also resolution passed by Ardmore Council, No. 86, Sons and Daughters of Liberty, located at Ardmore, Pa., favoring the Towner bill; also resolution passed by Fidelity Council, No. 39, Sons and Daughters of Liberty, located at Ambler, Pa., favoring the Towner bill; to the Committee on Education.

4843. By Mr. YOUNG: Petition of Mrs. Ira Heidelbaugh, of Pleasant Lake, N. Dak., and 56 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4844. Also, petition of the Indiana Bankers' Association, urging Congress to pass House bill 9050; to the Committee on Banking and Currency.

SENATE.

MONDAY, *March 27, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SUPPLEMENTARY FOUR-POWER TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of Executive O, the four-power supplementary agreement.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the agreement submitted by the President of the United States between the United States, the British Empire, France, and Japan supplementary to the treaty between the same four powers relating to their insular possessions and their insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Cameron	Cummins	Fletcher
Ball	Capper	Dial	France
Borah	Caraway	Edge	Gerry
Bursum	Colt	Ernst	Gooding
Calder	Culberson	Fernald	Hale
Harris	McNary	Rawson	Underwood
Harrison	Moses	Robinson	Wadsworth
Hitchcock	Nelson	Sheppard	Walsh, Mass.
Jones, Wash.	New	Shields	Warren
Kellogg	Oddie	Simmons	Watson, Ga.
Keyes	Overman	Spencer	Weller
King	Page	Stanley	Williams
La Follette	Phipps	Sterling	Willis
Lenroot	Pittman	Sutherland	
Lodge	Poindexter	Townsend	

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are engaged in the work of the Committee on Finance.

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty-eight Senators having answered to their names, there is a quorum present.

Mr. HITCHCOCK. Mr. President, on Saturday I gave way somewhat before I had finished in order that the Senator from Louisiana [Mr. RANSDELL] might make his address. I merely wish to conclude now by drawing attention to some additional confusion which has arisen with regard to the treatment of the treaties.

I do not know whether those in charge of the treaties will so consider it, but it seems to me it is rather unusual for such a radical difference to exist between the President of the United States and the Secretary of State on these documents. There exists a difference almost as notable as existed in the interpretation of the four-power treaty itself, when the President of the United States interpreted it as not applying to the Japanese mainland, whereas his Secretary of State declared emphatically that it was drawn for the purpose of including within its terms the Japanese mainland.

Now, I call attention to the difference which exists at the present time between the President of the United States and the Secretary of State with regard to these treaties. The Secretary of State, when the treaties were turned over by him and formally reported, declared that they were six in number. The President of the United States, when he came before the Senate and presented the treaties to us, declared that they were seven in number, and when he declared that they were seven in number, as will be seen on page 10 of the printed document, he invited the prompt approval of all of them. He did not invite the approval of six of them, but all of them, and all of them, as listed by the President of the United States, certainly included the declaration which the Senate on Friday entirely ignored.

Not only that, but on page 11 of the President's address it appears that the President said:

> If to all of these the Senate will not advise and consent, then it will be futile to try again.

Evidently the President must have included in that the declaration which the Senate ignored on Friday last.

But while the President of the United States thus referred to the treaties as seven in number, his Secretary of State, when he compiled them for transmission to the Senate of the United States, treated them as only six in number, and he bound up with the document itself the declaration which relates to the four-power treaty. I did not personally examine the official manuscript. When I applied to the executive clerk of the Senate to examine it, I found that it had already been returned to the White House, and therefore neither the four-power treaty nor the declaration which Secretary Hughes says is a part of it and which the President says is a separate treaty can be found within the possession of the Senate at the present time.

This is rather a startling situation, the Chief Executive of the United States declaring that the declaration is a separate treaty, his Secretary of State declaring that it belongs to and is a part of the four-power treaty, one declaring that there are six treaties and the other declaring that there are seven treaties, and the leader of the Republican majority of the Senate declaring that the declaration is not even a part of the four-power treaty. Here is the President of the United States signifying that it is a separate treaty. Here is the Secretary of State giving it to us as a part of the four-power treaty. Here is the Republican leader on the floor of the Senate declaring that it is not even a part of the four-power treaty and has not the dignity of a treaty at all; that it was not signed officially by the representatives of the United States nor by the representatives of any other country. He declares that the interpretation which they therein expressed was not official but was merely personal, until his attention is drawn to the fact that in making the interpretation they do not assert

that it is their interpretation, but do assert that it is the interpretation of the signatory powers themselves.

I do not know what can be done about this matter, but it seems to me that it has developed into a condition of confusion worse confounded. Are you going to treat them as seven treaties in accordance with the President's statement made here before the Senate, or are you going to treat them as six treaties according to the statement made by the Secretary of State? If you treat them as seven treaties you must make a separate ratification of the declaration, and, in order to do that you have got to tear asunder the document which the Secretary of State sent here and which has now been returned to the White House. On the other hand, if you fail to treat the declaration as worthy of the consideration of the Senate, what becomes of the President's official communication to the Senate that it is a treaty?

Mr. HARRISON. Will the Senator permit an interruption?

Mr. HITCHCOCK. Certainly.

Mr. HARRISON. The Senator may have alluded to it, but I notice that Senate Document 125, which, I think, was made a Senate document on motion of the Senator from Massachusetts [Mr. LODGE], includes all of the treaties. Senators will notice that on the second page the declaration accompanying the four-power treaty is listed as No. 4 among the seven treaties mentioned.

Mr. HITCHCOCK. Yes; and that adds another to the complications of the situation. That official manuscript was sent to the Senate and was the document which was acted upon. What Senators read and examined and what was ratified apparently, or nominally at least, by the vote of the Senate, is designated as Executive N. The resolution of ratification states:

> That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, subject to the following reservation and understanding.

That is, what was ostensibly ratified by the action of the Senate on Friday. This is "Executive N"; and before the ratification resolution was attached to it, and just ahead of the resolution of ratification, appears this declaration, which was a part of the treaty, according to the Secretary of State, and was bound with the official copy of the treaty which was sent to the Senate, and it has gone back to the White House as a part of the official copy of the treaty for the President's act of ratification.

I do not know how the Senate is going to untangle that situation or whether the Senator from Massachusetts is going to adopt the strong-arm method of simply letting the thing go as it is now with all of these doubts and contradictions and inconsistencies attached to it. I will venture to say that this is the first time in the history of any deliberative body or of any body authorizing ratification where such a tangle has developed in the final act of ratification of a most important and controverted document.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. I should like to ask the Senator whether he still contends that if it was a part of the treaty it was not ratified by the resolution of ratification?

Mr. HITCHCOCK. That is my view.

Mr. LENROOT. Will the Senator point out any rule that was violated in the consideration of the treaty, assuming that the declaration was included in the resolution of ratification?

Mr. HITCHCOCK. I do not think it is necessary for me to point that out. If the Senator from Wisconsin proposes deliberately before an intelligent country to take the position that the Senate of the United States may ratify a treaty without reading it, I have not any controversy with him. I am willing to submit that to the intelligence of the country. If the Senator from Wisconsin wants, on his responsibility as a Senator, to take the position here that there is a valid and proper ratification of the treaty without reading it, he is welcome to that opinion. I stand my ground that it is beneath the dignity and beneath the honesty of a legislative body to pretend that it has ratified a document when it has not even read it.

Mr. LENROOT. Is the Senator from Nebraska prepared to state that the declaration was not read by the Secretary of the Senate?

Mr. HITCHCOCK. I have not as yet heard any controversy on that subject. I noticed the omission of its reading at the time.

Mr. LENROOT. I suggest that is quite important in view of the statement which the Senator makes.

Mr. HITCHCOCK. It might be.

Mr. LENROOT. I wish, further, to ask the Senator whether there was any offer of an amendment or any request for further consideration when, under the rules of the Senate, it was open to consideration.

Mr. HITCHCOCK. The matter was called by me to the attention of the Senate when there still remained time to act.

Mr. LENROOT. Not without violating the rule of the Senate. The Senator will remember the treaty had passed the stage of amendment, it had passed the stage of reservation, when the Senator called the attention of the Senate to the matter.

Mr. HITCHCOCK. It had not been submitted for amendment.

Mr. LENROOT. The treaty had passed the stage of amendment and reservation under the rules of the Senate before the Senator from Nebraska ever raised this question.

Mr. LODGE. Yes; that is true.

Mr. HITCHCOCK. It had not been done by my act. I am not responsible for the failure to read the treaty or to submit to the Senate the declaration.

Mr. LODGE. Mr. President, it was read.

Mr. HITCHCOCK. I think not. I have not heard anyone assert that it was read.

Mr. LODGE. I assert that it was read.

Mr. HITCHCOCK. It was not read. I know the records may now show that it was read, but, as a matter of fact, it was not read.

Mr. LODGE. Mr. President, of course, the Secretary of the Senate is unable to reply on the floor of the Senate——

Mr. HITCHCOCK. The Senator from Massachusetts may reply.

Mr. LODGE. I say to the Senate that it was read and read as a declaration.

Mr. HITCHCOCK. It was not read at the time we passed upon the treaty.

Mr. LODGE. It was read at the time the treaty was read.

Mr. HITCHCOCK. When?

Mr. LODGE. When the treaty was read.

Mr. HITCHCOCK. On Friday?

Mr. LODGE. Oh, no, not on Friday. The treaty was not read on Friday.

Mr. HITCHCOCK. There we have a sample——

Mr. LODGE. No, Mr. President, I decline to be interrupted in that way.

Mr. HITCHCOCK. I have the floor; the Senator will have to acknowledge that.

Mr. LODGE. The Senator from Nebraska asked me a question, which I started to answer, and before I get the words out of my mouth the Senator intervenes. I wanted to say that the declaration was read when the treaty was read, which was the first thing done.

Mr. HITCHCOCK. That is probable; but there is an attempt now to give the impression that it was read on Friday when it was acted upon by the Senate.

Mr. LODGE. There is no attempt to give any such impression as that. The Senator did not allow me to finish my statement. It was read when the treaty was read; the Senator has been saying it was not read, when as a matter of fact it was read.

Mr. HITCHCOCK. I again assert that when the treaty was before the Senate on Friday to be read to the Senate paragraph by paragraph for amendment for the first time this particular declaration was not read, and when the Senator from Wisconsin and the Senator from Massachusetts get up here and say it was read they are trying to give the impression that it was read on Friday, when technically they are correct, because it was read a week or so ago.

Mr. LODGE. Mr. President, the Senator has no right to say what impression the Senator from Wisconsin and I are trying to give. We are trying to give no impression except the truth, that the declaration was read when the whole treaty was read.

Mr. HITCHCOCK. Of course it was.

Mr. LODGE. I have never tried to give any impression that it was read on Friday, for not to my knowledge was it read on Friday.

Mr. HITCHCOCK. It was not read on Friday.

Mr. LODGE. I never have suggested that it was.

Mr. HITCHCOCK. On Friday I called attention to the fact that it was not read, and no one rose to assert that it had been read.

Mr. LENROOT. Mr. President, if the Senator from Nebraska will examine the rule, he will find there is nothing in the rule that requires a treaty to be read a second time.

Mr. HITCHCOCK. The rule of the Senate with reference to treaties has been lived up to heretofore, and it was lived up to

in this instance, so far as the first, second, third, and fourth articles of the treaty were concerned, on Friday.

Mr. LODGE. The declaration is not an article of the treaty.

Mr. HITCHCOCK. It was not assumed by the other side that there was any possibility of omitting the reading under the rule on page 40.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Nebraska a question.

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HITCHCOCK. I yield.

Mr. SIMMONS. After we had adopted the treaty section by section, each section being required to be read, as it was read for the information of the Senate—when that was done did not the Senator ask that the so-called declaration be read?

Mr. HITCHCOCK. I did.

Mr. SIMMONS. So that we might act upon it as we had acted upon the different sections and articles of the treaty?

Mr. HITCHCOCK. Yes; I gave Senators an opportunity to have it read.

Mr. LENROOT. At what point?

Mr. HITCHCOCK. At a point before we voted on the resolution of ratification.

Mr. LENROOT. After, under the rules, the treaty had passed beyond the stage of consideration for amendments or reservations.

Mr. SIMMONS. I do not recall as to that.

Mr. LENROOT. The record will so show.

Mr. SIMMONS. I do not recall that fact, but I do recall that the Senator from Nebraska before we had acted upon the resolution of ratification asked that the declaration, so called, be read, and he asked that it be read in order that we might act upon it——

Mr. LENROOT. He did not, and he could not.

Mr. SIMMONS. Just as we had acted upon the other articles of the treaty. My recollection is that the Senator from Massachusetts said it was not necessary that it should be read; that it was not a part of the treaty; that it was merely the declaration of the intent of the makers of the treaty.

Mr. HITCHCOCK. Mr. President, let me state what the rule is with regard to the ratification of treaties, and let us ascertain how nearly it has been lived up to in this instance. Rule XXXVII provides:

EXECUTIVE SESSION—PROCEEDINGS OF TREATIES.

1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time—

That was done weeks ago. At that time the declaration was read as a part of the treaty, and that it was read as a part of the treaty is only another proof that it was in fact a part of the treaty as negotiated. It was read; there was no omission there—

and no motion in respect to it shall be in order, except to refer it to a committee, to print it in confidence for the use of the Senate, to remove the injunction of secrecy, or to consider it in open executive session.

That was done—

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration.

That was done; in fact, there were a number of days intervening—

After which it may be read a second time.

Mr. KELLOGG. It "may be read a second time."

Mr. HITCHCOCK. Yes; it "may be," but the rule does not say that "a part of it may be." When it is said that "it may be read," that means that if it is read at all it shall all be read and not a part of it. It can not be assumed that that rule was intended to deceive people.

After which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open executive session.

That was done.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

Now, Mr. President, the fact which the Senator from Wisconsin and the Senator from Massachusetts have developed, that when the treaty came to the Senate and before it went to the committee it was read as a whole, including the declaration, only adds another complication to the situation. That is to say, the Senate itself has treated that declaration as a part of the treaty in having it read to the Senate.

Mr. SIMMONS. And it is conclusive that the President of the United States sent it up here as a part of the treaty, because it could not have been read as a part of the treaty unless the President had sent it up in that way.

Mr. HITCHCOCK. That is true, and it shows in the official publication here, Executive N; and this was prepared, as I am told, not by the Senate but by the authority of the State Department, and may be considered as official. It is prepared in such a way that this declaration is a part of the treaty, and the Senate treated it as a part of the treaty when it was first read; but when it was first read it was not open to amendment. When it was first read, it was not before the Senate for adoption. When it was first read, it was read only for the purpose of referring it to the Committee on Foreign Relations. When it really came before the Senate to be read a second time, then, under the rules of the Senate, it had to be read article by article, and that is done for the purpose of giving an opportunity for approval——

Mr. LODGE. Is this an article of the treaty?

Mr. HITCHCOCK. Yes; it is an article of the treaty.

Mr. LODGE. Is it?

Mr. HITCHCOCK. It is an article of the treaty, undoubtedly.

Mr. LODGE. It is not so numbered.

Mr. HITCHCOCK. It ought to have been. I will say to the Senator what ought to have been done with it. It should have been put in as a separate article, above the signatures. Generally, when representatives of the United States have negotiated a treaty and have appended a declaration similar to this, they have not called it a declaration; they have called it an article; but the fact that you fail to call it an article does not detract from its being an article. After you have signed a promissory note, if you call it something else, it is a promissory note just the same. That declaratory statement, signed upon the same day the treaty was signed, signed by the same representatives that signed the treaty, signed in the names of the same Governments that negotiated the treaty, has exactly the same force and effect as if it were written above the original signatures.

Mr. KELLOGG. Mr. President, I do not know that I understand the position of the Senator. Will the Senator yield for a question?

Mr. HITCHCOCK. Yes.

Mr. KELLOGG. I understood the Senator to claim just now that this is a part of the treaty. Is that his contention?

Mr. HITCHCOCK. I claim that it was so negotiated, that it was so sent here by the Secretary of State, and that it was read to the Senate the first time as a part of the treaty; but I also claim that the President treated it as a separate treaty, and that on the final conclusion the Senate did not act upon it as a part of the treaty. In other words, what I claim is that you have a mess of confusion worse confounded here and nobody can tell what it is.

Mr. KELLOGG. That is not the question I asked the Senator. Is the Senator willing to answer the question: Is it or is it not a part of the treaty?

Mr. HITCHCOCK. I say it was negotiated as a part of the treaty.

Mr. KELLOGG. But is it, in the Senator's opinion, a part of it?

Mr. HITCHCOCK. My opinion has been scouted here. Probably it would not be of any value.

Mr. KELLOGG. The Senator declines to answer that question, then, does he?

Mr. HITCHCOCK. I have been exonerated from the charge of being a lawyer. The Senator from Wisconsin kindly did that.

Mr. LENROOT. Mr. President, if the Senator is a lawyer, I beg his pardon. I did not know he was. I did not mean to reflect on him in any way.

Mr. HITCHCOCK. I accept the exoneration. I am looking at this thing as a Senator from my State and treating it as one of the solemn acts of the Senate to ratify a treaty; and I tell you that you have gotten it into a condition of confusion now where perhaps no man can tell whether it is a part of the treaty or not. Your President has treated it as not a part of the treaty. Your Secretary of State has treated it as a part of the treaty. The Senate at first treated it as a part of the treaty, but finally they treated it as not a part of the treaty. The leader of the Republican majority, the Senator from

Massachusetts, declared here emphatically and repeatedly that it was not a part of the treaty, and so I do not know; it is hard to tell what it is. It has had such treatment since it came in here that probably even a Philadelphia lawyer or a constitutional lawyer from Wisconsin might not be able to tell exactly what it is at the present time.

Mr. KING. Why does not the Senator call it a stepchild?

Mr. HITCHCOCK. I will tell you what I would call it. If the Senator from Massachusetts carries out the statement he made here the other day and offers this for ratification as a separate document, I shall declare it a bobtail treaty, if such a document might be said to exist. It has neither beginning nor end.

Mr. SIMMONS. Mr. President, I wish to make a suggestion to the Senator. Is not this the position which the Senator takes about that matter, as I understand, that if it is a part of the treaty it is a part that never has been acted on?

Mr. HITCHCOCK. It never has been acted on.

Mr. SIMMONS. Certainly it never has been ratified by the Senate knowingly.

Mr. HITCHCOCK. It has neither been ratified nor rejected. It is a nondescript, hanging between heaven and earth. It is neither one thing nor the other.

Mr. KELLOGG. Mr. President, will the Senator yield again?

Mr. HITCHCOCK. I yield.

Mr. KELLOGG. Does the Senator claim, although the rule requires a treaty to be read, that if the Senate should not have it read but should proceed without objection to a final vote and ratify the treaty, the ratification is not valid?

Mr. HITCHCOCK. I have made that claim, but I have been scouted; and what I am saying now is this——

Mr. KELLOGG. Does the Senator still make that claim?

Mr. HITCHCOCK. I claim that you have the worst thing that can possibly happen to a treaty. You have it shrouded in a great cloud of doubt and uncertainty, and you have an absolute invitation to controversy over this treaty which has been made for the purpose of making things certain. Not only that, but if this declaration has not been ratified and is not to be ratified we have lost the thing that has been considered most important in dealing with Japan—that is to say, the reservation of the immigration question—so that it can not possibly be claimed even to be within the realm of international negotiations. That has been remarked here as a matter of vast importance.

The Senator from California [Mr. SHORTRIDGE] made a large part of his speech ostensibly for the knowledge of his constituents out on the Pacific coast, and assured them that this treaty protected the people of the United States on the Pacific coast from every possible danger; that Japan could in the future claim the immigration question as a subject for international consideration. Now, you have wiped that out. That is in the declaration, and you have not ratified it. You have not even submitted it to the Senate. It was here as a part of that document. It has gone back to the White House nominally as a part of that document. The President has told us officially that it is not a part of the document. He has told us that it was a separate treaty. So you have that difference of opinion between your Secretary of State and your President. You have the Senate acting in two ways upon it—first, acting upon it as a part of the treaty, then acting upon the document as not a part of the treaty—and if you can unravel that tangle it is up to you to do so. You may prefer to leave it as a matter of doubt. If you do, in my opinion you will commit an egregious blunder. My own judgment is that the only thing to be done is to move to reconsider and bring the treaty back here and ratify it in the proper way. For one I should be in favor of prompt action upon it, without any undue delay.

Mr. SIMMONS. Mr. President, may I ask the Senator a question? Does the Senator know whether, in returning the ratified treaty to the President, the records show that this declaration was returned as a part of the ratified treaty?

Mr. HITCHCOCK. I was informed by the executive secretary, who has charge of these documents, that it came to the Senate bound together exactly as it was printed here, and that it was returned to the White House in the same way, with the resolution of ratification attached.

Mr. SIMMONS. Does the returned copy that went back to the President include these declarations about the mandated islands and domestic questions?

Mr. HITCHCOCK. It does.

Mr. SIMMONS. As returned to the President?

Mr. HITCHCOCK. It does.

Mr. LENROOT. When the Senator states that it was bound together will he not explain? I take it he knows what the fact is.

Mr. HITCHCOCK. It is bound together in the same covers, and this printed copy was really formed by the State Department, with the declaration so attached to the treaty that there was not room for a resolution of ratification, and the resolution of ratification necessarily had to come following this declaration. You have done that in the copy before the Senate and you have your resolution of ratification following the declaration, and you did not read the declaration.

Mr. LENROOT. Mr. President, did the Senator ascertain that so far as the treaty proper was concerned there was ample space upon that page to have included the declaration, but the declaration was upon a separate page, attached with a loose clip?

Mr. HITCHCOCK. No; the Secretary told me they were all bound together in one document. That is all he said to me. I was not able to cross-examine him; and it had already been sent up to the White House before we went into session on Saturday.

Mr. KING. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield to the Senator.

Mr. KING. I should like to ask the Senator whether a proper interpretation of the treaty—and when I say "treaty," I mean that part which is found above the first signatures of the delegates, and which would embrace articles 1, 2, 3, and 4—would lead to the conclusion, irresistibly and conclusively, that the mandated islands in the Pacific were a part of the insular possessions and insular dominions of Great Britain and Japan?

Mr. HITCHCOCK. Without the declaration?

Mr. KING. Assuming that there was no declaration at all.

Mr. HITCHCOCK. No; of course not.

Mr. KING. It is clear, as I read the Versailles treaty, that wherever the legal title is in regard to the mandated territories, the mandatories hold as trustees, and are subject in the exercise of that trust to the League of Nations. It would seem, if that be true, that a dispute or a controversy could legitimately arise as to whether the insular possessions and insular dominions embrace the mandated territories. Assume that the mandated territories are not embraced within the treaty; then, obviously, in order to get them in the treaty another treaty would have to be drawn supplemental to it. It might be executed contemporaneously with this or subsequently. If executed contemporaneously, then, whether it was a part of this treaty or not, it ought to be considered at the same time—that is to say, following it—and receive ratification or rejection as if it were a separate treaty.

It does seem to me that this declaratory statement either constitutes a separate treaty, or it is a part of this treaty, or it relates to the treaty, and may be dealt with as modifying and changing the original treaty, and to that extent should be construed as a part of the original treaty; but, in any event, I do not see how Senators can contend that it would not need to be ratified. It would have to receive the same formal sanction by the Senate as that part of the treaty which seems to exclude mandated territory from the operation of the treaty.

Mr. HITCHCOCK. Mr. President, it is evident that the President of the United States treated this matter as one of very serious concern. He says:

The treaties submitted, seven in number, are—

The covenant of limitation to naval armament between our Republic, the British Empire, France, Italy, and Japan.

The treaty between the same powers in relation to the use of submarines and noxious gases in warfare.

The treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and their insular dominions in the Pacific.

A declaration accompanying the four-power treaty reserving American rights in mandated territory.

An agreement supplementary to the four-power treaty defining the application of the term "insular possessions and insular dominions" as relating to Japan.

A treaty between the nine powers in the conference relating to principles and policies to be followed in matters concerning China.

A treaty between the nine powers relating to Chinese customs tariff.

Mr. President, the President of the United States gave to this declaration the same dignity and importance that he gave to every one of the other treaties submitted at that time. He did that, and he asked the Senate when he submitted them to give consent to the ratification of all of them. He said if to all the Senate will not consent, it is futile again to make an attempt to adjust things in this way.

The Secretary of State, as I have already explained, so connected the declaration with the treaty as to call it one, and he bound them into one document and sent them here for action at the same time. They were read to the Senate as one document and referred to the Committee on Foreign Relations as one document. Yet when it came to the reading of the treaty

in detail, in order that Senators might have an opportunity to offer amendments, this important declaration was entirely ignored and dropped out.

I supposed it was an oversight. I assume it was still an oversight, and I could not understand then why the Senator from Massachusetts [Mr. LODGE] or the great constitutional lawyer from Wisconsin [Mr. LENROOT] did not take the necessary parliamentary steps to have the error cured at the time, as it could have been, in 30 minutes; but it was passed over, and we were then left in this beautiful doubt and uncertainty, and the more you examine it the more uncertain it becomes. A part of the time the Senate has followed the interpretation of the President of the United States that there are seven treaties; a part of the time it has followed the interpretation of the Secretary of State that there are only six treaties, and I do not know but what now we are going to have still another interpretation by the Senate, that the declaration is nothing at all and can be dropped out absolutely and forgotten. That will be the result if the action I have suggested is not taken, and if that is the result, the United States is going to lose the most important reservation that is made in this treaty. It is going to leave Japan to claim in the future, as she has claimed for years in the past, that the matter of immigration in which her nationals are involved is a matter which she has a right to discuss with us as an international question.

Mr. HARRISON. May I ask the Senator if that is not especially true in view of the fact that the Senator from Nevada [Mr. PITTMAN] offered a resolution in which, among other things, it is provided:

> And that the United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, etc.

That was voted down, and the distinguished chairman of the Foreign Relations Committee, the senior Senator from Massachusetts [Mr. LODGE], voted against it, as well as all Republican Senators except four. Might that not be construed as the action of the Senate, in view of the fact that nothing was done about the declaration?

Mr. HITCHCOCK. Undoubtedly Japan would be in a position to claim that the declaration, which included the reservation covering domestic questions, was dropped out by the Senate, and that when a Senator rose and specifically demanded that it be put in the Senate voted not to put it in, thus practically putting the United States in the position of assenting to domestic questions, like immigration, becoming a matter of international controversy.

Mr. LENROOT. Will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. When the Senator voted against a similar reservation in the Versailles treaty, did he assent to the proposition that Japan would submit to the League of Nations domestic questions, such as immigration?

Mr. HITCHCOCK. Mr. President, I think the Senator is a little mistaken in his facts. I assented to the idea that domestic questions should be exempt, and they were exempted in the treaty through the personal efforts of President Wilson at that time.

Mr. LENROOT. Only in case the council, in which we would not have a voice, should decide that it was a domestic question.

Mr. HITCHCOCK. I even assented later on to the specific mention of immigration, and I assented also to its being decided exclusively by the United States, and I quite approve this declaration to the same effect.

Mr. LENROOT. One other question. Did not the Senator vote to ratify the Versailles treaty without any reservation relating to immigration?

Mr. HITCHCOCK. I cast a great many votes on that treaty, but we finally came to a compromise, and I gave my consent to that idea. The only nation in the world with which we have this controversy is Japan, and it is the one big thing over which we have had trouble with Japan in the past, and it was the only important reservation put into this treaty. It was put in at the demand of the American delegates, and it is the one thing in that treaty which really gives protection to the United States.

Senators say there has been a great menace and danger of trouble between the United States and Japan in the Pacific Ocean. What is it ever? It is over the immigration question. That has been the burning cause of trouble. We have had weeks of negotiations with Japan over that. We have had agitation running into the years over that question. It is the one thing Japan has clung to and insisted on in its controversies with the United States. Yet here, in this declaration, you deliberately drop it out and allow it to go for naught.

It may be that the Senator from Massachusetts can secure a separate ratification of this declaration. I certainly would not oppose it if it were brought in for ratification. I would vote for it; but I warn you now, as I warned you on Saturday, that Japan is not likely to ratify it as a separate document. If we treat it as a separate document and ratify it, we leave it in the power of Japan to say no. Japan then will be able to ratify the document which we are supposed to have ratified on Friday, and shake her fingers at us as far as the reservation covering immigration is concerned, because Japan no longer has any interest in this declaration.

Japan is protected in what she wants in this supplementary treaty, which is now theoretically before the Senate. The only thing the United States got in that treaty was the reservation regarding immigration, and you dropped it out, and if you undertake to ratify it as a separate agreement you expose yourselves to the probability that Japan will say, "No; we will ratify the treaty as the Senate ratified it on Friday, and stop there." If you want to take your chances of that, all right. I certainly have done what I thought was my duty in calling the attention of the Senate to this great oversight which occurred on Friday. If there had not been so much nervous haste to come to a vote, you could have cured the defect at that time. You could have cured it by a reservation, or you could have cured it by a motion to recommit the treaty to the Committee of the Whole, and voted on it there without any debate. You can still do it, if you want to, by a motion to reconsider; but any other course is going to leave this treaty shrouded in doubt and uncertainty, and an inevitable subject for debate and controversy with Japan in the future on the very question which has troubled the two countries so much in the past.

Mr. SIMMONS. Mr. President, in connection with the remarks of the Senator from Nebraska [Mr. HITCHCOCK] I want to read the colloquy which took place just before the vote on the resolution of ratification.

It is very important that it should be definitely and finally settled, if possible, in a way not open to future controversy and dispute, as to whether the so-called supplementary declaration by the signatories to the treaty is a part of the treaty or is not a part of the treaty. Upon the very threshold of that controversy, Mr. President, we have a very pronounced disagreement between the Senator from Massachusetts [Mr. LODGE], the chairman of the Foreign Relations Committee, who was one of the delegates who negotiated this treaty, on the one hand, and the junior Senator from Wisconsin [Mr. LENROOT], and I assume the junior Senator from Minnesota [Mr. KELLOGG], judging from what they have stated here to-day, on the other, as to whether this declaration referring to the mandated islands and domestic questions is or is not a part of this treaty. Each of these gentlemen has taken a very active part in the discussion. Each of them has given very thorough consideration to all the details of this treaty, and yet this essential and important question—are or are not these two declarations a part of this treaty—is a matter of controversy and dispute between the chairman of the Foreign Relations Committee and these two distinguished Senators, who have taken such an active and important part in connection with this whole controversy. In that dispute, out of which this difference of opinion grows, I find the President of the Senate aligned with the Senator from Massachusetts in his contention.

I do not know what the Senator from Massachusetts contends now, but if he did not contend at the time this question was raised and presented to the Senate in an acute form that these two declarations were not a part of the treaty, then I can not understand the language used by him upon the floor of the Senate. If the President of the Senate did not so rule, I can not understand the meaning of English language. Here is the colloquy, and I want to present it all together. After I finish reading this I shall desire to submit some remarks to the Senate with reference to this question. The colloquy is as follows:

> The VICE PRESIDENT. If there are no further amendments, the resolution of ratification will now be read.
>
> The Assistant Secretary read as follows:
>
> "*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington, December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification.
>
> "The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense."

> The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.
>
> Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.
>
> The VICE PRESIDENT. The Senator will state his inquiry.
>
> Mr. HITCHCOCK. I would like to ask the Chair whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty:
>
> "In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:
>
> "1. That the treaty shall apply to the mandated islands in the Pacific Ocean; provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.
>
> "2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers."

Then, evidently replying to the inquiry of the Senator from Nebraska, which, I repeat, was "whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty," the Vice President said:

> The VICE PRESIDENT. The Chair understands that that is the declaration of the signatory powers and not a part of the treaty.
>
> Mr. HITCHCOCK. I beg to inquire when opportunity will be given to offer amendments to that declaration?
>
> The VICE PRESIDENT. The Chair does not understand that it is open to amendment.
>
> Mr. HITCHCOCK. I call the attention of the Chair to the fact that it changes the meaning of the treaty, and it was adopted on the same day with the treaty.
>
> Mr. LODGE. Mr. President, I make the point of order that this discussion is out of order under the unanimous-consent agreement. The Chair has ruled correctly.

The Chair had ruled that it was not a part of the treaty.

> The VICE PRESIDENT. The Chair has answered the parliamentary inquiry of the Senator from Nebraska.
>
> Mr. LODGE. Regular order!
>
> Mr. HITCHCOCK. I only want a ruling by the Chair. Does the Chair rule that the resolution of ratification ratifies this declaration which has been made a part of the treaty?
>
> Mr. BRANDEGEE. Mr. President, I rise to a question of order.
>
> The VICE PRESIDENT. The Senator will state it.
>
> Mr. BRANDEGEE. Under the unanimous-consent agreement the Senate agreed that immediately after the reservations and amendments that might be pending should be acted upon it would then vote upon the resolution of ratification. That has been presented and is now before the Senate. The matter to which the Senator from Nebraska alludes is not the resolution of ratification, and is not pending as an amendment to the resolution of ratification.
>
> Mr. REED. What is it?
>
> Mr. BRANDEGEE. I should judge from its being signed by the delegates to the international conference that it was their interpretation of the treaty, but it would be just as pertinent to make the President's address to the Senate a part of the resolution of ratification as to make the interpretation of those who framed the treaty. I make the point of order that the unanimous-consent agreement compels a vote unless there are other amendments or reservations to be offered to the resolution of ratification.
>
> Mr. HITCHCOCK. I am not disputing that. I am simply seeking to get a ruling of the Chair to go into the RECORD; and if the Chair does not care to hear me on that subject, I, of course, shall desist at once. It is for the Chair to say whether he desires to hear me.
>
> Mr. BRANDEGEE. The resolution of ratification is before the Senate, and it is for the Chair to say whether the inquiry raised by the Senator presents a parliamentary inquiry.
>
> The VICE PRESIDENT. The Chair will state the position of the question.
>
> Mr. HITCHCOCK. If the Chair will permit me, I will add one other thing. I am calling it to the attention of the Chair at this time because under the rules of the Senate it is required that the treaty shall be read, and this portion has not been read.
>
> Mr. LODGE. It is not a part of the treaty. That is why it has not been read.
>
> Mr. HITCHCOCK. It was transmitted to the Senate by the President as a part of the treaty——
>
> Mr. LODGE. It was not.
>
> Mr. HITCHCOCK. And it is printed with the treaty in advance of the resolution of ratification.
>
> Mr. LODGE. Mr. President, all this debate is out of order; but the matter referred to by the Senator from Nebraska was not reported as a part of the treaty, and is not a part of the treaty. It is merely a declaration of the understanding and intent of the signatories of the treaty.

There we have three separate distinct categorical statements—the Senator from Massachusetts that the declaration had not constituted and is not a part of the treaty, the Chair joining in with a ruling, and the Senator from Massachusetts then heartily approving the ruling of the Chair. Yet to-day, when the Senator from Nebraska rises in his place and asks that this tangle be straightened out, and shows by argument that seems to me to be very conclusive that there had been no ratification of this declaration by the Senate—certainly no ratification by the Senate with its knowledge—it having been understood at the time we were considering the resolution of ratification that we were not acting upon it, it having been understood at that time that it was not a part of the treaty and did not require action of the Senate, but was in the nature of an interpretation by the delegates to the convention—when the Senator from Nebraska is making that contention, supported, as I think, by the RECORD, conclusively proven by the rulings of the Chair and the declarations of the Senator in charge of the treaty as well as the declarations of that great lawyer from Connecticut, Mr. BRANDEGEE—the Senator from Nebraska [Mr. HITCHCOCK] is confronted by the Senator from Wisconsin [Mr. LENROOT] and the Senator from Minnesota [Mr. KELLOGG], who are evidently ready for the fray and prepared to take a position designed to lift the matter out of the fog of doubt in which it is involved, and who assert that the declaration is a part of the treaty, and that in ratifying the treaty we ratified the declaration.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. LENROOT. I am sure the Senator does not wish to misrepresent my position.

Mr. SIMMONS. If that is not the Senator's position, I certainly misunderstood it.

Mr. LENROOT. The position I took was that if it be a part of the treaty, as the Senator from Nebraska contended last Saturday, it was ratified by the resolution; that was all. I did not take the position that it was a part of the treaty.

Mr. SIMMONS. The Senator does not contend that it was a part of the treaty?

Mr. LENROOT. I did not then.

Mr. SIMMONS. Does the Senator now contend that it is a part of the treaty?

Mr. LENROOT. I said I took the statement of the Senator from Massachusetts, one of the negotiators of the treaty, that it was a separate instrument, a separate document.

Mr. SIMMONS. What does the Senator regard it, then, if it is not a part of the treaty and has not been ratified as such? In what category does the Senator put it?

Mr. LENROOT. I am very frank to say that when one examines the document itself and finds this declaration was not put in the form of a treaty, that it had merely the individual signatures of the parties, I am inclined to think that it was merely a construction solemnly entered into by the representatives of the four different powers. It was transmitted to the Senate. It can be ratified by the Senate, as agreements and declarations have been ratified heretofore that have not been in the form of treaties. Whether it is ratified or not, I do not think it makes the slightest difference, because every one of the four powers at all times will give to the treaty proper the construction that has been given by the negotiators who entered into it in writing for them.

Mr. SIMMONS. Mr. President, I am very glad to know that the Senator from Wisconsin takes that position. I thought that he contended, and I think probably that was the view of the Senator from Nebraska—at least I judged so from the line of his answer—that it was a part of the treaty and that it had been ratified and that we need not further concern ourselves about it. But now I understand the Senator did not mean that.

Mr. LENROOT. Mr. President, will the Senator yield further?

Mr. SIMMONS. Certainly.

Mr. LENROOT. The contention arose Saturday during the argument made by the Senator from Nebraska that there had been no valid ratification whatever of the four-power treaty because the declaration had not been read and considered under the rules of the Senate. I took the position that if it was a part of the treaty it was covered by the resolution and was a valid ratification of the treaty in law; but I did not take the position that it was a part of the treaty.

Mr. SIMMONS. Then, Mr. President, I think the situation is clarified. It is now conceded by all on the other side that the declaration about these two very important questions, one of them the paramount question, in my judgment, in connection with all the Pacific questions, are not a part of the treaty and that we have not in ratifying the treaty ratified them. Therefore, Mr. President, not being a part of the treaty and not having been ratified, the declarations must stand upon their own bottoms and go for what they are worth.

I wish to say to the Senator from Nebraska that I do not agree with him that they are a part of the treaty. I have never thought they were a part of the treaty. I thought we could easily make them a part of the treaty by voting to include them in the treaty. They have been negotiated in the form of a treaty, and we could have voted to include them in the treaty, but we did not do it.

Although they were negotiated at the same time, signed by the same people, and were intended to be a supplement to it, yet they were not made a part of the treaty, and in order that they should be a part of the treaty it would have been necessary to have included them in the resolution of ratification, reading them as we did other parts of the treaty, adopting them as we did other parts of the treaty, and including them in the resolution of ratification.

Therefore, my contention is that the declaratory statement has not been ratified and is not a part of the treaty. If it is desirable to have it become a part of the treaty among the four powers, we should proceed to ratify it as a treaty agreed upon among the four powers, or we should proceed to make another treaty dealing with those questions there involved.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. KING. Was not this the position of the Senator from Nebraska? I state it though he is present, because I rather share in the view which he expressed. I interpreted his view to be that while these were two separate documents, two separate treaties, in view of the fact that they related to the same subject matter and were executed contemporaneously, one with a view to modify and change if not to qualify the other, that in that sense they were one treaty dealing with one subject matter.

Mr. SIMMONS. I do not disagree with the Senator. I think they ought to have been treated as one treaty, and we ought to have ratified them as one treaty. But we did not do it, and my contention now is that having ratified the original treaty, and not having ratified the supplemental treaty, to call it so, it is a treaty not yet ratified, and is such because the other side would not permit us to act upon it.

Mr. HITCHCOCK. Mr. President, I call the Senator's attention to the developments of this morning, that we really did both. We received them as one treaty, they were read to the Senate as one treaty, they were referred to the Committee on Foreign Relations as one treaty, and they were reported by the Committee on Foreign Relations to the Senate as one treaty.

Mr. SIMMONS. But does not the Senator agree with me that they have not been ratified as a part of the treaty?

Mr. HITCHCOCK. I agree with the Senator fully as to that.

Mr. SIMMONS. That is all I am contending.

Mr. HITCHCOCK. But the Senator from Wisconsin never seems to be able to catch my meaning. I said the negotiators treated them as one treaty; and I can add to that now by saying that the Secretary of State treated them as one treaty; the Senate when it had them read treated them as one treaty; the committee which reported them to the Senate treated them as one treaty; and the only time when we amputated that portion of it was when it came to the reading section by section, and voting upon them, and then we treated them as two. We have been on both sides of the fence.

Mr. SIMMONS. Yes. We ratified a part of the treaty, but not the other part of it. That is what has happened.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. SIMMONS. I do.

Mr. STANLEY. I am forcibly reminded of an incident we may well recall at this time. In the North Sea, off the coast a short distance from the mainland, is an island smaller than the island of Sakhalin, long regarded as a rough and worthless promontory. When the attention of the House of Commons was called to the fact that the ceding of Helgoland, that barren backbone of granite in the North Sea, might affect the destinies of the world, the warning was passed by with cavalier unconcern and contempt by that body. To-day we have another island, the island of Sakhalin, half of which is owned and all of which is held by Japan. It is in a way to Russia-Japan what Helgoland was to Germany-Great Britain. It is a point of vantage, and will be the first scene of armed hostilities in the almost certain event of a resort to arms by these powerful nations. No man who has given even a cursory study to this question can fail to be apprehensive, and in our position to be more or less appalled by the imminence of hostilities, if hostilities are not now going on, between those two countries.

The lower part of the island of Sakhalin belonging to Japan is affected by the four-power treaty, and its destiny will be determined by the adoption or rejection of the pending supplementary treaty. It appears to me, Mr. President, if the Senator from North Carolina will yield, that the other countries of the world understand much more distinctly than do we the vital if not the tragic importance of certainty in any treaty touching our relations in this island.

The Senator will remember that when the treaty was proposed to the plenary council the learned Senator from Massachusetts, in his inimitable way, gave us another instance of his poetic erudition by his beautiful talk about the harmless and lovely little islands—

> Sprinkled isles,
> Lily on lily that o'erlace the sea.

Sakhalin is not a lily, but is a powder house. When the President blandly advised the newspaper men that, of course, we had not guaranteed the integrity of the mainland of Japan we were somewhat reassured for an hour or two. Then it was that the American representatives hastened to the White House to tell the President that he had been beguiled by the rhetoric of the Senator from Massachusetts and had not followed the negotiations of his own representatives; that this language meant more than it purported to mean, and that they had guaranteed, so far as article 2 of the treaty was concerned, the territorial integrity and political independence not only of Japan but, what is infinitely worse, of Japan's part of the island of Sakhalin. Something had to be done or the treaty was gone. You could not have whipped, you could not have lashed, 11 Democrats into a guaranty of the territorial integrity and political independence or any other guaranty of this Prussia of the Orient, the Government of Japan itself and the islands of Japan. This assurance was given. I have not seen anything like it in politics since the old days when we used to go to the country fairs and they would show you the three peas—"now you see it and now you don't see it." The President did not see it; perhaps Secretary Hughes and his confrères did.

The Senator from Missouri [Mr. SPENCER], if the Senator from North Carolina will pardon me, throws a startling new light upon this subject. This declaratory statement was signed, as the Senator from Massachusetts [Mr. LODGE] tells us, before the treaty itself was signed. The Senator from Missouri tells us—

> When that treaty was signed it was signed by 19 plenipotentiaries, who acted for the President of the United States, for His Majesty the King of Great Britain, for the President of France, and for the Emperor of Japan. They were acting as plenipotentiaries. When they signed in that capacity they signed officially; and the Senator from Nebraska will find, on looking at the treaty, that each affixed his individual seal. They were acting in an official capacity and formulated a treaty.
>
> When that treaty was signed and completed with such formality, the same 19 men, as individuals, not as plenipotentiaries, not even indicating that they were acting, as they did in signing the treaty, by the authority of their Governments, but acting as individuals and without seal, without the formalities of execution, expressed their interpretation of what their respective Governments meant by that treaty. Is there not a distinct difference? One is an official treaty; the other is the declaration of the same men, but not acting officially, as to what that treaty meant. One is binding, the other is indicative. If that is correct, the declaratory statement never could be ratified by the Senate. It does not possess the indicia of a treaty; it is an expression of individual opinion. We could approve it, we could say it represents what we believe, but we could not ratify it with the formalities with which a treaty under our Constitution must be ratified.

In other words, the Senator from Missouri assures the country that this declaratory statement, made at the time when the people demanded to know what was being done, was signed by the representatives of the four powers without affixing their seals; that they signed a document which they knew was merely indicative; a document which they knew was only an expression of their personal opinion; and the indignation of the country and the unrest of the country and the apprehension of the country were allayed.

I then asked both the Senator from Massachusetts and the Senator from Missouri—the Senator from Missouri left in the midst of the question and the Senator from Massachusetts did not deign to answer—whether or not, if the interpretation of the Senator from Missouri was correct, they deliberately sold this country a gold brick; whether they had led the people generally who are not acquainted with the devious ways of diplomacy and who do not understand that in the world of diplomacy language is made to conceal and not to express thought, an honest, unsuspecting people, conscious of no guile in themselves and suspecting none in others, to accept this declaration as a solemn assurance that the blood and treasure of this country would not be spilled or be spent in protecting these powder houses in the Orient, in protecting these seats of almost certain war. I asked whether they deliberately gave us a thing that looked like a treaty, but which was not a treaty; a thing that sounded like an assurance of protection, but was a mere sounding brass and tinkling cymbal, and whether they winked at one another when they passed this out to a gullable public.

If the contention of the Senator from Missouri is well founded, this proceeding borders upon duplicity. It is absolutely astounding and appalling to the people of this country. Again I ask whether or not the Senator from Missouri believes that they sold us a gold brick, and again I ask the Senator from Massachusetts to tell us why seals were omitted if they were material to the validity of the document?

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. SIMMONS. Certainly.

Mr. CARAWAY. The statement of the Senator from Missouri was made in the presence of the senior Senator from Massachusetts?

Mr. STANLEY. It was.

Mr. CARAWAY. The senior Senator from Massachusetts was a delegate to the conference and did not dissent, did he, from that statement?

Mr. STANLEY. Not at all.

Mr. CARAWAY. And therefore I presume he assented to the statement of the Senator from Missouri that that was their intention.

Mr. STANLEY. The Senator from Massachusetts did not deign any answer, and I usually speak very distinctly.

Mr. CARAWAY. He was present——

Mr. STANLEY. He is present now.

Mr. CARAWAY. And he did not contradict it.

Mr. KING. Mr. President, with the permission of the Senator from North Carolina, may I say just a word apropos of the statement of the Senator from Missouri?

Mr. SIMMONS. I yield.

Mr. KING. The declaratory statement says:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers—

So it was more than a mere declaration by the delegates as individuals; it was a declaration by the powers themselves, and raises this instrument to the dignity of a treaty as much so as the treaty which we ratified the other day.

Mr. SIMMONS. I have no question about that.

Mr. STANLEY. Mr. President, if the Senator from North Carolina will pardon me further for just a moment, I do not mean to charge that the senior Senator from Alabama—and no more trained or seasoned statesman, no more exalted patriot ever adorned this body than he, and for the first time in many long years I have found it necessary to disagree with him, and it pains—I do believe that he and I do not wish to suspect that any other of the representatives of the United States would be party to such a thing. He has told us that at the time this thing was done he was called away from Washington by a sad bereavement in his family; that he was summoned to the death bed of his mother, and there he should have gone no matter what was pending. I do not believe he knew anything about it; I do not believe he could have been party to it; but the statement of the Senator from Missouri would indicate that, with their seals at hand, the delegates did not affix them; that these trained diplomats, knowing the meaning of a seal, deliberately abstained from giving the document the validity of a treaty when they knew the public must accept it as a treaty. If that be so, if they meant to give the people of this country an assurance which they knew they were not giving to the people of other countries, it is an appalling situation.

Such a charge by the Senator from Missouri, if true, impugns the integrity of the men who put up the job. I do not believe that the charge implied by the Senator from Missouri can be sustained, but I should like to know just why it was that this declaratory statement did not receive the same valid and formal approval as that which was given to the treaty itself. It was, as we know, signed first.

Mr. SIMMONS. I thank the Senator from Kentucky for his valuable contribution to the argument I was endeavoring to make.

I come back to the proposition, Mr. President—I merely wish to assert it, and then I shall leave it for the present—that what we have done is to ratify the treaty and leave out the supplement to the treaty, and the importance of the supplement to the United States can not be overestimated. In fact, I am quite sure that if it had been understood and declared at the time we were ratifying this treaty that it should include domestic questions such as immigration and the tariff it never could have been ratified by this Chamber.

Mr. President, I know that some contention was made by Senators, and that contention supports the theory I have been advancing, that no domestic questions affecting the United States could arise out of this treaty, because it was a treaty which dealt with the rights of the contracting parties in the Pacific and certain regions of the Pacific. In my judgment, there is no force in that argument. Undoubtedly, we have rights with reference to Japanese immigration in the Philippines and in Guam and in Hawaii, and these rights with reference to the immigration of Japanese to these island possessions of the United States might have arisen in a form that would have involved Japan and the United States in serious difficulties; but that is a phase of the matter that I did not rise to discuss.

Mr. ROBINSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	McNary	Spencer
Borah	Frelinghuysen	Moses	Stanley
Broussard	Gerry	New	Sterling
Bursum	Glass	Oddie	Townsend
Calder	Gooding	Overman	Trammell
Cameron	Hale	Page	Underwood
Capper	Harris	Phipps	Wadsworth
Caraway	Harrison	Pittman	Walsh, Mass.
Colt	Johnson	Poindexter	Walsh, Mont.
Culberson	Jones, Wash.	Pomerene	Warren
Curtis	Kellogg	Rawson	Watson, Ga.
Dial	Keyes	Robinson	Weller
Edge	La Follette	Sheppard	Williams
Ernst	Lenroot	Shields	Willis
Fernald	Lodge	Shortridge	
Fletcher	McCormick	Simmons	

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. There is a quorum present.

The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. SIMMONS. Mr. President, I have brought this matter to the attention of the Senate in the way I have because, in the first instance, I thought we should have a definite understanding as to whether it was the contention of the State Department and of the Senators who are responsible for piloting this treaty through the Senate that the ratification of the treaty was a ratification of this supplementary declaration. We have now, I think, about reached an understanding as to that. It is now understood and not disputed, as I take it, that in ratifying the treaty we did not ratify these declarations. Now the very serious question arises, What is to become of those declarations? Is there to be any supplemental action with respect to them or are they to be permitted to stand upon their own bases? If there is to be no supplemental action with regard to them, then I wish to discuss what, in that situation, would be the legal and technical effect of these declarations.

Before I discuss that, however, I want to inquire of some Senator on the other side as to one matter. I do not see anyone here from the Foreign Relations Committee except the Senator from Indiana [Mr. NEW]. The Senator from Wisconsin [Mr. LENROOT] probably may feel authorized to speak. I want to inquire, if there is any Senator on the other side who can answer me or will answer me, as to whether or not any further action in the Senate upon these supplemental declarations is contemplated?

Mr. NEW. I do not think any further action was contemplated.

Mr. SIMMONS. There is no intention, then, of presenting those declarations as a treaty or of seeking to have the questions involved in those declarations reduced to the form of a treaty?

Mr. NEW. I think not.

Mr. SIMMONS. What effect, then, does the Senator from Indiana contend, or does any Senator on the other side contend, that these declarations have or will have?

Mr. NEW. I think they were not to be a part of the treaty at all, and no formal action of the Senate was contemplated with reference to them. I know of no change in the intent of the committee. The matter of further action has not been presented to or considered by the committee, so far as I know.

Mr. SIMMONS. Does the Senator, then, contend that these declarations are an interpretation of the treaty by the makers of the treaty, and, being an interpretation made contemporaneously with the making of the treaty, would be authoritative and accepted by the parties to that treaty?

Mr. NEW. Yes.

Mr. SIMMONS. That is the contention?

Mr. NEW. Certainly.

Mr. SIMMONS. And upon that contention the Senator's party proposes to rest this whole question, involving these fundamental rights of the American people?

Mr. NEW. I see no reason why it should not.

Mr. WALSH of Montana. Mr. President, I should like a little information about this matter, though possibly the matter has been the subject of consideration heretofore. Can the Senator from Indiana advise us whether, as in the case of the United States, these treaties must be ratified by some branch of the Japanese Government before they become effective?

Mr. NEW. I think not.

Mr. WALSH of Montana. So far as Japan is concerned, she is now bound?

Mr. NEW. I think so.

Mr. ROBINSON. Mr. President, no nation can be bound by a treaty until there has been an exchange of ratifications, no matter whether advice and consent to a treaty by a parliamentary body is required or not. I think the Senator from Montana and the Senator from Indiana will agree that the universal, established rule of international law is that a treaty does not take effect until the final act in the consummation of the treaty has been accomplished, and that is the exchange of ratifications.

Mr. NEW. Certainly.

Mr. ROBINSON. The four-power treaty would go into effect, if my memory serves me correctly, by the executive act of the exchange of ratifications and without procedure by a branch of the legislative department.

Mr. NEW. The legislative department of the Japanese Government?

Mr. ROBINSON. Yes; I am speaking of the Japanese Government. It could not go into effect, however, until the exchange of ratifications, which is a purely executive function, has been performed. If we want to give to the four-power treaty the construction which this declaration implies, we must put the declaration in the four-power treaty for this reason, that Japan could exchange the ratifications as to the four-power treaty, and thus put that instrument into effect, since the United States has already advised and consented to it, and it is assumed that our President will exchange ratifications; but if we ratify separately a declaration in the nature of a reservation or explanation of what the four-power treaty means, then Japan will be given the option of refusing to exchange the ratifications as to that instrument, and thus we might be in the anomalous position of having agreed to the four-power treaty which was intended to have the construction placed upon it by these declarations. But for a mysterious and absolutely inexplicable reason, a reason, if any exists, which no one connected with the treaty has attempted to explain, the declaration was not incorporated in the four-power treaty, and the same would be true if the declaration were attached as a reservation to the pending supplementary treaty. Japan could refuse to exchange the ratifications as to that treaty, and we would not have an authentic construction of the four-power treaty as excluding domestic questions.

It may be recalled that in the very first address I delivered to the Senate touching this treaty I inquired then of the negotiators of it expressly to know why this declaration had not been incorporated in the four-power treaty, and the only answer that was given, as I remember it, was that made by the senior Senator from Massachusetts [Mr. LODGE], he stating that the declaration was the creation of Mr. Hughes, who had deemed it best to proceed in that manner. No answer was given to the inquiry, in my judgment. The vice of this situation is that unless there is a reconsideration by the Senate of the vote by which the Senate advised and consented to the ratification of the four-power treaty, no matter what action the Senate takes now as to this explanatory declaration, no matter if we do advise and consent to it, Japan will then have the option of refusing at the same time to ratify the four-power treaty.

Mr. WALSH of Montana. I thank the Senator. That was the information I was desirous of eliciting. I wanted to know in what situation we would be if we should ratify now the declaratory statements signed contemporaneously with the main treaty and Japan should refuse either to ratify them, if so required by her constitution, or refuse to exchange ratifications, so far as the declaratory statement is concerned, exchanging ratifications as to what might be spoken of as the "main treaty." In that case I take it that the main treaty would be in force and effect, while the declaratory statements would fall by the wayside.

I take it that the American people want the thing either to go through as a whole or to fail as a whole, and do not care to bind themselves by the main treaty unless the declaratory statements go with it; but if we ratify this, I feel that we may lose altogether the effect of that, and I wanted to inquire whether that view is taken by those who are favoring this method of disposing of the matter.

Mr. LODGE. Mr. President, what the Senator from Montana said in regard to the declaration is of course quite true. It has no ratifying article; there is no provision for ratification in it. It can be ratified, however, I have no doubt. If it were brought before the Senate, I have no doubt it could be ratified as the Root-Bagot note was ratified. As many Senators have expressed doubt about it and have said that it ought to have received some formal ratification, it seems to me the best way would be to add the language of the declaration at the end of the ratifying resolution of the supplementary treaty which is now before us, which relates to the same subject and which reads:

That the Senate advise and consent to the ratification of Executive O, Sixty-seventh Congress, second session, an agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan, signed at Washington February 6, 1922.

Then add:

Subject to the following reservations and understanding, which is hereby made a part and condition of this resolution of ratification:

1. That the four-power treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean—

And so forth.

And then put in the whole declaration.

Mr. WALSH of Montana. I did not quite understand the Senator's suggestion.

Mr. LODGE. My suggestion is that we may insert as a part of the resolution of ratification of the supplementary treaty the whole declaration which has been the subject of controversy here for the last few days.

Mr. SIMMONS. In the absence of the Senator from Massachusetts I had made the inquiry of any member of the Foreign Relations Committee on the other side as to whether it was the intention on the other side of the Chamber to propose any additional action with reference to questions included in this declaration, and I was told that that was not the intention.

Mr. LODGE. I did not happen to speak with the Senator from Indiana about it, and I have had no meeting of the committee.

Mr. NEW. That is what I said. I said that so far as I knew the matter had not been referred to the committee and had not been up for discussion by the committee, and that I did not know any further action was contemplated.

Mr. LODGE. I stated on Saturday, when the Senator from North Carolina probably was not here, what I had not had an opportunity to say on Friday, when we were voting, that I had no objection to ratifying the declaration if the Senate desired to do it, although it seemed to me unnecessary. It has seemed to me on further consideration, and after discussion with some Senators with whom I talked, that the best way is to make it a reservation to the pending treaty, as it relates to the same subject, which, of course, would give it treaty standing.

Mr. SIMMONS. I was about to make an argument to the effect that it could not be effective as an interpretation, and that it was necessary, if the things which are provided for are to be safeguarded, or to become operative as an agreement between this country and the other parties to this pact, to take some affirmative action looking toward bringing about that result. The Senator from Indiana, I understood, indicated that he thought it would be treated by the other side merely as an interpretative agreement.

Mr. LODGE. That is all it was.

Mr. SIMMONS. I was going to make the argument with that in view, and I believe I will proceed with it, although I am very much gratified to hear the statement of the Senator from Massachusetts.

Mr. LODGE. If the Senator does not want to take this means of doing it, of course I am perfectly willing to let the whole thing stand as it is.

Mr. SIMMONS. I was about to say to the Senator from Massachusetts that I have not had time, of course, to fully examine what he has prepared.

Mr. LODGE. It is nothing in the world but the declaration which the Senator has had before him for weeks.

Mr. SIMMONS. If that effectively safeguards the rights of the United States to control domestic questions, the main objection that I have to leaving the matter rest without any further action, lying altogether upon the force or effect that that may possibly have as an interpretative resolution, would be overcome.

Mr. LODGE. Does not the Senator think the declarations did cover those questions?

Mr. SIMMONS. I think the declarations covered the questions, but I think the declarations, unless they are ratified as a part of the treaty or a supplement to it or as an independent treaty, will be inoperative, because the agreement is not an interpretation. The agreement is an understanding.

Mr. LODGE. Surely it is. That is the word used.

Mr. SIMMONS. It is an understanding which changes or which adds to or subtracts from the treaty.

Mr. LODGE. This makes it a part of the treaty, and it must be ratified.

Mr. SIMMONS. The Senator now tells me he proposes to offer it?

Mr. LODGE. I mean to offer it. I have not consulted the committee. I shall do it on my own responsibility, but that is the form—

Subject to the following reservations and understanding, which is hereby made a part of this resolution of ratification—

And then fill in all that the declaration contains.

Mr. HITCHCOCK. Mr. President, will the Senator from North Carolina permit me to ask the Senator from Massachusetts a question?

Mr. SIMMONS. Certainly.

Mr. HITCHCOCK. I was absent from the city at the time the report was made, but I have been informed that the committee has already reported the declaration as a part of the treaty.

Mr. LODGE. It was read in the committee and reported.

Mr. HITCHCOCK. I mean when the treaty itself was reported.

Mr. LODGE. It was all reported in Senate Executive N.

Mr. SIMMONS. The statement which the Senator from Massachusetts just read?

Mr. LODGE. Oh, no; not that.

Mr. HITCHCOCK. I am referring to the declaration.

Mr. LODGE. Yes; the declaratory statement.

Mr. HITCHCOCK. There is no occasion for a meeting of the committee and an additional report.

Mr. LODGE. Oh, no.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SIMMONS. Certainly.

Mr. WALSH of Montana. I do not quite understand the course the Senator from Massachusetts proposes. We have already ratified the four-power pact.

Mr. LODGE. Certainly.

Mr. WALSH of Montana. When the ratifications are exchanged between the Government of the United States and the Government of Japan, the four-power pact is in force and effect. How can anything that we add to this supplementary agreement in the nature of a reservation affect that in any wise?

Mr. LODGE. It gives it the binding force of a treaty, of course.

Mr. WALSH of Montana. To be sure, provided Japan will exchange ratifications with us with respect to this supplementary agreement.

Mr. LODGE. Of course, any of the signers have the right to refuse ratification, just as we have.

Mr. WALSH of Montana. Let us assume, for instance, that Japan refuses to exchange ratifications with respect to the supplementary agreement, whether there is a reservation attached to it or whether there is not.

Mr. LODGE. That is, she has changed her mind and wants Japan proper included in the treaty?

Mr. WALSH of Montana. Whatever reason she may have, she may balance that against subdivision 2.

Mr. LODGE. Of course, any treaty may be rejected, and that nobody can cover.

Mr. WALSH of Montana. I trust the Senator will follow me. That gives Japan an opportunity to reject the supplementary agreement——

Mr. LODGE. Undoubtedly. That she has now.

Mr. WALSH of Montana. While we are still bound by what might be spoken of as the main treaty. Both parties are bound by that when the ratifications are exchanged. So this declaration, intended to limit and restrict or, at least, define the terms of the main treaty, will have fallen and the main treaty would go into effect unrestricted and undefined as contemplated in the supplementary agreement.

Mr. LODGE. I see no other way to deal with it. The Senate can vote it down if it chooses.

Mr. WALSH of Montana. That is to say, we must take chances upon Japan exchanging the ratifications.

Mr. LODGE. We have to take chances on a failure to ratify by the other powers. I do not believe for one moment that Japan or any other power would think of objecting to a reservation which they had all signed already.

Mr. WALSH of Montana. Of course, but we have done it. We did not hesitate——

Mr. LODGE. I think they have some common sense and some good faith. I do not think we are the only people in the world who have good faith and common sense.

Mr. WALSH of Montana. We did not hesitate to reject the Versailles treaty, although our representatives had solemnly signed and entered into it.

Mr. LODGE. That is true. That was the whole treaty. I do not say all of these treaties may not be rejected by the other powers. I am not responsible for them. I offer it in this way to meet objections which I do not have, but which other Senators have expressed to me in such way that the treaty will have to be rejected unless what they have all signed is formally accepted.

Mr. WALSH of Montana. If these two documents were treated as one and the same instrument, Japan would not then be in the situation where she could accept in part and reject in part. She would be obliged to reject the whole thing—that is, the two combined instruments—or to accept the two combined instruments. Now she will be at liberty to accept the main treaty if that is satisfactory to her and to reject the supplementary treaty.

Mr. LODGE. Undoubtedly, and if the Senator thinks that is a good reason to reject this, he can do it.

Mr. WALSH of Montana. I do not think it is a very good reason to reject it. That is not the point. The point is, can we not now arrange the thing in such way by treating the two as one and the same instrument and document, according to well-established rules of law, so that she will have no opportunity to accept the one and reject the other?

Mr. ROBINSON. Mr. President, why can not the Senate ascertain now the reason for the course pursued by the negotiators of these treaties in confusing their procedure so that it becomes difficult to determine what will be the actual effect of advising and consenting to the four-power treaty?

In the first place, I have been trying to find out from the beginning of the debate why, when the negotiators decided to change their policy and exclude, rather than include, the mainland of Japan from the operation of the four-power treaty, they did not rewrite the treaty and thus escape the anomalous situation which may arise in connection with the two treaties, the four-power treaty and the supplementary treaty. The Senate has advised and consented to the first. In all probability it will advise and consent to the supplementary treaty in some form. Japan may for any reason sufficient in the opinion of her authorities exchange ratifications as to the four-power treaty and thus put that instrument into effect, and refuse to exchange ratifications as to the supplementary treaty. Then what will result? The mainland of Japan will be embraced within the terms of the four-power treaty. The construction which the signers of the four-power treaty sought by supplementary treaty to place upon the original treaty will fail both as to the exclusion of the Japanese mainland and as to the reservation of domestic questions from consideration by the conferences which may be called under the treaty.

There must be some reason why the conference pursued the course which was taken. The natural and logical course to pursue was to write one treaty and to place within its terms such interpretation and such exclusion, both as to territory and as to controversies, as the conference desired to embrace and to exclude. It can not be said that the reason why this course was not pursued was that the conference did not care to make a new draft of the treaty, for the reason that it was disclosed during the course of the debate that 20 or 30 or 40 drafts were in fact prepared. The natural course for two lawyers writing a contract is to redraft their contract so as to make it express the meeting of their minds and particularly is that the course usually taken where the contract is brief and its provisions are definite.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. ROBINSON. Certainly.

Mr. SWANSON. If the Senator will permit me, it seems to me the purpose was the natural effect of the action. As the Senator has indicated in his remarks, it leaves all these matters to be determined not by us but by Japan. Under the effect of having the separate treaties, it is for Japan to determine whether or not she desires her mainland to be included, and not for us to determine. We have ratified a treaty which includes her mainland. We have a supplementary treaty which excludes it. If Japan desires to include her mainland, all she has to do, as was indicated by the Senator from Arkansas, is to reject the supplementary treaty.

Mr. ROBINSON. Ratify the four-power treaty and reject the supplementary treaty.

Mr. SWANSON. Yes. Now, the question is left for Japan to determine whether domestic questions shall be considered by the four powers in conference. We ratify the four-power treaty that leaves that doubtful. Then we have a declaratory supplement which excludes immigration and domestic questions. We

ratify that. Japan having obtained the four-power treaty without action ratifying the declaratory statement, the question is still left open for her to determine whether a conference emanating from the four-power treaty shall consider domestic questions or not.

It seems to me the effect of the situation is to leave every question for its ultimate determination to the council in Japan. As I understand, none of these treaties will go into effect until the council of Japan shall ratify them as our Senate has ratified them. The effect of this procedure is to leave the ultimate decision of these intricate questions to Japan and not to us.

Mr. ROBINSON. Whether or not the Japanese council, under the procedure which prevails in Japan, must consent to these treaties in order to give them validity, it is unquestionably true, as I pointed out a moment ago, that neither treaty can take effect until the exchange of ratifications has occurred; and by the simple failure to perform the executive function of exchanging the ratifications as to any one of the treaties, or either one of them, Japan can prevent that treaty from going into effect if she chooses to do so.

Now, I repeat, with the subject matter still before the conference, the negotiators still in conference, in daily contact with one another, why did they pursue the extraordinary course of preparing what appears now to amount to three separate treaties relating to one subject matter? They wrote a treaty including the Japanese mainland in its provisions, and no one has been able to understand why the Japanese mainland was included. Another treaty excluding the Japanese mainland was reported and a third agreement in the form of a declaration was submitted.

Is there any Senator here who can tell us now, after all the debate and all the inquiries which have occurred, why the Japanese mainland was included in the four-power treaty?

Mr. PITTMAN. Mr. President——

Mr. ROBINSON. I yield with pleasure to the Senator from Nevada.

Mr. PITTMAN. Of course, I can not tell the Senator, and yet the Senator's argument has eliminated every other cause except one, and that is that the negotiators of the treaty were not certain what their Governments would do, and they deliberately placed the treaty in such a form that the Governments might accept one and refuse the other. I think we are justified in saying that the action of the negotiators in placing them in separate treaties, the action of the proponents of the treaty and those having charge of the matter in the Senate, in deliberately submerging that portion of the four-power pact which is called a declaration, which excluded our domestic relations, and their subsequent refusal to adopt a reservation in the exact words prepared by the Senator from Massachusetts [Mr. LODGE] as a reservation to the covenant of the League of Nations, taken in connection with the statements of the British ambassador in California—no matter what those statements were exactly—justifies the suspicion that the four powers, knowing that the only threat of war on the Pacific was as to the management of our domestic affairs, intended to have these treaties so arranged that these domestic affairs could be submitted to the conferences of the four powers.

Mr. ROBINSON. Mr. President, if the Senate had understood when it advised and consented to the ratification of the four-power treaty that in all probability it was leaving to the conference which might be called under the provisions of that treaty the power to determine domestic questions, including immigration, the Senators who voted to advise and consent to the ratification of that treaty never would have dared to do so. The junior Senator from California [Mr. SHORTRIDGE], who delivered an address in this body several days ago, and who, I believe, for some reason, has not yet published his address, would not dare to vote for a treaty giving a conference composed of representatives of Japan, Great Britain, France, and the United States the right to determine the question as to whether Japanese citizens should be admitted to citizenship in the United States.

Mr. PITTMAN. Mr. President——

Mr. ROBINSON. I yield to the Senator from Nevada.

Mr. PITTMAN. It must be remembered, Mr. President, that a great many statesmen in the eastern section of the United States have not looked upon the Japanese question as have we of the West, who are familiar with it. It must be remembered that the Republican administration has time and again taken steps as a Federal Government to interfere with the Legislature of the State of California in connection with the enactment of laws within its jurisdiction prejudicial to the Japanese subjects in this country. It must also be remembered that it has been the outspoken policy of the Republican Party under several administrations to hold that treaties with Japan should be superior to the laws of the Western States with regard to the Japanese controversial questions in this country. The object, it is said, of this four-power pact is to eliminate the causes which threaten war between the United States and Japan. Its framers know that there are no causes which threaten war between the United States and Japan except the controverted domestic question in the United States with regard to Japanese subjects; but there is not any doubt on earth there are statesmen in this country who are now seeking to stop those threats of war by preventing the States of this Union from legislating in a discriminatory manner against Japanese subjects.

Mr. McCORMICK. May I interrupt the Senator to ask a question?

Mr. PITTMAN. There is not any doubt that Great Britain and France, who are partially responsible to Japan in the event war shall ever arise in the Pacific, are more interested in preventing such a war than they are in sustaining the right of this country to manage its own domestic affairs. There is not any doubt that Great Britain and France would like to-day to submit to a conference of the four powers the question as to whether or not Japanese subjects shall be given equal rights in this country with British and French subjects. The way in which the four-power pact was ratified justifies, I say, in the mind of anyone the suspicion that there was in the minds of the framers of the separate pacts the intention to bring about a situation that would allow the conference to settle causes of dispute which involve our domestic affairs instead of allowing us to settle them ourselves.

Mr. ROBINSON. I yield to the Senator from Illinois.

Mr. McCORMICK. I wish to ask if the Senator from Nevada [Mr. PITTMAN] did not intend to include Democratic as well as Republican administrations in his allusion to Federal interference to prevent State legislation? I had in mind, if my memory serves me aright, the visit of Secretary of State Bryan to California when he sought to delay or to prevent the enactment of the alien land act by the California Legislature.

Mr. PITTMAN. The Senator from Illinois is right. I thank him for reminding me of that. I did not intend to be unjust. I was thinking more particularly of the action of President Roosevelt when he was President. It is true, however, as the Senator from Illinois has stated, that the Democratic administration, through its Secretary of State, Mr. Bryan, did, as I am informed and believe, attempt to exert official influence upon the Legislature of the State of California.

Mr. McCORMICK. The Senator from Nevada will recall that the Secretary of State himself proceeded to California to discuss the matter with members of the legislature.

Mr. PITTMAN. I believe that is correct; and it sustains exactly what I have said, that there are a great many statesmen in this country of both political parties who are willing to sacrifice the rights of the States to decide their internal domestic questions in order that they may be submitted to a conference or controlled by Federal legislation.

Mr. ROBINSON. Mr. President, nothing that has occurred either during any Republican administration or during any Democratic administration justifies Senators in the conclusion that the people of this country are willing to permit unrestricted Japanese immigration into the United States. It will be remembered that when Mr. Bryan went before the California Legislature upon the mission to which the Senator from Illinois [Mr. McCORMICK] has referred his position was overwhelmingly overridden; and the position of Mr. Roosevelt's administration respecting the subject was equally unpopular in California, in Washington, in Oregon, and in other States where the real substance of the issue was comprehended.

During the course of this debate frequent reference has been made to the fact that the British ambassador has gone to California and made speeches in an effort to popularize there the four-power treaty. While the Senator from California [Mr. JOHNSON] in the exercise of his constitutional duty was trying to see that the four-power treaty was put into terms that would protect the people of California against the dangers incident to Japanese immigration and land ownership, for some reason the British ambassador and the Secretary of Commerce, Mr. Hoover, were making forensic attacks in his rear. When the people of California come to understand that Japan is now to be given the option of deciding the two great questions involved in this treaty, first, whether her mainland shall have the protection of the four flags instead of one, and, second, whether she shall be given the privilege of determining whether domestic controversies shall be the subject matter of consideration before the conferences of the four powers to be convened under the treaty, the people of California will not be lacking in appreciation of the splendid courage displayed by the

senior Senator from California. I believe in the utmost freedom of expression. If the British ambassador wants to engage in debate touching the political policies of the United States, I have no objection whatever to his doing so.

Mr. CARAWAY. Mr. President, the Senator will remember, however, that one British ambassador was recalled from this country for expressing an opinion on political questions then pending.

Mr. ROBINSON. I recall the instance which the Senator has in mind.

Mr. CARAWAY. I had hoped that no administration would feel called upon nor at liberty to call in foreign diplomats to coerce public opinion in America to accept a treaty which had been negotiated.

Mr. ROBINSON. I stated that I had no objection to the utmost freedom of debate, because I do not believe when the British Government adopts the policy of trying to influence and control public opinion in the United States through its chosen and authorized spokesman that it can accomplish the end which it seeks to accomplish.

Mr. CARAWAY. Mr. President, will my colleague yield further?

Mr. ROBINSON. With pleasure.

Mr. CARAWAY. I think I understood the Senator's position, and I agree with him; but it is very likely that the British delegates to the conference wrote the treaty, and therefore best understood it and appreciated what was in it. Under that theory, I presume, they would have the right to defend it at the bar of public opinion.

Mr. ROBINSON. It was a very unusual procedure, to say the least, that while the Senate of the United States was engaged in the performance of its constitutional function, and while one of the Senators from California was boldly and bravely championing and defending what he believed to be the best interests of his people, the British ambassador to the United States and a member of the Cabinet of the present administration should dash across the continent and engage in public discussion for the purpose of influencing public sentiment in California respecting this important question.

To return to the proposition of a moment ago, I said that we can not learn the reason for the peculiar course taken by the negotiators of the treaty. Lawyers writing a contract do not pursue the course which they followed. Some reason exists for it. We have now the anomalous situation that the United States has ratified the four-power treaty with the Japanese mainland included in the treaty and with domestic questions comprehended by the terms of the treaty. I know it may be answered that domestic questions are not comprehended, but the failure of the Senate to adopt the explanatory declaration which reserved domestic questions from the treaty would be construed in courts everywhere as a conclusion upon the part of the Senate that the reservation was undesirable, or that it was unnecessary.

The negotiators of the treaty thought this declaration of so much importance that before they wrote the treaty itself they wrote the declaration explaining the treaty. That is the undisputed evidence. Why did they do it? Because they knew it needed explanation. They knew in advance of signing the four-power treaty what was going into that treaty. They knew it would require explanation, and they were unwilling to put the explanation in the treaty itself. Why?

The day we advised and consented to the ratification of the treaty, the Senator from Nebraska [Mr. HITCHCOCK] insisted that this declaration ought to be acted upon by the Senate. The Senator from Massachusetts [Mr. LODGE] was so impatient that he would not discuss the matter with the Senator from Nebraska. He said it was absurd, that it was no part of the treaty; that it had no place in the treaty; that it could not be ratified by the Senate; but now, for some reason, he has changed his front. That is nothing remarkable in the course of the Senator from Massachusetts. If he did not change a few times on every subject that we consider, Senators would doubt whether his mental processes retained their usual characteristics. The Senator from Massachusetts tells us now that this declaration shall be incorporated in the supplemental treaty, as a reservation to the supplemental treaty. You have heard from the beginning the talk about the four-power treaty as the simplest thing on earth; that there are only a few hundred words in it; that it is so plain and so easily understood that nobody could misinterpret it; and yet the very men who wrote it started out by explaining it in advance of signing it. They wrote this declaration qualifying the treaty changing it, as suggested by the Senator from North Carolina [Mr. SIMMONS], in two important particulars. They adopted the reservation of the Senator from Connecticut [Mr. BRANDEGEE], and then they proposed a supplemental treaty in explanation of it.

Why all of this mystery, and why all this complication? Why did they not put in the four-power treaty what they desired it should contain and submit to the Governments interested all the questions at one time? Why give Japan, by ratifying the four-power treaty, the privilege of rejecting the supplemental treaty? Why give her the option in that way to say whether the Japanese mainland shall be included in the provisions of the four-power treaty? Why leave in doubt the one question that has caused more trouble between Japan and the United States than any other question? If you are going to try to work it out, well and good; but do not think that the people can be deceived or led into the thought that you have accomplished something when you refuse even to attempt to solve the real cause for disputes.

We all know—I have said so repeatedly during the debate—that the questions of race equality, land ownership in California, and the right of Japanese to come into the United States are the domestic problems about which all of our disputes with Japan have arisen.

Mr. CARAWAY. Mr. President, may I call the Senator's attention to another matter that may become very acute?

Mr. ROBINSON. Certainly.

Mr. CARAWAY. That is the attempt to declare that trade with the Philippine Islands is coastwise. There is in the new marine bill that is now pending, to subsidize the merchant marine, a provision declaring trade with the Philippine Islands to be coastwise trade.

Mr. ROBINSON. Yes; and the Senator from Texas [Mr. SHEPPARD] made a statement the other night, the significance of which I think the Senate failed to get. Japan now has under her mandate islands in the Pacific Ocean which, if embraced in what may be termed a block mandate, would control the lines of commerce from the coast of the United States to the Orient. Already Japan has declared closed, as Japanese waters, the waters of the Pacific Ocean adjacent to certain islands which she owns, and already there seems in formation a policy of creating what may be termed block mandates—that is, of embracing within a single area, as closed waters, the territory of the countless islands which constitute the mandate, and the sea surrounding the islands, and when that is done no ship flying a flag other than that of Japan can pass through the ordinary channels of commerce across the Pacific Ocean except by consent of Japan.

Mr. ASHURST. Mr. President, will the Senator permit an interruption at that point?

Mr. ROBINSON. Certainly.

Mr. ASHURST. The Senator has graphically described these immense vast tracts of ocean that are blocked out as being under a Japanese mandate, and Japan may assert and probably does assert that no ships, except by her permission, may go in there; and the island of Yap is in one of those blocks.

Mr. ROBINSON. We all understand that under international law waters within 3 miles of the shore line of territory belonging to any nation are included within that territory, and these islands lie so close together and are so numerous that by the extension of that principle a vast area of the Pacific Ocean in the neighborhood of these islands might be claimed to constitute Japanese waters, to the exclusion of the ships of commerce of every other nation, if Japan chose to assert and to attempt to maintain such a principle.

Mr. CARAWAY. And the peculiar situation now is that if she asserts it we guarantee that she shall maintain it and that we will respect it.

Mr. ROBINSON. Yes. We have committed ourselves, by the ratification of the four-power treaty, to Japanese control of the Pacific. We have committed ourselves, by the ratification of the four-power treaty, to a policy of acquiescence in Japan's plan of expansion, which contemplates the maintenance of her possession of territory already seized in violation of law and right, and the extension of her authority by economic penetration supported by military power into other areas which, from considerations of economic necessity, she thinks she is entitled to possess. Nothing else can result from the four-power treaty but the supremacy of Japan in the Pacific Ocean and in the Orient, as we term it.

The immediate question before the Senate is the amendment to the supplementary treaty, proposed by myself, striking from the treaty the following:

Karafuto (or the southern portion of the island of Sakhalin).

Every reason that justifies or makes necessary the exclusion of the Japanese mainland from the four-power treaty applies with equal, if not with greater, force to the island of Sakhalin.

We have never learned why the mainland of Japan was at first included in the treaty, why it is in there now. We have never learned of any substantial reason for a reversal of the policy of embracing it if once you take the policy of inclusion to have been considered in the beginning. But if it be that the Japanese mainland constitutes the center of Empire, and therefore the objective for naval or military attack, then I reply that the principle applies with more force to Karafuto.

Karafuto at its nearest point is within 4 miles of the Asiatic mainland. The northern portion is nominally under the government of Russia. The southern portion is claimed by Japan. Some time ago, upon the theory—I will not say the pretense—that it was necessary to pursue that course in order to preserve order, Japan seized control of the northern portion of the island of Sakhalin, and she is now in complete authority throughout the island. When the day dawns that Russia decides to drive Japan out of her Jominions; when the time comes—and it is coming in the not remote future—when the armies of Russia advance to the defense of Russia's territory against an alien race, Karafuto, by all the laws of strategy, will become the first point of attack, for a conflict is certain to arise over who shall exercise sovereignty on the northern half.

The Senator from Alabama [Mr. UNDERWOOD] says that the whole matter is unimportant, because Russia can not strike within 10 years, and at the end of 10 years we may be able to get out of the treaty. That would seem to be an admission that if Russia were in a normal condition this would be an improvident and unwise arrangement in so far as the United States is concerned.

Karafuto is the scene of great Japanese activity. The Japanese have almost destroyed or driven out the native population. The Japanese are increasing in numbers there, as they do in every other territory which they enter, more rapidly than any other race increases.

The Japanese are establishing a civilization on the island of Sakhalin which in many respects is worthy of admiration, but Sakhalin, from a strategic standpoint, is vital to Japanese interests. Before the Japanese mainland can be reached Russia must overcome, in all probability, the Japanese possession of Sakhalin. We were told that it is not important whether the Japanese mainland is in the treaty or out of it, on the theory that the treaty is a mere arrangement for a conference; and yet, for some reason, we are taking the mainland out of the treaty. We are not taking it out; we are leaving it to Japan to determine, in the procedure which we are actually taking, whether it shall be in or out.

International arrangements among great powers—alliances, if you please—can not be justified on the ground that others whose interests may be detrimentally affected by the alliances will be powerless to assert their rights during the continuance of the alliances. The traditional policy of the United States throughout history has been to respect and safeguard the rights of weaker nations. By this four-power treaty we have now gone into an arrangement with Great Britain, France, and Japan by which we propose to remain inactive and nonprotesting while Japan works out her policy, whatever it may be, respecting the Asiatic mainland. In this treaty we have put Karafuto strategically between the Japanese mainland and the Asiatic mainland. We have said by the treaty that whenever Japanese rights in that island are threatened by the aggressive action of any other power we will respond to the call of Japan to advise her as to the most efficient measures to be taken, either jointly or separately.

You can not look into the future and determine when Japan will be called upon to defend her possession of Sakhalin against Russian attack, and if Russia ever does attempt to throw off the Japanese yoke, that will be her natural first point of attack. Unless we are going to commit ourselves to the policy of maintaining the integrity and the safety of the Japanese Empire, what is the use of assuming responsibility to confer with Japan to the exclusion of Russia, when Russia seeks to reestablish herself?

In Russia there are 180,000,000 people of the Caucasian blood. For the first time in history that I recall, the Caucasian race in parts of Russia is held in subjection by representatives of the yellow race. Japan will not recede; Russia must attempt to drive her back, and when she does so the Japanese insular possessions and insular dominions, which comprehend Karafuto, will be threatened, and we will be called upon then to say whether we will keep the faith expressed when we entered into the four-power treaty, namely, that when Japanese rights are threatened by aggressive action we will advise Japan how she can best repel that action. If you want to take the mainland out, take out also this island, which is more likely to cause trouble than even the main islands themselves.

Mr. President, in response to engagements made some six or eight weeks ago, I shall be compelled to leave the city tomorrow for some days. If it meets with the wishes of the Senate, I would like to have a vote upon this amendment before I leave. I have no disposition whatever to insist upon precipitate action, and if Senators desire to discuss the subject matter of the amendment they are, of course, at liberty to do so at such length as may seem to them fruitful of benefit to the country and of information to the Senate.

We had little information respecting the island involved in this amendment when the treaty was brought to the Senate; we have scarcely more now. But the British Government had information. The British Government made a study of the subject of Sakhalin in preparation for the Paris conference, and that Government reached the conclusion, in my judgment, according to the little volume which I hold in my hand, that Sakhalin should go to Japan. I have not the slightest doubt that the practical result of the existing conditions, supplemented by the arrangements in this treaty, will be to give Sakhalin as a whole to Japan, although she now actually claims to own only the southern portion. However that may be, considering the proximity of the island to the Asiatic mainland, considering the fact that it must constitute a point of attack should Russia ever strike back at Japan, I believe that wise policy justifies the Senate in putting Sakhalin in the same class in which we are seeking to put the Japanese main islands, and exclude the main islands and Karafuto from the treaty.

I shall ask leave to insert in the RECORD the information to which I have referred respecting Sakhalin. This is a British publication, the only recent publication I have been able to obtain relating to that island, setting forth in somewhat satisfactory details the facts as they relate to the inclusion of this island in the treaty.

Mr. KING. The Senator does not intend his amendment to be a declaration, as far as he or the Senate is concerned, that Japan's title to the southern half of Sakhalin is at all questioned or not admitted; that is to say, we express no opinion one way or the other upon its title?

Mr. ROBINSON. I am seeking to strike that out of the treaty. The inclusion of that in the treaty might be held to involve a question of the title, but striking it from the treaty would certainly not strengthen any title or claim that Japan has.

Mr. KING. It would put it in the same position with the mainland. We express no opinion, by the Senator's amendment, as to the Japanese title to the mainland or Japan's title to the southern half of Sakhalin?

Mr. McCORMICK. Mr. President, am I to understand that the Senator holds to this view, that because of the propinquity of Sakhalin to the mainland of Asia, and not because of its propinquity to the mainland, so called, of Japan—"nearness," if the Senator prefers? I want to get the distinction in the Senator's mind. Is it because Karafuto is nearer the Asiatic mainland?

Mr. ROBINSON. That is a part of the reason I have given. I have pointed out the fact that there is a conflict of authority as to Karafuto which must inevitably result in a clash between Japan and Russia, or that Russian authority and Russian citizens must disappear forever from the northern half of the island. Japan is dominating the whole of the island. She is committing acts of oppression toward members of the native population and representatives of the Russian Government, and in consequence of this course of oppression, if for no other reason, Russia would be likely to strike there, and strike there first.

Mr. McCORMICK. I was called from the Chamber. Has the Senator urged the same action with regard to Hongkong, because of its relation to Kau-lung?

Mr. ROBINSON. I have not gone into that subject at all. I have confined my suggestions touching amendments to the amendment pending before the Senate, the one which I offered myself, which proposes to strike from the treaty Karafuto, or the southern portion of Sakhalin. I do not care at this time to propose other amendments, or to enter into a discussion of other subjects.

Mr. McCORMICK. The Senator has no view which he cares to express on the subject of Hongkong or Kau-lung?

Mr. ROBINSON. Or Singapore, either.

Mr. McCORMICK. There is a distinction, if I may say so.

Mr. ROBINSON. There are some distinctions. There is no question about it.

Mr. McCORMICK. Hongkong, lying off Kau-lung, is liable to attack by the Chinese, precisely as Sakhalin might be attacked from the mainland of Asia.

Mr. ROBINSON. I think there is much force in the suggestion just made by the Senator from Illinois. If China ever recovers her national integrity, if she ever wakes up, if she ever becomes inspired with the ambition which characterizes the Japanese race at the present time, China will do what I expect Russia to do, namely, strike back at her oppressor; and if that should be brought about by any policy which may be inaugurated, and China, with her 400,000,000 people, should join Russia, with her 180,000,000, the United States would be facing a problem as difficult of solution as any which ever arose.

The fact is Caucasian civilization would be threatened, and we know it and assert it. There is nothing more pitiable in human history than the manner in which China has been outraged by her friends.

Mr. McCORMICK. I am only astonished that the Senator did not prepare amendments dealing with Hongkong at the same time he prepared one dealing with Sakhalin.

Mr. ROBINSON. Mr. President, if the Senator will propose an amendment dealing with Hongkong, I will be delighted to support it. I take it from the Senator's suggestion that he realizes that in addition to the injustice of including in this treaty Karafuto there is also an injustice in including Hongkong. If he will propose an amendment excluding the port of Hongkong, I will be glad to support it.

I ask leave to print in the RECORD, in 8-point type, the information to which I have referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD in 8-point type, as follows:

I. GEOGRAPHY—PHYSICAL AND POLITICAL.

(1) POSITION AND BOUNDARIES.

The island of Sakhalin, which lies between 45° 54′ and 54° 27′ north latitude and between 141° 49′ and 144° 45′ east longitude, is separated on the northwest from the mainland of Asia by the Strait of Tartary, and on the south from the island of Yezo by the Strait of La Pérouse, which connects the Sea of Japan and the Gulf of Tartary on the south and west with the Okhotsk Sea on the east. The distance across the Strait of Tartary from Cape Pogobi, on Sakhalin, to Cape Lazarev, on the mainland, is only about 4 miles. The island is 586 miles long from north to south and varies in width from 12 to 95 miles. It has an area of about 29,000 square miles, including adjacent islands. By the treaty of Portsmouth in 1905 the island was divided at 50° north latitude, the northern part being assigned to Russia and the southern to Japan. The Japanese portion, which is known as Karafuto, has an area of 13,148 square miles, while the Russian portion is supposed to be somewhat larger.

(2) SURFACE, COAST, AND RIVER SYSTEM.

Surface.

Sakhalin has been very imperfectly surveyed, but probably local tradition is right in regarding it as having once been a peninsula, as it is now parted from the mainland only by a narrow and shallow strait. The arrangement of the mountains generally adopted presumes that there are three ranges—a north-central range starting in the Schmidt Peninsula, a western range along the coast of the Gulf of Tartary, and an eastern range along the Sea of Okhotsk. Geographers attribute the chief heights to the western range in Japanese territory, the principal being Lopatinski or Berzinet Peak, 3,890 feet, and Toman Dake, 3,396 feet; in the eastern range the highest point appears to be Mount Tiara, 1,940 feet.

The principal stretches of level land on the island are on the western side from about 51° 20′ to 53° 50′ north latitude, and on the eastern side from about 51° 40′ to the same degree. Both these plains are covered in parts with scanty vegetation. Across the island stretches a long plain, which extends from the northern shore of the Gulf of Patience (Terpyeniya) up the valley of the Poronai and down the valley of the Tim. The watershed between these rivers is about 1,900 feet in altitude.

Coast.

The western coast of Sakhalin is wooded and consists chiefly of high bluffs, partly of granite, partly of sand, rising in places to a height of 400 feet. North of the Strait of Mamia Rinzo, however, the coast is very low, being scarcely visible from a ship following the usual route.

The eastern coast from Manue to Cape Dalrymple is steep and rocky, and south of Cape Löwenstein becomes high and mountainous. From there to Cape Elisabeth the coast is ironbound.

In the Japanese part of the island lie Aniva Bay, in the southern extremity, and the wide Gulf of Patience (Terpyeniya), both of which are fishing centers. Characteristic features of this coast are the sea lakes or bays which are formed along both shores. Bars are formed rapidly at the mouths of the rivers, but being of porous and friable material are quickly and easily intersected by the sea.

River system.

The two chief rivers are the Tim and Poronai. Each has a course of about 300 miles, and they flow respectively north and south from about latitude 50° 30′ north, being separated by the Pulrov Pass. The chief tributaries of the Tim are the Pulruga on the right bank and the Malo-Tim and the important river Nis on the left. This river flows into the Bay of Ni, which is protected from the sea by a spit of sand with a narrow aperture (the Anuchina opening). The Poronai is a very similar stream. It rises near the source of the Tim, makes a bend northward, and then turns south, in which direction it flows for the rest of its course.

At the extreme south of the island are the rivers Niabuchi and Susuzha, the former of which has a depth of 20 feet for the last 10 miles of its course.

(3) CLIMATE.

The whole island is much colder than might be anticipated from its latitude, and the climate is severe. In the northern part July is the warmest month, with an average temperature of 62.6° F. (17° C.), and January the coldest, with an average temperature of —0.4° F. (—18° C.). At Otomari, in the Japanese part, August is the warmest month, with a mean temperature of 62.6° F. (17° C.), January the coldest, with a mean temperature of 12° F. (—11° C.).

The rainfall is heavy, especially in summer, and destructive floods sometimes occur. At Otomari the total rainfall is 19.27 inches (48.95 cm.), the number of rainy days 106, and the maximum fall in 24 hours 2.25 inches (5.72 cm.). The wettest months on the average are September and October and the driest December and February. Snow falls on 90 days in the year; it begins in October and continues till May. Frost begins in September and lasts till June; the bays along the eastern shore freeze and drift ice appears as late as July. Frequent thick fogs are the worst feature of the climate; they are especially dangerous in La Perouse Strait during the summer months. The western shore enjoys better conditions than the eastern, despite cold fogs and sharp sea winds; but for several months in the year the straits are frozen. The prevalent winds are north and northwest in winter, and south, southeast, or east in summer.

(4) SANITARY CONDITIONS.

Malaria and scurvy are the most prevalent diseases upon the island, consumption and infectious diseases being comparatively rare. Neglect of hygienic rules is one of the principal causes of mortality, and a frequently fatal disease is "leg dropsy."

(5) RACE AND LANGUAGE.

The Japanese, who have been developing their new possession and emigrating to it in great numbers, are by far the largest element in the population. The Russians have almost all withdrawn from Japanese Sakhalin. The aboriginal population is dwindling and does not now amount to much more than 3,000 in all.

The chief tribe is that of the Gilyaks, who occupy the northern part of Sakhalin. Their affinities are puzzling, and it is probable that a large infusion of Mongol blood has profoundly modified the original type, which is supposed to be Palaeo-Siberian. The Gilyaks have been less corrupted by contact with civilized people than many other tribes of the Far East. Their language appears to be a quite distinct tongue.

The Ainus are found in the Japanese part of Sakhalin and are a Palaeo-Siberian tribe very difficult to classify. The hairiness for which they are popularly known has been much exaggerated, and is not greater than that of many Europeans, though it differentiates them strongly from the Mongol tribes. Their tongue is also quite distinct; they are unacquainted with writing and have no literature.

The Oroks occupy settlements along the east coast and in the interior of Sakhalin. They are a tribe of Tungusic stock. About 200 Tungus are found in the tundra country along the lower course of the Poronai.

(6) POPULATION.

Distribution.

In 1911 the population of the Russian part of the island was 7,535, and of the Japanese part 36,725; but in the latter the numbers have greatly increased, the figures quoted for 1917 by the Financial and Economic Annual of Japan being 68,207, of whom 38,403 were males and 29,804 females. There are few Russians anywhere outside a radius of 30 miles from Alexan-

drovsk. The aboriginal population was in 1905 estimated at 2,000 Gilyaks, 1,200 Ainus, 750 Oroks, 200 Tungus, and 13 Yakuts, but these totals were almost certainly too high.

Towns and villages.

Russian Sakhalin: The center of government is Alexandrovsk, on the west coast opposite De Castries Bay; to-day it has probably a population of about 1,200.

Due lies on the west coast, a few miles south of Alexandrovsk. It is the center of the coal industry, and under the Russian régime was the most frequented harbor in the island. The settlement consists of a few houses and barracks for troops. Derbensk and Rikovsk were built as convict settlements.

Japanese Sakhalin: The capital is Toyohara, population 12,900, which is an agricultural center 25 miles north of Otomari. Otomari, population 16,000, is a treaty port open to foreign trade, and is the principal port in Japanese Sakhalin. Mauka, or Maoka, population about 19,000, on the west coast, the second in importance of the Japanese ports, is a flourishing place and seems destined to become the chief port in the island, as it is free from ice all the year. It is the center of the herring fishery. Maoue and Kusunai are both on a good road, which crosses the island. Shikika has an open roadstead near the mouth of the Poronai. Sakachama, an important coast settlement, is at the mouth of the River Naibuchi.

MOVEMENTS.

The Russian population has greatly diminished; in 1911 it is said to have fallen to 5,158. The aboriginal population is also dwindling. The Japanese population, on the other hand, has increased enormously since the annexation of Karafuto, and in December, 1911, numbered 36,725, but this is less than three-fifths of the summer population. The average increase of the population in the five years ending 1917 was 104.69 per 1,000. The figures given in the Financial and Economic Annual of Japan are—1914, 57,200; 1915, 60,600; 1916, 64,323; 1917, 68,207.

Emigration from Japan is the main reason for the increase. The numbers who crossed to the island from Japan were in 1910, 28,688; in 1911, 31,416.

II. POLITICAL HISTORY.

CHRONOLOGICAL SUMMARY.

1613. Reputed Japanese discovery of the south coast of Sakhalin.
1640. European discovery of Sakhalin by Martin Vries.
1700. Chinese dominion over the north of the island.
Japanese (Prince of Matsumai's) dominion over the south of the island.
1785. Manchus appoint overseers in the north.
Japanese Shogunate takes direct interest in the island.
1805–8. Mamia Rinzo's expedition through the island.
1807. Lieutenant Koostov takes possession of the island for Russia.
1853. First official Russian settlements on the island.
1860. Treaty of Peking. Cession of Primorsk to Russia.
1867. Convention between Japan and Russia.
1875. Treaty between Japan and Russia.
1905. Conquest of Sakhalin by Japan.
1905. Treaty of Portsmouth (United States of America).
1907. Fisheries agreement; Japan gains fishing privileges on the Russian Pacific coasts.

(1) *Discovery and early connections with Japan, China, and Russia.*

Although legends of the Gilyaks of northern Sakhalin tell of their arrival from the banks of the lower Amur less than 300 years ago, it is certain that the earliest civilized visitors found people of that type in the north of the island and also Ainus in the south.

From time immemorial invasions of the island appear to have followed two routes—the northern and the southern. Members of the Gilyak Tribe must have filtered from their ancestral villages on the lower Amur into the northern half of the island centuries ago, while the arrival of the Ainus from Japan in the southern portion of the island probably dates from an even more remote period. As it was with the early peopling of the island, so also has it been during the last three centuries. The Chinese arrived in northern Sakhalin by the River Amur, and were succeeded by the Russians; in the south of the island the Japanese followed in the footsteps of the Ainus.

The discovery of Sakhalin in 1640 is attributed to the Dutch captain, Martin Vries; he named its easternmost point Cape Patience, and anchored in the Bay of Aniva, which faces south toward Yeso, the northern island of Japan; but in an eighteenth century Japanese geographical account it is claimed that during the Shogunate of Fida-toda (1605–1622) the Prince of Matsumai, Kindiro, ruler of Yeso, sent an expedition to survey Karafuto; it returned the following year to the island and wintered there. No settlement appears to have been made, and Vries 30 years later reported only Ainu natives on the south and east coasts. A later Prince of Matsumai (1688–1703) sent officials to the island and claimed to have established his dominion over the southern half of Sakhalin by the year 1700. A map or a copy, made in 1782, is said to exist, which he presented to the Shogun as a sign of the offering of dominion. Eleven of the divisions of Sakhalin and several of the Kurile Islands have been identified on this map, which also shows 81 Japanese and 140 mixed native and Japanese villages. Such a Japanese settlement of the southern portion of the island in the early eighteenth century seems at least doubtful, but another source confirms the existence at this period of a lively trade between Matsumai and the Ainus of Karafuto.

The succeeding princes of the Matsumai dynasty were unsupported by the Tokugawa dynasty, and their influence waned before the advance from the north of the Manchus, who in the last quarter of the eighteenth century had encroached seriously on their trade. It was not until after the accession of the Manchu dynasty to the throne of China (1644) that interest even in Manchuria was awakened in the Empire.

The first notable result, in part due to the influence of the Jesuit fathers at the court of the Emperor K'ank-hsi (1661–1722), was the treaty of Nertchinsk (1689), which checked the Russian advance down the Amur River. Ten years later, according to a Japanese historian (Togo Yoshida, Karafuto under the Prince of Matsumai), a Chinese general, Koklio, was dispatched with a large force down the River Amur and across the sea to a large island which, or at least its northern part, he seems to have annexed. The same authority adds that the Chinese were dominant in the north of the island about the year 1700. It seems improbable, if this military expedition occurred so early as 1699, that it would have been unknown to the Jesuit fathers who were sent by K'ang-hsi in 1709 to map eastern Tartary; they reported that their first knowledge of the island was gained from natives on the Amur, and added that the Emperor later sent Manchus to Sakhalin, who brought back a careful geographical and topographical account of the northern half of the island. Perhaps it was this survey which appeared at Peking in 1776 in the twenty-fourth volume of a hydrographical work on China, collated from the earlier Great Official Description of the Empire.

From 1785 the Shogunate Government took a direct interest in the island, sending an expedition in that year to Yezo, whence Oisha Ippei was dispatched to Sakhalin to learn from the Manchus what area they claimed. About this time both the Manchus and the Japanese became alarmed at the activities of "foreign ships." The Manchus, according to Mamia Rinzo, appointed certain of the natives overseers of various districts, and tried to bind the natives by a solemn agreement to trade only with themselves; but from the beginning of the nineteenth century we hear nothing of Manchu claims, although their traders from the lower Amur continued to visit the island as they had probably done for the previous 200 years. On the other hand, Japanese fears of Russian aggression led to the dispatch of several expeditions, the most notable of which—that of Mamia Rinzo in 1805–8—resulted in the discovery that Sakhalin was an island, and left us a map and description of it.

The Russian arrival overland in these regions was comparatively late; and, although Poyarkov had descended the Amur in 1644, Russian progress, except in the direction of Kamchatka, was checked for 160 years by the Chinese (treaty of Nertchinsk, 1689; for the text of this treaty, see Eastern Siberia, No. 55, p. 92). Nevertheless, Russian ships were seen in the north Pacific from the year 1720; and in 1800 the Tokugawa librarian, Hondo Juro, found and destroyed pillars of occupation set up by the Russians on the island of Iturup (Kuriles). In 1807 a Russian, Lieutenant Koostov, with the permission of Ambassador Riazonov, took possession of Sakhalin for Russia; but in 1813 Vice Admiral Golovnin, who had been seized by the Japanese three years earlier as he was surveying one of the southern Kurile Islands, obtained his release by disavowing Koostov's act and formally renouncing Russia's claims to Sakhalin.

This period witnessed the growing importance of the fisheries of southern Sakhalin in the hands of the Japanese. There existed many fishing stations with storehouses, especially on the west coast; and a commissioner with underofficials and a Government depot was stationed at Kusunkotan (later Korsakovsk). Fur trading continued with the Ainus and Gilyaks, and there were a few allotments under cultivation.

(2) *Russian occupation and negotiations with Japan, 1850–75.*

Russia, dependent for a century and a half on mere forest tracks—impassable during most of the summer—for land communications with her posts in Kamchatka and along the Okhotsk coasts, had cast longing eyes on the Amur River as a convenient highway. Any attempt to use the river, however,

would involve risk of a clash with China, and further advance might embroil her with Japan.

In 1846 Lieutenant Govrilov had explored the mouth of the Amur and had reported (inaccurately) against its navigability. Moreover, Count Nesselrode, the Russian foreign minister, was fearful of offending China. The Czar, however, was interested in far-eastern Siberia, and appointed General (afterwards Count) Muraviev Governor General of eastern Siberia in 1847, with instructions to study the Amur region. Count Nevelskoy's activity on the east Siberian littoral under Count Muraviev led to the establishment in 1853–1855 of small Russian posts in the south of Sakhalin, also at Due on the west coast opposite De Castries Bay, where on the mainland a Russian post had been established in 1849. Due was chosen as a fur-trading place, but in the same year the discovery of coal there and exaggerated reports of its value led to increased activity on the part of the Government. In 1853 Admiral Putiatin had advised Count Nevelskoy that the annexation of Sakhalin, following the imperial order of April 11, 1853, for its occupation, must involve trouble with Japan, and three years later it fell to him to sign a treaty with Japan, article 2 of which provided that—

> the boundaries between Russia and Japan are in future between Iturup and Urup. The whole island of Iturup belongs to Japan, the island of Urup with the north Kuriles to Russia, while the island of Krafto (Sakhalin) is neutral ground between the two Empires.

Count Muraviev found in the Crimean War and the Anglo-French expedition to Peking his opportunity for expansion. During the former he largely increased his forces for the "defense of the Pacific coast," and with this as a makeweight, in the hour of China's weakness, negotiated the treaties of Aigun (1858) and Peking (1860), by which Russia obtained the Ussuri and the Primorsk (coast) regions. No mention of Sakhalin occurs in these treaties, and China's claim to the island can only be said to have lapsed incidentally to Russia, no such plea indeed having been publicly preferred by the latter. Moreover, Russia had previously to the treaties begun fencing with Japan over the island.

During the next few years the weak Tokugawa dynasty—fearing Russian aggression—dispatched envoys at intervals to St. Petersburg; but they met with little success, since Russia coveted the reputedly rich coal mines of Sakhalin and the Bay of Aniva, which for a large part of the year is ice-free. To Japan it appeared that the whole island was slipping from her grasp by diplomatic processes. When, therefore, in 1862, Russia demanded that the boundary line should be the forty-eighth parallel, an arrangement which would have given her more than four-fifths of the island, Japan expressed her willingness to compromise and to divide the island on the fiftieth parallel. This offer was not accepted; and in 1865 Russia offered to exchange the Kurile Islands, to which Japan had an equal claim, for the Japanese claims on Sakhalin. On March 18, 1867, these negotiations were suspended for a few years by a curious convention which gave to each power "the common right of joint occupation," and to members of both nations permission to "occupy" unoccupied places all over the island. An immediate race for occupation was the result. Japan, populous and near at hand, readily furnished colonists, whereas Russia, being far away, could at best send ex-soldiers and convicts, but no women. The Russians, thus handicapped in the race, erected inscribed posts to denote that occupation had taken place. The Japanese followed suit. In 1869, 800 convicts were dispatched from Trans-Baikalia to work the coal mines at Due. Although there was no local collision, this anomalous state of things could not continue; and on April 25, 1875, Japan, alarmed at Russia's growing power in the Far East, gave way, accepting in lieu of her claim to Sakhalin the Kurile Islands and an annual payment for a fixed number of years. She also agreed to station a consul at Korsakovsk during the summer months to levy on account of Russia a pro rata tax on the Japanese fishermen. It was a diplomatic defeat for Japan; but she had saved that for which Sakhalin was most valuable to her, namely, the right to fish on the southern coasts of the island.

(3) *Russian possession, 1875–1905.*

It is instructive to contrast the differing significance of the island to the Chinese, the Japanese, and the Russians. The Chinese and their Manchu subjects regarded it as a fur-trading center; the Japanese valued it mainly for its rich fisheries; the Russians were first attracted by reports of rich coal mines, but the poor results yielded by backward methods and convict labor disappointed them, and they came to look upon the island merely as a convenient dumping ground for convicts.

Sakhalin, indeed, proved to be a gaol in itself. It was easy to escape from prison, but not from the island. Russia's penal policy affected Sakhalin, and Sakhalin reacted on that policy. The Siberiaks of the seventies and eighties urged the familiar colonial objection to their country being overrun by escaped convicts and ex-convicts. Moreover, the exchequer was interested, since security of life and property in Siberia spelled greater potential receipts. In 1888 M. Galkin Vrasskoy—afterwards head of the general prison administration—recommended that all "vagabonds" should be sent in future to Sakhalin; and shortly before this female convicts were sent to the island, the simplest form of legal marriage being permitted, in order to bring about the settlement of ex-convicts on the island.

Sakhalin was divided into three administrative districts (okrugi), of which the chief places were Alexandrovsk on the west coast, Korsakovsk in the south, and Rikovsk in the center. At the head of each district was a chief or nachalnik, assisted by a doctor, an inspector of colonies, and a small garrison consisting of one company. Prisons were situated in each of the chief towns and in a few others, and for a short radius around these, in clearings, there were 99 small settlements of ex-convicts and those convicts who were allowed to perform their hard-labor duty outside the prison. Over all was the military governor, having his official residence at Alexandrovsk and responsible to the governor general of eastern Siberia at Khabarovsk, on the Amur.

Taking the Government statistics of January 1, 1898, as typical of the period, the population of the island comprised 31,964 Russians and 4,134 natives. Of the Russians there were 19,770 men and 2,397 women who had been sent to Sakhalin as convicts. Only 7,080—3,446 men and 634 women—of these convicts were at hard-labor duty; the rest, having done their term, had become "exile settlers." Among the hard-labor convicts were 76 political exiles. The free population consisted of 1,308 women and 6 men, who had followed their convict spouses, several thousand children of convict parents, and about 2,000 officials and soldiers.

The bulk of the convicts lived outside the six prisons, the unmarried men in barracks, and all, including many from the prisons, worked at logging, coal mining, and various domestic jobs for the officials. Ex-convicts were allotted uncleared land, seed potatoes, and rations for a year, and after a residence of six years, subject to good conduct, could cross to the mainland if they were offered work there or had obtained sufficient money. The Government regulations were in general humane, but were largely nullified by the maladministration of officials. With convict and ex-convict labor it is not surprising that no industry flourished. The coal mining produced from all the mines only about 36,000 tons a year; agriculture was of the poorest and grazing little better. Fishing, except in the southern half of the island, was confined to the rivers and scarcely counted even in local consumption.

In the south of the island, although many Japanese had left after 1875, the larger share of the fisheries was still in the hands of their countrymen. It is necessary to explain the extreme importance attached to these by the Japanese. Japan is still largely an agricultural country and depends upon intensive cultivation. Fish is therefore necessary to her, not merely as a food but as manure. Until the Chino-Japanese War haricot pods from China and Korea had been used as a substitute for guano. When these supplies were cut off the Japanese came to realize the value of fish manure, which, although five times the price, is far superior in chemical properties. With the increase of shipping, and particularly of steam shipping, the schools of fish, notably herring, have to a large extent been frightened from the coasts of Japan, so that Sakhalin is increasingly valuable to her.

The attitude of the Russian Government toward the natives, who are peaceable, was paternal, but rather passively so than actively. It interfered little with them, and so long as no trouble arose they were allowed to regulate their lives by the customs of the tribe, the chief man of each village being appointed its responsible head. Unfortunately, the activity of the lower officials and ex-convict traders was in contrast to the Government's passivity, for in contravention of Government regulations they traded vodka for valuable skins. Further, by the march of civilization and competition on the part of ex-convicts, the natives lost river fishing stations, their winter store of fish was thus reduced, and they became liable to starvation and epidemics in the late winter. Occasionally in such crises the Government distributed food.

(4) *Japanese conquest, 1905.*

The cession of the island to Russia in 1875 caused considerable excitement in Japan, and it was to be expected that the latter would seize the first opportunity in the Russo-Japanese War to retake it. This opportunity did not arise until after the defeat of the Baltic fleet in the Tsushima Straits on May 27 and 28, 1905. Two naval squadrons with transports were forthwith dispatched from Japan to Sakhalin, the first disembarking in

the Bay of Aniva on July 7, 1905. The Russian forces, inferior in number, were defeated and driven northward into the forests of the interior. The second squadron landed troops on the west coast at Arkova, Alexandrovsk, and Due on July 24, and quickly driving the enemy eastward to Derbenak in the center, overtook them in the forests to the south and defeated them at Palevo. On July 31 the military governor of Sakhalin, with 70 officers and 3,200 rank and file, surrendered. The following day Lieutenant General Haraguchi proclaimed military administration over the whole of the island, and on August 6 the civil administration staff left Tokyo for Karafuto.

The news of the result of the conference at Portsmouth, United States of America, led to considerable agitation in Tokyo, and the press had to be muzzled. Great expectations of the advantageous terms to be exacted by their victorious arms had been cherished by the Japanese public, but the financial weakness of Japan and the clever maneuvering of M. de Witte doomed them to early disappointment. Apparently the negotiations between Russian and Japanese envoys reached a deadlock. At this point President Roosevelt is said to have suggested to the Czar the cession of the southern part of Sakhalin to Japan and a payment for the other half. The latter provision savored of an indemnity and the Czar refused; but when the negotiators met again, M. de Witte proposed the cession of the southern half of the island to Japan and Baron Komura accepted the offer.

Of the Portsmouth treaty—September 5, 1905—articles 9, 10, 11, and an additional article concern Sakhalin:

Article 9 reads:

The Imperial Government of Russia cedes to the Imperial Government of Japan in perpetuity and full sovereignty the southern portion of the island of Sakhalin, and all of the islands adjacent thereto, and the public works and properties thereon. The fiftieth degree of north latitude is adopted as the limit of the ceded territory. The exact alignment of this territory shall be determined in accordance with the provisions of the additional article 2 annexed to this treaty. Japan and Russia mutually agree not to construct in their respective possessions on the island of Sakhalin or the adjacent islands any fortifications or other similar military works. They also respectively engage not to take any military measures which might impede the free navigation of the Straits of La Perouse and the Strait of Tartary.

Article 11 reads:

Russia engages to arrange with Japan for granting to Japanese subjects rights of fishing along the coasts of the Russian possessions in the Japanese, Okhotsk, and Bering Seas. It is agreed that the foregoing engagement shall not affect rights already belonging to Russian subjects or foreigners in those regions.

Article 10 provides for the safety and protection of Russian subjects in the area ceded to Japan; and additional article 2, referred to in article 9, provides for a commission to delimit the boundary and to prepare a list and description of the adjacent islands comprised in the cession and maps showing the boundary.

This arrangement was completed by the Russo-Japanese fisheries agreement of 1907, by which Japanese fishing guilds and companies acquired leases of fishing rights in Russian territorial waters while Russian concerns operating both on the coast and on rivers were allowed to employ Japanese labor in certain cases. Altogether some 13,000 Japanese fishermen and laborers spend the summer at stations along the Asiatic Russian littoral. Thus one of the chief sources of income of the Hokkaido (Japan) is outside its boundaries, and its prosperity is largely dependent on the success of fisheries on a foreign shore.

III. SOCIAL AND POLITICAL CONDITIONS.

(1) RELIGIOUS.

(a) *North Sakhalin.*

(a) Natives: The few hundred natives are Shamanists; for them nature, animate and inanimate, possesses spirits; and the medicine man (in the Gilyak tongue, the Cham) exorcises the bad and attracts the good demons. The bear festival in January, at which the animal is sacrificed and his spirit speeded to the God of the Mountains, is the greatest religious and social event in their calendar. Although the Gilyaks are included by M. Patkanov (Essai d'une statistique * * * des peuples palaeasiatiques de la Sibérie) as Christians, there is not a sign of their conversion; it is otherwise with the Oroks, who have cut off their pigtails and added, at least in one or two of their huts, an icon to their collection of charms. The Russian priest is not above the temptation to supply vodka in exchange for valuable sable skins. Once a year he makes a journey to the center of the island during the hunting season to baptize Orok children and read the burial service for deceased members; but the natives do not respond with alacrity, since many sable skins have to be given for these privileges.

(b) Russians: The orthodox Catholic religion obtains among the majority of Russians. All officials have to receive the communion once a year; but it is not difficult to arrange with the priest for evasion of this obligation. Exceptions to the law are made in favor of those of other acknowledged religions. There were, besides the Russian church at Alexandrovsk, a Lutheran church and a Mohammedan mosque. In 1898 there were 67 prisoners doing hard labor who were sentenced on account of their religious belief. The number of churches officially reported for the whole island before the Russo-Japanese War was 26, but there are really about half a dozen only in the northern area, Alexandrovsk, Due, Derbensk, and Rikovsk each having 1. The priest occasionally visits the 40 or 50 outlying settlements and reads a short service at a spot marked by a cross.

(b) *South Sakhalin.*

(a) Natives: Except for a very few Gilyaks, the natives of South Sakhalin are Ainus. They are said to believe in a great creator, but otherwise are animists, seeing spirits in most natural forms. A patriarch of the village performs their ceremonies, and they have no shamans. The bear festival is the great event of the year, and they have even been called on this account "bear worshippers." As the Japanese do not proselytize, the Buddhist and Shintoist priests do not carry on any missions among them.

(b) Japanese: The recent growth of the national spirit among the Japanese, particularly during the Russo-Japanese War, led to the revival of Shintoism; so that it is no longer true to say that Shintoism ushers the Japanese into life and Buddhism attends and buries him. Both these religions are represented in Sakhalin, the former by 4 sects with 11 shrines and the latter by 6 sects and 73 temples. There are also four Christian churches—two so-called Japanese Episcopalian and two Roman Catholic.

(2) POLITICAL.

(a) *North Sakhalin.*

The military governor of the island resides at Nikolaevsk, on the Amur, and visits his official residence at Alexandrovsk once or twice a year, a deputy general being in charge. A small garrison, nominally a battalion, is stationed in the island. Theoretically the officials are interested in the development of the island, but the schemes put forward have not materialized after years of talk.

(b) *South Sakhalin.*

Karafuto is divided into five administrative districts (cho) under prefects. The governor has his seat at Toyohara, having moved his capital northward—25 miles—from Otomari. A small garrison is posted at the latter place, one of the companies of a scattered battalion.

(3) EDUCATIONAL.

(a) *North Sakhalin.*

(a) Natives: Among the natives of North Sakhalin, of whom the great majority are Gilyaks, there are no educational facilities. Two or three individuals have been known to learn Russian and to reside for a time in Russian towns, but the white man's life has not suited them.

(b) Russians: Statistics show that the Russians, before the Japanese conquest of the island, had 32 schools with 800 pupils, of which perhaps one-half are in the existing Russian portion of the island. These were in most cases small village schools, dependent for their existence on the presence of a political exile as teacher. The number has probably decreased with the diminution of the population. Under the present system Sakhalin falls in the fifteenth division of the general Amur educational district. In a division of an oblast such as is Sakhalin, primary education is provided by the local authority or by private persons. The schools are of the primary grade, and for higher education it is necessary to go to the mainland.

(b) *South Sakhalin.*

(a) Natives: Under the Japanese in 1917 there were among the natives 12 "teaching places," with 202 pupils, conducted at an expense of 4,838 yen.

(b) Japanese: A complete national system of education was established in the Japanese Empire in 1873 and remodeled in 1886. Primary schools prepare for the middle, followed by the high schools, which in turn prepare for the universities. In South Sakhalin there were in 1916 three Government primary schools with 2,628 pupils, one Government middle school with 225 pupils, and a Government higher girls' school with 48 pupils. The cost of these was 67,159 yen. In addition to these, there were 105 private primary schools with 5,420 pupils, with a total expenditure of 74,009 yen. Commercial and technical schools in Japan are largely private, but there is no mention of such existing on the island.

GENERAL OBSERVATIONS

In considering the claims to the island we may dismiss the question usually raised by the presence of subject native races. The proposal to give back the island to them can not be effectively urged. There are four different tribes, numbering all told about 3,000 individuals, and gradually diminishing. They are still in the hunting stage.

The coal of the island is of good quality and the quantity of fair promise. Its future may be brighter when harbor facilities remove its handicap in competing with Japanese and north China coal.

IV. ECONOMIC CONDITIONS.

(A) MEANS OF COMMUNICATION.

(1) INTERNAL.

(a) *Roads, paths, and tracks.*

The greater part of the island of Sakhalin is covered with primeval forest, and the means of communication are therefore defective; the few roads that exist have been cut through the jungle by convict labor. There are also a few paths, made by widening bear tracks. The natives travel chiefly by river.

The main road of the island during the period of Russian rule started from the coal mines of Due on the west coast and ran to Alexandrovsk, the seat of government, a distance of about 8 miles. It then ran northward to Arkovo, a village near the coast, whence it turned inland, crossed the backbone of the island, and dropped down on the other side to Derbensk, on the upper waters of the Tim, 35 miles from Alexandrovsk. At this point a corduroy road and cleared track descended the Tim to Slavo, but the main road turned southward for 9 miles, to Rikovsk. The total length was 44 miles of well-made road. Beyond Rikovsk the road became merely a cleared track, following for 200 miles the swampy right bank of the Poronai, and thence proceeding along the east coast through Naibuchi and Vladimirovka to Korsakovsk, which under the Russians was the chief prison and administrative center of the south.

For a few miles out of Rikovsk there was a road on the left bank of the Poronai, passing through the village of Longari. From Alexandrovsk there was also a short road inland to Novo Mikhailovsk, which may be termed a suburb, and thence a track to Rikovsk. In winter the natives with their dog sledges used the beach, or rather the frozen fringe of the sea, as a mail route to Cape Pogobi, whence they crossed the frozen sea to the mainland. It was also considered safer to make the journey from Alexandrovsk to Arkovo, and the latter half of that from Alexandrovsk to Due, by the beach at low tide, instead of by the road, as the traveler thus reduced the chances of attack to one side only.

Korsakovsk in the south was the center of a few Russian roads which began bravely enough, but ended as mere tracks. One ran northward to the village of Takoi, beyond Vladimirovka, and another linked up Korsakovsk with Muravievsk, on the southeast and with Mauka on the west coast. At the narrowest part of the island a Russian track connected the villages of Manue on the east coast and Kusunai on the west.

After the acquisition by Japan of the southern part of the island, new towns were laid out at Toyohara (Russian, Vladimirovka), Otomari (Korsakovsk), and Mauka, and a highway was constructed across the backbone of the island from Toyohara, the capital, to Mauka on the west coast. Another was made later from Toyohara southwest to Cape Notoro. The Russian highways and tracks were converted into roads 15 feet in width, and bridges were built. These roads and bridges, however, leave something to be desired, and better provision is necessary if the economic expansion of the colony is to continue. By 1911 the Government had established 53 ferries, carrying passengers at small fees, or without charge, and had granted subsidies to 73 road stages providing lodgings, horses, and porters. Notwithstanding their conservatism, the Japanese are using Russian carts on these roads. In winter, communication is maintained between Toyohara and Mauka by Ainu dog sledges and with the Russian part of the island by native reindeer sledges.

(b) *Rivers.*

The chief rivers, the Tim and the Poronai, are shallow, and their mouths have to be approached cautiously on account of sand banks or dunes. The Poronai is navigable a few miles up—as far as Peroto—by vessels of 4½ feet draft. The Tim, from Derbensk to its mouth, a distance of about 200 miles, is said to have 11 rapids, 89 sand banks, and many obstructions formed by fallen trees.

The rivers are the main highways for the natives, who use them for canoe traffic in the summer and as roads for sledges when frozen in the winter.

(c) *Railways.*

There is no railway in the Russian area. Rails are laid down from Alexandrovsk to the jetty, a distance of about 1¼ miles.

During the Russo-Japanese War the Japanese military administration built a light railway of 3 feet 6 inches gauge from Otomari (Sakaemachin Station) to Toyohara; this was opened to the public in 1909. In 1911 it was extended to Sakaehama, a total length of about 56 miles, thus linking up Aniva Bay with the east coast. This railway is said to connect the four wood-pulp factories which the Japanese have established at Otomari, Tomariaru, Toyohara, and Ochiai.

(d) *Posts, telegraphs, and telephones.*

In the Russian portion of Sakhalin mails are delivered by the Russian volunteer fleet of steamers to Alexandrovsk. During about three months of midwinter mails are carried by native dog sledges over the frozen sea between the island and Nikolaevsk, near the mouth of the Amur. The Russians had a telegraph system along the roads linking up the principal prisons, which were connected also by the weekly post from Alexandrovsk.

The Japanese have a mail service three times a month by steamer from Hakodate. They have maintained and extended the Russian telegraph system. Postal, telegraph, and telephone offices are established in the chief towns, Toyohara, Otomari, Mauka, Shikika, Nayoshi, and Nishi-Notoro. There are 16 subordinate post offices, two of which are also telephone exchanges.

(2) EXTERNAL.

Under Russian rule Sakhalin suffered seriously from the want of regular communication with the mainland. In the winter there was no communication, except for the months during which sledges could be used, and even in the summer, when the sea was open, there was no harbor available.

(a) *Ports.*

Alexandrovsk and Due are mere open roadsteads. Alexandrovsk has a pier 350 yards long, and in order to develop the coal-mining industry it has been decided to construct a properly equipped port there. At Due ships have to lie two-thirds of a mile out.

Mauka, on the west coast, is another open roadstead, but it has the distinction of being almost free from ice in winter, and it seems destined to become, if it has not already become, the most flourishing port of Japanese Sakhalin. To-day it possesses a larger population (19,000) than any other town on the island.

Otomari, which includes Sakaemachi, 1 mile distant, is closed by ice for about three months in the year, but in the open season it affords safe anchorage, except with winds from the south and west. Four short piers and one longer one, with a depth of 6 fathoms at its end, have been built, but ships generally unload into lighters.

Minor ports are Sakaehama, on the east coast, and Ushiyara, on the west coast, but at both the anchorage is most insecure. Ships must lie some distance offshore and load and unload by means of lighters.

From time immemorial Japanese junks have anchored in the Bay of Ni within shelter of the sand dunes to trade with the native Gilyaks, Oroks, and Tungus. Unfortunately, on this coast fogs prevail from the end of April into July.

The only available records of shipping are for Japanese vessels entering Otomari. In 1912 that port was visited by 31 steamships, with a total tonnage of 18,186, and two sailing vessels of 205 tons. In 1914, 36 Japanese steamships, of 16,451 tons, entered and 26, of 10,159 tons, cleared; in the same year 1 sailing vessel of 114 tons entered and 3 of 478 tons cleared.

(b) *Shipping lines.*

Between Russian Sakhalin and the mainland communications are maintained from the middle of April to the end of October by steamers of the Russian volunteer fleet; there are 16 sailings from Vladivostok to Nikolaevsk, and the ships call at Alexandrovsk on the outward and return journeys. An occasional tramp steamer calls at Due or Vladimirsk for coal.

In Japanese Sakhalin shipping communications are regular and frequent in the open season. There is a service during the summer to Otomari from Hakodate and Otaru, with nine sailings per month, provided partly by the steamers of the Nippon Yusen Kaisha and partly by the small steamships of the Osaka Shosen Kaisha; the latter call twice monthly from April to December at Sakaehama and minor ports on the east coast of the island. There is also said to be a coasting service of the Kita Nippon Kisen Kaisha's vessels.

(c) *Cables and wireless communication.*

A Russian submarine cable is laid between Cape Pogobi on Sakhalin and Cape Lazarev on the mainland. There was an older cable connecting Alexandrovsk with the mainland at De Castries Bay; this was broken in 1901, but is reported to have been repaired.

The Japanese have a cable from Alexandrovsk to the island of Todoshima (Kaibato), off the southwest coast, and thence to the island of Yezo.

The nearest wireless stations are at Nikolaevsk, on the Siberian mainland, and on the Japanese island of Yezo.

(B) INDUSTRY.

(1) LABOR.

(a) Supply of labor; emigration and immigration.

Since the Russo-Japanese War Sakhalin has ceased to be a penal settlement, and the prisons now house local offenders only. The difficulty in the old days was to provide lucrative work for the prisoner who had served his time. To-day the population of the Russian territory has dwindled to a sixth of what it was, and continues to decrease. In 1911 there were only 5,138 Russians in the northern half of the island, of whom 728 were officials and soldiers, 1,502 ex-convicts, and the rest mostly dependants of these. Rikovsk has only one-third of its houses occupied, and Alexandrovsk is said to have only one-fifth of its former population. In these circumstances there is no question of the supply of labor. With the exception of a few ex-convict traders, the bulk of the population is engaged in growing potatoes, garden produce, and cereals, and barely succeeds in raising enough for its own support. Little economic progress can be expected from the remnants of an ex-convict population, whose most energetic members took the opportunity of the Russo-Japanese War to make their escape to the mainland.

The coal mines at Due and Vladimirsk need labor, but this work does not appeal to the Russian population; hence up to 1914 some 600 Chinese and Koreans were employed in the mines.

The Russian part of the island is unattractive climatically, agriculturally, and socially, and the blight of the penal system is over it; hence it is not surprising that, notwithstanding the inducements offered by the Government, only 30 new families settled during the years 1907 to 1910. The Government offers loans to intending settlers, up to a sum of 400 rubles to each family, on condition that a khodok, or selector, chooses the land they are to occupy. Easy terms of repayment are granted, the sum being divided into 10 annual installments, commencing at the end of five years. In certain cases half the loan may be remitted. To settlers above 15 years of age a postponement of military service for six years is also granted.

No statistics of emigration are available, but the mainland, with its better climate and greater development, especially at Nikolaevsk and Khabarovsk, attracts a few hundred emigrants annually.

With regard to immigration in south Sakhalin, the number of Japanese who visit the island in the summer for the fisheries has increased by tens of thousands since the establishment of Japanese rule. Another stream of immigrants has settled down permanently to cultivate the soil. One record gives the number of families settled on the land up to the end of 1917 as 3,857, and this seems to be confirmed by another report which mentions a total of 17,000 settlers. The impending development of the wood-pulp and match-stick mills may help to steady the demand for labor, which has varied with fluctuating harvests.

The Japanese population, reckoned on June 30, was as follows: Forty-three thousand four hundred and fifty-six in 1908; 57,051 in 1911; 73,568 in 1915; and 78,705 in 1916; these figures, however, include many thousands of migratory fishermen. The seasonal character of this immigration is shown by comparing the above totals with those given in the records for December 31, which were as follows: Twenty-six thousand three hundred and ninety-three in 1908, 36,725 in 1911, 60,680 in 1915, and 64,323 in 1916 (cf. p. 14). Of the total population, three-fifths is said to be engaged in the fisheries.

(b) Labor conditions.

In Russian Sakhalin the people are almost entirely engaged in cultivating their own plots of land, and therefore make their own labor conditions. In some cases they are the victims of careless or unscrupulous officials, who have settled them or their parents before them on entirely unsuitable land. On the whole, the blight of the convict is perhaps the greatest hindrance to the development of a prosperous community.

In Japanese Sakhalin the immigrants have been selected, and their prospective lands carefully chosen. Roads and communications have been made, and no stigma attaches to the population. They also have the distinct advantage of a less inclement climate.

The early arrangements were for settlers, who could afford to do so, to stay at Otomari; and for those who could not, to go to the immigrant "town" near by where they were to await instructions. Carefully selected before leaving their homes, they were allotted 22,500 tsubos (1 tsubo=3.9 square yards), nearly 1¾ acres of land and a Russian house. For this they were to pay 6s. per annum to the Government and to keep the house in repair. The land was to become the property of the settler if at the end of five years it had been cultivated to the satisfaction of the authorities.

No report is available of the conditions of those engaged in the fisheries and canneries. In 1908 the majority were migratory, but to-day the migratory element is less than half of the total. Similarly there is no information as to those employed in the wood-product factories.

(2) AGRICULTURE.

(a) Products of commercial value.

Russian official statistics, which err on the optimistic side, state that there are in the Russian part of the island 321,250 acres of good land suitable for cultivation. Of this area about one-half is already occupied by the inhabitants of 27 settlements. It is thus computed that there are still more than 160,000 acres of agricultural land available for immigrants.

The products of the land under cultivation in Russian Sakhalin are very meager. The most favorable report shows that the yield of wheat, barley, and rye is about five and a half fold and that of potatoes ninefold. These crops are all consumed on the island; the rye crop is not even sufficient for local needs. In 1911 there were 1,797 horses, 4,315 cattle, and 1,400 pigs. The Government agricultural school at Rikovsk possesses a small farm and a few head of cattle.

In south Sakhalin the cultivated areas are increasing. The total area cultivated by the 3,857 families stated to have been settled by the end of the year 1917 was 9,485 chos (1 cho=2.45 acres), 23,238 acres. It is further reported that there were more than 438,000 chos (1,073,100 acres) of land in the Japanese territory available for cultivation and pasturage. This figure is, however, probably much exaggerated. This area, added to the total area given by the same authority for the forests, amounts to about 1,350 square miles in excess of the area given for the whole of Japanese Sakhalin.

Barley, wheat, potatoes, beans, cabbages, flax, and hemp are grown successfully on the river margins and in the sheltered valleys. Stock farming is expected to do better on the plains and the lake margins, especially since the large bears have been driven north. Foxes and similar animals are bred for the fur trade.

(b) Forestry.

Forests cover the larger part of Russian Sakhalin. It is stated that their area is 14,766 square miles, but this is almost certainly exaggerated. The chief species of trees are larch, fir, spruce, and birch; the timber is suitable for export, but this has been hindered hitherto by the lack of facilities for transport. The Russians until recently used the forests for fuel and for building their log dwellings; and large areas have been burned through carelessness. Up to 1914 the sawmills at Alexandrovsk provided for local needs; but new developments at Nikolaevsk on the mainland, due to the capture by the Russians of the export trade in fish and its diversion toward Europe, together with the construction of the Amur Railway, have led to a great boom in the timber trade. It is reported that the association of lumbermen of the Amur region has been granted a concession in Sakhalin near the Russo-Japanese boundary, and that they intend to construct their own harbor.

In Japanese Sakhalin the forests belong to the Government, and surveys have been made. The area of the forests was given by the Financial and Economic Annual of Japan for 1918 as 3,352,712 cho, or 12,834 square miles, but, as in the case of the agricultural area, there is little doubt that this figure is too high. It would seem that probably three-quarters of the surface is forested, and that about five-eighths of the forest consists of conifers. The most important trees are the larch (Larix dahurica), the spruce (Picea ayanensis), the fir (Abies sakhalinensis), and the white birch. Larch logs have been sent to Japan in quantities for conversion into railway sleepers and telegraph poles, and the white birch has been found useful for the production of charcoal, calcium acetate, and wood tar. Wood pulp and match sticks have now been added to these products.

3. FISHERIES.

The Russo-Japanese fisheries convention, concluded in 1907 for a period of 12 years, granted to Japanese subjects the right to fish along the coast of the whole of the Russian far eastern possessions on an equal basis with Russians, except in certain "nonconventional" bays and gulfs, reserved for Russians only. The use of vessels under foreign flags is allowed. The stations are put up to auction annually at Vladivostok by the Priamur Department of Domains. Since 1910, when the Russian fishermen on the Amur River captured the trade from the Japanese, the Russians have competed in increasing numbers for the stations off the Pacific coast of Siberia, and have adopted modern equipment and methods of preparation. In 1913 there were 14 stations in Russian Sakhalin, of which 4 were in "nonconventional" waters, while of the 10 in "conventional" waters 5 were leased to Russian concerns and 5 to Japanese.

Fishing is also carried on in the rivers with snares, and in the winter along the sea edge, where breathing holes are made. By these simple methods and some casual sea fishing in the summer the natives and Russian peasants catch for their own use haddock, halibut, trout, ide, smelt, and various kinds of salmon.

The number of fish caught during the three years 1911, 1912, and 1913 off the coast of Russian Sakhalin was as follows:

Year.	Chum salmon (kita).	Humpback salmon (gorbusha).	Herring.
1911	31,000	286,000	12,640,000
1912	18,000	126,000	14,036,000
1913	28,000	184,000	6,485,000

The herring fishery is declining off both parts of the island. Before the Russo-Japanese War the Sakhalin herring fishery district was the most important in the whole Russian Pacific, but now it has become of comparatively small importance.

In southern Sakhalin, even under the Russian régime, the Japanese had maintained the majority of the fishing stations, and a Japanese consul had been stationed at Korsakovsk to regulate the fisheries. For the year 1902 he reported that there were 35 Japanese and 20 Russian undertakings connected with the fisheries of southern Sakhalin. The total fish production for that year was 1,451,680 puds (1 pud equals 36.1 pounds avoirdupois), of which 1,131,600 puds represented fish fertilizer. The total value was 1,500,000 rubles (£158,125). In 1913 the value of the herring fishery alone is stated to have been £330,136, and of the total fishery £581,803.

During the first few years after the Russo-Japanese War there was a lack of control; not only were fish killed before spawning but large numbers were left to die and rot. To-day there is strict Government control, licenses are issued, and whereas there used to be as many as 870 fishing stations on the east coast and 423 on the west, the total number is now restricted to 375.

An experimental fish farm has been established on the west coast, at which investigation and research work are carried on. The chief fishing season is in August, when the herring, the kita or dog salmon, and the gorbusha or humpback salmon arrive off the coast in schools to escape the cold northeastern current. The salmon are cured or salted, but the herrings are mostly prepared for use in fertilizing the rice fields and tea gardens of Japan. The herring fertilizer became of prime importance to Japan after the Chino-Japanese War had cut off the supplies of haricot pods. If the decline of the herring fishery of the Pacific in the years 1916 and 1917 continues, Japan may have to find a substitute for fish guano in soy beans imported from Manchuria. Fishing for crabs has been developed recently, the catch being canned; fishing for cod and karel (flatfish) is also developing.

Bêche de mer or trepang and sea cabbage, valued as delicacies by the Chinese, are obtained off both Russian and Japanese Sakhalin.

4. MINERALS.

The chief mineral product of the island is coal, of which there are considerable deposits. The quality is better than the average Japanese coal and slightly inferior to the best, but is not equal to the coal from Fushun, in Manchuria. The deposits are a commercial asset to be reckoned with in the future, though, owing to the backwardness and inaccessibility of Sakhalin, and to the presence of coal in north Japan, Primorsk, and northern China, the Sakhalin coal is not "ready" for market.

In Russian Sakhalin coal is worked chiefly at Due and Vladimirsk. It is lignite, with about 66 per cent of the caloric value of Welsh coal, and contains 71 per cent of coke. The chief obstacle to its use is the absence of facilities for loading it on shipboard; lighters have to be used for this purpose. Mr. C. H. Hawes (in the Uttermost East, London, 1903) mentions that a steamer of the Chinese Eastern Railway Co. intended to load 2,000 tons, but at the end of three weeks had succeeded in embarking only 150 tons. Other hindrances to development have been the inefficiency of the convict labor and Russian carelessness, which resulted in considerable damage to the mines. After geological surveys had been made it was estimated that the reserve of coal was 16,000,000 tons; the actual production in 1913—an average year—was 36,000 tons.

The lease of the mine at Due (at a royalty to the Government of one-fourth kopeck per pud) expired in 1914, and the lessee company then experimented with a new vein, 4 or 5 miles to the north of Alexandrovsk, thereby hastening its own end. The Government was to put up the lease to public auction for 36 years at Petrograd in 1914, a condition being imposed that the lessee should construct a harbor at Alexandrovsk for general use. The scheme of construction involved the building of a mole from Jonquière Head to the rocks called the Three Brothers, and the cost, as estimated in various projects put forward within the last 20 years, ranged from 3,500,000 to 7,000,000 rubles. Apparently there were no bidders, for the last report (1914) states that the mines are being let on a yearly basis, and are still being worked by Chinese labor. For 30 years the rumor has persisted that one of the most valuable mines is on fire.

In Japanese Sakhalin coal has long been mined at Sertonai, on the west coast near the Russian border, and veins have been located in the southwestern area, particularly in the Notoro Peninsula. Reports are published from time to time of newly located seams, but the results of investigation have proved disappointing. The most recent discovery tells of a seam 60 miles long and 1 to 3 miles broad on the east coast, stretching north from the mouth of the Poronai. The coal obtained, however, is very inferior; it is soft and breaks readily.

A Government coal-mining station has been established on the west coast. It must not be supposed, however, that the coal in the Japanese area is comparable in quality to that of the Russian half of the island. The following statistics of production, given in the Japanese Year Book (Y. Takenobu, Japanese Year Book, 1918; Tokyo, 1918) should be regarded with some caution:

	Tons.
1914	14,653
1915	27,665
1916	37,640

Oil springs and paraffin lakes are found at intervals for a considerable distance along the northeast coast of Sakhalin, especially near Chaivo Bay, on the Boatassin Creek, and Nutovo River. The discovery was officially reported in 1894, and the first shallow boring was made in 1900. An English company just before the Russo-Japanese War sent out an expedition which made a careful geological and analytical examination. Since then other important expeditions from Europe and the Orient have inspected the area and spent considerable sums in tests, but it yet remains to be proved that oil exists in commercially paying quantities.

The rumors from Japanese sources of the existence of "oil veins" in south Sakhalin have not been substantiated.

Iron mines exist in the north of Russian Sakhalin, but, as they have been only fitfully worked by the Russian Government, it seems that they do not promise to be of much value. Iron pyrites is found in Japanese Sakhalin, particularly in the Notoro Peninsula.

Alluvial gold has been discovered in both north and south Sakhalin in small quantities. There are Japanese reports, to which too much importance should not be attached, of the presence of silver and copper in the Naiko district. Amber is found on the shore of the Bay of Patience.

(3) MANUFACTURES.

In Russian Sakhalin the Gilyaks, Oroks, and Tungus hew out canoes and manufacture clothing out of dogskins. The Russian peasants are almost entirely engaged on the land, and there are no manufactures on any considerable scale. There is a small iron foundry at Alexandrovsk.

In Japanese Sakhalin there are four wood-pulp mills, each with an annual production valued at £10,000. There are several canning factories. A dry distillate factory was established at Toyohara in 1911 for utilizing the white birch, the elm, and other broad-leaved trees. In the production of charcoal, calcium acetate, and wood tar, 43,200 kokus (1 koku equals 10 cubic feet) of timber (432,000 cubic feet) are reported to be used annually.

(C) COMMERCE.

(1) DOMESTIC.

Principal branches of trade.

In Russian Sakhalin there is some traffic between the native tribes and the Russians, the former supplying furs in exchange for gunpowder and shot, potatoes, vodka, and tobacco. Also, at the time of the annual bear festival bears are frequently purchased with Russian supplies. These tribes also barter furs with the Japanese, who come to the Bay of Ni on the northeast coast for rice, cauldrons, kettles, and needles, and with the Manchu traders, who come from the mainland to some central spot on the Tim for Chinese cotton cloth (ta-pu) and coins to adorn the skirts of Gilyak ladies.

Amongst the Russian inhabitants themselves there is little trade. The peasants are almost self-sufficing, and such trade as exists consists merely of the sale of the small surplus of the

products of their farms or gardens and the purchase from the few general stores at Alexandrovsk, Derbensk, Rikovsk, and Slavo of such articles as hardware, clothing, brick tea, rice, tobacco, and gunpowder and shot.

In Japanese Sakhalin the Ainus traffic in furs, although they are more and more engaged in transport with dog and reindeer sledges and in the fisheries. The settlers in this part have better markets for their produce than those in the northern part of the island, since they can sell to the thousands of fishermen engaged along the coasts.

(2) FOREIGN.

(a) *Exports.*

The chief articles of export from Russian Sakhalin are fish, coal, and furs.

Fish is exported in quantities nearly equaling the total amount caught off the coast, but no information as to value is available. The products prepared from fish amounted in 1911 to 1,232 tons, in 1912 to 1,068 tons, and in 1913 to 690 tons. The 1913 catch was made into the following products:

	Tons.
Fish, salted by the Russian method	79
Caviar, prepared by the Russian method	22
Fish, dry salted for the Japanese market	274
Herring fertilizer for the Japanese market	274
Fish oil for the Japanese market	33
Caviar for the Japanese market	3
Total	690

Coal was produced in 1913 to the extent of 36,000 tons, and nearly the whole of this was exported. It was taken partly by transit steamers of various nationalities, and partly by the Russian volunteer fleet, and steamers of the Chinese Eastern Railway Co.

Furs are taken by the richer Oroks and Gilyaks early in the year to Nikolaevsk on the Amur. Reindeer, sable, fox, and marten are among the furs thus exported. There used to be an export of sealskins, but the fur seal is now rare.

The chief exports from Japanese Sakhalin are fish, timber, and coal.

Fish is the most valuable product. The quantities and values of the fish manure exported to Japan in the period 1897–1908 were as follows:

Year.	Tons.	Pounds.
1897–1901 (average)	17,684	138,934
1902	19,979	146,854
1903	25,390	192,138

In 1908 the export of herrings amounted to 188,459 kokus (1 koku=4.9 bushels), 934,756 bushels, and in 1907 reached its maximum with 234,316 kokus, the amount falling in 1914 to 205,646 kokus, of which 1,809 kokus were salted and sent to China for food. The export of salmon, which in 1903 amounted to 4,639 kokus only, rose in 1914 to 17,977 kokus. The export of trout, which amounted to 27,061 kokus in 1903, reached in 1912 a total of 127,815 kokus, which, after a decline in 1916, was succeeded in 1917 by a still larger export of 167,620 kokus. The export of crab has developed in recent years, and 5,700,000 cans were exported in 1917, chiefly to America. There is also an export of trepang and sea cabbage to China.

Timber was exported to a value of £3,522 in 1912, and of £13,155 in 1913; these figures should, however, be increased by the value of the timber reaching Hakodate via Hokkaido ports.

Almost the whole of the coal produced is exported. In 1914 the production amounted to 14,653 tons, in 1915 to 27,665, and in 1916 to 37,640.

Besides these three chief exports, match sticks, wood pulp, and probably all the charcoal, calcium acetate, and wood-tar products are exported.

(b) *Imports.*

No information is available as to the amount of the import trade of either part of the island. In Russian Sakhalin the local products are so scanty that many of the necessities as well as the luxuries of life have to be imported. These include some cereals, brick, tea, rice, tobacco, clothing, hardware, and rifles. In Japanese Sakhalin, the Japanese craftsman can supply most of the native needs, but rice, tobacco, tea, and clothing have to be imported, and the fishermen need nets and gear, tins for canning, and other articles, besides salt, which is imported from Taiwan (Formosa).

(c) *Customs and tariffs.*

Information is wanting as to whether any customs dues are collected on imports to Sakhalin, or on goods passing from one part of the island to the other. No mention is made of them in the Japanese budget, nor in the scanty details of the Russian budget available.

(D) FINANCE.

(1) *Public finance.*

Until 1905 there were no taxes in Russian Sakhalin, and any taxation since imposed has been light. The treasury receipts for 1911, mostly from shop licenses, amounted to 57,426 rubles, while the expenditure for the island administration must have approached 1,000,000 rubles.

In Japanese Sakhalin, since the establishment of the special account in April, 1907, a fixed grant has been made annually by the national treasury to help toward defraying the expenses of colonization and administration; but apparently in the budget estimates for the year 1918–19 the need of this is for the first time not anticipated. The budget estimates for that year (Finance and Economic Annual of Japan, 1918, p. 192) were as follows:

REVENUE.

	Yen.
Ordinary:	
Direct taxation	312,819
Revenue from public undertakings and State property	1,564,049
Licenses and fees	228,221
Stamp receipts	88,293
Miscellaneous	17,996
Profits of tobacco monopoly	144,113
Total	2,355,591
Extraordinary:	
Proceeds of sale of State property	283,432
Surplus of preceding year transferred	462,815
Proceeds of loans received	1,203,100
Miscellaneous receipts	2,934
Total	1,952,281
Total revenue	4,307,872

EXPENDITURE.

Ordinary:	
General administration	1,428,967
Reserve fund	80,000
Transferred from general account	41,519
Expenses for shrines	8,000
Total	1,558,486
Extraordinary:	
Expenses for management of business	110,297
Building and engineering	526,218
Colonization	562,559
Special undertakings expenses	1,403,100
Expenses for taking of census	4,262
Special allowance	142,950
Total	2,749,386
Total expenditure	4,307,872

With this may be compared the budget for 1913–14, the last pre-war year, when the ordinary revenue amounted to 1,983,934 yen, and the extraordinary revenue to 687,013 yen, making a total of 2,670,947 yen. For the same year the ordinary expenditure was 1,007,665 yen and the extraordinary expenditure 1,270,381 yen, making a total of 2,278,046 yen; there was thus a surplus of 392,901 yen.

(2) *Currency.*

The currency in the Russian and Japanese parts of the island is the same as in the rest of the two Empires. In Russian Sakhalin, as in eastern Siberia, more silver and fewer notes were in circulation before the war than in western Russia.

In accordance with the imperial ordinance of October 29, 1917, the Japanese have issued paper notes of small denominations—50, 20, and 10 sen (100 sen=1 yen=2s. 0½d., approximate)—to supplement the usual Japanese coinage of gold, silver, nickel, and bronze pieces. The total issue of the notes to the end of August, 1918, was 65,889,000 yen.

(3) *Banking.*

The Hokkaido Colonial Bank, with an authorized capital of 10,000,000 yen (£1,020,833), of which 6,250,000 yen have been paid up, was established to supply capital for the colonization and exploitation of Hokkaido and Japanese Sakhalin. The bank is empowered to make long-term loans at low interest on the security of real property and short-term loans on the security of the agricultural or marine products of Hokkaido and Japanese Sakhalin. It is authorized to make loans on pledge of the shares and debentures of joint-stock companies which have for their object the colonization and exploitation of Hokkaido and Japanese Sakhalin, and to subscribe for and take up the debentures of such companies. It can also make loans without security, redeemable by annual installments, or within fixed terms, to industrial, fishery, forestry, or stock-breeding guilds, or to associations of such guilds.

(E) GENERAL REMARKS.

The population of Russian Sakhalin has steadily decreased since the time of the Russo-Japanese War. The reasons are not hard to determine. The island, owing to its long use as a penal settlement, bears an ill name; and, except to the speculative miner, its natural resources offer none of the attractions of the mainland. Agriculture will never be a serious factor in its development; the possibilities of economic expansion are greatest for timber, coal, and petroleum. Timber, however, had been cut and burned over large areas before the settlement of 1905, and facilities for transport are lacking, so that, although the world scarcity of timber may temporarily foster the development of this industry, it can scarcely prove a permanent source of prosperity. The coal industry promises greater reward for development, but it is seriously handicapped by the want of facilities for loading and by the damage caused by careless mining. These defects are especially important in view of the competition of the coal mines of Manchuria, Primorsk, and Japan. A petroleum industry is often spoken of, but it does not exist at present. The presence of petroleum in quantities large enough to make exploitation remunerative has not yet been proved. The development of the Russian territory remains, therefore, uncertain, dependent on factors which have not yet been determined.

Japanese Sakhalin has the advantage of a less severe climate, with less fog. Agriculture, therefore, has a better chance and is likely at least to provide the means of livelihood for a considerable number of peasants; and there are still better prospects for stock breeding. The timber and wood-pulp industries promise considerable development, but a careful afforestation policy is necessary. Fishing has been the staple industry in the past and may continue to be so; the island fisheries have, however, been far outstripped by those along the Siberian coast. Moreover, the great schools of fish display nervousness, and it is possible that the effect of the increasing steamer traffic may be to frighten away the fish from the waters off the island, as they have already been frightened from the coasts of Japan. The coal industry continues to grow, but the inferior quality of the product is likely to make progress slow. The possibility of developing an oil industry is even more doubtful in the southern portion of the island than in the northern. The prospects of the southern part of the island are, on the whole, good; and this is due largely to the activity of the Japanese Government in encouraging settlement and investigation and in maintaining control of the exploitation of the natural resources.

Mr. UNDERWOOD. Mr. President, I wish to state for the record why I do not think it wise to vote for the amendment offered by the Senator from Arkansas. I have not engaged in the discussion in reference to procedure in the ratification of the four-power pact or the supplement to it. That is a matter which comes before the Committee on Foreign Relations. Those Senators on the committee direct the procedure in the Senate, and I have no doubt they are capable of handling the situation satisfactorily to those interested. But this amendment goes right to the substance of the treaty and is material in the question of ratification, not only by us, but by the other powers.

It must be borne in mind that the purpose in writing the four-power treaty was to protect the safety of the American islands in the Pacific by arranging for a settlement of disputes in reference to them by arbitration in order to avoid war. Now, if that is not the purpose of making the four-power treaty and ratifying it, then I do not know what the purpose is. It is a purpose in a minor way to accomplish for our islands and the islands of the other three powers in the Pacific exactly what I voted for in reference to a large number of nations in the world when I voted for the ratification of the Versailles treaty. To my mind there is no distinction.

Of course, there are two sides to what shall be in and what shall be out. More than one power has to agree to these treaties. The commissioners representing the United States Government did not have the only say as to what should be done. They had to meet objections which were made by other powers, and the viewpoint of other powers had to be considered. A treaty, like a contract, is not a one-sided proposition; it is a matter of give and take.

So far as I am individually concerned, I was entirely satisfied with the four-power treaty when the home islands of Japan were embraced in it, because if I was willing to respect the rights of Japan in her insular possessions, I saw no reason why I should not be willing to respect her rights in her insular dominion, her home land, and that was the situation when the treaty was signed. Subsequently Japan indicated that she desired to have her home islands withdrawn. The treaty not having been ratified by the council of the Empire of Japan, of course she had a perfect right to say that her home islands should come out, or she would not ratify and conclude the treaty. But when she asked for the making of the supplementary treaty which is now pending before the Senate, providing for the withdrawal of her home islands, she desired to leave other islands within the terms of the treaty.

If Japan had been willing to exempt from the treaty the southern half of the island of Sakhalin, that belongs to her under a treaty of peace entered into with Russia nearly 20 years ago, the title to which is not in dispute, so far as I am individually concerned I would have been perfectly willing to leave it out.

The point of interest to me was not the Japanese islands. It was not to protect the Japanese islands that I signed this treaty or agreed to it as one of the delegates. I entered into the contract to protect the islands of the United States and to protect the people of the United States. Though others differ with me and are entitled to their opinion, yet in my judgment it is a great achievement that we have accomplished, an understanding by which the Philippine Islands are no longer a danger point on the horizon of the East.

I would have no personal objection to the exclusion of the island of Sakhalin as proposed by the amendment of the Senator from Arkansas if I had the determination of it; but I have not. That is the Japanese part of the treaty. They are proposing to put the blanket of the four-power treaty over the Philippine Islands for us. They ask us to put under the blanket of the four-power treaty the islands named in the treaty, not including their homeland, but including the southern half of Sakhalin which belongs to them. I think if we adopt the amendment of the Senator from Arkansas, striking out the reference to the southern half of the island of Sakhalin, then in all probability, or possibility perhaps I had better say, Japan would not ratify the treaty, and if she did not ratify it then, whatever is accomplished under the four-power treaty would be gone.

Now, as to those who think that a mistake is being made in making and ratifying the four-power treaty, I can see very well why they should vote to strike out the reference to the southern half of the island of Sakhalin, because possibly then Japan may reject the treaty. But to those having my viewpoint, who believe that the four-power treaty is of value to the people and the Government of the United States, I say that I see no reason why it should be stricken out and the treaty endangered.

I listened to the argument of the Senator from Arkansas in reference to the treaty involving us in war. He referred to something said in my speech the other day. I see no danger of Russia making war upon Japan in the next 10 or 11 years, because I have not the slightest idea, and I do not think any other man who has studied history or the building of armies believes, that it is possible for Russia to recover within 10 years. I believe that within less than that time Japan will have removed her troops out of the northern half of Sakhalin and out of the main coast of Asia, and if she does there is no question for dispute.

Of course nobody can look into the future. I do not set myself up as a prophet; I can not say what is coming; but I am thoroughly convinced for two reasons that Sakhalin would not be the point of attack.

The first reason is that, if it was the point of attack, Russia would involve herself with three other nations, not in the way of attack, but the question would have to be left to an international understanding under the terms of this treaty; not as to the involvement of arms but possibly the involvement of finance, and she has no finances. She has never had them. Even in the greatest days of her Empire in modern times she was always short in finances. So for that reason, if she wanted to attack Japan at any time I think the southern half of Sakhalin would be the last point she would attack.

Mr. JOHNSON. Mr. President, will the Senator allow me?

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. UNDERWOOD. Certainly.

Mr. JOHNSON. The Senator's back was turned to me, and perhaps I may have misunderstood what he said. I understood him to say, and if I am in error I hope he will kindly correct me, that if Russia should in the next 10 years attack the island of Sakhalin, she would find herself involved with three other nations.

Mr. UNDERWOOD. The Senator may not have heard me. I said not in war.

Mr. JOHNSON. What three other nations? That is the point of my query.

Mr. UNDERWOOD. Of course under the four-power treaty the United States, Great Britain, and France could be called in by Japan to discuss the question involved in the attack.

Mr. JOHNSON. So that if Russia attacked she would find herself involved with the United States, Great Britain, France, and Japan.

Mr. UNDERWOOD. Not in war.

Mr. JOHNSON. Not necessarily, the Senator means, in war?

Mr. UNDERWOOD. That is what I said.

Mr. JOHNSON. That is what the Senator meant, is it not?

Mr. UNDERWOOD. Yes; but in a diplomatic controversy which I said would seriously affect any chance of Russia to finance a war.

Mr. JOHNSON. And if she continued her attack she might necessarily find herself involved in war, too, might she not?

Mr. UNDERWOOD. I do not think she would, so far as this country is concerned.

Mr. JOHNSON. She might, might she not?

Mr. UNDERWOOD. Anything might happen.

Mr. JOHNSON. That is what might happen under this treaty?

Mr. UNDERWOOD. Ten years ago I would have said that an American Army of 2,000,000 men would never land in France. I am not a prophet. I have listened to some of my friends prophesy on the floor of the Senate during the last two weeks. They may be good prophets, but I doubt it. I am not going to indulge in prophecy myself. This is a practical question and I am speaking of the practical question before the Senate. The Senator from Arkansas [Mr. ROBINSON] insists that this island would be the point of attack. I do not know where Russians would attack, but I know where they have attacked in the past. In the last two decades there have been two great wars in that immediate neighborhood between those Governments here involved.

Mr. ROBINSON. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Arkansas.

Mr. ROBINSON. I thought I made it clear that the conflicting authorities of the Russian Government and the Japanese Government would likely bring about a state of war on the island itself.

Mr. UNDERWOOD. That is what I understood the Senator to say.

Mr. ROBINSON. I did not imply that the possession of the island was necessarily of so much importance that a nation attacking Japan, particularly another nation than Russia, would want to seize that island first. The point I attempted to make was that in addition to its proximity to the Asiatic mainland making attack probable was the further consideration that already conflicts between what we may term Russian authority and Japanese authority occurs on the island of Sakhalin, and this is likely to ripen into a condition of threatened aggression, if indeed that does not already exist.

Mr. UNDERWOOD. I did not understand the Senator in that way. I thought he was referring to something else.

Mr. ROBINSON. I also attempted to make the other point, that, because of its proximity to the Asiatic mainland, it was quite natural to expect an attack from Russia in the event she ever tried to expel Japan from her territory.

Mr. UNDERWOOD. I now understand better what he said, but as I understood the Senator's argument—and I sat here very carefully to listen to it—it was that the danger point would be that if Russia attacked Japan she would make her point of attack the island of Sakhalin. I was merely calling attention to the fact that in the Chinese-Japanese war the attack was at the borderland of Korea and at Port Arthur, and in the Japanese-Russian war it was not at Sakhalin; it was not at any of the islands of the Pacific; it was not even at Vladivostok; but it was Korea and Port Arthur where the attack took place.

I may be mistaken, but I think any military man would say that should these two great countries become involved in war some day in the future—and I hope they never will; I hope that the great principles of arbitration and the settlement of disputes outside of the arbitrament of arms may come to live in the world and that war between those two great nations may never happen—and Russia should launch an attack, she would attack the northern end of Korea, because she would then not have to cross the sea, and she would strike at the most vital point of Japan. If I should care to prophesy, I should venture that prediction.

Mr. ROBINSON. Undoubtedly a well-advised military campaign is directed against vital points, and the vital points that may be successfully assailed; but the contention I make is that with Japan in possession of the southern portion of the island of Sakhalin and Russia claiming ownership of the northern portion, with Japan already exercising what appears to be sovereignty over the northern portion, a conflict between Russian authority and Japanese authority on Sakhalin is inevitable, unless Russia completely gives way.

Mr. UNDERWOOD. Or unless Japan moves out.

Mr. ROBINSON. Yes.

Mr. UNDERWOOD. Japan has given her pledge in an open conference to eight nations that she will move out of Manchuria and the northern half of the island of Sakhalin just as soon as the safety of her own people and her own territory will permit.

Mr. ROBINSON. That is true as to Siberia also, is it not?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. But the vice of the proposition from the standpoint of those who think they would protect those territories now in Japanese possession against continued aggression lies in the fact that Japan assumes to herself the sole right to determine when she can or when she shall do that. I respectfully submit that the history of her procedure in Korea and Manchuria and even in Shantung and also in Siberia does not justify the expectation that she will reach the conclusion to move out in the early future, if she ever does, and I doubt whether she ever does.

Mr. UNDERWOOD. Of course, we do not know the dangers which may confront Japanese subjects on that border, although we know that a Japanese consul was murdered there and we know that there were a number of Japanese citizens killed. So far as I myself am concerned——

Mr. ROBINSON. Mr. President——

Mr. UNDERWOOD. If the Senator will allow me to continue for a moment, I hope and wish that Japan may move out at once, and I believe that she will move out of that territory at a very early date; but the Senator from Arkansas must remember that we ourselves at this time are occupying somewhat of an anomalous position in some of the islands of the Caribbean Sea. A nation sometimes is slow to move, but nevertheless I believe long before Russia ever recovers Japan will be out of that territory, because Japan is a proud nation and I think will endeavor to protect her word given in open conference to eight other nations.

Mr. ROBINSON. Will the Senator permit an interruption at that point?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. So long as Japan persists in her present policy in Siberia, Manchuria, Mongolia, Shantung, Korea, and Sakhalin, it is a physical impossibility to avoid conflicts. If Japan is to remain in those respective territories until harmonious relations have been established between her troops and the natives, her occupation will probably last until the end of time.

Mr. UNDERWOOD. The Senator is referring to national conflicts, of course.

Mr. ROBINSON. Yes; but it was not a national conflict that prompted Japan to go into Korea and to take possession of the lower half of Sakhalin.

Mr. UNDERWOOD. It was a national conflict that took her there in the beginning, but she did not move out after she had concluded the war. That was the difficulty; she went in during the Russian war, and she did not move out; but she has pledged herself to eight nations to move out of that territory, and I believe she will not break her faith with those eight nations. The Senator from Arkansas may say I am wrong; but that is a matter of opinion. I say I am right.

Mr. ROBINSON. The Senator, of course, remembers the history of Korea?

Mr. UNDERWOOD. I do.

Mr. ROBINSON. And that Japan gave exactly the same pledge, or even a stronger pledge, in that case; that the United States and Great Britain were committed to the execution of that pledge; that the pledge was totally disregarded; and that the last semblance of hope of Japan keeping that pledge has disappeared forever.

Mr. UNDERWOOD. I remember that, and I think the incident is not creditable to my own country.

Mr. ROBINSON. I agree with the Senator.

Mr. UNDERWOOD. I think if my own country had taken the stand which duty demanded the result would not have been the same.

Mr. ROBINSON. The history of Japan will not support the hope of the Senator from Alabama that she will speedily vacate the territories of which she is now in possession which belong to China and Russia.

Mr. UNDERWOOD. I think the present situation is entirely different from that which formerly existed. I have just called the attention of the Senator from Arkansas to the fact that Japan stayed in Korea by the consent of the great nations of the world. The Senator knows that as well as I do.

Mr. ROBINSON. Did the United States consent to it?

Mr. UNDERWOOD. It is my understanding that she did.

Mr. ROBINSON. No, Mr. President; I am not willing that my good friend, the Senator from Alabama——

Mr. UNDERWOOD. I do not mean that the United States gave affirmative consent, but she did negatively, for she declined to move.

Mr. ROBINSON. There is not much difference between the Senator's viewpoint touching the action and attitude of the United States toward Korea and my own, but I am not willing that the Senator should put our Government in the attitude of having consented to the ravishment of Korea. What we did has never been fully disclosed, it is true; but when we consider the course that affairs took and the final and complete subjection of Korea to Japanese authority, it is indeed, in my judgment, a shameful blot on the history of all the nations concerned. But the point I am making is that it is so recent an incident in history as not to justify the hope which the Senator expresses that we will be a powerful factor in moving Japan out of China and Russia.

Mr. UNDERWOOD. I take altogether the opposite view. I do not see a very material difference between giving actual consent and withholding your hand and saying somebody else must act. I do not think that is a manly thing for an individual or a nation to do.

Mr. ROBINSON. I agree with the Senator absolutely.

Mr. UNDERWOOD. I know the Senator from Arkansas does. The great nations of the world did not stand by Korea and protect her at that time. If they had there would have probably been a different story. I am not criticizing Japan entirely, because we have taken some territory by the force of arms, and so has every other great civilized nation. I only hope that that period in the world's history has passed forever and that the subjugation of weaker nations may never again be carried out by force. That is why I stand, with all my heart, all my mind, and all the patriotism which I possess, for the four-power treaty, because I believe it is a step toward the reign of peace. I say, however, the situation in Korea and in the northern half of Sakhalin is very different from that in the marine Provinces of Siberia, if I may properly so describe them. There Japan went in, marching shoulder to shoulder with American troops, having in view the very proper purpose of helping some of our allies or some of those who desired to be our allies out of Russia. We came out; Japan did not come out with us; but she has solemnly promised not only our Government but seven other great nations of the world that she will come out.

Mr. ROBINSON. When she gets ready.

Mr. UNDERWOOD. We should do Japan the justice of stating what she said. She did not say "when she got ready," but she said when her people and her territory were safeguarded against danger from red armies and aggressions.

Mr. WILLIAMS. Mr. President, by the way, what was our promise with regard to leaving the Philippines? It was rather conditional, was it not, when a stable government was established, and we were to be the judge of that? Does not that mean when we get ready?

Mr. UNDERWOOD. Certainly. The Senator and I were right some years ago in our position as to the Philippines, as we evidenced by our votes; other people are not right even yet.

Mr. President, I did not intend to speak at any length, because the Senator from Arkansas says he desires to vote, and I think he is entitled to have a vote before he leaves. I would not have said anything on the subject except that I was one of those who signed the treaty, and I think it would be disastrous to adopt the Senator's amendment, because it might defeat the treaty. I do not care anything about the northern half of the island of Sakhalin or the southern half of it, but I do not want the four-power treaty to be defeated. Japan wants this island included in this pact, as we wanted the Philippine Islands included. That is her part of the bargain. I think if we vote now to strike it out we may endanger the treaty, and therefore we ought to vote down the amendment of the Senator from Arkansas.

Mr. WILLIAMS. Mr. President, before the Senator from Alabama takes his seat I should like to inquire, suppose that the Parliament of Japan should amend the treaty by striking out the Philippine Islands, what would happen then?

Mr. UNDERWOOD. We would not exchange ratifications.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. ASHURST. Let us have the yeas and nays.

Mr. ROBINSON. Mr. President, before the vote is taken I should like to ask the Senator from Alabama why he regards it as so important now to exclude the mainland of Japan when he signed and urged the Senate to ratify a treaty which embraced it, and signed with knowledge that the mainland of Japan was included in the treaty?

Mr. UNDERWOOD. The Senator was not listening to me when I said the first words of my recent remarks. I said that I had no objection in the beginning to the mainland of Japan being in, that I have not any objection now, and that I signed the supplemental treaty not because I wanted the mainland of Japan out but because Japan said she wanted it out; that when I was ready to respect the rights of Japan to her insular possessions I stood equally ready to respect her rights in her insular dominions, which are her homeland; and that never for a moment has there been any desire on my part, so far as I am individually concerned, to exclude the homeland of Japan except that Japan asked to have it done, and equally I have no desire——

Mr. ROBINSON. In other words, the Senator stands ready to do whatever Japan wants done regarding the matter—either to include the mainland or to exclude it?

Mr. UNDERWOOD. The Senator is not fair about that.

Mr. ROBINSON. Is not that true?

Mr. UNDERWOOD. Yes; as to Japan's own possessions, but not as to anything that affects us; not as it affects us.

Mr. ROBINSON. I think the Senator ought to be a little more sparing of his use of the words "fair" and "unfair." I think the Senator must know that if any conclusion is deducible from his statement, it is that he was willing to include the mainland of Japan, and he was willing to and did include it in the four-power treaty, and Japan objected, and he was willing to take it out because Japan objected. I think my conclusion is justifiable that he was willing that Japan should have the mainland either included or excluded, that she should have whatever she desired in connection with it.

Mr. UNDERWOOD. But the Senator did not say, before, "in connection with Japan's own islands." That is the only objection I have to his statement. In his original statement he did not say that I was willing for Japan to do what she desired in reference to her own islands. When it came down to our islands, at one time it was suggested that the naval treaty should go so far as to include the islands of Hawaii. I very seriously objected when I heard that.

Mr. WILLIAMS. What islands?

Mr. UNDERWOOD. The Hawaiian Islands, which are excluded from the naval treaty. I very seriously objected, because I wanted the fortifications in Hawaii to continue, and they will be continued. That was in reference to the fortifications in the naval treaty, not in reference to this treaty; but as to whether Japan has one island in here or a dozen islands in here makes no difference with me. What I am interested in is that the Philippine Islands should be in this treaty and that we should have the protection of an understanding instead of the protection of a battleship.

Mr. JOHNSON. Mr. President, I do not propose to indulge in any post-mortem in reference to the treaty which has just been ratified by the Senate. I recognize how very unprofitable it is to indulge in any retrospect regarding that treaty, or to attempt now to corroborate or confirm anything that may have been said upon the one side or the other; but I can not refrain, in passing, from suggesting to the Senator from Alabama [Mr. UNDERWOOD] that the position he has just taken is exactly the position which was taken by those who opposed that treaty. He is eternally right when he says that the purpose of the four-power treaty was to protect the American islands in the Pacific, and that there is no distinction between the purpose here and the purpose of the Versailles treaty. He is right because the obligation that we had under the Versailles treaty—by that he means the League of Nations, of course—is exactly the obligation which we have under the four-power pact. That was the position of the senior Senator from Mississippi [Mr. WILLIAMS] before the Foreign Relations Committee. I am very glad, indeed, that finally it appears to be the position taken upon this floor by the proponents of the treaty.

Again, Mr. President, the Senator makes very plain his attitude, too—an attitude not dissimilar from that that we took upon this floor a week ago when we were protesting against the ratification of the treaty. He said that if within the next 10 years there should be an attack by Russia upon the island of Sakhalin, Russia would find herself involved with three other nations besides Japan; and when asked what nations Russia would find herself involved with in case she attacked Sakhalin, the Senator from Alabama said she would find herself involved with Great Britain, with France, and with the United States of America. He added, not necessarily in war, and in that he is entirely correct. She would be involved not necessarily in war, Mr. President, but possibly in war; and when that is the construction put upon the treaty by one of the writers of the treaty, we may say to the people of the United States finally that there is no longer a question about what the four-power treaty is intended to do and what actually

it does do, for we have now not the mere ipse dixit of Senators who oppose the treaty; we have now the learned view and the dispassionate judicial utterance of the distinguished Senator from Alabama, who was one of the writers or one of the progenitors of the treaty.

Mr. President, it was my purpose to speak for just a moment or two upon the question which has been agitating the Senate for the last two days concerning the matter of ratification. I confess a very great perplexity in that matter. I do not understand, and I admit it very readily, why it was that a treaty came to us with two distinct parts, and one part alone apparently was acted upon. I do not propose to enter into any technical analysis of whether a ratification of a part might constitute a ratification of the whole. That seems to me something in which it is unnecessary at this time to indulge. The problem presenting itself to me is whether we ought not to be sure, if the matter contained in the reservations is important, that that matter shall be passed upon by the Senate of the United States, part of the treaty-making power. If there is any doubt or any uncertainty concerning the matter, if it rests now in speculation and is a matter for technical argument, that ought to be done which is essential to be done to make the matter wholly certain.

I admit that I am not wholly certain as to why the particular reservation concerning domestic questions was written into a separate document at all. I can not quite see, I confess, how domestic questions could be involved in the terms of the treaty; but evidently it was supposed that they were in some fashion involved, that it was necessary to make the matter very plain and it was essential to remove some ambiguity, and the reservation was adopted by the American delegates and the other representatives and was presented to the Senate by the President of the United States.

Mr. President, this matter of domestic questions is one of extraordinary importance to the territory from which I come. I have refrained since I have been here from discussing the Japanese question in relation to California except in incidental fashion; and while others have spoken upon that subject, and sometimes their words have been imputed and attributed to me, it is a fact, sir, that while I have been here I have said but little of that character. I do not propose at this particular moment to indulge in any extended remarks concerning the problems which are real problems upon the Pacific coast and which have led to more or less diplomatic correspondence and perhaps more or less friction with the Empire of Japan. Suffice it to say, sir, that there are involved three distinct important problems. The first relates to the endeavor on the part of various Western States to protect their agricultural land. The second relates to the prevention of Japanese immigration. The third to citizenship of Japanese. We tried to prevent immigration by notes exchanged by the two Governments, and the vice of that kind of treaty making was never better demonstrated, sir, than by the inefficiency of the notes exchanged between the Governments relating to Japanese immigration; and you have but to compare the effect of the Chinese exclusion law on the one hand—an act of Congress—with an agreement entered into that diplomatically is termed a "gentlemen's agreement," on the other hand, to see the utter failure of the one and the efficacy of the other.

Mr. President, these problems are very, very grave problems upon the Pacific coast, and not only upon the Pacific coast at present but in other States that are contiguous to the Pacific coast. Indeed, the problem has traveled far back now into some States of the Middle West. It is now no longer local. It is national. If there be any doubt whatever as to whether or not these questions which are domestic in character may come under the treaty that has just been ratified, a course should be pursued by the Senate and by those in charge of this treaty that will make the matter plain beyond the peradventure of a doubt. No self-respecting nation, of course, can submit its domestic problems to any other nations at all. It is an impossibility in the very nature of nationality that one country should submit its domestic questions to another for decision, or to any number of others for decision.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to ask him a question there?

Mr. JOHNSON. I shall be very glad to have the Senator do so.

Mr. UNDERWOOD. If there had been no declaration by the delegates or the commissioners to the late conference, if there had been no supplemental treaty, if there had been nothing before the Senate except the original four-power treaty, which in its terms related to the rights of the contracting parties in their insular possessions and insular dominions in the Pacific, would the Senator contend for a minute that any question involving the lands of California or immigration into California was raised in that pact?

Mr. JOHNSON. Mr. President, I have already said that I was unable to see the reason for the insertion of the particular reservation.

Mr. UNDERWOOD. I was listening to the Senator, but our minds do not always keep the channel, and what he said escaped me. I beg his pardon.

Mr. JOHNSON. In the beginning of my remarks I said that I was unable to observe the absolute necessity for any such reservation but somebody deemed it necessary; and then there is another thing I know, Mr. President, with which perhaps the Senator from Alabama is not quite so familiar. I know the peculiar ingenuity of the people with whom we are dealing, and I know how it is possible for them, by a process of logic we can seldom follow, to bring one sort of conclusion from a premise from which both of us may start—a conclusion utterly different from that which we could reach by any logical processes. I know that that is the way in which they deal, and that it is sometimes an impossibility to know from the spoken words what may be ultimately in the minds of those who speak those words.

Mr. President, we have here a treaty which our friends on this side who advocate it say is a mere treaty of consultation. I eliminate from that class of advocates the distinguished Senator from Alabama, because he has made very plain to-day his view of this treaty.

Mr. UNDERWOOD. I hope the Senator will not leave any misunderstanding in the RECORD.

Mr. JOHNSON. I was eliminating the Senator from Alabama. Does he want to be included?

Mr. UNDERWOOD. The Senator referred to the question of war——

Mr. JOHNSON. Does the Senator want to be included among the advocates referred to?

Mr. UNDERWOOD. I want it distinctly understood that I do not claim there is anything in this treaty which relates to war, but there is the power, the great power, of the moral influence of four great nations behind this, which will control.

As a matter of fact, if the Senator will pardon me just for a minute, nations which go to war must have supplies, they must have fuel, and they must have money. The moral influence of these four great nations, without drawing a sword or firing a gun, will be such that it will prevent war and maintain peace.

Mr. JOHNSON. Does the Senator mean they will prevent war by refusing supplies, by refusing money, by boycotting them, and the like?

Mr. UNDERWOOD. I believe——

Mr. JOHNSON. Will the Senator not answer that?

Mr. UNDERWOOD. I believe in it for peace.

Mr. JOHNSON. Of course we believe in peace. It is a beautiful and a sacred name.

Mr. UNDERWOOD. I think I heard the Senator express the same viewpoint——

Mr. JOHNSON. I do not know what the Senator is treating of now.

Mr. UNDERWOOD. In the debates which occurred here a year or two ago.

Mr. JOHNSON. Let me ask the Senator if he will not answer, does he not believe that under this treaty we have the right to withhold supplies and money, that we may boycott, that we may put economic pressure on, and the like?

Mr. UNDERWOOD. I think that under this treaty, of course, and outside of this treaty——

Mr. JOHNSON. I am speaking of what we can do under the treaty now, not what we can do outside. We could do lots of things outside.

Mr. UNDERWOOD. Within the treaty and outside of it——

Mr. JOHNSON. We may do those things?

Mr. UNDERWOOD. We can refuse, and we ought to refuse, to lend credit to a nation to go to war.

Mr. JOHNSON. All right.

Mr. UNDERWOOD. We can refuse, and ought to refuse, to lend supplies to a nation to go to war.

Mr. JOHNSON. Very well.

Mr. UNDERWOOD. And I should be very glad, when I thought the cause was right, to advocate that my Government should take that position in order to maintain peace.

Mr. JOHNSON. Let me ask the distinguished Senator this: Under the treaty do we say that we can agree to do those things in concert with our allies?

Mr. UNDERWOOD. No. The treaty says—and I do not say it says any more or less, just as the Senator knows—that these powers shall meet to consult as to what shall be done, and they can consult and then go home and do what each individual of

them wants. If it were to prevent the bringing on of a war, I should be very glad to back up any effort of the commissioners representing the United States Government by withholding credit and supplies in order to maintain peace.

Mr. JOHNSON. And economically boycotting?

Mr. UNDERWOOD. You may call it an economic boycott, but an economic boycott to maintain the peace of the world in my humble judgment would be greatly approved.

Mr. JOHNSON. I am not questioning how good or how bad it would be, but, of course, if under this treaty you can indulge, by virtue of your compact, in an economic boycott, under this treaty you can indulge, too, in force. That seems to me to be as plain as that night follows day. But now that the discussion is over, will the Senator from Alabama take it amiss if I ask a question?

Mr. UNDERWOOD. I will be glad to answer if I can.

Mr. JOHNSON. I would not ask the Senator during the time of the debate, but I have been told by three of his colleagues that he considered this treaty to be substantially article 10 of the league, and that there was force behind it. Was that inaccurate?

Mr. UNDERWOOD. Usually things grow as they get farther away from us.

Mr. JOHNSON. That is likely. I did not ask the Senator the question during the debate, but I do not think it is inappropriate now.

Mr. UNDERWOOD. I never contended that there was force behind article 10 of the League of Nations. There may have been Senators who took the same position I did, but I refused to vote for reservations as to article 10. Article 10 of the League of Nations' covenant proposed that the signatory powers to that agreement should respect each other's rights, and I say there is no compact of peace which can be made which has not as its initial step an agreement to respect each other's rights.

Mr. JOHNSON. Ah, but article 10 provides more than that.

Mr. UNDERWOOD. That is the substance of article 10.

Mr. JOHNSON. Oh, no; there is more than that in article 10.

Mr. UNDERWOOD. It provides for respecting and preserving, undoubtedly.

Mr. JOHNSON. There is a great deal of difference between respecting and preserving.

Mr. UNDERWOOD. The Senator need not indict me on that question. I disagreed with him and many men on his side.

Mr. JOHNSON. That is true, and the Senator from Alabama has been reinforced by many men on this side in his present view. I grant that.

Mr. UNDERWOOD. If the Senator will allow me, I supported the League of Nations because I believed in it. I have not changed my viewpoint.

Mr. JOHNSON. I do not question that.

Mr. UNDERWOOD. I am not prepared to take back any of my support now, and I am not standing for this treaty because it has any force in it. I think every man who sits at the table would be free to use his own judgment. Under the League of Nations every Government that sat at the table would be bound by certain restrictions agreed to in the League of Nations. That is not so here; but because it is not is no reason why I should not support this proposal when it is a step looking to peace, and an agreement, just as was true in the case of the League of Nations, and the vital thing in the League of Nations—that we would respect other people's rights. If you are not prepared to respect other people's rights, then you might as well draw your sword and bring on your guns for action tomorrow.

Mr. JOHNSON. Why? Has there ever been a time in the history of this country, Mr. President, when we have not respected other people's rights? Is it conceivable that this democracy, in all the years that it may exist, if it continues from now for a thousand years, will fail to respect other people's rights?

Mr. UNDERWOOD. I agree with the Senator; but why should we not invite other people also to respect our rights?

Mr. JOHNSON. Does the Senator think that by inviting other people to respect our rights thereby we would accomplish more than by not agreeing to respect rights when all nations assume to respect rights?

Mr. UNDERWOOD. I heard it stated in debate the other day, as a doctrine of international law, that nations agree to respect each other's rights; but, so far as I am concerned, I have never found it in international law. I would like to see the gentlemen who make that statement find me the place in international law where there is any such determination. But I do say that when 4 nations, or 10 nations, or 27 nations enter into a solemn compact to respect each other's rights there is some greater binding force to it, and it is more for the benefit of the world than when you simply sit down and say, "We will respect each other's rights as long as we want to."

Mr. JOHNSON. I might follow the Senator from Alabama, whom I would be delighted to follow ordinarily, even in what he last said. I have not any objection to agreeing to respect other nations' rights, or having other nations agree with us to respect all nations' rights, but I am not ready to maintain the territorial integrity of all the nations on the face of the earth, or other nations like Great Britain and Japan, and that is a very different proposition from agreeing to respect rights. I am not ready either to enter into a pact in respect to aggression by which with other nations the most efficient means of meeting the aggression shall be determined, because I know and the Senator from Alabama knows and there is not a man who has studied this pact but knows that when you determine the most efficient means to meet the aggression there will come a time, whether it be in one fashion or another, when you will be called upon to execute those means, and then there will be no other way you can pursue the course of national honor except to execute those means.

The Senator gets away from the two propositions which he made very, very plain, one that the purpose of this pact was the purpose involved in the League of Nations. I do not disagree with the Senator from Alabama on that at all. I quite agree with him. The difficulty is that I do not agree with my colleagues. The Senator from Alabama is in agreement now with them, but I am not. I agree with him that the covenant of the league and the obligations we assumed under the League of Nations are substantially those which we assume under the four-power pact. I agree with the Senator from Mississippi when he says that when you undertake to respect and maintain territorial integrity, of course you have to go to the rational conclusion, if the occasion arise, and keep your word, no matter what the consequences, when occasion may demand that you act.

I am sorry to be reiterating, but the course of the debate may have made it necessary, and I repeat that the Senator is eternally right when he says that if Russia shall within the next 10 years attack the island of Sakhalin she will be involved with four nations—with France, with Japan, with Great Britain, and with the United States of America.

Oh, he says, she will be involved in a lack of money, because we will not lend it; in lack of supplies, because we will not sell her supplies; in an economic boycott, for we may then boycott her if she engages in any aggression upon the island of Sakhalin.

All that may be so, but though that may be so under the four-power pact, it may be so, too, that we are involved with the other three nations in contributing our force to see that that aggression is met, and that the most efficient means are given in order that the aggression may be met.

It is just because of that, and because I realize and because I think the Senator from Arkansas realizes that that is possibly the point of attack in the next few years, that the amendment presented by the Senator from Arkansas ought to be adopted, and that I am for that amendment.

I do not want to have us involved in an economic boycott under this treaty, nor in the use of force under this treaty, either one. When Senators upon our side say that this is a mere treaty for consultation, is it not obvious how far and how wide is their view from that which has been expressed by the Senator from Alabama?

But to return to the question to which I was adverting. Domestic questions, of course, can not be submitted for determination by other nations, whatever their number may be. Domestic questions, if they may be involved in this treaty, of course, ought to be excepted from it, and I quite approve the caution of those who wrote the treaty, because they doubtless feared that domestic questions might be involved in it, as is shown by their writing a reservation excluding domestic questions.

I called attention to the very grave questions which now have been agitating the Pacific coast and the Empire of Japan for some time. Let me call attention to this, Mr. President, that here is a treaty for consultation alone, say some of its proponents. If it were for mere consultation between nations, if it involved only the writing of a diplomatic note, if it meant solely that there should be communications between nations, there could not be any reason for not permitting a domestic question that had caused friction between nations to be thus written about or consulted concerning. Indeed, sir, for a period of some years past there has been a matter of interchange of notes upon the Japanese question, as it was involved upon the Pacific coast, between our diplomats on the one side and the Japanese diplomats on the other. For a period of some months Mr. Morris, who represented the United States in Japan, and Baron Shidehara, the Japanese ambassador here, were engaged in many meetings for the purpose of seeing whether they could arrive

at some conclusion which could be reported to their respective Governments.

I happen to be familiar with what occurred under the previous administration. I claim no familiarity with what has since transpired; but I happen to know that after months of negotiation Mr. Morris and Baron Shidehara united in a report, a report wholly unsatisfactory to the people whom I represent, but a report that is on file now in the State Department concerning the matters which had occurred between the Japanese Empire on the one hand and the United States on the other, arising out of the alien land laws of this country, and arising out of the question of Japanese immigration. They were consulting for months and months and months and months. They were writing letters, communicating with each other, holding consultations, for months and months; but so careful are our friends, in a treaty that they claim means mere consultation, that they write into this treaty a reservation that they will not permit the writing of a letter or any communication between the parties or a consultation of any kind concerning a question that they had been writing about, communicating, concerning, and consulting about for months and months in the past. It is perfectly obvious why. They know this is no treaty of consultation only. They are right. I am very glad that our representatives declined to have domestic questions included in the treaty, and they took the precaution, when it might not have been necessary, of removing them entirely from the realm of doubt and ambiguity. They are right, entirely right, and when they did it they knew that the treaty was not a mere treaty of consultation at all.

They knew it just as I know it; just as you, sir, know it; just as the American people ought to know it. With the American people knowing it, it is their right to go into the treaty; it is the right of our friends to take them into the treaty. I do not question that at all. I am questioning no man's views in any respect so far as the treaty be concerned. But to-day's developments from the Senator from Alabama I think make very, very plain just exactly what we have contended for in the past and what has sometimes been denied, and what I assert is the fact now, that there is little or no difference between the Senator from Alabama's construction of this treaty on the one hand representing the treaty and my construction opposing it upon the other. Instead of a weak and impotent contract for conference it is in reality a powerful pact under which all nations not party to it may be controlled and coerced.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. ASHURST. On that I call for the yeas and nays.

Mr. LODGE. I make the point of no quorum, as there are Senators in the Office Building who should be given an opportunity to return to the Chamber.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Glass	Nelson	Sterling
Borah	Hale	New	Sutherland
Broussard	Harris	Oddie	Swanson
Bursum	Harrison	Overman	Townsend
Cameron	Hitchcock	Owen	Trammell
Capper	Johnson	Page	Underwood
Caraway	Jones, Wash.	Phipps	Wadsworth
Colt	Kellogg	Pittman	Walsh, Mont.
Cummins	Keyes	Poindexter	Warren
Dial	King	Ransdell	Watson, Ga.
Edge	Lenroot	Robinson	Weller
Ernst	Lodge	Sheppard	Williams
Fernald	McCormick	Shortridge	Willis
Fletcher	McNary	Simmons	
Frazier	Moses	Spencer	
Gerry	Myers	Stanley	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present. The question is upon the amendment offered by the Senator from Arkansas, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. FERNALD (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. JONES]. On this question I am privileged to vote. I vote "nay."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I am informed that he would vote as I am about to vote on this proposition. I therefore vote. I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. BRANDEGEE] and vote. I vote "nay."

The roll call was concluded.

Mr. HARRIS. I transfer my pair with the junior Senator from Oklahoma [Mr. HARFIELD] to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. GERRY. I am informed that the junior Senator from Massachusetts [Mr. WALSH] is unavoidably detained on official business. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Pennsylvania [Mr. PEPPER] is paired with the Senator from Alabama [Mr. HEFLIN].

The result was announced—yeas 20, nays 53, as follows:

YEAS—20.

Ashurst	Glass	King	Sheppard
Borah	Harris	La Follette	Simmons
Caraway	Harrison	Overman	Stanley
France	Hitchcock	Pittman	Swanson
Gerry	Johnson	Robinson	Watson, Ga.

NAYS—53.

Ball	Fletcher	Myers	Sutherland
Broussard	Frelinghuysen	Nelson	Townsend
Bursum	Gooding	New	Trammell
Calder	Hale	Oddie	Underwood
Cameron	Jones, Wash.	Owen	Wadsworth
Capper	Kellogg	Page	Walsh, Mont.
Colt	Keyes	Phipps	Warren
Cummins	Lenroot	Poindexter	Watson, Ind.
Curtis	Lodge	Pomerene	Weller
Dial	McCormick	Rawson	Williams
Dillingham	McCumber	Shortridge	Willis
Edge	McLean	Smoot	
Ernst	McNary	Spencer	
Fernald	Moses	Sterling	

NOT VOTING—23.

Brandegee	Heflin	Newberry	Reed
Crow	Jones, N. Mex.	Nicholson	Shields
Culberson	Kendrick	Norbeck	Smith
du Pont	Ladd	Norris	Stanfield
Elkins	McKellar	Pepper	Walsh, Mass.
Harreld	McKinley	Randdell	

So Mr. ROBINSON's amendment was rejected.

Mr. LODGE. Mr. President, what stage in the consideration of the treaty have we reached?

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments to be proposed, the treaty will be reported to the Senate.

Mr. LODGE. I offer the reservation which I send to the desk to be added to the ratifying resolution of the treaty.

The VICE PRESIDENT. The reservation proposed by the Senator from Massachusetts will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the resolution of ratification as reported by the Committee on Foreign Relations a comma and the following words:

subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification, and which repeats the declaration of intent and understanding made by the representatives of the powers signatories of the four-power treaty relating to their insular possessions and insular dominions in the Pacific Ocean:

1. That the four-power treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean: *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

2. That the controversies to which the second paragraph of article 1 of the four-power treaty relating to Pacific possessions refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

The VICE PRESIDENT. The question is on agreeing to the reservation.

Mr. PITTMAN. Mr. President, I offered a reservation to the four-power treaty the other day dealing with the same question which is involved in paragraph 2 of the reservation now proposed by the Senator from Massachusetts, the question of excluding our domestic affairs from consideration of the four-power conference. The reservation which I offered at that time was the same reservation which was offered by the Senator from Massachusetts and which was adopted by the Senate as a part of the resolution of ratification of the Versailles treaty at the time that treaty was under consideration before this body. The covenant of the League of Nations contained a provision attempting, just as the reservation offered by the Senator from Massachusetts undoubtedly attempts, to exclude

consideration of domestic affairs or domestic questions. At the time the covenant of the League of Nations was under consideration in connection with the Versailles treaty the Senator from Massachusetts and a majority of the Senate evidently did not consider that the clause contained in the covenant of the League of Nations was sufficiently definite to protect our interests.

It was then stated that matters which were recognized in international law as involving the domestic affairs of one of the countries could not be considered by the council of the League of Nations. That question was debated quite extensively in this body; but out of an abundance of caution, we were informed at that time by the proponents of the reservation. It was decided that we should not trust to a future interpretation as to what constituted domestic affairs in international law. It was then called to our attention that a great many controversies had arisen over the very question as to what constituted the principles of international law with regard to certain matters. It was then considered so important that we should not permit any other nation or group of nations or even all of the nations of the world in the League of Nations to interfere in any way, even by considering a question that might involve our own private domestic affairs, that the Senator from Massachusetts, with his accustomed acumen and precaution, very carefully drafted a reservation which was to become a part of the covenant of the League of Nations. He advocated it on the floor of the Senate, and he was supported by nearly all of the Senators on the other side; indeed, I believe by all of them. That reservation was adopted as a part of the resolution of ratification of the Versailles treaty, which embraced the covenant of the League of Nations.

Now I desire to offer that same reservation as an addition to that portion of the reservation already offered by the Senator which is embraced in paragraph 2 of his reservation. I offer it out of the same abundance of caution which moved the Senator from Massachusetts and those on his side of the Chamber, and as now suggested by the Senator from Utah [Mr. KING]—and I mean it—I am moved by the same patriotic motive which undoubtedly moved the Senator from Massachusetts at that time.

I offer that reservation as an amendment to follow paragraph 2 of the reservation which the Senator from Massachusetts has offered in the nature of an interpretation of what it means; at least, as our interpretation of what it means.

Mr. LODGE. Mr. President, I desire to say for the benefit of Senators who may not have been here when it was read, that the reservation which I have offered is simply, word for word, the declaration signed by all the representatives of the nations signatory to the four-power treaty. I trust it will not be changed.

Mr. HARRISON. May I ask the Senator a question?

Mr. PITTMAN. Mr. President, in order that there may be no mistake about the reservation which we are discussing, I desire to say the reservation which the Senator from Massachusetts has offered is the one which was drafted not by that Senator but by the representatives of the four powers who were here in Washington. That is the reservation which the Senator from Massachusetts offers now.

Mr. LODGE. That is the one I offer.

Mr. PITTMAN. The reservation I have offered and to which I have called the attention of the Senator from Massachusetts is the one for which he was personally responsible at the time we were considering the Versailles treaty and the League of Nations.

Mr. LODGE. I hope the amendment proposed by the Senator from Nevada will be voted down. I am quite ready to vote.

Mr. HARRISON. Mr. President, while the Senator is on his feet may I inquire if the reservation which he has offered relates to the declaration which the Senator from Nebraska [Mr. HITCHCOCK] brought to the attention of the Senate on Friday last, just before the resolution of ratification was voted on, at which time the Senator from Massachusetts called for the regular order?

Mr. LODGE. Yes; it was ruled out.

Mr. HITCHCOCK. And the Senator from Massachusetts said it was no part of the treaty, that it should not be offered, and prevented us from taking a vote on it. Is that the same matter that is now offered?

Mr. LODGE. I did call for the regular order, and it was ruled out of order at that time, of course.

Mr. HARRISON. It was ruled out of order at that time?

Mr. LODGE. It was.

Mr. LENROOT. Under the rules of the Senate.

Mr. LODGE. Under the rules of the Senate, of course.

Mr. HARRISON. Was that the reason why the Senator objected to it at that time?

Mr. LODGE. No.

Mr. HARRISON. Or was it because he did not think it was a part of the treaty at that time?

Mr. LODGE. I did not think it was then a part of the treaty.

Mr. HARRISON. And the Senator has changed his mind about that?

Mr. LODGE. No; I do not think it is a part of the treaty now; but I think it is a wise thing to put it in, so that there may be no doubt in the minds of Senators on the other side, who seemed to think it was of no value unless it was ratified in some form.

Mr. BORAH. Mr. President, in order that I may understand the record as it now is presented to us, I should like to ask a question. As I understand the Senator from Massachusetts is offering to the supplementary treaty the declaration which was embodied in the four-power treaty?

Mr. LODGE. Precisely.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada to the reservation offered by the Senator from Massachusetts.

Mr. PITTMAN. I ask that the amendment to the reservation may be stated.

The VICE PRESIDENT. The amendment to the reservation will be stated.

The ASSISTANT SECRETARY. The Senator from Nevada offers to amend the reservation offered by the Senator from Massachusetts by adding at the end thereof the following:

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way for consideration.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada to the reservation offered by the Senator from Massachusetts.

Mr. WALSH of Montana. Mr. President, I want to call attention to the identity not only of purpose but of very language of the reservation which it is intended by this amendment to make more specific and the language of the provision of the covenant of the League of Nations, to which a like reservation was attached.

The reservation before us, being in substance the agreement supplementary to the four-power pact, reads:

That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Note the language—

Within the domestic jurisdiction of the respective powers.

The covenant of the League of Nations on that point reads as follows:

If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report.

In other words, Mr. President, in framing the supplementary agreement which is reproduced in the reservation now before us, the framers went to the covenant of the League of Nations and not only adopted the idea there expressed but adopted the very language there expressed—that is to say, questions "solely within the domestic jurisdiction" of the parties.

Mr. LODGE. Mr. President, if the Senator will allow me, there is one important difference, and that is that under the League of Nations there was a reference to the council.

Mr. WALSH of Montana. Oh, yes; there was a reference for adjustment to the council, and in this case there is a reference to representatives of the four powers interested. That is the essential difference between the two; but the point is that the Senator from Massachusetts insisted that some power other than the United States represented upon the council of the League of Nations would insist, for instance, that the subject of immigration was not a domestic question, but was an international question, and that therefore the subject of immigration from the oriental countries to this country might become a matter for adjudication before the council.

It was stoutly contended that it had been determined over and over again by the Supreme Court of the United States, the opinion having been produced here in the course of the debate, that such a question was domestic in its character and was not an international question, as well as that it had been treated as a domestic question in practically all international confer-

cases; but argument of that character did not prevail at all. It was considered so doubtful, it was considered so necessary to assure the people of the Pacific coast that the subject of oriental immigration should not be a matter for consideration by the council, lest it should hold it was an international question that it was deemed advisable by the Senator from Massachusetts to safeguard the thing by offering thereto the reservation which is now tendered by the Senator from Nevada as an amendment to the reservation, namely:

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations or any agency thereof, or to the decision or recommendation of any other power.

It will be remembered that it was widely circulated through the United States by those who were antagonistic to the League of Nations—I would not undertake to say that the Senator from Massachusetts was in any way responsible for it—that the council would pass upon the question as to whether traffic in women and children might go on unrestricted, and so forth; and in order to protect us against that peril, this was likewise incinded in the reservation then offered by the Senator from Massachusetts.

Mr. President, I am going to vote against the amendment offered by the Senator from Nevada to the reservation offered by the Senator from Massachusetts. I indulge in these comments simply for the purpose of enabling the country to take a more accurate measurement of the motives which impelled the making of the reservation in question to the covenant of the League of Nations and others of like character that were entered at that time.

Mr. BORAH. Mr. President, before I vote upon this matter I desire to say a word.

The second part of this reservation reads:

That the controversies to which the second paragraph of article 1 of the four-power treaty relating to Pacific possessions refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Who will decide whether or not a question is one which under principles of international law lies wholly within the domestic jurisdiction of the respective powers?

Mr. LODGE. Does the Senator ask me?

Mr. BORAH. Yes; I am asking for information.

Mr. LODGE. Each one of the powers, of course, because it has to be unanimous.

Mr. BORAH. That is what I supposed. So, as a matter of fact, it must be said that this reservation really has no effect at all, because we will decide it for ourselves with the reservation, and we would decide it for ourselves under the four-power treaty without the reservation.

Mr. LODGE. It will do no harm.

Mr. BORAH. I suppose so.

Mr. LODGE. I do not follow the Senator's logic; but it does no harm.

Mr. BORAH. I do not see why my logic is not good. It is a domestic question; therefore this Government decides it for itself. It always will decide it for itself. It would decide it for itself if it were in the four-power treaty without this reservation.

Mr. LODGE. Certainly; that is my belief.

Mr. BORAH. Yes; exactly.

Mr. LODGE. But I think it is desirable, on account of the debate that has gone on here, to settle that doubt.

Mr. BORAH. But the trouble is that we assume that a debate here and a construction here will settle something in the future. Of course, if they ever read the debates, they would not be bound by them.

Mr. LODGE. Not at all.

Mr. LENROOT. Mr. President——

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. LENROOT. Does not the Senator think there is this distinction: I agree with the Senator that the final result is the same; but without the reservation it might be claimed that they would take jurisdiction for the purpose of consideration, although there could be no conclusion or agreement unless we assented, while with the reservation the question of jurisdiction could be raised, and if either party should claim that it was not a proper subject of consideration under international law that would end the controversy?

Mr. BORAH. That would be true without the reservation, because if they should raise the question and the United States should say, "This is a domestic question," that would be the end of it.

Mr. LENROOT. That would be the end of it so far as concerned the United States announcing beforehand that it would not agree to any conclusion with respect to it.

Mr. BORAH. I am willing to vote for it, Mr. President, just as I voted for a great many other reservations—because it can do no harm, and it could not make the treaty worse than it is.

Mr. LENROOT. Mr. President, I want to say just a word with reference to the claim by some Senators across the aisle that Senators are inconsistent in voting against the reservation proposed by the Senator from Nevada [Mr. PITTMAN].

The Senator from Montana [Mr. WALSH] is entirely consistant in the position he takes, that he will vote against this amendment to the reservation proposed by the Senator from Massachusetts, but I think every Senator must appreciate the distinction between the provision in the Versailles treaty for the submission of questions, excluding domestic questions, and the submission under the four-power treaty. The Senator who offers this reservation voted against the similar reservation, as I recollect, under the Versailles treaty, when under the Versailles treaty it was proposed to submit the question of jurisdiction of the council to the council, where the United States did not participate and had no vote if it was a party to the dispute. Therefore under the Versailles treaty it was proposed, without the reservation that was adopted by the Senate, to let foreign nations determine for the United States, if they agreed unanimously, that a question that we insisted was a domestic question was in fact an international question. So the reservation became highly necessary under the Versailles treaty; whereas under the four-power treaty, as the Senator from Idaho has well pointed out, there must be a unanimous conclusion, and the fact is that under the four-power treaty if either party claims that the question is one of domestic jurisdiction and not international, that is the end of that question so far as any conference is concerned.

Just one word with reference to the statement of the Senator from Mississippi [Mr. HARRISON] that the Senator from Nebraska on last Friday offered this same proposition, and that it was excluded upon a point of order as not being a part of the treaty. The Senator from Nebraska did not call attention to this provision at all until that treaty had gotten beyond the stage of amendment and reservation under the rules of the Senate, and therefore no amendment or reservation was in order under the rules of the Senate at the time that the Senator from Nebraska called attention to it.

Mr. PITTMAN. Mr. President, I will answer first the last part of the Senator's remarks.

At the time that the Senator from Nebraska called attention to his reservation and tried to have it read, the Senator from Massachusetts raised the point of order and would not allow it to be read from the desk. Not only that, but at the time that the Senator called attention to it, the Senator from Wisconsin could not have been very ignorant about the situation then, and at that time the resolution of ratification had not been adopted. At that time the Brandegee reservation had not been adopted, and the Senator can not claim the excuse that he did not know anything about it, because he had heard about it before we adopted the Brandegee reservation. He sat here and voted against amendment after amendment to the Brandegee reservation time and time again.

Mr. LENROOT. No; the Senator misunderstood me.

Mr. PITTMAN. And yet he did not offer any reservation as he is now offering to-day.

Mr. LENROOT. No; the Senator misunderstood me. I was not speaking of the Senator's amendment with reference to what I said about the Senator from Mississippi. I was speaking about his statement that the Senator from Nebraska offered the declaration which the Senator from Massachusetts now offers, and which he said was excluded upon a point of order, which was not true. Of course, the Senator from Nevada did offer his reservation, and, as I recollect, it was voted down.

Mr. PITTMAN. I am not talking about the reservation offered by the Senator from Massachusetts. I say that the Senator from Nebraska, as I believe the RECORD will disclose, called this matter to the attention of the Senate before there was a final vote on the resolution of ratification.

Mr. LENROOT. Certainly; but after it had gotten beyond the stage of amendment under the rules of the Senate.

Mr. PITTMAN. Amendments could be offered to the reservation, however.

Mr. LENROOT. No; not under the rules of the Senate.

Mr. PITTMAN. Undoubtedly. In fact, numbers of them were offered to the amendment after the statement by the Senator from Nebraska.

Mr. LENROOT. No; I beg the Senator's pardon. If he will examine the RECORD, he will find that there was not one.

Mr. PITTMAN. That, however, is not what I wished to say.

Mr. President, in my mind fundamentally there is a great difference between the four-power pact and the League of Nations. I am not going to argue that; it is an endless subject, as I know; but I do not think this country was in any such danger of being discriminated against by a body that embraced as many nations as that did as it is in danger of being discriminated against in this particular four-power pact.

Here is Japan, for instance, who bases her cause of complaint against the United States entirely on these very domestic questions. She is one of the four powers that will decide what is a domestic question under international law. There is Great Britain, which is chiefly interested in not having to go to the defense of Japan. She is not interested in our domestic affairs. France is in the same position. They have concocted this scheme for the purpose, as they say, of preventing war, and yet they know that the only chance of war between any of the four powers in the Pacific is one between Japan and the United States, and they know that the possible causes of such a war are all domestic. We are deliberately entering into a four-power pact, when the only cause of war we know of now between any of the powers will arise out of questions solely concerning our domestic affairs, and yet we slur over these provisions affecting such questions. We know that immigration, the right of citizenship for Japanese subjects, and the right to own land in this country are the causes, if there are any causes, which threaten war between Japan and the United States. Yet we are willing to leave the determination of such questions in doubt. We are afraid now to say what we think. We are going to wait until the question is raised in a conference of those powers, and when it is raised the Senator from Wisconsin will say, "Well, we are not going to permit that question to be considered." They would have a right to say, "That was called to your attention when you were ratifying these treaties, and why did you not say specifically then that you were not going to permit these particular questions to be considered? You left it to be determined subsequently as to what constitutes domestic questions in international law. You did not say, 'We alone will decide what questions under international law are our domestic affairs,'" and by refusing to so say that, you leave it to the conference of the four powers to decide.

When you had a chance to state definitely that the United States alone would determine this question, and voted it down, you could not later object to a full consideration of such question by the four powers, and probably by three votes to your one they would determine whether or not certain questions were domestic questions under international law.

There is no comparison between the obvious danger of misunderstandings under this four-power pact and misunderstandings under a league of nations in which there are a great many neutral nations, disinterested nations, nations which have never sought other people's territory, nations whose whole course has been fair and honorable and high.

I can not understand why the Senators on the other side who thought this was so essential when the question was to be determined by practically all the civilized countries of the world are now so careless and negligent that they will not take this opportunity, when the question is raised, of telling Japan once and for all, "This question is settled. There is no use of you keeping up your anger against the United States because of her passing laws against your subjects becoming citizens of the United States. We will never agree to it, no matter how many powers join you."

We might just as well now tell Japan that if the States of this Union see fit to prevent Japanese subjects from owning real property in those States, they have a right to do it, and this Federal Government does not intend to interfere with it, by treaty or in any other way, and in fact that we are going to sustain those States in such acts if they think their social conditions require it.

We might just as well tell Japan now that if the people of the States want to separate their children in the public schools from the Japanese, this Federal Government is not going to interfere with them, by treaty or in any other way, but that it is going to sustain those States.

That is the way to stop the causes of war between the United States and Japan. Japan has never threatened Canada or Australia by reason of similar acts. It is constantly threatening the United States because of the pusillanimous conduct of the administrators of the Federal Government. You have an opportunity now to end the trouble, and if you end it now forcefully and strongly, you will not hear any more about it; but if you do not, if, after considering this question as it has been considered for days; after trying to slip it out of the treaty, as was attempted the other day; after voting down a reservation on Saturday of similar import to that I have offered to-day, you vote it down, you will lend every encouragement to the Japanese Government and the Japanese people to keep up this futile quarrel which threatens war if there is anything on earth which does threaten war.

Mr. LENROOT. Mr. President, just one word. The Senator from Nevada [Mr. PITTMAN] questioned the accuracy of my statement that the Senator from Nebraska [Mr. HITCHCOCK] did not call attention to this declaration until after the treaty had passed beyond the stage of amendment. On page 4496 of the RECORD it appears that the Senator from Nebraska did not call attention to this declaration until the treaty had passed beyond the stage of amendment or reservation, and the question before the Senate was the adoption of the resolution of ratification.

Mr. ROBINSON. Mr. President, the statement just made by the Senator from Wisconsin [Mr. LENROOT] implies that the Senators in charge of this treaty did not know of the existence of this declaration while the treaty was passing through the amendatory stage. It implies that notwithstanding the fact that when the President sent the four-power treaty to the Senate that treaty was accompanied by a declaration explanatory of it and was printed with it as if it were a part of it.

In the very first speech made in opposition to the treaty I had the honor to point out that for some unaccountable reason an explanatory declaration made at the time or prior to the time the treaty itself was signed had not been incorporated in the body of the treaty. At that time no Senator here was of the opinion that the Senate was not to be permitted to pass upon the explanatory declaration and either advise and consent to its ratification or refuse to do so.

When the Senator from Nebraska [Mr. HITCHCOCK] pointed out the fact that the declaration had not been read in the Senate, and that the Senate had not passed upon it, if the matter had taken that course by oversight; if it had been true that the Senator from Wisconsin [Mr. LENROOT] either did not know of the existence of the declaration or had overlooked its existence; if it had been true that the Senator from Massachusetts [Mr. LODGE] had forgotten about it and failed to present it to the Senate for that reason, not the slightest difficulty would have been encountered, under the rules of the Senate, in taking such action as would have enabled either the Senator from Wisconsin or the Senator from Massachusetts to present the declaration to the Senate and have it voted upon. The fact is that for some reason, unexplained and unascertainable, it was the policy of the Senator from Massachusetts not to have the declaration passed upon by the Senate at that time.

Are we children that we should listen with great consideration to the statement that the explanatory declaration now offered to the supplementary treaty by the Senator from Massachusetts as a reservation was not considered in connection with the four-power treaty because the Senator from Massachusetts and those associated with him, in presenting the treaty to the Senate, had overlooked the necessity for presenting it? They were of the opinion then that it was not a part of the treaty and that the Senate should not have the opportunity of passing upon it. No other conclusion can be justified in the mind of anyone familiar with the procedure the Senate has followed during the consideration of the four-power treaty.

Overnight the Senator from Massachusetts has reversed himself. He has decided that the declaration should be given the status of a treaty and should be incorporated in the supplementary agreement. If it had been incorporated in the four-power treaty Japan, in ratifying the same, would of necessity ratify the interpretation of that treaty carried in the declaration. If she elects to do so, she will be at liberty, under the decision the Senate is now taking, to ratify the four-power treaty and reject the declaration incorporated in the reservation offered by the Senator from Massachusetts. This would be accomplished by Japan rejecting the supplemental treaty.

For some reason the Washington conference dealt with the real controversies between the United States and Japan with great reserve. It did not seek to work out to a final conclusion the one controversy which has imperiled the harmonious accord between this Nation and the Japanese Empire. It may have been impossible to find a solution for that question, but if the question remains to harass in the future as it has annoyed and vexed in the past what wholesome result will be accomplished by entering into a four-power pact concerning the peace in regard to islands in a remote region of the Pacific Ocean?

Now we have an opportunity to make clear beyond dispute the attitude of the Government of the United States, that the questions defined in the amendment to the reservation proposed

by the Senator from Nevada, admittedly domestic questions, will not be submitted by the United States to a conference of other powers. Now is the time to say that it is the policy of this Government to reserve unto itself the exclusive right to determine those questions. If you will do that, and Japan agrees to the treaty, you will have accomplished something. If you refuse to do it, you will not have laid the ghost which has frightened, if it has not terrorized, a beautiful, prosperous, glorious section of the United States.

Underlying the question of Japanese land ownership, Japanese immigration, and race equality, as asserted by Japan, are instincts and convictions that can neither be influenced nor dominated by senatorial action. You can not drive from the breasts of the people who live in the beautiful State of California the conviction that for themselves, under their constitution and laws, they will determine who shall own real property in California.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. ROBINSON. I yield.

Mr. PITTMAN. It is not only the State of California, but a number of other Western States have adopted similar laws and there are more pending. As this blight has consumed the richest valleys of California, it is moving eastward all the time. It has commenced to affect the people all over the West. It is going to affect them more and more, because it is a notorious fact that the so-called gentlemen's agreement with Japan with regard to immigration is a fraud on this Government. Every day of the world one can meet Japanese laborers right in the city of Washington, for instance, who can not speak more than two or three words of the English language, and some of them will admit they have only been in the United States six months. That can be ascertained right down here at the Japanese employment bureau.

There is nothing to prevent them coming in under the gentlemen's agreement. They are not prohibited from going into Mexico, and when they get into Mexico they are outside of the jurisdiction of the Japanese Government. They walk across the border of the United States as they see fit. It is getting worse all the time. No part of this country is going to submit to it finally. It is acute now only in the Western States, but it is going to be acute elsewhere. We might as well settle this question, and have done with it now, because there are going to be measures brought before Congress absolutely excluding the Japanese from this country. It may be the cause of a lot of trouble, but I say we should fix it now while dealing with this question, and let them understand it, instead of putting the trouble upon posterity.

Mr. ROBINSON. Mr. President, the Senator from Nevada is right when he states that the question to which I have been addressing myself is not confined to the State of California. I was using California as an illustration, for in that State the situation, as respecting conflict between Japanese claims to the right of land ownership and the assertion of their claims, has been more acute than perhaps in any other State. Instead of solving the problem we are merely prolonging and postponing it and making the final solution more difficult.

If the Washington conference and the treaties negotiated through its instrumentality have engendered in the minds of the representatives of Japan the belief that through these treaties or otherwise she is to be given her way, and her citizens permitted to come into the United States and take over and own real estate and, through economic measures, gain control of large territories in this country, that conference will have postponed the settlement of a great problem which it ought to have solved, and will have done more harm than good.

Why not deal frankly? Why all this mystery? Why should there be any question about whether it is in the treaty or not in it? We know that the most important problem connected with all the subjects of negotiation entered into by the Washington conference was the very one which the conference for some reason refused to deal with definitely.

The Senator from Massachusetts [Mr. LODGE] has undergone a change of heart and concluded that it is necessary to put in this treaty the declaration which he scorned to place in the four-power treaty. While we are doing it let us make the accomplishment so effective that all will know we have performed our duty wisely.

Mr. HITCHCOCK. Mr. President, it seems to be the desire of the Senator from Wisconsin [Mr. LENROOT] to convey the impression that Senators on this side of the aisle, when the League of Nations discussion was pending some two years ago, objected to having it made definite and certain that the United States alone should be the judge as to whether or not a question was of a domestic nature. He has sought to convey to the Senate the impression that Senators on this side of the aisle voted against having the United States judge for itself.

That is absolutely incorrect in accordance with the record. It is true that when the reservation which the Senator from Massachusetts [Mr. LODGE] offered was pending in the Senate the Democrats, with one or two exceptions, voted against it, but it was not on the ground of the immigration question. It was because there was a ridiculous element in that reservation, and I regret somewhat that the Senator from Nevada [Mr. PITTMAN] has incorporated that in the reservation now presented. For instance, that reservation provided not only that the United States reserved to itself domestic questions, such as immigration, the tariff, labor, and questions that were purely domestic, but it included, as the reservation now offered by the Senator from Nevada includes, a statement that traffic in women and children was a question entirely domestic.

That was what we objected to at that time, because this country has for years entered into treaties with other countries to restrict and prohibit international traffic in women and children, and it is not a domestic question when it comes to an international traffic. It was a great evil; it was only suppressed by international agreements, and it was those agreements which were to be placed under the jurisdiction of the League of Nations, just as other international agreements were to be. It was for that reason we voted against the reservation.

Moreover, I call the attention of the Senator from Wisconsin that the matter did not rest there, and he ought to remember that. I myself offered a reservation which covered the subject, and 38 Democrats voted for it, all the Democrats except two voting for it, and every Republican voting against it. It read as follows:

> 4. That the United States is not required and hereby declines to submit to the league, its council or assembly, for decision, report, or recommendation, any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matters relating to its internal affairs.

I can read to the Senator, if he desires, the names of Democrats who voted for that reservation.

Mr. LENROOT. Mr. President——

Mr. HITCHCOCK. And I can read to him the names of those who voted against it, including the Senator from Wisconsin himself. I yield to the Senator from Wisconsin.

Mr. LENROOT. Did the Senator at that time think the reservation proposed by him was necessary for the protection of the United States?

Mr. HITCHCOCK. The fact that I offered it indicated that I thought it was wise, and as long as the question had been raised whether or not that matter could be decided by the council, I was willing, and every Democrat in the Senate was willing, to have it definitely stated, just as we now contend that the United States should be the sole and only judge of whether a question presented is domestic or not. I ask the Senator whether he is not misrepresenting us in that particular?

Mr. LENROOT. No; because I was just going to ask the Senator another question. Did he not vote for the Versailles treaty without that or any other reservation?

Mr. HITCHCOCK. I cast a great many votes, and I was ready to take the Versailles treaty.

Mr. LENROOT. Without any reservation?

Mr. HITCHCOCK. Without any reservation.

Mr. LENROOT. Very well.

Mr. HITCHCOCK. But when it came down to a question of discussion I presented a number of reservations, and this was one of them. So it does not lie in the mouth of the Senator who voted against it to charge us with not being ready to have the United States reserve to itself, as we now propose that it shall reserve to itself, the decision of whether a question is domestic or not, particularly now when immigration is involved.

Mr. LENROOT. The Senator could not have thought it necessary or he surely would not afterwards have voted for the Versailles treaty without any reservation.

Mr. HITCHCOCK. I see the Senator from Wisconsin does not withdraw his charge. He allows it to stand just as it was.

Mr. LENROOT. Certainly. The Senator from Wisconsin repeats that the Senator from Nebraska, the Senator from Nevada, and others of his colleagues, did not at that time think this reservation of such importance that they were not willing to vote for the Versailles treaty without it, and they did vote for the Versailles treaty without it.

Mr. HITCHCOCK. Oh, we voted for this reservation. I brought the reservation here and demanded a roll call on it; we had a roll call on it, and the Democratic Senators went on record in favor of it, and yet the Senator does not withdraw his charge that the Democrats did not stand for that position then just as they stand for it now.

Mr. LENROOT. Certainly not, because the Senator abandoned that position when he voted for the Versailles treaty without that reservation.

Mr. HITCHCOCK. No; this was after the vote to which the Senator referred. This was the last position taken, and it was my position at that time.

Now, Mr. President, another thing. It seems to become an issue here as to whether or not I offered as an amendment to the treaty pending on Friday what is now offered as a reservation by the Senator from Massachusetts [Mr. LODGE]. I would like to know when I had an opportunity to offer it. I rose here and called attention to the fact before the vote had come, before the treaty had been ratified, that a very important part of the treaty had been dropped out, had been ignored, and had not been acted on.

I supposed when I called attention to the fact that the great constitutional lawyer from Wisconsin or the eminent scholar statesman from Massachusetts would take the proper parliamentary course to have it acted on. It would not have been difficult. All that was required was a motion to recommit it to the committee, vote on it in committee, and report it back to the Senate, and that would have ended it. It could have been handled in 15 minutes, or at least in half an hour. But instead of that these great statesmen, constitutional and otherwise, insisted on pushing it through, until they have found themselves in such a muddle that they are now forced, after two days of debate, to come in and present us a reservation the very thing that they undertook to laugh out of court as a part of the treaty.

I shall vote for the reservation, but I can not consider that it puts the United States in the position that we would be in if it were incorporated as a part of the treaty. As presented it is an admission to Japan that the declaration is not a part of the treaty which we are supposed to have ratified on Friday, and Japan can go on and ratify the treaty with the four articles ratified by the Senate on Friday, and Japan can do as she pleases with regard to the ratification of the supplementary treaty. Japan can do more than that. Japan can decline to accept the reservation which is now presented for ratification. Japan can decline to accept the reservation and leave you hanging between heaven and earth as to whether you will accept it without a reservation.

Mr. McCORMICK. Japan can decline to accept any of the treaties.

Mr. HITCHCOCK. Yes; but Japan will not. Japan will be very eager to accept the four-power treaty.

Mr. McCORMICK. Oh, I do not doubt it.

Mr. HITCHCOCK. Yes; she will accept it, because by the four-power treaty she gets the United States as an ally, because by the four-power treaty she gets a guaranty practically of the support, moral if not armed, of the United States in the possessions which she holds in the Pacific Ocean.

Japan will be very sure to ratify that treaty, but when it comes to ratifying the treaty which we are to act upon to-day she may or she may not accept it. If she accepts it, she may or she may not accept our reservation, or she may in accepting the treaty specifically say that she declines to accept our reservation. Thus we are leaving this great question, which in Japan is a great national question, the great question of controversy with the United States, in a state of uncertainty. So, while I shall vote for the reservation now offered by the Senator from Massachusetts after two days, in which his mind has gradually reached a point where he thought he had to do something, I shall vote for it with the feeling that it is a weak substitute for what would have been a conclusive provision in the original treaty.

SEVERAL SENATORS. Vote!

Mr. WALSH of Montana. Mr. President, just a word touching the attenuated distinction which the Senator from Wisconsin [Mr. LENROOT] finds to exist between the entertainment by the council of the League of Nations of a question said to be a domestic question and the entertainment of a like question by a conference called under the provisions of the four-power pact.

I wish to remind the Senator just exactly what the provisions of the covenant of the League of Nations are in the particular to which he has referred. He must, of course, have referred to this clause of article 15 of the covenant, namely:

> If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

Mr. President, admitting for the purpose of the discussion that that would include questions of jurisdiction, which is by no means clear, what does it mean? It means that if a controversy were submitted to the council of the league which the United States insisted involved a domestic question and not an international question, and every one of the seven powers represented upon the council, exclusive of the United States and the other party to the controversy, said we were wrong about it, that it was, in fact, an international and not a domestic question, what then? Then the United States agrees, assuming, of course, that the clause referred to includes question of jurisdiction, that it will not go to war with the other country; that is all.

We are not going to go to war with any country of which I can think on account of any tariff question; and I scarcely think we would care to wage war with any country on the question of the traffic in women and children; but, of course, there is a possibility that we might become involved in war with some country on such a question as immigration. However, so far as human intelligence can forecast the future, there is not a chance of our getting into war with any country except Japan on that question, and we are never going to go to war with Japan on account of any question of immigration. We are perfectly satisfied with the situation as it stands. We are entitled, if we care to do so, to exclude Japanese from this country. We have no treaty that we shall not do so. We have a "gentlemen's agreement" that Japan will not allow Japanese to come here. The situation is perfectly satisfactory to us. So far as that element is concerned, we are not going to make war upon Japan. If Japan should choose to enact a provision of law to the effect that no white people shall be admitted as immigrants to Japan for commercial purposes, the United States would not utter a word by way of protest. Japan has that kind of a law now, in substance, and it is perfectly satisfactory to us. In other words, we are not going to make war upon Japan, however much she may be disposed to make war upon us upon any question of immigration.

So, Mr. President, we might say that such a possibility is so remote that the illustration to which the Senator from Wisconsin has invited our attention can not be regarded by statesmen as worthy of any consideration. For all practical purposes the two occupy identically the same situation. It was, however, deemed necessary by the esteemed Senator from Massachusetts and his associates upon the other side of the Chamber to put that limitation upon the covenant. Now, they think it is not necessary to attach it to the pending treaty. What is the difference? The Versailles treaty was framed and presented by a Democratic President, while the treaty now before us was framed and presented by a Republican President. That is all the difference between the two propositions. Why dissimulate about it? Why seek to escape from the perfectly obvious conclusion that the thing is right or wrong as it comes from a Democratic or a Republican President?

Mr. ROBINSON. Mr. President, I ask for the yeas and nays on the amendment.

Mr. TOWNSEND. Mr. President, what is the question on which the vote is to be taken?

The VICE PRESIDENT. The pending question is on the adoption of the amendment of the Senator from Nevada [Mr. PITTMAN].

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). Making the same announcement as heretofore with reference to the transfer of my pair with the Senator from Oklahoma [Mr. HARRELD] to the Senator from Missouri [Mr. REED], I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. UNDERWOOD (when Mr. HEFLIN's name was called). I wish to say that my colleague [Mr. HEFLIN] is absent from the city on business of the Senate. He is paired with the junior Senator from Pennsylvania [Mr. PEPPER]. I ask that this announcement may stand for the day.

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. On this question I am informed he would vote as I am about to vote, therefore I feel at liberty to vote, and vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "nay."

The roll call was concluded.

Mr. FERNALD. I have a pair with the senior Senator from New Mexico [Mr. JONES]. If he were present he would vote as I am about to vote. I therefore vote "nay."

Mr. EDGE. I inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. EDGE. I have a general pair with that Senator. I am informed that if present he would vote as I propose to vote on all matters relating to the treaty now under consideration. Therefore I shall take the liberty of voting. I vote "nay."

Mr. CARAWAY. I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I am unable to obtain a transfer of that pair. If permitted to vote, I should vote "yea."

Mr. SHEPPARD. The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent and is paired by transfer with the Senator from West Virginia [Mr. ELKINS]. If present, the senior Senator from Texas would vote "yea" on the pending amendment and would also have voted "yea" on the so-called Robinson amendment.

The result was announced—yeas 21, nays 49, as follows:

YEAS—21.

Ashurst	Harris	Robinson	Trammell
Broussard	Harrison	Sheppard	Walsh, Mass.
Fletcher	Johnson	Shields	Watson, Ga.
France	La Follette	Simmons	
Gerry	Overman	Stanley	
Glass	Pittman	Swanson	

NAYS—49.

Ball	Frelinghuysen	Myers	Sutherland
Bursum	Gooding	Nelson	Townsend
Calder	Hale	New	Underwood
Cameron	Jones, Wash.	Oddie	Wadsworth
Capper	Kellogg	Page	Walsh, Mont.
Colt	Keyes	Phipps	Warren
Cummins	Lenroot	Poindexter	Watson, Ind.
Curtis	Lodge	Pomerene	Weller
Dial	McCormick	Ransdell	Williams
Dillingham	McCumber	Shortridge	Willis
Edge	McLean	Smoot	
Ernst	McNary	Spencer	
Fernald	Moses	Sterling	

NOT VOTING—26.

Borah	Harreld	McKellar	Pepper
Brandegee	Heflin	McKinley	Ransdell
Caraway	Hitchcock	Newberry	Reed
Crow	Jones, N. Mex.	Nicholson	Smith
Culberson	Kendrick	Norbeck	Stanfield
du Pont	King	Norris	
Elkins	Ladd	Owen	

So Mr. PITTMAN's amendment to the reservation offered by Mr. LODGE was rejected.

Mr. ROBINSON. Mr. President, I offer as an amendment to the reservation proposed by the Senator from Massachusetts [Mr. LODGE] a reservation which was voted on when the four-power treaty was under consideration.

This reservation expresses the understanding of the United States that the parties to the four-power treaty will respect the rights and possessions of other nations, and will refrain from aggressive acts themselves. It also provides that if a dispute which is not settled by diplomacy arises between any one of the four powers and an outside nation, all nations claiming an interest in the controversy shall be permitted to participate in a conference called to settle the controversy.

In view of the fact that the Senator from Massachusetts a day or two ago did not see fit to incorporate in the four-power treaty the declaration which he now presents as a reservation to this treaty, I express the hope that he will recede from the position heretofore taken, and accept this very wholesome reservation, which will relieve me from much anxiety in regard to the effect of the four-power treaty and the treaty supplementary to it.

I ask that the reservation may be stated.

The VICE PRESIDENT. The reservation will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the reservation offered by the Senator from Massachusetts [Mr. LODGE] to the resolution of ratification of "Executive O," the following:

And the United States understands that each of the high contracting parties will respect the rights and possessions of all other nations, and refrain from all acts of aggression against any other power or powers.

If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord existing between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the reservation offered by the Senator from Massachusetts.

The amendment to the reservation was rejected.

The VICE PRESIDENT. The question now is on the reservation offered by the Senator from Massachusetts.

Mr. HARRISON. Mr. President, is this question on the ratification of the supplemental treaty?

The VICE PRESIDENT. No; it is on the adoption of the reservation offered by the Senator from Massachusetts.

The reservation was agreed to.

The VICE PRESIDENT. The Secretary will state the resolution of ratification as amended.

The Assistant Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive O, Sixty-seventh Congress, second session, an agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan, signed at Washington February 6, 1922, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification and which repeats the declaration of intent and understanding made by the representatives of the powers signatories of the four-power treaty relating to their insular possessions and insular dominions in the Pacific Ocean.

1. That the four-power treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean: *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

2. That the controversies to which the second paragraph of article 1 of the four-power treaty relating to Pacific possessions refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Mr. LODGE. Mr. President, the treaty has to be reported to the Senate, does it not?

Mr. JOHNSON. Is the question now on the ratification of the treaty?

The VICE PRESIDENT. That is the next question we shall be reaching.

Mr. JOHNSON. Mr. President, I want to say just a sentence in regard to the ratification of this treaty.

I vote for the ratification of this treaty, but I do so because it modifies and minimizes the four-power treaty. I would not vote for it if it were an independent instrument; but I vote for it solely and alone because it minimizes the other treaty.

Mr. ASHURST. Mr. President, before the roll is called I desire to state that in voting for this treaty I do so because it tends to sterilize the quadruple alliance.

Several SENATORS. Vote!

Mr. LODGE. I ask that the treaty may be reported to the Senate and submitted to a vote, unless it has been reported to the Senate. If so, the fact escaped me.

The VICE PRESIDENT. The Chair is of the opinion that it has not yet been reported to the Senate.

The treaty, with the resolution of ratification, as amended, was reported to the Senate and the amendment was concurred in.

The VICE PRESIDENT. The question now is on agreeing to the resolution of ratification, as amended. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]; but as he would vote on this question as I expect to vote, I am at liberty to vote. I vote "yea."

Mr. SHEPPARD (when Mr. CULBERSON's name was called). The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. If he were present, he would vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I understand that if he were present he would vote as I intend to vote, so I am at liberty to vote. I vote "yea."

Mr. GERRY (when Mr. HEFLIN's name was called). The junior Senator from Alabama [Mr. HEFLIN] is necessarily detained on business of the Senate. If present, he would vote "yea."

Mr. McCORMICK (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. KENDRICK]. However, as his vote upon this question, as upon others to-day, would be like my own, in accordance with my understanding with him I am at liberty to vote. I vote "yea."

Mr. NEW (when his name was called). Repeating my previous announcement, I vote "yea."

Mr. BROUSSARD (when Mr. RANSDELL's name was called). The senior Senator from Louisiana [Mr. RANSDELL] is detained on business of the Senate. If present, he would vote "yea."

Mr. STERLING (when his name was called). I am informed that my pair, if present, would vote as I intend to vote on this question. Therefore I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce that the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Pennsylvania [Mr. CROW], the Senator from Delaware [Mr. DU PONT], the Senator from West Virginia [Mr. ELKINS], the Senator from Oklahoma [Mr. HARRELD], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from Michigan [Mr. NEWBERRY], the Senator from Colorado [Mr. NICHOLSON], the Senator from South Dakota [Mr. NORBECK], the Senator from Nebraska [Mr. NORRIS], the Senator from Pennsylvania [Mr. PEPPER], and the Senator from Oregon [Mr. STANFIELD], if present, would vote "yea" on this question.

Mr. GERRY. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is absent on official business, and the Senator from New Mexico [Mr. JONES] is unavoidably absent. If present they would vote "yea."

The roll call resulted—yeas 73, nays 0, as follows:

YEAS—73.

Ashurst	Gerry	Moses	Spencer
Ball	Glass	Myers	Stanley
Broussard	Gooding	Nelson	Sterling
Bursum	Hale	New	Sutherland
Calder	Harris	Oddie	Swanson
Cameron	Harrison	Overman	Townsend
Capper	Hitchcock	Owen	Trammell
Caraway	Johnson	Page	Underwood
Colt	Jones, Wash.	Phipps	Wadsworth
Cummins	Kellogg	Pittman	Walsh, Mass.
Curtis	Keyes	Poindexter	Walsh, Mont.
Dial	King	Pomerene	Warren
Dillingham	La Follette	Rawson	Watson, Ind.
Edge	Lenroot	Robinson	Weller
Ernst	Lodge	Sheppard	Williams
Fernald	McCormick	Shields	Willis
Fletcher	McCumber	Shortridge	
France	McLean	Simmons	
Frelinghuysen	McNary	Smoot	

NOT VOTING—23.

Borah	Harreld	McKinley	Ransdell
Brandegee	Heflin	Newberry	Reed
Crow	Jones, N. Mex.	Nicholson	Smith
Culberson	Kendrick	Norbeck	Stanfield
du Pont	Ladd	Norris	Watson, Ga.
Elkins	McKellar	Pepper	

The VICE PRESIDENT. On this question the yeas are 73 and the nays none. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification as amended is agreed to and the treaty is ratified.

NAVAL ARMAMENT TREATY.

Mr. LODGE. I desire to call up the treaty on the limitation of naval armament, which I will ask to have read by title.

The VICE PRESIDENT. The Secretary will read the treaty by title.

The ASSISTANT SECRETARY:

Executive L. Treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

Mr. LODGE. I shall not ask to have the treaty read to-night, but I wished to bring it before the Senate, so that it would be the unfinished business.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 174).

Mr. WARREN. Mr. President, as in legislative session, I present a conference report on the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) "making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 13, 18, 19, 20, 27, 29, 30, 32, 34, 35, 40, 44, 45, 48, 52, 57, 60, 61, 62, 63, 66 67, 84, 87, 102, 105, 106, 109, 110, and 111.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 10, 11, 23, 36, 37, 41, 46, 49, 64, 65, 68, 69, 88, 92, 95, 98, 99, 101, 104, 107, and 108; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,300"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,900"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,160"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,520"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,120"; and the Senate agree to the same.

Amendment number 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$17,600"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$450"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$15,490"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$14,650"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$18,250"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$17,100"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: Restore the sum stricken out by said amendment, and on page 15 of the bill, in line 19, strike out "1922" and insert in lieu thereof "1921"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows. In lieu of the matter inserted by said amendment insert the following:

"Vancouver, Spokane, and Seattle, Washington"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$525,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "For the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River and investigation of water sources of said river, $100,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$325,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$225,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$1,450,940"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$65,500"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$178,700"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including not to exceed $19,000 for reconstruction and improvement of about 4 miles of entrance road, $22,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$43,000"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for continuing the widening of the Nisqually Glacier to Paradise Valley Road, $21,800"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$106,800"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 43, 47, 50, 51, 53, 54, 55, 56, 58, 59, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 91, 112, and 113.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
BURTON L. FRENCH,
C. D. CARTER,
Managers on the part of the House.

Mr. WARREN. Mr. President, this is a partial report. There were a great many differences, probably over a hundred. There are quite a large number yet undisposed of, some of them of rather a serious nature, which will provoke some debate, without doubt, unless we send it back on the theory that it must go back anyway. I therefore move the adoption of the report.

Mr. McNARY. Before the motion is put, I desire to inquire of the chairman of the committee what action the Senate conferees took with regard to the appropriation for the national park in Arizona?

Mr. WARREN. That has gone to the House among the items unacted on, except to have it sent back.

Mr. McNARY. There has been no decision upon it?

Mr. WARREN. No decision whatever.

Mr. McNARY. It would not be proper at this time to move that the Senate conferees insist on the amendment?

Mr. WARREN. I hardly think at this stage that would be proper. I judge there will be more or less inquiry, and perhaps I had better let the matter go over until to-morrow and have it printed in the meantime.

The VICE PRESIDENT. The conference report will go over and be printed.

As in legislative session,

PETITIONS AND MEMORIALS.

Mr. ODDIE presented a telegram in the nature of a petition from the Public Service Commission of Nevada, praying for the repeal of sections 13 and 15a of the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

Mr. MOSES presented a resolution adopted by the Hampton Falls (N. H.) Grange, favoring the sharing by union labor in the matters of deflation of wages and increase in working hours as essential to the welfare of New Hampshire so as to conform to existing agricultural conditions, which was referred to the Committee on Education and Labor.

Mr. LODGE presented petitions of members of the congregation of the Union Evangelical Church, of Three Rivers, and sundry citizens of Andover and Groton, in the State of Massachusetts, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented the following resolutions of the Legislature of Massachusetts, which were referred to the Committee on the Judiciary:

THE COMMONWEALTH OF MASSACHUSETTS.
In the year one thousand nine hundred and twenty-two.

Resolutions in favor of an amendment of the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors.

Resolved, That the General Court of Massachusetts, believing that there is injustice, both to industries and labor, by reason of the lack of uniformity in the laws of the several States respecting the hours of labor of women and minors, respectfully petitions the Congress of the United States that Congress propose an amendment to the Constitution of the United States giving it power to regulate the hours of labor of women and minors and to make the same uniform throughout the United States; and be it further

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the Presiding Officers of both branches of Congress and to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted March 8, 1922.
In senate, adopted in concurrence March 13, 1922.
A true copy. Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. FRANCE presented the following resolution of the Legislature of Maryland, which was referred to the Committee on Agriculture and Forestry:

SENATE OF MARYLAND,
February 23, 1922.

Joint resolution introduced, read first time, and referred to the committee on agriculture and labor.

Whereas the development of the farm implement and machinery business in the United States has resulted in the production of vast numbers of differing types and sizes of such labor-saving devices; and

Whereas manufacture and distribution of such a great multiplicity of types and models of farm implements and machinery results in a vast economic waste through duplication of plant, operating costs, advertising costs, and selling expense and adds to the price which the farmer must pay for farm machinery and implements of all kinds; and

Whereas during the recent war the War Industries Board made substantial strides toward the standardization of certain kinds and types of farm implements and machinery with consequent economic advantage to both manufacturer and the farmer: Therefore be it

Resolved by the Senate of the State of Maryland, That the Joint Commission of Agricultural Inquiry of the United States be requested and urged to investigate the feasibility of causing all forms and types of farm implements and machinery to be standardized so as to eliminate uneconomic duplication and waste and the consequent enhancement in cost of production and distribution of such implements and machinery; and be it further

Resolved, That a copy of this resolution be forwarded to the chairman of the Joint Commission of Agricultural Inquiry of the United States and to the chairman of the Committees on Agriculture in the United States Senate and House of Representatives.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes (Rept. 578); and

A bill (H. R. 10297) to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War (Rept. No. 577).

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEW:

A bill (S. 3342) granting an increase of pension to Louisa White (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3343) for the relief of Lincoln County, Oreg.; to the Committee on Claims.

By Mr. BALL:

A bill (S. 3344) to authorize the widening of Fourth Street south of Cedar Street NW., in the District of Columbia, and for other purposes; and

A bill (S. 3345) changing the name of Keokuk Street in the county of Washington, D. C., to Military Road; to the Committee on the District of Columbia.

By Mr. BALL (by request):

A bill (S. 3346) to amend section 1180 of the act entitled "An act to establish a code of laws in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. FRANCE:

A bill (S. 3347) to provide surgical or medical treatment for the men of the Army, National Guard, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey who have been honorably discharged from the service; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 3348) conferring jurisdiction upon the Court of Claims to render final judgment on any claims of the Cherokee Nation against the United States in relation to tribal lands, funds, or property; to the Committee on Indian Affairs.

By Mr. NEW:

A joint resolution (S. J. Res. 183) recognizing title of Lieutenant Colonel Mears as a commissioned officer; to the Committee on Military Affairs.

By Mr. FRANCE:

A joint resolution (S. J. Res. 184) authorizing the President to send the World War Foreign Debt Commission or a representative or representatives of said commission or other commissioners or delegates whom he may select to represent him to the International Economic Conference to be held at Genoa; to the Committee on Foreign Relations.

AMENDMENTS OF WAR DEPARTMENT APPROPRIATION BILL.

Mr. CUMMINS submitted an amendment proposing to appropriate $350,000 for the preparation for historical purposes of certain documents and information concerning officers and soldiers from the several States and the District of Columbia who were in the military service of the United States during the World War, etc., intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that appropriations or allotments for general improvement or maintenance shall hereafter be available for the dredging of channels to landing places when satisfactory evidence is submitted by the localities concerned that such channels will be used by commerce to an extent commensurate with the cost and that other landing places are not economically available to serve the same localities or industries, etc., intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 27, 1922, the President had approved and signed the act (S. 3265) construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

REPORT OF THE ALASKAN ENGINEERING COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

I transmit herewith for the consideration of the Congress the report of the Alaskan Engineering Commission for the period from January 1 to December 31, 1920.

WARREN G. HARDING.

THE WHITE HOUSE, *March 27, 1922.*

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in closed session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate in open executive session took a recess until to-morrow, Tuesday, March 28, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 27 (legislative day of March 16), 1922.

UNDERSECRETARY OF STATE.

William Phillips, of Massachusetts, now envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg, to be Undersecretary of State.

ASSISTANT SECRETARY OF STATE.

Leland Harrison, of Illinois, now a secretary of embassy or legation of Class 1, assigned to the Department of State, to be Assistant Secretary of State.

APPRAISER OF MERCHANDISE.

Genevieve Cline to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cleveland, Ohio, in place of Joseph Pelcinski.

REGISTER OF THE LAND OFFICE.

Arthur Wellington Doland, of Washington, to be register of the land office at Spokane, Wash., vice John L. Wiley, resigned.

RECEIVER OF PUBLIC MONEYS.

Frank Adelbert Savage, of Washington, to be receiver of public moneys at Spokane, Wash., vice William F. Page, resigned.

PROMOTIONS IN THE NAVY.

Lieut. Commander Cleon W. Mauldin to be a commander in the Navy from the 11th day of February, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1921:

Christopher R. P. Rodgers.
William A. Hall.

Lieut. Commander Charles M. Austin to be a commander in the Navy from the 12th day of October, 1921.

Lieut. Commander John P. Miller to be a commander in the Navy from the 2d day of December, 1921.

Lieut. Commander Harry L. Pence to be a commander in the Navy from the 20th day of December, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 31st day of December, 1921:

Andrew S. Hickey.	Aubrey W. Fitch.
Reuben L. Walker.	Robert V. Lowe.
Wilfred E. Clarke.	Hamilton F. Glover.
Edwin B. Woodworth.	

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of February, 1922:

Guy E. Baker.
William W. Bradley, jr.

The following-named lieutenant commanders to be commanders in the Navy from the 11th day of February, 1922:

Miles A. Libbey.
Raymond A. Spruance.

Lieut. Francis Cogswell to be a lieutenant commander in the Navy from the 8th day of June, 1920.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

Preston B. Haines.
Ernest L. Gunther.
Frederick C. Sherman.
Leslie L. Jordan.
Marion C. Robertson.
James M. Doyle.
Elmer D. Langworthy.
Frederick G. Reinicke.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1921:

Elmer K. Niles.
Scott B. Macfarlane.

Lieut. Romuald F. P. Meclewski to be a lieutenant commander in the Navy from the 12th day of August, 1921.

Lieut. Herbert R. Hein to be a lieutenant commander in the Navy from the 21st day of October, 1921.

Lieut. Ole O. Hagen to be a lieutenant commander in the Navy from the 2d day of December, 1921.

Lieut. Robert H. Skelton to be a lieutenant commander in the Navy from the 25d day of December, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 28th day of December, 1921:

Alfred G. Zimermann.
Roger W. Paine.
Milton H. Anderson.

The following-named lieutenants to be lieutenant commanders in the Navy from the 31st day of December, 1921:

Oliver L. Wolfard.
Francis S. Craven.
George M. Lowry.
John A. Fletcher.
Oscar C. Badger.
Robert K. Awtrey.
Scott D. McCaughey.
Frank J. Lowry.
Aylmer L. Morgan, jr.
Lyell St. Louis Pamperin.
Harold R. Keller.
John C. Thom.
Paul M. Bates.
John W. Reeves, jr.
Guysbert B. Vroom.
Glenn F. Howell.
Francis M. Collier.
William F. Callaway.
Franz B. Melendy.
Joseph R. Mann, jr.
William C. Barnes.
Ellis S. Stone.
Morris D. Gilmore.
William E. Baughman.
Bernhard H. Bieri.
Thomas S. King, 2d.
Howard S. Jeans.
Daniel J. Callaghan.
Thomas Baxter.
Thomas S. McCloy.
George B. Asbe.
Eric L. Barr.
Ralph F. Wood.
Walter S. Davidson.
Henry J. Shields.
Robert P. Hinrichs.
Norman L. Kirk.
Pat Buchanan.
Wallace B. Phillips.
Frederick L. Riefkohl.
John W. Gates.
Harvey S. Haislip.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of January, 1922:

Charles G. McCord.
Ralph C. Lawder.
Robert P. Molten, jr.

Lieut. William J. Butler to be a lieutenant commander in the Navy from the 2d day of January, 1922.

Lieut. (Junior Grade) Henry F. Floyd to be a lieutenant in the Navy from the 1st day of July, 1919.

Lieut. (Junior Grade) Henry P. Sanson to be a lieutenant in the Navy from the 6th day of June, 1920.

Lieut. (Junior Grade) William H. Porter, jr., to be a lieutenant in the Navy from the 6th day of December, 1920.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Simon P. Fullinwider, jr.
Arthur B. McCrary.

Lieut. (Junior Grade) William S. Heath to be a lieutenant in the Navy from the 1st day of January, 1921.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Peter K. Fischler.
Harry K. Leventen.
Smith D. A. Cobb.
Charles G. Moore, jr.

Lieut. (Junior Grade) Herbert R. Sobel to be a lieutenant in the Navy from the 30th day of December, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 1st day of July, 1920:

John O. Huse.
Joseph S. Ives.
James L. Wisenbaker.

Ensign Arthur B. McCrary to be a lieutenant (junior grade) in the Navy from the 28th day of June, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 29th day of June, 1920:

Peter K. Fischler.
Charles G. Moore, jr.
Smith D. A. Cobb.
Harry K. Leventen.

Surg. Frederick G. Abeken to be a medical inspector in the Navy, with the rank of commander, from the 10th day of November, 1921.

Passed Asst. Surg. William W. Hargrave to be a surgeon in the Navy, with the rank of lieutenant commander, from the 3d day of June, 1921.

Asst. Surg. Maurice S. Mathis to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

Asst. Dental Surg. Edward A. Hyland to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

Asst. Dental Surg. Clarence E. Garcia to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1921.

Paymaster Frederick B. Colby to be a pay inspector in the Navy, with the rank of commander, from the 7th day of July, 1921.

Passed Asst. Paymaster Arthur H. Mayo to be a paymaster in the Navy, with the rank of lieutenant commander, from the 3d day of June, 1921.

Passed Asst. Paymaster Samuel R. White, jr., to be a paymaster in the Navy, with the rank of lieutenant commander, from the 21st day of October, 1921.

Naval Constructor Edward C. Hammer, jr., to be a naval constructor in the Navy, with the rank of commander, from the 16th day of November, 1921.

Assistant Civil Engineer Henry F. Bruns to be a civil engineer in the Navy, with the rank of lieutenant, from the 2d day of December, 1921.

The following-named machinists to be chief machinists in the Navy to rank with but after ensign from the 28th day of December, 1920:

Will Mueller.
Patrick H. Cassidy.

The following-named machinists to be chief machinists in the Navy to rank with but after ensign from the 30th day of November, 1921:

George C. Martin.
George Keeser.

Lieut. (Junior Grade) Evan G. Hanson to be lieutenant in the Navy from the 1st day of July, 1920.

Lieut. (Junior Grade) George C. Cummings to be a lieutenant in the Navy from the 1st day of October, 1920.

Ensign George C. Cummings to be a lieutenant (junior grade) in the Navy from the 30th day of September, 1920.

Ensign Herbert R. Sobel to be a lieutenant (junior grade) in the Navy from the 29th day of December, 1920.

Passed Asst. Paymaster Eaton C. Edwards to be a paymaster in the Navy, with the rank of lieutenant commander, from the 21st day of October, 1921.

POSTMASTERS.

ALASKA.

William L. Harber to be postmaster at Fort Yukon, Alaska. Office became presidential January 1, 1922.

IDAHO.

William F. McCullough to be postmaster at Mullan, Idaho, in place of Josephine Ervin, resigned.

ILLINOIS.

Victor F. Boltenstern to be postmaster at Cambridge, Ill., in place of C. H. Hunt. Incumbent's commission expired February 4, 1922.

INDIANA.

Harry C. Watts to be postmaster at Aurora, Ind., in place of M. E. Maloney. Incumbent's commission expired January 24, 1922.

Orpheus M. Dickey to be postmaster at Shoals, Ind., in place of J. P. Hawkins. Incumbent's commission expired July 21, 1921.

IOWA.

Lou A. Brink to be postmaster at Clarence, Iowa, in place of W. F. McCarty. Incumbent's commission expired January 24, 1922.

Oscar J. Houstman to be postmaster at Olin, Iowa, in place of F. W. Miller. Incumbent's commission expired January 24, 1922.

KANSAS.

Guy H. Byarlay to be postmaster at Green, Kans. Office became presidential April 1, 1921.

MICHIGAN.

Fred U. O'Brien to be postmaster at Coral, Mich. Office became presidential April 1, 1921.

NEW JERSEY.

Milton A. Whyard to be postmaster at Englewood, N. J., in place of T. C. Birtwhistle. Incumbent's commission expired January 24, 1922.

John R. Allaire to be postmaster at Farmingdale, N. J., in place of A. A. Yard, resigned.

NEW YORK.

Allen T. Wells to be postmaster at Pottersville, N. Y. Office became presidential October 1, 1921.

August P. Lenz to be postmaster at Thendara, N. Y. Office became presidential January 1, 1921.

Abram L. Van Horne to be postmaster at Fultonville, N. Y., in place of William Van Alstyne. Incumbent's commission expired January 24, 1922.

Charles R. Merrill to be postmaster at Homer, N. Y., in place of S. F. Andrews. Incumbent's commission expired July 21, 1921.

Clarence D. Tarbell to be postmaster at Ithaca, N. Y., in place of B. F. Lent. Incumbent's commission expired April 27, 1920.

NORTH CAROLINA.

John J. Buffaloe to be postmaster at Jackson, N. C., in place of J. J. Buffaloe. Incumbent's commission expired January 24, 1922.

OKLAHOMA.

Blanche Probus to be postmaster at Dacoma, Okla. Office became presidential April 1, 1921.

George A. Stronse to be postmaster at Billings, Okla., in place of P. H. McKeown, resigned.

PENNSYLVANIA.

Elmer E. Brunner to be postmaster at Yorkhaven, Pa. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Samuel E. Lawver to be postmaster at Canova, S. Dak., in place of S. E. Laurer, to correct name.

Metha A. Schmidt to be postmaster at Menno, S. Dak., in place of Dennis Foley, resigned.

TENNESSEE.

Rennie G. Connelly to be postmaster at Lyles, Tenn. Office became presidential January 1, 1921.

TEXAS.

Martha A. Luccock to be postmaster at Keene, Tex. Office became presidential July 1, 1920.

Alice Crow to be postmaster at Kountze, Tex. Office became presidential October 1, 1920.

Arthur H. O'Kelley to be postmaster at Atlanta, Tex., in place of F. R. Blaydes. Incumbent's commission expired August 25, 1920.

G. Lafayette Hardcastle to be postmaster at Lexington, Tex., in place of J. W. Hardcastle, deceased.

Daniel L. Dudley to be postmaster at Plano, Tex., in place of J. A. Crow, resigned.

VIRGINIA.

Olive E. Sargent to be postmaster at Riverton, Va. Office became presidential April 1, 1921.

WASHINGTON.

William W. Campbell to be postmaster at Colville, Wash., in place of C. M. Durland. Incumbent's commission expired January 24, 1922.

Lewis Murphy to be postmaster at Republic, Wash., in place of J. F. May. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

Daniel A. Jackson to be postmaster at Rowlesburg, W. Va., in place of J. J. Dunn. Incumbent's commission expired June 2, 1920.

Marion I. Jackson to be postmaster at Ward, W. Va., in place of W. B. Crookshanks, removed.

WISCONSIN.

Bert E. Fredrick to be postmaster at Augusta, Wis., in place of B. E. Fredrick. Incumbent's commission expired January 24, 1922.

Henry C. Scheller to be postmaster at Cecil, Wis., in place of C. J. Peterman, removed.

Orrin W. Groot to be postmaster at Elmwood, Wis., in place of J. L. Groot. Incumbent's commission expired September 8, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27 (legislative day of March 16), 1922.

UNITED STATES MARSHAL.

J. Ray Ward to be United States marshal for the district of Utah.

PROMOTIONS IN THE ARMY.

Curtis William Otwell to be colonel, Corps of Engineers.
Charles Sydney Hammond to be captain, Corps of Engineers.
Willis Richardson Slaughter to be captain, Ordnance Department.
James Henry Beals Bogman to be captain, Signal Corps.
John Sanderson Crawford to be first lieutenant, Infantry.
Carlton Culley Starkes to be captain, Medical Corps.
Ira Frederick Peak to be captain, Medical Corps.

PHILIPPINE SCOUTS.

To be first lieutenants.

Harry Allen Sanford.
Earl Wells.
John Willett Smith.
Harry Abbey Mosher.
Roscoe Bonham.
Oscar Blair Tudor.

POSTMASTERS.

ALABAMA.

Anthony J. Bowab, Atmore.
Emory Folmar, Troy.

COLORADO.

Anna B. Danford, Haswell.

GEORGIA.

James E. Mathis, Stockton.
George R. Burton, White Plains.

LOUISIANA.

Ella Farr, Gilliam.

MICHIGAN.

Fred L. Wright, Bad Axe.

NORTH CAROLINA.

Robert F. Blevins, Jefferson.
Charlie L. Walters, Mayodan.

OHIO.

Orlow H. Wertenberger, Leroy.
John C. Caldwell, Oxford.
Florence S. Van Gorder, Warren.
Benjamin E. Westwood, Youngstown.

OKLAHOMA.

John E. T. Clark, Coalgate.
James E. Elliott, Duncan.
Joseph J. Atteberry, Gould.
Onie L. Tapp, Marlow.

PENNSYLVANIA.

Arthur A. Butz, Alburtis.
Christian D. Doerr, Colver.
Vera Ritchey, Dunlo.
John S. Windle, Fernwood.
George F. Grill, Pen Mar.
Anna B. McCully, Ramey.
Mary P. McCardell, Westover.

RHODE ISLAND.

Samuel Seabury, 2d, Tiverton.
William J. Clemence, Washington.

SOUTH CAROLINA.

Francis B. Gaffney, Gaffney.
Edward V. Truesdale, Kershaw.

TENNESSEE.

John H. McKenzie, Manchester.
William B. Harlan, Pruden.
Curtis K. Burton, Puryear.

UTAH.

Julius S. Dalley, Kanab.
Gussie Harkness, Scofield.

VIRGINIA.

Harry L. Johnson, Belle Haven.
Sydney B. Elliott, Belle Meade.
Roland L. Somers, Bloxom.
William J. Ivey, Catlett.
Grief C. Giles, Chatham.
James C. Huff, Cheriton.
Thomas J. Wilson, Clifton Forge.
Jessie M. Martin, Concord Depot.

Henry H. Hardenbergh, Fredericks Hall.
Ida Valley, Grundy.
Silverius C. Hall, Hallwood.
Ruth E. Brown, Hamilton.
John W. Gibbs, Howardsville.
Arthur P. Bundick, Keller.
Thomas L. Woolfolk, Louisa.
William E. Berry, Meherrin.
John M. Anderson, Nathalie.
Hannah Y. Smith, Newport.
Raymond D. Williams, Pembroke.
Myron B. Bickers, Stanardsville.
James R. Miller, Strasburg.
Frank L. Schofield, University of Richmond (late Richmond College).
John R. Brittingham, Wachapreague.

WEST VIRGINIA.

Walter C. Whaley, Cedar Grove.
George A. Flora, Paw Paw.
James D. Huber, Reedsville.
John M. Tulley, Spriggs.
Cecil H. Ross, Williamstown.
Robert R. Church, Winding Gulf.

WYOMING.

Evelyn Colburn, Burns.
Robert E. Fuller, Shoshoni.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 27, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Before the mountains were brought forth, or ever Thou hadst formed the earth, from everlasting to everlasting, Thou art God. Be pleased, O Lord, to look upon our earthly state with Thine eye of beneficence. Let us know that Thou art with us to-day by the elevation of our thoughts, by our conscious strength, and by our springing joys. Hush anxieties, subdue fear, and still the tumult of the troubled heart. May our citizenship be bound together by faith and confidence and united in a common zeal in a common consecration to our country. Through Christ. Amen.

The Journal of the proceedings of Saturday last was read and approved.

SWEARING IN OF A MEMBER.

Mr. BEEDY. Mr. Speaker, the new Member from the third district of Maine, Hon. JOHN E. NELSON, is present. His certificate of election has been filed in the office and he is ready to be sworn in. [Applause.]

Mr. NELSON appeared at the bar of the House and took the oath of office prescribed by law.

EXTENSION OF THE PENSION ACT OF MAY 7, 1912.

Mr. LANGLEY. Mr. Speaker, by the direction of the Committee on Invalid Pensions I present a privileged report.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 211. To extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes (Rept. No. 837).

The bill was referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee reserved all points of order.

ISSUING PATENTS FOR CERTAIN LANDS IN LASSEN COUNTY, CALIF.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes, be transferred from the Private Calendar to the Union Calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 10554 be transferred from the Private Calendar to the Union Calendar. Is there objection?

Mr. WALSH. Reserving the right to object, these bills usually go on the Private Calendar.

Mr. RAKER. I understand that heretofore they have been referred to the Union Calendar, and for that reason I ask unanimous consent that this be transferred. It is for public purposes only.

Mr. WALSH. It is a county matter.

Mr. RAKER. Yes; it is a county matter.

The SPEAKER. Is there objection?

There was no objection.

SENATE JOINT RESOLUTION 160.

Mr. GARNER. Mr. Speaker, if I may have the attention of the gentleman from Wyoming. In view of the gentleman's program outlined for to-day, I want to call the Speaker's attention to a point of order made on Senate joint resolution 160 at the time it was reported from the Committee on Ways and Means. It occurs to me that the point of order is well taken; that is to say, if it is not a revenue bill, it can be considered in the House; but if the Chair holds that it is a revenue bill, then undoubtedly the House ought to pass a resolution returning it to the Senate with the suggestion that it is a revenue measure and should originate in the House under the Constitution. In view of the program to-day, it occurred to me that it ought to be called to the attention of the Speaker, in order that he may look the matter up and determine it to-day, so that if it is necessary to return it to the Senate the gentleman from Michigan may, if he sees proper, reintroduce it in the House and have an opportunity to consider it this week. If necessary, I will make the point of order that it is a revenue bill and that it should originate in the House of Representatives, and that a resolution should be passed sending it back to the Senate calling their attention to it.

Mr. LONGWORTH. The gentleman makes the point of order that it is a revenue bill?

Mr. GARNER. I have not examined the matter sufficiently to determine that point. I merely make the point of order in order that the Chair may investigate it. I had just as soon make it as not being a revenue bill, as I make the point of order only for the purpose of getting a decision by the Chair, so that he may take such action as may be necessary under that decision.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE AND THE JUDICIARY.

Mr. HUSTED, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 11665) making appropriations for the Departments of State and Justice for the fiscal year ending June 30, 1923, and for other purposes (Rept. No. 838), which was read a first and second time, and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. MANN and Mr. WALSH reserved all points of order.

APPROPRIATIONS FOR THE WAR DEPARTMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10871) making appropriation for the War Department.

Mr. FOCHT. Mr. Speaker, this being District day, we are once more called upon to forfeit our rights on the floor. I am somewhat loath to do that on account of having such a large amount of business ready to be considered by the House, but I am advised that they are very desirous of going on with the military bill, and in consideration of the fact that it is more important than District business I am willing to waive our rights for to-day, but I hope that in due time an opportunity will be given for the consideration of urgent and pressing business that is ready for consideration by the House for the District.

The motion of Mr. ANTHONY was agreed to; accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

The Clerk read as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, $27,635,260.

Mr. ANTHONY. Mr. Chairman, we have now reached the item in the bill——

Mr. DEMPSEY. Will the gentleman from Kansas yield to me to offer an amendment so that we may have the amendment under consideration?

Mr. ANTHONY. I will yield for that purpose.

Mr. DEMPSEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 114, line 24, after the word "navigation" strike out the figures "$27,635,260" and insert in lieu thereof "$42,815,661."

Mr. ANTHONY. Mr. Chairman, the committee adopted exactly the figures approved by the Budget for rivers and harbors work for the next fiscal year. The amount of $27,600,000 will keep in a state of proper maintenance the existing river and harbor work, and in addition approximately half that amount will be expended upon the continuation of the projects which have been heretofore authorized and which are now in process of construction.

In other words, the expenditure of the $27,000,000 will be about on a 50–50 basis between maintenance and the continuance of construction on approved projects.

The House should also understand that in addition to this $27,000,000 there will be approximately $15,000,000 carried over into the next fiscal year from previous appropriations. So that with the approval of the $27,000,000 estimate there will be approximately $40,000,000 available to be expended on rivers and harbors during the next fiscal year, which is more than the average which has been used for that purpose for the last 10 years.

It is true that the report of the Chief of Engineers recommended about $42,000,000 for this purpose, but the Budget estimate is based upon the fact that certain of those projects which are not deemed absolutely necessary may be maintained at somewhat less than the maximum which the Engineers reported to be necessary. In view of the fact that we are all engaged in the endeavor to reduce expenditures for the current year, and the apparent necessity for economy, the subcommittee deemed it inadvisable to exceed the Budget estimate for this purpose.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wyoming.

Mr. MONDELL. Has the subcommittee increased the Budget estimate on any item?

Mr. ANTHONY. It has on one or two small items.

Mr. MONDELL. To what extent?

Mr. ANTHONY. To a very limited extent. I do not think we have increased the Budget estimate more than a few hundred thousand dollars, perhaps, in a total of $27,000,000.

Mr. MONDELL. On the other hand, you have largely reduced the Budget estimates.

Mr. ANTHONY. We have very largely reduced the Budget estimates.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. The increases which you have made do not represent any difference in principle with the Bureau of the Budget. They are simply a few thousand dollars in regard to details.

Mr. ANTHONY. The gentleman is correct.

Mr. GREENE of Vermont. You have not differed with them in general principle on their estimates?

Mr. ANTHONY. That is true. During the hearings held by the committee on the rivers and harbors item there was only one gentleman who appeared before that committee who recommended an increase in the estimates of the Budget. In fact, the committee were given to understand that $27,000,000 represented a sum which met with the approval of those gentlemen in the House who are interested in river and harbor work, and met the approval of many of those who had large river and harbor projects in their districts; and we felt that the figure of $27,000,000 would be an adequate one to properly take care of river and harbor projects during the next fiscal year.

Mr. TREADWAY. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. I should like to ask the gentleman what sum remains over from other appropriations in the hands of the engineers in addition to the $27,000,000 recommended by his committee?

Mr. ANTHONY. It is my understanding that on the first of the year there was about $32,000,000 unexpended. At the end of this fiscal year there will be about $15,000,000 unexpended, which will be applicable to work during the next fiscal year.

Mr. TREADWAY. So, as a matter of fact, there will be available for the fiscal year for which we are now appropriating something like $42,000,000?

Mr. ANTHONY. Yes; which is more than the average for the last 10 years.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Maryland.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Of that $15,000,000 which will remain at the end of the fiscal year how much is allocated to specific objects and not subject to general distribution?

Mr. ANTHONY. About $8,000,000 are involved in contracts on existing projects and about $3,000,000 are sums which were appropriated for specific projects which for local reasons and other reasons the War Department deems it inadvisable to proceed with.

Mr. LINTHICUM. But that can not be used for any other object than what is specifically legislated for.

Mr. ANTHONY. That $3,000,000 of which I speak could be applied for general river and harbor purposes by amendment to this bill or by resolution of the House.

Mr. LINTHICUM. But the bill does not contain any such provision.

Mr. ANTHONY. It does not.

Mr. LINTHICUM. Then in considering this $3,000,000 it should be remembered that it is specifically allocated and that there is only $7,000,000 which can be used for general distribution, making a total of $34,000,000.

Mr. ANTHONY. No; the sum I have just spoken of exists to the credit of river and harbor projects to-day and can be used for that purpose.

Mr. LINTHICUM. But is specifically allocated?

Mr. ANTHONY. Yes.

Mr. MONDELL. The $8,000,000 which is under contract is, of course, a portion of the expenditures that will be made. The fact that it is under contract does not in any wise differentiate it from other river and harbor expenditures. It is under contract generally on large and important projects.

Mr. ANTHONY. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I should like to call the attention of the chairman of the committee to the fact that when the hearings were held General Taylor stated that on December 1, 1921, as the gentleman from Kansas stated, there was $28,824,000 unexpended, of which $9,774,000 was under contract, leaving a balance unobligated of $18,550,000. On Saturday I telephoned General Taylor, Assistant Chief of Engineers, asking him how much money was then unobligated, and he told me that on March 1, 1922, there was $15,584,000 of money heretofore appropriated that remained unobligated.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wyoming.

Mr. MONDELL. The actual balance on March 1 was $23,784,000.

Mr. DEMPSEY. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. DEMPSEY. I suggest to the chairman of the subcommittee that it would be well to agree upon some time for debate on this item.

Mr. ANTHONY. I think it would be advisable to fix a limit of time for debate on this item. What would the gentleman suggest as being necessary?

Mr. DEMPSEY. I have been asked for an hour and a half, and I think I will be asked for fully two hours.

Mr. LINTHICUM. I will say to the gentleman that I should like to have 10 minutes.

Mr. ANTHONY. What is the suggestion of the gentleman?

Mr. DEMPSEY. I suggest that we use four hours.

Mr. ANTHONY. We could not devote that much time to it. If we use two hours and a half in debate on rivers and harbors, the time to be equally divided between those sides, I think it would be satisfactory.

Mr. DEMPSEY. Give us an hour and a half. I have requests for over an hour and a half already.

Mr. BARKLEY. Mr. Chairman, I would state to the gentleman that a number of gentlemen on this side of the House—and I am sure on the Republican side also—who are interested in this particular item were promised time during general debate. I was to have 20 minutes, but I did not get any. We desisted at that time with the understanding that we would have a liberal debate under the five-minute rule.

Mr. ANTHONY. In view of the statement of the gentleman from Kentucky, if we fix a limit of three hours for debate upon this paragraph, one-half to be consumed by the gentlemen who are in favor of the $27,000,000 item and one-half by those who are in favor of increasing the amount, I think it would be satisfactory.

Mr. SANDERS of Indiana. Is the Chair to determine the recognition?

Mr. DEMPSEY. Let the time be divided, one-half to the gentleman from Kansas and one-half to myself.

Mr. ANTHONY. If that is agreeable to gentlemen on the Democratic side of the House.

Mr. SISSON. I would like to know about the division of time.

Mr. ANTHONY. The proposition is that debate be limited to three hours, one-half to be consumed by those in favor of the sum named in the bill and one-half by those who desire to increase it.

Mr. SISSON. Can we not have assurance that we may have some time on this side? Two gentlemen on this side, it was virtually agreed, might have considerably more in the five minutes. I refer to the gentleman from Kentucky [Mr. BARKLEY] and the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that debate be limited to three hours, one-half to be controlled by the committee and one-half to be controlled by the gentleman from New York [Mr. DEMPSEY], if that is satisfactory.

Mr. SISSON. As a minority member of the subcommittee, I feel that I might have a little time.

Mr. ANTHONY. I think we may be able to yield a portion of our time to the gentleman from Mississippi.

Mr. DEMPSEY. I am willing to give the gentleman from Mississippi a part of my time.

Mr. SISSON. Suppose we make this agreement if we can, that the two gentlemen give this side an hour of the time and I shall yield that to those for and against the amendment.

Mr. DEMPSEY. That is satisfactory.

Mr. MANN. Make it one hour to each of the three gentlemen—the gentleman from Kansas, the gentleman from Mississippi, and the gentleman from New York.

Mr. ANTHONY. Very well.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate upon the paragraph and all amendments thereto be limited to three hours, one hour to be controlled by himself, one hour by the gentleman from New York [Mr. DEMPSEY], and one hour by the gentleman from Mississippi [Mr. SISSON]. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, it has been suggested that that will give those favorable to the increased appropriation two hours and those opposed to it one hour. That is hardly a fair division. I do not know of anyone on the other side who is not in favor of this raid on the Treasury. I think the original proposition ought to stand, that the time shall be divided equally between those for and against the proposition.

Mr. DEMPSEY. As I understand it, the gentleman from Kansas and myself have agreed that the division shall be made. I do not understand that the gentleman from Wyoming objects.

Mr. MONDELL. I do not object to a division equally between those for and against, but the proposition here is to divide it into three different hours.

Mr. DEMPSEY. That is to give the Democratic side one-third of the time.

Mr. MONDELL. Then two gentlemen will yield to gentlemen for and one gentleman to those against. That is not a fair division of the time.

Mr. SISSON. I shall make an effort to divide the time equally between those for and against.

Mr. DEMPSEY. There is no disposition to divide it up into any large divisions or factors.

Mr. ROACH. I would like to have five minutes of time, and if the time is not sufficient to grant me that time, I shall object.

Mr. DEMPSEY. We are going to divide it into five-minute factors. I think the gentleman can have his five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? (After a pause.) The Chair hears none, and it is so ordered.

Mr. WALSH. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. There is not. An amendment was read merely for information.

Mr. DEMPSEY. Mr. Chairman, I understood the gentleman yielded to me to offer it. However, I offer the amendment now.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 114, line 24, after the word "navigation," strike out "$27,625,280" and insert in lieu thereof "$42,815,661."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DEMPSEY. Mr. Chairman, if there is a point of order to be made, I think it should be disposed of, if the Chairman pleases. We are reserving three hours for debate, and we should not go into three hours of debate with a point of order reserved. If the gentleman has any point of order, I wish he would state it.

Mr. BLANTON. I make the point of order that the amendment embraces an amount that is unauthorized by existing legislation with respect to rivers and harbors. The Appropriation Committee can appropriate only such money as existing legislation would authorize, and existing legislation at this time does not authorize this amount of $42,000,000.

The CHAIRMAN. The Chair overrules the point of order.

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. DEMPSEY. Mr. Chairman, this amendment comes before the House under different conditions from those which have confronted it at any time when a rivers and harbors bill has been considered. In normal times the railroads of this country are totally unable to carry the traffic offered them. We have seen within a short period of time the wheat of the West unable to reach the market because the railroads could not carry it to the seaboard. We have seen this situation, that the grain-growing farmer of the West could have obtained a good price for his product if he could have had the transportation, but he was unable to secure that. The railroads of the country want $2,000,000,000 for additional trackage, rolling stock, and terminal facilities.

They are not going to obtain that amount, and if they did obtain it they would not be able to make the necessary improvements in 10 years. So the question is as to what will occur when we return to normal times. We will find that what we raise and what we manufacture in this country can not reach the markets unless we relieve our railroads by adequate river and harbor facilities. In addition to that, we find this situation: For the first time in the history of the United States we are providing for a merchant marine. We have spent vast sums of money in building the ships. We are about to sell them and transfer them to private ownership, and at the same time we are going to provide the means to see that those ships sail the seas. Is this the time, when we can not carry our traffic by rail: Is this the time when it will be impossible for us to utilize this merchant marine unless we improve our rivers and harbors; is this the time unduly to economize in our appropriation for that purpose? Another thing. We are at the end of a great war.

During the period of that war we were told that we should make no appropriation for rivers and harbors unless it was certified by the Secretary of War as being a war necessity. New work was not prosecuted and even the ordinary work of maintenance of harbors was not done. The harbors of our country were allowed to silt and fill. In numerous places where we have adopted a project depth we not only have not secured the depth provided by the project but, on the contrary, the harbors have filled up so that we have a less depth than we had at the time the project was adopted. Now let us take the situation as to the amount to be appropriated. The gentleman from Kansas [Mr. ANTHONY] says that with the $27,000,000 we will be in position to maintain our rivers and harbors and to prosecute new projects. Let us examine the testimony of those who have studied the question. Let us see what they say upon that subject. Let us see whether they agree with the gentleman from Kansas. Throughout this country we have district engineers stationed. It is their duty to study the rivers and harbors in their districts and find out what the needs are. They are men who have made this a life study.

They have had a technical education in engineering at West Point, and at the end of their courses in the academy we have placed them in the Engineering Corps, which is the highest corps, made up of the men who demonstrated the greatest ability, who stood highest at West Point. These district engineers, after exhaustive study, have presented their reports to the Chief of Engineers showing that there is needed for the ensuing fiscal year $63,000,000. The Chief of Engineers, realizing that in this Congress we have attempted to economize and have economized, understanding fully that Congress would not appropriate a cent that was not actually and badly needed, revised these estimates and cut them down to $42,000,000. Let

us study the situation as to this cut and the amount carried in the bill. The subcommittee has reported $27,000,000 in place of the $42,000,000 recommended by the Chief of Engineers. How did $27,000,000 happen to be adopted? Rivers and harbors appropriations are unlike other appropriations, in that they do not lapse at the end of the fiscal year, and sometimes there remain in projects certain sums which are unexpended after the project has been completed.

It was thought when this $27,000,000 figure was adopted that $15,000,000 could be obtained from unexpended balances to the credit of completed projects and that thus we would make up the $42,000,000 so badly needed. Instead of that, we find that from completed projects there can be obtained the sum and only the sum of $126,000. So we have $27,000,000 in this bill and we need $42,000,000. Now, the gentleman from Kansas says we have on hand $23,000,000. The situation as to that is this: Two years ago we had $60,000,000 in unexpended balances. A year ago we had $37,500,000 in the Treasury to the credit of various projects. To-day we have $23,000,000, the smallest balance we have had since 1916, and $8,000,000 of this small sum is already pledged on contracts where the work is being done, and we have still the months of March, April, May, and June, four months, one-third of a year, one-third of that part of the year during which, on account of favorable and mild weather conditions, a large amount of work will be done. So at the end of the fiscal year, as matter of fact, we will not have anything in the Treasury unexpended, and we will have to depend entirely on the sum which we appropriate here.

Now let us make a comparison. Last year, when we did not do anything like the amount of work we ought to do, we expended $41,000,000. With our harbors and rivers in bad condition through neglect during and since the war; with the railroads unable to get the products of the farm and the factory to destination for a good market or even in time to save them from injury and decay; with the highest rail freight rates in the history of the country and no prospect of any considerable reduction; with the waterways affording the only chance to relieve congestion and afford reasonable rates; in order to utilize our new merchant marine, to help the producer and to relieve the consumer, it is our duty to support the amendment and to adequately provide for the rivers and harbors of the country.

This year we will have $27,000,000. Now, let us contrast what the United States is doing with what the localities are doing in the United States. Let us have one or two illustrations. Let us take the port of Greater New York. In order to transport the manufactures of the country, in order to transport the grain from the western fields over to Liverpool to the consumer and to other countries, we must have the port of New York open. We had congestion during the war. We had freight cars piled up 50 miles outside of New York City. Why was that? It is because of two things.

First, we did not have adequate terminals; we did not have adequate warehouses in the city of New York, and, second, we transported every bit of freight that went to New York, whether it was destined there as its ultimate destination or whether it merely went through New York on its way to its future destination in Europe, through the congested port of the city of New York.

New York is the greatest distributing port in the world. They carried that freight through the very heart of the city.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. In order to avoid that situation, the port of Greater New York is about to spend between four millions and five millions of dollars. That enormous expenditure will always be valueless and of no avail whatever unless this Congress makes the channel adequate so that they can send their ships up to the new terminals and unload them into the new warehouses and do away with the congestion and transport all of this merchandise abroad. Take the city of Milwaukee, and they are spending there millions of dollars in order to enable them to carry the traffic that comes there on the Great Lakes. And they are going to be unable to do anything unless the Government does its part. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes of the time in control of the gentleman from Kansas [Mr. ANTHONY] to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we are about to face the first real test of the Budget. Both sides claim great credit for the adoption of the Budget plan. The committee has proceeded under the Budget in the performance of its duty, and up to this time no recommendations have been made above the figures fixed by the Budget, except a very small amount in one or two items. In the main the Budget estimates have been reduced. Now we are met with what is very apparently an organized assault upon the Budget and the Budget estimates. There are those who are in the habit of referring to river and harbor appropriations as "pork barrel" appropriations. I have never indulged in that kind of talk. In my 25 years here I think I have voted for nearly every river and harbor appropriation, though not a penny of those appropriations is spent anywhere near my State. No man in the House is more earnestly favorable to liberal river and harbor appropriations than I am, and no one would be more willing than I, under proper circumstances and conditions, to increase the appropriation for these useful and worthy purposes. The question is, Shall the budget stand or shall it fall? Are we to be able to go into our districts this fall claiming as one of the credits of the party the establishment of the Budget system and Budget economies or are we going to be compelled shamefacedly to admit that the first time the Budget estimates are attacked by an organized effort to increase what are popularly known as "pork barrel appropriations" the Budget falls?

Mr. DEMPSEY. Will the gentleman yield?

Mr. MONDELL. I am sorry. My time is limited.

Are we to carry out our program of economy? Are we to stand by Budget estimates or are our lines to break the first time when organized assault is made by some of the Members who have creeks from which they wish to have the water hyacinths gathered or which they desire to have deepened for a navigation that is hoped for rather than expected?

The fact is that in 30 years the average annual expenditures for rivers and harbors have totaled about $30,000,000. The fact is that at the suggestion of the Members interested in these matters the original Budget estimate of $13,000,000 was raised to $27,000,000. The fact is that, with a balance remaining in the Treasury of approximately $15,000,000 at the beginning of the next fiscal year, there will be available under contract and for new allotment about $42,000,000—$10,000,000 more than the average expenditures for the last 10 years; $12,000,000 more than the average appropriations for the same length of time.

And yet, because there is something of a demand at home for these expenditures, many of them worthy, some very questionable, we are called upon to depart from that policy of economy which we have adopted and adhered to relative to every other Federal activity, and under this organized attack to break through the Budget estimates, depart from our policy of reasonable economy, and subject ourselves to all the criticism of other days relative to "pork-barrel" river and harbor appropriations. I fear that many of the gentlemen who have been asked to support this increase of appropriation have been asked to do it on the theory that if enough money is appropriated for any particular project, no matter how little merit it may have, they may hope to get a little of the rake-off.

Mr. TEN EYCK. Will the gentleman yield to me for a moment?

Mr. MONDELL. I have only a minute.

I do not know whether it is worth while to appeal to the minority side in behalf of the Budget estimates, although there are many gentlemen on that side who have stood fairly, squarely, and honestly by those principles, and I hope they will not depart from them now. But at least I am justified in appealing to our side, to the side that is in the position of responsibility, to adhere to this estimate, which is nearly double the appropriation of the present year, which is; with the remaining balance, more than equal to the average expenditures for 10 years past, which is the estimate of the Budget, and which is in harmony with our general policy of keeping appropriations and expenditures within the anticipated national income.

Shall we stand by the splendid record we have so far made or shall we allow our lines to be broken and depart from the splendid record that we have made in the face of the first organized assault that is made on the principle of economy and the principle of the Budget? [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. SISSON. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I am for the amendment offered by the gentleman from New York [Mr. DEMPSEY].

The gentleman from Wyoming [Mr. MONDELL], who, so far as I know, has no navigable river in his own State, and who, to my knowledge, has never been, to say the least, a very earnest advocate of river improvement, complains that the House is

being asked by this amendment to exceed the estimates submitted to Congress. That is a rather peculiar position for the gentleman from Wyoming to take in view of what has already happened in this House with reference to certain appropriations, and in view of some of the things which are contemplated shortly.

Mr. DEMPSEY. Does the gentleman understand that the Director of the Budget himself testified before the Committee on Rivers and Harbors—and I have the highest respect for the Director of the Budget, his ability, and his public spirit—that he has been able to give no consideration whatever to this item, and that it is a fact that he does not know anything whatever about it?

Mr. BYRNS of Tennessee. I am glad to have that statement from the gentleman from New York, because it bears out what I expected to say a little later on.

I was about to say that the bill carrying appropriations for Independent offices, as it was reported to the House, sought to give to the Shipping Board the right to trench upon $55,000,000 of receipts from sales of surplus and materials, which was never asked for or submitted by way of estimate from the Budget Bureau, and when that proposition was before the House and many of us opposed it, and the House by a large majority voted it down, I do not recall that the gentleman from Wyoming raised his voice in protest against the appropriation at that time or complained that the bill as reported was an assault upon the Bureau of the Budget. [Applause.]

And very shortly, if I am not mistaken, as soon as this bill is disposed of, we are going to again have a motion made in this House to give the Shipping Board the right to use those receipts in addition to the estimates submitted, and I am wondering whether or not the gentleman from Wyoming will oppose that and make one of his usually effective speeches in opposition to it. The gentleman from Wyoming very earnestly favored an appropriation of $2,000,000 for the purchase of seed in two or three States in his particular region, and $1,500,000 was appropriated. It was never recommended by the Director of the Budget. Why not be consistent, even though there be no navigable rivers in the gentleman's own State?

Now, what are the facts in reference to this appropriation? The gentleman from New York [Mr. DEMPSEY] has told you that in the first instance the Chief of Engineers asked for $63,000,000, and he said that even if that $63,000,000 was appropriated it would not enable him to do more than to maintain existing projects and do a certain amount of work upon existing projects, and that a great deal of important work would have to be neglected.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. In a moment. The Budget Bureau decided on $13,000,000. Protests were made, and it was then sent back to the Chief of Engineers, and he reduced his former estimate to $42,500,000. He said that was the very lowest sum with which he could carry on his work and that he would have to neglect a great deal of important work if only that amount was allowed.

I want to say to you, gentlemen, you who represent inland districts and who favor the improvement of inland rivers, if you do not support this amendment and put through this additional appropriation you will get very little money by way of improvement on the inland waterways, because it is generally understood, and if you will talk to the Chief of Engineers he will tell you, I have no doubt, that if you should appropriate only $27,000,000, practically all of it will be needed and expended in the maintenance and improvement of harbors. [Applause.]

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. The gentleman is not speaking according to the record.

Mr. BYRNS of Tennessee. I am perfectly willing to leave it to the record.

Mr. STAFFORD. The record shows that more than $10,000,000 will be used for the inland waterways.

Mr. BYRNS of Tennessee. Even if that be true, it is only about one-third of the whole amount.

Mr. STAFFORD. That is more than has been expended in any year past.

Mr. BYRNS of Tennessee. I think not. There has been $42,500,000 spent on the average for the past two years. There was appropriated for 1921 $12,000,000, and they had an unexpended balance of $58,000,000 July 1, 1920. This made $70,000,000 for 1921. At the beginning of the present fiscal year there was an unexpended balance of $37,000,000 and there was appropriated the sum of $15,000,000. So the Chief of Engineers has had $85,000,000 for the last two fiscal years. General Taylor says all of this has been obligated and there will only be about $200,000 left at the end of the present fiscal year. So we have reached a point where we can not make appropriations for this work and rely upon their being supplemented by unexpended balances. There will be no unexpended balance, and we must appropriate all that is to be spent next year in this bill. The Chief of Engineers says that he ought to really have $63,000,000, and that he must have $42,500,000 as a minimum. The Director of the Budget says frankly that he has not been able to give the matter any particular consideration and that he does not know anything about it. For my part, under these circumstances and believing as I do very earnestly in river and harbor improvements and its value to the whole country, I prefer to rely upon the recommendation of the Chief of Engineers. Failure to make this appropriation would result in great economic loss, not only in so far as the value of the improvements to be made are concerned, but also on account of the deterioration of existing projects, which can not be touched unless a reasonable appropriation is made. It is false economy not to provide reasonable funds. The overhead remains the same whether the appropriation be large or small, and Congress ought to make appropriations to complete this work as quickly as possible, so that the present generation can derive as full benefit as possible from these improvements in the transportation of our agricultural and other valuable products and resources.

Mr. MADDEN. Mr. Chairman, I would like to give you a few facts. The gentleman from Tennessee [Mr. BYRNS] has been dealing in fancies. From the year 1914 to 1922, inclusive, the total appropriations for rivers and harbors in the river and harbor acts amounted to $275,000,000, or an average of $27,500,000 a year.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. I can not yield.

Mr. DEMPSEY. Just a very short question.

Mr. MADDEN. I can not yield.

I am going to give you facts. Under the sundry civil acts and the river and harbor acts combined there has been appropriated in the last 10 years $300,500,000, or an average of $30,500,000 a year. On the 1st of July, 1921, they had on hand unexpended $44,000,000. They will expend out of that $30,000,000 this year up to the 1st of July, 1922. That leaves them $14,000,000. We are proposing to appropriate $27,000,000. Add to $27,000,000 that $14,000,000 and you have $41,000,000.

Now, the gentleman from New York [Mr. DEMPSEY] wants $42,000,000. We will give you $41,000,000 without adding a dollar under the gentleman's amendment. If $42,000,000 is all you want, you will have it by refusing to adopt the amendment offered by the gentleman from New York.

I talked with the Assistant Chief of Engineers this morning. He says at the end of 1923, if we give him $27,500,000 and the $14,000,000 which he has now available, he will have on hand out of the $41,000,000 at the end of the fiscal year 1923 $10,000,000. Now, what do you want? Why do you want to add $15,000,000 to what the committee proposes if with what he has and what the committee proposes he will be able to get along for 1923 and have an unexpended balance of $10,000,000 at the end of the fiscal year? That is all there is to the case. [Applause.]

The CHAIRMAN. Does the gentleman from Illinois yield back the balance of his time?

Mr. MADDEN. Yes.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a short question before he starts?

Mr. HUMPHREYS. Yes.

Mr. DEMPSEY. The gentleman no doubt has been present during the consideration of this Army appropriation bill. Has he noticed that the subcommittee in charge have on practically every item cut the Budget estimates? Would this be disregarding the advice of the Budget, which has been cut here, any more than it has been upon other items cut by the subcommittee?

Mr. HUMPHREYS. That may be true. I can not speak accurately or definitely about it.

Mr. Chairman, I was for 13 years a member of the Committee on Rivers and Harbors. I do not believe that the facts ever before more thoroughly justified liberal appropriations for the inland rivers than do the facts that we now have. Last year the engineers compiled in the second volume of their report most illuminating statistics on the commerce of the country. Now, listen: The inland rivers of this country, not counting canals and connecting links like the Detroit River and the St. Marys, or anything of that sort, just taking the rivers themselves, the

inland rivers in the last year carried 80,000,000 tons of freight. Well, that does not mean anything just by itself. It is like saying that there are 265,000 miles of railroads in the United States. But if you will add to that the statement that that is about one-half the railroad mileage in the world, you will understand what it means. There were 80,000,000 tons of freight hauled on the inland rivers last year, not counting the canals. It would require 1,600,000 big 50-ton box cars, carrying 100,000 pounds each, to haul that freight. Estimating that a train would carry 30 of those loaded box cars, it would take 53,000 trains to haul it. It would take 146 of those trains, running every day, 365 days in the year, to haul the freight that was hauled on the inland rivers last year. The late Mr. James J. Hill said to our committee once that they had never been able to reach that point of efficiency where they could haul every freight car 20 miles a day. If that is true now it would take 22,000 of those big box cars 365 days to move that freight 100 miles. Now, that being true, with the present transportation necessities of the people what we know them to be, can this Congress afford to take the chance of being stingy in this matter? On the rivers of the Mississippi Valley alone we floated last year 51,000,000 tons of American freight.

When we put the Panama Canal through we had Dr. Emory Johnson figure out how much tonnage would go through it in order that we might properly adjust the tolls. His estimate was between 10,000,000 and 10,500,000 tons, of which he estimated that 3,500,000 tons would be American freight. We have never yet reached 10,000,000 tons for the Panama Canal, although we nearly reached it last year, for all the countries of the world. Here last year on these inland streams we carried 80,000,000 tons, and that under the most serious of handicaps.

Mr. Chairman, since I have been in Congress we have performed three major operations on the railroads, and I voted for all three of them. I am very much inclined to think I made a mistake three times. [Laughter.] I am not quite sure about the last bill, whether I was mistaken in voting for that or not, but I voted for it. My doubts are not due to allegations we hear in the usual speeches made here that we gave the railroads $600,000,000 or $800,000,000 or $1,000,000,000 or $1,500,000,000 or $2,000,000,000, according to the fancy of the speaker, because, of course, we did not do that, nor did we guarantee them that they would make 5½ or 6 per cent. What I fear is that we may have handicapped them too much. But even so, we left the power in their hands to hamstring the steamboats. Now, here is the situation: The other day the gentleman from Missouri [Mr. NEWTON] showed how the railroads were discriminating in their rates between shipping points. Here is a river town. The railroad running to that town will reduce the rate, because the town happens to be on the river, and so will run the steamboats off of the river. Now, we changed that law and said they could not give a discriminating rate to a river point unless there was actual river competition; that potential competition was not to be considered. All right. We will take any town on any river. The railroad puts up the rate and does not give a discriminating rate, because there is no actual competition. Then the steamboat people say, "Well, we will put a steamboat in here, running from Cincinnati to Greenville, or from Louisville to Greenville, or from St. Louis to Greenville or any other point, because we can haul the freight for very much less than the railroad charges and still make a lot of money." Well, they consult a lawyer about it, and he says, "That is all right; but you must remember this, that if you put a steamboat on there and begin to haul the freight, then you have actual competition, and as soon as you have actual competition the Interstate Commerce Commission has the power to allow the railroads to put in cutthroat rates again and put your steamboat out of business." The result is that they will not put their steamboat on the river at all, and the railroads therefore can not reduce the rates, because there is nothing except potential competition, so these little river points must pay the high railroad rates and be denied the right to use the river by this sword of Damocles that hangs over them. Yet with that handicap the inland rivers of this country last year increased their tonnage tremendously.

In 1879, according to the census—and that is the only estimate we have of it—the rivers in the Mississippi Valley carried 32,000,000 tons of freight. Last year they carried 51,000,000 tons in the face of this handicap provided by the transportation act. It occurs to me, gentlemen, that in view of the fact that farmers and shippers generally in this country are handicapped most seriously by the lack of proper transportation facilities, the last thing we ought to do would be to undertake to economize by cutting down an appropriation which has already been cut away below what it ought to be. As the engineers expressed it, they were instructed to cut it to the bone, and they cut it to the bone. The Budget Committee, who do not know as much about it as you do, cut it to $27,000,000, and therefore that amount becomes sacred with this committee. The engineers said they needed $63,000,000, and the people all over this country are demanding, because their necessities require them to demand, transportation facilities which the railroads can not give them. Where are you going to get the 146 railroad trains extra to run every day in the year for 365 days to move this freight only 100 miles?

Mr. LAYTON. Will the gentleman yield for a question?

Mr. HUMPHREYS. I yield to the gentleman from Delaware.

Mr. LAYTON. As a matter of fact, the Director of the Budget first cut the appropriation to $13,000,000.

Mr. HUMPHREYS. That showed he did not know anything about it. That is all there is about that. He cut it blindly. Then it was increased to $27,000,000 blindly, that is all there is to that. I have great respect for those gentlemen. But they do not know as much about this matter as we do. Now, the amendment proposes simply to make the amount $42,000,000, which the engineers said was the very lowest possible cut that could be made. They knew they had this unexpended balance on hand. You are not telling them anything new about that. They knew what they had on hand. They said, "We have cut the estimates to the bone," and that means $42,000,000 to be appropriated this year in cash, and now it is proposed to cut it below that. I think it would be a very unwise procedure on the part of this House. [Applause.]

Before I close I want to pay some compliments. First, to the engineers for the very illuminating report on the commercial statistics as they appear in volume 2 of the Annual Report of the Chief of Engineers. They have not only gathered much more statistical data than ever before, but they have assembled it in numerous tables where they become understandable and instructive. This good start is but a harbinger of what is to follow, and we are under obligations to them for it.

Then I want to compliment General Dawes and congratulate not only the service but the people of the whole Mississippi Valley upon having him in his present position. His heart, as well as his head, is in his work, and if he remains where he is the barge line on the Mississippi will justify the expenditures we have authorized, and better still he will demonstrate the practicability of river transportation, and it will be only a few years before private enterprise will enter that field to stay. He has cooperated in a most intelligent and sympathetic way with the management and by so doing has, I believe, made its success certain.

Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman and gentlemen, in this bill as originally presented to the House there were two provisions involving an intrusion by one department into the field of another which I regard as dangerous. The first was that which would give to Congress the allocation of troops. Such a provision is entirely objectionable as a matter of policy and of very doubtful constitutionality. The other is the pending provision under which the legislative department of this Government would abdicate its right to specify the projects for which appropriations are to be made.

I admit that I am in some measure responsible for this change. In the year 1914 I was forced to oppose a bill which contained many extravagant appropriations and to resort to what was popularly known as a filibuster to defeat it. The result was the beginning of this plan to appropriate lump sums to be apportioned in the War Department. That was continued in the following year, 1915. Then the old plan was resumed, but again the lump-sum appropriation was adopted, and has, I think, been continued for the last three years. This Congress ought not to give that responsibility to the executive department. [Applause.] Every appropriation made for a river and harbor should be considered by this House and should be open to the scrutiny of the whole people. This is making no reflection upon the Engineer Corps, to which I have often referred as the blue ribbon of the Government service. But these appropriations should be made after full and free discussion here; otherwise we are evading the responsibility which belongs to us.

Now, I can not favor this increase in appropriations as proposed by this amendment; at least not until every item is brought here for consideration. I do not believe in adding $15,000,000 to these estimates to be apportioned by the Engineer Corps. And I think I may say to some of these gentlemen who have spoken: Your idea that you will relieve congestion on the railways by adding another $15,000,000 is altogether a fallacy. [Applause.] In the first place, the improvements you would make will be deferred for many years, and in the next place classes of traffic that can be carried by the two methods are

entirely different. That carried by the rivers is one type and finds its origin in the warehouses and the localities on the banks of the river, while the other makes available traffic in every part of the land. Now, up to about the beginning of this century I was an enthusiast in regard to inland waterway transportation. No one favored it more strongly than I. I spent the summer and a part of the autumn of 1908 in Europe examining the waterways there, which are so much utilized, and I found their conditions were so radically different that we could not take their methods and utilization of canals and rivers as an example for us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I yield to the gentleman from Ohio four minutes more.

Mr. BURTON. Again in 1909—and I had made other visits to Europe in the interim, made shorter examinations there—I have examined practically every river and harbor in this country. I became discouraged in regard to this method of hauling freight. I remember in the year 1907 I was in the city of Memphis. The preceding year every warehouse had been crowded, bales of cotton were located on the walks and in the streets, and there was an unheard of congestion, yet not one single bale was carried to New Orleans by water. In the year 1907 President Roosevelt visited Memphis, and with great eclat bound a bale of cotton to be carried down river, but I think that was the only bale shipped at Memphis by water that year. In all that time there was a waterway 10½ feet deep from Cairo to the sea. The head of the Mississippi River Commission told me that in all his trips on the river there had never been a request for improvement for the promotion of navigation, but that every request was made for revetment of the banks or for levees. When I say this I also wish to say that I always favored keeping open that great waterway, the father of the waters, and making generous provision for it.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. BURTON. Perhaps, in a few moments. While I am willing to review this whole situation in view of the great increase in freight rates, I am not hopeful in regard to the development of traffic on these rivers. It is true that in such a case as the Monongahela, which, by the way, is the river of shallow draft which has the largest traffic where there are many mines near the mills and nearby a great quantity of coal is located, a very large traffic can be developed. I will ask consent to insert certain classes of rivers that I think may be properly improved——

Mr. HARDY of Texas. Will the gentleman yield now?

Mr. BURTON. I will.

Mr. HARDY of Texas. Is it not universally known that the reason that no freight goes down the Mississippi River is on account of the cutthroat methods of the railroads in reducing the rates, say, from Memphis to New Orleans, to an unreasonably low rate?

Mr. BURTON. That is a part of it. I drew a provision which provided that no railroad should reduce its rates in competition with a waterway and afterwards restore that rate unless it could be shown that the lowering was for a purpose other than eliminating competition. That is now the law and it has been helpful. But that is by no means all. It is the greater care taken on the railroad, the fact that when a bale of cotton is taken on a railway the shipper has his bill of lading, can take it to the bank and use it, and the fact that if it is taken on the river he must insure it. Then, too, the transportation is usually much more rapid and shippers prefer the railroads.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BURTON. I subjoin certain classes of rivers the improvement of which I think is proper and desirable: First, rivers which afford access to cities or centers of consumption located at no great distance from the sea, upon which the haul by river can be combined with the movement by sea. Of this class are the Delaware reaching from the city of Philadelphia to the sea, the Patapsco between Baltimore and the Chesapeake Bay, the Mississippi between New Orleans and the Gulf of Mexico, the Columbia and the Willamette between Columbia and the Pacific Ocean. Second, rivers of considerable size upon which large cities or industrial centers are located and which can be made the means of transportation between producer and consumer in the shipment of heavy and coarse freights, such as coal, iron ore, or building material. In this class may be included the Ohio and the Hudson, with its canal connection with the Great Lakes. Third, short rivers in busy industrial sections where the consumer and producer are located near to each other. The best illustration of a river of this class is the Monongahela in Pennsylvania. This tonnage consists almost entirely of coal carried from mines on or near to the river to mills or furnaces at or near Pittsburgh. Fourth, minor streams at or near great cities or thickly populated areas. There are a number of these streams tributary to the waters around New York City, to the Delaware below Philadelphia, and to the Chesapeake Bay. In the case of these streams a market for the products of the locality tributary to the river in question is not far away and freight can profitably be carried in boats of shallow draft. Fifth, shallow streams of considerable length in the interior flowing through level areas which can be made available or improved for navigation at comparatively small cost by snagging. There are rivers of this type in North Carolina, South Carolina, Florida, and Louisiana.

In a great majority of the cases mentioned it is clear that appropriations have brought excellent results. Whether the future may develop a movement of agricultural products for any considerable distance on the rivers is doubtful. The most objectionable improvements have been made in those streams of a depth not more than 12 feet which have to be improved by expensive locks and dams, though among these there have been exceptions, such as the Warrior River in Alabama, where I trust the results may justify the cost; also the Ohio and the Barge Canal, an artificial waterway across the State of New York.

Mr. DEMPSEY. Mr. Chairman, I yield seven minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Chairman——

Mr. DEMPSEY. Will the gentleman yield before he proceeds?

Mr. NEWTON of Missouri. I will.

Mr. DEMPSEY. I notice that the gentleman from Ohio [Mr. BURTON] says that he has lost all hope of our carrying any part of the traffic by the rivers. I will ask the gentleman if he has examined the records and found that during the time the gentleman from Ohio was chairman of the Committee on Rivers and Harbors he introduced bills by which there was expended $170,000,000 in improvements of these very rivers?

Mr. BURTON. Mr. Chairman, if I am in order, I said that no one was more enthusiastic than I up to a certain time when I made a more thorough study of the subject of rates and the development of waterways. I say further that there are certain inland waterways that do have a very considerable traffic.

Mr. DEMPSEY. Does not the gentleman think it is a little bit late after expending $170,000,000 to learn that we are wrong, and will not the gentleman from Missouri tell us about the Mississippi as it is to-day?

Mr. NEWTON of Missouri. Mr. Chairman, Mr. BURTON says river navigation is not practicable. There is one thing that I can not get through my head, and that is if river navigation is not practicable why are the railroads giving cutthroat rates up and down the river banks of the country all the time? [Applause.] Just tell me why it is that when the barge line was ready to begin operations this spring between St. Louis and Minneapolis the railroads came to Washington and got the Interstate Commerce Commission to permit them to put a rate on first-class freight from Minneapolis to St. Louis—586 miles—for $1.06, and then charged $1.44 for the same kind of freight, 86 miles less distance, from Minneapolis to Kansas City? It was because there was no river there. If river navigation is not practicable, why are they doing that? Everywhere you find any possibility of river development, you find cutthroat railroad rates.

There have been all sorts of controversies here about what the engineers have said and about what there is actually in the Treasury for river and harbor work. In order to settle that question I want to read the testimony of the engineers on this very question. General Taylor, Assistant Chief of Engineers, who has the rivers under his supervision, said before the Committee on Appropriations:

Mr. ANDERSON. About how much of these permanent appropriations will be carried over in the next fiscal year unexpended?

General TAYLOR. There will be practically nothing that is unexpended. On the 1st of December our actual unexpended balance was $28,524,247.89. Of that amount $9,774,165.13 was under contract, obligated, leaving as an obligated balance on the 1st of December of $18,550,082.76. We have been expending sums at the rate of about $2,500,000 a month.

On the 1st of December they had $28,000,000 in the Treasury, and $9,774,000 of that amount under contract, leaving $18,550,000 unobligated. Now, you can take the two and one-half million dollars a month, the amount they are spending, and figure it up, and you can see that there will be only $3,000,000 in the Treasury for river and harbor work July 1.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. If the gentleman will give me a little more time.

Mr. STAFFORD. I will grant the gentleman one minute in which to answer the question. General Taylor, in his testimony, stated, as the gentleman stated, that on December 1 there was $18,550,000 unobligated. On Saturday last, in response to a telephone call, he told me that on March 1 of this year there was $15,584,000 unobligated, and then what becomes of the two and one-half million dollars a month of which the gentleman speaks?

Mr. NEWTON of Missouri. Let the gentleman take his own figures if he will. On March 1 there was $15,000,000 in the Treasury, and $2,500,000 a month for four months makes $10,000,000, leaving only $5,000,000 at most, and on the 1st of July next year we have to keep that much in the Treasury for emergencies. You can not spend it all.

Mr. DEMPSEY. And is not this the time of year, from March 1 to June 30, when they are doing work at the maximum of efficiency and at the maximum of progress, and will they not spend $3,000,000?

Mr. NEWTON of Missouri. That is true. Here is another thing that General Taylor said. There is no use having any controversy about what he said, because here is his testimony:

Every bit of river and harbor work we do next year will be done with the money which is appropriated at this time. I want to make that very plain, that when the previous bills went through we had large sums which we could utilize for those years for which the appropriations were made, and that this year we have no money available to help out next year.

I wish to again emphasize the fact that the Engineer Department has never stated or admitted that any sum less than the $42,000,000 would be sufficient for the next year for river and harbor work. The estimates have been cut down over our repeated recommendations, and we believe that more money is necessary.

I want to get this absolutely clear in your minds, because of the charges made by gentlemen on the floor of this House. I listened to what the gentleman from Wyoming [Mr. MONDELL] said. I do not think there is anyone in the House whose record is any more regular than mine. He said on this question that the Budget stands or falls.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. NEWTON of Missouri. Can not the gentleman give me a little more time?

Mr. DEMPSEY. I will yield to the gentleman some time later.

Mr. STAFFORD. Does that include the minute that I yielded to the gentleman?

The CHAIRMAN. It does.

Mr. HARRISON. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. TEN EYCK].

Mr. TEN EYCK. Mr. Chairman, when the majority leader from Wyoming [Mr. MONDELL] was speaking I asked him to yield to me for a question and he refused. I wish now to ask him the same question I intended then to ask. When the time was being allotted the gentleman stated that he did not know why any time should be given to the minority side of the House, because, he stated, they are all in favor of this raid on the Treasury. I want to ask the gentleman now whether he is in favor of the legislation that the President of the United States recommended when he recommended several hundred millions expenditure in Canada on the canalization of the St. Lawrence River, without the territory of the United States? Does he consider this recommendation of the President a raid on the Treasury?

Mr. Chairman, I understand that the gentleman from Ohio [Mr. BURTON], who has just preceded me, while a member of the Committee on Rivers and Harbors and later chairman of that committee recommended through his committee an expenditure of more than $100,000,000 for improvement in extension of the rivers and harbors of this country, and is now purported to be an advocate of an expenditure of several hundred millions of dollars in the Dominion of Canada, without the territory of the United States, and in his speech here to-day opposed an increase in expenditure of approximately $15,000,000 upon the rivers and harbors within the territory of the United States.

I wish to ask the gentleman why on one hand he wishes to spend several hundred millions of dollars to help England and Canada and on the other hand refuses to vote for a small appropriation to help the American people and give to the farmers the much-needed relief in transportation through waterway improvement?

Mr. Chairman, my policy is American money for American waterways within the territory of the United States.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TEN EYCK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolutions of the following titles:

On March 13, 1922:

H. R. 10161. An act authorizing the use of special canceling stamps in certain post offices.

On March 20, 1922:

H. R. 10267. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 10663. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes;

H. R. 8193. An act to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906; and

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street.

On March 21, 1922:

H. J. Res. 227. Joint resolution extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922; and

H. R. 9597. An act to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

On March 23, 1922:

H. R. 9235. An act providing for a grant of land to the State of Washington for public park purposes.

On March 24, 1922:

H. R. 7881. An act to authorize the Governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements.

WAR DEPARTMENT APPROPRIATION BILL.

The committee resumed its session.

Mr. HARRISON. Mr. Chairman, I yield 14 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I desire in the outset to suggest that I think the argument made by the gentleman from Wyoming [Mr. MONDELL] in opposition to the amendment offered by the gentleman from New York was a little unfair. He is opposed to it upon the ground that if we adopt this amendment we drive a team of horses through the vitals of the Budget system and that therefore it ought not to be adopted. I voted for the Budget Bureau because I believed it was a reform in the right direction. I am for the Budget now, but when I voted for it a year or so ago, and when I am for it now, I do not mean now, and I did not mean then, that I intended to surrender my right to my own judgment in a matter of appropriations recommended by the Budget. But if we desire to sustain the Bureau of the Budget on particular items there is very little reason to sustain it on the item now under consideration. General Dawes, the Director of the Budget, admitted that he knew very little or practically nothing about the item under consideration for rivers and harbors. When General Beach, the Chief of Engineers, sent out over the United States for the reports from the district engineers of the need for improvement of rivers and harbors they reported back to him a total of $63,000,000. General Beach went over each of these items and reduced the total amount requested from $63,000,000 to $42,000,000 and made that recommendation to the Secretary of War, which found its way to the Director of the Budget. He was about to recommend something like $13,500,000, which he seems to have arrived at not through any accurate information but by adding the appropriation of $12,000,000 for 1920 and $15,000,000 for 1921, making $27,000,000, and dividing that sum by two, resulting in the $13,500,000 he would have recommended at first.

But after those who had some information on the subject learned that he was about to recommend that pittance for the rivers and harbors of the Nation they went to him and to the Secretary of War and laid the facts before them, and then it was, and not until then, that the Director of the Budget increased the recommendation from $13,500,000 to $27,500,000, as carried in the bill now before us. Now, let us see what the

facts are with reference to the work done by the War Department, through the Corps of Engineers, in the improvement of our rivers.

Mr. LINEBERGER. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. LINEBERGER. Is it not very likely that General Dawes added the $13,000,000 to the $42,000,000 and also divided that by two in his recommendation of $27,500,000?

Mr. BARKLEY. That may be perhaps true, but it would still bear out the statement that I make. What is the history of the last few years in the matter of river improvement? I am sorry the gentleman from Ohio, for whom I have a great deal of respect not only from an intellectual standpoint but from the standpoint of an American citizen, takes the attitude of such a doleful outlook in reference to the commerce of the rivers and harbors of the United States and opposes these needed appropriations. The gentleman from Ohio was chairman of the Committee on Rivers and Harbors in this House for some 10 years. It was under his leadership that we adopted many of the projects which are about one-half completed and for which we are asking appropriations in the bill under consideration. [Applause.] After he ceased to be chairman of the Committee on Rivers and Harbors and was translated to another body he discovered all of a sudden that the policy that he had been advocating and under whose leadership we had adopted project after project is all wrong. How did he make that discovery? What new light did he see? He says he went to Europe and investigated. He should have learned that Europe utilizes her rivers.

Mr. DEMPSEY. Will the gentleman yield for a brief question?

Mr. BARKLEY. I will.

Mr. DEMPSEY. Does the gentleman think the argument of the gentleman from Ohio that we should not appropriate for the improvement of rivers and harbors because it would take some time to do the work is a sound argument?

Mr. BARKLEY. No; I do not think so, and I doubt very seriously if the gentleman from Ohio himself upon reflection would urge that argument as the reason for refusing this increase in the appropriation. Everybody knows that these improvements can not be made over night. But they ought to have been made much faster than they have been. Now, prior to the war we appropriated something like $35,000,000 per annum for all rivers and harbors.

When the war came on we practically ceased appropriating money for rivers and harbors except in sufficient amount merely to prosecute some of the work that had already been started. So for 1917, 1918, 1919, and 1920 it may be truthfully said that the amount spent in those four years would not exceed the amount which was expended in 1916 by a very large sum, and the reason we did so is that we were in a war, labor and material were high, and therefore Congress felt, in view of the fact that we were spending billions of dollars in the great enterprise of winning the war, that we should wait until the war was over before undertaking to pursue the policy which Congress has undertaken in the improvement of rivers and harbors.

Mr. DEMPSEY. Will the gentleman yield for one further question?

Mr. BARKLEY. In 1920 we only appropriated $12,000,000; 1921, $15,000,000, both of which put together is not as much as we appropriated for one year prior to the war. I will yield to the gentleman.

Mr. DEMPSEY. Is it not a fact that during the war we only received about one-third of the amount for a day's work which we received previous to the war? So if we had appropriated $36,000,000 we would only receive about $12,000,000 worth of work?

Mr. BARKLEY. Yes. And that situation remains true now to a greater or less degree. Under this policy during the last four or five years the work has accumulated until the Chief of Engineers, through General Taylor and through the Corps of Engineers, has estimated and advised the Congress, through the executive department, that the very smallest amount that they can get along with without deterioration and without actual damage to the work is $42,500,000. Now, I dispute what the gentleman from Wyoming and the gentleman from Wisconsin say as to whether there may be a little unexpended balance on the 1st day of July. General Taylor, in charge of this work, testified emphatically that there would be probably nothing left on the 1st of July. The gentleman states there is now in the Treasury $15,000,000. Let us admit for the sake of argument——

Mr. MONDELL. There are actually $23,000,000.

Mr. BARKLEY. There are not actually $23,000,000 in the Treasury.

Mr. MONDELL. Yes.

Mr. BARKLEY. On the first day of this month the gentleman said there were $23,000,000 in the Treasury, but some $12,000,000 or $15,000,000 is represented by contracts that are already out and for which money will be expended before the 1st of July. Let us see whether there are $15,000,000 unexpended in the Treasury now.

Mr. MONDELL. Twenty-three million dollars.

Mr. BARKLEY. There are not $23,000,000 unobligated.

Mr. MONDELL. That is the report.

Mr. BARKLEY. That is not what the Chief of Engineers says.

Mr. DEMPSEY. Fifteen million dollars on the 1st of March, if expended at the rate of $3,000,000 a month, would be gone the 1st of June.

Mr. BARKLEY. I can not take the time to talk about all the rivers of the United States. There is one great river I desire to discuss that is typical of the situation that exists all over the country. That is the project of the canalization of the Ohio River. That river is a thousand miles long from the junction of the Allegheny and Monongahela Rivers, 4½ miles south of Pittsburgh, to the mouth of the Ohio, where it empties into the Mississippi at Cairo, Ill.

Now, in 1875, Congress began appropriating money for the improvement of the Ohio River, and the first lock and dam was completed in 1885. Since that time some 35 locks and dams have been built and are in operation, running from Pittsburgh on down the Ohio toward Cincinnati and toward its mouth in the Mississippi. There are 10 now under construction and 9 have not been begun. In 1905 Congress appointed a commission to investigate the improvement of the Ohio River for the purpose of making it a 9-foot stage all the year round, and after an exhaustive investigation and report of that commission Congress adopted a project making a 9-foot stage from Pittsburgh to Cairo by the construction of 54 locks and dams, and contemplated their completion by 1922. That year is now here. Under the report of that commission it is shown in 1905 that more than 10,000,000 tons of freight were being hauled on the Ohio River, even without the canalization, and notwithstanding that some portions of the river were capable of being navigated only four or five months out of the year.

There have been some 35 of these locks and dams completed; probably there may be one or two eliminated a little later. There are some eight or ten under construction, some of them not over half done, and some 80 or 90 per cent finished. Some of them have not been begun. And the testimony of the engineers is that if the appropriation of $5,000,000 a year, which was the amount allowed in the annual bill for the Ohio River prior to the war, is continued, it will require about six years to complete the canalization of that river.

What is the result of that on commerce? We have had a lot of talk about the transportation conditions. We passed here a year or two ago a bill known as the transportation act, by which we took out of the Federal Treasury millions of dollars and under which Congress instructed the Interstate Commerce Commission to make rates that would yield 6 per cent to the railroads, and I am glad I am one of those who voted against that bill. It has justified all my predictions about it, and has in some respects been even worse than many of us feared. I thought then, as we all know now, that such a policy would compel such increases in freight rates as to be a great handicap to commerce and industry and vastly increase the cost of living. Whatever may be said as to the wisdom or folly of such a policy, it can not be denied that the result has not been satisfactory either in stimulating traffic or in benefiting the public. Business has been stifled, transportation crippled, and the whole country now awaits impatiently the time when freight and passenger rates will come down.

This situation has made it necessary to consider with renewed interest and enthusiasm the question of resumption of traffic upon the Nation's great rivers. With rivers like the Ohio navigable for only a portion of the year, it has been and will be always difficult to induce capital to invest in river steamboats. But even with this handicap, during the last three years $31,000,000 have been invested in boats and barges on the Ohio River alone. If the river were completed with a 9-foot stage all the year from Pittsburgh to Cairo, there is no way to estimate the tremendous increase in river traffic, and the resulting increase in the amount of money invested in transportation facilities on our great rivers. The same is true of all the important streams of the country. We need more transportation in this Nation. The time is fast approaching when congestion of commerce and population will make it impossible for the railroads to carry all our freight. We must prepare the rivers to perform their duty in the great life of the Nation. We can not repare for this need by a tight-fisted, miserly policy in dealing with these great arteries of trade. Therefore I favor the amendment increasing this appropriation to $42,500,000, and hope it will be adopted. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Chairman, it has been stated frequently in the press that the President of the United States is more popular in the country than the Congress and that the President of the United States has done more toward carrying out a constructive program than has the Congress. That may be because the Republican Congress will be up for election next time and the President will not be up for election until two years hence, and it is sought by the Democratic press to convince the Harding Republicans that they ought to vote for Democratic Congressmen. It may also be because it is easier to announce a program and to outline a program than it is to carry it out.

The Republican administration has announced a program of economy, and this controversy to-day illustrates the difficulties which the party has in actually crystallizing that program into legislation. We have a Budget law, written by a Republican Congress. We have the recommendation of the Budget Bureau in connection with these river and harbor improvements for $27,000,000, and now we have the attempt by our Democratic friends over here, who are almost solidly for the increase supported by some Republicans, to break over that economy program and add $15,000,000 to the amount recommended by General Dawes. It is not a question of whether we shall have improvement of rivers and harbors or whether we shall not have it. It is whether or not we are willing to accept this liberal provision made by the Budget Bureau and embraced in this bill reported by the Appropriations Committee or whether we are willing to enlarge that to meet the demands of a united number of Congressmen who want particular improvements to benefit the rivers and harbors which lie in their districts. That is a very worthy purpose on the part of a Congressman who has a river or harbor to be improved, because, of course, in many cases it would be of some benefit. But the problem of this Congress is to carry out a program of economy, notwithstanding the appeals that are made in the individual districts to the individual Congressmen.

The people of this country now pay the taxes by means of levies upon their incomes, and the people are crying out to have those taxes reduced, because the individuals paying the taxes feel the burden. And the Republican Congress must continue to respond to this insistent demand throughout the country for a program of economy. The gentleman from New York [Mr. DEMPSEY], the able and distinguished chairman of the Committee on Rivers and Harbors, says that unless this program is carried out we are going to have to meet a transportation situation with lack of cars and equipment on the railroads, and this, he says, is in the near future. Of course, that is answered by the proposition that the work which is proposed to be done by this additional $15,000,000 would not meet that situation, for it will not be done until the year ending July, 1923.

I hope, Mr. Chairman, this amendment will be defeated and that the committee's proposition will be carried out.

Taxes are paid by our people. We are their Representatives. We must continue the work of reduction of the Government expenditures. It means eternal vigilance. Save a few millions here, a few millions there. Stop wasteful expenditures for every needless project, and the end of the year will show a real saving that the people will applaud. [Applause.]

Mr. SISSON. Mr. Chairman, I yield four minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I am no party to any combination or organization to pass this amendment. I am not certain whether I shall vote for it. The subject here, however, has been much clarified by two admissions made by the distinguished gentleman from Ohio [Mr. BURTON]. The first is that he brought about the present method of distribution of river and harbor appropriation, namely, the withholding from Congress its power to make these appropriations other than by a lump sum, leaving the allotment of that appropriation to the engineers of the Government. Second, his illuminating admission that he was mistaken in this method of allotments.

Now, I do not know that we can to-day bring about a reformation of this procedure, but this Congress will go very far in contributing to the economic efficiency of the American people and in reviving the confidence of the people in our legislative institution if it resumes its function of making specific appropriations. For I asseverate if the Congress takes its hands from the allotment of these appropriations the river and harbor improvements of America upon any wise policy are done for. The engineers are high and great men, but they deal with these matters mainly from one standpoint, while you and I, as Members of the House of Representatives, consider them from another point of view. The engineers deal with this question on the basis of mathematics. We must deal with it from the aspect of the economic and commercial possibilities of this Nation. For example, we here must consider the fact that rivers and harbors supply a great factor in determining the freight rates upon the railroads of this country. This is a far-reaching fact, not, perhaps, within the province of the engineers to consider or estimate in reaching their conclusions.

I would make another observation. I ask the Members of this House not to be carried away by the partisan appeal that by changing the recommendations of the Director of the Budget we thereby necessarily overthrow the Budget system.

I wish to direct your attention to the logic of this argument. If the recommendation of the Budget Commissioner is sacrosanct, then to raise the Budget estimate violates this contention as much so as to lower it. Now, the various committees of the House pride themselves in continuous boasts and declare that they have reduced the recommendations made by the Director of the Budget. If that is true, in logic you have overridden the director as much as if you increase the recommendation made in the Budget. But what is the function of the House? What is the individual right and duty of its Members? Can we abrogate our duty as legislators? Can we transfer our duty and our responsibility to the Director of the Budget? If so we should elect a director and adjourn, save to return and formally approve his findings, and thus affirm our indifference or our incompetency. We should at least hesitate to facilitate the decadence of the House, which an adoption of the argument advanced would declare. [Applause.]

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, when the present Budget law was passed I think I did as much as any other man in the House to keep it from being passed, and I think that during the last Congress I made a number of five-minute speeches in which I made certain prophecies and tried to remedy certain methods of application. I want again to reiterate one of those propositions that I submitted to this House in the last Congress. You can not have a Budget system in toto unless you surrender the right to raise and lower the estimates that are submitted by the Budget Commissioner to this body. Nobody in the House is in favor of that kind of a Budget scheme or is in favor of the surrender of the right to appropriate the money to the executive department.

Now, I want to submit to the Republican Members of the House this basic principle: If this House by moral agreement does not put the estimate of the Budget Commissioner as the maximum, there is no virtue in the whole scheme.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I can not yield; I am sorry. Now, if we are going to have a Budget scheme and the majority side of the House is not going to feel it to be its moral duty not to exceed that estimate, the maximum of which has been set up by the Budget Commissioner, I want to know what merit there is in the whole proposition other than bunk to fool the American public?

Do not imagine you can bunco the public for very long without its knowing what you are doing. There is no violation of the principle of the scheme, when the Budget Commissioner sends down an estimate of $27,000,000 for a river and harbor proposition, if we want to reinvestigate the proposition and go over it and want to be responsible for the policy of the Government as to appropriations, to say we believe he has recommended too much and to cut it. In other words, the scheme will still hold intact if we leave a power lodged somewhere in the Government that morally binds us not to exceed the estimates of the Budget Bureau—not legally, because legally the Budget Commissioner can not do a thing in fixing the expenditures of this Government. The demand for a Budget system sprang up all over the country because it was charged, whether rightly or wrongly, that this body got its inspiration for appropriating money by appealing to the selfish interests of the individual congressional districts. There were few people in the Republican Party who had the courage to go on the stump last year and speak against the Budget in some form because of the universal demand for it in business circles and elsewhere that the Government shall conduct its business on a business basis. Mr.

Harding received great applause from the country when he announced in his inaugural speech that under his administration there would be more business judgment exercised in government and less meddling by the Government in business; but are we doing it when we see an organization in this body for the sole purpose of overriding the Budget estimate?

I say to you as a Republican there is not a man sitting on the Democratic side of the aisle that will not willingly and gladly and cheerfully appeal to the selfish interests of our side to get us to break down the thing that the American public look upon as the bulwark against extravagance in government. It is good Democratic politics to do it, as they can rightly claim that any good in the Budget has been nullified. Think it over, gentlemen. I have rivers and harbors in my district, and I would like to see money appropriated for their improvement; but I will say to you that before I go over the Budget estimate I want to try it out and see if I can not make my case strong enough with the Army engineers to get what is coming to my district.

I challenge the statement of my good friend from New York [Mr. DEMPSEY] that freight does not move to-day because of inadequate railroads. Where is the congestion? We are building up every kind of transporting device that we can to compete with the railroads, and then we—the Republican Party—passed a law which provided that the railroads were entitled to an income of from 5½ per cent to 6 per cent on their total investment, which to-day requires a freight rate so high as to stifle business. There has not been any testimony offered to show that the prosperity of the country will be furthered by the increase of the fifteen millions proposed in this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. May I have one minute more?

Mr. SISSON. Mr. Chairman, I yield four minutes to the gentleman from Louisiana [Mr. WILSON].

The CHAIRMAN. The gentleman from Louisiana is recognized for four minutes.

Mr. WILSON. Mr. Chairman, we are justified in increasing this appropriation above the amount recommended by the Budget. It grows out of the necessities of the situation. I believe that it is admitted by all concerned that transportation facilities in this country are inadequate.

It is also admitted that there are not going to be any new activities in railroad construction in the near future, and the only hope we have and the only resort is to the improvement of the inland waterways of the United States. If they are improved according to the plans of the Board of Engineers we shall be able to relieve the congested traffic, and that will be in the interest of economy and convenience for the entire public.

The gentleman from Indiana [Mr. SANDERS] seemed to be somewhat worried because there was some dispute in this country as to whether the President of the United States was more popular than his Congress. If he is, in my judgment it grows out of the fact that he is standing more solidly by the Republican platform. The Republican platform declared for improved waterways to meet the necessities of this country in the way of transportation.

The Democratic platform makes a like declaration and declares that the railroad and other transportation facilities of this country are inadequate and that improvement of our rivers and harbors is imperative. If either party lives up to its platform declarations, it will be in favor of the continued improvement of our inland waterways and harbors. The action of the Budget in recommending the $27,000,000 is not binding on the Congress, and as I understand is not intended to be binding on the Congress. If we must abide absolutely by the maximum appropriation recommended by the Budget, then contrary to the understanding and belief of many of its Members this Congress has absolutely surrendered all of its power to increase appropriations. The recommendation of the Budget Bureau is its judgment upon the facts and information before that body. If that recommendation to the Congress does not meet the judgment of this House after due consideration, I would be much surprised, and I am sure the American people would be much surprised to know that Congress has placed itself where it can not exercise its judgment in relation to appropriations in respect to such an important matter as this. I respectfully submit, Mr. Chairman and gentlemen, that there is no item upon which we are to act in this bill which is of more importance to the agricultural and commercial interests of this country than this item for the improvement of the rivers and harbors of the United States in order to make possible the transportation of the products of the farm and the factory to the markets of the world. The amendment of the gentleman from New York [Mr. DEMPSEY] ought to be adopted. It reflects the judgment of those who have the opportunity to know the facts; those whose training and experience and whose intimate association with every phase of this important problem enable them to advise and recommend intelligently and definitely.

In this connection the Chief of Engineers, after a careful review of the present requirements for existing projects, submitted an estimate of $63,000,000 as the amount necessary in order to prosecute the work in a businesslike way. He also submitted an estimate of $42,000,000 as the minimum, the sum absolutely essential in order to avoid abandonment and loss on important works and improvements already under construction. Failure to appropriate the minimum would result in loss of expenditures already made.

We have spent vast sums for the building and operation of an American merchant marine and will continue to make appropriations in order to provide adequate facilities for carrying the products of our farms and factories to all parts of the world in American-owned ships sailing under the American flag. It is proposed that these ships shall sail from every American port. But in order to make this enterprise successful provision must be made for the transportation of our products to the ports from which these ships sail. Recent investigations have shown that it is of the highest importance that agricultural products especially be moved at the proper time. Several billion dollars have been lost by the farmers of the United States within the last two years on account of congested traffic.

The most important feature of river traffic just at this time is the operation by the War Department of the barge line service on the Mississippi and Warrior Rivers. With an inferior and improper equipment and the lack of adequate terminal facilities this operation during the last 14 months showed a net profit of $250,000. I favor the continuation of this service and the extension of the same to the main tributaries of the Mississippi. It affords an additional outlet to the markets of the world at very reasonable freight charges for all the products of the Mississippi Valley.

If our railroads can secure the needed funds several years will be required in order to provide the equipment and make the improvements necessary to meet the transportation needs of the country, if they are ever able to do so. In the meantime and in order to provide proper shipping facilities and insure competition for the future it is of the highest importance that our inland waterways be improved as rapidly and adequately as possible.

Mr. STAFFORD. I ask the gentleman from New York [Mr. DEMPSEY] to use some of his time.

Mr. DEMPSEY. I yield four minutes to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman, ever since I have been in Congress I have agreed with the floor leader on every occasion, I think, when it came to voting, except where our opinions disagreed. This is one of the times when we disagree. There is such a thing as a standing committee in this House known as the Rivers and Harbors Committee. I would like to ask the unbiased judgment of this House as to what that committee is worth if after sitting day after day and week after week and month after month, compiling information on this subject, we are to subject that information to the Bureau of the Budget, when the head of that Budget Bureau came before our committee and admitted frankly that he did not know a single thing about rivers and harbors?

Mr. STAFFORD. Will the gentleman yield?

Mr. LAYTON. No; I have only four minutes.

Mr. STAFFORD. I have not found that statement in the hearings before the gentleman's committee.

Mr. LAYTON. Mr. Chairman, I decline to yield. Nothwithstanding the declaration of my friend from Ohio [Mr. BURTON], which seems to involve the entire abandonment of rivers and harbors as a national interest, we had in addition to our own long days of work the benefit of the knowledge of that corps that the gentleman from Ohio [Mr. BURTON] himself said were the blue-ribbon functionaries of this Government, the engineers of the War Department. Now, gentlemen, the engineers of the War Department, scattered all over this country, stationed here and there in every spot where there is a particular project, have made returns in response to the demand of General Taylor and General Beach as to what they needed. Their reply was $62,000,000. Then, again, when on account of the exigencies of the Treasury they were asked to cut down their estimates to the very lowest amount consistent with good business, they cut them down to $42,800,000. Now, that was our official information. Gentlemen come here and state that they have just called up somebody over the phone, or that they have just had some information over the phone about this, that, and the other, when, as a matter of fact, our hearings are the written record where men have given their testimony, and it goes down in black and white, and it binds them. I submit that if General Taylor or any other man connected with the Federal Government has made a statement that differs from the hearings as to any point, he should have informed the chairman of this committee to that effect.

Mr. DEMPSEY. The Chief of Engineers reported that they had on hand $23,000,000, of which $8,000,000 was obligated, leaving $15,000,000, and that the $15,000,000 will all be used by the 30th of June.

Mr. LAYTON. If you will look at the record you will find that I asked General Taylor that question myself specifically, how much he would have on hand at the end of this fiscal year, judging from the method of expenditure that was going on, and he said practically there would be nothing left. Now, gentlemen, I want to say to you frankly that I rather think we ought to pay some attention to their recommendations.

[By unanimous consent leave was granted to Mr. BARKLEY, to Mr. SANDERS of Indiana, and to Mr. MONTAGUE to extend their remarks in the RECORD.]

Mr. DEMPSEY. Will the gentleman from Mississippi [Mr. SISSON] use some of his time?

Mr. SISSON. I yield four minutes to the gentleman from Kentucky [Mr. KINCHELOE.]

Mr. KINCHELOE. Mr. Chairman and gentlemen of the House, it seems that the main ground for the opposition by the gentlemen from Wyoming [Mr. MONDELL], the Republican leader of the House, to this amendment is that if it is adopted it would break down the Budget system. I ask the gentleman, upon reflection, is that true? I remember very well when the "late lamented" and much "Republican beloved" Will H. Hays, late Postmaster General of the United States, who said that he had "humanized," and I am sure had desoldiered the employees of the Post Office Service of the United States, made his recommendation to abolish the village delivery service throughout the United States and thereby do away with mail deliveries in these small towns, the subcommittee on appropriations who had charge of that bill paid no attention to his recommendation and brought in the regular appropriation for village delivery, which was adopted by this House. I remember that we have right recently passed an appropriation bill appropriating $1,500,000 for seed for the farmers of the Northwest, which the gentleman from Wyoming, the economy leader of today, was very much in favor of, and they never even consulted the Budget Bureau at all about that appropriation. The act as originally passed in the Senate appropriated $5,000,000. It came here and was amended to appropriate $1,000,000. Then it went into conference, and as finally adopted appropriated $1,500,000 for seeds for the farmers of the Northwest, which is practically a gift, and that was done without consulting the Budget Committee at all.

I am one who believe that the gentleman from Wyoming [Mr. MONDELL] has the best conception of geography when he comes to talk about economy of appropriations of any man in the House.

Why, take his own State of Wyoming; since 1912 in two irrigation projects exclusively in Wyoming there has been appropriated $6,565,000, and a bill is pending in the Senate to-day where they are asking—and I presume the gentleman from Wyoming is enthusiastically in favor of it—for $2,150,000 additional appropriation for the two irrigation projects exclusively in the gentleman's district in the State of Wyoming.

Mr. BARKLEY. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. BARKLEY. Does not the gentleman realize the difference between making a river and improving one? [Laughter.]

Mr. KINCHELOE. I think the gentleman from Wyoming has a good conception of that when he talks about economy on this proposition. If we are to adhere absolutely to the recommendations of the Budget Commission, we are placed in the position where we are simply rubber stamps, and we can not increase or decrease the appropriations recommended by the Budget Committee without destroying it. The gentleman from Kansas [Mr. ANTHONY], chairman of the subcommittee, this morning admitted, in answer to a question by the gentleman from Wyoming, that they had decreased several recommendations of the Budget Committee in this bill. If Congress is going to take the position simply because we have a Budget Committee that recommends a certain amount that we can not increase or decrease those amounts, then we had better turn the functions of the American Congress over to the Budget Committee.

Mr. MONDELL. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. MONDELL. Who ever suggested—and when and where—that we ought not to decrease the Budget estimate?

Mr. KINCHELOE. I have no objection to decreasing the Budget estimate in a proper case.

Mr. MONDELL. Who suggested that we ought not to decrease it?

Mr. KINCHELOE. I am for a decrease when it is meritorious, but I claim that every Member of Congress should act on his own individual responsibility and judgment as to whether he will increase the estimate or decrease it. They admit in this that they were in error when they recommended at first $13,000,000 and then increased it to $27,000,000.

The only information the Budget Committee had when it first recommended $13,000,000 for rivers and harbors for the next fiscal year was the fact that the last Republican Congress had appropriated about this amount. It would have stood by that recommendation except for the fact that those of us who are in favor of river and harbor appropriation and are familiar with the history of it prevailed upon the Budget Committee to increase it, and it finally agreed to increase the amount to $27,635,200. It arbitrarily fixed this amount notwithstanding the office of the Chief of Army Engineers made a report showing that the amount of $42,815,661 was the least amount that could be appropriated for the next fiscal year to carry on this work.

The greatest thing that this Republican administration could do for the people would be to lower the freight rates of the country, but I know and you know that this administration is not going to do that at this session of Congress, and the only other way to reduce freight rates is to have navigable rivers to carry the freight in competition with the railroads. You will always find the railroad interests of the country doing everything it can against the appropriation for rivers and harbors because navigable rivers make the railroads reduce their rates, and wherever in this country there are navigable rivers you will find the railroad interests in that locality coming before the Interstate Commerce Commission and begging it for permission to lower its freight rates in order to enter into competition with the freight rates of those rivers.

In 1910 Congress established a policy of making a 9-foot channel in the Ohio River. Every Democratic Congress from that time always appropriated at least $27,000,000 for rivers and harbors, but as soon as the Republicans got control of Congress and the Government they cut this appropriation down to about $13,000,000 each year. By reason of the liberal appropriations of the Democratic Congress there has always been at the end of each fiscal year an unexpended balance to carry on these various river projects, but by reason of the false economy of the subsequent Republican Congress in refusing the appropriations for rivers and harbors, the unexpended balances have been exhausted, and if this amendment making an appropriation of $42,815,661 for the next fiscal year is not adopted there will not be a dollar of unexpended balance at the end of this fiscal year and, therefore, practically all of the $27,635,200 recommended in this bill will be spent for harbor improvement and none of it for rivers. If Congress would appropriate sufficient money to complete the 9-foot channel in the Ohio River, which it should do, that river would be one of the greatest waterways of commerce in the world. The Ohio River flows through a great, rich, agricultural country, densely populated and with great industrial cities along its banks almost from its source to its mouth.

I believe in economy in the expenditure of the people's money, but I think a failure to provide appropriations for rivers and harbors is a false economy and that the taxpayers of the country are the ones who suffer. Therefore, I appeal to every Member of this House to support the pending amendment in order that this great work may continue during the next fiscal year.

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman and gentlemen of the committee, the Middle West, which is the economic food-producing section of this country, is paralyzed at the present time on account of the expensive freight rates on the marketing of their produce. That high rate is on what they have to sell. They are also paralyzed by reason of the Pittsburgh plus rate on many articles they have to buy. There is only one hope, and that is to have a reduction in the cost of transportation. In my judgment, if the Mississippi River could be made a transportation stream it will carry the whole produce of the Mississippi Valley to New Orleans and across the seas. Forty-four per cent of the industrial productions transported out of the country are produced west of Pittsburgh, east of the Rocky Mountains, and north of the Arkansas and Tennessee line. Ninety per cent of the food exports of this country are produced

west of Pittsburgh, east of the Rocky Mountains, and north of the Arkansas and Tennessee line. Does it mean anything to the Middle West whether or not you can put our produce on barges and send it down the Mississippi Valley and across the ocean? I want to say that that is something that ought to be looked forward to. Why? Because under our present railroad system of to-day they demand, and I guess we will have to concede some of their claims, that they can not reduce rates to where the present production can stand the rates at the present time. We have got to find some method by which we can pull the great food-producing section of the country out of this paralysis now and permit it to regain its economic equilibrium. How can we do it? I want to say that the first thing to do is to permit that section of the country to have water transportation. Why? Because of the preferential rate given by the Interstate Commerce Commission to all points that have water competition.

What will it mean? It will mean that the Middle West will get a route by which it can deliver its produce to the market and will not be compelled to pay excessive rates which they are now paying, all of which comes out of the producer of foodstuffs and of raw materials. We find that this administration has recommended that we give $30,000,000 a year for ship subsidy, to carry exports across the ocean, but we are producing almost half of our industrial and food exports, and yet you do not want to give us a few million dollars to get that produce down to the ocean, where we can ship it across. [Applause.] You say that we ought not to do this now, that this appropriation is sufficient. What does it mean if you do not give us this addition? It simply means that the great commerce coming into and going out of this country will go to the harbors that will receive the benefits of the appropriation if it is reduced, because the most important projects will receive first consideration.

I want $2,000,000 of this money expended north of St. Louis, between there and Minneapolis, because you are tapping the great food-producing section of the country, and that is what you ought to do. We ought to have this transportation, because if we do not produce the food somebody is not going to eat. Why, bless your heart, the great State of Massachusetts produced enough wheat to feed its people for one day, and the rest of the year they would not have any bread if it was not for some of the other sections of the country. The great State of Massachusetts that we have heard so much about produces enough pork to feed its people 23 days.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. JOHNSON of South Dakota. The State of Massachusetts runs rather to the production of politicians than food, does it not?

Mr. DICKINSON. I do not have the required information to answer your question.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. STAFFORD. Is the gentleman aware that in the apportionment of the appropriations by the Chief of Engineers only $40,000 goes to New England whereas $2,000,000 goes to the improvement of the Mississippi?

Mr. DICKINSON. Yes; but does the gentleman realize that in the Geodetic Survey for which we just made appropriations in the independent offices appropriation bill we are making appropriations of $7,000,000 to sweep all of this coast and fix it up so that they will have a lighthouse on every rock?

Mr. STAFFORD. Yes; but we are talking about the present bill and not some other bill.

Mr. DICKINSON. I contend that the pending amendment should be agreed to.

Mr. SISSON. Mr. Chairman, I yield four minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, much has been said about economy. I deny that this meager appropriation, the parsimony of this river and harbor item of the bill, is economy. When we appropriate such small amounts as this it means that we are allowing the channels and the harbors of the country to silt up and shoal. I know that to be the fact. In the case of Baltimore the channel leading to the harbor through the Patapsco River has been so neglected in the last few years that we do not begin to have the depth which we formerly had and which we so desire to maintain. Much has been said as to a balance from the appropriation of last year. There is no question in my mind as to the accuracy of just how much money there is left from that of last year's appropriation. The gentleman from Wyoming [Mr. MONDELL] spoke of some $15,000,000 balance, which is wholly incorrect. I note on page 97, part 2, of the hearings on this bill Mr. ANTHONY asks this question of General Taylor, Chief of Engineers:

> Can you state how much money, in addition to the $15,000,000 appropriated last year, was available for river and harbor work this year?
>
> Yes. The unexpended balance on March 1, 1921, just prior to the enactment of the river and harbor act, was $37,565,000. In other words, we had an appropriation, with the $15,000,000, of something over $52,000,000 for expenditure during the current fiscal year.
>
> Mr. ANTHONY. How much of that was allotted during the current year?
>
> General TAYLOR. We have allotted all but about $200,000. We have a balance of approximately $203,000.

Again, on page 100, in answer to a question by Mr. SISSON, General Taylor said:

> Our available balance will be nil, absolutely. We must depend entirely upon this appropriation for all the work we are going to do next year.
>
> Mr. ANTHONY. In other words, you are working at such speed that you will use up all the money which you had on hand at the beginning of this fiscal year?
>
> General TAYLOR. Yes. In other words, we have worked all of the surplus off.

This, then, Mr. Chairman, is conclusive proof that the only money we will have to expend on rivers and harbors is $27,635,-200, the amount carried in this bill, unless we increase the appropriation to $42,815,661, as provided by the amendment of the gentleman from New York [Mr. DEMPSEY].

I deplore the parsimony being exercised by the Committee on Appropriations regarding river and harbor improvements. The engineer's office of the War Department, after figuring as low as possible commensurate with keeping our channel work at least progressing and maintaining that which has already been performed, asked for $42,815,661, and from this has been lopped off some $15,000,000, leaving but $27,635,200 for construction and maintenance during the next fiscal year.

It is not economy to allow your harbors to silt up shoal, reducing the depth which has been attained. It always costs far more after such condition than it would to maintain the work and keep it at the standard depth at all times.

No country, even during the war, neglected its internal improvements because of the expense of the war, and certainly no country is justified in neglecting them during the reconstruction period. The city of Baltimore has shown its faith in the future by a huge terminal and port plan which will cost the city more than $50,000,000. They do not ask the Government to do more than to cooperate in this broad and comprehensive improvement. They only ask that the Government shall keep its channels to this magnificent harbor in good shape and maintain the standard depth of 35 feet. This can not be done if we are but to appropriate 60 per cent of what is actually required according to the figures of the engineers of the War Department.

I am as much in favor of economical expenditures by the Government as anyone, but I can not comprehend how we can figure this 60 per cent appropriation to be economy when we know the vast waste which is taking place by lack of maintenance—when we realize that when business revives those benefits derived from the great improvements to the various cities and through them to the country will be of inestimable benefit to the entire people in efficiency and reduction of freight rates.

General Black, when Chief of Engineers, said that Baltimore was destined to become the great harbor of the Atlantic seaport, and certainly the authorities of my city have a faith in that prediction. The low cost of labor and lighterage at the Baltimore Harbor, the proximity of our city to the Central West, and the differential in its favor, the nearest great seaport to the Panama Canal, closer to the western coast of South America than San Francisco itself, Baltimore is destined for great things. Our people know this and are willing to back their opinion with their money.

The comprehensive improvements, costing more than $50,-000,000, will give to Baltimore eight piers at McComas Street Terminals of 1,200 feet long and 250 feet wide, capable of providing berths for 33 ocean-going steamers of 12,000 tons each, and with space for 20 warehouses and 2,500 freight cars. Those to be constructed on the Patapsco Flats, consisting of five piers of the same length and width, and providing berths for 23 ocean-going steamers of 12,000 tons and with space for 20 warehouses and 4,000 freight cars. In addition to this, the large piers on the Canton Co. property will be enlarged. Grain elevators will be erected. All improvements and construction will be made in the most substantial manner, and with the primary object of procuring the greatest possible benefit to the port as a whole, and, secondly, with an eye single to efficiency and cheapness of operation.

Baltimore to-day has the model immigration station of this country provided for her by Congress, and when this work is completed it will have the model port of the world. Every improvement tending to efficiency will be incorporated in the work. Our hearts and our money are in the enterprise, and what we ask of the Government is to discontinue the parsimony which is now being exercised and to adopt that policy which will maintain the standard depth and continuance of the work which has been projected. The policy adopted by the committee is false economy and wasteful in the extreme.

To-day Baltimore, with this great improvement under way, has but $295,000 to its credit, $147,000 of which is now covered by contract, leaving but $147,000 balance. Why, gentlemen, this amount would not begin to put the neglected channels in proper shape much less continue the new construction. Very little has been spent for maintenance for several years past, and this is rapidly injuring the general improvements not only of Baltimore but of the country at large.

The development of our country depends largely upon the development of our ports, and certainly should not be neglected even by a Congress which is trying to practice the strictest economy.

Nor should too great congestion be allowed to exist in any one city. It is better policy to develop our seaports by adequate channels and encourage the equipment of harbors as fast as possible. Baltimore has expended heretofore on her harbor more than $13,000,000, and this new plan will speed development in every direction. Our port is nearer to the great centers of population back of the Atlantic seaboard than is New York, Philadelphia, and other ports. One can scarcely realize that Baltimore is nearer St. Louis than New York by 200 miles, and 63 miles closer than Philadelphia; that it is 109 miles closer to Chicago than is New York, and 118 miles closer to Indianapolis; that it is closer to Detroit, and even closer to Buffalo, N. Y., than is New York City itself. A circular presented me, fully itemized, shows that a ship of 5,165 tons can be handled in the port of Baltimore cheaper by $4,177.81 than in the port of New York.

Another circular shows the difference in cost of a shipment from Pittsburgh to Baltimore or New York in which every item is given, and shows a saving in favor of Baltimore of 19.7 per cent. Another circular shows same shipment, via warehouse, and depicts a saving through Baltimore of 47 per cent. Why, then, shall we adhere to congested centers when others are just as efficient?

BALTIMORE PORT TERMINAL PLANS—POLICY CALLS FOR MORE THAN 29 PIERS FROM $50,000,000 LOAN—EACH SIDE OF HARBOR IN NEWEST PROGRAM—WAREHOUSE AND RAIL FREIGHT YARD SPACE IS PROVIDED FOR.

[From the Baltimore Sun, March 20, 1922.]

Plans for the expenditure of the $50,000,000 harbor-improvement loan were made public last night by the port development commission.

Briefly summarized, the principal projects, subject to modification as conditions and the needs require, are:

1. A series of eight piers, designated as the McComas Street Terminals, each 1,200 feet long and 250 feet wide, capable of providing berths for 33 ocean-going steamers of 12,000 tons each, and with space for 20 warehouses and 2,500 freight cars.

2. Filling in of the Patapsco Flats and the construction there of five piers, each 1,200 feet long by 300 feet wide, providing berths for 23 ocean-going steamers of 12,000 tons each, and with space for 20 warehouses and 4,900 freight cars.

3. Development either by the commission or the railroads of eight large piers on the Canton Co.'s property near Riverview, and as many more at the terminals of the Pennsylvania Railroad in Canton, together with smaller projects at scattered points.

The first two projects, upon which the interest of the commission is centered principally, are on the west side of the harbor in the Spring Gardens area. The McComas Street Terminals alone, if developed on the tentative lines laid down, by 1940 would more than double the present berthing facilities of the port and, when completed, in conjunction with existing terminals, would provide, in the judgment of the commission, "ample facilities for the anticipated increase in Baltimore's commerce for approximately 20 years."

OTHER WORK INCLUDED.

* * * In addition to the projects above outlined the improvement of the present municipal piers, the improvement of the Hughes Street property owned by the city, and some work on the eastern side of the harbor will require all of the $50,000,000 which the city is authorized to borrow. * * *

It is proposed to concentrate first on the McComas Street project. The city owns a big block of property there, and will have to acquire other property to carry out the scheme as shown.

* * * * * * *

PLANS FOR PATAPSCO GROUP.

In order to carry out the plan for the Patapsco group on the mud islands behind the Hanover Street bridge and on the proposed fill in front of the bridge, it will be necessary to confine the channel of the Patapsco River where it overflows the mud islands and flats to the present south shore and also to acquire the property of the Arundel Corporation or compensate that corporation for the practical loss of its water frontage, the layout as planned cutting off that property entirely from development for pier purposes.

* * * * * * *

WORKING POLICY OUTLINED.

The policy of the commission, according to its announcement, will be this:

(1) All improvements of a permanent nature will be undertaken primarily with the object of securing the greatest possible benefit to the port as a whole, and secondarily for the purpose of meeting the immediate requirements of lessees. Stability as well as economy of construction and provision for speedy and economical operation are considered essential and consistent with the ultimate object of unification of the control and operation of all terminals and their connection with the trunk railroad lines serving the port.

WILL PREPARE DETAILS.

(2) Detailed plans and specifications for extensive improvements will be prepared and the work of construction will be undertaken by the commission for lessees. Lessees desiring the commission to execute work in accordance with plans and specifications prepared by the lessees may so arrange, provided these plans and specifications receive the written approval of the commission before any work is started.

(3) The commission will consider the application of a prospective lessee for the improvement or construction of wharves, docks, piers, warehouses, and all facilities in connection with the operation and use of same, located in any part of the harbor, provided the proposed improvements are consistent with the policy of the commission.

CITY TO ACQUIRE TITLE.

(4) No work of construction will be started on any property until the city shall have acquired title to the property and until the mayor and city council of Baltimore, with the approval of the board of estimates, shall have entered into a binding contract with the lessee covering a period of not less than 10 years, secured to the satisfaction of said board. * * *

Should the construction or improvement be upon or appurtenant to land or other property now owned by the city, the appraised value of such land or other property shall be included as part of the cost of construction or improvement.

IMPROVEMENT OF PIERS.

Methods of improving existing municipal piers for coastwise service and for light-draft ocean carriers are given. These piers are the one at the foot of Broadway and Piers 5 and 6 on Pratt Street. This work, it is shown, would be comparatively inexpensive.

* * * * * * *

SCHEME FOR HUGHES STREET.

As for the Hughes Street property, which has a water front of 1,000 feet with a depth of water of 14 feet, it is stated that the plan for development embraces the rebuilding of the bulkhead, the dredging of a channel to a connection with the present channel in front of the American Sugar Refinery, and the construction of a cold storage or local water front industrial plant or the construction of marginal transfer sheds and warehouses for coastwise carrier service.

* * * * * * *

DISCUSSES MCCOMAS TERMINAL.

In discussing the McComas terminal the commission has this to say: "The city owns about 2,400 feet of water front south of McComas Street, which is sufficient for the construction of at least two modern piers without encroaching upon the adjoining property. The commission believes it will be for the best interests of the port and the city for it to take a broad view of the situation and plan for this most desirable water front a terminal which will compare favorably as to capacity and equipment with any terminal group in the world.

"In order to construct such a terminal at this admirable location a large concentrated ocean terminal with ample transfer sheds, warehouses, tracks, and streets—one which will tie up with future yard and terminal developments of the Baltimore & Ohio on the north and east and the Western Maryland on the west, which will meet the requirements of commerce for years to come, which will be in thorough harmony with the complete development of the port as a whole, with the contemplated unification of control and operation, the belt line extension and improvements—in fact, in order to make the McComas terminal one which will be a real worth-while development it should cover the entire water front from the Western Maryland Railway terminal on the west to Fort McHenry on the east over a distance of about 4,800 feet.

WILL BE OF MODERN TYPE.

"It is intended that every feature of this development shall be of the most modern type, economical in operation, requiring the least possible shifting of cars, the speediest release of vessels and cars, and the freest flow of freight between transfer sheds and the warehouses. Each pier with its supporting warehouses, tracks, and driveways will be a separate unit, capable of being operated independently of any other unit, and all units are so coordinated that they can be operated at the same time under either group or unit control.

"The terminal when completed in accordance with this plan will have eight piers, 250 feet wide and 1,200 feet long, with 300 feet slips between them. It will have 25 warehouses from one to five stories in height, each connected with the upper deck of a pier transfer shed by means of a covered way. There are ample yard tracks located between the warehouses which connect with the extension of the Harbor Belt Railroad along McComas Street, which in turn will connect with the Baltimore & Ohio and Western Maryland roads on the west. There will be 80-foot driveways between the warehouses connecting with a 100-foot driveway along the bulkhead in front of the piers, which will have an outlet to Fort Avenue and to the Key Highway by means of subways or bridges, which will eliminate grade crossings in the approaches to the terminal.

GRAIN ELEVATOR INCLUDED.

"By a modification of the layout of tracks and warehouses a suitable space may be provided for the construction of a modern grain elevator so designed that it may be served by gravity and deliver the grain to ships moored at the adjacent piers by means of conveyors and chutes. The plan also is sufficiently flexible to permit of the substitution of industrial or manufacturing plants in place of some of the warehouses, and the fencing off of a portion of the terminal so that this portion could be used as a free port.

"The capacity of this terminal is indicated by the following data:

"Area of piers, 2,400,000 square feet.

"Area of transfer sheds, 1,760,000 square feet.

"Area of warehouses, first floor only, 760,200 square feet.

"Car capacity, 2,500 cars.

DEPARTMENT BERTHING SPACE.

"The piers will furnish berthing space for 22 large ocean cargo carriers of more than 12,000 dead-weight tonnage and with a length of between 500 and 600 feet. The marginal wharf on the west will accommodate an additional vessel, making 23 berths, which will give more than twice the present berthing capacity of this port for large general cargo carriers."

* * * * * * *

ADVANTAGES OF PATAPSCO FLATS.

In connection with the proposed development of the Patapsco Flats the commission states that the chief advantages of this location are the low costs of acquiring title, its large area available for railroad tracks and warehouses, its proximity to the city when completed, and the necessity, because of its shape, of maintaining thereon only a minimum of streets and tracks.

"The commission," it is announced, "has adopted the plan of development which contemplates the reclamation of 150 acres between the proposed bulkhead and Hanover Street, upon which will be constructed warehouses or water-front industries, with splendid service yards and the necessary driveways, five piers 500 feet wide and 1,200 feet long, and a marginal wharf of about 2,500 feet. The service yards can be connected with the Baltimore & Ohio and Pennsylvania Railroads on the southeast and with the Harbor Belt Railroad and Western Maryland Railway on the northwest.

"In addition to the land reclaimed between the bulkhead and Hanover Street the flats southwest of Hanover Street can be used as dumping ground for dredged material, which will be suitable eventually for an industrial development, covering 120 acres. It will take years for the completion of this improvement. When completed the five piers will provide berths for 20 large ocean carriers, over 12,000 tons dead weight each and with a length of between 500 and 600 feet, and 3 vessels of similar type along the marginal wharfs, making a total of 23 berths. The pier area will be 1,800,000 square feet and the covered-shed area on the piers 1,437,500 square feet.

"The plans show the possibility of constructing 20 warehouses which would have an area of 1,235,200 square feet on the first floor alone. The tracks will take care of about 4,500 cars. The completion of this terminal as planned in addition to the McComas terminal and the existing railroad terminals will provide berthage for 67 large general ocean cargo carriers, or about four and a half times the capacity of the port as it was in 1920."

* * * * * * *

BELT-LINE SITUATION.

In discussing the belt-line situation the commission goes on record in favor of the construction by the railroads of a line outside the city, such as the Pennsylvania Railroad was forbidden by the legislature some years ago to build. On this subject the commission states:

"All through traffic between Philadelphia, New York, and New England on the one hand and the South and West on the other passes through the tunnels in the heart of the city. To relieve the tunnels of this vast volume of through traffic and to make suitable railroad interchange movements between the piers of one carrier and the rails of another an outer belt line should be built by the railroads, tapping all the freight tracks before the tracks enter the congested parts of the city.

"This outer belt line, which at the same time could be made to act as a detour line, with the classification yards and its branches connecting the harbor belt line and the terminals along the water front, will enable any car loaded at any pier to travel over the belt-line system to any one of the railroad trunk lines entering the port. According to Professor McElwee, the first law of a port is that there must be physical connection between every pier and every railway and every warehouse, with a uniform system of charges. This law can be met by a belt-line system as described."

* * * * * * *

PROVIDES FOR CHANGES.

The commission concludes the statement of its plan as follows:

"The commission has endeavored to form a comprehensive plan for the development of the port—a plan which utilizes to their maximum extent the railroad systems reaching our water front, which will permit of a 'physical connection between every pier and every railroad and every warehouse with a uniform system of charges' and which will make the operations of the port adaptable to unification of control at the proper time. It realizes that any plan which it adopts must be flexible enough to admit of changes from time to time as the future needs of the harbor may require.

"While the commission has shown large developments on the middle branch of the Patapsco River and on the Canton shore, it does not intend to convey the impression that these locations are the only parts of the harbor which are suited for development as ocean terminals. It will consider the construction of harbor facilities at any point in the harbor that a lessee may desire, provided such work is consistent with the policy of the commission as hereinbefore outlined. It is not the purpose of the commission to interfere with any improvements of the harbor by any firm or corporation. * * *

"The development of the port in accordance with this plan will consume the $50,000,000 authorized by the enabling act and will take care of the anticipated increase in commerce for many years.

INTENSE COOPERATION NEEDED.

"Back of the development of our port there must be an intense and aggressive cooperation of the business and improvement organizations and of all of our citizens, who should strive toward the promotion of every activity that will tend to stimulate the flow of business to our port and stand ready at all times to oppose that which may in anywise check or interfere with that flow."

* * * * * * *

SUMMARY OF PORT PLANS.

A. A working policy which will govern the activities of the commission.

B. The possible improvements of existing municipal piers so as to make them serviceable for coastwise carriers.

C. Acquisition and improvement of privately owned piers so as to make them serviceable for ocean cargo carriers.

D. Construction of a cold storage or water front industrial plant on the city's wharf at Hughes Street.

E. An ocean terminal on McComas and adjoining properties.

F. Development of the Patapsco Flats as an ocean terminal, or for water-front industries.

G. Other water-front projects.

H. Dredging channels and anchorage areas.

I. Improvement and extension of the Harbor Belt Railroad.

K. Construction of an outer belt railway.

L. Unification of the control and operation of the port.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Can the gentleman from New York yield me two minutes more?

Mr. DEMPSEY. I am sorry, but I have not the time.

Mr. LINTHICUM. Then I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, I yield four minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I think the most important national question that is before the people of this country is the question of the transportation of freight. Two years ago when the transportation question was before Congress the Committee on Interstate and Foreign Commerce considered the question all summer and reported its recommendations to the House. There was included in the transportation act the following language, and I do not think there is a member of the committee, and but very few Members of the House, who did not give his whole-hearted support and approval to this particular language. Quoting now from section 500 of the interstate commerce act:

It is hereby declared to be the policy of the Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States and to foster and preserve in full vigor both rail and water transportation.

That is a solemn declaration of the Congress of the United States.

It is either something serious or it is pure hypocritical bunk, and it is up to the Congress to say which it is. I want to say to gentlemen on the floor to-day there is a plan that has been going on in this country for years, and it has been gaining headway, absolutely to kill off water transportation, and the railroads of the country are at the bottom of it; and there are Members of Congress who are allowing themselves to be used to carry it on. They may not be doing it consciously, but they are allowing themselves to be so used. The railroads are going to kill water transportation if they can do so, and you may as well become reconciled to it. [Applause.] Now, we have got to make up our minds whether we are going to allow ourselves to be used for the furtherance of this program; and in order to overcome the opposition to that program, whenever some of us get up here and try to give vitality to this provision of the transportation act by making sufficient appropriations to go ahead with the improvements of the rivers, what are we met by? The majority leader starts a big hue and cry about economy and about assaulting the Budget; and he passes it on to others, who raise the same clamor. It is all bunk. If Congress can not exercise its own judgment upon these recommendations, why, let us repeal the Budget law. [Applause.]

I am in favor of economy as much as Mr. MONDELL or any other Member of the House. But it is false economy to cut off appropriations that will stop river and harbor improvements. There will never be any material relief from the high cost of transportation in this country until we get water transportation. Improve the rivers, allow capital to invest in effective water transportation, bring about real competition with the railroads, and we will eventually bring about a general reduction in all the freight rates of the country. This amendment ought to carry, and the improvements of our waterways ought to continue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I yield three minutes to the gentleman from Missouri [Mr. ROACH].

Mr. ROACH. Mr. Chairman, I rise to support the amendment to increase the appropriations contained in this bill for rivers and harbors from $27,000,000 to $43,000,000, in round numbers. It appears from reliable data and information which I have obtained from the War Department and Chief of Engineer's office that the latter amount will be absolutely necessary to properly carry on the work of opening up our rivers for

navigation, and I want to briefly call attention to some of the facts showing the tremendous importance of adopting this amendment in order that such work may go forward. My position in this House has been for rigid economy, but not for false economy. The question that is to-day confronting the people of this country is a solution of the transportation problems and of securing a means by which property can be transported without confiscating the major portion of it to pay high and exorbitant transportation charges. This proposition goes to the very foundation of our Government and affects the agricultural and various business industries of our country all alike. My answer is that it can be solved only by the building of national highways and in making the great rivers of this country suitable for navigation. This amendment, if adopted, will be a start in this direction, and it is of the most vital importance to a large section of the State of Missouri, which in part I have the honor to represent, that more liberal appropriations be made for the improvement and deepening of the channel of the Missouri River and its tributaries, making them suitable for navigation. By so doing, we will not only make these rivers a part of the highways of that State by which the commerce of the country can be transported at a much less freight rate than is now being paid, but we will at the same time preserve and save as a part of the potential wealth of this country thousands of acres of fine agricultural lands now in a state of high cultivation in the Missouri River bottoms. The work of straightening and deepening the channel and revetting the banks of this river, with its treacherous quicksands, must of necessity be of such a character, when completed, as will protect and preserve the highly improved farms and fertile fields along this river, many of which are now being swept away by thousands of acres annually. It is impossible to estimate the value of lands thus being lost.

The finest farms we have in Missouri, with broad acres of rich, fertile soil, producing an untold wealth of agricultural products, are carried away in this stream every year. Farms upon which corn, wheat, oats, alfalfa—in fact, all agricultural products that are produced over the country—are produced in great quantities on these farms, and the annual value of these crops is inestimable. Fine homes, farm houses, and even good towns are constantly threatened with danger and frequently claimed as the victims of this treacherous water, and all of this because the Government fails to make adequate and suitable appropriations by which this river can be made a highway for commerce, which at the same time would preserve and protect all of this valuable property to its owners.

Congress has appropriated millions of dollars to assist and feed the starving people of foreign countries, for the relief of the railroads, to aid the arid and drought-stricken districts of the Dakotas and northwest section of our own country, yet we stop at the paltry sum of $27,000,000 for the improvement of all the great rivers and harbors of our country, when we have just appropriated more than $100,000,000 for the Shipping Board alone.

This is a false economy of the worst type, and I am here to tell you that the taxpaying public of the Central and Western States are waking up to a realization that the relief from their burdens of paying high and excessive freight rates, which absorbs all the profits of their industries, whether it be on the farm or in the factory, lies in securing the establishment of national highways and in opening up our rivers to commerce. The fight is on and, in my opinion, should never cease until Congress grants the relief to which they are entitled. Are we here to legislate for the people of this country, or do we intend to shut our eyes to their welfare and legislate for the benefit of the railroad companies?

Since coming to Congress my investigation of this subject has disclosed some most astounding facts and have caused me to determine to battle for the rights of the people in this matter so long as I have the breath of life in me. To illustrate what the adoption of this amendment means to the farming and business interests that I have the honor to represent, and which, of course, applies with equal force to all States similarly interested as my own, permit me to call your attention to one single instance that presents a forceful argument in itself. Only last month a shipment of 250,000 bushels of wheat was made from Omaha, Nebr., to St. Louis, Mo., by rail, and thence by boat on the river to New Orleans, and on this one shipment of wheat alone the farmers of Nebraska were saved 3 cents per bushel, or a total of $7,500, by availing themselves of the river transportation from St. Louis to New Orleans. Just think of it, if the Missouri River had been so improved that this shipment of wheat could have been made entirely by water instead of partly by rail and partly by water the saving to the farmers of Nebraska on this one shipment of wheat alone would have been $15,000 instead of $7,500. When I realize, as I do, what river transportation will mean to the agricultural and business interests of my district I become determined that my efforts shall never cease until they have been accorded fair treatment. As an illustration of the practicability of river transportation, if one were needed, let me cite you to a concrete example which alone furnishes all the proof that might be required. A towboat with its fleet of barges recently made the trip from St. Louis to New Orleans by river in six days, carrying enough merchandise to load 12 full freight trains each carrying 50 loaded freight cars with 50,000 pounds of merchandise to the car, and this freight was carried at 80 per cent of the rate of the railroad which parallels this great river, and the astounding fact of it all is that the rate of the railroad paralleling the river is only about 50 per cent of the average railroad rate of the country; and notwithstanding this unfair competition this barge line is being successfully operated at a profit to its owners.

These cutthroat rail rates are of course made where the railroads have river competition in order to drive such competition off the river, and I am wondering how long the Congress of the United States will permit such unfair and unjust railroad rate discriminations to be made. The people who do not have the benefit of river transportation should be brought to realize that the railroad companies are making them pay a high rail rate to make up for the low rates which the railroad companies establish where they have river competition. How long are we going to sit idly by and permit these unfair and unjust discriminations to exist? When is a better time than now to begin to open up all of our rivers to commerce?

I have briefly mentioned the possibilities and savings that can be effected for our people by improving the Missouri River, and I could speak with like force concerning all of its navigable tributaries, particularly that of the Osage. Back during the days when the little giant, the Hon. Joseph W. McClurg, who was governor of my imperial State and who has long since gone to a just reward, the Osage River was the only means of transporting the commerce of a large section of that State. I am credibly informed by the pioneers of that country, in which I have the honor to reside, that tons upon tons of freight were carried annually by steamboat up the Osage River to Linn Creek and thence hauled overland to Springfield and all of southwest Missouri and into the State of Arkansas by ox teams, these primeval teams at times making a train a mile in length. I have only recently had a letter from the president of one of the prominent manufacturing industries of my State informing me that notwithstanding the lack of proper Government improvements on the Osage he is now using it extensively for transporting much heavy freight, and states that its advantages if properly improved and enlarged upon would prove to be of untold value as a means of transportation and equal in importance to that of the Missouri. If this Hudson of the West could carry all of the commerce of that country in the days of the coonskin cap and the flintlock rifle, surely with a little help from a rich and powerful Government like our own it can today be made one of the great highways of our country, and should be brought back into use.

I insist, Mr. Chairman, that the fight is on and that the people are entitled to relief and to all the natural advantages which rightly belong to them by having these God-given streams improved to the full extent of their capacity to render the service for which God intended them. The appropriation which we are asking is small indeed considered in the light of the manifest and manifold benefits to be derived from making it. It is only a beginning, and I expect to see under way and soon adopted by Congress a permanent program by which these rivers will be improved annually until the summit of our ambitions with regard to them have been reached.

We have just concluded a great peace conference, the Senate has ratified the treaties, and if all this means anything it means that we should spend less money to build up great armies and navies, and spend more money in building national highways and making our rivers and harbors suitable for navigation, and thus solve the transportation problems that are becoming more intensive every day. [Applause.]

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, in the short time allowed for discussion it is impossible to make a speech, and I must be content to declare my hearty support of the pending amendment. It is business economy, in this time of unemployment, to make liberal appropriations for all authorized public works. Secretary of Commerce, Mr. Hoover, has warmly indorsed such a policy, and the President in a speech to the Farm Con-

ference, recently held in Washington, emphasized and strongly urged that a generous policy be adopted by Congress in reference to the matter of our waterways and harbors at this time. The Army engineers have shown the great need of additional funds over the amount carried in the bill as reported, and I can but feel that the House will by a large vote support the amendment.

My colleague [Mr. McDUFFIE], who is unavoidably absent to-day, has mailed me a very forceful and convincing statement on the merits of the pending amendment, and I wish to have it read to the House and include it as a part of my remarks. The statement of Congressman McDUFFIE is as follows:

As to the item for $27,637,000 carried in the bill for river and harbor improvement, the engineers claim this will maintain every important project, but owing to the deteriorated condition of the plant and equipment, which needs repair and the need of additional dredges, together with the three or four millions of dollars which must be set aside for emergency, the $27,000,000 item is entirely inadequate, and under this item very little work can be done on the projects already adopted. The expenditures by the engineers since last December average $2,500,000 a month. All the funds available have been allocated with the exception of $203,500, therefore it will be readily seen that for the coming fiscal year the item carried in this bill is not enough for the proper functioning of the Department of Engineers, and under this niggardly policy of providing for river and harbor improvement for the past two years, according to the testimony of General Taylor, several of the major projects have not been properly maintained. A continuation of this policy would destroy this very important governmental activity.

The rail-borne commerce of the Nation for the year 1920 was 329,000,000 tons of an approximate value of $19,000,000. The commerce of inland waterways and canals for 1920 was 162,000,000 tons of the approximate value of $2,000,000,000. These figures would indicate the necessity for carrying out the policy of Congress outlined in section 500 of the transportation act, which provides for the encouraging, promotion, and developing of water transportation. The country needs the services of both water and rail transportation. In normal times the railroads can not properly handle the traffic. It has been the policy of the railroads, and naturally so, to kill water transportation, and until we can so fix the law as to prevent the choking to death of water transportation by the railroads we can not hope to derive the full benefits of our inland waterways.

(The above is set out in the testimony of General Taylor and Colonel Ashburn contained in part 2 of the hearings on the War Department appropriation bill for 1923.)

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, the Members of the great Mississippi Valley States are called upon year after year to vote appropriations for Atlantic and Pacific coast waterway development and for developments upon the Great Lakes and upon the Gulf of Mexico.

The States of this valley have been united for years in an effort to make of the Mississippi River a channel of commerce.

This river is nearly 1,000 miles in length, passes through some of the richest, most fertile, and prosperous territory in America.

The undertaking is too great for any individual States, and the only recourse is an appeal to Congress.

Money is wasted because Congress has failed to pursue a systematic, continuous program.

We come again to-day, knowing the financial situation of the country is not at its best, but feeling that this improvement is of benefit to all the people and that it can not be permitted to lapse at this time.

Recently there appeared before the Interstate and Foreign Commerce Committee three members of the President's Cabinet, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce.

These three Secretaries united in the advocacy of the purchase of a canal in New England, only 8 miles in length and at a cost of $11,500,000. I was impressed with their arguments and feel disposed to vote for this canal, because it is part of a general scheme of waterways improvement for the benefit of the whole country.

I believe that my personal attitude on this subject is characteristic of most of the Representatives in the House and Senate from this valley district, and it should be given consideration by the Members from the coast States.

Our demands met the approval of the governors of the great States through which the Mississippi River flows, of the legislatures of those States and the mayors of the prosperous cities, and is but carrying out the recommendation of our Army engineers who were selected by the American Government to advise Congress in such matters.

The matter of freight rates has been well and ably discussed by other Members.

The effect of river transportation upon the whole general system has been explained.

Recently, however, the national impetus given to the building of State highways, supplemented by State efforts, promises the development of a great national highway system of fine roads carrying trucks with heavy loads. These highways will be immediate and quick feeders to river transportation, so that citizens not only upon the borders of the river, but from 100 to 150 miles distant, will be served by this cheap form of transportation.

We only ask that in this appropriation we be given the same consideration which is extended to improvements upon the oceans, the Lakes and the Gulf, and we will never be satisfied until this is done.

Great drainage programs, the building of railroads in Alaska, and the developments of various portions of our country, are supported by the Representatives from those sections.

Valley States now unitedly ask consideration, and we shall insist upon it and keep on insisting until the great river is made fit for water transportation which will reduce the cost of moving freight from over 24 States in the Union. We are united and determined that this shall be done.

What the people of other countries in the world can do the American people can do. What foreign engineers can accomplish American engineers can accomplish. And the ultimate accomplishment is worthy of the best efforts of the American Congress.

Mr. DEMPSEY. As I understand it the gentleman from Wisconsin [Mr. STAFFORD] has 28 minutes remaining. I have 26 and the gentleman from Mississippi 9. Since the gentleman from Wisconsin has more time, the gentleman from Mississippi and I having yielded to seven or eight since he has yielded any time, I assume he is holding back for the purpose of not putting anyone on until after we have exhausted time, and I submit that is unfair.

Mr. STAFFORD. I think it is unfair for the gentleman from New York to make that statement in view of the private statement I made to him that I would use at least 15 minutes in closing. I am not seeking in anywise to take unfair advantage, and that is the first time anyone has made that charge to me.

Mr. DEMPSEY. I withdraw it, and I ask the gentleman to use a little time.

Mr. STAFFORD. Mr. Chairman, I yield four minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I think this is a very auspicious occasion. It is one of the best symptoms I have seen in the House recently that we are getting back to normalcy. Here is an effort to raise an appropriation beyond that recommended by the committee having the measure in charge for river and harbor work. Some of us here remember the days of the good old "pork-barrel" efforts in the line of appropriations, and we have not heard much about it since the beginning of the war period. I think to-day ought to be a very happy one with us, in that we have such an open confession that it is time once more to open the floodgates of the Treasury and pour forth the millions necessary to reestablish our old friend the "pork barrel." It seems to me like old times. And quite a few of us are delighted that that condition has returned, in spite of the fact that we are opposed to this appropriation. I like the symptom, but I do not like the medicine you are trying to give us. I suppose it will be voted. The fact that the Republican Party and, I think, also the Democratic Party stand by their platforms for economy, preach it from the platform and preach it on the stump, has no effect on the voting attitude of the men making those preachments out among the hustings. We are going out pretty soon, my friends, Republicans and Democrats alike, and we are going to preach economy, the wonderful economy of this Congress and of this administration, and I for one want to vote the way I am going to preach. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. DEMPSEY. Will the gentleman take that much time in order to answer a question?

Mr. TREADWAY. I yielded back the balance of my time.

Mr. DEMPSEY. Mr. Chairman, I yield four minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I have never voted for a river and harbor bill in my life. I am going to change my mind this time and support the Dempsey amendment. [Applause.] I have been forced to that conclusion by the logic of events. I have been forced to it by my study of the railroad situation of the country and of the needs of the great Middle West, the country of which I am a part. I will not have time to discuss that matter now, but I could not help thinking about something as I heard the gentleman from Massachusetts [Mr. TREADWAY] make his speech, who is in opposition to this bill.

This bill, I think, would increase the Budget appropriations by about $15,000,000, and this $15,000,000 we people out in the country in which I live really think would be of some assistance in gradually reducing the railroad rates in this country. I

could not help but think of a bill pending in one of the House committees to appropriate $12,000,000 to buy a ditch up through the State of Massachusetts, called the Cape Cod Canal, which I guarantee the gentleman is for. [Applause.] If he is not for it, I yield time for him to say that he is not for it. The gentleman wants to appropriate $12,000,000 for the purpose of buying a ditch, that did not cost that much, to cross the Cape Cod isthmus, for the purpose of affecting the New England freight rates——

Mr. JOHNSON of Mississippi. And the Secretary of War recommended $10,500,000.

Mr. GRAHAM of Illinois. Oh, yes. We have followed here a policy which has destroyed the river transportation of this country. If this appropriation is only $27,000,000 it will only furnish sufficient funds to dredge and take care of the large harbors of the country, and it will be used there first.

Mr. STAFFORD. Will the gentleman yield?

Mr. GRAHAM of Illinois. I have not time.

Mr. STAFFORD. The gentleman is making an erroneous statement.

Mr. GRAHAM of Illinois. I know what I am talking about. I have talked with General Beach and General Taylor quite recently, and I know what they tell me, and I will take their word. It will furnish only enough money to keep the seacoast harbors open. It will not furnish enough to keep the river improvements up, projects which we have started years ago, under the leadership of the gentleman from Ohio [Mr. BURTON] and others. If sufficient appropriations are made here much of the work which we have already done will be lost. River channels will fill with silt and snags and dams and permanent works will wash away and rot down. So that if the people of our country finally come to the place where they want two transportation systems in this country, river and rail, those opposed to such a plan will answer by saying, "We have no rivers to use." [Applause.]

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DEMPSEY. And I yield two minutes to the gentleman.

Mr. DUPRÉ. Mr. Chairman, this amendment should prevail. Its effect would be to increase the amount set forth in this bill to the sum recommended by the Chief of Engineers. It would exceed, of course, the estimate that has been suggested by the Director of the Budget. As between General Dawes and the Corps of Engineers, I stand with the engineers, who know more about it than he does.

Mr. STAFFORD. Will the gentleman yield?

Mr. DUPRÉ. I can not yield.

What have we been doing here in later years in regard to river and harbor appropriations? Year before last it was $12,000,000. Last year it was $15,000,000—an utterly inadequate and niggardly sum, considering the works those appropriations were to conserve and complete. Now it is proposed to bring this amount up to the sum which the men who know more about it than anyone else suggest, namely, $42,000,000; and everyone knows that the estimate submitted by the Chief of Engineers was cut down to the bone before it was turned in. It should have been very much more than was estimated for.

What has been the effect of this piecemeal and hand-to-mouth appropriation? Intolerable delay and resultant waste. Take a proposition of which I am aware, the Southwest Pass at the mouth of the river. The Mississippi River has five mouths. I know some gentlemen in this House who would and do envy the river having those five mouths. The only one that is usable now is the South Pass, which was made possible through the genius of James B. Eads. For 20 years we have been fooling with the Southwest Pass. In 1902 that project was first adopted by Congress, and never since in those 20 years has Congress given sufficient money to the engineers to carry out any plan in a systematic, businesslike way.

The engineers in charge now think that they see the light of day; that if they are given $3,000,000 they can finish this thing within the next year. We ought to finish it. Give us enough money to finish it, or if they can not do so let us get some other additional new route to the sea. One year we have a bunch of economists in this body paring things down to $12,000,000, and another bunch the next year cutting the appropriation limit to $15,000,000. Now is the opportunity for us, the people's Representatives, to vote to give the amount that those who are responsible say will be sufficient for this improvement. And so the amendment of the gentleman from New York ought to prevail, and I think it will prevail. How can the people of the Mississippi Valley have their products go down that river if at any time we are liable to have its only outlet blocked up by some catastrophe that no engineer can foresee. Let the work be completed this coming year in Southwest Pass or confess its failure and resort to some other protection against being bottled up—the tragedy in South Pass.

Mr. SISSON. Mr. Chairman, I yield one minute to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for one minute.

Mr. LEA of California. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HAWES. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HAWES. Mr. Speaker, the Members from the great Mississippi Valley States are called upon year after year to vote appropriations for Atlantic and Pacific coast waterway development and for developments upon the Great Lakes and upon the Gulf of Mexico.

The States of this valley have been united for years in an effort to make of the Mississippi River a channel of commerce.

This river is nearly 1,000 miles in length, passes through some of the richest, most fertile, and prosperous territory in America.

The undertaking is too great for any individual State, and the only recourse is an appeal to Congress.

Money is wasted because Congress has failed to pursue a systematic, continuous program.

We come again to-day, knowing the financial situation of the country is not at its best, but feeling that this improvement is of benefit to all the people and that it can not be permitted to lapse at this time.

Recently there appeared before the Interstate and Foreign Commerce Committee three members of the President's Cabinet, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce.

These three Secretaries united in the advocacy of the purchase of a canal in New England, only 8 miles in length and at a cost of $11,500,000. I was impressed with their arguments and feel disposed to vote for this canal, because it is part of a general scheme of waterways improvement for the benefit of the whole country.

I believe that my personal attitude on this subject is characteristic of most of the Representatives in the House and Senate from this valley district, and it should be given consideration by the Members from the coast States.

Our demands met the approval of the governors of the great States through which the Mississippi River flows, of the legislatures of those States, and the mayors of the prosperous cities, and is but carrying out the recommendation of our Army Engineers who were selected by the American Government to advise Congress in such matters.

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Great drainage programs, the building of railroads in Alaska, and the developments of various portions of our country are supported by the Representatives from those sections.

Valley States now unitedly ask consideration, and we shall insist upon it and keep on insisting until the great river is made fit for water transportation which will reduce the cost of moving freight from over 24 States in the Union. We are united and determined that this shall be done.

What the people of other countries in the world can do the American people can do. What foreign engineers can accomplish American engineers can accomplish. And the ultimate accomplishment is worthy of the best efforts of this Congress.

Mr. SISSON. Mr. Chairman, I yield one minute to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the House, I shall vote for this amendment. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from Arizona [Mr. HAYDEN].

The CHAIRMAN. The gentleman from Arizona is recognized for two minutes.

Mr. HAYDEN. Mr. Chairman, I come from a State where there are dry rivers and no harbors, and yet I am going to vote for this amendment. [Applause.]

I am in favor of increasing this appropriation for river and harbor improvements from $27,000,000 to $42,000,000, because I believe that now is the time to undertake public works in the United States. Now is the time when Congress should do everything possible to get the great flywheel of industry off a dead center and start it revolving. Let Congress do something in a legitimate way to provide a market for labor and materials, and an appropriation of this kind will certainly have that effect.

The Chief of Engineers of the Army, after careful investigation, has recommended the larger appropriation carried in the pending amendment. I am convinced that the sum thus determined is not only needed, but that it will be wisely expended by the War Department.

It is urged by Members that river and harbor improvements are of exclusive advantage to particular localities and not of national interest. Let me quote from a very high and respected authority on that question. On June 20, 1848, Abraham Lincoln, then a Representative in Congress from the State of Illinois, addressed the House on the subject of internal improvements. In this speech Mr. Lincoln answered the current arguments against congressional appropriations for such purposes and said:

> Do nothing at all, lest you do something wrong, is the sum of these positions. * * * No commercial object of Government patronage can be so exclusively general as not to be of some peculiar local advantage; * * * but the converse is also true. Nothing is so local as not to be of some general benefit.

Lincoln was right, and this Congress will do what is best for the country if, in addition to this appropriation, and for the same reasons we should report out a public buildings bill and pass it at this session. Since the year 1913 no general appropriation has been made to carry on the necessary work of constructing public buildings in the United States.

The Treasury Department has reported that during the present fiscal year over $4,570,000 will be paid for the rental of space for that use of the various departments in cities where Federal buildings are now located. That sum represents interest at 5 per cent on over $90,000,000, which should demonstrate that Congress can well afford to appropriate money for the construction of additional public buildings in numerous instances. There are many other cities and towns where it can likewise be shown that it would be of material advantage to the Government to cease paying rent and construct its own Federal buildings. In my opinion, at least $50,000,000 could be wisely and profitably expended for this purpose.

Last October the President called a conference on unemployment which, after a week of discussion and consideration, submitted a report that, I regret to say, Congress has up to this time totally ignored. Among the most important recommendations made by the conference was that $16,200,000 be appropriated to speed up the work on the United States reclamation projects now under construction. It was estimated that by this means employment would be afforded to about 32,000 workers either directly on the projects or indirectly through furnishing materials, machinery, and supplies.

The Reclamation Service further reported to the conference that the following projects had been thoroughly investigated and could be undertaken immediately which would furnish employment to between 25,000 and 30,000 men on the work itself and indirectly to about 15,000 more:

State	Project	Immediate expenditure.	Additional to complete.
Arizona-Nevada	Boulder Canyon Dam	$5,000,000	$30,000,000
California	All-American Canal and laterals	15,000,000	30,000,000
Arizona	Parker	4,000,000	10,000,000
	San Carlos	4,000,000	10,000,000
		28,000,000	90,000,000

It is a great pity that the advice thus earnestly given was not followed. Nothing that could have been done would have had a more stimulating effect on business conditions, because it has been repeatedly demonstrated that the reclamation of waste lands not only makes homes for our citizens but creates a permanent market for manufactured goods of every character.

Congress is the last place where any doubt should be expressed as to the future of the United States of America. If we believe in our country, let us show our faith by our works. During periods of prosperity the Government may wisely postpone the construction of desirable projects and thus avoid paying high prices for materials and extraordinary wages for labor. But in times like the present, when millions of men are idle, when factories are closed and business is depressed, Congress should set a courageous example by voting money for the improvement of rivers and harbors, the construction of public buildings, the reclamation of waste lands, and every other kind of public works.

Two hundred and fifty billion dollars is a conservative estimate of our national wealth. Why should we hesitate to expend less than 1 per cent of that amount on internal improvements based upon the best of engineering advice and all of which is not wasted, as in the costs of warfare, but permanently invested in productive construction which as time goes on will confer benefits to the American people far in excess of the sums appropriated. [Applause.]

Mr. SISSON. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. KINDRED].

Mr. DEMPSEY. And I yield him one minute.

The CHAIRMAN. The gentleman from New York is recognized for two minutes.

Mr. KINDRED. Mr. Chairman, the problem of developing the water shipping facilities of the Great Lakes region and the country tributary to the ports of these lakes, including great areas of the Middle Western and Northwestern States, has been for many years brought to the attention of the Board of Engineers of the War Department of the United States and other governmental officials having the responsibility of recommending the development of national waterways and better and cheaper shipping facilities of this great granary and other areas of our country. During the past two years, especially formidable propaganda of a several years' campaign of propaganda has culminated in remarkable political and other pressure on high officials and on the Congress of the United States in this direction. The recent National Farmers' Congress, at its meeting here in Washington, unqualifiedly indorsed this scheme as one of many panaceas for the many very real troubles of the farmers of this country incident to their present financial straits. It was not surprising, therefore, that President Harding announced to the farmers at their recent convention that he favored this measure as one that would give them a direct all-water route from the Great Lakes to the Atlantic Ocean, via Montreal, Canada, and the St. Lawrence River and Gulf of St. Lawrence, which would relieve them of the high freight rates on their grain to be shipped direct from the ports of the Great Lakes. Besides the large political considerations to hold the "farm bloc" in line for the Republican Party at the coming fall and ensuing elections, the President's action in this direction was based on the report of the Joint International Commission, which had been authorized to study and report to the President and Congress on the feasibility of joint action between the United States and Canada in developing the so-called St. Lawrence route for navigation and power purposes. It may be stated in this connection that eminent engineers agree on the vast water-power sources of the St. Lawrence River, and had suggested that private capital could be secured to develop it, and incidentally develop navigation without any cost whatever to the United States and Canada. The proponents of the St. Lawrence plan claim that the cost per horsepower of developing this water power will be low, while equally eminent authorities, on the contrary, insist that the cost per horsepower will be unreasonably high.

INTERNATIONAL JOINT COMMISSION'S REPORT.

The International Joint Commission was created by the terms of the treaty of Washington, dated January 11, 1909, and the original authorization for the survey of the St. Lawrence River from Montreal to Lake Ontario for the International Joint Commission, in cooperation with engineers of the Canadian Government, was given by the United States river and harbor act, approved March 2, 1919.

These engineers, representatives of the two Governments, formulated a draft of a letter for referring the matter to the International Joint Commission in a draft of a memorandum of instructions to engineers to be appointed by the two Governments to obtain the data needed for facilitating the preparation of the commission's report on the subject.

The joint memorandum was approved by the United States, and the Secretary of State referred it to the International Joint Commission on January 21, 1920, in a letter as follows:

JANUARY 21, 1920.

INTERNATIONAL JOINT COMMISSION,
Washington, D. C.

GENTLEMEN: I have the honor to inform you that the Governments of the United States of America and the Dominion of Canada, under the provisions of article 9 of the treaty of the 11th of January, 1909, between the Governments of the United States and Great Britain, herewith refer certain questions, as set forth below, involving the beneficial use of the waters of the St. Lawrence River, between Montreal and Lake Ontario, in the interests of both countries, and, in general, the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier.

It is desired that the said questions be made the basis of an investigation to be carried out by the International Joint Commission, to the end that the said commission may submit a report to the two countries covering the subject matter of this reference, together with such conclusions and recommendations as may be considered pertinent in the premises.

Question 1. What further improvement in the St. Lawrence River, between Montreal and Lake Ontario, is necessary to make the same navigable for deep-draft vessels of either the Lake or ocean-going type; what draft of water is recommended; and what is the estimated cost?

In answering this question the commission is requested to consider—

(a) Navigation interests alone, whether by the construction of locks and dams in the river; by side canals with the necessary locks; or by a combination of the two.

(b) The combination of navigation and power interests to obtain the greatest beneficial use of the waters of the river.

Question 2. Which of the schemes submitted by the Government or other engineers is preferred, and why?

Question 3. Under what general method of procedure and in what general order shall the various physical and administrative features of the improvement be carried out?

Question 4. Upon what basis shall the capital cost of the completed improvement be apportioned to each country?

Question 5. Upon what basis shall the costs of operation and maintenance be apportioned to each country?

Question 6. What method of control is recommended for the operation of the improved waterway to secure the most beneficial use?

Question 7. Will regulating Lake Ontario increase the low-water flow in the St. Lawrence Ship Channel below Montreal; and if so, to what extent and at what additional cost?

Question 8. To what extent will the improvement develop the resources, commerce, and industry of each country?

Question 9. What traffic, both incoming and outgoing, in kind and quantity, is likely to be carried upon the proposed route both at its inception and in the future? Consideration to be given not only to present conditions but to probable changes therein resulting from the development of industrial activities due to availability of large quantities of hydraulic power.

Pending the receipt of plans, estimates, and other engineering data necessary for the final consideration of this reference, the commission is requested to hold such public hearings as may be considered necessary or advisable in order to obtain all information bearing directly or indirectly on the physical, commercial, and economic feasibility of the project as a whole.

To facilitate the preparation of the desired report each Government will, from its official engineering personnel, appoint an engineer with full authority to confer with a similar officer of the other Government for the purpose: (1) Of acquiring each in his own country such data as may be found necessary to supplement the existing engineering data and surveys, and (2) of preparing complete outline plans for and estimates of the cost of the proposed improvement, including the value of all property easements, damages, and rights connected therewith. These plans and estimates are to be submitted to the commission as soon as practicable, but not later than one year from the date of appointment, and the commission is requested to forward to the two Governments its final report with recommendations not later than three months thereafter. A copy of the instructions furnished these engineers is attached hereto.

I am, gentlemen, your obedient servant,

ROBERT LANSING.

In the treaties now in force between the United States of America and Great Britain, namely, the Webster-Ashburton treaty of 1842, the reciprocity treaty of 1854, the treaty of Washington, 1871, and the treaty of Washington of 1909, it is provided that the St. Lawrence River shall forever remain free and open for the purpose of commerce to the citizens of the United States. This last-named and important phase of the matter will be discussed later, in connection with the real significance, or lack of significance that might be attached to this guaranty, on the part of Great Britain, in time of war, that—

> the St. Lawrence River shall forever remain free and open for the purpose of commerce to the citizens of the United States.

The report of the Board of Engineers recommended the improvement of this waterway for navigation and power purposes, and the United States International Joint Commission, January 10, 1922, recommended to the Governments of the United States and the Dominion of Canada the completion of the new Welland Canal, connecting Lake Erie and Lake Ontario, and the improvement of the St. Lawrence River from Lake Ontario to the Atlantic Ocean for navigation and power purposes.

The report of the International Joint Commission submitted to the Congress of the United States by President Harding and made Senate Document No. 114, January 16, 1922, was favorable to the so-called St. Lawrence River route from the Great Lakes to the sea via Montreal, Canada.

It probably can be truly said that no report on any waterway has ever created in this country more interest and, in certain sections, excitement and opposition among the people of certain sections of this country and their congressional representatives, and in the Provinces of Canada most affected by this gigantic scheme for the development of water power and navigation. This route proposes to utilize as a connecting link between the United States and Canadian ports of the Great Lakes, the existing Welland Ship Canal, connecting Lake Erie and Lake Ontario and the St. Lawrence River and the Gulf of St. Lawrence via Montreal and Quebec to the Atlantic Ocean.

Alternative routes to be mentioned later have been proposed by the United States Government Board of Engineers and by the International Joint Commission.

President Harding announced to a Committee of the Rivers and Harbors of the House of Representatives, of which committee I am a member, and subsequently to the National Farmers' Congress that recently met in Washington, that he strongly favored the St. Lawrence route and would recommend it in a message to the Congress of the United States, and which he has submitted to Congress.

Quickly following the favorable report of the International Joint Commission, Hon. WILLIAM W. CHALMERS, Member of Congress from the Toledo, Ohio, district, introduced a bill in the House of Representatives, entitled:

> For the establishment of an international board to have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway—

and which provides in part, as follows:

> That an international board be established, composed of six members, three on the part of the United States, one appointed by the President thereof, one by the President of the Senate, and one by the Speaker of the House of Representatives, and three on the part of Great Britain.
>
> The board shall have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway from Lake Erie to Lake Ontario and from Lake Ontario to the sea, providing for a channel 30 feet deep, and shall determine the final plans for the construction of the improvement for navigation and power purposes.
>
> That one-half of the cost of the construction, maintenance, and operation of the navigation and power works shall be borne by the United States of America and one-half by the Dominion of Canada.
>
> One-half of the hydroelectric power generated by the construction of this work shall be credited to the United States of America and one-half to the Dominion of Canada, and the international board shall supervise the control, use, and sale of the power thus made available.
>
> The expenditure of the sum of $1,000,000 authorized under this proposed law to be paid from funds of the United States, under the control of the American section of the international board, and to be transferred to the control of the international board when completed by the legal appointment of the Canadian section of said international board and the appropriation of an equal amount of money by the Dominion of Canada. This joint appropriation is to be used by the international board for organization purposes and to start the work until additional funds are made available.

The international board is, by the Chalmers bill, authorized to issue bonds, guaranteed by the United States of America and Great Britain, in an amount necessary to pay for the construction of the navigation and power works of the proposed international waterway.

The Speaker of the House of Representatives referred the Chalmers bill to the Committee on Interstate and Foreign Commerce instead of the Committee on Rivers and Harbors, to which all bills providing for waterways are usually referred. This raised a storm of protest from each of the four committees of the House which sought to have this bill referred to it—the Committee on Interstate and Foreign Commerce, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Rivers and Harbors.

The matter of reference of Congressman CHALMERS's bill was finally fought out on the floor of the House on an appeal from Speaker GILLETT's reference of it to the Committee on Interstate and Foreign Commerce, the House deciding by a decisive vote to sustain the Speaker and to refer the bill to the Committee on Interstate and Foreign Commerce, except the matter of the bond issue provided for in the bill, which was referred to the Committee on Ways and Means on motion of Congressman NICHOLAS LONGWORTH, of Ohio.

Inasmuch as the report of the International Joint Commission recommends that, before the final adoption of the St. Lawrence River route, the St. Lawrence project be further investigated and again reported on by a board of eminent consulting engineers, and inasmuch also as a treaty, or some similar arrangement, with Canada has to be negotiated by this country before the Congress of the United States can give final authorization and the immense appropriation required by this scheme, it will, in all reasonable probability, require at least a year or more before Congress can finally vote upon this measure and

authorize the St. Lawrence route, or any other route, for ocean-going ships from the Great Lakes to the Atlantic.

The other alternative route or routes proposed is one of the several all-American routes through the State of New York, the chief of which would, as far as practicable, utilize the famous New York State Barge Canal system, on which the State of New York has already expended about $200,000,000 and which is now being made more useful than ever, at an additional large outlay, by the completion and utilization of the numerous terminals and grain elevators of the barge canal system in the great city of New York.

The increasing importance of the New York State Barge Canal system will be appreciated by a glimpse of the extent and growing usefulness of this system, not only for the benefit of New York State but for the benefit also of the Northwest and Middle West.

The canals herein described are owned by the State of New York and are under the jurisdiction of the superintendent of public works for management, maintenance, repair, and operation.

Under the provisions of the State constitution navigation of the canals is free, no charge being made for passage through the locks. The constitution also provides that the canals shall not be sold, leased, or otherwise disposed of, but must remain the property of the State and under its management forever. Appropriations to meet the cost of maintenance and operation are yearly made from the State treasury.

The canal system of New York State consists of the Erie Canal, the Champlain Canal, the Oswego Canal, the Cayuga and Seneca Canal, the Cayuga Lake Inlet at Ithaca, the Black River Canal, the Glen Falls feeder, and the lakes, reservoirs, feeders, harbor basins, and terminal docks connected therewith. The Shinnecock and Peconic Canal, located in the county of Suffolk, on Long Island, and connecting the waters of Shinnecock and Peconic Bays, is officially a part of the canal system.

The Erie Canal provides a splendid avenue for commerce between Lake Erie at Buffalo and the Hudson River at Troy, connecting also with Lake Ontario at Oswego through the Oswego Canal. The Cayuga and Seneca Canal, extending southerly from the Erie Canal to the Cayuga and Seneca Lakes, brings the water route in touch with the southern-tier counties.

In the eastern part of the State the Champlain Canal stretches to the north to Lake Champlain at Whitehall and affords a passage for vessels, in connection with Canadian waterways, to the St. Lawrence River.

In the canal-improvement plan natural waterways have been utilized wherever possible, and as a result navigation passes through a series of canalized lakes and rivers, which constitute about 70 per cent of the system.

The Erie Canal—commonly known as the "barge" canal—is the main waterway and extends across the State from Troy to Buffalo. The Mohawk River at the canal-channel entrance is at an elevation of 169.5 feet above the surface of the Hudson River at Waterford and is 184 feet higher than sea level at Albany. From this point navigation is carried through the canalized Mohawk River, with short land cuts at intervals, to Frankfort; thence through an artificial channel paralleling the Mohawk River to Rome, and crossing the divide enters the Oswego watershed 10 miles west of Rome, and following Wood Creek for 5 miles reaches the eastern end of Oneida Lake.

This lake is the largest natural body of water in the canal system, the channel stretching across it at a distance of 21 miles to Brewerton at its western end. From Brewerton the Oneida River is followed to its junction with the Seneca River at Three River Point; thence through the Seneca River to the Clyde River, and to and through the Clyde River to the foot of Lock No. 27 at Lyons. Here the bed of the Ganargua Creek is utilized, with frequent land cuts, to Palmyra, from which place the channel lies in the former Erie Canal, widened and deepened to a point just west of Pittsford.

An artificial channel there exists to the Genesee River, which is crossed about 2 miles south of the Rochester terminal on a pool created by a movable dam, and traffic enters what is locally known as the 60-mile level, consisting of an enlargement of the former Erie Canal, to Lockport.

At Lockport, by means of two combined locks, navigation is raised 50 feet to the elevation of the Niagara River, and thence an artificial channel is utilized to Tonawanda Creek. The canalized creek is followed to its junction with the Niagara River at Tonawanda. Through the Niagara River traffic passes to Lake Erie at Buffalo, the vessel being raised to the level of the lake by the United States Government lock at Squaw Island.

The distance from Congress Street, Troy, to Lake Erie at Buffalo, is 355 miles, of which 215 miles lie in natural waterways, and 140 miles through artificial channels.

Albany, while not on the enlarged Erie Canal proper, is situated on the Hudson River, 6 miles below Troy.

At Utica a terminal basin exists to which entrance is had from the Erie Canal channel through a junction lock.

At Rochester harbor facilities have been provided on the pool created in the Genesee River.

At Buffalo harbors and terminals are available in the Erie Basin and the Ohio Basin, also the Lackawanna Slip as far as Miami Street may be used.

The Champlain Canal commences in the Hudson River at Waterford, where the improved Erie Canal turns westerly, and lies generally in the channel of the Hudson River canalized, with short land cuts, northerly to Lock No. 7 at Fort Edward. Here the canal departs from the Hudson River and follows a northerly course through an artificial channel a distance of 8 miles to Lock No. 9 at Smith's Basin, where the valley of Wood Creek is entered and, having been canalized, is utilized to the Lake Champlain Inlet at Whitehall. The length of the Champlain Canal from its junction with the Erie Canal to Whitehall is 61 miles, of which 34 miles lie in natural waterways and 27 miles through artificial channels.

In the city of New York canal terminals or docks with fully equipped warehouses and freight-handling machinery have been provided at several terminal docks situated in the Boroughs of Manhattan, Queens, and the Bronx.

A grain elevator providing every modern facility for the handling of grain transported by canal is now being erected at Gowanus Bay Terminal in the Borough of Brooklyn. Important terminal docks are also being completed in the Borough of Queens. It will be completed during the summer of 1922. A similar structure will also be built at the lake terminal at Oswego, and the foundations for the same already have been constructed.

It is desirable that every boat navigating the canals shall have a rounded bow and be equipped with a rudder. An anchor of suitable weight should be supplied, with sufficient length of rope. Bow and stern lines are essential.

The regulation forbidding the operation of rectangular-shaped barges on the canal was suspended in 1920. Close observation will be had of the use of such type of barge for the purpose of determining whether it may be generally utilized in the transportation of freight without danger to the canal structures.

It is possible for a boat 300 feet long and 42 feet wide, with a height of 15 feet above the water line and a draft of, say, 10 feet, to pass through the new canals. Such boat would have a carrying capacity of, say, 2,900 tons.

From observations made, it is likely that a barge of such maximum dimensions would be difficult to handle in portions of the canal channel where the width is restricted. Furthermore, special regulations would need to be observed by such boats in the sections of the canal where a 75-foot width of channel only has been provided. The commercial possibilities for general use of so large a boat are also to be doubted at the present time. It is not expected, therefore, that boats will be constructed of the maximum dimensions, nor is it believed that craft of such size would prove profitable to their owners for general use.

The freight boats in use during the season of 1921 are of varying dimensions, depending largely on the nature of the cargo carried and the ideas of the owner. The large number are of the type used on the waterways before the last enlargement and known as ordinary canal type. These are 98 feet by 17½ feet. They now operate with a draft of 7 feet and carry approximately 300 tons. Others range in length from 104 to 105 feet with widths running from 22 feet 3 inches to 22 feet 6 inches. The largest craft which made its appearance on the canal was a motor-ship type of steel construction 242.6 feet in length, 36.1 feet of beam with a depth inside of 14 feet. With a draft of 10 feet, 1,700 tons of freight could be carried.

The first attempt to improve the State's inland waterways was undertaken by private companies chartered in 1792. A portion of the series of locks built by the Inland Navigation Co. at Little Falls is still in place.

The first State canal construction work was begun on July 4, 1817, at Rome, and the Erie, or main branch, was completed in 1825.

The original Erie Canal had a bottom width of 28 feet, a width at water surface of 40 feet, with a 4-foot depth of water. This is commonly referred to as the "Clinton ditch." The first boats carried 75 tons.

The original Champlain Canal was begun in 1817 and finished in 1823; the original Oswego Canal was begun in 1825 and finished in 1828. These three canals were of the same dimensions as the first Erie.

The first enlargement work on the Erie Canal was commenced in 1836 and completed in 1862. The bottom width was increased to a maximum of 56 feet, and at water line to 70 feet, with a depth of 7 feet. In 1896 the work of deepening the Erie Canal to 9 feet was begun, but was completed only at disconnected localities.

In 1860 the widening of the Champlain Canal so as to give 35 feet and 50 feet widths, respectively, at the bottom and water line, and a depth of 5 feet was authorized. In 1870 the increase of these widths to 44 feet and 58 feet, respectively, with a depth of 7 feet, was directed, but the improvement was not completed. A further enlargement, begun in 1896, to provide a depth of 7 feet, was not progressed to completion.

The first enlargement of the Oswego Canal was commenced in 1862 and completed 10 years later. A channel of 52½ feet and 70 feet in width, respectively, at the bottom and surface, with a depth of 7 feet, was provided. In 1896 the improvement of this canal to a depth of 9 feet was begun, but not completed.

In 1916 the improved Champlain Canal for its entire length from Troy to Whitehall was placed in commission for the first time.

The canal route from Troy to Oswego via the improved Erie and Oswego Canals was first used in 1917.

The through route of the improved Erie Canal from Troy to Buffalo was opened in 1918.

The building of terminal docks and the furnishing of freight-handling facilities along the improved canals was authorized in 1911, and the work was begun in the following year.

The total number of locks on the main channels of the improved canals, exclusive of the United States Government lock at Troy, is 56. There are 34 locks on the Erie Canal; 11 on the Champlain Canal; 7 on the Oswego Canal; and 4 on the Cayuga and Seneca Canal. In addition, there are two junction locks and two guard locks.

A preliminary examination, by the rivers and harbors act, approved March 2, 1919, was authorized of such routes between the Great Lakes and the Hudson River as may be considered practical by the Chief of Engineers of the United States Army, and a study of the project was made by the Board on Deep Waterways, whose report was printed as House Document 149, Sixty-sixth Congress, second session.

According to this report there are several feasible routes for a waterway connecting the Great Lakes with the Hudson River. A second route proceeds from the Oswego River, on Lake Ontario, by way of Oneida Lake and Mohawk River to Normans Kill. This route was preferred by the Board of Engineers on Deep Waterways, but the construction of the Oswego branch of the Barge Canal over this route now renders the project more difficult of execution. This route, or any other route from Lake Ontario, implies the construction of a waterway between Lake Erie and Lake Ontario to afford connection with the upper lakes, unless it is found expedient to rely upon the Welland Canal for this connection. Another route proceeds from a point opposite Coteau Landing, on the St. Lawrence River, to Lake Champlain, and thence to Fort Edward, utilizing the canalized Hudson to Normans Kill. The route involves the improvement of the upper St. Lawrence, the navigable capacity of which is now restricted to vessels drawing 14 feet.

In reference to the desirability of the proposed canal, the district engineer states that this would depend chiefly upon how much of the present through lake commerce would use the new canal and what saving of freight charges, if any, would be effected. It should be borne in mind, however, that the need for economical transportation of the present bulk commerce of the Lakes is not the only need to be met. The great manufacturing cities of the Lakes now have a tremendous export and import traffic passing through Atlantic ports, chiefly New York. This traffic is now carried by rail and is subject to heavy charges for freight and terminal and transfer costs. As a result of his study of the subject the district engineer reaches the conclusion that it is not advisable for the United States to undertake the construction of a waterway connecting the Great Lakes with the Hudson River at the present time. The division engineer concurs in the views of the district engineer.

This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report, dated May 25, 1920. The board states that if an adequate waterway were made available with suitable terminal and transfer facilities at the principal Lake ports a large amount of general merchandise and most of the grain might be carried to the seaboard either in ocean-going vessels or in Lake vessels, transferring at New York City.

In its original condition the Great Lakes system could be navigated by very small vessels only, practically all entrances to harbors and all connecting waters being more or less shallow and obstructive to navigation. Active work of improvement by the United States began about 1824, since which time, at a cost of about $150,000,000 up to 1918, all the principal harbors and all connecting waters except the Niagara River have been made navigable for large lake vessels drawing 19 to 21 feet of water. Between Lakes Erie and Ontario navigation is now possible through the Welland Canal, which has a depth of 14 feet, but is being reconstructed so as to provide a present depth of 25 feet, with 30 feet through the locks.

The main line of the New York State Barge Canal system, having a depth of 12 feet, connects Lake Erie with the Hudson River. Branch lines connect with Lake Ontario and with Lake Champlain, which is also connected through its outlet, the Richelieu River, with the St. Lawrence 46 miles below Montreal. The project depth in the upper Hudson is 12 feet from Waterford to Hudson, a distance of 88 miles. A lock and dam affording a navigable depth of 14 feet has been constructed at Troy.

This project is understood to be primarily for a ship channel or waterway, the matter of combining these with the development of water power not to be considered except as it might be incidental to practicable routes for navigation by ocean-going vessels between the Great Lakes and the Hudson River. A waterway between Lake Erie and the Hudson River must be overland from the east end of Lake Erie, or by ship canal between Lake Erie and Lake Ontario, and thence to the Hudson via the Oswego and Mohawk Rivers, or via the St. Lawrence River and Lake Champlain. A land line across western New York is eliminated from consideration because of its excessive cost and the existence of the New York State Barge Canal. Lake Ontario must, therefore, form part of the route. There are three practicable locations for a connection between Lakes Erie and Ontario—the Welland Canal, in Canada; the Tonawanda-Olcott and the La Salle-Lewiston routes in the United States, the latter being preferable. The International Joint Commission is now investigating the question of a combined ship and power development project for the St. Lawrence River. Such a project would afford an outlet from Lake Ontario to the sea and might be used in connection with the Lake Champlain route to reach the Hudson River. The Oswego-Mohawk route has the advantage of being entirely within the United States.

The district engineer discusses the large increase in the size of vessels in recent years, and from his analysis concludes that a lakes to ocean waterway should be designed to accommodate vessels 700 feet long, 70 feet beam, and 22 feet draft, and ocean vessels 550 feet long, 78 feet beam, and 27½ feet draft. For such vessels the canal should be approximately 80 feet deep and 215 to 240 feet wide, with locks 740 feet long, 80 feet wide, and a depth of 30 feet on the sills.

If a ship channel were constructed along the route of the existing New York State Barge Canal, that canal would have to be abandoned, although parts of it might be utilized. Two routes are possible for a connection between the St. Lawrence River and Lake Champlain; the Richelieu River-Chambly Canal route and a land route from Lake St. Francis to Lake Champlain. The latter route would be the shorter and apparently less expensive.

The fall between Lake Erie and Lake Ontario is about 326 feet, and a canal connecting these lakes could be used to develop water power. Careful investigations, however, have demonstrated that a combined ship and power canal on the La Salle-Lewiston route would be more expensive and less satisfactory than separate developments for navigation and for power. In considering the question of a waterway suitable for ocean-going vessels, there must be taken into account the restricted portions of the waters connecting the Great Lakes, as well as the many harbors which have inadequate facilities for such vessels.

Considerable emphasis is to be laid on the sentence just quoted as to how much of the present through Lake commerce would use any ship canal, and what saving, if any, of freight charges would be effected. These important phases of the subject will be discussed more thoroughly later, in connection with the International Joint Commission report on the so-called St. Lawrence River route from the Great Lakes to the Atlantic seaboard, via Montreal, Canada.

This report further states that—

if an adequate waterway were made available, with suitable terminal and transfer facilities at the principal Lake ports, a large amount of general merchandise and most of the grain might be carried to the seaboard either in ocean-going vessels, or in Lake vessels, transferring at New York City.

THE GREAT DEBATE ON THE ST. LAWRENCE ROUTE BETWEEN GOVERNOR MILLER AND GOVERNOR ALLEN.

The arguments for and against the St. Lawrence River route were ably presented in a notable debate between Governor Miller, of New York, and Governor Allen, of Kansas.

I quote from memory this debate between Gov. Nathan L. Miller, of New York, and Governor Allen, of Kansas, at Washington, March 1, 1922. Governor Miller admits Governor Allen's claim that the Middle West and the whole country had suffered with breaking down of transportation and high freight rates. Governor Miller suggested the natural remedy for the West was to open up a waterway to the Mississippi River, to New Orleans, and connect there with the ocean ships. He said the cost and usefulness of the St. Lawrence River route were problematical; that it would cost probably twice $250,000,000, and in addition about the same amount to secure sufficient channels, docks, and so forth, in the Great Lake ports, and still many more millions to secure railroad terminals connecting with docks, and so forth. There is now in the Great Lakes and ports an average channel of about 20 to 22 feet, which would have to be deepened to harmonize with the proposed 30-foot channel in the St. Lawrence,

and there is the same lack of proper channel in the Welland Canal, on which all work has been suspended for several years past. It is unfair to tax New York State the 30 per cent of the whole amount of the cost of the project, which is an experiment that is of doubtful value. Governor Miller ridiculed Governor Allen's idea that ships of considerable size could use the Lake ports.

Governor Miller quoted the decision of the United States Supreme Court and New York court of appeals, declaring New York owned the riparian rights of the St. Lawrence River bordering on New York State, and said if the United States Congress took over the water power—some 400,000 horsepower—it would not be fair to New York State to have the supervision of this power and the selling of it controlled by the United States and Canada, and that it would not be fair to raise all the money necessary to construct this whole project—St. Lawrence—of several hundred millions of dollars by selling the power to New York State and New England and making them pay for the whole project. This is on an assumption that the St. Lawrence project is to be paid for by a two hundred and fifty million dollar bond issue to be underwritten by the United States and Canada. The St. Lawrence route would be frozen five months of the year and the railroads would have to be used during these five months. It would require 10 years or more to complete the St. Lawrence project and 10 years additional to get it on an operating basis as to water power, and that no interest had been calculated on the $250,000,000 to be invested, and this would be an additional cost. He insisted that New York State and City feared nothing from any fair competition, and that New York City as a neutral harbor, where all of the agencies existed to distribute and assort goods—gave example Venezuela shipments—was one of the four great harbors of the world—London, Liverpool, Bremen, and New York. He urged that all of the facts be brought out by a new and unbiased board of engineers as to the St. Lawrence River route—with a sufficient appropriation to do this, and if after a fair investigation it were found that the project were feasible, New York State would not oppose it.

Governor Miller also referred to the fact that the port authority of New York and New Jersey had the power and was at this time exerting this authority, and with ample financial backing, to so develop the port of New York and New Jersey with railroad and other through freight facilities as to materially reduce the cost of shipping through and to the port of New York via the New York Barge Canal, and other freight routes to this port.

As to the varying, and in some cases hostile, sentiment of the people of Canada and the United States affected by the proposed St. Lawrence River route, I refer to the report of the International Joint Commission, dated December 19, 1921, which very frankly states that there is decided and widespread opposition in Canada to the St. Lawrence River scheme, both because of a lack of confidence in its promised results and because of the increase in taxation that would result if it were consummated.

Very recent newspaper reports from Ottawa, the Dominion's capital, would indicate that the treaty or any other similar agreements necessary to be negotiated between the United States and Canada before any such international waterway and power project could be undertaken or even commenced, would be seriously opposed by several of the Provinces of Canada, and that even the Province of Quebec, on account of the peculiar sentiment of the French people—who predominate in that Province—regarding their exclusive right to control the historic St. Lawrence River, would strenuously oppose any arrangement by which the Governments of the United States and Canada would jointly establish and use this route. This opposition in Canada is to be expected because of the facts just mentioned and also because of the still more potent fact that Canada is at the present time struggling under the burden of a war debt and is experiencing difficulty in raising the necessary money for current governmental expenses, in addition to which the approximately three hundred millions—according to the estimates of the engineers as reported by the International Joint Commission—to be raised for this project, which would mean a heavy increase in taxation in Canada and the United States. It must be borne in mind that Canada's population is a little over ten millions, and that her one-half or approximately one-half of the cost of this project would mean an even more serious burden in Canada than to the United States, where increased tax burdens of this amount and of much larger amounts—even up into the billions of dollars—do not seem to be too seriously considered by a majority of the people's representatives in the United States Congress.

Another argument in favor of the facilities for all-water, ocean shipments is the admitted fact that terminal and transshipment charges absorbed much of the profit on export shipments and prevented the losses, particularly on grain, due to transshipment at intermediate points from Lake boats to rail or canal boats and ocean vessels at Atlantic terminals.

The International Joint Commission, while as between rail and water rates, frankly stated that their comparisons and conclusions were conjectural, in the absence of any definite information as to what actual rates would apply to a shipment by ocean-going vessels from ports on the Great Lakes to European ports, and, in the absence of such information, the commission's report provides, as previously stated, for an additional survey and study of the St. Lawrence route by eminent engineers, and also necessarily provides for a joint commission to be appointed, respectively, by the United States and Canada to negotiate a treaty as a preliminary to any legislation on this subject by the Congress of the United States.

In this connection, emphasizing the importance to the congressional representatives of the people of this country of slow and deliberate action on this gigantic navigation and water-power scheme, I quote in part a letter from James G. White, president of the Merchants' Association of the State of New York, as follows:

BUSINESS OPPORTUNITIES.

The Merchants' Association has filed with the Committee on Interstate and Foreign Commerce of the House of Representatives a request for delay in action upon the St. Lawrence River canal project until the report of the International Joint Commission, which recommended it, can be studied and analyzed, it was announced yesterday.

The communication, which was signed by James G. White, acting president of the association, and has been sent to President Harding and every member of the committee, pointed out that the resolution now before Congress provides for an immediate appropriation of $1,000,000 and authorizes the international board to issue bonds, guaranteed by the United States and Great Britain, in an amount necessary to pay for construction of the canal and the proposed power plants. It is urged that the United States should not be committed to the project without thorough investigation.

No reasonable-minded person will seriously contend that in the present financial stress of this Nation a huge wasteful outlay would be justified, nor that under any circumstances would such be justifiable should it appear that Canada and not the United States would be the chief beneficiary, and that such result would be reached by inflicting severe injury upon the Atlantic and Gulf ports of the United States without adequate and compensating benefit to the interior portions of the country.

This undertaking involves an immense national outlay. It can be justified only if it can be incontrovertibly demonstrated that it will result in a national benefit. Its advocates contend that it will greatly benefit American agricultural interests by lessening the cost of grain transportation. This is open to grave question.

The export of grain from the United States is steadily diminishing. Year by year the grain production of the country is to a greater degree required for home consumption. In the opinion of many well-qualified judges, the export of grain from the United States will within a few years have practically ceased, and, so far as the export of grain produced in the United States is concerned, the St. Lawrence waterway will have ceased to have value.

The contrary is true of Canadian grain. Canada will without question be a chief future source of the world's grain supply, and that country will therefore be the chief beneficiary of the great outlay incurred by the United States in the St. Lawrence movement.

Well founded doubt exists as to the expediency of a great national investment intended to promote direct trade between Lake ports and foreign countries, the communication said. It may fairly be doubted whether such trade movement would be carried on in sufficient volume to warrant the proposed outlay. In any event, the growth of such direct trade would be very slow and its volume relatively small and its economic difficulties great.

The communication said that the demand of the western agricultural interests for cheap transportation had been filled in the construction of the barge canal at a cost of $200,000,000 to New York State.

The request for delay by Congress was based upon the report of the association's committee on inland waterways, the members of which are Herman A. Metz, Edward B. Brooks, John D. Dunlop, Capt. Alfred Brooks Fry, Augustus V. Hamburg, Prof. Olin H. Landreth, and R. A. C. Smith.

It is true, and naturally so, that strong opposition exists in the State of New York and other States, indicating that this opposition is not confined to one locality or group of States. Strong opposition has developed in Pennsylvania, Massachusetts, and other New England States, as well as in the Middle Atlantic and Southern States, and also, surprisingly, in Montreal and Quebec, Canada, the largest cities and ports situated on the St. Lawrence River.

An additional reason why Canada, as a whole, does not favor this proposition is because there is no real congestion of freight at any point in that country, either at the terminals—as there is at so many points in the United States—or on the railroads, and because the Canadian railway facilities are still well ahead of population and production—and probably will be for many years to come—these adequate railway trunk lines extending from the Atlantic to the Pacific.

Railway inefficiency, on the other hand, in the United States may be chronic and it would require from one to two billions of dollars annually for many years to handle the traffic, in addition to the billions already invested in railways and railway terminals in the United States, and it is argued by the friends of the St. Lawrence route that even such expenditures would not afford the relief that is promised by the creation of an all-water route from the interior of the continent to the Atlantic seaboard, and it is admitted that this argument is sound provided that the St. Lawrence plan would bring about the relief through ocean freight rates hoped for by its proponents; but it is evident that after the expenditure of millions of dollars on this scheme there would be no saving in freight rates to the Middle West and Northwest.

Mr. DEMPSEY. Mr. Chairman, I yield four minutes to the gentleman from California [Mr. LINEBERGER].

The CHAIRMAN. The gentleman from California is recognized for four minutes.

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, many of the Members have referred to the fact, as they see it, that this is an invasion of the rights of the Budget. I do not consider it as such, because we have just recently passed in this House a very meritorious bill, but one which if enacted into law will ultimately involve an expenditure of nearly $4,000,000,000 of the people's money, so it has been estimated, and it was not covered by the Budget. Very shortly there is to come into the House for your approval a bill involving some $200,000,000 more, the so-called roads bill, which is also, so I understand, not carried in the Budget, so this argument will not hold water.

I am in favor of this amendment because it is a work which is constructive, and therefore a work of peace. We have spent billions upon billions of dollars for war in the last five years. We have spent until it hurts, and I think it is now high time that as much of the people's money as possible be devoted to the constructive works of peace.

This is not a partisan matter. It is not a sectional matter. Both of the great parties in their campaign documents or platforms, issued in 1920, declared in favor of the improvement of our inland waterways, to wit, our rivers and harbors. I quote from the Republican platform:

WATERWAYS.

We declare it to be our policy to encourage and develop water transportation service and facilities in connection with the commerce of the United States.

Turning to the Democratic platform I quote, as follows, under "Inland waterways":

Our present facilities for distribution by rail are inadequate and the promotion of transportation by water is imperative. We therefore favor a liberal and comprehensive policy for the development and utilization of our harbors and interior waterways.

Now, the distinguished Member from Ohio [Mr. BURTON], in whose opinion I have great confidence, states to you that our problems in America are entirely different from those that are presented in Europe. Only recently I made a trip of two months abroad, and I took particular pains to look into river and harbor transportation. I may say I am not altogether unfamiliar with this phase of work, having been educated in civil engineering and having spent 10 years in the practice of my profession, several years of which were spent in the development of rivers and harbors. I am convinced that the transportation problems of all great nations to-day are intricately and intimately involved in the development of their rivers and harbors. At this very moment the great Stinnes group in Germany, in combination with four or five German States directly interested, are putting through the German Reichstag a bill to carry out a plan to connect the Rhine and Danube Rivers, and thereby further develop the great transportation systems that exist on those two rivers. If a bankrupt nation like Germany, owing billions of dollars of indemnity, can afford to consider such a constructive work as that in such a time as this, I insist that the American people, who have millions of dollars at their disposal where the Germans have thousands, can well afford to increase the appropriation to the maximum of $42,800,000, recommended by the Board of Army Engineers and the Rivers and Harbors Committee of the House, for carrying on this great work during the coming fiscal year. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. TINCHER. Mr. Chairman, I never have voted for a river and harbor bill, and my reason for that is that I have never believed that the money appropriated for that purpose was expended under any proper system.

I am convinced that every dollar we appropriate for rivers and harbors is either wasted or expended in such a way under our present railroad system that they not only make us pay that money in taxes but my section of the country pays for it again in freight rates. I say to you that so long as the Interstate Commerce Commission are permitted by law or against law to enable a railroad paralleling a waterway to reduce freight rates to such an extent that there is no advantage in carrying the freight by water, my section of the country has to help keep up that railroad, and they pay double on that proposition. For that reason I shall never vote for a dollar for rivers and harbors until there is some definite policy and system agreed upon. And I want to say to you that I think more of my opinion to-day on that subject than I ever thought of it before, when a man like Mr. BURTON takes the floor here, a man who we will all admit knows more about rivers and harbors than any other man in this House, who had more to do with appropriating money out of the Federal Treasury for rivers and harbors than any other man—when he takes the floor and tells you that to appropriate money for rivers and harbors under the present system is to waste it.

Neither can I follow the policy advocated by my friend [Mr. HAYDEN]. He says, "I am in favor of appropriating money out of the Treasury to take things off a dead center and start the wheels of commerce to work." Just think of that policy. Assume now that he is willing to appropriate the money out of the Federal Treasury to start labor on rivers and harbors. I say that is just one step removed from the idea of appropriating money out of the Federal Treasury to pay men for not working. We can not bring about normalcy by appropriating out of the Federal Treasury money that we have not got to give some man a job. [Applause]. That doctrine is not sound. I want to be friendly to the waterways, but I do think that before we spend this money that we have not got we ought to get together on some business system. The gentleman from Ohio [Mr. BURTON], the author of this system, has been fair and honest enough to come before this House this morning and tell us that it is a failure, and I say to you that I have always known it was a failure, and that any man who has kept track of these things, any man who has lived in the interior of this country who has witnessed the expenditure of the appropriations that have been made for rivers and harbors, no matter how friendly he is to them, can not help appreciating that that money has not only been taken from the taxpayer but that the ordinary taxpayer engaged in agriculture has had to pay it twice.

I yield back the remainder of my time.

Mr. WILSON. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SISSON. I yield one minute to the gentleman from Texas [Mr. GARRETT].

Mr. GARRETT of Texas. Mr. Chairman, it would be absolutely impossible to discuss the river and harbor question in one minute, but I want to reply to the gentleman from Kansas [Mr. TINCHER], and say that there were other eminent gentlemen in this House before his day, who came from that western country, who stood before this House and said that every dollar that had been expended for the improvement of rivers and harbors had been the best money this Government had ever expended. [Applause.]

Mr. SISSON. I yield to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Chairman, adequate and cheaper transportation is one of the most important questions before the American people to-day. The tremendous advance in rail rates since the beginning of the World War has imposed almost a crushing burden upon commerce; and particularly is this true with reference to the movement of agricultural products, building materials, and manufactures from the source of production to markets so greatly in need of them.

It is, perhaps, not too much to say that high transportation rates have been one of the chief contributing factors to the existing economic and industrial depression throughout the country. The farmer wants to sell his products at a fair price to the consumer in the cities, and the consumer wants to buy them. But when the products of the farm reach the city and finally find their way to the consumer, the farmer finds that his profit has disappeared and been largely absorbed by high transportation costs, while the consumer buys sparingly because of the increased price which he must pay to make up such high

transportation and other charges assessed before the goods reach him.

In fact, in many instances the situation has become so acute that producers who have raised fine crops have found it unprofitable to ship them, because when the returns were made, after paying transportation charges to market, there was practically nothing left for the shipper.

The same thing is true with reference to raw and finished materials of every kind needed throughout all communities of the United States to-day, but which can not be purchased at reasonable prices owing, in no small measure, to the costs of transportation, especially with reference to bulk commodities. This is a matter of common knowledge. While there is no doubt that other factors enter into the final high costs of commodities before they reach the consumer, yet it is undoubtedly true that the high transportation costs are one of the most important factors in reducing the return to the producer and increasing the price to the consumer.

Since the beginning of March, 1918, freight rates on the railroads of the United States have increased from 65 to 80 per cent. These increases, as shown by the records of the Interstate Commerce Commission since the 1st of March, 1918, reflect, first, a 15 per cent increase; then, later in the same year, a 25 per cent increase under General Order 28; finally, in 1920, a still further increase of from 25 to 40 per cent under Ex parte 74. The increases brought about in intrastate or so-called "State" rates were even greater than the advances noted in interstate rates, because under the transportation act, which I may state I opposed, control practically of all State rates, as well as interstate, was granted to the Interstate Commerce Commission, which sustained the railroads in advancing State rates to the level of interstate rates when such State rates were prior to such time usually far below the level of interstate rates.

It is further a matter of common knowledge to the people of the United States that under normal conditions the rail transportation system of the United States was totally inadequate to move the great amount of commerce seeking transportation. In fact, before the present agricultural and industrial depression began a little over a year ago there was such a congestion upon the railroads and such a shortage of equipment to handle the commerce necessary to be transported that priority orders were issued by the Interstate Commerce Commission and tremendous losses suffered by those who sold commodities and could not move them for lack of transportation facilities.

No one will seriously contend that when prosperity returns the rail transportation facilities will not again be found inadequate to take care of the commerce which is offered, even under conditions of high transportation rates, which the country is firmly convinced ought to be reduced if the return of prosperity is not to be still further delayed.

The importance, therefore, of utilizing the great water transportation facilities of the Nation has never been more clearly demonstrated and the need for their proper development more recently emphasized.

In fact, Congress itself has only comparatively recently made a declaration to this effect in the transportation act. Section 500 of that law provides as follows:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

Section 8 of the merchant marine act, passed by Congress in 1920, also declares a similar policy, such section reading as follows:

That it shall be the duty of the board, in cooperation with the Secretary of War, with the object of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which it has jurisdiction, to investigate territorial regions and zones tributary to such ports, taking into consideration the economics of transportation by rail, water, and highway and the natural direction of the flow of commerce; to investigate the causes of the congestion of commerce at ports and the remedies applicable thereto; to investigate the subject of water terminals, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, with a view to devising and suggesting the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities regarding the appropriate location and plan of construction of wharves, piers, and water terminals; to investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and to investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight which would naturally pass through such ports: *Provided*, That if after such investigation the board shall be of the opinion that rates, charges, rules, or regulations of common carriers by rail subject to the jurisdiction of the Interstate Commerce Commission are detrimental to the declared object of this section, or that new rates, charges, rules, or regulations, new or additional port terminal facilities, or affirmative action on the part of such common carriers by rail is necessary to promote the objects of this section, the board may submit its findings to the Interstate Commerce Commission for such action as such commission may consider proper under existing law.

During the World War and for some considerable time after the armistice, river and harbor work by the Government was very much curtailed, not only by reason of concentration of the resources of the Nation upon the single purpose of winning the war but also by reason of the increased costs of such work and inadequate appropriations.

In fact, the costs of doing such work mounted so rapidly that in the river and harbor act of March 2, 1919, Congress provided that—

No work shall be undertaken upon any new project herein adopted unless the Secretary of War shall be of the opinion that, based upon the cost at the time of entering upon the work, the project can be completed at a cost not greater than 40 per cent in excess of the estimate of cost in the report upon such project.

The Chief of Engineers of the Army and the corps of officers in charge of river and harbor work were not only careful to follow this limitation imposed by Congress but, of their own accord, exercised the utmost economy to the extent even of delaying much work upon projects which were of the greatest magnitude and which would otherwise have been prosecuted with the utmost dispatch, to the end that the facilities needed would have been provided at the earliest possible moment.

General Taylor, Assistant Chief of Engineers, in his testimony before the Appropriations Committee at the hearings on this bill, said:

There is another and very important consideration. During the past few years our conditions have been such that we could not spend money economically. On account of the fact that our appropriations were continuing appropriations we did not feel it was necessary to spend the money as soon as it was appropriated, and we held on to it until we could spend it economically. This last year, of course, our expenditures have been far greater than the appropriations.

Through the exercise of such economy and conservation of river and harbor funds the Government engineers were able last year to make most advantageous contracts and carry on many river and harbor operations at reasonable prices, which were vitally necessary and which could not have been undertaken with the insufficient appropriation provided that year had it not been possible to have drawn upon the reserves in the river and harbor fund remaining unexpended by reason of the economies practiced.

General Taylor stated it was not possible to keep up even with the maintenance and improvement work necessary to maintain the important projects. General Beach, the Chief of Engineers of the Army, and his assistant, General Taylor, have repeatedly asserted that the minimum amount necessary this year for river and harbor work is $42,815,652. In this connection General Taylor testified:

I wish to again emphasize the fact that the Engineer Department has never stated or admitted that any sum less than the $42,600,000 would be sufficient for the next year for river and harbor work. The estimates have been cut down over our repeated recommendations, and we believe that more money is necessary.

He further testified that if only $27,635,260 were appropriated it would mean cutting down by about 50 per cent the work that was absolutely necessary to be done upon the more important projects already authorized by law.

He further testified that—

every bit of river and harbor work we do next year will be done with the money which is appropriated at this time. I want to make that very plain, that when the previous bills went through we had large sums which we could utilize for those years for which the appropriations were made, and that this year we have no money available to help out next year.

During such examination the chairman of the Subcommittee on Appropriations, Mr. ANTHONY, asked this question:

About how much of these permanent appropriations will be unexpended?

To which General Taylor replied:

There will be practically nothing that is unexpended; on the 1st of December our actual unexpended balance was $28,324,247.89. Of that amount $9,774,165.13 was under contract or obligated, leaving us an unobligated balance on the 1st of December of $18,550,082.76.

Mr. ANTHONY. That is the amount which will probably be carried over into the next year?

General TAYLOR. No, sir; that was what we had on hand on the 1st of December, 1921. We have been expending funds at the rate of about $2,500,000 a month.

As the period of time from the 1st of December, 1921, to June 30, 1922, the end of the fiscal year, is seven months, it is apparent that without anything for contingencies $17,500,000 would be used, which would, at most, leave only $1,000,000 to which during such period recourse might be made for such sums as would be required to meet unforeseen and unexpected emergency needs.

Prior to the appropriations made in the river and harbor acts of 1920 and 1921 appropriation of specific sums to designated

projects had been made by Congress, and when so made such funds could not be diverted by the Chief of Engineers of the Army or other executive officer to any other river and harbor project. In this way considerable sums of money accumulated in different projects where work had been delayed owing to high costs and inability to obtain material or equipment necessary, so that even though only $15,000,000 was carried in the river and harbor act of 1921, it was yet possible for the Chief of Engineers to carry on any pay for improvements vitally necessary which cost $41,241,503.95; but even then the engineers testified, by General Taylor, that although something over 500 river and harbor projects have been authorized work at the present time is being prosecuted on less than 100 of them.

It is therefore apparent that when the Chief of Engineers points out that he has already cut down the estimates of the district engineers from $63,000,000 to $42,815,661, and that there is no other source from which this money can be obtained than an appropriation carried in this bill; that unless it is provided the work of maintaining and preserving what has already been decreed by Congress to be absolutely essential to commerce can not be carried on.

It will be of interest to many who are not acquainted with the development of river and harbor projects to learn that the cost of the recent operation of the railroads to the Government during the period of Federal control was greater than the total amount invested by the Government in rivers and harbors since such work was started in 1824, nearly a hundred years ago, and that since the railroads were returned to private ownership nearly $500,000,000 has been paid out to the railroads in guaranties under the transportation act and an even greater sum with the increased freight rates which the public must pay under the 6 per cent return provision of the transportation act, costing the people in five years double what rivers and harbors have cost in a hundred years.

And yet, in spite of these enormous expenditures and payments for railroad transportation in the last few years, it has not been contended that railroad transportation should be crippled, suspended, or abandoned.

The return which the waterways, including the great harbors, of this country have made to the public upon the amount invested therein will perhaps never fully be realized.

Where great harbors have been constructed to serve a vast expanse of territory tributary thereto which previously was compelled to ship its commodities to far greater distances at increased costs in order to get them to a seaport for shipment to foreign markets, the greater returns to producers for their products by reason of lower freight rates not only to such newer harbors but to older ones as well, by reason of competition, has resulted in the saving of many millions of dollars to the agricultural interests of the United States.

A case in point might be illustrated by the port of Galveston, now rated by the Department of Commerce as the second port in the United States in 1921 in the value of exports. In December, 1908, Col. John C. Oakes, Corps of Engineers, United States Army, in a special report to the Chief of Engineers transmitted to Congress, made the following impressive statement:

The total amount expended by the United States on this work to January 1, 1909, is $10,419,673.50. A board of engineers stated in its report of December 19, 1902, that a saving of $10,000,000 per annum as a result of the completed improvement to the territory adjacent to the port would be a conservative estimate. The saving of that amount on the commerce passing through Galveston alone can be shown without taking into consideration the saving resulting to the people by reduced rates to all other ports competing with Galveston. I have no doubt if a careful study be made of this question a saving of $20,000,000 per annum could certainly be shown, and possibly $30,000,000.

In a recent special report transmitted to me by the Chief of Engineers the following observation occurs:

It would be difficult to estimate, except in a very general way, the value to the country at large of the development of Galveston Harbor. The marked development of the Southwest and the enlarged market therein which has followed that improvement, and the tremendous saving in freight rates on southwestern products over a term of years, may serve to answer briefly this phase of Mr. Briggs's inquiry.

It is a matter also of tremendous interest to note that soon after the completion, in 1897, of the jetties at Galveston, which was the plan adopted for assuring deep water, the wheat export rate from Kansas City to Galveston declined from 21 cents a hundred pounds on November 2, 1896, to 10 cents a hundred pounds on April 9, 1899, while the export rate on corn between the same points and dates declined from 18 cents to 10 cents a hundred pounds. The influence of the establishment of the great port of Galveston was not only reflected in the tremendous reduction in export rates on grain from Kansas City and intermediate territory to Galveston, but also resulted in a marked reduction in rates on grain from Kansas City to the Atlantic seaboard, which declined from 33 cents a hundred pounds to New York on November 2, 1896, to 24½ cents a hundred pounds on April 19, 1899, and from 27 cents a hundred pounds to Baltimore on November 2, 1896, to 21½ cents on April 19, 1899.

Although, as previously stated, railroad rates since the World War have advanced enormously all over the country, yet as a result of the competition for the great grain export haul moving particularly from the Middle West to seaports, there was recently granted a reduction in the grain rate of from 5½ cents to 7½ cents a hundred pounds.

The significance of this reduction will further be appreciated when it is realized that the saving by reason of such reduction, inuring to the benefit of the grain producers of this Nation, amounted to the large sum of $30,400,284.70 on the 92,122,075 bushels reported by the Chief of Engineers to have moved through the port of Galveston for export during the year 1921.

This saving in freight rates of $30,400,284.70 on grain shipments from Kansas, Nebraska, Oklahoma, Texas, and other States through Galveston was increased by the savings on the other 180,000,000 bushels of grain exported through other ports of the United States, which amounted to at least $75,000,000 more.

During the year 1921 the grain crop raised in the United States was such a huge one and was gathered so rapidly that the necessity for the most expeditious and rapid transportation for delivery of wheat sold abroad was especially acute. Grain elevators and warehouses in the interior of the country were filled to overflowing and much of the crop was threatened with deterioration if railroad cars could not be secured and the grain be moved to ship side with the greatest expedition. In fact, the losses experienced by the grain farmers of Kansas, Oklahoma, Texas, and elsewhere in failing to secure promptly an adequate number of grain cars are sufficiently well known to require no review, and had it not been for the magnificent harbors developed by the Government, like those at Galveston, Texas City, and elsewhere, it would have been impossible to have provided, when most needed, a sufficient amount of large ocean tonnage able to carry in an almost uninterrupted stream of ships the vast amount of grain which poured forth from the grain fields to the ports. At Galveston alone last season 526 cars of grain were unloaded and handled in a single day. This would have made 10 trainloads of over 50 cars each. Over 3,000,000 bales of cotton, principally from Texas, Arkansas, and Oklahoma, also moved in export through the port of Galveston during the year 1921, more than through any other port in the world, besides large quantities of cottonseed cake, sulphur, oil, and miscellaneous cargo.

Of course, immense volumes of commerce likewise moved through other great ports of the Nation and over the inland waterways, including the Great Lakes.

It is not always easy to grasp, without considerable study and investigation, just what a tremendous return and dividend the development of the great waterways and harbors of the United States has paid to the people of the Nation generally. But the instances cited are sufficient to show how one great harbor, that of Galveston, in one year more than repaid the total cost of its development to the people of our country through reductions in freight rates which would otherwise not have been granted.

The necessity, therefore, of maintaining and developing the waterways and harbors of our country is one that is becoming increasingly important to commerce and those interested in every class of industry throughout the whole Union.

Practically since the year 1824 the Corps of Engineers of the United States Army have, under the Secretary of War, directed the river and harbor improvement undertaken by the Government, and with a high sense of fidelity to the interests of the Nation. During such long experience the Army Engineers have acquired a most intimate knowledge of river and harbor projects and are in the best position to know the actual minimum required to carry on the maintenance and improvement of the river and harbor work already authorized. The Bureau of the Budget confesses that it had no expert knowledge of the amount necessary for this work, but that its estimate was the best it was able to make under such conditions. It is therefore the proper and wise course to adopt the recommendation of the Chief of Engineers, which is embodied in the amendment offered by the chairman of the Committee on Rivers and Harbors.

Mr. DEMPSEY. I yield four minutes to the gentleman from Minnesota [Mr. LARSON].

Mr. LARSON of Minnesota. Mr. Chairman, I shall vote for the amendment offered by the chairman of the Committee on Rivers and Harbors increasing the proposed appropriation to $42,815,652. I am frank to say that such was my intention before I came on the floor of the House to-day. But I came to this

discussion with an open mind. I wanted to hear the arguments for and against the amendment. I was ready and willing to vote against the amendment if cogent reasons were submitted showing that the amendment should not prevail. But no such reasons have been presented. The proponents of the amendment have presented their case with persuasive efficacy.

Loose talk has been indulged in against the amendment that this is a raid upon the Treasury; that this is "pork-barrel" legislation. I shall not allow myself to be stampeded by such loose charges, unsupported by evidence. [Applause.] If there be any "pork" in this amendment, show it. Let us see where it is and what it looks like. Present your bill of particulars and produce your evidence. That no proof of "pork" has been shown convinces me that the charge is baseless.

Neither shall I give any credence to the innuendo that the supporters of the amendment are actuated by selfish and sinister motives. Simply because a Member of this House happens to have a navigable waterway in his district does not militate against the cogency of his arguments. Such a Member's argument should be more persuasive and convincing, because his intimate study qualifies him to speak with authority on the value of waterways as arteries of the Nation's commerce. Such Members know the facts, and it is upon facts, not upon prejudices or unfounded insinuations, that Congress should legislate.

I have the honor to represent a district that contains one of the largest and best harbors not only in the United States but in the entire world—the Duluth-Superior Harbor. It carries annually a commerce of some 50,000,000 tons, of the value of about half a billion dollars. Whether this amendment prevails or is defeated, ample Government funds will be obtained so as not to jeopardize the immensse commerce of the Duluth-Superior Harbor; and if Uncle Sam should refuse to supply the funds, we have enough public-spirited people in Duluth who will contribute the necessary amount. [Applause.]

So the imputation of legislating for the sole benefit of a local waterway project can not be made against me. I am happily in a position to view this legislation from the viewpoint of the benefit that will result to the country as a whole, and that is the viewpoint, I am sure, of the membership of this House. We are elected by our respective districts, but as Congressmen we legislate for the entire Nation. We are not the representatives in this lawmaking body of any section, class, or interest, but of the whole American people. That is my political philosophy, so clearly and convincingly expressed by Edmund Burke in his famous address to the electors of Bristol in these words:

> Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of our nation, with one interest—that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good resulting from the general reason of the whole. You choose a member, indeed, but when you have chosen him he is not a member of Bristol but he is a member of Parliament.

The legislation under discussion involves one of the most important and vital problems now confronting the American people—the transportation problem. It is not a sectional, State, district, or parochial question. Transportation affects the happiness and prosperity of every inhabitant of our common country. It affects everything bought or sold by any individual. It determines the progress or decline of our cities. It measures the progress of the Nations' commerce, domestic and foreign. Any nation that neglects to develop its transportation becomes a decadent nation.

We are a rich Nation, the richest in all the world, but unless we successfully solve our transportation problem, so that the producer can adequately and cheaply transport his products to the consumer, the United States will lose her present preeminent position among the commercial nations of the world. This is no foreboding prompted by morbid pessimism; it is a bald statement of the actual situation now confronting the Nation.

Experienced railroad men and financiers admit that the railroads can not handle the Nation's commerce. The load is too big for the railroads. They can not raise the billions of dollars needed to enlarge their equipment. But even if they could, the railroads, unassisted by the waterways, would not be able to cope with the ever-growing commerce created by the Nation's producers.

The lack of adequate and cheap transportation is seriously threatening the development of our commerce. It is an acute problem which demands a prompt remedy. A transportation emergency confronts the Nation. Listen to what Mr. Elisha Lee, vice president of the Pennsylvania Railroad, said in a recent address before the Manufacturers' Association in Philadelphia:

> The next time our country has a real revival in business we shall, in all probability, be confronted with the most severe congestion of railroad traffic and the greatest inadequacy of railroad facilities ever experienced in our history.
>
> When that happens, rates will be lost sight of. Everyone will be clamoring for service, and our public highways will again be torn to pieces by huge truck loads of freight, carried over roadways never designed for such purposes, and at rates and costs of operation so high as to constitute gross economic waste.
>
> Nothing could more quickly check a wave of prosperity than the inability of our railroad facilities to handle the traffic which good times would create.
>
> I am firmly convinced that we face such a condition, with almost absolute certainty, in the not remote future. Whether it will come within a year or two or be deferred for several years I do not for a moment assume to predict, but, unless the world plunges into hopeless economic chaos, in which case all reckoning will be wrong, we are going to push up our national figures for production, and consequently of potential railroad traffic, beyond anything ever known before in peace times, and, in all likelihood, even beyond the levels reached during the war.
>
> Then business men will not be bothering themselves very much about rates. All they will be thinking about will once more be how to get transportation at any price.

What is the remedy? The only remedy is the development of our waterways, our rivers and harbors, with which nature has so generously endowed us. Instead of the amount provided for in the pending amendment, I would like to see it doubled, and then some. Why quibble over the appropriation of a few million dollars when a lack of transportation facilities threatens the growth and prosperity of the country? To refuse any relief to the commerce of the country on the grounds of supposed party expediency would be a political blunder. The transportation emergency calls for wise and courageous statesmanship, the application of sound business principles.

The opponents of the amendment say that the amount proposed by the Committee on Appropriations for the maintenance and improvement of our rivers and harbors for the coming fiscal year is ample. This statement is squarely challenged by the Committee on Rivers and Harbors and the Board of Engineers for Rivers and Harbors. General Taylor, as the representative of the Board of Engineers, testified as follows at the hearing held before the Committee on Rivers and Harbors:

> I personally went over all of those items. (Items of the needs for rivers and harbors for the fiscal year ending June 30.) The reports as they originally came in from the district engineers contained amounts considerably greater than those. The total of the amounts submitted by the district engineers was about $63,000,000. I went over those with a great deal of care and eliminated everything from the statement that I thought could be reasonably deferred. In other words, the amounts now in the annual report of the Chief of Engineers which total $42,815,652, represented the amount which, in my judgment, was as small as should be appropriated in order that the work could be carried on to a reasonable extent. In other words, I cut it to what I consider the absolute limit. I went over it with a great deal of care. I realized that Congress wished to have the appropriations cut as much as possible, and I did the best I could to carry out that intent of Congress.

There are about 125 items involved. It is impossible for the Members of this House to investigate personally the merits of each of those 125 items. Under the circumstances, what are we to do? Speaking for myself, I shall accept the judgment of the United States Engineer Corps as to the amount of the appropriation needed, rather than the say-so of the Committee on Appropriations, which of necessity has been able to give the merits of the various items only a brief, cursory, and superficial consideration.

Common sense suggests that the thing for us to do under the circumstances is to follow the sound judgment of the men who know. A distinguished Member of this House, justly reputed to be the greatest authority in this country on waterways, characterized the United States Board of Engineers for Rivers and Harbors, whose business it is to inform Congress regarding the various waterway projects for which governmental appropriations are sought as the "blue ribbon of the Government service." I think we may safely follow the judgment of men whose skill and character are of such high order as to merit so lofty an encomium from so great an authority.

To vote for this amendment is no attack on the administration's program of economy. I believe in economy in the expenditure of public funds, but economy does not mean the refusal to appropriate for necessary public improvements. On the contrary, such refusal means waste. Properly understood, the increased appropriation proposed would result in an economical administration of the Government's work on our rivers and harbors, and the inadequate appropriation proposed by the Committee on Appropriations would result in waste, as General Taylor made clear in his testimony before the Committee on Rivers and Harbors.

Let us not lose sight of the fact that there are at the present time some 5,000,000 people out of employment in this country. That not only means want and suffering on the part of the

unemployed and those dependent upon them but it also means an irreparable loss of human energy, which is the Nation's most valuable asset. The enlarged appropriation will give opportunity for employment to thousands now unemployed. Why wait to develop our public improvements when labor will be sorely needed in the prosecution of commercial and industrial enterprises by individuals?

The increased appropriation proposed by the amendment will, I feel confident, meet with the hearty approval of the President. He appreciates the vital importance of transportation to the growth and progress of the country. He fully sympathizes with the farmers and manufacturers throughout the country, and particularly of the Middle West and the Northwest in their demand for ample and cheap transportation. He realizes with Bacon that—

> There be three things which make a nation great and prosperous—a fertile soil, busy workshops, and easy conveyance for men and commodities from one place to another.

The President not only favors the improvement of our strictly inland waterways, but also of our great boundary waterway—the St. Lawrence River. Listen to what this forward-looking statesman said before the farmers' conference recently held in Washington on the importance to our Nation of undertaking the improvement of this Great Lakes to the ocean waterway:

> I have spoken of the advantage which Europe enjoys because of its easy access to the sea, the cheapest and surest transportation facility. In our own country is presented one of the world's most attractive opportunities for extension of the seaways many hundred miles inland. The heart of the continent, with its vast resources in both agriculture and industry, would be brought in communication with all the ocean routes by the execution of the St. Lawrence waterway project. To enable ocean-going vessels to have access to all ports of the Great Lakes would have a most stimulating effect upon the industrial life of the continent's interior.
>
> The feasibility of the project is unquestioned, and its cost, compared with some other great engineering works, would be small. Disorganized and prostrate, the nations of central Europe are even now setting their hands to the development of great continental waterways, which, connecting the Rhine and Danube, will bring water transportation from the Black to the North Sea, from Mediterranean to Baltic. If nationalistic prejudice and economic difficulties can be overcome by Europe, they certainly should not be formidable obstacles to an achievement less expensive and giving promise of yet greater advantages to the peoples of North America. Not only would the cost of transportation be greatly reduced, but a vast population would be brought overnight in immediate touch with the markets of the entire world.

Mr. Harding's indorsement of the St. Lawrence route is another evidence of the truism that in the last analysis we are governed by enlightened public opinion, of which the President is the chief spokesman.

I venture the prophecy that the Harding administration will be remembered and blessed by posterity not only for promoting lasting peace and good will among the nations of the world, but also for the execution of the St. Lawrence River project, this great international project which promises unlimited benefits in solving the transportation problem of central North America, as well as the fuel and power crisis of the eastern seaboard.

In this connection I desire to incorporate as a part of my remarks a very instructive and illuminating consideration of the proposed St. Lawrence route, which appears in a report submitted to the executive committee of the Associated Industries of Massachusetts. While it relates specifically to the St. Lawrence project, in it is considered the transportation needs of the country and the solution therefor. I am reliably informed that the report is the result of the efforts of some of the best minds of New England—engineers, maritime experts, financiers, and captains of industry. I commend this report to the thoughtful consideration of all those who are looking for a real solution of the Nation's transportation problem, and particularly to those of my fellow citizens of New York who have not yet seen the light. [Applause.]

To the Executive Committee of the Associated Industries of Massachusetts:

GENTLEMEN: Your committee, appointed to consider and report upon the feasibility and desirability of the St. Lawrence project, begs leave herewith to submit its unanimous report.

Our conclusions, reasons for which will be set forth in this statement, are:

(a) That the project is feasible from an engineering standpoint;

(b) That it can be constructed at a reasonable cost, considering the magnitude of the work involved;

(c) That it will furnish direct and usable water route between the ports of the Great Lakes and both foreign and domestic ocean ports;

(d) That in the very near future this Nation will require every possible means of transportation, and that accordingly the St. Lawrence project will be of great assistance in reducing otherwise necessary expenditures for additions to our rail facilities and greatly lessen the inevitable transportation crisis which will arise with a restoration of normal business and the natural growth of the country;

(e) That it will give to New York and New England a very large, reliable, and cheap source of hydroelectric energy; and

(f) That the project is desirable for the country as a whole and beneficial to New England.

The St. Lawrence project is a project for making navigable the St. Lawrence River between Montreal and Lake Ontario, thus making it feasible upon the completion of the New Welland Canal around Niagara Falls, for the largest lake vessels to pass from the Great Lakes to tidewater and for ocean-going vessels, drawing not more than 22 and ultimately 28 feet, to pass in and out of the Great Lakes.

By act of the Governments of Canada and the United States a joint commission of the two nations has been investigating the feasibility and cost of the project. This commission has recently submitted its report to the two Governments. Its findings are that the project is feasible, desirable, and reasonable in cost. The estimates of cost were made by Government engineers of the two nations after an exhaustive examination extending over a year's time. These engineers estimate a cost of $252,000,000 for the development of this project, according to plans which they submit. This estimate includes the cost of producing 1,464,000 horsepower of continuous energy. The figures were based upon 1920 costs—as an example, concrete is estimated at $12 per yard. It is further the express belief of the engineers and of the commission that the figures of cost are conservative and that due allowance has been made for inevitable contingencies. It is true that these figures of cost have been challenged by some people, including engineers of standing, but we are constrained to place substantial reliance upon estimates made by the Joint International Boundary Commission and its engineers, arrived at after many months of study and of careful examination of the river and the surrounding country. We may add, however, that if further study indicates a total cost materially higher than the present estimates, this fact would not by itself cause us to change our conclusions as to the advisability of the project.

All of our conclusions in this matter are based upon an assumption that by treaty or other international agreement provision will be made for the adequate protection of the equitable rights of both Canada and the United States, and for the joint control of the enterprise during and after construction, so that its use by nationals of both countries shall be without discrimination; and upon the further assumption that by law or otherwise suitable provision shall be made for equitable distribution of the power produced by the project in all parts of the territory tributary to the power houses.

We make no recommendations as to the specific plan of development to be adopted, recognizing that many changes are likely to be made in the plan as presented by the engineers. Nor do we express any opinion as to whether the project shall be constructed and operated by private or by public agencies, or by a combination of both.

The project has two principal aspects; that of navigation and that of power. It needs no proof that transportation by water is materially cheaper than by rail. This fact is well known. With the opening of the St. Lawrence River so that large vessels can go from Lake ports to tidewater at Montreal, Halifax, and Atlantic coast ports of the United States, this cheaper method of transportation will become available for traffic between tidewater and the interior. This traffic now amounts to 200,000,000 tons annually. Of course, not all of it will ever use the water route. But bulk commodities from the interior destined for the Eastern States or for export will tend to move that way, and many New England products destined for the interior will avail themselves of the cheaper route. The rail rate for the entire country is now approximately 12.1 mills per ton-mile. If coal is excluded this average rate rises to 15 mills. Water rates on the Great Lakes average less than 1 mill per ton-mile; and on the ocean they vary according to the class of freight from 1 to 3 mills. Probably 2 mills per ton-mile is a fair water rate to compare with an average rail rate of 15 mills.

From Chicago to Boston the rail distance is 1,034 miles, as against 2,682 by water. From Duluth the corresponding distances are 1,513 and 2,775. And taking into account relative rail and water rates and relative distances, it would seem that a ton of freight is now hauled by rail from Chicago to Boston for $15.51, as against an estimated charge of $5.30 by the water route. The corresponding rail rate for Duluth is $22.70, as against an estimated rate of $5.55 by water. Figures based on averages may not be exact, but they do indicate tendencies, and they certainly give to your committee assurances that freight can be carried from the Middle West to Atlantic ports by water much cheaper than by rail.

The promoters of the project expect to see lake ports crowded with ocean-going vessels when once the river is opened, transporting their products in unbroken cargoes to foreign markets and bringing to the interior of this continent the goods of the world. There is difference of opinion among ocean shipping men as to whether the present types of ocean-going vessels will go up the river to lake ports. Our conclusion that the project is worthy of adoption is not based at all upon an assumption that the existing type of trans-Atlantic vessels will ply the Great Lakes, although we do state our conviction that if sufficient economic advantages are to be gained by carrying unbroken cargoes between lake ports and foreign ports a type of vessel will be developed which can perform the required service. We find justification for the project, considered from the point of view of transportation, in relative costs of rail and water traffic between tidewater and the interior.

At present a bushel of wheat is carried by water from either Chicago or Duluth 1,000 miles to Buffalo for 2 cents or less; and on the same mileage basis, with due allowance for delays in canals and locks, 3 or 3½ cents would be a fair rate to Montreal. The lowest rate at which grain can now be carried from the above-mentioned western ports to tidewater is 2 cents to Buffalo and 12 cents from Buffalo to New York or Boston, a total of 14 cents. This shows a saving to tidewater of at least 10 cents per bushel via the St. Lawrence route, and as ocean rates from New York and Montreal to Liverpool are the same this means an equal saving on the through rate. What holds true of grain will also hold true of many other western products destined for European ports.

It is a well-recognized economic principle that the price of any commodity in general use is determined by the price at which the surplus of that product must be sold. The surplus grain of the world is sold in Liverpool. To this market is shipped the surplus grain from the United States, Canada, Argentina, Russia, and Australia, and there in competition the world price of grain is established. The price there established governs not only the grain sold in the Liverpool market but all the grain sold in the producing countries. The price in the producing country is therefore the world price set in the Liverpool market less the cost of transportation between the farm and the English Channel, and the American farmer receives each year for all of his grain, wherever it may be consumed, the Liverpool price less the freight from his farm to Liverpool.

In the St. Lawrence project there is clearly indicated, therefore, an economic improvement in the condition of the American farmer which

may well total scores of millions annually. Every other grain-producing region of the world which has an export surplus lies within 250 miles of navigation. Our grain region lies from 1,000 to 1,200 miles from the coast, and this great handicap upon our western farmers is the principal reason for their indolence—to use the words of the President—that "the salted and unsalted seas be connected by a suitable channel."

The maintenance of a healthy and prosperous agriculture in this country is of paramount importance. Without it we may not expect prosperity in other industries. The past year has brought home to us this fact, well known before. The United States and Canada are destined to contain a much greater population than at present. It is no flight of the imagination to assume 75,000,000 people in the territory tributary to the Great Lakes where there are now 40,000,000. Every feasible bushel to the sea is demanded for those who are now there and for their constantly increasing numbers. Rail tonnage of the United States has almost doubled every 10 years for the last 40 years. In 1890 our railroad traffic was 79,000,000,000 ton-miles; in 1900 it was 141,000,000,000; in 1905 it had increased to 187,000,000,000; and in 1920 it was 448,000,000,000. This shows a steady increase and indicates a ton mileage of 900,000,000,000 by the time the project can be completed. Rail facilities have not kept up with this increase during recent years. The cost of furnishing rail facilities equal to the demands to be placed upon them in the near future is very large. We are firmly of the opinion that by the time the St. Lawrence project can be completed it will be welcomed by the railroads themselves as giving them some relief from a volume of business which they will be unable to handle. In fact, we find no opinion among railroad officials that the St. Lawrence project will injure the railroads and no concerted opposition from them.

Objections are offered that the route will be little used when available. We are not impressed with such forebodings. Such arguments were presented with relation to the Panama Canal, the Manchester Ship Canal, and in fact they are a stock argument. But we firmly hold the belief that this route being in the line of a large and constantly increasing tonnage movement to and from the interior of the continent will be used and that the cheaper transportation it will afford will be of great advantage directly or indirectly, but none the less truly, to a large part of the people of the United States. It will be a route available during no more than seven or eight months in the year. But under similar circumstances a shipping industry has been developed on the Great Lakes during the last generation which now carries 100,000,000 tons a year. A closed season of weeks or months has not prevented a large use during the open season of rivers, canals, and arms of the sea in northern Europe. It will not prevent a similar use of the St. Lawrence. It is urged against the project that Lake harbors will require deepening; that Lake boats can not navigate salt waters; that ocean boats will not ascend the river. Undoubtedly there is much of fact in these assertions. But to us they are of small or no fundamental importance. Those things will correct themselves as experience teaches and as economic necessity requires. We do not deem them of serious weight either because of their character or because of any cost involved in their correction.

Another assertion offered as an objection to the project is that fogs in the lower St. Lawrence and beyond the Gulf of St. Lawrence present a serious obstacle to navigation. Fogs exist in the lower St. Lawrence, but the hydrographic charts of the Federal Government indicate that the fog belt between Montreal and Liverpool is of less extent than that between New York and Liverpool. Moreover, it does not seem necessary to do more than point out the fact that fogs and ice have not prevented Montreal from becoming the second port of export in North America.

One feature of the method of the development of the St. Lawrence recommended by the Joint International Boundary Commission and by their engineers is the construction of a large dam on the river near Cornwall, N. Y. This dam will drown out one of the three principal rapids between Lake Ontario and Montreal. It will also develop 1,464,000 horsepower of continuous energy, one-half of which will be available for use in the United States. The area within which it is feasible to distribute this power includes New York State and all of New England except northern and eastern Maine. We find that there will thus be available for New York State and nearly all of New England a large amount of power, the cost of which will be materially less than the cost of power from coal generated under the most favorable conditions in New England.

Your committee is informed that private capital stands ready to develop 2,400,000 horsepower on the international section of the river by means of two dams and their appropriate locks at a cost of approximately $300,000,000, and with a provision that the Governments will either pay for or guarantee interest on about $50,000,000 of the above cost as recompense for the construction and maintenance of the navigation works. Such an offer by responsible parties should be given most careful consideration. Such a plan would materially lessen the amount which the two Governments would be required to invest and would leave the Government financing only the said $50,000,000 plus the $80,000,000 required for the two lower canals. Such a plan would also develop on the international section about 2,400,000 horsepower instead of the 1,464,000 horsepower suggested in the Government engineers' plans. The total power which is capable of development upon the St. Lawrence is equivalent to that to be produced by 30,000,000 tons of coal, the mining and distribution of which takes the continuous labor of 100,000 men. It is thus apparent that the project is in fact of vast importance from the point of view of conservation of both resources and labor. It is not yet determined what proportion of the total carrying charges of the whole project shall be borne by navigation and what proportion by the power development, or whether the whole cost shall be borne by the power. We express the firm conviction that the carrying charges should be divided between navigation and power. But even if the whole of these charges were supported by the power development, it is clear to us that hydroelectric power from the dam or dams or near Cornwall can be produced at no greater cost than would be the cost of power produced from coal at the mouth of the mine and transmitted to central stations in New England. This indicates a saving at least equal to the total freight charges upon coal from the mines to the consumer.

In arriving at this conclusion we have taken into account amounts necessary to operate all of the navigation works of the whole project, to develop the power at Cornwall, interest upon the investment, and a sinking fund to extinguish the capital cost within a reasonable period. Moreover, as the original cost is extinguished by the sinking fund, the cost of power will decrease while coal costs are likely in the long run to increase. Thus there will be a constant tendency in cost more and more in favor of the St. Lawrence power.

Honest fear has been expressed that the opening of the St. Lawrence River will ruin the business of the port of Boston and of other New England ports. In this fear we do not share. Buffalo is now the nearest lake or river port to Boston. It is 500 miles distant. From that port it is now all rail to Boston. With the opening of the river both Ogdensburg and Montreal, which are reached by New England roads, will bring water-borne traffic within a rail haul of only 250 miles to Boston. This rail haul is not enough to keep from Boston the bulk cargoes required by ocean vessels which have brought here for New England use the raw materials and goods of the world. Bulk cargoes are what they need for their return journeys. The lack of such bulk cargoes has kept them from New England ports. It seems clear to us that the opening of the St. Lawrence for the lake traffic will help to make available for New England ports the outgoing bulk freight which they must have if their foreign shipping is to keep from Boston.

In addition to this, it seems clear to us that eventually there will be a very large amount of shipping between New England ports and the Great Lakes cities via the St. Lawrence.

The economic effects of the cheaper transportation and of the cheaper power to be afforded by this project are such as to vastly outweigh, in our unanimous judgment, the objections which have been offered against it. The cheaper transportation will affect not only the grain growers of the interior but also the people of the seaboard who ship large amounts of their manufactured goods to the territory tributary to the Lakes. The cheaper power will help to preserve the industries of the Eastern States. More transportation facilities and more power are urgently needed. It seems clear to us that this project will furnish both. And we welcome rather than fear joint international participation as tending toward international understandings and away from estrangements.

We are convinced that no true appraisal of this matter can be had unless the questions involved are approached from a national rather than a sectional point of view. If it is of advantage to the country as a whole, as we are firmly convinced that it is, no section of the country should oppose it, even though that section were to be adversely affected. So far as New England is concerned, however, it seems clear to us that the benefits outweight any disadvantages that may be urged.

We recommend, therefore, that the executive committee of the Associated Industries of Massachusetts give its approval to the project, to be carried out under such equitable arrangements as are indicated herein, and that the position of the Associated Industries of Massachusetts be presented to the Congress at the proper time. We express the hope that public opinion in New England will view this matter in the broad spirit of national interest to which we believe it to be entitled, and we suggest that the associated industries may well undertake to assist in creating here in Massachusetts a realization of the national advantages which may be expected to result from the development of the St. Lawrence River.

Respectfully submitted.

CHARLES R. GOW, *Chairman*.
CHARLES A. ANDREWS.
F. S. CROSBY.
GEORGE L. FISCHER.
S. HAROLD GREENE.
HENRY I. HARRIMAN.
WILLIAM P. LIBBY.
EDGAR J. RICH.
A. B. TENNEY.

By unanimous consent Mr. LARSON of Minnesota, Mr. TREADWAY, and Mr. HUCKER were given leave to extend their remarks on the bill in the RECORD.

Mr. DEMPSEY. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Chairman, estimates for annual appropriations for river and harbor improvement are first made by the district engineer officers located throughout the United States. For the fiscal year 1923 these estimates amounted to $60,000,000. The Chief of Engineers, in acting upon the estimates submitted by the district engineers, pared them down to approximately a total of $43,000,000. These estimates were then passed upon by the Budget Bureau, where they were again pared down, and, as submitted to Congress, amounted to $27,885,200. To this sum was added by the Committee on Appropriations $75,000, making the total $27,960,000 in the bill which is now before the House.

The Chief of Engineers does not think this amount is sufficient to properly carry on this work, but on all sides there is a great demand that all national expenditures shall be reduced, and I am in full accord with this feeling and determination, but at the same time it would be unwise to reduce appropriations to the point where for the want of funds the harbors of the country would be allowed to deteriorate. These harbors have been improved at a very great expense to the taxpayers, and it is of the utmost importance that there shall be available at all times sufficient funds to do the work required for maintenance and to complete existing projects.

I shall support the amendment offered by the chairman of the Committee on Rivers and Harbors to increase the appropriation to the amount he has asked for, because we have been advised by the Chief of Engineers that the entire amount of unexpended balance will have been wiped out by July 1. Unless we are largely guided by the recommendation of the Chief of Engineers there is no need for one. This officer tells us we must have more money for this purpose, else the harbors will rapidly deteriorate. I always favor reducing national expenditures when it is possible to do so, but in this case, unless more money is provided, the business and commerce of the country will suffer, and we can not afford to do anything that might retard prosperity, which they tell us is on the way.

Water transportation is one of the essential instrumentalities of the transportation system of any country, and the highways, railways, and waterways are all necessary to our commerce. In years gone by when these annual appropriation bills for improvement of rivers and harbors were under consideration they were very often severely criticized by some Members of the House, and justly so when they carried items that could not be used for transportation purposes. Long before I became a member of the Committee on Rivers and Harbors I condemned the practice of making appropriations for small streams and rivers that had no commercial value. I saw that millions of dollars were wasted in this way, and I resolved that if I ever became a member of that committee I would vote against appropriating money for any purpose unless there was an absolute necessity for it. The navigable rivers and harbors should be amply provided for, but, as I have just stated, I fully agree with those who refuse to appropriate money for projects that have no real value or commercial importance.

One of the great harbors of the United States is at Savannah, Ga., in my district, and every member of the Rivers and Harbors Committee knows the commercial value and great importance of this harbor, just as they know the ports of New York, Boston, Galveston, San Francisco, and other like ports are valuable and indespensable assets to all the people of the United States.

The purpose of the rivers and harbors legislation in improvement of rivers and harbors is to afford additional facilities for transportation, and if there should be urged an appropriation which can not be used, or is not used for transportation purposes, such appropriations could not be justified and ought to have no place in the appropriation bill.

Right recently the Members of the House and Senate have been deluged with propaganda favoring what is commonly called the St. Lawrence project. From what I know of this project and what I have read about it I do not see how this Government could consider for a minute the advisability of engaging in such a stupendous enterprise.

About two years ago the Governments of the United States and Canada referred to an International Joint Commission certain questions relating to the improvement of the St. Lawrence River between Lake Ontario and Montreal for navigation and power. I shall not attempt now to discuss this measure, but at some other time I expect to do so. The report of this commission stated that it is a problem of exceptional magnitude and intricacy and one involving national and international interests of very great importance.

There is pending now before this Congress a bill to carry out the improvements proposed by this joint commission, and if the bill should pass it would involve very large expenditures by both Governments, and at a time when our people are already bearing a gigantic financial burden imposed by the greatest war in history. It has been estimated by competent engineers that to make that portion of the river navigable for deep-draft vessels of either lake or ocean going type and to produce the desired horsepower it would require an initial outlay of $250,000,000 besides the annual cost of maintenance, estimated at twenty-five million. In his address before the House the other day the President seemed to look with favor upon the project, and at some future time it may come before the House for consideration. The St. Lawrence River could not be made navigable the entire length for more than six or seven months in the year, because it is frozen over the balance of the time, and I would not favor spending such a vast sum of money in Canadian territory, especially when we are unable because of oppressive taxation to appropriate sufficient money to make adequate and desired improvements in the rivers and harbors of our own country. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, some of the Members of the House must have listened with surprise, as I did, to the distinguished gentleman from Ohio [Mr. BURTON] when he, in effect, announced that in so far as he was concerned he was virtually through with appropriations for rivers and other inland streams, and referred to a bale of cotton that went down the Mississippi and to the fact, as he said, that no other cotton went down. As I listened to the gentleman, I remembered a debate which took place in 1916 on this floor, and I also remembered a speech made by the gentleman from Ohio at the United States River and Harbor Congress in 1909. Referring to the railroads, the gentleman from Ohio said in the speech at that congress:

> Then there is a second class of advantages that are arbitrary, due to their lowering of rates to drive waterways out of business. The best illustration with reference to that which I know is a case where a barge line on the Mississippi was carrying freight at 25 cents a hundred very profitably. The railways put down the rates at 10 cents a hundred until the barge line was driven out of business; then the railways put up the rates at 50 cents a hundred, where it has remained ever since. Now, that ought not to be allowed.

[Applause.]

The distinguished gentleman also said in the same speech:

> It is really for the interest of both to work together. The time is coming when they will both see it.

[Laughter and applause.]

The gentleman further said:

> I have found many observant and intelligent men who have an idea that a very large share of our appropriations go for insignificant creeks and streams. Now, perhaps, I might point out the benefit of improving many of these minor streams, a benefit which proportionately is often greater than even in the case of large rivers.

That is what he then thought. What a conversion is that of the gentleman from Ohio. Then he continued:

> You have had to meet the idea that there is a pork barrel somewhere. Whenever there is a man of superficial information on this subject, or one who has had some project that has been turned down and turned down hard because it had to be turned down, that man begins to talk about the pork barrel.

[Laughter and applause.]

Mr. Chairman, you have heard it charged to-day, as you hear it frequently charged, that the United States Government has been extravagant in the amount of its river and harbor expenditures. And, now, to refute that charge I read from a speech delivered by the gentleman from Ohio in a debate on this floor:

> In 81 years (from 1814 to 1894, inclusive) France expended the sum of $300,000,000 on rivers and canals, inland navigation, and $200,000,000 for ports and harbors. For care and maintenance, France expended in the same time approximately $135,000,000 for inland navigation and $70,000,000 for ports and harbors, making a total in all of $705,000,000.

In other words, Mr. Chairman, France, about two-thirds the size of Texas, spent $700,000,000 on rivers and harbors and we, in the same time, spent $273,000,000 for all the United States from the Atlantic to the Pacific and the Canadian border to the Gulf of Mexico. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman and gentlemen of the committee, the gentleman from Georgia [Mr. OVERSTREET] stated that a man not a member of the Rivers and Harbors Committee was not so well qualified to judge of the situation, and I concede that; but inasmuch as I would have occupied the position which the distinguished gentleman from New York, the chairman, now occupies if I had remained on the committee, I trust I have more than a superficial knowledge of it. For many hours I have talked on this floor against this kind of a proposition. What happened in this country to bring about the Budget bill has been emphasized by this river and harbor bill. I made the prediction at the time that every man with every project that came in would insist that his project should have what they are asking for, a part of this $15,000,000 more, or 50 per cent more than the Budget appropriation, and that it would destroy the effect of the Budget bill. The Budget bill was enacted because of the pork-barrel feature of the river and harbor bill. The gentleman from Minnesota spoke about the harbor of Duluth. We have the same harbor in my home State, Superior, which has 50,000,000 tons of freight, as he says, the second largest harbor in the United States. The Mississippi River flows 100 miles past my district, but do you know there is not a line of boats along the Mississippi River to-day from the upper part down to St. Louis, or down to the mouth of the river, except one boat line which is owned by this Government? You have spent a hundred million on the lower Mississippi River and have not got one boat with an 8-foot draft of water the year round. Why? The gentleman from St. Louis [Mr. NEWTON] gave the correct answer, because the railroads have driven them off.

Why didn't you stop it? I will tell you why and we all well know. St. Louis would object to forfeiting her special low rail rates, and so would Davenport and every other river point. My good friend from the interior of Iowa [Mr. DICKINSON] says he wants $2,000,000 for the upper Mississippi River. We have spent $30,000,000 for the upper Mississippi River, and we have not a boat line on it. It was driven off by the Burlington road on the one side and the Milwaukee road on the other years ago, and they will not raise their rates. Why? Because Davenport, St. Louis, St. Paul, and every city there that has privileged rates will not permit those rates to be raised. They would rather have the railway special low rates; that is the reason. Congress has spent something like $35,000,000 on the Missouri River, and there is not a boat line there. It was covered with

boats before a dollar was spent. Congress has spent a hundred million dollars on the lower Mississippi, and you have not a boat line. It was covered with boats before any money was spent.

Take the Kentucky River. You have spent $4,000,000 there of Government money, as I remember it, with not a boat line on it. No commerce. Take your whole inland river waterway system. It is a failure without commerce. Why? Because the railroads have driven the boats off from the river and it will never return until the people who live along those river towns are willing to permit the railway rates to be raised so that boats can be maintained. Not until then will we get any substantial inland waterway transportation.

I am in favor of contributing to every waterway that carries transportation, every one, no matter whether it is at Duluth or in New York, or wherever it is. You can not expect that with all this sad, expensive experience, with the Mississippi once covered with boats, with not one there to-day, you can not expect anything until you squarely meet the railroad situation, and you will not be able to meet it, because St. Louis and every other river town will come here demanding special rates they now have from railways as water competing points.

That is all, it seems to me, that I can touch upon at this time.

Mr. DENISON rose.

Mr. FREAR. Gentlemen who have been railway attorneys can not afford to charge other men with insincerity on this question, because we are surely as honest as anyone else.

Mr. DENISON. Is the gentleman in favor of the $27,500,000 that is appropriated in the bill?

Mr. FREAR. I am willing to follow the Budget estimates on that. Every dollar of the $150,000,000 that we have been putting into the Mississippi has been practically wasted, and that was recommended by the Army engineers, including General Beach and these other distinguished gentlemen that I have discussed on the floor time after time. I believe the committee report of $27,000,000 ought not to be raised $15,000,000, if we are sincere in our claims for economy.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DEMPSEY. Mr. Chairman, I yield one minute to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION. Mr. Chairman, the Congress formerly made separate appropriations for the improvement of each river to be improved in the United States. Some years ago the Congress adopted the policy placing the expenditures for the improvement of rivers and harbors of the whole country under the War Department, and a lump-sum appropriation has been made for several years for this purpose. The War Department determines how much money shall be expended on each of the various rivers and harbors which are subject to improvement.

The Committee on Military Affairs, having charge of this bill, recommends the sum of $27,000,000 for the improvement of rivers and harbors for the next fiscal year. One-half of this will be necessary for the maintenance and upkeep of improvements already made and the other one-half for construction on approved projects. The War Department engineers asked for $62,000,000, and have stated that the least amount with which they can get along is about $43,000,000. The amendment now before us proposes to increase the amount recommended by the committee $15,000,000, making the appropriation in all for the coming fiscal year about $43,000,000.

Cumberland River, which reaches six counties of my district, is one of the new projects approved by the War Department for improvement. Unless we give the War Department this additional $15,000,000 they can do no work on any of these new approved projects, and for that reason I strongly favor this amendment and strongly urge its adoption.

IMPROVEMENT OF CUMBERLAND RIVER NECESSARY.

The Cumberland River extends into and through Monroe, Cumberland, Clinton, Russell, Wayne, and Pulaski Counties. All of these counties are in my district. They have a population purely Anglo-Saxon, and this means that they are strong, intelligent, patriotic, and loyal Americans. These six counties are very rich in mineral and timber resources, and produce large quantities of corn, other grains, stock, vegetables, tobacco, hay, and fruits. With the exception of Pulaski County, there is no railroad touching either one of these counties. These counties have no means of transportation except over the highways and the Cumberland River.

Few of the highways have been improved, and we find one of the best sections of the Nation and one of the richest valleys of the Nation bottled up without adequate means of transportation to get its products to markets or for its people to get to other sections of the country. The engineers of the War Department have advised and reported that the Cumberland River ought to be improved. They state that it would be a good investment for the Government to improve it. The Kentucky Legislature recently enacted a law authorizing the fiscal courts of each one of these counties to indemnify the United States Government against loss by reason of lands being taken in the construction of locks and dams, landing places, and the overflow by reason of these locks and dams along this river, and I feel sure that these counties will all put themselves in an attitude to meet the requirements of the Federal Government in the improvement of this river. A number of locks have been built from Nashville on down, and Lock 21 has been built up near the head of the river. There are still about 9 or 10 locks and dams to be built, and when these locks and dams are built the Cumberland River will be navigable the year around from Burnside to the mouth.

BIG RAILROADS OPPOSED TO RIVER AND HIGHWAY IMPROVEMENT.

From what I have seen since I have been a Member of this House I am thoroughly convinced that the big railroad interests and lines of this country have been and are fighting against the improvement of the navigable rivers of this country. High transportation rates by the railroads, in my judgment, is the greatest drawback to prosperity in this country. These high rates have killed business. Transportation by water has always reduced railroad rates where they have been brought into competition, and just as soon as a river is improved the railroads gets busy and try to put it out of business. The improvement of the rivers of the country has had a great deal to do in keeping down railroad rates, and if the river improvement is kept up it will mean the saving of hundreds of millions of dollars to the American people. There has been complaint about the rates on the Cumberland River, but when these locks and dams are built and this becomes one of the great highways of the country, everyone will have the right to run boats on the river provided they meet the navigation rules and regulations for the protection of life and property, and when we have this competition and the river can be used throughout the year it will mean low rates on the Cumberland River. The Federal Government will have the authority to regulate these rates.

Another strong competitor in the field of transportation is the motor vehicle on the improved highways. In some sections where the highways are improved the motor vehicles are carrying nearly all of the freight and passengers except stone, coal, and other heavy commodities, and it is effecting great saving in time and money to the people. The great railroads of the country are jealous of the improvement of the highways of the country, and have begun to fight Federal aid for highways, but Federal aid for highways has become an established policy of our Government. No money appropriated from the Treasury means more to all the people than Federal aid for highways. Some people think the improvement of the rivers will affect the improvement of the highways. River improvement has nothing to do with the cutting down of highway improvement. Of course, I am not opposed to the railroads. We need the railroads. We must have the railroads, but I want to see the navigable rivers improved where it is necessary, and the public highways improved in every county of the United States with the rivers, highways, and railroads cooperating together to give to the American people the best transportation at the least possible cost. I strongly urge every Member of this House to support this amendment.

[NOTE: The $15,000,000 amendment was adopted by an overwhelming vote.]

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Chairman, for a good many years we have been carrying on in a regular and orderly way the improvement of rivers and harbors. This year the local engineers were directed to submit the most economical estimates they could make, moneys which could be profitably expended during the next fiscal year. Their estimate amounted to about $62,000,000. The Chief of Engineers, in an effort to reduce appropriations and expenditures, cut that down to about $42,000,000. The Director of the Budget reduced that amount to $27,000,000.

The Committee on Appropriations, having announced at the beginning of this session that it would not be their policy in any case to recommend an appropriation over that recommended by the Director of the Budget, has recommended the $27,000,000. Gentlemen have suggested in the House here that we are bound by the action of the Director of the Budget. If I were going to relieve myself of individual responsibility as to appropriations, I do not know of anyone to whom I would rather transfer that responsibility than to Charles G. Dawes, the Director of the Budget, or to my esteemed colleague, the chairman of the Committee on Appropriations; but I have never supposed that the recommendation of the Budget Bureau, acting hastily without much information, was to be considered as binding on Congress. [Applause.] What does the Director of the Budget or the Budget Bureau know about appropriations in respect to rivers and harbors? They know nothing about the improvements there—not half as much as the Members of this House, who have been studying the subject of the improvement of rivers and harbors for years, before anybody connected with the Bureau of the Budget knew there was such a thing as a river or a harbor. I think we can wisely cut off many of the appropriations that we can do without. Our esteemed Committee on Appropriations has not found it desirable to follow recommendations of the Budget Bureau as to the Army items. I am glad the committee reported as they did. I admire the course of the Republican leaders in standing by the Committee on Appropriations; but, after all, I have not as yet resigned as a Member of the House, nor have I resigned my responsibilities as a Member of the House. [Applause.] There are some gentlemen who have talked here to-day as though they were mere noneutities. Granted. [Laughter.] That does not bind us all. We have our own responsibilities, and it is our duty, in my judgment, to continue the course of the Government in gradually developing this great natural resource of the country in its rivers and harbors. It is the great test as to the railroad rates. Whether there be a pound of freight carried on a particular river, the fact that that river is navigable reduces the railroad rates in competition. [Applause.] It is the greatest factor in the reduction of railroad rates that this country has ever had. I am in favor of keeping it up and accepting the amendment of the gentleman from New York. [Applause.]

Mr. STAFFORD. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman has 16 minutes remaining.

Mr. STAFFORD. Then, I ask the privilege of the House of using those 16 minutes.

I rise to attempt to justify the appropriation recommended by the subcommittee that has charge of the War Department appropriation bill. The figure reported to the House is $27,635,260. I understand from the testimony given before the committee that the Budget originally recommended an appropriation of about $13,000,000. That appropriation was predicated upon the idea that as last year the Congress appropriated but $15,000,000 and the year before $13,000,000, the Bureau of the Budget would recommend about the same amount that had been appropriated the two years before. The attention of the Committee on the Budget was called to the error that they had proceeded upon in arriving at the estimate of $13,000,000, and after a conference with the chairman and other members of the Committee on Rivers and Harbors, with the Chief of Engineers and the Assistant Chief of Engineers, and with the representative of the Budget Bureau of the War Department, the amount was agreed upon by the Rivers and Harbors Committee of this House without any representation in that conference from the Committee on Appropriations, at $27,635,260, which your subcommittee approved and reported to this House.

The Committee on Rivers and Harbors comes in here now and proposes to increase that to $42,815,661, $250,000 more than what the district engineers ask for—and I ask special attention of those Members on the floor who claim the subcommittee has not given sufficient attention to this proposal, and that only one committee, the legislative committee, has—that they have increased the amount $250,000 more than the Chief of Engineers recommended, for in the total amount of $42,815,661 is included an item of $250,000 for surveys which the committee includes in the item following in the bill. So that the amount, if you are going to grant all that the Chief of Engineers asked for, should certainly be reduced to the extent of $250,000.

Again, there has been reported from the Committee on Rivers and Harbors a bill for new projects aggregating in the total amount $31,000,000 and which is now on the calendar. There is no disposition on the part of the Committee on Appropriations to take away jurisdiction from the Committee on Rivers and Harbors, but in that report, which is going to be acted upon—and, bear in mind, gentlemen, that this amount you are appropriating here will not be available for any new projects—there is going to be expended on new projects expected to be authorized at this present session a total authorization of more than $31,000,000. There is included in that bill an authorization for six seagoing barges, aggregating $4,500,000. In the estimate of $42,815,661 which you are asked to vote now there is included an item for these same barges, only not six but four, of $3,000,000. We are providing an authorization in the river and harbor bill for $4,500,000 for six seagoing barges and in that estimate of $42,815,000 there is included an item of some $3,000,000 for four barges, so that the $42,000,000, instead of being reduced only $250,000, should be further reduced by $3,000,000, or making the total available for river and harbor projects $39,565,661. Now, what is the testimony before the Committee on Appropriations and the Committee on Rivers and Harbors? I have in my hand here the respective testimony before both committees. The testimony on these estimates that are now before you for consideration before the Rivers and Harbors Committee comprised 54 pages of closely printed type, or 100 pages. The testimony on these same identical projects before the Committee on Appropriations in larger type comprise 200 pages, and there is much testimony before the Appropriations Committee that is not found at all in the hearings before the Rivers and Harbors Committee. Here we find $39,565,000 is the total amount that can be used by the Chief of Engineers, exclusive of the survey item of $250,000, which is otherwise appropriated for, and $3,000,000 for dredges, which are specifically authorized in another bill.

Now, let us get down to the condition of the existing moneys available for this work. All river and harbor appropriations are available until expended, and this item we are appropriating here continues that policy of making the amount available until expended. On December 1, 1921, there were $28,224,000 unexpended; $9,774,000 of that was under contract, leaving $18,500,000 unobligated.

On March 1, this year, as General Taylor, Assistant Chief of Engineers, told me on Saturday last, after a lapse of three months, there were $15,584,000 available, and that there will be $10,000,000 available at the end of this fiscal year. Now, if there are $15,000,000 available and we appropriate $27,635,000, and this talk about two and a half millions every month is confounded by the facts, because if he had $18,000,000 available and unobligated on December 1 and now has $15,000,000 on March 1, there have only been $3,000,000 used in the three months, or an average of about $1,000,000 a month, so he will have available at the end of this year $37,000,000. Now, what has been the average expenditure during the past 10 years? I have them listed, taken from the testimony. The total for the last 10 years, gross amount, is $310,271,000, or an average of $31,000,000 a year. The Chief of Engineers or the assistant chief went into a detail exposition of these various items.

There has been so much loose talk presented here in debate that it is hard to answer all of it. Gentlemen from the interior of the country say that there is no appropriation intended to improve interior rivers. But let me call to your attention this: Of the $39,565,000 that is proposed for river and harbor improvements, for the Ohio River, $5,000,000; for the Mississippi, the upper and lower above St. Louis $2,000,000, below $1,000,000, making $3,000,000; Allegheny, $900,000, making a total of $8,900,000. Now, it is estimated that there will be expended, as in the past, about $11,000,000 for maintenance. They have available at the end of the year $10,000,000 and we are appropriating $27,000,000, and there will be all told $37,000,000, or $6,000,000 more than the average expended in 10 years past, and it is within $2,000,000 of the total amount that the Chief of Engineers asked should be expended, and in that amount there are included items which are not pressing in character. For instance, there is an appropriation for continuing——

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. STAFFORD. In just one minute.

Mr. DEMPSEY. A very brief one.

Mr. STAFFORD. For continuing the improvement of the Delaware River and Chesapeake Canal, that relic that Congress purchased for some two million and odd dollars connecting the Delaware River with the Chesapeake, and it is now estimated it will require $13,000,000 to put it in condition. That is a project that can well be postponed. No additional traffic will develop, because, instead of having a lock type, two locks, they are proceeding on the plan of having an even-water canal.

Mr. DEMPSEY. Does the gentleman know that his own home city of Milwaukee expects to spend from municipal funds $10,000,000 for the improvement of its harbor, and that other municipalities throughout the country are spending similar amounts, hundreds of millions of dollars, where the Government is spending none?

Mr. STAFFORD. The gentleman can not embarrass me by quoting Milwaukee. Why, the gentleman speaks about an appropriation for that city and wishes to divert my attention from the real proposition before the House. There is included in a bill on the calendar an appropriation for new projects in which the city of Milwaukee will cooperate to the extent of millions of dollars, in which an authorization is made for $4,000,000 for a project at my home city, but not one cent of this money will be available for that project, and the gentleman from New York, if he knows anything, knows that not a cent of this money will be available for the project. The estimate for this year's work at Milwaukee is but $64,000, and that is for maintenance. That is one of my arguments for the House

not going beyond the amount reported by this committee, for the reason that if this bill for new projects is adopted into law it will call for additional appropriations of eight or ten millions of dollars. This money is to be used exclusively in those projects that have been heretofore authorized, and you may expect, gentlemen, if that bill passes, as it is the intention to pass it, authorizing these new projects, including new projects as a general policy, that are more worthy than many that have heretofore been authorized, you will be called on not only to appropriate this $27,000,000 but $8,000,000 or $10,000,000 more. In regard to the Milwaukee project, with which I am familiar, although $4,000,000 is to be authorized to be expended, nevertheless there will be needed next year only something like two or three hundred thousand dollars. That is a matter on which there has been no testimony, not even before the Committee on Rivers and Harbors, as to how much is necessary at the present time to carry on the work on these new projects.

Mr. KING. Do I understand the gentleman to say if this amendment passes the gentleman from New York [Mr. DEMPSEY] will present an additional amendment such as the bill reported in by his committee in March, 1920?

Mr. STAFFORD. It would not be in order. It has never been heard of to vote money for projects not heretofore authorized. I am in hearty sympathy in providing in another bill for the new projects that have been recommended, but it is not in order.

Mr. KING. If it was in order, does not the law as to the Mississippi River prevent dredging of any harbors?

Mr. STAFFORD. You would conclude from some of the speeches made that we are placing a provision in this bill forbidding navigation on the Mississippi River, but the testimony is uncontroverted that what is needed to increase traffic are barges. They have the required depth of water. What is necessary is to have barges with which to carry the freight.

The gentleman from New York [Mr. DEMPSEY] should be more careful in his statements, occupying the position of chairman of the Rivers and Harbors Committee, than to indulge in loose talk by saying that Milwaukee would be able to spend the local funds appropriated by the municipality in cooperation with the National Government if this appropriation is increased. Such is not the fact, and he is likewise about ninety millions away from the mark when he says municipalities are spending hundreds of millions of dollars where the Government is spending none. If you will scan these estimates you will see that the committee, with the available money that is on hand, in recommending $27,635,280 has done full justice to every existing project.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment of the gentleman from New York [Mr. DEMPSEY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DEMPSEY. Division, Mr. Chairman.

The committee divided; and there were—yeas 158, noes 54.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sacramento River, Calif., $400,000.

Mr. BURTON. Mr. Chairman, I move to strike out the last word.

The vote just taken shows the dangerous effect of appropriating for rivers and harbors by lump sums. Every Member of this House who has a project—old, new, or in contemplation; good, bad, or indifferent—thinks he must vote for increasing the amount, because he will have his share. Wait until you see the apportionment made by the Engineer Corps. I do not find fault with their wisdom. I have often praised them, and I always defend them. The proper prerogative of this body is to take up a river and harbor bill item by item, and we will not return to an orderly or salutary method of procedure until we do that. When the bill is before us, let us consider the different methods of transportation—by rail, by water, by deep-water navigation, by shallow-water navigation, and by automobile truck. We are sure to make a mistake until we return to the former method, considering present-day conditions, first passing upon a general policy and next upon these specific projects.

It has been stated that I was chairman of the committee when some $170,000,000 was appropriated for rivers. Maybe that is so. A considerable share of that was for the Mississippi River, which everybody believes in keeping open, because it is the great river of the country. A good share of it was for the Delaware or other similar streams on which are great ports like Philadelphia, which have deep-water connection with the sea, and I do not disagree with a reasonable amount of appropriation for shallow streams, but, as a general fact, they are obsolete in the general transportation system of this country. The principal objection lies against those streams which are improved by locks and dams. It used to be an argument here that when there was a railroad costing ten millions paralleling a river, that we ought to spend millions for improving that river, though never intended for navigation, just to make the railroad fix proper rates and behave itself. In earlier days the shallow rivers had their proper sphere, floating logs, with other kinds of navigation, but with the development of the railway and other transportation methods, as, for example, motor trucks, and so forth, those methods have been superseded.

I was interested in the argument of my good friend from Iowa [Mr. DICKINSON] in his remarks favoring the improvement of the upper Mississippi River.

I have been over that stretch of the river many times. I do not think anyone can maintain that in such recommendations as I made I was not generous to that upper stretch of the river. I hoped for results, but let me say to this committee that that is an impossible proposition as a method of transportation. In the first place, what you ship from Iowa is largely in the form of hogs. But suppose you consider the shipment of grain. Except on the banks of the river you can never utilize that river as a means of shipping out your grain. When you come from the interior you are within 130 or 150 or 180 miles of Chicago, and do you think a shipper is going to unload his freight car, put his grain on these boats, more or less leaky, insure his grain, and ship it on to New Orleans when he can send it so easily in the same car to Chicago? To consider that proposition is to show that it borders on absurdity.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. DENISON. Does not the gentleman from Ohio know that the States that are not bordering on the river and communities not bordering on the river will be benefited practically as much as the river cities by river transportation? For instance, Kansas and Nebraska, since we have enacted legislation securing joint traffic rates between rail and river transportation, are now getting the benefit of water transportation just as the river cities do?

Mr. BURTON. I can not answer that question in the brief time allotted to me.

Mr. DENISON. The facts show it.

Mr. BURTON. No; they do not. They must pay higher rates in the interior because of the cheaper rates on lines competing with waterways.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. KNUTSON. Would it not be possible to develop water transportation on the Mississippi in very much the same way as it has been developed on the Rhine?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BURTON. May I ask unanimous consent for five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BURTON. I have heard that argument of my good friend from Minnesota many times. I have been on the Rhine many times. I have been on it when it was so crowded that a passenger boat could scarcely navigate. It is the greatest inland waterway in the world.

Now, what is the difference between the Rhine and the Mississippi? In the first place, the height of the water the year round is practically uniform on the Rhine. You do not have the difficulty that you have on the Ohio and the Mississippi in the oscillation, causing a difference in levels and varying at times in some places as much as 70 feet. You can not locate your warehouse on the Ohio and on the Mississippi as you can on the Rhine. In the next place, the Rhine is fed by the melting of snow and ice in the Alps. In summer seasons when other waterways are lowered by drought the waters of the Rhine are blue, like those of the ocean, from the melting of the snow. In the next place, the railways running on both banks, in comparison with ours, are like pony railroads, with small cars, not carrying large quantities of freight. In the next place, grain is needed and articles of manufacture and raw materials all along the Rhine, which is the great workshop of Germany. Four-fifths and more of the heavy traffic handled in Germany is right near the banks of the Rhine.

Now, you have the Mississippi River oscillating in depth and size, sometimes flooded, with no wharves; on its banks railroads highly equipped, able to carry the freight. I noticed at one

time an estimate that showed with great solemnity that you could ship freight from St. Paul by boat at 60 per cent of the railroad rate. But the statistics did not show that any freight was shipped. Why not? Because the railroad was so much quicker, and so much more convenient, and so much more secure for the traffic that was sent; so even with that differential of nearly 40 per cent, it did not cause traffic to go on the river.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. MONDELL. Should we not also consider the disposition, habits, and customs of the country? Do they not have much to do with it?

Mr. BURTON. Yes. I mentioned that this morning. People are in the habit of shipping their freight by rail. In Memphis in time of deep water there was not a single bale of cotton shipped by the river. In case of rail transportation the bills of lading can be taken and negotiated at the bank, whereas if you ship by river you would have to consider the uncertain chances of the time it would reach seaboard, and you would have to insure your cargo and assume all the uncertainties of a river voyage.

I do not mean to say that I am entirely opposed to inland waterways. I trust I may file with my remarks a classification of some that are useful. I may say to the gentleman from Minnesota that I favored locks between Minneapolis and St. Paul years ago, and thought at that time it would be of great benefit to both cities; but I do not know how many tons of freight go through those locks. Can the gentleman tell me?

Mr. KNUTSON. I have not looked into that.

Mr. BURTON. I am afraid if you did you would find the results very disappointing.

Mr. KNUTSON. When the gentleman speaks of the difference in the water levels on the Mississippi River and on the Rhine, could not the height of water be made uniform by a system of reservoirs?

Mr. BURTON. Oh, there you would find that the ground you would have to utilize for your reservoirs would be a good share of the State of Minnesota, and before you got through with it you would find it a very impracticable and unprofitable scheme.

Mr. DENISON. Applying the principles that the gentleman has just practically stated, I am interested to know whether the gentleman from Ohio is in favor of or opposed to the St. Lawrence and Great Lakes proposition?

Mr. BURTON. That is a different proposition. That is deep-water navigation.

Mr. DENISON. By process of canals, and all that?

Mr. BURTON. Yes.

Mr. DENISON. So I think the gentleman is in favor of that.

Mr. BURTON. If it proves practicable, as I am very sure it will.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MANN. Mr. Chairman, I do not think that a statement made by the distinguished gentleman from Ohio [Mr. BURTON] just now ought to go unnoticed.

The gentleman from Ohio [Mr. BURTON] said he was opposed to a lump-sum appropriation for rivers and harbors, like that carried in this bill, because it had a tendency to induce all the Members of the House who desired bad improvements made, or improvements of doubtful value, to join a combination in a raid on the Treasury; the inference to any person reading the statement being that under this provision of the lump-sum appropriation the engineers distribute the money where Members of Congress ask for it without any authorization by Congress for the improvement. And yet the distinguished gentleman from Ohio knows—I was going to say he ought to know, but he knows—that not a dollar of this money can be expended except for an improvement which has been heretofore specifically authorized by Congress in bills that did not make lump-sum appropriations but in bills specially identifying the projects; and the larger share of those projects, I believe, were authorized when the distinguished gentleman from Ohio [Mr. BURTON] was either the chairman of the Committee on Rivers and Harbors in the House or a member of the Committee on Commerce of the Senate which authorized the projects.

Mr. BURTON. Will the gentleman yield for a question?

Mr. MANN. Oh, I will yield to the gentleman for anything.

Mr. BURTON. I think I must correct the gentleman on that. There were a number of projects that were put off the map in the time when I was chairman that I regret to say have since been brought into the list. Now I want to ask the gentleman a question. Does not the gentleman from Illinois realize that among the projects recommended and which have been adopted by the Congress there are those of very unequal merit?

Mr. MANN. That was particularly true while my distinguished friend was chairman of the Committee on Rivers and Harbors. [Laughter.]

Mr. BURTON. I must differ with the gentleman.

Mr. MANN. Yes; of course, the gentleman does not agree to that. He is interested, while I am a disinterested observer. [Laughter.]

Mr. BURTON. I think the gentleman from Illinois will recall that whenever I brought in a bill he voted for it and gave his cordial approval to it. He was particularly interested in the Calumet River and some other projects.

Mr. MANN. Oh, the Calumet River was taken care of before the gentleman from Ohio was chairman of the Committee on Rivers and Harbors.

Mr. BURTON. Oh, no; the gentleman is in error about that.

Mr. MANN. Well, I am not. It was in my first term in Congress. That was the first thing I did when I came here. I accomplished it in my first term.

Mr. BURTON. I was chairman of the committee, I think, before the gentleman from Illinois ever came to this Congress. When did he come to this Congress?

Mr. MANN. Long before the gentleman from Ohio was chairman of the committee. [Laughter.]

Mr. BURTON. I do not think so, I think the gentleman is wrong on his dates.

Mr. MANN. Well, I am not. I was elected in 1896. Was the gentleman chairman of that committee then?

Mr. BURTON. I was then a member of the committee and later chairman of it—in 1898.

Mr. MANN. He was not then chairman. Of course, that has nothing to do with the question, and I do not care to be diverted from the point I am making. The gentleman tried to give the inference to the country that there was a combination of rascals in the House seeking to put over bad projects in a lump-sum appropriation when the fact is that no money can be expended on any project under this bill without having first been specifically authorized in a bill of the kind which he prefers, setting out item by item the authorized projects; and I think the country ought to know that. [Applause.]

Mr. MONDELL. Mr. Chairman, I try to be philosophical, though it is a little difficult at times, and this is one of the times, since the vote increasing the river and harbor appropriation. The gentleman from Illinois [Mr. MANN] just reminded us that no matter how much the lump-sum appropriation was increased the moneys could not be utilized except on approved projects. May I ask the gentleman from Wisconsin [Mr. STAFFORD], a member of the subcommittee, how many approved projects there are?

Mr. STAFFORD. There are 500, only 200 of which are considered by the Chief of Engineers as worthy of work at the present time.

Mr. MONDELL. There are 500 projects, and if you raise the appropriation high enough one may have some hope to have some money spent on almost any one of them, including the 200 or 300 that do not even meet the commendation of the Chief of Engineers, including those they have condemned as utterly unworthy. If the appropriation be raised high enough—I would not want to say that any man voted here on that theory—if the appropriation is made high enough, and the Chief of Engineers is sufficiently urged, the hope brightens and may burgeon into fruition that even the most unworthy of the projects may have a slight amount allotted to it.

Mr. MANN. The gentleman is not talking about irrigation projects, is he? [Laughter.]

Mr. MONDELL. No irrigation project built in the United States up to this time has ever taken money out of the pockets of the taxpayers of the United States. The money that is used for irrigation projects comes from the sale of public lands and their resources, and no penny of it has ever come out of the pocket of a taxpayer. And nevertheless and notwithstanding, I am, of course, favorable to work of that character to be paid for out of the funds provided for that purpose, and I am also for river and harbor appropriations and always have been, and always have voted for river and harbor bills, I think, with one exception.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Texas.

Mr. GARNER. Do I understand the gentleman to say that he is not in favor of appropriating, out of the Federal Treasury, supplemental funds with reference to irrigation?

Mr. MONDELL. There was an appropriation made under a bill I introduced as a loan to the reclamation fund, which is being repaid.

Mr. GARNER. I understand; but does the gentleman take the position that he is opposed to making a direct appropria-

tion for the purpose of supplementing this fund in the form of a loan of, say, $100,000,000 or $200,000,000?

Mr. MONDELL. I have not advocated that at this time.

Mr. GARNER. I am asking the gentleman if he is opposed to it. That is the main thing, because the Republican platform advocates it.

Mr. MONDELL. I will discuss that matter when we reach it. I am in favor of reclamation and of river and harbor work.

The fact is that there are 500 river and harbor projects in the United States on which the funds voted here might be used, and there are naturally a great many congressional districts where those funds might be used. It has been suggested to me by a gentleman that the vote that has just been taken, overturning the Budget, reversing our practice and policy of economy, is really voicing a protest against high freight rates. If that is what it was, it seems to me that the gentlemen have not very carefully figured out the effect of river improvements on freight rates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. As I have frequently said, I believe in river improvement. I also believe in low railway rates. We must have low rates if we are to have prosperity. The American people will not use the inland streams as the European people do, because they are too impatient, too anxious to receive cash for their products; when it is delivered to the railroad they are too impatient to have done with the transaction and avoid all the delays and vexations frequently encountered in the use of the waterways. But if we keep improving the waterways we may eventually accustom the people to that kind of transportation, and I hope we may.

In the matter of freight rates, what is the effect? Still insisting that I am favorable to the improvement of rivers and waterways in the hope that our people may become accustomed to use them, what happens is this: When there is an improvement of one of our large rivers making water transportation possible, every community along the river insists that the railway transportation rates be made as cheap as the water rates, and such a rate is frequently granted to a point below the actual cost of carrying the goods, and the surrounding country pays the difference. That is what has occurred whenever we cheapen our water transportation so that it invades and curtails and shortens the business of the railroads. Until we stop doing that we shall get very little benefit out of our appropriations for river improvement. The country that I represent, the country that most of you gentlemen represent, is not only helping to pay for the improvement but helping to pay for the loss on the transportation along the river banks. [Applause.]

Some of the gentlemen from the territory where the rates are so high as to leave no margin of profit to the producer should not be carried away with the idea that in making these improvements they are securing lower rates. If the effect continues to be as in the past, it increases the rate at every interior point. That ought to be cured in the matter of transportation. I believe we should go on in the meantime in a reasonable way with river improvements. The mistake that the House has made today, as I see it, is the mistake of being carried away by local influences in voting for appropriations above those that are justified, and it will be difficult for those who voted for the increase to find an excuse when asked by their people what they did in the upholding and maintaining of economy and the principle of the Budget. [Applause.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto close in 10 minutes.

Mr. BANKHEAD. Reserving the right to object, are we going to have any more post-mortems on this last amendment?

Mr. STAFFORD. I am trying to bring the post-mortems to a close.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. BANKHEAD. Why not close it now?

Mr. STAFFORD. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. DENISON. Mr. Chairman and gentlemen, the gentleman from Ohio [Mr. BURTON] made a statement which seems to me almost incredible, and especially so coming from the gentleman from Ohio. His statement was in effect that river transportation will only benefit in the main those communities which are on the river. Now, no doubt the gentleman from Ohio has in mind conditions that existed in former years when there was no law compelling the railroads to make joint freight rates and joint traffic arrangements, but in the transportation act of 1920, after the most careful consideration, Congress enacted a provision giving the Interstate Commerce Commission authority to compel the railroads to grant joint rail and water rates and joint traffic arrangements. Not only that, but the commission was given power to compel the railroads to help build joint terminal facilities for the transfer of freight from the railroads to the boats and vice versa, so that shippers can make through shipments from one system of transportation to the other. The result is that if the time shall only come when the Interstate Commerce Commission shall grant a fair rate division between the boats and the railroads, the whole central western part of the United States will benefit by the transportation on the Mississippi River, and the same is true of other rivers.

Mr. BURTON. Will the gentleman yield?

Mr. DENISON. I will yield for a question.

Mr. BURTON. Does not the gentleman know that there has been a revolution in all traffic, that now haulage relatively is much less expensive than formerly, and that the terminal charges, loading and unloading, cost very much more, and that it is only in very exceptional cases that it is worth while in a through rate to unload freight from a boat upon the wharf and then load again? And then another question: Has anything been done under the act of 1920?

Mr. DENISON. In answer to that question I will point out wherein the gentleman from Ohio has fallen into error. He is still possessed of certain ideas and theories which he had many years ago and which the changed conditions do not justify. Splendid terminals have been built at St. Louis, East St. Louis, Cairo, Memphis, and other cities, and thousands of tons of freight have been coming from Kansas, Nebraska, the Dakotas, Indiana, and other States to those cities for transfer to the barge line in order to take advantage of the low freight rate down the Mississippi River. Joint rates are now made. Through shipments are being made by rail and river to every part of the world. The barge line can not accommodate all the freight that is offered. It is being offered faster than we can furnish boats to carry it. That is the answer to the question.

Mr. BURTON. Will the gentleman tell how many tons have been transferred in that way?

Mr. DENISON. Much more than there are boats to carry them.

Mr. CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KING. Mr. Chairman, the people of the Middle West, and indeed the entire country, are interested in everything pertaining to the improvement of the Mississippi River, and are therefore particularly concerned in any project looking toward the betterment of the harbor at Quincy, Ill., and that arm of the river known as Quincy Bay.

With the coming revival of commerce on the great "Father of Waters," the importance of Quincy, its harbor and bay, to the great benefit of navigation and trade upon the entire Mississippi River and its tributaries can not be overestimated.

Therefore it is with great pleasure that I urge upon the Congress the early reviving and resumption of one of the oldest and most utilitarian projects proposed and designed to aid the prosperity of the Mississippi Valley and its wide adjacencies.

From Galena to Cairo the great river bends like a silver bow about the western side of Illinois, rounding a distance of some 400 miles. At the middle of this great bow and recognizable for miles rises from her beautiful bluffs, 160 feet high, the industrious city of Quincy with its 40,000 inhabitants, ample and high-grade labor, alert and honest men of business and professional life, factories the products of which render her the largest manufacturing and freight tonnage producer between Chicago and Kansas City and St. Louis and St. Paul, excellent climate, first-class schools, colleges, churches, and hospitals, and an extensive and celebrated park system; 42 per cent of the heads of families owning their own homes; surrounded by a rich country in which dwell 210,000 urban inhabitants; within a radius of 75 miles a total population of nearly a million; miles of concrete roads radiating from the city and reaching these fertile fields; all of which fully equips the city of Quincy to rapidly become, when the great river wakes from its lethargy, as it is about to do, with a magnificent harbor and bay at her feet, the greatest center of inland-waterway commerce in the Middle West.

On the 1st day of June, 1878, in the rivers and harbors act, Congress directed the Secretary of War, at his discretion, to cause examinations or surveys, or both, and estimates of costs of improvements to be made at "the harbor at Quincy, Ill." (See vol. 20, U. S. Stat. L., 45th Cong., pp. 160-161.)

Later, on January 13, 1879, F. U. Farquhar, major of Engineers, reported under the authority of the above act to Brig. Gen. A. A. Humphreys, Chief of Engineers, United States Army, the result of his survey, accompanied by tracings, pursuant to a letter of instructions to him from General Humphreys, dated July 6, 1878. (See vol. 4, Ex. Docs., 2d sess., 46th Cong., 1879-80, p. 1130; also printed as a part of S. Ex. Doc. No. 53. See vol. 4, S. Docs., 45th Cong., 3d sess., p. 2, from which the following excerpt of facts appear:)

Quincy Harbor consists of the Mississippi River in front of the city of Quincy, Ill., and Quincy Bay, which is the lower end of a slough formed by part of an old bed of the Mississippi.

After recommending plans for deepening the water of the harbor at an expense of some $26,236.25, the report describes Quincy Bay in 1879 as a part of said river bed, extending along the foot of the high bluff above Quincy for about 3½ miles, Bear Creek emptying into the upper end—also having a connection by a slough with the Mississippi River above—with a width of from 200 to 700 feet, a depth of water at lowest stage of from 2 to more than 20 feet, and 4,000 feet above its mouth crossed by a railroad bridge with pivot draw, two openings of 80 feet in the clear.

In years gone by—

Before the lower end of the bay filled up—

it was used as a winter harbor for steamboats, but areas of water over 4½ feet deep at lowest stage—in winter—were so small that the harbor is not now used at all. A dredging proposition was advanced and recommended according to tracings dividing the area into sections A, B, and C to a depth of 6 feet at low water, with a width of 400 feet; sections D and E to same depth and a width of 600 feet; and areas F, G, and H to reach the deep water above.

This dredging when finished will make a harbor of 90 acres—680,000 cubic yards of dredging at 25 cents per cubic yard to cost $170,000. Dredging to be done gradually, first through the whole length 100 feet in width, and afterwards widening it to the widths specified.

The bank of the island near the mouth of the bay was to be protected by riprap both on bay and river side and at other points at a cost of $27,500.

Recapitulation.

Spur dams on Mississippi River	$26,236.25
Dredging in bay	170,000.00
Shore protection of riprap	7,500.00
	203,736.25
Add 10 per cent for contingencies	20,373.62
	224,109.87

Much needed as a winter harbor for vessels and will increase commerce and manufactures of Quincy.

Twenty thousand dollars was appropriated for the project in the rivers and harbors act approved March 3, 1879 (see vol. 20, Rev. Stat., 45th Cong., 3d sess., p. 372) and this was followed by other appropriations up to 1896. Since that time allotments have been made from the general appropriation to keep up a "sufficiently" large and deep area in the lower bay for use as a winter harbor. (Report G. M. Hoffman, major, Corps of Engineers, Apr. 20, 1915.)

The original project of dredging was never completed to a depth of more than 4½ feet instead of 6 feet. (See Report Chief of Engineers, 1883, p. 1425. Map.)

In 1885 Congress provided for the examination of the mouth of Whipple Creek (see Report Chief of Engineers for 1885, p. 1717, vol. 27, House Ex. Doc. No. 84, 48th Cong., 2d sess.) with a view of the "removal of the bar and obstructions at and near the mouth of Whipple Creek," which resulted in a report by Maj. A. Mackenzie, holding that "Quincy Bay is undoubtedly worthy of improvement," but that removing such bar and obstructions is of local rather than general importance and that the project of 1878 will furnish a sufficient winter harbor.

Eighty-one thousand cubic yards were excavated on Whipple Creek Bar to deepen the passage to the upper bay in 1885, under the direction of the Mississippi River Commission. In 1891 Major Ruffner recommended a retaining levee or bulkhead to keep said creek from continually pouring its débris into the narrows and choking up the passage.

The rivers and harbors act of July 13, 1892, authorized and appropriated funds with which the bulkhead was built in 1893, when 18,000 cubic yards were dredged from the narrows outside the bulkhead, which prevented for a number of years the filling of the passage at every rainstorm and until the space inclosed had been completely filled and the bulkhead itself broken in several places. In 1895-1899 further repairs of the bulkhead were made, additional dredging in the upper bay passage being done.

The rivers and harbors act of June 13, 1902, provided for an examination and survey of Quincy Harbor and Bay, and a report—December 9, 1902—thereon by Capt. C. McDonald, Corps of Engineers (see H. Doc. No. 112, 58th Cong., 2d sess.), showed that of the authorized expenditure of $170,000 by the 1878 project $150,000 had been spent; that seven surveys of the bay had been made, the last in 1895; that the accretions in Quincy Bay have reduced the area available as an ice harbor from about 80 acres to about 57 acres, namely, to the space inclosed by the harbor lines between the two railroad bridges; that there is a gradual shelving of the entire area to be apprehended; recommends that area opposite Broadway sewer be dredged to a depth of 6 feet at low water—balance available should be reserved for dredging the bay.

Major Hoffman regards this report as a virtual abandonment of the upper bay and the narrows, yet it seems to me that the original project authorized in 1878 still stands intact. Additional dredging was done in the lower bay in 1910, 1911, and 1913. The Indian Grave levee district, organized in 1879, in 1881 built a levee across the head of the bay. Prior to its construction Bear Creek made a current in Quincy Bay even at medium stages and had a good effect. (See Hoffman report above referred to.) Maj. C. S. Riche reports, 1908-9, the abandonment of the upper bay by the district office some years ago. In 1910 Maj. C. Keeler, district office, June 10, 1910, joins said abandonment. Maj. M. G. Hoffman, November 15, 1913, in a résumé, abandons the upper bay. He says:

The attempt to maintain a suitable depth in the upper bay was abandoned many years ago, for the reason of the great cost of maintenance, lack of commercial value, and the belief that the lower bay is sufficiently commodious for present purposes.

He adds, and his report is the latest available—

It has always been intended to keep the lower bay redredged and in suitable condition to be used as a winter harbor.

Willow Slough connects the bay with the Mississippi, and the rivers and harbors act of September, 1890, provided for an examination as to the advisability of reopening the slough, or some other channel from the river to the bay. Major Ruffner, making the report under this authority (House Ex. Doc. No. 264, 51st Cong., 2d sess.), said the slough is low and flat, 2¼ miles long when the gauge reads about 5 feet above low-water mark. Its mouth is about 1,000 feet above the harbor-line limits as recently established. Ruffner reported against the advisability of the proposal, as did a board of engineers reporting February 18, 1891.

Again, in the rivers and harbors act of March 3, 1899, another examination was authorized, this time "with a view to preventing the filling up of Quincy Bay by sediment carried by the river in times of high water." Under this authority Captain Townsend reported (House Doc. No. 38, 56th Cong., 1st sess.) April 4, 1899, that the river here carried but little matter in suspension and that the amount dropped into the bay thereby "is hardly appreciable." Townsend reports against the proposal. Major Hoffman in his report said that to open and maintain the slough to prevent such small deposits as it may bring into the bay it would be necessary to construct and maintain a 12-foot levee along the bay shore a distance of 1½ miles.

Major Hoffman, in his final report on Quincy Bay and Willow Slough, concurs with Ruffner and Townsend and recommends that no further dredging or otherwise be made in the bay above the old bridge at the Narrows or at Willow Slough, the bay between the bridges to be maintained as heretofore. Concurred in April 20, 1915, C. McD. Townsend, colonel, Corps of Engineers. Reviewed and affirmed by Board of Engineers for Rivers and Harbors June 15, 1915.

Mr. Chairman, in the judgment of a layman, based upon all the foregoing data and a personal examination, it seems to be patent that what the upper bay needs most of all is dredging and water.

The supply of water has been diminished no doubt through the years by reason of a number of causes, principally, however, by the closing of Bear Creek by the Indian Grave levee and the filling up by débris and willows in Willow Slough. The expenditure of a single cent in making a reexamination with a view of keeping river sediment from passing through the slough into the bay is ridiculous. It was a waste of money to do so, and the suggestion, based on such foolishness, that a 12-foot levee 1½ miles in length would be necessary was nothing more than a fanciful remedy for a fanciful disease.

Mr. Chairman, a project should be authorized by this Congress to complete the original plan of 1878 to dredge the 90 acres provided for in that project. In addition the débris at Cedar Creek should be removed, thus widening the narrows. The practical thing to do—and this is likewise the opinion of Mr. Enoch R. Chatten, C. E.—is to provide at an early date for the authorization by this Congress of an examination and survey with a view to keeping upper Quincy Bay open by cut-

ting a channel from the river to the bay above the narrows, beginning on the west shore of Quincy Bay about three-fourths of a mile above Quincy Bay bridge at the mouth of Willow Slough, thence one-fourth mile up Willow Slough, thence north and west to the river.

Mr. Chairman, the improvement of Quincy Harbor is not a local affair but of supreme importance to the entire river and valley. It is an invaluable arm of the mighty river which is soon to fulfill its destiny in the development of the Middle West and in solving the transportation for the entire country.

Formidable opposition to its development during the past few years has ceased. It has and is so far as able doing its duty in furnishing covert for boats the entire length of the river. The Federal Government recognizes and uses the bay for its fleets of barges and boats in the winter and to repair its craft when required. "It did its bit" during the late war by having built upon its shores and launched upon its bosom fleets of barges for the use of the Government.

The rapidly increasing navigation on the Mississippi renders it imperative that Quincy Bay be restored to its original prestige and where its usefulness may be revived against the oncoming return of the thrifty packets and palatial steamers of the days of the *Natchez* and the *Robert E. Lee*.

The Clerk read as follows:

TRANSPORTATION FACILITIES, INLAND AND COASTWISE WATERWAYS.

For additional expense incurred in the operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act of March 21, 1918, and operated in pursuance of section 201 of the transportation act approved February 28, 1920, $50,000: *Provided*, That this appropriation may be used for the payment of experts, clerks, and other employees in the War Department in accordance with the provisions of section 201 (e) of the transportation act, 1920, approved February 28, 1920, but no person shall be employed hereunder at a rate of compensation in excess of $3,000 per annum, except one at $4,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In general debate this item relating to the management of certain barge lines was referred to and some statements were made concerning the barge line on the Warrior River in a case pending before the Interstate Commerce Commission. The inference was given that perhaps the attorney for the Government had been derelict, and that the Interstate Commerce Commission itself was subject to some criticism. I have a letter here from Mr. Luther M. Walter, who happens to be a particular friend of mine, a lawyer of very high standing, who happens to be the Government attorney in this case, which letter explains the matter, stating that there can be no possible reflection upon the Interstate Commerce Commission. I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

CHICAGO, *March 20, 1922.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR MR. MANN: My attention has just been called to the proceedings on the floor of the House as reported on pages 3869 and 3870 of the CONGRESSIONAL RECORD for March 14, 1922, relevant to a case before the Interstate Commerce Commission in which the War Department is complainant. I desire particularly to call your attention to the statement on page 3870, made by Mr. Anthony:

"Civilian attorneys who had been employed were evidently more interested in prolonging the litigation than in bringing it to a showdown."

Inasmuch as I happen to be the "civilian attorney" who had been employed by the War Department to handle this case before the Interstate Commerce Commission, I desire to briefly let you know just what the facts are. You very fully expressed the view which I entertain as to the attitude of the Interstate Commerce Commission. That body is not subject to censure for not acting on a case that is not brought to an issue by the attorneys in the case.

The Federal manager of the barge line filed a complaint before the commission in the fall of 1920. Later I was employed as special counsel to conduct the litigation. I reached the conclusion that the complaints (there were two of them) were defective and required amendment. Amended complaints were filed January 8, 1921. During the previous month the barge line management had endeavored to secure an adjustment of the complaint without the necessity for further action before the commission, and those negotiations continued through at least a part of January, 1921.

The cases were set for hearing at New Orleans before an examiner of the commission on January 31, 1921. The carriers, and, as I am informed, the Federal manager of the barge line, sought a postponement. The first notice I had of the postponement was in the form of a telegram received while on the train en route to New Orleans for the purpose of trying the case. The case was again set for hearing at New Orleans on March 21, 1921. The complainant's case was completed on the second day of the hearing. The defendants represented to the examiner that they were not prepared to meet the case presented and asked for a postponement, which was granted to a date later to be fixed. Thereafter the commission assigned the case for hearing at Washington on May 25, 1921. Counsel for the defendants and the complainant requested that the hearing at Washington be canceled and the case assigned for hearing at Chicago on May 11, four days earlier. The commission canceled the hearing for May 25, later setting the case for hearing at Chicago on June 20. This latter hearing was had and the taking of testimony was finally concluded on July 1, 1921.

September 15, 1921, was fixed as the date for filing briefs. The defendants obtained an extension until October 1; I requested a further extension of 10 days for filing my brief, which was granted. The case was thereupon submitted to the examiner, who served his tentative report February 6, 1922. Exceptions thereto were due February 26, 1922; by request of the defendants this date was extended to March 15, and again at their request until March 25.

You can thus see that of the various requests for delay I made only one, and that only for a period of 10 days. The record in the case extends over several thousand pages of testimony and several hundred exhibits, including a large amount of statistical data.

The case has not yet been submitted to the Interstate Commerce Commission. It can not be charged in the slightest with any of the delay that has ensued. I have no doubt that the commission will, after it hears oral argument on the exceptions, reach a decision which will be fair to the Government's barge line and give it, out of the joint revenue, a portion consistent with the service which it performs.

I have no sympathy with the criticism of the Interstate Commerce Commission voiced on the floor of the House. I have always regarded the commission as a capable and impartial tribunal entitled to that high respect which we accord to courts under similar circumstances. At no time has the commission been in position to express an opinion upon the case. The tentative report of the examiner is simply the recommendation of an employee of the commission, and for which the commission is in novise responsible.

This letter is already too long, but I hope, if you have the opportunity privately, that you will set Mr. ANTHONY straight. I have no desire to precipitate any debate or colloquy with Mr. ANTHONY over what he saw fit to express on the floor of the House, but I would like to have him know that the Interstate Commerce Commission is not to blame because the case has not been already decided. While I resent the suggestion in his statement that as "civilian attorney" for the War Department I was interested in prolonging the disposition of the case, that is of no importance compared with the good name of the commission.

With best wishes to you personally, I am,

Sincerely yours,

LUTHER M. WALTER.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 115, line 19, strike out the word "control."

Mr. BLANTON. Mr. Chairman, we might as well strike out the word "control" because the control here seems to have vanished. On the last vote we had in this committee, changing the budgetary plan to the extent of $15,000,000, the control failed by a vote of 158 to 54, and if you properly simmer down all of the arguments that we have had upon the floor since that vote was taken they could properly be designated as the lamentations of the majority over the loss of control. If you want to get the control back, if you want to hold it on the question of economy and of budgetary estimates, we must adopt the broad-gauge policy of economy which is not changeable every time an item affects a particular district.

I can explain why the leader could not control the votes on the $15,000,000 proposition. When this Budget idea was first under consideration and the leader of the House went before the distinguished subcommittee, headed by Mr. WOOD of Indiana and by the distinguished gentleman from Tennessee [Mr. BYRNS], he told them that they must cut down to the budgetary estimates; that they must hew to the line; that they must even get their snickersnee and cut. They carried out his commands, his admonition, the Democrats and Republicans alike, and following the suggestion made by the land commissioner of this Nation they cut out of the bill 13 surveyors general. That meant cutting out an expense that ran up to a half a million dollars; it meant a saving to this Government of a half million dollars, and it was in line with the Budget's recommendation and a recommendation of one of the bureau chiefs of the Nation. But it so happens that among those 13 surveyors general one was stationed in the State of Wyoming. When that was disclosed the very leader who got the cut to be made in the committee could not stand it, because it affected his own State; it was taking something from Wyoming that it could not afford to lose. The matter came back on the floor of this House and through the gentleman's leadership he put those 13 surveyors general and that half million dollars of expense back into the bill, right in face of the action of the committee in cutting it out and trying to save it in accordance with the pledges made to the people of this country. What can you expect when you have such leadership as that—a leadership which when there is involved a surveyor general to be taken out of the State of Wyoming can no longer lead? The saving has to come from some other State, it must be a matter that affects some one else. It is selfish leadership of that kind that has lost the control of votes in this House, and when you have a $15,000,000 proposition like that one just settled it loses under such leadership by a vote of 158 to 54.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. CABLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. CABLE. Mr. Speaker, the development of a State or nation depends upon its commerce. Progress and prosperity abound where transportation facilities are the best and easiest, be it by railway, by highway, or by waterway. The early history of Ohio, for example, is in part the story of the construction of canals, generally but 4 feet in depth. They reached almost every important city and town in the State. This was prior to the advent of the railroads. The Miami & Erie Canal, that extends between Cincinnati and Toledo, was financed chiefly by the State and Federal Governments. Bonds were issued by the State and sold throughout the country, and later the Federal Government, by an act of Congress passed in 1828, granted to the State of Ohio, to be disposed of by the legislature to aid in building the canal, a large tract of land lying between Dayton and the Maumee River, at the mouth of the Auglaize River.

No canal districts were established then by the legislature to assess a part of the cost of construction and maintenance upon those pioneers and landholders within 25 miles of each side of the canal. There were no $20-a-day men to appraise the benefits, no arbitrary distance from the canal whereby the benefits were considered to cease, because those early settlers rightfully felt that the construction of these canals were of State-wide and national importance.

The improvement of the Miami and Erie Canal, or any other route connecting Lake Erie with the Ohio River, is to-day just as important as it was then, and its benefits extend throughout the State of Ohio and into the adjoining States of Indiana, Kentucky, and even to Pennsylvania. Why, then, should a small body of taxpayers be compelled, chiefly by physical labor and effort on the farm, to have their land assessed for a preliminary survey, to meet a part of the cost of construction, and a third assessment for a part of the maintenance of the canal, when its benefits spread beyond this imaginary arbitrary dividing line?

The Army appropriation bill now under consideration in the House carries in it a sum of money to be used by the Board of Engineers for Rivers and Harbors to conduct further survey of the various routes extending across the State of Ohio. It is the duty of this board to determine questions of cost, relative merit, economic necessity, and advisability of the routes now under consideration. When this appropriation becomes a law the question comes closer to the taxpayers within 25 miles of the Miami and Erie Canal, or any route that should be selected, as to whether a canal zone should be established as provided by the enabling act passed by the Legislature of Ohio in 1919.

This Ohio law is—

to provide for the organization and administration of canal districts, granting the same power to impose taxes and assessments, to incur debts, issue bonds, and to assist the Federal Government in the construction of a canal or canals connecting Lake Erie with the Ohio River.

The law also provides that the boundaries of the canal district—

shall follow a line 25 miles distant from and parallel to the median line of said proposed canal and the terminal boundaries shall follow the arc of a circle drawn with a radius of 25 miles distant from each terminus of the same, except that all counties lying in whole or in part within 60 miles of either terminus of said canal and connected by negotiable waters with either terminus thereof shall be included in said zone.

The law further provides that the voters within the boundaries of a district shall hold an election and determine whether a canal district shall be established and the taxpayers within the district shall be assessed for a portion of the cost of construction and maintenance of the canal.

I am opposed to the Ohio law because the Federal Government should pay all the operating expenses of the canal. The Board of Engineers in their report make this same recommendation. They state—

If a canal is undertaken, the United States in addition to contributing toward the construction cost will probably assume its maintenance and operation.

I am opposed to the law because the benefits of the construction of the canal will extend throughout Ohio and into adjoining States, and therefore the arbitrary boundary line, 25 miles from each side of the canal, is unfair, unjust, and unequitable. It imposes a heavy burden upon the few for the benefit of the many.

If the recommendation of these engineers is carried out the taxpayers within this boundary would be compelled to pay 70 per cent of the $195,000,000, the estimated cost of construction of the Miami & Erie Canal. The people in Kentucky, Michigan, Indiana, and Pennsylvania would obtain almost as much benefit as these few taxpayers lying within the district. The main object of a canal connecting Lake Erie with the Ohio River is the transportation of coal from Ohio, Kentucky, West Virginia, and Pennsylvania to the Lakes and the Northwest, and iron ore from the Northwest to the same States. Why should not all of these States participate in the cost of construction after Congress makes its appropriation? In support of the above statement I quote from the report of the Army engineers relating to assessments and benefits of the eastern route:

It is the opinion of the board that benefits due to the construction of a canal along any of the proposed routes can not equitably be assessed upon the theory that such benefits would extend only a certain specified distance from the route, although a portion of the benefits might equitably be assessed in this manner. A more just assessment must of necessity include certain areas of Pennsylvania, West Virginia, and Kentucky, and perhaps include a general levy on these States as a whole, including Ohio.

If Congress should determine that the Miami and Erie Canal should be reconstructed and appropriates a fund that is insufficient for this purpose, the balance of the money should be raised by an assessment upon the States of Ohio, Indiana, Michigan, and Kentucky. This is what I have always contended for, and I am glad to see that the engineers of the War Department are of the same opinion.

In the great debate of 1830 in the United States Senate, Daniel Webster replied to Senator Hayne, of South Carolina, on the question "What interest has South Carolina in a canal in Ohio?"

If a canal appears to me to be of national importance or national magnitude—

Said Webster—

the power of the Government extends to the encouragement of works of that description.

I look upon a road over the Allegheny, a canal around the falls of the Ohio, or a canal or railway from the Atlantic to the western waters as being objects large and extensive enough to be fairly said to be for the common benefit.

A heavy assessment upon a few for the benefit of many is not a proper principle for constructing a barge canal. It has never been upheld and, in my opinion, never will be. The improvements made by our State and Nation should be paid for by a uniform rule of assessment; justice and equity requires it.

The Clerk read as follows:

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, $500,000.

Mr. DENISON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 120, line 19, after the word "officer," strike out "$500,000" and insert in lieu thereof "$550,000."

Mr. DENISON. Mr. Chairman, I would like to have the attention of the chairman of the committee and the other members of the committee on this item. The effect of the amendment I have offered is to increase the item for sanitation, quarantine, hospitals, medical care of the insane and lepers, and so forth, on the Panama Canal Zone, from $500,000 to $550,000. The amount requested for hospitals and sanitation by the Governor of the Canal Zone in the hearings before the committee was $655,000. This request was made by the man who has the administration of the work there, and who knows more about what is needed there than anyone else could know. After he came to Washington and had a conference with the Director of the Budget and was thoroughly impressed with the necessity for cutting down the appropriations as far as could be done, he finally consented or recommended to the committee the sum of $608,420, the very minimum that would be required for that purpose upon the Canal Zone. Now, I do not know why the committee disallowed the amount. They have cut the amount down from $608,420 to $500,000. As soon as the amount carried by the bill was made known by a cablegram to Governor Morrow he sent a cablegram back asking that the amount be increased to at least $550,000, the amount which he says is absolutely necessary in any view of the situation to take care of the sanitation and hospitalization of the zone.

Mr. MADDEN. If the gentleman will yield, does not that fact indicate that the Governor of the Panama Canal Zone did not know what he wanted, because he asked for $650,000 in the beginning, cut it down to $608,000, and finally decided that $550,000 was the proper amount? The committee, on the information which it had, decided that $500,000 was all that was necessary.

Mr. DENISON. Where did the gentleman get the information which justified the committee in believing that that amount would be sufficient?

Mr. MADDEN. We had the testimony which——

Mr. DENISON. It is not in the hearings, and I will ask the gentleman from Illinois to state what hearings or what information he had on the outside of which the House is not getting the benefit?

Mr. MADDEN. We have information which led us to conclude that $300,000 would be sufficient.

Mr. JOHNSON of Washington. The House is entitled to the same information.

Mr. DENISON. The House is entitled to any information the gentleman has, and I think in view of the situation the committee ought to have it. I have read the hearings carefully, and when the governor has recommended $550,000 as the minimum amount that will be required for this important branch of the service on the Canal Zone I do not think the committee ought to just arbitrarily cut off $50,000 from that amount as an alleged economy. Governor Morrow is an able man. He is economizing in every way possible. He knows what is absolutely needed for sanitation down there, and the committee does not know.

Mr. STEVENSON. What was the recommendation of the Director of the Budget?

Mr. DENISON. I do not know. You will have to ask the chairman of the committee for that. I am only giving what the governor requested and what he states is absolutely necessary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. This is a very important item. Gentlemen, the thing that enabled this Government to dig the Panama Canal was the work of sanitation and hospitalization on the Canal Zone. The man who did more than anyone else to accomplish this great enterprise was Surgeon General Gorgas, and in order to operate the canal successfully and preserve the lives and health of the Americans who must remain there and keep the canal in operation it is absolutely necessary to take every possible care of the sanitary conditions down there and keep the hospitals supplied with the best personnel and equipment.

Now, the Governor of the Canal Zone, who knows more than anyone else, and who I know is trying to economize, says he has got to have, if he keeps up the work of sanitation on the Canal Zone, and in order to keep fever down, in order to keep pestilence down, at least $550,000, and this subcommittee arbitrarily cuts it down to $500,000. I do not think it is right. I do not think we ought to jeopardize our project there by making this assault on the appropriation for sanitation and hospitals. It is an unwise step, in my judgment. It is a false economy.

Mr. NORTON. Is it not a fact that the insurance runs from 25 to 50 per cent higher there than it is here?

Mr. DENISON. I do know this, that this money is not coming out of the Treasury except in an indirect way, because the canal is paying its own way. We are now getting in tolls more than we spend to operate the canal.

Mr. MADDEN. How much interest do we pay annually?

Mr. DENISON. We have not been paying any interest.

Mr. MADDEN. Oh, yes; we are paying interest on the bonded debt.

Mr. DENISON. We are not paying it out of the revenues of the canal.

Mr. MADDEN. I know we are not. The gentleman says the revenues of the canal are sufficient to meet the needs.

Mr. DENISON. I think they are sufficient to meet the operating expenses.

Mr. MADDEN. I will say they are not sufficient to meet the needs, by a long way.

Mr. DENISON. I am saying this, in order that we may not have any misunderstanding, that the tolls of the canal are more than paying the operating expenses, and if I could have my way they would be even more than they are now. I have a bill pending now to increase the tolls, but it could not pass the Senate.

This is a serious proposition. If the governor of the canal puts the lowest estimate at $550,000, I think the Congress ought to allow it. It is necessary to keep the Canal Zone in a sanitary condition for the men who have to go down there and run the canal. A force of men are kept busy oiling every place where water can accumulate in order to keep down the mosquitoes, which spread malaria and other tropical diseases. We have made the zone safe for white men to live and labor. We must keep it safe, and we must provide the very best hospital services that can be obtained.

Mr. LAYTON. What does the gentleman understand by the meaning of the words on line 14, beginning "aid and support of indigent persons legally within the Canal Zone"? Does that embark on a proposition for the United States to take care of indigent persons?

Mr. DENISON. That is language that we have carried in every appropriation bill ever since we have been constructing and operating the canal.

Mr. LAYTON. What does it mean?

Mr. DENISON. You will have to ask the chairman of the committee. I am not informed about that. At any rate, gentlemen, if we keep the canal a success and continue its operations successfully, we have got to preserve sanitary conditions down there, and anybody who has been there knows that. All I know about the amount required is what the governor of the canal has said to the committee and has said to me.

Mr. WALSH. Is this $50,000 additional necessary in order to wipe out the mosquitoes?

Mr. DENISON. It is necessary for the purpose for which it is offered, for sanitation and hospitalization. I only mentioned mosquitoes as one of the many necessary uses for which the money is needed.

Mr. WALSH. How does the gentleman arrive at the figure that it is just $50,000 more?

Mr. DENISON. From the governor, who has charge of the administration of the canal, and who knows the conditions and says that it is necessary.

Mr. WALSH. He says that $600,000 is necessary.

Mr. DENISON. But at the request of the Director of the Budget he has reduced it to what he considered the very minimum amount necessary in the interest of economy. Now, it seems to me the gentleman from Massachusetts ought to understand that proposition. The governor gave what he thought he ought to have in the first instance. Then when he was impressed with the necessity for economy he reduced it as low as he thought he could with safety, and he now says $550,000 is necessary, and he has sent a cablegram here since this bill was reported saying that he ought to have this much money.

If we must sacrifice some service, some activity, on the Canal Zone in the interest of economy, I think, gentlemen, we ought to select some other service rather than sanitation and hospitals. Whatever else we do or do not do down there, we ought by all means to keep the zone safe from the various forms of disease that usually infest such tropical countries, and we ought to give assurance to our officials and our employees and to our military and naval men who have to remain there, as well as to their families, that the Government will afford them at all times the very best hospital facilities.

Mr. ANTHONY. There is a difference of $50,000 between the opinion of the committee and the opinion of the canal officials as to the amount of money that is necessary for the conduct of the hospital facilities on the Canal Zone for the next year. The gentleman from Illinois would perhaps lead the House to believe this $50,000 was all the money that was utilized in the Canal Zone for that purpose, but the principal hospital activity down there is the maintenance of the Ancon Hospital. That has a revenue of $680,000 per annum in addition to the $500,000 which is appropriated in this bill. The committee decided, after a very careful investigation, that that hospital had too many high-salaried employees. They have been hanging on there for years, from the time when we were employing nearly 100,000 men down there to dig the canal, and ever since that time this same bunch of high-salaried employees has been maintained. They are getting figures largely in excess of what is necessary for hospitals in this country. The fact that we have maintained this large force from year to year led the committee to think that some of these high prices should be chopped off, and so we made a reduction of $50,000 in the total revenues of the hospital that will approximately run up to $1,000,000 per annum.

Mr. LAYTON. What does the chairman of the subcommittee say is meant by those words about which I questioned the gentleman from Illinois [Mr. DENISON]?

Mr. ANTHONY. I did not hear the gentleman.

Mr. LAYTON. The words "aid and support of indigent persons legally within the Canal Zone." Are we spending money for the indigent on the Canal Zone?

Mr. ANTHONY. We are. We not only do that, but we have a leper colony there, and we have a number of activities of that kind.

Mr. LAYTON. Is this a sort of eleemosynary institution—an almshouse?

Mr. ANTHONY. Largely, and this hospital does a large amount of work for the Government at Panama, and the receipts are not reflected in this bill, but the income is $600,000 from private sources.

Mr. TILSON. Does not my friend from Delaware recognize that we are a sort of board of aldermen, and all the rest, for all these people, and that we must take care of the poor and indigent at this place, the same as local authorities do here?

Mr. LAYTON. Excuse me. I am getting tender as to what we are doing in a communistic way.

Mr. TILSON. If that were done in a State, that would be a proper designation for it, but not in Panama.

Mr. ANTHONY. And the sanitation on the Canal Zone is good at this time. There is no complaint about health conditions, and the usual amount of money will be expended for that high state of sanitation.

Mr. STEVENSON. I wanted to ask the chairman of the subcommittee what the recommendation of the Budget Bureau was on this item?

Mr. ANTHONY. Six hundred and eight thousand four hundred dollars.

Mr. STEVENSON. You cut off $108,000?

Mr. ANTHONY. Yes.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes; I yield.

Mr. COOPER of Ohio. I would like to ask the gentleman if this bill provides an increase in the salary of certain officers on the Canal Zone which was recommended, and which, I think, went into effect January 1, 1922?

Mr. ANTHONY. Instead of providing an increase, I think we have provided here that there shall be no increase of salaries under the appropriations in this bill.

Mr. COOPER of Ohio. There was not any increase granted to these officers to pay the amount charged for housing facilities?

Mr. ANTHONY. There was an increase granted by Executive order, and we put a provision in the bill which will take care of that situation.

Mr. COOPER of Ohio. Well, while you put in the bill a provision that will take care of that situation, providing an increase of pay to cover the renting facilities of the officers, yet the housing facilities of the Canal Zone employees and the light and sanitation privileges have been taken away from them. Is not that a fact?

Mr. ANTHONY. That is true. Heretofore the employees upon the Canal Zone have had the free use of housing. They have had light and electricity, and free water, and all of those things. They have even had their yards taken care of, and flower beds planted for them, at no cost to themselves. Now, that order has gone into effect.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. ANTHONY. That order requires them to pay a reasonable amount, and the men object very strenuously to it. Since that order was issued the Governor of the Canal Zone has granted to certain of the higher-salaried officers an increase of $50 to $75 per month in salaries, which looks on its face like a sum calculated to absorb the amount to be paid for rent. But to be fair to the governor and to these officials, it should be stated that most of them are officers of the Army or of the Navy, assigned for duty down on the Canal Zone, who would be entitled to free quarters, and therefore there is some merit in the position taken by the governor that they should not be compelled to pay for quarters on the Canal Zone.

Mr. COOPER of Ohio. If the gentleman will permit me, is it not a fact that most of the American employees went down to work on the Canal Zone because these privileges were offered to them, of free lighting and sanitation and rent? The conditions down there are different from what they are in our own country here. A mechanic in this country when he loses a job can go out and hunt for another one, whereas on the Canal Zone if he loses his job there is no place for him to go.

Mr. ANTHONY. I will say to the gentleman that the committee made careful inquiry in regard to the labor conditions down there. We heard the officials of the Canal Zone, and we heard the representatives of organized labor; and while the men complained very bitterly at the proposed changes, it is the opinion of the committee that the men are most liberally treated down there. It is true that reductions have been made in wages, but reductions in wages have been made in this country, and the men down there are still paid fully 25 per cent more for their services than similar employees receive in this country, and the Government is more liberal in the matter of leaves and all that sort of thing than any private employer.

Mr. COOPER of Ohio. I have read the report made by the special committee, and I can not agree with all that is contained in that report. If I recall correctly, in one place it recommended that white Americans shall be superseded by alien blacks. If you are going to keep up the high standard of American workmen on that Canal Zone, we have got to take care of them and make their conditions as comfortable as they can possibly be made; and I think it is hardly fair to raise the salaries of the officers on the Canal Zone and take these lighting and housing facilities for the employees away from them at the same time.

Mr. ANTHONY. I will say to the gentleman that in regard to the proposition to supersede white labor with black labor on the Canal Zone, that is intended to substitute natives for a class of white employees down there, and the gentleman can be assured that black labor will not be substituted for the higher trades and mechanical employments.

Mr. COOPER of Ohio. A committee of the Panama Canal Zone employees came to me not long ago and said they were afraid that these conditions that have been put into effect upon the recommendation of this special committee were going to work in such a way that in a short time the high-class standard of American employees that we have had on the Canal Zone would be materially reduced, that the men would not stay there unless they could get these special privileges.

Mr. NORTON. Mr. Chairman, I desire to call attention to some of the recommendations made by the special committee in regard to employees at the Canal Zone, which I do not believe are for the best interest of the Government. This is one of their recommendations.

POLICE DEPARTMENT.

It says that employees get 14 per cent more pay than District of Columbia police, and favors replacing police guards at piers, at the administration building, and so forth, with alien negroes.

Now, this is the report of that committee that investigated there. They favor discharging every single white employee and substituting for them colored men from Jamaica, not one of whom is a citizen. What do you think of that kind of a policy?

Mr. ANTHONY. The gentleman does not mean to imply that all of those recommendations have been adopted by the Governor of the Canal Zone?

Mr. NORTON. The majority of them have. That the police on the dock—at a place where we have spent millions of dollars, and where a bomb could blow a large part of it into eternity, causing untold damage—they recommend the discharge of all white laborers, who are American citizens, and the substituting in their place of alien laborers, not one of whom is a citizen of the United States, men from Jamaica. There are many other recommendations, among them the following:

Cut out cattle industry, farms, plantations, and dairies.

Replace gold employees with silver employees.

Replace all American chauffeurs with silver labor.

No more free transportation to work.

All recommendations seem to be unfavorable to the white employees, the American citizens, at the Canal Zone.

Mr. STAFFORD. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. STAFFORD. Who wrote that special report?

Mr. NORTON. This special committee. Is not that a fact?

Mr. STAFFORD. I will be very much obliged to the gentleman if he will point out the page of the report where that recommendation is made. I hold that report in my hand, the report of that special committee, and I would like to know where it makes any such broad recommendation as the gentleman claims.

Mr. NORTON. I will have to get back the original typewritten report which I had, which I let another party take.

Mr. STAFFORD. I have a copy of the printed report here.

Mr. NORTON. It is not a printed report. It is a typewritten report, and I let another party take the original.

Mr. STAFFORD. I hold in my hand the report of the special Panama Canal Commission, the letter from the Governor of the Panama Canal to the Secretary of War. I have read that report from cover to cover, and I find nothing to warrant the statements made by the gentleman from Ohio.

Mr. NORTON. That is the recommendation, word for word, and I will get the original report if the gentleman wants it, giving the language that was taken down by the stenographer, which I have read.

Mr. COOPER of Ohio. I should like to ask the gentleman from Wisconsin [Mr. STAFFORD] if that report that he just referred to recommends taking away from the Panama Canal employees the housing facilities?

Mr. STAFFORD. Oh, yes; and the Governor of the Panama Canal increased the salaries of some of the high-priced employees, and your committee believed in treating all alike, and put a provision in this bill whereby they could not be increased to take care of the amount of rent that they will be obliged to pay in the future. We are treating all alike.

Mr. COOPER of Ohio. Will the gentleman yield for a further question?

Mr. STAFFORD. Yes.

Mr. COOPER of Ohio. Did you increase the salary of the governor?

Mr. STAFFORD. We did not, nor did we provide for the $4,000 recommended for the purpose of his entertaining guests going through the canal.

Mr. COOPER of Ohio. Did the special report provide for that?

Mr. STAFFORD. It was not recommended by the Secretary of War. The Secretary of War is not responsible, and your committee is not responsible for the recommendations of that special committee.

Mr. COOPER of Ohio. The commission was appointed by the Secretary of War.

Mr. ANTHONY. But the Secretary of War and the Budget officer have not made any such outlandish recommendation.

Mr. NORTON. I have read the recommendation for the police department. Now, I will read the recommendation for the fire department. Is not this the report of the commission?

Let me read the recommendation with reference to the fire department:

Employees get 11 per cent more pay than District of Columbia firemen. Volunteer white firemen of Balboa, Cristobal, Pedro Miguel, and Gatun, and cut down paid force, substituting negroes. Apply two-platoon system under conditions recommended.

Mr. ANTHONY. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. ANTHONY. The gentleman understands that the law gives these men 25 per cent more pay.

Mr. NORTON. I appreciate that, but was not this in the report?

Mr. ANTHONY. The governor told us that the men are receiving the full 25 per cent.

Mr. NORTON. Let me read the names of the parties who signed this report that constituted this special committee sent to the Panama Canal Zone. It was composed of Gen. William D. Conner, United States Army; Capt. Alfred Brooks Frey, United States Naval Reserve; Mr. H. P. Wilson; and Mr. F. A. Molitter.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON.]

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For civil government of the Panama Canal and Canal Zone: Salaries of district judge, $7,500; district attorney, $5,000; marshal, $5,000; and for gratuities and necessary clothing for indigent discharged prisoners, $875,000: *Provided*, That no part of this sum shall be used for making payments to the Government of Panama for postage stamps.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment.

Mr. STAFFORD. Let it be read for information.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 130, lines 23 and 25, after the word "prisoners," strike out the figures $875,000 and the proviso "that no part of this sum shall be used for making payments to the Government for postage stamps," and insert in lieu thereof "$915,000."

Mr. WALSH. I would like to ask the gentleman before pressing the point of order if the salary of the United States marshal has not been increased under this item from what is authorized by law?

Mr. ANTHONY. Not that I know of.

Mr. WALSH. It was carried for $5,000 last year and the year before, but my recollection is that that is a $500 increase from the basic salary.

Mr. ANTHONY. The committee has no information in that regard. It was carried at $5,000 last year, and I believe in preceding bills it was for $5,000.

Mr. WALSH. I think during the war, because of certain conditions, it was felt that the salary might be increased, and it was permitted in an appropriation bill to increase it to $5,000. Of course, that is more than a great many United States marshals get in this country. I do not know as there is anything particular down there now after the war is over which would, in view of the fact that other high officers have been subjected to a reduction of salary, call for the continuance of this salary at $5,000. I may be in error as to the basic salary.

Mr. BURTON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BURTON. In regard to this appropriation for indigent discharged prisoners, $875,000, which I understand is to be changed by amendment.

Mr. ANTHONY. That covers all the civil expenses of the island, and the relief of indigent prisoners is a very small part of it.

Mr. BURTON. That covers back to the top of page 120?

Mr. ANTHONY. No; simply for the civil government of the Panama Canal Zone.

Mr. BURTON. It seems to me that it is a little mite doubtful.

Mr. WALSH. Mr. Chairman, I talked with my friend from Kansas [Mr. TINCHER], who has visited the Canal Zone and is more familiar with conditions there than I am, never having been there myself, and he thinks that irrespective of the basic salary the point of order ought not to be pressed.

Mr. ANTHONY. I have looked up the basic salary and I find that authority is given to the President to fix the salary of the officer in question, and it has evidently been fixed by Executive order.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Page 130, lines 23 and 25, after the word "prisoners," in line 23, strike out $875,000 and the language "provided that no part of this sum shall be used for making payments to the Government of Panama for postage stamps" and insert in lieu thereof "$915,000."

Mr. ANTHONY. When the Governor of the Panama Canal Zone was before the committee he recommended that the payment of postage from the Canal Zone be discontinued. The committee thought that it was proper that it should be discontinued as investigation showed that it was not based on any law that we could find. The only authority was a supplementary agreement made by Mr. Taft many years ago that we would pay them annually this sum in lieu of postage from the Canal Zone.

All this was done after we had agreed to pay the Panaman Government $250,000 annually in lieu of all claims of this kind. This agreement was undoubtedly of a supplementary nature, and while there was legislation afterwards which was supposed to ratify all Executive acts, yet there is some doubt as to our authority to appropriate the money. However, since the action of your committee was taken and this language was inserted in the bill, the State Department believes that it would be hardly advisable at this time to discontinue making that payment. Therefore, the committee asks that that language be stricken from the bill and that the appropriation be increased to $915,000 to take care of the payment.

Mr. DENISON. Mr. Chairman, I move to amend the amendment of the gentleman from Kansas by striking the figures "$915,000" and inserting in lieu thereof the figures "$950,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DENISON to the amendment offered by Mr. ANTHONY: Strike out "$915,000" and insert in lieu thereof "$950,000."

Mr. DENISON. Mr. Chairman, the Governor of the Panama Canal Zone estimated for the civil government of the Canal Zone, before he appeared before the Budget Committee—that is, when he sent in his estimates—that it would require $991,815. After his conference with the Director of the Budget, and after being appealed to to make a reduction in these requirements, he reduced the estimate down to $973,240 as the minimum, and that is the very lowest that he recommended up to that time. The governor sent a cablegram since the bill was reported, which I want to read. He undoubtedly sent it to the chairman of the committee. I simply have a copy of it. The cablegram reads as follows:

It is impracticable to continue civil government expenditures at the rate of expenditure for 1922. Both these services were considered carefully by the Budget officer with data at hand last fall. Later data enables me to agree that their recommendations can be reduced to figures above given ($950,000), but to advise that any further cut can be accomplished only by abandonment of some necessary service.

The governor down there has been economizing in every way possible, and during the war he cut the expenditures down just as low as he could. They allowed a great many things to get out of repair, and that explains the statement. I give this for what it may be worth. Here is the testimony of the man who knows and who is responsible down there, and he says that any further cut must be accomplished by the abandonment of certain services down there. That means any cut below the $950,000, and yet the committee has arbitrarily refused to allow more than $915,000. I do not think that ought to be done. I think we are now beginning to gradually encroach upon the efficiency of the organization at the Panama Canal, and it is up to the Congress to say whether you want to do it or not.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. I yield to the gentleman.

Mr. ANTHONY. Has the gentleman considered that the current year's appropriation is $900,000, $15,000 less than we are proposing now, that what the committee proposes is an increase, and that the population down there is being reduced.

Mr. DENISON. The governor says it is impracticable to run the Government on the same expenditures as last year.

Mr. ANTHONY. But we are giving him $15,000 more.

Mr. DENISON. No; you are giving him $35,000 less than he asked for.

Mr. ANTHONY. But $15,000 more than he asked for this year.

Mr. DENISON. He is now asking for $950,000 as a minimum; and I think the committee ought to observe the governor's suggestion and grant the amount he says is absolutely necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from Kansas.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I think there should be a correction in punctuation in line 23, page 130, and that the comma there after the word "prisoners" should be changed to a semicolon.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. STAFFORD. Mr. Chairman, I also ask unanimous consent that the total amount in line 1, page 131, may be increased by $40,000 and the totals corrected elsewhere wherever it is necessary.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

No part of the foregoing appropriations for the Panama Canal shall be used to pay the salary for any position at a rate in excess of the rate in effect for such position on June 30, 1921.

Mr. DENISON. Mr. Chairman, I make the point of order against the paragraph beginning in line 8 and ending in line 11.

Mr. STAFFORD. What is the gentleman's point of order?

The CHAIRMAN. The Chair is not advised as to what the gentleman makes the point of order against.

Mr. DENISON. Against the paragraph beginning in line 8, page 131.

Mr. ANTHONY. I think it is purely a limitation.

The CHAIRMAN. The Chair overrules the point of order.

Mr. DENISON. I would like to be heard.

The CHAIRMAN. Of course, if the gentleman would like to be heard——

Mr. DENISON. Unless, of course, the Chair has made up his mind.

The CHAIRMAN. The Chair thinks very clearly it is a limitation of appropriation. He has ruled that way a number of times, but if the gentleman has something to say, however, the Chair will hear him.

Mr. DENISON. I had something to say, but I do not want to talk just to hear myself talking. If the Chair has made up his mind, I do not want to be heard, but I think this paragraph in the bill is not in order. I think, while it is a limitation, it changes existing law, and I think it does not reduce expenditures as far as appears on the face of the bill.

The CHAIRMAN. The Chair has repeatedly during the progress of this bill ruled in order paragraphs very much like this on the ground that they were limitations. The Chair has no possible question whatever as to its being a limitation, pure and simple, and he overrules the point of order.

Mr. DENISON. Mr. Chairman, I offer the following amendment. I move to strike out of the bill the paragraph beginning in line 8 and running to line 11, page 131.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 131, strike out all of lines 8 to 11, inclusive.

Mr. DENISON. Now, I would like to ask the chairman of the committee how long he is going to keep the committee in session? I would like to have a fuller attendance of the committee here when we discuss this matter.

Mr. ANTHONY. Our intention was to finish the reading of the bill and have the bill reported back to the House, and, after the previous question is moved, to adjourn.

Mr. DENISON. I wish the chairman of the committee would let this matter go over until we have more Members here.

Mr. ANTHONY. I would not think that would be necessary. There are only two or three paragraphs, which have been carried for several years, remaining to be read.

Mr. DENISON. I think this paragraph is of considerable importance.

Mr. ANTHONY. I hardly think we would be justified in doing that.

Mr. DENISON. Mr. Chairman, I would like to discuss this.

Now, the existing law, the Panama Canal act, provides that the salary of the canal employees may be fixed by the President, not to exceed 25 per cent above the existing wages for similar employment in the Government service in the States. That is the fundamental law of the Canal Zone, and has been since 1912, and in the construction of that fundamental act the canal administration has been paying all employees on the Canal Zone since 1912 the same wages that are paid for similar work in this country plus 25 per cent.

Mr. COOPER of Ohio. The gentleman says all employees. Does not this refer to skilled mechanics?

Mr. DENISON. No; they have been paying all white employees the prevailing wages in this country plus 25 per cent.

Mr. COOPER of Ohio. You can not classify common laborers in the statement you have been making, can you? The gentleman means mechanics, bricklayers, carpenters, machinists, and so forth.

Mr. DENISON. No; the gentleman is mistaken. All white employees on the Canal Zone are paid 25 per cent above similar employment in the States.

Mr. COOPER of Ohio. How could you base common labor in the United States?

Mr. DENISON. I am not saying common labor; I say all white labor, and as a rule it is only white labor that is used in skilled employment. Now, gentlemen, this may not appear of much importance to you, but I know it is of great importance to the working forces of the Canal Zone. Most of our men down there have been there for a number of years. Conditions of living are not the same there as here. The Government has adopted and followed the policy of paying 25 per cent higher wages down there than is paid here in the States, and that policy is provided for by the Panama Canal act.

Now, here is a proviso put in the bill which changes that existing law. In other words, the rate of wages that has been paid since 1912 can no longer be paid, and we are changing existing law. I think that paragraph is out of order, in the first place, because it does change existing law and does not upon its face reduce expenditures.

Mr. GRAHAM of Illinois. You say the salaries of none of these people have been raised since 1921?

Mr. DENISON. It depends on whether the salaries in the United States have been increased. There have been some decreases. I doubt whether this bill decreases expenditures at all, because when wages are reduced in the United States they have to automatically reduce them on the Canal Zone.

Mr. ANTHONY. The increases have not been made in the salaries of mechanics and laborers, and this provides only for the salaries of about half a dozen on the Canal Zone.

Mr. DENISON. It applies to all down there.

Mr. ANTHONY. It says "salaries," not wages. Most of the employees are on a per diem basis, and the word "salary" would not affect them at all.

Mr. DENISON. I want to discuss this question of salaries which, I think, the gentleman has reference to.

Mr. ANTHONY. I can read, if the gentleman wants me, the salaries he has reference to.

Mr. DENISON. There are just 19 men you have reference to?

Mr. ANTHONY. Yes.

Mr. DENISON. Here is the situation: All during the war, when wages were mounting higher and higher in the States, they automatically increased in the Canal Zone, but the governor appealed to his official force there, the marine superintendent and others—I think there were 19 or 20 of them—to not ask any increase in their compensation on account of the increased cost of operating the canal, and the decrease in the canal revenues. As the world's shipping was destroyed the canal revenue kept decreasing each year. But the expenses of the canal kept increasing. Now, the governor appealed to these

men, 19 or 20 of them, to not ask for any increases but to go ahead and work on the same salaries, and every one of them did so. They never have asked for an increase and never have received any. The Government, of course, has been furnishing them living quarters, houses and all the other emoluments that have gone to all the other employees of the canal. Now, recently the administration has changed its policy down there, and they all are now required to pay rent, which I think is the proper thing. But the result of it is that these officials, who were faithful during the war and never asked for an increase and never received any, have had their wages reduced, whereas everybody else down there has had an increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BEGG. Is not it a fact that practically everybody has had his wages reduced within the past two years?

Mr. DENISON. I think that is the case, as a rule.

Mr. BEGG. And these men are no exception to anybody else, either in the service or out of the service.

Mr. DENISON. I think they are, because they did not get an increase during the war. The only others that I know of that did not get an increase are the Members of Congress.

Mr. COOPER of Ohio. I can not understand why the gentleman from Illinois includes skilled mechanics in this group he is talking about, because they are paid on an hourly basis—so much an hour.

Mr. DENISON. In what group?

Mr. COOPER of Ohio. In this group where he says the salaries will be reduced.

Mr. MADDEN. There is nobody reduced, except 16.

Mr. DENISON. The gentleman is mistaken. The governor has sent a communication which says that he has reduced the force down there, and he has added duties to some of the other employees, and by reason of their added duties and responsibilities he has increased their salaries. Now, this limitation will take away this increase which has been given to them by reason of their increased duties.

Mr. MADDEN. That is exactly what we intend to do, take it away from them. He had no authority to give it to them in the beginning.

Mr. DENISON. I think he has. He has been cutting down the force of employees and reducing the number of men working down there—I think from 18,000 to about 11,000. Now, as the result of that reduction in force he has put extra duties upon some of those that are remaining, and he has, by reason of combining these jobs, if I may use that term, added additional duties to those who are there, and he ought to give them a little increase. But this will prevent him from doing so. I think this limitation ought to be stricken from the bill, and I hope you will do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. FISH. I rise to ask unanimous consent to return to page 91 to enable me to offer a single amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 91 for the purpose of offering an amendment. Is there objection?

Mr. SISSON. Mr. Chairman, I reserve the right to object.

Mr. WALSH. I reserve the right to object.

Mr. ANTHONY. Reserving the right to object, has an objection been made?

The CHAIRMAN. The gentleman from Mississippi reserved the right to object.

Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. To strike out the last word.

Mr. FISH. Has any objection been made to my request?

Mr. SISSON. Several objections have been made, but in order to test the question I will withdraw my objection and see if anybody else objects.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. FISH]?

Mr. GRAHAM of Illinois. Let us know what the gentleman's amendment is.

Mr. FISH. It is an amendment to increase the salary of the organist from $1,500 to $2,000 at the Military Academy at West Point. You started on the consideration of the bill at about page 90 on Saturday, when I did not happen to be here. I ask unanimous consent to offer the amendment. I do not think the chairman of the subcommittee has any objection.

Mr. ANTHONY. Reserving the right to object, I would like to say that the gentleman from New York is interested in the Military Academy at West Point, inasmuch as he lives near there. He was not here when we passed that particular item on Saturday. I told him I would not object if he asked to return to page 90 for the purpose of offering a single amendment without extended debate.

Mr. WALSH. I understand that an amendment is pending which ought to be disposed of first. I do not object to the gentleman's request to return to page 91 later on.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARNER. Mr. Chairman, there is not a quorum present. I understood they were going to try to get through the bill this afternoon and move the previous question. Now, it seems it is proposed to return to a part of the bill that has been passed. If you are going to return to page 91 and offer an amendment, it may have to be debated, and somebody else may offer another amendment, and I will call for a quorum, because I am not going to agree to it.

The CHAIRMAN (Mr. TILSON). The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. DENISON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. FISH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 91, line 13, strike out "$1,500" and insert in lieu thereof "$2,000."

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. MADDEN. The point of order is that that is a change of law, not authorized by law. This committee has religiously refrained from increasing any salaries beyond the amount fixed by law. I do not want any gentleman here to offer an amendment in violation of that law now.

The CHAIRMAN. Is the gentleman from New York able to cite to the Chair a law that will sustain his amendment?

Mr. FISH. I am not aware that there is any law against increasing the salary of this official.

Mr. SISSON. There is, though.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A question of order is pending against the amendment offered by the gentleman from New York [Mr. FISH]. In the absence of any law sustaining the gentleman's contention, the Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. I do so, Mr. Chairman, simply to remark that in the consideration of these Panama Canal items our minds are directed to the four corners of the Republic. Several days ago we heard from the storm-swept and rock-bound coast of Maine, and we found that the flag still flew there, and that the Republican majority was quite up to the standard. [Applause.] To-day, from the far-off Pacific, from Hawaii, comes the news that a Republican Delegate has been elected by the accustomed Republican majority. [Applause.]

Mr. BLANTON. Mr. Chairman, I make the point of order that we should have a quorum present.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BLANTON. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. BLANTON. I will withdraw it if you are going to finish the bill to-night, but there is a lot of hot air being indulged in here.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1923, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 133, after line 8, add the following paragraph:

"In measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

"All laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed."

Mr. WALSH. Is this the provision which passed the House last year?

Mr. SISSON. Yes. My friend perhaps is familiar with the reason for this amendment. The amount that the Government lost last year by virtue of the present rules for the measurement of the tonnage of ships going through the canal was something over $2,000,000 in tolls. At this late hour I do not expect to go into any lengthly discussion, because the matter has been here before. This is urged very strongly by the authorities in control of the Panama Canal. It meets with the approval of the subcommittee, and I think of everyone who has investigated this matter. This amendment is in the exact language of the amendment which the authorities have heretofore asked. My impression is that this went through the House at one time and went out in the Senate. The present Governor of the Canal Zone is a man of ability, I think, and capable of making a success of that institution down there if we will give him leeway, and he is very anxious that this amendment shall go on. I agree with him very heartily. I am sure the gentleman from Massachusetts will understand the proposition as well as any member of the subcommittee, because it has been before the House on a previous occasion.

Mr. MADDEN. It will bring about $2,000,000 a year revenue into the Treasury, will it not?

Mr. SISSON. A little over $2,000,000; yes.

Mr. DENISON. Mr. Chairman, this proposition came up as a separate bill in the last Congress. It was considered by the Committee on Interstate and Foreign Commerce, reported to the House, and after a full debate was passed by an overwhelming vote of the House. It went to the Senate and was referred to the Committee on Interoceanic Canals, and there it was put to sleep. Although I wrote several communications to the chairman of that committee and urged upon them the importance of this legislation and asked them to have a meeting and consider it and let the Senate consider it, there was never a meeting even called to consider it at the other end of the Capitol. This legislation is important by reason of the fact that the language used in the Panama Canal act, providing for the method of measuring vessels for the purpose of collecting tolls, was very unfortunate, so that when it was finally interpreted by the Attorney General's department it was held that the United States rules of measurement should apply instead of the Panama Canal rules, which Congress evidently intended should apply. The result is that under the present rules of measurement no cargo on the open deck of the ship is included in the measurement for tolls purposes. No space is counted except that which is inclosed. That is the United States rules.

In other words, under the United States rules of measurement only those parts of vessels are measured that are inclosed, while under the Panama Canal rules of measurement all parts of the vessel that are used for carrying cargo are measured. The Panama Canal act has been construed to require the United States rules of measurement. The result is that we collect no tolls at all for all that freight that can be and is carried on the open decks of vessels going through the canal. Lumber and cattle and other similar freight is loaded on the open decks and go through the canal free.

Clearly this ought not to be permitted, and this is especially so since the statistics show that over 80 per cent of the tolls we are losing by reason of the rules of measurement goes to foreign shippers while only about 20 per cent of it is saved to American shippers. We are losing about $2,000,000 in tolls each year, 80 per cent of which goes to foreign shippers. For this reason the amendment of the gentleman from Mississippi ought to be adopted.

Mr. WALSH. I will say to the gentleman from Illinois that I recall the consideration of that measure, and I recall the explanation made in the last Congress. What I want to be sure of is that this is the identical act that previously passed the House. We have not had an opportunity to examine it, at least I did not know it was to be offered, and while it may be desirable to bring about what the House passed as a separate act on a previous occasion I think it is rather unwise to put a provision like this on an appropriation bill, when it is clearly legislation, unless the gentleman is sure that it is the same language which previously passed the House.

Mr. SISSON. It is the same language, but, of course, we passed it in the form of a bill.

Mr. CURRY. Mr. Chairman, I make the point of order against the proposed amendment that it is legislation on an appropriation bill.

Mr. SISSON. I think the amendment I offer is clearly subject to a point of order under the previous rulings of the Chair, but I think, however, it is a point of order that ought not to be made, because by making it the Treasury loses or did lose last year a little more than $2,000,000 on the tonnage that passed through the canal.

Mr. CURRY. I make the point of order because it entails further tolls on the coastwise trade, and we ought not to collect any tolls at all on coastwise ships through the Panama Canal. It is an additional toll on the lumber that goes through the canal from the west to the east coast.

The CHAIRMAN. The amendment is clearly legislation on an appropriation bill, and therefore the Chair sustains the point of order.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

PROHIBITING THE IMPORTATION AND USE OF NARCOTIC DRUGS.

Mr. HADLEY. Mr. Speaker, I present a privileged report (No. 852) from the Committee on Ways and Means on H. R. 2193, amending the narcotic drug act.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 2193) amending section 6 of the act approved January 17, 1914, entitled "An act to amend an act entitled 'An act prohibiting the importation and use of opium for other than medicinal purposes,' approved February 9, 1909."

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union.

Mr. GARNER reserved all points of order.

Mr. BURTON. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD which I made this afternoon.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks made by me recently at a dinner given at the Hotel Ambassador, in New York, on the occasion of the fiftieth birthday of my friend, Charles W. Hoyt, head of the advertising firm of Hoyt's Service (Inc.). My subject was "Pending Tariff Legislation."

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until Tuesday, March 28, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10244. A bill repealing the law relating to the termination of leases for post-office premises; without amendment (Rept. No. 839). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10941. A bill authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies; without amendment (Rept. No. 840). Referred to the House Calendar.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10740. A bill providing for a "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923," cancellation stamp to be used by the Gloucester, Mass., post office; with amendments (Rept. No. 841). Referred to the House Calendar.

Mr. HICKS: Committee on Naval Affairs. H. R. 10909. A bill to authorize the President to cancel or modify certain contracts for battleships and battle cruisers, and for other purposes; with an amendment (Rept. No. 849). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 10925. A bill to authorize the Secretary of War to sell real property known as the Pittsburgh storage supply depot, at Pittsburgh, Pa.; without amendment (Rept. No. 851). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 8656. A bill for the relief of Horace G. Knowles; with amendments (Rept. No. 842). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 513. A bill for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long; without amendment (Rept. No. 843). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9160. A bill to reimburse John Anderson, former postmaster at Sanborn, Knox County, Ind., for stamps and funds stolen from the post office; with amendments (Rept. No. 844). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. H. R. 7010. A bill for the relief of Southern Transportation Co.; with an amendment (Rept. No. 845). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. S. 494. An act for the relief of Benjamine O. Kerlee; with amendments (Rept. No. 846). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 9887. A bill for the relief of the Pennsylvania Railroad Co.; without amendment (Rept. No. 847). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 1784. An act for the relief of John B. Elliott; without amendment (Rept. No. 848). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2599. An act for the relief of the receiver of the Gulf, Florida & Alabama Railway Co.; without amendment (Rept. No. 850). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 11065) making appropriations for the Departments of State and Justice for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BUTLER: A bill (H. R. 11066) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve; to the Committee on Naval Affairs.

By Mr. ANSORGE: A bill (H. R. 11067) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. WHITE of Maine: A bill (H. R. 11068) providing for the conveyance to the town of Edgecomb, in the State of Maine, of the Fort Edgecomb Military Reservation for public use; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 11069) for the purchase of a post-office site at Wauseon, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11070) for the purchase of a post-office site at Bryan, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11071) for the erection of a Federal building at Napoleon, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CHINDBLOM: A bill (H. R. 11072) to secure to the surviving husband or wife of a deceased Indian the same property rights as are given to other persons in like station within the domicile of such deceased Indian and to grant to the surviving husband or wife of a deceased Indian similar rights where such rights are not provided by the laws of the domicile of such deceased Indian, and for other purposes; to the Committee on Indian Affairs.

By Mr. RYAN: A bill (H. R. 11073) to provide that all social, fraternal, and benevolent organizations and societies file a list showing the names and addresses of the members of the particular organizations or societies with the Postmaster General of the United States and the local postmaster; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: A bill (H. R. 11074) to authorize Federal farm loans on lands under United States reclamation projects; to the Committee on Banking and Currency.

By Mr. DEAL: Joint resolution (H. J. Res. 295) for the relief of citizens of Cradock, Va.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 11075) granting a pension to Mary E. Ward; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11076) granting a pension to Mary Becker; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11077) granting an increase of pension to Jane E. Kernan; to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 11078) for the relief of the Mary Ann Shipping Co.; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 11079) for the relief of Preston Stanfield, alias P. B. Stanfill; to the Committee on Military Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11080) granting a pension to Sarah J. Gray; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 11081) granting an increase of pension to Peter Loftus; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 11082) granting a pension to Malinda Davis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4845. By the SPEAKER (by request): Petition of the American Fruit & Vegetable Shippers' Association, Chicago, Ill., relative to tariff revision; to the Committee on Ways and Means.

4846. Also (by request), resolutions adopted by the New England Conference of the Methodist Episcopal Church, representing 55,549 members, urging the passage of House Joint Resolution 150, to prohibit sectarian appropriations; to the Committee on the Judiciary.

4847. Also (by request), resolutions adopted by the central Pennsylvania conference of the Methodist Episcopal Church, and of the Laymen's Association of the same conference, jointly representing 98,000 members, urging the passage of House Joint Resolution 150, to prohibit sectarian appropriations; to the Committee on the Judiciary.

4848. By Mr. CONNOLLY of Pennsylvania: Resolution of the Philadelphia Chamber of Commerce, urging that the navy yard at Philadelphia be continued in use as a repair and supply station and as a reserve basin for vessels allowed under the terms of the treaty limiting our naval strength; to the Committee on Naval Affairs.

4849. By Mr. COOPER of Wisconsin: Petition of citizens of Whitewater, in the State of Wisconsin, against the passage of House bill 9753; to the Committee on the Judiciary.

4850. Also, petition of citizens of Janesville, Wis., praying for an amendment to the postal employees' pension law; to the Committee on the Judiciary.

4851. By Mr. CULLEN: Petition of the Flatbush Chamber of Commerce, Brooklyn, requesting that construction and repair work be continued there; to the Committee on Naval Affairs.

4852. By Mr. GALLIVAN: Petition of Chandler Motors of New England, Boston, Mass., urging passage of House bill 9722; to the Committee on the Post Office and Post Roads.

4853. Also, petition of F. S. Lawrence, Boston, Mass., recommending the passage of H. R. 2894; to the Committee on Interstate and Foreign Commerce.

4854. By Mr. GORMAN: Petition of citizens of Chicago and suburbs, of the State of Illinois, protesting against the passage of H. R. 9753; to the Committee on the District of Columbia.

4855. By Mr. HAWES: Petition of the Hellenic Community St. Nicholas, Hellenic Brotherhood of Keathera, Hellenic Progressive Society, Hellenic Ladies' Society Helping, Hellenic Brotherhood of Zante, Hellenic Society of Eapiros, of St. Louis, Mo., urging amendments to the immigration law; to the Committee on Naturalization and Immigration.

4856. By Mr. KISSEL: Petition of the Eastern Federation of Feed Merchants, Bullville, N. Y., relative to abuses of power by all county agents; to the Committee on Agriculture.

4857. Also, petition of the Commercial Casualty Insurance Co., Newark, N. J., relative to certain legislation; to the Committee on Military Affairs.

4858. By Mr. RAKER: Petition of J. B. Tanner, of Tanner, Gilman & Ellis, certified public accountants, of Chicago, Ill., indorsing Senate bill 2531, for the protection of the degree of certified public accountant in the District of Columbia; to the Committee on the District of Columbia.

4859. Also, petition of William Williston, president Veterans' Affiliated Council, and others, of Sacramento, Calif., urging the enactment of the adjusted compensation bill at this session of Congress; to the Committee on Ways and Means.

4860. By Mr. RAMSEYER: Petition of the Farmers' Local Union of Agency, Iowa, urging investigation of the Federal Reserve Board; to the Committee on Banking and Currency.

4861. By Mr. STRONG of Pennsylvania: Petition of citizens of Indian County, Pa., urging passage of H. R. 8086; to the Committee on Agriculture.

4862. By Mr. TOWNER: Petition of Luke Stacy and 39 other citizens of New Virginia, Iowa, protesting against the passage of H. R. 9753; to the Committee on the District of Columbia.

4863. Also, petition of Maxwell Green and 261 other citizens of Brooklyn, N. Y., and the city of New York, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

TUESDAY, *March 28, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

NAVAL ARMAMENT TREATY.

Mr. LODGE. I ask that the pending treaty be proceeded with.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

The PRESIDENT pro tempore. The Secretary will read the treaty.

The reading clerk proceeded to read the treaty.

Mr. LODGE. Mr. President, this is a very important treaty. I think we ought to have a quorum of the Senate present while the treaty is being read. I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	Ernst	Hale
Ball	Colt	Fernald	Harris
Borah	Culberson	France	Harrison
Bursum	Cummins	Gerry	Johnson
Cameron	Dial	Glass	Jones, Wash.
Capper	Edge	Gooding	Kellogg
King	Oddie	Sheppard	Wadsworth
La Follette	Overman	Simmons	Walsh, Mass.
Lenroot	Owen	Spencer	Walsh, Mont.
Lodge	Page	Stanfield	Warren
McCormick	Pepper	Sterling	Watson, Ga.
McNary	Phipps	Sutherland	Williams
Moses	Pittman	Swanson	Willis
Myers	Poindexter	Townsend	
Nelson	Pomerene	Trammell	
New	Rawson	Underwood	

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. McKINLEY], the Senator from Oklahoma [Mr. HARRELD], the Senator from North Dakota [Mr. LADD], the Senator from Colorado [Mr. NICHOLSON], the Senator from South Dakota [Mr. NORBECK], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. RANSDELL], the Senator from Tennessee [Mr. McKELLAR], and the Senator from Wyoming [Mr. KENDRICK] are absent on business of the Senate.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present. The Secretary will proceed with the reading of the treaty.

The reading of the treaty was resumed, and during the reading,

Mr. LODGE. Unless there is objection, I ask that there may be dispensed with the reading of section 2, comprising tables showing the figures as to the age and the tonnage of the ships from year to year, as provided for in the treaty. They are very complicated tables, but, of course, if any Senator desires to have them read they will be read.

Mr. KING. Mr. President, they are really quite illuminating and instructive. I do not want to insist upon the reading if the Senator will explain them.

Mr. LODGE. Let them be read, then.

Mr. McCORMICK. I suggest that no Senator can understand them from the reading, but any Senator may understand them from following the printed page.

Mr. LODGE. Never mind; let the tables be read.

The reading of the treaty was resumed and concluded, and it is as follows:

EXECUTIVE L—LIMITATION OF NAVAL ARMAMENT.

TREATY BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, AGREEING TO A LIMITATION OF NAVAL ARMAMENT.

The United States of America, the British Empire, France, Italy, and Japan;

Desiring to contribute to the maintenance of the general peace and to reduce the burdens of competition in armament;

Have resolved, with a view to accomplishing these purposes, to conclude a treaty to limit their respective naval armament, and to that end have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And for the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories;

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Am-

bassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Joshii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

CHAPTER I.

General provisions relating to the limitation of naval armament.

ARTICLE I.

The contracting powers agree to limit their respective naval armaments as provided in the present treaty.

ARTICLE II.

The contracting powers may retain, respectively, the capital ships which are specified in Chapter II, part 1. On the coming into force of the present treaty, but subject to the following provisions of this article, all other capital ships, built or building, of the United States, the British Empire, and Japan shall be disposed of as prescribed in Chapter II, part 2.

In addition to the capital ships specified in Chapter II, part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships the *North Dakota* and *Delaware* shall be disposed of as prescribed in Chapter II, part 2.

The British Empire may, in accordance with the replacement table in Chapter II, part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer, King George V, Ajax,* and *Centurion* shall be disposed of as prescribed in Chapter II, part 2.

ARTICLE III.

Subject to the provisions of Article II, the contracting powers shall abandon their respective capital ship building programs, and no new capital ships shall be constructed or acquired by any of the contracting powers except replacement tonnage which may be constructed or acquired as specified in Chapter II, part 3.

Ships which are replaced in accordance with Chapter II, part 3, shall be disposed of as prescribed in part 2 of that chapter.

ARTICLE IV.

The total capital ship replacement tonnage of each of the contracting powers shall not exceed in standard displacement, for the United States, 525,000 tons (533,400 metric tons); for the British Empire, 525,000 tons (533,400 metric tons); for France, 175,000 tons (177,800 metric tons); for Italy, 175,000 tons (177,800 metric tons); for Japan, 315,000 tons (320,040 metric tons).

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

ARTICLE VI.

No capital ship of any of the contracting powers shall carry a gun with a caliber in excess of 16 inches (406 millimeters).

ARTICLE VII.

The total tonnage for aircraft carriers of each of the contracting powers shall not exceed in standard displacement, for the United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons); for France 60,000 tons (60,960 metric tons); for Italy 60,000 tons (60,960 metric tons); for Japan 81,000 tons (82,296 metric tons).

ARTICLE VIII.

The replacement of aircraft carriers shall be effected only as prescribed in Chapter II, part 3, provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in Article VII, without regard to its age.

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

However, any of the contracting powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the contracting powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case any of such guns be of a caliber exceeding 6 inches (152 millimeters), except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed eight.

ARTICLE X.

No aircraft carrier of any of the contracting powers shall carry a gun with a caliber in excess of 8 inches (203 millimeters). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimeters) in caliber the total number of guns carried, except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed 10. If alternatively the armament contains no guns exceeding 6 inches (152 millimeters) in caliber, the number of guns is not limited. In either case the number of antiaircraft guns and of guns not exceeding 5 inches (127 millimeters) is not limited.

ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this article.

ARTICLE XII.

No vessel of war of any of the contracting powers hereafter laid down, other than a capital ship, shall carry a gun with a caliber in excess of 8 inches (203 millimeters).

ARTICLE XIII.

Except as provided in Article IX, no ship designated in the present treaty to be scrapped may be reconverted into a vessel of war.

ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimeters) caliber.

ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the contracting powers for a noncontracting power shall exceed the limitations as to displacement and armament prescribed by the present treaty for vessels of a similar type which may be constructed by or for any of the contracting powers: *Provided, however,* That the displacement for aircraft carriers constructed for a noncontracting power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

ARTICLE XVI.

If the construction of any vessel of war for a noncontracting power is undertaken within the jurisdiction of any of the contracting powers, such power shall promptly inform the other contracting powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, part 3, section 1 (b), (4) and (5).

ARTICLE XVII.

In the event of a contracting power being engaged in war, such power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other power, or which may have been constructed within its jurisdiction for another power and not delivered.

ARTICLE XVIII.

Each of the contracting powers undertakes not to dispose by gift, sale, or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power.

ARTICLE XIX.

The United States, the British Empire, and Japan agree that the status quo at the time of the signing of the present treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands.

(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its territories, and (c) New Zealand.

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit, the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defenses of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

ARTICLE XX.

The rules for determining tonnage displacement prescribed in Chapter II, part 4, shall apply to the ships of each of the contracting powers.

CHAPTER II.

Rules relating to the execution of the treaty—Definition of terms.

PART 1.

CAPITAL SHIPS WHICH MAY BE RETAINED BY THE CONTRACTING POWERS.

In accordance with Article II ships may be retained by each of the contracting powers as specified in this part.

Ships which may be retained by the United States.

Name:	Tonnage.
Maryland	32,600
California	32,300
Tennessee	32,300
Idaho	32,000
New Mexico	32,000
Mississippi	32,000
Arizona	31,400
Pennsylvania	31,400
Oklahoma	27,500
Nevada	27,500
New York	27,000
Texas	27,000
Arkansas	26,000
Wyoming	26,000
Florida	21,825
Utah	21,825
North Dakota	20,000
Delaware	20,000
Total tonnage	500,650

On the completion of the two ships of the *West Virginia* class and the scrapping of the *North Dakota* and *Delaware*, as provided in Article II, the total tonnage to be retained by the United States will be 525,850 tons.

Ships which may be retained by the British Empire.

Name:	Tonnage.
Royal Sovereign	25,750
Royal Oak	25,750
Revenge	25,750
Resolution	25,750
Ramillies	25,750
Malaya	27,500
Valiant	27,500
Barham	27,500
Queen Elizabeth	27,500
Warspite	27,500
Benbow	25,000
Emperor of India	25,000
Iron Duke	25,000
Marlborough	25,000
Hood	41,200
Renown	26,500
Repulse	26,500
Tiger	28,500
Thunderer	22,500
King George V	23,000
Ajax	23,000
Centurion	23,000
Total tonnage	580,450

On the completion of the two new ships to be constructed and the scrapping of the *Thunderer, King George V, Ajax,* and *Centurion*, as provided in Article II, the total tonnage to be retained by the British Empire will be 558,950 tons.

Ships which may be retained by France.

Name:	Tonnage (metric tons).
Bretagne	23,500
Lorraine	23,500
Provence	23,500
Paris	23,500
France	23,500
Jean Bart	23,500
Courbet	23,500
Condorcet	18,890
Diderot	18,890
Voltaire	18,890
Total tonnage	221,170

France may lay down new tonnage in the years 1927, 1929, and 1931, as provided in part 3, section 2.

Ships which may be retained by Italy.

Name:	Tonnage (metric tons).
Andrea Doria	22,700
Caio Duilio	22,700
Conte Di Cavour	22,500
Giulio Cesare	22,500
Leonardo Da Vinci	22,500
Dante Alighieri	19,500
Roma	12,600
Napoli	12,600
Vittorio Emanuele	12,600
Regina Elena	12,600
Total tonnage	182,900

Italy may lay down new tonnage in the years 1927, 1929, and 1931, as provided in part 3, section 2.

Ships which may be retained by Japan.

Name:	Tonnage.
Mutsu	33,800
Nagato	33,800
Hiuga	31,260
Ise	31,260
Yamashiro	30,600
Fu-So	30,600
Kirishima	27,500
Haruna	27,500
Hiyei	27,500
Kongo	27,500
Total tonnage	301,320

PART 2.

RULES FOR SCRAPPING VESSELS OF WAR.

The following rules shall be observed for the scrapping of vessels of war which are to be disposed of in accordance with Articles II and III:

I. A vessel to be scrapped must be placed in such condition that it can not be put to combatant use.

II. This result must be finally effected in any one of the following ways:

(a) Permanent sinking of the vessel.

(b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers, and armor, and all deck, side, and bottom plating.

(c) Converting the vessel to target use exclusively. In such case all the provisions of paragraph 3 of this part, except subparagraph (6), in so far as may be necessary to enable the ship to be used as a mobile target, and except subparagraph (7), must be previously complied with. Not more than one capital ship may be retained for this purpose at one time by any of the contracting powers.

(d) Of the capital ships which would otherwise be scrapped under the present treaty in or after the year 1931, France and Italy may each retain two seagoing vessels for training purposes exclusively—that is, as gunnery or torpedo schools. The two vessels retained by France shall be of the *Jean Bart* class, and of those retained by Italy one shall be the *Dante Alighieri*, the other of the *Giulio Cesare* class. On retaining these ships for the purpose above stated, France and Italy, respectively, undertake to remove and destroy their conning towers, and not to use the said ships as vessels of war.

III. (a) Subject to the special exceptions contained in Article IX, when a vessel is due for scrapping, the first stage of scrapping, which consists in rendering a ship incapable of further warlike service, shall be immediately undertaken.

(b) A vessel shall be considered incapable of further warlike service when there shall have been removed and landed, or else destroyed in the ship—

(1) All guns and essential portions of guns, fire-control tops, and revolving parts of all barbettes and turrets;

(2) All machinery for working hydraulic or electric mountings;

(3) All fire-control instruments and range finders;

(4) All ammunition, explosives, and mines;

(5) All torpedoes, war heads, and torpedo tubes;

(6) All wireless telegraphy installations;

(7) The conning tower and all side armor, or alternately all main propelling machinery; and

(8) All landing and flying-off platforms, and all other aviation accessories.

IV. The periods in which scrapping of vessels is to be effected are as follows:

(a) In the case of vessels to be scrapped under the first paragraph of Article II, the work of rendering the vessels incapable of further warlike service, in accordance with paragraph 3 of this part, shall be completed within six months from the coming into force of the present treaty, and the scrapping shall be finally effected within 18 months from such coming into force.

(b) In the case of vessels to be scrapped under the second and third paragraphs of Article II, or under Article III, the work of rendering the vessel incapable of further warlike service in accordance with paragraph 3 of this part shall be commenced not later than the date of completion of its successor, and shall be finished within six months from the date of such completion. The vessel shall be finally scrapped, in accordance with paragraph 2 of this part, within 18 months from the date of completion of its successor. If, however, the completion of the new vessel be delayed, then the work of rendering the old vessel incapable of further warlike service in accordance with paragraph 3 of this part shall be commenced within four years from the laying of the keel of the new vessel, and shall be finished within six months from the date on which such work was commenced, and the old vessel shall be finally scrapped in accordance with paragraph 2 of this part within 18 months from the date when the work of rendering it incapable of further warlike service was commenced.

PART 2.

REPLACEMENT.

The replacement of capital ships and aircraft carriers shall take place according to the rules in section 1 and the tables in section 2 of this part.

SECTION I.

RULES FOR REPLACEMENT.

(a) Capital ships and aircraft carriers 20 years after the date of their completion may, except as otherwise provided in Article VIII and in the table in section 2 of this part, be replaced by new construction, but within the limits prescribed in Article IV and Article VII. The keels of such new construction may, except as otherwise provided in Article VIII and in the tables in section 2 of this part, be laid down not earlier than 17 years from the date of completion of the tonnage to be replaced, provided, however, that no capital ship tonnage, with the exception of the ships referred to in the third paragraph of Article II, and the replacement tonnage specifically mentioned in section 2 of this part, shall be laid down until 10 years from November 12, 1921.

(b) Each of the contracting powers shall communicate promptly to each of the other contracting powers the following information:

(1) The names of the capital ships and aircraft carriers to be replaced by new construction.

(2) The date of governmental authorization of replacement tonnage.

(3) The date of laying the keels of replacement tonnage.

(4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at water line, extreme beam at or below water line, mean draft at standard displacement.

(5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at water line, extreme beam at or below water line, mean draft at standard displacement, at time of completion.

(c) In case of loss or accidental destruction of capital ships or aircraft carriers, they may immediately be replaced by new construction subject to the tonnage limits prescribed in Articles IV and VII and in conformity with the other provisions of the present treaty, the regular replacement program being deemed to be advanced to that extent.

(d) No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The contracting powers may, for that purpose, equip existing tonnage with bulge or blister or antiair attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armor, in caliber, number or general type of mounting of main armament shall be permitted except:

(1) In the case of France and Italy, which countries within the limits allowed for bulge may increase their armor protection and the caliber of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimeters) and

(2) The British Empire shall be permitted to complete, in the case of the *Renown*, the alterations to armor that have already been commenced but temporarily suspended.

SECTION II.

Replacement and scrapping of capital ships.

UNITED STATES.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
			Maine (20), Missouri (20), Virginia (17), Nebraska (17), Georgia (17), New Jersey (17), Rhode Island (17), Connecticut (17), Louisiana (17), Vermont (16), Kansas (16), Minnesota (16), New Hampshire (15), South Carolina (13), Michigan (13), Washington (0), South Dakota (0), Indiana (0), Montana (0), North Carolina (0), Iowa (0), Massachusetts (0), Lexington (0), Constitution (0), Constellation (0), Saratoga (0), Ranger (0), United States (0).*	17	1
1922		A, B.‡	Delaware (12) North Dakota (12)	15	3
1923				15	3
1924				15	3
1925				15	3
1926				15	3
1927				15	3
1928				15	3
1929				15	3
1930				15	3
1931	C, D			15	3
1932	E, F			15	3
1933	G			15	3
1934	H, I	C, D	Florida (23), Utah (23), Wyoming (23).	12	3
1935	J	E, F	Arkansas (22), Texas (21), New York (21).	9	7
1936	K, L	G	Nevada (20), Oklahoma (20)	7	8
1937	M	H, I	Arizona (21), Pennsylvania (21)	5	10
1938	N, O	J	Mississippi (21)	4	11
1939	P, Q	K, L	New Mexico (21), Idaho (20)	2	13
1940		M	Tennessee (20)	1	14
1941		N, O	California (20), Maryland (20)	0	15
1942		P, Q	2 ships West Virginia class	0	15

* The United States may retain the *Oregon* and *Illinois* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

‡ Two West Virginia class.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

BRITISH EMPIRE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
			Commonwealth (16), Agamemnon (13), Dreadnought (15), Bellerophon (12), St. Vincent (11), Inflexible (13), Superb (12), Neptune (10), Hercules (10), Indomitable (13), Temeraire (12), New Zealand (9), Lion (9), Princess Royal (9), Conqueror (9), Monarch (9), Orion (9), Australia (8), Agincourt (7), Erin (7), 4 building or projected.*	21	1
1922	A, B ‡			21	1
1923				21	1
1924				21	1
1925		A, B	King George V (13), Ajax (12), Centurion (12), Thunderer (13).	18	1
				17	3

* The British Empire may retain the *Colossus* and *Collingwood* for noncombatant purposes, after complying with the provisions of Part 2, III (b).

‡ Two 35,000-ton ships, standard displacement.

Replacement and scrapping of capital ships—Continued.

BRITISH EMPIRE—continued.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
1926				17	3
1927				17	3
1928				17	3
1929				17	3
1930				17	3
1931	C, D			17	3
1932	E, F			17	3
1933	G			17	3
1934	H, I	C, D	Iron Duke (20), Marlborough (20), Emperor of India (20), Benbow (20).	13	3
1935	J	E, F	Tiger (21), Queen Elizabeth (20), Warspite (20), Barham (20).	9	7
1936	K, L	G	Malaya (20), Royal Sovereign (20)	7	8
1937	M	H, I	Revenge (21), Resolution (21)	5	10
1938	N, O	J	Royal Oak (22)	4	11
1939	P, Q	K, L	Valiant (23), Repulse (23)	2	13
1940		M	Renown (26)	1	14
1941		N, O	Ramillies (24), Hood (21)	0	15
1942		P, Q	A (17), B (17)	0	15

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement laid down and completed in the years specified.

FRANCE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
	Tons.	*Tons.*			
1922				7	0
1923				7	0
1924				7	0
1925				7	0
1926				7	0
1927	35,000			7	0
1928				7	0
1929	35,000			7	0
1930		35,000	Jean Bart (17), Courbet (17)	5	(*)
1931	35,000			5	(*)
1932	35,000	35,000	France (18)	4	(*)
1933	35,000			4	(*)
1934		35,000	Paris (20), Bretagne (20)	2	(*)
1935		35,000	Provence (20)	1	(*)
1936		35,000	Lorraine (20)	0	(*)
1937				0	(*)
1938				0	(*)
1939				0	(*)
1940				0	(*)
1941				0	(*)
1942				0	(*)

* Within tonnage limitations; number not fixed.

NOTE.—France expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and that the total capital ship tonnage should keep within the limits imposed by the present treaty.

ITALY.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
	Tons.	*Tons.*			
1922				6	0
1923				6	0
1924				6	0
1925				6	0
1926				6	0
1927	35,000			6	0
1928				6	0
1929	35,000			6	0
1930				6	0
1931	35,000	35,000	Dante Alighieri (19)	5	(*)
1932	35,000			5	(*)
1933	35,000	35,000	Leonardo da Vinci (19)	4	(*)
1934				4	(*)
1935		35,000	Guilio Cesare (21)	3	(*)
1936		35,000	Conte di Cavour (21), Duilio (21)	1	(*)
1937		35,000	Andrea Doria (21)	0	(*)

* Within tonnage limitations; number not fixed.

NOTE.—Italy expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and the total capital ship tonnage should keep within the limits imposed by the present treaty.

Replacement and scrapping of capital ships—Continued.

JAPAN.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
			Hizen (20), Mikasa (20), Kashima (18), Katori (18), Satsuma (13), Aki (11), Settsu (10), Ikoma (14), Ibuki (12), Kurama (11), Amagi (0), Akagi (0), Kaga (0), Tosa (0), Takao (0), Atago (0). Projected program 8 ships not laid down.*	8	2
1922				8	2
1923				8	2
1924				8	2
1925				8	2
1926				8	2
1927				8	2
1928				8	2
1929				8	2
1930				8	2
1931	A			8	2
1932	B			8	2
1933	C			8	2
1934	D	A	Kongo (31)	7	2
1935	E	B	Hiyei (21), Haruna (20)	5	4
1936	F	C	Kirishima (21)	4	5
1937	G	D	Fuso (22)	3	6
1938	H	E	Yamashiro (21)	2	7
1939	I	F	Ise (22)	1	8
1940		G	Hiuga (22)	0	9
1941		H	Nagato (21)	0	9
1942		I	Mutsu (21)	0	9

*Japan may retain the *Shikishima* and *Asahi* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

STANDARD DISPLACEMENT.

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present treaty, except in the expression "metric tons," shall be understood to mean the ton of 2,240 pounds (1,016 kilos).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a power expressing displacement in metric tons shall be considered for the application of the present treaty as owning only the equivalent displacement in tons of 2,240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

CHAPTER III.

Miscellaneous provisions.

ARTICLE XXI.

If during the term of the present treaty the requirements of the national security of any contracting power in respect of naval defense are, in the opinion of that power, materially affected by any change of circumstances, the contracting powers will, at the request of such power, meet in conference with a view to the reconsideration of the provisions of the treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments the United States, after consultation with the other contracting powers, shall arrange for a conference of all the contracting powers which shall convene as soon as possible after the expiration of eight years from the coming into force of the present treaty to consider what changes, if any, in the treaty may be necessary to meet such developments.

ARTICLE XXII.

Whenever any contracting power shall become engaged in a war which in its opinion affects the naval defense of its national security, such power may after notice to the other contracting powers suspend for the period of hostilities its obligations under the present treaty other than those under Articles XIII and XVII, provided that such power shall notify the other contracting powers that the emergency is of such a character as to require such suspension.

The remaining contracting powers shall in such case consult together with a view to agreement as to what temporary notifications, if any, should be made in the treaty as between themselves. Should such consultation not produce agreement, duly

made in accordance with the constitutional methods of the respective powers, any one of said contracting powers may, by giving notice to the other contracting powers, suspend for the period of hostilities its obligations under the present treaty, other than those under Articles XIII and XVII.

On the cessation of hostilities the contracting powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present treaty.

ARTICLE XXIII.

The present treaty shall remain in force until December 31, 1936, and in case none of the contracting powers shall have given notice two years before that date of its intention to terminate the treaty it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the contracting powers, whereupon the treaty shall terminate as regards all the contracting powers. Such notice shall be communicated in writing to the Government of the United States, which shall immediately transmit a certified copy of the notification to the other powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that date. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other contracting powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.

Within one year of the date on which a notice of termination by any power has taken effect, all the contracting powers shall meet in conference.

ARTICLE XXIV.

The present treaty shall be ratified by the contracting powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other contracting powers a certified copy of the procès verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other contracting powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

[L. S.] CHARLES EVANS HUGHES
[L. S.] HENRY CABOT LODGE
[L. S.] OSCAR W. UNDERWOOD
[L. S.] ELIHU ROOT
[L. S.] ARTHUR JAMES BALFOUR
[L. S.] LEE OF FAREHAM
[L. S.] A. C. GEDDES
R. L. BORDEN [L. S.]
G. F. PEARCE [L. S.]
JOHN W. SALMOND [L. S.]
ARTHUR JAMES BALFOUR [L. S.]
V. S. SRINIVASA SASTRI [L. S.]
A. SARRAUT [L. S.]
JUSSERAND [L. S.]
CARLO SCHANZER [L. S.]
[L. S.] V. ROLANDI RICCI
[L. S.] LUIGI ALBERTINI
[L. S.] T. KATO
[L. S.] K. SHIDEHARA
[L. S.] M. HANIHARA

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole.

Mr. LODGE. Mr. President, the act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, was approved on July 12, 1921. The last section of that bill, section 9, reads as follows:

That the President is authorized and requested to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval expenditures and building programs of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which understanding or agreement is to be reported to the respective Governments for approval.

That is the direct mandate of Congress, adopted, I believe, unanimously by both Houses, authorizing and requesting the President to invite a conference with the Governments of Great Britain and Japan for the purpose of reducing naval armaments. The invitation to that conference thus approved by Congress followed, and the President extended the limitations set by the congressional action so as to make the invitation to the conference include all forms of armament, and also to include in the naval section of the conference France and Italy as well as the three powers named in the act of Congress.

The conference met on the 12th day of November last, and its work, which was also extended by the President's invitation to cover questions of the Far East, has now been laid before the Senate for its advice and consent.

Although the American proposition in regard to naval reduction was set forth by Mr. Hughes at the first and opening plenary session of the conference, the question of land armament was taken up at the third plenary session a few days later, when the conference listened to the views of France as expressed by M. Briand. In regard to land armaments, I should premise what everyone, I think, knows, that the United States had reduced her land armament—that is, her armies—to a very low point; too low, I am inclined to think, for the necessary protection or defense of the United States and her interests. England had reduced her army to a very low point, and it is now being still further reduced, according to what we read in the dispatches. Italy had reduced her army. The French Army, of course, was not on the footing of the Great War, but was left at a very high point.

M. Briand, in a speech of great power and eloquence, as I thought, explained to the conference and to the world why it was impossible for France, with her proximity to Germany and the peril in which she felt she was always placed, to make any reduction in land armaments at that time. Of course, Mr. President, at this conference, as at all international conferences, unless a peace is being dictated by a conqueror, the nations meet on an equality and their action must be unanimous. When France stated to the conference that she could not, with a view to her safety, make any further reduction in her land forces there was nothing more that could be done. That put an end to any action by the conference on the matter of land armaments.

Now, Mr. President, I come to naval armaments, which was the subject of the congressional mandate and was recognized, I think, by everybody as the principal and most immediate purpose of the conference. I am going to take the liberty to say one word about my own personal course in regard to the Navy of the United States, which now extends over a good many years. I was a member of the Committee on Naval Affairs of the House when in the year 1890 we authorized the first seagoing battleships, three in number—the *Indiana*, the *Massachusetts*, and the *Oregon*—ships which all became famous subsequently in the war with Spain. From that day to the present time I have done all that lay in my power as an individual Member of the House, and as a Senator serving here as I have for many years on the Naval Affairs Committee, to uphold and advance the building of the American Navy and its maintenance in a position of strength and power. It was one of the objects that I had nearest to my heart in all my public life.

But I could not fail, Mr. President, to recognize the change in the world relations caused by the Great War with Germany which began in 1914. No one could possibly overlook the terrible conditions in which that war left the civilized world, and especially western Europe. The resolution of Congress, therefore, simply reflected what I think was the overwhelming desire of the American people, and I believe of the people of Great Britain and Japan as well, that these three great maritime powers should come to some agreement by which the burden of taxation caused by great naval armaments could be reduced, with the belief also in the minds of many persons that naval limitation would promote the cause of world peace.

Of course, Mr. President, I do not think anyone connected with the conference or in any way responsible for its action had the slightest sympathy with the proposition which has been put forward here and there of disarming by example; that is, that we should disarm entirely both by land and sea without any reference to what the other nations of the world did. If there is any arrangement about disarming or reduction of armaments which would infallibly promote war and make it more likely, it would be for one nation to reduce itself to an absolutey helpless position leaving the other nations of the world fully armed.

The only way to secure any real reduction in armaments was by international agreement, and that was the work which the American delegation took up; that was the purpose they had in mind.

The American delegates met repeatedly before November 11. They had in all 12 meetings, lasting always from two to four hours, and most of those hours were given to the question of the reduction of naval armament. From those meetings came the proposition which Mr. Hughes made on the 12th of November to the nine powers assembled at the council table in Washington.

I ought to say, as I wish the Senate to know as far as possible just exactly what we did, that during those meetings we had before us, in fact in constant consultation with us when the Navy was under discussion, representatives of the Navy Department. The Secretary came to one or two meetings and then deputed the Assistant Secretary, the Chief of Operations, Admiral Coontz, and Admiral Pratt, his assistant, to represent the department in our consultations. We also had the advantage of information and advice from the general board of the Navy.

There is one thing that is often overlooked in matters of this kind, and I should like to express it very plainly. It is not for technical experts to make this treaty any more than I regard it as the duty of technical experts to make the tariff bill. They are present to furnish information and advice on all technical points, and with that special knowledge which only those who devote their life to the subject can give. But the policy to be followed must be the policy of the Government, whether it is the Executive acting through his representatives in a negotiation with foreign powers or whether it is a committee of the House formulating a tariff bill or whether it is the Finance Committee of the Senate considering that bill for amendments. The idea should be dismissed that the naval experts were to formulate the policy to be pursued or that we should ever have allowed them to do it. The policy, be it good or bad, was the policy of the Government represented by the American delegates at the conference.

Mr. McCORMICK. Mr. President, may I interrupt the Senator for a question?

Mr. LODGE. Certainly.

Mr. McCORMICK. The experts, of course, gave the delegates accurate estimates of tonnage and relative strength upon which the delegates based their action?

Mr. LODGE. Certainly; they gave us every possible detail which we wanted, so that we could make all the comparisons of tonnage, of armaments, of caliber, of speed, and all that.

I only wanted to define exactly what their position was, because I have heard the matter discussed as if it was the business of experts to settle the policy. It was not. We had the very best technical advice that could be given. We had it given with all the sense possible of public responsibility. We had all the information which could be laid before us, and some of that information necessarily was confidential. There was no such thing, as I have seen alluded to, perhaps, in the newspapers, as secret reports. There were no secret reports made. Nothing was given us in that form by the experts except the tables and figures and comparisons, but there were facts which every service, military and naval, in every country for the protection of the Nation does not give to the world and ought to be very severely censured if it did.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. I yield.

Mr. SIMMONS. I wish to ask the Senator some questions for advice and because I have been somewhat troubled about it. The Senator will remember that the senior Senator from Missouri [Mr. REED] discussed some days ago at very great length——

Mr. LODGE. Yes; and I am going to reply to that speech point by point.

Mr. SIMMONS. What I desire to ask the Senator is with reference to the selection by the United States of capital ships exclusively.

Mr. LODGE. If the Senator will allow me, I should prefer to answer that when I come to it.

Mr. SIMMONS. Very well.

Mr. LODGE. I am going to take that all up and go into it, I am afraid, with a good deal of detail; I shall try to cover all those points.

Mr. SIMMONS. I have not investigated the matter at all for myself, because I have not had the time. I understood the Senator from Missouri to say that Great Britain had retained quite a number of battle cruisers, that Japan had retained quite a number of battle cruisers, but we had not retained any.

Mr. LODGE. We retained none because we had none to retain.

Mr. SIMMONS. But we were contemplating building some.

Mr. LODGE. Yes; we had begun to build some, and I shall explain by and by, if the Senator will allow me, just why we made the choice we did. It was done on what we thought the best naval advice.

Mr. SIMMONS. That is the point I was going to ask the Senator about—whether this was done upon naval advice and whether the delegates accepted the opinion of experts.

Mr. LODGE. It certainly was; and we have followed exactly what they advised in that respect. Later I shall give very elaborate figures about it.

Mr. SIMMONS. Then in that particular the delegates did permit the naval experts to determine the matter for them?

Mr. LODGE. No; we took their advice on what ships were best to retain.

Mr. KING. Believing that battleships were better than cruisers?

Mr. LODGE. That was the conclusion reached by the Navy.

Mr. SIMMONS. I should like to hear the Senator upon that point.

Mr. LODGE. I am coming to it, but I can not take up a large question like this and deal only with certain points here and there. If the Senator will allow me, I would rather go through the treaty, and I think I can show how the whole thing developed.

I merely mention this to show that we had the very best naval advice there was from responsible men selected by the department, and that for all facts and details we rested upon them; but the general policy as to such a matter as a ratio, for example, after having all the facts before us, we decided for ourselves, and it could not be done in any other way.

Mr. President, the entire action of the delegation is set forth in their report, which I hope Senators have read with care, for they there would find everything pretty fully stated. However, I am going to follow it, without reading it, in order to try to put in somewhat condensed form just what the delegates did. We believed that there was an opportunity to make a very large reduction and a very effective limitation for the future. The general considerations which were deemed to be pertinent I shall read:

The first is that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues its regulation is impracticable. There is only one adequate way out and that is to end it now.

It is too often overlooked in the consideration of this subject that the most important single object which was accomplished was putting an end to naval competition. The spectacular feature was the scrapping large numbers of ships and putting an end to great naval building programs, but the most effective thing for the future in regard to naval armaments was the absolute stopping of competition. That was done by limiting the tonnage of capital ships and the calibers of the guns to be used. The American delegation also reached the conclusion that this great reduction—

can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet if the present construction of capital ships goes forward other ships will inevitably be built to rival them, and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.

It is also clear that no one of the naval powers should be expected to make these sacrifices alone. The only hope of limitation of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the powers. In considering the basis of such an agreement, and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort.

Those were the principles laid down by the Secretary of State in his address upon which the American delegation acted. We came to the conclusion very early that in order to bring about a thoroughly efficient reduction of armaments we must include France and Italy. During the war neither of those powers had kept up its construction of ships; they had taken all their men and used them in the field and had not expanded their navies at all; yet at the same time they had been two of the great naval powers of the world and still were great maritime powers. So it seemed essential that they should form a part of the association of powers which should join in a naval reduction.

In brief, the plan which we proposed rested upon the general principles which I have stated at some length, and which are as follows:

(1) That all capital-shipbuilding programs, either actual or projected, should be abandoned;

(2) That further reduction should be made through the scrapping of certain of the older ships;

(3) That in general regard should be had to the existing naval strength of the powers concerned;

(4) That the capital ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

Then followed the details of the American proposition, which I shall not repeat here, but which I ask to have printed with my speech at this point. The extract covers all the details of our first proposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

More specifically, the plan in relation to capital ships was as follows:

CAPITAL SHIPS.

UNITED STATES.

The United States is now completing its program of 1916 calling for 10 new battleships and 6 battle cruisers. One battleship has been completed. The others are in various stages of construction; in some cases from 60 to over 80 per cent of the construction has been done. On these 15 capital ships now being built over $330,000,000 have been spent. Still, the United States is willing in the interest of an immediate limitation of naval armament to scrap all these ships.

The United States proposes, if this plan is accepted—

(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. Their total tonnage is 227,740 tons.

Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

GREAT BRITAIN.

The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

It is proposed that Great Britain—

(1) Shall stop further construction of the four new Hoods, the new capital ships not laid down but upon which money has been spent. These four ships, if completed, would have tonnage displacement of 172,000 tons.

(2) Shall, in addition, scrap her predreadnoughts, second-line battleships, and first-line battleships up to, but not including, the *King George V* class.

These, with certain predreadnoughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the four Hoods, if completed) would be 583,375 tons.

JAPAN.

It is proposed that Japan—

(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, *No. 7*, and *No. 8* battleships, and *Nos. 5*, *6*, *7*, and *8*, battle cruisers.

It should be observed that this does not involve the stopping of construction, as the construction of none of these ships has been begun.

(2) Shall scrap three capital ships (the *Mutsu*, launched, the *Tosa* and *Kaga*, in course of building) and four battle cruisers (the *Amagi* and *Akagi*, in course of building, and the *Atoga* and *Tokio*, not yet laid down, but for which certain material has been assembled).

The total number of new capital ships to be scrapped under this paragraph is seven. The total tonnage of these new capital ships when completed would be 289,100 tons.

(3) Shall scrap all predreadnoughts and battleships of the second line. This would include the scrapping of all ships up to, but not including, the *Settsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed), would be 448,928 tons.

Thus, under this plan there would be immediately destroyed, of the navies of the three powers, 68 capital fighting ships, built and building, with a total tonnage of 1,878,043.

It is proposed that it should be agreed by the United States, Great Britain, and Japan that their navies, with respect to capital ships, within three months after the making of the agreement, shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

The tonnage of these ships would be as follows: Of the United States, 500,650; of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has received appropriate consideration.

Replacement:

With respect to replacement, the United States proposes:

(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement.

(2) That replacement be limited by an agreed maximum of capital-ship tonnage as follows:

	Tons.
For the United States	500,000
For Great Britain	500,000
For Japan	300,000

(3) That subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital-ship construction.

(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons.

Mr. LODGE. I should say that it was very clear to the American delegation, and they stood firmly on that point, that the only basis for starting the limitation of navies must be the naval armament which actually existed; in other words, that the existing ratios between the different fleets were the only ground on which we could begin the reduction of armament. The moment we left that ground and got into the very cloudy region of each country's deciding what its peace and safety and security demanded, there would be no standard and we could get nowhere. We therefore took as the basis from which to start the existing ratios between the three great fleets. The ratio at which we aimed, over which there was much contest, however, was, roughly, the well-known 5-5-3, that is, 5 for Great Britain, 5 for the United States, and 3 for Japan.

In the statement in reference to replacement there was an agreed maximum of tonnage of capital ships for the United States 500,000 tons, for Great Britain 500,000 tons, and for Japan 300,000 tons.

I shall not go into the proposal in detail, for it is all set down here with all the figures and with the ships which were originally included.

The most serious controversy which arose over this treaty grew out of the question of the ratio. Japan yielded to it finally only with the greatest reluctance and only on account of the willingness of the other Pacific powers to put a limitation on fortifications, a question to which I will come later.

Mr. KING. Mr. President, would it disturb the Senator if I should make an inquiry there?

Mr. LODGE. I am glad to yield to the Senator.

Mr. KING. Does the Senator think that in the establishment of the ratio full justice was done to France and Italy? I have in mind the fact that during the war they suffered very great losses in their capital ships, and it occurred to me that an injustice was done particularly to France.

Mr. LODGE. On the contrary we gave them much more than the ratio prevailing at that time would have allowed them.

Mr. KING. I agree that that is true.

Mr. LODGE. Under the ratio which we adopted for Great Britain, the United States, and Japan, France would have been entitled to only 130,000 tons, but we agreed that she should have 175,000 tons at once.

Mr. KING. Yes; I appreciate that fact; but it seemed to me that the conference did not quite take into account the losses in capital ships which France and Italy had sustained.

Mr. LODGE. Those losses were not severe, compared with those of England; and we lost practically nothing.

Mr. KING. Yes; it occurs to me that, if we take the existing ratio as the basis, the United States, perhaps, and Japan are at an advantage over Great Britain.

Mr. LODGE. Let me say here—it is a point which, perhaps, may not have occurred to the Senator—that as the fleets stood on November 12 we had four capital ships to one for France, while after this treaty goes into force we shall have two battleships to one for France; that is, we give her a very much better relation—and what is true of us is true of Great Britain and Japan—we give her a very much better relation to the navies of the world than she had before; that is, by reducing our Navy we leave her in a much better relative position.

Another difficulty which occurred and which led to very long discussion was in regard to the *Mutsu*, a Japanese ship which had just been completed and commissioned, a ship of 33,600 tons, and, of course, of the post-Jutland type. That ship had been largely built by popular subscription, and there was naturally a very strong feeling about it in Japan, just as there would have been in this country if we had a ship that had been built by popular subscription. The Japanese were very insistent on the retention of the *Mutsu*, and they offered, if they were allowed to retain it—and it was on the list to be destroyed in our plan—that they would scrap the *Settsu*, which would slightly increase their total tonnage, and that we should have the right to scrap the *Delaware* and *North Dakota*, which are our two oldest ships.

Mr. WADSWORTH. Oldest dreadnoughts?

Mr. LODGE. Yes; our oldest dreadnoughts—I am speaking always of capital ships—our oldest capital ships, and replace them with two ships of the *West Virginia* class, of the most modern post-Jutland type. Great Britain likewise was to have the right to build two new Hoods on destroying four ships—the *Thunderer*, the *King George V*, the *Ajax*, and the *Centurion*.

That arrangement was finally accepted; but meantime we had made the agreement to which I have already alluded, that no capital ships should be over 35,000 tons and no guns of a greater caliber than 16 inches should be used.

Great Britain had four new Hoods designed, had begun to assemble the materials, and had already spent, I think, about fifteen or sixteen million dollars, but the ships had not really been begun. Those ships were planned and designed to be 49,000 tons, but Great Britain accepted the limitation of 35,000 tons. That illustrates the importance of the limitation of tonnage, because if Great Britain had gone on and built those 49,000-ton ships we should have probably have gone on to compete, and Japan, too, and in such competition lies the worst feature of naval armaments. So that agreement was made.

In the case of the United States it was proposed to scrap all capital ships now under construction—that is to say, 15 ships in various stages of construction. Instead, 13 of these ships are to be scrapped or disposed of. The total number of capital ships which were to be scrapped by the United States, or disposed of, was stated to be 30. Under the treaty the number is 28, with a very slight difference in total tonnage.

In the case of Great Britain the construction of the four great Hoods has been abandoned, and while Great Britain is to have two new ships, limited to 35,000 tons each, four of the retained ships are to be scrapped, as already stated, when these two ships are completed.

It was also provided in the original proposal that Great Britain should scrap her predreadnoughts, second-line battleships, and first-line battleships up to and not including the *King George V*. These ships, with certain predreadnoughts which it was understood had already been scrapped, would amount to 19 capital ships, with a tonnage reduction on this account of 411,375 tons. This provision is substantially unaffected by the treaty, the fact being that under the treaty 20 ships are to be scrapped instead of 19 that were mentioned in the proposal.

Under the treaty Japan is to scrap all of the ships mentioned, with the exception of the *Mutsu*. They are all listed in the tables in the second part of the treaty. Japan also—

shall scrap all predreadnoughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Nettsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

Under the treaty 10 ships are scrapped, including the *Nettsu*, instead of excluding it.

The rules for scrapping vessels of war are set forth in the treaty, and I do not think it necessary for me to repeat them at this time. I think Senators who will take the trouble to examine the rules for scrapping vessels of war will find them extremely thorough and effective.

The size of each capital ship, as I have said, is limited to 35,000 tons. It is also provided that no capital ship shall carry a gun of a caliber in excess of 16 inches. Provisions for replacement of capital ships are all set forth in the tables which have been read here, which form section 2 of part 3 of chapter 2 of the treaty; and those tables give all the times of replacement and laying down, the age of the ships, and everything else. I printed the speed tables in the RECORD of March 10, 1922.

The treaty also deals with aircraft carriers, and the delegates finally agreed on a total tonnage for aircraft carriers as follows:

The United States, 135,000 tons.
The British Empire, 135,000 tons.
France, 60,000 tons.
Italy, 60,000 tons.
Japan, 81,000 tons.

The United States would have been ready to agree on a lower limit, but the other powers insisted on the one which I have read.

We have also limited the aircraft carriers to 27,000 tons, another very important limitation, but we make an exception for the United States, that the United States can take two of the uncompleted battle cruisers—the highest, I think, is 33 per cent completed—although they are 33,000-ton ships, and use them for two airplane carriers. That is a very important arrangement for the United States, because airplane carriers we must have. They probably are more important to the safety of the Navy just now than any other form of craft, and we have none. In fact, none of the powers have any except Great Britain, and hers are experimental, and she will probably have to replace them. This gives us an opportunity to use two of our battle cruisers partially completed, and, it was estimated, would make a saving of $15,000,000 over two new aircraft carriers.

Before going on to some of the less important provisions, I must say a word about submarines.

We were very anxious to limit submarines. Great Britain was anxious to have submarines entirely prohibited. To that none of the other powers were ready to agree. We proposed a limitation of 60,000 tons. I should say that the United States had more submarines than any other nation which was a member of the conference. We had 95,000 tons. Great Britain had about 83,000 tons. We offered a limitation of 60,000 tons for the highest—Great Britain and the United States. France declined to accept any limitation. She said it would be incompatible with her safety. As I have said, as the conference required unanimity, no limitation could be put upon the number of submarines to be built by any one of the powers, and, of course, if no limitation was put on submarines and all the powers could build as many as they chose, it necessarily followed that the vessels used for defense against submarines could not be limited either. If we had unlimited submarine building permitted, we had to have unlimited defense against submarines. That meant that there would be no limitation put on what are commonly called scout cruisers, no limitation on destroyers, in which branch we were immensely superior to all the other powers, and no limitation on submarine chasers, the small boats used for that purpose.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. LODGE. Yes.

Mr. GERRY. Was not a limitation put on the use of submarines in the treaty dealing with submarines and noxious gases?

Mr. LODGE. Yes; there was a limitation, which I hope will be of some value, which limits them under the provisions of international law and provides that for a breach of those provisions, whether the captain does it by governmental orders or not, other nations are entitled to treat him as a pirate.

Mr. GERRY. What I refer to in that treaty is, if I am not interrupting the Senator's argument, that article 1 and article 4 seem to me to be contradictory.

Mr. LODGE. They are not. I will tell the Senator just what they are. Article 1 states existing international law.

Mr. GERRY. That is what I understood.

Mr. LODGE. Article 4 is new. Article 4 states something which is not international law now. We first made them subject to the present international law, to which, as the Senator well knows, they were not subject during the war. Of course, this applies only to attacks on merchant vessels. No limitation is put on the use of the submarine as against a warship.

Mr. GERRY. It applies to visit and search, does it not?

Mr. LODGE. It applies to mercantile ships entirely.

Mr. GERRY. It applies to the right of visit and search?

Mr. LODGE. That is one thing; yes. Article 4 goes further.

Mr. GERRY. In other words, article 4 explains article 1, if I understand the Senator, by going further?

Mr. LODGE. No. Article 1 is simply the statement of existing law as applicable to submarines.

Mr. GERRY. And then article 4 changes existing law and practically nullifies article 1. Am I correct in that?

Mr. LODGE. No; it does not nullify it at all. That is why they are both put in.

Mr. GERRY. Article 1 simply restates international law?

Mr. LODGE. It declares the rules of civilized nations—that is, existing international law—in regard to the use of submarines against merchant ships, which were not observed during the last war. Then we say:

Belligerent submarines are not under any circumstances exempt from the universal rules above stated—

And we invite all other civilized powers to express their assent. Then article 3 makes the breaking of those rules an act of piracy. Then they go on to say in article 4:

The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

There was no prohibition before; there was nothing in international law which prevented their use.

Mr. GERRY. May I ask the Senator whether our naval officers contend that submarines can not be used for the purpose of visit and search according to international law?

Mr. LODGE. Of course they do not, if they visit and search. This is simply applying to the submarine the rules of international law, which include visit and search.

Mr. GERRY. Exactly; but article 4, as I understand it——

Mr. LODGE. Article 4 is a prohibition without any regard to visit and search.

Mr. GERRY. Then, under article 4 the submarine can not be used for visit and search?

Mr. LODGE. That is the new proposition; that it shall not be used at all against merchant vessels as a commerce destroyer.

Mr. GERRY. And the statement is made that it is impossible to use submarines in that way without breaking international law.

Mr. LODGE. It probably is impossible, as a matter of fact, to use them for commerce destruction without their breaking existing rules of law.

Mr. GERRY. I understand that a great many of our naval officers do not agree to that contention.

Mr. LODGE. I dare say that is true. If the Senator can find anything that all naval officers agree to, I shall be very much obliged to him if he will state it. I did not mean, however, to get off on the question of international law. That will come up later.

Mr. GERRY. Then the submarine is absolutely limited under the——

Mr. LODGE. The submarine is prohibited as a commerce destroyer, if we can get them to agree to it.

Mr. GERRY. Then there is a limitation on the submarine besides that contained in the treaty under consideration?

Mr. LODGE. There is a limitation on the use of the submarine, but not a limitation on the construction of submarines. To return to that, although we can not put a limitation on the number of scout cruisers, destroyers, or submarine chasers that could be built, we could put the same limitations that we put on the capital ships as to the tonnage and the caliber of guns, and those were put in. There was a limitation on the guns that could be carried by an airplane carrier; that is, if it has guns exceeding 6 inches, the total number of guns shall not exceed 10. It can not carry a gun in excess of 8 inches. It may carry without limit 5-inch guns and antiaircraft guns. With respect to auxiliary craft, the treaty provides that no vessel of war exceeding 10,000 tons, other than capital ships or aircraft carriers, shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting powers; and then it limits the caliber and the number of guns which cruisers and destroyers can use. Of course, the treaty also provides that none of the contracting powers will by gift, sale, or any mode of transfer turn over any vessel of war in such manner that the vessel may become a vessel of war in the navy of any foreign power; and we put a stop to the building of warships on foreign account.

Mr. President, having gone briefly over the most important parts of the treaty, I am going to take up the speech which was made here by the Senator from Missouri [Mr. REED] in regard to this treaty, and correct, as I think, some of the mistakes in it.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. LODGE. Yes.

Mr. GERRY. Is the Senator going to discuss how replacements of capital ships are made?

Mr. LODGE. That is all set forth in the treaty. What can I tell the Senator about it?

Mr. GERRY. I did not know whether or not the Senator was going to try to explain these tables any more fully than they are set forth. They seem rather complicated.

Mr. LODGE. If the Senator will look at one of the tables, he will see that we give first the ships scrapped, taking our own list, with the ages of the vessels scrapped in parentheses. The number in brackets behind each ship means the age of the ship. Where it is a zero, it means that it is a ship not yet complete; that is, that it is still in process of building. Then, when we come to retained ships, the Senator will find after each ship its age and when that ship can be replaced, which is covered by the capital letters in the first two columns, "Ships laid down" and "Ships completed," and then the ships retained; and Senators will see by following it down that the number of pre-Jutland ships retained entirely disappears, and the post-Jutland ships become the whole 15, as we gradually get rid of the older ships and replace them with new ones.

The replacement rules are laid down on page 19 of the treaty:

> Capital ships and aircraft carriers 20 years after the date of their completion may, except as otherwise provided in article 8 and in the tables in section 2 of this part, be replaced by new construction, but within the limits prescribed in article 4 and article 7. The keels of such new construction may, except as otherwise provided in article 8 and in the tables in section 2 of this part, be laid down not earlier than 17 years from the date of completion of the tonnage to be replaced, provided, however, that no capital ship tonnage, with the exception of the ships referred to in the third paragraph of article 2—

Those are the excepted ships—

> and the replacement tonnage specifically mentioned in section 2 of this part, shall not be laid down until 10 years from November 12, 1921.

Then follow the provisions for carrying out the replacements; and in the tables, if the Senator will examine them, he will see the ages and the dates of replacement for all.

Now, Mr. President, I wish to say something with regard to the speech made by the Senator from Missouri [Mr. REED] upon this naval treaty.

The Senator from Missouri, in his speech of March 16, spoke as follows:

> Mr. President, I desire to lay before the Senate, in connection with the treaties now under consideration, some facts which have not heretofore been disclosed, and which, while they bear upon the disarmament treaty directly, have also a very important bearing on the treaty under consideration—

That was the four-power treaty—

> I propose to place before the Senate some figures with reference to the relative strength of the navies provided for in the naval treaty; and I believe I can say as a preliminary that the whole status has been misrepresented to the Senate and to the American people.

As I was one of those who made that representation, I take the liberty of saying that the status was not misrepresented. We have told the American people exactly what the facts were. Of course, errors are possible to all, but I think I shall show that the errors were not with us.

I continue to quote:

> The facts I am about to present are the work of naval experts of a high order, and are buttressed by documentary proof which demands, in my opinion, the attention of this body. If they are not given attention before the four-power treaty is acted upon, we will have so far committed ourselves that probably nothing we can do will extricate us from a dilemma which is fraught, in my judgment, with the very gravest danger.
>
> * * * * * * *
>
> I want a disarmament treaty made which will reduce to the minimum the armaments of all the nations of the world. I want that treaty so made that the United States will be safe and not placed at a disadvantage, and I am imploring the Senators who now pay me the compliment of their attention, and those who have been called away by other business, to study these figures, which I believe is every singular particular to be accurate, for I have taken pains to have them checked by two experts, who know their business if any two men in the United States know the business of comparing naval armaments and the speed and quality of ships.

These experts are anonymous. Those that we have called in, as I have said, are officers of the highest experience and best known in the Navy, and their names are there, and they are responsible.

The Senator from Missouri, I think, has not been very fortunate in choosing his advisers. The "two experts, who know their business if any two men in the United States know the business of comparing naval armaments and the speed and quality of ships" have not done their duty well. They have indulged in inaccuracies, omissions, and wrong conclusions, many of which seem so evident as to create surprise.

I will treat first of the inaccuracies. The Senator states that the *Kurama*, the *Ibuki*, and the *Ikoma*, until now, have been classed merely as first-class cruisers, and he cites as his authority "Jaynes Fighting Ships." On the contrary, in "Jaynes Fighting Ships" of 1920, the *Kurama*, the *Ibuki*, and the *Ikoma* are classed as Japanese battle cruisers. They carry four 12-inch guns and eight 8-inch guns in their main batteries. It is entirely inaccurate to class them as first-class cruisers. They are not so classed by any naval authority, including the Japanese themselves. It is apparent on the face of the matter that they are not.

In the case of the computation of tonnage to be scrapped, the United States, in the Senator's speech, is stated to have scrapped 762,940 tons; Great Britain, 92,000 tons; and Japan, 289,182 tons. Whatever the source from which these figures are derived, they are absolutely inaccurate as a computation of tonnage of fighting ships to be actually scrapped by the powers above mentioned.

The tonnage scrapped by the United States standard of measurement, under the American proposal, was as follows:

	Tons.
United States	845,740
Great Britain	583,375
Japan	448,928

When the *Mutsu* was taken in and the *Setsu* scrapped, and when two ships are reserved as aircraft carriers out of the scrapped tonnage, and when the *West Virginia* and the *Colorado* are taken in and the *North Dakota* and *Delaware* scrapped, and the 2 aircraft carriers reserved out of the 13 remaining new ships to be scrapped, and when the 4 of the King George type are scrapped, and the 2 new Hoods added, and the 2 new aircraft carriers reserved for Great Britain, the revised figures would be as follows:

	Tons.
United States	733,540
Great Britain	607,225
Japan	350,528

These figures—which are authentic, I am sure, which are furnished me by the experts of the Navy Department whom I have mentioned, who advised us through the conference—are entirely at variance with those submitted by the Senator from Missouri. Who could have told him that Great Britain scrapped only 92,000 tons, I can not imagine. She had scrapped a great many pre-Jutland ships, old ships, before she came here, and yet she scrapped much more than 92,000 tons.

Again the Senator from Missouri, in his speech, said that $650,000,000 had been spent already on the construction of new ships that are to be scrapped. That again is wrong. The original American proposal contemplated the scrapping of all the capital ships in the 1916 program which were not in commission, on which approximately $332,000,000 had been spent or obligated. There is no mistake about that. These are based on the Treasury and the drafts of the contracts establishing the obligations. That is all documentary.

In the final treaty as agreed to by the delegates, however, the battleships *West Virginia* and *Colorado* were reserved, and two of the battle cruisers kept for conversion to aircraft carriers. Subtracting the moneys involved in this matter from the original total, we have approximately $242,000,000, or considerably less than half the amount stated by the Senator from Missouri in his speech.

In submitting his table of ships to be retained the Senator from Missouri credits Great Britain with two super-Hoods, carrying each twelve 16-inch guns, and throwing a weight of metal of 25,000 tons each. I wish to invite the attention of the Senate to the fact that the two new Hoods are not "super-Hoods." The super-Hood was a ship planned by Great Britain, which would have had a displacement of approximately 50,000 tons. That ship might carry twelve 16-inch guns, but the greatest number of guns, according to the statement of the British experts, that the two new Hoods can carry is nine each. Indeed, there are many of the British experts who do not even believe that this reduced number of 16-inch guns can be put on the 35,000-ton ships, because we have reduced, as I have already said, the limit of tonnage to 35,000 tons and the British were planning 49,000-ton vessels, so evidently the Senator's experts have not noticed that limitation in the treaty. Furthermore, Great Britain has no 16-inch guns at present, and she will be forced to develop this caliber or else to content herself with placing on the new Hoods 15-inch guns.

The Senator from Missouri makes the accusation in his speech that the difference in method of computing tonnage in existence in the various nations before the war has not been taken into account, and in this connection makes the following statement:

> In order, therefore, to compare the tonnage of American ships as given in the table above with British ships as given in the table, we must add one-eighth, or 12½ per cent, to the British tonnage.
>
> Accordingly the British tonnage allowed by the treaty as to existing ships will be 628,820, as against 525,850, a difference of 20 per cent in favor of Great Britain.

Now, to assume that the experts of the Navy Department who advised the delegates were so colossally ignorant that they did not know the difference existing between the American tonnage, the Japanese tonnage, which is very like the American tonnage, and the British measurements, which are known as the legend tonnage, would be to assume a degree of ignorance which is impossible. They were perfectly familiar with it, and the figures were based, of course, on the American tonnage throughout in making our comparison. Subsequently the nations agreed on an international ratio and also on the metric tonnage, which appears throughout the treaty, and all reductions are made on the international tons.

Then the Senator from Missouri goes on to say:

> That fact has been concealed from the American people, whether designedly or stupidly, I do not know. I charge it to be a fact, and I charge it to be a fact of unspeakable perfidy, to thus deceive the American people and the American Congress.

This is strong language. Anyone using it should be absolutely sure of the ground on which he is standing. Unfortunately the Senator from Missouri again has evidently placed too much reliance on his "two experts."

To begin with, far from omitting to consider the different methods of measuring tonnage in existence in Great Britain, Japan, and the United States, they were all considered before the original American proposal, submitted to the conference on the opening day, was prepared, as every member of the delegation and all the experts know. In making the estimates of naval tonnage before the conference convened, for the purpose of arriving at a just estimate of strength, every British ship and every Japanese ship was reduced to the American standard tonnage, and the comparisons made on that basis.

Reduced to standard American tons, the present capital-ship tonnage retained by the United States, Great Britain, and Japan will be as follows:

	Tons.
The United States	500,650
Great Britain	604,450
Japan	318,300

When the *West Virginia* and *Colorado* are included in the American table and the *North Dakota* and *Delaware* scrapped, and when the two new Hoods of 35,000 tons each are added to the British list, and the *King George*, *Ajax*, *Centurion*, and *Thunderer* are taken away, the capital-ship tonnage will be as follows, according to the American standard of measurement:

	Tons.
The United States	525,850
Great Britain	578,000
Japan	313,300

To put it mildly, there is some difference between these figures and the ones given by the Senator from Missouri, which read as follows:

	Tons.
The United States	525,850
Great Britain	628,820
Japan	383,985

So much for some of the inaccuracies furnished to the Senator from Missouri. An omission, however, is equally as important as an inaccuracy. Indeed, often it is more so. Let us, therefore, look over the Senator's speech for omissions. To begin with, the Senator from Missouri in enumerating the ships to be scrapped by the various powers says, in his paragraph on the United States ships, that "one battleship, the *West Virginia*, has already been launched." In no place in his enumeration of the ships to be scrapped by Japan does he mention that two of their ships have already been launched.

At no place in his speech does a statement appear to the effect that the average armor of the battleships classed in the list of the United States is 14½ inches as against 12½ inches for Great Britain and against less than 11 inches for Japanese ships.

Again, the fact is not mentioned that the total number of guns listed in the United States' list of ships total some 192 as against 166 for the British Navy and 96 for Japan, and that therefore the rapidity of fire is very much greater for the ships of the United States Navy.

Again, the fact is not mentioned that the 16-inch gun with which the United States is credited has something over 98,000 tons of muzzle energy as against 84,000 tons of muzzle energy for the 15-inch guns. Nor is it noted that the 14-inch guns with which seven of our ships are armed are 50-caliber guns as compared with 42-caliber 15-inch guns and 13½-inch 45-caliber guns carried by the British Navy. With the above facts in mind, the conclusions of the Senator from Missouri as to strength are entirely changed, for the ordnance and armor of the battleships of the United States may be said to be equal or superior to the ordnance and armor of the battleships of Great Britain and greatly superior to that of the Japanese ships.

Furthermore, there is one very important matter omitted entirely from the comparison made by the Senator from Missouri. This is the age factor. Glance at the table of ships. It will be seen that the United States had eight ships finished in 1917 or later, whereas Great Britain, with her two new Hoods completed, will only have four ships finished in the corresponding period. Though the United States has certain vessels that are older than those retained on the British list, this age factor greatly strengthens our Navy by comparison. The Senator from Missouri states:

> It would be interesting to know why Great Britain is credited with scrapping 24 capital ships, 20 of which are obsolete, offered for sale, and, in fact, already scrapped, and why Japan is credited with scrapping 3 capital ships which are not actually capital ships. Is it merely an attempt to pad the lists in order to make a presentable appearance against that of the United States?

Again the Senator's experts are at fault. All of the 20 ships which he speaks of as obsolete and offered for sale are classed in the dreadnought type, and all but three are of the same or later date than our two vessels, the *North Dakota* and *Delaware*, which will only go out when the *Colorado* and *West Virginia* are completed to take their places. The remaining three are dreadnaughts completed in 1909 and therefore less than 13 years of age. Also, the three ships of the Japanese Navy, the *Kurama*, *Ibuki*, and *Ikoma*, are capital ships built in 1907 and are less than 20 years of age, which is the age when ships retire from active service and are placed on the obsolete list.

In this connection it might be well to enumerate the figures of present strength as estimated by the official authorities of the Navy Department in an effort to compute the relative strength by tonnage. In making this estimate the Navy Department considered only dreadnoughts and the percentage of completion of the various ships under construction. This was the basis for the American proposal and it is the basis upon which the final treaty was concluded.

Countries.	Dreadnoughts actually constructed.	Ships under construction, percentage of completion.	Total.
	Tons.	Tons.	Tons.
United States	500,650	348,194	847,844
Great Britain	1,015,925	(1)	1,015,925
Japan	334,700	83,330	418,030

[1] No credit.

The Senator from Missouri has dealt in like measure with auxiliary tonnage of the various nations. In this connection the first thought that comes to anyone's mind is that no country is limited numerically in the amount of auxiliary tonnage that it may build, with the exception of the aircraft carrier.

In the enumeration of the auxiliary tonnage certain startling and significant omissions are made by the Senator from Missouri.

We are unquestionably behind Great Britain in the light cruiser type. However, if the United States will build, she has a right to do so. We have 10 scout cruisers now under construction and nearly completed. Let us glance over the tables which the Senator has submitted. It will be noted from them that the United States has 26 cruisers and Great Britain 70, including those which the dominions possess. The Senator, however, has entirely omitted to mention the fact that the United States has 316 modern destroyers, Great Britain has 20 flotilla leaders and 191 destroyers, or a total of 211, and Japan has only 49 destroyers. At present, therefore, the United States has 105 destroyers more than Great Britain and 247 more than Japan. Our destroyers are the most modern boats of the very finest type. These are no such destroyers afloat anywhere else. They are very large destroyers, of 1,100 tons. It is remarkable that the two experts should have permitted the Senator from Missouri to leave out such an important item.

The Senator from Missouri in his tables has made no mention of the submarines which the three powers possess. Had a summary of the submarine strength been made, it would have been seen again that the United States' position is strong. The present submarine strength of the three powers concerned is as follows:

Countries.	Submarines.	Tonnage.
		Tons.
United States (approximately)	130	57,000
Great Britain	122	52,000
Japan	61	38,000

In other words, we have 5,000 tons more of submarines than Great Britain, and 50,000 more than Japan. Again, it is remarkable that the two experts on whom the Senator from Missouri has been relying have failed to note this very significant fact.

So much for the omissions, and the Senate will note, to say the least, that they are important. Now, for certain conclusions.

In the interesting deductions which have been drawn by the Senator from Missouri in the matters of speed and battle strategy and tactics, particularly with regard to the matter of speed, he has not mentioned the fact that the speed of the main fighting fleet is the speed of the slowest ship composing that fleet. It will be noted that eight of the British ships are rated at 21 knots speed, and that therefore while the Queen Elizabeth type have 25 knots speed, yet to maintain their position in the line the speed of 21 knots, which is the speed of the American fleet, can not be exceeded. The point, therefore, made by the Senator from Missouri in the matter of speed with reference to the fighting ships has very little value.

Now let us look into this matter which the Senator from Missouri has dwelt upon at great length, namely, the question of battle cruisers. The general board of the Navy is composed entirely of naval experts whose whole duty it is to consider tactics and strategy. The question was put to them as to whether it would be wise for the United States, with a navy reduced to 18 capital ships, to retain battle cruisers or to have these ships all battleships. They returned a report which was unanimous to the effect that the battleships should be retained and the battle cruisers excluded. Both the British naval experts and the Japanese naval experts are of the same opinion and with the ratification of the naval treaty the death knell of the present battle cruiser will be sounded. Every country when limited to a specific number of capital ships will desire to have these ships as powerful as possible, for the final decision in a war is obtained in the great battle when strength meets strength.

The foremost British naval experts, those who have commanded the battle cruisers in action, have stated that by theorists on shore speed was often substituted for strength in armament, but that they who had fought in the vessels concerned felt differently in the matter.

It would be interesting to ask the two experts on whom the Senator from Missouri has based his dependence what they would do if the battle cruisers of either Great Britain or Japan clashed with the American fleet. Would they send them on the high seas to raid commerce or would they keep them with the fleet? If they sent them on commerce raiding expeditions, the main fighting fleet on the day of battle would be weakened by their absence. If they retained them with the main fleet, they would be of a type of ship almost too weak to lie in the line, for they have not the same fighting value as the battleship. Indeed, the present battle cruiser is but a luxury and can only be indulged in when the main line has been made secure. Therefore when navies are limited it will pass out of existence.

The Senator from Missouri in his speech said:

> It is true, however, that while the conference was in progress Japan by rush work laid down the keels of two of the battleships. This was so manifestly a threat as to require no comment.

In this connection I should like to point out to the Senate that Japan, like the other countries concerned, merely continued, and quite properly continued, her program until conclusions had been reached. There was no more threat in laying the keels of these two battleships than there was in the fact that we launched the *West Virginia* on the 17th of November, one week after the opening of the conference.

The Senator asks in one place, "What do we get from this treaty?" And by "this treaty" he refers to the four-power treaty. In reply let me quote from a report submitted by the General Board of the Navy on matters pertaining to the conference.

> If the Anglo-Japanese alliance is to be continued, the minimum strength that the United States can safely accept for its Navy is equality with that of the two nations combined. This means a two-power standard and a Navy the greatest in the world. No interpretative declarations by either or both of the countries can be as satisfying to the United States as the noncontinuance of the alliance.

> This is a deliberate expression of the constituted board of naval experts as to the bearing of the Anglo-Japanese alliance and the strength of the Navy necessary to carry out our policies. The four-power treaty through the abrogation of the Anglo-Japanese alliance has made the naval treaty possible and also the continuance of the 5-5-3 ratio.

The Senator from Missouri laid great stress upon article 19, in which we agree to preserve the status quo in certain of the Pacific islands in our possession. In reaching this conclusion the United States representatives were guided by the underlying axiom which they had taken as their thesis during the conference, namely, defense should be amply guarded; offense disregarded. Therefore, agreements to discontinue the expansion of fortifications at points where the offensive element predominated were reached.

There are also certain fallacies in the statement of the Senator from Missouri. To begin with, Wake Island is impossible to fortify. Next, Guam could not be made a great fleet base without a vast expenditure of money, because it is too small.

Let me digress here to say that I have been a good deal amused at the agony of apprehension which some persons have expressed in regard to Guam. We took that island in the Spanish-American War; it was taken by the cruiser *Charleston*. We have had so little interest in the island that we have never passed a line of legislation in regard to it or to provide for its government or to make any provision about it at all. It has been left in the hands of the Navy, which captured it. The captain of the ship represents the capitors and rules the island. That shows the amount of interest we have taken in Guam. We have never fortified it, and nobody would vote to spend money in fortifying it. All we provide in this treaty is that we will not fortify so long as Japan does not fortify her islands.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I yield.

Mr. McCORMICK. Those who at present are talking about fortifications at Guam are amongst the Senators who never have supported an appropriation of money in a sum sufficient to build even a naval base at San Francisco.

Mr. LODGE. That is quite true. The Senator from Missouri has made no mention of the fact that we hold Hawaii and that the Japanese have given up the right to fortify the Bonin Islands, Amami-Oshima, the Loochoo Islands, the Pescadores, and Formosa, without asking to reserve for themselves any position similar to that which we hold in Hawaii.

Those Japanese islands are the ones which threaten the Philippines. Formosa is the nearest one in which fortifications would threaten the Philippines. Of course, no island that Japan has could possibly be made a threat or menace to the United States.

Mr. KING. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I yield.

Mr. KING. Of course, under the treaties which have been negotiated we practically abandon the Philippine Islands to Japan and Great Britain; that is, in the sense that there will be no defensive or offensive operations on the part of the United States with respect to the Philippine Islands. I am not complaining of that, however.

Mr. LODGE. The Philippines will be in exactly the condition in which they now are and have been ever since they were taken.

Mr. KING. Obviously; and I think we ought to relinquish control of the Philippine Islands at the earliest possible moment.

Mr. LODGE. I do not think that follows. We have more protection for them by the four-power treaty than we have ever had since we have had them.

Mr. KING. Not from the United States, though.

Mr. LODGE. Of course, they are nowhere near the United States.

Mr. KING. No; but there is no protection upon the part of the United States of the Philippine Islands possible under these treaties.

Mr. McCORMICK. The critics of these treaties have never voted any great sums for the protection of the Philippine Islands.

Mr. LODGE. Of course not. We shall never fortify them. It would cost hundreds of millions of dollars to fortify them and probably take half a century to do it. We are not going to do it. Previously, however, we had no promise from anybody to respect the Philippine Islands, but now we have that promise from three great powers. The Senator from Utah may think that worthless, but, nevertheless, it is worth a good deal.

Mr. KING. I am making no complaint about the lack of fortification of the Philippine Islands, and if the Senator from Illinois [Mr. McCORMICK] in the two little thrusts which he has just submitted, and which are irrelevant to the question, attempts thereby to criticize Senators with respect to the Philippine Islands, he utterly misconceives their attitude. I know of no Senators who have desired to fortify the Philippine Islands. So far as I am concerned, I think we ought to relinquish control over them at once.

Mr. LODGE. That is a matter of present policy; but we are better protected as to the possession of those islands by the agreement under the four-power treaty than we have ever been before. The Japanese have given up the right to fortify all the islands which would be immediately formidable to the Philippines, and, as I have already said, none of their islands can be made formidable to us. Of course, when we agree not to extend fortifications all such agreements are reciprocal.

Neither has the Senator from Missouri mentioned the fact that in relinquishing the right to fortify the island of Amami-Oshima, which is a very large island, 60 miles long, the Japanese have yielded a position that is so far superior to any that we have given up that it is hardly to be mentioned in the same category. I state these points merely to show the just and fair spirit with which each nation approached these agreements, and, further, to make definitely clear that the United States were not yielding without a corresponding sacrifice on the other side.

The Senator from Missouri says there is not a single gateway in the waters of the seven seas that is not controlled by Great Britain. That is a very loose statement. Of course, Great Britain holds many strategical points. Incidentally she has held them for a hundred and fifty years. On the other hand, the large majority of them are in no way fortified in the modern sense of the word. For example, the Senator from Missouri specifically mentions Jamaica as capping one of the entrances to the Panama Canal. That situation has not grown out of any policies advocated by the American delegation at the conference. The fortifications at Kingston, Jamaica, at Bermuda, at Halifax, and all the other points adjacent to the United States are to all intents and purposes nonexistent. They have not been changed or increased for years, and are, therefore, no menace to the United States. They were abandoned by Great Britain as "strong places of arms," as they have been called, and she some time ago withdrew her fleet. They have never been kept up.

The Senator from Missouri drawe most disquieting conclusions from figures which he has presented to the Senate. It might be of interest to him, as it will certainly be to the other Members of the Senate, to know exactly what the situation would have been as to the relative strength of the capital ships of the navies of the United States, Great Britain, and Japan had their contemplated building programs been completed. I have as an authority for the figures which I will now state no less a body than the General Board of the Navy. That board of officers has estimated that with our building program of 1916 and the building programs of the other two nations completed, namely, about the year 1928, the relative tonnage of capital ships, excluding predreadnaughts, would be as follows:

United States	100
Great Britain	106
Japan	87

By the treaty we have fixed the relationship:

United States	100
Great Britain	100
Japan	60

Mr. President, we have listened to considerable discussion on naval strategy and tactics in the speech delivered by the Senator from Missouri, but if he can devise any fairer method for estimating naval strengths than the strength of the battle lines on that day when they may meet in conflict, it would be well to have him state it.

The treaty on limitation of naval armaments is based on a fair and just proportion of fighting strength. Perhaps if his naval advisers had advised him more fully they would have shown him that the battle line is composed of three parts, the van, the center, and the rear. We have heard at length arguments which have attempted to show the disadvantage in which the United States has been placed through this treaty which we are called upon to consider. I will ask the Senate to give some slight consideration to the analysis which I am about to present. At present the United States has three post-Jutland ships to Great Britain's one, and will continue this superiority until 1925, when Great Britain, if she lays down two new Hoods, not super-Hoods, will also have three post-Jutland ships.

Even with three post-Jutland ships, if she builds them, Great Britain would only have two with 16-inch guns and one with 15-inch guns, against our three ships with 16-inch guns, or she may have a total of eighteen 16-inch guns and eight 15-inch guns, making twenty-six in all, against our twenty-four 16-inch guns.

At the head or van of the line, which will be maintained by our three post-Jutland ships, we shall have considerable preponderance, especially so as the old Hood is very weakly armored, while our three ships are a heavily armored homogeneous type.

At the rear of the line we shall have four 12-inch 50-caliber gun ships, against four ships of 13½-inch 45-caliber gun ships. Probably Great Britain will have a slight superiority at the rear of the line.

In the center of the line we shall have eleven 14-inch gun ships, carrying a total of eighty-four 14-inch guns of 50 caliber and forty guns of 45 caliber, totaling one hundred and twenty-four guns, against ten ships of Great Britain carying 15-inch 42-caliber guns, with a total number of guns of eighty only. In the center we oppose one hundred and twenty-four guns to Great Britain's eighty. In the center of our fighting line we shall be vastly superior.

In a fight the *Renown*, *Repulse*, and *Tiger* will be in the fast wing and not in the main body, leaving 17 ships of Great Britain against 18 of the United States, with the United States superior at the head of the line, vastly superior in the center, and only somewhat inferior at the tail of the fighting line. Even with the three battle cruisers thrown into the main fight as best they may be, they will not have the fighting strength of any of the dreadnoughts.

As compared to the capital ships of Japan, with their 4 battle cruisers out of 10 capital ships, the fighting strength of the United States is necessarily greatly superior.

Therefore in the effort to come to an equality in fighting strength with Great Britain and to a ratio of five to three with Japan it will be seen that the United States, while endeavoring in every way to preserve these fair ratios, has in no wise allowed her naval strength to be jeopardized. No naval man of standing will say that on the day of battle, which is the day of the crucial test, he would prefer the Navy of Great Britain or the Navy of Japan to that of the United States.

Mr. President, while the opposition in this country has been drawing a very dreadful picture of how much the United States has sacrificed through the conference agreements, I should like to call attention to what the opposition in Japan thinks of the matter.

The Yorodzu of the 4th of February states as follows:

Japan has been conquered by Great Britain and the United States at the conference. The unrest and concern of the people for their safety will increase in the future. We must strive for the construction of a new Japan which may be able to escape the menace of the United States.

Again, the same paper, on the 9th of February states as follows:

Why do our delegates at Washington not rebuke the insolence of the United States? Has not the Chinese delegation declared its dissatisfaction with the results of the conference? While Japan has been forced to give up all that she possessed in China except the lease of Port Arthur and Dairen and the South Manchuria Railway and limit even the defenses of a part of her homeland, Britain has acquired the right of control of a railway in China and the United States has increased her exports to China.

All the Japanese must immediately concentrate their efforts on the opposition to the ratification of those treaties made at Washington.

The Hochi on the 10th of February states:

The conference was a great success for Britain and the United States, and President Harding may well congratulate himself for it. For Japan it was a failure, and we can not bring ourselves to be gratified by it.

Japan has sustained such a loss through the conference as she would have suffered had she been defeated in her desperate war with Russia.

The Yomiuri on the 11th of February stated:

Great Britain has been the largest gainer at the conference, cultivating her friendly relation with the United States, substituting the quadruple entente for the Anglo-Japanese alliance without hurting the feelings of Japan, and keeping the naval strength of the United States down to the level of her own. Securing the good will of China by restoring Weihaiwei (no longer of value to her).

The United States comes second to Great Britain in point of success. She has secured a 60 per cent naval superiority over Japan, her potential enemy, and regained the good will of China.

France comes third, through securing a voice in Pacific questions vitally affecting her international position.

China is next to France in her attainments. She, aided by the United States and Great Britain, made Japan yield on the Shantung question and compelled the powers to conclude treaties and agreements favorable to her interests. She lost nothing and gained a great deal.

The most miserable is Japan. She has gained a breathing space in naval competition by the enforcement of the naval holiday, and this is a considerable boon to her. But the days of her unrestricted freedom of action are at an end. The California questions are left unsolved, the pressure of foreign capital is on the increase, and the clandestine movements of foreign missionaries in Korea are growing bricker. These factors may cause enmity and hatred between America and Japan in a few years. Our people should carefully gauge the results of the Washington conference.

The Yorodzu of the 15th of February loudly denounces the Government for its ever-yielding policy in connection with the conference. The foreign minister during the interpellations in the Diet stated that in order to insure peace in the Pacific Japan's claims have been abandoned, not only in the naval ratio, which was absolutely essential for national defense, but in the actual issue involved in the fortification of the Pacific and the question of cables in the territory under Japanese mandate.

This paper bitterly declares that the Washington conference has been of success for America, rescuing her from the international isolation threatened because she threw overboard the League of Nations, and enables her to exploit economic resources in the Far East, while the American Continent is under the lock and key of the Monroe doctrine.

The Japan Chronicle of the 15th of February states:

America has killed two birds with one stone, having secured assistance for China and freed herself of the supposed danger of China being controlled by Japan on the other.

Thus America enhances her political and economic position in China. While Britain gained less, she will be enabled to maintain her old position in China.

Japan's gain is limited to being freed of suspicion and misunderstandings by other nations and having the way paved to some extent for minimizing the estrangement between China and herself.

The two pictures thus presented by the opposition, one in the United States and the other in Japan, are so diametrically opposed to each other that it is difficult to reconcile them. The basis of the estimates are the same, for the treaties which serve as serve Great Britain and Japan as well, and the figures submitted by the Senator from Missouri, in so far as they are accurate, are available alike to those countries.

Mr. President, having read those statements of the Japanese opposition, and having been privileged to hear for some weeks past the views of the opposition in this country, I remembered a similar case, because I once made something of a study of one of the men concerned in it. It was in 1842. The Webster-Ashburton treaty had been made by Mr. Webster, as Secretary of State, and Lord Ashburton, sent out here by Great Britain. The treaty was taken up in the Senate. They discussed it in secret session, but Mr. Benton subsequently published his memoirs and recollections of 30 years; there was not much secrecy left after that and undoubtedly things were given out. I am quoting, because it is a convenient condensation, from Mr. George Ticknor Curtis's Life of Daniel Webster. He speaks first of Mr. Rives, of Virginia, who favored the treaty. Then this which follows sounds so familiar:

Mr. Benton made an elaborate and violent attack upon every stipulation of the treaty, and every part of the negotiation and correspondence. He condemned them equally for what was done and what was left undone. His principal objections—

These are worth listening to.

His principal objections to the whole transaction were: (1) That there had been but one negotiator, and be from an interested State; (2) that the negotiation was not conducted on a basis of absolute right, but as a matter of bargain and sale; (3 and 4) that no protocols, notes, or minutes of the conferences had been kept, and consequently obscurity rested upon the origin and progress of the different propositions; (5) that the American negotiator had taken upon himself to act for the British envoy, presenting the British claims as American and pressing British arguments upon Maine, "victimizing that deserted and doomed State"; (6) that incongruous matters had been mixed in the same treaty; (7) that ratification had been forestalled by private consultations with Senators; (8 and 9) "the solemn and mysterious humbuggery by which Dr. Franklin had been made to play a part in ravishing this ratification from our alarms and screening the negotiator from responsibility for his gratuitous sacrifices" and the "awful apparition of the disinterred map," shown to alarm Senators into ratification. He discussed all these general objections at length and took up all the different parts of the negotiation in detail and could find no redeeming merit in any of them.

On the boundary question he made out 12 important sacrifices by America to 6 insignificant concessions by the British.

* * * * * * *

Mr. Benton then proceeded to take up and discuss the sins of omission which related to the Columbia River dispute; the subject of impressment; the outrage on the *Caroline*; and the liberation of American slaves, all of which, he said, ought to have been put finally at rest, and in each case according to the extreme claims of the Americans. He condemned Mr. Webster in unmeasured terms for not taking a high and unyielding tone on all these matters and insisting on a final settlement. He was peculiarly severe on the correspondence in the *Creole* case. Mr. Webster, he said, had laid down the law correctly, but it was all talk, nothing was done. Lord Ashburton had engaged only for the *quantum* in mode, while the fortiter in re remained as it was. It was "solemn bamboozlement" to repeat this engagement to the Senate and ask them to be satisfied with it. It was "a contrivance suggested by our Secretary to cover his desertion of the South."

The debate went on, some of the Senators spoke for the treaty; Mr. Calhoun stated his reasons for voting to ratify it, and Mr. Buchanan made a long speech in opposition; but when it came to a vote the Senate voted for it—39 to 9.

I took occasion at that time to look up the debates on the English side—I take it now from Mr. Curtis's abstract, because it is easier to find—and examined the view they took. This is the opposition that I read from:

Lord John Russell spoke of the settlement of the boundary. He admitted the importance of a settlement, but was not satisfied with the terms. Lord Ashburton's first dispatch should have been firmly adhered to, but disadvantageous concessions had been in fact made. Mr. Webster was unfair in insisting on the river boundary so strongly and afterwards leaving it. The correspondence, he thought, showed that better terms might have been obtained. Lord Ashburton he considered a bad appointment. His feelings were not earnestly enough enlisted in the colonial interests of Great Britain, and so the hold of the country on those Provinces was endangered.

Then Lord Palmerston, who was the leader of the opposition—On the 21st of March moved for copies of the instructions given by the Government to the British envoy, and in a speech of more than three hours' length made an elaborate attack on the whole course of the negotiations and the result attained. He gave an account of the difficulty from the treaty of 1783, together with all the negotiations and attempts at settlement which had been made down to the appointment of Lord Ashburton. In speaking of the interpretation of the treaty of 1783, he declared that he believed the red-lined map of which much had been heard, lately found by Mr. Sparks in the Royal Library at Paris, was the one alluded to by Dr. Franklin, as that used by the commissioners, marked with a strong red line following the boundary as laid down by the treaty; and this line, he said, was the boundary which had always been claimed by Great Britain. There was another map, similarly marked, in the State paper office at London. He criticised the appointment of Lord Ashburton on the ground that he was unskilled in diplomacy and inclined to be favorable to the United States. The first blunder of the envoy was in beginning with an ultimatum instead of allowing himself room for concession. He then showed great weakness in receding from his ultimatum and allowing a division of the Madawaska settlement, contrary to the wish of the inhabitants and the right of Great Britain—

And he condemned it very strongly.

There is one other that I noted, because of the man who made it.

Mr. Macaulay—

Afterwards Lord Macaulay—

declared the treaty to be in every way deficient. They had a right to expect that the dignity of the country would be preserved, that the difficulties should be effectually put at rest, and that cordial feelings between the two countries should have been the result. But, he said, the honor of the country had been compromised by the "humble, cringing, wheedling tone" which Lord Ashburton had adopted, and which contrasted strongly with the "firm, resolute, vigilant, and unyielding" manner of Mr. Webster.

Not at all like Benton's description.

They did not, of course, have to ratify the treaty in Parliament; but they had a vote of approval, which was unusual, in both Houses, approving Lord Ashburton's negotiations and the result, and the votes were carried by large majorities. History may not repeat itself, but oppositions sometimes do. After recording these remarks of the opposition in England and in the United States Senate, when I was writing a biography of Daniel Webster, I came to his conclusion that the attacks of Lord Palmerston and Senator Benton demonstrated pretty thoroughly that the Webster-Ashburton treaty was a good one. At all events, it has endured unchanged for 80 years.

Mr. President, I have trespassed very long on the time of the Senate, but I wished to bring these facts, so far as possible, before the Senate as a preliminary to acting upon the treaty.

There is one matter that I overlooked.

It will be remembered that in the covenant of the League of Nations there is a provision for reduction of armament, and I had the curiosity to get these minutes in order to see what they have done practically toward the reduction of armaments. This is an extract from the official journal of the League of Nations—Special Supplement No. 6—October, 1921:

Resolutions and recommendations adopted by the assembly during its second session (September 5 to October 5, 1921), Geneva, 1921.

I shall not read all the resolutions and recommendations. I shall ask to have them all printed; but I shall read the final report made by M. Léon Bourgeois, which contained the final resolutions adopted by the council:

The council postpones for the present the consideration of the assembly's resolutions 5, 7, 8, 10, and 11, and takes forthwith the following decisions:

1. The council instructs the secretary general to inform M. Viviani, the president of the temporary mixed commission, that the latter is asked to continue the work which it has begun.

2. The temporary mixed commission is invited to meet as early as possible and to lay before the council the names of new members up to the number of six, which it desires to coopt. The commission is invited to make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty or other equally definite plan, to be presented to the council, if possible, before the assembly next year.

3. The temporary mixed commission is asked to carry out its statistical investigation upon the lines indicated in the body of the assembly report on the reduction of armaments.

4. The temporary mixed commission is requested to continue the examination of the questions of the private manufacture of armaments and the trade in arms.

5. A communication should be sent to the Governments who will participate in the forthcoming Washington conference on disarmament in the terms of the draft included in this report. In the meantime a new letter should be sent to the States which have not yet notified their attitude in respect of the convention of St. Germain, to request them to do so.

6. The temporary mixed commission shall be asked to examine—in consultation with the permanent advisory commission—whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects, so as to minimise the likelihood of their being used in any future war.

I ask to have the entire resolutions and recommendations printed as an appendix to my remarks.

Mr. LODGE. What I have read is simply a reference of the subject to committees to talk about it and to get information, which would not mean any action for 10 years. At least we have succeeded in getting definite action. If this treaty is ratified—as I believe it will be—by all the signatory powers, it will mean an absolute reduction of armaments, a stopping of competition in armaments, and in another year a sensible relief to the taxpayers of all the countries involved. Whatever else it is, it is a real and concrete achievement and not a reference to commissions of experts. It really means something.

Mr. President, in conclusion I only desire to say that the American delegation went into this work on the subject of armaments with but one idea, and that was so far as possible to bring about a limitation of armaments among the great maritime nations of the world. I think that has been done. I think it is work of great value, and I hope the Senate will approve and ratify it.

APPENDIX.

[Extract from League of Nations official journal (special supplement No. 6), October, 1921. Resolutions and recommendations adopted by the assembly during its second session (September 5 to October 5, 1921), Geneva, 1921.]

VI. RESOLUTIONS AND RECOMMENDATIONS ADOPTED ON THE REPORTS OF THE THIRD COMMITTEE.

1. REDUCTION OF ARMAMENTS.

The assembly thanks M. Branting, chairman of the third committee, and the rapporteur, Lord Robert Cecil, for their valuable work. It is convinced of the urgent necessity of passing beyond the stage of the enunciation of principles and of proceeding to carry them into practical effect. The assembly therefore approves the report and the following resolutions submitted by the third committee with reference to the reduction of armaments:

1. That it is desirable that the temporary mixed commission should be asked to continue the work which it has begun.

2. That the temporary mixed commission be asked to make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty or other equally definite plan, to be presented to the council, if possible, before the assembly next year.

In order to enable the temporary mixed commission to accomplish this task the council should be asked to strengthen this commission.

3. That a statistical investigation be made with regard to the armaments of the various countries upon the lines indicated in the body of the report of the third committee.

4. That the temporary mixed commission be requested to continue the examination of the question of the private manufacture of armaments and the trade in arms.

5. That the council be requested to invite all the members of the league and interested States which are not members of the league to take part in an international conference on the private manufacture of arms and the trade in arms, which should meet as soon as possible at a date to be fixed under the responsibility of the council. It is considered highly desirable that this date should be prior to the next session of the assembly.

The temporary mixed commission should be intrusted with the task of preparing the program of the conference and of submitting to it a draft convention.

6. That the urgent importance of ratifying the convention at the earliest possible moment be strongly impressed on all the States signatories to the arms traffic convention of St. Germain, whether members of the League of Nations or not, and that at the same time all non-signatory States be invited to adhere to the convention.

The assembly expresses its earnest desire that the importance of this subject may be strongly urged at the forthcoming Conference on Disarmament at Washington.

7. The assembly, taking note of the view expressed in the report of the temporary mixed commission on the reduction of armaments with regard to the desirability of making provision for excluding the import of arms and ammunition in time of peace from countries in which the traffic is uncontrolled, invites the council to prepare a draft protocol for this purpose for the consideration of the various Governments. At the same time it expresses the earnest hope that this proceeding will not in any way be permitted to delay the general ratification of the convention of St. Germain.

The steps that may eventually have to be taken for the destruction of the surplus stocks of munitions may be considered by the temporary mixed commission.

8. That, subject to the conditions set out in the recommendation of the first assembly, the recommendation that members of the league should undertake not to exceed for the next two financial years following the present year the sum total of expenditure on military, naval, and air forces provided for in the budget of that year, be again forwarded to all members of the league, together with a statement showing the replies already received to this recommendation.

9. That the temporary mixed commission be asked to examine—in consultation with the permanent advisory commission—whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects, so as to minimize the likelihood of their being used in any future war.

10. That it is desirable that propaganda in favor of the reduction of armaments, as contemplated in the covenant, should be carried out with earnestness and conviction among all nations.

11. In pursuance of the third resolution of the first assembly, the assembly is of opinion that the secretariat should be asked to complete the organization of the section of the secretariat dealing with the question of the reduction of armaments, and that this section should have a directorship of its own, or other equivalent organization, quite separate from and, if necessary, in addition to, those already proposed by the fourth committee of the assembly.

(Resolutions adopted on October 1, 1921.)

[Extract from minutes of the fourteenth session of the council of the League of Nations held at Geneva. Second part. September 12 to October 12, 1921.]

The members of the council of the League of Nations are represented as follows:

China by M. Wellington Koo, president.
Belgium by M. Paul Hymans.
Brazil by M. Gastão da Cunha.
The British Empire by Mr. A. J. Balfour.
France by M. Léon Bourgeois.
Italy by Marquis Imperiali.
Japan by Viscount Ishii.
Spain by M. Quiñones de León.
Secretary general, Sir Eric Drummond.

FOURTEENTH MEETING (PRIVATE).

Held on Wednesday, October 12, 1921, at 3.30 p. m.
Present, all the representatives of the members of the council and the secretary general.
516. Albania.
511. Resolutions of the assembly concerning the reduction of armaments.

The council adopted the report of M. Léon Bourgeois (Annex 274), together with the following resolutions:

"The council postpones for the present the consideration of the assembly's resolutions 5, 7, 8, 10, and 11, and takes forthwith the following decisions:

"1. The council instructs the secretary general to inform M. Viviani, the president of the temporary mixed commission, that the latter is asked to continue the work which it has begun.

"2. The temporary mixed commission is invited to meet as early as possible and to lay before the council the names of new members up to the number of six, which it desires to coopt. The commission is invited to make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty, or other equally definite plan, to be presented to the council, if possible, before the assembly next year.

"3. The temporary mixed commission is asked to carry out its statistical investigation upon the lines indicated in the body of the assembly report on the reduction of armaments.

"4. The temporary mixed commission is requested to continue the examination of the questions of the private manufacture of armaments and the trade in arms.

"5. A communication should be sent to the Governments who will participate in the forthcoming Washington Conference on Disarmament in the terms of the draft included in this report. In the meantime a new letter should be sent to the States which have not yet notified their attitude in respect of the convention of St. Germain to request them to do so.

"6. The temporary mixed commission shall be asked to examine—in consultation with the permanent advisory commission—whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects, so as to minimize the likelihood of their being used in any future war."

The British, French, and Italian representatives agreed to ask Mr. Fisher, M. Viviani, and M. Schanzer whether they could continue to serve on the commission, and if not, to request them to appoint substitutes.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment and consideration article by article.

The reading clerk read article 1, as follows:

ARTICLE I.

The contracting powers agree to limit their respective naval armament as provided in the present treaty.

The VICE PRESIDENT. Without objection, the article will be agreed to.

The reading clerk read article 2, as follows:

ARTICLE II.

The contracting powers may retain respectively the capital ships which are specified in chapter 2, part 1. On the coming into force of the present treaty, but subject to the following provisions of this article, all other capital ships, built or building, of the United States, the British Empire, and Japan shall be disposed of as prescribed in chapter 2, part 2.

In addition to the capital ships specified in chapter 2, part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships the *North Dakota* and *Delaware* shall be disposed of as prescribed in chapter 2, part 2.

The British Empire may, in accordance with the replacement table in chapter 2, part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer, King George V, Ajax,* and *Centurion* shall be disposed of as prescribed in chapter 2, part 2.

The VICE PRESIDENT. Without objection, the article will be agreed to.

The reading clerk read article 3, as follows:

ARTICLE III.

Subject to the provisions of article 2, the contracting powers shall abandon their respective capital shipbuilding program, and no new capital ships shall be constructed or acquired by any of the contracting powers except replacement tonnage which may be constructed or acquired as specified in chapter 2, part 3.

Ships which are replaced in accordance with chapter 2, part 3, shall be disposed of as prescribed in part 2 of that chapter.

Mr. KING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	Nelson	Stanley
Ball	Hale	New	Sterling
Borah	Harris	Oddie	Sutherland
Broussard	Harrison	Pittman	Swanson
Bursum	Hitchcock	Page	Townsend
Cameron	Johnson	Pepper	Trammell
Capper	Jones, Wash.	Pittman	Underwood
Colt	Kellogg	Poindexter	Wadsworth
Cummins	King	Pomerene	Walsh, Mass.
Dial	Lenroot	Sheppard	Walsh, Mont.
Edge	Lodge	Shields	Warren
Ernst	McCormick	Shortridge	Williams
Fernald	McNary	Simmons	Willis
France	Moses	Smoot	

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from New York [Mr. CALDER] are detained at a meeting of the Committee on Finance.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Fifty-five Senators have answered to their names. A quorum is present. The question is upon agreeing to article 3. Without objection, the article is agreed to.

The reading clerk read article 4, as follows:

ARTICLE IV.

The total capital ship replacement tonnage of each of the contracting powers shall not exceed in standard displacement, for the United States, 525,000 tons (533,400 metric tons); for the British Empire, 525,000 tons (533,400 metric tons); for France, 175,000 tons (177,800 metric tons); for Italy, 175,000 tons (177,800 metric tons); for Japan, 315,000 tons (320,040 metric tons).

The PRESIDING OFFICER. The question is upon agreeing to article 4. Without objection, the article is agreed to.

The reading clerk read article 5, as follows:

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

The PRESIDING OFFICER. Without objection, the article is agreed to.

The reading clerk read article 6, as follows:

ARTICLE VI.

No capital ship of any of the contracting powers shall carry a gun with a caliber in excess of 16 inches (406 millimeters).

The PRESIDING OFFICER. Without objection, article 6 is agreed to.

The reading clerk read article 7, as follows:

ARTICLE VII.

The total tonnage for aircraft carriers of each of the contracting powers shall not exceed in standard displacement, for the United States, 135,000 tons (137,160 metric tons); for the British Empire, 135,000 tons (137,160 metric tons); for France, 60,000 tons (60,960 metric tons); for Italy, 60,000 tons (60,960 metric tons); for Japan, 81,000 tons (82,296 metric tons).

The PRESIDING OFFICER. Without objection article 7 is agreed to.

The reading clerk read article 8, as follows:

ARTICLE VIII.

The replacement of aircraft carriers shall be effected only as prescribed in chapter 2, part 3; provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in article 7, without regard to its age.

The PRESIDING OFFICER. Without objection article 8 is agreed to.

The reading clerk read article 9, as follows:

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

However, any of the contracting powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the contracting powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of article 2. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of article 10, except that the total number of guns to be carried in case any of such guns be of a caliber exceeding 6 inches (152 millimeters), except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed eight.

The PRESIDING OFFICER. Without objection article 9 is agreed to.

The reading clerk read article 10, as follows:

ARTICLE X.

No aircraft carrier of any of the contracting powers shall carry a gun with a caliber in excess of 8 inches (203 millimeters). Without prejudice to the provisions of article 9, if the armament carried includes guns exceeding 6 inches (152 millimeters) in caliber the total number of guns carried, except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed 10. If alternatively the armament contains no guns exceeding 6 inches (152 millimeters) in caliber, the number of guns is not limited. In either case the number of antiaircraft guns and of guns not exceeding 5 inches (127 millimeters) is not limited.

The PRESIDING OFFICER. Without objection, article 10 is agreed to.

The reading clerk read article 11, as follows:

ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this article.

The PRESIDING OFFICER. Without objection, article 11 is agreed to.

The reading clerk read article 12, as follows:

ARTICLE XII.

No vessel of war of any of the contracting powers, hereafter laid down, other than a capital ship, shall carry a gun with a caliber in excess of 8 inches (203 millimeters).

The PRESIDING OFFICER. Without objection, article 12 is agreed to.

The reading clerk read article 13, as follows:

ARTICLE XIII.

Except as provided in article 9, no ship designated in the present treaty to be scrapped may be reconverted into a vessel of war.

The PRESIDING OFFICER. Without objection, article 13 is agreed to.

The reading clerk read article 14, as follows:

ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimeters) caliber.

The PRESIDING OFFICER. Without objection, article 14 is agreed to.

The reading clerk read article 15, as follows:

ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the contracting powers for a noncontracting power shall exceed the limitations as to displacement and armament prescribed by the present treaty for vessels of a similar type which may be constructed by or for any of the contracting powers: *Provided, however,* That the displacement for aircraft carriers constructed for a noncontracting power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

The PRESIDING OFFICER. Without objection, article 15 is agreed to.

The reading clerk read article 16, as follows:

ARTICLE XVI.

If the construction of any vessel of war for a noncontracting power is undertaken within the jurisdiction of any of the contracting powers, such power shall promptly inform the other contracting powers of the date of the signing of the contract and the date on which the keel of the ship is laid, and shall also communicate to them the particulars relating to the ship prescribed in chapter 2, part 3, section 1 (b), (4), and (5).

The PRESIDING OFFICER. Without objection, article 16 is agreed to.

The reading clerk read article 17, as follows:

ARTICLE XVII.

In the event of a contracting power being engaged in war, such power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other power, or which may have been constructed within its jurisdiction for another power and not delivered.

The PRESIDING OFFICER. Without objection, article 17 is agreed to.

The reading clerk read article 18, as follows:

ARTICLE XVIII.

Each of the contracting powers undertakes not to dispose by gift, sale, or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power.

The PRESIDING OFFICER. Without objection, article 18 is agreed to.

The reading clerk read article 19, as follows:

ARTICLE XIX.

The United States, the British Empire, and Japan agree that the status quo at the time of the signing of the present treaty with regard to fortifications and naval bases shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now hold or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands.

(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its territories, and (c) New Zealand.

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: The Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces; and that no increase shall be made in the coast defenses of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

Mr. KING. Mr. President, I would like to inquire of the Senator from Alabama [Mr. UNDERWOOD], the Senator from Massachusetts [Mr. LODGE] not being in the Chamber at this moment, whether any efforts other than those referred to by the Senator from Massachusetts were made to bring other nations into the naval conference with a view to securing an agreement upon their part to limit naval armament.

It is clear that the treaty binds only the nations who have subscribed to it. As I understand the treaty, there is no inhibition whatever upon other nations, and they may engage in the construction of capital ships, either battleships or battle cruisers, and for that matter all forms of naval war craft or war agencies, without limitation or restriction.

Mr. UNDERWOOD. Mr. President, the Senator asks me a question that is manifestly not within my power to answer, for this reason: The Senator will recall that Congress requested that a conference be called looking to a reduction of armament by the nations of Great Britain, Japan, and the United States. That conference was not called by the delegates who attended it, but by the President of the United States. The President of the United States extended the scope of the conference beyond the three powers named, to France and Italy. Whether the President made any effort to invite any other nations in or not, I do not know.

Of course, when the conference met it was not within the power of the delegates to the conference to invite other delegates into the conference because, acting as commissioners for the President of the United States, their powers were limited to the call that he had issued and to conferring with the nations which had been called together on the invitation of the President of the United States.

But manifestly it did not make any difference, because outside of the five powers which signed the treaty there are no nations in the world that have navies which can reasonably be called navies, and there is no other nation in the world whose navy this Government should desire to reduce. What may happen in the future no man can tell, but certainly there is no probability of any nation in the world, outside of the five nations which signed the pending treaty, building a navy that would in any way rival even the navies of France and Italy, who have the smallest navies of the powers which signed the treaty.

Mr. KING. If the Senator will pardon me, to much of his statement I agree, namely, that the President called these nations and, of course, the delegates selected by the President to represent the United States could not amplify or extend the invitation; but the delegates must have invited Italy and France to become parties to this naval agreement.

Mr. UNDERWOOD. Not the delegates or the commissioners. I believe they are called delegates commonly, but their commissions read as commissioners. No; they did not invite those nations. The President of the United States invited Italy and France to the Conference on Limitation of Armament.

Mr. KING. Oh, I understand, to the conference, but I referred to the treaty now before us.

Mr. UNDERWOOD. There were two invitations issued, one to the four nations beside those nations included in the limitation of armament, and under the President's invitation as agreed to by those powers it was limited to those four nations outside of the United States.

The other request was in reference to far eastern questions, where eight other powers were invited in by the President of the United States, and their powers were limited to the far eastern questions. Of course, those two separate organizations were working at the same time within the scope of the invitation which had been accepted, and so far as the commissioners to the conference were concerned, they had no powers in that matter whatever.

Mr. KING. The Senator recalls that Holland participated in the conference?

Mr. UNDERWOOD. In the far eastern conference under the invitation of the President.

Mr. KING. And the Senator doubtless has perceived that the representative of Holland, since his return, has been severely criticized because his Government was not called upon to participate in the conference, or, rather, in the pending treaty.

Mr. McCORMICK. If the Senator will permit me, he was criticized because he did not make his Government a party to the four-power treaty.

Mr. KING. Yes; and to the naval limitation treaty.

Mr. McCORMICK. I think the Senator is mistaken.

Mr. KING. The Senator from Illinois has very much information, but he does not possess all the springs of information.

Mr. UNDERWOOD. Of course, the Senator from Utah refers to a matter that was beyond my jurisdiction. As one of the commissioners or delegates to the conference, I had no right to extend such an invitation. The stream can not rise higher than its source, and when I accepted the President's commission I and my colleagues on the American delegation were limited to the duties prescribed in our instructions. Of course, the invitation could not have been extended by the delegates; it must have been extended by the Nation; and we did not represent the Nation in that respect.

Mr. KING. Mr. President, if I may make one observation in reply to a suggestion made by the Senator from Alabama. If I understood his attitude correctly, it was that because the United States has no fear of any other nation becoming its naval rival, therefore we are not interested whether the other nations construct capital ships or not. I suggest to the Senator that the United States can not afford to take that position. If a large number of nations should embark upon the construction of capital ships, it seems to me that it would be a cause of con-

corn to the United States, because when such ships were completed, though the number constructed by each nation might be small, a crisis might arise which would drive those nations together. The fact that the four-power treaty, but recently ratified, constitutes, as many believe, an alliance, and the other nations may form alliances, and some nations having capital ships may unite to form an alliance, or combination. Their navies might not constitute a menace to the United States, but the fact that they have capital ships and continue to build them might be regarded as a cloud in the sky which might presage international controversies and militate against the peace of the world. So it does seem to me that it would have been wise for the President at some period of the conference to have attempted to secure the consent of other nations to a policy restricting the construction of capital ships.

Mr. UNDERWOOD. Mr. President, I think the Senator's proposition is entirely theoretical. I think if many of the nations to which he refers had been invited to disarm when they had no battleships, they would have wondered why they had been summoned to the conference; and if that had been done it certainly would have taken a good deal more time to have worked out in this treaty the problem which Congress had laid down to be solved. If nations which did not have ships and did not have armaments had been invited to disarm it would have been like calling on a citizen to lay down his gun when he does not have a gun. Of course, however, I am not speaking of the question with any authority, for, as I have said, the commissioners to the conference had no authority to act in the matter.

Mr. KING. Of course, the Senator from Alabama will perceive that the call for the conference was not limited to the consideration of capital ships, but to all forms of naval armament?

Mr. UNDERWOOD. Of course, when I said "capital ships" I meant any fighting ships. I do not think there is a thing in the proposition advanced by the Senator from Utah except a theory, for it is quite probable that during the 15 years of the life of this treaty no nation in the world not a party to the treaty will have any naval armament which need be regarded seriously, because it takes time and it takes a great deal of money to build capital ships; and without capital ships, of course, no nation could stand up an hour in battle line against the navy of any one of the powers which have joined in this treaty.

Mr. KING. This treaty places no limitations whatever upon the construction and use for war purposes of submarines?

Mr. UNDERWOOD. Undoubtedly, it does not.

Mr. KING. It places no limitations whatever upon aircraft as a weapon in war?

Mr. UNDERWOOD. Mr. President, I should be glad if the Senator from Utah would ask his questions all at one time, for I do not care to be getting up and down, though I am glad to answer them. Of course, the Senator knows just as well as I do, for he has read the treaty, that there is no limitation on submarines, because the conferees were unable to agree to a limitation on submarines. It was not because we did not want to agree but because we could not reach such an agreement. There is no limitation on aircraft as such, yet there is a limitation on aircraft carriers, which for naval purposes limits the amount of aircraft that may be used.

Mr. KING. Mr. President, I wanted to lend emphasis to the matter by having the Senator from Alabama answer my questions singly, not en bloc. It is obvious that some of the good people of the United States who think that the ratification of this treaty will bring about the millennium and will, in a naval sense, completely disarm all of the powers signatory to the treaty, are mistaken. I venture to assert that there will be great activity on the part of many nations in the construction of submarines and airplanes and other naval weapons and instruments of naval warfare.

Mr. UNDERWOOD. Mr. President, I do not desire to take up the time of the Senate, but I have a few words to say in reference to the pending treaty. The Senator from Utah has given me the opportunity to say them now.

The Senator from Utah states—I do not know whether he states it in the way of an objection to the treaty or not—that the people of the United States are going to be very much disappointed in the treaty because it does not prevent in the future the building of all types of naval vessels. Mr. President, I think that one of the great acts of Congress, and one which history will record as one of the milepposts in the progress of civilization, was the passage of a joint resolution by the Senate of the United States, which was finally passed by Congress, requesting the President of the United States to call a conference of the three great naval powers—the British Empire, Japan, and the United States—looking to a limitation of armament. I think it was wise on the part of the President to extend that invitation also to France and Italy. I do not say that the pending treaty is a treaty of peace, for it is manifest that, notwithstanding the many great points for good in the treaty, when it is brought down to its last analysis the naval strength of the five powers which have joined in it is the same that it was last year, relatively speaking, that their relative strength will continue to be the same.

There is a manifest reason for that. The subject was carefully gone over by the American delegates in the beginning before they made a proposal to the conference favoring a limitation of armaments. We could not have proposed to the other nations that they limit their armaments and reduce their building programs because they did not need their navies; that was a question that could have been discussed for weeks and months and years. We could not put it on the basis that one nation was greater than another, for they were all sovereign nations and had a right to do what they pleased within the scope of their national power. Our Government invited them here to lay aside a part of their sovereign rights by entering into a contract to limit the building of navies in the future. When we came to seek a basis, the only basis which we could find on which we might hope to reach a favorable agreement was the status quo, the amount of armament which each nation possessed when the conference met.

That is the basis on which the proposal of the American Government was worked out; that was the basis on which this treaty was finally agreed upon. It involved a reduction in armament and a limitation of armament, and in the end it left each one of the five nations relatively in the same position, except that France and Italy have been given some little advantage, due to the fact that they had not engaged in adding to their naval strength during the Great War. The difference in their favor, however, is not a material one.

Mr. President, I do not think that this treaty is going to be a disappointment to the American people. We may discuss and contend and differ about the other treaties which have come before the Senate from the conference, but I do not believe there has ever been an event in American history that was hailed with more unanimous approval on the part of the American people than the announcement of the American delegation to the conference in favor of stopping the building of battleships and armaments and a reduction of the navies of the world, involving, of course, a reduction in the cost of building and maintenance. Irrespective of party, irrespective of class or clan, from the Atlantic Ocean to the Pacific Ocean, a wave of approval swept over the country; and, in my judgement, so far as this naval treaty is concerned, that approval still remains in the hearts and minds of the American people. And it is an accomplishment, Mr. President, not so much because of the reduction in the number of battleships, not so much because of the details of the proposal, but it is one of the greatest accomplishments in the history of the world that such an agreement has been reached by great nations. This treaty, which the Senate of the United States will probably ratify to-day, is a milestone in the history of the world.

For ages past men have talked about laying aside the sword, about reducing armaments, about lifting the burden of the bayonet and the soldier from the backs of the masses of the people, but nothing looking toward a realization of that great end has ever been done by international agreement. One nation may have reduced its armament and another increased its armament, but for the first time in the history of the world five nations, great in their naval power and armament, have met together and not only agreed to reduce their armament, not only agreed to lift that burden of taxation from their people, but they have agreed to a naval holiday of 10 years, in which no building shall be done with the exception of replacement ships; that for 10 years they shall cease to arm and threaten each other by continual increases in their naval establishments.

More than that, while the actual saving flowing from this treaty is reduced appropriations for this year or next year may not be very great, yet there will be many hundreds of millions of dollars saved to the American people in the years to come if this treaty goes into effect.

Had we continued the program of 1916 upon which we had entered and then continued the program of 1918, which Congress had ordered, we would have piled the appropriations up into the hundreds and hundreds of millions, if not billions, of dollars before we had carried out those programs; and we would have forced the other great powers to have taken similar action or lose their position of naval strength. As a result of the conference, the only five nations possessing naval armament, after meeting together, have agreed to reduce their armaments and to stop the reckless race of building.

I think this treaty is a document of which the Congress of the United States should be proud. So far as the delegates to the conference were concerned, they were merely the hands of the Government; the conference itself was initiated right here in this Chamber; and I think that every Member of the Congress who voted for the resolution calling the conference together is entitled to his share of the credit for this undertaking.

Mr. President, the pending treaty provides not only for a reduction of arms, not only does it declare a naval holiday for 10 years, but it establishes a precedent in the world that may hereafter mean an onward step in the realm of peace among nations. No man can predict what the future holds, but I believe firmly that at the end of the 15-year period, which is the life of this treaty, the great democratic peoples of the world, having found that they could meet and agree not to arm nation against nation, will demand that the action which has been taken here shall be renewed in the future, and, instead of the nations of the world arming against each other, they will disarm for the universal peace of the world.

Mr. WALSH of Montana. Mr. President, I entertain no doubt that this treaty will be ratified by practically the unanimous vote of this body, as it should be. That it was a great accomplishment no one can and no one, so far as I know, has any disposition to deny. I rise, however, to call attention in a very general way to how far the hopes of the people of the United States with respect to general disarmament have failed by the course that has been taken.

It will be remembered that when the matter was under consideration by the Senate during the winter of 1920–21 some contention arose as to whether, if a conference were called, its activities should be confined to limitation of naval armaments alone, or whether an effort should be made to accomplish a reduction in the land armaments of the world as well as the naval armaments. It may be well to recall at this time some of the history of this great conference.

It was provided by article 8 of the covenant of the League of Nations that the council should be charged with the duty of preparing a plan for general disarmament, to be submitted to the respective Governments of the world for their approval or disapproval; and early after the organization of the council it undertook that duty, appointing for the purpose of preparing a plan a committee consisting of three representatives from each of the nations represented upon the council, one a military officer, one a naval officer, and the third an officer of the aerial service, except in the case of Brazil, where one officer acted in the threefold capacity. This action was taken by the council in the month of May, 1920. It proceeded with its work, but, of course, was immediately embarrassed by the fact that the United States was not represented upon the committee, and it was recognized that it would be impossible to accomplish anything in the nature of a general reduction of armaments without the cooperation of the United States. It reported its difficulties to the council, which passed a resolution asking the Government of the United States to send representatives to sit in a consultative capacity with the committee which was then dealing with the subject.

I will have you bear in mind that represented upon that committee was every State having a representative on the council of the League of Nations, namely, Great Britain, France, Japan, Italy, Spain, Belgium, and Brazil. That body was engaged, not merely in an effort to accomplish a reduction in naval armaments but in an effort to accomplish a reduction in land as well as naval armaments. An invitation was sent, as I say, to the President of the United States, who, as I always thought, rather inconsiderately declined the invitation, and thereupon a resolution was introduced in the Senate requesting the President to accept the invitation and send representatives to that committee thus engaged in the work, so that at the time the Senate first took action with respect to the matter the work of endeavoring to get an agreement between the nations of the earth with respect to the limitation of armaments was well under way, and under way pursuant to the Versailles treaty and the covenant of the League of Nations.

Four days thereafter the celebrated Borah resolution, asking that a conference of the three great naval powers be held for the purpose of agreeing upon a plan of limitation of naval armaments, was introduced, and, with the resolution to which I have referred, was sent to the Committee on Foreign Relations. Meanwhile, the naval appropriation bill came before the Senate, and an amendment was offered by the Senator from New Jersey [Mr. EDGE] in substance like the Borah resolution, which received the approbation of the Senate, and after some delay in the House, said at the time to be due to Executive interference, the House acceded to the amendment to the appropriation bill to which I have referred, and the appropriation bill was thus agreed to by both Houses carrying the resolution.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I do.

Mr. BORAH. Simply in the interest of accuracy, let me say that I do not know that I understood the Senator; but the resolution which was offered by the Senator from New Jersey in the form of an amendment to the naval appropriation bill died with that session, because the appropriation bill died. The resolution was reintroduced at the next session, went to the Naval Committee, was there defeated, and when the naval appropriation bill came out was again offered and afterwards adopted.

Mr. WALSH of Montana. I think the Senator is correct about that. That feature I had forgotten about. However, the question was discussed at some length on the floor as to whether the invitation, when it was extended, should not be sufficiently comprehensive to embrace limitation of land armament as well as limitation of naval armament; but, as I say, it went through restricted to naval armament. However, when the invitation was extended it was general in its terms—a conference for the limitation of armament, not alone naval armament but land armament as well.

It may be well to recall that the three nations embraced in the Borah resolution—Great Britain, the United States, and Japan—grievously burdened as they were by the competition which had grown up between them as well as by reason of obligations incurred during the war, were still perfectly able, in view of the resources of all of them, to carry the burden which they were assuming. It was heavy, indeed. Our appropriation bill for naval construction amounted to something over $100,000,000—$105,000,000, as I recall—out of a total for all military purposes of something over $800,000,000.

I am not sure that a real agreement ever could be arrived at among the nations of the earth—though I see no reason why it should not be—for a reduction of armaments until they were really of no value for purposes of international war, but were useful simply for police purposes; but if such an agreement could be arrived at I see no reason why our appropriations for military purposes should not be cut in two. My recollection is that in the year 1910 and thereabouts our annual appropriations for both the Army and Navy were not to exceed $300,000,000, while last year, three years after the close of the war, we appropriated something over $800,000,000.

I can see no reason why that great bill should not be cut in two through some reasonable agreement among the nations of the earth looking to a limitation of armaments. That would mean the saving of $400,000,000 a year. After 10 years' work, and with the expenditure of about that much money, we constructed the Panama Canal, regarded at the time, and still regarded, as one of the greatest engineering works ever undertaken and carried to a successful conclusion by the energy and skill of man, and we ought to save enough on our Military Establishment every year to build a Panama Canal, or to construct public works equivalent thereto.

It was not only important to the United States directly that the limitation should extend to land armament as well as to naval armament, but it is all important to the great countries of Europe, which are being consumed annually regularly now by the frightful burden created by their land armaments. Until recently, at least, France, with a national debt of over $50,000,000,000, was endeavoring to carry an army of 800,000 men, consequently disturbing, as a matter of course, to the peace and quiet of all Europe. Italy maintains an army of 350,000 men, Czechoslovakia and Yugoslavia each 150,000 men, more than is deemed adequate for the protection of this great country of ours, reaching from ocean to ocean, and numbering a population of over 100,000,000 people. Belgium has an army of 150,000 men. The savings of their people, which ought to be utilized in the restoration of industry and in the reestablishment of business, are being consumed daily to support these great military establishments. The consequence is felt by us as well as by them.

No one can doubt that the distressed state of industry in this country is directly due to the fact that the capital of Europe, the accumulations and the savings of the people of Europe, which ought to be utilized in the establishment of industry there, which would call for and consume the products of industry in this country, are idle.

I remarked that the call of the President for the conference, apparently in recognition of the situation of affairs to which I have just briefly alluded, was for a conference for general limi-

tation of armaments. Yet apparently no effort was made, at least none of which I am aware, to secure anything in the nature of an agreement for the limitation of land armament.

Mr. KELLOGG. Mr. President, I think the Senator recalls that France absolutely refused to go into any agreement for a limitation of land armament.

Mr. WALSH of Montana. No; I do not recall anything of the kind.

Mr. KELLOGG. That is the fact, just the same.

Mr. WALSH of Montana. I do not recall that. I read Mr. Briand's speech with very great care; but I remind the Senator that the invitation to which I have referred, inviting the Government of the United States to participate in the deliberations of the committee, was extended to us by France, and she would hardly be in a situation to decline. But why should she decline, and what reason was assigned by France for declining? Was it impossible to satisfy France so as to induce her not to decline, and what effort was made to satisfy France in order to induce her to consent to consider land disarmament? These are matters with respect to which I should like to have some information, and I intended to address an inquiry along that line to the Senator from Alabama [Mr. UNDERWOOD], if he had done me the honor to stay and hear what I had to say.

Mr. President, we need not be in very great doubt about why France took the position at the conference which she did assume. She assented, in the first place, to the provisions in the covenant of the League of Nations in relation to the preparation of a plan of disarmament, because she was guaranteed against further invasion by Germany by the separate treaty which she made with the Government of the United States and with Great Britain. She was by that treaty assured by both those nations that in case of further aggression against her people by Germany, they would both come to her aid.

I have all kinds of sympathy with the attitude taken by the people of France. I do not blame them at all for being in a highly sensitive frame of mind with reference to a future invasion of their territory by Germany. They have every reason to feel apprehensive about it. Their memories concerning the invasion of 1870 are still keen, if they had not the more recent experience to make them extremely cautious in that regard; and they can recall, no doubt, the history of their country during the Napoleonic wars, and the troubles which succeeded them.

But, Mr. President, what were we asked to do? We were asked simply to undertake toward France an agreement jointly with Great Britain, that in case her soil were again invaded by Germany we would come to her aid. That was the price we were obliged to pay, and the only price we were obliged to pay, to get France into a conference for the reduction of her land forces, which would, of course, be followed by a reduction by Italy, by Yugoslavia, by Belgium, and by the other countries associated with her.

I never was able to understand why the United States should not enter into that kind of an agreement. I never was able to understand what reason could be urged for opposition to the treaty which was negotiated with France to that end. We had just come in the aid of France, to help her repel the invader from her soil. If Germany had known at the outset that the United States would join in the war with France and if she had known that Great Britain would join in the war with France she never would have dared to invade the soil of France, and the war of 1914 would never have occurred, or at least it would not have occurred when it did.

So, looking to the future, Mr. President, what had we to pay? All that was necessary was to ratify that treaty and agree with France to go to her aid in case Germany should again invade her soil. That was the text of Mr. Briand's speech. He insisted that they were going to protect themselves against a further invasion by Germany, inasmuch as Great Britain and the United States were not ready to carry out the agreement negotiated in their behalf by Mr. Lloyd-George and Mr. Wilson. We never would have been called upon to pay a dollar or to put a man into the field if we made an agreement of that kind, because Germany would never dare invade France if there were an agreement with the United States and Great Britain that they would come to her aid if Germany did. It would cost us absolutely nothing. On the other hand, Mr. President, if we look forward to a period 25, 50, or 75 years hence and we find then a Germany rehabilitated, a great military power again, so puissant in herself, or with the aid of such allies as she could engage, as that she dared invade France again, we would again be in exactly the same situation in which we found ourselves in 1917, and with or without any agreement with France, we would be obliged to come to her aid for our own protection.

So I should like very much to inquire of the Senator from Massachusetts, if he were present, or the Senator from Alabama, what advances were made to the delegates from France along the lines of the treaty negotiated in 1919 by Mr. Wilson, looking to an agreement between the United States and Great Britain on the one side and France on the other, to protect her against a further invasion from Germany.

I appreciate, as a matter of course, Mr. President, that when Mr. Briand came over here and found no disposition whatever upon the part of those in power in this country to carry out that agreement or to ratify it or to negotiate something substantially the same, he spoke his piece and went home. I have never understood that it was in any wise intimated to him that any protection would be given to France at all. Under those circumstances nothing else was to be expected of France except an answer to the effect that she could not consent to the reduction of her army.

I find no fault with this present treaty, Mr. President. I am curious to know, indeed I am profoundly anxious to know, why something was not done, if nothing was done, to induce France to consider the subject, some kind of guaranty to be given her of protection against a further invasion by Germany.

I still retain the hope that the burden of these great armies will be found so oppressive upon the peoples of Europe that the committee of the council engaged in this matter will still find an opportunity to do the work with which it is charged, and that we may look to them, as we must now look, for relief from the present oppressive conditions, if relief is to be had at all. I repeat the profound regret I feel that the conference here accomplished so little, much as I am pleased that it accomplished as much as it did. I am very glad to give my approval to its work.

I see the Senator from Massachusetts has come into the Chamber, and I will be very glad to get the information I desire from him, if he can give it to us. I was calling attention to the fact that the call of the President for the conference was for the consideration of limitation of armaments; not for the limitation of naval armaments, as contemplated, but for the limitation of armaments generally.

Mr. LODGE. I stated that when I began to speak.

Mr. WALSH of Montana. The work, however, appeared to be limited to navies, so far as the limitation of armament was concerned, and I wanted to inquire of the Senator why that was.

Mr. LODGE. I explained that when I began my speech.

Mr. WALSH of Montana. Unfortunately, I was unable to be present.

Mr. LODGE. That was the first point I took up. Of course, the Secretary of State brought forward his proposition about the limitation of armaments on the first day of the conference.

Mr. WALSH of Montana. But that was for the limitation of naval armaments only.

Mr. LODGE. Yes; for the limitation of naval armaments. The second day was taken up in the appointment of committees only, and the third meeting, about a week later, was when M. Briand made his speech, and none of us were surprised at it, but expected it. He made a very strong and eloquent address, in which he said it was impossible for France to make a reduction in her land forces. That, of course, put an end to the conference doing anything about it.

Mr. WALSH of Montana. That is all right. Of course, Mr. Briand said it was impossible for them to reduce, because they had to protect themselves from further invasions from Germany. What I want to know is whether any further effort was made to make any arrangement by which France could be in a way assured against a further invasion by Germany?

Mr. LODGE. None was made by the United States.

Mr. WALSH of Montana. Or by anyone else?

Mr. LODGE. Not here, that I know of. Subsequently, of course, the Senator saw in the newspapers that England made some offer.

Mr. WALSH of Montana. Was any suggestion made that the Government of the United States might be willing to ratify a treaty substantially like that negotiated in Paris?

Mr. LODGE. Not that I know of.

Mr. WALSH of Montana. There was no tender of that kind on the part of the United States?

Mr. LODGE. No; there was nothing said about it.

Mr. WALSH of Montana. So that when Mr. Briand made his speech saying that by reason of the prospects of further invasion from Germany they could not disarm, that ended the thing?

Mr. LODGE. That ended it, certainly, because he could not agree to anything.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WALSH of Montana. I yield the floor.

Mr. EDGE. I wish to ask the Senator from Montana a question. I understood him to say that the resolution originally passed by the Senate requesting the President to call a conference to consider the limitation of armaments included only the three nations—Great Britain, Japan, and the United States. It is quite correct that the resolution which orignally passed the Senate was limited to those three nations, but near the close of the session, at which time the naval appropriation bill was under consideration, when I presented the amendment, I included also France and Italy, and the matter as considered by the Senate requested the President to invite the four nations.

At that time the Senator from Idaho [Mr. BORAH], as I recall the debate, felt that the presence of France and Italy might not assist in bringing about actual results, and in reaching a conclusion and an agreement to limit armaments, because of the fact that from the standpoint of naval power, they of course were not in the same class with the other three nations; and that suggestion was accepted on the floor, as I recall, unanimously, without a division. That amendment, as the Senator from Idaho had correctly stated, passed the Senate, as I recall it, by a unanimous vote after an amendment suggested by the Senator from Montana was defeated, the suggested amendment proposing to refer the entire matter to the League of Nations for consideration. The naval appropriation bill died with the close of the session, so that of course that particular action was of no direct force.

Mr. WALSH of Montana. Of course I have not any information as to what the Senator from New Jersey may have thought before tendering the amendment.

Mr. EDGE. The Senator must have misunderstood what I stated. I said that I introduced the amendment, which was debated on the floor of the Senate, including the five nations, but during the debate by agreement, as I recall it now, I do not think by an act of the Senate, the two nations were taken out because of the feeling that perhaps under the circumstances they could not contribute to a unanimous agreement. I personally disagreed with that viewpoint, although I felt that the matter was of sufficient importance to be passed even with the limited number of nations included. I took the viewpoint that a greater number of nations would result in greater benefit, as has been proven by the actual result of the conference itself.

Mr. WALSH of Montana. I do not recall that the amendment of the Senator from New Jersey underwent any amendment during the course of its consideration. It reads as follows:

> The President is authorized and requested—

That is the question as it was considered and not as it was passed. It was in that shape on the 1st day of March, 1921:

> The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain, France, Italy, and Japan to send representatives to a conference which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, France, Italy, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments for their approval.

Mr. EDGE. There is no question between the Senator from Montana and myself as to the amendment as it was finally adopted. He is entirely correct. I am simply drawing his attention to the fact that as introduced the thought of the proponent of the amendment was, as I am quite sure the RECORD will disclose, to include the countries of France and Italy, and the CONGRESSIONAL RECORD of that date will disclose a debate running over several hours, as I remember it now, in which the Senator from Idaho, the Senator from Montana, the Senator from New Jersey, and others participated on the question of whether these two nations should be included or excluded.

Mr. WALSH of Montana. I do not undertake to controvert the statement of the Senator from New Jersey. I merely say that I have no recollection of it, and it was in this form when I discussed it on March 1, 1921.

However, I would not like to have the statement of the Senator from New Jersey that I proposed to let the matter be referred to the League of Nations go without some comment. The fact about the matter is that prior to all that time the council of the League of Nations, through its committee, was engaged in dealing with the subject. An invitation was extended to this Government to send representatives to join in that work which was then going on. My amendment proposed that the invitation be accepted. It read as follows:

> The President is further requested—

That is, in addition to the course suggested by the amendment of the Senator from New Jersey—

> The President is further requested to express to the council of the League of Nations the earnest desire of the Government of the United States to cooperate with the commission by the said council appointed charged with the formulation of plans looking to a general reduction of armaments, for submission to the several Governments for their consideration and action, and that he be, and he hereby is, further requested promptly to designate with due authority representatives to sit with such commission in a consultative capacity pursuant to the invitation heretofore extended by the said council to the Government of the United States.

Now, if the representatives had been sent in response to that invitation extended to us by France, as well as by the other nations, how could France refuse to sit in the conference and consider land disarmament as well as naval disarmament?

Mr. HITCHCOCK. Mr. President, it seems to me before we vote upon the pending treaty that it is perfectly reasonable to trace somewhat the genesis of the idea which has now finally been incorporated in the form of a solemn treaty which is likely to receive the almost unanimous vote of this body.

I believe we can legitimately go back as far as the year 1916, because when the naval appropriation bill for that year was passed, providing as it did in war time for a large naval program, an amendment was incorporated in the bill authorizing and directing the President of the United States, when an opportune time arrived after the close of the war, to call a conference in Washington for the purpose of entering upon an agreement for disarmament. That resolution was introduced in the House by a Democrat and was passed by the Democratic House of Representatives, and came to the Senate and was here accepted.

Coming down, now, to a period after the close of the war we find that on December 11, 1920, the Senator from Montana [Mr. WALSH] again brought the matter of the disarmament movement before the Senate by offering a resolution urging the President of the United States to accept an invitation from the League of Nations to participate unofficially in the meeting of the League of Nations commission on the subject of disarmament. The resolution was referred to the Committee on Foreign Relations, then as now Republican, and was never reported. The Senator from Montana made an appeal to the Senate at that time to the effect that, notwithstanding the fact that the United States had not become a member of the League of Nations, it could very properly cooperate with the league in the work of agreeing upon a plan of disarmament in order to save the world from bankruptcy.

Some three days later, namely, on the 14th day of December, 1920, the Senator from Idaho [Mr. BORAH] introduced a resolution which, omitting the preamble, read as follows:

> That the President of the United States is requested, if not incompatible with the public interests, to advise the Governments of Great Britain and Japan, respectively, that this Government will at once take up directly with their Governments and without waiting upon the action of any other nation the question of disarmament, with a view of quickly coming to an understanding by which the building naval programs of each of said Governments, to wit, that of Great Britain, Japan, and the United States, shall be annually reduced during the next five years 50 per cent of the present estimates or figures.
>
> Second, that it is the sense of the Congress, in case such an understanding can be had, that it will conform its appropriations and building plans to such agreement.
>
> *Resolved further*, That this proposition is suggested by the Congress of the United States to accomplish immediately a substantial reduction of the naval armaments of the world.

That resolution introduced by the Senator from Idaho was favorably reported by the Committee on Foreign Relations, with certain amendments, on January 18, 1921.

The Senate not acting upon the resolution, the same Senator from Idaho [Mr. BORAH] on February 15 offered his resolution in substance as an amendment to the naval appropriation bill, and during the discussion of that bill in the Senate from that time on until the hour of adjournment the subject of disarmament was a live one in the Senate.

Finally, the Senator from New Jersey [Mr. EDGE], on the 1st of March, almost the last day of the session, offered an amendment in the same terms, almost in the same words, and it was adopted. Unfortunately, however, that never became a law for the reason that the naval appropriation bill was not perfected before the adjournment on the 4th of March, having been, as I recall, tied up in conference.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield.

Mr. KING. While the Senator is giving the various steps which were being taken, may I call his attention to the fact that the Senator from Idaho also offered a resolution, which was referred to the Committee on Naval Affairs, inquiring as to whether or not there might be a suspension of the 1916 program?

Mr. HITCHCOCK. I had that in mind, but I want to make this a close history if I can. I examined that matter also.

After Congress reconvened under the call of President Harding, the Senator from Idaho [Mr. BORAH] promptly reintroduced his resolution on April 12, and, it not having been acted upon, a little later, on the 4th day of May, he again offered it

as an amendment to the naval appropriation bill then again pending in the Senate.

Now, up to that time it was well understood that President Harding's administration was opposed to this plan of a conference for the reduction of armament. The influence of the administration was used in the House of Representatives during the consideration of that bill, and it was sufficient to prevent the incorporation of such a provision in the bill by the House of Representatives.

Finally, on the 13th day of May, as I recall it, the Senator from Maine [Mr. HALE] openly stated upon the floor of the Senate that as a result of conversations with the President and as a member of the Committee on Naval Affairs he felt justified in saying that President Harding was opposed to the amendment being inserted in the naval appropriation bill and opposed to having Congress direct him to call a disarmament conference in Washington. I think that will be found in the RECORD on May 13.

Mr. EDGE. Has the Senator the exact language before him used by the Senator from Maine in making the statement to which he refers?

Mr. HARRISON. If the Senator from Nebraska will permit me, I should like to read the exact language.

Mr. EDGE. I should like to have the exact language, as it has been referred to.

Mr. HITCHCOCK. I shall be glad if the Senator from Mississippi will read it.

Mr. HARRISON. On May 13, 1921, I think at several places the junior Senator from Maine [Mr. HALE] made such a statement. At one place in the RECORD he said:

> Mr. HALE. I stated that my impression, after talking with the President, was that he considered that this is not the time to go ahead with a resolution of this kind. Of course, the Senator realizes that our foreign relations at the present time are extremely delicate and that the country at large is looking to the President to straighten out those foreign relations.

At another place on the same page of the RECORD he said:

> Mr. HALE. I will say that I went to see the President with the Senator from Washington, and we talked over the question of disarmament, and I gathered from what was said there that the President thought it was not necessary for Congress to go ahead in this way with a resolution asking for disarmament.

Mr. HITCHCOCK. Nevertheless, the Senator from Idaho, in cooperation with Senators on this side of the aisle, pressed the idea of incorporating in the naval appropriation bill a demand for a disarmament conference here in Washington, and notwithstanding the opposition of the administration, it was finally announced in the newspapers of Washington that the President had abandoned his position, and when the Senator from Idaho pressed his amendment to a vote here in the Senate it was agreed to, as I recall, with only four dissenting votes. At the same time the House of Representatives had adopted a motion to allow a separate vote upon this question, which was then in conference. When put to a vote in the House of Representatives, it carried by a majority of 330 to 4. The result of that action of Congress was that on the 10th of July the State Department announced that invitations would soon be sent to foreign countries to join in the conference to be held in Washington; and they were sent during the following month.

Mr. President, I have briefly recited these facts of history for the purpose of showing that the genesis of this idea was Democratic; that it was initiated in the House of Representatives; that it was followed up in December, 1920, by the activity of the Senator from Montana [Mr. WALSH], and three days thereafter was taken up by the courageous Senator from Idaho [Mr. BORAH], who finally, by a determined fight lasting over weeks and months, with Democratic support, compelled the administration to abandon its opposition to the idea and to call the disarmament conference, against which, with determination, it had set its face for many weeks.

Mr. President, I have said this much in order that the facts and the statements introduced in the address by the Senator from Massachusetts [Mr. LODGE] this morning may not be taken as a conclusive showing of the great achievements of this administration at the disarmament conference. We are all ready to vote for the ratification of the treaty, as I understand, with possibly very few exceptions, on both sides of the aisle; but the credit should be given to the Senator from Idaho for the courageous and determined fight which he has made to compel his party to align itself with the Democratic forces of this country, which began in 1916 to insist on a disarmament conference, and which has steadily made the fight for efforts of this kind to secure peace for the world.

Mr. President, I think it is deplorable that the conference was not able to bring about land disarmament; I think it was deplorable it was only able to secure a reduction in naval armament to the extent practically of capital ships; that it was not able to make any reduction in the submarine equipment of navies; and that its efforts have been so crippled and thwarted by the opposition of special interests. Nevertheless a great step forward has been taken. We are all ready to vote for the treaty; but we want it distinctly understood that the initiative of this step was Democratic and that its great success was due finally to the courageous struggle made by the Senator from Idaho, which resulted in forcing upon an unwilling administration the calling of the disarmament conference.

I think, Mr. President, it would have been possible, if an early effort had been made, to secure not only naval disarmament but some land disarmament. Certainly the League of Nations has undertaken to bring about not only naval disarmament but land disarmament. Its progress has not been great as yet, and I noticed the Senator from Massachusetts rather gloated over the fact that it has not yet succeeded in going very far in that work. It does not, however, lie in our mouths to criticize the League of Nations for its failure to accomplish its objects. We remained out of the League of Nations, and when the Washington conference was called it was called purely to consider the problems of the Pacific Ocean and not the problems of the world. In calling the conference and in its subsequent proceedings many nations were excluded from participation. No effort was made to bring about a reduction of the great armaments of Europe.

The world to-day is not suffering from naval armament to anything like the same extent that it is suffering from land armament. To-day upon European soil there are maintained by such nations as France and Poland and Italy and Great Britain millions of men. Their numbers should be greatly reduced. One great reason why the recuperation of Europe is so slow, one great reason why rehabilitation has made such little progress in Europe to-day is because of the enormous armies which are there maintained. France, at the present time, as we have been told time and again, is maintaining an army of over 700,000 men. The German people can do nothing as they are under a most crushing defeat, struggling as they are with impossible reparations to pay, are compelled to cripple themselves still further by paying for that enormous army, a large part of which is an army of occupation on German soil.

We should, in my opinion, have cooperated with the other nations of the world in European matters. It may be all right for us to form a little combination in the waters of the Pacific Ocean to secure a peaceful settlement of possible disputes, but the great thing for the United States to do is to join with the other nations of the world for universal disarmament. The great opportunity for the United States is to join the other nations which are trying to rehabilitate Europe. It is Europe in which we are interested. Our interests in the Pacific Ocean and on the Asiatic coast are absolutely insignificant compared with our tremendous interests in Europe.

Mr. President, from what is this country suffering to-day? We are in the midst of one of the most terrible depressions which have ever afflicted us. Four or five million men are out of work; last year there was a record of 8,000 commercial failures in the United States; and there are going to be over 12,000 failures this year, the greatest number in the history of the country. We are suffering because to-day we are not able to sell our surplus products. Our copper mines in the West are still closed and tens of thousands, yes, hundreds of thousands, of men are out of work on that account. In the cotton fields of the South there are probably five or six million bales of cotton of last year's crop still unsold in the warehouses, mortgaged for more than they will sell for; our manufacturing institutions, which have a capacity to produce $2,000,000,000 more of manufactured goods than the American people can consume, are not able to sell their surplus; they are working but 50 per cent of their capacity and are reducing the wages of their employees from quarter to quarter. Our railroads, which ought to be carrying the great commerce of the country, are scarcely able, with their greatly reduced freight and passenger traffic, to pay their fixed charges in many cases, notwithstanding the fact that freight rates and passenger rates also are exorbitant.

Mr. President, out in the section of the country where I live we are able to raise a great deal more wheat and corn and hogs and cattle and other products of agriculture than the people can consume; we should like to sell that surplus to Europe at good prices, but, as a matter of fact, for the last 18 months our prices have been on the toboggan, and the farmers of the West have been compelled to sell their cattle, compelled to sell their wheat, compelled to sell their corn at prices which do not even reimburse them for the cost of production. We have

depression all over the country; we have had it for months; and we are going to have it for months longer, in spite of the little palliatives to which resort has been had. Our unfortunate condition is not due to any domestic trouble; we have all the assets in the United States to-day which we had under the eight prosperous years of the last administration.

Why are we not prosperous? We are not prosperous because our great customer, Europe, is in the slough of despond. We are doing nothing to help Europe out. Governments over there are bankrupting themselves by maintaining great armaments which they do not need, and we are making no effort at cooperation with them in bringing about a reduction.

So, I say that while some credit may be given, doubtless, to the Washington conference for the work which it has done in bringing about a little relief in the Pacific Ocean and forming a little combination there which may be called an alliance, it has done nothing practically to relieve the economic distress of this country. I do not understand how the administration, that should be not only patriotically interested but must be politically interested in the welfare and prosperity of the country, can now neglect the great opportunity of cooperating with Europe in its rehabilitation. Instead of that it devotes its energies to this comparatively small matter in the Pacific Ocean.

So, in the midst of my congratulations for the negotiation of this treaty, for which I expect to vote, I again express regret that this administration has done nothing to bring about cooperation with the nations of Europe, so that they may escape bankruptcy, so that they may rehabilitate themselves, and so that our former great customers in Europe that have made us prosperous by buying our surplus may again make us prosperous by buying our surplus which they really need.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED.

As in legislative session,

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes, and it was thereupon signed by the Vice President.

COMPENSATION FOR NIGHT WORK BY POSTAL EMPLOYEES.

As in legislative session,

Mr. TOWNSEND. I submit a resolution and ask unanimous consent for its immediate consideration. I assume that there will be no opposition to it. I will say, by way of explanation, that when the Post Office appropriation bill was under consideration some days ago an amendment was proposed affecting the compensation of employees of the Post Office Department engaged in night work. I said at that time that I should take the matter up before the committee at the earliest opportunity. I do not know what kind of a bill to introduce to cover the matter. So I am presenting a resolution authorizing the Committee on Post Offices and Post Roads to investigate the subject. It will not involve any expenditure, but will enable us to get at the facts; and that is what I want. The resolution is merely to form the basis for hearings before the committee for the purpose of determining the cost and other considerations which may be involved.

Mr. KING. Has not the Senator's committee authority, without a specific resolution, to consider the subject referred to?

Mr. TOWNSEND. I have presented the resolution simply that the committee may have something definite upon which to work. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 259) was read, as follows:

> *Resolved*, That the Senate Committee on Post Offices and Post Roads be, and hereby is, authorized to investigate the matter of night work by the postal employees for the purpose of determining the extent of such work and the best method for reducing it, and whether necessary night work in the Post Office Department should be compensated by shorter hours or increased pay. Such committee shall report its findings to the Senate, with such recommendations as to it may seem desirable, not later than July 1, 1922.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution, as in legislative session?

Mr. WALSH of Massachusetts. Mr. President, I sincerely hope the resolution will be adopted. The subject is one which has been considered by the Committee on Post Offices and Post Roads, and is of pressing importance. I hope that favorable action may be taken at once on the resolution.

Mr. HARRISON. Mr. President, what is the use of passing the resolution if the Post Office and Post Roads Committee has already considered this question? It is to authorize the Post Office and Post Roads Committee, as I understand, to consider it further. Is that the idea?

Mr. TOWNSEND. Yes. I stated before the Senate, as the Senator will remember, that the House committee did not consider it, and that it was not brought before our committee until after we had made our report. A statement was made then, but we were unable to determine or to be furnished with what it would cost, and what the effect would be upon the service. That was after our bill had been reported, and the report had been agreed to by our committee.

Mr. HARRISON. The committee could investigate it, though, without the passage of this resolution.

Mr. TOWNSEND. This will enable us to have something before us upon which we can proceed to work. We have nothing before us now.

Mr. HARRISON. Of course, it is not the intention to let down lightly those who refused to allow an amendment to be incorporated when it was proposed in the recent Post Office appropriation bill to do the very thing that is now sought to be done?

Mr. TOWNSEND. Is the Senator asking a question?

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from Michigan asks unanimous consent for the present consideration of the resolution. Is there objection?

The resolution was considered by unanimous consent and agreed to.

ROADS, BRIDGES, AND TRAILS IN ALASKA.

Mr. KELLOGG obtained the floor.

Mr. NEW. Mr. President, if the Senator from Minnesota will yield to me for a moment, I ask unanimous consent, as in legislative session, to report back favorably, from the Committee on Territories and Insular Possessions, House Joint Resolution 282, and I submit a report (No. 579) thereon. I ask unanimous consent for the immediate consideration of the joint resolution, for the passage of which there is an emergency.

Mr. KING. Let it be read.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to make a report as in legislative session. Is there objection? The Chair hears none. The Senator further asks unanimous consent for the immediate consideration of the joint resolution. Is there objection?

Mr. KING. Let it be read.

Mr. KELLOGG. I have no objection if it does not lead to long debate. I have to leave the city at 6 o'clock, and I should like just a few moments on the treaty before leaving.

Mr. NEW. If it leads to debate, I shall withdraw it; I shall not press it at all.

Mr. KELLOGG. I have no objection, then.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Assistant Secretary read the joint resolution (H. J. Res. 282) to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923, as follows:

> *Resolved*, etc., That the Secretary of War is authorized to direct the Board of Road Commissioners for Alaska to incur obligations prior to July 1, 1922, for the construction and maintenance of roads, bridges, and trails in Alaska of not to exceed 50 per cent of the appropriation for this purpose for the fiscal year ending June 30, 1922, payment of these obligations to be made from the appropriation for the fiscal year ending June 30, 1923.

Mr. KING. Mr. President, may I ask just a question?

Mr. NEW. Mr. President, if an explanation is desired, as it very properly should be, I will say this:

The appropriation for this work in Alaska for this year is $425,000. To carry out that work it is necessary to make contracts in the United States for the delivery of material. It has to be fabricated here and delivered there. If they are to wait until the appropriation is available, it will be too late for them to proceed with the work this season. The money will not be available until probably the 1st of July, or certainly along in June, when it would be too late for them to make the contract, get the material there, and do the work. This joint resolution has passed the House unanimously, and is recommended by the Secretary of War, by the Alaskan Road Commission, by Governor Bone, and by all who have anything to do with it. It authorizes contracts to the amount of 50 per cent only of the amount of the appropriation, in order that they may get the material there in time to work on it this season.

Mr. OVERMAN. Mr. President, does the Senator remember how much the total appropriation is?

Mr. NEW. Four hundred and twenty-five thousand dollars.

Mr. OVERMAN. In the present Interior Department bill that we just passed?

Mr. NEW. Yes. The appropriation for this work is $425,000, and this joint resolution would authorize the making of contracts for material to the extent of $212,500.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. NEW. Yes.

Mr. WALSH of Montana. This has not heretofore been found necessary with reference to the appropriations for road work in Alaska, has it?

Mr. NEW. I do not know that it has, but it is now said to be necessary.

Mr. WALSH of Montana. That is what I want to know. I can very readily understand that the season being so short in Alaska, work must be begun promptly if it is to be done at all; but while I have served on the committee for many years, I do not remember that we were ever before called upon to anticipate in that way the appropriations for a fiscal year, and I was wondering what are the peculiar circumstances which suggest that course at this time.

Mr. NEW. I do not know that it was ever asked for before, but I do know that the statement made now is that they need certain fabricated material, which has to be made here in the United States and delivered there in time to be used during the working season on those roads, and this is to enable them to get it. That condition may not have existed heretofore.

Mr. WALSH of Montana. Of course the Senator will appreciate that that is a condition that has always existed.

Mr. NEW. It may have. As to what has happened in times past, I can not say.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

As in legislative session,

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of members of the Bridgeport (Conn.) Chamber of Commerce, praying for the passage of House bill 10822, authorizing the Secretaries of War and of the Navy to loan, issue, or sell surplus equipment to the Boy Scouts of America, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Hebron, Amston, Leonard Bridge, and South Coventry, all in the State of Connecticut, protesting against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of 39 leading manufacturing companies of Meriden, Conn., praying for the prompt enactment of a protective tariff law based on American valuations, which was referred to the Committee on Finance.

He also presented resolutions of Cheshire Grange, No. 23, and Ekonk Grange, No. 89, Patrons of Husbandry, of Cheshire and Moosup, respectively, in the State of Connecticut, favoring avoidance of the impending coal strike by means of conference and arbitration, which were referred to the Committee on Education and Labor.

He also presented a petition of members of Lincoln Council, No. 4, Junior Order of United American Mechanics, of Waterbury, Conn., favoring the passage of more stringent immigration and naturalization laws, and also the creation of a department of education, which was referred to the Committee on Immigration.

Mr. FERNALD presented memorials of sundry citizens of Wilton, Dryden, Weld, and Jay, all in the State of Maine, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SIMMONS presented resolutions of Nancy Carr Council, No. 29, of Durham, and General Green Council, No. 20, of Greensboro, Sons and Daughters of Liberty, in the State of North Carolina, favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. WILLIS presented a petition of the Central Labor Union of Chillicothe, Ohio, praying for the passage of House bill 9691, providing for the creation of Federal local option districts, etc., and for the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented the memorial of Mrs. Carrie Craig and 70 other citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a resolution of the City Council of Fitchburg, Mass., favoring the enactment of the soldiers' compensation bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Aldermen of the city of Holyoke, Mass., favoring modification of the eighteenth amendment to the Constitution of the United States so as to allow the manufacture and sale of beers and light wines, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps, reported it without amendment and submitted a report (No. 580) thereon.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8460) to authorize the occupation and use of certain lands in Alaska by Ketchikan Post, No. 3, American Legion, and for other purposes (Rept. No. 581);

A bill (H. R. 8690) to add a certain tract of land on the island of Hawaii to the Hawaii National Park (Rept. No. 582); and

A joint resolution (H. J. Res. 249) authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church (Rept. No. 583).

FORT M'HENRY (MD.) RESERVATION.

Mr. FRANCE introduced a bill (S. 3349) to amend the act approved May 26, 1914, entitled "An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and City Council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside," to provide for the restoration of Fort McHenry and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes, which was read twice by its title.

Mr. FRANCE. I submit a statement explanatory of the bill, which I ask may be printed in the RECORD in 8-point type, together with the bill, and both referred to the Committee on Military Affairs.

There being no objection, the bill and accompanying statement were referred to the Committee on Military Affairs and ordered to be printed in the RECORD in 8-point type, as follows:

A bill (S. 3349) to amend the act approved May 26, 1914, entitled "An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside"; to provide for the restoration of Fort McHenry and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

Be it enacted, etc., That the act approved May 26, 1914, entitled "An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside," be, and hereby is, amended to read as follows:

"That the Secretary of War be, and he is hereby, authorized and directed, so soon as it may no longer be needed for uses and needs growing out of the recent war, to begin the restoration of Fort McHenry, in the State of Maryland, now occupied and used as a military reservation, including the restoration of the old Fort McHenry proper to the condition in which it was on the 1st of September, 1814, and to place the whole of said military reservation in such a condition as would make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key; and that the Secretary of War be, and he is hereby, further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 3 hereof and that part now in use by the Department of Commerce for a light and fog-signal station under revokable license from the War Department with the maintenance of the electric lights thereto, the said reservation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War: *Provided*, That the citizens of Baltimore City and of the State of Maryland shall be given as free and full access to and use of said national park as they would enjoy if this were a part of the park system of Baltimore City.

"That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans, which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States: *Provided*, That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land 60 feet wide belonging to said fort grounds, beginning at the north corner of the present grounds of the fort and extending south 63 degrees 30 minutes east, 650 feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry-dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the act, approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: *Provided, however*, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: *Provided further*, That the Secretary of War may, in case of a national emergency or war, temporarily and only for the period of such war close the said military reservation and use it, if he shall deem it to be necessary, for military purposes.

"That there be, and hereby is, authorized to be appropriated out of funds in the Treasury of the United States heretofore made available but not appropriated the sum of $100,000, or so much thereof as may be necessary, for use by the Secretary of War in the restoration of said military reservation, and for other purposes consistent with this act; and, further, that there be, and hereby is, appropriated $10,000 annually for the maintenance and care of the reservation."

A CALL TO THE PEOPLE OF AMERICA TO PRESERVE TO POSTERITY THE BIRTHPLACE OF THE STAR-SPANGLED BANNER, FORT MCHENRY, WHICH IN 1814 STOOD FIRM AGAINST THE INVADER AND DELIVERED THE REPUBLIC FROM DISASTER.

THE STAR-SPANGLED BANNER.

[From the original manuscript of Francis Scott Key.]

O say can you see by the dawn's early light
What so proudly we hail'd at the twilight's last gleaming,
Whose broad stripes and bright stars through the perilous fight
O'er the ramparts we watch'd, were so gallantly streaming?
And the rocket's red glare, the bomb bursting in air,
Gave proof through the night that our flag was still there.
O say does that Star-Spangled Banner yet wave
O'er the land of the free and the home of the brave?

On the shore dimly seen through the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected now shines in the stream,
'Tis the Star-Spangled Banner—O long may it wave
O'er the land of the free and the home of the brave!

And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has washed out their foul footstep's pollution.
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave,
And the Star-Spangled Banner in triumph doth wave
O'er the land of the free and the home of the brave.

O thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation!
Blest with vict'ry and peace may the heav'n-rescued land
Praise the power that hath made and preserv'd us a Nation!
Then conquer we must, when our cause it is just,
And this be our motto—"In God is our trust."
And the Star-Spangled Banner in triumph shall wave
O'er the land of the free and the home of the brave.

[From a London newspaper of June 17, 1814.]

It is understood that the grand expedition preparing at Bordeaux for America, under the gallant Lord Hill, is destined for the Chesapeake direct. Our little army in Canada will at the same time be directed to make a movement in the direction of the Susquehanna, and both armies will, therefore, in all probability meet at Washington, Philadelphia, or Baltimore. The seat of the American Government, but more particularly Baltimore, is to be the main object of attack. In the diplomatic circles it is also rumored that our naval and military commanders on the American station have no power to conclude any armistice or suspension of arms. They carry with them certain terms, which will be offered to the American Government at the point of the bayonet. The terms are not made public, but there is reason to believe that America will be left in a much worse situation as a naval and commercial power than she was at the commencement of the war.

FORT MCHENRY.

The 1st of September, 1814, saw the city of Washington burned, the handful of American warships driven to port by force of superior numbers, the Atlantic coast from Maine to Louisiana open to attack, and the fate of the Union in the balance. It was then that Fort McHenry stood firm against the invader, redeemed our eastern seaboard, and delivered the Federal Government from serious disaster or utter ruin.

Yet, great as were the services which Fort McHenry rendered in that fateful month and year, our once feeble Government, now become the most powerful in the world, has done but little to commemorate the spot which inspired "The Star-Spangled Banner," a spot which not only rescued the young Republic in an hour of grave difficulty, but brought the war with Britain to a close and ushered in a century of peace.

Apparently forgotten by the Government are the patriots who proved their claim to liberty by the performance of deeds; neglected are the grounds of Fort McHenry, sacred to the holiest traditions of the American people.

The question for the people of America to answer is, Shall these ramparts go to ruin, shall modern buildings encroach upon the soil of this sacred ground? Surely a patriotic people will not permit these battlements that once repelled a victorious invader to be thus dishonored. Let us restore them as they were, so that coming generations may see them with the eyes of those gallant first defenders, or else let us level them to the earth.

In the two and a half years of war preceding the defense of Fort McHenry, scores of the fastest sailing vessels afloat had set forth from beside its parapets. Eluding the frigates that once impressed American seamen, these light-armed clipper ships pursued and captured enemy merchantmen by the hundred, prisoners by the thousands, and booty that ran into millions.

To the enemy the waters of the Chesapeake had now become little better than a "nest of privateers and pirates." It was clear to them that the Chesapeake must be rid of these pests, the Federal Capital captured, and Baltimore forced to pay for damage done and be made the point of a wedge to drive the North and South apart. Then Fredericksburg and Richmond could be threatened or captured on the south, Philadelphia and New York on the north.

The British were driving south from Canada and were at Plattsburg. They proposed to sweep down and make a junction with the 9,000 troops quartered on the fleet in the Chesapeake. Then by uniting their forces from Lake Champlain and the Chesapeake and having neutralized New England, they would coerce and subjugate America once again. To quote from an officer with the attacking British fleet:

"A large proportion of the peninsular army would be transported to the other side of the Atlantic. The war would be carried on with vigor and no terms would be listened to except and as a British general should dictate in the Republic Senate House." (G. R. Gleig-Narrative of Campaigns, 1812–1821.)

Washington had fallen easily, a body of our Regulars and militia had been defeated at Bladensburg, and the Chesapeake coast line was at the mercy of the "redcoats"—all but that section protected by the guns of Fort McHenry and troops gathered in the vicinity. To be pitted against our soldiers were Continental veterans fresh from their victories on the Continent of Europe. In the Chesapeake were not only Wellington's Invincibles but Nelson's marines, distinguished at Trafalgar and the Battle of the Nile.

The invading fleet numbered some 50 sail—a large proportion of them classed as men-of-war and frigates of the line. Against this armada with its troop transports, America could oppose nothing afloat.

The hope of the Middle Atlantic seaboard and perhaps the Union itself lay in the city of Baltimore, and the hope of Baltimore lay in the garrison and guns of Fort McHenry and such untrained troops as could be mustered for other land defenses.

No wonder that Gen. Sir Robert Ross, who commanded the British troops, declared that he would "eat his supper in Baltimore" subsequent to his first day on land. Nothing seemed to him more certain even if, as he said, "it rains militia." Balti-

more was picked to be his winter headquarters and a logical base for further operations north, south, or west.

Early on Sunday morning, September 11, the alarm was sounded through the streets of Baltimore. The British fleet had entered the Patapsco River. The cannon boomed on the courthouse plaza, summoning the militia to arms.

The defensive force and equipment of Fort McHenry were supplied largely by the citizens of the beleaguered port. Regardless of a blazing sun, men and women toiled with pick and shovel to throw up breastworks at every approach to the city and its chief reliance, Fort McHenry. Maj. Gen. Samuel Smith was in command of the militia, and under him was Brigadier General Stricker. Sailors, lacking ships to go to sea, were converted into land forces under the brilliant Commodore John Rodgers.

Before dawn had streaked the sky on the 12th of September the British were astir, and boat after boat carried men and arms to North Point, where now stands Fort Howard. General Ross, who had won his laurels in Holland, Egypt, and the peninsula, took command. At his side was Rear Admiral Cockburn, who was hated for his plundering of defenseless villages. Admiral Sir Alexander Cochrane, successor of Admiral Warren as commander in chief of the British forces in America, remained on his flagship and in person supervised the plans for the attack by water.

The American commanders sent forward outposts to engage the British, and scarcely were the latter assembled on shore when General Ross fell. Tradition has it that two youths, perched in a tree, shot him when he passed within range of their rifles. As he was carried to the rear, he demanded that he be covered, for fear the knowledge of his fall would reach his men and dismay them. Shortly after giving these directions he lost consciousness, and died in the arms of his aid, Sir Duncan McDougall.

The encounter at North Point was that phase of the engagements which in their entirety might be called the Battle of Baltimore, the attack upon Fort McHenry being the crucial or decisive action. The first encounter, wholly on land, was on the afternoon of the 12th. The British stormed the American earthworks, but were checked by a fire of shot, slugs, scrap iron, and balls. The lines of both armies swayed back and forth, with victory smiling first on one side and then on the other. The British lost 600 that day, the Americans 150.

At dusk a great storm broke and the fighting halted. At daybreak the rain ceased and the battle began anew, the British commander, Brooke, who had succeeded Ross, ordering his men forward to avenge the setbacks of the day before.

The fleet was all commotion, for an officer from Colonel Brooke's staff had urgently requested Admiral Cochrane to open the bombardment of Fort McHenry, which, if successful, would seal the fate of the city. Soon the ships weighed anchor and, sailing up the Patapsco, got into battle formation 2½ miles off the fort. The decks were stripped, the bomb and rocket vessels opened their fire, and 16 ships hurled bombs, rockets, and solid shot into the ramparts. The garrison of the fort—1,000 Volunteers and Regulars—was under Col. George Armistead. Armistead unmasked his batteries and directed a brisk fire, but the range of his guns and mortars fell short of the ships. This was disheartening, and his anxiety was not lessened when a 24-pounder in the southeast bastion was demolished by an exploding bomb, mortally wounding an officer and several of the cannoneers.

Observing the confusion in the fort, Admiral Cochrane signaled three of his bomb vessels, and they moved closer to the ramparts to hasten the victory. Armistead seized his opportunity, and ordered a well-directed fire, and his wide-mouthed cannon wrought havoc on the decks of the three, one of them, the *Erebus*, being disabled.

In the shadow of the British fleet that day and night rode the American vessel *Minden*, flying a flag of truce, and used by American agents in the exchange of prisoners. While the bombardment raged, none watched with more anxiety than Francis Scott Key. He had gone to the British fleet in the Potomac to seek the release of an old friend, Dr. William Beanes, a physician seized on charges of taking up arms against British stragglers. Key obtained his release, but on the eve of the operations both were transferred to the *Minden*, which was detained under a guard of marines until the British plans should be carried out.

From the decks of the cartel ship Key and his companions watched every belch of the cannon. Midnight came and 1,250 men, equipped with scaling ladders, dropped from the fleet into barges, with the intention of surprising from the rear the defenders of the fort.

How the hearts of the patriots beat as, helpless to give the alarm, they saw this strategy under way with every prospect of success. In attempting to effect a landing, however, the expeditionary force struck lights and these lights cost it a possible victory. The defenders promptly set fire to a haystack and, as its glow revealed the barges, Fort McHenry and the redoubts shook with the salvos of the guns. The 6-gun battery under Sailing Master Webster, which the British had planned to take by storm, was served that midnight coolly and quickly by a little group of cannoneers, whose valor was sustained by the thought of home and country, and to whom Colonel Armistead afterwards said he was "persuaded the country was much indebted for the final repulse of the enemy." Many of the landing party were killed and others wounded; two boats were sunk and the survivors made back to the fleet. The defenders lost 4 killed and 24 wounded. The master stroke had been delivered and had failed; 1,800 shells had been thrown into the fortifications, but no white flag flew from the great staff on the ramparts.

Sunset had cast a leaden gloom upon the spirits of the defenders, but dawn found their hopes high and the invader beaten off. That night, with the fate of the city and perhaps the existence of the Union hanging by a thread, Key paced the deck of the *Minden*, and each shell that sped screaming from the ships was a stab at his heart, a challenge to all he held dear. When the first blush of morning tinged the sky Key gazed toward the battlements and with straining eyes beheld the Stars and Stripes, scarred, but still defiantly floating. The cannonading had ceased; the troops, many of them wounded, had been conveyed to the ships and the fleet was setting its sails. The joy of Key was unrestrained, and from his soul there came "the Star-Spangled Banner." He put into words the exultation which coursed through the veins of every loyal American as the tidings of the triumph spread. Conceived in the midst of shrieking shell and of bursting bomb, the national anthem of America was born in victory. The battle had been fought and freemen had dealt a crushing blow to the invader.

How brief, though momentous, the message which went by courier to Washington from General Smith:

HEADQUARTERS, HAMPSTEAD HILL, BALTIMORE,
September 14, 1814—8 a. m.

Hon. JAMES MONROE,
Acting Secretary of War.

SIR: I have the honor of informing you that the enemy, after an unsuccessful attempt both by land and water on this place, appear to be retiring.

We have a force hanging on their rear.

I have the honor to be,
Your obedient servant,
S. SMITH,
Major General, Commanding.

P. S.—The enemy's vessels in the Patapsco are all under way going down the river. I have good reason to believe that General Ross is mortally wounded.

The attack on Fort McHenry in September, 1814, marked the last major engagement of the war prior to the signing of the treaty of peace at Ghent. For some weeks commissioners from the United States and Great Britain had been discussing terms of peace at Ghent, but the Americans would not accede to the British demands and agreement seemed impossible. When, however, the news of British defeats at Plattsburg and at Baltimore reached London the British ministry quickly yielded the points most objectionable to the Americans and the treaty was signed.

To the citizens who came to wander through the redoubts in the days that followed, how wonderfully complete seemed this impregnable fortress! How impassible appeared the moat of murky waters between the outer ramparts and the star fort walls; how massive the masonry; how impressive the thick wooden doors with their studded surface; how doughty the cast-iron cannon in grim silhouette against the sky! The fort, conceived in fear and born in hope, now lived a life of love—a love that had its greatest expression in the World War, when cannon mounts, feeble with age, stood watch over the wounded brought from the battle fields of Europe. To-day, more than 100 years after the supreme effort of 1814, though apparently neglected by the Government it saved, the old fort smiles to the sky, serenely awaiting the final day of decay, unhonored but not unsung.

The time has come for our great Federal Government to show an active interest in the fact that Fort McHenry marks the spot where a decisive blow in the War of 1812 was struck; where Francis Scott Key was inspired by the valor of its defenders to write America's national anthem, "the Star-Spangled Banner." In a word, Fort McHenry, standing as a silent sentinel for a century at the approaches to Baltimore, a

uniquely historic point on the Atlantic coast, and most celebrated in the songs of the Nation, should be recognized by the Government it saved.

What finer tribute could we pay those immortals whose blood was spilled at the altar of liberty in 1776, in 1812, and in 1918 than by restoring Fort McHenry to its condition in those early days of the Republic, with the ancient cannon once more set up, by removing unsightly buildings from its grounds, and by dedicating it as a national park to the carrying out of the ideals of Americanization? We have done this at Yorktown, for example; why not at Fort McHenry? On the grounds of Fort McHenry is the immigration station of the Government, which will receive new citizens who enter America through the port of Baltimore. What more living lesson in democracy could these be given than to be welcomed on ground once trodden by patriots and sacred to the traditions of liberty achieved through the shedding of blood?

It is to such an ideal that this booklet is dedicated: That Fort McHenry through its restoration may be honored by the Government which it saved in 1814, thus furnishing a splendid inspiration of patriotism for our children and our children's children. It has been prepared, further, with the thought foremost in the minds of the undersigned citizens of the United States that Fort McHenry ever may serve as a beacon light of our liberty, that loyalty may be intensified at a time when loyalty is a vital need and love of country may be enshrined in the heart of every native-born and adopted son and daughter of the United States of America. In doing this we shall have carried out the prayer of the author of our national anthem:

O! thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation!
Blest with vict'ry and peace may the heav'n-rescued land
Praise the power that hath made and preserv'd us a Nation!

Key Compton, John R. Bland, Henry Walters, Van Lear Black, Eugene Levering, Daniel Willard, Frank A. Furst, Joseph I. France, R. Howard Bland, Clinton L. Riggs, William H. Welch, R. Brent Keyser, Blanchard Randall, B. Howell Griswold, jr., Robert Garrett, John Walter Smith, Walter B. Brooks, O. E. Weller, Right Rev. John Gardner Murray, W. S. Thayer, Waldo Newcomer, William L. Marbury, George Weems Williams, W. Hall Harris, Norman James, Jacob Epstein, J. M. T. Finney, Frank J. Goodnow, W. W. Symington, Arthur B. Bibbins.

ESTIMATED COST OF RESTORATION OF FORT MCHENRY.

PLAN.

The estimate is based upon the cost of restoring Fort McHenry to the condition it was in at the time of its bombardment by the British, as shown by plans on file in the district engineer office, customhouse, Baltimore, Md. Certain buildings which were not in existence in 1814 would be left standing and used in connection with the maintenance of the reservation as a park.

The following structures would remain in place:
Buildings of immigration station.
Star Fort with buildings therein.
Upper water battery.
Lower water battery.
Building No. 22, to be remodeled.
Buildings Nos. 51, 60, 61, and 62, to be used as quarters for superintendent and laborers.
Building No. 75, old magazine.
Building No. 77, chapel.
Buildings Nos. 94 and 95, for storehouse and garage.

It is proposed to use the following portions of the existing road system:

(a) All concrete roads.

(b) Main macadam road through center of grounds (Fort Avenue, extended) with both branches leading from junction northeast of Star Fort to the sea wall.

(c) The macadam road leading from the axial road toward the wharf.

(d) The macadamized portion of the road leading southwest from the entrance and along the sea wall.

The present cinder road around the sea wall would be replaced by macadam, 14 feet wide. Portions of macadam and cinder roads not utilized under the scheme of restoration would be removed and the existing roads straightened in places.

The present wooden building at the entrance to the fort would be removed and replaced by ornamental iron gates.

COST.

It is estimated that the buildings can be removed and the pillars and foundations taken out of the ground for the value of the salvaged materials therein. The sea wall is in good condition and requires few repairs.

STAR FORT.

Painting, new roofs, and miscellaneous repairs to six buildings, at $700 each	$4,200
Sodding, stone coping, roads, and walks	2,000
Repairs to outside brick wall	1,000
Total	7,200

DETACHED EMPLACEMENT OPPOSITE SALLY PORT.

Pointing up brickwork, sodding, steps, etc	600

UPPER WATER BATTERY.

Sodding, grading, repairing walls, and magazine doors	$3,000

ROADS.

New macadam $\frac{3380 \times 14}{9}$=5,256 square yards, at $3	15,768
Removing 3,600 yards of cinder road, at 40 cents	1,440
Straightening roads and removing portions not used	1,792
Total	19,000

ENTRANCE.

New approach and iron gates	1,800

GRADING.

Regrading and landscape gardening, 36 acres, at $400 per acre	14,400

MISCELLANEOUS.

Procuring and setting up old guns, placing tablets, etc	4,000

SUMMARY.

Star Fort	7,200
Detached emplacement	600
Upper water battery	3,000
Road	19,000
Entrance	1,800
Grading	14,400
Miscellaneous	4,000
Total	50,000
10 per cent for consulting landscape architect, plans, surveys, and incidentals	5,000
Total	55,000

ESTIMATED YEARLY MAINTENANCE.

	Per annum.
1 superintendent	$2,000
2 laborers, at $1,200	2,400
1 horse, maintenance	350
Machinery, tools, materials, and repairs	2,250
Total	7,000

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3350) for the relief of Alice M. Gorman; and

A bill (S. 3351) for the relief of G. Dare Hopkins; to the Committee on Claims.

By Mr. COLT:

A bill (S. 3352) to remove the charge of desertion against William H. Riddensdale; and

A bill (S. 3353) to remove the charge of desertion against Henry C. Mowry (with accompanying papers); to the Committee on Military Affairs.

By Mr. STANLEY:

A bill (S. 3354) granting an increase of pension to John S. Cisco; to the Committee on Pensions.

CHIPPEWA INDIAN AGREEMENTS.

Mr. KING submitted the following resolution (S. Res. 290), which was referred to the Committee on Indian Affairs:

Resolved, That the Committee on Indian Affairs of the Senate be, and it is hereby, instructed to investigate the following matters and submit its findings to the Senate at the earliest practicable day:

First, in what respects, if any, the agreements entered into by the United States with the Chippewa Indians of Minnesota pursuant to the authority contained in the act of January 14, 1889 (25 Stats. L. 642), have been violated, disregarded, or ignored by the United States, its officers and agents.

Second, what property, if any, conveyed to the United States in trust under said agreements has been disposed of by the United States, its officers and agents, in violation of the terms and provisions of said agreements and to the loss and injury of said Indians and for which the United States is or may become liable.

Third, what property, if any, ceded to the United States in trust under said agreements has been disposed of by the United States in violation of the terms of said agreements without any consideration, or without adequate consideration, to the Indians, can be recovered, and the proper steps to be taken.

Fourth. What funds, if any, received from the disposition of property ceded to the United States in trust under said agreements have been appropriated or expended by the United States in violation of the terms and provisions of the agreements creating said trust, and to what extent the United States has become liable therefor.

Fifth. What laws have been enacted by Congress since said agreements were entered into that are in violation of the terms and provisions of said agreements and have caused or will cause loss or injury to said Indians if carried into execution.

Sixth. What legislation, if any, is now pending before Congress that would, if enacted into law, be in violation of said agreements and would cause loss and injury to said Indians and create a claim or claims against the United States.

Seventh. To what extent, if any, Congress can, independent of said Indians and without their assent being had or obtained, lawfully change, alter, or amend said agreements to the financial loss and injury of said Indians without creating a legal liability against the United States for the resulting loss.

Eighth. That at said inquiry the Chippewa Indians of Minnesota shall be permitted to appear through a representative of their own selection and present the claims of said Indians.

And said committee is further instructed to advise the Senate what action, if any, is necessary to be taken to compose the controversy between the Chippewa Indians of Minnesota and the Government of the United States and to adjust their differences upon honorable terms, and if legislation is necessary to submit a draft thereof.

NAVAL ARMAMENT TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

Mr. KELLOGG. Mr. President, I am compelled to leave the city at 6 o'clock, and I ask the indulgence of the Senate for about 5 or 10 minutes on the pending treaty.

I am very glad to hear the announcement by the distinguished Senator from Nebraska and other Senators on the other side of the Chamber that they are prepared, practically unanimously, to vote to ratify this treaty. I congratulate them. The Senator from Nebraska, however, while he is perfectly willing that the treaty shall be ratified, and thinks it is something of an accomplishment, wishes to place the credit where it belongs, and does not want the credit to go to the President.

Mr. President, let us ratify the treaty. Let history take care of the credit. I am perfectly willing to give to the distinguished Senator from Idaho [Mr. BORAH] all the credit that he is entitled to, and I concede that he is entitled to credit. I am perfectly willing to give the distinguished Senator from Montana [Mr. WALSH] the credit of advocating the resolution for calling a disarmament conference; but when it is stated that the President was opposed to disarmament, I beg to disagree with the distinguished Senator. I know that he was not opposed to it. I know that it was always his idea to call a conference, hoping that something like the treaty which has been submitted to the Senate would come out of that conference; and he, as the Senator from Indiana [Mr. NEW] says, repeatedly said so. It may be that he thought that a resolution from Congress requiring him to call a conference was not proper; but whatever he may have thought about that I do not know. I know that he believed in such a conference and intended to call such a conference.

It is said that under the covenant of the League of Nations such a conference was intended and might have accomplished greater things. Mr. President, I recall the speeches of distinguished statesmen in the British House of Commons and the House of Lords in 1919 when the subject of a proposed League of Nations was under discussion, and I think also in 1918. Those distinguished statesmen considered that a dream not to be realized, except possibly in the far-distant future. They had little confidence that it could be realized; and what has the League of Nations done toward disarmament? It has done nothing. Had the President of the United States called together all of the nations of the world, or of Europe, to undertake a general disarmament of land and naval forces, he would not have succeeded.

The Senator from Montana [Mr. WALSH] has said that France refused to consent to a reduction of her army because we refused to protect France against Germany. It is against our traditional policy to enter into such an alliance to go to war to protect any nation's independence; but it is not alone Germany that France is afraid of. Is France going to disarm her land forces with Russia looming in the distance, disturbed and uncertain? Have we forgotten the raid Russia made on Poland only in 1920, and came near succeeding? That disturbed France much more than disarmed Germany has disturbed her.

Mr. President, I am very glad that we are all united, or are going to be, in a vote for this treaty. I consider it a great accomplishment, the first step ever taken for real limitation of armament. I hope it will go further as time goes on, and that we may be enabled to get an agreement for the limitation of land armament; but that we have not been able to get that does not detract from the credit of this work, or its advantage to the world. I have never known a step taken which meets my hearty, enthusiastic support more than this, because I believe it to be a step in the right direction.

The Senator from Nebraska [Mr. HITCHCOCK] says we have done nothing for the disturbed financial condition in our own country; that we are passing through a depression unequaled in the history of the country; and that we have done nothing to alleviate it. I think the Senator is mistaken. Much has been done. I am aware that all the relief can not be accomplished by legislation. The actual working out of economic laws must do much; but much has been done in the last six months. This Congress, realizing the critical condition of the agricultural communities, passed a bill authorizing the War Finance Corporation to extend aid to farmers, and $508,000,000 have been advanced in aid of marketing farm products in this country since the 1st of September last, and the prices of farm products all over the country have very greatly increased. In the year 1921 we exported more wheat and more of many of the leading farm products than we did in 1920. We have done a great deal to restore confidence, to encourage agriculture, and to encourage business, and while we can not do everything by legislation, undoubtedly it has had a great effect in the restoration of confidence and in the betterment of business conditions throughout the country.

Mr. WILLIAMS. Mr. President, some of these "pleas in confession and avoidance" made on the other side of the Chamber would be very amusing if they were not illustrations of "lame and impotent conclusions." The Senator from Minnesota [Mr. KELLOGG] has just said that the League of Nations has done nothing. The junior Senator from Texas [Mr. SHEPPARD] some time ago made a rather convincing statement of what the League of Nations had done.

Mr. KELLOGG. Mr. President, I said it had done nothing toward disarmament.

Mr. WILLIAMS. Oh, toward disarmament. Neither has anybody else, except toward disarmament at sea, and the danger of war is not coming from a sea power at all. It never has. It has come from armed forces on land, and when the Senator is boasting about this little halfway measure he becomes amusing. It is good as far as it goes, and I voted for it, and I am glad I was able to do so, because it was a new point of departure toward disarmament on the element where armament can be used in war. France has not disarmed, and Italy has not disarmed. The only parts of the world which have disarmed are the two great English-speaking powers, the United States and Great Britain, and they did not do it in consequence of this conference held at Washington, but each one proceeded to reduce land forces on its own account, because of their magnificent common sense, which they have illustrated in the past and are illustrating better now than any other peoples on the face of the globe; the magnificent common sense which declines to follow militarists and other people in the preachment of the doctrine that you must in time of peace be always preparing for war.

We have, upon the contrary, taught the doctrine that in times of peace we should prepare for more peace, and we have preferred, on the other side of the water and on this side of the water as well, with magnificent common sense to strain our muscles to the breaking point, if necessary, when danger and war came, rather than to keep our people bowed down all the time during peace by immense burdens in preparation for war, which comes about once every twenty-odd years in our history and a great war once in about 15 years in Great Britain's history.

With what poor grace it comes from a man who was one of those who cut off the right arm of the League of Nations now to glory in the fact that the League of Nations can not do as much as otherwise it might have done, because when he and others kept us out of it they did cut off the right arm, and it has been fighting with nothing but one arm since; but it has kept down a war between Italy and Yugoslavia incidentally, and, incidentally, it has kept down a war between Poland and Germany about Silesia, besides all the numberless other things recited by the Senator from Texas in his very able speech.

Mr. President, I have stood by these treaties; I have stood by them under difficulties. I believe that the four-power treaty is an alliance to keep the peace in a part of the world upon some subjects of controversy. I believed the League of Nations was an alliance between all the powers of the world of any consideration to keep the peace everywhere upon all subjects. I believe that there was behind each one of them latent force, just as there is behind the judgment of a justice of the peace or the decree of a chancery court latent force. If anybody resists the judgment or the decree, the constable or the sheriff will be there. If anybody resists the sheriff or the constable, the posse comitatus will be there, and if anybody resists the posse comitatus the military will be there.

So behind the four-power treaty and behind the covenant of the League of Nations there stood a force which everybody knew stood there half revealed but present to enforce the decree, first, in public opinion; second, in economic measures; third, in moral force; and, fourth and last, if necessary, in physical force.

I have never made any disguise of it. I said upon the floor of the Senate once that I had never been idiot or fool enough to think that any decree of any court of justice, national or international, would amount to the paper upon which it was written unless the criminal was afraid that the decree could be enforced. Of course, force may be in the background; it may be in the remote background; it may depend upon the fact that everybody in the council of the League of Nations, or all four of these four powers parties to this treaty, shall vote unanimously. It may be true that if one of them does not join in the decree, that one will not be bound to use any force. It may be true that even if the representative commissioner advises his

country to use force, its legislative power may decline to do it; but still there is in the mind and imagination of the criminal nation, as in the mind of every criminal individual, the idea that force is possible, and it is the possibility and the fear of the use of force that keeps the peace among those of bad will.

If there had to be a fight in order to enforce every judgment of a justice of the peace or every decree of a chancery court, civilization would be in anarchy; but the criminal does not fight. He surrenders, or he becomes a fugitive from justice. He takes himself somehow out of the fighting arena, because he knows that the possibility of fight is there, and the possibility of a fight in which he is a woeful minority and the balance of the civilized world is a magnificent majority. That is all about that.

With what poor grace does such an argument come from any man who poisoned the League of Nations, or attempted to poison it, with reservations, emasculating it; a man who did not even have the courage to come out and seize a bludgeon, as the Senator from Idaho [Mr. BORAH] had the courage to do, as the Senator from California [Mr. JOHNSON] had the courage to do, and say, "I will have none of it; I will kill it," but who at that time pretended to be in favor of it with certain "modifications" and "limitations" which would render it inoperative, which would emasculate it, in other words. He and all the others of his ilk of that day and in that fight thought poisoning a surer and safer way of killing than bludgeoning—poisoning under pretense of administering helpful medicine.

The Senator from Minnesota was one of that holy poison squad. He did not even belong to the bludgeon squad, which at least fought in the open, representatives of frank barbarism, who did not intend to be bound by any sort of a fool covenant to keep the peace. He did not even belong to that crowd. There was at least courage in that bludgeon squad's methods—barbarous courage, uncivilized courage, lacking in vision, lacking in sympathy with poets' dreams and prophets' predictions, but at least courage and no pretense of loving the thing they killed. I said during the debate on that subject that that was the difference between the two.

So, in connection with the four-power treaty, there has been an attempt to poison it by reservations and amendments "with intent to kill." Poison is not the most respectable form of murder. If you want to kill a thing kill it outright, do not poison it. They attempted to poison the League of Nations and failed, but thereby weakened it by keeping the greatest country in the world in potential power out of it. Now, for God's sake, do not come here and talk about the League of Nations having "done nothing." Nobody contends that it has done as much as it might have done if we had been members of it.

Let me say this now, Mr. President, the man who takes to his soul the unction that the League of Nations, as far as the United States are concerned, is dead, is playing the part of the ostrich, with his head in the sand. It will never be dead. The United States will come into it, whether as a member or an outside auxiliary, and she is beginning the auxiliary work now through the four-power treaty, and denying it while she is doing it. Just as surely will she begin to cooperate with it as a member or as an auxiliary as that truth is truth, and God is love, and love is peace, and peace is progress, and progress is civilization. If those things be not true, then you may give up all fear on one side and all hope upon the other of anything like the League of Nations; but as long as those things are true and as long as God reigns and as long as it is insane and foolish for men to go at one another's throats to settle a controversy which they might settle as ordinary controversies within a nation are settled, just as long as those eternally true things are true, the hope will exist in the mind of this generation, and the certainty in the mind of some generation, of a League of Nations, or something very much like it.

There is just one thing that legislatures can not do, that public opinion can not do, that elections can not do, and that is to stop the growth of a divine principle, and the divine principle here is the principle of peace on earth to men of good will. It is coming. The little cheeping voice of a Senator here and there, whether from Minnesota or from somewhere else, will have no more effect upon it than shooting peas out of an old-fashioned muzzle-loading shotgun could have upon the rock of Gibraltar.

Mr. McCORMICK. Mr. President, will the Senator yield?

Mr. WILLIAMS. I will yield in a moment. There is this difference, however: The rock of Gibraltar is a stationary thing, and if we could shoot peas at it long enough and often enough and enough peas, we could reduce it; but this is a growing, progressive principle, spelling the progress of civilization, and therefore it can not be killed; it has life and resistance inside of it.

I now yield to the Senator from Illinois.

Mr. McCORMICK. I have very great regard for the courage, the candor, and the sincerity of the Senator from Mississippi. Therefore I am led to ask him if he believes that the entrance of the United States into the League of Nations will remain a political issue in the United States?

Mr. WILLIAMS. Just as surely as God's created sun rises, and just as surely as God's begotten Son, the Prince of Peace, was born.

Mr. McCORMICK. The Senator believes that the party to which he belongs will continue to advocate the entrance of the United States into the League of Nations?

Mr. WILLIAMS. If it does not, though I think it will, some other party will arise which will do so, because this sort of an idea and this sort of principle can not be killed by politics or by anything else.

Mr. BORAH. How can we have it as a political issue when one party is going in at the front door and the other at the back door?

Mr. WILLIAMS. Its representatives and those of the other party upon this floor and upon the floor at the other end of the Capitol go in one door and out the next, and then swap partners and reverse doors, reminding me of an old-time country dance when the favorite figure that the darky called out while he was playing his fiddle was, "Swap partners." But the principle remains there and the people remain there, and human intellect and conscience more and more informed from day to day are there to operate upon the subject matter.

Now, the politicians have said that the League of Nations was defeated here at the last election. They say that is what beat Wilson. I can give 86 reasons why Wilson or his party was beaten, 85 of which have nothing in the world to do with the League of Nations. One was an Irish-American lobby in the city of Washington opposing the League of Nations, just as they have opposed the four-power treaty, because they do not want the United States to enter into any friendly agreement with Great Britain, hoping some day for war between the two to furnish "Ireland's opportunity." I wonder when patriotic and real and exclusive Americans will wake up to that obvious and dangerous fact?

Another was the secret ballot of the German-Americans who were mad because Wilson had dared to make war upon the Kaiser.

Another was the great universal principle of "the swing of the pendulum." You can not keep any people exalted to a very high stage of altruism and self-sacrifice for very many years at a time. Ours had been kept up there during the war period and naturally reaction set in right after the war.

Another reason was the natural-born fools. The natural-born fool thinks that you can turn 100,000,000 people in a state of peace into a people with 4,000,000 soldiers, and that they ought not to cost anything. When the natural-born fool found that taxes had to be levied in order to pay for the 4,000,000 soldiers and all the munitions of war and transportation and everything else incidental to war, he naturally got mad with the party in power that created the necessity for levying the taxes. I say, naturally—I mean, of course, naturally for him. The fellow was really astonished after having helped to eat his pie to find two things; first, that it was gone; and, secondly, that it had to be paid for. His name was Legion.

Those are three or four reasons I have given. I shall not give the other 81, but if any of you call on me in private I will give the other 81 reasons. The League of Nations had almost nothing in the world to do with it. The main thing that had to do with it was "the swing of the pendulum."

I was about to add that it is peculiar to a pendulum that when it swings one way it swings back, but it is also peculiar that it starts back on the original route a little bit later on. Of course, I am not going to be led off into what I imagine my genial friend from Idaho intended me to be led off into when he interrupted me, a discussion of how my good party colleagues got out of one door and then came back through the same door, while his colleagues were going into the door and then coming back out the same door.

I am not going into that any more. It was a lamentable spectacle and the whole American people on both sides witnessed it. The fiddler cried, "Change your partners," and you changed your partners. But, revenons a nos moutons—the League of Nations.

It was not a political issue at all, but a moral and ethical issue—its aim keeping the peace of the world, guaranteeing the peace of the world, stopping the insanity of jumping at one another's throats whenever there is a controversy, instead of seeking some tribunal to sit in fairness upon the controversy, adjudge it, and make a decree, with public opinion to enforce the decree, and if needful an armed public opinion—an

amphictyonic council of the civilized world not only to decree but to enforce peace.

Mr. President, I hope to live to see the day—I shall be out of politics then—when these United States will agree that as far as they are concerned they will leave every controversy between them and any other nation to fair arbitral determination of some sort, somehow. Perhaps I shall not, because I am 68 now, and I do not hope to live beyond the Scriptural age of man, but whether I live to see it or not, somebody will live to see the time when man will wonder, when woman will wonder that there ever was a state of barbarism under which nations, of the white race at any rate, would fly at one another's throats in order to settle a controversy that might be settled without bloodshed.

But I did not rise to make a speech upon the general subject. I rose merely to call attention to the position of the Senator from Minnesota [Mr. KELLOGG] who, after having cut off the right arm of the League of Nations, then comes here and gloats upon the fact that it has not fought as well without its right arm as perhaps it could have fought with it.

Mr. KING. Mr. President, the Senator from Mississippi [Mr. WILLIAMS], as well as a number of other Senators during the discussion to-day, alluded to the League of Nations and to its achievements or to its lack of achievements. Reference has also been made to the admirable address delivered on the 5th day of October, 1921, by the junior Senator from Texas [Mr. SHEPPARD] upon the work of the League of Nations. In the last two or three pages of that address is found a résumé of its accomplishments. I ask unanimous consent to have printed in the RECORD, in the regular 8-point type, the paragraphs which I have marked.

There being no objection, the matter referred to was ordered to be printed in the RECORD in 8-point type, as follows:

SUMMARY.

"Reviewing this account of the league, what are the points that impress us most?

"First. For nearly two years an organization embracing nearly all the civilized nations, comprising a billion four hundred million of the billion seven hundred million people on the globe, has been discharging functions of the highest importance under the treaty which settled the affairs of the earth at the conclusion of a universal war, arranging differences and restraining hostilities, which uncomposed might have imperiled the peace of mankind—interchanging views on subjects essential to world harmony and world progress—establishing technical bodies combining the best thought of the earth on objects of common interest and concern, such as international law, armament, health, finance, labor, relief work, cooperation with Red Cross, proper administration of territories changing hands as a result of war, statistics, conditions of transit and travel, passport facilities, repatriation of prisoners, the white-slave trade, the trade in opium and other dangerous drugs, and so forth.

"Clearly it is history's first example of definite and harmonious cooperation among so many nations of the world for so long a time on so large a scale and with such practical and far-reaching results.

"Second. The creation by the league of the Permament Court of International Justice is a step of first magnitude toward the peaceful settlement of international disputes. On the committee which the league designated to frame this court sat some of the foremost jurists of the world, including Elihu Root, of the United States. The judges elected by the league to preside in this court are noted experts in international law, including John Bassett Moore, of the United States. The Hague peace conferences of 1899 and 1907, which were recognized as the most notable attempts toward permanent peace for mankind that had yet been made, put forth every effort to create a world court to administer matters within the scope of international law as the fundamental, initial step toward the triumph of justice over force in world affairs, but both conferences failed. What they failed to do the league has accomplished.

"Third. For nearly two years the league has supervised the government of the territories of the Saar Basin and free city of Danzig, handling problems of the most delicate nature, keeping in view the interests of the inhabitants and the purposes to which these districts were devoted by the treaty of Versailles. It is executing with efficiency various other duties assigned it by the peace treaties, including the supervision of international rivers, protection of minorities in certain countries, and so forth.

"Fourth. It has settled the controversy between Sweden and Finland over the Aaland Islands, showing such thoroughness and fairness and such consideration for all concerned as to enhance its position as peacemaker in the eyes of the world.

"Fifth. While it has not as yet reached a final decision in the dispute between Lithuania and Poland, the fact that both countries ceased hostilities when the league was appealed to and refrained from renewing them during the efforts of the league to compose the matter is in itself a remarkable and promising achievement. It is doubtful whether these countries would have submitted to any other tribunal than the league. It is certain that a conflict which might otherwise have rekindled another general war through the involvement of Russia has been kept in abeyance by the moral prestige of the league.

"Sixth. It has aided materially in settling an incipient quarrel between Poland and Austria over the disposition of Jewish fugitives and saved these unfortunate people from bitter experiences.

"Seventh. It secured the definition of the frontier of Armenia, but has been prevented from extending more substantial aid by the fact that the treaty of Sevres has not yet been enforced by the allied powers. The appeals to the league in the Albanian, Austria-Yugoslavia, Panama-Costa Rica, Greece-Bulgaria, Bolivia-Chile, France-Hejaz, and Persia-Soviet controversies show that the world is looking to the league as a source of international justice.

"Eighth. The confirmation of the transfer of the sovereignty of Eupen and Malmedy from Germany to Belgium was another function which it successfully performed.

"Ninth. The fact that an organization of 51 nations, comprising more than three-fourths of the earth's population, is pledged to the peaceful settlement of disputes, and may discuss the merits of controversies everywhere, has a composing effect on all the world and tends to localize whatever hostilities may from time to time break out. It has organized the public opinion of almost all mankind for peace, and has thus minimized the chances for the spread of a conflict from country to country and alliance to alliance which before the advent of the league was a perpetual threat to humanity.

"Tenth. Its technical financial organization has rendered an immense service through the Brussels conference, where the most comprehensive survey of world finances yet known was made and an international credit system devised with wonderful possibilities. An endeavor to apply this system to Austria, with the allied powers suspending their claims for a period of 20 years, has been balked by the refusal of the United States to take a similar step as to her claims. The Brussels conference warned all countries against any measures of drastic deflation.

"Eleventh. Its permanent commission on disarmament is making a profound study of that fundamental question. Mention should here be made of the fact that the absence of the United States from the league has been recognized as one of the greatest obstacles in the way of disarmament. The failure of the United States to ratify the treaty of St. Germain for the regulation of the traffic in arms, although she had previously signed it, is another barrier to the peaceful aims of mankind. It is probable that this matter will be brought to the attention of our Government at the coming conference on limitation of armament.

"Twelfth. The league worked out a system of mandate administration under the covenant more than a year ago, but both the league and the allied powers have been halted by the claim of the United States that she must be consulted as to mandates and must approve them before they become operative.

"The mandate system of the league is a new and refreshing thing in history. It provides that territories changing control as a result of the war must be administered as a sacred trust for civilization and in the interest of the inhabitants, the mandatory power making a report every year to a league of nations, and thus subjecting its record to the light of a world publicity, the bar of world opinion. In arresting the application of this system for so long a time, with the world in so restless and disturbed a condition, the United States has done more to imperil peace and delay the return of stability than may easily be measured.

"Thirteenth. Through its representative, Dr. Nansen, the league has aided in the return of hundreds of thousands of war prisoners to their homes.

"Fourteenth. Through its technical bodies and its commissions it is dealing more effectively with the arrest of epidemics, the suppression of the opium traffic, the white-slave trade, and other objects of international concern than has ever been possible before.

"Fifteenth. Its technical committee on transit and the great conference at Barcelona held under its direction on this important subject have made marked advances toward the elimination of useless and unnecessary burdens on international shipments. The object is to make possible an uninterrupted shipment on a continuous bill of lading from and to all parts of the world.

"Sixteenth. Carrying out the spirit of article 23 of the league covenant whereby the member nations agreed to establish an international organization to secure and maintain fair and humane conditions of labor, both in their territories and in the countries with which they had commercial and industrial relations, part 13 of the Versailles treaty established the International Labor Organization. Membership in the league carries with it membership in this organization; but the latter has an existence entirely distinct from that of the league.

"The International Labor Organization was authorized to operate through a general conference and to establish an international labor office to collect and distribute information on all subjects relating to industrial life and labor and perform such other duties as might be assigned it by the conference, as well as certain functions assigned it by the treaty in connection with international disputes.

"The general conference meets annually and is composed of four representatives of each member nation. Two of the representatives are selected by the Government, one representing employers, the other employees. The work of the conference is to discuss desirable legislation affecting workers and to embody them in recommendations to member countries for legislative or treaty enactment, as may seem in each case advisable. Its recommendations are in no sense binding on the member nations.

"As heretofore indicated, two of these conferences have already been held—the first at Washington in 1919, the second at Geneva in 1920—and their recommendations have been described. It is worthy of note that 36 nations have either enacted legislation or have bills pending in their legislative bodies carrying out one or more of these recommendations. To be more specific, 13 have enacted such legislation and 23 have measures pending.

"The International Labor Office has been in operation for more than a year and its activities are of the greatest interest and assistance to the world-wide cause of labor. Investigations by a special commission of experts are being made into the causes of unemployment throughout the world, into conditions surrounding emigration with a view to international understandings for regulation of emigrant traffic and treatment of working-class emigrants. The office is studying from a standpoint of world-wide scope the subjects of cooperation, insurance against sickness, old age, and accident; maternity insurance; help for widows and orphans; industrial relations; agricultural labor; laws affecting labor in all the nations of the earth.

"Seventeenth. The recent reference by the supreme council of the allied powers to the league council of the Upper Silesian question with power to act, evidences the rapid advance of the league toward the position the covenant intended it to occupy in the maintenance of world stability.

"Eighteenth. The unanimity and the spirit of concession which have marked the league's proceedings for nearly two years are among the chief evidences of its capacity to function under the covenant."

Mr. WADSWORTH. The Association of the Bar of the City of New York at a recent meeting adopted a certain resolution with respect to the pending treaties. It is very brief, and in view of the importance of that association I ask unanimous consent that it lie on the table and be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution was ordered to lie on the table, as follows:

Resolved, That the Association of the Bar of the City of New York approves and adopts the report of its committee on international law, dated March 13, 1922, and the resolutions contained therein, and the secretary of this association is requested to transmit these resolutions to the Senators in Congress from the State of New York, and this association expresses its conviction that the peace of the world and the welfare of the people of the United States require the prompt ratification of the several treaties now pending before the Senate.

The PRESIDING OFFICER. The question is on agreeing to article 19 of the pending treaty, which has been read. Without objection, the article is agreed to.

Mr. LODGE. Mr. President, several Senators have suggested to me that it would be more agreeable if we could arrange to vote to-morrow. So I offer the following preposition for unanimous consent.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be read.

The reading clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 3 o'clock p. m., on the Calendar Day of Wednesday, March 29, 1922, the Senate will proceed to vote, without further debate, upon any amendment or reservation that may be pending, any amendment or reservation that may be offered, and upon the resolution of ratification of Executive L, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament through the regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection to entering into the agreement as read? The Chair hears none, and it is so ordered.

Mr. LODGE. Now that unanimous consent has been given, and in order to save time to-morrow, so that Senators may have all the time possible to speak, I suggest that the rest of the treaty be read article by article at this time, or else that unanimous consent may be given to dispense with the reading of it article by article. I make the request for unanimous consent that the further reading article by article may be dispensed with.

The PRESIDING OFFICER. The Senator from Massachusetts requests unanimous consent that the further reading of the treaty by articles be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD an address with reference to disarmament by Hon. Charles H. Rutherford before the Arizona Bar Association at Nogales, Ariz., on February 11, 1922.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF HON. CHARLES H. RUTHERFORD BEFORE THE ARIZONA BAR ASSOCIATION AT NOGALES, ARIZ., FEBRUARY 11, 1922.

DISARMAMENT.

Mr. President and gentlemen of the Arizona Bar Association, the anthropologists tell us it has taken some few hundreds of thousands of years for man to emerge from the jungle and to attain his present position, a position which we call "civilized," and which, at any rate, represents the height of his advancement.

Is man, of his own volition, going to undo this work of untold and uncountable centuries and plunge once more into the depths of barbarism, the status of his Cro-Magnon or Neanderthal ancestors, the status of the cave dwellers, the lake dwellers, the jungle dwellers?

He is, most assuredly, unless he adopts some measure of international policy that will bring about a complete cessation of that foolish, that suicidal, that barbarian thing called war; the thing that has brought upon the world of the twentieth century a condition closely approaching international bankruptcy and international anarchy.

I say international bankruptcy advisedly and with full knowledge of what the term involves. It is after all a simple term and one that is familiar to all of us. It simply means that, like the individual, a nation is in a bankrupt state when its liabilities exceed its assets, and that it is the condition of no small part of civilization to-day. There is no use in disguising the fact or in sticking our heads in the sand like the ostrich; the civilized world to-day which participated in the World War, with the sole exception of the United States, is unable to meet its obligations and is therefore in a bankrupt condition. I realize that it is impossible for any court to issue a decree in bankruptcy against a nation but this does not alter the fact.

It remains to inquire the reason, and the answer is simple. It is war—war past, war present, and war to come. Just as we may and frequently do—relieve the ordinary bankrupt by removing some of his disabilities and by giving him a chance to readjust his affairs, so we can relieve a bankrupt world by removing the fundamental, the sole and only cause of the trouble, and that is war.

Tables have been printed time and again within the past year showing that all of the revenues of civilized States, including our own, from 70 to 90 per cent are being spent to-day for war purposes, the interest and amortization charges on the debts incurred in waging past wars, the maintenance of armies and navies in anticipation of wars to come.

This condition was keenly realized when the World War was brought to a conclusion by the signing of the armistice, and one of the cardinal objects of the formation of the League of Nations was to secure a large measure of disarmament. That the attempt failed is not to be laid at the door of the promulgators of the league idea; they, at least, were sincere and in earnest in their attempts to solve the one great international problem. It was perhaps not to have been expected that this first effort would meet with complete success. The minds of men were too wrought up by the fearful disturbances of the preceding four years to allow them an unclouded perspective, and it may be that there was error in the conception of a supreme international body that should undertake by force to eliminate warfare. I am not called to judge upon this point or even to venture an opinion. The great fact is that the league has failed to function as many hoped it would, even if we feared that it was a foredoomed failure.

I do not believe that force is the proper solution of this problem, which must be solved if our wonderful civilization is to endure. I believe that President Harding is more nearly upon the right track in calling a conference of the great powers to discuss the possibilities of a sweeping reduction of armaments as the one practical means of preventing such another cataclysm as a suffering world has just endured. I take it as axiomatic that when nations have great armies, huge navies, submarines, fleets of fighting aircraft, and all other appliances and appurtenances of war, they are going to use them; that so long as we train hundreds of thousands of men to fight, on the land, in the water, under the water, and in the air, just so long we are going to have war. Had any man prophesied in the early months of 1914 that another year would see the world, the whole civilized world, struggling on the battle fields of France, of Russia, of Belgium, of Italy, and of Asia Minor we would have called him a lunatic. And yet the magazine was loaded, the train laid, and it required but the mad act of a crazy anarchist, the Serbian, at Sarajevo, in Bosnia, to touch the match to the powder and to cause the explosion of June 28, 1914, that set the civilized world at war a few weeks later.

Nobody with reasoning powers will be foolish enough to allege that it was the assassination of Prince Ferdinand and his wife—morganatic, by the way—that caused the Great War. This was but the excuse for which Germany had been waiting, the opportunity for which she had sought for years.

Nor did the Kaiser lose time in taking advantage of the situation. I shall not attempt to review the major happenings of the war, but will call your attention to just one point, and that is the most solemn treaties, the most weighty international pacts, were but as a mote in the sunbeam when they interfered in any way with the purposes of the belligerents. The territory of Belgium was invaded without a scruple, the treaties being contemptuously called "scraps of paper" and most assuredly treated as such. The solemn covenants concerning the conduct of war, and especially concerning the treatment of noncombatants, Red Cross organizations, civic corporations, and hospitals were completely disregarded and the butcherly Huns threw aside every mask and

cloak of civilization, every treaty obligation, every Hague convention, every rule of what was called "civilized" warfare, if, indeed, there is such a thing.

Here we have evidence not to be disregarded that the most solemn treaties, the most binding engagements, are indeed but scraps of paper when they stand in the way of national ambition or national lust for domination.

The crowning atrocity came on April 22, 1915, when the Germans loosed in front of Ypres the first cloud of poisonous gas against the unprotected enemy and introduced into warfare a new element that made it more brutal and more bestial than ever before.

If we read the history of all warfare with attention we shall find, I think, that such was the inevitable outcome—the ultimate expression of brutality. Our ancestors of the jungle days fought with clubs and stones, leading the way to the deadlier spear and sword, the bow, and finally to gunpowder and all the train of modern high explosives, culminating as regards the latter, in 1875 when Alfred Nobel, the founder of peace prizes, made his fame and his fortune by dissolving guncotton in nitroglycerine and thus fathering the whole tribe of nitrogen derivatives, which represent the acme of deadly effectiveness. The introduction of chlorine, phosgene, mustard gas, the sternutators, the lachrymators, and all the rest of the wretched family was but another step in the horrid evolution of means of destruction.

They shocked the world, they brought undying opprobrium on the name of Germany, but they were used none the less, and the only possible defense was retaliation in kind.

If the world retains its armaments, its fighting tools, we shall see another war just as surely as the sun will rise to-morrow morning, and the imagination faints when one attempts to picture its horrors.

It seems to me that there is but one remedy—disarmament—and this may prove a partial failure. It is, none the less, the only thinkable remedy, and most assuredly the only one upon which we may count with any confidence for results. We will admit at the very outset that certain police forces are necessary, both on land and sea, but national armament should stop just there. I believe if the five or six great world powers agree to the measures of limitation proposed by the President, to whom the credit of the great idea is solely due, we will have erected the one possible barrier against future war. If the nations fail to come to such agreement, we can but prepare for another outbreak, and possibly before we and the world are many years older.

I said a moment ago that even disarmament might not avail to save our civilization, and in making that statement I am well within the facts. I have had opportunity within the week to examine the advance sheets of a work not yet published in this country, "The Riddle of the Rhine," written by Maj. Victor Lefebure, of the British Army—and I am free to confess that the author has shaken my faith, even in disarmament. He was one of the leaders in the British chemical warfare divisions, and he points out the deadly fact that any organic chemical industry can be turned overnight into an arsenal for the production of every deadly gas. We know that when the United States was drawn into the World War we realized the importance of this subject speedily, and we know also that just before the armistice was signed Professor Lewis, of Northwestern University, was manufacturing at the rate of 10 tons per day at the "Mousetrap," near Cleveland, a gas so deadly that it broke new ground entirely. Its composition has not been disclosed—pray God it will never be—but we have the positive assurance of men who know that it exceeded in deadliness anything that even the fertile devilry of the Germans had been able to invent up to that time.

The trouble of this whole wretched business is that the very same elementary substances that our chemists combine to form dyes, medicines, synthetic perfumes, yes, even synthetic foods, are the fountain stones of the manufacture of lethal gases, and the plant which to-day is turning out indigo or cocaine or attar of roses can to-morrow be making poison gas, with hardly a change in equipment.

Synthetic chemistry is the greatest blessing the world has known for many a century, but it is a Janus-like creature. It has blessings in one hand, curses in the other; with one face it looks to making our lives pleasant and more comfortable because less laborious, with the other it looks to the very dissolution of our civilization; I might say to its complete obliteration, for it is certain that another great war would be strictly a chemical war, in which the casualties would be counted by computing the number of men engaged.

I confess this is painting a gloomy picture, but anyone who will do a few hours' reading can verify the facts for himself. As representatives of one of the learned professions, I ask you to look into this phase of the subject, which, I confess, was new to me until a very short time ago.

Be all these things as they may, we must agree that some measure of limiting armaments offers the only possible escape from a terrible condition, and we must join, irrespective of our political affiliations, in giving credit where credit is due—in this case to our honored President, Warren G. Harding, whose powerful mind sketched out the first completely practicable method of avoiding the thing that has cursed humanity from its earliest history and which, unless checked, can not be prevented from destroying what humanity has toiled for aeons to build up.

Should not we, the exponents of a profession of peace, one which depends for its very existence on stability and on civilization, put behind our President and his advisers every ounce of energy and of effort that we can bring to bear on the issue?

TARIFF ON VEGETABLE OILS.

Mr. SHEPPARD. Mr. President, as in legislative session, I ask to have inserted in the RECORD without reading two telegrams on the subject of a tariff on vegetable oils.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

DALLAS, TEX., *March 27, 1922.*

Hon. MORRIS SHEPPARD,
Senate Office Building, Washington, D. C.:

Please deliver the following telegram to Senators MCCUMBER, WATSON of Indiana, CURTIS of Kansas, and SIMMONS of North Carolina, members of the Finance Committee, also to Senator GOODING, chairman of western tariff bloc, immediately:

"The emergency vegetable oil tariff has saved cotton-oil industry from disaster and has given the southern farmers $8 per ton additional for cottonseed for past crop, aggregating $25,000,000. Texas and Oklahoma Cottonseed Crushers' Association both on record and 80 per cent of the independent crude cotton oil mills. These two States are now for a tariff on vegetable oils, with duties as high as provided in present emergency bill. Many mills who were at New Orleans meeting, the results of which are the present brief submitted to the Finance Committee by the Interstate Cottonseed Crushers' Association, have changed their minds and feel they were misled by the importers, exporters, and what are known as the larger interests in the business.

"The organized farmers have demanded tariff on vegetable oils. Their interests are primary and they deserve protection against cheap oriental vegetable fats, and if they are placed on the free list the price of all fats produced in this country will be materially lowered. There has been a paid propaganda against the tariff, amply financed, but none for it because of the disorganized and impoverished condition of the independent crude cottonseed oil mills. Hope Finance Committee will grant proper duties to protect the American farmer and the independent crude cotton oil industry."

W. A. BENNETT,
President Texas Cottonseed Crushers' Association and owner of mills at Seymour and Jacksboro, Tex.
ED WOODALL,
President mills at Hillsboro, Grandview, Hubbard, Mount Calm, and Frost, Tex.
J. S. LACLERQ,
General Manager Dallas Oil & Refining Co., Dallas, Tex.
L. E. MUNGER,
General Manager mills at Mexia, Teague, and Worthem, Tex.
E. R. CALLISS,
President Trinity Cotton Oil Co., Dallas, Tex.
J. W. SIMMONS,
General Manager mills at Sweetwater, Quanah, and Hamlin.
J. A. UNDERWOOD,
Mills at Honey Grove and Wolfe City, Tex.
B. W. COUCH,
President mills at Fort Worth and Taylor, Tex.
C. C. LITTLETON,
General Manager mills at Fort Worth, Gainesville, Whitesboro, Weatherford, and Noonan, Tex.
W. F. PENDLETON,
General Manager mills at Farmersville, Celina, and Munday, Tex.

DALLAS, TEX., *March 27, 1922.*

MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Am advised that renewed efforts are being made to put vegetable oils on free list. Texas farm bureau, our cotton association, and other agricultural interests believe that it would be rank discrimination to force our farmers to compete with oriental producers of vegetable oils when manufacturing interests are protected by tariff. Our once prosperous peanut industry has been practically destroyed by such competition. Please present our views to Senate committee and others in position to help.

JOHN T. ORR,
President Texas Farm Bureau Federation.

DEATH OF REPRESENTATIVE LUCIAN WALTON PARRISH.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. LUCIAN WALTON PARRISH, late a Representative from the State of Texas, and transmitted the resolutions of the House thereon.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions of the House of Representatives were read, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 28, 1922.

Resolved, That the House has heard with profound sorrow of the death of Hon. LUCIAN WALTON PARRISH, a Representative from the State of Texas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

Mr. SHEPPARD. Mr. President, it becomes my sad duty to announce to the Senate the death of Representative LUCIAN WALTON PARRISH, of Texas. He was a man of splendid achievements, of high promise, representing the best type of American citizenship. At some later date I shall call the attention of the Senate at greater length to his life and career.

I offer the following resolutions and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Texas will be read.

The resolutions (S. Res. 261) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. LUCIAN WALTON PARRISH, late a Representative from the State of Texas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess till 12 o'clock meridian to-morrow.

In accordance with the third resolution the Senate, in open executive session (at 5 o'clock and 15 minutes p. m.), took a recess until to-morrow, Wednesday, March 29, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 28, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Heavenly Father, the earth wind has blown and death has made its encroachment upon us and we are touched with sorrow. In the strength of noble manhood, in the light and promise of the Christian's faith, he has left us. Be with those who have such heaviness of soul and darkness of outlook and give them great peace. May we be impressed that the flowers of life wither even while they unfold; that the year is dying that we have just called "new." O teach us how few our days and how urgent is life. Lay Thy hand of wisdom upon our country and direct all who make and interpret our laws, and may the precepts and examples of Him who spoke with divine authority prevail among our people. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that we dispense with business under the Calendar Wednesday rule to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with business under the Calendar Wednesday rule to-morrow. Is there objection?

There was no objection.

DEATH OF THE LATE REPRESENTATIVE PARRISH.

Mr. SUMNERS of Texas. Mr. Speaker, it becomes my sad duty to announce to the House that death has again claimed one of our Members, this time a man in the full vigor of life, a man whose going from us leaves a sense of personal loss to every Member of this body. Last night a message came from Texas to members of the Texas delegation that LUCIAN W. PARRISH, a Member of this body, had lost in the brave fight which he was making against death. We understand the funeral will be to-morrow afternoon at his home.

At a later time I shall ask that a day be set apart for proper proceedings and resolutions in the House. At this time I send to the desk to be read the following resolution.

The SPEAKER. The gentleman from Texas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 311.

Resolved, That the House has heard with profound sorrow of the death of Hon. LUCIAN WALTON PARRISH, a Representative from the State of Texas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Accordingly (at 12 o'clock and 7 minutes p. m.), in accordance with the resolution heretofore adopted, the House adjourned until to-morrow, Wednesday, March 29, 1922, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINTHICUM: A bill (H. R. 11083) to repeal and reenact chapter 100, 1914 (Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 11084) granting a pension to Catherine J. Mock; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 11085) granting a pension to Carrie E. Jackson; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 11086) granting an increase of pension to Rosa Green; to the Committee on Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 11087) granting an increase of pension to John F. Scott; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4864. By Mr. CULLEN: Petition of the Women's Council of the Seneca Club, of Brooklyn, N. Y., urging retention of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

4865. By Mr. APPLEBY: Petition of citizens of Monmouth County, N. J., urging the passage of the Ackerman daylight savings bill; to the Committee on Interstate and Foreign Commerce.

4866. By Mr. CULLEN: Petition of the National Association of United States Civil Service Employees at Navy Yards and Stations, at Brooklyn, N. Y., relative to retention of certain supply stations; to the Committees on Military Affairs and Naval Affairs.

4867. By Mr. FULLER: Petition of citizens of Ottawa, Ill., protesting against the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4868. Also, petition of the board of supervisors of La Salle County, Ill., urging passage of the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4869. Also, resolutions of the city council of the city of Peru, Ill., favoring legislation to permit the manufacture and sale of pure beers and light wines; to the Committee on Ways and Means.

4870. Also, resolutions of the Streator (Ill.) Ministerial Association, protesting against the propaganda to modify existing law so as to permit the manufacture and sale of beer and wine; to the Committee on Ways and Means.

4871. By Mr. KISSEL: Petition of the Seneca Club, of Brooklyn, N. Y.; to the Committee on Military Affairs.

4872. Also, petition of the Twenty-seventh Signal Company, New York National Guard, of Brooklyn, N. Y.; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *March 29, 1922.*

(*Legislative day of Thursday, March 16, 1922.*)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

NAVAL ARMAMENT TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

The VICE PRESIDENT. The question is on agreeing to chapter 2 of the treaty.

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	Moses	Sutherland
Borah	Glass	Nelson	Swanson
Broussard	Gooding	New	Townsend
Bursum	Hale	Oddie	Trammell
Cameron	Harris	Overman	Underwood
Capper	Harrison	Page	Wadsworth
Caraway	Hitchcock	Phipps	Walsh, Mass.
Colt	Johnson	Pittman	Walsh, Mont.
Culberson	Jones, Wash.	Poindexter	Warren
Cummins	King	Pomerene	Watson, Ga.
Dial	La Follette	Rawson	Weller
Edge	Lenroot	Sheppard	Williams
Ernst	Lodge	Simmons	Willis
Fernald	McNary	Spencer	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from

Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. JONES of Washington. I was requested to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. MCKINLEY], the Senator from South Dakota [Mr. NORBECK], the Senator from Oklahoma [Mr. HARRELD], the Senator from North Dakota [Mr. LAND], the Senator from New Hampshire [Mr. KEYES], the Senator from Colorado [Mr. NICHOLSON], the Senator from Louisiana [Mr. RANSDELL], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Wyoming [Mr. KENDRICK] are absent on business of the Senate.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, apropos of some discussion on yesterday touching the treaty now before us, I desire to call attention to a dispatch from Paris appearing in the Washington Post this morning in a rather inconspicuous part of the paper, as follows:

The council of the league to-day increased the membership of the mixed committee on disarmament, adding Lord Robert Cecil, of England; Gustave Ador, former president of Switzerland; former Premier Nitti, of Italy; M. Lebrun, former French minister of marine; Señor Gonsales Hontoria, former Spanish minister of foreign affairs; Señor Urrutia, Colombian minister to Switzerland; and Prince Sapieha, former Polish minister.

The council also urged the committee to resume as soon as possible the active work of preparing a basis for the general disarmament plan which the council will submit to the assembly of the league next September.

I am happy to announce accordingly that the work of the league in its effort to procure pacification and disarmament of Europe seems to be progressing with the cooperation of the first statesmen of Europe.

Mr. President, in Swift's lines on his own death he reviews what his associates will say concerning his probable dissolution as the evidences of age and decrepitude begin to manifest themselves. This one will predict that the Dean will not last a year; another one says that he will die within six months; another dear friend makes a prediction that he will not last 30 days; but he does last 30 days, to the great discomfiture of the friend who made the prognostication; and the Dean says:

I had rather die
Than his predictions prove a lie.

I sometimes think that the esteemed gentlemen upon the other side feel some kind of twinges of regret every time the League of Nations accomplishes anything, like the adjustment of the Silesian boundary controversy and the settlement of the controversy over the Aland Islands. I trust, however, that they will be glad to approve anything that is accomplished now by this rather imposing committee on disarmament.

I want to submit also, Mr. President, another article appearing in the same issue of this newspaper, affording us some hope that, notwithstanding it was found impossible by the disarmament conference in Washington to accomplish anything whatever toward disarmament, so far as land forces are concerned, the situation appears not to be altogether hopeless:

PARIS, March 28 (by the Associated Press).—When debate was resumed in the Senate to-day on the question of budget expenses recoverable from Germany, Senator Fourment presented the socialist view of the general financial problem in connection with reparations, asking whether it was really necessary to keep 800,000 men under the colors. Was there not, he asked, a danger of giving France the semblance of militarism in the eyes of the world?

Senator Fourment advocated suppression of bearer bonds as a preventive of fiscal evasion, and the creation of an international fund, with an international loan, for the payment of pensions.

Mr. BORAH. Mr. President, I am gratified that the pending treaty is here, and that we shall have an opportunity to vote for it. I, therefore, do not rise to criticize the treaty, but simply to suggest that it ought to be considered, not only in the Senate Chamber but elsewhere, as the beginning, and only the beginning, of the work of disarmament. I have no doubt but this treaty represents all that it was possible to secure from the disarmament conference; I have no doubt that our delegates did everything possible in the way of securing disarmament that it was practicable to do. Nevertheless, I should regard this treaty as a disaster rather than a benefit if the treaty should be regarded either here in the Senate Chamber or elsewhere as comprising all that there is to do in the matter of disarmament even during the next 10 years, the life of the treaty.

It is perfectly proper for us to congratulate ourselves and the country upon what has been achieved, but it is exceedingly important that we utilize the occasion also for considering what there is yet to do. Really, Mr. President, while it is a beginning, which, as the Senator from Alabama [Mr. UNDERWOOD] said yesterday, ought to mark, and, perhaps, will mark, an era in the progress of civilization, nevertheless it accomplishes very little compared with what we must ultimately accomplish in order to get the benefit of this first step in the cause of disarmament. In other words, if we regard it as the beginning, we can not praise it too much; but if we regard it in any sense as a completed program, and the country is to understand that disarmament has been accomplished, I would consider it as a misfortune.

There has been much dispute about who was the author of the disarmament conference. The real author of the disarmament conference was public opinion. It never would have been called without the power and stress of public opinion, and able as were the delegates who represented us they could not have accomplished or achieved anything at all worth while without the power of public opinion; and so without the continued, sustained, and well-directed power of public opinion, the treaty which is before us will, in the end, amount to but very little in the way of ridding the world of the armaments under which it is now bending.

It is not, therefore, Mr. President, that I wish to be understood as appreciating any less than do others the worth of the pending treaty, but it is that I would be understood as saying that it is but the beginning, and unless we go forward, molding and directing public opinion to achieve real disarmament, we shall not reap very much benefit from what has already been achieved.

Consider the Navy, Mr. President, as it is left under the agreements in the pending treaty, and yet I understand, as I said a moment ago, at the first step the members of the conference accomplished all that was possible. But suppose that we were to be content with that; suppose we should sterilize the interest and the enthusiasm which has been aroused in favor of disarmament and should rest with the achievements thus far accomplished, what would be the condition of the world with reference to naval armaments alone? No such naval armaments have ever been known in the history of the world as will exist when this treaty shall have been ratified. I have before me the statement which was placed in the RECORD a few days ago by the Senator from Massachusetts [Mr. LODGE] with reference to the capital-ship strength of the various nations, which in itself is stupendous; but in addition to that the conference was wholly unable to deal with the question of submarines or to deal with any other implements of modern sea warfare other than airplane carriers. The great instruments of modern sea warfare are left untouched, uncontrolled, and unlimited. To-day, Mr. President, so far as the Orient is concerned, Japan has all the navy that she needs to dominate and control the entire situation. When we take up and review the budgets of the respective nations which were here assembled and compare those budgets as they will go into effect after the ratification of the treaty with the budgets which were carried last year the difference will be found to be almost insignificant.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. In reenforcement of what the Senator from Idaho is saying I should like him to permit me to read an extract from the April number of the World's Work, showing a curious popular apprehension of the practical effect of the naval disarmament treaty. The article, among other things, says:

A curious misconception of the most dramatic achievement of the Washington conference seems to have become widespread in the United States. That achievement was truly epochal in human history; it wrote "Finis" to the ruinous and war-breeding race of the nations for greater relative naval strength. That race had led America, Great Britain, and Japan into projects for navies of much greater size and power than any now in existence. These projects were abandoned at Washington, and each country agreed to a permanent relative power and to a fixed maximum.

And this is especially what I wish to call attention to—

But this fixed maximum (and here enters the popular misconception) is not less than the navies these countries now possess, but is considerably larger in every case. Thus the "Hughes-plan" American Navy is a more powerful Navy than the one we now possess.

By the "Hughes plan" we lose 4,000 tons in capital ships, but we gain 135,000 tons in aircraft carriers. And as no limits were set upon submarines, destroyers, and auxiliary craft, the "Hughes-plan Navy" remains in these respects the Navy of our previous program, which called for considerable building in these craft. The "Hughes-plan Navy" will probably cost about $50,000,000 a year more than our present Navy; but it will cost $120,000,000 a year less than the Navy we should otherwise soon have had, with every prospect that that Navy would grow continually larger and more costly. We have achieved a great moral gain and avoided a great financial burden, but we should remember exactly what the gain was and exactly how the burden was lifted.

I happened to be reading that a few minutes before the Senator took the floor, and it comes so absolutely apropos in

reinforcement of what he is saying that I wanted it inserted in his speech.

Mr. BORAH. Mr. President, the quotation which has been read by the Senator from Mississippi ought to be utilized, not, of course, for diminishing the credit due the achievement which has resulted, but to indicate what is yet ahead of us if we are going to have real disarmament.

The weapons of modern warfare on the sea are all as yet practically without any limitation or control. I read this morning a statement that—

Japan is building large submarines of such great cruising radius that they will be able to cross the Pacific and operate on our western coast for a month and then return to Japan without refueling.

Mr. McCORMICK. Mr. President, I should like to inquire from what that quotation is taken?

Mr. BORAH. It is from the April number of the Atlantic Monthly in an article by Mr. Gardiner.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. I will yield in just a moment. We are simply beginning the great struggle for disarmament, which can only be carried to a successful conclusion by the same power which has brought us thus far on the way, and that is the power of public opinion. I now yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator heretofore in some of his admirable addresses has referred to Archibald Hurd, one of the great naval experts of Europe. In a recent article written by him and appearing in the Fortnightly Review of January of this year he states that one of the results of the Washington conference will be to—

set up a higher standard for submarines, placing upon each nation what amounts practically to an obligation to continue building submarines—

And so forth.

In effect, he declares that the work of the Washington conference will not diminish the cost of naval armaments in the future.

Mr. BORAH. It will if we go ahead with the work and do not regard the result of the Washington conference as the conclusion of the work.

Mr. EDGE. Mr. President——

Mr. BORAH. I yield to the Senator from New Jersey.

Mr. EDGE. The Senator has stressed the necessity of continued activity in the direction of the reduction of naval armaments. In that suggestion I entirely concur; but, in view of the reference to the activities of the League of Nations, I am wondering if the Senator in his thought as to future activities along this line believes that the agency of the League of Nations would be the most conducive to real, practical results or that some other instrumentality had better be employed.

Mr. BORAH. I do not think it is worth while or necessary for me to digress and discuss that proposition. I will say, however, in view of the suggestion made by the Senator from Montana [Mr. WALSH] this morning, that it might be applied particularly to those who are known as "irreconcilables," that there are no twinges of regret over here upon our part, so far as I know, at any success which the League of Nations may have or may enjoy in settling the controversies and difficulties in Europe, or any success which it may have in relieving Europe of the burdens of armament. I have my own opinion as to what it has accomplished. It is not necessary at this time to debate it. It might differ entirely from the view entertained by those who are more earnest in support of the league; but if it should transpire that the league can adjust the controversies of Europe, can assist in relieving Europe of its armament, and can mollify the situation, no one will be more happy to record that fact than the Senator from Idaho.

Mr. WALSH of Montana. Mr. President, will the Senator suffer a further interruption there?

Mr. BORAH. Yes.

Mr. WALSH of Montana. I am very glad to hear this avowal from the Senator from Idaho, in view of the attitude he has always taken with respect to the League of Nations. I think, without regard to party affiliations, every one of us who attended the meeting of the Interparliamentary Union at Stockholm last summer was profoundly impressed with the seriousness with which the European statesmen there assembled took the work of the League of Nations and how they regarded it as a live and active and most beneficial agency for the adjustment and settlement of the many perplexing problems that confront the nations of Europe. Regret was generally expressed that the United States was not a member of the league; but a determination was manifested, notwithstanding that, to use and develop this agency for the purpose of settling their own troubles and controversies.

I submit, Mr. President, whether the Senate of the United States and the executive authorities of the United States might not very wisely take into consideration whether the United States might not be helpful by sending representatives to act, as they were invited to do, in a consultative capacity, merely observers, as we do in connection with other agencies established by the treaty of Versailles, to lend at least our moral support to what they are doing, instead of standing back and jeering at what they are trying to do.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Montana what, in a practical way, the League of Nations has accomplished, in view of the present disturbances in Europe and the Near East?

Mr. WALSH of Montana. I refer the Senator——

Mr. POINDEXTER. One second, in order to call the Senator's attention to the particular matter I have in mind. The league already includes practically all the European nations; and if it has any effect, as its advocates claim, it would seem that it could accomplish some substantial service for mankind in Europe, in that section of the world composed of its constituent members. I read the other day——

Mr. BORAH. Mr. President, I do not want to interrupt the Senator, but——

Mr. POINDEXTER. I will stop in just one second. I read the other day a very circumstantial account of a parade of the so-called red army in Moscow, and a declaration of Mr. Trotski that they proposed to dictate their policies, so far as Russia was concerned, at the point of the bayonet, so to speak. The world is disturbed about the controversy between the nationalist Turks and the Greeks, and there are many other such warlike operations going on within the area of the League of Nations. I have heard of nothing substantial that they have done even to mollify that situation.

Mr. WALSH of Montana. If the Senator from Idaho will permit me, I respectfully refer the Senator from Washington to the able review by the Senator from Texas [Mr. SHEPPARD] here a few weeks ago of what has been accomplished.

Mr. BORAH. Mr. President, I do not want to get into a discussion of the league question because that is not what I rose to discuss this morning. I only wanted to say in answer to the Senator from Montana that the league can not achieve anything which will make me at all regretful of the position which I have taken. If it accomplishes anything substantial, I will rejoice with the Senator from Montana in that fact. I have always felt that until Europe should adopt some kind of a federalizing principle with reference to Europe there is no hope for Europe, and it is possible that the league itself may have the effect of bringing about in Europe something in the nature of a federalized Europe. I believe, as has been said by Mr. Wells, who is a great advocate of the league—and I do not always agree with him—that until Europe does federalize itself to some extent, no one who is a friend of America can expect America to go into such a chaos as obtains there.

That, however, is aside from what I rose to say.

I have referred briefly to the condition in which the naval treaty leaves the world with reference to naval armament. Perhaps there will be a saving of something like fifty to one hundred and fifty or two hundred million dollars, as it has been estimated, in the way of actual expenditure, by reason of this treaty.

Mr. WILLIAMS. The Senator means, for America alone?

Mr. BORAH. I mean for America alone; and that is about all that will be saved, too, altogether, because it is now apparent that the other nations are transferring the expenditure from the battleship side to the submarines and other instruments of naval warfare. When, however, we compare one hundred and fifty or two hundred million dollars with the budgets which are actually being prepared, and the amount of money which we will have actually to raise, we can see how much work there is ahead before the taxpayer will get any real relief from this great movement of disarmament.

But naval disarmament is not alone the one which must have consideration at the hands of those who believe in disarmament. I was opposed from the beginning, as you all know, to including land disarmament in this call. I felt that the situation in Europe would not admit of any progress, that nothing could be accomplished in regard to it; and it seems to me, in view of subsequent events, that that belief was well founded. That, however, is no reason why the movement should not continue and the cause go forward until the situation may be such that the question of land disarmament can become a subject to be dealt with in a practical way.

At the present time, Mr. President, there is no limitation at all upon armament with reference to land. It was suggested here the other day in the Senate that France had reduced her

army. It may be true; I do not know; it is very difficult to get the exact facts in regard to that; but the latest information I have been able to secure is that she has not, and, according to Poincare's statement lately made, they do not propose to do so. Japan certainly has not reduced her army. I have here an item from the press a few days ago which advises us as to her attitude in regard to that matter. This is dated March 18, and is a press dispatch:

Japanese reactionaries have apparently won their fight against an almost universal demand for army reduction.

The militarists are standing pat, announcing they prefer cabinet crises to reduction of armaments.

Besides insisting upon a large army, reactionary leaders have proposed a bill to restrict liberal thought. Recent developments in Japan, believed to presage a more liberal era, have only served to bring out the full force of reaction and militarism.

The Japanese War Minister, Yamanishi, is at outs with the premier over the army. He has announced he will agree to a reduction of not more than 50,000 men and that the money saved must be applied to the purchase of more machine guns.

And so forth. That is true in France; that is true in Japan. There is not very much desire in the United States, either, to reduce the Army. We now have an Army of 150,000 men. That is the same sized Army that we had before the four-power treaty was ratified and before the naval armament conference met, and they contend that nothing has happened which justifies the reduction of the Army in the slightest; so we are not getting any benefit from the standpoint of reduction of the Army by reason of anything which took place at the conference. In addition to the 150,000 Regular Army, we have now, as I am advised, a National Guard approaching 150,000 men; so we have at the present time a force of something like 300,000 men. We are advised, nevertheless, by General Pershing and by the Secretary of War that it would be very dangerous to reduce the Regular Army below the 150,000 mark.

One statement which was made by the Secretary of War last night is really surprising to me. I should like to know more about it. Perhaps the paper does not give the full statement.

"I consider Hawaii and the Panama Canal Zone," said Mr. Weeks today, "to be the two most important points at which this Government should maintain troops. It is absolutely essential that the Canal Zone be fully protected at all times against any possible contingency or attack."

Secretary Weeks stated that a most careful study was being made of all possible methods of defending the Panama Canal against attack from any quarter.

Of course, I understand perfectly that the Panama Canal should be policed; that there should be sufficient guards and sufficient protection to prevent evildoers or those who might be disposed to destroy it from accomplishing their end; but here is a statement which seems to indicate that the authorities in charge of the War Department contemplate some kind of an attack, that there is still a danger there. Mr. President, if we have entered into the four-power treaty and if we are proceeding now upon the theory of disarmament and upon the theory that these things mean peace, there ought to be some manifestation of that in our program with reference to the strength of the Army. I do not believe that there is any danger of attack on the Panama Canal in the sense that some nation is going to attack it, some country is going to assail it. If I thought so, I would regard the four-power treaty as a trap, as a camouflage to protect the enemy, as calculated to mislead the people and to lull them in sleep while the enemy is lurking about for the purpose of availing itself of the advantage of our sleep.

I hope that when the Army bill reaches the Senate these people will have experienced a change of feeling, and that it will manifest itself in our appropriation bills. I think we could very well afford to reduce the Army to a hundred thousand men, in view of the fact that we have a National Guard of 150,000 men, and if we do so I will be glad to credit it to the conference.

I observe that France takes a position with reference to her army almost identical with the view which is held by the representatives of our Army. I deplore these things, because I know if we proceed along that line that inside of five years—yes; inside of two years—the last vestige of benefit in the way of economy will have been wiped out; that no benefit whatever will be realized by the taxpayers from these treaties. If we are going to fill the public mind with the idea that there is still danger of attack from some foreign power, what benefit shall we derive from the conference? Where is the nation which is going to attack us? Is it Germany? Is it Austria? Is it Spain? Is it Italy? Is it France? There are only two nations in the world which, by any possible stretch of the imagination, could assail and attack us at the Panama Canal Zone or anywhere else. I need not mention those nations. But if the danger does lie with reference to those nations—and it can lie nowhere else—then we are making a fatal mistake in ratifying this treaty, and we made a fatal mistake in having ratified the four-power treaty. If we are not to have the faith which the treaties express, according to their proponents, if we are not to rely upon them, then they are a delusion and a snare. The way to manifest our reliance and to manifest our faith is to lead on in the cause of disarmament, which I trust we may do. We take risks in war; let us take some risk in the great cause of disarmament.

Mr. President, it has been about four years now since the war closed, but we are not by any means free of the war spirit, of the idea that we must rely in these matters entirely upon force, that there is no other security. I think there will have to be a regeneration in our mental attitude, as well as a reconsideration of our budgets in regard to these things. I hope that those who have been advocating these treaties will put it in the form of a concrete fact, to wit, in our appropriation bill, and place a little less reliance upon force as the only remedy or the only method for the settlement of international affairs.

Mr. President, I would not take from the conference the honor or the glory which justly belongs to it, even if I could. I would not detract from the prestige of its delegation, or any one of them, even if I could. But I am interested in what has already been achieved only as a part of a great cause—a cause just begun and which must be carried forward to final success or civilization must perish. The cause of disarmament will fail, utterly fail, the moment the people lose interest in it or the moment they cease to be active and persistent in the cause. This is the people's fight, and to lull them into inactivity by giving out the word that disarmament has been achieved or that sufficient has been achieved to warrant inactivity would be to betray the whole cause and to imperil civilization. I have said what I have said, therefore, to-day as an indication of what I trust shall be my course in the future and something as a suggestion to those who are concerned in the cause to continue in the good work.

Mr. JOHNSON. Mr. President, there is one part of this treaty to which I desire to advert, because it has been of extraordinary interest to me and to many who reside in the territory from which I come; that is article 19. With the rest of the treaty, that which relates to naval disarmament and which constituted the subject of the very brilliant opening of the arms conference, in common with everybody else, I was in full accord and to it gave enthusiastic indorsement. I am very glad indeed to register that approval and that indorsement.

When first I read article 19, however, I had some very serious misgivings. It will be observed that the article provides for the maintenance of the status quo in the Pacific with regard to fortifications and naval bases. Under it, without going into vast detail, we no longer will endeavor to fortify or make defensible the Philippine Islands nor will we attempt to establish a naval base at Guam.

It seemed to me at first, Mr. President, that this was an abandonment of the Philippines and a retreat in the Pacific. I could not quite reconcile that abandonment of the Pacific with the maintenance of a great naval base at Singapore by the British and with the maintenance of those bases which Japan in reality maintains and can maintain under this provision.

When the Foreign Relations Committee had this treaty under consideration I asked that some of the experts be called and that some information be afforded us. I was alone in that request; it did not have even a second, and the treaty was reported without any hearing or any evidence whatsoever. I then set about endeavoring to ascertain what I could in respect to it. I am not a naval strategist nor am I versed in military tactics at all. I talked with the Assistant Secretary of the Navy; I talked at length with many others who presumably are expert concerning naval affairs. I interviewed others whose knowledge of fortifications is well known, and every one of them has assured me that this article 19 is not unjust to the United States and that the view I entertained respecting it was erroneous.

I am not entirely satisfied even now, Mr. President, although I concede my ignorance of the technical aspect of the question, and I would not for an instant put any view of mine in contradistinction to the views of the experts and our military and naval strategists. But, even though I am uncertain, I feel that I can not do otherwise than accept the views which have thus been put so emphatically to me. Whatever misgivings I have concerning article 19, though to my untutored mind it may seem to constitute an abandonment of the Philippines and a retreat in the Pacific, I feel I can do nothing else but accept the unanimous view which has been asserted to me, and the statements officially presented and those made by officials unofficially to me. I shall therefore yield my personal views of article 19 and vote for the ratification of the treaty as reported.

Mr. FRANCE obtained the floor.

Mr. WARREN. I ask the Senator from Maryland to yield to me for a moment.

Mr. FRANCE. I yield.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I realize that we are in executive session, and that the time belongs to the consideration of the treaty, but there is a conference report which I desire to call up. It is a partial report, and will require only adoption and the appointment of conferees for further consideration to dispose of it. The House is waiting and can not act until we act. So I ask unanimous consent for that reason to call up the conference report on House bill 10329, the Interior Department appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and as in legislative session the Chair lays before the Senate the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. WARREN. I ask that the report may be agreed to.

Mr. KING. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. KING. I presume from the report submitted that there are a number of items upon which an agreement has been reached. Does the Senator ask us now to ratify the action of the conferees in agreeing upon those items?

Mr. WARREN. Certain matters have been agreed to and certain others have to go back for further consideration.

Mr. KING. It seems to me, if we are asked to ratify the action of the conferees as to those items upon which they have agreed, and which now the Senator desires we shall approve, we ought to be advised about them.

Mr. WARREN. As a matter of fact, there are only three or four real differences, and they have been reconciled, but on account of the troublesome, and I might say almost obnoxious, rule of the House in one respect, a number of items, some 15 or 20, have to go back, because the conferees on the part of the House fear that they may contain legislation. We have agreed upon them, and the conferees on the part of the House will ask the indorsement of the House of those items.

Mr. WALSH of Montana. Mr. President, I notice that a reduction has been made in the appropriation for the continuance of the work of construction of the transmountain road in the Glacier National Park from $100,000 to something like $65,000. I called the attention of the department to that feature, and I have not yet had an opportunity to confer with them about it. Inasmuch as this is not a final report, why should it not stand over until to-morrow morning?

Mr. WARREN. It would simply delay the further consideration of the appropriation bills and result in a congestion which I would like to avoid.

Mr. WALSH of Montana. I hope the Senator will find no serious objection to the request I make that the matter stand over until to-morrow.

Mr. WARREN. If the Senator will state directly what he has in mind, I can perhaps give him some information upon it.

Mr. WALSH of Montana. I have in mind the appropriation to which I referred, the usual appropriation of $100,000 for the continuance of the work of construction of the transmountain highway through the Glacier National Park. The usual appropriation is $100,000. That was heretofore carried in the bill.

Mr. WARREN. Yes; it was.

Mr. WALSH of Montana. Apparently the House has cut it to $65,000.

Mr. WARREN. The House did cut all of those matters, and the Senate put them up to the Budget estimate. In settling it they have asked us to take a certain percentage off all those items, which we have agreed to, and that, with others, is not in further conference.

Mr. WALSH of Montana. My recollection is that about one-third was taken off this item. I would like to have an opportunity to confer with the department further in regard to it.

Mr. WARREN. I have no desire to cut the Senator off. I think in the end he would have to take it up with the conferees as conferees rather than with the department.

Mr. WALSH of Montana. I should not care to insist upon the delay if this were a final disposition of it, but the bill remains here, anyway.

Mr. WARREN. If the Senator will acquaint himself with the fact he desires to ascertain very soon, I shall not press it further now. This matter has been delayed for two months almost, for various reasons, and I am anxious to get it over to the House.

Mr. ASHURST. Will the Senator permit me to propound an inquiry as to amendment No. 81?

Mr. WARREN. Certainly.

Mr. ASHURST. Am I correct in understanding that the conferees have agreed to restore the matter stricken out by the Senate and to reinsert the following paragraph:

For continued investigation of the feasibility of water storage on the lower Colorado River for irrigation and other purposes and related problems, $100,000.

Mr. WARREN. That matter was settled by a slight change in language, and the appropriation of $100,000 was left in.

Mr. ASHURST. I thank the Senator.

Mr. PITTMAN. There was an item carried in the bill as it came from the House making an appropriation for the Yellowstone National Park, which was stricken out by the Senate, I believe.

Mr. WARREN. We have stricken out nothing that was provided for that park. In fact, there was nothing added by the Senate, and hence nothing stricken out or added in conference. The House put in the amount estimated. The Senator is speaking of the Yellowstone?

Mr. PITTMAN. Yes. I was referring to that. What about the Grand Canyon National Park?

Mr. WARREN. The Grand Canyon item is still in disagreement.

The VICE PRESIDENT. The conference report will lie over for the present.

Mr. WARREN subsequently said: Mr. President, I move that the Senate further insist upon its amendments to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, still in disagreement between the two Houses, and request a further conference with the House, and that the Vice President appoint the conferees on the part of the Senate.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. PITTMAN. Mr. President——

Mr. WARREN. As I understand, the report of the committee of conference has been agreed to. My request is simply that the Senate insist on its amendments and that the Chair appoint the conferees on the part of the Senate.

Mr. PITTMAN. At what time was the conference report agreed to?

Mr. WARREN. It was agreed to this morning.

Mr. PITTMAN. I thought the conference report was to go over until to-morrow morning.

Mr. WARREN. No; it was simply laid aside in order that the Senator from Montana might have an opportunity to consider an item which was contained in the bill. He has done so, and is now satisfied to have the action taken that I have suggested.

Mr. PITTMAN. Mr. President, there are some other Senators who are interested in matters which are contained in the bill.

Mr. WARREN. I do not wish to take up time which belongs to the consideration of the pending treaty, but I wish to suggest to the Senator from Nevada that, while of course it is nothing to me personally, the conference reports on appropriation bills must be considered if the Senate is to transact its business. They have to be passed on here in the Senate in order that they may be sent over to the House of Representatives.

Mr. PITTMAN. I realize that the Senator from Wyoming is very industrious in these matters—in fact, he possibly may be too industrious—but I notice a number of these bills have been reported to the Senate on one day and on the next day have been passed. There were several Senators this morning who desired to investigate items which are contained in this very important bill. I made inquiry with regard to a certain item in the bill and the Senator from Wyoming stated that it was still in conference, but I want to look into it further. I certainly understood, however, at that time that the report was to go over until to-morrow morning.

Mr. WARREN. Until some other Senator may want it to go over for another day?

Mr. PITTMAN. Mr. President, there are a great many things in this bill, in my opinion, which should be considered.

Mr. WARREN. I should be very glad if the report might be considered. It has been before us for some days, having been presented by me, as I recall, four days ago. Of course, if the Senator objects, it will have to go over.

Mr. PITTMAN. I give notice, Mr. President, that I will move a reconsideration of the vote by which the conference report was adopted. I understand it was adopted.

The VICE PRESIDENT. The understanding of the Chair is that the conference report was not agreed to.

Mr. WARREN. The conference report, as I understand, was agreed to, but I have not the slightest objection to the vote by which it was agreed to being reconsidered. There is no disposition on the part of the chairman of the Committee on Appropriations to secure action on any measure which is not understood, but I submit that, with 96 Senators, it is very difficult to make every Senator understand what is contained in the appropriation bills if he will not look at them. This conference report has been printed and has been lying on the desk of the Senator from Nevada, I presume, as it has been on the desks of other Senators. So I suggest now that Senators examine the report sufficiently so that at some time we may have it taken up and acted upon.

Mr. PITTMAN. Under that understanding——

The VICE PRESIDENT. It is the understanding of the Chair that the report has not been agreed to.

Mr. PITTMAN. Very well. I misunderstood the Senator from Wyoming. I will say that to-morrow morning I will be prepared to present to the Senate the matter which I have in mind.

Mr. WARREN. The Senator understands that the subjects which the Senate is considering in open executive session and which are privileged keep us waiting here for days at a time to secure action upon measures which ought to be transmitted to the other House in order that further proceedings may be had between the House and the Senate.

Mr. PITTMAN. I understand that, and that is one reason why I want the report to go over. I desire to be attending to this business, so far as I am personally concerned.

Mr. DIAL. Will the Senator from Maryland yield to me that I may offer a resolution?

Mr. FRANCE. I yield to the Senator from South Carolina.

CAUSES OF DEPRESSED PRICE OF COTTON.

Mr. DIAL. Mr. President, as in legislative session, I desire to offer a resolution and ask for its immediate consideration. If there is any objection to it, I shall not press it.

The VICE PRESIDENT. Without objection, the resolution will be read as in legislative session.

The resolution (S. Res. 262) was read, as follows:

Resolved, That the Federal Trade Commission is hereby requested to investigate the cause, or causes, of the present depressed price of cotton in the United States, and especially with reference to cotton exchanges' operations; to ascertain their methods and plans of operation and to secure any and all data that may be available in connection therewith; whether trading carried on by such exchanges is done in a fair, just, and legal way, and whether, in its opinion, the present laws operate equitably to the grower of cotton, or whether they are in any way prejudicial; and that it consider in connection with said investigation stocks of raw cotton now on hand in the United States and elsewhere, yearly world consumption for 1919, 1920, and estimates for 1921, and the imports and exports of raw cotton into and from the United States; that it ascertain the quantity of linters, untenderable and unspinnable cotton in the United States; that it ascertain the size of the cotton crop in the United States for the years 1919, 1920, and 1921, and the number of contracts said to have been sold on each of such exchanges during each of said years herein mentioned, together with amount of cotton delivered on contract; that in the event it finds remedial legislation necessary, either in the manner of making or executing contracts or otherwise incident to such trading, that it so inform the Senate concerning such facts, with such recommendation as it may believe feasible to make.

Mr. DIAL. I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. As in legislative session, the Senator from South Carolina asks unanimous consent for the immediate consideration of the resolution. Is there objection? The Chair hears none, and the question is on agreeing to the resolution.

The resolution was agreed to.

Mr. DIAL. I thank the Senator from Maryland.

NAVAL ARMAMENT TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

Mr. FRANCE. Mr. President, I desire to say but a few words in explanation of my vote upon the pending treaty. It is not pleasant for me to mar the beautiful picture of harmony which would have been created by a unanimous vote in ratification of the pending treaty, but I shall vote against it. I shall stand in the minority here in the Senate, but, standing in the minority here, I believe that I shall stand with the overwhelming majority of the American people.

When innumerable doves of peace are beating the air with obedient wings, when all our senses are being enchanted with the intoxicating harmonies of universal pacifism, when we have recently surveyed floating from our public buildings the flags of the great empires of the earth in places of equal honor with the incomparable flag of this Republic, the first prophet and last defender of liberty, it is not pleasant for me to disturb the perfect harmony by rising here to remind the Senate that languishing in prison cells, under sentences of extraordinary severity, are men convicted under a Federal statute of the crime of pacifism.

When the greatest assault in history was being made upon the institutions of liberty by one of the mighty empires of Europe these men, standing in the minority, painted the horrors of war. They dwelt upon its inhumanity. They called attention to the crime of the shedding of one man's blood by another. They extolled the beauties of universal brotherhood, universal love, and universal peace, and for that, under a Federal statute clearly out of harmony with the Constitution of the United States, they were convicted of the then newly created crime of pacifism and were cast into prison where to-day they languish. And now men are taking to-day, even in the legislative halls of the Republic, the positions which those men took.

I believe that those men were unjustly convicted. I believe they should be freed, but I believe they were mistaken—mistaken, however, when they were exercising the constitutional right of every man who is a citizen of this Republic to express the minority, even if the repugnant, opinion. But they were doing then what is being done now to-day. They were preaching pacifism. Now, to my mind pacifism is nothing less than the doctrine which desires peace at any price. It is the doctrine which says, "Let us have peace regardless of the terms of that peace." Pacifism is for peace and for disarmament even when injustice is in the saddle and when the iron hoofs of empire are crushing the anguished hearts and trampling upon the inalienable rights of men.

I am not a pacifist. I do not believe that any progress can be made in the direction of disarmament, in the direction of doing away with the settlement of international disputes by force, until there shall be set up some different method of settling international disputes, until there shall be some international tribunal where oppressions, wrongs, and injustice can be remedied and where the oppressed can find redress.

Loathing war as I do, looking forward fondly as I do to the time when there shall be set up international tribunals for the establishment of international justice, I shall vote against the pending treaty. I shall vote against it because that time has not come. I must confess, as the Senator from Montana [Mr. WALSH] was indicating a few moments ago, to certain twinges of conscience with reference to my attitude upon the League of Nations when I contemplate this new international arrangement which is far less satisfactory. The League of Nations at least pretended to set up a tribunal of justice which should take the place of force in the settlement of international disputes, but under this arrangement we are offered disarmament with no substitute whatever in the way of an international tribunal designed to give us justice.

Mr. President, I am surprised at much of the shallow thought of the statesmanship of our time. It seems not to have ever occurred to some of the statesmen who have been studying the problems of peace, of war, and of disarmament that armaments are not the disease, that great armies and great navies and great guns are not what ails the world, that these are not in themselves the disease, but that they are only the symptoms of the disease and that those symptoms will persist until the disease is cured. Of course, the disease is nothing else than international injustice and oppression. Loving peace as I do, I love liberty, progress, and justice far more. I do not wish to see disarmament, I do not wish to see the navies disappear until I can be assured that there may be set up the means by which justice may be secured and by which the progress of liberty throughout the world may be made more certain.

I want to say to the Members of the Senate and I want to say to the Members of the House of Representatives that the people of the United States understand this question better, I believe, than do their representatives. The people of the United States love the American Navy. Throw upon the screen of any moving-picture palace or theater of humbler degree in any part of the Republic the animated picture of great American battleships bravely plowing the turbulent waters of the ocean, bearing the Stars and Stripes, representative not only of the wealth, the majesty, and the power of this great Republic, but of its invincible devotion to the higher ideals of liberty, and from the spectators, whose hearts beat true to American traditions, there will arise tumultuous applause. The American people love the American Navy. They realize that it is their first line of defense. They realize that with their great wealth the support of this Navy is an insignificant burden upon them. They realize, further, that our Navy will never be used to promote injustice

or oppression, and that it will always be used in the defense of the American ideals of emancipation, of elevation, of liberation.

I shall vote against the ratification of this treaty; and from having noted an actual canvass in my State made some time ago by one of the newspapers, I am convinced that the people of Maryland—a State which has done so much for the Navy, not only in contributing to the great Navy of the United States heroes of years past and of more recent days, but in contributing at Annapolis every year a magnificant class of young midshipmen—are opposed to the crippling of our splendid Navy. I know that they will trust the Republic. I know that the people of the United States believe that this Republic should have the most powerful Navy in the world as a first wall of defense for the protection of our own liberties and as the great benevolent right arm to be always extended for conciliation, for propitiation, for mercy, for humanity, for liberty, and for justice over all the peoples of the world.

Oh, Mr. President, what a prophet was the Father of our Country when he warned us against the insidious wiles of foreign influence! How insidious are these influences! Is there an American Senator or an American Representative or an American citizen who believes that our financial condition is such that we can not afford to support the largest Navy in the world? I do not know of such a one. It was not long since that all of our newspapers, before the insidious influence of foreign lands began to operate, were speaking proudly of our great achievements in building up a Navy. As an illustration of that, I desire to close my remarks with an editorial from the Washington Post of December 23, 1920, which, to my mind, reads like good, old-fashioned Americanism; an Americanism still held by such reactionary old gentlemen as myself; an Americanism which will be held by this reactionary old gentleman, he hopes, until he is consigned to his eternal rest, perhaps with the flag draped about him in some recognition of what he has tried to do in maintaining and defending the ideals of this Republic. From the Washington Post of only a year ago I read this editorial:

AMERICAN SUPREMACY AT SEA.

Within three years the United States will hold supremacy over the seas. After 300 years of undisputed supremacy, the British Navy will take second place and the Stars and Stripes will float over a fleet stronger than the two fleets that fought the Battle of Jutland. In number of ships, in number of guns, and in size of guns and weight of broadsides the American fleet will be overwhelmingly superior to the British fleet. The two navies will stand about as follows in 1924, counting capital ships only:

	Great Britain.	United States.
Ships	18	27
Displacement ..... tons	437,000	885,000
Heaviest guns ..... inch	15	16
Greatest speed ..... knots	31.50	23.25

Japan is building eight capital ships and by 1924 will be a promising rival of Great Britain. Indeed, some naval experts are of opinion that the Japanese fleet by that year will be more effective than the British, although the British fleet will excel in tonnage. A point to be borne in mind is that while the American and Japanese ships are new, the British vessels are of an older pattern. No first-class capital ship has been laid down in Europe since the war began, while the United States and Japan have been building up their navies quite actively. The program adopted in 1916 in the United States provided for 157 ships of various types. Among them are 4 battleships of 32,600 tons each and 6 battleships of 43,200 tons each, besides six battle cruisers of 35,300 tons each, with a greater speed than any similar vessels afloat or planned.

Japan's program calls for 24 capital ships, of which at least 8 will be of the latest type, equal to those of any other fleet. Japan's spokesmen announce that the Empire can not halt its shipbuilding program while the United States continues to increase its fleet, and it is recognised that the disparity of strength will be in favor of the United States in spite of all that Japan can do.

There is no reason to look for a cessation of American naval increase. President-elect Harding has in fact already announced his policy, in his speech at Norfolk upon his return from Panama. He favors a Navy and a merchant marine second to no other in the world.

I will say that this is not a criticism of the President, because the President believes that under this plan we shall have a Navy second to none in the world, and, therefore, a Navy in harmony with what he said upon this occasion:

Therefore he will not interpose objections to a reasonable continuation of the expansion program, and certainly he can not be expected to cut down the program adopted in 1916 and now in process of execution. The resources of Great Britain and the disturbed conditions in the British Isles do not seem to encourage a great naval increase. Hence it need not be apprehended that the United States will fail to take first place by 1924, or perhaps by 1923.

Premier Lloyd-George took occasion only yesterday to discuss the question of disarmament. Speaking to the British and imperial delegates to the League of Nations, he said there could never be real peace until the nations ceased competition in armament and until all nations were in the League of Nations, for all nations must act together in this matter. No nation dares to take the risk of disarmament unless all will agree to disarm.

Of course, Mr. President, when Mr. Lloyd-George said that he overlooked, as have all the statesmen of the world recently overlooked, the fundamental principle to which I have called attention, the principle that to attempt to get rid of the symptom until you cure the disease is the utmost of folly. All the armies of to-day might be disbanded, all of the battleships might be scrapped, but if oppression and injustice remained new methods of warfare would be invented. From the beginning of the world men have fought, generally on the one side fighting against injustice and oppression and on the other side fighting for self-aggrandizement, exploitation, and oppression. Men have fought since the beginning of time. They fought with stones; they fought with stone weapons; with bronze-tipped spears; they defended themselves with shields made of hides; they fought in canoes; they fought, after gunpowder was first discovered, with makeshift arms; and now they fight with vast machinery of the utmost perfection and power of destruction. If all the navies of the world should be destroyed to-morrow, and the reason for those navies should remain, we would still have conflicts just as deadly, just as destructive, between merchant ships carrying guns.

Some one has said that in the old days we had wooden ships and iron men, while to-day we have iron ships and wooden men. That is not true of the American Navy. The American Navy is made up of iron men, with courage in their blood, with patriotism in their hearts, and with a knowledge of world conditions which constitute those men among the best prepared in this Republic to know what our naval policy should be; and generally they are opposed to this wholly irrational scheme.

But scrap the big battle cruisers and the big dreadnoughts of the world and then let one imperial nation attempt to take advantage of a weaker but honest competitor in the markets of the world, and before we know it merchantmen will be carrying guns, and great disasters like the *Lusitania* disaster, one of the most terrible in all the history of the world, will have their repetition.

Mr. President, I am not surprised that the Senator from Montana [Mr. WALSH] feels that the rejection of the League of Nations plan, which, at least, attempted to substitute an international tribunal of justice for force, was a mistake and that that plan should have been accepted rather than this. The editorial continues:

These statements, like all others that have appeared on the subject, omit one all-important qualification. Everything depends upon the nation that is superior in arms. If it is determined to have peace, it can have peace instead of war.

Here is the essence of the whole matter. I challenge any Senator or any Representative in Congress to go out upon the streets or to talk, as I do when I have occasion, with his farmer neighbor across the fence and ask him whether a nation should have a large navy. I am sure if a Senator will ask his neighbor at home whether a nation should have a big navy or not the average neighbor would answer very much in this language:

Everything depends upon the nation that is superior in arms. If it is determined to have peace, it can have peace instead of war. We deny—

And the average American will deny, as was denied a year ago by the editor of the Post—

We deny that superiority in armament makes a nation warlike or that competition in armaments drives nations into armed conflict. Great Britain herself is a witness against Mr. Lloyd-George. The British Navy is supreme on the seas, and yet Great Britain does not provoke war. She did not start the World War, although her navy was armed to the teeth and could have defeated Germany by a sudden stroke at any time before the completion of the Kiel Canal.

The strongest army in the world in 1919 was the United States Army. But it did not seek war. The possession of enormous armed strength on land and sea did not make the United States a whit more warlike than during the seemingly pacifist years 1914–1916. Who is the American who believes that in 1924, when the United States will possess the greatest Navy afloat, this Nation will seek war? We believe the United States will use its Navy to promote peace, as the British Navy has been used.

The most important part of Mr. Lloyd-George's observation is that which makes it clear that the nations do not trust one another.

Mr. President, there is still some slight evidence of this condition to-day, even after the great disarmament conference; a condition under which the nations do not trust one another.

That is a solid, incontrovertible fact, a fact that outweighs the mountains of theories concerning brotherhoods, leagues, and peace based on loving confidence. Not trusting one another, the nations must retain their independence and their strength. So far as the well-meaning and reliable nations can cooperate for the world's welfare, well and good; but they have traitors and assassins among them, and therefore they dare not depend upon leagues as substitutes for armies and navies.

The United States craves the privilege of cooperating with enlightened and free nations for the sake of all mankind. At the same time, seeing the world as it is, and not as it might appear through

rainbow-tinted spectacles, the United States uses its resources in its own defense. As this Nation contains most of the world's wealth and as its resources are the greatest in the world, it is proper that the United States Navy should be the most powerful in the world.

This is an editorial from the Washington Post of a year ago.

Mr. President, it is not many years since Great Britain, under the hysteria of a pacifist movement there, was almost persuaded to do what we shall do when we ratify this treaty. A great naval expert of Great Britain, a man who has since been highly honored by the Empire, called attention to the grave danger which might confront the Empire within a few short years if she should adopt the policy which we are adopting to-day, when, with war threatening, I say, from many directions, we are preparing to scrap so much of our great—real and proposed—Navy. He warned them, I say, as to the danger which might confront Great Britain in a few years if she adopted a policy of drastic naval reduction. By a very narrow margin the contrary policy was adopted, and the great British fleet was preserved; but if it had not been for the courage and for the vision of that Briton who refused to be swept from his feet by an unreasoning hysteria of pacifism the history of the last war would have been very different, and the future course of history would have been in a totally different direction.

I believe that we should build our Navy. I believe that we should go on to complete our 1916 program. I believe that the great institutions of liberty upon the Western Continent will face grave dangers during the next decade. I believe that we should be prepared with ships and men to defend the American ideal and the American flag against the menacing dangers of the great empires of the world, which hate with a deep, abiding hatred which will never die as long as the imperial system lives the very system and ideals of Americanism, which are in conflict with everything for which the empires stand.

There is not one of those great empires which would not crush the life out of the American ideal and the American system if it could—an ideal and a system which, unless they be destroyed, will march steadily on with irresistible conquering force until the ideals and system of imperialism have been wiped from the earth, which for so many centuries has been stained and cursed by them.

I shall vote against this treaty if I vote alone, and I shall wait for the patient years to vindicate my vote; and I know that the majority of the American people fully realize that this policy, which is indeed a sudden reversal of a well and long considered policy—this policy of scrapping so much of the great American Navy at the very moment when that Navy was coming to a position where it would have held supremacy of the seas—is a grave mistake.

As far as I am concerned, I can vote "nay" with perfect confidence that my vote is the proper vote, and if that unhappy time shall ever come, which I pray God may not be, when we shall be menaced by a combination of the empires which hate us, if we shall be unprepared the blood, the havoc, the destruction shall not be charged to me nor to my record as a Member of the Senate of the United States.

Mr. FRANCE subsequently said:

Mr. President, I ask unanimous consent to insert as a part of my remarks this morning two resolutions which I introduced, being a resolution of January 14, 1919, for the calling of an international conference, and a resolution of April 12, 1921, providing for an international conference and consultation.

The VICE PRESIDENT. Without objection, it is so ordered. The resolutions referred to are as follows:

JANUARY 14, 1919.

[Senate resolution 412, by Mr. FRANCE.]

Whereas on the 11th day of November, 1918, the President of the United States announced the signing of an armistice between the United States and the Central Powers, against which this Nation had been at war, the President at that time declaring, "The war thus comes to an end"; and

Whereas it has not as yet come to the knowledge of the Senate of the United States that peace negotiations have been entered into with the enemy; and

Whereas the keeping for any length of time of an American Army upon European soil is undesirable and a cause of vast expense and of deep anxiety to the American people; and

Whereas profound unrest among the people of many nations and violent revolutions in several countries, which spirit of unrest and revolution are augmented by the hardships resulting from the maintenance of armies of occupation, and by that underproduction, throughout the world, of the necessities and commodities of life which has resulted from the long withholding of many millions of men from productive industry must be a cause for deep concern on the part of the several Governments: Therefore be it

Resolved, First, That the Senate, as part of the treaty-making power of the Government, does hereby consent to and most earnestly advise that, at the very earliest possible moment, negotiations be entered into with the enemy looking to the establishment of a just peace, and that all subsidiary questions which might delay the establishment of such a just peace between the nations, without which peace national stability is everywhere endangered, may be postponed for a later discussion at an international conference.

Second. That the Senate, as part of the treaty-making power of the Government, does hereby consent to and most earnestly advise that at the earliest possible moment consistent with the safety of this Nation American troops be returned from Europe; and, further, that after the establishment of peace the President call upon the Governments of North and South America to appoint two delegates each to an international conference, to be held at some suitable time and place, to consider plans for the closer cooperation of these Governments in promoting justice, progress, and friendship among and within the said countries of the Western Continent; and, further, that the President also, at some time subsequent to this conference of the American Republics, call upon all the nations to appoint delegates to another international conference to be held at some suitable time and place to discuss and consider plans for the promotion of justice, progress, and friendship among and within the nations of the world, such conference to particularly discuss and consider plans for the removal, so far as may be, of the economic and social causes of war, and to this end particularly give attention to—

First. The congestion of population of some nations.

Second. The underpopulation of other nations.

Third. The unregulated competition between the more populous and industrial countries for the raw products and trade of the less populous and agricultural ones.

Fourth. The exploitation of the weaker and the less advanced by the stronger and more highly organized nations.

Fifth. A larger self-determination of peoples and nations.

Sixth. The possibility of the cooperation of the more advanced nations, for the improvement of the conditions of the backward countries, particularly those of Africa and parts of Asia, by the formulation of plans for the reclamation of waste lands, for the utilization of natural resources, including water powers, for wise colonization, for education, and for the spread of civilization, in the interest of those countries and of the world.

Seventh. The best means for the wider and more rapid extension of education and civilization throughout the world, looking to the ultimate elimination of national, racial, and religious antagonisms.

Eighth. The establishment of constitutional republics or of governments of such uniformity throughout the world as would make for that national stability upon which could be based a permanent international order.

Ninth. The elimination of all causes of national enmities and the establishment of friendship and justice between the nations, with a view to the ultimate establishment of a league of nations or world federation of republics, for the purpose of promoting the cause of progress and of peace throughout the earth.

IN THE SENATE OF THE UNITED STATES,
April 12, 1921.

Joint resolution (S. J. Res. 10) providing for the reestablishment of peace and the calling of an international conference to institute a concert of nations to advise concerning international cooperation as a substitute for the League of Nations.

Whereas on the 11th day of November, 1918, the President of the United States announced the signing of an armistice between the United States and the powers with which the United States had been at war, the President at that time declaring "the war thus comes to an end"; and

Whereas it is most desirable that there shall be a prompt termination of the status of war by the formal legal reestablishment of peace between the United States and Germany; and

Whereas the peace treaty has failed to receive the advice and consent of two-thirds of the Senate; one of the reasons for the negative action being that more than one-third of the Senate hold that the covenant of the League of Nations incorporated in said treaty, if adopted by the United States, would contravene its fundamental principles as declared in the Declaration of Independence by subjecting the external relations of the United States to the control of a foreign body not recognizing these principles, would violate the Constitution by attempting to change the form of government of the United States without a constitutional amendment, and would ignore and tend to destroy the right of States under the law of nations to defend themselves and to extend civilization in behalf of all civilized nations by means of war when other means are impossible; and

Whereas there is a profound unrest throughout the world, due in large part to the failure of the Paris peace conference to formulate such plans for peace and for international cooperation for the advancement of justice, liberty, and the general welfare as would commend itself to the great liberal spirit of the age and the new enlightened conscience of mankind; and

Whereas the long-continued underproduction and rapid destruction during the war of the necessities and commodities of life, particularly of food, have resulted in a serious shortage, which makes imperatively necessary an immediate reorganization of all agricultural, industrial, financial, and commercial activities for the maximum production in all countries and for the distribution among the nations by the normal methods of trade and commerce of such food, necessities, and commodities; and

Whereas because of the close community of financial, industrial, and commercial interests of all of the nations of the world, the industrial and financial prostration and paralysis of Germany, Austria, Russia, and other recently belligerent countries of Europe, with the necessarily ensuing unemployment, impoverishment, and starvation of their citizens, with the threatened unrest and revolution in certain of these countries, are impeding the rehabilitation and are menacing the peace of the world and the stability of all governments; and

Whereas, therefore, it is desirable to bring about immediately a situation of general peace and to take measures for establishing at the earliest practicable moment a form of international organization, approved by the public sentiment of the people of the United States, to deal with the social and economic problems growing out of the present war, and to bring about as nearly peaceful relations as possible between States by judicious and carefully wrought out measures of international cooperation; and

Whereas those opposing the plan of international organization contained in the covenant of the League of Nations recognize that it has now become necessary for the United States to cooperate methodically and permanently with the States and countries of the world and to take the lead in establishing a concert of nations to direct such cooperation by considered advice, but have heretofore been confined to an indirect and imperfect expression of their views by means of reservations to the said covenant proposed in the Senate: Now, therefore, in order to promote a general pacification, to declare the plan of international organization approved by those opposed to the plan of the League of Nations, be it

Resolved, etc., That the status of war with Germany, declared by the Congress by Senate Joint Resolution No. 1, on the 5th day of April, 1917, be, and it is hereby, declared to be terminated and the full status of peace be, and it is hereby, declared to be reestablished.

2. That the President be, and he is hereby, authorized and advised to make treaties of peace without annexations or indemnities and of trade and intercourse with the Republic of Germany, all matters of dispute between the two countries to be submitted for arbitration to The Hague tribunal.

3. That in pursuance of this resolution declaring the reestablishment of peace all American troops now upon foreign soil shall be immediately returned to the United States.

4. That the President is hereby authorized and directed, by invitations to be sent out by him during the month of June, 1921, to invite the States signatory of or adherent to the convention for the pacific settlement of international disputes, of July 24, 1899, and their successors, and all other States since recognized or which may be recognized prior to the sending out of the invitations to send three delegates each and also two delegates in behalf of each of the colonies, protectorates, and dependencies, respectively, of the various States having colonies, protectorates, or dependencies, to assemble at Washington, on a date in September, 1921, to be fixed in the invitation, to consult concerning the formation of a more perfect general concert and union, the establishment of general justice, the assurance of the general tranquillity, the promotion of the general welfare, and the securing generally of the blessings of liberty to the peoples now living and to their posterity.

5. That the list of said States to be invited shall include the following: Argentine Republic, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Great Britain, Greece, Guatemala, Haiti, Hedjaz, Hungary, India, Ireland, Italy, Japan, Yugoslavia, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Persia, Peru, Poland, Portugal, Rumania, Russia, Salvador, Serbia, Siam, South Africa, Spain, Sweden, Switzerland, Turkey, Uruguay, and Venezuela.

6. That the invitations shall expressly state that the motive of the United States in issuing them is to initiate and bring about a concert of nations as a substitute for the League of Nations and shall be expressly with the understandings as herein set forth, namely: There shall be an international conference of the States, composed of three delegates from each of the States, and an assembly of the colonies, protectorates, and dependencies, composed of two delegates from each of the colonies, protectorates, and dependencies, the international conference and the assembly of the colonies, protectorates, and dependencies to sit separately but at the same time. The assembly of the colonies, protectorates, and dependencies shall deliberate exclusively concerning social and economic measures and shall report to the international conference. The international conference and the assembly of the colonies, protectorates, and dependencies shall be the first of a series of periodical conferences and assemblies of similar character, meeting at periods of three years at places determined by the international conference. The general object of the conferences and assemblies shall be to constitute a concert of the States and countries of the world on the general lines of the international conference of American States and the inter-American high commission, by means of central and national institutions and processes adapted to carry on orderly discussion, deliberation, and judgment concerning matters of common interest with a view to inducing such peaceful and voluntary action of the States in the common interest as may be needful to bring about international cooperation. All resolutions agreed upon either in the international conference or in the assembly of the colonies, protectorates, and dependencies shall be of an advisory character, and any international or panamerican organs or processes initiated or instituted shall be of a voluntary nature and shall have only advisory powers. The international conferences shall establish and maintain a system of advisory correspondence, with continuation committees sitting in the intervals between the conferences to prepare for the international conferences and the assemblies of the colonies, protectorates, and dependencies and to carry on the system of correspondence. The more specific objects of the international conference, of the assembly of colonies, protectorates, and dependencies, and of the continuation committees, and the purpose of the correspondence between the States participating shall be—

(a) To consider the common and mutual interests and the social and economic relations of the States and peoples of the world as naturally and necessarily united for mutual aid and benefit and to recommend such projects of uniformity or reciprocity in the action of the States, respectively, as will enable them to cooperate for the general welfare.

(b) To formulate a body of international law based on the security of the fundamental rights of the individual as the prime function of all Governments and for applying as between States the analogies of the laws of partnership and cotenancy, and as between States and their respective colonies, protectorates, and dependencies the analogies of the laws of conservatorship, guardianship, and trusteeship.

(c) To devise methods for the advancement of the peoples of colonies, protectorates, or dependencies from the status of dependence to that of independence and to full participation in the international conferences.

(d) To decide concerning the admission into the international conferences of any communities claiming to be States formed by the division of existing States or by the junction of States or parts of States.

(e) To promote cooperation among the more advanced nations for the improvement and advancement of the backward countries and territories, particularly those of Africa and parts of Asia, by the formulation of plans for the reclamation of waste land, for the utilization of natural resources, including water powers, for wise colonization, for the promotion of education and the spread of civilization throughout the world.

(f) To consider the problems of the congestion of some and the underpopulation of other nations and the unregulated competition between the more populous and industrial countries for the trade and raw products of the less populous agricultural ones.

(g) To study the problem of international finance, credits, and exchange with a view to the prompt shipment on suitable credits, particularly into Russia, Germany, Austria, China, Africa, and any other agriculturally or industrially undeveloped or prostrated countries, of tools, agricultural implements, seeds, and other materials necessary to production, as well as foodstuffs, necessities, and commodities, for the purpose of encouraging a resumption of production which will be favorable to the rehabilitation of the world.

(h) To localize hostilities between States by cooperative policing of the high seas of otherwise and to take such action in case of such hostilities that the result of any armed conflict between States may be to increase the area within which the rights of the individual are effectively secured and to render more perfect the union of all the States for mutual aid and benefit.

(i) To make further provision for the pacific settlement of international disputes and for the settlement of such disputes according to accepted principles of law and by due process of law; and for this purpose to establish an international supreme court of justice and a system of inferior international courts having jurisdiction of controversies between States in which the parties in interest are citizens of different States, and also of such controversies between States in their own right as may be susceptible of decision by application of accepted principles of public or private law.

(j) To encourage the establishment, where stable governments do not exist, of constitutional republics or governments of such character as would make for that national stability upon which would be based a permanently peaceful international order, and to promote the institution in each nation of appropriate national agencies of international correspondence and concert and the control by national legislatures of the appointment and instruction of national delegates to the international conferences.

(k) To promote amity and mutual understanding between the oriental and occidental peoples and to proceed with all possible means and speed to conciliate the people of Russia, China, India, Afghanistan, the Central Powers, and Turkey, in order that these nations or countries may not form against the western powers a hostile coalition which might menace the peace of the world.

7. That the President is hereby further authorized and directed, by invitations to be sent out by him during the month of June, 1921, to invite each of the aforesaid States to send five delegates, to be selected from the organized labor bodies of each of said States, to an international conference on labor to be held at Washington at the same time with the international conference of the States and the assembly of the colonies, protectorates, and dependencies, said international conference on labor to sit concurrently with, but separate from and independent of, the international conference of the States and the assembly of the colonies, protectorates, and dependencies. This international conference on labor may send communications to and advise with the other two aforesaid conferences. It shall be the function of the international conference on labor to consider and deliberate upon all questions affecting the general welfare of labor throughout the world and to make recommendations to the international conference of the States and to the assembly of the colonies, protectorates, and dependencies of measures which, in the opinion of the international conference on labor, would tend to promote the establishment of general justice, the assurance of the general tranquillity, the promotion of the general welfare, and the securing generally of the blessings of liberty to the peoples now living and to their posterity.

8. That the functions of the United States as the initiator and host of the international conference of the States, of assembly of the colonies, protectorates, and dependencies, and of the international conference on labor shall be in the charge of a committee which shall come into existence in the month of May, 1921, and shall consist of the then Secretary of State as chairman, the then Secretary of the Treasury, the then Secretary of Commerce, two Members of the Senate, to be appointed by the President of the Senate, and two Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

The delegation of the United States to the international conference and to the assembly shall be nominated to the President by said organization committee and said nominees when approved by the President shall be appointed by him by and with the advice and consent of the Senate. The said organization committee shall also suggest to the first international conference and to the first assembly a plan for their organization, a program of matters to be considered, a project for regulating the action of the continuation committees, and a plan for organizing and regulating the central and national agencies of correspondence and concert; but nothing in the plans, project, or program so suggested shall be inconsistent with the provisions of this resolution.

9. That the general expenses of the international conference and of the assembly shall be borne by the United States, each participating State, however, paying the salaries and expenses of its own delegates and of the delegates in behalf of its colonies, protectorates, and dependencies.

10. That there is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, for the carrying out of the provisions of this resolution the sum of $500,000.

11. That the provisions of this resolution shall take effect immediately after its passage and its approval by the President.

Mr. SHEPPARD. Mr. President, in connection with the remarks of the Senator from Montana [Mr. WALSH], let me say that in the summary of the work of the League of Nations at the conclusion of my speech in the Senate on Wednesday, October 5, 1921, which summary was republished in yesterday's RECORD at the request of the Senator from Utah [Mr. KING], I find that the eleventh item—the item relating to disarmament—should have included the fact that the last assembly of the league, which met at Geneva on September 5, 1921, directed the league's committee on disarmament to prepare a general plan of disarmament for presentation to the next assembly, which meets this year, the nations to furnish inventories of existing armaments, with a statement of cost. This last assembly also recommended an international conference on restriction of the manufacture of arms and condemned the use of poison gas in war. It recommeded that world-wide propaganda be instituted for disarmament.

It will be seen, therefore, that the league is developing a broad and comprehensive plan for disarmament—disarmament on land, disarmament on sea, disarmament in air—a plan embracing nearly all the nations of the world. It will be seen further that the statement that the league has done nothing toward disarmament is without foundation.

Mr. HARRISON. Mr. President, I have not heretofore discussed any of these treaties, and in the consideration of this particular treaty there has been little discussion on this side, for the reason we were anxious to cooperate with those who

were steering it through the Senate, that a vote might be taken at the earliest possible moment.

There is no partisanship in the consideration of these treaties, nor was there any in the Conference on the Limitation of Armament. I hardly believe there was ever held a conference so free of politics as this one. While it was called by a Republican President and three of the four delegates representing this Government happened to be members of the majority party, so far as I have heard politics did not creep into it; and, that being true, it has been to some of us a matter of regret that certain Republican spokesmen high in the councils of the party—one holding the second highest official position in the service of the Government have seen fit recently to claim it as a great administrative or Republican achievement. The chairman of the Republican congressional campaign committee, whether he employed those words or not, conveyed that meaning; and the Vice President, in his speech on Sunday, which was reported throughout the country, claims it in the first paragraph as a great administrative achievement.

Mr. President, I am speaking now in behalf of this treaty not as a Democrat but as an American. We on this side of the aisle who did oppose the four-power pact did so with regret.

It was not because we desired to prolong the discussion of it or to vote against it that the fight was waged here, that the suggestions of modifications were offered and the amendments or reservations proposed. We earnestly and sincerely hoped that the treaty might be so framed that we could give it our support. From the beginning to the end we have desired that the result of the disarmament conference might be such that it would be acceptable to representatives on both sides of the aisle, and we were indeed sorry that at least one reservation was not accepted to the four-power pact, so that we might have been permitted in the end to vote for it.

We were against that pact because we believed it to be an alliance of the four great powers. We believed it to lay the germs of distrust amongst other nations and be a breeder of wars. We believed that the four powers who joined in the pact should agree to respect the rights of other nations, great or small, the same as according to the terms of the treaty, they were to respect the rights of the parties to the treaty. We believed that it should have been amended so that not only would we be compelled to refrain from all acts of aggression as against the other parties to the treaty and they as against us, but that we and the other powers to the pact by its terms would agree to refrain from all acts of aggression against other powers which might not be named in the pact. We desired that the treaty might be amended so that if a controversy should arise in the Pacific other nations interested than the four nations named in the pact might be invited into the conference that their views might be presented, and that this Government might then take sides in the interest of right and justice as presented in the controversy, without guaranty or obligation upon our part.

It was because such reservations were not included in the four-power pact that the great majority of Democratic Senators in the end voted against it. I have no doubt that if a reservation such as that proposed by the Senator from Arkansas [Mr. ROBINSON], carrying out the suggestions I have just referred to, had been adopted by the Senate there would not have been half a dozen votes against the final ratification of that treaty. So, Mr. President, the opposition to the four-power pact was not partisan; it was solely in the interest of peace, against "entangling alliances," and toward a good understanding among all nations. I would not have the country get the impression that because there were quite a number of us who voted against the four-power pact there was any partisanship in it or that there was any lack of sincere interest in the success of the disarmament conference.

Sirs, no better proof could be offered that there was no partisanship during the disarmament conference or since the treaties have been presented here than the fact that from the time the conference met until it adjourned no voice was lifted on this side in criticism of the work of the conference. We held our tongues. We wished it well. We tried to cooperate to the fullest extent in having that conference succeed, and I dare say that no member of the delegation representing this Government rendered more splendid service than the Democratic member of that delegation, the leader of the Democrats in this body, Mr. UNDERWOOD.

When gentlemen of the opposing party go out upon the hustings from now on until the coming election, proclaiming these treaties as a great achievement of the present administration, I would have those who hear them proclaim that doctrine recall the facts which prompted the convening of the disarmament conference.

I would have those hearers remember how, when other treaties were presented—and that was not very long ago—to this body, the discussion was strung out for days, for weeks, into the months, and almost into years, before the final action was taken. Nothing like that was evidenced in the consideration of these treaties. Indeed, this side of the aisle, through a majority of the minority who opposed the four-power pact in its original form, tried in every way to amend it by reservations or otherwise, to carry out the ideas I have just suggested; we tried to shorten the discussion and we agreed, with only a few weeks' debate, to vote upon the treaty. Unanimous consent was obtained, and the treaty was hastened to its ratification, even though there was very strong opposition to it.

Those who in the coming months hear these spellbinders proclaim that this is an achievement of this administration and of the Republican Party should remember that within less than 48 hours after the naval treaty was presented to the Senate for consideration a unanimous-consent agreement was entered into to vote upon it within less than 50 hours after it was presented, and when the roll is called there will be as few Democrats as Republicans casting their votes against it. It will be ratified almost unanimously. So we are still cooperating and trying to expedite the ratification of these treaties which in our opinion justify it, and the course which is to be pursued as to the other treaties which are to come along, three or four in number, I believe will show the same degree of cooperation and support from this side of the Chamber.

Mr. President, it can not be charged that there is any partisanship in the consideration of these treaties.

As to the history of the matter, what right have the Republicans to claim this treaty, if there is any good in it, as an administration achievement or a Republican achievement? I agree with the Senator from Idaho [Mr. BORAH] that much work lies ahead for us to do toward reducing these large expenditures for the building of armaments, both for the Navy and upon land; that the work is just begun. I agree with him that the success of this conference is not as great as we had hoped for. I am sorry that we are not called upon to ratify a treaty limiting land armament. I am sorry that the treaty pertaining to gases does not go further and prevent their manufacture. I am sorry that there is not a treaty here to prevent the building of submarines and other smaller naval craft. But they are not here. So far as they were concerned, the conference did fail; but this treaty now pending is no doubt the best the American delegates could obtain. It is better than nothing. It does provide for a 10-year naval holiday so far as the building of capital ships are concerned, and will be some saving to the American taxpayer. So I am for it, and enthusiastically for it, and I am sure that that sentiment is entertained by practically every Senator on this side of the aisle.

Mr. President, this conference was called for the limitation of armaments, and in the first call there was nothing said about a four-power alliance; indeed, I suppose the thought had never been conceived. So those in the country who are prone to criticize those of us who opposed the original four-power pact must know that it was not in the original call, had no place in the conference, and the suggestions offered by us to it were of a constructive rather than destructive character—intended to eliminate its highly objectionable features and make it helpful instead of harmful.

Mr. President, what right has anyone who belongs to the party which to-day is in the ascendency here to claim the results of the conference as an achievement? Are the Republicans not willing to admit that those of us who have been for the plan all the time did something to bring it about? The Senator from Idaho [Mr. BORAH] was indeed modest when he said that the author of the disarmament conference resolution was public opinion. Yes; it was public opinion, but the two men who crystallized public opinion in this country and forced the Congress, as well as the President, to call the disarmament conference were the Senator from Idaho [Mr. BORAH] and the ex-President of the United States, Woodrow Wilson. It was these two men who popularized the idea and influenced public opinion to force the passage of the disarmament resolution and the calling of the disarmament conference.

I am reminded by the distinguished Senator from Georgia [Mr. WATSON] of what happened in a Democratic conference before this conference preceded with its work. In that conference, made up of Democratic Senators, I had the pleasure of offering a resolution wishing for the disarmament conference complete success, and in order that the country may know that from start to finish we on this side were at heart for the success of the disarmament conference, I want to take time to read a resolution which was unanimously adopted in the conference of Democratic Senators on September 28, 1921, after

the distinguished senior Senator from Alabama [Mr. UNDERWOOD] had been appointed as one of the delegates. The resolution was embodied in an article in the New York Tribune, which reads as follows:

SENATE DEMOCRATS VOTE SUCCESS TO ARMS PARLEY—RESOLUTION ALSO EXPRESSES GRATIFICATION AT SELECTION OF UNDERWOOD.

[From The Tribune's Washington bureau.]

WASHINGTON, September 29.—Senate Democrats, in conference today, adopted by unanimous vote a resolution offered by Senator HARRISON, of Mississippi, expressing the hope that the Conference on Limitation of Armament would succeed, and also expressing gratification that Senator UNDERWOOD had been named as a delegate. The resolution follows:

"Whereas it has been a principle of the Democratic Party, for which its leaders have worked, to reduce taxes through limiting large expenditures for armaments:

"*Resolved*, That it is the sense of this conference that the fullest measure of success attend the disarmament conference called by President Harding to meet in the city of Washington on November 11, 1921; and

"Further expresses its gratification at the selection as a member of the conference representing the Government of the United States the Hon. OSCAR W. UNDERWOOD, the leader of the Democratic minority in the Senate, whose broad statesmanship and sincere advocacy of disarmament and wise counsel amply qualify him as an ideal representative."

So, Mr. President, in the consideration of this treaty, in agreeing to this unanimous consent to vote to-day at 3 o'clock, with but little less than 12 hours for discussion of the great questions involved in it, we have been carrying out the wish and hope of the Democratic Party throughout the country as expressed in this conference of Democratic Senators months ago.

I would not have the country forget that it was back in 1912 when a Democratic Member of the House of Representatives, Mr. Hensley, proposed and had adopted in the House a resolution expressing the hope that some plan might be evolved disarming the nations of the world. I would not have the country forget that in 1916, through Democratic committees in the House and in the Senate, there was incorporated in the naval appropriation bill the idea and the plan of calling a conference for disarmament.

I would not have them forget, either, that it was ex-President Wilson, fighting as no man had ever fought before, who had incorporated in the covenant of the League of Nations article 8, providing for a plan of disarmament.

I would not have them forget that the distinguished Democratic Senator from Montana [Mr. WALSH], on December 11, 1920, offered a resolution, which was referred to the Committee on Foreign Relations just four days before the distinguished Senator from Idaho [Mr. BORAH] offered his celebrated resolution calling for a disarmament conference. I would not have them forget that it was the resolution of the distinguished Senator from Idaho which was referred to the Committee on Naval Affairs and was voted down in the Committee on Naval Affairs by the Republican members of that committee who were then present, and that every Democratic member of the committee then present voted to report out the Borah resolution.

They should not forget, either, that as public opinion continued to crystallize the Senator from Idaho again offered his resolution, and it again went to the Committee on Naval Affairs, and again the Republican members of that committee voted unanimously against reporting the resolution, and again the Democratic members of the Committee on Naval Affairs voted favorably to report the resolution.

Ah, we will not forget how the Senator from Washington [Mr. POINDEXTER] and the Senator from Maine [Mr. HALE] fought for days and days when the naval appropriation bill was under consideration before the Senate to defeat the Borah resolution, which was offered as an amendment to the naval appropriation bill. The RECORD is full of the utterances of these Senators and others who were on the inside who knew that President Harding had sent the word "down the line" not to accept the Borah resolution in any form. During all this time and at every step the solid Democratic minority was supporting the Senator from Idaho in his efforts to have his resolution passed. It was only after the force of public opinion had moved you and moved the White House that the resolution was finally agreed upon, and as a result of it the disarmament conference was called by President Harding.

Mr. President, there can not be and there is not any politics in this. There should be no partisanship in it. We want to cooperate with you, as we have done in the past, to see these treaties move on out of the way. If you had accepted the suggestions offered on this side of the aisle when the four-power pact was up, as embodied in the Robinson amendment, there would have been little opposition to that pact, the country would have been better satisfied, and there would be little or no disgust now among those nations which are not parties to it.

Mr. EDGE. Mr. President, there seems to have been a rather continuous effort on the part of a number of Senators on the other side of the Chamber to connect the accomplishments of the Washington conference with the activities or lack of activities of the League of Nations. The continued reference during the session of yesterday and during the session of to-day to the renewed activities of the League of Nations, coming at this time, would lead one to infer that there was a distinct relationship. To me it is amusing, if not pathetic, that they deem it necessary to emphasize the possible activities of the league as having any relationship whatsoever to the actual accomplishments of the Washington conference.

The fact remains, and it can not be successfully controverted, that the conference which met at Washington for approximately 10 weeks, participated in by the representatives of nine nations, accomplished by unanimous consent more in that time than has ever been accomplished by any international conference of any character and, in my judgment, even more than has heretofore ever been hoped for. Without a constitution, without a supergovernment, without a covenant of any kind, simply sitting around the table, authorized by their Governments to endeavor to reach agreements which would bring about at least a start toward disarmament, the delegates unanimously agreed and the results have been represented by the treaties which we have already ratified and are still considering.

The League of Nations may develop in the future some real, definite plan to contribute to the problem of disarmament. I do not know. As the Senator from Idaho [Mr. BORAH] has suggested, I hope it can do so. It has been in existence for two or more years, and certainly it has had opportunities of all kinds and character because of the turbulent condition in Europe, yet what tangible agreement has resulted? True, the United States does not hold membership in the league, but there is no trouble in the United States, so far as concerns those difficulties which would necessarily and properly be adjusted by such a conference, beyond that which we have met through the conference in Washington. Land disarmament or reduction in Europe could certainly have held and should have held the attention of the league, and the absence of the United States, in my judgment, should not greatly deter, if at all, real positive results if that type of organization is to bring about any results of any kind. European conditions can well focus their attention.

My view of the difference, as I think very well evidenced by the results of the Washington conference as compared to the lack of results on the part of the subdivisions or subcommittees of the League of Nations, is simply because of the fact that this conference worked without supergovernments or constitutions or covenants; rather the representatives sat around the table and conferred as business men sit around the conference table and endeavor to reach conclusions on any subject or any problem they have before them, while under the covenant of the League of Nations the procedure, as we well know, is entirely different.

I believe the result of the Washington conference marks a new era in the settlement of international difficulties, and when differences have arisen, following the usual and ordinary exchange of diplomatic notes through the state departments of different countries, if that fails to bring about a solution, the calling together of representatives of the nations involved in the difficulty or the prospective misunderstanding, without any agreement before they enter into their negotiations, but conferring as representatives ready to give and take, as evidenced by the successful results of the Washington conference, will be the accepted method of settling international disputes.

I have no desire to take from our friends on the other side of the aisle any of their feeling of assurance as to the possible results of the future activities of the League of Nations. If it relieves their minds at all to bring into this debate the League of Nations, with its known failure of accomplishment in this direction during its existence of two or three years, they are certainly entitled to do so; but it would seem to me that the comparison itself of that deplorable lack of results with the definite accomplishments of the conference would make it of doubtful expediency.

I am, however, glad to see the disposition evidenced on the other side of the Chamber to at least join practically unanimously in the ratification of the pending treaty. It marks the commencement certainly of the recognition of a principle that competition between nations in building warships and ironclads is a policy of an age behind us. Perhaps it has not gone far enough, but the principle is certainly definitely established, and if we maintain the ratio of navies as provided under the conference agreement we shall certainly be in relatively the same

position, or even a better one, than we were before the agreement, and the great burden of taxation will be materially relieved.

While referring briefly to that situation, I want it to be understood that I am one of those who believe most positively that with the 5-5-3 ratio, now that our Navy is to be parallel with and equivalent to the other great naval powers, it is our first duty and responsibility to maintain and keep to the pink of perfection the ratio of five allotted to us. The personnel necessary to properly man these ships must be provided, and we must also provide all the equipment necessary for the navy yards and all that is essential to maintain a Navy of the first class. The American people, while I believe they are heartily in favor of this mutual agreement to limit armament, are opposed to any reduction in personnel or appropriations necessary to keep our allotment of the 5-5-3 ratio up to the very maximum of efficiency.

While, in the ratification of the pending treaty, navy personnel is hardly the question before us, yet to me it would seem most unfortunate if as a result of a mutual limitation of armament we should feel that that involved also a lessening of the power of the Navy allotted to us by the agreement reached at the conference.

Mr. KING. Mr. President, yesterday, during the colloquy between the Senator from Alabama and myself, the Senator misapprehended my position in relation to this treaty. I am not opposed to it and shall vote for its ratification, but in so doing entertain the view that it will fail to accomplish all that is expected by many people. I stated in substance yesterday that the treaty does not presage the millenium and will prove in its application and operations a disappointment to the people of the United States, who have been led to believe that it, together with the other treaties formulated at the Washington conference, would bring about world disarmament and relieve the American people of all military and naval burdens.

That this treaty does possess some virtue is gladly conceded, and that it leaves much to be desired all must frankly confess. It does not deal with the question of land disarmament, nor with the entire question of naval disarmament; and there is serious doubt as to whether in dealing with only one factor of naval disarmament it has not accentuated the evils that exist and will be exaggerated by other factors.

Sufficient has already been said by Senators who have discussed this treaty to indicate that there will be but little, if any, reduction in the naval budget which the United States will be called upon to meet during the coming year, as well as during the immediate future. Indeed, the Senator from New Jersey [Mr. EDGE] has just indicated, if I interpreted his remarks correctly, that the burden resulting from naval expenditures will be exceedingly onerous. The Senator from Alabama yesterday declared that for the coming year, and perhaps for several years, there would be no appreciable reduction in the naval expenditures of the United States.

Of course, the reason is obvious. The Washington conference dealt only with capital ships, and it only limited the number of capital ships to be constructed, but it did not limit other naval craft and agencies and instrumentalities to be employed in naval warfare. It did not deal with submarines or airplanes, or bombs, or naval warcraft of less than 10,000 tons. Indeed, the entire field of naval war is left unrestricted and unrestrained, except that branch which deals with capital ships.

With the marvelous developments in modern science and in the engines of destruction, both upon land and upon sea, it is manifest that the future, and the immediate future, will devise innumerable weapons to aid in carrying on naval warfare which may prove to be infinitely more destructive of human life and of the forces of belligerent powers than capital ships. It is also manifest that to restrict one naval weapon without any attempt to restrict others will direct attention to such other naval weapons, as well as to undeveloped fields.

I venture the prediction, Mr. President, that notwithstanding this treaty and the ratio of capital ships provided therein, the demands which will be made by the executive departments of the Government for the coming fiscal year will exceed $400,000,000. Congress, in my opinion, partly in response to the demands of the Navy Department, will vote appropriations approximating that amount. And there is but little prospect, unless other treaties are negotiated or the League of Nations is successful in its purposes and present activities, of the naval Budget of the United States for the next 10 years being less than $300,000,000 to $350,000,000 per annum. In other words, notwithstanding this treaty, the United States will, in my opinion, expend more each year for a number of years than it expended annually for many years prior to 1917. This treaty establishes a standard from which it will be difficult to depart. The ratio, if carried out, will involve stupendous appropriations upon the part of the United States, so that there is a possibility of its increasing in the aggregate rather than diminishing the naval costs of the United States. However, with all of its defects and imperfections, I can perceive some advantage in the treaty, and, as stated, will support it.

Mr. President, the Senator from New Jersey [Mr. EDGE] seems disturbed because of the numerous allusions to the League of Nations. He seems to rest under the belief that the discussion of the league was projected into the debate by its devotees and by those who do not ascribe to the Washington conference a degree of perfection never before attained by human wisdom. I think the record will show that Senators on the other side of the aisle, who have been the proponents of the four-power pact, have not failed to conceal their hostility to the League of Nations. Directly or indirectly, they have attacked it and attempted to belittle its achievements. There has been an evident purpose to glorify the work of the Washington conference and to detract from the achievements of the Paris conference. The efforts to discredit the League of Nations have been, as I have followed the discussion, manifest. The purpose seems to have been to place the work of the Washington conference in juxtaposition to the League of Nations and claim for the former virtues and advantages to which the latter may lay no claim whatever.

I venture to suggest, however, that the pitiful efforts made by many of our Republican friends to discredit the League of Nations and its splendid achievements will not be welcomed by a majority of the American people or by the liberal sentiment and the progressive forces of the world. The League of Nations, notwithstanding the obstacles interposed to its success and notwithstanding the powerful opposition which it has encountered from the Republican administration and from many Republican leaders, is still a living and vital force throughout the world.

Undoubtedly the absence of the United States from the league has materially weakened it and has constituted an impediment to its more effective operation. Its record of achievements is, however, impressive, and challenges the admiration of all who desire world peace and seek world fellowship. The league will not, I sincerely hope, be destroyed by the Washington conference, although the alliance which results from the four-power pact may further weaken it. It is quite possible that the nations now belonging to the league may regard the alliance between the United States, Great Britain, Japan, and France as an attack upon the league and as designed to absolutely bring about its destruction. Of course, if this view should become universal and should be sincerely accepted by a large number of nations now supporting the league, the result upon the league would not only be unfortunate but, indeed, disastrous.

My principal opposition to the four-power treaty grew out of the fact that I believed that it would be regarded as an alliance and would provoke resentments and counteralliances; that it would be regarded by some nations as an assault upon the league by the four great powers, signatories to the treaty, and as the beginning of a war upon the league which would end only in its destruction. Believing as I do in the league—that is, in a world league, with the necessary provisions for conciliation, arbitration, disarmament, and the enforcement of the mandates and sanctions of the league—I view with disfavor any movement calculated to destroy the league or to devitalize it or to diminish the confidence of the people of the world in its work and in its beneficent purposes. I look with apprehension upon groups or alliances of nations, believing that other groups and other alliances may be formed, thus reviving the old system which has been discredited and which has brought so much of sorrow and woe to the world.

But returning to the treaty before us and its effect upon our naval expenditures, let me say that we appropriated for the current year approximately $500,000,000. That tax was enormous, and imposed a burden upon the American people which they ought not to be called upon to bear in peace times. For the coming fiscal year, notwithstanding this treaty, if we are to follow the views of the Senator from New Jersey [Mr. EDGE] and the Senator from Washington [Mr. POINDEXTER], the appropriation will not be greatly reduced. I make the prediction that Senators who urge enormous appropriations will resist all efforts made by Senators upon the floor to cut the naval expenses to reasonable limits.

When the Senator from Idaho was speaking a few moments ago I called attention to an article which discussed the accomplishments of the Washington conference, and referred particularly to the treaty which is now before us. In view of the extravagant claims which have been made by partisan Republicans

as to the work of the Washington conference, I desire to make further reference to the article which seems to point a rather different story.

The Senator from New Jersey has just stated that the achievements of the Washington conference were the greatest that the world had ever seen. Mr. President, I might say in passing that those who are acquainted with history can point to a half dozen conferences and congresses of nations where the results, so far as disarmament was concerned, were greater than will be the result of the ratification of this treaty which we are now considering.

The article to which I refer was written by Mr. Archibald Hurd, one of the greatest naval experts in the world, and appeared in the Fortnightly Review of January, 1922. It is entitled "Washington naval standards; war fleets of four million tons." He says:

What will be the influence of the naval agreement on the world's fleets? It will impose upon the maritime nations of the world what will come to be regarded as a liability to maintain warships of all types, of approximately 4,000,000 tons displacement, costing, roughly, $800,000,000; and unless amendments are accepted—

And there is no evidence of a disposition to accept amendments, let me add—

it will set up a higher standard for submarines, placing upon each nation what amounts practically to an obligation to continue building submarines——

Mr. EDGE. Mr. President——

Mr. KING. I yield to the Senator from New Jersey.

Mr. EDGE. Do I understand the Senator from Utah to have made the statement that many international conferences in the past had accomplished greater results in the matter of the limitation of naval armaments than had been accomplished by the Washington conference?

Mr. KING. The Senator from New Jersey understood the Senator from Utah correctly, but I have not time to go into that question now.

Mr. EDGE. Will the Senator enlighten us by stating when the conferences which he has in mind were held?

Mr. KING. If the Senator will do me the honor, when I discuss the other treaties, to listen to me I shall try to enlighten him, although I do not know how successful I shall be.

Mr. EDGE. I should think that now would be a particularly appropriate time, inasmuch as we are about to vote on the subject.

Mr. KING. The Senator, of course, may indicate the line of argument which he desires to pursue for himself, but I decline to permit him to prescribe the line of argument which I shall follow.

Mr. EDGE. I bow to the Senator's privilege.

Mr. KING. Mr. Hurd, in his article, further proceeds, completing the sentence when I was interrupted by the Senator from New Jersey:

in opposition to the whole spirit of the American notes to Germany during the war, and the naval clauses of the peace treaty, which called upon Germany to surrender all her submarines and to undertake to build no more of that description. The conference, in short, will result in an inconsiderable reduction in the number and size of surface vessels, but an expansion of the submarine flotillas. In the face of these facts it has been suggested that the Washington conference is bringing about "naval disarmament," and that navies are going to be practically abolished.

That is the propaganda which has been conducted in the United States. The author continues:

On examination it must become apparent that it is doing little more than varying the factors of naval power, subtracting from the surface tonnage of the world by scrapping obsolescent capital ships, while adding to its submarine tonnage, and checking what might have proved a most ruinous rivalry in naval power expressed in terms of super-dreadnoughts, costing anything from £7,000,000 to £10,000,000 each.

There is the crux of the situation. Instead of spending the large sums which in the past we have expended for super-dreadnoughts, and which the United States had proposed to continue to expend in the future for capital ships, possibly larger sums will be devoted to the construction of submarines, aircraft, and other weapons of offensive and defensive warfare. In other words, as suggested by Mr. Hurd—

there will be a transference of expenditures from capital ships to various other kinds of instrumentalities for naval warfare.

As Mr. Hurd states—

there are various factors in naval warfare. The United States has very foolishly been emphasizing capital ships and ignored to too great an extent underseas warcraft and aerial warcraft.

Our naval board has pursued reactionary policies rather than progressive ones. It has stubbornly followed the 1916 program, calling for hundreds of millions of capital ships, notwithstanding the fact that the war demonstrated that there were other important factors which challenge the supremacy of the capital ship.

As Senators know, Great Britain built no capital ships during the closing years of the war, nor has she built any since, and the same is true of France. As intimated by Mr. Hurd, the Washington conference deals with a factor in naval warfare, to wit, capital ships, the utility of which, in view of modern science and aerial warfare and underseas warfare, may be seriously, if not successfully, called into question.

The Senator from Idaho has just called attention to the fact that one nation is already devising a superior type of submarine. This type is much larger, and the submarines will have a wider cruising radius and greater carrying capacity. They will, indeed, have greater speed and will constitute formidable warcraft. Undoubtedly they will make more uncertain the value of capital ships for war purposes.

The naval experts in other nations are devising new types of warcraft, some operating upon the surface and some underneath the surface. Undoubtedly there will be remarkable developments in submarine warcraft, particularly since there has been a limitation in the use of capital ships. Undoubtedly Great Britain, France, and Japan, and perhaps the United States, will spend much more money in the construction of submarines and smaller naval craft than they would have expended except for this treaty. And so, as some writers are now insisting, the effect of the present treaty will merely be to divert some of the funds employed in the construction of battleships to the construction of other naval craft, and the net result, so far as saving is concerned, will be inappreciable.

Last Friday, in the House of Commons, the British air minister presented a report to Parliament showing the importance of aircraft, not only in land but in naval warfare, and made a strong appeal for large appropriations for the military and naval air-service branch of the Government. He referred to the importance of aerial craft for military purposes, both offensively and defensively, directing attention to the importance of developing aerial warfare and to the great work which had been done by aircraft not only upon land but upon sea. He also alluded to the efficacy of aircraft in the revolutionary movement in South Africa, whereby a few airships dispersed hundreds of armed revolutionists and enabled the loyal troops to quickly quell the revolutionary outbreak.

Mr. Hurd proceeds:

The Hughes scheme was also exposed to the legitimate criticism because it allotted to each of the three powers a large tonnage of submarines, thus raising the cruiser problem in acute form, since the cruiser, in association with small craft, is the antidote to the submarine. Mr. Balfour at the outset made it clear to the conference that the British delegation would support a proposal for the abolition of submarines, or, failing that, would welcome an understanding limiting the aggregate tonnage of each power, as well as the size of submarines which each power might be allowed to build. It at once became apparent that certain maritime countries, weak in large surface craft, would regard with disfavor any agreement which restricted their freedom to build submarines. It was suggested that the British delegation were impelled by the very weakness of the position of the British Isles in relation to supplies of food and raw materials to take a biased view of the problem.

You ignore, it was declared in effect, the needs of those States with limited funds for naval defense, which can not afford to build many surface craft—battleships, battle cruisers, light cruisers, and destroyers—and who have welcomed the submarine as offering to them an effective and cheap means of providing for their defense. The submarine is the antidote to the capital ships, and we can not agree to its excommunication.

He further says, after examining the program which was laid down by Secretary Hughes and the ratio of 5-5-3:

These alterations do not vitiate any of the arguments in the preceding pages of this article, but, on the contrary, reinforce the contention that the influence of the naval agreement upon naval expenditure in this country as well as elsewhere will not be considerable.

He makes the further observation:

In these circumstances not only will the adoption of "piracy" in the next war remain a possibility—

Speaking of submarines and their use—

but the suspicion that attack may again be made upon sea-borne commerce by "the assassins of the sea" may lead to a general movement for arming merchant ships, besides imposing upon the naval powers with considerable mercantile marines the heavy responsibility of maintaining large numbers of patrol craft.

In other words, Mr. Hurd sees the use of submarines enlarged and emphasized, an increase in their production and use, the necessity of larger expenditures for patrol craft, for submarine chasers, for scout cruisers, and for other important and costly weapons of war.

The main influence for good which the naval agreement will exert, if the submarine menace can be laid—

But, of course, it is obvious from his pages that it can not be laid—

will be the elimination of all idea of naval rivalry and the creation of a new spirit in relation to the armaments of the sea. That it will result in considerable naval economies, apart from the sums which might have been expended in the construction of new capital ships, is an anticipation which, as has been shown, rests upon no foundation.

It is clear, Mr. President, that Mr. Hurd does not expect important economies from the Washington conference or any material alleviation from the burdens resulting from the construction of naval warcraft. We know that France intends to construct larger and better submarines. It has been stated by numerous persons, some of whom are naval experts, that the submarine is the weapon which places the small state—at least for defensive purposes—upon a plane of substantial equality with the great state, and that with the development of submarines and aircraft an offensive naval war is rendered more difficult.

Admiral Sims, as well as other great naval experts, has repeatedly declared that it would be impossible for Great Britain to bring her capital ships across the Atlantic and make war upon the United States, or for the United States to send its war fleet to the Asiatic coast to make war upon Japan or any Asiatic power. As a result of submarines and aircraft and bombs and torpedoes, the greatest naval experts in the world have revised their judgment as to the value of capital ships, and many have declared that the day of the capital ship has passed. Without expressing any opinion upon that matter, it is obvious that with swift scouts and large cruisers and submarines, with a radius of several thousand miles; with airplane carriers and improved airships which may drop bombs upon warcraft; with the perfection achieved in the sowing of the sea with bombs and mines, which proved destructive of great war vessels, battleships are not as formidable as they formerly were; and it is clear that with the limitation in the construction of battleships large amounts will be devoted to the construction of other instrumentalities of naval warfare. Mr. Hurd has very much reason for the conclusions which he has drawn and the convictions which he has expressed.

Mr. President, I have before me the Fortnightly Review of February, 1922, which contains an article entitled "Evasions of Washington," by Mr. Lancelot Lawton. Speaking of the Washington conference, he says it—

> has changed very little the territorial arrangements of the Far East.
>
> From a strategical point of view none of the powers will be at all inconvenienced. Great Britain retains Hongkong; France has Saigon, with its splendid anchorage of Camranh Bay; while Japan's favored position in Manchuria and Mongolia is actually strengthened by formal reaffirmation and recognition. But what about the limitation of naval armaments, it will be asked—surely in this respect the achievement of the conference was immense? To which I make reply: "Take up a map and glance for a moment at the vast expanse of the Pacific, and you will realize that Japan, situated as she is in the remote east, with China lying at her very doorway, occupies an almost unassailable position." In view of these geographical realities the ratio of battleships was not so important to her as many would have us believe. So long as she possesses an adequate fleet of submarines and supply of airplanes her position is as near to being impregnable as any position could well be.

Washington, therefore, has not achieved quite so much as has been imagined. Its success is only spectacular and superficial; the Pacific problem remains, in fact, unsolved; and the evil day of reckoning has merely been postponed. One can not help feeling that Washington has not even grasped what the Pacific problem really is. This was hardly to be wondered at. Statesmen wait on public opinion, and public opinion in turn waits on statesmen. Who leads and who is led it would be hard to determine. Hence things move slowly, and it is only when we are actually face to face with a great crisis that we bestir ourselves—often, alas, too late.

He further says:

> The Japanese, who, unlike the western powers, are not saturated with sentiment, perceive where they are going. They have been willing to agree to a reduction of naval armaments which does not impair in the slightest degree their unassailable position in the Far East. At the same time they continue to maintain what is undoubtedly the most powerful army in the world. In so far as the Washington conference permits them to effect naval economies, it will relieve their internal difficulties, which were certainly becoming rather pressing. For this the Japanese must be profoundly grateful to President Harding. But to speak quite plainly, they have given up nothing that matters. Their secret military and economic agreements with China remain, and they still possess a colossal army, with a navy strong enough to insure against all comers the safe transport of troops to the Asiatic continent.
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> * * * * * * *

He further says:

> The four-power agreement to maintain the status quo in the Pacific entirely ignores the wrongs of the past and realities of the present. It is merely a device of the diplomatists to justify all the previous hopes that were centered upon Washington. But it is neither a solution nor even the beginning of a solution——

Mr. BORAH. Mr. President, from what is the Senator reading?

Mr. KING. From an article in the February number of the Fortnightly Review by Mr. Lancelot Lawton. This writer declares the work of the Washington conference to be spectacular and superficial. I have not time to read the entire article, Mr. President, but a perusal of it will not be reassuring to those who attribute such supernatural qualities to the work of the Washington conference and ascribe to it invisible other powers to heal the nations and to destroy the hard visage of war. In my opinion, there is much loose talk of the flamboyant and, I was about to say, "flapdoodle" character relative to the accomplishments of the conference.

It were better to describe the work of the conference as it actually is and seek to appraise it at its true value. Already the minds of the people have been inflamed and their imaginations wrought up to the highest point in expectation of universal peace and a relief from the burdens of naval and military armament. Some Senators who are now so loud in their declamatory utterances as to the transcendent virtues of the conference will have their faith and, indeed, their sincerity tested in the next few months, and particularly when the naval and Army bills are brought before the Senate for discussion.

In the Saturday Review of February 11, 1922, appears an article entitled "The Results of Washington." The article is rather gloomy and pessimistic and sees but unimportant gains by reason of the conference. It declares that the conference yielded to the demands of the French for a huge fleet of submarines when the British proposed the total abolition of submarines, although their own submarine fleet was the best in existence. It refers to the action of the conference in declaring a submarine tax upon merchant vessels as unlawful, and then states that the provision "will certainly be disregarded." The writer proceeds to state that if France builds a great fleet of submarines Britain will be compelled to build antisubmarine craft in proportion, and thus incur great expense.

This language is also employed:

> Owing to the action again of France, the arms conference was a complete failure in bringing about a reduction of land armaments—certainly, viewed in all implications, as great a matter as any that came before the conference. It may be said, however, without unfairness, that America was concerned much more in a reduction of naval than of land armaments.

The article further declares that—

> the conference failed to take really effective steps to protect China from encroachments. It passed at an early stage Senator Root's four pious resolutions about maintaining unimpaired the sovereignty and territorial integrity of China—resolutions which did no more than echo former statements of the powers, and can easily be broken by an aggressive power. The same may be said of the nine-power treaty which reaffirms the doctrine of the "open door," and leaves China to herself. Another failure was shown in giving in to Japan's demand to cancel the fourth of the Hughes resolutions, allowing the board of reference, which is to be set up, to examine the past as well as the future concessions and agreements made by China with the other powers. Japan thus secured by default her extensive claims in Manchuria and other former concessions of the greatest value.

In conclusion the article says:

> To sum up, the truth about the conference is that if its conclusions are indorsed by the Senate some of the problems of the Pacific may be considered as settled for a time, but others, and not the least important, remain.

Mr. President, I have not called attention to these articles in any critical spirit, but to show the point of view of others who have examined the work of the conference with great interest and with a desire to discover what was really accomplished. It is disquieting to those who expected naval disarmament upon the part of the nations participating in the conference to learn that perhaps but little saving will result from the treaties accomplished and that "factors," using the expression of Mr. Hurd, of naval warfare not in the past regarded as of such paramount importance will now be emphasized and developed to the highest possible degree of perfection.

It is known that not only in the United States but in many lands research work is being done with a view to improving aircraft as well as submarines. Scientific men and experts are giving their attention to all forms of aircraft and to the production of the most deadly explosives. The Washington conference imposed no restrictions upon aerial warfare. In my opinion, a remarkable impetus will be given to the development of aircraft and, as I have stated, submarines much more deadly and effective than any heretofore dreamed of will be produced, so that the economies supposed to have resulted from limitation in the construction of capital ships will be lost in the expenditures for various other engines of destruction, both upon land and upon sea.

Lord Percy Scott, Admiral Sims, Admiral Fullam, and other naval experts in the United States and elsewhere have stated, in effect, that the primacy of the battleship had come to an end. Experiments recently conducted by the Navy Department show the deadly effects of bombs dropped from the air upon or in the vicinity of the most powerful warships. There has been too much emphasis laid by our Naval Board upon the capital ship. The surface craft have been emphasized, and the fact that naval warfare must be conducted upon three planes has not been always in the minds of our naval constructors and those determining our naval policies. The Washington conference deals with the heavy craft of one plane, but does not deal with the other two planes—under the sea and over the

sea. Unless other treaties are negotiated, and unless the League of Nations brings about a limitation in naval armament, there will be remarkable development in airplanes and in submarines. The scout cruiser with the swiftness of light will be developed and other water craft of a deadly nature will be developed to take the place of the capital ship.

The hope which I have of future reduction in armament rests largely upon the League of Nations. If the powers who have signed the treaty before us shall immediately signify their desire to cooperate with the League of Nations and work with it for the purpose of bringing about world disarmament, then the work of the conference may be of far-reaching importance and benefit to the world. It is to be hoped that there will be no attempt by the signatories to the four-power pact to set up a rival organization or to cripple or disparage or weaken the league.

Mr. President, there are other treaties which we will act upon within the next day or two. I shall not enter upon an examination of them at this time. It has been said by many that at least two of them are merely magnificent gestures. The great powers assembled at the conference professed the greatest interest and devotion to the welfare of China. They professed a desire to maintain her territorial integrity and to recognize her political independence. A treaty will be presented to us which scarcely measures up to these high-sounding protestations and declarations. It in effect declares that China is not a nation and is incapable of governing herself or of providing her own revenues to meet governmental expenditures. A treaty was drawn which imposes upon China tariff duties.

It is tantamount to saying that the powers will not permit China to manage her own fiscal or internal affairs or to enact legislation for her own welfare and development.

Mr. President, in conclusion, let me say that some of the work of the conference can be indorsed by the American people. It promises some benefits, but its record is not without alloy, and the future alone can determine just what good has been wrought. I have been desirous of supporting the treaties prepared at the conference and have earnestly attempted to discover reasons to justify voting for the ratification of all of them. As indicated, I shall vote for the pending treaty, sincerely hoping that it may prove of benefit to the United States and to the world.

Mr. LENROOT. Mr. President, most of the time occupied by Senators on the other side of the aisle in the debate upon this treaty has been an endeavor to show that the result of the Washington conference, after all, was a weak, puny infant, never destined to reach maturity, and really not of any particular value anyway; yet yesterday afternoon the Senator from Nebraska [Mr. HITCHCOCK] occupied about 20 minutes in endeavoring to claim paternity for this puny infant for the Democratic Party, and this afternoon reference has been made to the attempt that has been made from time to time to contrast this treaty and the other treaties growing out of the Washington conference with the Versailles treaty.

Mr. President, it is true that there are some very sharp contrasts between these treaties and the Versailles treaty. One of the contrasts is in the fact that in the Versailles treaty Shantung was taken from China and given to Japan, while the Washington conference rectified that wrong and restored Shantung to China.

Mr. President, it is clear from the speeches which have been made on the other side of the aisle that the Democratic Party stands to-day upon the League of Nations and the treaty of Versailles as they stood two years ago; that if they had the votes to-day they would enter into the Versailles treaty and the League of Nations exactly as presented to the Senate by President Wilson. When they admit that, Mr. President, it is a little curious how they found it so difficult, and so many of them found it impossible, to support the four-power treaty, because they said they were afraid that some time we might be called upon under it to come to the aid of Japan against Russia, whereas if they had the power to-day to ratify the Versailles treaty they would bind the United States, in case this island of Sakhalin, about which they have talked so much, were invaded by the red army of Russia, not to go into a conference but to send American soldiers and American battleships across the Pacific Ocean to drive the Russians out of the island of Sakhalin.

Mr. President, we have heard much about the four-power treaty being an alliance and the troubles we would get into if we ratified it, even if there be no commitment to force, because, it has been repeatedly said upon the other side of the aisle, if we enter into an understanding with four nations it is sure to result in an alliance among nations not within the group. Yet, Mr. President, after all this talk about this four-power treaty being a quadruple alliance, we yesterday found the Senator from Montana [Mr. WALSH], in discussing the question of land disarmament, complaining because the United States has not entered into a triple alliance with Great Britain and France against Germany.

If it was wrong for the United States, France, Japan, and Great Britain to enter into a friendly understanding to consult together with reference to disputes which may arise in the Pacific, if the very existence of that understanding would give rise in the future to an understanding between Germany, China, and Russia, I would like to ask Senators on the other side, if that be true, why they were willing to vote to ratify the Anglo-Franco-United States treaty, which committed the United States to war, which committed the United States to again send its soldiers across the Atlantic Ocean to fight against Germany? That is exactly what they proposed to do, and that is what the Senator from Montana insisted yesterday we ought to have done in this Washington conference; that we ought to have made such an agreement with France, in order to secure a limitation of her army, and that we ought now to enter into a triple agreement, not for consultation, not for conference, but that the United States ought to agree to go to war in Europe, join with Great Britain and join with France in fighting Germany in case there was any unprovoked aggression upon France by Germany in the future.

Mr. WALSH of Montana. We did that in 1917.

Mr. LENROOT. We did that in 1917, yes; but we did not do it because Germany invaded France.

Mr. WALSH of Montana. Such an agreement as that proposed by France would be a protection against us being obliged to do it again.

Mr. LENROOT. We did not do it because Germany invaded France, and the Senator from Montana was one who helped win the election in 1916 upon the promise that we would not get into the European war. Germany had invaded France then. Was the Senator from Montana, was the Democratic Party, in favor of going to the aid of France in 1914? Were they in favor of going to the aid of France in 1915? Were they in favor of going to the aid of France in 1916? If they were, why did they not say so to the people of America, in which case President Wilson would not have been elected to a second term?

Mr. WALSH of Montana. Since that time the party of the Senator from Wisconsin, or many members of it, have taunted the Democratic Party because they did not go in as soon as the *Lusitania* was sunk, or as soon as Belgium was invaded, and I dare say the Senator from Wisconsin joined in that.

Mr. LENROOT. If the Senator thinks that is an answer, he is welcome to it.

The Senator from Montana, however, would have the United States enter into an agreement to do at any time in the future what his party thought in 1914, 1915, and 1916 the United States never should do. They complain about the quadruple treaty in the Pacific on the ground that it is an alliance, although there is no commitment to force; but if the Democratic Party had the votes to-day, they would have the United States enter into the Versailles treaty, with its commitment upon the part of the United States to send its soldiers to every part of the globe and fight in every quarrel of the world, although it might not affect us in the least. If they had the votes to-day, they would ratify the treaty making a triple alliance against Germany, a treaty entered into between Great Britain, France, and the United States, to send our boys across the Atlantic to fight, although the issue might not in the least concern the welfare of the United States.

That is the record, Mr. President, the Democratic Party is making in this debate. That is the record which will be read by the American people.

Mr. CARAWAY. Mr. President, I do not think the Senator from Wisconsin hurts his reputation by being inconsistent. I, for one, do not hold it against him. However, it is hard to understand how one who claims to have such a correct knowledge of international law as does the Senator from Wisconsin could assert that an alliance between four powers to consult together about the best means of waging war against some other nation with which one of these powers may be engaged in a controversy is the same thing as the League of Nations, which sought to bring into a common council all the nations of the earth, those with whom we may have had a controversy, as well as those with whom we entertained friendship, and there adjust any differences which might arise.

I am sure he fools himself; he has the power of intoxicating himself with his own reasoning, but he does not fool anyone but himself when he asserts that there is no difference between an alliance under which four powers bound by a treaty agree to

consult as to the best means of resisting aggression and a conference among all the people to settle all international difficulties in a peaceable manner.

I shall not argue with a Senator who has that viewpoint; it is useless; a man who can not see a difference between an agreement among three or four men that they will stand together and resist any other man's assertion of right, and a community of law-abiding citizens, under which all of them agree to assert their rights under a common law which affects each one of them alike. Here are four nations which bind themselves that if a controversy shall arise between one of these nations and some other outside power the four will consult together in order to devise the best means of resisting aggression. The league provided all nations should have a common council, as all citizens of a country shall recognize a common law, and if a difference should arise they would consult together under the law as to the best means of adjusting the differences. That is the difference between the four-power pact and the League of Nations. One is an alliance for war; the other a pact for peace.

I would, if I could, follow the logic of the Senator from Wisconsin, but I feel that if I were to do so I should meet myself coming back. The Senator thinks it is a wonderful thing for four nations to get together to adjust their differences, but a horrible thing for all nations to agree to do so. If it is a good thing for four nations so to agree—and it may be—how much better would it be for all the nations so to agree that they will adjust peaceably all their differences? Law grew up by groups of people asserting a common right. Nobody contends that the old feudal times, when one lord defended his clan against another, were better than our times, when all of us who are citizens of a common country recognize a common sovereignty and obey a common law. Yet the comparison is made here of all the people of the world who say they want to inaugurate a reign of law as against a reign of individual selfishness, and four nations which bind themselves together to respect each other's rights. Here are four nations which have bound themselves together to respect each other's rights, and it is said it augurs well for peace. How can Senators say that if the agreement of four nations to consult together in order to keep the peace is a wise thing, an understanding among all the nations of the earth to consult together is a bad thing? I have no power of following that kind of logic. The Senator from Wisconsin may have that field to himself.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McNary	Smoot
Ball	France	Moses	Spencer
Borah	Frelinghuysen	Myers	Stanfield
Broussard	Gerry	Nelson	Sterling
Bursum	Glass	New	Sutherland
Calder	Gooding	Oddie	Swanson
Cameron	Hale	Overman	Townsend
Capper	Harris	Owen	Trammell
Caraway	Harrison	Page	Underwood
Colt	Hitchcock	Pepper	Wadsworth
Culberson	Johnson	Phipps	Walsh, Mass.
Cummins	Jones, Wash.	Pittman	Walsh, Mont.
Curtis	King	Poindexter	Warren
Dial	La Follette	Pomerene	Watson, Ga.
Dillingham	Lenroot	Rawson	Watson, Ind.
Edge	Lodge	Sheppard	Weller
Elkins	McCormick	Shields	Williams
Ernst	McCumber	Shortridge	Willis
Fernald	McLean	Simmons	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present. The hour of 3 o'clock having arrived, under the unanimous-consent agreement the Senate will proceed to vote on the treaty. The treaty is in Committee of the Whole and the question is on agreeing to chapter 2. Without objection, it is agreed to.

Mr. LODGE. The further reading of those chapters has been dispensed with.

The VICE PRESIDENT. The question now is on agreeing to chapter 3. Without objection, it is agreed to. If there are no amendments to be proposed to the treaty as in Committee of the Whole, it will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment. If there are no amendments, and without objection, the Senate will proceed to the consideration of the resolution of ratification, which the Secretary will report.

The Assistant Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The question is on the adoption of the resolution of ratification, and the question will be taken by yeas and nays.

The reading clerk proceeded to call the roll.

Mr. LODGE (when Mr. BRANDEGEE's name was called). The Senator from Connecticut [Mr. BRANDEGEE] is detained from the Senate. If present he would vote "yea."

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I am informed that if he were present he would vote as I shall vote. I vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. If present he would vote as I am about to vote. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I am reliably informed that on this question he would vote as I shall vote. I therefore feel at liberty to vote. I vote "yea."

Mr. BROUSSARD (when Mr. RANSDELL's name was called). My colleague [Mr. RANSDELL] is absent on business of the Senate. If he were present he would vote "yea."

Mr. CARAWAY (when Mr. ROBINSON's name was called). I wish to announce that my colleague [Mr. ROBINSON] is unavoidably absent on official business. If present he would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. If he were present he would vote as I shall vote, and I am therefore at liberty to vote. I vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). My colleague [Mr. SMITH] is detained on official business of the Senate. If he were present he would vote "yea."

Mr. STERLING (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH]. I am informed that that Senator, if present, would vote as I intend to vote, and I am therefore at liberty to vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent. I understand, however, that he would vote as I expect to vote upon this measure, and therefore I feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BALL. My colleague [Mr. DU PONT] is absent on account of illness. If he were present he would vote "yea."

Mr. MCCORMICK. I have a standing pair with the Senator from Wyoming [Mr. KENDRICK]. I am informed that if he were present that Senator would vote as I shall vote, and therefore I am at liberty to vote. I vote "yea."

Mr. ERNST (after having voted in the affirmative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I am informed that if present he would vote as I voted. Therefore I allow my vote to stand.

Mr. CURTIS. I was requested to announce that the Senator from Oklahoma [Mr. HARRELD], the Senator from Minnesota [Mr. KELLOGG], the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from Colorado [Mr. NICHOLSON], the Senator from South Dakota [Mr. NORBECK], and the Senator from Nebraska [Mr. NORRIS] are absent on the business of the Senate. If present these Senators would vote "yea."

I also wish to announce that the Senator from Pennsylvania [Mr. CROW] and the Senator from Michigan [Mr. NEWBERRY], if present, would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. JONES], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Kentucky [Mr. STANLEY] are absent on official business. If present they would all vote "yea."

The roll call resulted—yeas 74, nays 1.

YEAS—74.

Ashurst	Curtis	Hale	McLean
Ball	Dial	Harris	McNary
Borah	Dillingham	Harrison	Moses
Broussard	Edge	Hitchcock	Myers
Bursum	Elkins	Johnson	Nelson
Calder	Ernst	Jones, Wash.	New
Cameron	Fernald	King	Oddie
Capper	Fletcher	La Follette	Overman
Caraway	Frelinghuysen	Lenroot	Owen
Colt	Gerry	Lodge	Page
Culberson	Glass	McCormick	Pepper
Cummins	Gooding	McCumber	Phipps

Pittman	Simmons	Townsend	Watson, Ga.
Poindexter	Smoot	Trammell	Watson, Ind.
Pomerene	Spencer	Underwood	Weller
Rawson	Stanfield	Wadsworth	Williams
Sheppard	Sterling	Walsh, Mass.	Willis
Shields	Sutherland	Walsh, Mont.	
Shortridge	Swanson	Warren	

NAYS—1.

France

NOT VOTING—21.

Brandegee	Kellogg	Newberry	Robinson
Crow	Kendrick	Nicholson	Smith
du Pont	Keyes	Norbeck	Stanley
Harreld	Ladd	Norris	
Heflin	McKellar	Ransdell	
Jones, N. Mex.	McKinley	Reed	

The VICE PRESIDENT. Two-thirds of the Senators present having voted in the affirmative, the Senate advises and consents to the ratification of the treaty.

Mr. STANLEY subsequently said: Mr. President, I was temporarily absent from the Chamber when the roll was called on the naval limitation treaty. If present, I would have voted "yea."

NOMINATIONS REPORTED.

Mr. POINDEXTER. Mr. President, I ask unanimous consent, as in closed executive session, to report favorably from the Committee on Public Lands and Surveys certain nominations and ask that they may go to the calendar; also a similar favorable report from the Committee on Naval Affairs certain appointments, and I ask that they may go to the calendar.

The VICE PRESIDENT. Without objection, the nominations will be received and placed on the Executive Calendar.

PUBLIC-LAND ENTRIES BY DISABLED EX-SOLDIERS.

Mr. SMOOT. Mr. President, as in legislative session, I present a conference report on House bill 9633. It is a complete report, and I ask unanimous consent for its consideration.

The report was read, considered, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

REED SMOOT,
T. J. WALSH,
Managers on the part of the Senate.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

ADDRESS BY THE VICE PRESIDENT IN BROOKLYN.

Mr. CALDER. Mr. President, in Brooklyn last Sunday, under the auspices of the Brooklyn Institute, Vice President Coolidge delivered a most comprehensive address on the subject of "A year of reconstruction." I ask unanimous consent that this address be printed in the RECORD in the regular RECORD type.

There being no objection, the Vice President's address was ordered to be printed in the RECORD in 8-point type, as follows:

A YEAR OF RECONSTRUCTION.

At the Brooklyn Institute of Arts and Sciences, Brooklyn, N. Y., at 3 o'clock Sunday afternoon, March 26, 1922, Vice President Calvin Coolidge spoke as follows:

The fundamental ideal of mankind is the attainment of liberty. This motive has been predominant through all the centuries. The course which it follows depends on environment. Institutions grow up to fit conditions. Failing that they disappear. The institution which developed national liberty was monarchy. The institution which maintains individual liberty is the Republic.

Parliamentary government is not peculiar to any time or place. The germ of it has scarcely ever failed to appear in the development of any people. Wherever it has been able to grow to maturity into a true form of representative Government its nature has been determined by the predominance of contending forces. There is no such thing as a free man in a subject State. There were parliaments in Spain and France which developed earlier than that of Great Britain. No doubt the largest contributing factor to their decline and final disuse was the menace of foreign conquest. For purposes of national defense a commander in chief surpasses a legislative body. A constant pressure from without upon the countries of the European Continent made it necessary to submerge the freedom of the individual to insure the freedom of the realm. The grant of authority to raise money to support the army in time of war was carried over by the monarch into a claim of the right to support the government by the same taxes in time of peace. At the outbreak of the French Revolution the states general, which in theory alone possessed the taxing power, had not been summoned for 175 years.

Across the English Channel there was more seclusion. England was free from foreign invasion after the days of William the Conqueror. A sturdy people found an almost invincible ally of national defense in their surrounding waters. There the predominant force against the development of freedom came from within. Relieved of pressure from without, individual liberty was able to prevail. In the long contest culminating with the Stuarts, who even sought to preserve the claim of the monarchy by the device of foreign wars, the power of the King has been steadily limited, the power of Parliament steadily enlarged, until it stands to-day practically supreme. The power which it holds over the individual has scarcely any limit save in the temper of the people. The supports of stability were strengthened by an upper house, heriditary in its foundation, but continually refreshed with new memberships drawn from the people. By this means vested interests and popular rights are both protected. But when party control of the House of Commons changes, the whole Government changes with it. The dominant power in the Commons is the dominant power in the whole Empire.

The working out of these principles has been apparent in American history. The early colonists were strongly individual in theory, but public peril contributed largely to making them national in practice. When General Wolfe won victory on the Plains of Abraham, the colonists, relieved of the menace of an alien invasion, were ever after unhampered from without in the natural desire for greater liberty. They soon found that so long as they remained with the British Empire they were subject to the claims of supreme authority on the part of a Parliament then dominated by the influences of a king ambitious to grasp the entire sovereign power. That problem was solved by the American Revolution, which took from the territory of the British Empire but added to the freedom of all British subjects.

Creative action grows into institutions. The experience of the Revolutionary period was gathered up, declared, and adopted in the American Constitution. That instrument of government recognizes that sovereign power resides in the people alone. It was created to guarantee individual liberty. It intrusted the supreme authority of government to neither executive nor legislature. It provided a republic to be administered by representatives of the people. As a further guaranty of freedom its powers are limited and its functions divided and separated. There are three departments: Legislative, executive, and judicial, independent of each other, with power to function only in their own sphere, but each acting as a check on the other. The sovereignty of the people does not, therefore, express itself with that completeness in the legislative body which is the characteristic of the British Parliament, but is divided between the Congress, the President, and the Supreme Court of the United States. To impose any burden on the people these three great powers must act in substantial harmony, but acting alone any one of them can save the people from any diminution of their liberties.

It is thus that under our institutions there are more full and complete guaranties of the rights of the people than under any other Government in the world. That was very nearly the sole consideration moving those who organized the American system. Thought of national peril sinking to the minimum, thought of individual peril rose to the maximum. How closely these have always been connected is shown not only by the course of history but by the curious coincidence that just after Lincoln had come into power, to check the rising tide of domestic claims and counterclaims, Secretary Seward suggested smothering them all in foreign complications and wars. The great service of Lincoln is that he preserved national integrity and advanced individual liberty.

Another safeguard arises from our having a continuing Government. The entire membership of the House of Representatives, but only one-third of the membership of the Senate, is renewed each two years; the Presidency is renewed each four years; and the Supreme Court is renewed irregularly, as its members hold by life tenure. As must always be done, speed is

sacrificed for safety. We have adopted the party method of political expression. It is easy to see that the two Houses may be dominated by different parties and that the President and the Congress may be of a different political faith. A government chosen piecemeal means that any one election may be inconclusive.

One of the most remarkable examples of such an election took place in 1918. It is almost axiomatic that a Government successful in the conduct of a war will be successful in securing the endorsement of the people. From the middle of July, when the Americans, advancing through the retreating lines of the war-weary French, for the second time beat back the German invasion at the Marne, there was a steady succession of victorious advances ending in the complete triumph of armistice day.

Six days before this greatest military triumph ever recorded, notwithstanding a personal appeal to the people soliciting their support for his party made by the Commander in Chief himself, the American national election brought the almost unbelievable result of a defeat at the polls of the party under which the war had been conducted, taking from it the control of both Houses of Congress. After the fourth day of the following March the President and the Congress were of different parties.

Under some circumstances this might have made little difference in the work of reconstruction. Under the dominating personalities then in control at either end of Pennsylvania Avenue it was destined to make a great deal of difference. Our own completion of reconstruction at home and our incomparable participation in reconstruction abroad were hindered and delayed. A treaty of peace was negotiated by the President and submitted to the Senate in the summer of 1919, where it was debated for many months and rejected. The Congress enacted some remedial legislation which was approved and some which was vetoed. There was an entire lack of harmony and cooperation between the executive and legislative branches of the Government, aggravated by the severe illness of the President, which made him almost inaccessible. Demobilization of military forces was very largely accomplished and necessary legislation provided for the return of the immense properties of transportation and telephone and telegraph lines to their former private ownership, but with enlarged Government regulation. The Congress started a system of relief for the disabled and of vocational training for former service men. A reduction of expenditures was begun, but when the fundamental requirement for economy was provided by a budget bill it was vetoed. The peace resolution duly enacted was also disapproved by Executive veto. Yet there was a very commendable amount of necessary and important legislation. The private interests of the Nation were all the while recovering themselves through the lapse of time, but when the first regular session of the Sixty-sixth Congress ended on June 5, 1920, the public requirement of reconstruction, necessarily to be accomplished by Government action, reaching up even to the establishment of peace itself, remained for the most part unaccomplished. Clearly the time had come to go to the country for a determination of policy and a party unity of administration.

The National Government functions in response to public sentiment. There was need of that thoroughgoing agitation, of that clarification of the public thought, and expression of the public mind which comes only from a presidential election. It was only until after that event that there could be any adequate determination of policies having sufficient public support to make their adoption practical. All elections are the result of mixed motives.

Through the campaign of 1920 there ran a great variety of issues, but its result made plain, by unquestioned expression, the main desires of the country. It was another declaration of independence. It expressed a distinct reaction against militarism and any form of engagement which placed any qualification or limitation on the privilege of refraining from all armed intervention in contentions between foreign countries which did not involve our own interests. It reiterated a desire for securing all possible guarantee of peace. It was particularly distinct in its demand for abolishing all Government extravagance. It was a clear and unmistakable mandate for economy in the conduct of our foreign relations and in the management of our domestic affairs. That these policies might be adopted the election unified party control of the Presidency and the Congress.

All of this meant a general readjustment. It meant the facing of painful facts. It meant a period of economic stress and strain. The first years of the war sent large amounts of gold to our country in exchange for supplies. This resulted in the natural inflation of prices. The financing of our own war needs through the issue of bonds which, when they found their way into Federal reserve banks as security for rediscounts, greatly increased the issue of currency, caused a further and much greater artificial inflation. The results of this continued long after the armistice in a round of increasing prices and increasing wages. This condition brought forth a general statement from President Wilson in the late summer of 1919 when he made his decision on railroad wages. "Increase in wages," he said, "will, moreover, certainly result in still further increasing the costs of production and, therefore, the cost of living and * * * would utterly crush the general campaign which the Government is waging with energy, vigor, and substantial hope of success to reduce the high cost of living." Economic forces caused this warning to go for the most part unheeded until in the spring of 1920 inability to buy was all at once transformed into inability to sell. Producers found themselves without a market. Inflation had broken down, as it always does. The reaction was severe. There were great losses, all of which are not yet revealed, but the disaster of a panic was averted, and deflation now appears to have completed its course.

When as the result of the election the new administration came into power a year ago, there was a condition of economic disorder. National finances were administered under war-time tax laws. Railroad transportation was in great stress for credit. The emergency fleet, which had cost billions to construct, was disorganized and disintegrated. Proper methods of administering war relief had not been devised. There was an impending avalanche of foreign peoples and foreign merchandise toward our shores. There were great disproportions between the returns for production and the cost of distribution. Agriculture was not thriving. Employment was uncertain. There were methods which caused improper restraints in the building trades. Cost of government was a stupendous burden. There was friction and irritation in the Orient. Our attitude toward Mexico and Russia was undefined. There was need of more friendly relations with the Latin-American Republics. We lacked the respect and confidence of Europe. We were still in a state of war with the Central Powers. It was plain that there must be something more than a treatment of local symptoms. It was a time when it was necessary to seek out and remove the fundamental causes of national disorders.

A special session of the Congress was summoned to meet on the 11th day of April. The ordering of the finances of the Nation lies especially within their province. In accordance with the recommendations of the President work was at once begun on a revenue bill for the purpose of revising, equalizing, and reducing internal taxation, and on a tariff bill for the purpose of revising the customs duties in accordance with the principle of protection and to meet the exigencies of foreign exchange.

Tax bills are not popular measures. They are not enacted for the purpose of securing public favor, but with a sordid desire of securing revenue. There is never any question about the American Government meeting its obligations. There can be no such thing as a perfect national tax bill. It must always be the result of a compromise between the contending forces of different sections and different policies. The problem of the present Congress was to provide for a greater equalization of taxation. That has been done. It was to reduce the amount of taxation. That has been done. It was to secure a better method of administrtaion. That has been done.

Our national finances had been conducted under the stress of war. Under that compelling force the Government had taken, through loans and taxation, close to one-fifth of the wealth of the country. When it is considered how small a proportion of the total wealth could be converted into a cash or credit asset, it will be realized how severe had been the strain and how much need there was of relief. The present problem was to raise substantially four billions of revenue, so distributed as to cause the least possible discouragement to those general business activities which promote industrial development and provide profitable employment.

The main theory of the American Government is that it shall be conducted for the welfare of all the people. It is ever watchful to maintain not only political but economic freedom. It has no favorites. It is based on the belief in equality. It recognizes that class distinctions are artificial and unreal, that under the natural conditions of equal opportunity, generally speaking, economic rewards will be in proportion to service rendered.

This theory has to be remembered in relation to taxation. If there are no privileged classes, there can be no special servitudes. These always go together. We have refused to establish privileged classes because we believed such a system of society to be unfair, unjust, unnatural, and contrary to the public interests. For the same reasons we can not impose special servitudes. It is impossible to impose a disproportionate burden of taxation upon a selected few without doing injury to the general welfare. Such an attempt not only defeats itself in its purpose to raise revenue but causes economic disarrangement, stifles industry, and results in general distress among the very people that it has sought to relieve.

There is little time under the stress of war to consider general economic welfare. When, for the fiscal year beginning July 1, 1917, it was necessary to appropriate almost $19,000,000,000, and for the following fiscal year more than twenty-seven billions, the money had to be taken wherever it could be found. A heavy system of excess-profits taxes, and, in addition, surtaxes on incomes rising to a total of 73 per cent, were laid to meet the outlay for military operations. When war conditions no longer existed it was found that the revenue from excess profits had shrunk to about one-sixth, and while taxable incomes had increased nearly twelvefold in number and more than threefold in amount, the number and amount of incomes of over $300,000 had been cut in two.

The excess-profits taxes were, therefore, discontinued and the surtaxes reduced, probably not yet enough to produce the largest amount of revenue or secure the highest degree of general prosperity, but enough materially to advance the public welfare. The charges against the heads of families with moderate incomes have been diminished by almost one-half. Those charges on transportation and sales which became popularly known as "nuisance taxes" have been repealed and the burden of past taxation has been reduced under the new law $728,900,000 for the first year it is in effect, and will be followed by a large reduction in the succeeding year. Further revision of revenue is in prospect and has been recommended by the President, but these changes already made in our system of taxation are fundamental in principle and are in the right direction. They accomplish a distribution of the burden. They constitute a real reform. The ability to reduce taxation and yet easily meet current requirements from current income without resorting to loans is an accomplishment in which, among the great nations of the earth, America stands alone.

One of the first domestic problems to receive attention was the perfection of an adequate organization for the administration of Government relief of war veterans. This had been divided up between the Treasury, the War Risk Insurance Board, Vocational Training Board, and other departments, creating confusion and resulting in applicants being referred from one bureau to another, causing endless delays. The whole work was unified and placed under the supervision of the Veterans' Bureau. To increase facility of contact the country was divided into 14 districts with 140 suboffices.

It is easy to realize what a stupendous task this work is when it is remembered that there has already been paid to disabled veterans and their dependent relatives about a billion and a half dollars and there is going out of the Treasury each day close to a million and a quarter dollars. The Government already has nearly 30,000 hospital beds, and will soon have 35,000. There are about 20,000 men already in hospitals who receive, besides their keeping and care, from $80 to $157 each month. The awards for compensations run over 200,000 each month and the awards for insurance over 140,000, while there are 15,000 compensation claims and 1,200 insurance claims received during the same time. There are about 105,000 men receiving vocational training, most of them under pay and at a maximum cost of $160 each per month. There are already in existence 107 hospitals which provide 182 employees for each 200 patients. There are 5,000 schools used throughout the country for training ex-service men and 7,000 institutions for placement training.

Two hundred thousand claims were awaiting adjustment when the War Risk Department was reorganized. All of these claims which were uncontested were adjudicated long ago. There are about 700 claims received each day which are at once decided. It may take time to establish and determine facts, but there are no longer claims awaiting adjudication and the work of the department is current. This stupendous task is not yet completed. It is being perfected day by day. The department is in contact with all public and private charities, every office of the Red Cross, and every Legion Post. It is impossible to prevent every abuse or to administer every needed relief, but for this purpose there has been provided the best possible organization. No expenditure of money or effort has been withheld. Under a business system, in accordance with scientific principles, the Government is giving expression to that great obligation which the people feel toward veterans suffering from the results of the war.

In order that we might be free from a threatened inundation of war-distressed peoples, which, instead of relieving them, would only result in the discomfort of our own citizens, a temporary restriction was placed on immigration, limiting it to 3 per cent during the year of each nationality already represented here. This has been an effort to prevent complications in a threatened condition of unemployment during a time of readjustment of wages. It has not been free from hardships in individual instances, but it has without doubt protected our country from much undesirable immigration.

There was likewise impending an avalanche of merchandise and agricultural products. An exchange of commodities, imports and exports, are desirable and are to be encouraged upon a sound and stable basis. America was the Nation least in distress for cash. There was a great temptation for those who needed cash to dump merchandise on our market at a sacrifice which affliction always imposes. Such a bankrupt sale could not have restored balance to foreign trade and foreign exchange which would be to our advantage, but would have tended to injure our own producers and our own wage earners, without proportionate benefit to ourselves or anyone else. For the protection of agriculture and to prevent those sacrifice sales which are referred to in trade circles as "dumping" an emergency tariff law was enacted, which will remain in effect pending a permanent revision of the tariff. In so far as it has tended to produce stable conditions it has been beneficial. Without doubt it has been of material assistance to the live-stock interests in the West, and to a less degree to the industries of the East.

Under Government operation of the railroads large sums were expended for improvements and new equipment, which were charged to the roads. On their return to private ownership there were great amounts of unadjusted claims. The roads were in want of credit, both to settle with the Government and provide themselves with means for necessary extensions and improvements. In order to relieve the acute situation in which they were found they were permitted under the provisions of law to fund their debts to the Government through duly secured obligations, which were placed on the market through Government agencies. This has given the necessary relief and provided funds, which has resulted in an increased employment of labor.

The Shipping Board found itself in control of many hundreds of Government-owned ships, into which there had gone $3,500,000,000. Their maintenance and operation cost many millions each month. Their depreciation in value was simply enormous. The problem presented was to get the Government out of the shipping business with as little loss as possible, and to provide an American merchant marine, that American goods might not have to be carried to market in the ships of competitors, and that there might be sufficient ships to provide for an adequate national defense. There has been worked out and presented by the President to the Congress a plan which promises to secure these results. For the first time within generations there is a fair prospect that our country will have a merchant marine, supported from a small proportion of the revenue derived from shipping and holding a place on the seas worthy of the American people.

Two important conferences dealing with domestic questions have been held in Washington. It became apparent late in the summer that a situation was developing which might result in a serious condition of unemployment. The Government did not wait for such a situation to develop, but, through the Department of Commerce and Labor, immediately brought to Washington representatives of the public and of managers and employees of all kinds of industrial activities. Plans were perfected and put into operation for local relief which are estimated to have secured employment for more than a million and a half people which, although it did not provide a complete remedy, afforded very great alleviation.

Another conference was for the promotion and encouragement of agriculture. Notwithstanding very bountiful crops, a season of low prices threatened this great enterprise with a distress so acute as to affect the economic condition of the whole Nation. Early in the session $25,000,000 of public money was provided for use of farm loan banks. Fifty million dollars was secured through private sources for the relief of the live-stock industry. There was further regulation of the packing industry and of dealing in grain futures, both made for the benefit of the producer. The largest measure of relief was that which gave the War Finance Corporation power to extend practically unlimited credit to the farmers, which has already been availed of to an extent of about $200,000,000. As the result of the conference provision is being made for greater freedom of cooperation in marketing and better understanding between the interests of banking, transportation, and agriculture. There has

been a desire on the part of the Government to extend every possible relief. The marked success which has been accomplished is reflected in the greater prosperity of all agricultural interests.

An action which is likely to result not only in great benefit to agriculture but to business in general was that of the President visiting one day the office of the Interstate Commerce Commission to advise with them as to what could be done to secure the readjustment of freight rates. These have already been thousands of reductions, and there is under way an investigation which has for its object the substitution of scientific rates for those which were adopted arbitrarily in the haste of the war. If such rates can be discovered and accepted, as now seems probable, it will do much to promote greater business activity.

The restrictive policies employed in the building trades have long been notorious. They have resulted in a lack of housing facilities and in a loss of employment which has been felt in that great variety of trades and occupations which supply building operations. As a result of investigations and conferences an amicable adjustment was made under the direction of the Attorney General and embodied in a decree, entered in the United States district court, which does away with all future limitations on the productive capacity of the individual workman, confirms the privilege of the employer to purchase materials of whomsoever he may desire, prohibits discrimination by organized employees against employers and trade associations, and the use of such discrimination to force the collection of debts or claims. This has removed restrictions and limitations from a great key industry which can but result in a renewal of building activity and the stimulation of many allied industries. It is a guide for future action, friendly, effective, and mutually beneficial.

There is due the United States from foreign Governments about $11,000,000,000, mostly for money paid by our Government to our citizens for supplies produced here which were sent abroad during the war. Under an act of Congress a commission has been appointed by the President to settle all these claims and to agree upon terms of payment of interest and principal, which is not to exceed a rate of 4¼ per cent for a limit of time not in excess of 25 years. The returns from this source, whether applied to current expenses or the reduction of the public debt, will give a great deal of relief to the present burden of taxation.

There has been passed by the House and about to be reported to the Senate a tariff bill. There were difficulties in arranging a revenue bill, but they were insignificant when compared to those which are met in framing a tariff measure. It is a comparatively easy task to remove and reduce duties and draw a bill merely for the purpose of revenue; one which will provide protection and increase revenue is quite another matter. We are living under a pre-war tariff modified by the emergency tariff. Heretofore there have been certain fixed standards, which could be approximately ascertained, of cost of production abroad and cost of production at home. The difference between these two measured in a fairly accurate degree the protective needs of each industry. Foreign exchange has heretofore varied but a trifling amount. No one knows at the present time what represents either domestic or foreign cost of production. No one knows what the rate of exchange will be. This uncertainty has required painstaking investigations to see if a flexible tariff could not be provided which might have a system of administration that could be adjusted to meet changing conditions. Heretofore import duties have been determined in accordance with the foreign value of merchandise. As the rate of exchange and unsettled conditions tend to make that now almost fictitious, an attempt has been made to provide for rates of duty in accordance with American valuations. This means the fair market value of the merchandise in our own markets. This is the principle adopted by most other countries. Both these systems are being worked out, compared, and considered, and that which appears to be best will be presented to the Senate for adoption.

The drafting of a bill of this kind requires a study and comprehension of the facts relative to almost every industry in the United States. It is doubtful if any measure was ever presented to the Congress which was the result of so much painstaking effort and care. There is back of it not only the facts and arguments assembled by the Tariff Commission as the result of intensive investigation permanently engaged in, but the taking of evidence and months of deliberation, representing many hours each day of the committees of the House and Senate, assisted by the expert knowledge of the Treasury Department and the best judgment and information of those engaged in productive enterprise. There has been no delay of action, but there has been continuing determination to present the best tariff bill which industry and intelligence could devise.

The first thought and the chief effort of the present administration has been for a constructive economy. To secure that is to accomplish reconstruction. It has not been considered enough merely to go on under the old system of advising departments to refrain from extravagances and adopt business methods. There has been a complete change in the administration of the financial operations of the Government through one of the first acts of the present Congress in the adoption of a Budget system. This means the coordination of expenditures and the centralization of authority.

The rules of the House and Senate have been changed to bring the consideration and presentation of all appropriations under the direction of a single committee. An experienced banker and trained business man, who has achieved success in the administration of private enterprises and in the conduct of the business operations of the war abroad—General Dawes—has been made Budget commissioner. He has coordinated the different departments so that in a few months there has been a saving of nearly $75,000,000 in the purchase of supplies and economy in general expenditures which will reach about three hundred million during the year. The Congress has provided for a reorganization of the various departments of government for which a plan is being perfected by a joint commission representing the President and the Members of the House and Senate. The number of public employees has been reduced nearly 60,000. The Army has been reduced by 85,000 and there is a proposal for a further reduction of 85,000, which would mean a reduction in all of more than one-half. There have been, and are proposed, large reductions in the naval forces. This important and effective work is beginning to show in the appropriations and expenditures of the Government.

Prior to the war the annual appropriations were a little over a billion dollars. For the last fiscal year they were slightly more than five and one-half billions. For the present fiscal year it is estimated that this will be reduced to somewhat less than four billions, and for the next fiscal year, for which appropriations are now being made, there will be a reduction to about three and one-half billions. The interest and payments required for the public debt are about one billion three hundred and fifty millions. The cost of ministering to the requirements of the Veterans' Bureau is about one-half a billion. The cost of the Army and Navy is over eight hundred millions and another quarter of a billion goes into pensions. If from present expenditures there be deducted those items that arose from the war and the extra amount now being expended on good roads and the Army and Navy, the present cost of running the Government would not exceed the pre-war cost by more than two or three hundred millions. This represents an achievement in economy which is almost incredible.

No doubt the proper measure of legislation is not number but weight, but something of the industry which has characterized the present Congress may be understood when it is remembered that the Senate has passed 436 bills and joint resolutions and that the House has passed 462. It is a work which will bear inspection and comparison. The record is there. It represents a solid and substantial achievement under the direction of men who make great sacrifices in the public service. To be appreciated it needs but to be known.

Twenty-five years ago America gave little thought to its foreign relations. Occasionally it mumbled the Monroe doctrine. But the responsibilities incurred as a result of the war with Spain brought new relationships, and our participation in the World War left us a dominating power among the nations. There are new interests and new obligations. We did not seek them; we can not evade them.

Shortly after the assembling of the Congress a resolution was adopted ending the condition of war. It carefully refrained from interfering with the peace treaty which other nations had made and carefully reserved all the rights which had accrued as the result of participation in the war. A treaty of peace with Colombia was concluded, disposing of a long-standing difference which arose from our relation to the Republic of Panama and the canal. A treaty was offered to Mexico which would have recognized her Government and declared her adherence to those principles of protection of the rights of persons and of property which are the necessary mark of a civilized State. Mexico has so far refused to execute it. A more than friendly interest in the people of Russia has been declared in our willingness to consider commercial relations on the presentation of evidence that there is to be maintained those rights of free labor, respect for contracts, and security of property, without which there can be no commerce, and our good faith demonstrated by great private charities and the appropriation of $20,000,000 for the relief of her starving population. Treaties of peace have also been concluded with Germany and Austria. Our army of occupation is being brought home. The war is done. Peace reigns.

There has been a steady determination not to interfere in those European affairs with which we had no direct concern. When there was an attempt to place responsibilities on our Government for the fixing of reparations, it was firmly declined, but with the assertion that reparations must be met to the limit of ability. There has likewise been a refusal to participate in the Genoa conference out of a feeling that the chief causes of economic disturbance in Europe can only be settled by their own domestic action, and our unwillingness to become involved in any way in their political questions. The sincerity of American sympathy for European distress is revealed and established in loans of almost a billion dollars made since armistice day, in addition to the administration of enormous charities.

One of the great achievements of the past year, one which promises to be one of the achievements of history, was the convening, the deliberations, and the agreements of the Washington Conference on the Limitation of Armament. There have been other gatherings which represented aspirations as high, and determinations as noble, as those which characterized this latest expression of the world's hope. If others have failed of complete success, they have not failed to make their mark upon history, nor have they ceased to be remembered as expressing a high ideal. This conference had the advantage of profiting by their mistakes and being instructed by their results. The conference proceeded on the fundamental theory of substituting for the sanction of force in international relations the sanction of reason. It declared the belief that differences could be adjusted without even resorting to arbitration by the simple device of taking counsel together.

This theory the conference proceeded to put into practice. Realizing that the greatest guaranty of peace is the removal of the causes for war, it settled and removed long-standing controversies in the Orient by mutual understandings. Both Great Britain and Japan have agreed to retire from occupations distasteful to China, and Japan has further agreed to retire from Siberia. An alliance for war between Great Britain and Japan has been ended. An agreement for peace between those two powers, and France and the United States, has begun. Competitive naval armament between five great powers is to cease. The use of poison gas in warfare and of unlawful submarine attacks on merchant ships have been forbidden. Hereafter there is to be equal opportunity among the nations in China and our claims in the island of Yap have been conceded.

These are accomplishments toward peace commensurate with the late accomplishments in war. They are results which mark off this conference as the beginning of a new era. For the first time powers great enough to control world action have voluntarily agreed to a limitation of armaments; voluntarily recognized the existence of a common purpose, a universal brotherhood, an all-pervading spirit of righteousness and of mutual obligations and responsibilities.

It has been a year of progress altogether worthy of a great people. It does not mean that the burdens of existence are to be lifted from mankind. It does not mean that military establishments are to be no longer required. An agreement to maintain a parity between navies is not an agreement to abolish navies. There will be a great saving of expenditure, but it will not be so much in present costs as in future requirements. These great remedial policies which are being adopted are fundamental in principle. They mean that hereafter a larger proportion of human effort can go into productive activity. They diminish the material waste of extravagance in government and the spiritual waste of distrust in diplomacy. Liberty has taken increased guaranties. Reason is more firmly enthroned. Hope and faith are revealed more clearly as the great realities.

As in legislative session,

PETITIONS AND MEMORIALS.

Mr. FERNALD presented memorials of sundry citizens of Gardiner, Litchfield, Hallowell, Carmel, Bangor, and Stetson, all in the State of Maine, remonstrating against the enactment of Senate bill 2747, the so-called Federal cooperative reclamation bill, which were referred to the Committee on Irrigation and Reclamation.

Mr. MYERS presented resolutions of the Chambers of Commerce of Troy and Kalispell, and the Commercial Club of Columbia Falls, all in the State of Montana, praying for inclusion in Senate bill 2747, the so-called Federal cooperative reclamation bill, of provision for reclamation of logged-off lands, which were referred to the Committee on Irrigation and Reclamation.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, favoring the ratification of the four-power treaty, which was ordered to lie on the table.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the soldiers' bonus bill, except as applied to disabled soldiers, which was referred to the Committee on Finance.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3355) for the creation of an American battle-monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe; to the Committee on Foreign Relations.

A bill (S. 3356) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. TOWNSEND:

A bill (S. 3357) setting aside a parcel of land as a home for the Sault de Ste. Marie Band of Chippewa Indians of Lake Superior and providing for the relief of said band; to the Committee on Indian Affairs.

By Mr. TOWNSEND (for Mr. NEWBERRY):

A bill (S. 3358) granting a pension to Carrie Shanahan; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3359) for the relief of Lewis-Wedum Co. and others; to the Committee on Public Lands and Surveys.

By Mr. BURSUM:

A joint resolution (S. J. Res. 185) authorizing the Secretary of War to grant permits for removal of rock and gravel from military reservations; to the Committee on Military Affairs.

AMENDMENT OF AGRICULTURAL APPROPRIATION BILL.

Mr. SWANSON submitted an amendment proposing to increase the appropriation for the acquisition of additional forest lands at headwaters of navigable streams, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), as amended, from $50,000 to $1,000,000, intended to be proposed by him to House bill 10730, the agricultural appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TREATY ON SUBMARINES AND NOXIOUS GASES.

Mr. LODGE. Mr. President, I desire to call up the treaty dealing with submarines and noxious gases.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty between the United States, the British Empire, France, Italy, and Japan relating to the use of submarines and noxious gases in warfare.

Mr. LODGE. I ask that the treaty may be read.

The VICE PRESIDENT. The Secretary will read the treaty.

The Assistant Secretary read the treaty, as follows:

EXECUTIVE M—SUBMARINES AND NOXIOUS GASES.

TREATY SUBMITTED BY THE PRESIDENT OF THE UNITED STATES BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, RELATING TO THE USE OF SUBMARINES AND NOXIOUS GASES IN WARFARE.

The United States of America, the British Empire, France, Italy, and Japan, hereinafter referred to as the signatory powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, and to prevent the use in war of noxious gases and chemicals, have determined to conclude a treaty to this effect, and have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And for the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories;

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Vallingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Joshii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their Full Powers, found in good and due form, have agreed as follows:

ARTICLE I.

The signatory powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law:

(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

ARTICLE II.

The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

ARTICLE III.

The signatory powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found.

ARTICLE IV.

The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

ARTICLE V.

The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties,

The signatory powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto.

ARTICLE VI.

The present treaty shall be ratified as soon as possible in accordance with the constitutional methods of the signatory powers and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

The Government of the United States will transmit to all the signatory powers a certified copy of the procès-verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

ARTICLE VII.

The Government of the United States will further transmit to each of the nonsignatory powers a duly certified copy of the present treaty and invite its adherence thereto.

Any nonsignatory power may adhere to the present treaty by communicating an instrument of adherence to the Government of the United States, which will thereupon transmit to each of the signatory and adhering powers a certified copy of each instrument of adherence.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

[L. S.] CHARLES EVANS HUGHES.
[L. S.] HENRY CABOT LODGE.
[L. S.] OSCAR W. UNDERWOOD.
[L. S.] ELIHU ROOT.
[L. S.] ARTHUR JAMES BALFOUR.
[L. S.] LEE OF FAREHAM.
[L. S.] A. C. GEDDES.
R. L. BORDEN. [L. S.]
G. F. PEARCE. [L. S.]
JOHN W. SALMOND. [L. S.]
ARTHUR JAMES BALFOUR. [L. S.]
V S SRINIVASA SASTRI. [L. S.]
A SARRAUT. [L. S.]
JUSSERAND. [L. S.]
CARLO SCHANZER. [L. S.]
[L. S.] V. ROLANDI RICCI.
[L. S.] LUIGI ALBERTINI.
[L. S.] T. KATO.
[L. S.] K. SHIDEHARA.
[L. S.] M. HANIHARA.

Mr. LODGE. Mr. President, unless some Senator objects, I ask that the reading of the treaty by articles may be dispensed with.

Mr. BORAH. Mr. President, I wish to ask a question or two, although I have no desire to delay the consideration of the treaty. Is there any way to determine under this treaty what a merchant vessel is?

Mr. LODGE. Not under this treaty; but that has been determined many times by the Supreme Court. It is a matter which has to be decided in each case.

Mr. BORAH. The reason I ask the question is that I notice that France is proposing a reservation which will leave her free to determine for herself what constitutes a merchant vessel. What effect would it have upon this treaty if she should attach that kind of a reservation to the treaty?

Mr. LODGE. It would come back to us for ratification, for our acceptance.

Mr. BORAH. If France should attach such a reservation, it would not come to the Senate, would it?

Mr. LODGE. Oh, yes.

Mr. BORAH. If it were simply a reservation?

Mr. LODGE. Certainly; reservations have to be accepted by this Government.

Mr. McCORMICK. Not by the Senate, however.

Mr. LODGE. Why not? If the reservation affects the treaty, why does it not have to conform to the ordinary procedure?

Mr. McCORMICK. Does the Senator from Massachusetts hold that the reservation which was adopted by the Senate the other day in connection with the treaty then under consideration will have to be adopted by the parliamentary bodies of the other powers?

Mr. LODGE. It will have to be accepted by them, but I do not know precisely what procedure they will follow.

Mr. McCORMICK. That is welcome news; I was not so advised.

Mr. LENROOT. Mr. President, I should like to ask the Senator from Massachusetts if the reservation be merely one of construction of the treaty by a party to the treaty whether it will have to be presented to the Senate?

Mr. LODGE. It will have to be accepted by the other powers by constitutional methods, as the treaty provides.

Mr. LENROOT. But failure to object amounts to acquiescence, does it not?

Mr. LODGE. Oh, yes.

Mr. UNDERWOOD. Mr. President, if the Senator from Massachusetts will allow me, I wish to state that the question of what is a merchant vessel is a matter that a prize court must determine.

Mr. LODGE. Absolutely; in each case.

Mr. UNDERWOOD. As to what effect one nation claiming the right to define for itself what constitutes a merchant vessel would have on international law I can not say, but I think international law has very clearly fixed the doctrine that if the principles of international law are complied with, and a treaty restates international law, the vessel must be taken to a court and the question of its title determined. Then the real issue is whether it is a merchant vessel or not. If it was a vessel of war, of course a different principle governs.

Mr. LODGE. That has been the practice in all cases, of which there are many.

Mr. BORAH. My interest in the matter is developed by reason of the reservation which France proposes to put upon her treaty, as indicated yesterday. I do not know whether she will do so or not; but if France is going to determine for herself what constitutes a merchant vessel under this treaty, I should think it would have a very marked effect upon what we should do.

Mr. UNDERWOOD. I should think in the end the prize court would determine the question if the rules of international law prevail.

Mr. LODGE. Absolutely.

Mr. UNDERWOOD. But, as the Senator from Massachusetts suggests, if a reservation is put on the treaty, undoubtedly it will have to come back to this Government and come back to the Senate for determination.

Mr. BORAH. No; under the doctrine of reservations it would not have to come back to the Senate, as I understand; but, of course, it would have to come back to the executive department.

Mr. UNDERWOOD. I may be mistaken about it, but I do not agree with the Senator about that. The Senate is a part of the Government in making treaties, and a treaty is changed by a reservation. A Government may reserve its rights under a reservation. The other Government may not have to agree to that reservation, but it has to accept it; and there is no power that I know of in the hands of an American Executive to accept a change of a treaty unless the Senate consents.

Mr. BORAH. The Government might accept it by simply failing to reject the treaty.

Mr. LODGE. If it changes the character of the treaty, I think it would have to come back here. If it is an interpretive reservation, I suppose the general practice has been that acquiescence may be indicated by no representation being made by the other Government; but if a representation is made by any other Government, of course it has to come back to that Government, and it seems to me it is clear that the provision in the treaty "in accordance with the constitutional methods of the signatory powers" would require that any change in its character effected by amendment or reservation would have to come before the Senate of the United States.

Mr. BORAH. I sincerely hope that the two Senators are correct, but I do not so understand it, and we did not so understand it during the league discussion.

Mr. LODGE. I think this phraseology, "in accordance with the constitutional methods of the signatory powers," has only been rather recently used. That is my impression.

Mr. BORAH. But, as I understand, the construction placed upon it by the Senator from Alabama is that the character of a merchant vessel must be determined by the prize court, and so forth; but in the meantime it is at the bottom of the sea.

Mr. UNDERWOOD. Of course, if the question comes up that it has been unlawfully sunk, it still is a matter for the nations to determine, either in court or before a tribunal; but I thought the Senator was referring to the capture of a vessel and its being taken to a prize court.

Mr. BORAH. Of course, the liabilities, and so forth, are afterwards determined; but I am speaking now of preventing interference with merchant vessels as a practical proposition.

Mr. UNDERWOOD. That is in the hands of the captain of the submarine.

Mr. BORAH. Yes; and with no guide for him to determine except his own ipse dixit or his discretion as to what it is.

Mr. LODGE. There is no guide that I know of that can be established, other than the courts, to determine the character of the vessel.

Mr. BORAH. I rather think that is correct; but I was just trying to get at the practical working of the treaty.

Mr. LODGE. I think that is the practical working. I think it has been under the old law, before the days of submarines.

Mr. BORAH. One other question, and then I will not detain the Senate further. Article 4 says:

The signatory powers recognize the practical impossibility—

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield.

Mr. WALSH of Montana. Before the Senator passes from the matter under consideration, will he permit an interruption from me? There is another question that has been presented in connection with this matter of merchant ships. France is insisting or may insist upon a reservation to the effect that any ship which would otherwise be a merchant ship but which carries guns, even for her own protection, would not be regarded under this treaty as a merchant ship and would be likely to be sunk. It will be recalled that we were obliged to consider that question while we were neutrals in the late European war. A bill or a joint resolution was introduced here authorizing the President to equip our merchant vessels with guns for their own protection against the depredations of submarines. That was not passed, but failed by reason of the lapse of the session; but the President of the United States, acting within what he conceived to be his constitutional authority, proceeded thus to equip our merchant vessels with guns to protect themselves against the assaults of submarines. That same situation may be repeated at any time.

Mr. LODGE. The Secretary of State at that time, Mr. Lansing, sent a note, in which he defined so far as it could be defined what constituted defensive as against offensive armament—that is, what took the ship out of the defensive-armament class—but that is a question of fact. I brought together here on that discussion all the authorities I could find in the way of decisions of the courts. The leading case is that of the *Charming Betsy*, which was a decision of Marshall. Merchantmen armed for their own protection have been sustained as not losing their character as merchantmen on that account, but it has had to be decided in each case whether the ship retains its character as a merchantman or whether it has been armed for offense. I do not see how it is possible to make any general rule on the subject in any treaty or anything else.

Mr. WALSH of Montana. The trouble about it is this, and it addresses itself to me as a practical question, as it does to the Senator from Idaho: Two of these European nations get into a war, and we continue our trade, of course, with the other neutral nations; and one or the other conceives that goods not contraband going to a neutral port will eventually find their way into the country of one of the belligerents, and it resolves upon the same plan of unrestricted submarine warfare. If the ship arms itself so as to protect itself against the depredations of submarines, will it still be a merchant ship?

Mr. LODGE. That is the precise thing that must necessarily be a question of fact—what armament constitutes the ship a merchantman; how much she can carry without losing her character as a merchantman?

Mr. WALSH of Montana. Would it not be extremely desirable, in order to avoid unfortunate controversies, if it could be defined in some way?

Mr. LODGE. How can it be defined when every case may vary? No general definition can be made.

Mr. WALSH of Montana. If that is the case, then if a ship carried any armament whatever—even that which would be of very light caliber, comparatively speaking—she would run the peril of being classed outside of the class of merchant ships given the protection of this treaty.

Mr. LODGE. There have been all sorts of cases, with all sorts of limitations, which have been admitted by the courts—for instance, the caliber of the guns which would indicate that the ship had lost her character as a merchant vessel, and whether she was carrying bow chasers or only stern chasers. The carrying of a bow chaser—I am speaking of the old-fashioned ships—was an indication that she was not armed simply for defense; the carrying of a stern chaser was an indication that she was armed simply for defense; and there are an infinity of facts which would go to determine the character of the vessel. I do not believe it is humanly possible to draw a general statement that would cover every possible case.

Mr. WALSH of Montana. Then, in that situation of affairs—and I followed with some care the consideration of the subject by the courts, as well as by the executive departments of the Government concerned at the time when it was rife here in the Senate—conceding all these difficulties to which the Senator adverts, suppose, now, that France should attach a reservation to the effect that any ship carrying armament, either defensive or offensive, should fall without the protection of this

treaty. What would we do about it? Of course, the ratifications, as I take it, will be exchanged by the President without any further action upon the part of the Senate.

Mr. LODGE. Yes. The Senator from Idaho, of course, was speaking of a change in the treaty, either by amendment or by reservation, on the part of France.

Mr. WALSH of Montana. Yes. I am assuming now that France attaches to her ratification such a reservation as I have suggested—namely, that a ship carrying any armament will fall without the definition of a merchant ship as used in the treaty before us—and then the treaty comes back, and the President of the United States accepts it with that reservation, and the exchanges are made. We would then find ourselves bound as a matter of course by that definition, and no ship carrying any armaments whatever would be entitled to protection by the treaty.

Mr. LODGE. Of course, that is a complete disregard of all the decisions on the subject, and I should think that that would hardly be accepted by our Government without some consideration. France alone could not change the international law of the world.

Mr. WALSH of Montana. Any definition that might be attached might be subject to question, of course. I merely inquire whether some effort ought not to be made to arrive at an understanding as to how a ship would take herself out of the protection of this treaty.

Mr. LODGE. That would be a very long and difficult process. It never has been achieved yet.

Mr. BORAH. Mr. President, suppose France should adopt a reservation by which France retains the full right to decide what is a merchant ship. The Senator thinks that that would have to come back to the Senate if that kind of a reservation were put on, does he?

Mr. LODGE. I think so.

Mr. BORAH. If that is true, I am not disturbed about the situation; but if France should retain by reservation the full right to determine for herself what constitutes a merchant ship, and that should be accepted by the President, and we should finally conclude that the Senate did not have to act upon it, we would practically destroy this treaty; would we not?

Mr. LODGE. I think so.

Mr. BORAH. One other thing, and I will close.

Mr. LODGE. If, by France deciding, it is meant that the captain of the submarine is to decide, of course nobody could accept such a proposition as that.

Mr. BORAH. My guess is that France is not going to permit a certain power to arm her merchant ships and then agree not to use submarines.

Mr. LODGE. Of course, there are some limitations on that, as the Senator knows, in the treaty we have just ratified.

Mr. BORAH. Yes.

Mr. KING. Mr. President, may I make an inquiry of the Senator in view of his last statement that if the reservation to which he refers should be attached to the treaty by France when she ratifies it, it would have to come back to the Senate here for our approval? The Senator expressed the view that if that were true he did not know that he should object. Suppose, however, that France, resting upon the theory that she may judge for herself when war breaks out what is a merchant ship, determines at that time that a merchant ship may carry arms and still be a merchant ship. Does not the Senator think that the uncertainty which he has in mind now will be persisted in, even though France does not attach a reservation, if she places that construction upon it?

Mr. BORAH. That is a situation which might of course arise at that time, but I had in mind the question of final ratification of the treaty, and our being bound by it. Of course, it is practically no treaty at all under those circumstances. If all these nations are going to determine, when war breaks out, what constitutes a merchant vessel, this is worse than a blank piece of paper.

Mr. LODGE. I think the Senator will find that nearly every nation will determine that, or insist upon its right to determine it.

Mr. BORAH. I suppose so.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, I wish to say that the phrase "merchant vessel" is well defined in international law.

Mr. LODGE. Absolutely.

Mr. WILLIAMS. Those who have any cognizance of the literature upon the subject, the representatives of every nation, will know it.

Mr. BORAH. I generally agree with the Senator from Mississippi, but when he says that the phrase "merchant vessel" is well defined, I want to say to him that I have found in my limited investigation a great deal of difference of opinion about what constitutes a merchant vessel. I understood that there was considerable difference of opinion in the conference here as to what constitutes a merchant vessel, and that France was by no means satisfied with England's idea of what constituted a merchant vessel. I may be misinformed; I do not know about that. I got it rather directly, however.

Mr. LODGE. There was not any very great discussion. The delegates took the general legal expression, "merchant vessel," which has been defined, and not always similarly defined, in the cases. In the case of the *Charming Betsy* Chief Justice Marshall said:

> The degree of arming which should bring a vessel within this description has not been ascertained, and perhaps it would be difficult precisely to mark the limits, the passing of which would bring a captured vessel within the description of the acts of Congress on this subject.

I do not think there is much to be added to that; but I do not want to take the Senator's time.

Mr. BORAH. I am very glad to have the Senator discuss the question.

Mr. LODGE. On the 19th of September, 1914—and this is what I was referring to a moment ago—Mr. Lansing sent to all the representatives of foreign powers the following circular defining the status of an armed merchant vessel:

> (A) A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.
>
> (B) The presence of an armament and ammunition on board a merchant vessel creates the presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.
>
> (C) Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for and will not be used in offensive operations.
>
> Indications that the armament will not be used offensively are:
>
> 1. That the caliber of the guns carried does not exceed 6 inches.
> 2. That the guns and small arms carried are few in number.
> 3. That no guns are mounted on the forward part of the vessel.
> 4. That the quantity of ammunition carried is small.
> 5. That the vessel is manned by its usual crew and the officers are the same as those on board before war was declared.
> 6. That the vessel intends to and actually does clear for a port lying in its usual trade route or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.
> 7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination or the same quantity substantially which it has been accustomed to take for a voyage before war was declared.
> 8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.
> 9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or of any of its allies, and particularly if the passenger list includes women and children.
> 10. That the speed of the ship is slow.

Then it goes on about port authorities, as follows:

> (D) Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationality claiming to be a merchant vessel, should immediately investigate and report to Washington—

And so forth.

Mr. McCORMICK. May I ask the Senator under what date that was written?

Mr. LODGE. That was written on the 19th of September, 1914. Then finally it stated that—

> The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

In drafting a general treaty we could only use the phrase which is used in all diplomatic proceedings—that is, "merchant ship"—but when you come to the question whether it is an armed ship, which takes it out of the category of merchant ships and relieves it of the protection which it has as a simple trader, you open up all those questions of fact which can only be decided by investigation. We can not possibly cover them in any general statement.

Mr. BORAH. I presume it is true that you could not write into a treaty all those details, but I do not think that removes the possibility of France saying that she would determine for herself whether or not a vessel was a merchant ship.

Mr. LODGE. What does she mean by saying she will determine it?

Mr. BORAH. I have an idea that she meant the same thing she meant when she said she would not consent to a limitation of submarines, that she does not propose to have the submarine interfered with by an armed merchant vessel.

Mr. LODGE. Then it is a question of the amount of armament.

Mr. BORAH. Yes; and she will determine how much armament constitutes a ship an armed vessel.

Mr. LODGE. Who will?

Mr. BORAH. France.

Mr. LODGE. If the Senator from Idaho will excuse me, it does not mean anything definite to say "France." Who will determine it? Will it be the captain of a submarine or a French court?

Mr. BORAH. It might be a French court; nevertheless, France will determine for herself, either through her captain or through her court, what constitutes a merchant vessel.

Mr. LODGE. I can not conceive how any other nation should accept a proposition of that sort.

Mr. BORAH. I am satisfied the Senator will find in a few days they are seriously considering that proposition.

Mr. LODGE. I dare say. I have no information about what the French Government is contemplating, but of course if it is put in in the form the Senator suggests, it practically destroys the inhibition of the use of submarines under existing rules of international law.

Mr. BORAH. That brings me to article 4, which I presume is the reason why France is acting as she does in regard to this matter. Article 4 provides that—

> The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

If article 4 should be accepted in good faith as it is written, it would practically prohibit the use of submarines as they were used during the war.

Mr. LODGE. For the destruction of commerce. Nothing affects their use for military purposes.

Mr. BORAH. Oh, no; but, as a matter of fact, the submarine did very little service in the war except in the destruction of commerce.

Mr. LODGE. That is quite true. Their formidable qualities were entirely in the destruction of merchant vessels.

Mr. BORAH. They are not so useful for war purposes; they are principally useful for destroying commerce.

Mr. LODGE. Absolutely.

Mr. BORAH. As the instrument is fit for no other use, it will likely be used for that purpose.

Mr. LODGE. There is no better lawyer than the Senator from Idaho, and he has noticed, undoubtedly, that articles 1 and 2 state the accepted rules of international law. Those were accepted by the signatories. Those are the recognized provisions of international law.

Article 4 is a new proposition entirely, applied only to submarines.

Mr. BORAH. And if accepted and lived up to in good faith, it would really have the effect of limiting the use of submarines.

Mr. LODGE. It would limit their use to purely military purposes.

Mr. BORAH. That is true.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts that the reading of the treaty article by article be omitted? The Chair hears none.

Mr. WADSWORTH. At the risk of having it thought that I am out of sympathy with the dictates of humanity, I desire to make a few observations concerning article 5 of this treaty, which has to do with the use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices.

I know full well that there is a very strong and widespread sentiment, not only in this country but in other countries, against what is known as chemical warfare, and I notice that the first paragraph of this article refers to its use as having been "justly condemned" by the general opinion of the civilized world. In my judgment, a large number of people very much misunderstand the actual results of chemical warfare.

Mr. LODGE. Mr. President, before the Senator goes into that, he did not quite complete the reading of the article. Of course, he is aware of the fact that the use is prohibited by The Hague convention, and it received the assent of all the powers of the world.

Mr. WADSWORTH. It did not receive the assent of all the powers of the world. The American delegates refused to agree.

Mr. LODGE. Does the Senator refer to both treaties?

Mr. WADSWORTH. The American delegation at The Hague convention, which promulgated the prohibition against the use of poisonous gas, declined to agree.

Mr. LODGE. Declined to agree to the use of poison gas?

Mr. WADSWORTH. Declined to agree to the prohibition of it.

Mr. LODGE. To the prohibition of all poison gas?

Mr. WADSWORTH. Yes. As I was saying, I think a large number of people misunderstand the actual effect of this method of warfare. Comparatively speaking, when it was first used in this war it was new, it was mysterious, it was horrifying. Likewise, in its immediate effect it was cruel, as are all methods of warfare, as are all weapons. But an examination of the annual report of the Surgeon General of the Army for the year 1920 discloses some rather interesting facts as to the actual effect of this weapon when used upon belligerents, upon troops in action.

During the war the American Expeditionary Forces suffered in battle casualties—that is, killed and wounded—to the number of 258,338 men. Of these 34,249 died on the field of battle; 13,691 died in hospitals as the result of their injuries incurred in battle. There were admitted to the hospitals, exclusive of marines, 224,089 men. Of this number 70,552, or 27.3 per cent of the whole number, were suffering from gas alone. Of the 70,552 gas cases only 1,221 died. Of the 153,537 admitted to the hospitals suffering from bullets, high explosives, and other methods of war except gas, 12,470 died. I think it is a generous estimate to state that 200 men in the entire American Expeditionary Forces were killed on the field of battle by gas alone. The deaths which did occur from gas occurred in much the larger proportion after the expiration of two, three, four, or five days, when the soldier had been brought back to a hospital.

Mr. STANLEY. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Kentucky.

Mr. STANLEY. I have not been following the Senator very closely. Is his argument confined to the use of gas between belligerents?

Mr. WADSWORTH. Not entirely. I will come to that later.

If we assume that about 200 men were killed upon the field of battle by gas alone, and hence were not included in the 1,221 who died in hospitals as a result of gas, we would then have 1,441 men in the American Expeditionary Forces who died from gas. That is less than 2 per cent of the entire number of men gassed. If we take the 187,586 men who were injured by bullets, high explosives, bombs, bayonets, hand grenades, and so forth, we find that 46,449 died, more than 24 per cent. Therefore the death rate from gas is one-twelfth the death rate from high explosives and bullets. A soldier, therefore, who suffered a gas injury had twelve times the chance for his life that the man had who suffered from bullet or high explosive wound. I think this fact is not generally well known.

The question has come up quite often since this new method of warfare was engaged in—engaged in first by the Germans in violation of their agreement to refrain from its use, an agreement reached in The Hague convention—as to the after effects of gas.

The impression has gone forth that a man who has been gassed is disabled to a greater or less degree for the rest of his life, and especially that a predisposition toward tuberculosis has been set up in his system. Some figures on that are rather interesting. In the Sugeon General's report for the year 1920 we find this paragraph:

> One hundred and seventy-three cases of tuberculosis occurred during the year 1918 among the 70,552 men who had been gassed in action. The number of cases of tuberculosis for each 1,000 men gassed was 2.45. Since the annual rate of occurrence of tuberculosis among enlisted men serving in Europe in 1918 was 3.50 and in 1919 4.30 per 1,000, it would seem to be apparent that tuberculosis did not occur any more frequently among the soldiers who had been gassed than among those who had not been.

Mr. President, without attempting to go into extended remarks, or of course attempting to give my opinion as that of one learned in these matters, I think an examination of the medical authorities and the investigations made by physicians among disabled men in the United States, in France, and in Great Britain will disclose the fact that the theory that gas injuries are conducive to tuberculosis is exploded. In fact, some of the most eminent investigators of the question have stated, after the most exhaustive investigations, that they are unable to ascertain any marked predisposition toward tuberculosis among those who have suffered from gas. I am well aware that these conclusions reached by men who have studied the question are not in accordance with the public sentiment of the time. I think, however, they are worth relating.

Something has been said upon more than one occasion concerning the effect of gas poisoning upon the eyes. If, again, we will take the Surgeon General's report, we will find that 86 men in the American Expeditionary Forces were totally blinded—lost the sight of both eyes—440 were partially blinded in both eyes, and 644 were blinded in one eye. Of the gassed patients it is stated that 4 wefe blinded in both and 25 in one eye, a total of 29. These 29 were only 3.85 per cent of all those suffering blindness in one or both eyes. In other words, the bullets or high explosives and other methods of warfare than gas were responsible for twenty-five times as many blinded as the gas.

Mr. President, chemical warfare accounted in the British Army during the last 18 months of the war, which was approximately the period of our participation in the war, for 160,000 gas casualties. The death rate of that 160,000 was 2.5 per cent, about one-eleventh of the death rate among those who suffered from bullets and high explosives and shells.

Chemical warfare during our participation in the war accounted for 30 per cent of all the casualties in the American Expeditionary Forces. It accounted for a like percentage of casualties in the British service and, I assume, a like percentage in the French service.

I know I am speaking in contradiction of a very well-defined public sentiment, but, nevertheless, I think I am justified in making this observation. The question has occurred to me, Can any weapon which in a great war accounts for one-third of all the casualties be definitely and finally barred from use in the wars of the future? Will a nation in the future, with its back to the wall, fighting desperately for its life, refrain from using a weapon against the soldiers of its enemies which the last war has shown accounts for 30 per cent of the casualties?

It is easy, Mr. President, to declare prohibitions against the use of weapons in warfare. If I read history aright, the same protest was made against gunpowder many generations ago. It became too effective, however, for any nation to decline to use it if its life were threatened. I fear, should another great war curse the world and nations be driven to desperation in protecting themselves against what they may consider to be unprovoked and piratical attack, that when that day shall come article 5 of the pending treaty will not be worth the paper it is written on. Speaking for myself alone, I am not enthusiastic about entering into declarations concerning which there is a very strong probability of violation in the future.

War is cruelty organized. We can not escape that conclusion. All war is cruel. There is not a weapon used in it that is not cruel. Which is the more cruel, a high-explosive shell which tears off a man's arm and blinds him and condemns him for the rest of his poor life to stagger down the pathway toward the grave, never free from suffering, of a gas wound which mutilates not at all and from which the medical records now show the soldier, in a comparatively short time in an overwhelming majority of cases, entirely recovers? If we are to draw the line of demarcation as between a more cruel weapon and a less cruel weapon, frankly I can not see why it should be drawn in favor of the high-explosive shell and against the gas.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WADSWORTH. Certainly.

Mr. HITCHCOCK. I suggest to the Senator, while I rather sympathize with his argument, that after all the use of poisonous gases is only in its infancy, and if we permit the cultivation and development of the poison-gas science it may be a much more terrific and destructive element in the next war.

Mr. WADSWORTH. Doubtless that is true. The same degree of progress, however, could be noted in high explosives. The high explosive was never used to any considerable degree until this war. Of course, gunpowder was used for a long time before, but not high explosive as now known.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. The Senator says he is very much of the opinion that article 5 would become a dead letter in some emergencies which he has described. I have no doubt at all but what that would be true; but does not the Senator think that the same rule would apply, for instance, with reference to submarines? Does the Senator think that any nation which was fighting for its life would hesitate to use its submarines against a merchant vessel which was feeding its enemy? I think that a man carrying on the war at the head of the army or at the head of the navy who would give orders that merchant vessels should be respected which were carrying food to the enemy that was pushing him to the wall would be immediately displaced and somebody else put in his place.

Mr. WADSWORTH. I think there is this distinction: The submarine as used in the last war was used very largely against noncombatants, against the passengers and crews of merchant vessels, unarmed and helpless. When it is used against a belligerent vessel, a vessel of war, I think it is just as merciful and just as cruel as the high-powered shell from the 14-inch gun, not much more, not much less. What I have been arguing about is the use of chemical warfare between armies and between navies, which use is prohibited by the pending treaty. The use of the submarine against war vessels is not prohibited by the treaty.

Mr. BORAH. No; but the submarine is practically worthless as a war vessel, as the records of the last war show.

Mr. WADSWORTH. I would hardly subscribe to that. There were a good many vessels sunk by submarines.

Mr. BORAH. If Mr. Lee, who represented the English Government, is correct in his figures, which I have, it was practically a useless war instrument. It accomplished very little in that respect. Its efficiency in effect was wholly with reference to the destruction of commerce.

Mr. WADSWORTH. That was the principal use made of it, of course, by the Imperial German Government, and yet it was made use of by the German Government and by the other belligerents in attacks upon war vessels; but this treaty does not pretend to prevent or prohibit that.

Mr. President, it has seemed to me there has been much misunderstanding about this weapon which is now called new; yet I think centuries ago certain gases were used in the wars of the ancient peoples; Greek fire was used; but, as I understand, article 5 might be construed to prohibit a flaming liquid?

Mr. LODGE. Oh, yes.

Mr. WADSWORTH. The question is, Can the treaty prevent one of two armies or prevent both armies from using weapons which will tend to destroy their respective enemies? I contend that no treaty can do that. Not only is war cruelty organized, but war is waged for destruction, and if the whole world knows that every chemical industrial plant within the borders of a nation stands ready any day of the year to turn out a weapon such as poison gas, which may be used by its soldiers in the field in the next great war, if there shall be another, the whole world will use that weapon. Not a day goes by in the industries of the United States but what poison gas is made as an incident to industry. Take chlorine. It is made from common salt; it is used all over this country to purify the water supplies of cities. Phosgene is used for exceedingly important industrial purposes.

Poison gas is used for the whitening of print paper, which makes it possible for newspapers to be printed in the form in which they now appear. These elements are used every day in our industrial life. Can any Senator tell me, that being the case and the weapon standing ready to hand in the event of a desperate struggle between armies, no army will use it, especially when it is known that in the last great war the weapon accounted for 30 per cent of all the casualties? Let us look things straight in the face as practical people.

It would be a blessing, Mr. President, could we abolish all these cruelties, such as the high explosives and the airplane bomb. Can there be anything much more cruel in its effects than a 2,000-pound bomb dropped from an airplane, literally tearing men to pieces? Nothing is said in this treaty about the use of airplanes which fly in the dark of the night and drop their loads of destruction upon huddled human beings, be they soldiers or civilians.

Mr. FRANCE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Maryland.

Mr. FRANCE. Does not the Senator believe that all these horrors will be things of the past when we shall have ratified the pending treaties? I understood that the purpose of this treaty was to secure the peace of the world. If that is not its purpose, I should like to know what its purpose is.

Mr. WADSWORTH. I understand the Senator's sarcasm.

Mr. FRANCE. I should like to inquire of the Senator from New York, who is the chairman of the Committee on Military Affairs, if these treaties are merely treaties to make new rules for warfare, or if they are treaties to secure the peace of the world?

Mr. WADSWORTH. The Senator from Nebraska [Mr. HITCHCOCK] pointed to the possible development of this weapon if it is not prohibited. There is no possible way of preventing its development. It is being developed to-day. If we should disband our Army and our Navy completely, it would still be developed in our industries. It is being developed in every industrial country of the world. The industries to which I have referred have been familiar with the effects of gas upon the human organism for many years.

Mr. WALSH of Montana. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Montana.

Mr. WALSH of Montana. In connection with what the Senator from New York has said, that this development will go on, I desire to remind him that we were told a week ago that it was the purpose of the British Government to prosecute experiments for the purpose of producing more deadly gases, not that it intends to precipitate the use of them but to be in readiness in case another country should do so.

Mr. WADSWORTH. Exactly.

Mr. WALSH of Montana. Of course, the other country will be prosecuting similar experiments; so that the work of developing this weapon expressly for the purpose of war will apparently go on.

Mr. WADSWORTH. Inevitably, Mr. President, no nation in its senses will dare to refrain from developing it in research.

Mr. WALSH of Montana. What I mean is that it will not be necessary to rely upon such development as may take place in industrial life; the development will apparently go on by the nations themselves for the express purpose of using gases in war in case of an exigency.

Mr. WADSWORTH. The Senator from Montana has cited the case of Great Britain; I am not familiar with that; but why not be perfectly frank about it? We are doing it.

Mr. BORAH. And on a very large scale.

Mr. WADSWORTH. We are developing chemical warfare.

Mr. WALSH of Montana. I referred to a statement made about a week ago to the effect that British experts were over here in this country examining into the developments and experimentations that have been taking place here in the Chemical Warfare Service of our Army with a view to acquainting themselves with such improvements as we have made, and it was in that connection stated to be the purpose of the War Department fully to expose to the British experts everything that had been done here, so that they might have the advantage of any improvements and progress that had been made in that direction by our Government.

Mr. WADSWORTH. There is no doubt about that. Not only will development go on in industry inevitably—we could not stop it if we tried to—but every nation will endeavor, in the open or behind closed doors, to continue its research under governmental auspices, for no nation will dare take a chance. Poison gases have proved too effective a weapon to be ignored. I should be much discouraged if the Army of the United States ceased to experiment in the perfection of gas masks on account of this treaty. We do not dare stop endeavoring to perfect a mask which will protect our soldiers in the event that their enemy shall use gas against them, and the only way to perfect a mask is to experiment with the gases and to see what kind of gases will penetrate the masks. So the entire research circle is involved.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Montana?

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. I should like to inquire whether the production of poisonous gases and the prosecution of experiments for the purpose of developing this weapon has not been restricted in Germany by the combined action of the Allies?

Mr. WADSWORTH. Yes; I think it has been.

Mr. WALSH of Montana. Would it not be possible, then, to restrict the development by various nations in exactly the same way? In other words, in addition to the agreement here not to use poison gas, might it not be advisable to have a further provision to the effect that no nation shall conduct researches for the purpose of developing gases as a weapon of warfare, and providing for reports and inspection exactly as in the case of Germany? Would it not be possible in that way to restrict the research to industrial activities?

Mr. WADSWORTH. I think not, Mr. President. Two, three, of five nations might enter into an agreement to restrict research work in gases projected for war purposes, but we could not stop private citizens of a country engaging in such research work; that would be utterly impossible. We might just as well enter into an agreement prohibiting a group of nations from conducting research in ballistics and in the tensile strength of steel in order to prevent in the future guns being manufactured which will shoot more than 70 miles, as the Big Bertha, fired by the Germans, did during the recent war. We can not stop these activities.

It may be discouraging for a Senator to make such an admission, but, Mr. President, we have got to look facts in the face; we can not stop research work. When a weapon is invented by a private citizen, whether it be a Colt automatic or a Browning machine gun, if he is a patriotic citizen, he takes it first to his Government, and if the Government can use it, is the Government to say to him, "No; you must stop your efforts toward developing that gun"? The Government will never do it in the world. Nor can we stop the development of the use of gases. It will go on inevitably; it will go on to the end of time, in my humble judgment. We may not live to see the day, but for one I would not be the least surprised if chemical warfare, developed to its highest point of perfection, made war infinitely more merciful than it is to-day. It is quite within the realm of possibility that gases shall be developed which shall put a whole opposing force out of action and yet not injure permanently a man in that force.

I think article 5 is drawn somewhat carelessly. It starts out with this paragraph, although this is not apropos of my argument, Mr. President—

The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties—

The phrase "other gases" is all inclusive. It reads:

Asphyxiating, poisonous, or other gases.

Mr. LODGE. To be used in war.

Mr. WADSWORTH. Yes; but there are gases used in war other than asphyxiating or poisonous gases.

Mr. TOWNSEND. What for?

Mr. WADSWORTH. For balloons, such as helium gas, and hydrogen. A strict construction would seem to prevent the use of any gas in war. Undoubtedly that is not meant.

I glance at the French text, and notice that the phrase is:

Gaz asphyxiants, toxiques ou similaires.

It would seem in the French text that the word "similaires" ties the matter up, but in the English text the equivalent of "similaires" is not used. That, however, is a point of comparatively small importance.

I make these observations, lonely as I may be while making them, because I honestly believe that the condemnation referred to in article 5 as a "just condemnation" is not a just condemnation; that this form of warfare is not more cruel than other forms: in fact, the figures show that it is less cruel. I know, too, that there is a very grave dread that chemical warfare gases may be used indiscriminately against civilian populations. That is true; but so can every other weapon used prior to the World War and during the World War be used against civilian populations. Cities were shelled by high-explosive shells; Paris was bombarded by the so-called Big Bertha at a distance of 72 miles.

Many more people in the cities of Paris and London, innocent civilians, were brutally killed by high explosives than were kill by gases. In fact, I think none were killed by gases. The German planes that bombarded London at night and Paris at night dropped high explosives upon innocent people. To my mind that is contrary to the laws and usages of war. But I do not recollect that any specific prohibition of the use of high explosives on that account has been agreed upon by any two nations. And so if we are measuring and comparing cruelties and the dangers to civilians while a great war is going on, for the life of me I can not see how the danger is any greater when it is accompanied by the use of chemical warfare gases than it is when chemical warfare gases are not used.

In my humble judgment article 5 of this treaty will neither add to nor detract from the cruelty of war. My dread is that it will be disregarded, and once more a group of great powers will in the end convict themselves of insincerity.

Mr. LODGE. Mr. President, I am never very sure about my own memory, but I find that I was not mistaken in saying that the United States signed the treaties prohibiting the use of poison and poisoned weapons.

By the first Hague convention it was prohibited—

To employ poison or poisoned arms.

And it was signed by Mr. Stanford Newel. I think the Senator probably overlooked it by looking at the adhesions on the first page. We signed; we did not adhere.

The second Hague convention——

Mr. WADSWORTH. Mr. President, may I interrupt the Senator? I have not examined that in some time, but my recollection is so clear that the American delegates declined to adhere or to agree on that occasion——

Mr. LODGE. Mr. President, they signed. They did not adhere, of course. They signed. The powers that adhered were the powers that did not sign, but adhered afterwards.

Mr. WADSWORTH. I will take the Senator's word for it, if it is in that book; but it is contrary to the testimony given before our committee.

Mr. LODGE. That is possible.

In the second Hague convention this language is used:

In addition to the prohibitions provided by special conventions it is especially forbidden—

To employ poison or poisoned weapons.

That treaty was signed by Joseph H. Choate, Horace Porter, U. M. Rose, David Jayne Hill, C. S. Sperry, and William I. Buchanan on the part of the United States. The ratification there was deposited at The Hague. In the first Hague convention Mr. Stanford Newel, minister at The Hague, signed,

and, of course, the name of the United States did not appear in the list of adhesions at the beginning.

Mr. WADSWORTH. With no reservation?

Mr. LODGE. No reservation that I can find at all. We have reservations, but not on that subject.

Mr. WADSWORTH. It is quite possible—in fact, it is more than possible; it is probable, now—that I was mistaken; but I invite the Senator's attention to the result. The nations paid no attention to it.

Mr. LODGE. That is quite true, yes; but I think, if the Senator will pardon me, that that is no argument. Undoubtedly the number of deaths in this war arising from poisoned wells was very small. Is that a reason for restoring to general use the poisoning of wells, which has been driven out of use simply by the effect of public opinion?

This clause in this treaty is not expected to prevent the use of poison gases at present. It is expected to do something toward crystallizing the public opinion of the world against it, and trying to make that public opinion more effective. I am aware that the losses of life in this war from poison gases were less than those from high explosives and other weapons; but it hardly seems to me an argument to say that because you kill more men with shells, therefore it is well to add another method of killing them. It seems to me just as well to get rid of methods of killing men, and to limit them as much as possible. The only way in which you can ever reach it is by the effect of public opinion. That is all that this clause is intended to effect. It is hoped that it will have some effect in that way.

It was obvious to the conference that it was impossible to make regulations for the production or the use of these poison gases, because they were made in the production of dyes and in all sorts of chemical productions of different kinds, and could not be dealt with. At least, no way yet has been found for their regulation or control for use in war; but there is the hope that public opinion may be crystallized against them, and I do not think it is an argument against a thing of this sort, any more than it is an argument to say, "What is the use of having statutes against murder? There are lots of murders. They will go on just the same. What is the use of passing statutes?"

In some way we want to build up public opinion, and the attempt was made here. It was made at The Hague. Of course, no attention was paid to it in the war. If the world is cursed with another such war, I dare say they will break out and use poison gases again; but there is always the hope that the opinion of the world may be so crystallized that it will prevent it, as public opinion alone has practically prevented the poisoning of wells or the giving of no quarter to prisoners. That has been done simply by the opinion of the world, and perhaps we shall get an opinion of the world by and by that will gradually be against all these methods; and if we can do something to stop one it is already something gained, and that was all. It is a repetition of what The Hague convention said, and was done with the same purpose.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed as in Committee of the Whole, it will be reported to the Senate.

Mr. WADSWORTH. Mr. President, I simply desire the record to show my disagreement with article 5. Apparently I am not to have an opportunity to vote on it.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. If there be no amendment in the Senate, without objection the resolution of ratification will be presented to the Senate.

The Assistant Secretary read the resolution of ratification, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M, Sixty-second Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan relating to the use of submarines and noxious gases in warfare, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McKINLEY]. I understand that if present he would vote as I shall vote, and therefore I will vote. I vote "yea."

I also desire to announce the absence of my colleague [Mr. ROBINSON] on official business. If present, he would vote "yea."

Mr. SHEPPARD (when Mr. CULBERSON's name was called). The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. If present, he would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I am advised that if he were present he would vote as I shall vote, and I therefore vote. I vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). My colleague [Mr. SMITH] is absent on official business. If he were present, he would vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I am informed that if that Senator were present he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who, if present, would vote as I shall do. I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BALL. Has the senior Senator from Florida [Mr. FLETCHER] voted?

The VICE PRESIDENT. He has not.

Mr. BALL. I have a general pair with that Senator, but I understand that if present he would vote as I intend to vote. I vote "yea."

Mr. FERNALD. Making the same announcement as before, I vote "yea."

Mr. BROUSSARD. My colleague, the senior Senator from Louisiana [Mr. RANSDELL], is absent on business of the Senate. If present, he would vote "yea."

Mr. TRAMMELL. My colleague [Mr. FLETCHER] is temporarily absent from the Senate on official business. He is paired with the senior Senator from Delaware [Mr. BALL], and if present would vote "yea."

Mr. LODGE. I desire to announce the absence of the senior Senator from Connecticut [Mr. BRANDEGEE] on account of illness. If present, he would vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. McKINLEY], the Senator from North Dakota [Mr. LADD], the Senator from Colorado [Mr. NICHOLSON], the Senator from Oklahoma [Mr. HARREld], the Senator from South Dakota [Mr. NORBECK], and the Senator from New Hampshire [Mr. KEYES] are absent on business of the Senate. If present, all these Senators would vote "yea."

I also wish to announce that the Senator from Delaware [Mr. DU PONT], the Senator from Minnesota [Mr. KELLOGG], and the Senator from Michigan [Mr. NEWBERRY] are necessarily absent. If present, they would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. McKELLAR], the Senator from New Mexico [Mr. JONES], and the Senator from Wyoming [Mr. KENDRICK] are absent on official business. If present, they would all vote "yea."

The roll call resulted—yeas, 72, nays 0, as follows:

YEAS—72.

Ashurst	France	McNary	Smoot
Ball	Frelinghuysen	Moses	Spencer
Borah	Gerry	Myers	Stanfield
Broussard	Glass	Nelson	Stanley
Bursum	Gooding	New	Sterling
Calder	Hale	Oddie	Sutherland
Cameron	Harris	Overman	Swanson
Capper	Harrison	Owen	Townsend
Caraway	Hitchcock	Pepper	Trammell
Colt	Johnson	Phipps	Underwood
Cummins	Jones, Wash.	Pittman	Walsh, Mass.
Curtis	King	Poindexter	Walsh, Mont.
Dial	La Follette	Pomerene	Warren
Dillingham	Lenroot	Rawson	Watson, Ga.
Edge	Lodge	Sheppard	Watson, Ind.
Elkins	McCormick	Shields	Weller
Ernst	McCumber	Shortridge	Williams
Fernald	McLean	Simmons	Willis

NOT VOTING—24.

Brandegee	Heflin	McKellar	Page
Crow	Jones, N. Mex.	McKinley	Ransdell
Culberson	Kellogg	Newberry	Reed
du Pont	Kendrick	Nicholson	Robinson
Fletcher	Keyes	Norbeck	Smith
Harreld	Ladd	Norris	Wadsworth

The VICE PRESIDENT. The yeas are 72, nays none. Two-thirds of the Senators present having voted in the affirmative, the Senate advises and consents to the ratification of the treaty.

TREATY CONCERNING CHINESE PRINCIPLES AND POLICIES.

Mr. LODGE. Mr. President, I shall not ask the Senate to continue with the consideration of the next treaty, but I ask that it may be taken up, so that it will be before the Senate and be the unfinished business.

The VICE PRESIDENT. The Chair lays before the Senate the treaty, which will be read by title.

The Assistant Secretary read as follows:

Executive F—A treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to principles and policies to be followed in matters concerning China, concluded at Washington February 6, 1922.

Mr. LODGE. I shall call the treaty up in the morning, and hope to have it disposed of.

GENERAL FEDERATION OF WOMEN'S CLUBS.

Mr. CUMMINS. As in legislative session, I report favorably, without amendment, from the Committee on the Judiciary the bill (H. R. 9979) to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs," and ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read as follows:

Be it enacted, etc., That section 2 of the act entitled "An act granting a charter to the General Federation of Women's Clubs," approved March 3, 1901, be, and the same is hereby, amended to read as follows:

"SEC. 2. That the said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall or may be required for the purposes of its incorporation not exceeding $500,000, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise encumber the real estate which it may hereafter own or acquire and may give therefor such evidences of indebtedness as such corporation may decide upon."

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEACE PORTAL BETWEEN THE UNITED STATES AND CANADA.

Mr. LODGE. Before moving to go into secret executive session I offer the resolution which I send to the desk, for which I ask present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 263), as follows:

Resolved, That the Senate of the United States desires to express its cordial sympathy with the erection and dedication of the peace portal between the Dominion of Canada and the United States as a memorial of the peaceful relations so long existing between the two countries, and extends to Samuel Hill and his associates its warm appreciation of their valued services in promoting this new bond of friendship between Canada and the United States.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and unanimously agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in closed executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess in open executive session until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate, in open executive session, took a recess until to-morrow, Thursday, March 30, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 29 (legislative day of March 28), 1922.

UNITED STATES PUBLIC HEALTH SERVICE.

Asst. Surg. John F. Mahoney to be passed assistant surgeon in the United States Public Health Service, to rank as such from March 18, 1922.

Asst. Surg. Marion F. Haralson to be passed assistant surgeon in the United States Public Health Service, to rank as such from March 18, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

First Lieut. William Lewis Wheeler, Infantry, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY.

CHAPLAINS.

To be chaplains, with rank of captain, from March 23, 1922.

Chaplain Frank Campion Armstrong.
Chaplain Nathaniel Alexander Jones.
Chaplain George Runyan Longbrake.

POSTMASTERS.

CALIFORNIA.

Joseph C. Dutra to be postmaster at Chula Vista, Calif., in place of G. A. Wiard. Incumbent's commission expired January 24, 1922.

Fred C. Alexander to be postmaster at Yosemite National Park (late Yosemite), Calif., in place of M. A. Thornton, removed.

Bertha Johnson to be postmaster at Outler, Calif. Office became presidential October 1, 1921.

GEORGIA.

James M. Lawson, jr., to be postmaster at Aragon, Ga. Office became presidential January 1, 1921.

Thomas W. Cobb to be postmaster at Warthen, Ga. Office became presidential April 1, 1921.

James W. Long to be postmaster at Ashburn, Ga., in place of J. F. Jenkins. Incumbent's commission expired August 7, 1921.

IDAHO.

William W. McNair to be postmaster at Middleton, Idaho. Office became presidential April 1, 1921.

Arthur W. Gayle to be postmaster at Dubois, Idaho, in place of J. E. Paul. Incumbent's commission expired January 24, 1922.

INDIANA.

John W. Williams to be postmaster at Walton, Ind. Office became presidential January 1, 1920.

William M. Lyon to be postmaster at Hillsboro, Ind., in place of H. J. Harris, resigned.

William E. Robinson to be postmaster at Jeffersonville, Ind., in place of J. E. Burke. Incumbent's commission expired July 21, 1921.

Ulysses G. Butcher to be postmaster at Oakland City, Ind., in place of Curtis Butler, resigned.

IOWA.

Glen M. Reynolds to be postmaster at Irwin, Iowa, in place of W. S. Branson, deceased.

KENTUCKY.

Lillian G. Hall to be postmaster at Eddyville, Ky., in place of P. C. Mayhugh. Incumbent's commission expired February 4, 1922.

MAINE.

Ivory J. Bradbury to be postmaster at Hollis Center, Me. Office became presidential April 1, 1921.

MASSACHUSETTS.

George B. Waterman to be postmaster at Williamstown, Mass., in place of P. J. Dempsey. Incumbent's commission expired January 24, 1922.

MISSISSIPPI.

William B. Stone to be postmaster at Fulton, Miss. Office became presidential April 1, 1921.

Henry P. Patton to be postmaster at Sardis, Miss., in place of J. H. McCraw. Incumbent's commission expired January 24, 1922.

MISSOURI.

Archie C. Atterberry to be postmaster at Atlanta, Mo., in place of W. N. Bledsoe. Incumbent's commission expired March 8, 1922.

John W. Smith to be postmaster at Browning, Mo., in place of J. R. Williams, resigned.

NEBRASKA.

Chester W. Harris to be postmaster at Ansley, Nebr., in place of L. D. Russell, removed.

Herbert C. Robbins to be postmaster at Wallace, Nebr., in place of H. C. Robbins. Incumbent's commission expired August 6, 1921.

NEW YORK.

George E. Opdyke to be postmaster at Landing, N. Y., in place of G. E. Opdyke. Incumbent's commission expired March 16, 1921.

John B. Read to be postmaster at Poland, N. Y., in place of Thomas McMahon. Incumbent's commission expired May 15, 1920.

NORTH CAROLINA.

A. Eugene Ward to be postmaster at Lake Junaluska, N. C. Office became presidential October 1, 1920.

OHIO.

Frank A. Hawkins to be postmaster at West Farmington, Ohio. Office became presidential October 1, 1921.

OKLAHOMA.

William A. Goren to be postmaster at Wetumka, Okla., in place of J. C. Puryear, resigned.

OREGON.

John A. McCall to be postmaster at Klamath Falls, Oreg., in place of W. A. Deizell. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Julia A. Ernst to be postmaster at Beavertown, Pa. Office became presidential July 1, 1921.

TENNESSEE.

Hillary R. Vaughn to be postmaster at Hendersonville, Tenn. Office became presidential April 1, 1921.

TEXAS.

Frances Ruge to be postmaster at Bandera, Tex. Office became presidential July 1, 1920.

Claud A. Howard to be postmaster at Bronson, Tex., in place of C. A. Howard. Incumbent's commission expired January 24, 1922.

VERMONT.

Walter J. Reirden to be postmaster at Richford, Vt., in place of C. M. Boright. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 29 (legislative day of March 16), 1922.

CHIEF JUSTICE OF SUPREME COURT OF HAWAII.

Emil C. Peters to be chief justice, Supreme Court of the Territory of Hawaii.

ASSOCIATE JUSTICE OF SUPREME COURT OF HAWAII.

Antonio M. Perry to be associate justice, Supreme Court of the Territory of Hawaii.

UNITED STATES MARSHALS.

Albert L. Sittel to be United States marshal, southern district of California.

W. F. Appleby to be United States marshal, western district of Tennessee.

POSTMASTERS.

ARKANSAS.

James H. Elkins, Blytheville.
Edwin C. Widener, Delight.
Benjamin W. Allen, Hamburg.
Ida Burns, Heber Springs.
Henry B. Osterholt, Jerome.
James F. Rieves, Marion.
Grace P. Stark, Marked Tree.
John Q. Skipper, Morrilton.
Edward L. Hamilton, McCrory.
Henry Bringman, Pine Bluff.
William O. Roberts, Sheridan.
Lee R. See, Swifton.
Edgar E. Hudspeth, Texarkana.

CONNECTICUT.

William S. Tifft, Seymour.

DELAWARE.

Stephen W. Miller, Camden.
Arthur S. Hearn, Laurel.
Mark L. Davis, Milford.
Josiah D. Robbins, Milton.
Willard L. Harris, Wyoming.

FLORIDA.

Charles N. Hildreth, jr., Live Oak.

ILLINOIS.

Henry A. Moses, Uvalda.
Emmett D. Dial, Woodstock.

IDAHO.

Benjamin O. Braham, Kellogg.

INDIANA.

Joseph A. Spears, Loogootee.

IOWA.

Sid J. Backus, Algona.
Laura M. Smith, Montour.

KANSAS.

William R. Logan, Eskridge.
Henry Uhlenhop, Leonardville.
Leo Herrman, Liebenthal.
Philip S. McMullen, Norwich.

KENTUCKY.

Wyatt M. Insko, Carlisle.
Francis A. Wiseman, Cecilia.
Snowden Shirley, Sanders.
Albert R. Hornback, Sonora.

LOUISIANA.

Esther Boudreaux, Donner.
Harry J. Monroe, Elton.
Carl C. Brown, Haynesville.
Dennis M. Foster, jr., Lake Charles.

MAINE.

Everard J. Cove, Biddeford.
William C. Bryant, Lewiston.
Robert A. Alexander, Saco.

MASSACHUSETTS.

Russell E. McKenzie, Foxboro.
William S. Curtis, Hanover.
Samuel F. Brown, Indian Orchard.
Harry E. King, Millis.
Arthur I. Randall, Rockland.
Thaddeus B. Fenno, Westminster.
Benjamin R. Gifford, Woods Hole.

MICHIGAN.

Lewis J. Hough, Flushing.

MINNESOTA.

John J. Fitzgerald, De Graff.
Otto C. H. Heinzel, Sauk Rapids.
Edward B. Hicks, Winona.

MISSOURI.

Russell E. Worth, Bogard.
Fred R. Moran, Branson.
Alfred L. Jenkins, Chula.
Ada C. Luna, Gainesville.
Lewis E. Nicholson, Green Ridge.
Avery P. Blankenship, Holcomb.
Joseph Snider, Ludlow.
Mary Shivers, Malden.
Mary E. Blackburn, Malta Bend.
Lawrence J. Glover, Newark.
Henry Dodge, New London.
Fred M. Meinert, O'Fallon.

MONTANA.

Leontine M. Turco, Absarokee.
James N. Starbuck, Valier.

NEW HAMPSHIRE.

Albert C. Cochran, Andover.
Dana B. Rounds, Hill.

NEW JERSEY.

Fred D. Matteson, Berlin.
Charles Morgenweck, sr., Egg Harbor City.
Mary E. Cubberley, Hamilton Square.

NEW MEXICO.

Claud E. Herndon, Cloudcroft.

NORTH CAROLINA.

Marion B. Prescott, Ayden.
Jethro A. Hooper, Elizabeth City.
Otis M. Davis, Fremont.
Walter H. Finch, Klittrell.
Mack H. Brantley, Spring Hope.
Charles M. Freeman, Troy.

OKLAHOMA.

LeRoy K. Butts, El Reno.
James W. Elliott, Fairland.
George M. Caldwell, Maramec.
Dan Voorhees, Walters.

RHODE ISLAND.

Henry D. Banks, East Greenwich.

SOUTH CAROLINA.

Thomas J. Karnes, Georgetown.

TENNESSEE.

Mamie B. Riley, Humboldt.
Solomon Seches, Memphis.
Helen M. Ruef, Sewanee.
Ocie C. Hawkins, Stanton.

TEXAS.

Charles E. Wood, Alto.
Hugo Simon, Farmersville.
Lee K. McKewen, Huntington.

Wilmer D. Randolph, Menard.
Augustus S. Hightower, Millsap.
Thomas A. Matlock, Petrolia.
Hugh D. Burleson, Streetman.
Frank L. Irwin, Terrel.
John Plummer, Thurber.

WEST VIRGINIA.

Scott Straley, Janelew.
Herman H. Haeberle, Macdonald.
John W. Kastle, jr., Martinsburg.
J. Carlin Hustead, Meadowbrook.
William N. Cummins, Red Jacket.
Mamie H. Barr, Winfield.

WISCONSIN.

Theodore Buehler, jr., Alma.
James W. Simmons, Corliss.
Emma Thompson, Deer Park.
Harry J. Lugner, Nashotah.
Carlton C. Good, Neshkoro.
Harry B. Loper, West De Pere.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 29, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father of infinite truth and wisdom: Look upon us and see that our minds are awake with good desire. We accept this day as having some good meaning. Thou wilt not disappoint us; direct Thy purpose and in all diligence and high expectation may it be accomplished. Be with the family that is just now in the shadows of their sacred dead. Comfort them in faith that the blossom of the pure womanhood has only been transplanted to the gardens of God. Shed Thy light upon us that understanding and knowledge may prevail. We ask for true strength and true greatness to be revealed unto us. Bless our whole country. May our entire citizenship stand together in compelling desire for those principles that enrich and ennoble our Republic, and may the springtime of God come everywhere. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WAR DEPARTMENT APPROPRIATION BILL.

The SPEAKER. The unfinished business is the bill making appropriations for the Army on which the previous question was ordered. The question is on agreeing to the amendments. Is a separate vote demanded on any amendment?

Mr. SISSON. Mr. Speaker, I ask for a separate vote on the items increasing the National Guard. I believe there are three of those items. I have not before me the bill as amended. Is that correct?

The SPEAKER. Yes.

Mr. SISSON. I ask for a separate vote on those amendments.

The SPEAKER. On each one of the three?

Mr. SISSON. Well, I do not know the numbers; I have not the amendments before me.

The SPEAKER. Does the gentleman want a vote on all three?

Mr. SISSON. On all three of those amendments. One amendment is——

The SPEAKER. The Chair thinks he understands what the gentleman desires. Is there any other amendment on which a separate vote is demanded?

Mr. BLANTON. I ask for a separate vote on the Dempsey $15,000,000 proposition.

The SPEAKER. Is there a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 79, line 23, strike out "$800,000." and insert in lieu thereof "$1,002,800."

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. CRAGO) there were—ayes 33, noes 48.

Mr. CRAGO. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Clearly there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 188, nays 145, answered "present" 1, not voting 96, as follows:

YEAS—188.

Andrew, Mass.	Dunn	Kirkpatrick	Pringey
Ansorge	Dupré	Kissel	Purnell
Appleby	Dyer	Kline, Pa.	Radcliffe
Arents	Echols	Kraus	Raker
Aswell	Edmonds	Kreider	Ramseyer
Bacharach	Elliott	Lagton	Rayburn
Barbour	Ellis	Lazaro	Reavis
Barkley	Fairchild	Lea, Calif.	Rhodes
Beedy	Fastok	Leatherwood	Rogers
Benham	Fenn	Lee, N. Y.	Ryan
Bixler	Fish	Lehlbach	Sanders, Ind.
Blakeney	Focht	Linthicum	Scott, Mich.
Bland, Ind.	Fordney	Lindsay	Scott, Tenn.
Bland, Va.	Free	Little	Siegel
Blanton	Freeman	Logan	Smith, Idaho
Bond	Frothingham	Lubring	Smith, Mich.
Brooks, Pa.	Funk	Lyon	Sproul
Brown, Tenn.	Gallivan	McArthur	Steenerson
Bulwinkle	Gensman	McClintic	Stephens
Burdick	Gernerd	McCormick	Strong, Pa.
Burroughs	Glynn	McFadden	Summers, Wash.
Butler	Graham, Ill.	McLaughlin, Mich.	Swank
Cable	Greene, Mass.	McLaughlin, Nebr.	Sweet
Campbell, Pa.	Greene, Vt.	McLaughlin, Pa.	Swing
Cantrill	Griest	McPherson	Tague
Carter	Griffin	MacGregor	Taylor, N. J.
Chandler, N. Y.	Hadley	Magee	Taylor, Tenn.
Chindblom	Hardy, Colo.	Maloney	Ten Eyck
Clarke, N. Y.	Hawes	Mapes	Tilson
Classon	Hawley	Merritt	Timberlake
Cole, Ohio	Hayden	Michener	Tinkham
Colton	Hays	Mills	Treadway
Connell	Hickey	Montague	Tyson
Connolly, Pa.	Hutchinson	Montoya	Underhill
Copley	Jefferis, Nebr.	Moores, Ind.	Vaile
Coughlin	Jeffers, Ala.	Morin	Vestal
Crago	Johnson, Ky.	Mott	Volk
Crowther	Johnson, Wash.	Nelson, A. P.	Walsh
Cullen	Jones, Pa.	Newton, Mo.	Watson
Curry	Keller	Norton	Weaver
Dale	Kelley, Mich.	O'Brien	Webster
Dallinger	Kelly, Pa.	O'Connor	White, Me.
Darrow	Kennedy	Osborne	Winslow
Davis, Minn.	Ketcham	Paige	Wood, Ind.
Dempsey	Kiess	Parker, N. Y.	Wright
Denison	Kindred	Peterson	Yates
Dowell	King	Pou	Zihlman

NAYS—145.

Ackerman	Dickinson	Lawrence	Sears
Andrews, Nebr.	Dominick	Lehlbach	Shaw
Anthony	Evans	Longworth	Shelton
Atkeson	Driver	Lowrey	Sinclair
Blackland	Evans	Luce	Sinnott
Buck	Foster	McSwain	Sisson
Begg	Frear	Madden	Smithwick
Bird	French	Mann	Sproul
Black	Fuller	Martin	Stafford
Bowers	Fulmer	Mead	Steagall
Bowling	Garner	Millspaugh	Stedman
Box	Garrett, Tenn.	Mondell	Stevenson
Brand	Garrett, Tex.	Moore, Ill.	Strong, Kans.
Briggs	Gilbert	Moore, Ohio	Summers, Tex.
Britten	Goodykoontz	Moore, Va.	Thomas
Brooks, Ill.	Green, Iowa	Morgan	Thompson
Browne, Wis.	Hardy, Tex.	Nelson, J. M.	Tillman
Buchanan	Harrison	Nolan	Tincher
Burtness	Haugen	Oldfield	Towner
Burton	Hersey	Oliver	Tucker
Byrnes, S. C.	Hoch	Overstreet	Vare
Byrns, Tenn.	Hooker	Padgett	Vinson
Campbell, Kans.	Huddleston	Park, Ga.	Voigt
Cannon	Hudspeth	Parks, Ark.	Volstead
Chalmers	Hukriede	Perkins	Wheeler
Chandler, Okla.	Humphreys	Porter	White, Kans.
Clagun	Johnson, Miss.	Rankin	Williams
Clouse	Johnson, S. Dak.	Rees	Williamson
Cole, Iowa	Kincheloe	Reed, W. Va.	Wilson
Collier	Kinkaid	Ricketts	Wingo
Collins	Knutson	Roach	Wise
Cooper, Ohio	Kopp	Robertson	Woodruff
Cooper, Wis.	Langley	Robsion	Woodyard
Cramton	Lanham	Rouse	Young
Crisp	Lankford	Rucker	
Davis, Tenn.	Larsen, Ga.	Sanders, Tex.	
Deal	Larson, Minn.	Sandlin	

ANSWERED "PRESENT"—1.

Herrick

NOT VOTING—96.

Almon	Connally, Tex.	Gorman	James
Anderson	Doughton	Gould	Jones, Tex.
Bell	Drewry	Graham, Pa.	Kahn
Boles	Dunbar	Hammer	Kearns
Brenham	Fairfield	Hicks	Kendall
Brinson	Faust	Hill	Kitchin
Burke	Fess	Hines	Kleczka
Carew	Fields	Hogan	Kline, N. Y.
Christopherson	Fisher	Hull	Knight
Clark, Fla.	Fitzgerald	Husted	Kunz
Cockran	Gahn	Ireland	Lampert
Codd	Goldsborough	Jacoway	Lee, Ga.

McDuffie	Patterson, Mo.	Rose	Sullivan
McKenzie	Patterson, N. J.	Rosenbloom	Taylor, Ark.
Mansfield	Perlman	Rowdale	Taylor, Colo.
Michaelson	Quin	Sabath	Temple
Miller	Rainey, Ala.	Sanders, N. Y.	Upshaw
Mudd	Rainey, Ill.	Schall	Walters
Murphy	Ramsey	Shreve	Ward, N. Y.
Nelson, Me.	Reber	Siemp	Ward, N. C.
Newton, Minn.	Reed, N. Y.	Snell	Watson
Ogden	Riddick	Speaks	Woods, Va.
Olpp	Riordan	Stinson	Wright
Parker, N. J.	Rodenberg	Stull	Wurzbach

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Kahn (for) with Mr. Bell (against).

Mr. Riordan (for) with Mr. Walters (against).

Mr. Sanders of New York (for) with Mr. Jacoway (against).

Mr. Sullivan (for) with Mr. Christopherson (against).

Mr. Carew (for) with Mr. Anderson (against).

Mr. Cockran (for) with Mr. Rosenbloom (against).

Mr. Hogan (for) with Mr. Lee of Georgia (against).

General pairs:

Mr. Miller with Mr. Almon.

Mr. Michaelson with Mr. Woods of Virginia.

Mr. Reed of New York with Mr. Goldsborough.

Mr. Lampert with Mr. Quin.

Mr. Patterson of New Jersey with Mr. Upshaw.

Mr. Mudd with Mr. Brinson.

Mr. Kearns with Mr. Drewry.

Mr. Wurzbach with Mr. Fisher.

Mr. Brennan with Mr. Kunz.

Mr. Murphy with Mr. Rainey of Illinois.

Mr. Olpp with Mr. Ward of North Carolina.

Mr. Kiesska with Mr. Doughton.

Mr. Speaks with Mr. Jones of Texas.

Mr. Hull with Mr. McDuffie.

Mr. Himes with Mr. Sabath.

Mr. Fess with Mr. Taylor of Colorado.

Mr. Snell with Mr. Wright.

Mr. Reber with Mr. Clark of Florida.

Mr. Rose with Mr. Fields.

Mr. Dunbar with Mr. Hammer.

Mr. Faust with Mr. Kitchin.

Mr. Patterson of Missouri with Mr. Connally of Texas.

Mr. Shreve with Mr. Taylor of Arkansas.

Mr. Ireland with Mr. Stoll.

Mr. Kendall with Mr. Mansfield.

Mr. Hicks with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the second amendment, which the Clerk will report.

The Clerk read as follows:

Page 79, line 25, strike out the proviso which reads as follows: "*Provided*, That this appropriation shall not be used to provide forage, bedding, etc., for more than 4,000 animals."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 80, line 20, after the parenthesis, strike out the figures "$9,000,000" and insert in lieu thereof "$11,000,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SISSON. Mr. Speaker, I demand the yeas and nays.

Mr. STAFFORD. Mr. Speaker, may we have the amendment reported again?

The amendment was again reported.

The SPEAKER. On that the gentleman from Mississippi demands the yeas and nays.

The yeas and nays were refused.

Mr. STAFFORD. Mr. Speaker, I demand a division.

The House divided; and there were—yeas 146, noes 62.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 114, line 24, after the word "navigation," strike out the figures "$27,625,260" and insert in lieu thereof the figures "$42,815,661."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 172, noes 75.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

Mr. MANN. Mr. Speaker, a point of order. The yeas and nays have been refused.

Mr. BLANTON. Not on this vote. The gentleman is mistaken.

The SPEAKER. That was on the other amendment. The question is on demanding the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ANTHONY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolution:

Senate Resolution 261.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. LUCIAN WALTON PARRISH, late a Representative from the State of Texas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess till 12 o'clock meridian to-morrow.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 282) to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

REPORT OF ALASKAN ENGINEERING COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on the Territories:

To the Congress of the United States:

I transmit herewith, for the consideration of the Congress, the report of the Alaskan Engineering Commission, for the period from January 1 to December 31, 1920.

WARREN G. HARDING.

THE WHITE HOUSE, *March 27, 1922.*

AUSTRIAN DEBT FOR PURCHASE OF FLOUR.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 160.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 160, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution No. 160 authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

Mr. MONDELL. Mr. Speaker, I make the point of order the motion is not in order. The resolution is not a privileged one.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] makes the point of order the resolution is not privileged.

Mr. LONGWORTH. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio desire to be heard on the question of the point of order?

Mr. LONGWORTH. I would like to be heard on the point of order.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. LONGWORTH. Mr. Speaker, the question involved in the point of order is whether this resolution carries with it the privilege conferred under the rules of the House upon bills raising revenue. The Constitution provides that bills for raising revenue must originate in the House, and paragraph 2 of Rule XI provides that bills relating to the revenue and such measures as purport to raise revenue and the bonded debt of the United States shall be referred to the Committee on Ways and Means. Paragraph 56 of Rule XI provides that the Ways and Means Committee have the right to report on bills raising revenue at any time.

The gentleman from Tennessee [Mr. GARRETT] the other day suggested that if this was a resolution to raise revenue, and hence privileged in the House, it would follow that the prerogative of the House to originate bills raising revenue had been violated, because the resolution had passed the Senate first, and that we should request of the Senate, if this resolution should be held privileged as raising revenue, to return it to us. The question involved here, Mr. Speaker, is whether the construction of the words "raising revenue" are necessarily the same from the constitutional point of view as from the point of view of interpreting the rules of the House.

The point I desire to make, Mr. President, is this, that the Speaker may construe this resolution to be in order as a privileged matter without also holding at the same time that the constitutional prerogative of the House to originate bills raising revenue has been violated. I call the attention of the Speaker to the almost uniform course of decisions of Speakers of the House in passing upon the construction of the words "raising revenue" as applied to the rules of the House.

Section 3076, of Fourth Hinds', refers to a case where Mr. Payne, of New York, as a privileged motion, moved that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of a bill to provide for reciprocal trade relations with Cuba, and the point of order was made that that was not a bill raising revenue. But the Speaker, Mr. Henderson, said:

The Chair will call the attention of the gentleman from Minnesota to Rule XI, clause 59, which provides that the Committee on Ways and Means may report at any time on bills raising revenue; and it has been repeatedly held that that included bills affecting the revenue. So that under the decisions under that rule the Chair is clearly of the opinion that the gentleman has a right to call up the bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. LONGWORTH. With pleasure.

Mr. MANN. Is it not a fact that the House took the position when the treaty was passed providing for reciprocal relations with Cuba that it was a matter that the House had to act upon, and that the Senate could not, because it affected the raising of the revenue?

Mr. LONGWORTH. I was not a Member of the House at the time, and I do not recall.

Mr. MANN. I do not know in what form it came before the House. The House took the position at that time that it was a matter so much affecting the revenue that it must be passed by the House. I think we passed a law to that effect.

Mr. STAFFORD. That was the Cuban reciprocity act, which was voted upon in special session called by President Roosevelt on November 9, 1903.

Mr. LONGWORTH. Not this particular one. This was when Mr. Henderson was Speaker. That was the term before I came to Congress. I do not recall it.

Mr. MANN. I spoke of the essential question as to the matter of fact of raising revenue.

Mr. LONGWORTH. The decision of the Chair was based on the fact that this was a bill that affected revenue, and did not raise revenue necessarily.

Now, in section 4624 of Fourth Hinds', "The words 'raising revenue' in the rule giving privilege to the Committee on Ways and Means are broadly construed to cover bills relating to the revenue." Section 4625 reads:

Under later decisions the words "raising revenue" in the rule giving privilege to the Ways and Means Committee is broadly construed to cover bills relating to the revenue.

That was the case of a joint resolution in reference to a free zone on the frontier of Mexico, and a point of order was raised that it was not a privileged resolution because it did not raise revenue. But the Chair held that it was not necessary that a bill should directly raise revenue, but it was privileged if it affected, even in a remote degree, the revenue, as this resolution now before us does. It does not raise revenue, but it affects, at least remotely, the revenue.

Mr. GARNER. Mr. Speaker, will the gentleman yield in that connection?

Mr. LONGWORTH. I yield.

Mr. GARNER. The resolution, as I understand it, has for its purpose something affecting the United States Grain Corporation. Now, while the United States Grain Corporation was a corporation owned by the Government, yet technically it is a private corporation. This resolution only concerns the proceeds of loans made to Austria by the Grain Corporation.

Mr. LONGWORTH. Such profits as it may make will eventually be covered into the Treasury.

Mr. GARNER. The Speaker would be in error if he should rule that it would affect the Treasury. It only affects the credits due to the Grain Corporation.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. WALSH. Assuming that the effect of this legislation would be to provide that the receipt of this sum will just balance the books of the corporation, does that affect the revenue of the Government in any way?

Mr. LONGWORTH. As a matter of fact, this obligation of Austria is a direct obligation to the United States.

But, Mr. Speaker, the point I am desiring to bring out is this: That the rulings of the Chair have always been to broadly construe, in relation to the House, the phrase "raising revenue." On the contrary, the courts in interpreting the phrase "raising revenue" have always construed it very strictly wherever the question was involved of the right of the Senate to originate a bill that was objected to on the ground of raising revenue, and Justice Story laid down the rule, which has been followed uniformly by the Supreme Court, that revenue bills are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue. In other words, it does not follow by any means that the ruling of the Chair sustaining the privilege of this motion to go into Committee of the Whole House means that this bill is one raising revenue in the sense that the House is being deprived of its privilege to originate revenue bills.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. STAFFORD. Would the gentleman from Ohio go to the extent in his position of contending that if we passed a law authorizing the Emergency Fleet Corporation to sell its ships, to be paid for in a certain time, the modification of that law extending that time would be a bill affecting revenue and be privileged under the rules of the House?

Mr. LONGWORTH. I do not think it would be necessary to answer that question in this precise connection. Of course, there is a very fine line that comes in all these questions affecting revenue. Many bills do affect the revenue indirectly which are not, properly speaking, revenue bills.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. COOPER of Wisconsin. What is the form of the indebtedness of the Austrian Government to the United States?

Mr. LONGWORTH. It is in the form of an obligation.

Mr. COOPER of Wisconsin. Is it in the form of a demand note? They all are, as I understand it; $10,000,000,000 of them.

Mr. LONGWORTH. No. It is a bond, in a sense, which is quoted fully in the report.

Mr. COOPER of Wisconsin. Is there any time fixed for the payment?

Mr. LONGWORTH. Yes: the 1st of January, 1925; and the object of this resolution is to extend the period for 25 years for the payment both of the principal and the interest, and that provision, in my judgment, does affect remotely the revenue.

Mr. COOPER of Wisconsin. My understanding is that these obligations were demand notes.

Mr. LONGWORTH. No. The gentleman is thinking of the loans to the Allies.

Mr. COOPER of Wisconsin. That is what I thought.

Mr. LONGWORTH. This is not a war loan at all. It is purely for charitable purposes.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. LONGWORTH. I yield with pleasure.

Mr. MANN. We have in bills on irrigation projects and on a good many sales of public lands the provision that certain amounts of money shall be paid to the Government by those who purchase the land. We frequently extend the time of payment. Would the gentleman from Ohio claim that a bill to extend the time of payment of any of those sums should go to the Committee on Ways and Means and have a privileged status in the House as a bill affecting the revenue of the Government, though doubtless we will get more revenue that way than we will this way?

Mr. LONGWORTH. No. I would not claim that the Committee on Ways and Means had jurisdiction.

Mr. MANN. What is the distinction between a payment due to the Government that is not privileged and an extension extending the time for the payment of a loan due a private corporation owned by the Government and making that privileged?

Mr. LONGWORTH. I think this proposition stands on about the same basis as the original Liberty loan acts, which loaned money to various governments and provided for the payment. This provides for the payment by way of extension. It extends the period of the payment. The Grain Corporation bill was reported as a privileged bill by the Committee on Ways and

Means. It was taken up, as a matter of fact, under suspension of the rules, and passed almost unanimously, but it was reported as a privileged bill, as I recall.

Mr. MANN. The Committee on Ways and Means has reported in my day bills establishing a collection district and relative to an employee in a customhouse as privileged, but none of them ever get by as privileged.

Mr. LONGWORTH. The only reason that the one affecting customs districts did not get by as being privileged was because there was a clause in it which referred to the merchant marine.

Mr. MANN. Oh, no. They used to call up those bills as privileged until some bright gentleman—I think I was the first one, though not very bright—made the point of order that those bills were not privileged.

Mr. LONGWORTH. The gentleman was bright enough to make the point.

Mr. MANN. And the Speaker sustained the point of order that it was not a privileged bill, because it was not a bill raising revenue or a bill affecting the revenue, although it affected the customs service.

Mr. GARNER. Does not the gentleman know that every bill that comes from the Ways and Means Committee is privileged, according to the gentleman from Michigan [Mr. FORDNEY] and now followed by the gentleman from Ohio [Mr. LONGWORTH]?

Mr. MANN. No; but doubtless they would be glad if such bills were privileged.

Mr. LONGWORTH. I concede, Mr. Speaker, that there is a twilight zone in a great many of these bills affecting the revenue, but the point I desire to bring out clearly as to the contention of the gentleman from Tennessee [Mr. GARRETT], that any bill in order to be privileged because it raises revenue must originate necessarily in the House of Representatives, is that the distinction is quite obvious between the constitutional construction of the phrase "raising revenue" and the construction of the Presiding Officer of this House, where the only thing involved is the procedure of the House.

Mr. WALSH. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Massachusetts.

Mr. WALSH. The gentleman is aware, of course, that the obligation of the Government of Austria was received from that Government under the signature of the vice president and treasurer of the United States Grain Corporation.

Mr. LONGWORTH. Yes.

Mr. WALSH. And apparently it is an independent transaction between the Government of Austria and the United States Grain Corporation, although the obligation is to pay to the United States Government in gold coin.

Mr. LONGWORTH. Yes.

Mr. WALSH. But it is a private transaction.

Mr. LONGWORTH. While the United States Grain Corporation acted then, as it does in all these transactions, as the agent of the United States Government, all the funds of the Grain Corporation eventually must find their way into the Treasury of the United States.

I do not desire to detain the House any longer, Mr. Speaker.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. Does the gentleman desire to discuss the point of order?

Mr. MONDELL. I wish to discuss the matter very briefly, Mr. Speaker.

The SPEAKER. The Chair is ready to rule.

Mr. MONDELL. Just a moment, if the Chair will allow me. I am favorable to the resolution which the gentleman from Michigan [Mr. FORDNEY] has attempted to call up. I think there is very little opposition to it in the House. There was, however, a very important question raised when the matter was first presented by the committee, as to whether or no this measure was privileged. If it was privileged because it raised or directly affected the revenue, then it should not have originated in the Senate. I think there are few who will contend that it does directly affect the revenue, and therefore it does not fall within the provision of the Constitution that revenue bills must originate in the House, but the gentleman from Ohio [Mr. LONGWORTH] raises the question as to whether or no there is a difference between the class of revenue measures that must originate in the House under the Constitution and the class of measures which may be considered privileged when reported from the Committee on Ways and Means. While there may be something in that argument, may I suggest that if there be a class of bills which do not fall within the constitutional provision that they must originate in the House, but which may nevertheless be considered as privileged when reported by the Committee on Ways and Means—whether that be true or not—this bill can not by any process of reasoning be brought within any such rule of construction, because it is not only not a bill raising revenue but it is not a bill directly affecting the revenue. It is a bill extending for a certain period of time the payment of certain obligations given by Austria to the Grain Corporation; and as the gentleman from Illinois [Mr. MANN] and other gentlemen have very clearly pointed out, if a measure of this sort may claim a privilege, then there is a very wide variety of bills that, when reported from the Committee on Ways and Means, might be declared to have a privileged status. It seems to me it is very clear, Mr. Speaker, first, that this is not a bill raising revenue or directly affecting it, and that therefore it might properly originate in the Senate; and, second, not being a bill raising revenue or directly affecting revenue, it has no privileged status here, although reported from the Committee on Ways and Means.

Mr. MOORE of Virginia. Mr. Speaker, may I say just one word on an interesting point suggested by this discussion? So far as the bills that are described in the Constitution as revenue bills are concerned, any question as to the character of those bills has been set at rest by decisions of the Supreme Court. There is quite a line of decisions by the Supreme Court and the other Federal courts to the effect that revenue bills within the meaning of the Constitution are in the strict sense revenue bills, bills that are designed simply for the purpose of raising revenue. That seems to be clear under the decisions; but on the other point I agree perfectly with the view presented by the distinguished gentleman from Illinois [Mr. MANN] and the gentleman from Wyoming [Mr. MONDELL], that if you are going to hold that a bill of this sort is within the meaning of the rule, then perhaps 75 or 85 per cent of the measures that are brought before the House might be placed in that category and would be considered as privileged.

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MANN. Where do we get our claim to originate general appropriation bills?

Mr. GARRETT of Tennessee. Only by custom. There is nothing in the Constitution about that.

Mr. MANN. Why, from the very beginning of the organization of Congress this House has maintained that a general appropriation bill was a bill affecting revenue, raising revenue under the Constitution.

Mr. LONGWORTH. For a great many years the Ways and Means Committee had jurisdiction over appropriations as well as over measures raising revenue.

Mr. MANN. Certainly; and that is the only place where we get the claim which we have maintained ever since the Government was started, and have kept it in spite of a very ambitious body located elsewhere, which would like to have the privilege.

Mr. GARRETT of Tennessee. They have not learned about it yet. [Laughter.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. LONGWORTH. I agree with the gentleman entirely, and I quoted a decision by Judge Storey that from a constitutional point of view the phrase "raising revenue" was always construed very strictly, but my point was that from the point of view of the rules of the House it had been construed very liberally, and I think the gentleman will concede that a bill which might be classed as a bill affecting the revenue under the procedure of the House would not necessarily be a bill which sought to be a bill raising revenue under the Constitution.

Mr. MOORE of Virginia. The Constitution is construed and its authorities cited in the case of Miller against Roberts (202 U. S. 429). While I agree with the gentleman from Ohio as to the point he has just made, I think he must agree with me that if the rule is given any such construction as he contends for, then any bill that remotely affects the question of revenue is privileged.

The SPEAKER. When this bill came over from the Senate the question was raised whether it was obnoxious to the provision of the Constitution that all bills for raising revenue must originate in the House, and, secondly, whether if that were not true that it was within our rule which gives the Ways and Means Committee power to report from the floor bills for raising revenue—both phrases being the same in the Constitution and the rules.

The Chair has had time to investigate the question with some care, and it seems to the Chair quite clear that this is not a bill for raising revenue as defined in the Constitution. The best definition the Chair has seen is in the Thirteenth of Blatchford, where the court says:

> Certain legislative measures are unmistakably bills for raising revenue. These impose taxes upon the people, either directly or indirectly, or lay duties, imports, or excises for the use of the Government, and to give to the persons from whom the money is exacted no equivalent in return, unless in the enjoyment in common with the rest of the citizens of the benefit of good government.

It seems to the Chair that that is a good definition of the phrase "for raising revenue," and that it does not include this bill. At the same time the Chair does not feel that it is necessary in this case to define exactly what the phrase does mean. The Chair was struck by the prudence of the court in another case, where in the One hundred and sixty-seventh United States it said:

> What bills belong to the class of bills for raising revenue is a question of such magnitude and importance that it is the part of wisdom not to attempt by any general statement to cover every possible phase of the subject.

In accordance with that the Chair will not attempt to rule what bills could and what may not come under this phrase, "bills for raising revenue." While it seems very clear that a bill which postpones the payment by the Government of Austria of an obligation incurred to the Grain Corporation is not a "bill for raising revenue," the Chair recognizes force in the argument made by the gentleman from Ohio [Mr. LONGWORTH] that there is a difference by construction in the meaning of the same phrase when it occurs in the Constitution and in our rules. That has arisen somewhat out of necessity or convenience because every tariff bill, for instance, contains necessarily administrative features which are connected with raising revenue and yet which strictly are not "bills for raising revenue." Because of that and similar cases there have grown up by rulings of Speakers, acquiesced in by the House, precedents which hold some bills privileged, though not strictly and exclusively raising revenue, but relating to or affecting the revenue. But the Chair does not think these precedents can sustain the point made by the gentleman from Michigan that this bill is privileged. It seems to the Chair that it is not a bill for raising revenue under the rule any more than under the Constitution, and therefore the Chair sustains the point of order.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution.

Mr. GARNER. Why does not the gentleman ask unanimous consent to give the bill a privileged status, and then we will take it up under the rules of the House.

Mr. FORDNEY. Then, Mr. Speaker, I modify my request and ask unanimous consent that the resolution may be given a privileged status.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Senate joint resolution be given a privileged status.

Mr. HARDY of Texas. Mr. Speaker, I have no idea of objecting to this request, but I want to ask unanimous consent for the consideration of another matter after this is disposed of.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. HARDY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein a report of the Shipping Board touching discriminations and various forms of Government aid to shipping. This is a very illuminating report; it is not very long, and I think it is well worthy of being printed in the RECORD, because it will afford a splendid opportunity for study of this great question.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I see the gentleman holds a document in his hand. Is that the one that he desires to have printed?

Mr. HARDY of Texas. That is the one.

Mr. MANN. I think I have one in my office which is three times as thick as that which the gentleman now holds.

Mr. HARDY of Texas. I have no doubt the gentleman has, and that has been sent to all of the Members of Congress. I wish this particular one could be placed in the RECORD so that Members may see it also.

Mr. MANN. Is it the same thing?

Mr. HARDY of Texas. No: it is different.

Mr. MANN. Was not the former one printed and sent around to Members of Congress?

Mr. HARDY of Texas. This was made in November.

Mr. MANN. Has not that been printed?

Mr. HARDY of Texas. Not that I ever heard of. It was sent with a letter of transmittal from the chairman of the Shipping Board to the members of the Merchant Marine and Fisheries Committee, but I do not think it was sent to the general membership of the House.

Mr. MANN. I received one some time ago, which I think was printed by the Committee on the Merchant Marine and Fisheries and which was sent to Members.

Mr. HARDY of Texas. I do not think this is the one. I want to get it in the RECORD, so that all of the Members can see it.

Mr. MANN. I hope the gentleman will defer his request until we can find out whether it has been printed or not.

Mr. SCOTT of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. SCOTT of Michigan. Is not this the first publication sent to the members of the Committee on the Merchant Marine and Fisheries?

Mr. HARDY of Texas. This was sent in November.

Mr. SCOTT of Michigan. Yes.

Mr. MANN. I have a printed copy of it.

Mr. HARDY of Texas. It must have been printed as a document, but it has not gone into the RECORD in any way.

Mr. MANN. But there is no need to print all of these things in fine print in the RECORD. No man with sense will read it in the RECORD. This has been printed in proper shape as a document.

Mr. HARDY of Texas. This is very illuminating, and Members of Congress should have an opportunity to read it.

Mr. MANN. It is so illuminating, I will state to the gentleman, that when I received it with a letter from a gentleman urgently in favor of ship subsidy, coming from the Shipping Board, I read it, and found that it was an argument against ship subsidy. I read it. It is in print. What is the use of printing it in the RECORD? It is available to everyone.

Mr. HARDY of Texas. But it is not in print accessible to Members of Congress.

Mr. MANN. Well, I am just an ordinary Member of Congress, and I have it.

Mr. WALSH. Mr. Speaker, is it the gentleman's purpose to have this voluminous document which we received the other day also printed in the RECORD?

Mr. HARDY of Texas. No.

Mr. WALSH. It has already been printed once, and has been received and probably read by a great many Members and forgotten by this time. I do not think we ought to establish the precedent of printing it in the RECORD.

Mr. HARDY of Texas. Does the gentleman know that this has been printed.

Mr. WALSH. I received a copy of it early in the year. I am quite sure.

Mr. HARDY of Texas. Mr. Speaker, I shall withdraw my request at present until I can further investigate the question.

AUSTRIAN DEBT FOR PURCHASE OF FLOUR.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 160, authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield pending that?

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. Has the gentleman any thought in his mind about the time which he wishes to use?

Mr. FORDNEY. No. I would like to arrange time that is agreeable. I do not think it is necessary to take up very much time. It is a matter that ought not to take up much time. I suggest 30 minutes on a side, if that would be agreeable.

Mr. GARNER. I have had some requests for time on this side of the House for general discussion of other matters.

Mr. FORDNEY. I have had no requests.

Mr. GARNER. The gentleman from Kentucky [Mr. THOMAS] asked for some time.

Mr. MONDELL. Mr. Speaker, may I suggest to the gentleman that we will take up an appropriation bill very soon, and then will have some general debate upon that.

Mr. GARNER. I have a request only from the gentleman from Kentucky. I do not know that I shall occupy more than 5 or 10 minutes. I imagine 30 minutes on a side probably would be sufficient. A gentleman in front of me just now asked for 5 minutes. The gentleman knows how these requests come.

Mr. MONDELL. Mr. Speaker, we can be rather liberal under the five-minute rule if gentlemen need more time. I think an hour ought to be enough.

Mr. GARNER. Very well; that would be agreeable.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that general debate be limited to 30 minutes on a side, one-half to be controlled by the gentleman from Texas [Mr. GARNER] and one-half by myself.

The SPEAKER. Pending the motion, the gentleman from Michigan asks unanimous consent that the time for general debate be limited to one hour, half to be controlled by himself and half by the gentleman from Texas [Mr. GARNER]. Is there objection?

Mr. KING. Mr. Speaker, reserving the right to object, will that give sufficient time for the gentleman from Michigan to yield to a few interrogatories in connection with the bill?

Mr. FORDNEY. I think so.

Mr. MANN. Reserving the right to object, will that grant sufficient time to make a statement about this loan, which is not apparently in the report?

Mr. GARNER. No; that will not give sufficient time, and if we had six hours it would not give sufficient time, because they have not the information. There was no hearing on this bill; there is no information so far as the committee is concerned touching the legislation at all.

Mr. MANN. I suspected that was the truth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the joint resolution by title.

The Clerk read as follows:

Senate Joint Resolution 160, authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Michigan.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 160, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Whereas the economic structure of Austria is approaching collapse and great numbers of the people of Austria are, in consequence, in imminent danger of starvation and threatened by diseases growing out of extreme privation and starvation; and

Whereas this Government wishes to cooperate in relieving Austria from the immediate burden created by her outstanding debts: Therefore be it

Resolved, etc., That the Secretary of the Treasury is hereby authorized to extend, for a period not to exceed 25 years, the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and to release Austrian assets pledged for the payment of such loan, in whole or in part, as may in the judgment of the Secretary of the Treasury be necessary for the accomplishment of the purposes of this resolution: *Provided, however*, That substantially all the other creditor nations, to wit, Czechoslovakia, Denmark, France, Great Britain, Greece, Holland, Italy, Norway, Rumania, Sweden, Switzerland, and Yugoslavia, shall take action with regard to their respective claims against Austria similar to that herein set forth. The Secretary of the Treasury shall be authorized to decide when this proviso has been substantially complied with.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, on the 15th day of March, 1920, the House passed practically unanimously a bill which authorized the Grain Corporation to dispose of 5,000,000 bushels of flour for cash or on credit at such price and on such terms and conditions that might be necessary to carry out the purposes of the act which was to provide relief for the starving population of a number of countries in Europe. That bill was the result of a great deal of pressure brought on Congress both by the administration and by many well-meaning citizens outside to relieve the frightful cases of destitution and starvation prevailing principally in Poland, Armenia, and Austria. The original proposition involved a loan of about $150,000,000. The Congress was loath at that time to grant such a loan, particularly after the war was over, based on charity, pure and simple. And by the process of evolution we arrived at an extension of credit under circumstances which took no money whatever out of the United States Treasury directly. It was found that the Grain Corporation had on hand as a net profit from its various transactions about $30,000,000 worth of flour. It was flour of not such a high grade as could be well disposed of in this country, but it was amply good for the starving people abroad. Following the passage of that bill about $24,000,000 worth of flour was sold to Austria on credit. We received from Austria an obligation similar to that which had been given to other countries who came to Austria's aid under the same circumstances, notably Great Britain, France, and Italy. The essential features of that obligation are these:

The Government of Austria for value received promises to pay to the Government of the United States of America, or assigns, on the 1st day of January, 1925, the principal sum of $24,086,798.56, on which interest will be paid half yearly at the rate of 6 per cent per annum from date of this obligation to the date of payment. Both the principal and the interest of this obligation will be paid in gold coin of the United States of America of the standard weight and fineness existing at the date of this obligation at the Treasury of the United States of America in the city of Washington, D. C., or at the option of one holder, at the subtreasury of the United States of America in the city of New York.

The principal and interest of this obligation will be paid without deduction for and will be exempt from any and all tax and/or charge, present and future, imposed by authority of the Government of Austria or its possessions or by any political or taxing authority within Austria.

This obligation is one of a series of obligations of similar tenor but in different amounts and payable in different currencies, all maturing on the 1st day of January, 1921, designated as "relief series B of 1920."

The Government agrees that no payment will be made upon or in respect of any of the obligations of said series issued by the Government of Austria before, at, or after maturity, whether for principal or for interest, unless a similar payment shall simultaneously be made upon all obligations of the said series issued by the Government of Austria in proportion to the respective obligations of said series.

Pursuant to the powers conferred upon it, the Reparation Commission has authorized the Austrian Government, under the control of the Austrian section of the Reparation Commission, to issue the present series of bonds, which shall be a first charge upon all the assets and revenues of Austria, and shall have a priority over costs of repatriation under the treaty of Saint-Germain, or under any treaty or agreement supplementary thereto, or under arrangements concluded between Austria and the allied and associated powers during the armistice signed on November 3, 1918, without prejudice to the obligations of Austria to pay the expenses of the armies of occupation, of the Reparation Commission, and of restitution, and to make deliveries and payments in kind under the treaty of Saint-Germain (except under article 181, and paragraph 19 of annex 2 of part 9), and under any protocols or agreements in force to the extent to which such deliveries may be required by the Reparation Commission or in accordance with the provision of the said treaty, protocols, or agreements by an interested power.

In other words, this bond constitutes a mortgage on all of Austria's assets, and the fact is that to-day the total income of the Government of Austria is not sufficient to pay the interest on this debt.

Mr. GARRETT of Texas. Will the gentleman yield, if it will not interrupt him?

Mr. LONGWORTH. Very briefly.

Mr. GARRETT of Texas. I want to ask the gentleman, as this bond does not mature until January, 1925, why need it be extended at this time?

Mr. LONGWORTH. Simply because of the fact that Austria's assets and her funds are tied up absolutely by these mortgages. Now, at the time we passed this bill the situation in Austria was described by the then Secretary of the Treasury, Mr. GLASS, based upon definite information he had received from persons who had been in Austria, and was as follows:

AUSTRIA.

In Austria the acute misery and suffering are probably greater than in Poland. Two-tenths only of the present Austrian State are self-supporting in food, and the remaining eight-tenths, even before the war, produced food to supply themselves for six months of the year at most, and were dependent for the remaining six months upon importations. Consequently the situation to-day, especially in Vienna, has become exceedingly grave, due to a shortage of coal and food. There is every indication that unless some relief is afforded immediately the population can not withstand the strain of conditions that are already well-nigh intolerable. Coal and food rations for domestic consumption have been reduced below a safety minimum, and it is only a question of days before existing stocks will be exhausted, when even the present reduced rations will become impossible unless new supplies are obtained. Already the forests in the neighborhood of Vienna are being cut down for the fuel, as are also many of the wooden dwellings. Famine riots have broken out in some Austrian towns during the past months, and, although the population of Vienna has shown admirable patience, this city and large parts of Austria are faced with the danger of a complete breakdown, which, according to the chancellor, Doctor Renner, must unavoidably occur by the end of January unless outside assistance is obtained.

Mr. WALSH. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman from Massachusetts.

Mr. WALSH. Is it the contention of the gentleman from Ohio that the collection of this debt by the United States should be postponed in order to give Austria a chance to contribute to reparation payments of France and Great Britain?

Mr. LONGWORTH. No; not at all. The object of this is to release Austria's revenues and assets from the mortgage which all those other nations hold upon it, and our release is based only on the condition that every other Government does the same thing in advance.

Mr. WALSH. What are they going to do with these funds when released—where are they going?

Mr. LONGWORTH. I assume that these funds will be used for the carrying on of the Government.

Mr. GARNER. Where does the gentleman get authority to make that statement?

Mr. LONGWORTH. I have no authority. I said I supposed. I do not know.

Mr. GREEN of Iowa. This is really for the purpose of enabling the Austrian Government to function, so that it may have its revenues, which are very insignificant and very small, indeed, to enable it to continue and go on with a view of relieving these suffering people to a certain extent.

Mr. WALSH. Will the gentleman state where he gets that information?

Mr. GREEN of Iowa. I get it from the Senate report and the investigation and hearings had on the subject.

Mr. WALSH. I did not know but what the gentleman was reading from a bulletin of the League of Nations.

Mr. KINDRED. Will the gentleman yield?

Mr. LONGWORTH. I promised to yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. The bond due our people, I understand, is something about $24,000,000 and some odd dollars?

Mr. LONGWORTH. Yes.

Mr. MANN. And the amount due Great Britain is equivalent to $16,000,000?

Mr. LONGWORTH. So I am informed.

Mr. MANN. Can the gentleman explain that part of the report where it says that Great Britain has loaned $16,000,000 and £5,560,460 and 8,863,960 lira? What do those figures mean?

Mr. LONGWORTH. These figures were taken from the Senate report.

Mr. MANN. The committee acted without any information, of course.

Mr. LONGWORTH. All the information was that these other Governments had loaned large amounts to Austria and were willing to release the assets if we did. I do not care whether it is sixteen or twenty or forty millions.

Mr. MANN. Would it not be just as well to have information on the subject? The figures in the report here are not intelligible or intelligent.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I will.

Mr. GARNER. Of course they are not. Those figures were copied by the committee. There was no hearing before the committee. They are copied from another report, and there is not a man on the committee that knows more about it than does the gentleman from Illinois.

Mr. MANN. The figures $16,000,000 in one case and $16,000,000 in another and 154,000,000 lira——

Mr. GREEN of Iowa. I hope the gentleman from Texas is speaking for himself as to the matter of lack of information.

Mr. GARNER. I could not speak for the gentleman from Iowa, because, as I said before, he knows very little about anything.

Mr. MANN. If the gentleman from Ohio [Mr. LONGWORTH] can explain these figures, I think perhaps I will vote for them.

Mr. LONGWORTH. I do not regard it as a matter of very much importance as to the exact amount that the other Governments have loaned to Austria. All I need to know is that Austria is in a desperate state; that we have loaned Austria, or rather we have sold to her on credit $24,000,000 worth of flour; that she is unable to pay that debt or the interest on it; and when I voted for the grain corporation bill I cared nothing about what security we got. I regarded it, and I regard it now, as an act of noble charity. I do not regard it in the same class as the debts owed to us by our allies, which were made for war purposes, and which they have agreed to pay us, and which I believe they will pay us. This was made long after the war was over.

Mr. LONDON. In answer to the question of the gentleman from Illinois [Mr. MANN], I suggest that the figures appearing on the first page of the report, of dollars, pounds, and lira, represent three separate loans, and the loan was in specific currency on each occasion. On one occasion it was written dollars, and on another it was written pounds, and on another it was written lira.

Mr. MANN. Does the gentleman from New York say that the Government of Great Britain is loaning money in lira or dollars?

Mr. LONDON. The only explanation that I have is the one I have given.

Mr. MANN. That is no explanation. [Laughter.] I have been trying ever since this thing started to get some intelligent statement. The gentleman from Ohio may know, but he will not tell.

Mr. LONGWORTH. I repeat that these figures are taken from the Senate report. They are a matter of absolutely no importance whatever. All we want to know is that other countries have come to the relief of Austria; that they are willing to release their loan, provided we do. I do not care whether it is $16,000,000 or 16,000,000 lira, or what it is.

Mr. LAYTON. As a matter of fact there is but one thing in this whole proposition, and that is that we know we have loaned so much money and will never get it back; it does not make any difference about hearings or anything else.

Mr. LONGWORTH. We know this: That the House passed, practically unanimously, a bill which authorized the sale of this flour to Austria, and it knew what the condition of Austria was then—that it was desperate. We know to-day there is practically no improvement.

Mr. LAYTON. That it is worse.

Mr. LONGWORTH. If anything, it is worse. And we know we can not get any interest on this; and even if we could, even if Austria was physically able to pay, this whole thing was a gift of charity. It was not based on war. We did what other nations did, came to the relief of starving people. Now, all this resolution undertakes to do is to postpone for 25 years the collection of that debt. And all of these technicalities that have been raised as to the value of this security, and whether it is properly expressed in francs, or lira, or in pounds, I do not think has anything to do with it. [Applause.]

Mr. GARRETT of Texas. Here is the question I want the gentleman to answer. I do not care anything about the figures that the gentleman raises the question about. What I want to know is this: If this obligation does not mature until January 1, 1925, and we do not press Austria for settlement of interest prior to that time, how would Austria be any less embarrassed than she is now if we delay it for 25 years?

Mr. LONGWORTH. If somebody had a mortgage on all of the gentleman's assets and income, and it was more than he could pay, he would be very much relieved by some such action as this. We are doing this out of charity.

Mr. WALSH. Why not cancel the debt?

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

AUSTRIAN DEBT FOR PURCHASE OF FLOUR.

The committee resumed its session.

Mr. GARNER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, as a general thing when the Republican members of the Ways and Means Committee get in trouble and get to a high hill which they have difficulty in climbing they call on the gentleman from Ohio [Mr. LONGWORTH], and he pulls over it all the camouflage information that he can gather on the outside and from his own intellect. When the committee ascertained that there was absolutely no information touching this matter naturally the gentleman from Michigan thought the gentleman from Ohio could perform better than anybody else, and he put him up to take the brunt of the fight.

Now, let us see what this bill really is. Some days ago Congress created a commission to do this identical work, and I want somebody to tell me why that commission does not function, if need be, in the matter of this Austrian indebtedness.

Mr. LONGWORTH. I am perfectly willing to answer it now.

Mr. GARNER. I will permit you to do so in a few moments. Nobody denies that this commission has the power to function. This commission, when appointed, can function and can function quickly, because all they have to do is to sit around the table with the duly authorized Austrian agent and settle the whole matter as proposed in this resolution.

But, gentlemen, that is not the reason for this resolution. In my opinion, this resolution is brought here for one purpose, and that purpose is that the refunding commission may say in the future that Congress has taken the lead in putting off the payment of the principal and interest of our foreign indebtedness for 25 years, and they are therefore authorized by precedent of Congress in extending the debt and interest on the loan for 25 years.

Mr. LONGWORTH. Will the gentleman permit me to ask him a question?

Mr. GARNER. I will.

Mr. LONGWORTH. Does the gentleman consider that the security is in the same class as those people to whom we loaned money?

Mr. GARNER. The gentleman from Ohio says the security is not in the same class as the other loans. Gentlemen, suppose you were representing Italy; suppose you were representing Greece, and you are negotiating with this Refunding Commission for the purpose of extending your debt; would you not call their attention to the action of Congress, in which they remitted not only the debt and interest for 25 years but released to Austria the security which it had given to secure the loan?

Mr. YOUNG. Mr. Chairman, will the gentleman yield?

Mr. GARNER. In a moment.

I say that the purpose of this bill, in my opinion, is to give this commission a shield behind which it can stand when anyone undertakes to criticize it for the methods pursued in settling these debts due from foreign governments.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. GARNER. In one second. I do not know, and neither do you know, and no man here knows but that when this security is released and this debt is extended for 25 years Austria will give that same security to some private individual or some other country. We release our security. What for? In order that Austria may give it to somebody else? There is not a particle of information before this House on that subject. There was none before the Senate, nothing to indicate that when this security was released some private individual, maybe some American banker, if you please, may not step in and say, "Now, for part of what you owe me or of what I will advance to you in addition, give me this security."

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. GARNER. I will yield to the gentleman in a moment. I will yield first to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I wonder, when the Italian loan is up before the American commission for settlement and the Italian representative reads of the passage of this resolution to the American commissioners, whether the gentleman thinks the Italian commissioner would read the gentleman's speech to the American commissioners at the same time. [Laughter.]

Mr. GARNER. Well, I will say to the gentleman from Illinois that I think this resolution should not pass before this situation is called to the House's attention. When it was discussed in the committee room it was suggested that this was merely a matter of $24,000,000, a mere bagatelle in proportion to the sums of money that we have been considering and talking about for the last four years.

Mr. MANN. In comparison with those sums of money, it is a mere bagatelle.

Mr. GARNER. That is a small consideration. Why, there was no hearing. They merely remarked that the Senate had passed it unanimously. I took the trouble to look at the Senate record, having curiosity to know what was said over there. There is only a short passage in the Senate record devoted to it. The Senate called it up, and it was stated that the Austrians could not pay, and it went through.

Mr. LONGWORTH. There was quite an extended debate in the Senate, covering four or five pages.

Mr. GARNER. But there was no information given.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. GARRETT of Tennessee. Of course, we passed the Russian relief bill without information. Is not this one of those emotional bills?

Mr. GARNER. Well, I will say to my friend from Tennessee that such is the only argument we have had offered on this floor, that it is charity, and the additional fact that a charming lady by the name of Todd has interviewed everybody concerning it. I do not know whether that is "emotional" or not, but that is the situation as we find it. [Laughter.]

Mr. GARRETT of Tennessee. The gentleman will concede that he and I are immune. [Laughter.]

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. KING. I understand that there is security in the shape of bonds that are a first charge on the assets of the Austrian nation. Have we some of those bonds in the possession of the Treasury here?

Mr. GARNER. I will say to the gentleman from Illinois that I have not that information, and no one else has it. I repeat, that when a committee that comes into this House without information touching a measure that is brought before it, a measure involving $24,000,000, if it has not information that measure ought to be recommitted until they can bring in some information to this House which will at least afford some degree of satisfaction. They have certainly not done it in this case, and whenever you begin to send bills back to committees, when they come before you without information, you rebuke them to that extent, so that in future they may try to bring in some information upon which you can vote intelligently.

Mr. KING. Was there any information before the committee as to what was to be done after these bonds were taken out of the Treasury and sent back to Europe?

Mr. GARNER. I have tried to tell the gentleman from Illinois and every other gentleman that there was absolutely no information. I hope that makes it plain. The only information that exists on God's green earth is what the gentleman from Iowa [Mr. GREEN] in his mind thinks he knows. [Laughter.]

Mr. KING. Does the gentleman think they will reach the hands of international bankers?

Mr. GARNER. I do not want to impute bad motives to a government, but I say this can be done. You can release this security, and that same security can be given to the National City Bank of New York to secure whatever debts it had then against the Austrian Government or whatever extensions it might make after to-day.

Now, as to what the gentleman from Ohio [Mr. LONGWORTH] said in reference to reparations, I do not know anything about that matter. I think the commission that we created to look into this matter can get information. They would be the proper parties to settle the matter with Austria. That is why I suggested to the committee that we ought to refer it to the commission and let the commission settle it. But they said, "This commission is not yet functioning, and this is a very important matter." Gentlemen, do you know how long it will take the various countries to pass these bills? Read the resolution and see under what conditions the release of the security is to be made. All that those Governments have got to do is to pass an act releasing its security after ours is effective. Some of those legislative assemblies are not now in session and will not be in session for a year.

Mr. YOUNG. Some of those Governments can act without an act of their legislative body.

Mr. GARNER. Gentlemen undertake to give us information that they do not know themselves. I doubt if the gentleman knows.

Mr. MANN. The gentleman from Texas is well informed.

Mr. GARNER. I admit that I am not informed.

Mr. MANN. Can he give us information as to what is meant by "substantially the other nations of the world"?

Mr. GARNER. I will say that the gentleman from Iowa [Mr. GREEN], every time you ask him about a matter of information, smiles and tells you he knows all about it. I want him to get up and divulge what is in his mind in regard to this situation.

Mr. GREEN of Iowa. The gentleman wants me to answer?

Mr. GARNER. Yes. That is what I ask the gentleman.

Mr. GREEN of Iowa. In the bill, to wit, the particular nations that are stated as parties in the bill.

Mr. MANN. What are "substantially all" of thirteen?

Mr. GREEN of Iowa. If the gentleman does not know what nations are meant by the words following "to wit," then I can not tell him.

Mr. MANN. What are "substantially all" of 13 nations?

Mr. GREEN of Iowa. Oh, I can not tell the gentleman what the Senate meant by that language.

Mr. MANN. No; I guess not.

Mr. GREEN of Iowa. But I can tell you what nations are referred to.

Mr. MANN. The nations are set out in the resolution.

Mr. GREEN of Iowa. Of course.

Mr. MANN. But what does "substantially all" of them mean?

Mr. GREEN of Iowa. It means the major part.

Mr. MANN. Does it mean seven, then?

Mr. GREEN of Iowa. It means the particular nations mentioned there.

Mr. MANN. Does it mean all of them? No. That would not be "substantially all." What does it mean? Does it mean seven, a majority, or a minority? Does it mean twelve, eleven, seven, or six? Who knows? Even the gentleman from Iowa fails to tell us. [Laughter.]

Mr. GREEN of Iowa. Even the gentleman from Illinois can not get away from the fact that the nations are specifically mentioned there, and the joint resolution tells him just exactly what they are.

Mr. MANN. Nobody knows which nations will be required under this to remit.

Mr. GREEN of Iowa. But it specifies particularly the nations.

Mr. MANN. It does not. It specifies "substantially all" of 13 nations. What does "substantially all" of them mean?

Mr. GREEN of Iowa. It specifies that these nations have got to remit.

Mr. MANN. It does not say anything of the kind.

Mr. WALSH. Will the gentleman from Texas yield?

Mr. GARNER. I yield to the gentleman from Massachusetts.

Mr. WALSH. I understood the gentleman from Iowa to state that one purpose of this legislation was to permit the Austrian Government to function. I should like to ask the gentleman if he knows of any legislation pending before the Ways and Means Committee designed to permit the Government of Russia to function or the new government of Ireland to function?

Mr. GARNER. Oh, well, that is one of those expressions that fall from the lips of the gentleman from Iowa [Mr. GREEN] when he thinks he has information, and has none, and has got to say something. [Laughter.] Now, gentlemen, "substantially all" of these nations must act before Austria can function.

Mr. GREEN of Iowa. "The gentleman from Iowa" just said they did not have to.

Mr. GARNER. "Substantially all" of these nations must remit this security before Austria can function. Now, how long is it going to be before these nations will remit this security? They say this must be done at once, and therefore this commission will not have time to act, that Congress must act quickly. It will take from six months to a year for these other nations to act. Who will say that this commission will not be in shape to function within 30 or 60 days? Why not leave this proposition to our commission that we created for that purpose? You will get your action just as quickly as you will by passing this joint resolution, and the relief will reach Austria just as quickly as it will by Congress setting a precedent by passing this joint resolution necessitating the approval of all the other nations and extending this time of payment 25 years. That part of it I am opposed to.

Mr. LONGWORTH. The gentleman has always been against making any loan of this sort.

Mr. GARNER. Yes, Mr. Chairman; I am against making loans of this kind, and I am especially not in conformity with the views of the gentleman from Ohio when he wants to remit all the debts due us by foreign countries.

Mr. LONGWORTH. "The gentleman from Ohio" does not want to do that, and never said he wanted to.

Mr. GARNER. The gentleman now says he does not; but I heard him here in a speech in the House say substantially that if it made any difference with the theory of the protective tariff he was willing to let them all go.

Mr. LONGWORTH. No; the gentleman from Ohio never made any such remark, or anything approaching it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. I yield to myself one minute more.

Now, gentlemen, nothing can be lost, I repeat, by recommitting this resolution to the Committee on Ways and Means; and if you gentlemen do not want to set a precedent that will come back to plague some of you when you discuss foreign loans in the future, you had better refer this back to the committee, and at least require them to give you some information before you vote on an important matter like this.

Mr. ROACH. Will the gentleman yield for a brief question?

Mr. GARNER. Yes.

Mr. ROACH. Has the gentleman any knowledge as to the character and value of these securities which it is proposed to release by this joint resolution?

Mr. GARNER. I will tell my friend what I have said already four or five times—that there is no information. [Laughter.]

Mr. ROACH. Would it not have been an easy matter for the committee to have obtained that information?

Mr. GARNER. Oh, yes; it would have been an easy matter to get information on this subject; but the trouble is you have Republican members of your committee who do not seem to want any information. They think that they can make you swallow anything they bring in here.

Mr. ROACH. Has Austria asked for the passage of this joint resolution?

Mr. GARNER. I do not know that she has.

Mr. FORDNEY. I yield to the gentleman from Iowa [Mr. GREEN] five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I hope I can furnish some information to the House, but I despair of getting any information into the mind of the gentleman from Texas.

First, I will answer the inquiry which the gentleman from Missouri [Mr. ROACH] directed to the gentleman from Texas as to the nature of these assets. They consist of practically all the property of the Government of Austria, including its revenues; but, just the same, they are really of no value, because they can not be sold to realize anything out of them and because the claims of these other countries are equally a lien upon them.

Mr. CARTER. What are they?

Mr. ROACH. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. ROACH. What was the object in taking the securities if they were of no value?

Mr. GREEN of Iowa. Because we took whatever we could get. I think myself we might as well have not taken any.

Mr. ROACH. What are the securities?

Mr. GREEN of Iowa. It is upon what was formerly the crown property——

Mr. LONGWORTH. If the gentleman will read the report he will not ask that question; that is all in the report. That is what the report is for.

Mr. GREEN of Iowa. The gentleman from Illinois asked if some of the bonds would not be given up. Certainly not. If the gentleman will read the resolution, he will see that it provides that no bonds shall be given up. In fact, we hold no bonds.

Mr. KING. If the gentleman refers to me as the "gentleman from Illinois," I want to say that I have read the report and the resolution. I want to know where the bonds are going and to whom they are going before we consent to this.

Mr. GREEN of Iowa. They are going to nobody. The resolution does not provide for anything leaving the United States Treasury. If it was not for the misleading statements made by the gentleman from Texas, nobody would have thought of such a thing. All we hold is the obligation set out on page 2 of the report.

Mr. BUCHANAN. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. BUCHANAN. What right have you to release the bonds of Austria and then keep them in the United States Treasury?

Mr. GREEN of Iowa. We do not release the bonds. There are no bonds. We simply extend the time for payment. If the gentleman would read the report and the resolution he would not make such statements or ask such questions.

Mr. BUCHANAN. What are you going to release?

Mr. GREEN of Iowa. We are going to release nothing but the lien given by the obligation; we only extend the time for payment, and that is contingent on other nations releasing. We do that for the purpose of enabling the Austrian Government to function.

Gentlemen say this is an emotional bill. Perhaps it is. It certainly does appeal to me where men, women, and children are dying of starvation and the Government of Austria has no means of relieving them. That Government has nothing whatever but the assets that are pledged to this Government. These assets are its revenues and ordinary Government property. It has not enough to continue, as stated in the report, until the next harvest, and it has got to borrow from some other source to get funds enough to keep the Government as an entity to furnish supplies to starving people.

Mr. CARTER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CARTER. What is the evidence that we hold as assets of the Austrian Government that we are going to release—what is the document, and what do we do to release it?

Mr. GREEN of Iowa. The document is in the hands of the United States Government and is set out on page 2 of the report.

Mr. CARTER. What is the document if it is not a bond?

Mr. GREEN of Iowa. It is not a bond; it is a pledge by the Austrian Government as security and evidence of indebtedness.

Mr. WALSH. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. WALSH. Does not the Government of Austria support the children who are starving?

Mr. GREEN of Iowa. So far as it can. Austria, as stated by Mr. Hoover, has become the poorhouse of Europe, struggling along without the power to take care of its people, without the power unless we release the assets to carry on organized government.

Mr. WALSH. I thought the poorhouse was in the Volga district in Russia. [Laughter.]

Mr. GREEN of Iowa. It may excite the laughter of some Members of the House that people over there are dying of starvation, but I think we ought to have some compassion for them and relieve them.

Mr. STEVENSON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STEVENSON. What I would like to find out is, what are the assets that are to be released?

Mr. GREEN of Iowa. All the Government property and its revenues, as I understand it, pledged for security. The obligation set out on page 2 creates the lien. It is taken jointly by our Government and the other nations mentioned in the resolution. There is no way that we can get anything out of this security, if it can be called such.

Mr. FORDNEY. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman, I intend in my time to read a communication I have received from the Women's Legislative Committee. It is as follows:

WOMEN'S LEGISLATIVE COMMITTEE,
March 29, 1922.

Hon. JOHN I. NOLAN,
House of Representatives, Washington, D. C.

MY DEAR MR. NOLAN: The American Friends' (Quakers) Service Committee, the Women's International League, and the American Committee for Austrian Relief have requested me to express to you their deep appreciation of your support of S. J. Res. 160, introduced in the Senate by Senator LODGE and in the House by Representative LONGWORTH.

The Women's Legislative Committee was fortunate enough to be able to put before each Member of the Senate their reasons for the necessity of the immediate passage of this bill. Owing to the lack of time and to a much larger membership, we are not able to do this in the House. May I therefore ask you to present the following statement, which I believe represents not only the point of view of the four or five thousand women represented in these organizations but of the majority of American women.

The women of America are unable to rest or to enjoy the peace of their own homes while the children of other nations starve. It is impossible for us to gather at our own well-filled tables with our children about us without turning sick at heart at the thought of the famine-stricken mothers and children of Europe. The knowledge of their suffering is ever present with us. The majority of women being occupied in their homes and not being present in your legislatures or your councils often find it difficult to make their opinions felt and their wishes known. It is therefore possible that the deep feeling of interest of women in legislation which looks toward the conservation and betterment of life has not been adequately expressed. We therefore take this opportunity to assure the Members of this body that we have prized beyond our ability to express every generous and disinterested act looking toward the welfare of mankind which has passed this House.

So great is the interdependence of life in this century that if we think only of our own welfare, the starvation and despair of Europe must eventually overwhelm America. The command to "love one another" is therefore not merely a sentiment but an economic necessity. We believe that it is not only in the interest of humanity but of true statesmanship and prudence that this bill, which will enable Austria to have a chance for life, should be immediately passed.

During these recent years the Governments of the various countries have required of women that they agree to, and participate in, a destruction of life unparalleled in history. This war would end all war if what it has cost women could be put into words. Women therefore feel that they have a right to demand of those who represent them in the Senate and the House that the same power be put into the saving of life in time of peace as has been concentrated upon the destruction of life in time of war.

For the past five years the resources of our entire world have been concentrated upon the destruction of human life. With the coming of peace women believe that the saving of life should be the most important concern of the community, and that all other affairs of State should be secondary to the one duty of a Christian nation, which is feed and save the starving people of our world. This is the only bonus which women ask or can accept from their Governments, and they ask this in the name of their universal motherhood and of their irreclaimable dead.

Sincerely yours,

HELEN M. TODD,
Chairman Women's Legislative Committee.

Mr. GARNER. Mr. Chairman, I yield nine minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I do not know much about this bill or resolution, and I do not think anyone else does. However, I heard a couple of clear and lucid statements, one from the gentleman from Ohio [Mr. LONGWORTH] and the other from the gentleman from Iowa [Mr. GREEN]. Mr. LONGWORTH stated the bill would extend the time for payment, but that it was not an important matter, as Austria would never be able to discharge the debt. I thought if Austria could never pay the debt, why take up the time of this House in extending the time five years before the debt is due for the payment of a debt that will never be paid? [Laughter.] I consider the gentleman from Ohio one of the ablest Members of the House, but he evidently got his wires crossed on this question. The gentleman from Iowa [Mr. GREEN], in speaking on this Austrian bond question, made the statement that the bonds are worthless and then immediately stated that the Austrian Government can not function without these bonds. [Laughter.] Now, it occurred to me, How could a government function with worthless bonds? These two statements, to my mind—I may be obtuse—were both as clear as Stygian darkness. [Laughter.] Mr. GREEN denies he made the statement, but I heard him make it. Mr. GREEN, in my opinion, is a gentleman, and I do not believe he realizes what he did say. If he knew he did make the statement, I do not believe he would deny it. He was evidently suffering from a momentary confusion of ideas, probably superinduced by the illuminating information contained in the committee's report on the bill. [Applause.]

There are a great many people in this country who desire to make a Santa Claus out of the United States so as to give the world the privilege of plucking from our national Christmas tree any kind of money or food gifts that it desires. All this agony is for the people of foreign countries, but the matter of relief seems to be of secondary or rather of no consideration for home people with the party of great foreign charity and high moral ideas. I have been taught that charity begins at home, and it seems strange to me why the Republican Party fails to do anything to relieve the suffering people in America, but expends its charity exclusively on foreigners. We have from four to six millions of people out of work in this country, and about 700,000 soldiers of the last war out of work tramping the streets of the cities and the byways of the country seeking employment which they fail to find under this administration of normalcy and universal prosperity, and yet we have loaned money and extended charity to various foreign countries, and recently we gave to Russia $24,000,000. Not so very long ago I introduced a bill in this House for the relief of suffering families of coal miners in various regions of the coal-mining industry. That bill was sent by the Speaker to the Committee on Mines and Mining. That committee permitted me to make a statement as to the merits of the bill, which I did. I requested the committee to grant a hearing on the bill in order that witnesses might be produced to testify as to the suffering condition of coal miners' families in some of the coal fields. That request was denied by the committee for the reason, as the committee ruled, it did not have jurisdiction in the matter, because the bill contained an appropriation and should be referred to the Committee on Appropriations. I then requested that the appropriation be eliminated and that the committee authorize the appropriation which could then be made by the Committee on Appropriations. This request was refused. I then introduced another bill of the same import and prevailed on the Speaker to assign it to the Committee on Appropriations. I then requested in writing the chairman of that committee, Hon. MARTIN B. MADDEN, to grant a hearing on the bill. I did not receive a reply to my request. I thought possibly Mr. MADDEN did not receive my first letter, and I wrote him a second letter, making the same request, and forwarded it by registered mail and asked for a return receipt, which I received.

I did not receive any reply to either letter from that militant champion of the laboring man, especially about election time, and the bill for the relief of families of miners pending before his committee sleeps the sleep that knows no waking. The Committee on Mines and Mining refused to consider the bill because it contained an appropriation, and on that account would be subject to parliamentary objection, and yet the bill appropriating $24,000,000 to Russia was reported to the House from the Committee on Interstate and Foreign Commerce and was subject to the same parliamentary objection, but none was made; and yet the Committee on Mines and Mining would not consider the bill for the relief of the miners because it might be subject to parliamentary objection, which was a tacit admission that such objection would be made. The shibboleth of the Republican Party is millions for Russia and other foreign countries but not a cent for suffering humanity at home, and the veiled threat of parliamentary objection, if necessary, is made to defeat the bill.

As an offset to this bill the Republicans have introduced a resolution for an investigation as to the condition of the coal situation throughout the country. The resolution does not carry any appropriation whatever to relieve the wants of starving coal miners and their families, who can not live on Republican investigations nor exist on Republican promises.

Why does not the Republican Party do something for the poor of our own country? That party never adopts a political platform that does not proclaim in rambling rhapsody its adoration and love for the laboring people of the country, and just before every election that party makes ringing and platitudinous professions about what it will do for the laboring people, but after the election it forgets about all its profuse promises and expends its charities in foreign countries. With from 4,000,000 to 6,000,000 people out of work in the United States, why does not the Republican Party at least attempt to enact some legislation to relieve the situation? With a coal strike impending, the entire alleged statesmanship of the Republican Party from the President down is unable to do anything to prevent a coal strike, although that party imputes to itself a corner on all the intellect and morality of the universe.

Nero fiddled while Rome burned, and the Republican President, the greatest living statesman, spends his time having pictures of Laddie Boy taken and plays golf in Florida while

financial disaster is threatening the whole country, and boasts of being the proud possessor of 50 pairs of trousers while suffering coal miners in his own State are half naked and half starved and mine operators have been deprived of business. You are helpless. Yet you will go out in the campaign this fall and will try to deceive the laboring people and mine operators by telling them what you have done for them, whereas you have done nothing. You talk about prosperity. Is there any prosperity in the country with 6,000,000 men out of work, with agricultural products below the cost of production, and while exports have fallen off two-thirds, with factories closed and business practically at a standstill? The President and Mr. Hays are always seeing prosperity, but what they actually see are only Antigonish ghosts, without substance. They see visions by day and dream dreams by night, but their hallucinations will not deceive disinterested, rational people.

So great is the suffering of destitute miners in parts of the country, not because of strikes but because of nonemployment under this administration of normalcy, that charitable women of Washington City have for some time been requesting public donations of food and old clothing and other necessaries to relieve the miners' needs, and many Congressmen have donated garden seed to enable the men in the coal regions to raise gardens on which to exist while the Republican administration looks on complacently and unconcernedly and will not move a finger to assist the miners, nor will it exert itself to avert an impending coal strike, which it could easily do by getting the operators and miners together to arbitrate their differences. A Republican congressional committee, whose chairman is a Chicago millionaire, refuses to grant a hearing on a bill which has no reference to a strike but is designed to give relief to people who are in dire distress and furnish food for hungry, crying children, and at the same time a Republican Congress wrestles in a professed spirit of agony over the hungry in Europe and passes bills carrying appropriations of millions of dollars for their relief. This Congress refuses to consider a bill appropriating a comparatively small sum for relief of humanity in our own land. The police drive the poor off park benches when they seek rest on them for weary, bedless bodies.

In my district there is seldom any trouble between miners and operators, and those differences are usually settled by conference and conciliation in accordance with the policy formulated by Woodrow Wilson. In the county in which I reside, which is one of the largest coal-producing counties in the State of Kentucky, 90 per cent, I suppose, of the white miners are of pure American ancestry, and nearly all the mine operators are natives of the State and are gentlemen of clear business vision, and consequently strikes in that field are rare.

I do not believe there would be any strike were it not for the activities of the Guggenheim interests in West Virginia and other interests of the same type, and despite such activities I do not believe there would be any strike if the operators could get contracts so as to give the miners a reasonable amount of employment, but operators can not keep mines running and can not give miners employment unless they can sell coal. In my district, one of the best in the way of employment for miners in the country, the miners are employed not much more than half of the time, if that much, while in many other parts of the country employment is much less, and my information is that in the Hocking Valley, in the President's own State of Ohio, the miners have not been employed over 50 days in a year, and many of them are ragged and half starved.

Miners can not live on thin air and visionary Republican promises, and operators can not give them employment without contracts for the sale of coal, which they can not obtain under this Republican administration of normalcy which has closed down a great many factories all over the United States and has broken the backbone of prosperity except in the business of speculating in watered stocks and bonds in Wall Street. This administration has practically destroyed our export trade, which has fallen off two-thirds within the last year. If factories in this country are to be kept running, we must sell a large part of our manufactured products to foreign countries, and these factories use coal, and when they close down the demand for coal is very much reduced. If information contained in the public press be correct, this administration intends, instead of seeking a pacific settlement of the coal question, to have coal imported from Europe as ship ballast in the event of a strike, and thereby furnish labor in foreign countries with employment which, of course, will tend to reduce the wages of labor in this country and deprive our domestic operators of business. This Republican administration has replaced American labor in the Panama Canal Zone with British negroes in order to reduce the wages of American labor to carry out the policy of Secretary of War Weeks to reduce the wages of American labor to a parity with European labor. Coal is selling in this country on an average, it has been testified, of $10.41 a ton, while the coal miner in the bituminous fields does not receive a dollar a ton for mining on a pick basis. During the war the operators made big money, but now they are making but little, if any. One part of the public declares the operators are getting all the profits, and another part avers that the miners are getting the profit. In my opinion the men who handle coal after it has left the hands of the operators are the profiteers who receive most of the profits, and in many instances the railroads compel the operators to furnish them coal at cost on the penalty of withholding cars from them. In my opinion neither the miners nor operators are to blame for the retail price of coal being $10.41 a ton, but I believe that situation has been brought about by the railroads and retail dealers and the coal monopolies of West Virginia and Pennsylvania.

On March 13, 1920, at a conference in New York City coal operators signed an agreement with the miners to hold an interstate joint conference with the miners prior to April 1, 1922. Those operators now refuse to abide by their signed agreement and refuse to go into conference with the miners. This refusal, in my opinion, was brought about by the operators of the Republican feudal barony of West Virginia for the purpose of taking business away from operators in other fields and reducing wages below a living standard.

I do not believe operators in the western Kentucky fields would be partners to this transaction if they were not necessarily forced to it through self-defense. West Virginia is without a republican form of government, and about the only law executed in that State is the will of the Guggenheim and similar interests which has adjusted wages downward until the wages of most miners in that State are less than $900 a year, and the business of operators in other fields nearly ruined and the public liberally fleeced in coal prices.

Strikes are always financially hurtful to employer and employee and should never occur if they can possibly be avoided, and they generally can if both sides to strike controversies would meet in a proper spirit of conciliation, as was demonstrated during the administration of Woodrow Wilson. The laborer is worthy of his hire and should have not only a living wage but should receive sufficient remuneration to educate his children and lay by something for old age and also misfortune which may overtake anyone. Not only should the laborer receive proper compensation but the employer should receive a fair profit on his investment, and if this spirit prevails in adjustment of differences between employers and employees strikes would soon be a thing of the past.

Austria owes the United States $25,000,000, and the pending resolution is to extend the time of payment 25 years and release the security Austria has furnished for the payment of the debt, which means that it will never be paid. The assets of Austria will be used to discharge its European indebtedness while the taxpayers of this country will have to foot the bill. It is time for Congress to do something for the destitute of our own land and not expend all its charities on people who were recently trying to destroy our own Government. [Applause.]

There is no question in my mind but what there is a well-defined effort in this country to release the debts owed to us by European countries growing out of the war, amounting to over $11,000,000,000, so that the holders of foreign bonds may be paid their interest on those bonds. Foreign bonds are mostly held by sunshine patriots who did not go into the army during the war, but remained in safety at home and profiteered on the necessities of the public.

Republican leaders in Congress declare there is and has been all during the life of this administration perfect harmony between the President and the House in regard to legislative measures and cite their mere ipse dixit as evidence of how good and how pleasant it is for brethren to dwell together in peace. I presume they can point with pride to the harmony existing between the President and House on the surtax, the excess-profits tax, the sales tax, the bonus bill, and many other measures as convincing proof of the truth of their declaration. The harmony between the President and the House on legislative matters is about like that existing between two tom cats flung across a clothes line with their tails tied together.

The working man wants employment that he may buy bread, and instead this administration of normalcy and prosperity gives him a stone and begins a useless and belated investigation of nonemployment in order to cover indifference and inaction in regard to an impending coal strike. The farmer has appealed for relief from agricultural depression and has been given a depression breeding emergency tariff tax, which has restricted the sale and lowered the prices of agricultural prod-

uets below the cost of production, and to a great extent has deprived him of foreign markets. It has depressed business conditions, closed down many factories and mines, and deprived coal operators of markets for coal. This administration has coddled the soldier and professes to be his best and only friend, but when the soldier asks for a bonus it gives him a pawn ticket and a gold brick. [Applause.]

Mr. GARNER. Mr. Chairman, I yield four minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I do not want the House to think that the entire membership on the Democratic side of the aisle is opposed to this resolution. I for one am distinctly in favor of it. Austria is asking us to extend payment of her debt to the Grain Corporation for 25 years so that she may use her resources to allow her to buy the necessaries of life and feed her people—her starving women and children. If some one on behalf of Austria came into this House to-day with a resolution asking you to give her $24,000,000, stating that her people were starving and crying for food, I do not believe there would be any considerable number of Members present who would refuse to give her that sum. She is not asking that. She is asking you to grant her time—to waive for a time our lien—so that she may buy food for her people, and that food is to come largely, almost entirely, from this country. I speak on this question largely because I was in Austria immediately after the war. I found conditions there such that the hearts of this House would go out to those people, not only to the extent of extension of time but to the extent of giving them funds, if necessary.

When we realize that Austria has been deprived of all her rich possessions and left with insufficient territory to produce food for her people; that the coal and iron mines upon which she thrived in years gone by are all practically contained in Czechoslovakia, now a separate and distinct nation, with scarcely the ties of friendship; that she is no longer connected with the countries of the world in commerce and trade, because that portion of her territory with the seaport of Trieste is likewise in another country, it can scarcely be wondered at her financial condition and distress of her Government and people.

What the future of Austria will be no one can predict, but that it is a dismal outlook is the consensus of opinion. Her people are hard working, industrious, and thrifty. They endeavor to look upon the bright side of life, and are happy and cheerful whenever there is the slightest hope or expectation of success. I hope America may be a bright spot in the life and history of this distressed nation.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I have only four minutes. I do not see how we can refuse to pass this resolution. It is not on a parity with the loans we made to the nations to carry on the war. It was a separate and distinct loan, not made for cash, but made for 194,000 tons of flour that we sold them, or that the Grain Corporation sold them. We put no actual money into it, except in the shape of food, and they are asking us to extend time of payment. That is a small matter when we realize that Austria has not and can not pay the interest, much less the principal, of the indebtedness. Such is war, gentlemen.

Czechoslovakia herself, a country which was under the domination and control of the Austrian Empire for centuries, has granted the extension, and if that country, after being subject to such domination and control for all those years, can grant that request, why should not the United States, who feels so friendly and so considerate, not alone for Austria, but has done so much for all the world, act favorably and without delay. The way to bring peace and the way for us to gain friends and to keep peace throughout the world is in the manner we have been doing it, by helping those who need help, and by showing them that while the United States can fight, yet after the fighting is over she is ready to extend a helping hand to those who need it—to feed the hungry and assist the poor. I trust the resolution will be agreed to.

Mr. FORDNEY. Mr. Chairman, I have never known a bill to come from the Committee on Ways and Means affecting the revenues of the country since the Republican Party has been in control of the House when the gentleman from Texas [Mr. GARNER] has not moved to recommit it either by a motion or by request, and I suppose I never will so long as he is in the minority. Much merriment and criticism has been made about figures appearing in the report. The question is asked, What do lira and francs mean? What difference does it make to us? The Finance Committee of the Senate put those figures in the report to the Senate, and we have put them into this report for what they are worth. I suppose it has to do with the depreciated value of those currencies reduced to American dollars. What difference does it make to you or to the people of the country? The point is, that is the claim of the Government of the United States against the Government of Austria, which is for $24,055,708.92. Gentlemen will remember that nearly two years ago a request came to us to appropriate money to purchase supplies to send to Europe to feed the starving in Austria, in Poland, and in Armenia.

After much consideration it was simmered down to 5,000,000 barrels of flour that was then in the possession and the ownership of the Grain Corporation, a Government organization using Government money, spending Government money, and whatever proceeds that came from it belonged to the Government, and, therefore, it is absolutely Government property, money or otherwise. Appeals came to us showing that in Austria they were starving to such an extent that 96 per cent of the women and children sent to the hospitals in Austria died.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. I decline to yield just now, please. It was pointed out by communications sent here from American representatives over there that people were starving to death on the streets of Vienna.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Let me say to the gentleman whether that is true or not it is certainly true those people were starving over there, and if this money, $24,000,000, saved a single life, will you say the money was not well spent? Is there any man in this House inhuman enough if he saw a person before him starving to death, black, white, or brown, to say that money would not be well spent, at least in the eyes of God, if we gave every cent we had to the saving of human life from starving to death?

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Briefly, I have very little time, and I would rather not.

Mr. GARRETT of Tennessee. Did the gentleman make that same argument when he appeared before the Committee on Rules two years ago with reference to the bill presented?

Mr. FORDNEY. I do not remember just now my argument—I decline to yield any further—let me answer the gentleman. Whatever argument I made there in favor of the loan I was criticized for it by some gentlemen of this House, but when information came to me that people were starving to death in Poland, in Austria, and in Armenia by the thousands some gentleman said to me in this House, "Why do not you give this money instead of the people's money"? I say the money I have would amount to a mere bagatelle in saving human life that was in great danger of starving to death then, but I said to this gentleman, "You are a wealthy man. Name the amount you give, and by the gods I will double it." [Applause.] This Congress, this House, appropriated 5,000,000 barrels of flour. Great Britain said if the United States Government would furnish the flour, Great Britain, France, and Italy will furnish the remaining supplies to feed the people, and Great Britain will furnish the ships to carry that flour over there and save these starving people. Generously the Congress of the United States appropriated, through the Grain Corporation, 5,000,000 barrels of flour, a kind of flour that our people did not want; it was whole wheat flour, I believe, prepared during the war, wholesome, that would sustain life, and it was sent over there. Those people appreciated it, and it did save human life beyond any question.

Mr. LAYTON. Will the gentleman yield?

Mr. FORDNEY. What difference does it make to us whether these other items mentioned are in or not? The securities our Government holds for these obligations are such securities as the Government of Austria are able to give. It includes the forests, Government property of Austria, which our Government and the Governments of Great Britain, France, and Italy, and I believe Belgium, hold a mortgage upon to-day, if you please. These people need loans now to function the Government properly, on which to give securities for loans they so badly need now, and information comes to us that Great Britain, France, and those other nations that joined in contributing to these supplies at that time are willing to release those securities in order to enable Austria to borrow money which is so badly needed.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The joint resolution will be read for amendment.

The Clerk read as follows:

Whereas the economic structure of Austria is approaching collapse and great numbers of the people of Austria are in consequence in imminent danger of starvation and threatened by diseases growing out of extreme privation and starvation; and

Whereas this Government wishes to cooperate in relieving Austria from the immediate burden created by her outstanding debts: Therefore be it

Resolved, etc., That the Secretary of the Treasury is hereby authorized to extend for a period not to exceed 25 years the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and to release Austrian assets pledged for the payment of such loan, in whole or in part, as may in the judgment of the Secretary of the Treasury be necessary for the accomplishment of the purposes of this resolution: *Provided, however*, That substantially all the other creditor nations, to wit, Czechoslovakia, Denmark, France, Great Britain, Greece, Holland, Italy, Norway, Rumania, Sweden, Switzerland, and Yugoslavia shall take action with regard to their respective claims against Austria similar to that herein set forth. The Secretary of the Treasury shall be authorized to decide when this proviso has been substantially complied with.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. I think at a time when we are dealing with this matter that it is just as well to keep history straight. During the closing days of the Wilson administration a request came from the executive department to make loans to buy food for Austria. A bill was introduced. It went to the Committee on Ways and Means. The Committee on Ways and Means was Republican. They side-stepped it. They reported some kind of a bill and unloaded it on the capacious shoulders of the gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules. Then they came before the Committee on Rules and asked for a rule to make in order a bill of some sort. The gentleman from Kansas at that time was playing the political game, so finally they sent for Barnes, I believe, a member of the Grain Corporation. He said, "I have the power to send this flour now, what we have, but I want the indorsement of the Congress," and that left a way out for the gentleman from Michigan and the gentleman from Kansas, who were then eternally and everlastingly cussing the President who was then in office. The gentleman from Michigan has a soft, personal heart, but the gentleman from Michigan did not then deal candidly with the Committee on Rules. The gentleman from Michigan said, "We have got to play politics with this thing. Here is an Executive up here whom we are cussing"——

Mr. FORDNEY. Where did the gentleman ever hear me make such a statement as that, either in those words or in those terms or conveying such a sentiment or any such expression in reference to the President?

Mr. ASWELL. Did he say it on the floor?

Mr. GARRETT of Tennessee. No; I am not avoiding any responsibility for what I say. I will ask the gentleman if he did not say it?

Mr. FORDNEY. Not to my knowledge did I ever use such language about the President or with reference to this loan that now is the time to play politics. I do not believe I ever said that in my life on this floor or in committee.

Mr. GARRETT of Tennessee. Well, if I have done the gentleman an injustice——

Mr. LONGWORTH. As a matter of fact, it was not brought in under a rule but under suspension of the rules, and not a single Republican voted against it, but a substantial number of the Democrats did.

Mr. GARRETT of Tennessee. Mr. Barnes was told to go on and loan on his own responsibility; send this flour on his own responsibility. There was no bill that ratified his act, even. He had the power. He asked indorsement from the Republican Congress, but did not get it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. I ask unanimous consent for five minutes more, inasmuch as I see gentlemen arising who seem to desire to interrupt me.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. My impression is that we passed it——

Mr. GARRETT of Tennessee. Here is what occurred in regard to it. There was a request for a law. The Committee on Ways and Means then passed the buck to the gentleman from Kansas [Mr. CAMPBELL]. They had a long hearing in the Committee on Rules, and Mr. Barnes said that he had the authority to do this anyway, and they told him to go ahead and do it and take the responsibility.

Mr. MANN. The gentleman is in error as to a part of it, not in what he stated but in remembering all that occurred. We passed the resolution in the House under suspension of the rules, which was approved by the President on March 30, 1920, authorizing the United States Grain Corporation to sell or dispose of flour then in its possession, and so forth, not to exceed 5,000,000 barrels, for cash or on credit, to feed the population of Europe. Under that resolution these obligations were taken.

Mr. GARRETT of Tennessee. Does it say "to feed the population of Europe"?

Mr. MANN. It says—

as may be necessary to carry out the purposes of this act and to relieve populations in the countries of Europe or countries contiguous thereto suffering for the want of food.

Mr. LONGWORTH. I hold in my hand the bill that passed the House, H. R. 12954, a bill providing for the relief of populations in Europe and countries contiguous thereto suffering for the want of food. This bill begins as follows:

That for the participation of the Government of the United States in the furnishing of foodstuffs to populations in Europe and countries contiguous thereto.

That was passed in March, 1920, under suspension of the rules, and substantially all of this side supported it and a substantial part of your side helped to pass it.

Mr. MANN. And it was under that that the obligations arose.

Mr. DENISON. That was the act under which this obligation was made. The bill passed the House on March 15, 1920, with 285 voting for it and 12 against it. I noticed the gentleman from Tennessee [Mr. GARRETT] voted for it.

Mr. GARRETT of Tennessee. Of course——

Mr. LONGWORTH. And the gentleman from Texas [Mr. GARNER] was against it.

Mr. GARNER. The "gentleman from Texas" has been consistent. [Laughter.]

Mr. GARRETT of Tennessee. But the thing to which I wish to direct attention is the manifest purpose of the gentleman from Michigan [Mr. FORDNEY] to play politics with suffering. I doubt if he knows whether there is a starving child in Austria now. Has the gentleman any information about that?

Mr. FORDNEY. I did not catch the gentleman's question.

Mr. GARRETT of Tennessee. Does the gentleman know whether there is a starving child in Austria now?

Mr. FORDNEY. Only by hearsay. I do not know anything about it. I never was there.

Mr. GARRETT of Tennessee. So he did not care to investigate this?

Mr. FORDNEY. I did then. We investigated it as best we could. We held hearings. We received letters from overseas, especially from the relief societies, where they pointed out that they saw people starving to death, and I have in my possession a statement made by——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINCHER. Mr. Chairman, I move to strike out the last word. I fully agree with the gentleman that just left the floor that we should keep the record straight. An examination of the record and the hearings before the Ways and Means Committee will disclose that on March 15, 1920, Secretary Glass appeared before the Ways and Means Committee and asked for an appropriation of $150,000,000 for starving people in Austria; that the Ways and Means Committee, or at least the Republican members or the majority thereof, took it up with the Rules Committee under some form of resolution. My recollection is, and I think it will bear investigation, they referred out a bill for $50,000,000 in cash. In discussing the matter with the chairman of the Rules Committee, the gentleman from Kansas [Mr. CAMPBELL] said if this money is to buy food with, why not send the food, and Mr. FORDNEY agreed with that proposition. And that was the resolution brought out over the protest of the then Secretary of the Treasury, who wanted an appropriation of $150,000,000 in cash. The United States Grain Corporation had flour for which there was no market in this country. It was flour that had been manufactured pursuant to regulations in war time and that was not satisfactory to the consuming public of America in peace time.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Gladly.

Mr. LONGWORTH. The gentleman is entirely correct. The Committee on Ways and Means favorably reported, in the first place, House bill 12193, the bill that the gentleman refers to, which appropriated $50,000 in cash. Some difficulty was found in the Committee on Rules as to the advisability of appropriating cash. Then it was stated that the Grain Commission had 5,000,000 barrels of flour on its hands. Then House bill 12954 was introduced, providing for the sale of the flour on credit; and it is the Austrian credit which is the subject matter of this resolution.

Mr. TINCHER. Yes. I will say that it was discussed from the charitable standpoint. There was not anyone who seriously contemplated the possibility of getting any tangible assets in exchange for this flour when the bill was discussed here.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. I yield.

Mr. GARNER. Is that any reason why we should by affirmative action tell our debt-funding commission and tell the Gov-

ernments of Europe that Congress has declared that the policy of remitting the payment of interest and principal for 25 years is a good policy?

Mr. TINCHER. No; and I think that if this resolution provided for that there would not be three men supporting it.

Mr. GARNER. It provides for that very thing.

Mr. TINCHER. Let me tell you the difference between this side of the House and that side. Your Secretary of the Treasury wanted to give them $150,000,000 in cash. We gave them $325,000,000 worth of flour. The gentleman from Kentucky [Mr. THOMAS] has his policies. What are they? We are confronting a crisis in the form of a coal strike, and you have on your side but one man with the nerve sufficient to attempt to care for that crisis with a specific remedy. What is it? It is to appropriate out of the Federal Treasury money to feed the strikers. He criticizes the committee presided over by the gentleman from Illinois [Mr. MADDEN] for not doing more than returning to him a registry receipt in reply to a letter on that subject which the gentleman from Kentucky had sent him. I suppose if the party of the gentleman from Kentucky were in power, his party would favor the granting out of the Treasury money to reimburse the owners of the coal mines, and enable the people who use the coal to pay their taxes, and let them have their strike. I say it is regrettable that under the laws of this country and under the rules and regulations of the Post Office Department it was possible for Boo THOMAS to even get a return receipt for the letter that he sent to MARTIN MADDEN. [Laughter.] That is a good sample of the difference in the statesmanship and leadership on the different sides of this House. [Applause.]

I yield back the remainder of my time.

Mr. COCKRAN. I have but one regret at the course which this debate has taken. I am afraid that the rather lively historical discussion to which we have been listening may beclouds to some extent the very obvious intention to do right which governs both sides of the Chamber.

I do not know—and I do not care much—what happened in the past about the creation of this debt, but I am very much concerned about what is happening now and what is likely to happen in the future. As I take it, the question actually before this body is not whether any securities that could by any chance be marketable are to be released so that this country as creditor may dispose of them in other directions to reduce or satisfy this debt, but whether the time to pay that debt shall be extended. The only certificate or evidence of this debt in existence is the written obligation, a copy of which is appended to the report of the committee, and that is simply a formal acknowledgment by the Austrian Government that it owes us a sum amounting to $25,000,000, for payment of which it pledges its revenues. This pledge in no way differentiates the debt from ordinary obligations of a government. For payment of any debt that any government contracts its revenues are always impliedly pledged.

Now, the resolution is a proposal that the Secretary of the Treasury shall have the right to extend the time of the Austrian Government for payment of the principal and interest of the particular debt, not to exceed 25 years.

Mr. KING. With no security.

Mr. COCKRAN. There is no security for the debt except this paper. If there is any other security, I have not been able to locate it.

Mr. KING. The paper is secured by the assets.

Mr. COCKRAN. What assets?

Mr. KING. The revenues of the Government.

Mr. COCKRAN. There is nothing in the possession of this Government or any of its officers to be released except this paper. Am I right about that, Mr. Chairman of the Committee on Ways and Means? There is no asset of Austria in the possession of this Government that we can release. The only evidence of this debt is this paper.

Mr. FORDNEY. There is Government property in Austria.

Mr. COCKRAN. I am speaking of property here—property available to this Government.

What then is the question before us? Austria admittedly is unable to pay this debt. She will not pay either principal or interest because she can not pay it. If you refuse to pass this resolution, so far as the debt is concerned, you will be in exactly the same condition as if you passed it. You will not obtain payment anyway, because it can not be obtained. What then is the object of this measure, it may be asked? Simply this: If it is passed, you will refrain from formally proclaiming Austria bankrupt. If you do not pass it, she must be adjudged bankrupt, so far as a nation can be adjudged bankrupt. There is only one way by which a nation can be adjudged bankrupt, and that is when she fails to meet a public obligation, satisfaction of which has been demanded by the holder of it. While that demand is withheld there is no failure to meet the obligation and therefore no act of bankruptcy.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. COCKRAN. Yes.

Mr. GARRETT of Texas. If there are no assets to be released, what did the gentleman from Michigan [Mr. FORDNEY] mean when he stated just at the conclusion of his remarks that the assets that would be released by this legislation could be hypothecated for other purposes, and that that would aid Austria?

Mr. COCKRAN. I can not undertake to explain the meaning of the gentleman from Michigan. But I can understand this report of the Committee on Ways and Means, and it is the statements it embodies that I am discussing.

Mr. FORDNEY. When I spoke of releasing property I had already stated that it was Government property in Austria on which the Austrian Government as well as ours held a mortgage.

Mr. GARRETT of Texas. That is what you proposed to release?

Mr. COCKRAN. The main trouble we are experiencing in this discussion, it seems to me, is the unconquerable disposition of some gentlemen to consider in the spirit of attorneyship measures which should be considered in the spirit of statesmanship. [Laughter.] Gentlemen talk about the obligation of a government as if it were a debt due by one individual to another to secure which a watch was put up with a pawnbroker or shares of stock deposited with a banker. What were described mistakenly by the gentleman from Michigan as assets are not anything that you can put your hands on. Not merely are they nonattainable, they are nonexistent. These so-called assets are future revenues allocated or assigned by the Austrian Government to the payment of a specific debt. But this obviously means the revenues over and above the necessary expenses of the Austrian Government itself. Now, it is exceedingly doubtful if the whole revenue of that Government will suffice to pay its current expenses. It is absolutely certain they will not be sufficient to support the Government and at the same time pay either the principal of the debt or any part of the interest on it. Everybody concedes that. The Austrian Government must be left the means of supporting itself or it can not function. If it ceases to function, it can not collect any revenues whatever. And in that event no part of our debt, either principal or interest, can ever be paid. Here, Mr. Chairman, is a condition that nobody could have anticipated. It is a consequence of war. You are dealing with a country that can not pay its obligations—obligations solemnly contracted, I concede. What is the remedy?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COCKRAN. Mr. Chairman, as I was interrupted, I ask a little additional time to complete what I have to say.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. I understand the gentleman makes it very clear that the United States could not foreclose if it wanted to.

Mr. COCKRAN. No; certainly not. The very term "foreclosure" is wholly inapplicable to the situation that faces us. When you foreclose, it means you foreclose on something you can get your hands on. I should like to know what there is pledged here that any Government could put its hands on, or just how we could proceed to enforce payment of the debt if we tried?

Mr. ASWELL. Will the gentleman yield?

Mr. COCKRAN. Yes; I yield to the gentleman from Louisiana.

Mr. ASWELL. What effect will this legislation have as a matter of precedent?

Mr. COCKRAN. If gentlemen would only get the viewpoint of attorneyship out of their heads and realize that they are dealing with a matter that must be approached in the light of statesmanship it would greatly simplify our task. The essence of statesmanship is dealing with events of the future, and therefore without precedent. Attorneyship is the application of rules established from experiences of the past to matters in dispute between individuals. I do not know how we should deal with these debts due by other nations until the question of dealing with them actually arises. They may then be in a position where we can exercise pressure on them, or they may not. We are dealing with conditions without parallel in all human experience. We can not proceed according to fixed rules and invoke a court to enforce what we might call our rights.

We must deal with each situation as we find it. Here is a debt that can not be paid. Suppose we refuse to pass this measure extending the time of payment. Suppose we go as far as we can and demand immediate payment of the debt—the whole debt and all the interest. Payment will not be made. It can not be made. What will be the effect of such procedure? Austria will be formally proclaimed bankrupt. Her currency has already sunk to a point where it is hardly of any value. Reject this proposal—proclaim her formally bankrupt, and at the same time announce that no forbearance will be shown her—what possible chance to restore her credit can then remain? But this crowning burden upon her and Austria can never recover from the depths which she will have reached; and then this debt of ours is gone beyond any hope of ever collecting it. Even if you were dealing with an individual debtor unable to meet his obligations, but who has some assets which, though not now fluid, yet by a process we call "nursing" might be made valuable in the future—to afford him time in which to realize on them is the obvious policy to pursue. That is the only thing we can do here. We can do Austria infinite damage by refusing to pass this resolution which has become necessary by reason of the situation that has arisen. We can do ourselves no good, but much harm, by refusing to pass it. Its rejection will reduce, if not wholly destroy, all chance of ever obtaining payment of the debt. That being the exact condition, I think I can appeal to patriotism as well as to humanity and to the common sense of the House to pass this resolution.

Mr. LAYTON. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from Delaware.

Mr. LAYTON. I agree with the gentleman as far as the humanitarian aspect of this is concerned, but I should like to have this question answered: Do you believe this body has any constitutional right to vote money out of the Public Treasury for foreign purposes in time of peace?

Mr. CARTER. Charity purposes.

Mr. LAYTON. Well, whether for charity or otherwise, has this body any constitutional right to do that, or to vote money out of the Federal Treasury even for such purposes as the suffering coal miners within this country?

Mr. COCKRAN. Does the gentleman want an answer?

Mr. LAYTON. I should like to have an answer to my question.

Mr. COCKRAN. Yes; there is no limit to the power of Congress to appropriate money.

Mr. LAYTON. Then the gentleman is not in agreement with the late President Grover Cleveland, who vetoed a proposition looking to the purchase of wheat for certain stricken sections.

Mr. COCKRAN. I was in disagreement with Grover Cleveland more than once in the course of my career. [Laughter.] That, however, is a matter of historical or personal interest, but in no way affecting the question before this body.

Mr. LAYTON. The Constitution has become a purely historical matter. That is what I deplore.

Mr. ASWELL. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from Louisiana.

Mr. ASWELL. Why not have the commission handle this matter? Why have Congress do it?

Mr. COCKRAN. Whether the matter be left with the Secretary of the Treasury or with a commission of which he is a member is a distinction without much difference. In the first place the commission is not yet in existence.

Mr. ASWELL. Why not wait until it is?

Mr. COCKRAN. The committee introduced this resolution, I assume, because the situation with which it deals is urgent.

Mr. ASWELL. If there is no chance of collecting our debt, how is it urgent?

Mr. COCKRAN. If you refuse to pass this bill you proclaim the insolvency of Austria, and that may prove fatal to her. It is true that you will only be proclaiming formally an insolvency which exists actually, but formal proclamation of it may, nevertheless, be fatal to Austria's ever recovering its credit.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. The gentleman has made an admirable presentation of this case. Is it not true that America invites the neighbors of Austria to join with her in this?

Mr. COCKRAN. We make it a condition.

Mr. REED of West Virginia. Yes.

Mr. COCKRAN. The gentleman from Virginia, Judge MOORE, has called my attention to the fact that the phraseology of the resolution is defective in this respect: It says "provided, however," that other nations agree to extend the same forbearance as this country. He thinks it ought to be written "on condition, however," and I would be perfectly willing to offer that amendment on his behalf.

Mr. HUDSPETH. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from Texas.

Mr. HUDSPETH. The debt is not due until 1925, is it?

Mr. COCKRAN. I do not know what time the main obligation is due. I have not looked into that, but the interest is due. It can not be paid. And that being the case, the occasion for passage of this resolution is urgent—of the utmost urgency. [Applause.]

Mr. WALSH. Mr. Chairman, the gentleman from New York [Mr. COCKRAN] in his comparison between attorneyship and statesmanship would have us believe that he was including himself and recommending himself very highly in the latter class, when all he has done has been to indulge in a lot of idle prophecy. The report upon this measure, as has been pointed out in debate, leaves it very doubtful what the purpose is in extending the time for the payment of this debt. Although this country is one of our late enemies and suffered severely as the result of the war, in passing this charitable legislation for her benefit I would like to know if the purpose is to permit Austria to again pawn her resources and put them up as security in order that she may pay other nations the demands made by the reparations commission for other nations to whom she owes millions of dollars?

Mr. BLACK. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BLACK. I have read the report, and I find that these securities contain a provision that the reparations commission shall stand aside and we have the preference. Now, if we pass this bill it restores the lien of the reparations commission and will enable them to come in and get these very revenues.

Mr. WALSH. I think very likely that is the purpose. Nobody here knows, the question has never been asked, the information has never been forthcoming, but I think in view of the conditions industrially that prevail in this country to-day—yes, and agriculturally, despite the fact of some legislation, prices of agricultural articles are slowly rising and increasing—I think it is time that we paid a little attention to conditions here at home [applause] and stop being sympathetic about people who were seeking to destroy our Government only a few years ago. Let us pay a little attention to conditions here and to the restoration of peace and prosperity within our own borders. [Applause.] Of course, you can get well-meaning ladies of charitable societies to write pathetic letters about conditions abroad, but we are not responsible for those conditions. We are responsible to a large degree for conditions existing within our own borders, and the people are going to hold us responsible. They will hold us responsible if we embark on legislation which will put further burdens on the people when they are carrying this tremendous load of taxation, made necessary in no small degree because we have been so generous in doling out money. Why, all any foreign nation has to do is to write to some of our officials that people need milk and bread or food or money, and it finds instant response in the Congress or the committee. We go to work and appropriate by the millions, and I object to the United States of America being considered the almoner of the world. [Applause.] It is time we put a stop to it.

Mr. LONDON. Mr. Chairman, I move to strike out the last word. The argument of the gentleman from Massachusetts [Mr. WALSH] is not valid in this case. We are not called upon to make a new appropriation. We are not called upon to expend anything. Nor are you called upon to give away anything. Austria is powerless and bankrupt. By the terms of peace made after the World War, she has been crippled and mutilated. A great deal of the mining territory of Austria has been taken away. The grain-producing section of Austria has been largely separated from her. She has been deprived of important railroad centers. She is a mere wreck. For that matter, no European country has been in a position to strictly insist on the terms of peace made with Austria. Even France has been more liberal toward Austria than she has toward Germany, one of the reasons for it being that France fears the movement on the part of Austria to ally herself with Germany. By showing friendship to the destitute people of Austria, France seeks to delay the day when Austria and Germany will unite, or to prevent it altogether. You are not losing anything by the passage of this bill.

Mr. KING. You are losing securities.

Mr. LONDON. Well, let us see what security you lose. Under the obligations now possessed by the United States the bonds are a first charge on the assets and revenues of Austria. The present revenues are insufficient to carry on the ordinary expenses of the Austrian Government. So far as the assets are

concerned, I assume that some forests, some of the salt mines, and, if I remember right, the railroads are national property in Austria and are subject to a first charge. It would be an act of international vandalism for the United States to take possession of the State and national enterprises of Austria. Let me make this suggestion. The $25,000,000 was given for bread to men and women and children who were starving. The debt should be wiped out right now by act of Congress.

Mr. MANN. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. MANN. I understood the gentleman to say that the present revenues of Austria were not sufficient to pay the ordinary expenses of the Government.

Mr. LONDON. That is true.

Mr. MANN. If that is so, how will the release of these assets permit the Austrian Government to function and borrow money as stated in the report by the Committee on Ways and Means?

Mr. COCKRAN. Will the gentleman yield?

Mr. LONDON. Does the gentleman want to explain the action of the Ways and Means Committee?

Mr. COCKRAN. Oh, no; that is too big a job. [Laughter.]

Mr. LONDON. I yield to the gentleman.

Mr. COCKRAN. The obvious purpose of that is to enable the Austrian Government to use these revenues for its own expenses so that it may function, and if they be insufficient for that purpose to borrow some more. At the present time the Austrian Government has no power to use its revenues for any other purpose than to try to meet this debt, but even using them solely in that direction will not meet this debt. This measure leaves the money to be derived from revenues free for any purpose that will maintain the Austrian Government in operation.

Mr. MANN. If the revenues are not sufficient to pay the running expenses of the Government, how will they give any credit to anybody to borrow money?

Mr. COCKRAN. She is probably able to meet her running expenses to-day, but she certainly will not be if denied the use of these revenues.

Mr. LONDON. Oh, no; she is not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. I understand the situation to be this: Almost all European governments are treating Austria with some degree of consideration. They realize that Austria has been completely disrupted by the war. They are extending favors to the Austrian Government which they do not extend to the other defeated powers. It is quite likely that if this lien is removed private capital, private financiers, may loan their money to the Austrian Government, and it is quite likely that we are legislating in favor of private interests; but we can not help that. That is not my purpose.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. KING. Are any of these suffering people going to get any of this money, in the opinion of the gentleman?

Mr. LONDON. In my opinion one of two things may happen: One that the United States by saying to the other governments, "We are ready to extend the date of payment for 25 years, and we want you to do likewise; we do not want you to crush Austria; we want to give Austria a chance to develop during the next 25 years," will give Austria a new lease of life. Another thing that might happen is that this will enable private capital to loan money to Austria and take possession of her assets.

Mr. KING. It will also enable Austria to pay certain creditors of hers from whom she borrowed money during the war.

Mr. LONDON. If the gentleman will examine the proceedings of the other countries toward Austria he will find that Austria has been treated as a favorite child, because her utter helplessness makes it impossible to exploit her. Her misery is her strongest protection.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BARKLEY. Can the gentleman state whether these securities are of such a character that they would be accepted by any banking institution as security for a loan to Austria?

Mr. LONDON. Private financiers have been loaning money to China and other dependent countries with railroad concessions or mines as security for the loan. Austria possesses forests, salt mines, railroads, the telegraph and telephone, power work, and so forth. These assets can certainly be a valuable form of security so far as private capital is concerned.

Mr. BARKLEY. Are these assets included in the securities that are a basis for this lien?

Mr. LONDON. Yes.

The debt arising out of a loan made for the purchase of bread for a starving people should be canceled. Whether private capital or the people of Austria as a whole will benefit by the cancellation of the debt will depend upon the question whether the Austrian people have sufficient political consciousness to control the nation's assets in the interest of the entire people.

Mr. FORDNEY. Mr. Chairman, I move that all debate upon this resolution and all amendments thereto close in 35 minutes.

The CHAIRMAN. The gentleman from Michigan moves that all debate upon this resolution and all amendments thereto close in 35 minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I am not sure that I can say what I want to say in five minutes, but I shall do the best I can. I regret very much that there has been no hearing on this resolution, apparently in either House of Congress, no facts stated in connection with it which cover the subject. The report in the case contains some unintelligible and misleading figures which gentlemen excuse themselves for by stating that they copied them from a Senate report. It is natural that they might be that, I suppose, but that is not a very good reason for copying them. However, we are confronted with the proposition that we have to vote on this question without sufficient information, and I am going to vote for it.

Here is the situation: Two years ago this country joined with 12 other countries in furnishing to the depleted and dismembered country of Austria supplies to keep her people from starving. We gave flour. I do not know what the other people gave, but they gave something. Austria gave a mortgage, practically speaking, as a lien upon her assets and her income to all of the 13 countries for the amounts which they had advanced in money or property. This mortgage was authorized by the Reparations Commission, so that our lien came ahead of the payment to the Reparations Commission. They agreed to pay us 6 per cent interest semiannually. The time for that first interest payment has long since passed. We would not be declaring Austria bankrupt by failing to do this. Austria is bankrupt so far as paying our debt is concerned. She has not paid us. But that is not all. We know that she is not now going to pay us. We know that she can not possibly pay us either the interest or the principal as provided in the bond. I do not know just how it will affect the payment of the reparations by Austria. Probably Austria will not pay much in the way of reparations, but if we extend our time, we postpone our lien. Knowing that Austria owes us money, knowing that she is not going to pay us at the time the money is due, according to the bond, will we have the grace to join with 12, or a substantial part, if anybody knows what that means, of 12 other nations, in remitting the payment for 25 years, probably forever, and let them have a little more courage to try to put themselves on their own feet? Will we give them our blessing or will we hold over them a threat which will not do us any good but which will do them great harm? I think we can afford to say to them, "Do the best you can, you have our good wishes at least." [Applause.]

Mr. MADDEN. Mr. Chairman, I am not sure that I thoroughly understand the situation. This is how I look upon it: As a result of our sale to Austria of $34,000,000 worth of flour, we hold from Austria a first lien on her revenues. If we release that lien, we place the Reparation Commission of the allied nations as a first lien holder on the revenues of Austria. The question now arises, What will the Reparation Commission do with any revenues that may be collected from Austria? Will that commission distribute those revenues among the allied nations, creditors of Austria, under the treaty which authorized the collection for distribution, or will the Reparation Commission authorize the use by Austria of the funds which we release and which they may collect?

I have listened to this debate. I have received very little information either from the debate or from the report of the committee. I have reached my own conclusion after serious thought. I am as sympathetic as anybody, but we have many people in America where our sympathy might properly be extended. I do not believe we will help Austria by releasing the obligation of Austria to the United States. We may not help ourselves by continuing to hold the obligation, but I prefer to take the chances of holding the obligation than to release it with the uncertainty of what will become of Austria through the Reparation Commission, for I do not believe the American people will justify action on our part that will release the Austrian obligation to America and then place Austria in the hands of the Reparation Commission and enable that commission

to collect the obligations of Austria under the treaty terms, not one dollar of which is to come to America.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. The gentleman perhaps has overlooked one thing, and that is the mortgage, so called, we hold is in reality a second mortgage, and that is subject to the claims the Reparation Commission might have for the payment of expenses of the commission and the payment of occupying troops, and the Reparation Commission has never undertaken to enforce that claim that is ahead of ours.

Mr. MADDEN. There ought not to be any occupying troops in Austria by any nation in the world if she is prostrate, and there ought not to be any obligation anywhere that will compel Austria to pay for the maintenance of troops of the Allies, and if that is the result of our releasing the obligation that we hold, that she is to be compelled to pay for the maintenance of allied troops there, I am for one against the release. [Applause.]

Mr. BLACK. Mr. Chairman, I am going to vote to recommit this bill. If the Austrian obligation was one that was due immediately, I might be willing to vote for it, but it is clear this obligation does not mature until the 1st of January, 1925. The mere fact that the Austrian Government has failed to meet some interest payments does not mean the repudiation of the debt any more than the fact that Great Britain has not met its interest payments upon its indebtedness and France and Italy have not met their interest payment.

Mr. JOHNSON of Washington. If the gentleman will permit, we do not undertake to feed any of those countries. Here we are sending flour to feed a country, and we have tied a string to it, and——

Mr. BLACK. If the gentleman will permit, I will get to that feature of the matter in just a moment, I hope. Now, what is the situation? The Austrian Government signed the treaty of St. Germain, and under that treaty it was placed under the Austrian section of the Reparation Commission, and therefore when this flour was sold to the Austrian Government and these other food supplies were furnished by the different nations, the representatives of these nations went to the Reparation Commission, and as a prior condition to the sale they demanded that the commission allow a first lien to secure the payment for these food supplies. Now, if we take this action as proposed in the bill to-day, what is the result? We immediately release our lien and restore the priority of reparation claims. Now, let us see from the contract agreement itself what the obligation is:

> Pursuant to the powers conferred upon it the Reparation Commission has authorized the Austrian Government, under the control of the Austrian Reparation Commission, to issue the present series of bonds, which shall be a first charge upon all the assets and revenues of Austria, and shall have a priority over costs of reparation under the treaty of St. Germain.

Now, immediately when this bill becomes a law we lose our priority of lien and the lien of the Reparation Commission becomes effective on these very same assets which we propose here to release.

Mr. LONDON. Will the gentleman yield?

Mr. BLACK. In just a moment. I am opposed to doing that. If we are going to have a commission to settle up these obligations of indebtedness with the European countries, why not turn over this obligation to the commission to suggest a settlement that will be satisfactory to the United States? The present arrangement is a fair one. The present lien provides that when the Austrian Government takes in its revenues that it shall not be allowed to prefer one creditor over the other. Great Britain loaned $16,000,000 at the same time we loaned $24,000,000. France loaned $16,000,000; Italy also, I believe, loaned the same amount; and it was provided in the obligation that whenever payment was made, either of interest or principal, that a ratable portion be paid to each of the other nations, thereby preventing preference of creditors. That is fair. The United States Government has no complaint to make against that arrangement. But I am not willing to vote for this bill, and without any definite information as to what will be the effect of postponing the indebtedness for 25 years and restoring the preference lien of the Reparation Commission.

Mr. LONDON. Will the gentleman yield?

Mr. BLACK. I will.

Mr. LONDON. Does not the proviso guard against that? Does not the proviso stipulate that any creditor nation, which includes the United States, interested in reparation should take similar action with regard to their respective claims?

Mr. BLACK. No; if the gentleman will permit, that language refers to a similar claim for food supplies. At the time we made these loans to the Austrian Government other European nations also participated in the loans for food supplies, and this language does not refer to the reparation indebtedness, but only for the same kind of indebtedness as is referred to in this bill.

Mr. SANDERS of Indiana. Mr. Chairman, it seems to me that the proposition before the committee is a very simple one. The gentleman from Texas [Mr. GARNER] warns the House that if this measure is passed it will give a precedent to the Allied Debt Commission to deal with the question of the allied debt to the United States and that the commission will extend all debts 25 years. No proposition could be more absurd, because the act which created the commission gives this authority:

> That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or obligations due to the United States of America beyond June 15, 1947.

That is 25 years approximately.

The provision of the pending resolution is:

> That the Secretary of the Treasury is hereby authorized to extend, for a period not to exceed 25 years, the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation.

This law does not extend the debt for 25 years.

So far as the provision of time for that loan is concerned the two measures are substantially identical. The only difference between this measure and the authority granted in the funding bill is that by the express terms of this bill the Secretary of the Treasury acts alone. Under the provisions of the other bill the commission would have absolute authority to do everything that is authorized by this measure. And the gentlemen who are objecting to this measure on the ground that we are authorizing something to be done that ought not to have been done are wasting their breath, because we have already given such authority to a commission.

Mr. DENISON. This resolution authorizes the remission of the interest for 25 years, whereas we would not expect the commission to do that.

Mr. SANDERS of Indiana. What we might expect the commission to do, I do not know, but this measure in terms gives the Secretary of the Treasury substantially the same power as is contained in the other measure. The only thing this does is that it expressly authorizes the Secretary of the Treasury to release the lien on these assets, but the general power contained in the measure which created the commission authorized the extension of the time of payment of those debts, upon such terms and security as they should determine.

Mr. KINCHELOE. Will the gentleman yield?

Mr. SANDERS of Indiana. I can not yield in five minutes. The gentlemen say the Secretary of the Treasury is going to proceed to do something that he ought not to do; that he is going to give up a lien he ought not to give. Do not forget this is merely authority for the Secretary of the Treasury to act. This resolution does not extend the time of payment or release the lien. It merely authorizes the Secretary of the Treasury to deal with the proposition, and in dealing with the proposition and dealing with the Allies, and having in mind the policy of the commission, the Secretary of the Treasury is going to deal with this whole proposition in a sensible and sane way. It may be very essential that the power to deal with this situation should be left with the Secretary of the Treasury so that it can be done now. It is largely an administration matter, and we should grant the authority within reason that the administration needs. Some gentlemen advance the proposition that three of the five members of the commission have been named, and hence they could act. We know, as a matter of law, that the commission is not created until the five members are named and confirmed. The three could not act now. This measure simply grants to the Secretary of the Treasury, who will be one of the commissioners, the power and authority to act now and deal with this proposition in the way substantially as authorized by the general act dealing with these debts.

Mr. LONDON. Is not the work of the commission limited to the debts of allied nations? It has nothing to do with this debt whatever.

Mr. SANDERS of Indiana. The gentleman is in error about that, for the law creating the commission included debts owing to the United States Grain Corporation, and this is one of those debts.

Mr. LONGWORTH. Mr. Chairman, most of the arguments that have been made in opposition to this bill are based upon the utterly false theory that it involves a new obligation when, as a matter of fact, the precise contrary is the case. What is this transaction? It is simply this: We authorized, some two years ago, the Grain Corporation to sell to the Government of Austria any portion of 5,000,000 barrels of flour. It appropriated no money from the Treasury whatever. It created no charge whatever on the Government. It simply sold to the Government of Austria, to feed their starving people, $24,000,000

worth of flour that could not be disposed of in this country. Now, what are we undertaking to do to-day? We are undertaking to extend the time of the credit that Austria established at that time. And what was that? Merely an obligation to pay us $24,000,000 on the 1st of January, 1925, with interest semi-annually. We received no interest, and we probably never will. When the 1st of January, 1925, rolls around, what are we going to do about it? It is true that the assets of Austria and her revenues are pledged by this obligation, but when the 1st of January comes around, what are we going to do about it? If Austria refuses to pay any of the principal, are we going to go into Austria and take physical control of the Austrian railroads and the Austrian forests and the Austrian treasury? The thing is too absurd to talk about for a moment. It is true that we have a lien on those assets, but it is a lien upon which none of us, this country or any of the other countries that cooperated with us, would ever think of foreclosing. And all we are doing is to extend for 25 years the payment of interest we can not get and the payment of a principal that we will never levy upon.

Now, gentlemen, this transaction takes place upon the authority of a bill which passed this House under suspension of the rules, with 285 votes, as I recall, for it, and only 12 against it. We are simply extending the period at which that loan is due and remitting the interest upon it. It was an act then of generosity. That is all that we need consider now in this connection. The Senate has passed this bill unanimously. Do we want to be outdone in generosity by the Senate of the United States. Shall we be outdone in generosity by the other nations who have assisted Austria in her hour of need? The measure through which this transaction was created was based upon a sentiment of Christian charity, and that ought to be the spirit to animate us to-day. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, let me inquire of the Chairman how much time is remaining and who has the time?

The CHAIRMAN. There are 11 minutes remaining, 1 minute of which the gentleman from Ohio has and 10 minutes to be disposed of on recognition by the Chair.

Mr. GREEN of Iowa. Mr. Chairman, if there is no objection, I would like to have the gentleman from Illinois and the gentleman from West Virginia divide that time.

Mr. LONGWORTH. Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of Kansas. Mr. Chairman, a great deal has been said about the extension of the credit that created the obligations to this Government from the Government of Austria. Poland was connected with it in the original application for a loan to purchase food. The original application was one for $150,000,000. That was the question that came first before the Committee on Rules. That committee did not see fit to make in order a bill to come on the floor of the House with its authority for that amount. It was finally reduced to $50,000,000.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Was not that due to the fact that it was stated by Mr. Barnes that they had authority to deal with this flour without any legislation necessary?

Mr. CAMPBELL of Kansas. I am about to give the record. Then for the purpose of forcing the Committee on Rules to do what they did not think was necessary to be done, one of the greatest arrays of talent appeared before that committee that had ever appeared before any committee of this House, including ministers of the gospel of all denominations and the highest dignitaries of the church in this country, and in addition to that a woman who had made a success on the stage, who had been in Austria, in Poland and in all that country where the greatest of the suffering was. Her appearance before the committee was a success. I find from the hearings here that the chairman of the Committee on Rules made a statement at the conclusion of her statement that nobody with anything else than a heart of stone could listen to what she had to say without being moved. I remember very distinctly giving her tears, but I did not feel ready at that time to give cash, because I had wired early that morning for Mr. Barnes to come down from New York. We waited until after 4 o'clock in the afternoon, when Mr. Barnes arrived and was put on the stand, and testified that he had 5,000,000 barrels of flour that he had been attempting to sell, and that he could not sell it. I asked him if that flour could be immediately shipped. He said it could if he had the authority. He did not quite feel that he had the authority to sell it to Austria and Poland because the time for the advertisement of its sale for cash had not expired, and he did not feel that he had authority to sell it on credit, and suggested that if the Congress would give him the authority to sell it on credit that could be done, and that he might do it in any event.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. It is important to keep the record clear. My recollection is that Mr. Barnes stated that in view of the fact that the Grain Corporation and the administration had been under such severe criticism, while he did not doubt his authority, he would like to have the approval of the Congress for exercising it.

Mr. CAMPBELL of Kansas. I think that is correct. Then I sent for the gentleman from Michigan [Mr. FORDNEY], the chairman of the Committee on Ways and Means, and stated to him what had been stated by Mr. Barnes; and a bill was prepared and was passed under suspension of the rules on the next suspension day.

That is the history of the matter; and it was all done then for charity. There was not an idea that the Government of the United States would ever get back a dollar, although it was stated in the hearing before our Committee on Rules that the people of Austria were willing to pawn the crown jewels, pawn anything that they had under the old dominion, for food for the then starving people. We authorized the sale of flour that was not salable in this country on credit and such time as they required. That was done. I see no reason why we should now quibble over extending the time for payment. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, how much time remains?

The CHAIRMAN. Six minutes.

Mr. DENISON. Mr. Chairman, I thought I would have five minutes, but the time is limited and I will take only a minute to state my position.

I did not vote for the original bill granting this loan to Austria because I was not here. I was at my house ill at that time. I do not think I would have voted for it if I had been here. But I am not willing to vote for the pending resolution at this time. I think it ought to be recommitted. I, for one, have not sufficient information to know what I am doing, and I do not think the rest of the House has. We do not know what the facts are over there. I think the matter can at least be deferred until next session. The debt will not have matured by that time, and possibly our Foreign Debt Commission will have been completed and gotten to work. I think the commission can deal with this matter more efficiently than the Congress anyway, because they would know what terms and conditions could be obtained. I do not think we should release what securities we have and let them be turned over to other nation. Therefore I think I shall vote against the resolution.

If we are going to give this money to Austria as a charity we ought to at least see to it that it goes to the Austrian people who need it. We ought not to release our securities in order to permit Austria to use them to satisfy other creditors. I fear that will be the result of this resolution. Therefore I shall vote to recommit it to the Committee on Ways and Means for further consideration, with the hope that the committee can at a later time give us more light and information so we can act intelligently.

Mr. GREEN of Iowa. Mr. Chairman, gentlemen talk about referring this resolution back to the Committee on Ways and Means for further information. There is no further information that can possibly be given. The nature of the security is stated on the second page of the report. It is all the assets that Austria has, assets that that nation itself is not able to turn into funds, and certainly we shall not be able to do anything with them.

Gentlemen have asked us where we would be in case the Reparation Commission undertook to get reparations from Austria. There is no way of finding out. We may assume that inasmuch as the Reparation Commission has now a prior lien, but has not enforced it from Austria, it will not undertake to collect reparations. In fact, it would be useless to attempt anything of the kind.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. KINDRED. Would it not be extremely unfortunate for Congress to release this security and then have the Reparation Commission grab the security and devote it to the payment of awards?

Mr. GREEN of Iowa. The Reparation Commission can not do that. Austria can not possibly raise funds to meet its obligations by its taxes or the sale of property or otherwise. The only thing it can do is to continue to issue more obligations, and if it can find any government charitably inclined, such government might extend further aid.

Mr. SMITH of Michigan. Has Austria asked for this?

Mr. GREEN of Iowa. Yes; Austria has asked for this on her bended knees. The other countries in Europe have put us to shame and disgrace. England has let Austria have more money than we have. France has let Austria have more money than we have; and even Italy, bankrupt and poverty-stricken as few countries are, has let Austria, its hereditary enemy, have more money than we have, and they offer, along with us, to release whatever securities they have.

Gentlemen, are we, the richest country in the world, to stand back and say that these countries that have suffered so much in the war are to do more for humanity, more for the starving people of Austria, more for those who are suffering so much, than we? Shall Austria's ancient enemy which has so much to forgive be more merciful than we are?

The gentleman from Illinois [Mr. MANN] admirably answered the argument which he himself made. As he says, we have nothing from which we can force collections. This lien is of no value. We can not get anything out of it. There is no way in the world by which we or any other nation can realize a cent on it; but we can give Austria an opportunity to say whether some other nation will be a little more generous in the future and continue some further advances, more as a matter of charity, than in the expectation of receiving anything in repayment.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. The gentleman speaks of the liberality of England, France, and Italy. They can afford to be liberal with our money, can they not? They owe us $11,000,000,000 now, and we are unable to collect a nickel from them.

Mr. GREEN of Iowa. They are not liberal with our money; they are liberal with their own money. They are taking the money out of their own treasury. What they got of us they spent in this country for munitions and supplies.

Mr. JOHNSON of Mississippi. Why do they not pay their debt to us first?

Mr. GREEN of Iowa. Because they believe we can wait better than a starving people. They advanced this money to Austria because of the pity they took upon her people, whose condition would almost move a heart of stone. That is why they advanced this money. They had no more hope of getting it back than we had.

Mr. JOHNSON of Mississippi. If we pass this resolution, how will it help the starving people of Austria?

Mr. GREEN of Iowa. Austria believes that if we release this security it may get more funds elsewhere. At least the Government of Austria can go on and continue to function, and it can not go on under present conditions. If we refuse this extension their Government will cease to exist, and the last condition of these wretched people will be worse than the first.

Mr. CABLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

An amendment offered by Mr. CABLE: Page 2, line 3, after the word "corporation," strike out the comma and the balance of the paragraph and insert in lieu thereof a period.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question being taken, the amendment was rejected.

Mr. KETCHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KETCHAM: Page 2, line 3, after the word "corporation," strike out the comma and insert a colon, and strike out all the language following down to and including the word "resolution" in line 7.

Mr. KETCHAM. Mr. Speaker, in support of my amendment I desire to point to what I regard as a dangerous provision of the resolution which has not been referred to very extensively in the course of the debate. A live issue before the country just now is the cancellation of the foreign loans. It is openly charged in the debate on the floor that certain influential House Members favor cancellation, and propaganda is unquestionably very common in support of such a proposition. With this fact in mind, I ask your careful attention to the language of this resolution which my amendment would strike out:

And to release Austrian assets pledged for the payment of such loan, in whole or in part, as may in the judgment of the Secretary of the Treasury be necessary for the accomplishment of the purposes of this resolution.

While the report of the committee well says that "this loan rests upon an entirely different basis from the allied loans made during the war"; yet a loan is a loan, whatever may be its purpose, and I can not escape the conviction that the language "release Austrian assets pledged for the payment of such loans" will rise up to plague us should the proposed cancellation of foreign loans ever get beyond the propaganda stage. It would not require much ability to frame up an argument for cancellation of loans to an ally based upon this proposed official abandonment of our last ray of hope of recovering $24,000,000 loaned to Austria, so recently our bitter enemy.

I offer this amendment with the hope that it will serve notice that the House views with disfavor anything that offers the slightest encouragement to those who would cancel our foreign loans. I am in sympathy with the extension proposed in the resolution, but I do not believe that the language which my amendment seeks to remove is wise in view of the cancellation agitation already referred to, and I hope my amendment will prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question being taken, the amendment was rejected.

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Strike out line 4, on page 1, and all appearing on page 2, and insert in lieu of the matter stricken out the following: "Cancel and discharge the debt incurred by Austria for the purchase of flour from the United States Grain Corporation and to release Austrian assets pledged for the payment of such loan."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 2, noes 86.

Accordingly the amendment was rejected.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report the joint resolution back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration S. J. Res. 160, authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes, had directed him to report the same back to the House with the recommendation that it do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the joint resolution to the final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the preamble.

The preamble was agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time.

Mr. WALSH. Mr. Speaker, I desire to offer a motion to recommit the joint resolution.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. WALSH. I am.

The SPEAKER. The Chair will recognize the gentleman.

Mr. WALSH. Mr. Speaker, I move to recommit the joint resolution to the Committee on Ways and Means, and on that I move the previous question.

The SPEAKER. The gentleman moves to recommit the resolution and on that he moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to recommit the resolution to the Committee on Ways and Means.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 88, noes 83.

Mr. LONGWORTH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair thinks there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will bring in absent Members. As many as favor the motion to recommit will as their names are called vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken, and there were—yeas 114, nays 189, answered "present" 1, not voting 126, as follows:

YEAS—114.

Aswell	Dowell	Larson, Ga.	Rucker
Beckhead	Dyer	Lawrence	Sanders, Tex.
Brady	Driver	Layton	Sandlin
Bell	Edmonds	Lazaro	Sears
Bird	Fairfield	Logan	Shaw
Black	Farrar	Lowrey	Sisson
Bland, Va.	French	Lyon	Smithwick
Blanton	Fulmer	McSwain	Steagall
Bowling	Garner	MacGregor	Summers, Tex.
Box	Garrett, Tenn.	Madden	Swank
Brand	Garrett, Tex.	Martin	Sweet
Briggs	Gensman	Montague	Taylor, Tenn.
Brooks, Pa.	Goodykoontz	Moore, Ill.	Tillman
Buchanan	Graham, Ill.	Moore, Va.	Towner
Bulwinkle	Harrison	Oldfield	Tucker
Burdick	Hayden	Oliver	Tyson
Byrnes, S. C.	Hoch	Overstreet	Vinson
Byrns, Tenn.	Hooker	Padgett	Walsh
Cable	Hudspeth	Park, Ga.	Walters
Campbell	Humphreys	Parks, Ark.	Weaver
Carter	Jeffers, Ala.	Radcliffe	Williams
Chalmers	Johnson, Miss.	Ramsin	Williamson
Clague	Jones, Tex.	Rayburn	Wilson
Collins	Ketcham	Reed, W. Va.	Wingo
Connell	Kincheloe	Rhodes	Wise
Davis, Tenn.	King	Ricketts	Woodyard
Deal	Kraus	Roach	Wyatt
Denison	Lanham	Robsion	
Dominick	Lankford	Rouse	

NAYS—189.

Ackerman	Dyer	Langley	Baker
Andrew, Mass.	Echols	Larson, Minn.	Ramseyer
Andrews, Nebr.	Elliott	Lea, Calif.	Reece
Anderson	Faust	Leatherwood	Riddick
Appleby	Fish	Lehlbach	Robertson
Arentz	Fitzgerald	Linthicum	Rodenberg
Atkeson	Focht	Little	Rogers
Bacharach	Fordney	Lonergan	Sanders, Ind.
Barbour	Foster	London	Scott, Mich.
Barkley	Free	Longworth	Scott, Tenn.
Beck	Freothingham	Luce	Shelton
Begg	Fuller	Luhring	Siegel
Bland, Ind.	Funk	MacArthur	Slanker
Boies	Gahn	McLaughlin, Mich.	Sinnott
Bond	Gallivan	McLaughlin, Nebr.	Smith, Idaho
Bowers	Gernerd	McLaughlin, Pa.	Smith, Mich.
Britten	Gilbert	McPherson	Sproul
Brooks, Ill.	Glynn	Magee	Stafford
Browne, Wis.	Green, Iowa	Maloney	Stedman
Burroughs	Greene, Mass.	Mann	Stephens
Burtness	Greist	Mapes	Stevenson
Burton	Griffin	Mead	Strong, Kans.
Campbell, Kans.	Hadley	Merritt	Strong, Pa.
Campbell, Pa.	Hardy, Colo.	Michener	Summers, Wash.
Cannon	Hardy, Tex.	Mills	Swing
Chandler, N. Y.	Hawes	Mingo	Tague
Chandler, Okla.	Hawley	Mondell	Taylor, N. J.
Cheatham	Herrick	Nortrup	Thompson
Cockran	Hersey	Moore, Ohio	Tilson
Cole, Iowa	Hickey	Moores, Ind.	Timberlake
Cole, Ohio	Hogan	Morgan	Tincher
Collier	Huddleston	Morin	Tinkham
Colton	Hutchinson	Mott	Treadway
Connolly, Pa.	Hutchinson	Nelson, A. P.	Underhill
Cooper, Ohio	Johnson, Ky	Nelson, J. M.	Vaile
Cooper, Wis.	Johnson, Wash.	Newton, Mo.	Vestal
Copley	Jones, Pa.	Nolan	Volk
Coughlin	Keller	Norton	Volstead
Crago	Kelly, Pa.	O'Brien	Voigt
Cramton	Kennedy	Olpp	Watson
Crowther	Kendall	Osborne	Webster
Cullen	Kinkaid	Paige	White, Kans.
Curry	Kirkpatrick	Parker, N. Y.	White, Me.
Dallinger	Kissel	Perkins	Woodruff
Darrow	Kline, N. Y.	Peterson	Young
Dempsey	Kline, Pa.	Porter	
Dickinson	Knipp	Pou	
Dupré	Kreider	Purnell	

ANSWERED "PRESENT"—1.

Steenerson

NOT VOTING—126.

Almon	Evans	Kearns	Patterson, Mo.
Anderson	Fairchild	Kelley, Mich.	Patterson, N. J.
Anthony	Fenn	Kendall	Perlman
Benham	Fess	Kiess	Pringey
Bixler	Fields	Kitchin	Quin
Blakney	Fisher	Kleczka	Rainey, Ala.
Bowman	Frear	Knight	Rainey, Ill.
Brinson	Freeman	Kouteen	Ransley
Brown, Tenn.	Goldsborough	Kunz	Reatta
Burke	Gorman	Lampert	Raker
Butler	Gould	Lee, Ga.	Reed, N. Y.
Carew	Graham, Pa.	Lee, N. Y.	Riordan
Christopherson	Greene, Vt.	McClintic	Rose
Clark, Fla.	Hammer	McCormick	Rosenbloom
Clarke, N. Y.	Hauger	McDuffie	Rosedale
Classon	Hays	McFadden	Ryan
Clouse	Hicks	McKenzie	Sabath
Codd	Hill	Mansfield	Sanders, N. Y.
Connally, Tex.	Hilliard	Mapes	Schall
Crisp	Hull	Miller	Sherwood
Dale	Husted	Madd	Sisson
Davis, Minn.	Ireland	Murphy	Snell
Doughton	Jacoway	Nelson, Me.	Snyder
Drewry	James	Newton, Minn.	Speaks
Dunbar	Jefferis, Nebr.	O'Connor	Bliven
Dunn	Johnson, S. Dak.	Ogden	Snell
Ellis	Kahn	Parker, N. J.	Sullivan
Taylor, Ark.	Upshaw	Wheeler	Wurzbach
Taylor, Colo.	Vare	Winslow	Yates
Temple	Ward, N. Y.	Wood, Ind.	Zihlman
Ten Eyck	Ward, N. C.	Woods, Va.	
Thomas	Watson	Wright	

So the motion to recommit was lost.

The following pairs were announced:

On the vote:

Mr. Steenerson (for) with Mr. Perlman (against).

General pairs:

Mr. Miller with Mr. Almon.

Mr. Michaelson with Mr. Woods of Virginia.

Mr. Reed of New York with Mr. Goldsborough.

Mr. Lampert with Mr. Quin.

Mr. Patterson of New Jersey with Mr. Upshaw.

Mr. Mudd with Mr. Brinson.

Mr. Dunn with Mr. Drewry.

Mr. Wurzbach with Mr. Fisher.

Mr. Butler with Mr. Kunz.

Mr. Murphy with Mr. Rainey of Illinois.

Mr. Ellis with Mr. Ward of North Carolina.

Mr. Kleczka with Mr. Doughton.

Mr. Hull with Mr. McDuffie.

Mr. Himes with Mr. Sabath.

Mr. Fess with Mr. Taylor of Colorado.

Mr. Ireland with Mr. Wright.

Mr. Blakeney with Mr. Clark of Florida.

Mr. Rose with Mr. Fields.

Mr. Dunbar with Mr. Hammer.

Mr. Kahn with Mr. Kitchin.

Mr. Anderson with Mr. Connally of Texas.

Mr. Patterson of Missouri with Mr. Taylor of Arkansas.

Mr. Gorman with Mr. Mansfield.

Mr. Shreve with Mr. Rainey of Alabama.

Mr. Christopherson with Mr. Riordan.

Mr. Hill with Mr. Carew.

Mr. Hicks with Mr. Jacoway.

Mr. Kearns with Mr. Crisp.

Mr. Codd with Mr. Lee of Georgia.

Mr. Breman with Mr. McClintic.

Mr. Reber with Mr. O'Connor.

Mr. Snell with Mr. Sullivan.

Mr. Wood of Indiana with Mr. Thomas.

Mr. Kendall with Mr. Ten Eyck.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the passage of the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 142, noes 50.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point that no quorum is present.

Mr. GARRETT of Tennessee. Will the gentleman withhold that to permit a suggestion?

Mr. BLANTON. If it will not interfere with a record vote. I do not want to lose the right for a record vote.

Mr. GARRETT of Tennessee. I was going to suggest that the record was made on the motion to recommit and that a further roll call is merely delaying the consideration of the resolution.

Mr. BLANTON. A "no" vote on the motion to recommit is not an "aye" vote on the passage of the measure.

Mr. WALSH. I make the point of order that we have just had a record vote and no business has intervened in the meantime.

Mr. BLANTON. Mr. Speaker——

The SPEAKER. The Chair does not care to hear the gentleman from Texas. The Chair thinks that the gentleman has a right to have a quorum present, and the Chair will count. (After counting.) Two hundred and thirty-three Members present, a quorum. The ayes have it and the resolution is passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

EXTENDING CERTAIN PROVISIONS TO CERTAIN VETERANS OF THE WORLD WAR—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I present a conference report for printing under the rule on the bill (H. R. 9633) to extend the provisions of section 2305 of the Revised Statutes, and of the act of September 29, 1919, to those discharged from the military and naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes,

and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

REED SMOOT,
T. J. WALSH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, submit the following written statement explaining the effect of the action agreed on.

The effect of said action is to restore the language of the bill as it passed the House.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I present herewith for printing under the rules a conference report upon the bill (H. R. 10329) making appropriations for the Department of the Interior.

EXTENSION OF REMARKS.

Mr. APPLEBY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Army bill, passed this morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. APPLEBY. Mr. Speaker, as I am particularly interested in the rivers and harbors section of the bill under discussion, and the time allotted for debate on this section being too limited to give opportunity to all of the Members of the House desiring to be heard on the same, although my statement will be very brief, I have requested the privilege of extending my remarks in the RECORD.

The appropriation carried by this section will, I hope, take care of, in part at least, the project carried in the rivers and harbors bill recently reported to the House, which is of the greatest possible importance to the industrial development of New Jersey. It is the project known as the New York and New Jersey channels. The improvement proposed is a channel, 30 feet deep, from the main ship channel north of Sandy Hook through Raritan Bay via Seguine Point and Arthur Kill to Kill Van Kull, with channels north and south of Shooters Island through Kill Van Kull to deep water in upper New York Bay, and a channel, 30 feet deep, to the Pennsylvania Railroad coal piers at South Amboy. Justification for the deepening of the Raritan Bay Channel is found in the present and prospective commerce of South Amboy and Perth Amboy and of Arthur Kill between Perth Amboy, Chrome, Roosevelt, and Carteret, or points above. Carteret is about the same distance from Sandy Hook by either the northerly or southerly entrance to Arthur Kill, but with the same depth in both entrances vessels from points some distance above Carteret would probably use the Raritan Bay entrance rather than the congested waters of Kill Van Kull, upper New York Bay, and the Narrows. The relief of these main channels of New York Harbor is one of the important objects to be attained by the proposed improvement of the channel through Raritan Bay. On Arthur Kill there are many important industries which find the present channel depth insufficient to accommodate the class of vessels that are most economical for their business, and a depth of 30 feet is desired in this channel and also in the channels north and south of Shooters Island. The total commerce of all three waterways under consideration amounts to approximately 40,000,000 tons a year, of which about 26,000,000 tons pertain to Arthur Kill. In view of the steady increase of commerce and the remarkable growth of the industries located along this waterway, it is believed by the Engineering Corps of the War Department that the further improvement of these channels, with a view to securing a depth of 30 feet and a width of 400 feet throughout, should be undertaken without further delay.

The deepening of this waterway is also a matter of the greatest importance to the shipping interests of this country. It will permit many large plants located along this waterway to load and unload cargoes directly into ocean-going vessels and do away with the enormous delay and expense of lighterage, as well as allowing these vessels to load directly their coal and oil fuel. About 60 per cent of the Arthur Kill traffic is coal from the coal-dock terminals at South Amboy and Port Reading. The Standard Oil Co. now discharges its deep-draft vessels at Bayonne and pumps to its refinery at Bayway, whereas these vessels would go direct to Bayway if they had a channel 30 feet deep. The tonnage in oil at the present time, if my information is correct, is well over 2,000,000 tons annually.

The magnitude and importance of the commerce of this waterway are well known. Gradually its banks are being occupied by industrial plants of various kinds, and it seems practically certain that traffic will continue to increase. Manufacturing and terminal sites on navigable waters adjacent to New York Harbor and vicinity are becoming scarce, and those unoccupied, with the deepening of this channel, will soon be in demand. It seems to be thoroughly understood that great industrial development on both the New York and New Jersey sides of the improved waterway is certain to follow.

In view of the steady increase of commerce and the remarkable growth of the industries located along this waterway and its tributaries and the stimulation for a still greater industrial growth the improvement will bring it is therefore thought that ample justification is found for the expenditure of the funds necessary to provide channels of the depth and width recommended by the War Department and that the project should be adopted without delay.

In this brief statement I have quoted in part from the report of the engineers of the War Department. Their first survey for the project was made in 1915. And so you will note that the proposed improvement has been on the way for the past seven years. It is now considered one of the most important projects before the department. It is estimated that it will take several years to complete it.

When these deeper channels are completed it will mean that ocean-going steamers can go directly to these various terminal points, unload and load their cargoes to and from European ports, and thereby greatly lowering the cost of transportation not only for the steamship lines but for the land carriers as well.

In view of these facts, fellow Members, I trust the amendment for the increased appropriation as offered by Mr. DEMPSEY will receive your vote and become a part of the pending legislation.

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon Senate Joint Resolution 160, the Austrian relief resolution, passed this afternoon.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. GOODYKOONTZ. Mr. Speaker, on last Wednesday the House passed the bill, which had previously gone through the Senate, conditionally granting Austria an extension of 25 years within which to pay the American Government the debt of $25,000,000 she owes us for flour sold her and "to release Austrian assets pledged for the payment of such loan." The bill met no serious opposition in the Senate, but was strongly contested in the House.

Having voted against the bill I desire, by way of extension of remarks, to state my reasons therefor. In my judgment the bill constitutes the entering legislative wedge, being driven home by mauls in the hands of powerful international bankers, of those who are behind the movement to bring about a cancellation of the huge debt of more than $10,000,000,000 owing us by foreign Governments. That such a plan was on foot I long suspected. More recently insidious propaganda has been percolating through the usual channels.

In order to give the proposition an air of great respectability, a public speech made in December at Cleveland, Ohio, by Mr. Justice Clarke, the friend of the late Secretary of War, Hon. Newton D. Baker, and appointed by ex-President Wilson, was widely circulated, in which speech Justice Clarke declared to the world that the war debts "should be promptly and wholly canceled."

In an address made in the Chamber of the House the 5th of January last I directed attention to the utterance of Mr. Justice Clarke, and warned the American people that a plan, deep

lied and subtle, was on foot to induce our Government to cancel the loans.

Every day that passes adds to the dark evidences of the schemes devised and the plan being pursued to have us give up the Great War loans that represent the toil and labor, self-sacrifice, and abnegation of millions of American citizens.

The bold schemers behind this project are after a great stake. Never before in the history of the world was so large a sum—ten billions—involved. No bank robber with jimmy and nitroglycerin, with bowie knife and dark lantern, ever planned with greater cunning, stealth, and determination to accomplish his purpose than the persons and interests that are now seeking the annulment of the foreign loans made by this Government during the war.

"Propaganda" is a new word, but an apt one, coined out of a necessity to represent the work, underground chiefly, of manufacturing a public opinion to effectuate an object.

My attention has been called to a weekly trade bulletin called The Current, of date March 16, issued by a New York City firm of stockbrokers, from which I read the following:

VITAL DEVELOPMENTS OF THE WEEK.

1. Foreign debts to us, with interest, $11,000,000,000, should become due on April 22, this date being end of moratorium as to interest.
2. As to this, we believe the question of cancellation now more widely agitated may influence next general election.

Your attention is directed to the concluding paragraph, which tells us that the question of cancellation is being widely agitated, and, furthermore, that the same may influence the next general election. How influence, may I ask? To me the declaration implies that those who are interested in the cancellation—foreigners, acting through and by their agents, the international bankers—expect to take a hand in American elections with the view of putting in Congress men who will vote for cancellation of the loans. To what ends they will go and by the use of what methods and means remains to be seen.

The question naturally arises, Why are the international bankers interested? The answer is: These men have banks not only in New York but in Paris, London, and Berlin. Their vaults are filled to capacity with the bonds of foreign Governments—some of them insolvent—securities bought at a low figure, and if our Government releases its claim then the value of their securities will be enhanced. In addition to this, such bankers are the fiscal agents of foreign Governments, and deem it their duty to advance the cause of their principals.

But, Mr. Speaker, to my mind the most convincing evidence of the movement I have described consists in a well-prepared address of Mr. Otto H. Kahn, the well-known international banker of New York. The speech was delivered "at the Advertising Club," and is being circulated by an organization styling itself "Committee of American Business Men." I presume every Member of Congress has received a copy of the speech. The one sent me was accompanied with a note saying that "the committee will be indebted to you (me) for any comment or suggestion you (I) may care to make." Evidently the "committee" has adopted this method of sounding out Members of Congress, the greater number of whom are expected to stand for reelection. The "suggestions" and "comments" I have to make I am, therefore, offering in this public way, not only for the benefit of the "committee" but also for the benefit of the country.

The argument of Mr. Kahn admits "that the debts are justly due us," and concedes that "the allied nations took material compensation from the vanquished to the extent that there were assets to distribute—territorial, physical, or financial—not to mention the obtainment of advantages of a less tangible but none the less very real nature. America, on the other hand, asked nothing and received nothing of the material spoils of war. We are carrying the immense burden of our war expenditures without any compensating tangible return whatsoever."

Of the assets taken over by England I might mention Mesopotamia, covering the regions of the Tygris and the Euphrates—a territory as rich as the valley of the Nile, except four times larger in area.

Of the assets taken over by France were Alsace and Lorraine, with their iron, coal, potash, and other tremendous wealth. Likewise these two countries took over a vast empire in Africa, and now own practically the entire rubber supply of the world. The United States motor-car industry is almost entirely dependent upon these two nations for its rubber supply.

To catalogue the vast properties, rights, and benefits obtained by our allies from the conquered nations would require many pages. It was only Uncle Sam who came away empty handed. Now it is proposed to cancel the notes given us by the Allies.

The apparently friendly attitude of Mr. Kahn, as indicated by the quoted matter, is soon dispelled, for by a further reading of his address we find him saying that the "reparation sum" placed upon Germany "is greatly beyond Germany's capacity to pay"; that in order to remove the causes which stood in the way of "stabilizing and normalizing Europe," he proposes as and for a remedy as follows:

> I would cancel the allied war debts to America to the extent that they are war debts, not as a free gift but in consideration of and return for adequate pledges and appropriate action on the part of the nations concerned, leading to the elimination, as far as actually possible, or at least the prompt and essential mitigation of the remediable circumstances and conditions which keep Europe in turmoil and prevent it from exercising its normal and natural functions either as consumer or producer. Subject to that consideration in each instance, I would cancel all the allied war debts to us, regardless of the solvency of the nation concerned, and I would impose the stipulation that the war debts which the various allied nations owe as between themselves be likewise canceled.

Here, then, we have an open declaration by an international banker of his view on the subject. The fact that this speech was made, printed, and circulated is palpable evidence that the agitation will go on and, as The Current puts it, will be carried into the next general election.

The action of the House in extending the time for the payment of the Austrian loan will be heralded abroad as the attitude of Uncle Sam on all the foreign loans.

Furthermore, the release of the Austrian assets pledged to secure the loan is tantamount to handing over the security to our former allies, who thereby become the holders of a first mortgage to secure the huge indemnity exacted by them under the treaty of Versailles.

The stand I have taken I well know will make me the subject of attack by powerful interests, and I shall probably be marked by them for slaughter in the next election. Being convinced that I am right, I shall go ahead without regard to consequences. On the other hand, I am reassured by letters coming to me from men in every walk of life approving my stand. This morning's mail brought to me nine letters on the subject. Briefly, they are as follows:

Mr. M. T. Roberts, a business man, of Eggleston, W. Va., tells me that I am right and he is pleased with my efforts.

Mr. S. T. Goshorn, a justice of the peace, of Piedmont, W. Va., says that he can not commend my speech too much; that it expresses his sentiment.

Mr. P. M. Nelson, postmaster at Beverly, W. Va., says that he has read my address and that it embodies everything that is fair and just, and suggests that my speech on the subject be distributed all over the country.

Messrs. Marcum & Marcum, prominent lawyers, of Huntington, W. Va., write that they heartily indorse my position and say that we would be very foolish out of pure sentiment to cancel the $11,000,000,000 due us from foreign nations.

John H. Meek, Esq., of the law firm of Vinson, Thompson, Meek & Renshaw, Huntington, W. Va., says he indorses my position most heartily.

Mr. O. P. Vines, cashier of the Citizens' National Bank, Hinton, W. Va., says he likes the stand I have taken and feels sure that I will have the full support of my constituents on the question.

Ex-Major of Infantry Charles C. Robinson, now department vice commander for the second district of the American Legion of West Virginia, at Morgantown, W. Va., says he wishes to commend me for my frank and open statements, and feels sure that I will find the American people behind me with their support on the proposition.

Hon. J. Frank Marsh, secretary of the State board of education, at Charleston, W. Va., says, in regard to my stand on the matter, that he is pleased with the recognition I am getting for myself and the honor I am bringing to the State.

Hon. Howard Post, a member of the House of Delegates of West Virginia, at Clarksburg, W. Va., says he has read the address with pleasure, and congratulates me upon the splendid and clear argument I have offered against the cancellation; that he thinks he is safe in saying that at least 99 per cent of the citizens of West Virginia are with me in the matter; that foreign nations owe us this money and every cent of it should be paid with interest; that we should ask no quarter and surely give none.

It is eminently proper that I should give publicity to the views of our people on this subject. These are only a few of the many letters I have received in the matter.

The position of every candidate for Congress in the primaries and in the next general election on this all-important subject should be clearly stated. The people are entitled to know not only what the candidates have to say on the subject but they ought to fully investigate, with a view of determining whether or not his heart is right.

Mr. KETCHAM. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by setting forth therein the wage scales in the bituminous coal sections, incident to the pending coal strike.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, is this very lengthy?

Mr. FOSTER. Here it is. It is not very long.

Mr. GARNER. I do not see the gentleman from Massachusetts [Mr. WALSH] here. He usually objects to matters of this kind. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, I have the honor to represent the tenth district of Ohio. It embraces six counties, as follows: Athens, Gallia, Jackson, Lawrence, Meigs, and Vinton. Each county contains bituminous coal mines. The present wage scale expires with the end of this month. A strike is now called. I have been asked by several Members of the House what the present wage scale is. Because of these inquiries, I herewith append a statement showing the wages paid for the different kinds of work necessary for the mining of coal in each county in that district.

By way of explanation, it may be said that the wages differ according to the nature of the work, the thickness of the coal vein, and other conditions surrounding the working places. Pick mining, or hand mining, embraces about 15 per cent of the total of the coal mined, while the coal known as machine mined is approximately 85 per cent.

Of the number of men employed in and about a mine, the day laborers compose about 30 per cent of the total.

Detailed mining scale for Athens County.

PICK MINING.

Run of mine	per ton	$1.1164
Entries, dry	per yard	3.6217
Breakthroughs, in entries	do	3.6217
Breakthroughs, in rooms	do	2.5110
Room turning	per room	5.4896

MACHINE CUTTING.

By Jeffrey machine, in room	per ton	.14
By Jeffrey machine, in entry	do	.1790
By punching machines, in room	do	.1744
By punching machines, in entry	do	.1905

LOADING.

In room, with hand drilling	per ton	.80
In entry, with hand drilling	do	.9290
Breakthroughs, in entries (entry price)	do	.9290
Breakthroughs, in rooms (per ton)		Entry price.

INSIDE DAY-LABOR SCALE.

Tracklayers	per day	7.50
Tracklayers' helpers	do	7.25
Trappers	do	4.00
Trappers (where old men are employed)	do	3.41
Bottom cagers, drivers, trip riders	do	7.50
Water haulers, machine haulers	do	7.50
Snappers on gathering locomotives	do	7.50
Timbermen	do	7.50
Pipemen for compressed-air plants	do	7.42
Wiremen	do	7.50
Motormen	do	7.50
Motormen (minimum)	do	7.50
Other inside day labor	do	7.25
Spike team drivers, extra	do	.25

OUTSIDE DAY-WAGE SCALE.

First blacksmith	per day	7.77
Second blacksmith	do	7.45
Blacksmith helpers	do	7.25
Mine carpenters	do	7.45
Dumpers	do	7.25
Trimmers	do	7.25
Greasers and couplers	do	5.06

When engineers and firemen are employed by the day, the minimum rate shall be $7.25 for eight hours' work. This shall not apply to men employed at a monthly rate. This rule shall also apply to coal washers.

Detailed mining scale for Meigs and Gallia Counties.

Pick mining	$1.146
Entry, per yard	2.486
Breakthroughs between rooms and entries, per yard	2.486
Room turning, under 12 feet	2.486
Room turning, over 12 feet	5.477

MACHINE MINING.

Cutting in rooms	.1520
Cutting in entries	.1906
Cutting in breakthroughs, rooms, or entries	.1906
Loading, shooting, drilling in rooms	.7880
Loading, shooting, drilling in breakthroughs between rooms	.9189
Loading, shooting, drilling in entries	.9189
Loading, shooting, drilling in breakthroughs between entries	.9189
Loading top or hone coal, per ton	.4002
Loading top or hone coal, per 27-bushel car	.4346
Loading slate, per 20-bushel car	.2188
Loading slate, per 27-bushel car	.2966

DAY LABOR.

Tracklayers, water hallers, pipemen, motormen, trip riders, drivers, wiremen, timbermen, and bottom cagers	$7.275
Pushers, pump men, and all other inside day labor, except otherwise named	6.99
Trappers	4.00
Trappers (if old men)	5.1325
Head dumpers and trimmer	6.99
All other men about the tipple, minimum	6.00
Greasers, couplers, and slate pickers	4.00
Slate dump men	6.00
Blacksmiths, minimum	7.29
Hoisting engineers, minimum	7.275

Detailed mining scale for Jackson, Vinton, and Lawrence Counties.

Pick mining	$1.16
Entry (5 by 8) (coal alone), per yard	2.6054
Entry (5 by 8), per yard (slate)	1.5870
Entry rock or rock mixture (one-third more than slate)	2.1197
Breakthroughs, per yard	2.6254
Rooms turned less than 12 feet wide (E. P.)	2.0254
Cutting in rooms—chain machines	.1068
Cutting in entries—chain machines	.1900
Cutting in breakthroughs between rooms (E. P.)	.1900
Loading, drilling, and shooting in rooms	.8166
Loading, drilling, and shooting in entries	.9482
Loading, drilling, and shooting in breakthroughs between entries (E. P.)	.9482
Loading, drilling, and shooting in breakthroughs between rooms (E. P.)	.9482
Loading, drilling, and shooting in room turning	.9482

DAY LABOR.

Drivers, pushers, trimmers, dumpers, and other inside labor, except otherwise named	6.99
Motormen, tracklayers, and water hallers	7.20
Trappers	4.00

The coal mined in these three counties ranges in thickness from 22 inches to 4 feet 4 inches, and the above mining rates apply to the thin and thick mining alike.

Coal mining in southeastern Ohio has been at a low ebb during the past year. The mines in the tenth district have worked less than 25 per cent, while mines in eastern Ohio have worked approximately 40 per cent. Abnormally high freight rates have contributed to this condition. It is not uncommon to find shipments of coal from a point in Ohio to a point in Ohio where the freight rate is greater than the price of the coal.

The condition of the miners in southeastern Ohio is bad. In my home county of Athens the American Red Cross has for several weeks had charge of the distribution of clothing and food. In some of the schools the children are being fed by the Red Cross. Several thousand members of the families of miners are reported by the Red Cross as being in needy circumstances.

I think it but fair to all residents of the tenth congressional district as well as to the Members of Congress that these conditions be made public. One of the essentials in remedying conditions is that the truth be brought to light. This is accomplished in part by submitting data as above given, so that conditions may be understood exactly as they are.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate Joint Resolution 160.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on forest-land exchange.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, are the remarks on some particular measure that is pending or on the subject in general?

Mr. RAKER. They are my own remarks on the subject in general.

Mr. WALSH. Any newspaper clippings?

Mr. RAKER. There are no newspaper clippings in this matter.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof, when the Speaker signed the same.

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

Mr. LANGLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864, to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau. Pending that I ask unanimous consent that general

debate upon the bill be limited to four hours, one-half to be controlled by myself and one-half by the ranking Democrat on the committee. I assume that there is practically no opposition to the bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that general debate upon the bill be limited to four hours, one-half to be controlled by himself and one-half by the ranking minority member on the committee. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, is the debate to be limited to the bill?

Mr. LANGLEY. No.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864, with Mr. GREEN of Iowa in the chair.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospital and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants shall be of fireproof construction and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

SEC. 3. That for carrying into effect the preceding paragraphs relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended.

Mr. LANGLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10864 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. CONNALLY of Texas, for an indefinite period, on account of illness in his family.

Mr. PATTERSON of Missouri (at the request of Mr. FAUST), for an additional 10 days, on account of the serious illness of his father.

Mr. CLARKE of New York, for 10 days, on account of business and planning for spring plowing.

ORDER OF BUSINESS.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman from Kentucky if it is the purpose to continue the consideration of the hospital bill to-morrow?

Mr. LANGLEY. Yes.

Mr. GARRETT of Tennessee. I think Members ought to know of this fact.

ADJOURNMENT.

Mr. LANGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Thursday, March 30, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 1739. An act for the relief of Philip S. Everest; without amendment (Rept. No. 853). Referred to the Committee of the Whole House.

Mr. DRIVER: Committee on the Public Lands. H. R. 10361. A bill authorizing the sale and patent of certain alleged public lands in Louisiana; with amendments (Rept. No. 854). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 2763. A bill for the relief of Sanford Kirkpatrick; without amendment (Rept. No. 855). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 1739) for the relief of Philip S. Everest; Committee on Indian Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 10062) granting a pension to Emma F. McClaughry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10436) granting an increase of pension to John H. Hoover; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10962) granting an increase of pension to Harriet M. Miller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KENDALL: A bill (H. R. 11088) for the erection of a public building at Somerset, Somerset County, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. LEATHERWOOD: A bill (H. R. 11089) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. WINSLOW: Joint resolution (H. J. Res. 296) authorizing and directing the accounting officers of the General Accounting Office to allow credit to the disbursing clerk of the United States Veterans' Bureau in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. APPLEBY: Joint resolution (H. J. Res. 297) authorizing and requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast; to the Committee on Foreign Affairs.

By Mr. KINDRED: Memorial of the Legislature of the State of New Jersey, urging the passage of the Appleby bill, to protect the navigable waters of the coast from pollution by fuel oil and waste; to the Committee on Rivers and Harbors.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the State of Massachusetts, in favor of an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor for women and children; to the Committee on Labor.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, relating to the restoring of a specified section of the White Mountain Indian Reservation to the public domain; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 11090) granting an increase of pension to Mary Dickson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11091) granting an increase of pension to Elisha T. Baer; to the Committee on Pensions.

By Mr. CARLS: A bill (H. R. 11092) granting a pension to Margaret A. Addington; to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 11093) for the relief of August Michalchuk; to the Committee on Claims.

Also, a bill (H. R. 11094) granting an increase of pension to Eva Shaw; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 11095) authorizing the reinstatement of James A. Murphy as second lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 11096) granting a pension to Catharine Hand; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 11097) granting an increase of pension to Bertha M. Snow; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 11098) granting a pension to Morgan A. Harris; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11099) granting a pension to Annie E. Homan; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 11100) granting an increase of pension to Mary Ann Jolly; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 11101) granting an increase of pension to Roscoe City; to the Committee on Pensions.

Also, a bill (H. R. 11102) granting an increase of pension to Nancy M. Henderson; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 11103) providing for a preliminary examination and survey of Bayou Chico, Fla.; to the Committee on Rivers and Harbors.

By Mr. SUMMERS of Washington: A bill (H. R. 11104) granting a pension to Susan Tyler; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 11105) granting an increase of pension to Thomas Samuel Garen; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4873. By the SPEAKER (by request): Petition of Juan Nieves Mercado, of Barceloneta, P. R., protesting against the governorship of E. Mont Reilly; to the Committee on Insular Affairs.

4874. By Mr. ANSORGE: Petition of George A. Kent, of 522 West One hundred and thirty-fourth Street, New York, favoring the bill retiring emergency officers (S. 1565); to the Committee on Military Affairs.

4875. Also, petition of Norman M. Cohen, advocating adequate care of the wounded, crippled, and maimed soldiers and for governmental provision for proper recreation for tubercular patients at Fox Hills Hospital; to the Committee on Public Buildings and Grounds.

4876. Also, petition of Inwood Post, American Legion, of New York, protesting against the removal of patients from Fox Hills Hospital to hospitals remote from their homes; to the Committee on Public Buildings and Grounds.

4877. By Mr. CLAGUE: Petitions for stabilizing the prices of farm products from citizens of the counties of Faribault, Jackson, Cottonwood, Redwood, Brown, and Rock, in Minnesota; to the Committee on Agriculture.

4878. By Mr. CLARKE of New York: Petition of citizens of Norwich, N. Y., protesting against the passage of House bills 4388 and 9753 and Senate bill 1948, and any other bills relating to Sunday observance; to the Committee on the District of Columbia.

4879. By Mr. CRAMTON: Petition of the Rev. Arthur A. Hahn and other residents of Millington, Mich., protesting against the passage of House bill 9753 and similar bills; to the Committee on the District of Columbia.

4880. By Mr. CURRY: Petition of citizens of Oakland, Calif., against the enactment of a Sunday law; to the Committee on the District of Columbia.

4881. By Mr. FENN: Petition of citizens of Connecticut against the passage of House bill 9753 or any bill regulating Sunday observance; to the Committee on the District of Columbia.

4882. By Mr. FULLER: Petitions of the Evangelical Church and congregation, the First Baptist Church, and the Advent Christian Church, all of Mendota, Ill., protesting against any modification of the prohibition enforcement law; to the Committee on Ways and Means.

4883. By Mr. GALLIVAN: Petitions of Robert Treat Paine, of Boston, Mass., and others, urging the passage of the Lodge resolution providing for the deferment of the payment of the Austrian loan for 25 years; to the Committee on Foreign Affairs.

4884. By Mr. HADLEY: Petition of Mildred Pratt and other residents of Ferndale, Wash., urging the revival of the United States Grain Corporation and a fixed price for the 1922 crop of wheat; to the Committee on Agriculture.

4885. Also, petition of F. M. Wormach and other residents of Clear Lake and other places in the State of Washington, protesting against the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4886. By Mr. KISSEL: Petition of the Insurance Federation of the State of New York, of Albany, N. Y., opposing the Fitzgerald bill; to the Committee on the District of Columbia.

4887. Also, petition of the New England Importers & Traders Association (Inc.), of Boston, Mass., relative to the proposed tariff on wool; to the Committee on Ways and Means.

4888. By Mr. KNUTSON: Petition of citizens of Bemidji, in the State of Minnesota, against the passage of House bill 4388; to the Committee on the District of Columbia.

4889. By Mr. McCORMICK: Petition of citizens of Missoula County, Mont., opposing the passage of House bills 9753 and 4388 and Senate bill 1948, and any other legislation pertaining to Sunday observance; to the Committee on the District of Columbia.

4890. By Mr. MEAD: Petition of Loyd Hedrick, manager of the Purina Mills, of Buffalo, N. Y., relative to certain provisions in tariff bill; to the Committee on Ways and Means.

4891. By Mr. RAKER: Petition of Edward A. Filene, president of William Filene's Sons Co., of Boston, Mass., indorsing and urging the immediate passage of Senate joint resolution 160, providing for the postponement of the Austrian debt for a period not to exceed 25 years; also petition of the Local Federation of Shop Crafts of Dunsmuir, Calif., protesting against the four-power pact and the scrapping of any of our war vessels; to the Committee on Foreign Affairs.

4892. Also, petition of the National Lutheran Council, of New York City, N. Y., indorsing Joint Resolution 31, by Senator JONES of Washington, proposing to amend the Constitution to authorize uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

4893. Also, petition of the auxiliary to United Spanish War Veterans, Department of California, indorsing Senate bill 1252 and urging its passage; to the Committee on Ways and Means.

4894. By Mr. SNELL: Petition of sundry residents of Altona, N. Y., requesting the passage of the Voigt bill (H. R. 8663) to prohibit the manufacture of filled milk; to the Committee on Agriculture.

4895. By Mr. SNYDER: Memorial of the Ignotus Club of Zion's Church, of Rome, N. Y., opposing changes in the Volstead Act raising the authorized alcoholic content of beverages; to the Committee on the Judiciary.

4896. By Mr. WATSON: Resolutions passed by the Pennsylvania Branch of the Society of American Foresters and by the Center County Conservation Association, protesting against the proposal to transfer the Forest Service or any part of it from its present jurisdiction in the Department of Agriculture; to the Committee on Agriculture.

SENATE.

THURSDAY, *March 30, 1922.*

(*Legislative day of Thursday, March 16, 1922.*)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof, and it was thereupon signed by the Vice President.

RECOGNITION OF PALESTINE AS HOMELAND OF JEWISH PEOPLE.

Mr. LODGE. Mr. President, I desire to offer resolutions of the Legislature of Massachusetts with regard to recognizing Palestine as the homeland of the Jewish people. I ask that they may be printed in the RECORD and referred.

The resolutions were referred to the Committee on Foreign Relations, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year 1922.

Order relative to recognizing Palestine as the homeland of the Jewish people.

Whereas the supreme council of the Allied Peace Conference meeting at San Remo recognized the right of the Jewish nation to a national existence in Palestine and conferred upon Great Britain a mandate over Palestine; and

Whereas the various great nations of the world have approved the establishment of the national homeland for the Jews in Palestine; and

Whereas the people of the United States, individually and through their spokesmen in Congress and by leading men in all walks of life, have expressed their gratification at the realization of the national hopes of the Jews; and

Whereas the General Court of Massachusetts views with pleasure the progress of the Jewish people in Palestine, in developing the economic resources of the country, in founding institutions of learning, and in creating a spiritual center, so that it may the better serve mankind; Therefore be it

Ordered, That the General Court of Massachusetts urges the Government of the United States of America formally to recognize the present status of the Jewish people in Palestine and thus to approve the fulfillment of its yearning desire for a national home in the land of its forefathers; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, to each of the Senators and Representatives in Congress from Massachusetts, and to the Zionist organization of America.

In house of representatives, adopted March 29, 1922.
In senate, adopted in concurrence March 29, 1922.
A true copy. Attest:

F. W. COOK,
Secretary of the Commonwealth.

CALL OF THE ROLL.

Mr. LODGE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	Nelson	Spencer
Bursum	Harris	New	Sutherland
Fairfax	Harrison	Oddie	Swanson
Capper	Hitchcock	Overman	Trammell
Caraway	Johnson	Page	Underwood
Curtis	La Follette	Pittman	Wadsworth
Culberson	Lenroot	Poindexter	Warren
Cummins	Lodge	Ransdell	Watson, Ga.
Dial	McNary	Sheppard	Weller
Fernald	Moses	Simmons	Willis

Mr. SHEPPARD. I wish to announce that the Senator from Montana [Mr. WALSH] is detained on official business.

The VICE PRESIDENT. Forty Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Borah	Jones, Wash.	Sterling	Walsh, Mont.
Glass	Phipps		

Mr. JONES of Washington. I wish to announce that the following Senators are absent on business of the Senate:

The Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. MCKINLEY], the Senator from Oklahoma [Mr. HARFIELD], the Senator from Colorado [Mr. NICHOLSON], the Senator from North Dakota [Mr. LADD], the Senator from New Hampshire [Mr. KEYES], the Senator from South Dakota [Mr. NORBECK], the Senator from Louisiana [Mr. RANSDELL], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Wyoming [Mr. KENDRICK].

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Indiana [Mr. WATSON] are detained at a meeting of the Committee on Finance.

The VICE PRESIDENT. Forty-six Senators having answered to their names, a quorum is not present.

Mr. LODGE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Broussard	France	Gerry	Townsend
Brush			

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. LODGE. I ask that the order to the Sergeant at Arms may be vacated.

The VICE PRESIDENT. Without objection, it is so ordered.

THE SHIPPING BOARD.

Mr. DIAL. Mr. President, I have been intending for some time to make some remarks in regard to the Shipping Board, but I realize that the Senate is anxious to dispose of the treaties now pending before it, and I will only take a few moments.

I notice that the Shipping Board has come to Congress asking for subsidies or, at least, it is apparent that it is expecting some kind of assistance. I am not surprised that they should come to Congress and ask for help, considering the manner in which they have carried on the business intrusted to their care. I have had occasion to familiarize myself to some extent with their methods, and I must say that I know of no Government officials who look upon their duties as lightly as do the members of the Shipping Board, although several of its operatives are drawing salaries as high as $30,000 a year. They were before the Committee on Commerce some time ago, and I never was reminded more forcefully of 14-year-old giggling schoolgirls than I was on that occasion.

I noticed in the newspapers a day or two ago that they have some 164 ships tied up in a river in the neighborhood of New York, and the report stated that they had 600 guards, and yet, notwithstanding all those guards, they allowed something like $400,000 worth of Government property to be stolen from those ships. That, I suspect, is about in keeping with the manner in which they have performed their duties, and therefore I am not surprised that they are asking for more money out of the people's pocket to carry on the enterprise in which they are engaged.

The fact is that instead of trying to look out for business they have tied up ships to keep them from carrying on business. I believe that out of something in the neighborhood of 1,500 steel ships they were operating some time ago only 382. It is even claimed that they did not have enough ships in commission to carry the corn which we donated to the starving people of Russia. So, Mr. President, I think that Congress ought to be very slow to throw away any more money on such an incompetent set as the Shipping Board.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adopted by the Laubs' Club, of Kemmerer, Wyo., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. NELSON presented a memorial, numerously signed, of sundry citizens of Bemidji, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAPPER presented memorials of sundry citizens of Labette County, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. HARRIS. I present a telegram from the Country Bankers' Association of Georgia, which I ask may be referred to the Committee on Finance and placed in the RECORD.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

ATLANTA, GA., *March 29, 1922.*

Senator WILLIAM J. HARRIS,
Washington, D. C.:

While the country bankers of Georgia are not very strong on tariffs, yet, since we are going to have a protective tariff, we ask that this tariff bill extend its protection to the products of the farmer, especially peanuts, peanut oil, and cottonseed oil, that are affected by the importation of foreign soybean oil, peanuts, and peanut oil. If the present tariff is removed the farmer will get approximately $6 per ton less for his cotton seed and approximately $15 per ton less on peanuts. The farmers need this protection against oriental labor and must have it.

COUNTRY BANKERS' ASSOCIATION OF GEORGIA.

Mr. ASHURST presented a certified copy of house joint memorial No. 1, adopted by the Legislature of Arizona, urging the restoration to the public domain of a certain tract of land in the San Carlos division of the White Mountain Indian Reservation, which was referred to the Committee on Indian Affairs, as follows:

HOUSE OF REPRESENTATIVES,
FIFTH STATE LEGISLATURE,
First Special Session.

House joint memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Fifth Legislature of the State of Arizona, in special session assembled, do respectfully represent that—

Whereas the boundaries of the White Mountain Indian Reservation were described in Executive order dated December 14, 1872, and the present south boundary of the said reservation is described in the recommendation of the Interior Department of the United States dated

July 30, 1873, and approved by the President August 5, 1873, by the following language:

"All that portion of the valley of the Gila River in the Territory of Arizona hitherto included in the San Carlos division of the White Mountain Indian Reservation as established by Executive order dated December 14, 1872, lying east of and above the site of old Camp Goodwin, be restored to the public domain."

And in compliance with the said recommendations one Paul Riecker, United States deputy surveyor, did survey in the year 1883 the said south boundary of the said reservation, the notes and maps whereof being now on file in the office of the Department of the Interior at Washington, D. C.

That in executing the instructions contained in the said recommendations of the Department of the Interior, to wit: "All that portion of the valley of the Gila River River * * * lying east of and above the site of old Camp Goodwin be restored to the public domain," the said Deputy Surveyor Riecker erred in so far as not including within the said survey as portions of the valley of the Gila River the course and drainage basins of Bonita Creek and other tributaries of the Gila River lying east of and above the site of old Camp Goodwin, and being by actual physical characteristics part and parcel of the valley of the Gila River.

That all that part of the valley of the Gila River south from a point 14 miles, 45.23 chains, directly north of that point of beginning at old Camp Goodwin described in the President's letter of approval of August 5, 1873, and being the point where the Baldwin survey (and Riecker survey) intersects the summit of the Gila Range of mountains which bears southeast and northwest, and which point being an angle point, is marked as follows: An iron post 3 inches in diameter, 20 inches in the ground to rock, surrounded by a mound of stone, which iron post is capped and said cap stamped "W M I R A P in W 14 M 45.23 chs P L in E Angle 1915 in S.", due east to a point of intersection with the east line of that part of the White Mountain Indian Reservation restored to the public domain by Executive order dated July 21, 1874, the same being known and designated on the official maps and plats as 109° 30' west longitude, and being approximately 35 miles in length, is not now and never has been used or occupied by the Indian wards of the White Mountain or San Carlos Reservations or any other Indians; nor is it of a character that would invite dwelling or sustain life of even an Indian; nor does it contain cattle or other stock of Indians; that no agricultural land is embraced in said section excepting a few acres along the Bonita Creek; that the said section is rough and hilly and what is known as a broken country; that it does contain in season feed for range stock and live water, the latter being the lifeblood of the cattle interests of the said section.

That by virtue of the facts hereinabove set forth, i. e., the section of country in question being in the valley of the Gila River "lying east of and above the site of old Camp Goodwin," being at present and as long as memory of man records uninhabited by Indians; being of no value as agricultural land; being a rough, hilly country of value to no one but that great pioneering class of the American frontier, the cattle raiser, it is hereby

Resolved by the Fifth Legislature of the State of Arizona, in special session assembled, That Congress be memorialized to take immediate action to the end that the above specified section of the White Mountain Indian Reservation be restored to the public domain. It is further

Resolved, That copies of this memorial be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Department of the Interior, and to the Hon. HENRY F. ASHURST and the Hon. RALPH CAMERON, United States Senators, and Hon. CARL HAYDEN, Congressman from Arizona, urging upon each the justness of the request, correcting an error of long standing, aiding a great industry and a large number of pioneers, while working a hardship on no class or individual; that they may do all in their power to secure the sought-for legislation.

And your memorialists will ever pray.

Adopted by the senate March 16, 1922, by viva voce vote.

P. C. KEEFE,
Speaker of the House.
OSCAR ZARY,
Chief Clerk of the House.

Adopted by the senate March 16, 1922, by viva voce vote.

H. B. WILKINSON,
President of the Senate.
ROY N. DAVIDSON,
Secretary of the Senate.

Mr. ASHURST presented resolutions adopted by Stephen D. Little Garrison, No. 125, Army and Navy Union, of Nogales, Ariz., favoring the enactment of beneficial legislation for veterans of all wars, the imposition of an excess-profits tax rather than a sales tax for raising the necessary funds therefor, and the passage of the so-called Morgan bill increasing the pensions of Civil War veterans and their widows, which were ordered to be printed in the RECORD and referred to the Committee on Finance, as follows:

Preambles and resolutions adopted Monday, February 13, 1922, by Stephen D. Little Garrison, No. 125, Army and Navy Union.

Whereas in response to an insistent public demand the Congress of the United States is giving attention to the problem of providing adequate compensation, justly earned and due to World War service men, and is framing appropriate legislation to provide such compensation: Be it

Resolved, By Stephen D. Little Garrison, No. 125, Army and Navy Union, at Nogales, Ariz., embracing former service men of all wars of the Republic, would call to attention by the Congress that aged and infirm soldiers of other wars, who served well and faithfully, many now in dire poverty and want, are needing provision to meet advancing infirmities and disabilities of age, and should be awarded by act of Congress provision fully as liberal as that in course of enactment for World War veterans; hence, be it further

Resolved, That this Stephen D. Little Garrison, Army and Navy Union, urges upon the Congress adoption of suitable legislation to provide adequate compensation or pensions to service men (and their widows) of the war against Spain, of the various Indian wars, of the Philippine war, of the Boxer war in China, etc.; and that officers and men of those wars who by an act of Congress were deprived of travel pay and subsistence en route be restored the same and paid their just dues under a law that was repealed in 1899; and be it further

Resolved, That this garrison urges upon Congress speedy enactment of the Morgan bill, now pending, increasing pensions of Civil War veterans and their widows, as those still surviving from that great conflict are very aged, while pensions now paid are wholly inadequate; and

Whereas methods for providing funds necessary to meet such proposed pension and compensation legislation are causing very great and unnecessary concern; and

Whereas the past 30 years have witnessed growth within these United States of plethoric and swollen fortunes in the hands of profiteers, most of them of alien birth; be it further

Resolved, That this Stephen D. Little Garrison, No. 125, Army and Navy Union, would suggest to the Congress that all funds to meet pension and compensation legislation can be met by reenactment of the excess-profits tax, which is eminently right and just, because it can not be passed along to the consumer; and such passing of taxation should be prohibited by law; and be it further

Resolved, That Stephen D. Little Garrison, Army and Navy Union, opposes most earnestly imposition of a sales tax to meet these pension and compensation measures, because profiteers can put such a tax right back upon those for whom the proposed legislation is to be enacted, and upon the American people at large. Let those who have profited and are profiteering upon democracy pay for the blood and effort that made possible their unholy profiteering; and be it further

Resolved, That the commander and adjutant of this garrison are instructed hereby to transmit to United States Senator RALPH CAMERON, United States Senator HENRY F. ASHURST, and Hon. CARL HAYDEN, Member of Congress, copies of these resolutions, requesting them to present the same in the United States Senate and House of Representatives, respectively, asking that they be spread upon the minutes of each branch of Congress.

NOGALES, ARIZ., *February 22, 1922.*

The undersigned, commander and adjutant of Stephen D. Little Garrison, No. 125, Army and Navy Union, hereby certify that the foregoing resolutions were adopted in due form at a regular muster of said garrison, Monday, February 13, 1922.

ALLEN T. BIRD, *Commander.*

Attest:
[SEAL.] F. B. CARROON, *Adjutant.*

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIAL:

A bill (S. 3360) to authorize the building of a bridge across the Congaree River in South Carolina; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 3361) granting an increase of pension to Joseph A. Libby (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3362) authorizing the Secretary of the Treasury to promulgate schedule of fees to be charged vessels at the national quarantine, port of New York; to the Committee on Commerce.

By Mr. CAMERON:

A bill (S. 3363) authorizing the Secretary of War to deliver to Frank Luke, jr., Post, No. 1, the American Legion, Phoenix, Ariz., one piece of German field artillery with certain equipment; to the Committee on Military Affairs.

By Mr. FERNALD:

A joint resolution (S. J. Res. 186) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. HARRIS:

A joint resolution (S. J. Res. 187) authorizing the Director of the Census to collect and publish additional cotton statistics; to the Committee on Agriculture and Forestry.

RECOGNITION OF INDEPENDENCE OF THE PHILIPPINE ISLANDS.

Mr. KING. I ask unanimous consent to submit a resolution, which I request may lie on the table.

The resolution (S. Res. 264) was ordered to lie on the table, as follows:

Whereas the Congress of the United States by the act approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," vested in the Philippine Legislature, created by said act, general legislative power with respect to the Philippines, in order that by the use and exercise of popular franchise and governmental powers the people of the Philippines might become prepared to assume the responsibilities and enjoy the privileges of complete independence; and

Whereas the Congress of the United States in said act expressly declared that it was the purpose of the Government of the United States to withdraw its sovereignty from the Philippine Islands and to recognize the independence of the islands as soon as a stable government should have been established therein; and

Whereas, in conformity with the provisions of said act, a stable government, founded upon principles of political liberty and upon popular franchise, has been erected in the Philippine Islands and is exercising political powers therein, subject only to the powers vested in the Governor General of the Philippines and other officials appointed by the

President of the United States, and certain supervisory powers exercised by the Secretary of War, and the right of appeal to the Supreme Court of the United States from final judgments and decrees of the Supreme Court of the Philippine Islands? Now, therefore, be it

Resolved, That it is the sense of the Senate that the President enter into negotiations with the powers having territorial interests in the Pacific, or adjacent thereto, for the purpose of concluding a treaty or treaties whereby said powers agree to recognize the Philippine Islands as an independent State, and covenant to respect the political independence and territorial integrity of such Philippine State, when such State shall have been established and declared by the United States, and that upon the execution and ratification of such a treaty or treaties the sovereignty of the United States over the Philippine Islands shall be transferred to an independent Philippine government, and that thereupon all sovereignty by the United States over the Philippine Islands shall cease and determine.

HOUSE BILL REFERRED.

The bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TREATY CONCERNING CHINESE PRINCIPLES AND POLICIES.

Mr. LODGE. I ask that the pending treaty may be proceeded with.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider Executive P—a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to principles and policies to be followed in matters concerning China, concluded at Washington February 6, 1922, which was read as follows:

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal:

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers upon the basis of equality of opportunity;

Have resolved to conclude a treaty for that purpose and to that end have appointed as their respective plenipotentiaries;

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the Belgians: Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee, of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And—

For the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories.

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China: Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London; Mr. Chung-Hui Wang, former Minister of Justice.

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of The Netherlands: Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary; Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic: Mr. José Francisco de Herta Machado da France, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. Ernesto Julio de Carvalhoe Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office.

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

The contracting powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II.

The contracting powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any power or powers, which would infringe or impair the principles stated in Article I.

ARTICLE III.

With a view to applying more effectually the principles of the open door or equality of opportunity in China for the trade and industry of all nations, the contracting powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

(a) Any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China.

(b) Any such monopoly or preference as would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present treaty or not.

ARTICLE IV.

The contracting powers agree not to support any agreements by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V.

China agrees that, throughout the whole of the railways in China she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

The contracting powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE VI.

The contracting powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII.

The contracting powers agree that whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned.

ARTICLE VIII.

Powers not signatory to the present treaty, which have governments recognized by the signatory powers and which have treaty relations with China, shall be invited to adhere to the present treaty. To this end the Government of the United States will make the necessary communications to nonsignatory powers and will inform the contracting powers of the replies received. Adherence by any power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX.

The present treaty shall be ratified by the contracting powers in accordance with their respective constitutional methods, and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other contracting powers a certified copy of the procès-verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other contracting powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W. UNDERWOOD	[L. S.]
	ELIHU ROOT	[L. S.]
	BARON DE CARTIER DE MARCHIENNE	[L. S.]
	ARTHUR JAMES BALFOUR	[L. S.]
	LEE OF FAREHAM	[L. S.]
	A. C. GEDDES	[L. S.]
	R. L. BORDEN	[L. S.]
	G. F. PEARCE	[L. S.]
	JOHN W. SALMOND	[L. S.]
	ARTHUR JAMES BALFOUR	[L. S.]
	V. S. SRINIVASA SASTRI	[L. S.]
[L. S.]	SAO-KE ALFRED SZE	
[L. S.]	V. K. WELLINGTON KOO	
[L. S.]	CHUNG-HUI WANG	
[L. S.]	A. SARRAUT	
[L. S.]	JUSSERAND	
[L. S.]	CARLO SCHANZER	
[L. S.]	V. ROLANDI RICCI	
[L. S.]	LUIGI ALBERTINI	
	T. KATO	[L. S.]
	K. SHIDEHARA	[L. S.]
	M. HANIHARA	[L. S.]
	BEELAERTS VAN BLOKLAND	[L. S.]
	W. DE BEAUFORT	[L. S.]
	ALTE	[L. S.]
	ERNESTO DE VASCONCELLOS	[L. S.]

Mr. LODGE. Mr. President, unless there is some objection, I ask unanimous consent that the reading of the treaty by articles be dispensed with.

The VICE PRESIDENT. Is there objection? The Chair hears none. The treaty is before the Senate as in Committee of the Whole, and open to amendment.

Mr. WALSH of Montana. Mr. President, the first article of this treaty recites that—

The contracting powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

When another of these treaties was under consideration I advanced the idea that that is a mere declaration of a rule of international law which would obtain even though it were not thus expressed in the treaty. My esteemed friend, the Senator from Alabama [Mr. UNDERWOOD], took issue with me upon that matter and felt it important enough to dilate upon on several occasions, asserting that no such principle of international law was recognized, and sustained his contention by references to history, showing that nations had repeatedly violated the territorial integrity of others by invading their territory.

Of course, Mr. President, regrettable as it may be, that has often occurred; but it has not occurred by right at all, but by wrong; and every nation which invades the territory of another sets up some reason to justify before the world what otherwise would be deemed by all the world to be a wrong on its part. That is the way the matter is treated by the writers on international law.

I should regret it very much indeed if the view thus expressed by the distinguished Senator from Alabama should remain unchallenged in this body. I content myself, therefore, with referring to just a few paragraphs in the latest work on international law, Oppenheim. I read from section 124, at page 178:

Independence and territorial as well as personal supremacy are not rights, but recognized and therefore protected qualities of States as international persons. The protection granted to these qualities by the law of nations finds its expression in the right of every State to demand that other States abstain themselves, and prevent their agents and subjects from committing any act which contains a violation of its independence and its territorial as well as personal supremacy.

If a State has a right to demand that every other State respect its territorial integrity and political independence, the reverse must necessarily be true—that every State undertakes that it will so respect the territorial integrity and political independence of the others.

Section 125:

The duty of every State itself to abstain and to prevent its agents and subjects from any act which contains a violation of another State's independence or territorial and personal supremacy is correlative to the respective right of the other State.

That is the correlative of the proposition which is laid down in the excerpt just read.

It is impossible to enumerate all such actions as might contain a violation of this duty. But it is of value to give some illustrative examples. Thus, in the interest of the independence of other States, a State is not allowed to interfere in the management of their international affairs nor to prevent them from doing or to compel them to do certain acts in their international intercourse. Further, in the interest of the territorial supremacy of other States, a State is not allowed to send its troops—its men of war—or its police forces into or through foreign territory, or to exercise an act of administration or jurisdiction on foreign territory without permission.

In time of peace, and with a perfectly peaceful purpose, one State has no right to transport its troops through the territory of another State in order to get at an enemy beyond, much less has it any right to invade that State for purposes of war against it.

Section 126:

Independence is not boundless liberty of a State to do what it likes without any restriction whatever. The mere fact that a State is a member of the family of nations restricts its liberty of action.

And the same proposition is laid in another section, in which it is stated that each State must expressly or tacitly consent to be bound for its international conduct by the rules of international law; that is to say, it is implied that each State has undertaken to conform its conduct to the rules of international law.

Section 129:

From the earliest time of the existence of the law of nations self-preservation was considered sufficient justification for many acts of a State which violate other States. Although, as a rule, all States have mutually to respect one another's personality, and are therefore bound not to violate one another, as an exception, certain violations of another State committed by a State for the purpose of self-preservation are not prohibited by the law of nations.

That is to say, for self-preservation one State may invade another State; that is all. The rule is the other way, that it has no right to do so, and that it tacitly has undertaken that it will not do so.

Section 134 explains that intervention is a violation of the implied undertaking on the part of one State not to interfere with the affairs of another State. It provides, in part:

Intervention is dictatorial interference by a State in the affairs of another State for the purpose of maintaining or altering the actual condition of things. Such intervention can take place by right or without a right, but it always concerns the external independence or the territorial or personal supremacy of the respective State, and the whole matter is therefore of great importance for the position of the States within the family of nations. That intervention is, as a rule, forbidden by the law of nations which protects the international personality of the States, there is no doubt. On the other hand, there is just as little doubt that this rule has exceptions, for there are interventions which take place by right, and there are others which, although they do not take place by right, are nevertheless admitted by the law of nations and are excused in spite of the violation of the personality of the respective states they involve.

I should regard it as singularly unfortunate, Mr. President, in this day and age, if this great Nation of ours were to go on record as subscribing to the doctrine that there is no implied

obligation upon the part of any State to respect the territorial integrity of its neighbors.

Mr. UNDERWOOD. Mr. President, it is always a pleasure to listen to my colleague, the Senator from Montana [Mr. WALSH]. He is always clear in what he says, and often convincing. But I still maintain what I said several days ago in reference to this question. Of course, when I was a schoolboy, many years ago, and studied Vattel and other works on international law, I recall that the writer on international law proclaimed the academic doctrine which has just been read by the Senator from Montana. I recognize that. I do not think there has ever been any dispute among the textbook writers as to that being the principle on which nations live.

When the other day I stated that nations were not governed in their conduct by any international law which required them to respect the rights of other nations, I did not refer to it as an academic question, which I admit to be true, which I more than admit ought to be true; but I referred to it then and I refer to it now as a fact.

International law is not made by enactments of nations, except in one way, and that is when they meet together and agree by treaty that certain rules shall govern their conduct in regard to each other. Until the organization of the League of Nations I know of no general declarations along these lines, except some which in the last decade or two have come out of The Hague. What the Senator has said in reference to the principle that nations should respect each other's rights is true, but that does not make it international law. It is an announcement of what international law should be.

In the end international law consists of those principles which are so well defined in the history of the world that all nations have respected them and maintained them. For instance, the so-called international law against piracy is recognized by all nations and maintained by all civilized nations. That is an extreme case; I could cite many others of lesser degree. But what I contended in my discussion before the Senate a day or two ago was that although the principle as announced by the Senator from Montana is a correct principle for nations to live up to and to maintain, it is not international law, because the history of the past shows that it has been violated many times by almost all the great nations of the world in their day and time. You can not contend that a matter is international law when it is only recognized by its nonobservance by the nations of the world.

I am sure the Senator from Montana will not contend with me that this principle has been one which has been recognized by the action of the nations of the world. Nations, through excuses of their own, have gone into wars of combat with other powers and have given the best excuse they could. If they won the fight, they have usually maintained the excuse; but after they have won the war, regardless of the invalidity of their action in beginning the war, the lack of justification for their beginning the war, they have then proceeded to treat the other State as if it had no rights—divided its territory and subjected its people. That has been going on for so many centuries that it has established the general rule of action for nations in that regard.

There may be a few exceptions to the rule. The declaration of this Government in favor of the Monroe doctrine, through the power and force of this Government, has brought about a respect of the territorial rights, at least, of a number of the South American Republics, but it certainly did not receive general acceptation by the nations of the world until comparatively recently. I suppose we can say now, especially since the signing of the treaty of Versailles, that the so-called Monroe doctrine may be accepted as an international law of the world. That is an exception to the rule.

I think we were justified in going into the war with Spain. As a Member of the House of Representatives I voted for the resolution declaring war. But when we came out we took away from Spain the Philippine Islands and pretended to compensate her for them by paying $20,000,000. I think the payment was a mere subterfuge. It could not be considered adequate compensation for a territory comprising the greatest group of islands in the Pacific Ocean and embracing 10,000,000 people.

Mr. LODGE. I ask the Senator is it not true that we did exactly the same thing when we took all that territory from Mexico at the conclusion of the Mexican War?

Mr. UNDERWOOD. Absolutely.

Mr. LODGE. We paid $20,000,000 for it.

Mr. UNDERWOOD. I think we paid $20,000,000 then. It is something like our treaties with some of the Indian tribes, when we bought large quantities of land in this country for a few beads and baubles.

Of course, if gentlemen want to justify aggression because of a superiority of numbers or a superiority of race, that may open another question for argument; but, at any rate, the Kingdom of Spain, which had possessed those islands for hundreds of years, had a right to them. Her international rights existed. We did not respect her international rights, and we took the islands by force of arms. I know of no other nation in the world which protested against our doing so, which I think would have been done if it had been in violation of international law.

About 1880 Great Britain, through an excuse, took possession of Egypt, violated the rights of sovereignty and territorial integrity in Egypt, and maintained her position until a few days ago, when, for some good reason, she returned that country to its people.

Mr. KING. I would like to inquire of the Senator, if there had been a treaty existing between the United States and Spain at the time we went to war with Spain, under the terms of which we had solemnly agreed to respect the territorial integrity of her islands, especially the Philippine Archipelago, does he believe that it would have made any difference in the final result? Would we not have taken the islands just the same, regardless of the treaty, as we did when we did not have a treaty specifically referring to the Philippine Islands?

Mr. UNDERWOOD. I think so; but that has nothing to do with the question which is in issue between the Senator from Montana and myself, because that is a treaty between only two nations, which does not make international law. We are discussing the proposition as to whether there is a question of international law involved in respect to the rights of all nations, and I concede the academic question. I conceded it the other day and I do so now. The Senator is absolutely right from an academic standpoint, the standpoint of the text-writers, and that ought to be the rule. His position is clearly correct that each nation should respect the rights of others, but I say international law goes further than a mere announcement in a textbook. The real test is whether it is a principle which the great civilized nations of the world acknowledge, respect, and live up to, and I say all the precedents of the past clearly demonstrate that there is hardly a civilized nation in the world which has not violated that principle. I know they have given excuses for doing so, but they have violated the proposition of respecting the territorial rights of their neighbors, and no protest came from the other nations of the world unless those other nations thought their own interest was involved.

Therefore I say it is idle to pretend that the territorial rights of people, the sovereignty of nations, are protected by an understanding of international law which requires their rights to be protected. It does not exist as a fact, no matter what may be proclaimed about it in theory.

But I do say that when a number of great nations meet together and enter into a treaty mutually binding themselves to respect each other's rights, each other's territorial integrity, each other's sovereignty, then we come very much nearer to making what we all deem should be international law in fact and not merely in theory.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Alabama yield to the Senator from Nevada?

Mr. UNDERWOOD. Certainly.

Mr. PITTMAN. Does the Senator understand that an agreement to respect the rights and not to commit aggressions against territory still exists after war is declared?

Mr. UNDERWOOD. Oh, no; but of course I am assuming that if it is international law when two powers go to war the other powers that recognize it as international law will protest against the violation of what they consider to be international law. Of course, as I said to the Senator from Utah, we may have had a treaty with Spain, so far as I know, in which we mutually agreed to respect each other's rights and then violated it as soon as we went to war; but that was a contest between two nations. If it had been recognized as international law that the territorial integrity of the two nations should not be interfered with when the war was over and the balance of the world had been prepared to maintain it, we would have wound up the war and Spain would still have possessed the Philippine Islands.

Mr. PITTMAN. Has not such an aggression as is prohibited in the pending treaty always been considered as a casus belli?

Mr. UNDERWOOD. It has been between the two nations themselves, but I am discussing the question from the broader standpoint, not from the standpoint of two nations involved in a quarrel but the understanding of a great moral principle to be maintained in the world that is recognized by all.

Mr. PITTMAN. Take, for instance, the Japanese aggression against the island of Sakhalin. They took the northern half of that island, which I believe now is designated as Sakhalin. They took possession of it on grounds which they considered sufficient to themselves, but so far as Russia was concerned, Russia would have a right to treat that as an act of war.

Mr. UNDERWOOD. They conceded the southern half at the end of the war. The Senator said the northern half, but I presume he meant the southern half.

Mr. PITTMAN. No; I am talking about the northern half, of which they are now in possession by reason of the alleged massacre of Japanese subjects.

Mr. UNDERWOOD. Undoubtedly the Senator is right about that.

Mr. PITTMAN. As a matter of fact, if Japan had had an agreement with Russia to respect their territorial integrity, I doubt if they would have held that that treaty bound them not to take possession of the island on the ground they have now taken possession of it.

Mr. UNDERWOOD. I think that is true, but that is the same question which the Senator from Utah raised. That is an issue between two individual nations. I am discussing a principle of international law, which means the recognition of a principle by all civilized nations. Of course, I recognize that we probably had a treaty with Spain to recognize her rights when we went to war with her and she went to war with us. I do not say we had, because I never read it. I think probably we had some kind of a treaty with Mexico when we took California away from her. But that involves only the individual nations. That does not make international law.

Mr. PITTMAN. What I am getting at is that if there is no cause of war between two nations, if they are on friendly terms, then we would not expect either one of them to commit an act of aggression against the territory of the other, and I do not think it has ever been done as long as we were on friendly relations. But when they are not on friendly relations and causes arise which justify war, then this formal agreement of ours ceases to have force and effect.

Mr. UNDERWOOD. Of course, the Senator is discussing one side of the question and I am talking about another. I do not dispute at all what the Senator says in reference to individual nations. I am talking about it from a broader standpoint of international law. If it were an established principle of international law and two nations went to war, when the war was over I think they would respect the territorial rights of each other and return the landed property. But they do not do it now and never have done it.

Of course, it is not only a question of cause of war that makes one nation take the other's territory but it is greed and desire. It was not a cause of war that made Germany take the Shantung Peninsula, and the balance of the world recognized it. There was no real cause of war. It is true two of her citizens happened to be killed in the Province, but it was a matter that could have been settled, as are other causes. There was no threat to German citizens at large. There was no threat to the life of the German Government. But because of an incident of that kind Germany moved her troops into Shantung and demanded a leasehold interest in government, and she maintained it until after the Great War was over and until very recently, when her successor under that contract has agreed to move out.

If it had been a matter of international law, I mean not theoretical international law but actual international law, I think the moral force of the powers of the world would many years ago have prevented Germany from extending her possession of Shantung, because she had no cause of complaint against China. However, it was not recognized as international law.

We did not recognize it as international law when our Government sat still and allowed the Japanese Government to take Korea, although we had a treaty with Korea in which we recognized her national life and her national integrity. We did not regard that as a principle of international law which had been violated; at least, the action of our Government did not, and I regret the action of our Government in the matter.

Mr. KING. Mr. President——

Mr. UNDERWOOD. I yield to the Senator.

Mr. KING. Does the Senator think there ever will be international law, either by the methods which have slowly developed international law as a system or international law resulting from world-wide and mutual treaties, which would preserve indefinitely and against legitimate reparations the territorial integrity of all belligerent nations?

Mr. UNDERWOOD. The Senator uses the term "legitimate reparations," and I am afraid, with the word "legitimate" injected in the question, it would be difficult for us to get at a determination of the question at all, because I might not agree with him as to what would be legitimate reparations. But leaving that word aside, I will state that I supported article 10 of the League of Nations covenant, in which 27 nations sat at a table and agreed to respect and preserve each other's rights, because I believed that that principle should be international law, not international law in the theory of a textbook writer, but international law in fact and as declared by those nations which were great enough and powerful enough to make it international law. I am glad to say that that principle to-day is recognized by all those nations which signed the treaty of Versailles. But generally international law has never made any such principle effective, and therefore I say in fact, not theory, it has not existed in the world as international law.

Mr. KING. Will the Senator pardon me if I suggest that I do not think it was understood by many of us who supported article 10, and gladly supported it, that a proper interpretation of that article "froze into immutability," to use the language of the Senator from California [Mr. JOHNSON], the status quo of all nations as their boundaries then existed or as they might be delimited by the instrumentalities set up by the League of Nations. I do not understand that it was intended that the status quo of the boundaries of all nations then existing and those who joined the league was to be forever preserved either by that treaty or by international law.

Mr. UNDERWOOD. What was intended, as I understand it, was that those rights should not be taken away from a nation by force. Of course, there are tribunals provided for in the League of Nations to determine the questions as matters of right and as matters of justice. I am not contending on that side. What I am contending against is the disruption of national integrity and national sovereignty by force of arms regardless of right or wrong.

I am taking issue only in part with what the Senator from Montana [Mr. WALSH] has said. I am not taking issue with him, and did not the other day, as a matter of theory; I am taking issue with him as a matter of fact. I think that every time we make the declaration in the League of Nations or in the treaty now pending that we will respect the rights of other nations and their territorial integrity—and it has only been done in the last few years—we come that much nearer to making a fact of what has been the theory of textbook writers as the law of the world as between nations.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. UNDERWOOD. With pleasure.

Mr. SHEPPARD. Suppose one of the contracting powers fails to observe the obligation of article 1 to respect the sovereignty or independence of China, what course would the other contracting nations pursue?

Mr. UNDERWOOD. Of course, my friend and I were both very earnest and very strong supporters of the League of Nations. We both voted for its unconditional ratification. We had that same question asked us about article 10 I do not know how many times. Notwithstanding the question, we voted for article 10. That is aside, but I just wanted to call my friend's attention to our position, because we occupied the same position in that matter.

There is no obligation of force in the pending treaty. There is no obligation that one of the nine nations which signed the treaty can call on another nation to use force. But there is a moral obligation that will make the nation which violates it an outlaw in the face of the world. More than that, a nation which would violate this contract to respect the rights of China would be in a very serious position with eight other nations under this treaty in reference to its position in world affairs. I do not say that an obligation of that kind may not lead to force of arms. Anything may lead to force of arms. But there is no obligation whatever for it to lead to force of arms.

Mr. SHEPPARD. I ask the Senator what course the other contracting nations would probably pursue if one of the contracting powers should violate its obligation?

Mr. UNDERWOOD. I think they would pursue the same course that this Government pursued as to Shantung, except that there would be nine powers involved instead of one.

Mr. SHEPPARD. The Senator means that the contracting powers would make merely a protest?

Mr. UNDERWOOD. They would make their protest so earnest and so forceful that I think the other nation which violated the obligation would reconsider its action and discontinue that violation. I am sure the Senator from Texas

agrees with me as to the sanctity of moral obligations. I believe in moral obligations, of men and of nations, and so does the Senator from Texas.

I know there are some men who do not believe that a moral obligation carries weight; there are distinguished and able men on the floor of the Senate who do not believe that the world can be governed by anything but force; who believe that men are only governed by force; but I do believe in the great power and force of moral obligations. I have known the Senator from Texas for twenty-odd years and I know he agrees with me about that. That is the obligation of this treaty; and I think it is idle to say that a treaty in which nine nations have engaged in a contract to respect a great moral principle has no binding force and effect in the lives of nations. I do not know whether or not I have clearly answered my friend's question, but if I have not I will try to do so.

Mr. SHEPPARD. The Senator from Alabama has not made clear what course the other nations would pursue against an offending nation, a nation failing to carry out its obligations under this treaty, except to say that they would make a protest.

Mr. UNDERWOOD. I say they would make a protest; and I can not say anything more, because if a protest should not answer, then, so far as this Nation is concerned in the future, the matter would have to come to the Congress of the United States for an answer to the Senator's question; and I can not answer for future Congresses.

Mr. SHEPPARD. Let me ask the Senator a further question as to subdivision 2 of article 1, which reads:

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government,

What course is this Government expected to pursue in order to carry out that subdivision?

Mr. UNDERWOOD. Of course, in the first place, not to interfere with the Government of China; and, in the next place, if any other nation should try to interfere with the Government of China, to protest vigorously against such action.

If the Senator from Texas will only review the history of events which confronted the Conference on the Limitation of Armament in connection with far eastern questions when the pending treaty was written, he will realize that these declarations mean a great deal to China. The Chinese people are a great people; they are an industrious, earnest race.

Their civilization dates back far previous to ours. For thousands of years they enjoyed a civilization when our race of people was semibarbarous. They had developed the arts and the sciences; they had adopted religions; and to-day there is hardly a place in the civilized world where the Christian religion is making more rapid and greater strides than it is making in the Republic of China. However, after two or three thousand years under a monarchical government, during which time the people of China had been taught to respect the power and sovereignty of the Emperor, overnight the Government fell and a republican government was established in its stead. There are 400,000,000 people in China, and it takes time for those people to recognize and accept the new form of government as they accepted their government in the past.

Our own Government was in a chaotic condition for at least 10 years after the Revolutionary War; and it has not been more than 10 years since China proclaimed herself a republic. The fact is that the difficulty in China is due to a weakness of the Government. She has been torn asunder by the establishment of a so-called revolutionary government at Canton, covering five of her Provinces. Most of the other Provinces are controlled by military mandarins, who do not respect the mandates or the authority of the Government at Peking. So, governmentally, China is torn asunder. Almost any nation in the world, of modern war power, if left unrestricted, could proceed to dismember the Chinese Republic and tear China asunder. That is what Germany wanted to do at the close of the Boxer rebellion. She was sustained by some of the other powers, and if it had not been for the moral force of the United States protesting against the dismemberment of China her dismemberment would probably have been accomplished at that time.

However, our Government and the people of our country, to their great glory in the history of nations, unselfishly used their moral influence and efforts to protect and maintain the integrity of the Chinese Empire at that time, the sovereignty of their Government, and their existence as a homogeneous people; and it was not done by force of arms; it was done by moral effort and moral suasion.

Mr. SHEPPARD. Then, is it the Senator's contention that the opportunity for China to develop and maintain an "effective and stable government," which this article obligates the contracting powers to provide, means merely the exercise of moral influence in that direction?

Mr. UNDERWOOD. It goes that far; I do not say it goes farther.

Mr. SHEPPARD. Suppose it should develop that China could not, unaided, maintain internal order or "an effective and stable government" of her own, are we not then obligated under this article to take friendly steps, and military steps, if necessary, in conjunction with the other powers, to aid her in maintaining order?

Mr. UNDERWOOD. I do not think there is any obligation to that effect.

Mr. SHEPPARD. I think there is an obligation to employ whatever means might be necessary to provide the opportunity we promise in the treaty.

Mr. UNDERWOOD. I do not think there is any obligation to that effect. As to what would be done under the circumstances mentioned, that is a different question. As I said a while ago, that will be a question, so far as our Government is concerned, for the Congress of the United States to answer when the time arrives.

Mr. SHEPPARD. I understand that the treaty creates a moral obligation to carry out its provisions and then that Congress is to decide how that obligation shall be carried out.

Mr. UNDERWOOD. But I say there is no moral obligation in this treaty for us to use force.

Mr. SHEPPARD. If it should develop that force should be necessary to enable China to maintain "an effective and stable government," then we would be morally obligated to aid in providing it. To my mind, there can be no other conclusion.

Mr. UNDERWOOD. Of course, the Senator has a right to his own conclusions; I am not disputing with the Senator about his own viewpoint.

Mr. SHEPPARD. Is not that the Senator's own viewpoint?

Mr. UNDERWOOD. It is not my viewpoint. I have just said so.

Mr. KING. Mr. President, if the Senator from Alabama will yield, does he not think that this is an affirmative obligation rather than a mere negative one?

Mr. UNDERWOOD. Yes; I think it is an affirmative obligation, undoubtedly, but not an affirmative obligation that we shall use arms to carry out.

Mr. SHEPPARD. Wherever force shall be necessary or whatever other means shall be necessary, they should be employed.

Mr. UNDERWOOD. There is nothing said about force in this treaty.

Mr. SHEPPARD. No; but I say that whatever means shall be necessary to carry out the obligation ought to be employed; otherwise the treaty means nothing.

Mr. KING. Mr. President, will the Senator from Alabama indulge me for just a moment?

Mr. UNDERWOOD. Yes.

Mr. KING. The first subdivision of article 1 is what might be denominated a negative obligation; that is, we agree—

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

Now, obviously that would not require us, if some other nation should aggress upon China, to interfere. There is merely an obligation that we shall respect her integrity. But by subdivision 2—

The contracting powers, other than China, agree—

And this is something affirmative, it seems to me—

(1) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

We agree to do something; and, as the Senator from Texas has suggested, suppose that some power should intervene and should prevent the maintenance of an effective and stable government upon the part of China, how would we carry out the obligation which we assume to enable her to maintain an effective and stable organization? Of course, if we could do it by making representations by acts of conciliation, that would, perhaps, measure up to the requirements; but supposing that all of our efforts in those directions of moral suasion utterly fail, that an aggressive movement was continued by some other nation, and that that aggressive movement not only threatened but culminated in the overthrow of stable government and in the prevention of China establishing a stable government, would the powers which have signed this treaty have discharged their obligation if they should sit down supinely and permit the assumption by some other power of the control of China?

Mr. UNDERWOOD. Mr. President, if the Senator is through—and I wanted to give him time to make his statement——

Mr. KING. My remarks embrace more than a question. They include a statement and a question.

Mr. UNDERWOOD. I am glad to have the Senator make his statement, but I do not think the Senator is correct. I think there is no moral obligation in this treaty of itself to

use force, and it was not intended that there should be any moral obligation to use force. I do not say that some day in the future the Government of the United States, expressing its determination through the Congress of the United States, may not say to an offending nation, "Here, you stop," and enforce its orders, or try to enforce them. That is in the realm of speculation, and I am not going into the field of what may happen; but I say there is no moral obligation to use force contracted for on the part of our Government in this treaty, and I do not think it is necessary. I still come back to the proposition that there is a great moral force in this world. For generations and centuries it may have been under the heel of power; but every day and every hour that we live the moral force of men and nations is rising above the mere use of physical force and power and we are coming to the point where those moral forces will dominate the world. I believe in them themselves, and I believe that is what this treaty stands for.

Mr. WALSH of Montana. Mr. President, will the Senator pardon an interruption there?

Mr. UNDERWOOD. Certainly.

Mr. WALSH of Montana. I am disposed to take the same view of this matter that the Senator does, that there is no obligation here to use force; but it must be admitted that the question of the Senator from Texas [Mr. SHEPPARD] is exceedingly pertinent.

By subdivision (1) of article 1 the contracting powers agree—

To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

That is, they all say: "We will keep our hands off. We will not interfere with China."

Mr. UNDERWOOD. Undoubtedly.

Mr. WALSH of Montana. Of course, so far as we are concerned, then—that is, the contracting powers—the fullest opportunity is given to China herself to develop a stable government.

Now comes in subdivision (2), by which the powers agree—

To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

Is that a mere repetition of subdivision (1), or does it mean something else? Is there a supplementary obligation? Is there something more there than the mere matter of respecting the integrity of China—that is to say, keeping our hands off?

To illustrate: Of course, the Senator does not want to conceive of the possibility of Russia being rehabilitated; but, just for the sake of argument, let us conceive of a rehabilitated Russia, which invades China, and thus prevents China from setting up for herself and developing and maintaining an effective and stable government. We agree by this provision to provide for China—

the fullest and most unembarrassed opportunity * * * to develop and maintain for herself an effective and stable government.

Would that obligate us to keep Russia off?

Mr. UNDERWOOD. No; I think not. I do not think there is any obligation in this treaty for us to keep Russia off; but I do not say that we would not do it.

Mr. WALSH of Montana. Oh, no; I agree; but the question is, What does this mean? What obligation do we assume?

Mr. UNDERWOOD. My construction of it, and listening to the discussion of the treaty around the board by the men who made it, my viewpoint is—and I think that is the viewpoint of the men who made the treaty—that when they say:

To provide the fullest and most unembarrassed opportunity—

They meant it as if they had said:

To encourage the fullest and most unembarrassed opportunity.

In other words, these declarations are declarations on the part of these nine nations as to what they will do. They are obligating themselves around that board between themselves, believing at the time this treaty was made that they were the only nations directly interested who could sit at the board. Of course, if Russia had had a government that our Government and the other Governments recognized, she would have been invited to the board; but as our Government and the Governments of these other eight nations did not recognize Russia, she was not invited to the board; but she is the only nation in all the world that might have been invited that had any interest in the matter.

Of course, I recognize that the word "provide" might be construed to mean something else, but I understand these obligations in section (1) to relate not to outside sources, not to be an obligation as to what we are going to do in reference to other nations; but as to those other eight nations sitting at the board with China, making nine in all, it is a contract on their part as to what they will do in reference to this matter. Of course, if some outside power came into the field and tried to overthrow this agreement, then it would be up to the Congress of the United States and the Governments of other nations to determine, independently of any obligation here, what they would do.

Mr. SHEPPARD. Mr. President, in the case of internal disturbances, suppose it should develop that China, on account of one-half of her territory being under the control of one government and the other half under the control of another, was unable to maintain internal order. What, then, would be the duty of these contracting powers?

Mr. UNDERWOOD. Of course there is no obligation at all as to internal matters. The Government at Peking practically changed twice, I think, in real control while this conference was being held.

Mr. SHEPPARD. But this subdivision makes no distinction between internal matters and external matters. It says:

To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

Mr. UNDERWOOD. To be sure—to China.

Mr. SHEPPARD. Suppose it should develop that she is unable to develop and maintain for herself a stable and effective government. Are we not then obligated to aid her in establishing a stable government?

Mr. UNDERWOOD. Not at all.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. UNDERWOOD. I do.

Mr. FLETCHER. Is it not true that the language itself answers the Senator's question? In other words, it is for China to develop for herself an effective and stable government.

Mr. UNDERWOOD. Undoubtedly.

Mr. FLETCHER. The only thing that the contracting parties agree here to do is that so far as they are concerned they will contribute as best they may in trade, in good will, in encouragement and support, toward achieving the fullest and most unembarrassed opportunity to China.

Mr. UNDERWOOD. Undoubtedly.

Mr. FLETCHER. In other words, she is to be given not military aid or naval aid or some other kind of aid, but she is to be given, so far as they can give it by their encouragement and support and cooperation, the opportunity to build and establish her own government. It is entirely for her to determine her own affairs and her domestic questions. They must be settled by herself, and the government must be established by China herself, and be made effective and stable by her.

Mr. SHEPPARD. Will the Senator from Alabama permit me to ask the Senator from Florida a question?

Mr. UNDERWOOD. Yes.

Mr. SHEPPARD. What would be the case if it should develop that China is unable to maintain internal order?

Mr. FLETCHER. There is no obligation here on the part of anybody else to interfere with that at all, as I understand.

Mr. SHEPPARD. Then this treaty amounts to very little.

Mr. FLETCHER. Really, section (2) of article 2 is not much more than a statement of sections (3) and (4). Sections (3) and (4) are along the same line and in the same direction, and back of them is the same spirit, as I understand.

Mr. UNDERWOOD. Undoubtedly the Senator from Florida is right. Of course, when we come to construing language, there are a vast number of constructions that we can place on it; but when this treaty, in section (2) of article 2, contracts—

To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government—

It means just what it says; it means an unembarrassed opportunity from us, the other contracting powers, for her to set up her own form of government, without being embarrassed by any action on our part; and if the Senator will read the other clauses, as the Senator from Florida suggests, they clearly sustain the whole article.

Section 3 reads:

To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

Mr. SHEPPARD. That relates to other nations, not to China.

Mr. UNDERWOOD. "To use their influence."

Mr. SHEPPARD. That provides equal opportunity for other nations. Section 2 means "opportunity for China herself."

Mr. UNDERWOOD. To be sure; but this is opportunity for China as well as for us. If the Senator knew the difficulties in China at present, he would realize that this section means something:

To the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations.

The real difficulty in China has been that her Government has been so weak that when any other power faced her and demanded concessions during the last two decades she has been compelled to yield, and to yield whether she wanted to or not.

Mr. SHEPPARD. And the very powers that are now uniting in this solemn obligation to respect what is left of her territorial and administrative integrity are the powers that have been pillaging her and plundering her.

Mr. UNDERWOOD. Not all of them, by any means. This Government, although it may have some bad marks against it in parts of the world, can not be accused of ever having pillaged or plundered China, and I think that may be said for most of the powers that signed this treaty.

There we simply contract to use our influence against these efforts. We also contract—

To refrain from taking advantage of conditions in China—

The treaty recognizes the present conditions—

To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

This treaty is an absolute declaration of right to China on the part of eight other nations sitting at that table. It is something that I do not think has ever happened in the history of the world before. Here was a great territory, practically as large as the United States, having a population of over 400,000,000 people, not savages, but people of an old civilization; not one that would satisfy us, probably, but an old civilization that satisfies them; people of high moral character, because it is said, and it is probably true, that there is no man more honest in his individual dealings than a Chinaman, and honesty is a test of character the world around; a people who had built great highways when the western world was a wilderness; a people who have erected great buildings, who established the silk industry, and taught the world how to raise and manufacture silk. Here is this great nation which, because it had fallen without an effective government, was the prey of any nation that desired to rape its territory; and all that has been done in this pact by these nations is to guarantee among themselves—every nation sitting at the board, except Russia, that could possibly be interested in that territory—the rights of these peoples, their territorial integrity, their right to govern themselves, their protection in their trade, and equal opportunity to all nations in that territory.

You may criticise this pact and say that some of China's territory has been taken and not returned. You may say that Japan has not given up Port Arthur. Japan acquired Port Arthur under the same right, if it be a right, the right of power, under which we acquired the Philippine Islands, the State of California, and the States of New Mexico and Arizona; she acquired it as a concession at the end of a war. You may say that she is in Manchuria and has only promised to come out, and has not come out. I think she will come out.

Those are matters of the past. There is no man on this floor who can deny that China's territorial integrity and her national sovereignty are not the better off because this treaty has been made, and we are not making this treaty for ourselves; we are making it for a great people, 400,000,000 people, and a territory they have lived in and possessed for 4,000 years. They have the right of protection at home and the right to govern themselves. What we claim here in these States of our own we are freely and willingly giving to our neighbor.

I say no such thing ever happened in the history of the world before, when nine great powers, which are capable of tearing a nation to pieces, meet in solemn conclave and agree to protect the right of the nation which is down until she can maintain her standing among the nations again, get on her feet, and develop her national life and her Government in the interest of her own people.

No more altruistic treaty has ever been written in the annals of nations than this, and I believe it means great good to the world. I believe that with this understanding between these nations such disputes as have arisen about China's territory will not occur in the future as to new aggressions or new conditions which may arise. I believe these eight nations which have contracted with China will live true to the terms of this treaty, and it is a great onward step in the history of nations, viewed from the high moral plane of national understanding.

Mr. WALSH of Montana. Mr. President, the debate has departed very widely from the particular question which precipitated it, and with reference to that I desire to say that I am very highly gratified indeed that there is so little difference between the distinguished Senator from Alabama and myself. I want it distinctly understood that so far as I am concerned—and I believe it is the correct principle of international law—any nation which invades the territory of another nation, makes war upon it, is a lawbreaker. If I understood the position of the Senator from Alabama correctly the other day, he said he thought it was not a lawbreaker. I understand now that he does not take that position.

Mr. UNDERWOOD. I may not have made myself as clear the other day as I should have done. My position was not that it was not a lawbreaker, but that they did continually break the law, which prevented it from being international law.

Mr. WALSH of Montana. There is no doubt about that, and to make myself clear upon that matter, Mr. President, I think every individual member of society in any civilized country by becoming a member of such society undertakes that he will respect the rights of person and property of his neighbors, and the law raises an implied undertaking upon his part that he will do so. If he does not do so, but seizes without right the property of his neighbor, the law implies an obligation upon his part to pay for it, and he may be sued in contract.

It does not by any means prove that a principle is not a principle of international law because it has been repeatedly violated. Indeed, you can hardly conceive of a claim of one nation against another nation except that claim arises by reason of a breach either of a treaty or of some principle of international law.

I said that one, by becoming a member of society, undertakes that he will respect the rights of person and property of every other member of society, and that is my conception of the relation existing between members of the great family of nations. When we recognize the Government of a certain country, its representative comes here, presents his credentials to the President of the United States, and the President of the United States recognizes him as the representative of a Government exercising jurisdiction over a certain area, and by that act it appears to me that we undertake that we will respect that territory.

In the case of the individual member of society, if he violates his implied obligation to respect the rights of his neighbor he may be haled into a court and compelled to do justice, and the court will apply the principle to which I have adverted. Unfortunately, up to the present time we have been unable to set up any international tribunal before which an offending nation may thus be haled.

My part of the country was settled up before there was any established government, and if one did a wrong to his neighbor the wronged individual had no court to which he could appeal, but he was obliged to take the law into his own hands and go out and exact rude justice according to his own notions. That is the state of affairs in the world. So a nation, feeling that it has been wronged, takes the law into its own hands. But I would have it understood that in that case it must justify its conduct to the world; it must expose to the world that it has exhausted every means of securing justice for its alleged or claimed wrongs before it resorts to war to exact justice from its neighbor.

Reference was made to the Mexican War and to the Monroe doctrine in the course of the discussion here. What is the Monroe doctrine except a recognition of the principle for which I am contending? The United States declared to every nation in Europe, "You have obligated yourselves to respect the integrity of the South American Republics, and we propose to see that you observe that obligation into which you have entered." Otherwise there is no justification for our conduct at all in the matter. We are merely saying, "We will not tolerate or palliate upon your part any excuse for invading this territory. If you have any cause of complaint against these people, we propose to see that it is determined in some other way than by invading their territory or challenging their sovereignty."

It will be recalled very well that in the Mexican War we did not invade Mexico claiming any right to do so; nor did we claim we were not obligated under international law to refrain from doing so, but whether it was specious or otherwise, President Polk set up the claim that Mexico had invaded our territory, and he proposed to drive the Mexicans from our territory, and to punish them for the wrong done us. That may or may not have been specious, but we felt called upon to put forth to the world an excuse for our invasion of Mexico, or a justification of it.

That is all that interests me in this matter. I do not want to have a wrong done by Germany in invading the territory of Belgium or of France palliated in the slightest degree by the contention that there was no international wrong done. I speak entirely aside from the specific obligation under which she rested to respect and to preserve the territorial integrity of Belgium. Without regard to the specific treaty in that case, I think the world ought to hold that Germany had impliedly obligated herself to respect the territory of these countries, and to refrain from invading them, and she can only defend herself, if she can defend herself at all, by establishing her contention that she was acting in self-defense. Of course, the world does not accept that excuse, and I am sure the German people to-day can scarcely believe it.

Mr. KING. Mr. President, during the debates upon the treaties before us the discussion has taken wide range. While some of the treaties prepared at the Washington conference have been the subject of criticism, there has been a disposition upon the part of Senators to discover whatever merits these treaties possess and to appraise the work of the conference at its highest possible value. I have given to the treaties most earnest consideration and have been desirous of finding sufficient reasons to justify their ratification. I believe that some of the treaties possess merit and call for the approval of the Senate. It is my conviction, however, that when the work of the conference is fully analyzed and appraised many of the boastful claims made in its behalf will be successfully challenged by the American people, and there will be widespread disappointment because the results will fall so far below expectations. This anticlimax will be largely due to the extensive propaganda carried on throughout the United States by some partisan Republicans and by many hysterical and emotional people, whose desires for world peace and the abatement of war led them to think that the Washington conference had united all nations and secured universal disarmament and world peace.

Senators have been importuned to ratify this series of treaties upon the ground that they provided for complete disarmament. The letters and petitions received by Senators indicate the misapprehension existing among the people as to the purposes and the accomplishments of the conference; and I repeat, that further investigation of the work of the conference and the effects of the treaties will bring disillusionment to many who have been promised such marvelous results from the conference.

I hope the treaty on the limitation of naval armament may prove of great value and lighten somewhat the burdens of taxation, not only in the United States, but in other countries. But the effects of this treaty have been, in my opinion, greatly exaggerated and distorted. The people were led to believe that it would end naval warfare and lead to the destruction of warcraft and all other weapons and agencies employed in naval wars. This treaty was universally acclaimed as the supreme achievement of the conference. As stated throughout the land the view prevailed that it would bring about world disarmament, and that it presaged a millennial era. But an examination of this treaty discloses many defects and serious imperfections.

Naval warfare has undergone remarkable development during the last decade and vital changes as the result of the lessons and experiences of the recent war. Certain naval experts in Great Britain regarded the capital ship as the greatest and the highest possible agency in naval warfare. They were unwilling to admit that the progress of science and of naval development could produce an instrumentality of a factor that would menace or challenge or in any manner impair the preeminence of the capital ship. That view was accepted by some of the naval experts in the United States, and they planned a navy which disregarded or disparaged submarines and aircraft and other agencies and factors which have weakened the claims of the capital ship and compelled a revision of naval standards regarded by self-complacent experts as immutable because of their supposed perfection. The Battle of Jutland and the experiences of the war demonstrated the importance of mines, bombs, torpedoes, aircraft, destroyers, swift cruisers, and submarines, and have left the naval experts who clung so tenaciously to the capital ship in an amazed and bewildered condition.

I called attention yesterday to the fact that the Air Minister of Great Britain but a few days ago, in his speech in the House of Commons, emphasized the importance of aircraft, not only for defensive, but for offensive naval and military operations. The report of his address indicated that he looked upon aerial warcraft as of paramount importance. His statements conveyed the thought that future wars would be fought in the air and from the air rather than upon land or upon the surface of the sea.

Mr. Churchill, during the course of his debate, referred to the remarkable development in aerial warcraft, and stated in substance that if the World War had continued longer, the aircraft of the allied nations would have carried destruction and defeat to the armies of the Central Empires.

After the United States entered the war intensive study was given to the development of explosives and gases for use in aerial warfare, and we were assured by the Secretary of War that the armistice alone prevented a most deadly and destructive rain of explosives and gases upon the German armies, and also upon German cities. Many scientific men believe that the wars of the future will be fought by aircraft, and by submarines, and by naval craft lighter than battleships and battle cruisers, and by other forces and agencies, perhaps, not yet fully developed. The Washington conference did not deal with aerial warcraft or submarines or swift-sailing cruisers, or warcraft of less than 10,000 tons, or bombs or torpedoes or mines. It established a ratio of capital ships to be observed by the United States, Great Britain, France, Japan, and Italy, but it did not limit the use of submarines or aircraft or naval war vessels of less than 10,000 tons, or mines, or other agencies of destruction.

Undoubtedly there will be astounding progress in war mechanics, and important development in the use of submarines, and of all forms of aerial craft unless a world association of nations creates a spirit of concord among the nations. Swift flying machines will be invented, having a radius of many hundreds of miles, and capable of carrying large torpedoes and bombs, explosives, and deadly gases which will work havoc and prove powerful factors in war, both upon land and upon sea. France is already building larger and swifter submarines, and the same is true of other nations. We will soon have undersea craft with a cruising radius of thousands of miles. Vessels will be constructed that will carry scores of aerial craft, and new methods of sowing the seas with mines will be discovered. Warcraft with great speed will be constructed, and they will be powerful factors in deciding sea contests. In other words, we will probably witness great advancement in all forms of warcraft, the cost of which will be prodigious, and the savings resulting from capital ship limitation will be absorbed in the construction of various other forms of naval warcraft.

I called the attention of the Senate yesterday to the able article written by Archibald Hurd, the great naval expert, appearing in the Fortnightly Review of January, 1922. Mr. Hurd apparently discovers no advantage in this treaty and no relief from the burdens of naval construction.

He declares that the treaty does little more than vary the factors of naval power, that it scraps obsolescent capital ships, but adds to the submarine tonnage and transfers expenditures from capital ships to other kinds of naval warcraft and instrumentalities to be employed in naval warfare. He points to the fact that the plan announced by Secretary Hughes leaves to the three powers a large tonnage of submarines which will result in increasing the number of cruisers, because cruisers in association with smaller craft, constitute the antidote to the submarine. Mr. Hurd also indicates that with the increased use of submarines it will lead to a general movement to arm merchant ships and compel those nations which have any considerable mercantile marine to maintain an enormous number of patrol craft.

Mr. Launcelot Lawton, in an article in the Fortnightly Review of February, 1922, appraises the Washington conference and declares in substance that its work has changed but little the territorial arrangement of the Far East, nor affected the situation strategically. He states that "Great Britain retains Hongkong and France Saigon with its splendid anchorage of Camranh Bay, and that Japan's position in Manchuria and Mongolia is strengthened." He further declares that, in view of the geographic realities, the ratio of battleships was not so important to Japan as some would believe, and that with the possession of submarines and airplanes her position is as impregnable as any position could be. He finally concludes that the success of the conference is "only spectacular and superficial, the Pacific problem remains in fact unsolved, and the evil day of reckoning has merely been postponed."

The Washington conference, in my opinion, missed the opportunity to bring proper reductions in the naval budgets of the world. I predict that demands will be made for large appropriations to strengthen our Navy, to increase the number of submarines, to build airplane carriers and various forms of aircraft, and to develop other factors which will become increasingly important in naval warfare as the years go by. If we do have a naval holiday in capital ship construction there will be no naval holiday in other lines of naval warcraft development, nor will there be any surcease in behalf of the American taxpayer from heavy burdens which the maintenance of our Navy will place upon him, unless international efforts are put forth to supplement the work of the League of Nations and that of the Washington conference.

In my opinion, substantially the same results in the limitation of naval armament attained by the Washington conference

could have been secured if Congress, when it had under consideration the naval appropriation bill in the special session in May, 1921, had announced its abandonment of the 1915–16 naval program which provided for 17 capital ships, and if Senators and Congressmen had declared for a naval policy calling for material reductions in capital ship construction.

Great Britain during the latter part of the war constructed no capital ships and has built none since the war. The same is true of France and many other nations. This policy was adopted because of the enormous cost of capital ships and because they believed that the League of Nations would evolve a plan which would bring about both naval and land disarmament and introduce new and effective agencies to adjust and settle international controversies. Japan also was in a position to welcome any program that would permit her to reduce her military and naval budget.

May I add parenthetically that I have deprecated the severe assaults made here and elsewhere upon Japan and Great Britain and other nations? I have sometimes felt that some Americans have been too critical of other nations. Japan's progress and development challenge the admiration of the world. The Japanese people have serious problems, not the least of which is the racial question, which has been provocative of so much distrust, misunderstanding, and, indeed, resentment. But the mass of the people of Japan desire peace, and the liberal and democratic forces are being strengthened and it is believed will soon, if they do not now, control her policies. Japan's domestic and foreign policies, it is thought by many who are familiar with her present situation, will be determined by those elements in Japan which seek moral and intellectual progress and peace and fellowship with the world. I am not condoning or seeking to extenuate those policies of Japan which have been and still are imperialistic, but I do believe that the American people should seek to more clearly understand the Japanese point of view and treat with less rancor and antipathy and, indeed, with greater sympathy a nation and a people who have come out of the past full panoplied for world position and world service as Minerva sprang from the brow of Jove.

Many jingoists and those who insisted upon the United States adopting a naval policy that would cost hundreds of millions affected to believe that Great Britain and Japan had designs against the peace of the United States. The fact is that Great Britain has sought the friendship of the United States and has desired that a community of interests be recognized. What is true of Great Britain is likewise true of her Dominions. Canada, Australia, New Zealand—all entertain for the United States an enduring friendship. It is true questions arise from time to time which produce irritation, but Great Britain and her Dominions appreciate the importance of maintaining amicable relations with the United States. There are racial, linguistic, religious, and intellectual ties which tend to unite nations and bring into bonds of amity peoples of different nations.

When it was announced that our 1916 naval program giving the United States naval supremacy in the world would be completed, officials of Great Britain announced that she would not seek to prevent America's naval preeminence. She desired to terminate all naval rivalry, and even the jingoist cries of the United States did not provoke her to a race for naval supremacy.

Japan's naval program, which was the subject of consideration at the Washington conference, was prepared 12 or 15 years ago. Work upon it had but slow progress, and I believe that the best thought of Japan favored a modification of that program. The movement of our fleet to the Pacific coast, the constant demands for fortifications in the Pacific, and the enormous appropriations to execute the 1916 program, calling for a Navy the greatest in all the world, together with the great flood of bitter criticism of Japan which periodically if not constantly inundated the United States, undoubtedly filled some of the Japanese people with fears and apprehensions. They were not able to understand why the United States, with its wealth and power, with its inexhaustible resources, should be so feverishly engaged in naval construction. Japan knew that she could not send her fleet across the Pacific and attack the United States. Her people knew that Great Britain had no designs upon the United States and, indeed, that no other nation or combination of nations desired any controversy with this Nation. The situation gave the reactionaries and the jingoists of Japan an excuse to inflame sections of Japan's population against the United States. Undoubtedly, some portions of the Japanese press and many of the people were led to believe that we sought territorial acquisition in the Pacific, either insular possessions or certain economic or other concessions upon the Asiatic mainland. But, I repeat, Japan earnestly desired some manifestation upon the part of the United States of a purpose to abandon any competitive naval policy. We all know that Japan entered the League of Nations with the utmost enthusiasm, and the Emperor of Japan issued a statement immediately following the signing of the Versailles treaty in which, speaking for the Japanese people, he proclaimed their loyalty to peace and their desire to observe the obligations imposed upon Japan by the Versailles treaty and the covenant of the League of Nations.

Mr. President, there is much in the record to justify the charge that the naval rivalry which has existed since the war has been largely due to the naval activity upon the part of the United States. This Nation has been the storm center of naval activity. If at the close of the war we had announced an abandonment or a modification of the 1916 program, Japan would have materially modified her naval program, and our belligerent and militant attitude has been largely responsible for the naval expenditures incurred by other nations since the termination of the war, as well, of course, as those which the United States has been compelled to meet.

The treaty limiting naval armament, we all sincerely hope, will not only reduce naval expenditures but be promotive of a better international understanding. It is unfortunate that more nations did not participate in the conference and that the subject of naval disarmament was not treated in a broader and more comprehensive manner. Unfortunately, we still have submarines and destroyers and war vessels of less than 10,000 tons, and aerial fighting craft and mines and other known agencies of naval warfare and of death and destruction. There is no limit fixed by this treaty upon these agencies and instrumentalities. Thousands of cruisers and naval war craft, provided the tonnage of each vessel is less than 10,000, can be constructed. Submarines without limit as to number or size may be built; indeed, whatever weapon science or the genius of man may devise to carry on naval warfare, may be used without limit, except capital ships. And, as I have indicated, many experts believe that their days are numbered, and that without treaties limiting their construction, their preeminence as fighting craft would soon be denied and their use greatly reduced.

It is to be regretted that the conference was unable to deal with all agencies which in the future will constitute the forces for naval as well as land warfare. The work of the conference, conceding what many claim for it, demonstrates the importance of a world conference, a world League of Nations, which is empowered to deal not only with naval limitation but with the question of world disarmament.

France felt disinclined to ban submarines so long as other nations might employ them and so long as her security was not assured. The League of Nations, with the broad program for which it stands, can deal with all questions involved and bring to France and other nations that assurance of territorial integrity and protection as will banish their fears, and which led them unreservedly to assent to a disarmament program which would involve all nations of the league.

It is claimed by some enthusiastic and partisan Republicans that the treaties numbered 6 and 7, which relate to the principles and policies to be followed in matters concerning China and providing Chinese customs tariff, are remarkable achievements and will be of great interest to the inhabitants of China. I am unable to accept this view and believe that further study of these treaties and their operation will not justify the vainglorious claims made in their behalf.

Treaty No. 6 is merely a reaffirmation of the open-door policy which was proclaimed many years ago, and adhesion to which has been given by all signatories to this treaty. Moreover, all such signatories who accepted the covenant of the League of Nations gave solemn assurance that they would respect the territorial integrity and political independence of China. The Versailles treaty and the covenant of the League of Nations provide China guaranties and protection far more important than the provisions of the treaty which I am now discussing. If Japan, Great Britain, France, Belgium, and Portugal will not observe their solemn obligations contained in the league covenant with respect to China and her integrity and independence and the open door, they will not observe the terms of this treaty and the protestations therein made.

This treaty gives China no more—indeed, gives her much less—than does the League of Nations, to which China is a party. It does, however, give her the assurance that the United States seeks no advantages to China's hurt, and will respect her sovereignty and independence. Did China need such assurances from the United States? Is China benefited by our assurances? As stated, she not only has assurances from the other nations signatories to this treaty, but she has other solemn covenants not only to respect her territorial and administrative integrity but to guarantee the same. Moreover, the United States has in the past declared for China's economic

and political freedom. Obviously, this treaty means nothing to China, and is of no importance to the United States. It is a friendly declaration—a sort of magnificent international gesture, and that is all. No one is deceived by it except some thoughtless people who were anxious to discredit the league, disparage the work of President Wilson, and ascribe to the present administration achievements surpassing those of all time.

Treaty No. 7 is a repudiation of the solemn and pious protestations contained in treaty No. 6. It in effect treats China as a conquered province, or at least as a nation incapable of managing her own affairs. Protesting that her integrity and independence will be respected, this treaty fastens upon her a tariff law by which she is restricted to imposing tariff duties of substantially 5 per cent upon importations. The United States, while joining in binding China by treaty so that she may not impose tariff duties upon American articles introduced into China, is providing a tariff bill laying duties so high as to prohibit imports in many instances.

It has been the traditional policy of the United States not to interfere with the internal affairs of other nations or to control the exercise of their sovereign national rights. The laying of duties is a sovereign right of a nation. China has the right, as an independent nation, to determine its own domestic policy and to lay and collect such taxes as she may desire in her own way and according to the national will. An attempt to require China, by treaty or otherwise, to fix the tariff duties which she may be permitted to lay and collect on imports, or to control the internal taxation of China, is in contravention of the settled policy of the United States and an unwarranted interference with the independent powers and sovereign rights of the Chinese Government.

And yet this treaty limits the power of China to lay and collect taxes upon imports. China is weak, and because of internal dissensions feels unable, perhaps, to assert herself and her independence as she otherwise would. European nations, years ago, coerced her into the signing of treaties abridging her sovereign powers and restricting the tariff duties which she laid upon imports. The United States became a party to treaties which perpetuated this wrong and this infringement upon the sovereign power of the Chinese State. It is urged that because China came to the peace table bound by tariff treaties there was no impropriety in negotiating another which slightly ameliorated her condition and permitted an inconsiderable increase in tariff duties. The principle to me is intolerable. I think it is an affront to China, a grave wrong committed against a sovereign State and against the dignity and honor of a great people. And yet this is one of the ornaments of the Washington conference, which produces choruses of adulation and songs of glorification of the marvelous achievements of the Washington conference.

Mr. President, the American people should study carefully, dispassionately, and indeed sympathetically the work of the conference. I have attempted to do so, earnestly desiring to support the treaties there framed. The result of my investigations has brought the conviction that the conference missed some opportunities for higher service and that the net results of its accomplishments, beneficial as they may be and doubtless are, will prove increasingly disappointing as the days go by.

I now come to a discussion of the four-power treaty. Its provisions have been analyzed and the discussion has been so searching and comprehensive that I can not hope to add much of value to the discussion. Much was said during the debate as to who prepared the four-power treaty, and there was criticism because of the limited information furnished by the President and by the State Department as to the genesis of the treaty, as well as the reasons for its preparation. I have not been so much concerned as to who prepared the treaty. I have been profoundly interested in the terms of the treaty and in the reasons assigned for its existence. In my opinion, no sufficient explanation has been offered to justify its ratification by the Senate of the United States. I assume that no sufficient explanation can be offered. I believe that the more the treaty is examined the stronger will be the opposition to it. Some persons have sought to justify it because they believed that it removed the United States from its isolation and signalized the active participation of this Republic in the affairs of the world.

It has been suggested by one Senator that "it introduces the United States into the League of Nations by means of the back door." I am not able to accept that view. If I believed that this treaty would be instrumental in taking the United States into the League of Nations, I should vote for it, imperfect, ambiguous, and uncertain as are its provisions; but I fear that it will be calculated to weaken the league and embarrass its operations and provoke international groupings, combinations, alliances, and counteralliances which will inevitably result in international strife and possible sanguinary conflicts.

Let me say at this point, although I shall return to the matter later in my remarks, that if Russia regards this treaty as an alliance among the United States, Japan, Great Britain, and France, she will undoubtedly seek a counter alliance. It is known that Germany is displeased with the attitude of Japan, Great Britain, and France and is exhibiting a disposition to refuse to execute her obligations under the Versailles treaty. Germany, perhaps more than any other nation, is interested in the rehabilitation of Russia. Before the war Russia was one of Germany's best markets and Germany annually purchased hundreds of millions of Russia's products. Russia's prosperity depends largely upon Germany, whose rehabilitation will only come with Russia's prosperity. It is natural that these two mighty nations should seek close economic relations. Thus they will naturally be brought into close political relations. We also know that Russia is now seeking to establish intimate relations with China.

Controversies over boundaries and Provinces in Siberia and northern China will doubtless be compromised in order to bring these two States into more friendly relations. Undoubtedly, this quadruple alliance, or agreement, unless it is expanded or amplified so as to include China and Russia, will tend to bring them together. In my opinion China's opposition to this treaty will increase when the people of that nation discover its terms, its implications, and, above all, its apparent aggrandizement among the nations of the earth of the Japanese Empire.

The world to-day needs not a four-power alliance, not a combination or group of four of the great military and naval powers of the earth, no matter how beneficent the announced purposes of the alliance may be, but it needs a league of all nations, an association in which all will be partners and which furnishes the machinery, the instrumentalities, and the sanctions for the determination of international controversies and the adjustment and settlement of all causes of war.

Mr. President, some who have supported the treaty base their arguments upon the alleged innocuousness of the treaty. They contend that it is so harmless and anemic as to provoke no fears or apprehensions upon the part of nations outside of the combination. Of course that view is not tenable; but if it were, undoubtedly some nations will regard the treaty as the basis of an alliance upon the part of four great powers, and they will, in attempting to fathom its purpose and ascertain the reason for its existence, perceive some sinister or menacing design and plan to advance the interests of the four nations involved or to interpose obstacles to the advancement and development of some other nation or nations. If it is an alliance and stands for the purposes which have usually brought nations together in an alliance, then it will prove a distinct evil, if not a menace, and will injuriously affect the peace and honor of the United States, if not the peace of the world.

Mr. President, I repeat that no satisfactory explanation has been offered to justify the ratification of this treaty. Frantic efforts have been made to indissolubly connect it with the other treaties to which I have referred, as well as those which I have not mentioned but which were formulated at the Washington conference, and statements have been made by some advocates of the four-power treaty that unless the Senate ratified it the other treaties might be defeated. Indeed, Senators have stated that unless that treaty were ratified they would vote against the treaty limiting naval armament.

The attitude of many earnest defenders of the treaty has been equivalent to a threat, and indicated that they would coerce, if they could not convince, Senators to vote for the ratification of the four-power pact. In my opinion it is disingenuous, if not insincere, to contend that the other treaties are dependent upon this quadruple alliance treaty, and that their fate will or should be determined by the Senate's action upon the latter.

The resolution offered by the Senator from Idaho, which became the basis for calling the Washington conference, did not contemplate a treaty such as the four-power pact. During the discussion of the naval appropriation bill in the early part of 1921 the navalistic régime and the jingoists throughout the land clamored for enormous appropriations, and demanded the building of the largest Navy in the world. Some Senators opposed these hysterical appeals and contended that the 1915–16 naval program should be abandoned because it was archaic and because its completion would not only entail huge expenditures but would inevitably provoke other nations to enlarge their navies and increase their naval budgets. The American people were not in favor of the navalistic policies advocated by the Naval Board and by bellicose and militant American citizens, and demanded that the naval expenditures be ma-

terially reduced. Senators will recall that some of us who opposed the naval bill which was enacted into law in May last insisted that if the United States suspended naval construction upon capital ships other nations would welcome the decision and promptly follow the example. I remember bringing to the attention of the Senate the statement of a British naval official who declared in the House of Commons that the attitude of the United States in carrying forward the construction of 17 huge capital ships would compel Great Britain, which was then building no capital ships, to revise her naval program and begin work upon the construction of super-Hoods; that is, of capital ships of greater dimensions and power than any the United States was building.

Senators also took the position that if the capital ships of the 1916 program were completed, in view of the effect such action would have upon other nations causing them to construct one or more larger battleships and in view of the developments in aircraft and submarines, they would be obsolescent, if not obsolete, when completed, so that after having spent hundreds of millions the United States would then not have an efficient, scientific, and modern fleet.

Mr. President, it was apparent during the consideration of the naval bill in the spring of 1921 that the time had come to limit naval as well as military armament. The League of Nations was hampered in working out a program for world disarmament by the militant position of the United States. Japan and Great Britain, as well as some other nations, were reluctant, if not unwilling, to assent to a plan calling for the disarmament of the nations within the league, while the United States, and perhaps Russia, were outside the league and were exhibiting a military, if not an imperialistic, attitude. Some nations suspected them, and they suspect now, the motives and the aims of the United States. They are not convinced that the American people are free from the ambitions and appetites which have guided many powerful nations. They remember that we took Porto Rico, Cuba, and the Philippine Islands from Spain. It is true we gave to Cuba an autonomous government, but nevertheless it is so bound that it may not break certain bonds uniting that Republic and the United States. Some nations likewise remember that we took from Mexico a large part of her domain; that we acquired Alaska and the Hawaiian Islands and the Philippine Islands; and that we occupied with naval forces Haiti and Santo Domingo.

Following the World War the President of the United States went to Europe to aid in preparing a treaty which would consolidate the gains of the war and also liquidate its liabilities and provide for the disordered condition in the world. Pursuant to announcements made in eloquent and impressive terms—announcements which had received enthusiastic support from the enlightened and liberal forces of the world—President Wilson, with other great statesmen, projected a plan to bring all nations into world fellowship and into a virile and effective league which would be authorized, without interfering with the sovereign and national authority of its members, to apply the principles of justice and international law to prevent controversies, promote peace, and bring about world disarmament. The treaty which he signed was not ratified, and the peoples of many nations regard the action of this Republic, in rejecting the treaty and the league, as tantamount to a declaration of hostility to the league and to its purposes, and as evidence of a design upon the part of the United States to pursue a policy of isolation and selfishness.

Notwithstanding the great work which the league has done and the multiplying evidence of its importance, and indeed its imperative necessity to cure the ills of the world and to promote world peace, this Nation has, under the Republican administration, exhibited an implacable hatred of the league and a determined purpose to thwart the execution of the plans which it projects and the policies which in good faith it is seeking to execute.

In view of these facts shall we hastily condemn those who distrust the United States and regard it as possessing imperialistic designs? Of course, we know that we have no selfish ends to serve and sincerely desire the welfare of all nations.

Mr. President, during the war and before the United States entered the conflict, Congress enacted a measure which "authorized and directed the President to call a conference for the purpose of considering and bringing about a reduction in the naval strength of the world." The war prevented President Wilson from immediately acting upon the authority given, but at the Paris conference he attempted to secure not only a reduction in the naval strength of the world but to bring about a general disarmament.

Early in 1921 the Senator from Idaho offered a resolution which in effect directed the President to call together in conference the United States, Great Britain, and Japan in order that a policy might be agreed upon to secure a proportionate reduction in the naval strength of these powers. This resolution was opposed by the President of the United States and by the leaders of the Republican Party. This fact was made known in the press and was revealed by the statements of the Senator from Maine [Mr. HALE] upon the floor of the Senate. He declared in substance that the President did not believe there was any necessity for the resolution. Public opinion and the insistence of the Democrats in Congress compelled the administration to accept the Borah resolution, and it passed both Houses with practical unanimity.

Pursuant to this resolution the President issued invitations to a few nations to attend a conference to be held in Washington beginning November 11. The conference was primarily called to consider the limitation of naval armament. It is true reference was made in the formal invitation extended by the President to the discussion of Pacific and far eastern questions. The agenda prepared did not provide for the discussion of a four-power treaty, nor did it indicate that the conference would be asked to agree upon such a treaty. The Secretary of State, in his notable address when the conference was opened, in a rather bold and dramatic way presented a plan for the limitation of naval armament upon the part of Great Britain, Japan, and the United States. The delegates, and the people of the United States generally, approved this plan and welcomed a program that seemed to promise relief from the staggering burdens which competitive rivalry in naval craft involved. There was no thought at the time that a four-power treaty would be negotiated. The work of the conference centered around the limitation of naval armament, and but slight attention was given by the American people to any other subject before the conference. Later, when the treaty was presented it came as a shock to the public. Nothing had foreshadowed its appearance and no sufficient reason for its presentation was suggested.

Following the adjournment of the conference the people began to appraise its work, and everywhere the question was propounded, "Why was this treaty formulated, and what relation does it bear to the purpose for which the conference was called, as that purpose was announced in the resolution offered by the Senator from Idaho?"

No adequate reason for the treaty was offered by the Senator from Massachusetts when he presented it to the plenary session. Neither he nor the able Senator from Alabama has submitted convincing reasons for its ratification by the Senate. The eloquent appeals that have fallen from the lips of the Senator from Massachusetts and other Senators who opposed the treaty of Versailles for world peace, for the removal of the causes of war, and for the reign of law and of international fellowship, excited surprise and amazement when the attitude of the same Senators, with respect to the Versailles treaty, was recalled.

The efforts of President Wilson to promote world peace and to bring all nations into world fellowship were bitterly opposed by the Senator from Massachusetts and others who now so loudly avow their devotion to the cause of peace and world amity. One can scarcely believe that there has been a sincere conversion, and Senators and others may be pardoned if they experience skepticism when they listen to the fervid appeals of these new converts for a broader and more generous world spirit.

We were offered the opportunity to ratify a treaty that would not only have limited naval armament but would have brought about, within a reasonable time, the practical disarmament of all nations. The four-power treaty is a pitiful thing, if one is to believe the views of its advocates in the Senate who are urging ratification, but it may be a treacherous and a menacing instrument if it is to be interpreted, as contended by some who are its supporters and others who are its opponents. There is so much of doubt and uncertainty as to its meaning and implications and purposes as not only to justify but to demand the most careful scrutiny of its provisions.

Any treaty which seems to call for a departure upon the part of the United States from its traditional policy demands the most serious consideration. The treaty is presented in such a mysterious and enigmatical manner that not only the curiosity but the suspicions of honest and patriotic Americans necessarily are aroused. The question is constantly propounded, "What is the purpose of this treaty?" It is not related to the limitation of armament treaty, and its ratification is not essential to the execution of the terms of the naval limitation treaty.

No valid reason has been suggested for this treaty unless it be that it terminates or will have the effect of terminating the Anglo-Japanese alliance. In my opinion, the defense of this treaty upon that ground is an afterthought and, indeed, a subterfuge. The treaty of Versailles specifically declares that all treaties which contravene in any manner its provisions are terminated. This was so understood by Great Britain, France, and Japan. It was understood that the Versailles treaty and the League of Nations established a new order in the world. The Versailles treaty, in addition to prescribing peace terms, sought to unite all nations in a world union to establish and perpetuate world peace. It was realized that the old system, under which alliances were fostered and groupings of nations occurred, must end if a new day was to dawn and world peace was to come.

Accordingly it was designed that all treaties, alliances, and international agreements, which in any manner were contrary to the Versailles treaty and the league, should be abrogated. Great Britain and Japan appreciated the fact that alliances were not to be permitted under the league and that a world union and a world alliance could not tolerate the grouping of a few nations, great or small, and the formation of alliances by a few or many nations. Later it was declared by representatives of Great Britain and Japan that they regarded the Anglo-Japanese alliance as having been terminated by the obligations assumed in the Versailles treaty. Arguments, it seems to me, are unnecessary to prove that the Anglo-Japanese alliance was inconsistent with the Versailles treaty. Senators can easily perceive situations arising which would lead to acute controversies between the alliance or one member of the alliance and the League of Nations. When Japan and Great Britain entered into a world league under covenants to respect and preserve the territorial integrity and political independence of all members of the league, and when, in addition, they accepted and covenanted to abide by the provisions of the league and the orders of the instrumentalities and agencies thereby created, it becomes manifest that they regarded an alliance as violative of the spirit, if not the letter, of the covenant of the League of Nations.

One of the objects of the league was to bring about a rational and proper world union and to prevent racial or sectional or geographic or economic groupings and combinations which tend to divide nations and are calculated to engender international strife. It becomes apparent, therefore, why Japan and Great Britain formally placed on record their declaration that, in view of the League of Nations and its requirements as to existing treaties, the Anglo-Japanese alliance was terminated. We have not been advised by what process of ratiocination or legerdemain this superseded treaty of alliance was galvanized—but not vitalized—by Great Britain and the United States, both before and during the conference, to be paraded as a frightful specter which could only be banished by a quadruple alliance between the United States, Great Britain, France, and Japan.

It seems to me that neither the American people nor Congress have been dealt with in good faith in respect to this matter.

One is compelled, in the absence of information which has been denied to the American people and to the Senate, to explore whatever avenue is open for reasons for this course. Speculations and conjectures necessarily will be indulged in when valid reasons are not adduced. Many who have earnestly sought to learn the reason for the four-power treaty, and have been told that it was necessary in order to terminate the Anglo-Japanese alliance, are compelled to doubt the sincerity or honesty of the statement, in view of the indisputable facts which establish that the treaty no longer exists. I repeat, the Anglo-Japanese alliance was terminated by the Versailles treaty; the parties to the treaty construed it as having been terminated and Great Britain and Japan formally accepted and declared that construction.

It would seem that the contention that the Japanese alliance was still in existence and could only be terminated by a quadruple alliance was a threat without foundation, and was held *in terrorem* over the Senate to abate opposition which it was known would be inevitable to the creation of an alliance, such as is provided in the four-power treaty. The Anglo-Japanese alliance was a defensive and offensive combination dealing with the interests of Great Britain and Japan in the Pacific, in Asia, and in India. The Versailles treaty ended all such alliances and combinations. That was one of its great virtues.

Those who framed the league were familiar with the wars that had been waged and the blood that had been shed by reason of alliances among nations. The old system of checks and balances and alliances and groupings of nations had been discredited. Its evil effects were appreciated by the world, and the enlightened conscience of all nations demanded that these alliances should end and that all nations should come together in an association or league, containing ample provisions for the settlement of international controversies and guaranties and sanctions for the prevention of war.

Ipso facto then the Versailles treaty would terminate treaties, alliances, and combinations formed among nations. Why then does the Senator from Massachusetts and others who have demanded the ratification of this treaty give, as a pretext for its ratification, that without it the Anglo-Japanese alliance will continue? But, conceding that the Versailles treaty did not abrogate this alliance, is it necessary, in order to purchase its abrogation, that a quadruple alliance be formed in which the United States shall be a party?

The Anglo-Japanese treaty has not proven a menace to the peace or security of the United States. Indeed, many Americans have believed that it was of benefit to this Republic. Those urging the ratification of the four-power treaty insisted that the Anglo-Japanese alliance was a menace to the Philippine Islands. In what manner it was a menace has not been pointed out. Great Britain, we know, would not provoke war with the United States over the Philippine Islands, nor would Japan. If the latter had attempted the conquest of the Philippine Islands, Great Britain would have protested. Australia and New Zealand would have denounced such a course, because they would regard Japan's sovereignty over the Philippine Archipelago as a menace to their security. It is absurd, in my opinion, to argue that the Anglo-Japanese alliance constituted a danger to the United States. Indeed, the treaty of 1911 between Japan and Great Britain specifically provided that the alliance there formed should not be operative or binding in the event that either of the parties was brought into conflict with some third power with which the parties or either of them had treaties of arbitration. Between the United States and Great Britain such a treaty exists, so that in the event of a conflict between the United States and Japan, Great Britain was under no obligations to aid Japan. Moreover, if there were such an obligation, in my opinion neither Great Britain nor any of her dominions would consent to aid Japan in a conflict with the United States.

But the Anglo-Japanese alliance provides that where there is an obligation to aid, it only arises in the event of an "unprovoked aggression" by another power. Does the United States contemplate any unprovoked or aggressive action against Great Britain or Japan in the Pacific or elsewhere? Manifestly not. It is obvious, therefore, that in no aspect of the case can it be considered that the Anglo-Japanese alliance was a menace to the United States.

I respectfully insist that no sufficient reason has been assigned justifying this four-power treaty. If there is a reason, it has been concealed. The reason given, and which I have briefly discussed, is not tenable, and, in my opinion, it is not complimentary to the fairness or to the intellectual integrity of the opponents of the treaty to urge as a reason for its ratification the pretended or alleged existence of the Anglo-Japanese alliance. The American people may be fooled and duped by this specious argument, but sooner or later the scales will fall from their eyes.

It is, in my opinion, absurd to state, as it has been repeatedly declared, that the four-power treaty is so inextricably connected with the other treaties that they must stand or fall together. I affirm that the four-power treaty is so dissociated from the naval armament treaty that one may stand and the other fall. Neither is essential to the success or validity of the other.

Mr. President, the United States secures nothing by this treaty, but it confirms the titles to the Pacific insular possessions of the other signatories to the treaty. Many of these islands are held as the fruits of war and conquest. The United States makes no claim to them, although this Nation should insist that the mandated islands are held in trust by Great Britain and Japan, and that their title is not absolute and indefeasible. Can this treaty motivate upon the fear that the United States may assert a claim to some of these Pacific islands, and it is important for Japan and Great Britain to obtain a release of all claims?

I ask again, What is the purpose of this treaty? Japan, Great Britain, and France are members of the league. They have, by the terms of the league, covenanted "to respect and preserve, as against external aggression, the territorial integrity and existing political independence of each other." A like obligation has been assumed by every other member of the league. The territorial integrity therefore not only of their insular possessions but of all their possessions is guaranteed by the league.

Great Britain has no designs upon Japan's insular possessions. Japan does not seek Great Britain's insular possessions in the Pacific or elsewhere. France has no designs upon the insular

possessions of either Great Britain or Japan. As stated, there are mutual covenants between these three nations, as well as nearly 50 other nations, to respect not only these insular possessions but to preserve them as well as all other territory belonging to the members of the league. If neither of these three nations made any claim to the insular possessions of the others, why this treaty? It was not to protect themselves or either of them from aggression by any of these nations.

If these three powers could not trust themselves under the Versailles treaty, which contains stronger covenants than are found in the quadruple treaty, it is clear they could not obtain any greater protection from each other under the treaty before us. These three nations are members of a world league which is behind them and which guarantees the protection of their territorial integrity and political independence. No nation menaces their insular possessions in the Pacific. It is possible Russia might some day seek to recover the southern half of the island of Sakhalin, but such a contingency is not so imminent as to justify Japan's seeking an alliance with other powers. If Japan aims to secure control over Chinese or Russian territory, then it is obvious that an alliance such as this treaty provides would be of great value to her.

In searching for reasons for this treaty one is driven to mere conjectures and speculation. Apparently the only reason for dragging the United States into this compact is that it may be said there is an agreement or combination or alliance with reference to Pacific questions, to which the United States is a party. This Republic has refused to enter into the league and has assumed an attitude of comparative isolation and has attempted to place upon its own brow the crown of world primacy. Its wealth and material position in the world compel more or less of world adulation, though they create secret resentments. Some nations of the world believe that we have been and are selfish; that we failed in the discharge of our duties following the war with respect to the problems which the settlement of Europe created. Perhaps it was thought that if the United States could be induced to enter into the four-power treaty it would be the beginning of a broader and wider activity upon the part of the United States in world affairs. Manifestly neither of the other parties to this treaty believes that the United States coveted the insular possessions of either Japan, Great Britain, or France in the Pacific Ocean or elsewhere. These nations know that the United States seeks no new territory, and, indeed, will soon be ready to relinquish authority over the Philippine Archipelago. The United States knows that the other parties to this treaty contemplate no movement looking to the acquisition of any of its Pacific insular possessions. If, therefore, Great Britain, Japan, and France are bound by the Versailles treaty to respect and preserve the Pacific insular possessions of each, and if, as everyone knows, the United States does not covet such possessions, and if—and such is known to be the fact—none of these three nations seeks to possess any of the insular dominions of the United States whether covered by the four-power treaty or otherwise, then, I ask, in all sincerity, what is the object of the compact?

Judged by all accepted standards applied to human conduct, there seems to be absolutely no reason justifying the treaty. According to the professions of some of its advocates it seems to be so meaningless, so absolutely innocuous, that those who seriously inquire as to its origin and purpose become dissatisfied with the empty phrases explanatory of its existence and purpose, and skepticism, as to the sincerity of some who are connected with the treaty, was provoked, and this skepticism finally ripened into distrust, suspicion, and open hostility to its ratification. It is not believed that four great nations would enter into a meaningless treaty, and so efforts are made to discover whether there are hidden reasons or some secret questions and matters which some of the interested parties have been unwilling to reveal. And these suspicions multiply when upon investigation it is ascertained that any possible controversy between the four powers would not arise out of their insular possessions.

The most superficial knowledge of Pacific problems furnishes Brobdingnagian proof that any serious dispute between the United States, Great Britain, Japan, and France in the region of the Pacific would grow out of the mainland of Asia and not the islands in the Pacific, which come within the terms of the treaty. In my opinion there would have been less ground for objection to this treaty if its terms had been broader and it had dealt with all controversies and questions arising, or likely to arise, between the four powers, not only in the Pacific, but in the Far East.

If the treaty merely calls for consultation between the four powers, in the event of any controversy arising out of their insular possessions in the Pacific, then the treaty may be of little value, even if it is not so regarded, because, as stated, Great Britain, Japan, and France have a stronger agreement in the Versailles treaty for their mutual protection and for the settlement of controversies than that afforded by the four-power pact, and because they do not contemplate any aggressive movement against the United States, nor does the United States covet any of their insular possessions in the Pacific. If it is believed that this treaty is necessary for the protection of the insular possessions of the four powers against the aggressive movement of any other nation, then it is manifest that Russia was in contemplation, and that, not satisfied with the guaranties of the league, it is intended to secure by this treaty the protection of the United States. There are many who believe this treaty is designed as an alliance for the protection of the rights of the four powers, not only of their insular possessions, but also of each other generally against the aggression of any nation in the region of the Pacific, including the Asiatic mainland. Being unable to perceive any reason for the treaty if it deals only with the insular possessions of the four powers, they are driven to the conclusion that there are meanings to be attached to the treaty, and implications arising from its terms, which involve the United States far more than has been declared by the proponents of the treaty. There are patriotic Americans who perceive in this treaty a scheme to unite the four powers against China and against Russia, or to protect Japan against any aggressive movement upon the part of China, or Russia. No one pretends to submit any valid reason why it is of any benefit to the United States. No one suggests that this treaty was proposed by the United States, or was ever regarded as necessary for the safety or welfare of the United States. When the Borah resolution was under discussion, no one in either branch of Congress dreamed of an alliance between the parties to this treaty, or of any treaty embodying similar terms. I repeat, there are many who can not understand why the treaty was not made applicable to that field where controversy is not only possible, but perhaps probable, and why it did not relate to the Asiatic mainland, and why China was not made a party to the treaty, and why it was not drawn so as to permit Russia, when a stable and enlightened government is erected therein, to become a party to the treaty and to avail itself of any provisions calculated to promote peace and avert war.

If it is replied that the nine-power treaty is broad enough to cover the matter just referred to, then it is proper to inquire, "Why the necessity of this treaty?"

Mr. President, any effort to deal with the problems of the Pacific must take into account the mainland and the interests of China and Russia. If peace is desired in the Pacific it must be sought not in the insular possessions, except Sakhalin, referred to in this treaty, but in China and Mongolia and Manchuria and Siberia. The clouds are not in the Pacific Ocean. They hover over the mainland of Asia.

This treaty seems to be a mere smoke screen to cover other movements and conceal other purposes. Were it not for the League of Nations the United States might possibly be warranted in considering the question of entering into an agreement with all nations that had interests in the Pacific and in China, Mongolia, Manchuria, and Siberia, with a view to settling controversies that might arise within that region, but even then the objections to an alliance or combination of such a character are numerous and valid.

Much has been said about alliances and the attitude of the fathers of this Republic with respect to alliances. In my opinion, "entangling alliances" are as objectionable now as they were in the days of Washington and Jefferson. Notwithstanding the great changes in the world—and that fact has been stressed by proponents of this treaty to justify departing from the advice of Washington—entangling alliances are as harmful now as they were in the early days of this Republic. This Nation must not form entangling alliances. It must not promote a combination or alliance of a few nations or pursue a course that will divide the world into groups and combinations.

Many speeches have been delivered during the debate upon this four-power treaty, and when the Versailles treaty was under consideration, in which the evils flowing from alliances among nations were fully portrayed. If this treaty is not an alliance or does not contemplate some of the results and force and vitality of an alliance, then, I repeat, it is innocuous and, there being no reason for its existence, it should not have been ratified. If it constitutes an alliance or if it shall be regarded by the signatories, or by other nations, as an alliance, then it should have been approved.

Yesterday, in the admirable address of the Senator from Mississippi [Mr. WILLIAMS], he stated in a candid and honest way that this treaty did constitute an alliance, and as I interpreted

his position, that was the only reason for its justification. He also interpreted the treaty as implying force, and argued with great vigor that compacts and agreements and laws without force behind them were of no utility. He believes in a world union which can put force behind its decrees, as courts have behind their judgments officers of the law and the *posse comitatus*, and finally the Army and the military and naval forces of the Government.

The able Senator from Alabama [Mr. UNDERWOOD] stated in substance, in reply to a question asked by the Senator from California [Mr. JOHNSON], that an alliance would result from the treaty and that a situation might arise which, if it did not involve war, would at least involve financial obligations upon the part of the signatories to the treaty.

That other nations, no matter what view may be taken by the parties to this treaty, will regard it as an alliance, as a more or less defensive or offensive movement upon the part of the four nations signatory thereto, I have no doubt. Moreover, it will be regarded by some nations as a scheme upon the part of the United States to set up its own world group. This view in part arises because the United States refused to enter the League of Nations or to assume any of the burdens involved in the pacification of Europe following the war.

This treaty will be regarded by some, who deplored or resented our refusal to ratify the Versailles treaty, as a plan to set up a rival organization. The question will be asked, "Why was the United States unwilling to join with European nations and many other nations to settle the problems of the war and to bring about world peace but is now willing to enter into engagements with three great military and naval powers, ostensibly for the purpose of preserving peace in the region of the Pacific?" They will inquire, "Are the Pacific and the Orient more important than Europe?" "Is Japan more vital than the Occident, than the nations of Europe who are struggling against the great tide of sorrow and adversity which the war set in motion?"

Is the United States more interested in Japan than it is in the Christian nations of Europe, nations who were recently our allies and who gave their blood and treasure, as we gave our blood and treasure, in defense of civilization and in vindication of national rights?

The action of this Government will be regarded by many as cynical and selfish, and they will speculate and conjecture, indulging doubtless in many baseless conceptions and unjustifiable resentments, but nevertheless earnestly seeking to learn why America turned its back upon Europe and the world alliance to seek an alliance with three great naval and military powers to deal with Pacific problems only. The nations constituting the league have been anxiously looking to the United States to join with them in covenants to respect the territorial rights of all nations and to labor to promote the peace of all nations. They have recognized the importance of this Nation, its paramount position in the world, and they have supplicated, but thus far in vain, the United States to participate with them in carrying out the beneficent purposes for which the league was organized. Will not some nations regard the action of this Nation as a deliberate purpose to organize a league or association of its own?

It will be remembered that President Harding often spoke of an association of nations and conveyed the idea that he favored some sort of association of nations. His attitude before the election was uncertain. His addresses left his hearers in doubt as to his exact position. Some believed he was for the league with reservations. Others asserted that he was vehemently opposed to any kind of a league or alliance. Thirty-one eminent Republicans, among them being Secretary Hughes, Mr. Hoover, and Chief Justice Taft, made a strong and vigorous appeal to the American people to support Harding upon the ground that his election was the surest way of bringing the United States into the League of Nations. Millions of Americans voted for President Harding with the understanding that he was for the league with reservations. He had voted for the league with the Lodge reservations, and thus declared in effect that the covenant must be preserved. The contention that his election was a repudiation of a League of Nations is not sound, nor can it be successfully contended that his election provided that the League of Nations, with the Lodge reservations, was not desired by the American people. I think the evidence is overwhelming that the American people expected that upon the election of Mr. Harding the United States would enter the league after obtaining such modifications as were deemed necessary for the protection of our national interests.

Support is given to the four-power treaty by many who regard it as a bridge to carry the United States into the League of Nations. They affect to believe that it will place our Nation in such a position as to inevitably draw it into the league. In my opinion, this view is untenable and does not indicate clarity of judgment as to conditions in the world or the effects of treaties, or the character of the treaty.

Many will regard this treaty as an effort to weaken the league. Some small States, now members of the league, will regard it as a plan to establish a powerful group of nations revolving around the United States. They will see in the movement a force and strength and power which may eclipse the league and ultimately wholly destroy it. They will regard the attachment of Great Britain and France and Japan to this treaty as an indication that they have abandoned, or intend to abandon, the league. Other nations will resent the association of four great powers and will attempt to form another league or alliance which will counterbalance the one by this treaty set up. It will constitute an example, whether regarded as an alliance or as a friendly grouping of friendly nations, which will likely be followed by other nations; and we will witness during the next few years frantic struggles upon the part of nations to form groups and countergroups and combinations and alliances and associations for political or economic advantage and protection, or for territorial aggrandisement. The psychology of this movement will be bad, and its effects, in my opinion, will be distinctly disadvantageous, if not dangerous, to the peace of the world. Undoubtedly Russia and Germany and a large part of the population of China will regard this treaty as an alliance, aimed, if not directly at Russia and China, at least calculated to protect and promote the interests of the four powers signatory to the treaty, to the disadvantage of other nations, particularly China and Russia.

The world was prepared, following the war, for a rational international association. There was a practically unanimous demand for the overthrow of the old system of checks and balances and alliances and the birth of a new era and a new day where freedom and justice and equal opportunity were to be the inheritance of all nations. I repeat, this treaty will be regarded as reactionary and as a backward step and as opposed to the great spiritual and moral tide which, it is hoped, is sweeping humanity forward.

Undoubtedly the Russian people will regard this treaty as containing a menace to their country. They will not be able to understand the reason for the United States refusing to participate in European affairs and yet eagerly seeking the opportunity of associating with Japan, Great Britain, and France with respect to Pacific problems.

The ardent champions of the four-power treaty have claimed as one of its principal virtues its brevity and its simplicity. Brevity often contributes to clarity of expression. It sometimes conduces to uncertainty and difficulty of interpretation. The debates in the Senate over this instrument, and the variety of views expressed here and elsewhere as to its meaning, refute the claims of the Senator from Massachusetts and others that the instrument is clear and unambiguous in its meaning. Even the President of the United States, who presumably was in close contact with the conference and particularly with the delegates selected by him to represent the United States, construed the treaty differently from his appointees and interpreted it to mean that the principal islands or the mainland of Japan were not embraced within its terms. Other persons who were seeking to determine the meaning of the treaty reached the same conclusion as did the President. The delegates to the Washington conference speedily disillusioned the President, and let it be known to the American people that Japan proper was within the terms of the treaty. Thereupon another treaty was prepared—a treaty between the same four powers supplementary to the above, signed February 6, 1922—which was designed to remove all doubts as to the insular possessions and insular dominions in the region of the Pacific, to which the treaty should apply. By this supplemental treaty only a portion of the insular possessions of Japan were included.

Again, the treaty was so obscure and indefinite in its terms, and uncertain as to its meaning, that what is denominated a declaration accompanying the above four-power treaty was prepared by the conference and signed by the delegates of the four powers who were signatory to what is called the four-power treaty. Evidently this declaratory statement, which is in effect another treaty, or at least a treaty contemporaneously executed and relating to the subject matter of the four-power treaty, and therefore is to be construed in connection therewith either for the purpose of changing, modifying, interpreting, or otherwise, was deemed necessary by the delegates representing the four powers, in order to remove doubts as to the meaning of the treaty. There were conflicting views as to whether the mandated islands in the Pacific Ocean were within the terms of the treaty or not, and even with the declaration which I have just

mentioned there is still uncertainty as to the rights of the respective parties to the treaty as to the mandated islands. It is uncertain as to whether or not the four-power treaty is an attempt to withdraw the mandated islands in the Pacific from the control of the League of Nations. It is also uncertain as to what the rights of the United States are in relation to the mandated islands. It may be claimed that the islands are unimportant and can not be the subject of controversy between the signatories and the treaty or other powers.

The claim of the unimportance of the islands is refuted by the tenacity with which Great Britain sought control of the islands south of the Equator and Japan of those north of the Equator. Even before the United States entered the war secret treaties between Great Britain, France, and Japan provided the disposition to be made of the islands lying in the Pacific and which it was expected would be taken from Germany. They were deemed important by those powers then, and they were regarded as important when the Versailles treaty was drawn.

The four-power treaty does not make clear what the rights of the United States are relating to the mandated islands or in what manner or before what tribunals the United States could assert any claim to these islands in the future.

While it is true that questions which, according to the principles of international law, lie exclusively within the domestic jurisdiction of nations, nevertheless controversies may arise as to what are domestic questions. The meaning of the treaty was so clouded or so uncertain as to whether domestic questions were reserved by the signatory powers that subdivision 2 of the declaration above referred to was deemed necessary and constitutes a part of the supplemental treaty. And yet it must be said if the position of Republican Senators is to furnish any guide, that even these clarifying and explanatory and interpretative words still leave the subject enveloped in doubt.

The Senator from Massachusetts and other Republican Senators, when the Versailles treaty was under consideration, notwithstanding that treaty quite clearly indicated that the domestic concerns of the members of the league were not brought within the treaty, insisted upon a strong reservation which declared that the United States reserved to itself exclusively the right to determine what questions were within its domestic jurisdiction, and further declared that "all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way, either to arbitration or to the consideration of the council or to the assembly of the League of Nations, or of any agency thereof, or to the decision or recommendation of any power."

It will be observed that paragraph 2 of the declaration falls far short of the explicit provisions in the reservation insisted upon by the Senator from Massachusetts and other Republican Senators when the Versailles treaty was being considered.

It is contended that the four-power treaty relates solely to the insular possessions of the signatory powers, and that in determining what Japan's insular possessions are the supplementary treaty signed February 6, 1922, and which was ratified yesterday, governs. Yet there are various views entertained as to the meaning of the four-power treaty and just what territory directly or indirectly it applies to, and what obligations are assumed by the powers who have negotiated it. It is declared in the treaty that it is for the purpose of preserving the general peace and the maintenance of the rights of the four powers in relation to their insular possessions and insular dominions in the region of the Pacific. It is clear that controversies may arise in the regions of the Pacific not directly connected with the insular possessions referred to, but which inevitably would affect a portion or all of said insular possessions and thus bring into operation the full force and power, whatever it may be, of the treaty.

A controversy between Japan and some power other than one of the signatories of the treaty, and which in its inception related to Japan proper or to the mainland of Asia, might quickly draw within its encircling movement all of Japan's insular possessions. And if China should seek to expel Japanese authority from Korea and she should be powerful enough to attack Formosa or other insular possessions of Japan, hoping thereby to weaken the power of Japan, to what extent would the controversy be brought within the terms of the treaty? It is easy to conceive of disputes which might eventuate in war between one or more of the signatories to the treaty, or between one or more of them and some other power, and which would soon involve the insular possessions in the Pacific of the belligerent nations.

Does the treaty cover cases of that character? Obviously, serious differences would arise as to the meaning of the treaty or as to its application with respect to controversies analogous to the illustrations or suppositious cases which I have just mentioned. Section 1 of the four-power treaty declares that should there develop a controversy arising out of any Pacific question and involving their—meaning the high contracting parties—said rights, which is not satisfactorily settled, and so forth, then certain steps should be taken. It would seem that the controversy referred to would relate to the insular possessions of the parties, and yet the section refers to "any Pacific question." Controversies arising upon the mainland of Asia or Japan proper, or the continental possessions of the United States, might involve a Pacific question, and such controversy might indirectly affect the insular possessions of the high contracting parties. Manifestly there is ample ground for dispute as to the interpretation which all persons would place upon these words to which I have just called attention.

The debate over the meaning of section 1 has been exhaustive, and I do not pretend that I can make any contribution thereto, but the fact that it has been the subject of earnest discussion and diversified views offers demonstration that its terms are not unambiguous or free from doubt.

The Senator from Massachusetts and others who have so eloquently pleaded for ratification of the treaty insist that under article 1 no obligation is assumed by the high contracting parties other than that they shall invite the four powers to a joint conference in the event of any controversy arising out of any Pacific question and involving their insular rights and possessions in the Pacific. When the conference is to be called, in the event of any controversy, is not determined, nor is it clear as to the mode of procedure when the conference convenes or the method of arriving at a conclusion, whether by unanimous vote or by majority vote, or how a deadlock may be avoided, or what course shall be pursued in the event the four parties are unable to agree. No provision is made for arbitration or for the selection of some independent power to aid in determining the controversy or breaking any deadlock that might arise. The section provides that "at the joint conference the whole subject—that is, the controversy—will be referred for consideration and adjustment." That is to say, if when a controversy arises between two or more signatories to the treaty and a joint conference is called and the four powers respond, they will refer the subject matter of dispute to themselves for consideration and adjustment. The section contemplates that the controversy will be adjusted and the high contracting parties covenant that it will be referred for consideration and for adjustment.

Supporters of the treaty have contended that the obligation of the treaty would be fulfilled if representatives of the high contracting parties met and considered the controversy; that there was no obligation to "adjust" the dispute and no method of compelling adjustment. In other words, that the provisions of this section were so innocuous as that if the parties did not elect to meet, or if they met and did not consider the controversy or adjust it, nothing further could be done. If I understand the Senator from Massachusetts and others who have defended the treaty, they point with great satisfaction to this provision and assert that its chief virtue lies in the fact that it contains no strength, no force, no power, no vitality, and no authority. It merely opens the way for representatives of the four powers to confer in the event of a dispute arising among them.

I concede that there are advantages arising from conferences where disputes exist between two or more nations, but I can not believe that it was the intention of all the delegates to the conference that this section should bear the construction which has been placed upon it by a number of Senators who are its earnest supporters. Already we learn from the dispatches from overseas that France is not satisfied with the interpretation placed upon the treaty. If we are to believe the dispatches, some public men in France interpret the treaty as containing some authority or power to create agencies by which controversies arising would be settled, even though the adjustment and settlement were not brought about by a mere "conferring" of the signatory powers.

There are many who insist that "consideration and adjustment" mean that the controversy will be adjusted—that is, that it will be settled and "determined"; that the treaty means more than a mere meeting of representatives of the four powers for the purpose of talking or conferring over a controversy; that it means that the four powers shall take steps to settle, determine, and adjust and conclude the subject of the controversy, no matter what means may be required, following the conference to effectuate that object.

In the speech of the able Senator from Wisconsin [Mr. LA FOLLETTE] that point was elucidated with great clearness and the absurdity shown of the claim that the conference merely meant a meeting or "getting together" of representatives of the signatory powers. Whether his interpretation is right or that offered by the Senator from Massachusetts is to be accepted, the fact still remains that there is and will continue to be conflicting views as to the meaning of section 1.

An examination of section 2 of the four-power treaty emphasizes more clearly the differences of opinion that may arise and already have arisen as to the meaning of its provisions. Here, again, the Senator from Massachusetts and Senators who have urged the ratification of the treaty with apparent exultation, if not exaltation, proclaim as the chief virtue of this section that there is no force or authority behind it. Apparently these Senators belong to that school of pacifism which denies the majesty of the law or sanctions for its observance and enforcement. They seem to be enamored with the thought that nations agree to confer. I might add in passing that they have that right regardless of treaties, and already there exist between the United States and the other powers who have signed the treaty before us treaties providing that disputes which are not adjusted by diplomacy shall be submitted for investigation and report to international commissions to be created in the manner defined in such treaties.

As indicated, there are many who entertain the view that this section means that force shall be employed if that is the most "efficient measure" to meet the exigency that necessitated "frank and full" communication between the high contracting parties. This section provides that if the "rights of either of the powers is threatened by the aggressive action of any other power," there shall be "full and frank communication between the signatories to this treaty." This is an obligation, but the obligation calling for a full and frank communication does not stop there. These communications must be for the purpose of enabling the parties to arrive at an "understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." There is not only an agreement to communicate for the purpose of reaching an understanding, but it seems manifest that the agreement is that an "understanding" shall be reached.

It is obvious that if some other power has made war upon one of the signatories to the treaty, which threatens the insular dominions in the Pacific of such power, then an obligation arises upon the part of the signatories to the treaty to not only fully and frankly communicate but to reach an "understanding" which will call for "efficient measures" to be taken to protect the rights of the nation so assailed. If diplomacy would be an efficient measure, then the obligation would be discharged if diplomatic representations brought peace, but if military or naval force were the only efficient measure and if, moreover, it required the military and naval forces of all the powers, then it would seem that the exigencies of the particular situation would call for that and that an obligation to that extent is assumed under the treaty.

At any rate, if that is not the correct interpretation it is beyond controversy that such interpretation is placed upon its terms by statesmen, publicists, and intelligent persons who have earnestly sought to ascertain the true meaning of this instrument. Moreover, if we are to believe reports as to the utterances of Japanese statesmen and French writers, that is the view which they take of the treaties. Undoubtedly the Japanese people believe that the four-power treaty constitutes a quadruple alliance, and that Japan, as to her insular possessions at least, receives the same guaranties as were extended to her with respect to all of her possessions by the Anglo-Japanese treaty of 1911.

Senators, as well as many patriotic Americans who find no cause for the rejection of treaties because they may involve the use of force, construe section 4 of the four-power treaty as an obligation upon the part of the signatories to the same to employ force necessary for the protection of the insular possessions and insular dominions of each and all of the parties to the treaty.

It is not a mere captious criticism to say that article 2 is uncertain in another respect. Is unanimity required by the four powers when they are adopting the most "efficient measures" to meet outside aggression or will a majority vote determine what measures shall be adopted, and if the latter, what obligation rests upon the nonassenting nation? Would its refusal to accept the decision of the majority constitute a breach of treaty, and, if so, would such breach be *casus belli?* If a unanimous decision were reached by the powers, that force was required in defense of the assailed nation, and one of the agreeing parties failed to observe the decision and make its proper and just contribution, to what penalty would such a nation be subjected?

Senators will recall that vehement protests originated in the Senate and elsewhere when the first draft of the League of Nations was submitted because it did not clearly state whether certain important decisions made by the council and by the assembly were to be unanimous or reached by a majority vote of the members of those organizations. The final draft of the covenant met this criticism, and provision was made that such decisions of the council should be by unanimous vote.

Mr. President, I have called attention to some of the features of the treaty which have aroused discussion and developed contrariety of views. This treaty will, in my opinion, lead to misunderstandings between the nations who have signed as to its meaning and implications and obligations. When some crisis arises which tests the treaty, then its imperfections, uncertainties, and weaknesses will be fully disclosed. I am not now alluding to the effects of the treaty upon other nations, nor the jealousies and suspicions and resentments which may be aroused because of the belief or fear that it constitutes an alliance and indicates a purpose upon the part of four great naval and military powers to assume a dominating if not an oppressive position in the world. That it will be regarded by some nations as an offensive and defensive alliance upon the part of these four great naval and military powers will be conceded if we are to judge the future by the past. Already the Koreans and the Russians, particularly those inhabiting Siberia, are expressing their disapproval.

They affect to see in the treaty a combination which seeks the advancement of Japan and her elevation to a position of paramount, if not supreme, importance in the Orient. Already we are advised by the newspapers published in eastern Siberia that the four-power treaty is regarded as a menace to the Russian people and to Russia's Asiatic territory. Opposition to the treaty also comes from various parts of China, particularly from what is called the Cantonese section.

China and Russia have always been the steadfast friends of this Republic. The most friendly and cordial relations have existed between the United States and China, and when some of the great powers were seeking to bind China, to carve up her territory and to establish spheres of influence which, in fact, constituted the economic if not the political subjugation of China, her people looked to this great Republic for relief. China's unhappy situation aroused in the United States profound sympathy and a determination that China should no longer be the victim of intrigues and exploiting policies of foreign powers.

Neither China nor Russia will understand why this four-power treaty was entered into. No matter what explanations may be offered, the Russian people and the Chinese people will regard with fear and apprehension and growing resentment and anger the work of the conference and the action of the four powers in ratifying this treaty. No sufficient explanation can be made of article 2, and, indeed, for that matter, of article 1, of the treaty. Those nations appreciate that there is no controversy between the high contracting parties as to their insular possessions in the Pacific. They will be unable to understand the motives of the parties in negotiating a treaty which contains the provisions found in paragraph 1. Their opposition to the treaty will be stronger as they consider article 2 of the treaty, and, in my opinion, their resentment will increase when they learn that various reservations offered to the treaty were defeated. It must be conceded that in the draft of article 2 Russia was in the minds of the representatives of the four powers. It would seem that the only possible aggressive action with respect to the insular possessions in the Pacific of the four signatories to the treaty would be upon the part of Russia. Of course, if China, roused by the aggressive action of other nations and the indignities to which she has been subjected by European and other nations, should develop a strong national spirit, no one could foretell the consequences. Thousands of her young men have been educated in the United States and Europe, and they have carried back to their land a new spirit, and that great inert mass of people, responding to their appeals and to a nationalistic spirit, will, like a mighty lion shaking its invincible locks, break asunder all bands which limit the freedom of their country and all fetters which bind her people. Who can say that they may not seek an alliance with Russia? It is known that for several years the soviet régime has cultivated the friendship of the Chinese and sought to draw them within the influence of the Bolshevik government.

I dislike to indulge in criticism of other nations, particularly our former allies in the Great War. Indeed, I have only feelings of deep regard for most of the nations of the earth. I do not approve of intemperate and harsh criticisms of other na-

tions, nor do I look with favor upon the boastful attitude taken by so many Americans when they speak of their own country. I have sometimes thought that we were not sufficiently considerate of the feelings of other nations, nor sufficiently appreciative of their great achievements. Many do not appreciate that China has a civilization which dates back more than 4,000 years. Many Americans display lamentable ignorance as to the accomplishments of other nations and the great contributions which they have made to civilization. However, in the discussion of international questions we are sometimes compelled to speak rather frankly of other nations. China feels that she has been oppressed by Japan and Germany and France and Great Britain. Foreign nations have controlled her economic life, and to-day more than 70 per cent of her territory is, economically at least, under the control of other powers. We need not be surprised if the Chinese people view this treaty as a scheme to exalt Japan and to further weaken the authority of the Chinese Government. The question will be asked, "Why was there not a quintuple combination or alliance, instead of a quadruple one?" May not Russia's fears be increased when she learns that the Senate refused to adopt a reservation which would have provided Russia an opportunity to confer with the four contracting powers in the event of any controversy affecting her interests and the interests of the four powers which are involved in the treaty? The reservation offered by the Senator from Arkansas provides that—

> the high contracting parties will respect the rights and possessions of other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

This reservation confessedly was to enable Russia and China to participate with the four powers in settling controversies that rise among them. The treaty in its present form would prohibit Russia from conferring with the four powers in the event of any controversy arising between her and Japan or between Russia and either of the other parties to the treaty. The four powers may confer, and they are to devise efficient measures in the event of any aggression by Russia or China which threatens the rights of Japan or either of the other parties to the treaty. But neither Russia nor China can participate in any conference. The Senate has declared by its vote in rejecting this proposed reservation that Russia shall not be invited, nor shall China nor any other power, notwithstanding their interests or their desires to avert war and promote peace.

During the debate frequent reference has been made to what Russia believes to be the aggressive action of Japan in Siberia. Japan has seized the northern half of Sakhalin, and her troops are now occupying portions of Russian territory. I do not call attention to this fact for the purpose of indulging in criticism, but we can not close our eyes to the fact that this situation may bring about a serious conflict between Russia and Japan. Who can doubt that if such a conflict should arise it would not extend to some of the insular possessions of Japan. Under such conditions the United States, France, and Great Britain will be required to arrive at an understanding with Japan as to the most "efficient measures" to be taken, jointly or separately, to meet such exigency. This would array these nations, apparently, if not in fact, against Russia. The treaty precludes any conference at which Russia could be heard. It would seem that the treaty instead of making for peace in the Pacific will be provocative of controversy and international resentments and fears.

Mr. President, the terms of this treaty, upon many matters, are so uncertain and ambiguous as to leave those who analyze it in doubt as to its meaning and effects. A number of reservations were offered for the purpose of removing ambiguity and of protecting the interests of the United States. These reservations were all rejected.

I have just called attention to the reservation offered by the Senator from Arkansas [Mr. ROBINSON] and its rejection by the Senate. The New York World, under date of March 18, criticized, editorially, this action of the majority, notwithstanding it has been, and still is, an earnest supporter of the treaties. In its editorial of that date it refers to the fact that under article 2 of the quadruple treaty nothing is said about bringing Russia into the conference. Indeed, it declares that Russia is to be excluded, notwithstanding the fact that "the complaining witness (referring to Japan) is a member of the court in which the controversy may be settled." It expresses an inability to understand why Republican Senators voted against a policy which would have brought Russia into the conference where her interests were involved and where the peace of the Pacific was jeopardized. The editorial proceeds:

> Taking everything into consideration, that is a dubious method of stabilizing peace in the Far East, inasmuch as it is certain that Russia will not indefinitely submit to continued Japanese occupation of territory in Siberia and in northern Sakhalin. If there is any trouble and the United States is obligated to enter a conference, the only rational thing would be to bring Russia into the conference, too. A conference to which only one member of the dispute is admitted is not a conference at all. Not only should Russia be admitted but the United States should make it plain at the outset, in order to prevent further misunderstandings, that such is to be its policy.
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> The four-power treaty does not provide for this, but the Senate can provide for it without amending or mutilating the agreement in any respect. To attach the Robinson formula to the treaty as a resolution of the Senate does not change the obligations or responsibilities of the United States. It neither adds to them nor subtracts from them. It simply rounds out the conference, in so far as this country can do it, and makes that conference complete.

Other reservations, perhaps not so important, but clarifying and calculated to secure a better understanding among the parties to the treaty, were inconsiderately, indeed contemptuously, rejected by the majority. Permit me to refer to several of these rejected reservations.

Senators have sought to justify the treaty upon the ground that it abrogated the Anglo-Japanese alliance, yet there is nothing in the four-power treaty which prevents a renewal of such alliance, assuming that it was not terminated by the Versailles treaty and is abrogated by this treaty. A reservation was offered by the Senator from Wisconsin [Mr. LA FOLLETTE] which, in effect, declared that the United States ratifies the treaty with the understanding that the Anglo-Japanese alliance, concluded in 1911, is not "in fact or in substance to be renewed during the life of said treaty." Thirty Senators voted for this reservation and 62 against it.

Another reservation offered, and also rejected, declared that the ratification of the treaty was with the understanding that during the life of the treaty no treaties should be entered into between the parties with reference to their insular possessions in the region of the Pacific, or with reference to the Asiatic mainland, which in any manner would prejudice the objects and rights of the parties to the treaty or which would be inconsistent with its terms.

Another reservation was likewise rejected, which declared that ratification of the treaty was with the understanding that, in the event of independence being given to the Philippine Islands, the signatories to the treaty would recognize and respect the political independence and territorial integrity of the Philippine Islands, following their independence.

Why there should be objection to this announcement of a policy so important and so in harmony with the principles of justice and freedom, I am unable to determine. The United States has by law declared its purpose to relinquish control over the Philippine Islands. This solemn promise unquestionably will be observed. The charge has often been made in the press of the United States that Japan coveted the Philippine Archipelago. Is it not a wise and prudent course for the United States to pursue when entering into this four-power treaty to take steps, by proper agreement or reservation, to protect the independence of the Philippine Islands when the Filipinos establish a government of their own?

The Versailles treaty provided for the withdrawal of the United States from the league if it so desired. A reservation was offered to the four-power treaty, which was defeated by a vote of 63 to 28, which declared that the United States reserved the right to withdraw at any time if any of the parties to the treaty wrongfully engaged in war with any country which imperiled the peace of the Pacific. The President under this reservation was to judge whether such a contingency arose.

Another reservation which was rejected provided that article 2 of the treaty should not apply to a situation arising out of the military occupation by any of the high contracting parties of any part of the mainland of Asia included within the boundaries of the Chinese or Russian Empires as they existed in 1890.

A reservation was defeated which declared the right of the United States to withdraw upon its giving one year's notice of its intention to do so.

I have not time to discuss these various reservations, as well as other important ones, which were offered. Some of these reservations were undoubtedly in the interest of the United States and made more definite the meaning of the treaty, and their rejection can not be defended.

Mr. President, in an illuminating article in the March number of the Atlantic Monthly Hon. Samuel W. McCall, a statesman of recognized ability, examines in a critical but impartial manner the work of the conference. A perusal of his article will disillusion some who have been enthusiastic in their praise of the treaties before us. He declares that—

> with the exception of a port and perhaps the sale of a railroad and a doubtful concession upon the post office question, China promises to retire from the conference empty handed. The door, however, is to be opened in the interest of the trade of other nations. All are to be admitted upon equal terms and at low rates of duty. The net result of 18 all promises to be that the powers will have done little for China and much for themselves. As to the restoration of the loot of three-fourths of a century, a proposition to that end checked the flow of fine phrases and threw a cold chill over the conference.

Speaking of the four-power treaty, he controverts the position of the Senator from Massachusetts [Mr. LODGE] "that no military or naval sanction lurks anywhere in the background," and insists that—

> the treaty creates a defensive and an entangling alliance. It is the very sort of alliance against which Washington warned us. What reason is there why we should, for the first time in history, depart from his solemn injunction? What have we or the world to gain? Does it in the slightest degree remove any cloud upon our title to the Sandwich Islands or the Philippines or increase our ability to defend them? Indeed, one of the other treaties in the group of treaties framed by the conference promises to prohibit us from constructing naval bases at Guam or in the Philippines.

He further declares that these treaties—

> crown Japan as the Empress of the Orient. With her naval bases so near the China coast, and her proximity to the open door, she is likely in any crisis to have her own way. The power of the West to safeguard China against the possible aggressions of Japan will be much reduced by the abandonment of our right to fortify Manila and Guam. That nation is to be congratulated upon the triumph of her diplomacy won single-handed and in open competition with the western nations.

Governor McCall refers to the folly of ignoring Russia, which creates "a great and dangerous vacuum in the affairs of men." In the concluding portion of his article he clearly indicates that the proper policy for the United States to pursue would be to unite with the 50 nations who have already banded together within the league to execute the high purposes to which it is devoted. He declares that—

> the essential thing is to present a united front against war. This country is the only obstacle to world union. If we shall take our place by the side of Europe and Asia and Africa, then the prophecy of the Latin poet may be at last fulfilled, the rough ages will become gentle and the gates of war be closed.

Mr. President, there is another phase to this question for consideration. In the event of conflict between the parties to this treaty and the League of Nations, where is the supreme authority to lie? Great Britain, Japan, and France are members of the league. They have solemnly covenanted to observe its provisions and stipulations. Article 11 of the covenant of the league provides that—

> any threat of war, whether affecting the members of the league or not, is a matter of concern to the league, which shall take action to safeguard the peace of nations.

Assuming that a controversy arises between Japan and Great Britain in regard to their insular possessions in the Pacific, it would be the duty of the league to intervene, and through the instrumentalities of the league adjust the controversy and prevent war.

Article 12 of the covenant provides that if any dispute likely to cause a rupture between members of the league arises between them, they will submit the matter either to arbitration or to inquiry by the council. The league provides methods of arbitration and conciliation and establishes an international court which may pass upon certain disputes submitted for its consideration. In the event of a dispute arising between Great Britain and Japan, as I have suggested, will the provisions of the league govern? Will its machinery for arbitration, conciliation, and judicial determination govern? Or will the provisions of the four-power pact control the contentious States? If the league assumes jurisdiction, will the parties to the four-power pact deny its authority and jurisdiction and will it be superseded, at least where there is conflict?

Let us suppose a controversy arises between the United States, which is not a member of the league, and Japan which is bound by the terms of the Versailles treaty. It would be the duty of the League of Nations to intervene, to compose the differences between our Nation and Japan. Will Japan follow the league and carry out the orders and mandates given by it, or will it be governed by the four-power treaty? In the event that it gives its adhesion to the league and insists that the United States accept the procedure and agencies established by the league, what position will the United States take?

These are but a few of the many questions that suggest themselves when the situation is considered and the four-power treaty is examined.

When this treaty is contrasted with the covenant of the league, its imperfections become more patent. There is no tribunal established to interpret its meaning. No agencies are provided looking to conciliation or arbitration. To the most superficial student of history and world forces it is apparent that if it has any purpose that purpose transcends the protection of the few insular possessions described in the treaty, and that if any controversy arises involving the interests of either of the parties to the treaty other nations will be involved. This treaty closes the door to them—shuts them out from peaceful means for settling the controversy, and seeks to weld, for offensive or defensive action, the four parties to the treaty. Why were there not provisions for arbitration and for reference to an international tribunal? Why was the international court, recently established by the league, ignored?

Mr. President, I repeat what I have heretofore suggested. Many peoples and some nations will regard this pact as nations a century ago regarded the Holy Alliance; they will regard this organization as one seeking, if not world hegenomy, at least the domination of the Pacific and the Orient.

Mr. President, in my opinion this Nation should be strengthening the league instead of attempting to weaken it. It should seek affiliation with it rather than attempt to alienate therefrom nations who have pledged allegiance to the same.

Some Senators may deride, and often do, references to the League of Nations, and proclaim with manifest delight their belief in the early demise of this great world association.

I believe, Mr. President, that we should reexamine its provisions and seek such changes in its constitution, if any be required, as may be deemed necessary for the welfare of the United States, and then our Nation, uniting with other nations, should bring to fruition its important and beneficent mission. Imperfect as the league is, it constitutes an important advance in the direction of world concord.

Some of the assaults made upon the Versailles treaty are justified, at least in part. No treaty dealing with such mighty problems and drawn while the smoke of battle was in the eyes of the people could in a perfectly just and righteous way deal with the questions brought to the peace table at Paris. Racial prejudices and deep-seated antipathies, based upon hundreds of years of oppression, suspicions, and wrongs, could not be forgotten. Imperialistic ambitions were not dead and the greed of nations for territory and trade still persisted. But the league has wrought great deeds and aided in guiding a war-torn world from bloody fields and deadly hates to sunlit heights where the rancor and bitterness are yielding to the spirit of friendship and international good will.

With the United States and Russia outside the league and iconoclastic assaults being made in this country and elsewhere upon the league, it has not been able to function in the highest degree or to execute all of the powers with which it is endowed. Instead of aiding it in accomplishing the humane and beneficent purposes for which it was established, we by this four-power treaty, indirectly if not directly, assail it and seek to undermine its foundations.

My principal objection to this treaty is found in the fact that, as I interpret it, it arrays the United States and other nations in opposition to the league. It seeks to set up a rival organization, to establish an alliance whose power will challenge the league, and to reintroduce into the world policies and systems which for ages have been provocative of international strife and war. If we are to have alliances, let us have a world alliance; or if we are to have alliances and not a world alliance, let us be wise enough to become parties to an alliance which will not engender suspicions, create resentments, and provoke international jealousies.

No treaty drawn at the time the Versailles treaty was prepared could have prescribed an absolutely just standard. That was recognized; but the treaty was flexible, and provision was made for readjustments and for the correction of errors or wrongs recorded in the treaty. Tribunals were established to deal with international controversies and machinery set up competent and adequate to meet all proper requirements of all peoples to the end that justice might be done to all members of the league.

For years prior to the treaty the most advanced nations of the world had sought to establish an international court and to provide tribunals for conciliation. The League of Nations answered the demands of the most advanced thinkers and was a response to the conscience of the civilized and liberal forces of the world. The Versailles treaty and the league sought the destruction of alliances and secret agreements and the removal of the prolific causes of international controversy and fratricidal wars.

If, as some Senators contend, the boundaries of nations set up by the Versailles treaty were not proper and if the economic or political rights of some peoples were not fairly recognized and provided for, the league furnished the machinery and agencies to rectify injustices or wrongs and to vindicate the rights and liberties of small as well as great nations.

I shall not review the work of the league, important and beneficent though it is. Notwithstanding the assaults made upon it and the obstacles which have been interposed to prevent its successful functioning, it is still a vital and important force for good and for justice. It should be strengthened and not weakened. It should be defended and not attacked. The Christian people of this Nation did much to inspire throughout the world a demand for a world league to diminish if not to end the causes of war and to promote international brotherhood. I avow my faith and belief in a world association of nations and in an alliance of all peoples and all States for the purpose of promoting the peace of the world. If this great Nation should, even at this late hour, give its mighty influence to sustaining the league and executing the purposes for which it was established, the authority of the league would be strengthened and its influence would be world pervasive. If that course were taken, the treaties before the Senate, including the four-power pact, would be unimportant and, indeed, unnecessary from any point of view.

The league provides not for a mere limitation of naval armament upon the part of three or four powers but it provides for world disarmament. It does not divide the world into sections or deal with the interests of a few peoples or a few nations only. It seeks universality and the application of the principles of justice and freedom in all parts of the world. There is no controversy, great or small, no international problem, important or insignificant, that may not be determined, and righteously determined by and through it and its agencies.

President Wilson and those who conceived a world association of nations were not only prophets who had vision but they were statesmen who comprehended the practical problems and questions to be met by peoples and governments. There are some supporting this treaty who would destroy their work and deny the wisdom of establishing an international association of nations, an association in which individual and national rights would be not only unassailed or questioned but fully protected, and yet one so effective as to remove the causes of international conflicts and thus tend to promote peace throughout the world.

Mr. President, I have occupied more time than I intended in the discussion of this treaty. There are many objections to the treaty which I have not considered, but which will be forced into the international forum, perhaps sooner than is anticipated even by those who opposed its ratification. In my opinion, there will be an awakening in our own land, and when the shadows of the night are banished the American people will perceive the tragic mistake made when this country failed to approve the treaty of Versailles. Then will be the day of vindication for those men and women of vision who saw in a world association the healing of the nations and the lifting up of a standard of righteousness and international justice and fraternity.

Speaking of Woodrow Wilson, I said in this Chamber just before he left the White House—I ask that it be printed in the usual Record type—

"A dispassionate review of his acts as President and the results and accomplishments of his administration will for all time place him among the world's foremost figures. Even in the hour of defeat his greatness is recognized and his influence is pervasive.

"He reached the high place which history will accord him because of his intellectual integrity, his exalted ideals, his devotion to human liberty, and his deep sympathy for the sorrows and sufferings of the world. He saw peoples shackled by industrial chains and nations oppressed by despotic power, and he sought their liberation.

"This Nation he regarded as the favored child of Providence, an evangel to lead the way along the pathway of international development. The imperialism of nations, the mad ambitions which prompted rulers to seek territorial gain and conquest, filled him with sorrow, indeed with anger; but it was the great inarticulate mass, struggling and groping for light and freedom, to whom he gave the rich outpourings of his heart. He sought to lighten the burdens of labor, to lift up the downtrodden, and to inspire courage in the hearts of those who saw nothing in life but the cold tragic processes of a materialistic universe. He believed that there were moral and spiritual forces operating within this little world of ours, and that beyond the stars there was One whose power was omnipotent and whose love extended to struggling humanity and whose law operated for man's salvation.

"Woodrow Wilson is a commanding figure in the world to-day. He will soon leave his high station, but his teachings and his example will not be forgotten, and as the years go by his fame will increase and men will pay homage to his memory. He gave his strength fighting for principles which he believed to be right, for his country and its honor, for the liberation of the world from war, and for the establishment of a union of the nations of the world to promote justice and international peace.

"In my opinion time will vindicate this great man, and the purposes of his heart will be fully comprehended by his countrymen.

"We speak of Jefferson as the father of Democracy, the founder of an undying faith, the prophet of liberty, and the foe of tyranny. We speak of Lincoln as the great emancipator, the apostle of justice and righteousness. Those who come after us will speak of Woodrow Wilson as one who sought to extend the principles established by Jefferson and to bring emancipation to oppressed people everywhere. It will be said of him that he gathered into his great soul the highest moral and spiritual and liberalizing forces of his time, and gave his strength, if not his life, in order that there might be a new baptism of freedom and a consecration to the ideals which promote justice and international fellowship. And so there will be linked the names of Jefferson and Lincoln and Wilson, and our children and those who come after us will seek his shrine and there pay homage to a great Democrat and to the strongest defender of the weak and oppressed who appeared among men during the greatest crisis in the world's history."

Mr. BORAH. Mr. President, I shall occupy the time of the Senate for a few moments, and if I am not interrupted only a few moments. I want to say something in regard to the Chinese treaty before we vote upon it. I am not willing that it should be voted upon without some expression as to the construction which I place upon its effect. It has not been discussed in the Senate and I am not advised as to the construction and effect which others may place upon it. I may be in error, but such time as I have been permitted to give to it has enabled me to arrive at certain conclusions in regard to it, and those I desire briefly to state.

The preface to my remarks may be aptly expressed in a paragraph or two from an editorial in the New York Times under date of February 6, 1922. In that editorial it was said:

> Nothing was said by Mr. Balfour about past agreements of that kind. Those had been firmly kept by Japan from the purview of the conference. And suppose that in the days to come any nation should seek to separate itself from "the collective action taken in Washington" in respect to China? "Why," said Mr. Balfour, "that nation will not be able to plead ignorance." Not such an awful fate, when you come to think of it.
>
> If Mr. Balfour was frank, the Japanese ambassador was equally so. Baron Shidehara joined cordially in the expressions of good will for China. Japan is "vitally interested in the speedy establishment of peace and unity in China." But let there be no misunderstanding. "To say that Japan has special interests in China is simply to state a plain and actual fact." This does not necessarily mean imperialistic designs, conquest, annexations of territory. There is much talk of a "new" Japan, not militaristic but industrial. But it must not be forgotten that an industrialized Japan will cast as covetous an eye upon China as ever did militarized Japan. On this point Baron Shidehara was entirely explicit:
>
> "It is indeed to the Asiatic mainland that we must look primarily for raw materials and for the markets where our manufactured articles may be sold. Neither raw materials nor the markets can be had unless order, happiness, and prosperity reign in China. Under good and stable government, with hundreds of thousands of our nationals resident in China, with enormous amounts of our capital invested there, and with our own national existence largely dependent on that of our neighbor, we are naturally interested in that country to a greater extent than any of the countries remotely situated."
>
> That can scarcely be mistaken, whether regarded as a statement of fact or a declaration of intention. Of course, the Japanese ambassador spoke smooth things about the open door in China and equal opportunity for all. But it is plain to the wayfaring man that Japan is acutely conscious of the special advantage which she enjoys in China, by virtue both of propinquity and penetration, and that she means unhesitatingly to maintain it. She is there, and there she stays.

It is agreed by all students of Far Eastern matters that there can be no peace in the Pacific or in the Far East until the Chinese problem is solved, and it is very generally agreed that there can be no solution of the Chinese problem that is in harmony with peace other than that which does justice to China. If the aggressions which have taken place in the Far East during the last 10 or 15 years are to be continued, the fruits of the conference lately held will be Dead Sea fruit.

The treaty which is before us is designed, we are advised, to aid and assist China. If it is adhered to in good faith, if the spirit of the treaty is observed, it will undoubtedly be of service to China and beneficial to the cause of peace in the Pacific and in the Far East.

On the 3d of July, 1900, I think it was, our then Secretary of State, John Hay, put out his circular with reference to the open door. In that circular is this statement:

> To bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and by international law, to safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.

This is the cardinal principle of what is known as the open door, for which we are indebted to the statesmanship of Mr. Hay. The nations which assented to this policy were Great Britain, Russia, France, Germany, and Japan. I think it will

be conceded that so far as the United States is concerned it has lived up to that doctrine faithfully. It has observed the principle which was announced, and I do not know that it has ever been charged with digressing in any respect from that principle.

Later in 1902 what is known as the first Anglo-Japanese treaty or Anglo-Japanese alliance was made. I read a paragraph from that treaty:

> The Governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:
>
> ARTICLE I. The high contracting parties having mutually recognized the independence of China and of Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested to a peculiar degree politically as well as commercially and industrially in Korea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other power or by disturbances arising in China or Korea, and necessitating the intervention of either the high contracting parties for the protection of the lives and property of its subjects.

Since the announcement of the doctrine of the open door, and since the negotiation of the first Anglo-Japanese alliance, both of which were designed to protect the territorial and administrative integrity of China, to stay aggressions in China, there has been a more pronounced policy of aggression with reference to China than was ever known before in the history of the Far East. Indeed, Mr. President, the difficulties now foremost and uppermost for consideration with reference to the Far East are difficulties which spring from a disregard of the principles of the open door and the principle of policy announced in the Anglo-Japanese alliance.

I am advised by those who seem to be well informed that practically 77 per cent of the Chinese territory is now under the control or domination of foreign powers. Not all of that has been acquired since the announcement of the doctrine of the open door and the Anglo-Japanese alliance, but a very considerable amount of it.

Mr. McCORMICK. Mr. President——

Mr. BORAH. I yield to the Senator from Illinois.

Mr. McCORMICK. In what degree is the domination exercised by foreign governors over this 77 per cent of the territory, or does the Senator mean that 77 per cent of the territory lies in the so-called spheres of influence?

Mr. BORAH. That is what I have reference to. Of course, in some instances there is actual physical domination of the territory.

Mr. McCORMICK. The Senator does not mean that foreign administrators or troops are in occupation of 77 per cent of the territory?

Mr. BORAH. No; but what I understand to be the contention is that in 77 per cent of the territory the dominating influence is a foreign power.

During the existence of the Anglo-Japanese alliance China had presented to her what are known as the 21 demands. These demands consisted of five different groups, as they were styled—first, second, third, fourth, and fifth. The first group relates almost exclusively, I think, to the matter of Shantung. The fifth group was afterwards, under the pressure of public opinion, withdrawn, and was not urged finally by Japan. The second, third, and fourth remain, and also the first except as it has been modified by the present treaty now being negotiated between China and Japan. I read the second, third, and fourth groups. The second group reads:

> The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in south Manchuria and eastern Inner Mongolia, agree to the following articles:
>
> ARTICLE 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

As I understand, that remains unchanged. There is no resolution and no provision in the Shantung treaty modifying this particular provision.

> ART. 2. Japanese subjects in south Manchuria and eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.
>
> ART. 3. Japanese subjects shall be free to reside and travel in south Manchuria and eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.
>
> ART. 4. The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in south Manchuria and eastern Inner Mongolia. As regards what mines are to be opened, they shall be decided upon jointly.
>
> ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned hereinbelow, the Japanese Government's consent shall be first obtained before action is taken:
>
> (a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in south Manchuria and eastern Inner Mongolia.
>
> (b) Whenever a loan is to be made with a third power pledging the local taxes of south Manchuria and eastern Inner Mongolia as security.
>
> ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in south Manchuria or eastern Inner Mongolia, the Japanese Government shall first be consulted.
>
> ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years, dating from the signing of this agreement.
>
> III.
>
> The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co. have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:
>
> ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations, and they further agree that without the previous consent of Japan China shall not by her own act dispose of the rights and property of whatsoever nature of the said company, nor cause the said company to dispose freely of the same.
>
> ART. 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company the consent of the said company shall first be obtained.
>
> IV.
>
> The Japanese Government and the Chinese Government, with the object of effectively preserving the territorial integrity of China, agree to the following special article:
>
> The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

My understanding is, Mr. President, that this question was not dealt with by the conference at all and was not dealt with by any treaty or any resolution emanating from the conference. Of course, I have seen in print some statements upon the part of delegates from Japan as to future action, and so forth, to which I do not give any consideration, for the reason, in the first place, I do not know whether those delegates are correctly quoted, and, in the second place, I should not think of forming an opinion as to the future policy of a country from the individual statement of some particular citizen of that country.

It is quite clear that practically none of the questions which relate to the territorial integrity of China and which have menaced the territorial integrity of China are settled by this or any other treaty except, we will say, the Shantung treaty, to which I may refer later. I understand perfectly that it was not within the power of the conference to effectuate anything along that line, and it is not in criticism of the conference that I make this suggestion, but rather to recall a situation and a condition which confronts us with reference to far eastern questions.

We, in my opinion, will never secure a solution of them other than through the power of public opinion, if we do at all; in other words, Japan is in Manchuria and inner eastern Mongolia; she is in possession of lines of railway; she is now in control practically of large portions of Siberia, and her policy of penetration continues. The Japanese declined to permit the conference to take these matters up for consideration. We were advised by the public prints that when Mr. Hughes proposed a commission, which was to have something of an investigating power with reference to aggressions in China, it was proposed to make it retroactive. The commission, in the first instance, was designed to gather together facts and circumstances with reference not only to future aggressions and acts upon the part of governments as affecting Chinese territory but it was designed to enable the commission to go into past transactions. That proposition was rejected, as we are informed. The Japanese Government declined to accept that resolution. So these questions remain unsettled and undetermined so far as the treaties formulated by the Washington conference are concerned.

I do not undertake to say, Mr. President, that it was at all within the power of the conference to have done more than it did. I only undertake to say that it ought to be understood that any Senator voting for this treaty must not be considered as indorsing the acts which have already taken place in China or as giving moral approval to their continuation or to the continued possession of the territory which has thus been seized.

Mr. KING. Mr. President, may I interrupt the Senator from Idaho?

Mr. BORAH. I yield.

Mr. KING. I should like to ask the Senator whether, in his opinion, this treaty does anything more for China than did the promulgation of the doctrine of the open door by Mr. Hay, to which assent was given by the very same powers that are signatories to this treaty? Will China be any more secure? Is not this a rather magnificent gesture upon the part of the

United States and the other powers, a promise to do that which they have promised heretofore to do, namely, to respect China's territorial integrity and her political independence?

Mr. BORAH. In my judgment the treaty has this merit: It is a reaffirmation of a very sound policy, and I do not think a man or a nation can make a moral resolution to reform himself or itself too often, although it may not be lived up to. I have always believed in taking a New Year's resolution, and I have found sometimes it has helped for a considerable period. I think if you make good resolves often enough it may help in ultimate recovery from bad practices. All these Governments, or most of them, signing this treaty have made the same promises with regard to China that are made in this treaty some six times heretofore. It can do no harm and may do good to make them the seventh time.

Mr KING. I should like to inquire of the Senator from Idaho, if he will permit me, whether there was any evidence before the Committee on Foreign Relations tending to show that any of the powers which signed this treaty had relinquished any of their spheres of influence or whether they were as strongly intrenched now and propose to be as strongly intrenched in the future, notwithstanding this treaty, as they were anterior to its adoption?

Mr. BORAH. Mr. President, I do not understand that any of the seized territory has been released. That was a matter which both Great Britain and Japan regarded as outside of the jurisdiction of the conference.

Mr. President, I have called attention to these circumstances and conditions in order to make a very brief observation upon the treaty itself. If I considered that this treaty would have the effect of confirming—not in express terms, I grant you, but in moral effect—these past aggressions, I should feel that I could not vote for it. I should very much fear unless it is clearly declared otherwise, the construction which will be placed upon this treaty, rather than the making of the treaty, will be that of giving moral sanction to the aggressions which have already taken place. In other words, it may be contended that the powers, having met and having declined to take up and correct the evils and the wrongs of the past, and having made a treaty dealing entirely with the future, so far as the present conditions are concerned, they must be considered as having been settled, acceded to, acquiesced in, and morally confirmed.

I am perfectly aware that the treaty itself in its express terms can not be construed to that effect; but I look at the surrounding circumstances and the facts which accompany the making of the treaty; and I am not quite willing, so far as I am individually concerned, to have even the presumption raised that the United States has acquiesced in the aggressions which have taken place or in any way became an accomplice or connived at the holding of territory which we have always considered was taken in violation of the Hay doctrine, and was certainly taken in violation of the Anglo-Japanese alliance, although to that, of course, we were not a party.

The very fact that the matter was suggested in the conference by the Chinese delegation, and that the conference refused to deal with it owing to the objection of certain parties, might very well give rise to the argument in the future upon the part of certain Governments, that while the conference did not expressly settle all past transactions it tacitly did so. As I have said, no one has discussed this treaty; the view has not been expressed one way or the other by its negotiators as to what effect it would have along those lines.

One word more, Mr. President. As I said a moment ago, we find that China to-day has——

Mr. KING. Mr. President, before the Senator leaves that point will he yield to me for a moment?

Mr. BORAH. Yes.

Mr. KING. I have noticed in the press that the Cantonese Government, which speaks for a large part of the people of China, perhaps, from 100,000,000 to 180,000,000 people, has denounced the Chinese tariff treaty. I was wondering if the Senator had learned whether in their denunciation they had included this treaty. It was claimed there that the tariff treaty was an infringement of the sovereignty of China; that, whereas the conference had professed to recognize the sovereignty of China and its right to control its domestic affairs, here was a clear violation of that profession, and an attempt by the signatory powers to determine the kind of a tariff China should impose upon herself.

My recollection is that in the same interview, which was given out by Wu Ting Fang, and by others who had participated in a public meeting, they had denounced the pending treaty. I should like to ask the Senator whether he has learned of any general approval of this treaty by any element in the Chinese Empire?

Mr. BORAH. I have no information upon that subject at all.

Mr. President, I have very great sympathy and very great respect for the Chinese people; I believe them to be a noble race, and I understand, as we all do, the misfortunes which have overtaken them in these days. I have no opinion to express as to what their future may be; but I know that they are entitled to the sympathy and the moral support of the United States in their effort to extricate themselves from the unfortunate dilemma in which they are now found.

China has many reasons highly to regard the friendship of the United States. I feel that, with very rare exceptions, we have always been her friend, and she has trusted us as no other nation in the world has ever trusted any other country. I did not want to cast a vote upon this treaty with the slightest implication that the United States Senate, or, at least, those who are willing to express themselves upon it, are even conniving at what I regard as great wrongs toward the Chinese people.

This treaty was designed for the benefit of China; it was undoubtedly intended to help China; I sincerely hope it may help her; but it would be a great detriment to China if it should be construed as confirming and acquiescing in the wrongs which have already been committed against China.

Mr. President, I ask permission to print, in this connection, two letters from Charles Edward Russell, a student of far eastern affairs, and a man noted for his broad sympathy with wronged peoples:

WASHINGTON, D. C., *March 17, 1922.*

DEAR SENATOR: The news from China these days is most disquieting. I have no doubt you noted yesterday that General Wu Pei-Fu has taken the field against Chang Tsao-Lin and that a new civil war has begun, to be attended, we must fear, with all the horrors that usually belong to such conflicts. This is the certain result of the four-power pact, and ought to give us the gravest uneasiness as to the length to which its disastrous influence upon China may go. I suppose you know that Wu Pei-Fu, a very able man, and, I believe, an honest one, represents Chinese nationalism, and that Chang Tsao-Lin, the military governor of Manchuria and former bandit, represents the Japanese influence in north China. What has happened seems clear enough. Since the disarmament conference rejected China's just and moderate demands for independence and sovereignty, and the four-power pact served notice upon her that she must submit to a continuation of the existing conditions of subjection, men like Wu Pei-Fu have come to the conclusion that the western world intends to do nothing for China except to bind her fast and deliver her to the exploiters, and they have therefore resolved to fight against these intolerable conditions.

We should never lose sight of the fact, so easily overlooked by the conference, that the continuation of present conditions insured by the four-power pact means the continuation of Japanese supremacy, and that this is a condition to which the new China will never submit without a struggle. Since the rejection of China's pleas by the conference Chang Tsao-Lin, the emissary of Japan, a ruthless, powerful, resourceful man, has been visibly stretching his influence down from the north upon Peking, which he to-day largely controls. With the warrant of the four-power pact back of him and the apparent support of Japan by the United States, the influence that he represents must gain enormously in prestige and power. Thus it is against this menace of the loss of all they had hoped for that the Wu Pei-Fu element has taken the field.

The situation is most deplorable, because it may breed the greatest calamities China has known in modern times. Obviously, if Chang Tsao-Lin is successful, he will become the dictator of all northern China. Either then he will imitate Yuan Shi-Kai and seize the Government in his own name, or, if he listens to British influence, he will carry out the favorite British design of restoring the Emperor. In either case there will be revolution, assassinations, wide-spread punishments, and a reign of terror to be ended only with terrible bloodshed and devastations, for young China will never submit willingly to another Yuan Shi-Kai nor to any return of the Manchus. On the other hand, if Wu Pei-Fu should win, his victory would be a moral and essential defeat for Japan, which in the existing conditions Japan could not be expected to take easily.

All these contingencies of evil and disaster the disarmament conference might easily have prevented. The largest promise for Chinese unity, Chinese democracy, Chinese progress, lies in Chinese independence. If the western nations would get out of China and take their exploiters with them, China could take care of herself and would do so in a way to astonish the reactionary and refute the cynic. The proposal to do this was before the conference, submitted by the delegates of France. I assume that you remember its historic rejection by the delegates of Great Britain and the reason they gave of the necessity to defend Hongkong with heavy artillery at Kowloon. With that rejection the last hope of peace and progress for China seems to have disappeared.

It is melancholy to reflect upon what all this means for us as for China. There was a time when the influence of the United States there exceeded the influence of all other nations together. To a degree beyond precedent in international affairs the Chinese people trusted and sought the leadership of the United States. There was a time when they would have gone anywhere or attempted anything under that leadership, wisely used. That time will not come again. The United States deliberately threw away the greatest opportunity to do good that was ever intrusted to any nation. It could have pacified, united, and inspired China. Instead it has joined hands in the four-power pact with China's exploiters and sent her reeling backward, perhaps for generations. When we reflect that until China is pacified there will be no peace in the Pacific region, that China will not be pacified until it is free, that upon China depends to a great extent the condition and progress of the vast Orient, and that the Orient comprises a large proportion of the children of the earth, the disaster seems almost illimitable. We might have lighted up and led the world, and we turn to insure the safety of private investments and the progress of alien assimilation.

Yours very truly,

CHARLES EDWARD RUSSELL.

To Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

WASHINGTON, D. C., *March 18, 1922.*

MY DEAR SENATOR BORAH: There is another phase of the four-power pact I beg leave to draw to your attention, although I have no doubt you are already familiar with it. Of course, the real purpose of the Anglo-Japanese alliance was to secure Japan's assistance in maintaining British supremacy in India. British statesmen have never been in the least deceived as to the perilous nature of the British tenure there. On Saturday we had news that in view of the highly threatening situation in Indian affairs, Great Britain had called upon Japan for the assistance to which the treaty gave warrant. The four-power pact supersedes the Anglo-Japanese alliance, and is its successor. Do we succeed also to the obligations in regard to India, implied if not expressed? Great Britain is certainly too wise to surrender, particularly in these uneasy times, the great asset of help she had in the arrangement with Japan. If the United States, as one of the successors to the old contract, is not to be expected to furnish assistance in an Indian crisis, has Great Britain another agreement with Japan that will fill this hiatus? And if she has, in what respect does it differ essentially from the old Anglo-Japanese alliance that Mr. Hughes assured us many times must be obliterated?

We have news to-day that Ghandhi, the leader of the Indian people, has been sentenced by the British Government to six years' imprisonment for advising his countrymen not to buy British goods, for that is what the case really means. We have, then, a compendious and satisfying view of what that British supremacy in India really means that Japan is now called upon to uphold. Do we wish to take our place side by side with Great Britain and Japan in this endeavor? Morally if not physically, is not this exactly what we shall be doing anyway under this pact? Is it not what the British people understand us to be doing? And the Indian people no less? Is it not true that the Indian movement for freedom, like all of the Chinese movements to the same end, was inspired by the United States, believed to be the conspicuous example of liberty and democracy, and is it not true that when we appear to both these peoples hand in hand with the nations they regard as their oppressors, we strike the chill of despair into their hearts?

Besides all this, I must view the pact with the greatest uneasiness, because it seems to me to be undeniably the entering wedge of the Anglo-American alliance, for many years the dearest object of British statecraft. In my judgment, it was for this that the country has been for so many years inundated with always increasing British propaganda, that our scholiasts and so large a part of our press have been aligned, that so many and such subtle influences have been at work to reach and infect the public mind with representations most favorable to Great Britain and an alliance with her. I am without the least racial prejudice on this subject, but it has been my lot to observe much British governmental operations at close range and much of the effect thereof in British dominions, and for this country to ally itself with a nation of such ideals and practices seems to me the collapse of every hope the world has had of the United States.

Yours very truly,

CHARLES EDWARD RUSSELL.

Mr. WADSWORTH. Mr. President, at the risk of being charged with threshing over old straw, I desire to revert for just a moment to an incident which occurred upon yesterday afternoon during the discussion of the so-called submarine and poison-gas treaty.

In the course of my remarks I made the assertion that the United States upon a certain occasion had refused to give its assent to a convention prohibiting the use of asphyxiating gases in warfare, and I stated at the time that that refusal was registered at a convention or meeting at The Hague. The senior Senator from Massachusetts [Mr. LODGE], in replying, took occasion to say that the United States had not done any such thing; and I will confess that the senior Senator from Massachusetts almost persuaded me that I was mistaken in my statement. I find, however, upon looking through the records of The Hague conventions that I was right. On July 29, 1899, there was promulgated at The Hague an international declaration respecting asphyxiating gases. The declaration was confined entirely to that one subject. At the convention the United States was represented in the person of Admiral Mahan. The one paragraph which is of interest and importance and around which the entire convention revolves reads as follows:

The contracting powers agree to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases.

That convention was signed by all the countries whose delegates were present, with the exception of the United States. The United States flatly declined to agree to that convention; and Admiral Mahan at the time, in arguing against it, referred to the fact that that method and type of warfare could be no more cruel than that involved in the sinking of a battleship and the resultant drowing of sailors in the dead of night.

That our Government has had this conception of its own attitude, first established upon this occasion, is evident from the further fact that in a booklet printed by the War Department, entitled "Rules of Land Warfare," dated 1914, corrected to April 15, 1917, we find on page 1 a reference to this declaration at The Hague of the 29th of July, 1899, and a note added to this effect:

This has never been ratified by the United States.

It is worthy of mention, Mr. President, that that paragraph, in the declaration of July 29, 1899, does not appear in The Hague Convention of 1907 specifically. It should be said, however, that The Hague Convention of 1907 prohibits the use of poison or poisoned weapons. To that the United States agreed; but the United States has never agreed until yesterday that asphyxiating gases should be prohibited in war.

I mention this, Mr. President, in the interest of historical accuracy.

Mr. SPENCER. Mr. President, the express purpose of this so-called nine powers treaty relating to principles and policies to be followed in matters concerning China is, as declared in the preamble—

To stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers upon the basis of equality of opportunity.

Mr. President, as an illuminating side light interpreting what this treaty intends to do and perhaps may be expected to do, I ask the consent of the Senate to have printed in the RECORD three documents. Two of them are already historic, and one of them, having to do with this treaty, will, in my judgment, become historic in the years to come.

The first of those documents is a memorandum which bears the date "somewhere about September, 1914," and is the memorandum published by the Black Dragon Society of Japan. The Black Dragon Society is a secret organization of Japanese who live in China. So far as I am able to find out, the name came because of the fact that the members of this organization, who were largely Japanese officers, were in consultation in Heilungchiang, or the Black Dragon Province of Manchuria, and therefore the name of this society was called the Black Dragon Society. It represented the power of Japan in China; and this memorandum—which I will not read, but which I do ask consent of the Senate to place in the RECORD at this point—is illuminating as to the purposes of Japan in China. It speaks of the change from a republican government to a monarchy under the control of Japan, and it indicates all through its length and breadth the absolute domination of China by Japan.

The second document that I ask leave to print following this statement is the so-called 21 demands of Japan upon China, which, if I remember correctly, bears the date January 18, 1915.

The third document to follow here consists of the eight articles of the pending treaty, which comprises the substantive parts of the treaty.

If I may have that permission, Mr. President, it concludes my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[First document.]

PART I. THE EUROPEAN WAR AND THE CHINESE QUESTION.

The present gigantic struggle in Europe has no parallel in history. Not only will the equilibrium of Europe be affected and its effect felt all over the globe, but its results will create a new era in the political and social world. Therefore whether or not the Imperial Japanese Government can settle the Far Eastern question and bring to realization our great imperial policy depends on our being able to skillfully avail ourselves of the world's general trend of affairs so as to extend our influence and to decide upon a course of action toward China which shall be practical in execution. If our authorities and people view the present European war with indifference and without deep concern, merely devoting their attention to the attack on Kiaochow, neglecting the larger issues of the war, they will have brought to naught our great imperial policy and committed a blunder greater than which it can not be conceived. We are constrained to submit this statement of policy for the consideration of our authorities, not because we are fond of argument but because we are deeply anxious for our national welfare.

No one at present can foretell the outcome of the European war. If the Allies meet with reverses and victory shall crown the arms of the Germans and Austrians, German militarism will undoubtedly dominate the European Continent and extend southward and eastward to other parts of the world. Should such a state of affairs happen to take place the consequences resulting therefrom will be indeed great and extensive. On this account we must devote our serious attention to the subject. If, on the other hand, the Germans and Austrians should be crushed by the Allies, Germany will be deprived of her present status as a federated State under a Kaiser. The federation will be disintegrated into separate States and Prussia will have to be content with the status of a second-rate power. Austria and Hungary, on account of this defeat, will consequently be divided. What their final fate shall be no one would now venture to predict. In the meantime Russia will annex Galicia and the Austrian Poland; France will repossess Alsace and Lorraine; Great Britain will occupy the German colonies in Africa and the south Pacific; Serbia and Montenegro will take Bosnia, Herzegovina, and a certain portion of Austrian territory, thus making such great changes in the map of Europe that even the Napoleonic war in 1816 could not find a parallel.

When these events take place, not only will Europe experience great changes, but we should not ignore the fact that they will occur also in China and in the South Pacific. After Russia has replaced Germany in the territories lost by Germany and Austria, she will hold a controlling influence in Europe, and, for a long time to come, will have nothing to fear from her western frontier. Immediately after the war she will make an effort to carry out her policy of expansion in the East and will not relax that effort until she has acquired a controlling influence in China. At the same time Great Britain will strengthen her position in the Yangtze Valley and prohibit any other country from getting a footing there. France will do likewise in Yunnan Province, using it as her base of operations for further encroachments upon China and never hesitate to extend her advantages. We must therefore seriously study the situation, remembering always that the combined action of Great Britain, Russia, and France will not only affect Europe but that we can even foresee that it will also affect China.

Whether this combined action on the part of England, France, and Russia is to terminate at the end of the war or to continue to operate, we can not now predict. But after peace in Europe is restored, these

powers will certainly turn their attention to the expansion of their several spheres of interest in China, and, in the adjustment, their interests will most likely conflict with one another. If their interests do not conflict, they will work jointly to solve the Chinese question. On this point we have not the least doubt. If England, France, and Russia are actually to combine for the coercion of China, what course is to be adopted by the Imperial Japanese Government to meet the situation? What proper means shall we employ to maintain our influence and extend our interests within this ring of rivalry and competition. It is necessary that we bear in mind the final results of the European war and forestall the trend of events succeeding it so as to be able to decide upon a policy toward China and determine the action to be ultimately taken. If we remain passive, the Imperial Japanese Government's policy toward China will lose that subjective influence and our diplomacy will be checked forever by the combined force of the other powers. The peace of the Far East will be thus endangered and even the existence of the Japanese Empire as a nation will no doubt be imperiled. It is therefore our first important duty at this moment to inquire of our Government what course is to be adopted to face that general situation after the war? What preparations are being made to meet the combined pressure of the Allies upon China? What policy has been followed to solve the Chinese question? When the European war is terminated and peace restored we are not concerned so much with the question whether it be the dual monarchies or the triple entente which emerge victorious, but whether, in anticipation of the future expansion of European influence in the Continents of Europe and Asia, the Imperial Japanese Government should or should not hesitate to employ force to check the movement before this occurrence. Now is the most opportune moment for Japan to quickly solve the Chinese question. Such an opportunity will not occur for hundreds of years to come. Not only is it Japan's divine duty to act now, but present conditions in China favor the execution of such a plan. We should by all means decide and act at once. If our authorities do not avail themselves of this rare opportunity, great difficulty will surely be encountered in future in the settlement of this Chinese question. Japan will be isolated from the European powers after the war, and will be regarded by them with envy and jealousy just as Germany is now regarded. Is it not then a vital necessity for Japan to solve at this very moment the Chinese question?

PART II. THE CHINESE QUESTION AND THE DEFENSIVE ALLIANCE.

It is a very important matter of policy whether the Japanese Government, in obedience to its divine mission, shall solve the Chinese question in a heroic manner by making China voluntarily rely upon Japan. To force China to such a position there is nothing else for the Imperial Japanese Government to do but to take advantage of the present opportunity to seize the reigns of political and financial power and to enter by all means into a defensive alliance with her under secret terms as enumerated below:

THE SECRET TERMS OF THE DEFENSIVE ALLIANCE.

The Imperial Japanese Government, with due respect for the sovereignty and integrity of China and with the object and hope of maintaining the peace of the Far East, undertakes to share the responsibility of cooperating with China to guard her against internal trouble and foreign invasion and China shall accord to Japan special facilities in the matter of China's national defense, or the protection of Japan's special rights and privileges and for these objects the following treaty of alliance is to be entered into between the two contracting parties:

1. When there is internal trouble in China or when she is at war with another nation or nations, Japan shall send her army to render assistance, to assume the responsibility of guarding Chinese territory, and to maintain peace and order in China.

2. China agrees to recognize Japan's privileged position in south Manchuria and inner Mongolia and to cede the sovereign rights of these regions to Japan to enable her to carry out a scheme of local defense on a permanent basis.

3. After the Japanese occupation of Kiaochow, Japan shall acquire all the rights and privileges hitherto enjoyed by the Germans in regard to railways, mines, and all other interests, and after peace and order in Shantung the place shall be handed back to China to be opened as an international treaty port.

4. For the maritime defense of China and Japan, China shall lease strategic harbors along the coast of the Fukien Province to Japan to be converted into naval bases and grant to Japan in the said Province all railway and mining rights.

5. In the reorganization of the Chinese Army, China shall intrust the training and drilling of the army to Japan.

6. For the unification of China's firearms and munitions of war, China shall adopt firearms of Japanese pattern, and at the same time establish arsenals (with the help of Japan) in different strategic points.

7. With the object of creating and maintaining a Chinese Navy, China shall intrust the training of her navy to Japan.

8. With the object of reorganizing her finances and improving the methods of taxation, China shall intrust the work to Japan, and the latter shall elect competent financial experts who shall act as first-class advisers to the Chinese Government.

9. China shall engage Japanese educational experts as educational advisers and extensively establish schools in different parts of the country to teach Japanese, so as to raise the educational standard of the country.

10. China shall first consult with and obtain the consent of Japan before she can enter into an agreement with another power for making loans, the leasing of territory, or the cession of the same.

From the date of the signing of this defensive alliance, Japan and China shall work together hand in hand. Japan will assume the responsibility of safeguarding Chinese territory and maintaining the peace and order in China. This will relieve China of all future anxieties and enable her to proceed energetically with her reforms, and with a sense of territorial security she may wait for her national development and regeneration. Even after the present European war is over and peace is restored China will absolutely have nothing to fear in the future of having pressure brought against her by the foreign powers. It is only then that permanent peace can be secured in the Far East.

But before concluding this defensive alliance two points must first be ascertained and settled. (1) Its bearing on the Chinese Government. (2) Its bearing on those powers having intimate relations with and great interests in China.

In considering its effect on the Chinese Government, Japan must try to foresee whether the position of China's present ruler, Yuan Shi-kai, shall be permanent or not; whether the present Government's policy will enjoy the confidence of a large section of the Chinese people; whether Yuan Shi-kai will readily agree to the Japanese Government's proposal to enter into a treaty of alliance with us. These are points to which we are bound to give a thorough consideration. Judging by the attitude hitherto adopted by Yuan Shi-kai we know he has always resorted to the policy of expediency in his diplomatic dealings, and although he may now outwardly show friendliness toward us, he will in fact rely upon the influence of the different powers as the easiest check against us and refuse to accede to our demands. Take for a single instance his conduct toward us since the Imperial Government declared war against Germany and his action will then be clear to all. Whether we can rely upon the ordinary friendly methods of diplomacy to gain our object or not it does not require much wisdom to decide. After the gigantic struggle in Europe is over, leaving aside America, which will not press for advantage, China will not be able to obtain any loans from the other powers. With a depleted treasury, without means to pay the officials and the army, with local bandits inciting the poverty-stricken populace to trouble, with the revolutionists waiting for opportunities to rise should an insurrection actually occur while no outside assistance can be rendered to quell it, we are certain it will be impossible for Yuan Shi-kai, single-handed, to restore order and consolidate the country.

The result will be that the nation will be cut into many parts beyond all hope of remedy. That this state of affairs will come is not difficult to foresee. When this occurs, shall we uphold Yuan's Government and assist him to suppress the internal insurrection, with the certain assurance that we could influence him to agree to our demands, or shall we help the revolutionists to achieve a success and realize our object through them? This question must be definitely decided upon this very moment, so that we may put it into practical execution. If we do not look into the future fate of China, but go blindly to uphold Yuan's Government, to enter into a defensive alliance with China, hoping thus to secure a complete realization of our object by assisting him to suppress the revolutionists, it is obviously a wrong policy. Why? Because the majority of the Chinese people have lost all faith in the tottering Yuan Shi-kai, who is discredited and attacked by the whole nation for having sold his country. If Japan gives Yuan the support, his Government, though in a very precarious state, may possibly avoid destruction. Yuan Shi-kai belongs to that school of politicians who are fond of employing craftiness and cunning. He may be friendly to us for a time, but he will certainly abandon us and again befriend the other powers when the European war is at an end. Judging by his past we have no doubt as to what he will do in the future. For Japan to ignore the general sentiment of the Chinese people and support Yuan Shi-kai, with the hope that we can settle with him the Chinese question, is a blunder, indeed. Therefore in order to secure the permanent peace of the Far East, instead of supporting a Chinese Government which can neither be long continued in power nor assist in the attainment of our object, we should rather support the 400,000,000 Chinese people to reconstruct their corrupt Government, to change its present form, to maintain peace and order in the land, and to usher into China a new era of prosperity, so that China and Japan may in fact, as well as in name, be brought into the most intimate and vital relations with each other. China's era of prosperity is based on the China-Japanese alliance, and this alliance is the foundational power for the repelling of the foreign aggression that is to be directed against the Far East at the conclusion of the European war. This alliance is also the foundation stone of the peace of the world. Japan, therefore, should take this as the last warning and immediately solve this question. Since the Imperial Japanese Government has considered it imperative to support the Chinese people, we should induce the Chinese revolutionists, the imperialists, and other Chinese malcontents to create trouble all over China. The whole country will be thrown into disorder and Yuan's Government will consequently be overthrown. We shall then select a man from amongst the most influential and most noted of the 400,000,000 of Chinese and help him to organize a new form of government and to consolidate the whole country. In the meantime our army must assist in the restoration of peace and order in the country, and in the protection of the lives and properties of the people, so that they may gladly tender their allegiance to the new Government which will then naturally confide in and rely upon Japan. It is after the accomplishment of only these things that we shall without difficulty gain our object by the conclusion of a defensive alliance with China.

For us to incite the Chinese revolutionists and malcontents to rise in China we consider the present to be the most opportune moment. The reason why these men can not now carry on an active campaign is because they are insufficiently provided with funds. If the Imperial Government can take advantage of this fact to make them a loan and instruct them to rise simultaneously, great commotion and disorder will surely prevail all over China. We can intervene and easily adjust matters.

The progress of the European war warns Japan with greater urgency of the imperative necessity of solving this most vital of questions. The Imperial Government can not be considered as embarking on a rash project. This opportunity will not repeat itself for our benefit. We must avail ourselves of this chance and under no circumstances hesitate. Why should we wait for the spontaneous uprising of the revolutionists and malcontents? Why should we not throw out and lay down a plan beforehand? When we examine into the form of government in China, we must ask whether the existing Republic is well suited to the national temperament and well adapted to the thoughts and aspirations of the Chinese people.

From the time the Republic of China was established up to the present moment, if what it has passed through is to be compared to what it ought to be in the matter of administration and unification, we find disappointment everywhere. Even the revolutionists themselves, the very ones who first advocated the republican form of government, acknowledge that they have made a mistake. The retention of the republican form of government in China will be a great future obstacle in the way of a Chino-Japanese alliance. And why must it be so? Because in a republic the fundamental principles of government, as well as the social and moral aims of the people, are distinctly different from that of a constitutional monarchy. Their laws and administration also conflict. If Japan act as a guide to China and China models herself after Japan, it will only then be possible for the two nations to solve by mutual effort the Far East question without differences and disagreements. Therefore, to start from the foundation for the purpose of reconstructing the Chinese Government, of establishing a Chino-Japanese alliance, of maintaining the permanent peace of the Far East, and of realizing the consummation of Japan's imperial policy, we must take advantage of the present opportunity to alter China's republican form of government into a constitutional monarchy, which shall necessarily be identical in all its details to the constitutional monarchy of Japan, and to no other. This is really the key and first principle to be firmly held for the actual reconstruction of the form of

government in China. If China changes her republican form of government to that of a constitutional monarchy, shall we, in the selection of a new ruler, restore the Emperor Hsuan T'ung to his throne or choose the most capable man from the monarchists or select the most worthy member from among the revolutionists? We think, however, that it is advisable at present to leave this question to the exigency of the future when the matter is brought up for decision. But we must not lose sight of the fact that to actually put into execution this policy of a Chino-Japanese alliance and the transformation of the Republic of China into a constitutional monarchy is in reality the fundamental principle to be adopted for the reconstruction of China.

We shall now consider the bearing of this defensive alliance on the other powers. Needless to say, Japan and China will in no way impair the rights and interests already acquired by the powers. At this moment it is of paramount importance for Japan to come to a special understanding with Russia to define our respective spheres in Manchuria and Mongolia, so that the two countries may cooperate with each other in the future. This means that Japan, after the acquisition of sovereign rights in south Manchuria and inner Mongolia, will work together with Russia after her acquisition of sovereign rights in north Manchuria and outer Mongolia to maintain the status quo and endeavor by every effort to protect the peace of the Far East. Russia since the outbreak of the European war has not only laid aside all ill feeling against Japan, but has adopted the same attitude as her allies and shown warm friendship for us. No matter how we regard the Manchurian and Mongolian questions in the future, she is anxious that we find some way of settlement. Therefore, we need not doubt but that Russia in her attitude toward this Chinese question will be able to come to an understanding with us for mutual cooperation.

The British sphere of influence and interest in China is centered in Tibet and the Yangtsze Valley. Therefore, if Japan can come to some satisfactory arrangement with China in regard to Tibet, and also give certain privileges to Great Britain in the Yangtsze Valley, with an assurance to protect those privileges, no matter how powerful Great Britain might be, she will surely not oppose Japan's policy in regard to this Chinese question. While this present European war is going on Great Britain has never asked Japan to render her assistance. That her strength will certainly not enable her to oppose us in the future need not be doubted in the least.

Since Great Britain and Russia will not oppose Japan's policy toward China it can readily be seen what attitude France will adopt in regard to the subject. What Japan must now somewhat reckon with is America. But America in her attitude toward us regarding our policy toward China has already declared the principle of maintaining China's territorial integrity and equal opportunity and will be satisfied, if we do not impair America's already acquired rights and privileges. We think America will also have no cause for complaint. Nevertheless, America has in the East a naval force which can be fairly relied upon, though not sufficiently strong to be feared. Therefore in Japan's attitude toward America there is nothing really for us to be afraid of.

Since China's condition is such on the one hand and the powers' relation toward China is such on the other hand, Japan should avail herself by the meantime of the European war to definitely decide upon a policy toward China, the most important move being the transformation of the Chinese Government to be followed up by preparing for the conclusion of the defensive alliance. The precipitate action on the part of our present cabinet in acceding to the request of Great Britain to declare war against Germany without having definitely settled our policy toward China has no real connection with our future negotiations with China or affect the political condition in the Far East. Consequently all intelligent Japanese, of every walk of life throughout the land, are very deeply concerned about the matter.

Our Imperial Government should now definitely change our dependent foreign policy which is being directed by others into an independent foreign policy which shall direct others, proclaiming the same with solemn sincerity to the world and carrying it out with determination. If we do so, even the gods and spirits will give way. These are important points in our policy toward China, and the result depends on how we carry them out. Can our authorities firmly make up their mind to solve this Chinese question by the actual carrying out of this fundamental principle? If they show irresolution while we have this heaven-conferred chance and merely depend on the good will of the other powers, we shall eventually have greater pressure to be brought against the Far East after the European war is over, when the present equilibrium will be destroyed. That day will then be too late for us to repent of our folly. We are therefore impelled by force of circumstances to urge our authorities to a quicker sense of the situation and to come to a determination.

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[Second document.]

JAPAN'S ORIGINAL 21 DEMANDS.

Translations of documents handed to the President, Yuan-shih-kai, by Mr. Hioki, the Japanese minister, on January 18, 1915:

GROUP I.

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations agree to the following:

ARTICLE 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

ART. 2. The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext.

ART. 3. The Chinese Government consents to Japan's building a railway from Chefoo or Lungchow to join the Kiaochow-Tsinanfu Railway.

ART. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places shall be opened are to be jointly decided upon in a separate agreement.

GROUP II.

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in south Manchuria and eastern inner Mongolia, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

ART. 2. Japanese subjects in south Manchuria and eastern inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

ART. 3. Japanese subjects shall be free to reside and travel in south Manchuria and eastern inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

ART. 4. The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in south Manchuria and eastern inner Mongolia. As regards what mines are to be opened they shall be decided upon jointly.

ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned herein below the Japanese Government's consent shall be first obtained before action is taken:

(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in south Manchuria and eastern inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of south Manchuria and eastern inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in south Manchuria or eastern inner Mongolia, the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

GROUP III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co. have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations, and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company, nor cause the said company to dispose freely of the same.

ART. 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.

GROUP IV.

The Japanese Government and the Chinese Government, with the object of effectively preserving the territorial integrity of China, agree to the following special articles:

The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

GROUP V.

ARTICLE 1. The Chinese Central Government shall employ influential Japanese advisers in political, financial, and military affairs.

ART. 2. Japanese hospitals, churches, and schools in the interior of China shall be granted the right of owning land.

ART. 3. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle cases which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese, or that the police departments in these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

ART. 4. China shall purchase from Japan a fixed amount of munitions of war (say, 50 per cent or more) of what is needed by the Chinese Government, or that there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

ART. 5. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hanchow, and another between Nanchang and Chaochou.

ART. 6. If China needs foreign capital to work mines, build railways, and construct harbor works (including dockyards) in the Provinces of Fukien, Japan shall be first consulted.

ART. 7. China agrees that Japanese subjects shall have the right of missionary propaganda in China. (Refers to preaching Buddhism.)

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[Third document.]

ARTICLE I.

The contracting powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II.

The contracting powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or individually or collectively, with any power or powers, which would infringe or impair the principles stated in Article I.

ARTICLE III.

With a view to applying more effectually the principles of the open door or equality of opportunity in China for the trade and industry

of all nations, the contracting powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

(a) Any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region in China;

(b) Any such monopoly or preference as would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking, or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this article in dealing with applications for economic rights and privileges from governments and nationals of all foreign countries, whether parties to the present treaty or not.

ARTICLE IV.

The contracting powers agree not to support any agreements by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V.

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

The contracting powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement, or otherwise.

ARTICLE VI.

The contracting powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party, and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII.

The contracting powers agree that whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned.

ARTICLE VIII.

Powers not signatory to the present treaty which have governments recognized by the signatory powers and which have treaty relations with China shall be invited to adhere to the present treaty. To this end the Government of the United States will make the necessary communications to nonsignatory powers and will inform the contracting powers of the replies received. Adherence by any power shall become effective on receipt of notice thereof by the Government of the United States.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment. If no amendment be proposed, the resolution of ratification will be read.

The reading clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P, sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to principles and policies to be followed in matters concerning China, concluded at Washington, February 6, 1922.

The VICE PRESIDENT. Without objection, the question will be taken on agreeing to the resolution of ratification. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. LODGE (when Mr. BRANDEGEE's name was called). The Senator from Connecticut is absent on account of illness. If present, he would vote "yea."

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. McKINLEY]. I am informed that he would vote as I shall vote, and I shall therefore vote. I vote "yea."

I desire to announce that my colleague [Mr. ROBINSON] is absent on official business. If present, he would vote "yea."

Mr. ELKINS (when his name was called). I have a pair with the Senator from Mississippi [Mr. HARRISON]. I understand that if present he would vote as I shall vote on this question. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. McKELLAR]. I have been assured that on this question he would vote as in favor of the treaty. I therefore vote. I vote "yea."

Mr. UNDERWOOD (when Mr. POMERENE's name was called). At the request of the senior Senator from Ohio [Mr. POMERENE], I desire to announce that he is absent on official business, and that if he were present he would vote in favor of the ratification of this treaty.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I understand that if he were present he would vote as I intend to do, and I therefore vote. I vote "yea."

Mr. STERLING (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I understand that that Senator, if present, would vote as I intend to vote. I am therefore at liberty to vote, and I vote "yea."

Mr. WILLIAMS (when his name was called). The Senator from Indiana [Mr. WATSON], with whom I have a general pair, is unavoidably absent; but I understand that if he were present he would vote "yea." I am therefore at liberty to vote, and I record my vote in the affirmative.

The roll call was concluded.

Mr. CURTIS. I desire to announce that the senior Senator from Pennsylvania [Mr. CROW], the junior Senator from Pennsylvania [Mr. PEPPER], the Senator from Delaware [Mr. DU PONT], the Senator from New Jersey [Mr. EDGE], the Senator from Minnesota [Mr. KELLOGG], the Senator from Michigan [Mr. NEWBERRY], the Senator from Idaho [Mr. GOODING], and the Senator from Indiana [Mr. WATSON] are necessarily absent and if present would vote "yea."

I also desire to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Oklahoma [Mr. HARRELD], the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. McKINLEY], the Senator from South Dakota [Mr. NORBECK], and the Senator from Colorado [Mr. NICHOLSON] are absent on business of the Senate, and if present would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. JONES], the Senator from Wyoming [Mr. KENDRICK], the Senator from Tennessee [Mr. McKELLAR], the Senator from Oklahoma [Mr. OWEN], the Senator from Kentucky [Mr. STANLEY], the Senator from Mississippi [Mr. HARRISON], and the Senator from Arizona [Mr. ASHURST] are absent on official business. If present, they would all vote "yea."

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I understand that if present he would vote as I am about to vote, and therefore I vote "yea."

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is absent on business of the Senate. If present, he would vote "yea."

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is absent on official business. If present, he would vote "yea."

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent. If present, he would vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent, but I understand that if present he would vote as I have voted, and therefore I allow my vote to stand.

The roll call resulted—yeas 66, nays 0, as follows:

YEAS—66.

Ashurst	Fletcher	Moses	Stanfield
Ball	France	Myers	Sterling
Borah	Freilinghuysen	Nelson	Sutherland
Broussard	Gerry	New	Swanson
Bursum	Hale	Oddie	Townsend
Calder	Harris	Overman	Trammell
Cameron	Hitchcock	Page	Underwood
Capper	Johnson	Phipps	Wadsworth
Caraway	Jones, Wash.	Pittman	Walsh, Mass.
Colt	King	Poindexter	Walsh, Mont.
Cummins	La Follette	Rawson	Warren
Curtis	Lenroot	Sheppard	Watson, Ga.
Dial	Lodge	Shields	Weller
Dillingham	McCormick	Shortridge	Willis
Elkins	McCumber	Simmons	Willis
Ernst	McLean	Smoot	
Fernald	McNary	Spencer	

NOT VOTING—30.

Brandegee	Harrison	McKinley	Ransdell
Crow	Heflin	Newberry	Reed
Culberson	Jones, N. Mex.	Nicholson	Robinson
du Pont	Kellogg	Norbeck	Smith
Edge	Kendrick	Norris	Stanley
Glass	Keyes	Owen	Watson, Ind.
Gooding	Ladd	Pepper	
Harreld	McKellar	Pomerene	

The VICE PRESIDENT. On this question the yeas are 66, and there are no votes in the negative. Two-thirds of the Senators present having voted in favor of the resolution of ratification, it is agreed to, and the Senate advises and consents to the treaty.

CHINESE CUSTOMS TARIFF TREATY.

Mr. LODGE. I now call up the last treaty, and ask that it be read.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider Executive Q, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, relating to the Chinese customs tariff, concluded at Washington, February 6, 1922, which was read as follows:

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal:

With a view to increasing the revenues of the Chinese Government, have resolved to conclude a treaty relating to the revision of the Chinese customs tariff and cognate matters, and to that end have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the Belgians: Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And—

For the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories;

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China: Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London; Mr. Chung-Hui Wang, former Minister of Justice;

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of the Netherlands: Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary; Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington.

The President of the Portuguese Republic: Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. Ernesto Julio de Carvalho e Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

The representatives of the Contracting Powers having adopted on the 4th day of February, 1922, in the city of Washington, a resolution, which is appended as an annex to this article, with respect to the revision of Chinese customs duties, for the purpose of making such duties equivalent to an effective 5 per cent ad valorem, in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible, but not earlier than two months after publication thereof.

ANNEX.

With a view to providing additional revenue to meet the needs of the Chinese Government, the powers represented at this conference, namely, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, agree:

That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

A revision commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

This commission shall be composed of representatives of the powers above named and of representatives of any additional powers having governments at present recognized by the powers represented at this conference, and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent ad valorem and who desire to participate therein.

The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern Questions.

The revised tariff shall become effective as soon as possible, but not earlier than two months after its publication by the revision commission.

The Government of the United States, as convener of the present conference, is requested forthwith to communicate the terms of this resolution to the Governments of powers not represented at this conference but who participated in the revision of 1918 aforesaid.

ARTICLE II.

Immediate steps shall be taken, through a special conference, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the treaty of September 5, 1902, between Great Britain and China; in Articles IV and V of the treaty of October 8, 1903, between the United States and China; and in Article I of the supplementary treaty of October 8, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

The special conference shall be composed of representatives of the signatory powers, and of such other powers as may desire to participate and may adhere to the present treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present treaty, on a day and at a place to be designated by the Chinese Government.

ARTICLE III.

The special conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

The surtax shall be at a uniform rate of 2½ per cent ad valorem, provided, that in case of certain articles of luxury which, in the opinion of the special conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased but may not exceed 5 per cent ad valorem.

ARTICLE IV.

Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to insure that the customs duties shall correspond to the ad valorem rates fixed by the special conference provided for in Article II.

Following this further revision there shall be, for the same purpose, periodical revision of the customs schedule of duties on imports into China every seven years, in lieu of the decennial revision authorized by existing treaties with China.

In order to prevent delay, any revision made in pursuance of this article shall be effected in accordance with rules to be prescribed by the special conference provided for in Article II.

ARTICLE V.

In all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all the contracting powers.

ARTICLE VI.

The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized. The special conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present treaty, shall be levied at a uniform rate ad valorem at all land and maritime frontiers of China.

ARTICLE VII.

The charge for transit passes shall be at the rate of 2½ per cent ad valorem until the arrangements provided for by Article II come into force.

ARTICLE VIII.

Powers not signatory to the present treaty whose Governments are at present recognized by the signatory powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per cent ad valorem, shall be invited to adhere to the present treaty.

The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the contracting powers of the replies received. Adherence by any power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX.

The provisions of the present treaty shall override all stipulations of treaties between China and the respective contracting powers which are inconsistent therewith, other than stipulations according most favored nation treatment.

ARTICLE X.

The present treaty shall be ratified by the contracting powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other contracting powers a certified copy of the procès-verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other contracting powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

CHARLES EVANS HUGHES [L. S.]
HENRY CABOT LODGE [L. S.]
OSCAR W. UNDERWOOD [L. S.]
ELIHU ROOT [L. S.]
BARON DE CARTIER DE MARCHIENNE [L. S.]
[L. S.] ARTHUR JAMES BALFOUR
[L. S.] LEE OF FAREHAM
[L. S.] A. C. GEDDES
[L. S.] R. L. BORDEN
[L. S.] G. F. PEARCE
[L. S.] JOHN W. SALMOND
[L. S.] ARTHUR JAMES BALFOUR
[L. S.] V. S. SRINIVASA SASTRI
SAO-KE ALFRED SZE [L. S.]
V. K. WELLINGTON KOO [L. S.]
CHUNG-HUI WANG [L. S.]
A. SARRAUT [L. S.]
JUSSERAND [L. S.]
CARLO SCHANZER [L. S.]
V. ROLANDI RICCI [L. S.]
LUIGI ALBERTINI [L. S.]
[L. S.] T. KATO
[L. S.] K. SHIDEHARA
[L. S.] M. HANIHARA
[L. S.] BELLAERTS VAN BLOKLAND
[L. S.] W. DE BEAUFORT
[L. S.] ALTE
[L. S.] ERNESTO DE VASCONCELLOS

Mr. KING. Mr. President, may I inquire of the Senator from Massachusetts [Mr. LODGE] whether any explanation of this treaty will be made?

Mr. LODGE. I did not hear the Senator's question.

Mr. KING. I inquire whether it is the purpose of the Senator from Massachusetts or the Senator from Alabama [Mr. UNDERWOOD] to make any explanation of the pending treaty?

Mr. LODGE. If any explanation is required, the Senator from Alabama, to whose skill and ability we owe this treaty, is the person to make it.

Mr. KING. If I may have read at the desk a resolution explanatory of my views, I shall be glad then to hear from the Senator from Alabama, and if the treaty is in conformity with what I conceive to be the traditional policy of the United States and our proper obligation to China, I shall be glad to support it. May I have the following resolution read?

The VICE PRESIDENT. The Secretary will read the resolution as requested.

The reading clerk read Senate Resolution 209, submitted by Mr. KING January 16, 1922, as follows:

Whereas it has been the traditional policy of the United States to refrain from interfering with the domestic policy and internal affairs of other nations, and from attempting to direct or to control the exercise of their sovereign national rights; and

Whereas China has for centuries been an independent nation, governing its territories and people, and promoting the peace of the State and the welfare of the people, according to Chinese customs and institutions; and

Whereas it is the sovereign right of every nation to determine its own domestic policy and to conduct its internal affairs, including the laying and collection of taxes, in its own way and according to the national will; and

Whereas at the Conference for the Limitation of Armament, now in session, certain powers, including the United States, have under consideration the adoption of a program which would control the Chinese finances and taxes, and would otherwise abridge the political and fiscal autonomy of China: Now therefore be it

Resolved, That it is the sense of the Senate of the United States that the traditional policy of the United States to refrain from interference with the internal affairs of other nations be adhered to, at this time, in all dealings and relations between the United States and China;

Resolved further, That the Senate hereby expresses its disapproval of any policy or program which seeks to abridge the political independence or to restrict the administrative or financial autonomy of China, or which seeks in any manner to limit Chinese national authority with regard to the enactment of such laws or measures as China may deem necessary to the national welfare, provided, of course, that such laws or measures be consistent with international law;

Resolved further, That any attempt to require China, by treaty or otherwise, to fix the tariff duties which she may be permitted to lay and collect upon imports, or to control the internal taxation of China, is in contravention of the settled policy of the United States, and an unwarranted interference with the independent powers and sovereign rights of the Chinese Government, and is in violation of international law, and that international comity which should exist between free and independent States.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Utah that I shall be glad to discuss this question in a moment very briefly and to answer any question that he may desire to ask. I would like to have the articles agreed to first and then discuss them as they stand. I ask unanimous consent that the second reading of the articles may be dispensed with, as they have all just been read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. I ask for their adoption down to the resolution of ratification.

The VICE PRESIDENT. The question is on agreeing to the articles of the treaty.

The articles were agreed to.

The VICE PRESIDENT. The treaty is as in Committee of the Whole and open to amendment. If there are no amendments to be proposed as in Committee of the Whole the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment. If there are no amendments to be proposed in the Senate, and without objection, the resolution of ratification will be read and considered.

The resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q, Sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to the Chinese customs tariff concluded at Washington February 6, 1922.

Mr. UNDERWOOD. Mr. President, I realize that if there is a sovereign power that exists in a government which is necessary to the life of a government it is the power to raise revenue to support the government, because no government can exist without that power. I recognize fully that the right to control customs revenues in a government is a part of its sovereign power. So the question of the Senator from Utah as to whether the treaty invades the sovereign power of China is a pertinent one. On its face and without explanation I think it might be regarded that the treaty did invade that sovereign

power, but we have to understand the history of this case to some extent in order to understand the necessity for the treaty.

Because nations possess sovereign powers, and sometimes sovereign powers that are vital to the life of the nation, it does not at all mean that they do not sometimes yield a part of those sovereign powers and make concessions of their sovereign powers for their own good and the good of the world. We have done so in some of the treaties we have ratified within the last week. All nations do so. We have made a treaty yielding our sovereign right to control the waters of the St. Lawrence River in order to preserve Niagara. It is a matter of very small moment, and yet we have yielded our sovereign control over the waters of that river. There are many other instances where sovereignty is yielded.

Of course, I realize the power of taxation is a very vital part of sovereignty, but this situation has grown up. It is a condition where we are acting for the benefit of China. I think it was in 1853 that the so-called opium war took place. I shall not go into all the details, but during the progress of the war the American, British, and French consuls took possession of some of the ports of China and administered the customs revenues. There was great confusion in the administration of the customs revenues, and afterwards China yielded to Great Britain a concession that she would not charge on imports coming into the territory of China more than 5 per cent ad valorem. Two years later she made the same concession to the United States——

Mr. WILLIAMS. To France.

Mr. UNDERWOOD. I thought it was the United States second and France third. The Senator from Mississippi may be right. At any rate, in two or three years concessions were made to the United States and France, and then to the other nations, including the eight nations which signed the pending treaty contract, and in addition to those were Spain and Sweden. Those treaties ran along for a number of years and were renewed from time to time until we came down to this question.

Before going into the treaties I wish to answer the question of the Senator from Utah. When the conference met on far eastern questions we found that there were 10 nations in the world with whom China had made treaty contracts surrendering that portion of her sovereignty, and by those contracts had agreed not to charge more than 5 per cent ad valorem or equivalent duties in specific rates against the goods of those countries crossing the Chinese border. That may seem very remarkable. I am not justifying those treaties. They happened long before our time. I wish the Senate to remember that such treaties have not only been made with China, but some years ago, and not so many years ago, under the McKinley tariff, this Government of ours made certain reciprocity treaties with other countries by which we agreed that we would only charge certain tariff rates against certain countries, and in fact under present laws we have made certain concessions in tariff rates, not probably as far as this tariff rate goes, but along the same line. So our own Government from time to time has made concessions to other governments limiting the amount of tariff duties which we would charge.

Mr. HITCHCOCK. Mr. President, can the Senator from Alabama see no distinction between the condition of China, though, and the condition of an independent and powerful country like the United States, which may make a reciprocal bargain with another country and for the reciprocal good of the two countries agree with the other upon tariff rates? Here is the case of a tariff being forced upon China from which China gets no compensating benefit, various countries simply uniting and compelling China to accept an utterly inadequate tariff.

Mr. UNDERWOOD. I will say to the Senator from Nebraska that there is no difference in principle; but I see the point that the Senator makes. Of course, there is no difference between the United States making the concession of a lower tariff or lowering our tariff walls to a South American Republic, as we have done under reciprocal treaties, and the agreement which China makes in this instance. I understand what the Senator means is that he thinks China was forced into this agreement; but I want to assure him that that is far from being the fact. Not one syllable of this treaty was written until China first consented and asked that it be done.

Mr. WILLIAMS. It was framed on China's initiative, was it not?

Mr. UNDERWOOD. Yes.

Mr. KING. Will the Senator yield to me?

Mr. UNDERWOOD. Yes; I yield.

Mr. KING. I apologize for interrupting the Senator.

I take the Senator's word as to the attitude of the delegates representing the Peking Government, but the Senator certainly must know that there has been profound disappointment expressed by the Chinese people over this treaty; and that the Cantonese government and its representatives—call them revolutionary or not; I express no opinion in regard to that—have denounced this treaty as being hostile to the best interests of China and as having been imposed upon her by a group of nations which are seeking her economic, if not her political, destruction.

Mr. UNDERWOOD. I am not responsible for what "hot-air artists" may contend, either in China or elsewhere, I know that some of the leading men in the Cantonese government approve of this treaty. They may not have so announced publicly, but I know it otherwise.

More than that, I know that in every country there is an organization party which supports the government, and there is also an opposition party; and the opposition criticizes anything which the government does. I know that this treaty was not only made at the request of China—I know it because I prepared the treaty, and I spent four weeks in consultation about it—but I know that it met with the approval of the Chinese Government before it ever was reported to the plenary session of the conference.

Mr. KING. Will the Senator yield to me?

Mr. UNDERWOOD. I will.

Mr. KING. The Senator from Alabama may denominate the persons in China who are opposed to the Peking military régime as "hot-air artists"; he may make any criticism he pleases of them; but I venture to state to the Senator that he will discover that the mass of the Chinese people will resent this treaty, and he will find that instead of those persons in China who are opposed to this treaty being "hot-air artists" they constitute a formidable part of the Chinese people.

Mr. UNDERWOOD. I think the Senator is entirely wrong.

Mr. KING. Time will tell.

Mr. UNDERWOOD. The Senator from Utah is entirely wrong, because he does not understand the facts. If the Senator really understood this issue, he would not be wrong about it; but he does not understand China's position.

I want to call the attention of the Senator from Utah to the real situation. I do not believe the Senator from Utah is a member of the Foreign Relations Committee, but the Senator from Nebraska [Mr. HITCHCOCK] is, and therefore he will know what I shall say is correct. Before I come to this particular treaty, however, I wish for a moment to review the history of the matter. Under the original treaty with China, starting in 1853, and coming on down China had agreed to charge a duty of 5 per cent ad valorem on goods coming into China, or specific rates equal to that.

Mr. WILLIAMS. Not less?

Mr. UNDERWOOD. Not more than 5 per cent. The treaties on that subject were renewed from time to time, but for convenience the 5 per cent ad valorem was converted into a specific duty in all instances. For instance, if a suit of clothes worth $10 was imported into China, a 5 per cent ad valorem rate would be 50 cents; but, instead of leaving the duty at 5 per cent ad valorem, to vary with the cost of the clothes, by treaty agreement the ad valorem rates were converted into specific rates, and it was provided that the duty on a suit of clothes should be not 5 per cent but 50 cents. Of course, I am speaking only figuratively, because that was not the actual rate of duty. As time went by the value of goods went up, so that instead of a suit of clothes being worth $10, say, it increased to $15. Then the duty charge of 50 cents did not represent a 5 per cent ad valorem basis, but much less—about 3⅓ per cent. China then asked of the nations that they carry out their treaty with her by making her 5 per cent duty effective; that is, to give her 5 per cent really on the true value of the goods. So the nations agreed to the request, and the rate was changed from time to time. No longer ago than the 26th day of May, 1921, the Senate of the United States ratified a treaty with China which attempted to make that 5 per cent rate effective. That treaty was reported by the Foreign Relations Committee and ratified by the Senate, as I have stated, on the 26th day of May, 1921, approved by the President on October 30, 1921, and finally proclaimed on the 7th day of November, 1921, a few days before the meeting of the Washington conference. That was the most recent attempt by the United States by treaty to make the 5 per cent ad valorem rate effective.

When China came to the conference she said that the 5 per cent duty which, not the conference, not myself, but which the Senate of the United States on the 26th of last May made for her, did not afford sufficient revenue to enable her to run her Government.

Mr. LODGE. Mr. President, may I interrupt the Senator for a moment?

Mr. UNDERWOOD. Certainly.

Mr. LODGE. I merely wish to call the attention of the Senator and of the Senate to the fact that our present existing customs treaty with China was signed at Washington in October, 1920, having been negotiated by Bainbridge Colby and Mr. Wellington Koo, representing China. That treaty was not ratified and did not go into effect until the dates stated by the Senator from Alabama.

Mr. HITCHCOCK. Mr. President, I wish to say that I very well recall when that treaty was before the Committee on Foreign Relations, and I should most certainly have opposed it and made the best fight I could against it had it not been for the fact that it did slightly better the condition of China.

Mr. LODGE. It certainly did.

Mr. HITCHCOCK. I thought then and I said then and I think now that it is a perfect outrage for the great nations of the world, while pretending to recognize the independence of China, to dictate to her as to what her revenues shall be and what tariffs she shall levy.

Mr. LODGE. I agree with the Senator in principle entirely as to that, but we have to look at the other side of the picture. Suppose we should not ratify this treaty. In that event China will be bound hand and foot by the old treaty. The pending treaty gives her a very substantial increase in her revenues. If we defeat it, she must continue with the old duties. So far as it being American policy is concerned, I merely mention the fact that we have had customs treaties with China since 1853.

Mr. HITCHCOCK. I really think, if the Senator from Alabama will permit me, that we commit a most egregious act of insincerity when in the first article of the treaty just ratified we say—

(1) The contracting powers, other than China, agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China—

And then combine to impose this outrage upon her. I think that is hypocrisy ingrafted onto a treaty. I think if we were going to do that thing we ought to say that we propose to deprive China of that much of her independence and that much of her sovereignty and dictate to her a 5 per cent tariff. I can not view it as anything else than an outrage committed by powerful nations in combination, and it is all the more egregious when we take into account that China, as we all know, is suffering because her national Government can not raise even enough revenue to pay Japan $15,000,000 or $20,000,000 cash to buy the Shantung Railroad, and that railroad has got to remain part in the control of Japan on that account.

Mr. UNDERWOOD. I think the Senator is mistaken about that. My information as to the Shantung Railroad is that they could raise the cash, although not through the Government but by the people. They do not expect to raise it by the Government.

To come back to this treaty, if the Senator will examine on the record my statement, when I reported the treaty to the committee, on far eastern questions and my statement at the plenary session of the conference, he will note that I called attention there to this very thought and said I hoped the day was not far distant when complete autonomy could be given to China in the control of her tariff rates. I wish to say that, so far as I am concerned, I should be glad to have that done now, but China does not want it now; it would be most inconvenient to China to have it conceded now. I say, however, that it does not lie in the mouth of the Senate of the United States to criticise the work of a commissioner of the President in trying to raise the tariff duties which China could levy when within the year the Senate of the United States has ratified an independent treaty with China confining her tariff rates to 5 per cent effective.

Mr. WALSH of Montana. I rise, Mr. President, to inquire of the Senator what nations there are which insist upon imposing these restrictions upon China? I assumed that the American delegates and the American public had every desire to free China from every restriction in relation to her revenues; I assumed that the American delegates did everything they could to attain that end.

Mr. UNDERWOOD. The Senator is entirely right.

Mr. WALSH of Montana. But they could not get everything they wanted for China by reason of the opposition of some other countries which wanted to keep her tied down. So I rose to inquire what other countries there are which want to keep China restricted. But now I learn from the Senator, if I understood him right, that in the judgment of the American delegates they continued to keep China tied down for her own good.

Mr. UNDERWOOD. Oh, no; not the American delegates. The Senator is wrong about that; but he is entirely right about the proposition in general. I represented the American delegation in writing this treaty, and I stated repeatedly what the Senator says.

I did not agree to one word in this treaty until China's representatives agreed to it first. More than that, I stated what Senators on this floor do not seem to be willing to concede, and that is that this is a sovereign right and it is in regard to a trade contract, and that China has the right this hour or this day, if she wants to, to denounce the existing contracts and this contract, and to renew her entire autonomy with reference to writing these tariff rates. I stated that on the floor of the far eastern committee without contradiction; so that when Senators are trying to make it appear here that this is in opposition to the interests of China they are overlooking entirely the fact that this is not one of those treaties that once made can not be revoked. We did it. We made certain concessions in the reciprocity treaties under the McKinley bill to certain Republics in South America and probably some others—I do not recall all, but certainly to the South American Republics—conceding them lower rates of tariff under certain conditions; and then, without rhyme or reason or asking consent, the Government of the United States passed the Dingley bill and revoked every one of those concessions without saying "By your leave" or anything else. It has been repeatedly done, and it can be done in this instance.

The Senator from Massachusetts was in his seat in the committee when I made that announcement in reference to this very matter, and it did not bring about a dispute. It was not denied, and, more than that, it was conceded by some of the ablest delegates there; so that all of this idea that some wrong is being done China by this treaty is a mere imagery. It does not exist. China wants to keep these treaties. She has the right to denounce them. That is a right recognized in international law. There are certain classes of treaties that can not be denounced. The Senate itself passed here, at the instance of the senior Senator from Washington [Mr. JONES], a joint resolution denouncing a lot of trade contracts in reference to the shipping of this country, and the former President of the United States signed the joint resolution. There was nothing unusual in this. China can denounce these treaties if she wants to, but she does not want to. What China does want in this matter is to get more money, and I, representing the American delegation on that subcommittee, tried to arrange this treaty so as to conform as nearly to her desires as I could.

Of course, I met with some objections. One of the greatest difficulties that I had in arranging this treaty grew out of the fact that notwithstanding the fact that we had a favored-nation treaty with China, she had a number of years ago conceded to Russia first a reduction of duties of one-third for goods crossing the Russian border and then, when France demanded the same right in Indo-China, she made the same concession there, and England demanded it at Hongkong, and she made it there, with the result that although for years we had had a favored-nation-clause treaty with China, and so did some of the other countries, because these demands had been made upon her she had made the concession. I admit that when it was originally made it did not seriously affect us, because the class of goods coming in from Russia were not in competition with the class of goods coming from America, and the rate existing then was only about 3½ per cent, because the 5 per cent was not effective, and a third of it was only about 1 per cent; but if these rates of duty are going to be increased to 12½ per cent, then one-third would be $4 on the hundred, and it would have been a very serious discrimination against the United States if it had been maintained.

I do not care to discuss the difficulties with other countries, because that is not necessary and it is not a wise thing to do; but there were some grave difficulties in securing the concession in this treaty that lets our goods and the goods of all other nations go into China on the same basis, whether by land or by sea.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. UNDERWOOD. Yes; I yield.

Mr. WATSON of Georgia. I will ask the Senator from Alabama if it is not true that in each instance which he has mentioned China yielded to force, and is she not yielding to force now?

Mr. UNDERWOOD. No; she is not. I can say that of my own knowledge. She did yield to force in the beginning about this, in all probability, but she is not yielding to force now, and I know it because I will tell the Senator from Georgia

that at one time in these negotiations I thought they were about to fail, and I told the representative on the committee from China—I was chairman of the committee—that I was ready to report the matter back to the full committee and say that we could go no further, we would have to fail of action; and he earnestly urged me, on behalf of his Government, to do all I could to put this treaty through as we have it.

Mr. PITTMAN. Mr. President——

Mr. UNDERWOOD. I yield.

Mr. PITTMAN. This treaty is better than those they had, and this was the best that you could get, and they knew it.

Mr. UNDERWOOD. To be sure; but there are other reasons why they want this treaty now, and I hope the Senator will not ask me to express them on the floor. There are other good reasons why China prefers to have this treaty now. She could denounce the treaty if she wanted to.

Mr. PITTMAN. Mr. President, I intend to vote for this treaty, and that is one of the two reasons why I propose to do so. The other reason is that both the Senator from Alabama and the Senator from Massachusetts have expressed the same view of the principles involved in this matter that is held by all of us.

Mr. UNDERWOOD. To be sure.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. I yield.

Mr. KING. If I understand the Senator, the situation in brief is this: China was bound by half a dozen chains. This releases one chain, but still leaves her bound by five chains.

Mr. UNDERWOOD. No; it releases the whole situation as far as it goes. I will say to the Senator that the Chinese people are very slow ever to repudiate a contract or an obligation. They have the right to denounce a trade obligation. We have done it. Other nations have done it. China has the right to do it, but she is very slow to denounce any obligation that she has made. She much prefers to make a new obligation to carry out what is necessary for her conditions, and she preferred to enter into this new obligation, giving her greater revenue, improving the conditions of her tariff revenue, and not disturbing its present administration. That is the important thing to her right now—its present administration. Under its present administration all the revenues collected, even in the Provinces of Canton that are said to be in rebellion, go to Peking. The military mandarins in the Provinces do not get this revenue, as they take the internal revenue that comes out of the Provinces, that no longer goes to Peking and formerly went there. So the Government of China does not desire at this time to have this condition disturbed, although her representatives and delegates have repeatedly said that they hoped the day was not far distant when complete autonomy in the management of their own revenues might be in their hands, and in that statement I have repeatedly agreed with them. I agree with them now. They do not want it now.

Of course, as far as our Government is concerned, it is entirely within the power of our Government to ratify this treaty and allow China to get the increased revenue that she desires under it, and then, if we want to, to pass a separate resolution notifying China that we no longer hold her to this contract, and that she can charge our merchandise going into China as much as she pleases; but I do not think that would be the wise thing to do. We must be just to China, but we must also be just to ourselves. We have a very large trade in China, a developing trade; and if we want to be just to our own people, why should we say that we will tear down the wall and allow China—I do not think China would take advantage of it, if you want to ask my opinion about that; I think she would be fair—but why should we allow China to impose a limited rate on the imports coming from other countries into China and allow her to put an increased and a higher rate on the merchandise coming out of America? Is that what we want to do to protect American trade and American citizens and American rights? We have some rights in this matter; but I think the thing to do is to enter into this treaty that China wants us to ratify. It is the best that we can make.

Mr. OVERMAN. Mr. President, do I understand that we have ratified a treaty of this kind before?

Mr. UNDERWOOD. Within the year—the Senator from North Carolina ratified it—one that gave her only 5 per cent effective, and I am trying to give her 12 per cent. Here it is. It is on my desk if the Senator wants to see it—a treaty setting out the specific rates on each article.

Mr. HITCHCOCK. Mr. President, of course it is fair to say that the reason why that treaty was ratified without any objection was that it took the place of a treaty that was worse. It gave China some relief.

Mr. UNDERWOOD. Oh, to be sure; the Senator is right about that; but this treaty does the same thing. It gives China this much more relief.

Mr. HITCHCOCK. I do not want to be too critical of this particular item in the treaty, because I think there are some provisions in the treaty that are desirable; but I should like to ask the Senator, if he is at liberty to answer the question, what nation objected to relaxing that rule against China and giving China more latitude in fixing her tariff duties?

Mr. UNDERWOOD. Objections were made. I hope the Senator will not ask me that question. Those objections were made not so much in open session as they were in private conversation, because a representative at a session could merely say, "I refuse assent," and those who were dealing with him had to work it out. I think it is far better for international intercourse to assume that the objections were made, and not to attempt to place the responsibility here. I think it is better for our country, it is better for China, and I hope the Senator will not push the inquiry.

Mr. HITCHCOCK. I have not any desire to pry into any objectionable matter.

Mr. UNDERWOOD. Objections were made; but I want to say that the objections that were made were not to giving China entire autonomy in the control of her tariff, because she never asked it. Her delegates said they hoped it would be granted at some other date, and they would ask it, but in this convention they have never asked it, and we recognized that at this time it was not desirable for them to get it.

Mr. HITCHCOCK. Will the Senator permit me to put another question, in this form? Did the delegates in negotiating this treaty have before them the figures showing the average tariffs levied by the countries of the world?

Mr. UNDERWOOD. Oh, yes; all that was referred to.

Mr. HITCHCOCK. What reason was there for compelling China to adopt a tariff lower than the other countries?

Mr. UNDERWOOD. As I said, this was practically what China asked at this time. Of course, when you come to change tariff rates you very seriously affect commerce. The commerce of some of these countries in that section of the world was very much tied up in the Chinese trade. They said that if these rates were unduly increased suddenly it would produce a reaction on their home Governments, because, in hard and difficult times like this, it would likely destroy business enterprise in their countries, and that radical, sudden changes should not be made at this time.

Mr. HITCHCOCK. I think that was a very reasonable objection; but why, then, was it not proposed to create a commission composed of representatives of these interested powers, so that the tariff might be changed from time to time, in the contingencies, and it would have an elastic character?

Mr. UNDERWOOD. There is a commission provided for in this treaty, except that there is a limit on the rate. The rate is still limited, but the commission has been created. It will not be a very difficult proposition in the future. If China says she needs more tariff rates, this raises the limit, so to speak, and authorizes a commission to operate. The commission is provided for in this treaty.

Mr. HITCHCOCK. However, the commission is given no power to increase the maximum.

Mr. UNDERWOOD. Not to go in the first instance above 7½ per cent, and when the McKaye class of treaties is agreed to, not to go above 12½ per cent; but to that extent the commission can operate, and that has not been done before. This is a very much more liberal proposition, both in rate and in power, than the treaty which was ratified by the Senate last May; and, more than that, this treaty leads; it is on the way to complete autonomy for China in the control of their tariff rates, whereas the treaty which was ratified last spring by the Senate had nothing of that kind in it.

I want to say to the Senate that I would be glad, so far as I am concerned, to give China complete autonomy to-morrow in the control of her tariff rates. I want to see China as independent and as sovereign a nation as possible. I want to say to my colleagues here that I did my utmost to aid China in accomplishing what she wanted in reference to the tariff, and if this treaty were defeated it would not help China. It would throw her back on the treaty which was ratified last May, holding her down to 5 per cent effective, giving her no commission, and at the same time you would leave the discrimination on the Russian and the Indo-China border against the merchandise of your own country.

Mr. OVERMAN. What, if anything, have we to do with collecting the revenue?

Mr. UNDERWOOD. Certainly.

Mr. LODGE. I merely wish to call the attention of the Senator and of the Senate to the fact that our present existing customs treaty with China was signed at Washington in October, 1920, having been negotiated by Bainbridge Colby and Mr. Wellington Koo, representing China. That treaty was not ratified and did not go into effect until the dates stated by the Senator from Alabama.

Mr. HITCHCOCK. Mr. President, I wish to say that I very well recall when that treaty was before the Committee on Foreign Relations, and I should most certainly have opposed it and made the best fight I could against it had it not been for the fact that it did slightly better the condition of China.

Mr. LODGE. It certainly did.

Mr. HITCHCOCK. I thought then and I said then and I think now that it is a perfect outrage for the great nations of the world, while pretending to recognize the independence of China, to dictate to her as to what her revenues shall be and what tariffs she shall levy.

Mr. LODGE. I agree with the Senator in principle entirely as to that, but we have to look at the other side of the picture. Suppose we should not ratify this treaty. In that event China will be bound hand and foot by the old treaty. The pending treaty gives her a very substantial increase in her revenues. If we defeat it, she must continue with the old duties. So far as it being American policy is concerned, I merely mention the fact that we have had customs treaties with China since 1858.

Mr. HITCHCOCK. I really think, if the Senator from Alabama will permit me, that we commit a most egregious act of insincerity when in the first article of the treaty just ratified we say—

(1) The contracting powers, other than China, agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China—

And then combine to impose this outrage upon her. I think that is hypocrisy ingrafted onto a treaty. I think if we were going to do that thing we ought to say that we propose to deprive China of that much of her independence and that much of her sovereignty and dictate to her a 5 per cent tariff. I can not view it as anything else than an outrage committed by powerful nations in combination, and it is all the more egregious when we take into account that China, as we all know, is suffering because her national Government can not raise even enough revenue to pay Japan $15,000,000 or $20,000,000 cash to buy the Shantung Railroad, and that railroad has got to remain part in the control of Japan on that account.

Mr. UNDERWOOD. I think the Senator is mistaken about that. My information as to the Shantung Railroad is that they could raise the cash, although not through the Government but by the people. They do not expect to raise it by the Government.

To come back to this treaty, if the Senator will examine on the record my statement, when I reported the treaty to the committee, on far eastern questions and my statement at the plenary session of the conference, he will note that I called attention there to this very thought and said I hoped the day was not far distant when complete autonomy could be given to China in the control of her tariff rates. I wish to say that, so far as I am concerned, I should be glad to have that done now, but China does not want it now; it would be most inconvenient to China to have it conceded now. I say, however, that it does not lie in the mouth of the Senate of the United States to criticise the work of a commissioner of the President in trying to raise the tariff duties which China could levy when within the year the Senate of the United States has ratified an independent treaty with China confining her tariff rates to 5 per cent effective.

Mr. WALSH of Montana. I rise, Mr. President, to inquire of the Senator what nations there are which insist upon imposing these restrictions upon China? I assumed that the American delegates and the American public had every desire to free China from every restriction in relation to her revenues; I assumed that the American delegates did everything they could to attain that end.

Mr. UNDERWOOD. The Senator is entirely right.

Mr. WALSH of Montana. But they could not get everything they wanted for China by reason of the opposition of some other countries which wanted to keep her tied down. So I rose to inquire what other countries there are which want to keep China restricted. But now I learn from the Senator, if I understood him right, that in the judgment of the American delegates they continued to keep China tied down for her own good.

Mr. UNDERWOOD. Oh, no; not the American delegates. The Senator is wrong about that; but he is entirely right about the proposition in general. I represented the American delegation in writing this treaty, and I stated repeatedly what the Senator says.

I did not agree to one word in this treaty until China's representatives agreed to it first. More than that, I stated what Senators on this floor do not seem to be willing to concede, and that is that this is a sovereign right and it is in regard to a trade contract, and that China has the right this hour or this day, if she wants to, to denounce the existing contracts and this contract, and to renew her entire autonomy with reference to writing these tariff rates. I stated that on the floor of the far eastern committee without contradiction; so that when Senators are trying to make it appear here that this is in opposition to the interests of China they are overlooking entirely the fact that this is not one of those treaties that once made can not be revoked. We did it. We made certain concessions in the reciprocity treaties under the McKinley bill to certain Republics in South America and probably some others—I do not recall all, but certainly to the South American Republics—conceding them lower rates of tariff under certain conditions; and then, without rhyme or reason or asking consent, the Government of the United States passed the Dingley bill and revoked every one of those concessions without saying "By your leave" or anything else. It has been repeatedly done, and it can be done in this instance.

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Mr. KING. If I understand the Senator, the situation in brief is this: China was bound by half a dozen chains. This releases one chain, but still leaves her bound by five chains.

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Mr. HITCHCOCK. Will the Senator permit me to put another question, in this form? Did the delegates in negotiating this treaty have before them the figures showing the average tariffs levied by the countries of the world?

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Mr. HITCHCOCK. What reason was there for compelling China to adopt a tariff lower than the other countries?

Mr. UNDERWOOD. As I said, this was practically what China asked at this time. Of course, when you come to change tariff rates you very seriously affect commerce. The commerce of some of these countries in that section of the world was very much tied up in the Chinese trade. They said that if these rates were unduly increased suddenly it would produce a reaction on their home Governments, because, in hard and difficult times like this, it would likely destroy business enterprise in their countries, and that radical, sudden changes should not be made at this time.

Mr. HITCHCOCK. I think that was a very reasonable objection; but why, then, was it not proposed to create a commission composed of representatives of these interested powers, so that the tariff might be changed from time to time, in the contingencies, and it would have an elastic character?

Mr. UNDERWOOD. There is a commission provided for in this treaty, except that there is a limit on the rate. The rate is still limited, but the commission has been created. It will not be a very difficult proposition in the future. If China says she needs more tariff rates, this raises the limit, so to speak, and authorizes a commission to operate. The commission is provided for in this treaty.

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Mr. UNDERWOOD. Not to go in the first instance above 7½ per cent, and when the McKaye class of treaties is agreed to, not to go above 12½ per cent; but to that extent the commission can operate, and that has not been done before. This is a very much more liberal proposition, both in rate and in power, than the treaty which was ratified by the Senate last May; and, more than that, this treaty leads; it is on the way to complete autonomy for China in the control of their tariff rates, whereas the treaty which was ratified last spring by the Senate had nothing of that kind in it.

I want to say to the Senate that I would be glad, so far as I am concerned, to give China complete autonomy to-morrow in the control of her tariff rates. I want to see China as independent and as sovereign a nation as possible. I want to say to my colleagues here that I did my utmost to aid China in accomplishing what she wanted in reference to the tariff, and if this treaty were defeated it would not help China. It would throw her back on the treaty which was ratified last May, holding her down to 5 per cent effective, giving her no commission, and at the same time you would leave the discrimination on the Russian and the Indo-China border against the merchandise of your own country.

Mr. OVERMAN. What, if anything, have we to do with collecting the revenue?

Mr. UNDERWOOD. The collection of China's revenue is primarily under the control of the Chinese Government, but under an understanding which China arrived at a long time ago a British subject is the head of that revenue system. I can not recall the exact figures now, but the larger proportion, probably three-fourths, of the employees in the Chinese customs system are Chinese. Of the balance of the employees the larger percentage are British, although there are some Americans, some Japanese, and some French. But it is conceded by all—China, Japan, France, everybody—that the administration of the Chinese customs laws has been admirable. It has been honest, it has been fair, it has been efficient, and there is no complaint against the administration. The disturbed conditions of China to-day afford one reason why China wants this treaty ratified instead of insisting on complete autonomy in the control of her tariff system at this time. That is the real situation.

If there are any further questions about the matter, I will be glad to answer them.

Mr. SIMMONS. Mr. President, I think I understand the treaty, but I want to be sure that I do understand it. I have had some little doubts about this treaty. If I understand the Senator's statement this is about the situation: China has treaties with a number of nations fixing the tariff duties to be imposed upon the exports to those foreign countries. Those rates vary; they are not uniform. One of the objects of this treaty, probably the chief object, as I understand the Senator, is to make those rates uniform as between all the nations signatory to this compact.

Mr. UNDERWOOD. Yes; that is one of the objects. It is the one most vital to us.

Mr. SIMMONS. The second object is to supersede those treaties which allow a much lower rate than China finds it necessary to impose in order to meet her present obligations.

Mr. UNDERWOOD. The Senator means under the old treaties?

Mr. SIMMONS. Under the old treaties.

Mr. UNDERWOOD. Yes; and this increases her rates of duty so that she will get considerably more revenue.

Mr. SIMMONS. Again, I understand the Senator to say that under the present arrangement a British subject is at the head of the customs system.

Mr. UNDERWOOD. He is not directly at the head, but he is the next man to the head, and he really runs the system.

Mr. SIMMONS. And that China, for reasons which need not be stated here, is satisfied with that condition and wishes to have it continue.

Mr. UNDERWOOD. Because of the disturbed conditions at home.

Mr. SIMMONS. Those are the three reasons why the Senator thinks this treaty should be ratified?

Mr. UNDERWOOD. They are.

Mr. KING. Mr. President, I listened with interest to the statement made by the Senator from Alabama and his defense of the pending treaty. At the outset of his remarks he conceded intellectual integrity to me in opposing the treaty, but assumed that my opposition to it resulted from my ignorance of the facts. I willingly pay tribute to the Senator because of his great knowledge upon tariff matters as well as upon public questions generally, but I beg to assure him that I have given some attention to the questions involved in this treaty, and he has submitted nothing that has added to the information which I already possess.

I think the statement made a moment ago by the Senator from Nebraska [Mr. HITCHCOCK], that this treaty is an "outrage," appropriately describes it. China came to the Washington conference seeking justice and hoping to be freed from oppressive chains which had been fastened upon her by a number of nations. The pacific character of the Chinese people led them to submit to unjust exactions which were made by European and other powers and subjected them to indignities against which every self-respecting people should protest. No one can justify the actions of Great Britain, France, and other nations in their infringements upon the territorial integrity and sovereignty of China and in subjecting her to economic, if not, in a measure, to political bondage. Sitting at the peace table were nations protesting their sincere friendship for China and avowing their purpose to respect her territorial integrity and her political independence and to treat her as an independent and sovereign nation. This treaty is not in consonance with the solemn protestations made. It is an infringement upon the rights of China and is violative of her sovereign authority. It is not sufficient answer to say that wrongs have been perpetrated and chains have been forged and therefore they shall be continued with but one of the chains removed. And yet, as I understand the position of the Senator from Alabama, he defends this treaty because it relieves China to a slight extent from burdens which have been placed upon her by the United States and other nations. He recites what all Senators knew—the fact that various treaties were imposed upon China, most of them by European nations, which denied to her fiscal autonomy or the sovereign right to determine the tariff duties which she would lay upon imports.

No nation is sovereign, in all that that term implies, if it may not establish its own system of taxation and determine the manner in which it will treat imports. And it is no reply to this statement to say that the United States has at various times negotiated reciprocity treaties with various nations. It is the assertion of a sovereign power if a nation contracts with another nation for the exchange of commodities on a certain basis. Certainly the sovereign powers of the United States were not infringed when it authorized the President of the United States to admit free of duty, or with a reduction in the tariff rates, of certain commodities from other nations, conditioned upon such other nations permitting similar or other commodities produced in the United States to be introduced into their territory under similar conditions.

The only justification urged by the Senator for this treaty is that it is somewhat better than existing treaties. In the past, while China was helpless and was terrorized by powerful nations she yielded to their demands and permitted them to fix tariff rates. Not only that, but she was forced to submit to control, more or less effective, by representatives of a foreign nation. The treaties which created this situation were an infringement upon the sovereignty of China. They can not be defended in international law or upon those principles of comity which should govern the relation between free and independent States.

When I read in the press, during the course of the conference, that it was proposed to formulate a treaty which would fix tariff duties China would be permitted to lay and collect upon imports, I felt that the conference was not respecting the sovereignty of China and was proposing a plan which was in contravention of the settled policy of the United States. Accordingly, on the 16th of January of this year I offered in the Senate the resolution which has just been read to the Senate. I hoped that the resolution might have some effect upon the conference and deter the delegates from adopting a policy which would abridge the political independence or restrict the administrative or fiscal autonomy of China, or which would in any manner limit China's national authority with regard to the enactment of such laws or measures as she regarded necessary for her national welfare.

It seemed to me that the United States had an opportunity at the conference to exhibit in no uncertain manner its friendship for China and her people. It was known that China was torn with internal dissentions, and it was believed by many that those who represented her at the conference did not entirely represent the views of the Chinese people. Whether that be true or not, it was an opportunity for our Government to give renewed assurances of its profound interest in the welfare of the Chinese people.

In view of the altruistic professions toward China of the nations participating in the conference, every act, in so far as it affected China, should have been in consonance with such professions. In my opinion, the nations who had imposed unfair tariff measures upon China should have promptly proclaimed the abrogation of all treaties respecting the same. They should have announced to China her entire freedom to determine her own domestic affairs and to execute such national policies as she deemed for her best interest. All the treaties fixing tariff duties should have been denounced and the Chinese Government left to pursue such course as her people desired to be followed.

The Senator has referred to the high sense of honor which the Chinese people have and their respect for treaties. That very fact should have prompted our Nation, as well as the other nations at the conference, to have released China from all binding and oppressive treaties—treaties which interfered with her sovereignty and were against her honor and dignity. The Senator, as I understood his position, contended that a course of this character would have led to administrative chaos, or at least would have resulted in some immediate disadvantage to China. Doubtless the Peking Government was anxious to have some control, as she now has, of the administration of her tariff laws and regulations. It seems to me, however, that if the treaties now existing were abrogated, the Peking Government could have, by proper law or decree, perpetuated the present rates imposed upon imports and continued to utilize existing administrative machinery. However, conceding what the Senator says to be true, the treaty negotiated should have gone no further than to fix tariff rates for a limited period until China provided an administrative system and fixed such other tariff duties as met the national will.

Those representing China at the Washington conference, as everybody knows, were under more or less restraint. They did not feel that they could break with the past or ignore existing conditions and international obligations, no matter how those obligations were incurred.

The Senator doubtless possesses many sources of information as to the wishes of the Chinese people, but I venture to declare that this treaty will not meet with the approval of the great mass of the inhabitants of China. Senators are familiar with the attitude of the southern Provinces of China. Representatives of those Provinces have denounced this treaty and have felt that it was an infringement upon the sovereign rights of the Chinese Nation. I believe that there will be a growing feeling of resentment upon the part of the Chinese people toward this treaty and that it will not be long before it will be denounced by a responsible Chinese Government.

Mr. President, I have been desirous of supporting this treaty as well as all treaties formulated at the Washington conference, but I can not bring my conscience to support it. Conceding that it is an improvement over existing treaties, I believe that it is unwise for the United States to join with other nations in imposing upon China this treaty which has no limit as to time and which so clearly is an unwarranted interference with the independent powers and sovereign rights of the Chinese Government and of that international comity which should exist between free and independent States.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. It will be read.

The Assistant Secretary read the resolution of ratification, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q, Sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to the Chinese customs tariff concluded at Washington February 6, 1922.

The VICE PRESIDENT. The roll will be called on agreeing to the resolution of ratification.

The reading clerk proceeded to call the roll.

Mr. LODGE (when Mr. BRANDEGEE's name was called). The Senator from Connecticut [Mr. BRANDEGEE] is necessarily absent. If present, he would vote "yea."

Mr. ELKINS (when his name was called). I have a general pair with the Senator from Mississippi [Mr. HARRISON]. I understand that if present he would vote as I am about to vote, and I am therefore at liberty to vote. I vote "yea."

Mr. ERNST (when his name was called). I am paired with the senior Senator from Kentucky [Mr. STANLEY], who is unavoidably absent. I am advised that he would vote as I am about to on this question, and therefore I feel at liberty to vote. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I am informed that on this question he would vote as I shall vote, and I therefore vote. I vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). My colleague [Mr. SMITH] is detained on business of the Senate. If he were present he would vote "yea."

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH]. If that Senator were present he would vote as I shall vote, and therefore I am at liberty to vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. He is absent, but I understand he would vote as I expect to vote on this measure, and therefore I am free to vote. I vote "yea."

Mr. NEW (when the name of Mr. WATSON of Indiana was called). I desire to announce that my colleague [Mr. WATSON of Indiana] is absent on account of illness. If he were present he would vote "yea."

Mr. WILLIAMS (when his name was called). Reiterating the statement made when I last voted, I vote "yea."

The roll call was concluded.

Mr. BALL. I desire to announce that my colleague [Mr. DU PONT] is absent on account of illness. If he were present he would vote "yea."

Mr. DILLINGHAM. I transfer the general pair which I have with the Senator from Virginia [Mr. GLASS] to the Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. CARAWAY. I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I understand that if he were present he would vote as I am about to vote, and therefore I shall vote. I vote "yea."

I wish to announce that my colleague [Mr. ROBINSON] is absent on official business, and if present he would vote "yea."

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is absent on official business. If present he would vote "yea."

Mr. UNDERWOOD. The senior Senator from Ohio [Mr. POMERENE] is unavoidably absent and asked me to announce for him that if he were present he would vote for this treaty.

Mr. SHEPPARD. The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. Were he present he would vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Pennsylvania [Mr. CROW], the Senator from New Jersey [Mr. EDGE], the Senator from Minnesota [Mr. KELLOGG], the junior Senator from Pennsylvania [Mr. PEPPER], and the Senator from Michigan [Mr. NEWBERRY] are necessarily absent. If present, these Senators would all vote "yea."

I also wish to announce that the Senator from Oklahoma [Mr. HARRELD], the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from Nebraska [Mr. NORRIS], the Senator from Colorado [Mr. NICHOLSON], and the Senator from South Dakota [Mr. NORBECK] are absent on business of the Senate, and if present they would vote "yea."

Mr. GERRY. I wish to announce that the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. JONES], the Senator from Wyoming [Mr. KENDRICK], the Senator from Arizona [Mr. ASHURST], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Kentucky [Mr. STANLEY] are absent on business of the Senate. If present, these Senators would vote "yea."

The roll call resulted—yeas 58, nays 1, as follows:

YEAS—58.

Hall	France	Nelson	Sterling
Broussard	Frelinghuysen	New	Sutherland
Bursum	Gerry	Oddie	Swanson
Calder	Gooding	Overman	Townsend
Cameron	Hale	Owen	Trammell
Capper	Harris	Page	Underwood
Caraway	Johnson	Phipps	Wadsworth
Colt	Jones, Wash.	Pittman	Walsh, Mass.
Cummins	Lenroot	Poindexter	Walsh, Mont.
Curtis	Lodge	Rawson	Warren
Dial	McCormick	Sheppard	Weller
Dillingham	McCumber	Shortridge	Williams
Elkins	McNary	Simmons	Willis
Ernst	Moses	Smoot	
Fletcher	Myers	Spencer	

NAYS—1.

King

NOT VOTING—37.

Ashurst	Harrison	McKinley	Robinson
Borah	Heflin	McLean	Shields
Brandegee	Hitchcock	Newberry	Smith
Crow	Jones, N. Mex.	Nicholson	Stanfield
Culberson	Kellogg	Norbeck	Stanley
du Pont	Kendrick	Norris	Watson, Ga.
Edge	Keyes	Pepper	Watson, Ind.
Fernald	Ladd	Pomerene	
Glass	La Follette	Ransdell	
Harreld	McKellar	Reed	

The VICE PRESIDENT. On this question the yeas are 58, the nays 1. Two-thirds of the Senators present and voting having voted in the affirmative, the Senate advises and consents to the ratification of the treaty.

Mr. LODGE. Mr. President, I move that the Senate return to legislative session in order to dispose of the conference report on the Department of the Interior appropriation bill. When that is disposed of, it is my intention, if I am present, or it may be done by the Senator in charge of the conference report, to move to adjourn until Monday at 12 o'clock, after having a secret executive session.

The VICE PRESIDENT. The question is on the motion to return to legislative session.

The motion was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I ask that the Senate shall resume the consideration of the Interior Department appropriation conference report.

There being no objection, the Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. PITTMAN. Mr. President, on yesterday I stated that I should refuse to give unanimous consent to the consideration of the report until I had an opportunity to examine it. Therefore it went over until to-day. I find on page 54 of the bill an item numbered 52. This was an amendment to the bill which was presented by the Senate committee. As I understand it, the amendment was introduced at the suggestion or request of the Department of the Interior. I have letters in my possession from the Interior Department approving the amendment.

The amendment was suggested by the Interior Department to enable that department to carry out a compromise of a dispute with regard to the Newlands project that had been threatening litigation for several years. It seems that in the Newlands irrigation project, as in many other projects in the West, the engineering department originally made a great many errors with regard to the amount of land in some cases that was irrigable under the project, and in other cases with regard to the amount of water that could be supplied to the land under the project.

In the Newlands project there were mistakes made. According to a letter by Mr. Newell, dated December 8, 1916, which I shall place in the RECORD later on, he estimated that the Newlands project could irrigate 375,000 acres of land.

Mr. McNARY. Mr. President, will the Senator yield for an inquiry?

Mr. PITTMAN. Certainly.

Mr. McNARY. There was so much disturbance in the Chamber at the time the Senator from Nevada started to speak that I did not hear what he said. Will he kindly give me the number of the amendment to which he is addressing himself?

Mr. PITTMAN. It is amendment No. 52, found on page 54 of the bill.

Later on, however, and about the time that water was about to be furnished under the project, the engineers determined that there was sufficient water to irrigate 187,000 acres, and on that basis they estimated the cost per acre for the construction of the project.

Under the reclamation act the total cost of construction is divided among the total acres of irrigable land within the project. Then the payments originally were divided over a period of 10 years, but since extended. In addition to the construction charges, there are charges known as operating charges and maintenance charges. These are charges for operating the project during the irrigation season and otherwise, and for maintaining the ditches, dams, and diversions. According to the plan of the irrigation department, under the law, these costs were to be divided among the total number of irrigable acres of land; in other words, the cost of operation and maintenance was to be divided among 187,000 acres of land. As a matter of fact, there have only been 70,000 acres of land made available for irrigation under the Newlands project.

What was the result? The result was that the amount which was fixed at the time homesteaders entered on this project of $2.20 an acre for construction charges and 40 cents an acre for operation and maintenance charges was not enough to pay for the operation and maintenance, because there were only 70,000 acres paying the charges instead of 187,000 acres.

Then what was done? A deficit was carried every year until that deficit reached the sum of $191,000. The department has been trying to make the homesteaders who took up the 70,000 acres of land pay this deficit, because there is no one else to pay, although the Government contracted with the entrymen on the 70,000 acres that they were only to pay their proportionate part of the cost of operation and maintenance on 187,000 acres of land.

Mr. STERLING. Will the Senator from Nevada again indicate to what item of the bill he is calling attention?

Mr. PITTMAN. Yes, sir. I am discussing amendment numbered 52, on page 54.

Along in 1918, when this project was just about finished and water was ready to be distributed, in accordance with the law, the Department of the Interior issued a circular fixing the charges for construction, operation, and maintenance at $2.60 an acre per year. Now they are insisting that the men who went there under that contract shall pay nearly twice as much, solely by reason of the fact that the departments themselves made mistakes.

The directors of the irrigation district have authorized their attorneys to institute injunction proceedings against the collection of any part of this deficit, amounting to $191,000, and the department is afraid the injunction will be granted. I wish to say that the question involved here does not affect only this one irrigation district, but similar conditions exist in practically every irrigation district in the United States. The settlement that has been reached between the Interior Department and the representatives of the irrigation district is now up for ratification by a vote of the district, and unless amendment numbered 52 is kept in the pending bill then the whole proposition may fall, because the provisions contained in the amendment were part of the compromise agreement between the Interior Department and the irrigation district.

Mr. McNARY. Will the Senator from Nevada yield for a question?

Mr. PITTMAN. I yield.

Mr. McNARY. Do I understand that the Senator from Nevada is in favor of the amendment which was added by the Senate to the bill as it came from the other House?

Mr. PITTMAN. Yes, sir.

Mr. McNARY. It has been agreed to, has it not, by the conferees on the bill?

Mr. PITTMAN. No. Unfortunately, the conferees on the part of the Senate have receded from their insistence upon the amendment, and that recession means the defeat of the compromise which has been reached between the Government and the district after a controversy which has existed for five years.

Let me tell the Senate why. I hold in my hand the preliminary proposal of settlement, which I will read. This is signed by Mr. Morris Bien, on behalf of the Reclamation Service. It reads:

PROPOSED ADJUSTMENT OF NEWLANDS PROJECT—OPERATION AND MAINTENANCE DEFICIT.

The operation and maintenance deficit since the passage of the reclamation extension act is about $55,000, and we see no legal basis for recommending any relief from payment of this sum and recommend the payment to be made in equal annual installments over a period of 10 years.

In regard to the operation and maintenance deficit prior to the extension act, amounting to about $135,000, we are willing to recommend that the same be charged against the entire area of the project, 187,000 acres, the district lands being charged with about one-third of $135,000, amounting to $45,000, the same to be payable by continued installments after the 20-year period until fully paid.

MORRIS BIEN.

That was the first proposal of settlement by the Government and was made during February last. That was not accepted by the representatives of the irrigation district, but it was the basis of the settlement which was reached. That settlement rejected the amount of $55,000 and accepted the amount of $45,000 out of the $135,000.

But that was not all of the settlement finally agreed upon. The district had just adopted resolutions providing for the drainage of the whole project. That drainage was to cost about $700,000.

In the middle of that project are 4,887 acres which are occupied by the Paiute Indians, being in the nature of a reservation under an Indian agent. There is no way by which the district can compel those Indian lands to pay their proportionate part of the cost of drainage. The Department of the Interior, however, recognized the fact that the drainage system was just as much of a benefit to the Indians as it was to the settlers on the project, and therefore the department proposed the amendment which I will in a moment read. Mind you, Mr. President, a part of the proposition was that the Indians should pay, or rather the Government should pay on their behalf, their proportionate share of the drainage cost, and unless the Indians shall pay their proportionate part of the drainage cost, amounting to $49,603.05, the whole settlement which it has taken five years to arrive at may fall through if this proposition fails, because it will throw a burden of $49,603.05 on the settlers which they should not be called upon to pay. I shall now read the amendment, which is as follows:

The Secretary of the Interior is authorized, by agreement or otherwise, to bring 4,887 acres of Paiute Indian lands in the State of Nevada within the provisions and benefits of a drainage district, organized pursuant to the laws of said State, for the purpose of draining the lands within the Newlands irrigation project; and there is hereby appropriated the sum of $2,500 for the purpose of paying the first installment assessable against said Indian lands: *Provided*, That the total amount of the charges assessed against said Indian lands shall not exceed $49,603.05, and shall be payable in 20 annual installments: *Provided further*, That the Indian lands so drained by said district shall not be assessable to any lien which is subject to foreclosure created by the laws of said State for failure to pay charges when due: *And provided further*, That the money herein appropriated shall be reimbursed in accordance with such rules and regulations as the Secretary of the Interior shall prescribe.

Mr. President, I now desire to read a letter with regard to this very amendment addressed to the Commissioner of Indian Affairs by Mr. Morris Bien, Acting Director of the United States Reclamation Service. The letter is dated December 3, 1920, and reads:

THE COMMISSIONER OF INDIAN AFFAIRS.

MY DEAR MR. COMMISSIONER: There is inclosed copy of a resolution of the board of directors of the Truckee-Carson irrigation district, Newlands project, Nevada, relative to the amount of benefits they think

should be apportioned to the Indian lands adjacent to and outside the boundaries of the district.

As I understand the proposition, 4,077 acres of these lands have a water right and 840 acres of public domain were added by departmental order of November 21, 1917, of which 810 are irrigable, making a total of 4,887 acres irrigable area, and that all these lands are allotted to Paiute Indians. We feel—

This is the Acting Director of the Reclamation Service speaking—

We feel that the Indian lands should pay on the basis of benefits received, the same as lands within the irrigation district, and if you agree with this view, I suggest that you attempt to have an item included in the Indian appropriation bill for the next fiscal year sufficient to pay this charge based on an area of 4,887 acres at $10.15 per acre, which is believed to be a proper charge, and amounts to $49,603.05; and we believe that if an appropriation is asked it should be requested in lump sum instead of in partial payments extending over a period of 20 years. I suggest, therefore, an item in the Indian appropriation bill in the following or in similar language:

"For cooperation by the United States Reclamation Service in providing a drainage system for certain lands allotted to Paiute Indians within the Newlands reclamation project, Nevada, the sum of $49,603.05, to be transferred to the reclamation fund."

Very truly yours,

MORRIS BIEN, *Acting Director.*

Mr. McNARY. Mr. President, if the Senator will yield I should like to inquire what is the date of that letter?

Mr. PITTMAN. The letter was addressed to the Commissioner of Indian Affairs by the Assistant Director of the Reclamation Service on December 3, 1920. That was the view of the Reclamation Service at the time this question arose. I have commenced at the beginning. At that time there were bills pending having to do with the question, and since that time it has been a matter of constant consideration by the Department of the Interior, which in February, when this whole matter of the Newlands project came up for settlement, took into consideration this very item. I now read a letter from the Acting Secretary of the Interior. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 9, 1922.

Hon. H. P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Further reference is made to your letter of February 3, 1922, inclosing for report a copy of H. R. 10211, providing for the inclusion of certain Paiute Indian lands in a drainage district in Nevada and for the payment of the proportionate cost of draining such land.

A recent report has been received from the field based on an investigation made by the assistant engineer of the Indian irrigation service which shows that practically all lands of the Newlands irrigation project, except the Indian lands, are included in a drainage district created under the State laws of Nevada, for the purpose of draining the lands under the Newlands project. The Paiute Indian lands, for which water rights have been acquired under this project, consist of approximately 4,047 acres. Of this area approximately 1,200 acres are now waterlogged and are unfit for cultivation, which condition indicates the necessity of drainage for these lands. The drainage district has not included the Indian lands in the project because of the fact that it would require specific action from Congress authorizing their inclusion.

It is my understanding that the proposed drainage project is estimated to cost $700,000. Dividing the acreage, including the Indian lands, into this cost will place the per acre assessment at $10.15.

The records show that the charge for acquiring water rights for the Paiute Indian lands was $97,848, and that $47,204.20 has been expended on account of maintenance and operation. The construction cost on a per acre basis is about $20 and the annual operation and maintenance assessment for a 10-year period about $1 per acre. Both these charges, as compared with similar charges on other projects, are quite reasonable. In view of these facts, the Indian lands can readily stand an additional charge of $10.15 per acre for drainage purposes.

In view of this situation and of the fact that the Indian lands will of necessity have to be drained, the only reasonable deduction is that provision should be made to include them within the State drainage district and make provision for the payment of their proportionate part of the expense entailed.

The bill as introduced provides for the drainage of 4,887 acres. This area is in excess of the actual amount for which water rights have been acquired. The irrigable area of Indian lands, as above set forth, is 4,047 acres. This reduction of the area naturally reduces the total proportionate share of the cost of the drainage. The total amount for this work appearing in line 8 should be, therefore, changed to $41,077.05, and the annual installment should be reduced to $2,100 instead of $2,500 as appears in line 11. The area appearing at the end of line 8 should also be changed to 4,047 acres instead of 4,887. With these changes I shall be pleased to see the bill enacted into law, providing it meets with the approval of your committee and the Congress.

Sincerely,

E. C. FINNEY, *Acting Secretary.*

As I have said before, this dispute between the homesteaders in this district and the Government has been going on for several years. I have stated the cause of it. To go further in the matter, I am going to ask leave to place in the RECORD the resolutions passed by the board of directors of the irrigation district touching this matter, as they explain it further.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The president [of irrigation district] then stated that there were 5,480 acres of land allotted to Indians, lying a short distance outside of the boundaries of the district and that a great portion of said land would receive a material benefit from the construction of the proposed drainage system, pursuant to the proposed contract with the United States Government, and that it would be advisable for the board to advise the Secretary of the Interior of the amount of benefits that said Indian land would receive from the construction of the proposed general drainage system.

After a discussion of the amount of benefits that the Indian land would receive from the construction of the drainage system, it was moved by Mr. Vencill and seconded by Mr. Holmes that the following resolution be adopted and a copy forwarded to the Secretary of the Interior:

"That whereas all of the following described lands: All of sections 9, 10, 15, 16, 17, 20, 21, and 22, and the SE. ¼ of section 8, and the SE. ¼ of section 3, and the NW. ¼ NW. ¼ of section 23, all in township 19 N. range 30 E., containing 5,480 acres of land, are situate in close proximity to the boundaries of this irrigation district, and that all of said lands will receive a direct and an indirect benefit from the construction of a general drainage system as voted upon by the electors of this district at a special election held in the district on April 6, 1920, pursuant to the proposed contract for such construction by the United States Government; and

"Whereas the board of directors of this district have examined the above-described lands for the purpose of determining what benefits said lands will receive from the construction of such drainage system and for the purpose of advising the Department of the Interior, in order that the necessary steps may be taken to secure an appropriation for the payment of the proportion of benefits that will accrue to said lands upon the proposed contract for the construction of a general drainage system by the United States Government: Now, therefore, be it

"*Resolved*, That it is the opinion and judgment of this board of directors that the said lands will be benefited at the rate of $9.05 per acre, and that the total benefits that should be apportioned to said lands in the judgment of this board is the sum of $49,594; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the Secretary of the Interior at Washington, D. C., in order that he may take such steps as are advisable to secure the payment of the sum of $49,594 to the United States Government in the same manner and at the times as provided in that certain proposed contract to be entered into with the United States Government for the construction of a general drainage system in this district."

The resolution was carried by a unanimous vote.

Mr. PITTMAN. The situation is simply this: The Department of the Interior recognized the fact that they had no right to charge this deficit of $182,000 to the homesteaders on about one-third of the land in the project. They recognized that; and in the proposal I have just read, which was made in February, they agreed to charge only one-third of that, or approximately one-third, to the district, collecting the other two-thirds from new entrymen on the project as they come on later, in the form of a construction charge. As to the $55,000 of deferred maintenance and operation charges, they first sought to charge them the whole $55,000, but they have now reduced that down to about $30,000; but in addition to that they agreed at that time that the department would undertake, mind you, to get authority from Congress to pay this $49,603.05 on behalf of the Indians to the irrigation district for this drainage of the Indian lands.

Unless this amendment becomes law there is no authority to make this payment on behalf of the Indian lands; and if the payment is not made on behalf of the Indian lands, then it must be charged to the settlers on the 70,000 acres of land, and that was not the agreement. The whole proposition fails. The Department of the Interior is just as anxious to get this question settled as are the entrymen on that land. There has been a threat of litigation for several years.

Mr. WARREN. Mr. President, of course I do not want to take the Senator's time——

Mr. PITTMAN. That is all right; I am trying to be clear on the matter.

Mr. WARREN. The Senator is very clear about it, and the conferees have done the best they could; but these are the circumstances:

In the first place, the matter was not submitted, I think, by the Indian Affairs Bureau. It was not estimated for. As I remember it, on the floor the chairman of the Committee on Appropriations consented to let it go in and go to conference, hoping that it might be taken care of. The committee has done its very best to care for it; but, as the Senator knows, it is legislation, and it is appropriating for something that has not yet been legislated for. The consequence is that we could not maintain it when it came to the final pull. I shall be glad to cooperate with the Senator in any way that will bring about what he wants, but probably it will have to be done in some separate legislation under the rules of both House and Senate. We can not take care of it in the present measure. It has already been agreed upon in conference, and the Senate was compelled to recede.

Mr. PITTMAN. Mr. President, I have just read the preliminary proposition; and I will have here by Monday the proof that this item was included in the settlement, and that it has met with the approval of the Department of the Interior and the Reclamation Service.

Mr. WARREN. If the Senator is basing his ideas of appropriation on anything that the Interior Department or the Reclamation Service may ask for, I will say that if that were the criterion we would appropriate a great deal more than we do. I am very glad to have their approval of these matters, and I

was very glad to undertake to do what I could with this matter; but I think it is entirely idle to attempt now to force it through on an appropriation bill, certainly on the measure that is now before us.

Mr. PITTMAN. Mr. President, it is true that this is an appropriation bill, and usually these matters have come before the Indian Affairs Committee, where they used to make these appropriations; but the new system we have now, which has practically destroyed all except one appropriations committee, is so confusing, so obstructive of any intelligent consideration of a proposition by anybody except the Committee on Appropriations, that it is very difficult to tell what is going on until the matter is thrown right here on the floor of the Senate. The poor old Indian Affairs Committee is just as dead as all the rest of these committees are. I do not even know exactly where the room is that they occupy.

Mr. WARREN. I may say to the Senator that the present chairman of the Indian Affairs Committee and the ex-chairman of the Indian Affairs Committee and others had this bill under consideration and acted upon it, so that what the Senator wishes to throw on the change in the Appropriations Committee falls to the ground.

Mr. PITTMAN. Perhaps it does. I have already apologized for my criticism by saying that I can not understand it yet, but I believe my criticism is fair.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon an interruption——

Mr. PITTMAN. Yes.

Mr. WALSH of Montana. While the chairman of the Committee on Indian Affairs is diligent in the performance of his duties, it may be remarked that there is not an Indian to be taken care of in his State, and the same condition exists in the House. The chairman of the House Committee on Indian Affairs is Mr. SNYDER, of the State of New York. There are some Mohawks up there, I believe.

The chairman of the Indian Affairs Committee of the Senate is from the State of Missouri, and has no Indians at all in his State. So I am not sure that the Senator from Nevada ought to object to taking the consideration of that matter away from the Indian Affairs Committee and giving it to the care of the Senator from Wyoming, who has some immediate concern in the future of the Indians.

Mr. WARREN. I may say to the Senator from Montana that the ex-chairman of the Senate Indian Affairs Committee, who was one of the members of this conference committee, and who has sat not only through the consideration of the bill but in conference, is the Senator from Kansas [Mr. CURTIS]; and there is probably no man living, outside of those living entirely with the Indians, who knows more about Indian bills that have been taken care of heretofore in the Senate than does the Senator from Kansas.

Mr. OVERMAN. And, Mr. President, Mr. CARTER, a Member of the House, who was on this conference committee, was chairman of the Indian Affairs Committee over there, as I understand.

Mr. WARREN. Mr. CARTER is another member of the conference committee. Men could hardly be selected to serve on a conference committee who knew more about it than those that were selected.

Mr. WALSH of Montana. I desire to subscribe to everything the Senator has said in commendation of the ability and the sympathy of the Senator from Kansas [Mr. CURTIS] with all Indian problems. I was referring to the fact that we must trust now to the representative of the Indian Affairs Committee upon the general Committee on Appropriations, the chairman of the Indian Affairs Committee, who has not any Indians in his State at all.

Mr. PITTMAN. I have no doubt that the Senator from Kansas would support every proposition of benefit to the Indians, as he always has; and if this matter had been brought before the Indian Affairs Committee and there discussed, and he had become familiar with it, I have no doubt that he would have supported it more actively in conference. When, however, we used to do business for Indians through the Indian Affairs Committee, instead of through men from New York and Missouri, there were quite a number of men on the Indian Affairs Committee who were from States where they have Indians. In fact, I think two-thirds of the members of the Indian Affairs Committee were from States where they look after Indians. I do not know exactly how many members of the Appropriations Committee are from States where they look after Indians, but I venture to say that not one-fifth of them are from States that have any material work to do with Indians.

This amendment was put in the bill in the committee, and, not being a member of the Appropriations Committee, I do not know exactly who put it in the bill. I do not know whether the Senator from Kansas [Mr. CURTIS] put it in or not, but it was in the bill when it came to the Senate, and it takes care of the agreement made by the Department of the Interior with this irrigation district. I assume that an amendment of that kind was not put in the bill unless it was considered by the committee that put it in. The amendment was unanimously adopted by the Senate.

Mr. ODDIE. Mr. President——

Mr. PITTMAN. I yield to my colleague.

Mr. ODDIE. I wish to say that I offered this amendment on the floor of the Senate on January 11. It was included in this bill as it passed the Senate. I am in complete accord with the views expressed by my colleague on this matter, and I hope the Senate will insist on this amendment.

Mr. PITTMAN. Of course the Senator from Wyoming does not desire his bill held up on this matter. That is perfectly natural. I know well enough that if the Senate Committee on Appropriations had been the only committee that had to do with this matter this amendment would have stayed there, because they put it there; but when our Senate Committee on Appropriations, which has a few western men on it, has to go over and agree with an Appropriation Committee of the House, consisting of 33 members, only 2 of whom are from arid land States, and then we have to recede because it is a matter that affects only one little section of one State, we are dropping into a policy that eventually is going to affect practically all of these reclamation projects and Indian lands out in the West. It is going further than that. When we get the agricultural appropriation bill before conferees consisting of members of the Appropriations Committee of the House, we are going to find the same arbitrary disposition manifested on the part of the conferees there. They will not care for any little appropriation attempting to protect cotton from the boll weevil in the South, because four-fifths of the members of the Appropriations Committee of the House do not know anything about that subject. They will not care anything about protecting against hog cholera, because they do not have much hog cholera in New York City. They will not be at all interested in the destruction of predatory animals throughout the West, or the destruction of coyotes that are running rabid through the State of Washington now by the thousands. That is away out in the State of Washington. It is too far away for consideration by conferees who live in the State of New York and the other Eastern States. That is what we are drifting to, and we might as well recognize it. We should repeal the new rule that turns over all appropriations to one committee.

I know that the Senator from Wyoming is doing the best he can, and it is our duty to help him. I do not see any way in which we are ever going to help him in this matter except by standing by the amendments of the Senate and letting him go back over there and say: "Now, here, if we are going to have legislation you will have to be a little more reasonable in the matter, and you can not expect us to recede from everything that is done over there." We might just as well have an issue in regard to it now as later. If this body is to be informed, every time we have to recede, that it is by reason of the arbitrary rules of the House, it seems to me it is time for us to say that such rules of the House will have to be amended or we must stop trying to do business with them.

We have heard, time and time again, that the reason our conferees have such great difficulty in agreeing with the conferees of the House is that under their rules the conferees can not agree.

This amendment is not a small matter. It is a matter of great importance. There is no doubt about that. It is a matter which affects one of the greatest irrigation districts in this country, which was one of the first established. It is named after the late Senator Newlands, who was the real father of the irrigation law, the man who fought for it for 10 years in the House of Representatives, who fought for it under the most bitter criticism, and frequently under bitter ridicule. The men who have gone on that project have been mistreated from the very day they entered, and the Government now recognizes that fact. The Reclamation Service has been attempting for several years to force these men to pay $182,000, which they now admit they do not owe. The service proposes to accept about half that amount.

A written proposition from the Secretary of the Interior has gone to the directors of that irrigation district, agreeing to accept half of that amount, and agreeing also to have the Indians of that district pay their proportionate part of the cost

of the drainage of that district, and this amendment was put in for the purpose of enabling them to carry out this settlement they have had with that district. The proposition is about to be submitted to a vote of the district in accordance with the laws of the State of Nevada, and then, after all that trouble is gone to, after this litigation has lasted several years, after the people in that district have prepared to call their election, for the Congress of the United States to refuse to make an initial appropriation of $2,500 to allow them to carry out their agreement with the entrymen of that district is too unreasonable to require much further argument.

The whole thing about the matter is simply this, the conferees on behalf of the House know nothing on earth about irrigation or about Indians, and they do not care anything about them. They have simply dismissed it from their minds by saying, "We will not agree to it. It is an amendment from the Senate."

Mr. WARREN. May I interrupt the Senator to say that I think the RECORD will show that this amendment was offered on the floor by the Senator's colleague [Mr. ODDIE], although, of course, I may be mistaken. I think it will show that I stated at the time that it was legislation, but that it could go in by unanimous consent, and we would try to protect it. If I erred at all, I erred in letting it go in, because I knew it was legislation; but I erred because of my wish to do what the Senator wants—to have this legislation passed. We have faithfully performed our duty, and we have been compelled to recede. It seems to me that the better plan for the Senator is to pursue the course which has already been started, with a special bill. We can make the appropriation, even in a deficiency bill, if we can get it through in season, and thus accomplish what the Senator wants.

Mr. PITTMAN. Mr. President, my colleague [Mr. ODDIE] offered his bill before this bill came out of the committee. The committee had my colleague's bill before it at the time they considered this appropriation bill.

Mr. WARREN. It was against the rule to put it in.

Mr. PITTMAN. This amendment is not in the exact words of my colleague's bill. The committee must have considered it, because it is not in the exact words of that bill. The amendment was not put in on the floor of the Senate. It was put in by the committee and was passed by the Senate without comment. It is not subject to objection.

Mr. WARREN. I have said to the Senator that it was offered on the floor and accepted without any consideration whatever by any member of the committee, except that the chairman was willing to let it go in for further consideration. This is my remembrance of it. However, the action was taken a long time ago.

Mr. PITTMAN. I do not know what the RECORD shows about it, one way or the other, but I do know that the amendment was the one authorized by the Department of the Interior, and I know that it is the one which is embraced in their agreement, an agreement signed by the Secretary of the Interior with the irrigation district under the Newlands project, and I know that if that amendment is not retained in this bill, the whole understanding will fail, and litigation will proceed in that district. I will examine and read the RECORD to the Senate in a few minutes.

I think that if this matter were presented to the House conferees, as it may be presented, the House conferees would realize that they were doing an injustice, not alone to the homesteaders out on that project, but that they were doing an injustice to the Department of the Interior; that they were forcing both those homesteaders and the Government itself into litigation which they have both been trying their best to avoid. In other words, unless this amendment is adopted, this agreement will fail, and if that agreement fails, the Department of the Interior, under the existing law, will attempt to collect from those on the 70,000 acres this entire amount. They have started collecting it, and attorneys for the irrigation district have been authorized to start suits for injunction. Everyone has been trying his best to arrive at an agreement which would prevent that litigation, and after months and months of action on the matter, in which agents have come on here representing the directors of this district, in which the representatives of the State have participated for weeks in trying to bring this settlement about we brought it about. Now, when the authorization of law has been passed by the United States Senate, the Senate conferees are willing to let it go like this, without any further effort with the conferees of the House.

I do not believe that the conferees of the House really understand the necessity which caused the introduction of that amendment. If they did, I do not think they would hesitate a moment to agree to it, and I think they ought to have a chance to understand it and work on it.

I ask leave, Mr. President, to place in the RECORD two or three letters from the irrigation district and from the department bearing on this subject. I will not try to get them out of the file at the present time, but there are two or three of them I want to put in the RECORD.

There being no objection, the letters referred to were ordered to be printed in the RECORD.

Mr. PITTMAN. Mr. President, I desire to correct the chairman of the Committee on Appropriations in connection with an error into which he fell.

Mr. WARREN. Mr. President, before the Senator proceeds, if he will allow me to interrupt him, he is privileged, of course, to make the correction, but I should have made it myself had he not intended doing so. The amendment of which he has spoken, I find, was put on the bill by the subcommittee and not on the floor of the Senate.

Mr. PITTMAN. That is, the amendment which I have been discussing was put on the bill in the committee?

Mr. WARREN. Yes. I have refreshed my memory. The truth is that the Senator, though not intentionally, has helped my memory to become somewhat confused by delaying the conference report for several days. I thought I was stating the fact in reference to the amendment, but I now wish to make the correction.

Mr. PITTMAN. I am not surprised that the Senator is confused, as all of us are, in view of the rather unusual character of the proceedings of late; but I did not remember the amendment being offered on the floor, and in looking the matter up I find that it was adopted as one of the committee amendments and not as one offered on the floor.

Mr. President, I will be compelled to oppose the adoption of this partial conference report, for the reasons I have stated. Under the rules the amendment can not be acted upon separately. Therefore, the report should be sent back to the conference committee. I think we are entitled to support in this matter from every Western Senator.

APPENDIX.

CHARGES ON TRUCKEE-CARSON PROJECT.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., December 5, 1906.

Mr. L. H. TAYLOR,
Salt Lake City.

DEAR SIR: My letter of December 3 in reply to yours of November 16 concerning the charges on the Truckee-Carson project referred to your statement that the $26 fixed as the cost of the project per acre included maintenance.

On July 16, 1904, in a report signed by A. P. Davis, Geo. Y. Wisner, W. H. Sanders, J. H. Quinton, and yourself, the statement was made that "the irrigation of 275,000 acres under the project, including maintenance for 10 years, is estimated at $9,875,000, or $25 per acre."

In our letter of July 27, 1904, asking the Secretary of the Interior to issue a public notice as to the charges, I increased the total cost to $26 per acre and refrained from referring to the question of maintenance as it did not seem advisable to commit ourselves upon this point, upon the estimates made in advance of the completion in any important part of the work.

The report of the board estimated the cost of the work at $8,000,000 and the operation and maintenance for 10 years at $1,875,000. The accuracy of the estimate of cost made at that time can not now be fully verified as to the work already completed with the data at hand in this office.

I suggest that at your earliest convenience you consider this matter and make report also on recommending a definite cost in two items, namely, building charge and operation and maintenance charge, for use in connection with the notice to be issued this winter as to water-right applications for the lands to which water can be furnished next spring.

It is desired that these figures be such as to secure the return to the reclamation fund of the amount expended, due consideration being given to the probable cost of the remainder of the work necessary for the complete project.

Very truly, yours, (Signed) F. H. NEWELL,
Chief Engineer.

FARM UNITS AND IRRIGABLE AREAS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., March 3, 1907.

Mr. L. H. TAYLOR,
Fallon, Nev.

DEAR SIR: In view of the near approach of the opening of the irrigating season and the possible delay in obtaining formal announcement required by the reclamation act in regard to farm units and irrigable areas, you are instructed to give general notice that you will be ready to furnish water at the beginning of the irrigation season for all lands on the farm unit plats now submitted, limited by beneficial use, and not exceeding the amount to be fixed in the water-right application of acre-feet per acre per annum.

The first installment of the charges for building the works ($2.20) per acre will be due and payable at the local land office December 1, 1907,

for all lands shown on these farm unit plats for both private land and land subject to the provisions of the reclamation act, whether or not water is used thereon. Water should be furnished to all such lands if desired by the entrymen or owners at the opening of the irrigation season, but after 30 days from the issuance of public notice by the Secretary of the Interior, no water will be furnished to any land unless the owner or entryman has filed in the local land office an application for a water right.

The operation and maintenance charges will be fixed as soon after the end of the irrigation season as practicable, and due notice of the charges and date of payment will be given. A minimum charge of 40 cents per acre per annum for operation and maintenance charges will be payable for all lands shown on the farm unit plats whether water be used thereon or not.

You will give this notice as great publicity as possible, and it is desired that you send individual notices to this effect to all entrymen and owners of lands to be irrigated and shown on the farm unit plats to be now subject to water-right applications.

Very truly yours,

A. P. DAVIS,
Acting Chief Engineer.

JANUARY 11, 1922.

Hon. E. C. FINNEY,
First Assistant Secretary,
Department of the Interior, Washington, D. C.

DEAR SIR: We are in receipt of yours of December 24 and have delayed replying thereto until such time as the board of directors of the Truckee-Carson irrigation district could meet and take up the matters contained in your communication.

The board of directors held an adjourned regular meeting on Monday, the 9th instant, and after a lengthy discussion of the matters contained in your letter have by resolution authorized us, as the district's attorneys, to take such steps as we deem advisable to prevent the United States Reclamation Service from crediting the sum of approximately $15,600 to the operation and maintenance deficit that accrued between the years 1906 and 1917, both inclusive, instead of crediting such sum to the operation and maintenance cost that will be incurred during the irrigation season of 1922. This sum of approximately $15,600 is the difference between the 1921 collections and accruals, which amount to approximately the sum of $122,700, and the actual cost of operation and maintenance of the system of works in the season of 1921, amounting to the approximate sum of $107,100.

Please do not construe the action of the board of directors of the district in authorizing us to take such steps as we deem advisable to prevent arbitrary action by the United States Reclamation Service in crediting the said sum to the operation and maintenance deficit that accrued prior to the year 1917, notwithstanding the plain and, we think, positive provisions of section 5 of the extension act, which in part provides:

"If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge in the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season"—

as being a determination to disregard any opportunity to amicably adjust the matter, but merely to insure the holding of the excess collections and accruals of the season 1921 in abeyance until the water users and the board of directors are convinced that the Reclamation Service will not enter into an equitable adjustment of the collections of the operation and maintenance deficit.

It is not the desire nor sentiment of the board of directors or of the water users of the Truckee-Carson irrigation district to avoid or quibble over the payment of any liability that they have incurred through the United States Reclamation Service and which they have received the benefits of. The sentiment of the board of directors is, however, that the operation and maintenance deficit was incurred for the benefit of not only some 5,000 acres of Government Indian lands now in the project, but also for the benefit of hundreds or thousands of other prospective and contemplated settlers in the Newlands reclamation project and if, as we are informed, the total cultivated area is now approximately 70,000 acres in the district as against a contemplated 206,000 acres to be brought into the project, an attempt to place the collection of the entire sum upon the holders of the 70,000 acres in the irrigation district and excluding the Indian lands and public lands to be hereafter settled seems unreasonable and unjust.

Referring to that portion of your said letter wherein you state that you will be pleased to hear from us with an expression of the views of the Truckee-Carson irrigation district and ourselves as to the possibility of making a satisfactory agreement embodying—

(1) The payment of the entire operation and maintenance deficit at the end of the 20 years by the district;

(2) The question of the return of the money to be expended for tunnel repairs on the Truckee Canal;

(3) The payment by the landowners of the Truckee-Carson irrigation district of an equitable share of the cost of construction of the Spanish Springs Reservoir, should it be found possible to construct the same;

(4) The assumption by the district of operation and maintenance and construction payments in order to remove the present liens upon the lands and to enable farm loans to be secured; and

(5) An adjustment of the cost of Fernley drainage along the lines recommended in the Fortier and Bixby report on the Newlands project of August, 1921

We have to say that—

(1) The board of directors of the Truckee-Carson irrigation district does not feel that the operation and maintenance deficit should be paid by the Truckee-Carson irrigation district or the water users included therein, but believe that the same should be repaid to the reclamation fund through the collection of the same as a construction charge placed against lands contemplated to be settled upon in the Newlands reclamation project when ample storage facilities have been acquired to replace the original storage contemplated in Lake Tahoe. Or if such proposition does not meet with the approval of your department the board of directors and the water users of the district will be very glad to hear from you relative to the spreading of the operation and maintenance proportionately over all of the entered and unentered lands of the Newlands reclamation project as it will exist 20 years from now, the time that you suggest that the payment of the operation and maintenance deficit commence.

(2) and (3) Referring to the embodying in the agreement the return of cost of repairs on the tunnel on deferred payments, we understand that the character of work to be done has not as yet been decided upon and until such information is available, together with the estimated cost of the work and whether or not it constitutes repairs or construction, it seems premature to discuss the same, and we think that the same situation exists relative to the return of any portion of the cost of construction of the Spanish Springs reservoir.

(4) As to the assumption by the irrigation district of the operation and maintenance and construction payments, we refer you to our letter dated September 27, 1920, to Mr. John F. Richardson, project manager, and the letter of Director A. P. Davis, dated November 2, 1920, addressed to us in reply thereto, wherein Mr. Davis stated that it would be better for the district to wait a few years until the reclamation service had had a chance to settle, if possible, the storage situation, construct at least a part of the much needed drainage channels, and secure settlement of a larger part of the lands than are now under cultivation. It is our understanding that the board of directors and the water users of the district are still desirous of taking over the operation of the operation and maintenance and would be glad to hear from you relative to the present attitude of the United States Reclamation Service in that respect, and also as to taking over the collection of the construction cost, so that the matter can be discussed and put to a vote of the landowners of the district.

(5) As to an adjustment of the cost of Fernley drainage along the lines recommended by the Fortier and Bixby report, we do not have a copy of the report at hand. This matter seems to be one which should be adjusted between the local water users and we are not in a position to advise you at this writing of the desires of the board relative thereto, as we believe the matter has not been called to our attention and has not, we believe, been discussed. Such an adjustment would, of course, be subject to the will of the voters of the district.

We heartily indorse and adopt, and believe that the board of directors of the Truckee-Carson irrigation district and the water users would likewise indorse and adopt your statement that the ensuing five years will be very critical ones in the project's history, and that it is important that all cooperate intensely and harmoniously in order to fully realize the plans which both the district and the United States desire to accomplish for the advancement of the Newlands project, and believe that the first step in securing such cooperation and harmony is a fair and just settlement of issues that seem to have reached a crisis. The work of the United States Government in making it possible to reclaim, settle, and cultivate the vast areas of land in the Newlands reclamation project is fully realized and appreciated, we believe, by each and every individual living in the Newlands reclamation project, and hence it is the earnest desire of the board of directors, as representatives of all of these settlers, homesteaders, and landowners, to reach an amicable adjustment of the operation and maintenance deficit and other problems that now and will hereafter arise, and to this end we earnestly urge that you authorize and direct that the excess accruals of the year 1921, aggregating approximately the sum of $15,600, be held in abeyance for a period of 90 days in order that full consideration may be given by the Secretary of the Interior to the equities of the request of an adjustment along the lines contained in this letter or in our letter addressed to Mr. John F. Richardson, project manager at Fallon, under date of November 16, 1921, and arrangements be made for a thorough discussion of all of the phases of the situation with the Nevada Senators and Congressman in Washington, D. C., and such others as may be desired.

As hereinbefore stated, the homesteaders, settlers, and landowners of the irrigation district do not desire to have this matter litigated for numerous reasons which affect both the district and the United States Reclamation Service, and we assure you that such litigation will only be resorted to when the prospects of an amicable adjustment of the operation and maintenance deficit is beyond possibility.

We call your attention to a letter addressed to us under date October 25, 1920, from Director A. P. Davis, wherein it is stated:

"You are advised that the Reclamation Service is not at present attempting to collect from the Truckee-Carson irrigation district any deficit in the operation and maintenance account which arose prior to the passage of the extension act of August 13, 1914 (38 Stat. 686), and that any future arrangement made for that purpose will be preceded by appropriate notice to the district so that it may have full opportunity to take such action in the matter as it may consider advisable."

And ask if you will go a step farther and give us assurance by wire that a disposition of the excess accruals over actual cost of operation and maintenance for 1921 will be held in complete abeyance for a period of 90 days in order that an adjustment may be made to the satisfaction of the United States Government and to the landowners and settlers in the Truckee-Carson irrigation district, and that the reclamation fund may be repaid through such adjustment as provided by law.

We are forwarding a copy of this letter to the project manager at Fallon, Nev., for his information, and likewise a copy to the Senators and Representatives in Congress of this State in Washington.

Respectfully,

COOKE, FRENCH & STODDARD,
By ROY W. STODDARD.

Mr. WARREN. I move the adoption of the conference report.

Mr. McNARY. If the Senator will yield for just one question, I want to submit a matter to him. The bill as it passed the Senate appropriated, on page 98, $100,000 for the continued investigation of the feasibility of water storage on the lower Colorado River for irrigation, and other purposes, and related problems. The Senate receded from that amendment and accepted an amendment of the House in the following language:

For the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River and investigation of water sources of said river, $100,000.

There is an addition to the language as found in the bill as passed by the Senate. It goes beyond the idea of discovering, if possible, sources of storage for irrigation, and goes into the investigation of the water sources of the river. I wondered why the amendment was changed to include that language.

Mr. WARREN. Those who considered that the matter was larger than the "lower Colorado" struck out the word "lower" and added the words which the Senator has repeated, so that the whole subject of the sources and storage of the water of the Colorado would be considered.

Mr. WALSH of Montana. Mr. President, I am constrained to oppose the adoption of this partial report of the conference committee, and I may say in this connection that I do not see any very good reason for acceding to the partial report. We make no progress on the matter at all.

Mr. WARREN. The Senator is mistaken about that. As I have tried to explain to him and others, the House rule requires that anything that is considered obnoxious to it, even though put on in the Senate, has to go back to the House for indorsement. We had agreed upon perhaps twenty-odd items which are required to go back to the House for acceptance, and those, of course, can be reported to the House and adopted, and it will bring it down to the matters actually in disagreement. There is progress being made, and it is the usual way. It has always been the practice ever since I have been in the Senate that where there can not be a full agreement on appropriation bills and where we are trying on the part of the Senate to maintain those things which we have put in, this action is required. If we could immediately concede everything the House asked for, we could get a full report at once and not have a partial report.

Mr. POINDEXTER. May I ask a question of the Senator from Wyoming?

Mr. WALSH of Montana. I yield to the Senator.

Mr. POINDEXTER. Is it not true that by the process which the Senator from Wyoming has just described, where the Senate puts in what may be called legislation, or what the House might interpret to be legislation, but which the Senate, for reasons sufficient to itself, adopts as a part of the bill, and it goes back to the House, the result of the procedure which the Senator describes is to deny the Senate a conference upon those matters?

Mr. WARREN. Not exactly as the Senator puts it. It would if it were abused. I have objected to that system, and I object to it now, and I expect we shall get some change; but it will require action on the part of both Houses perhaps to get a change. The proposition is this: That when my colleagues and I go into conference with a bill we simply say, "Is this to be a full and free conference?" The House conferees say, "Yes; except that we may have to go back and get the approval of the House as to some items, but we will move en bloc for these recessions, and they will be made." That has been the practice so far, as far as the Committee on Appropriations is concerned. There is always a chance of some one item or two being held up, but aside from that, never since the change in the House rules has there been anything further on the part of the Committee on Appropriations than one or two amendments.

Mr. POINDEXTER. To put it in a different form, the position of the House conferees is that under the House rules they have no authority to agree to these matters at all in conference. They have to take them back and get the immediate, direct action of the House. It seems to me that is a complete denial of the principle of a conference.

Mr. WARREN. In a way, yes; but there have been tentative agreements, and we have thought it better for the present, until matters get straightened out on the other side, to go on in that form, and so far we have been very successful in getting agreements.

Mr. POINDEXTER. As I understand the Senator, he expects that some different system will have to be worked out?

Mr. WARREN. I think so.

Mr. WALSH of Montana. Of course, I can understand perfectly well that if this could be cut up into three or four different subjects, reducing the number of oppositions each time, it would be much more easily possible to get an eventual agreement. That is the only advantage I can see in dividing a thing up and considering it piecemeal.

Of course, opposition to reports of this kind always comes from somebody who is dissatisfied with the action with respect to some particular item. My dissatisfaction arises particularly with reference to the item of the bill for the continuance of the work of construction of what is known as the transmountain road in the Glacier National Park. Notwithstanding the fact that for years an effort was made to secure recognition for this most desirable highway, which will be the most scenic highway in America when completed, if not in the world, it was put off until finally, after repeated recommendations from the Park Service, an appropriation of $100,000 was made last year, and the work is under way. A recommendation was made by the Budget Committee, after every effort to pare down to the bone, for a similar appropriation for this very worthy project, but the House of Representatives, pursuant to a policy of economy, with reference to which I shall have something additional to say presently, notwithstanding the fact that the work was under way and that which had been done would suffer more or less by reason of the fact that it was not continued, made an appropriation of $50,000 only. The Senate very promptly and very commendably raised it to the amount recommended in the Budget, $100,000. I have no doubt that the Senate conferees have done the very best they can to secure the acquiescence of the House in the Senate amendment, but it is cut to $85,500, a reduction of something over 33⅓ per cent.

With it, Mr. President, is an appropriation of a similar character with similar results in the Mount Rainier National Park, in Washington. Concerning the origin of this work, I am not fully advised, but in that connection an amendment for an appropriation of $45,000 for the completion of widening 3 miles of the Nisqually Glacier to Paradise Valley Road was made by the Senate. This was cut to $21,800.

Mr. President, I desire to remark that last night there came in my mail an advertisement by the American Bar Association of the forthcoming meeting of that association at San Francisco. With it is presented a schedule of rates which will be offered by the railroad companies, and, as is usual in such cases, inducements are made to take trips to places of interest.

The circular advises those who desire to make the trip that they will have an opportunity to return by way of the Canadian Pacific, affording them an opportunity to view the scenery of the Canadian Rockies, and particularly to stop off at the celebrated Lake Louise.

In the summer of 1920 we went to San Francisco to attend the Democratic National Convention, and my recollection is that there were some half dozen members of this body who, thus induced by advertisement and other means, returned to the East by way of the Canadian Rockies, and enjoyed the scenery that was afforded by that trip.

No one knows anything about the Mount Rainier National Park or the Glacier National Park, or at least the great bulk of the people of this country know practically nothing about those parks, and yet the Glacier National Park is separated from the Canadian Rockies by nothing except the arbitrary international boundary line. The country is exactly the same. The attractions are exactly the same. The glaciers are there in as great abundance upon our side of the line as they are upon the other side of the line. The lakes are as beautiful south of the line as they are north of the line. The forests are just as attractive, both with respect to magnitude and with respect to variety. In other words, Mr. President, the conditions are substantially the same, as, indeed, they are in the Mount Rainier National Park. The only difficulty about the matter is that Canada spends money in order to build roads in these parks and to advertise their beauties, and thus attract to her parks on the other side of the line the tourist travel which ought to be confined to our own country.

Mr. President, this is a matter that is of national concern. It is not a local matter at all. We are endeavoring every year to divert to this country of ours the tourist travel from European countries, endeavoring to urge the people to "see America first." But what is the use of doing all that kind of thing unless we can offer them the same attractions, unless we can open up these parks by roads and trails, so as to make them available?

Who was it over in the other branch of the Congress, I should like to inquire, who knows so much about this matter as to justify the reduction in the estimates, in the first instance, from $100,000 to $50,000, and then afterwards to stand upon the amount that was finally agreed upon, $85,000, and in the case of road construction in the Mount Rainier National Park to reduce it from $45,000 to $21,800? I am advised by the Park Service that all this was done against their earnest protest. They used every persuasion they could to hold these figures. What reason is there, what reason can be assigned for this action? We must act some way or other on some substantial evidence.

Mr. WARREN. Mr. President, is the Senator addressing his questions to me?

Mr. WALSH of Montana. I did not intend them to be directed personally to the Senator, but I shall be glad to have him answer them.

Mr. WARREN. Of course, the Senator knows that there are Members of Congress who are supposed to look after these things. The bill came to us, as the Senator has seen it, appropriating $50,000 for this item. We had the regular estimates, and, without going any further, the Senate committee increased the amount up to the full estimates in every case as to Government parks, including the one in which the Senator is particularly interested. We were met by strong resistance on the part of the conferees from the House, one gentleman from Idaho, one gentleman from Oklahoma, and one gentleman from Michigan. They were not disposed to relent at all, but after three days' wrestling with them we compromised by cutting two

hundred and some odd thousand dollars, which we had added to all of the park items, down to $115,000, and agreed to leave it to the director, Mr. Mathers, of the National Park System, or his assistant, to see that we might get even-handed, unprejudiced justice as far as we could do so, and the Senator now has the result before him.

Of course, I am sorry to see it done, but it was the only way we had any hope of arriving at an agreement. Therefore there was $12,500 added to the item to which the Senator has referred. The fact that there was a certain amount appropriated last year and the year before that does not mean anything except that the House has attempted to reduce the entire bill. We had about 115 or 120 disagreements, and I think every one of them, with the possible exception of two or three, are in the matter of amount, where we seek to get more and they seek to hold us down to less.

The Senator, of course, must concede that conferences are instituted for the reconcilement of differences, and we find it impossible, as I think the Senator will find it impossible in a conference, to have one side claim all of the amounts which they have put in or to maintain their position against all of the amounts which they are resisting. I am aware of these criticisms, and I never flinch under them, because they are part of the game; but I am determined always, when any item is placed on a bill in the Senate, to defend it to the last possible point where I can succeed in obtaining anything.

Mr. WALSH of Montana. The Senator will understand perfectly well that nothing I have said and nothing that I shall say is in any wise criticism of the Senator from Wyoming, representing the Senate or otherwise.

Mr. WARREN. I understand that perfectly.

Mr. WALSH of Montana. I am calling attention to the fact that this was the best the Senate conferees could do, and I am very glad that we have now from the distinguished chairman of the conference committee what I supposed was the situation. There was apparently no reason urged for these cuts. The total amount, the House conferees said, must come down. They did not care about any particular items at all, or about the merits of any of the particular items, but the whole thing must come down.

Let me call attention to some more of this policy of economy of which the newspapers have told us not a little. Most of the items to which I now desire to call attention are still in abeyance, and I trust that when the report is finally made we shall have no cause to complain.

For instance, we are deeply interested in the matter, of course, all over the West in the public-land surveys. Years elapse often before the man who, before the survey is made, goes away out on the frontier and settles is able to get title to his land simply because the surveys have not been made. The Budget Committee recommended an appropriation of $700,000 for making public-land surveys. The House thought they had better cut it down, that that was a good place to pare, and so they cut it down to $600,000, and the Senate committee promptly put it back to $700,000.

The matter of classifying lands by the Geological Survey, so that entries may be made under the mineral homestead act, is a very important work, a work of special importance in the intermountain States. The Budget Committee recommended, as I understand, an appropriation of $300,000 for that purpose, and the House cut it in two and made the appropriation $150,000. The Senate committee put it back to the amount recommended for that purpose—$300,000—and has been obliged to submit to a cut of $75,000, so that we now have $225,000 reported.

Now, it will be observed that that is just a splitting of the difference between the House amount and the Senate amount. There is no reason for it at all. It is just arbitrarily, apparently, that they cut the amount in two; not that it would do, that it would satisfy, that it would be enough to accomplish the work, but arbitrarily they split the difference.

More important, perhaps, than any of these to the people of my State are the appropriations for irrigation. I wish to invite attention to one or two of those items. The Milk River project, in the State of Montana, was one of the first projects undertaken under the reclamation act; indeed, Mr. President, the work was prosecuted by the Geological Survey even before the passage of the reclamation act in 1892. Unfortunately, after the work was entered upon, a long controversy arose with Canada concerning the distribution of the waters of the streams which were to be utilized in the irrigation of the lands to be reclaimed. That went on for many years, and eventually resulted in the negotiation of a treaty; but after the negotiation of the treaty a controversy arose concerning its construction, which has been pending for nearly 10 years, and only lately was determined by the International Joint Commission. So the work has been delayed and the overhead has been accumulating and accumulating upon those people until the amount is running up to such a sum as that fears are entertained that the land, although rich and valuable, will not be able to bear the burden which is imposed upon it.

In that situation of affairs the department recommended an appropriation of $890,000 for the prosecution of that work, which the House of Representatives proceeded to cut down to $340,000, some $600,000 less than the amount recommended. The Senate committee and the Senate promptly put it back to the amount recommended. The amendment is now pending in the committee, but the policy of economy seems to prevail over there, I am afraid, and will deny us the opportunity to get a substantial appropriation for the completion of this work.

The North Platte project in Nebraska and Wyoming is in exactly the same situation. The Senate was obliged to increase the House appropriation from $1,440,000 to $1,690,000. The appropriation for the Rio Grande project in New Mexico was raised $100,000 in the Senate in order to conform to the estimate. The North Dakota pumping project was raised $30,000 in the Senate in order, likewise, to make it conform to the estimate. The Belle Fourche project in South Dakota was raised $30,000. The Senator from Wyoming suffers in exactly the same way, for the appropriation for the Riverton project in his State, which was recommended to be $1,075,000, which was practically cut in two, and $675,000 was appropriated by the other House. These items are still in conference. So I call attention to the fact that the vital interests of the West, in practically every feature with which this bill deals, are involved in his conference report and in such other reports as may be made with reference to the bill. It is a question as to whether the Senate is going to be obliged to yield with reference to all of these thus vitally important matters. I understand there is a policy of economy, but I want the public to know, at least in the section of the country from which I come, exactly what that policy means for us.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield.

Mr. JONES of Washington. I wish also to suggest to the Senator from Wyoming in connection with irrigation appropriations that, as a matter of fact, there is no real economy in retaining the House figures, because the appropriations are simply allotments of moneys in the reclamation fund. That fund is not subject to other appropriations, and the estimates, as I understand, of the Budget Bureau are based on the amount of money that will come into that fund and be available for the next fiscal year. So there is not really any economy in a recession from the amendments which the Senate has adopted. The Senate simply placed in the bill the amounts which the Budget Bureau estimated should be allotted from the reclamation fund under these various projects. If the money is there, and it is not appropriated for these purposes, it will not be used at all. If it is not in the fund, of course, it will not be taken out of the General Treasury.

Mr. WALSH of Montana. The Senator is quite right about that; but, of course, when the statement goes out that the appropriations are cut by so much, it does not make any difference where the appropriations come from.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. PITTMAN. Mr. President, I desire to correct the chairman of the Committee on Appropriations in connection with an error into which he fell.

Mr. WARREN. Mr. President, before the Senator proceeds, if he will allow me to interrupt him, he is privileged, of course, to make the correction, but I should have made it myself had he not intended doing so. The amendment of which he has spoken, I find, was put on the bill by the subcommittee and not on the floor of the Senate.

Mr. PITTMAN. That is, the amendment which I have been discussing was put on the bill in the subcommittee?

Mr. WARREN. Yes. I have refreshed my memory. The truth is that the Senator, though not intentionally, has helped my memory to become somewhat confused by delaying the conference report for several days. I thought I was stating the fact in reference to the amendment, but I now wish to make the correction.

Mr. PITTMAN. I am not surprised that the Senator is confused, as all of us are, in view of the rather unusual character of the proceedings of late; but I did not remember the amendment being offered on the floor, and in looking the matter up

I find that it was adopted as one of the committee amendments and not as one offered on the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. PITTMAN. I ask for the yeas and nays on agreeing to the report.

Mr. WARREN. Does the Senator want a division, or does he desire the yeas and nays? However, I do not object. The Senator may call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. STERLING (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Colorado [Mr. NICHOLSON] and vote "yea."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN] to the junior Senator from Alabama [Mr. HEFLIN], and vote "nay."

The roll call was concluded.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the senior Senator from Delaware [Mr. DU PONT], and vote "yea."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the senior Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK], and vote "nay."

Mr. ERNST (after having voted in the affirmative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES], and permit my vote to stand.

Mr. LODGE (after having voted in the affirmative). I find that my pair, the Senator from Alabama [Mr. UNDERWOOD], has not voted, and is not present. I therefore transfer my pair with him to the junior Senator from Pennsylvania [Mr. PEPPER], and allow my vote to stand.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oklahoma [Mr. HARRELD], and allow my vote to stand.

The result was announced—yeas 30, nays 9, as follows:

YEAS—30.

Ball	Frelinghuysen	McNary	Smoot
Bursum	Gooding	Moses	Spencer
Calder	Hale	Overman	Sterling
Cameron	Jones, Wash.	Page	Sutherland
Capper	La Follette	Phipps	Warren
Colt	Lenroot	Poindexter	Willis
Curtis	Lodge	Rawson	
Ernst	McCumber	Shortridge	

NAYS—9.

Broussard	Myers	Pittman	Walsh, Mass.
Gerry	Oddie	Sheppard	Walsh, Mont.
King			

NOT VOTING—57.

Ashurst	Glass	McLean	Smith
Birsh	Harreld	Nelson	Stanfield
Brandegee	Harris	New	Stanley
Caraway	Harrison	Newberry	Swanson
Crow	Heflin	Nicholson	Townsend
Culberson	Hitchcock	Norbeck	Trammell
Cummins	Johnson	Norris	Underwood
Dial	Jones, N. Mex.	Owen	Wadsworth
Dillingham	Kellogg	Pepper	Watson, Ga.
du Pont	Kendrick	Pomerene	Watson, Ind.
Edge	Keyes	Ransdell	Weller
Elkins	Ladd	Reed	Williams
Fernald	McCormick	Robinson	
Fletcher	McKellar	Shields	
France	McKinley	Simmons	

The VICE PRESIDENT. A quorum of the Senate has not voted.

Mr. WARREN. I ask that there may be a call for a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	Moses	Shortridge
Broussard	Gerry	Myers	Smoot
Bursum	Gooding	Oddie	Spencer
Calder	Hale	Overman	Sterling
Cameron	Jones, Wash.	Page	Sutherland
Capper	King	Phipps	Walsh, Mass.
Colt	La Follette	Pittman	Walsh, Mont.
Cummins	Lodge	Poindexter	Warren
Curtis	McCumber	Rawson	Willis
Ernst	McNary	Sheppard	

The VICE PRESIDENT. Thirty-nine Senators have answered to their names. A quorum is not present.

Mr. WARREN. Mr. President, the conference report that we have before us is one that stalls our business on the part of the Appropriations Committee, and has done so for the last week. If it is the desire of certain Members of the Senate to do that, of course I can not help it. There was a desire on the part of a good many Senators to complete the consideration of this conference report to-night, so that we might take the conference matter up again to-morrow with the House, and, if possible, adjourn the Senate over Friday and Saturday, or at least over Saturday. It seems to be the opinion of some Senators, however, that we ought to remain in session the balance of the week. So I now move that the Senate adjourn.

ADJOURNMENT.

The motion was agreed to, and (at 6 o'clock and 39 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 31, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 30, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We desire to thank Thee, blessed Lord, that with this day there come so much of hope, promise, and good cheer. We are grateful that there is strength for our weakness, wisdom for our ignorance, food for our hunger, and sunshine for our sorrow. By Thy power we are preserved in reason and in intelligence to appreciate the bounties of our heavenly Father. In us may there be a deep desire to know Thy laws and the spirit to accept and obey them. Continue to let us feel the sweet attraction and blessedness of Thy love and mercy and keep us good and happy all the way, through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I wish to propound a unanimous-consent request. A few days ago I secured permission of the House to extend my remarks in the RECORD. My purpose in doing so was not solely that I might embalm my words of wisdom in an historical mausoleum but that if occasion arose I might send them forth to a waiting world. I discovered later that unless I obtained special permission those remarks would be printed in type so small that I would have to send out with them magnifying glasses in order that the people might read them. At the present price of magnifying lenses and the present state of my finances that would be rather inconvenient. I therefore ask that those remarks may be printed in the usual 8-point RECORD type.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the remarks referred to may be printed in 8-point type. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, under leave granted by the House, I here insert some remarks made by me on the occasion of the fiftieth birthday anniversary of Charles W. Hoyt, of New York, head of the large advertising business known as Hoyt's Service, Inc.

The address is as follows:

PENDING TARIFF LEGISLATION.

An address by Hon. JOHN Q. TILSON, Representative in Congress from Connecticut, delivered at the Hotel Ambassador, New York City, March 24, 1922, on the fiftieth birthday anniversary of Charles W. Hoyt.

Mr. Toastmaster, guest of honor, and friends of the guest of honor: I am delighted to join in this splendid and well-deserved tribute of esteem and admiration to my long-time friend, fellow townsman, and fellow Yale man, Charles W. Hoyt. If it had not been forbidden by the committee in charge of this occasion, I should be tempted to refer to some of the sterling qualities the possession of which have placed our friend at the early age of 50 in the very forefront of a great business profession. Others, however, are to have this pleasing privilege, so far as it is to be permitted at all. I have been requested to talk to this gathering of business men on the subject of tariff legislation and its effect on business.

A tariff speech at a birthday celebration might appear to some about as inappropriate to the occasion as the speech of the old-fashioned political campaigner at a funeral held in the

fall of 1896. This particular funeral preceded the election, so that no reference is here made to the funeral that followed. A goodly number of friends having arrived somewhat early the old campaigner—the ruling passion strong even in death—arose and solemnly said:

"Friends and fellow citizens, while awaiting the arrival of other friends of the deceased, I wish to take advantage of this opportunity to make a few remarks on the free and unlimited coinage of silver at the God-given ratio of 16 to 1."

There are a number of points of difference, however, between that occasion and this one. The guest of honor is about the most alive man I know, and unlike Mark Anthony we have come to praise him, not to bury him. Then the tariff question is far from being as dead as Julius Cæsar or free silver, for issues may come and issues may go, but the tariff goes on forever, and will continue so long as we are an industrial Nation with standards of living for working people higher than those of other countries.

At first glance there may not appear to be a very close relationship between tariff legislation and the advertising and publishing business, but the connection is actually close and vital. It has been charged that the publishing business or, to be more exact, that the great daily newspapers of the country are hostile to a protective tariff on the ground that such legislation restricts imports and that the restriction of imports injuriously affects advertising. The unreasoning attitude of so many of the metropolitan dailies on the subject of the tariff lends color to this charge. If true, it is a short-sighted policy on the part of those responsible for it. In the end the publishing and advertising business and all other business, except importing, will be better and greater if a condition of universal prosperity prevails, which can not prevail so long as foreign competitors hold sway in the domestic market.

It has long been my contention that the tariff is neither a local nor a party issue, and it should not be made so. It should be considered and discussed when no political campaign is imminent, so that it may be considered calmly, dispassionately, and with a view to ascertaining the possible economic effect rather than its effect on the next election.

Naturally, I can approach the subject only from the standpoint of a protectionist, for that is what I am. As this is not a partisan gathering, I think that I ought to say this, so that you may be advised and be ready to make such discount of what I am about to say as you may judge to be necessary.

From my viewpoint, the question of whether we have an adequately protective tariff resolves itself very largely into the question whether we shall continue to produce here in America such of the articles we use and consume as we can produce with reasonable economy and efficiency. In other words, shall we produce what we need or purchase it from some one else? We should not attempt to force, by means of protection, the growing of tropical fruits in the steam-heated greenhouses of New York and New England; and by the same token other industries, which by the nature of things belong in the "hothouse" category, have no place in the protective system. On the other hand, where an industry has heretofore thrived or can be made to do so by imposing a duty sufficient to equalize labor costs it is clearly within the protective principle and should have consideration.

It is not my purpose, however, to enter upon a discussion of protective principles, but rather to refer briefly to the present tariff situation, its effect upon business, and what the prospects for the immediate future are in this direction.

Our present tariff law went into effect October 3, 1913, and therefore had been in force less than 10 months when the war broke out in Europe. In these few brief months it was clearly demonstrated that the duties provided by it were altogether inadequate in a great number of industries. Destructive foreign competition had already begun its deadly work. Then came the great World War, exerting and putting into full force the highest protective tariff ever known, being altogether prohibitive in a great number of cases. The prosperity that ensued under such abnormal conditions was itself abnormal, and brought some very unfortunate results, such as extravagance and high cost of living, in its train.

Peace came at last, but the train of consequences once set in motion could not be so readily halted as the hostile armies. Great industrial disturbances had occurred in almost every country in the world and financial chaos reigned supreme in some of them. Financial confusion emphasized and increased the industrial confusion and still disturbs industrial conditions. In this chaotic condition the resumption of the importation of foreign goods was somewhat slow and far from uniform, wherein lies one serious element of difficulty for us.

It was the autumn of 1920 before we began to feel the effect of serious foreign competition, and then at first only in a comparatively few industries. In the early months of 1921 it was being felt more keenly and in an ever-widening circle of industries, but still so unequally that although many were seriously injured many others appeared to be affected not at all. It was at this stage that the Committee on Ways and Means began the preparation of the general tariff bill now in the Senate. It was not an easy task under the conditions then existing. It was difficult to secure information that was not liable to become misinformation overnight and without notice to the holder. One fact, however, stood out conspicuously and became more clear with each passing month, and that was that more and more industries were suffering and were suffering more keenly from foreign competition. These industries appealed for relief to the only source from which relief in such matters can come, and Congress, or at least the House of Representatives, took up the task.

Some of those producers who had not yet felt the pressure of unequal competition joined in the cry that "we have now become a creditor Nation," as if that fact ought to cause us to enjoy standing helpless while the foreigner metaphorically cuts our throats. It may give voice to a grand and glorious feeling to boast that we are now a "creditor Nation," but if the only large factory in a small mill town is compelled to close its doors because its foreign competitor is underselling it in the American market you will have hard work showing the people who are out of work where they gain anything by it. Yes; we have become a creditor Nation, and I sincerely hope that we get paid, but not at the price of seeing our own mills closed and our own labor and capital thrown out of employment.

During the year 1921, especially while the tariff bill was in committee and in the House, business was what we might call "spotty." There were some bright spots here and there, and, as we all too well recall, some very dark ones. There were so many conflicting elements and cross currents that it was not easy to fully diagnose the trouble. I would not contend that the severe industrial depression caused all the trouble or that the lack of adequate protection caused all the depression in industry, but after a somewhat prolonged investigation I am convinced that no other one element had more to do in causing and prolonging the slump in business; and I am just as fully convinced that the cause must be removed before it will be possible for business to fully recover.

If any of you took the trouble to examine carefully the goods you bought or examined during the last Christmas holidays, for instance, I warrant that you found a large percentage of the articles then offered for sale to be of foreign origin, and that condition continues to this day. My friend and fellow townsman, sitting here at my left, A. C. Gilbert, makes, or is equipped to make, all kinds of wonderful toys. My friend sitting over there, Harry Ives, of Bridgeport, specializes in toy trains, and produces the best that can be made. Having children of my own of toy age, I have visited a number of toy places in New Haven, New York, and Washington, and have there found more toys made in Germany than I found made in New Haven, Bridgeport, and all the other toy towns combined. The company over which Walter Camp, the friend of all of us, presides makes clocks in New Haven—that is, when there is a market for them. There have not been very many made during the past year. One of the former workmen of this company, while unable to find another job, had some leisure on his hands, so it occurred to him to investigate where the clocks were coming from that were being sold in New Haven. He found that there, under the shadow of the smokeless stacks of the New Haven Clock Co., there were more German clocks being offered for sale than of all the different American clock makers combined.

A few months ago I was in Kansas City, and while there I spent more than an hour one day in a large sporting goods store that would do credit to Fifth Avenue. A large proportion of the goods carried in the store were of the kind for the manufacture of which the States of Connecticut, New York, and New Jersey are particularly noted. It was a matter of deep regret to me to find American articles, one after another, being replaced by foreign articles, and that this was being done very rapidly in this class of merchandise. The reason given was that German goods can be bought so cheaply that the profit in selling them is too large and too tempting to be resisted. I inquired as to whether these goods were sold to the consumer at a price much below that of the comparable American article, and was informed that this was not at all necessary. On account of the much smaller profit on the American articles, I was told that few were sold except when specially asked for by a customer.

The resultant effect of a large number of instances like the ones referred to is forcibly illustrated in a letter received by me yesterday from a large manufacturer of cutlery, scissors, and surgical instruments in New Jersey. A part of the letter reads as follows:

> Here are some interesting facts regarding these nippers. Since last January, when I met with your committee in Washington, we have not produced a single pair, although our business prior to that time on this item was very large. The reason, I hardly need explain, is that the German goods have driven us from the market, and this department of our plant is shut down.
>
> This is also true of our manufacture of solid steel scissors. I think I am safe in saying that since January, 1921, there has not been a single pair of steel scissors completely manufactured in the city of Newark. There have been possibly some very small quantities completed from stock which were on hand, but to take a piece of steel and start from the beginning to make scissors, I am very certain has not been done since the date above mentioned.
>
> There were in this city approximately 3,000 men employed in grinding and finishing, and the manufacture of cutlery, especially of scissors, was rapidly growing. To-day these men are walking the streets in search of employment or have drifted into other trades.
>
> How can we expect to have our national business prosperous if this condition exists in the various manufacturing industries in the country? I am not interested in the German manufacturer or in the German importer, who is rapidly growing rich at the expense of American manufacturers and American working people. I have tried very hard to explain to a great many of our workmen who come back to us seeking employment that it is impossible for us to make these goods and compete with Germany. They can not understand why the German factories should be running overtime and the German goods selling in this market while they have to seek work of any kind in order to live.

I have referred to these specific instances as illustrations only. Multiply by 1,000 and you will have begun to figure out one of the reasons why business has tarried so long in the slough of despond. Business has been and still is sick in the industrial sections of the country. The best medicine I know for the disease is a good stiff dose of the good old protective-tariff remedy.

In my illustrations I have referred to Germany, so you may wonder how it is that Germany, so recently and so completely overwhelmed by her enemies, can so quickly rise again and become an effective competitor. Remember that Germany was not devastated and that her industrial equipment was in many respects increased rather than diminished during the war. The facilities are there and some of the cheapest and best labor in the world. Necessity furnishes the spur, and a most effective competition is the result. I have said cheap labor. It is made so in part by necessity and by reason of the exchange situation. Labor is high when measured in marks at their former value, but at the present price of marks German labor is so cheap as to make it impossible for an American manufacturer to pay our wage scale and successfully compete.

It was to meet the German situation as much as for any other reason that the American valuation plan was first brought forward and finally written into the House tariff bill. The plan is not entirely free from difficulties. Neither is any other plan, except the impossible plan now being followed of permitting the exporter to fix the valuation of his goods for duty purposes. What would you think of a plan where every taxpayer in a town is permitted to finally determine the valuation of the property on which he is to be taxed? Can not you imagine how rapidly and how much the grand list of that town would shrink? Are foreigners any more honest than our home taxpayers? It is also much easier for the foreigner to accomplish his purpose, for he is far away and outside the jurisdiction of our courts. He can and does invoice the goods to his agent here, who pays the duty on the invoice value whatever the foreigner chooses to make it. The agent then proceeds to sell the goods for what he can get for them here, which is the real American value. Is it wrong to make the foreigner pay the duty on a fair valuation of his goods? And can there be any fairer value than that for which the goods will sell in the market where they are offered for sale?

American valuation does not necessarily mean higher rates of duty, for the method of valuation is, of course, taken into account in fixing the rate. If the rate is high enough and the valuation is fairly made, it should not matter materially which method is employed; but herein lies the difficulty. Foreign valuation has not been heretofore fairly and honestly administered, and it is well-nigh impossible that it should be. Under this plan our Government has lost millions of revenue and our domestic producers have lost a large share of the protection to which they are entitled under the law. Under present conditions our producers can not endure much longer this unfortunate, one-sided plan. They must have relief from an intolerable situation, and American valuation is the most hopeful thing in sight.

Before I close you would naturally expect me to give you some definite idea as to when tariff relief may be expected to materialize. Unfortunately I can not do so. In my opinion the tariff bill should have become a law more than six months ago. As I have said, it is perfectly clear to my mind that we can not fully recover from the depression through which we have been struggling so long until proper tariff legislation has been enacted. Therefore every week's delay in finally settling the matter is an unnecessary prolongation of conditions from which men of thought and action, like those before me to-night, have been working so hard trying to extricate us.

On July 21, 1921, the House of Representatives passed a tariff bill, since which time the responsibility has rested upon the other branch of Congress. Yet, I would not judge harshly the Senate of the United States. The problem to be worked out is difficult, complex, and complicated. My own judgment is that quick action would have been far better, even if need be at the expense of thoroughness, trusting to further revision at a later date, if found necessary, to correct errors based on faulty information. The Senators, however, sharing equal responsibility, have taken a different view, and I would not impugn their motives nor unduly criticize, although I fail to agree with their judgment. I hope that our captains of industry will have the patience and the resources—and it will call for much of both—to hold out a little longer, and that our working people will be enabled to live through the depression with as little hardship as possible. Even though unduly delayed, relief will surely come, and when it comes I believe that it will be of such a character that under it industry will soon resume its normal condition and then go forward and upward to new levels of prosperity heretofore unknown.

POINT OF NO QUORUM.

Mr. KNUTSON. Mr. Speaker, in view of the importance of the bill under consideration (H. R. 10864), I make the point of no quorum.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum. It is clear there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their name:

Almon	Gorman	Mansfield	Shreve
Anderson	Gould	Michaelson	Slemp
Andrew, Mass.	Graham, Pa.	Miller	Snell
Ansorge	Greene, Mass.	Mills	Snyder
Bond	Hammer	Molt	Speaks
Brennan	Haugen	Mudd	Stafford
Brinson	Hays	Murphy	Stevenson
Brown, Tenn.	Hicks	Nelson, Me.	Stiness
Carew	Hill	Newton, Minn.	Stoll
Chandler, Okla.	Hines	O'Brien	Strong, Pa.
Christopherson	Hull	O'Connor	Sullivan
Clague	Husted	Ogden	Taylor, Ark.
Clark, Fla.	Hutchinson	Olpp	Taylor, Colo.
Clarke, N. Y.	Ireland	Parker, N. J.	Temple
Cockran	Jacoway	Parker, N. Y.	Timberlake
Codd	James	Patterson, Mo.	Tincher
Connolly, Pa.	Johnson, Miss.	Perlman	Vare
Crowther	Johnson, S. Dak.	Quin	Voigt
Davis, Minn.	Kahn	Rainey, Ala.	Volstead
Dempsey	Kearns	Rainey, Ill.	Walters
Doughton	Kelley, Mich.	Ransley	Ward, N. Y.
Drewry	Kitchin	Reber	Ward, N. C.
Dunbar	Kleczka	Reed, N. Y.	Watson
Echols	Kline, N. Y.	Riddick	Winslow
Edmonds	Knight	Riordan	Wise
Evans	Kraus	Rogers	Woods, Va.
Fess	Kunz	Rosenbloom	Woodyard
Fields	Lampert	Rossdale	Wright
Fisher	Lee, Ga.	Ryan	Wurzbach
Gallivan	Lee, N. Y.	Sabath	
Goldsborough	Linthicum	Sanders, N. Y.	
Goodykoontz	McDuffie	Schall	

The SPEAKER. Three hundred and six Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

Mr. LANGLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, the hospital bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864, the GREEN of Iowa in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10984) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau.

Mr. LANGLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, the House is about to take up for consideration under a unanimous-consent agreement entered into at my suggestion some days ago the bill (H. R. 10984) to authorize appropriations to the extent of $17,000,000 to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for veterans of the World War. I assume there will be very little, if any, opposition to the enactment of this legislation, at least to the provisions for additional hospital facilities. There may be grounds for difference of opinion as to some of the details of the legislation, but so far as the necessity, the wisdom, and the advisability of making abundant and liberal provision for the disabled veterans of the World War there is no ground for difference of opinion, and there is, I assume, no difference of opinion on either side of the House. Mr. Chairman, in view of this unanimous sentiment favorable to the essential features of this legislation, I think it is not necessary for me to discuss it at length. I shall take advantage of the opportunity afforded me to discuss some other matters which, I think, are of considerable interest just at this time.

Mr. Chairman, various newspapers and newspaper writers seem to be engaged in a systematic attempt to create the impression that the Congress, and particularly the House of Representatives, is not working in harmony with the President. A recent statement characteristic of this attempt is to the effect that "the President is at loggerheads with the Republican leaders in Congress, particularly in the House of Representatives, on practically all matters of domestic and foreign policy."

This class of statement is so ridiculously and absurdly untrue, and here in Washington is so well known to be untrue, that one might very properly ignore it were it not for the fact that such statements printed in papers of wide circulation are certain to create a false impression in the country.

The fact is that instead of the President and the Congress being at loggerheads, as these writers and journals would have the country believe, there has never been a time in my quarter of a century of experience in Congress when the relations between the President and the Congress, particularly the House of Representatives, were more pleasant, cordial, sympathetic, and harmonious than at the present time. [Applause.]

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. Well, I prefer not to be interrupted just at this point. I desire, however, to say that while what I have just said relates primarily to the majority, it is also true, as you all know, in the main with regard to the minority. [Applause.]

Anyone who will take the trouble to read the recommendations made by President Harding to this Congress from time to time and to examine the record of the Congress will find that practically all of these recommendations have either been written into law or are in process of enactment, and this applies particularly to the record of the House of Representatives.

I invite comparison with any period of American history and challenge anyone to find a record of finer relations or more harmonious cooperation between the President and the Congress. I do not mean that the Congress has halted in the performance of its duty to inquire the Executive view as to every detail of its program; that would neither be practical nor in accordance with the spirit of our institutions, and President Harding would be the last to suggest or approve such a procedure. [Applause.]

Neither do I wish to convey the impression that the action of the Congress, or of either body, has at every moment of time and in all of the stages of legislation been exactly or precisely to the breadth of a gnat's eyelash just what the President would have preferred. Such a condition would not be desirable, because it could not be possible unless we all became identical mollycoddles. Nevertheless, there has been a general and substantial accord between the President and Congress, not only in matters of primary importance but in the consideration of many questions of policy and detail. There has been an unbroken practice and habit of consultation, a spirit of mutual cooperation, and a larger measure of accord than I can recall in all my service. [Applause.]

This all being true, and known to all men who care to know the truth, why this constant reiteration on the part of certain writers and certain newspapers that Congress and the President are at loggerheads, accompanied on the part of a portion of the press with the suggestion that the President must proceed to assume a dictatorship over Congress or all will be lost, including honor?

There are two general reasons—one professional political, and representing a variety of impulses; the other very practical, though also divisible into various lines of thought and purpose.

Of the professional political phases of the attempt to create the impression that Congress and the President are at loggerheads, one, at least, has had no particularly sinister motive. It grows out of the hankering for excitement, the irksomeness of quietude, a desire to have something snappy to write about. Certain gentlemen of the pen and of the press would have a distressing time of it if all went smoothly and there was an effective statute against stringing the public and drawing the long bow. There just must be something doing; and if the fields of fact afford no excitement, it must be found in the realms of fancy and imagination.

The motives back of some of this misrepresentation of the relations between the Executive and the Congress are not so innocent and inoffensive as those I have just mentioned. They find their inspiration in the exigencies of personal and party politics, largely the former. Since the beginnings of organized government there has been a certain class of people who have imagined that the way to personal favor and preferment at the hands of those in position of authority was to arouse distrust, to magnify differences, to create friction, to pose as special friends and champions by bearing false witness, by fomenting trouble. The English language has a number of uncomplimentary titles for gentlemen of this ilk which it is not necessary for me to quote.

Then, of course, there are always the exigencies, the impulses, and the temptations of party politics. Nothing would serve the purposes of a political campaign better than to create the impression of a lack of party harmony, cooperation, and solidarity. There is always the hope that sufficient reiteration may be accepted as proof and that constant hammering may tend to create at least a semblance of the friction proclaimed as existing.

So much for the professional political influences behind the effort to make it appear that the President is at loggerheads with the Congress. Even more important, because better organized, and infinitely better provisioned and provided, are those forces and influences which endeavor to create this impression because they are opposed to legislation or policies approved by the Congress and particularly by the House. There are those who fondly hope, by an anvil chorus of persistent reiteration, to create, in a limited degree, at least, the lack of cooperation and the difference of opinion which they persistently insist already exists. While these influences have a variety of differences with the Congress, the present mainsprings of this croaking chorus are those who disagree with the view of the House of Representatives touching the soldiers' bonus and relative to the Army and the Navy.

The antibonus campaign of certain metropolitan papers has given us the finest example we have yet had as to the length to which some people are willing to go in a campaign of misrepresentation. They advised the House to turn its back on pledges that had been solemnly made by a large majority of the Members, or on their behalf by their party associates, in harmony with the expressed view of the people. They assumed, without leave or authority, to declare Executive views on a measure relative to which the President very properly refrained from committing himself one way or the other. The vote in the House, whereby approximately four-fifths of those present gave their approval to the measure, ought to be quite sufficient answer to these journals, unless they are prepared, as I presume some of them are, to indict the Congress, at least the House, as a whole.

And then there is that comparatively small but very active, very positive, and very persistent class who may always be found advocating the largest establishments and appropriations for military and naval purposes that anybody may suggest. They have not approved the House appropriations for the Military Establishment, and therefore we are told, frantically or solemnly, as the case may be, that the President does not approve what we have done.

I have to these folks a monopoly of assuming to report the President's position on these matters, but I venture the assertion that the President's view with regard to the Military Establishment is much more nearly in harmony with the action which has been taken by the House than it is with the attitude of the majority of the newspapers and newspaper writers who have assumed to know and to promulgate his views.

We are soon to take up the naval bill, and again we shall hear the anvil chorus of assertion that we are proposing to wreck the Navy and that we are entirely out of harmony with

the President in what we are proposing to do. The committee in framing this bill, after very considerable consultation with those in the House who have experience and responsibility, has had two major objectives: First and foremost, that of maintaining in fighting trim and in condition for prompt action a Navy on the seas of the size and strength we are authorized and justified in maintaining under the terms of our agreement relative to the limitation of naval armaments. Second, the committee has had in mind the fact that as we proposed and become a party to an agreement limiting armaments and intended and expected to reduce naval expenditure it is our duty and our obligation to uphold the hand of the President and of the administration and emphasize the splendid work that has been accomplished by giving visible and practical evidence of at least a portion of this great accomplishment through a very substantial reduction of the cost of the Naval Establishment. [Applause.]

Unfortunately, through the pressure of selfish local interests, which have been operating for many years but which had a riotous carnival of extravagant influence during the war, a large part of our Navy is ashore. It is a lamentably backward and unassuming village along our coast line that has not its naval base or station, that has not its grappling hooks on the National Treasury through the naval bill. There may be some question as to the relative size of navies afloat, but there is no manner of question about the size of navies ashore. We far outrank and outclass them all.

Of course, every community wants to keep its navy yard and its naval base, its dry docks, its shops and its anchorages, its snug harbors, and its placid shore stations for the naval personnel not essential to the ships at sea, but we can not yield to these persuasive influences if we are to do our duty to the people in reducing expenditures or to the administration in reflecting their splendid work in the practical terms of appropriations. [Applause.]

The committee believes it has provided an adequate force in men and officers. I am inclined to the opinion that it has made sufficient provision in men, and am quite certain that it has provided liberally for officers. Let this not be forgotten: That those who are insisting upon very material increases above those provided in this bill are, if they are informed, doing so, not to provide adequate forces at sea or adequate reserves but in order to maintain unnecessary forces and establishments on land, a dry and well anchored navy.

No, Mr. Chairman; the President and Congress are not at loggerheads. There is a spirit and a purpose of cooperation; frequent consultations are the order of the day. The President's recommendations and the party program have been carried out or are in process of accomplishment. It has met with presidential approval so far as completed, and I have no doubt will continue to be perfected. Both the military and naval bills will, I have no doubt, receive presidential approval as they shall be agreed upon between the two Houses. Congress will see to it that, while preserving a thoroughly efficient and adequate Navy, there shall be no failure to reflect in the naval bill the splendid work of the administration in the Conference on Limitation of Armament.

In the closing days of the session, as we shall wind up and perfect the program, these assertions and prophesies of lack of party harmony and cooperation will prove silly enough. I am only referring to them briefly now, in the midst of the active work of the session, in order to reassure those good folks at home who may have been misled or disturbed and who have not understood the influences that have spread abroad the disturbing misinformation with regard to the relations between the President and the Congress. I assure them that all goes well; that the Congress and the President are cooperating in the spirit of accommodation, adjusting differing views, if any develop, and working in harmony to the completion of the program which we confidently expect will serve the best interests of the American people and meet with their approval. [Applause, the Republican Members rising.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had passed without amendment the bill (H. R. 9079) to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs."

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

The committee resumed its session.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, it is sweet to see brethren dwell together in unity [applause], and I have taken these few moments in order to contribute my mite toward the harmony of the majority party, or rather to emphasize the harmony which exists between the Executive and Republican majority in the legislative branches. [Laughter.] In order to find the beginnings of this harmony we need go no further back than the passage of the Army bill in the last Congress, when the Congress insisted upon adhering to the amendment offered by the gentleman from South Carolina [Mr. BYRNES], reducing the Army to 150,000 men, and the President signed the bill although he had fought the Byrnes amendment, but sent us word that he had no doubt that a little later he would come back and ask Congress to increase the number. Of course, he did not come, because he had proceeded upon a false basis. He had an idea that they could not get the soldiers out of the Army.

Another evidence of that harmony is to be found in the President's annual message delivered to Congress at the beginning of this session, in December last, in which, turning to the Republican side of the Chamber, he emphasized his belief in party Government and party responsibility and in a very delicate but notwithstanding very feeling manner indicated what he thought of those who had joined with the Democrats and voted as they did on the surtax proposition. [Laughter and applause.] Now, of course, until the gentleman from Wyoming spoke, the whole country believed and had the right to believe that there were very sharp differences between the majority party of the Congress and the Executive on the present Army bill. If there is no difference between the President and the Congress, then there is a very woeful and distressing difference between the President and his own Secretary of War. If there does not exist difference of sentiment, a pronounced and marked difference of sentiment, between the President and the majority party of the Congress on the naval program, then there is a distressing difference, such as would ordinarily break up a Cabinet, existing between the President and his own Secretary of the Navy. Do you mean to tell me that with the Secretary of War and the Secretary of the Navy, in their demands for a larger Army than Congress has indicated it would give, and a larger Navy than it seems disposed to give—do you mean to tell me that the President is standing with the Congress and not his own Cabinet officers? I do not believe it, Mr. Chairman.

The President made another recommendation in an unofficial way. He said that if you want to pass a bonus bill, put a sales tax in. What became of that proposition, and why? [Applause.] Was there no difference between the President and the Republican Members of Congress on that?

The President in his annual message, in December, recommended on the tariff that they give him substantially the power to make it. What has become of that? What has become of the tariff, anyhow? [Applause.] That was one of the first things we started on here when this Congress began.

Mr. GARNER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. GARNER. I wonder if it is because of some of the matters he speaks of that the President authorizes the statement that he does not propose to defend this Congress at the coming election? [Applause.]

Mr. GARRETT of Tennessee. That is undoubtedly true.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CANTRILL. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. GARRETT of Tennessee. Gentlemen, to all reasoning men there would seem to be no other conclusion to be drawn except that drawn by my friend from Texas. The gentleman from Wyoming, however, is a reasoning man, and I do not know whether he cares to state any opinion about that or not. [Laughter.]

Mr. MONTAGUE. In line with the harmonious hostilities just discussed by the gentleman from Wyoming, may I ask the gentleman from Tennessee what he thinks of the statement of General Pershing, Chief of Staff, which appears in the papers this morning, as to the personnel of the Army, wherein the number fixed by the House and by the Chief of Staff widely differ? What does the gentleman think of the press, largely composed of Republican papers, declaring that the President is popular but the Congress is very unpopular with the country?

Mr. GARRETT of Tennessee. As to the statement of General Pershing about the matter, I would assume that General Pershing would not issue any statement that did not have the approval of the Secretary of War, and I certainly should regard it as a very remarkable thing if the Secretary of War, a member of the President's Cabinet, were urging a proposition that the President himself was opposed to.

Of course, the other suggestion as to what the press is carrying about the President being popular and the Congress not

popular, that is very delicate ground for me to tread upon. [Laughter.] There is so much jealousy and envy and enmity on the majority side about that matter that I hesitate to trench upon it. [Laughter.]

Mr. MOORE of Virginia. Does the gentleman recall a delicate intimation by the President of his opinion of the farm bloc, that is working for the agricultural interests?

Mr. GARRETT of Tennessee. As contained in the message by the President delivered here last December? Yes; I remember the soft and gentle way in which the President proceeded to take the hide off of those gentlemen who had voted right on the surtax matter. [Laughter.]

Now, Mr. Chairman, it seems very remarkable that the majority leader should feel it his bounden duty on one day to lecture the House—which proceeded very promptly to show him what they thought of his lecture—on the matter of maintaining the Budget [laughter], and then on the following or the next day feel it necessary to lecture the Republican press of the country [applause] because of the fact that the press is publishing the news of the day. [Laughter.] There are certain papers surely that do not misrepresent the attitude of the President of the United States. I can not believe, for instance, that the Washington Post under any circumstances would misrepresent the attitude of the President of the United States or his feeling toward the Congress, or that it would permit anything to get into its columns which did not reflect the President's views, and you will recall just about two or three weeks ago there came to the Washington Post from the houseboat owned by the owner of the Post, down in Florida, upon which boat the President was a guest——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. One more minute.

Mr. CANTRILL. I yield the gentleman one minute more.

Mr. GARRETT of Tennessee. There came to the Post a message which, in substance, advised that the President had gotten extremely tired of a number of things that were going on among the Republicans in Congress, and evidently in answer to the suggestion that there was going to be an effort to pursue him down there by some of the members of the majority party and have a conference with him on the bonus bill, he sent the message back through the Washington Post that he did not want anything to do with them. [Applause, the Democratic Members rising.]

Mr. CANTRILL. Mr. Chairman, I would like to be notified at the expiration of 10 minutes.

The CHAIRMAN. Very well.

Mr. CANTRILL. Mr. Chairman and gentlemen of the House, I regret exceedingly that to-day, with this bill pending before the House, the majority leader [Mr. MONDELL] saw fit to take up the time of the House with a political speech. In my judgment, this measure is nearer to the hearts of the American people than any other piece of legislation which has been brought into this Congress. [Applause.] As a member of the committee I would not waste my time during the consideration of a measure of this character by discussing politics. There is no politics in this bill. It has a unanimous report from the Committee on Public Buildings and Grounds.

The legislation is written for the purpose of taking care of the disabled veterans who followed the victorious American Army in the World War. [Applause.] I do not believe there is a man or a woman in the United States who, if permitted to make a choice of any piece of legislation for speedy and favorable action by this House, would not say that the first duty of the American Congress is to take every care possible of the disabled and wounded soldiers in the American Army. [Applause.] And that is the purpose of this bill. I recommend it for passage, as has done every member of the Committee on Public Buildings and Grounds who has given thorough consideration to the provisions in this bill.

I do not believe there will be any objection to the passage of the measure. It is true that in the bill there is a change of policy as to the construction of the hospitals provided for in the bill. I believe that change of policy is wise and to the best interests of the country and to the best interests of the disabled veterans, because under the policy of concentrating all the power of construction and alteration and repair of the hospitals in the Veterans' Bureau I believe a better system of hospitals will be more speedily built up for the care of these men than under the present law. It has been shown by the hearings before the committee that there is immediate need for the construction of many hospitals to take care of the disabled men. The applications that have come in from all parts of the country for hospital treatment have been in excess of all the estimates that were made by the Public Health Service and by the other departments of the Government. A great many of our former service men are broken in health. Their nerves are shattered; in many cases their minds have been affected, where there is an especial need for immediate hospitals to care for them; and it is the purpose of this bill—the committee acting upon the advice of the Veterans' Bureau, the Public Health Service, the officers of the American Legion, and all those who are familiar with the condition of the ex-service men the country over—this bill is drawn for the purpose of meeting those conditions and giving immediate aid to those veterans of the World War. God knows there is need of it. Let us pass this bill and put immediately on foot the construction of those hospitals, so that these men can have the immediate treatment that they deserve.

There is an authorization of an appropriation of $17,000,000 carried in this bill. The committee after careful hearings is of the opinion that this $17,000,000 is actually needed now. Those who came before the committee asked for a little larger amount than the $17,000,000, but the committee finds that a great many of these hospitals in some parts of the country can be built on Government land, and that it will not be necessary to make appropriations to buy the land, and consequently the committee is of opinion that the $17,000,000 will meet every requirement that is now pending before the Government to take care of the disabled men.

So far as I can see, there is not a single objection that can be raised against the bill. No man or woman in the country, as I said before, will deny to the disabled service men the full protection of the Government. It is the Government's first duty to care for the disabled soldier who lost his health and his strength in defense of our flag, and the sum of money authorized in this bill, only $17,000,000, is indeed a paltry sum when compared to the hundreds of millions that the Congress almost daily appropriates for the other activities of the Government.

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question, for information?

Mr. CANTRILL. I yield to the gentleman.

Mr. LAZARO. While these hospitals are under construction will the Government make ample provision to take care of these disabled men in private hospitals, so that they will not lack treatment?

Mr. CANTRILL. I will say to the gentleman that if he will read the report he will find in it the statement that there are 9,000 disabled men who are now in private contract hospitals, and that situation, to speak candidly and frankly, is a disgrace to the American Government, that we have to contract out our disabled veterans, to be at the mercy of the greed of those who run private hospitals. That is the purpose of this bill, to do away with private hospitals and to have Government hospitals where the United States Government can give the very best that can be had in the land, and give it early, to every disabled soldier in the American Army. [Applause.]

Mr. LAZARO. Mr. Chairman, will the gentleman yield further?

Mr. CANTRILL. Yes.

Mr. LAZARO. I will further say to the gentleman that I fully agree with him and am heartily in favor of the bill. Two years ago I spoke on the floor of this House and told the Congress then that we were not making sufficient provision for these disabled men. But what I am interested in at the present time is this: I would like to see these men taken care of properly in private hospitals until these new hospitals are constructed.

Mr. CANTRILL. I will say to the gentleman that I have no doubt the Veterans' Bureau will do everything it can to take care of them under present conditions, but under the present conditions the Veterans' Bureau can not properly take care of them because the Government does not own the hospital facilities that it needs and desires.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. CANTRILL. Yes.

Mr. LAYTON. As a matter of fact, in the beginning does not the gentleman think that these cases, many of which are due to nervous disturbance, could have been very much better taken care of if there had been a general hospitalization distributed among the States, so that the soldier boys of Delaware, for instance, could have been cared for among their own people, and the soldier boys of California could have been cared for among their own people?

Mr. CANTRILL. I will say to the gentleman from Delaware that that is probably true, but those things are in the past. Congress to-day is considering only this bill which is before the House, which, in the judgment of the committee, is the best bill that could be drawn to meet present conditions.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANTRILL. I hope, Mr. Chairman, that the bill will unanimously pass the House. [Applause.]

The CHAIRMAN. The gentleman from Kentucky [Mr. LANGLEY] is recognized.

Mr. LOWREY. Before the gentleman from Kentucky begins, will he yield for a question?

Mr. LANGLEY. I yield to the gentleman from Mississippi.

Mr. LOWREY. Of course, we are all in favor of providing liberally for the veterans, but I think the last report we had from the bureau was to the effect that there were about 7,000 beds not in use and available at that time. Were they in the contract hospitals, or where were they? I want to get into the RECORD an explanation of that.

Mr. LANGLEY. As I recall it, some of them were in the contract hospitals and some in other institutions, like soldiers' homes; but the trouble about that has always been that the beds referred to were not the kind of beds needed for the particular class of patients who are most in need of treatment at this time; that is, to tubercular and nervous and mental cases.

Mr. KINDRED. Will the gentleman yield just a moment?

Mr. LANGLEY. Yes.

Mr. KINDRED. The beds which were available were for medical and surgical cases mainly, and the cases that most urgently require hospitalization are nervous and tubercular.

Mr. LANGLEY. That is correct. Mr. Chairman, I would like to be notified when I have used 10 minutes, after answering these questions.

Mr. LARSEN of Georgia. I wish to ask the gentleman from Kentucky a question, in view of his statement as to the need being for hospitals for tubercular patients.

Mr. LANGLEY. And nervous and mental cases.

Mr. LARSEN of Georgia. Is it not a fact that the appropriation made a year ago carried $18,000,000 for hospitals for tubercular patients?

Mr. LANGLEY. No; not for these alone.

Mr. LARSEN of Georgia. And that the tubercular hospital facilities which should have been provided under that bill have not been provided yet; and not only that, but not even the location, at least for the one in New York, has been agreed upon up to this time?

Mr. LANGLEY. Most of that money has been expended. The question as to the wisdom of all of the expenditures is a subject that I would prefer not to discuss, because other gentlemen have indicated to me that they desire to discuss it, and I have promised to yield time to them.

Mr. LARSEN of Georgia. I am heartily in favor of the bill or of any provision that will tend to the benefit of these ex-soldiers.

Mr. LANGLEY. I heartily concur in the statement made by my colleague who preceded me [Mr. CANTRILL] that the first consideration should be given to our disabled soldiers. That is our highest duty, and that is why I said the other day that I regretted that under the arrangement we could not pass the hospital bill before we passed the bonus bill.

Reference has already been made to the necessity for additional money. It was originally estimated that it would take $85,000,000 to complete the hospital-building program. That was the estimate of the Public Health Service. If this bill is passed it will total a little less than $42,000,000, or less than half of the amount that was originally estimated by the Public Health Service as necessary.

In the hearings something was said about divided jurisdiction, and it will probably bob up again before this debate is over. One of the great troubles we have had in the administration of the affairs of our Government has been that there has been too much duplication of work. It will be contended that we are creating two building jurisdictions. It is true that the Supervising Architect has control of the plans and specifications and construction of post-office buildings, which I hope we will be erecting in the very near future. [Applause.] But he does not draw plans or supervise the construction of all of the buildings for some of the departments. He does not draw the plans and specifications for the buildings for the Army and Navy and some of the buildings for the Interior and State Departments. I am not questioning his capacity. No one can. That is not the point. This is a new situation with which we are now confronted, created largely by the Sweet Act. I think if there is any foundation for the idea that this bill will create a divided building jurisdiction, I wish to say that I would rather see a divided building jurisdiction than a divided hospital jurisdiction. [Applause.] That is what has been the trouble we have had all along. At one time I think we found five or more jurisdictions acting more or less independently of one another in finding hospitals for these sick soldiers. There were State institutions, contract institutions, institutions under the Public Health Service, institutions under the War Risk, soldiers' home institutions, St. Elizabeth Asylum, and so forth.

To repeat somewhat, your Committee on Public Buildings and Grounds, of which I have the honor to be the chairman, has held numerous exhaustive investigations of this whole hospitalization situation. The Public Health Service during the last Congress thoroughly considered the matter and advised the committee that it would require $85,000,000 to complete the hospitalization program which they had mapped out. Of course, that was a sum too enormous to be considered at that time in view of existing conditions, although I introduced a bill for the purpose of bringing about a full discussion of the situation. After many hearings, in which the American Legion, Public Health Service, the War Risk Insurance Bureau, and many other high public officials were heard, it was decided that the sum of $18,000,000 would be sufficient to meet the immediate needs for hospitalization purposes. A bill reported by the committee which, as amended, carried that amount of money was reported and passed. This money was placed under a hospitalization board headed by Doctor White. I have no criticism to make on the distribution of that fund, but, having talked frequently with the President of the United States on the subject, I know that it is his most earnest desire that the hospitalization of the boys in serious condition should be hastened as much as possible, and he thought that a number of existing institutions could be prepared and enlarged and made available for hospitalization within a very short time, while to build new hospitals it would take a much longer time, as you gentlemen know. That experiment was tried. In some respects it was successful; in other respects it was not. A good many of these buildings were nonfireproof and unsuited to the hospitalization of certain classes of cases. The President, as you gentlemen will remember, first appointed the Dawes Commission to ascertain from an executive standpoint exactly what the situation was. This commission made its recommendations.

The President later on appointed the White Commission, as heretofore indicated, to administer the fund carried in our bill of the last Congress. Recently he appointed another commission, and that commission approved unanimously the bill which I recently introduced, providing that this additional sum authorized by the bill now under consideration should be controlled by the Director of the Veterans' Bureau under the President's direct supervision. I will insert in the RECORD a copy of that resolution of the commission, which was personally approved by the President. I will also insert a letter which I have received within the past few days from the President heartily agreeing in the phraseology of that bill and urging its speedy enactment. I think that the controlling factor in the mind of the President, as well as the last commission, headed by General Sawyer, in reaching the conclusion that these functions should all be consolidated under the director of the bureau, subject to the President's supervision, was the provisions of section 9 of the Sweet Act, which confer absolutely upon the Director of the Veterans' Bureau the duty of hospitalizing all of our disabled ex-service men, and that greater expedition could be accomplished by this consolidation than by having a divided jurisdiction between an independent bureau, responsible directly to the President, and another department in the matter of drawing plans and specifications and building. In other words, that it would be much more expeditious to have a divided building jurisdiction than it would be to have a divided hospitalization jurisdiction.

Of course, as you gentlemen well know, the hospital situation is growing worse all the time, and more so than was at first anticipated. There were on the 1st of last month in hospitals of various classes 30,879 patients. The analysis of different classes of patients in these hospitals and nature of the hospitals was set forth fully in the committee's report, and I need not go into detail in this matter at present.

Mr. BARKLEY. Will the gentleman yield?

Mr. LANGLEY. I yield to my colleague.

Mr. BARKLEY. Under the Sweet bill, known as the Veterans' Bureau act, it is provided that the President may transfer certain hospitals from the Public Health Service to the Veterans' Bureau.

Mr. LANGLEY. Yes.

Mr. BARKLEY. But that the personnel and officers transferred shall retain their rank, grade, and all the rights they now have under the Public Health Service.

Mr. LANGLEY. Yes.

Mr. BARKLEY. How is that situation affected by the provisions of this bill?

Mr. LANGLEY. Section 9 of the Sweet bill transfers the whole hospitalization question to the Veterans' Bureau and directs the director of that bureau to have entire control and jurisdiction of it, and that is one reason why——

Mr. BARKLEY. The gentleman is a little mistaken in interpreting that act. It provides that the Veterans' Bureau shall be responsible for the hospitalization——

Mr. LANGLEY. Yes; that is the same thing, in substance.

Mr. BARKLEY. But the hospitals thus far have been under the jurisdiction and control of the Public Health Service, and the Public Health Service physicians are now in charge. They have requested the President to transfer some 60 of these hospitals to the Veterans' Bureau.

Mr. LANGLEY. I am coming to that in a moment. I am glad the gentleman brought it up.

Mr. BARKLEY. I want to know what effect will the passage of this bill have on the Sweet bill, which gave authority for the officers to hold their rank and grade under the Public Health Service?

Mr. LANGLEY. That is an administrative matter, but I feel authorized in saying that an Executive order will shortly be promulgated by the President transferring these 60 hospitals under the Public Health Service to the Veterans' Bureau, and I do not think it will affect the status of these officers at all.

Mr. DENISON. Will the gentleman yield?

Mr. LANGLEY. For a brief question.

Mr. DENISON. I would like for the chairman of the committee to tell the House where this money is needed and where it is going to be spent and what for.

Mr. LANGLEY. If the gentleman will read the bill——

Mr. DENISON. I have read the bill, but it is in general terms, and I want to know the facts.

Mr. LANGLEY. It is left with the President and the head of the Veterans' Bureau.

Mr. DENISON. I know that; but is not the House entitled to information as to where the money will be needed and where it is going to be spent?

Mr. LANGLEY. The hearings show that, and a bulletin has been issued giving the zones or districts. I can not in a 10-minute speech give gentlemen all that information, and besides I can not tell in advance what an executive authority is going to do pursuant to a discretionary power conferred by an act of Congress not yet passed.

Mr. DENISON. But the gentleman is asking us to pass this bill, and I am going to vote for it, but I think the House is entitled to know where the work is going to be done and where the money is going to be spent.

Mr. LANGLEY. In various sections of the country. I can not tell the names of the places where the hospitals will be located, but I could tell you where I think they should be located. It is to be left to the discretion of the director of the bureau subject to the supervision of the President. We must lodge responsibility somewhere, and I am in favor of eliminating any doubt as to where that responsibility is. [Applause.]

Mr. DENISON. Is it going to be used in building new hospitals or in repairing old ones?

Mr. LANGLEY. Under the terms of the bill it covers both. If there is any doubt about that I am perfectly willing to amend it so that it does cover both.

Mr. DENISON. What is going to be done?

Mr. LANGLEY. The gentleman will have to ask the director and the President of the United States.

Mr. DENISON. I am sorry that the chairman has no information to give the House.

Mr. LANGLEY. I do not think that statement is quite justified. I have given a lot of information, even if gentlemen do fail to see it. That is not my fault.

I have here a letter from the President containing but a few lines, and before I have it read I wish to say that the President appointed a hospitalization board, which was the third, the first being the Dawes Commission and then the White Commission and then this third board, and this third board unanimously recommended the bill which is now before you.

On this 11th day of February, 1922, at a meeting of the Federal Board of Hospitalization, House bill 10864 was carefully considered and the following recommendations, expressed in the form of resolutions, were unanimously adopted:

Be it resolved, That it is the sense of this board and that it recommends to Congress immediate legislation authorizing an appropriation of $17,000,000, to be immediately available and to remain available until expended, the amount to be in addition to appropriations now available or heretofore made under authorization contained in the act approved March 4, 1921, entitled "An act providing additional hospital facilities for patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes," to be expended in accordance with and for the purposes authorized by said act, except that the money expended and the work to be done as provided in said act be under the direction and supervision of the Director of the United States Veterans' Bureau, subject to the approval of the President, under such rules and regulations as he may prescribe.

Resolved, That it is the sense of this board, and it so recommends, that all hospitals hereafter erected shall be constructed of fireproof type, and that the location and nature thereof, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be determined by the Director of the United States Veterans' Bureau, subject to the approval of the President.

Resolved, That it is the sense of this board, and it so recommends, that in the construction of new hospitals or dispensaries, or in the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed, the President may determine the manner in which such construction, alteration, remodeling, or repairing may be done, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

Unanimously adopted.

Present: C. E. Sawyer, C. R. Forbes, M. W. Ireland, H. R. Stitt, C. C. Pierce, for Public Health Service; Wm. A. White, Chas. H. Burke.

Approved:

WARREN G. HARDING.

The President approved of it. Somebody suggested that the President had signed it without knowing what it was, and some even suggested that they did not know whether it was his signature, but let that go for what it is worth. I went, in company with Senator FERNALD, chairman of the Senate Committee on Public Buildings and Grounds, to see the President to discuss this matter, and he heartily concurred in the provisions of this bill. At his request I sent him a copy of the bill and report, and I will ask the Clerk to read in my time the letter I received from the President. He does not attempt to dictate to the House what it shall do, but this is his reply when we asked him directly whether the bill was in the shape he wanted it.

The Clerk read the letter, as follows:

THE WHITE HOUSE,
Washington, March 23, 1922.

Hon. JOHN W. LANGLEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LANGLEY: I had yours of yesterday inclosing copy of H. R. 10864, together with a copy of the report of your committee to the House. Apparently the bill is acceptable as drawn and provides the agencies for promptly carrying out the purposes of the bill. I quite agree about the desirability of its early enactment.

Very truly yours,

WARREN G. HARDING.

Mr. SWING. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. SWING. I agree with the gentleman in all that he says about the duplication of organization. I want the gentleman's opinion as chairman as to the duplication of hospitals. Under the first appropriation made by Congress of $18,000,000 a hospital was located in Palo Alto in California. Now, it is intended, according to the information I have, to locate, if this bill passes, another hospital within 30 miles of the hospital at Palo Alto at Livermore. So there will be two hospitals in the northern part of California 30 miles apart and none in Lower California, 600 miles long, where there ought to be a tubercular hospital.

Mr. LANGLEY. Let me say that I never heard of it until the gentleman mentioned it. It is not the intention of the committee to do anything of that kind. In the bill of the last Congress, of which I was the author, we fixed the zones; but it was stricken out in the Senate. We thought then and think now there ought to be a tubercular hospital in southern California, and I shall help the gentleman in any way I can to bring it about.

Gentlemen of the House, this bill has been carefully considered. We have spent a great deal of time on it. It is a unanimous report of the committee. The American Legion indorses it, and so does the administration, and I hope you will help pass it without any amendment changing the material purposes of the bill. [Applause.]

The CHAIRMAN. The gentleman from Kentucky has occupied 17 minutes.

Mr. LANGLEY. I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I can not enter upon a discussion of the merits of this bill without first expressing my own thanks and that of all ex-service men to the committee for reporting out this measure. In the time allotted to me I am going to discuss the situation as it exists in the State of New York.

Last year here Congress passed an appropriation for $18,000,000. That money was to be expended for tubercular, neuropsychiatric, and surgical hospitals, to be built by the White committee under the Treasury Department. Several Members of the House from New York went to the White committee and pointed out that an emergency existed there for the care and treatment of tuberculars and neuropsychiatrics. That was over one year ago, and up to the present time the White committee has not even purchased the ground for a tubercular hospital in the State of New York. The proof of the pudding is in the eating. They admitted a year ago that the emergency existed

and they set aside $1,000,000 to build a tubercular hospital. That amount of money is still on hand for that purpose, but the ground has not even been bought and we are no nearer relief for the tubercular veterans than we were 12 months ago. I want to be fair and just in all my remarks concerning what the White committee have done and what they have failed to do, but it is obvious that they have been guilty of criminal negligence in the State of New York in failing to act promptly or at all. During all this time our tuberculars have been kept at Fox Hill and in other hospitals not fit to take care of that disease; hundreds of them are there to-day, and many have died from tuberculosis due to the fact that this committee has failed to provide a proper hospital for them.

Mr. KINDRED. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. KINDRED. Is it not true that, according to a recent authoritative report from Colonel Wickersham, the chief of the hospitalization committee of the American Legion, there are at present in the State of New York, farmed out, over 2,000 neuropsychiatric and tubercular cases?

Mr. FISH. I think the gentleman has his figures somewhat too high.

Mr. KINDRED. Those are the figures given me by Colonel Wickersham.

Mr. FISH. Colonel Wickersham is not always accurate in his statements, nor is he chairman of the hospitalization committee of the American Legion. He is one of the members of that committee. I regret very much to inform the gentleman that it is often the case that men who hold responsible positions in the Legion in their enthusiasm make statements that are inaccurate, and even go to lengths that are absolutely unwarranted in making out that Congress is not liberal toward the disabled soldiers.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SMITH of Michigan. What is the reason that the White committee, which has all of the money on hand, has failed to act for this length of time when there is a need for them to act?

Mr. FISH. The White committee unfortunately meets only from time to time. It was an emergency committee, but they have failed to function as such; and, as I said before, the proof is that they have not got one single hospital ready for occupancy by the veterans of the World War. There are 80 beds in one hospital, but that is all. Other hospitals have been promised, but are not ready for occupancy by ex-service men, and they do not occupy those beds in spite of the fact that the White committee writes the word "completed" opposite the names of these hospitals. It is due to the failure of the White committee that the Committee on Public Buildings and Grounds turned over to the Director of the Veterans' Bureau the power to select the new sites and to build the new hospitals, hoping that they would be constructed as an emergency proposition and contracted for by large builders and constructed within eight months instead of being passed out by degrees under the purchase-and-hire system and not completed when promised. The whole record of the White committee is a record of broken promises—of promises made and then broken and then extended to be broken again. [Applause.]

The gentleman from New York [Mr. KINDRED] referred to a member of the Legion, and I think it is only fair to Congress to say that there is a great amount of misrepresentation to the public as to what Congress has done for the disabled men. I understand that the gentleman whose name the gentleman from New York mentioned persuaded the superintendent of schools in New York to get all of the school children in that city to write to their Congressmen here protesting that they had not fulfilled their duty and obligations to the disabled men. An act of that kind is worse than any sort of Bolshevism, because it undermines the faith and the confidence of the younger generation, and especially of aliens, in the gratitude and liberality of Congress toward the disabled veterans. Congress has appropriated more funds for our veterans than any other nation, and they are to-day receiving bigger compensation and better treatment than that afforded by any nation in the World War. Every request made for the disabled has been met willingly and gladly. We have appropriated approximately one billion and a half for our disabled and we are paying out daily a million and a quarter. It is the duty of Democrats and Republicans alike to go home and tell the people that Congress at no time has failed to look after the disabled, nor will they fail to look after them liberally in the future. [Applause.]

Mr. KINDRED. Does not the gentleman know that the consultants on hospitalization in the Treasury Department through the statement of one of its officials to me personally made the statement that they are negotiating on behalf of tubercular patients for the Levi P. Morton farm at sea level on the Hudson River, when within 15 miles from it there is an ideal location at an altitude of 2,000 feet in the Catskill Mountains?

Mr. FISH. I will say to the gentleman that although that is in my district the proposition has been turned down, and quite properly so. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, this bill proposes an authorization for an appropriation of $17,000,000. The bill previously passed carried an appropriation of $18,000,000. Prior to that the act of March 3, 1919, carried something like $9,000,000. When this committee in the last Congress began the investigation of the hospital question the appropriation of $9,000,000 was already available for use. Under the recommendation of the committee, at a later date, the bill for $18,000,000 was passed. That money has been allocated. I need not take the time now to mention the locations or the method of its distribution. In the bill brought from the committee to the House and passed unanimously by the House we recommended a zoning plan, with certain kinds of hospitals in the different portions of the country. That provision was removed from the bill in the Senate and the matter was left entirely to the discretion of the Secretary of the Treasury, who under his committee of consultants decided upon the location and the amount for each hospital. They decided whether the building should be a new hospital or should be some existing hospital remodeled or a building purchased for that purpose.

This bill as it stands now proposes a $17,000,000 authorization but leaves the determination of the kind of hospital, whether new or old, practically at the unrestricted discretion of the Director of the Veterans' Bureau. Of course, it says under the direction of the President, but we all know full well that the President would not have the time or opportunity to go into all the details and he would act largely upon the recommendation of the director of the bureau in this particular.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ANDREWS of Nebraska. So to make clear the purpose of the bill and in response to the query of the gentleman from Illinois [Mr. DENISON], I say that this bill places the question of the kind of building, the location of the building, substantially at the discretion of the Director of the Veterans' Bureau. Now I will yield to the gentleman very gladly.

Mr. RAMSEYER. I thank the gentleman.

Mr. ANDREWS of Nebraska. I thank the gentleman for his patience.

Mr. RAMSEYER. I want to ask the gentleman a question relative to the construction of the language on the first page, beginning with the fourth line therein, "is hereby authorized to provide additional hospitals," and so forth, "by construction on sites now owned by the Government," and so forth. Now, is the money authorized here limited to the construction of new buildings, or can you, under the language of this bill, buy buildings suitable for hospital purposes which are in existence?

Mr. ANDREWS of Nebraska. I think you can do either. You can accept gifts also, and under the terms of section 2 the matter of buildings constructed will be practically under the control of the director of the bureau, with the President giving the direction. Of course, the director will approve the plans and submit the proposition.

Mr. RAMSEYER. Is the gentleman sure this language permits the Director of the Veterans' Bureau, with the approval of the President, to purchase buildings in existence? It seems to me the language here limits the use of money for the construction of buildings.

Mr. ANDREWS of Nebraska. I leave that to the chairman of the committee; but I will say it was the understanding that the director had practically unlimited discretion.

Mr. RAMSEYER. That is, to use the money for the construction of buildings or to use the money to buy buildings already constructed?

Mr. ANDREWS of Nebraska. If the gentleman will read section 2, I think he will find that question quite fully answered.

Mr. LANGLEY. If the gentleman will permit me a second, that question has been raised before with me and also before the committee, and I have talked with the Director of the Veterans' Bureau regarding it, and there is not any doubt that he has the power under this bill that covers what the gentleman has in mind.

Mr. RAMSEYER. Is it the purpose of the committee to give the director power to use some of this money to buy buildings already constructed?

Mr. LANGLEY. If suitable for hospitals——

Mr. RAMSEYER. I doubt whether the language of this bill would permit the Director of the Veterans' Bureau to use the money authorized to purchase buildings already constructed.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will.

Mr. KINCHELOE. I want to ask the gentleman for some information, because I am sure he has given this hospital proposition a great deal of study, perhaps as much as any man in the House. Is it the gentleman's idea that the Director of the Bureau under this bill, either section 1 or section 2, has the right to expend some of this money for the enlargement of existing hospitals?

Mr. ANDREWS of Nebraska. I think so.

Mr. KINCHELOE. Under section 2 it says:

> That the construction of new hospitals or dispensaries or the alteration, remodeling, or repair.

Does the gentleman think under the word "alteration" there the director would have the right to enlarge existing hospitals?

Mr. ANDREWS of Nebraska. That is the understanding of the committee.

Mr. KINCHELOE. The reason I ask that, and I am sure the gentleman will agree with me, is that in view of the need of these hospitals the quickest way to get the hospitals for these boys is to enlarge the existing hospitals, and I was anxious to know about that proposition.

Mr. ANDREWS of Nebraska. That is the view the committee took of this proposition, as I understand it.

Mr. KINCHELOE. In regard to the $18,000,000 of which the gentleman spoke, in the allocation of that was there any for the enlargement of existing hospitals?

Mr. ANDREWS of Nebraska. Certainly.

Mr. KINCHELOE. I will say to the gentleman personally——

Mr. ANDREWS of Nebraska. I think the gentleman from Illinois [Mr. BROOKS] has a tabulation of the allocation of that allotment which would explain better to the gentleman at a glance and answer the question fully.

Mr. KINCHELOE. The gentleman knows from a study of the hospitals, but take the question of the hospital at Dawson-springs, where the hospital has been completed at a cost of $2,250,000. Now, the overhead charges have been taken care of and every dollar expended there would be for additional beds, and all they would have to do would be to connect up the plumbing and lights and other things, and you have the beds ready.

Mr. ANDREWS of Nebraska. I must decline to yield except for a brief question.

Mr. BRIGGS. Does this statement show the number of beds that have been made available under this appropriation of $18,000,000?

Mr. ANDREWS of Nebraska. It does at a glance, and I would be very glad to have the gentleman look at it.

Mr. BRIGGS. Does the gentleman intend to put it in the RECORD?

Mr. ANDREWS of Nebraska. I might get unanimous consent to insert it in the RECORD. If there is no objection I would be glad to insert in the RECORD this statement for the information of members of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

The statement is as follows:

Statement showing expenditures under $18,000,000 appropriation for hospital facilities, October 10, 1921.

Hospitals.	Amount.	Number of beds.	Type.	Condition of plans.	Date of completion of plans.	Work to begin.	Completion of hospitals.
U. S. Public Health Service:							
No. 27, Alexandria, La.	[illegible]		T. B.	Completed		Construction under way	November, 1921.
No. 62, Lake City, Fla.	300,000	100	T. B.	do		do	February, 1922.
No. 50, Prescott, Ariz.	600,000	400	T. B.	Nearly completed	Completed	do	April, 1922.
No. 55, Fort Bayard, N. Mex.	350,000	250	T. B.	Approximately 40 per cent.	do	December, 1921	May or June, 1922.
No. 63, Augusta, Ga.	814,000	300	N. P.	Just begun	Nearly completed		Do.
No. 69, Otteen, N. C.	700,000	200	T. B.	do		December, 1921	Do.
No. 42, Perryville, Md.	300,000	300	N. P.	Nearly completed	Completed	Under way	March, 1922.
National Home Disabled Volunteer Soldiers:							
Milwaukee, Wis.	1,400,000	500	T. B.	40 per cent	Oct. 10-15	November	April, 1922.
Dayton, Ohio	750,000	250	T. B.	do	do	Nov. 1	Do.
Leavenworth, Kans.	600,000	200	T. B.	do	do	do	Do.
Marion, Ind.	100,000	50	N. P.	do	do	Construction under way	May, 1922.
Provisional:							
No. 1, Fort Walla Walla, Wash.	450,000 / 45,000	150	Unassigned	Nearly completed	Completed	do	April, 1922.
No. 3, Fort Logan H. Roots, Little Rock, Ark.	250,000	300	N. P.	do	do	do	November, 1921.
Fort McKenzie, Wyo.	[illegible]	242		do	do	Under way	May or June, 1922.
No. 4, Central New England Sanatorium, Rutland, Mass.	[illegible]	300	T. B.	About 35 per cent completed.			
R. C. Orphanage, New York City	2,700,000				Studies proceeding	Awaiting judgment on site.	
Total	11,039,000	3,542					

CONTEMPLATED HOSPITALS—PLANS NEARLY COMPLETED.

	Amount.	Number of beds.	Type.
Palo Alto	$1,650,000	[illegible]	N. P.
Alabama, hospital for Negro ex-service men	2,200,000	500 / 500	T. B. / N. P.
New York, for district No. 2	1,250,000	[illegible]	T. B.
Western Pennsylvania	1,600,000	[illegible]	T. B.
Total	6,150,000	2,050	
Already allocated	11,[illegible]	3,542	
Total	17,299,000	5,592	

Appropriation	$18,000,000
Less	17,299,000
Reserve	701,000

This leaves the balance as a reserve in case we are not able to build within the allotment that we have made so that all institutions shall be completed within provisions of 384.

Mr. ANDREWS of Nebraska. I must now complete the statement I have in mind, because my time is passing very swiftly. Let me say this: There was not the slightest disagreement among the members of the committee as to the appropriation of the amount of $17,000,000 in full. Just a word as to the need. We have been told by the Committee on Appropriations, and we learn from official reports, that there are now something over 7,000 vacant beds available for the use of disabled soldiers.

In the hearings that question was brought out; the director was asked why he needed this additional appropriation with

that number of vacant beds available. He desires, he said, to vacate the places now held in contract hospitals; he desires to remove men so far as possible from private hospitals where they are now located and place them, as largely as possible, in hospitals owned, controlled, and operated by the Government itself. Now, when these additional buildings are constructed and ready for use, many of those soldiers in the contract hospitals or in private hospitals will be transferred to the Government hospitals, under the direction and control of the Veterans' Bureau.

Now, let me invite your attention to section 2 for a moment, because I think the language of that section as it stands here will lead to a conclusion that the committee does not desire to reach. Let me read the language as it stands:

> SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed, shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

That language, I believe, would bring under the control of this act all Government hospitals of every description. I do not think the committee intended to do that. I think the committee intends that the hospitals under the Veterans' Bureau shall be designated alone by the terms of this section, and hence I would suggest that a modification of the language in this form might cure that difficulty, namely, "That the construction of new hospitals or dispensaries for the treatment of the patients of the United States Veterans' Bureau, or the alteration, remodeling, or repair of all such hospitals or dispensaries heretofore constructed or hereafter constructed under this act." Then there will be no question about it. We will have removed that doubt, and I believe that at the proper time it would be wise for us to make some such modification as this.

Now, with reference to the matter of the business principle involved. There were differences of opinion as to the building operations. Some thought that the use of existing building facilities through the Treasury Department should be utilized instead of practically creating a new agency for building operations. Let the hospital board and the director decide what kind of hospitals should be built, where they should be built, and then let the Secretary of the Treasury build them accordingly. By that plan we would avoid all waste and duplication. The funds could then be accounted for through regular channels with efficiency and economy in the highest degree.

Upon this point there were some differences of opinion. But the committee, regardless of differences of opinion upon this or any other point, stands for the enactment of the bill in suitable form as speedily as possible in order that increased hospital facilities may be provided promptly.

At present hospitalization for disabled veterans is the urgent demand. In the near future, however, the necessities will rapidly increase with respect to the need of many of these veterans for homelike accommodations.

As we plan for hospitalization now as the urgent need of the hour, we should also incorporate in our plans wise provisions for future demands. The Federal and State homes for soldiers of the various wars will be needed in the near future, and we should plan accordingly. We can do much now in the line of economy by taking this fact into consideration. As we plan for the present, therefore, we should also plan for the future.

The Director of the Veterans' Bureau is required under the law to carry tremendous responsibilities. He will meet untold complications in providing suitably for the veterans under his charge.

Our work should simplify matters as far as possible and gradually develop the facilities that will be needed in the future. During the past two years your committee has sought to apply this principle, and during that time it has effected economies approximating $50,000,000.

Mr. Chairman, I yield back the remainder of my time. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LINEBERGER]. [Applause.]

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, as this bill vitally affects my disabled comrades of the World War I have scrutinized it very carefully, because I believe it is a measure which will have a very far-reaching effect in the solution of the great problem before the country in connection with taking care of these disabled soldiers—men to whom the country owes a lasting debt of gratitude. I think the bill as a whole is extremely well drawn. [Applause.] There was in my mind at first thought some slight objection or likelihood of objection to section 2, but after giving the matter very thorough consideration and discussing it with many who have given it a very close study, I have decided that is the most important and most meritorious clause in the entire bill.

The secret of success in this work is centralization. This hospitalization work must be placed under the care of the Veterans' Bureau, which is charged with the entire program of hospitalization in order to give effect to the desires of the Congress and carry out the program with the least possible friction. Of course, I do not desire at this time to do more than to merely touch upon one particular phase of this bill, which I believe is of vital importance, particularly to my section of California. We are not, out in southern California, from where I come, going to say that any particular location should or ought to be considered in preference to any other for a hospital, but I do want it to go into the RECORD that 65 per cent of all tubercular and neuropyschiatric cases in the State coming under the Veterans' Bureau exist or are situated in southern California. The last appropriation was spent, and I think quite properly, in Palo Alto, which is in the so-called San Francisco Bay section. In southern California at this time there are three contending locations for one of these new hospitals, and I want them to have full opportunity to present their claims before those whose duty it shall be to decide upon locations before any decisions are reached.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. LINEBERGER. I will.

Mr. ANDREWS of Nebraska. Does the gentleman mean to say that 65 per cent of all the tubercular patients under the jurisdiction of the bureau, or simply of those in California?

Mr. LINEBERGER. Only those that are in California, but on account of our salubrious climate there we have a higher percentage of disabled ex-service men than any other section of the country. I am glad that my colleague directed that inquiry to me.

The locations to which I refer are located in southern California. One is at Monrovia in my district, the other is at the National Soldiers Home, at Sawtelle, and the third is at Arrowhead Springs, near San Bernardino.

Now, not only in my own section, but throughout the country, there will likely be a disposition—in localities seeking the location of these hospitals, to contribute the land, and that will mean a great reduction in the expense of putting into operation these plants. Free locations or sites should not alone be the determining factor. There are also many locations like that at the National Soldiers' Home, at Sawtelle, where the land is owned by the Government, or at Arrowhead, where it is leased under very favorable conditions to the Government. Any new hospital built in California should be located in the south, where the majority of the patients are located, where facilities are now lacking, and where the climate can not be equaled, especially for tubercular cases. The city of Monrovia has peculiar advantages in this respect.

This is a very liberal bill, and it is going, in my mind, to largely solve this great problem. These men to-day who are located in private hospitals are not receiving the attention which they should receive. The Government is being in many cases charged exorbitant rates for very inferior service, and it will be impossible to remedy these conditions until the Government embarks upon a thoroughly considered scheme of hospitalization. I am very glad indeed that the bill has been drafted in the manner in which it has. It is extremely simple. I, therefore, feel that every Member of this House should, and will, give it his united support. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER], a member of the committee.

Mr. RUCKER. Mr. Chairman, I do not think I shall want five minutes. I shall take only a minute. I am glad this bill is before the House for consideration to-day. I am one of those who thought this bill ought to have been taken up before the bonus bill—that mongrel that I voted for, and I want to say that I am not at all proud of the vote that I cast for it. This pending bill has afforded me more personal pleasure than any bill that I have ever participated in framing since I have been a Member of this House.

Congress has been abused and criticized for its alleged lack of attention to those of our boys who came back from across the seas disabled. I am very glad to hear the gentleman from New York [Mr. FISH], himself an ex-service man with a splendid record, defend the Congress from these accusations. Congress has been liberal, or it attempted to be liberal, in its appropriations for the care of the sick and afflicted soldiers. This bill will go very far toward relieving the condition that will stress upon the country for many years to come.

Mr. BROOKS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. I yield.

Mr. BROOKS of Illinois. What would the gentleman think about the advisability of expending this money for the future needs of the soldier, as well as at the present time, in building these hospitals in such a way that they could be used as soldiers' homes in 10 or 15 or 20 years from to-day?

Mr. BUCKER. Oh, when this Government builds these magnificent hospitals I think they will be available for use for many years to come, and I think they will be suitable and so constructed that they be used for the purpose the gentleman has suggested.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BUCKER. Yes.

Mr. KINDRED. Let me suggest that a hospital like a hospital for the insane, which in the case of hospitals that is very much needed now, would not be adaptable for a soldiers' home.

Mr. BUCKER. Well, I can not say as to that, but they can be utilized in some way permanently.

Mr. Chairman, I yield back the balance of my time, expressing the hope that this bill will receive, as I believe it ought to receive, the unanimous support of the House. [Applause.]

Mr. CANTRILL. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. THOMAS].

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes.

Mr. THOMAS. Mr. Chairman and gentlemen of the House, yesterday I made a few remarks in which I incidentally, merely as a matter of jest, referred to a story which the gentleman from Illinois [Mr. WILLIAMS] related to me concerning a trip made by himself and Mr. TINCHER to Pennsylvania in hunt of prosperity. My remarks were merely a jest. I did not incorporate them in my revised remarks. But it seems the distinguished and important statesman from Kansas became very much offended at those remarks and proceeded to make a speech upon the floor of this House in which he stated that I had introduced a bill in aid of an impending strike in this country; and he even went so far as to say that I ought not to be allowed the postal facilities of this Government.

That bill does not contain a single reference to any strike. The bill simply provides for an appropriation of $000,000 to relieve suffering humanity among the miners wherever it is needed, or so much of that sum as may be required for that purpose, and the distribution of that fund, as provided by the bill, is to be under the direction of the President of the United States. It seems that the gentleman from Kansas is not willing to trust his own President with the distribution of funds to relieve want and distress.

Why, the gentleman from Illinois [Mr. WILLIAMS] did not become offended at my remarks. He has too much sense to do so. [Laughter.] And, besides, Mr. WILLIAMS is a gentleman. Sometimes I have thought—I hope it is not true, and I do not charge it—that it is now the closed season in some districts in Kansas for sending gentlemen to Congress. [Laughter.]

Why should not these mining people be relieved of suffering as well as foreigners? I have never advocated a strike in my life, and his statements to that effect are absolutely and unqualifiedly false. I do not believe in strikes where they can possibly be avoided, and I have never advocated violence in any strike, but believe disputes should be settled by conference and conciliation if possible. And yet because I introduced a bill to relieve starving children and hungry women, and requested in writing the chairman of the Committee on Appropriations for a hearing upon that bill, and thought possibly the chairman did not receive the first communication, if the postal facilities in this country are in the condition as described by the gentleman from Illinois [Mr. MANN] and the other gentleman from Illinois [Mr. WILLIAMS], under the administration of Mr. Hays, and to make sure that the chairman received my request, I registered the letter and asked for a receipt, which I received. Because of this offense the distinguished gentleman from Kansas says that I am not even entitled to a receipt, and should be denied the postal facilities of this Government.

No doubt the gentleman from Kansas probably believes he is the greatest statesman ever sent to Congress from that State. No doubt the gentleman will admit it, for he really looks wiser than Solomon in all his glory. [Laughter.] The gentleman is obsessed with the idea that he is a great and important statesman; but he evidently mistakes corpulence and noise for statesmanship. [Laughter.]

Now, personally I like the gentleman. [Laughter.] You know, it is said, "Whom the Lord loveth he chasteneth." [Laughter.] I do not think that he ought to have made such remarks about me as he did. I am willing to prod Republicans, and I do it. If I can, I will romp upon them with hobnail shoes. But I am not going to wantonly and knowingly insult a man on the floor of this House because I do not happen to agree with his peculiar ideas.

Why, the Republicans are now holding an investigation of the mining situation before the Republican Committee on Labor. I presume that the gentleman from Kansas will next arise in his seat and charge that the Committee on Labor is in favor of a strike because it is investigating the condition of the suffering coal miners. That would be about as sensible as the charge that the gentleman made against me. The gentleman from Kansas is one of these agriculturalists who makes his money in town and spends it on the farm, and is in great love with the farmers of Kansas. Why, I believe it would be a sight for the gods and men to see him making a campaign for reelection on a Kansas sway-back pony, wearing a broad-brimmed hat—Mr. TINCHER, not the pony [laughter]—and telling the farmers how much he admires them. If I were to be as uncharitable as he is, I suppose, because he has advocated bills for the relief of farmers, with which, with all deference to the distinguished gentleman I agree, it would be as fair to charge the gentleman with being in the position of trying to organize a strike among the farmers. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANTRILL. I yield 10 minutes to the gentleman from Texas [Mr. LANHAM], a member of the committee.

Mr. LANHAM. Mr. Chairman, if congressional thought and action were always so in accord and agreement with the sentiment of the people as in the case of the present desire for proper provision for adequate hospitalization of disabled ex-service men, I think it would be well for the country. There has been some unjust and ill-advised criticism of Congress in this regard. Generally speaking, there has been congressional ardor rather than congressional apathy.

It seems likely that we should have made much better progress in this matter if the advice given to Congress in a communication from the then Secretary of the Treasury, Mr. GLASS, on December 5, 1919, had been heeded. He evidently anticipated some of the delay which has occurred, and realized also the length of time required to prepare for proper care of the disabled soldiers. He recommended an appropriation of $85,000,000 for this purpose. I mention this merely as a part of the history of proposed legislation of this character.

At present we have before us a bill providing for $17,000,000, and I feel that there will be little, if any, opposition to the main purpose of this measure.

In the consideration of this particular bill and the one of last year providing for $18,600,000, a commendable spirit and a desire for prompt action have been reflected in the deliberations of the committee from which this measure emanates. There have been no legislative Gordian knots of red tape to be cut. These two measures, dealing with this important subject of governmental endeavor, have been brought to the floor of the House with dispatch and quickly considered. Such delays as may have occurred have been administrative and not legislative.

Mr. ANDREWS of Nebraska. Will the gentleman yield at that point?

Mr. LANHAM. I will.

Mr. ANDREWS of Nebraska. Is it not true that the committee might have brought in the bill quite a while ago if executive officers had found it possible to report to the committee with such information as we desired from them?

Mr. LANHAM. The statement of my colleague on the committee is quite correct, and whenever there has been delay of any kind in the committee it has been attributable to the request from those in charge of administration that they might give further data for consideration concerning desirable features which they wished to suggest.

Before this bill was introduced, as stated by the gentleman from Nebraska, we appropriated approximately $27,000,000 for this laudable purpose. This is indicative of the spirit which has animated both the Committee on Public Buildings and Grounds and the Congress itself. It seems, however, that, due perhaps to that interdepartmental jealousy which sometimes exists here at the Capital in the administration of congressional acts, there has been some delay.

The bill which we formerly passed, carrying $18,600,000 for hospital purposes, authorized the expenditures thereunder to be made under the direction of the Secretary of the Treasury. We placed in his hands the proper authority in order that the power of action might be concentrated and results quickly obtained.

There have been also some interdepartmental jealousies with reference to this particular bill, as manifested in the hearings which many of you have read. The Treasury Department, having an authorized agency of the Government in matters of construction, has felt that perhaps its authority was being impaired and its usefulness questioned by the effort to transfer this responsibility to the Director of the Veterans' Bureau. And there has been a controversy also in the testimony of witnesses before us with reference to the relative merits of a contract system and one of purchase and hire. But I think there has been in the minds of those gentlemen also, as in the minds of the members of the committee, the desire for expeditious action toward proper hospitalization.

Why has the committee suggested the transfer of this authority to the Director of the Veterans' Bureau? In the first place, I want to call your attention to two recommendations which were made in this regard. Mr. Hanford MacNider, the national commander of the American Legion, appeared in person before the committee, and I quote the following from his testimony:

> The American Legion hopes that if and when Congress acts upon H. R. 8791, a bill to appropriate $16,000,000 for further hospital construction, that the appropriation will be made to the Director of the United States Veterans' Bureau. This for the reason that he is solely responsible to-day for the hospital care and treatment of beneficiaries of the United States Veterans' Bureau. He receives all the criticism, but lacks authority and funds to properly equip the United States Veterans' Bureau to carry on this work. This is not necessarily an indictment of the Treasury Department, nor is it intended to convey the impression that the Director of the United States Veterans' Bureau is better able to build hospitals, but made only in a spirit of fairness and equity for the reason, as stated above, that the Director of the Veterans' Bureau is responsible, therefore he should have the opportunity to carry on his work unhampered by divided authority and endless red tape.

The amount mentioned, $16,000,000, was increased to $17,000,000 in the bill as finally reported.

We had before us also the resolutions which were adopted by the Federal Board of Hospitalization at its meeting on February 11, 1922, from which I quote the following:

> *Resolved*, That it is the sense of this board and that it recommends to Congress immediate legislation authorizing an appropriation of $16,000,000, to be immediately available and to remain available until expended, the amount to be in addition to appropriations now available or heretofore made under authorization contained in the act approved March 4, 1921, entitled "An act providing additional hospital facilities for patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes," to be expended in accordance with and for the purposes authorized by said act, except that the money expended and the work to be done as provided in said act be under the direction and supervision of the Director of the United States Veterans' Bureau, subject to the approval of the President, under such rules and regulations as he may prescribe.
>
> *Resolved*, That it is the sense of this board, and it so recommends, that all hospitals hereafter erected shall be constructed of fireproof type, and that the location and nature thereof, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be determined by the Director of the United States Veterans' Bureau, subject to the approval of the President.

And this report has the approval of the President. As stated by the commander of the American Legion, I do not take it that the approval of this suggestion by the President is intended as any criticism of the Secretary of the Treasury in his administration of the funds which were placed at his disposal.

Mr. TREADWAY. Will the gentleman yield?

Mr. LANHAM. Briefly, yes.

Mr. TREADWAY. I am interested to know the attitude of the gentleman and the members of the committee relative to whether or not the Veterans' Bureau has a suitable force for constructive purposes?

Mr. LANHAM. I was just coming to that.

Mr. TREADWAY. Thank you.

Mr. LANHAM. I want to say, gentlemen, that despite these two recommendations I have some doubt of the wisdom of this suggestion.

We are all inspired by the same commendable impulse, but all subject in our zeal to the possibility of erroneous judgment. As intimated by the query of the gentleman from Massachusetts, the Veterans' Bureau has no suitable force for construction purposes. Certainly it is the desire of all of us to avoid whenever possible and practical the additional expense of a duplication of functions. This is one prime consideration which prompted the Budget legislation. Of course, we are interested primarily in results and in some action that will lead to them effectively and expeditiously, and I feel sure that each of us is willing to make some sacrifice of individual opinion if necessary to bring about such a consummation. The report of the Federal Board of Hospitalization from which I have quoted contains this additional expression:

> *Resolved*, That it is the sense of this board, and it so recommends, that in the construction of new hospitals or dispensaries, or in the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed, the President may determine the manner in which such construction, alteration, remodeling, or repairing may be done, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

So, believing that in the Treasury Department we have organized in the Government at the present time an agency whose business it is to construct buildings, the original proposal of section 2 of this bill was modified to read as follows:

> SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

It seems to me that under the terms of this section, and in order to avoid duplication, both of effort and expenditure, and to prevent the unnecessary establishment of further agencies for constructing buildings, it is a reasonable inference that the President will avail himself of the means already at hand.

The CHAIRMAN. The time of the gentleman from Texas has expired.

By unanimous consent Mr. HAYNES and Mr. ANDREWS of Nebraska were given leave to extend their remarks in the RECORD.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent that all gentlemen may have the privilege of extending remarks in the RECORD on this bill for the next 10 days.

Mr. MANN. That can not be done in committee.

Mr. LANGLEY. The gentleman is correct. In the stress of the moment I overlooked that point.

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the committee, I am a member of the committee that reported out this bill providing additional hospitalization for our disabled soldiers. I enthusiastically supported the bill in the committee, and I am just as enthusiastic for its passage. The disabled soldiers of the Republic are the Nation's wards and are entitled to the most tender solicitude and most generous support of the Nation. The most illustrious pages of our country's history are those which record the care and liberality which our Nation has shown its brave defenders in times of stress and storm. In my opinion, the thing that has inspired the American soldier to perform such brilliant feats of valor in every war in our country's history has been the consciousness that if harm befall him in his country's service a grateful Government will provide for him and his dependents.

Mr. Chairman, we have always been generous to our soldiers, and that fact is the chief asset and glory of the Republic. Whenever, if ever, we change our policy of caring for our soldiers and their dependents, we will violate the spirit of patriotism and destroy the bulwark that has rendered our country secure to itself and invincible to its enemies. [Applause.] I not only favor generous provisions for the disabled soldiers of the World War and their dependents but I favor it for the disabled veterans and their dependents of all our wars.

In an editorial in a recent issue of the National Tribune our attention was called to the painful fact that the veterans of the Civil War are passing to the great beyond at the appalling rate of more than 2,000 per month, so that in a few brief years none of these old battle-scarred heroes will remain to testify "in the flesh" to the greatest crisis in our Nation's history. During the short month of February, according to the report of the Commissioner of Pensions, 2,164 Civil War veterans passed away and 1,922 widows, making a total of 4,068, or more than 50,000 for the calendar year 1922. As a result of age and infirmity not one of these veterans is able to perform manual or other labor, and they should not be required so to do. Every one of them should now be on the pension roll at a rate of at least $75 per month, and their widows at the rate of $50 per month; and the Invalid Pensions Committee and this Congress will be derelict in the performance of their duties if this session is permitted to adjourn without such action. Any less amount will not be sufficient to provide the comforts to which they are entitled.

The last Congress properly gave to the soldiers of the Spanish-American War a pensionable status. I favor increasing their rate also as their age advances and their disabilities require.

Despite administrative handicaps, and the ramifications of red tape, the United States spent over a billion and a half dollars in relief for veterans of the World War from October 6, 1917, to February 1, 1922. In a report issued by Director Forbes, of the Veterans' Bureau, this amount was applied as follows: Vocational training, $226,293,259.70; insurance, $294,621,689.83; compensation, $310,149,892.17; allotments, $300,947,327.60; allowance, $282,107,540.78; medical and hospital services, $105,655,210.91; administrative, $47,561,869.53; total, $1,567,336,790.52.

The bonus bill, which has just passed the House, contemplates in its various processes an expenditure of $4,000,000,000. In

addition to this contemplated expenditure the Government is now spending approximately one million a day for relief purposes for the veterans of the World War. For the next fiscal year a sum has already been authorized for this purpose which will approximate four hundred million. The figures to which I have just referred do not include assumed liabilities of the Government to owners of war-risk insurance policies which amounts to $889,154,493. Neither do they include the $60 bonus paid to our ex-service men upon their discharge, which totaled $256,289,900. The $18,600,000 authorized by Congress for the construction of additional hospitals is also not included in the figures just given. The report of Director Forbes shows conclusively that the United States has been far the most generous of all the nations in the treatment of its ex-service men. For total permanent disability Great Britain paid her ex-service men annually per capita $376.48; Canada, $540; France, $314; Italy, $55.48; whereas the United States has paid its soldiers annually per capita $1,200, or $100 per month. In addition to this, Uncle Sam was more generous than any of the other nations to the families and dependents of soldiers while they were absent in the military or naval service. France allowed the dependents of her soldiers during the war period $50.15 per year; Great Britain, $202.36; Italy, $11.24; while the United States allowed $360, or $30 per month. The United States has approved for vocational training 303,276 and 104,923 are still in training. England, under the labor ministry's scheme, has approved 58,000 ex-service men for training, and only 24,000 are still in training. In the language of Director Forbes—

the United States has spent as much as both France and Great Britain combined for benefits in favor of disabled ex-service men, despite the fact that the casualties of France and Great Britain were far greater.

And in conclusion, Mr. Speaker, I am proud to say that no patriotic American regrets a single solitary dollar that has been expended for our disabled ex-service men; on the contrary, we are proud of the magnificent showing we have made. And the great concern of the entire citizenship of this Nation to-day is that the dependents of those who made the supreme sacrifice in the military and naval service and those who are handicapped as a result of disabilities incurred in such service shall have the very best that the Nation affords. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, I first want to join with my colleague, the gentleman from New York [Mr. FISH], himself a distinguished ex-service man, in expressing my utter condemnation and contempt of any propaganda which would try to place Congress in a false light in making the slightest suggestion that Congress had not at all times been willing to liberally appropriate a sufficient sum for the alleviation of the suffering of the sick and disabled veterans of the World War.

A brief survey of some of the facts and statistics with reference to the hospitalization system and conditions since the middle of the World War up to the present time will convince every Member of the House of the urgency of the appropriation proposed by the pending bill.

I want to say in perfect good faith and with no intention of criticising the principle of the bill that the appropriations provided herein do not go half far enough. I believe I shall be able to prove this by a survey of the facts respecting the number of ex-service men who will be, according to all reliable actuaries of the Government, in need, in urgent need, of treatment during the next four to six years.

In the first place, we are all made aware by the intelligent report accompanying the pending bill that the number of ex-service men and women under treatment as of date February 28, 1922, was approximately 30,800. Of this total number—and this is a pertinent fact to which I now invite special attention—4,200 neuropsychiatric cases, including all classifications of nervous and insane persons, are unable to secure hospital treatment in Government-owned and Government-controlled hospitals. I am not going into any arraignment of the improper and unscientific way in which these unfortunate ex-service men have been treated. There are, however, many well-founded proofs of the fact that there has accompanied this system of "farming out" some of the vilest commercialism that was ever known in the treatment of human beings. That constitutes one of the facts that would suggest urgency here.

The same general proposition applies to a large number of tubercular cases. In other words, there are over 9,000 tubercular and neuropsychiatric cases which are unable to be accommodated in Government-owned and Government-controlled hospitals, there being 4,200 neuropsychiatric cases and over 4,800 medical and surgical and tubercular cases.

There has been a misleading statement put out by well-meaning men to the effect that there are several thousand vacant beds owned and controlled by the Government. If that be true, and I accept it as being true, those beds are vacant in that class of hospitals which treat medical and surgical cases, but, as has been pointed out, our main and urgent need is for hospitals for the treatment of 9,000 neuropsychiatric and tubercular cases, nearly one-third of the total that are disabled and sick among the ex-service men. According to a letter addressed to me very recently by Colonel Forbes, the Director of the Veterans' Bureau—and I desire here to make that letter and some other letters bearing on the subject a matter of record—he points out that there will be in the near future 36,000 cases of all classifications which will need hospitalization. The appropriation—$18,600,000—which the Sixty-sixth Congress made over one year ago provided for approximately 6,000 beds. It is the delay, the inexcusable delay, upon the part of the consultants on hospitalization of the Treasury Department which has brought criticism upon the motives of the American people and the motives of this Congress. They have delayed inexcusably and incompetently. I have already said something with reference to that, with no personal feeling toward any one of the consultants of the hospital committee, but from a knowledge of the facts which are set forth by the records which they show in their own department. Reference has been made by my colleague, the gentleman from New York [Mr. FISH], to the fact that although $1,000,000 was appropriated for the specific purpose in the State of New York to provide a tubercular hospital, the so-called progress report—indeed, a misnomer—of the consultants on hospitalization of the Treasury Department indicates a blank under the heading of "Remarks" with regard to the $1,000,000 appropriation for the metropolitan district of New York. They record a perfect blank under the heading "Remarks." They say as to the condition of the plans that "preliminary studies are under way" more than one year since the $18,600,000 became available.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LANHAM. Mr. Chairman, I yield the gentleman from New York, Doctor KINDRED, five minutes.

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, in conclusion I wish to say that there will be required to properly and humanely care for our ex-service men and women, veterans of the World War, not only 6,200 beds as is proposed in the program of the Director of the Veterans' Bureau to which I have referred, but there will be also required in the next four to six years a sufficient number of hospital beds to take the place of from ten to eleven thousand hospital beds which will have to be abandoned because of the disgraceful conditions of the old hospital buildings in which ten to eleven thousand ex-service men and women are now quartered. In addition to those ten or eleven thousand hospital beds which would be required in the near future—that is, within about four to six years—there will be required, in addition to the program of the Director of the Veterans' Bureau for 6,200 beds, about 10,000 beds in order to care for the increase in the number of tubercular and neuropsychiatric cases. These two classes of cases have increased during the last year and a half at the rate of 25 per cent every 18 months. There are now about 10,000 of these two classifications who most urgently need hospitalization, and, therefore, if they increase in the next year or in the next year and a half in the same ratio as they have increased during the last year and a half, we will require additional hospital facilities for 10,000 more of those classifications.

Mr. BROOKS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KINDRED. Yes.

Mr. BROOKS of Illinois. What about the cure of these neuropsychiatric cases. Are they curable?

Mr. KINDRED. The gentleman has asked an important and a pertinent question. The answer to that question bears upon the essential conditions involved in providing quickly proper hospital facilities, because it is a well-known medical fact that if mental and nervous cases, and the same applies to tubercular cases, are not treated intensively during the first year or two after the inception of their disease they are hopeless and have no chance for cure. Therefore it is all the more sad, from a humane and scientific and economic point of view, that we should not be able to give these two classes of patients as rapidly as possible the proper hospital conditions under which they can be cured.

Mr. BROOKS of Illinois. The gentleman made the statement that the peak of the load had not yet been reached.

Mr. KINDRED. The peak of the load with reference to certain classifications, namely, in the classification of epilepsy, which constitutes a large number of the neuropsychiatric cases, will not be reached for 25 years, because the epilepsy has been brought about by injuries to the skull and to the brain, and in the process of repair of a broken skull there may not be any symptoms of epilepsy for 20 to 25 years.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. KINDRED. Yes.

Mr. SIEGEL. The gentleman is making these statements as an expert and not as a Member of Congress?

Mr. KINDRED. I am making them in both capacities.

Mr. SIEGEL. The reason I ask that question is that I would like the Members of the House to understand the gentleman is personally familiar with the statements that he is making.

Mr. KINDRED. That is very courteous of the gentleman. Mr. Chairman and gentlemen of the House, I have always been in favor of some constructive, efficient hospital system. We are providing here a mere driblet which will tide us over temporarily. The Surgeon General of the Public Health Service, Dr. H. S. Cumming, recommended to the Secretary of the Treasury, the Hon. CARTER GLASS, who transmitted the recommendation to the Sixty-sixth Congress, that there should be appropriated $85,000,000 to properly develop the hospital system which we shall need for our ex-service men. We are appropriating now, very properly, $17,000,000, and in perfect good faith I am going to suggest an amendment at the proper time to increase this amount to actually meet the needs of the sick and disabled ex-service men for the next several years.

The present needs for additional hospitals require much more than the appropriation carried in this bill, and I am confident that Congress will respond to these needs liberally, just as Congress has already liberally appropriated for hospitals and hospital facilities in the past—$10,000,000 by the Sixty-fifth Congress and $18,600,000 by the Sixty-sixth Congress, making a total, with the $17,000,000 carried in this bill, of $45,600,000 appropriated for hospitals and hospital facilities, in addition to approximately $2,000,000,000 appropriated for ex-service men's compensation, insurance, allotments, and so forth, reference to which is made here in the form of the accompanying chart and letter:

UNITED STATES VETERANS' BUREAU,
Washington, March 8, 1922.

Hon. JOHN J. KINDRED,
House of Representatives, Washington, D. C.

DEAR MR. KINDRED: In accordance with your request, I am forwarding herewith statement as of January 31, 1922, showing the fiscal operations of the United States Veterans' Bureau, the former Bureau of War Risk Insurance, and the former Rehabilitation Division of the Federal Board for Vocational Education.

Respectfully,
C. R. FORBES, *Director.*

Recapitulation as of Jan. 31, 1922.

Organizations.	Appropriations, transfers, and other credits.	Expenditures.			Allotments.	Covered into Treasury.	Loans from revolving fund.	Balance.
		Administrative.	Direct.	Total.				
Losses on war-risk insurance on American vessels, their cargoes, etc.	$168,140,513.74	.....	[illegible]	$35,089,566.22	.....	[illegible]	.....	$1,050,967.52
Military and naval family allowance	298,615,000.00	.....	282,107,540.78	282,107,540.78	.....	14,500,000.00	.....	2,007,459.22
Military and naval insurance	402,888,552.44	.....	287,131,236.76	287,131,236.76	.....	.....	.....	115,757,315.68
United States Government life-insurance fund	51,763,857.42	.....	5,458,676.25	5,458,676.25	.....	.....	.....	46,305,181.17
Military and naval compensation	397,150,000.00	$236.51	309,965,012.23	309,965,248.74	.....	.....	.....	87,184,751.26
Medical and hospital services	112,710,272.00	6,987,211.74	13,866,567.68	20,853,779.42	865,513,022.59	.....	.....	26,353,469.99
Salaries and expenses (including national security and defense appropriations)	53,443,906.00	47,589,904.14	.....	47,589,904.14	.....	696,850.70	.....	5,157,151.16
Vocational rehabilitation	248,500,000.00	23,300,095.84	202,532,552.95	225,832,648.79	.....	.....	.....	22,467,351.21
Vocational rehabilitation revolving fund	1,082,820.48	.....	.....	.....	.....	.....	$779,742.33	303,078.15
Army allotments trust fund	269,000,000.00	.....	249,485,653.58	249,485,653.58	.....	.....	.....	19,514,346.42
Navy allotments trust fund	45,800,000.00	.....	45,746,958.34	45,746,958.34	.....	.....	.....	53,041.66
Marine Corps allotments trust fund	3,805,000.00	.....	3,801,449.25	3,801,449.25	.....	.....	.....	3,550.75
Coast Guard allotments trust fund	1,831,000.00	.....	1,823,266.43	1,823,266.43	.....	.....	.....	7,733.57
Total	1,989,820,922.08	78,027,448.23	1,437,187,880.47	1,515,165,328.70	65,513,022.59	92,196,850.70	779,742.33	326,165,977.76
United States Public Health Service								$35,461,985.99
National Home								6,955,000.00
War Department								2,479,396.76
Navy Department								598,769.84
Total								65,513,022.59

We should at once provide a hospital system that would properly care for curable and incurable ex-service men, and which will at the same time stop all this unjust criticism and impugning of the motives of Congress and of the Members who have at all times desired to pursue a policy most liberal and fair to the ex-service men. [Applause.]

Mr. LANGLEY. Will the gentlemen on the other side use some time now?

Mr. LANHAM. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, I shall be glad indeed to vote for the appropriations authorized by this bill, but the House and the country should not gain the impression from its passage that this will be the last expenditure necessary to properly hospitalize the ex-service men who are, or who will be, in need of this kind of care and attention. The bill carries a million dollars more than was requested by the Federal Board of Hospitalization, but this is not enough to do all that should ultimately be done. The memorandum signed by the members of that board and approved by the President on February 11, 1922, asks for only $16,000,000, but the House by this bill is allowing $17,000,000, which again demonstrates that so far as money for hospitalization is concerned it is no fault of the Congress that ample facilities have not been provided.

The Director of the Veterans' Bureau has with great vehemence and severity criticized those who have been heretofore charged with the construction of hospitals. Under this bill the director, subject to the approval of the President, is given the authority to provide additional hospital facilities for persons who served in the World War, and if he does not get satisfactory results from this $17,000,000 he must take the same dose of criticism that he has given to others in connection with hospital work, and is expected to swallow it cheerfully, because otherwise he would be unfit for the responsibilities that will be imposed upon him.

I believe the Committee on Public Buildings and Grounds acted wisely in authorizing the President to supervise all new hospital construction. This will permit him to coordinate the activities of every architectural, engineering, and constructing bureau and department of the Government, thus to obtain results at the earliest possible moment. The President, as the head of the administration, ought to be able to suppress all rivalry and compel all branches of the public service to work together in harmony.

My primary object in addressing you to-day is to point out the fact that there exists in the Southwest a most serious situation in reference to a large number of ex-service men who are in immediate need of hospitalization. I want also to express the hope that the President, as soon as the funds herein authorized are available, will see that proper hospital facilities are provided to meet this situation, particularly in southern Arizona.

It may be true, as some respected medical authorities assert, that climate is of no benefit, that tuberculosis of the lungs and throat can be cured in one place as well as another, but thousands of those who suffer from that dread disease sincerely believe that a dry climate will aid in their recovery. It is universally recognized that proper care is half the battle against this malady, but notwithstanding the statements of some physicians there is much well-grounded medical opinion that the right kind of climate is beneficial in the treatment of tuber-

culosis. In the following statement Dr. John W. Flinn, of Prescott, Ariz., has, in my opinion, correctly set forth that which has been repeatedly demonstrated to be a fact:

As between care—that is, fresh air, good food, rest, and competent medical attention—and climate, the latter must always continue to be a secondary consideration. In the least favorable climate good care, provided the surroundings be the best obtainable, will produce much better results than the best-known climate without this care. If the patient must choose between the two, he should take the care and let the climate go, but if he be so fortunate as to be able to have them both his prospects of recovery are certainly brighter than they could be if he were compelled to depend on one alone.

The belief that climate is helpful is so widespread and so persistent that, despite any advice to the contrary, large numbers of ex-service men are coming to the Southwest each year in the hope of relief. From all parts of the United States they are moving to Colorado, New Mexico, or Arizona, and when they arrive there they demand immediate hospitalization by the Federal Government, which up to the present time can not be provided.

To demonstrate that this belief is founded on good medical authority let me quote from this book, entitled "A Handbook of Medical Climatology," by Dr. Samuel Edwin Solly, who says:

In that portion of the country known as the great Southwest, the winter climate of Colorado, northern New Mexico, and Arizona may be characterized in a phrase as cold, dry; that of New Mexico and Arizona south of latitude 35° as warm, dry; and that of the coast of southern California (west and south of the mountain ranges) as warm, moist.

Arizona affords the best desert climate of the United States, and as winter residences for health seekers it possesses the three towns of Tucson, Phoenix, and Yuma. As the entire territory of Arizona is west of the great Continental Divide and slopes steadily toward the Pacific, it is subject to a certain amount of ocean influence, not to the extent to which the winter rains in California bear witness but sufficiently to be subject between December and March to occasional rains or snows on the high plateaus and on the southwest slopes of the mountains. There are few cloudy days in Arizona, and the spring weather is usually dry.

Mr. KINDRED. Will the gentleman yield, briefly?

Mr. HAYDEN. I yield to my good friend from New York.

Mr. KINDRED. May I ask the gentleman from Arizona if there is at the present time any Government hospital for tuberculosis in Arizona?

Mr. HAYDEN. There is a modern, well-constructed Public Health Service hospital at Prescott, which is now being enlarged to accommodate about 1,100 patients. Tucson has a temporary hospital conducted by the Public Health Service in lumber buildings, inflammable and unsafe, which will accommodate about 300 men. At Phoenix there is a small contract hospital which has been ordered to be closed in the near future.

Mr. KINDRED. If the gentleman will allow me to say, I fortunately spent a winter in his delightful city of Phoenix, Ariz., and have also been at Tucson, some 125 miles south of Phoenix. Tucson is at an elevation of a little over 2,000 feet. It has delightful mountain air in summer and very exhilarating air in winter, and is ideal for tubercular patients.

Mr. HAYDEN. The gentleman from New York mentioned, in the course of his remarks a few moments ago, that it was contemplated that a certain stock farm on the Hudson River be acquired for a tuberculosis hospital. I would like to have the gentleman express his opinion, as I know he is qualified to do by reason of his long medical experience, supplemented by extended travel, as to the relative merits of the location of a hospital for tuberculosis in a damp climate at sea level in New York or in Arizona at locations such as he has just described.

Mr. KINDRED. I have been informed only to-day by my colleague, the gentleman from New York [Mr. FISH], that the proposition to take over the Governor Morton stock farm at sea level had actually been laughed out of court. The distinguished consultants on hospitalization of the Treasury Department dropped that proposition, because they knew that when it saw the light that it would be condemned.

From the standpoint of public health and medical science, with such an insane proposition to locate a tubercular hospital in a damp place where sore throat and consumption are very common, there is no comparison between Tucson and the Hudson River.

Mr. BARKLEY. What kind of a hospital is that at Fort Bayard, N. Mex.?

Mr. HAYDEN. I understand that there is a well-conducted Public Health Service hospital at Fort Bayard. I have never been there. It is located at a suitable altitude where the climatic conditions are somewhat similar to Prescott in my State, which is about 5,000 feet above sea level. In cases of tuberculosis, where the patient's heart is in no way affected, such an altitude is conceded to be of great benefit. I am informed that in perhaps half of the cases of tuberculosis there is no weakness of the heart. But where a patient's heart is in any way affected, a high altitude is not beneficial and is also liable to bring on certain nervous disorders. Consequently all tubercular persons should not be sent to high altitudes, and that is the reason why such a large number of them come to southern Arizona, where they may obtain the benefit of the dry air and a mild winter climate, and yet where altitude is sufficient to be exhilarating but not injurious to the heart.

Mr. KINDRED. An altitude like that of Tucson, Ariz., of about 2,500 feet, does not have an injurious effect on the heart or the nervous system, and is therefore ideal, because it is stimulating and the arid climate helps to kill the tubercular germs more rapidly.

Mr. HAYDEN. In that connection permit me to quote from a paper in the Transactions of the American Climatological Association, written by Dr. J. T. Eskridge, and entitled "Nervovascular disturbances in unacclimated persons in Colorado":

At altitudes varying from 5,000 to 8,000 feet the inconvenience of the unacclimated seems to have its origin in the increased respiratory activity, and this, in turn, leads to increased work of the heart, which, by its overwork, causes at first an active hyperemia and an irritability of the nerve centers. Later the nerve centers suffer from imperfect nutrition, induced by a poor blood supply, which results from passive hyperemia. We have, then, the "irritable weakness" of the old pathologists. After the nerve centers have become irritable neither the respiratory act nor the heart's action is performed as regularly and methodically as in the normal condition; and in consequence various unpleasant symptoms are experienced by the unacclimated. Persons possessed of considerable vigor and capable of adapting themselves to greater changes in their environments go to high altitudes and live almost as they had done at sea level, and find no appreciable inconvenience in doing so; but for those advanced in years and for those of feeble health the consequences are far different.

The need for greater hospital facilities in southern Arizona has been brought to the attention of those in authority in times past. A proposal was made only a few months ago for the sale of a fireproof hospital that had been partly constructed by certain good Christian people of Phoenix. The uncompleted building and the tract of land offered to the Government was, under any reasonable appraisement, worth $200,000. In their anxiety to help the disabled veterans they offered to turn the entire property over to the United States at a price of $165,000. This hospital could have been completed in 90 days and made available for the care and treatment of ex-service men, but nothing was done. Instead, an order has been issued that the local contract hospital shall be closed and the patients moved away.

There is also imperative need for a large permanent hospital, thoroughly fireproof in its construction, at Tucson. A larger number of veterans of the late war have voluntarily gone to Tucson than to any other city in Arizona. The existing Public Health Service hospital at Pastime Park consists of a number of wooden buildings, hastily constructed in an attempt to meet this emergency, but all who know the facts concede that much more must be done.

That the condition of many of the disabled ex-service men in Tucson is not only desperate but disgraceful to this great Republic is shown by the following newspaper article:

UNITED STATES RED TAPE LEAVES STRICKEN WAR VETS TO DIE ON STREETS OF TUCSON.

TUCSON, ARIZ., *March 21*.

Invisible bars of official red tape and Government regulation block the gates of Pastime Park here to hundreds of tubercular veterans of the World War entitled to hospitalization and in need of expert attention.

Massed in Tucson in a common battle against the life-sapping disease are 1,200 stricken "buddies."

Two hundred and seventy-eight are now crowded together in hastily built frame hospital wards and 1-room cottages. A recent inspection showed the 6 feet-apart regulation on cot spacing was violated.

Soon the number of patients in these temporary quarters will have to be reduced to 252. Death and a summer exodus may solve the problem.

But for the 1,000 others—there is no room.

They are scattered about in cheap lodging houses, private homes, and hotels. Many have had to walk the streets and daily face denial of the care their critical conditions necessitate.

A few have some money. But their tiny savings are fast dwindling. Most of them are too ill to work. Every one is a potential emergency case.

NO ROOM IN PARK.

Yet there is no room for him at Pastime Park, the incongruously named hospital provided there for the men who helped win the war and now strive to win the battle for life.

What is more, a recent order from Major General Forbes, head of the Government Veterans' Bureau, says that no more men will be sent to the Tucson station.

And still more, the Chamber of Commerce of Tucson, with citizens of this "city of healing air," have had for a year in the hands of Washington officialdom an offer to provide a $500,000 permanent hospital, built to meet the summer heat, equipped with modern conveniences—they have offered to rent such a place to Uncle Sam, have offered to solve the problem for him, and no reply has ever been received.

FROM BARBA CONDITIONS.

Such is a summary of high lights contained in a report Ralph A. Herr, vice commander of the Disabled Veterans of the World War, will take to Washington after an investigation here in which I participated.

These statistics were provided by Claude Smith, local commander of the Disabled Veterans' organization that pioneered the fight against existing conditions. In this fight A. L. Irvin, head of the local American Legion Post, is now joined.

And supplying further data is Dr. S. H. James, commander of the hospital.

"A real emergency exists," he says. "It will grow worse in another year, and within four years the peak will be reached. By that time the temporary wooden structures may be falling to pieces."

Says Claude Smith: "I have listed the names of each man in this section entitled to hospitalization and not getting it. I am one of them, but I have a little money. I have given this to Commander Horr, together with data of what the fellows have been and are now up against."

OTHER STATIONS.

The Government has in this district tuberculosis stations at Prescott, Ariz.; at Camp Kearney, San Diego, is opening another at Livermore, Calif.; and is prepared to send tubercular veterans to a number of other camps.

"But there are other elements to meet," points out Doctor James. "Cases involving heart disturbances, asthmatic conditions, throat and nervous troubles are affected by climate or altitude of these other stations.

"In Tucson alone are all these elements overcome. The sufferers have a Tucson psychology. You can send them to San Diego or Prescott, or where you will, but they won't stay there. They feel better here and they're going to come if they have to walk."

"And they do come here, whether the Government provides for them or not," declares Irvin. "They come by freight car or on the brakebeams—but they come, and what are you going to do about it?"

Mrs. Mary Blair, secretary of the Red Cross here, personally has cared for as many as 40 cases a day.

Men have collapsed in the street while waiting for a chance in the hospital. Red tape in the Veterans' Bureau has held men weeks and months—periods when they were in dire need of attention—before they could enter Pastime Park.

"I don't know what might have happened to scores of the fellows if we hadn't been on the job to help," said Smith and Irvin in chorus. "We've dug down in our own pockets and in the public pockets. The Red Cross fund has all but been exhausted—for there have been 1,000 men around here who couldn't get in."

PASSING THE BUCK.

Who's to blame?

"The Veterans' Bureau blames the Senators, and the Senators pass it along; but we do know that the local Vet Bureau has its hands pretty well tied with red tape," Smith charges.

Officials of the local Veterans' Bureau admit the emergency. General Forbes "seems to have been misinformed," says one who can not be quoted.

Citizens of Tucson, backed by the chamber of commerce, did much toward building such places as now are provided.

While delays and red tape kept hundreds waiting about the city a "field day" was declared. Hundreds went out and threw together the temporary structures.

For 192 men there are but three showers, and there are three more for the other men in the wards. The frail cottages do not withstand the summer heat and bring only discomfort.

The only solution is a permanent and properly built hospital.

Otherwise hundreds will die from Government neglect.

WHAT TUCSON PEOPLE SAY.

TUCSON, ARIZ., March 21.—Here are opinions of those in the best position to know just how critical is the condition of Pastime Park, Government station for tubercular veterans here:

Dr. S. H. James, commander of Pastime Park: "There is a real emergency at this moment; but this is just the beginning. Next year we will have a greater influx of tubercular 'vets' than ever. This is the spring season and during the summer conditions will be at their best. Within four years the peak of the rush here will be reached. Only a large permanent hospital will solve the problem. I know the men will come here if they have to walk."

Claude Smith, Tucson commander of the Disabled Veterans of the World War: "There are more than 1,200 tubercular veterans in and around Tucson. There is room for but 252 in the hospital. The rest must get along as best they may, as I have had to do. Soon their money will be gone, and then what? The Red Cross, the American Legion, the citizens, and my own organization have fed hundreds and found rooms for them. We have fought with the heads of the Veterans' Bureau for space in the hospital. Uncle Sam, the men are here. What are you going to do about it?"

MARX DEMANDS ACTION.

(By Judge Robert S. Marx, of Cincinnati, national commander Disabled American Veterans of the World War.)

The Government must take at once some definite steps to remedy shameful conditions of the kind existing at Tucson, Ariz.

The Langley bill, now before Congress, appropriating $16,500,000 for hospital facilities, must be adopted without further delay and hospital construction started immediately.

Conditions found at Tucson are reflected in other institutions in other parts of the country. The Disabled American Veterans of the World War has dedicated itself to the task of remedying these conditions.

Certainly such statements would not be made without foundation in fact, and I trust that this publicity will result in greater efforts for immediate relief. The only true solution, however, is the construction of a thoroughly modern, well-built hospital in Tucson.

I have no desire to prolong this discussion, but I can not forbear to again quote from this work by Doctor Solly, who has long been recognized as an authority on climatology. These extracts will, I hope, give to some gentlemen in authority a better understanding of the climatic conditions in southern Arizona:

Phoenix (elevation, 1,100 feet): This town has become favorably known as a winter resort of low altitude. It is situated near the center of the great Salt River Valley about 2 miles north of that stream. The Salt River Valley is a favored region for the cultivation of fruit, as snow seldom falls and the rich alluvial bottom lands yield largely under irrigation.

The average temperature (from records for 12 years) is—for January, 49°; for July, 90°; for the year, 69°. By seasons it is as follows: Winter, 51°; spring, 67°; summer, 87°; autumn, 69°.

The average annual rainfall is 7 inches. The amount falling in each month is light, the heaviest rainfall occurring in August and December. The average annual wind movement (taken from observation for three years) is 2½ miles per hour. Gen. A. W. Greely says that "Phoenix is the locality where the wind is perhaps the feeblest of any point in the arid regions."

Tucson (elevation, 2,400 feet): An old Spanish grant is said to show a town here in 1553, built on the site of the Indian pueblo which is lost in the mists of tradition. Another account dates the Spanish Mission of San Xavier from 1694. At any rate, in the words of a thoughtful writer, "it is certainly of sufficient age to promise permanence."

The town is surrounded by mountains. On the north are the Santa Catalinas, east the Rincons, south the Santa Ritas, and on the west the Tucson range, with its most prominent peak—Tucson Mountain. Water is brought from the Santa Cruz River. The winter climate has been highly praised for its warmth and sunniness.

The record by season is shown in the following table, the figures for temperature and rainfall being based on the reports of the Army posts for 14 years:

Seasons.	Temperature.	Rainfall.	Relative humidity.
	Degrees.	*Inches.*	*Per cent.*
Winter	59	3.01	53
Spring	67	1.22	34
Summer	87	5.47	27
Autumn	70	2.41	[illegible]
Year	69	12.11	[illegible]

In conclusion let me repeat that when the funds authorized to be appropriated by this bill are available for expenditure, I sincerely trust that the President will direct that prompt and proper steps be taken to provide every means for the complete and adequate hospitalization of all those who have served their country in time of war and who are now in Arizona or who may hereafter come to that State seeking to have restored the health and vigor which they lost while bearing arms in defense of the honor of their country. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, Mr. Frazer, the Assistant Director of the Veterans' Bureau, while in New York yesterday, made the following statement, according to the press:

New York has been badly treated; that is a fact. The State has got no hospitals; the program of decentralization that is being followed by the Government has left New York to the last in delivery of the files. This district seems to have had especially hard luck in administration. The whole district is in a turmoil and it is a fact that we have found in this office—I am not blaming anybody—evidences of total lack of efficiency.

That is the indictment which was made by the Assistant Director of the Veterans' Bureau in describing the condition in New York City. A year has elapsed and nothing has been done from a practical standpoint to send these ex-service men who are suffering from tuberculosis to a place or places having a higher climate.

A few moments ago there was some discussion on this floor as to whether these men should be sent out West or somewhere else. These veterans feel that they are entitled to hospital treatment either in Sullivan County or in the Adirondacks. I know of no reason in the world why they should not be treated in one or the other of the places that I have just mentioned.

The American Legion Weekly has said editorially this week about this situation, as follows:

AND THE DISABLED PAY.

The hospital crisis which Congress should have foreseen in 1919 is now developing fully. The disabled are now paying the penalty for the failure of the Government to realize that the Surgeon General of the Public Health Service was right when he estimated that 30,000 ex-service men would require hospital care before 1922.

A few weeks ago the Veterans' Bureau finally gave the word to close the ramshackle Fox Hills Hospital in New York. Six hundred men, many of them with tuberculosis, were patients in it when the "abandon ship" call was sounded.

Where are the 600 going? To Government hospitals? Not at all. For the most part they are being distributed among private hospitals and sanatoria, but some of them will have to pack up and go to New Mexico or California or some other Western State. Imagine sending a man suffering from tuberculosis in an advanced stage 3,000 miles away from his home and friends because no hospital facilities are available nearer!

The most tragic thing about this is that the site of the tuberculosis hospital to be established in New York under the hospital appropriation of a year ago has not even been selected yet. And it is not reassuring to know that seven other temporary war-time hospitals of the Fox Hills class must be abandoned this year. It means a further stern demand for more hospital beds and more discomfort for the disabled.

Meanwhile Congress is still considering the new Langley bill appropriating $17,000,000 for additional hospitals. If Congress reads aright the lesson of Fox Hills it will pass this measure at once.

There has been a lot of talk to the effect that Congress is to blame for inaction. Congress has appropriated the money, but the administrative officers have failed and neglected to act.

There is not a hospital in the State of New York which is in the condition which the Fox Hills Hospital at Staten Island is. It was decided a few weeks ago that the patients were to be removed, but instead of trying to remove them to hospitals in the vicinity of New York an effort is being made to shift these men—many of whom would not last a trip to the West—to thousands of miles away from New York. Properly, many of them have said that they would rather die where they are than to move away where they would not see a relative of any kind on account of the expense of travel.

There is another matter with which we are faced in New York. Our friends of the Legion, in their zealousness to obtain results, started the pupils in the public schools in a campaign of writing letters to Members of Congress. Each pupil in the public schools was asked to write to the Member of Congress representing the particular district in which he resided, to the effect that there were 20,000 to 200,000 ex-service men walking the streets of New York who could not obtain hospital treatment. As a matter of fact, we knew that was not true. There is no such condition anywhere. What was the consequence? The children went home to their parents and told them the story which had been handed out at school. The parents got the idea that that was the true condition. All over the city of New York the story was spread that Congress was neglectful in either making appropriations or trying to take care of these men. We all know that the contrary is true. No man can or would resist a description of these ex-service men appealing for hospital treatment while suffering from diseases from which they can not recover. It was wrong to plant strange thoughts in the plastic minds of these children and can not be too severely condemned.

We are going to pay our tribute to the last soldier dead coming from France this coming Sunday, in New York City. Many of them came from New York. If these men who passed away in making the supreme sacrifice could speak to the country at large and speak to this Congress, they would say that it is the duty of Congress to make this appropriation, which Congress intends to do, and to appeal to all American citizens to indorse by deed and action the words contained in an editorial of the Legion, dated March 27 and entitled:

THE VERY MAN'S GOD.

We who were yanked out of whatever rut we happened to be in 1917 and 1918 and sent to a environment and to France may have come back with a chip or two that wouldn't dislodge, but we also came back with a broader outlook. We learned, for one thing, to respect the religion of the man at our side, whatever it happened to be. We may have been Protestants or Catholics or Hebrews; it made no difference, and it made no more difference to the chaplain who was officially handed the job of being our spiritual father and brother.

The chaplains, in fact, were the exponents of this religious liberalism. Rabbi Lee J. Levinger, one of the 12 Jewish pastors assigned to the A. E. F., and a member of the Legion's ritual committee, in a recent book, "A Jewish Chaplain in France," writes this description of the chaplains of the Twenty-seventh Division assembled in their quarters following afternoons spent in burying soldier dead:

"Every evening we gathered about our grate fire and relaxed from the grim business of the day. If we had allowed ourselves to dwell on it, we would have been incapable of carrying on the work; it was so ghastly, so full of pathetic and horrible details. We sang, played checkers, argued on religion. I imagine we singing the "Dutchtown Students' Ball," or discussing the fundamental principles of Judaism and Christianity for several hours! The five of us were all of different creeds—Catholic, Baptist, Christian, Christian Scientist, and Jew."

One of the members of this group was Father Francis A. Kelly, former national chaplain of the American Legion.

Another passage from Rabbi Levinger's book merits citing in this connection:

"A Catholic priest told us briefly what we should do in case we found a dying Catholic in the hospital or on the field, with no priest at hand. Then I was asked how best the others might minister to a Jewish soldier in extremity. I repeated to them the old Hebrew confession of faith: 'Shema Yisrael adonai elohenu adonai echad'—'Hear, O Israel, the Lord is our God; the Lord is One.' I told them to lead the boy in reciting it, or, if necessary, just to say it for him, and the next morning when I brought down copies of the words I was deeply touched by their eagerness to know them."

This tolerance, this reciprocal respect for another's belief, is spirit of the Legion; spirit. It was not demobilized, but goes marching on as the Legion itself goes marching on to its great destiny.

But, unhappily, this spirit is not universal. Not all America went to war, so that not all America returned with a broader outlook. Outside the Legion voices have been raised in an effort to make the Legion the vehicle for religious bigotry. Not a single scrap of evidence is available to show that they are being heeded. Even the most stupid mongrel finds in time that he is barking up the wrong tree.

Mr. LANGLEY. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. KRAMER].

Mr. KRAMER. Mr. Chairman and members of the committee, there is no more pressing problem confronting the Congress than to provide for the proper and necessary hospitalization and care of our sick and wounded soldiers.

There is nothing for which Congress will be criticized and condemned more than to permit our soldiers who entered the war sound in body and mind and who came back broken in either or both to be told that we have not provided the necessary facilities for their proper care.

To assist these men in their efforts to regain their health; to assist them in their physical rehabilitation; to assist in giving them the necessary training; to become self-supporting, whenever this is possible, and if this be impossible, then to care for them, is not only our duty but a privilege.

The bill which we are considering to-day is intended to supply the necessary hospital requirements. It authorizes the President of the United States to expend, through the Director of the United States Veterans' Bureau, the sum of $17,000,000, to provide additional hospital and out-patient dispensatory facilities for our soldiers. I hope there will not be a single Member of Congress who will vote against this bill.

On February 7, 1921, we passed a similar bill. That bill carried an authorization for the expenditure of $18,000,000 for hospitalization purposes. It is to the credit of the Congress that that bill was passed unanimously, not a single vote being reported in the negative.

It was then my privilege as a member of the Committee on Public Buildings and Grounds to assist in the framing of that bill, and it was again my privilege to support this bill in the committee.

When the bill was written a year ago, it was thought that the authorization was sufficient to provide the necessary housing facilities to care for all of our ex-soldiers, but we find that the number desiring and entitled to treatment is much larger than was anticipated. As a result, the housing of some of our ex-soldiers is very unsatisfactory, while others are not housed at all.

The hearings held by our committee disclose the fact that many of our patrons are being housed in all sorts of hospitals and buildings, many of which are of the temporary character; some are wooden structures, highly inflammable, and entirely unsuitable for hospital purposes. It should be said that neither Congress nor the Government desired to use these buildings, but as nothing better was available the Government was forced to do so because of the number of applicants for hospital care and treatment.

It is absolutely necessary that additional facilities be provided at the earliest possible moment.

It is gratifying to know that the Federal Board of Hospitalization has decided upon and adopted a general policy or program of hospitalization. With regard to construction the board recommends that all hospitals hereafter erected shall be constructed of the fireproof type; this is certainly desirable from every viewpoint.

The board also recommends that the nature and location, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be determined by the Director of the United States Veterans' Bureau, subject to the approval of the President.

Both of these recommendations are written into this bill, and must and should be followed. Those who are in direct and active control, and who must assume the responsibility of caring for our ex-service men, should be given discretionary powers, for they are in a far better position to know the requirements than we are here on the floor of the House.

The recommendations in the hospitalization program includes dispensaries; it is believed that a great many men who are now in hospitals, if they had out-patient treatment, would not be in hospitals. It is said that 60 per cent of our hospital population is composed of ambulatory men; that is, walking patients. The majority of the cases are tuberculosis, mental, and nervous disorders.

The establishment of modern dispensaries, where out-patient treatment can be given, which includes everything but putting a man to bed, will be a great step forward toward economy and better service to the men; and, after all, the service to the men, the deserving, disabled ex-soldier, is a matter of first consideration.

Of the expenditures of $17,000,000 authorized in this bill, it is intended that between $8,000,000 and $7,000,000 shall be expended for dispensaries.

Mr. Chairman, I do not want to consume the time of the House in any further discussion; I believe we all understand the bill; I believe that we all want to provide for our deserving ex-soldiers, and we are all glad to do it as quickly as possible.

Let me again express the hope that we will pass this bill to-day without a dissenting vote. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. JEFFERS].

The CHAIRMAN. The gentleman from Alabama is recognized for 15 minutes.

Mr. JEFFERS of Alabama. Mr. Chairman and gentlemen of the committee, I do not wish to take up too much time in discussing this bill in detail, but will say briefly that, in view of the fact that this bill authorizes an appropriation of $17,000,000 for the purpose of making ready to take care of disabled ex-service men and women, I am heartily in favor of it. I hope every Member of this House will be able to see his way clear to support this measure, and I trust that the purpose for which this money is appropriated will be carried out by the responsible governmental agency without delay.

As I see it, that is the main point, which needs to be emphasized most—that is, the necessity of speedy action in carrying out the purposes of this bill.

Just here let me say that I heartily join Comrade FISH, of New York, in thanking the Committee on Public Buildings and Grounds for reporting out this bill.

In this connection I am forcibly reminded of the fact that $18,600,000 were provided for by Congress more than 12 months ago, and that as yet there is nothing in the way of new hospitals to show for any part of that $18,600,000 except a lot of plans and blue prints.

Of the $18,600,000 provided for by Congress in March, 1921, more than 12 months ago, $12,500,000 was to have been spent for the building of new hospitals. The other $6,100,000 was to be used for remodeling or extending existing plants. It is true that some work has been done toward remodeling or extending existing hospital facilities, but the fact remains that, of all the beds which the $18,600,000 was supposed to provide for disabled ex-service people, the only beds in the country to-day that are ready as the result of the appropriation of $18,600,000 in March, 1921, are 100 beds at Lake City, Fla., and they have been ready only since the 28th of February, 1922.

Now, my friends, that is a record of shame!

The dilatory tactics on the part of those whose duty it was to administer the expenditure of this appropriation are certainly most deplorable. In this connection let me read you a paragraph in the report of the national legislative committee of the American Legion, which report was read and adopted at the national convention of the Legion at Kansas City last November. It bears directly on this subject, and I believe it will be of interest to every Member of this House who has at heart the welfare of the disabled ex-service people, and I believe also that it will be of interest to every citizen of the Nation who has any concern for the disabled men and women who served under our colors during the World War. The paragraph to which I refer is as follows:

The Secretary of the Treasury states that his first concern is for the disabled. If such is really the case, it is time that he devoted some attention to the problems of the disabled. Six months ago Congress appropriated $18,600,000 for the remodeling and improving of existing hospital facilities, and provided for the expenditure of $12,500,000 of this sum on the construction of five new hospitals. Although a board of hospital consultants has made recommendations as to where and how the five hospitals were to be built, the Secretary of the Treasury has taken no action upon the matter. He is probably concerned with the saving of this $12,500,000 at the expense of the disabled.

Another paragraph from the same report, which was read and adopted at the same time by the Legion in convention assembled, and which also bears directly on this same subject, is as follows:

Six million one hundred thousand dollars of the appropriation of $18,600,000 has been allocated to remodel and improve existing facilities. Although this appropriation is six months' old, no action has been taken by the Treasury Department to expend $12,500,000 for the building of five new hospitals. This delay is deplorable in view of the urgent need for hospital facilities, particularly for neuropsychiatric and tubercular cases. The Secretary of the Treasury appointed a committee of hospital consultants. That committee has reported to the Secretary, making certain recommendations on the expenditure of the $12,500,000. The Treasury Department has taken no action. At best, it will take several years to complete these hospitals, and in the meantime our disabled comrades, suffering from diseases of the central nervous system, will continue to languish in jails, almshouses, and State insane asylums, deprived of the best care and treatment which has been repeatedly promised to them. They are unable to aid themselves. The leisurely procedure of the Treasury Department in providing these new hospital facilities is to be condemned.

That is what the report says.

Mr. MADDEN. Why does the gentleman say they are languishing in jails?

Mr. JEFFERS of Alabama. I was reading from a report of the legislative committee of the American Legion; and when they say that these men are languishing in these little jails, in those small places all over this country, they are telling what they know, I will have you to understand, and they would not put it in their report if it was not so.

Mr. LAZARO. Will the gentleman yield to me to answer that question?

Mr. JEFFERS of Alabama. Yes.

Mr. LAZARO. That is very often because the State has not room for an insane man, and until room is made for these insane men in the asylum they have to keep them somewhere where they will not harm anyone, therefore they keep them in jail.

Mr. JEFFERS of Alabama. I thank the gentleman for that comment. The statement is true. Disabled ex-service men suffering from mental trouble have languished in jail on account of the lack of hospital facilities. American Legion representatives have gotten them out of jail right here in the District of Columbia. Anyone sufficiently interested can find what the conditions are without looking very far.

Mr. LANGLEY. Will the gentleman permit me——

Mr. JEFFERS of Alabama. If you will not take up too much of my time.

Mr. LANGLEY. I am inclined to think, from what I have heard, that the remarks of the gentleman are not entirely without some foundation on that point.

Mr. JEFFERS of Alabama. I thank the gentleman. It is too bad that whenever a man stands up here on the floor of Congress and makes any statement here with reference to the disabled service boys which reflects in any way upon any man connected with this administration, people want to get up here and impugn the legislative committee of the American Legion for making statements of the absolute truth. The country ought to know the truth, even though it does necessitate criticizing high-ranking administration officials.

Mr. MADDEN. The gentleman does not think I was trying to do anything of that kind?

Mr. JEFFERS of Alabama. I do not want to do you any injustice, but you asked me why I said they were languishing in jail, and I told you I was reading from the report of the legislative committee of the American Legion, and that if it was not so they would not have said it.

Mr. MADDEN. I accept the gentleman's statement.

Mr. MANN. The gentleman from Alabama is very much excited.

Mr. JEFFERS of Alabama. I heard that side remark of the gentleman from Illinois. I have every respect for the gentleman from Illinois, and with regard to his remark that I appear to be excited let me say that I think it is time to be excited. Feeling the way I do about this shameful delay on the part of the people responsible for providing facilities for the treatment of these ex-service people under the appropriation made in March, 1921, let me say it is very hard indeed to keep from appearing excited when discussing the outrageous delay which has occurred. If the Secretary of the Treasury had been a little more excited about it there would be hospitals ready for patients now in place of a lot of blue prints. [Applause.] The report shows that not even a pick has yet been stuck in the ground to start the work on the five big hospitals proposed, and in some cases the sites are not even selected yet.

The language of the paragraph just quoted is clear enough for anyone to understand. I call your attention to the wording of the last sentence wherein it flatly says that "the leisurely procedure of the Treasury Department is to be condemned."

To be perfectly frank about it, it appears to me that the failure of the Secretary of the Treasury to handle this matter with all possible speed and dispatch may well and properly be termed as absolute criminal negligence. I believe that it can be said safely, without fear of successful contradiction, that ex-service men have gone to their untimely graves as a result of this negligence.

The last paragraph of that bill providing for the sum of $18,600,000 is as follows:

For carrying into effect the preceding paragraphs relating to additional hospital facilities there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $18,600,000 to be immediately available and to remain available until expended, of which sum not to exceed $6,100,000 shall be used for remodeling or extending existing plants.

Approved March 4, 1921.

You will note that it says that "the sum of $18,600,000 is to be immediately available." As stated above, more than 12 months have passed and the report of the consultants on hospitalization, who were working under the direction of the Sec-

retary of the Treasury, shows the following facts regarding five new hospitals:

First, for a hospital at Tuskegee, Ala., for the care of negro tubercular and neuropsychiatric cases $2,250,000 was allotted on November 16, 1921, more than eight months after the appropriation was made. I find now that the bids for that hospital are "to be advertised in April, 1922." Think of that! More than 12 months have elapsed now, and the bids for the construction of the hospital not yet advertised!

Second, for a neuropsychiatric hospital at Palo Alto, Calif., $1,400,000 was allotted on November 16, 1921, and the report now shows that "bids are to be opened April 10, 1922." Think of that! More than 12 months have elapsed now, and the bids for the construction of the hospital not yet opened!

Third, for a tubercular hospital "somewhere in western Pennsylvania" $1,000,000 was allotted on November 16, 1921, and the report on that hospital is as follows: "Choice of site practically completed." Think of that! More than 12 months have elapsed now, and the site not yet selected!

Fourth, for a general hospital to be located at Jefferson Barracks, Mo., $1,000,000 was allotted November 16, 1921, and the report on that is that a "contour survey is being made." Think of that! More than 12 months have elapsed now, and they say that they are making a contour survey to decide just where to put the hospital!

Fifth, for a tubercular hospital in the metropolitan district in New York City $1,000,000 was approved November 16, 1921, and the report on this is as follows: "Preliminary studies have been made for sites under consideration, and negotiations for site pending." Think of that! More than 12 months have elapsed now, and they are still negotiating for the site!

Consider carefully the five examples as set out above, my friends, and I believe you will agree with me that the record made so far by the Secretary of the Treasury on this work is a record of shame and constitutes absolute criminal negligence!

Permit me to quote further from the report of the national legislative committee of the American Legion:

ARMY AND NAVY HOSPITAL FACILITIES.

Repeatedly, President Harding and General Sawyer have told the Congress and the people that there were from 10,000 to 12,000 beds available for the care and treatment of discharged disabled men. Undoubtedly there are some 10,000 or 12,000 beds in abandoned Army cantonments. These camps, poorly and hastily constructed, are rapidly deteriorating. They are not even suitable for housing men in the prime of health. The fire hazard is extreme. The Army and the Navy state: "Yes . . . we have these beds, but no personnel, nor have we authority to employ personnel to provide hospital care and treatment for beneficiaries of the Veterans' Bureau." Therefore these ten or twelve thousand beds are, in fact, "paper" beds. They exist on paper; as a matter of fact, they can not be used for the care of our disabled.

The committee of hospital consultants, appointed by the Secretary of the Treasury to make recommendations on how to expend the $18,600,000 for the building of new hospitals, states that there is a need to day of 10,000 or 12,000 beds; that after the $18,600,000 has been expended there will remain a need for some 5,000 more beds, and it recommends that the Secretary of the Treasury request of Congress an additional appropriation of $16,000,000. The Secretary of the Treasury takes no action either to build new hospitals or to provide a permanent building program as his committee of hospital consultants recommends.

Note the reference in the last sentence of the extract just quoted to the honorable Secretary of the Treasury.

I want to tell you that ex-service men and women were in attendance on the floor of this last Legion convention in Kansas City from every nook and corner of this country. I want to also state that the ex-service people of this country are able to understand these things and they are intelligent enough to inform all citizens with whom they come in contact of existing conditions. They all had it plainly put before them there last November that the appropriation for the $18,600,000 was approved on March 4, 1921, and that nothing had been done about it, and this was in November, 1921. They also heard and understood that the committee of hospital consultants had told the Secretary of the Treasury that there was a need of 10,000 to 12,000 beds and that after the $18,600,000 had been expended there would remain a need for some 5,000 more beds; and these representatives of the ex-service people of this Nation also understood that the committee of hospital consultants had recommended that the Secretary of the Treasury request of Congress an additional appropriation of $16,000,000. That was in November last. They now see that the bill asking for the additional $16,000,000 which has been increased in this bill to $17,000,000, is just now being brought up on the floor of this House, and that so far as the $18,600,000 appropriation is concerned they now see that nothing has been done yet practically, and five more months have elapsed since the report referred to was adopted at the Kansas City convention.

The ex-service people all over this country, as well as all loyal American citizens who have at heart the interests of the disabled ex-service men and women, will remember that in the report of the national legislative committee of the American Legion was included this statement:

The Secretary of the Treasury takes no action either to build new hospitals or to provide a program as his committee of hospital consultants recommends.

I have quoted from the official report of the American Legion for your information, and now I wish to quote a representative of the Disabled American Veterans of the World War. The following statement was recently made by Mr. Ralph Horr, of Seattle, Wash., national vice commander of the Disabled American Veterans of the World War. This appeared in the San Francisco Chronicle about the middle of March, 1922:

Twenty-five per cent of all our cases are nervous cases—

Said Horr—

There is no provision made for such cases anywhere in the United States. In San Francisco alone there are 1,000 former service men walking the streets who, if the Government does not take care of them, must be later adjudged insane, and they will become a permanent care upon the State. These men may not be insane now, but their mental condition is such that they will become so unless they are cared for in time.

The situation in San Francisco is duplicated in every other city of the same size. There must be special treatment for cases such as this outside of State asylums where these men are now being taken.

In the tubercular cases the situation is about the same. There are not sufficient hospital facilities to care for tubercular cases. I have just been in Tucson, Ariz. There every available bed is taken in the Government's tubercular hospital. Men are piling in daily who can not be cared for. Some come by box car; some come in on the brake rods; some pay their own expenses. The order has gone out by the Federal authorities that no more men be sent there, but they are coming of their own accord, because there is no other suitable place, as they think, to go. And they can not be cared for.

In every State institution where disabled service men are cared for I have found even worse crowded conditions than in the United States Public Health Service hospitals.

And this fact is most significant: Only 3 per cent of men who go into State institutions are rehabilitated. How can a man suffering from nervous breakdown be rehabilitated in a State insane asylum? It can not be done.

The situation is desperate for thousands and thousands of splendid men who would "come back" had Congress paid any serious attention to the problem of the disabled.

You will see that this statement of Mr. Horr, an official of the Disabled American Veterans of the World War, bears out the statement as quoted above from the report of the American Legion and goes to show that nothing has been done yet to relieve the situation, which was so justly criticized by the Legion last November.

In looking into this matter, trying to see what manner of man this is that President Harding has, in his own wisdom and after holding "front-porch consultations" with the "best minds" of the Nation, placed in his Cabinet as Secretary of the Treasury, we find that it is a man who, according to available information, was an officer and director in banks and insurance companies with resources of more than $800,000,000; that he was an officer and director of other corporations of known assets of more than $700,000,000; that he is the head of a family whose members have control of affairs of corporations totaling more than a billion and a half of dollars.

We see that the Mellon family is interested in between 75 and 100 big concerns of this country. One of these concerns is the Standard Steel Car Co. We have seen that the Standard Steel Car Co. was known to be war profiteers on the Government of the United States of the very worst type.

We find that another concern in which Mellon was interested is the liquor business, known as Overholt & Co., which in its warehouses a year ago had liquor worth $18,000,000.

Among other numerous concerns in which he was interested and which were engaged in the fabrication of iron and steel and other war commodities are the Aluminum Co. of America, the New York Shipbuilding Co., the Osgood-Bradley Car Co., the McClintic-Marshall Co., and the Ritter-Conley Co.

Regarding this Mr. Mellon, the Chicago Tribune, which paper, I believe, claims allegiance to the Republican Party, discusses him as follows:

Japan has a genro. It is the class of the elder statesmen. It is the dead thumb of octogenarianism upon the present. Ultra conservatism always in property and age. Uncle Andrew Mellon, Secretary of the Treasury, is a man of much property. You hear that he is second or third in point of personal wealth in the United States.

Uncle Andrew Mellon is head of the American genro. President Harding merely comes up from somewhere, but Uncle Andrew Mellon always existed because what he represents and what he thinks always has existed.

The elder statesmen are against the soldier bonus. Uncle Andrew is against it because the war is over and all the values which were in danger and which have been saved are now out of danger. The soldier is an uneconomic force except when he is needed to preserve the balance and the wasting power of economic force. They are badly disturbed when a foreign governor general takes control of an occupied territory.

Then all ordinary laws of economic cause and effect go out of office and the soldier boy is the boy relied upon to keep the homeland functioning as it ought to function normally. Then he is invaluable, because without him all values would go to pot.

If the German soldier had been able to carry through the plans of the German military leaders, the German mark would not be a beggar on the doorstep of financial solvency, and if he had been able to do the superhuman, which was required of him, Uncle Andrew Mellon's fortune might be barely equal to a square meal.

The difference between the value of the dollar and the value of the mark is now the sacrifices made by the American soldier. He created that value. If he had not done so, it would have no value. The only reason these men of wealth have wealth is because American soldiers determined that depreciated currency should be in Germany and not in the United States.

To whom would Uncle Andrew like to pay a small percentage of his money? To the American soldier who saved him from the German tax collector or to the tax collector? Buddy, join the Legion, as your father joined the G. A. R., and impress as a political fact upon the elder generation that it is in luck, and much in luck.

Concerning Mr. Mellon's aluminum interests, Mineral Industry has furnished figures showing that the gross profits from this industry rose from $3,845,000 in 1909, before the war, to $74,250,000 in 1918, and in a report of the Republican majority of the congressional Subcommittee on Investigation of War Expenditures, Mr. Mellon's own party says of him:

The subcommittee is of the opinion that the settlement of this—the Standard Steel Car—claim constitutes a palpable fraud upon the Government.

So we find that the Secretary of the Treasury mentioned in the extracts from the American Legion report, as I have already quoted, was no other than the Hon. Andrew Mellon, the present administration's Secretary of the Treasury. In my opinion he is one of the most flagrant supergrafters of this country, and yet it is he who has the colossal nerve and unmitigated gall to pose as the Nation's first and foremost, most conspicuous, and most notorious "conscientious objector" to adjusted compensation.

By the way, let me say just here, that I have heard it said, perhaps some of you gentlemen on the Republican side of the House can tell me how true it is, that the Hon. Andrew Mellon has been more embarrassment to the present administration than any other person who is or who has been connected with the administration, except perhaps the late lamented "Boastmaster General," the Hon. Will Hays, whose passing brought such favorable comment from some of the Members of this House on both sides of the aisle.

In opposing adjusted compensation for ex-service men we hear a good deal about Mr. Mellon's desire to give first consideration to the care of the disabled. That was a pitiful bit of thin camouflage on his part and I believe the ex-service people of this country saw through it without any trouble. Regarding his concern for the disabled we have only to refer again to the fact that more than one year ago out of an appropriation of $18,600,000 there were $12,500,000 especially set aside for the building of new hospitals for the care of tubercular and neuropsychiatric patients and up to date this same Secretary of the Treasury, the Hon. Andrew Mellon, who claimed to feel such a deep concern for the disabled veteran, can give no better account of his stewardship on that particular proposition than to show a lot of blue prints and a report to the effect that they are still making preliminary studies of different sites upon which to build these hospitals.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. LAZARO. The gentleman spoke of the tuberculous cases and mental cases.

Mr. JEFFERS of Alabama. Yes.

Mr. LAZARO. Is the gentleman aware of the fact that unless these men get immediate treatment it will soon be too late to care for them?

Mr. JEFFERS of Alabama. Yes. This money has been lying there now for a year or more, and the Secretary of the Treasury is supposed to have made provision long before now.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. JEFFERS of Alabama. I will.

Mr. ANDREWS of Nebraska. With the appropriation that we have before us now and the information you have from the Legion authorities, about how long will we have to wait probably to secure the completion of hospitals under this fund, under the terms of the bill?

Mr. JEFFERS of Alabama. I do not know. It depends, of course, upon how that money is administered. The gentleman is on the Committee on Public Buildings and Grounds and ought to have that information; but from the failure of Mr. LANGLEY, the chairman of the committee, to answer the inquiry of Mr. DENISON a few minutes ago and from your inquiry now I am forced to the belief that the committee does not know much about what is expected to be done with this $17,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFERS of Alabama. I ask for five minutes more.

Mr. CANTRILL. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. LANGLEY. Now that the gentleman has five minutes more will he yield?

Mr. JEFFERS of Alabama. You have control of some time and I have only five minutes, which I need. If you will give me another minute I will yield to you for your question.

Mr. LANGLEY. I can not do that.

Mr. JEFFERS of Alabama. All right, I am sorry, but I can not yield to you then.

Now this bill provides that the director of the Veterans' Bureau should handle this $17,000,000 under the direction of the President of the United States. There is serious question in the minds of some Members of the House as to whether or not it is wise to turn this over to the Veterans' Bureau. For my part I am willing to try the change. Certainly the Veterans' Bureau can not make a worse showing with this appropriation than has been made by the Treasury Department on the last appropriation. If the Veterans' Bureau does not make a better showing than has been made by the Secretary of the Treasury and his consultants, then the Veterans' Bureau will not be worthy of its name.

I hope to God for the sake of the suffering ex-service men and women in this country, who are and who have been languishing in almshouses, State insane asylums, contract hospitals—some of which are reported to be absolutely filthy—and in some instances in the jails of the country, that such a delay as has taken place with the $18,600,000 appropriation provided for in March, 1921, will not apply to this appropriation of $17,000,000. I hope and trust that if the Veterans' Bureau is given jurisdiction that they will be able to make a better showing than has been made by the Treasury Department. [Applause.]

I know that the Veterans' Bureau has come in for a lot of criticism. I realize, however, the immensity and complexity of the task of the Veterans' Bureau, and for my part I am inclined to withhold criticism of the bureau and the administration of its affairs and to give them every chance to make good.

Quoting from the recent address of the chairman of the rehabilitation committee of the American Legion, let me say that I think "it is to our advantage that they operate splendidly, not poorly. We are after results, not scalps."

I must say, however, that some of the criticism to which the Veterans' Bureau has been subjected has been the failure of people within the bureau to issue statements that will hold water. They should be very careful about this. The Veterans' Bureau should at all times be absolutely frank and truthful with the ex-service people of the country, with the citizens of the country, and with the Members of Congress.

Here is an illustration of what I mean: Recently I wrote to the bureau asking them if they could use to advantage certain hospital facilities which were available for immediate use in Alabama. The letter I received from the bureau in reply to my inquiry contained the following statement: "With the completion of the large hospital now under construction at Tuskegee, Ala., and the extensive improvements now under way at Augusta, Ga., it is believed that additional beds will not be needed in the State of Alabama." Now, as a matter of fact, there is no hospital "now under construction at Tuskegee, Ala." The situation regarding that particular hospital is that even though the money was appropriated in March, 1921, it was not allotted to the building of a hospital until November 16, 1921; and although $2,250,000 was allotted on November 16, 1921, for the building of this hospital at Tuskegee, the fact now is that the contract for the building of the hospital has not yet been let. The last report from the Treasury Department on that hospital was that "bids to be advertised in April, 1922."

Regarding the "extensive improvements" mentioned in the letter to me from the Veterans' Bureau as being "under way" at Augusta, Ga., let me say that the latest report from the Treasury Department says regarding the situation at Augusta that "contract awarded February 8, 1922, material reported in transit." The possible date for the completion of that work at Augusta is September, 1922.

And yet in the face of these facts some man in the Veterans' Bureau writes me a letter with the name of C. R. Forbes signed to it, to the effect additional beds will not be needed in the State of Alabama on account of the fact that "a large hospital is now under construction at Tuskegee, Ala., and extensive improvements are under way at Augusta, Ga."

With farcical statements like that coming from the Veterans' Bureau over the signature of Colonel Forbes—of course, I know that the probability is that Colonel Forbes did not sign that letter himself, but some one in the bureau signed his name to

the letter—is it any wonder that the Veterans' Bureau comes in for scathing criticism? Suppose I sent that sort of a letter from the Veterans' Bureau down to Alabama, and it is turned over to a newspaper man down there, of course, any newspaper man knowing the truth about the situation would be fully justified in writing a strong article criticizing the Veterans' Bureau for trying to get away with such a crude bit of camouflage.

It may be that there is in existence a blue print for the hospital at Tuskegee, and they may call that a "hospital under construction," but I would not call it that.

For my part, I want to see the Veterans' Bureau function properly and handle its business properly, and I am not one who would direct unfair criticism at the bureau. I merely point out the foregoing example to show that the Veterans' Bureau is itself responsible for at least a part of the criticism that is directed against it. In this connection I believe the Veterans' Bureau would do well to deal with the Members of Congress and with the veterans themselves in an absolutely fair and truthful manner.

My friends, in discussing this bill on the floor here to-day the majority leader [Mr. MONDELL] took occasion to talk about the sympathetic, harmonious, and cordial relations between this Congress and the President. Speaking of harmony, I just want to recall to your minds, my friends, something that happened here on Monday last when the distinguished leader of the majority stood here and pleaded frantically until he looked as if he was going to have apoplexy any minute, and with tears streaming from his eyes cried out to the Members that they should "stand by the Budget." It was like a voice crying out in the wilderness, and his pleas fell upon deaf ears. Now, I am sure he has not forgotten the spanking that the House then gave him when they voted on the appropriation for rivers and harbors last Monday. Republicans and Democrats harmonized on that occasion, but I doubt if the majority leader was able to appreciate the harmony. [Laughter.]

When that happened, I was reminded of the spectacle here last December when a special vote was taken on the surtax feature of the revenue bill. I was a new man in the House—and am still one, for that matter—but up to that time I had had an idea that the Republican leader of the Republican majority was, in the eyes of his Republican colleagues, something more than a nonentity. I remember my astonishment on that occasion when, metaphorically speaking, the House of Representatives took the letter that had been sent up here by the President regarding the surtax feature, and with that letter patched up the clothing of the majority leader, reinforcing his defense as it were, and Congress promptly and emphatically placed the toe of its boot upon that patch with a solid whack that was heard from one end of the country to the other, resounding and reverberating and echoing and reechoing from the Statue of Liberty to the Golden Gate, and from the wind-swept Great Lakes in the north to the sun-kissed shores of southern Florida. [Laughter and applause.] The gentleman from Wyoming said to-day that "good folks back home" know of the harmony that exists. He was evidently speaking then, my friends, for the benefit of the "good folks back home."

The most harmonious occasions that I have noticed here have been the times when a great many of the gentlemen on the Republican side of the House have joined with the gentlemen on the Democratic side, and they have, with one accord, taken some good wallops at the leadership of the gentleman from Wyoming. [Laughter.]

[Mr. JEFFERS of Alabama had leave to extend his remarks in the RECORD.]

Mr. JEFFERS of Alabama. Mr. Chairman, I have some other matter bearing on this subject which I will extend in the RECORD, under this permission, at a later date.

[By unanimous consent Mr. BOX was given leave to extend his remarks in the RECORD.]

Mr. LANGLEY. Mr. Chairman, may I ask the Chair how much time remains on each side?

The CHAIRMAN. The gentleman from Kentucky [Mr. LANGLEY] has 18 minutes remaining and the gentleman from Kentucky [Mr. CANTRILL] has 45 minutes remaining.

Mr. LANGLEY. Mr. Chairman, I am in rather an awkward position. Two members of the committee have not yet spoken. I made a mistake and miscounted the time. I thought I had 10 minutes more, and I wonder if I can not get unanimous consent to have 10 minutes more.

The CHAIRMAN. The Chair does not see how that can be done, inasmuch as the time was fixed in the House.

Mr. CHINDBLOM. I will say to the gentleman that, as far as I am concerned, if I can get 10 minutes during the 5-minute debate, I will make my remarks at that time.

Mr. CANTRILL. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I with every other Member of this House believe that the Congress should appropriate every dollar that is necessary to in any way take care of the disabled ex-service men. As has been said by some who have preceded me, the treatment that some of the disabled ex-service men have been accorded is little less than an outrage, and especially those who deserve hospital treatment. I am willing to vote for this $17,000,000, or any other amount that is necessary to build hospitals for these men. But, Mr. Chairman, I want the money that the Congress appropriates used for the purpose for which it is appropriated. I think there has been unconscionable delay not only in the hospitalization of the ex-service men but the delays by the bureau from one end of the land to the other in letting these men who are disabled know their status without writing to them day in and day out and to their Congressmen to send in additional affidavits, or by cutting them off without a word from compensation that they are receiving.

There is one provision in the bill and which runs through it to which I most positively dissent. We have been trying, or we have said that we were trying, to cut out duplication of work, to economize in all departments of the Government, and yet in this very bill, after years and years of building up in the Treasury Department an architect's office that is supposed to have and should have, if it does not have, the greatest experts in the country on building, we intend now to enter upon a new venture and make an architect's office in some other department of this Government.

Mr. MADDEN. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. MADDEN. Not only that, but the bill places no limitation whatever on the amount that they can expend for the new architect's office, or any other establishment they may seek to organize.

Mr. RAYBURN. None.

Mr. MADDEN. They can expend most of the appropriation for it.

Mr. RAYBURN. We will spend a great part of $17,000,000 in building up another bureau in the Government and may not have any hospitals completed in any reasonable time, if at all.

Mr. MADDEN. Exactly.

Mr. RAYBURN. Mr. Chairman, in my time I desire to have read a letter from me to the Director of the Bureau.

The Clerk read as follows:

MARCH 28, 1922.

Col. C. R. FORBES,
Director of the Veterans' Bureau, Washington, D. C.

DEAR SIR: So many complaints come to me of the administration of the law with reference to disabled ex-service men by the regional office at Dallas that I feel justified in calling upon you to make, at the earliest possible moment, an investigation of the treatment the disabled ex-service men are receiving from this office. Not only do these complaints come from the disabled ex-service men themselves but from citizens who have a patriotic interest in seeing that those who gave so much to the country should be taken care of as Congress, in passing the war risk legislation, intended that they should be. Men who are disabled are having their compensation either totally discontinued or cut to practically nothing by a harsh and unjustified construction of the law. I was in charge of the original war risk act and I know that it was the intent of Congress that there should be a liberal and not a harsh construction placed upon the act. These disabled ex-service men are in a bad humor, are disappointed, and have a right to be. Congress realized that these men had given so much to their country and passed the most liberal law ever enacted, believing and knowing that the country would uphold a generous compensation to them. I realize that this is the time when we should economize in every department of the Government, but I believe that it is an inhuman economy to be niggardly and closefisted with those who came out of the World War maimed and disabled. I hope that you will call attention of the head of the regional office at Dallas to the fact that many believe that this law is being given an unjustified and harsh construction by the bureau.

Sincerely yours,

SAM RAYBURN.

Mr. RAYBURN. Mr. Chairman, I am opposed to putting this additional burden upon the Veterans' Bureau for the simple reason that I think the Veterans' Bureau has already more work than it can attend to. I know that it has more work than it is attending to. In the last Sweet Act we provided that this Veterans' Bureau should be a separate bureau of the Government. I feared then, and I believe now, that that was a mistake. We provided for 14 regional officers, with power to make final decisions in compensation and in insurance claims. I feared then that that was a mistake, and I believe now it was a mistake, as I feel certain it has caused delay in the adjustment of claims. I take up cases with the War Risk Bureau here and they tell me that the case has been decentralized and has been sent to Dallas. More delay. I take up the case with the Dallas office and they tell me that that case has not been decentralized and that it is in Washington. We have these disabled ex-service

men from one end of the country to the other who have not, three years after the war is over, had their compensation yet adjusted. It is a shame. It is an outrage, and those responsible for that kind of condition ought to be called to the bar of justice and of popular opinion. I say that the Veterans' Bureau has more to do than it is attending to.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BARKLEY. Has the gentleman's attention been called to cases where ex-service men have had their compensation either decreased or totally cut off without the slightest explanation?

Mr. RAYBURN. Yes; without the slightest explanation or notice. I find such cases in the district that I have the honor to represent, and I would hate to put into the record of this House the mental attitude of the average disabled ex-service man in this country. He believes that the law passed by Congress, which is the most liberal one ever passed in any country in the world, should be followed by this bureau, and yet one month a man will be on one basis of compensation and the next month he will be on another basis of compensation. It seems to me that it is time that the bureau should begin to function. I have never been a critic of the Veterans' Bureau. I have been its defender. I had hoped that they would straighten these matters out, but the principal thing that they do is to send flying squads over the country to create false hopes in the minds of some disabled ex-service man and then leave them to write letters to the bureau.

I trust, Mr. Chairman, before long the bureau will straighten out these claims and give to these weary and long-suffering men what Congress intended they should have.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I suppose there will be no opposition whatever to the passage of this bill. I raised a question awhile ago when the gentleman from Kentucky [Mr. LANGLEY] was discussing the measure, that it seems to me is capable of raising some confusion in the administration of the war risk insurance act. When we passed what is known as the decentralizing act, the Sweet bill, changing the name of the War Risk Insurance Bureau to the Veterans' Bureau and consolidating under the bureau all of the functions that pertain to the care and treatment of ex-service men, there was a provision in the law which authorized the President to transfer certain hospitals under the jurisdiction of the Public Health Service to the Veterans' Bureau. Of course, we all understand that all of the hospitals that have been erected in the past and those that now exist in the country for the care of ex-service men have been erected and are now under the jurisdiction of the Public Health Service. It has been rumored that the President is about to issue an Executive order transferring some 60 of these hospitals from the Public Health Service to the Veterans' Bureau. We provided in the Veterans' Bureau act that whenever these hospitals are transferred from the Public Health Service to the Veterans' Bureau, the personnel of the Public Health Service which is transferred shall retain all of the rank and grade, and so forth, which they possess now as members of the Public Health Service. I do not know whether this bill makes provision for giving the Director of the Veterans' Bureau absolute control over the appointment of physicians who are to be under him in these new hospitals or not. I have been told that these hospitals that are to be constructed out of the $18,000,000 are to be upon the same basis as those which will be transferred from the Public Health Service to the Veterans' Bureau in the event they are transferred. If that is true, then all of the physicians that are to be in charge of these hospitals that are to be transferred and those that are to be erected out of the $18,000,000, while appointed by the Public Health Service, are to be under the jurisdiction of the Veterans' Bureau. I would like to know whether I am correct in that interpretation.

Mr. ANDREWS of Nebraska. Does the gentleman understand that an order has been issued transferring the hospitals from the Public Health Service to the bureau?

Mr. BARKLEY. I do not understand that it has been issued, but I am told that it has been prepared but that the President has not actually signed it. Whether he will sign it I am unable to say, not being one of his advisers. What I am anxious about is that there shall be no more confusion or duplication in the interpretation of the law in behalf of the ex-service men. Another thing: The gentleman from Texas [Mr. RAYBURN] has just referred to a situation which, I think, we can all testify to. I do not know just where the blame lies, but I have had numbers of cases called to my attention recently where men have had their rating and compensation suddenly reduced without any explanation whatever from the bureau as to the reason for it. There may be some justification for that, but certainly an ex-service man who has been disabled is entitled to the courtesy of a reason by the bureau whenever his compensation is reduced and he is taken from a certain rating and reduced to another rating.

Mr. ANDREWS of Nebraska. Should he not have medical examination as the basis of such action?

Mr. BARKLEY. Certainly; but in most cases they have not done it. In many cases called to my attention men have written to the bureau itself asking why they have been taken from one basis and put onto another, and they have been able to receive no information whatever. And when we write down to the bureau and ask for that information we are not much luckier than the ex-service men in obtaining information in reference to it. I do not know where the fault lies. I do not like to say it is the director of the bureau, who, while of course he is responsible for the conduct of the bureau, is not in personal charge of all the details. As I say, I do not know where the fault lies, but certainly there ought to be enough responsibility somewhere to make the bureau give the reasons which actuated it in reducing the compensation and rating of an ex-service man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, of course my purpose is to support this bill. I have asked for this time to make an explanation for general information about another matter. Many Members of Congress have received, and are daily receiving, inquiries as to the present situation with reference to the so-called Towner-Sterling educational bill. It may be because I am a member of the Committee on Education that I received more inquiries than other gentlemen, but I know that a number of inquiries have been made of many Members on both sides of the House as to what the situation is in reference to that proposed legislation about which there is a good deal of general interest in the country. A few days ago I wrote to the chairman of the Committee on Education, the gentleman from Ohio [Mr. FESS], calling attention to the fact that there had been no meeting of the Committee on Education at this session of Congress and expressed to him my opinion that there is a great deal of general interest in the country concerning the status of this legislation, and asked him whether it was his purpose to call a meeting of the committee to pass upon the legislation at this session of Congress. My letter was as follows:

MARCH 9, 1922.

Hon. S. D. FESS,
House of Representatives.

DEAR MR. FESS: As the ranking Democrat on the Committee on Education, I write this to ask if it is your intention to call a meeting of the Committee on Education for the purpose of considering the Towner bill at this session of Congress. I respectfully request that the committee be called together for that purpose. I will thank you for the courtesy of informing me of your attitude with respect to this matter.

With high regard,

Yours very truly,

W. B. BANKHEAD.

I do not know whether you approve of the attitude expressed in the reply of the chairman of the committee, and I am not offering it for the purpose of criticism at all, but merely for the information of Members of the House to explain the attitude of the chairman of the committee in reference to the legislation, and I will ask the Clerk to read the letter in my time.

The CHAIRMAN. Without objection the letter will be read in the time of the gentleman.

There was no objection.

The Clerk read as follows:

MARCH 11, 1922.

Hon. W. B. BANKHEAD,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: Replying to your letter of inquiry as to the consideration of the Sterling-Towner bill, I am writing to state that, as you know, several bills are now before our committee. The bill to which you refer includes the several individual bills. I have thought from the beginning that the separate bills, such as physical education and home economics, both of which have already had hearings, should not be taken up until after a decision had been reached on the larger bill. As you recall, the larger bill has had hearings and was advanced by committee action in the last Congress.

In view of the fact that the Committee on Reorganization is at work, the chairman of which has laid before the President a plan of reorganization which includes a department of education and public welfare, it would be impossible to consider the Sterling-Towner bill looking to creating a department of education until after the reorganization plan is submitted to Congress, unless that is unduly delayed. The President has had this matter before him for about 10 days. This is why I would advise against taking up the Sterling-Towner bill at this time.

Yours very truly,

S. D. FESS.

Mr. BANKHEAD. I think a correct interpretation of the statement of the chairman of the committee, and I give it for

the information of the members of the committee and of the country, is that there will be no meeting of the Committee on Education to consider the bill at this session of Congress.

Mr. BARKLEY. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. BARKLEY. Can the gentleman give any information as to the status of the reorganization referred to in the letter?

Mr. BANKHEAD. My statement that there will probably be no meeting of the Committee on Education was predicated upon the proposition that there has been no initial meeting of the Committee on Reorganization, and that it does not seem likely there will be any, in view of the situation existing in the President's Cabinet with reference to that proposition.

Mr. BARKLEY. The gentleman is not aware of the efforts of the President to create some harmony in the Cabinet on this subject?

Mr. BANKHEAD. I am not an expert on Republican harmony. I would not undertake to answer the gentleman. The gentleman from Wyoming [Mr. MONDELL] to-day very fully qualified as an expert on harmony between the Executive, the Cabinet, and the Congress, and I refer the inquiry to him.

I think it entirely proper for me to say, further, that in my opinion there is a complete understanding between the chairman of the Committee on Education [Mr. FESS], the Republican leader [Mr. MONDELL], and the Republican steering committee that the Towner bill shall not be given a chance for passage at this session of Congress.

The method of administering to it the coup de grace is very simple. It can not be reported favorably out of the committee without a meeting of the committee, and no meeting of the committee will be called by its chairman, Doctor FESS. It is one of the oldest and yet the most effective of all methods of giving the sleeping potion to a bill. The Committee on Education is an important committee of the House. It has many important bills pending before it, and yet it has not had a single meeting to transact business since the present Congress convened in April, 1921. It is very plain to me that such a situation has been inspired if not directed by those at present in authority to put the Towner-Sterling bill into a state of suspended animation. I respectfully challenge a refutation of this charge.

I want all friends of education, especially the American Educational Association, to understand why no progress has been made in the House on the Towner bill, and why, in my opinion, none will be made as long as the present group of obstructionists control the situation.

Mr. CANTRILL. I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. CHINDBLOM. And the chairman of the committee also yields five minutes.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. UNDERHILL. Mr. Chairman, like all Members of the House who have been heard thus far on this bill, I want to declare myself in favor of the proposition. But I have another matter I want to call to the attention of the Members of the House. I offered a resolution some few days ago, which was referred to the Committee on Rules, for an investigation of the Washington or Victory Memorial. For some unknown reason—to me, at least, consequently I can not criticise it—they have refused that investigation. In yesterday's news the press carried a report that the site that had been deeded or ceded to this organization was found by the Attorney General and General Harris as having a clear title, and that Lieutenant Colonel Sherrill wrote the officials instructing them that they could begin operations. Before these operations begin I want to bring to the attention of Members of the House some conditions and situations in reference to this project. In the first place, a memorial was planned to cost about $3,000,000, to be called the George Washington Memorial. It was to take the form of a university. There was granted this organization a charter, and I wish to read from that charter the purposes of the organization:

First. The corporate name of said corporation shall be George Washington Memorial Association, and its object shall be to advance and secure the establishment in the city of Washington, D. C., of a university for the purposes, and with the objects substantially, as contemplated and set forth in and by the last will of George Washington, the first President of the United States of America, and to increase the opportunities for the higher education of the youth of said United States, and to this end to collect, take, and hold moneys, gifts, and endowments, to take and to hold by purchase, donations, or devise real estate, to erect and furnish buildings to be used by said university, when legally established, and, in advancing the object of this corporation, to sell, convey, mortgage, and exchange any real and personal estate which it may hold, and to do any and all things which may be lawfully done in carrying out the objects of this corporation.

That was the original plan—the charter was issued in 1898—but apparently they did not begin active operations until about 1912, and from 1912 to 1921 they have succeeded in collecting something in the vicinity of less than $500,000, and in the meantime they have changed the whole plan and object. Now they propose to erect a Victory memorial, to cost between eight and ten million dollars. May I briefly describe this Victory memorial? It is an elaborate building, to contain a large convention hall. In this convention hall there is to be placed in the ceiling a star for every American soldier who was in the service during the World War, or about four and a half million stars, at $5 per star.

Then, in addition to that there are several thousand stars, gold stars, to be placed in the ceiling or in the dome of this building, to commemorate every man who paid the supreme sacrifice, and those stars are to be retailed at $100 per star. Those stars can be easily seen by the use of a powerful telescope from the main floor of the building, and it is the purpose of these people to go before the legislatures of the various States and ask those States to appropriate by direct issue or by bond issues enough money to supply the cost of placing the stars at $5 apiece for the ordinary star, and $100 apiece for those who died in the service.

They think that by so doing they can raise the $3,000,000 that it is going to cost, but that does not include the furnishings, and I understand that they contemplate furnishings to cost $1,000,000 or $1,500,000 more. The American Legion has taken up this matter, and in no uncertain way they have declared against any such proposition, any such exploiting of their service and the service of their comrades, and I think the Members of the House want to know what they say. I read:

THE AMERICAN LEGION, NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., February 20, 1922.

Hon. JOSEPH WALSH,
House Office Building, Washington, D. C.

MY DEAR MR. WALSH: The American Legion at its third national convention adopted unanimously the following resolution:

"Whereas there has been pending in Congress for some time legislation relative to the erection of the George Washington memorial; and

"Whereas it has been proposed that this memorial should be changed to include within it a memorial to all the men and women of the recent World War; and

"Whereas it is believed that this is not the proper time for the erection of a memorial until adequate legislation has been enacted for the disabled and unemployed and compensation; Be it therefore

"*Resolved by the American Legion in convention assembled*, That we do protest against the erection of any public building by or with the consent of our National Government on any Government land in any way designed to commemorate the men and women who served in the World War until proper and adequate legislation has been enacted for the relief of the disabled, first; the unemployed, second; and adjusted compensation, third."

I have heard it rumored that you contemplate the introduction of a bill authorizing the Committee on Public Buildings and Grounds to investigate this association. I want you to know that the American Legion will support such a resolution as I understand you contemplate introducing.

Sincerely,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Now, I want to bring to your attention the way that the half million dollars they have to start this $10,000,000 building was raised. Back in 1917 they sent to all the little towns in my State a circular or letter which purported to state the amount which that city or town was assessed for the George Washington Memorial, and many of these little towns, thinking that it was a Government function and that the assessment was a Government or State appropriation, placed in their town warrants anywhere from $25 to $300, and the residents of those towns voted to contribute that amount. Now, nothing was known about it at first, but when it was found out what the purpose was, some towns tried to get their money back, but they have not succeeded. I have a list of the towns that appropriated money and also a statement of the amounts they appropriated, and likewise some remarks made by the selectmen of these various towns in connection with the appropriation and the misunderstanding that they had at the time.

The movement for raising funds was especially lively in 1917. The following statements, the truth of which does not appear to have been challenged, have been printed:

Massachusetts has raised $32,000 for this project, of which $16,000 has been spent in this State for promotion. The agencies of publicity and propaganda—including the cost of the Saturday evening dinner—have thus absorbed half of the money raised.

The promoters hit upon a device which the Commonwealth ought to forbid, that of assessing municipalities with certain sums, as if these appeals were in the nature of obligations. The little town of Peru, for instance, was held up for $75, which it has appropriated and paid. Tisbury has yielded its assigned amount. In fact, a map has been issued of the towns which have responded to the ingenious form of "holdup." In this way $8,000 has been obtained.

The chairman of the Massachusetts Advisory Council of the George Washington Memorial Association, in an official statement published February 15, 1917, said:

It is true that in the last three years of preliminary organization some $16,000 has been expended, but not 1 cent of this will be taken from the final contribution to the fund and but a small part of it was derived from those contributions, even temporarily. * * * The $16,000 was not all spent in Massachusetts, a part of it going toward organization work in other States. The only actual expenses met in this State thus far have been office rental, the issuance of circulars, and the organization of town and city committees. Ultimately every cent given by States, towns, or individuals will go toward the memorial and not a cent toward expenses. These latter are being covered entirely by subscriptions never intended nor made toward the memorial, but definitely given to carry on the work of raising the great patriotic fund.

On February 18, 1917, the memorial association reported that "after four years of endeavor" it had on hand $241,173.09 of the $2,500,000 it purposed to raise. But this was "actual cash." According to Charles J. Bell, trustee of the "permanent building fund" and president of the American Security & Trust Co., of Washington, "more than $500,000" had been raised. Of the cash, it was stated, "With the exception of $10,000, this money is invested so that it is returning to the fund nearly $1,000 in interest a month."

On May 17, 1914, the Boston Herald reported that—

The council reports that among the towns that have been unusually prompt in raising their quota of the sum are Uxbridge, Upton, Bolton, Pembroke, Charlton, Auburn, Norwell, and others. Great progress has also been made in Pittsfield, Waltham, Lawrence, Andover, Avon, Brookline, Dalton, Cheshire, East Longmeadow, and other places.

In the spring of 1917 towns on the cape found that there had been general misunderstanding as to the scheme, it being believed that both the National and State Governments had sanctioned it, made appropriations, and obligated the towns—at least morally—through patriotic appeal to vote each its "quota."

Up to that time, 80 Massachusetts towns had voted "per capita appropriations, averaging $100," according to a statement printed in the Boston Herald of February 18, 1917. Leaflets sent out told of the "nation-wide response," and how "46 governors and former governors have indicated their approval," and "a gratifying spirit of cooperation has been shown on the part of the following States and insular possessions." Here follows a list of 46 States, with Hawaii, the Canal Zone, and the Philippines, although up to that time no State or possession had made an appropriation.

Apparently the promoters traded on the patriotic spirit and lack of knowledge of the smaller towns of Massachusetts, not one of the larger communities being led to vote a dollar. According to the plan—

The general rule is to get an appropriation by town warrant on the basis of a toll of about 6 cents per capita, so that the appropriation covers a wide range—$10 to $20 up to $500.

From the map prepared by the "advisory council," the following Massachusetts towns had at that time appropriated money—although some question had been raised as to the power to do it legally, but this had been silenced by the quoting of the statute, chapter 116, acts of 1903, permitting appropriations for "monuments to soldiers and sailors":

Barnstable, Brewster, Bourne, Chatham, Eastham, Harwich, Orleans, Sandwich, Yarmouth, Becket, Florida, Tyringham, Washington, Acushnet, Berkeley, Raynham, Swansea, Gosnold, Oak Bluffs, Andover, Boxford, Groveland, Newbury, West Newbury, Swampscott, Gill, Monroe, Northfield, Warwick, Wendell, Blandford, Holland, Cummington, Goshen, Greenwich, Hadley, Huntington, Ashland, Bedford, Carlisle, Chelmsford, Lexington, North Reading, Shirley, Cohasset, Foxboro, Wellesley, Westwood, Weymouth, Duxbury, Halifax, Hanover, Hanson, Hingham, Kingston, Marion, Marshfield, Norwell, Pembroke, Rochester, Rockland, Auburn, Berlin, Boylston, Bolton, Charlton, Dana, Harvard, Lancaster, Milford, Oakham, Oxford, Petersham, Phillipston, Princeton, Southboro, Upton, Uxbridge, and Webster.

As the result of the Herald's revelations regarding the "George Washington Memorial Building," two towns on the Cape, Provincetown, and Wellfleet, are holding up payments of appropriations already voted, and are likely, at special town meetings, to rescind the appropriations. Truro will not give a cent. Neither will Dennis.

Other Cape towns, which have parted with their money, are anxiously waiting to see whether court decisions will uphold the opinions of various town counsel in other parts of the State that such appropriations are illegal, hoping, meanwhile, against hope that somehow they may get at least part of their money back.

Cape towns are not rich enough to have town counsel, but are so stirred by what is now termed "trading on their patriotism" that they are almost ready to hire one.

It is really astounding how many towns have appropriated money for this far-away building in the District of Columbia under a total misapprehension. In some cases selectmen say they understood that the governor and the legislature had set the seal of approval on the plan; that State appropriations had been made or were to be made; that each town was to "give its quota," as the literature sent out by the promoters said, and that it was in the nature of an assessment, or at least an obligation. The appeal to patriotism and public duty had force, and the coming Pilgrim tercentenary celebration had a misty influence.

I am not here to defend the action of any of our towns or to criticize the action of some perhaps well-meaning woman or body of women in building a memorial to George Washington or a victory memorial with their own money, but with money that they can collect from the deluded public. When they come before my State and before the towns and the cities in my State and ask them to contribute money in a camouflaged way, using as a lever an appeal to be patriotic, I protest. I also protest because I know from the past experience that this organization will get along just about so far, and, judged by their past successes, it will be some 10 years before they get another $1,000,000. They will go to work and start this building on this site given by the Government, which might be used as a site for a public building, an archives building, or some other useful building; but they do not seem to care whether the records of these soldiers are put in a safe building or not. What they want by and by is to have anybody who is interested come down and get the record off the ceiling of this memorial building. What they will do will be to get it along so far, and then they will come to Congress and ask Congress to appropriate $5,000,000, $6,000,000, $7,000,000, or $8,000,000 to finish this building. It may be that they do not have that in mind. They may think the people of this country are foolish enough to build a convention hall for the use of organizations that come here and hold conventions. But the business men of Washington a very short time ago when they wanted a convention hall succeeded in less than a month in raising more money than this organization had raised in 10 years.

The George Washington Memorial Association should surrender its charter and the money contributed for a Washington University, which was to cost $3,000,000, or carry out the original plan. If they are to build or start a victory auditorium or something else to cost $10,000,000 they should get a new charter. George Washington needs no additional monuments to perpetuate his greatness and fame. The tomb of the unknown soldier is a shrine that a victory memorial can not displace. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LANGLEY. Mr. Chairman, by agreement with my colleague from Kentucky [Mr. CANTRILL], in control of the time on the other side of the House, I was to have three minutes. I yield two minutes of that time to the gentleman from New Hampshire [Mr. BURROUGHS].

The CHAIRMAN. The gentleman from New Hampshire is recognized for two minutes.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a moment?

Mr. BURROUGHS. I regret I have only a few minutes. I am sorry.

Mr. BANKHEAD. I only wanted to get unanimous consent to extend my remarks.

Mr. BURROUGHS. Mr. Chairman, I am glad of an opportunity to vote for this bill. I am glad to vote to authorize an appropriation of $17,000,000, or any other amount that may be needed, in order to provide necessary additional hospital facilities for persons who served in the World War. This, as I understand, will make a total of about $42,000,000 either appropriated or authorized for this purpose. The Congress of the United States will gladly double this amount, if necessary, in order to give every sick or disabled ex-service man the hospital facilities he needs. I believe this bill meets a real need. I am confident it is in every sense a most meritorious measure. I hope and expect it will pass without serious opposition.

Mr. Chairman, a few days ago on the floor of this House I stated briefly some of the reasons why it was not possible for me to support or vote for the adjusted compensation bill in the form in which it was presented.

In concluding my remarks, after quoting sundry statistics showing the immense expenditures to date for the benefit of the disabled ex-service men and their dependents, I said:

I make these statements, Mr. Speaker, and quote these figures not for the purpose of showing that the Government of the United States has done its full duty, or, indeed, is doing all that should be done for its disabled ex-service men. I know that is not the fact. A great deal yet remains to be done. There is altogether too much delay in acting upon worthy claims.

It is my experience, Mr. Chairman, and I understand the experience generally of all Members who have been obliged, because of decentralization, to take up claims with the district office of the Veterans' Bureau at Boston, Mass., that there certainly has been most inexcusable and reprehensible delay at that office in acting upon worthy claims. My experience fur-

ther leads me to the conclusion that the apparent inattention and consequent delay in adjudicating the claims which I have been obliged to take up with the district manager at Boston is a chronic condition in that office, tolerated by the district manager and therefore properly chargeable to him. To date my dealings with the district manager at Boston have, with rare exceptions, been wholly unsuccessful as regards obtaining either reports on the cases or satisfactory adjudication of the claims in which I have been pleased to express an interest. My files show a great many instances where the district manager has not even taken the trouble to make reply to my letters and telegrams of inquiry as to the status of claims pending in his office. I have been forced to appeal in personal interviews and by letter to the Director of the Veterans' Bureau for corrective action on his part, so far as the district manager at Boston and his office was concerned. The director, in order to assist in obtaining reports on these long-delayed cases, has repeatedly telegraphed and written the district manager at Boston, and in many cases it is acknowledged to me that no replies are received. No matter whether the claimant has a compensable status or not, a statement of the degree of disability should be given promptly in every case. As it is now, the amount of correspondence on the many cases I have pending in the office of the district manager at Boston is enormous. The replies I receive are few and far apart. Meantime it is the claimant who suffers, and unjustly so, because of the unwarranted delay and evident inattention on the part of the district manager at Boston and his office.

I have no acquaintance with this district manager nor, so far as I know, with any of the office force under his direction. The only means I have of judging them and their fitness for the jobs they hold is by results, and that is exactly what I do not get. My sole purpose in taking up the time of the House for these few minutes is to place on record my earnest and emphatic protest against a continuance of the negligence and inattention concerning cases which I am obliged to take up with the district manager at Boston. I want to say further that officials of the American Legion, the American Red Cross, and other organizations in my State interested in the welfare of the disabled ex-service men, with whom I am constantly in communication concerning these various claims, are equally emphatic in their protest against the attitude of this same district manager.

As a basis for my protest, Mr. Chairman, I want to cite a few cases in point in order to bear out my contention that there is altogether too much delay in acting upon worthy claims and also in the hope that these claims, as well as additional ones in which I may express my interest, may be properly and promptly adjudicated.

(Case of A. A. H. C 523758.)

March 8, 1921. Initial letter taking claim up with War Risk Insurance Bureau.

March 21, 1921. Letter from acting director setting forth award under rating of temporary partial 10 per cent disability, or $11.40 per month from May 25, 1920.

March 31, 1921. Wrote director requesting reexamination of claimant with view to increased award.

April 30, 1921. Acknowledgment from director of foregoing letter with no reference to request for reexamination, but with particular reference to increasing award on account of dependents.

July 8, 1921. Renewed request for reexamination of claimant on receiving advice from him that such action had not been taken.

July 12, 1921. Director acknowledged foregoing letter, but again made no statement as to reexamination of claimant.

October 28, 1921. Claimant advises he was reexamined on October 10, 1921.

October 29, 1921. Wrote director calling attention to fact of reexamination on October 10, 1921, and requested prompt consideration of report. No reply whatever was made to this request.

December 9, 1921. Wrote director strenuously about claim and advised that claimant had been obliged to seek charity of his home city to provide means of support of himself, wife, and child. This letter was presented to the director personally.

December 13, 1921. Director wrote advising that "Bureau records disclose claimant was examined on October 10, 1921, for the purpose of determining whether or not the compensation should be increased, but the report of this examination has not been received in this bureau. I have accordingly wired the district manager at Boston, Mass., to expedite the report of this examination for my personal attention."

On December 23, 1921, the director advised me by telephone that this claimant's compensation had been increased to 20 per cent, dating back to discharge, and that a check for the accumulated amount due would be promptly sent forward.

So that the record discloses that although the examination of the claimant was made on October 10, 1921, the report of same was apparently not received by the director from the district manager at Boston until on or about December 23, 1921, almost two weeks after the director telegraphed the district manager to send same to him personally without delay. A period of approximately nine months dragged out between the time of request for the reexamination of claimant and the date on which his award was amended, and a period of over two months passed between the date of his reexamination and the date of the amended award.

(Case of R. W. H. C. 276204.)

January 22, 1921. Submitted receipted bills covering medical, surgical, hospital, and nursing expenses, together with a receipted bill for an artificial leg. These bills aggregated approximately $675. This claimant is rated as temporary total.

February 6, 1921. Director acknowledged receipt of bills and advised: "The bills in question have been referred to the district supervisor, United States Public Health Service, Boston, Mass., for attention. When the claim, properly certified, is received from the district supervisor prompt action toward settlement will be taken by the bureau."

July 11, 1921. Having received word from the claimant that his claim for reimbursement on account of the bills in question had not been settled, addressed a letter to the director of the bureau protesting against the unwarranted delay and calling for immediate action.

July 28, 1921. Director acknowledged receipt of foregoing letter and advised: "The bills for these expenses were forwarded to the bureau's supervisor in Boston, Mass., February 7, 1921, for necessary corrections. A telegram has accordingly been sent to the supervisor requesting him to wire report of the action taken in this matter."

August 19, 1921. Claimant advises all bills had been returned to him for correction, and he had returned same to the district supervisor at Boston, Mass.

August 24, 1921. Wrote director of bureau setting forth above statement.

December 19, 1921. Claimant advises that early in October, 1921, he promptly complied with further requirements of district supervisor at Boston in regard to bills in question, but no word or payment has reached him.

December 20, 1921. Called on director personally and demanded immediate action.

December 22, 1921. Director advises by telephone that a check for $687.62 was mailed that morning to claimant to cover reimbursement.

It will be noted, Mr. Chairman, that this claim for reimbursement of legitimate expenses incurred by the claimant was filed by me on January 22, 1921, and was not finally settled until December 22, 1921, or exactly 11 months after the date of filing. For practically 10 months of this time the claim was shelved in the office of the district supervisor at Boston with the possible exception of perhaps a week when the bills were being corrected by the claimant. The bills were not sent to the claimant for correction until seven months after filing, in the first instance, and nine months after initial presentation to the bureau for their final correction.

Note, also, that whereas the director personally telegraphed the district manager at Boston on July 25, 1921, for a wire report in order to obtain action, no attention was paid to same by the Boston office, so far as I have been advised, although the director in his letter to me of July 25, 1921, had said: "I shall write you again as soon as a reply from the supervisor has been received."

By reason of the settlement made with this claimant this case can now be considered as closed so far as his interests are concerned.

(Case of L. D. W. C264167.)

This case involves the question of a change of vocational training from machine designing work to a commercial course and my letter requesting investigation addressed to the Director of the Veterans' Bureau was dated November 3, 1921. The decision rendered in this case was adverse to the desire of the claimant, but the delay in arriving at that conclusion is fairly set forth in the following quoted letter which I presented to the director of the bureau under date of January 24, 1922:

Col. C. R. Forbes,

Director Veterans' Bureau, Washington, D. C.

MY DEAR COLONEL FORBES: I deem it highly important that the following statement of facts should be brought to your personal attention and receive your personal investigation and prompt action.

Mr. W. is a resident of my home city, Manchester, N. H., and his mother has for some time past been known to me through the fact that she has done housework for us. She has spoken and written to me concerning her son's case. My interest in the matter is therefore personal as well as official in an endeavor to bring about a speedy and proper adjudication of his claim.

It appears that Mr. W. has been in training at Providence, R. I., for about two years. On November 1, 1921, he wrote me concerning his condition and I quote you a portion of his letter (also set forth in my letter to you dated November 3, 1921):

"I have been in training here for about two years and have been constantly bothered with my leg. I have been going to the doctors about every week and they do not seem to be able to help me at all. About six months ago a Doctor Mahoney, who is a specialist here, wrote a letter to the Federal board office requesting that I be given a special board at school. I am taking machine design and that necessitates quite a lot of standing. The board was given me, and about a month ago the same doctor recommended that I be given a different line of training. He suggested accounting. * * * He wrote this request to the Federal board people here over a month ago and I can not get any action on it at all. The doctor of the public health office also called up the local supervisor here and gave the same opinion as Doctor Mahoney. He suggested that I be transferred to the Bryant & Stratton school here in Providence.

"My disability is a compound fracture of both bones of the right leg, upper and middle third. I also have a foot drop. On account of extensive injury to the muscles and tissues my leg tires easily and causes pain when it is tired."

I have recited fully Mr. W.'s disability, in order that it may be seen that his present training as machine designer is in fact a handicap, as testified to by Doctor Mahoney, as well as by the public health physician.

In writing you concerning this matter it is with the idea of bringing to your attention, for appropriate action, the unwarranted and absurd situation which has developed in connection with your district office at Boston, Mass., as will be seen by the following statements.

On November 28, 1921, you wrote me as follows:

"We note his (W.'s) desire to be transferred from machine designing to a commercial course. As records on file do not bear upon the point in question, we are referring the matter to our representative at the district office in Boston, with the direction that his request be taken into consideration and report submitted. Upon its receipt we shall be pleased to inform you accordingly."

On that date you wrote the district manager at Boston for investigation and report concerning this case, and your records will also show that you have further written for the report in question on the following dates: December 12, 1921; December 29, 1921; January 13, 1922; January 23, 1922. Your records will also show that urgent telegrams were sent by your bureau to the district manager at Boston on this case on the following dates: December 16, 1921; December 19, 1921; January 4, 1922; and January 9, 1922.

And yet to date the medical report in question has not been furnished you as directed, even in the face of five official letters and four official telegrams.

As a matter of fact, the report of medical examination of Mr. W., made at Providence, R. I., by the public health physicians, left Providence for your Boston office on November 18, 1921.

In order to supplement the efforts of your bureau to obtain from Doctor Brides the medical report of examination in question, I telegraphed him on January 9, 1922, as follows:

"Have been for days pressing Veterans' Bureau for immediate action on application L. D. W., C-264167, for transfer vocational training from machine designing to commercial course, due to poor physical condition. Bureau advises no reply received to several official telegrams sent you this matter. Bureau awaits medical report furnished your office by Providence office last November 18. This matter important and justifies your personal attention by forwarding immediately report in question. Wire reply."

Note the reply I received by telegraph the next day (January 10, 1922), signed "Brides"—

"Re tel December 9 case L. D. W. Telephoned Providence to-day to send medical report to-morrow."

And, in confirmation of this telegram, Doctor Brides wrote me under date of January 12, 1922, in part, as follows:

"Immediately upon receipt of duplicate medical report from Providence, copy will be forwarded to Washington for action."

On January 21, 1922, having been advised on the morning of that day by your office that the medical report in question had not been received, I again telegraphed Doctor Brides as follows:

"You telegraphed me January 10, case L. D. W., you had telephoned Providence that day to send medical report. Your letter 12th stated immediately upon receipt duplicate medical report copy will be sent to Washington. Report not yet received. I consider situation ridiculous. That medical report rendered November 18 must reach Washington Monday with copy to me."

Up to this morning your bureau has not received the medical report in question, and neither have I received a copy, nor any further word from Doctor Brides concerning it.

* * * In the past there has been much well-founded criticism placed at the doors of the War Risk Insurance Bureau, but as time went on conditions were expected, and have, improved, and it was hoped that with the passage of the act creating the Veterans' Bureau conditions under its terms would be so improved as to do away with unnecessary delay in the settlement of the claims of meritorious nature. The very establishment of the regional or district offices was for that sole purpose.

But under the conditions set forth in this letter you can not uphold the present management of your district office at Boston. At present this is a matter for your personal attention as Director of the Veterans' Bureau, in order that remedial steps may be immediately taken to correct the unwarranted and serious mismanagement herein complained of.

So, in the consideration of this matter it is my desire, first, that W.'s case be immediately and satisfactorily adjudicated, and, second, in order to prevent similar conditions in other cases, that you make such changes in your district office at Boston as may bring about proper efficiency in management as well as expeditious handling of these deserving cases.

At the present time I have pending before the office of the district manager at Boston, in various stages of neglect and delay, some 20 cases, in each of which I have long ago recorded my interest and urged prompt action. On many of them no reply whatever has reached me to date.

It is not the fault of the law, Mr. Chairman, that delays occur. It is the fault of incompetent men administering the law that delays occur. I am glad to say that many, in fact most, of the officials with whom I come in contact appear to be courteous and conscientious and reasonably efficient in the discharge of the duties imposed upon them. I want to make all reasonable allowances on account of the great number of claims pressing for attention and a certain amount of confusion naturally attendant upon the processes of decentralization. But when all that has been taken into account I must still insist that the action or nonaction at the Boston office, as shown in the cases cited, is without any sort of justification or excuse. More flagrant and utter disregard of the plain, ordinary rights of claimants would be hard to imagine. I see no occasion for weeks and months of vexatious delay in getting the simplest sort of medical report necessary as a basis of adjudication.

When these boys, most of whom are maimed and sick in body or in mind, and many of whom are wholly without funds, keep writing in desperation to me for help, and I know that the Government of the United States has made provision to meet their needs, as in most cases it has done, I have little patience with any official who can not find a way to acknowledge, if not to answer, my letter or telegram of inquiry. If the district manager at Boston can not do this, it is high time for the district manager at Boston to give place to some one who can. I call upon him now to wake up and see to it that these plain, ordinary duties of his office are performed. I call upon the Director of the Veterans' Bureau to see that he does this or demand his resignation without delay. [Applause.]

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. BURROUGHS. Yes.

Mr. CHALMERS. Does not the gentleman think the cure will be to abolish the regional offices?

Mr. BURROUGHS. Well, I had some question originally as to the wisdom of decentralizing this work, but it was the desire of the American Legion, and we passed the Sweet bill accomplishing that purpose.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. BURROUGHS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. LANGLEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BARKLEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANTRILL. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman has 17 minutes remaining.

Mr. CANTRILL. I yield five minutes to the gentleman from New York [Mr. GRIFFIN]. [Applause.]

Mr. GRIFFIN. Mr. Chairman and gentlemen, my interest in this bill is a sort of legacy coming down from my former membership of the Committee on Public Buildings and Grounds. In 1919 I had the honor to report the first bill for the hospitalization of the wounded and disabled soldiers of the World War. That carried with it an appropriation of $9,500,000. Since that date we have appropriated $20,000,000, and, with the present appropriation of $17,000,000, we will have appropriated $46,000,000 for the construction of hospitals and for the hospitalization of disabled soldiers, sailors, marines, and so forth. In addition to that, I want to put on record, so as to give a general survey and bird's-eye view of what Congress has done, the appropriations made by Congress for the relief of the ex-service men. I do that in order to combat by figures the wild statements that are given currency to the effect that Congress is neglecting or has neglected the ex-service men, particularly the disabled soldiers.

To account for the numerous complaints which are heard respecting the administration of the war risk insurance act, we must go back to the very beginning. I have the fullest appreciation of the fidelity and patriotism of the draft boards, but I can not help but believe that in their zeal they unconsciously put upon the country a tremendous burden of financial responsibility. They inducted many men into the Army who had been rejected by the Regular Army surgeons upon their offer of voluntary enlistment.

In their zeal to get men they often drafted men without discrimination. They took strong men who could, would, and did fight, but they also drafted men physically unfit for the duties of a soldier. They selected men with rheumatism, flat feet, and other organic troubles, with the inevitable result that the efficiency of the Army was seriously impaired and the hospital facilities taxed to the utmost in caring for men who were wholly unfitted for Army work. The boards seemed to think unwillingness to fight was a just provocation to make them fight. I hope posterity will profit by their error, and if we should ever have another war and the selective draft is resorted to, I hope the questionnaire will culminate with the supreme question, "Do you want to fight for your country?" If the answer were in the negative, I would not honor such a man by placing him in a combat corps, but immediately assign him to the labor corps and detail him to work in the munition factories, shipbuilding plants, and in the transportation service. I would give him soldiers' pay.

Unfortunately, there was no authority for such a course upon our entrance into the World War. Many things were left to chance, and the selection of soldiers was one of them. The result of our mistaken policy has been to create a long train of unpleasant consequences.

In the first place, the men who escaped military service were permitted to enter munition factories, shipbuilding plants, and other war-time industrial occupations and draw wages far greater than the country was paying its soldiers on the fighting line. This disparity provoked a great deal of the discontent which was behind the movement for adjusted compensation.

The zeal of the draft boards in sending men into the combat corps with organic troubles which unfitted them for Army work was almost immediately reflected in a large hospitalization list. Many of these men barely gave a month's service. They had one trouble or another and were in many cases discharged within a few days of their arrival at the training camps. Many others lingered on for months. They were a burden to the country then and they are going to be a burden for many years to come.

There is hardly one of them who does not want compensation. The word seems to be passed along that Uncle Sam is paying out money to ex-soldiers and they all feel that they ought to get what is coming to them. It is with these that I have found most difficulty. Many make application for compensation, setting forth certain disabilities. The Veterans' Bureau justly requires that they should connect their disability with their Army service with adequate proof. This is only what any self-respecting honest man would require where he is intrusted with the expenditure of other peoples' money. We should not complain of the Veterans' Bureau because it seeks to protect the United States Treasury.

Another criticism that I have heard here to-day is that the decentralization of the Veterans' Bureau was a mistake. I do not agree to that proposition. The idea of creating 14 divisional offices in the United States for the care of the veterans' claims, in my opinion, was a good one. It enables the veteran to file his application and be examined in his own vicinity and ought to result in the expeditious handling of his claim. It avoids the long delay involved in correspondence with Washington. Before undertaking to criticise the Sweet bill, we ought to give it a fair trial. The American Legion advocated the modification of the law, and I believe in the end it will justify their judgment.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GRIFFIN. If the gentleman will pardon me I can not yield now, because I have so little time.

In addition to the appropriations for hospitalization, Congress has appropriated for compensation for disabled veterans and expended since the passage of the act $256,063,428. Then, for vocational education, which you know goes only to the disabled or debilitated veterans, we have appropriated and there had been laid out, to December 15, 1921, $249,000,000. The total altogether in the way of appropriations for the benefit of the ex-service men of the World War is $551,208,428, or over half a billion dollars.

Now, gentlemen, this is not a party question. There is no room here for demagogy or partisanship. I say that Congress has done its full and complete duty toward the ex-service men.

It may be that in the administration of the act there have been some instances of inefficiency, carelessness, neglect, and delay; but I want to say that in so far as my dealings with the Veterans' Bureau are concerned, I have found its officials courteous, diligent, prompt, and efficient. Now, that may seem a strange thing for a man from this side of the aisle to say, but I believe it is due to the men at the head of the Veterans' Bureau to say that they are doing honestly the best that they can. [Applause.]

APPENDIX.

TABLE I.—*Appropriations for hospitalization.*

Date of approval.	Amounts appropriated.	Amounts expended.	Unexpended balance.
Act of Mar. 3, 1919	$9,000,000	$5,193,799 / 3,528,982	$1,440,239
Deficiency act of Mar. 4, 1920	500,000		
	400,000		
Sundry civil act for 1921, June 5, 1920	395,000		
Sundry civil act for 1922, Mar. 4, 1921	200,000		
Act of Mar. 4, 1921	15,000,000	4,161,343	[1] 14,438,657
Total	30,495,000	13,384,124	15,878,896
Present bill	17,000,000		
	47,495,000		

[1] In connection with the apparently large balance, amounting to $14,438,657, shown as unexpended from the appropriation of Mar. 4, 1921, it should be stated that up to Feb. 15, 1922, this had all been allotted for hospital construction except $606,727.81, which amount is to be kept available as a reserve fund to be used in providing for emergencies in which allotments do not cover the projects, or for providing as changes occasioned by the addition of new beds.

TABLE II.—*Statement showing amounts, expenditures, and unexpended balances of all appropriations for vocational rehabilitation as of January 31, 1922.*

VOCATIONAL REHABILITATION.

Date of Approval.	Amounts appropriated.	Amounts expended.	Unexpended balances Jan. 31, 1922.
Act of June 27, 1919	$5,000,000	$7,132,989.95	$867,010.05
Sundry civil act for 1920, July 19, 1919	8,000,000	20,946,926.47	29,053.53
Deficiency act of November 4, 1919	5,000,000		
Deficiency act of March 6, 1920	11,000,000		
Deficiency act of June 5, 1920	7,000,000		
Sundry civil act for 1921, June 5, 1920	90,000,000	101,729,703.66	3,270,263.34
Deficiency act of June 10, 1921	15,000,000		
Sundry civil act for 1922, March 4, 1921	60,000,000	85,709,015.71	18,290,984.29
Deficiency act of December 15, 1921	[illegible]		
Total	240,000,000	216,523,635.79	22,497,351.21

TABLE III.—*Vocational Training.*

	Number of students.
In 49 United States vocational schools	5,041
In placement training in industrial institutions	40,000
In colleges and other educational institutions	60,000
Total	105,041

TABLE IV.—HOSPITALIZATION.

Summary of all hospitals built or leased and now under the control of the United States Veterans' Bureau, with bed accommodations and patients under treatment as of January 31, 1922.

UNITED STATES ARMY.

The United States Army has allocated a certain number of beds in military hospitals for the use of the United States Veterans' Bureau. Funds are allotted to the United States Army to cover the cost of Veterans' Bureau patients in these hospitals, the cost being based upon the percentage of Veterans' Bureau patients to the total patients in each hospital. The facilities available in military hospitals are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
Walter Reed General Hospital, Washington, D. C.	770	410
Fitzsimmons General Hospital, Denver, Colo.	1,221	778
Letterman General Hospital, San Francisco, Calif.	250	[illegible]
Beaumont General Hospital, El Paso, Tex.	[illegible]	111
Post Hospital, Fort Sam Houston, Tex.	[illegible]	273
Army and Navy General Hospital, Hot Springs, Ark.	171	84
Total	2,660	1,734

UNITED STATES NAVY.

The United States Navy has allocated a certain number of beds in naval hospitals for the use of the United States Veterans' Bureau. Funds are allotted to the United States Navy to cover the cost of Veterans' Bureau patients in these hospitals, the cost being based upon the percentage of Veterans' Bureau patients to the total patients in each hospital. The facilities available in military hospitals are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Naval Hospital, Chelsea, Mass.	330	260
U. S. Naval Hospital, Portsmouth, N. H.	237	4
U. S. Naval Hospital, Newport, R. I.	266	4
U. S. Naval Hospital, Brooklyn, N. Y.	250	239
U. S. Naval Hospital, League Island, Pa.	250	91
U. S. Naval Hospital, Washington, D. C.	250	168
U. S. Naval Hospital, Norfolk, Va.	94	5
U. S. Naval Hospital, Charleston, S. C.	216	22
U. S. Naval Hospital, Key West, Fla.	40	4
U. S. Naval Hospital, Pensacola, Fla.	25	2
U. S. Naval Hospital, Great Lakes, Ill.	600	569
U. S. Naval Hospital, Fort Lyons, Colo.	395	[illegible]
U. S. Naval Hospital, Mare Island, Calif.	12	12
U. S. Naval Hospital, San Diego, Calif.	7	7
U. S. Naval Hospital, Puget Sound, Wash.	1	1
Total	3,382	1,386

NATIONAL HOMES FOR DISABLED VOLUNTEER SOLDIERS.

Of the hospitals of the National Home for Disabled Volunteer Soldiers where facilities have been allotted to the United States Veterans' Bureau, two hospitals are operated entirely for the use of the United States Veterans' Bureau, namely, the National Sanatorium at Johnson City, Tenn., and the sanatorium at Marion, Ind. At the other branches the facilities are only in part available to the United States Veterans' Bureau. Funds are allotted to the National Home for Disabled Volunteer Soldiers as they are to the United States Army and to the United States Navy. The branches of the National Soldiers' Home making hospital facilities available to the United States Veterans' Bureau are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
Togus, Me.	153	9
Johnson City, Tenn.	[illegible]	[illegible]
Dayton, Ohio	533	521
Marion, Ind.	[illegible]	340
Danville, Ill.	14	14
Milwaukee, Wis.	107	99
Leavenworth, Kans.	[illegible]	127
Hot Springs, S. Dak.	126	124
Pawtucket, Calif.	[illegible]	271
Total	3,327	2,851

THE INTERIOR DEPARTMENT.

Location of hospital.	Total available beds.	Patients under treatment.
St. Elizabeths Hospital, Washington, D. C.	827	827

UNITED STATES PUBLIC HEALTH SERVICE.

All hospitals operated by the United States Public Health Service are available in total or in part to the United States Veterans' Bureau. However, certain of these hospitals, namely, the marine hospitals and three other hospitals, are operated entirely out of funds appropriated to the United States Public Health Service and that service is reimbursed by the United States Veterans' Bureau at a rate of $3.50 per day for the treatment of Veterans' Bureau beneficiaries treated in these hospitals. The other hospitals operated by the United States Public Health Service are the United States Veterans' Bureau hospitals, and these hospitals are maintained entirely out of funds allotted by the United States Veterans' Bureau to the United States Public Health Service. The hospitals operated out of Public Health Service funds and available in part to the United States Veterans' Bureau are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Marine Hospital No. 2, Boston, Mass.	27	11
Marine Hospital No. 3, Buffalo, N. Y.	[illegible]	18
Marine Hospital No. 5, Chicago, Ill.	69	49
Marine Hospital No. 6, Cleveland, Ohio	69	41
Marine Hospital No. 7, Detroit, Mich.	41	41
Marine Hospital No. 8, Evansville, Ind.	41	42
Marine Hospital No. 10, Key West, Fla.	29	5
Marine Hospital No. 11, Louisville, Ky.	40	39
Marine Hospital No. 12, Memphis, Tenn.	[illegible]	[illegible]
Marine Hospital No. 13, Mobile, Ala.	82	70
Marine Hospital No. 14, New Orleans, La.	174	[illegible]
Marine Hospital No. 15, Pittsburgh, Pa.	45	[illegible]
Marine Hospital No. 16, Portland, Me.	16	16
Marine Hospital No. 17, Port Townsend, Wash.	42	42
Marine Hospital No. 18, St. Louis, Mo.	[illegible]	63
Marine Hospital No. 19, San Francisco, Calif.	79	[illegible]
Marine Hospital No. 20, Savannah, Ga.	80	66
Marine Hospital No. 21, Stapleton, N. Y.	77	36
Marine Hospital No. 22, Vineyard Haven, Mass.	11	0
U. S. Public Health Service, No. 29, Norfolk, Va.	[illegible]	62
U. S. Public Health Service No. 68, Carville, La.	[1] 103	3
U. S. Public Health Service No. 70, New York City	[1] 4	2
Total	1,401	1,046

[1] These beds available only to patients suffering from leprosy and can not be considered generally available, consequently these vacant beds have been subtracted from the total available beds for this class of hospital.

[2] This hospital is used largely for the examination and treatment of nonhospitalized beneficiaries.

The hospitals operated by the United States Public Health Service which are maintained out of funds provided by the United States Veterans' Bureau are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Veterans' Bureau No. 24, Palo Alto, Calif.	801	416
U. S. Veterans' Bureau No. 25, Houston, Tex.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 26, Greenville, S. C.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 27, Alexandria, La.	407	407
U. S. Veterans' Bureau No. 30, Chicago, Ill.	577	535
U. S. Veterans' Bureau No. 32, Washington, D. C.	197	178
U. S. Veterans' Bureau No. 34, East Norfolk, Mass.	[1] 250	[illegible]
U. S. Veterans' Bureau No. 35, St. Louis, Mo.	578	[illegible]
U. S. Veterans' Bureau No. 36, Boston, Mass.	500	[illegible]
U. S. Veterans' Bureau No. 37, Waukesha, Wis.	240	[illegible]
U. S. Veterans' Bureau No. 38, New York, N. Y.	250	98
U. S. Veterans' Bureau No. 41, New Haven, Conn.	481	410
U. S. Veterans' Bureau No. 42, Perryville, Md.	414	[illegible]
U. S. Veterans' Bureau No. 44, West Roxbury, Mass.	228	[illegible]
U. S. Veterans' Bureau No. 45, Biltmore, N. C.	323	299
U. S. Veterans' Bureau No. 48, Atlanta, Ga.	103	[illegible]

[1] Available to epileptic patients only.

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Veterans' Bureau No. 49, Philadelphia, Pa.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 50, Prescott, Ariz.	750	[illegible]
U. S. Veterans' Bureau No. 51, Tucson, Ariz.	[illegible]	214
U. S. Veterans' Bureau No. 52, Boise, Idaho	212	146
U. S. Veterans' Bureau No. 53, Dwight, Ill.	225	199
U. S. Veterans' Bureau No. 54, Arrowhead Springs, Calif.	157	151
U. S. Veterans' Bureau No. 55, Fort Bayard, N. Mex.	1,094	[illegible]
U. S. Veterans' Bureau No. 56, Baltimore, Md.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 57, Knoxville, Iowa	170	170
U. S. Veterans' Bureau No. 59, Tacoma, Wash.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 60, Otisco, N. C.	1,094	[illegible]
U. S. Veterans' Bureau No. 61, Staten Island, N. Y.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 62, Augusta, Ga.	[illegible]	242
U. S. Veterans' Bureau No. 63, Lake City, Fla.	128	114
U. S. Veterans' Bureau No. 64, Camp Kearney, Calif.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 65, St. Paul, Minn.	377	242
U. S. Veterans' Bureau No. 67, Kansas City, Mo.	128	123
U. S. Veterans' Bureau No. 68, Minneapolis, Minn.	315	281
U. S. Veterans' Bureau No. 69, Fort Thomas, Ky.	128	107
U. S. Veterans' Bureau No. 71, Sterling Junction, Mass.	[illegible]	24
U. S. Veterans' Bureau No. 72, Helena, Mont.	120	110
U. S. Veterans' Bureau No. 74, Gulfport, Miss.	157	117
U. S. Veterans' Bureau No. 75, Colfax, Iowa	97	[illegible]
U. S. Veterans' Bureau No. 76, Maywood, Ill.	[illegible]	[illegible]
U. S. Veterans' Bureau No. 77, Portland, Oreg.	93	81
U. S. Veterans' Bureau No. 78, North Little Rock, Ark.	78	78
Total	15,744	[illegible]

RECAPITULATION AS OF JANUARY 31, 1922.

Branch of service.	Number of hospitals.	Total beds available.	Number of patients under treatment.
Army	8	2,980	1,734
Navy	15	3,382	1,404
National homes	[illegible]	3,327	2,851
Interior Department	1	827	827
United States Public Health Service	22	1,401	1,046
United States Public Health Service (Veterans' Bureau)	49	15,744	[illegible]
Total	95	27,586	21,607
Beds occupied		21,667	
Surplus beds		5,921	

CONTRACT INSTITUTIONS.
(January 31, 1922.)

Tuberculosis	2,893	
Neuropsychiatric	4,236	
General medical and surgical	1,978	
Total		9,107
Total patients under treatment		30,774

Mr. LANGLEY. I yield to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Chairman, I am heartily in favor of this bill. I have heard no objections raised to it, and believe that it will be passed unanimously. I desire to call your attention and the people of this country to the threatened coal strike, and place the blame where I believe it rests.

THE THREATENED COAL STRIKE.

Because of a drastic cut in their wages, amounting to one-fourth of the present wage, 500,000 coal miners will go out on a strike April 1, which gives promise of being one of the largest and most bitter industrial struggles in the history of this Nation. These striking miners are now getting less than a living wage.

The Department of Labor, through its division of conciliation, has offered its good offices in an effort to get the operators of the coal mines to arbitrate their differences and avert a great industrial struggle which will shake this country from center to circumference, and which will cause great suffering among our people. This strike will injure the public millions of dollars a day and will engender intense and bitter class hatred with all of its attending dangers. The miners have informed the Commissioner of Labor that they are ready and willing to meet with the Bureau of Conciliation and the operators, as requested by the Department of Labor. The coal-mine operators refuse.

On March 10, 1920, the miners and operators entered into a contract, made at the solicitation of the United States Government, settling their differences as to wages and hours, and providing that the parties to this agreement should get together and have an interstate joint conference prior to April 1, 1922, for the purpose of settling any differences between them.

SECRETARY OF LABOR DAVIS BLAMES OPERATORS.

Secretary of Labor Davis, a member of the President's Cabinet, and who presumably speaks for the administration, says in regard to the refusal of the operators of the bituminous coal mines to keep their agreement with their employees:

> I have always believed, and every citizen is with me in the belief, that employers and employees who have signed a wage agreement or contract should observe it in spirit and to the letter. If the two parties to a trade dispute get together it is always possible to work out a satisfactory settlement and maintain peace.
>
> In fairness it must be said that the miners' officials were willing and ready to go into the conference agreed upon, but some of the operators declined to meet.
>
> The operators and miners were bound to a conference; that this conference might have led to a new agreement, and the country might not have been confronted with a stoppage of coal production, a suspension avoided, ample supplies of coal and a gradual reduction in prices would have resulted.
>
> I can not but express keen disappointment at the failure of certain operators to fulfill the terms of their obligation to meet in conference with a view to peace in the coal industry for two years more.

The Secretary of Labor says further:

> There may be faults on both sides of this bituminous dispute, but the side that openly repudiates its written and signed obligations has crippled its case before the bar of public opinion.

The agreement signed by the parties regarding a future conference is as follows:

> *Resolved*, That an interstate joint conference should be held prior to April 1, 1922, the time and place for holding such meeting to be referred to a committee of two operators and two members from each State district represented, together with the international officials of the United Mine Workers of America.

The mine operators, notwithstanding this solemn agreement, which both parties entered into at the instance of the Government, now absolutely refuse to keep their agreement, and are taking advantage of the fact that there are millions of men out of employment and give notice that April 1, 1922, they will reduce the wages of their employees one-fourth of the present wage.

MINERS NOW GETTING LESS THAN A LIVING WAGE.

The miners now are getting less than a living wage, and are engaged in one of the most hazardous and unhealthy employments of any class of labor. In any of the leading coal-mining districts in the United States, excepting certain anthracite districts, the miners are not employed on an average of to exceed three days a week. I herewith give a table showing the number of days the miners were employed in 1921 and their average earnings:

District.	Average days worked in 1921.	Average annual earnings.
Pittsburgh	123	$762
Ohio	118	500
Indiana	148	.....
Illinois	132	.....
Western Kentucky	.....	130
West Virginia	90	300

Tennessee, approximately one-third of the miners worked one-third time, averaging $105 a month per man for the time they worked.

CONSUMER WOULD NOT BE AFFECTED BY REDUCTION OF 25 PER CENT ON MINERS' WAGES.

The average retail selling price of bituminous coal March 1 was $10.41, of which the coal miners received not to exceed $1.97. If the operators of the mines are successful in reducing the wages of the miners 25 per cent, the maximum reduction the consumer would get would be 49 cents on the ton. But the operators are not going to put themselves to the trouble of conducting a labor war just for the sake of saving the public some money. They will keep a large share of the 49 cents for themselves. If the coal operators were generous enough to divide the wage cut on a 50–50 basis with the public we would get our coal 25 cents per ton less than we do now, while the miner who now earns too little to live decently will be deprived of one-fourth of his wages.

ACTION OF OPERATORS UNJUSTIFIABLE.

In a time like this, when we are recovering from the effects of the World War, when there is widespread industrial depression, with 5,000,000 men out of employment, is it right for the operators of the mines to take advantage of the necessities of their employees, ignore the request of the Government of the United States to meet its Conciliation Board, repudiate a written contract with their employees, and cause widespread suffering to the consumers of coal throughout the United States?

POWERFUL FINANCIAL INTERESTS BACK OF MINE OPERATORS.

What great interests are back of the mine operators that are powerful and arrogant enough to defy the Government itself? In other words, who own the coal mines? I answer, the railroads and the United States Steel Co. own over 75 per cent of the coal mines in the United States, both anthracite and bituminous, and completely control the output of coal. What large financial institutions own the stock in these railroads and, therefore, own these coal mines and coal railroads? I answer again, they are owned by the following financial institutions:

1. J. P. Morgan Co.
2. First National Bank of New York.
3. Equitable Trust Co.
4. Guaranty Trust Co.
5. Equitable Life Assurance Association of the United States.
6. Mutual Life Insurance Co. of New York.
7. American Surety Co.
8. Mechanical & Metals National Bank.
9. National City Bank.
10. National Surety Co.
11. New York Trust Co.
12. Chase National Bank.
13. United States Steel Co.

As an illustration as to how the various coal companies doing business before the public in their own names, but in reality are controlled by one of the large aggregations of capital mentioned, take the United States Coal & Coke Co. All of the stock of this company, amounting to $2,000,000, is owned by the Illinois Steel Co. (capital stock $18,650,600), which is owned by the Federal Steel Co. of New Jersey (capitalization $46,484,300 common and $53,260,900 preferred). All of the capital stock of the Federal Steel Corporation is owned by the United States Steel Corporation. (Brief for the United States (pp. 755–756), U. S. of A., appellant, v. U. S. S. Co. et al., Supreme Court, October term, 1916, No. 481.)

In the same way the United States Steel Co. owns the Pocahontas Coal & Coke Co., and going further we find that J. P. Morgan Co. and the financial institution just named hold a majority of stock in the United States Steel Corporation.

The men who control these great financial institutions control these coal railroads.

The coal railroads controlled by these great financial institutions are:

Norfolk & Western Railway.
Western Maryland Railway.
Berwind-White Coal Mining Co.
Pennsylvania Coal & Coke Corporation.
Pennsylvania Railroad.
Erie Railroad.
Pennsylvania Coal Co.
Reading Co.
Philadelphia & Reading Railway.
Philadelphia & Reading Coal Co.
Lehigh & Wilkes-Barre Coal Co.
Central Railroad of New Jersey.
Lehigh Valley Railroad.
Lehigh Valley Coal Co.
Delaware, Lackawanna & Western Railroad.
Delaware & Hudson Co.
Coxe Bros. & Co.
New York, Ontario & Western Railroad.
Maryland Coal Co. of West Virginia.
Pittsburgh Coal Co.
Rocky Mountain Fuel Co.
Chesapeake & Ohio.
Virginian Railway.

MEN WHO CONTROL THE RAILROADS.

A group of 25 men control 82 per cent of the country's steam transportation system, operating 211,280 miles of railroad. These 25 men divide between them 193 directorships. This means that they averaged nearly eight directorships apiece. These 25 men sit together on the board of directors of 99 class 1 railroads. The names of these 25 men are as follows:

1. Robert S. Lovett.
2. William Rockefeller.
3. H. W. De Forest.
4. A. H. Smith.
5. G. F. Baker.
6. H. S. Vanderbilt.
7. Samuel Rea.
8. L. F. Loree.
9. A. J. County.
10. A. W. Krech.
11. F. S. Davis.
12. Fairfax Harrison.
13. W. W. Atterbury.
14. J. B. Reynolds.
15. Charles Steele.
16. Howard Elliott.
17. M. H. Smith.
18. Charles Hayden.
19. A. H. Harris.
20. Julius Kruttschnitt.
21. Charles E. Ingersoll.
22. E. T. Stotesbury.
23. E. V. R. Thayer.
24. T. De Witt Cuyler.
25. H. Walters.

A SUPERCORPORATION.

It should be noted that the first eight men referred to all belong to the inner banking circle, centering around the house of Morgan and the National City Bank of New York.

I have thus shown that the men that I have named own our coal and our railroads and control financial institutions strong enough to dominate our entire banking system. I will place in

the RECORD a chart which will illustrate how our coal mines, railroads, and a dozen New York City banks are practically one large supercorporation dominating the industrial life of the Nation.

(Chart omitted from the RECORD.)

This same group of capitalists not only own the coal and the railroads but they also control iron, steel, copper, petroleum oil, cement, water transportation, and a large part of the developed water powers of the United States.

The Lockwood committee of the New York Legislature has shown clearly the existence of a conspiracy dominated by the Morgan steel combine to hold up the prices of building materials. In this case these same interests took advantage of the people's necessities for homes, which conditions were caused by the war, when all building was stopped, to exact an exorbitant and unconscionable profit. As a result, building has seriously been interfered with and rents raised so high as to take at least one-half of the average wage earner's income.

EXORBITANT PROFITS OF COAL COMPANIES DURING THE WAR.

Senator CAPPER, in a speech before the Senate, made the statement that the American people paid for the coal mines and steel mills during the war by paying these concerns in excess profits more than their entire net wealth. He proved this by official figures.

When William G. McAdoo was Secretary of the Treasury and had possession of the income returns of these companies, he made the statement that the profits of the coal operators ranged as high as 2,000 per cent and that profits as high as 100 per cent on capital stock was not uncommon. The Treasury reports for the year 1917 show that 185 coal companies reported upon earned profits on their capital stock of over 100 per cent net incomes.

The United States Steel Corporation, which I have shown was extensively interested in coal, with a capital stock of $868,583,000, that same year received a net income of $478,204,342, according to their own report.

My colleague from Minnesota [Mr. NEWTON], in an able address, placed some tables in the CONGRESSIONAL RECORD—March 7, page 3528—taken from reliable sources, showing that the anthracite coal companies made an increase in their net profits during the war averaging 83 per cent over the pre-war period. He also shows that their pre-war profits were excessive.

At the signing of the armistice, November, 1918, anthracite coal, according to the operators' own figures, sold at the mouth of the mine for $6.10. October, 1920, two years afterwards, when farm produce had deflated so that it was selling for less than the cost of production, anthracite coal sold at the mouth of the mine for $7.95, $1.85 per ton in advance of two years previous, and $2.90 more than it did December 1, 1917, when we were engaged in war and when the companies were making over 100 per cent profits.

The following are figures furnished by the anthracite operators themselves:

In 1902 anthracite sold for $3.75 per ton at the mouth of the mine. The price stayed about the same when it was raised to $4 per ton in 1912. The following gives the cost of coal at the mouth of the mine:

	Per ton.
June, 1912	$4.00
May, 1916	4.40
May, 1917	4.70
December, 1917	5.05
November, 1918	6.10
August, 1919	6.50
April, 1920	7.45
October, 1920	7.95

DEFY THE GOVERNMENT.

These same interests that defy the Government now defied it during the war, regarding the Government's right to make prices. The Government fixed the price of almost all of the commodities we produced but did not succeed in fixing the price of steel, copper, gasoline, or coal, although the Government used millions of dollars' worth of these products a day.

ROOSEVELT COMPELLED THE COAL COMPANIES TO SUBMIT TO A CONFERENCE.

In 1902 when these same companies under similar conditions refused to confer, Theodore Roosevelt threatened to take over the coal mines and have the Government operate them if they did not comply with his order. The coal companies complied. A commission of seven men were appointed by the President, the strike was stopped, and the coal famine relieved, and there was no further refusal on the part of the coal operators to confer with their employees for 20 years. With the many great accomplishments of the Roosevelt administration, none was applauded more by the American people than his bold and fearless stand against those the most powerful combinations of capital when they attempted to substitute war for conference as a method of government in industry.

The commission appointed by President Roosevelt to investigate and make an award were: Brig. Gen. John M. Wilson, Mr. E. W. Parker, Judge George Gray, Mr. E. E. Clark, Mr. Thomas H. Watkins, and Bishop John L. Spalding, with Hon. Carroll D. Wright as statistician.

UNEMPLOYMENT.

The unjustifiable and arbitrary action of the coal operators will throw over half a million men out of employment to join an army of unemployed that the Assistant Secretary of Labor informs me to-day is now 5,000,000. Figuring three persons dependent upon each one of the unemployed, which is a very conservative estimate, we have 16,500,000 people without means of support, the most serious industrial crisis this Nation has ever faced.

UNEMPLOYMENT AFFECTS PUBLIC HEALTH.

One of the most interesting documents bearing upon the significance to the country of widespread unemployment is the Statistical Bulletin of the Metropolitan Life Insurance Co. under the caption, "Will unemployment affect public health?" It proceeds to show that the effect of unemployment upon the health of the Nation is so immediate as to be a matter of very grave concern.

Referring to the high wages during the war, this bulletin recites:

> Despite popular misconception that wage earners spend their higher incomes in wasteful ways, the real evidence is that much of the increased income was expended wisely in securing a more wholesome home environment. Department-store records show that wage earners bought heavily of such useful goods as furniture, bedding, carpets, and other lines of household equipment. Both industrial and ordinary insurance companies report unprecedented sales of higher-priced plans of insurance to wage earners. The "industrial" or weekly premium applicant became a candidate for "immediate" and "ordinary" insurance.
>
> Savings banks reported record-breaking deposits from this group of the population. Lodges and other fraternal associations gained largely in membership. Vacation resorts gave testimony that the wage earner took advantage of his increased earnings to provide healthful outdoor recreation for his family. Skilled medical and nursing care became available to many persons who heretofore relied upon free clinic and hospital facilities. All these factors helped to lower the death rate of the industrial population of the United States and Canada.

UNEMPLOYMENT INCREASES CRIME.

Unemployment tends to weaken the natural bonds which unite society and which cause the individual unconsciously to act for the best interest of society as a whole. These periods are marked by increase of crime and is one of the causes to-day of the crime wave. The business depression of 1893, which marks a period of great unemployment, also marked a period of increase of crime. A report of the general superintendent of police of Chicago for the year ending December 31, 1893, is as follows, and statistics from other cities show the same conditions:

Report of general superintendent of police of Chicago for year ended December 31, 1893, pages 70–71.

Classification of offenses.	1891	1892	1893
Assault	3,874	2,539	1,495
Burglary	2,965	1,659	1,479
Doing business without license	1,807	158	157
Extortion by threats	40	1	3
Inmates of opium dens	353	154	85
Murder	40	20	15
Robbery	1,022	818	[illegible]

I believe that it is the duty of this Congress to investigate this matter at once, and upon ascertaining the facts pass legislation that in the future will prevent the American people from being victimized and made dependent upon any person or corporation for a great basic necessity like coal. I believe that our President should follow the precedent set by his great predecessor, Roosevelt, and compel the coal operators to operate their coal mines or the Government of the United States operate them itself.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, there is a responsibility to the ex-service men which forms an issue that none of us can escape when we face these men on the hustings this year. The last Sweet bill that was passed contained a provision which authorized the expenditure of $20 a month to employ a special nurse when a disabled ex-service man was on his back unable to help himself. The distinguished gentleman from New York [Mr. FISH] went before that committee having that bill in charge and pleaded with tears in his eyes for at least $50 a month to employ a nurse under such circumstances, and he was turned down absolutely. The committee gave him hardly any hearing, and when he begged for time on the floor of this House even to speak on the matter he was denied the opportunity. He got up and asked unanimous consent to show the

necessity of it, and asked that he might proceed for five minutes, and the RECORD shows that he was denied even that request. When he placed the matter before this House by amendment proposing to allow as much as $50 a month to employ a nurse for a disabled ex-soldier on his back and unable to care for himself, this House turned him down by an overwhelming vote. We can not escape that responsibility. That is a matter for which Members must answer to the ex-service men of this country. If there is on earth a pitiable sight it is a disabled soldier in a hospital or somewhere else on his back, unable even to brush the flies away, and dependent upon Congress for a nurse, while we provide only a measly little old pittance of $20 a month. Why, there is no opportunity on earth to employ a nurse for $20 a month, and we know it, and the distinguished gentleman from New York [Mr. FISH] is here on the floor, and I call upon him now to say if it is not a fact that he has been before that subcommittee having such legislation in charge, and been urging them to bring a measure to increase this amount to as much as $50 a month. Is not that so?

Mr. FISH. That is the fact.

Mr. BLANTON. And the gentleman has not been able to get a hearing on the matter. He has been put off and put off and put off. Yet you say we have done our full duty. Have you ever been on your back, absolutely helpless, unable to care for yourself, unable to have the benefit of some loving hand to care for you, dependent absolutely upon the gratuity of your own Government, for which you fought, and then have your Government say, "We will give you $20 a month to employ a nurse," when some nurses these days in some instances make as much as $20 a day? To allow only $20 a month for a nurse for a disabled soldier under such helpless circumstances is an absolute denial of the benefit of a nurse to such a soldier. I have one rule in my office that is absolute. That is that when a soldier calls on me to assist him I do not ask where he lives or who is his Congressman, I assist him without asking any questions. [Applause.]

Mr. CANTRILL. I yield the remainder of my time to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman and gentlemen of the committee, I am for the bill under consideration which authorizes an appropriation of $17,000,000 for the construction of additional hospital facilities for our soldiers of the World War. Ample provisions for these boys should be provided and all adequate assistance given to the sick and wounded. I am glad always to speak for them and to vote for their benefit and protection.

I wish to use the time allotted me to discuss to some extent the conditions in some of our fraternal insurance organizations. A short time ago I prepared a resolution asking for an investigation into the management of the Woodmen of the World. Before that resolution was introduced I found that House Resolution 291 had been introduced February 21, 1922, providing for a congressional investigation into the affairs of this order, and my resolution was abandoned. I am, therefore, supporting House Resolution 291.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SWANK. Yes.

Mr. CHINDBLOM. Upon what theory does the gentleman base the jurisdiction of Congress to investigate this organization?

Mr. SWANK. On the ground that Congress has jurisdiction to inquire into the affairs of any order of this nature when the rights of a large number of people are affected. I think it has made investigations in the past of insurance organizations.

Mr. CHINDBLOM. Of private insurance organizations?

Mr. SWANK. Yes; when in this condition.

Mr. BLANTON. If the gentleman will yield, I will tell the gentleman upon what it is based—on the basis that the officers in this company are absolutely robbing 900,000 policyholders in almost every State in the Union.

Mr. SWANK. I can not yield further.

When the membership in such an organization loses confidence in their officers something is wrong, and it is time for the lawmakers to pause and think for a remedy. The different States have laws for the protection of policyholders, but laws are enacted to meet conditions, and future conditions can not always be foreseen. With changed conditions, there is sometimes a need for a change of law. At least, no law has yet been found adequate for the protection of the members of the Woodmen of the World. There is no law to-day that meets the situation, and when this condition exists the lawmaking body of the country should do something for the protection of the great number of its citizens affected. The fraternal societies have done much good for the country. They have furnished a system of insurance for the man and the woman who could not pay a premium for one year in advance. The fraternal system furnishes them with a plan whereby they can make a small monthly payment and lay aside a legacy for the protection of their loved ones. It furnishes a plan for the poor man and the wage earner to provide for their families. The fraternal work of some of these societies is excelled by none. Remove that fraternal feeling from mankind and Bolshevism will stalk abroad in the land and the anarchist will have found his ideal state. God makes no distinction between classes. It is not the money that makes the man but, as Pope said, "Worth makes the man and want of it the fellow."

The two chief objects of these societies are fraternity and protection. As fraternalists we do not provide ourselves with an insurance policy as an investment but as a protection for our loved ones, to provide them with food and clothing and with some of the comforts of life. The protection of home and family is our most sacred pledge with our loyalty to God. The great membership in these societies, therefore, have rendered an invaluable service to their Government and to society by protecting their homes and their families. A good home and proper living conditions for all of our citizens are the best safeguards for the future security of this Republic. Therefore I think it entirely proper at this time to direct the attention of the Members of Congress on this floor to some of the conditions that exist and methods used in perpetuating abuses in the administration of the affairs of one of these societies, namely, the Woodmen of the World, with headquarters at Omaha, Nebr.

In 1899 I joined this order, and it was a great order until the present management came into power. This was the first secret order with which I affiliated. I have promptly paid my dues since that time to the present. I have sung the praises of woodcraft in every section of the State where I live and in other States. It has done a wonderful amount of good, and that record would still be unbroken with the proper management of its affairs. No man should be bigger than the membership whom he is supposed to serve. When he becomes a dictator, with the laws so manipulated as to give him absolute control with an effort to destroy every member who does not submit to his dictation, then I believe it is time for Congress to take a hand.

The Woodmen of the World was not organized for profit nor the enrichment of its officers, but for the protection of the homes of the members, with a rate that the wage earner could afford to pay. When I became a member my policy was for $2,000, which I still carry. My rate was $1.30 per month on this amount, exclusive of the war tax and local camp dues. The constitution provides that in addition to the monthly rate extra assessments can be levied, and that is one of the reasons the rate can be lower than that of the old-line companies. No member would object to an extra assessment when necessary to relieve some extraordinary occasion. As I now remember, but two of these extra assessments have been collected since my membership in the society.

I have had the honor of being head consul of the jurisdiction of Oklahoma and therefore a delegate to two of our sovereign camps or national conventions. I attended the sovereign camp at Jacksonville, Fla., in July, 1918. That was the last sovereign camp presided over by that great fraternalist, our first sovereign commander and founder of the order, Joseph Cullen Root. At that time in his report to the sovereign camp he gave it as his opinion that it would not be necessary to raise the rates. That was preached all over the country by the officers of the order, but as soon as Sovereign Commander Root died the present sovereign commander began laying his plans for a raise in rates. The first raise after that time came in July, 1915, during the sovereign camp at St. Paul, Minn., where I was again a delegate. Not a word of the proposed raise in rates was uttered until after the convention assembled. Again it was stated that no further raise was contemplated, but at the sovereign camp in Atlanta, Ga., in July, 1917, another raise was made. Again it was stated that there would be no further raise in rates, but lo and behold, the greatest raise was yet to come. At Chicago, Ill., July, 1919, the most unjustifiable raise of all was put into effect at this convention. Before the sovereign camp convened in Chicago the present sovereign commander stated that there would be no raise in rates.

At the Chicago sovereign camp in 1919 the sovereign commander, W. A. Fraser, said that the order was insolvent some 60 per cent. What would you think of a bank or any other business establishment doubling the salary of its chief officers when the institution was in an insolvent condition? You know that no company or firm would be permitted to do such a thing. The salary of the sovereign commander of the Woodmen of the World has been increased from $7,500 per year in 1900 to $25,000 in 1919. But that does not tell it all. At the sovereign camp in St. Paul in 1915 the convention increased the allowance

for the sovereign commander by $2,500 per year for "entertainment purposes." Now, whom was he going to entertain but W. A. Fraser. He could use that money in any way he wished, without any accounting, and it is therefore nothing but additional salary? Therefore instead of receiving $25,000 per year salary he receives $27,500 per year.

Think of it. Almost four times as much as the salary of a United States Senator, and more than twice as much as is received by a Cabinet officer of the United States. Gentlemen of the committee, think of paying $27,500 salary per year to a man as head of a fraternal organization, and when he is neither an actuary, an insurance man, nor a fraternalist. Had the founder of the order lived he would never have permitted the order to pay him any such an exorbitant amount, contributed, as it was, largely by poor men. He was in the order for the benefit of the membership and not for the purpose of enriching himself. The present sovereign commander has a peculiar brand of fraternalism. Fraternalism has changed in the order since the election of W. A. Fraser. Our first sovereign commander was an insurance man, an able actuary, and a fraternalist.

Some people evidently prefer the dark to the light "on account of their evil deeds." At the sovereign camp at St. Paul in 1915, as a delegate from Oklahoma and past head consul, I introduced a resolution requiring the salaries of the sovereign officers to be published in each issue of the Sovereign Visitor, our official paper, and the sovereign commander, W. A. Fraser, said at that time that such a requirement had no place in the laws of the order. Why did he oppose the resolution except for the reason that he wanted to keep the members in the dark as he had done up to that time? He knew that if the membership found out what enormous salaries were being paid to their officers that they would rise in rebellion against such management.

He wanted the salary and got it, but wanted the members kept in the dark as much as possible. Why should not the people who employ and pay a man know the amount of his salary? At that convention I predicted that at the next sovereign camp W. A. Fraser would be out for another increase in salary. He had gained more power in the order and was not so modest now, and his salary was raised to $25,000 per year, and he still received the $2,500 for "entertainment purposes." He tells the boys that he is a big man and worth more than that. His extravagant management of the affairs of the order has almost brought it to ruin. By his autocracy, extravagance, and mismanagement he has ruined many a home and blasted the last fond hope of many dying fathers when, by the impossible rates, he caused them to lapse their insurance. He has brought more tears to the eyes of widowed mothers and caused more hungry children to cry for bread than any man I ever knew. Yet he is not satisfied. He admits that the rates are too high when he advertises a "second cash refund to our members." No man ever joined the Woodmen of the World with a view of having anything refunded except the full face of his policy at his death. It was his, for the contract was as sacred as ever bound honest men, but W. A. Fraser took from his wife and children that which was intended to assist in keeping the "wolf from the door" after he started for that "everlasting camp." In the printed advertising of the sovereign commander he says: "Insurance at cost—society 100 per cent solvent plus." Now, that can mean nothing but that we are collecting more than necessary, even with our exorbitant salaries, to pay all cost of running the order and in addition pay all death losses.

Mr. Chairman, my policy was issued December 18, 1899, in the order for $2,000. My rate up to the raise in 1915, on the $2,000 policy, was $1.30 per month. With the war tax I paid $1.40 per month on this policy for $2,000. This was in addition to the local camp dues. The order contracted to pay my beneficiaries $2,000 at my death and, in addition, to erect a monument at my grave. Now, what has the present ruler of all "he surveys" done in my case? In a letter from the sovereign clerk, dated November 30, 1921, was sent me a "statement of rates," and so forth. It says:

> You are now paying a monthly rate of $1.40, and have a lien of $290 charged against your certificate, being continued in force for the death benefit, subject to the lien, but not for the monument and disabilities benefits.

Privilege No. 4 says:

> If you do not wish to have a lien charged against your certificate you can rerate on this privilege and exchange your old certificate for the universal certificate, which will be in full force and effect, for the death and modified disability benefits, but without the monument benefit. Your rate will be $64.76 per year, or $5.62 per month.

Privilege No. 5 says:

> If you wish to have your certificate in full force and effect for the death, monument, and disability benefits, and not have a lien charged against it, your rate will be $71.08 annually, or $6.16 monthly, and no lien will be charged against your certificate.

Privilege No. 5 contains the same benefits that were promised me in my original policy. This is only one concrete case, and there are thousands of others, where the increase is greater and more unjustifiable.

Now, gentlemen of the committee, just think of that increase in my case. Before 1915 I was paying $16.80 per year on $2,000 for my insurance in the Woodmen of the World, and am now required to pay for the same benefits the sum of $71.08 per year on the $2,000, or an increase of over 323 per cent. Who will deny the fact that such an increase is unjustifiable? As I said before, many policies were raised more than this. It is nothing but confiscation and putting money into the pockets of W. A. Fraser and other sovereign officers from the sorrow of widowed mothers and orphaned children.

The sovereign commander was present at a special head camp of the Oklahoma Woodmen in the fall of 1919 at Oklahoma City, and before arriving he sent word ahead that he and the general attorney would spend the whole day in explaining the new rates. When he landed he soon found out that some of the other members knew something about the affairs of the order, and when members know of the excessive extravagance and reckless management of the affairs of the Woodmen of the World by the sovereign officers they denounce that management as they did in Oklahoma. At the head camp in Enid, Okla., in March, 1921, none of the sovereign officers attended, and did not even try to elect a ticket, as was done in most of the other States. Since 1900 the membership of the order has paid to its sovereign commander the enormous sum of $254,500, and to the sovereign clerk the sum of $182,300, and in addition large sums as mileage and per diem. The other sovereign officers received large amounts in salaries and per diem. The present sovereign commander, W. A. Fraser, as such officer has drawn as salary alone the past six years the sum of $115,000, and in addition to this amount he was sovereign adviser of the order for many years, and in that capacity received a large salary. The sovereign camp in New York City, July, 1921, paid its delegates the sum of $30 per diem and mileage in the amount of 20 cents for each mile traveled in attending the convention. That amount was, of course, favored by the sovereign commander, for otherwise it would not have carried for such a large amount. As soon as old Sovereign Commander Root died, the present commander, W. A. Fraser, had another coin made with the image of himself instead of the founder of the order, as formerly was done.

Mr. Chairman, we sought to remedy the situation at the last sovereign camp, but the sovereign commander controlled that convention as before by questionable methods, and changed the constitution which required head camps and sovereign camps to meet every two years. In New York it was changed, and unless this Congress can find a way out there will be no sovereign camp until 1925. Why did he want to put off for four years? There is but one answer, and that is that he was afraid that the members would "get him" in two years and thought that we could not keep up the fight for four years. But Mr. Fraser, the membership is thoroughly aroused and more determined than ever.

The members know that the order can not survive under your management, and we are still "after you." [Laughter.] Many members are remaining in the order hoping that its affairs will be readjusted and that it may be brought back to the principles of fraternalism and protection. Mr. Fraser, you have grown rich, wealthy, and powerful out of the funds of the Woodmen of the World. The membership have lost confidence in you, as you well know, and you should heed the cries of the widow and orphan for protection. We can never return to the principles upon which the order was founded until the removal of W. A. Fraser as sovereign commander, and we intend to keep up the fight until that time.

Mr. Chairman, the resolution under consideration asks that the House give the Speaker authority to appoint a committee of seven members to investigate the affairs of the Woodmen of the World and ascertain whether there is any way whereby the sovereign commander can be forced to call head camp meetings in the different States and a sovereign camp convention that the membership may have a fair voice in its management.

I think the resolution in itself, and which can be substantiated amply, is sufficient to warrant an investigation. A short time ago we had a membership of 900,000, which in the past two years has been greatly decreased. This membership constitutes a great number of our citizens, home builders, and those who want to provide protection for their families. An investigation is the most effective relief that can be granted. I know that Congress has much to occupy its time, but this is something that Congress should take cognizance of and start a probe.

The present sovereign commander has so changed the constitution of the order that any member of the society who, in the judgment of the sovereign commander, says anything derogatory about any of the sovereign officers may be dragged across the United States at his own expense to be tried before the sovereign commander, W. A. Fraser, in Omaha, Nebr. [Laughter.] In no civilized country of the world would the people stand for a law like that. That is the law of the king and emperor, but can not prevail in free America. He has already sent a summons to a Member of this House to appear before him in Omaha, Nebr., to stand trial because he charges that said Member made statements in the House derogatory to the sovereign officers. That is the method used by W. A. Fraser, the head of the order at this time. He is threatening to cancel the insurance of said Member, on which he has paid for 20 years, and to expel him from the order.

Mr. Chairman, I may be next, but propose to set forth the facts in the management of the affairs of the order. I wish to inquire from the membership of this House if you will permit a Member to be threatened with expulsion from any order for the reason that said Member calls the attention of the House to the management of such order? We can not afford to let this threat go unnoticed. Who is W. A. Fraser that he assumes more authority than the Constitution gives any other citizen, officer, organization, or court? Section 6 of the Constitution of the United States provides that "for any speech or debate in either House they—the Members—shall not be questioned in any other place." Yet W. A. Fraser would set this provision aside and expel a Member of this House and cancel his insurance for criticizing the management of the Woodmen of the World. Are we going to submit in that manner and be driven by threats from any officer of any organization from an investigation of the affairs of such order? On that insurance policy that I have been paying for more than 22 years I am laying myself liable to expulsion from the order and having my policy canceled for citing the facts in this speech. W. A. Fraser defies the law and sets himself up greater than Congress itself and assumes more power by so questioning a Member of the House for his "speech or debate." Mr. Chairman, if you or any other Member of this House should ask for an investigation of the affairs and management of the Woodmen of the World or should make a speech in the House criticizing any of the sovereign officers, you would face expulsion and have your insurance canceled, no matter how long you had paid, and your wife and children would be deprived of that which is rightfully theirs, all to satisfy the autocracy of one man.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. SWANK. I will.

Mr. CAMPBELL of Kansas. Does the gentleman, in view of what he has said, want to make 12 members of the committee on Rules put themselves in contempt of this august person? Nay, nay. [Laughter.]

Mr. SWANK. That is what I want to find out, whether he is bigger than Congress. [Laughter.]

This is not the first investigation that has been asked in this House. Many investigations have been made in the different States. This is a question of such magnitude that Congress should order an investigation, and should do it now. Thousands of good people, though poor, would have their rights preserved. A national convention or sovereign camp should be called at some central place in the United States and an election had by regularly elected delegates selected at the different head camps. I feel sure that Congress would order an election and the sovereign camp convened after making an investigation. This is a case of national importance and should have the attention of Congress. We would not be here with this resolution and urging its adoption had not the sovereign commander moved the next sovereign camp up from two to four years, and thereby providing himself with $110,000 more salary before another sovereign camp convened. If another sovereign camp convened in 1923, as the constitution of the order provided before the national convention of 1921 changed it to four years on request of the sovereign commander, then in that event we would not ask the adoption of this resolution. The great membership have lost confidence in the present management. I am sure if another convention could be held in the near future and the members given an opportunity to express themselves, that the troubles confronting the order would be adjusted satisfactorily to all except to those sovereign officers who have fattened on the money taken from widows and children of deceased members. It is a reasonable resolution and one that contains the greatest merit. Has it come to pass in the history of the American Congress when a Member elected by the people does not dare to talk about the affairs of any order unless his talk is first approved by the head officer of that society? Ah, but some one says why not settle the matter in court? Mr. Chairman, the sovereign comenander uses the funds of the membership with which to fight them. It is a sacred trust fund, but not so considered by him. In conducting the fight for the membership we have been compelled to spend our own money in connection with that collected from other members. I have spent much time and money for just an humble member in fighting to have a fair settlement of the affairs of the order. If a sovereign camp could be convened, with delegates fairly elected, then all would abide the result. The head of no order or organization should be permitted to threaten a Member of this House for calling the attention of Congress to conditions in such organization and for requesting an investigation.

I hope that the Committee on Rules will report the resolution favorably, and that it will be adopted by this House in the name of humanity and fraternity. [Applause.]

Mr. LANGLEY. Mr. Chairman, I want to say that I am going to yield for one more speech which will exhaust all the time, and at the conclusion of that speech I think the Clerk should read the first section of the bill and immediately after that I will move that the committee rise. I yield the balance of my time to the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Chairman, when we entered the World War hospitalization became one of the most important subjects for the consideration of the American people. It could not be otherwise, for war means destruction. Wounds of every kind and diseases of every nature are the inevitable result. War takes the flower of youth and robs it of health and strength and hope and reason.

We are a rich Nation—the richest in all the world. Our duty to the disabled ex-service men is in direct proportion to our wealth. We shall be recreant to that duty if we do not expend for them every dollar that will in any way contribute to their health and happiness. Science has made great advancement. Medical skill can do many marvelous things that were not dreamed of when our fathers fought the Civil War. The disabled ex-service men are entitled to the benefit of every advance in science and to all the skill that the medical profession can exercise. They are the Nation's wards, and in dealing with them we can not be too generous.

Heretofore several appropriations have been made by Congress for hospital facilities, totaling over $23,000,000. It was thought that these appropriations would prove sufficient. It was thought that they would provide adequate hospital facilities. We now know that these appropriations have proven insufficient. We now know that they have not provided adequate hospital facilities.

Many ex-service men have been unable to obtain hospital treatment. Many others have been treated in contract hospitals, where the treatment accorded them has been entirely unworthy of ex-service men. Some contract hospitals, indeed, have been of a very high order, but many of them have neglected the ex-service men intrusted to their care and have been wholly indifferent to their welfare. The facts would justify criticism much more severe.

In another respect the hospital facilities have failed to meet the needs of the ex-service men. From among the disabled ex-service men two great classes have emerged—those suffering from tuberculosis and those suffering from mental trouble. The disabled ex-service men may now all be divided into three classes—the tubercular, the mental, and those having general and surgical disabilities. Each class numbers about one-third. It is apparent to everyone that tubercular and mental patients should be placed in hospitals built especially for them. In many cases this has not been done because it has not been possible.

Some of our hospitals are unfit even for those afflicted with general and surgical disabilities. Some of them are comprised of temporary war shacks. They can neither be heated nor ventilated properly. In some instances the location of hospitals is undesirable and even unhealthful. Some of the hospitals are not fireproof. Disabled ex-service men should not be kept in any building that is not fireproof. Especially is this true of those who are suffering from mental troubles, for if fire should occur many of these would be completely at the mercy of the flames. The American people would never forgive those in authority if hospitalized ex-service men should be burned to death in a fire trap.

The President of the United States has been keenly interested in this subject. He has realized that more adequate provision must be made. In order to coordinate the different hospitalization activities and bring about unity of purpose he created a board, known as the Federal Board of Hospitalization, composed of the following officials: The Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, the Superintendent of St. Elizabeths Hospital, the Board of Managers for the Home of Volunteer Soldiers, the Commissioner of Indian Affairs, the Director of the United States Veterans' Bureau, and an official designated by the President, known as the chief coordinator, who is president of the board. This board made a complete and thorough investigation of this entire subject and determined that the amount named in this bill, to wit, $17,000,000, would make it possible to do full and complete justice in hospitalization to the disabled ex-service men. Your Committee on Public Buildings and Grounds, after extended hearings, came to the same conclusion. This amount will make it possible to dispense with every doubtful contract hospital. With this amount it will be possible to build sufficient special hospitals for the tubercular and mental patients.

On March 1 of this year there were 30,879 ex-service men in the hospitals. A large number have heretofore been in the hospitals for varying periods. The total number of ex-service men who had been admitted to hospitals up to March 1 of this year was 220,654. The peak of hospitalization, however, has not yet been reached. That will probably come in three or four years, when there will likely be 35,000 ex-service men in the hospitals. It is feared that tubercular and mental cases as a direct result of the war will develop for several years to come. It is thought that many of those who have been in the hospitals and have been discharged will find it necessary to return from time to time.

Of the total number given above as being in the hospitals on March 1 of this year, 12,274 were tubercular patients. Ex-service men suffering from tuberculosis are, of course, found in all parts of the country. Proportionately, the most are found in the Southwestern States, where the climate is beneficial for this disease and whither many have gone in the hope of being cured. It is now well established, though rather contrary to current opinion, that cures of tuberculosis, especially of incipient tuberculosis, are possible in every State in the Union, and hence, while proper provision will be made for the Southwest, tubercular hospitals will be established in all parts of the country. The hospitals, in any event, must be taken to the people as well as the people to the hospitals. On account of family ties and other sentimental reasons many people will not go far from home in order to take treatment. With the care that can be given to the tubercular ex-service men, after the passage of this bill, it is reasonable to hope that many of them will be completely restored to health.

On March 1 there were 9,069 mental patients in the hospitals. All classes of disabled ex-service men evoke our sympathies, but none more so than those having mental trouble. According to Dr. Thomas W. Salmon, one of the distinguished alienists of this country, "the ratio of insanity among the ex-service men is practically three times what it is among civilians of the same age." This means that of the 9,069 mental patients in the hospitals on March 1, two-thirds, or over 6,000, were afflicted with mental trouble solely on account of the war. The toll taken by war is, indeed, terrible. Of these mental patients, over 4,000 are in contract hospitals. This is a most unfortunate condition. Some of the contract hospitals are wholly unfit for mental patients. In some cases the buildings are in no way adapted to their needs. In some instances the physicians and nurses in charge of them have not had training or experience along these lines and do not know how to treat mental diseases. The importance of this can not be emphasized too strongly. The patients are practically all young men. Many of them can be cured if promptly given the proper care and attention. They are entitled to the best and should have it without delay. Again quoting Doctor Salmon, "Every day of delay means that some man who is now on the borderland between curability and incurability passes over into the incurable stage." How important, then, that everyone who is connected with this problem should take prompt action.

According to modern authority, institutions for mental patients should not consist of one large building, but rather of a group of detached buildings, each building housing from 150 to 250 patients. These buildings will not be useless even when the time for hospitalization has passed. Unfortunately, many of these mental patients can never be cured. Many of them, I regret to say, will be shrouded in mental darkness as long as life lasts. When every attempt has been made to cure them and when every effort has failed, it will still be necessary to house them. They will become permanent wards of the Government. The hospitals to be erected under the provisions of this bill can later be utilized as domiciles for the incurables. These incurables will need our solicitous care through all their remaining years. How helpless we feel when we contemplate their sad condition. How anxious we are to serve them, and yet how little we can really do for them. Would that we could do more.

When the previous hospitalization bill was passed the Veterans' Bureau was still a part of the Treasury Department. Since then, by a change in the law, it has become an independent bureau, and the director now reports to the President instead of to the Secretary of the Treasury. Under the law as it now stands the Director of the Veterans' Bureau is responsible for the care and treatment of the disabled ex-service men, and for that reason this bill gives him the power to erect the hospitals. The committee took the position that as the director had the responsibility he should also have the authority. This is likewise the view of the Federal Board of Hospitalization and has been approved in writing by President Harding. Furthermore, the commander of the American Legion, Col. Hanford MacNider, in strong and vigorous language, on behalf of the American Legion, has expressly approved this provision of the bill. Colonel MacNider, a brave soldier who won renown on the field of battle, and who, I am proud to say, is a citizen of my own State, is devoting himself to the cause of the American Legion and knows the sentiments and wishes of that great organization. In this matter of hospitalization, which is so close to the hearts of the ex-service men, I believe in following their wishes. We need these hospitals without delay. Therefore let there be no divided authority.

Let us speed the passage of this bill. Let us hasten the day when every disabled ex-service man will have the best care that a grateful and generous Nation can give him. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and outpatient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and outpatient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants shall be of fireproof construction and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

Mr. LANGLEY. Mr. Chairman, I move that the committee do now arise.

Mr. MADDEN. But I have an amendment that I want to have pending for the information of the House.

Mr. GARRETT of Tennessee. The section will be open for amendment to-morrow.

Mr. MADDEN. I think it is only fair to have this amendment pending for the information of the House so that Members can read it.

The CHAIRMAN. Does the gentleman from Kentucky yield for that purpose?

Mr. LANGLEY. No; because other amendments are to be offered. There is no reason why we should take up all of this time in recognizing one amendment when there are others who desire to have theirs pending.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10864 and had come to no resolution thereon.

GEORGE W. TURNER.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to proceed for five minutes to present certain facts and reasons to the Members of the House why the name of a good soldier, George W. Turner, with an honorable record, should be removed from the so-called slacker list, published in the CONGRESSIONAL RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, in the CONGRESSIONAL RECORD of March 6, 1922, on page 3858, in the first column—about the middle of the column—under the subhead "Local board for

county of Davis, State of Iowa," the last name appearing there is that of George W. Turner, of Belknap, Iowa. The facts in the case are that George W. Turner went into the first draft in September, 1917. He was in the service with an honorable record until June 16, 1919, and over half of that time he served in France. On June 16, 1919, he received an honorable discharge at Camp Dodge. He then went back to the farm, where he had been before he went into the Army. He knew nothing about anything being against his record until last January, when notices were posted in the post offices of Davis County, Iowa, offering $50 reward for his arrest as a deserter from the Army. On January 29 of this year he wrote me a letter and gave me his whole record, when he went in the Army, when and where he served, the dates of his transfers to different organizations, and so forth, and many other details of his Army service, stating that on July 14, 1918, he was placed in the Fifty-ninth Infantry, Fourth Division, which fought at Chateau-Thierry, and so forth. I shall not read the letter. I submitted this letter to the War Department, and on February 4 the War Department wrote me and explained and apologized for the error through which his name appeared on the list of alleged deserters and said:

However, it is evident that Mr. Turner was not a draft evader in any sense of the term, and that the publication of his name as a deserter from the draft was a mistake. The department regrets that this error has been made, and desires to assure you, and also Mr. Turner, that every step possible will be taken to give wide publicity to the fact that the name appeared upon the list through error. His name has been removed from the list, and will not be included in the list to be published in the CONGRESSIONAL RECORD.

Notwithstanding this assurance to me and to Mr. Turner, his name did appear in the CONGRESSIONAL RECORD of March 6, this month. On the 8th day of March I called the War Department on the phone and called their attention to what had occurred. The same day The Adjutant General wrote me a letter, a few sentences from which I desire to read at this time:

With further reference to the case of George W. Turner, who was reported as a draft deserter, and it was subsequently ascertained that his name did not properly belong on the deserter list, he having served honorably and received an honorable discharge, and whose name was, nevertheless, published in the CONGRESSIONAL RECORD as a draft deserter, it is very much regretted that, through oversight in this office, his name was not removed from the list of draft deserters published in the CONGRESSIONAL RECORD.

In closing, The Adjutant General says:

Thanking you for bringing the case to my attention, and with apologies for the inexcusable oversight of this office, as you had specifically brought the case to attention, I am, yours very truly.

The situation is this: His name had been removed from the list of alleged draft deserters in the War Department before his name was published in the CONGRESSIONAL RECORD.

His name appears in the CONGRESSIONAL RECORD by an oversight. Now, it is true next month his name will likely appear among the list of those whose names were removed from the list in the War Department. But the trouble with the list in the CONGRESSIONAL RECORD is that, under the present unanimous agreement given the gentleman from South Dakota [Mr. JOHNSON] to publish the names of alleged deserters in the CONGRESSIONAL RECORD, when a man's name once gets in the CONGRESSIONAL RECORD it stays there forever unless corrected in the manner I shall ask in a moment.

Mr. MADDEN. It ought to be removed from the permanent RECORD.

Mr. RAMSEYER. That is what I am coming to. Now, Mr. Speaker, I ask unanimous consent to remove and omit from the permanent RECORD the last line under the subhead "Local board for the county of Davis, State of Iowa," on page 3858 of the CONGRESSIONAL RECORD of March 6, about the middle of the first column, reading as follows:

96. Geo. W. Turner (George Turner), Belknap, Iowa.

I ask unanimous consent that that line be omitted from the permanent CONGRESSIONAL RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to change the CONGRESSIONAL RECORD for the purpose indicated. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, what date was this list published?

Mr. RAMSEYER. March 6—this month.

Mr. MONDELL. Then the permanent RECORD has not been published?

Mr. RAMSEYER. I understand it has not yet been made up, I am not absolutely sure about that.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. RAMSEYER. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD by printing the letters from which I have quoted.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

FLORIS, DAVIS COUNTY, IOWA, *January 29, 1922.*

Congressman C. W. RAMSEYER,
Washington, D. C.

DEAR SIR: I am writing to ask if you will help me to get my service record straightened out. I am on the list of deserters and my name is in every post office in the county with $50 reward for my arrest.

Now, Mr. RAMSEYER, I'll tell you a little about my Army service. I answered the call and went in the first bunch from Bloomfield, September 22, 1917, to Camp Dodge. I was transferred October 30 to the One hundred and thirty-third Infantry of the Thirty-fourth Division. Was sent to France in a casualty outfit for replacement. I sailed from Boston June 30, 1918, landed in Liverpool, England, July 14, crossed to France and was placed in the Fifty-ninth Infantry, of the Fourth Division, on or about July 18.

The Fourth Division was driving on the point of that horseshoe bend just above Chateau Thierry and was in the lines when I was placed in the Fifty-ninth Infantry. We were fighting the Prussian Guards, driving them away from Paris, and I believe that was the most severe fighting of the whole war. We were relieved by the Seventy-seventh Division August 16, and the Fourth had lost nearly 7,000 men since I had been placed in the division.

August 27 I was sent to the field hospital, was taken from there to Base Hospital No. 19, and later was sent to Hospital No. 22, at Bordeaux, in southern France. Was discharged from the hospital at Bordeaux in October, was on special duty at a replacement camp and did guard duty for "Hard-Boiled Smith" at a prison farm near Paris for about two or three weeks. I was then transferred to Company I, One hundred and forty-fourth Infantry, Thirty-sixth Division, which division I was with until we landed in New York, June 6, 1919. Was sent to Camp Dodge and given an honorable discharge the 16th day of June, 1919. My discharge is marked "No A. W. O. L.; no absence under G. O. 31114 or under G. O. 45. Character excellent." I was one of the first ones called from this county and about the last one home.

Now, you see, through some mistake, they stick my name up in every post office in the county and offer $50 for my arrest. I do not like to have this against me on my record, so if you will help me get this thing fixed up I'll be very thankful to you. My grade was private first class, No. 141 2914.

Yours truly,

GEORGE W. TURNER.

P. S.—My address was Belknap at the time I entered the service.

Mr. RAMSEYER, will you please look into this thing for me and get the War Department to take my name from that list. The charges are that I never was in the service at all; that I did not report for duty when called. I think the fault started here at Bloomfield with the local board.

Yours very truly,

GEORGE W. TURNER,
Floris, Iowa.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 4, 1922.

Hon. C. WILLIAM RAMSEYER,
House of Representatives.

MY DEAR SIR: Referring to the letter herewith from Mr. George W. Turner, of R. F. D. No. 3, Floris, Iowa, which was left at this office by you in connection with a letter to you from this office of the 27th ultimo, relative to the publication of Mr. Turner's name in the list of alleged draft deserters of the local board for Davis County, Iowa, which list appears to have been recently posted in the post offices of Davis County, and referring especially to Mr. Turner's request that his draft record be straightened out in view of his record of service in the Army, I have the honor to advise you as follows:

The list of alleged draft deserters of the local board for the county of Davis, State of Iowa, was dated January 17, 1922, and was to be released to the morning papers of January 27, 1922. In connection with your call upon this office in the interests of Mr. Turner, a telegram was sent to the commanding general of the Seventh Corps Area, at Fort Crook, Nebr., on January 26, 1922, just as soon as the fact was discovered that Mr. Turner's name should not be included in the list, which telegram instructed the commanding general to hold up the list from publication until further instructions. A reply from the commanding general at Fort Crook set forth that the telegram from this office was received by him too late to stop the publication of the list which had already been released for the morning newspapers of January 27, 1922. It is regretted, therefore, that the department was too late in preventing the publication of the list in the newspapers on the 27th ultimo. It appears that some of the postmasters in Davis County posted the list prior to January 27, 1922.

An investigation of the draft records in the case of George W. Turner, Serial No. 760, Order No. 96, a registrant of the local board for the county of Davis, State of Iowa, shows that he was reported as a delinquent through error on the part of the local board. The local board in a letter dated September 14, 1917, to the adjutant general of the State explained its action in this respect as follows:

"I want to make an explanation in regard to George Turner, serial No. 760, who was reported to you on Form 146-A. On August 8 we received notice from Mr. Turner, who was in North Dakota, wanting a permit to be examined by the local board at the place where he was located. We gave him permit by telegram to be examined by another local board, but did not get the result of his examination until we had reported him on Form 146-A.

"Mr. Turner is not a slacker, and wants to go when his turn comes. Mr. Turner was in my office to-day and showed me a letter he had received from you asking him to report to you on September 15. I would like to have Mr. Turner to remain here and go with our next bunch, if you will permit him to do so. We thought after this explanation of his case was made to you it would be all right to send him next week with the other boys. Mr. Turner wants to do the right thing, and will do whatever you insist."

Notwithstanding this explanation on the part of the local board, the State adjutant general included the name of George Turner on the list of final delinquents and deserters of the local board for Davis County, Iowa, which list was forwarded to the department. When the names

were transcribed from the final list to the list to be released for publication the construction placed upon certain remarks appearing opposite the name of George Turner was such that it was not deemed necessary to refer to the individual record of the registrant, with which the above quoted matter was filed. The final lists of delinquents and deserters were separate records from the individual records, to which individual records reference was made only in such cases where it was deemed necessary in order to ascertain the true status of the case. However, it is evident that Mr. Turner was not a draft evader in any sense of the term, and that the publication of his name as a deserter from the draft was a mistake. The department regrets that this error has been made, and desires to assure you, and also Mr. Turner, that every step possible will be taken to give wide publicity to the fact that the name appeared upon the list through error. His name has been removed from the list and will not be included in the list to be published in the CONGRESSIONAL RECORD.

Mr. Turner was regularly inducted into the military service by his local board on September 21, 1917. The local board for Davis County, Iowa, sent its first contingent of four men to Camp Dodge on September 5, 1917. Mr. Turner went with the second contingent of 29 men, which was entrained at Bloomfield, Iowa, on September 22, 1917. The military records show that he served overseas from June 20, 1918, to June 6, 1919, and was honorably discharged on June 16, 1919, at Camp Dodge, Iowa.

Very respectfully,

P. C. HARRIS,
The Adjutant General.

(1 inclosure.)

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 8, 1922.

Hon. C. W. RAMSEYER,
House of Representatives.

MY DEAR MR. RAMSEYER: With further reference to the case of George W. Turner, who was reported as a draft deserter and it was subsequently ascertained that his name did not properly belong on the deserter list, he having served honorably and received an honorable discharge, and whose name was, nevertheless, published in the CONGRESSIONAL RECORD as a draft deserter, it is very much regretted that, through oversight in this office, his name was not removed from the list of draft deserters published in the CONGRESSIONAL RECORD. Effort was made to remove his name from the list sent to the commanding general Seventh Corps Area, but the list was published by him before receipt of the telegram from this office directing removal of Turner's name. The notice of removal of his name from the list was given the same publicity as the original list, but, as stated above, the removal of his name from the list for publication in the CONGRESSIONAL RECORD was overlooked. In the next publication of draft deserters in the CONGRESSIONAL RECORD a statement will be inserted that Turner's name has been removed.

Thanking you for bringing the case to my attention, and with apologies for the inexcusable oversight of this office, as you had specifically brought the case to attention, I am,

Very truly yours,

P. C. HARRIS,
The Adjutant General.

ADJOURNMENT.

Mr. LANGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes) the House adjourned to meet to-morrow, Friday, March 31, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

578. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting a tentative draft of a bill for the relief of the Houston Chamber of Commerce, Houston, Tex., was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEATHERWOOD: Committee on Indian Affairs. H. R. 9411. A bill to provide for the payment of claims of Chippewa Indians of Minnesota for back annuities; with an amendment (Rept. No. 858). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 6967. A bill for the relief of Claude L. Seiler (Rept. No. 859). Laid on the table.

Mr. BOX: Committee on Claims. H. R. 9453. A bill for the relief of the owners of the steamboat *Kanawha* (Rept. No. 860). Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONTAGUE: A bill (H. R. 11106) for the construction of a wharf and a walk at Jamestown, Va.; to the Committee on Appropriations.

By Mr. FULMER: A bill (H. R. 11107) to authorize the building of a bridge across the Congaree River in South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 11108) to extend the provisions of section 127a of the national defense act as amended; to the Committee on Military Affairs.

By Mr. LANGLEY: Joint resolution (H. J. Res. 298) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 299) authorizing the Chief of Engineers to make an examination and survey of the banks of the Potomac River from Washington, D. C., to and beyond Great Falls; to the Committee on Public Buildings and Grounds.

By Mr. SWING: Joint resolution (H. J. Res. 300) authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment, to be held at Riverside, Calif., in May, 1922; to the Committee on Military Affairs.

By Mr. MACGREGOR (by request): A resolution (H. Res. 312) expressing a favorable opinion of proposed Senate resolution to establish the united nations of the world, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROGERS: A resolution (H. Res. 313) with reference to the feasibility of examining, prior to their departure, persons intending to emigrate to the United States; to the Committee on Foreign Affairs.

By Mr. BRITTEN: A resolution (H. Res. 314) authorizing an investigation into the operations and accounts of the Radio Corporation of America, the American Telephone & Telegraph Co., the Westinghouse Electric & Manufacturing Co., the General Electric Co., and the United Fruit Co.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 11109) granting a pension to Edna McConahy; to the Committee on Invalid Pensions.

By Mr. COLLINS: A bill (H. R. 11110) to authorize the Secretary of the Interior to sell to the legal heirs of W. H. McCarty and Sallie McGee McCarty the south half of the south half of sec. 9, T. 15 N., R. 1 E., Choctaw meridian, Holmes County, Miss.; to the Committee on the Public Lands.

By Mr. GERNERD: A bill (H. R. 11111) granting a pension to Kate S. Good; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 11112) granting a pension to Mark Y. Judd; to the Committee on Pensions.

By Mr. KUNZ: A bill (H. R. 11113) for the relief of Charles Emmet Smith; to the Committee on Claims.

By Mr. SHAW: A bill (H. R. 11114) granting an increase of pension to Lurinda Jane Neighbors; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4897. By Mr. DOMINICK: Petition of S. C. Smith and others relative to the Georgia-Carolina boundary line dispute; to the Committee on the Judiciary.

4898. By Mr. EDMONDS: Petition of Philadelphia Board of Trade relative to amending merchant marine act of 1920; to the Committee on the Merchant Marine and Fisheries.

4899. By Mr. FRENCH: Petition of citizens of Culdesac, Idaho, protesting against the enactment of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4900. Also, petition of citizens of Moscow, Idaho, protesting against the enactment of House bill 9753 or any other Sunday bills; to the Committee on the District of Columbia.

4901. Also, petition of citizens of Rathdrum, Idaho, protesting against enactment of House bill 9753, etc; to the Committee on the District of Columbia.

4902. By Mr. FULLER: Petition of the First Presbyterian Church and congregation and the Methodist Episcopal Church and congregation, both of Mendota, Ill., opposing any modification of the prohibition law; to the Committee on Ways and Means.

4903. Also, petition of the Rockford (Ill.) Varnish Co. favoring House bill 10159 to protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on the Judiciary.

4904. By Mr. GALLIVAN: Petition of Gillette Safety Razor Co., Boston, Mass., urging the adoption of the American valuation plan; to the Committee on Ways and Means.

Navy Yard; to the Committee on Naval Affairs.

4906. Also, petition of A. C. Hegeman, Esq., New York City, N. Y., relative to the Fitzgerald bill (H. R. 10034); to the Committee on the District of Columbia.

4907. By Mr. LARSON of Minnesota: Petition of certain citizens of the eighth congressional district of the State of Minnesota in opposition to the compulsory Sunday observance bill, H. R. 4388; to the Committee on the District of Columbia.

4908. By Mr. LINTHICUM: Petition of the H. B. Davis Co., of Baltimore, Md., favoring House bill 10130; to the Committee on the Judiciary.

4909. Also, petitions of William Booth Price, of Baltimore, Md., and E. A. Krause, 537 North Lakewood Avenue, Baltimore, Md., favoring passage of Towner-Sterling bill; to the Committee on Education.

4910. Also, petition of Maryland Uniform Co., of Baltimore, Md., favoring the McKenzie bill (H. R. 10072); to the Committee on Adjustment of Pay, etc.

4911. By Mr. A. P. NELSON: Petition of Citizens' Civic Council of Milwaukee County, Wis., heartily and unqualifiedly approving the proposed Great Lakes-St. Lawrence deep-waterway project; to the Committee on Interstate and Foreign Commerce.

4912. Also, petition of citizens of Douglas County, Wis., and of Hines, Wis., protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

4913. By Mr. PAIGE: Petition of citizens of Massachusetts, relative to conditions in Austria, etc.; to the Committee on Foreign Affairs.

4914. By Mr. PATTERSON of New Jersey: Petition of 24 residents of the first congressional district of New Jersey favoring suspension of the payment of the debt of Austria for 20 years; to the Committee on Ways and Means.

4915. By Mr. RIDDICK: Petition of farmers of Montana, indorsing the Pittman bill to amend the farm loan act; to the Committee on Banking and Currency.

4916. Also, petition of farmers of Montana, urging revival of the United States Grain Corporation; to the Committee on Agriculture.

4917. Also, petition of citizens of Billings and Gildford, Mont., protesting against passage of any bill for Sunday observance; to the Committee on the District of Columbia.

4918. By Mr. SINCLAIR: Petition of Mat Sloan and 14 others of Killdeer, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4919. Also, petitions of J. L. Corrigan and 23 others of Sherwood, N. Dak.; George Peterson and 22 others of Fairmead, Calif.; and A. E. Peterson and 2 others of Gascoyne, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4920. Also, petitions of Mike C. Petrick and 4 others of Pisek, and J. P. Huss and 19 others of Belden, both in the State of North Dakota, urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4921. By Mr. SMITH of Michigan: Petition of the Albion College faculty, against the provision of Fordney tariff bill relative to certain provisions; to the Committee on Ways and Means.

SENATE.

FRIDAY, *March 31, 1922.*

The chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we turn our thoughts toward Thee this morning, gratefully recognizing Thy goodness and Thy grace so continually bestowed upon us. We thank Thee for recent accomplishments and what they may mean to the world at large as well as to our own loved country and its institutions.

The Lord give guidance and wisdom supreme to-day, so that everything may meet with Thine approval, and when the night comes that there may be had satisfaction in heart and life that work nobly accomplished has met with Thine own gracious acceptance. We ask in Christ Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, March 16, 1922, when, on request of Mr. WARREN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

communication from the Secretary of War, transmitting a draft of proposed legislation amending section 126 of the national defense act approved June 3, 1916, as amended, with respect to the payment of travel pay of enlisted men on discharge, which was referred to the Committee on Military Affairs.

CALL OF THE ROLL.

Mr. WARREN. Mr. President, when we adjourned last night we were in the midst of a roll call on a conference report. I think we now should have a quorum. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ball	Harreld	Nicholson	Spencer
Borah	Harris	Norbeck	Sterling
Brandegee	Heflin	Norris	Sutherland
Cameron	Hitchcock	Oddie	Swanson
Capper	Johnson	Overman	Townsend
Caraway	Jones, Wash.	Owen	Trammell
Curtis	Kendrick	Page	Underwood
Culberson	Keyes	Pepper	Wadsworth
Cummins	Ladd	Phipps	Walsh, Mass.
Dial	Lenroot	Pittman	Walsh, Mont.
Fernald	Lodge	Poindexter	Warren
Fletcher	McKinley	Ransdell	Watson, Ga.
France	McNary	Rawson	Williams
Gerry	Moses	Sheppard	Willis
Glass	Myers	Shields	
Gooding	Nelson	Shortridge	
Hale	New	Simmons	

Mr. SUTHERLAND. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

The PRESIDENT pro tempore. Sixty-five Senators having answered to their names, a quorum is present. The presentation of petitions and memorials is in order.

REGISTRATION AND VOTING IN RHODE ISLAND.

Mr. GERRY. Mr. President, I send to the desk a letter in regard to registration and voting, which I ask may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

PROVIDENCE, R. I., *March 27, 1922.*

Hon. PETER G. GERRY,
United States Senate, Washington, D. C.

DEAR SIR: Can anything be done to right a great wrong that is going on year after year in Rhode Island by keeping a great number of honest working men and women from voting at the election?

Here in Providence everybody who wants to register as a voter has to go to the city hall between 9 o'clock in the morning and 5 in the afternoon. This is just the time when laboring people are at work, and they can not go and register without losing their time or their jobs, or both. It is not so in other States. Why must it be so here?

If men and women do not register before the end of June, they can not vote in November. If they can not vote, they are at the mercy of those who can.

We want justice, not mercy.

Your friend,

EUGENE L. DONAIS.

PETITIONS AND MEMORIALS.

Mr. STERLING presented a petition of sundry citizens of Plankinton and Stickney, in the State of South Dakota, praying for the revival of the United States Grain Corporation, so as to stabilize the prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. SPENCER presented memorials of sundry citizens and members of women's clubs of St. Joseph, Mo., remonstrating against inclusion in the pending tariff bill of increased duties on women's leather gloves, which were referred to the Committee on Finance.

Mr. CAPPER presented memorials of sundry citizens of Labette County, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution of the Twinsburg (Ohio) Chamber of Commerce, favoring the enactment of legislation providing a fivefold plan of adjusted compensation for veterans of the World War, the funds therefor to be raised by a sales tax, which was referred to the Committee on Finance.

He also presented, in the nature of a memorial, a letter from the Business Men's Club of Cincinnati, Ohio, giving their views

the Committee on Finance.

He also presented a resolution of Columbus Chapter, Daughters of the American Revolution, of Columbus, Ohio, favoring the total suspension of immigration during such period as may be needful, which was referred to the Committee on Immigration.

Mr. LADD presented the memorials of A. H. Anderson and 13 others, of Carpio, and Irwin J. Wagoner and 91 others, of Napoleon, all in the State of North Dakota, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Napoleon, N. Dak., remonstrating against inclusion in the pending tariff bill of high duties on chemicals that go into the manufacture of medicines, and also against the levy of duties on articles not grown or manufactured in the United States, which was referred to the Committee on Finance.

He also presented petitions of G. H. Gisleberg and 3 others, of Maddock; Jacob G. Krueger and 9 others, of Kief; Hans Freitag and 71 others, of Scranton; George Knall and 11 others, of Bismarck; Ole S. Erickstein and 5 others, of Tagus; Louis Johnson and 15 others, of Norma; J. P. Ramsey and 17 others, of Binford and vicinity; D. D. Cunningham and 14 others, of Mosher; F. L. Compton and 19 others, of Buffalo; Thomas Landsveck and 71 others, of Dunseith; B. Pieker and 18 others, of Wildrose; Eddie Tormanen and 31 others, of Ellendale and vicinity; Thorvald Tvetin and 93 others, of Hatton and vicinity; Olaf Dilland and 32 others, of Tioga and vicinity; and Paul Haning and 22 others, of Oriska and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

HENRY S. KIERSTED.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2232) for the relief of Henry S. Kiersted, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

DEVELOPMENT OF UNDERGROUND WATERS IN NEVADA.

Mr. PITTMAN. From the Committee on Public Lands and Surveys I report back favorably, without amendment, the bill (S. 2983) to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes, and I submit a report (No. 584) thereon.

This is an emergency measure and should be acted upon at once if it is to be acted on at all. I ask unanimous consent for the present consideration of the bill. It is favorably reported upon by the Department of the Interior and there is a unanimous report from the Committee on Public Lands.

Mr. LENROOT. I suggest that it go over one day. I have not had an opportunity to examine it.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. LENROOT. I object.

Mr. PITTMAN. I understand that the bill must go over on objection. I shall call it up after the Senator from Wisconsin has examined it.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the calendar.

Mr. PITTMAN subsequently said: A few minutes ago I reported from the Committee on Public Lands and Surveys the bill (S. 2983) to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes. The Senator from Wisconsin [Mr. LENROOT] has examined the bill and now states that he has no objection to it. I ask unanimous consent for the immediate consideration of the bill.

Mr. JONES of Washington. I think the bill should be read.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior may, if he shall find that any permittee has been unable, with the exercise of diligence, to begin or continue operations for the development of underground waters within the time prescribed by sections 4 and 5 of the act of Congress approved October 22, 1919 (41 Stats. 295), extend the time for the beginning, recommencement, or completion of the said operations described in said sections for such time, not exceeding two years, and upon such conditions as he shall prescribe.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 3364) for the relief of W. O. Whipps; to the Committee on Military Affairs.

A bill (S. 3365) to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont. (with an accompanying paper); to the Committee on Indian Affairs.

By Mr. McKINLEY:

A bill (S. 3366) granting a pension to William D. Harrington; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3367) for the relief of T. C. Napier; to the Committee on Claims.

A bill (S. 3368) for the purchase of a site for and the erection of a post-office building at Fort Benning, Ga. (with an accompanying paper); to the Committee on Appropriations.

By Mr. SPENCER:

A bill (S. 3369) granting an increase of pension to Jacob E. Richards; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 3370) granting an increase of pension to Harriett H. Harrison; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3371) for the relief of Capt. Sven Christenson, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

AMBASSADOR EXTRAORDINARY TO HAITI.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The ASSISTANT SECRETARY. A resolution (S. Res. 249), by Mr. KING, requesting the Committee on the Judiciary to investigate the power of the President to appoint an ambassador extraordinary to Haiti without the advice and consent of the Senate.

Mr. WARREN. Mr. President, the mover of the resolution is not in the Chamber. It seems to me it ought to lie over until he is present. It may keep its place without prejudice.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the resolution just reported may go over. Is there objection?

Mr. WALSH of Montana. I ask that it may go over without prejudice.

The PRESIDENT pro tempore. Without objection, it is so ordered. The morning business is closed.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I ask unanimous consent that the Senate resume the consideration of the conference report on the bill making appropriations for the Interior Department.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the consideration of the conference report named by him. Is there objection?

There being no objection, the Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. MYERS. I ask the Senator from Wyoming [Mr. WARREN], who is in charge of the pending conference report in the Senate, if this is a final report on the bill?

Mr. WARREN. It is not.

Mr. MYERS. Then I wish to say a few words about some matters which I understand are embraced in the partial conference report which is now before the Senate.

Mr. WARREN. A roll call was ordered on the report, and it is now in process of being taken.

Mr. MYERS. But we adjourned the session of the Senate on yesterday, I understand, and other business has since intervened. I do not understand the parliamentary status is such that the Senate must begin exactly where it left off on yesterday. This is a different day, and I had supposed we would begin over again. I shall not long delay action on the report, but I do not understand there is any parliamentary rule which requires the roll immediately to be called. Therefore, if I am in order, I will now say a few words.

Mr. WARREN. The Chair may decide that question.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. PITTMAN. The Senate adjourned on yesterday after a roll call had disclosed the lack of a quorum. The Senate proceeded this morning with morning business. The Senate not having taken a recess, but simply having adjourned on yesterday, my inquiry is, Does not the Senate begin business de novo this morning? In other words, is the Senate debarred from debating the question which has just now been taken up by unanimous consent?

Mr. WARREN. The Senator from Nevada will remember that a call of the roll was had upon the adoption of the conference report.

Mr. PITTMAN. There was a vote taken, but it was disclosed that there was no quorum present.

Mr. MYERS. That roll call was null and void, because no quorum was present.

Mr. WARREN. The Chair had directed the calling of the roll and the roll call proceeded.

Mr. PITTMAN. But there was no quorum present, and after that the Senator from Wyoming called for a quorum. The call did not disclose a quorum, and then the Senator from Wyoming moved an adjournment. We adjourned, and this morning when the Senate convened we proceeded with the regular order, which was the morning business. After the morning business had closed the Senator from Wyoming asked unanimous consent that the Senate proceed to the consideration of the conference report. The conference report has been taken up on a new day, by unanimous consent. Is it not, therefore, open to debate?

Mr. MYERS. I think the Senate starts this morning de novo. I have never heard of any rule to the contrary.

Mr. LENROOT. If I may make a suggestion to the Chair, this identical question has been before the Senate on a previous occasion. If the Chair has Gilfry's Precedents before him, I suggest that if he will turn to page 48 of those Precedents he will find that in a similar case it was held that when the pending matter again came before the Senate the question resumed exactly the same status as when the adjournment was had, and that the roll call must proceed.

Mr. SWANSON. I think the Senator from Wisconsin has properly stated the parliamentary situation; but in this case the roll call was a nullity because the absence of a quorum was disclosed. The question now occupies the status of a roll call having been ordered and begun, but no response having been made, so the pending matter is subject to debate. It has been decided that after a roll call has been ordered, but no response has been made, the pending question is subject to debate.

Mr. LENROOT. I will read from Gilfry's Precedents in order that the Senator from Virginia may see that the precedent I have quoted is exactly in line and covered an exactly similar case.

Mr. SWANSON. From what page is the Senator about to read?

Mr. LENROOT. I read from page 28 of Gilfry's Precedents, as follows:

[Fifty-eighth Congress, second session; Journal, pp. 198, 200.]

FEBRUARY 26, 1904.

On motion by Mr. Hale,

The Senate proceeded to consider, as in Committee of the Whole, the bill (S. 2263) to require the employment of vessels of the United States for public purposes; and the reported amendment having been agreed to, and the bill further amended on the motion of Mr. McCumber and the motion of Mr. Allison,

A further amendment having been proposed by Mr. Daniel,

After debate, on motion by Mr. Carmack, to recommit the bill to the Committee on Commerce, the yeas were 12 and the nays were 30.

On motion by Mr. Teller,

The yeas and nays being desired by one-fifth of the Senators present,

* * * * * * *

The number of Senators voting not constituting a quorum, the Presiding Officer (Mr. Gallinger in the chair) directed the roll to be called, when 49 Senators answered to their names.

A quorum being present, on motion by Mr. Hale,

Ordered, That the bill as amended be reprinted.

On motion by Mr. Hale, at 4 o'clock and 17 minutes p. m., the Senate adjourned.

On the following day, February 27, on motion by Mr. Hale, the Senate resumed, as in Committee of the Whole, the consideration of the bill S. 2263.

The question being on the motion of Mr. Carmack to recommit the bill to the Committee on Commerce, the President pro tempore (Mr. Frye) held that the roll call should be immediately resumed, without debate or other intervening business.

So Senators will see that the case cited in the precedent was identical with the case we now have before us.

Mr. MYERS. I call the attention of the Senator from Wisconsin to the fact that it is not identical in this respect. In the case cited on the day when the bill was being considered a quorum developed.

Mr. LENROOT. Certainly; but an adjournment was immediately had.

Mr. MYERS. Yesterday a quorum did not develop.

Mr. LENROOT. But that could not make any difference, because an adjournment was had, and the question was brought back the next day immediately to the same position which it would have occupied had there been no adjournment.

Mr. MYERS. There has never been a valid vote taken on the pending conference report.

Mr. LENROOT. Certainly; and neither was there in the case cited.

Mr. MYERS. In the case cited the roll call disclosed the absence of a quorum, but a quorum immediately appeared.

Mr. LENROOT. Yes; the roll call did not disclose a quorum, but the presence of a quorum was developed and then an adjournment was immediately had. Nevertheless the Chair held the next day that the question immediately before the Senate was to proceed with the calling of the roll.

Mr. SWANSON. Mr. President, the rule is and has always been that when a question comes up on a subsequent occasion it comes up in the same situation in which it was left when last under consideration. That has been the universal rule. There had been debate in the Senate for a long time as to whether a question could be debated after the roll call had commenced. The rule provides that there can be debate until there has been a response on the call of the roll, but that nothing can interfere with the roll call after it has begun and a response has been made. If the roll call is now begun anew, it seems to me, inasmuch as there has been no response, that the question on which the roll is being called is subject to debate. I know that subsequent to the decision cited it was ruled that debate could be allowed after the yeas and nays had been ordered, provided no response had been made.

Mr. LENROOT. Yes; but in the precedent cited there was a roll call, exactly as in the case now before us, and the roll call failed to disclose the presence of a quorum.

Mr. SWANSON. Until there has been a response to the roll call debate may be had. That is the issue. There has certainly been no response to second the roll call.

Mr. MYERS. Mr. President, I should like to call attention to another point of difference between the case cited by the Senator from Wisconsin [Mr. LENROOT] and the one now before us. It does not appear from the precedent read by him that other business had intervened the next day between the adjournment of the day before and the time when the measure was called up. I admit that if immediately upon convening this morning the Senator from Wyoming had arisen and demanded another roll call on the conference report, so that the Senate would have resumed just where it left off last night, prima facie the case would present a stronger appeal for regularity, but the Senator from Wyoming suffered other business to intervene. If other business may intervene for 20 minutes, as has been the case this morning, it may intervene for 20 days, and if it may intervene for 20 days it may intervene for 6 months. So, under the contention which is made, the conference report could be allowed to go over for six months, or until next August or next September, for instance, if we shall be in session then, called up at that time and an immediate roll call insisted upon, so that the Senate, after that lapse of time, would begin just where it left off. I hold that intervening business makes a material difference. If I understood correctly the Senator from Wisconsin there was no intervening business in the precedent cited by him.

Mr. SWANSON. There is a rule which provides that there shall be no debate after a response has been made, and there is another rule which provides that nothing shall interrupt the roll call. If it were not for that rule the question on which the roll is being called could be debated after there had been a response on the roll call, whether the roll call had been completed or not, but after there has been a response the rule provides that nothing shall interfere with the roll call until it is completed. In this instance, the roll call was completed but no quorum was disclosed, so that it is necessary to commence another roll call, but it has not been started, and, consequently, I insist that the rule does not apply, and that debate may be permitted, because no response has been made on the new roll call which may be ordered. I repeat that debate can not take place in the middle of a roll call, because the rule provides that nothing shall interfere with the roll call when it is once begun; but, in this instance, the roll call has not been begun.

Mr. LENROOT. But the roll call has begun; that is the difficulty.

Mr. MYERS. I should like to inquire of the Senator from Wisconsin if business intervened in the case cited by him from the precedents?

Mr. LENROOT. It must have, because the Senate adjourned in that instance as in this.

Mr. MYERS. The Senator says it "must have," but does the RECORD show that business had intervened?

Mr. LENROOT. I have not the RECORD before me, but when the Senate adjourns morning business is in order, and presumably in the case cited morning business intervened.

Mr. MYERS. I do not think we are permitted to assume that other business intervenes unless the RECORD so shows. I think the Senator from Wyoming [Mr. WARREN] was guilty of laches in not calling up the conference report immediately after the Senate convened.

Mr. LENROOT. He could not have called it up immediately; it would have been against the rule to call it up immediately.

Mr. MYERS. He could have called it up at once after the Senate met, just as he did 20 minutes later. With great respect for both the Senator from Wisconsin and the Senator from Wyoming, I think the intervention of other business makes a material difference.

Mr. WARREN. Mr. President, the Senator is mistaken. I waited until morning business was closed, and then asked unanimous consent for the consideration of the conference report, which was granted, and it is now before us. The report has been read and reread; a roll call had been ordered and was proceeding when a quorum failed, and we adjourned. I think the debate which is proceeding is entirely out of order and that the Chair should rule. I am ready to abide by the decision of the Chair.

Mr. MYERS. I think the fact that morning business has intervened makes a difference, but I submit to the Chair the question whether or not it will be in order for me to proceed.

The VICE PRESIDENT. The general rule has to be applied according to circumstances. The roll call was ordered yesterday and started. Thirty-nine Senators voted on the roll call, disclosing that a quorum was not present. The roll was then called to ascertain the presence of a quorum, and, as the Chair recalls, the total number of Senators responding was 39. A quorum not being present, a motion to adjourn was made and carried.

The Senate came into session this morning under that motion, and the regular procedure of the Senate was in order, irrespective of the question that the Senate had under consideration when it adjourned. That regular order was proceeded with until the time came to take up the question which was under consideration when the Senate adjourned. When that question is taken up, the Senate must proceed in the same way as if there had been no adjournment; so that, the roll call having started and responses having been made, there can not be any further debate on the question on which the roll was being called. The only thing that is in order now is to have the roll call proceed.

Mr. MYERS. Mr. President, the yeas and nays have been ordered?

The VICE PRESIDENT. The yeas and nays have been ordered. The question is on agreeing to the conference report. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES], which I transfer to the senior Senator from Connecticut [Mr. BRANDEGEE], and will vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. Assuming that he would vote as I intend to vote, I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW], and will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. KELLOGG] to the senior Senator from Missouri [Mr. REED], and will vote. I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. DU PONT], and will vote. I vote "yea."

The roll call was concluded.

Mr. DIAL. I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained on business of the Senate.

Mr. CARAWAY. I desire to announce the unavoidable absence of my colleague [Mr. ROBINSON]. I will let this announcement stand for the day.

Mr. WATSON of Indiana (after having voted in the affirmative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. In his absence I transfer that pair to the junior Senator from Maryland [Mr. WELLER], and will permit my vote to stand.

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD], and will vote. I vote "yea."

Mr. KENDRICK. Has the senior Senator from Illinois [Mr. MCCORMICK] voted?

The VICE PRESIDENT. He has not.

Mr. KENDRICK. I have a general pair with the senior Senator from Illinois. In his absence, I transfer that pair to the senior Senator from Ohio [Mr. POMERENE] and will vote. I vote "yea."

Mr. MCCUMBER (after having voted in the affirmative). I understand that my pair, the Senator from Utah [Mr. KING], has not voted. I therefore transfer that pair to the Senator from New Mexico [Mr. BURSUM] and will allow my vote to stand.

The result was announced—yeas 49, nays 20, as follows:

YEAS—49.

Ball	Gooding	McLean	Shortridge
Borah	Hale	McNary	Spencer
Calder	Harreld	Moses	Sterling
Cameron	Harris	Nelson	Sutherland
Capper	Jones, Wash.	New	Swanson
Colt	Kendrick	Nicholson	Townsend
Cummins	Keyes	Norris	Wadsworth
Curtis	Ladd	Overman	Warren
Dillingham	La Follette	Page	Watson, Ind.
Fernald	Lenroot	Pepper	Willis
France	Lodge	Phipps	
Frelinghuysen	McCumber	Poindexter	
Glass	McKinley	Rawson	

NAYS—20.

Ashurst	Gerry	Pittman	Trammell
Broussard	Heflin	Randell	Underwood
Caraway	Hitchcock	Sheppard	Walsh, Mass.
Dial	Myers	Shields	Walsh, Mont.
Fletcher	Oddie	Simmons	Watson, Ga.

NOT VOTING—27.

Brandegee	Ernst	McKellar	Smith
Bursum	Harrison	Newberry	Smoot
Crow	Johnson	Norbeck	Stanfield
Culberson	Jones, N. Mex.	Owen	Stanley
du Pont	Kellogg	Pomerene	Weller
Edge	King	Reed	Williams
Elkins	McCormick	Robinson	

So the conference report was agreed to.

Mr. WARREN. I move that the Senate further insist upon its amendments in disagreement between the House and the Senate and request a conference with the House, and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate at the further conference.

SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF AGRICULTURE (S. DOC. NO. 175).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Agriculture, fiscal year 1923—for general expenses, Bureau of Plant Industry, drug and other plants, $6,000; nut culture, $5,000; general expenses, Bureau of Chemistry, table sirup investigations, $10,000; general expenses, Bureau of Soils, soil survey investigations, $10,000; in total amount $31,000—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF NEAR EAST RELIEF.

The VICE PRESIDENT laid before the Senate a communication from the general secretary of the Near East Relief, transmitting, pursuant to law, a report of the activities of the Near East Relief for the year ended December 31, 1921, which was referred to the Committee on Foreign Relations.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. I ask unanimous consent that the Senate proceed to the consideration of House bill 9103, the unfinished business.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CALDER. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield to the Senator from New York for a matter which I understand will not require any time.

THE COAL-MINING INDUSTRY.

Mr. CALDER. I have asked the Senator to yield to me in order that I might submit a Senate resolution; and if there is no objection, as I think it will cause no debate, I will ask unanimous consent for its present consideration. I send it to the desk and ask to have it read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 265) was read, as follows:

Whereas an existing controversy between coal-mine operators and their employees vitally touches the interests and welfare of the public as a whole: Therefore be it

Resolved, That the Federal Trade Commission be, and is hereby, directed to make inquiry immediately into the conditions in the production and distribution of bituminous coal; to require data as to the factors in the cost of production, including labor, investment, supplies, and all other items, the cost of transportation, the margins in wholesaling, jobbing, and retailing of coal, and the price paid by the consuming public, and to report the facts to the Senate as expeditiously as possible, by way of partial reports from time to time, and final report at the earliest moment.

Mr. BORAH. I understand the resolution calls for an investigation upon the part of the Federal Trade Commission of the coal situation, including the cost of production, ownership of mines, profits, and so forth.

Mr. CALDER. It does.

Mr. BORAH. Has the Senator made inquiry of the commission? I understand they have this information.

Mr. CALDER. I understand they have practically all the information asked for; not all of it, but most of it.

Mr. BORAH. Does the resolution call for an investigation or a report?

Mr. CALDER. A report.

Mr. BORAH. I think they have all the information the Senator wants. That is my opinion from my talk with them. I thought the resolution called for an investigation.

Mr. FRELINGHUYSEN. Let it be read.

Mr. CALDER. I ask that the resolution may be read again, so that it will be clear.

The VICE PRESIDENT. The Secretary will again read the resolution.

The resolution was again read.

Mr. BORAH. I presume that if the Federal Trade Commission already have the information they would understand that all they have to do under that resolution is to report to the Senate what they have.

Mr. CALDER. That would be my expectation, of course, Mr. President.

Mr. SUTHERLAND. Mr. President——

Mr. CUMMINS. I can not yield further, if the resolution is to involve debate.

Mr. SUTHERLAND. I merely desire to object to the consideration of the resolution.

The VICE PRESIDENT. There is objection to the immediate consideration of the resolution. It will go over for one day, under the rule.

RESERVATIONS FOR THE BOTANIC GARDEN.

Mr. FERNALD. Will the Senator from Iowa yield for just a moment in order to permit the consideration of Senate Joint Resolution 186, if it will not lead to any debate?

Mr. CUMMINS. If it does not involve debate, I yield for a moment.

Mr. FERNALD. I think there will be no objection to it. It is simply a resolution providing for the transfer of jurisdiction over certain parcels of land from one department of the Government, which is quite willing to give it up, to another.

Mr. CUMMINS. I will yield if it is to provoke no debate.

Mr. FERNALD. I thank the Senator. I report back favorably without amendment from the Committee on Public Buildings and Grounds the joint resolution (S. J. Res. 186) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden, and I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, is hereby authorized and directed to transfer to the jurisdiction of the Joint Committee on the Library the following United States reservations for use in connection with the Botanic Garden: No. 6-A, 6-B, 6-C, 6-D, 6-E, 6-F, 6-G, 6-H, 6-I, 6-K, 6-L, 6-M, 6-N, 6-O, 6-P, 6-Q, 6-R, 292, and 293, all of which lie along the site of the old James Creek Canal, from Maryland Avenue to F Street SW., Washington, in the District of Columbia.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS resumed and concluded the speech begun by him March 10, 1922. His speech, entire, is as follows:

Friday, March 10, 1922.

Mr. CUMMINS. Mr. President, the consideration of the administration of justice in our own country may not be so interesting as the discussion of our relations with foreign powers, but I believe that before I have finished Senators will be of the opinion that it is quite as important to lend our energies to perfect the administration of our own laws as it is to create new relations with foreign powers.

The American people are in the habit of claiming—and in many respects the claim is just—that we stand very near the front in the civilization of the world. In one respect, I believe, it can be fairly stated that we are marching in the rear rank of all civilized people. There is not a country of which I have any knowledge which so imperfectly administers justice through the courts as the United States, and it will shock all Senators, I am sure, when the facts are fairly before them.

When we contemplate a situation in which thousands and thousands of persons accused of crime must lie in jail for a year or two years, if they are unable to discharge themselves by giving bond, awaiting trial, and when we reflect upon the fact that in many parts of the United States it is utterly impossible to secure the trial of a civil case within a year or two years, where both attorneys and parties are ready to proceed with the trial, it is to me a source of great humiliation. I am speaking, of course, of the Federal courts. It is for the purpose of correcting, in part, the condition which everyone deplores that I am bidden by the Committee on the Judiciary to lay before the Senate House bill 9103.

Before I proceed to the discussion of the details of the bill, it seems to me that I ought to give a general idea of the state of business in the Federal courts throughout the country; and in this connection I beg to say that the document which accompanied the report in this matter contained some typographical or clerical errors. These have been corrected, and a new print will be at the disposition of Senators who desire to consult what might be called the statistics of the measure.

What I am saying now is gathered from the report of the Attorney General, which he is required to make at the end of each year. On the 30th of June, 1921, there were pending in the district courts of the United States 46,345 civil cases. I want Senators to contemplate that statement alone.

Mr. FLETCHER. Does the Senator mean to say that there were that number of cases at issue and ready for trial, or only that number of cases on the docket?

Mr. CUMMINS. It is impossible for me to say that they were ready for trial, because it was not practicable to determine the state of each particular case. I am simply giving what the dockets of the district courts throughout the country showed.

Mr. NORRIS. Did the Senator say that was limited to civil cases?

Mr. CUMMINS. Civil cases.

Mr. NORRIS. That many civil cases?

Mr. CUMMINS. There were of civil cases, including, of course, civil cases to which the United States is a party, 61,243.

Mr. OVERMAN. That does not include bankruptcy cases?

Mr. CUMMINS. No; that does not include bankruptcy cases. I will speak of them presently. It has been stated and shown to our committee by evidence that can not be gainsaid that there are districts in the United States in which there was not a single civil case tried in the year preceding June 30, 1921, solely because of the accumulation of criminal cases which the court thought, and I do, too, should have precedence in trial.

Mr. SHIELDS. Mr. President, can the Senator give the source of that statement? Who was it made the statement there were districts in which no civil case had been tried during that year?

Mr. CUMMINS. Specifically speaking, the junior Senator from Missouri [Mr. SPENCER].

Mr. SHIELDS. That was not a part of the hearings, then. I was satisfied no such statement appeared in the printed hearings.

Mr. CUMMINS. It was stated in the presence of the Judiciary Committee, or members of the Judiciary Committee, who were considering the bill.

Mr. SHIELDS. I was not present when the Senator from Missouri appeared before the committee.

Mr. CUMMINS. He is my authority for that one district. I have some knowledge of the situation in my own State, and while I am not asking for any additional judge, the situation, with which I am perfectly familiar, is deplorable. I do not think there were more than one or two civil cases tried in the northern district of Iowa during the year preceding the resignation of the judge in that district.

Mr. OVERMAN. Why was that? Iowa has not a very large number of criminal cases. Why is it that the judge has not been able to try any civil cases?

Mr. CUMMINS. Because he was busy during that time trying criminal cases.

Mr. OVERMAN. The record shows that he did not have very many criminal cases.

Mr. CUMMINS. He tried them.

Mr. OVERMAN. When he got through he ought to have tried some civil cases.

Mr. CUMMINS. But he did not get through. That is the difficulty. He did not get through with them. It is true he was able to reduce the number of civil cases pending to rather a reasonable limit, anyhow, but it took all of his time.

There were pending on the 30th of June, 1921, in all of the district courts of the United States 26,802 criminal cases, not including what are ordinarily known as draft cases, of which there were 27,582. We had in the courts of the country pending June 30, 1921, 27,582 cases in which men were charged with some offense against our draft laws. These men stand accused criminally before the community, and our judges seem so far to have been unable to either try or dispose of those cases.

Mr. OVERMAN. Was it not in evidence before us that the district attorneys did not expect to try those cases and never expect to try any of them? The district attorney from New York City and the district attorney from Chicago appeared before our committee and said they do not call these cases up and do not expect to try them. Is not that the evidence before our committee?

Mr. CUMMINS. The evidence is, as I recollect it, that the United States does not feel that it will be able to convict more than a small proportion of these accused persons and therefore will probably never try them. Nevertheless they stand upon the dockets of the courts and must be disposed of in some way or other.

Mr. BORAH rose.

Mr. CUMMINS. I will yield to the Senator in a moment. There were pending on the 30th of June, 1921, 37,385 bankruptcy cases, mainly, of course, before referees, but in all of those cases, or in many of them, it will be necessary for the district courts to make orders of some kind.

I yield now to the Senator from Idaho.

Mr. BORAH. I wish to inject a single remark here, because it is pertinent to the figures which the Senator has just inserted with reference to the draft cases. The war has been closed for four years and we are the only country that I know of in the world that is still purporting to punish violations of the draft law or matters growing out of that condition of affairs. It does not seem to me that those 27,000 cases ought to be considered here. They ought to be considered by the Department of Justice.

It is nothing less than a crime to keep these men under charges. If we are not going to try them they ought to be discharged at once. They ought to have been discharged long ago. On the other hand, if we are going to try them they ought to have been tried long ago. As a matter of fact, the cases have been postponed and continued and the shadow is upon the men, and yet it seems that it is never intended to take the cases up.

Mr. CUMMINS. I agree with the Senator from Idaho.

Mr. SHIELDS. Mr. President, will the Senator yield?

Mr. CUMMINS. In just a moment. If the Department of Justice or the district attorneys, in cases that they really do not expect to be tried, do not dismiss them, the court ought to dismiss them. What I am trying to get is a sufficient judicial force to dispose, in one way or the other, of the cases that have been pending a very long time.

Mr. SHIELDS. I can give the Senator from Idaho some information along that line. We had Colonel Hayward, district attorney for the southern district of New York, before us. There are 7,000 draft cases upon the docket of the New York court. He stated that the witnesses were scattered, there are no records, some of the witnesses are dead, and it is impossible now to try the cases. There will be very few if any convictions, and most of them should be dismissed, he said.

I would like to say that I think the Senator is in error about the bankruptcy cases being tried before the judge. Those cases are pending before referees and will be disposed by the referees.

Mr. CUMMINS. Possibly the Senator from Tennessee did not hear the statement I made that those cases were pending mainly before referees, but that in many of them it would become necessary for the court to make orders of various kinds.

Mr. SHIELDS. I think the Senator is mistaken about many of them. In Massachusetts they have perhaps the largest number. There are 3,000 draft cases there and they never expect to try them. There is congestion growing out of both the draft cases and the bankruptcy cases. It is confined, when you get to the bottom of it, as experts from the Department of Justice told us, to six or eight cities. It is not all over the United States.

Mr. BORAH. Will the Senator allow me to make a statement, and then I will not interrupt him again?

Mr. CUMMINS. Certainly.

Mr. BORAH. I was informed that last year they imported a judge from Vermont down into the district of New York and that he disposed of 700 cases in one day. I think that ought to be looked into. It may suggest a method of getting rid of a vast amount of this accumulated material that we never expect to do anything with except to let it clog the docket.

Mr. KING. I might suggest that we appoint some of these new judges from Vermont.

Mr. CUMMINS. I think the Senator must have read an exaggerated statement, although the work of this judge in the eastern district of New York is very remarkable even when we confine it to the truth. As I am informed, this judge went to Brooklyn and the first day he disposed of 46 cases and only worked part of the day. Then he gave notice that he would consider that he had done less than a day's work if during the remainder of the time he was in that district he was unable to dispose of 100 cases.

Mr. BORAH. I have the statement of the junior Senator from New York [Mr. CALDER]. I am quite sure I am not mistaken about the facts which he gave me. It was such a ray of light that I clung to the fact hours afterwards, thinking that perhaps there was some method, other than of making more judges, of disposing of a lot of this docket business. I am sure the Senator from New York will justify what I said. He might have been mistaken, though I doubt it very much.

The way the judge did that was to say to these people that those who pleaded guilty would be let off with a fine, "but if you insist on going to trial, I can not tell what will happen to you." There were 700 of them came in and pleaded guilty, and he disposed of the cases by fines, and collected I have forgotten how much, but a very large sum of money for the United States.

Mr. CUMMINS. That information had not come to my knowledge. I hope it is true.

Mr. OVERMAN. The evidence before the committee——

Mr. CUMMINS. Just a moment, please. Of course, the necessity for these additional judges is not based upon the draft cases or upon the bankruptcy cases. I have given the number of those cases simply to make my statement complete with regard to the work that is pending in the district. The necessity arises on account of the accumulation of the civil cases and of the criminal cases exclusive of the draft cases.

Mr. OVERMAN. It was stated before the committee, according to my recollection, that most of the criminal cases were prohibition cases growing out of violations of the prohibition law and that from 25 to 50 per cent of them were submissions that did not take any time at all, but they ground out from 50 to 100 of them in half an hour's time.

Mr. CUMMINS. How does the Senator account for the fact that they are on the docket and continue to be on the docket from one year to another?

Mr. OVERMAN. Oh, they keep putting them on. I saw an instance of one judge who went to New York and disposed of 150 cases in 45 minutes. He was a country judge, by the way.

Mr. CUMMINS. But the Senator from North Carolina knows very well that a judge can only dispose of cases so rapidly as that when there is no contest whatever, when all that they need is an order entered by the court, either of dismissal or upon a plea of guilty.

Mr. OVERMAN. This was a country judge sent up there to try the cases, and he either tried them or dismissed them. He dismissed a lot of cases, but he disposed of the business.

Mr. CUMMINS. That is an admirable example, but we may place side by side with that statement, which is undoubtedly true, the statement that it was believed—I do not know whether

I ought to say this or not—by the Senator from Tennessee that we ought to have another district judge in that State, and therefore I assume that, rapidly as the district judge disposes of some of those cases, he was not able to dispose of the cases as rapidly as they should have been disposed of.

Mr. SHIELDS. The statistics, as appeared from the report of the Attorney General and as stated by the Senator from Tennessee before the committee, showed that the middle district of Tennessee was the only district in the United States, outside of one district in Mississippi, that did not have a district judge. The cases on the docket from that district outnumbered those of six or seven other districts which the committee reported were entitled to new judges, yet the committee reported that the middle Tennessee district was not entitled to any.

Mr. CUMMINS. I hope the Senator will adhere to that notion, because that is one of the merits of the bill, which provides that we can send country judges into the crowded, populous districts, judges who will be able to dispose of the business that is now pending in the courts.

Mr. NELSON. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. I simply desire to call attention to the fact that most of the draft cases, so called, are confined to four districts—the Boston, Mass., district, the southern and eastern districts of New York, and the district of New Jersey. Most of the draft cases are in those four districts. In the other districts they are few and far between. The district attorney of New York, who appeared before our committee, giving the number of those cases, said he did not think over three or four of them would be tried.

Mr. CUMMINS. It is quite true, as stated by the Senator from Minnesota. I hope that I have not left the impression, because I have stated the number of those cases, that therefore these additional judges are necessary on account of the accumulation of such cases as either draft or bankruptcy cases.

Mr. SHIELDS. In regard to the rapid disposition of those cases, the judge from Memphis came up into the middle district of Tennessee and tried 256 of them in a week. Quite a number of them were trial cases. The fact is, as Senators must have realized, these cases are for violation of the tippling laws, that should be tried in the State courts. They are merely police court cases. They ought to try one every 15 or 20 minutes.

The docket of the middle Tennessee district showed that at the time stated, June, 1920, there were pending a thousand cases, and the judge from the eastern district, who held court in the western district, also had a thousand cases on his docket. There are six districts for which additional judges are recommended which have less business than the two districts in Tennessee referred to, and in some of them the number of cases is as low as 378. The bill as it came here from the other House allowed a judge to the middle district of Tennessee, which has no judge, but while the Senator from Tennessee was ill and not present the Judiciary Committee struck out the provision for a judge for the middle district of Tennessee, and there is no provision made in the bill for such a judge. I could tell the reasons which I have heard why that action was taken.

Mr. CUMMINS. I am not passing on the propriety of that action.

Mr. SHIELDS. And I will tell them during the course of the debate. It was probable that the President would have appointed a man there who would not be hand in glove with the prohibitionists, and it was understood the prohibitionists did not want that district created, because the President might appoint the man upon whom all the Republicans in the State had agreed.

Mr. CUMMINS. I envy the Senator from Tennessee the possession of secrets which are entirely unknown to me.

Mr. SHIELDS. I do not charge that to the Judiciary Committee, but I state it as a fact that it was understood that Judge Gore would be appointed down there. He is the chairman of the Republican executive committee for the State, a splendid man and lawyer, who would be absolutely free from any partiality or corruption or bias in any lawsuit he might try. I know the prohibitionists were protesting against him, for I, myself, got letters protesting against him; but I simply replied that it was a Republican fight and I had nothing to do with it.

Mr. CUMMINS. Mr. President, to come back to the original suggestion, I desire to say that I am sure the Senator from Tennessee has verified what I said, namely, that in his opinion an additional judge in Tennessee is needed, and that, notwithstanding the celerity with which another judge disposed of business, the dockets are still so congested that additional judicial help ought to be provided. We will come presently, Mr. President, to this very controverted field, as to the distribution of this additional judicial help; but before I reach that point I wish to survey for a moment our judicial system.

Mr. NORRIS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator from Iowa has given a short synopsis of the nature of the cases that were pending. I wish to know if he could give us any information as to how many of the criminal cases which are now pending have arisen from some war statute other than the draft act? For instance, does the Senator know how many of these cases have arisen under the espionage law?

Mr. CUMMINS. They have all been collected in the report and denominated "draft cases"; so I assume that the cases that are not under the selective draft law are enumerated under the criminal cases and not under the draft cases.

Mr. NORRIS. What I am trying to get at is this: For instance, there are quite a number of cases where people have been arrested and are in jail—so I am informed, at least, and I think the committee were at one time informed to that effect—cases arising out of the alleged violation of the espionage law. Those cases would not be included, would they, under the head of draft cases?

Mr. CUMMINS. Not at all. They are under the head of criminal cases.

Mr. NORRIS. Can the Senator tell how many such cases there are?

Mr. CUMMINS. They have not been segregated before our committee, and I do not know what the proportion of the espionage cases is as compared with other criminal cases.

Mr. SPENCER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. SPENCER. I wish to verify what the Senator from Iowa has just stated with regard to the general state of the docket in some of the judicial districts. I think I heard the Senator cite the western district of Missouri as an illustration. What he said was entirely correct as to the western district of Missouri. That court which, as I shall show at some other time, has transacted as much business with a single judge as has any other district in the Mississippi Valley with two judges. The United States district judge for the western district of Missouri was unable, working constantly during the entire past year, to try a single civil case. The time of the court was entirely occupied by the pressure of criminal cases; so that in this western district of Missouri in the last year, with a large civil docket pending and pressing for trial, there has not been a single civil case tried.

Mr. OVERMAN. Mr. President, there are some things in reference to this matter which I can not understand. I am not asking for a new judge in my district, but I live in a district which has more criminal cases for trial than has the judicial district in which the Senator from Missouri lives; yet the court in my district is trying civil cases all the time and there is no complaint. It is at the same time disposing of the cases which are on the criminal docket. I can not understand how it is, it is very strange to me, that the judges of some courts have time to try civil cases and others have not.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. In reference to what the Senator from Missouri [Mr. SPENCER] has stated—and, of course, he speaks upon information furnished by others as to the condition of the courts in his district, he not being there and not personally knowing the facts he states—I desire to say that there is not any doubt as to the amount of business in the several courts of the United States. The Attorney General has furnished the Committee on the Judiciary, through an expert from his office, the exact figures in reference to the cases pending and the cases that have been tried in the last 12 months; and I do not think those figures bear out the statement of the Senator from Missouri. I think his information is erroneous, as he will realize if he will secure the evidence furnished by Mr. Strong, of the Department of Justice, as to the number of cases pending on the docket of the court in the district to which he has referred and the number of cases that were tried during the last year.

Mr. OVERMAN. To what district is the Senator referring?

Mr. SPENCER. To the western district of Missouri.

Mr. CUMMINS. That information can not be found in the table printed in the report.

Mr. SPENCER. The number of cases pending in the western district of Missouri is 1,229. In regard to the civil cases, I took the pains to verify the figures in the last few days by telegraphic communication with the district attorney of that district, and

what I have said is precisely the fact, that during the last year the trial judge has not been able to try a single civil case, and that condition, as no one knows better than the distinguished Senator from Tennessee [Mr. SHIELDS], is, so far as justice is concerned, simply atrocious.

Mr. OVERMAN. Mr. President, I notice in the report of the Attorney General that in the western district of Missouri the total number of cases is 515.

Mr. SPENCER. No. The Senator doubtless does not have the correct reference.

Mr. OVERMAN. Whereas in the district from which I come there were 1,300 cases.

Mr. SPENCER. Is the Senator from the eastern or western district of North Carolina?

Mr. OVERMAN. I am from the western district.

Mr. SPENCER. In the western district of North Carolina, with two judges, there were pending, according to the report, 1,256 cases, of which by far the larger number were criminal cases, there being 805 criminal cases.

Mr. OVERMAN. As compared to the 515 cases in the district in Missouri.

Mr. SPENCER. Which would mean, with two judges, less than 650 cases to a judge.

Mr. OVERMAN. I do not know whether the Senator from Missouri was a member of the committee when that committee reported a bill providing for an additional judge in the western district of North Carolina. The additional judge was provided, however, because the sitting judge could not try any cases. He is 76 years old, crippled and feeble, and only now and then tries a civil case when he desires to do so. So that to all intents and purposes we really only have one judge.

Mr. SPENCER. I should think the docket was in a very unfortunate state.

Mr. OVERMAN. That is the reason the Senate allowed that district an additional judge.

Mr. CUMMINS. I think we dealt fairly with the fourth circuit.

Mr. SHIELDS. Mr. President, I presume the Senator from Iowa would like to state the general proposition underlying this proposed legislation, and then questions affecting the several districts and their merits will come up afterwards. Under those circumstances I shall not interrupt the Senator further.

Mr. CUMMINS. It matters little to me in what order I take up the various districts, for I know that there will be very great difference of opinion in regard to the distribution which we have made of these judges.

I am trying now to impress the Senate with the one fact that we do need additional district judges and that the way in which we are now administering justice throughout this country is shameful. No man ought to lie under the shadow of an accusation for a year or two years if he desires to be tried, much less ought he be consigned to a jail, and, because he is not able to give the necessary bond, to remain there simply because his Government will not provide a judge by whom he may be tried. It is likewise true of civil cases. I have no doubt that very many of the 46,345 civil cases which were pending in July will never be tried. I understand perfectly well that the mere state of the docket, as indicated by the number of cases pending, is not an accurate criterion of the work which the judge of that court will be called upon to perform, but it is the best evidence we have, and we hear from every quarter the most earnest complaints with regard to the trial of civil cases. Every Senator here has heard those complaints. I want to begin this discussion with the understanding that it is accepted as a truth that we do need some additional judicial force, if we are to administer the laws of this country in a way creditable to civilized life.

Mr. OVERMAN. Mr. President, I dislike to interrupt the Senator, but, if he will pardon me, the Senate has had before it 8 or 10 bills providing additional district judges. After a thorough investigation those bills have been reported favorably out of the Committee on the Judiciary and have passed the Senate. There were 8 or 10 such bills in the previous Congress and 8 or 10 in the present Congress, as I recall. Why does not the House pass those bills in cases where the judges are really needed?

Mr. CUMMINS. I am not either a critic or an apologist for the House. I do not know why it has not done what the Senator from North Carolina suggests; but it is sufficient to say that the House has now passed a bill in which, I think, it cares for every one of the districts which are involved in the Senate bills, and, moreover, it has added to the number some 14 or 15 judges. The House has said that this country needs 23 additional district judges. The Senate committee has reduced that number to 19.

I now desire to get clearly in the minds of Senators our judicial system, so that they may see, without troubling themselves to examine the report of the Attorney General and similar documents, just what we are trying to do. The judicial system of the United States is composed of 1 Supreme Court, 9 circuit courts of appeal, and 89 district courts. I think I am right about that. We have 9 circuits, 86 districts, 34 circuit judges, and 109 district judges. In the main, these judges constitute at the present time our judicial system. We have, in addition, as a part of the Federal judicial system, the Court of Claims, with 5 judges, and the Court of Customs Appeals, with 5 judges. We have also the Supreme Court of the District of Columbia and the Court of Appeals of the District of Columbia, and then the ordinary number of police judges and juvenile judges and the like.

This is the judicial system of the country. A glance at this map before you will show you how the country is divided into circuits.

The first circuit is composed of the States of Rhode Island, Massachusetts, New Hampshire, and Maine.

The second circuit is composed of the States of New York, Vermont, and Connecticut.

The third circuit is composed of the States of Pennsylvania, New Jersey, and Delaware.

The fourth circuit is composed of the States of Maryland, West Virginia, Virginia, North Carolina, and South Carolina.

The fifth circuit is composed of the Gulf States—Georgia, Florida, Mississippi, Alabama, Louisiana, and Texas.

The sixth circuit is composed of the States of Michigan, Ohio, Kentucky, and Tennessee.

The seventh circuit is made up of the States of Wisconsin, Illinois, and Indiana.

The eighth circuit, which is the empire in our judicial system, is composed of North and South Dakota, Minnesota, Nebraska, Iowa, Kansas, Missouri, Arkansas, Oklahoma, Colorado, Wyoming, Utah, and New Mexico.

The ninth circuit is composed of the Pacific territory States—Montana, Washington, Oregon, California, Idaho, Nevada, and Arizona.

This bill proposes to add judges as follows: Two judges in Massachusetts. I want to say in the very beginning that while I am loyal to this bill, and I have been directed by the Judiciary Committee to report it, when it comes to the matter of distribution of judges there may well be difference of opinion. I do not want to see the judicial force increased beyond the number which we have named in the bill, and I should have been vastly better satisfied if my attempt before the Judiciary Committee had succeeded, by which the number to be added would have been limited to 14 or 15. Personally, I believe that we have authorized the appointment of judges in some districts which we ought not to have authorized. That is, I think that other districts are better entitled than the ones which have received the approval of the Judiciary Committee, and whenever I am asked about that I, of course, intend to say frankly what my views are; but these matters were all carefully considered in the Judiciary Committee. I do not remember a bill before that committee that received more careful and intelligent and, I think, unselfish consideration. While I did not agree with every act of the Judiciary Committee, I stand for the bill.

Mr. HARRISON. Mr. President, will the Senator tell the Senate where he thinks the committee made a mistake, and what changes he thinks should be made so as to carry out his ideas?

Mr. CUMMINS. I do not intend to go over that part of the work of the committee.

Mr. HARRISON. The Senator is not going to give us his own individual ideas about it?

Mr. CUMMINS. If any Senator here proposes an amendment to the bill, I shall have no hesitation in saying what I think about the proposed amendment; but in the absence of any amendment I do not intend to review the work of the committee. I simply want the Senate to understand that this is a subject upon which there is room for fair difference of opinion in the distribution of these judges.

Mr. HARRISON. The Senator made that very elaborate explanation, saying that the committee report does not agree with his individual views touching these matters, following the statement that in Massachusetts they have one district judge now, and it is proposed in this bill to add two more. Was that the reason why the Senator made that explanation?

Mr. CUMMINS. Not altogether. I am frank to say that that is one instance.

Mr. HARRISON. The Senator thinks that they need but one additional judge up there, does he?

Mr. CUMMINS. If I were distributing the judges according to my individual judgment, I would have put but one additional judge in Massachusetts; but the committee, for reasons which seemed to it entirely satisfactory and persuasive, assigned two judges to the district of Massachusetts.

Mr. ROBINSON. What is the state of the district court docket in the State of Massachusetts?

Mr. CUMMINS. I do not recall simply from memory, but I can easily state it.

In Massachusetts, as of date of June 30, 1921, there were 206 civil cases to which the United States was a party. There were 186 criminal cases, including prohibition cases. There were 112 admiralty cases. There were 923 other civil cases. The bankruptcy cases were 1,434. The draft cases were 3,943. The prohibition cases, as distinguished from other criminal cases, were 68.

Mr. ROBINSON. Sixty-eight? That is comparatively a very small number

Mr. CUMMINS. It indicates very clearly that the people of Massachusetts are making an heroic effort to observe the law.

Mr. ROBINSON. Or that they are very indifferent to it—one or the other.

Mr. CUMMINS. I always draw the conclusion most favorable to morality if I can.

Mr. ROBINSON. Has the Senator the aggregate number of cases that are pending in the District Court for Massachusetts? How many cases, all told, are pending in that court?

Mr. CUMMINS. I have not that number. It is not added up in that way. The Senator can take the figures that I have given and add them up, but I have not added them.

Mr. ROBINSON. If my mind followed the Senator's statement correctly, there are something less than 1,500 cases all told pending in the district court of Massachusetts.

Mr. OVERMAN. Outside of the draft cases.

Mr. ROBINSON. Outside of the draft cases.

Mr. SHIELDS. Draft and bankruptcy cases.

Mr. CUMMINS. Yes; outside of the draft and bankruptcy, I think there are about 1,300, I should say.

Mr. ROBINSON. Has the Senator before him the information as to where the Massachusetts district court sits? Does it sit at one place only, or at different places in the State of Massachusetts?

Mr. CUMMINS. I think only in Boston, but I am not sure about that.

Mr. WALSH of Montana. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator from Nebraska [Mr. NORRIS] asked a little while ago for some information of a very interesting character, namely, the number of espionage cases pending. I am able to supply that information from testimony given by the Attorney General in the month of January a year ago. He told us at that time that there had been 736 cases arising under section 5, or section 3 as amended, of the espionage act; that 581 of those had resulted in a conviction, while 315 cases were still pending.

Mr. NORRIS entered the Chamber.

Mr. CUMMINS. I thank the Senator from Montana for answering the question. Possibly the Senator from Nebraska did not hear the answer. I will state to him that the Senator from Montana has just answered the question which was put to me by the Senator from Nebraska, but which I was unable to answer at that moment.

Mr. NORRIS. I was called out, but I got word that the Senator from Montana was going to answer my question, and I came back as soon as I could.

Mr. WALSH of Montana. With the permission of the Senator from Iowa, I will repeat that in the month of January a year ago the Attorney General gave to a subcommittee of the Judiciary Committee the following information: That there were 736 cases under the espionage act disposed of, 581 of which resulted in a conviction, and that there were still pending 315 cases.

Mr. NORRIS. What was that date?

Mr. WALSH of Montana. January, 1921.

Mr. NORRIS. If the Senator from Iowa will permit me, I should like to ask another question about that matter.

Mr. CUMMINS. Certainly.

Mr. NORRIS. Can the Senator state in how many, if any, of these undisposed-of espionage cases the defendants were in jail?

Mr. WALSH of Montana. No; there is no information about that.

Mr. CUMMINS. Mr. President, I now proceed with the analysis of this bill as applied to the map hanging on the wall.

I had just stated, when interrupted by the Senator from Mississippi, that this bill assigns two additional district judges to the State of Massachusetts, that State being a single district. It assigns three additional judges to the State of New York, one in the eastern district and two in the southern district of New York. It assigns two additional judges to the State of Pennsylvania. That State is composed of three districts, and this bill adds a judge to the eastern district and a judge to the western district. It adds no district judge in the fourth circuit, but it does add an additional circuit judge to the fourth circuit—a very desirable and, I think, a very necessary addition.

The fourth circuit has been for years the only circuit in which the Circuit Court of Appeals has been made up of two judges. There are in truth three judges in that circuit now, because when we abolished what was known as the Commerce Court one of the judges of that court was assigned to the fourth circuit, as they were circuit judges of the United States.

In the fifth circuit the bill proposes an additional judge for the northern district of Texas, and, as I recall it now, that is the only additional judge in the fifth circuit. One of the reasons for the addition of a judge in Texas is the partial disability of one of the present district judges, whose ill health makes it impossible for him to do work which a man in sound condition might be able to do.

In the sixth circuit the bill proposes an additional judge for the eastern district of Michigan. The showing for that district seems to me very clear, and those who remember the very rapid and wonderful growth of the city of Detroit will not be surprised that additional judicial force is necessary in that part of the country.

Mr. ASHURST. Before the Senator leaves the discussion of the fifth circuit, he will bear in mind that an additional judge was granted to the northern district of Georgia. The Senator did not mention that.

Mr. CUMMINS. That is true. I had not reached that point in the bill, but there is an additional judge authorized for the northern district of Georgia.

Mr. FLETCHER. The State of Texas has four districts and four judges, has it not?

Mr. OVERMAN. It has five.

Mr. CUMMINS. It has five districts and five district judges, who hold court in about 25 places.

I was proceeding simply to make the Senate acquainted with what the bill proposes, and I had just said that we have added one district judge for the eastern district of Michigan. We have also added a judge for the northern district of Ohio. Those are the two additions made to the judicial force in the sixth circuit.

In the seventh circuit one additional judge has been authorized for the northern district of Illinois. In the eighth circuit we have authorized an additional judge for the district of Minnesota. Minnesota is a single district. It is one of the few States having a large population—that is, a population of considerably more than 2,000,000—in which there is but a single district, and one additional judge has been authorized for the district of Minnesota. One judge is assigned to the eastern district of Missouri, one to the eastern district of Oklahoma, and, as I recall it, we have made no further additions in the eighth circuit.

In the ninth circuit the bill proposes an additional district judge in Montana, largely, I think, because of the immense distances which both the court, the litigants, and witnesses must travel in order to reach the places in which courts are held in that part of the country.

The bill proposes an additional judge in the northern district of California, and also one in the southern district of California, making two additional judges for that State.

It proposes also an additional district judge in the State of Arizona, and I think the weightiest reason for the additional judge in Arizona is similar to the reason which prompted us to add one in Montana, because it is almost impossible for a single judge to travel over so wide a territory and do the work which a judge is required to do.

That is what the bill proposes with reference to the additional judicial force. I have not supposed that very many well-informed people would question the wisdom of the substantial additions which we have suggested.

The condition of the dockets throughout the country very clearly demonstrates that these additions will do no more than take care of the work with reasonable promptitude.

It must be understood that the committee treats this matter partly as an emergency, partly as growing out of conditions which we hope will not prevail very long. If the people were to become more law-abiding and not violate the prohibition

statutes so frequently, a very large part of the work of the district judges would disappear, and it is not likely that cases similar to those which grew out of the war will arise, when those pending are once disposed of. Therefore I want Senators to know that we have provided that the district judges appointed under this bill shall have no successors, unless Congress in the meantime otherwise orders.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. CUMMINS. I yield.

Mr. ROBINSON. Did the Committee on the Judiciary give consideration to any proposition for the creation of courts of inferior jurisdiction to hear and determine misdemeanor cases?

Mr. CUMMINS. That subject was discussed before the committee; at least, it came to my attention. I do not know that the Senator from Montana [Mr. WALSH] proposed a plan of that kind formally, but I think the matter was considered.

Mr. ROBINSON. The complaint has been made that on account of the great increase in the number of misdemeanor cases, particularly those arising under the prohibition laws of the United States, the Federal district courts are being converted into police tribunals, and that the greater portion of their time is being consumed in the consideration of cases of comparatively minor importance.

I wonder whether the committee, in the consideration and report of this bill, went into that subject very fully and passed upon the question as to whether or not it would be advisable to create Federal courts of jurisdiction inferior to that of the Federal district courts, authorized to determine misdemeanor cases of certain classes.

Mr. OVERMAN. That was before the committee at our first hearing, but I do not know whether or not the Senator from Iowa was present. I thought we could dispose of a great many cases by providing such courts. The Chief Justice of the United States was a witness before our committee, and I asked him the question, and it was his opinion that we could not do it.

Mr. CUMMINS. I was present at the meeting to which the Senator from North Carolina refers, but I heard more of the suggestion from the Senator from Montana. I still remember that there was no amendment or plan of that sort offered formally to the committee for its adoption.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. WALSH of Montana. The matter was considered by the committee in connection with the bill for which this is a substitute. That was a bill providing for what have been described as "roving" judges. It provided for the appointment of 18 judges, to be assigned to the various districts by the Chief Justice of the United States. In support of that bill the Chief Justice himself, as well as the Attorney General and a committee appointed by the Attorney General, appeared before the Committee on the Judiciary. They urged the necessity for additional judges, and descanted at some length upon the increase of business consequent upon the passage of the prohibition laws and other legislation of that character.

In that connection I addressed an inquiry to the Chief Justice as to whether he had given consideration to the project of creating what might be called auxiliary or deputy judges to whom would be assigned the trial of minor cases and other matters coming before the court which might generally be denominated as police court business. I was prompted to make that inquiry because the experience which is now being had by the district courts of the country generally in connection with violations of the Volstead Act is not at all new to those of us in the West who have been familiar with the trial of cases of similar character arising on the Indian reservations, for instance, or upon the military reservations, or in other places within the exclusive jurisdiction of the United States, but particularly the Indian reservations. Little petty horse-stealing cases, cow-killing cases, liquor prosecutions, or anything of that kind on the Indian reservations come before the United States district court, and it becomes necessary in most of those cases to procure indictments. Prosecution can not be had by information, so that witnesses must travel long distances to the court, in the first place, to attend the sessions of the grand jury. Then they must come back again to attend the sessions of the petit jury, and it is an imposition upon a man qualified by training and learning and experience to act as judge of the district court to place upon him the duty of sitting in the trial of those cases. I accordingly asked of the Chief Justice if he had given consideration to the matter, and he said he had not, and dismissed the suggestion, I thought, rather cavalierly.

It was then taken up by several of the members of the committee, who advanced the argument, first, as my recollection is, that a man who was guilty of a petty offense was just as much entitled to trial before a learned and competent judge as a man who was guilty of murder. Of course no one could combat that question, but the experience of all nations has been that it is a wise thing to put the disposition of petty cases in the hands of men who have not the talent that we would like to see in an Associate Justice or Chief Justice of the Supreme Court of the United States. I think we might very properly follow the experience in our Federal judicial system.

Then it was said again, in opposition to that, that the office of Federal judge was one of high dignity and honor, and that it would lessen the office in the estimation of the public generally if another man were elevated to that office whose business was simply to handle petty and inconsequential cases, an argument which I think as flimsy as the other.

Those two reasons were urged against it. The matter was dismissed with such contumely by the Chief Justice and the committee that I did not press it.

Mr. CUMMINS. I wish to answer the Senator from Arkansas, giving my own views. I was not favorably impressed with the suggestion that we might create deputy judges or commissioners for the trial of lesser offenses, for two reasons. I see no reason why it is not entirely within our constitutional power to do it; in fact, I am quite sure that it is.

Mr. OVERMAN. That is, if we appoint them for life.

Mr. CUMMINS. Certainly, they must be appointed for life.

Mr. OVERMAN. The idea was to appoint commissioners, but not judges to hold for life, and the committee thought if they appointed anybody they would have an inferior court having a hold for life on the office.

Mr. CUMMINS. I have no doubt they would have to hold during good behavior, because we have no authority to create inferior courts except under the terms of the Constitution, which provides that judges are to be appointed during good behavior.

There is one great difficulty in assigning the proper jurisdiction to a court organized simply for the purpose of trying the lesser offenses. Our Federal statutes create such a wide range of punishment for misdemeanors that it would be quite impossible to say that the lesser judges should have jurisdiction of misdemeanors, because under many of our statutes, upon conviction of a misdemeanor, a man may be put in the penitentiary for 10 years or less. We also in our statutes provide for fines of wide range and for jail sentences or penitentiary sentences of wide range. I myself would not know how to describe the jurisdiction which the so-called police judges ought to have.

Moreover, there are 80 districts in the United States, including Alaska and Hawaii. We would have to appoint at least 80 additional judges, and even if we were to attempt to get inferior men—that is, men of less legal ability than those we hope to get for district judges—the expense would be much greater, taking the expense altogether, than to add the 19 or 20 additional district judges contemplated by the bill.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. Certainly.

Mr. NELSON. I want to call the attention of the Senator to the language in the Constitution:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury.

Now, the Supreme Court has construed the words "infamous crime" to mean any crime that is punishable by imprisonment in a State prison, so that whenever and wherever the punishment prescribed for an offense is confinement in a State prison for not more than a year and a day, it must be by indictment by a grand jury and prosecution in court. Therefore it is out of the question to carry on such cases before anything like a court commissioner.

Mr. CUMMINS. No; not a court commissioner, but we could have inferior courts with their grand juries who could try the lesser crimes, but we would not advance any by so doing. We would have greater expense, and I think we would bring the judiciary of the United States somewhat into disrepute if we attempted to create judges of that character.

Mr. OVERMAN. I probably did the Chief Justice a wrong when I stated that he said it could not be done. The idea was in my question whether or not certain judges could be appointed. He said, agreeing with the Senator from Minnesota [Mr. NELSON], that we could not appoint judges for inferior courts to try these cases without appointing them for life.

Mr. CUMMINS. I do not think we could appoint without appointing during good behavior, which is synonymous with "for life."

Mr. KING. Mr. President——

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. Several months ago I received communications from two judges, one from the ninth circuit and one from the eighth circuit, both district judges. Neither was from my State, however. One of the judges took the position that judges could

be appointed to try these misdemeanor cases, and that the tenure of their office might be less than for life. Later he wrote me that a very able lawyer in his State had been investigating the subject, and was rather of the opinion announced by the Senator from Iowa, that the appointment would have to be for life.

He then suggested, as did the judge from the eighth circuit who wrote me, that commissioners might be appointed much the same as the court appoints referees in bankruptcy—that we might authorize the court to appoint commissioners, to take pleas in misdemeanor cases. He stated that from his experience and from his inquiries, he was of the opinion that if a commissioner were appointed—a lawyer, or the clerk of the court, if he were a member of the bar—and that person would address himself to the misdemeanor cases, and the defendants and their lawyers, if they had attorneys, were to be advised that the commissioner was looking after their cases, the overwhelming majority would come in and plead guilty.

The idea of the judge was that this commissioner be authorized to take a plea, to make a preliminary examination, and then report promptly to the judge. His idea was that the judge in that way could be relieved of hundreds of these small cases, and that if there was nothing to the contrary appearing, he would act upon the recommendation of the commissioner and the district attorney, and he might dispose of those cases with very great promptitude and relieve the court of a great deal of the business.

Mr. CUMMINS. I do not quite see the force of that, because if the defendant desires to plead guilty the district attorney can present his plea of guilty to the court just as readily as a commissioner could present it.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. It occurred to me from my own observation that there are more likely to be pleas of guilty entered in the higher courts than there would be before a commissioner or any deputy or subordinate.

I rose, however, to say that at the time the bill previous to this one was before the Senate I had some considerable talk with a few of the lawyers in my own State. At that time it was suggested that commissioners be clothed with the necessary judicial power, but the objection was made that if those cases were to be heard upon their merits it would necessitate having a deputy clerk, perhaps a deputy marshal, perhaps a court stenographer or the necessary facilities to preserve the record in the case, and all of this would be adding to the expense and probably would not relieve the situation, and that it would be very much better to have the additional judge, in our own State at least, for the purpose of taking care of the large number of cases which were accumulating upon the dockets.

Personally I have no doubt that the committee has done wisely by the presentation of this bill in the form in which it now is, and I think that more dignity will attach to the transaction of this business than would if it were to be taken care of by deputies or commissioners or by a court of any inferior standing than that of the district court itself. More than that, it seems to me that as a deterrent from evil doing the district judge will have more influence than would any one of the inferior courts that we might create.

Mr. CARAWAY. Mr. President——

Mr. CUMMINS. I yield to the Senator from Arkansas.

Mr. CARAWAY. I have not any very large experience with district courts. I am entirely familiar with them as they are in my own country. I know in the criminal courts that 90 per cent of the cases are misdemeanors and of no great importance.

Until 1909, when we adopted our Criminal Code, every one of the misdemeanors was embraced with section 335. I see no reason why a commissioner—I so call him, but I agree with the Senator that he must be appointed during good behavior—can not be so empowered. I think that is the power given to Congress, to appoint an inferior court. Why could he not be given the power to accept the plea of guilty or, if the defendant wanted to waive his right of trial by jury—and let him do it in writing, so that no question might arise—then let the commissioner proceed to give him a trial as a police court does, a summary trial, or if he desires a jury trial, why not let him impanel a jury as a justice of the peace and try him? He then has his right of appeal. I do not think we could cut him off from that. I do not think it would be wise to do it.

I believe that 90 per cent of all these misdemeanor cases now clogging the courts in my country could be disposed of promptly, as well as a large percentage of the criminal matters in the Federal court. I believe we could get an entirely competent man for $2,000 a year. There would be no other machinery. He would be his own clerk, as a justice of the peace, in my State and in many other States, is his own clerk. He would issue his own process. The deputy marshal could impanel a jury for him or summons it if it were demanded.

I can not agree with the Senator from Ohio, who seems to suggest that it would detract from the dignity of the court. The Federal courts become like police courts. You can not get within a block of the Federal court down in my country because of the negroes who flock around there. They have a perfect right to come; they have been asked by the marshal to come. I am not falling out with that, and do not speak disrespectfully; but they look upon it as a great day when they go to court. They literally sit all over the court, from foundation to roof; they are on every step; and one proceeds up and down the stairs with difficulty when going before the jury to testify or before the court to enter a plea.

The court can not be harsh with them. I have heard some folks now and then, who did not understand, say that a negro ought to have the same kind of a trial as a white man; but those who know him do not insist that he shall have that kind of trial and take that sort of punishment. I know that in my section of the country 90 per cent of the criminal business of the courts could be disposed of by police tribunals, leaving the district court a dignified tribunal to try cases of importance, and not compelling men to serve on juries and the court to try cases that ought to be settled by a police tribunal and that could be so settled, I am sure.

Mr. SHORTRIDGE. Will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I yield to the Senator from California.

Mr. SHORTRIDGE. The remarks of the Senator from Arkansas [Mr. CARAWAY] prompt me to recall to Senators a portion of the fifth amendment of our Constitution, which reads:

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

Of course, we understand full well the meaning of those words, namely, "capital or otherwise infamous crime," the latter term conveying in legal meaning the idea of felony, which is a crime punishable by imprisonment in the penitentiary. It is perfectly obvious that a defendant who was accused of violating the prohibition law, where the punishment may exceed one year and be carried out or inflicted in the penitentiary, could not be proceeded against without presentment or indictment by a grand jury.

There is another thought of which I would remind Senators, and that particularly because of the remarks of the Senator from Arkansas, who appears to suggest the erection of inferior tribunals for the trial of so-called minor misdemeanors. Of course, the judge presiding over such an inferior court would be performing judicial functions; the tribunal would be a court, and the presiding judge would be a judge; and in and about the trial there would be the performance of judicial functions.

Mr. CARAWAY. And, if I may suggest to the Senator from California, as Shakespeare said, "A rose by any other name would smell as sweet." I do not care whether such an official be called a judge or a commissioner.

Mr. SHORTRIDGE. The Senator from Arkansas will see the importance of what I am saying. The tribunal would be a court, which has been defined to be a place wherein justice is judicially administered. If we turn to Article III of the Constitution, perhaps, the purpose of my rising will be observed. Section 1 of Article III of the Constitution reads:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior.

Mr. CARAWAY. If the Senator will pardon me, I admitted that in my very opening statement. I said that I conceded judges would be appointed during good behavior. I never doubted that.

Mr. SHORTRIDGE. Then, do I understand the Senator from Arkansas to advance the idea that, should we create these inferior tribunals, then we concede that they would be courts, that the presiding judges would be exercising judicial functions, and that necessarily, therefore, they would have to be appointed for good behavior or during life?

Mr. CARAWAY. I say I think it goes without saying that one who has the power to hear and determine a matter judicially is a court, I do not care what he may be called, and under our Constitution he must hold office during good behavior. I concede that. I do not think any lawyer would contend otherwise.

Mr. SHORTRIDGE. If the Senator from Iowa will pardon me a moment longer, in respect to the suggestion of inferior tribunals to try misdemeanors, I desire to say that personally I am unalterably opposed to that suggestion or any such court. My views are grounded upon this fundamental conviction of my life, that liberty is far more precious than property. The liberty of the humblest man should be hedged around about and guarded by the ablest judges who can be found. Therefore I am opposed to the idea that so-called minor offenses should be disposed of by men of inferior attainments or courts of no importance.

Mr. CARAWAY. May I suggest that under the same theory, then, the Senator from California is opposed to police courts, for such courts, as ordinarily constituted, are certainly inferior to, we will say, courts of larger jurisdiction.

Mr. SHORTRIDGE. Yes; but in every State of the American Union, I think, there is the right of appeal from the so-called inferior courts.

Mr. CARAWAY. And there would be in this case.

Mr. SHORTRIDGE. There might be.

Mr. CARAWAY. I do not think we could take away from a citizen his inalienable right to appeal; nobody would suggest that it could be taken away; but I do not believe that the man who enters a plea of guilty would care to appeal.

I beg pardon of the Senator from Iowa for taking so much of his time; but, if he will pardon me, I should like to make one further observation. I do not know how it is in California, but in my State there are no such things as professional bondsmen, and many men who would enter pleas of guilty, if they were permitted to do so, when they are first arrested will stay in jail for two or three months awaiting the opening of the court. They would have had their cases disposed of and would be serving their sentences or would have gone back home while they lie in jail waiting for trial.

Mr. KING. Waiting for the grand jury?

Mr. CARAWAY. Waiting to be indicted; yes.

Mr. CUMMINS. Mr. President, the discussion of this particular subject is very interesting. I have no doubt that our system can be improved, although I feel, as the Senator from California has suggested his feeling to be, that we ought not to be careless or indifferent about the rights of those who are accused of crime. I think we will begin the reform, when we take it up, by amending the Constitution, so that it will not be necessary to call a large body of men to charge crimes of lesser character. I do not believe that the grand-jury system, as found in the Federal statutes, and as we find in a great many of the State statutes, ought to continue in its full vigor. Many of the States have already provided for trying persons accused of crime upon information without an indictment, and I think that that will gradually become, if we ever get courage enough to change our Constitution, the practice of the United States. However, the plan suggested has not been worked out; it has not been proposed by way of amendment, and I rather think that the time we consume in discussing proposed changes of that character is so much time wasted. The committee has not attempted any radical reform of that kind, nor do I believe that any considerable number of Senators want to attempt any radical change of that character.

I have now endeavored to inform the Senate with regard to the assignment of the several additional judges proposed by this bill, and Senators will be in a position now to compare the showing which has been made respecting the business of the various districts, and to ascertain for themselves whether we have assigned the additional judges to the districts to which they ought to be assigned. I have no doubt when we come to that detailed inquiry it will be found exceedingly interesting, and it will be discovered that there is very great conflict of opinion about it.

I pass now to section 3. I desire to explain that section of the bill before I take up section 2. Section 3 is a revision of the Judicial Code, with which I assume all Senators are familiar, respecting the assignment of district judges and circuit judges; that is their assignment, in the case of circuit judges, to district work, or, in the case of district judges, to districts other than their own.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. CUMMINS. I yield to the Senator from Louisiana.

Mr. BROUSSARD. I note that the report of the committee, where the bill as reported is set out, on page 2, section 13, reads as follows:

> A district judge for a district may be designated to act in another district of the same circuit—

The words are "in another district of the same circuit." On the other hand, the bill itself, on page 13, reads:

> A district judge for a district may be designated to act in another district or the same circuit.

Which is correct?

Mr. CUMMINS. The correct wording is "of the same circuit."

Mr. BROUSSARD. In the bill the words are, "or the same circuit."

Mr. CUMMINS. That is a misprint; that is all.

Mr. BROUSSARD. While I am on my feet may I ask the Senator from Iowa, is it the purpose of this bill to assign a district judge or a circuit judge to another circuit?

Mr. CUMMINS. It is the purpose of this bill to permit the assignment of district judges to other circuits.

Mr. BROUSSARD. To other circuits?

Mr. CUMMINS. To other circuits. That may be done now under some circumstances.

Mr. BROUSSARD. Is it proposed to enlarge that power?

Mr. CUMMINS. It is proposed to enlarge that power.

Mr. BROUSSARD. In other words, is it the understanding of the Senator that a judge from Minnesota may be assigned to Louisiana?

Mr. CUMMINS. It is.

Mr. BROUSSARD. What is the purpose of that provision?

Mr. CUMMINS. The purpose of the present statute as well as the purpose of this proposed legislation is to utilize to the fullest extent the judicial force of the United States, so that we need not create more district judges than are necessary to perform the work.

Mr. BROUSSARD. But it is proposed to create additional judges under this bill?

Mr. CUMMINS. Certainly; but if we did not put provisions in the bill that would enable us to utilize the full strength of the judges or mobilize them, in a certain sense, we would find it necessary to add many more judges than it is proposed to add here.

Mr. BROUSSARD. Mr. President, I had thought at the time the eighteenth amendment was submitted that we would have to reduce the number of judges in the United States. I see now that it is proposed not only to add 18 additional judges, but to shift them around and have men tried by judges who possibly are not altogether in sympathy with the ideas of the people over whom they are presiding.

Mr. CUMMINS. I hope the Senator from Louisiana does not suspect that the Committee on the Judiciary proposed this enlargement of the power of assignment in order to inflict upon any community a judge whose sentiments might not be in harmony with those of the people of that community.

Mr. BROUSSARD. Does not this bill provide for that very thing?

Mr. CUMMINS. It can be done now.

Mr. BROUSSARD. Is not that the purpose of this bill?

Mr. CUMMINS. I never heard of such a purpose.

Mr. BROUSSARD. Why not create a sufficient number of additional judges in each circuit to take care of the business of that circuit?

Mr. CUMMINS. Simply because we want to limit the increase as much as possible. We are not courting additional expense. This bill if it is passed in its present form will probably entail an additional expense of $200,000 annually. I estimate the annual expense incurred in the salaries of these judges and in the necessary attendants upon these judges to be about $11,000 for each additional judge; and we want, of course—and I am sure the Senator from Louisiana is in sympathy with that desire—to limit the expense of the Government of the United States as much as possible.

Mr. BROUSSARD. I regard it as fundamental that a judge appointed for a given district is appointed to preside over the cases which arise among the people occupying that jurisdiction.

Mr. CUMMINS. That never has been so.

Mr. BROUSSARD. I think it is absolutely contrary to the principles of our Government to assign a judge from a distant territory to preside over cases arising in another community.

Mr. CUMMINS. The United States found it necessary long ago to abandon that principle. It never has prevailed. Otherwise, we must have a Supreme Court of the United States in every State, and we must have circuit courts of appeals in small communities. All these judges are compelled to try and decide cases which arise long distances from their homes.

At any rate, it is the purpose of section 3 to enlarge the power of assignment of judges so that the judges can be employed to their greatest capacity, and the general idea of the

section is this: Possibly I can give better information by simply reading it.

A district judge for a district may be designated to act in another district of the same circuit—

It ought to be "of the same circuit"; it is printed "or the same circuit."

(including territory attached thereto)—

That means such territory as is attached under the law to various circuits—some of the ninth circuit, some of the first circuit, and so forth.

(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district.

(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district—

I want Senators to remember that that is practically the law now, and has been for many years.

(c) In aid of a district judge when the public interests so require.

These are the circumstances and conditions under which a district judge can be assigned to work in another district of his circuit, and the assignment is to be made by the senior circuit judge of that district.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. Why should not this bill provide that a district judge may be sent from one circuit into another?

Mr. CUMMINS. I shall come to that presently.

Mr. POMERENE. It can be done now. That is, they are sent from our circuit to the New York circuit.

Mr. OVERMAN. It applies only to New York.

Mr. CUMMINS. That is the only circuit, however.

Mr. POMERENE. I know; but why should it not be so? I do not know now of any particular case in which there is a necessity for anything of that character, but it seems to me that it might arise.

Mr. CUMMINS. That is precisely what we think. We want the district judges to be assignable throughout the country just as they are now assignable to the New York circuit.

Mr. SHIELDS. I should like to say to the Senator from Ohio, however, that that is a question on which there is a very serious division of opinion, and was before the committee; and I hope he will reserve his judgment until he hears what will be said upon that subject.

Mr. POMERENE. I can conceive of possible objections to it; but while I agree with the Senator that it should be hemmed in with certain restrictions—I have no doubt about that—it has occurred to me that there might be a good many times when it would be found good policy to do it.

Mr. CUMMINS. I hope Senators will dismiss the political notion from their minds, for there can not be any politics in this suggestion. It disparages and destroys our respect for the courts of the country to assume or even to harbor the thought that the Chief Justice of the United States or the senior circuit judges of the nine circuits of the United States will exercise their right of assignment in order to accomplish any political purpose. If I believed that to be true, I should want to abolish all the courts. If I could not hold enough confidence in the judicial tribunals of my country to believe that they will act judicially and fairly in order to secure the best results in the disposition of cases pending in the various parts of the country, I should be rather ashamed to be a citizen of the United States.

Mr. BROUSSARD. Mr. President, may I interrupt the Senator?

Mr. CUMMINS. Certainly.

Mr. BROUSSARD. Would the Senator advocate, for instance, that a law violator in one section of his State should be tried by a judge from another jurisdiction, or that a party charged with an offense in the southern portion of his State should have a judge from the northern portion of his State assigned to try him?

Mr. CUMMINS. We never have made any distinction. We do not know any difference between the northern part of our State and the southern part of our State.

Mr. BROUSSARD. Would it aid in establishing confidence in the courts of the State if such were the case?

Mr. CUMMINS. The confidence never has been impaired in my State. Litigants would just as soon try their cases in the northern district as in the southern district and in the southern district as in the northern district. We have respect for and confidence in both our judges, and it never occurs to us, and I hope it does not occur to anybody that——

Mr. BROUSSARD. I would suggest to the Senator that I am familiar with the laws of the State of Louisiana, and there the constitution guarantees that a man shall be tried by the judge of the jurisdiction, except in certain cases where the accused party may ask for a change of venue. I do not know what the law is in the Senator's State, but I assume that it is the same.

Mr. CUMMINS. Does the Senator from Louisiana suggest that under no circumstances should a Federal judge outside of the State of Louisiana try a case in Louisiana?

Mr. BROUSSARD. No; but there are a number of districts in that circuit, and I claim that one of the judges in that circuit should be assigned to that district.

Mr. CUMMINS. There is no more community between the western tip of Texas and Louisiana than there is between Louisiana and Missouri, and therefore there is no more danger in taking a judge from without the circuit than there is in taking one from within the circuit.

Mr. BROUSSARD. That may be; but if that be a fact why not restrict the bill to the circuits?

Mr. CUMMINS. Simply because there are some circuits in which the amount of work is so great that the judges we have added here will be wholly unable to administer justice with the celerity required.

Mr. BROUSSARD. Then the Senator admits that this bill does not meet the demands?

Mr. CUMMINS. I do not admit it. On the contrary, I think it does meet the demands.

Mr. BROUSSARD. With this provision; but——

Mr. CUMMINS. It would meet the demands less perfectly, it would be less adequate, if this provision were stricken out. I quite agree to that.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. Certainly. I yield.

Mr. CARAWAY. I happen to know, or else the spokesman of the people did not correctly represent them, that this bill with section 2 in it is being supported by a certain powerful influence because they believe that if judges in a certain circuit do not enforce the law according to their ideas they can send some other judge to that circuit to do it. I happen to have been approached by the representative of these people and urged to support the bill with section 2 in it; and he said that if section 2 was stricken out, the bill, so far as they take an interest in it, would be destroyed. It was the idea—and the man is a lawyer, and I understand that he gets $25,000 a year—that they would hold over a judge the constant threat, "If you do not enforce the law according to our ideas, we will put somebody else there who will"; and, if I may say so to the Senator from Iowa, in my section of the country we had a very striking example of sending in a judge who was not in sympathy with your views. Even I can remember when one sat upon the bench, and if you had a right you could not protect it, and therefore you had as well not have it at all. They were men of ability, too, and yet everybody shudders as he remembers the kind of justice that was dealt out under those men. One of them used to be chief justice of my State when they had the right to name a chief justice without consulting the people, and one sat on the Federal bench in my district; and I know, and the Senator knows, and we need not try to disguise from each other the fact that people may have wholly different ideas.

Suppose, for instance, the antilynching bill were to pass. Of course it never was intended to be passed; it was only a bid to induce the negro to continue to vote the Republican ticket; but if it were at some time to become the law, do you not know that there will be a constant threat held over the judges in some sections, "If you do not try these causes according to our view, we are going to get back of the matter with this powerful organization and send a judge there who will try them according to our idea"? That is a threat, and it is a thing that will do more to discredit the judiciary than anything else. It is a constant threat held over the judge that "if you do not try these causes the way we desire, if you do not get the results that we want, we will send somebody here that will." It is a humiliation to which no judge ought to be compelled to submit. Of course the Senator can laugh it away.

Mr. CUMMINS. I am wondering if the Senator has not disposed of his own objection when he said he felt there was no probability, or possibility even, that the antilynching law would be passed.

Mr. CARAWAY. I do not think the proponents of it were expecting to pass it. That is just merely an invitation to continue to be faithful.

Mr. POMERENE. May I interrupt the Senator a moment?

Mr. CARAWAY. Certainly.

Mr. POMERENE. Do I understand the Senator to say that there is an organization which intends to hold threats over the

judges in connection with their action in cases pending before them?

Mr. CARAWAY. A gentleman coming from the Senator's own State came to me about this bill, and wanted to know if I would support it. I said I could not support it with section 2 in it, and he said, "That is the thing we are most interested in. There are judges who do not enforce the law, and if we have not some power to send other judges into such districts, I do not know what we are going to do," and he followed me clear down the hall to argue with me that if I favored enforcing certain laws we would have to have section 2 in the bill, so that they could get a judge who was in favor of enforcing the law. The Senator from Iowa and I talked about that very matter yesterday.

Mr. CUMMINS. Inasmuch as the Senator has gone so far, I think he must go a little further, and he must not leave all the influences which are supposed to be about Washington under this cloud.

Mr. CARAWAY. Unless the gentleman who came to me and had the conversation should permit me to make it public, I shall have to decline to do it, though I have no doubt but what he has approached a great many other Senators on this same matter. He came to me with that idea. I know there are other Senators who are disgusted with it; I feel certain of that. I know, and the Senator from Iowa must know, that that is the only excuse for that provision in this bill.

Mr. CUMMINS. I want to assure the Senator from Arkansas that during all of the consideration of this bill in the committee I never heard a suggestion of that character. No member of the committee made any such suggestion, no one from the Senate made any such suggestion, and no one from the outside made any such suggestion. I do not doubt but that the Senator from Arkansas has been stating the facts accurately, but I think inasmuch as he has disclosed that part of it he ought to take measures so that he would be at liberty to disclose the rest of it.

Mr. CARAWAY. I shall very gladly communicate with the gentleman, because, while I do not think it was confidential, I have always hesitated to repeat private conversations; I am very much averse to doing that. I am astonished at the statement of the Senator that it has never been suggested that that was one of the ideas behind this provision, because members of the committee have suggested that very thing to me. It has been rather fully discussed and rather fully understood, and not later than 15 or 20 minutes ago a member of the committee discussed that very feature of it with me. I understood that section 2 had been stricken out of the bill, and then reconsidered and put back into the bill. Is not that true?

Mr. CUMMINS. That is true.

Mr. CARAWAY. It went out on account of hostility to sending alien judges into districts to try cases, to giving to the Chief Justice the power to send out a horde of judges all over this country to designated places, concentrating in his power the whole judiciary system.

Mr. CUMMINS. The Senator has mentioned two perfectly distinct things. It was presented to the committee and argued very earnestly, and for a time very effectively, by the Senator from Tennessee, that the power of assignment should not be enlarged, because it was better that the judges should be confined in their judicial work to their own States, or to their own districts. That is true; but when I say that it was never even hinted that there was any organization——

Mr. CARAWAY. I did not say that that was suggested in the committee.

Mr. CUMMINS. When I say it was never hinted that there was any organization interested in having this section as distinguished from some other provision of the bill, I say what I believe to be the fact. I have heard of that since the bill was reported, but I am sure all the members of the committee will bear me out in saying that no such suggestion was ever made in the committee, and it is perfectly shocking to me to have it thought that the Chief Justice of the United States and the nine senior circuit judges could be approached by any selfish interest in order to secure the assignment of judges to particular localities in the country.

Mr. CARAWAY. I presume the Senator can, and I will let him, choose his own language. I never said anybody could approach the Chief Justice.

Mr. CUMMINS. Under this bill the Chief Justice is the only person who can assign district judges beyond their own circuits.

Mr. CARAWAY. Suppose the Chief Justice is sick or absent; can not an associate justice do that?

Mr. CUMMINS. If the Chief Justice is absent or ill, he must have some one to act in his stead.

Mr. CARAWAY. I wanted to show the inaccuracy of the statement of the Senator that the Chief Justice alone could do it. I did not say there would be any corrupt or selfish motive. It might be the honest conviction of the Chief Justice of the United States that a certain judge was not disposing of the business as he believed it ought to be disposed of. He could send somebody else into that district to do it.

It is personal government, so far as the Chief Justice is concerned. It is wrapped up on the bosom of the Chief Justice to determine whether or not he ought to send judges to certain districts.

Mr. CUMMINS. Is not the Senator from Arkansas willing to put enough confidence in the Chief Justice to believe that he wants to have the judicial business of this country done, and that he will select judges, if they are to be sent out of the circuits in which they reside, with reference to the business to be done? If New York requires an additional judge, he will send one to New York. If Philadelphia requires an additional judge, he will send one there. I can not imagine how the business of this country can be done without such a provision. The Chief Justice has the power now with reference to the second circuit.

Mr. CARAWAY. The judges now can go if they are willing to go. I want to ask the Senator a question. The constitution of my State, and I expect of his State also, has a provision in it about which I want to ask him. The Senator asked me if I had confidence enough to trust to the Chief Justice. I would not intrust the liberties of this country to any one man selected for life, I do not care whether he was the present Chief Justice or one who has gone or the one who is to come after the present one. I have an idea that the makers of the constitution of the Senator's own State provided, as I know they provided in my State, that a man must be tried where he is accused of committing an offense. The makers of the constitution of my State said that there is not power enough under heaven to make a man go out of the county where he is accused of committing a crime to be tried. He has a right to be tried where the offense is alleged to have been committed, to be tried by a jury of his peers, men who know him. He has a right to be tried by the judge of that locality, and you can not force him out of that jurisdiction.

The makers of the Constitution were so jealous of the rights of the individual to a local trial, by people who knew him and knew the conditions, that they wrote a provision into the organic law that you can not remove him for any cause. If it transpired in a county in my State—and I suspect the same is true of the Senator's State—that you could not get a jury because practically everybody had formed or expressed an opinion, it would be thought best to let the man go untried, to let justice be defeated, rather than to give somebody the power to take him out of that jurisdiction, where a jury can be had, or to go out of that jurisdiction and bring a jury in.

Mr. CUMMINS. This does not change that.

Mr. SPENCER. Either side could have another judge. The accused is not entitled to a judge of the district in which he lives. Either the State or the defendant could remove the judge from the bench by a change of venue.

Mr. CARAWAY. The Senator does not know the constitution of my State.

Mr. SPENCER. Is not that true in Arkansas?

Mr. CARAWAY. Nobody can remove the judge except by impeachment. If everybody knew he was not enforcing the law, unless you could impeach him before the legislature, he would have a right to sit, and nobody would have a right to remove him.

Mr. SPENCER. Does the Senator mean to say that in the State of Arkansas, if either the defendant or the State makes an application for a change of venue on the ground of the prejudice of the judge, there is no provision by which another judge may be called into that district?

Mr. CARAWAY. No; you can not disqualify the judge. I dare say that in the Senator's own State there is a wise constitutional provision that a defendant can swear that the judge will not give him justice and he can go somewhere else.

Mr. SPENCER. That is not true in my own State.

Mr. CARAWAY. Can he not get a change of venue?

Mr. SPENCER. He does not go anywhere else, but they bring in another judge, and I suspect that is the law in Arkansas.

Mr. CARAWAY. I happen to know it is not the law. It is a good guess, but it is not the law. Under this bill, instead of trying to remove the defendant out of the jurisdiction, you give one man the power to send in a judge. Of course, all of us know about how influential and strong a trial judge may be in the Federal courts, with the power to question the veracity of every witness who appears for the defendant, if it is a criminal case, with the power to express an opinion as to the weight of

the testimony and the credibility of the witnesses; with the power to tell the jury that, in his judgment, the defendant is proven to be guilty of the offense of which he stands charged. If he does say somewhere in the charge, "Of course, you are the sole judges of the weight of the testimony and the credibility of the witnesses" that will remove all error. The trial judge may become as much of a tyrant now as Jeffreys was in England when he made his reign the infamy of the courts.

Mr. SPENCER. Mr. President, if the Senator from Iowa will permit me a moment, the power does not lie, under this bill——

Mr. CUMMINS. I must not stand here and have this immaterial argument go on.

Mr. SPENCER. Will the Senator yield to me for a statement?

Mr. CUMMINS. I yield for a statement.

Mr. SPENCER. Under the provisions of this bill the power does not rest in any single man or any single judge to send a judge from one circuit into another. There must first be the request of the senior judge of the circuit to which the man is to be sent, and then there must be the consent of the senior judge of the circuit from which the man is sent, and when those two combine, then the Chief Justice of the United States makes the designation. How there is any danger in that provision I do not see.

Mr. SHIELDS. The Senator is mistaken in the bill. No such thing is provided for. There is a clause in the bill allowing the Chief Justice to make the designations whenever in his opinion the public interest requires it. I am not going to interrupt the Senator from Iowa further to go into that.

Mr. SPENCER. I do not find that.

Mr. SHIELDS. The Senator has not considered the bill. He is not on the committee. If he looks at the bill he will find that it provides as I have stated.

Mr. SPENCER. I shall be glad to have the Senator point out that provision to me.

Mr. SHIELDS. I will do it at the proper time.

Mr. CUMMINS. When asked the question by the Senator from Arkansas, I was about to read that part of the bill which gives to the senior circuit judges the right to assign district judges.

The second paragraph of section 3 provides:

(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that conditions (a), (b), or (c) exists.

Mark yes, that is when a judge is physically or mentally unable for the time being to perform his duties or is necessarily absent from his district; or—

(b) In aid of a district judge who on account of accumulation and urgency of business is unable to perform speedily all the work of his district.

(c) In aid of a district judge when the public interests so require.

The closing phrase of paragraph 2 is:

Whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

This is the provision, if Senators will carry the matter in mind, for the assignment of judges from one district to another in the same circuit.

Section 3 also amends section 14 of the Judicial Code as follows:

A circuit judge may be designated to act as district judge in any district of his circuit or of attached territory in any case where a district judge might be so designated.

That, of course, is for the purpose of utilizing as fully as possible the full strength of the circuit court of appeals. That is, when the circuit court of appeals can spare a circuit judge, that circuit judge can be assigned to the work of the district courts, and the designation is to be made by the senior circuit judge.

(3) This section shall apply to the circuit judges formerly comprising the Commerce Court.

I come now to the point that is particularly objectionable to the Senator from Arkansas.

Sec. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof in case—

Now appears the provision referred to by the Senator from Missouri [Mr. SPENCER]. These things must concur in order to warrant the assignment of a district judge beyond his home work:

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

Those are the things that must be certified in order to give the Chief Justice the right to make the designation, and then it provides:

Such designation may be made by the Chief Justice, if, in his judgment, the public interests so require.

Mr. POMERENE. Mr. President, will the Senator yield for a moment?

Mr. CUMMINS. Certainly.

Mr. POMERENE. I think it may be pertinent to the feature of the bill which the Senator is now discussing for me to observe that in the State of Ohio, because largely of the rapid increase in our industrial centers, the litigation in those centers has very largely increased, and the litigation, perhaps, in the rural districts has been correspondingly decreased. About eight or nine years ago our legislature passed a law which authorized the chief justice of the supreme court of the State to take common pleas judges from one county or district and send them into other counties where there was an overcrowded docket. They even go to the extent of taking judges from counties where there is plenty of litigation to occupy their time and arrange an exchange with other counties.

There are 88 counties in the State, and I think in the eight or nine years that system has been in existence there has not been a single complaint against it. I believe my colleague would verify the statement in that behalf. I know it has been eminently satisfactory, not only to the judiciary but to the lawyers and to the litigants as well.

Mr. WILLIS. Mr. President——

Mr. CUMMINS. I yield to the junior Senator from Ohio.

Mr. WILLIS. I only want to confirm what my colleague has said. We have had exactly this system for a number of years. I am somewhat familiar with its operation, and I have yet to hear of the first complaint that has been made against its operation. It has worked perfectly, to the universal satisfaction of our people.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Senators from Ohio have just stated a condition that exists in every State in the Union. There is no such question in this matter. This is the case of sending lawyers from the Atlantic to the Pacific or from one State to another, from far-distant manufacturing States to agricultural States, mining States, or grazing States, where they have different systems of law, where they would be at a loss to administer the law in that particular jurisdiction to which they are going. In a State the same laws apply to every county, and there is nothing more common than an exchange of judges within the same State, administering the same law to the same people and trying them before the same jury. That is not a parallel case.

Mr. CUMMINS. It is difficult to understand the statement of the Senator from Tennessee in view of the fact that for years there has been the right of assignment within the circuit, and the circuit judge could assign a district judge in North Dakota to hold a court in Arkansas, and he could assign a district judge in Utah to hold court in Minnesota. There is as much variety in the nature of the cases which arise in that territory as there is in the entire United States.

I am afraid that we are beginning to think on very narrow and sectional lines. There never has been any complaint with regard to the assignment of judges. The only hope is, at least the only purpose is, that we shall be able to utilize the strength of these judges to the best possible advantage. If the Chief Justice finds that a district judge in Iowa has not sufficient business to fully occupy his time, he can send him to Ohio, he can send him to New York, he can send him anywhere, provided always that certain conditions which are prescribed in the bill are fulfilled.

The suspicion of the integrity of the appointing power or assigning power provided for in the bill is entirely new to me. It comes as the greatest surprise of my senatorial career. I did not know that Senators had any prejudice against the courts of the United States or any suspicion that they would not and do not discharge their duties with the utmost fidelity. It will take me at least a little while to become familiar with that idea, because I did not hear a word of it in the committee and I did not know that it exists in the Senate.

Mr. WILLIS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. WILLIS. Is it not a fact that the plan the Senator has been so clearly describing has been in effect for many years in

that provision of the law which makes possible the designation of district judges all over the United States into the second circuit?

Mr. CUMMINS. The law which allows the district judges to be assigned to the second circuit is not very old, but I think it has given the highest satisfaction. The judges who have been assigned to the districts in New York have performed their duties in a way that commended them, I think, not only to the people of New York, but to all the people who are familiar with their work.

(At this point Mr. CUMMINS yielded the floor for the day.)

Friday, March 31, 1922.

Mr. CUMMINS. Mr. President, when the Senate suspended the consideration of this bill some days ago I was considering section 3 of the measure, and inasmuch as some time has elapsed since the Senate had the matter under consideration, I am tempted to and I will venture upon some repetition, but as little as possible.

This bill in its first section provides for the appointment of 19 additional district judges of the United States. I had pointed out, in my former observations, the districts in which these additional judges were to be appointed and the circuits in which they are to be located. I do not think I need repeat what I said on a former occasion with regard to the necessity of an additional judicial force in our judicial system; at least I will not reiterate what I said before with regard to the state of the various dockets throughout the country.

If the report of the Attorney General, from which my statistics have been taken, is to be relied upon, it must be assumed that there is very great need of additional judges, for we now present the spectacle of both criminal and civil cases remaining undisposed of for years at a time. Just now there are thousands of civil cases which ought to be speedily disposed of. There are even more criminal cases which the lowest conception of the administration of justice requires shall be tried and judgments entered therein without delay.

After pointing out what the bill proposes with regard to the appointment of additional judges, I had passed to section 3, as I thought that logically it should be considered before we approached the consideration of section 2. Section 3 contains the provisions which are believed to be necessary with regard to the designation of judges to perform their judicial duties beyond the districts for which they were originally appointed.

A very considerable debate arose at this point in my discussion, and without referring to the general character of that debate, because there at once developed differences of opinion with respect to this part of the bill, I may say that it seems to be assumed that the bill proposed some very radical departure from the former policy of the country with regard to the designation of judges to perform their duties outside their own districts, and for the purpose of bringing my discussion to a close I take up at this time the present law upon that subject. Some Senators seemed to forget that we had any provision in our statutes authorizing the appointment or designation of district judges and other judges for work beyond their own districts, and I think I ought to make the existing law upon that subject perfectly clear, in order that we may intelligently consider what additional authority is given for the designation of judges.

Section 13 of the Judicial Code provides:

When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, any such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said court and to discharge all the judicial duties of the judge so disabled during such disability.

Thus, as Senators will observe, in the case of the disability of a district judge to continue his duties a circuit judge may designate some other district judge to hold court in the district of the disabled judge, but it will also be observed that it must be within the circuit in which the home district of the disabled judge lies. I proceed:

Whenever it shall be certified by any such circuit judge, or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice—

I want Senators to remark that, because it will become a point of argument, and possibly of difference, when we come to consider the bill now before us—

The Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled during such disability. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed.

I want to emphasize the provisions of this section of the statute. In the event of disability the circuit judge of the circuit may designate a district judge to supply the place of the disabled judge, but that designation must fall within the circuit within which the district lies, and when it is desired to designate a district judge for work beyond the circuit in which his district is, then the designation is to be made by the Chief Justice of the United States. I will point out a little later or more fully just wherein the proposed bill enlarges this authority. But the distinctive characteristic of the section I have just read is that there must exist disability on the part of the district judge whose place is to be supplied.

Section 14 of the judicial code provides—and mark this:

When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof. Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district, and discharge all the judicial duties of the district judge therein. (36 Stat. L. 1089.)

It will be noted that this section provides for the very condition which we are attempting to guard against or to remedy in the present bill; that is, when there is an accumulation or urgency of business, the circuit judge may appoint any district judge to perform his judicial duties beyond his own district, but in the same circuit. So much we have provided in the pending bill.

Section 15 provides:

If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit; and said appointment shall be transmitted to the clerk and be acted upon by him as directed in the preceding section. (36 Stat. L. 1089.)

Section 16 simply continues the power for making changes from time to time.

Section 17 provides:

It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section 14, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit. (36 Stat. L. 1089.)

That means, of course, that the senior circuit judge may designate one of his associates to perform the duties of a district judge whenever the public interests so require.

Section 18 provides:

SEC. 18. Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge, or associate justice, or Chief Justice shall designate and appoint any circuit judge of the circuit to hold said district court. (36 Stat. L. 1089.)

These are the general provisions of the Judicial Code with regard to the designation of judges to hold courts in other places than those in which they ordinarily hold courts.

We have one special act which applies to the subject. In 1913 there was passed an act which applies only to the second judicial circuit. I assume that it was made applicable to that circuit alone because of the tremendous accumulation of business in and about New York City. I read that part of it which seems to be pertinent:

Whenever it shall be certified by the senior circuit judge of the second circuit, or, in his absence, by the circuit justice of said circuit, that on account of the accumulation or urgency of business in any district court in said circuit it is impracticable to designate and appoint a sufficient number of district judges of other districts within said circuit to relieve such accumulation or urgency of business, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court within the said second circuit, and to have and exercise within the district to which he is so assigned the same powers that are vested in the judge thereof: *Provided*, That such judge so designated and appointed shall have consented in writing to such designation and appointment; *And provided further*, That the senior circuit judge of the circuit within which such judge so designated and appointed resides shall certify in writing that the business of the district of such judge shall not suffer thereby. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court—

And so forth.

The thing that I wish to emphasize with regard to this special act is that we have not, in the bill now before us, enlarged

the powers of the Chief Justice further than to give him the right to designate or assign district judges to any of the circuits of the United States, precisely as in 1913 we gave him the power to assign district judges to any point in the second circuit. That is the substance of the additional power that we have given to the Chief Justice.

The pending bill differs from the special act in another respect. We have eliminated that part of the existing law which requires the consent of the designated judge. In every other respect there is no essential difference between the powers of the Chief Justice under the bill now proposed and the existing law relating to the second circuit.

I take up now, Mr. President, for very brief consideration the amendments which we have proposed to the law which I have just read. They are all in section 3 of the pending bill. I will comment upon them as I read them:

SEC. 3. That sections 13, 14, 15, 16, 17, and 18—

Which are the sections I have just read—

as amended by the act of October 3, 1913—

I have also read that act or its material parts—

of the Judicial Code, be amended to read as follows:

SEC. 13. (1) A district judge for a district may be designated to act in another district or the same circuit—

Senators will remark that there is a typographical error at that point which I will ask the Senate presently to correct. The word "or" should be "of."

another district of the same circuit (including territory attached thereto)—

(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is to be necessarily absent from his district.

It will be noted that the only change we make in the present law so far as this paragraph is concerned is that we add the provision "or who is or who is to be necessarily absent from his district." I am sure that there can be no reasonable objection to the addition of that contingency for assignment or designation.

(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district.

There is practically no change whatever as compared with the present law in that paragraph.

(c) In aid of a district judge when the public interests so require.

That is no enlargement upon the existing law.

(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that conditions (a), (b), or (c)—

And I have just read those conditions—

exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

The last phrase in that paragraph is added, but it is for the further protection of the home district and certainly no one can object to that.

SEC. 14. (1) A circuit judge may be designated to act as district judge in any district of his circuit or of attached territory in any case where a district judge might be so designated.

That is not essentially different from the present law.

(2) Such designation may be made by the senior circuit judge (who may designate himself) whenever he is satisfied that the occasion therefore exists and that the public interests so require.

That is simply a better and more complete expression of the thought of the existing law.

3. This section shall apply to the circuit judges formerly comprising the Commerce Court.

This is new in the present bill, and it ought to be explained, although possibly it is very clear to all Senators. A few years ago we created a court known as the Commerce Court. It was in existence a short time and was then abolished. The judges who comprised that court were circuit judges of the United States, and the bill which abolished the court provided that the circuit judges who composed the Commerce Court should be assigned to the several circuits for judicial work in those circuits. One of the judges was impeached, as we all know, which left four judges of that court, and they have been assigned to the several circuits. There is one assigned to the second circuit, one to the seventh circuit, as I remember, one to the fourth circuit, and one to the eighth circuit. The purpose of the paragraph which I have just read is to subject these judges to the same obligation in the way of designation and assignment as the judges who were regularly appointed as circuit judges and who compose the circuit court of appeals.

SEC. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof in case—

That is substantially provided for in the present law—imperfectly, it is true; but it is provided for completely, so far as the second circuit is concerned. This is to be done in case—

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

Here are the conditions upon which district judges may be designated for the performance of judicial labor in other circuits than their own. In my opinion we have surrounded this power with some safeguards which are not found in the statute as it now exists. They are not found even in the special act which was passed with regard to the second circuit. The bill further provides:

(2) Such designation may be made by the Chief Justice if, in his judgment, the public interests so require.

That does not give the Chief Justice any higher authority than he now has, except that it covers a broader field. It gives the Chief Justice the same authority with regard to all the circuits of the United States that he now has completely with regard to the second circuit, but he can not exercise that power unless the senior circuit judge of the home district—that is, the district from which the district judge is to be taken, and the senior circuit judge of the district to which aid is to be given—shall certify to the matters and things contained in paragraphs (a) and (b).

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I ask the Senator to yield to me for a question. Under subdivision (a), for instance, will the senior circuit judge of the district where aid is needed simply certify that there is need of the aid of an additional judge in that district generally, or will he certify that there is need of the aid of an additional judge and point out what judge and from what district he wants him to come, or will he simply certify that there is need of an additional judge in a certain district; and then is it for the Chief Justice to call on some senior circuit judge in some other circuit to ascertain whethere or not he could spare from that circuit a district judge, and then certify the district judge?

How will the Chief Justice be able to designate a particular judge from a certain circuit to be sent to a given district unless there is some specification as to the judge?

Mr. CUMMINS. The practical application of this bill, if it becomes a law, will be found in section 2, to which I am shortly to refer. Necessarily, even at the present time, there must be some communication between the Chief Justice and the senior circuit judge in order to reach a conclusion with regard to the need of additional help in a particular district. At the same time there must be some communication between the Chief Justice and the senior circuit judge of the circuit from which the judge is to be taken in order to ascertain whether, without injury to the public service, that judge may be taken from that circuit, and from what particular district he shall be taken in order to best serve the public interest.

Mr. FLETCHER. That is what I have in mind; that section 2 authorizes the Chief Justice "if, in his judgment, the public interests so require" to make the designation. It may be in the practical working out of the act these communications will develop the need and how the need may be supplied; but in subdivision (a) all that is required as to a circuit that is in need of an additional district judge is that the senior circuit judge shall certify to the Chief Justice that there is such a need. The bill does not point out how it is to be supplied or from what circuit a designation is to be made, or anything of the kind. The Chief Justice is given authority to make the designation; but how will he know from which circuit to make the designation unless he follows that up by inquiring in the different circuits?

Mr. CUMMINS. That may only be ascertained by preliminary communication between the Chief Justice and the senior circuit judges of the two districts which are concerned.

Mr. SHIELDS. Will the Senator from Iowa allow me to answer the inquiry of the Senator from Florida?

Mr. CUMMINS. I yield.

Mr. SHIELDS. The bill grants broad and unlimited discretion to the Chief Justice to select from the circuit the judge whom he wishes to select.

Mr. CUMMINS. I take it, Mr. President, that it would be unnecessary to put into the bill specific provisions with regard

to every step that must be taken in order to provide for the exercise of the power which we have given to the Chief Justice; but, as I remarked, that is one of the important reasons supporting section 2, to which, as I understand, my friend from Tennessee [Mr. SHIELDS] is not devotedly attached; but we will discuss that later.

I now read paragraph (3), of section 15, which is as follows:

(3) For the purposes of this section the District of Columbia is to be deemed one of the districts which may be aided and likewise a circuit, the Supreme Court of the District of Columbia is to be deemed a district court to which designations may be made, the justices of the court of appeals as circuit judges, and the chief justice thereof as the senior.

The application of that paragraph lies here: Judges of the district court, and in some cases of the circuit court, may be designated for judicial work in the District of Columbia, and judges may be brought, I assume, from any part of the country to aid the Supreme Court of the District of Columbia in the work which has accumulated in this District; but it is to be observed that there is no power given to assign the judges of the Supreme Court of the District of Columbia to labor beyond the District of Columbia.

SEC. 16. (1) The designation provided for by sections 13, 14, and 15 shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

I will not read the remainder of section 3, because I assume that there will be found no objection to the remaining parts of that section. It simply embraces what might be called the administrative portions of the proposed law and provides for presenting and preserving the evidence which shows that a judge doing his work in a particular place has authority under this proposed act to do it.

Section 4 of the bill proposes to create a new circuit judge for the fourth circuit.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield to the Senator.

Mr. SHIELDS. Before the Senator leaves the provisions of the bill which he has been discussing, authorizing the Chief Justice to designate judges to sit in different parts of the United States, I desire to ask him whether he thinks that power is necessary? The Senator will bear in mind other provisions of the bill creating 19 new judges to relieve the congestion which it was expected the Chief Justice would relieve by assigning judges; and, in addition to those 19, the Senator will also bear in mind there are amendments now pending, I believe, providing for six or eight other judges. If this bill shall pass, there will be some 25 judges, and therefore there will be no necessity of giving this great and unlimited and dangerous power to the Chief Justice to send judges around to try particular cases at particular places. I repeat my question, however, which is, If the appointment of the 19 or 25 new judges which are asked for shall be authorized, will there be any necessity of giving this additional power to the Chief Justice?

Mr. CUMMINS. Mr. President, I think that section 8, amending the several sections of the Judicial Code, is very desirable, even though we add no judge to our judicial force. I think that section is a great improvement in phraseology, and in its effect and in its administrative provisions, if you please, it is very much better than the present law; but I quite agree that if we had added no district judges to our system, in all probability section 3 would not have been considered necessary. However, inasmuch as we are adding very materially to our judicial force, it seems to be wise at the same time to revise these sections of the code. So far as the power of the Chief Justice is concerned, however, there is no considerable or appreciable addition to that power. There is one great change, and that is that when assigning judges to the second circuit under the existing law we must have their assent to the designation, whereas if section 3 is passed as it is now their assent will be unnecessary.

Mr. OVERMAN. Mr. President, does not the Senator see that there is a great change here in our judicial system, partaking of a military feature, in that we have a staff and chief of staff for the judiciary, and provide for the staff to be called to Washington to meet, and the chief of staff, the Chief Justice, will assign these men? Is not that an entire change in the system? Does it not partake of a military feature that we ought not to bring into force in connection with the judicial system?

Mr. CUMMINS. I think not. I am utterly unable to perceive any approach to a military system. The complete independence, the complete separation of the judicial system from all other departments of the Government, are preserved in this law even more sedulously than in the existing law.

I think my friend from North Carolina has one of these beautiful imaginations which are able to conjure up parallels where they do not exist. No; I am bound to say to the Senator from North Carolina that I have no such apprehension, and do not find in this bill any such suggestion.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. I should like to say that I differ with the Senator's statement that the complete separation of powers is preserved in this bill. On the contrary, I will undertake to show that they are very much confused, and that it is proposed to give the Chief Justice both legislative and executive powers; but that really is not the question I rose to discuss. As to an analogy of this to the military organization, what does the Senator think about its being copied after the system now prevailing in England, in which the Lord High Chancellor is the head of the judiciary? Chief Justice Taft, in his evidence before the Judiciary Committee of the House, testifying in behalf of this bill, said that he was the executive head of the judiciary. Now, the Lord High Chancellor of England is both a judicial and a political officer. He goes in and out with an administration. Are we not somewhat copying after the system in England in creating a political as well as a judicial head of the Federal judiciary?

Mr. CUMMINS. No, Mr. President; I see no similarity at all; and I must dissent from the statement of the Senator from Tennessee and declare, as far as my mind can comprehend the question, that under existing law the Chief Justice does not perform any legislative function, nor does the Chief Justice or any other judge perform any executive function, properly speaking. The Supreme Court of the United States appoints its clerk. It may be that the Senator from Tennessee has in mind that that is an objectionable executive function. Every district judge appoints the clerk of his district. That appointment must be made by some one, and I take it that the fact that appointments of that character are made by judges does not indicate that our judiciary is attempting to intrude itself upon either the legislative or the executive branches of the Government.

The appointment of a clerk by a court, while it has some executive characteristics, is not, properly speaking, an executive function; and that is true, of course, of all the officers that may be necessary to make up a completed system. I reply further to the Senator from Tennessee that this bill does not give to the Chief Justice a single function or a single power that he does not already have in character.

Mr. SHIELDS. Mr. President, we will disagree about that; but I want to refer to the statement the Senator made awhile ago that the appointment of a clerk was not an executive function. My recollection of the authorities is that all appointments to office are, in strictness, executive acts—executive functions. That is so stated in the textbooks upon the subject of the separation of powers. They all lay down that rule; but our constitutions, both Federal and State, do not follow that strict division of power but authorize the appointing power to be vested in judges and in legislative departments, and, of course, we are bound by the constitutions. As to the appointment of clerks by Federal judges, that is authorized by the Constitution. It is executive but it is constitutional.

Mr. CUMMINS. I agree entirely with the Senator from Tennessee; and it may be remembered that in my suggestion I said that the appointment of a clerk is an act of an executive character, but when performed by a judge—authorized, of course, by the law—it does not constitute an invasion of the executive branch of the Government or an invasion of the legislative branch of the Government.

Mr. SHIELDS. Because authorized by the Constitution.

Mr. CUMMINS. I am sure the Senator from Tennessee and I will agree upon that.

Mr. SHIELDS. Certainly; but that particular authority of the judiciary is conferred by the Constitution.

Mr. CUMMINS. It, of course, is conferred by the Constitution, or it could not be done and would not be done.

I was remarking, when interrupted by the Senator from Tennessee, that the fourth section of this bill provides for an additional circuit judge for the fourth circuit. Senators will recall the composition of the fourth circuit. It consists of the States of Maryland, Virginia, North Carolina, South Carolina, and West Virginia. This circuit never has had but two regular circuit judges. It is the only circuit in the United States which had not been previously provided with at least three circuit judges. You all know that the circuit judges constitute the circuit court of appeals; and until Judge Knapp, who was formerly a member of the commerce court, was assigned to the fourth circuit, that circuit had but two judges. The committee was of the opinion that the business in that circuit and the conditions which surround it entitled it to a third circuit judge, and section 4 so provides.

I now approach the part of the bill which has seemed to alarm some of my friends upon whose judgment I usually confidently rely, but which, as it seems to me, is not only a desirable part of the bill but, I think, it is a necessary part of the bill if the distribution of our judges throughout the country in order to accomplish more perfectly than is now being done their judicial work shall be successful. I will take the liberty of reading it. Allow me first, however, to remind Senators that section 3 of the bill, as well as the present law, imposes the duty of designation upon two classes of judges. When district judges are to be designated within their respective circuits, the senior circuit judge executes that duty. When district judges are to be designated to points beyond their respective circuits, the chief justice is to perform that task.

I want Senators to remember that this division of authority—and it is a necessary division of authority—requires absolutely, and by virtue of its own arrangement, some kind of consultation between the circuit judges and the Chief Justice. The inquiry of the Senator from Florida [Mr. FLETCHER] made that very clearly apparent. When the Chief Justice has the authority to take a judge from a circuit and assign him to duty outside the circuit, and the senior circuit judge of that circuit has the authority to take a district judge and assign him for duty within the circuit, in order to avoid conflict there must necessarily be a consultation between the Chief Justice and the circuit judges. This consultation might be carried on—I concede that—by correspondence. It could be done by correspondence, but it will not be as well and as efficiently done through correspondence as it will if carried on in the way set out in section 2, and that section I proceed to read:

SEC. 2. That it shall be the duty of the Chief Justice of the United States, or, in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September at Washington, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each circuit. If any of said senior circuit judges is unable to attend, the Chief Justice, or, in case of his disability, any justice of the Supreme Court in the order of seniority, may nominate any other circuit or district judge belonging to the circuit whose senior circuit judge is unable to attend, that each circuit may adequately be represented at said conference.

It shall be the duty of every senior or other circuit or district judge to attend such conference, and to remain throughout its proceedings, and to advise, as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch.

That provision is made in order that each circuit judge may come to the conference fully informed with regard to the state of the business in every district in his circuit. Now, speaking of the district judge, it provides:

It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year. The senior circuit judge, or, in his absence, a judge representing the circuit at the conference, shall present such reports to the conference, with a summary thereof, and his comments thereon.

If this part of the bill becomes a law, there will then be a conference of all the circuit judges, together with the Chief Justice, and each of those circuit judges will be armed with a complete report of the state of the business in every district in his circuit. They will come prepared to confer in an intelligent way, looking to the dispatch of judicial business everywhere throughout the country. I read again:

The Attorney General shall, upon the request of the Chief Justice, report to such conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The Attorney General makes his report only upon the request of the Chief Justice. It would be a very appropriate thing always to make that report, because so large a part of the business pending in the various district courts throughout the country, and in the circuit courts of appeals as well, is business in which the United States is interested; that is, it consists of causes to which the United States is a party. I continue reading:

The said conference shall be presided over by the Chief Justice of the United States, or, in case of his disability, by any justice of the Supreme Court in the order of seniority.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

Instead of having occasional and disjointed and disconnected communications between the Chief Justice and the various circuit judges, we have provided for a meeting at which the requirements of all the districts can be considered and compared, and if it is necessary to designate judges for work outside their districts, it can be done with some comprehension of the real needs of the country, and it can be done in no other way.

I appeal to the good sense of Senators, and ask them if they were members of the judicial force and wanted to distribute that force throughout the country so that the greatest efficiency could be secured, would they not insist upon a consultation which would disclose these needs? The needs can not be considered in their absolute sense. They must be considered in their comparative sense. A great many of the courts, at least when they give their account of the business pending before them, will indicate that they need additional force, but there must be a comparison of these necessities, so that the public welfare may be most certainly promoted.

The last paragraph of this section is as follows:

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the Chief Justice.

I have read section 2 in its entirety, and will not comment upon it further than to say that it does not increase the power of the Chief Justice in any respect. It simply enables the Chief Justice to do the work which has been committed to him in section 3 more understandingly than he otherwise could perform it. It does not add to or take from the authority of the senior circuit judges in any form. They are left with exactly the same authority that section 3 reposes in them, but it does enable these circuit judges, comparing the needs of their circuits with the needs of other circuits, in a conference of which every senior circuit judge is a member, to arrange the designations or the assignments so that the maximum judicial work will be performed.

I am utterly unable to understand the objection to this section. I can understand how great differences of opinion may arise upon the first section of the bill. Some may think we do not need any additional judicial force. Some may honestly and sincerely believe that we do not need so large an addition to the number of our judges as is provided in that section. Others may believe that we need to add still more circuit judges for the reasonable dispatch of the business which comes before them. All these things I can understand, but I can not understand how Senators who believe that there ought to be additional judges, and who believe that by reason of population and commerce and all other conditions out of which litigation grows there are some communities or localities of the United States which are deprived of sufficient judicial force, and therefore that assignment or designation is necessary from one district to another or from one circuit to another, can possibly object to the provisions of section 2, which are simply intended and the only purpose of which is to make the provisions of section 3 intelligently workable.

Mr. President, I do not intend to further continue my discussion of the bill at this time, but before it is taken up by other Senators I would like to have the opportunity of perfecting the amendment of the committee in the nature of a substitute by making some minor amendments which have appeared to be necessary since the bill left the committee.

On page 13, line 14, I move that the word "or" be stricken out and that the word "of" be substituted in lieu thereof.

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 2, page 15, I move to strike out the word "by," which is used twice through a typographical error, so that that line would read, "in that circuit will suffer by the proposed designation."

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 16, page 16, there is a misprint. The word used is "cout," if that be a word. I move to strike it out and to insert the word "court."

The amendment to the amendment was agreed to.

Mr. CUMMINS. In lines 2 and 3, page 17, I move to strike out the words "the chief justice or associate justice allotted to that circuit, or by." That is simply a repetition of language found in another place in the bill.

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 8, page 17, I move to strike out the words "this section or."

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 22, page 17, after the word "appointed," I move to strike out the comma and insert a period.

The amendment to the amendment was agreed to.

Mr. CUMMINS. With these suggestions, Mr. President, I give way to other Senators.

Mr. SHIELDS. Mr. President, the Senator from Iowa who has charge of this bill and I differ widely upon pretty nearly every proposition that is presented in this bill. We disagree as to the constitutionality of certain provisions of the bill vesting very large and unprecedented powers in the Chief Justice of the United States over the judges of the circuit courts of appeal and the judges of the district courts of the United States.

We differ as to the propriety and the policy of the provisions for the mobilization of the Federal judiciary with the Chief Justice as commander in chief. We differ as to the necessity of designating judges from one circuit to hold court in another circuit, as I believe there are ample judges now to dispose of all the business in the district courts of the United States without such designation. Certainly if the number of judges is increased, as proposed by the bill, there will be no necessity of designating a district judge from one circuit to another, and the provisions giving these vast powers to the Chief Justice, both executive and legislative in character, will be wholly unnecessary and inadvisable.

We differ entirely upon the statement made by the Senator from Iowa when he began his presentation of the bill upon a former day, that there was a shocking condition in the Federal courts of the United States, that there were thousands of cases that could not be tried, that there was a congestion of both civil and criminal business, and that there was a demand for a large increase of judges, although the Senator said in his personal opinion there was no such increase demanded as is provided in the bill as reported to the Senate.

Now, Mr. President, as we differ so widely, I wish to go at some length into the general principles that control legislation of this character before I come directly to the provisions of the bill. I am led to do this because I believe the bill is of a most revolutionary character. I believe it contains the germs, at the least, of the most serious assault that has ever been made upon the integrity and independence of the judiciary of the country. I believe that I can demonstrate that by analyzing the provisions of the various bills from which this one was finally formulated.

Mr. President, the legislation which the Senate is now considering did not originate with the Congress. The bill first introduced in the Senate was prepared under the direction of the Attorney General, with the approval of the Chief Justice, and those high officers advocated its passage before the Committees on the Judiciary of the Senate and the House of Representatives.

The bill now under discussion closely follows that bill in many important particulars, and contains provisions which have a dangerous tendency, conflict seriously with the spirit if not the letter of the Constitution and the long-established policy of the Congress concerning the judiciary, and are revolutionary in their character.

Mr. President, the American people have been afflicted for some years with a mania for changing their form of government, its organic and statutory laws, its matchless common-law jurisprudence, the accumulated wisdom of centuries, and the great traditional policies established by the fathers, under the beneficial and successful administration of which our people have been happy and prosperous and our country grown great and powerful. This compelling desire for innovation approaches a great national disease. It has not been confined to the radicals of foreign birth who give utterance to their seditious and treasonable views in public meetings and certain publications of more or less general circulation. It has affected some of our public men and has appeared in legislative proposals and in the coloring and tendency of legislative and judicial pronouncements with greater or less virulence. It has among certain classes assumed the form of proposals for the overthrow of our Government by violence and bloodshed, but its most dangerous form are pacific measures to be written into law which in the end mean peaceful revolution and the destruction of the wisest system and scheme of government ever invented and put into operation in any age. This pestilential malady has recently developed in most unexpected places, and, I regret to say, is now directed against the independence of the judiciary.

The Constitution of our country and the great principles guiding those who framed it are, I am aware, familiar to Senators, and ordinarily it is a useless consumption of time to discuss them; but it has been well said that when contemplating changes in our organic, statutory, or common law it is always useful to refer to elementary principles that we may have them in mind in providing for what are supposed to be defects in the law and proper remedies for those defects.

The great corner stone of our form of government and the keystone of its organic structure is the principle requiring the separation of the powers of Government—the executive, the legislative, and the judicial—into three great coordinate and independent departments to be exercised by the particular department in which the powers are vested, without interference from the other departments and through different persons and officers. This division and separation of powers constitutes the great checks and balances of our system of government, which it is conceded have saved us from executive usurpation and despotism, tyranny of legislative majorities, preserved the independence of the judiciary, and contributed more than any other principle to the stability and permanence of our institutions and the protection of the civil and political rights of the people.

Mr. Justice Miller summed up the merits of the principle of the separation of the powers of government under our system in the case of Kilbourn *v.* Thompson (103 U. S. 188) as strongly as ever has been done by any jurist. The justice there says:

It is believed to be one of the chief merits of the American system of written constitutional law that all powers intrusted to the Government, whether State or National, are divided into the three grand departments—the executive, the legislative, and the judicial; that the functions appropriate to each of these branches of Government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of the system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no others.

I will also read the opening paragraph of the chapter upon the separation of powers, found in Willoughby on the Constitution, where the principle, its importance, and the far-reaching consequences of confusing the executive, the judicial, and legislative powers and allowing individuals of one of these departments to exercise the powers of another department, are stated concretely and forcefully:

A fundamental principle of American constitutional jurisprudence, accepted alike in the public law of the Federal Government and of the States, is that, so far as the requirements of efficient administration will permit, the exercise of the executive, legislative, and judicial powers are to be vested in separate and independent organs of government. The value of this principle or practice in protecting the governed from arbitrary and oppressive acts on the part of those in political authority has never been questioned since the time of autocratic royal rule in England. That the doctrine should govern the new constitutional system established in 1780 was not doubted. Washington, in his farewell address, said: "The spirit of encroachment tends to consolidate the powers of all governments in one, and thus to create, whatever the form of government, a real despotism."

Madison, in the Federalist, wrote: "The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many; whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." John Adams wrote: "It is by balancing one of these three powers against the other two that the efforts in human nature toward tyranny can alone be checked and restrained and any degree of freedom preserved." And Hamilton asserted: "I agree that there is no liberty if the powers of judging be not separated from the legislative and executive powers." Webster states the same doctrine when he says: "The separation of the departments (of government) so far as practicable and the preservation of clear lines between them is the fundamental idea in the creation of all of our constitutions, and doubtless the continuance of regulated liberty depends on maintaining these boundaries.

"Under the influence of this doctrine most of the States in their first constitution incorporated what have since been known as 'distributing clauses.' Thus Massachusetts in her constitution, adopted in 1780, provided that 'in the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise legislative and judicial powers, or either of them; the judicial shall never exercise legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men."

Mr. President, the abandonment of this great fundamental principle means either executive supremacy, legislative oligarchy, or a judicial autocracy, any of which would be intolerable.

While it is perhaps too much to assert that one of the three coordinate departments is of greater importance than the others, yet it is generally conceded that the judiciary is the balance wheel of our system and the great bulwark of the liberties of the American people. If our Government is to last and our free institutions be preserved the judiciary must be upheld and kept separate and independent of the executive and legislative departments. It is the citadel and guardian of the Constitution and has in the last analysis the supreme power of interpreting that great charter of our liberties.

The courts come closer to the people than the other departments. They protect and enforce their civil and political rights. They adjust their most intimate domestic relations. They protect the living and settle the estates of the dead.

They decide their contractual controversies and redress trespasses to person and property.

Placed apart and above political intrigue and strife, the blandishments and storms of popular favor and disfavor, and all struggles for partisan advantage and supremacy that beset upon the other departments, they have justly acquired and hold the confidence of the people to a greater extent than those departments.

Daniel Webster, in discussing the judiciary in the House of Representatives, said:

I look upon the judicial department of this Government as its main support. I am persuaded that the Union could not exist without it. I shall oppose whatever I think calculated to disturb the fabric of government, to unsettle what is settled, or to shake the faith of honest men in the stability of the laws, or the purity of their administration.

The distinguished Attorney General, Hon. Harry M. Daugherty, recently said in an able and eloquent public address in this city:

I believe that this Government will stand as indestructible as our mighty hills and majestic mountains, and that there shall continue to flow from it benefits for our people as copious as the waters of our streams and rivers. I do not believe that any branch of our Government shall fail, but to the judiciary, more than to anything else, must we look for the preservation and perpetuation of our Government. A wise and courageous judiciary, resting on the confidence of the people, will save it from disintegration, revolution, and destruction.

The Congress has no higher and more important duty than to guard, protect, and preserve the independence of the courts and the judges, and keep them absolutely free from all political and other hurtful influences.

Chief Justice Marshall, in speaking of the independence of the judiciary in the Virginia Convention in 1829, said:

The judicial department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that judges should be perfectly and completely independent, with nothing to control them but their God and their consciences? I have always thought from my earliest youth till now that the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

I will again quote from Daniel Webster. In the Constitutional Convention of Massachusetts, 1820, speaking upon the same subject, he said:

There is nothing, after all, so important to individuals as the upright administration of justice. This comes home to every man; life, liberty, reputation, property, all depend on this. No government does its duty to the people which does not make ample and stable provision for the exercise of this part of its powers. Nor is it enough that there are courts which will deal justly with mere private questions. We look to the judicial tribunal for protection against illegal or unconstitutional acts, from whatever quarter they may proceed. The courts of law, independent judges, and enlightened juries, are citadels of popular liberty, as well as temples of private justice. The most essential rights connected with political liberty are there canvassed, discussed, and maintained; and if it should at any time so happen that these rights should be invaded, there is no remedy but a reliance on the courts to protect and vindicate them.

The Supreme Court of the United States is, of course, the most important and powerful of all our courts. Its jurisdiction and powers and its successful judicature is beyond the comprehension and grasp of the lawyers and statesmen of other nations. They have no court comparable to it. It has power to determine when the executive and legislative departments exceed their constitutional powers and limitations, and to declare their acts void. It has jurisdiction of sovereign States, and to determine when their constitutions and legislative acts violate the Federal Constitution, and to review the judicial decisions of their highest courts when they concern the Federal Constitution and laws. It has jurisdiction of controversies between the sovereign States and between them and foreign Governments. Its jurisdiction also extends to controversies between individuals and corporations in a large number of most important matters.

It has in numerous instances so wisely and justly determined and settled great questions which have shaken our Government to its very foundation and threatened to disrupt and destroy the Republic as to avert such disastrous consequences.

It is the duty of the American people to uphold it in the high position the Constitution has placed it and keep it separate and apart from everything that would detract from its parity and its power and the confidence in which the people hold it. This can only be done by guarding it from all encroachments, however small and however harmless they may seem, by the other departments, and from all the political influences which follow participation in executive, legislative, or political activities. It is equally important that it be kept within its constitutional limitations.

Mr. President, the dignity, the integrity, and the independence of the district courts and the circuit courts of appeals must also be protected and upheld. The district courts come close to the people, and there should not be even the shadow of dependence cast upon the judges presiding in them. Subject to review for errors of law and fact that may be committed, their judges should be as free, untrammeled, and independent in thought and judgment as the Chief Justice of the Supreme Court of the United States. They must not be made subservient to or dependent upon the favor of the judges of the higher courts. The people's respect for them must not be lowered and their confidence in them must not be lessened if their efficiency in maintaining peace and order and the administration of justice is to be sustained.

I wish here, at the risk of wearying the patience of the Senate and of being subject to servility of quotation, to again read from the great speech of Daniel Webster upon the importance of the judiciary in our governmental system and the great care that should be taken in shielding it from all influences that tend to lower it in the respect and confidence of the people:

But of the judicial branch of the Government and of the institution of the Supreme Court, as the head of that branch, I beg to say that no man can regard it with more respect and attachment than myself. It may have friends more able; it has none more sincere. No conviction is deeper in my mind than that the maintenance of the judicial power is essential and indispensable to the very being of this Government. The Constitution without it would be no constitution; the Government, no government. I am deeply sensible, too, and, as I think, every man must be whose eyes have been open to what has passed around him for the last 20 years, that the judicial power is the protecting power of the whole Government. Its position is upon the outer wall. From the very nature of things and the frame of the Constitution, it forms the point at which our different systems of government meet in collision, when collision unhappily exists. By the absolute necessity of the case the members of the Supreme Court become judges of the extent of constitutional powers. They are, if I may so call them, the great arbitrators between contending sovereignties. Every man is able to see how delicate and how critical must be the exercise of such powers in free and popular governments. Suspicion and jealousy are easily excited, under such circumstances, against a body, necessarily few in number and possessing by the Constitution a permanent tenure of office. While public men in more popular parts of the Government may escape without rebuke, notwithstanding they may sometimes act upon opinions which are not acceptable, that impunity is not to be expected in behalf of judicial tribunals. It can not but have attracted observation that in the history of our Government the courts have not been able to avoid severe and sometimes angry complaint for giving their sanction to those public measures which the representatives of the people had adopted without exciting particular disquietude. Members of this and the other House of Congress, acting voluntarily and in the exercise of their general discretion, have enacted laws without incurring an uncommon degree of dislike or resentment; and yet, when those very laws have been brought before the court and the question of their validity has been distinctly raised, and is necessarily to be determined, the judges affirming the constitutional validity of such acts, although the occasion was forced upon them and they were absolutely bound to express the one opinion or the other, have, nevertheless, not escaped a severity of reproach bordering upon the very verge of denunciation. This experience, while it teaches us the dangers which environ this department, fastrates us most persuasively in its importance. For its own security and the security of the other branches of the Government it requires such an extraordinary union of discretion and firmness, of ability and moderation, that nothing in the country is too distinguished for sober sense or too gifted with powerful talent to fill the situations belonging to it.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Tennessee yield to the Senator from Louisiana?

Mr. SHIELDS. I yield.

Mr. BROUSSARD. There are so few Senators present to listen to the argument of the Senator from Tennessee that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	Nicholson	Spencer
Borah	Heflin	Norbeck	Sterling
Broussard	Johnson	Norris	Sutherland
Bursum	Jones, Wash.	Oddie	Swanson
Cameron	Keyes	Overman	Townsend
Capper	King	Page	Trammell
Caraway	Ladd	Pepper	Underwood
Colt	Lenroot	Pomerene	Wadsworth
Culberson	Lodge	Ransdell	Walsh, Mass.
Cummins	McKinley	Rawson	Warren
Dial	McNary	Sheppard	Watson, Ga.
Fletcher	Means	Shields	Weller
France	Nelson	Shortridge	Williams
Hale	New	Simmons	Willis

Mr. SUTHERLAND. I desire to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the Senator from New York [Mr. CALDER].

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present.

Mr. SHIELDS. Mr. President, what have these well-established policies, evident truths, and sound principles to do with

the bill before the Senate, you may ask of me. I will go directly to that subject.

The first bill introduced in the Senate and the House, in August, 1921, of the series of bills which the Committee on the Judiciary considered before finally reporting the one before the Senate, prepared under the direction of the Attorney General, and which he and the Chief Justice approved and appeared before the Senate and House committees and advocated, in my opinion violated the spirit, if not the letter, of the constitutional separation of the powers of government, and certainly the long-established policy of the Congress in the creation of district judges, and is the most serious assault that has been made upon the purity, integrity, and independence of the judiciary in many years.

While some of the most obnoxious provisions of that bill do not appear in the present bill, I will briefly refer to them as showing the radical changes and innovations which it was proposed to make in our judicial system, which after all in a milder degree are reflected and appear in the provisions of the bill reported, to which I will come later.

That bill, Mr. President, by section 1 provided for the creation of 18 judges, 2 from each of the 9 judicial circuits, to be known, in the language of the bill, as judges of the district court of the United States at large. They were not attached to any court or required to reside in any district in conformity to the present practice and system.

The second section—and this is found in the present bill—provided that the Chief Justice of the United States, or, in case of his disability, one of the other justices of the Supreme Court, as soon as might be after the passage of the bill, and annually thereafter, should summon to a conference on the last Monday of September at Washington, or at such other time and place in the United States as the Chief Justice might designate, the senior judge of each circuit, or, in his absence, some other circuit judge or district judge. It was made the duty of every senior judge or other circuit or district judge to attend this conference, and to remain throughout its sessions, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States might be improved. In other words, it did not relate alone to the congestion of business and the assignment of judges, but provided for almost unlimited superintendence or oversight of their circuits.

Mr. President, this section and the one similar to it which appears in the bill that was finally reported might be called the social section of the bill. It is a great social function of the judiciary of the United States, presided over by the Chief Justice, here in Washington or at any other place—at times it may be at White Sulphur Springs in Virginia, or at San Francisco, or at Colorado Springs in Colorado, or any other nice place—to meet and talk over the judicial affairs of the United States and such other matters that they may enjoy. All of their expenses are to be paid, or at least $10 a day and traveling expenses are allowed. Let any Senator examine this provision, and if he can really find any merit in it except that of a social function, I shall be astonished.

I think that the judges ought to have seasons of enjoyment and recreation; but they ought to have them at their own expense and in times of vacation, and not at the public expense, as provided in this bill.

Mr. KING. Mr. President, may I interrupt the Senator? Will the Senator later on recur to this section?

Mr. SHIELDS. Yes; I will.

Mr. KING. Then I shall not interrupt the Senator now.

Mr. SHIELDS. I shall be glad to have the Senator propound his question at this time, however.

Mr. KING. I had in mind this inquiry: Would this meeting have any power to discipline in any way or to bring any pressure to bear upon any of the district judges? Would it have any power to make it easier or harder for them? Would it have any authority to assign cases to such a judge, or to deprive him of hearing certain cases? In other words, does the Chief Justice or do the circuit judges under this bill have any authority to supervise, to control, or to direct in any manner the activities of the district judges or of any judges?

Mr. SHIELDS. I shall discuss that subject fully at a subsequent part of my remarks. I think unquestionably the bill grants such authority.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. WARREN in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I yield to the Senator from Iowa.

Mr. CUMMINS. Not replying to the suggestion of the Senator from Utah [Mr. KING], but rather to the statement of the Senator from Tennessee, who a moment ago declared that the conference provided for in section 2 is a mere social occasion, I think he would be willing to modify that statement if I were to read again in his hearing what the conference is really for:

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor.

That is the purpose of the conference. The conference itself does not assign any judge to any part of the country. That is left entirely with the senior circuit judges and the Chief Justice.

Mr. SHIELDS. If the Senator had noticed, I read the very same portion of the bill that he reread. While it does provide in a general way for the discussion of these matters, if we take the whole bill together it is merely colorable.

They do nothing at the time, although there is a provision there that can be used greatly to the prejudice of the independence of the district judges. I shall discuss that later.

This same section contained another provision. I am now speaking of the first bill that was prepared and introduced with the approval of the Attorney General and the Chief Justice. I read:

It shall be the duty of the Attorney General to report to such conferences at the first and at each annual meeting thereafter all matters which he deems meet for its consideration, and to advise it upon the state of business in the United States courts, and to take part therein as a member of the conference.

Mr. President, you will mark that the Attorney General not only reports upon the business of the United States, but he reports upon all the business pending in the Federal courts, and he is to take part in the conference which, it is said, provides for the selection and designation of judges to the various circuits and various districts of the United States. A more monstrous proposition was never written in regard to the judiciary of any country. Here is a provision that a prominent and powerful representative of the executive department, the counsel for the United States, the greatest and most numerous litigant in the Federal courts, shall appear and report to the Chief Justice and the senior judges of the several circuits, to be a member of that conference, to take part in the selection and designation of judges to try the cases of his great client. I wish to say that that proposition was so abhorrent to the committee that it was not considered for a moment, and was stricken out without debate.

Mr. CARAWAY. Mr. President, may I interrupt the Senator? Did the Chief Justice appear before the committee to advocate that provision?

Mr. SHIELDS. The Chief Justice and the Attorney General advocated the passage of the entire bill, including this provision.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. Does the Senator from Tennessee recall anything that the Chief Justice said with regard to that particular provision of the bill?

Mr. SHIELDS. The Chief Justice, in the hearing before the Senate Judiciary Committee and in the hearing before the House Judiciary Committee, appeared and supported this bill. In the hearing before the Senate committee he referred to this particular section of the bill.

Mr. CUMMINS. In the hearing at which I was present the Chief Justice advocated the addition of 18 judges, two to be appointed from each circuit, and he advocated the conference to be held in Washington. I may not have been present at the time, possibly, but I did not hear any reference made by him to the paragraph designed to make the Attorney General a member of the conference.

Mr. SHIELDS. The Senator does remember that the Chief Justice approved the bill as a whole, and asked the committee to favorably report it?

Mr. CUMMINS. No; I do not remember that he approved it as a whole, but he appeared there when we were considering the bill, and his remarks were mainly directed to the necessity of an additional judicial force and to the propriety and wisdom of a general conference which would enable the designations or assignments to be intelligently made.

Mr. SHIELDS. In the main, his evidence was in regard to the congestion of the dockets.

Mr. CARAWAY. May I ask the Senator a question?

Mr. SHIELDS. Certainly.

Mr. CARAWAY. Did the Chief Justice come of his own volition, or was he requested to come?

Mr. SHIELDS. I could not answer that question. I did not know of any invitation.

Mr. CARAWAY. This was the only bill before the committee providing for an increased judiciary?

Mr. SHIELDS. As I remember.

Mr. CARAWAY. And he appeared in advocacy of that bill?

Mr. SHIELDS. I may be mistaken. The House passed the bill first, and it came over to the Senate and was referred to the Judiciary Committee. Whether it was before us at the time the Chief Justice appeared or not, I do not remember, but the Chief Justice advocated the passage of this particular bill, providing for 18 judges for the United States at large, and some one—I rather think it was the Senator from North Carolina [Mr. OVERMAN]—spoke of them as roving judges. Of course, with great respect I spoke of it as a flying squadron which the Chief Justice wanted to create to send about the United States to try lawsuits. In any event, I speak of it now in that way.

Mr. CUMMINS. I am sure no one here desires to disparage the Chief Justice.

Mr. SHIELDS. I will disclaim that at any time. It is no personal attack I am making.

Mr. CUMMINS. The Senator does not desire to disparage the Chief Justice, nor does the Senator from Arkansas, I am sure, but I think we ought to understand just how this bill came into existence.

The Attorney General, knowing the congestion of business in the courts of the country, asked two or three judges—I do not remember whether it was two or three—and two district attorneys to act as a committee to consider the whole matter, and to report to him a bill which would relieve the congestion of business throughout the country. They considered the subject for a long time, and finally did make a report, and they put their report in the form of a bill, which the Senator from Minnesota [Mr. NELSON] introduced, and which was referred to the Committee on the Judiciary. We appointed a time for a hearing upon that bill, and at the hearing there appeared the members of the committee who had investigated the subject and made the report to the Attorney General; the Attorney General himself, and the Chief Justice. All of them spoke about States and districts. I do not know how all these people happened to be before the Judiciary Committee. The Senator from Minnesota probably knows, because he was instrumental in bringing them before the committee, but it can not be said that the Chief Justice appeared for any other purpose than to give aid to the Judiciary Committee, and to give what information he could with regard to the accumulation of business in the various parts of the country which needed additional judicial force. I do not recall that anything whatever was said to him, or that he said anything to the committee, with regard to making the Attorney General a member of the conference which was proposed to be held annually, but the Senator from Minnesota will remember more distinctly than I.

Mr. NELSON. Mr. President——

Mr. SHIELDS. It is not necessary to depend on the recollection of Senators. It is printed here in the hearings, and I will read from the printed evidence, which will fully sustain the statement I made to the effect that the Chief Justice came before the committee and approved this whole bill, and spoke of it as a bill which had been prepared by this committee. He also did the same thing before the House Judiciary Committee. I am not criticising the Chief Justice. Nobody has any more respect for judges than I. Whether or not it was proper for the Chief Justice of the Supreme Court of the United States to appear before a committee of the judiciary and advocate a bill to give him very great and unprecedented power over the judiciary of the United States is a question about which each Senator may have his own opinion. I have mine. That the Chief Justice wanted this legislation, that he did go before the committees of both Houses, that he came before the Senate committee twice, and that he did talk to Senators outside of the committee, doubtless to the Senator from Iowa himself, favoring the passage of this bill can not be denied—I do not think will be denied. The propriety of all this is a question for the Chief Justice. I think it was at least rather unprecedented.

Mr. NELSON. Will the Senator allow me to interrupt him briefly?

Mr. SHIELDS. I yield.

Mr. NELSON. I think the reason Chief Justice Taft appeared before the committee was that before he was appointed Chief Justice he had sat with the committee of judges and attorneys who formulated the bill.

Mr. SHIELDS. I think the Senator means before he sat on the bench.

Mr. NELSON. No; before he was appointed.

Mr. SHIELDS. I think he was appointed before he made the speech before the American Bar Association at Cincinnati advocating a bill of this kind.

Mr. NELSON. He met with that committee, to my knowledge, long before he was appointed Chief Justice. The committee was composed of three district judges and the United States attorneys from Chicago and New York, and he sat with them and cooperated with them, and I think that is one of the reasons why he appeared before the Judiciary Committee. That is my opinion. I do not want to say that that is the reason he assigned.

Mr. SHORTRIDGE. Mr. President, may I call the Senator's attention to the opening sentence of the Chief Justice when he appeared before our committee on October 5 last? The Chief Justice said:

> I do not consider it a kindness, gentlemen; I consider it an opportunity, because I have always been and am now very much interested in rendering the Federal courts more efficient in the dispatch of business.

Then I would beg to invite the Senator's attention to what the Chief Justice said as it appears on page 12 of the proceedings, the last paragraph. I will not take the time to read it, but therein the Chief Justice avows——

Mr. SHIELDS. The Senator knows that those hearings sustain my statement that he appeared twice before the committee, once before the whole committee and once before the subcommittee, and advocated the passage of this bill.

Mr. SHORTRIDGE. Unquestionably.

Mr. SHIELDS. And I think the Attorney General appeared, and not only that, but the Senator from Iowa failed to state that he brought two of his assistants to that hearing on the bill.

Mr. SHORTRIDGE. The Senator will remember that there were many other judges who appeared before us.

Mr. SHIELDS. There were three on this committee.

Mr. SHORTRIDGE. Federal judges.

Mr. SHIELDS. I have disclaimed any personal reflection or assault upon the Chief Justice again, but as to his interest in it I do not suppose the Senator from California would for a moment controvert anything I have said in that respect.

Mr. SHORTRIDGE. Certainly not.

Mr. SHIELDS. I will not ask the Senator whether or not the Chief Justice talked to him out of the committee room in favor of this bill. I am not going to put that question to any Senator.

Mr. SHORTRIDGE. It so happens that he did not, but it would have been very proper for him to have done so.

Mr. SHIELDS. Every man has his own conception of judicial propriety.

Mr. SHORTRIDGE. Since my learned friend from Tennessee seems to think there was some impropriety in the Chief Justice appearing before the committee, or that there would have been some impropriety in the Chief Justice speaking to the Senator from Tennessee, or a Senator from any State, I am curious to know wherein lies any impropriety, when the Chief Justice is at the head of the judicial department, and is only anxious to see a speedy administration of the law. I can not see any impropriety.

Mr. SHIELDS. I think I will satisfy the Senator from California about that. The Chief Justice has no more to do with the judges of the district courts of the United States, and with the trial of cases, and procedure in those courts, or the congestion of business in them, than does King George. His interference is purely voluntary and officious, and I will undertake to prove it before I get through.

I did not intend to express my views of the activities of Chief Justice Taft, and what has been said was brought out by questions, but I have stated the facts, the most of which appear in the printed hearings. I did not intend to bring them out, but there is no doubt about them.

If I were to go further I would say that since then the Chief Justice has had introduced in both Houses a bill, revolutionary in its character, for the purpose of limiting the jurisdiction of the Supreme Court, and he appeared before the House Committee on the Judiciary yesterday and advocated the passage of that bill. It is a very elaborate thing. I have read it and found it revolutionary in its character; but I could not take it all in at one reading. It is 17 pages long. There is more in it than in all the legislation we have had heretofore on the appellate jurisdiction of the Supreme Court. Practically, it emasculates that jurisdiction and makes the circuit courts of appeal courts of final jurisdiction in many cases, only allowing a review in the Supreme Court by certiorari, heard and determined without oral argument.

I will now go back to the provisions of the remarkable bill I was discussing when the personality of the Chief Justice was injected into this debate. The bill, as has been observed from the language of it, proposed to create a flying squadron of 18 judges, to be known as judges "at large," unattached to any court, a proposition startling in its novelty and potentialities.

It is only equaled by the further provision for the mobilization of these judges under the command of the Chief Justice, to be assigned from circuit to circuit and district to district to hold court in his discretion.

Mr. OVERMAN. Mr. President——

Mr. SHIELDS. I yield to the Senator from North Carolina.

Mr. OVERMAN. I inquired of the Senator from Iowa [Mr. CUMMINS] whether he did not think that this had something of the nature of a military organization in it, like the General Staff. Under the General Staff the soldiers are summoned here by the Chief of Staff, and the Chief of Staff assigns them. Is there not some similarity between the two?

Mr. SHIELDS. I think the Senator likens the Chief Justice to the Commander in Chief, and the senior circuit judges to the General Staff, and the district judges to the men in the ranks.

Mr. OVERMAN. I think they have some similar characteristics.

Mr. SHIELDS. Yes; there is a very natural similarity in the Senator's characterization of the bill.

The Constitution authorizes the creation of such inferior courts as the Congress may from time to time ordain and establish, but there is no provision for the creation of roving judges, unattached to courts.

Courts are organized entities or bodies vested with such judicial powers and jurisdiction as the legislative authority may confer upon them, with fixed places and times for meeting, and provided with judges, clerks, and other officers ordinarily necessary to exercise that jurisdiction. Judges are merely constituent parts of courts.

Mr. Justice Brewer has defined courts and judges very clearly, as follows:

> Now, under the authority of the United States there are but three courts known in law—the district, circuit, and Supreme Court; and as Congress alone can, by the Constitution, ordain and establish courts, none can exist but such as they create and name. * * * A court is not a judge, nor a judge a court. A judge is a public officer who, by virtue of his office, is clothed with judicial authorities. A court is defined to be a place in which justice is judicially administered. It is the exercise of judicial power, by the proper officer or officers, at a time and place appointed by law.

The bill I am now discussing does not make these judges officers of any court, nor does the appointment to be made by the President with the advice and consent of the Senate. These powers, although legislative and Executive, were proposed to be vested in the Chief Justice, an officer of the judicial department. I doubt whether such legislation would be constitutional, but I do not care to discuss that proposition; the policy of the scheme is sufficient to condemn it.

I refer to these things as illustrative of the radical innovations that are sought to be made in our judicial system and how the power given the Chief Justice in the bill before the Senate may be construed.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. SHIELDS. I yield.

Mr. NORRIS. I am very much interested in the argument the Senator is making. I want to ask this question as a matter of information as much as anything else. It seems to me the Senator is making a very unique argument as to why the bill would be unconstitutional as a law, and he does that mainly by drawing a distinction between judges and courts.

First, let me say to the Senator that Congress has from time to time by various acts provided for the doing of certain things by judges as distinguished from courts, such, for instance, as the issuing of a temporary injunction issued by a judge and not a court. Finally, it is true, that matter is passed upon by a court, but the temporary injunction is first issued by a judge, not a court, as I understand it. We have passed laws which give that authority.

Now, if the Senator is correct, and under the Constitution of the United States Congress only has power to create courts, would it not follow that all such acts, even though authorized by an act of Congress, of judges would be unconstitutional? Would it not follow, for instance, that a United States judge could not issue, and that Congress could not give him authority to issue, a temporary injunction?

Mr. SHIELDS. The Senator really has not considered this, because he is an able lawyer, and if he had thought of it he would not have asked that question. I am not insisting on the constitutional question, as I have just said. It is not necessary, because the provision for the flying squadron of judges at large is not carried in the present bill, and I was only referring to it to show how the provisions which do appear for the designation of judges may be construed.

Now, the provision of the Constitution for the creation of judges of the Supreme Court and judges of the inferior courts, of course, is in the ordinary constitutional phraseology. It states general principles and general powers. It does not go into detail, and the powers which those judges have must be found in the common law system which was in force in the country at the time the Constitution was adopted, as is the case with a great many other things with which the Senator is familiar.

The granting of an injunction of attachment is a judicial function, and where we create a judge under our Constitution he exercises the same judicial functions that a judge at common law exercises, subject to statutory changes.

Mr. OVERMAN. I think the courts have held it is inherent.

Mr. NORRIS. I am not disputing that this is inherent in a court, and I am basing my question upon the assumption that the Senator's constitutional argument is correct. I am not disputing that. He may be entirely correct. It looks unique to me at first blush. It never occurred to me before. However, there are certain things that are inherent in courts, but not in judges as distinguished from courts. When I said injunctions I ought to have said temporary restraining orders.

Mr. SHIELDS. Or the Senator might have used the term "extraordinary process." That is the general expression in such cases.

Mr. NORRIS. Yes; some such expression as that. We give judges authority to exercise that kind of jurisdiction, but they never act as a court until later, when the matter comes up for determination before the court as to whether it should be made permanent or not.

Mr. SHIELDS. They can exercise those powers in court or at chambers. They are merely interlocutory and preparatory steps in a case. The final judgment must be by the court.

Mr. NORRIS. If we have given it to a judge as distinguished from a court, is not that true?

Mr. COLT. Mr. President——

Mr. SHIELDS. I yield to the Senator from Rhode Island.

Mr. COLT. I understand the Senator from Tennessee to criticize the rotation of judges or the assignment of judges from one district to another.

Mr. SHIELDS. I have not reached that part of my argument. I will do that when I consider the provisions of the bill on that subject.

Mr. COLT. I understood that that is the primary feature of the bill, so far as the transfer of judges from one district to another is concerned. Does not the Chief Justice of the United States assign, and has he not since the formation of the Supreme Court assigned, his associates to different circuits?

Mr. SHIELDS. No; that is done by statute.

Mr. COLT. There is a special provision for it?

Mr. SHIELDS. Yes; and there is an amendment now pending to the bill before us to repeal that law. The Chief Justice thinks the judges of the Supreme Court have too much to do. The Senator from Florida [Mr. TRAMMELL] wants to relieve them of their circuit duties, so they can pay more attention to the duties directly incumbent upon them as justices of the Supreme Court in the hearing of cases on the dockets of that court.

Mr. COLT. When I was appointed district judge of Rhode Island in 1881, I was immediately assigned by Judge Lowell to sit in Massachusetts on the circuit court of Massachusetts. Has not the system of the assignment of district judges from one district to another within the same circuit, under the direction of the senior circuit judge, prevailed for a very long period of time?

Mr. SHIELDS. Yes; that is the law now and it ought not to be repealed. The power to assign them ought to be left with the circuit judge of the circuit, and I will give my reasons for it when I reach that subject.

Mr. COLT. Would the Senator limit the district judge for the district of Rhode Island to holding court within the State of Rhode Island, which is in the district of Rhode Island?

Mr. SHIELDS. I would allow him to be assigned with his consent to any other district in the first circuit composing four of the New England States. That is the present law, and it has worked well, and there is no necessity for any change in it. I am opposed to giving the power of assignment to other circuits to the Chief Justice without the consent of the district judge.

Mr. COLT. It would seem to me, if the Senator will permit a further interruption for a moment, that his main argument loses sight of the fundamental proposition of the jurisdiction of a Federal court. It is national. It is not State. It knows no State lines. It was designed to relieve suitors from any local prejudices. The very purpose of inserting the provision that suits may be brought in the Federal court between citizens of different States was to emphasize the national idea. In the matter of admiralty, does it make any difference in what district or before what judge an admiralty case is heard?

Mr. SHIELDS. Well, Mr. President, I want to finish discussion of this bill this afternoon. I am willing to yield for a brief interruption, but I can not yield for a general discussion.

Mr. COLT. I do not intend to do that, but will the Senator, in the consideration of the question, give some weight to the national jurisdiction of the Federal court, and that it does not make any difference where a judge lives or of what district court he may happen to be judge?

Mr. SHIELDS. I will get to that later.

Mr. COLT. May I ask the Senator what laws he acts under or administers? He does not act under State laws.

Mr. SHIELDS. He acts under the Constitution and acts of Congress.

Mr. COLT. Does he not administer Federal laws?

Mr. SHIELDS. I am talking about the act creating the district and providing that the judge for it shall be appointed from the district and shall live in it. Federal judges are Federal officers. Those of the inferior courts are appointed for certain fixed circuits and districts. They administer, as do all other judges, the laws of the United States and of the States which are applicable to the cases they hear and decide.

Mr. CARAWAY. Mr. President, may I suggest to the Senator that they were just as careful to guard that as they were to guard the jurisdiction of the court with reference to litigants. A man must sue within the district where he lives.

Mr. SHIELDS. The general principle applicable to juries that a man is entitled to trial by a jury from the vicinage ought to be applied to judges as far as possible.

The provision requiring the Attorney General to report to the conference of judges, called by the Chief Justice, of matters which he deems meet for its consideration; to advise it upon the state of business in the United States courts; and to take part therein as a member of the conference can not be properly characterized by anyone who believes in the purity, impartiality, and integrity of the judiciary. It not only authorizes the interference of the executive department in the affairs of the judiciary through one of its chief officers but actually allows the counsel for the United States, the largest litigant in the Federal courts, to take part in arranging the business of the courts and the selection and assignment of judges to try the cases of his great client.

Concerning the provision for the Attorney General to appear and take part in these conferences, Mr. President, I am of the opinion that the Attorney General should not do so. I am speaking now of the office generally and not of the particular incumbent of the office at this time.

The Attorney General should not assume that the Department of Justice is a part of the judiciary or that his prerogatives concern the establishment of inferior courts and providing judges for them. I have thought that the Department of Justice or, rather, some of the gentlemen who from time to time temporarily discharge its duties have labored under the impression that that department was charged with an oversight of the judiciary. Some years ago when the first employees' liability act was declared unconstitutional by Judge Evans, of the district of Kentucky, and Judge McCall, of the western district of Tennessee, I read with astonishment a statement made by an assistant attorney that the department had long had Judge Evans upon "the unfriendly list," but that it was surprised at the action of Judge McCall, as "he had been appointed by the then President." This was a most outrageous assault upon the Federal judiciary. I do not remember the name of the man who made that statement, and I am really glad I do not. I hope no one does. Such a character ought to go back to the oblivion from which he sprung. The President ought to have removed him on the day he made the statement, and I hope he did. A member of the Attorney General's staff, arguing for the power of sending district judges from circuit to circuit, as an illustration of the advantages of such a course to the Government, said that the district judges in New York in convictions under the Sherman antitrust law had only imposed fines, but that recently a district judge from a distant State, holding court in New York, had imposed jail sentences. The presumption is that the facts were different in the cases and that the judges imposed the sentences called for by the facts of the respective cases, but that is not the criticism I make of his argument. It is the principle involved, that judges should be designated and selected to try particular cases and to pronounce particular sentences, to which I object. If any Senator can defend such a proposition, he will vote for the pending bill.

Now, let us recur to the bill which is before the Senate. The first section provides for the appointment of 10 judges conformably to the past practice of appointing judges from particular districts where they must reside. These judges are to be appointed because of the supposed congestion of business in the districts and the necessity of relieving congestion supposed to exist. I will later undertake to show that there is no such congestion. I will ask that section 1 of the bill as reported by the Committee on the Judiciary may be included in my remarks without reading, as I desire to have it appear where the new judges are to be appointed.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Without objection, it is so ordered.

The section referred to is as follows:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the northern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of Arizona, one; and for the northern district of Georgia, one.

Whenever a vacancy shall occur in the office of any district judge appointed pursuant to this act the same shall not be filled unless the Congress shall so provide.

Mr. SHIELDS. The second section provides for the calling of conferences of the senior circuit judges of the several circuits at such place as the Chief Justice may designate. I have characterized this section as the social section of the bill. It makes it the duty of the circuit judges to attend such conferences and to remain throughout the session. The Attorney General, upon the request of the Chief Justice, shall also report to the conference as to the business of the several courts of the United States—not as to the cases in which the United States is a party, but as to all of their business. The section further provides:

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

There is provision for traveling expenses of $10 per day and for subsistence for the judges attending such conferences.

Section 3 has been read by the Senator from Iowa. It provides for the assignment of judges within the various circuits by the senior circuit judges. There was also a provision that the Chief Justice make such assignments, but on motion of the Senator from Iowa that provision has been stricken out of the bill. He thought that was too much, and I did also. The circumstances in which a designation may be made by the circuit judges are as follows:

(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is to be necessarily absent from his district.

(b) In aid of a district judge who, on account of the accumulation and urgency of business, is unable to perform speedily all the work of his district.

It is not provided who is to determine the existence of the facts which authorized a new judge to be sent into a district to displace the resident judge appointed to hold court in that district and usurp his lawful jurisdiction and powers.

The third section or provision is rather startling:

(c) In aid of a district judge when the public interests so require.

Who is to determine what the public interest requires? The senior judge, in his discretion, when he thinks the public business requires it may remove the judge of the district by sending another judge from another district in States in the circuit to hold court and pass upon the liberties and the property rights of the people of that district.

Mr. KING. Mr. President, may I inquire of the Senator whether the resident district judge shall have any voice under the proposed law in determining whether an exigency exists justifying the importation of a judge from some other State?

Mr. SHIELDS. I have read the Senator the entire provision upon the subject. The old law, as I remember, required a certificate from the clerk before another judge could be assigned to a given district; it was necessary under the old law to furnish some evidence of the need; but under this bill unlimited power is given the circuit judge.

Under the provisions of the bill authorizing the Chief Justice to assign judges from circuit to circuit the judge of the circuit where an additional judge is supposed to be needed shall certify that fact and then the judge of the circuit from which the district judge is to be taken shall certify that he can be spared from that circuit, and when those proceedings are had it is provided—

Such designation may be made by the Chief Justice if, in his judgment, the public interests so require.

Thus leaving it entirely to the Chief Justice in the end.

A judge may be assigned from one circuit to another, not on the certificate of the two circuit judges, but if, in the judgment of the Chief Justice, "the public interests so require." That power is repeated in a subsequent provisions of the bill in these words:

SEC. 18. (1) Any power given by section 13, 14, or 15 to the senior circuit judge may be exercised by the Chief Justice or associate justice allotted to that circuit, or by the circuit judge who, on account of the illness or absence from the circuit of the senior, is acting as such.

Thus giving the Chief Justice the absolute power to assign judges within and without circuits when in his judgment the public interests require. That section, Mr. President, was stricken out upon motion of the Senator from Iowa; but the Chief Justice is still left with the absolute power in his hands to determine when a district judge shall be assigned from one circuit to another circuit, what district judge shall be designated, and how long the designation shall continue in force.

Mr. President, this power to assign judges carries with it the power to select a judge with known preconceived opinions to acquit or convict defendants and to decide civil cases in a certain way. The opportunities for abuse and oppression are apparent, broad, and indisputable. The objection is not that this great power will be abused but that it may be abused, and in judicial proceedings justice requires that courts be constituted, so far as possible, absolutely to exclude all opportunity for favoritism and abuse of discretion and power.

Even now, before this bill has become a law, selfish interests are contriving and conspiring to take advantage of it to control the courts and judicial decisions by securing the designation to try their cases of judges who are in sympathy with them or who have fixed convictions upon the law and the facts. I am reliably informed that the Anti-Saloon League, through its paid lobbyists, has attempted to influence Senators to vote for the provisions of this bill giving the Chief Justice the power to assign judges in his discretion to courts, and, of course, to try certain cases pending in those courts. This is certainly not complimentary to the Chief Justice, for it is an assumption that he can be influenced by the agents of the Anti-Saloon League—a false, unjust, and infamous assumption.

Right here I wish to go a little further into the activities of the Anti-Saloon League in interfering with this legislation. A few days ago, when this bill was under discussion, I stated that there was evidence of pernicious activity upon the part of the paid lobbyists of the Anti-Saloon League to control legislation concerning the judiciary, and especially that of my State. I referred to the fact that when this bill passed the House a provision was made for a district judge for the middle district of Tennessee, but that at the last meeting of the Committee on the Judiciary of the Senate, when I was ill and absent, this provision was stricken from the bill. In the same connection I called attention to the fact that it was generally conceded in Tennessee that Mr. John J. Gore, a prominent lawyer of Tennessee and one of the leaders of the Republican Party of that State, would be appointed judge in the event the office was created, and because he had been opposed to the prohibition amendment the Anti-Saloon League was already waging a war upon him and protesting against his appointment. I called attention to the coincidence between the striking out of the middle Tennessee district and the protest against Colonel Gore, and left it to Senators to infer whether there was any connection between them. I then made and now make no charge against anyone.

Mr. Wayne B. Wheeler, described, as I shall read later, in a circular issued by the superintendent of Tennessee as one of the greatest American lawyers and diplomats, stationed here in Washington in charge of this matter, and in whose office, it is said, all legislation in regard to prohibition is initiated, gave out an interview to the Tennessee papers concerning my statement, from which I will read:

Wayne B. Wheeler, legislative agent of the Anti-Saloon League, when questioned about the matter admitted that protests against Gore had been sent to the Department of Justice.

"These consisted"—

Continuing the interview—

"of letters from certain people in Tennessee which were forwarded to me by our State superintendent," said Wheeler. "I merely filed them with the Department of Justice. I don't suppose they ever got to the Senate committee."

Wheeler denied that he or his organization had influenced the committee in striking Tennessee from the bill.

"On the contrary, we believe Tennessee needs and should have the additional judgeship," said he. "If Senator SHIELDS will offer an amendment to the bill to take care of the Tennessee situation, we will use our influence to put it through."

Who are the Senators within my hearing that Mr. Wayne B. Wheeler can control to vote for this bill? Who is it that he is going to use his influence with?

Of course, we will not indorse any candidate who is not in sympathy with law enforcement.

It seems that he thinks that "law enforcement" means the enforcement of the prohibition law, that that is the only law upon the statute books, and that if you are not in favor of enforcing that just in accordance with his views and the bills that are prepared for Senators to introduce and vote for, you are against law enforcement. That is the legitimate inference. I supported the prohibition amendment and believe it ought to be efficiently enforced by reasonable and proper laws, but I deny that the amendment is the corner stone of our constitutional system, that it has priority over all other provisions of the Constitution, or that prohibition is now the chief object of our Government.

I received a letter from Mr. Wheeler concerning this Tennessee judgeship, and I will read it and my answer. I know I am giving entirely too much importance to what Mr. Wheeler says and does; but as he seems to be engaged now in initiating legislation, passing laws, and influencing Senators, and is proposing inferentially to influence the President in appointing judges and the Chief Justice in the assignment of judges, I think I may notice him a little.

This letter is dated March 14 and addressed to myself. I read:

DEAR SENATOR SHIELDS: I notice that you have been quoted in the paper as being under the impression that the Anti-Saloon League was opposed to an extra judgeship in Tennessee. Permit me to inform you that we now are and always have been in favor of having an extra judgeship for the State. As I remember it, the Chief Justice went on record in one of the hearings in favor of it. I have a letter from the United States attorney in the middle district of Tennessee in which he says—

It seems he was interfering with the discharge of the duties of the district attorney down there—

"In this district the docket is fearfully congested, so that it is almost impossible for a case to be called for trial until a year and a half old, and, of course, this greatly militates against successful prosecution.

"So far Congress has failed to pass the bill creating an additional judgeship, and until it does no results in the enforcement of law in this district can be very successful."

It is very clear to me that you need an extra judge in that district, and I hope that you will urge the adoption of an amendment to provide for it. I will gladly do anything I can to aid you in securing this amendment. Our only interest in this measure is to secure, if possible, a better enforcement of the law.

This district attorney, instead of answering that letter evidently calling him to task for supposed dereliction in his duties, wrote an apologetic letter. If I were President of the United States and there was a district attorney who would apologize to any interest for the manner in which he discharged his duty and took a reprimand from it, I would remove him as soon as I heard it.

I replied to Mr. Wheeler's letter as follows:

Your letter tendering to me your assistance in providing a United States district judge for the middle district of Tennessee received.

I do not wish or need your assistance in this matter.

The Senators and Representatives from Tennessee are amply able to take care of all legislation concerning their State, and I resent any interference by outsiders and special interests, especially concerning the judiciary.

A friend of mine sent me a circular that had been issued in Tennessee by one of Mr. Wheeler's subordinates, who I understand was recently imported from Indiana, which is germane to this question. It asks for contributions to aid Congressmen who will support all the laws of the Anti-Saloon League, and to maintain the headquarters here in Washington, but I will let the circular speak for itself. I am going to read just part of it.

A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States, where money for organization and educational purposes is scarce. They have always had to have help from the national league.

I do not know the southern Senators or Representatives to whom he refers, and think the statement is false.

Again:

In addition to the above the amount from Tennessee for the national league helps to provide for the maintenance of the entire national organization. It also helps to provide for the maintenance of our national office at Washington, D. C., under the very successful management of the Hon. Wayne B. Wheeler, one of the greatest diplomats and attorneys in America.

That word "diplomats" I have always heard used in a different sense, and a man who has on his letterhead, as Mr. Wayne Wheeler has, "Legislative superintendent," is generally called a lobbyist; but that is a nice, euphemistic way to put it.

Mr. SIMMONS. A diplomatic way.

Mr. SHIELDS. Yes; that is diplomatic in a circular asking for contributions.

From this office needed legislation is initiated, a constant watch is kept—

Now, mark this, Senators, and govern yourselves accordingly:

From this office needed legislation is initiated, a constant watch is kept on the actions of Congress, and when opposition appears danger signals are flashed to every State in the Union.

The success or failure of national enforcement depends upon the power of our national organization and its Washington headquarters, backed by the States, to defeat the nomination and appointment of enforcement officials, such as United States district attorneys, Federal enforcement officers and agents, United States district judges, and many other applicants for office who are out of sympathy with the enforcement of prohibition. Every State logically must carry its proportionate burden of this expense.

As to whether or not Mr. Wheeler is interested in Federal judges and the appointment of them, the circular issued by his subordinate down there answers very fully; but I have given too much attention to that. I presume everybody knew that such things were going on here before I read these letters.

Mr. KING. Mr. President, if I may interrupt the Senator, the Senator knows that a portion of the legislation enacted by Congress results from the persistent efforts of individuals and organizations. There are lobbyists in Washington and they press their demands to secure and to defeat legislation. They are here and often crowd the corridors, and have been particularly active during the past year. They have infested the Finance Committee rooms, and are even now claiming the attention of the Finance Committee and submitting statements in support of their demands, a record of which, as I am advised, is not kept. They are seeking to secure legislation and to obtain embargoes and tariff rates which would give many corporations a practical monopoly.

Mr. SHIELDS. There is no one who condemns that more than the Senator from Utah and myself; and we make no exceptions in regard to the Anti-Saloon League. Put them all in a single bed together where they belong.

Mr. KING. The ranking Democratic member of the Committee on Finance, the distinguished Senator from North Carolina [Mr. SIMMONS], is not even permitted to participate in the hearings which I have just referred to. When we come to discuss the tariff bill it will be apparent that as to some schedules there will have been testimony given which has not been available to the minority or to any Senators except those who constitute the majority of the Committee on Finance in the Senate. In my opinion this is a most remarkable procedure. It has been suggested that Congress is very responsive to the importunities of various interests in the United States, interests which do not always represent the people or their interests.

Mr. SHIELDS. I know the Senator does not approve legislation by special interest, and I am in full accord with him.

Mr. CUMMINS. Will the Senator yield to me for a question?

Mr. SHIELDS. I will. I hope, however, the Senator will ask me to yield only for a question, because I want to finish my remarks.

Mr. CUMMINS. It has some of the characteristics of a question, but I can not put it in a word or two.

Mr. SHIELDS. I would like to have the Senator let me finish, for I really am not very well this afternoon.

Mr. CUMMINS. I simply want to ask a question or two about Mr. Wheeler.

Mr. SHIELDS. The Senator will have to go to somebody else. I do not know Mr. Wheeler by sight.

Mr. CUMMINS. The Senator has referred to him.

Mr. SHIELDS. I have given all the knowledge I have.

Mr. CUMMINS. The Senator has referred to him and said something about his solicitude for the passage of this bill.

Mr. SHIELDS. Has he spoken to the Senator about it?

Mr. CUMMINS. He has.

Mr. SHIELDS. I do not care to go into the Senator's private concerns about this matter, and I can not yield for that purpose.

Mr. CUMMINS. His approach to me was absolutely appropriate, and I for one do not think that a man who has an interest in legislation ought to be denounced as a public enemy. I think the people of this country have as much interest in what we are doing as we ourselves, if not a good deal more.

Mr. SHIELDS. Does the Senator approve of special interests interfering in the courts of the country?

Mr. CUMMINS. I approve the action of any man coming to me and saying that he would like to have the courts of this country so reinforced that cases which come before the courts can be disposed of. I think it is an entirely appropriate suggestion. The Anti-Saloon League want the prohibitory law enforced. No matter whether we are in sympathy with it or not, we must be in sympathy with that suggestion, and when Mr. Wheeler comes to me and says that the prohibitory law is failing of enforcement, and failing because there are not enough judges to dispose of the cases, I think he is doing a thing becoming to every citizen who believes in the enforcement of the law, and I see nothing inappropriate in such a suggestion. When you have accumulated tens of thousands of criminal cases founded upon the prohibition law, which can not be disposed of, you have reached a condition which I think is humiliating to every lover of law and order, and we either ought to repeal the prohibitory law or we ought to furnish judges enough to enforce it.

Mr. SHIELDS. What I had to say about the representative was directed to his efforts to control the appointment of judges to try cases in which he was interested. I will denounce such efforts by any interests.

Mr. President, what right has the Anti-Saloon League to interfere in the appointment of judges and the holding of courts in this country? Would such interference be tolerated upon the part of capital, of railroad companies, of corporations in general, of organized labor, or of any other special interest? Certainly not. This instance should meet with the severest condemnation. It is nothing less than an effort to fix judges for the trial of certain cases. Jury fixing is infamous, but judge fixing is damnable.

The United States district judges are allowed great latitude in influencing the finding of juries upon the facts of the case. They may call the attention of the jury to parts of the evidence that they think important and express their opinion upon the facts or may advise them on the facts without committing error provided the issues of fact are ultimately submitted to the determination of the jury. This every lawyer knows in a majority of cases is controlling with the jury. This is the reason why the Anti-Saloon League desires a law for the assignment of judges from circuit to circuit, and it will be the cause of contentions between other interests concerning judges to dispose of cases where their rights are involved.

This interest has not hesitated to advocate laws which are believed to violate the constitutional guaranties of the security of the home, the rights of personal liberty and private property, and now they propose to invade the sacred precincts of the courts and pollute the administration of justice by placing judges upon the bench who have at least to some extent prejudged the cases they are to try.

This action of the Anti-Saloon League only illustrates the horrible consequences of vesting this new and great power over the trial courts in the hands of one man. Its blighting effects will fall upon both the high office of Chief Justice and the district courts. The action of the antisaloon interest in favoring this bill simply forecasts that its representatives will attempt to influence the Chief Justice to assign judges selected by them solely for the purpose of trying prohibition cases and without regard to the interest of other litigants of greater importance and the great mass of the business pending in the courts. If this bill becomes a law the Chief Justice may be assailed with applications from all sorts of interests and all sorts of influence in the designation of judges. The Anti-Saloon League and the whisky interest may contend before him. The coal operators may ask for judges to try striking miners and the miners will want a judge who will favor them. Capital and corporations may ask for judges favoring their views upon public questions, and various interests—labor, farmers, and others—may also clamor for representation upon the bench.

Mr. President, I do not for one moment believe that the present Chief Justice or any successor in that high office whom the President of the United States might nominate or the Senate confirm would yield to any such influence or be a party to such corruption; but he should not be placed in a position where even the shadow of suspicion could fall upon him.

The imperial executive power proposed to be given over the judges of the inferior courts is too great to be concentrated in the hands of one man. It is a power no good man ought to want and no bad man should have. The abuse of such a power by the King of England in the appointment and removal of judges of the Colonies was one of the chief causes for the Revolution assigned in the Declaration of Independence.

I hope that the Congress will never approve any measure that will in the slightest and the most remote manner shock the confidence of the people in the purity of the highest judicial officer in the world and in the impartiality of their courts.

I appeal to Senators to favor no policy and no law which will tend to lower the dignity and bring dishonor upon that high office honored and adorned by John Marshall and his learned and illustrious successors.

Mr. President, the bill finally proposed providing for a multitude if judges, 19 in number, without regard for the necessities of business in particular districts, certainly not based upon any uniform rule or system, and for conferences of circuit judges, to be called and presided over by the Chief Justice, to make plans for the assignment of district judges to hold courts out of their districts and out of their circuits, as may there be outlined and determined and, in the end, largely left to the will of the Chief Justice, is subject to many serious objections.

Judges should never be authorized to exercise powers not strictly judicial. Their whole time, with proper seasons, of course, for recreation and repose, and their serious thoughts should be devoted to the duties of their high office. They should be wholly judges, always judges, and nothing but judges. The judicial power is incompatible with any other pursuit in life. All the faculties of every man who assumes it ought to be constantly exercised and confined to the serious consideration of his judicial duties. Above all things, judges should not be charged with the exercise of executive or political duties. I believe that it is the opinion of the bar and the people of the United States, and especially as relates to the Federal judiciary where the tenure of office is practically for life, that when a man accepts a judgeship and becomes a high priest of justice, ministering at the altar, he should be separated from all business concerns and forswear political ambition and preferment.

The power given the Chief Justice to call conferences of the circuit judges, adopt plans, and ultimately himself assign judges is a dangerous innovation of doubtful constitutionality. The Chief Justice and the Supreme Court are, by the organic law constituting that court, given no original jurisdiction over the trial of cases in the district courts, and they have no right to interfere in any manner or to control the proceedings of those courts by moral or other influence. There should be no opportunity for such influence and no semblance of its exercise. It is true there is no provision here for direct control of district judges in the trial and decision of cases, but need Senators be told of the questions which can be discussed by the Chief Justice with the circuit judges in the conferences, and how their views and wishes can be passed down to the district judges? Is not this an opportunity for political influence and power over the judiciary of which a designing man could avail himself in times of great political turmoil?

Would any Senator favor giving the chief justice of the highest court in his State the power to summon the judges of the inferior courts before him in conference to make reports of the condition of the dockets and business of their districts and then, in his discretion, divide up this business and assign and send judges out of their jurisdiction as he might think to the public interest? The people of the States would not tolerate such an assault upon the independence and purity of their courts. They would consider such an arrangement, however honest and patriotic those promoting it might be, a potential political machine subject to great abuse and eventually contaminating the judges with partisan spirit and strife which would destroy the integrity of their courts.

A very serious objection is that the bill confers upon the Chief Justice executive power. The Constitution vests the power to appoint judges in the President of the United States. This bill vests it in the Chief Justice for the time being. The commission of the President authorizes and directs a judge to hold court in a certain district, where he is to reside and where he is known to the people. This bill gives the power to the Chief Justice to modify that appointment and send this judge away from his home to preside over the courts and dispose of the business of other people, to whom he may be unacceptable. The assignment may be for any period—for life. When the judge of a particular district is nominated to fill an existing vacancy the people of the district have the right to protest against the appointment for any valid or sufficient reason, and, in that way, they have a certain choice in the selection of their judge.

Mr. OVERMAN. I ask the Senator if the bill was not reported to the Senate by a bare majority of the Judiciary Committee, and if section 3, which he has been discussing, was not at one time defeated in the committee?

Mr. SHIELDS. Yes; it was several times defeated, and brought back at the last meeting of the committee, when several district judges were added, and then, I understand, by only one majority.

The appointment can be made under this bill without the knowledge of the people of the district, without their consent, and without an opportunity to protest. It is an encroachment upon the prerogatives of the Executive, and, worst of all, it deprives the people of the very limited right they have in the selection of Federal judges. It is wrong in principle and it is unjust in practice. While the present bill is not so obnoxious as the one which the Chief Justice appeared before the Judiciary Committee to advocate, it is the entering wedge for the recognition of a bad policy and an assault upon the independence of the judiciary, which may grow and grow and sap and undermine that independence. The powers of government are not only separated into three great departments, but it is the policy of the law that the individual holding office in one of those departments shall not also exercise the functions of another department, for without this they can not be separate and independent and must necessarily be contaminated with political influence.

Mr. CUMMINS. Will the Senator yield to me for a moment at that point?

Mr. SHIELDS. For a question?

Mr. CUMMINS. For a question; yes.

Mr. SHIELDS. I yield.

Mr. CUMMINS. The Senator says he does not object to the authority of a circuit judge to assign district judges within the circuit. Is there any more danger in giving the Chief Justice the authority to assign a district judge of Michigan to hold court in the adjoining State of Illinois than there is in giving the circuit judge the authority to assign the same district judge to hold court in Tennessee?

Mr. SHIELDS. I think so, and I will discuss that in a few minutes.

This policy forbidding the mingling of the separate departments was violated in the early part of our Government in several prominent instances, but they were condemned by the people, and for many years the objectionable practice has been abandoned. I will read from Judge Baldwin's American Judiciary some of the cases referred to and how they were rebuked by the people:

> It may well be doubted if the advantages to be gained by their counsel in such a position are not outweighed by the evil of exposing it to criticism as dictated by selfish considerations. A member of the New York convention thus alluded upon the floor to the measures supported by the Chief Justice and chancellor:
>
> "He regretted that such an opinion and plan had been proposed by the Chief Justice. It must have arisen from the politics of the Supreme Court. The judges of that court had been occupied so much in politics that they had been compelled to press upon the public a system that had nothing else to recommend it than such a relief to themselves from the burden of official duties as would leave them to the free exercise of their electioneering qualifications. But for this the Chief Justice might have shown a Holt or a Mansfield. The elevated character of the chancellor had been often asserted and alluded to. He meant no disrespect to that honorable gentleman. He respected him as highly as any man when he confined himself to the discharge of the official duties of his office; but when he stepped beyond that line, when he became a politician instead of being his fancied oak, which, planted deeply in our soil, extended its branches from Maine to Mexico, he rather resembled the Bohon Upas of Java, that destroyed whatever sought for shelter or protection in its shade."
>
> In the New York constitutional convention of 1821, Peter R. Livingston appealed to the lawyers present to say "whether it has not been the case that when a man in the country of any political standing has had a suit depending at a circuit court, he has not consulted with his counsel to know what judge was to preside at the circuit, and whether he has not been frequently told that a political judge was to preside, and it would not do to let the cause come on." Who, he asked, were the present judges of their supreme court? "Judge Spencer came into office under a Republican administration, Judge Van Ness was appointed by a mongrel council, and the elevation to the bench of Judge Piatt was occasioned by the defection from the Republican ranks of a man elected to the senate from the county of Dutchess, who acted the part of a political Judas and sold his party. We have been bought and sold—there is not one of these men who would have been on the bench if our administration had been truly Republican. * * * There is not a man in this convention who is a Republican of any standing or character who would like to have his liberty or property placed in the hands of a political judge of a different party."

The Chief Justice, as the presiding officer of the Supreme Court, is vested with as much power as any officer in our Government, and there should be no extension of it. The consumption of his time in investigating the condition of the dockets of the 86 districts in the United States, and marshaling and assigning 150 judges to various parts of the country to relieve such congestion, if done efficiently, will require much time and deliberation. If not done well, it should not be done at all. To place this burden upon the Chief Justice will require him to neglect the duties of his office and retard the business of the Supreme Court. That court is now, I understand, 18 months behind with its work, and at the adjournment of each year leaves a very large number of important cases unheard and undetermined, notwithstanding many of them involve questions which the business of the country—immense interests—and that of the Government concerning its revenues and other activities have been compelled to halt and await determination. The Chief Justice and one of the associate justices have recently in public addresses called attention to the congestion of the docket of that court and advocated measures for the restriction of its jurisdiction, and at their instance bills of a most drastic character have been introduced for that purpose.

The power of assigning judges is not a judicial power and does not in the remotest manner concern the exercise of the jurisdiction of the Supreme Court. It concerns other courts and the rights and duties, personal and official, of other judges. The judicial power is the power to try and determine contro-

versies—lawsuits brought and presented to the court according to established practice and procedure. The power to establish courts and provide them with judges and other officers is a legislative power. Congress alone has this power concerning the Federal courts.

It has long been settled in this country that administrative or other powers nonjudicial in their character can not be conferred upon the judges of courts.

Mr. Justice Harlan, in Interstate Commerce Commission v. Brimson (154 U. S. 484, 485), speaks of the rule that Congress may not impose upon the courts of the United States any duties not strictly judicial as a salutary doctrine, and there are other cases recognizing the existence of the rule. Chief Justice Jay and his associates when the Supreme Court was first organized challenged the constitutionality of the provision requiring them to go out upon the circuit and hold the circuit courts, and when Chief Justice Marshall came into office he concurred with them in the soundness of their contention, but said that as the law had been in force for some 13 years and there was very little business in the Supreme Court at that time they would follow the statute.

If it could be done, the legislatures could so consume the time of the judges as to embarrass them and make it impossible for them to discharge their judicial duties and powers. It is like the taxing power—it is the power to destroy. It would allow political powers to be conferred on judges, which would absolutely destroy their usefulness and the confidence of the people in the courts so necessary to peace, law, and order.

The Chief Justice or the associate justices could as well be authorized to exercise the legislative power of arranging and laying off Federal districts and circuits and fixing the places and times for holding courts as the executive power of providing and appointing judges for those courts. These things are all foreign to their jurisdiction and powers, nonjudicial in their character, and within the constitutional powers and duties of other departments of the Government, but not more so than that of designating judges to hold courts in other circuits, which is practically, as I have undertaken to show, the executive power of appointment.

The assignment of district judges to hold district courts in other circuits, from one extreme part of the United States to another—from the Atlantic States to the Pacific States, from the Lake States to the Gulf States, and from the commercial and manufacturing States to the mining and agricultural States—will result in great confusion and a practical denial of justice in many cases.

There is a radical difference in the constitutions, statutory laws of these States, and the judicial opinions of their courts construing them, and in the laws of contracts, wrongs committed with force, and the vast domain of general jurisprudence. The common law is the basis of the jurisprudence of some States and the civil law in others, and in all of them these systems have been more or less modified by statutory enactments, without uniformity and with innumerable distinctions and exceptions. From an investigation made in the Library of Congress, it appeared that in the five years from 1909 to 1913, inclusive, there was enacted by the national and the several State legislatures 62,014 statutes, and that during the same period 65,379 judicial decisions for publication were delivered by the national and State courts of last resort, included in 680 volumes. This does not include the thousands of opinions delivered and filed for publication by judges of the district courts and the circuit courts of appeals of the United States and by numerous intermediate appellate courts of the States. There are, therefore, on an average, more than 12,000 statutes and an equal number of judicial opinions enacted, delivered, and published in the United States each year. There is no good lawyer in full practice who does not know that it requires great diligence to keep up with the statutes and reported cases of authority of his own State. There is no truthful lawyer who will claim that he can keep up with the legislative and judicial modifications of the law in all the States of the Union. Judges who have fixed salaries have little disposition or time to keep informed of such matters, and they can not and do not do so sufficiently to enable them to go into strange jurisdictions every six months or each year and try and decide lawsuits with intelligence and that certainty of determination which should be present in every judicial decision. A system of visiting or alternating judges would be most objectionable in equity cases, where it is necessary to make successive orders and decrees, often with months of intervals, in the progress of the cause. The judge who heard the argument and made the first decree would probably not be present to follow it up in the subsequent stages of the cause and the new judge could not do so with the clearness necessary to the proper administration of justice. These visiting judges would come with the occasion and depart with the occasion. They would not understand the customs and character of the people whose lawsuits they were called to hear and determine and they would not feel that responsibility that the local judge feels to the people among whom he resides, and, being a mere temporary judge unknown to the people of the district, he would not have and command that cooperation and confidence necessary for the satisfactory and efficient discharge of judicial duties. Permanent judges, under our present system, reside in their districts, are of the people, and their character, probity, and ability are known to the people whose rights they determine and have their respect and confidence.

The policy of providing for permanent judges in each Federal district, followed since the beginning of our Government, is sound and practical and should not be departed from. In temporary emergencies judges from districts near by or in the same circuit may be called on for relief, but they should always come from the same State or the same circuit, so as to obviate the objections I have stated as much as possible. The senior circuit judge should make the assignment required. There can be no controversy but that he is better qualified to do so by his superior and more accurate information of the character and ability of the district judges of his circuit and the conditions of the litigation pending in the several district courts. This is the present law. It has worked well in practice and there is no emergency which requires that it be changed so as to vest this dangerous power in the Chief Justice.

The provisions of this bill, authorizing the Chief Justice to make assignments—substantially appointments—of judges will not meet with the approval of the litigants and the people of the country. They want no centralized control of their courts.

The assignment of judges from district to district and from circuit to circuit without their consent is also unjust and a substantial interference with their tenure of office under their commissions as judges of a particular district. Well might a district judge be willing to exercise the duties of his office in one district but not in another district.

Why should the practice that has prevailed for 100 years of providing additional judges for districts where the business is increased and the dockets are congested so as to require such action be abandoned? It is the only sound, just, and economical way of providing new judges. The Members of Congress, Senators and Representatives, residing in their States and districts, are in close touch with the people, the bar, and the courts, and they know when such congestion and the necessity for additional judges exist, and it is their duty to introduce bills and relieve the situation. The Chief Justice has no such information of conditions in all of the 86 Federal districts of the United States, and it is not his duty or within his prerogatives or power to look after and legislate for such conditions. The duty and the power should be left in the legislative department to provide for the new judges by proper and intelligent legislation, and to the Executive to select and appoint the judges, with due consideration for the opinions and the choice of the people over whom they are to preside, with the advice and consent of the Senate.

This bill provides for more judges than the evidence before the Judiciary Committee shows are necessary to be created, and can not but impress the public that it is the result of logrolling and reciprocal courtesy, which will be hurtful both to the judiciary and the Congress. This is an infirmity that has always found its way into omnibus bills for any purpose when a number or all the States have similar interests, real or fancied.

The subcommittee was of the opinion that conditions causing the existing congestion in some of the courts would soon pass away, and that 12 judges were ample to meet the present emergency, but the whole committee increased the number to 17, for what reason I shall not now undertake to express an opinion.

In that I agree with the Senator in charge of the bill, who has so expressed that opinion in presenting this bill.

The present conditions grow largely out of the increase of jurisdiction of the district courts by various acts of Congress, many of them of questionable constitutionality, creating new criminal offenses against the Federal Government, which have heretofore been speedily and effectually punished by the proper local authorities in the several States. General Crim, Assistant Attorney General, a very able and learned lawyer, in an address recently delivered to the General Assembly of New York, said:

> An enormous percentage of the work being done by the Department of Justice is work that could be done more efficiently and at much less cost by the local government. The burden of this character of work is so great on that department that it is fairly staggering under its load. Unless relieved, bureaucracy is inevitable, with its attendant evils. The percentage of the work which it is doing that could be better done by responsible local self-government is so great that it impairs the efficiency of the administration of those laws which deal with things essentially national in their scope.
>
> Why should it be necessary for a citizen to appeal to the President of the United States to prevent a small still from being operated in New Jersey?
>
> Why should it be necessary for a citizen to appeal to the President of the United States to prevent a man with a jug of alcoholic liquor from selling it at a Sunday school picnic in Virginia?
>
> Why should it be necessary for a citizen to appeal to the President of the United States to punish the larceny from a freight car in the yards of this city of a package consigned to Omaha, Nebr.?
>
> Why should it be necessary for a citizen to appeal to the President of the United States to prevent a printer in a small town in Kansas from printing tons of obscene matter and disseminating but a fraction of it through the mails?
>
> Why should it be necessary for the credulous widow to appeal to the President of the United States to bring to the bar of justice the rascal who has defrauded her out of her money by a stock-selling scheme at New York City?
>
> Why should it be necessary for a citizen to appeal to the President of the United States to prevent an unscrupulous scoundrel in Kansas from selling opium to school children?
>
> Why should it be necessary for a citizen traveling in an automobile from New York to Chicago, who has had his machine stolen at Philadelphia, Pa., to appeal to the President of the United States to have that man punished, when it was taken under the very eyes of a local policeman?
>
> Why is it necessary for a citizen to appeal to the President of the United States for relief where a rascally cashier of a State bank has betrayed his trust and stolen its funds, simply because that bank, a creation of the State, is a member of the Federal reserve system?

Mr. President, if some of the jurisdiction were restored to the State courts there would be no lack of enforcement of law and no congestion in the Federal courts. Take, for instance, the statute making the carrying of a stolen automobile from one State to another a Federal offense. That is a larceny that could be punished in either State. There are more than a thousand cases of that kind pending in the Federal courts now, and this statute should be repealed. There are several other statutes of a similar character. If the Congress will repeal these statutes and restore to the State courts their jurisdiction the Federal courts would have great relief and the expense of additional judges would be unnecessary.

Now, Mr. President, I come directly to the alleged congestion. The Senator in charge of the bill, the senior Senator from Iowa [Mr. CUMMINS], was shocked, he said, by the delays of justice in the courts growing out of the fact that there was pending in the district courts 142,000 cases on the 30th day of June, 1921. In stating that there were then 142,000 case he was justified from a reading of the evidence introduced before the Committee on the Judiciary when the committee was considering the pending bill. But the facts utterly fail to sustain any such condition of the dockets of the Federal courts.

The statistics show that a very large number of cases reported as pending in the several district courts are cases in bankruptcy, which are really nominal and do not occupy the time of the judge, and a large number of draft cases which can not and will not be tried and ought to be dismissed because the parties are dead or the witnesses are scattered and can not be found and the chief cause for prosecuting them has ceased to exist.

In support of that statement I have the report of the Attorney General made to Congress in December, 1921, and the testimony of Mr. Hayward, the district attorney in New York City, where the largest number of the draft cases are pending. The fact is that by far the greater number of draft cases in the Federal courts are in the States of New York, Massachusetts, and New Jersey. There are very few in the courts of other States. Mr. Hayward admitted that he would never be able to secure many convictions; in fact, I believe he said that he would, perhaps, never secure a dozen convictions in New York.

It is conceded by the judges who investigated this matter, Judge Sater, of Cincinnati, Judge Pollock, of Kansas, and Judge Grubb, of Alabama, that even this apparent congestion is temporary. After those judges had examined the whole situation they made a report at the request of the Attorney General. I was very much impressed with the intelligence and ability of all three of those judges; and, as evidence that they were industrious, energetic, and great judges, no congestion exists in their courts. They have the executive ability to clean up their dockets and they do not want any relief. Their dockets are about as large as those of any of the other judges except those where draft cases appear. Judge Grubb, in speaking of the character of this alleged congestion, said it was largely confined to several cities, and then said:

> I can give the cities. There are Boston, New York, Philadelphia, Pittsburgh, Chicago, St. Louis, Atlanta—the Atlanta district—California, the San Francisco district, and Detroit. I think those are the principal points of congestion, but there are some others.

The facts are that the temporary congestion can be relieved by the present judges in a few months, and in less than a year these additional judges will have nothing to do but draw their salaries for life.

Mr. CUMMINS. I should like to suggest at that point, if the Senator will permit me, that the same judges recommended the appointment of 18 additional judges in order to meet this very condition.

Mr. SHIELDS. Yes; and I know that the judges were not very proud of their recommendation.

Mr. CUMMINS. I do not know as to that.

Mr. SHIELDS. I invite the attention of the Senator from Iowa to the statement that the testimony of those who appeared before the Committee on the Judiciary in the hearing had by the committee when considering this bill was not full and was misleading. The witnesses utterly failed to show the real condition of the dockets of the district courts concerning the number of cases there pending for trial and which consume a substantial time of the court.

The statement made that there are pending in the district courts 142,402 cases nominally is true, but the witnesses failed to state that more than half of these cases, judging by the record of previous years, go off without trial; in fact, the figures which I shall present show that thousands of them go off without trial—that is, they are dismissed, discontinued, compromised, nolle prossed, dismissed on motion or demurrer, or judgments are entered upon pleas of guilty, and dead civil cases are retained on the docket. These facts all appear in the report made by the Attorney General upon his official oath for 1921, in which the statement is made that the statistics are carefully revised. This report to Congress was made for the purpose of showing the business of these courts without special reference to this legislation and, I think, is absolutely reliable. I will read from it the pending business in the Supreme Court, the circuit courts of appeals, and the district courts for the fiscal year of 1921.

The number of cases and other proceedings docketed in the Supreme Court for the last fiscal year was 565. The number of cases and other proceedings pending at the close of the year was 367.

The cases and the proceedings disposed of during the year was 608.

It has been a long time since I appeared in the Supreme Court of the United States, and I do not understand what is included in the term "other proceedings." I do not understand the distinction between cases and "other proceedings" in a court that has only jurisdiction to try and determine lawsuits.

The report shows that about one-half of the 608 cases were disposed of without argument, being applications for writs of certiorari dismissed, cases dismissed on motion, and compromised.

The number of cases actually considered by the court was 574, of which 227 were argued orally and 347 submitted on printed briefs; 47 cases were settled by the parties and dismissed without a hearing, and 230 cases were denials of petitions for writs of certiorari. There were, then, less than 300 cases argued and in which opinions were filed, or about 33 cases to each of the nine judges of the court.

This is approximately a correct statement of the work of the Supreme Court for one year, as I get it from a statement furnished the chairman of the Judiciary Committee by the clerk of the court and from the report of the Attorney General.

Mr. President, I may have something more to say on the pending measure. I do not suppose anyone else desires to speak on the bill this evening, and I suggest to the Senator from Iowa that we adjourn or take a recess.

Mr. CUMMINS. I am advised that others who are interested in the bill are not prepared to go on at this time, and I intend to make a motion for an executive session.

Mr. LA FOLLETTE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Wisconsin before I make the motion.

Mr. SHIELDS. The Senator understands that I am not through, but I am yielding that he may make whatever motion he desires to submit. I am not through with my argument and I shall be entitled to the floor when the consideration of the bill is resumed.

POST-OFFICE BUILDING AT MADISON, WIS.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 9604) for the acquisition of a post-office site at Madison, Wis., which I send to the desk, together with the report.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the provision of the act of Congress approved September 7, 1916 (39 Stat., p. 742), which authorizes the acquisition of a site and the erection and completion thereon of a suitable building for the use and accommodation of the post office, United States courts, and other governmental offices in the city of Madison, Wis., at a limit of cost of $850,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a suitable site in said city at a cost of not exceeding $350,000.

Mr. LA FOLLETTE. The report is very short, but I shall not ask to have it read, unless the reading is called for. I will just state that the bill does not make any appropriation, but simply provides for the purchase of a site out of an appropriation already made.

Mr. LENROOT. May I ask my colleague if this is the bill which passed the House?

Mr. LA FOLLETTE. It is the bill which passed the House, and it was reported from the committee to the Senate by the Senator from Maine [Mr. FERNALD].

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUANCE OF MEDALS, ETC.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 10297) to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the eighth paragraph under the caption "Medals of honor, distinguished service crosses, and distinguished service medals," Army appropriation act approved July 9, 1918, to the extent that it establishes limitations of time as a condition of issuance or a condition precedent to issuance of such medals and crosses to persons, or the representatives of deceased persons who served in the Army of the United States from April 7, 1917, to November 11, 1918, inclusive, is amended so as to extend such respective limitations for a period of one year from and after the approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOGNITION OF INDEPENDENCE OF THE PHILIPPINE ISLANDS.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. I would like to have the attention of the Senator from Massachusetts [Mr. LODGE]. Yesterday I offered a resolution the purport of which is that the Senate express a desire that the President shall negotiate treaties with the nations which are interested in the Pacific for the protection of the Philippine Islands as an independent State, and that upon such treaties being negotiated the United States shall relinquish control. I had the resolution lie upon the table, because I was not sure whether it should go to the Committee on Foreign Relations or the Committee on Territories and Insular Possessions. The chairmen of both these committees are in the Senate Chamber at this time, and it is immaterial to me to which committee the resolution shall be referred.

Mr. LODGE. If it involves treaties it necessarily goes to the Committee on Foreign Relations. It is not that I am looking for additional burdens that the suggestion is made.

Mr. KING. It is my impression that it should go to that committee. I did not want it sent there until I conferred with the Senator from Indiana [Mr. NEW], as I wish to respect the dignity of each committee. I ask, Mr. President, that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so referred.

EXECUTIVE BUSINESS.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CUMMINS. I move that the Senate adjourn until 12 o'clock on Monday.

The motion was agreed to, and (at 5 o'clock p. m.) the Senate adjourned until Monday, April 3, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 31, 1922.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Grayson Villard Heidt, Quartermaster Corps, from December 22, 1921.

Lieut. Col. James Cooper Rhea, Cavalry, from December 22, 1921.

Lieut. Col. James Hanson, Infantry, from December 24, 1921.

Lieut. Col. Fred Radford Brown, Infantry, from December 24, 1921.

Lieut. Col. William Topping Merry, Infantry, from January 1, 1922.

Lieut. Col. Lawrence DuVal Cabell, Quartermaster Corps, from January 2, 1922.

Lieut. Col. Clyffard Game, Quartermaster Corps, from February 5, 1922.

Lieut. Col. George Washington Stuart, Infantry, from February 11, 1922.

Lieut. Col. Robert Cherry Foy, Field Artillery, from March 2, 1922.

Lieut. Col. Duncan Kennedy Major, jr., Infantry, from March 5, 1922.

To be lieutenant colonels.

Maj. Walter Herbert Neill, Quartermaster Corps, from December 22, 1921.

Maj. Edmund Anthony Buchanan, Cavalry, from December 22, 1921.

Maj. Benjamin Delahauf Foulois, Air Service, from December 23, 1921.

Maj. Ray Wilson Ashbrook, Infantry, from December 24, 1921.

Maj. Ralph Hill Leavitt, Infantry, from December 24, 1921.

Maj. Goodwin Compton, Infantry, from January 1, 1922.

Maj. Launcelot Marmaduke Purcell, Quartermaster Corps, from January 2, 1922.

Maj. James Edmund McDonald, Infantry, from February 5, 1922.

Maj. Carl Frederick von dem Bussche, Quartermaster Corps, from February 11, 1922.

Maj. Thomas Worthington Holliday, Field Artillery, from February 24, 1922.

Maj. Albert Louis Rhoades, Coast Artillery Corps, from March 2, 1922.

Maj. Sam Pruitt Herren, Infantry, from March 5, 1922.

Maj. Fay Warrington Brabson, Infantry, from March 6, 1922.

To be majors.

Capt. Ellicott Hewes Freeland, Coast Artillery Corps, from August 2, 1921.

Capt. Spencer Albert Townsend, Cavalry, from August 11, 1921.

Capt. Richard Clark Birmingham, Infantry, from August 25, 1921.

Capt. Felix Rossiter McLean, Infantry, from August 26, 1921.

Capt. Craigie Krayenbuhl, Field Artillery, from September 10, 1921.

Capt. Paul Barrows Parker, Infantry, from September 11, 1921.

Capt. Arthur Marion Jones, Cavalry, from October 11, 1921.

Capt. James Cornelius Ruddell, Coast Artillery Corps, from October 15, 1921.

Capt. Thomas Green Peyton, Cavalry, from October 20, 1921.

Capt. Joseph Hamilton Grant, Infantry, from October 23, 1921.

Capt. Joseph James O'Hare, Coast Artillery Corps, from October 26, 1921.

Capt. Arthur Monroe Ellis, Infantry, from October 26, 1921.

Capt. Maurice Levi Miller, Infantry, from November 2, 1921.

Capt. Junius Henry Houghton, Air Service, from November 2, 1921.

Capt. Abram Vorhees Rincarson, jr., Coast Artillery Corps, from November 5, 1921.

Capt. Benjamin Anthony Yancey, Infantry, from November 7, 1921.

Capt. William George Patterson, Coast Artillery Corps, from November 8, 1921.

Capt. Douglas Jenkins Page, Field Artillery, from November 28, 1921.

Capt. James Nephew Cuperton, Cavalry, from November 29, 1921.

Capt. Charles Compton Smith, Cavalry, from December 4, 1921.

Capt. Harrison Herman, Cavalry, from December 10, 1921.

Capt. Frank Clark Scofield, Coast Artillery Corps, from December 16, 1921.

Capt. George Joseph Newgarden, jr., Infantry, from December 16, 1921.

Capt. John David Miley, Infantry, from December 16, 1921.

Capt. John Forest Goodman, Infantry, from December 18, 1921.

Capt. Ferdinand Francis Gallagher, Coast Artillery Corps, from December 19, 1921.

Capt. Barrington Lockhart Flanigen, Coast Artillery Corps, from December 22, 1921.

Capt. Robert Kenneth Whitson, Infantry, from December 22, 1921.

Capt. Otto Frederick Lange, Infantry, from December 23, 1921.

Capt. Harlan Leslie Mumma, Infantry, from December 24, 1921.

Capt. Alexander Mathias Weyand, Infantry, from December 24, 1921.

Capt. Walter David Mangan, Field Artillery, from January 1, 1922.

Capt. Robert Rau Duncan McCullough, Cavalry, from January 2, 1922.

Capt. Elon Albert Abernethy, Infantry, from January 4, 1922.

Capt. Nelson Bateman Russell, Infantry, from January 8, 1922.

Capt. Henry Parker Blanks, Infantry, from January 21, 1922.

Capt. Carl Archibald Bishop, Infantry, from February 5, 1922.

Capt. Ansel Griggs Wineman, Field Artillery, from February 11, 1922.

Capt. James Ellis Slack, Cavalry, from February 22, 1922.

Capt. Marvin Randolph Baer, Infantry, from February 22, 1922.

Capt. Marvin Conrad Heyser, Field Artillery, from February 24, 1922.

Capt. Harold Preston Kayser, Infantry, from March 2, 1922.

Capt. Basil Dennis Spalding, Infantry, from March 5, 1922.

Capt. Gordon Waterman Ellis, Infantry, from March 6, 1922.

Capt. Sidney Guthrie Brady, Field Artillery, from March 23, 1922.

To be captains.

First Lieut. Ellis DeVern Willis, Infantry, from August 2, 1921.

First Lieut. Thomas Reed Taber, Ordnance Department, from August 2, 1921.

First Lieut. Harry William Lin, Coast Artillery Corps, from August 2, 1921.

First Lieut. Edward Brooks Harry, Cavalry, from August 6, 1921.

First Lieut. Harry Lee Franklin, Infantry, from August 9, 1921.

First Lieut. Harold Paul Stewart, Cavalry, from August 10, 1921.

First Lieut. Darrow Menoher, Cavalry, from August 11, 1921.

First Lieut. Mark Andrew Devine, jr., Cavalry, from August 14, 1921.

First Lieut. Edwin Eugene Aldrin, Air Service, from August 16, 1921.

First Lieut. Robb Steere MacKie, Infantry, from August 25, 1921.

First Lieut. Thomas Lamar Cleaton, Coast Artillery Corps, from August 26, 1921.

First Lieut. Fred Thurston Marsh, Infantry, from August 26, 1921.

First Lieut. Ashley Hearn Conard, Cavalry, from September 1, 1921.

First Lieut. Boniface Campbell, Field Artillery, from September 3, 1921.

First Lieut. Lloyd Marlowe Hanna, Coast Artillery Corps, from September 4, 1921.

First Lieut. Raymond Shener Jett, Cavalry, from September 8, 1921.

First Lieut. James Willard Walters, Ordnance Department, from September 10, 1921.

First Lieut. Richard Cox Coupland, Ordnance Department, from September 10, 1921.

First Lieut. Walter Alfred Elliott, Infantry, from September 11, 1921.

First Lieut. William Joseph Burke, Coast Artillery Corps, from September 15, 1921.

First Lieut. George William Brent, Coast Artillery Corps, from September 18, 1921.

First Lieut. Jack Raymond Burke, Cavalry, from September 20, 1921.

First Lieut. William Hobart Little, Cavalry, from September 23, 1921.

First Lieut. Samuel Francis Cohn, Infantry, from October 7, 1921.

First Lieut. John Augustus Rodgers, Infantry, from October 11, 1921.

First Lieut. Deane Childs Howard, jr., Quartermaster Corps, from October 13, 1921.

First Lieut. James Emerson Troupe, Coast Artillery Corps, from October 14, 1921.

First Lieut. Ward Edwin Becker, Coast Artillery Corps, from October 15, 1921.

First Lieut. William Wayne Murphey, Coast Artillery Corps, from October 16, 1921.

First Lieut. Earl Hendry, Ordnance Department, from October 16, 1921.

First Lieut. Timothy Sapia-Bosch, Infantry, from October 20, 1921.

First Lieut. Harold Artemas Packard, Coast Artillery Corps, from October 20, 1921.

First Lieut. Raymond Miller Richardson, Coast Artillery Corps, from October 23, 1921.

First Lieut. Edward Garrett Cowen, Coast Artillery Corps, from October 23, 1921.

First Lieut. Kenyon Putnam Flagg, Coast Artillery Corps, from October 26, 1921.

First Lieut. Joseph Burske Hafer, Coast Artillery Corps, from October 26, 1921.

First Lieut. Walter Hay Rice, Coast Artillery Corps, from October 26, 1921.

First Lieut. Henry Augustine Harkins, Coast Artillery Corps, from October 29, 1921.

First Lieut. Juan Luis Oliver, Infantry, from November 1, 1921.

First Lieut. Edward Lucien Suppie, Coast Artillery Corps, from November 2, 1921.

First Lieut. Fred Beebe Hanchett, jr., Coast Artillery Corps, from November 2, 1921.

First Lieut. Samuel McCullough, Coast Artillery Corps, from November 2, 1921.

First Lieut. Mahlon Milton Read, Coast Artillery Corps, from November 5, 1921.

First Lieut. Allen Ferdinand Crum, Coast Artillery Corps, from November 6, 1921.

First Lieut. Bernard Clark Dailey, Coast Artillery Corps, from November 7, 1921.

First Lieut. Eduardo Andino, Infantry, from November 8, 1921.

First Lieut. John Woodbury Leavitt, Coast Artillery Corps, from November 15, 1921.

First Lieut. Robert Elwyn De Merritt, Coast Artillery Corps, from November 15, 1921.

First Lieut. James Franklin Powell, Air Service, from November 17, 1921.

First Lieut. William Dalton Hohenthal, Coast Artillery Corps, from November 22, 1921.

First Lieut. James Ralph Lowder, Coast Artillery Corps, from November 22, 1921.

First Lieut. John Thomas Schneider, Field Artillery, from November 24, 1921.

First Lieut. Willard Warren Scott, Coast Artillery Corps, from November 26, 1921.

First Lieut. Edwin Philip Hart, Coast Artillery Corps, from November 27, 1921.

First Lieut. Leonard Louis Davis, Coast Artillery Corps, from November 27, 1921.

First Lieut. Harold Leo Stiebel, Coast Artillery Corps, from November 29, 1921.

First Lieut. Webster Fletcher Putnam, jr., Coast Artillery Corps, from December 1, 1921.

First Lieut. Merle Halsey Davis, Ordnance Department, from December 4, 1921.

First Lieut. George Berry Dobyns, Coast Artillery Corps, from December 4, 1921.

First Lieut. Henry Devries Cassard, Coast Artillery Corps, from December 9, 1921.

First Lieut. Edward Hanson Connor, jr., Infantry, from December 10, 1921.

First Lieut. Neal Creighton, Air Service, from December 11, 1921.

First Lieut. George Peter Toft, Quartermaster Corps, from December 15, 1921.

First Lieut. Alonzo Maning Drake, Air Service, from December 16, 1921.

First Lieut. Charles Raymond Melin, Air Service, from December 16, 1921.

First Lieut. Victor Herbert Strahm, Air Service, from December 16, 1921.
First Lieut. Robert Jesse Whatley, Infantry, from December 18, 1921.
First Lieut. Waldo Sebastian Ickes, finance department, from December 18, 1921.
First Lieut. Ira Robert Koenig, Air Service, from December 19, 1921.
First Lieut. Harry Allen Sanford, Philippine Scouts, from December 22, 1921.
First Lieut. Earl Wells, Philippine Scouts, from December 22, 1921.
First Lieut. Raynor Garey, Field Artillery, from December 22, 1921.
First Lieut. Philip Schneeberger, Air Service, from December 23, 1921.
First Lieut. Gouverneur Hoes, Infantry, from December 24, 1921.
First Lieut. Victor Schmidt, Coast Artillery Corps, from December 24, 1921.
First Lieut. George Franklin Parris, Air Service, from December 24, 1921.
First Lieut. Fred Bidwell Lyle, Field Artillery, from December 25, 1921.
First Lieut. Karl Shaffner Axtater, Air Service, from December 26, 1921.
First Lieut. Clinton Bowen Fisk Brill, Quartermaster Corps, from December 28, 1921.
First Lieut. William Joseph Flood, Air Service, from December 28, 1921.
First Lieut. Francis Dundas Ross, jr., Infantry, from December 30, 1921.
First Lieut. Frank Edward Monville, Quartermaster Corps, from January 1, 1922.
First Lieut. George Merrill Palmer, Air Service, from January 1, 1922.
First Lieut. Charles Rawlings Chase, Cavalry, from January 2, 1922.
First Lieut. Loren Francis Parmley, Cavalry, from January 4, 1922.
First Lieut. Erle Fletcher Cress, Cavalry, from January 4, 1922.
First Lieut. Lynn Packard Vane, Coast Artillery Corps, from January 6, 1922.
First Lieut. John Austin Pixley, Coast Artillery Corps, from January 7, 1922.
First Lieut. Otta Marshall, Coast Artillery Corps, from January 8, 1922.
First Lieut. Edwin Cleveland Callicutt, Coast Artillery Corps, from January 9, 1922.
First Lieut. Ray Harrison Green, Quartermaster Corps, from January 11, 1922.
First Lieut. Hugh Williamson Rowan, Chemical Warfare Service, from January 12, 1922.
First Lieut. Russell William Goodyear, Quartermaster Corps, from January 12, 1922.
First Lieut. Lewis Rinehart Pfoutz Reese, Air Service, from January 15, 1922.
First Lieut. Byron Turner Burt, jr., Air Service, from January 21, 1922.
First Lieut. Earle Gene Harper, Air Service, from January 28, 1922.
First Lieut. Philip Gilstrap Bruton, Corps of Engineers, from January 29, 1922.
First Lieut. Eugene Joseph Minarelli FitzGerald, Infantry, from January 31, 1922.
First Lieut. Charles Earl Whitney, Ordnance Department, from February 5, 1922.
First Lieut. Lotha August Smith, Air Service, from February 5, 1922.
First Lieut. Edward Higley Guilford, Air Service, from February 11, 1922.
First Lieut. Junius Augustus Smith, Air Service, from February 22, 1922.
First Lieut. William Henry Carthy, Air Service, from February 22, 1922.
First Lieut. Horace Leland Porter, Corps of Engineers, from February 22, 1922.
First Lieut. Arthur Leo Lavery, Coast Artillery Corps, from February 22, 1922.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICER.

Brig. Gen. Edward Fenton McGlachlin, jr., to be major general from April 1, 1922, vice Maj. Gen. William George Haan, who is to be retired from active service March 31, 1922.

Col. William Henry Hay, Cavalry, to be brigadier general, vice Brig. Gen. Edward Fenton McGlachlin, jr., to be appointed major general.

POSTMASTERS.

ARIZONA.

Mary E. Brown to be postmaster at Parker, Ariz., in place of M. E. Brown. Incumbent's commission expired February 25, 1922.

COLORADO.

Byron T. Shelton to be postmaster at Hayden, Colo., in place of M. Q. Starr. Incumbent's commission expired March 8, 1922.
William W. Hofer to be postmaster at Simla, Colo., in place of E. S. Spangler, resigned.

CONNECTICUT.

Oliver M. Bristol to be postmaster at Durham, Conn. Office became presidential April 1, 1921.

FLORIDA.

Walter D. Griffin to be postmaster at Bradentown, Fla., in place of J. H. Humphries. Incumbent's commission expired January 31, 1922.

ILLINOIS.

William L. Bauman to be postmaster at Iuka, Ill., in place of M. D. Brubaker. Incumbent's commission expired February 4, 1922.
H. L. Haynes to be postmaster at Ramsey, Ill., in place of Samuel Shockey. Incumbent's commission expired February 4, 1922.

KANSAS.

Clarence L. Gray to be postmaster at Luray, Kans., in place of C. P. Fallis, resigned.
Elizabeth Simpson to be postmaster at Medicine Lodge, Kans., in place of U. C. Kerr, resigned.
John M. Cable to be postmaster at Toronto, Kans., in place of William McHaley. Incumbent's commission expired February 4, 1922.
Byram L. Sams to be postmaster at Offerle, Kans. Office became presidential April 1, 1921.

NEVADA.

Erwin E. Frost to be postmaster at Golconda, Nev. Office became presidential January 1, 1921.

NEW YORK.

Augustus W. Stevens to be postmaster at Great Neck, N. Y., in place of J. C. Spalding, deceased.

NORTH CAROLINA.

Howard M. Bullard to be postmaster at Chadbourn, N. C., in place of E. J. Britt. Incumbent's commission expired January 24, 1922.
Jefferson D. Whitehead, jr., to be postmaster at Enfield, N. C., in place of H. S. Harrison. Incumbent's commission expired January 24, 1922.
Vance Thompson to be postmaster at Vineland, N. C., in place of G. W. Hill. Incumbent's commission expired January 24, 1922.

OHIO.

Edward Brichta to be postmaster at Glendale, Ohio, in place of E. J. Meagher, resigned.

OKLAHOMA.

William R. Casteel to be postmaster at Sapulpa, Okla., in place of C. C. Taylor, resigned.

RHODE ISLAND.

Charles W. Holroyd to be postmaster at Thornton, R. I., in place of C. F. Holroyd. Incumbent's commission expired August 6, 1921.

SOUTH CAROLINA.

Jefferson M. Davis to be postmaster at Pinewood, S. C. Office became presidential April 1, 1921.

TEXAS.

James W. Johnson to be postmaster at Italy, Tex., in place of T. S. Hamilton, resigned.
Colonel E. Dutro to be postmaster at Mission, Tex., in place of I. J. Wright. Incumbent's commission expired July 21, 1921.
John Q. Hanna to be postmaster at Blackwell, Tex. Office became presidential October 1, 1920.

VIRGINIA.

Otis R. Thornhill to be postmaster at Culpeper, Va., in place of R. T. Green. Incumbent's commission expired April 16, 1922.
Lilburn T. Addington to be postmaster at Wilder, Va. Office became presidential April 1, 1921.

WISCONSIN.

Henry W. Graser to be postmaster at Menomonee Falls, Wis., in place of H. W. Graser. Incumbent's commission expired January 24, 1922.
John H. Zahrte to be postmaster at Sparta, Wis., in place of J. P. Rice. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 31, 1922.

UNDERSECRETARY OF STATE.

William Phillips to be Undersecretary of State.

ASSISTANT SECRETARY OF STATE.

Leland Harrison to be Assistant Secretary of State.

APPRAISER OF MERCHANDISE.

Genevieve Cline to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cleveland, Ohio.

REGISTER OF THE LAND OFFICE.

Arthur Wellington Doland to be register of the land office, Spokane, Wash.

RECEIVER OF PUBLIC MONEYS.

Frank Adelbert Savage to be receiver of public moneys, Spokane, Wash.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Carlos Franco Soto to be associate justice of the Supreme Court of Porto Rico.

PROMOTIONS IN THE NAVY.

To be commanders.

Cleon W. Mauldin.
Christopher R. P. Rodgers.
William A. Hall.
Charles M. Austin.
John P. Miller.
Harry L. Pence.
Andrew S. Hickey.
Reuben L. Walker.
Wilfred E. Clarke.
Edwin B. Woodworth.
Aubrey W. Fitch.
Robert V. Lowe.
Hamilton F. Glover.
Guy E. Baker.
Willis W. Bradley, jr.
Miles A. Libbey.
Raymond A. Spruance.

To be lieutenant commanders.

Francis Cogswell.
Preston B. Haines.
Ernest L. Gunther.
Frederick C. Sherman.
Leslie L. Jordan.
Marion C. Robertson.
James M. Doyle.
Elmer D. Langworthy.
Frederick G. Reinicke.
Elmer K. Niles.
Scott B. Macfarlane.
Romuald P. P. Meclewski.
Herbert R. Hein.
Ole O. Hagen.
Robert H. Skelton.
Alfred G. Zimermann.
Roger W. Paine.
Milton H. Anderson.
Oliver L. Wolfard.
Francis S. Craven.
George M. Lowry.
John A. Fletcher.
Oscar C. Badger.
Robert K. Awtrey.
Scott D. McCaughey.
Frank J. Lowry.
Aylmer L. Morgan, jr.
Lyell St. Louis Pamperin.
Harold R. Keller.
John C. Thom.
Paul M. Bates.
John W. Reeves, jr.
Guysbert B. Vroom.
Glenn F. Howell.
Francis M. Collier.
Ellis S. Stone.
Morris D. Gilmore.
William E. Baughman.
Bernhard H. Bieri.
Thomas S. King, 2d.
Howard S. Jeans.
Daniel J. Callaghan.
Thomas Baxter.
Thomas S. McCloy.
George B. Ashe.
Eric L. Barr.
Ralph F. Wood.
Walter S. Davidson.
Henry J. Shields.
Robert P. Hinrichs.
Norman L. Kirk.
Pat Buchanan.
William F. Callaway.
Franz B. Melendy.
Joseph R. Mann, jr.
William C. Barnes.
Wallace B. Phillips.
Frederick L. Riefkohl.
John W. Gates.
Harvey S. Haislip.
Charles G. McCord.
Ralph C. Lawder.
Robert P. Molten, jr.
William J. Butler.

To be lieutenants.

Henry F. Floyd.
Henry P. Samson.
William H. Porter, jr.
Simon P. Fullinwider, jr.
Arthur B. McCrary.
William S. Heath.
Peter K. Fischler.
Harry K. Leventen.
Smith D. A. Cobb.
Charles G. Moore, jr.
Herbert R. Sobel.
Evan G. Hanson.
George C. Cummings.

To be lieutenants (junior grade).

John O. Huse.
James L. Wisenbaker.
Joseph S. Ives.
Arthur B. McCrary.
Peter K. Fischler.
Harry K. Leventen.
Smith D. A. Cobb.
Charles G. Moore, jr.
George C. Cummings.
Herbert R. Sobel.

To be pay inspector.

Frederick B. Colby.

To be paymasters.

Arthur H. Mayo.
Samuel R. White, jr.
Eaton C. Edwards.

To be medical inspector.

Frederick G. Abeken.

To be surgeon.

William W. Hargrave.

To be passed assistant surgeon.

Maurice S. Mathis.

To be passed assistant dental surgeons.

Edward A. Hyland.
Clarence E. Garcia.

To be naval constructor.

Edward C. Hamner, jr.

To be civil engineer.

Henry F. Bruns.

To be chief machinists.

Will Mueller.
Patrick H. Cassidy.
George C. Martin.
George Keeser.

POSTMASTERS.

ALASKA.

William L. Harber, Fort Yukon.

GEORGIA.

Robert J. Walsh, Garfield.

IDAHO.

William F. McCullough, Mullan.

ILLINOIS.

Charles W. Grant, Bement.
Bernard A. Dorries, Breese.
Charles W. Jones, Chandlerville.
Edgar H. Mills, Lawrenceville.
Frank E. Walters, Seaton.
Ralph K. Crawford, West Point.
Alfred J. Meyer, Worden.

INDIANA.

Harry C. Watts, Aurora.
Orpheus M. Dickey, Shoals.

IOWA.

Lou A. Brink, Clarence.
Oscar J. Houstman, Olin.

KANSAS.

Guy H. Byarlay, Green.

MARYLAND.

Harry C. Saunders, Goldsboro.
Alice C. Widmeyer, Hancock.
William K. Lambie, Mount Savage.
Raymond R. Russell, Reisterstown.
C. Virginia Mullikin, Trappe.
Carroll L. Smith, Walkersville.

MICHIGAN.

Fred U. O'Brien, Coral.

MISSISSIPPI.

Daniel F. Smith, Carriere.
Robert B. O'Reilly, Cruger.
Lora I. Coleman, Doddsville.
Henry I. Brown, Enid.
Rubye N. Brasfield, Lorman.

NEW JERSEY.

Milton A. Whyard, Englewood.

NEW MEXICO.

Lucy R. Haynie, Cimarron.
Charlie McDonald, Levington.
Fern I. Brooks, Maxwell.
Joe P. Medinger, Tyrone.

NEW YORK.

Moses W. Drake, Bay Shore.
Abram L. Van Horne, Fultonville.
Roy T. Merrill, Holley.
Charles R. Merrill, Homer.
George A. Case, Honeoye Falls.
Clarence D. Tarbell, Ithaca.
John W. Hedges, Pine Plains.
Fred C. Stadler, Pleasantville.
Allen T. Wells, Pottersville.
Harrison M. Russell, Staatsburg.
August P. Lenz, Thendara.
Frederick F. Dickerson, Walton.
Percy Burt, West Haverstraw.
Albert Van Rosendelft, West Sayville.
Mortimer F. McKeel, Yorktown Heights.

NORTH DAKOTA.

Mark Johnson, Ellendale.

PENNSYLVANIA.

J. Russell Clayton, Bryn Athyn.
Nathaniel E. Lyons, Cheat Haven.
John O. Whiteman, Claridge.
Joseph B. Seifert, Dover.
John W. Aumiller, Eagles Mere.
Edgar J. Dowling, Gouldsboro.
Frank R. Jones, Iselin.
Emma A. Smith, Seelyville.
Ernest H. Ryder, Shawnee on Delaware.
Harry P. Medland, Waymart.
Herbert M. Black, West Sunbury.
George W. Kreidler, Yoe.

RHODE ISLAND.

Florence E. Booth, Oakland Beach.

TEXAS.

Arthur H. O'Kelley, Atlanta.
Martha A. Luccock, Keene.
Alice Crow, Kountze.
G. Lafayette Hardcastle, Lexington.
Daniel I. Dudley, Plano.

VIRGINIA.

Dwight D. Ball, Barboursville.
Harvey W. Nester, Fieldale.

WISCONSIN.

William H. Fleweger, Kimberly.
Martin A. Hanson, Menomonie.
Albert H. Anderson, Nelson.
Clifford J. Tice, Redgranite.
Frank H. Colburn, Shiocton.
Donald C. McDowell, Soldiers Grove.
Mabel R. Gross, Stone Lake.
George E. Bogrand, Wausaukee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 31, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, with a knowledge of sin and with a sense of weakness we continue to approach Thee. Vouchsafe to hear our prayer and let Thy blessing rest upon us and our country. Hearken unto the voices that go up silently before Thee that peace may come out of discord, confidence out of suspicion, and bring forth all citizens zealous of good works. Grant, Heavenly Father, that all struggle and strife for better things may be restrained and governed that they shall work out the greatest good and the least harm. May all evil by which man hurts his fellow man come to an end. O let the bright and blessed day come soon, when friendship, fraternity, and fidelity shall abound among all citizens and every fireside shall glow with happiness and contentment. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

Mr. MONDELL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, the hospital bill.

The SPEAKER. The gentleman from Wyoming moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, the hospital bill. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

Mr. WALSH. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts asks for a division.

The House divided; and there were—ayes 31, noes 3.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the motion of the gentleman from Wyoming that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864.

The question was taken; and there were—yeas 317, nays 0, answered "present" 1, not voting 112, as follows:

YEAS—317.

Ackerman	Dallinger	Huddleston	Michener
Almon	Darrow	Hudspeth	Miller
Andrews, Nebr.	Davis, Minn.	Hukriede	Millspaugh
Appleby	Davis, Tenn.	Hull	Mondell
Arents	Deal	Humphreys	Montague
Aswell	Dempsey	Husted	Montoya
Atkeson	Denison	James	Moore, Ill.
Bankhead	Dickinson	Jefferis, Nebr.	Moore, Ohio
Barbour	Dominick	Jeffers, Ala.	Moore, Va.
Barkley	Doughton	Johnson, Ky.	Morgan
Beck	Dowell	Johnson, Wash.	Morin
Beedy	Drane	Jones, Pa.	Nelson, A. P.
Begg	Driver	Jones, Tex.	Nelson, J. M.
Bell	Dupré	Keller	Nolan
Benham	Dyer	Kelly, Pa.	Norton
Bird	Echols	Kennedy	Oldfield
Bixler	Edmonds	Ketcham	Oliver
Black	Elliott	Kiess	Osborne
Blakeney	Ellis	Kincheloe	Overstreet
Bland, Ind.	Evans	Kindred	Padgett
Bland, Va.	Fairfield	King	Paige
Blanton	Faust	Kinkaid	Park, Ga.
Boies	Favrot	Kissel	Parker, N. J.
Bowling	Fenn	Kline, N. Y.	Parks, Ark.
Box	Fitzgerald	Kline, Pa.	Patterson, N. J.
Brand	Fordney	Knutson	Perkins
Briggs	Foster	Kopp	Petersen
Britten	Frear	Kraus	Porter
Brooks, Ill.	Free	Langley	Pringey
Brooks, Pa.	Freeman	Lanham	Purnell
Browne, Wis.	French	Lankford	Quin
Bulwinkle	Fredericks	Larsen, Ga.	Radcliffe
Burdick	Fulmer	Larson, Minn.	Raker
Burroughs	Funk	Lawrence	Ramseyer
Burton	Gann	Layton	Rankin
Byrnes, S. C.	Gallivan	Lazaro	Rayburn
Byrns, Tenn.	Garner	Lea, Calif.	Reavis
Cable	Garrett, Tenn.	Leatherwood	Reece
Campbell, Kans.	Garrett, Tex.	Lehlbach	Reed, W. Va.
Campbell, Pa.	Gensman	Lineberger	Rhodes
Cannon	Gernerd	Linthicum	Ricketts
Cantrill	Gilbert	Little	Riddick
Carter	Glynn	Logan	Roach
Chalmers	Goodykoontz	London	Robertson
Chandler, Okla.	Graham, Ill.	Longworth	Rodenberg
Chindblom	Green, Iowa	Lowrey	Rose
Clague	Greene, Mass.	Lufkin	Rosenbloom
Classon	Greene, Vt.	Luhring	Rouse
Clouse	Griest	Lyon	Rucker
Cole, Iowa	Griffin	McArthur	Sanders, Ind.
Cole, Ohio	Hadley	McClintic	Sanders, Tex.
Collier	Hardy, Colo.	McCormick	Sandlin
Collins	Hardy, Tex.	McFadden	Scott, Mich.
Collins	Harrison	McKenzie	Scott, Tenn.
Connally, Tex.	Haugen	McLaughlin, Mich.	Sears
Connell	Hawes	McLaughlin, Nebr.	Shaw
Cooper, Ohio	Hawley	McPherson	Shelton
Cooper, Wis.	Hayden	McSwain	Sinclair
Copley	Hays	MacGregor	Sinnott
Coughlin	Herrick	Madden	Sisson
Crago	Herrera	Magee	Smith, Idaho
Cramton	Hickey	Maloney	Smith, Mich.
Crisp	Hill	Mann	Smithwick
Cullen	Hoch	Mapes	Sproul
Curry	Hogan	Martin	Stengall
Dale	Hooker	Mead	Stephens
Stephens	Thompson	Vestal	Williamson
Stevenson	Tillman	Vinson	Wilson
Stoll	Tilson	Voigt	Wingo
Strong, Kans.	Timberlake	Volk	Wise
Summers, Wash.	Tincher	Volstead	Woodruff
Sumners, Tex.	Tinkham	Walsh	Woodyard
Swank	Towner	Ward, N. C.	Wright
Sweet	Treadway	Wason	Wurzbach
Swing	Tucker	Weaver	Wyant
Tague	Tyson	Webster	Yates
Taylor, N. J.	Underhill	Wheeler	Young
Taylor, Tenn.	Upshaw	White, Kans.	
Ten Eyck	Valle	White, Me.	
Thomas	Vare	Williams	

ANSWERED "PRESENT"—1.

Fuller

NOT VOTING—112.

Anderson	Fields	Lee, N. Y.	Robsion
Andrew, Mass.	Fish	McDuffie	Rogers
Ansorge	Fisher	McLaughlin, Pa.	Rossdale
Anthony	Focht	Mansfield	Ryan
Bacharach	Goldsborough	Merritt	Sabath
Bond	Gorman	Michaelson	Sanders, N. Y.
Bowers	Gould	Mills	Schall
Brennan	Graham, Pa.	Moores, Ind.	Shreve
Brinson	Hammer	Mott	Siegel
Brown, Tenn.	Hicks	Mudd	Siemp
Buchanan	Himes	Murphy	Snell
Burke	Hutchinson	Nelson, Me.	Snyder
Burtness	Ireland	Newton, Minn.	Speaks
Butler	Jacoway	Newton, Mo.	Stafford
Carew	Johnson, Miss.	O'Brien	Steedman
Chandler, N. Y.	Johnson, S. Dak.	O'Connor	Stiness
Christopherson	Kahn	Ogden	Strong, Pa.
Clark, Fla.	Kearns	Olpp	Sullivan
Clarke, N. Y.	Kelley, Mich.	Parker, N. Y.	Taylor, Ark.
Cockran	Kendall	Patterson, Mo.	Taylor, Colo.
Codd	Kirkpatrick	Perlman	Temple
Connolly, Pa.	Kitchin	Pou	Walters
Crowther	Kleczka	Rainey, Ala.	Ward, N. Y.
Drewry	Knight	Rainey, Ill.	Watson
Dunbar	Kreider	Ransley	Winslow
Dunn	Kunz	Reber	Wood, Ind.
Fairchild	Lampert	Reed, N. Y.	Woods, Va.
Fess	Lee, Ga.	Riordan	Zihlman

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Fuller with Mr. Jacoway.
Mr. Dunbar with Mr. Hammer.
Mr. Snyder with Mr. Riordan.
Mr. Lampert with Mr. Fisher.
Mr. Reed of New York with Mr. Lee of Georgia.
Mr. Newton of Missouri with Mr. McDuffie.
Mr. Shreve with Mr. Pou.
Mr. Michaelson with Mr. Rainey of Illinois.
Mr. Gorman with Mr. Carew.
Mr. Clarke of New York with Mr. Woods of Virginia.
Mr. Brennan with Mr. Drewry.
Mr. Ireland with Mr. Goldsborough.
Mr. Anderson with Mr. Kunz.
Mr. Patterson of Missouri with Mr. Fields.
Mr. Wood of Indiana with Mr. Brinson.
Mr. Snell with Mr. Kitchin.
Mr. Strong of Pennsylvania with Mr. Johnson of Mississippi.
Mr. Hicks with Mr. Taylor of Colorado.
Mr. Bacharach with Mr. Sullivan.
Mr. Rogers with Mr. O'Connor.
Mr. Fairchild with Mr. Cockran.
Mr. Hutchinson with Mr. O'Brien.
Mr. Olpp with Mr. Stedman.
Mr. Perlman with Mr. Clark of Florida.
Mr. Christopherson with Mr. Sabath.
Mr. Knight with Mr. Buchanan.
Mr. Reber with Mr. Taylor of Arkansas.
Mr. Kendall with Mr. Rainey of Alabama.
Mr. Rossdale with Mr. Mansfield.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The yeas have it, and the House accordingly resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, and the gentleman from Iowa [Mr. GREEN] will please resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, with Mr. GREEN of Iowa in the chair.

Mr. LANGLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 1, line 7, after the word "bureau," insert "by purchase and remodeling or extension of existing plants."

Mr. MADDEN. Mr. Chairman, I desire to offer a substitute for the section.

Mr. LANGLEY. Mr. Chairman, I do not think the substitute is in order until the perfecting amendment has been disposed of.

The CHAIRMAN. The gentleman from Illinois may offer his substitute.

Mr. LANGLEY. He may offer it and have it pending, but we must perfect the paragraph first.

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KINCHELOE. This is a perfecting amendment. Does it not take precedence of the substitute?

The CHAIRMAN. That is not the question before the Chair. The question before the Chair is whether the gentleman from Kentucky [Mr. LANGLEY] is entitled to his five minutes.

Mr. KINCHELOE. I understood the Chair recognized the gentleman from Illinois.

The CHAIRMAN. If a perfecting amendment is offered the question is first on the perfecting amendment. The gentleman from Kentucky is entitled to recognition for five minutes, unless he desires to yield to the gentleman from Illinois.

Mr. LANGLEY. Mr. Chairman, I have no pride of opinion about the exact phraseology of this bill. I have a considerable feeling of pride that there shall be expedition in the passage of the hospital bill. It was the purpose of the committee to include in the phraseology in which the bill is now drawn the purchase and remodeling or extension of existing plants. Some question has been raised as to whether the language of the bill as printed is broad enough to include that. I offer this amendment in order to make that point perfectly clear, because we want to give to the executive authorities the widest discretion in the hospitalization of our disabled ex-service men.

Mr. WALSH. Will the gentleman yield?

Mr. LANGLEY. I yield to the gentleman from Massachusetts.

Mr. WALSH. Did the gentleman's committee have hearings on this measure?

Mr. LANGLEY. We have had so many hearings in the past year and a half that I may say that I dream of them every night. We have heard almost everybody.

Mr. WALSH. The gentleman from Alabama [Mr. JEFFERS] yesterday pointed out that there were a lot of blue prints and plans existing, and that actual construction work had never been begun upon projects heretofore authorized. Did the gentleman or his committee find out why these hospitals that have been authorized heretofore have not been constructed?

Mr. LANGLEY. The gentleman's question raises a point that I feel some hesitancy about discussing, but his direct question compels me to say that I do not think there has been as much expedition under the bill which we passed in the last Congress, appropriating $18,000,000, as there should have been. Explanations were made why the completion of the repairs or extension of certain institutions had been postponed beyond the dates originally fixed. The hearings show very clearly that there have been delays. I do not think—if you compel me to say it—that the work done under the bill of the last Congress has been as expeditious and as satisfactory to the country as it ought to have been, and I want to say I do not believe it is the fault of my beloved friend, Col. Edward Clifford, Assistant Secretary of the Treasury, who has done everything he could to expedite this work. I think it has been due primarily to the division of responsibility for the hospitalization of our sick soldiers. It should all be under one authority. It should be under the man directly responsible to the President, and all be done under the President's supervision, so that we can fix the responsibility on one man instead of on two or three men.

Mr. WALSH. Does this bill do that?

Mr. LANGLEY. This bill does that, and that is exactly what the committee is seeking to do.

Mr. WALSH. I hope it will not be found two months from now that it does not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the time of the gentleman from Kentucky be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. LANGLEY. I thank the gentleman for his courtesy.

Mr. BARKLEY. Will the gentleman yield?

Mr. LANGLEY. I yield to my colleague from Kentucky.

Mr. BARKLEY. Can the gentleman advise the House whether the Supervising Architect's Office has had anything to do with the delay which has occurred in carrying out the previous appropriations?

Mr. LANGLEY. I would not like to say that. I know delay has occurred, and I think delay which could have been avoided has occurred.

Mr. ASWELL. Why?

Mr. BARKLEY. Where does that responsibility lie? The gentleman says it does not lie with Colonel Clifford.

Mr. LANGLEY. I do not think it does.

Mr. BARKLEY. But somewhere in the Treasury Department it does lie.

Mr. LANGLEY. I will say frankly to the gentleman that one man says it lies one place and another man says it lies another place, and I do not know which one is lying. [Laughter.]

Mr. GRIFFIN. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. GRIFFIN. Is it not a fact that two years ago it was reported to the Committee on Public Buildings and Grounds that the Supervising Architect was from five to seven years behind in the perfection of plans for construction already authorized?

Mr. LANGLEY. I think that is the common knowledge of all the Members of the House.

Mr. KINDRED. Will the gentleman yield?

Mr. LANGLEY. I yield to the gentleman from New York.

Mr. KINDRED. The gentleman and I concur in the belief that divided authority has necessarily delayed the construction of the hospitals authorized under the $18,000,000 appropriation by the Sixty-sixth Congress; but does that divided authority, in the opinion of the gentleman from Kentucky, chairman of the Committee on Public Buildings and Grounds, explain in any degree the facts set forth in the report on the progress of the work, by the consultants on hospitalization in the Treasury Department, where it is stated, in regard to the $1,000,000 appropriation for western Pennsylvania, that "preliminary studies are still under way"; and in regard to the appropriation of $1,000,000 for St. Louis, "preliminary studies are still under way"; and in regard to the metropolitan appropriation in New York, "preliminary studies are still under way"?

Mr. LANGLEY. Let me say to my friend from New York that I like all of these gentlemen, and do not like to take a position that this man or that man has neglected his duty—public officials, whether Democrats or Republicans—and especially Republicans.

Mr. KINDRED. This is in no sense a party matter.

Mr. LANGLEY. I know it is not; but the gentleman understands the embarrassment that I am laboring under in going into a matter of detail; but I may say broadly that the present organization, as carried out under our bill of the last Congress, has not functioned up to date—has not accomplished what it should have accomplished.

Mr. BARKLEY. Does the gentleman know whether the Treasury Department took into consideration the need of getting action in building hospitals immediately as compared with other public buildings?

Mr. LANGLEY. I have been somewhat fearful that under the stress of other business they have not realized the vital necessity of immediate action on hospitalization.

Mr. BARKLEY. I think the gentleman's fears are well grounded.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. BLAND of Indiana. Has the gentleman anything in the conduct of the Veterans' Bureau by the director to warrant him in thinking that if this appropriation is put under him it will be carried out any more promptly?

Mr. LANGLEY. With the approval of the President and the direct supervision which is given him under this bill over the whole matter—yes.

Mr. BLAND of Indiana. The President can not build hospitals.

Mr. LANGLEY. The President can direct. He has shown the utmost sympathy with the ex-service men; he has appointed three different commissions trying to solve this problem, and this is the third. He has approved the action of the third commission.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. BANKHEAD. Can the gentleman inform the House what the President has in mind if the matter is turned over to him?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BANKHEAD. Mr. Chairman, I ask that the gentleman from Kentucky have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Under section 2 of the bill you are turning over to the President authority to handle this matter in such a manner as he may determine. I imagine that that is the remedy you have in mind to correct this delay. The President will take charge of the situation at once and give such orders and directions as will remedy the situation. Can the gentleman tell us what the President has in mind, the ways and means that he will adopt to get expedition?

Mr. LANGLEY. I know from various talks with the President on this subject and from what I know of his activity and deep personal interest in the matter that he will take every step possible to expedite the situation.

Mr. BANKHEAD. What steps? That is what I want to find out.

Mr. LANGLEY. I can not predict, of course, in what manner the Executive discretion will be exercised in advance of the enactment of the law conferring that discretion.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. BLAND of Indiana. Has the gentleman heard whom the President is going to assign to that duty or whom Colonel Forbes, under the direction of the President, is going to assign the duty?

Mr. LANGLEY. I have not.

Mr. BLAND of Indiana. It has not come to the gentleman who is the particular person in the medical department who is going to have charge?

Mr. LANGLEY. I know several gentlemen, faithful public officials, who are going to do their very best to perform their share of the work.

Mr. BLAND of Indiana. Has it not come to the gentleman to whom a party must go in order to get a contract to build a hospital?

Mr. LANGLEY. It has not.

Mr. MANN. Will the gentleman from Kentucky yield?

Mr. LANGLEY. I will.

Mr. MANN. If it would not be improper, I would like to ask a question about the amendment. [Laughter.] Is it the purpose of the amendment to authorize the purchase of private hospitals?

Mr. LANGLEY. The amendment paraphrases the language of the last act. Some gentlemen of the House called my attention to the fact that there was some doubt under the language of the bill as drawn of authority to take advantage of an opportunity to get an existing structure that would be suitable for hospital purposes.

Mr. MANN. The gentleman means private hospitals.

Mr. LANGLEY. I suppose so—yes; of course, private hospitals.

Mr. JEFFERS of Alabama. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. JEFFERS of Alabama. In view of the negligence on the part of some one, under the act approved March 4, 1921, giving the Secretary of the Treasury jurisdiction over this matter; in view of the fact that the hospitals have not been even started and therefore many veterans are walking the streets of this country or have gone to an untimely grave on account of this delay, I think the inaction of the Secretary of the Treasury constitutes criminal negligence. Does the gentleman agree with me?

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. LANGLEY. That is a mere matter of opinion. The gentleman is entitled to his opinion.

Mr. WILLIAMSON. Mr. Chairman, I have an amendment which I desire to offer.

Mr. DYER. Mr. Chairman, there is an amendment already pending, is there not?

The CHAIRMAN. There is an amendment pending, but the Chair can not tell what the amendment of the gentleman from South Dakota is until he sees it.

Mr. WILLIAMSON. Mr. Chairman, I send the amendment to the desk.

The CHAIRMAN. The Chair has examined the gentleman's amendment, and does not think it is in order at this time, as it is an amendment to be offered at the end of section 1.

Mr. LANGLEY. Mr. Chairman, I ask for a vote on my amendment.

Mr. MADDEN. Mr. Chairman, I offer a substitute for the section, which I desire to have reported.

Mr. ANDREWS of Nebraska. Mr. Chairman, I would like to have a few minutes on the pending amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

Mr. MONTAGUE. Mr. Chairman, if it is agreeable to the gentleman from Illinois, may we not have the original amendment read before we have the substitute read?

The CHAIRMAN. The Chair would say that the gentleman from Illinois offers a substitute for the entire section.

Mr. LANGLEY. Of course, the preferential vote is on the amendment.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 1, line 7, after the word "bureau," insert "by purchase and remodeling or extension of existing plants and."

Amendment offered by Mr. MADDEN as a substitute for the section: On page 1, after the enacting clause, strike out all of section 1 and insert in lieu thereof the following:

"That the President is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, or by the alteration and extension of existing Government hospital and out-patient dispensary facilities and equipment. Such hospital and out-patient dispensary facilities shall include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and shall also provide accommodations for officers, nurses, and attending personnel. The acceptance of gifts or donations for any of the purposes named herein is hereby authorized. Such hospital plants shall be of fireproof construction, and the location, cost, and nature thereof, whether for the treatment of tuberculosis or neuropsychiatric or general medical and surgical cases, shall be as the President shall direct."

Mr. MADDEN. Mr. Chairman, there seems to be a good deal of doubt as to where responsibility lies for any delay that may have occurred in the past. I do not think you can solve the difficulty at issue more clearly than by placing the responsibility upon the President of the United States direct. It seems to me that if there is anybody who should be responsible, it is the President. He represents the people of the Nation, and he is as much interested in the proper care of the wounded and sick soldiers as anybody can be. The responsibility should not be any longer in doubt. This bill as reported by the committee, in the first instance, provides that the Director of the Veterans' Bureau, subject to the approval of the President, is authorized to do certain things, and then on the next page of the bill they take the authority granted to the President on the first page away from him and vest it directly in the Director of the Veterans' Bureau. My purpose is to see to it that somebody, somewhere, who is responsible to the American people shall be held responsible for the proper care of these men. [Applause.]

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LANGLEY. The gentleman will observe that the language on page 2, to which he refers, merely provides that the Director of the Veterans' Bureau is authorized to accept gifts or donations.

Mr. MADDEN. Yes. I know he is authorized to do certain things without any authority from the President. What I am trying to do is this: I am trying to see to it that whoever the President may place in charge, he will be subject to the orders of the President, and not be in a position to give orders to the President. I can tell some of the reasons why the delay occurred in supplying facilities under the $18,600,000 appropriation. That bill authorized the appointment of a board. The board was appointed and that board arrogated to itself supreme power as to location and character of equipment for the care of the men, and they have listened to nobody, not even the President.

I do not want that to occur again. I want the President to be supreme, because I know the President is anxious to care for these men, and I know that he has been embarrassed by the attitude of the board which exists to-day under the former appropriation.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SNYDER. Will the gentleman tell us what happens to the law now in existence? Does this board continue to operate under that?

Mr. MADDEN. It will not continue under this.

Mr. SNYDER. No; but in addition to this, will the board appointed under the previous law continue to operate?

Mr. MADDEN. It will not, except as to what they are already authorized to do, but this will take away from the board all power.

Mr. SNYDER. Does it give the President the power?

Mr. MADDEN. Yes.

Mr. SNYDER. Not only over what we are legislating for now but what has already been done?

Mr. MADDEN. Yes. My amendment gives power to the President to name any agency of the Government, or another amendment will, that he may see fit to name.

Mr. SNYDER. Does this law supersede the one that is now in existence and take the power from the board that is now in existence?

Mr. MADDEN. It will if another amendment that I propose to offer is adopted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SWING. Mr. Chairman, I ask unanimous consent that his time be extended for one minute.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask that it be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWING. Under the gentleman's amendment as I heard it read, it omits the power to purchase an existing plant.

Mr. MADDEN. It does not indicate whether he should have the power to purchase or not, but it does provide this in addition to what the section as reported by the committee provides. The section reported by the committee provides that, with the approval of the President, the Director of the Veterans' Bureau is authorized to provide additional hospital and out-patient dispensary facilities, either by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, and I add to that the words "or by the alteration and the extension of existing Government hospital and out-patient dispensary facilities and equipment."

Mr. SWING. Is that language broad enough to cover——

Mr. MANN. The substitute offered by my colleague, as I understand, does not carry in it the amendment just offered by the chairman of the committee, but it will be easy to insert it.

Mr. SWING. That is the point that I desire to know about.

Mr. MADDEN. It does not carry that amendment.

Mr. SWING. Does the gentleman think that this is broad enough to cover a situation which I know exists, where the Veterans' Bureau, in order to get available beds, took a lease on an existing plant with the permission to purchase and expended more than $100,000 in improvements on the property, intending to buy it?

Mr. MADDEN. I do not think it would.

Mr. KINCHELOE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. KINCHELOE. Personally I have no objection to the gentleman's substitute, but would the gentleman object, if the substitute were adopted, to adopting the amendment of the gentleman from Kentucky?

Mr. MADDEN. I will not object.

Mr. KINCHELOE. That is all right.

Mr. KINDRED. Is it not a wise proposal of the gentleman to bring about undivided authority and a full and centralized authority in the hands of the President particularly, because it will bring a power fundamentally important to select men who may not only mean well but know their business with respect to a hospital policy?

Mr. MADDEN. It gives absolute power to select.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LANGLEY. I ask that the gentleman have another minute.

Mr. ANDREWS of Nebraska. Five minutes.

Mr. MADDEN. I do not want to take up too much time of the committee.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. ANDREWS of Nebraska. Reference has been made here to two boards. It has been intimated here that those boards came into existence under statutes. My understanding is that those boards were appointed only by the President, with General Dawes at the head, and one by the Secretary of the Treasury, with Doctor White at the head, and they were simply agencies, one for the President and the other for the Secretary of the Treasury, and under the provisions of the legislation and the terms of this bill neither of those boards would have any statutory existence whatever. It is merely a matter of decision on the part of the President or any other authority as to whether any new appointments would be made or not.

Mr. KINCHELOE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. KINCHELOE. If the gentleman has the substitute, I wish he would turn to it.

Mr. MADDEN. I have not it here.

Mr. KINCHELOE. The amendment I want to suggest to the gentleman was after the words "Veterans' Bureau," in line with the amendment of the gentleman from Kentucky, add "by extending existing plants and."

Mr. MADDEN. Yes. If the gentleman now will allow me to proceed, so gentlemen may understand the effect of the amendment if it should be adopted and get a clear conception and what this amendment means. Section 2 of the bill now provides:

That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, the engineering, the constructing, or other forces of any of the other departments of the Government to do or assist in such work.

Now, my amendment to section 2 would read like this:

Any sums allotted hereunder by the President for any additional hospital or out-patient dispensary facilities as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act.

Section 3 provides:

That for carrying into effect the preceding paragraph relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended.

Now, I propose to offer a substitute for that if this substitute of mine should be adopted.

Mr. LANGLEY. That is not before the committee.

Mr. MADDEN. No; now I am simply trying to explain it and show that there is no embarrassment about the amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LANGLEY. I ask that the gentleman have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Now, I propose a substitute for section 3 of the bill. Section 3 in the bill leaves the manner of expenditure for architect fees and clerks and all accessory expenditures wide open and places no limit anywhere on how much money can be expended for those incidental purposes. The entire amount might be expended for purposes not intended by the act. What I propose is this:

For carrying into effect the provisions of this act the sum of $17,000,000 is authorized to be appropriated; not to exceed 3 per cent of the sum shall be available for the employment in the District of Columbia or in the field of necessary technical and clerical assistance at the customary rates of compensation exclusively needed in the preparation of plans and specifications for the projects authorized herein, and for the supervision of the execution thereof, and for traveling expenses and field and office equipment and supplies in connection therewith.

That is the whole story. We are trying to limit the expenditure of this money, so that it will go to the purposes for which it is intended. That is all I am trying to do.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LINTHICUM. I am very much interested in the gentleman's amendment. Under this amendment the President would have charge of the erection of the hospitals under the $17,000,000?

Mr. MADDEN. He would.

Mr. LINTHICUM. Would the other board cease to be in existence?

Mr. MADDEN. No.

Mr. LINTHICUM. It puts it entirely in the hands of the President?

Mr. MADDEN. Yes.

Mr. BURTON. Does your amendment authorize the acquisition by purchase of private or municipal hospitals?

Mr. MADDEN. It does not.

The CHAIRMAN. The Chair wishes to state the parliamentary situation. The Chair thinks that the amendment of the gentleman from Kentucky [Mr. LANGLEY], being a perfecting amendment, is entitled to be voted on first. The Chair doubts whether the amendment offered by the gentleman from Illinois [Mr. MADDEN] would be in order at this time if objected to.

Mr. LANGLEY. If the Chair will hear me, having heard the gentleman from Illinois in advance of a vote on my perfecting amendment, I desire to be heard briefly in reply to the gentleman from Illinois.

Mr. SNYDER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not do that and at the same time make an objection. If the gentleman wishes to be recognized as against the substitute offered by the gentleman from Illinois, the Chair will recognize him.

Mr. LANGLEY. Does the Chair mean to rule that I can not later object to its being considered?

The CHAIRMAN. No; the Chair does not so rule.

Mr. LANGLEY. I do not think, Mr. Chairman, that it is properly a substitute and therefore I object, and if it comes up later I desire to be heard.

But I would like to state to the Chair and to the membership of the House that in order to satisfy the gentleman from Illinois I will offer at the end of section 1 the language, "subject to the approval of the President," so that there may be no question about it, because the whole purpose of the bill has that in view.

Mr. WILLIAMSON. Mr. Chairman, a parliamentary inquiry.

Mr. SNYDER. Mr. Chairman, is it in order to move to strike out the last word?

The CHAIRMAN. Yes.

Mr. SNYDER. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SNYDER. I endeavored to find out from the chairman of the Committee on Appropriations whether, if this bill should become a law, it would supersede the law which is now in existence, which last year appropriated $18,000,000, and which, it has been clearly demonstrated here, has not been expeditiously handled. The affairs of that bureau or that commission seem to be in a more or less dormant condition. It seems to me that no legislation should be enacted here to-day that would create a renewal of the situation. That is the curse of most legislation of this kind that I have observed since I have been a Member of this House. It will create confusion if we continue the board that now exists and then create another bureau under the President. Then we would be operating all over the country in confusion. By all means, if there is any legislation passed now, it should include and take over the power to expand and supervise the expenditure of the amount which was appropriated a year ago. There has not been any language used here this morning that makes it clear to me.

Mr. MOORE of Virginia. May I make this suggestion? A while ago we were informed by the gentleman from Illinois [Mr. MADDEN] that if this amendment should be adopted his design is to offer an additional amendment that will clear up this situation. Will not the gentleman tell us what his amendment is?

Mr. MADDEN. The first amendment?

Mr. MOORE of Virginia. No; the second amendment.

Mr. MADDEN. The second amendment, to be a substitute for section 2, provides that "Any sums allotted thereunder by the President for any additional hospital or out-patient dispensary facilities shall be expended by such agency or agencies of the Government as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to make a parliamentary inquiry before the gentleman from Indiana begins.

Mr. BLAND of Indiana. Not out of my time.

The CHAIRMAN. The gentleman from Tennessee will state his parliamentary inquiry.

Mr. GARRETT of Tennessee. I would like to know just what the parliamentary situation is. Is the amendment offered by the gentleman from Illinois [Mr. MADDEN] offered as a substitute for the section or as substitute for the amendment?

The CHAIRMAN. The amendment offered by the gentleman from Illinois was offered as a substitute for the amendment offered by the gentleman from Kentucky [Mr. LANGLEY].

Mr. MANN. Oh, no. It was to strike out the section and insert a substitute for the entire section, not as a substitute for the perfecting amendment.

The CHAIRMAN. The gentleman from Illinois so offered it.

Mr. MANN. The Chair did not correctly understand it.

The CHAIRMAN. In any event, the Chair held in effect that the motion of the gentleman from Illinois was not in order at this time, if there is objection.

Mr. MANN. Mr. Chairman, the Chair will see that it is in order. It is in order to strike out language and insert other language at any time. It is in order to offer an amendment while that is pending to perfect the language. The vote comes

first on the amendment to perfect, but both amendments are in order at the same time. There is no possible question about that.

Mr. GARRETT of Tennessee. Either can be pending.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that it is not only the Chair's opinion, but that of the parliamentary clerk.

Mr. MANN. Then the parliamentary clerk does not understand the situation. Here is the motion of the gentleman from Illinois [Mr. MADDEN] to strike out from section 1 all after the enacting clause and insert that language in lieu thereof. That is in order, although it can not be voted upon until all amendments to perfect the text have been considered.

Mr. WILLIAMSON. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman from Illinois that it will not affect the parliamentary procedure, whichever way the Chair rules, because the amendment of the gentleman from Kentucky [Mr. LANGLEY] will first be voted on, and then we can take up the other.

Mr. GARRETT of Tennessee. Pardon me, Mr. Chairman, but it would affect the proceeding if it should be held that the motion of the gentleman from Illinois [Mr. MADDEN] is in any sort of way a substitute for the amendment offered by the gentleman from Kentucky. I do not see how it could be so; but there is a gentleman who has an amendment to offer to the Madden amendment, and he wishes the opportunity to offer it.

The CHAIRMAN. The Chair has been corrected by both gentlemen from Illinois [Mr. MANN and Mr. MADDEN] as to the manner in which the gentleman from Illinois [Mr. MADDEN] offered his amendment. The Chair finds that it is not offered as a substitute for the amendment of the gentleman from Kentucky. The Chair misunderstood about that.

Mr. LANGLEY. If the Chair understood me to make a point of order on the substitute, that was not what I meant. I meant that it ought not to be considered now until the perfecting amendments were first discussed and voted upon. There is no question about that.

Mr. BLAND of Indiana. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. WILLIAMSON. Mr. Chairman, a parliamentary inquiry.

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. A parliamentary inquiry is not in order unless the gentleman from Indiana yields.

Mr. BLAND of Indiana. I can not yield at this time.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry. We do not understand here whether the Chair has ruled that the substitute of the gentleman from Illinois [Mr. MADDEN] is in order or not.

The CHAIRMAN. The Chair thinks that it is in order, as the gentleman from Illinois now states. The Chair misunderstood what the gentleman from Illinois offered.

Mr. LONGWORTH. We could not hear the ruling of the Chair.

Mr. KINCHELOE. Mr. Chairman, another parliamentary inquiry, in view of the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. BLAND of Indiana. I do not yield.

Mr. KINCHELOE. The Chair recognized the gentleman from Ohio [Mr. LONGWORTH] for the purpose of propounding a parliamentary inquiry, and that is what I am doing.

Mr. BLAND of Indiana. I do not yield now. The gentleman can propound his inquiry later.

Mr. KINCHELOE. I want to know from the Chair when it is in order to offer an amendment to the substitute of the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. BLAND of Indiana. I do not yield.

Mr. KINCHELOE. I am addressing the Chair, not the gentleman from Indiana, and if I can ascertain it I want to know when it will be possible for me to offer an amendment to the substitute of the gentleman from Illinois?

The CHAIRMAN. The Chair thinks the gentleman from Kentucky is out of order.

Mr. BLAND of Indiana. Mr. Chairman, I very much favor the substitute that has been offered by the gentleman from Illinois [Mr. MADDEN]. Most of you men who have been here since the Veterans' Bureau was created have become familiar with its acts and its record as to efficiency, and I am sure that no member of the Committee on Public Buildings and Grounds, that reported out this bill, can say that the record of that bureau for efficiency or good service commends it to this House as being the proper responsible agent to build the hospitals at this particular time. The gentleman from Illinois [Mr. MADDEN] is right when he says we should put this up to the President without tying his hands. If you say in the bill that the Director of the Veterans' Bureau shall do it, then the Veterans' Bureau will do it; but if you say that the President shall do it, he can not come back and say, "You tied my hands and made it so that nobody but the Veterans' Bureau could do it."

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. BLAND of Indiana. I can not yield. Then the responsibility is on him and on whatever agency he thinks best to do this work. What qualifications has the Veterans' Bureau for building hospitals, will you please tell me? What experience have they had? Their present duties are more than they can carry out. The institution has no responsible head and very little efficient organization. The organization the director has does not perform the duties that the statute imposes upon it. You gentlemen know that the conceded inefficiency of this organization is every day bringing Congress into disrepute with the whole country. That fellow—the director over there—is like a gander in a hailstorm and does not know what it is all about. [Laughter.] He has men underneath him who are giving him bad advice, and he takes it. He has men underneath him whom it seems some power is holding there and whom nobody can remove, who are either dreadfully ignorant or who are not acting in good faith with the administration, and as a result the boys are permitted to suffer for compensation and for hospitalization. The letters that come from that organization to the Members of Congress are little less than scandalous. I have one in my pocket, and Colonel Forbes himself says in substance, "If I find the man who wrote that letter in reply to your appeal for compensation for the boy, I will fire him before the sun goes down"; but the sun has never gone down, and I understand the man has been promoted.

Mr. FISH. Mr. Chairman——

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will suspend a moment. The gentleman from Kentucky has been trying for some time to get recognition.

Mr. KINCHELOE. I would like to ask the Chair when it will be in order to offer an amendment to the Madden substitute?

The CHAIRMAN. It will be in order at any time when the gentleman gets recognition.

Mr. FISH. Mr. Chairman, if what the gentleman from Indiana [Mr. BLAND] says is true, the President ought to have removed the head of the Veterans' Bureau before this. He represents the President. He is appointed by the President. Now, I do not like to come before the House and present any recommendation of the American Legion, but I think you will all admit that the American Legion has demonstrated its interest and sympathy for the disabled veterans of the World War.

The commander of the Legion came before this committee and advocated personally that the authority should be placed in the hands of the Director of the Veterans' Bureau. He does not hold any brief for the director, and no one has criticised the Veterans' Bureau when it has deserved it more than the American Legion. He told the committee that the authority should be placed in the hands of the man responsible so that he could be held accountable. With your permission I will read you what he said:

The American Legion hopes that if and when Congress acts upon H. R. 8791, a bill to appropriate $17,000,000 for further hospital construction, that the appropriation will be made to the Director of the United States Veterans' Bureau. This for the reason that he is solely responsible to-day for the hospital care and treatment of beneficiaries of the United States Veterans' Bureau. He receives all the criticism, but lacks authority and funds to properly equip the United States Veterans' Bureau to carry on this work. This is not necessarily an indictment of the Treasury Department, nor is it intended to convey the impression that the Director of the United States Veterans' Bureau is better able to build hospitals, but made only in a spirit of fairness and equity for the reason, as stated above, that the Director of the Veterans' Bureau is responsible, therefore he should have the opportunity to carry on his work unhampered by divided authority and endless red tape.

Mr. LANGLEY. Mr. Chairman, we are not making any progress as we are going on now, and I desire to move that all debate on my amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Kentucky moves that all debate on the first amendment, offered by the gentleman from Kentucky, close in 10 minutes.

Mr. TREADWAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TREADWAY. That will have no bearing on the pending amendment, the substitute offered by the gentleman from Illinois.

The CHAIRMAN. It does not interfere with the substitute.

Mr. TREADWAY. And debate will not close on the substitute until action is taken, so that there will be ample time for further debate.

The CHAIRMAN. It will have nothing to do with the amendment offered by the gentleman from Illinois.

The question was taken, and Mr. LANGLEY's motion was agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. FISH]. Mr. Chairman and gentlemen of the committee, we have had a great deal of discussion ever since the war began and the Bureau of War Risk Insurance was first established on the delinquencies and shortcomings of that bureau. The expenditures of the Government now for various forms of soldier relief approximate half a billion dollars. That sum will increase as the years go on. We are going to continue to have complaints about the workings of that bureau. This morning I introduced a resolution to change the rules of the House by establishing a standing committee on the Veterans' Bureau consisting of 21 Members of this House. I have no criticism to make of the committees who have heretofore handled that character of legislatsion, but it seems to me that the logical thing to do when the expenditures have reached a half a billion dollars, when soldier relief is growing in importance, is to provide a committee of the House whose special duty it will be to study measures affecting the bureau, to look into, as a primary consideration, the proper functioning of that bureau, and to have in charge all of the various matters that pertain to it. If we are to spend more money for the Veterans' Bureau than for the Army, which has a standing committee, if we are to spend more money for the Veterans' Bureau than we do for the Navy, which has a standing committee, if we are to spend more money for the Veterans' Bureau than for any other governmental department of the Nation, it does seem to me that the question is of sufficient importance and dignity to put able Members now on insignificant committees, doing very little, if anything—it seems we should establish this committee and put these capable Members on it and let them solve the questions with which we are continually confronted. They will have the time to study proposed legislation and propose improvements.

Mr. RAYBURN. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. RAYBURN. Does the gentleman expect to give the special committee the power to appropriate?

Mr. CONNALLY of Texas. No.

Mr. RAYBURN. Then, his criticism goes to the committee handling this legislation.

Mr. CONNALLY of Texas. I tried to make myself clear that I was not criticizing any committee, but my colleague, perhaps, feels affronted because the Committee on Interstate and Foreign Commerce has always handled the legislation heretofore. I am sure the committee has done the best it could; it was a new project, and it was experimental. But I will say this: One trouble with the organization of the House now is that it is top-heavy. [Applause.] We have a few committees that handle the more important matters of legislation in this body, and many able Members are marooned on insignificant committees. As far as the Committee on Interstate Commerce is concerned, it seems to me that there are sufficient matters and questions that properly belong to that committee to consume all of its time.

Mr. BARKLEY. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. BARKLEY. Is it not true that one of the reasons for the creation of the pension committees in the House has been because Congress handles claims of individual soldiers of prior wars, whereas that is not true and will never be true with the soldiers of the last war.

Mr. CONNALLY of Texas. I do not know about that; I have not been here as long as the gentleman. That may have been true, but that is no argument against my proposed plan.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANGLEY was recognized.

Mr. WALSH. Mr. Chairman, the gentleman from Kentucky has occupied five minutes in support of his own amendment, and there has been five minutes against it. The time has been limited and I think other Members are seeking recognition.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. WALSH. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WALSH. Mr. Chairman, it seems to me that the point submitted by the gentleman from Illinois [Mr. MADDEN] is well taken. We are about to embark upon a further hospitalization and construction program, and we ought in a way to profit by the mistake, if it was a mistake, which resulted from previous legislation. If we can now centralize this responsibility in the President and permit him to designate the Director of the Veterans' Bureau, if he wishes to assume that responsibility, or the Secretary of the Treasury, if he wishes to assume that responsibility, or to place it in the hands of some other official, it would be the wise thing to do. Of course, the President would not be able to inspect the plans and go into all of the details, and if we would do this we would avoid repeating the mistakes and the delays and the misunderstandings and the holding up of projects which it is charged have resulted from the previous legislation. It would seem to me if the amendment of the gentleman from Illinois were amended by incorporating the language which the gentleman from Kentucky proposes to be inserted in the original language of the bill, the result will be that the construction of these hospitals, the purchase of them, the extension of them, or the acquirement of further facilities will be much expedited, and that the delay which has resulted from previous legislation can well be obviated. I do not believe that the Director of the Veterans' Bureau, with the tremendous burden which he now has in administering the beneficiary provisions of the war risk act, is in any shape to take on this added technical responsibility.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. FISH. Does the gentleman think that the Treasury Department has nothing to do at all?

Mr. WALSH. They have a bureau in the Treasury Department that has trained technical experts for just this kind of work, and the Veterans' Bureau does not know any more about building a hospital than it does about tearing down a henhouse. That bureau is administering the provisions of the war risk act.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LANGLEY. Is it not true that the President must have the aid of the members of his Cabinet to run the detail work of the respective departments, and is it not equally true that he must have somebody under his supervision to run this independent bureau, which is on all fours with the executive departments, and does the gentleman expect the President to go out and buy hospital supplies and things of that sort himself? The committee has no such intention as that.

Mr. WALSH. Oh, I have conceded all that the gentleman has said. Of course, the President will not be able to undertake this himself, and I have said that he will have to rely upon somebody; but we will be centering the responsibility upon the President, and we will not be setting up in the Veterans' Bureau another independent department or division which will have to do with construction work. Perhaps, if we relieve them from that responsibility and take away from them whatever responsibility they have in connection with that work now, we will find that it will expedite the dispatch of their legitimate business, which is passing on these claims for compensation and insurance, and the cleaning up of business that has been accumulating there, from time to time. I submit that the plan proposed by the gentleman from Illinois seems to have great merit in it, and I trust the substitute will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. LONGWORTH. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the Langley amendment.

There was no objection, and the Clerk again reported the Langley amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KINCHELOE. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Illinois, which I send to the desk.

Mr. LANGLEY. Mr. Chairman, I do not think that is in order now, because we are considering perfecting amendments to the section itself and not perfecting amendments to the substitute, which will come up later. I make the point of order that it is not in order now.

Mr. LONGWORTH. Oh, the amendment is in order. It is only the question of precedence of the votes on the motion.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. KINCHELOE].

The Clerk read as follows:

Amendment offered by Mr. KINCHELOE: After the words "United States Veterans' Bureau" in the Madden substitute add the following: "by purchase and remodeling or extension of existing plants, and."

Mr. MADDEN. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. KINCHELOE].

Mr. LANGLEY. Mr. Chairman, permit me to make a point of order. It seems to me that we ought not to take up the question of an amendment to the substitute until the section itself is perfected. I have given notice that I have another amendment to offer to perfect the section, and the gentleman from South Dakota [Mr. WILLIAMSON] also desires to offer an amendment. I do not think it is now in order to take up the amendment to the substitute until we reach the substitute.

The CHAIRMAN. The vote on the Kincheloe amendment to the Madden substitute will not prejudice the rights of the gentleman from Kentucky in the least.

Mr. LANGLEY. But it seems to me we are crossing a stream before we get to it by taking up the substitute before the section is perfected.

The CHAIRMAN. The Chair feels obliged to overrule the point of order. The question is on the amendment offered by the gentleman from Kentucky [Mr. KINCHELOE] to the substitute offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. LANGLEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 2, line 12, after the word "shall," insert the words "subject to the approval of the President."

Mr. LANGLEY. That is merely to meet the objection offered by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I hardly think that is just what the gentleman wants to do. I take it that what the gentleman wants to do is to make this subject to the approval of the President.

Mr. LANGLEY. That is correct.

Mr. MANN. I understand the bill provides that the work shall be done in the discretion of the Director of the Veterans' Bureau.

Mr. LANGLEY. And I want to put in the words "with the approval of the President."

Mr. MANN. The gentleman wants to put in "subject to the approval of the President," but what he does provide by his amendment is that it shall be subject to the approval of the President as to whether this shall be done in the discretion of the United States Veterans' Bureau.

Mr. LANGLEY. Perhaps the gentleman is right. Let us insert this in line 5:

Subject to the approval of the President, the Director of the United States Veterans' Bureau is authorized—

And so forth.

I ask unanimous consent to change that and offer it after the word "and," in line 5, page 2.

Mr. MANN. The gentleman means after the word "bureau," although I am not sure. "In the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President."

The CHAIRMAN. Has the gentleman from Kentucky decided upon his modification?

Mr. LANGLEY. I am trying to get the advice of various experts on the question. What I want to do is to meet the objection of the gentleman from Illinois [Mr. MADDEN], and I want to make it clear that the director nowhere in this bill is authorized to do anything without the approval of the President.

Mr. LONGWORTH. Why not put the amendment after the word "bureau," in line 13?

Mr. LANGLEY. Well, that is line 12.

Mr. LONGWORTH. No; line 13.

Mr. LANGLEY. I acknowledge the error; I had the wrong print. It is line 13.

The CHAIRMAN. What modification does the gentleman wish?

Mr. LANGLEY. I want to make it quite clear this is all subject to the approval of the President, and I propose an amendment at the end of section 1. As the gentleman from Illinois [Mr. MANN] seems to take objection to the amendment as reported by the Clerk, I will withdraw that request and ask that it be put at the end of the section. Strike out the period and insert the language I have sent up, page 2, line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 2, line 13, after the word "bureau," strike out the period, insert a comma, and add "subject to the approval of the President."

Mr. LAYTON. Mr. Chairman, I rise simply to make an inquiry of the chairman of the committee. Does the gentleman mean to say that the treatment of tubercular and neuropsychiatric or general medical and surgical cases would be subject to the approval of the President?

Mr. LANGLEY. No. If the gentleman will notice, page 2, line 6, has a semicolon, and in line 6, page 2, there is this further language "and the Director of the United States Veterans' Bureau is authorized," and so forth. Now, the gentleman from Illinois [Mr. MADDEN] criticizes that because he said that we put it under the President in the first instance and did not do it here. Now, my purpose is to meet that objection by striking out the period, insert a comma, and add "subject to the approval of the President." I do not think it will make very much difference, but I do this to humor my friend from Illinois.

Mr. LAYTON. Just a moment, if the Chairman pleases. As I understand his amendment, it is in line 13, to strike out the period.

The CHAIRMAN. The question is on the amendment.

Mr. LAYTON. I do not think I have concluded yet unless my time is out.

The CHAIRMAN. The Chair thought the gentleman from Delaware had concluded.

Mr. LAYTON. If I understand the gentleman's amendment, in line 13 it strikes out the period and puts in a comma, and then he inserts the words——

Mr. LANGLEY. "Subject to the approval of the President."

Mr. LAYTON. "Subject to the approval of the President." Now, let me read:

Such hospital plants shall be of fireproof construction——

Mr. LANGLEY. Where is the gentleman reading from?

Mr. LAYTON. Page 2, line 8:

Such hospital plants shall be of fireproof construction, and the location and nature thereof, whether for the treatment of tuberculosis, etc., shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President.

Mr. LANGLEY. That is a discretionary power.

Mr. GRIFFIN. Mr. President, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York is not entitled to recognition——

Mr. GRIFFIN. Then I rise to oppose the amendment. Now, Mr. Chairman and gentlemen——

Mr. KINDRED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York can not be interrupted for a parliamentary inquiry unless he yields.

Mr. GRIFFIN. The gentleman from Kentucky [Mr. LANGLEY] offers an amendment which he obviously makes to conciliate an apparent sentiment in this House against the Veterans' Bureau and to gibe in with the proposed substitute of the gentleman from Illinois. Now, I coupliment him upon his conciliatory spirit, but I am satisfied that the Committee on Public Buildings and Grounds have given special care and long consideration to the problem as to where the power to construct hospitals should be placed. I know, as a matter of fact, that they have had to face this condition—it was true two years ago, and it is true to-day—namely, that the building business of this Government is concentrated in a bureau of the Secretary of the Treasury's office known as that of the "Supervising Architect," and that bureau is from five to seven years behind on existing authorizations. It has been utterly impossible to get any plans through that bureau of the Government, and it seemed a hopeless thing to put further burdens upon it. As the gentleman from New York has intimated, the American Legion was aware of the difficulties——

Mr. SNYDER. Will the gentleman yield?

Mr. GRIFFIN. Or rather the difficulty of hurrying the construction of these hospitals through the medium of the Supervising Architect's Bureau, and they assented to the proposal that the Veterans' Bureau be given the responsibility to build the hospitals provided in this bill.

Mr. SNYDER. Is not that delay on the part of the architect's office due to the fact that the appropriations have not been made for the authorization more largely than the fact that they have not been able to spend also?

Mr. GRIFFIN. That was not the case two years ago.

Mr. SNYDER. That is the fact.

Mr. GRIFFIN. It may be so.

Mr. FISH. I think the representative of the American Legion made the statement that the objection of the legion was the Supervising Architect himself.

Mr. GRIFFIN. Yes. That is my impression. It is not the want of disposition on the part of the Veterans' Bureau to utilize the appropriation of $18,000,000 heretofore made. They are bound by existing laws, whereby the task of constructing the new hospitals fell necessarily upon the Supervising Architect of the Treasury. There is where the difficulty has lain. Now, you are not going to help matters, let me venture to say,

by putting the burden upon the President, because he will, as a matter of course, turn it over either to the Supervising Architect of the Treasury or perhaps to the Veterans' Bureau.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. KINDRED. Under the proposal of the gentleman from Illinois [Mr. MADDEN], which would centralize this authority in the hands of the President, is it not more probably true that the President will at all times select men who are competent to select sites for hospitals, and that judgment may not reside in the present or any succeeding Director of the Veterans' Bureau?

Mr. GRIFFIN. Well, the President has selected the Director of the Veterans' Bureau, and the President has the power to remove him if he determines that he ought to be removed. You are not helping matters one iota by delegating the authority to the President to do this building. It is outside of his jurisdiction.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, may I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. Now, my colleague from New York says this amendment of the gentleman from Illinois is along the line of centralization. True; that is one of the reasons why I think we ought to pause before enacting any further legislation of that kind. The evil that we are troubled with to-day is too much centralization. We want to decentralize and distribute the overswollen powers that are concentrated in certain branches of our Government. The Secretary of the Treasury, for instance, has a burden on his back that entitles him to the distinction of being called the Pooh-bah of our Government. I do not know whether he likes it or not, but one thing is certain, his widely diversified powers and responsibilities do not make for efficiency or economy.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman from Virginia with pleasure, because I know, as a member of the Joint Committee on Administrative Reorganization, he is familiar with the facts.

Mr. MOORE of Virginia. I think the theory of the gentleman from Illinois [Mr. MADDEN] is correct, but I am afraid if his amendment is adopted it will practically result in placing the authority with the Treasury Department, where it is located now, and where it has not been properly and satisfactorily executed. At the same time, if the gentleman will give me half a minute more, I can not agree that the only alternative to using the Treasury Department is to make use of the Director of the Veterans' Bureau. It strikes me that the President ought in some way or other be given the right to select his agents from the entire field of choice. I would like to see this measure amended in such a way as to exclude the Treasury Department and perhaps also to exclude the Director of the Veterans' Bureau, and find some method of insuring greater speed and efficiency than will be possible otherwise.

Mr. GRIFFIN. I think that has been done by the perfecting amendment offered by the gentleman from Kentucky [Mr. LANGLEY]. He provides that whatever is done in the way of construction shall be subject to the approval of the President. Now, with that as an intimation to the President, he can exercise a veto upon any determination of the Veterans' Bureau, and if he finds that they are unable to perfect the plans or carry them through to a finality he can remove the head of the Veterans' Bureau and appoint somebody else to take charge of the work.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman.

Mr. ANDREWS of Nebraska. Is it not true under the bill as drawn, and also under the amendment of the gentleman from Illinois [Mr. MADDEN], the President could go anywhere for the service to construct the buildings, inside or outside of Government agencies?

Mr. GRIFFIN. I doubt if that is true; but, if it is true, it is a power that I do not think the President wants, nor do I think it is a responsibility that we ought to place upon his shoulders.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield.

Mr. LANGLEY. Permit me to call the gentleman's attention to the fact that I stated yesterday to the committee that the President in a letter signed by his own hand stated that this is the way he wants it done. He wants the Veterans' Bureau, now charged under the Sweet Act with the hospitalization of disabled soldiers, to have control of it, subject to his supervision. I can not see what else on earth can be done.

Mr. GRIFFIN. I think we ought to be consistent. We have created the Veterans' Bureau, and we ought to trust them to the limit to carry out the purposes for which they were organized and appointed. I think that ought to be done. [Applause.]

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent that the debate on my amendment be now closed.

Mr. McSWAIN. Oh, no. I have an amendment to offer to it.

Mr. LANGLEY. Very well.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words.

Mr. BEGG. Mr. Chairman, I want to offer an amendment to the substitute amendment to the paragraph, if that is in order at this time.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] is recognized to offer an amendment.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. I respectfully ask the Chair when it will be in order for the Chair to recognize some one on the Committee on Public Buildings and Grounds? Will it be in order in this debate some time to-day?

The CHAIRMAN. The Chair has tried to recognize various gentlemen equitably.

Mr. RUCKER. I am a member of the committee, and yet I have repeatedly tried to obtain recognition without success. No member of the committee has been recognized, apparently, except the chairman.

The CHAIRMAN. The Chair was not aware before that the gentleman from Missouri was a member of the committee. Otherwise he would have granted him recognition. The Chair will recognize the gentleman from Missouri.

Mr. RUCKER. I thought the gentleman from Massachusetts [Mr. TREADWAY] was recognized.

Mr. Chairman, the debate this morning has taken a course that I least expected. The committee which has had this bill under its charge and consideration had no purpose on earth except to do its duty and provide means for constructing hospitals so badly needed by our soldiers.

Now, the controversy here is turning on the question whether the Veterans' Bureau or the Treasury Department shall control the construction of the buildings authorized under this bill. I, for one, have no criticism to offer of the Treasury Department. I will make no criticism. We all know that though Congress has appropriated the money for the buildings, the buildings have not been constructed. We know that brave men who sacrificed their all for this great country of ours have died and are dying daily for want of proper care and treatment.

Mr. KNUTSON. Will the gentleman yield?

Mr. RUCKER. I say it is a crying shame that such conditions exist.

Mr. KNUTSON. Will the gentleman yield?

Mr. RUCKER. Yes; I yield to the gentleman.

Mr. KNUTSON. This condition which the gentleman complains of has existed for a long time. Is not that true? I merely want to get it on record that it is not anything recent.

Mr. RUCKER. No; it is not recent. We have authorized these buildings for more than a year and they are not yet built. I say we owe a duty to these soldiers and that we ought to construct these buildings. Somebody wants the Treasury Department to do it. I do not care a fig about the Treasury Department. I have no criticism of it, but the Treasury Department has proven that it can not or will not act promptly.

Mr. ELLIS. Will my colleague yield?

Mr. RUCKER. In just a moment. The pending bill provides that the Director of the Veterans' Bureau be charged with the responsibility. Why not? Oh, some gentleman here a minute ago grew somewhat excited and indulged in a veiled criticism of the Veterans' Bureau; but gentlemen ought to remember that one of the easiest things on earth for a man to do is to criticize somebody else having official power and owing official duty. I want to call attention to the fact that the Veterans' Bureau overnight grew from a small bureau to one of magnificent proportions, the greatest bureau in the land. They were untried men, untrained men, dealing with new problems, and, of course, great confusion existed. Under the control of the magnificent gentleman who is now there that confusion has disappeared. [Applause.] I challenge any man in this House to show that the Veterans' Bureau for the last several years has not been efficiently and well administered. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. RUCKER. Yes; with pleasure.

Mr. BLAND of Indiana. I accept the gentleman's challenge to show that there is inefficiency in the Veterans' Bureau. I will be very glad to submit a number of letters admitting that they have made the gravest mistakes when the facts were right in front of their noses. I will put letters in the RECORD to show their incompetency in this office, if you want me to.

Mr. RUCKER. I believe I have more soldiers in my district than anybody else.

SEVERAL MEMBERS. Oh, no.

Mr. RUCKER. It looks to me like they were all soldiers, because we are paying pretty liberally; and I want to say to this House that the only confusion that has confronted me in the discharge of my duty to these men—and it is a pleasant duty—the only confusion that exists emanates from the Sweet bill, which decentralized the power and drove a great many soldiers to St. Louis, necessitating correspondence here and correspondence in St. Louis; but as long as the law has been administered by the office here every solitary case I have had has been courteously and efficiently disposed of and administered. I have no brief to speak for Colonel Forbes, the Chief of the Veterans' Bureau, but I believe he is the right man in the right place. [Applause.] I will applaud President Harding as long as he keeps him there and will say to him that it would be misguided judgment if he should ever see fit to remove him as long as that office is conducted as it now is. Somebody says he can not build houses. I will tell you that, in addition to being a magnificent soldier and a good administrative officer, he has had much experience as an engineer, a contractor, and builder. He has had vast experience. He is not a new, untried man. Colonel Forbes told our committee that with this authorization, and this bill enacted into law, he would construct buildings much more quickly and at an expense at least 20 per cent less than the Treasury Department constructs buildings for.

Gentlemen, I sincerely hope that wisdom will guide the action of this House to-day. We have in this country a most deplorable condition—men farmed out into any kind of a shack called a hospital that the director could hire, leased out as it were; and frequently crippled and maimed soldiers, suffering from physical and mental breakdown, are being transported from place to place, exposed to the elements, and dying in trying to get housing where their cases may be administered to. I say it is a shame, and that we should quit squabbling. I have no choice for the one or the other; no preference. All I want is that we lodge this authority in some one man, somebody who is responsible and who will construct these buildings as authorized by Congress to take care of these thousands of dying men who need attention. [Applause.]

Mr. KOPP. Will the gentleman yield?

Mr. RUCKER. I promised to yield first to my colleague from Missouri [Mr. ELLIS].

Mr. ELLIS. I want to say that I am in full accord with what my colleague has said, and I want to set at rest any controversy as to the authority given to the President in this bill. It seems to me that section 2 is being entirely ignored in this debate. In section 2 authority is given to the President—

To require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Chair would like to inquire of the gentleman whether this is an amendment to the amendment?

Mr. BEGG. It is.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG to the amendment offered by Mr. MADDEN: After the word "facilities," at the end of line 2, insert "and to take over all present activities tending to provide hospital facilities."

Mr. BEGG. Mr. Chairman and gentlemen of the committee, if the Madden amendment is adopted, it provides that the President is hereby authorized to provide additional hospital and out-patient dispensary facilities. The point was raised by the gentleman from New York whether it would do away with the two boards that have been created and acting under the President's action. My amendment follows the words "out-patient dispensary facilities, and to take over all present activities tending to provide hospital facilities," and then goes on with the Madden amendment.

Mr. ELLIOTT. Will the gentleman yield?

Mr. BEGG. I will.

Mr. ELLIOTT. Is it the intention under the gentleman's amendment to take over the construction of the hospitals under the previous legislation?

Mr. BEGG. Yes.

Mr. BARKLEY. Will the gentleman yield?

Mr. BEGG. I will.

Mr. BARKLEY. Under the Veterans' Bureau act the President had authority to take over all hospitals.

Mr. BEGG. That has been disputed, else what is the need for any legislation turning all this over to the President. I am going on the assumption that he has not, because the point has been raised, and the gentleman from Illinois would not offer an amendment if the President had the authority without any further legislation. Every complaint that has been made against any department, either of the Treasury Department or of the Veterans' Bureau, may be raised again even if we localize it. Every man insists that what he wants is speed. If the Madden amendment is adopted and my amendment is adopted taking over all present construction, if the President assigns it to the Veterans' Bureau and in four months he has not had the speed, without any legislation he can take it away from the Veterans' Bureau and put it under the Treasury Department or the War Department. He does not need any added legislation to put it where he wills to get the greatest amount of speed in the construction of available hospital facilities. It seems to me that there can be no argument at all against the Madden amendment, if the speeches that are being made are founded on facts. One man claims that we are not getting action by the Veterans' Bureau, and another complains that he can not get action under the Treasury Department. If you pass the Madden amendment, we give the authority to the man who will be charged with the responsibility, and if he finds that he is not getting action under the Treasury Department let him go to the Veterans' Bureau, already created, or he can give it to a contractor in the city where the hospital is to be built under the Treasury or the War Department, or wherever he wants to put it. So, it seems to me, that if we want to avoid duplication and complexities and knotty problems about which we are complaining now the thing to do is to give the sole power, without any directory orders as to what the President shall do, and that he will certainly get results, and if he does not he alone is to blame.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LANGLEY. Mr. Chairman, I ask that the gentleman have two minutes more; I want to ask him a question.

The CHAIRMAN. The gentleman from Kentucky asks that the gentleman from Ohio have two minutes more. Is there objection?

There was no objection.

Mr. LANGLEY. Will the gentleman yield?

Mr. BEGG. Certainly.

Mr. LANGLEY. Does not the gentleman think that the bill as reported by the committee already confers the power?

Mr. BEGG. I will say that I do not think so, because the gentleman is willing to grant everything anybody offers as an objection. If the gentleman was sure of his ground he would oppose these amendments. I do not believe that there is any guesswork in the Madden amendment, and I know there is guesswork in the gentleman's proposition.

Mr. LANGLEY. Does the gentleman think the committee after having considered this for a year and a half, having had hearings after hearings and perfected a bill that they think meets the situation, and the only amendment that has been accepted is one that made clearer what they thought was not clear—does the gentleman think that because somebody else has a little different view that he ought to come in here and override the work of a committee of the House?

Mr. BEGG. I will say that there is no intention to override the committee. I think the committee deserves great credit, but the gentleman's bill turns this over to the Veterans' Bureau. A year from now if they do not get results we will be right here in the same position that we are now, whereas if we give it to the President under the Madden amendment he can proceed without any further legislation. [Applause.]

Mr. LYON. Mr. Chairman and gentlemen of the House, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. MADDEN]. It seems to me that if the Madden

amendment is adopted it will only tend to further delay the construction of hospitals so badly needed. There are only two propositions, as I understand it, and that is whether the construction shall be done under the supervision of the Treasury Department or whether it shall be done under the supervision of the Veterans' Bureau. The effect of the Madden amendment will leave it an open question by passing the buck to the President of the United States. As I understand, the President has indicated by a letter to the chairman that he is perfectly willing for the work to be done under the Veterans' Bureau. Now, if it was not the purpose of the gentleman who offered the amendment to leave the construction under the Treasury Department, why the amendment? He knows, and I think every man here knows, that if his amendment had been offered to put the construction back into the hands of the Treasury Department he could not get it through, because we have all seen the effect of what they have done under the other appropriation. But instead of offering his amendment to keep it under the Treasury Department, he offers the amendment to leave it in the hands of the President. I tell you that if you do, those of the Committee on Public Buildings and Grounds who saw the number of people brought to us by the Treasury Department to convince us that the matter ought to be left in their hands know that there will be drives made on the President of the United States by the Treasury Department on the one hand and by the Veterans' Bureau on the other that will result only in further delaying hospital construction.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. LYON. Yes.

Mr. ANDREWS of Nebraska. Did not the hearings show that the Treasury Department was simply explaining the record and not asking one way or the other with reference to the doing of this work?

Mr. LYON. After they saw the attitude of the committee, I think the Assistant Secretary of the Treasury did admit that, so far as he was personally concerned, he did not care.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LYON. Yes.

Mr. CHINDBLOM. In all fairness, does the gentleman think it is right to say that Colonel Clifford reached that conclusion only because of the attitude of the committee and after the attitude of the committee has been exhibited?

Mr. LYON. Oh, no. I do not want my remarks to have that construction.

Mr. CHINDBLOM. That is the implication the gentleman's words leave.

Mr. LYON. I do not mean that.

Mr. KOPP. Is it not true that the only departments of the Government that know anything about this subject or that would be competent in any way to take care of it without long investigation and examination are the Treasury Department and the Veterans' Bureau?

Mr. LYON. I think so.

Mr. KOPP. And one or the other ought to be chosen.

Mr. LYON. Yes; and that being so, there is no reason why this amendment should be adopted.

Mr. SNYDER. Is it not fair to suppose that the President would put the administration of the act in the hands of those most competent to handle it?

Mr. LYON. The President has already said whom he thinks ought to handle this.

Mr. KOPP. He has said it in writing, has he not?

Mr. LYON. Yes.

Mr. SNYDER. There is no opposition to that, if the President sees fit to do it. We want him to put it in the hands of somebody who will act.

Mr. CHINDBLOM. Mr. Chairman, I am a member of the Committee on Public Buildings and Grounds which framed this legislation. Last evening, on account of the large number of gentlemen who wanted to speak in general debate, I forbore addressing the committee at that time. I am not here representing or defending any department of the Government, but I think we should be careful in our criticism of the officers and departments which have been appointed and established, respectively, to carry out legislation passed by Congress. Gentlemen have said that the Supervising Architect is five or seven years behind in the performance of certain work. We all know that the authorizations which were made by Congress in 1913—and they were the last ones that were made for public buildings—have been altogether inadequate for proceeding with building operations during the war and since the war.

Mr. BLACK. Mr. Chairman, will the gentleman yield for a question?

Mr. CHINDBLOM. Yes.

Mr. BLACK. I want to say that it is my understanding that plans for all those buildings have been drawn.

Mr. CHINDBLOM. Yes; the plans are ready. It is only a question of getting more money from Congress, and we are being importuned in the Public Buildings and Grounds Committee all of the time to make further appropriations for these various projects in order that the Treasury Department may go ahead with the building.

Mr. LANGLEY. Will the gentleman help the chairman bring about such legislation?

Mr. CHINDBLOM. The gentleman knows my attitude. We have been considering that matter in the committee, and there has been a desire upon the part of everyone to proceed just as expeditiously as possible, when building conditions in the country are such that the Government can get a fair return for its expenditures.

Mr. Chairman, one would think that the Treasury Department is on trial here for its work in the construction of hospitals. I want to go back a little and trace the history of the matter. The first bill for the construction of hospitals or for the providing for hospital facilities for the soldiers in the late war was that of March 3, 1919. Congress then placed the work of building certain hospital projects, some of which had been started during the war by the War Department, in the hands of the United States Public Health Service, and not in the hands of the Supervising Architect. The next act was that of March 4, last year, under which $18,600,000 was appropriated for expenditure under the direction of the Secretary of the Treasury. That is the only sum that has been appropriated which has been expended and used by the Supervising Architect. The Sweet bill authorized the Director of the Veterans' Bureau to allot and allocate certain funds to the Public Health Service for the alteration and completion and remodeling of certain plants such as might be determined upon, and under that authority a large amount of money has been allotted to the Public Health Service.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BARKLEY. Is it not true that even those hospitals constructed under the jurisdiction of the Public Health Service were planned by the architect in the Treasury Department, so that while the law put the responsibility on the Public Health Service the plans were all prepared and supervised by the Supervising Architect in the Treasury Department?

Mr. CHINDBLOM. The office of the Supervising Architect loaned some of its technical, architectural, and engineering personnel to the Public Health Service, and they were employed in the work, but the work was conducted under the control and supervision of the Public Health Service.

Mr. BARKLEY. But they could not begin construction until the architect's office had prepared the plans.

Mr. CHINDBLOM. There were not many plans to be prepared under the act of March 3, 1919, except for making changes. The gentleman will remember that the act of March 3, 1919, turned over to the Public Health Service certain existing projects which had already been started.

Mr. KINCHELOE. Oh, the gentleman is mistaken about that, because the Dawsonsprings hospital had not been started.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CHINDBLOM. I think perhaps the gentleman from Kentucky is correct. There were some new projects, principal among which was the Dawsonsprings sanitarium. We have expended up to this time—and I have made careful search in the various departments to ascertain these facts—or authorized the expenditure up to the present time for hospital purposes by money which has been appropriated for or allotted to the Public Health Service, the Supervising Architect, or to the Director of the Veterans' Bureau, who in turn has allotted it to the Public Health Service, a total sum of $30,200,000. The present bill provides for $17,000,000 more, and that will make the total amount authorized or which will have been authorized when this bill is passed to be expended for hospital purposes $47,200,000.

So that we may say that the Congress of the United States has responded generously to the requirements of the disabled and diseased soldiers who returned from the late war. I want to say that in the committee there was no difference of opinion whatever, no disagreement, as to the question of authorizing this appropriation of $17,000,000. We were all in favor of that program, but there was difference in the committee as to how

this money should be expended and by whom the preparation of the plans and supervising the construction was to be done, and for myself, together with three or four other gentlemen on the committee, I stated and they stated that we reserved the right upon the floor of the House, if the question arose, to support propositions with reference to the details of this bill. Personally, I think that the substitute suggested by the gentleman from Illinois would be wisely adopted by this House. I would let the President of the United States select the Director of the Veterans' Bureau if he wishes, the Supervising Architect of the Treasury Department if he wishes, or any other agency he might select, or arrange to have contracts made, as has been suggested, in various parts of the country for the erection of these plants, and I would give the President complete authority to handle this matter in any way that he saw fit.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CHINDBLOM. I have not the time. It has been said here that the President has submitted a proposition that the Veterans' Bureau should do this work. The President has O. K'd the general plan of it and approved the authorizing of the expenditure of $17,000,000 for hospitals just as we have. Now, as both the Director of the Veterans' Bureau and the Supervising Architect in the Treasury Department are under the control of the President, there certainly would be no objection to authorizing him to select the agency or the department that he desires to choose for the purpose of doing this work.

Mr. LANGLEY. Will the gentleman yield a moment?

Mr. CHINDBLOM. If I can have a couple of minutes more.

Mr. LANGLEY. I hope the committee will grant that, because the gentleman is a member of the committee and was very courteous in giving way yesterday and not taking any time in general debate because of the embarrassment of the chairman of the committee in the matter of time, although he was entitled under the practice to time. I have in my hand a letter addressed to me by the President. This letter says—I will send it to the Clerk's desk and ask that it be read.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the letter which the gentleman from Kentucky has may be read by the Clerk within my time.

Mr. LANGLEY. That is an added evidence of the gentleman's courtesy which I deeply appreciate.

The CHAIRMAN. Without objection the Clerk will read the letter in the time of the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, March 22, 1922.

HON. JOHN W. LANGLEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LANGLEY: I had yours of yesterday inclosing copy of H. R. 10864, together with a copy of the report of your committee to the House. Apparently the bill is acceptable as drawn and provides the agencies for promptly carrying out the purposes of the bill. I quite agree about the desirability of its early enactment.

Very truly yours,

WARREN G. HARDING.

Mr. CHINDBLOM. Why, Mr. Chairman, if the chairman of this committee, as he apparently did, sent this bill with a report of the committee to the President, and the President wrote him an acknowledgment and stated his views at all upon the measure, I would be very much surprised if he vetoed it in advance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. Now, I want to ask the gentleman this, and I will not interrupt him further. The chairman of the Senate Committee on Public Buildings and Grounds went with me, or, rather, I went with him, to the President and asked him about this bill, and we did that because it was claimed that his approval of the hospital board, headed by Brigadier General Sawyer, was merely perfunctory. We talked with him for 10 minutes and went over the details of the measure, and he said, "I am for the bill as it is drawn." He did not mean that there might not be some minor amendment, but he said, "I am in favor of the agency provided by the bill. Will you send me a copy of your bill and the report so that I can put in writing what I think about it?" That is what happened. I did not send it up there except at his request. I called up afterwards and asked if I could give his letter out for publication, and he said, "Certainly; and if I had known you were going to give it out I would have made it stronger than I did." [Laughter.]

Mr. CHINDBLOM. There is no doubt about that. The President wants legislation passed to take care of these soldiers, and so do we. Now, there has been criticism of the Supervising Architect of the Treasury. The only money that was appropriated which he has used was under the bill passed March 4, 1921.

What happened? We amended the bill, and it took months to have it amended so as to authorize the remodeling of existing buildings. Further than that, the President called in General Dawes and asked him and other gentlemen to consider the matter of hospitalization of the soldiers. A little while later—two or three months later—the so-called White committee was appointed. That carried us to the months of June and July, and finally into August, last summer. Then we finally began work upon this hospitalization program and in three or four months this work that has been begun by that committee will be completed. I think the gentleman from New York has some cause to complain. You remember we had pending here and in the other body a bill which related to a hospital that was to be built by the State of New York under an act passed by the Legislature of the State of New York, and that matter was pending there a long time. They have had trouble in New York, I am told, with finding a suitable site up there. There are many things that caused delay for six or seven months in the building program. Let us be fair and reasonable with this department. I think they have done as well as they could have done under all the circumstances. Now, let us place this responsibility upon the one man who can command all of the agencies, all of the officials, all of the departments of the Government for the completion of this program which is so essential and which is so dear to the heart of every one of us. [Applause.]

Mr. McSWAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. LANGLEY. Mr. Chairman, I desire to hurry the matter along as much as possible, of course. I ask unanimous consent that the debate on section 1 and all amendments thereto close in 20 minutes. I want to be heard for two or three minutes.

Mr. TREADWAY. Reserving the right to object, how will that time be divided?

Mr. McSWAIN. I want five minutes.

The CHAIRMAN. The Chair will call the attention of the gentleman from Kentucky [Mr. LANGLEY] to the number of gentlemen who are seeking recognition.

Mr. LANGLEY. The Chair will readily understand that I do not want to prevent gentlemen from having opportunity to be heard, especially those who did not get a chance yesterday.

Mr. RAYBURN. Mr. Chairman, my colleague from Texas [Mr. GARRETT] has an amendment to offer in good faith, and he has been trying to get recognition for an hour or two to offer his amendment. I think he ought not to be excluded.

Mr. McSWAIN. I have an amendment that I wish to offer, and I wish to have a few minutes in which to discuss it.

Mr. LANGLEY. This is an important section. Let us make it 40 minutes. I want five minutes of that time myself.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on the first section and all amendments thereto close in 40 minutes. Is there objection?

Mr. RAYBURN. Reserving the right to object, I want to know if my colleague from Texas [Mr. GARRETT] is going to get recognition for five minutes of that time, so that he can offer an amendment?

Mr. LANGLEY. I want five minutes to oppose the Madden amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will state that an amendment in some instances can be considered only as pending.

Mr. GARRETT of Texas. I offer an amendment, Mr. Chairman, so that it will be pending.

Mr. RAYBURN. Mr. Chairman, why not have all the amendments read now for information? I ask unanimous consent that all amendments offered be read for information.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the several amendments be read for information. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

Amendment proposed by Mr. GARRETT of Texas: Amend line 15 of the substitute, after the word "personnel," by striking out the period and inserting a comma and the following: "and to furnish all patients who are admitted to said hospital or hospitals with suitable and comfortable clothing whenever it shall appear that such patients are without financial means and not drawing compensation."

Amendment proposed by Mr. McSWAIN: Page 2, line 6, insert "and also to provide proper and suitable recreational centers."

Amendment proposed by Mr. WILLIAMSON: At the end of section 1 insert "*Provided, however*, That the director, with the approval of the

President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, the amendment that I have proposed seems to be obviously desirable, and if it were not for the fact that the bill enumerates so particularly the different parts of a hospital that may be constructed or acquired, to wit, such things as tracks, roads, vehicles, and so forth, I would not have thought it necessary that a recreational center should be added. But since so many parts are enumerated, it seems to me, on the principle that enumerating certain things excludes other things not enumerated, the absence of the words "recreational center" might be considered as an exclusion.

Now, Mr. Chairman, the main thing I desired to obtain recognition for is this, to say that I believe in centralizing authority and in centralizing that authority upon the person of some officer who may be reached by proper criticism; and the officer that I consider the person upon whom that responsibility should be placed here is the one named in this bill brought in by this committee, to wit, the Director of the Veterans' Bureau. [Applause.]

I claim some little right to be interested in ex-service men, and I think I have shown some considerable activity in their behalf before that bureau. I have had, I reckon, as many claims denied as have been allowed, but I have no criticism to make of the director personally. [Applause.] Why talk about criticizing him and calling him "a gander in a hailstorm" because some one subordinate out of 10,000 employees has written a foolish letter? I have received foolish letters, too. But how about the Treasury Department? A constituent of mine overpaid his income tax in 1919 to the extent of about $1,500. That claim was allowed about the first of the year 1921, as a proper claim for refund. In the year 1921 this man got into such financial straits that he was unable to raise the money to pay the interest on his mortgage debt. After about one year's delay the $1,500, that was in the hands of the Treasurer for two years, and one year after it was allowed as a proper sum of money to be refunded, was paid to him; but when it reached his home in Spartanburg, S. C., that man was already in bankruptcy. The $1,500 would have enabled him to pay the interest on his debt, and perhaps would have saved him from bankruptcy. Talk about "expedition" and about putting the building of hospitals into the hands of a department that deals in such speed as that!

Why, Mr. Chairman, I say let us put the responsibility here, in the hands of Charles R. Forbes, a contractor of experience, a man of ability, a man who commanded a regiment of Engineers in a time of hostilities. He has the ability, and if he has not got it, put somebody there as director who can and will do this, where we can reach him and see that the duty is performed. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I realize that when the subject matter of legislation has been debated for two hours there is some impatience on the part of the committee to have the speeches cut short.

I am opposed to the amendment offered by the gentleman from Illinois [Mr. MADDEN]. I am in favor of the amendment offered by the gentleman from Kentucky [Mr. LANGLEY], which meets most of the objections urged by the gentleman from Illinois. The gentleman from Kentucky [Mr. LANGLEY], on page 2, has offered an amendment to line 12 which makes the act of the Director of the Veterans' Bureau subject to the approval of the President. We have a legislative duty to perform. The Committee on Public Buildings and Grounds had the duty to investigate and see upon what department this task of building the hospitals should be laid. Of course, in all our legislative acts we could say that the duty should be performed by the President, or such agencies as he should determine, and very glibly say, "Since we leave it to the President of the United States it ought all to be well," but it is our legislative duty to choose the department. It is not proper for this Congress to put upon the President the duty of selecting the department. [Applause.] We created the United States Veterans' Bureau, and put upon that bureau all of the duties relating to the relief of the ex-service men. That department has the duty of hospitalization. It has the duty of determining when the soldier should be given hospitalization. It has the duty of assigning the soldier to the hospital. That bureau has every reason under the sun to have more information concerning the location of hospitals, where they are needed, what kind are needed, and upon what kind of hospitals the greatest stress should be laid in order to give the relief needed at the particular time. There is every reason in the world for giving this power of constructing hospitals to the Veterans' Bureau with the exception that the Veterans' Bureau is not ordinarily a building organization.

The provisions of this bill which permit the Veterans' Bureau and the President to reach out and use any other agencies of the Government for the purpose of plans and architectural drawings, and so forth, meet that objection. So it seems to me it is our clear duty to locate this responsibility in its natural and logical place. When we have done that, then we have answered the criticism that there has been delay in the building of these hospitals. If we pass it on to the President, then the President is compelled to elect and to change from one bureau to another. We have already delegated it in the form of law to the Treasury Department. If we pass this up to the President, then we put upon him the duty and the obligation to hear this question anew and see if a change ought to be made. The committee has decided that this change ought to be made. It is put in a logical place, and it seems to me this committee ought to vote down the Madden amendment so as to locate this clearly and definitely in the Veterans' Bureau. [Applause.]

Mr. DYER. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. If I have the time.

Mr. DYER. Will the gentleman state what other departments have building departments besides the Treasury?

Mr. SANDERS of Indiana. The Treasury Department has, the War Department has certain facilities, the Navy Department has certain facilities. I do not know that I could enumerate all offhand where the different facilities are located, but this bill puts the power into the President's hands to draw all of these facilities and put them at the disposal of the Veterans' Bureau.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GARRETT of Texas. Mr. Chairman, I wish to call the attention of the House to a condition existing in the hospitals of this country concerning disabled ex-service men that ought not to exist and that ought to be corrected in the bill that we are now considering. I have offered an amendment to the Madden substitute, which, if the substitute is defeated, I shall offer to the original text of the bill, providing that the disabled ex-service men who are without means, and who when they are admitted to a public hospital are not drawing compensation, shall be furnished by the manager of such hospital with suitable and comfortable clothing so that they may have the privilege of attending Red Cross hut meetings given for their entertainment or of going down town or any other place, mixing among their fellows and not be ashamed of themselves. In the hospital at Camp Logan in my State last November there were about 40 ex-service men out of 257 who did not have sufficient clothing to attend the Red Cross hut gatherings that the people of that city gave to entertain the men and try to make them forget their troubles for a moment. There were 257 men out of about 800 who were not drawing compensation. That was quite a large number. Many of them would never get compensation perhaps. Some of those men were there dying of tuberculosis. They did not have sufficient clothing, and were unable to get compensation because of the fact that the two years had elapsed and they could not connect their disability with their line of service. But I say that the Congress ought to emphasize the fact that no ex-service man—I do not care where he comes from—shall be allowed to remain in such a condition after he is admitted into a public-service hospital that he can not have sufficient clothing to walk the streets of a city or sit down among his comrades in a Red Cross hut, theater, or other gathering and feel comfortable. These men could not do that because they did not have proper clothing. We should not forget that when the draft act stretched forth its strong hand it took all classes of men. It took men who did not have jobs as well as those who had them. It took men from the country as well as from the city, and it took men who when they came out of the service had nothing except themselves. Now, disease has overtaken them along the way. Their people are poor. Perhaps their fathers and mothers were tenants on a farm or in the city—it matters not where. They have been sick for weeks. The Public Health Service admitted them into a hospital. They file their claims for compensation. The physician examines them and says, "You now have tuberculosis, but I can not tell when it developed. I can not tell how far back it goes. Perhaps it began in France."

This soldier believes and the doctor believes, although he can not swear to it, that when the soldier had the "flu" back in France that then and there the germ of tubercular disease was planted, and because of the fact that he was dismissed from the service in apparently good health he can not get relief. His health is broken down and he is in the Public Service Hospital without sufficient clothing. I found one in

the hospital at Houston and sat down by his side and talked with him, and he said, "Mr. Congressman, this overall suit is all that I have." He was then pale and about ready to die.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. GARRETT of Texas. I will.

Mr. FROTHINGHAM. Who is to furnish this clothing?

Mr. GARRETT of Texas. The Veterans' Bureau, out of money that is appropriated.

Mr. FROTHINGHAM. Under the gentleman's proposed amendment, who is to provide or furnish the clothing?

Mr. GARRETT of Texas. When the bill goes into effect, whoever is in charge of the hospital, whether the Veterans' Bureau or the Treasury Department, the manager of the hospital shall see to it that out of the money which will be appropriated under this bill for the purpose of maintaining these hospitals a sufficient amount shall be furnished for this purpose, just as you would furnish money to build a road to the hospital or for any other activity in connection with the operation of the hospital.

Mr. FROTHINGHAM. I am asking simply for information. I wanted to know whether you provided that the Federal bureau or the War Department should furnish the clothing.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, shortly after I arrived at Washington as a Member of Congress I undertook to get the Public Health Service to take over Fort Meade, S. Dak., for the purpose of providing immediate means for the hospitalization of the disabled veterans of the World War. Brig. Gen. Charles E. Sawyer at that time was a member of the Committee on Hospitalization, of which Dr. William Charles White was chairman. I arranged for a conference and furnished him with complete data on Fort Meade and left a folder showing pictures of all the buildings and surroundings. After going over the matter with some care, he declared that with the information at hand Fort Meade would seem to be an ideal location, and promised to take the matter up direct with the President and the Committee on Hospitalization. He also requested data as to what States were included in Public Health District No. 10, in which Fort Meade is located, and the number of ex-service men that had been enrolled from these States. This I supplied him with in the following letter:

APRIL 9, 1921.

Hon. CHARLES E. SAWYER,
Brigadier General, M. R. C., Room 314,
State, War, and Navy Building, Washington, D. C.

MY DEAR GENERAL: As suggested by you yesterday when we had our brief conference with reference to Fort Meade as an available institution for the disabled World War veterans, I find that the Public Health Service District No. 10 embraces the States of Montana, North and South Dakota, and Minnesota. The following are the number of service men for the above States:

	White.	Colored.	Total.
Montana	38,851	198	39,049
North Dakota	27,186	97	27,283
South Dakota	29,968	62	30,130
Minnesota	106,429	511	106,918
	202,437	868	[1] 203,380

[1] Twelve deaths.

Upon the percentage basis that you figured yesterday as the approximate number of disabled, you will find that Fort Meade will care for a very large part of this territory, and I trust that you may be able to use the building and equipment for the purposes suggested in my folder, which I left with you.

* * * * * * *

Yours truly,

WM. WILLIAMSON.

This fort was personally inspected by Asst. Surg. Gen. W. G. Stimpson, of the Public Health Service, who made a report thereon on September 7, 1920, reading in part as follows:

ARCADE BUILDING,
Seattle, Wash., September 7, 1920.

SURGEON GENERAL UNITED STATES PUBLIC HEALTH SERVICE,
Washington, D. C.:

We have the honor to report that we arrived at Sturgis, S. Dak., on August 29 and inspected Fort Meade, a short distance—1½ miles—from that town. There is a wide macadam road nearly level, in first-class condition, between the city and the fort. This road winds through a beautiful wooded valley. The fort is beautifully situated on a level plot of land in a cup-shaped depression between the hills, which protects it somewhat from the winds.

There are at present only an officer and 18 enlisted men stationed at this fort, but the War Department has kept everything in excellent condition. The grass is cut, the roads are in fine shape, the woodwork of all buildings is well protected by paint, and even the windows of those buildings that are unoccupied are clean. There is a large amount of equipment in the buildings, including cooking stoves, furniture in the officers' quarters, hospital beds and bedding, and sterilizing apparatus in the hospital. The water supply is obtained from springs in an uninhabited watershed in the mountains, some of which is part of the Black Hills forest reserve, and the rest part of the reservation belonging to the fort. The pipe line has been well constructed and is protected against freezing. A full description of the buildings and grounds is on file at the bureau.

* * * * * * *

The climate of Fort Meade is suitable for tuberculosis. The altitude is 3,600 feet and the air is dry and stimulating. There are few hot days and there are, as a rule, no severe storms before Christmas. After that date there are on an average of six storms during the rest of the winter, but these storms do not usually last over 24 hours. The average annual rainfall is 19 inches and there is a large percentage of sunshiny days.

* * * * * * *

Fort Meade can be opened and used as a hospital with very little delay if a lease is granted by the War Department, especially if the equipment now there is allowed to remain. The post hospital, with a capacity of 75 patients, will be ready to use with a small amount of additional equipment. Ambulant cases can be placed in the barrack buildings without alteration, so that the post could be made available for over 125 patients in a short time. If it were found after trial that use of the post for hospital is a wise move the barrack hospital could be converted into hospital wards, as many of them as are necessary, and temporary wards can be erected for ambulant cases of tuberculosis; if, on the other hand, the continuation of the post as a hospital should prove to be inadvisable, the place can be closed, as no expense would have been incurred for alteration of buildings; the only cost would be that which was necessary for its operation while in use.

Respectfully,

W. G. STIMPSON,
Assistant Surgeon General.
CHAS. L. STRATTON,
Assisting Constructing Engineer.

It has also been visited by Col. C. R. Forbes, Director of the United States Veterans' Bureau, and he has repeatedly assured me that the fort can be reconditioned at small public expense and made into a very satisfactory hospital plant and training school for the disabled veterans. He also informs me that he desires to take charge of the fort and utilize it for hospital and training purposes just as soon as funds are available, provided he can secure an Executive order directing that the fort be turned over to the Veterans' Bureau for the purpose.

Should the pending bill become law hospitalization will be transferred from the Treasury Department to the Veterans' Bureau. As the bill carries an authorization for an appropriation of $17,000,000 for caring for the disabled veterans there will be ample funds available for carrying out the reconditioning of Fort Meade by the director. As stated, the War Department has steadfastly taken the position that it has no authority under existing law to turn the fort over to another department, nowithstanding that it admits that it has been practically unoccupied for more than ten years and wholly unoccupied since 1914 but for a few caretakers. If my amendment is adopted there will be no longer a question of authority involved, as it expressly authorizes the President, upon the request of the director, to transfer any buildings, structures, and grounds that may be available for the purpose contemplated by the bill.

In a late conference with Secretary of War John W. Weeks he stated that the War Department could not now utilize Fort Meade, and that there was little likelihood of its being needed by his department for an indefinite period, if at all. He also advised me that so far as he was concerned he would be very glad to turn it over to the Public Health Service or the Veterans' Bureau at any time that a request might be made for it from the proper source.

Practically every Legion post in South Dakota is strongly urging that the fort be turned into a hospital and training school at the earliest possible date. In this they are joined by many of the posts in adjoining States. The proposed conversion of Fort Meade into a hospital is also indorsed and strongly urged by John H. Dykes, chairman of the national legislative committee of the Disabled American Veterans of the World War.

There is urgent necessity for the early utilization of this fort for the benefit of the disabled. Adequate hospitalization has already been too long delayed, and much unnecessary suffering has been caused in consequence. There has been an insistent and practically unanimous demand by the disabled soldiers within my State for accommodations at the fort. Here the surroundings are delightful, the water supply abundant and pure, and the buildings themselves all that can be desired. There is ample space, many fine trees, and a beautiful mountain stream near at hand. Both the commander, Fred B. Hay, and the adjutant, David F. Heffron, American Legion, Department of South Dakota, are familiar with the location and have inspected the buildings. These men have given their unqualified indorsement to the proposition of converting the fort into a home for the disabled soldiers. What I want to make certain of is that the authority of the President to transfer the buildings and grounds at Fort Meade from the War Department to the Veterans' Bureau, in the event of this bill becoming law, shall be unquestioned.

Mr. Chairman, there was so much confusion at the time the amendment that I offered to section 1 was read that I do not believe the proviso was heard by a great many Members of the House. I therefore will read it again:

Provided further, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such building, structures, and grounds to the United States Veterans' Bureau upon request of the director thereof.

Now, gentlemen, I have studied the pending bill very carefully and I find that the language in the bill is identical, so far as authority is granted to spend money for construction work is concerned, with the bill passed by Congress by the act of March 4, 1921, and also under the act of March 3, 1919. It is also identical so far as authority is granted to utilize existing available structures owned by the Government. The War Department has held that the Secretary of War, under existing law, has no authority to turn over any buildings or structures not used or occupied by the department to the Veterans' Bureau.

Mr. LANGLEY. Will the gentleman yield?

Mr. WILLIAMSON. I will.

Mr. LANGLEY. I want to say to the gentleman that I was not aware when the bill was drawn that the War Department had made such a ruling. I thought the President had sufficient authority to do what the gentleman's amendment seeks to do, and I see no objection to it.

Mr. WILLIAMSON. The chairman informs me that he has no objection to the amendment.

I have consulted with other members of the committee, and without exception they are in favor of the amendment. I discussed the amendment with Colonel Forbes, and he stated that he was in favor of it, and the chairman tells me that he had a conference with him at which he stated that he thought the amendment would strengthen the bill and make a better measure out of it. Under the bill as it stands there is no authority to use any part of the fund provided for or appropriated in this bill for anything but new construction. You can analyze the language as carefully as you will and you can not find any authority in any part of it for taking over existing buildings and hospitals. All the money appropriated is to be used for new construction. There are buildings in this country and hospitals in control of the War Department that can be turned over to-morrow that are in a fine condition. Tuberculous patients can be placed there now and be given immediate attention.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. COOPER of Wisconsin. Does not section 2 provide for what the gentleman seeks to provide for in his amendment?

Mr. WILLIAMSON. I think not.

Mr. COOPER of Wisconsin. It provides for remodeling or repair of all hospitals or dispensaries heretofore or hereafter constructed.

Mr. WILLIAMSON. That only refers to hospitals now under the control of the Veterans' Bureau or the Public Health Service in the Treasury Department.

Mr. KINCHELOE. The committee has accepted an amendment to the Madden substitute, and an amendment offered by the gentleman from Kentucky to section 1 of the bill.

Mr. WILLIAMSON. Those amendments do not go to the proposition I am trying to get before the committee at this time. I told you a moment ago that the War Department holds that they have no power to transfer any buildings to the Veterans' Bureau, and my amendment will cure that defect. I have a letter from the Secretary of War which takes that position.

Mr. MANN. Will the gentleman yield?

Mr. WILLIAMSON. I will.

Mr. MANN. This bill is practically in the language of the existing law so far as maintaining additional structures is concerned.

Mr. WILLIAMSON. Practically in the same language.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The time has been limited.

Mr. WILLIAMSON. I desire to submit the following for the information of the House.

The improvements upon the grounds consist of macadam drives, shade trees, and the buildings and structures listed below. These are all in fine physical condition and could not be built to-day for twice their original cost. Accommodations for at least 1,250 beds can be arranged for in the hospital and various barracks with practically no expense except the additional furnishings required:

LIST OF BUILDINGS.

1. Band stand.

2. Officers' quarters. Size, main building, 44 by 37; wings, 28 by 15; brick and stone; slate roof; electric light; steam heat; water and sewer; 5 water-closets; 4 wash sinks; 5 washstands; 2 laundry tubs; 4 baths; cost of building, $25,000.

3. Officers' quarters. Size, 54 by 58; 2 wings, each 15 by 54 feet; brick and stone; slate roof; steam heat; electric light; water and sewer; 4 each water-closets, wash sinks, laundry tubs, and bathtubs; cost of building, $24,001. Suitable for hospital purposes.

4. Officers' quarters. Size, 41 by 54; reinforced concrete; tile roof; steam heat; electric light; water and sewer; 4 water-closets; 4 wash sinks; 4 washstands; 4 bathtubs; 4 laundry tubs; cost of building, $24,018. Suitable for hospital purposes.

5. Bachelor officers' quarters. Building, 97 by 83; each wing 24 by 48 feet; foundation, stone and concrete; walls, brick; roof, slate; steam heat; electric light; water and sewer; 9 water-closets; 4 wash sinks; 9 washstands; 2 laundry tubs; 9 bathtubs; cost of building, $41,026. Suitable for hospital purposes.

6. Hospital. Size, 46 by 56; 27 by 48; 34 by 50 feet; walls, brick; foundation, stone; roof, slate; electric light; hot-water heat; water and sewer; 4 water-closets; 9 wash sinks; 12 washstands; 6 baths; fully equipped with all modern hospital appliances; cost of building, $44,705.

7. Quartermaster office and warehouse. Size, 150 by 32 feet; foundation, stone; walls, brick; roof, slate; steam heat; electric light; water and sewer; water closets, urinals, and washstands; cost of building, $19,514.

8. Bakery. Size, 28 by 51 feet. Built of stone; slate roof; stove heat; electric light; water and sewer; 1 wash sink; 2 ovens, capacity 864 pounds bread; cost of building, $4,870.

9. Bowling alley. Size, 100 by 18 feet; wings each 8 by 16 feet; built of brick, stone, and concrete; stove heat; electric light; two alleys; cost of building, $5,012.

10. Gymnasium. Size, main building, 42 by 64 feet; each wing 34 by 52 feet; foundation, stone; walls, brick; roof, slate; steam heat; electric light; water and sewer; 2 water-closets; 2 urinals; 1 wash sink; 5 washbasins; 2 showers; cost of building, $24,757.73.

11. Fire station. Walls, brick; foundation, stone; roof, slate; floor, concrete; electric light; size, 25 by 43 feet; cost of building, $1,969.

12. Noncommissioned officers' quarters. Size, 31 by 32–39 by 39 feet; foundation, stone; walls, brick; roof, slate; stove heat; electric light; water and sewer; 2 water-closets; wash sinks; washstands and bathtubs; cost of building, $5,218. Suitable for hospital purposes.

13. Band barracks. Size, 76 by 39 feet; foundation, stone; walls, brick; roof, slate; electric light; steam heat; water and sewer; 4 water closets; 2 urinals; wash sinks and washstands; 2 laundry tubs; 2 bath showers and bathtubs; cost of building, $24,964. Suitable for hospital purposes.

14. Three single barracks. Size, main building, 37 by 110 feet; wing, 37 by 64 feet; foundation and walls, stone; roof, slate; steam heat; electric light; water and sewer; 8 water-closets; 6 urinals; 2 wash sinks; 14 washstands; 3 showers; 4 bathtubs; cost of each building, $31,420. Suitable for hospital purposes.

15. Single barracks. Building, 110 by 27 feet; each wing, 38 by 27 feet; walls, brick; foundation, stone; roof, slate; electric light; steam heat; water and sewer; 8 water-closets; 4 urinals; 2 wash sinks; 14 washstands; 4 laundry tubs; 4 shower baths and tubs; cost of building, $45,850. Suitable for hospital purposes.

16. Two double barracks. Size building, 39 by 72 feet; two wings each 39 by 102 feet; foundation, stone; walls, brick; roof, slate; electric lights; steam heat; water and sewer; 16 water-closets; 12 urinals; 4 wash sinks; 28 washbasins; 8 showers; 6 bathtubs; cost of each building, $67,410. Suitable for hospital purposes.

17. Administration building. Size, 92 by 44 feet; foundation, stone; walls, brick; roof, slate; steam heat; electric light; water and sewer; 3 water-closets; 2 urinals; 3 washstands; cost of building, $29,180. Suitable for hospital purposes.

18. Four brick stables. Size, 155 by 67 feet; foundation, stone; walls, brick; roof, slate; floor, clay, concrete, and brick; electric light; water and sewer; cost of building, $17,375.

19. Four stone stables. Size, 156 by 67 feet; walls and foundation, stone; roof, tile; floor, clay, concrete, and brick; electric light and water; cost of building, $18,468.75.

Mr. TREADWAY. Mr. Chairman, in view of the numerous amendments that have been adopted and agreed upon, it seems to me there is very little difference between the suggestions of the committee and the so-called Madden amendment.

Under the Madden amendment, as I take it, the method of procedure that the committee recommends can be adopted, if such is the judgment of the President. Therefore I think that we will accomplish more for the welfare of the hospitalization needs of the veterans by adopting the Madden amendment. We are all agreed on one point. There is only a division of views as to the manner in which we shall accomplish the purpose at which we are aiming. We all want the very best service possible for the hospital needs of the veterans. There is absolute unanimity of agreement upon that point. The difference that has appeared here in debate to-day is simply as to the method of obtaining this object. We have followed the requests of people interested in legislation for the veterans in some of our previous bills, and when you decentralize authority, to my mind, you ruin the object for which the legislation is proposed. The gentleman from New Hampshire [Mr. BURROUGHS] yesterday pointed out marked difficulties that we are having under the decentralization method of caring for veterans. We never have had in my experience since the adoption of the war-risk insurance act as poor service in New England as we are getting to-day. Every New England Member can furnish a similar list to that furnished by the gentleman from New Hampshire yesterday. The authority is in no one place, and that is what I am afraid we are getting ready to do if we do not centralize the authority for construction. There is under the Government authority ample ability to construct the needed hospitals. Why establish a new system of architectural and constructive methods? That is what we would have to do, and as a result we would delay the needs of the hospital plans just that long. It seems to me that such a body as would necessarily have to be created under the Veterans' Bureau would mean just that much longer delay in caring for the needy soldiers. The demand is for immediate construction, not the establishment of additional machinery. Therefore, in view of the experience that we have had under the decentralization system of the Sweet bill, it seems to me we should at least place this authority in the hands of the President solely, and let him choose the instrumentalities under which the construction shall proceed. [Applause.]

In expressing the views I have I am offering no criticism aimed at the head of the Veterans' Bureau. On the contrary, I regard him as an efficient executive, already overburdened with duties. In my judgment the best results for the veterans will be obtained and in the shortest space of time by giving all the authority to the President.

Mr. FITZGERALD. Mr. Chairman, I wish to say that I agree absolutely with the statements which the gentleman from Massachusetts has just made with his reasoning, but not with his conclusions; I arrive at the opposite pole. On October 10, 1921, I offered a resolution in this House asking for a special committee to investigate what had become of the $18,600,000 that we appropriated on March 4 a year ago, because not one bed had been furnished to any disabled soldier. Colonel Forbes, although in no way to blame, was popularly supposed to be responsible for the situation, was being criticized to me, and, I presume, to every other Member of Congress. I made an investigation personally of the situation. I went to the Treasury Department and spent more than an hour with the Assistant Secretary of the Treasury having this matter in charge. I was introduced to the chairman of the Board of Consultants, and I was able to arrive at a conclusion in my own mind as to where the responsibility lay. I then proceeded with a number of Members of Congress to put Colonel Forbes through a cross-examination as to what could and should have been done with this money, and he demonstrated satisfactorily to us that with that amount of money and the facilities which he should have been able to borrow from the Treasury Department he would have had 30 to 50 per cent of the beds which the money appropriated by Congress would have furnished occupied, instead of having these men dying in the streets and subjected to the misery and cruelties to which they have been subjected in some of these private hospitals, and I do not except the Soldiers' Home at Dayton, whence they have been driven to the streets, and where they called in a sheriff to quell a riot because they could not keep order in the tuberculosis ward in the soldiers' home. The President wants the power put with the Director of the Veterans' Bureau. We know what he wants, and we are satisfied that it is the only place other than the Treasury Department for this power to repose. We have tested the Treasury Department, and on account, not of the fault of any one man, but on account of the peculiar system there adopted, on account of the wishes of these physicians to do an ideal sort of job, while overlooking the emergency, forgetting that men were suffering and needing attention, nothing was accomplished while our soldiers died neglected. It seems to me we should take the responsibility of placing the direction of this construction under Colonel Forbes, with power in the President to supervise and to veto anything that he thinks improper. [Applause.]

May I add that the Members of this House who assisted me in the investigation were SAMUEL S. ARENTS, of Nevada; ROY O. WOODRUFF, of Michigan; and LOUIS A. FROTHINGHAM, of Massachusetts.

Mr. CHALMERS. Mr. Chairman, a billion dollars for aviation and not a plane on the firing line; $18,000,000 for beds over a year ago and not a bed for a sick soldier! It seems to me that we will be making no mistake in placing this responsibility where it belongs, namely, in the Veterans' Bureau. We are all of one mind. There is no question about the sentiment of this House. We are all in favor of voting $17,000,000 for these sick men, and you know and I know that there are other $17,000,000 to follow when they are needed. We are all of one mind, but we differ as to methods. We did not get results a year ago in the Treasury Department. Let us try the Veterans' Bureau. We have heard some unkind things said here this afternoon about Colonel Forbes. There is not a man in this House who does not believe that Colonel Forbes is honest. There is not a man here that does not believe that Colonel Forbes is a fine executive, that he is skilled, that he is sympathetic, that he is capable, that he has a big heart. There is not a man here who does not know that he has been giving of himself night and day to this service. If there are ills in the Veterans' Bureau, and we all know there are, they should be laid at the door of Congress. I want to say to you that this decentralization and the sending of the files all over the country has caused more trouble to you and to me and to the boys that we are trying to serve than anything else in connection with the Veterans' Bureau. I hope that Congress will wake up some day and rectify the mistake. The Sweet bill is a good bill; it is doing good service; but there were some mistakes, and they ought to be corrected. That is a matter for Congress. I do not like to see Congress in a discussion of this kind criticize those who are not to blame. I believe if we turn the $17,000,000 over to the Veterans' Bureau, under the direction of Colonel Forbes, under the supervision of the President of the United States, we will get results. Let us try it. [Applause.]

Mr. LANGLEY. I am exceedingly sorry that my good friend from Indiana [Mr. BLAND] chose to say what he did say about Colonel Forbes. Some of you know perhaps, and many of you may not know, that Colonel Forbes was a soldier in the Boxer rebellion, that he was an overseas soldier in the late war. He went over the top time and again. He was gassed three times, in addition to being wounded. One time his lung was almost burned out with gas, and he was burned with mustard gas until his entire body now is in a sensitive condition. He told me this himself, and he gave me the details. He is at this moment suffering as one of our overseas veterans while you are criticising him. Do you believe that a man like that, a soldier like that, can not be trusted, who has his whole heart wrapped up in the cause of his sick fellow soldiers, would betray them or fail to do all he can to help secure treatment of the sick men who were over there with him? Gentlemen, it is preposterous, and you ought to be ashamed of yourselves to treat him this way. [Applause.]

I say it is an outrage. Gentlemen, of course there are mistakes everywhere that can not be helped. I have been in the executive departments some years myself, and in a new bureau like that there are bound to be errors. But it is not the fault of Colonel Forbes. He has worked as hard as any living man, trying his utmost to make provision for these sick and disabled ex-service men to whom we owe so much.

The gentleman from Massachusetts is mistaken when he says that with the amendment agreed upon the section reported by the committee and the substitute offered by the gentleman from Illinois are practically the same. They are not the same. The committee in trying to perfect the measure has accepted certain minor amendments, but the main proposition still remains, that the President himself can not carry out the details of this work any more than he can carry out the details of the work of any department; and you might just as well provide that the President shall run the State Department, now so ably run by the distinguished Secretary of State, or say that any other department of the Government shall be run directly by the President. It can not be done as an administrative proposition. I have followed the gentleman from Illinois. I followed his committee; I always vote regular. But this committee has worked hard and long and has brought in here this present bill, and is willing to accept amendments suggested by the gentlemen which apparently improve its details. That is what the five-minute rule is for. I say I think the Members of this House ought to stand by the committee and vote down the Madden amendment, because that amendment means that the Veterans' Bureau, now authorized to have charge of the hospitalization of these men, shall be cut out from the consideration of the main question, which is the quickest way to construct these hospitals. That is all I have to say, boys, except as I stand by your committees I hope you will stand by mine. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Chair would like to state the parliamentary situation. There is an amendment to perfect the text by the gentleman from Kentucky. There is also an amendment by way of substitute to the first section offered by the gentleman from Illinois, to which the gentleman from Ohio has offered an amendment. There has also been read for information, but not yet offered, an amendment by the gentleman from South Dakota [Mr. WILLIAMSON]. There is also offered an amendment to the amendment by the gentleman from Texas, and an amendment of the gentleman from South Carolina to the amendment of the gentleman from Illinois. The Chair should say those two last amendments have been read for information but not yet offered. The vote first comes on the amendment offered by the gentleman from Kentucky and then it will be in order for the gentleman from South Dakota to offer his amendment.

Mr. SANDERS of Indiana. May we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by the gentleman from Kentucky: Page 2, line 18, after the word "bureau" insert the words "subject to the approval of the President."

The question was taken, and the amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I now desire to offer my amendment, and ask the Clerk to report it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 1 insert: "*Provided, however*, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

The question was taken, and the amendment was agreed to.

Mr. McSWAIN. Mr. Chairman, I desire to offer my amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment to the amendment offered by the gentleman from Illinois.

Mr. McSWAIN. No; the amendment is to the text.

The CHAIRMAN. The Chair misunderstood the gentleman. It is an amendment to the text, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McSWAIN: Page 2, line 6, after the word "personnel" insert the words "and also to provide proper and suitable recreational centers."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Ohio to the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOOS to the amendment offered by Mr. MADDEN: After the word "facilities," at the end of line 2 of the Madden amendment, insert "and to take over the present activities tending to provide hospital facilities."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. GARRETT], which the Clerk will report.

The Clerk read as follows:

Amend line 15 of the substitute, after the word "personnel," by striking out the period, inserting a comma, and the following: "and to furnish all patients who are admitted to said hospital or hospitals with suitable and comfortable clothing whenever it shall appear that said patients are without financial means and not drawing compensation."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is upon the substitute offered by the gentleman from Illinois as amended by the motion of the gentleman from Texas.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. MADDEN) there were—ayes 73, noes 70.

Mr. LANGLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. LANGLEY and Mr. MADDEN to act as tellers.

The committee again divided; and the tellers reported—ayes 86, noes 81.

So the substitute was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

Mr. MADDEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 2, strike out lines 14 to 20, inclusive, and insert in lieu thereof a new section, as follows:

"SEC. 2. Any sum allotted hereunder by the President for additional hospital or out-patient dispensary facilities shall be expended by such agency or agencies of the Government as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act."

Mr. MADDEN. Mr. Chairman, I desire to say in connection with this amendment, now that we have placed the responsibility on the President, this gives him the power to name any agency that he chooses to name to carry out the purposes of the act, and I think it may be fairly said, with the responsibility on the President, if one agency named by him fails to function he will see that some other agency is named that will function.

Now, what is the purpose of the act? The purpose of the act is to supply facilities for the care of the wounded and sick soldiers. Complaint has constantly been made that these facilities have been retarded, that we have not had the action that we should have from the agencies that have had charge in the past. This certainly centralizes the responsibility. It centralizes the power, and the amendment that I offer is logical, in view of the adoption of the amendment that had already been offered by me. Here is an opportunity to place the responsibility, and there is no restriction on the right of the President to place that responsibility in the agency that he may name. He will not, if this amendment is adopted, be compelled to come back to Congress for further legislation if the agency indicated by him fails to function, whereas under the bill without this amendment no action could be taken by anybody in the world, not even by the President, to force action on the part of the agency that has the responsibility under the act, without coming back to the Congress for further legislation.

Now, what we want is expeditious action. This offers the opportunity for that expeditious action. We are all in favor of doing everything we can for the veterans who are wounded or sick. No one is more anxious to do it than I, and I have been importuned time out of mind by men who have not been able to get the facilities to which they were entitled. Here we offer the opportunity to place the responsibility somewhere, and I am willing to place that responsibility on the President of the United States. [Applause.]

Mr. LANGLEY. Mr. Chairman, if the Members will take the time to glance over section 2 of the bill they will observe that it does exactly what the gentleman from Illinois [Mr. MADDEN] contends ought to be done. It says that the construction of new hospitals or dispensaries—I think the word "enlargement" ought to be in there, preceding "remodeling or repair of all hospitals"—shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

Now, it simply means, Mr. Chairman, if you are going to tear all to pieces this bill which the committee has labored on earnestly, and had hearings on day after day for nearly a year, and which the President states that he wanted done, and let anybody who has not paid attention to these hearings—I do not care whether or not it is the chairman of the Committee on Appropriations, for whom I have the highest regard—to try to rewrite in a day on the floor the bill reported by this committee, I do not think it is the thing to do.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. LINEBERGER. Does the gentleman propose to insert the word "extension" between the words "alteration" and "remodeling"?

Mr. LANGLEY. Yes; either that or the word "enlargement," I do not care which. I propose to offer that amendment. I do not want my remarks to be construed as in anywise reflecting upon the Committee on Appropriations. But there are 435 Members of the House and only 35 members on the committee.

Mr. MADDEN. I hope the gentleman will not assert that I am the Committee on Appropriations.

Mr. LANGLEY. No; but the gentleman is the distinguished chairman of it.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. GARRETT of Tennessee. Of course, I only heard the Madden amendment read from the desk, and I may be inaccurate in my recollection concerning it; but the only difference, if I recall it correctly, between that and section 2 of the bill is that the bill as reported by the committee would confine the President in employing architectural and engineering assistance to the departments of the Government, while under the Madden amendment he can go outside of the departments of the Government.

Mr. LANGLEY. It would mean he could go out and employ private individuals.

Mr. GARRETT of Tennessee. That is all the difference, is it not?

Mr. LANGLEY. What effect would that have on the existing law and the section of the Revised Statutes limiting it to competitive bidding?

Mr. GARRETT of Tennessee. Understand me: I am not speaking from any advocacy or any opposition to the Madden

amendment at the present moment. I want to find out just what it is before I vote on it. But, if I understand it correctly, the bill would limit the President in selecting departments of the Government for the architectural and engineering work, whereas the Madden amendment would enable him to go outside and select people outside the Government service.

May I first ask the gentleman if I am correct about that?

Mr. MADDEN. It would. And in the next section I have a limitation on the amount that can be expended for the architect's fee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I ask unanimous consent that the gentleman from Kentucky may have five minutes more.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Tennessee that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. LANGLEY. The gentleman from Tennessee [Mr. GARRETT] is a lawyer, and I used to be accused of being one myself. He knows that the general rule of construction is that whenever you impose a specific duty upon a specific individual the general law governing that necessarily applies. The general law provides for the manner in which these buildings may be constructed and provides that it shall be by competitive bidding except in the case of a public exigency. That is section 3709.

Mr. MOORE of Virginia. Does not the Madden amendment confine the President to the use of governmental agencies?

Mr. MADDEN. I think the Madden amendment places too great a limitation upon him.

Mr. MOORE of Virginia. The Madden amendment certainly confines the President to the use of Government agencies. It is in terms written that way. I ask that the amendment be again reported.

Mr. LANGLEY. Not to be taken out of my time, if you please.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 2, strike out lines 14 to 20, inclusive, and insert in lieu thereof a new section, as follows:

"SEC. 2. Any sum alloted hereunder by the President for additional hospital or out-patient dispensary facilities shall be expended by such agency or agencies of the Government as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act."

Mr. LANGLEY. That is practically the same proposition. We are all, of course, in favor of its being expeditious; but it is practically the same thing that is in this amendment, and the gentleman apparently simply wants to get in a substitute drawn by himself instead of the proposition of the committee.

Mr. RAYBURN. Will the gentleman yield to allow me to ask the gentleman from Illinois a question?

Mr. LANGLEY. Certainly.

Mr. RAYBURN. I had understood that the amendment of the gentleman from Illinois [Mr. MADDEN] was intended to mean exactly the opposite; that it was intended to restrict the President rather than to allow him to go on the outside.

Mr. MADDEN. I made a mistake in answering the gentleman from Tennessee. It is intended to restrict.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. I do not think the gentleman made a mistake in answering. In so far as the expenditures upon actual construction are concerned, under the Madden amendment they will be expended through such department of the Government as the President may designate.

Mr. MADDEN. That is true.

Mr. GARRETT of Tennessee. That is true.

Mr. MADDEN. But the work——

Mr. GARRETT of Tennessee. But as to the drawing of plans, as to the engineering, then the President can go entirely outside the Government and employ private persons.

Mr. MADDEN. I think he could, but then the next section restricts the amount that can be expended for that purpose.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments numbered 43, 47, 50, 51, 53, 54, 55, 56, 58, 59, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 91, 112, and 118, disagreed to by the House of Representatives, had requested a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN as the conferees on the part of the Senate.

ADDITIONAL HOSPITAL FACILITIES FOR THE EX-SERVICE MEN AND WOMEN.

The committee resumed its session.

Mr. LANGLEY. I ask unanimous consent to proceed for two minutes.

Mr. MANN. I ask that the gentleman may have five minutes more. I want to ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. KOPP. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. KOPP. The committee drew this bill, as the gentleman knows, in accordance with the wishes of the President, that the Director of the Veterans' Bureau should be intrusted with this building, subject to his approval. Now, the statement has been made by the gentleman from Illinois that if the Director of the Veterans' Bureau should prove incapable of doing this work, or should not perform it properly, the President could do nothing until he came back to Congress and asked us to change the law. Is it not a fact that the President can at any time remove the Director of the Veterans' Bureau and employ a new one?

Mr. LANGLEY. Certainly. Anybody with any ordinary sense knows that. [Laughter.]

Mr. MANN. He can not remove him.

Mr. LANGLEY. My long experience in the public service enables me to say that the appointive power, with the exception of civil-service employees, is coequal with the power to dismiss, so the gentleman from Illinois is not correct.

Mr. MANN. As far as the original provision and the Madden amendment are concerned, do they not both authorize whatever governmental agency has charge of this to have the work done outside?

Mr. LANGLEY. They may do it, yes; except there is a general law to which I called attention a little while ago, section 3709 of the Revised Statutes, which provides that all work must be done subject to competitive bidding except in the case of a public exigency.

Mr. MANN. Here is the law which supersedes any law on the statute books. It says the construction, and so forth, shall be done in such manner as the President may determine.

Mr. LANGLEY. Of course the gentleman knows that the President must enforce existing law under his oath of office.

Mr. MADDEN. But this will be the existing law that he obeys when he determines how it shall be done.

Mr. LANGLEY. The gentleman is a lawyer, I believe, and he knows that all acts must be construed in pari materia, and he knows the President would not violate existing law.

Mr. MANN. I am not saying that he would. I can not see any difference between the two propositions.

Mr. LANGLEY. I can.

Mr. NORTON. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Chair will say to the gentleman from Ohio that the gentleman from Kentucky has an amendment which is preferential.

Mr. LANGLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 15, after the word "the," insert the word "extension."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. WILLIAMSON. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

At the end of the amendment offered by Mr. MADDEN add the following: "*Provided further*, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

Mr. LONGWORTH. Mr. Chairman, I reserve a point of order that there is no such words as the "Veterans' Bureau" in the bill.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to modify the amendment.

The Clerk read as follows:

Modified amendment by Mr. WILLIAMSON: At the end of the amendment offered by Mr. MANN add: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds now owned by the United States as are available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon request of the director thereof.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from South Dakota.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. MANN], as amended.

The question was taken, and the amendment was rejected.

Mr. WILLIAMSON. Mr. Chairman, I offer a perfecting amendment to section 2.

Mr. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Insert, after section 2, the following: "Section 3——

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The gentleman from South Dakota asked to offer an amendment to section 2.

The CHAIRMAN. That will take precedence. The Chair understood that the amendment of the gentleman from Ohio was to section 2. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amendment by Mr. WILLIAMSON: At the end of section 2 insert the following: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof.

Mr. GARRETT of Tennessee. May I ask the gentleman from South Dakota a question?

Mr. WILLIAMSON. Yes; I yield.

Mr. GARRETT of Tennessee. This authorizes the President to transfer any building owned by the Government of the United States to be used for hospital purposes if in his opinion it is satisfactory for hospital purposes.

Mr. WILLIAMSON. At the request of the Veterans' Bureau.

Mr. DYER. He might ask for the Capitol.

Mr. GARRETT of Tennessee. If that is the gentleman's idea, I am in considerable sympathy with his purpose, but this is a law presumably being made to last a long time. Whether it is desirable to place the power in the hands of the President of the United States that would enable him to transfer the Capitol to the Veterans' Bureau for hospital purposes is a proposition that I am not quite sure I am ready to commit myself to.

Mr. WILLIAMSON. He may transfer such buildings, structures, and grounds as are available, and the Capitol or the House Office Building would not be available.

Mr. GARRETT of Tennessee. It would be if Congress was not in session. You are putting a tremendous control in the President's hands over public buildings.

Mr. WILLIAMSON. It might be helped by putting in the word "suitable" after the word "available."

Mr. GARRETT of Tennessee. May I ask the gentleman what specific purpose he has in mind by adding this amendment, what possibilities actually exist?

Mr. WILLIAMSON. The language of this bill is identical with the law already in force, and the Secretary of War holds that he has no authority to turn over any building to the Veterans' Bureau for hospital purposes. The object is to give the President authority to turn over such buildings as are not being utilized in the War Department to the Veterans' Bureau. There are certain buildings to-day that could be utilized by the Veterans' Bureau, but the War Department says that it has no authority to turn over any building, although the Secretary of War is entirely willing to turn it over.

Mr. GARRETT of Tennessee. Some camps——

Mr. WILLIAMSON. Camps and any other building that would be suitable for hospital purposes.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. MANN. Are these buildings that the gentleman thinks should be turned over now in active use by any other department of the Government?

Mr. WILLIAMSON. They are not, and have not been for many years.

Mr. MANN. Why would it not be perfectly proper, then, to add, after the words "United States," the words "not otherwise in active use"?

Mr. WILLIAMSON. I am willing to accept that modification.

Mr. GARRETT of Tennessee. I think that would be a desirable amendment.

Mr. MacGREGOR. Mr. Chairman, may I ask the gentleman from Illinois a question? It may be desired by the Veterans' Bureau to take Fort Porter, which is located in the city of Buffalo, for hospital purposes. The War Department may be willing to surrender it. It now contains a battalion of soldiers.

Mr. MANN. I suppose that the battalion of soldiers would be removed before it was turned over, in any event, and if a battalion of soldiers was removed it would not then be in active use.

Mr. MacGREGOR. That is what I wanted to get at.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. Recently the President, by Executive order, transferred a portion of Jefferson Barracks, Mo., a military reservation, to the Veterans' Bureau for the purpose of putting up a hospital there for wounded soldiers. Would this amendment which the gentleman suggests interfere with that?

Mr. MANN. I will be frank to say that I do not know.

Mr. DYER. It says "not being used for any other purpose."

Mr. MANN. I suggested the words "not otherwise in active use."

Mr. DYER. This is in active use, of course.

Mr. MANN. Then they would not transfer it while it is in active use.

Mr. DYER. They have already done so.

Mr. MANN. That is already settled then. That is under existing law. Existing law provides for certain transfers, but it was held by the War Department in the case the gentleman from South Dakota has in mind that the existing law does not cover the fort up there, and he desires to cover it. I do not think it would be wise to permit the President to turn over the Capitol Building for any such use.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to insert in my amendment after the words "United States" the words "not otherwise in active use."

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to modify his amendment. Is there objection?

Mr. WINGO. Mr. Chairman, reserving the right to object, do I understand the modification reads "not now otherwise in active use"?

Mr. WILLIAMSON. No; "not otherwise in active use."

Mr. WINGO. My understanding is that there are about four Army posts that the War Department thinks might well be dispensed with, and that Congress does not agree to that. If this amendment should be adopted with the language suggested, leaving out the word "now," all on earth they would have to do would be for the Secretary of War to remove the troops and quit using those four posts for the time being, and then the President could make an order abolishing those Army posts even though Congress does not want it done.

Mr. WILLIAMSON. Oh, I do not think there is the slightest danger of anything of that kind being done by the President of the United States.

Mr. WINGO. The gentleman does not think the President will carry out the recommendations of the Secretary of War in respect to that?

Mr. WILLIAMSON. I think the President will turn over buildings only, not being used by the War Department.

Mr. WINGO. Does the gentleman know of any Army posts not now in active use?

Mr. WILLIAMSON. Yes; Fort Meade, in South Dakota.

Mr. WINGO. What other one?

Mr. WILLIAMSON. That is the only one that I have in mind now.

Mr. WINGO. If that is what the gentleman has in mind, would it not be safer legislation to specifically authorize the President, if he sees fit, by Executive order to turn over for hospital purposes that fort, specifically naming it.

Mr. WILLIAMSON. I do not think that we should specifically require the President to occupy or utilize any particular fort. I do not think the Congress should say what particular structures should be utilized, but if the Veterans' Bureau finds Fort Meade available and makes a request for it, I think the President should be authorized to turn it over.

Mr. WINGO. Heretofore the plan has been in the last Congress, when they wished to turn over Fort Logan H. Roots, in

my State, to specifically by act of Congress, in one of the hospitalization bills, authorize the President to transfer it from the War Department for hospital purposes. I suggest that the gentleman's amendment takes control away from Congress, and under it they can abolish Army posts anywhere in the United States. I do not care particularly myself. There is no Army post in my district.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from South Dakota as it is proposed to be modified.

The Clerk read as follows:

Modified amendment by Mr. WILLIAMSON: At the end of section 2 add: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds, now owned by the United States, not otherwise in active use, as may be available for the purposes aforesaid, and the President is hereby authorized, by Executive order, to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota to modify his amendment in the manner indicated.

There was no objection.

Mr. WINGO. Mr. Chairman, I move to amend the amendment by adding the word "now," so that it will read "not now otherwise in active use."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment by Mr. WINGO: After the word "not" and before the word "otherwise," in the amendment of the gentleman from South Dakota, insert the word "now."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Arkansas.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

Mr. FISH. I have an amendment at the desk.

The CHAIRMAN. An amendment to the amendment?

Mr. FISH. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, after the word "work," strike out the period, insert a comma, and add the following: "and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such points as he may consider reasonable."

Mr. LANGLEY. An amendment has just been adopted adding certain language after line 23, so the gentleman's amendment should come after the amendment.

Mr. FISH. That is agreeable; let it come at the proper place.

Mr. WALSH. It is in the proper place.

Mr. FISH. Then line 20, after the word "work." The purpose of the amendment is to give authority to the President. There seems to be some dispute over that point, to go out and make these contracts with private builders. If this bill is anything at all it is an emergency measure, and where the White committee fell down is in the fact they did not employ the biggest contractors in the country, such as George A. Fuller and others, and get this work done in eight months. There are a number of big contractors in the country to-day who can take hold of these matters and complete these buildings inside of eight months, and that is the purpose of the amendment. I do not believe the chairman will have any objection.

Mr. LANGLEY. I will say I think the President has that authority under present law, and therefore, to make it entirely clear, I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NORTON. Mr. Chairman, I have an amendment at the Clerk's desk which I ask to have reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. NORTON: Insert after section 2 the following: "SEC. 3. When the expenditure herein provided for exceeds $3,000, other than lands bought or the compensation of persons employed, the Director of the United States Veterans' Bureau shall make contracts for buildings to be erected or remodeled or work to be done with the lowest and best bidder after advertising for proposals for not less than two weeks or more than four weeks in a newspaper in general circulation in the county where the building is to be constructed or the work performed."

Mr. WALSH. Mr. Chairman, I reserve the point of order on the amendment. I will say to the gentleman that I think perhaps if he modifies it to provide that the President shall make the contract——

Mr. NORTON. I will change it in that respect. I will modify it afterwards.

Mr. WALSH. I think the gentleman ought to modify it before he discusses it.

Mr. NORTON. I will modify it in that respect. I ask unanimous consent that it may be modified as suggested.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment by Mr. NORTON: Insert after section 2 the following: "SEC. 3. When the expenditure herein provided for exceeds $3,000, other than lands bought or compensation of persons employed, the President shall make a contract for buildings to be erected or remodeled or work to be done with the lowest and best bidder, after advertising for proposals for not less than two weeks or more than four weeks in a newspaper in general circulation in the county where the building is to be constructed or the work to be performed."

The CHAIRMAN. Is there objection to the modification? [After a pause.] The Chair hears none.

Mr. NORTON. Mr. Chairman and gentlemen of the committee, the entire fault found by Director Forbes with what has been done was mainly for the reason that this was purchase and hire work, as it is called. In other words, that of this $18,600,000 more than one-third was spent without any contract of any kind whatsoever. Now I will call attention to what Mr. Wetmore and what Director Forbes said on this subject before I proceed. I asked:

What did you finally say was the portion spent of the $18,600,000 by contract and the portion spent by purchase and hire? You have made two or three statements, and I do not remember what the final statement was. Was it 50 per cent or 40 per cent?

Mr. WETMORE. I mean 30 per cent of the cases.

Mr. NORTON. I mean what per cent, taking the entire amount of the appropriation?

Mr. WETMORE. I do not know. I can not say what per cent of the appropriation. Mr. Von Nerta, who is present, has the figures.

Mr. VON NERTA. Of the contract at the present time it is about 65 per cent; under purchase and hire, 35 per cent. Two additional hospitals, however, will go under the contract—Tuskegee and Perryville—and then the percentage will be 60 per cent contract and 20 per cent purchase and hire.

Then a few lines below:

Mr. NORTON. Then it might run $5,000 or $6,000 a week that he had the authority to spend, or more?

Mr. WETMORE. It might. The idea I am trying to convey to the committee is that these men are not hampered from lack of proper authority in getting along with the work.

So, gentlemen, you see that $6,000,000 at least of this $18,600,000 was spent by what they call "purchase and hire," without any contract being made. Now, I am not charging that was wrongfully spent; but the opportunity is too great for any Congress to allow. Let us see what Director Forbes says on the subject.

I read:

Colonel FORBES. No. I want to make myself clear on that. The method of purchase and hire of buildings is all wrong. I think the only way to award a contract is to call for competitive bids and award the contract to the lowest responsible bidder.

Then down further he says:

You could go to many reputable concerns and engage them to draw your plans and you could call for bids among reputable people and you would get a reputable bid, and you would have your work done on time and in such a manner as would pass inspection.

That is the opinion of the man that you are now putting in charge of this work. He said if you made a contract it would be done and you would get reputable work. I do not know what he means by it. Further on, and in answer to a question by Mr. ANDREWS of Nebraska, Colonel Forbes said:

My dear sir, the Treasury Department is doing the work themselves.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NORTON. Colonel Forbes says:

The only way to do honest work in any class of business is by competitive bids.

That is the expression of the gentleman you are now putting in charge. Then he goes on to say:

The term of purchase and hire is used with a view to expediency, but there is no expediency, as a report will show.

Now, gentlemen, it has been stated that this work is covered by general statute. I make the statement that it is not covered in any way whatsoever at the present time by general statute. There is not any statute on the books requiring any part of this work to be done under contract. The statute referred to has nothing to do with this kind of a contract. The only work of this nature that requires a contract is where you build lighthouses. They are specifically provided for. Gentlemen, you know that not a city in the United States would think of making

a contract even for work to cost $300 without advertising for bids. I do not say it is wrong, but the opportunity for wrongdoing is too great.

You are putting on the President the expenditure of this enormous sum, $17,000,000. The President should be protected at least to the extent that this money should not be expended until bids have been asked for and received. Therefore I think it would be unwise and unsatisfactory to pass any bill of this nature through the House involving this enormous expenditure and say to any man, "You can expend this money without any contract whatsoever."

To remedy emergency cases I have inserted the limitation of $2,000 and requested advertisement for only two weeks. They have been almost two years doing nothing. Two weeks is none too long. A protection should be placed here. The section of the Revised Statutes which has been referred to by the chairman of the committee [Mr. LANGLEY] does not apply to this matter in any way whatsoever. I wish I had the time to read it. I would like to ask for further time in which to show that this section does not apply at all in this case. It applies only when you are purchasing things for a department, and then you have to advertise for competitive bids. But by purchase and hire all this work can be done under the bill we have here. Strange as it may seem, there is no law to require bids for this work. I would like to see you point to any statute, with all the work that is going on here and throughout the United States, that requires a person to advertise for bids of any kind whatsoever when a building is to be constructed; not when it is to be furnished, but when it is to be constructed. I would like to see the statute covering that subject. I say there is not a city in the Union, not one, when $500 is to be expended where they do not require an advertisement to be bid and let the contract to the lowest bidder. Therefore I think this amendment should go into this bill to protect every man who votes for it, and especially to protect the President. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MANN. Mr. Chairman, I would like to make one suggestion to the gentleman from Ohio [Mr. NORTON] and others. The gentleman's amendment provides that the President make a contract on everything over $3,000. I suppose that means a great many different items under the provisions of this bill. The Madden amendment, which so far stands as the action of the committee, provides that the President shall select agencies for the acquirement of these hospital facilities. It does not portend to say—it would be abhorrent to say—that the President should give attention to all the details in the acquirement of these different facilities; and I suggest to the gentleman from Ohio that it seems to me odd, if not absurd, to say that the President himself shall make contracts in all of these cases.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. NORTON. It seemed perfectly absurd to me that it should be placed under the President direct. I thought it was better the way it was in the bill.

Mr. MANN. Well, if the House acts, and acts contrary to my opinion, I will not say it is absurd, because I am not so fresh as to say that when the House has done anything it is absurd. I only say in advance, it seems to me absurd. Now, if the House wants to say that the President, with all the duties he has to perform, shall give attention to the making of a contract if you buy furniture, or do plumbing, or acquire a building, or build a chimney, or do anything of that sort, very well. But it seems to me it is adding a good many burdens to the President. I have no objection to the principle involved.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LANGLEY. The gentleman is making an excellent argument. I wish to thank him for confirming the argument I made a little while ago against the Madden amendment for putting too much of a burden on the President.

Mr. MANN. I am not opposing the amendment. The Madden amendment is all right. It provides that the President shall have authority; and therefore one opposed to the Madden amendment offers an amendment to it, to make it ridiculous. I think we should vote down that ridiculous amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. NORTON].

The question was taken, and the amendment was rejected.

Mr. HUMPHREYS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREYS: On page 2, after line 20, insert a new section as follows:

"SEC. 4. That the foregoing hospitals and other facilities shall be available for veterans of the war with Spain, the Philippine insurrection, and the Boxer rebellion suffering from neuropsychiatric and tubercular ailments and diseases."

Mr. HUMPHREYS. Mr. Chairman, I want to ask the gentleman who is in charge of the bill a question.

Mr. LANGLEY. Do you mean the gentleman from Illinois [Mr. MADDEN]? [Laughter.]

Mr. HUMPHREYS. Anybody who can give me this information. When we passed the other bill last year for the $18,600,000 it carried this provision as section 6. I was wondering why it was dropped out of this bill?

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. ANDREWS of Nebraska. Our committee adopted an amendment substantially, I think, in the same language.

Mr. LANGLEY. I did not quite catch the gentleman's amendment.

Mr. HUMPHREYS. My amendment is the same as section 6 of the other bill.

Mr. LANGLEY. Then I rise for the purpose of calling the attention of the Chair to the fact that I have a committee amendment to be proposed as section 4 of this bill.

Mr. HUMPHREYS. In my time will the gentleman read that?

Mr. LANGLEY. I will ask the Clerk to read it.

Mr. GRIFFIN. Will the gentleman yield?

Mr. HUMPHREYS. Let us hear this amendment read first.

The CHAIRMAN. Without objection, the amendment will be read in the time of the gentleman.

Mr. LANGLEY. This is the amendment adopted by our committee.

The Clerk read as follows:

SEC. 4. That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion suffering from neuropsychiatric and tubercular ailments and diseases.

Mr. HUMPHREYS. The amendment that I have offered ought to be adopted in the place of the one the gentleman offers. His amendment provides that all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available. We do not know just where the President is going to put this, as I understand it. I have offered mine exactly as it was before, and it says that the foregoing hospitals and other facilities shall be available for veterans of the War with Spain, the Philippine Insurrection, and the Boxer Rebellion suffering from neuropsychiatric and tubercular ailments and diseases. That is exactly the language in the bill that we passed before.

Mr. LANGLEY. I was conversing with one of my colleagues back there and did not catch exactly the wording of the gentleman's amendment. I do not want to be put in the attitude of failing to offer the amendment in accordance with the instructions of the committee. I have not the slightest preference as to who shall offer the amendment.

The CHAIRMAN. The Chair will state that in the present parliamentary situation the gentleman's amendment, being offered as section 4, would not be in order until after section 3 has been read.

Mr. HUMPHREYS. It may be either section 3 or section 4. I have no desire to be the author of this myself. I had just as lief that it come from the committee. All I want is to have it in the law. If the gentleman will offer it I will withdraw mine.

Mr. LANGLEY. I am going to offer it.

The CHAIRMAN. Does the gentleman from Mississippi withdraw his amendment?

Mr. HUMPHREYS. I do.

Mr. LANGLEY. I will offer mine as section 4 when we get to it.

The CHAIRMAN. It will be in order after section 3 has been read. The Clerk will read.

The Clerk read as follows:

SEC. 3. That for carrying into effect the preceding paragraphs relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: At the end of the section add: "Not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistance at the customary rates of compensation, exclusively to aid in the preparation of plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith."

Mr. KINDRED. Mr. Chairman, I desire to offer a perfecting amendment to this same section.

The CHAIRMAN. Unless the gentleman offers it as an amendment to the amendment it is not in order.

Mr. KINDRED. I want to amend the $17,000,000 by proposing to make it $35,000,000.

The CHAIRMAN. That is not in order at this time. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. LANGLEY. Mr. Chairman, I desire to be heard just a moment on the amendment. It seems to me it is too much of a limitation upon the power that the bill proposes to confer upon the President. I can not see the necessity of the limitation fixed in the amendment offered by the gentleman.

Mr. MADDEN. If I may be heard upon it I wish simply to say that under the language of section 3 there is no limitation whatever on the amount that can be expended out of the $17,000,000 for architects' fees and for clerks or inspectors or anything needed in the preparation of the plans. I am only seeking to preserve as much as possible of the $17,000,000 that we are appropriating for the construction of hospitals, and not to have any large sum out of that amount spent for clerical hire and other things in connection with the preparation of the plans.

Mr. KINCHELOE. Why should there be any expense at all except for traveling expenses?

Mr. MADDEN. It costs money, no matter where you are; but if you let it alone and place no limit on it, nobody on earth will know how much they will spend for that purpose.

Mr. KINCHELOE. Under this bill they can not go out and hire architects outside of some branch of the Government.

Mr. MADDEN. Seventeen million dollars is at their disposal, and they can employ as many people as they like in the building of these hospitals.

Mr. KINCHELOE. The gentleman means in preparing the plans.

Mr. MADDEN. In any way they like.

Mr. KINCHELOE. My experience is that they spend enough.

Mr. RUCKER. They could not do it without the President's consent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was agreed to.

Mr. KINDRED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 25, strike out "$17,000,000" and in lieu thereof insert "$35,000,000."

Mr. KINDRED. Mr. Chairman, I desire to be heard very briefly on the proposal to increase the amount of the appropriation carried by this bill, for the reason that the 6,000 beds which were provided by the Sixty-sixth Congress in the appropriation act carrying $18,600,000, will not take care of the 9,000 neuropsychiatric and tubercular and other cases not now under treatment in Government-controlled hospitals, but "farmed out" in State or private institutions, but will leave 3,000 of these patients unprovided for.

The estimate of the Director of the Veterans' Bureau is for 6,200 additional beds. This appropriation of $17,000,000 at the rate of cost of each bed provided under the $18,600,000 appropriation, namely, about $3,500 for each hospital bed, will provide for about 5,800 hospital beds. Therefore, it is clear that under the program of the Director of the Veterans' Bureau we will be short, even after this appropriation is expended and we have 5,800 beds—we will be short approximately 3,000 hospital beds. I submit that before a single hospital which is provided for in this bill will be completed and available there will be, under the same ratio of increase of neuropsychiatric cases and tubercular cases—25 per cent increase in each year—and on the basis of the existing 9,000 cases unprovided for, there will be 2,500 additional neuropsychiatric and tubercular cases each year. We are now providing for a little over 5,000. Therefore, before a single hospital will be available under this appropriation we will again be confronted by criticism and misunderstanding by the people of this country as to the motives of this Congress and this great Government.

In addition to that, Mr. Chairman and gentlemen, we have to provide not only for the increase in new cases, as pointed out, but these cases will continue to increase, according to the actuaries of the Government, until 1929, but we will also have to provide for between 30,000 and 11,000 ex-service men who are now occupying unfit shack hospitals like that on Staten Island, the Forest Hills Hospital, which has been a disgrace to the Government. I hope that my amendment will be adopted providing $35,000,000 to establish and equip the hospitals that are actually and urgently needed, in order to properly hospitalize and care for these worthy wards of the United States Government.

Mr. ANDREWS of Nebraska. Mr. Chairman, I rise to oppose the amendment. The gentleman proposes to increase this appropriation to $35,000,000. The director himself asked for $16,000,000 and $800,000 for the special enlargement of certain buildings. The committee added $200,000 and made the appropriation $17,000,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KINDRED].

The question was taken, and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I have an amendment to section 3, line 23, page 2, to strike out the words "authorized to be."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 2, line 23, strike out the words "authorized to be."

Mr. MADDEN. To that, Mr. Chairman, I make the point of order that the Committee on Public Buildings and Grounds is not authorized to make appropriations.

Mr. WALSH. The Committee on Public Buildings and Grounds has followed the rule. This is an amendment from the floor.

Mr. LANGLEY. I think the Committee on Public Buildings and Grounds has as much right to interfere with the Appropriations Committee as the Appropriations Committee has to interfere with the Committee on Public Buildings and Grounds. [Laughter.]

The CHAIRMAN. The Chair will say to the gentleman from Massachusetts that apparently the amendment has the effect to make a direct appropriation.

Mr. WALSH. That is the purpose of the amendment, to dispense with the necessity of waiting for a deficiency appropriation bill. There have been delays, and here is an opportunity to obviate them. I offer an amendment which makes a direct appropriation.

The CHAIRMAN. Does the gentleman hold that it would have been in order in the first instance for the Committee on Public Buildings and Grounds to have reported a direct appropriation?

Mr. WALSH. No; it would be a violation of the rules of the House by the Committee on Public Buildings and Grounds to report a bill in the way that it will be if my amendment is adopted.

I am offering this amendment from the floor, and I am not a member of either the Committee on Appropriations or the Committee on Public Buildings and Grounds.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LANGLEY. Mr. Chairman, I now offer the amendment, which I have sent to the desk as a new section, and I am offering it as a committee amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 2, after line 20, insert a new section, as follows:

"SEC. 4. That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, suffering from neuropsychiatric and tubercular ailments and diseases."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. LANGLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10864, to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical,

surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, and had directed him to report the same back to the House with sundry amendments thereto, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LANGLEY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LANGLEY. Mr. Speaker, I ask for a separate vote on the so-called Madden substitute to section 1 of the bill, and on that I shall demand the yeas and nays.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WALSH. Mr. Speaker, I demand a separate vote upon the Williamson amendment to section 2 of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross. The question is on agreeing to the other amendments.

The other amendments were agreed to.

Mr. LANGLEY. Mr. Speaker, I ask for the yeas and nays on the Madden amendment as a substitute to section 1.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, the so-called Madden amendment having been reported as an entire substitute for section 1, if the amendment should be defeated in the House, then section 1 as reported to the House from the Committee on Public Buildings and Grounds will remain in the bill as reported by that committee, will it not?

Mr. LANGLEY. But it has been amended.

Mr. MANN. But the amendments were not reported to the House. The only amendment reported to the House in respect to section 1 is the Madden amendment, striking out all after the enacting clause and inserting a new section. Certain amendments were agreed to in Committee of the Whole House on the state of the Union before the substitute was voted on, but they are not reported to the House and are not now before the House.

The SPEAKER. The Chair thinks the gentleman from Illinois is correct. If the substitute be defeated, then the only proposition before the House will be the section as it was originally reported by the committee.

Mr. LANGLEY. That is all right.

The SPEAKER. The Clerk will report the Madden amendment.

The Clerk read as follows:

Page 1, after the enacting clause, strike out all of section 1 and insert in lieu thereof the following:

"That the President is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by the purchase and remodeling or extension of existing plants and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, or by the alteration and extension of existing Government hospital and outpatient dispensary facilities and equipment. Such hospitals and outpatient dispensary facilities shall include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto, vehicles, live stock, furniture, equipment, and accessories, and shall also provide accommodations for officers, nurses and attending personnel, and to furnish all patients who are admitted to said hospital or hospitals with suitable and comfortable clothing whenever it shall appear that such patients are without financial means and not drawing compensation. The acceptance of gifts or donations for any of the purposes named herein is hereby authorized. Such hospital plants shall be of fireproof construction, and the location, cost, and nature thereof, whether for the treatment of tuberculosis or neuropsychiatric or general medical and surgical cases, shall be as the President shall direct."

The SPEAKER. The question is on agreeing to the amendment, and on that the gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 168, answered "present" 1, not voting 124, as follows:

YEAS—137.

Ackerman	Bowling	Dickstein	Evans
Almon	Box	Dozier	Fenn
Andrews, Nebr.	Brand	Dullens	Frear
Appleby	Briggs	Connally, Tex.	Fulmer
Aswell	Brooks, Ill.	Cooper	Garner
Bankhead	Bulwinkle	Crampton	Garrett, Tenn.
Barkley	Burton	Crisp	Garrett, Tex.
Beedy	Byrnes, S. C.	Davis, Tenn.	Gilbert
Begg	Byrns, Tenn.	Deal	Graham, Ill.
Bell	Cable	Dominick	Griest
Bird	Campbell, Kans.	Doughton	Hardy, Colo.
Black	Canuon	Drane	Hardy, Tex.
Bland, Ind.	Carter	Driver	Harrison
Bland, Va.	Chindblom	Echols	Hawes
Hayden	Linthicum	Parks, Ark.	Sumners, Tex.
Hersey	Longworth	Patterson, N. J.	Swank
Hoch	Lowrey	Perkins	Tague
Hooker	Luce	Quin	Tillman
Huddleston	McClintic	Radcliffe	Tinkham
Hudspeth	McLaughlin, Mich.	Raker	Treadway
Humphreys	McPherson	Rankin	Tucker
Husted	McSwain	Rayburn	Tyson
Jeffers, Ala.	Madden	Roach	Underhill
Johnson, Ky.	Manlu	Rouse	Upshaw
Jones, Tex.	Merritt	Sanders, Tex.	Walsh
Kelley, Mich.	Montague	Sandlin	Ward, N. C.
Kincheloe	Moore, Ill.	Sears	Weaver
Kindred	Moore, Va.	Shaw	White, Kans.
Lankam	Moores, Ind.	Sinnott	Wilson
Lankford	O'Connor	Sisson	Wingo
Larsen, Ga.	Oldfield	Smithwick	Wise
Lawrence	Oliver	Sproul	Wright
Lea, Calif.	Overstreet	Steagall	
Lehlbach	Padgett	Stedman	
Logan	Park, Ga.	Stoll	

NAYS—168.

Arents	Fitzgerald	Layton	Robertson
Atkeson	Focht	Lazaro	Robsion
Barbour	Fordney	Leatherwood	Rodenberg
Beyburn	Foster	Lineberger	Rose
Bixler	French	Little	Rucker
Blanton	Frothingham	Lubring	Scott, Mich.
Boies	Gahn	Lyon	Scott, Tenn.
Brooks, Pa.	Gasman	McArthur	Shelton
Browne, Wis.	Gernerd	McCormick	Sinclair
Burdick	Glynn	McFadden	Smith, Mich.
Burroughs	Goodykoontz	McLaughlin, Nebr.	Snyder
Burtness	Green, Iowa	MacGregor	Steenerson
Cantrill	Greene, Mass.	Magee	Stephens
Chalmers	Greene, Vt.	Maloney	Stevenson
Chandler, Okla.	Griffin	Mapes	Strong, Kans.
Clague	Hadley	Martin	Summers, Wash.
Classon	Haugen	Mead	Sweet
Clouse	Hawley	Michener	Swing
Cole, Iowa	Hays	Miller	Taylor, N. J.
Cole, Ohio	Herrick	Millspaugh	Taylor, Tenn.
Colton	Hickey	Mondell	Ten Eyck
Connell	Hill	Montoya	Thomas
Cooper, Ohio	Hogan	Moore, Ohio	Thompson
Cooper, Wis.	Hukriede	Morgan	Tilson
Coughlin	Hull	Morin	Timberlake
Crago	James	Nelson, A. P.	Tincher
Cullen	Jefferis, Nebr.	Nelson, J. M.	Towner
Curry	Johnson, S. Dak.	Newton, Mo.	Valle
Dale	Johnson, Wash.	Nolan	Vestal
Dallinger	Jones, Pa.	Norton	Voigt
Davis, Minn.	Keller	Osborne	Volstead
Dempsey	Kelly, Pa.	Paige	Watson
Denison	Kennedy	Parker, N. J.	Webster
Dickinson	Ketcham	Porter	Wheeler
Dowell	Kiess	Pringey	White, Me.
Dupré	Kinkaid	Purnell	Williamson
Elliott	Kissel	Ramseyer	Winslow
Ellis	Kline, Pa.	Reavis	Woodruff
Fairfield	Knutson	Reece	Wurzbach
Faust	Kopp	Reed, W. Va.	Wyant
Favrot	Kraus	Rhodes	Young
Fish	Langley	Ricketts	Zihlman

ANSWERED "PRESENT"—1.

Linthicum

NOT VOTING—124.

Anderson	Fairchild	Lampert	Rosenbloom
Andrew, Mass.	Fess	Larson, Minn.	Rossdale
Anderge	Fields	Lee, Ga.	Ryan
Anthony	Fisher	Lee, N. Y.	Sabath
Bacharach	Free	McDuffie	Sanders, Ind.
Beck	Freeman	McKenzie	Sanders, N. Y.
Blakeney	Fuller	McLaughlin, Pa.	Schall
Bond	Funk	Mansfield	Shreve
Bowers	Gallivan	Michaelson	Siegel
Brennan	Goldsborough	Mills	Siemp
Brinson	Gorman	Mott	Smith, Idaho
Britten	Gould	Mudd	Snell
Brown, Tenn.	Graham, Pa.	Murphy	Speaks
Buckman	Hammer	Nelson, Me.	Stafford
Burke	Hicks	Newton, Minn.	Stiness
Butler	Himes	O'Brien	Strong, Pa.
Campbell, Pa.	Hutchinson	Ogden	Sullivan
Carew	Ireland	Olpp	Taylor, Ark.
Chandler, N. Y.	Jacoway	Parker, N. Y.	Taylor, Colo.
Christopherson	Johnson, Miss.	Patterson, Mo.	Temple
Clark, Fla.	Kahn	Perlman	Vare
Clarke, N. Y.	Kearns	Peterson	Vinson
Cole	Kendall	Peu	Volk
Connolly, Pa.	King	Rainey, Ala.	Walters
Crowther	Kirkpatrick	Rainey, Ill.	Ward, N. Y.
Darrow	Kitchin	Ransley	Watson
Drewry	Kleczka	Reber	Williams
Dunbar	Kline, N. Y.	Reed, N. Y.	Wood, Ind.
Dunn	Knight	Riddick	Woods, Va.
Dyer	Kreider	Riordan	Woodyard
Edmonds	Kunz	Rogers	Yates

So the substitute as amended was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Linthicum (for) with Mr. Dyer (against).

Mr. Vare (for) with Mr. Sanders of Indiana (against).

Additional pairs:

Mr. Kline of New York with Mr. Campbell of Pennsylvania.

Mr. Butler with Mr. Riordan.

Mr. Volk with Mr. Vinson.

Mr. Smith of Idaho with Mr. Gallivan.

Mr. Funk with Mr. McDuffie.

Mr. LINTHICUM. Mr. Speaker, did the gentleman from Missouri [Mr. DYER] vote?

The SPEAKER. He did not.

Mr. LINTHICUM. I desire to recall my vote of "aye," and ask to be recorded as "Present," as I am paired with the gentleman.

Mr. KING. Mr. Speaker, I was not in the Hall listening——

The SPEAKER. The gentleman can not vote.

The result of the vote was announced as above recorded.

Mr. TOWNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNER. As I understand it the amendments upon which a separate vote was not demanded were adopted in gross. Is that correct?

Mr. MANN. There was one other amendment.

Mr. TOWNER. I know that is true, but that is not the point.

Then, Mr. Speaker, I want to raise a point of order by an inquiry of the Speaker. It was stated by the Speaker before this vote was taken that the original text of section 1, if this amendment was defeated, would be that part of the bill adopted by the House.

Upon that proposition I desire to raise this question: The amendments being adopted in gross, and the Langley amendment having been adopted as one of the amendments adopted in gross, this vote being completed now, it stands as one of the amendments that has been adopted and confirmed by the House, and therefore section 1 does not revert to the original form but remains as amended by the vote that we took.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. WALSH. When were these amendments reported to the House?

Mr. TOWNER. These amendments were reported to the House by the Chairman of the committee, who reported all the amendments that were adopted by the committee.

Mr. WALSH. You struck out all those amendments by agreeing to the substitute, which was reported to the House.

Mr. TOWNER. The substitute was reported to the House, but these amendments were also reported to the House.

Mr. MANN. Oh, no.

Mr. WALSH. Did we not perfect the text of section 1, and after we had perfected it——

The SPEAKER. The Chair would like to hear the gentleman clearly. Will the gentleman please repeat that?

Mr. WALSH. Mr. Speaker, with the permission of the gentleman from Iowa [Mr. TOWNER], I was propounding an inquiry as to what took place with respect to the agreement to perfect the text of the bill. After that was done we agreed to the substitute for the perfected text, and that was adopted by the committee and reported to the House. Now, the House has rejected that substitute, but the amendments have never been reported to the House.

Mr. DOWELL. Mr. Speaker, may I ask the gentleman from Massachusetts a question in the time of the gentleman from Iowa?

Mr. TOWNER. Yes.

Mr. DOWELL. What is the use in perfecting the text unless it is to be used in the event the substitute is not adopted?

Mr. WALSH. If the substitute is voted down in the committee, the perfected text goes to the House. But if you have adopted a substitute and say, "We prefer this as the perfected text," then those amendments go by the board.

Mr. DOWELL. There would be no use in perfecting the text unless it would be to use it in the event the substitute is not adopted.

Mr. TOWNER. We are here now in the House to consider what was done by the committee. We have considered the question and voted upon it, and voted down the substitute; but we voted, when we voted on the amendments in gross, to perfect the text of section 1. We perfected the text by the Langley amendment. Otherwise we are placed in a ridiculous position. We can not perfect the bill, and the amendments adopted in the House go for nought.

Mr. WALSH. How could we vote on the perfecting of the text if we had agreed to adopt the substitute?

Mr. TOWNER. That has nothing to do with the action of the House.

Mr. LANGLEY. I want to assure the gentleman from Iowa that, whatever took place in the Committee of the Whole, we have voted on it in the House in such a way as to take care of all controverted points.

Mr. MANN. The gentleman assumes, I think, that those amendments were adopted in gross. The only amendments which were agreed to in gross were the amendments which were reported to the House. Suppose some gentleman offers an amendment in Committee of the Whole and some other gentleman offers an amendment to the amendment, and the amendment to the amendment is agreed to, but the amendment as amended is disagreed to. Would the gentleman claim that the amendment that had been agreed to and reported to the House was adopted?

Mr. TOWNER. That is entirely different.

Mr. MANN. I contend that it is the same thing.

Mr. TOWNER. It is not, Mr. Speaker. We agreed upon certain amendments to the text of the bill. Now we are in a situation where the substitute has been stricken out, and yet we agreed to the amendment that the committee agreed to when we agreed to the amendments in gross. There is no way in making effective the action of the House in overruling the Madden amendment unless the House may have the same right the committee had in perfecting the text of section 1, if it is to become part of the act.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. LONGWORTH. Has the House any right to act upon any amendments except those reported to it?

Mr. TOWNER. These amendments were reported to the House.

Mr. LONGWORTH. Oh, no.

Mr. TOWNER. If anybody had asked for a vote on that particular amendment it would have been the duty of the Speaker to order it reported.

Mr. MANN. It was not reported.

Mr. TOWNER. An amendment can be reported to the House only by the chairman of the committee reporting the bill and stating that certain amendments were adopted in the committee. His language is general. He does not particularize. The Speaker then asks if a separate vote is demanded on any amendment, and as to the others, and all the others, they are put and voted on in gross.

Mr. WALSH. What would have become of these amendments if the House had adopted the substitute?

Mr. TOWNER. The House, if it had adopted the substitute, would have negatived those amendments, I answer the gentleman.

Let me state that again, Mr. Speaker, because I think the Speaker did not hear: If the House had adopted the substitute in their action just now all this matter would have been done away with, but it has not done so. But we have reverted to the original text. How? To the original text, as this House has decided it should be amended by the amendments adopted in the committee and also by the House.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. KINCHELOE. If the House is not able to consider the amendment to the original text, then by the same analogy it would not have the power to consider section 1 without amendment?

Mr. TOWNER. Exactly.

Mr. REED of West Virginia. Is it not true that when the Madden substitute was voted on it was a substitute for the perfected text and not for the original?

Mr. TOWNER. Why, certainly.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Was not the substitute offered by the gentleman from Illinois a substitute for the entire original first section of the bill as amended?

The SPEAKER. Yes.

Mr. COOPER of Wisconsin. Then, if the ruling of the Speaker is to stand and the House is now to be permitted to vote only on the original text of the first section, how does the original text get here at all from the Committee of the Whole? The committee did not adopt it. The committee never even voted on the original section. The committee adopted the amended section. And therefore, as the substitute was a substitute for the amended section, either the amended text of the first section comes back from the committee, or no part of the amended section at all comes back. As I have said, the Committee of the Whole never passed on the original first section upon which we are now asked to vote—not at all. The committee voted only on the text of that section as amended. Therefore, if anything comes back here from the committee it must be the entire amended first section.

Mr. PARKER of New Jersey. Mr. Speaker, in all this matter we have to revert to the original practice of the House of Representatives. At first there was no printing. There was

an original bill which was in the hands of the Speaker. That bill was handed to the Chairman of the Committee of the Whole, and went into the hands of the Clerk. When amendments were adopted it was not only done orally but by writing in the amendments so far as they perfected the bill, and when a substitute was adopted, the amended section being stricken out or indicated to be stricken out, the substitute which was adopted was attached to it. Under those circumstances when the Chairman of the Committee of the Whole reported the bill to the Speaker he reported a distinct entity, a bill written out, with its amendments written on it, the striking out, made and shown, and the substitute standing in its place. I suggest this only because while I am conscious that under the present practice it is supposed that nothing is reported except what remains, yet the report being made formerly by the committee of the original bill written out and presented to the House with all its amendments, I think we ought to consider that this is done so now, in order to get to any sensible conclusion. [Applause.]

Mr. HOCH. Mr. Speaker, it seems to me the proposition might present itself to us in this way: When we were voting in the committee we were voting on a certain choice. Now, what was that choice? It was a question whether we would take the Madden amendment or whether we would take the perfected text. That was the choice. Now, if the ruling of the Speaker is correct, we are to vote upon a different choice, namely, a choice between the Madden amendment and the original text, and we have the anomalous situation of a vote in the House which is supposed to be upon the same proposition that we voted upon in the committee, but which, as a matter of fact, is an entirely different proposition, and we are being asked to vote upon a proposition which is essentially different from the proposition that was presented to us in the committee, which, it seems to me, is an illogical result. [Applause.]

Mr. BLANTON. Mr. Speaker, I am sure that the Speaker will remember that this identical question was presented to Mr. Speaker Clark, and he held that where the House turns down a substitute adopted in the Committee of the Whole it leaves the legislation in exactly the same condition as it was before the Committee of the Whole adopted the substitute.

The SPEAKER. Can the gentleman cite the Chair to that decision?

Mr. BLANTON. I can not remember the case, but that was his decision.

The SPEAKER. The Chair does not quite understand the gentleman.

Mr. BLANTON. The decision was that where the House turned down a substitute that had been adopted in the Committee of the Whole it left the legislation in the identical situation in which it was before the substitute was adopted by the Committee of the Whole.

The SPEAKER. That is, that it leaves it with the amendments in?

Mr. BLANTON. If the amendment is a mere substitute, the amendment would not go in.

The SPEAKER. No; but in this case the section had already been amended.

Mr. BLANTON. That would leave the amendments in it in exactly the same situation it was in before the substitute was adopted by the Committee of the Whole.

The SPEAKER. The Chair wishes the gentleman would cite the Chair to that case.

Mr. BLANTON. I remember distinctly the decision, but I can not cite the case.

Mr. TILSON. Mr. Speaker, the gentleman from Kansas [Mr. HOCH] was on the right track, but he did not go back far enough to get all the facts. When the Committee of the Whole began its consideration of the bill it was in a certain shape. There was then an opportunity to vote whether a given section remain in that shape or whether certain amendments should be added to it. Certain amendments were temporarily added to it, but immediately after they were rejected when the Committee of the Whole House on the state of the Union struck out all that it had done and substituted in its place something else known as a substitute amendment. When the Chairman of the Committee of the Whole House on the state of the Union reported back to the House he correctly reported that the committee had had under consideration a certain bill and had directed him to report it with certain amendments. He reported the fact that the final action of the committee was the adopting of the substitute amendment in place of what was already in the bill. The House rejects the substitute and then we go back to what the original bill contained, for that is all that the House has any knowledge of.

The SPEAKER. The gentleman states that the Committee of the Whole adopted a substitute in place of the original text. Is it not a fact that the Committee of the Whole adopted a substitute in place of the original text as amended?

Mr. TILSON. The action of the Committee of the Whole was to strike out the original paragraph and every amendment thereto, the Committee of the Whole preferring the substitute to the original text or to the original as amended, for the Committee of the Whole had its choice and could have adopted it in any form. The completed work of the committee was the substitute, and its final action alone is reported to the House.

Mr. DOWELL. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. DOWELL. Is it not true that the House has to act on the report of the Committee of the Whole House on the state of the Union?

Mr. TILSON. Yes.

Mr. DOWELL. How do you get rid of the amendments which the report of the Committee of the Whole House submitted?

Mr. TILSON. By agreeing to or rejecting them. The Committee of the Whole House on the state of the Union itself got rid of the perfecting amendments by finally rejecting them in adopting the substitute.

Mr. DOWELL. No; it offered a substitute which the House rejected and you have the amendments recommended by the Committee of the Whole House, and there is no way except upon the recommendation of the Committee of the Whole to accept the amendments to the text.

Mr. WALSH. Mr. Speaker, the House can not agree to something that has never been reported to it, and when the Chairman of the Committee of the Whole House on the state of the Union makes a report he does not say "I report a bill with certain amendments that have been agreed to and certain amendments that have not been agreed to." The gentleman from Iowa would have one believe that the House, when it has voted upon amendments in gross, voted to agree to a lot of amendments with a proviso that if the substitute was eliminated, then the amendments were in it; that if it was voted down in the House, therefore we have agreed to these amendments. Certainly the House is not in a position where a vote it has already taken must depend on the vote which follows it. The situation is as I have stated. In my judgment the chairman of the committee, the gentleman from Iowa, reported the bill back to the House with certain amendments. The amendments were among those with the substitute for the first section of the bill. It makes no difference what was done to the section in the Committee of the Whole, the effect of it was to strike out the language as proposed in the bill, and whether there were amendments or no amendments to it the House or the Speaker has no means of knowing, because the substitute is simply one amendment. If the House rejected that one amendment the text is left in the bill, because we do not report a negation or a negative to the House. It seems to me, having rejected the substitute which the committee agreed to and which it could have agreed to without amendment, we are not dependent on amendments which were agreed to in the committee and which the committee immediately negatived because that is the report to the House.

My recollection is that the present Speaker has ruled on this very question a few months ago. I do not recall the bill, but I have an impression it was the Sweet bill with the Wason bill incorporated in it. We were threatened with a tangle at that time which the Speaker eliminated by ruling that the original text of the bill was restored by voting down the substitute.

Mr. TOWNER. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. TOWNER. In this particular case, what was the substitute for the original text? It is not at all impossible to suppose that the committee would have voted for the substitute not because it was a substitute for the original proposition, but a substitute for what was amended and therefore voted for this proposition. Now, the amendment which was adopted as a substitute has been voted down. Under the gentleman's contention, we can not have the question before us as it was presented to the committee and we certainly ought to have it.

Mr. WALSH. Of course, the gentleman from Iowa will appreciate the fact that the Chairman, when he reports to the House the final action of the committee, does not report the successive stages, as pointed out by the gentleman from Illinois. If we have a dozen amendments and amendments thereto, it is only the final action of the committee that is reported.

Mr. DOWELL. Was it not the final action of the Committee of the Whole when they adopted an amendment perfecting the text?

Mr. WALSH. It certainly was not, because we disregarded that when we adopted the substitute.

Mr. DOWELL. We offered a substitute for that, but we leave the text amended.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. BEGG. Is there any other means of this body, which is technically a separate body from the Committee of the Whole House on the state of the Union, gaining any information in respect to what the Committee of the Whole House did than through the Chairman of that committee?

Mr. WALSH. There is not.

Mr. BEGG. Then the Chairman reported that we had adopted this amendment which was a substitute for the paragraph, and in making that report, did he make any reference whatsoever to the action that the committee took on the original paragraph before we struck it out?

Mr. WALSH. He did not, because that was a negative action. It was all superseded by the action of the committee in eliminating its previous amendments, which were adopted. To do otherwise would get into the field of speculation. Those amendments may have been eliminated by other action of the committee. The committee in its final action adopted the substitute.

Mr. MANN. Mr. Speaker, unless the Speaker is desirous of hearing this discussion, I ask for the regular order.

Mr. BEGG. Mr. Speaker, I would like to ask the gentleman from Massachusetts just one more question to finish up the questions that I have asked. That being true, that we can not get any information from this committee other than by what comes from the Chairman of the Committee of the Whole House on the state of the Union, the only way that we can find out, technically, that the Committee of the Whole House did amend the original paragraph, would be to somehow get back into the Committee of the Whole House and have him instructed to report further. Is that true?

Mr. WALSH. Of course, that is done by a motion to recommit.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. It appears that some amendments were adopted in the Committee of the Whole House and that the Chairman did not report them. Is there any reason why he should not give the rest of his report?

Mr. WALSH. The previous question has been ordered.

Mr. GREEN of Iowa. I made the usual report.

The SPEAKER. The Chair understands the gentleman to inquire whether the Chairman of the Committee of the Whole could make a supplementary report.

Mr. LITTLE. Yes.

The SPEAKER. The Chair does not believe that he could after the House has acted.

Mr. PARKER of New Jersey. Mr. Speaker, I desire again to make my suggestion, which is that the whole report in theory is before us. The original bill is here with the amendments written into it, and the vote simply has eliminated the substitute put there; but when that substitute is taken away the original bill with those amendments written into it is here. The report was not made from the minutes but from the bill itself.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman demands the regular order. The Chair understood the gentleman from Iowa to raise the point of order whether or not the first section stands without the amendments or with the amendments.

Mr. MANN. I have no objection to the Chair ruling on that. I thought the Chair had ruled upon it. No point of order is pending. There is an amendment pending.

The SPEAKER. The gentleman made a parliamentary inquiry, but the Chair supposes that the action of the clerks will probably depend upon the ruling of the Chair. When the gentleman from Illinois [Mr. MANN] first asked the question, the Chair was referred to a citation and answered the gentleman according to the precedent, that the original section would stand. During the roll call the Chair looked up that precedent. It was the only precedent that he could find. That is a precedent back in 1852, and it does not now seem to the Chair to entirely cover the matter. The Chair is informed by the parliamentary clerk that once or twice the present occupant of the chair has ruled in accordance with that precedent, but on reflection and on hearing the argument the Chair is disposed to rule the other way.

This seems to the Chair to be the status: When the Chairman of the Committee of the Whole House reports, he simply reports that there are sundry amendments. The Chair would suppose that if the Chairman reported in extenso, he would report every amendment which had been adopted by the committee all through the bill. Therefore, there would appear before the House in that event just what action the committee took. It seems to the Chair that he would then have reported these amendments to the first section. All rulings ought, as far as possible, to give expression to the will of the House. There can be no question that the will of the House in committee and the vote of the House was as between this section as amended and the substitute.

It was not between the original section and the substitute, and therefore in equity we should wish to give effect to the action of the committee and let the House exercise the same option the committee exercised. There is this objection which the Chair sees, which is both a technical one and a real one, and that is that these amendments to the section were nullified by the vote adopting a substitute for the whole section, and at the same time, as the Chair suggested before, if everything was reported that amendment would be reported. It seems to the Chair that that is the alternative that was before the committee, and that ought to be the alternative before the House. It seems to the Chair that it would be fair if the House could vote upon every question that comes up in the committee provided somebody wishes to and demands a separate vote. That would not have been done this time, because the Chair misled by stating that the amendment to the section was not before us. But in the future, if the House choose to ratify this ruling, then the House could always decide whether they wanted the original section, the section as amended, or the substitute. If anybody demanded a vote on a substitute, then somebody should demand a vote on the amendment also and have a vote on the substitute and a vote on the amendment, so that the House could decide whether it wanted the substitute or did not want the substitute, or whether it wanted the original section as it stood, or the original section as amended, and therefore the Chair reverses his previous ruling.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Have the amendments been voted upon?

The SPEAKER. They have.

Mr. WALSH. And it is not too late to ask for a separate vote upon some of the amendments to this amendment?

The SPEAKER. It is too late now, and the Chair regrets it is too late, partly by the action of the Chair.

Mr. TINCHER. I understand under the ruling of the Chair on this proposition that henceforth if a section of a bill is stricken out and there are five or six perfecting amendments to that section and amendments to this amendment, of course, I have a right as a Member of the House to demand a separate vote on any amendment that prevailed in the committee, but that where a whole section with amendments was stricken out in the committee, according to my process of reasoning, if it did not prevail in the committee, that failure deprives me of my right to a separate vote in the House on the amendment, because it was voted out by the committee. I do not care particularly about the precedent, but I am interested to know that henceforth when a committee reports in a bill with the recommendation that the amendments be agreed to and that the bill do pass, that I have got to look into the past and see what amendments were adopted, and again, subsequently, where the House reverses the committee on an amendment where it voted for the striking out of a section. Also may I suggest that under the rules perfecting amendments are voted on first——

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

Mr. WALSH. I ask for the regular order.

The SPEAKER. The gentleman makes a parliamentary inquiry.

Mr. BARKLEY. Mr. Speaker, I understood the Chair to say that the fact that he had unintentionally misled the House with reference to the effect of the vote on the amendments in gross would prevent a separate vote being demanded on amendments reported by the committee to the original text. Now, the House having voted in gross on the amendments under the belief that they were voting on the amendments included in section 1, which were stricken out by the substitute, would not the ruling of the Chair now give any Member a right to demand a separate vote upon an amendment agreed to in the committee to section 1?

The SPEAKER. No. Of course, it does not follow if the Chair had not ruled that way and made that request. The Chair has no idea of what this amendment is, and, of course, he has no bias on the question.

Mr. BANKHEAD. Under the ruling of the Speaker, how does the situation now stand as it will go into the RECORD?

The SPEAKER. The first section will be adopted as amended. The Clerk will report the other amendments.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: At the end of section 2 add the following: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds now owned by the United States, not otherwise in active use, as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. Mr. Speaker, I ask for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MANN. The amendment offered by the gentleman from South Dakota [Mr. WILLIAMSON] practically in the same form, but not quite, was agreed to as an amendment to section 1, and is in the bill. Fearing that the substitute would prevail, he offered it to section 2. It is not desirable to have it agreed to twice in the bill. The only thing to do is to vote it down. [Cries of "Vote!"]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. KINCHELOE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Kentucky opposed to the bill?

Mr. KINCHELOE. No, sir.

The SPEAKER. Does any gentleman who is opposed to the bill desire to offer a motion to recommit?

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent——

The SPEAKER. If not, the gentleman from Kentucky [Mr. KINCHELOE] is recognized to offer a motion to recommit.

Mr. KINCHELOE. Mr. Speaker, I move to recommit the bill H. R. 10884 to the Committee on Public Buildings and Grounds, with instructions to report the same back immediately, with the following amendment: On page 1, line 7, after the word "bureau," insert "by purchase and remodeling or extension of existing plants and."

The SPEAKER. The gentleman from Kentucky offers a motion to recommit, which the Clerk will report.

Mr. MANN. That is already in the bill.

Mr. KINCHELOE. No.

Mr. MANN. Yes; that is already in the bill.

Mr. LANGLEY. Under the ruling of the Chair it is in the bill.

Mr. MANN. It is in the bill under the ruling of the Chair.

Mr. KINCHELOE. I understood the Speaker to say that hereafter he would rule that way, and did not understand that it was already in the bill. Of course, if it is already in the bill, I do not desire to press my motion to recommit, and therefore I gladly withdraw it.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to amend the title to conform to the text.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to amend the title to conform to the text. Is there objection?

There was no objection.

On motion of Mr. LANGLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ELECTION OF A MEMBER TO COMMITTEES.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Mr. HENRY St. GEORGE TUCKER, of Virginia, be, and he is hereby, elected to the Committees on Railways and Canals, Revision of the Laws, and Expenditures in the Treasury Department.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article contained in the Infantry Journal of January, 1919, prepared by myself, on the subject of land settlements for ex-service men.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD by inserting an article on land settlements for ex-service men. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, in the Infantry Journal of January, 1919, there appears an article which was written by myself while in France during the month of September, 1918, and in view of its relevancy to the question of land settlement, which is covered by the provisions of the bill passed by this House respecting the adjustment of compensation for former service men, I am hereby inserting said article in the RECORD for the information of the Veterans' Bureau and the country:

EDITOR INFANTRY JOURNAL:

The August number, containing the contribution by Secretary Lane respecting after-the-war employment for the boys in khaki, has been accidentally brought to my attention. Speaking for myself and many serious minds in the service, I thank Secretary Lane for bringing up the subject, even in military circles, as it indicates a true statesmanship. After a rather intimate association with hundreds of young men from several of the Southern and Middle West States, and having often heard this question spoken of by the men in my company, I conclude it may be interesting and probably helpful for your readers, including Secretary Lane, to have a few words indicating the soldier's point of view on the question of post-bellum employment.

Let me preface these statements by a personal reference to show that I have no personal interest except that of our country's well-being. I am already established at the age of 43 with a family, a profession, and about 400 acres of South Carolina soil.

A majority of the boys in the service appear to be from the farm, true, certainly, as to the line. Maybe the town boys predominate in the Quartermaster Corps and other auxiliary branches. Naturally most of these farm boys will take up their work with their families, will later marry the neighborhood girls, and soon become leaders in their respective communities.

But many of the boys from the cities express a desire to become farmers, and this desire should be encouraged. Another class to be dealt with consists of boys from the tenant class. These boys have the national and natural desire to become landowners. Therefore we have a group composed of city-raised would-be-farmers and the sons of tenants. Just exactly how to present to these men the plans to be formulated by the Government commission suggested and how to aid these boys to become transformed from soldiers who are daily clothed, fed, and trained by superior officers without having even to take thought for themselves, into self-reliant, energetic, and progressive farmers is a most complicated problem.

I have thought that the camps and cantonments constructed at considerable expense throughout America may be used as powerful educational and industrial centers for our boys during the period of demobilization. The Nation not only has the right but perhaps the duty to summon the illiterate and untrained and to require them to submit to such discipline and instruction as may be necessary to rid the Nation of ignorance and to give the masses high ideals. The problems of education and social uplift are big enough to challenge our most heroic spirits, and we trust that the peace to be made at the end of the present war will make it unnecessary for a long time to come to use a national military crisis to stir all the people to a great self-denying effort.

There is a more detail not to be overlooked in respect to settling ex-soldiers on the farm in new country, such as cut-over lands, recently drained or irrigated lands. These boys, become of close association in Army life with large numbers, have their social feelings highly pitched, and they will not be content to be isolated in sparse and lonely new country.

The new lands need boys and they need the new lands. The two must be brought together. Somehow the prohibitory isolation must be eliminated. How can it be done? By taking a hint from French community life and arranging and planning for farm villages. There the men live close together and from thence go out to their several fields. In this way cooperation in labor and the purchase and use of farm machinery will be encouraged. These communities may be started by inducing some tenant farmer, preferably one with several daughters, to set up a sort of boarding house in the new lands where the ex-soldiers may find food, shelter, and companionship.

In a little while they will be bringing girls from every quarter of America to become wives, and maybe even from France. After a man is married he loves the farm more than ever. Then the problem of shelter, fuel, and the eternal "three times a day" become imminent and paramount. Farm life permits the husband and father a regularity of habit and opportunity to be continuously with his family found in few other callings. Thus what begins with a boarding house soon becomes a village and soon the schoolhouse, the church, the lodge, the singing society, the music club, and the library will appear, and thus the ideal commune of patriotically educated and pure-minded people is established.

Our leading educators may be called upon to aid the Government in planning and executing a system of intensive education at said camps, modeled somewhat after the intensive military training carried on there during the war. These courses of instruction in farming, draining, irrigation, road building, and all the branches of mechanical industry may be conducted on the elective principle, so that the men may concentrate their thoughts for a few weeks or months in preparation for civilian service. These places will thus become labor employment bureaus to which application may be made and from which will go out streams of trained, earnest, vigorous young manhood to overcome and more than overcome the loss, consumption and destruction incident to war. By the qualification card system those most efficient and best prepared would go first, and others would follow as outside demand and their own training progressed.

This idea could be extended even beyond the period of demobilization and the camp sites used for several years thereafter for educational purposes.

Another suggestion. If some such plan of encouragement be authorized by law, would it not be well to have the matter presented to the soldiers for their consideration as soon as possible? Why? In order that they may begin to plan and save their money. I think some sort of savings-bank system should be inaugurated in conjunction with military service here. In fact, the boys need very little money, but it is practically impossible either to save or remit it to their families or banks in America.

It is therefore uselessly squandered. If the boys could be assisted to save fifteen, twenty, or thirty dollars a month, they would have enough to buy stock and farm tools, and habits of economy would be encouraged and habits of extravagance discouraged.

In conclusion I can truly bear witness to the fact that our boys have their desires set upon achieving success in civil life commensurate with what they are doing under arms. They will come back with a vast fund of information otherwise impossible and undreamed of. They will come back with trained and disciplined minds, with strong characters, and with patriotic resolutions unknown to the people of America, except to the generation which followed Washington in the field, which moved in quick response to the flaming words of Patrick Henry, which thought out and felt that religion of democracy whose high priest was Thomas Jefferson. Americans are proud wherever they are scattered over the earth at duty's post, to think how powerful in resources America is. Their hearts leap with joy to hear themselves hailed in many tongues, even in the tongues of German prisoners, as the saviors of civilization and humanity. Imagine their pride to find that even the street urchins in the remotest foreign cities pronounce with confidence and affection the name of Woodrow Wilson. But, above all, Americans feel and realize that the greatness of our composite Nation is not a social greatness merely, is not a geographical greatness, is not an industrial greatness, is not a military greatness, but, above all, is a moral grandeur. Because we are right, because we speak for mankind, because justice even between friend and foe is our guide, we find the minds and the hearts of all broad-minded, unselfish men and women everywhere willing to follow our leadership, wishing to share our country's blessings and willing to bear their part of the burden. We must be wise enough to profit by the mistakes of other great nations, such as Rome and Germany. The general diffusion of intelligence and virtue by education is imperative. Peace has her glories. The uplift of all the people, the according to every man the products of labor, equal and exact and speedy justice before the law, are problems that call forth energy equal to that now in the power of those working so effectually to conduct the war to a victory not only of glory but, greater still, of justice and a long-enduring peace.

JOHN J. McSWAIN,
Captain, Infantry, United States Army.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RANKIN, for two days, on account of attending memorial service on the landing of the last of overseas dead; and

To Mr. McSWAIN, for two days, on account of attending exercises in honor of the last soldier dead to be brought to America.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that March 29 they had presented to the President of the United States, for his approval, the following bills:

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes; and

H. J. Res. 263. Joint resolution authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof.

LEAVE TO EXTEND REMARKS.

Mr. KING. I ask unanimous consent to extend my remarks in the RECORD on the subject of appropriations for the contract auditing division.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the legislation for the contract auditing division. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. KING. Mr. Speaker, in speaking of the contemplated appropriation for the War Department for the coming year, I called attention on March 22 to the fact that the appropriation for the contract audit section had been cut from $1,300,000 to $1,000,000 and that this cut would seriously hamper the investigation of war contracts and the recovery of millions to the United States Treasury.

I called attention briefly to the need of not only continuing the work of investigation but of expanding it, and inserted a letter I had written to Secretary of War Weeks on the subject.

I now desire to insert a letter received from Mr. Weeks with certain inclosures explaining about the work of the war audit section and in answer to my letter to him:

WAR DEPARTMENT,
Washington, March 27, 1922.

Hon. EDWARD J. KING,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your inquiry of the 20th instant regarding the amount of funds that may be available for use in continuing the present audit of war contracts from the total provided in H. R. 10871, Army appropriation bill, for the field service of the Finance Department, I desire to advise you as follows:

The bill in question, now before the House of Representatives, provides the sum of $1,000,000 for the compensation of clerks and other employees of the Finance Department for field service and is $267,000, or 21 per cent less than the estimate for such purpose contained in the budget submitted by the President. In view of this reduction it will be necessary to eliminate or greatly reduce as of June 30 next the activities of the Finance Department connected with the auditing of war contracts unless additional funds are provided or the enlisted personnel of the Army be continued at 150,000, this in order that the personnel available for the ensuing fiscal year may devote their entire attention to disbursing functions in order to keep abreast of current requirements. The number of employees it would be possible to retain on finance duties will be so limited that only a small proportion can be assigned to the audit of war contracts.

The personnel of the Finance Department is composed of two groups, civilian employees and enlisted men. The latter are stationed principally at posts, camps, and stations with other units of the Army, their number being regulated on a pro rata basis dependent upon the size of the Army. The civilian employee is on duty in the larger offices in cities and other points where it is uneconomical to place soldiers. Their number is determined by the amount of funds appropriated by Congress.

If the present bill reducing the Army to 115,000 men becomes a law it will be necessary to reduce the present enlisted quota of the Finance Department from 709 to 369. The latter figure represents the exact proportion of men the Finance Department will be entitled to for an Army of 115,000. The present quota, 709, is slightly in excess of the normal quota, due to the demands made on the Finance Department. If the Army is reduced to 115,000 it will not be possible to favor the Finance Department with any excess. The reduction therefore of enlisted men will amount to 340. Likewise, if the item of $1,000,000 for civilian employees is not increased the reduction in the civilian force for the ensuing fiscal year will be from 905 to 715, a loss of 190 employees. The total combined force, enlisted and civilian, if the present bill becomes a law, will amount to 1,084, in contrast with a minimum of 1,614 estimated as required for the ensuing year based on an Army of 150,000. Should the Army be reduced to 115,000 the minimum field requirements for the Finance Department will be a total of 1,228, of which number but 369 can be enlisted; the remainder, 859, will have to be civilians. Under the contemplated bill it will be possible to employ but 715 civilians, or 144 less than the number actually required. This reduction of 144 will necessarily most seriously affect the contract audit work and materially reduce, if it does not entirely eliminate, the personnel now engaged in that activity.

To provide for this deficiency there should be added to the present item in the bill $201,600 if the Army is reduced to 115,000, or $267,000 if the Army remains at 150,000.

I appreciate your interest in this matter, and as you have requested detailed and complete information respecting the audit of war contracts, the necessity for its continuation, and the enlargement of the work for coordination with the Department of Justice, in order that the interests of the Government may be protected, I inclose herewith a brief survey of the work accomplished in auditing war contracts by the Finance Department and the results obtained by them to date.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

The following statement shows the sums found due, recovered, and so forth, by the contract auditing activity of the Finance Department:

(a) Grand total amounts found due to date	$33,106,974.44
The present status of these cases is as follows:	
1. Actual recoveries in money and property or by deduction from claims awards	[1] 1,839,295.25
2. Indebtedness acknowledged by contractor who offers compromise or return of missing property in kind	55,328.98
	1,894,624.23
3. Charges against contractors which will apparently require legal action to recover and have been reported to Department of Justice or General Accounting Office for such action	4,370,014.40
4. Amounts included in reports of audit, but found to have been covered in previous claims settlements	1,196,909.11
5. In process of collection, directly or through other War Department branches, held pending reinvestigation, etc	25,645,426.61
Pay of employees engaged in contract audit from Aug. 1, 1920, to date	297,752.52

(b) In addition to the $1,894,624.23 above, $10,574,154.95 was reported as collected by individual offices upon completion of contracts or settlement of property accounts previous to the establishment and organization of the contract auditing activity.

(c) There are, in addition to the reports included in the above statement, reports of audit totaling approximately $2,000,000 on hand in the office of the Chief of Finance, which have been received from field activities and which are being given a final check before action on them will be taken.

Total of (a), (b), and (c), $45,681,129.39.

The total number of contracts audited since August 1, 1920, is 15,489.

TYPICAL EXAMPLES OF WAR CONTRACTS AUDITED BY THE CONTRACT AUDIT SECTION, OFFICE OF CHIEF OF FINANCE.

1. A contract was made by a bureau of the War Department for the disposal of a large amount of a special kind of supplies. An audit of this contract was made by the contract audit section which developed

[1] Complete data on reductions made in claims settlements as a result of audits not yet available.

the fact that the amount being received by the United States was very much less than the true value of the property sold, and that the United States was being put to expense for the purpose of converting the property from a condition in which it was to be paid for under the contract at a higher price to a condition in which a lower price was applicable.

The Department of Justice took up this case with a view to recovering any funds wrongfully withheld from the Government, the amount of which will be subsequently determined.

2. A contract was made by a bureau of the War Department for the disposal of a very large quantity of surplus raw material. An audit of this contract has indicated that the contractor has underpaid the Government in the amount of $1,854,076.04.

This case is now in the hands of the Department of Justice.

3. Production contracts made by a branch of the War Department with a large corporation for a certain class of war material. An audit of these contracts has demonstrated that this contractor was paid about $9,000,000 for which (as far as the War Department records show) no services were rendered or property delivered.

This case has also been given to the Department of Justice, who will call upon the contractor for an accounting for this sum.

4. Contracts with a corporation where materials were supplied to contractor by the Government and not accounted for by him in finished articles delivered or materials otherwise returned to the Government. The amount found due from this contractor is $1,371,368.02.

This case is being prepared for transmittal to the Department of Justice.

5. A contractor had two contracts with the Government, one of which provided that the contractor should be furnished Government material, and the other contract provided that the contractor should furnish his own material. An audit of these contracts showed that the Government material had been used on both contracts. The amount involved is approximately $700,000.

This case is now the subject of correspondence between this office and the contractor.

6. On a contract for the sale of surplus war supplies, when shipments were made to Government arsenals, the Government was to pay the freight. An audit showed that under this provision the Government had paid approximately $30,000 in freight to private manufacturers.

The same contract provided that the price to be paid for the material was to be determined to a considerable extent by commercial sales during the period of the contract. The contractor furnished statements covering the amount of such sales, which were used as the basis upon which he made his payments to the Government. When an audit of the contract was undertaken and the contractor was called upon to show the correctness of these figures, he stated that they were made without first-hand knowledge on his part, but had been obtained from a third party, and that he understood that the basic papers upon which these figures were based had been destroyed. The approximate amount involved is $2,200,000.

This matter is being made the subject of further investigation.

7. Audit of contract with Gray & Davis (Inc.), Cambridge, Mass., shows a charge of $37,395.43. This was a terminated contract and was referred to the Claims Board for remark. The Claims Board in final settlement deducted $34,812.64. The difference between these amounts with accounting for which the property report was completed.

8. Audit of a contract with Eddystone Munitions Co. shows a charge of $14,731.62. The matter was referred to the War Department Claims Board for information as to whether deduction was made in settlement. This office was advised by the Claims Board that liability of contractor was not known when settlement was made, and accordingly no deduction had been made. Attempts are now being made to collect this amount.

9. As a result of an audit of contracts for the manufacture of certain articles of equipment, it was found that the contractor was indebted to the United States in the sum of $44,527.51 on account of Government-owned material not accounted for. A cash collection was made covering the value of this property.

10. The Finance Department recovered $71,003.39 in cash as the result of an audit by the contract audit branch of a number of ordnance contracts between the Government and the Republic Iron & Steel Co.

11. T. A. Gillespie on one ordnance contract overused Government materials valued at $88,934.61, which was determined after a complete audit of the contract. The amount due was collected by the Finance Department.

12. A contract was placed with the Washington Steel & Ordnance Co. for machining 14-inch high-explosive shells. Forgings of the value of $104,450.89 were delivered by the United States to the contractor's plant for use under this contract. The armistice intervened before work was started on this contract, and these forgings had apparently been lost sight of. The audit of the contract disclosed that the forgings were still on hand at the plant, and that while the department had been advised in November, 1918, that the forgings had been shipped to the contractor, no action had subsequently been taken toward recovering the material, which has since been accomplished as result of the audit by the office of the Chief of Finance.

13. Wessel, Duval & Co. entered into a sales contract with the Government to sell surplus nitrate of soda on a commission basis. In auditing the contract it was found that the full amount due the Government had not been turned over and there was still due $8,657.29. The report on audit was submitted to property audit branch for collection. February 24, 1922, the matter was taken up with the contractor, and settlement effected March 16, 1922.

The above cases are quoted as typical of many hundred contracts already audited, and are illustrating the reasons why a complete audit is vitally necessary for the public interest.

Mr. LANGLEY. I ask unanimous consent that all gentlemen who spoke on this bill may have 10 legislative days in which to extend their remarks.

Mr. WALSH. Not 10 days. I would not object to five days, and it must be their own remarks.

Mr. LANGLEY. I modify my request in that way.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that all Members who spoke on this bill have five days in which to extend their own remarks. Is there objection?

There was no objection.

ADJOURNMENT UNTIL MONDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns it adjourn to meet on Monday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns it adjourn to meet on Monday next. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until Monday, April 3, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

579. A letter from the Secretary of War, transmitting a tentative draft of a bill to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

580. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to authorize the President, in his discretion, to retire certain officers of the Navy; to the Committee on Naval Affairs.

581. A letter from the general secretary of the Near East Relief, transmitting report of the Near East Relief for the year ending December 31, 1921; to the Committee on the Judiciary.

582. A letter from the Secretary of War, transmitting a supplemental report to a fifth report of the Chief of Engineers, United States Army, regarding any contracts for work on river and harbor improvements entered into but not completed prior to April 6, 1917 (H. Doc. No. 219); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GILBERT: Committee on District of Columbia. H. R. 11021. A bill for the prevention of venereal diseases in the District of Columbia, and for other purposes; with amendments (Rept. No. 864). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EENHAM: Committee on Public Lands. S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; without amendment (Rept. No. 861). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10287. A bill for the relief of John Calvin Starr; with an amendment (Rept. No. 862). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 154. An act to extend the benefits of the employers' liability act of September 7, 1916, to Arthur R. Rump; with amendments (Rept. No. 863). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 11115) to amend section 12 of the act approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. WILLIAMS: A bill (H. R. 11116) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended; to the Committee on the District of Columbia.

By Mr. SWING: A bill (H. R. 11117) to authorize the President, in his discretion, to retire certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 11118) to provide for the deportation of certain undesirable aliens; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Virginia: Resolution (H. Res. 315) relative to Philippine independence; to the Committee on Insular Affairs.

By Mr. PATTERSON of New Jersey: Resolution (H. Res. 316) providing for six months' salary to be paid the widow of Joseph C. Lee; to the Committee on Accounts.

By Mr. CONNALLY of Texas: Resolution (H. Res. 317) amending the rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 11119) granting a pension to Martha J. Corrie; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11120) granting a pension to Carrie M. Zumwalt; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11121) granting a pension to Arthur Gross; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 11122) for the relief of Jonathan P. Hadfield; to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 11123) for the relief of the next of kin of Maria Consiglia Porforio; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 11124) granting an increase of pension to Edward Jackson; to the Committee on Pensions.

Also, a bill (H. R. 11125) granting a pension to William Henry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4922. By Mr. CHALMERS: Petition protesting against the enactment of compulsory Sunday observance bills now pending before the House; to the Committee on the District of Columbia.

4923. By Mr. DRANE: Petition of citizens of St. Petersburg, Fla., relative to House bill 9753; to the Committee on the District of Columbia.

4924. By Mr. FULLER: Petition of the Booth Fisheries Co., of Chicago, protesting against the passage of House bill 10427, amending section 6 of an act for the protection and regulation of fisheries in Alaska; to the Committee on the Merchant Marine and Fisheries.

4925. Also, petition of the executive committee of the National Association of Casualty and Surety Agents, protesting against the passage of the Fitzgerald bill (H. R. 10034); to the Committee on the District of Columbia.

4926. Also, memorial of the city council of the city of Chicago, favoring pneumatic-tube mail service for the city of Chicago; to the Committee on the Post Office and Post Roads.

4927. Also, petition of members of Normal Lodge, No. 500, I. O. O. F., of Chicago, Ill., favoring Senate bill 1565, for retirement of disabled emergency officers; to the Committee on Military Affairs.

4928. Also, petition of the Traders' Live Stock Exchange, of Chicago, favoring passage of Senate bill 1565, for the retirement of disabled emergency officers of the World War; to the Committee on Military Affairs.

4929. Also, petition of the members of the First Congregational Church, of Peru, Ill., opposing any modification of the prohibition enforcement act; to the Committee on Ways and Means.

4930. Also, petition of sundry citizens, of Marseilles, Ill., favoring the passage of the Hill bill to permit the manufacture and sale of beer and wine, and the taxing of the same to pay a soldiers' bonus; to the Committee on Ways and Means.

4931. Also, petition of 398 citizens, of Ottawa, Ill., protesting against the passage of the Hill bill to permit the manufacture and sale of wine and beer; to the Committee on Ways and Means.

4932. By Mr. GALLIVAN: Petition of Decatur & Hopkins Co., Boston, Mass., urging passage of House bill 10159, the commercial bribery bill; to the Committee on the Judiciary.

4933. By Mr. GERNERD: Papers to accompany House bill granting a pension to Kate S. Good; to the Committee on Invalid Pensions.

4934. By Mr. KISSEL: Petition of Steward Davit & Equipment Corporation, New York City, N. Y., urging the passage of House bill 10159; to the Committee on the Judiciary.

4935. Also, petition of American Lutheran Publicity Bureau, New York City, N. Y., relative to the church and state; to the Committee on the Judiciary.

4936. By Mr. KRAUS: Memorial of sundry citizens of Hartford City, Ind., against passage of House bill 9753; to the Committee on the District of Columbia.

4937. By Mr. OSBORNE: Petition of Mrs. S. Ross and others, citizens of Los Angeles, Calif., in opposition to House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

4938. By Mr. STEENERSON: Petition of citizens of Argyle, Minn., and vicinity, urging revival of the Grain Corporation; to the Committee on Agriculture.

4939. By Mr. TOWNER: Petition of R. H. Knight, jr., of Bull Run, Oreg., and 79 other citizens of the State of Oregon, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4940. Also, petition of Mr. P. M. Wimberly, of Dallas, Tex., and 223 other citizens of the State of Texas, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

MONDAY, *April 3, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, as the recipients of Thy mercies we realize our dependence upon Thee, and look unto Thee this morning for Thy help. Grant unto us such knowledge, such wisdom, that according to Thy good pleasure results shall be realized, and in this day of happy outlook, with the singing of birds about us, may gladness fill our hearts and may we rejoice in opportunities of service to Thee, to the land we love, and to all the interests of humanity. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs"; and

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

HOSPITALIZATION OF EX-SERVICE MEN.

The bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. ASHURST. Is it the soldiers' hospitalization bill?

The VICE PRESIDENT. It is. The Chair may be in error in referring it to the Committee on Finance.

Mr. CURTIS. I think if it is a bill making appropriations it ought to go to the Committee on Appropriations. If it has reference to a transfer of hospitals, it should go to the Committee on Finance.

Mr. ASHURST. It is the bill which has just passed the House, and which appropriates $17,000,000 for the construction of hospitals.

The VICE PRESIDENT. In the opinion of the Chair it should go to the Committee on Appropriations, and it will be so referred.

Mr. ASHURST. I desire to give notice that as soon as the routine morning business is disposed of I shall submit some observations on the bill which has just been referred.

Mr. WARREN subsequently said: From the Committee on Appropriations I report back House bill 10864 and ask that that committee be discharged from its further consideration and the reference of the bill to the Committee on Public Buildings and Grounds. The bill authorizes the expenditure of some $17,000,000, but it does not contain an appropriation. It should go to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Without objection, the change of reference will be made.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a resolution adopted by the Neodesha (Kans.) Chamber of Commerce, favoring the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of Jewell Post, No. 72, American Legion, of Jewell; sundry citizens of Kanopolis; and employees of Rock Island Lumber & Coal Co., of Independence, in the State of Kansas, praying for the passage of the soldiers' bonus bill, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wamego, Kans., praying for the continuance of the mail delivery service in that city, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENDRICK presented a resolution of the Fremont County Bee Keepers' Association, of Lander, Wyo., favoring inclusion in the pending tariff bill of an adequate duty of not less than 5 cents per pound on imported honey, which was referred to the Committee on Finance.

Mr. MOSES presented memorials of sundry citizens of Danbury, Londonderry, Derry, West Windham, Hudson, Pittsfield, Conic, and Winchester, all in the State of New Hampshire, remonstrating against the enactment of Senate bill 2747, the so-called Federal cooperative reclamation bill, which were referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington presented a petition of sundry citizens of Ferndale, Wash., praying for the enactment of legislation reviving the United States Grain Corporation, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by Auxiliary No. 50, Sons of Veterans, of Parsons, Kans., favoring the passage of the so-called Morgan bill, providing for increased pensions to veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. KELLOGG presented a memorial of sundry citizens of Blackberry, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS. I present certain petitions and resolutions representing some 110 different organizations in the city of Cleveland, Ohio, signed by several thousand persons, relative to the proposed amendment of the Volstead Act. I do not ask that they be placed in the RECORD, except the brief letter accompanying the petitions and resolutions. I ask that it be printed in the RECORD and that the petitions and resolutions be referred to the Committee on the Judiciary.

The petitions and resolutions were referred to the Committee on the Judiciary, and the letter was ordered to be printed in the RECORD, as follows:

DRY MAINTENANCE LEAGUE OF CUYAHOGA COUNTY,
Cleveland, Ohio, March 28, 1922.

Hon. FRANK B. WILLIS,
Senator from Ohio, Washington, D. C.

DEAR SENATOR: On February 20, 1922, the City Council of Cleveland, Ohio, by a vote of 23 to 6, adopted a resolution calling upon Congress to amend the Volstead Act to permit beer and light wines.

The churches of Cleveland, Bible schools, and many civic organizations immediately protested against this vote by resolution, petition, and by personal protests from hundreds of the citizens to the council. Attached are copies of petitions adopted by approximately 110 organizations, representing not less than 75,000 voters of greater Cleveland, protesting against this resolution of our council and affirming their faith in the prohibition laws and the eighteenth amendment. These resolutions were mailed to this organization with a request that they be forwarded to the Congress of the United States. Therefore we are submitting the same to you, trusting that they will be presented as requested with the proper attention being called to the same as a repudiation of the resolution sent by our city council.

Very truly, yours,

DRY MAINTENANCE LEAGUE,
GEORGE C. SOUTHWELL, *Secretary.*

REPORTS OF COMMITTEES.

Mr. McNARY. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 585) thereon. I desire to give notice that at the first convenient opportunity, perhaps to-morrow, I shall call up the bill for consideration by the Senate.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, reported it without amendment.

Mr. CUMMINS, from the Committee on Interstate Commerce, to which was referred the bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, reported it without amendment, and submitted a report (No. 586) thereon.

He also, from the same committee, to which was referred the bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, reported it with amendments and submitted a report (No. 587) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 9671) to amend section 87 of the Judicial Code, reported it without amendment and submitted a report (No. 588) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3372) for the relief of the estate of John McQuiddy, deceased; to the Committee on Claims.

A bill (S. 3373) granting an increase of pension to Henry Mott;

A bill (S. 3374) granting a pension to Asenath Welch (with accompanying papers);

A bill (S. 3375) granting a pension to Sarah J. Brown;

A bill (S. 3376) granting a pension to Vesta A. Brown (with accompanying papers);

A bill (S. 3377) granting a pension to Henry V. Faris (with accompanying papers);

A bill (S. 3378) granting a pension to Marinda A. Wilcox (with accompanying papers);

A bill (S. 3379) granting a pension to Addie E. Auten (with accompanying papers);

A bill (S. 3380) granting a pension to Mary E. Allen (with accompanying papers);

A bill (S. 3381) granting a pension to Fannie R. Harvey (with accompanying papers);

A bill (S. 3382) granting an increase of pension to John W. McAndrew (with accompanying papers); and

A bill (S. 3383) granting a pension to Effie D. Hunter; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3386) granting an increase of pension to Louis Miller (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 3387) granting a pension to Hattie Smith; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3388) granting a pension to Emsley P. Canutt (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3389) granting a pension to Nancy H. Hisn; to the Committee on Pensions.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 189) authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of Grand Army of the Republic at the California and Nevada State encampment, to be held in Riverside, Calif., in May, 1922; to the Committee on Military Affairs.

DRAINAGE EXPENSES ON PAIUTE INDIAN LANDS, NEV.

Mr. PITTMAN introduced a bill (S. 3384) authorizing an appropriation to meet proportionate expenses of providing a drainage system for Paiute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service, which was read twice by its title.

Mr. PITTMAN. Mr. President, this bill carries the same provision as the amendment which I proposed to the Interior Department appropriation bill, which amendment was eliminated by the conferees. I have discussed the matter with the Senator

from Kansas [Mr. CURTIS], who is a member of the Committee on Indian Affairs. While the bill carries an appropriation, he agrees that it should go first to the Committee on Indian Affairs, and if approved by that committee, it will then come back to the Senate and be referred to the Committee on Appropriations. For that reason I ask that it be referred to the Committee on Indian Affairs. The Senator from Kansas will assist me, I understand, in trying to get an early report of the bill from that committee.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Indian Affairs.

COOPERATIVE TRADE ORGANIZATIONS.

Mr. EDGE. Mr. President, I desire to introduce a joint resolution, and also a bill, for appropriate reference, and if I may have the indulgence of the Senate for just a moment, I desire to explain why I am introducing a joint resolution as well as a bill covering the same subject. If the Secretary will read the joint resolution by title, I shall make a brief statement with reference to it.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, was read the first time by its title, and the second time at length, as follows:

Joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Whereas the revival of the industrial activities of the United States is essential to the welfare of the individual as well as the Nation; and

Whereas business has been suffering severe depression, from which its reconstruction should be stimulated by every legitimate means; and

Whereas business procedure that will without protecting monopolies eliminate waste in production or distribution, lower costs, simplify and standardize methods, increase efficiency and the morale of business is a beneficial factor in economic progress; and

Whereas congressional action has already been taken to assist in agricultural cooperative marketing and distribution; and

Whereas the industrial tendency is toward the substitution of research and scientific business methods for previous uncertainty and ignorance; and

Whereas business is hesitating because unable to secure guidance, legal or governmental, which will clearly indicate the proper lines of conduct in business association; and

Whereas business is entitled to know in definite terms what it legally can and can not do: Therefore be it

Resolved, etc., That a joint committee of Congress is hereby created, to be composed of six Members, three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives.

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression, with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

SEC. 3. Such committee is hereby authorized during the Sixty-seventh Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

SEC. 4. That the committee may from time to time report to Congress, and shall submit a final report on or before December 4, 1922.

The bill (S. 3385) to regulate trade associations, and for other purposes, was read twice by its title.

Mr. EDGE. The bill by its title is self-explanatory, and the joint resolution provides for the appointment of a commission of three Senators and three Members of the House for the purpose of, first, investigating the same subject. I am introducing the bill at this time not with any intention of pressing it at once but will urge the passage of the joint resolution so that the committee or commission, if authorized, can have the bill as a basis upon which to direct their inquiry. I think it will be thoroughly agreed and appreciated that it is the duty of Congress in some way to provide for defining the legal rights and privileges of trade associations. At the present moment every one seems to commend cooperation, and yet because of recent decisions of the Supreme Court it is practically impossible to decide just what is cooperation and what is combination in restraint of trade. I think it is a most important question, a question with reference to which Congress can, through legislative authority, be of great assistance in stabilizing industry. I hope we can get expeditious action upon the joint resolution. Congress has already demonstrated its interest in cooperation by passing practically without opposition a bill to provide for cooperation and cooperative marketing among agricultural associations. This is exactly in the same direction, and I am quite sure the same spirit of cooperation on the part of Congress will be found when the measure comes before us for consideration.

The VICE PRESIDENT. Is it the opinion of the Senator from New Jersey that reference should be to the Committee on Commerce of both the bill and the joint resolution?

Mr. EDGE. I shall be very glad to have them referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, the bill and the joint resolution will be referred to the Committee on Commerce.

FINANCING OF AGRICULTURAL OPERATIONS.

Mr. SIMMONS introduced a bill (S. 3390) to provide credit facilities for the preservation and development of the agricultural industry, including live stock, in the United States; to extend and stabilize the market for United States bonds and other securities; to create an agency for the liquidation of commercial assets owned by the United States, for acting, when required, as depository of funds belonging to the United States, and otherwise performing services as fiscal agent of the United States; and for other purposes, which was read twice by its title.

Mr. SIMMONS. Mr. President, I wish to say that this bill is intended to provide a system which will absorb and succeed the present War Finance Corporation, with greatly enlarged and extended powers. I think this bill provides a sound, well-balanced, and workable system for financing the agricultural operations of the country. If it is enacted it will give the farming classes, who represent about 40 per cent of our population, banking and credit facilities, if not equal, at least comparable to those which the Federal reserve system now gives to those classes of our people who are engaged in trade and in industries other than farming, as well as those engaged in speculative ventures.

A little later I shall ask the indulgence of the Senate for the purpose of making a detailed statement of the general provisions of the bill. In brief, it establishes a banking system as well adapted to the requirements and conditions of agriculture as the Federal reserve banking system is adapted to the requirements and conditions of trades and industries other than farming.

The PRESIDING OFFICER (Mr. SPENCER in the chair). What is the suggestion of the Senator from North Carolina as to the reference of the bill?

Mr. SIMMONS. I suggest that it be referred to the Finance Committee.

The PRESIDING OFFICER. It will be so referred.

Mr. SIMMONS. Upon reflection, as the bill relates chiefly to credits for farmers and agriculturists, if there is no objection, I ask that the bill be referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. I think the bill should go to the Finance Committee.

Mr. SIMMONS. I make no objection. I would not object to its reference to either of those committees. At first blush I suggested the Committee on Finance, but on reflection I thought it should go to the Committee on Agriculture and Forestry, because all the War Finance Corporation legislation has been handled by that committee.

Mr. CURTIS. I have not had time to read the bill. I would like to have the question of its reference go over until to-morrow, so that we can find out what it is.

Mr. HARRISON. The Committee on Agriculture and Forestry has considered this whole subject. That committee reported out the original amendment to the War Finance Corporation act, and I think the bill should go to that committee, because they have studied the question.

Mr. SIMMONS. That is the reason why, on reflection, I suggested the Committee on Agriculture and Forestry, not only because it deals with agricultural credits, but because the last act reviving the War Finance Corporation, which deals very largely with the same matter that this bill deals with, came from that committee, and I assumed that in the consideration of that measure that committee did, as a matter of fact, very thoroughly investigate many of the very questions which are involved in this bill. I think that would be the better reference of the bill.

Mr. FLETCHER. Had the Senator thought about the Banking and Currency Committee? The Banking and Currency Committee handled the farm loan act.

Mr. SIMMONS. But the Banking and Currency Committee have never handled War Finance Corporation legislation.

Mr. FLETCHER. No; but I suppose this to be something on the order of the farm loan act.

Mr. SIMMONS. This bill provides for a body to supersede the War Finance Corporation.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Finance.

SCHOOLS FOR AERONAUTICS.

Mr. WALSH of Massachusetts. I offer the following resolution, for which I ask present consideration.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution (S. Res. 266), as follows:

Whereas immediate and adequate consideration and development of the science of aeronautics is vital to the commercial and industrial expansion and to the protection and prosperity of the United States; and

Whereas the science of aeronautics is recognized by all nations as a dominant factor in relation to transportation facilities and the national defense; and

Whereas many foreign nations, cognisant of the necessity and importance of aircraft, have initiated programs of mail and passenger transportation far superior to the present policy of our Government, with reference to the stimulation, maintenance, and advance of aeronautics for all national purposes; and

Whereas aircraft is indispensable for the patrolling and for the protection of our coast and boundaries, and to supplement to a considerable degree naval craft, coast artillery defenses, and other means of protection and defense now maintained by the Army and the Navy; and

Whereas at the Conference for the Limitation of Armament no action was taken to reduce, limit, or control the aircraft of the countries represented, although the development of aircraft had a pronounced effect upon the reduction and limitation of navies; and

Whereas it should be apparent to the most casual observer that a sufficient and properly trained personnel capable of developing, instructing, and directing aeronautics, and available for the national defense, is extremely important; and

Whereas it daily becomes more evident that if the United States is not to be completely outdistanced in the field of aeronautics, and is not therefore to be left defenseless, a separate school of aeronautics should be created and maintained, or separate schools of aeronautics should be established in the United States Military Academy and in the United States Naval Academy: Therefore be it

Resolved, That the Secretary of War and the Secretary of the Navy are directed to report to Congress (1) whether or not it is feasible and advisable to establish a school of aeronautics, to be known as the United States Academy for Aeronautics, with buildings, grounds, and equipment necessary for instructing and training cadets; (2) whether or not it is practicable to use a part of the buildings and grounds of the United States Military Academy and of the United States Naval Academy for separate schools in aeronautics, to the end that young men desirous of qualifying for commissions in the United States Air Service may be appointed as cadets to such separate aeronautical schools in the same manner as cadets are now appointed to qualify for commissions in the United States Army and the United States Navy; and (3) whether or not it is feasible to take over one of the existing navy yards or arsenals for the purpose of converting the same into a Government plant for the development and manufacture of aircraft of various kinds suitable for national, commercial, and defense purposes.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the immediate consideration of the resolution?

Mr. CURTIS. I think the resolution should go over until to-morrow.

The PRESIDING OFFICER. It will lie over under the rule.

Mr. STERLING. Mr. President, may we have the resolution read again?

The PRESIDING OFFICER. The Senator from Kansas asks that it lie over under the rule.

Mr. STERLING. Very well.

HEARINGS BEFORE COMMITTEE ON PATENTS.

Mr. JOHNSON submitted the following resolution (S. Res. 268), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer at a cost not exceeding $1.25 per printed page to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 31, 1922, the President had approved and signed the bill (S. 3209) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota.

"LUSITANIA" CLAIMS (S. DOC. NO. 176).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, ordered to lie on the table:

To the Senate:

I transmit herewith a report from the Secretary of State in response to the resolution adopted by the Senate on August 16, 1921, concerning American passengers aboard the steamship *Lusitania* at the time of its sinking and concerning claims against Germany filed with the Department of State by American citizens as a result of the loss of the *Lusitania*.

WARREN G. HARDING.

THE WHITE HOUSE, *April 3, 1922.*

Mr. POMERENE. Mr. President, this is a matter which will be of great interest to those who were connected with that disaster, and I move that the message and accompanying papers may be printed as a public document.

The motion was agreed to.

AMBASSADOR EXTRAORDINARY TO HAITI.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Assistant Secretary read Senate Resolution 249, submitted by Mr. KING March 6, 1922, as follows:

Whereas the President of the United States has designated Brig. Gen. John H. Russell as high commissioner to Haiti, with the rank of ambassador extraordinary to the Government of that country, without having sent the nomination of said Brig. Gen. John H. Russell to the Senate for the advice and consent of the Senate with respect to his appointment to said office: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby requested to investigate the question as to the power of the President under the Constitution to appoint an ambassador extraordinary to Haiti, without the advice and consent of the Senate in that behalf, and report their findings and opinion to the Senate.

Mr. KING. Mr. President, I have just spoken to the Senator from Illinois [Mr. MCCORMICK], who heretofore asked that this resolution might lie over, and objected to its consideration. He has no objection to its going to the Committee on the Judiciary, because there is a legal question involved. I think the Senate is entitled to the opinion of that committee, and I ask its reference to the Committee on the Judiciary.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

APPOINTMENTS BY EXECUTIVE ORDER.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Assistant Secretary read Senate Resolution 258, submitted by Mr. HARRISON March 20, 1922, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

Mr. HARRISON. I serve notice that I shall call up the resolution to-morrow. I ask that it may lie on the table until to-morrow.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I wish to introduce a resolution, but I want to make a brief statement before doing so.

Mr. CURTIS. Mr. President, this is Monday morning and we have not had a call of the calendar for a considerable length of time. There are quite a number of Senators who have asked that we have the calendar to-day until 2 o'clock. Of course, if speeches are made it means we will have no calendar this morning. So far as I am concerned I have no objection.

Mr. CARAWAY. I hope the Senator will not object. I shall not occupy the time of the Senate long.

Mr. President, I wish to call to the attention of the Senate the extraordinary procedure which resulted in the issuing of an Executive order dismissing and disgracing the Director of the Bureau of Engraving and Printing and a number of chiefs of divisions of that bureau. I want to disclaim in the beginning any desire to criticize the President for exercising any authority that may be vested in him to bring about efficiency in Government employment. I wish to say in advance that if any man on the Government rolls is either inefficient or dishonest he has no right to remain; whether he has been there a long or a short time; but I do say that no man ought to be dismissed and disgraced without having had an opportunity to know of what offense he is charged, who brings the charge, and

what evidence were submitted to sustain it. That is the phase of the order against which I wish most emphatically to protest.

It has been 400 years since anyone in an English-speaking country has thought it proper or thought it just to submit anyone to a star-chamber proceeding. It has never been thought in any English-speaking country where English laws and constitutions prevail that one might be charged with an offense, tried, and convicted and his punishment decreed without his knowledge. But here are men who have long devoted their best energies to the Government employ, men who have risen to high places, men of standing in the community, men of families, who have been summarily dismissed and disgraced from the service because the Executive either wanted to fill their places by deserving Republicans or else some enemy of these individuals has the Executive ear. Whatever the reason I want to protest against it. But in the meantime, Mr. President, I should like to wait until the gentlemen on the other side of the Chamber are through their conference.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARAWAY. The matter is of sufficient importance that any Senator could afford to give enough of his time to learn what the facts are.

Here thirty-odd men who have led upright lives, so far as the record shows, men who have held important places, places of responsibility the duties of which they have discharged efficiently, overnight, by a night order, are removed from their places, dismissed from service, and no explanation given except that it is "for the public good"; which is equivalent to saying there is something against the character of the men that makes their severance from the service necessary. If there is, the President ought to specify it; if there is not, he ought not to disgrace these men and deny them the right to engage in honest employment by such an infamous order, for it is infamous unless there is some good and sufficient reason to warrant his issuing it.

If there were charges against them, nobody would complain if the President had suspended them from their duties and put other men in their places until a thorough investigation might have been had. That, however, was not done, but men, pursuing their daily occupations, with no knowledge of any investigation having been made, with no complaints against their services or their character having been made, are summarily, at night, dismissed not only from their places of employment but dismissed from the service and thereby disgraced. I say there is not a reputable employer anywhere who would now take one of these men into a place of responsibility until this matter had been thoroughly investigated and the facts established.

Therefore, I wish to introduce a resolution calling upon the President to tell us, if it is not incompatible with the public good, why he removed these men. They have a right to know, and the country has a right to know.

I want also to know why he did it in violation of law, because section 6, part 1, volume 37, of the Statutes at Large, page 555, provides that no one in the classified service may be removed therefrom except upon a charge in writing given to him notifying him of the offense of which he is charged, and permitting him to reply thereto in writing, and to submit affidavits, if he cares to do so, whether the charge is well founded.

The President is not above the law, although for the argument's sake I may concede that he may disgrace and remove these men from the service, and they have no legal redress; he may exercise the authority vested in him and override the statute and dismiss and disgrace these men; but in doing so, if he acts without just cause, he will more disgrace himself and the high office he holds than he will disgrace these humble citizens, whose right to make an honest living he has sought to destroy.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. CARAWAY. I yield.

Mr. WALSH of Montana. I want to inquire of the Senator from Arkansas if he does not really think he takes the matter too seriously? In view of the general course of proceedings, will it not very properly and very justly be assumed that these men have been removed for purely political reasons?

Mr. CARAWAY. Well, I do not know as to that. That was the first impression I had, that it was purely a political move; but I do not know whether it was or not. I do not know but that it was a yielding to a particular faction, although I presume that political advantage was expected to be derived. However, I want to protest, Mr. President, with all the vehemence that I may, against the removal from office of a man who happens to disagree with the administration in politics if that removal carries with it disgrace.

If this administration is prepared to follow Mr. Daugherty—and I rather think Mr. Daugherty spoke with the knowledge and the approval of the administration—and override the civil service, let them do it by law. The Republicans have a majority in both Houses of Congress; let them take the responsibility and go back to the spoils system and fill every office from doorkeeper up and down with their political henchmen, if they can find that many in the country who yet remain faithful to this administration; but let them do it like men, and say, "You are removed, not because you are inefficient or dishonest but because we do not agree with you politically and we want these places for our political henchmen." It is infamous to drive men out of public employment with a charge which brands them either as inefficient or corrupt—and nobody is going to believe when he investigates this matter that these men were inefficient.

Let me consider the case of one of them, Mr. George U. Rose. He entered the employ of the Bureau of Engraving and Printing 39 years ago at $1.25 a day. When he was discharged he was drawing $5,000 a year as Chief of the Engraving Division, the most highly technical division of the whole bureau. Nominally he is a Republican, but he is a citizen of the District of Columbia from birth and never had an opportunity to vote. Of course, he has not been offensive in his politics one way or the other, but has enjoyed a steady line of promotion through Democratic and Republican administrations until he has reached the head of the division of which he had become an employee 39 years ago. He has been in the service nearly long enough to retire with a pension, but without a moment's notice, at night, a special messenger brought him a copy of an Executive order dismissing him not only from his place of employment but from the classified service, and disgracing him and his family, for what reason nobody understands. He has a right to know; the country has a right to know; all of us want to know. If the President had said there were irregularities in the bureau; that somebody stole—and that possibly may be true—the situation, perhaps, would be different; but a clerk stole $175,000 worth of bonds from the Treasury Department recently and plead guilty to the charge, and yet nobody says that Secretary Mellon ought to be kicked out of office as a criminal because an irregularity occurred in his department for which he was not responsible. If there were some irregularities in the Bureau of Engraving and Printing—and I do not know whether there were or not—the President owed it to the people to say against whom the charges were made, so that the guilty might suffer without destroying the reputations of men who have devoted an honorable lifetime to the public service.

Take another case, that of the director, Mr. James L. Wilmeth, who came into the service in 1895, at $60 a month, as a money-order assorter. He was made assistant chief of that division in 1903 at $1,800 a year; law clerk in the office of the Comptroller of the Treasury in 1906 at $2,000 a year; chief clerk of the Treasury Department in 1910, under Franklin MacVeagh, a Republican, starting in at $3,000 a year and subsequently promoted to $4,000 a year. He was made Director of the Bureau of Engraving and Printing in 1917 at $6,000 a year. He never sought and never received any outside influence in order to secure promotion; he never had a politician speak to anyone in his behalf, but trusted always to his merit for promotion. He never asked for promotion, but it came to him voluntarily. The same statement applies to Mr. Rose.

Another of the men who has been summarily dismissed, Mr. James M. Fisher, was at the date of his discharge Assistant Director of the Bureau of Engraving and Printing at a salary of $3,500. He is from Virginia, and was at one time clerk to the Committees on Interstate Commerce, Alcoholic Liquor Traffic, Pensions, and Immigration in the House of Representatives. He also did reporting for committees in the House of Representatives. He never sought promotion. In 1898 he entered the Treasury Department as confidential secretary to the second comptroller, at $1,800 a year. He was transferred to the Bureau of Engraving and Printing at $1,600; promoted to chief of division of assignments; promoted to chief clerk, division of assignments and review, at $3,000 a year; promoted to the position of assistant director of the bureau at $3,500 a year. No complaint has ever been lodged against him and he never sought any outside influence, but rose simply by merit.

Take another man, John J. Deviny, superintendent of work, executive in charge of the night force. He was born in the District of Columbia; entered the civil service 22 years ago at $300 a year, less than a dollar a day, as an apprentice in plate printing; he was cleaner of pots and mixer of inks. He was promoted from time to time until at the date of his discharge he

was receiving $3,000 a year. He is president of the Washington Club of Printing House Craftsmen. He had been recommended for director of the bureau. He never sought any political help from any source. Incidentally he held the same position during the war and worked 12 hours a day for $3,500 a year, when Charles Johnson & Co., ink manufacturers, of Philadelphia, offered him $7,500 a year if he would quit the Government service and enter their employ; but he felt it his duty to serve his country in time of war and remained in the Government service.

In this connection I wish to read a letter—and by the way, Mr. Wilmeth, Mr. Fisher, and Mr. Dewey all received similar letters—addressed to Mr. Ryan from the Treasury Department at Washington, dated March 7, 1921. The letter is as follows:

DEAR MR. ROSS: During my term as Assistant Secretary I have given much time and attention to the affairs of the Bureau of Engraving and Printing, and have been greatly pleased and impressed with its management and personnel. Your work has especially commended itself to me, and I wish now to thank you for your hearty cooperation and support. I am soon to leave the Treasury Department, and before doing so it is desired to express to you my personal feelings and regards.

With kindest regards and best wishes,

Sincerely yours,

J. H. MOYER,
Assistant Secretary of the Treasury.

Thus the Assistant Secretary of the Treasury, a Democrat, wrote to Mr. Ross, a Republican, whom he had promoted. That was the character he had then, and I take it the character that he has now.

Let me take another case. E. H. Ashworth has been in the bureau 29½ years. He was the custodian of dies, rolls, and plates—possibly the most responsible position in the service. He is not of the organization, but is a check on the organization. The law requires that he be checked up each year; so the present Secretary of the Treasury, Mr. Mellon, appointed a committee, and all of them were Republicans, and they put in three months investigating this particular department, this division, this office that Mr. Ashworth holds. They completed their investigation and made their report to the Secretary of the Treasury at 4 o'clock Friday afternoon last. With that report went a letter from these three Republicans especially commending Mr. Ashworth for his efficiency, for his faithfulness, and for the condition in which they found the matters under his custody. They commended him in a letter to the Secretary of the Treasury at 4 o'clock Friday afternoon. At 6.45 the same evening the President, by an Executive order, disgraced and dismissed this man from the public service—commended by a committee that had a thorough knowledge of his efficiency, of his character, and of the services he was rendering; commended at 4 o'clock and dismissed and disgraced by the Executive at 6.45 that same day; and his case is not altogether alone.

Here is Ralph H. Chappell. He is a graduate of Annapolis, an officer in the American Navy once, a veteran of the Spanish-American War. We was in charge of machinery. He got $3,000 a year. No complaint ever has been made against him, and yet by this same Executive order he was dismissed from the service and is a disgraced man.

Take H. I. Wilson, an overseas veteran of the last war, a man in charge of a bureau, drawing $3,000 a year, a man who quit his place when war came and went across the sea and offered to die for our flag. He came back and went to work at his old employment, and without a minute's notice, without a charge being made against him, without an opportunity to speak in his own behalf, is summarily dismissed from the service.

James A. Chamberlain, foreman of the garage down there, was also an ex-service man, getting $1,600 a year. He was driven out of public employment, driven out of an opportunity to make an honest living, disgraced by an Executive order, and the Assistant Secretary of the Treasury now says there is not even an implication against the character of any of those men for either inefficiency or integrity!

Mr. HILL, who got the job that Mr. Wilmeth had, possibly disclosed the real reason. I want to read his little interview for whatever it is worth. Mr. Hill says:

Of course, the Democrats turned out of office. Democratic Senators will howl when they see good but they are guilty of the same thing. There are Republicans who came back with my appointment yesterday who were discharged last July by Democratic officials.

I presume he means July of year before last, because there were no Democrats in power in July last year to discharge them.

Mr. HARRISON. Where is he from?

Mr. CARAWAY. I think he is from Ohio.

Mr. Hill thinks—whether he knows or not—that it was a political matter, because he gave out that interview. He hastened to do it; he can not wait until he gets his seat warm as director of the bureau, until he says:

Of course, the Democrats turned out of office. Democratic Senators will howl when they see good

Hill's idea is that we howl about that. Mr. Hill may be a very efficient man, but he knows very little, I think, about the temperament of Members of the Senate, because I want to repeat, if it is necessary to return to the spoils system in order to save whatever there may be of this administration from going on the rocks, if you have the courage to do it, go back to the spoils system. I have had some sympathy with the belief that to the party in power belongs the offices; but I do not think you ought to get them and be a hypocrite about it. I think you ought to show more courage in getting those places than you do in taking the post offices away from Democrats by pretending to have a civil-service examination which does not disclose anything except whom the political boss in that particular country wants. That is all it discloses—not efficiency. It is not intended to disclose it; but, except for the hypocrisy, I have no objection to your taking those offices.

These men who have gone out—men who have toiled early and late, from early manhood until past middle age, to build up a reputation as honorable and intelligent men in the community, who have wives and children—have a right to expect that you will have courage enough to say that you took their places for political reasons, and not reflect upon them either as to their efficiency or as to their character.

The Post—and I think it has a better right to speak for this administration than the administration has to speak for itself, because I think their policies are initiated about 50-50; the Post as often suggests to the President as the President suggests to the Post, but between them there is always harmony—the Post says, quoting an article, that both the Attorney General and the Secretary of the Treasury deny that there was any investigation of the bureau prior to the Executive order dismissing these men. Now, the Attorney General has ordered a probe to find out why it was the President dismissed these people. First, act; discharge the men; disgrace the men; disrupt the public service; and then put the Attorney General behind the movement to find out why it was that the President did it! Of course the President and the Attorney General both know why it was done, but now they are to have an investigation.

It reminds me very much of a story of the first jury trial alleged to have happened in California. The rule used to be to hang a man charged with stealing a horse, and investigate whether or not he was guilty at some time when nothing else was pressing; but a lot of people wanted a jury trial—a good old jury trial as they had had it in New England—and finally public sentiment became so strong that one man charged with horse stealing was given a trial. The evidence was produced and the arguments made, and the jury instructed and retired. Just as they were about to reach a verdict of "Not guilty," some man came and kicked on the door and said: "Here, you jury have got to go somewhere else to consider this case. We want this room to lay out the corpse in." They had hanged the man while the jury was determining his innocence.

These men are discharged from the service, disgraced, and the Attorney General now is asked to find some reason that will justify the President in having so acted, and the Post says this:

Justice officials ordered to probe engraving bureau—Attorney General to hold "exhaustive investigation" after Wilmeth's removal.

In another headline from this same official organ that always knows what the President thinks he knows it says that after this investigation is had some officials assert that the facts will sustain the "quick action" taken by the President. In other words, the Attorney General now is going to find a reason that will justify in the minds of the American people the action of the President; and if I may be permitted to say so, basing my observation on what I have observed of the Attorney General's pliancy, he will find whatever the administration wants him to find. He will find, wherever they want him to find it, corruption. He will find, wherever they want him to find it, inefficiency. He will find whatever in the opinion of the President of these United States and the Attorney General is necessary to justify the President for issuing this outrageous Executive order and disgracing these men who so long and so faithfully had labored for the public good.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. I have heard the charge made, and the intimation that it was true, but so far it has gotten no response from the Attorney General, that his great address delivered in Cincinnati is submitted to certain powerful lobbyists for their approval before it is even given to the Associated Press.

Mr. CARAWAY. The present Attorney General?

Mr. STANLEY. That the present Attorney General is in the habit of calling in known lobbyists, paid lobbyists, and submitting for their approval printed copies of addresses, one of which was an address delivered to the American Bar Association in Cincinnati. A man who will do that will certainly be pliant to a President or anybody else.

Mr. CARAWAY. Well, I should say that I think the Attorney General does well to submit his remarks to somebody before he delivers them. I felt about the Attorney General, from what I heard about him, like this: We had a Senator from my State at one time—Senator Clarke. He very cynically said that appointive offices were created for those who could not be elected to office; and I thought it was very appropriate, then, that the President should give to the Attorney General one of these appointive offices.

Mr. STANLEY. Mr. President, may I interrupt the Senator at that point?

Mr. CARAWAY. I yield to the Senator.

Mr. STANLEY. There is hope for the Attorney General. It is said of a predecessor in his office that after he went out one Senator asked another what had become of the ex-Attorney General. He replied: "He is down in Philadelphia studying law." There is hope for this one.

Mr. CARAWAY. No; no. He has had an opportunity and did not, and he will not.

The junior Senator from Alabama [Mr. HEFLIN] hands me a newspaper clipping. Is this from the Post?

Mr. HEFLIN. From the News.

Mr. CARAWAY. Its headline is:

"Politics cause," says Sack. Finds dismissals result of congressional complaints.

And he says that Congressman FESS, chairman of the Republican congressional committee, and Representative MADDEN, of Illinois, chairman of the powerful Appropriations Committee, had both been down interviewing the department and demanding that places be given to the faithful. The article is as follows:

POLITICS CAUSE, SAYS SACK—FINDS DISMISSALS RESULT OF CONGRESSIONAL COMPLAINTS.

(By Leo R. Sack.)

Pressure applied by Republican Congressmen tired of seeing Democrats hold down soft positions in Government bureaus in Washington is chiefly responsible for the overnight shakeup of executive personnel in the Bureau of Engraving and Printing.

Changes at the bureau are regarded by well-informed Republican Congressmen as a first step in administration house cleaning which has as its object substitution of "deserving" Republicans for Democrat officeholders.

Changes at the Shipping Board, occurring to-day, are a part of the general scheme of reorganization.

TILSON SEES PRESIDENT.

In every Government department, with the exception of the Departments of State and Commerce, Republican Congressmen allege choice jobs are held by Democrats, and constituents of theirs who, under the rules of the game, should be taken care of can not be placed. The action at the Shipping Board and the Bureau of Engraving and Printing was taken, Congressmen say, in an effort to prevent open protest on the floor of the House of Representatives by Representative TILSON, of Connecticut, chief of the Republican complainers.

TILSON, accompanied by Representative FESS, of Ohio, chairman of the Republican congressional committee, and Representative MADDEN, of Illinois, chairman of the powerful Appropriations Committee, took their complaint to Chairman Lasker, of the Shipping Board, early in the week. The Shipping Board immediately began house cleaning. W. E. Stevens, of Pennsylvania, who would "play ball" with the Congressmen, was installed as comptroller.

"BE PATIENT," HE IS TOLD.

TILSON went to the White House with his complaint and was told to be patient; that matters were being straightened out.

TILSON later received a visit from John Adams, chairman of the Republican national committee, who also pleaded patience.

"We are working on it," Adams is reported to have told TILSON.

Congressmen were especially enraged over failure of Secretary of the Treasury Mellon to supplant Democrats with Republicans.

INTERNAL REVENUE NEXT SPOT?

They charge the Bureau of Internal Revenue, one of the largest organizations in the Government service, is literally permeated with Democrats. In an effort to straighten out this situation Elmer Dover, northwestern manager of the Republican national committee during the Harding campaign, was named Assistant Secretary of the Treasury. Dover and Collector of Internal Revenue Blair are now at loggerheads, presumably because Blair won't turn his department upside down in order to give jobs to Republicans.

Congressmen expect additional changes within the Treasury Department in a short time.

They do not want to return to their home districts to face charges of petty politicians that despite a Republican administration "Democrats are holding all the jobs."

Mr. President, the first play I ever saw that I recall, in which Blanche Bates was starring——

Mr. McCORMICK. Mr. President, a parliamentary inquiry. Is this discussion in order if objection is made?

The PRESIDING OFFICER. The discussion is not in order, but it is proceeding without objection.

Mr. McCORMICK. Inasmuch as the facts may be laid upon the Senate upon inquiry if the resolution goes over, I ask for the regular order.

Mr. CARAWAY. Mr. President, just one moment.

Mr. HEFLIN. Mr. President, if the Senator will permit me a moment, before the Senator from Arkansas proceeds with his statement he asked that he be permitted to make a statement, and the Senator from Kansas [Mr. CURTIS] said that he would like to go on with the business of the Senate, but that he would not object, and no one else objected and the Senator proceeded; and I think that was tantamount to unanimous consent.

Mr. McCORMICK. If my friend the Senator from Alabama be right in his contention, the Senator from Arkansas could continue until the conclusion of business to-day.

Mr. CARAWAY. Yes; and would not waste half as much time as the Senator from Illinois has.

Mr. HEFLIN. He should be given a reasonable amount of time to finish his statement.

The PRESIDING OFFICER (Mr. SPENCER in the chair). There has been no unanimous consent given. The Senator from Arkansas was proceeding because there was no objection made. The regular order is called for.

Mr. McCORMICK. I do not mean to be discourteous to the Senator from Arkansas, but I insist on the regular order.

Mr. CARAWAY. That is all the Senator can do. He can do that, however, as well as anyone. I want to have the resolution read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 267) as follows:

Whereas without notice as required by law, and without warning, the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Engraving and Printing, and 31 other chiefs of divisions of that bureau; and

Whereas all of said persons were within the classified service; and

Whereas the law permits the dismissal of persons within the classified service only after written notice of and an opportunity to reply to charges should be given the accused: Now, therefore, be it

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned, from the classified service; (b) on what authority and by what authority he dismissed these employees from the service.

Mr. CARAWAY. I ask unanimous consent for the consideration and adoption of the resolution.

Mr. McCORMICK. I object.

Mr. CURTIS. I ask that the resolution go over under the rule.

The PRESIDING OFFICER. Under the rule, the resolution will go over.

Mr. CARAWAY. I give notice that after the conclusion of the morning hour I shall continue and conclude these remarks, with the permission of the Senator from Illinois.

MALT LIQUORS AND WINES FOR MEDICINAL PURPOSES.

Mr. MOSES. Mr. President, I ask that Order of Business No. 2, being Senate resolution 117, requesting the Secretary of the Treasury to transmit to the Senate a copy of the regulations reported to have been drawn by the Bureau of Internal Revenue to provide for the use of malt liquors and wines for medicinal purposes, which has been on the calendar for some months, be indefinitely postponed. This is a resolution introduced by me at the time we were considering the antibeer bill and was a request for information. It has been on the calendar and is called every time the calendar is called, and it is wholly dead and useless. I move that it be indefinitely postponed.

The motion was agreed to.

HOSPITALIZATION OF EX-SERVICE MEN.

Mr. ASHURST. Mr. President, I am obliged to leave the Chamber within a few minutes, to be gone for an hour, and I ask unanimous consent to be allowed to proceed 10 minutes. The subject upon which I desire to speak is House bill 10864, being a bill appropriating $17,000,000 for the hospitalization of ex-service men.

Mr. CURTIS. Mr. President, I do not like to object, but this morning was set aside especially by rule for the consideration of the calendar, and if the time is going to be taken up by debate it will be impossible to consider the calendar. Therefore I shall have to object.

Mr. ASHURST. I will state to the Senator that I can compress my remarks into seven or eight minutes.

Mr. CURTIS. If the Senator will limit his talk to five minutes, I shall not object.

Mr. ASHURST. I think I can finish in a few minutes.

This bill passed the House on the 31st of March, and was sent to the Senate this morning, appropriates the sum of $17,000,000, to be immediately available, and to remain available until expended, for the further hospitalization of ex-service men.

It provides, amongst other things, that the Director of the Veterans' Bureau, subject to the President's order, shall have the power to expand and increase present existing hospital facilities for ex-service men and to acquire additional sites and build new hospitals thereon.

The Senate will remember that I have discussed this subject several times, and upon this occasion I am painfully reminded of the fact that although we have a committee which was appointed to investigate this important subject—that committee is composed of five of our most esteemed Senators—and I have urged repeatedly that they go to Arizona to investigate this subject, I have been unable to get the committee to go to Arizona.

Mr. President, what are the facts? I read from the El Paso Times of Sunday, March 26, 1922——

Mr. WALSH of Massachusetts. Mr. President, may I inquire from what the Senator is reading?

Mr. ASHURST. I am reading from the El Paso Times of Sunday, March 26, 1922. Since the Senator has interrupted me, I will say that he is a member of the committee, and I ask him now to tell the Senate and the country that he is willing to go and investigate these conditions, because if I can induce the other members of the committee to come into the Chamber I am going to ask them why they refuse to go to Arizona to investigate these conditions.

This is the fifth speech I have made laying these facts before the country. It is not improved. It has grown steadily worse. What excuse have Senators to offer for such a flagrant disregard for public duty?

Mr. WALSH of Massachusetts. Mr. President——

Mr. ASHURST. Having asked the Senator a question, I will now yield to him, but let him be brief.

Mr. WALSH of Massachusetts. Of course the Senator will understand that the nature of our duties here in the Senate has prevented the committee from traveling throughout the country to inspect the hospital accommodations provided for our disabled soldiers as they have desired. The problem the Senator has under consideration is of an administrative character. The Chief of the Veterans' Bureau or some official in that bureau should have investigated the conditions the Senator has described, and should have prescribed a remedy, for that bureau has the money, the means, and the facilities to remedy the conditions. The criticism, if justified, should not be directed against the committee but against the executive department. I might add that I have personally visited enough of these temporary hospitals in my own State to agree with the Senator in the belief that much is to be desired in improving conditions.

Mr. ASHURST. I have laid the matter before the Veterans' Bureau. These ex-service men have the right to have a voice in selecting the place where they desire to receive hospitalization.

Mr. WALSH of Massachusetts. Of course, the Senator is very properly going to urge the passage of the appropriation bill, to which action I heartily concur. It is of very pressing importance and of the greatest necessity to get the appropriation for more hospital bills passed. I join with the Senator in the assertion that when the day of reckoning comes to find those chargeable with the neglect of our disabled ex-service men, not only will the administrative officers of the Government be subject to condemnation but the Congress of the United States, because of its reported delays in passing appropriation bills providing for the building of hospitals, will be equally subject to severe condemnation.

The article referred to by Mr. ASHURST is as follows:

(From the El Paso Times, Sunday, March 26, 1922.)

UNITED STATES RED TAPE LEAVES STRICKEN VETS TO DIE ON TUCSON SUBURBS

(By Gene Cohn.)

TUCSON, March 25.—Invisible bars of official red tape and Government regulation block the gates of Pastime Park here to hundreds of tubercular veterans of the World War entitled to hospitalization and in need of expert attention.

Massed in Tucson against the life-sapping disease are 1,200 stricken "doughboys."

Two hundred and seventy-eight are now crowded together in healthy health frame hospital wards and 2-room cottages. A recent inspection showed the 6-foot-apart regulation on cot spacing was violated.

Soon the number of patients in these temporary quarters will have to be reduced to 252. Death and a summer exodus may solve the problem.

But for the 1,000 others—there is no room.

They are scattered about in cheap lodging houses, private homes, and hotels. Many have had to walk the streets and daily face denial of the care their critical conditions necessitate.

A few have some money. But their tiny savings are fast dwindling. Most of them are too ill to work. Every one is a potential emergency case.

NO ROOM IN PARK.

Yet there is no room for him at Pastime Park, the incongruously named hospital provided here for the men who helped win the war and now strive to win the battle for life.

What is more—a recent order from Major General Forbes, head of the Government's Veterans' Bureau, says that no more men will be sent to the Tucson station.

And still more—the Chamber of Commerce of Tucson, with citizens of this "city of healing air," have had for a year in the hands of Washington officialdom an offer to provide a $500,000 permanent hospital, built to meet the summer heat, equipped with modern conveniences—they have offered to rent such a place to Uncle Sam; have offered to solve the problem for him, and no reply has ever been received!

FROM BARES CONDITION.

Such is a summary of high lights contained in a report Ralph A. Horr, vice commander of the Disabled Veterans of the World War, will take to Washington after an investigation here in which I participated.

These statistics were provided by Claude Smith, local commander of the disabled veterans' organization that pioneered the fight against existing conditions. In this fight A. I. Irvin, head of the local American Legion post, is now joined.

And supplying further data is Dr. S. H. James, commander of the hospital.

"A real emergency exists," he says. "It will grow worse in another year, and within four years the peak will be reached. By that time the temporary wooden structures may be falling to pieces."

Says Claude Smith: "I have listed the name of each man in this section entitled to hospitalization and not getting it. I am one of them, but I have a little money. I have given this to Commander Horr, together with data of what the fellows have been and are now up against."

OTHER STATIONS.

The Government has in this district tuberculosis stations at Prescott, Ariz., at Camp Kearny, San Diego, is opening another at Livermore, Calif., and is prepared to send tubercular veterans to a number of other camps.

"But there are other elements to meet," points out Doctor James. "Cases involving heart disturbances, asthmatic conditions, throat and nervous troubles are affected by climate or altitude of these other stations.

"In Tucson alone are all these elements overcome. The sufferers have a Tucson psychology. You can send them to San Diego or Prescott, or where you will, but they won't stay there. They feel better here and they're going to come if they have to walk."

"And they come here whether the Government provides for them or not," declares Irvin. "They come by freight car or on the brakebeams—but they come, and what are you going to do about it?"

Men have collapsed in the street while waiting for a chance in the hospital. Red tape in the Veterans' Bureau has held men weeks and months—periods when they were in dire need of attention—before they could enter Pastime Park.

"I don't know what might have happened to scores of the fellows if we hadn't been on the job to help," say Smith and Irvin in chorus. "We've dug down in our pockets and in the public pockets. The Red Cross fund has all but been exhausted, for there have been 1,000 men around here who couldn't get in."

Who's to blame?

"The Veterans' Bureau blames the Senators and the Senators pass it along; but we do know that the local veterans' bureau has its hands pretty well tied with red tape," Smith charges.

Officials of the local veterans' bureau admit the emergency. General Forbes "seems to have been misinformed," said one who can not be quoted.

Citizens of Tucson, backed by the chamber of commerce, did much toward building such places as now are provided.

While delays and red tape kept hundreds waiting about the city, a "field day" was declared. Hundreds went out and threw together the temporary structures.

For 162 men there are but three showers, and there are three more for the other men in the wards. The frail cottages do not withstand the summer heat, and bring only discomfort.

The only solution is a permanent and properly built hospital.

Otherwise hundreds will die from Government neglect.

Mr. CURTIS. Mr. President, the Senator was yielded five minutes to conclude his remarks and he has now occupied 10 minutes. I hope that he will not take any further time.

Mr. ASHURST. Mr. President, in conclusion I am proud of the action of the House of Representatives in having passed the bill appropriating $17,000,000 to further hospitalize these soldiers; the bill should have been passed six months ago. I urge the Committee on Appropriations, not to-morrow but to-day, to consider the bill and report it to the Senate at the earliest possible moment and then, Mr. President, the Veterans' Bureau——

Mr. CURTIS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. ASHURST. This is an important subject. This is one of the most important subjects that can come before the Congress. I beg of the Senator from Kansas not to press for the regular order for a moment or two.

The PRESIDING OFFICER. The regular order is called for.

Mr. ASHURST. I ask three or four minutes to lay the matter before the Senate.

Mr. CURTIS. The bill will be before the Senate at a later time, and the Senator can discuss it then. The Senator is preventing other Senators from doing any business at all.

The PRESIDING OFFICER. The regular order is demanded.

Mr. ASHURST. Mr. President, I want to be recognized under the regular order.

The PRESIDING OFFICER. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ASHURST. Mr. President, I demand recognition.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. CURTIS. I ask unanimous consent that we begin the call of the calendar at Order of Business No. 499.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the call of the calendar shall begin with Order of Business No. 499. Is there objection? The Chair hears none.

The Secretary will report the first bill on the calendar under the unanimous-consent agreement.

The bill (S. 3140) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes, was announced as first in order.

Mr. ASHURST. Mr. President, I shall not take over two minutes to finish.

Mr. CURTIS. The Senator has five minutes on this bill. Let him proceed.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question?

Mr. ASHURST. I have only five minutes, but I yield.

Mr. WALSH of Massachusetts. I heard the Senator state, just before he was interrupted, that many new hospitals had been built throughout the country for the care of disabled soldiers. I wish to read just a line from the report made last fall by the committee to which he referred:

On August 1, 1920, not a single new hospital had been completed, although the first $9,000,000 appropriation was made in March, 1919.

As a matter of fact, there have been no new hospitals built, or at least completed, unless it has happened during the last few weeks. Up to date only makeshift and temporary hospital facilities have been provided. The long delays in and out of Congress in solving this problem is a sad commentary on our boasted sense of gratitude.

Mr. ASHURST. I may have misspoken. I am willing to give the bureau and the Treasury Department all the credit that is due. The soldier shares in the general belief that if he is afflicted with tuberculosis a certain climate will arrest the progress of the disease.

In conclusion I again urge that committee to go to Arizona and investigate conditions and, respectfully, of course, I urge the Committee on Appropriations at the earliest possible moment to report the bill H. R. 10864, which makes an appropriation of $17,000,000 for further hospitalization.

I return the bill to the desk. I yield the floor.

CONSTRUCTION CHARGES ON IRRIGATION PROJECTS.

The PRESIDING OFFICER. The pending bill on the calendar is Senate bill 3140, to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation with an amendment, in line 11, on page 1, to strike out "one year" and insert "two years," so as to make the bill read:

Be it enacted, etc., That where an individual water user or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stat., p. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction charge due and payable in the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to extend the date of payment of any such charge for a period not to exceed two years from December 31, 1922: *Provided*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior by a detailed verified statement of his assets and liabilities, an actual inability to make payment at the time the application is made, and an apparent ability to meet the deferred charge when the extension expires; also in cases where water for irrigation is available, that the applicant is a landowner or entryman actually cultivating the land against which the charge has accrued: *Provided further*, That similar relief may be extended by the Secretary of the Interior to an organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary: *And provided further*, That each charge so extended shall draw interest at the rate of 5 per cent per annum from its due date in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of such extension period, any penalty that would have been applicable save for such extension shall attach from the date the charge was originally due, the same as if no extension had been granted.

SEC. 2. That the Secretary of the Interior is hereby authorized, in his discretion, after due investigation, to furnish irrigation water on Federal irrigation projects during the irrigation season of 1922 to landowners or entrymen who are in arrears for more than one calendar year in the payment of any operation and maintenance or construction charge, notwithstanding the provisions of section 6 of the act of August 13, 1914 (38 Stat., p. 686): *Provided*, That nothing in this section shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said act: *Provided further*, That the relief provided by this section shall be extended only to landowners or entrymen who are actually cultivating the land against which the charges have accrued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN ALABAMA.

The bill (S. 3156) to change the terms of the district court for the northern division of the southern district of Alabama was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the last sentence of section 70 of the Judicial Code, as amended, is amended to read as follows:

"Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the second Mondays in January and July."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN COLORADO.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order and was read, as follows:

Be it enacted, etc., That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, be, and the same is hereby, further amended to read as follows:

"SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November, at Pueblo on the first Tuesday in April, at Grand Junction on the second Tuesday in September, at Montrose on the third Tuesday in September, at Durango on the fourth Tuesday in September, and at Alamosa on the first Tuesday in October.

"That the Secretary of the Treasury in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorizations for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided*, That if at the time of holding the terms of said court in any year in any of the said cities of Grand Junction, Durango, and Alamosa there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *And provided further*, That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the five said places where said court is to be held by the terms of this act."

Mr. KING. Mr. President, may I inquire whether the bill involves any additional expense?

Mr. NELSON. The only change in existing law is to create another place for holding court in Colorado. It is otherwise simply a repetition of existing law.

Mr. KING. Will it necessitate the erection of another building for holding court?

Mr. NELSON. I do not think that will be necessary at all. Colorado is a large State and this is for the convenience of the people.

Mr. KING. If it is preliminary to a large appropriation for another courthouse——

Mr. NELSON. No; it carries no appropriation and makes no change in the existing law. It simply permits the court to be held in another place.

Mr. KING. Does the Senator know whether it is contemplated, when this bill is passed, that an appropriation will be sought to erect another courthouse?

Mr. NELSON. I know nothing about it. I do not think so, however. At least I have had no intimation of that kind.

Mr. KING. Of course, it is quite clear that it may involve a very large appropriation subsequently for the erection of another courthouse. I should be very glad to be advised about it.

Mr. CURTIS. If the Senator objects, I suggest that the bill be temporarily passed over until the Senator from Colorado [Mr. PHIPPS] returns to the Chamber.

Mr. KING. May we temporarily lay it aside and return to it when the Senator from Colorado is present?

The PRESIDING OFFICER. Without objection, the bill will be passed over temporarily without prejudice.

PAROLE OF PRISONERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 534) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 22, 1913, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 1 of the act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 819), as amended by an act approved January 22, 1913 (37 Stat. L., p. 650), be amended to read as follows:

"That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in the execution of the judgment of such conviction in any United States penitentiary or prison for a definite term or terms over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term or terms of more than one year, has served one-third of the total of such term or terms for which he was sentenced, or, if sentenced for the term or terms of more than 45 years, or for the term of his natural life, has served not less than 15 years, may be released on parole as hereinafter provided."

SEC. 2. That section 3 of the act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, be amended to read as follows:

"SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, and if in the opinion of the board such release is not incompatible with the welfare of society, then said board of parole may in its discretion authorize the release of such applicant on parole, and he shall be allowed to go on parole outside of said prison, and, in the discretion of the board, to return to his home, upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the warden of such prison from which paroled, and until the expiration of the term or terms specified in his sentence, less such good-time allowance as is or may hereafter be provided for by act of Congress; and the said board shall, in every parole, fix the limits of the residence of the person paroled, which limits may thereafter be changed in the discretion of the board: *Provided*, That when any prisoner has been at large on parole for five full years and has faithfully kept the conditions of his parole, the board of parole may, in its discretion, order his final discharge from custody and release him from further supervision on parole: *And provided further*, That no release of parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney General of the United States."

Mr. KING. Is there any Senator here who can explain the difference between the bill as originally introduced and the committee amendment or between the bill and existing law?

Mr. NELSON. The radical and most material difference between the bill as originally introduced and the committee amendment is this: The original bill proposed to make it mandatory on the board to grant a parole when the prisoner had served for a certain length of time and his record for conduct had been good; but, as the Senator will observe by reading the second section of the substitute, the amendment leaves the matter of the prisoner's parole to the discretion of the parole board, and they may exercise their judgment upon the facts of the case.

The bill was referred to the Department of Justice and the department reported it back, recommending the substitute which is now reported by the committee.

As I have said, the main difference between the amendment and the original bill is that in one case such prisoners would be automatically paroled if they had served for a certain length of time and had complied with certain rules, while under the proposed amendment it is left discretionary with the parole board to apply their judgment to the case in every instance.

Mr. KING. Does the bill as reported by the committee propose to shorten the period of service before prisoners may have the privilege of the parole?

Mr. NELSON. It does in some respects, but does not in others. It makes the matter a little clearer and more definite as to life convicts. If the Senator from Utah will observe the language, he will notice that convicts who are sentenced for 45 years or for life are made eligible for parole after they shall have served 15 years if they have a record for good behavior.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

The bill (S. 14) providing for the election of a delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Obviously, the consideration of that bill would involve a great deal of debate. I ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, was announced as next in order.

The Assistant Secretary read the bill.

Mr. KING. I should like to inquire of the Senator from Indiana [Mr. NEW], who is a member of the Military Affairs Committee, if he is familiar with this bill and what changes it proposes to make in existing law?

Mr. NEW. I regret that I am not familiar with the provisions of the bill, Mr. President, and I do not know just what changes it proposes to make in existing law.

Mr. KING. I will ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign, to widows, former widows, and dependent parents of such soldiers and sailors, and to certain Army nurses was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

RECORDS OF OFFICERS AND ENLISTED MEN IN WORLD WAR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, which had been reported from the Committee on Military Affairs with amendments on page 2, after line 15, to strike out sections 2 and 3, as follows:

SEC. 2. That the Secretary of War is further authorized and directed to furnish to the adjutants general of the several States and the District of Columbia a tabulated statement for each unit of the Army which served during the World War, which statement shall show, as to each unit, the following:

(a) The title of the organization; the race of the unit, white or Negro; the date it was authorized; its maximum strength; where and when mobilized or organized; and when it left the United States, if at all, for service overseas; its stations, assignments, and service, both in the United States and overseas, with the dates thereof, and appropriate remark as to combat or other service of importance; when returned to the United States; when and where demobilized, transferred, or otherwise discontinued as a distinct organization: *Provided*, That overseas service for the purpose of this act shall include any service outside or beyond the continental limits of the United States. If the unit did not go overseas, the stations in the United States shall be given.

SEC. 3. That the Secretary of War is further authorized and directed to furnish to the adjutants general of the several States and the District of Columbia a tabulation and statement showing the designation of each noncombatant unit which formed a part of or was attached to any division or other tactical unit during the World War, and the dates of joining or relief therefrom, in such form as may be used as an addition to the histories of divisions and other tactical units heretofore furnished to the adjutants general of the several States and the District of Columbia.

On page 3, line 20, to change the number of the section from "4" to "2"; in line 23, to strike out "$350,000" and insert "$250,000"; and on page 3, line 24, to change the number of the section from "5" to "3," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the adjutants general of the several States and the District of Columbia, for historical purposes, the following documents and information concerning officers and soldiers from their respective States and the District of Columbia who were in the military service of the United States during the World War:

(a) True and correct copies of the individual record cards of all officers and all enlisted or selected men, excepting such as have heretofore been so furnished.

(b) A statement as to each officer or enlisted or selected man who died in the service, showing the place and date of death of such officer or man and the cause of death, whether by wounds, accident, or disease; and such statement shall be furnished in each case, irrespective of whether the individual record card of such officer or man has heretofore or is to be hereafter furnished. In all such cases, if death occurred in hospital, the name or number and the location of such hospital shall appear; and if death occurred in action or in the field, the official designation of such action, if any, together with the local designation of the place where the same occurred shall appear.

SEC. 2. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $250,000.

SEC. 3. That this act shall be effective from the date of approval by the President.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I ask that the report of the committee be printed in the RECORD following the bill which has just been passed.

There being no objection, the report (No. 513) submitted by Mr. WADSWORTH on February 24, 1922, was ordered to be printed in the RECORD, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Strike out sections 2 and 3.

On page 3, line 17, after "SEC.," strike out the figure "4" and insert the figure "2."

On page 3, at the end of line 20, strike out the sum of "$350,000" and insert "$250,000."

On page 3, line 21, after "SEC.," strike out the figure "5" and insert the figure "3."

This measure is explained in a report from the Secretary of War, which is appended hereto and made a part of this report, as follows:

WAR DEPARTMENT,
Washington, February 16, 1922.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

MY DEAR MR. CHAIRMAN: Referring to Senate bill 2992, providing for the completion of the statements of service of World War soldiers and for the furnishing of a historical sketch of each organization in service during that war, I earnestly recommend that provision for the completion of the statements of service be made at the earliest practicable date.

The completion of the statements of service is a necessary preliminary to the handling of claims for bonus, and should the bill for bonus pass it is most desirable that all causes for delay in its payment be eliminated. All preliminary work should be completed in advance of the receipt of applications for bonus and all causes for delay removed. Failure to complete the statements of service would be a cause of delay that can be removed by providing for their completion in the near future.

It is further recommended that sections 2 and 3 be eliminated from the proposed bill, as the work involved in these sections would interfere with the prompt completion of the statements of service and is not so urgent that it can not be deferred until after the completion of the statements of service and the work incident to the payment of the bonus. If sections 2 and 3 are eliminated, the amount ($350,000) carried in the proposed bill should be reduced to $250,000.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3b of circular No. 49 of that bureau, and the director advises that this requested legislation is not in conflict with the financial program of the President.

Yours truly,

JOHN W. WEEKS,
Secretary of War.

BILL PASSED OVER.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

RICHARD P. M'CULLOUGH.

The bill (H. R. 2558) for the relief of Richard P. McCullough was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Commander Richard P. McCullough, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander Walter Albert Smead, United States Navy.

Mr. KING. Mr. President, I should like to inquire of the Senator from Washington whether, if this bill shall be passed, it will automatically advance to higher grades the officers who are in advance of the position which Mr. McCullough will occupy under the bill?

Mr. POINDEXTER. It will have no effect on the grades of these officers. It will advance Mr. McCullough to some extent, but this is justified by the circumstances stated in the report. He will not be advanced, however, to his original position. He will still suffer the loss of some numbers.

Mr. KING. I recall the committee considering this case, but some of the facts in the multitude of other bills which come before the Senate have escaped my recollection. I recall, however, that the board which made one examination—and it is referred to on page 3 of the report accompanying the bill—said:

The board, having proceeded to deliberate upon the evidence before it, * * * decided that the mental, moral, and professional fitness of the candidate to perform the duties of a naval officer, at sea, in the grade of lieutenant (junior grade) has been established to its satisfaction, but that in the subject of navigation the candidate shows in his written examination papers a deficiency in the satisfactory working knowledge of that subject necessary for promotion to lieutenant.

I inquire of the Senator whether the error which was made in the grading of his examination papers is responsible for this report?

Mr. POINDEXTER. That is one of the chief circumstances that the committee considered in making a favorable report on the bill.

Mr. KING. Suppose that there had been no error in the grading—the error which was afterwards discovered by Admiral Kimball, and which he attempted to rectify? Assume that there had been no error in the computation or in the grading. Would this officer still have been deficient in navigation?

Mr. POINDEXTER. I think not. The committee assumes not, although there was no way of determining positively whether that would have been the case or not. I assume, from the fact of the examining officer reporting that fact and calling attention to it, that he meant to imply that if the mistake had not been made the officer would have qualified.

Mr. KING. It seems to me that they can very readily determine whether that error was responsible for his failure to receive the proper rating in order to qualify; and if by making the correction he would be able to qualify, that fact ought to be very clearly apparent, it seems to me, from the papers and the ratings.

Mr. POINDEXTER. The committee assumed that that was the case, judging from the fact that the examining officer called especial attention to it.

Mr. KING. Mr. President, it is not very clear, but I shall not object. I should like, however, to ask the Senator a further question in regard to this bill and also in regard to House bill 7870, the next bill on the calendar. Both of these bills seem to be for the relief of men who failed to pass the necessary and statutory examination. Now, they come back, some time afterwards, and say, "We failed in the examination. We want to be restored to the grade that we would have been entitled to occupy if we had not failed." It occurs to me that if we proceed to restore to positions everybody that fails, or any considerable number of those who fail, we might just as well abolish the system of examination and promotion based upon fitness and upon examination. It occurs to me that we are opening the door for a deluge of bills. We know that a large number of young men have failed in their examinations. It is a very dangerous precedent, it seems to me.

Mr. POINDEXTER. Mr. President, I agree entirely with the position of the Senator so far as it concerns the inadvisability of restoring to their grades everybody that has failed in an examination for promotion, and if this bill had no other basis than that, of course, the committee would not have recommended it. These two cases are peculiar cases. They arose at a time when there was a change in the regulations of the department in regard to allowing a reexamination of officers where there had been a failure upon one subject. Prior to that time, officers had been allowed an opportunity to stand a second examination where there had been a slight deficiency in the first examination, and these officers supposed they would have the benefit of that; but there was a change in the regulations by which they were denied it.

There is another circumstance in the case of both of these officers that the committee thought justified the partial relief that is given in their cases. In the first place, they are not promoted to a higher rank. They simply get a somewhat advanced position in the rank which they already hold. The bills would restore to them some of the numbers which they lost in that rank. The reason they lost so many numbers was that in losing a year's seniority, as it is called, they not only went to the foot of their own class but in the meantime another class had graduated from the Naval Academy, by reason of a change in the date of the graduation of that class, within less than one year; so that these two men went to the foot not only of their own class but also of the succeeding class.

The circumstances were these: The officers in question had been at sea. They came back without very much opportunity for preparation for this examination, and they failed very slightly upon the subject of navigation. One of these men had been engaged for months in engineering duties on board ship and had had no opportunity to refresh his mind on the subject of navigation. They have both passed with distinction many examinations since that time for higher rank, and both of them served with distinction in the war. Commander Johnson received the Navy cross from the United States and the cross of the Legion of Honor from France for distinguished service in the war with Germany, and was cited for bravery in action in the capture of Vera Cruz. Commander McCullough was cited by the Governments, both of Great Britain and the United States, for his conduct in command of a ship in an attack upon

an enemy submarine. In view of these circumstances, and the peculiar conditions under which the loss of seniority occurred, the committee felt that to advance them a certain series of numbers in the rank which they already hold was justified.

Mr. KING. Mr. President, I have such great confidence in my friend from Washington that, in view of his statement, I shall not oppose these bills; but I should like to ask him one question. Does the Senator think that the passage of these bills will not afford a precedent which will in the future result in numerous applications for remedial legislation and tend to affect the morale of the school and of the classes and to induce persons who failed to try to bring political pressure to bear to secure their reinstatement or to secure their advancement and promotion to grades which they failed to attain by reason of their failure to pass the examination?

Mr. POINDEXTER. No, Mr. President; it would not have that effect. In the first place, there are already a number of precedents in various Congresses, which are set out in the report of the committee, for action of this kind. It could not apply except under the circumstances and conditions of these cases. It could not possibly have the effect of relieving every officer who failed to some extent in his examination of the result of that failure. If it had that effect, I should oppose it as vigorously as the Senator from Utah suggests.

I have no personal interest of any kind whatever in either one of these cases, but they seem to be meritorious cases. An injustice seems to have been done to these meritorious, brave, and efficient officers, who through a long course of service subsequent to the occurrences recited in these bills seem to have earned the recognition which they are given.

Mr. KING. Mr. President, just one word. I shall not oppose these bills; but I suggest to the Senator that we have before the committee now a number of cases which seem to me to be appealing. The Senator known that a number of men went into the Air Service and discharged with ability and fidelity the responsible duties which rested upon them. They took the examination after the war, here quite recently, for permanent positions in the Navy. Though they were proficient fliers, the very best that there were in the service, perhaps—though many of them were instructors as well as pilots, because they were somewhat deficient in navigation—and they had had nothing particularly to do with navigation in the technical sense, they were denied positions; and the Navy now, as I am advised, is seeking aviators, fliers, pilots, when it has discharged the very best men that there are in the United States.

Mr. POINDEXTER. Mr. President, there is quite a question as to the wisdom of the policy applied in those examinations; and I think the entire question is very likely to be investigated under a resolution introduced by the junior Senator from Massachusetts [Mr. WALSH].

Mr. KING. Yes; the resolution has already passed.

Mr. POINDEXTER. Those were examinations for original commissions, not cases of promotion of an officer, and involved none of the circumstances that are involved in these two bills.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE SHIPPING BOARD.

Mr. DIAL. Mr. President, I desire to make a few remarks in reference to what I said the other day concerning the Shipping Board. I received a letter to-day from Mr. Lasker, the chairman of that board, in which he states that some of the facts which I stated were not correct. I do not desire to misrepresent Mr. Lasker or anyone else, and I take great pleasure in stating what he says. I quoted from the newspapers that the Shipping Board had 164 ships tied up in some river near New York, and it was claimed that they had 600 guards, and that they had allowed $400,000 of the Government's property to be stolen, and I commented upon that state of affairs. Mr. Lasker writes me that that is a mistake; that there was less than $1,000 worth of property stolen. I am glad to make the correction.

Mr. President, in what I said that day I had more reference particularly to the chairman of the board and the operators than I had to the other members. I am glad to know that not so much property has been stolen; but that does not materially change my opinion of the operation of this board. I do not claim to be an expert on shipping, but my information is that they have these ships overmanned, and that they have a great number of useless guards, and that they are going to tremendous expense that is unnecessary. It occurs to me that instead of keeping the ships up there in those cold waters, where they are frozen up, according to the newspapers, they might move them farther south and save considerable expense in coal and watching force, and so forth.

I criticized them for not getting more business and not making their operations more profitable. In that I am satisfied that I am correct, because I received my information from Mr. Lasker himself before the Commerce Committee, of which I am a member. He stated that wherever there were cargoes, and he could get an individual ship to take them, he was glad to hold back the Government ships and let the private operators carry the cargoes; and he further stated that he spent a great deal of his time in trying to find purchasers for these ships and people who would organize companies to take them over. I think, perhaps, his time might be better employed.

Mr. President, since I made those remarks I have received some letters criticising the board very severely for their dilatory tactics in not settling with some of our citizens who have claims against the Shipping Board. They state that they are put to unnecessary delay, expense, and trouble; and if that is the case, I hope it will be corrected.

I am glad to make the correction, as I did not desire to misrepresent Mr. Lasker. I received my information from a newspaper.

I. C. JOHNSON, JR.

The bill (H. R. 7870) for the relief of I. C. Johnson, jr., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Commander Isaac C. Johnson, jr., United States Navy, to a place in the list of commanders in the United States Navy, to rank next after Commander Walter A. Smead, United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF HOMESTEAD ACT.

The bill (H. R. 8815) to amend the act of March 1, 1921 (41 Stat. p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries," was announced as next in order, and was read, as follows:

Be it enacted, etc., That the act approved March 1, 1921 (41 Stat. p. 1202), be amended to read as follows: "That any bona fide settler, applicant, or entryman under the homestead laws of the United States, or any desert-land entryman whose entry is subject to the provisions of the act of June 17, 1902 (32 Stat. p. 388), who, after settlement, application, or entry, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to the service is unable to return to the land, may make final proof, without further residence, improvement, cultivation, or reclamation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon, subject to the provisions of the act or acts under which such settlement or entry was made: *Provided*, That no such patent shall issue prior to the conformation of the entry to a single farm unit, as required by the act of August 13, 1914 (38 Stat. p. 686): *And provided further*, That this act shall not be construed to exempt or relieve such applicant or entryman from payment of any lawful fees, commissions, purchase money, water charges, or other sums due to the United States, or its successors, in control of the reclamation project, in connection with such lands."

Mr. PITTMAN. I want to offer an amendment to the bill, and ask that it be temporarily passed over.

Mr. WARREN. I hope the Senator will prepare his amendment so that it can be taken up and considered. This is an important measure. It is simply to allow disabled soldiers to prove up on their homesteads without further delay.

Mr. PITTMAN. The amendment I have in mind is rather to enlarge it than to limit it.

The PRESIDING OFFICER. The bill will be temporarily passed over.

Mr. WARREN subsequently said:

I ask that the Senate return to the consideration of House bill 8815. The Senator from Nevada [Mr. PITTMAN] is willing that it shall be taken up now.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAHOE NATIONAL FOREST LANDS.

The bill (H. R. 8832) to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to certain lands owned by William Kent and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and within the Tahoe National Forest, free and clear of all incumbrances, more particularly described as follows:

Beginning at a point on the shore of Lake Tahoe, said point being the northeast corner of that part or parcel of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907, conveyed by Hulda S. and Chris Nielsen to M. L. Ellinger by deed dated September 24, 1906, and recorded in the county recorder's office in said Placer County in deed book No. 105, page 221; thence west from said point along a line parallel to the south line of said lot 55, 220 feet more or less to a point on the east line of Sunnyside Avenue where said line intersects said east line of Sunnyside Avenue; thence north on said east line of Sunnyside Avenue 145 feet more or less to a point on the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian, where said east line of Sunnyside Avenue intersects said section line; thence east along said section line 220 feet more or less to the shore of Lake Tahoe; thence in a southerly direction along the shore of Lake Tahoe 145 feet more or less to the place of beginning.

Beginning at a point on the west line of Sunnyside Avenue 100 feet north of the point of intersection of the extended south line of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; filed in the county records of the city of Placerville, State of California, on the 18th day of November, 1907; thence west on a line parallel to said extended south line of said lot 55, 300 feet more or less to the east line of a tract of land deeded by William Kent to the United States of America on February 28, 1920, said deed being recorded in the records of said county of Placer in book 175 of deeds at page 281; thence north on said east line of said tract deeded by William Kent to the United States of America to the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian; thence east along said section line to the point of intersection of the west line of Sunnyside Avenue with said section line; thence south along said west line of Sunnyside Avenue 150 feet more or less to the point of beginning.

And in exchange therefor may issue patent for certain lands owned by the United States within the Tahoe National Forest and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, more particularly described as follows:

Lot 51 and the south half of lot 52, as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; also all that tract of land in the northeast quarter of section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and more particularly described as follows: Beginning at a point on the westerly side of Sunnyside Avenue as laid down and delineated on that certain above-mentioned amended map as Sunnyside tract, which point is 65 feet west of the southwest corner of lot 51 of said Sunnyside tract, and from said point of beginning, running parallel to the north boundary of the tract of land conveyed to Alice M. Schmiedell by deed dated the 23d day of March, 1908, and recorded in the office of the county recorder of Placer County, in book 110 of deeds, at page 281, said boundary being parallel to the south line extended of lot 52 of said Sunnyside tract; running thence westerly 300 feet; thence north 1° 37' east 150 feet to a point on the southerly line of a parcel of land conveyed by William Kent to William McFadden by deed dated the 12th day of September, 1912, and recorded in the office of the county recorder of said county in book 137 of deeds at page 201, said point being 300 feet west of the west line of Sunnyside Avenue; thence south 88° 28' east 300 feet more or less along said southerly boundary of the lands so conveyed to William McFadden to the west boundary of said Sunnyside Avenue; thence south 1° 37' west 150 feet more or less along said west boundary of Sunnyside Avenue to the point of beginning.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF FOOD CONTROL AND RENTS ACT.

The bill (S. 2919) to extend for a period of two years the provisions of Title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, was announced as next in order.

Mr. MYERS. I think that bill will lead to some debate and that there will be some amendments offered. I therefore ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

SITE FOR PUBLIC BUILDING IN NEW YORK CITY.

The joint resolution (H. J. Res. 257) to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the President of the United States shall appoint a commission consisting of three officials, who shall have authority to exchange the land known as the old post-office site in the city of New York for other land to be deeded by the city of New York in exchange for such site, and the Secretary of the Treasury is hereby authorized and empowered to make all necessary deeds of conveyance of the property now owned by the Government upon the exchange of said respective properties; that this commission shall confer and arrange with the authorized committee of the board of estimate of the city of New York consisting of the mayor, comptroller, and president of the Borough of Manhattan.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAJO TIMBER CO.

The bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Navajo Timber Co., of Delaware, out of any moneys in the Treasury of the United States standing to the credit of the fund "Indian moneys, proceeds of labor, Fort Apache Indians," the sum of $4,904.10, the same to be a reimbursement for a deposit made by said Navajo Timber Co. with the Commissioner of Indian Affairs of the United States on October 16, 1913, to accompany a bid for the purchase of certain timber on the Apache and Sitgreaves National Forests, Ariz., and on the Fort Apache Indian Reservation, Ariz.

Mr. KING. I would like to have an explanation of the bill.

Mr. WILLIS. The facts are very clearly set forth in the report. Briefly, this Navajo Timber Co., of Ilyria, Ohio, at the request of the Government, made a bid upon certain timberlands, and put up a certified check for $5,000. Later it was found impossible to carry out the terms of the proposed agreement, and the $5,000 had been paid into the Treasury. This is simply to pay back to the company that amount, minus the cost of resale.

In order that the record may be straight, I ask unanimous consent to have printed in the RECORD the report of the committee, which contains a letter from the then Secretary of the Interior, Franklin K. Lane, than whom there has been none higher in the Government service. It explains the whole matter.

There being no objection, the report submitted by Mr. CAPPER March 2, 1922, was ordered to be printed in the RECORD, as follows:

[Report to accompany S. 1945.]

The Committee on Claims, to whom was referred the bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

A similar bill was favorably reported and passed by the Senate in the Sixty-fourth Congress, and also received the approval of the House Committee on Claims. The report of this committee is appended hereto and made a part of this report.

[House Report No. 1371, Sixty-fourth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report thereon with a recommendation that it do pass, for the reasons set forth in Senate Report No. 187, Sixty-fourth Congress, first session, as appended hereto and adopted as the report of this committee.

[Senate Report No. 187, Sixty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In lines 6 and 7 strike out "not otherwise appropriated, the sum of $5,000," and insert in lieu thereof "standing to the credit of the fund 'Indian moneys, proceeds of labor, Fort Apache Indians,' the sum of $4,904.10."

The facts in the case are fully set forth in a letter from the Secretary of the Interior, which is appended hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1915.

Hon. N. P. BRYAN,
Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR: Reference is made to your letter of December 8, 1914, inclosing a copy of Senate bill 6710, to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber.

The file containing the papers out of which the claim in question has arisen is voluminous, and deals principally with matters pertaining to the nonconsummated sale of approximately 360,000,000 feet of timber on the Fort Apache Indian Reservation, Ariz., to the Navajo Timber Co. In view of this fact I believe your purpose will be best served by giving you a detailed account of all the essential facts dealing with the claim in question rather than by transmitting the file in the case.

On August 27, 1913, the department approved regulations and an advertisement for the offering for sale of 330,000,000 feet of timber on the Fort Apache Indian Reservation, Ariz. The advertisement called for the opening of bids on October 15, 1913. The only bid received was that of the Navajo Timber Co., by R. W. Hill, president, Elyria, Ohio. This company made an offer of $2.50 per 1,000 feet during the first five years of the contract period and $3 per 1,000 feet during the second five years of the contract period. These are the minimum prices which it was stated in the regulations would be received for this timber.

On October 20, 1913, upon the recommendation of the Indian Office the department accepted the proposal of the Navajo Timber Co., and awarded the sale to them, subject, however, to the condition that the said company, within 60 days from the date of the approval of this letter by the department, should make a showing satisfactory to the department that it had the financial standing and ability to conduct a lumbering operation of this character and extent.

The regulations under which this timber was offered for sale required that each bid should be accompanied by a certified check on a solvent national bank drawn in favor of the superintendent of the Fort Apache Indian School in the amount of $5,000, and stated that

such deposit might be retained as a forfeit if the bid were accepted and the bond and agreement of purchase required by the regulations were not furnished within 60 days from the date on which the bid was accepted. The Navajo Timber Co. submitted with its bid a certified check for $5,000 on the First National Bank of Akron, Ohio, drawn in favor of the superintendent of the Fort Apache Indian School.

By Indian Office letter of October 23, 1913, Mr. R. W. Hill, president of the Navajo Timber Co., was advised that the bid of his company had been accepted by the First Assistant Secretary of the Interior on October 20, 1913, and his attention was directed to the requirement of the regulations under which this timber was offered, which provided, among other things, that the deposit of $5,000 made with his bid might be retained as a forfeit if the contract and bond required by the regulations were not furnished within 60 days from the date when the bid was accepted, and that prior to the approval of the contract and bond by the department it would be necessary for him to make a satisfactory showing to the department as to the financial responsibility of the Navajo Timber Co.

On January 8, 1914, the department, upon the recommendation of the Indian Office, advised Mr. R. W. Hill, president of the Navajo Timber Co., that it would extend the time to April 3, 1914, within which he would be allowed to make a showing satisfactory to the department as to the financial responsibility of the Navajo Timber Co., and to properly execute the contract and bond sent him with Indian Office letter of October 23, 1913.

Under date of March 31, 1914, Mr. R. W. Hill, president of the Navajo Timber Co., advised the Indian Office of the fact that he was not able within the time granted him, to finance the project, and requested that the deposit of $5,000 made by his company be returned.

Under date of May 14, 1914, the Acting Forester of the Forest Service, United States Department of Agriculture, advised the Indian Office regarding the action taken by the Forest Service with regard to the $5,000 deposit accompanying the bid submitted by the Navajo Timber Co., of Delaware, for the timber in the Sitgreaves and Apache National Forests recently offered for sale. In this letter he stated, among other things, that in view of the good faith manifested by the company in its attempt to finance the sales the Forest Service felt that the company was justly entitled to receive a refund of the amount deposited, less $140.98, the amount expended by the Forest Service in advertising the sale.

Under date of August 3, 1914, the Comptroller of the Treasury decided that a refund of the deposit of $5,000, less $95.90, which had been expended by the Indian Office in advertising the sale, should not be made. This decision rested upon the ground that the $5,000 which had been submitted with the bid for timber and had been covered into the Treasury on December 31, 1913, as "Indian moneys, proceeds of labor, Fort Apache Indians," would not be expended for the benefit of the Indians as contemplated by the act of March 2, 1887 (24 Stat. L. 463), if it were returned to the Navajo Timber Co.

The timber which was included in this sale was the same as that included in the sale of February 14, 1913, to the Navajo Lumber & Timber Co., except that an adjoining tract was added, and it is my understanding that the persons interested in the Navajo Timber Co. were the same, or largely the same, as those who formed the Navajo Lumber & Timber Co. I am making an unfavorable recommendation on Senate bill 6769, which provides for the reimbursement of the $5,000 forfeited deposit by the Navajo Lumber & Timber Co., but feel that the $5,000 deposited by the Navajo Timber Co. on the second bid for the Fort Apache timber, less the cost of advertising the timber, should be returned to the bidders as a matter of equity. It is my view that no damage was suffered by the Fort Apache Indians through the failure of the Navajo Timber Co. to fulfill its agreement except such advertising cost, and that retention of the whole $5,000 deposited by that company would be practically a double forfeiture on a single sale. However, in my opinion, the refund should be made from the funds of the Fort Apache Indians, to which the forfeited deposit was credited, and not from the general funds of the United States.

I recommend that the words standing to the credit of the fund "Indian moneys, proceeds of labor, Fort Apache Indians," the sum of $4,904.10 be substituted for the words "not otherwise appropriated, the sum of $5,000," in line 16 of Senate bill 6710, Sixty-third Congress, and that the bill as thus amended be enacted into law.

If after consideration of the facts as above stated you feel that you would like to see all the papers on file in the department regarding the proposed sale of timber and the forfeit made, I shall be pleased to forward the same to you upon request.

Cordially yours, FRANKLIN K. LANE.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGES IN THE DISTRICT OF COLUMBIA.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was read.

Mr. KING. There are some provisions in the bill with which I am not familiar. It would take some little time to consider them, and I suggest that it go over.

Mr. WALSH of Montana. Before it is passed over, because it will come up for consideration again, I invite attention to the provision of section 2 of the bill, which reads:

That for the purpose of this act, any person maintaining a place of abode in the District of Columbia on July 1 of any year and for six months or more prior thereto shall be considered a resident of the District of Columbia, and shall be taxable on his taxable personal property located in the District of Columbia during the period of his domicile therein.

So we would all be subject to taxation in the District of Columbia, as well as to taxation at home.

Mr. UNDERWOOD. We might find that we were no longer residents of our States.

Mr. WALSH of Montana. I question the power of Congress to make officials of the Government taxable here in the District of Columbia.

The PRESIDING OFFICER. The bill will be passed over.

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 3063) authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That the Commissioners of the District of Columbia are hereby authorized in their discretion to grant to any steam railroad company authorized to have tracks in the District of Columbia permits to construct overhead or underground sidings from the lines of said railroad into such squares or parts of squares in the District of Columbia as may be included within any industrial area now or hereafter established under authority of law: *Provided*, That no grade crossings shall thereby be created; but such overhead or underground crossings may cross a street, avenue, or road within such industrial area.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia.

JOHN T. EATON.

The bill (S. 288) for the relief of John T. Eaton was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John T. Eaton, of Helena, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $560, in compliance with the findings of the Court of Claims, Senate Document No. 220 of the first session of the Sixty-third Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

H. L. M'FARLIN.

The bill (S. 1687) for the relief of H. L. McFarlin was announced as next in order.

Mr. KING. Let that go over.

Mr. CARAWAY. Mr. President——

Mr. KING. I will withhold my objection until an explanation can be made of the bill.

Mr. CARAWAY. I would be glad if the Senator would let us consider the bill. I wish to make a statement in regard to it.

The PRESIDING OFFICER. If there is no objection, the bill is before the Senate as in Committee of the Whole.

Mr. CARAWAY. Mr. McFarlin was what is known as a screen-wagon contractor, carrying the mail to Little Rock. The war came on, a great cantonment was erected there in which 70,000 soldiers were kept for the purpose of training, and Mr. McFarlin incurred an absolute loss of between $15,000 and $16,000. After giving his services, after giving whatever capital was necessary to purchase and keep going the equipment to transport the mail, he lost nearly $16,000. He was a small merchant, a man of high character, a long-time resident of that place, and instead of doing as a great many contractors did when costs were enhanced incident to the war, instead of surrendering his contract, he went ahead and fulfilled it to the letter. It cost him everything he had accumulated in a lifetime. He rendered the service under the most unfavorable circumstances.

The Government was the beneficiary, the Postmaster General says Mr. McFarlin should be reimbursed, and the inspectors who investigated the case say he should be reimbursed. He has been out of the use of this money now for four years—nearly five. He would not get a penny interest. This represents the savings of a lifetime, which he devoted to fulfilling a contract he entered into before anyone had a right to suspect the war was coming, and, I think, instead of being penalized for being patriotic and going ahead and devoting the last penny he had accumulated to fulfilling his contract, he ought to be paid the money he lost.

Mr. KING. I know of scores of cases like it. There are five or six in my own State. I know of one instance where a contract was in existence to transport the mail from Price, Utah, to Uinta Basin, a distance of some 130 or 140 miles over the mountains. Owing to the tremendous development of the parcel post, and the contractor being compelled to haul coal and lumber and everything else carried by the parcel post, he lost

perhaps $25,000 to $50,000. He carried out his contract, as he should have done, as any honorable man would have done. He can not be reimbursed. I know of many cases parallel to that.

Mr. CARAWAY. If the Senator will pardon me, Congress passed a law to reimburse those who sustained losses by reason of the war. This man's contract expired one day too soon. If it had run one day longer, the Post Office Department could have reimbursed him, and would have done so. He labored under exactly the same disadvantages the other people did who have been paid. It seems to me to be unfair; of course, I do not mean to apply that to the Senator from Utah. It seems that the Government should not refuse to pay a man who suffered loss by reason of the Government making changes in conditions which existed at the time when the contractor entered into a contract. If it were a private party, nobody would contend that the contractor could not have gone into a court of equity and had redress.

Mr. KING. What change did the Government cause by its act?

Mr. CARAWAY. The Government entered into a war. The Government located a cantonment at Little Rock, where 70,000 soldiers were trained, and cost this man this amount of money more than it would have cost him if the conditions had remained the same as they were when he entered into the contract.

Mr. KING. That is to say, he was compelled to carry more mail?

Mr. CARAWAY. Of course, by reason of the Government changing its relations and locating a cantonment there, and destroying this man's whole life savings.

Mr. KING. It seems to me the Government ought to make provision to take care of that case as well as others of the character to which I have referred. As the Senator knows, many people had contracts to construct buildings and because of the war coming on prices went up and they lost money in the construction of buildings and in the execution of their contracts.

Mr. CARAWAY. If the Senator will pardon me, we took care of that class of people who had contracts to erect buildings for the Government. We relieved everybody whose conditions were changed by reason of the Government entering into war and the tremendous increase in the cost of materials.

Mr. KING. I shall not object to the consideration of the bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 9013) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CARAWAY. Mr. President, the Senator from Utah has withdrawn his objection and it will take but a moment to pass the bill. Will the Senator from Iowa yield a moment for that purpose?

Mr. CUMMINS. I yield for that purpose.

The Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Claims with an amendment in line 6 to strike out "$25,824.77" and insert "$15,048.52," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. L. McFarlin, of the county of Pulaski and State of Arkansas, the sum of $15,048.52 in full compensation for loss and damage suffered by the said H. L. McFarlin under his contract for transporting United States mail at Little Rock, Ark.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE CANNIFF.

Mr. WALSH of Montana. Mr. President, the bill next on the calendar is an exceedingly meritorious one and has been pending a long time. I ask the Senator from Iowa if he will not permit it to be considered?

Mr. CUMMINS. Will it lead to any debate?

Mr. WALSH of Montana. No. If it does, I shall withdraw the request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 289) for the relief of Kate Canniff, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,348, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. SHIELDS. Mr. President, when I suspended discussion of the bill on account of the recess on the last day the Senate was in session, last Friday, I had to some extent gone into detail with reference to the condition of the dockets in the various Federal courts. I wish to recall what was then said and to repeat for the sake of clarity some things that were said at that time.

There is said to be congestion in the docket of the Supreme Court of the United States. The report of the Attorney General, filed for the fiscal year ending June 30, 1921, shows the condition of the dockets of the several courts to be as I shall now state it:

SUPREME COURT.

Cases and other proceedings docketed for the fiscal year 1921	565
Cases and other proceedings pending at the close of the year	367
Cases and other proceedings disposed of	608

The report shows that about one-half of these are disposed of without opinions, being applications for certiorari, dismissed without argument, and cases dismissed on motion.

The number of cases actually considered by the court was 574, of which 227 were argued orally and 347 submitted on printed arguments; 47 cases were settled by the parties and dismissed without a hearing; 280 cases were denial of petitions for writs of certiorari. There was, then, less than 300 cases argued and in which opinions were filed, or about 33 cases to each of the nine judges of the court. This is approximately a correct statement of the work of the Supreme Court for one year.

Circuit courts of appeals.

Circuit.	Number of judges.	Cases determined, 1921.	Number of cases pending June 30, 1921.
First	3	52	57
Second	4	203	123
Third	3	134	88
Fourth	3	80	14
Fifth	3	176	88
Sixth	3	155	70
Seventh	5	183	125
Eighth	5	203	240
Ninth	4	172	121
Total	33	1,372	944

From the tabulated statement just read it appears that the average for each judge in all the circuits was 42 cases determined in 1921. The three judges in the first circuit only determined 17 cases each. The highest in any circuit was in the second circuit, where 67 cases were determined by each judge.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. SHIELDS. I yield.

Mr. BORAH. Did I understand the Senator to say that in the first circuit the judges determined only 17 cases each?

Mr. SHIELDS. The Senator understood me correctly.

Mr. BORAH. Is that in the Massachusetts circuit?

Mr. SHIELDS. That is the first circuit, which consists of the States of Rhode Island, Massachusetts, New Hampshire, and Maine, four States.

While all the judges hear the arguments made, only one writes the opinion in the case.

Mr. BORAH. Is that the circuit in which the judges determined 17 cases apiece?

Mr. SHIELDS. It is.

Mr. BORAH. That is the first circuit?

Mr. SHIELDS. It is the first circuit.

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I yield to the Senator from Iowa.

Mr. CUMMINS. Can the Senator from Tennessee give the Senate any information with regard to the amount of time the circuit judges sat in the district courts during the last year?

Mr. SHIELDS. I can not. There was no evidence produced with reference to that. But Senators, as lawyers of experience in all the courts, State and Federal, can very readily see that those judges, if industrious and holding court in reasonable hours, could have disposed of these cases in about two months.

Mr. CUMMINS. I ask for information entirely, because while I know that the circuit judges have in many instances held the district courts in their circuits, I do not know to what extent that has been done heretofore. I hoped the Senator from Tennessee in commenting upon the alleged idleness of the circuit judges had some information upon that subject.

Mr. SHIELDS. The statistics are taken from the report of the Attorney General made in pursuance of an act of Congress for the fiscal year ending June 30, 1921, and filed last December. The report is corroborated by other statistics, and I can not imagine that there is any doubt that the statements I have made are facts and are correct. I repeat, that as lawyers of experience and observation, Senators know that the general run of litigation is much the same year in and year out, and except in certain States which have certain classes of litigation the cases are of about the same degree of difficulty and require something like the same amount of time, and a mere statement of the number of cases tried by a court is very good evidence of whether that court is industrious and competent to discharge the duties incumbent upon the judges.

Mr. CUMMINS. I have no reason to doubt the statistics which are now being given by the Senator from Tennessee, but if it be true that circuit judges in many instances did hold district courts and notwithstanding their work upon the district bench the number of cases now appearing to be pending upon the district dockets would indicate the great need of some additional judicial force. I know of many instances, and so does the Senator from Tennessee, in which the district judges have been called in to sit upon the circuit court of appeals. That is a very common thing at least throughout the western country, and it is also a very common thing for the circuit judges to hold the district courts. That is true, and I am sure the Senator from Tennessee has information of that kind lately received. I refer to a communication which I am told he has from one of the circuit judges of the seventh circuit.

Mr. SHIELDS. When the circuit courts of appeals were first established there were not three circuit judges who were authorized by statute to sit in and hold these courts in the several circuits. In that condition, district judges were generally designated. I know that was the case in the circuit where I resided until another circuit judge was created, when the court was composed of three circuit judges and district judges were no longer needed. They ought to be allowed to continue their work in their district courts. I do know, however, that as a matter of courtesy, and, perhaps, as a compliment, district judges were called in and sat in this intermediate appellate court. I think they liked to do that. The district judges prefer to sit in the intermediate appellate court, the circuit court of appeals, much more than do the judges of that court like to sit in the district courts and try jury cases, chiefly in these days criminal cases, for the district courts now are largely police courts. It is not very pleasant, as a rule, for a lawyer to preside in these courts and dispose of that class of business. It becomes rather monotonous.

Whether or not the three circuit judges of the first circuit have aided the district judges, I do not know; but judging by the number of cases in the district court of Massachusetts—and for that district relief is asked in this bill; in fact, it is asked that two additional district judges be provided for the district—I would think that the circuit judges are not doing much district court work in the first circuit. However, at the proper time, Mr. President, I shall offer an amendment that they be required to serve in the district courts and to assist the district judge of Massachusetts, that being the only docket that is claimed to be congested in the circuit, in disposing of the cases there pending; for upon the face of the record they have an abundance of time to do so. The adoption of such an amendment would save the creation of two additional district judges for that State, who are proposed to be created by the bill.

Mr. CUMMINS. Mr. President, will the Senator once more yield to me?

THE VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. I do not possess, nor does the testimony that has been laid before the committee furnish, any information with regard to the work of the circuit judges of the first circuit, but I do know one of the judges of that circuit. I know Judge George W. Anderson. He was appointed by President Wilson while a member of the Interstate Commerce Commission. I know that while he held that position he was a most industrious man, and I can not conceive that Judge Anderson, whatever one may think of his general views on other subjects, failed to employ all his time in the work which devolved upon him by reason of his appointment as circuit judge. I feel that I ought to say that much, because I know the man well and I know that he is a man of the most industrious disposition and works as diligently as any man could.

Mr. SHIELDS. Mr. President, I am glad to know that there is a circuit judge in that circuit who is so industrious and capable, because the district court may need him. He is the sort of man who ought to be assigned to that district to clean up the docket. It is apparent that the present district judge there is not doing a great deal, judging from the number of cases which have been tried.

However, I wish to ask the Senator from Iowa this question: Upon the face of this record, showing that the court of the first circuit, comprising three judges, only tried 52 cases in a year and left pending at the end of the year 37 cases, does it appear that they are doing their full duty? If they were industrious, would they not have cleared their docket before they went into the district courts, and was it not their duty to do so?

Mr. CUMMINS. I do not know. I could only answer that question after we had all the information with regard to the character of the cases. I know that in the circuit court of appeals in the first circuit there has been a great deal of litigation of a very important character; I know that that court has consumed a great deal of time in hearing preliminary motions and in reviewing injunctions and matters of that sort; and I suppose that such work would not appear upon the table which the Senator from Tennessee is presenting. I am not able to answer from any personal knowledge of the situation.

Mr. SHIELDS. Mr. President, I do not know any of the judges in Massachusetts or in the first judicial circuit; I presume they are all capable, honest, and competent men, and I am not making any personal criticism of them; but upon the face of this record, that three judges tried only 52 cases a year and at the end of that year left 37 cases yet pending, I can not believe that they have been very industrious.

As to the magnitude of the cases, I desire to say there is no great difference in that respect. It will be found that every docket contains some small cases and some large cases, some criminal cases, and some civil cases, though I will say that the statistics here show, I believe, that only two of these cases were criminal cases.

Mr. CUMMINS. How can a judge be honest if he does not give his time and his abilities to the transaction of the business or the performance of the duties for which he is appointed? I can not understand how the Senator from Tennessee can draw the conclusion he does without at the same time impeaching the honesty of our circuit judges—not their honesty in the sense of being unduly influenced in any respect, but their honesty in respect of rendering the service for which they were appointed.

Mr. SHIELDS. The only way I can answer the Senator is that the cold facts are against these judges. We know that some of the Federal judges do not hold court more than three hours a day. I understood the chairman of the committee, while we had this matter under investigation in the Committee on the Judiciary, to say that the judges in the District of Columbia only sat about three or three and a half hours a day. I do not know anything about that personally.

Mr. OVERMAN. Mr. President, in contrast with what the Senator has said, that the judges referred to by him in Massachusetts disposed of only 52 cases, I believe, in a year——

Mr. SHIELDS. Yes.

Mr. OVERMAN. I wish to say that I telegraphed the attorney general of North Carolina asking him how many cases the Supreme Court of North Carolina disposed of in a year. He has replied to me by telegram stating that the cases disposed of by the supreme court annually are 900 in number. Those cases, furthermore, involve the writing of opinions. I hardly presume that the judges who disposed of only 52 cases a year wrote opinions in all of those cases.

Mr. SHIELDS. How many judges of that court are there?

Mr. OVERMAN. There are five judges.

Mr. SHIELDS. So that the total represents nearly 200 cases apiece?

Mr. OVERMAN. Yes. I may say that the superior court judges disposed of 9,000 cases, according to the information furnished by the attorney general of the State.

Mr. SHIELDS. Those are the trial judges?

Mr. OVERMAN. They are the trial judges, the superior court judges.

Mr. SHIELDS. Certainly, Mr. President, in view of the facts there should not be created two additional judges for the district of Massachusetts until we have further evidence of the necessity of the Government going to that expense. Provision for those two judges can well be stricken from the bill, and a separate bill, when all the facts appear, may be introduced and passed, if required, to relieve any emergency existing in that district.

Now, I will take up the situation in other circuits. The average of the cases determined in the circuit courts of appeals shows that the judges in most of those courts are practically doing nothing, and in such circuits they could be assigned to the trial of cases in the district courts. I say they are doing nothing upon the presumption that before they should go into the district courts they would clean their own dockets, but in each circuit it appears that at the end of the fiscal year they leave almost as many cases pending as were tried during the year. It is their first duty to try the cases on their own dockets; and they generally do it.

Mr. CUMMINS. Mr. President, I leave that controversy between the Senator from Tennessee and the Senator from North Carolina, who proposed the addition of one circuit judge to the fourth circuit. If the circuit judges are doing nothing or practically nothing, as the Senator indicates, he ought to direct his criticisms, among other things, to that part of the bill which provides for the appointment of an additional circuit judge in the fourth circuit.

Mr. SHIELDS. Mr. President, I am not discriminating in favor of any circuit or any district. I think this is the worst case of logrolling of any legislation that has ever come before the United States Senate since I have been a Member of it. I think the entire bill ought to be defeated. I think its enactment will be a judicial and legislative scandal.

Mr. CUMMINS. What is the Senator's evidence of logrolling? Was there any logrolling before the committee?

Mr. SHIELDS. Oh, I have no specific evidence except the manner in which the judgeships were distributed among the members of the Judiciary Committee having under consideration the bill.

Mr. CUMMINS. The Senator can not be serious about that.

Mr. SHIELDS. I am making no charge against any Senator.

Mr. CUMMINS. The distribution of judges, as I said in the beginning, does not meet my personal view entirely, yet the distribution was made with fair regard to the showing made before the committee, and that showing was exactly the showing which the Senator from Tennessee is now presenting, namely, the report of the Attorney General for the fiscal year ending June 30, 1921.

Mr. SHIELDS. The Senator must admit, though, that the facts to which I am now calling attention were not called to the attention of the committee or discussed when we had this bill before us.

Mr. CUMMINS. When the Senator speaks of logrolling he ought to remember that at least a majority of the members of the Judiciary Committee do not secure additional judges for their States. Here is the Senator from Missouri [Mr. REED], who is a member of the Judiciary Committee, and lives in the western district of that State. No additional judge was given to that district, although the showing in behalf of the western district of Missouri would probably put that district in the category of districts needing additional judicial force.

Mr. SHIELDS. And I think ahead of the eastern district, for which a judge was provided.

Mr. CUMMINS. Very likely. I am not disputing that; but so far as the committee dividing these judges among the districts represented upon the Judiciary Committee is concerned, that is a suggestion which I am sure the Senator from Tennessee, upon reflection, will recall.

Mr. SHIELDS. No; I do not recall the facts, but I do disclaim any charge——

Mr. CUMMINS. I mean, the Senator will disclaim it.

Mr. SHIELDS. I had already done that, before the Senator rose to his feet. I expressly said that I did not make any charge against any Senator.

Mr. CUMMINS. Then there was no logrolling, so far as I know.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that whereas with reference to the State of Missouri the eastern district of Missouri does get an additional judge, and I am not saying but that it is entitled to it, I do say that the committee has utterly failed to distribute these judges according to the state of the business in the different districts. There are more cases pending in the southern district of Florida undisposed of, and the business there is more congested, than in States where the committee has given two judges, and it has refused to give one to the southern district of Florida.

Mr. SHIELDS. Mr. President, we will come to those districts later.

Mr. CUMMINS. That shows that there was no logrolling in the committee, because the State of Massachusetts, to which the Senator from Florida undoubtedly refers, has no member upon the Judiciary Committee.

Mr. SHIELDS. Perhaps that is why it did not get a judge.

Mr. CUMMINS. But the State of Massachusetts did get two judges, without any membership upon the Judiciary Committee.

Mr. FLETCHER. I was simply answering the suggestion of the Senator from Iowa that these judges were distributed according to the business and the needs, as shown by the table to which the Senator from Tennessee has referred.

Mr. CUMMINS. There was a difference of opinion among the members of the Judiciary Committee with regard to this distribution—the Senator from Florida knows that—and the distribution was made according to the views of the majority of that committee.

Mr. REED. Mr. President, if the Senator will pardon me, since the Missouri situation has been drawn in question, permit me to say that the position I took with the committee was that undoubtedly there was an imperative need for two additional judges in Missouri. I pressed that on the committee, but I was informed that the subcommittee had determined that they could gave only one judge to the State. They were trying to cut the number of judges just as closely as they could. I was then asked whether my preference was to have a judge for the western or for the eastern district, and I made the suggestion that the judge be appointed from the western district, where I thought the business was more rapidly increasing, but that the bill be so drawn that he could be assigned to either district. I thought that was settled when I went away, but something happened, and the judge was named from the eastern district, and nothing was done for the western district.

If the Senator will pardon just one further word, I know from personal investigation now, much better than I did when I was talking with the committee, the condition of the dockets in both the eastern and the western districts. It is now practically impossible to secure the trial of an important civil suit in either district until after a very long delay, and the courts are getting behind more and more in their business. The judge of the eastern district is worked to the point where he is threatened with a serious break in his health, and the business is still accumulating. The judge in the western district, I think, is not suffering any break of his health, but if he keeps on under the stress that he is under at present nobody can tell when it will happen. I have taken pains to investigate this matter by talking with leading members of the bar, men who have considerable business in the Federal courts. There is no question but that in the State of Missouri there is an imperative need for two judges, but I want, and the people of Missouri want, two men who live in Missouri appointed to those places.

We do not want somebody sent in there who lives a thousand miles away to start holding court, and then have somebody else sent in from some other place, and have the lawyers chasing them all over the United States after that for three or four years to get their business wound up. That phase of this bill I do not like. There may be, and I think the Senator is making a very strong showing that there are, places where they do not need judges; but they do need them in the State of Missouri, and they need them very badly.

Mr. SHIELDS. Mr. President, I have given this statement of the condition of the dockets of the various circuit courts of appeals to show that the 33 judges holding them can not, in the nature of things, be very busy. Some of these circuits have more business than others; but the dockets show that in at least half of them the judges can not possibly be occupied half of their time in disposing of the business in their courts, and that they ought to be required to relieve congestion wherever it may exist in the district courts. It is my opinion that if they would not only try the cases which the report of the Attorney General shows were determined during the year, but would also try those that were held over undetermined, they could dispose of all of the docket within six months. There is a provision now for them to be assigned to the district courts, to relieve the district judges; but it should be made imperative, and not voluntary, as it now is.

I will now go to the district courts of the United States:

Cases pending in the district courts June 30, 1921, as shown by the annual report of the Attorney General for the fiscal year 1921, pages 150 and 151, nominally aggregate 142,402; but in this aggregate are included 37,341 bankrupt cases, which will be disposed of by the referees in bankruptcy, 27,580 draft cases,

which the witnesses appearing before the Committee on the Judiciary showed would never be tried, but would have to be dismissed for want of evidence and other causes, and 4,643 civil cases between corporations and individuals, which have been on the dockets for more than five years without any order being made in them, and are evidently dead cases, never to be tried.

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I yield to the Senator.

Mr. CUMMINS. At this point I should like to make one observation to the Senator from Tennessee, and that is with regard to the bankruptcy cases. The Senator from Tennessee assumes that the bankruptcy cases do not and ought not to consume any considerable time on the part of the district judges. I ask him this question:

The district judge appoints the receivers, the trustees, and the referees in bankruptcy, and he must in most instances fix their fees. I venture to say that if the district judges had the time to consider those matters properly and review the accounts of receivers and trustees and referees, we would save every year more than the entire salaries, with incidental expenses, entailed by the addition of 19 additional judges. As the Senator from Tennessee knows, it has become well-nigh a scandal that the judges of the district courts are not able to review or consider properly the bankruptcy proceedings, and the Judiciary Committee has just considered a bill which is intended to correct some of these evils and abuses. While I have no special knowledge upon the subject, my general observation leads me to believe that the exorbitant amounts paid to trustees and receivers and referees could be so pruned that the people who are involved in these unfortunate cases would receive a benefit every year of more than the entire amount that these additional judges would require for compensation and for incidental expenses.

Mr. SHIELDS. The Senator has asserted that I know that there is a scandal in regard to these cases. I have no such information. The evidence on the hearings and from the Attorney General's reports all separates the bankruptcy cases from other cases, and treats them as unlitigated cases to be disposed of by the referees; and the statement of the Senator now is the first contention that such was not the fact that I have heard in the four or five months we have been considering this bill.

The Senator has forgotten that the creditors meet and elect the trustees. The district judge has nothing to do with that. As I understand the bankrupt act—it has been a good while since I have had anything to do with it——

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I am going to ask the Senator to let me finish my tabulated statement, so that I can present this matter in an intelligent manner, and so that Senators can see that there is trouble in the district courts of the United States that does not demand so much additional judges as it demands more work by those who are now in office.

Judging by everything in this record, the Senator is mistaken about these bankruptcy cases. They require hardly any attention whatever from the district judge, and are so treated throughout the hearings in this matter.

I will give a tabulated statement of these cases, as shown by the report of the Attorney General:

United States, criminal	57,112
United States, civil	9,728
Bankrupt cases	37,341
Other cases	38,221
Total	142,402

From this total deduct cases that will not be tried:

Bankrupt cases	37,341
Draft cases	27,580
Dead civil cases	4,643
Total	69,564

Leaving upon the dockets of the United States district courts June 30, 1921, cases to the number of 72,838.

There are 89 Federal districts, in all of which courts are established, and there are 106 district judges, who should have the assistance of not less than 15 of the cricuit courts of appeals in the trial and disposition of the cases pending in the district courts.

The report of the Attorney General, pages 150 and 151, further shows that during the fiscal year 1921 cases were finally disposed of in the district courts as follows.

I ask attention to this, for it shows the work of the judges, the cases tried and disposed of, much more clearly than a report of cases pending on the dockets would:

Civil cases of the United States	6,201
Criminal cases of the United States	47,299
Other civil cases—that is, between private parties	16,886
Total disposed of by all the United States district courts for fiscal year 1921	70,486

That appears to have been fairly good work, though not nearly as much as the State courts do; but let us look at the manner in which those cases were disposed of.

Of these cases, a large number were disposed of without trial, as follows:

CIVIL CASES.

Dismissed or discontinued	1,431
Compromised	374
Total	1,805

CRIMINAL CASES.

Nol prossed	10,461
Dismissed on motion and demurrer	1,617
Pleas of guilty	28,536
Total	40,614

OTHER CIVIL CASES.

Dismissed or discontinued	10,353
Total	52,772
Total cases disposed in 1921	70,486
Total cases disposed without trial	52,772
	17,714

But few of these cases were submitted to juries. The report shows as follows:

Civil cases tried by juries	470
Criminal cases tried by juries	6,523
Total	6,993

Of course, every lawyer knows that there are cases in the district courts which the judge tries without a jury and which often consume more time than jury cases; but when you look at these figures you see that there were very few of those, from other statements here.

It thus appears that less than two-sevenths of the cases disposed of during the fiscal year ending June 30, 1921, were tried by the judges, and less than 10 per cent of them were jury cases.

Those figures are astonishing, and yet that is what the official report of the Attorney General shows beyond question.

It also appears that the 106 district judges, aided by at least 15 of the judges of the Circuit Court of Appeals—I am allowing that some of them did district court work without knowing it—only tried during the fiscal year of 1921, 17,714 cases, and only 6,993 of them were jury cases. That is well worth repeating. There are 106 district judges, and taking it for granted they were aided by 15 circuit judges, they only tried, on the average, about 100 cases each. Congress should know the reasons for this bad showing and who is responsible for it before passing this bill creating a swarm of additional judges, adding greatly to the expenses of the Government and the burden of taxation under which the people of the United States are now staggering, and especially when it is admitted by the Attorney General and the commission he appointed to investigate the condition of the dockets of the district courts that the present alleged congestion is temporary and will largely pass away in three or four years. It must be remembered that the judges proposed to be provided for will be appointed for life—say, on the average for 20 years—while the emergency will not last one-fourth of that period of time.

We have no evidence or detailed statement of the nature and character of the 142,402 cases, less 68,984 bankrupt, draft, and dead cases, which, deducted from the gross aggregate, leaves 73,418 pending on the dockets of the district courts June 30, 1921, as shown by the report of the Attorney General, and it would have been almost impossible for the Department of Justice to have ascertained and furnished such information. It is reasonable to assume that the cases that were pending June 30, 1920, were first tried and disposed of, and that the majority of the cases pending June 30, 1921, were new cases brought and docketed during the fiscal year of 1921. There is, however, no evidence upon this subject, and it is impossible to state how many of the pending cases are old cases and how many of them are new cases or anything about their character.

It is also fair to assume that the cases brought in the fiscal year 1921 were of the same character as those disposed of during that fiscal year and that the same percentage of them were, or will be, nol-prossed, dismissed voluntarily and upon motion and demurrer, and went off on pleas of guilty. We can only judge the pending cases by those that have been disposed of. They must be of the same character. There is no evidence that the pending cases are in anywise different from those of the previous year or that the frivolous and weak cases were weeded out and only those calling for jury trials or a substantial consumption of time were retained. The cases were coming in every day to the end of the fiscal year. There may not be so many of them to be dismissed summarily, but, judging by the

percentage above shown, certainly one-half of them would go off without trial. However this may be, the bad showing of the work of the district judges in the trial and disposition of litigated cases during the fiscal year ending 1920 is pertinent in the inquiry whether or not the alleged congestion is the fault of the judges or of increased litigation.

If the character of the cases pending June 30, 1921, for trial is the same as those disposed of during the previous year, there would be only about 200 cases for each of the 120 judges to try, or if they are only half as frivolous as those of the previous year there would be about 400 for each judge, not counting the 20 or 25 judges proposed to be created by this bill.

This record of the work of the Federal judges compares very unfavorably with the work of the judges of the State courts. Whether it grows out of the fact that the Federal judges hold their offices during good behavior, which ordinarily means for life, and the State judges as a rule hold theirs for a term of years and are elected and responsible to the people, and are more diligent and effective, is the subject of a most pertinent inquiry, and in considering this legislation should not be overlooked. I have not statistics of the number of cases disposed of in a year from all the States, but I have some from Tennessee, which I have no doubt are a fair average. I will give those of the docket of 1921 of the supreme court, the court of last resort; the court of civil appeal, an intermediate appellate court; and the chancery courts, courts of equity jurisdiction; circuit courts, which are courts of common-law jurisdiction; and criminal courts of the four largest counties of Tennessee:

	Cases.
Supreme Court of Tennessee (5 judges), annual docket	900 to 1,000
Court of civil appeals (5 judges), annual docket	800
Nashville courts:	
Circuit court (3 judges)	2,755
Chancery court (2 judges)	855
Criminal court (2 judges)	1,631
Memphis courts:	
Criminal court (2 judges)	1,515
Circuit court (3 judges)	3,882
Chancery court (2 judges)	1,400
Knoxville courts:	
Criminal court (1 judge)	1,200
Circuit court (1 judge)	741
Chancery court (1 judge)	661
Chattanooga courts:	
Criminal court (1 judge)	1,892
Circuit court (1 judge)	968
Chancery court (1 judge)	616

Each of those courts is for only one county, the county in which each of those cities is situated.

An analysis of these statistics will show that the judges of these courts upon an average try and determine, respectively, each year twice as many cases, and in several instances four times as many as are tried by the Supreme Court, the Circuit Courts of Appeals, and the District Courts of the United States; and from long observation as a lawyer practicing in some of these courts and as a member of the Supreme Court of that State, I assert that these judges consider and decide the cases coming before them as carefully and as correctly as the judges of the Federal courts. The conclusion is inevitable that there is something wrong in the organization of the Federal courts that produces the alleged congestion supposed to exist in their dockets, and with a few notable exceptions, it is not additional judges that the prompt dispatch of business in those courts requires and imperatively demands.

Now, as to the various districts provided for and the necessity of creating the judges that are asked for them, I will call attention to statistics and discuss them when we take up each particular case. At this time I only wished to go into the general principles and facts that affect the whole bill.

Mr. President, in discussing the bill and the one upon the same subject which was first introduced in the Senate, I referred to the origin of the bill and those supporting it, and my statements were challenged. I did not have the time then to refer to the evidence upon the subject, but I wish now briefly to do so. I will do so without comment unless comment is provoked.

I now read from the report of the Attorney General for the fiscal year 1921, page 3:

FEDERAL JUDGES AT LARGE.

Congestion in the Federal courts, due to the ordinary increase of population and the development of commercial and industrial America, has been an ever-increasing weakness in the machinery of Federal justice. It is no uncommon thing for a district court docket to be from six months to two years in arrears. This, of course, means loss of evidence, death of witnesses, defeat of justice, and expense to the taxpayers. Many criminal cases can never be tried. Large business interests lose heavily through delay.

In those districts where congestion is of a permanent nature, I have been willing to recommend additional judges to be permanently assigned. Recently, however, this congestion became so serious as to demand immediate relief, which could not be secured by the creation of permanently assigned judges without a great burden upon the Treasury, as in my opinion at least 80 judges would be necessary if permanently assigned. I therefore created a voluntary commission of three Federal judges (Hon. John E. Sater, of Ohio; Hon. W. I. Grubb, of Alabama; and Hon. John C. Pollock, of Kansas) and two United States attorneys (Col. William Hayward, of New York City, and Mr. Charles F. Clyne, of Chicago), with George E. Strong, an attorney of the Department of Justice, to assist them. With their cooperation and valuable assistance, together with suggestions by the Chief Justice of the United States and others, I decided upon a plan which was submitted to the Congress. I reported that there is a generally congested condition in the Federal dockets throughout the United States; that there were as many as 5,000 to 20,000 cases pending and undisposed of in a single district on July 1, 1921. This congestion is due to the natural growth of the country, but is temporarily aggravated by legislation of Congress increasing the jurisdiction of the Federal courts, by war legislation, shipping and railroad operations on the civil docket, and prohibition, selective service, and the narcotic law on the criminal docket. It is thought that the generally congested condition throughout the United States, due to these new laws and temporary war conditions, will show a decrease after a few years. Hence, an elastic method of relieving this congestion would be the most efficient and least expensive one.

As the reconstruction period passes and the people become adjusted to the new conditions, there will be, in my judgment, less violation of the national prohibition and other Federal police laws. Then, too, as the States enforce these laws there will be relief for the Federal courts.

For the above reasons and because of the necessity for economy we confined our recommendations to an elastic method of handling the generally congested condition of the United States courts. We believed that immediate temporary relief was necessary. In those districts where congestion is permanent and due to normal growth of business there should be additional judges, but in many districts the congestion is but temporary and can be relieved by the use of a judge at large who will assist in clearing the docket and then proceed to another district.

The commission, therefore, in cooperation with the Chief Justice of the United States and myself, has recommended 18 Federal judges at large, 2 to be appointed in each judicial circuit. These judges are to be assigned as needed. As this is an emergency, I trust that Congress will pass the necessary legislation as soon as possible. Federal judges at large will permit elasticity in the Federal judicial system and economy in the handling of temporarily congested dockets. It will encourage uniformity in judicial procedure and prompt expedition of business, for as these judges render services when necessary in any district where assigned, they will receive and carry with them the beneficial practices of each district and thereby become familiar with reforms and improvement in practices.

I had really overlooked that. I did not know this was a general reform bill.

This department, with the approval of the commission, further recommended an annual meeting of judges from each circuit to consider ways and means of improving Federal procedure and handling congestion as it may arise. Justice can not be measured in dollars and cents—

But the fines which will be imposed are, in the opinion of the Attorney General, ample to meet the cost of the increased number of judges, the Attorney General overlooking the fact that the cases would be tried by some judge and, of course, the same fines would come.

While the Attorney General has dealt in general statements—and the record shows that he is mistaken in many particulars—that shows how the bill originated.

Hon. William H. Taft, Chief Justice, appeared also before the Committee on the Judiciary on October 5, 1921, and made a statement concerning this bill. I read from that statement:

One of the difficulties of the achievement of dispatch of business—

I said "this bill." I mean the bill first introduced providing for the flying squadron of judges from the Nation at large and for the conferences in which the Attorney General was to participate.

One of the difficulties of the achievement of the dispatch of business has been the variation of conditions in the different districts and circuits. In some places there would be a judge who had but half his time occupied; in another place there would be a judge who would be overwhelmed with work. This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeals, with a view to having them get at the actual facts as to where the arrears are. You gentlemen are all familiar with the fact that dockets are quite misleading in the number of cases that they seem to show. There is a lot of stuffing in the docket. Many of the cases ought to be dismissed.

Again he said:

The principle of this bill with respect to the use of the increase of the judges by 18 is the executive principle of having some head to apply the judicial force at the strategical points where the arrears have so increased that it needs a mass of judges to get rid of them.

It is proposed that there shall meet, at any time of the year—but it is suggested that it shall be in the fall, a week before the Supreme Court meets in Washington—a council or committee of the nine senior judges, one from each circuit, and the Chief Justice, together with the Attorney General; that each member of the committee is to bring what he ought to know, namely, the condition of his circuit acquired from the reports required to be filed with him by the district judges, and of course by the clerks. The Attorney General, having further opportunities for inquiry, investigation, and conclusion, is to be present to aid. That council is to take up the question of the arrears in the county and then agree informally as to where the judges are needed and whence they can be had. That is the first step in the bill.

Further on I read from the record:

Senator SHIELDS. They—

Referring to the district judges—

will feel almost anything they are subjected to. Then there have been some investigations in the last 15 years here in Washington. Some of these judges ought to have been investigated, and I am not defending some of them; but there is a sort of feeling that they are a little nervous, and it is seldom that they decide a lawsuit against the Government. The Department of Justice exercises a little too much influence, perhaps. That is nothing against this bill, but I think that we ought to keep the executive and judicial departments separate, and this provides for the Department of Justice—the Attorney General—to go into this conference about the assigning of a judge—a sort of general supervision over their duties. I do not think that the Attorney General has any place there.

Chief Justice TAFT. The Attorney General is charged with the administration of justice in departments. You have to have an executive principal in the dispatch of all business.

Senator SHIELDS. It should come from the judiciary, though, and not from one of the coordinate departments of the Government. It is an infringement of one department on the other. I think the Attorney General ought to make them reports of the conditions in his department, but to have him have a voice as to the judges and assigning work to the judges, and so on——

Chief Justice TAFT. This assignment is made by the circuit judge and the Chief Justice. This council does not do anything but take up and consider and deliberate on and agree upon among themselves what shall be done with reference to meeting the arrears of the particular court. The assignment is left completely to each circuit judge and to the Chief Justice.

Of course, that provision of the bill has been read and shows for itself.

Mr. CUMMINS and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from Tennessee yield; and if so, to whom?

Mr. SHIELDS. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CUMMINS. Mr. President, I do not intend to make any general reply to the review of the pending subject to which we have just listened, but I can not forbear some observations. I assume, and I think the whole country ought to assume, that the judges of the Federal courts are men of high character, of more than ordinary attainments, and do their work with a deep sense of the responsibility which rests upon them, not only fairly but industriously. There may be exceptions; it may be true that in the whole number a few men may be found who disregard the duty which the law imposes upon them, but I am sure that very few such men will be found. My observation in reference to that matter, which has been very slight in the last 20 years, but which was a most intimate observation before that time, leads me to believe that the Federal judges are, in the main, hardworking, energetic, and faithful public officials. So much for the criticism which we have just heard.

I do not give any weight to the analysis which the Senator from Tennessee has made with regard to the number of cases disposed of from time to time or the probable length of time which will be required to dispose of such cases in the future. The police court records of every city in the Union will disclose just the situation which is indicated in some of the statistics which have been given by the Senator from Tennessee. I have no doubt that a police court justice before whom is brought many trivial—I ought not to use that word, however—many offenses committed during the day before can dispose of them with very great rapidity. I have known or often heard of greater celerity in the disposition of cases of drunkenness, vagrancy, or some other offense against municipal ordinances where the defendant is brought before a police court justice simply upon a warrant and is immediately tried than is indicated in any of the cases cited by the Senator from Tennessee.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. The Senator from Iowa is speaking of criminal cases of which I have given the statistics, which were tried in the criminal courts of four counties in Tennessee. Those, however, are not police courts, but are courts of record; and no man may be tried in them unless a grand jury first finds a presentment or indictment against him. Those courts are attended by all the formality and safeguards which surround a United States district court, and certainly no police cases go into the circuit court and the chancery courts for those courts try civil cases.

Mr. CUMMINS. I was certainly not intimating that the cases which the Senator from Tennessee has mentioned are the ordinary police-court cases. I was simply stating that I could find a court which disposed of a great many more cases in a given time than even the judges in Tennessee could dispose of; but I think that is no fair criterion of the work of the Federal courts.

I have before me a memorandum which will be submitted at the proper time by the Senator from Illinois [Mr. MCCORMICK] if the occasion arises. He left it with me in his brief absence from the Senate floor. It indicates the character of some of the cases which are to be tried in the Federal courts. It also indicates the length of time that is required or probably will be required to dispose of such a calendar as we now find in the district court of the northern district of Illinois. I infer that this memorandum was prepared by the United States district attorney for the northern district of Illinois, although I am not sure of that. However, the memorandum, which is undoubtedly accurate, states:

There are over 15 great mail fraud cases on the docket, and each of them will consume one month in trial.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. Just a moment.

That is the time it has taken in the past to try such cases.

There are 10 other minor fraud cases—

That is, cases involving the use of the mails to defraud—

that will consume two weeks each. There are six great antitrust cases ready for trial and awaiting judges. Each of these cases will consume not less than three weeks; and I am told that one—

Naming the case—

will consume two months of court days.

Then he adds:

A number of income-tax cases are ready for trial, and several large cases under the Volstead law. These cases have congested and will congest the docket on the criminal side of the court unless judges can be secured.

What is true of the northern district of Illinois is true of a great many other districts in the United States. If these cases when tried shall consume the length of time anticipated by the district attorney, it will require the continuous service of one judge for two years and a half to dispose of the cases which are mentioned in the memorandum without being able to do anything whatsoever upon the civil docket or in the trial of the hundreds and hundreds of other criminal cases which are not mentioned in the memorandum.

Mr. President, I know something about the antitrust cases which are pending in the State of Illinois.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. I did not hear who it was who made that statement.

Mr. CUMMINS. The Senator from Illinois handed me this memorandum before he left the Chamber, and I assume he left it anticipating that there might be an effort made to amend the bill so that the additional judge for the northern district of Illinois would be eliminated from it.

Mr. SHIELDS. But did I not understand that some officer made that statement?

Mr. CUMMINS. I believe it was made by the district attorney for the northern district of Illinois——

Mr. SHIELDS. Is that Mr. Clyne?

Mr. CUMMINS. Because I had a conference with Mr. Clyne within the last two or three days, and he gave me substantially the same information.

Mr. SHIELDS. Before the committee my recollection is that he was not very strenuous in his view that another judge was needed. I will ascertain what he said before the committee, and I will also present, in answer to the district attorney, a letter I received from one of the United States circuit judges, in which he disagrees with the district attorney.

Mr. CUMMINS. I know what is in the letter.

Mr. SHIELDS. I did not show it to the Senator. He has obtained it in some other way; but I rose to remark that the trouble is that a new district attorney is needed and not a new district judge.

Mr. CUMMINS. I do not know about that. Mr. Clyne is a very estimable gentleman and was selected as district attorney by one in whom the Senator from Tennessee has vast confidence, I am sure.

Mr. SHIELDS. I understand Mr. Clyne is a Democrat and was appointed by President Wilson, but as the Senator knows, all men make mistakes sometimes.

Mr. CUMMINS. I do not intend to discuss Mr. Clyne further, but the Senator from Tennessee does not know anything about Mr. Clyne, I am sure, more than I know about him.

Mr. SHIELDS. The Senator is a little mistaken as to that.

Mr. CUMMINS. Possibly, but I am not going to try Mr. Clyne.

Mr. SHIELDS. I do not care to criticize Mr. Clyne. I understand that he is a Democrat and, of course, he will be supplanted very soon.

Mr. CUMMINS. I do not know about that.

Mr. SHIELDS. Things that are going on indicate it very strongly.

Mr. CUMMINS. I am not willing, however, to accept the view of the Senator from Tennessee that all public officials who are connected with the courts are inefficient, incompetent, or dishonest. That is the real conclusion to be drawn from the Senator's remarks.

Mr. SHIELDS. I have not stated that public officials are dishonest or incompetent. I know some of the district judges and some of the judges of the circuit court of appeals, as well as some district attorneys, who are very able men. I do not know that I am aware of an incompetent district judge, but I should say that I do know a number of district attorneys whom I would consider very incompetent and who are blocking the business of the courts. The judge can do nothing without a competent district attorney. There is too much politics in that office.

Mr. CUMMINS. From the suggestions which he has just made, I suppose the Senator from Tennessee includes Mr. Clyne among the list of incompetent officials?

Mr. SHIELDS. The Senator has no right to make that assumption. I will be heard as to him before I get through.

Mr. CUMMINS. Precisely. I do not know Mr. Clyne probably as well as does the Senator from Tennessee, for I am not of his political faith, but Mr. Clyne has had no full opportunity to discover whether he is or is not a competent prosecutor, because many times he has had no judge before whom he could try his cases. There are a thousand criminal cases pending in the northern district of Illinois now ready for trial, and the reason they are not tried is because a judge before whom the trial can be had can not be secured.

I know something about the criminal cases pending under the antitrust law; I know what they are, and I know the length of time, generally speaking, that is required to try one of those cases. What hope has the district attorney if he prepares his case for trial and can not find an opportunity to try it? The court simply becomes a refuge of malefactors and criminals. Our judicial system every day is allowing men who are charged with crimes to escape because there is no opportunity to try them.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED. The Senator states that the district attorney had no judge before whom he could try these cases. The Senator certainly will admit that until Judge Landis concluded to devote the balance of his time to the baseball situation there was a judge there.

Mr. CUMMINS. Judge Landis may be criticized because he accepted the position he did in baseball recreation, but I never heard it charged against him that he was not an exceedingly energetic and industrious judge, and I venture to say that his record will compare most favorably with the record of any other district judge in the United States in the disposition of cases that were pending in his court.

Mr. REED. That is the very point. The Senator says that he was one of the best, and yet he seems to have had time enough to earn $50,000 on the side looking after baseball matters. They must have taken a little of his time.

Mr. CUMMINS. I shall not, so far as I am concerned, drift into a discussion of the propriety of a judge accepting a position of that character; but I do know that this particular judge was prompt, efficient, and decisive in his work upon the bench. But, Mr. President, I have only this general reply to make to the observations of the Senator from Tennessee; for I still believe, and the Senator from Florida believes with me, I am sure, that there are at least some districts in which additional judicial force is absolutely necessary if we are to do justice both to the Government and to those accused of crime and to the various litigants who appear in the court for the adjudication of their controversies.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I agree with the Senator. I was going to call attention, though, to this fact: The Senator said that there was no judge in the northern district of Illinois before whom these cases might be tried. They have two judges already in the northern district of Illinois.

Mr. CUMMINS. Precisely.

Mr. FLETCHER. And they have an eastern district and a southern district, each with one judge; so they have four judges in Illinois now, and two in the northern district.

Mr. CUMMINS. They are trying cases just as rapidly as they can try them; but I am speaking about these important cases that are pending there which can not be tried.

Mr. FLETCHER. I am inclined to think they need another judge there.

Mr. CUMMINS. And our criminal law, and especially our prohibition law, and our antitrust law, and our law against frauds perpetrated upon the Post Office Department become a mockery if those who are accused of these crimes can not with reasonable promptitude be brought to the bar of justice and either acquitted or convicted, and, if convicted, punished according to the law.

Mr. OVERMAN. Does the Senator understand that Mr. Clyne advocated a new judge in his district?

Mr. CUMMINS. I do not know.

Mr. OVERMAN. I do not think he did; and I think he says here that he disposed of 200 cases, and two or three hundred were submissions. I do not recollect that he said he needed a new judge.

Mr. CUMMINS. The Senator from North Carolina will remember that when Mr. Clyne came before the Judiciary Committee it was to advocate, together with the three judges named by the Senator from Tennessee, and the district attorney of the southern district of New York, a bill which provided for the appointment of 18 additional district judges, two in each circuit.

Mr. OVERMAN. That is correct.

Mr. CUMMINS. And it was not necessary for him to speak, nor would it have been pertinent for him to have spoken, about the necessities of the particular district which he now represents.

Mr. OVERMAN. In connection with that, I asked him these questions:

How many have been disposed of in the last six months?
In the last six months I think we have gotten rid of probably 200.
How many were submissions or pleas of guilty?
I should say in my judgment probably two-thirds of them.

That is so all over the United States as to half or two-thirds of these cases on the dockets.

Mr. CUMMINS. Why, certainly; but, notwithstanding that fact, notwithstanding the way in which they have disposed of the cases, as has been so well stated by the Senator from Tennessee, all these things being granted, the dockets still remain as they are; that is, with 142,000 cases pending upon them.

Mr. OVERMAN. When you take off the draft cases, and when you take off the bankruptcy cases, and when you take off two-thirds of them that are submissions, that reduces the number almost to a minimum.

Mr. CUMMINS. Not at all. If that were true, the courts would close every year with no dockets at all.

Mr. SHIELDS. That is what they ought to do.

Mr. CUMMINS. Yes, I know; the Senator from Tennessee comes all the time to his criticism that our Federal judges are not competent and are not honest, in the sense of giving a fair day's work, in holding their respective courts. If they do not, every one of them ought to be impeached, and we ought to have a series of judges who will give their time and their energies to the work which they are assigned to do.

Mr. OVERMAN. I do not think anybody would agree to that.

Mr. CUMMINS. Why not?

Mr. OVERMAN. The Senator will agree with me, I think, that the Federal judges do not work like our State judges.

Mr. CUMMINS. Some of them do and some of them do not.

Mr. OVERMAN. Very few of them do. They take long vacations, and they sit short hours. Some of them meet at 10 o'clock and adjourn at 3 o'clock, and some of them take three or four months' vacation in the year; and there is the trouble, I think.

Mr. CUMMINS. The Senator says "some of them."

Mr. OVERMAN. I am not reflecting on them. I am not going to call the name of any judge, of course.

Mr. CUMMINS. Why does not the Senator from North Carolina, instead of imputing this wrongdoing to all the judges and thus staining in a way the entire Federal judiciary, point out the particular instances he has in mind? And if he has the evidence of it, he ought to present it to the Members of the House, and the judges affected ought to be impeached.

Mr. OVERMAN. I think not, Mr. President.

Mr. CUMMINS. Why not? Why should they not be impeached?

Mr. OVERMAN. I would not call any man's name, but I know that the other day they sent a man from my State to hold court in a certain State in this Union, and he came back, and I said, "What are you doing here?" He said, "Why, I came back here to spend a day in Washington, because they do not try anything on Saturday, and they sit short hours Monday, Tuesday, and Wednesday, and they do not sit at all on Saturday."

Mr. CUMMINS. Very well. If the Senator thinks that these judges should sit six days in a week, or possibly seven—I do not know whether he believes that they ought to observe the Sabbath or not——

Mr. OVERMAN. I do not believe in anybody sitting on Sunday, of course.

Mr. CUMMINS. But if they should sit six days in a week, and 10 hours a day, and certain judges fail to do it, those judges ought to be removed, if that is to be the standard established throughout the United States.

Mr. OVERMAN. No; I am not making any standard; but I am agreeing with the Senator from Tennessee that if these judges would do their duty fully, they would try the cases on these dockets without any additional judges.

Mr. CUMMINS. I will answer that again by saying that if they do not do their duty fully they ought to be exposed and they ought to be impeached.

Mr. OVERMAN. No; I do not think so.

Mr. CUMMINS. I do not understand the logic of the Senator from North Carolina. Are we to permit the dockets of this country to be crowded as they now are crowded, tens of thousands of criminals arraigned or indicted who can not be tried, hundreds and thousands of civil cases that can not be tried—are we to permit that and make no effort to remedy it? There are but two possible remedies. One is to remove the judges who are guilty of a failure to do their full duty, and the other is to add additional judges. We must do one or the other.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. I have not enough detailed information to discuss the condition of the dockets in the various sections of the country, but I do know something about conditions in Ohio. We have four district judges—one of them Judge Sater, who was appointed by President Roosevelt; another one Judge Killits, who was appointed by President Taft; and two, Judge Westenhaver and Judge Peck, who were appointed by President Wilson. Two of them are Republicans and two of them are Democrats, and I am glad to say that they are the highest type of judges that you can find anywhere, and they are working all the time, working to the breaking point; and in the northern district of Ohio, whether this bill passes or not, there must be another judge if we are going to take care of the dockets. I have just returned from Ohio. I have talked with members of the bar there who are conversant with the conditions, and it is little short of a crime to leave those dockets crowded as they are, and to have the long delays that are always incident to an overcrowded docket.

Whatever may be said of others, I could not sit silently here and have it said that these judges were not doing their duty. I think that Judge Sater, of Columbus, joined in a report which was made to the Judiciary Committee.

Mr. CUMMINS. Judge Sater was one of the committee appointed by the Attorney General to consider this matter.

Mr. POMERENE. Yes; and he is a man who works day and night, as do all of these other judges out there, whatever may be said of judges elsewhere.

Mr. SHIELDS. Mr. President, I should like to join with the Senator from Ohio in a word about that. I met Judge Sater here. I formed a very high opinion of him. He not only lives in Ohio, but he lives in Cincinnati, one of the largest cities in the West.

Mr. POMERENE. No; he lives in Columbus.

Mr. SHIELDS. Well, he has Cincinnati in his district.

Mr. POMERENE. Cincinnati and Columbus are both in the district.

Mr. SHIELDS. They are two of your largest cities, then?

Mr. POMERENE. Yes.

Mr. SHIELDS. He is an able man, and evidently a man of fine executive ability and industry, and his dockets are clean, and he goes out to other districts and helps others. There is no congestion in his district.

Mr. POMERENE. I do not say that there is a congestion in the southern district. The congestion is in the northern district; and if the Senator will look at the report which has been made by the Judiciary Committee, he will see what a tremendous docket they have.

Mr. SHIELDS. I have not examined that, but I have examined the report that the Attorney General sent out, and requested the district attorneys to give him information, and he asked the district attorney of the northern district of Ohio whether there was any congestion there, and he replied, "No."

Mr. POMERENE. When was that?

Mr. SHIELDS. Some time last summer.

Mr. OVERMAN. Was that the southern district?

Mr. POMERENE. No; I am speaking about the northern district.

Mr. OVERMAN. The southern district only has 71 cases on its docket. Judge Sater is a good man.

Mr. SHIELDS. Judge Sater keeps his docket clean.

Mr. POMERENE. Judge Sater is a good man, and so is Judge Peck. Judge Peck was sent down to the State of Tennessee, and held the court for nearly a month in Knoxville, and he was sent to Grand Rapids, and was there several weeks, and he was sent to New York.

Mr. OVERMAN. Maybe that is the reason why his docket is crowded.

Mr. POMERENE. His docket is not crowded.

Mr. OVERMAN. Whose docket?

Mr. POMERENE. Judge Peck's.

Mr. OVERMAN. What district is that?

Mr. POMERENE. It is the southern district. He sits most of the time in Cincinnati, and Judge Sater sits most of the time in Columbus, and between them they hold the court at Dayton and at Steubenville; but the crowding is in the northern district, where there has been a tremendous increase in population and in industrial development. I know from what I hear of Judge Killits—I dislike to say this—that he is under such a nervous strain that he ought to be away on a vacation, but he is staying on his job.

Mr. OVERMAN. The southern district has only 71 cases on the docket.

Mr. POMERENE. Oh, no; the Senator is mistaken.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I yield to the Senator from Michigan.

Mr. TOWNSEND. While I am not familiar with the Federal judge situation throughout the United States, I was greatly surprised at some of the remarks of the Senator from Tennessee [Mr. SHIELDS] in what seemed to me rather general strictures on the Federal judiciary. We have two district judges in our State.

Judge Tuttle, who presides in the eastern district, is a comparatively young man. He took hold of that work with all of the ambition possible, and he has made a remarkable record in the disposition of cases. He is far behind in his work now, and yet, speaking about an 8-hour or 10-hour day's work, that man holds night sessions almost every night in the week, to the great discomfiture of the lawyers generally, who feel that he is holding them too closely to the job. The man can not stand it. It is not possible for any man to stand that amount of work, and yet he works from early in the morning until late at night on these cases and still is unable to catch up with the docket. He could do it if any man on earth could do it, but the work there is simply appalling, and it results in the defeat of justice, litigants can not get justice, and, at the same time, it can not result in the class of work which ought to be required of a judge. No judge can work 12 to 15 or 18 hours a day. He is working under strain. His hours should be limited, and he should have a vacation once in a while, and that in the interest of the litigants themselves.

Mr. OVERMAN. Mr. President, I was on the Judiciary Committee and passed upon the question of Michigan, and I voted for a new judge for that State. That is why I want the House to pass that bill which we sent over to them, together with other bills.

Mr. POMERENE. In view of the statement which has just been made by the Senator from North Carolina with regard to the amount of litigation pending in Ohio, I want to say that I have before me the report of the Judiciary Committee, and I refer to pages 8 and 9, which contain a statement showing the business pending in the United States district courts for the year ending June 30, 1921, compiled from information furnished by the Attorney General. In the northern district of Ohio there are, of United States civil cases, 155; in the southern district there are 67.

Of criminal cases, including prohibition cases, in the northern district there are 579; in the southern district 71.

Mr. OVERMAN. That is what I said.

Mr. POMERENE. The Senator said one.

Mr. OVERMAN. Read the next.

Mr. POMERENE. Admiralty cases, northern district, 21; southern district, 1. All other civil cases, northern district, 656; southern district, 309.

Total, northern district, 1,411 cases; southern district, 448 cases.

Bankruptcy cases, northern district, 722; southern district, 497.

Draft cases, northern district, 540; southern district, 6.

Prohibition cases, 317 in the northern district and 18 in the southern district.

The population of the northern district is 3,195,651, and the population of the southern district is 2,563,717.

So that indicates that in the northern district of Ohio there is a total of 1,411 United States civil, criminal, admiralty, and other civil cases, and in addition to that 722 bankruptcy cases, 540 draft cases, and 317 prohibition cases. Senators need not think there is no need for an additional judge in the northern district of Ohio. I know better.

Mr. OVERMAN. If the Senator will read the second column he will find it says, "Criminal, including prohibition cases." So that the number of prohibition cases he read was included in the criminal cases.

Mr. POMERENE. I am reading what the Committee on the Judiciary reported.

Mr. OVERMAN. I am asking the Senator to read the second column, which contains the word "including."

Mr. POMERENE. I know that; but they are separated, and this shows the number in the other column.

Mr. OVERMAN. Then you take one from the other to show the number of cases.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield to the Senator from Florida, if the Senator from Ohio has concluded.

Mr. POMERENE. If there is any mistake about this——

Mr. CUMMINS. There is no mistake. It is simply a matter of adding them up.

Mr. POMERENE. I think so.

Mr. CUMMINS. Attached to the report of the committee is the showing which the Senator from Ohio has in his hand.

Mr. POMERENE. Mr. President, I want to add another word. When I began the practice of the law in my own county in the common pleas court we were two years behind the docket before we could get another local judge. We had two.

I know what it means to lawyers and litigants not to be able to get their cases tried, and to postpone the trial of cases for a year or two years is the equivalent of a denial of justice. That is universally recognized among all people who are familiar with courts and the result of litigation, and I would rather have a few too many judges than too small a number of judges.

There is nothing which creates so much unrest as to have either civil cases or criminal cases on the docket and not be able to try them. This class of work is growing all the while, and year after year the Congress of the United States is passing additional laws creating criminal liabilities, and that will continue to increase this work. We are simply going to destroy the health, if not the lives, of some of these judges unless they get some relief. That is the condition in the northern district of Ohio.

Mr. FLETCHER. Mr. President, I rise not to combat what the Senator from Ohio has said, but just at this point to draw a little comparison.

In the northern district of Ohio they have two judges. The total number of cases pending in that district is 1,411, according to this report, outside of bankruptcy and draft cases. They have two judges, and the total number of cases pending and undisposed of is 1,411.

In the southern district of Florida there is one judge, and the total number of cases pending and undisposed of is 1,633. Yet the committee denies to Florida an additional judge and proposes to give one to the northern district of Ohio. I have no objection to that district having an additional judge; I think they ought to give the northern district of Ohio that judge; but that is the situation, there are 1,411 cases to be disposed of by two judges in the northern district of Ohio, and in the southern district of Florida there are 1,633 cases to be disposed of by one judge, and the committee says we are not entitled to an additional judge.

Mr. POMERENE. Mr. President, with the situation such as the Senator from Florida describes, I am in sympathy with his desire to have an additional judge there, and I will help to get one, because as a lawyer I know what that means to the people of Florida, as I know what it means to the people of Ohio to have an overcrowded docket and not be able to try the cases.

Mr. FLETCHER. I am much obliged to the Senator. It does mean a denial of justice. The Senator from Michigan [Mr. TOWNSEND] has just stepped out, but I rose while he was in the Chamber to call attention to a comparison between Michigan and Florida. In the eastern district of Michigan the total number of pending cases, according to the statement furnished by the committee, is 754. They give the eastern district of Michigan an additional judge. The total number of cases on the docket and undisposed of is, I repeat, 754. In one district in Florida the total number of cases pending is 1,633, and they refuse to give Florida an additional judge.

In the western district of Michigan the cases pending amount to 131, and the question naturally arises why they can not take the judge from the western district and send him over to the eastern district when he is needed, and take care of the situation in that State with two judges.

The pending business in that State, with two judges, does not equal the pending business in one district in Florida; yet the committee refuses to give that district an additional judge.

Mr. OVERMAN. In the district where I live we have over 1,000 cases pending, and I did not ask for an additional judge because I think the judge can do the work.

Mr. CUMMINS. Mr. President, I do not intend at this moment to take up the merits of the amendment which the Senator from Florida undoubtedly intends to propose. I do not think I ought to do that just now, while I am replying to the Senator from Tennessee. The Senator from Florida knows, and a great many Senators know, the reasons which prompted the committee in its action with regard to the southern district of Florida. But I was discussing the suggestion, or intimation, or charge—possibly it rises to the dignity of a charge—that the Federal judges generally throughout the United States were lazy, indifferent to their obligations, and were failing to do the work which men of ordinary competence and diligence should do.

Whenever you pursue that inquiry to a particular judge, or into a particular district, you will discover that some other judge is the guilty person or it is in the next district that the objectionable condition prevails. I venture to say that nineteen-twentieths of the Federal judges of the United States do all the work that is within the power of men to do consistent with their health and with the dignity and the importance of the cases which are submitted to them for disposition.

I think the Senate will not accept, and it should not accept, the statistics which have been given to us by the Senator from Tennessee as evidence of the infidelity of the Federal judges.

Mr. SHIELDS. Mr. President, I will ask the Senator if he is not referring to the statistics given by the Attorney General which were read here by the Senator from Tennessee?

Mr. CUMMINS. Certainly.

Mr. SHIELDS. They are not my statistics; they are those of the chief of the Department of Justice.

Mr. CUMMINS. As I have said before, I think the Senator from Tennessee has correctly stated the statistics which he presented. I have no quarrel with them, but I do insist that they fail to establish the conclusion which the Senator from Tennessee draws from them. They do not prove that the district judges of this country are idle or negligent or reckless men. Every Senator here knows his own district judges. Every Senator here knows his own circuit judges, those within his locality, and before we get through with it, if there is to be any serious attention given to the charge of the Senator from Tennessee, I want the Senators here to rise and say whether in their opinion their district judges and their circuit judges are violating their obligations from day to day and failing to render to the people of the country the service which they were appointed to render.

I say now that you will find very few Senators willing to make that sort of a charge against the men who have been appointed to administer the laws of the United States and appointed to do justice between the citizens of different States. It can not be true—in the very nature of things it can not be true—unless we impute the grossest incompetence or the grossest indifference to the Presidents of the United States, the Presidents who have appointed these men, and we must survey the acts of a great many Presidents when we come to examine the authority under which all the judges of the United States are now performing their duties.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. I would like to ask the Senator if he does not believe that the figures furnished by the Senator from Ten-

nessee indisputably establish the fact that there is a temporary congestion, which will, of course, pass away, and, secondly, that the figures which have been submitted to us are not fair in the sense that they do not reveal exactly the situation; for instance, a large number of draft cases which will not be tried, a large number of small misdemeanor cases which, when brought to the attention of the court, will be disposed of very quickly by nolle pros or pleas of guilty or otherwise, and a large number of cases which are hangovers upon the docket for many years and never will be tried, so that by a diligent effort to clear the dockets in most of these districts the dockets could be brought down current within a very short time?

Mr. CUMMINS. I agree with everything the Senator from Utah says except his conclusions.

Mr. KING. If the facts are right, the conclusions are right.

Mr. CUMMINS. If it were not that a large number of these cases were bankruptcy cases and a large number of them draft cases, and if it were not for the fact that a great many criminal cases do not involve jury trial, we would need 150 judges instead of 18 or 19.

The Senator from Utah was not here when I indicated what I had been informed was the state of the criminal docket in the northern district of Illinois. There are cases there now clamoring for trial, both sides ready for trial—some 25 cases, which alone would require the time of a judge for more than two and one-half years to dispose of them, without giving any attention whatever to the great volume of other criminal cases that may be pending and without touching in any way the civil dockets.

Mr. President, I rose only to repel the suggestion of inefficiency, incompetency, and infidelity on the part of the Federal judges. I have had as much to do with Federal judges as most Senators. I practiced law and was in the courthouse nearly all the time for 25 years. I have tried cases before a great many Federal judges. I never knew a Federal judge who comes within the classification assigned to nearly all of them by the Senator from Tennessee. The present Federal district judge in my State—not referring to the one just appointed, but the one who sits in the southern district of Iowa—is a Democrat, appointed by President Wilson, and a more faithful, hard-working, persistent judge than he I do not know. He has already broken his health. Although he was a comparatively young and a very vigorous man, he has already impaired his health in attempting to do more work than one man can do.

Mr. SHIELDS. Does the Senator refer to the southern or the northern district of Iowa?

Mr. CUMMINS. I am speaking now of the southern district of Iowa.

Many Senators know him, because he served in the House of Representatives for quite a period, and he has been prominent in other walks of life. I can not stand here and hear a man who works as hard as he does, and as every district judge with whom I am acquainted does, assailed even in the parliamentary way employed by the Senator from Tennessee. Here and there will be found a man who does not do all the work that he could do. Here and there will be found a community in which lawyers will not, according to their custom, sit in trial for 8 or 10 hours and wherein a judge must necessarily yield to the customs long established in those communities. But I venture the assertion that the United States is not served by any body of men more faithfully and earnestly and conscientiously than by its judges, from the Supreme Court of the United States to the district judges of the United States.

We need some additional force. Even if the cause is but temporary, we must dispose of these cases. The natural growth and development of the country will lead to more and more litigation falling within the jurisdiction of the Federal courts if the laws governing their jurisdiction remain unchanged.

I do not intend, Mr. President, to make any further general observations, and I now submit the bill, so far as this discussion is concerned.

Mr. FLETCHER obtained the floor.

Mr. SHIELDS. Mr. President, will the Senator from Florida allow me to make an observation?

Mr. FLETCHER. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Senator from Iowa has criticized the statistics which I have produced from the report made last December by the Attorney General of the United States under his official oath, printed and on record here all this time, and yet no one has appeared to contradict them. They are, of course, not made upon my personal knowledge. It is those statistics that I have presented here, and not any personal information. Nor have I indulged in any personal abuse or criticism of any judge in the United States, as might be inferred from what the Senator has said, whether he so intended it or not.

Mr. CUMMINS. I stated distinctly that the statistics and tables presented by the Senator from Tennessee are, in so far as I know, accurate, but I dissent entirely from the conclusions which the Senator from Tennessee draws from those tables.

Mr. SHIELDS. In other words, the Senator admits the fact, he admits there here are 120 judges who are, resolving every doubt in their favor, trying not over 200 cases a year, probably about 100 cases apiece, and yet he says that is no evidence and no deduction can be drawn from that that they are not discharging their duties, that they are not industrious and efficient.

These statistics do not give any particular districts, and I am aware that there are some districts—I do not think over half a dozen in the United States—where some additional help ought to be given; but the fact that the judge of a court of record, with all the facilities for attending to business that they have in the United States district court, does not try over 100 or 150 average cases during a year, such as are heard in the courts of the United States, is, to my mind, conclusive that, as a whole, the judges are not efficient and industrious.

I think that if the Senator wants to refute the necessary inference from these facts he ought to produce some facts as to the nature of the litigation, showing it took a longer time, or something to show that the Attorney General's report is untrue and unreliable. A little evidence of that kind would be more satisfactory and convincing than several hours of general eulogy of judges.

Mr. FLETCHER. Mr. President, I desire to offer an amendment to the substitute proposed by the committee.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The ASSISTANT SECRETARY. In line 22, on page 10, insert after the word "and," the first word in the line, the words "for the southern district of Florida, one," so that it will read: "For the district of Arizona one, and for the southern district of Florida one, and for the northern district of Georgia one."

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. FLETCHER. I yield.

Mr. HARRIS. I was out of the Senate when the Senator from Tennessee [Mr. SHIELDS] made reference to the work of the United States district judges. I am sure he was not referring to the two district judges in Georgia—Judge Beverly B. Evans and Judge Samuel H. Sibley—when he stated that the Federal judges who will be given assistance under this bill are not overworked. I personally know, and my colleague will bear me out in this statement—he is a lawyer and I am not—that there are no judges in the United States, whether in the State or the United States courts, who are worked harder than the two judges in Georgia. I believe the work they are doing will shorten the lives of both of these men unless some relief is given them.

Since their appointment to these positions they have held court practically every day except Sundays and Christmas. They are not only lawyers of unusual ability and make splendid judges but they are conscientious men of the highest character and have the respect and confidence of all the people of our State. The record furnished by the Attorney General, which is in the report of the Judiciary Committee, shows that the amount of business transacted and the number of cases to be disposed of is greater in Georgia than any other State except one. Some years ago Congress passed a bill providing for an additional judge, and the late Judge Wallace Lambdin, a splendid man and able lawyer, was appointed to this position and held it until his death.

Mr. SHIELDS. Mr. President——

Mr. FLETCHER. I yield to the Senator from Tennessee.

Mr. SHIELDS. I did not make any reference to Georgia especially. It is very easy, and it has been indulged in here a great deal, to get up and talk about industrious judges and hard-worked judges, but there is sworn evidence as to what these judges are doing, how many cases are on their dockets, and how many they try in the course of a year. That is what Senators ought to be governed by and not by any general conversation coming second hand as to what the judges are doing.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. FLETCHER. I should like to proceed, but I yield to the Senator.

Mr. NELSON. Does the Senator from Florida expect a vote on his amendment this evening?

Mr. FLETCHER. I hardly suppose we will reach a vote, but I should like to submit some observations on the amendment.

Mr. NELSON. If he does I shall have to suggest the absence of a quorum. It seems to me we ought to take up the bill in its order after this general debate.

Mr. FLETCHER. The bill is up in its order. The committee has reported a substitute and that is subject to amendment.

Mr. NELSON. We ought to take up the bill section by section.

Mr. OVERMAN. I have some remarks to make on the bill to-morrow. I do not see why any Senator should not offer an amendment to the bill and then let us take up the whole matter and discuss it.

The PRESIDING OFFICER. The Chair is of the opinion that it is in order to offer an amendment now to be taken up at the proper time.

Mr. NELSON. Very well. I suggest the absence of a quorum.

Mr. FLETCHER. I am not going to ask for a vote on the amendment this afternoon. I merely wish to discuss it. I want to give reasons for it. I do not think we will get time to vote on it. I want to present arguments in favor of my amendment. I am not going to ask for a vote to-day. I want a yea-and-nay vote when the amendment to the amendment is voted on. I do not want to have it passed upon without a yea-and-nay vote, but I do not expect to get a vote this afternoon.

Mr. NELSON. I desire to make a statement to the Senate as to what actuated the committee in leaving out Florida, and to explain the situation from end to end about that case.

Mr. FLETCHER. I shall be very glad to have the Senator do that.

Mr. NELSON. But I do not like to discuss it now without a quorum.

Mr. OVERMAN. Let us have a quorum.

Mr. FLETCHER. But I have the floor, and I am proposing to discuss the amendment which I have offered. I do not see why I can not do so. The Senator from Minnesota will have ample time to reply after I have finished.

The PRESIDING OFFICER. The Senator from Florida has the floor. He has not yielded for any purpose except to be interrogated.

Mr. FLETCHER. I have no objection if the Senator wants a quorum. Does the Senator want to call a quorum?

Mr. OVERMAN. I think we had better have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. FLETCHER. I yield.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Oddie	Spencer
Ball	Heflin	Overman	Stanley
Bursum	Jones, Wash.	Page	Sterling
Capper	Kendrick	Pepper	Sutherland
Cummins	Keyes	Phipps	Swanson
Dial	King	Poindexter	Trammell
Edge	McKinley	Pomerene	Walsh, Mass.
Ernst	McNary	Rawson	Warren
Fletcher	Moses	Reed	Watson, Ga.
Gooding	Nelson	Sheppard	
Hale	New	Shields	

Mr. SUTHERLAND. I desire to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The VICE PRESIDENT. Forty-two Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names when called:

Walsh, Mont. Willis

The VICE PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present.

Mr. CUMMINS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. MCNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business.

Mr. NICHOLSON, Mr. HARRELD, Mr. CARAWAY, Mr. CURTIS, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators having answered to their names, a quorum is present.

Mr. OVERMAN. I move that the order to the Sergeant at Arms, made upon the motion of the Senator from Iowa, be vacated.

The motion was agreed to.

Mr. CUMMINS. I ask unanimous consent that when the Senate concludes its business this evening it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. Does the Senator from Iowa desire to go on further this evening? It is nearly 5 o'clock.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

Mr. FLETCHER. Before the question is put on the motion to proceed to the consideration of executive business, let me say that I understand we have agreed by unanimous consent to take a recess until 12 o'clock to-morrow when we conclude our business to-day, at which time my amendment will be pending, and I will be entitled to proceed on that amendment.

The VICE PRESIDENT. The Senator's amendment to the amendment of the committee will be the pending question.

EXECUTIVE SESSION.

Mr. CUMMINS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS.

Mr. CUMMINS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) pursuant to the order heretofore made, the Senate took a recess until to-morrow, Tuesday, April 4, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 3, 1922.

UNITED STATES MARSHAL.

Edgar C. Snyder, of the District of Columbia, to be United States marshal, District of Columbia, vice Maurice Splain, whose term will expire April 6, 1922.

PROMOTIONS IN THE REGULAR ARMY.

VETERINARY CORPS.

To be lieutenant colonel.

Maj. John Alexander McKinnon, Veterinary Corps, from March 26, 1922.

CHAPLAIN.

Chaplain Julian Emmet Yates to be chaplain, with the rank of lieutenant colonel, from March 27, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Capt. Sterner St. Paul Meek, Infantry, with rank from July 1, 1920.

SIGNAL CORPS.

First Lieut. Asa Vern Wilden, Coast Artillery Corps, with rank from August 4, 1921.

INFANTRY.

Capt. Frank Ellsworth Brokaw, Cavalry, with rank from July 1, 1920.

POSTMASTERS.

ALABAMA.

Exa B. Carroll to be postmaster at Slocomb, Ala., in place of J. G. Turner, resigned.

CALIFORNIA.

John L. Pope to be postmaster at Lower Lake, Calif. Office became presidential July 1, 1921.

COLORADO.

William A. Baghott to be postmaster at Kit Carson, Colo. Office became presidential April 1, 1921.

FLORIDA.

Algeron Keathley to be postmaster at Brooksville, Fla., in place of Algeron Keathley. Incumbent's commission expired January 31, 1922.

INDIANA.

Leslie L. Konkle to be postmaster at Versailles, Ind., in place of W. H. Smith, removed.

KENTUCKY.

Lillian C. Duty to be postmaster at Winchester, Ky., in place of S. F. King. Incumbent's commission expired February 16, 1922.

MAINE.

Earle H. Roberts to be postmaster at Port Kent, Me., in place of Irenee Cyr. Incumbent's commission expired July 23, 1921.

Ralph B. Parker to be postmaster at Wells, Me., in place of W. J. Storer. Incumbent's commission expired June 27, 1920.

MARYLAND.

Peter G. Cowden to be postmaster at Cumberland, Md., in place of F. B. Beall. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

C. Montford Brigham to be postmaster at Northboro, Mass., in place of M. H. Ryan. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Edwin A. Rolloff to be postmaster at Balaton, Minn., in place of W. C. Galbraith, deceased.

Heimer C. Bacon to be postmaster at Dawson, Minn., in place of A. H. Lund. Incumbent's commission expired January 24, 1922.

C. Edward Sarff to be postmaster at Keewatin, Minn., in place of C. E. Sarff. Incumbent's commission expired February 18, 1922.

Patrick W. Moran to be postmaster at Olivia, Minn., in place of J. R. Landy, declined.

NEBRASKA.

Rolland C. Shetler to be postmaster at Riverton, Nebr., in place of Lizzie Smith. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Harry T. Hagaman to be postmaster at Lakewood, N. J., in place of Charles McCue. Incumbent's commission expired August 6, 1921.

NEW YORK.

William V. Fitzpatrick to be postmaster at Cleveland, N. Y. Office became presidential April 1, 1921.

Herman C. Stevens to be postmaster at Locke, N. Y. Office became presidential January 1, 1921.

James E. Rodman to be postmaster at Port Ewen, N. Y. Office became presidential July 1, 1920.

NORTH CAROLINA.

John L. Wornble to be postmaster at Moncure, N. C. Office became presidential April 1, 1921.

Charles R. Grant to be postmaster at Mebane, N. C., in place of J. T. Dick. Incumbent's commission expired January 24, 1922.

Festus B. Sigman to be postmaster at Thomasville, N. C., in place of C. L. Harris, resigned.

NORTH DAKOTA.

Edward F. Hamilton to be postmaster at Cavalier, N. Dak., in place of John O'Keefe. Incumbent's commission expired January 5, 1920.

Hilliard Campbell to be postmaster at Walhalla, N. Dak., in place of Joseph Deschenes. Incumbent's commission expired January 24, 1922.

OHIO.

Reno H. Critchfield to be postmaster at Shreve, Ohio, in place of W. K. Miller. Incumbent's commission expired January 31, 1922.

OREGON.

Karl A. Bramwell to be postmaster at Halsey, Oreg., in place of D. S. McWilliams. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Howard L. Harbaugh to be postmaster at Fairfield, Pa. Office became presidential January 1, 1921.

John R. Diemer to be postmaster at Catawissa, Pa., in place of C. M. Harder. Incumbent's commission expired February 4, 1922.

Laura A. Heffner to be postmaster at Centralia, Pa., in place of J. J. Ryan. Incumbent's commission expired February 4, 1922.

SOUTH DAKOTA.

Paul W. Lambert to be postmaster at Fairfax, S. Dak., in place of W. M. Walters. Incumbent's commission expired July 23, 1921.

TENNESSEE.

Arthur B. McCay to be postmaster at Copperhill, Tenn., in place of F. P. Singleton. Incumbent's commission expired March 1, 1922.

TEXAS.

James W. Stubblefield to be postmaster at Hull, Tex. Office became presidential July 1, 1920.

Thomas A. Guthrie to be postmaster at Mingus, Tex. Office became presidential July 1, 1920.

VIRGINIA.

Sylvester A. Ratliff to be postmaster at Norton, Va., in place of Roy Kilgore, removed.

WASHINGTON.

Harry E. Stark to be postmaster at Okanogan, Wash., in place of B. L. Smith. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Andrew J. Bosch to be postmaster at Gratiot, Wis. Office became presidential April 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 3, 1922.

PROMOTIONS IN THE ARMY.

William Lewis Wheeler to be first lieutenant, Air Service.

Frank Campion Armstrong to be chaplain, with the rank of captain.

Nathaniel Alexander Jones to be chaplain, with the rank of captain.

George Runyan Longbrake to be chaplain, with the rank of captain.

POSTMASTERS.

CALIFORNIA.

Alvin L. Woodin, Atascadero.
Wayne E. Dornan, Casmalia.
Charles J. Towson, El Monte.
Warren A. Bradley, Gustine.
Lillian C. Linde, Keeler.
John W. Mullen, Mendocino.
Carl G. Lykken, Palm Springs.
Eugene S. Franscioni, Soledad.
Lena E. Reed, Stagg.
Frank S. Stephenson, Terra Bella.

GEORGIA.

James M. Lawson, jr., Aragon.
James W. Long, Ashburn.
Thomas W. Cobb, Warthen.

IDAHO.

Arthur W. Gayle, Dubois.
William W. McNair, Middleton.

ILLINOIS.

Victor F. Boltenstern, Cambridge.

INDIANA.

William M. Lyon, Hillsboro.
Ulysses G. Butcher, Oakland City.
John W. Williams, Walton.

KENTUCKY.

Lillian G. Hall, Eddyville.

LOUISIANA.

John C. Yarbrough, Mansfield.

MARYLAND.

John H. Dean, North East.

NEBRASKA.

Chester W. Harris, Ansley.
Herbert C. Robbins, Wallace.

NORTH CAROLINA.

A. Eugene Ward, Lake Junaluska.

OREGON.

John A. McCall, Klamath Falls.
Ralph R. Huron, La Grande.
James E. Whitehead, Turner.

PENNSYLVANIA.

Ellis D. Keyes, Ariel.
Mike Humenik, Slovan.
Elber E. Brunner, Yorkhaven.

SOUTH DAKOTA.

Lester W. Button, Bradley.
Samuel E. Lawver, Canova.
Emma Peterson, Draper.
Metha A. Schmaldt, Menno.
John W. Woods, Worthing.

TEXAS.

Frances Ruge, Bandera.
Claud A. Howard, Bronson.

VERMONT.

Earle J. Rogers, Cabot.
Burton M. Swett, East Hardwick.
Frank C. Stewart, Fairfax.
Berton M. Willey, Greensboro.
Walter J. Reirden, Richford.
Laura B. Stokes, Waitsfield.

WASHINGTON.

George D. Montfort, Blaine.
William W. Campbell, Colville.
Clarence E. Hiatt, Deer Park.
Mary A. Johns, Kalama.
Etta R. Eggleston, Manette.
Allan Austin, Omalaska.
Rachael A. M. Miller, Port Blakely.
Lewis Murphy, Republic.
Cora A. Smith, Seaview.
Fannie L. Jennings, Spangle.
George D. Potter, Springdale.
May V. Garrison, Sumas.
Vinnie M. Seglem, Vader.
H. Robert Nelson, Wilkeson.

WEST VIRGINIA.

Daniel A. Jackson, Rowlesburg.
Marion I. Jackson, Ward.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 3, 1922.

POSTMASTER.

Louis N. Chase to be postmaster at Weston, in the State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 3, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art above all things—all tumults, all conflicts, all life, and supreme from everlasting to everlasting—hear us while we pray. We would not bring to Thee our complaints, but we would offer Thee something of our thanksgiving, something of our faith, something of our aspiration, and may they be acceptable to Thee. Fill us with a sense of our blessings and with the profoundest reverence for Him who bestows them. Sustain and bless our country, and O may Thy Spirit rest upon the troubled waters of human life. Gladden and strengthen all of us with new hope and new zeal. May our devotion and service to the public be without flaw or hesitation and always more than is necessary. In the name of Jesus of Nazareth. Amen.

The Journal of the proceedings of Friday last was read and approved.

THE HOSPITAL BILL.

The SPEAKER. The Chair would like to make a statement in relation to a response to a parliamentary inquiry that he made on Friday last. The House will remember that after some slight discussion the Chair differed in some measure from some of the precedents and announced that inasmuch as the motion to strike out a section had passed in committee and been voted down in the House, that then the section stood as it had been amended in committee and not in its original form. The Chair in making that statement thought, and still thinks, that he was following the dictates of equity and reason in that particular case, and he was also advised that there was a ruling by Speaker Clark in the same line. The Chair has not been able to discover any such ruling by Speaker Clark, although on further investigation it may be found. There is an old legal maxim that "hard cases make bad law," and the Chair is not at all certain that his position Friday would be the wise one as a general precedent, although it seemed proper in the particular case. He therefore wishes to file a caveat and say that in the future that ruling will not be used or considered as a precedent to bind the present occupant of the chair; but if the question comes up again the Chair will carefully investigate and make a deliberate decision. Of course, we all recognize that it is extremely important that precedents should be followed. There may be occasions when it will be wise for the House to overrule old precedents and establish a new one. But it is important that the House should always know what the established law is and consequently know what to expect. The doctrine of stare decisis should be followed whenever possible, and therefore the Chair thinks it fair to the House to state that his action in the future will not be influenced by his statement of Friday.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. In view of the statement just made by the Chair as to his ruling on Friday, as the Chair will recall by the terms of the ruling itself in effect, certain amendments that had been adopted to the section went into the measure. No separate vote was had upon them; it was the effect of the ruling. I assume, in view of the statement of the Chair, that if the question comes up again he would treat it de novo in effect, that that will not affect the engrossment of the bill.

The SPEAKER. The gentleman is correct. The Chair does not change the ruling for that purpose.

MEMORIAL EXERCISES ON THE LATE REPRESENTATIVE JAMES.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that May 7, 1922, may be set aside for memorial exercises on the life, character, and services of the late ROBERT A. JAMES, Representative of the fifth district of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Sunday, May 7, 1922, may be set aside for memorial exercises on the late Representative JAMES, of the Commonwealth of Virginia. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to revise and extend some remarks I made on the hospital bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

REED SMOOT,
T. J. WALSH,
Managers on the part of the Senate.

Mr. SINNOTT. Mr. Speaker, this bill provides that the ex-service men regularly discharged from the Army and afterwards awarded compensation, or treated for wounds received or disabilities incurred in line of duty, may have the privilege of the provisions of section 2305 of the Revised Statutes as a credit in their residence on the homestead.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first bill on the Calendar for Unanimous Consent.

SEQUOIA NATIONAL PARK, CALIF.

The first bill on the Calendar for Unanimous Consent was the bill (H. R. 7452) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

Mr. OSBORNE. Mr. Speaker, reserving the right to object, this bill is of so important a character that I think it should receive more consideration than it can on the Unanimous Consent Calendar. I think it does not belong on that calendar and therefore, with personal regret, I object.

Mr. BARBOUR. Does the gentleman object to its consideration?

Mr. OSBORNE. I object to the consideration of the bill, and I think it should be stricken from this calendar.

Mr. BARBOUR. Mr. Speaker, I understand the gentleman objects to its consideration.

The SPEAKER. Does the gentleman from California object to its being passed without prejudice?

Mr. OSBORNE. I object to its being passed over without prejudice. I think it ought to be stricken from the calendar.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. OSBORNE. Mr. Speaker, I object.

ROCKY MOUNTAIN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8675) to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, when this matter was brought up before the gentleman from Illinois raised a question about certain provisions of the bill. Has the gentleman from Colorado any further information to give the House?

Mr. VAILE. Yes; I can give the House a little further information on that. At that time, as I recall the colloquy here on the floor, the gentleman from Illinois suggested that possibly the building could not be completed in the time limited by this grant, which it was contemplated the Government should accept, that limitation being to the effect that the building should be completed on or before December 1, 1923. I was confident at that time, and still am confident, that my colleague, Mr. TIMBERLAKE, the author of this bill, can secure from the donors, who are the Womens' Club, of Estes Park, Colo., an extension of time, if such extension is necessary. We have not been able to secure a definite statement to that effect as yet, because they have not had their annual meeting and will not have for some days to come. But I state this. I have received a letter from Director Mather, of the National Park Service, in which he says:

As Congress apparently is favorable to making funds for construction work in the parks immediately available, as appears to be the case from the present Interior Department bill now in conference and covering the fiscal year 1923, we could, if the item of appropriation is granted for such an administration building, begin construction quite early in the year and have it completed during the summer months, before the time limitation set in the deed; in fact, we could begin construction any time after July 1 and still complete the small administration building in time. Should the appropriation not be granted or some other conditions now unforeseen prevent construction, the United States would not be obligated in any way by the acceptance of the tendered gift at this time.

I believe that disposes of the inquiry.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, why should the Government accept any grant of land with a string attached to it, as is proposed in this matter to be granted by this woman's club?

Mr. VAILE. One reason is that if we do not accept this land the Government will likely have to pay a very great deal more for other land by purchase.

Mr. STAFFORD. This land is outside of but contiguous to the land in the national park?

Mr. VAILE. It is in the village of Estes Park, where the administration of the park is now carried on in rented quarters. Mr. Mather calls attention, as I did the other day on the floor, to the fact that we have been paying $600 a year rental for quarters already cramped and inadequate. He further states:

The owner of this building states that he can get a much higher rent for this building for commercial purposes than the $50 per month that we are paying, and the present lease contains a clause to the effect that "no such lease shall extend beyond May 31, 1923." It is my purpose to submit to the department for presentation to Congress, if the above-mentioned bill passes, an item of $5,000 to $6,000 for the construction of a new administration building urgently needed on this donated site.

Unless we accept this gift we will either have to rent at a much higher figure some other quarters, or erect a building on ground less favorably situated, at an expense of some $10,000 to $20,000. If the only question is refusing accepting the gift for fear we would not be able to complete the building in the time in which Mr. Mather says we can, and, as an alternative, having no administration building or having the administration carried on in rented quarters or in a building to be later constructed by the Government on more expensive land, it seems to me there is no doubt about what we ought to do.

Mr. WALSH. They could put up a building on Government-owned land.

Mr. VAILE. But it would be inconvenient for administration purposes.

Mr. WALSH. Why?

Mr. VAILE. Because all of the business of the park is done in the village of Estes Park. If you want to go into the hills somewhere, clear outside of the place where business is carried on, of course we can do it.

Mr. WALSH. But the Government builds lots of buildings on its own land far remote from its activities, as far as villages or settlements go.

Mr. VAILE. I do not think that should be a precedent for continuing to do it, when we can put a building in a conveniently located place.

Mr. WALSH. Of course, there is some appeal in that argument, but it is rather unusual for people to offer to give the Government something and then say, "Of course, if we give this to you, you have got to do something within a certain time."

Mr. VAILE. I do not think it is particularly unreasonable.

Mr. WALSH. I say unusual, not unreasonable.

Mr. VAILE. Perhaps it is an unusual thing. I do not know enough of the history of such transactions to know whether it is or not, but here is a piece of land that these ladies could sell at a very respectable figure if they were not willing to donate it to us. If we are to accept it and put a building upon it, we can have it, but they say they do not want it tied up permanently, and why should we ask them to do that?

Mr. WALSH. We are not asking them to do anything. They are asking us to do something.

Mr. STAFFORD. Is there any condition attached as to the character of the building that these grantors impose on the Government, whether it should be architectually in consonance with the surroundings?

Mr. VAILE. I think they are willing to leave that to the judgment of the department.

Mr. STAFFORD. To the munificence of the department.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept a certain tract of land in the town of Estes Park, Colo., described as lot 5, Buena Vista Terrace, in the southeast quarter of the northwest quarter, section 25, township 5 north, range 73 west of the sixth principal meridian, Larimer County, Colo., donated by the Estes Park Woman's Club as a site for an administration building for the Rocky Mountain National Park.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSIGNMENT OF CERTAIN FEMALE PRISONERS IN STATE REFORMATORIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume that the gentleman from Minnesota has some amendments that he wishes to offer to make the bill intelligible.

Mr. VOLSTEAD. I intend to offer certain amendments, and I ask that they may be reported now for information.

The SPEAKER. The gentleman from Minnesota offers amendments which will be reported for information.

The Clerk read as follows:

Page 2, line 17, strike out "house of refuge" and insert in lieu thereof "State reformatory."

Add at the end of line 18, page 2, the following: "*Provided*, That no person shall be confined in any place not subject to public supervision."

Mr. STAFFORD. Mr. Speaker, reserving the right to object, does the gentleman intend by the suggested amendment to strike out houses of refuge?

Mr. VOLSTEAD. Yes. That is, it is stricken out all through the bill except at that point.

Mr. STAFFORD. Well, it is not stricken out so far as the amendment to section 5549 is concerned.

Mr. VOLSTEAD. No; that will be left as it is.

Mr. STAFFORD. Why?

Mr. VOLSTEAD. The Senate struck it out so far as it applied to women.

Mr. MANN. There is nothing in section 5549 as reported as to houses of refuge——

Mr. STAFFORD. From my reading of the bill some weeks ago I came to the conclusion it was necessary to include houses of refuge and State reformatories so as to make it in consonance with the amendatory section.

Mr. MANN. I suggest to the gentleman from Minnesota and some gentlemen interested in the bill that they amend section 5550 and make it State reformatory or house of refuge. The present law provides confinement in a house of refuge, but, as I understand the amendment of the gentleman from Minnesota, as offered it would strike out altogether any house of refuge and provide for a confinement in a State reformatory.

Mr. STAFFORD. Now, in Wisconsin we have—and I assume that is the status in other States—State reformatories under the control of the State government. We also have houses of refuge under the supervision of private institutions. Under the original law these minors were to be sent to these houses of refuge under private control. Now, it is proposed to divert the original purpose of the law so far as minors are concerned, and take away that privilege entirely of having them confined in houses of refuge. There is a difference so far as Wisconsin is concerned between a State reformatory and a house of refuge.

Mr. MANN. I think myself it would be wiser to amend the bill by inserting the language on page 2, lines 11 and 12, that provide State reformatories and say "or house of refuge."

Mr. STAFFORD. That is true.

Mr. MANN. And also to insert in line 17, after the word "in," the words "and State reformatory, or," so it would leave it to the court to determine whether the confinement should be in a house of refuge or a State reformatory, which, I think, will accord with the amendment offered by the gentleman.

Mr. STAFFORD. I wish to say to the gentleman from Illinois and also to the gentleman from Minnesota that that was the amendment I had considered advisable in considering these two sections, for you are not in anywise restricting existing law.

Mr. VOLSTEAD. My understanding was the Senate did not intend that and carried the phrase "State reformatories" instead of "houses of refuge."

Mr. MANN. The present law provides the confinement of minor children in a house of refuge. The purpose of this bill was to substitute that by providing for the confinement of women not in a penitentiary or a common jail but also to have them confined as children are in special institutions. But whereas the present law provides for a house of refuge this bill as originally applied attempted to provide for State reformatories.

Mr. VOLSTEAD. No: that was the amendment in the Senate.

Mr. MANN. Well, that is the one passed in the Senate; I do not know how it was introduced. Now, I think it would be wiser to leave it to the court to determine whether in a particular case the confinement should be in a house of refuge. It might be where they want to send a child or a woman to a State reformatory in the discretion of the court.

Mr. TILSON. Would it not be possible to employ language that would provide either a reformatory or a house of refuge, or a house of correction, or any of those institutions, whatever the name might be?

Mr. MANN. It is perfectly possible under the construction now, because the house of refuge covers nearly all of these things.

Mr. TILSON. The word "reformatory" would be perhaps broad enough to include those named here.

Mr. MANN. Here is the fact about it. It is sometimes desired by the people interested in these children or women to have them confined in an institution which is under private or semiprivate control. A State reformatory, of course, never is. Now the gentleman is offering an amendment which I think is proper, but in any case, whatever the institution is, it shall be subject to public inspection. If you put in "house of refuge" or "State reformatory" you leave it to the court to determine, where in some cases it may be desirable to send a number to some private institution, and some they may desire to send to a State reformatory.

Mr. STAFFORD. May I call the attention of the gentleman from Minnesota to the fact that this Senate bill amends existing section 5549 by adding a provision, as the gentleman well knows, for confinement of these older persons in State reformatories, but does not repeal in any way the existing section 5549, which provides for the confinement of these juvenile offenders in a house of refuge?

Mr. VOLSTEAD. Section 5550 is to be enacted in this bill.

Mr. STAFFORD. The gentleman does not get my criticism. You are not reenacting 5549 in this Senate bill. You are adding thereto a new provision. Under existing section 5549, juvenile offenders under 16 years of age are authorized to be confined in houses of refuge. By your proposed amendment you intend to eliminate entirely the confinement of those juvenile offenders and make no provision whatever for their confinement.

Mr. VOLSTEAD. They would be confined in State reformatories.

Mr. STAFFORD. There would not be any provision under this bill for their confinement. By providing for the confinement of those juvenile offenders you would have to amend existing section 5549 by substituting State reformatories for houses of refuge.

Mr. VOLSTEAD. The gentleman is mistaken. There is another provision of the statute that will cover that so far as that is concerned, and there would be a provision for incarcerating them in the State reformatories.

Mr. STAFFORD. Unless the gentleman sees his way clear to accept the amendment suggested by the gentleman from Illinois [Mr. MANN] I will be constrained to object, because there will be no adequate provision for the confinement of offenders under 16 years of age.

Mr. BRAND. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BRAND. I think the gentleman misconstrues the section. As it passed the Senate, section 5549 was amended in two particulars. In the first place, the Senator from Montana [Mr. WALSH] prepared and introduced an amendment which would add to the class of juvenile offenders provided for in the present law female offenders against the laws of the United States who have been convicted of lewdness and prostitution. This was not in the original section, and the object of the amendment—and that is the beginning of this legislation—was to include that class of offenders against the statutes of the United States.

Mr. STAFFORD. There is no objection to that.

Mr. BRAND. The second point I wish to call your attention to is that the Senate bill as amended by Senator HARRIS, of Georgia, strikes out the words "house of refuge" and inserts in lieu thereof the words "State reformatory."

Mr. STAFFORD. That is where the gentleman is in error. It is not changed so far as section 5549 is concerned.

Mr. BRAND. That was the purpose of the amendment. The first part of section 5550 was so amended, but by a mere mistake the words "house of refuge" were not stricken from line 17 in said section.

Mr. STAFFORD. The Senate bill only seeks to amend section 5549 by adding an additional paragraph.

Mr. BRAND. Yes; that is true.

Mr. STAFFORD. Providing for the confinement of these older offenders. It leaves intact section 5549 as it exists to-day for the younger offenders.

Mr. BRAND. The gentleman is mistaken about that.

Mr. STAFFORD. I am not mistaken about it. I have read the law. The first section reads:

That section 5549 of the Revised Statutes of the United States be, and it hereby is, amended by adding thereto the following.

It leaves intact 5549, which provides for offenders under 16 years of age to be confined in houses of refuge. There is no amendment proposed by the gentleman from Minnesota to change "house of refuge" to "State reformatories" in 5549.

Mr. BRAND. As I understood the gentleman, he took the position that 5549 did not leave any provision for taking care of these juvenile offenders.

Mr. STAFFORD. The gentleman misunderstood me. Section 5549, as it exists at present, provides for the confinement of juvenile offenders under 16 years of age in houses of refuge.

Mr. BRAND. Of course, I agree with that.

Mr. STAFFORD. There is no provision by the Senate amendment or the proposed amendment of the gentleman from Minnesota providing for the confinement of those juvenile offenders in houses of refuge.

Mr. BRAND. That is where they would be sent unless his amendment is agreed to.

Mr. MANN. We are absolutely agreed that we want to correct section 5550 to make it read that way.

Mr. BRAND. If the gentleman will give me a minute's time, I wish to say that as it stands now, under the Senate amendment juvenile offenders will be sent to the houses of refuge and not to State reformatories, but it was the intention of the author of this amendment to so change the law which would authorize the courts to send these juvenile offenders to State reformatories. No church, Mr. Speaker—I do not care what denomination it may be—ought to have control of convicts. They ought not to be leased or rented to any religious denomination. The State and Federal courts ought to retain control over convicts sent from these courts, and they ought to be sent to a State reformatory or some other State institution where the State would have supervision or control over them. No church ought to be made a prison for any sort of convict.

Mr. WALSH. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. Unless the gentleman from Minnesota [Mr. VOLSTEAD] wishes to accept the amendment of the gentleman from Illinois [Mr. MANN], I will feel constrained to object.

Mr. WALSH. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; and

H. R. 9904. An act for the acquisition of a post-office site at Madison, Wis.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2968. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes; and

S. J. Res. 180. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 160. Joint resolution authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referre to its appropriate committee, as indicated below:

S. 2968. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes; to the Committee on Irrigation.

GALLATIN NATIONAL FOREST.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 256) for the consolidation of forest lands within the Gallatin National Forest, and for other purposes.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the Gallatin National Forest, Mont., not to exceed 24 sections, if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may cause to be patented to the party conveying to the United States not to exceed an equal value of land within such national forest, or the Secretary of Agriculture may authorize the party conveying to cut and remove an equal value of timber within any national forest in the State of Montana, the value of the land or timber to be determined by the Secretary of Agriculture and acceptable to the owner as fair compensation: *Provided*, That before any such exchange is effected notice of the contemplated exchange, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county of Gallatin, Mont., and in some film newspaper published in any county in said State in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Gallatin National Forest.

With a committee amendment, as follows:

Amend, on page 2, line 8, by inserting, after the word "published," the words "without expense to the United States."

Mr. SINNOTT. Mr. Speaker, this bill is unnecessary. It is disposed of by the general exchange act. I ask unanimous consent that it may be laid on the table.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be laid on the table. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

OVERTIME COMPENSATION, RECLAMATION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10672) to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire whether the Committee on Agriculture considered the proposal of limiting the hours of employment during which these workers might be employed?

Mr. HAUGEN. No. That was not considered.

Mr. STAFFORD. The gentleman is well aware of the fact that in the Postal Service we limit the number of hours that employees may be employed. Why should not these public officials be restricted in the number of hours that they may be employed?

Mr. MANN. Well, sometimes it is absolutely necessary to inspect the meat.

Mr. STAFFORD. Yes; but it is not necessary to work 24 hours a day, or 16 hours.

Mr. MANN. It is necessary to permit them to do it if they are going to get the meat out unless you increase the number of inspectors or have a surplus of inspectors.

Mr. STAFFORD. Then, I think it might be well to have a surplus of inspectors.

Mr. MANN. Well, in the Post Office Department they have substitutes, but not so in this service.

Mr. STAFFORD. In the Post Office Department they are limited to eight hours. I think there should be some limit of time fixed that these public servants should be required to work.

Mr. MANN. They are not required to work.

Mr. STAFFORD. They are virtually required to work. If they were given orders to continue at their employment they would continue to work, otherwise they would lose their positions.

Mr. MANN. Well, the Committee on Appropriations might give us a surplus, but probably they will not.

Mr. STAFFORD. There is no prospect of their giving a surplus. I wanted to know if any gentleman would have any objection to limiting the hours of employment?

Mr. HAUGEN. My understanding is that their hours are limited. If they work overtime they are allowed pay for time and half time.

Mr. STAFFORD. We are not considering the pay, but I am considering this subject from the standpoint of whether any officer of the Government should compel these workers to work more than a certain number of hours a day.

Mr. HAUGEN. There is no objection on their part to working overtime, provided they get pay for time and half time. Of course, the packers are compelled to pay for part of it and the Government for the rest.

Mr. STAFFORD. My idea is that it would be better for the protection of the employees and their welfare to limit the number of hours to not more than 10, say, in any one day, so as to save them from being compelled to work 16 hours a day.

Mr. MANN. There are times when it may be desirable to have them work long hours, and the next day they may not work very much. The meat has to be inspected.

Mr. STAFFORD. I will not press my view on the bill, although I strongly believe there should be a 10-hour limitation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act approved July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920" (41 Stat. L., p. 284, and the following), be, and the same is hereby, amended as follows:

I. By striking out on page 241, line 46, after the word "determine," the comma and inserting in lieu thereof a period.

II. By striking out on page 241, in said line 46, the following provision, beginning on said line 46 and ending with line 48: "and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

ERADICATION OF CITRUS CANKER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10673) to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, this seems to be a bill to pay a claim, and not a very good claim at that.

Mr. HAUGEN. I desire to say to the gentleman that evidently some one in the department misplaced confidence in people who subscribed and promised to pay certain amounts of money. The department advanced the money. It is a small amount.

Mr. MANN. Is not this a case where the Government agreed to pay a certain amount of money if the State paid a certain amount of money, and thereupon the State, having agreed to pay the money, expended it? They expected to have the money contributed to the State by private contributions, but not getting it they now ask the Government to pay it.

Mr. HAUGEN. We are paying the money that should have been paid by the people who subscribed. They did not make good. They repudiated their promises.

Mr. MANN. The money was expended by the State officials?

Mr. HAUGEN. Yes; with the understanding that an equal amount was to be paid by the subscribers.

Mr. MANN. Not only by an understanding, but they had secured from private individuals promises to contribute a certain amount of money if the Government would pay an equal amount. Then the State officials go ahead and spend the money. It is their business to collect it. But not being able to collect it according to their agreement, then they ask the Government to pay it. Poor Uncle Sam!

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. They are just following the usual course, are they not?

Mr. MANN. Yes. Here was a case where the people of Alabama urged the Government to contribute a certain amount of money to help eradicate citrus canker. The Government agreed to pay half, and the State of Alabama officials agreed to raise half. They said they had raised it. Then they went ahead and spent it. Then they found out they had not raised it. Then they wanted Uncle Sam to pay what they had spent. Uncle Sam paid his half.

Mr. LAWRENCE. The other half did not grow, did it?

Mr. MANN. I will say this, that I doubt whether any money was ever more profitably expended in the history of the work of the Agricultural Department than was expended in the eradication of the citrus canker. Good results came out of it.

Mr. WALSH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. What happened which resulted in their not being able to get this money from the people who had subscribed it?

Mr. HAUGEN. As stated in the report—

In Alabama a subscription list was prepared in the city of Mobile, the two counties of Baldwin and Mobile being the areas chiefly interested in cooperating with the Bureau of Plant Industry. Subscriptions were pledged in excess of $3,000, a part of which was advanced by the local banks. On this basis the work was laid out by the State Board of Agriculture of Alabama and inspectors employed. The Department of Agriculture authorized the State board to spend not to exceed $3,000 of Federal funds, based on the subscription fund, which it was anticipated would be paid. Many of these subscription funds were later repudiated, some on account of the disorganization of the nursery and land business, the feeling that the citrus canker would destroy the industry discouraged many, and a number of others were unable to pay. The inspectors were employed by the department. Their salaries have been paid, but a number of claims for necessary traveling expenses incurred in going from place to place under orders and on official duty have been disallowed through lack of funds. They were employed and ordered about by a representative, representing both the State and the department, who, if he had held rigidly to the letter of the law, would never have incurred liabilities on a mere promise or obligated the Government beyond the actual cash in hand, or the cash that had been allowed to him by Federal authority. The total of the claims presented so far is $688.98, which is claimed by 10 men.

As this report states, the subscriptions were not paid, and as a result the Government is pledged to pay the $688.98. As I have stated, it was expected that the subscribers would make good. They did not make good. The money was advanced and should be paid. I agree with the gentleman that in the expenditure of this money caution should have been exercised, and that they should have collected the money in advance so as to be sure that they had it and that the Government should never have been called upon for any part of the amount which had been subscribed; but the money has been advanced.

Mr. WALSH. I was asking what, if anything, happened which caused them not to honor the subscriptions that they had agreed to make?

Mr. MANN. The work was so successful that the citrus canker was done away with, and they could not see any reason why they should pay for it after it was done.

Mr. LAYTON. Their idea was to let the Government do it.

Mr. WALSH. That was a pretty good reason, where the Government was concerned. That is the usual process of reasoning in such cases.

Mr. HAUGEN. Possibly they thought that the Government could pay it more easily than they could.

Mr. MANN. We have been trying to get a rise out of somebody from Alabama, but do not seem to be able to.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of the appropriation of $79,720 for "Eradication of citrus canker" made available by the Agricultural appropriations act of March 3, 1921, not to exceed $1,200, for the payment of miscellaneous expenses incurred during the fiscal years 1916 and 1917, in connection with cooperative work of the United States Department of Agriculture and the Alabama State Board of Horticulture, in the eradication of citrus canker in the State of Alabama.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

FORT FETTERMAN MILITARY RESERVATION.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10002) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation, in the State of Wyoming.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

Mr. SINNOTT. Will the gentleman withhold his objection?

Mr. BLANTON. I will reserve the objection.

Mr. SINNOTT. I ask unanimous consent that this bill may retain its place on the calendar.

The SPEAKER. The gentleman asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

POSTAL SAVINGS SYSTEM.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8334) to amend the laws relating to the Postal Savings System.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ROUSE. I object.

RURAL CARRIERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7544) authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, this bill does not provide any way for a rural carrier to have

the opportunity to file a reply to any complaint that might be made against him by the Post Office Department. It does not provide that an inspector shall be detailed to investigate any charge that might be made against a rural carrier. I do not believe it would be a good policy on the part of the department to reduce the pay of one rural carrier 25 per cent, another 50 per cent, another 75 per cent, and so on. In other words, this bill if enacted into law would, in my opinion, work a hardship on those splendid men who are engaged in this occupation, and I can not favor legislation which might be used by some unscrupulous person to injure carriers who might have charges filed against them for various reasons. I reserve the right to object.

Mr. STEENERSON. If the gentleman will reserve his objection I will make an explanation.

The compensation of rural carriers is fixed by statute. The department has no control over it, except that where there is a failure of service or a delinquency the department may remove or suspend without pay, but can not do anything less than that. They may suspend a rural carrier and he loses his salary, but they can not deduct anything from it. This is in the interest of the rural carriers. We had a hearing on this bill, and there was no objection on the part of any representative of the rural carriers.

A letter from the Postmaster General requesting the committee to consider the advisability of this legislation and explaining its purpose follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 13, 1921.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. CHAIRMAN: Under existing law rural letter carriers may be disciplined only by reprimand, suspension from duty without pay, or removal.

Suspension from duty without pay often works an undue hardship on the employee, and, in the opinion of the department, it would be far preferable in many cases to reduce temporarily his rate of pay, thus sufficiently penalizing the carrier without depriving him entirely of his income. Such action can not, however, be taken at this time, as the reclassification act of June 5, 1920, fixes specifically the rates of pay for routes of various lengths.

It is, therefore, recommended that your committee consider the advisability of enacting appropriate legislation in this matter, and the following tentative draft is submitted:

"That the Postmaster General be, and he is hereby, authorized in his discretion, whenever for disciplinary purposes he deems it advisable to do so, to reduce temporarily the pay of rural carriers, provided that in no case shall such a reduction in pay be of more than one grade as fixed by the act of June 5, 1920, nor extend over a greater period of time than one year."

Sincerely yours,

WILL H. HAYS, *Postmaster General.*

Mr. McCLINTIC. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. McCLINTIC. I should like to know if the rural carriers' organization has made any recommendation relative to the merits of this proposed legislation?

Mr. STEENERSON. None whatever.

Mr. STAFFORD. Then it should be considered. If they have made no representation concerning it, that is a very good reason why we should consider it.

Mr. McCLINTIC. Inasmuch as this provides a method of laying rural carriers off for the period of a year, I will object.

Mr. LINTHICUM. I hope the gentleman will reserve his objection.

The SPEAKER. The gentleman from Oklahoma objects. The Clerk will report the next bill.

RURAL ROUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8927) authorizing establishment of rural routes of from 36 to 75 miles in length.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, if I understand the law, there is a method at the present time which can be put into effect for the purpose of establishing these motor routes. It has been the policy of the Post Office Department in the past to establish a number of these long routes, known as motor routes, in States where they have no macadam roads, and when bad weather came the service was seriously injured, because the route was too long for the carrier to make in a day. Inasmuch as we have at the present time a method by law whereby rural routes of this length can be established, I do not believe it ought to be changed.

Mr. STEENERSON. Will the gentleman withhold that for a moment?

Mr. McCLINTIC. I will.

Mr. STEENERSON. Mr. Speaker, under the present law the routes of horse-drawn vehicles are limited to 36 miles and the motor-drawn vehicles are limited to a minimum of 50 miles; so between the two there is no possibility of either one kind of route or the other. Now, there are cases where the motor routes might be lengthened, and it would afford accommodation to many deserving families in certain parts of the country if this authority was granted. Of course, the department would not avail itself of the authority if the service could not be maintained with efficiency. The department has recommended it and the committee has considered it carefully, and we think the authority to establish these routes between 50 and 36 miles ought to be granted.

Mr. McCLINTIC. If I understand the gentleman correctly, the motor routes up to 50 miles can be established?

Mr. STEENERSON. From 50 miles upward, but not less than 50 miles.

Mr. McCLINTIC. If this bill becomes a law it will have the effect of repealing the statute which makes it necessary that petitions be circulated and that the patrons of the route, or a certain number, sign it before a motor route can be authorized.

Mr. STEENERSON. I do not think so; there is not a word in the bill about that. The existing law is not repealed.

Mr. McCLINTIC. It has been my experience in Oklahoma that practically every motor route established has proven unsatisfactory. Many petitions have come to me from the patrons of these routes asking that they be abolished and wagon routes be established to take their place.

Mr. STEENERSON. It is news to the chairman of the committee; I never heard of it.

Mr. McCLINTIC. I dare say that 90 per cent of the motor routes where they have no macadam road have proven unsatisfactory.

Mr. STEENERSON. This would give the department authority to establish motor routes less than 50 miles. Fifty miles is the minimum now, and this would wipe out that restriction, so that really it is in the interest of the patrons which the gentleman has in mind.

Mr. McCLINTIC. Mr. Speaker, I have heard a number of complaints about the establishment of motor routes, and I do not think that it is a wise policy to authorize the Government to destroy or repeal the laws relating to this subject. Therefore I object.

The SPEAKER. Objection is made by the gentleman from Oklahoma.

ADDING TO THE SISKIYOU NATIONAL FOREST, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10461) adding certain lands to the Siskiyou National Forest in Oregon.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. HAWLEY. Will the gentleman reserve his objection?

Mr. BLANTON. I will.

Mr. HAWLEY. Mr. Speaker, this bill proposes to add to the Siskiyou National Forest, in Josephine County, Oreg., somewhat over 120 acres of land that is so situated as to include about all the land suitable for the use of tourists, campers, and others who visit the Oregon caves. It is necessary for the construction of accommodations for visitors and for camp sites. An excellent road has been constructed nearly to the caves and it will be completed in the near future.

Mr. BLANTON. Does this bill restrict the acquisition to 120 acres?

Mr. HAWLEY. One hundred and twenty acres and lot 1, and I do not know exactly the area of lot 1, but a few more acres.

Mr. BLANTON. How much are we going to pay for it?

Mr. HAWLEY. It only transfers it from the jurisdiction of the Department of the Interior to that of the Department of Agriculture.

Mr. BLANTON. All public land?

Mr. HAWLEY. It is already public land, and this is to prevent it going into private hands, thus permitting some private owner to charge exorbitant prices for camping privileges to tourists.

Mr. BLANTON. Can the gentleman tell us how many extra employees this additional will entail and how much in salaries?

Mr. HAWLEY. None at all; there is no additional expense.

Mr. BLANTON. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the northeast half of the northeast quarter and the northeast quarter of the northwest quarter of section 33, township 39 south, range 6 west, of the Willamette meridian, are hereby added to and made a part of the Siskiyou National Forest in Oregon.

The following committee amendments were read:

1. Page 1, line 3, strike out the word "northeast," where it first occurs in said line, and insert in lieu thereof the word "north."
2. Page 1, line 3, strike out the word "and" and insert in lieu thereof a comma(,).
3. Page 1, line 4, after the word "quarter," where it occurs the second time in said line, insert the following words: "and lot one."
4. Add a new section as follows:

"SEC. 2. The Secretary of Agriculture is hereby authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as 'The Oregon and California land-grant fund,' referred to in section 10 of the act of Congress approved June 9, 1916 (39 Stat., 218), and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of the said act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY a motion to reconsider the vote whereby the bill was passed was laid on the table.

LAKE GEORGE, YAZOO COUNTY, MISS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, to retain its place on the calendar.

The SPEAKER. Is there objection?

There was no objection.

MESCALERO RESERVATION INDIANS, NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6294) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico.

The SPEAKER. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I reserve the right to object.

Mr. WALSH. Mr. Speaker, I reserve the right to object.

Mr. LINTHICUM. Mr. Speaker, I do not know much about this bill; I do not know what it aims to accomplish, but I do know that if it is going to promote civilization it is a good thing. I also know that if we would also introduce some bill to continue civilization and civil service in this country it would be a good thing. I note that the President by drastic order——

Mr. MANN. Oh, now, now!

Mr. LINTHICUM. The other evening removed summarily the heads of the Bureau of Engraving and Printing.

Mr. WALSH. Mr. Speaker, we have all noticed that. I do not think it is necessary to occupy the time of the House in comment upon it.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Maryland asks unanimous consent to speak for five minutes. Is there objection?

Mr. WALSH. Reserving the right to object, is the gentleman going to make some caustic observations upon the dismissals from the Bureau of Engraving and Printing?

Mr. LINTHICUM. I do not think I have ever made any caustic observations. I want to comment somewhat upon this summary removal of the men and women from the Bureau of Engraving and Printing, because I think it was very unusual.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent for five minutes in which to reply to the gentleman's speech.

Mr. WALSH. Mr. Speaker, I object to the bill and to the requests of each gentleman.

The SPEAKER. Objection is heard.

Mr. ROACH. Mr. Speaker, will the gentleman from Massachusetts reserve his objection to the bill?

Mr. WALSH. I reserve my objection to the bill, but not to the requests of the gentleman from Maryland and the gentleman from Texas.

Mr. ROACH. Mr. Speaker, if there is any information that I can furnish the gentleman with reference to the bill, I shall be very glad to do so. I do not think there could well be any objection made to the bill itself. The assistance proposed to be rendered to the Indians on the Mescalero Indian Reservation under the provisions of this bill is to be paid for out of the sale of timber from their reservation, which has already been contracted by the Indian agent. This Mescalero Indian Reservation has timber on it of the approximate value of two and one-half million dollars, and the Commissioner of Indian Affairs informs our committee that contracts have already been let for the sale of $450,000 worth of this timber. It is proposed to repay such loans as may be advanced to this reservation under provisions of this bill out of the sale of this timber off the reservation. If there is any further information that I can give the gentleman, I would be very glad to do so. I do not see how there can be any objection made to the passage of the bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ROACH. Yes.

Mr. MANN. This is practically a loan by the Government to the Indians?

Mr. ROACH. It amounts to that; yes; but in that connection the Commissioner of Indian Affairs informed our committee that a sale has already been perfected of $450,000 worth of timber upon which certain payments would shortly be coming due. These payments extend over a period of 10 years, but some of the payments will be due in the near future, and payments on these timber contracts will be made from time to time, as they become due.

Mr. MANN. This loan is to be made without interest?

Mr. ROACH. Under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. MANN. The Indians have assets, and the suggestion is that we loan them money against those assets without interest.

Mr. ROACH. As far as I recall, the matter of interest I do not believe was mentioned or discussed.

Mr. MANN. It is practically a loan.

Mr. ROACH. Yes; that is what it amounts to.

Mr. MANN. Does not the gentleman think, if we start to loan money to people who need it—and the Indians, I admit, are in a peculiar situation, of course—it would be perfectly fair and a little better precedent if we should require that some interest on the loan be paid?

Mr. ROACH. I am not prepared to state that the Secretary of the Interior intends to finance this bill wholly out of the payments made on this timber, but that is the impression that I gained of the matter—that such amounts of these payments as were made from the sale of the timber were to be so utilized, and the bill gives the Secretary of the Interior or the Indian agency authority to utilize those payments in the promotion of the general welfare of that tribe of Indians by building homes, by improving their property, buying them live stock, and supplying them with necessary farming implements, and so forth, to enable them to make some progress in the matter of civilization.

Mr. MANN. Of course, as far as supplying them homes is concerned, that is mostly bunk. They would not live in homes if you built them palaces, but as far as furnishing them facilities for cultivating the soil or for grazing or anything of that sort, it is highly desirable. They have a large forest, and the contract has been let to cut part of that forest within the next 10 years, to the total amount of $450,000. The forest is increasing in value, I apprehend. The proposition now is that we shall advance them $250,000 against that. No one knows just when the advances will be made or when they will be repaid.

Mr. ROACH. It is known to this extent, that the total amount of $450,000 already contracted is to be paid within a period of 10 years from date.

Mr. MANN. Yes. I apprehend that $250,000 might be paid back much before the expiration of the 10 years. We do assume that it would be all paid back in 10 years, although experience teaches us that the history of such things is that they are rarely ever paid back. They always have some new use for the money.

But it would not be fair to give consideration to the question as to whether, if we are not to loan this money, they should pay some interest on it. If we get any money of the Indians in the Treasury, we pay interest on it.

Mr. ROACH. Had I not been under the impression that these advances would really be taken care of out of the payments from the sale of this timber, I would have raised before the committee the question of interest, but it did not occur to me for the reason, as stated, that I was under the impression that the money was really to be paid out from the money derived from the sale of timber.

Mr. MANN. If it was only to be paid out of money that comes in from the sale of timber, certainly I should not think there would be any opposition.

Mr. ROACH. I am not prepared to state that such is true, but I have that impression. I do not want to be understood as stating such to be the fact, however. At any rate, the loans so made are to be paid from these timber sales.

Mr. MANN. Would it not be wise to find it out? If we sell the timber for these Indians, I can see no reason, as the money comes in, why it should not be turned over for the use of the Indians, and that is the purpose of the bill.

Mr. ROACH. Under the circumstances, if the gentleman feels obliged to object——

Mr. MANN. I do not know that I shall object, but the gentleman in charge of the bill, I should think, would want to give the House full information, and it would not hurt to let it go over for a couple of weeks until he finds out about these particular matters inquired about.

Mr. ROACH. I ask unanimous consent that under the circumstances the bill be passed without prejudice.

The SPEAKER. The gentleman asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

LEASES FOR POST-OFFICE PREMISES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10244) repealing the law relating to the termination of leases for post-office premises.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Reserving the right to object, will the gentleman state what has arisen to make such legislation necessary?

Mr. STEENERSON. There is a statute which makes it mandatory in all leases of post-office premises to include a clause that the lease shall terminate in the event a public building be built there, and without this statute the department could, of course, cancel such lease at any time they thought proper; and it developed, in the city of New York especially, as this clause was mandatory to be included in the lease, that it increased the rent, and the joint commission had it up. And as I recall, one building to be built—the Pennsylvania station—it would make a difference in the rental of $175,000 for the period of the lease.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. MANN. I believe it has been the policy of the Post Office Department for many years, in making a lease, to put in a cancellation clause providing the Government could cancel the lease at any time.

Mr. STEENERSON. Yes.

Mr. MANN. Has that policy been changed?

Mr. STEENERSON. Yes; in some cases.

Mr. MANN. Because this provision does not make any difference whether it is in or out of the lease if the cancellation provision is in. Now, some time ago, maybe a year or so ago, I called at the department about the lease of a substation in Chicago, a place where they wanted to make a lease. The owner of the property absolutely refused to make a lease to the Government with the cancellation clause in it. He said he could lease his property for the same length of time to private parties without a cancellation clause, and he was not going to lease it to the Government, rentals being now high in Chicago, and in two or three years they would drop down and the Government might cancel the lease and leave the property on his hands. He said, "Get somebody else's property, but you can not get mine." And the department absolutely refused to consider any proposition that did not contain the right of cancellation in it. Of course, if the cancellation clause is still continued in leases it does not make any difference whether this provision about cancellation in erecting a Government building is in or not, because they can cancel with or without an excuse. Now, is that changed?

Mr. STEENERSON. I am so informed that where it is thought it would affect the rental to be paid they take it out, but this other clause is mandatory to be included.

The situation in New York is a special illustration of the disadvantage. It was said before the commission and before the Committee on Post Offices and Post Roads that by reason of this mandatory clause they were prevented from leasing desirable places.

Mr. MANN. I do not see how it could make any difference in the city of New York, because they do not build any substations there at all. The Government does not own any Government buildings in which there are substations, and in any event it certainly can not apply in the city of Chicago and can not apply in the city of New York, and it can not apply in any other place where they have substations.

Mr. STEENERSON. Oh, yes.

Mr. MANN. There is only one substation owned by the Government in the United States, and that is in my district. It was built by the Government.

Mr. STEENERSON. The post office in the Pennsylvania Terminal was built by the United States. Outside of that the stations in New York are all built by private contractors, but the rental is agreed upon in advance. We are now negotiating with the Pennsylvania Railroad, or one of their subsidiary building companies, for an additional building for post-office purposes, and they stated before the joint commission——

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects, and the Clerk will report the next bill.

SPECIAL CANCELING STAMPS OR POSTMARKING DIES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies.

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to grant permission for the use in first and second class post offices of special canceling stamps or postmarking dies for advertising purposes in the following cases only: First, where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit: *Provided*, That such permit shall not be for a longer period than six months and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

Sec. 2. That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes.

Mr. BLANTON. Mr. Speaker, I offer an amendment. On page 1, line 10, strike out the following words: "Of general public interest and importance."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 10, strike out the words: "Of general public interest and importance."

Mr. BLANTON. Mr. Speaker, it is, I take it, of general public interest and importance to the people of the United States that to-day, when there are already 5,000,000 American citizens out of work, walking the streets idle, that through the autocratic call of certain leaders 600,000 more able-bodied men are called from their work into a state of idleness. It is a loss not only to the people of the United States, it is a loss to those 600,000 men and their families. I want to cite to them the situation that exists in——

Mr. MANN. Mr. Speaker, I make the point of order the gentleman is not discussing the bill under consideration.

Mr. BLANTON. Mr. Speaker, I submit I am speaking upon the subject of "general public interest and importance to the people."

The SPEAKER. That, of course, does not make his amendment in order. The gentleman will discuss the subject of his amendment.

Mr. BLANTON. Under the rules and practice of the House, is it not in order to speak on any subject that is germane to and embraced in the specific language that is under discussion?

The SPEAKER. Oh, the gentleman should not seriously argue that.

Mr. BLANTON. I only follow the distinguished gentleman from Massachusetts before he became Speaker, when he used to speak in that fashion.

The SPEAKER. That may be, but objection being made, of course it is not in order to discuss this subject. Because the words "public interest and importance" are in the bill, it does not make everything of public interest in order.

Mr. BLANTON. May I call the Speaker's attention to the fact that once when the present Senator from Texas [Mr. SHEPPARD] happened to be on the floor, he moved to strike out the last word, which happened to be the word "dollar," and he was permitted to speak at great length on the subject of the American dollar even over objection.

Mr. MANN. Under the theory of the gentleman, if he moved to strike out the word "Congress," he could talk on everything that Congress has jurisdiction over.

Mr. BLANTON. Of course, if the gentleman from Illinois does not want me to discuss this important question that is of vital interest to the people just now——

Mr. MANN. Let the gentleman discuss it in a proper way and at the proper time, and not through a subterfuge.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes on this important subject.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

Mr. STEENERSON. Mr. Speaker, there are a couple of bills here that I know the gentleman is anxious——

Mr. BLANTON. The gentleman will expedite them probably by giving me a little show here. I am going to help the gentleman expedite the bills.

Mr. STEENERSON. Does the gentleman want five minutes?

Mr. BLANTON. Just five minutes. That is all I want.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, to these 600,000 miners who have been called from their work, and are now in idleness, and whose families are going to suffer, I want to cite the situation that exists in the United States in every American open-shop plant. Take, for instance, the steel industry. Under the American open-shop plan that industry to-day is giving employment to 264,000 Americans, and is paying to them an average wage of over $1,000 each. And there has not been a day during the last 12 months that they have not had work in continuous employment. Their families are satisfied. Last year they bought 255,000 shares of stock in the concern for which they work. Take the open-shop plant of Henry Ford to-day. He is employing under the American open-shop plan 63,500 Americans, and he is paying them a minimum of $6 apiece. And he has established the 40-hour week for them. He gives them also representation in all of their problems of employment.

Take the packers, if you please. They are employing to-day under the American open-shop plan 22,500 American citizens, and they are paying them a wage of at least $4.80 apiece as a minimum, and then on up according to the earning capacity of the various employees. It is all under the American open-shop plan. And if you will find me a factory that has been running continuously in the United States for the last 12 months you will find it is an open-shop factory, not an open-shop factory that denies to its employees the right to be heard or the right of representation, but open-shop factories that give to their employees the right to be heard through representatives whom they may select.

I submit to these miners that if they will look into the coal fields where the open shop is maintained, if they will look into the coal mines of Kentucky and West Virginia and such places, where the American open-shop plan has been in force for the last 24 months, they will find that the miners there are satisfied. They are receiving wages amply sufficient to maintain their families, and they are perfectly satisfied. There has not been a month during the last 12 months when they have not had work. And they have the expectation of having continuous work for the next 12 months. And I submit to these 600,000 miners who have quit work at this time, when there are 5,000,000 able-bodied men already idle and seeking work, that they are placing a hardship upon the 5,000,000 men and their families, and not only that, but they will close up lots of plants and factories in the United States, and they will take from other men and their families the right to work. Already the railroads are laying off their employees because they can not get coal. That is the direct result for which these 600,000 striking miners and their leaders are responsible.

I want to say to them that it behooves them to stop and think whether their leaders are working for their best interests. If they conclude that their leaders are not, I say to them it is their duty to their country in these days of reconstruction following the war—it is their duty to their country and their flag—as loyal citizens to go back to work and produce, not the least that they can, but produce the very maximum. That is what I have been taught all my life. It is the duty of every American citizen to produce the maximum of which he is capable. I expect if they did it there would be no more unrest and dissatisfaction in this land. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired. Does the gentleman withdraw his amendment?

Mr. BLANTON. I withdraw the pro forma amendment.

Mr. STEENERSON. Mr. Speaker, the demand for special authorization from Congress for the use of special canceling stamps in the different post offices in the country has become so great that in order to save the time of Congress in considering them it was deemed best to have a general law on the subject giving the Postmaster General authority to govern these permits under certain limitations, namely:

Provided, That such permit shall not be for a longer period than six months, and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

First, Where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit.

The bill was unanimously reported by the committee and approved by the Postmaster General.

The following from the report on H. R. 2185 passed last year throws some light on the matter:

APRIL 16, 1921.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. STEENERSON: In reply to your letter of the 15th instant, with which you submit a copy of bill H. R. 2185, providing for a "Pageant of Progress Exposition" canceling stamp to be used by the Chicago post office and asking for a report and recommendation on said bill, I beg to state that on account of the multiplicity of requests from numerous sources for the use of special dies advertising various projects, the department found it necessary to take some decided action and an order was signed by a former Postmaster General August 18, 1901, of which the following is a copy:

"It is hereby ordered that postmarking dies shall not be used for advertising purposes except upon special permission from the Post Office Department, application for which should be made to the Fourth Assistant Postmaster General, and which will not be granted unless it be for some national purpose for which Congress shall have made an appropriation."

Subsequently some exceptions were made and special dies carrying recruiting data for the Army and Navy, also special dies carrying legends in the interest of the conservation of national forests, were furnished and which were paid for out of the appropriations under the control of the several departments referred to.

The requests received from various organizations, both governmental and private, for authority to use canceling machine dies for advertising various enterprises have become so numerous that it is apparent that the public regards the use of inscriptions on these dies as a good advertising medium which has led to the conclusion that there is no good reason why they should not be used to familiarize the public with various service features which might from time to time be determined as the most important concerning the operation of the Postal Service.

Based upon the foregoing conclusion, the department has recently expended $3,802.10 in the purchase of 200 dies bearing the slogan "Address your mail to street and number," which have been furnished to certain of the larger offices, including Chicago.

In view of the recent decision of the department in reference to this matter and the fact that it is uniformly denying all requests for special dies, I am of the opinion that it would be unwise to make any exception through congressional legislation and therefore have to submit an adverse report upon the proposed bill.

However, should the Congress decide that the conditions in this case are of such merit as to warrant favorable action in the matter, I would suggest that the bill be amended so as to read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to permit the use in the Chicago post office of special canceling stamps bearing the following words and figures: "Pageant of Progress Exposition, Chicago, July 30 to August 14, 1921."

The purpose of this recommendation is to relieve the department from furnishing the dies and placing the expense therefor upon the exposition, as has been the invariable course followed heretofore.

Sincerely, yours,

WILL H. HAYS, *Postmaster General.*

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10740) providing for a "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923," cancellation stamp to be used by the Gloucester, Mass., post office.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Minnesota whether, in view of the passage of the bill we have just passed, he thinks it advisable and necessary to pass this bill?

Mr. STEENERSON. I do, because this bill that we have just passed through the House goes to the Senate, and it might take time before it is reached. I will say that we have included five or six other canceling bills in this same bill, and some of those events advertised are near at hand.

The SPEAKER. Is there objection?

Mr. STEENERSON. If the gentleman from Illinois will read the additional bills included in this one, he will find that the dates of some of these events are very close at hand; some 60 days; two or three of them from Chicago.

Mr. MANN. Three of them are from Chicago. I am not familiar with them, but I think the date of "Chicago Boys' Week" has been changed. Maybe I am mistaken about that. But one of the dates of the numerous enterprises of this sort in Chicago was changed a few days ago, according to the Chicago newspapers.

Mr. STEENERSON. They have not advised the Committee on the Post Office and Post Roads.

Mr. MANN. They probably do not consider it important to give the information.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. I would like to ask the gentleman from Illinois a question. In these events they include the Pageant of Progress Exposition at Chicago. If I recall correctly, we passed a special bill in the last Congress, or at the last session, for that. Did they not make sufficient progress at the last exposition?

Mr. MANN. Well, Chicago made more progress at the last exposition than Massachusetts has made in the last 10 years. [Laughter.] But as to continuing to make progress, we have not reached that state of self-sufficiency yet where we think we can not progress further.

Mr. WALSH. Of course it is necessary to have these special canceling dies to advertise Chicago; otherwise until we get this Great Lakes and St. Lawrence waterways project completed we may forget that there is such a place as Chicago.

Mr. MANN. Well, we are not afraid that anybody will forget that Chicago is on the map, but we like to do the best we can.

Mr. STEENERSON. It seems to me that inasmuch as not only Illinois but Massachusetts is being taken care of by this very important measure both gentlemen ought to be satisfied with it.

Mr. STAFFORD. Mr. Speaker, I am not seeking local recognition, but I want to be advised whether the same criticism or objection should not have been leveled at the act just passed as could be leveled at the language in the second section of this bill, "That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes." Would it not be better in the potential mood?

Mr. MANN. In one case we leave it to the Postmaster General or the executive authorities to revoke it. This is an act of Congress that does revoke it.

Mr. STAFFORD. Of course, it is to be exercised by the department officials. That language, "That any permission granted under this act is hereby revoked in the event the Government shall find it expedient," and so forth, is contingent upon the exercise by some department official virtually of the discretion.

Mr. MANN. I understand. The act is the act of Congress revoking the permission. I do not know whether it makes any difference if it gives the authority to the Postmaster General to revoke it. In one case it would be a direction to the Postmaster General to revoke it and in the other a legislative act of revocation.

Mr. STAFFORD. I thought it was granting to the Post Office Department discretionary power to exercise it if in their judgment there was a conflict, as expressed in section 2.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to permit the use in the Gloucester, Mass., post office of special canceling stamps bearing the words and figures "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923."

With a committee amendment, as follows:

Strike out, on page 1 all of lines 3 to 7, inclusive, and insert in lieu thereof the following: "That the Postmaster General be, and he is hereby, authorized and directed, under rules and regulations to be prescribed by him, to permit the use of special canceling stamps, as follows: In the Gloucester, Mass., post office, dies bearing the words and figures 'Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923.' In the Chicago, Ill., post office, dies bearing the words and figures 'Chicago Boys' Week, May 19–23, 1922.' In the Sunbury, Pa., post office, dies bearing the words and figures 'Old Home Week, 150 Birthday, July 1–2–3–4, 1922.' In the Indianapolis, Ind., post office, dies bearing the words and figures 'Indiana Health Exposition, May 19–27, 1922, Indianapolis, Ind.' In the Chicago, Ill., post office, dies bearing the words and figures 'International Live Stock Exposition, Chicago, December 2d to 9th, 1922.' In the Chicago, Ill., post office, dies bearing the words and figures 'Pageant of Progress Exposition, Chicago, July 29 to August 14, 1922': *Provided*, That no permit shall be granted for a longer period than six months and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or post-marking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

"Sec. 2. That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or post-marking dies for its own purposes."

Amend the title so as to read: "A bill authorizing the use of special canceling stamps in certain post offices."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CERTAIN LANDS IN LASSEN COUNTY, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County of California for certain lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice that the bill is introduced and has been reported by the gentleman from California [Mr. RAKER]. The reports that he makes on bills are usually more informing than the bills themselves, but this is an exception—the bill seems to be more informing than the report. Yet the bill itself is not sufficiently informing. So I wish to inquire what are the county uses and purposes for which it is proposed to have this public land used?

Mr. RAKER. Anything that the county may wish to use it for.

Mr. STAFFORD. A scavenger station or a garbage disposal plant?

Mr. RAKER. It is ordinary land for which people pay $1.25 an acre. The county wishes to buy it for county purposes. That is expressed in the resolution of the board of supervisors and the letter of the district attorney. The object is to allow the county to buy it to use for any purpose that they may want to use it for.

Mr. STAFFORD. Have the board of supervisors any well-defined plan of the purposes for which they wish to use this land?

Mr. RAKER. They have not divulged that to me. It is for general county purposes. They wish to pay $1.25 an acre for it, just what anybody else would pay, and they can use it for any county purposes for the benefit of the people of the county.

Mr. STAFFORD. They might use it for a graveyard.

Mr. RAKER. Yes.

Mr. STAFFORD. Or for burying old horses.

Mr. RAKER. Yes; they could put an incinerating plant there, or anything they want to, for county purposes.

Mr. STAFFORD. If they should use it for those purposes it would not impair the value of any surrounding public land?

Mr. RAKER. In no degree whatever.

Mr. MANN. Is there any timber on this land?

Mr. RAKER. None whatever. It is nontimbered land.

Mr. MANN. What character of land is it?

Mr. RAKER. Sagebrush land.

Mr. MANN. Is it used for the county poorhouse?

Mr. RAKER. No, indeed.

Mr. MANN. Is it to be used for the county poorhouse?

Mr. RAKER. They are going to use it for general purposes. Part of it now is being maintained by the county, wherein there have been some burials by the county for 40 years.

Mr. MANN. Some what?

Mr. RAKER. A burial ground. On one corner of it is a schoolhouse owned by the county. The county wants it for all county purposes. It is away out in the outer district of the county, and the people want it, and the county is willing to pay for it. They want to fence off the graveyard at one end, and fence it off for a dumping ground at the other end.

Mr. MANN. There is no doubt about the county being willing to pay for it. There seems to be some uncertainty about the use that is to be made of it.

Mr. RAKER. The county will pay the same price for it that is paid for all Government land of this kind, $1.25 an acre.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. I should like to ask the gentleman from California why he omitted in line 10 the words "uses and"? Those words appear in line 8—

Shall use said tract of land for county uses and purposes only.

Then it says—

Provided, That whenever said lands cease to be used by said county for county purposes——

Mr. RAKER. This is the same language that we have used in several other bills.

Mr. COOPER of Wisconsin. But why did you omit the words "uses and"?

Mr. RAKER. They were not thought necessary.

Mr. COOPER of Wisconsin. Then why did you use them in the first place?

Mr. RAKER. We thought it would amplify it, and in the other case would make no distinction.

Mr. COOPER of Wisconsin. I will not object if the gentleman will consent to insert in line 10, after the word "county" the words "uses and."

Mr. RAKER. I think that is all right.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent to Lassen County (one of the duly organized and existing political divisions of the State of California, a body corporate and politic, with full power to hold and own real estate), of, California, for the following tract of public land, to wit: The northeast quarter of the southeast quarter of section 4, township 37 north, range 11 east, Mount Diablo base and meridian, Susanville land district, in the State of California, upon payment therefor to the Secretary of the Interior for the Government of the United States the full sum of $1.25 per acre, which patent shall be issued upon the express condition that Lassen County shall use said tract of land for county uses and purposes only: *Provided*, That whenever said lands cease to be used by said county for county purposes or are attempted to be sold or conveyed, then, in that event, title to said lands and the whole thereof shall revert to the United States: *Provided further*, That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land, and the right to the use of the land for extracting the same.

With the following committee amendments:

Page 1, line 4, after the word "authorized" strike out the word "an" and insert the word "and."

Page 1, strike out all of lines 5, 6, and 7, down to and including the words "of" in line 7.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. RAKER. Mr. Speaker, I move to amend on page 2, line 10, after the word "county" by inserting the words "uses and."

Mr. COOPER of Wisconsin. Will not the gentleman consent also to insert the word "only," so that it will read as it reads in the previous part of the paragraph? They might use it for county purposes, and at the same time use it for some other purpose.

Mr. RAKER. We want it for county purposes and nothing else.

Mr. COOPER of Wisconsin. Then put in the word "only" after the word "purposes."

Mr. RAKER. I move to insert after the word "purposes," in the same line, the word "only."

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 2, line 10, after the word "county," insert the words "uses and," and after the word "purposes" insert the word "only"—

So that as amended the line will read—

be used by said county for county uses and purposes only.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO AUTHORIZE THE SECRETARY OF WAR TO SELL PITTSBURGH STORAGE SUPPLY DEPOT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10925 to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire if the land described in lines 10 and 11 and following are a part of the Pittsburgh Storage and Supply Depot at the present time?

Mr. HULL. It is.

Mr. STAFFORD. The report does not disclose the fact that this acre of land is a part of the larger tract described in the fore part of the bill.

Mr. HULL. As I understand, it is a part of the supply depot.

Mr. KELLY of Pennsylvania. I can assure the gentleman that it is a part of the property.

Mr. COOPER of Wisconsin. Reserving the right to object, what is the reason for selling any property like that at private sale?

Mr. HULL. Private and public sale.

Mr. COOPER of Wisconsin. What is the idea of selling it at private sale at all?

Mr. HULL. They want to sell it and get the most money they can out of it.

Mr. COOPER of Wisconsin. I shall object unless the word "private" is stricken out.

Mr. KELLY of Pennsylvania. Let me state to the gentleman one reason for this—and I am sorry that the gentleman from Pennsylvania [Mr. MOORE] is not here to go into it more fully. The purpose of selling this land is to enable Pittsburgh and the county of Allegheny to secure a tract for an approach to a new bridge ordered by the Secretary of War. It is proposed to sell it at private or public sale, so that a part can be transferred to the city of Pittsburgh and the county of Allegheny.

Mr. COOPER of Wisconsin. Why is it necessary to put in the word "public" if it is to carry out an arrangement that is already made?

Mr. MANN. The first bill introduced provided only for a private sale, it being understood that it would be sold to the county of Allegheny. The Secretary of War asked that there be inserted in the bill a provision authorizing a public sale in order that it could not be held up.

Mr. KELLY of Pennsylvania. That is true.

Mr. STAFFORD. The letter from the Secretary of War confirms what the gentleman from Illinois has just stated. The letter says:

You are advised that according to the terms of this bill the property must be sold at private sale, and the city of Pittsburgh and county of Allegheny are the only possible purchasers of this property.

The report is to the effect that the other bill limiting it to private sale was objectionable to the Secretary of War, and he wanted to have it provide for a public sale so as to protect the department in not being held up.

Mr. COOPER of Wisconsin. Who was the proposed purchaser——

Mr. KELLY of Pennsylvania. The city of Pittsburgh and the county of Allegheny that wanted it for an approach to a bridge. I would like to say that this little bill is a matter of considerable importance at the present time to the city of Pittsburgh. The Secretary of War in 1917 ordered the county to raise certain bridges on the Allegheny River, which involved a tremendous expense. During the war it was impossible to get the materials, and since that time little has been done for the reason that the cost was tremendous, and the bonding power of the county has been practically exhausted. I have been trying to get the Secretary of War to approve of other improvements on the Monongahela and the Allegheny, and have met the statement that no improvements will be made until these bridges are raised. I have put through two bills for improvements on the Monongahela—one at Glassport—and the Secretary of War has refused approval on the ground that these bridges are not yet raised on the Allegheny. Now, the city and county are anxious to meet this situation, and this approach to one bridge is a vital factor.

Mr. COOPER of Wisconsin. This bill would permit him to sell it to any corporation or any private individual at private sale. It does not limit the sale to either the city or the county. This is a bill which would authorize the sale of about 19½ acres of land in the city of Pittsburgh to anybody at private sale. There is not anything in the bill, on the face of it, which shows any such intention as the gentleman from Pennsylvania has described.

Mr. KELLY of Pennsylvania. That is the intention.

Mr. COOPER of Wisconsin. Why does the bill so carefully omit anything that would indicate what the real intention is?

Mr. KELLY of Pennsylvania. The gentleman from Pennsylvania [Mr. MOORE] introduced the bill after consultation with the Secretary of War.

Mr. COOPER of Wisconsin. It is immaterial at whose suggestion it was introduced. What does the bill propose to do? It proposes to authorize the Secretary of War, in his discretion, to sell 19 or more acres of land in the city of Pittsburgh to any person at private sale. The bill does not in even the remotest degree indicate that it is contemplated to sell the land to the city of Pittsburgh or the county of Allegheny.

Mr. KELLY of Pennsylvania. The gentleman from Illinois has explained the matter, that the first bill was for private sale alone.

Mr. COOPER of Wisconsin. To whom?

Mr. KELLY of Pennsylvania. To the city of Pittsburgh and the county of Allegheny, but the War Department objected to this provision.

Mr. HULL. Mr. Speaker, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. HULL. If we should have the bill read as the gentleman from Wisconsin [Mr. COOPER] wants it to read, we would simply tie it up. The Secretary of War wants to get as much money out of this property as possible, and he wants it broadened out. It was at his suggestion that it was made to read at public sale.

Mr. COOPER of Wisconsin. Oh, that does not meet the objection at all. The bill proposes to sell approximately 20 acres of land in the city of Pittsburgh to anybody at private sale.

Mr. HULL. Private or public?

Mr. COOPER of Wisconsin. Private sale, I am talking about. The bill does not say to the city of Pittsburgh or to the county of Allegheny. It does not say to anybody. It leaves it to the unlimited discretion of the Secretary of War to sell it at private sale to any purchaser.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. BLANTON. I would like to ask the gentleman from Iowa a question. If it is the intention of the Secretary of War to get as much out of this property as possible, does not the gentleman think he would be likely to get more money if we restrict him to selling it at public sale where everybody would have a chance to bid, and not at private sale where only in some instances one particular person has a chance to bid?

Mr. HULL. I have not the slightest doubt in the world that if you pass this bill you will get the most money out of that property that can be received. If you confine it to public bids, it may be that the city of Pittsburgh and the county of Allegheny can not negotiate as they would wish to for a part of it. I know that is what they wanted put in the bill themselves, and they ought to know what they want.

Mr. BLANTON. A city or a county has the same right to buy property at public sale that it has to buy property at private sale.

Mr. HULL. They may want to negotiate, as I say.

Mr. COOPER of Wisconsin. With whom?

Mr. HULL. Between themselves, the county and the city. As I understand it, they contemplate a joint proposition to get a piece of this land.

Mr. COOPER of Wisconsin. Negotiations are to be made with the Secretary of War?

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. Suppose this bill, in express terms, authorized him to sell to the county of Allegheny or to the city of Pittsburgh, at private or public sale, certain lands; that would on the face of the bill show what was contemplated, but here is a bill which, in express terms, proposes to authorize the sale of approximately 20 acres of land in the city of Pittsburgh at private sale to anybody.

Mr. HULL. If you are going to get the most money out of it that it is possible to get, and if somebody else wants to pay more than the county of Allegheny or the city of Pittsburgh, I do not know that we would have any objection to it. We are going to have a great many of these propositions, and we want to get just as much money out of them as we can.

Mr. COOPER of Wisconsin. That same argument could always be made whenever it might be proposed to sell any public lands. The gentleman might say that the Government could get more money if it could have an opportunity to sell any of its land at private sale. The gentleman could make that argument every time the Government wished to sell. But there could not be a worse practice than to authorize any man to sell not his own land but land belonging to the United States Government to anybody for any price in his discretion and at private sale. I object to the bill in its present form.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore (Mr. DOWELL). Is there objection?

There was no objection.

SALE OF CERTAIN LANDS OF RAPID CITY INDIAN SCHOOL, SOUTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10478) to authorize the Secretary of the Interior to sell certain lands, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, my only criticism of the bill is as to where the proceeds of the sale shall go. The bill provides that the money derived from the sale of these small tracts of land shall be available for expenditure for improvements at this school. The Committee on Appropriations in making the determination as to the amount of money that shall be available for all school purposes. I think it is the general practice to have such funds turned into the Treasury as miscellaneous receipts, and I would inquire whether the gentleman from South Dakota has any objection to an amendment of that kind.

Mr. WILLIAMSON. No; I should have no objection to an amendment of that kind.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of the objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to sell and convey, under rules and regulation to be prescribed by him, two parcels of land included within the Rapid City Indian School Reserve, S. Dak., the first containing fifty-five one-hundredths of an acre, being a portion of the northwest quarter of the southeast quarter, section 4, township 1 north, range 7 east, Black Hills meridian, south and east of the Pennington County Highway; the second, containing 3.29 acres, being a portion of the southeast quarter of the northeast quarter, section 8, township 1 north, range 7 east, Black Hills meridian, south and east of the Rapid City, Black Hills & Western Railroad right of way: *Provided*, That the proceeds derived from the sale of this land shall be available for expenditure for improvements at said Rapid City Indian School.

With the following committee amendments:

Page 1, lines 3 and 4, strike out the words "and directed."

Line 4, after the word "convey," insert "at not less than their appraised value."

Line 7, strike out the word "Reserve" and insert in lieu thereof the word "grounds."

Lines 8 and 9, before the word "fifty-five," insert the word "approximately"; strike out the words "being a portion" and insert in lieu thereof the words "in the southeast corner."

Line 11, after the word "meridian," insert the word "lying."

Page 2, line 2, at the beginning of the line, insert the word "approximately."

Line 3, strike out the words "being a portion" and insert in lieu thereof the words "in the southeast corner."

Line 5, after the word "meridian," insert the word "lying."

Line 7, after the word "the" insert the word "net."

Line 8, after the word "of," strike out the words "this land" and insert the words "these tracts."

The SPEAKER pro tempore. Is there objection to taking the vote of the various committee amendments in gross? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend by striking out the word "regulation" in line 5, page 1, and inserting in lieu thereof the word "regulations" in the plural.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 1, line 5, strike out the word "regulation" and insert in lieu thereof the word "regulations."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to amend, on page 2, line 8, by striking out after the word "be" the words "available for expenditure for improvements at said Rapid City Indian School" and by inserting in lieu thereof the words "covered into the Treasury as miscellaneous receipts."

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 2, line 8, after the word "be," strike out the remainder of the proviso and insert in lieu thereof the words "covered into the Treasury as miscellaneous receipts."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, read the third time, and passed.

The title was amended.

On motion of Mr. WILLIAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently a quorum is not present.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Bland, Va.	Butler	Classon
Andrew, Mass.	Bond	Campbell, Pa.	Cockran
Anderson	Bowers	Canfield	Cole
Anthony	Brennan	Chandler, Okla.	Collins
Atkeson	Brinson	Chindblom	Connolly, Pa.
Bacharach	Brooks, Pa.	Christopherson	Conner
Beck	Brown, Tenn.	Clague	Cooper, Ga.
Bixler	Bulkley	Clark, Fla.	Crago
Bland, Ind.	Burke	Clarke, N. Y.	Crowther

Dale	Johnson, Wash.	Nelson, Me.	Schall
Drane	Kahn, Calif.	Nelson, J. M.	Siegel
Drewry	Kearns	Newton, Minn.	Sinnott
Dyer	Kelley, Mich.	Newton, Mo.	Snell
Edmonds	Kendall	Nolan	Snyder
Elliott	Kennedy	Norton	Speaks
Fairfield	Kiess	O'Brien	Sproul
Faust	Kindred	Ogden	Steagall
Favrot	Kirkpatrick	Olpp	Stevenson
Fenn	Kitchin	Overstreet	Stiness
Fields	Knight	Paige	Strong, Pa.
Fisher	Kreider	Patterson, Mo.	Sullivan
French	Kunz	Perkins	Tague
Fuller	Lampert	Perlman	Taylor, Ark.
Gallivan	Langley	Petersen	Taylor, Colo.
Goldsborough	Lazaro	Porter	Taylor, N. J.
Gorman	Lee, N. Y.	Purnell	Temple
Gould	Lehlbach	Rainey, Ala.	Upshaw
Graham, Pa.	London	Rainey, Ill.	Vare
Griest	Luhring	Ransley	Voigt
Griffin	McDuffie	Reavis	Volk
Hammer	McLaughlin, Pa.	Reber	Walters
Hawes	McPherson	Reed, N. Y.	Ward, N. Y.
Hicks	McSwain	Riddick	Ward, N. C.
Hogan	Mansfield	Riordan	Williams
Hooker	Martin	Rogers	Wilson
Husted	Michaelson	Rosenbloom	Winslow
Hutchinson	Mills	Rossdale	Woods, Va.
Ireland	Montoya	Rucker	Wurzbach
Jacoway	Moores, Ind.	Ryan	Yates
James	Morin	Sabath	Young
Johnson, Miss.	Mott	Sanders, Ind.	
Johnson, S. Dak.	Mudd	Sanders, N. Y.	

The SPEAKER. Two hundred and sixty-four Members have answered to their names; a quorum is present.

Mr. WALSH. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CONFERENCE REPORT, GOVERNMENT-OWNED RADIO STATIONS.

Mr. GREENE of Massachusetts. Mr. Speaker, I submit a conference report for printing under the rules.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

House joint resolution 7; to amend section 2 of a joint resolution entitled: "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public and for other purposes, approved June 5, 1920.

INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the independent offices.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment number 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General $7,500; assistants to Comptroller General—four at $6,000 each; chief clerk, $3,000; chiefs of divisions—seven at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—three at $2,750 each, four at $2,500 each; chiefs of sections—10 at $2,500 each, 13 at $2,250 each, 2 at $2,000 each; assistant chiefs of sections—11 at $2,000 each, one $1,900; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—one $5,000, 4 at $4,000 each, 4 at $3,600 each, one $3,100, 5 at $3,000 each, one $2,750; law clerks—one $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at $1,800 each, one $1,600; accountants—one $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators—one $4,000, one $3,000, 20 at $2,000 each; reviewers—8 at $2,100; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 56 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,400; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—one $1,000, 15 at $840 each; assistant messengers—29 at $720 each; laborers—one $720, 21 at $660 each; messenger boys—14 at $480 each, one $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,298,190.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000 except the following: Six in excess of $11,000 each but not in excess of $25,000 each, and four in excess of $25,000 each but not in excess of $35,000 each"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 28, 29, and 31.

WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.
F. E. WARREN,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 21: Appropriates $2,468,451 for the General Accounting Office in the detailed manner proposed by the House, instead of $2,496,101 in a lump sum, as proposed by the Senate. The detailed salaries proposed in the House bill have been reduced in amounts of individual salaries and in number of salaries in the aggregate of $400,000, of which $375,000 is made available for temporary clerks, stenographers, typists, etc., with a salary limitation of $1,800, and $25,000 is added to the appropriation of $150,261 proposed in the House bill for contingent and miscellaneous expenses. The aggregate proposed in the substitute for the House provision is $150 less than the amount carried and is $27,650 less than the amount proposed by the Senate under the lump sum.

On No. 35, relating to salary limitations on Shipping Board and Fleet Corporation funds: Inserts a substitute for the House and Senate provisions which allows 6 employees between $11,000 and $25,000 each per annum and 4 between $25,000 and $35,000 each per annum, instead of 13 in excess of $11,000, as proposed by the Senate, and 6 between $11,000 and $25,000 each, as proposed by the House.

The committee of conference have not agreed upon the following amendments of the Senate:

No. 28, relating to an appropriation of $1,500,000 for the purchase of land in the city of Washington.

No. 29, increasing the appropriation for the Tariff Commission from $300,000 to $375,000.

No. 31, relating to the authority granted the United States Shipping Board to continue to use sums received from the liquidation of assets up to $55,000,000.

WILL R. WOOD.
EDWARD H. WASON.
Managers on the part of the House.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I desire to draw the attention of the House to what the conferees have agreed to in reference to the salaries of the Shipping Board officials. The House has twice gone on record as not voting salaries in excess of $25,000. When this was up on the 15th of March the gentleman from Illinois [Mr. MANN] expressed himself upon this particular proposition and, I think, convinced the House that we might put a limitation of $25,000 upon any salary paid by the Shipping Board, yet the conferees have agreed for some reason or other to permit them to pay four officials between $25,000 and $35,000, and unless the report is recommitted or defeated the House will go on record here as reversing the action taken upon two former occasions. Now, Mr. Speaker, I appreciate the fact that the Shipping Board is in a very serious tangle and they have very important matters before it, but I do not believe the

Shipping Board is bigger than the Government of the United States, and I do not believe it has any problems any more serious to handle than other departments or branches of the Government. I do not believe that we ought to pay to one man a sum almost equivalent to the salary of three Cabinet officers.

And, furthermore, I think these officials ought to be content with the honor of the position. We are told that other Government officials must take part of their compensation in the honor and dignity of serving their Government. During the war we were told that men came down here at nominal salaries from patriotic motives, and we ought to have a little patriotism during peace times. And, in fact, one of the officials of the Shipping Board, who has recently left the service and who did great work in reorganizing the Emergency Fleet Corporation, came down to Washington and worked, I believe, for a dollar a month. He is Mr. Powell, formerly of the Bethlehem Shipbuilding Corporation and of the Fore River Shipbuilding Corporation. He was vice president in charge of the Emergency Fleet Corporation. And I hope we will say to the Shipping Board, "You have got to get along without four $35,000 beauties upon your pay roll." [Applause.] "You have got to handle these matters with men with a salary not in excess of $25,000, and if those men will not accept that and are unwilling to work for that stipend, let them withdraw from your service and you will find plenty of other men who will be willing to handle these matters."

I appreciate the fact that legislation is a matter of compromise, but it seems to me here is a pretty serious principle involved, and if we agree to $35,000 as a salary to these officials we are establishing a very dangerous precedent, and one that will be thrown at us in the future when other departments come before us and ask to have temporary legal assistance or executive assistance. They will say, "This question is just as vital as that involved in the Shipping Board, and we ought to give these men $25,000 or $35,000 a year."

Now, Mr. Speaker, the Shipping Board is evidently making headway and progress in adjusting its affairs, and I suppose we will be told, although we passed the measure providing for Government aid to the merchant marine, that they will be able to speed up and wind up its business and get out of this mess that the war has brought upon us. But in order to do that, I do not think that Congress is in a very enviable position if we provide the salaries called for in the conference report. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, after a very full discussion by the House, in which this matter was thoroughly gone over, we made this provision with regard to the matter of salaries in the Shipping Board. We said that not more than six officers or employees of the United States Shipping Board should be paid an annual salary in excess of $11,000, and that no compensation should be paid to exceed $25,000. The Senate amended the House provision with this kind of a statement:

Not more than 13 officers or employees shall be paid an annual salary or compensation in excess of $11,000.

So that the Senate provision was that 13 officers could be paid any salary above $11,000 that the Shipping Board thought fit to give them. In other words, the sky was the limit. Now, I realize the fact that if we take that as a basis our conferees have made a very considerable reduction in the interest of economy, and this is the substitute they have agreed upon. They have agreed now that no officer or employee of the Shipping Board shall be paid a salary or compensation in excess of $11,000, except the following: Six in excess of $11,000 each, but not in excess of $25,000 each; four in excess of $25,000 each, but not in excess of $35,000 each.

Now, gentlemen, having in memory the statements that have been made in the hearings by the representatives of the Shipping Board, we know what that will mean. It will mean the limit on each provision. In other words, it will mean that six men will not be paid anything less than $25,000 a year, and it means that four will not be paid anything less than $35,000 a year. Gentlemen, this is not the judgment of the committee or the House. I realize the fact that the committee think they have probably done all that they could so far as conference is concerned, but it seems to me that it is our duty, unequivocally and almost, if not entirely, unanimously, to say that the House will not agree to such a provision. [Applause.] It seems to me that it is our duty to say to the Shipping Board and to the gentlemen who have brought in this conference report, "You must have some respect for the judgment of the House regarding this matter." I think anyone reading the debate here in the committee and in the House, anyone who has gone through the matter as carefully as gentlemen did who sat during the entire hearings and then gave us the benefit of their advice and interpretation, and anyone who read the cold statements of fact that were made by the representatives of the Shipping Board, must realize that these salaries are not only excessive but they are ridiculously so, and that they are indefensible. I do not see how anyone with a regard for economy, that we all profess we are trying to practice here, can vote to support this conference report containing the provisions that are now found in it. And so I agree with the gentleman from Massachusetts [Mr. WALSH] that we ought not to agree to it. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the greatest piece of work this Government ever undertook was the construction of the Panama Canal, and we paid General Goethals, in charge of that work, $15,000 a year. But it is proposed by this conference report that we pay four men with the Shipping Board more than we pay all the Cabinet officers combined. When this bill was before the House it was repeatedly stated that the Shipping Board had two men, and only two, at a salary of $35,000 each. I do not know what the facts may be. But here is a conference report that proposes to give to them four men at $35,000 each. I appreciate the needs of the Shipping Board; I appreciate the fact that compromise is necessary in conference, but I do not believe that this House is warranted in paying a salary of $35,000 a year to anybody in the Government service short of the President. [Applause.] And we might as well say so now. [Applause.] All the good men in the world are not dead yet, and all the people who can manage the Shipping Board are not in the employ of the Shipping Board. Jobs of that kind are not so easy to obtain now; but whether they are or not, let the House say that a salary of $25,000 out of the Treasury is enough, and to do that, let us reject the conference report. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I have yielded 5 minutes to each of three gentlemen on this side who desire to express their indignation. I think it only fair to give as much time to the other side. I yield 15 minutes now to the gentleman from Virginia [Mr. HARRISON] in order that he may parcel it out among gentlemen on his side.

Mr. HARRISON. I would like to yield 30 minutes.

Mr. WOOD of Indiana. I will divide the time equally.

Mr. BYRNS of Tennessee. I call the gentleman's attention to the fact that there is something else in this report besides the Shipping Board that some of us want to refer to, and therefore I think we ought to have some time to discuss the board. The gentleman ought to use 30 minutes of the time.

Mr. WOOD of Indiana. I yield 30 minutes to your side.

Mr. HARRISON. Mr. Speaker, as one of the conferees I declined to sign the conference report on the ground that I did not approve of the action of the conferees on the part of the House in the surrender of the position of the House on the Senate amendment. The number 35 compromise, as proposed by the conferees, is infinitely worse than the bill in its original form. The existing law authorizes only six employees to receive salaries in excess of $11,000, and there is no maximum limit. The bill under consideration as originally reported amended existing law so as to authorize the appointment of 13 at salaries in excess of $11,000, and there was no maximum limit. After full debate in the House the reported bill was amended, and the maximum salary was limited to $25,000 and the number of employees to receive salaries over $11,000 was fixed at six. The bill went to the Senate, and the Senate amended the bill so as to restore to the bill its original provision, authorizing 13 employees with salaries in excess of $11,000 without a maximum limit. The position of the Senate has been before the House now on several occasions, and each time the House has insisted with great emphasis that the employees receiving great salaries should not exceed six and the maximum salary paid should be limited to $25,000.

I placed in the RECORD on the first occasion this bill was before the House a salary list. It was then shown under existing law two employees received $35,000 each, one $30,000, and two $25,000 each.

While the matter was pending in the Senate the Shipping Board, with little regard for the opinion of the House, gives more than two employees $35,000 each, and proposes to give four $35,000 each, and six men $25,000 each; and if this House should adopt the conference report it would indorse the proposition that the Shipping Board is contending for, that we should give salaries to the amount of $35,000 to four people, and salaries to the amount of $25,000 to six people, in the very

face of the fact that this House again and again refused to sanction any such salaries.

I said it is infinitely worse than if we left the bill in its original shape, because in its original shape the responsibility rested on the Shipping Board. If we adopt the amendment as proposed by the conferees in this case, we directly sanction the proposition that four of these employees should receive $35,000 each and six of them should receive $25,000 each. We assume the responsibility which has heretofore rested with the board.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. GRAHAM of Illinois. Did you ever hear of any official of the United States, either in time of peace or in war, that was paid that much salary, except the President?

Mr. HARRISON. No. Not only that, but the Department of Justice, which has bankruptcy law, which has the admiralty law, which has the criminal law, with all its branches and forms of legal questions to dispose of, does not pay over $1,000 a month to anybody. The result of indorsing such salaries will be that the Department of Justice will be before this body in very short order asking for increased compensation to their employees.

Now, Mr. Speaker——

Mr. SEARS. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. SEARS. If we grant the request of the Shipping Board, would not the Department of Justice be justified in coming to Congress and asking for an increase?

Mr. HARRISON. If you will read the hearings had before the Subcommittee on Appropriations, you will find that they are already asking for increased salaries to employees in the Department of Justice.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. LINTHICUM. What are the duties of these men who get the $35,000 at the present time?

Mr. HARRISON. Well, they are at the heads of these various bureaus. I do not know exactly what they are—heads of various departments in the Shipping Board. But, whatever they are, the fact is that at the time this law went into effect, and when we limited the right of the Shipping Board to employ anybody over $11,000, there were a number of employees getting $15,000 and $17,000 and $20,000; and when this law went into effect reducing their salaries to $11,000 there were no resignations, and they are still at work in the Shipping Board, and very grateful to be there. If resignations do become in order, there are others to take their vacated places. There were kings before Agamemnon.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. LONGWORTH. I understood the gentleman to say a moment ago that he never heard of a Government official receiving a salary of $35,000. I understand there were certain officials under the Director General of Railroads who received salaries which ran that high. I think they ran as high as $50,000.

Mr. HARRISON. I do not know as to that.

Mr. Speaker, I reserve the rest of my time, and I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, I think this conference report should be voted down for several reasons. There are two very serious objections that I have to the provision relating to the Shipping Board. In the first place, I do not think that Congress ought to raise the limitation as to the number of employees who may be paid in excess of $11,000.

Gentlemen will remember that when that limitation was first put on it went on as a House provision through an amendment adopted on the floor of the House. The number of employees in the Shipping Board who might receive in excess of $11,000 was limited to three. The sundry civil bill containing the appropriation at that time went to the Senate, and the Senate adopted an amendment raising the number from 3 to 10, and then in conference a compromise was agreed upon, which I, as a member of the conference, thought was permanent, providing that 6 should be permitted to receive salaries in excess of $11,000 each. Then this bill was reported to the House, and the Committee on Appropriations of the House recommended that 13 receive in excess of $11,000, and the House by an overwhelming vote went on record fixing the number at 6. It then went to the Senate, and the Senate raised the number to 13, and now we have this provision reported by the conferees, which, as stated, makes the number 10 and provides that 4 of them may receive salaries from $25,000 to $35,000 and 6 may receive salaries from $11,000 to $25,000.

Now, as has been stated, the maximum amount will be adopted, and hence the salary of 4 of them is fixed at $35,000 and the salary of the other 6 is fixed at $25,000.

I am sure this House does not want to go on record for the first time in its history as fixing salaries at that amount for any official of the United States except the President of the United States. So I am opposed to this proposition, because in the first place it increases the number, and in the second place it fixes these high salaries and creates a precedent which will rise to mock you and permit other departments to come back later on asking for increased salaries. What is this increased number for? They tell us it is to pay attorneys in the Shipping Board. You saw in the papers the other day the picture of a lady serving as Assistant United States Attorney General of this Government. It was stated that she was handling a $45,000,000 patent case. I noticed the other day an account of a suit against the Government which is being defended by the Department of Justice, amounting to $125,000,000, and we have been told that there are claims down there which the Department of Justice must defend amounting to possibly $500,000,000 in the aggregate. Yet the Attorney General is not paying anybody in his department exceeding $1,000 a month. Yet the Shipping Board ask this Congress to give them the privilege of paying salaries ranging from $25,000 to $35,000 for some of these employees. This House by a record vote has decided that it will not increase the number above six, and I think it should stand pat and not adopt this conference report.

Mr. SCOTT of Michigan. What litigation has the Shipping Board?

Mr. BYRNS of Tennessee. Litigation involving claims which have been filed against the Shipping Board.

Mr. SCOTT of Michigan. True; but they have the determination of their own claims. The Shipping Board attorneys do not go into the Court of Claims. They simply appear before their own board.

Mr. BYRNS of Tennessee. I think they appear before the court, but they are limited——

Mr. WALSH. There are admiralty suits.

Mr. BYRNS of Tennessee. They are certainly of no greater importance than the claims that come before the Department of Justice, and really not so important, because these claims are largely of an accounting nature, and involve no new principles of law like many of those with which the assistant attorneys general are frequently confronted.

Mr. TREADWAY. Will the gentleman kindly give us the information as to who these people are whose services are so valuable to the Government?

Mr. BYRNS of Tennessee. I do not recall all of their names. I know Mr. Marshall Ballitt, of whom we have heard on this floor, was formerly receiving $25,000 a year. I know that there was a Mr. Allison who was receiving $20,000 a year, and some others whose names I do not recall; but I also know that while they were getting these salaries, before Congress fixed the limitation of not exceeding $11,000, when that limitation was made they did not surrender their places or cease their connection with the Shipping Board, but they are now employed by the Shipping Board and render just as effective service, I am sure, for $11,000 a year as they did at the larger salaries, and I dare say they will continue to hold their places there. If not, then there are others equally as competent who will take their places.

Now, there is another feature of this report to which I wish to refer briefly, and that is the one relating to the General Accounting Office. I have wondered whether this Congress is to decide what shall be fair salaries for the Accounting Office or whether or not that is to be turned over to the Accounting Office. Gentlemen will remember that when the bill was reported here in the first instance it carried an appropriation in a lump sum of $2,500,000 for salaries and contingent expenses in the General Accounting Office. This House, when the matter was called to its attention, promptly passed an amendment by an overwhelming majority in which it fixed those salaries and placed the employees upon a statutory basis, in exact accord with the amounts suggested in the request of the general accounting officer. Later on, when the bill went to the Senate and the lump sum was restored and the conferees reported back the Senate amendment with the recommendation that the House adopt it, this House again went on record by an overwhelming majority, declaring that this lump sum should not prevail but that the salaries of these men should be fixed as the general accounting officer originally indicated that he was going to fix them.

Now, what have the conferees reported? It is true that the conferees have placed the greater portion of them upon statu-

tory salaries, thereby adopting in part what the House desired; but in some instances I notice they have raised the number who are to be increased—some of those chiefs of divisions. They have reduced a few salaries, they have increased others, and have increased the number of other positions; but they leave to the General Accounting Office $375,000 as a lump sum. It is but fair to say that they include a provision that he shall not pay any salary exceeding $1,800 to any clerk or stenographer or other employee out of that sum. I admit that this largely cures the objection which Members of Congress had to the original provision. But, gentlemen, I want to be on record here now as saying that I am opposed to lump sums. I know that the chief of that office says he can save money if you will give him a lump sum; but you never heard of a head of a department or bureau chief who did not make the same contention; and if you were to adopt their ideas you would give them all lump sums. I think Congress ought to keep its hand on these salaries and that they should be fixed as they were originally fixed by the House, in accord with what the general accounting officer stated when he was before the Committee as to the salaries he was going to pay and the number of those he was going to employ. [Applause.]

I yield back the remainder of my time, Mr. Speaker.

The SPEAKER. The gentleman yields back two minutes.

Mr. HARRISON. I yield one minute to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, I want to suggest just one thought which occurs to me in connection with the discussion of this matter. I mean no reflection on anybody connected with the board, but it seems to me that any man in America, with our country in its present condition, who is not willing to serve the country for $25,000 a year is a very good man to disconnect from the public service. [Applause.]

I yield back the remainder of my time.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I do not know that it would be possible for me to add anything to the criticisms that have been heaped upon the decision of the conferees on this proposition, or those who have consented to this report. It seems to me that their conduct in this matter is indefensible. I was anxious that those who are proposing to surrender to the Senate conferees might see fit to give us some reason that actuated them in agreeing to that course of conduct. I assume that the chairman of the conference committee will give us his views before the vote on this proposition is taken. It was universally charged against the old Shipping Board under a former administration that they were guilty of great extravagance, great waste, and great confusion, but after the present gentleman, Mr. Lasker, chairman of the Shipping Board, was appointed there were great claims on the part of his friends that he was such a fine man himself and so able that he would administer the affairs in such a way as to bring order and economy out of this chaos. It seems to me that if there is an extravagant man to-day in the service of the Government of the United States, measured by his recommendation that he has made to the Congress of the United States, it is the chairman of the Shipping Board, with reference to salaries of the employees. Here is this House, after hearing all the arguments he presented before the committee, after a full and fair consideration, and by a tremendous majority, instructing in effect the House conferees to insist on the provision carried in the House bill limiting the number to six who shall not receive a salary over $11,000, and absolutely limiting the employment of any man in excess of $25,000.

Yet the conferees come back with an agreement which they expect this House to ratify increasing the number of those who shall receive as much as $11,000 up to six, four of whom shall not receive in excess of $35,000. If you want to get some conception of the extravagance of the personnel of this Shipping Board I want to call your attention to the figures inserted in the RECORD by the gentleman from Virginia [Mr. HARRISON] in the Committee of the Whole, found on pages 1464–1471 of the CONGRESSIONAL RECORD.

There are 2 men drawing salaries of $35,000; 1 a salary of $30,000; 2 of $25,000; 1 with a salary of $12,000; 15 a salary of $11,000; 1 at a salary of $10,800; 19 at a salary of $10,000; 1 with a salary of $9,500; 29 with a salary of $7,500; 7 at a salary of $6,500; 49 with a salary of $6,000; 5 with a salary of $5,500; 5 with a salary of $5,400; and 43 with a salary of $5,000.

It seems to me that the time has arrived in our duties here when we ought to undertake to show by our votes on the floor some semblance of fair and decent economy in the administration of these affairs. There seems to be no possible justification for this agreement on the part of the House conferees increasing these salaries to the tremendous amount named in the conference report. I do not believe, gentlemen of the House, that their conduct will find any substantial support on the floor. This conference report should be voted down unanimously in order to carry out the wishes of the House on this proposition. [Applause.]

Mr. HARRISON. Mr. Speaker, how much more time have I remaining?

The SPEAKER. The gentleman has 10 minutes.

Mr. HARRISON. I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I am afraid that it is destined to be recorded as history that the United States Shipping Board proved to be the rat hole down which the Wilson administration poured billions of dollars without any justifying result, and that the succeeding administration followed suit by pouring down hundreds of millions of dollars with results equally unsatisfactory. We have here a big job, and we ought to have big men at the head of it. This is the only theory upon which we can justify the payment of large salaries. Unfortunately, we have no assurance after we have paid the high salaries that we are getting the big men. The very fact, if it be a fact, that they are unwilling to serve their Government for anything like a reasonable salary as compared with other governmental salaries, is fairly good evidence that they are men, as the gentleman from Texas [Mr. SUMNERS] says, who ought to be separated from the public pay roll. [Applause.]

On examination you will probably find that in every case these men are men made of common clay very much like other mortals. A recent experience with one of these inordinately high-salaried individuals more than demonstrated this conclusion. It was brought to my attention that in one department of the Shipping Board there were a number of surplus employees whose aggregate salaries amounted to something near $200,000 a year, whose services could be dispensed with without affecting the efficiency of the department. I learned that a list of these surplus employees, whose salaries ranged from $10,000 down, had been submitted to one of these over $25,000 men more than a month before, with the request that they be taken off the pay roll. Finally two other Members of this House joined me in calling upon the high-salaried official in order that he might verify or explain the situation. He admitted the facts as stated and informed us that he would take steps to let them go, but thought it would take six months to work it out. So far as I have been informed, about the only person whose services he has dispensed with thus far is the one man in the department who had the courage and the common honesty to report the list of unnecessary employees and ask for their discharge. This seems to have been an offense that could not be overlooked, and he was let go, but do not forget that nearly two months had elapsed since he had dared give the information, and yet this official drawing a salary of more than $25,000 sat supinely while a considerable number of surplus employees were drawing pay from the Treasury without rendering commensurate service, some of them receiving salaries as high as $10,000. This is the kind of men for whom we are asked to provide salaries equal to almost three times the salary of a Cabinet officer. I am opposed to it. [Applause.]

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LINTHICUM] five minutes.

Mr. LINTHICUM. Mr. Speaker, I do not know that I can add anything to enlighten the House on this subject; in fact, I believe the House is very nearly unanimous on it now that the salaries are too large and that it will vote accordingly. I have been thinking of late that not only Congress but that the people generally are reckoning the ability of men by the amount of money they draw in their salary or income. Many men in this country would enjoy a position of this kind if they were paid far less money than men are now receiving, and men just as capable. I have no doubt that you have in your own district men who could perform this work just as well as these men perform it, and who would feel that it is an honor to serve the Government for far less money. Men are not always in the game for the dollar. Many men on the floor of this House can go back and earn twice the salary that they get here, but they are here because they like the occupation and they like the work. There are men in the shipping business in this country who do not demand these positions merely for the dollars and cents, but they are in the shipping business because they have been brought up in it; they like the occupation and they like the work. Recently we were passing a revenue bill and men on the floor of the House said that if we taxed the multimillionaires of this country too much they would withdraw from business, that they would not continue, and we would then lose not only the occupation for various employees but the

enterprise and the work of those men who are engaged in conducting big business; that they would quit, put their money in quiet investments, and cease to give employment to the thousands. Every man engaged in big business in this country is not engaged in it merely for the dollars and cents there is in it, but he likes it and he performs that occupation because that is the business that he enjoys. I believe we can find men who would feel it an honor to serve the Shipping Board, men who would be proud of a Government position to make a record for the Shipping Board at far less salary; they would not be looking merely at the dollars and cents; they would not measure their work by the dollar mark, but by a living salary with efficient work. I believe plenty of them can be found, not only in your district and in my district, but I believe there are men in the Shipping Board itself who will perform that work for less money. We have to draw the line somewhere, and I know of no better time or place than to start on this bill to-day and eliminate these exorbitant salaries. [Applause.]

Mr. HARRISON. Mr. Speaker, with the statement that my colleague has made an inquiry of the Railroad Administration office and has been informed that the high salaries paid there were $25,000 a year during the war, I yield back the remainder of my time.

Mr. WOOD of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker and gentlemen of the House, I am opposed to raising salaries under existing conditions generally, and if I had carte blanche authority to raise salaries among United States Government employees, the Shipping Board would not need to look to me for a long, long time. When I came to Congress I was apprised of the fact that there was a rotten condition there, and I am frank to say that it is getting "no better fast." About as good proof of the condition that exists in the Shipping Board to-day is the demand that they are making of this Congress for these outrageous and unconscionable salaries under the conditions under which they are working. Think of a man who says that he is big and broad, who says that he is a big business man, that he knows the institution that he is managing, and that is managing that institution at a loss in Government money every day, sitting down there and howling at Congress to get Congress to raise his salary! [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. WOOD of Indiana. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I call the attention of the committee to the fact that the head of this organization himself, Mr. Lasker, was found for $12,000 a year. The President did find a man big enough for $12,000 a year to head this organization, and I do believe that the head of the organization, if he will make any kind of a search, can find men big enough to be his subordinates for a little more than twice the amount of the salary he gets, or $25,000 a year, maximum.

I do not care to be personal in any of these matters, but I know that the distinguished chairman of this committee is going to tell us what a wonderful job of work they are doing and what wonderful men they have there, and I want to precede his statement of the great work that they are doing with the fact that one of their $80,000 employees was the vice president of a $12,000,000 concern that went broke. That is the kind of reputation that he brought to the Shipping Board to get his $30,000 a year out of the Government.

I do not believe it is good psychology in respect to the public, I do not believe it is good politics, when the people are as restless as they are on account of the slow headway we are making in cutting down the expenses of the Government, to pursue the course that has been suggested here. The American public does not fully appreciate that it takes a long time to cut down expenses. We can not get down from a war basis to a peace basis in a period of 12 months, but we do know that we can cut salaries from $35,000 to $25,000 a year without doing very great damage. Charles Evans Hughes has done as great work as any man in America, and he did it for $12,000 a year.

It is not fair to say that he was prompted solely by the honor that he gets out of being Secretary of State. While it is a great honor to be a successful Secretary of State, it is also a great honor to take hold of an institution in as chaotic condition as the Shipping Board and out of that chaos bring order, system, efficiency, so that the Government can maintain its line of ships on a paying basis.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WOOD of Indiana. Mr. Speaker, if there is anybody here who wants to air his objections to this item and has not done it, it is his fault.

Mr. OLIVER. Mr. Speaker, will the gentleman allow me just one minute?

Mr. WOOD of Indiana. Yes.

Mr. OLIVER. Mr. Speaker, in justice to the gentleman from Indiana, I hardly think he is very anxious for the House to accept the conference report, and in support of this belief I wish to read to the House a statement which the gentleman made recently in reference to the action of the Shipping Board in this very matter we are now discussing. On page 4934 of the RECORD the gentleman from Indiana [Mr. WOOD] said:

> I am criticising and will continue to criticise this board——

Mr. WOOD of Indiana. Will the gentleman give the date of that?

Mr. OLIVER (continuing the reading):

> for the exorbitant fees they are proposing to pay, unjustifiable in my opinion——

Mr. WOOD of Indiana. Give the date of that.

Mr. OLIVER (continuing the reading):

> I maintain that instead of paying——

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. OLIVER. Under leave to extend, I wish to set out the statement made by the gentleman from Indiana [Mr. WOOD] on August 12, 1921, when the House was discussing the payment of these large salaries by the Shipping Board. Mr. WOOD used at that time this language in reference to the Shipping Board:

> I am criticising and will continue to criticise this board for the exorbitant fees they are proposing to pay, unjustifiable in my opinion. I maintain that instead of paying these men $25,000 and $30,000 a year for expert lawyers they could have gone into the State of Virginia, the State of Indiana, the State of Illinois, or almost any State, into any town of 5,000 inhabitants, and could have gotten men who have never received $10,000 a year in their lives who are as good, if not better, lawyers than any of the high-priced gentlemen who have been selected. They are paying these men simply because they happen to belong to some high-priced firm with an established reputation.

Mr. WOOD of Indiana. No; I will not give the gentleman any more time.

Mr. OLIVER. Page 4934 of the RECORD in which the gentleman criticized them for paying these very fees.

Mr. WOOD of Indiana. Mr. Speaker, the gentleman has made that speech three different times before this body and I hope that all have heard it. It is a pretty good time to call back to the attention of those who have the best interests of their country at heart the speech delivered by Benjamin Franklin when they were first to take the vote on whether they would accept or reject the Constitution of the United States. In that speech Benjamin Franklin referred to those who had frequently criticized him for changing his opinion, and he gave emphasis to a phrase that will be memorable for all time, to the effect that fools never change their opinion and men of reason sometimes do.

I feel to-day a good deal like the second lieutenant that my good friend FOSS tells so much about, and I expect that I am about in the predicament that he was in, but I have the confidence of knowing that I come to you with what has been convincing to me concerning this situation.

When you gentlemen were in power you had six directors of the Shipping Board. They all failed, many of them ignominiously, with a loss of more than $3,000,000,000 to the Government of the United States. We have had one. I am sufficiently within his confidence to know that if it were not for the fact that he has never yet placed a zero opposite his name he would go out to-morrow. I know that misery loves company. Some gentlemen here would like to see this man fail because their friends failed. There is not much consolation in that character of logic for the good of the United States.

I have repeatedly said to you that I am as much opposed to these high salaries as you are, and if this were a governmental affair I would stand here in opposition with you to-day against these large salaries. I am opposed to them. But this is not a governmental affair. Now, let us be reasonable. Let us suppose that by some good chance we, who would like to see a merchant marine established in this country, flying the flag of the United States, as it did once, the envy of the world, should have this responsibility turned over to us, what would be our first thought? To get the best men at the head of these different responsibilities that we could possibly get.

Now, you talk about a $35,000 salary being paid governmental officials. No such amount has been paid as salaries, but larger amounts have been paid as special fees. You know and I know, and you gentlemen on this side will remember it for a long time, that many district attorneys resigned during the last administration in order that they might have special employment that gave them as much as $100,000 in fees. I know of more than half a dozen that did this, and some here would like to see that thing prevail. If this was a governmental

establishment. I would say with you that no such precedents should be set. But it is not. It is a temporary thing at best. We are trying to evolve some scheme whereby we can turn this business over into the hands of business men with foresight enough and patriotism enough and business sagacity enough to make it what it should be as a private enterprise. And you are trying to kill it before its birth. The responsibility is yours.

And I say to you now that I want you to say to me and to your conferees what it is you desire. If you want to hamstring this thing, do it. Do not thrust your responsibility upon me or upon these conferees. Conferences are always a matter of compromise. We attempted to make a compromise. We come back to you and meet with your decision. Now you must take the responsibility.

You have the right to say to us how far we shall go and no farther. Yours shall be the responsibility and not ours. It is for you to say to the world, "We have not only had six, but seven failures—six Democrats and one Republican—in running this Shipping Board administration. It is your responsibility and not ours. It is the hope of those who are in charge of this responsibility that within the year, and with the proper organization, this thing may be turned over to private enterprise. Now, is it not the part of prudence, of wisdom, to trust those who are charged with this responsibility rather than take it on ourselves, when we know nothing of the intricacies of the business? It is a very important matter for us each individually to determine.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I will.

Mr. MONTAGUE. I have great respect for the gentleman and his character and integrity. He stated to us just now that wise men sometimes change their minds and fools do not. Will the gentleman give us the reason why he changed his mind?

Mr. WOOD of Indiana. I will tell you why. It is because I was convinced that these gentlemen had a problem with which there was nothing to be compared. There is nothing comparable with it in our experience——

Mr. MONTAGUE. Were not those facts before you when you gave the former opinion?

Mr. WOOD of Indiana. They were not. I was never placed in a position where I had the information that we now have. And I commend to you the report in the hearings which was made by these gentlemen. This is the biggest business on the face of the earth. Talk about your great steel industry; talk about your United State Steel Corporation, or the Amalgamated, and they are drops in the bucket as compared with the magnitude of the Shipping Board. So we have nothing with which to compare it. And I do not want to take upon my shoulders the responsibility of saying to these men who have given a year in investigating the magnitude of this thing that I know more about it than they do.

Ben Franklin did not know, and he was willing to submit to posterity and the good, calm judgment of the American people whether or not the Constitution would survive. That Constitution which has become the admiration of the world, with few faults as compared with its virtues, was doubted by Franklin.

Mr. BYRNES of South Carolina. Will my friend tell me if this amendment is agreed to if the Shipping Board intends to employ men who are not in the service now, or merely increase the salary of those already in the service?

Mr. WOOD of Indiana. My understanding is this: That they need above all things somebody to place at the head of the insurance department. They lost over $250,000 last year because they did not have somebody there who knew about that business. My understanding is that they will employ at least one competent admiralty lawyer that they so greatly need.

Mr. BYRNES of South Carolina. Is it not the intention to pay larger salaries to those now in the employ of the Shipping Board?

Mr. WOOD of Indiana. No; not if they can keep them at their present salaries.

The SPEAKER. The time of the gentleman from Indiana has expired. All time has expired.

The question is on agreeing to the conference report.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

Mr. WALSH. Mr. Speaker, I move to recommit the conference report to the conferees.

The SPEAKER. The gentleman from Massachusetts moves to recommit the conference report to the conferees.

Mr. WOOD of Indiana. Mr. Speaker, I would like to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WOOD of Indiana. Whether or not it is proper to consider with reference to the motion submitted by the gentleman from Massachusetts an instruction to the conference committee?

The SPEAKER. Of course, if this motion carries it recommits the whole matter to the conference committee.

Mr. MANN. Mr. Speaker, I move to recommit, adding instructions to the managers on the part of the House not to agree to any proposition involving the payment of a salary of more than $25,000 a year.

Mr. WALSH. Mr. Speaker, I accept the amendment.

Mr. MANN. And on that I move the previous question.

Mr. BYRNS of Tennessee. Mr. Speaker, what is the motion?

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH], having accepted the amendment of the gentleman from Illinois [Mr. MANN], moves to recommit the conference report to the conferees with instructions not to agree to any salaries in excess of $25,000, and on that the gentleman from Illinois moves the previous question.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield for a question?

Mr. MANN. It can be done by unanimous consent.

Mr. BYRNS of Tennessee. Under the amendment there were only six that received $25,000. Would not the gentleman's amendment authorize the conferees agree to salaries of $25,000 to more than six?

Mr. MANN. It would. I suppose it may be necessary to have some ground for compromise in order to get on with respect to other things. But that conference report will have to come back to the House.

Mr. BYRNS of Tennessee. It puts the House in a rather inconsistent attitude to say that they may do that and come back.

Mr. MANN. The conferees understand the sentiment of the House. I would not undertake to say whether it would be six or seven in a compromise. If I felt that way about it, I would try to instruct the conferees of the House to agree to no change in the House amendment.

Mr. BYRNS of Tennessee. I would suggest that the gentleman consent to do that.

Mr. MANN. I do not think that is the way to accomplish anything in a conference.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves the previous question on recommitting the conference report.

Mr. HARRISON. Mr. Speaker, could an amendment be offered?

The SPEAKER. Of course not. No amendment could be offered to the motion for the previous question.

Mr. HARRISON. I mean an amendment to the proposition of the gentleman from Illinois.

The SPEAKER. Of course not, if the previous question is agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If the previous question should be voted down, then it will be in order to offer an amendment.

The SPEAKER. Yes. The Chair is aware of that fact. The question is on the motion to order the previous question.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. BYRNS of Tennessee. Mr. Speaker, a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 92, noes 63.

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the vote because there is no quorum present.

The SPEAKER. The gentleman from Tennessee objects to the vote because there is no quorum present. It is apparent that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. As many as are in favor of the motion for the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 181, nays 89, not voting 160, as follows:

YEAS—181.

Ackerman	Bowers	Chalmers	Dale
Anderson	Brooks, Ill.	Chandler, Okla.	Dallinger
Andrews, Nebr.	Brown, Tenn.	Clague	Darrow
Appleby	Browne, Wis.	Clouse	Dempsey
Ahrens	Burdick	Cole, Iowa	Denison
Barbour	Burton	Cole, Ohio	Dickinson
Bell	Burton	Colton	Dowell
Begg	Butler	Connell	Dunbar
Benham	Caldo	Cooper, Ohio	Dunn
Bird	Campbell, Kans.	Cooper, Wis.	Echols
Boies	Carson	Crosser	Elliott

Ellis	Keller	Mondell	Stephens
Fairchild	Kelly, Pa.	Montoya	Strong, Kans.
Fairfield	Ketcham	Moore, Ill.	Summers, Wash.
Fess	King	Moore, Ohio	Sweet
Fish	Kinkaid	Moores, Ind.	Swing
Focht	Kissel	Morgan	Taylor, Tenn.
Fordney	Kleczka	Murphy	Thompson
Foster	Kline, N. Y.	Nelson, A. P.	Tilson
Frear	Kline, Pa.	Nelson, J. M.	Timberlake
Free	Knutson	Newton, Mo.	Tincher
Freeman	Kopp	Osborne	Tinkham
French	Kraus	Parker, N. Y.	Towner
Frothingham	Larson, Minn.	Patterson, N. J.	Treadway
Gahn	Lawrence	Purnell	Underhill
Gensman	Leatherwood	Radcliffe	Vaile
Gernerd	Lehlbach	Ramseyer	Vestal
Glynn	Lineberger	Reece	Voigt
Goodykoontz	Little	Reed, W. Va.	Volstead
Green, Iowa	Longworth	Rhodes	Walsh
Greene, Mass.	Luce	Ricketts	Wason
Greene, Vt.	McCormick	Roach	Watson
Griest	McFadden	Robertson	Webster
Hadley	McKenzie	Rose	White, Kans.
Hardy, Colo.	McLaughlin, Mich.	Scott, Mich.	White, Me.
Haugen	McLaughlin, Nebr.	Scott, Tenn.	Williams
Hawley	McPherson	Shaw	Williamson
Hays	MacGregor	Shelton	Wood, Ind.
Herrick	Magee	Shreve	Woodruff
Hersey	Maloney	Sinclair	Woodyard
Hickey	Mann	Sinnott	Wyant
Hilmes	Mapes	Slemp	Yates
Hoch	Merritt	Smith, Idaho	Young
Husted	Michener	Smith, Mich.	
Jefferis, Nebr.	Miller	Stafford	
Jones, Pa.	Millspaugh	Steenerson	

NAYS—89.

Almon	Dominick	Lee, Calif.	Sanders, Tex.
Aswell	Doughton	Lee, Ga.	Sandlin
Bankhead	Driver	Linthicum	Sears
Barkley	Dupré	Logan	Sisson
Bell	Fulmer	London	Smithwick
Black	Garner	Lowrey	Steagall
Bland, Va.	Garrett, Tenn.	Lyon	Stedman
Blanton	Garrett, Tex.	McClintic	Stoll
Bowling	Gilbert	Mead	Sumners, Tex.
Box	Hardy, Tex.	Montague	Swank
Brand	Harrison	Moore, Va.	Ten Eyck
Briggs	Hayden	Oldfield	Thomas
Buchanan	Huddleston	Oliver	Tillman
Bulwinkle	Hudspeth	Overstreet	Tucker
Byrnes, S. C.	Humphreys	Padgett	Tyson
Byrns, Tenn.	Jeffers, Ala.	Park, Ga.	Vinson
Carter	Kincheloe	Parks, Ark.	Weaver
Collier	Kindred	Pou	Wingo
Collins	Lanham	Quin	Wise
Connally, Tex.	Lankford	Rainey	Wright
Crisp	Larsen, Ga.	Rankin	
Davis, Tenn.	Layton	Rayburn	
Deal	Lazaro	Rouse	

NOT VOTING—160.

Andrew, Mass.	Faust	Knight	Reed, N. Y.
Ansorge	Favrot	Kreider	Riddick
Anthony	Fenn	Kunz	Riordan
Atkeson	Fields	Lampert	Robsion
Bacharach	Fisher	Langley	Rodenberg
Beedy	Fitzgerald	Lee, N. Y.	Rogers
Bixler	Fuller	Luhring	Rosenbloom
Blakeney	Funk	McArthur	Rossdale
Bland, Ind.	Gallivan	McDuffie	Rucker
Bond	Goldsborough	McLaughlin, Pa.	Ryan
Brennan	Gorman	McSwain	Sabath
Brinson	Gould	Madden	Sanders, Ind.
Britten	Graham, Ill.	Mansfield	Sanders, N. Y.
Brooks, Pa.	Graham, Pa.	Martin	Schall
Burke	Griffin	Michaelson	Siegel
Burroughs	Hammer	Mills	Snell
Campbell, Pa.	Hawes	Morin	Snyder
Cantrill	Hicks	Mott	Speaks
Carew	Hill	Mudd	Sproul
Chandler, N. Y.	Hogan	Nelson, Me.	Stevenson
Chindblom	Hooker	Newton, Minn.	Strong, Pa.
Christopherson	Hukriede	Nolan	Sullivan
Clark, Fla.	Hull	Norton	Tague
Clarke, N. Y.	Hutchinson	O'Brien	Taylor, Ark.
Classon	Ireland	O'Connor	Taylor, Colo.
Cockran	Jacoway	Ogden	Taylor, N. J.
Codd	James	Olpp	Temple
Connolly, Pa.	Johnson, Ky.	Paige	Upshaw
Copley	Johnson, Miss.	Parker, N. J.	Vare
Coughlin	Johnson, S. Dak.	Patterson, Mo.	Volk
Crago	Johnson, Wash.	Perkins	Walters
Crowther	Jones, Tex.	Perlman	Ward, N. Y.
Cullen	Kahn	Petersen	Ward, N. C.
Curry	Kearns	Porter	Wheeler
Davis, Minn.	Kelley, Mich.	Pringey	Wilson
Drane	Kendall	Rainey, Ala.	Winslow
Drewry	Kennedy	Rainey, Ill.	Woods, Va.
Dyer	Kiess	Ransley	Wurzbach
Edmonds	Kirkpatrick	Reavis	Echols
Evans	Kitchin	Reber	Zihlman

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Fuller with Mr. Jacoway.

Mr. Beedy with Mr. Cullen.

Mr. Faust with Mr. Rainey of Illinois.

Mr. Davis of Minnesota with Mr. Cantrill.

Mr. Hicks with Mr. O'Brien.

Mr. Olpp with Mr. Drewry.

Mr. Snell with Mr. Johnson of Kentucky.

Mr. Reber with Mr. Ward of North Carolina.

Mr. Atkeson with Mr. Hammer.

Mr. Strong of Pennsylvania with Mr. Riordan.

Mr. Hutchinson with Mr. Clark of Florida.

Mr. Clarke of New York with Mr. Sullivan.

Mr. Lampert with Mr. Fisher.

Mr. Rogers with Mr. Drane.

Mr. Bland of Indiana with Mr. Martin.

Mr. Kearns with Mr. Campbell of Pennsylvania.

Mr. Sanders of Indiana with Mr. Favrot.

Mr. Patterson of Missouri with Mr. Hawes.

Mr. Kendall with Mr. Kitchin.

Mr. Wurzbach with Mr. McDuffie.

Mr. Perlman with Mr. Kunz.

Mr. Knight with Mr. Taylor of Colorado.

Mr. Volk with Mr. Stevenson.

Mr. Christopherson with Mr. Cockran.

Mr. Rossdale with Mr. O'Connor.

Mr. Speaks with Mr. Tague.

Mr. Gorman with Mr. Carew.

Mr. Reed of New York with Mr. Brinson.

Mr. Hukriede with Mr. Wilson.

Mr. Johnson of South Dakota with Mr. Sabath.

Mr. Snyder with Mr. Goldsborough.

Mr. Michaelson with Mr. Fields.

Mr. Winslow with Mr. Hooker.

Mr. Bacharach with Mr. Johnson of Mississippi.

Mr. Funk with Mr. Upshaw.

Mr. Blakeney with Mr. Jones of Texas.

Mr. Chindblom with Mr. Griffin.

Mr. Ireland with Mr. Gallivan.

Mr. Morin with Mr. Woods of Virginia.

Mr. Luhring with Mr. Taylor of Arkansas.

Mr. Brennan with Mr. Rucker.

Mr. Codd with Mr. Rainey of Alabama.

Mr. Vare with Mr. Mansfield.

Mr. Taylor of New Jersey with Mr. McSwain.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the motion of the gentleman from Massachusetts [Mr. WALSH] to recommit the conference report.

The question being taken, on a division (demanded by Mr. WALSH), there were—ayes 162, noes none.

Accordingly the conference was recommitted.

The announcement of the result was received with applause.

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry. The motion to recommit having prevailed, does not that carry the entire matter with it?

The SPEAKER. The Chair is rather disposed to think that inasmuch as the bill has to go back to the conferees with the conference report, that would carry with it the whole subject matter.

Mr. WOOD of Indiana. I do not think that is the rule.

The SPEAKER. The Chair will be glad to hear the gentleman, because the question may not be entirely free from doubt.

Mr. WOOD of Indiana. The vote we have just had is with reference to the conference report. There are some two or three questions that are in disagreement, but it would be very advantageous to the conferees to know what the opinion of the House is with reference to these questions which are in disagreement. It would be at least a saving of time.

Mr. WALSH. We have just recommitted the conference report. The papers being in the possession of the House, of course when the motion to recommit passes, theoretically it carries the report and the bill back to the conferees.

The SPEAKER. Exactly.

Mr. WALSH. But the situation is such that these amendments still in disagreement can not be agreed to by the conferees in any event unless the House first takes action upon them.

Mr. MANN. Why not? They are in conference.

Mr. WALSH. They are in conference, but since we modified the rule it has been held that matters involving legislation or that are in violation of the rules of the House must first be voted upon by the House.

Mr. MANN. Practically they can not agree, but theoretically the committee of conference can agree to them because they are in conference.

Mr. WALSH. I do not think theoretically they can agree.

Mr. WOOD of Indiana. I will state to the gentleman that with reference to the matters that are in dispute the conferees are in agreement; but under the rules we have to bring these questions back to the House eventually, so that it would simply be a waste of time to send them back to the conferees now.

The SPEAKER. May the Chair make a suggestion? Suppose the House should agree to a Senate amendment. That Senate amendment should not go to the conferees. Yet the bill and the conference report are in the hands of the conferees.

Mr. MANN. Mr. Speaker, the House has disagreed to all of the Senate amendments that are not yet disposed of, and these amendments have already been sent to conference. The House just recommitted the conference report and all of these amendments are now in the hands of the conferees.

The SPEAKER. That is what the Chair thinks.

Mr. MANN. Now, how can the House act upon one of those amendments that has been sent to conference? It is in conference.

Mr. DOWELL. And it is not before the House at all now.

The SPEAKER. That is what the Chair was stating.

Mr. WALSH. Mr. Speaker, the House recommitted the report to the committee of conference. These amendments are included in the report.

The SPEAKER. The Chair thinks that it would undoubtedly save time if we could vote on these amendments now, but the Chair finds it difficult to see how the House can legally do it.

Mr. WOOD of Indiana. Mr. Speaker, I understand that the conferees reported these things on which there is a disagreement. Upon the matters upon which there was an agreement the House has disagreed and sent the report back. Now, there are things upon which there is still a disagreement. The House as a business proposition ought to conduct this matter in a businesslike way. For the purpose of saving time we at least ought to have the idea of the House on these matters of disagreement, so that when we go back we can have an idea of what the House wants.

The SPEAKER. The Chair recognizes the fact that it would save time, but the trouble is how to overcome the objections. The Chair does not see, inasmuch as the bill and report go back to conference, how you can separate the matters in disagreement from the bill.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. Is it correct that before the committee of conference acted upon the report it would have been within the authority of the conferees on the part of the House to have accepted the other amendments still in disagreement? The House having just had an opportunity to act upon the amendments, and having recommitted the entire subject matter, report, and bill, would the conferees now have the authority to agree to these amendments without further action on the part of the House?

Mr. WOOD of Indiana. No.

The SPEAKER. The Chair does not think that they could agree to the other amendments.

Mr. MANN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MANN. The gentleman stated that the amendments could not be agreed to by the House.

Mr. TILSON. No; by the conferees on the part of the House. I wish to know whether the status of these amendments has been changed by the action of the House just taken.

Mr. MANN. Not under the rules.

The SPEAKER. The Chair thinks that only by unanimous consent could you get the opinion of the House. There might be unanimous consent given to permit the House to consider under the new rule whether it would give its conferees authority to come to an agreement on these Senate amendments.

Mr. MONDELL. Mr. Speaker, I was anxious to assist the conferees on the part of the House to dispose of these questions that must be decided by the House, and therefore I have been inclined to hope that it would be proper to take these questions up and pass on them at this time. But on full consideration, Mr. Speaker, I do not see how that can be done under the rules, and I think it would be of doubtful wisdom to attempt to do it by unanimous consent as matters now stand. We would like to see those other questions decided and disposed of, but the conference report is in fact in the hands of the conferees and not before the House, and it does not seem to me that it would be good practice to consider them even by unanimous consent. It would be difficult to report such action if taken, and we might establish a questionable precedent and find ourselves in serious difficulty in the future if in this state of affairs we attempted to take any further action on the matters in controversy between the two Houses.

Mr. TOWNER. Mr. Speaker, the action of the House has resulted in refusing to receive the report and therefore we can not take any action on anything that is contained in it. We must wait now for whatever action the conferees agree upon when they make a further report to the House.

Mr. GARRETT of Tennessee. Mr. Speaker, I suppose what the Chair has said amounts to a practical ruling on the parliamentary inquiry I made.

The SPEAKER. Yes; the Chair rules that the matter has all gone to conference.

INTERIOR DEPARTMENT APPROPRIATION BILL—CONFERENCE REPORT.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the Department of the Interior appropriation bill.

The Clerk read the title, as follows:

A bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 13, 18, 19, 20, 27, 29, 30, 32, 34, 35, 40, 44, 45, 48, 52, 57, 60, 61, 62, 63, 66, 67, 84, 87, 102, 105, 106, 109, 110, and 111.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 10, 11, 22, 36, 37, 41, 46, 49, 64, 65, 68, 69, 88, 92, 95, 98, 99, 103, 104, 107, and 108, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,300"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,900"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,100"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,520"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,120"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,600"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,490"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,650"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,250"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,100"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Restore the sum stricken out by said amendment, and on page 15 of the bill, in line 19, strike out "1922" and insert in lieu thereof "1921"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Vancouver, Spokane, and Seattle, Wash."; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$525,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "For the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River, and investigation of water sources of said river, $100,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,450,940"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,500"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$178,700"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including not to exceed $19,000 for reconstruction and improvement of about 4 miles of entrance road, $22,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$43,000"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for continuing the widening of the Nisqually Glacier to Paradise Valley Road, $21,800"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$106,800"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 43, 47, 50, 51, 53, 54, 55, 56, 58, 59, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 91, 112, and 113.

LOUIS C. CRAMTON,
BURTON L. FRENCH,
C. D. CARTER,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1, 2, and 3, relating to contingent expenses, Department of the Interior: Appropriates $60,000, instead of $58,000 as proposed by the House and $66,500 as proposed by the Senate, for miscellaneous items, and $75,000 as proposed by the House, instead of $85,000 as proposed by the Senate, for stationery.

On Nos. 4 and 5: Modifies the paragraph in the House bill transferring from the Interior Department to the Superintendent of the State, War, and Navy Department Buildings the jurisdiction over the care of the Interior Department buildings, as proposed by the Senate, to include the transfer of the mechanical equipment of such buildings.

On No. 6: Makes the appropriation for fuel and miscellaneous items for the Interior Department Building available for "power," as proposed by the Senate.

On Nos. 7 to 38, inclusive, relating to surveyors general's offices: Appropriates a total for salaries and expenses for these offices of $197,230, instead of $182,230 as proposed by the House and $211,250 as proposed by the Senate.

On Nos. 38, 39, and 40, relating to the offices of registers and receivers: Appropriates $372,000 as proposed by the House, instead of $400,000 as proposed by the Senate; provides that the revenues for the fiscal year 1921 shall be used as the basis of determination for the discontinuance of certain offices, instead of the revenues for the fiscal year 1922; excepts the land offices at Vancouver, Spokane, and Seattle, Wash., from the operation

of the paragraph providing for the discontinuance of certain offices; and restores the matter, stricken out by the Senate, abolishing the land office at Springfield, Mo., and the offices of register and receiver at that place.

On Nos. 41 and 42, relating to the protection of the public lands: Appropriates $525,000, instead of $485,000 as proposed by the House and $550,000 as proposed by the Senate, and makes $15,000, as proposed by the Senate, available for clerical services in making current the work of the General Land Office.

On Nos. 44, 45, 46, 48, 49, 52, 57, and 60, relating to Indian affairs: Strikes out the appropriation of $88,000, proposed by the Senate, for the Greenville Indian School, California; strikes out the language, inserted by the Senate, making the appropriation for irrigation on the Fort Hall Reservation, Idaho, "available until expended"; strikes out the paragraph, inserted by the Senate, making $2,500 available for the expenses of a commission to appraise the timber of the Chippewa Indians in the State of Minnesota; inserts the paragraph, proposed by the Senate, providing for the payment of $9,682.92 from the funds of the Flathead Tribe in settlement of contract obligations; strikes out the paragraph, inserted by the Senate, authorizing the drainage of certain lands of the Paiute Indians in Nevada; strikes out the paragraph, inserted by the Senate, relating to nontaxable Indian lands in the State of Oklahoma; strikes out the paragraph, inserted by the Senate, appropriating $3,500 for the education of Alabama and Coushatta Indians in Polk County, Tex.

On Nos. 61 to 67, inclusive, relating to the Pension Office: Strikes out the increase of $360, proposed by the Senate, in the appropriation for statutory employees; provides, as proposed by the Senate, that employees on the temporary roll shall serve without sick leave, and also provides that employees transferred from the statutory roll to the temporary roll shall not lose any of the rights or privileges which they had therefore received as statutory employees; provides for 11 persons at $2,000 each on the temporary roll, as proposed by the House, instead of 10, as proposed by the Senate.

On Nos. 68 and 69, relating to the Patent Office: Appropriates for officers and employees in the Patent Office in accordance with the personnel act of February 18, 1922, as proposed by the Senate, the amount of the House bill being increased on that account from $1,500,200 to $1,951,840; appropriates $7,500, as proposed by the Senate, in accordance with that act for special and temporary services of typists.

On No. 81: Restores the appropriation of $100,000 for the investigation of water storage on the lower Colorado River, modified so as to make that sum available for the investigation of irrigation, water storage, and related problems on the Colorado River, and for investigations of water sources of said river.

On Nos. 83, 84, 85, and 86, relating to the Geological Survey: Appropriates $325,000, instead of $275,000, as proposed by the House, and $400,000, as proposed by the Senate, for topographic surveys; appropriates $380,000, as proposed by the House, instead of $352,000, as proposed by the Senate, for geological surveys; appropriates $225,000, instead of $150,000, as proposed by the House, and $300,000, as proposed by the Senate, for the examination and classification of lands.

On Nos. 87-90, inclusive, and 92-104, inclusive, relating to the National Park Service: Strikes out the appropriation of $38,878.10, inserted by the Senate, for sanitation in the General Grant National Park; Glacier Park—appropriates $98,200 for maintenance, as proposed by the Senate, instead of $80,000, as proposed by the House, and appropriates $65,500, instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for continuing construction of the transmountain road; Mesa Verde—appropriates $21,000, as proposed by the Senate, instead of $13,000, as proposed by the House, for maintenance, and appropriates $19,000, instead of $19,200, as proposed by the Senate, for reconstruction of an entrance road; Mount Rainier—appropriates $46,000 for maintenance, as proposed by the Senate, instead of $38,600, as proposed by the House, and appropriates $21,600, instead of $45,000, as proposed by the Senate, for continuing the widening of the Nisqually Glacier to Paradise Valley Road; Rocky Mountain—appropriates $53,000, as proposed by the Senate, instead of $39,000, as proposed by the House, for maintenance; Sequoia—appropriates $37,000 instead of $25,000, as proposed by the House, and $50,000, as proposed by the Senate, for continuing construction of the Middle Fork Road; appropriates $9,000, as proposed by the Senate, instead of $5,500, as proposed by the House, for the construction of storehouses, bunk houses, and quarters; and strikes out the appropriation of $54,706.20, as proposed by the Senate for sanitation; Yellowstone—appropriates $80,800, as proposed by the Senate, instead of $80,000, as proposed by the House, for construction of physical improvements.

On Nos. 105 and 106, relating to the Columbia Institution for the Deaf: Appropriates $95,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for support, and $9,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for repairs to buildings.

On Nos. 107 and 108, relating to Freedmen's Hospital: Appropriates $77,535, as proposed by the Senate, instead of $70,000, as proposed by the House, for maintenance and operation.

On Nos. 109 and 110, relating to the Territory of Alaska: Strikes out the increase of $4,500, proposed by the Senate, for improvements and furnishing of the executive mansion.

On No. 111: Appropriates $1,400,000 as proposed by the House, instead of $1,662,000, as proposed by the Senate, for a deficiency in operating revenues of the Alaska Railroad.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 43: Relating to surveying the public lands.

On No. 47: Authorizing the payment of tuition to the public schools of Minnesota for Chippewa Indian children.

On Nos. 50 and 51: Appropriating $20,000 for a new building at the Indian school at Carson, Nev.

On Nos. 53 and 54: Appropriating $45,000 for new buildings at the Indian school at Albuquerque, N. Mex.

On No. 55: Providing for the continuance of the Osage Boarding School, Oklahoma.

On No. 56: Restricting expenditures from Indian tribal funds unless specifically appropriated by Congress.

On Nos. 58 and 59: Appropriating $60,000 for a new building at the Salem (Oreg.) Indian School.

On Nos. 70-80, inclusive, and 82, relating to the Reclamation Service: Increasing the appropriations for the Reclamation Service by $1,500,000.

On No. 91: Striking out the appropriation of $98,000 for the Grand Canyon National Park.

On Nos. 112 and 113: Authorizing the use during the fiscal year 1923 of certain receipts from proceeds of sales and refunds in connection with the construction work of the Alaskan Railroad.

LOUIS C. CRAMTON,
BURTON L. FRENCH,
C. D. CARTER,
Managers on the part of the House.

Mr. CRAMTON rose.

Mr. RAKER. Mr. Speaker, I desire to make a point of order against the conference report.

Mr. STAFFORD. Mr. Speaker, I make the point of order that it is too late to make a point of order.

Mr. WINGO. Oh, the point of order that the gentleman from California is going to make is in order at this time.

Mr. STAFFORD. But the point of order must be made before the conference report is acted upon. I think the Speaker will find precedents to confirm the position I take that the point of order either must be made before the conference report is read or immediately after it has been concluded. The reading of the conference report has been dispensed with.

The SPEAKER. The agreement was that the statement should be read in lieu of the report. If it was read in lieu of the report, would not that allow the point of order to be made?

Mr. STAFFORD. No; the statement is virtually proceeding with a discussion of the conference report.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. If the statement is read in lieu of the report, I think the precedents are that the point of order must be made before the statement is read.

Mr. STAFFORD. That is the point that I make—that the point of order made by the gentleman from California comes too late. The theory of that is that the statement is a virtual discussion of the report, as it is in fact a written discussion, instead of an oral discussion. It is a written discussion explaining the purpose of the report. It has always been my practice, when I wanted to make points of order against a conference report, to make the point of order even before the conference report was read, and there are precedents to that effect.

Mr. WINGO. Mr. Speaker, but the present Speaker has ruled, as I recall, that where the unanimous-consent request is that the statement be read in lieu of the report, the proper time for making the point of order is at the conclusion of the reading of the statement.

Mr. STAFFORD. But there should have been a reservation of the point of order.

Mr. WINGO. I submit, Mr. Speaker, that there should be some stability to the rulings of the House.

Mr. STAFFORD. There should be a reservation of the point of order at least. When we proceed with the reading of the statement in lieu of the report we proceed to a discussion of the conference report. The reading of the report has been waived.

Mr. WINGO. But the only thing waived is the reading of the report.

Mr. STAFFORD. And all of the rights connected with the reading of the report.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. I understood the gentleman from Arkansas to say that the present Speaker had ruled that a point of order could be made upon the completion of the reading of the statement?

Mr. WINGO. Yes; that is my recollection.

Mr. WALSH. On the contrary, he has made just the opposite ruling several times.

Mr. WINGO. To a specific inquiry addressed to the Speaker upon one occasion whether the point of order should be made prior to the reading of the statement when read in lieu of the report——

Mr. STAFFORD. The reading of the report.

Mr. WINGO. Will not the gentleman permit me to conclude my statement to the Speaker? The Speaker held then, not upon a specific ruling, it is true, but it amounted to the same, that the House had the choice of expediting matters and that it might waive the reading of the report and have the statement read, and the status remained the same. I do not recall the bill, but if the gentlemen deny it, we will find it.

The object of waiving the reading of the report is for convenience, to save the time of the House. In other words, read one thing or the other, and then reach the point where a point of order could be made, because the matter is not presented before the House so that it is ready for the point of order until the conclusion of the reading. Could the point of order be made before the statement is read? No; but the House reads this so that the House may have a formal knowledge of what is in the report for the same reason a bill is read, and by unanimous consent the statement is read for the information of the House instead of the report. It is then that the House knows formally what is presented, and at the immediate conclusion of the reading of that statement is the time to present any objections that go to the report under the rule.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. WALSH. The gentleman asked me to deny a statement which he made. I do not care to enter a specific denial, but I shall make a wager with him that he can not find the precedent where the present Speaker held that a point of order can be made after the statement is read.

Mr. WINGO. Oh, under this administration I would be afraid to bet on a Republican horse, because you never can tell where you would find yourself. You might have an Executive order setting the whole thing aside.

Mr. STAFFORD. Mr. Speaker, to follow the logic of the rule, it is just the same as when points of order are reserved on appropriation bills introduced in this House. The reservation is made before the bills are referred to the Committee of the Whole House. Furthermore, on conference reports, they should be made before even the report is considered and read, and certainly after the reading of the report has been dispensed with and an argument has been had, as it has virtually by the reading of the statement, it is too late to make the point of order. Is it to be contended that if we had proceeded to debate the conference report, and that was what was done, then the point of order could be made, as has been attempted? The gentleman from California has been sleeping on his rights.

Mr. RAKER. Oh, I have not slept yet.

Mr. STAFFORD. He should have reserved all points of order to the conference report before the statement was read.

The SPEAKER. The Chair is not aware of ever having ruled on the question. The parliamentary clerk has assured him that he has not, but is now ascertaining the fact. The Chair notes astonishment on the face of the gentleman from Massachusetts [Mr. WALSH], and the Chair will be glad to hear any recollection that he has.

Mr. WALSH. I have a recollection, though I do not recall the bill, when a conference report was presented and some gentleman on the minority side asked the Chair if a point of order should be reserved at the time of the presentation of the conference report. The Chair stated at that time that it was not necessary to reserve the point of order at the time of the presentation of the report, that the proper time to make the point of order was after the report had been read and before the statement was read.

The SPEAKER. The Chair thinks there is no doubt about the rule that the proper time to make the point of order is after the reading of the report.

Mr. MANN. Mr. Speaker, Speaker Clark on a number of occasions ruled—and it was necessary to only rule once—that in order to reserve the right to make a point of order where unanimous consent was asked to have the statement read in lieu of the report, if that consent were granted, it was necessary to reserve a point of order upon the conference report, because the only time that the point of order can be made is at the conclusion of the reading of the conference report. That has been the practice of the House ever since.

Mr. STAFFORD. Mr. Speaker, I wish to call your attention to the language in the Manual as found on page 231, wherein we find, midway down the page, that in the House points of order against reports are made or received after a report is read, and before the reading of the statement.

The SPEAKER. There is no question about that point.

Mr. WINGO. That is not the question here.

The SPEAKER. There is no question about that. The only one about which the Chair has any doubt is when a statement is read in lieu of a report—whether that takes the place of the report and therefore gives the right.

Mr. WALSH. Ordinarily, if the report is read the statement is not read.

The SPEAKER. Exactly.

Mr. STAFFORD. Here we have a precedent stated in paragraph 6441, the syllabus of which states that the point of order should be made on the conference report before the statement is read.

The SPEAKER. There is no question about that.

Mr. STAFFORD. It is the uniform practice that the statement is read in lieu of the report, and the Speaker knows many times, I believe, in his experience here, that when a statement is read in lieu of a report the reservation of the point of order is made prior to the reading of the statement in order to save the rights of the Members.

The SPEAKER. The Chair is informed by the parliamentary clerk that the Chair has never ruled on this question, and no authority is cited for allowing it after the statement, and the gentleman from Illinois states that Speaker Clark explicitly ruled in such cases that the point of order must be reserved. Therefore the Chair sustains the point of order.

Mr. CRAMTON. Mr. Speaker, the report offered to the House by the conferees upon this appropriation bill is an agreement upon a large number of items in the bill. As to some other items the conferees did not have the authority to enter into an agreement by reason of the House rules, and as to those amendments due action will be taken after the report is disposed of. Following the adoption of the report of the conferees, if the House sees fit to adopt it, and following the action that the conferees hope to see taken with reference to those amendments where the conferees lack authority, there will then remain in disagreement between the House and the Senate only three matters—first, the appropriation for the Grand Canyon National Park; second, the increase of $100,000 proposed by the Senate for land-survey work; and third, a group of 10 amendments with reference to the Reclamation Service, wherein the Senate proposed an increase of $1,500,000 for reclamation over the amount proposed by the House.

The bill as passed by the Senate proposed a net increase of $3,117,889.30 over the House bill. The amendments as agreed upon by the conferees involve a recession upon the part of the House, first, for $459,840 for the Patent Office. By reason of the Lampert bill, which recently passed Congress and which increased the compensation and the force for the Patent Office, this increase is necessary, and the increase which your conferees have agreed to is only the increase made necessary by the Lampert bill. That is $459,840 of the increases accepted by the House conferees. In addition to that your conferees have accepted increases aggregating $305,135 for a number of items, and are going to ask the House to accept $112,500 of further increase on items where the House conferees did not have authority to act.

Therefore the House conferees, out of this total of something better than $3,000,000 added by the Senate, are asking you this afternoon to accept increases amounting to $417,635 other than the Patent Office increase.

The Senate have agreed to recessions on their part amounting to $816,864.30.

Now, Mr. Speaker, unless there is some question with reference to particular items——

Mr. COOPER of Wisconsin. Why do the conferees strike out the appropriation for the maintenance of the Grand Canyon National Park?

Mr. CRAMTON. The conferees have not stricken that out. That item was stricken out by the Senate, and in conference we did not reach an agreement. The conferees are going to ask the House to further insist on a disagreement and to go back to conference upon that item.

Mr. COOPER of Wisconsin. I am very glad to hear the gentleman say that. That park, in the opinion of travelers generally, is the most wonderful natural object in the world, and it ought to be carefully watched and maintained by the Government.

Mr. CRAMTON. I may say to the gentleman from Wisconsin that I think a great deal of the difficulty that we have experienced in regard to that item has been based upon a misunderstanding of the situation, and we are very hopeful that a result will eventually be secured that will be quite satisfactory to the gentleman from Wisconsin and other friends of the parks.

Mr. SISSON. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. SISSON. As I understood the statement of the gentleman, the four hundred thousand dollars and odd was made necessary by the passage of the bill increasing the compensation of the employees of the Interior Department?

Mr. CRAMTON. Yes. That amount we really could not argue about.

Mr. SISSON. Then you add sundry items that aggregate about $300,000?

Mr. CRAMTON. Three hundred and five thousand dollars that we have agreed to accept.

Mr. SISSON. And the Senate has receded on items aggregating——

Mr. CRAMTON. Eight hundred and sixteen thousand dollars.

Mr. SISSON. I understand that the total difference between the House and the Senate was $3,000,000 and odd?

Mr. CRAMTON. Yes.

Mr. SISSON. How do you account for that?

Mr. CRAMTON. There is one group of amendments in reference to the Reclamation Service, of $1,500,000, in disagreement, in which we want to ask the House to further disagree.

Mr. SISSON. I see. That difference accounts, practically, for the whole thing?

Mr. CRAMTON. There is a difference of $100,000 in another item.

M. STEENERSON. What became of the provision which the Senate put on the bill with reference to registrars and receivers in land offices? I supposed that was one of the items in disagreement.

Mr. CRAMTON. No. The Senate accepted the House provisions in the main. There were one or two amendments put on by the Senate. Agreements were reached as to them, and those are included in the report now pending before the House.

Mr. STEENERSON. What is the change from the way the House passed the bill on that subject?

Mr. CRAMTON. The Senate language puts in an express provision with respect to Spokane, Seattle, and Vancouver. It does not change the purposes of the House committee, but clears up the situation. Then the Senate also originally proposed to save the Springfield, Mo., office, and the Senate have receded as to that.

Mr. STEENERSON. The two offices will be consolidated; the offices of register and receiver will be consolidated in one office?

Mr. CRAMTON. There was no disagreement between the House and the Senate as to that in the main. The effect of the House provision was to cut out about 15 of those offices entirely and in about 20 or more offices to effect a consolidation, so that from 35 to 40 offices were affected; but the Senate language is identical with the House language as to that. There is nothing in conference on that subject except as I have indicated.

Mr. STEENERSON. What was the change with reference to the Chippewa Indians in Minnesota? I noticed there was something as to that.

Mr. CRAMTON. An amendment was put on by the Senate, from which the Senate receded, with reference to the survey of timber. The Senate has receded as to that. I am frank to say that there was a feeling in conference that if the delegation in Congress from Minnesota can get together to solve all that question with respect to the Chippewa Indians in Minnesota it will be desirable. The other amendment on which we ask action to-day is the one that proposes to appropriate from the funds of the Chippewa Indians $46,570 for school purposes.

Mr. STEENERSON. Was that one of the items that the conferees could not act upon?

Mr. CRAMTON. Yes. That was one of the items that the conferees could not act upon. We must ask a separate vote on it to-day.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CARTER. I just wanted to let the gentleman know that there were two or three gentlemen on this side who would like to have something to say on the conference report. It would take about 20 minutes.

Mr. CRAMTON. I want to call the attention of my colleague to the lateness of the hour and to the fact that we would like to dispose of the conference report this afternoon.

Mr. CARTER. Well, give us 15 minutes.

Mr. CRAMTOM. I will yield that amount of time to my colleague.

Mr. BLANTON. Mr. Speaker, will the gentleman yield to me for one question?

Mr. CRAMTON. Yes.

Mr. BLANTON. I want to say that I have sent to the editor of the New York World a copy of a speech that I made here in the House. In Sunday's issue of that paper they misquote me in many particulars. I have asked the editor to hew to my speech delivered here in the House and correct his misquotations. I wanted to say that for the information of gentlemen who may have seen the article in the New York World.

Mr. MONDELL. Mr. Speaker, will the gentleman yield for one minute?

Mr. CRAMTON. Yes.

Mr. MONDELL. I want to occupy that minute, or a portion of it, in calling attention to the effect of the legislation which passed the House some time ago relative to the Patent Office. It seems that that legislation will increase the appropriations for salaries in the Patent Office $1,951,340 the first full year that it is in operation—$2,000,000 increase, practically, in one comparatively small bureau of the Government. If we were to increase the expenses of the Government at that rate in all the bureaus of the Government, it would, I am certain, run considerably beyond $100,000,000 of increase.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Is the gentleman acquainted with the letter printed in the New York Times from the former Commissioner of Patents, Mr. Ewing, in which he urged upon those who favored an increase in the Patent Office to continue their agitation in favor of the Lehlbach bill, so as to increase still more the salaries provided for in the Lampert bill, so called?

Mr. MONDELL. I am not familiar with any such letter, if such there was, and I assume there was from what the gentleman says.

Mr. STAFFORD. I have read the letter.

Mr. MONDELL. If anyone wrote such a letter, he thereby proclaimed himself either an exceedingly reckless person or an extraordinarily ignorant one, because, as a matter of fact, the Lehlbach bill would not have increased the cost of the force in the Patent Office in any such amount as the bill that we did pass; and the proof of that is to be found in the fact that the friends of that increase, if they believed that the Lehlbach bill would bring a larger increase than the other bill, would have simply amended the Lehlbach bill so as to make it immediately operative as to the Patent Office.

Mr. STAFFORD. You know the friends of the other bill realized that the Lehlbach bill did not have any chance in the other body.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from California.

Mr. BARBOUR. I would like to ask the gentleman why the item of $38,878.10 for sanitary purposes in General Grant National Park, Calif., was stricken out by the conferees? That was an amendment put in by the Senate.

Mr. CRAMTON. Yes; that was an amendment. It was not originally before the House. The estimate came in after the bill was considered in the House. I think it only proper to say that in considering the increases put in the bill for national parks by the Senate the conferees came to an agreement as to the general amount of increase, and then followed, with one exception, the advice of the Director of the National Park Service as to the items that were most urgent. That did not happen to be one of those deemed most urgent.

Mr. BARBOUR. Can the chairman of the subcommittee in charge of this bill give me any information as to the probability of this item being accepted and incorporated in an appropriation bill in the near future?

Mr. CRAMTON. I do not know what the gentleman calls the near future, but I should say that a year from now it would receive very serious consideration.

Mr. BARBOUR. I appreciate that information very much, because the sanitary situation in General Grant National Park

is a very serious matter. The health officer of Fresno County, Calif., in which a large portion of the park is situated, has been up there, and he has advocated closing the park unless something is done to relieve that condition.

Mr. CRAMTON. I will say that, generally speaking, in the park items your committee were quite liberal with items for sanitation, appreciating their importance, but they could not take care of all of them this year.

Mr. BARBOUR. This General Grant National Park consists of 4 square miles, and the camping facilities are all in a little restricted part of the area. Thirty thousand people were in the park this last year, so that shows the necessity of having these matters properly attended to. Is the same thing true as to the appropriation for Sequoia?

Mr. CRAMTON. For Sequoia, the same situation exactly.

Now I yield 15 minutes to my colleague, the gentleman from Oklahoma [Mr. CARTER], to yield to other Members.

Mr. CARTER. I yield five minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, Mark Smith once said:

> The Grand Canyon of the Colorado River in Arizona offers to man the most stupendous wonder on the whole surface of the earth for his contemplation and enjoyment. God put it there for people to see.

The tongue of man can never form words to describe the glories of that mighty gorge. The eye alone can convey an impression of its vastness and its ever-changing beauties. The Grand Canyon can rightfully be called the greatest of the national parks, and it is the duty of Congress to make it accessible to increasing thousands of Americans who are learning to love their country more because they know it better.

For some unaccountable reason it is proposed that no appropriation be made for the maintenance and improvement of the Grand Canyon National Park during the next fiscal year. This failure to provide funds will still leave every acre of it a national park because Congress has by law dedicated and set apart this area for the benefit and enjoyment of the American people. That law contemplated that Congress would provide money to build roads and trails and make other improvements in order that the public may have better access to its many recreational, scientific, and educational attractions. Since it is a national park, what justification can there be for discriminating against the Grand Canyon when much larger sums than $88,000 are carried in this bill to be expended in the improvement of other national parks? For example, $361,900 is here appropriated for the Yellowstone National Park, $280,000 at Yosemite, and $178,700 for the Glacier National Park in Montana.

No proposal to establish a national park has received more careful consideration than the legislation to create the Grand Canyon National Park. The first bill with that object in view was introduced in the Senate on January 5, 1888, by the late ex-President Benjamin Harrison, then a Senator from Indiana. Other bills were proposed from time to time, but none of them were enacted.

The basis for the act to establish the Grand Canyon National Park is to be found in a bill (H. R. 20447) which I introduced in the House on January 24, 1917, after much correspondence with my constituents and numerous conferences with the officials of the Departments of the Interior and of Agriculture. An identical bill (S. 8250) was introduced in the Senate on February 14, 1917, by Senator ASHURST. These bills were referred to the Governor of Arizona, the Arizona State Land Commission, the Board of Supervisors of Coconino County, Ariz., and to many other citizens of that State for criticism and suggestions, but the Sixty-fourth Congress adjourned without action on these measures by either House.

In the Sixty-fifth Congress Senator ASHURST introduced the bill (S. 890) which was reported to the Senate by Senator Mark Smith on March 21, 1918, and passed that body on May 16. On October 18 I reported the bill to the House from the Committee on the Public Lands in a form which met every substantial objection to the creation of a national park at the Grand Canyon. The bill, which had the unanimous indorsement of the Arizona State Legislature, passed the House and became a law on February 26, 1919. In a statement explaining the purpose of that measure I said:

> The area of the present Grand Canyon National Monument is 1,260 square miles, but the proposed park will contain only 996 square miles, so that 264 sections of land that are now withdrawn from all forms of entry will be made available for grazing and other uses. It is the intention of the bill that nothing but the scenic portions of the canyon, with sufficient areas back from the rim to permit the construction of roads, shall be included within the national park.
>
> It is believed that by the establishment of a national park at the Grand Canyon the way will be paved for securing appropriations by Congress for the construction of roads and trails which will make the canyon much more accessible to visitors. Over 100,000 tourists visited the Grand Canyon in 1915, and large numbers are certain to come each year, particularly if good roads are constructed so that automobiles can drive along the rim and view the greatest natural wonder in the world.

Having sponsored the creation of this national park, I have naturally been interested to see that appropriations were made for its development. The first sum allowed in 1919 was but $40,000, which was increased to $60,000 in 1920 and to $100,000 in 1921.

This year the Budget Bureau asked that the appropriation be again fixed at $100,000, but the Committee on Appropriations recommended that but $88,000 be allowed, and that sum was agreed to by the House. The Senate Committee on Appropriations increased the total to $90,500, but the whole appropriation was stricken from the bill, which is the occasion for having this item in conference and under discussion to-day.

The need for appropriations for this park is primarily for roads and trails. It has long been recognized that Congress should provide funds to make the Grand Canyon National Park more accessible to tourists. In June, 1909, W. R. Mattoon, of the Forest Service, submitted "A working plan for the Grand Canyon National Monument" to the Secretary of Agriculture, in which he pointed out the need for protection against forest fires and the establishment of a system of roads and trails. The following quotation contains the substance of the road plans as recommended in this report:

> The center of the tourist travel for some years in the future will remain as now between Grand View, on the east, and Dripping Springs, on the west, a distance of 30 miles along the rim. From the larger standpoint, however, the zone of travel will increase over a wider strip nearly 90 miles in length from the Little Colorado River, on the east, to Cataract Canyon, on the west.
>
> The ultimate road system, looking many years into the future, should consist of the following roads:
>
> (1) An interior road from Little Colorado River, on the east, to Cataract Canyon, on the west, touching the rim at Grand View and Hermit Basin.
>
> (2) Branches of the above road to Hance ranch, Grand View Point, the rim 4 miles west of Grand View; two to Grand Canyon, one each from the east and west; Dripping Springs; Bass camp.
>
> (3) Roads along rim from Hance ranch, north and east, to Navajo Point, including Moran, Zuni, Papago, and Pinal points.
>
> Grand View west to Hermit Basin, including Thor Hammer, Shoshone, Yaki, Yavapai, Hopi, Mohave, and Pima points.
>
> The length of the main interior road will be about 90 miles; the total of branches, 30 miles; the rim roads, 20 miles. The total mileage is 140 miles, and the cost of construction, estimated at $4,000 per mile, is $560,000.

It will be noted that this estimate was made in 1910, when construction costs were very much lower than at present. In my opinion, it will require more than three times $560,000 to build all the roads that are needed if the Grand Canyon National Park is to be adequately developed. The Mattoon report recommended that $107,500 be immediately appropriated by Congress for roads and trails. In a letter dated March 30, 1910, and addressed to Hon. F. W. MONDELL, chairman of the Committee on the Public Lands, Hon. James Wilson, the then Secretary of Agriculture, said:

> The Forest Service has caused to be prepared with great care working plans for a system of roads and trails to render all practicable parts of the Grand Canyon National Monument accessible to the public. An important feature of these plans is a road which is to follow the southern edge of the canyon far enough back to preserve the fringe of trees along the rim.
>
> A bill has been introduced in the House by the Hon. RALPH H. CAMERON, Delegate from Arizona—H. R. 20819—to appropriate $110,000 to be expended under the direction of this department in carrying out these plans. This bill has been referred to the Committee on Appropriations, and it is hoped will become a law at this session.

The Cameron bill did not become a law, but if $110,000 was needed for such improvements at the Grand Canyon in 1910 can anyone explain why $88,000 should not be expended for the same purpose during the fiscal year 1922–23? In the meantime there has occurred a tremendous development of the automobile industry, so that thousands may visit the Grand Canyon by that means of conveyance, which was available to but very few 12 years ago.

It is my desire that the Grand Canyon shall be made accessible at as many points as possible, not only to the citizens of Arizona but to thousands of others from all parts of America. I shall not be content until all practicable facilities for tourists, particularly those traveling by automobile, are provided. The greatest convenience is a system of roads entering all parts of the national park and extending for miles along the rim of the canyon. It will take some years to carry out such a development and cost considerable sums of money, but in the aggregate the amount will be no greater than has been expended in other national parks.

There should be no discrimination and no delay. I sincerely trust that the House will instruct its conferees to insist that every dollar that has been appropriated by the House shall be agreed to by the Senate. There is no other way in which this disagreement with the Senate can be justly settled.

Mr. CARTER. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I must feel a want of contentment in the action of the conferees. Personally, they are delightful gentlemen, and therefore this goes to the matter of principle. I refer particularly to the amendment No. 44 on page 41 of the bill placed there by the Senate for the reconstruction of a school building destroyed by fire on December 17, 1921; the Granville Indian School of California. I have heard to-day the statement regarding the savings and the difference between what the House bill was and the Senate bill—the items they have receded in and items the Senate has receded in. They talk about cutting the appropriations to the bone, and as economies these are all right, but sometimes I am thinking that they are just deceiving and deluding the people and nothing else. This cutting to the bone means nothing unless it has some relative value on the subject involved.

Here were 100 Indian children going to this school which is well equipped with 28 other buildings and all the equipment that goes with buildings for an Indian school. There is the farm, the land, the cattle, and the horses, and in the meantime while the appropriations bill is pending the building is destroyed by fire. These children have been scattered like the four winds of Heaven. Some go to Oregon, some to Nevada, and some to northern California, and some go out without anything to eat. We do not get a hearing before the conference committee. I do not know whether I have a right to criticize them for that or not, but nevertheless when an amendment is placed on a bill, an amendment that has merit, one that is dealing with the education of children, we ought to have an opportunity for a hearing. The amendment should have been agreed to by the House conferees. The children ought to receive an opportunity for education. That is all that this amendment does.

The House conferees immediately took it up but I find another item appropriating a large sum for a gymnasium. There you have a school fairly started and all the equipment, but you gave them appropriation for a gymnasium. Here are 100 Indian children in Plumas County, Calif., denied the right to go to school when the evidence has been presented here that by the middle of July this year this building could have been rebuilt and the school could have been opened, and everything started without any delay or trouble; the only closing would have been from the time the fire occurred until the end of the present school year. I am very sorry indeed for some things, and that I am placed in the position where it will not permit me to say on the floor what I want to say, but on the question of fairness, justice, and right, that is all these people want. I am very sorry that the conferees did not include this amendment in the agreement.

The SPEAKER. The time of the gentleman from California has expired.

Mr. CARTER. Mr. Speaker, I yield the balance of my time to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, I regret that under the provisions of this bill the United States land office at Harrison, Ark., in my district, may be discontinued. There are contiguous to that office more than 101,000 acres of public lands subject to homestead. This office has been maintained for a number of years. It is conducted in a commodious and beautiful Federal building, where the offices of the register and receiver are located.

I know that the reason given for abolishing all but one office in Arkansas is that the Camden land office is far behind the required acreage and its cost of maintenance too much and that the Harrison land office costs 68.07 per cent of the revenue yielded by it, and that the majority have decreed that every land office in America must be discontinued if the cost of maintaining same exceeds 33⅓ per cent of the revenues of the office. I observe also that 25 or 30 other offices are abolished throughout the Nation, but I insist that the conferees provide in their final report for a continuance of this Harrison office, because I assure you that its loss will be keenly felt by prospective homesteaders in this section. It has always been the policy of the Government to encourage homesteading, and within a few miles of Harrison is a large forest reserve, which I am seeking to have thrown open by legislation to homestead, which, if done, will add greatly to the acreage already subject to entry. This Republican administration is shrieking economy, economy, and yet it is penny-wise but pound foolish. It is lavish in some directions and stingy when it comes to helping those who need help most. If this office under discussion is closed and moved to Little Rock, intending homesteaders in my district, invariably poor people, will be compelled to go two or three times as far to get to the land office as is the case now. I shall certainly insist, if but one office is allowed my State, that this office be permanently located at Harrison, because of its nearness to the great bulk of the Government's public lands.

Mr. ARENTZ. Mr. Speaker, will the gentleman from Michigan yield?

Mr. CRAMTON. Yes.

Mr. ARENTZ. At the bottom of page 7 of the conference report, in the second line from the bottom, I find the words:

For continuing the widening of the Nisqually Glacier to Paradise Valley Road.

Mr. CRAMTON. It is the road that is to be widened, and not the glacier.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent now to offer one motion in respect to several items in disagreement.

Twelve or thirteen amendments are included in this motion, but they relate only to three matters, first, the addition of $100,000 proposed by the Senate for land survey work; second, the addition of one and one-half million dollars for the reclamation work; and third, the appropriation for the Grand Canyon National Park. On those three items we are asking the House to further insist on its disagreement to the amendments of the Senate. I ask unanimous consent to consider all of those amendments in gross in order to expedite matters.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the consolidation of these several amendments in one motion. The Clerk will report the several amendments.

The Clerk read as follows:

Amendments numbered 43, 70, 71, 74, 75, 76, 77, 78, 79, 80, 82, and 21.

The SPEAKER. Is there objection to these being considered together?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what action does the gentleman intend to take in respect to the disposition of the other amendments that are in disagreement?

Mr. CRAMTON. We will take those seriatum.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Then, Mr. Speaker, I move as to those amendments that the House further insist upon its disagreement to the Senate amendments.

The motion was agreed to.

Mr. CRAMTON. Mr. Speaker, I now call up Senate amendment No. 47.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Amendment No. 47, page 47, of the bill, after line 13, insert: "The Secretary of the Interior is authorized to withdraw from the Treasury of the United States, in his discretion, the sum of $46,570, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the act of January 14, 1889, and to expend the same for payment of tuition for Chippewa Indian children enrolled in the public schools of the State of Minnesota: *Provided*, That the Secretary of the Interior may make payments therefrom of such amounts as he deems proper and just in aid of public schools of the State of Minnesota which have enrolled Chippewa Indian children therein during the fiscal year 1922, and in excess of the rate of compensation fixed in any existing contracts with public-school districts, where such rate is inadequate."

Mr. CRAMTON. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 47 and concur in the same.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. STAFFORD. Is it proposed, if this proviso be adopted, to pursue a different policy with respect to the amounts that may be allowed to public schools for the education of Indian children?

Mr. CRAMTON. This is a case where we have already turned over to the State of Minnesota certain school buildings and certain authority is carried in this bill in respect to land and buildings, and so forth. An attempt has heretofore been made to appropriate money of the Indians for tuition in these State schools. That legislation heretofore has not become effective. This is to make a provision of that kind effective. Some contracts have been made already, due to the former attempted legislation. This will carry out that legislation. This is money taken from the tribal funds of the Indians.

Mr. STAFFORD. How much is it proposed to allow to the public-school districts in excess of the amount now provided in existing contracts, as stated in the proviso?

Mr. CRAMTON. I have not the amount exactly; but it is not large, as I understand it.

Mr. STAFFORD. And, as I understand, we have a certain rate generally throughout the country which we pay to schools when they educate Indian children.

Mr. CRAMTON. I am not sure that that is the case. I am advised by the Indian Office, in explanation of the proviso permitting payment of compensation which may in a given case be in excess of an existing contract for the fiscal year 1922, that "it is appropriate to say that in a few cases contracts have been executed at a given rate per pupil per day and in other cases have not been so executed. However, when applications were received from all districts within the Chippewa Reservation, it was found that there was not sufficient money to allow a rate of compensation which was adequate and proportionate to the actual cost of education of each pupil in some of the public schools. The contracts, then, which were executed were necessarily at a lower rate per pupil, limited by the amount of money available instead of by the equities of the case." I take it that the standard to which the gentleman refers will not be exceeded under this legislation.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 50: Page 53, line 20, after the figures "$10,000" insert "for dining room and kitchen $20,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 50 and concur in the same. This is a building that is greatly needed.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 51: Page 53, line 21, strike out "$90,000" and insert "$110,000."

Mr. CRAMTON. This is simply a total, and I move that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 53: Page 55, line 13, after the figures "$9,000," insert: "for construction of a gymnasium and an assembly hall, including equipment for both buildings, to replace the building destroyed by fire February 12, 1922, to be immediately available, $45,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur, with an amendment, which I send to the desk.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"For construction of buildings for a gymnasium and assembly hall, including equipment, to replace the building destroyed by fire February 12, 1922, $42,500, to be immediately available."

Mr. RAKER. Will the gentleman yield to me for a couple of minutes?

Mr. CRAMTON. I yield two minutes to the gentleman.

Mr. RAKER. I want to call the attention of the House to the amendment just passed—for a "dining room and kitchen." They already have one. That is on page 53. It is all right. I believe in improving. Here on amendment 53, now, we replace a gymnasium and assembly hall that has been destroyed by fire. The rest of the school is continued. But the Indians in northern California that are entitled to relief and consideration have been deprived of their property more than any class of people in the United States to-day. When their buildings are destroyed their children are scattered, and they are not even given the opportunity to erect a new building. I hope that the conferees in this great committee the next time, particularly when it comes to the deficiency bill, will be able to have it placed in the bill before this Congress adjourns, and that the building may be completed before the next term of school in August. I believe we will be able to make such a showing that the gentleman will accede to that request because of the necessity and justice of it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on receding and concurring in the Senate amendment as amended.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 54: Page 55 of the bill, line 16, strike out "$109,000" and insert "$154,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur with the necessary amendment to make the total correct.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the sum proposed in the said amendment insert "$151,500."

The amendment was agreed to.

The SPEAKER. The question is on receding and concurring in the Senate amendment as amended.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 55: Page 62 of the bill, line 8, after the word "pupil," insert a colon and the following: "*Provided*, That the Osage Boarding School may be continued, in the discretion of the Secretary of the Interior, for a period not exceeding six years from July 1, 1922, and that the limit of $300 allowed per capita shall not apply to such school for the present fiscal year."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 56: Page 64 of the bill, line 14, after the word "prescribe," insert a colon and the following: "*Provided further*, That hereafter no money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes, employed under contract approved by the President, under existing law: *And provided further*."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur with an amendment striking out the language of the amendment and inserting the language which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan moves to strike out the language inserted by the Senate and insert in lieu thereof the following, which the Clerk will report.

The Clerk read as follows:

Provided further, That hereafter no money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress: *Provided further*, That for the current fiscal year money may be so expended from such tribal funds for equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes employed under contract approved by the President, under existing law: *And provided further*,

The SPEAKER. The question is on the House receding and concurring with the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 58: Page 67 of the bill, line 25, after "$20,000" insert: "For boys' dormitory, $60,000."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by the said amendment insert the following: "For boys' dormitory, $50,000."

Mr. RAKER. Will the gentleman yield for a question?

Mr. CRAMTON. Certainly.

Mr. RAKER. I want to make the record straight. For instance now, in this amendment No. 44, if the Senate had stood pat, the three Senators had refused to agree, it would have come back here with a disagreement? Is that correct?

Mr. CRAMTON. I think that is self-evident.

Mr. RAKER. I want the record so that there will be no question about it.

Mr. CRAMTON. I would not want to embarrass any of the Senators for anything in the world.

Mr. RAKER. I do not want to embarrass anybody, but that is the procedure, is it not?

Mr. CRAMTON. I do not know of any other way it ever happens. I will say, yes.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have the right to extend and revise my remarks on this bill.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, does the gentleman want to extend his remarks on this wonderful contribution he has made to the proceedings here?

Mr. RAKER. I do not want——

Mr. WALSH. The gentleman does not catch the procedure under which we are operating.

Mr. RAKER. I will have to get advice.

Mr. WALSH. The gentleman needs it.

Mr. RAKER. There are others who need it as much as I do.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur in the amendment with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 85, page 67, line 20: Strike out "$100,000" and insert in lieu thereof "$120,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the sum proposed to said amendment insert "$210,000."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. CRAMTON. The next one is No. 72, on page 90 of the bill.

The Clerk read as follows:

Senate amendment No. 72, page 90, line 24, after the word "operation" insert the words "with authority."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur. The question is on agreeing to that motion.

The motion was agreed to.

The Clerk read as follows:

Senate amendment No. 73, page 90, line 25: After the word "Reservoir" insert "to purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls which will be flooded by the reservoir, and to provide for the removal of buildings to such new site and to plat and to provide for appraisal of lots in such new town site and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir and to sell for not less than the appraised valuation any lots not used for such exchange."

Mr. WALSH. Mr. Speaker, I reserve a point of order on the amendment.

Mr. CRAMTON. That is the Senate amendment. If the gentleman will reserve his point of order, I will say it was my purpose to move to recede and concur in the Senate amendment. If the gentleman will further withhold the point of order—and I am sure I do not know what the point would be—the language is the same as the current law, and under that the Federal court has sustained the right of the Government to proceed upon this line of work that has been entered upon. This is simply to complete work already entered upon.

Mr. WALSH. Which is in accordance with current law with reference to similar projects?

Mr. CRAMTON. This is the same project. It is the same language as the current law as to the Minidoka project.

Mr. STAFFORD. I was under the impression that the Senate bill had passed the House carrying this same authorization.

Mr. CRAMTON. That language was stricken out by the House on a point of order. That is legislation that was inserted in the Senate. We are bringing it in under the rule.

Mr. STAFFORD. I understood it was by a separate bill.

Mr. CRAMTON. Oh, no. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. CRAMTON. The next is Senate amendment numbered 112, on page 117.

The Clerk read as follows:

Senate amendment No. 112, on page 117: At the top of the page insert: "Authority is granted to purchase during the fiscal year 1923, from the appropriation made for the construction and operation of railroads in Alaska, articles and supplies for sale to employees and contractors, the appropriation to be reimbursed by the proceeds of such sales."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 112, after line 5, page 117, insert: "During the fiscal year 1923 there shall be covered into the appropriation established from time to time under the act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914, as amended, the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof; also any moneys refunded in connection with the construction and operations under said act, and a report hereunder shall be made to Congress at the beginning of its next session."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON moves that the House recede from its disagreement to the Senate amendment numbered 113 and agree to the same with an amendment as follows: After the word "session," in the last line of the matter inserted by said amendment, insert the following: "*Provided*, That the aggregate amount credited to such corporation under the authority contained in this paragraph shall not exceed $200,000."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Certainly; I yield.

Mr. STAFFORD. What is the purpose of authorizing this money to be covered into a separate continuing appropriation for the fiscal year and not covered into the Treasury as miscellaneous receipts?

Mr. CRAMTON. I will say to the gentleman that the language inserted by the Senate is the same language as has been carried in the bills heretofore appropriating for the Alaska Railroad under which any amount of obsolete machinery and surplus supplies could be sold and the moneys received used for new construction work. Some question was raised in the House when this bill was here on first passage, and as a result we are putting in a limitation that in any event the amount realized and used for construction work shall not exceed $200,000, to avoid any great extension of the authorized cost; and I am advised by Colonel Mears, in charge of that work, that that limitation will be entirely satisfactory to them as well.

Mr. STAFFORD. If there are sales of property exceeding $200,000, then they will be covered into the Treasury?

Mr. CRAMTON. Yes. Then the money will go into the Treasury as miscellaneous receipts.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

Mr. CRAMTON. Mr. Speaker, I move that the House agree to the further conference asked for by the Senate and that the Speaker appoint the conferees.

The SPEAKER. The gentleman from Michigan moves that the House agree to the further conference asked by the Senate and that the Speaker appoint the conferees. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER.

LEAVE OF ABSENCE.

Mr. FUNK, by unanimous consent, was granted leave of absence for 10 days, effective April 3, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. DOMINICK, by unanimous consent, was granted leave to withdraw from the files of the House the papers relating to H. R. 9377, H. R. 9678, and H. R. 9679, all the Sixty-sixth Congress, no adverse reports having been made thereon.

EXTENSION OF REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill 7544 and the bill 10941.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LARSEN of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Veterans' Bureau.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. LARSEN of Georgia. Mr. Speaker, on March 17 I introduced a resolution providing for appointment of a committee to investigate the Veterans' Bureau, particularly the operation of its regional offices.

The reported shortages at some of the regional offices arising from causes brought to the attention of the House in the resolution offered, together with the apparent extravagance and undoubted mismanagement and inefficiency, which is testified to almost daily by Members on the floor of this House, demand an immediate investigation.

I have requested the chairman of the Rules Committee, to which the resolution was referred, to arrange for an early hearing, but so far as I am advised no date has been fixed.

Surely there is no desire upon the part of anyone to make a political issue of a matter so vital to the interest of our ex-service men. Certainly there is no such intention upon my part, and the fact that most of the criticism—and by far the severest arraignment—of the bureau has come from the Republican side, indicates beyond question that desire to benefit the ex-service man is the one and only motive which prompts criticism.

Demonstrating inefficiency in the bureau, I bring to attention of Members two instances regarding recent developments in cases handled through my office. The first relates to claim for insurance from my home county. Briefly stated, it is as follows:

On November 4 of last year the bureau advised me that an insurance award had been made to Green Norris, whose interest I was endeavoring to protect. They advised, however, that they were unable to pay the amount of award due, inasmuch as they had no record as to whereabouts and post-office address of said Norris.

On November 7 I notified the bureau that a letter addressed to Norris, in care of G. C. Bidgood, his attorney, Dublin, Ga., would be promptly delivered. I thought remittance had been made until March 1, when I received a letter from Mr. Bidgood asking when claimant's check might be expected. I then took the matter up with the bureau and was advised just as I had been in November—that they were unable to deliver checks because they had no information as to claimant's post-office address. I again advised the bureau, by telephone and letter, that any communication addressed to Norris in care of his attorney, at Dublin, Ga., would be received, and called attention to the fact I had furnished the correct address four months prior to that date. Upon a third inquiry, made March 20, I was again advised they were without information as to Norris's proper address. I then wrote the director as follows:

MARCH 22, 1922.

Col. C. R. FORBES,
Director Veterans' Bureau, Washington, D. C.

MY DEAR COLONEL FORBES: I have heretofore supposed that employees in the bureau, intrusted with the dictation of correspondence, answering letters written by Members of Congress concerning our ex-service men, would at least make a reasonable effort to familiarize themselves with the record in the case before undertaking to write upon important matters pertaining to it. In this, it seems, I am in error.

I call your special attention to the last paragraph of your letter dated March 20, regarding the above-stated case, and to the fact that on November 7 of last year I gave you the address of Green Norris, one of the beneficiaries. Again on March 7—just four months later—I stated I had given you the address in November and again informed you that a letter addressed to him at Dublin, Ga., care of G. C. Bidgood, his attorney, would be delivered. A few days later in telephonic conversation with Mr. Wright, of the congressional service section, I told him that the post-office address which you seemed to interpret as "Lallie," and which you said could not be found in Georgia, was Lollie, located in Laurens County, some 8 miles from Dublin, where his attorney resides. It is assumed Mr. Wright made a notation in the file to this effect, and if he did not, I am sure it was because he did not think it necessary, inasmuch as I had previously given the proper address in two different letters.

Certainly you must know that such uncalled-for errors are very annoying and that neither the public nor Congress will long continue to endure such negligence and inefficiency.

I suggest that the question as to Mr. Norris's post-office address be settled. I know it is possible to do this whether we can agree upon person to whom insurance should be paid or not.

Awaiting your reply, I am,

Sincerely yours,

W. W. LARSEN.

Officials admit receipt of my previous letters and verbal instructions, but offer no excuse as to delay and inefficiency.

Another case well representing conditions as they now exist is illustrated by decision recently made in the fifth regional district at Atlanta, Ga. I quote from a letter written me by the district manager under date of March 27, as follows:

Under date of March 7, 1922, the following award was approved in favor of the above-named claimant:

"Eight dollars monthly payment, commencing December 16, 1919, continuing during the period in which his disability, arising from defective mental development, remains temporary partial 10 per cent. The district board of appeals has found that this is no vocational handicap to a farmer. He is, therefore, not eligible for training under section 2."

The plain statement is that the district board of appeals has ruled that 10 per cent mental disability is no "vocational handicap" to a farmer.

We can not expect any man to efficiently administer the affairs of the ex-service man who does not know that 10 per cent mental disability is a serious handicap in any line of business. Certainly it is as great a handicap in farming as it would be in any other line of endeavor. It takes as much business ability to successfully operate a 10-horse farm as it does to operate the average successful business enterprise, and more than is used in the operation of a major portion of the Veterans' Bureau. It certainly takes equally as much business ability to operate such a farm as it does to successfully direct affairs of the average country bank.

I have long realized the regard which certain gentlemen, not all of them housed in the Veterans' Bureau, have for the farmer. For their benefit I desire to take advantage of this opportunity to say that the purest, most unselfish, and patriotic blood of this country has always come from the farm. It has at all times guided the destiny of the Nation and has successfully met every emergency that has confronted it. If we take from this Nation the native business ability, the patriotic impulse, the virtue and Christian spirit, developed and nurtured upon our farms, it will at once degenerate and decay.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in reference to the conference report on the bill that we had up to-day relating to the Shipping Board.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ADJOURNMENT.

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 4, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

583. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill for the relief of Ulric O. Thynne, of London, England; to the Committee on War Claims.

584. A letter from the Postmaster General, transmitting claim of Geston P. Hunt, postmaster at Rushville, Ind., for the loss of $10,026.64, through the post office on March 9, 1921; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MONTOYA: Committee on Indian Affairs. H. R. 10957. A bill to rebuild the assembly hall of the Indian school near Tomah, Wis.; with amendments (Rept. No. 865). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROACH: Committee on Indian Affairs. H. R. 10772. A bill providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family, shall be a charge against the said Indian or his estate; without amendment (Rept. No. 866). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 11118. A bill to provide for the deportation of certain undesirable aliens; without amendment (Rept. No. 867). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 165. A joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; without amendment (Rept. No. 868). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. J. Res. 298. A joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden; without amendment (Rept. No. 870). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WATSON: A bill (H. R. 11126) to extend the commissary privileges to the widows of officers or enlisted men of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 11127) to aid and extend the commissary privileges to the widows of officers or enlisted men of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. HUDSPETH: A bill (H. R. 11128) to authorize the construction of a bridge over the Rio Grande, between the

cities of Del Rio, Tex., and Las Vacas, Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE of New York: A bill (H. R. 11129) to amend section 4720 of the Revised Statutes relating to pensions; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 11130) appropriating $75,000 for the relief of the Indians of the Gila River and Papago Reservations, in Arizona; to the Committee on Appropriations.

By Mr. DUNN: A bill (H. R. 11131) to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes; to the Committee on Roads.

By Mr. KLINE of New York: A bill (H. R. 11132) making eligible for retirement under certain conditions officers of the United States Army, Navy, or Marine Corps, other than officers of the Regular forces, who incurred physical disability in line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

By Mr. WRIGHT: A bill (H. R. 11133) for the erection of a post-office building at Fort Benning, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. PRINGEY: A bill (H. R. 11134) to render final judgment on any claims of the Eastern Emigrant and Western Cherokee Creek and Seminole Indians against the United States in relation to tribal lands, funds, and property; to the Committee on Indian Affairs.

By Mr. CLOUSE: A bill (H. R. 11135) to prohibit the Commissioner of Internal Revenue and other officers of the United States from selling or disposing of property seized or distrained for taxes until after publication for 60 days, and for other purposes; to the Committee on Ways and Means.

By Mr. MOORE of Virginia: A bill (H. R. 11136) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury; to the Committee on the District of Columbia.

By Mr. McARTHUR: Joint resolution (H. J. Res. 301) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade; to the Committee on the Judiciary.

By Mr. MOORE of Virginia: Resolution (H. Res. 319) authorizing the Speaker of the House of Representatives to appoint a committee to investigate the wholesale removal of responsible officials of the Bureau of Engraving and Printing; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 11137) authorizing the Secretary of War to donate to Fresno Post, No. 4, American Legion, of Fresno, Calif., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 11138) authorizing the Secretary of War to donate to Madera Post, No. 11, American Legion, of Madera, Calif., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BLAKENEY: A bill (H. R. 11139) for relief of the late Lieut. Col. Asa Bird Gardiner; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 11140) granting a pension to William Russell; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 11141) granting a pension to Margaret J. Briggs; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11142) granting a pension to Charles F. King; to the Committee on Pensions.

Also, a bill (H. R. 11143) granting an increase of pension to Sarah E. Witterman; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 11144) granting a pension to Alice E. Deitrick; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 11145) granting a pension to Henry C. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11146) granting an increase of pension to Caroline Bast; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 11147) granting a pension to Prentice M. Woodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11148) granting a pension to William H. Turnbull; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 11149) granting a pension to George J. Mayer; to the Committee on Pensions.

Also, a bill (H. R. 11150) granting a pension to Emil Schmitt; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11151) granting an increase of pension to Angeline Taft; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4941. By the SPEAKER (by request): Petition of George Noble Todd-Windermere, engineer and inventor; Mrs. Mattie R. Maltby, Chester A. Miller, Chester Wright, and Mrs. Jessie Deans, of San Diego, Calif., urging the commission of George Noble Todd-Windermere as general chief engineer to build merchant marine boats, ships, and submarines and grant him the exclusive use of his patents, etc.; to the Committee on Patents.

4942. By Mr. ARENTZ: Petitions of the Humboldt County Chamber of Commerce, and Messrs. Born, Cooney, Richardson, Pearce, Wilkinson, Gray, Moore, Defenbaugh, and Fishburn, of Winnemucca; Messrs. Crowley, Whitaker, Newland, Stonebaker, Brown, Cushin, Alley, Rolph, Willig, Noble, Swager, Olsen, Brabazon, and Webster, of Sulphur, Nev., protesting against House bill 10598; to the Committee on Interstate and Foreign Commerce.

4943. By Mr. FOCHT: Petition of citizens of Burnham, Mifflin County, Pa., urging adequate tariff law based upon American valuation plan; to the Committee on Ways and Means.

4944. By Mr. FRENCH: Petition of citizens of Idaho, protesting against enactment of House bill 9753; to the Committee on the District of Columbia.

4945. By Mr. GERNERD: Petition of members of the Interstate Milk Producers' Association, of Barto, Pa., favoring House bill 8086; to the Committee on Agriculture.

4946. By Mr. KELLY of Pennsylvania: Resolutions of Daniel W. Brooks Post, American Legion, protesting against decrease in the Navy; to the Committee on Naval Affairs.

4947. By Mr. KISSEL: Petition of the Laundry Board of Trade, of New York City, N. Y., relating to certain provisions in tariff bill; to the Committee on Ways and Means.

4948. Also, petition of the Society of Colonial Wars in the State of New York, of New York City, N. Y., urging retention of Fort McHenry and to preserve same as a memorial, etc.; to the Committee on Public Buildings and Grounds.

4949. By Mr. McARTHUR: Petition of M. C. Knott and others, of Oregon, opposing the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4950. By Mr. ROSE: Petition of members of Local Union No. 3519, United Mine Workers of America, of Bennington, Pa., protesting against continued imprisonment of war-time political prisoners and asking for their early release; to the Committee on the Judiciary.

4951. By Mr. SINCLAIR: Petition of H. J. Laub and 34 others, of Hoil, N. Dak., urging the revival of the Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4952. Also, petition of John Johnson and eight others, of Zah, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4953. Also, petition of Nick Wallin and nine others, of Sanish, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4954. Also, petition of D. D. Cunningham and 14 others and 182 citizens of Max, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4955. By Mr. SMITH of Michigan: Petition of Battle Creek Trade and Labor Council against Sunday bills (H. R. 9753 and 4388 and S. 1948); to the Committee on the District of Columbia.

4956. Also, petition of Mrs. James Seeney and 100 other citizens of Battle Creek, Mich., against Sunday blue laws; to the Committee on the Judiciary.

4957. By Mr. SNYDER: Petition of the Women's Christian Temperance Union, of Rome, N. Y., against a resolution of the common council of that city, with reference to light wines and beer; to the Committee on the Judiciary.

4958. Also, petition of residents of the city of Utica, N. Y., favoring the immediate enactment of a protective tariff measure; to the Committee on Ways and Means.

4959. By Mr. SWING: Petition of Sons of Revolution of the State of California protesting against heavy reduction in the personnel of the United States Navy; to the Committee on Naval Affairs.

4960. Also, telegram of American Legion Post of Riverside, Calif., urging adequate appropriation for maintenance of Organized Reserves Army training camps; to the Committee on Military Affairs.

4961. Also, telegram of the Chamber of Commerce of Riverside, Calif., urging adequate appropriations for maintenance of Organized Reserve Army training camps; to the Committee on Military Affairs.

4962. By Mr. YOUNG: Petition of the Brotherhood of Railway Clerks, Freight Handlers, Express, and Station Employees, urging the acceptance of Henry Ford's offer in connection with the Muscle Shoals project; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *April 4, 1922.*

(Legislative day of Monday, April 3, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes; receded from its disagreement to the amendments of the Senate numbered 47, 50, 51, 55, 72, 73, and 112; receded from its disagreement to the amendments of the Senate numbered 53, 54, 56, 58, 59, and 113, and concurred therein severally with amendments; insisted upon its disagreement to the amendments of the Senate numbered 48, 70, 71, 74, 75, 76, 77, 78, 79, 80, 82, and 91; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon and that Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER were appointed managers at the further conference on the part of the House.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 10478. An act to authorize the Secretary of the Interior to sell certain lands not longer needed for the Rapid City Indian School;

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County of California for certain lands, and for other purposes;

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920";

H. R. 10673. An act to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama;

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. R. 10941. An act authorizing the Postmaster General to grant permission to use special canceling stamps or post-marking dies.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes, and it was subsequently signed by the Vice President.

SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1923 (S. DOC. 177).

The PRESIDING OFFICER (Mr. TOWNSEND in the chair) laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, War Department, fiscal year 1923, for mileage of officers and contract surgeons, $500,000, in addition to the $2,000,000 included in the 1923 Budget, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate a memorial of minority members (Socialist Party) of the Municipal Assembly of Juncos, Porto Rico, remonstrating against the course pursued by the presidents of the Senate and House of Delegates of Porto Rico in the political and personal campaign waged against Gov. E. Mont Reily, and indorsing the administration of Governor Reily, whom the memorialists state is held in high esteem by the majority of the Porto Rican people without party distinction, which was referred to the Committee on Territories and Insular Possessions.

Mr. SIMMONS presented a memorial of sundry citizens of Hamlet, N. C., protesting against inclusion in the pending tariff bill of increased duties on women's leather gloves, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution unanimously adopted by the Kansas City (Kans.) Chamber of Commerce, favoring placing on the free list in the pending tariff bill of vegetable oils and fats, which was referred to the Committee on Finance.

Mr. CAMERON presented the following joint memorial of the Legislature of Arizona, which was referred to the Committee on Agriculture and Forestry:

FIFTH STATE LEGISLATURE, STATE OF ARIZONA,
First Special Session.

Senate joint memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the fifth State Legislature of the State of Arizona, in special session assembled, respectfully represent:

Whereas under the act of Congress of August 24, 1921, entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," it is provided that advances may be made until July 1, 1922; and

Whereas the cattle interests of Arizona have suffered during the past few years in a manner whereby acceptance of the provisions of the said act of Congress offers material aid and relief; and

Whereas the singular climatic conditions existing throughout the State of Arizona make it impossible to round up and count cattle in the winter months, and of delay in forming companies to receive applications, will prevent many worthy producers from obtaining much needed relief by being unable to make formal application on or before July 1, 1922, the final date fixed by the said act of Congress for receiving applications: It is therefore

Resolved by the Fifth Legislature of the State of Arizona, in special session assembled, acting upon petition of the Arizona Cattle Growers' Association, praying for aid and relief, That Congress be memorialized to grant to the said War Finance Corporation full powers to extend the time set until July 1, 1923, as vital to the life and interests of many of the cattle raisers of the State of Arizona: It is further

Resolved, That suitably engrossed copies of this memorial be forwarded to the President of the Senate of the United States, the Speaker of the National House of Representatives, the Hon. HENRY F. ASHURST, the Hon. RALPH CAMERON, United States Senators for Arizona, Hon. CARL HAYDEN, Member of Congress for Arizona, praying them to do their utmost to secure, in the interests of the cattlemen of Arizona, the extension of time so vital to their several and joint interests, and a copy to the chairman of the War Finance Corporation, Washington, D. C.

Adopted by unanimous vote of senate, March 2, 1922.

H. B. WILKINSON,
President of the Senate.
ROY N. DAVIDSON,
Secretary of the Senate.

Adopted by the house March 3, 1922, by unanimous vote.

P. C. KERR,
Speaker of the House.
OSCAR ZAPP,
Chief Clerk of the House.

Approved March 3, 1922.

THOMAS E. CAMPBELL,
Governor of Arizona.

Filed in the office of the secretary of state of Arizona this 23 day of March, A. D. 1922, at 3.25 p. m.

ERNEST R. HALL,
Secretary of State.
By JOHN McK. REDMOND,
Assistant Secretary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 3391) granting an increase of pension to Kate Buman (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3392) to designate a building site for the National Conservatory of Music of America; to the Committee on the Library.

By Mr. CAMERON:

A bill (S. 3393) for the relief of the Indians of the Gila River and Papago Reservations in the State of Arizona; to the Committee on Indian Affairs.

A bill (S. 3394) to provide for the development of the lands within the Colorado River Indian Reservation for the benefit of the Indians and of veterans of the World War; to the Committee on Irrigation and Reclamation.

By Mr. NEW:

A bill (S. 3395) granting an increase of pension to Frances Ann Weddell (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 3396) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor; to the Committee on Appropriations.

By Mr. SUTHERLAND:

A bill (S. 3397) granting a pension to A. J. Cline; to the Committee on Pensions.

ADDITIONAL DISTRICT JUDGES.

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (H. R. 9108) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS OF AGRICULTURAL APPROPRIATION BILL.

Mr. JOHNSON submitted an amendment proposing to appropriate $5,000 for the investigation and determination of the best varieties of potatoes and the best sources of seed-potato supply for and the most effective methods of fertilizing and cultivating the potato crop in California, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

He also submitted an amendment proposing to appropriate $40,000 for the establishment and maintenance of a forest experiment station in cooperation with the University of California, to conduct silvicultural, dendrological, and other experiments and investigations, and so forth, to determine the best methods for the conservative management of forests and forest lands and for the protection and handling of brush or chaparral growth on watersheds important in the supply of water for irrigation and other purposes, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

The following bills were severally read twice by title and referred as indicated below:

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon; and

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 10478. An act to authorize the Secretary of the Interior to sell certain lands not longer needed for the Rapid City Indian School; to the Committee on Indian Affairs.

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920"; and

H. R. 10673. An act to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama; to the Committee on Agriculture and Forestry.

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. R. 10941. An act authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies; to the Committee on Post Offices and Post Roads.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9108) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. FLETCHER obtained the floor.

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	New	Spencer
Bell	Hale	Norbeck	Stanley
Borah	Harreld	Norris	Sterling
Bursum	Harris	Oddie	Swanson
Cameron	Harrison	Overman	Townsend
Capper	Heflin	Page	Trammell
Caraway	Hitchcock	Pepper	Underwood
Colt	Jones, N. Mex.	Phipps	Wadsworth
Culberson	Jones, Wash.	Poindexter	Walsh, Mass.
Cummins	Kendrick	Pomerene	Walsh, Mont.
Dial	Keyes	Ransdell	Warren
du Pont	Lenroot	Rawson	Watson, Ga.
Elkins	McKinley	Sheppard	Williams
Ernst	McNary	Shields	Willis
Fernald	Moses	Shortridge	
Fletcher	Nelson	Simmons	

Mr. DIAL. My colleague [Mr. SMITH] is unavoidably detained. I ask that this announcement may continue through the day.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business. I ask that the announcement may stand for the day.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, will the Senator from Florida yield to me for a few minutes?

Mr. FLETCHER. I am very glad to yield to the Senator from Idaho.

THE COAL MINERS' STRIKE.

Mr. BORAH. Mr. President, we are again in the midst of a coal catastrophe. It is perhaps too early to discuss the subject matter in its entirety, because it is too large a subject to master in any reasonable length of time, and particularly the intricacies of the present situation. But there is one feature of the situation which I think ought to be accentuated, and the importance of which can not be overestimated, and that is the question of the contractual relations between the operators and the miners.

I regard the situation as a very serious one for many reasons. It would be serious under any circumstances and under any conditions in the country, because the public is largely at the mercy of this industry; it can not live and thrive without the industry; but it is particularly serious at this time. It is said there are from 4,000,000 to 5,000,000 men out of employment in the country, generally speaking; that is to say, aside from this industry. Now to throw out of employment some 500,000 or 600,000 men in addition to the already idle men makes the situation an exceedingly serious one. It is a crisis, industrially speaking.

The contract under which the miners were working up until the 1st day of April of this year, last Saturday, had in it the following clause:

Resolved, That an interstate joint conference be held prior to April 1, 1922. The time and place for holding said meeting is referred to a committee of two operators and two members from each State herein represented, together with the international officers of the United Mine Workers of America.

This was a part of the contract which had been made a long time previously and under which they had been working for many months. This particular clause of the contract had in no sense been abrogated, modified, or changed. It was binding upon the parties until the 31st day of March, 1922. So we have, Mr. President, the extraordinary situation that those who control this great industry either can not or will not perform the solemn obligations of their contract.

I am perfectly aware that there has been some contention to the effect that the contract had been abrogated or disregarded by the miners themselves. I think there have been some

changes in the contract from its original terms, but it is not necessary to discuss those changes, for the reason that, whatever misunderstandings may have occurred or whatever changes may have taken place, the contract was regarded as still binding and still obligatory. The miners continued to work under the contract and the mine operators continued to regard the contract as binding. So whatever disputes had arisen or whatever infringement or modification had taken place, they were not deemed to have abrogated the contract. We find, therefore, that the contract is a binding obligation though wholly disregarded in this respect by the mine operators.

Mr. President, there is another feature of this question. Suppose there had been no contract; suppose that the contract, in other words, had been wholly abrogated, and was in no sense binding upon the operators, still the highest obligation rested upon them to secure a conference or to avail themselves of the benefits of a conference with the miners. The industry, Mr. President, the mine owners, owed something to the public; they owed it to the public to use their utmost efforts to bring about an understanding between themselves and the miners. If the miners had refused to confer, the criticism would have been upon them; but neither the miners nor the mine owners, neither the operators nor the workers, can, in view of the interest which the public has in this matter, afford for a moment to take the position that, contract or no contract, they will decline, disregard, or refuse an opportunity for a conference in regard to the future working of the mines. So, it is immaterial, in my opinion, in the larger aspect of the case, as to whether the contract was technically binding or not. However, for fear that I should be misunderstood, I will say that, in my opinion, it was technically binding.

We have reached a point with reference to this industry where the contractual relation between the mine owners and the operatives seems to have broken down; and nothing could be more serious to the country than such a situation. If it comes to be understood that the mine owners and the miners can no longer enjoy the benefit of a conference by the results of which they shall both be bound and which in good faith they will carry out, we have reached the point where the public, in its own defense, must take some drastic measures in order to control the industry. That, to my mind, is the most important feature of the controversy as it is now presented to us.

There has not been, Mr. President, very much dispute upon the part of the operators as to the fact that they have violated their contract. Some have offered one excuse and some another, some have offered one justification and some another; but that the contract was binding upon them and that they have disregarded it is practically conceded upon the part of those who control this great industry. For instance, the statement of Mr. Penna, who is at the head of the Indiana Coal Operators' Association, according to the public print, is as follows:

I do not think the operators of the central competitive field will meet the miners to make a new agreement before April 1.

Mr. President, if the mine owners refuse to meet with the miners to deal with the question of wages, it is perfectly apparent that one of two things must follow: Either a strike is inevitable and the miners cease to work, or the miners go back to work for wages absolutely dictated by the mine owners themselves. If there can not be consideration of and regard for each other's rights through the medium of a conference, then it is perfectly apparent that they must pull apart entirely or one surrender absolutely to the other.

That is a condition in this great industry, Mr. President, to which the American people will not submit. In my judgment they will neither permit the men who work in the mines to control the industry, nor the men who own the mines to dictate the terms upon which the men who work in the mines shall labor.

The third party in this controversy is the one who is always lost sight of, and that is the public. It does not make any difference what the circumstances are or the causes which give rise to the conflict, nor how long the conflict is carried on, nor the amount of loss that ensues, the third party, the public, is the party which must in the end bear the brunt of the loss, because it will finally be passed up to the public either by an increased price of coal or in other ways.

I should read further, however, from Mr. Penna's statement, because I have read only a part of it, and I do not desire to do Mr. Penna or anyone else any injustice by stating only a portion of his position. Mr. Penna proceeds:

I can not answer for Pennsylvania and Southern Ohio, unless it is that the miners' demands are so impossible that the operators of those districts regard it a waste of time and money to meet to discuss them. All operators share this opinion, especially in view of the fact that we were in almost six months' continuous conference in 1920—discussing the same absurdities, practically all of which were denied by the Federal Commission.

* * * * * * *

There is no reply to the mine workers' charge—that the operators have violated the agreement in refusing to meet them except to admit the fact, and the only excuse is that a contract with the United Mine Workers is of no value. Under the present contract we have had more than 200 strikes in Indiana, each of which is admitted by the miners' officers a violation of the contract by the miners.

Whether the fault be here or there, with the miners or the mine operators, it appears that they have lost confidence in each other, are unwilling to meet, are unwilling to contract, and when a contract is made they regard it as wholly worthless. If that comes to be the settled policy with reference to this great industry, then it devolves upon the Congress of the United States and the Government, and particularly the party in power, to find a remedy which will protect the public interest. It is simply inconceivable that the industry can continue to serve the public if contractual relations between the two factors, those who own the mines and those who work them, have broken down.

I am perfectly aware, Mr. President, that the public will hesitate a great while before adopting the drastic measure of public ownership; and there are many things which may be done this side of public ownership in the way of regulation which might effectuate a cure; but, whether it be by drastic regulation and control or by public ownership, the mine operators of this country ought to understand that they are inviting the public to take that step by refusing to comply with the solemn obligations of their contract in assisting to find a solution of the difficulty.

It has been said, Mr. President, in the public prints that the Government at this time finds itself helpless and powerless to remedy the situation. It may be that, owing to the law as it now stands and the situation as we find it, the Government is in a sense helpless, but certainly the Government is not going to remain helpless; certainly we are not going to consent to a recurring catastrophe, which happens about once a year, all of the expense of which is finally borne by the public. We are not going to continue to consent to such a condition of affairs.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. I should like to inquire of the Senator whether the investigation which was made not long since of the conditions in the West Virginia coal fields, in connection with which a report was submitted, as I remember, by Senator Kenyon, would be helpful in the present situation? Did that investigation develop any facts or reach any conclusions which would tend to solve the present problem of which the Senator is speaking?

Mr. BORAH. I do not know that it threw very much light upon the situation. Of course, beyond the question which I am discussing to-day is the controverted field involving the question of profits and the question of wages, both of which will at the proper time come up for legislative consideration and discussion.

Mr. NELSON. Mr. President, may I ask the Senator a question for information?

Mr. BORAH. Certainly.

Mr. NELSON. Have we not provided by law a board of arbitration to act in the case of such controversies as that at present existing? My impression is that we created such a board some years ago. I think at the instance of Senator Newlands, who was very much interested in the legislation.

Mr. STERLING. Mr. President——

Mr. BORAH. I yield to the Senator from South Dakota.

Mr. STERLING. If the Senator from Idaho will allow me, I think the Senator from Minnesota must refer to the Board of Mediation and Conciliation.

Mr. NELSON. Yes; that is what I had in mind—the Board of Mediation and Conciliation.

Mr. STERLING. The question is whether such a board would have jurisdiction over the subject which the Senator from Idaho is now discussing. As I understand—and I have just come into the Chamber—the Senator from Idaho is referring to the coal situation.

Mr. BORAH. Yes, sir.

Mr. STERLING. Of course, the Board of Mediation and Conciliation has primarily to do with interstate commerce and disputes between employers and employees engaged in interstate commerce.

Mr. BORAH. Mr. President, I think the Senator from South Dakota is correct in his construction of the law.

I am not assuming to-day to place the responsibility for the exorbitant and outrageous price which we have to pay for coal, nor to dissect and analyze the entire coal situation. Undoubtedly, when we arrive at an analysis of the entire situation there will be justification for difference of view, but I do want to say that the mine operators of this country, the mine owners, must take responsibility for the situation as it exists up to this time when they refuse to carry out their contract to confer with the men, who are willing and ready to confer with them. A conference might not result in a solution, but certainly, until the first step is taken and a conference is had and good faith is disclosed, there is no possibility of a reconciliation, and the refusal to take that step, it seems to me, lies at the door of the operators and not at the door of the miners.

APPOINTMENTS TO AND REMOVALS FROM OFFICE.

Mr. CARAWAY and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas is recognized. Does he yield to the Senator from North Carolina?

Mr. OVERMAN. I thought the Senator from Florida [Mr. FLETCHER] had the floor yesterday evening at the time the Senate recessed, and he agreed to yield to me.

Mr. CARAWAY. Does the Senator desire to consume much time?

Mr. OVERMAN. I do not care to occupy much of the time of the Senate.

Mr. CARAWAY. Let me yield to the Senator, then, and I will take the floor later.

Mr. OVERMAN. The Senator from Florida [Mr. FLETCHER] was recognized this morning, and yielded the floor to the Senator from Idaho.

Mr. FLETCHER. That is correct, Mr. President. If I am recognized now, I am willing to yield to either of these Senators.

Mr. NORRIS. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. NORRIS. The point of order is that the Senator from Florida is not entitled to the floor at the present time. He yielded it to the Senator from Idaho.

Mr. OVERMAN. I had forgotten that.

Mr. NORRIS. If he had the floor then, he lost it by that yielding.

Mr. OVERMAN. That is correct.

Mr. NORRIS. The Senator from Arkansas having been recognized, he is entitled to the floor.

Mr. FLETCHER. I have an amendment pending to the bill, and I want to get to it as soon as I can. I am perfectly willing to accommodate other Senators, and I am not claiming any rights.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. CUMMINS. What is the pending question?

The VICE PRESIDENT. It is the amendment offered by the Senator from Florida [Mr. FLETCHER] to the judicial bill.

Mr. OVERMAN. I did not know that the Senator from Arkansas desired to address himself to that amendment.

Mr. CARAWAY. I will say to the Senator that I shall be through in a few minutes.

Mr. President, yesterday I had nearly concluded some remarks I was desirous of making touching the Executive order that the President issued Friday, discharging from the public service the Director of the Bureau of Engraving and Printing and 31 chiefs of bureaus of that institution, when the Senator from Illinois [Mr. McCORMICK] felt compelled to protect the record of the administration by taking me off the floor. I am conscious of the unpleasant situation, and I have, therefore, nothing but sympathy for the Senator from Illinois, who wanted, as far as he could, to shut off discussion of this extraordinary order of the President.

Men with services ranging all the way from 20 to 30 years, services that had been acceptable to both Republican and Democratic administrations, men against whom no charge has ever been made, either of inefficiency or of dishonor, were removed from their positions and discharged from the public service by an Executive order. I venture the assertion that no President in the history of this country since civil service has become the law of this Nation ever dared so autocratically to disregard the law and disregard the rights of human beings as did the President by this Executive order.

The law is plain. It required the President—and he is not above the law—to follow a certain procedure under which these men could at least have protected their reputation by denials. The President ignored that. He ignored this law with the Attorney General in conference with him. Therefore there is no reason, if there was any knowledge of the law in the Attorney General's office, why the President should have run roughshod over the rights of these men and wholly disregarded the law of the land.

I think the gravest hurt is to the public morale. When men and women lose confidence in the justice of their Government and in the men who are charged temporarily with the administration of law, they have been done a great injury. I do not care how a man may apologize in his heart for the administration; he may assert that the President was within his rights; but I say that there is no man with any human kindness in his heart who can read that order and not know that it was an inhuman order, and no man with any knowledge of the law of his land can read it and not know that it was a violation of the law by the President when he issued it.

The first play, I think, that I ever witnessed was Blanche Bates in The Darling of the Gods. One line in that play has stayed with me all these years. She was caught in a rather compromising position, and by misrepresenting the facts escaped, and with a cynical smile said: "It is better to lie a little than to be unhappy much." But death came, and she was denied admission into Paradise; and then, turning, she said: "There is a little word called 'honor,' and I had it not, and for that reason I am condemned for a thousand years to wander in outer darkness."

There is a little word called "honor." It is as binding upon the President of these United States as upon the humblest citizen of this land; and it is all the more regrettable when the President shall forget it and deny justice to men upon whom he has the power to inflict an irremediable injury.

Here are men who have been destroyed, their reputations of a lifetime swept away, by an Executive order, and, forsooth, the President says that he has no explanation to make. Later on he may find some reason that he hopes the public will accept; but I think the President does the public a grave injustice. They are not going to accept a reason that it takes the Executive days and days, with all the machinery and all the agencies and all the ingenuity of the administration at his back, to conjure up to offer to the public for this drastic and unjust order that he issued on Friday.

He attempts now to do, by having his secretary write a private letter to one of these injured parties, what he ought to do publicly. These men who have been summarily dismissed, with an appointment, as I understand, called on the President, but the President, of course, was compelled to be away—to play golf, perhaps; and what is the call of justice, and why should he refrain from his amusements that men and women might have justice done to them and to their reputations? So he was absent, and the secretary of the President writes this letter to one of them. It is dated April 3, 1922:

THE WHITE HOUSE, *Washington.*

MY DEAR MR. DEVINT: I have shown to the President the statement left by you and your associates on the occasion of your call at the White House this afternoon. He asks me to make reply and say that he would have been very glad to meet your delegation had he been present at the time of your call—

But, of course, he saw fit not to be present—

Though he is not yet prepared to make his statement relative to his Executive order which was made effective on Friday evening, March 31.

Not yet prepared to tell why he destroyed the reputations of these men, and denied them a right to make an honest living—not yet prepared!

The President has had no wish to reflect upon the character of any Government employee, but he did hold that a sweeping change in the bureau was essential for the good of the service. He regrets the insinuating publicity no less than those do who have been discontinued from the public service.

Yours sincerely,

GEORGE B. CHRISTIAN, Jr.,
Secretary to the President.

Oh, well, Mr. President, it is a great thing to be President of these United States and hold more or less in the hollow of your hand the destiny of a hundred and ten millions of people; but, if I may be permitted to say so, it is a despicable thing to do a great injury to a number of them, or to one of them for that matter, and then decline to say to them privately or to say to the public why he did it. He knows; he must know; and, therefore, to deny them the right to be told of the offense, if any they have committed, that justified him in destroying their reputations that they have been a lifetime in building is inexcusable; and there is a stronger word that I would use if it were

not for the proprieties of the occasion. It is regrettable! It is going to bring the blush of shame to every man and woman that voted to make him President of these United States. I do not care what they may say by way of apology; they are bound to feel humiliated by this act of his.

Mr. Hill, who profited by this order, I never saw, and I am frank to say I hope I never shall. He belongs to that class of people about whom I have known all that I want to know—men who seek their own ends, who are satisfied if they triumph, even if everyone else perishes. He gave out an interview day before yesterday in which he said that "of course the Democratic Senators were going to howl when good Republicans get jobs." That satisfied him day before yesterday. Yesterday afternoon he rushed into print again. He loves to talk.

Mr. WILLIAMS. Mr. President, before the Senator reads that would he mind a slight interruption?

Mr. CARAWAY. I yield to the Senator, with pleasure.

Mr. WILLIAMS. Suppose Mr. Hill had stood upon what he said, and suppose the President had said frankly that they wanted to turn out a certain lot of Democrats and put in a certain lot of Republicans; then that would not have hurt the reputations of the people who were removed.

Mr. CARAWAY. Oh, no; it would have been to their credit that they were Democrats.

Mr. WILLIAMS. And a good many of us not very much in love with the civil service might have thought that probably in the same fix we might have done the same thing. In that connection, did the Senator from Arkansas ever read "Martin Chuzzlewit"? I suppose he has.

Mr. CARAWAY. I did.

Mr. WILLIAMS. The Senator remembers the death scene of old Martin, when they were all gathered around waiting for what they could get, and Pecksniff, in his characteristic and inimitable way, made a speech, and old Anthony interrupted him after a while—Anthony was a plain, blunt old scoundrel—and said: "Pecksniff, Pecksniff, let's not have any hypocrisy." Does the Senator recall that scene?

Mr. CARAWAY. I recall that; but to do that you would have to abolish this administration.

Mr. President, I started to read some of Hill's interview; and, incidentally, I hope that everybody who would like to know Mr. Hill will observe his picture. When he had succeeded to the desk of a man whose disgrace, as I now understand, he helped to bring about, his first official act was to have his picture taken with a smile that spread from ear to ear and disclosed every false tooth in his head.

Mr. Hill says:

I understand there will be further lay offs in other branches of the Treasury Department than this, which will divert public attention from us.

In other words, in order to cover up this wrong and divert the public attention the administration has in contemplation other outrages upon the civil service. Other men and other women are to have their reputations destroyed so that the public may forget the incident by which Hill and his crowd crawled into place last Friday.

Mr. President, I ask unanimous consent to have published in the RECORD, as a part of my remarks, this story, "Harding to explain."

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Is there any objection? The Chair hears none.

The matter referred to is as follows:

[From the Washington Daily News of Monday, April 3, 1922.]

HARDING TO EXPLAIN—TO CLEAR UP MYSTERY OF UNWARNED DISMISSALS AT ENGRAVING BUREAU—SENATOR CARAWAY OFFERS RESOLUTION DEMANDING EXPLANATION—JUSTICE DEPARTMENT AGENTS SCRUTINIZED PLANT, HILL SAYS—OTHER DISCHARGES COMING.

It was intimated by Department of Justice officials that a White House statement within a week would clear up the mystery which still surrounds the dismissal without warning of 28 employees of the Bureau of Engraving and Printing.

Director Hill, of the bureau, said the fact the Department of Justice had admitted an investigation had been going forward and that there was an additional probe of the bureau now under way in connection with an inventory of stock, should indicate to the public the reason for the President's summary action.

The United States Secret Service Department denied knowledge of wrongdoing at the bureau. It was suggested at the Capitol to-day that the President's going over the head of William Moran, Chief of the Secret Service, and calling on William J. Burns's agents indicated changes due in the Secret Service and favorable consideration by the President of the proposal to combine all investigating agencies of all departments under Burns.

ASKS PRESIDENT TO EXPLAIN.

Senator CARAWAY, of Arkansas, to-day introduced the following resolution:

"Whereas without notice, as required by law, and without warning the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Printing and Engraving, and 31 other chiefs and assistant chiefs of divisions of that bureau; and

"Whereas all of said persons were in the classified service; and

"Whereas the law permits the dismissal of persons within the classified service only after written notice and an opportunity to reply to such charge should be given the accused: Now, therefore, be it

"*Resolved*, That the President of the United States be requested to report to the Senate, if it be not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned from the classified service, (b) on what authority and by what authority he dismissed these employees from the service in the manner followed."

Senator CARAWAY pointed out the case of B. H. Ashworth, which he considered as one of particular injustice.

A similar resolution was introduced in the House by Representative MOORE of Virginia, except that MOORE proposed the appointment of a House committee to ascertain the facts. He suggested that the known attitude of Attorney General Daugherty toward the civil service incapacitates his office for a proper investigation.

COMMENDED AT 4 P. M.; FIRED AT 6.45.

"Mr. Ashworth was for over 28 years custodian of dies, rolls, and plates. On January 3 a committee from the Treasury Department was appointed to check over his work and supplies.

"This committee reported on Friday at 4 p. m. that Mr. Ashworth's work was found in splendid shape and commended him for his business methods and faithful service.

"At 6.45 he was dismissed from the service by the Executive order of President Harding without notice."

NO POLITICS, HILL DECLARES.

Politics had nothing to do with the changes made in the Bureau of Engraving and Printing, Louis A. Hill, new director, said to-day.

"I have been 21 years a workman here. I came in as a workman and know nothing of politics. Not a man advanced is a politician. They are all technical men promoted on merit. As many Republicans as Democrats were put out, and I imagine as many Democrats as Republicans have been promoted. I don't know the politics of the men, but selected them to speed up production," he said.

"The bureau can not have political appointees in it. The work is too technical," he added. "My predecessor, James L. Wilmeth, is the only nontechnical man who has been connected with the work here."

OTHER LAY OFFS WILL DIVERT ATTENTION.

"The change was for efficiency. The fact that Saturday was the biggest production day the plant has had in months proves the wisdom of the change and the smoothness with which it was made."

Questioned as to hints at wrongdoing, Hill said merely that the special agents of the Department of Justice, under direction of William J. Burns, were making an inventory of the plant for him.

"I asked the inventory as a business man taking over a big business. What the agents will find I am not at liberty to say. I believe that the President's action in making the drastic change was founded on facts discovered in a special Department of Justice scrutiny of the plant. Those facts I can't talk of now. Mr. Burns's office or the President are the ones to issue statements.

"I understand there will be further lay offs in other branches of the Treasury Department than this, which will divert public attention from us," he concluded.

Hill does not believe civil service laws were violated. He said the men were likely removed for cause, "for the good of the service," and that was legal under civil-service regulations.

Mr. CARAWAY. There is still another story, more remarkable. It appears under the headline "White House ax soon to fall on Treasury Department."

It was published yesterday afternoon in the Times—and let me say, while comparisons are invidious, and sometimes odious, the Times at least has had independence. I mean, it has had entire independence. It is not like one other paper published in the District of Columbia, which always finds that the President is right about what he has done, and will be right whatever he may do. The Times has this story:

BLOW DUE IN INCOME-TAX UNIT—THREESCORE OFFICIALS ON LIST—E. H. BATSON AND MAPES INCLUDED.

The end of the scrapping of unsympathetic bureau organizations by the White House is not yet.

Threescore officials of high and low degree in the income-tax section of the Treasury Department were getting ready to-day to look for new jobs.

President Harding has called for a list of the deputy commissioners and division heads in the Income Tax Bureau and others with a view to removing those who do not qualify as "Harding Republicans."

God bless his soul, if he turns out everybody who in his heart is not a Harding Republican there will not be enough men to act as custodians for the building. The article continues:

E. H. BATSON ON LIST.

E. H. Batson, Deputy Commissioner of Internal Revenue, in charge of the income-tax unit, will be one of the first to go. He will be succeeded by E. W. Chatterton, assistant in that unit, it was stated to-day by those in close touch with the movement of the Harding resurfacing machine—

Whatever that particular kind of a machine may be.

Chatterton was formerly a clerk in the Post Office Department, but was taken to the Income Tax Bureau when Dan E. Roper was promoted from First Assistant Postmaster General to Commissioner of Internal Revenue.

On the same list of those slated for discharge is Carl A. Mapes, solicitor of the Bureau of Internal Revenue. Mapes was appointed by President Harding a few days after the inauguration. It was a hurry-up appointment, it is said, that has never met with general approval by party leaders—

Whoever they are.

It was learned to-day that President Harding has already tentatively agreed on a prominent Ohio Republican to succeed Mapes.

I would like to know, Mr. President, how many prominent Republicans there are in Ohio. If they have not all been given jobs—I am talking about the Republicans—there is some mistake in the census enumeration of the Republican population of that State.

Mr. POMERENE. There were a great many more of them in 1920 than there ever will be again.

Mr. CARAWAY. Of course, and there are a great many of them now who would insult you if you accused them of having voted that way in 1920, and I would not blame them; a man has a right to protect his reputation. This article continues:

The income-tax unit has given the White House great concern, it is said, because so many division heads and subordinates there have failed to give the Harding administration the "party support" that was expected. In fact, some of them are said to be so lukewarm in support of the President's policies as to be classed as "friends of the Democratic Party."

Mr. President, without taking up the time of the Senate to read the entire article, I shall make it a part of my remarks if there is no objection.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

WHITE HOUSE HAS WORRIES.

Some time ago steps were taken to reorganize the income-tax unit, and the names of several officers who could not be regarded as "Harding Republicans" were sent to the White House.

A high official of the Treasury Department, in close touch with the administration, declared to-day that Internal Revenue Commissioner Blair would not be dropped. It was further stated that the administration felt that with sympathetic officials in charge the task of cleaning up back work would be speeded up in a way that would reflect great credit on the administration and make good the production promises of the party of a business policy.

Nine heads in the income-tax unit are being carefully checked up and dismissal or transfer faces each. In some cases, it is said, their present assistants will succeed them. In three or more divisions there will be a clean sweep, both the division head and his assistant being slated for removal.

THOSE NOW IN THE LINE.

The nine division heads are: B. B. Hunsinger, staff division; C. B. Allen, administrative division; B. G. Kimbrell, personal audit division; F. R. Clute, corporation audit division; C. M. Justice, field division; H. Alexander, special audit division; A. E. Fay, natural resources division; W. R. Campbell, review division; and Edward White, statistical division.

The assistants who are being considered for either dismissal or promotion are: F. M. Woodward, administrative division; Oliver Kinsel, corporation audit division; J. L. McGrew, field division; P. F. Cain, special audit division; H. L. Slacoe, natural resources division; F. A. Urice, review division; and J. T. Jamison, statistical division.

The nine division heads constitute what is known as the executive committee, with Deputy Batson as chairman. It was pointed out to-day that should the deputy and a majority of the members of the executive committee be out of harmony with the policies of the administration their rulings would completely demoralize the work of the unit.

Under the direct supervision of the nine division chiefs are two subordinates, who, in turn, direct a staff. A dozen of these subchiefs, it is said, are slated for removal.

"There is no cause for alarm," said a leading Harding Republican to-day. "To get the best results and to give the country a thoroughgoing business administration it is necessary to have officials all along the line who will work in harmony and keep an eye on the wishes of the Chief Executive."

Mr. CARAWAY. It is all interesting, and I rather think every word of it is true. If I may be permitted to go back to the statement of the senior Senator from Mississippi [Mr. WILLIAMS], I have not been so unalterably wedded to the civil service. I do believe, however, that the administration ought to have the courage to disclaim any reasons other than politics for thus demoting and degrading and dismissing from the service these men and women. If it feels that it is in such a precarious condition, and that its conduct of public affairs has so absolutely fallen down, that if the public should find it out it would be itself retired at the first opportunity, so that it wants to surround itself by people who will keep secret its failures to properly administer public affairs, it ought to be permitted to do it. However, as I have said, every Republican Member of both the House and Senate ought to demand that the administration shall have the courage to say, "We are removing these men and women simply because they are not of the political faith of this administration; we have secrets which we do not want the public to learn, and we are afraid to have near us honest people who are not partisans. Therefore we want to discharge them all and surround ourselves with people who will swear we are right whether we be right or wrong." If they will do that, I shall not complain much. I rather imagine the American people, however, will complain very bitterly.

Here is another article; a most remarkable one. It has appeared twice, and the administration has not denied it. It is headed, "Why Wilmeth was fired—Clean-up in Treasury outcome of charges filed with Congress." I want to read this, because it affects the honor of at least one Member of the Senate.

Mr. WILLIAMS. In what paper does that appear?

Mr. CARAWAY. This is in the Times.

Mr. STANLEY. What is the issue?

Mr. CARAWAY. Yesterday afternoon's issue. It reads:

Mystery surrounding the discharge of James Wilmeth, Director of the Bureau of Engraving and Printing, and several other employees by Executive order was partly cleared up to-day when it was learned a large number of charges, supported by affidavits, involving the director and many employees of the bureau had been in the hands of the Department of Justice and Members of Congress for several months.

As I said, Mr. President, this affects vitally the honor of one Member of the Senate, and I want to call it to the attention of the Senate, because the Senator reflected upon may know. I do not know who he is. It is said:

ACTION PRECIPITATED BY DEMAND.

A demand for immediate action, under threat of newspaper exposé, caused the precipitate action of the administration. This situation tends to disprove thoroughly the charges of "playing politics" made against the administration.

Accusations involving the director of the bureau and certain other employees, it was learned to-day, were filed with the Department of Justice and with members of the House Committee on Finance more than a year ago.

I presume it evidently meant the House Committee on Ways and Means. The article continues:

No apparent action was taken by the Department of Justice.

Members of Congress, seeking to eliminate the abuses charged, it is understood, met with insurmountable obstacles in obtaining official action or official cooperation.

Late in December, 1921, or early in January, 1922, employees of the bureau and public-spirited citizens interested in the case filed further supporting affidavits with the Treasury Department, the Department of Justice, and Members of Congress.

As a result of this action the Treasury Department ordered an investigation of the bureau. This inquiry, which was conducted in secret, was made, it is charged, by persons who had long been associated with Director Wilmeth in his work as chief clerk of the Treasury Department.

Apparently no action was taken as the result of the investigation, and it was assumed the bureau was given a clean bill by the investigating committee.

SECOND INVESTIGATION.

Shortly after this, additional affidavits supporting the charges against the bureau management were filed with the Treasury Department, Department of Justice, and Members of Congress.

At this time, it is learned, the charges reached the ears of the President.

President Harding immediately ordered the Secretary of the Treasury to conduct a thorough inquiry into the charges.

Comptroller of the Currency D. R. Crissinger—

That is another Ohioan—

was directed by Secretary Mellon to make a personal investigation.

Again there was no apparent action resulting from the inquiry. Director Wilmeth continued in office. However, intimations were made that a considerable number of employees were to be discharged by the director. Employees who were concerned in the charges against Director Wilmeth state that most of their number were to be included in the proposed dismissals.

The threatened discharge of these employees, it is believed, led to the summary action forced upon the administration in the dismissal of the director and many of his assistants.

Here is the story:

SUMMARY ACTION TAKEN.

Last Thursday employees of the bureau and others who have made charges against the director visited Comptroller Crissinger and members of the Finance Committee of the House and at least one Member of the Senate.

They stated that unless Director Wilmeth and certain other employees of the bureau were discharged at once, galley proofs of the charges with a detailed account of alleged abuses at the bureau would be immediately released for publication.

Treasury officials asked for one week's delay.

This was refused, and 24 hours was given for action, with a threat of immediate publication in case no action was taken.

STORY IN TYPE.

The galley proofs shown to Members of Congress and to the Treasury officials are said to have contained accusations of such astounding nature as to cause Treasury officials to fear for the reputation, not only of the Bureau of Engraving and Printing but of the Treasury Department, and even the entire financial fabric of the Government.

Intimations are made, it is understood, concerning the duplication of Government securities of large denominations.

It is charged that during the war large numbers of Liberty bonds were printed in duplicate, and that these bonds, or coupons therefrom, are being received at the Treasury Department every day, and are being redeemed without question.

Treasury officials fear, it is said, the effect that would be produced through widespread publication of charges of duplicated bonds—that is, securities without compensating reserves.

It is believed that in the rennet action has not been taken previously on the charges brought against the bureau.

I do not know whether it is true or not. I am frank to say it sounds to me to be unreasonable, but here is the charge, made in a reputable newspaper published in the Capital City, that irregularities, which of course amounted to forgeries and frauds, had been committed by employees in the Bureau of Engraving and Printing, and that the knowledge of the felonious acts had been brought to the attention of Members of the House, to the attention of at least one Member of the Senate, and laid before the President of the United States, the Secretary of the Treasury, the Attorney General, and employees in that office; but, in order to hush up this story, they permitted these people who had a knowledge of the facts to drive out of office the men who held the places, and presumably to take the places themselves. That would be a compounding of a felony, and every

man who assented to it, every man who for any reason at all agreed that he would keep secret these acts of this administration, in order to get a place himself, or in order to protect the administration from criticism, himself would have committed a crime. It is such a vicious charge that I say I do not lend credence to it; but at least it has found its way into the public print, and some Member of the Senate, if he was actually approached and does have information of this, and some Members of the House, if the story is correct; the President of the United States, the Secretary of the Treasury, and the Attorney General of the United States, at least, are technically guilty of a felonious crime if this statement is true.

Therefore, in order to prove that it is not true, at the conclusion of my remarks I shall introduce a resolution of investigation. I know that no Senator can afford to object to its immediate consideration, because no man can afford himself to be suspected as being the one who had this information and agreed to hush it up. No man who is a friend of this administration, and no man who is a lover of his country, can afford to let a story which would involve the honor and integrity of the highest officials in this land go unanswered, and the only way to hush it up is to show there is no truth in it, and the way to do that will be to grant this request for an immediate investigation of the entire matter, so that everything pertaining to the removal of these people from office, and the foundation of this story, may be known. The honor of the administration, the honor of the Senate, the honor of the House, are all involved, and the confidence of the American people in the integrity of their Government could not and should not be shaken. Therefore I say that I am sure no Senator will object to an investigation. I can not conceive of anyone doing it.

Mr. President, I have another newspaper story, which comes from "the organ," and it would be highly offensive to the administration to question anything which appears in this paper, and I would not do it. I know that it is either what the President said or what the President is going to say. It will make no difference which said it first, the other will adopt it. If the Post happens to get ahead of the President and declares what the President intends to do, the President will back up the Post and do it, or if the President does a thing the Post will say that is the thing the President ought to do. I am not criticizing the Post; I am just talking about it.

Anyway the article in the Post reads:

Bureau order clear. Leaders see no reason for Harding to explain terms.

I do not know who the leaders are. It is always such a handy thing, do not you know, when you want to back up a thing to say, "The leaders." Anybody is the "leader" who happens to be on the side doing the thing that the Post wants done.

Leaders see no reason for Harding to explain terms.

That means that the President has no intention of doing it, because, with all due deference to the President, I know that after the Post has said he was not going to do it he will not do it. He never has changed his mind when it comes to backing up the Post, although he has been rather inclined to change his mind about other things and even go away to Florida in order to keep from being harassed by the leaders when they were trying to settle whether the soldiers should be given a real bonus or be handed a gold brick. The decision was finally made in favor of the gold brick, and the President came back.

The article continues:

Disloyalty rampant in all departments, Senator asserts.

I do not know what Senator that is—oh, yes; I do. That was the junior Senator from Oklahoma [Mr. HARRELD].

Declares some hold-overs are reporting more frequently to Tumulty than to administration.

I do not know why an employee should report to either. It might be that if he did it would be a cause for removal, because he does not owe his allegiance to the administration nor does he owe it to Mr. Tumulty. He owes it to the American people, whose dollars pay his salary and whose Government he serves.

The article says:

Impatient Republicans in Congress—

And God knows they have a right to be impatient. The country is impatient with them.

Impatient Republicans in Congress and disgruntled Democrats who are insisting that the President disclose the reason for the Executive order issued on Friday making sweeping changes in the personnel of the Bureau of Engraving and Printing are not likely to get a great deal of information from the Chief Executive, it is said.

Oh, well, I presume I am a disgruntled Democrat, but if any Democrat is disgruntled with the political situation now he is an awfully hard man to please, if "disgruntled" means we are dissatisfied with the political outlook. I think it might be said that every Democrat and every self-respecting citizen of the American Republic is disgruntled with the administration. I know that every justice-loving man and woman everywhere is "disgruntled" with the Executive order which the President issued last Friday, and for which he has not been able to find a reason that would justify him in the minds of the American people, and therefore he declines to give any.

Mr. President, I shall not delay the Senate by reading all of this article, but if I may I will include it in my remarks. It appears in the Washington Post of April 4, 1922, under the head of "Bureau order clear."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

BUREAU ORDER CLEAR—LEADERS SEE NO REASON FOR HARDING TO EXPLAIN TERMS—CHARGES MADE BY HARRELD—DISLOYALTY RAMPANT IN ALL DEPARTMENTS, SENATOR ASSERTS—DECLARES SOME HOLDOVERS ARE REPORTING MORE FREQUENTLY TO TUMULTY THAN ADMINISTRATION—DEMOCRATS STIRRING UP POLITICAL ROW, OTHERS ASSERT—CARAWAY INTRODUCES RESOLUTION.

[By Harry N. Price. Copyright, 1922, by the Washington Post Co.]

Impatient Republicans in Congress and disgruntled Democrats who are insisting that the President disclose the reasons for the Executive order issued on Friday making sweeping changes in the personnel of the Bureau of Engraving and Printing are not likely to get a great deal of information from the Chief Executive, it is said. The President, according to administration officers, knew when he issued the order the consternation that would result. It has been repeatedly said there was no politics involved.

If a few Republicans are doubtful of the President's reasons for the order, it is because they have little faith in their chief, or because they may desire to embarrass him. As for the Democrats, it is only natural, Republican leaders say, that they should attempt to kick up a political row for their own benefit. During the Democratic administration, Republicans say, the Democrats were not so keen about the observance of civil service rules and regulations, but now that they are out they are insisting that Democrats under civil service must be retained, even if they are inefficient. As one Republican put it yesterday: "Why can not the Democrats be game?"

ORDER BASED ON KNOWLEDGE.

President Harding, as has been said, had full knowledge of conditions in the Bureau of Engraving before he issued his Executive order. To give to Members of Congress, Republicans or Democrats, the details of the reasons for his order at this stage of the inquiry, other than what he stated in the order, that it was "for the good of the service," obviously would interfere in all probability with the inquiry.

It has been common gossip for months that under the Democratic administration there was built up in the Treasury a Democratic machine which controlled the most important positions. Many of the men still retain their positions. Senator Harreld, of Oklahoma, commenting upon the conditions yesterday, said:

"Disloyalty is rampant in the departments of the Government in Washington. It is not confined solely to any one department. We have found that a great many of the men who hold positions because of their support of previous administrations have lately reported more frequently to Joseph P. Tumulty (former President Wilson's secretary) than to the Harding administration."

CHARGE DEMOCRATIC CONTROL.

Secretary Tumulty and Mr. McAdoo are the closest personal and political associates, and it is openly charged by Republicans in Congress that they still retain control of some of the most important Government departments through their appointees.

An instance is cited where Mr. McAdoo recently appeared as counsel in a Shipping Board case and was successful where Republicans had failed. He is said to have secured for his services, involving only one day's work, a fee of $10,000.

It is further charged that retention of McAdoo appointees in bureaus of the Treasury Department has resulted in delays of years in auditing income tax returns because of the obstructive methods of the Democrats.

Mr. CARAWAY. Now, I am being entirely fair with everybody, so I have asked to publish what the friends of the administration say and what those who do not agree with the administration say, but the junior Senator from Oklahoma [Mr. HARRELD] is so clear and convincing in his statement and so candid that I want to single him out for particular honor. I want to read a part of his interview:

Disloyalty is rampant in the departments of the Government in Washington. It is not confined solely to any one department. We have found that a great many of the men who hold positions because of their support of previous administrations have lately reported more frequently to Joseph P. Tumulty (former President Wilson's secretary) than to the Harding administration.

And, therefore, in the mind of the distinguished Senator from Oklahoma, the reputation of a lifetime, a character for honesty and uprightness, a wife and children who love the employee, are not to be considered or taken into consideration because he has been disloyal to the Harding administration. Brush it all aside, damn them now and hereafter, and let their children and their children's children who come after them live under the stigma and disgrace in order to put somebody in their places who will be loyal to the Harding administration.

Mr. WILLIAMS. And who will not talk to Joe Tumulty.

Mr. CARAWAY. Yes; who will not talk to Mr. Tumulty. There is a rather disconcerting thing about this interview, but I

just want to read one other little extract. The Secretary of the Treasury, Mr. Mellon, apparently in an interview, said:

Nothing was now pending in the bureau, Mr. Mellon stated, involving the honesty of any group of former employees, and there was nothing pointing to any individual. He said that while the politics of the former officials were known in a general way, in reality most of the employees of the bureau could be said to have no politics as they had no vote.

I read that much of his statement to show that the Secretary of the Treasury, under whose jurisdiction this bureau is, knew of no charge affecting the integrity of these men.

Let me call attention to this, and with it I shall close. There were four women who went down under this drastic and unjustifiable order of the President, women who had gone into the bureau years and years ago, who had toiled upward against all the obstacles that have been placed in the way of women's advancement in public employment through all the years, who had kept their reputations pure, who had perfected their efficiency and had finally come to places of responsibility and places that paid them well. Without an opportunity to be heard, without opportunity to utter one word in their own defense, and now with the statement from the Secretary of the Treasury that there was not a charge against them, they were all dismissed from the public service. They were turned out, their reputations destroyed, and the Post says, and it speaks for the administration, or always has, that the President does not intend ever to tell why he dismissed and disgraced these women.

I imagine that the women will also notice that not only did the President dismiss these women but filled their places with men. This administration shuts the door of hope in the face of women, who through long years of faithful service had toiled upwards to places of responsibility. They were summarily discharged and disgraced, and four good Republicans whose reputation will pass muster even with the junior Senator from Oklahoma, are given their places, and these four good Republicans are men.

I do not know, Mr. President, whether the President can afford to maintain his avowed intention of destroying the reputation of these men and women publicly and answering them privately by saying, "I am sorry if I hurt you, but I can not help it. I can not afford to make any public statement because I have no statement that the public would accept, and therefore you must bear your injury and love me as best you may."

With that, in conclusion, I have a resolution which I wish to ask unanimous consent out of order to introduce and have considered at this time. It is a resolution that deals with the article which I have read. I am sure no Senator can afford to object to it, because it involves the honor of the Senate and the House and the administration. I do not believe that the charges are true, and I want to give a chance to have them disproved.

Mr. STERLING. Mr. President, I have no objection to the presentation of the resolution. That much may be done out of order and not against the regular order, but I shall object to the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the presentation of the resolution at this time? The Chair hears none.

Mr. CARAWAY. Mr. President, at the request of several Senators I will ask that the resolution may be read, although it is a literal copy of the resolution introduced by Congressman Moore of Virginia yesterday, with the exception that it adds a statement with reference to this article that charges there were irregularities amounting to fraud committed by men in the Treasury and that knowledge of that fact came to the administration and it was hushed up, and these men were dismissed and their places filled by others. That is the only new charge there is in it. I will ask to have it read.

The PRESIDING OFFICER. Without objection, the Secretary will read the resolution.

The Assistant Secretary read as follows:

Whereas pursuant to an——

Mr. NELSON. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Objection is made.

Mr. CARAWAY. There had already been a request for permission to have it read and no one had objected, and the Assistant Secretary had commenced to read. Objection can not come in the midst of reading the resolution.

The PRESIDING OFFICER. It is the opinion of the Chair that objection lies at any time in the form of a point of order.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Does objection to the present consideration constitute an objection to the reading of the proposed resolution?

Mr. STERLING. Mr. President, I objected to the present consideration of the resolution, but the Senator from Minnesota [Mr. NELSON] calls now for the regular order.

The PRESIDING OFFICER. Which means an objection to the presentation of the resolution.

Mr. CARAWAY. Well, I still have the floor, and I will read it myself:

Whereas, pursuant to an order of the President——

I will inflict the Senate now because I can not read so melodiously as the Assistant Secretary.

Whereas, pursuant to an order of the President issued——

Mr. STERLING. Mr. President, if the Senator will permit me?

Mr. CARAWAY. I yield.

Mr. STERLING. I do not know the rule, but I call for the regular order.

Mr. CARAWAY. I did not yield for that. I heard that very question tested out when the Senator from North Dakota [Mr. MCCUMBER] had the floor in order to explain the bonus matter and saying he would not yield, and the Chair held that he, having the floor, could not be taken off of the floor in that way.

Mr. STERLING. During the course of the Senator's remarks on yesterday the regular order was called for——

Mr. CARAWAY. Oh, yes.

Mr. STERLING. And the Senator from Arkansas yielded.

Mr. CARAWAY. Yes; I did that. I did that not because I thought it was right, but because it was so painful to some Senators on the other side of the Chamber that out of consideration for their feelings I quit.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. CARAWAY. Yes, sir; I do.

Mr. NORRIS. The Senator from Arkansas refers to what happened yesterday. When the Senator was taken off the floor on yesterday it was because there was not anything then pending before the Senate. Now there is a bill pending before the Senate and there is also a pending amendment. The Senator from Arkansas is speaking to that amendment. He may talk about the Holy Bible if he desires to do so; nor is there anything to prevent him talking about the resolution. He is strictly in order under the rules of the Senate.

Mr. STERLING. Mr. President, I understood that the bill providing for the appointment of additional district judges was the business before the Senate at the time the regular order was called for.

Mr. NORRIS. No.

Mr. CARAWAY. No.

The PRESIDING OFFICER. The Chair is of the opinion that the objection was made during the morning hour.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. Did the Senate adjourn or take a recess upon yesterday?

The PRESIDING OFFICER. The Senate then took a recess.

Mr. CARAWAY. Mr. President, I shall again commence at the beginning and read the resolution. Senate Resolution 269 is as follows:

Whereas pursuant to an order of the President, issued the afternoon of March 31, and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law, which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience, who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which shows that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question; and

Whereas it is also now charged that irregularities amounting to theft have occurred in said bureau; and

Whereas it is in the public press charged that the people were dismissed to prevent those who sought their dismissal from exposing those irregularities; and

Whereas it is charged that a Member of this Senate knew of said irregularities; and

Whereas if said statement in said publications be true, said acts would in fact be a compounding of a felony: Therefore be it

Resolved, That the President of the Senate appoint a committee of five Members, who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law. Also find what, if any, basis of fact there is in the story of irregularities charged and the compounding thereof.

Mr. President, I shall ask immediate consideration for the resolution, hoping that the Senator from South Dakota, realizing the impropriety of permitting the charge to go forth that the administration had compounded a felony and that a Member of the Senate had knowledge of it, will not object to its immediate consideration.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. STERLING. Mr. President, I note what the Senator from Arkansas has said and the implication contained in his words with reference to the President, that the President had assisted in compounding a felony, and so forth. Of course, I resent anything like that.

Mr. CARAWAY. Well, let us resent it by permitting the investigation to be immediately had and prove that it is not true. I do not think it is true; but it is charged.

Mr. STERLING. I object to the present consideration of the resolution and ask that it go over under the rule.

The PRESIDING OFFICER. Objection is made to the present consideration of the resolution.

Mr. NELSON. I ask for the regular order.

Mr. CARAWAY. The regular order is that I have the floor. I am not going to have anything more to say about the resolution, except that, inasmuch as the Senator from South Dakota [Mr. STERLING] says he resents the imputation of the charge against the President, I resent it, too; I do not believe it is true. The President is not a member of my party, but if he were I would not by an objection of mine prevent the facts being immediately known. If a charge is made against the President of these United States, whether the President is of my party or not, I should be anxious to develop from what facts he deduced the charges. If it is not true—and I do not believe it is—let us denounce the charge by ascertaining the facts and not sit here in the Senate and say "I resent it," and at the same time "I object to the consideration of the resolution."

Mr. NEW. Mr. President, for the greater part of two mornings the Senate has now listened to what, at times at least, has degenerated into the character of a personal diatribe directed against the President of the United States. The President is uninjured by anything of the kind, especially coming from the source from which it emanates.

Mr. President, there are times when not even the President of the United States can take—I did not quite catch the remark of the Senator from Utah. Was it directed to me?

Mr. KING. I was not addressing myself to the Senator, but if the Senator is very anxious to know what I said I shall be glad to advise him.

Mr. NEW. It was the remark about which I inquired.

Mr. KING. I repeat, I was not addressing myself to the Senator, but I have no objection to telling him what I said.

Mr. NEW. The remark was uttered in such an audible tone that I thought it might have been addressed to me; that was all.

Mr. President, as I have said, there are times when not even the President of the United States may make public every motive that actuates him and every reason which impels action on his part; and the action which was taken two or three days ago with reference to removals in the Bureau of Engraving and Printing falls within that category. There were good and sufficient reasons for the President's action; but whether or not they will be given to the public, I can not say. Much depends upon circumstances; but reasons exist just the same and are amply sufficient to warrant the action taken by the President.

Mr. President, I do not believe that the indignation of the Senator from Arkansas is based entirely upon the removal of the Chief of the Bureau of Engraving and Printing and a few other employees who were removed concurrently with him.

A voice was heard in Ramah, lamentation, bitter weeping.

It appears that some of the faithful are about to be separated from the public service, and it creates great indignation on the other side of the Chamber. If in the spring of 1913 Senators on this side of the aisle had taken notice of events of a similar character to those of which the Senator from Arkansas now so vociferously complains, there would not have been a room in the CONGRESSIONAL RECORD for anything else. Mr. President, I undertake to say and to attempt to justify by the facts that there never was so partisan an administration as the one which closed on the 4th day of March, 1921. That administration filled up the departments here with incompetents to the point where if a caller on business wanted to reach the head of one of the departments he had to elbow his way through a crowd, like getting up to the ticket wagon of a circus; it was almost like a salmon run in Alaska in the spring, when the fish, seeking the upper stretches of the fresh water, so fill the streams that they crowd each other out on the banks. That was the condition in regard to the departmental offices; the appointees fairly crowded each other out on the sidewalk. Ten thousand of them have, very happily, been separated from the service since the present administration came in; a great many more thousands can be separated to the very great benefit of the service; and, speaking for myself, I very earnestly hope they may be; but whether or not they shall be, I do not undertake to say. I can, however, at least express the hope that they may be.

Mr. President, I do not know that I have anything more to say on this subject. The reason for the removals in this case was stated to be for the benefit of the public service. As I said in the beginning, and now repeat, there are times and circumstances when all the reasons which actuate the Executive can not with propriety be stated, and this is one of them.

Mr. STANLEY. Mr. President, will the Senator yield for a question?

Mr. NEW. Certainly.

Mr. STANLEY. Does the Senator regard the removal of a Democrat and the placing in his stead a good loyal Republican as a sufficient reason for the change?

Mr. NEW. It certainly would be to me, if that question is addressed to me personally.

Mr. STANLEY. I admire the Senator for the candor of his utterances, and, although I hold no brief for the civil service, I presume he speaks for his chief.

Mr. NEW. That is merely the Senator's presumption, of course.

Mr. HITCHCOCK. Mr. President, I am very much surprised at the open statement of the Senator from Indiana that in order to give a place to a Republican it would be a sufficient reason to discharge without any allegations and without any hearing a Democrat under the protection of the civil service law. The civil service law is a statute of the United States, just as much entitled to be respected and observed as any other law; and yet the Senator from Indiana deliberately says to the Senate and to the country that it would be a sufficient reason, as far as he is concerned, to discharge a man under the supposed protection of the civil service law because he was a Democrat and could be replaced by a Republican.

Mr. NEW. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield.

Mr. NEW. The Senator from Indiana said nothing of the kind. The Senator from Kentucky asked the Senator from Indiana if he would regard it as a good and sufficient reason to replace a Democrat with a Republican, and I said that to me it certainly would. No mention was made of the civil service law.

Mr. HITCHCOCK. Mr. President, we are dealing now with the cases of men who were under the protection of the civil service law; and the Senator from Indiana has avowed, apparently referring to them, that so far as he is concerned it would be a sufficient reason to violate the law, discharge the men, and put in other men for political reasons.

But, Mr. President, what the Senator from Indiana thus frankly avows has been since the very advent of this administration apparently the deliberate purpose of this administration, particularly in one department of the Government. I refer to the Post Office Department. It is a matter of common knowledge, held by all men who have come in contact with the subject, that for more than a year the Post Office Depart-

ment has been run and operated as a political machine, and under the Executive order issued by the President of the United States all postmasters have been appointed wholly upon the consideration of political reasons.

The pretense of an examination has been continued—examinations which during the administration of Woodrow Wilson were strictly lived up to; examinations which were lived up to to the extent of appointing the man who received the highest rating under his civil-service examination, even if the Congressman protested against it, and even if the Senator protested against it; these appointments were made under the civil-service ratings nevertheless. In fact, my judgment is that the matter was carried to too great an extreme, because in that way presidential appointments were virtually transferred to the comparatively obscure examiners who made these examinations and reports. I think it was carried to too great an extreme; but under the present administration we have gone to the other extreme, and it has been almost the rule in making appointments that men or women with high ratings have been ignored, and men or women with inferior ratings have been preferred.

That is not all, Mr. President. It is susceptible of proof that when no available Republican was found upon the list after a civil-service examination the Post Office Department has required the Civil Service Commission to go back and rerate the men or the women in order that a Republican applicant might be put upon the list. I think that is a matter which is susceptible of proof, and, if necessary, it can be produced.

Mr. President, I want now to refer the Senator from Indiana to a case of which I have personal knowledge in my State.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield.

Mr. NEW. I merely want to say that I hope there are instances in which that can be proven. It would be a great relief to me, at least, to be able to prove it.

Mr. HITCHCOCK. I will say this of the Senator from Indiana: At least he is not a hypocrite; and one of the charges which can be brought against this administration is that it is proceeding in a hypocritical manner. It is holding out to the great mass of the people who believe in the civil-service law that it is living up to the civil-service law, and here in Washington, in responding to the demands of politicians in the House and in the Senate, the civil-service law is being deliberately and systematically violated.

Mr. STANLEY. Mr. President——

Mr. HITCHCOCK. I yield.

Mr. STANLEY. The President of the United States could not do a better thing to save his face in his present sad predicament than to come out boldly and say what the Senator from Indiana has the courage and the manhood to say, but which he will never say. Better, a thousand times better, to proclaim himself a bold and an honest spoilsman than to "wear the livery of God to serve the devil in."

Mr. HITCHCOCK. Mr. President, there are a number of instances that have come under my observation, and there are, as I happen to know, a large number of instances that have come under the observation of all Senators, particularly on this side of the aisle, who felt that at some time the matter should be aired and that public opinion should be appealed to. I am going to take up one case in my State—the case of the postmaster at Clay Center, Nebr., a comparatively small town, a postmaster who served four years and was reappointed by the previous administration, and who still had two years to serve. Charges were brought against him, and two inspectors were sent out to Clay Center for an investigation. They made a lengthy report, of which I have a copy, which I read with care, and as a matter of fact the report recited facts which were to the man's credit, and if time afforded I could give extracts from that report here; but it wound up with the statement that for the good of the service and the town they recommended his removal.

I took up that matter with the department, with the then Assistant Postmaster General, and later with the Postmaster General, at that time Mr. Hays; and they admitted in my presence that it was so weak a report that it was very doubtful whether it would be acted upon. The facts stated in the report were so insufficient that Postmaster General Hays in my presence stated to the Assistant Postmaster General that he did not think that report would warrant a removal; but, Mr. President, the postmaster was summarily removed a few weeks later, and I am going to read now to the Senate some letters which will indicate the real reason of his removal. I have not all of the matter here, but I have hastily gathered a few letters.

I hold, first, in my hand a copy of a letter written by Fred B. Howard—a Republican editor of that town, Clay Center, Nebr.—dated October 4, 1921. It is addressed to Hon. W. E. ANDREWS, the Congressman from that district, and reads as follows:

MY DEAR MR. ANDREWS: By the use of the party whip, by the use of business threats, and by the use of misstatements in their petitions, it seems that the Thompson faction—

Thompson was the postmaster in question, in Clay Center—

That the Thompson faction have been able to make such a showing in the post-office matter here that it is about to be reopened. Positively, this must not be. After what has taken place there can be no back up without completely discrediting the party in this territory and making our delegation in Congress as well as ourselves the laughing-stock of the district. It is inconceivable that Senator HITCHCOCK should be able to override the judgment of the department based on an official investigation; and if this should prove to be true it will be a sad day for our workers in this district. I trust you will see the necessity of bringing every power possible to bear, not merely for the obtaining of needed relief in Clay Center, but in the final analysis for the saving of a bunch of faithful men from humiliation that will spell defeat for them and their friends in the approaching campaign.

Yours truly,

FRED B. HOWARD.

That letter was addressed, as I say, to the Republican Congressman from that district, and it was followed by another, written by the Republican governor of Nebraska, and it reads as follows:

Hon. W. E. ANDREWS.

MY DEAR CONGRESSMAN ANDREWS: I am writing you regarding the post-office situation in Clay Center. I expect you are aware of the fact that the present postmaster is a Democrat; has served off and on in that position for a number of years.

It was always "on"; it was not "off." He has been postmaster for six continuous years.

I do not think he has been popular in the place, and I know he has carried his partisanship to the extreme. In fact, that has been the nucleus of a little organization of Democrats in that community that has been unwavering in its opposition to the Republican Party and its representatives. I am wondering if something can not be done to bring about a change there. It should be done. I will greatly appreciate anything you can do to help out this situation. If there is any influence that I can use, please command me.

SAMUEL R. MCKELVIE, *Governor.*

About that time there appears in the files of the Postmaster General relating to Clay Center this official memorandum:

Under date of September 8, Representative ANDREWS telegraphed from Nebraska his recommendation for the appointment of an acting postmaster, and within past few days has repeatedly telephoned the department insisting that action be taken to displace the postmaster and appoint an acting postmaster there.

Under date of October 4, Congressman ANDREWS telegraphed Hon. Will H. Hays, Postmaster General, Washington, D. C., as follows:

MY DEAR MR. HAYS: I am greatly embarrassed by the unexpected delay of the department action in the appointment of an acting postmaster at Clay Center, Nebr.

W. E. ANDREWS.

Then, under date of October 7, the same Congressman, W. E. ANDREWS, addressed a long letter to Mr. Hays, Postmaster General. I shall read only a part of it:

WASHINGTON, D. C., *October 7, 1921.*

Hon. WILL H. HAYS,
Postmaster General, Washington, D. C.

MY DEAR MR. HAYS: I hand you herewith a letter which I have just received from Mr. Fred B. Howard, congressional committeeman for Clay County, Nebr. You will observe that he is editor of the Clay County Sun. He is one of the most effective newspaper men in the fifth congressional district of Nebraska. He publishes a good paper, and has a wide range of influence. His letter states the facts correctly from the party standpoint. It is very unfortunate for the Republican Party and that locality to be compelled to endure the last 20 days of this man Thompson. Thompson's political activity has been well known to everybody and can not be truthfully denied. Senator HITCHCOCK is battling for votes for next year for himself. The retention of Thompson as postmaster means the humiliation of Republicans in that locality, and it may count heavily in the matter of the senatorial election.

Then I quote now from a letter written by the same Fred B. Howard to the First Assistant Postmaster General, December 3, 1921:

A bunch of men who have never been found wanting when the party made an appeal are now in a most embarrassing position, and if you would save the organization, which has been and will continue to be effective if treated just fairly, you will enforce the original order of the department without further delay. If the situation did not warrant this urgent request, I would not make it.

Mr. President, there had been no original order. All there had been was a report of two inspectors who had been sent to Clay Center, and that report, by the confession of the Postmaster General in my presence, and in the presence of the then Assistant Postmaster General, had been so weak that he could not remove the man, and he did not remove the man until this insistent political demand came from Clay Center.

I have said that I have some regard for an outspoken, defiant attitude, like that of the Senator from Indiana, against the civil-service law, but who can defend an administration which stands apparently for the enforcement of the civil service, which

stands apparently for the appointment of postmasters after a civil-service examination, which stands apparently for the idea that when a postmaster is appointed he shall hold his office for four years, as the law provides he shall, and then, after making all that pretense to the country, secretly yields to this political influence for the removal of a man two years before his term expires?

Mr. President, I have stated that the Post Office Department, using its great influence, and evidently with the backing of the President of the United States, had compelled the Civil Service Commission to go over its ratings when it had reported a number of candidates for a post office and none of them happened to be a Republican. Let me read a letter, of which I hold the original in my hand, from the Hon. MOSES P. KINKAID, a Representative from the State of Nebraska in the Lower House, and, of course, a Republican. It is dated November 12, 1921, at Washington, addressed to a citizen of his district. I believe I will omit his name. It reads:

FRIEND ——: I am in receipt of your esteemed favor of the 9th instant, written in behalf of the candidacy of the former resident of your city, Mr. O. O. Howard, for the postmastership at Ericson. Will say Howard himself wrote me recently in the premises, and in the acknowledgment I made of the receipt of his letter I informed him of the status, which is that a civil-service examination has already been conducted of candidates for the Ericson office, with the result that but one candidate was reported as eligible, he the Democratic editor at Ericson.

Consequently, if that report is to stand, we would have no recourse but to permit the appointment of this Democratic editor; but I have secured an order to be made for the examination papers to be reviewed, and inasmuch as the Republican candidate barely failed to come up to the requirements it is possible that she may yet be found eligible. If so, she should receive the appointment, as she has been indorsed by the Republican patrons. In the event of the case being opened up to new candidates, what you say of the worthiness of Mr. Howard, and that fortified by so many signers of your letter, all old acquaintances of Mr. Howard, will be given due consideration.

With best wishes I remain,

Sincerely yours,

M. P. KINKAID.

I may say, furthermore, that the papers were rerated, and Mrs. Patrick was appointed, evidently under the dictation of the Post Office Department. I took the liberty of holding up that nomination when it came to the Senate, and finally the Committee on Post Offices and Post Roads notified the Post Office Department that the nomination was subject to very serious objection, and it was abandoned. But that letter shows and the act shows that there is a deliberate attempt to subvert and to destroy the civil service as applied, at least, to the post offices of the country. I think it is perfectly proper to cite that at this time, while it has nothing to do with the Treasury Department, as an evidence that the Treasury Department is not the only department in which this hypocritical attempt is being made to observe the law while in reality it is being destroyed.

Mr. DIAL. Mr. President, the Senator will not forget that the Post Office Department, although an advantage of five points is supposed to be given to ex-soldiers in their markings, is turning them down.

Mr. HITCHCOCK. I have received a great many complaints from ex-soldiers who claim that while they were given preference under the former administration, they appear now to be discriminated against, and I heard of a case this morning in which an ex-soldier who had received the highest rating and who required no favor of five points was refused the appointment.

Mr. DIAL. Even Republican ex-soldiers are being discriminated against.

Mr. HITCHCOCK. So I say that if there is in this country any sentiment which holds that the civil service law should be made a fact and not a farce it is about time for that sentiment to develop itself, and it is about time for this administration to either fish or cut bait in the matter.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. Does the Senator contend that the civil service law is applicable to the appointment of postmasters of the first, second, and third classes?

Mr. HITCHCOCK. I do not, but I contend that prior to the election of 1916 the Civil Service Association of the United States addressed a letter to Woodrow Wilson and an identical letter to the Republican candidate for President, asking them whether they would take the necessary steps by Executive order to place those post offices of the country under the protection of the civil service, in order to remove the scandal which had grown up as a result of the spoils system, and both those candidates, one representing the Republican Party and the other representing the Democratic Party, replied to the Civil Service Association that they would do so. Woodrow Wilson was elected, and he carried out to the letter the promise which he made. I furthermore say that when this administration came into office President Harding issued an Executive order in which he stated that the practice would be followed to this extent, that an examination would be held under the authority of the Civil Service Commission; that the commission should report to the Post Office Department the highest three as eligible. I am not certain how much further that order went, but I know that the Civil Service Commission, which ought to stand up and fight for the law under which it exists, has yielded to the importunities of the Post Office Department in many cases and has revised its ratings. I would like to inquire also what has become of the resolution which the Senate adopted a while ago authorizing and directing a committee of the Senate to inquire into that abuse. Have any meetings been held? Have any facts been developed? Has any report been made?

Mr. LENROOT. Does the Senator state that President Wilson placed all those offices in the classified service?

Mr. HITCHCOCK. I did not say he placed them in the classified service. He issued an Executive order directing that all appointments should be made after the Civil Service Commission had caused an examination to be held and had placed upon the eligible list the names of the three having the highest rating, and the man or the woman with the highest rating would receive the appointment, and that was done.

Mr. LENROOT. Was it placed in the Executive order that the person having the highest rating should get the appointment?

Mr. HITCHCOCK. It was.

Mr. LENROOT. Will the Senator state when that was done?

Mr. HITCHCOCK. It was done almost immediately after Woodrow Wilson began his second term of office.

Mr. LENROOT. I shall be glad if the Senator will put in the RECORD any such order issued at that time.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. Certainly.

Mr. NORRIS. Was my colleague in favor of the civil-service arrangement for postmasters when President Wilson put it in practice?

Mr. HITCHCOCK. I thought it was too extreme, and I told the President so. I said so here.

Mr. NORRIS. What was the part of it which the Senator thought was too extreme?

Mr. HITCHCOCK. I thought it left no discretion at all to the President of the United States. The Constitution vests in the President of the United States the power to appoint, and he should be left some discretion; but he made the order so rigid, in order to live up to the promise which he had made to the Civil Service Association, that if one person were given a rating of 94 by a civil-service examiner and another person were given a rating of 86, he could not exercise any discretion at all. I think there should be a discretion exercised, but I think there should not be a pretense made and an almost universal rule followed of disregarding those ratings, and then subordinating the commission to be a mere tool of the Post Office Department, by compelling it to rerate and rerate until a Republican shall get on the list; and I do not believe my colleague believes that is right.

Mr. NORRIS. I am going to express myself on the subject just as soon as I can get the floor in my own right.

Mr. HITCHCOCK. I will yield the floor.

Mr. NORRIS. But I want to ask my colleague another question. I take it, then, that my colleague prefers the order of President Harding to that made by President Wilson, because President Harding did retain the discretionary power as to the three highest on the list, instead of none, as President Wilson had made it.

Mr. HITCHCOCK. I think there should be some discretion left to the appointing power, but I do not think that by that means the civil service should be made a farce, and I do not believe that the Civil Service Commission should be degraded, as it has been degraded, into a mere tool of Republican politicians, and that their ratings should be made farcical, and revised and revised until a Republican could get on the list. That is what I believe.

Mr. NORRIS. Going back to my question again, so that the Senator will have it recalled to him, he then prefers the order of President Harding to the order of President Wilson, as far as the order is concerned?

Mr. HITCHCOCK. I am not complaining of the order. I am complaining of its execution. I am complaining of the hypocrisy of making such an order under the pretense that it is for the purpose of allowing men of any party to take examina-

tions and have a chance of being appointed, and then, if no Republican is on the list, sending the papers back time and time again to the Civil Service Commission with orders to revise and rerate. That is the practice I object to.

Mr. NORRIS. I go back again to my question, and repeat it——

Mr. HITCHCOCK. And I answer it in the same way.

Mr. NORRIS. The Senator has not answered it yet. I would like to know definitely whether the Senator prefers the order made by President Harding to the order made by President Wilson.

Mr. HITCHCOCK. I answer it in the same way that I did before, but I do not believe in having it applied in such a farcical and practically hypocritical way as it has been applied.

Mr. NORRIS. Mr. President, I have said before, and I want to repeat now, so that my opinion may be understood for whatever it may be worth, I never agreed with the order of President Harding where he provided that postmasters should be selected from the three highest on the list. I preferred the order made by President Wilson, which took away the discretionary power that was given to politicians. I am going to demonstrate by reciting some things which have happened that my colleague not only did not believe in civil service as far as appointments to post offices were concerned, but that he went so far as to make very serious charges against the Postmaster General under President Wilson because he took these post offices off the political pie counter. He is complaining now, and I think with justification, that the Republican President is putting them on the pie counter. The only difference between my colleague and myself is that I believe in the civil service when my party is in power as well as when the other party is in power, and he believes in the civil service when the Republican Party is in power, and that "to the victors belong the spoils" when the Democrats are in control; and I am going to prove it.

The tears he is shedding now for the civil service were tears of stone when Woodrow Wilson was in the White House. He is now anxious that postmasters should be selected on a competitive basis, and is complaining because the officials are putting Democrats out and Republicans in; but when Woodrow Wilson was in power, and before my colleague's reelection to the Senate was so close at hand, he was demanding that Democratic politicians be placed in the post offices, and that the Civil Service Commission should be scrapped. He even went so far, as I said, to make serious charges, through his private secretary, against the Postmaster General.

Mr. President, lest I be misunderstood, I want to say here that I think President Harding made a mistake when he changed the order. He has made a mistake in every case since wherever he or anybody under him has permitted political influence to interfere in the appointment of postmasters.

But when Woodrow Wilson was President and that order was made it was quite a common thing, after the postmaster had been selected according to the examination, to have it held up in the Senate of the United States by the political influence of my colleague in my State of Nebraska. It was my colleague who, after the order had been obeyed and the postmaster selected according to the civil service, got from the Committee on Post Offices and Post Roads of the Senate the papers in the case, stuck them in his pocket, and carried them there for the balance of the session, so that when Congress adjourned another appointment had to be made, and who then, when it was made again, repeated the operation and carried the papers during another session of Congress. Oh, he was anxious then to enforce the civil service law. Oh, he was then performing a piece of statesmanship that would put the whole Harding administration back into the ditch and make them look like 30 cents. Then it was that there was no virtue in the civil service law. Then it was that the only way to get good administration was to turn men out and put men in—turn them out because they were Republicans, put them in because they were Democrats.

It was during that administration, in a case where the civil-service examination in Nebraska showed that a contest between a Republican and a Democrat resulted in the Republican getting the highest standing on the list, that my colleague went to the Post Office Department and asked that an inspector be sent out there. It was in answer to my colleague's request that a post-office inspector be sent out there that one went there, went into the town where this thing had taken place, and went to see only men who were personal enemies of the Republican successful aspirant. It was in that case where they adopted the cowardly and inhuman method of charging the successful man with being pro-German, and there is something in some of the letters which I shall read later which will indicate that that did not originate in the department but originated here in the Capitol; not only in the Capitol but in my colleague's office in the Capitol, where his secretary, who signed the letters, had charge and full sway. A charge was made because of the lack of pains on the part of the President to make a personal investigation.

I said it was inhuman. It was not only inhuman but it was cowardly. The man never had the right or the opportunity to defend himself, and yet it was shown in the investigation that I made—and I defy any man to investigate and show to the contrary—that in every activity during the war this man led. He subscribed for more Liberty bonds than his quota called for. He was charged with making, at a meeting of the Eastern Star lodge, a mean remark about the President of the United States, and it was demonstrated and proven that the charge was absolutely false and without any foundation whatever.

Then, under that kind of régime, when I went down to ask for the papers, when I went into the First Assistant Postmaster General's office in the city of Washington and asked that I be given the papers, that I be allowed to see what this report was, what investigation the inspector had made, I was denied the right to see the papers, and I did not see them, either.

I was denied that right when, as a matter of fact, everybody knows the Senate has a constitutional duty to pass on the confirmation of postmasters. That was under an administration where the civil-service rule had been complied with, but the officials of the Post Office Department and my colleague, conniving together, had brought about in the Senate of the United States, by his carrying the papers away with him, the defeat of the civil-service rule adopted by President Wilson.

I thought, Mr. President, when I was denied access to these papers, that if I called attention to it in the Senate of the United States an investigation would be immediately demanded and unanimously put through, but it was not. I did that; I told about it on the floor of the Senate, that I had been denied that right. I know of one of these cases that happened in my State, and I would not bring my State in here if my colleague had not done it. He has brought the dirty linen out, and I am going to give it another dose or two of soap. That is all I am trying to do.

It seemed to me humiliating that while the order was made all right and the Civil Service Commission carried it out all right, in these cases in the State of Nebraska, at least, the First Assistant Postmaster General, in connection with my colleague and with the chairman of the Committee on Post Offices and Post Roads of the Senate, who was a Democrat, prevented, whenever they did not like it, the carrying out of President Wilson's order.

Now, let us see how my colleague, who is such a great civil-service reformer now, felt when he was not running for reelection and when his party was in power. At the time these letters, which I am about to read, were written there was a man here by the name of Earl B. Gaddis, who was private secretary to my colleague. Gaddis was also at that time Washington correspondent of the Omaha World-Herald, a great Democratic newspaper printed in Omaha, owned, edited, and published by my colleague. Other newspapers who had their representatives here had them admitted to the Senate press gallery, but the representative of the Omaha World-Herald could not be admitted to the press gallery because he was being paid by Uncle Sam and held a job at the pleasure and good will of my colleague, and it was contrary to the rules to admit such men to the press gallery. So he could not be admitted there. But he had an advantage which the men sitting in the press gallery of the Senate did not have. By virtue of the appointment given him by my colleague he was admited right on the floor of the Senate, so he had an opportunity to get the inside every time, and he did.

But while acting in this capacity, as my colleague's private secretary, Gaddis had some correspondence in regard to this very post office out in the State of Nebraska. There had been a civil-service examination held out there, and the favored Democrat did not get in. He was defeated in the examination and lost the office. In one case it was a woman, so he had some correspondence with this woman, and he wrote her as follows. The letter is dated, "United States Senate, Washington, D. C., May 31, 1919," and addressed:

MY DEAR MRS. WEEKES:

I have your letter and hasten to reply.

Burleson says: "Result of examination is only thing that will count—no politics—makes no difference if a Republican is chosen."

That is the kind of a Postmaster General we have, and this is what makes the Democrats boiling hot and has caused numbers of them to band together to insist upon Burleson's removal.

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

Think of it! There he sits, the only man in the Senate who had the courage to attack the great Burleson and denounce him as a tyrant. Here are his praises being sung by another great man of his own choosing, his private secretary, his newspaper correspondent, his newspaper editor, drawing a salary and getting his pay from Uncle Sam.

I continue the reading:

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

We will likely suffer distinct embarrassment one of these days of seeing a Republican newspaper man who writes bitterly partisan copy being chosen to supplant a Democrat in one of our good Nebraska towns. We held the appointment up for a long time—

I told you a while ago how—

by checkmating confirmation, but will be unable to do so with a Republican majority.

In other words, this faithful follower of the World-Herald and of the senior Senator from Nebraska and financially of Uncle Sam, says, "We did the work all right by having HITCHCOCK prevent confirmation." He saved the country for civil service notwithstanding "Burleson, the tyrant," but now we are about to have a Republican majority, and he can not do it any longer, powerful though he may be.

Again reading from the letter:

All of this is a burning shame, but Burleson, the tyrant, has the upper hand and proposes to keep it.

I hope Burleson will take notice in his retirement.

There is one ray of light, however, and it may penetrate the dark recesses to Democratic advantage before the Norfolk postmaster is chosen.

This letter is directed to Mrs. Weekes, who lives in Norfolk, and was a candidate for postmaster there. Continuing:

If Burleson is removed before the appointment comes, it may be that his successor will see to it that justice is done—

He has disclosed the kind of justice he wants—

I will watch developments closely and will keep you advised.

Again I say Burleson should be "strafed," then Democracy would stand at least an even chance of survival. Otherwise I fear the sins of this tyrant will be visited upon our party for years to come.

Cordially and sincerely yours,

EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, I think I ought to continue the reading. There is some more along the same line. That letter was written May 31, 1919; and on the 31st of July, of the same year, Mr. Gaddis wrote another letter, which I think I ought to read, because it throws some light upon my colleague's conversion to civil-service reform, under a Republican administration, which he so much despised under a Democratic administration. The letter starts out:

UNITED STATES SENATE,
Washington, D. C., July 31, 1919.

MY DEAR MR. WEEKES—

This letter was apparently written to Mr. Weekes, although the previous letter was addressed to "Mrs. Weekes"—

Have your letter of the 19th, and hasten to reply to it.

Reference to the Ainsworth matter—

That was another postmastership case where the sleight-of-hand performance took place by which a Republican was put out and a Democrat put in—

the Ainsworth matter, which you mention as having been cited to you in the Senator's letter of May 31—the Senator could not obtain the appointment of a man there friendly to the Democratic cause.

Now the Senator is trying to get postmasters appointed according to the civil service, but it seems then that he was trying to get postmasters who were "friendly to the Democratic cause." Now listen to this:

When a Republican was named he managed to hold up the appointment—

Consider that in connection with the Senator's denunciation to-day of Republicans trying to prevent the operation of the civil-service rule. The Republicans learned their lesson from the Senator from Nebraska [Mr. HITCHCOCK]; that is the reason they do it so well. He is condemning them now because they will not let the civil-service rule be put in force, and yet his secretary says that he was then trying his best to prevent its enforcement, but did not always succeed, as is shown here, but he held up the appointment for a long time.

The Senator could not obtain the appointment of a man there friendly to the Democratic cause.

When a Republican was named he managed to hold up the appointment. That was all he could do.

That, in other words, was interfering with the rule, but the Senator now condemns others for interfering with the rule.

But now, under a Republican Senate, he will be forced to give up that and must see a shameless Republican named for the place. At no time, under this new system of Burleson's, did the Senator have the remotest chance of naming a Democratic friend.

Too bad, was it not?

Also with reference to the Scottsbluff matter—

Scottsbluff is another post office in Nebraska—

mentioned in Arthur Mullen's office—

Arthur Mullen is the Democratic national committeeman from the State of Nebraska, and is a very fine man—

mentioned in Arthur Mullen's office in Mrs. W.'s presence—we did not wire for the name of a man to name there. We merely suggested to Arthur that he get some Democrats in the examination there who might stand strong chances of passing the examination.

It seems that my colleague was in doubt whether or not Democrats could pass the examination.

We made it perfectly plain to Arthur that our only hope lay in getting some Democrat in the race there who could stand the examination.

I might add that the outlook now is that a Republican topped the list and must be named for the place. HITCHCOCK has no more chance of getting a Democrat in there than a snowball has in August weather in Nebraska.

That is too bad, especially in the case of a man who is now such a great and ardent admirer of the civil service!

So you see, with these facts in your possession, there is anything but politics being indulged in by the administration in naming of postmasters.

Senator HITCHCOCK has agreed with few things which this man Burleson has done since taking office, particularly since the war came on. And he has voiced that disagreement, as many other Democrats have done. But not a Democrat here in Washington has the least thing to do with the naming of postmasters. All they can do is get their friends to take examinations and pray that civil-service marks will lead later to their elevation to the places. That is all the good Lord could do if He were a Democrat now and here trying to get Justice for His party in the naming of His postmasters.

If Gentle, at Norfolk, is not a loyal American—

Now, here is a hint; here is a way to hold up a nomination. Gentle was a Republican; he was a candidate for postmaster, and Senator HITCHCOCK's private secretary says this is the way to hold up the nomination. He says:

If Gentle, at Norfolk, is not a loyal American or is an immoral citizen, his appointment can be held up. But these are the only grounds upon which there is the slightest show of keeping him out of the place.

I agree with what you say about the damned inconsistencies in running the Post Office Department this way. It is a shame that we must endure it, the Lord knows; but the game can not be beaten the way it is played just now. Thank Heaven, there may be a way opened up later whereby it can be beaten; but when that time comes it may be too close to the time the Republicans will take the administration away from us simply because they play politics up to the limit all the time.

Arthur Mullen understands the difficulties precisely. Talk the matter over with him some time, or if you are in Omaha on July 24, when the national chairman and his party are there, join them and hear what they've got to say on the subject.

With kind regards and best wishes,

EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, it will be noted that a suggestion is there made as to how appointments can be prevented. The civil-service rule is in force and there is no way to prevent the appointment, but the senior Senator from Nebraska [Mr. HITCHCOCK], the great civil-service statesman, is here ready and willing and able, if the evidence is furnished him, to prevent confirmation. A charge must be made that the successful Republican aspirant is not a true American or that his character is immoral, and the senior Senator from Nebraska will hold the nomination up and prevent confirmation. As I said awhile ago, he succeeded over two sessions of Congress in holding them up, without any charges being filed, simply by putting the papers in his pocket and carrying them away.

Mr. President, I have some more letters of a similar import, but I am not going to take the time of the Senate to read them at this moment. I wish to repeat what I said the other day, that for the man who says, "I am against the civil service in the Post Office Department or any other department and I believe when the opposition party is in power they have the right to wipe the slate clean and put their people in and the other fellows out for partisan reasons," I have nothing but admiration. I do not agree with him; I think he is wrong; but that is only my opinion. He may be right and I may be wrong; but, Mr. President, any party, no matter what party, and any man, no matter what man, who stands for civil-service enforcement when the opposition party is in power and for the abolishment of civil service when his own party is in power is, in my judgment, not a good public servant; he is not consistent; he is asking something of his enemies which he himself is not willing to concede. So when my colleague talks at length in the Senate condemning Republican officials for disobeying the civil service law, I agree with him in every instance where it can be shown that they have disregarded the law, and when any Senator says in his place here that he thinks such a violation has been committed, I will by my vote assist him in securing an investigation if he wants it; but, Mr. President, it seems to me——

Mr. REED. Mr. President——

Mr. NORRIS. I yield to the Senator from Missouri.

Mr. REED. I have not heard all of the Senator's remarks, but I should like to get his opinion frankly as to this state of affairs. We have what is called a civil-service examination for postmasters; and if only one person takes the examination and passes, instead of appointing him they order a new examination. When the new examination comes on, if there are two or three who take the examination, and any Republican gets across the dead line he is appointed, and the Democrat who first took the examination alone and passed, who in the second instance has passed at the head of the list, is denied the place. What does the Senator think of that kind of civil service?

Mr. NORRIS. I do not think it is any good. I condemn it. I think it is wrong. I am not defending it.

Mr. REED. I know the Senator is not.

Mr. NORRIS. I do not intend to defend it. I condemn it just as quickly when it is done by my party as though it were done by the Senator's party.

Mr. REED. Let me say to the Senator that that is the regular practice now. I am not defending it, and I am not particularly criticising it, for I think we had some of that kind of thing in a degree, at least, under a previous administration.

Mr. NORRIS. Yes; we did.

Mr. REED. But it seems to me that that kind of a civil service is a mere bit of contemptible chicanery.

Mr. NORRIS. I think it is, and nobody condemns it more severely than I do.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. Will the Senator just let me comment for a moment upon that?

Mr. CUMMINS. If the Senator will permit me, I want to observe that the Committee on Civil Service, of which I am a member, but whose meetings I have not been able to attend, has been for the last two or three weeks conducting an investigation upon a resolution introduced either by the junior or by the senior Senator from Arkansas. It has taken very considerable testimony. It has received the report of the Civil Service Commission upon every case that has been referred to by either of these Senators and possibly others. That committee is meeting this afternoon for the purpose of formulating its report, as I understand. It seems to me that before condemning the Civil Service Commission we ought to await the coming in of this report.

Mr. NORRIS. I am not willing for the Senator to put me in the attitude of condemning the Civil Service Commission. I have not done it.

Mr. CUMMINS. No; I know the Senator from Nebraska has not. The Senator from Missouri has.

Mr. NORRIS. I do not understand that the Senator from Missouri has. I think the Senator is entirely mistaken.

Mr. CUMMINS. If not the Senator from Missouri, then the senior Senator from Nebraska [Mr. HITCHCOCK] has condemned it.

Mr. NORRIS. Yes; I think he has.

Mr. CUMMINS. I venture to say that whatever may have been the derelictions of the Post Office Department—I think they have not been investigated—so far as the Civil Service Commission is concerned, I do not believe that it has been guilty of the things which have been charged against it.

Mr. NORRIS. Mr. President, I am not making a charge against the Civil Service Commission. My colleague has done so. I do not know what the facts are that he has ascertained in regard to the Civil Service Commission. If they are true, then I will join with him in their condemnation. He says, in effect, that the Post Office Department has compelled—that is the word he used, I think—the Civil Service Commission to have another examination, or something of that kind.

Mr. CUMMINS. I do not believe that is true; but it will all appear in the report of the committee.

Mr. NORRIS. I am very glad the committee is investigating.

Mr. REED. Mr. President, will the Senator permit me to interrupt him?

Mr. NORRIS. Yes.

Mr. REED. I have not been talking about the Civil Service Commission, and I did not know that there was an investigation. I am talking about the administration of this law as it applies to the Post Office Department. I think that I can produce letters from the Postmaster General or his assistant bearing out the statement that I made in regard to their ordering new examinations when only one person took the examination. I think I can take the record then and show that after the second examination had been called they had appointed a man who stood lower on the list than the man who first took the examination, and who took it the second time. I think that is the regular practice.

As I said, I am not rising to criticise anybody particularly; but I wanted to get the opinion of the Senator from Nebraska as to whether that kind of a civil service was any civil service at all, in the proper meaning of the word.

Mr. CUMMINS. Mr. President, there may have been some irregularities. I do not know. I am not familiar with the testimony adduced, and I do not know what the report will be.

Mr. REED. I am not talking about irregularities. I am talking about customs.

Mr. CUMMINS. Under the Executive order, as has been stated here many times, the Postmaster General may appoint one of the three persons receiving the highest ratings in the examination. What the Postmaster General has done in these instances, I do not know.

Mr. NORRIS. Mr. President, as I understand the practical working of the order, it is this: President Harding modified the order of President Wilson so that it now provides that in the case of first, second, and third class offices the Civil Service Commission shall hold an examination, and the President will appoint from the three highest on the list. In order for the President to know which one of those to appoint, the Post Office Department submits the three highest on the list to the Republican Congressman of the district in which the post office is located, if there is a Republican Congressman; if there is not a Republican Congressman in that district, he submits the name to somebody else connected with the party machinery, and the selection is made, and that is certified to the President by the Post Office Department, and he makes that appointment.

Mr. OVERMAN. Mr. President——

Mr. NORRIS. Let me finish first. I want to say that, in my judgment, that is entirely a nullification of the spirit of civil-service appointment of postmasters. There was talk about it very soon after President Harding went in; and, so that there might be no mistake about it, I wrote a letter to Postmaster General Hays calling his attention to that fact, and told him what I believed would be a serious result if they made such an order. It will be time result in Democrats refusing to take the examinations, because they will understand that if one Republican goes over the line they will stand no show.

Mr. MOSES. Mr. President, does the Senator think that is going to do any great harm to the public service?

Mr. NORRIS. Yes; I do think it is going to do great harm. If we, as Republicans, are going to pretend to the people of the country that we are going to put the Post Office Department upon a nonpartisan basis, then we ought to have the courage of our convictions and carry out an order that will do it. If, on the other hand, we are going to appoint men because they are Republicans, then we ought to be brave enough and courageous enough to say so, and do away with this farce and this flimflam of going through the theory of an examination. We ought to take one course or the other.

Mr. OVERMAN. Mr. President——

Mr. NORRIS. We are practicing deception under this rule, I think, to pretend to the people that it is nonpartisan when it is not anything but partisanship.

Mr. SWANSON, Mr. OVERMAN, and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. WELLER in the chair). Does the Senator from Nebraska yield, and if so, to whom?

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. I should like to state to the Senator a case in my own county. Under President Wilson's administration they held an examination. The Republican assistant postmaster stood first. He had been assistant there for years. He was efficient. He was promoted by President Wilson as a Republican. He was not confirmed, but I want to show you how the President acted. Then they put in an acting postmaster, and then held an examination. The acting postmaster had served for three or four months, and he could not stand the examination and got on the eligible list, but this Republican was first. Now, this acting postmaster has been in the service for five or six months—he had been in the service several months before and could not qualify—and they are holding him in and saying they are going to set aside this examination, and they hope he will be able to stand the second examination. I should like to ask the Senator whether that is carrying out even in a remote degree the President's order?

Mr. NORRIS. Oh, the Senator knows that that is not carrying it out. Anybody who will be honest with his own conscience will say that; but, Mr. President, I do not care to go into individual cases. I do know that under the prior administration in one way or another the nonpartisanship of the selection of postmasters was to a great extent nullified. I know it from personal observation in my own State—cases where I came in personal contact with the office. I have told you about some of them this afternoon that came under my personal observation, where my colleague was the Democratic means by which a Republican who had passed the highest examination was prevented from going in. But, Mr. President, I am not willing in one breath to condemn Democrats for doing that and condone Republicans for doing the same thing under a Republican administration; and while Senators say, as has been intimated here this afternoon, that it would be a good thing to put all the Democrats out and put Republicans in, we did not get into office by making that kind of a campaign. We did not say that out in the campaign, when we were running and trying to get votes.

Mr. MOSES. I did, Mr. President.

Mr. NORRIS. Then the Senator ought to have been defeated, if he did that.

Mr. MOSES. I was not. I had the largest majority ever had in New Hampshire.

Mr. NORRIS. Then the Senator can keep on.

Mr. MOSES. I am going to.

Mr. NORRIS. The Senator can be a spoilsman all his life.

Mr. MOSES. I am going to.

Mr. NORRIS. I am not finding fault with him. If he went out and made that kind of a fight, then he can go on with perfect consistency and carry it out. I did not make that kind of a fight. The Democratic Party did not make that kind of a fight. The Republican Party did not make that kind of a fight. There was not anything of that kind in any of the platforms.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield to the Senator.

Mr. REED. I want to state—and I have no quarrel with my friend from New Hampshire—that if he made that kind of a fight, the frank and manly thing to do, it seems to me—and he always does the frank and manly thing—would be to introduce a bill here to repeal the civil-service farce and say, "We are going back to the old system. If we win the election, we are going to take the offices. If the other side win the election, let them take the offices." Let us have done with the civil pension list, keeping a lot of people here until they are superannuated.

Mr. NORRIS. Exactly; any party that got into office on that kind of a platform would be justified in carrying out that kind of a project. I will concede their right to do it, as I concede now and always have conceded the President's right under the law to make any provision he pleases in regard to the appointment of postmasters.

Mr. MOSES. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator. What I have condemned is making a campaign through the country and getting into office on the theory that you are going to enforce the civil service law in spirit and in letter, and then, when you get into office, turning your back on it and turning the offices over to the victors, regardless of civil-service merit.

I yield to the Senator from New Hampshire.

Mr. MOSES. If the Senator will permit me, I will say to him that any party that will make a campaign on that plank will sweep the country. I wish to say to him, further, that I do not care what pretense others may make, and I may be repeating myself, I have said more than once on this floor, that, so far as I am concerned, I make no pretense whatever. I think the administration should be surrounded by its friends, and in view of the performance that has gone on here on the floor of the Senate during the last two days, I merely wish to say——

The PRESIDING OFFICER. The Senator will suspend while the Senate receives a message from the President of the United States.

[A message in writing from the President of the United States was transmitted to the Senate by Mr. Latta, one of his secretaries.]

Mr. MOSES. I hope the message contains the names of a lot of good Republicans nominated for office. I want to say, further, Mr. President, apropos of the performance that has gone on here on the floor of the Senate for the last two days, because of what is described as an outrage, the "murder" of 27 officeholders, if Republican Senators eight and nine years ago had devoted their time and taken the time of the Senate in the discussion of questions of that character, there would have been no legislation whatever, because we saw the Democratic administration come in and absolutely ravage every department of the public service, and when they had filled the post offices with their own selections, then they put over them the blanket of the civil service law. They violated the civil service law after they adopted it, both in the letter and in the spirit.

I have seen a Democratic postmaster pass out of this life and out of his office, and I have seen the chairman of the Democratic State Committee appointed as an acting postmaster, and held there while he educated himself, at the expense of the Government, until he could take the examination of whatever character was then given, and of course he came out No. 1 and was appointed, the result being that the Democratic incumbency of those post offices ran not only over the eight years of the Democratic administration but two or three years more, because of the hiatus that was occasioned. I wish to say that the whole pretense here about this matter in the Bureau of Engraving and Printing is absolutely futile and childish and ridiculous. We have up in New England a verb——

Mr. NORRIS. I hope the Senator will not make a speech.

Mr. MOSES. I am not making a speech.

Mr. NORRIS. The Senator has not made one yet, but I hope he will not. I yielded to the Senator to ask a question.

Mr. MOSES. I am sorry to have trespassed on the Senator's time, and I thank him for the time he has yielded to me.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I can not yield now.

Mr. HARRELD. I wanted to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. HARRELD. I wanted to put a question to the Senator.

Mr. NORRIS. I will yield after a while, but not now. I can not answer two Senators at once.

What the Senator from New Hampshire has described as happening under a Democratic administration I have been narrating, perhaps, before he came into the Chamber. I know that was going on, but that is no excuse for Republicans doing the same thing. If it is, then there will never be a reform or improvement in government, though we may live a million years. If we are going to justify crime by pointing to Democratic crime as a precedent there will be nothing but crime forever and eternally. The Senator complains of Democrats putting Republicans out, when, as a matter of fact, he stands on a platform of getting Democrats out and putting Republicans in.

Mr. MOSES. May I correct the Senator?

Mr. NORRIS. He ought to praise the Democratic Party for doing that, instead of condemning them.

Mr. MOSES. May I correct the Senator?

Mr. NORRIS. I yield; I do not want to misstate anything.

Mr. MOSES. I am not complaining because Democrats put Republicans out. What I am complaining of is this childishness of the Democrats, who are now complaining because we are putting Democrats out.

Mr. NORRIS. It makes a great deal of difference whether you are putting Republicans out or whether you are putting Democrats out.

Mr. MOSES. No; we took our medicine, and I think they should take theirs.

Mr. NORRIS. No; we did not take our medicine.

Mr. MOSES. I did; I do not know about the Senator from Nebraska.

Mr. NORRIS. Mr. President, the Senator had to take it sometimes, and I had to take it sometimes.

Mr. STANLEY. Mr. President——

Mr. NORRIS. I protested against it then, and I protest against it now.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I do not yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. I would feel myself disqualified, after I had promised in every campaign I had ever made to be true to the Republican platform, which declared in favor of civil-service reform, if I violated the pledge after I was elected to office. A man who does not believe in it has a perfect right to condemn it, and I am not finding fault with my genial friend, the Senator from New Hampshire. He is a political spoilsman, according to his own definition. He believes in that doctrine.

Mr. MOSES. That is correct, Mr. President.

Mr. NORRIS. Certainly; there is no doubt about that.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I am not going to yield to anyone for the present.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. The Senator from New Hampshire has a perfect right to take that position. He is perfectly consistent when he takes it and carries it out, and I said at the beginning that I was not against that kind of people and that kind of officials. I have no complaint to make against them. I think they are wrong. But they may be right and I wrong. At least they have a right to believe that way if they want to.

Mr. HARRELD and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield? And if so, to whom?

Mr. NORRIS. I yield first to the Senator from Oklahoma. He ought to ask me a question some time ago.

Mr. HARRELD. The Senator admits now that some fellows get into office by criminal procedure, and I want to know if the Senator thinks they ought to be confirmed in these offices and allowed to hold them?

Mr. NORRIS. No; I do not think so.

Mr. HARRELD. That is what I am complaining about. Now, I want to ask another question.

Mr. NORRIS. Let me answer that question first. Because a good many men get their offices by a violation of the law, I am not in favor of taking the mantle of the civil service law away, and saying we will put the whole thing on the political pie counter. If that is the question the Senator wants to ask——

Mr. HARRELD. No; but suppose an individual got an office in that way, should he be allowed to hold the office he secured by crooked methods?

Mr. NORRIS. No; he ought to be removed.

Mr. HARRELD. Does not the Senator know that the law of 1916 had a provision in it to the effect that appointments under that law should be made, but that the civil-service rules should not apply for two years?

Mr. NORRIS. Yes.

Mr. HARRELD. And that during that time thousands and thousands of people were blanketed in under that law?

Mr. NORRIS. Yes.

Mr. HARRELD. Does the Senator think they ought to be allowed to hold their offices?

Mr. NORRIS. Yes; I would say they ought to hold them. That was the law. They went in under the law. We made the law, and that has been the practice of every President, Democrat or Republican, who has ever issued an order extending the civil service. President Taft did the same thing; President Wilson did the same thing; President Roosevelt did the same thing. It is a common thing, after they get all the offices filled, for them to issue an order putting them under the civil service. They ought to put them under the civil service and have them filled by examination. I said so when the last order was made. I said so when President Taft made his order. I said so when President Wilson came in the second time, after he had been in office four years, and by order extended the civil service to cover the whole Post Office Department. I said then he would have been entitled to great credit if he had made the order at the beginning instead of at the end of his term, rather before he filled the offices with men of his party than afterwards. But I would rather take it then than not take it at all.

The Senator from Oklahoma [Mr. HARRELD] intimated by his question that whenever that is done, the next President ought to revoke that order. Where would we get under such a practice? You would get one President in and he would fill the offices with Republicans, and after he got them filled he would issue an order extending the civil service over those offices.

Mr. HARRELD. No, Mr. President——

Mr. NORRIS. Then a Democratic President would come in, and he would say, "These fellows came in under a false pretense," and he would revoke that order; he would fill the offices with Democrats, and when he got them all filled with Democrats he would put them again under the civil service; and so on forever, and you never would have any civil service. There is only one way to get it, if you intend to have it—when you get something put under the civil service keep it under the civil service. I thank God for every extension anybody makes, whether it puts in a Democrat or a Republican. There must be somebody in the office when the order is extended covering those offices, and Republicans can not object because the officeholders happen all to be Democrats or the Democrats because they happen to be Republicans. If that rule is carried out, then the civil service will never amount to anything. I yield now to the Senator from Minnesota.

Mr. NELSON. I may be somewhat tardy in my question, but it seems to me the Senator has departed from the discussion, and I shall be glad to hear him or some one else tell us whether the civil-service law and regulations have given us a better and more efficient service than we had before.

Mr. NORRIS. I think the question is a very proper one. Men will disagree about that. I have no hesitancy in stating where I stand. I think it has given us much more efficient Government, and it has met with many difficulties. There are a good many things done under it which are wrong. Mistakes are often made under it; there is no doubt about that. But if we should repeal the civil service law to-day and put every office in the United States on the political pie counter we would almost stop the wheels of Government. It would be almost an impossibility to carry it on.

I forgot to refer to the offices in the Bureau of Engraving and Printing, about which the Senator from New Hampshire spoke. I have not said anything about them. I do not know anything about it. I hear all kinds of rumors, but I do not know why those men were removed, though I do think we ought to know. I think there ought to be publicity given to the reasons. I hope the President will tell the Congress and the country why it was done. If he does not do that, if these things are to be done in secret and covered up, then we never will get anywhere with it. Publicity is one of the greatest cures of Government evils.

Mr. MOSES. Will the Senator yield for a question?

Mr. NORRIS. I yield first to the Senator from Kentucky, who arose first.

Mr. STANLEY. Mr. President, I apprehend that the Senator from New Hampshire [Mr. MOSES] fails to see, or, seeing, inadvertently misstates, the position taken upon this side by the Senator from Arkansas [Mr. CARAWAY] as well as by myself. There is very little difference of opinion between those on this side and on the other side who believe in rewarding faithful party service. I admire the candor and the nerve of the Senator from New Hampshire. I like to fight by the side of that sort of men when they are with me and to measure swords with them when they are against me. But I do not see how any honest man who believes that his party platform is binding upon him can escape from the very just condemnation of the Senator from Nebraska, and I wish to ask if either the Senator from New Hampshire or the Senator from Nebraska holds that a man admitting his allegiance to the principles of his party, and elected upon its platform, can repudiate it:

> We renew our repeated declaration that the civil service law shall be thoroughly and honestly enforced, and extended wherever practicable. The recent action of Congress in enacting a comprehensive civil service retirement law and in working out a comprehensive employment and wage policy that will guarantee equal and just treatment to the army of Government workers, and in centralizing the administration of the new and progressive employment policy in the hands of the Civil Service Commission, is worthy of all praise.
>
> We condemn the present administration for its destruction of the efficiency of the Postal Service and the telegraph and telephone service when controlled by the Government, and for its failure to properly compensate employees whose expert knowledge is essential to the proper conduct of the affairs of the postal system. We commend the Republican Congress for the enactment of legislation increasing the pay of postal employees, who up to that time were the poorest paid in the Government service.

I call upon the gentleman to repudiate his own platform or to stand on it. He can not do both.

Mr. NORRIS. The Senator can get the same thing in the Democratic platform, running back all the way through the history of the party. It is almost a rubber-stamp proposition in both parties.

Mr. MOSES. Mr. President——

Mr. NORRIS. Now I am going to answer the question of the Senator from Kentucky for myself.

Mr. BORAH. The Senator would not apply his remark to that one plank only?

Mr. NORRIS. No.

Mr. MOSES. The Senator from Kentucky connected me in his statement with the Senator from Nebraska, and I want to answer him.

Mr. NORRIS. I think, since I have the floor, I ought to have the privilege of answering first.

Mr. MOSES. Certainly.

Mr. NORRIS. Then I will yield to the Senator from New Hampshire. I agree with that platform and with that plank. I have always said so. If I did not believe in civil service, however, and had been nominated as a Republican, and had immediately in my campaign said that I did not believe in it, and concealed nothing in regard to it from my people, and had been elected, I would not feel that I was bound by the platform. The Senator from New Hampshire, running on the same platform, did not believe in it, thought civil service was a farce, and if he said to his people in his campaign that he did not believe in it, that he believed that to the victors belonged the spoils, and that he was going to get the offices for the faithful, just so they were Republicans, regardless of whether they were yellow dogs or not——

Mr. MOSES. We do not have any of that kind of Republicans in New Hampshire.

Mr. NORRIS. And was elected, then he had a perfect right, I think, to repudiate that plank in the platform. He practiced no deception. I believe in it. The party as a party has always thus gone on record and so has the Democratic Party, and both parties have always violated it.

Mr. STANLEY. Can the President repudiate it and practice no deception?

Mr. NORRIS. He could not, anyway. He did not repudiate it in the campaign, I will say that. But I am not going to answer for anybody else. I would not feel as though I could.

I yield now to the Senator from New Hampshire——

Mr. MOSES. For a reply to the Senator from Kentucky?

Mr. NORRIS. Yes; though I do not want to be interrupted by Senators who want to have a debate of their own.

Mr. MOSES. The Senator from Kentucky addressed a question jointly to the Senator from Nebraska and myself.

Mr. NORRIS. I think I ought to yield for that reason, and I do so.

Mr. MOSES. I want to say to the Senator from Kentucky that I stand on the plank which he has read. I base my position on that plank upon the two words "when practicable," and I believe that the application of the civil service law is practicable when we put Democrats out and put Republicans in.

Mr. NORRIS. That answer will always appeal to the politician. It will always appeal to the fellow who wants office. It will always appeal to the machine.

Mr. STANLEY. Mr. President, does the Senator——

Mr. NORRIS. I will not yield to the Senator to have a debate with the Senator from New Hampshire.

Mr. STANLEY. I want to ask the Senator a question.

Mr. NORRIS. The Senator may ask me, but not the Senator from New Hampshire.

Mr. STANLEY. I mean the Senator from Nebraska. Does the Senator from Nebraska read the words "when practicable" in the platform the way the Senator from New Hampshire read it?

Mr. NORRIS. Oh, no; I do not agree with the Senator from New Hampshire on that.

Mr. STANLEY. Does the Senator from Nebraska know anybody who understands the English language who would read it in that way except the Senator from New Hampshire?

Mr. NORRIS. There may be others. I suppose it would depend on how badly they want an office.

Mr. STANLEY. Ordinarily the Senator from New Hampshire does not make statements that are not creditable to the Senate.

Mr. NORRIS. Mr. President, after all, no man can deny that we appealed to the people of America, and so did the Democratic Party—we have been appealing to them for 20 years—on the ground that we would enforce the civil service law, that we would extend it, and we have equally condemned the other party because they do not enforce it in good faith. When it is violated by Republicans we have Republicans standing up and saying, "That is the best thing we can do; let us violate it all the more. We ought not to have it." And yet we come back to the people with another platform and another promise that if we are elected to office we will enforce it in good faith. The Democrats have done the same thing. It is not a square deal for the people of America.

When a man comes into the Senate like my colleague did—and that is the reason why I took the floor—condemning Republicans because they are not enforcing in good faith the civil service law, I cite to him and to all like him the old common-law maxim that those who want equity must do equity; that you can not come in here and denounce us while your own hands are tarnished with the slime of deceit and corruption that you have been practicing when you were in power. That applies equally to the Republicans who are doing the same thing. My colleague complains because we Republicans are not enforcing in good faith the civil service law. I join with him in the condemnation of Republicans for not enforcing it in good faith But the charge does not come from his lips with any consistency, because they are tainted with the very crime that he charges against us.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. STANLEY. Does the Senator from Nebraska contend that both parties are equally committed to the civil service and have an equal right to claim credit for inaugurating the system?

Mr. NORRIS. I am not going into a discussion of that question. I think I could claim, and perhaps could substantiate, but I would have to look the matter up some, that the Republican Party had probably done more for it than the Democratic Party. I may be wrong about that. I am not making any claim of that kind to-day, as I should want to look it up before I asserted it.

Mr. STANLEY. The Republican Party claims to be the mother and father, the grandmother and grandfather, of civil service, and we have been denied the credit for inaugurating that system. I am not making any claim for the Democratic Party for the paternity of the institution now. I just wanted to get the attitude of the Senator from Nebraska.

Mr. NORRIS. I have not made that kind of a charge against the Democratic Party. I will say that I think there are some things done by the Democratic Party, or by Democratic leaders, that have helped very materially in the civil service law. While I have nothing whatever in common with the late President Wilson and he has no use for me, any more than I have for him, I think, although he did some things that seemed to me were entirely wrong about it, that on the whole he did a great deal for civil service. He made a rule in regard to postmasters that I have always thought was better than the modification President Harding has made of it, and I said so to-day.

But I do not care particularly where civil service was born or who was its father or who its grandmother or what relation it has to this party or that. I am not looking for technicalities. I am not pointing them out. I am trying to talk about the practical application of the theory. While it has many things about it that sometimes result in wrong, and serious mistakes are made lots of times in its name, yet, in my judgment, it is so much better than the old spoils system that no thinking man would go back to the old system. Notwithstanding the opinion of my friend from New Hampshire, I believe that any party that would go out before the people of America and make a campaign on the theory that they were going to wipe the civil service law and rules off the books and go back to the pie-counter system would be swept out of existence with an avalanche of votes from which they would never recover.

Mr. MOSES. Mr. President, will the Senator yield to me?

Mr. NORRIS. If agreeable to the Senator, I will yield the floor and he can proceed.

Mr. MOSES. Mr. President, I merely wish to say to the Senator from Kentucky, if history is as I recall it, that the civil service law was written and pressed through Congress by a Democratic Senator from Ohio, George H. Pendleton. It was put into operation by a Republican President, Chester A. Arthur, and therefore, though sired by a Democrat, it has been damned by every practical man ever since.

Mr. STANLEY. Mr. President, the Senator does not do his party credit. An examination of the platforms of the various parties will show him that the principle of civil service was advocated by Republican platforms long before Chester A. Arthur was ever inaugurated. That will come up later.

Mr. President, I wish to say that the Senator from Arkansas [Mr. CARAWAY], notwithstanding the lucidity and force of his statement, and the Senator from Kentucky, myself, have totally failed to make themselves understood by the Senator from New Hampshire and by many of his colleagues. I am not disturbed by the firing of four or forty or four hundred Democrats. Call them all out of the service to-day and solemnly indict them for their loyalty to the principles of Jefferson, and Madison, and Jackson, and Tilden, and then stand them up against your rotten political wall and shoot them, and they will take their medicine like soldiers and like men. It is a death any Democrat may be proud to suffer. He can wear your charge and your dismissal as a badge of eternal honor, and in my country his children and his children's children will cherish his willingness to suffer in such a cause as more precious than all the honors and emoluments of office.

But that you will not, dare not, do. We are not complaining that you shoot. We are denouncing you for your infamous cowardice in shooting us in the back. Is that plain enough? You play the spoilsmen not like old Jackson or Cleveland, but like a political Pecksniff; you whine and palaver and pray and simper before long-haired men and short-haired women about your devotion to civil service——

Mr. MOSES rose.

Mr. STANLEY. Not the Senator personally, but the party which he represents, because he is a bigger man and a better man than his party.

Mr. MOSES. Mr. President, I have seen no Pecksniffian whining at the White House about the firing of these 27 people. They were employed; they were fired; they are fired, and they are going to stay fired; and there would have been no complaint on the floor of the Senate from anyone on the other side of the Chamber if it had been done by a Democratic President.

This is a matter of opinion which I can not prove, but I hold steadfastly to the opinion that if it had been done by a Democratic President no voice would have been raised on the other side of the aisle, and, so far as I am concerned, no voice would have been raised on this side of the aisle. I would have taken my medicine. Why do you not take yours?

Mr. STANLEY. I only wish that the Senator from New Hampshire or the Senator from Indiana [Mr. NEW] were in the White House. I only wish that your chief would dare to speak as you do. He can understand the English language, he can read and write, but he will never, in this world or in the world which is to come, O. K. what either one of you have said.

I am not condemning the action of the Senator from New Hampshire; I am not condemning the action of the Senator from Indiana—brave, clean, fearless spotsmen. I am condemning the action of him who says that he does it for the good of the service if he does it for the good of his party.

Mr. MOSES. I think that is good doctrine, Mr. President.

Mr. STANLEY. These Democrats are not complaining that they have lost their places. They are not complaining of the pecuniary loss. Under a civil service honestly administered no man can be deprived of his place except for unworthiness, inefficiency, or moral turpitude. He is either incompetent, corrupt, or indecent, or he is entitled to stay. Every man and every woman who goes out under this shadow is stamped as corrupt, incompetent, or indecent. Wipe out the stain. Charge us with being Democrats and we will wear your charge like a halo, a badge of distinction to be coveted and treasured, and you will hear no complaint from the Senator from Kentucky or any of his ilk. But fire us like men! Let us out like men! Come out and fire us, and quit this sniping from the rear, under the flimsy pretense of civil service, which the Senator from New Hampshire and the Senator from Indiana have the decency to disown, and I commend your example to the other end of the Avenue.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. FLETCHER. Mr. President, I believe we are now ready to proceed with the consideration of the bill which is the unfinished business?

The PRESIDING OFFICER. The question before the Senate is the amendment of the Senator from Florida to the amendment reported by the committee.

Mr. FLETCHER. Mr. President, as the Chair has stated, the pending question is on the amendment which I have offered to the amendment in the nature of a substitute which has been reported by the Committee on the Judiciary to the bill as it came from the other House. My amendment, if agreed to, would provide an additional judge for the southern district of Florida. I desire to submit a few observations on that question, and to show, if I may, the actual situation in the southern district of Florida and the need for the additional judge provided for in my amendment. I propose to analyze the tables which are attached to the report of the committee, and I am quite sure I will be able to show that there is not a district in the whole list for which 19 judges are to be created where the need is so great, where the claim is so just, and the merit so pronounced as in the southern district of Florida.

Mr. President, let me call the attention of the Senate, first, to this fact: I introduced in the Senate in 1917, as I recall, a bill which provided for an additional judge for the southern district of Florida. The bill passed the Senate, went to the other House, was referred to the Judiciary Committee of the House, was reported favorably there, and went on the calendar. It was, however, never reached; and, therefore, never passed the House. In 1919 I introduced a similar bill here; that bill was reported out of the Judiciary Committee favorably; it passed the Senate, went to the House, was referred to the Judiciary Committee, again reported favorably there, and placed on the calendar; but, unfortunately, on account of the immense amount of business accumulated in that body, the calendar was not reached and the bill was never passed in the House.

The House passed the pending bill providing for 22 additional judges. Included in that bill was one judge for the southern district of Florida. That bill came to the Senate and was referred to the Judiciary Committee, and now that committee has reported back a substitute providing for 19 judges and entirely omitting the judge for the southern district of Florida. So we are in this position: The Senate having on two different occasions and in two different Congresses passed a bill providing for an additional judge for the southern district of Florida, which received the favorable action of the Judiciary Committee of the other House and went on the calendar there, but because of the pressure of business and the lack of time was not reached, at last the House having taken up the subject and included this additional judge in the bill which they passed, when that bill comes to the Senate the Senate reverses its action taken twice deliberately heretofore and strikes out the provision for the additional judge for the southern district of Florida. In doing that the committee acts very strangely, because the conditions have not improved in the southern district of Florida; the congestion coatinues there; it is greater now than it ever was; the table which the committee attaches to its report shows pending in that court 1,336 cases on June 30, 1921, whereas, according to the hearings before the House committee, the actual number of cases pending and undisposed of in that district to-day is 1,633. Such a condition practically amounts, in considerable degree, to a denial of justice to litigants.

We have in the southern district of Florida one of the best-qualified judges on the Federal bench in this country, a man who has had some 30 years' experience as a circuit court judge in that State and as a Federal judge for the past 10 years. He is overworked, he gets no vacation, he devotes himself entirely to his duties there; but it is simply impossible for any one man to accomplish all that is required to be accomplished in order that litigants may have justice in that district. The cases are increasing all the while; the congestion continues; the conditions, as I have stated, have grown worse year after year; and yet, in spite of the action of the Senate in 1917 and again in 1919, now, in this year, we are asked to decide that we will leave out the southern district of Florida and grant no relief whatever to that district. It is not fair. If the conditions had improved, if circumstances had changed so that litigants could have their business disposed of with reasonable dispatch, then there would have been some reason and some sort of excuse or justification for this action by the committee; but, on the contrary, as I have stated, the conditions have grown worse, the congestion has increased. Now, in spite of the laborious efforts of the sitting judge and in spite of the help that may be sent to him from time to time—and judges have been sent into that district to assist—in spite of all that, it has almost reached the point where it is scarcely worth while to go into the Federal court. We are almost in as bad a situation as are the people of Borneo, where, I believe, when one person sues another the custom requires that the litigants shall each put a live clam into a bowl of lime water, and the owner of the clam which winces first or keels over first loses; or parties in court are much like the contestants in these days of modern war, the nation that wins the war loses.

Now, Mr. President, let me analyze the tables, which, as I have said, are attached to the report of the Senate committee showing the business pending in all the district courts of the United States on June 30, 1921. As I have heretofore stated, the House hearings show that in the southern district of Florida there are 1,633 cases pending instead of 1,336 as indicated by the tables; but I will deal with the tables as I find them here.

Beginning with Massachusetts, the following is the situation: At this time Massachusetts has one district and one judge. The Senate Committee on the Judiciary proposes to add two more judges. The table shows the number of cases pending on June 30, 1921, in Massachusetts, as follows:

United States civil	206
Criminal, including prohibition	286
Admiralty	142
All other civil cases	823
Total	1,457

It is true there are bankruptcy cases pending to the number of 1,434 and draft cases to the number of 3,948, and prohibition cases amount to 68. Bankruptcy and draft cases, however, need not require a great deal of time or labor on the part of the judge, and we may for the present lay them to one side.

Compare the figures which I have given of the business pending in Massachusetts with the situation in the southern district of Florida. We find that the southern district of Florida has one judge and there are pending and undisposed of, according to the tables attached to the Judiciary Committee report—

United States civil	250
Criminal, including prohibition	594
Admiralty	165
All other civil cases	327
Total	1,336

As I have said, the House hearings show that there are to-day pending 1,633 cases in the southern district of Florida.

There are also 235 bankruptcy cases pending there, 18 draft cases, and the prohibition cases number 247. So there are as many civil cases pending, less 44, in the court of the southern district of Florida as are pending in Massachusetts; and yet it is proposed to give to Massachusetts two judges and deny the southern district of Florida one additional judge.

In the southern district of Florida there are considerably more than three times as many criminal cases pending as are pending in the Massachusetts district; there are 23 more admiralty cases than are pending in the Massachusetts court and there are more than one-third as many other cases as in the Massachusetts district. The total number of cases in the southern district of Florida, 1,336, according to the committee's table, compares with a total in Massachusetts of 1,357. Yet the committee proposes, as I have said, to give Massachusetts two additional judges and denies any relief whatever to the southern district of Florida.

Take New York: The committee proposes to provide an additional judge for the eastern district of New York and two additional judges for the southern district of New York. There are at present four districts in New York, with nine judges, and it is proposed to give New York three more judges. To be sure, there is a certain amount of congestion in the eastern and southern districts of New York, but it will be observed that in the northern and western districts—the northern district now having two judges and the western district one judge—there are pending in the northern district 1,251 cases and in the western district 855 cases, or a total for the two districts of 2,092 cases, where they have three judges, against a total of 1,336—which should be, really, 1,633—cases in the southern district of Florida, where there is only one judge.

It is argued that the northern district of Florida has pending only a total number of cases of 209, and that the judge of that district could assist in the southern district. Why can not three judges in the northern and western districts of New York, with the amount of business shown by the table, assist in the eastern and southern districts of New York? In the northern and western districts of New York we find three judges handling a little more business than the one judge has to attend to in the southern district of Florida, and yet the committee proposes to provide three additional judges in New York, one for the eastern and two for the southern district.

Take Pennsylvania. Coming to Pennsylvania, they have now in the eastern district two judges. The total number of cases pending in that district is 2,788. This is a little over twice the business in a district where they have two judges that there is in the southern district of Florida, where there is only one. The committee proposes to give the eastern district another judge.

In the western district of Pennsylvania the total number of cases is 2,449, and they have two judges now. This is less than twice the number of cases that are pending in the southern district of Florida. They have, however, two judges to attend to them. The committee proposes to add another judge there, making three, but does not recommend another judge for the southern district of Florida.

Take Texas. The northern district of Texas shows pending 140 civil cases, 557 criminal cases, no admiralty cases, and 523 of all other civil cases; total, 1,220. They have two judges in that district. The committee proposes to give them one more.

Think of that! In that district, with only 1,220 cases pending, as against 1,336 in the southern district of Florida, they have two judges now and we have one, and the committee proposes to give them another judge.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield to the Senator.

Mr. CUMMINS. I do not know whether or not the Senator from Florida is informed with regard to the situation in the northern district of Texas. The committee was advised that one of the judges in the northern district of Texas had been disabled by illness for quite a while, and probably would not be able soon to do all the work that a well man might be expected to do. The Senator from Texas [Mr. SHEPPARD] is here. He knows whether or not that is true.

Mr. FLETCHER. Mr. President, I do not mean to criticize this allowance to Texas. That is not my purpose at all. I am showing the discrimination. I am simply pointing out a comparison of the situation in the districts; and I say I am not arguing but that Texas is entitled to this judge. I am simply saying that if Texas, where at present they have two judges in this district, with only 1,220 cases pending, is entitled to another judge, the southern district of Florida, where there are 1,336 cases pending, certainly ought to have an additional judge.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. FLETCHER. I do.

Mr. WALSH of Massachusetts. Is the Senator arguing not only that there is discrimination but that there is not a need of these judges in these various districts?

Mr. FLETCHER. No; I am not arguing that there is not need. I will touch on that point a little later. I am simply comparing the business in these courts with the business in the southern district of Florida. I am not contending but that the need is as the committee found; but if the need is there in the cases where they have allowed the judge, the need is certainly plain and clear in the southern district of Florida.

Mr. WALSH of Massachusetts. I think I understand the point which the Senator is raising, and I rather sympathize with it in view of the statistics which he has read; but I understood the Senator from Tennessee [Mr. SHIELDS] to argue strenuously that there is not need of these additional judges. Am I correct in that?

Mr. OVERMAN. That is so, and I think I shall be able to demonstrate it.

Mr. FLETCHER. The Senator from Tennessee may take that position, but I am not arguing that at all.

Mr. WALSH of Massachusetts. But the contention of the Senator from Florida is that there is a need of more judges, but that the allotment has not been made without discrimination?

Mr. FLETCHER. Precisely. I contend that if there is any case anywhere in this whole list where it is clear that an additional judge should be provided, that case is the southern district of Florida; but, at any rate, whether it is the plainest, clearest case or not, it certainly is one case where this remedy ought to be applied. The business in that district—I am speaking now with reference to the northern district of Texas—does not approach the amount of business in the southern district of Florida, where there is only one judge, and yet they already have two in the northern district of Texas, and the committee proposes to add another.

I will admit that the number of cases is not a conclusive test. The character of the cases ought to be considered. Among the important cases in the jurisdiction of these courts are the admiralty cases. These require much time, careful consideration, and a great deal of labor. The admiralty cases pending in the southern district of Florida are 165. It will undoubtedly require much more time and labor to dispose of these cases than it would to dispose of three times the number of criminal cases or bankruptcy cases. There are no admiralty cases in the northern district of Texas. If there were only one judge in that district there might be some reason for adding another. Even then there would not be the need that there is in the southern district of Florida; but there are two judges there, and the committee proposes to give another, and omit a judge for the southern district of Florida.

Take Michigan: There are two districts and two judges in Michigan. The committee proposes to add one in the eastern district of Michigan. The table shows that in that district the pending business is, civil cases 100, criminal cases 378, admiralty cases 16, all other civil cases 251; total, 754. There is not one-half the business congested and pending in that court that there is in the southern district of Florida, and yet the committee proposes to add a judge in Michigan and refuses to add one for the southern district of Florida.

Take Ohio: There are two districts and four judges now. In the northern district, where they have two judges, there are pending civil cases 155, criminal cases 579, admiralty cases 21, other cases 656; total, 1,411. The business in that district is not as great as the business in the southern district of Florida. They already have two judges to attend to it, and the committee proposes to add another.

There are only 21 admiralty cases pending in that district, whereas in the southern district of Florida there are 165. The United States civil cases are 94 less in that district than in the southern district of Florida. There are two judges to take care of that business now. There is one judge to take care of the business in the southern district of Florida. The committee proposes to give the northern district of Ohio another judge.

Take Illinois: There are three districts in Illinois and four judges. There is a great deal of business in the northern district—not twice as much as in the southern district of Florida—but they have two judges now. The committee proposes to add another. The pending United States civil cases are 229, as against 250 in Florida. The criminal cases, including prohibition, are 1,092, as against 594 in Florida. The admiralty

cases are 10 in the northern district of Illinois, as against 165 in the southern district of Florida. The total number of cases in the northern district of Illinois are 2,184, as against 1,336, according to this table—really, 1,633—in Florida. They have two judges in the northern district of Illinois to take care of that business. They have one in Florida. The committee proposes to add another in Illinois, and refuses any relief in Florida.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Florida yield to the Senator from Tennessee?

Mr. FLETCHER. I yield to the Senator.

Mr. SHIELDS. The Senator doubtless has also observed that the seventh circuit has, I believe, either four or five circuit judges. It has only three States in it—Indiana, Illinois, and Wisconsin—and in all of them except Illinois the business is light. Two of those circuit judges live in the city of Chicago, which is the chief point of the northern district, and assist in the district courts there.

Mr. FLETCHER. I am much obliged to the Senator for mentioning that. It had for the moment escaped me. It only shows that the supply of judges there is very considerable. Certainly if they need another one, that need is not as great as in the southern district of Florida.

Now, take Minnesota. Minnesota has one district and two judges. There are pending, United States civil cases, 399; criminal cases, including prohibition, 382; admiralty cases, 29; all other civil cases, 1,130; total, 1,940, with two judges to attend to the business.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida further yield to the Senator from Tennessee?

Mr. FLETCHER. I yield.

Mr. SHIELDS. The Senator from Minnesota [Mr. NELSON] is here, and I have noticed that there are in his State a thousand and some civil cases other than those in which the United States is interested. I am very curious to know the nature of those cases. It looks to me as though it must be a class of cases involving one question. Can the Senator inform us what those cases are—something over a thousand civil cases in Minnesota in which the United States is not interested?

Mr. NELSON. Minnesota, with two and a half million people, is only one district, and we have two judges, and for a long series of years we have had to have outside judges to help them. Judge Amidon, of North Dakota, before he became disabled, spent more of his time in Minnesota in helping our judges than any other judge.

Mr. SHIELDS. I am curious to know the character of those cases.

Mr. NELSON. The Senator means those in which the Government is not interested?

Mr. SHIELDS. Yes.

Mr. NELSON. They are mostly of a commercial character. St. Paul and Minneapolis, the two cities having a population of over 600,000, constitute a great railroad center—outside of Chicago, perhaps the greatest railroad center in the West. Then we have Duluth, a city of about 100,000 people, up on Lake Superior. There probably are more vessels coming into that port than any other port of the United States outside of New York, because the number of ships that pass through the Sault Ste. Marie Canal is far greater than the number of vessels that pass through the Suez Canal. Then we have in the Duluth country the greatest iron mines in America. Minnesota produces, perhaps, 70 per cent of all the iron ore in the United States.

Mr. SHIELDS. I did not want to interrupt the Senator from Florida too much. I thought perhaps that was a class of cases like we find in some of the Western States, growing out of some particular matter.

Mr. NELSON. No; it is the general commercial business there.

Mr. SHIELDS. That is all I wanted to know.

Mr. NELSON. I want to say, if the Senator will allow me, that St. Paul and Minneapolis are the great jobbing towns for all that northwestern country, and they do a tremendous amount of business. Minneapolis is the great milling center of the country, and produces more flour than any other city in America.

I shall not take up the time of the Senator from Florida any further.

Mr. FLETCHER. I am taking up these States in the order in which they appear in the bill. I am not picking out any particular State nor any particular district. I am taking them up in the order in which they appear, and this is one instance where they have allowed an additional judge. I grant all that my good friend has said about the great State of Minnesota. It is a magnificent State. They have great enterprises there, and an enormous amount of business, undoubtedly, in those two great cities, and in Duluth also. As to the number of admiralty cases, however, there are only 29 appearing on this list.

They have, as he has said, two judges now. There is one district in the whole State, and the number of cases pending is 1,940, according to this list. The committee proposes to add another judge, and that would mean about one-half the amount of business for each judge that the judge of the southern district of Florida has before him. There are only 29 admiralty cases pending there, as I have said, as against 165 in the southern district of Florida. There are only 382 criminal cases pending there, as against 594 in the southern district of Florida. There are two judges, and the committee proposes to give them another, but denies any relief to the southern district of Florida.

Mr. DIAL. Mr. President, will the Senator tell us about how long these cases have been pending? Is there any great congestion?

Mr. FLETCHER. Some of them have been pending for two years or more. I have communications from attorneys to that effect. They are not all recently docketed cases. A great many of them have been pending a year and a half or two years; some longer than that.

Mr. DIAL. If they would put on more steam it may be that they could get rid of some of them.

Mr. FLETCHER. There is more business there than any man, no matter how well qualified he may be, and no matter how vigorous and strong he may be, can attend to.

Mr. DIAL. I was not referring to Florida alone, but to all the districts.

Mr. FLETCHER. Perhaps there is something in that suggestion, but as to this condition in the southern district of Florida, it is utterly impossible for any one man to keep up with that business.

Let us take Missouri next: There are two districts in that State and two judges. In the eastern district there are pending, United States civil cases, 46; criminal cases, including prohibition, 257; admiralty cases, 3; all other civil cases, 316; total, 622. They have one judge. The committee proposes to give an additional judge. With 622 cases on their docket undisposed of, the committee proposes to give them another judge, while the southern district of Florida has 1,633 cases undisposed of on the docket, and they deny an additional judge.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield.

Mr. CUMMINS. Just a suggestion. The Senator is using the figures 1,633 as applied to the total number of cases.

Mr. FLETCHER. I will confine it to 1,336.

Mr. CUMMINS. In order to be comparative, the Senator would have to treat the number pending as of June 30, 1921.

Mr. FLETCHER. The Senator is correct. I should call that figure 1,336 as the total shown, but I am merely saying that really the fact is that to-day there are some 1,633 cases pending.

Mr. CUMMINS. I have no doubt the other districts would show a like increase.

Mr. FLETCHER. They might show a similar increase, that is true; so I will say that the comparison would be as between 622 cases pending in that court in Missouri and 1,336 pending in the southern district of Florida.

Mr. POMERENE. Mr. President, has any Senator thus far suggested that one judge ought to be able to take care of that large docket in Florida?

Mr. FLETCHER. I have not heard of it. I only know that they have stricken out the provision in the bill as it passed the House which gave this additional judge to that district. I can not understand why. I think my good friend from Minnesota has some suggestion to offer. Perhaps he thinks Florida ought to be treated something like Minnesota, the whole State put in one district, and two judges appointed for the one district. We now have a northern and southern district, with a judge in each district; but that would not remedy the situation. I will deal with that a little later.

Just compare the business in that district in Missouri with the business in the southern district of Florida. For instance, of United States civil cases there are 46 in the eastern district of Missouri, as against 250 in the southern district of Florida. Of criminal cases, there are 251 in the eastern district of Missouri, as against 594 in the southern district of Florida. Of admiralty

cases, in Missouri there are 3, as against 165 in Florida. Of all other cases, there are 316 in Missouri, as against 327 in Florida.

The total in the Missouri district is 622, as against 1,336 in the southern district of Florida. Yet the eastern district of Missouri is to have an additional judge, and the southern district of Florida is denied one. The total number of cases pending in both districts of Missouri, with two judges, is only 1,137, as against 1,336 in the southern district of Florida, with one judge.

Let us turn to Oklahoma. In the eastern district of Oklahoma the table shows that there are pending United States civil cases 233, as against 250 in the southern district of Florida. Criminal cases, including prohibition, 764, as against 594 in the southern district of Florida. Admiralty cases none, as against 165 in the southern district of Florida. All other civil cases in the eastern district of Oklahoma 394, as against 327 in the southern district of Florida. Total in the eastern district of Oklahoma, 1,399, as against 1,336 in the southern district of Florida. Yet, with admiralty cases entirely eliminated and with civil cases less in number, the committee proposes to add another judge for the eastern district of Oklahoma, and denies consideration to the southern district of Florida.

Let us take Montana. Montana has one district and one judge. The cases pending are: Civil cases, 81, as against 250 in the southern district of Florida; criminal cases, including prohibition, 309, as against 594 in the southern district of Florida; admiralty cases, none, as against 165 in the southern district of Florida; all other cases, 135, as against 327 in the southern district of Florida. Total, 525 in Montana, as against 1,336 in the southern district of Florida. The committee proposes to give an additional judge to take care of this business in Montana, and denies relief to the southern district of Florida.

California now has two districts and four judges. The committee proposes to add one judge in the northern district and one in the southern district, giving them six judges in their two districts.

Take the latter district, which now has two judges. There are pending, United States civil cases, 129, as against 250 in the southern district of Florida. Criminal cases, including prohibition, 538, as against 594 in the southern district of Florida. Admiralty cases, 22, as against 165 in the southern district of Florida. All other cases, 490, as against 327 in the southern district of Florida. Total, 1,179 in that district of California as against 1,336 in the southern district of Florida. Yet the committee proposes to add one judge to that district in California, where they already have two, and denies any relief to Florida.

Mr. KING. Are these instances to which the Senator is calling our attention evidences of mistakes, or of unwarranted discrimination?

Mr. FLETCHER. I will have to leave the Senator to draw his own conclusion.

Mr. KING. Of course, I am opposed to the Senator from Florida getting an extra judge, and I am opposed to the whole bill. I wanted to say that to the Senator.

Mr. FLETCHER. That does not give me very much comfort. I am giving the total number of cases as furnished by the committee, and the amount of business pending, as shown by the committee's report. These figures unquestionably demonstrate that they are allowing judges in districts where the amount of business nowhere approaches the business in the southern district of Florida. Why they have done that I leave for the Senator to reason out.

Mr. KING. Of course, it must be a mistake.

Mr. FLETCHER. It occurs to me that it is a mistake.

Mr. KING. I think we ought to recommit the bill with instructions to correct these mistakes and report a bill perhaps providing for four or five judges altogether.

Mr. FLETCHER. I think there is a real need for judges in a number of these districts.

Mr. SHIELDS. There might be need for an additional judge in four or five districts in the United States, but not 25 or 30, as is proposed in this bill. I want to call the attention of the Senator from Utah to one very instructive thing about the figures which the Senator from Florida is presenting. It shows the standard the committee set when they struck out of the bill the additional judge which the House of Representatives gave to Florida. Although there was that amount of business, it was not thought that on account of its docket it needed a new judge. That was the standard they set as to that, and they set a similar standard in Tennessee by striking out the provision for the judge which the House had granted Tennessee. And yet, although they set that standard, they went along and allowed about a dozen judges in districts where they did not have nearly as much business as the southern district of Florida had, and they provided for additional judges in six or eight districts where they did not have nearly as much business as the court in Tennessee had.

Mr. KING. I think the first standard was right, and if they had adhered to it, I would have been entirely satisfied.

Mr. CUMMINS. Would it not be well for the Senator from Utah to defer final judgment until he hears some of the considerations, at any rate, which led to the exclusion of the southern district of Florida?

Mr. KING. Mr. President, I think perhaps that inquiry of the Senator is quite proper, although, may I say to the Senator, I listened with great pleasure to the instructive and able address of the Senator from Iowa, as I always listen to his addresses, and I say to the Senator now, and I do not want him to regard it as flattery, that there is no man in the Senate I regard with higher favor and friendship than he, and there is no man more honest in his legislative work than the Senator from Iowa. I listened to all he said in defense of this bill, and I have listened to the admirable address of the Senator from Tennessee [Mr. SHIELDS], and I am rereading it, as I am rereading the speech of the Senator from Iowa, and I shall vote on this bill in the light of what I have heard and what I shall hear in the future.

Mr. CUMMINS. If the Senator will allow me, I am not speaking of the Senator's ultimate judgment with regard to the merit of the proposition to add to our judicial force. I have said everything I have to say upon that subject. But the Senator from Utah seemed to be drifting to the conclusion that the committee had been guilty of some kind of discrimination——

Mr. KING. That they had made a mistake.

Mr. CUMMINS. Either intentional or otherwise, in the distribution that is proposed to be made of the additional judicial force. There is something to be said in favor of this distribution. It does not suit me entirely, because I was overruled more than once in the committee; but there are reasons which ought to be heard relative to the exclusion of the southern district of Florida from this distribution.

Mr. KING. I stated to the Senator from Florida that I was against his proposition, so the Senator from Iowa ought to be satisfied with my attitude.

Mr. OVERMAN. The Senator from Utah spoke of recommitting this bill for the purpose of bringing in districts where additional judges were needed, rather than to have a general bill like this.

Mr. KING. Somewhat of a pork-barrel bill.

Mr. OVERMAN. Yes; something in the nature of a pork-barrel bill. Would it not be better and wiser to let the bills the Senate has already passed, among them a bill providing for a new judge for Florida, be acted on by the House of Representatives, to let each district stand on its own bottom, rather than for us to put in a lot of bills in this pork-barrel fashion. We have provided, where we conceive it is necessary, to meet this so-called emergency by this bill. Let a Senator introduce a bill for his State, and let us take up each bill on its merits.

Mr. KING. I want none for my State, I assure the Senator.

Mr. OVERMAN. But would not that be wiser than a general bill like this?

Mr. KING. I agree with the Senator.

Mr. CUMMINS. Mr. President, I must be allowed to interrupt a moment more. The suggestion of a pork barrel is one that ought to be taken, I think, in a Pickwickian sense. So far as I know there is no such motive in the mind of any Senator. I take it that the Senator from North Carolina will vote his real conviction upon the subject. I take it the Senator from Florida will do likewise, and the Senator from Utah has assured us that he will. I would like to know what Senators are to be induced to vote for the bill upon consideration that somebody else will vote for the bill?

Mr. OVERMAN. It has every earmark of a pork-barrel bill. It starts in to create 19 new judges in 19 States, and that means 38 votes to start with. Is not that a pork-barrel bill? That is my idea of a pork-barrel bill.

Mr. CUMMINS. The Senator has a very low conception of the honor and integrity of his brother Senators. I am sorry they have fallen so low in his estimation.

Mr. OVERMAN. The Senator knows what a pork-barrel bill means.

Mr. CUMMINS. No; I do not.

Mr. OVERMAN. He has been here and heard them called pork-barrel bills before.

Mr. CUMMINS. I do not know what it is——

Mr. OVERMAN (interposing). His former colleague knows.

Mr. CUMMINS. Except that it is stated sometimes that they trade votes, and a Senator votes for a thing he does not believe in, in order to get somebody else to vote for a thing that he does believe in. Is that going to happen in connection with this bill?

Mr. OVERMAN. When we make 19 new judges we are apt to find 38 members of the Senate voting for them, and that looks a little like pork to me.

Mr. CUMMINS. While I was not in favor of the plan—I was in favor of the plan of appointing two judges in each circuit—the Senator from North Carolina was more influential than anybody else in the committee in changing that plan into something else, although I know that he does not want to add any judges to the already large judicial force.

Mr. OVERMAN. No; and I voted against the bill in the subcommittee and in the committee, taking the ground that it was unwise legislation, unusual legislation, and all wrong, as I expect to show later on the floor of the Senate.

Mr. FLETCHER. Mr. President, I did not frame the bill, and I am dealing with it as I find it. If we pursued the course indicated by the Senator from North Carolina, I would not have any fears about an additional judge for the southern district of Florida, because we have twice passed a bill in the Senate providing for such additional judge.

Mr. OVERMAN. I voted for such a bill twice in the Senate, and it is in the House now, where it sleeps. Instead of passing that bill as they ought to have done they sent to us this pork-barrel bill.

Mr. FLETCHER. They did not reach it. The committee, as I stated before, reported out favorably both bills on different occasions, and they were on the calendar, but the House had to adjourn before they reached that item on the calendar. The House finally did put that provision in the pending bill, and the bill came over to the Senate providing for an additional judge for the southern district of Florida. So that substantially both Houses of Congress have declared in favor of an additional judge for the southern district of Florida, but now the bill comes here and the Senate committee see fit to strike out the provision for an additional judge for the southern district of Florida, thus reversing the action they had twice before taken—in 1917 and 1919—and then when the House agrees with them they will not agree with the House.

Referring again to the item about the condition in California, the committee proposes to add one judge for that district when they already had two and denies any relief in Florida.

Dividing the number of cases by 3, you will have 393 cases in the southern district of California pending before each judge as against 1,336 cases before the judge in the southern district of Florida.

The situation is somewhat similar in the northern district of California where they already have two judges.

Now, let us consider Arizona. I have heretofore favored the bill that was passed by the Senate providing for an additional judge in Arizona. At that time the separate bill providing for the additional judge for Florida was also passed. Now, Arizona is given an additional judge by the provisions of the pending bill.

Arizona has one district and one judge. There are pending in Arizona:

United States civil cases, 16, as against 250 in southern district of Florida.
Criminal cases, including prohibition, 122, as against 594 in southern district of Florida.
Admiralty cases, 0, as against 165 in southern district of Florida.
All other civil cases, 160, as against 327 in southern district of Florida.
Total cases, 318, as against 1,336 in southern district of Florida.

The committee proposes to give Arizona one more judge and denies to the southern district of Florida any relief.

I submit that there is not an instance or district in this whole table and provided for in this bill that has claims for an additional judge equal in merit to the claims of the southern district of Florida.

And now I come—and I am sorry the Senator from Utah [Mr. KING] is not present—to the only arguments I know of ever having been proposed against the amendment or for any opposition to an additional judge for the southern district of Florida. One is that the northern district of Florida is practically without any congestion, that the business in the northern district of Florida is not even sufficient to occupy the whole time of the judge in that district, and therefore it is argued that the judge in the northern district of Florida ought to be sent down to the southern district of Florida to help out. That has been done from time to time and is being done from time to time. Judges from other districts, from Alabama, for instance, have been sent to the southern district of Florida, but that does not meet the situation.

In the first place, it is no economy to do that, because when a judge goes out of his own district into another district he is allowed $10 a day for his subsistence, and there are other expenses which he is allowed; so that we are not saving any money by sending judges from outside districts into the district where the time required to keep up with the business would be so great as in the southern district of Florida.

The other argument is that we make the whole State of Florida into one district and thereby we would have two judges in the one district. In that case we would have one clerk with an office located somewhere, say in Jacksonville, and he would have 10 different offices, because we have 10 different places for holding court in the two districts, 10 different deputies or assistants, and 10 different officers conducting business throughout the State, with headquarters for all the papers and all the files in the chief office, and that would be very inconvenient to litigants.

Florida is peculiarly situated. From Key West to Tallahassee is just about as far as from Jacksonville to Washington. It is 900 miles from Key West, the extreme southern end of the State, to Pensacola, on the western end of the State. The only way to reach those two extremes is by rail, proceeding from Key West north to Jacksonville and then due west to Pensacola. There is no way of shortening the distance. That would not relieve the situation and it would not be economical. We would not accomplish any relief practically at all by making the whole State into one district and reassigning the judges who are there now in the northern and the southern districts.

It is true that the northern district of Florida has not an overburdensome amount of business, and the judge of that district does help in the southern district and elsewhere throughout the country. He is frequently sent to New York and other States. That practice would continue even if Florida is allowed an additional judge. It would still be necessary to have the help of the judge of the northern district. There is more work in the southern district of Florida than two judges can do, and they would need the assistance of the judge from the northern district for as much time as he could spare if an additional judge is granted.

Right in the face of the previous action of the Senate and the recent action of the House this injustice is proposed to be done the southern district of Florida.

The tables which I have quoted show the rankest discrimination in the proposals of the committee.

No matter what the situation or conditions may be in other States, and let it be understood that I am not criticizing the judgment of the committee with respect to the necessity for additional judges elsewhere, but I am much better informed with reference to the true situation and condition in Florida than the committee, having practiced law there for 30 years before coming to the Senate and being constantly in touch with attorneys and litigants. I say to you, Senators, and in all candor, that it would be a great wrong and an inexcusable blunder for you to refuse to adopt the amendment which I have proposed, providing for an additional judge for the southern district of Florida.

The situation as given in statements to me by those who know and as I have personal knowledge of in the southern district of Florida, and in fact in the entire State of Florida, is peculiar, more peculiar than that of any other State or district in the country, and for that reason its condition can not be compared with that of any other district or State, because there is no other part of the country having a situation or surroundings comparable with Florida.

The shape of the State, its geographical location, its coast line of practically 1,200 miles, and the directions of its lines of transportation all emphasize its peculiarities.

The five largest cities in the State in and around which litigation arises and is tried are: Jacksonville in the northeast corner, Pensacola in the northwest corner, Miami in the southeast corner, Key West at its southern extremity, and Tampa on its west coast. Pensacola is 400 miles west of Jacksonville, Miami is 335 miles south of Jacksonville, and Key West is 590 miles south of Jacksonville. Tampa is more than 200 miles from Jacksonville and 240 miles from Key West by steamer. By the necessary lines of transportation Pensacola is as far from Key West as New York is from Chicago or Tampa is from Washington. Tampa is just 24 hours from Pensacola and Key West is 36 hours from Pensacola.

Florida has a coast line of about 1,200 miles, indented with bays and harbors, most of them shallow, but in which small boats may land, and since the enactment of the prohibition amendment and the Volstead Act it is the mecca of violators of that law. Its proximity to the English isle, and within 40 miles, on the east, of Bemini, and Cuba within 100 miles on the south, offer peculiar inducements of easy access to the United States

by bootleggers, smugglers, and those who wish to violate the immigration laws.

In this connection I call attention to the headlines of a copyrighted article which appeared in the New York Herald and in the Tampa Times of February 13, 1922, showing the tremendous opportunities and the advantage taken of them by violators of the Federal laws. The headlines are:

Is Florida open door to Chinks?
Large scale smuggling of orientals is charged.
Vessels slip in from Cuba.
Tampa and west coast ports places of entry.

Another headline reads:

Five hundred orientals smuggled in, officials say.
Five thousand more wait in Cuba for entrance into United States.

That is one kind of business which does not have to be considered in some other districts. I wish to call attention also to an article from the Miami Herald of March 31, 1922. I will just read from the headlines:

Ten Chinese, shipped from Cuba, seized on cruiser in bay.
Coast Guard cutter, in command of Captain Miller, nips alleged smuggling plot; surprises ship.
Crew of three taken.
Sixty-year-old oriental rolls out of compartment during search for liquor; guns bring others forth.

So there is the immigration problem and also the smuggling problem with which we have to deal in the southern district of Florida. All of these violations and attempts at violations are matters within the sole jurisdiction of the Federal courts. These conditions exist and will continue to exist for years, and make a large and constantly increasing amount of business in the Federal court and are getting more and more burdensome, and some relief must be granted if the business of the courts in Florida, and especially in the southern district, is to be taken care of in any way approximating satisfaction.

The question is how to properly take care of them.

The lawyers practicing in the southern district who have business in the Federal court are practically unanimous in the belief that the only solution is an additional judge for the southern district, and there are many reasons why they are justified in this belief.

In the first place, an important item is the comparative expense to the Government in the handling of the business—whether the Government could more economically handle its business by the assignment or the appointment of an additional judge. If handled through the medium of the assignment of another judge, even from the same State, the expense would be a considerable item and might cost the Government for traveling expenses and per diem approximately the salary of an extra judge.

As the court now sits most of the time in Jacksonville, and only holds stated terms in other places—in Key West twice a year and once a year each in Ocala, Tampa, Fernandina, and Miami—with but one judge, who has in Jacksonville enough to occupy his time and properly feels that unless cases are ready for trial at these stated terms he should get back to Jacksonville as soon as possible, unless criminal cases are promptly ready for trial, and they frequently are not, they are continued, with the resultant expenses to the Government for witness fees, marshal's costs, and other costs incident thereto. This frequently results in either the failure or delay in the Government realizing upon fines which, if cases were promptly tried, would be immediately imposed and collected, but if not properly tried, convictions, on account of the loss of witnesses and other accidents, might not be secured, or if secured afterwards the chances of collecting the fines in money would be largely decreased.

Every time the judge of the northern district, or any other district, would leave the place of his residence to attend court in another part of the State he would, depending on where he went, have to travel from 500 to 1,000 miles. In addition to his transportation, there would be his per diem for expenses, so that, viewing it from an economical standpoint for the Government cases alone, it seems that it would probably be cheaper for the Government to pay the salary of an additional judge than to incur these expenses and run the risks of loss and delays in the trial of criminal cases. Right here it is not inappropriate to say that the enforcement of the Volstead Act and other criminal statutes will be greatly assisted by prompt trials and convictions, and all delays in such matters only make more trouble for the Government.

In addition to a judge coming into this district from his own, he would be expected also to take care of the business in his district; and if the judge of the northern district is selected to do this work, he would, if he properly takes care of his own district, have to make frequent trips there to do so, or he would allow the business in his district to suffer from want of attention, thus duplicating in his district the unsatisfactory expenses and burdensome conditions which exist in this one. With the large and increasing amount of business in the district and the docket so far behind, as it now is, there being about 1,600 cases undisposed of at present, periodical visits of judges can not properly take care of the business.

Mr. OVERMAN. Mr. President, the basis for the argument for the creation of an additional judge in Montana and Arizona was the long distances which it is necessary to travel in those States. I think the record will show that in the district court in Arizona only 131 cases are undisposed of. I am astonished to learn, from what the Senator from Florida has said, of the great distances which must be traveled by the judges in Florida. They seem to be as great as the distances which have to be traveled by judges in Arizona and Montana.

Mr. FLETCHER. The argument in reference to the great distances to be traveled by the judges in those States applies with equal force to Florida; and, in addition to that, the enormous amount of business in Florida is also to be considered.

In addition to the question of economy in handling the business, Congress, among other things, should consider the expense and costs to litigants in civil cases and the expedition of business. Under present conditions, as Florida is a common-law State, and many questions of practice and procedure arise to be determined before a case is at issue, I call this matter especially to the attention of lawyers, because it is one which is very important to be considered, that Florida, being a common-law State, the settlement of the pleadings must be attended to before the trial may be begun, the cost to litigants of having their attorneys reach the judge to settle necessary matters of pleadings is unduly burdensome, as trips by lawyers of 200 to 500 miles for that purpose, with the necessary expenses and compensation for the time taken to make such trips, is now only justified where the amount involved is large; otherwise litigants have to wait for months, until the judge gets to the division where the action is pending, and thousands of dollars of costs to litigants now expended would be saved if there was an additional judge located at some other convenient place in the southern district and the civil business greatly expedited.

It is admitted that the docket in the southern district needs relief, as there are practically 1,600 untried cases; but the mere number of cases does not, without a more intimate knowledge, disclose the true situation. On account of its coast lines and harbors and shipping there is a large amount of admiralty business in the district—much larger in proportion, probably, than most other districts. These cases frequently involve small amounts, and as the judge is required in litigated cases of this character to hear the testimony, it not only takes up a large portion of the time of the court but in small cases, where they are pending away from the residence of the judge, the delays in hearings frequently are such as to amount almost to a denial of justice.

In addition to all this, it is certain that the business in this district in the immediate future will be sufficient to keep two judges occupied. The southern portion of the State is rapidly increasing in population, more so than the western portion, and developing its resources in every way. Large amounts of capital from other States are being invested in enterprises of all kinds. A large portion of the big business of the State is interstate business. Litigation in relation to this goes into the Federal court and most of the nonresidents having litigation seek, if possible, the Federal court as a forum in which to litigate; so, without question, the increase of the business in the southern district is, and will be, rapidly increasing, and such increase will be permanent.

I will refer now to the thought which was in the mind of my good friend from Minnesota [Mr. NELSON]. The suggestion that the entire State of Florida be incorporated into one district, if adopted, would not apparently improve the situation nor meet the conditions. It would not, so far as the judge's expenses are concerned, reduce them in the least, for each judge would be entitled to his transportation and per diem expenses when away from the place of his residence. In addition to this, the handling of the entire business of a State through one clerk's office would seem to be quite impracticable, as the clerk would have to maintain, if he had a deputy at each place of holding court, 10 different deputies with 10 different offices, as I have heretofore stated, who would be scattered across the State, and some of them would be at a distance of about 1,000 miles apart, and it would be very impracticable to put upon one clerk, in addition to the personal duties he would have, the supervision of 10 different deputies with offices so scattered.

The foregoing reasons, showing the cost of the operation of courts in any other way, together with the burdens upon litigants in civil cases, justify the practically unanimous belief of the bar in the southern district that the most economical, expeditious, and satisfactory method of handling the business would

be the appointment of one additional judge in the southern district of Florida. This is a conservative statement of the situation, based on official and reliable information furnished me and my own observation, experience, and knowledge. I submit that the reasons for providing an additional judge for the southern district of Florida are convincing. There can be no answer to the claim.

I will read, in this connection, a letter from a distinguished lawyer, a member of the bar at Jacksonville, which shows the difficulties involved in bringing in a judge from another district. He says:

* * * If the congestion in the courts was attributable alone to accumulation of criminal cases, the 18-judge measure would be a practical means of relief; for the criminal procedure does not materially differ in the several districts, and the judge from Georgia, Alabama, Mississippi, or Louisiana can come into the southern district of Florida and try criminal cases with a reasonable degree of dispatch. But with civil business it is quite a different matter. Much of the civil business in this district is of a maritime nature. You can not make an admiralty lawyer, much less an admiralty judge, in a day or in a week. A judge from one of the interior cities has to feel his way along cautiously and doubts the correctness of his own conclusions, and is indeed fortunate if he comes out right in the end.

When he takes up bankruptcy business he is immediately confronted with a mass of property law of a purely local nature, resting in part in statutes and in part in decisions of the State courts construing the statutes. So when the judge turns to the jaw side of the court he finds, in addition to a procedure strange to him, the substantive rights of the parties affected by statutes and decisions entirely new to him. Every little question that arises during the trial, that would be turned off by a judge of such experience as Judge Call without conscious effort, but with entire accuracy, gives to a conscientious judge from outside an infinite amount of difficulty and consumes an immense amount of time. Upon the appellate bench the matter is very much simpler because the questions of procedure have been worked out in the lower court. The appellate court is only concerned with the decision of controlling issues, and where that decision turns upon doubtful questions of local law the doubt is ordinarily resolved, as it should be, in favor of the decision of the district judge.

Besides these considerations there are others that appear to be of trifling importance, but that you, as an experienced trial lawyer, will appreciate. The judge's coming is rarely announced for a day certain, and when it is announced for a day certain there is always more or less uncertainty as to just what work the judge will be engaged in. Directly one learns that a judge has been appointed to come into the district from outside, he goes about the giving of the necessary notices of hearing upon matters to be brought before the judge coming into the district only to find that the judge is coming a few days earlier or a few days later, or is to be engaged upon some other task, and by the time he has given another set of notices allowing 5 or 10 days, as the rule requires, he finds at the appointed time that the judge has tired of waiting for something to do and departed.

As you know, there is a great deal of nonresident capital invested in this State, and in addition to the very considerable admiralty and bankruptcy business a great deal of business is brought before the court on account of diversity of citizenship, and the delays in the disposition of business afford a premium to the removal of cases by defendants having that privilege. The population of the State has enormously increased and the business of the Federal courts with it. In addition to the creation of a number of courts of inferior jurisdiction, the staff of circuit judges has been more than doubled within my time, but in the Federal court we have the same staff that has existed from early times.

I doubt if, taken altogether, there is a more capable nisi prius judge than Judge Call to be found in any district court of the United States, but he is utterly unable to keep up with the work, and unless one of the 18 judges to be appointed was designated to spend his entire time in the southern district of Florida there would be no hope of ever getting rid of the congestion that now exists in this district.

Mr. President, I do not know that I can add any more to what I have said. I will point out to the Senate in a moment, however, how the districts in Florida are divided. Let me indicate on the map which Senators will see on the wall, placed here, however, for another purpose.

This is the northern district of Florida, from here to here [indicating on map]. This is the southern district. They might be more appropriately called the eastern and western districts, but they are not so designated. The northern district extends from about this line over here to the western line, with headquarters at Pensacola. Judge Sheppard sits at Pensacola. The southern district is all this portion of the State, with headquarters at Jacksonville. There is where Judge Call holds his chambers and has the headquarters of his court. He sits at Tampa, Ocala, Fernandina, Miami, and Key West; and you will see the distance he has to travel from Jacksonville, for instance, to Key West, or even down here to Miami, or even down here to Tampa. It is impossible to redistrict the State so as to remedy the situation, because if you do, for instance, Tampa, one of the important cities, would have to go in the northern district, and the litigants at Tampa would have to go around here to Pensacola to try their cases, some 600 miles. If you put Jacksonville over there, you would have Pensacola and Jacksonville, two large cities, in the northern district, with all these others in the southern district. The principal cities are Jacksonville, Tampa, Pensacola, Miami, Key West, Orlando, etc. The State can not be redistricted so as to meet the situation, and the whole difficulty calls for another judge for the southern district of Florida. The problem can not be solved in any other way.

EXECUTIVE SESSION.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 5, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 4 (legislative day of April 3), 1922.

SECOND ASSISTANT POSTMASTER GENERAL.

Paul Henderson, of Illinois, to be Second Assistant Postmaster General, Post Office Department, vice E. H. Shaughnessy, deceased.

UNITED STATES ATTORNEYS.

Ralph Pringle, of Iowa, to be United States attorney, southern district of Iowa, vice Edwin C. Moon, resigned.

Philip H. Mecom, of Louisiana, to be United States attorney, western district of Louisiana, vice Hugh C. Fisher, resigned. (Mr. Mecom is now serving as United States attorney under appointment by court.)

J. D. Ernest Meyer, of South Carolina, to be United States attorney, eastern district of South Carolina, vice Francis H. Weston, term expired.

UNITED STATES MARSHALS.

Samuel J. Leaphart, of South Carolina, to be United States marshal, eastern district of South Carolina, vice James L. Sims, term expired.

Siegel Workman, of West Virginia, to be United States marshal, southern district of West Virginia, vice William Osborne, whose term expires April 6, 1922.

SURVEYOR GENERAL OF NEW MEXICO.

Manuel A. Sanches, of New Mexico, to be surveyor general of New Mexico, vice Lucius Dills, term expired.

POSTMASTERS.

ALABAMA.

William E. Crawford to be postmaster at Decatur, Ala., in place of W. E. Crawford. Incumbent's commission expired January 24, 1922.

Kate B. Quillin to be postmaster at Clayton, Ala., in place of J. K. Quillin. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

John K. Harries to be postmaster at Imola, Calif. Office became presidential January 1, 1922.

Elmer S. Slade to be postmaster at Calipatria, Calif., in place of E. S. Slade. Incumbent's commission expired March 8, 1922.

COLORADO.

Hugh L. Large to be postmaster at Longmont, Colo., in place of T. T. Donovan. Incumbent's commission expired January 24, 1922.

CONNECTICUT.

William P. Gourlie to be postmaster at Thompsonville, Conn., in place of J. T. Murray. Incumbent's commission expired January 24, 1922.

Oliver F. Toop to be postmaster at South Manchester, Conn., in place of T. J. Quish. Incumbent's commission expired January 24, 1922.

FLORIDA.

Leland M. Chubb to be postmaster at Winter Park, Fla., in place of G. N. Deaning. Incumbent's commission expired January 31, 1922.

GEORGIA.

William E. Fitts to be postmaster at Rocky Ford, Ga. Office became presidential January 1, 1920.

HAWAII.

Frank Cox to be postmaster at Waimea, Hawaii. Office became presidential October 1, 1920.

IDAHO.

Joseph Morley to be postmaster at Idaho Falls, Idaho, in place of W. J. Coltman. Incumbent's commission expired January 24, 1922.

ILLINOIS.

George H. Townsend to be postmaster at Ontargo, Ill., in place of W. R. Lovett. Incumbent's commission expired February 4, 1922.

Harlo F. Selby to be postmaster at Golden, Ill., in place of R. E. Downing. Incumbent's commission expired February 4, 1922.

Robert A. Blackmon to be postmaster at Lacon, Ill., in place of C. F. Buck. Incumbent's commission expired February 4, 1922.

William T. Robinson to be postmaster at Kenilworth, Ill., in place of W. T. Robinson. Incumbent's commission expired September 24, 1921.

Joshua L. Saylor to be postmaster at Glasford, Ill., in place of G. E. Tolle, resigned.

Frank Reed to be postmaster at Taylorville, Ill., in place of T. J. Cunningham. Incumbent's commission expired August 7, 1921.

Homer F. Kelly to be postmaster at Roseville, Ill., in place of M. S. Yoho. Incumbent's commission expired February 4, 1922.

William B. Buckler to be postmaster at Brockton, Ill., in place of S. D. Metcalfe. Incumbent's commission expired February 4, 1922.

INDIANA.

Sylvester C. Boyers to be postmaster at Freedom, Ind. Office became presidential July 1, 1921.

Flo Wilson to be postmaster at Universal, Ind. Office became presidential April 1, 1921.

Laura B. Kuntz to be postmaster at Bristol, Ind., in place of A. E. Menges, deceased.

IOWA.

Frank Popper, jr., to be postmaster at Clutier, Iowa. Office became presidential October 1, 1920.

Harold A. Marmon to be postmaster at Mitchellville, Iowa, in place of C. L. Henney, resigned.

KANSAS.

George W. Butler to be postmaster at Morland, Kans. Office became presidential October 1, 1920.

Floyd B. Martin to be postmaster at Lane, Kans. Office became presidential January 1, 1921.

Minnie C. True to be postmaster at Pittsburg, Kans., in place of L. W. Johnson, resigned.

Emma V. Coerber to be postmaster at Lakin, Kans., in place of V. V. Goeden, resigned.

Elva M. Woodward to be postmaster at Haviland, Kans., in place of W. A. Corrigan. Incumbent's commission expired February 4, 1922.

William F. Greer to be postmaster at St. Francis, Kans., in place of Josiah Crosby, resigned.

Henry Washburn to be postmaster at Mulberry, Kans., in place of N. E. Bevans, removed.

Laura Kesler to be postmaster at Edna, Kans., in place of R. A. Watt. Incumbent's commission expired February 4, 1922.

KENTUCKY.

David B. Ramey to be postmaster at Praise, Ky. Office became presidential October 1, 1920.

Robert H. Ledford to be postmaster at Paint Lick, Ky. Office became presidential October 1, 1920.

William J. Manby to be postmaster at La Grange, Ky., in place of G. S. Morris, resigned.

LOUISIANA.

Joseph A. Richard to be postmaster at Hammond, La., in place of M. C. Wilson. Incumbent's commission expired January 31, 1922.

MARYLAND.

Charles W. Foxwell to be postmaster at Leonardtown, Md., in place of J. R. Duke. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

Sara H. Jones to be postmaster at West Barnstable, Mass. Office became presidential January 1, 1922.

MICHIGAN.

Fred J. Smith to be postmaster at Pickford, Mich., in place of William Beacom. Office became presidential March 16, 1921.

Harvey Tewksbury to be postmaster at Kingston, Mich., in place of N. H. Burns. Incumbent's commission expired March 16, 1921.

James R. Dean to be postmaster at Boyne City, Mich., in place of W. J. Lewis. Incumbent's commission expired January 24, 1922.

Charles P. Neumann to be postmaster at Rochester, Mich., in place of R. D. Watson. Incumbent's commission expired January 24, 1922.

MINNESOTA.

William Guenther to be postmaster at Hokah, Minn. Office became presidential January 1, 1922.

MISSISSIPPI.

Thomas E. Walton to be postmaster at Natchez, Miss., in place of W. D. Deterly. Incumbent's commission expired June 30, 1920.

Samuel W. Pendarvis to be postmaster at Magnolia, Miss., in place of S. W. Pendarvis. Incumbent's commission expired July 21, 1921.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of J. O. Bennett. Incumbent's commission expired June 29, 1920.

MISSOURI.

Elam J. Nienstedt to be postmaster at Blodgett, Mo. Office became presidential April 1, 1921.

Lena B. Porter to be postmaster at Novelty, Mo. Office became presidential April 1, 1921.

Lavinia B. Jones to be postmaster at Pilot Grove, Mo., in place of R. S. Harriman. Incumbent's commission expired February 19, 1922.

Charles T. Lease to be postmaster at Forest City, Mo., in place of N. H. Cook. Incumbent's commission expired January 24, 1922.

Mayme E. Prather to be postmaster at Advance, Mo., in place of E. L. Potter, resigned.

Robert E. Ward to be postmaster at Liberty, Mo., in place of O. P. Gentry, deceased.

MONTANA.

John C. Bebb to be postmaster at Lewiston, Mont., in place of Grant Robinson, resigned.

Mary J. Tasa to be postmaster at Flaxville, Mont., in place of F. T. Tasa. Incumbent's commission expired February 5, 1922.

Ernest M. Goodell to be postmaster at Dutton, Mont., in place of W. M. Eaman. Incumbent's commission expired March 16, 1921.

Clarence R. Miller to be postmaster at Circle, Mont., in place of C. R. Miller. Incumbent's commission expired March 8, 1922.

NEBRASKA.

Clarence Rosecrans to be postmaster at Odell, Nebr., in place of J. S. Callan. Incumbent's commission expired February 4, 1922.

Owen N. Clark to be postmaster at Beaver Crossing, Nebr., in place of G. W. Norris. Incumbent's commission expired February 4, 1922.

Alvin O. Jones to be postmaster at Adams, Nebr., in place of I. T. Merchant. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Edith Vaughn to be postmaster at Smithville, N. J. Office became presidential April 1, 1921.

NEW MEXICO.

Callie L. Beagle to be postmaster at Magdalena, N. Mex., in place of R. J. Lentz. Incumbent's commission expired March 8, 1922.

Luciano R. Baca to be postmaster at Las Vegas, N. Mex., in place of Susano Ortiz. Incumbent's commission expired January 24, 1922.

NEW YORK.

Earl B. Templer to be postmaster at Valley Falls, N. Y., in place of M. A. Sweeney, resigned.

Leonard C. Palmer to be postmaster at Elizabethtown, N. Y., in place of G. L. Brown, resigned.

Edward H. Maloney to be postmaster at Dansville, N. Y., in place of G. L. Krein. Incumbent's commission expired January 24, 1922.

Ernest B. Dye to be postmaster at Hinckley, N. Y. Office became presidential July 1, 1921.

Stella Hackett to be postmaster at Central Park, N. Y. Office became presidential January 1, 1921.

Clarence J. Weyant to be postmaster at Fort Montgomery, N. Y. Office became presidential January 1, 1922.

George M. Grant to be postmaster at Parksville, N. Y., in place of W. J. Wagner. Incumbent's commission expired December 20, 1920.

George S. Peterson to be postmaster at La Salle, N. Y., in place of E. H. Schmeck. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Annie L. Fisher to be postmaster at Battleboro, N. C. Office became presidential July 1, 1920.

OHIO.

Reed Wilson to be postmaster at Pleasant City, Ohio, in place of C. O. Flanagan. Incumbent's commission expired January 31, 1922.

Peter Weishaupt to be postmaster at Lynchburg, Ohio, in place of C. G. Stroup. Incumbent's commission expired January 31, 1922.

John R. Miller to be postmaster at Franklin, Ohio, in place of A. L. McCarthy. Incumbent's commission expired July 21, 1921.

John W. Swing to be postmaster at Bethel, Ohio, in place of J. M. Fitzpatrick. Incumbent's commission expired January 31, 1922.

George W. Smith to be postmaster at Wheelersburg, Ohio. Office became presidential April 1, 1921.

Ethel Shoemaker to be postmaster at Mount Blanchard, Ohio. Office became presidential April 1, 1921.

Jesse A. Hayes to be postmaster at Stockport, Ohio, in place of E. D. Humphrey. Office became presidential January 31, 1922.

Harold J. Taylor to be postmaster at Marengo, Ohio, in place of J. L. Wilson. Incumbent's commission expired December 20, 1920.

James K. Fulks to be postmaster at Ada, Ohio, in place of S. D. Haslett, resigned.

OKLAHOMA.

Thomas L. Ogilvie to be postmaster at Forgan, Okla., in place of J. W. Mills. Incumbent's commission expired April 19, 1921.

George W. J. Perry to be postmaster at Boley, Okla., in place of C. F. Simmons, removed.

OREGON.

Henry Scott to be postmaster at Jordan Valley, Oreg. Office became presidential October 1, 1919.

Curtis C. Heidrich to be postmaster at Chiloquin, Oreg. Office became presidential October 1, 1921.

PENNSYLVANIA.

George F. Kilnefelter to be postmaster at Shrewsbury, Pa. Office became presidential January 1, 1921.

Horace H. Hammer to be postmaster at Reading, Pa., in place of C. N. Seitzinger. Incumbent's commission expired February 4, 1922.

W. Winston Davis to be postmaster at Johnstown, Pa., in place of W. H. Strauss. Incumbent's commission expired August 7, 1921.

Charles E. Ehrhart to be postmaster at Dallastown, Pa., in place of J. W. Taylor. Incumbent's commission expired February 5, 1922.

RHODE ISLAND.

George W. Jenckes to be postmaster at Slatersville, R. I. Office became presidential October 1, 1920.

Frederick Baldwin to be postmaster at Mapleville, R. I. Office became presidential October 1, 1920.

SOUTH CAROLINA.

May A. Peake to be postmaster at Union, S. C., in place of R. B. James, resigned.

Clifton O. Crosby to be postmaster at Walterboro, S. C., in place of R. R. Miley, resigned.

SOUTH DAKOTA.

Ira D. Winter to be postmaster at Wall, S. Dak. Office became presidential January 1, 1920.

Alice S. Esget to be postmaster at Lily, S. Dak. Office became presidential April 1, 1921.

Charles H. McCrossen to be postmaster at Ashton, S. Dak., in place of C. H. McCrossen. Incumbent's commission expired January 31, 1922.

TENNESSEE.

Grant L. Landiss to be postmaster at Cumberland City, Tenn., in place of A. L. Bilbrey. Incumbent's commission expired August 1, 1921.

Christine M. Meister to be postmaster at Loretto, Tenn. Office became presidential January 1, 1921.

TEXAS.

Joe E. Williams to be postmaster at Hamilton, Tex., in place of W. B. Claunch. Incumbent's commission expired May 7, 1921.

Bessie F. Hefley to be postmaster at Cameron, Tex., in place of E. F. English, resigned.

UTAH.

Victor A. Neilson to be postmaster at Magna, Utah, in place of Clyde Panter, resigned.

Reid H. Gardner to be postmaster at Lehi, Utah, in place of Joseph Anderson. Incumbent's commission expired January 24, 1922.

VIRGINIA.

George H. Clark to be postmaster at Crockett, Va. Office became presidential January 1, 1921.

WASHINGTON.

Arthur H. Eldredge to be postmaster at Colfax, Wash., in place of C. F. Bensel. Incumbent's commission expired January 5, 1920.

WEST VIRGINIA.

Fred A. McFarlin to be postmaster at Adamston, W. Va. Office became presidential July 1, 1920.

WISCONSIN.

Blanche Delany to be postmaster at Sinsinawa, Wis. Office became presidential July 1, 1920.

William Abendschein to be postmaster at White Lake, Wis. Office became presidential July 1, 1920.

Ernest L. Messer to be postmaster at Unity, Wis. Office became presidential July 1, 1920.

Carrie B. Carter to be postmaster at Lyndon Station, Wis. Office became presidential October 1, 1920.

Albert F. Hahn to be postmaster at Humbird, Wis. Office became presidential January 1, 1920.

Jacob Johnson to be postmaster at Curtiss, Wis. Office became presidential January 1, 1921.

Elmer Carlson to be postmaster at Brantwood, Wis. Office became presidential January 1, 1922.

George E. Grob to be postmaster at Auburndale, Wis. Office became presidential July 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 4 (legislative day of April 3), 1922.

UNITED STATES MARSHAL.

Edgar C. Snyder to be United States marshal, District of Columbia.

PUBLIC HEALTH SERVICE.

Marion F. Haralson to be passed assistant surgeon.

John F. Mahoney to be passed assistant surgeon.

POSTMASTERS.

ALABAMA.

William E. Crawford, Decatur.

ARIZONA.

Mary E. Brown, Parker.

CALIFORNIA.

William F. Knight, Pasadena.

CONNECTICUT.

Oliver M. Bristol, Durham.

GEORGIA.

James P. Rose, Lyerly.
Wilson S. Williams, Woodbury.

KANSAS.

Clarence L. Gray, Luray.
Elizabeth Simpson, Medicine Lodge.
Byram L. Sams, Offerle.
John M. Cable, Toronto.

MARYLAND.

Peter G. Cowden, Cumberland.

MISSOURI.

Archie C. Atterberry, Atlanta.
John W. Smith, Browning.

NORTH CAROLINA.

Howard M. Bullard, Chadbourn.
Jefferson D. Whitehead, jr., Enfield.
John J. Buffaloe, Jackson.
Vance Thompson, Vineland.

OHIO.

Edward Brichta, Glendale.
Frank A. Hawkins, West Farmington.

OKLAHOMA.

George A. Strouse, Billings.
Blanche Probus, Dacoma.
William A. Geren, Wetumka.

PENNSYLVANIA.

Julia A. Ernst, Beavertown.
Nellie G. Kendig, Glenfield.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 4, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord, receive our offering of gratitude and grant unto us the blessing of Thy presence. Let Thy light shine forth, Thy power give strength, and Thy love bestow the mercy of forgiveness. O may Thy truth be wrought into human laws, into human institutions, and into human hearts. Spirit Divine, be with us to give us wisdom, to lighten the tasks, and direct the way. Establish our people in the ways of Thy commandments and be over our country like a happy summer time, giving promise of newer life and blessing to all. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11065, making appropriations for the Departments of State and Justice and for the judiciary; and while that motion is pending I would be glad to come to an agreement as to the time for general debate.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from New York [Mr. HUSTED] and myself have already had some discussion about the time, and the House being willing we have agreed upon 2 hours and 15 minutes on a side.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent that the time of the general debate on this measure be limited to four and one-half hours, one-half of that time to be under the control of the gentleman from Kentucky [Mr. JOHNSON] and one-half under the control of myself.

The SPEAKER. The gentleman from New York asks unanimous consent that the general debate on the pending bill be limited to four and one-half hours, one half to be controlled by himself and the other half by the gentleman from Kentucky [Mr. JOHNSON]. Is there objection?

There was no objection.

The motion of Mr. HUSTED was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, with Mr. DOWELL in the chair.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Chairman, we are presenting to-day for the consideration of the Committee of the Whole a bill which is intended to cover, and which we believe does cover, all of the regular annual appropriations for the Department of State, including the entire foreign service, and also the appropriations for the Department of Justice, including the entire judicial system. It is really two appropriation bills in one, and so far as the House is concerned it is a new bill, in the sense that these items have never before been brought together under one cover. They have been taken from the diplomatic and consular bill; the legislative, executive, and judicial bill; and the sundry civil bill. The items have been arranged under the plan recommended by the President in the alternative budget. They have been very conveniently arranged. For example, take the part of the bill covering the State Department. First, we have all the items of appropriations relating to the State Department proper; next, all relating to the Diplomatic Service and then to the Consular Service; then to the various international boards and bodies which our Government partly supports, and finally to miscellaneous items. The advantages of this bill and of this arrangement are obvious from the legislative standpoint; they not only make for convenience but they make for economy. Heretofore when these items appeared in different measures it was impossible to get a real picture of the whole situation, and therefore extremely difficult to get balanced legislation. Now you can see all the activities of each department in their relations one to the other, so that you can make a proper estimate of the situation.

The State Department and the Department of Justice have grown tremendously during recent years. Take the State Department, for example: I think in 1895 the total appropriations were about $1,500,000. During the war they rose to something like $30,000,000, and now they stand at about $8,000,000.

The appropriations to-day are about twice as large as they were when we entered the war. So far as the State Department is concerned, that is partly due to a policy of expansion whereby the personnel of the department has been increased, particularly in the Diplomatic and Consular Service. It is also due to the increase of salaries, and to the increase of rents of our consulates and missions abroad, and to the increase of every kind of expense which the State Department incurs.

The increase in expenditures of the State Department is also due to additional activities which were not in existence before the war, particularly the viseing of passports, which work has cast upon our consulates a very heavy burden, indeed.

I suppose it will never be possible to get back to a pre-war basis; but the subcommittee felt that we should rather discourage the present policy of expansion and reduce just as much as was consistent with the maintenance of the activities of the State Department, at the most useful point of efficiency.

With respect to the Department of Justice the situation is somewhat different. In that department there has been no policy of expansion, but the business of the Department of Justice has increased tremendously on account of the war. For example, there are pending to-day in the State Department cases involving nearly $1,000,000,000. Those are claims actually in suit. In addition to that there are claims in suit in which the amount has not been determined, and they will probably come to at least a quarter of a billion dollars more. Those are civil cases alone.

About 60 per cent of all of our expenditures for the Department of Justice go into criminal business and only 40 per cent into civil business. The criminal business has increased tremendously, and it is a remarkable fact that while to-day crime in the States seems to be slightly on the decline, as shown by the records of the State courts, Federal crimes are upon the increase, and progressively so—that is, they are not only higher this year than they were last year, but each month the total number of crimes seems to be growing.

So when the subcommittee came to consider the question of reduction they had to consider questions of policy as well as questions of national need. In the State Department they had to consider the question of policy to a certain extent as well as the question of need. In the Department of Justice they had to consider solely the question of national needs.

As to the reductions effected, the appropriations recommended by this bill are about $7,500,000 less than the appropriations for the current year, and they are about $2,500,000 less than the estimates for the next fiscal year. You must not assume from that statement that the reductions in the estimates for the next fiscal year submitted by the department as compared with the appropriations for the current fiscal year are entirely due to retrenchment upon the part of the departments.

They are due partly to the fact that in the appropriations for the present year we carry in the State Department bill an item of $5,000,000 for Panama and an item of $1,000,000 for the international exposition at Rio de Janeiro and an item of $200,000 for the Limitation of Arms Conference. After you eliminate these extraordinary expenditures from the appropriations for the current year you will find that the estimates made by the departments for the next fiscal year are greater in amount than all the other appropriations for the current year. But the subcommittee has reduced these estimates by $2,500,000—$1,100,000 in the State Department and about $1,500,000 in the Department of Justice—and yet the reductions in the Department of State are greater in proportion than they are in the Department of Justice, because the appropriations for the Department of Justice are much greater than for the Department of State. The appropriations for the Department of Justice are about $18,000,000, whereas the appropriations for the Department of State are in the neighborhood of $8,000,000.

I want to call attention to the fact that these departments are partly self-sustaining. In the year 1921 the revenues of the Department of State were more than a million dollars in excess of all their expenditures. At the present time they are somewhat less on account of the enactment of the 3 per cent immigration law; but still at the present time I believe the income of the Department of State is equal to the cost of our entire foreign service.

The revenues of the Department of Justice are about one-third of the total expenditures of the department, and these revenues come from collections on judgments and from fines. It is the statement of the Attorney General that if we would grant him

money enough to keep the investigations up to date, and keep the business of the department up to date, that the recoveries in fines would more than cover the additional amount of money which the department asked for. The subcommittee went very carefully into the detailed estimates, and while I do not want to say that these detailed estimates were made up as a mere matter of guesswork, still we found that they were very unsatisfactory and that we could not depend on them as a basis for recommending appropriations. We found, for example, in examining the detailed estimates that estimates which should have traveled together, when there was a general increase, did not bear any relation to each other. For instance, items of travel and subsistence, which should bear almost exact relation to each other, were sometimes in a relation of 5 to 1. In many cases we asked for reestimates, and the reestimates bore no relation, or no very close relation, to the original estimates which the department made. So in making up our recommendations for the next fiscal year we did not rely so much upon the detailed estimates for the year 1922, or for the next fiscal year, as we did on the actual expenditures in the year 1921. We took them as our basis because that was the last year in which complete details had been furnished.

Mr. BLANTON. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. BLANTON. The gentleman's committee is an appropriating committee, and is authorized to appropriate only for those things which legislative committees make in order by law?

Mr. HUSTED. The gentleman is quite correct.

Mr. BLANTON. The gentleman speaks of spending more money than we did during the war. If that is true, why did the gentleman's committee time after time place in this bill matters wholly unauthorized by law?

Mr. HUSTED. The gentleman did not understand me correctly if he understood me to say that we were appropriating more money in either one of the departments than we did during the war. They are less than they were during the war.

Mr. BLANTON. It is the intention of the gentleman's committee to save as much as he can within the law.

Mr. HUSTED. Within the law.

Mr. BLANTON. The gentleman has not answered my question why he put in these things which are legislation pure and simple.

Mr. HUSTED. There is absolutely no new legislation in this bill, or appropriations unauthorized by law, which does not decrease the expenditures of the Government, except in the case of some legislation which is current law, which is in the present appropriation bill, and which has been carried for years. There is no other legislation of any kind in the bill.

Mr. BLANTON. When the time comes I shall call the gentleman's attention to numerous items of legislation.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. TOWNER. What about the items that were omitted, which caused the present appropriation for the next fiscal year to be $6,000,000 less than the present fiscal year?

Mr. HUSTED. It is seven and a half million dollars less than the actual appropriations for this year. The principal items are the $5,000,000 for the payment to Colombia under the treaty agreement, and $1,000,000 for the international exposition at Rio de Janeiro, and $200,000 for the Limitation of Arms Conference. I would say to the gentleman from Texas that there are no salary increases carried in this bill, that there are no new statutory positions created, and that there is no new legislation which is new to this bill which is not current law, which has not been carried in other appropriation bills, which does not reduce the expenditures of the Government. The principal items of new legislation are three. There is one reducing the salaries of the officers of the courts in the Hawaiian Islands.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BLANTON. I point out one matter that is clearly legislation. Take, for instance, page 16, where appears the appropriation of $100,000 for the Pan American Union. The gentleman knows full well that under the law the life of that legislation extended over a period of only 10 years. The 10-year period elapsed two years ago. This is the beginning of the thirteenth year since the passage of the act. There is absolutely no legislation whatever for any dollar of this hundred thousand dollars.

Mr. HUSTED. I do not know that quite well.

Mr. BLANTON. I presumed that the gentleman was familiar with the act.

Mr. HUSTED. I am quite familiar with the situation. In fact, it is not an act at all; it is a resolution adopted by the Pan American conference, and that resolution provided for adherence by the members for a period of 10 years; but there is another provision in the resolution that membership may be terminated upon two years' notice, and it has not yet been determined to my satisfaction whether that two years' notice must be given within the 10-year period or at any time after the 10-year period has expired.

Mr. BLANTON. Does the gentleman happen to know that out of the hundred thousand dollars the employees of this Government in this particular department are using a part of that money to pay the premiums for insuring their own lives?

Mr. HUSTED. Yes; I am quite well aware of that.

Mr. BLANTON. And the gentleman is in favor of furnishing to our employees their life insurance?

Mr. HUSTED. I assume that that matter will be fully debated later on. That is my understanding. One of the principal items of new legislation is that decreasing the salaries of the Territorial court in the Hawaiian Islands. Under what was known as the Hawaiian homes commission act, which passed this House some few years ago, the salaries of all of these court officials were substantially increased. The Department of Justice notified the subcommittee that they had known nothing about it at the time, that the bill had never been submitted to them, and the title did not disclose the fact that these increases were to be made. It is the understanding of the subcommittee that very few Members of the House were aware of the fact that that bill increased the salaries to the extent to which it did. The Department of Justice also said that they would not have recommended those increases, and that the increases are not deserved, so that this bill carries legislation bringing those salaries back to the basis upon which they stood when the Hawaiian homes commission act was first passed. If any increases are deserved, let them come in here in the proper way, submit their case properly, and have those questions passed on by the House. They were not debated by the House at the time, as I understand it, when the bill went through.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CRAMTON. I am glad to hear the statement of the gentleman, because of similar action with reference to the governor and some other officials in Hawaii. I have made some investigation, and I can say that there was no mention whatever on the floor of the House or the Senate of the fact that there was any increase.

Mr. HUSTED. That is my understanding and that is the understanding on which the subcommittee acted. Another item of legislation is one relating to the provisions of law for the care of stranded American seamen in foreign ports. This is a very desirable piece of legislation, but the Comptroller General has recently rendered a decision that our consuls can not bargain with the masters of vessels for the transportation to the United States of these stranded American seamen at less than the rate fixed by law, which is, I think, about 2 cents a mile. We have introduced legislation under which our consuls may bargain in the future as they have in the past with the masters of vessels for the conveyance of these stranded American seamen back to American ports at less than the statutory rate.

The third item is one in relation to the clerks of the United States circuit courts. The clerks of the United States circuit courts are paid a salary of $4,500 each, and in addition to that $500 out of the fees of the clerk's office go into their own pockets. These clerks also pay the expenses of their offices out of the fees, and fix the salaries of their subordinates, subject only to the approval of the presiding justice. There was no reason which appealed to the subcommittee as a good reason why these clerks should be carried on any different basis than the clerks of the district courts. The clerks of the district courts get their salaries and the fees are covered into the Treasury, and we have introduced legislation providing that the clerks of the United States circuit courts shall get their salaries and that the fees shall go into the Treasury of the United States. Upon the basis of business being conducted at the present time, and under ordinary good management, this will mean a net saving to the United States Government of from $30,000 to $45,000 a year.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CAMPBELL of Kansas. Did the subcommittee take up the question of increasing the salaries of the deputy clerks of the United States district courts?

Mr. HUSTED. That was considered, but no action was taken upon it.

Mr. CAMPBELL of Kansas. The deputy clerks are working at a very low rate of pay.

Mr. HUSTED. We considered that as a legislative matter which did not come within our jurisdiction.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUSTED. Certainly.

Mr. MANN. The gentleman was a member of the Committee on the Judiciary when Congress passed a bill fixing the salaries of the district clerks. Does the gentleman remember whether the matter of the circuit court clerks was considered at that time or not?

Mr. HUSTED. I do not want to be sure about it, but my recollection is that it was not considered.

There are no particular high spots in this bill, and there are very few controversial matters. But there are some items which should be discussed more fully, probably, than others, and I will touch briefly upon those in this general debate.

One is what is known as the emergency appropriation in the State Department. That is the appropriation for secret diplomatic work—for secret diplomacy. Before the war that stood at $75,000. During the war it went up as high as $600,000. In 1921 it was brought to $400,000; in 1922, in the bill of which the gentleman from Massachusetts [Mr. ROGERS] was in charge, it was reduced to $200,000, and we have further reduced it to $100,000, a sum which we consider fully adequate, especially under the testimony of the State Department officials themselves that very little of this money was expended for any purpose which could not properly be made public. As a matter of fact, this fund has been used as a reservoir upon which the department has drawn to fill wants in other appropriations.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HUDSPETH. I see in the International Boundary Commission of the United States and Mexico——

Mr. HUSTED. I will touch upon that in just a minute.

Mr. HUDSPETH. There is no provision here for the salary of commissioner. I want to ask my friend why?

Mr. HUSTED. I was going to take that up in just a moment and I will explain it fully. There is no need of a commissioner at the present time.

Mr. HUDSPETH. Who will do the work?

Mr. HUSTED. The work that is necessary will be done by an engineer, and all that is needed is an engineer to make survey and water gaugers to measure the water. All that is necessary to be done, all that can be done, is to preserve the data until such time as international relations with Mexico are resumed, when a commission can be reconstituted which can function, and some definite action be taken. We can do nothing now of substantial character except to preserve the data.

Mr. HUDSPETH. The gentleman has information, I suppose, that the river is changing and that land is in Mexico to-day that was in Texas yesterday. It is necessary to have a survey on that account.

Mr. HUSTED. I am advised of that, and we have made an appropriation to do all the work needed.

Mr. DUNBAR. The gentleman spoke of resuming international relations with Mexico. Can he inform the committee when these relations will be resumed?

Mr. HUSTED. No, sir. Our committee is an appropriation committee and we have not anything to do with that in this bill.

Mr. BLANTON. I did not want the gentleman to misunderstand me and think that I asserted that the department is spending more money now than during the war. What I meant was that the department was spending more money than they did before the war, and I call attention to the fact that the appropriations for the coming fiscal year will be more for these departmental appropriations than for the year 1916.

Mr. HUSTED. I will say to the gentleman that our sole purpose is to effect all the reduction possible without injury to some useful activity. We have gone just as far as we thought we could go safely. In many cases we have cut to the bone. I think in one or two instances we have cut appropriations further than circumstances justified, and I will say this, that there is no item of appropriation where we did not bring it down to an amount which we thought barely enough to cover the actual necessities of the Government at the present time.

Mr. EVANS. Is there any activity provided, either in the Department of Justice or the Department of State, where the conditions are exactly the same as they were in 1916, where there has been an increase in the expenditure?

Mr. HUSTED. Of course, it is obvious that there are not.

Mr. WINGO. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. WINGO. What provision, if any, is in the bill in reference to an item in which the gentleman knows I have been interested, namely, the funds sufficient to supply United States district attorneys where some of them do not have United States Supreme Court reports?

Mr. HUSTED. The committee made some provision for that.

Mr. WINGO. I find on page 42 that you provide for the purchase and rebinding of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, and so forth, and appropriate the sum of $20,000, of which not to exceed 10 per cent, in the discretion of the Attorney General, may be used for the purchase of United States Reports and the Federal Reporter. Does the gentleman think that will be sufficient?

Mr. HUSTED. I would say frankly to the gentleman that there are so many items in the bill that I can not carry all the details in my head, but I do recollect distinctly, and I will be glad later on to give the gentleman full information, that we did consider this matter and made some provision for it, such as we thought under the present régime of economy was sufficient to tide them over.

Mr. WINGO. The gentleman will recall that the Department of Justice has seemed to have no particular interest in these district attorneys.

Mr. HUSTED. I will say to the gentleman, if he will permit me to interrupt him, that the Department of Justice has this year evinced a very great interest in them and made a plea for them.

Mr. WINGO. That stricture really applies to former heads of the department. I was asking the gentleman whether or not that has really been taken care of.

Mr. HUSTED. Later on I will be able to furnish the gentleman full details about it, but I am not ready to give him all of the information that he would like yet. I will be able later to give him a detailed statement about it.

Mr. BURTON. Mr. Chairman, will the gentleman yield for a question?

Mr. HUSTED. Very gladly.

Mr. BURTON. On page 3, among reductions, the following are listed: "Clerks at embassies and legations, $94,828." Is that reduction due to a diminished number of employees or to diminished salaries? The same question would apply to the Consular Service, in which there is a proposed reduction of $100,000.

Mr. HUSTED. Well, that is partly a reduction in expenses, chiefly a reduction, I think, in expenses.

Mr. BURTON. This is under the head of salaries.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I think I can answer that question.

Mr. HUSTED. It is a reduction in the lump sum, made up of both salaries and expenses.

Mr. ROGERS. It is a reduction, if the gentleman will permit, below the estimates; but it is no reduction below the sums available under the current law for 1922.

Mr. HUSTED. I will say to the gentleman from Ohio that we have been very careful to protect the Diplomatic and Consular Service, and particularly the Consular Service, and not to cut it below an amount sufficient to enable it to do all that it ought to do. Of course there is bound to be some reduction. Of course it is a question of policy as to how far we shall permit the Consular Service and the Diplomatic Service to remain expanded. They expanded tremendously during the war, and we feel they ought to get back a little toward the pre-war basis.

Mr. MANN. If the gentleman will permit, the salaries of consuls are fixed by law.

Mr. BURTON. Yes. Are the salaries at embassies and legations fixed by law?

Mr. HUSTED. The salaries of ambassadors, ministers, and consuls and, within certain limits, the salaries of secretaries in the Diplomatic Service are fixed by law.

Mr. BURTON. There have been no salary decreases in the Consular Service?

Mr. HUSTED. There have been many salary increases, so that there are more clerks in the higher salary ranges than there were a few years ago.

Mr. BURTON. Some of them could be discontinued?

Mr. HUSTED. There is no reduction below the current law. There is no reduction below the amount carried in the Diplomatic and Consular bill for the current year. These reductions are below the estimates made by the department for the next fiscal year.

Mr. BURTON. Then is this the case, that the estimates transmitted contemplated an increase in the number of consular officers?

Mr. HUSTED. Oh, they contemplate a very substantial increase for expense account, and for additional clerks, and for one thing and another.

Mr. BURTON. What I was especially calling attention to was the salaries in the Consular Service.

Mr. HUSTED. They are not affected at all.

Mr. BURTON. But the reduction of $100,000 must mean a decrease in the number.

Mr. HUSTED. The reduction is below the estimates for salaries and expenses, not below the current law. It does not reduce the present personnel, but it does prevent the increases which the department would like to make.

Mr. BURTON. In other words, the department recommended an increase in the number of consular officers. The committee did not think it best to agree to that increase?

Mr. HUSTED. We did not, because we thought reductions could be effected sufficiently to take care of any additional need. Of course, if we get into Russia we will need more consulates there, but so far as Germany and the Central Powers were concerned, while we withdrew from Germany and withdrew from Austria, the consular officers were not dismissed. They were still carried on the rolls and spread around here and there; and when we go back into Germany, as we have done now, and into Austria, we can use the men who are still on the list.

Mr. BURTON. They have been carried on the roll?

Mr. HUSTED. They have been carried on the roll. There is no evidence that any of them have been let go.

The next item is the item for post allowances. This is carried on page 13 of the bill. This is a provision which enables the State Department to pay more salaries. During 1918 and 1919 this appropriation stood at $700,000. In the year 1920 it was reduced to $600,000. It was carried at $600,000 in the year 1921. In 1922 it was reduced to $250,000, and we make a further reduction, bringing it down to $200,000. The purpose of this appropriation was to enable the Secretary to pay additional salaries to diplomatic and consular officers at posts where the cost of living had advanced. Take Japan, for example: The Japanese yen stands on practically the same exchange basis with the American dollar that it did before the war; but they say that the cost of living in Japan has advanced 100 per cent, and that a consular officer who received a salary of $3,000 would, as a matter of fact, have a salary with the purchasing power of only $1,500. In the past this has apparently been a very pressing matter, and it was really necessary to do something, and therefore this provision was made.

But we found that the basis upon which this advance in the cost of living at these different posts had been ascertained was very unsatisfactory. They say they took the index number of wholesale commodities in the country where the post was located, and then they figured out the rate of exchange, and figuring out the rate of exchange with the index number of the cost of commodities and considering also reports which came from these consulates and these missions, they estimated at the State Department here the advance in the cost of living, and then they paid them some additional salary out of this fund. Two years ago they were paying additional salaries to diplomatic and consular officers who were receiving as much as $6,000 and $8,000 a year, and during the last year and during the current year they have been paying to men at some posts 100 per cent advance upon $3,000 salaries, paying men $6,000 a year in good American cash whose salaries were only $3,000 a year. While we realize that conditions are disturbed in some of these countries, and while it is probably necessary that some provision should be made for this purpose, we think it rather a dangerous thing to put a large fund in the hands of the State Department to use for such purposes, so we cut it down $50,000, and possibly we might better have cut it down a little more, but we have cut it down as far as we thought we could do safely, and under very vehement protest, I can assure you.

I have already alluded to the Mexican Boundary Commission, and I think no further statement about that is needed.

With reference to the Alaska and Canadian Boundary Commission, that is a work which has been dragging along for years and years, and it seemed as if it never would come to a conclusion. It was for many years under the charge of Doctor Barnard, but within the last year it has been turned over to Colonel Jones, who is the head of the Coast and Geodetic Survey.

Colonel Jones gets no additional salary whatever for looking after this work, and I believe he is determined to bring it to a conclusion as rapidly as possible. He says this can be done within two years if he is not too much skimped in the matter of the appropriations. All of the work of defining the boundary has been completed. All of the monuments have been erected, but there is a lot of work yet to be done in making maps from field notes and in preparing the data in a form suitable for publication and preservation. However, I am glad to say that it does look as if this work would soon come to an end and this activity and expense be terminated.

The next item you will find on page 19. That is the one covering the British and American claims. These are claims of American nationals against the British Government, of British nationals against the American Government, of American nationals against British nationals, and of British nationals against American nationals in cases which can not otherwise be adequately handled and full justice be done to the litigants. There are pending to-day two cases before this commission involving one and one-third million dollars. There are 12 cases remaining to be presented, involving $7,500,000. The American awards made by this commission amount to $9,680 and the British awards to $120,416. The total cost of this arbitration has been greater than the total amount of these British and American awards from the time the arbitration commission came into existence down to date. Of course, this work was suspended during the war and very little business was done. They now propose to go forward and clean it up.

Mr. MANN. That probably answers what I was going to ask; but will it be cleaned up, or is this permanent?

Mr. HUSTED. It may drag along for a while, but it can not very well be permanent, because all of the claims are listed in the arbitration treaty. No other claims can be brought in unless a new treaty is entered into.

Mr. MANN. That treaty was nearly 12 years ago.

Mr. HUSTED. Nearly 12 years ago. The treaty was entered into in 1910, and then the Arbitration Commission was established and went ahead and did business for about a year. The war came on, and during the war the business of the commission was entirely interrupted.

Mr. MANN. Does the gentleman think it is likely to close up as long as three gentlemen get a summer vacation at $1,200 a month?

Mr. HUSTED. Past experience would make it appear very doubtful, but I believe this work will be pushed from now on, and that sufficient pressure will be brought to bear upon these gentlemen to compel them to consider cases and render awards. There are only a few cases pending altogether, although they involve in the aggregate a very large amount of money, indeed.

Mr. BLANTON. Before the gentleman closes will he yield for a question?

Mr. HUSTED. Yes.

Mr. BLANTON. The Mexican Government, as I understand, has provided a building out here on Sixteenth Street for its embassy. In case the State Department should see fit to recognize the government of Mexico at an early date, has any provision been made in this bill for the incidental expenses attached to such recognition?

Mr. HUSTED. Nothing, I think.

Mr. BLANTON. Are we to understand, then, by the action of the committee, as expressing the will of the administration, that there is probably no chance for the Mexican Government to be recognized during the next fiscal year ending June 30, 1923?

Mr. BURTON. If the gentleman will allow me, why should an appropriation provide for a contingency which may or may not occur? Until recognition is given, the Committee on Appropriations will have nothing to do with it.

Mr. BLANTON. Wise men make preparations sometimes in advance of probable contingencies.

Mr. HUSTED. If the gentleman will permit me, I think I can answer him. The bill does carry an item of $17,500 for an American ambassador to Mexico.

Mr. BLANTON. There are incidental expenses connected with it, of course.

Mr. HUSTED. Quite right. I was misinformed.

Mr. ROGERS. Before the gentleman leaves the discussion of the State Department, I desire to ask one or two questions. I observe that in the hearings the committee gave some attention to the question of the passport-control system, which, as he said earlier in his remarks to-day, is a great producer of revenue. It has always occurred to me that the effective way to enforce the immigration laws was to have some American instrumentality abroad by which inspection could be made before the intended emigrant started for the United States. I have heard it rumored that some governments have indicated reluctance to allow American officials to be assigned for the purpose of supervising the immigration problem at the point of origin.

Has the gentleman any information on that which was developed in the hearings and which he can impart to the committee?

Mr. HUSTED. I do not think we have any information on that. I do not think there was anything in relation to it in the hearings.

Mr. ROGERS. A year ago—and I notice this was dealt with to some extent in the hearings—the appropriation act provided the requisite authority for the acceptance for use as the American embassy of the Morgan house in London. Nearly a year has elapsed since that time. I have reliable information that the donor has always been ready and most willing to transfer it. I assume that we ought to have an appropriation for making the house ready for occupancy by the American ambassador. Is there any real justification for a year's delay in accepting the gift and in making the requisite changes?

Mr. HUSTED. If there is any I am not aware of it. I do not think any good reason can exist. It is going to be necessary to make the house over inside in order to have it suitable for the purposes of an embassy. Why plans and specifications have not been prepared for the work I do not know. I think it should have been done as a business proposition.

Mr. FISH. The gentleman must know where the responsibility lies.

Mr. ROGERS. I do not think the gentleman from New York is misapprehending my inquiry; but it is a little discouraging for Congress to try to assist the foreign service by providing permanent homes for our representatives abroad and then have a whole year elapse without the Department of State even taking title to the property that we have authorized them to acquire.

Mr. HUSTED. The commitee might be interested in having me read a statement by Mr. Carr, of the State Department:

> That gift has been accepted by the President, and Mr. Morgan has received a letter of thanks. Since that time the lawyers have been endeavoring to make a legal transfer of the property to the United States Government. Under the British law the transfer can not be made in simple form, but, as I understand it, has to be made to trustees or to some individual. The last proposal of the lawyers was that it be transferred to the American ambassador and the American consul general in London as trustees. However, the transfer has not as yet been perfected, but I think it will be in a very short time. There are also some complications or details about adjusting our legal requirements to the British requirements in respect to some other matters, but we will get title to it shortly, and a sound title.

Now, I had assumed that the delay in this matter is the usual unbusinesslike delay which you naturally expect in diplomatic negotiations.

Mr. ROGERS. I hoped at the time this authorization was granted a year ago that the title would very promptly be transferred to the United States. I have heard that the donor himself is exceedingly disturbed at the delay which has resulted. I had hoped further that the gentleman in this bill this year would be able to find that the title to the property had been accepted, and hence be able to recommend the requisite appropriation which he justly says will be necessary for actual occupancy by the ambassador.

Mr. HUSTED. The gentleman understands that the Committee on Appropriations acts only on estimates?

Mr. ROGERS. I understand that. Congress has done all that it could, and it did it promptly and completely. Now, it seems to me that when we have done all that we can and when the matter has become an executive matter, it is discouraging not to have this appropriation acted upon by the State Department for a whole year.

Mr. FISH. Will the gentleman answer me a question? Who is responsible for taking over the building, remodeling it, and putting it in order?

Mr. HUSTED. The State Department.

Mr. FISH. What individual, or what branch?

Mr. HUSTED. I do not know; anybody whom the Secretary of State assigns to it.

Mr. FISH. The gentleman does not know whether that task has been assigned?

Mr. HUSTED. I know nothing about it.

Mr. ROGERS. One other question: A year ago in the bill for 1922 an appropriation was authorized of $150,000 for the purchase of an embassy at Paris. I notice that in this year's hearings it was brought out that that $150,000 has been found to be entirely inadequate. I recall very well the sentiment of the House when the appropriation of $150,000 was authorized. I think it went through the House unanimously. I wondered if the gentleman from New York would look with favor on an amendment in the proper place which would give the additional sum necessary to make the prior appropriation a workable thing?

Mr. HUSTED. I would not want to give a definite answer without taking it up with the subcommittee and the whole Committee on Appropriations.

Mr. ROGERS. I wish the gentleman would consider it before the bill is ready for amendment.

Mr. HUSTED. Now, Mr. Chairman, I find that my time is passing rapidly and I have consumed more time than I anticipated. I will take up the item for the enforcement of national prohibition.

The Department of Justice asked for a direct appropriation of $150,000 for clerks and expert assistants in the enforcement of national prohibition. They omitted from the bill the allocation of $200,000 for legal assistants in the enforcement of prohibition. After very careful consideration the committee decided to restore the allocation of $200,000 for assistants and make an allocation, not a direct appropriation, of $150,000 for clerk hire. That disposal of the matter seemed to meet with the favor of all interested, and I think is a happy solution of it, because I believe the direct appropriation of $150,000 was not necessary. It simply gave the department $150,000 for clerical hire more than was actually needed.

They have gotten along with the money from the regular appropriation for clerk hire heretofore, and they can get along with it just as well during the next fiscal year as at the present time.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HILL. On page 30 of the bill I find an item of $150,000 and on page 39 of $200,000. Does the bill appropriate in all $350,000 for the enforcement of the national prohibition act?

Mr. HUSTED. It does not appropriate a cent. It simply allocates from other appropriations certain amounts to be set aside and used for that purpose.

Mr. HILL. In other words, the bill provides that of the general appropriation for the department $350,000 may be used for prohibition enforcement?

Mr. HUSTED. That is it exactly. They are not compelled to use it, but they may use $200,000 for legal assistants to help district attorneys enforce the prohibition law, and they may use $150,000 for clerk hire for that specific purpose.

Mr. HILL. The gentleman has no reason to believe that they will not use it.

Mr. HUSTED. I have no advices about the matter.

Mr. BLANTON. Does the gentleman from Maryland approve of that?

Mr. HUSTED. Mr. Chairman, the next item is for the detection and prosecution of crime. We have increased the amount of the current appropriation $250,000, making the total appropriation $2,250,000. In 1921 that appropriation was $2,400,000. It was cut down to $2,000,000 in last year's bill, but there are to-day over 6,000 investigations which the Department of Justice is unable to make through lack of funds. This increase of $250,000 is made because of the apparent inadequacy of the appropriation for the current year. As a matter of fact, the amount of crime in the country is vastly greater to-day than it was in 1921, when $2,400,000 was barely sufficient, so that in giving them $2,250,000 I think no one need fear that we have exceeded a reasonable amount.

The CHAIRMAN. The Chair would inform the gentleman that he has consumed one hour.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. FESS. I notice that provision is made for books for the law library.

Mr. HUSTED. Would not the gentleman just as leave go into that under the five-minute rule, because that goes into minutiæ which I am not carrying in my mind, and I should be glad to give him the information when we consider the bill under the five-minute rule.

Mr. FESS. I simply wanted to ask whether we get the decisions from the Supreme Court—whether we are on the mailing list?

Mr. HUSTED. We are for a certain number, but not for all. I want to say a word about the Court of Claims, and to say what I have to say in the spirit of compliment. The Court of Claims is one of the most important courts in the United States to-day. It handles every variety of case which may possibly arise between a sovereign and a subject growing out of contract. It also handles a vast amount of cases under the Dent law and such other cases as are submitted to it by the Congress. This is a very busy court, and yet it is running at a minimum of expense. Its calendar is right up to the minute. There are now pending before the Court of Claims 700 cases involving $325,000,000, and there are war claims estimated to amount to between two and three billion dollars which will come to the Court of Claims. There are $300,000,000 worth of war claims alone there now. The court is doing a very wonderful work, and I am very glad of the opportunity to commend it for its diligence and its economy. While it is doing this vastly increased amount of work and doing it on time, it has not asked for any more money.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MOORE of Virginia. Agreeing with the gentleman as to what he says about the Court of Claims, has the gentleman found that the Federal courts ordinarily work with as much diligence?

Mr. HUSTED. I do not want to say anything in criticism of the other courts at all.

Mr. MOORE of Virginia. I would like to know whether the gentleman has any opinion on that subject.

Mr. HUSTED. I simply wanted to say something in commendation of the Court of Claims.

Mr. MOORE of Virginia. I quite agree with the gentleman as to that; but I wanted to get the other matter discussed to an extent, if the gentleman is in a position to do it.

Mr. HUSTED. I might say to the gentleman that this is an appropriation committee, and I am here to furnish facts and not opinions, but I did want to go out of my way a little bit to say something for the Court of Claims.

Mr. MOORE of Virginia. The gentleman is such a very able and experienced lawyer and can take such very wide and careful survey of matters that any information he might furnish us would prove of value.

Mr. HUSTED. I deeply appreciate what the gentleman says, but prefer not to give an opinion on a subject on which I do not feel sufficiently informed. Mr. Chairman, another very important item is the item for assistants to the Attorney General and to the United States district attorneys. These men carry on chiefly the cases which have been pressed upon the Government as a result of war. Many of them are patent cases. The patent cases in actual suit which are handled by these assistants amount now to $231,000,000, and the patent cases which are to be filed and which will soon result in suits amount to $250,000,000 more, or $481,000,000 worth of patent cases alone. That does not include the cases where the amounts remain yet to be determined. There are 31 attorneys engaged in these patent cases. They are not on the statutory roll. They are engaged under an agreement with the Attorney General by which they can not charge more than $1,000 a month, or $12,000 in any one year, totally irrespective of the amount done in any one month or in any one year. They have to render itemized statements every month, they have to show that they have actually performed services to the value of $1,000 in order to get that amount and proportionately less, but they can not get any more than that. Some of these men have incomes from their profession of $100,000 a year and upward. They are some of the most eminent patent lawyers in the United States. They work in their own offices and they do not work here in the District.

Mr. FESS. Some of these cases are such that the best talent in the country is employed. Are we as a Government equipped to take care of such matters?

Mr. HUSTED. I am glad to say that we are fully equipped to meet anybody at the bar in the trial of these important cases involving millions of dollars. We have one patent case which involves about $125,000,000.

Mr. FESS. That sort of a case would employ the best talent in America on the other side. The Government is equipped to meet it?

Mr. HUSTED. The Government is equipped to meet it. And I want to say this, that I think the fact that these men are entering into these arrangements with the Government, whereby we get their services for $12,000 a year, is partly due, at least, to patriotic considerations.

Mr. MOORE of Virginia. They are not connected with the Shipping Board, then, are they?

Mr. HUSTED. They are not.

Mr. REED of West Virginia. I was interested in the gentleman's statement about the amounts involved in patent litigation. I do not just understand that. Are these claims against our Government or patents had in connection with the war?

Mr. HUSTED. They are patent-infringement cases.

Mr. REED of West Virginia. Did we infringe on the patents?

Mr. HUSTED. That is the claim.

Mr. REED of West Virginia. The ordinary patent litigation the Government has nothing to do with?

Mr. HUSTED. Some are cases of patent infringement and some are cases of patent appropriation.

Mr. COOPER of Wisconsin. Will the gentleman name some of the articles on which patents are said to have been infringed?

Mr. HUSTED. Well, I will mention alleged infringement of patents on certain types of building construction. They involve a tremendous amount of money. I want to say, as to the penal institutions, that we did not get very satisfactory information, for the reason that the estimates were made by the wardens at the penitentiaries, and they had no good, reliable information, or detailed information, here in the Department of Justice.

They had ample notice to get it, because we had preliminary hearings there in January, but they did not have it at the time our hearings were held, and we could not get it. But we found that the average cost of subsistence was about 30 cents per inmate per day. So, finding it as low as that, I came to the conclusion that the institutions must be reasonably economically administered.

Mr. CLOUSE. The gentleman says that the cost of the maintenance of the inmates in the Federal prisons is 30 cents a day.

Mr. HUSTED. The average, running through the year. Of course, that is partly due to the fact that we maintain fairly large and fairly productive and well-managed farms at these institutions.

Mr. CLOUSE. I was wondering if the gentleman had made any investigation with reference to detaining our prisoners, who are convicted of smaller crimes, in the penitentiaries instead of in the jails. Does the gentleman think that the Government ought to have four or five institutions, and then detain such prisoners as that at $1.17 a day for jail fees throughout the country?

Mr. HUSTED. That is a matter of legislation that does not come within our jurisdiction, and one which we have not considered, but it seems to me that the gentleman's conclusion about it is sound and correct.

I want to say a word in conclusion as to those who served on the subcommittee. Two of the members who were originally assigned to us did not serve with us. Mr. LEE of Georgia was engaged in another subcommittee and could not be with us, and Mr. TAYLOR of Colorado was unfortunately ill. But we were very fortunate in having assigned to our committee Mr. JOHNSON of Kentucky, who attended, I think, every session of the subcommittee, although he was sick enough half of the time to be in bed. [Applause.] And I want to thank that subcommittee and every member of it for the splendid support which I received from them. They were diligent, they were active, and they were in attendance all the time.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, in the first place, I desire to request that I be not interrupted relative to matters which may be more appropriately inquired about during the discussion of the bill under the five-minute rule.

As a minority member of the subcommittee I can not but congratulate the committee in their efforts, in the main, to curtail expenditures. There are, however, some appropriations made in the bill which have been made upon sentiment rather than out of necessity. There are others which may have been increased too largely, and others which, perhaps, have been reduced to too great an extent. Those I prefer to take up under the five-minute rule, rather than now. At this time I wish to discuss more particularly the report made by the committee. I do not wish to be understood as entertaining any thought that any statement made in the report is not true. Upon the contrary, I find that every statement made in the report is technically true, but calculated to mislead, and I wish to warn those who read it against forming opinions which are not justified.

On page 3 of the report we find this language:

> For the Department of State this bill proposes appropriations totaling $9,448,738.16, which is $7,406,099.85 less than was appropriated for the current fiscal year, and $1,137,665 less than the estimates for 1923. The appropriations for the current year include $5,000,000 for payment to Colombia, $1,000,000 for participation in the international exposition at Rio de Janeiro, and $200,000 for the Conference on the Limitation of Armaments. Leaving these appropriations out of the calculations, the amount recommended in the accompanying bill is $1,206,099.03 less than the current law.

It will be noticed that an appropriation made in the preceding bill, which now the current law, of $1,000,000 for the exposition at Rio de Janeiro has been eliminated and is not to be considered in making up the totals of the report. I have no criticism as to the elimination of that particular item, but I would be glad to know why similar items have been included in the report, unless to suggest unwarranted conclusions. A million dollars, I say, was appropriated for the Rio de Janeiro exposition. That amount is set aside and not considered in the report.

The current law also carried for the "Commission to Peru," $15,000. Upon the same theory or principle, why was not that $15,000 also eliminated from the report?

Again, for the "Arbitration with Peru," $45,000 was appropriated in the current law and is not carried in this bill. Why

is it included in the report, except for the purpose of comparing the amount appropriated in this bill with that of the preceding bill?

Again, there was appropriated in the preceding bill $60,000 for the "Arbitration with Norway." If the $1,000,000 for the Rio de Janeiro exposition is set aside and not considered in the report, why should not the $60,000 for the "Arbitration with Norway" also be eliminated from this report and not considered?

Again, in the preceding bill, payment to Anna Gayle White of $4,500 was authorized. Anna Gayle White has been settled with. She has received her $4,500. Yet that amount, while it is carried in this report for the purpose of running up the totals, should be eliminated from this report upon exactly the same principle as the $1,000,000 for the exposition at Rio de Janeiro was eliminated.

Again, we find that payment was made to Mary A. Higgins to the amount of $4,000. Mary A. Higgins has been paid, and because we do not pay her again the item is carried in the report, whereas it should be eliminated just as the appropriation for Rio de Janeiro was.

Next we have an item of $2,278.30 for the relief of Stewart & Corbin. They have been paid. That amount should have been eliminated just exactly as was the appropriation for the Rio de Janeiro exposition, and not carried in the report so as to swell one of the totals.

Then, in the preceding bill, there is an appropriation of $481,000 for "buildings and grounds for our embassies and legations." All of that $481,000 has been spent except $14,435, making $466,565 actually spent. Now, why should that $466,565 be carried in this report, except for the purpose of swelling a total, when all of the original amount except $14,435 has long ago been spent? Why should not that $466,565 also be eliminated just as was the $1,000,000 appropriated for the exposition at Rio de Janeiro?

Then there is the "Boundary Commission between the United States and Canada." For the current year $36,500 was appropriated in the preceding bill. This bill gives $30,000, making a saving of $6,500. But that is no real saving. The $36,500 was not needed, just as the gentleman from New York [Mr. HUSTED] said, because the field work is virtually completed. Nothing more is now needed except for office work. Therefore that is not a real cutting of appropriations because of a disposition to economize. It is a cut only because there is no necessity for the work, and it is so conceded.

Next, we have in the report a reference to an item for the relief of the widow of Joseph B. Akin of $1,095. The widow of Joseph B. Akin has been paid. Yet this amount of $1,095 is carried in the report to swell a total, while that, too, should have been eliminated just as was the million dollars for the Rio de Janeiro exposition.

Then, in the preceding bill there was an appropriation of $50,000 for the purpose of "prosecuting the suits affecting oil lands," notwithstanding that those suits have been withdrawn. That amount should be eliminated from this report, just exactly as the $1,000,000 was eliminated for the Rio de Janeiro exposition.

Then we have in the report an item of $5,000 for the suits which have been set aside relative to the Five Civilized Tribes. That, too, should not be in this report. Yet it serves to swell a total.

Then, in the report there is another $5,000 appropriation for the Pacific Railroad suits, which have been dismissed. That $5,000 is used in the report to swell a total in order to make it appear that this bill appropriates less than the preceding bill does.

Those figures that I have just read amount to $641,418. But that is not all. There is carried in the report as a saving an item of $1,500 for "rent of buildings." The building is not being rented. There is no excuse for another $1,500 to be spent; yet the item is carried in the report and serves the purpose of swelling a total in order to show that the appropriations this year are much less than they were last year.

Then, under the caption of "Chargé d'affaires ad interim," the appropriation for the current year is $58,000. The department recommended only $50,000 and the bill allows $50,000. The department recognizes that, because of changed conditions, they could get along with $8,000 less than last year; but the committee in its report uses that $8,000 seduction as a cut, when, if they had spent it, it would have been wasted. As I said, on account of changed conditions, the department did not ask for it, and said there was no use for it.

In the item, "Passport control act," the current law called for $600,000; but, because of changed conditions, again the Department of State said that $425,000 was sufficient. This bill carries, not the recommendation of the department, but instead $350,000; and they claim, in order to swell a total, that they should have the benefit of the difference between $350,000 and $600,000 instead of using the difference between $350,000 and $425,000, which is $75,000, and not $250,000, as used in the report. Therefore they have in their report used the amount $175,000, and that serves to swell a total and to unduly magnify the difference between the present bill and the preceding one.

Then, under the caption of "Salaries while being instructed for Diplomatic and Consular Service" for the current year, we have $90,000. This year, because of changed conditions, the department recommends $65,000; but, in making up the report, they have made the deduction from the $90,000 instead of from the $65,000, which makes a difference of $15,000.

Under the item of "Transportation of diplomatic and consular officers" the current law is $370,000. On account of changed conditions the department asked for only $300,000. The present bill allows $275,000; but, in order again to make the difference between these two bills appear large, $275,000 has been subtracted from $370,000 instead of from the $300,000. That again makes a difference of $70,000 in swelling a total.

Under the caption of "International Joint Commission to Great Britain," the current law provides $44,000. The department asked for only $38,000. The present bill grants $38,000. Yet the report, claiming a real cut, subtracted the $38,000 from the $44,000 of the current law, instead of subtracting it from the recommendation of the department. There, again, the total is swelled by $6,000.

Under the caption of "Interallied Committee for Reeducation for War Cripples" we have $6,000 allowed under the current law, but that committee has been discontinued entirely; and, because there is no occasion to appropriate this $6,000, again they claim a credit, thereby swelling a total in order to make the difference between the two bills as big as possible.

Under "International trade-mark registration" in the present law there is appropriated $14,100, but the department says we need only $9,000. That amount is appropriated in this bill. Yet, again, swelling a total, the report has subtracted what the department says they ought to have, from last year's appropriation, thereby making a balance of $4,512, which again swells a total.

The total of the sums which I have just read amounts to $286,012, which, added to those upon the preceding page that I have just read, make $927,430.

The report carries the statement that $1,205,609 has been saved as between this bill and the preceding one; yet if we take the $927,430, that I have just mentioned, from the $1,205,609 we have a difference between the two bills of only $278,179. But here comes a very important matter. They not only eliminated the $1,000,000 which went to the exposition at Rio de Janiero—but, as I have just said, the report fails to eliminate like sums which would reduce the difference to $278,179—but they eliminated entirely another item of $5,000,000.

Under the law we must pay Panama every year $250,000. This bill appropriates that $250,000, because that sum must be paid annually. But we are bound also by law to pay Colombia $5,000,000 every year for five years. The current law appropriated $5,000,000 for Colombia; but not one penny does this bill appropriate for the coming year to pay Colombia. We must pay it annually, but in this bill the $5,000,000 is eliminated and is not considered at all, and this item makes a great difference between the two bills. How are we to pay Colombia $5,000,000 in the next year unless it is appropriated? It can now be appropriated in no other way than in a deficiency bill. The $5,000,000 cuts a big figure in the reduction of $7,000,000 and more which it is claimed to be the difference between the two bills.

But that is not all. When we reach the Department of Justice, under the head of "Miscellaneous items" the current law appropriates $48,000; but, again, on account of changed conditions, the department asked for only $40,000. The committee gave them $37,000. There they did save $3,000, but only $3,000. Still they claim the difference between $37,000, which they gave, and the $48,000 which they gave last year, when, as I said, only $40,000 was asked for this year, the larger amount not being asked.

Then in the current law we have $7,500 for repairs to the Court of Claims building. That has been repaired and the money spent. No more money is asked for; none is needed for the purpose at all; yet, in the figures in the report this $7,500 is carried, while it should have been eliminated, just as was the $1,000,000 appropriated for the Rio de Janeiro exposition, which is carried for the purpose of increasing the difference between these two bills.

Then under the head of "Supreme Court reports" the current law allows $1,057.50. The department, under changed conditions, asked for $585. The committee gave the $585 asked for. They did not waste money by giving more than was asked; but in order to increase an apparent saving they have subtracted the $585 from the $1,057 instead of offsetting it against exactly the amount which was asked for.

Then we have the Leavenworth, Kans., prison. Last year for that we appropriated $818,100. This time the department asked for $762,600. The committee gave $756,600. Again the committee, with the effect of enlarging the difference between the two bills, subtracted the $756,600 from the $818,100 of last year, instead of subtracting it from the amount that the department asked for. That makes a difference of $54,500 in favor of the difference between the two bills.

Then, for the "National Training School for Boys," the current law gives $64,086; but the department this time asks for only $60,736, and that amount the committee gives. But, again, enlarging the difference between the two bills, the amount allowed is subtracted from the appropriation of last year instead of being subtracted from the amount asked for. Consequently, no saving has been made; and again the difference between these two bills is enlarged by the amount of $3,300.

Then, under the item of "Miscellaneous expenses," to be found on page 16 of the report, there is $665,000 in the current law. And, again, on account of changed conditions, the department only asked for $600,000. That amount is appropriated in this bill. In making that deduction they do not subtract the amount appropriated from the amount estimated for, but they subtract from the amount appropriated last year, when the necessities were greater, thereby making a difference of $65,000. The total of these last items is $133,772. So, if we also deduct those items, which merely seem to be reductions, but which in reality are not, then the excess in this bill for the Department of Justice over and above last year's bill is $436,882, and not $303,110 as stated in the report.

When the $5,000,000 that should be in this bill for the payment of the amount due Colombia is considered, and then take into account the items I have mentioned as having been used to swell the total relied on to reduce the amount appropriated by this bill, the balance will not be $1,205,600 in favor of this bill, but instead will be far more than four millions against the report.

Mr. HUSTED. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HUSTED. The gentleman can not say that it would be five million and some odd dollars greater than the current law, assuming that the $5,000,000 payment to Colombia was taken out of the current law. The gentleman is taking the $5,000,000 out twice.

Mr. JOHNSON of Kentucky. No; I am taking it out but once. The report says that the appropriations in this bill for the Department of State are $1,205,600 less than current law, and that the appropriation herein for the Department of Justice is $303,110 more than current law. Therefore this bill is only $902,500 less than current law, according to the report. But if we deduct the items which should have been eliminated, just as was the $1,000,000 for the Rio de Janeiro exposition, then the balance would not be as stated in the report; and when the $5,000,000 for Colombia is considered, the difference would be still more against the accuracy of the report.

Now, Mr. Chairman, there is another item in the bill for the "Detection and prosecution of crime." That item is increased in this bill $250,000. That may be all right, and I doubt not that it is. I am not complaining about it at all; I agree with it. But if we need $250,000 more to prosecute crime, that means more prosecution; that means more cases; that means more juries; that means more witnesses.

But the amount for juries has been decreased $50,000 in this bill, and the amount for witnesses has been decreased $100,000. So, while the amount for the prosecution of crimes is increased $250,000, the amount for juries and witnesses is decreased $150,000; and the two propositions can not be reconciled in actual practice.

In my humble judgment it will be necessary either not to spend the $250,000, or bring in a deficit for some amount to meet the decreased amount of appropriation for juries and witnesses.

In the bill there is an item for "Claims between the United States and Great Britain." I regret that neither I nor the chairman of the committee can give you any enlightening information on the subject. This commission, as suggested by the chairman of the subcommittee, Mr. HUSTED, has been running along for years. The committee undertook to ascertain the number and amount and nature of the claims. That was insisted upon. Let me read to you from the hearings the astounding statements made in response to the questions put by different members of the committee:

Tattler—first claim; Tattler—second claim; Argonaut and French; David J. Adams; Lord Nelson; Canadienne; Eastry; Lindisfarne; King Robert; Yukon Lumber; Hardman; Cadenhead; Great Northern Telegraph; Hemming; Coquitlam; Favourite; Wanderer; Kate; Newchwang; Sidra; Jessie, Bayard & Pocawho.

That is the information that this committee has as to the claimants, and the nature of their claims.

Mr. MOORE of Virginia. Is there anything as to how old the claims are?

Mr. JOHNSON of Kentucky. I do not recall, but they are all old. Now, can anybody tell me why we should appropriate money to a live-for-ever commission to arbitrate claims that not only your committee but Congress is denied the right to know who the claimants are and the nature of the claims?

After that list was sent to the committee the request was renewed, but the committee was not given any information concerning it. Private information came to me and to the chairman of the committee, saying that if more detailed information were given it might embarrass the claimants or the attorneys.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. As I heard it, in one of the claims only the initials are given.

Mr. JOHNSON of Kentucky. I did not intend it that way, but if only the initials had been given they would have conveyed just as much information as the full name would have done.

Mr. COOPER of Wisconsin. And it is true that the committee could not tell from the testimony who the real claimant was?

Mr. JOHNSON of Kentucky. The committee to this moment does not know anything more about it than does the man in the moon. The department declines to tell Congress who the claimants are, as well as the nature of the claims.

Mr. COOPER of Wisconsin. That is public business, and the taxpayers are interested in that.

Mr. JOHNSON of Kentucky. The department declines to tell upon the assertion that it might embarrass some claimant or attorney. If it would embarrass them, so much more the reason why it should come out and why the Congress should know why they are appropriating this money. [Applause.] One of the items is for "Kate." Who is Kate? The arbitrators concluded to pay Kate, whoever Kate is, and they make this note relative to the payment:

Recommendation of payment of some amount as an act of grace.

They pay Kate, but they paid her only as an act of grace, and they will not tell the nature of the claim because it might embarrass the claimant or some attorney in this commission or for the claimant. Kate filed seemingly a questionable claim for $4,044.75, but as a matter of "grace" they paid her $1,008.05, and nobody on this earth except Kate and those whom light on this subject might embarrass knows to whom it was paid. Is such a thing to be tolerated?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE of Virginia. Is that the name of a woman or a boat?

Mr. JOHNSON of Kentucky. We do not know anything about it. All it says is "Kate," and there it stops. They will not give us any information, because they say it might embarrass somebody.

There are some other items in this bill which I wish to discuss, but I shall delay their discussion until we reach them under the five-minute rule.

Mr. Chairman, I now yield 15 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN (Mr. ROGERS). The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-five Members present; not a quorum. The Sergeant at Arms will notify the absentees, the Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Blakney	Briggs	Chindblom
Atkeson	Bland, Ind.	Bulwan	Christopherson
Bankhead	Bland, Va.	Britten	Clark, Fla.
Beedy	Bond	Burke	Clarke, N. Y.
Bixler	Bowers	Campbell, Pa.	Classon
Black	Brennan	Carter	Codd

Connolly, Pa.	James	Mudd	Sabath
Copley	Jefferis, Nebr.	Murphy	Sanders, Ind.
Coughlin	Johnson, Miss.	Nelson, Me.	Sanders, N. Y.
Crago	Johnson, Wash.	Newton, Minn.	Schall
Crowther	Kahn	Nolan	Sinnott
Davis, Minn.	Kearns	Norton	Slemp
Drewry	Kelley, Mich.	O'Brien	Small
Dunn	Kendall	Oldfield	Snyder
Dyer	Kennedy	Olpp	Speaks
Edmonds	Kiess	Osborne	Sproul
Elliott	Kindred	Overstreet	Stiness
Faust	Kitchin	Paige	Strong, Pa.
Fields	Kettler	Parker, N. J.	Sullivan
Fisher	Kunz	Patterson, Mo.	Tague
Free	Lampert	Perkins	Taylor, Ark.
Fuller	Langley	Perlman	Taylor, Colo.
Funk	Lazaro	Peterson	Treadway
Gallivan	Leatherwood	Porter	Upshaw
Goldsborough	Lee, N. Y.	Pringey	Vare
Gorman	Lonergan	Rainey, Ala.	Volk
Gould	Luhring	Rainey, Ill.	Walters
Greene, Mass.	McArthur	Ransley	Ward, N. Y.
Greene, Vt.	McDuffie	Reavis	Ward, N. C.
Griffin	McKenzie	Reber	Webster
Hammer	McLaughlin, Pa.	Reed, N. Y.	White, Me.
Hardy, Tex.	Magee	Rhodes	Williams
Harrison	Mansfield	Riordan	Wilson
Hawes	Merritt	Robertson	Winslow
Hays	Michaelson	Rosenbloom	Wise
Hersey	Mills	Rossdale	Wood, Ind.
Hicks	Montoya	Rouse	Woods, Va.
Ireland	Morin	Rucker	Wright
Jacoway	Mott	Ryan	Wyant

The committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11085, the Departments of State and Justice appropriation bill, and finding itself without a quorum, he had caused the roll to be called, when 275 Members answered to their names, and he handed in a list of the absentees.

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, by Executive order signed by President Harding, on Friday, March 31, 1922, the Director of the Bureau of Engraving and Printing and 31 chiefs and assistant chiefs of divisions in that bureau, including four women chiefs, were summarily removed from office and from the civil-service rolls. [Applause on the Republican side.] The secrecy and air of mystery surrounding the issuance of this order and the cause for its issuance is far from creditable to those responsible for it. [Applause on the Democratic side.] All of these officials have served the Government for many years. They had worked their way up by faithful, efficient service, from lower positions to responsible positions in the bureau, and so far as the public knows and believes no suspicion had ever attached to the good name or the record of any one of them. On the contrary, they enjoyed the confidence and respect of everyone who knew them.

This action in arbitrarily removing from their positions some of the most efficient and loyal officials of the bureau is nothing short of an outrage, and more especially so on account of the manner in which it was done. It is a sop of the rankest kind to certain malcontents in the bureau. Never before in the history of the civil service has a President taken wholesale action of this kind, and it was done without a hearing, without a word of warning, and without the slightest opportunity to be heard. This action may properly be described as "the shambles" of 1922. The dismissed officials left their desks on Friday at the close of business, and without a word or an intimation from any source that their services were to be dispensed with. They were not even aware that anything of the kind was under consideration.

While at their homes that evening they were notified by special messengers that they were no longer connected with the bureau, and the next morning they were humiliated by being told that they could not enter the doors of the bureau until after 10 o'clock, and then they were paced by watchmen of the bureau while they went for their personal belongings. Such methods would do credit to the methods employed by the disorganized régime in control in Russia. This action not only takes from these officials their jobs and salaries but it deprives them of all retirement privileges. Many of them had served a great number of years and would soon have reached the time when by age and length of service they would have been entitled to retire. I dare say that few, if any, of them have been able to accumulate much savings out of the salaries they have been drawing from the Government. And so, after they have given the best years of their lives to the Government, they are now compelled to go into private life and seek positions under the handicap of having no training or experience in private business. And all this was done by the President without giving them an opportunity to be heard or without even presenting a single reason for the action taken.

When these facts are considered and when it is remembered that most of them have families, the action taken can not be classed otherwise than arbitrary, cruel, and heartless. The reason assigned, "for the good of the service," may mean anything or nothing. If they were removed for political reasons and to give some of "the faithful" a good job, why not have been candid enough to frankly say so, and, if this be a fact, why remove them altogether from the civil-service rolls? I submit that every estimate of this order indicates it was a political move to reward those who have powerful political backing behind them.

The Evening Star, one of the most reliable papers published in Washington, Republican in policy, had this to say in its issue of yesterday afternoon concerning the visit of a Republican United States Senator from Oklahoma to the White House:

He came to the White House to discuss patronage with the President, and when asked for an expression regarding the recent order bringing about the changes in the Bureau of Engraving and Printing, he said that he was sure the President had acted wisely and that he had every reason for making changes in the manner he did, and that he sincerely hoped the President would not stop there. He said he had called the President's attention to more than one case of disloyal Democratic holdovers, and he hoped there would soon be a change of conditions, and that loyal and efficient Republicans would be found in all the key positions in the Government in Washington.

[Applause on the Republican side.]

If the President wishes to put, as another paper expressed it, "Harding Republicans" in civil positions in Washington, he may, of course, do so, but the public may be pardoned for being a little skeptical of the claim that efficiency can only be found in a "Harding Republican." And I presume that this may be considered as a notice that all the other Republicans who just now seem to constitute a very large and increasing majority of their party need not apply for positions.

But what I protest against is the acceptance by the President of the ipse dixit of patronage-seeking Members of Congress, even though he be a United States Senator, that some official whose job he wants for one of his political henchmen is inefficient or disloyal, and without giving the man thus privately assailed an opportunity to be heard or even given notice of the accusation. [Applause on the Democratic side.]

The Washington Post, the peculiar and personal organ of the President, yesterday morning had a labored article attempting to show that this was a move in the interest of efficiency and that politics had nothing to do with it. It was stated that Republicans as well as Democrats had been removed.

I have made inquiry, and I understand that there were a number of Republicans, possibly a majority, among those who were dismissed. The very fact that these officials were retained by the last administration as chiefs of divisions is conclusive proof that a Democratic administration did not play politics in the civil service. But it is significant that those Republicans had lived here for many years, and they were inactive Republicans, without powerful political backing behind them. This was, no doubt, the head and front of their offending, for I assume that their positions were desired by those who were active in the ranks. As a matter of fact, it can be said of all those dismissed, whether they profess to be Republicans or Democrats, that they really had no politics in a voting sense, because they have been here for many years and have lost their identity as voters in their former homes. This newspaper states that other dismissals are to follow in the interest of efficiency. Then the writer, thinking, perhaps, that some one might ask why the President has waited for 14 months before beginning his efficiency program, said that great efficiency had already been brought about, and with the ridiculous logic which is characteristic of his paper in defending this administration, cited the fact that the customs receipts for the month of March this year were greater in amount than they were a year ago. Until a sound and responsible explanation is offered, the public will with good reason believe that this was a purely political move, taken without regard to the plain, ordinary rights of those affected.

This fact is emphasized by newspaper publications to the effect that prominent Republican Members of Congress recently read the riot act to the Shipping Board, demanding that Democrats be replaced by Republicans and threatening to take the matter up on the floor of Congress if this was not done.

I have not the slightest objection to this administration taking the offices if it desires them. They are entitled to fill every place which is not of a civil-service nature with a Republican if they wish to do so. [Applause.] But what I do insist on is, if this be the object and purpose of this action, that the administration should deal frankly with the public and not seek to cover up its real motive at the expense of the reputation of the men who were dismissed. [Applause on the Democratic side.]

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I can not yield. I have not the time.

If any of them have been guilty of conduct justifying removal, why was not the public so informed when the order was issued?

If such facts exist, which every one who knows these gentlemen seriously doubts, why were they not made public when the order was issued, for its issuance under the circumstances was a plain aspersion upon the character and good name of every man and woman who was dismissed. The order itself provides that those who were entitled by age and length of service to retirement shall be retired and not dismissed, which in itself shows that there were at least some of those who were dismissed who were not thought unworthy of being retired upon retirement pay. And yet the order in the manner in which it was issued, and in the intimations and statements published in the newspapers at the time, reflects upon every one of these men and women who have served in the bureau for so long a time and with such fidelity and efficiency.

The civil service law provides a method whereby a civil service employee may be removed. If they were incompetent or inefficient, which their service and promotion belies, the law provides for notice and opportunity to be heard before final action. It is utterly inconceivable that the President, in the face of the plain letter of the law and the plain dictates of justice and fairness to these officials, should have permitted himself to be made the instrument of a conspiring element in the bureau to bring about the removal of these men and women from the bureau.

The suspicion that politics was the underlying reason for this order which so flagrantly violates the civil service law is heightened by the fact that the new officials were given new titles. Was this an effort to mislead the public into the belief that the action was taken because of a reorganization of the bureau? It would appear so, because the old positions have not been abolished except by slight and unnecessary change of title.

Efficiency is not promoted by changing the title of chief clerk to that of chief accountant, or by calling the chief of a division a superintendent of division, or the custodian of dies, rolls, and plates a vault keeper, or by changing the title of foreman of plate cleaners to that of technical foreman of plate cleaners, and that of storekeeper to that of custodian of supplies. The whole thing smacks of a cheap subterfuge which was unworthy of the administration. What right did the President have to abolish by Executive order positions created by act of Congress and create new positions which he can fill without regard to civil service? What right has he to destroy the civil-service status of these officials by abolishing their offices? If he can do this, then no civil-service employee is safe.

I shall not have time to refer to the individual cases of these 31 men and women who were dismissed. I wish I had time to take up each individual case, for it would serve to show the gross injustice and the indefensible wrong which has been done to all of these men and women in arbitrarily dismissing them without giving them a moment's warning or a chance to be heard. Six of them are from New York; six from the District of Columbia; three from Massachusetts; three from Virginia; three from Maryland; two from Pennsylvania; two from Tennessee; one from Connecticut; one from Michigan; one from Arkansas; one from Missouri; and one from Iowa. I have known the director, Mr. Wilmeth, ever since I have been in Congress. He came here many years ago from Arkansas, and by his ability, zeal, and faithful attention to duty worked his way up from one of the lowest positions in the Treasury Department to that of chief clerk, and was finally appointed director of this big bureau. He has always enjoyed the respect and confidence of those who knew him. He is a Democrat, so it is said, and if the President wanted to appoint a Republican in his place, that was his right, and I would be one of the last to utter a complaint.

But the President should have been frank enough to say so, if this was the reason. On the other hand, if he has been guilty of conduct which justified his summary removal from the bureau, then those facts should have been given to the public. I wonder whether it was the intention first to dismiss the director, with the hope that possibly hereafter some cause might be found for such arbitrary action. Mr. Fisher, the assistant director, whose politics I do not know, enjoys an equally high reputation for integrity and efficiency.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Can the gentleman give me a little more time?

Mr. JOHNSON of Kentucky. I yield five minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. MOORE of Virginia. Is the gentleman aware that after the harm has been done a letter from the President was received this morning by one of the removed officials stating that the President regrets that the order should be construed as a reflection on the character and conduct of the officials?

Mr. BYRNS of Tennessee. I am aware of it, and it only emphasizes the outrage of the action in this case. And it may also be said that the Secretary of the Treasury is quoted in the morning papers as having said that no charges involving the integrity of any of the retired officials had been filed. And yet they were removed under cover of the night and as if they had committed some crime against the Government.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I can not yield.

I have known Mr. E. H. Ashworth, the custodian of dies, rolls, and plates, for many years. He came here from Tennessee 28½ years ago to accept a position with the Government, and has given the best years of his life to the service. He is a gentleman of the highest character and splendid standing, and has proven his efficiency and devotion to duty during all these years. On the very day he was dismissed his accounts and official conduct had been approved, after having been carefully checked up according to law by the annual committee appointed by the Secretary of the Treasury for the purpose of taking an inventory and investigating the accounts and records in the vaults and comparing the record with those kept by the Comptroller of the Currency. I hold in my hand a copy of the report made by that committee, composed of Mr. T. H. Braden, chairman and representing the office of the Secretary, and by Mr. S. L. Hommedieu, the representative of the Comptroller of the Currency and the national banks, and Mr. John F. Green, a representative of the bureau appointed under the provisions of the law to investigate Mr. Ashworth's office. It reads as follows:

MARCH 31, 1922.

The honorable the SECRETARY OF THE TREASURY.

SIR: Pursuant to and in compliance with the instructions of the department letter dated the 6th day of January, 1922, your committee, consisting of Messrs. T. H. Braden, Samuel L'Hommedieu, and John F. Green, appointed by said letter to examine the stock contained in the vault of the custodian of dies, rolls, and plates at the Bureau of Engraving and Printing, have the honor to report that the said stock has been examined and checked, and your committee submits its report in triplicate herewith.

Each and every piece of stock, both engraved and otherwise, has been examined and checked by your committee and found to correspond to the records of the custodian of dies, rolls, and plates.

All the stock which had been canceled in the year 1921 was destroyed by your committee by causing the same to be melted in the furnaces at the navy yard, with the exception of 25 photo negatives, which because of their nature were destroyed at the bureau. The destroyed material consisted of 16,214 pieces and weighed 147,330 pounds. The total stock examined and accounted for was 93,224 pieces.

Your committee regrets that it found several discrepancies in the records of the comptroller's office, which were corrected in accordance with the actual plates found in the vault and made to conform to the records of the custodian.

Your committee is grateful to both the officials and employees of the bureau alike for the many courtesies shown it and for the splendid cooperation and aid rendered it while engaged in its duties.

Respectfully,

(Signed) T. H. BRADEN, *Chairman.*
S. L'HOMMEDIEU.
JOHN F. GREEN.

That report was made to the Secretary of the Treasury at 4.30 o'clock on March 31, and at 6.45 in the evening of the same day the President, in consultation—so the papers tell us—with the Attorney General and the Comptroller of the Currency, signed an order dismissing Mr. Ashworth for the good of the service.

The Comptroller of the Currency was with President Harding when the Executive order was signed. If there was inefficiency in Mr. Ashworth's office, it must have developed after he left work that day, and one of the two men who advised with the President for Mr. Ashworth's dismissal stands convicted by the report of an administration committee, on which he was represented, of "discrepancies" in the records of his own office, which had to be corrected by Mr. Ashworth's record. I submit that under that report, if the President was honestly seeking efficiency, he should have dismissed the Comptroller of the Currency rather than Mr. Ashworth, the custodian of dies, rolls, and plates. And in doing that he would have simply been removing an appointive officer, a man appointed by him, and it would not have been necessary to violate the plain letter of the civil service law, as was done when Mr. Ashworth and these other officials were removed.

The same may be said of the character and standing of Dr. B. L. Beech, the storekeeper, who also came from Tennessee. [Applause.] If the President desired some Republican whose appointment was being pressed by some Senator or Congressman

to fill these positions, that is all right; but if this be true, why dismiss them from the civil service rolls and deprive them of their retirement privileges, for which they would have been very shortly eligible?

Mr. George U. Rose, jr., a native of the city of Washington, chief of the engraving division of the bureau, and a gentleman of the highest character and standing, has labored conscientiously in the bureau for 39 years. He took a firm stand as chief of the engraving division against inefficiency and rottenness and fought the element now in control. Some of these very people, openly defying efforts to reform conditions, have been conspiring to get his scalp, and they have finally succeeded, after a secret ex parte investigation, and been promoted themselves in the process.

Why, gentlemen, there were five ex-service men included in this dismissal order of the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Please give me five minutes more.

Mr. JOHNSON of Kentucky. I regret very much that I have not the time, unless some gentleman who has had time promised to him will yield.

Mr. BLANTON. Will the gentleman give him five minutes of the time he had promised me?

Mr. JOHNSON of Kentucky. I did not know that I had promised the gentleman any time. [Laughter.]

Mr. BLANTON. I understood the gentleman to say that I would be recognized.

Mr. JOHNSON of Kentucky. I yield to the gentleman from Tennessee five minutes additional.

Mr. BYRNS of Tennessee. The names of these ex-service men are Mr. Wilson, who served his country overseas, and who was occupying the position of chief of the photolithographic section; Mr. Chappell, a Spanish War veteran, who was chief of the engineering and machine division; Mr. Slattery, a World War veteran, chief of the electrolytic section; Mr. Farrell, a Spanish-American War veteran, who was foreman of the building; and Mr. Chamberlin, foreman of the garage, a Spanish War veteran who is now drawing a small pension on account of disabilities incurred while serving his country during that war. These five war veterans have been summarily and arbitrarily dismissed without previous notice or an opportunity to show why such action should not be taken, and in the face of the reported declaration of the President as to his great admiration and his great desire to do justice to ex-service men. [Applause.]

The removal of these officials was an outrage on decency. It was a blow to administrative discipline. It is a strike at governmental efficiency. It is an under-the-belt, knock-out blow at economy and morale. It is a grave injustice. It is an arbitrary and tyrannical rebuke to conscientious effort without a hearing, without a word of warning, without an opportunity to be heard in an ex parte proceeding, such as no decent court would sponsor, these officials, who have given up their lives, who have sacrificed their blood and sinew, as well as their brain and skill to the Government, who have sacrificed time that others took for vacation in order to carry on for the Government in war time, have been cut off without a moment's warning.

The reason for their dismissal and that of the other officials should not be left to speculation. Man is powerless to clear himself of charges raised by innuendo, and it is not in keeping with fairness and fair play to put these men under suspicion unless there is a clear justification for it.

The same paper, the Evening Star, to which I have heretofore referred, also had this to say:

One explanation, which comes from confidential sources to-day, of the radical steps taken by the Executive is this: That since the beginning of the war approximately fifty billions in securities have been turned out by the bureau, including bonds, currency, Treasury notes, internal revenue and other stamps, and all paper handled by the office, and that the transactions involved have never been audited.

It is suggested that it would be inadvisable to audit them in the presence of and with participation by the officials and employees concerned, and that while not charging that anything is wrong, it was deemed advisable to make a change in personnel while the auditing proceeds.

The statement is made that the Government does not indicate that aught is amiss, but that caution admonishes an auditing and accounting under the strictest conditions and surroundings.

It is thought that comment upon this viewpoint may suggest that the personnel could have been suspended, without prejudice, during the auditing, without being dismissed, in circumstances which it is claimed will work hardship and are calculated to work injustice.

So keen is the feeling in Congress upon the subject, and especially in the Senate, where the incident is likely to be further commented upon, that several Republican Senators to-day set on foot anxious inquiries directed to high sources to be more adequately informed upon the facts in the case.

Just how the incumbency of these officials would prevent a bona fide audit by an independent bureau of the Government it is difficult to understand. But even if this was true, why were they not, as suggested, temporarily suspended, without prejudice, during the progress of the audit, unless it be that there were those who wanted their places and were backed by such powerful political influence as to compel a disregard of their rights? And it may be asked, if it is found by the audit that everything is correct, how is this egregious wrong done to these faithful and honest officials ever to be righted? They have lost not only their jobs, the living for themselves and families, but an unwarranted and unjustified reflection has been cast upon them by the unprecedented and ruthless action taken.

The public should know whether this is the beginning of an insidious attack on the civil service. If the civil service laws and regulations are to be disregarded and civil service employees are to be dismissed without hearing and without even an explanation except the very general, indefinite, and misleading statement that it is "for the good of the civil service," then no civil service employee, high or low, whatever may be his record, can feel safe under this administration unless he is backed by powerful political support. The Attorney General several days ago offered some very severe criticisms of the civil service. From his statement we are certainly justified in believing that he is hostile to the civil service and that he would, if he could have his way, return to the old spoils system of choosing even the minor clerks in his department. The newspapers tell us that he was one of two high officials who were present and advising with the President when this order was signed at 6.45 o'clock on Friday evening. It is singular that the head of the Treasury Department, in which this bureau is located, and none of his assistants were reported to have been present at this conference. Is the country to be left to understand that the President indorses the sentiments of the Attorney General? Without reference to the merits of the civil service, the country is certainly entitled to know, and in the interest of ordinary and common decency and simple justice these dismissed officials are entitled to know just why they have been separated from the service. [Applause.] The gentleman from Virginia [Mr. MOORE] has introduced a resolution, which I understand has been referred to the Committee on Rules, asking that an investigation be made by a special committee to be appointed by the Speaker as to just what these officials have done and just what were the reasons for their dismissal.

I hope that the majority will be fair enough to these men and these women who have served their country so faithfully, and to these ex-veterans of the World War and the Spanish-American War, to permit that resolution to be reported out and adopted, so that the country may know just why this action was taken. [Applause.]

Mr. CLOUSE. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. I yield.

Mr. CLOUSE. The gentleman has been speaking of ex-service men. I recall a case that occurred over at Nashville, Tenn., some three years ago in appointing a postmaster, where an ex-service man stood at the top of the list, but an astute politician in the person of Charles McCabe was appointed postmaster. I wonder if the gentleman indorsed Mr. McCabe or the ex-service man.

Mr. BYRNS of Tennessee. I want to say to the gentleman that I did not indorse Mr. McCabe, but, on the contrary, I did everything in my power, as several gentlemen on this floor know, among them the gentleman from South Dakota [Mr. JOHNSON], to bring about the appointment of Mr. Webster, the ex-service man. [Applause.] I repeatedly urged his appointment.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. The gentleman from Tennessee always believes in clean and efficient government. He has made a very fine defense of some of the men who were removed from office.

If it should later develop that any of these men were removed from office because of neglect of their official duties or such grave misconduct as would occasion great financial loss, the gentleman from Tennessee would not attack that action?

Mr. BYRNS of Tennessee. Undoubtedly I would not. But the letter of the President and the statements made by the Secretary of the Treasury clearly refute any such suggestion.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 6815. An act to amend the act of March 1, 1921 (41 Stat. p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 7670. An act for the relief of I. C. Johnson, jr.;

H. R. 8682. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 2556. An act for the relief of Richard P. McCullough; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1045. An act to reimburse the Navajo Timber Co. of Delaware for a deposit made to cover the purchase of timber;

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington;

S. 288. An act for the relief of John T. Eaton;

S. 1097. An act for the relief of H. L. McFarlin;

S. 2902. An act authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor;

S. 534. An act to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913;

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama; and

S. 289. An act for the relief of Kate Cassiff.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL, 1923.

The committee resumed its session.

Mr. HUSTED. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, during the debate yesterday on the conference report, particularly on the item relating to salaries of certain officials of the Shipping Board, the gentleman from Virginia [Mr. HARRISON], in charge of the conference report on the minority side, stated that so far as he knew no salaries had ever been paid to Government officials as high as $35,000. I stated at the time that my impression was that certain officials of the railroads in the last administration were paid as high, if not higher, salaries. The gentleman from Virginia thought that statement was not accurate. I find on investigation that it was entirely accurate. I read from the statement of the comptroller of the railroads as to the salaries in force on May 31, 1919.

The regional director of the eastern region received a salary of $50,000. The assistant regional director and the district director of the eastern region each received a salary of $35,000. The regional director of the Allegheny region received a salary of $50,000.

The regional director of the Pocahontas region received a salary of $40,000. The regional director of the southern region received a salary of $40,000. The regional director of the northwestern region received a salary of $50,000. The regional director of the central western region received a salary of $50,000. The regional director of the southwestern region received a salary of $50,000.

In other words, there were nine Government officials a very few years ago who were receiving as high or higher salaries than those complained of now. I simply state that in order that the country may be informed and will understand that the salaries being paid now are not unprecedented in recent years. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. OLDFIELD. Will the gentleman yield?

Mr. LONGWORTH. I would if I had the time.

Mr. HUSTED. Mr. Chairman, I yield one minute to the gentleman from California [Mr. LINEBERGER].

Mr. JOHNSON of Kentucky. I yield 20 minutes to the gentleman from California.

The CHAIRMAN. The gentleman from California is recognized for 21 minutes.

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, the gentleman from New York [Mr. HUSTED], as usual, has made a very careful and analytical report of the bill. I notice, however, on page 28 that for the bringing home of criminals—for the actual expenses incurred in bringing home criminals from foreign countries, persons charged with crime—there is an appropriation of only $2,000. On page 43 of the same bill I notice that there is another item at the end of the paragraph for penal institutions, line 22, the following:

Expenses incurred in pursuing and identifying escaped prisoners and for rewards for their capture, $90,000.

I am very sorry, indeed, that there is not at this time any probability of expending any part of either of these amounts of money in bringing home that arch slacker, Grover Cleveland Bergdoll.

Mr. HUSTED. Will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. HUSTED. The $90,000 item covers very many other objects than that mentioned by the gentleman from California.

Mr. LINEBERGER. I understand that even though the item of $90,000 would cover other items, no part can be expended for bringing home Bergdoll inasmuch as he was never committed to the Federal prison at Fort Leavenworth. Many Members of this House remember that early in the last session the chairman of the Military Affairs Committee, the Hon. JULIUS KAHN, introduced a resolution reported to the House on the 18th of April, 1921, House Resolution 12, which authorized an investigation of the escape of this nationally famed slacker, whom I trust will soon be apprehended and brought home to justice.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. CONNALLY of Texas. The difficulty about bringing him home is that you have got to catch him first.

Mr. LINEBERGER. I expect to touch upon that shortly.

Mr. CONNALLY of Texas. I hope the gentleman will.

Mr. LINEBERGER. Let me read the resolution which I shall insert in the RECORD. It is as follows:

Whereas one Grover Cleveland Bergdoll, recently convicted by Army general court-martial as a draft deserter and sentenced to confinement for five years in the United States Disciplinary Barracks at Fort Jay, N. Y., has escaped from confinement; and

Whereas charges are made, and there is reason to believe, that a plot and conspiracy existed among and between divers and sundry persons, unknown, to consummate the escape of the said Bergdoll from confinement under his said sentence: Therefore be it

Resolved, That a select committee of five Members of the House to be appointed by the Speaker of the House to investigate and procure all facts relevant to fixing responsibility for said escape and for the failure to recapture the said Bergdoll, and particularly to determine whether relatives, friends, counsel, or attorneys of the said Bergdoll participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture; or whether officers, noncommissioned officers, or privates of the Army or other persons connected with the Army or with the administration of the said disciplinary barracks or any other person participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture or were derelict in the performance of any duty devolved or devolving upon them which contributed to making said escape possible or prevented or hindered recapture or made it more easy for the said Bergdoll to elude recapture.

That the committee so appointed may conduct such investigation by subcommittee or otherwise, may hold sessions during the recess of the House, may employ whatever assistance, either clerical or legal, it may deem necessary to aid in conducting said investigation, may administer oaths, may summon and compel the attendance of witnesses and the production of papers and documents, may employ a stenographer or stenographers to report the same, and have the reports of said hearings printed for use.

That any and all expenses in connection with such inquiry shall be paid out of the contingent fund of the House upon vouchers to be approved by the chairman of the committee and by the Committee on Accounts: *Provided*, The expenses of said investigation shall not exceed the sum of $10,000.

That said committee shall report its findings to the House at the earliest possible date, together with such recommendations as it shall deem pertinent and advisable.

As the House well knows, some of the most distinguished Members of the House were appointed on that committee. John A. Peters, of Maine, no longer a Member of the House, was appointed chairman. CLIFTON N. MCARTHUR of Oregon, OSCAR LUHRING of Indiana, the late lamented and distinguished Member of the House, Henry D. Flood of Virginia, and BEN JOHNSON of Kentucky. On further investigation we find that this committee on the 18th of August last filed a report, No. 354, which contains a majority and minority report.

Upon further investigation we find that that report now lies in that shrouded mausoleum of bills, the House Calendar, and the Lord only knows when it will come up. There is no question but that the people of this country are very much interested in knowing what action this House proposes to take upon the recommendations set forth in that report. I find that very definite recommendations were made by the majority members signing the report. On page 33 I quote as follows:

While there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Crosson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions, and counted a mere trifle.

General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Nation above whose safety and integrity he has placed gold.

Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of $3,000 a year. It becomes a serious question who is to pay this lifelong reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munificent retirement fund in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

Gentlemen of the House, I am not here to discuss the merits or the demerits of the recommendations made in this report. I simply desire to bring to your attention the fact that certain definite recommendations have been made upon the part of the majority membership. Referring now to the report of the minority membership of that committee, on page 51, I find the following:

The $5,000 retainer paid Ansell & Bailey was payment for legal services and probably had no influence on the part played by Messrs. Ansell & Bailey in making possible the treasure hunt which led to the eventual escape.

That is one of the conclusions reached by the minority, which would seem at least to not discredit or impugn the motives of Ansell so far as his interest in accepting this fee was concerned.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. JOHNSON of South Dakota. As I understand it the gentleman is simply insisting that this report be brought before the House for action at once, as soon as it can be reached, and is not interested in the conclusion as to the guilt or innocence of anyone. Am I correct in that?

Mr. LINEBERGER. The gentleman is partially correct, inasmuch as I am not drawing any personal conclusions in the matter at all. I am simply quoting from the report itself, and trying to impress upon the House the necessity of bringing the matter up at the earliest possible moment. Naturally, I desire to see justice meted out to everyone guilty in this national tragedy of errors, which has well-nigh become a national disgrace.

Mr. JOHNSON of South Dakota. I want to say to the gentleman that I am in hearty accord with him upon that. I believe some action ought to be taken looking to a decision of the House upon the questions involved.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. MANN. What action could the House take on this report?

Mr. LINEBERGER. Inexperienced as I am in parliamentary matters, it would seem to me that after consideration and debate of the reports rendered by the majority and the minority membership of that committee, it would be proper for this House to pass a resolution recommending, if it saw fit, certain action on the part of the War Department, with a view to carrying out certain recommendations to which it might desire to commit itself or of those of one or the other of these reports.

Mr. MANN. The committee did not report any resolution, did it?

Mr. LINEBERGER. The committee has not reported a resolution, but the majority did make certain recommendations in its report.

Mr. MANN. If a resolution were introduced under the rules, would it not have to go to another committee of the House for consideration?

Mr. LINEBERGER. It would, but it is very unlikely that a resolution of any kind whatever will be introduced until the report itself is debated upon the floor of the House. I first want to get the report off the shelf, where it has been so peacefully reposing for the past eight months. I hope the gentleman from Illinois now understands what I am driving at.

Mr. MANN. Why does not the gentleman introduce a resolution which he thinks ought to be passed and have it referred to the appropriate committee, and see if the committee will report it out?

Mr. LINEBERGER. Because I desire that this report be brought up on the floor of the House and debated, so that the merits or the demerits of the report may be ascertained by the House, and I have no doubt that if the majority report is sustained after debate that such a resolution will be introduced either by myself or some other Member.

Mr. MANN. If the gentleman will pardon me for taking up his time, if we could have the report brought up and have somebody talk about it for some time as we do here in general debate and it would end there, then there would be nothing that the House could do.

Mr. LINEBERGER. But it is entirely proper for the House to pass a subsequent resolution making certain recommendations based on the report, as I understand it.

Mr. MANN. The gentleman may be correct, though I doubt whether the House can pass a resolution which has not been introduced without having it referred to the appropriate committee for consideration. Such a resolution can be introduced by any member.

Mr. LINEBERGER. I do not think the gentleman will question in the least that the people of the country, the patriotic American people who sent 4,500,000 of their sons out to fight the battles of this Nation in 1917–18, are very much interested in knowing the real facts in this iniquitious Bergdoll matter.

Mr. MANN. Does the gentleman think the country would learn the real facts because a few Members talked for four or five hours on the report here some afternoon?

Mr. LINEBERGER. They would be as likely to learn the real facts from a discussion of that kind as they are from some of the other discussions that I have heard on the floor of this House, in which various gentlemen, including the distinguished gentleman from Illinois, have taken part.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. CONNALLY of Texas. What does the gentleman think of the proposition of introducing a resolution of inquiry asking the department or the President to state what steps, if any, have been taken by the proper department of the Government?

Mr. LINEBERGER. I am not here to dictate to the House. I do think this report ought to be brought up here and debated in the open before the country. The people of the United States want action on this thing, and they are not pleased by having it set aside on the inactive House Calendar, where it will probably never be brought up. What we want is action. If the men who fought the battles of this country in the World War had spent their time in delaying and further delaying matters, the war would never have been won. What we want is some action on this matter.

It has been placed on the House Calendar, and I have no desire whatever to lecture or to censure the Members of the House or the Speaker of the House or anybody else connected with the matter, but what I want is to see that justice is satisfied. And justice will never be satisfied until this matter is gone over from top to bottom. The American people are not going to stand for any whitewashing in this matter. If these gentlemen are guilty, Congress should make certain recommendations and publish them to the country, as far as it may be possible to do so. If they are not guilty, they should be cleared for all time of the charges and the insinuations which are carried in the majority report.

I was very sorry indeed at the time this committee was named that there was not at least one ex-service man placed upon it. I have never believed, nor do I believe now, in group or bloc representation in the House of Representatives, particularly so far as ex-soldiers are concerned.

Every man who is here and who incidentally served his country during the time of war has enough of honor in his inner consciousness of duty performed, but I do believe, in a vital matter of this kind, that the experience and knowledge of some ex-service men should have been brought to bear upon the investigation. I do not make that statement with a view of criticizing any of the gentlemen who formed the committee of five.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LINEBERGER. I yield.

Mr. JOHNSON of South Dakota. I understand the chairman of the Committee on Military Affairs, Mr. KAHN, specifically requested several times that an ex-service man be appointed as a member of the Bergdoll committee. Does the gentleman know any particular reason that made the Speaker of the House so insistent in prohibiting any ex-service man being on that committee?

Mr. LINEBERGER. I do not. I heard the same thing at the time, and Mr. KAHN, the chairman of the Committee on Military Affairs, and dean of the California delegation, told me personally he would make such a request. However, the Speaker saw fit to do otherwise, and was acting entirely within his prerogatives in so doing. After he named the committee I did not criticize him, nor do I seek to do so at this time. I am

sorry that no ex-service man or man were included in the Speaker's nominations for this important committee.

Mr. FISH. Will the gentleman yield?

Mr. LINEBERGER. I will.

Mr. FISH. I remember that the gentleman from California [Mr. KAHN] requested that all members be ex-service men.

Mr. LINEBERGER. Be that as it may, I do not know whether or not that would have facilitated the discussion of this report after it was rendered.

I hope, gentlemen, that in the very near future, by some means or other, the gentleman in charge of getting this report onto the floor of this House will see that it is resurrected from the mausoleum where it lies, and that it be brought on the floor of this House, and that sufficient time will be given for thorough and intelligent debate. And I think that after such debate has been had, the gentlemen who are charged, by inference at least, will have a chance through their friends and those who view the matter from the opposite side of the situation to clear their skirts. At least, the American people and the ex-service men of the Nation, I assure you, are desirous of having this matter thrashed out and thrashed out at the earliest possible moment. [Applause.]

Mr. Chairman, I yield back the rest of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. LINEBERGER. I insert herewith the report of the committee.

[House Report No. 354, Sixty-seventh Congress, first session.]

ESCAPE OF GROVER CLEVELAND BERGDOLL.

Mr. JOHNSON of Kentucky, from the Select Committee to Investigate the Escape of Grover Cleveland Bergdoll, submitted the following report:

On the 13th day of April, 1921, the House of Representatives adopted House Resolution 12, reading as follows:

"Whereas Grover Cleveland Bergdoll, recently convicted by Army general court-martial as a draft deserter and sentenced to confinement for five years in the United States disciplinary barracks at Fort Jay, N. Y., has escaped from confinement; and

"Whereas charges are made, and there is reason to believe, that a plot and conspiracy existed among and between divers and sundry persons unknown to consummate the escape of the said Bergdoll from confinement under his said sentence: Therefore be it

"*Resolved*, That a select committee of five Members of the House be appointed by the Speaker of the House to investigate and procure all facts relevant to fixing responsibility for said escape and for the failure to recapture the said Bergdoll, and particularly to determine whether relatives, friends, counsel, or attorneys of the said Bergdoll participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture; or whether officers, noncommissioned officers, or privates of the Army or other persons connected with the Army or with the administration of the said disciplinary barracks or any other person participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture or were derelict in the performance of any duty devolved or devolving upon them which contributed to making said escape possible or prevented or hindered recapture or made it more easy for the said Bergdoll to elude recapture.

"That the committee so appointed may conduct such investigation by subcommittee or otherwise, may hold sessions during the recess of the House, may employ whatever assistance, either clerical or legal, it may deem necessary to aid in conducting said investigation, may administer oaths, may summon and compel the attendance of witnesses and the production of papers and documents, may employ a stenographer or stenographers to report the same, and have the reports of said hearings printed for use.

"That any and all expenses in connection with such inquiry shall be paid out of the contingent fund of the House upon vouchers to be approved by the chairman of the committee and by the Committee on Accounts: *Provided*, The expenses of said investigation shall not exceed the sum of $10,000.

"The said committee shall report its findings to the House at the earliest possible date, together with such recommendations as it shall deem pertinent and advisable."

Under that resolution the Speaker appointed the following special committee: Messrs. John A. Peters, Maine; Clifton W. McArthur, Oregon; Oscar R. Luhring, Indiana; Henry D. Flood, Virginia; and Ben Johnson, Kentucky.

The committee held hearings on April 29, May 2, 3, 4, 9, 10, 11, 12, 16, 17, 18, 19, 23, and 24, and again on July 19, 22, 23, and 25, the latter hearings being for the purpose of inquiring into the conduct of Maj. Ennis S. Campbell. From the evidence and testimony given in those hearings the following report is made by the undersigned, a majority of the committee, to the House of Representatives:

A very brief statement of the case under investigation is as follows:

Grover C. Bergdoll, now about 28 years of age, was subject to the draft made during the recent World War. He evaded the draft, became a fugitive as a slacker, and continued such for something more than a year and a half. During that time he was in the United States, and frequently sent taunting and defiant letters to the highest authorities of our Government. His residence was in Philadelphia.

After the armistice was declared young Bergdoll returned to Philadelphia; and, it seems, spent at least a part of his time at his residence there. Just prior to January 7, 1920, the authorities received information to the effect that for several weeks he had been at one or the other of some four or five residences in or near Philadelphia. On the morning of the 7th of January, 1920, officers went to each of these residences, surrounded them, and made search of the several premises.

When the officers went to the residence owned by Grover C. Bergdoll, his mother refused them admittance, although the officers had a search warrant with them, and so told her. After spending considerable time endeavoring to get into the house, one of the officers placed his pistol against the door lock and shot it off. When, in this way, they had gained entrance into the house they were confronted by Mrs. Bergdoll, who held them off with an automatic pistol. However, they managed to get that away from her and then proceeded to search the house. When every part of the house had been searched and they were about to leave without finding Bergdoll, one of the party lifted up the top of a small window seat and found Bergdoll concealed therein, although it seemed next to impossible for a man of his size to get into such small space.

When Bergdoll had come out of the window box he was handcuffed to one of the officers, and another of the officers kept the key to the handcuffs. In this manner he was transported to Governors Island at New York, where the Government had a military disciplinary prison in charge of Maj. John R. Hunt. In due course of time he was tried, convicted, and sentenced to five years' imprisonment for violating the draft laws.

Under usual circumstances he would have been sent immediately to Fort Leavenworth, Kans., to begin serving his term. However, under one pretext or another, his being sent to Leavenworth was deferred. On May 29, 1920, he was permitted to leave the prison at Governors Island, accompanied by a guard composed of two sergeants, for the alleged purpose of going into the mountains of western Maryland to secure something more than $100,000 in gold which he claimed to have buried there. When he reached Philadelphia on that pretended mission he made his escape, drove through the country in an automobile, accompanied by one Ike Stecker, to the Canadian line, there abandoned the automobile, and went to Winnipeg, Canada. At that place, by false representations, he secured passports for himself and Stecker to London, from which place they found their way to Paris and thence into Germany, where, according to the best information, they still are.

Shortly after Bergdoll's incarceration at Governors Island it was urged that he was of unsound mind, and therefore should be released. However, he was declared to be of sound mind.

Next, habeas corpus proceedings were instituted for the purpose of securing his release. The writ of habeas corpus failed to bring his release. Having been convicted, and both the insanity plea and the habeas corpus proceeding having failed, some other means of securing his escape had to be resorted to.

Until that time D. C. Gibboney, of Philadelphia, was chief counsel for Bergdoll. It is generally conceded that Gibboney was not much of a lawyer, but more of a practical manager for better lawyers. It is in evidence, and undisputed, that Gibboney, representing Bergdoll, sought to employ Judge John W. Westcott, a very eminent New Jersey lawyer. Westcott denies vigorously that he ever accepted the employment, while Gen. Samuel Tilden Ansell and his partner, Edward S. Bailey, testified emphatically to the contrary.

It is admitted that Judge Westcott wrote a letter to the Secretary of War stating that he—Westcott—was "enormously" interested in Bergdoll's court-martial trial, and would be glad to have the Secretary of War give his personal attention to the case. The Secretary of War courteously replied, but said that the case had not come to his personal attention, and would not unless it reached him through the regular course of business.

It is also admitted that upon a certain occasion Gibboney gave Judge Westcott a $1,000 bill in payment of "a" fee. Judge Westcott denied that it was in payment of any fee on account of any employment by Bergdoll, stating that it was in payment of other employments.

Mrs. Bergdoll testified that at one time she paid Gibboney $10,000 in currency. While she would not state that she ever

gave Gibboney a $1,000 bill, she did state that she kept large sums of money in her house, and that upon different occasions she had had many $1,000 bills. Putting those circumstances together it is possible that the $1,000 bill which Judge Westcott received was paid to Gibboney by Mrs. Bergdoll and then by Gibboney to Judge Westcott, but not necessarily on account of Bergdoll.

After Bergdoll had finally escaped and had fled the country the grand jury was about to meet in Philadelphia for the purpose of returning indictments against all those engaged in the conspiracy through which Bergdoll escaped. Either just prior to the meeting of the grand jury or during their sittings Judge Westcott wrote a letter to the Attorney General of the United States confidently expressing the opinion that Gibboney was as innocent of any part in the conspiracy as an unborn child.

That letter was forwarded by the Attorney General to the district attorney at Philadelphia. Gibboney was not indicted.

The law firm of Ansell & Bailey was employed in April, 1920, by Gibboney to represent Bergdoll in an effort to have the court-martial conviction reversed or set aside.

As already stated, both Ansell and Bailey testified that Westcott was counsel, but only in "an advisory capacity," or as "advisor of Mr. Gibboney." General Ansell fell out with Judge Westcott over this question and quit speaking to him because of differences in their statements concerning it. But their falling out has nothing to do with the real issue in the case. Westcott contended for none of Ansell's fee. He merely declined to claim any of the honors (?) accompanying the victory won, not through the courts but through the gold-hunting expedition.

For the purposes of this investigation it is not deemed important whether Judge Westcott was a regularly employed and paid counsel for Bergdoll, or whether as a friend to Gibboney he merely was counseling him. But it can not be disputed that he was acting in either one or the other of those capacities. Neither is it considered important whether General Ansell knew in which of these two capacities Judge Westcott was acting, as General Ansell could have made and did make the same use of Judge Westcott regardless of the capacity in which he was acting.

It is interesting to know that General Ansell, until a short time before his employment in the Bergdoll case, had been an officer in the Regular Army of the United States for about 25 years; and that during the war he was the next officer in authority to General Crowder, the Judge Advocate General. However, during the war General Crowder was more directly concerned and employed in preparing and executing the draft law, thus virtually leaving General Ansell as the Judge Advocate General.

At the time above indicated General Ansell resigned from the Army and associated himself with the law firm of Ansell & Bailey, making a specialty of military law.

Somebody conceived the idea of concentrating Gibboney's cunning and energy, Westcott's influence with the then administration, and Ansell's standing with the Army officials into one general scheme of defense or escape. Each of these three agencies—purposely or unwittingly—was effectively and concertedly at work at the same time on either one or both of these two propositions.

It was known to Gibboney, Westcott, and Ansell that during the preceding October and November Mrs. Emma C. Bergdoll, the mother of the draft dodger, had, in full compliance with law, exchanged $105,000 in currency for that amount in gold at the Treasury of the United States, which gold she claims to have buried. It must be that the mind of one or more of the attorneys just mentioned turned to Mrs. Bergdoll's alleged buried gold, and, upon that story, built the one to which reference is made in a letter sent by General Ansell to Adjutant General Harris, dated Tuesday, May 11, 1920. That story was not used by any of the Bergdoll attorneys, nor did it have any semblance of plausibility until General Ansell was employed in the case, nor until it had been colored and recolored by his fertile imagination.

It is admitted that General Ansell called upon Adjutant General Harris in the afternoon of May 11, 1920, and that later that afternoon, at his office, dictated a letter to Adjutant General Harris relative to the conversation which they had just had about Bergdoll's release. That letter as dictated seems not to have been sufficiently strong for General Ansell's purposes. Consequently he directed Miss Sisson, his stenographer, not to typewrite the letter until the next morning. General Ansell that night, at his home, with lead pencil, wrote out another letter. Next morning that was typewritten by Miss Sisson, signed by General Ansell—not by the firm of Ansell & Bailey—and sent to The Adjutant General.

Miss Sisson, the stenographer, preserved her shorthand notes of the letter dictated on the afternoon of May 11, 1920. That letter was not sent. In her testimony before the committee she read those notes and reduced them to typewritten copy, reading as follows:

"MAY 11, 1920.

"MY DEAR GENERAL HARRIS: I wish to confirm, in this informal way, the statement I made to you a few moments ago orally in support of the request that I am making of you and the Secretary of War. I am counsel for Grover Cleveland Bergdoll, a so-called draft deserter, now in imprisonment at Fort Jay pending the review of his case by the War Department. Bergdoll is represented in Philadelphia by Mr. D. C. Gibboney, a gentleman of the highest standing in that city and a lawyer of unquestioned probity. Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney.

"Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief. In view of the fact that Mr. Gibboney believes Bergdoll's statement to be true, and in view of the numerous circumstances tending to support it, I myself believed it to be credible and such as to justify counsel in making of the department this present request.

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matters. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family.

"The motive for his action was probably complex and not easily understood, but I am advised that at different times he took two large sums of money in gold coin and placed them in large metal containers; one, I am advised, he left with some person in western Maryland. This has been recovered. The other, Bergdoll states, he took, all alone, and buried it in an out-of-the-way place on some mountain side, at a place within a day's railway travel from this city. This sum amounts to about $150,000 gold coin. He is quite unable to direct Mr. Gibboney or me how to find it, and, of course, assuming his statement to be true, it can be found only by him in person. He is now thoroughly perturbed with the apprehension that he may never recover it and is intensely anxious to be permitted to go with counsel and under guard to find it. He wishes to recover it and turn it over to some proper custodian for safe-keeping and investment.

"And such is my request. Upon all the facts before me, it seemed entirely reasonable to me, and so it seemed to you. I hope and believe it will seem so to the Secretary. I do not desire to ask the privilege, but only that which is necessary for this man to conserve what is his. There can be no danger of escape. The department will, of course, send such guard as it sees fit, and all expenses will be borne by us. In addition, I shall hold myself, as counsel, responsible for the safe return of this prisoner to his place of confinement and that no advantage will be taken of such leave as is granted other than that which is the object of this request.

"May I ask that this communication, for the time being, will be kept within the knowledge of you and the Secretary alone, and may I ask you to take it up at your very earliest convenience with Mr. Baker and let me know the result?

"With very kindest regards, I am,

"Very sincerely yours."

The general tenor of the above letter, which was not sent to General Harris, should, by all means, be compared with the one which was sketched out that night with lead pencil, and which was sent the next day to General Harris. The charges made were most adroit and clever; were not authorized by other counsel in the case whose names were used; in some instances were not warranted by the facts.

The letter actually sent reads as follows:

ANSELL & BAILEY, ATTORNEYS AT LAW,
SUITES 710–712, RIGGS BUILDING,
Washington, D. C., May 11, 1920.

MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you in this manner my request, concerning which I have just spoken to you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of the reasons therefor.

This man, in virtue of his conviction and sentence as a so-called "draft deserter," is now imprisoned at Fort Jay pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

This young man was reared fatherless under family conditions which, even when partially revealed, threw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From the father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his actions in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money, which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune ($150,000), in a lonely spot on a mountain side, distant about a day's journey from this city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

He is now wrought up with fear and anxiety lest he may never recover the money, and accordingly earnestly asks me, other counsel joining him, to endeavor to arrange it that he may go, under guard and with his counsel, to recover the money and place it in safe-keeping, all expense to be borne by us.

We are requesting no privilege, only the necessary liberty of action, under guard. This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel I stand responsible for his prompt return to prison, without advantage to him other than that involved in the object of his request.

I hope this request may be granted immediately. It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary.

May I ask prompt action upon this request? May I also ask that, if possible, knowledge of the contents of this communication, for obvious reasons, be confined to you and the Secretary, and, further, that you notify me personally at the first practicable moment after you have decided upon this request?

With kind regards for your many courtesies, I am,

Sincerely,

S. T. ANSELL.

The purpose of these changes is obvious when the two papers are compared and the end to be accomplished considered.

In the first sentence of the letter, which was not sent and which afterwards was pruned and put into more seductive form, he made the request of both General Harris "and" the Secretary of War, while the letter which was actually sent used this language:

"It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary."

If the letter had been sent as first written, it would have been necessary that the request go to the Secretary of War. The second letter—the one that was sent—merely expressed the hope that the request might seem reasonable to the Secretary, but omitted the specific request that the matter be referred to the Secretary.

Another sentence in the letter which was not sent reads as follows:

"Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney."

That sentence was changed to read as follows in the letter that was sent:

"His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows."

General Ansell is a man of extraordinary native ability, wonderfully improved by training and education. No man better knows the exact use of words and their effect than does he. The conclusion is irresistible that General Ansell was then using with emphasis the name of Judge Westcott to bring influence to bear upon the Secretary of War, should the communication ever reach him, and just as certainly to bring to bear additional influence with General Harris.

Also, in the letter first dictated, he said that Judge Westcott was "adviser of Mr. Gibboney." That expression or assertion is left out of the letter which was sent. Is it possible that General Ansell, even at that time, was giving more or less thought, with the view of later dividing responsibility, to the attitude of nonemployment which Judge Westcott assumed? Westcott admitted that he "advised" with Gibboney, but denied that he was employed by Bergdoll, and there is no contradictory proof.

In the letter which was not sent General Ansell used this language:

"Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief."

Upon consideration by General Ansell that language must have appeared too strong. No doubt he was apprehensive that that language might raise with General Harris a question as to the plausibility of the whole story. In that language General Ansell stated, in substance, that Gibboney and Westcott had conferred with him about a situation which "would hardly justify belief." So, if the story about which Ansell, Gibboney, and Westcott "conferred" would "hardly justify belief," it must be changed, if General Harris was expected to accept and act upon it. Then General Ansell's statement was changed into being such a plausible one that all of them—including Ansell—believed the story; and, in consequence, were "impelled" to make the request.

The changed or altered statement reads as follows:

"These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request."

When General Ansell dictated the statement that "would hardly justify belief," that statement being the result of a conference with Gibboney and Westcott, one must wonder whether or not those two gentlemen, or either of them, consented to the change from lack of belief to one so certain that they were "impelled" by it to ask for Bergdoll's release. It is a self-evident fact—the others not being in Washington—that Ansell made the change without consulting the others. He attributed to each of them a "belief" which, perhaps, neither entertained. In the first draft it is not stated that either believed the story, but in the second all are represented as believers in it.

It is interesting to note the reasons assigned by General Ansell for the burial of the gold. In the letter not sent he uses this language:

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matter. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family."

In the letter actually sent to General Harris, General Ansell gave the following as an explanation of the unusual conduct of Grover Bergdoll:

"This young man was reared fatherless under family conditions which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his action in the instance I now speak of."

In the letter not sent, General Ansell speaks of certain vague "family difficulties," which "seem" to have caused Bergdoll to desire a physical control of his property. These paragraphs clearly illustrate the difficulties, which even the astute mind of Ansell could not overcome, in giving adequate and sufficient explanation of the motives which prompted Bergdoll to bury the gold. Some excuse for this conduct had to be given, and the labored efforts of Ansell have only tended to make confusion worse confounded.

The letter which was not sent used the language: "There can be no danger of escape." That was changed in the letter which was sent to: "This prisoner has no desire to escape." That change makes the statement stronger to General Harris, and also lays the foundation for denial of personal responsibility in the future for counsel not attending the expedition.

It should be noted that General Ansell did not merely express the opinion that the "prisoner has no desire to escape." Instead he made the unqualified statement to that effect. How did he know the prisoner had no desire to escape? According to his own admissions he then had had no communication with

the prisoner relative to the expedition for the buried gold, and consequently no direct information upon which to base that statement as fact. It may be that the other attorneys who consulted with General Ansell about the release to get the alleged buried gold agreed to the statement that "there can be no danger of escape"; but it is possible, at least, that they would not have approved the statement as fact that Bergdoll had "no desire to escape." The former statement, no doubt, was based on the then, but afterwards violated, arrangement that one of counsel was to accompany the expedition; that the prisoner was to be handcuffed; that a commissioned officer was to go along, and that the guard was to be both ample and properly instructed.

The first proposition accompanied by the foregoing considerations is quite different from the one that "the prisoner has no desire to escape," especially since each and every one of the conditions just related were to be utterly disregarded.

It is going a long way for one of the counsel to make such a wide departure from the original statement without having the approval of the counsel whose names were used in the communication conveying the changed representations.

In the letter which was sent there is something that does not appear in the one which was not sent. That language is this:

"He (Bergdoll) is now wrought with fear and anxiety lest he may not recover the money, and accordingly earnestly asked me (Ansell), other counsel joining him, to endeavor to arrange it that he (Bergdoll) may go, under guard and with his counsel, to recover the money and place it in safekeeping, all expenses to be borne by us."

When it is considered that General Ansell stated that he had no communication with Bergdoll after he saw him at Governors Island on April 17, when, according to General Ansell, no mention was made of the proposed search for the buried gold, was very remarkable, to say the least.

It will be noticed that General Ansell says in the above quotation that Bergdoll earnestly asks him to endeavor to arrange it so that he (Bergdoll) may go, under guard and with his counsel, to recover the alleged buried gold.

If at that time General Ansell had had "no communication" with Bergdoll relative to the matter, how is it possible that Bergdoll so "earnestly" made that request of him? General Ansell can not claim that that request was conveyed to him through either Gibboney or Westcott, for the reason that he himself says in the above-quoted paragraph that the request was made by Bergdoll, "other counsel joining him" in the request. Nothing of that sort was said in the letter which General Ansell dictated to his stenographer immediately after he left General Harris on May 11. That must have been an afterthought, originating in his own mind and not warranted by the statement of either Gibboney or Westcott.

In both letters—the one which was not sent and the one which was sent—General Ansell stated that he would be responsible for the return of the prisoner.

General Ansell in his testimony repeated several times the statement that General Harris "did not expect" him to accompany Bergdoll on the expedition, but that he did expect some one or more of counsel to accompany it. Both General Ansell and his partner, Mr. Bailey, testified that the agreed arrangement was that Mr. Bailey was, at least, to meet the expedition at Hagerstown, Md., and accompany it during the remaining 20 or 25 miles of the proposed journey to the spot where the gold was said to be buried. The new firm of Ansell & Bailey was employed by Bergdoll, but General Ansell did not pledge the firm to see to it that Bergdoll was returned. Instead, the pledge was General Ansell's personal one.

It has been admitted by General Ansell and by everybody else who testified upon that point that at least one of Bergdoll's attorneys was to accompany the expedition.

General Ansell himself did not state that he told General Harris that he himself would not accompany the expedition. He merely expressed the opinion that General Harris "did not expect" him to do so. If General Ansell himself was not to go, but counsel was to go, then the question arises: Whom did General Harris "expect" would go? Neither of General Ansell's letters—the one which was sent nor the one which was not sent—indicates that Westcott was to go. In the letter which was sent Westcott is referred to as an attorney "in a consulting capacity," while in the one which was not sent Westcott was referred to as an "advisor of Mr. Gibboney." In addition, Westcott is an old, palsied man, not physically equal to the trip outlined by General Ansell.

General Ansell himself did not in his testimony make even the slightest claim that Westcott was to go. Therefore, according to General Ansell, not attorney except Gibboney or Bailey could have been expected to go. General Ansell says he himself did not contemplate making the trip; and since he knew that Judge Westcott could not, if he would; and, further, since he knew two days and two nights before the expedition started that his partner, Mr. Bailey, was not going, he was bound to know that the only one of counsel who might possibly accompany the expedition from beginning to end was Mr. Gibboney.

General Ansell knew several days in advance that the expedition would start May 20; and he knew that Gibboney himself did not contemplate making more than a part, if any, of the journey. So there is no escape from the conclusion that General Ansell knew, at least two days and two nights before the journey started, that his pledge made to General Harris in this respect was to be violated.

When General Ansell was on the witness stand the question was put to him a number of times, and by different members of the committee, to indicate at least one specific act done by him looking toward the redemption of that pledge. To each and every one of those questions he was either nonresponsive or evasive. To some of them he replied, in substance, that he had sought to have Bergdoll recaptured after the escape had been accomplished. In other words, all that he specifically claimed to have done was to undertake to lock the stable door after the horse had gone. He plead, in extenuation, after Bergdoll had escaped, that he offered a reward for his recapture. If he had been recaptured and the reward had been claimed, no doubt every one of the many who furnished information here and there would have claimed all or part of the reward, and litigation over it would have been interminable, and the day of payment far in the future, if at all. Then, it is most probable, indeed, that an officer, and not a private citizen, would have made the arrest; and an officer can not maintain a cause of action to enforce the payment of a reward for making an arrest which he should have made regardless of the reward.

The two letters—the one which was sent and the one which was not sent—when taken in connection with all of the other happenings in the case, show that General Ansell was not only taking advantage of his long association in the Army with General Harris, but was actually misleading him into having Bergdoll released for the purpose of seeking the alleged hidden gold. It also is clear that he undertook to use Judge Westcott for the purpose of bringing to bear a political influence upon anybody in the then administration who might be needed to make sure of the gold-hunt release; which, at last, spelled Bergdoll's escape. Then, when Judge Westcott, in response to General Ansell's urging, had not seen the Secretary of War in person, Ansell, still using him, had him write a letter to the Secretary of War asking him to take Bergdoll's case under personal advisement.

It was known to General Ansell that Judge Westcott had put Woodrow Wilson in nomination for the Presidency of the United States, both at Baltimore and four years later at St. Louis, and that Westcott was a personal friend of both the President and the Secretary of War. Knowing that, he took particular pains to inject Westcott's name into the letter which he wrote General Harris; and then, in his presence, had Westcott write a letter to the Secretary of War in Bergdoll's behalf, based upon Westcott's alleged "enormous" interest in the case.

It was made clear that Westcott's services as active counsel in the case were sought by both Gibboney and the Bergdolls, and just as clear that Westcott declined to act in that capacity.

Since Gibboney, practicing only in the civil courts, and Ansell, practicing as an expert in military law, met, it matters little which found the other, or how, as both were on a hunt for the Bergdoll gold, and each got much of it.

After the employment of the firm of Ansell & Bailey, both Ansell and Bailey visited Governors Island and saw Bergdoll, their visits being made at different times. Mr. Bailey returned from Governors Island to Washington and reported to General Ansell at his residence on the night of the 17th of May, at which time it became understood and agreed between them that neither was to go upon any part of the expedition. The question naturally arises that if one or the other of them was to go—and Bailey admits that he had agreed to join the expedition at Hagerstown, Md.—why was there a change of mind just following Bailey's return from a visit to Bergdoll to the effect that neither was to go at all? And, further, why was not General Harris so advised? He was within a stone's throw of them during these two days and two nights. What happened between May 11 and May 17 that did away with the necessity of even Bailey's going? Was information received by either Ansell or Bailey at Governors Island, where Bergdoll was confined under Colonel Hunt, that the gold was not buried at Hagerstown, or that the expedition would not proceed beyond Philadelphia, where Mrs. Bergdoll says the gold was buried and at which point Bergdoll escaped?

The fact has been established by Treasury officials that Mrs. Bergdoll, during October and November, 1920, exchanged $105,000 in currency for that amount in gold; and it is conceded that she took that gold by automobile from Washington to Philadelphia.

About a month and a half after Mrs. Bergdoll got the $80,000 in gold, which was the last amount gotten, young Bergdoll was arrested in his mother's house in Philadelphia. Shortly after his arrest and his transfer to Governors Island he there commenced telling about having buried two different amounts of gold. His mother had gotten two different amounts of gold—$45,000 and $80,000—and she has testified that she made two different burials of these amounts. She further states that her son brother knew that she had gotten gold nor that she had buried any.

It is admitted by Mrs. Bergdoll that young Bergdoll had been at her house in Philadelphia quite a little between the time she got the gold and the time when he was arrested and taken away to Governors Island. It is strikingly strange that he should be telling his associates in prison and counsel that he had buried two sums of gold, amounting to more than $100,000, while, if we believe the mother, she had actually buried the two different sums, aggregating approximately the same amount of which Bergdoll himself was speaking.

The conclusion is not an unreasonable one that if Mrs. Bergdoll did bury the gold gotten from the Treasury, and did make two different burials of it, then young Bergdoll must have known of the whole transaction. Otherwise he only imagined or dreamed of a condition that exactly coincided with the undisclosed but actual doings of his mother.

On the 19th of April, 1920, General Ansell prepared a contract fixing the fee which the firm of Ansell & Bailey was to receive as attorneys for Bergdoll. That tentative contract was submitted by General Ansell to Mr. Gibboney for his approval; but Mr. Gibboney declined to approve it. Thereafter, on the 23d day of April, Mr. Gibboney himself, representing Bergdoll with carte blanche authority, submitted a counter tentative contract to General Ansell.

Under the terms of the first tentative contract, Ansell & Bailey, according to the construction put upon it by Mr. Bailey, could have received $60,000. Still, according to Mr. Bailey, under the tentative counter contract submitted by Mr. Gibboney, Ansell & Bailey could have received $55,000.

General Ansell stated in his testimony that the tentative contract submitted by Gibboney to him was never executed, notwithstanding the fact that he also stated that the terms of that tentative counter contract were agreeable to him. Now, the question arises: If Gibboney prepared and submitted a paper whereby $55,000 was to be paid, and that paper was fully acceptable to Ansell, why was it not executed? Gibboney, when submitting the counter contract, was personally present with Ansell. All that was necessary was for both of them to sign it. Something, we know not what, only by surmise, must have become understood between those two men upon that occasion that caused them to abandon the execution of a contract agreeable to them both. But it is certain that after that date, from all the committee has been able to gather, neither the execution of that contract nor any other was ever mentioned or pressed by either of the proposed parties to it. General Ansell had gone to the trouble to prepare a contract for employment, and Gibboney had done the same about a counter one; yet, when their minds met in full agreement, all attempts to conclude the contract were abandoned by both.

For all that the committee really knows, General Ansell was employed by Gibboney to represent Bergdoll only in the then pending litigation between the United States and Bergdoll. General Ansell refused to even look at the first papers until he had been paid $100, and he refused to have anything to do with the case until he had been paid $5,000 more. Yet we find him departing from that employment and taking up another important piece of work, that of securing the expedition, without disclosed fee or contract for fee, when the actual work to be done by himself and partner, including the visit to Governors Island and the agreement to accompany the expedition for many miles in a mountainous region, to say nothing of the obligation for the prisoner's return, was bigger and more onerous—besides being fraught with the danger of questionable ethics—than was the original proposition, for which he proposed to charge $60,000.

The absence of a fee or a contract for one must be significant when taken in connection with one whose ever-first thought seems to have been given to the payment or securing of a large fee.

The suggestion that Bergdoll's escape defeated the collection of the Ansell fee is fallacious. Bergdoll had nearly a million dollars' worth of property within reach with which to pay fees at any time, either for the preparation of the brief in the military case or for procuring the gold-hunting expedition. Consequently it was not necessary to find the gold in order to get the fee.

Already it has been shown that neither Ansell nor Bailey contemplated going with the expedition after Bailey's return from Governors Island, where he saw Bergdoll two days before the expedition started. The only remaining attorney who might be expected by anybody, even by General Ansell himself, to go upon the expedition was Gibboney, and he even failed to accompany the expedition from New York to Philadelphia.

When Bergdoll arrived at the railroad station in North Philadelphia from Governors Island, Gibboney was there to meet him with a letter of identification from Colonel Hunt. However, Gibboney rode only a few blocks in the automobile with Bergdoll and his guards, when he abandoned the party never to join it again.

Mrs. Bergdoll testified that on the next morning after she received each of the sums of gold she had her chauffeur to drive her away from her residence to a point where she said she buried it. The Bergdolls owned a farm about 11 miles out of Philadelphia. Mrs. Bergdoll stated that she took the gold in her automobile and took along a shovel with which to bury it. She stated that when she had reached the spot of burial she sent her chauffeur away from the automobile to gather apples, and that while he was gathering apples she buried the gold. If that be true, the gold was buried on the Bergdoll farm, and it was not contemplated that the expedition procured by General Ansell was to go beyond Philadelphia. Can it be possible that an ascertainment of the fact that the gold which Mrs. Bergdoll had gotten from the Treasury had been buried on the Bergdoll farm, not far from Philadelphia, caused all of counsel to repudiate the pledge that counsel was to accompany the expedition?

The fact has been established that when Bergdoll and his guard arrived at North Philadelphia, under directions of Mr. Gibboney, who held Colonel Hunt's letter of identification, they went to the Bergdoll residence accompanied by "Judge" Romig and Ike Stecher. Stecher is the man who fled with Bergdoll, and who now is in Germany with him. The further fact has been just as well established that on that very afternoon these same parties drove out to the Bergdoll farm and roamed about over it, instead of going on to Hagerstown, Md., as represented to General Harris by General Ansell would be done.

In view of the foregoing, how is it possible to hold General Ansell blameless? Being 46 years of age, he is just in the prime of all of his abundant faculties. He is both able and alert. Intellectually he is wonderfully endowed; and having spent 25 years in the Army, where he had every phase of humankind to deal with, we must believe that he was fully equipped to counter any attempt at deception upon the part of Bergdoll, Gibboney, or the guards. He was far from being such a novice in the affairs of the world that Gibboney, Bergdoll, Romig, or the guards could have pulled the wool over his eyes and blinded him as to the inevitable result of the expedition which he alone had procured. Anybody who has seen and heard all of those associated, either directly or indirectly, with the plan or manner of Bergdoll's escape, not only must recognize General Ansell as the master mind of them all, but also as their dominating and controlling spirit. He is not the kind of man that will merely follow. Upon the other hand, his is the character of one who must lead. His ability, his experience, have equipped him to lead even the most intelligent of associates.

Bergdoll's escape was the direct result of the proposition submitted by General Ansell to General Harris. Even if General Ansell did not conceive the plan, he presented it and pursued it to its accomplishment. The others had exhausted all remedies known to them as attorneys practicing in the civil courts. It was General Ansell, resourceful and conversant with military possibilities, who must have conceived it.

In fact, Gibboney, Romig, and the Bergdoll family conspiring among themselves were unable to bring about the order for Bergdoll's release. Such, of course, was the object of the conspiracy, but in order to successfully accomplish it it was absolutely necessary to have the active assistance and cooperation of Ansell and Bailey and Colonel Hunt. Without the aid of these latter Bergdoll could not have left Governors Island.

When Bergdoll was arrested on January 7, 1920, as already said, he was taken, in handcuffs, directly to Governors Island, N. Y., and put in charge of Colonel Hunt, commandant of the military disciplinary barracks at that place.

While Bergdoll was confined there, Colonel Hunt was several times apprised of the dangerous character of Bergdoll and of the probability of his attempting to escape. The police authorities at Philadelphia well drew Bergdoll's character as a dangerous, reckless fellow. Notwithstanding that advice, Colonel Hunt, according to his own testimony, preferred to rely upon a board of p-s-y-c-h-i-a-t-r-i-s-t-s as to Bergdoll's character.

When Bergdoll was arrested on January 7, 1920, after he had been a fugitive for more than a year and a half, approximately 30 guns and pistols were found in the house in which he was arrested. One of those guns was a rifle equipped with a Maxim silencer. All these weapons were removed from the house by Government authorities. However, immediately after his final escape from the same house on May 21, 1920, it was discovered that the supply had been replenished, as seven shotguns in the meanwhile had been brought in. In addition, there was a pistol or two and a blackjack in the house. After his escape to the Canadian line had been accomplished, and he had abandoned his automobile there, a large revolver and a Lueger repeating pistol were found in his automobile. These facts bear out the Philadelphia police in their opinion that Bergdoll was a dangerous man and would do violence if the occasion for doing so presented itself, the opinion of Colonel Hunt's board of p-s-y-c-h-i-a-t-r-i-s-t-s to the contrary notwithstanding.

Colonel Hunt admitted that he disregarded the admonitions and warnings as to Bergdoll's character and his possible escape; and, instead, relied upon the diagnosis made by his board of p-s-y-c-h-i-a-t-r-i-s-t-s. When testifying in his own behalf during his court-martial trial, and while referring to the warnings about Bergdoll, Colonel Hunt said:

* * * "The weight of those two warnings—the legal obligation contained in them—was just about the legal obligations of a communication from the mayor of Timbuctoo." (P. 260, court-martial trial of Colonel Hunt.)

One of the warnings given to Colonel Hunt was dated March 8, 1920, and was signed by William Weigel, colonel, General Staff. The communication reads as follows:

"1. Attention is directed to letter from the department adjutant dated January 20, 1920, addressed to you and relating to Grover C. Bergdoll.

"2. In addition to the precautions directed in the letter referred to above, the department commander directs that at all times when Bergdoll leaves the walls of Castle William, he be guarded by two armed sentinels. Whenever Bergdoll in his present status leaves the island, the commanding general directs that he be handcuffed to one sentinel and guarded by another sentinel. The dangerous character of this prisoner has been reported by the police authorities of Philadelphia, who are in a position to know the amount of force which is probably necessary for his restraint, and this direction is made because of the information gained from these experienced police officials."

Relative to those warnings Colonel Hunt, in his court-martial trial, testified as follows:

"Q. I asked you if you considered him a dangerous prisoner?—A. During the time of his trial I had more accurate information and was in better position to judge, in my opinion, of the dangerous character of Bergdoll, of his criminal mind, than the judge advocate, than the judge advocate's office, or the judge advocate of the department, or anybody else; I had received full information from a careful and scientific investigation, conducted by a board of officers, who inquired into his sanity. I received information from Major Baker, who was my p-s-y-c-h-i-a-t-r-i-s-t, and I regarded it as absolutely dependable. At the time I received these two communications I knew all about Bergdoll. I had received the official and scientific opinion of an authority in regard to Bergdoll. Those letters were worth to me just as much as they were based on facts, and they were not based on any facts at all. So far as this information was concerned there wasn't anything in that."

That was one of the several instances of his defiance of superior authority in Bergdoll's favor.

In addition to the court-martial trial with which we are now dealing Colonel Hunt was court-martialed three times on the charge of drunkenness. In one of these court-martial proceedings he was sentenced to be dismissed from the service. Appeal was made to President Taft, who, in his usual good nature, commuted his punishment to that of a reduction of 50 files. Upon one of these three occasions he undertook to anticipate and prevent conviction by making a solemn pledge that he would not indulge in any intoxicating liquors for a period of 10 years. That promise he failed to keep.

There can be no better nor more convincing proof of Colonel Hunt's defiance of authority and ignoring of instructions than is found in his own testimony before his court-martial trial on account of the Bergdoll escape.

Throughout that whole court-martial trial he contended that Bergdoll should have been treated like the least offending prisoner, notwithstanding the information which had been conveyed to him relative to Bergdoll's dangerous character, and his probable attempts at escape. His contention to that effect was based entirely upon the report of the p-s-y-c-h-i-a-t-r-i-s-t-s, the actual and patent facts to the contrary notwithstanding. Besides Colonel Hunt was conducting the prison on an "uplift" policy. He introduced witnesses to prove in effect that it was better to trust Bergdoll to the extent that he did well-known harmless prisoners than to keep him confined or under close surveillance, as he had been instructed to do.

He resented every suggestion made to him relative to keeping a close watch over Bergdoll. His determination to pursue his own narrow way about things; his ignoring directions and defying instructions from the higher authorities at Washington are not short of being criminal; and Bergdoll's escape is traceable directly to that criminality as one of the several important happenings contributing to that deplorable end.

Colonel Hunt first endeavored to excuse what, justly, may be termed the insufficient guard by claiming that he alone had the right to determine how much of a guard should accompany the prisoner, and that nobody else had any right even to make suggestions as to the sufficiency of the guard. Throughout his testimony in the court-martial trial he constantly exhibited that resentment and defiance.

When that attitude had aroused criticism, he sought shelter under the assertion that he did not have a commissioned officer who could be spared when the expedition started.

He said that one commissioned officer was absent on leave and that another had just returned from taking some prisoners out to Leavenworth and was too fatigued to then go upon this expedition, and that in consequence he sent the prisoner out accompanied by only two sergeants.

When he made that statement he must have thought that other people would overlook the fact that he himself could select the day and the hour when the expedition should start. Therefore he, after a conference with Bergdoll's counsel and some of the convicted conspirators, chose a day when, according to his own statements, he knew he could not comply with the instructions of his superior officers by sending a commissioned officer along. Except that he was acting in defiance of instructions and in collusion with the prisoner, his friends, and his attorneys, he would have selected a day for the expedition when all instructions could have been complied with, including the sending of a commissioned officer.

Bergdoll received surprisingly considerate treatment from Colonel Hunt. A man named Speicher slept in the same cell with Bergdoll. Speicher made many trips to New York during that time. There is no doubt that Bergdoll kept in close touch with the outside world through Speicher as well as through others.

Harry Weinberger, the New York lawyer, testified that Speicher upon one occasion came to his office and brought a note from Bergdoll. About that time Speicher got into some trouble and $200 was necessary to get him out of it. That amount was paid by Bergdoll through his mother. If Speicher was receiving that gift and probably others from Bergdoll, and delivering communications to Weinberger, it is reasonably certain that he was delivering communications from Bergdoll to outsiders and from outsiders to Bergdoll.

Mrs. Bergdoll testified that she was permitted to place $700 in the prison at the disposal of her son in order that he might purchase knickknacks for his fellow prisoners.

When O'Hare, one of the sergeants who was to accompany Bergdoll upon the expedition, was about to start thereon, he asked Colonel Hunt for handcuffs, but they were refused.

While in prison Bergdoll and the other prisoners were clothed in prison garb, easily distinguishable, and upon the clothing of each was a prison number. Colonel Hunt sent other prisoners than Bergdoll to Philadelphia, and he sent them in the prison garb, bearing their prison numbers. But when he came to send Bergdoll on his buried-gold mission he had the prison garb removed, and clad him in the uniform of an honorable soldier, except there was no cord around the hatband. It is quite easily seen that if Bergdoll had escaped in his prison garb, bearing a prison number, many persons would have been willing to halt him and bring him to account; but, the fact that he was clad in the uniform of a soldier of our country threw off suspicion; and, instead of blocking his escape, made it easier, as all respected the uniform of the country. Every direction which looked toward Bergdoll's safe-keeping was rejected by Hunt, and everything that might facilitate his escape was done without question or quibble.

There is some conflict between the testimony of Colonel Hunt and that of Sergeant O'Hare relative to the instructions given by Colonel Hunt to O'Hare when he was told that he was to go on the expedition as one of the two guards. Notwithstand-

ing this conflict it is quite certain that the main instructions given to O'Hare by Colonel Hunt were given merely by submitting to him, and having him read, the official letters from Washington.

It appears that Colonel Hunt called Sergeant O'Hare into his office and told him that the expedition would start on the morning of the 20th, and that he and another sergeant were to constitute the guard; but that as between himself and the other sergeant, he, O'Hare, was to be the principal officer.

Then Colonel Hunt gave the official letters to Sergeant O'Hare and told him to read them. While O'Hare was reading the letters Hunt turned to his desk and wrote with pen and ink.

When O'Hare had finished reading the letters Hunt turned to him and asked him if he understood them. O'Hare answered affirmatively.

Colonel Hunt never asked O'Hare a single question for the purpose of ascertaining whether or not he correctly understood them. He made no effort whatever to learn whether O'Hare understood them just as he, himself, did. As a matter of fact, O'Hare left Colonel Hunt and went upon the expedition as the principal guard, with only his own construction of the letters, without having them explained by Colonel Hunt, and without ascertaining whether the two of them understood the letters alike.

O'Hare testified that when he asked Colonel Hunt to give him handcuffs so that Bergdoll might be handcuffed, Hunt replied that handcuffs would make Bergdoll "too conspicuous."

To test O'Hare's capacity to correctly understand the letters which Colonel Hunt, without explanation, had shown him, he was asked to spell the word "conspicuous," a word used by Hunt in talking to O'Hare. He spelled it "c-o-n-p-i-c-i-o-u-s."

The following colloquy during the hearings will clearly show O'Hare's lack of education and his consequent lack of ability to properly interpret the letters:

"Mr. JOHNSON. What did you say that Colonel Hunt said about the handcuffs?

"Sergeant O'HARE. He said they would be too 'conspicuous.'

"Mr. JOHNSON. Too 'conspicuous'?

"Sergeant O'HARE. Yes, sir.

"Mr. JOHNSON. Spell that word, please.

"Sergeant O'HARE. C-o-n-p-i-c-o-u-s.

"Mr. JOHNSON. The first line of the letter which General Ansell wrote to General Harris, and which letter was submitted to you by Colonel Hunt on that occasion for you to read, starts out this way: 'Please permit me, in compliance with your helpful suggestion.' What does the word 'compliance' there mean?

"Sergeant O'HARE. To request him to do something.

"Mr. JOHNSON. Tell the committee what you think the word 'compliance' means.

"Sergeant O'HARE. To do something.

"Mr. JOHNSON. The second paragraph in the same letter starts out this way: 'This man, by virtue of his conviction and sentence as a so-called draft deserter, is now imprisoned at Fort Jay, pending the review of his trial by the War Department.'

"What does the 'virtue' in that sentence mean?

"Sergeant O'HARE. I couldn't say.

"Mr. JOHNSON. What does the word 'pending' in that sentence mean?

"Sergeant O'HARE. Pending the opening up of the case, waiting for a new trial.

"Mr. JOHNSON. The next sentence in the letter reads: 'I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and lawyer.' What does 'repute' mean in that sentence?

"Sergeant O'HARE. A man who is honest and a good reputation.

"Mr. JOHNSON. What does 'unexcelled' mean?

"Sergeant O'HARE. Unexcelled? Can't be beat.

"Mr. PETERS. That is right.

"Mr. JOHNSON. Spell 'unexcelled.'

"Sergeant O'HARE. U-n-e-x-c-e-l-l-e-d.

"Mr. JOHNSON. Another sentence in this letter reads: 'Of counsel also in consulting capacity is Judge Westcott, of New Jersey, whom doubtless the Secretary of State well knows.' What does the word 'consulting' there mean?

"Sergeant O'HARE. To assist.

"Mr. JOHNSON. 'Whom doubtless the Secretary well knows.' What does the word 'doubtless' mean?

"Sergeant O'HARE. Well known.

"Mr. JOHNSON. In the next sentence I find the word 'impels.' What does that mean?

"Sergeant O'HARE. Impel is to assist.

"Mr. JOHNSON. In the next paragraph I find the word 'partially.' What does that mean?

"Sergeant O'HARE. A kind of helping hand.

"Mr. JOHNSON. Spell it.

"Sergeant O'HARE. Partially?

"Mr. JOHNSON. Yes.

"Sergeant O'HARE. I can't do it.

"Mr. JOHNSON. Make an effort at spelling it.

"Sergeant O'HARE. I can't do it. I can't spell it.

"Mr. JOHNSON. In the next line I find the word 'uninteligible.' What does that mean?

"Sergeant O'HARE. Don't know anything; don't know much.

"Mr. JOHNSON. In the next line I find the word 'complex.' What does that mean?

"Sergeant O'HARE. Complex?

"Mr. JOHNSON. Yes.

"Sergeant O'HARE. A peculiar case.

"Mr. JOHNSON. In the concluding sentence of General Ansell's letter to General Harris I find the word 'obvious.' What does that mean?

"Sergeant O'HARE. I don't know, sir.

"Mr. JOHNSON. Can you spell it?

"Sergeant O'HARE. O-b-i-o-u-s.

"Mr. JOHNSON. In the same sentence I find the word 'practicable.' What does that mean?

"Sergeant O'HARE. Reliable.

"Mr. JOHNSON. Colonel Hunt, as I just said, has testified that he turned these letters over to you that you might read them for the purpose of being instructed as to what you were to do and where you were to go upon that journey. You now state, do you not, that you do not know the meaning of some of the words in those letters?

"Sergeant O'HARE. Yes, sir. When I read a sentence I can almost make out what it is, or read a paragraph."

It will be noticed by the last question and answer that O'Hare admitted that he did not know the meaning of many of the words in the letters. According to his own statements, the best he can do is "almost" make out what it means.

York, the sergeant who, with O'Hare, constituted the guard, admittedly was given no instructions whatever. If anything had happened to O'Hare York would have been absolutely without any sort of instruction.

As said, while O'Hare was reading the two letters, Hunt was writing a letter in longhand to Gibboney. That letter was shown by Hunt to O'Hare, that O'Hare might be able upon reaching North Philadelphia to identify Gibboney, by whom the letter was to be shown to O'Hare when he reached Philadelphia to report to Gibboney. That letter reads as follows:

GOVERNORS ISLAND, N. Y., *May 17, 1920.*

Mr. D. CLARENCE GIBBONEY.

SIR: This letter is to serve the purpose of your identification in the matter which was arranged in my quarters on Governors Island.

Very respectfully,

JOHN E. HUNT, *Major, Infantry.*

When O'Hare, with his prisoner, arrived at the North Philadelphia station, Gibboney went to O'Hare and presented the letter which had been written by Hunt, and which O'Hare had seen before it was mailed to Gibboney. O'Hare states positively, and the above letter and every other circumstance bears him out, that when the expedition reached North Philadelphia, Gibboney, as Bergdoll's attorney, was to have control as to where the party should go. O'Hare, following his construction of the letters, including the one of identification written by Hunt, clearly showed that Hunt intended that O'Hare should report to Gibboney at Philadelphia, and there receive instructions from him as to the rest of the journey, since it is admitted by all that O'Hare knew neither the road nor the destination.

Believing, and correctly so, that from that moment Gibboney was to control their movements, O'Hare followed Gibboney's instructions and took Bergdoll to his own residence.

It seems clear that it never was intended that the expedition should proceed beyond Philadelphia; and it is no difficult matter to determine who knew in advance that it was not to proceed further.

Two days and two nights before the expedition started both Ansell and Bailey abandoned any intention to go that either may have had, as well as any understanding with anyone in authority that either of them was to meet the party at Hagerstown or anywhere else. Hunt did not direct O'Hare and York, the two guards, to compel Bergdoll to go farther than Philadelphia. Instead, he wrote the letter above referred to; showed it to O'Hare; then mailed it to Gibboney, and had Gibboney present it at Philadelphia to O'Hare in order, as Colonel Hunt says, that O'Hare might be able to identify Gibboney.

The question arises: For what purpose was Gibboney to be identified by O'Hare? Was it that he might merely make the acquaintance of Gibboney; or was it that Gibboney, just as O'Hare says, was to tell O'Hare where the party should go? That letter was not written as an introduction of Gibboney or for any other unimportant matter. It was written with the serious and important intent of having O'Hare report to Gibboney for instructions not given by him by Hunt himself. There can be no doubt about that.

Following Gibboney's directions, the party entered an automobile. Scarcely were they seated in the automobile until Gibboney gave directions to proceed to the Bergdoll residence, he himself leaving the automobile at a convenient place to go to the court room, where Mrs. Bergdoll was then being tried.

Neither Gibboney, Romig, nor Ike Stecker, all of whom said they were going on the journey to Hagerstown, Md., on a mission which required them to be out several days, had any baggage whatever when they met Bergdoll and the guard at North Philadelphia.

Mrs. Bergdoll, although a millionaire, usually does all of her own work, cooking, washing and ironing, and other household duties. Notwithstanding this fact, on the day before Bergdoll arrived at her residence in Philadelphia she arranged for Mrs. Stecker to come to her house on the following day to cook dinner. The next day—the day when Bergdoll and the party actually arrived at the residence—Mrs. Bergdoll had put part of the dinner on the stove to be cooked. Other provisions for the dinner were already in the kitchen. Mrs. Bergdoll purchases her meager supply of groceries from day to day, if not from meal to meal.

On this day there would have been nobody at the house for dinner if Bergdoll, O'Hare, and the others were not to be there, except Mrs. Bergdoll, her mother, and the gardener. But, in addition to those three, there were present for dinner Mrs. Stecker, Grover Bergdoll, "Judge" Romig, Ike Stecker, Sergeant O'Hare, and Sergeant York. Yet there was ample dinner for all nine. Still all those who were helping young Bergdoll, including Ansell and Hunt, disclaim that there was to be a stop at Philadelphia.

It was testified that Gibboney stated that the journey was not to be pursued farther than Philadelphia that day because the automobile which the party was to use was "knocking." No immediate steps, if any at all, were taken to repair the car.

When O'Hare, with his prisoner and the others, arrived at the Bergdoll residence nobody was there except Mrs. Bergdoll's mother, who was more than 80 years of age.

Bergdoll proposed that they take a ride through the city until dinner time, they having reached the Bergdoll house about 10 o'clock. This they did, returning to the Bergdoll residence about 12 o'clock. In the meantime Mrs. Stecker had arrived and was preparing dinner—not for three persons, but for nine.

After dinner was over it was proposed not to have the automobile repaired, but to take another ride. This also they did; and during that ride they visited the Bergdoll farm, 11 miles out in the country. What happened there can be only surmised; but it should be remembered that if Mrs. Bergdoll, or Bergdoll himself, ever buried any gold, it must have been on the Bergdoll farm.

After the visit to the Bergdoll farm the party returned to the Bergdoll residence in Philadelphia. After supper was over there was nothing done by Ike Stecker, the chauffeur, looking toward the repair of the car, but, instead, the party took another ride in the alleged disabled car, during which time they went to a show and to a saloon.

A bottle or bottles of gin were placed in different parts of the Bergdoll home, where any of the party could partake of it at will. It is conceded that all except O'Hare drank some of it. This will be mentioned again further along.

It must be noticed that Gibboney, one of the Bergdoll attorneys, and who had long been a friend and attorney for the Bergdoll family, was out in town and not at the Bergdoll residence. It must also be noted that "Judge" Romig, an intimate friend and confidential adviser of the family, was within the residence with O'Hare, York, and the prisoner.

It is interesting to see who Gibboney and Romig are. Gibboney was an attorney at law, with but little knowledge of the law. His principal profession or occupation was that of a self-styled "uplifter" or reformer. In the latter capacity he pretended to be stamping out the liquor traffic and other evils. The Bergdolls owned a brewery, and some 1,200 or 1,400 saloons dispensed their beer. By and by Gibboney, as uplifter and reformer, came to be recognized by the authorities as one who, for the sake of peace, should be consulted about the issuing of licenses for these and other saloons. His opinions relative to issuing licenses to the Bergdoll saloons not only did not cause a rupture between himself and the Bergdolls but it brought him and them closer together. He was the man to whom Colonel Hunt delivered Bergdoll and the two sergeants, York and O'Hare. In addition, Gibboney was the man who was on the outside of the Bergdoll residence to observe, while "Judge" Romig was within to report, which he did by telephone.

Who is "Judge" Romig? He was never a licensed attorney. He acquired the title of "judge" because he was a justice of the peace, before whom offenders in the Bergdoll saloons were tried for minor offenses. His conduct as justice of the peace so greatly endeared him to the senior Bergdoll that he, when upon his deathbed, asked "Judge" Romig to look after Grover when he was gone. From that day until this "Judge" Romig has been a constant visitor at the Bergdoll residence and their confidential adviser. It was he who accompanied Mrs. Bergdoll and drove her automobile from Philadelphia to Washington upon the two occasions when Mrs. Bergdoll got $105,000 in gold from the Federal Treasury.

Up to this point it is seen that General Ansell procured the release of Bergdoll from Colonel Hunt, and Colonel Hunt placed Bergdoll in the hands of Sergeants O'Hare and York; and they, by Hunt's orders, delivered him to Gibboney, and Gibboney turned him over to Romig, the foster father, who accompanied him to the Bergdoll residence, from which he escaped. All that was not accident; it was design.

General Ansell in his letter to General Harris extolled the virtues of Gibboney. Yet when he came to testify he disclosed that his information as to Gibboney was acquired after the escape and not before. So his statements were made as facts when he lacked the necessary information upon which to base an opinion as to Gibboney's real character. If General Ansell had said as much to General Harris about Gibboney as he virtually admitted to the committee, no doubt General Harris would have refused under those circumstances what he granted under the other unqualified representations.

Almost immediately after the receipt of the letter sent by General Ansell to General Harris on May 11, Hunt, at Governors Island, was advised over the telephone by Colonel Penn that Bergdoll was to be released. On Sunday, May 16, "Judge" Romig went over to Governors Island. He saw Bergdoll upon that occasion. As to whom else he saw and what was said the committee is not advised. However, "Judge" Romig testified that upon that occasion Bergdoll spoke to him of the contemplated expedition to recover the buried gold. According to "Judge" Romig's own testimony he all but flew up into the air as soon as Bergdoll mentioned "gold" to him, and he reprimanded Bergdoll for having even mentioned "gold." "Judge" Romig had accompanied Mrs. Bergdoll from Philadelphia to Washington in her automobile upon the two occasions when she got in the aggregate $105,000 in gold. He helped her to carry it from the Treasury Building at Washington into the automobile, and in Philadelphia he helped her to carry it from the automobile into the Bergdoll residence. But for some unaccountable reason he said he would not permit young Bergdoll, while at Governors Island, to even mention "gold." By reference to Romig's testimony it will be seen that when asked if he believed the story of buried gold he stated that he believed the gold to be where he had last seen it; that is, in the Bergdoll house. It must be concluded that Romig then knew that Bergdoll's release and the expedition were not a hunt for gold, but intended for Bergdoll's escape, and he commenced in time to disclaim participation.

In the natural sequence of things the conduct of O'Hare should next be considered; but as the conduct and trial of Colonel Hunt are in such close intimacy with Col. C. C. Cresson, the judge advocate who prosecuted—or, rather, who was selected or detailed to prosecute Colonel Hunt—it is deemed best that his acts and omissions should be considered at this point in the report.

As ugly as are many phases of this whole matter, none is more defenseless than the conduct of Colonel Cresson in his pretended prosecution of Colonel Hunt.

To turn those loose who turned Bergdoll loose but adds insult to injury, and Colonel Cresson was the principal one of the instruments through which this latter offense was perpetrated.

The charges upon which Colonel Hunt was tried, as set out in the specifications, were:

"He suffered and permitted the * * * said general prisoner, Bergdoll, to leave said barracks on the date aforesaid not properly and suitably guarded and not accompanied by at least one of said counsel, in view of said information and warning, in that he did send said Bergdoll from said barracks in the custody of two noncommissioned officers, namely, Sergts. John

O'Hare and Calvin York, Ninth Disciplinary Company, United States Army, whom he had detailed as guard over said prisoner for and during the journey contemplated by the instructions of The Adjutant General aforesaid, and then and there failed to instruct said guards, or either of them, to handcuff said prisoner or to direct that the said guard be provided with handcuffs for that purpose in case of need therefor, and failed and neglected to give said guards, or either of them, sufficient and adequate instructions as to their journey, the care and safeguarding of said prisoner, and their course of conduct in charge of said prisoner, and otherwise failed properly to instruct said guard, and also, in view of said information and warning as to said character of said prisoner as aforesaid, failed to send a commissioned officer with said guard as suggested in the instructions of The Adjutant General as aforesaid; by reason of all of which said carelessness, negligence, failure, and neglect of duty in the premises on the part of the said Lieut. Col. (then major, Infantry) John F. Hunt, United States Army, retired, and commandant as aforesaid, and as a result thereof said general prisoner Bergdoll did escape from the custody of said guard at Philadelphia, Pa., on or about the 21st day of May, 1920."

Concretely put, Hunt was charged:

1st. With not having the prisoner and the guard accompanied by at least one of the counsel.

2d. That he failed to instruct the guard to handcuff Bergdoll, or direct that the guard be provided with handcuffs in case of need therefor.

3d. That he failed and neglected to give the guard sufficient and adequate instructions as to their journey and safeguarding of the prisoner.

4th. That he failed to send a commissioned officer with the guard, as directed in the instructions of The Adjutant General.

5th. That he failed to send Bergdoll out with a suitable guard.

Colonel Hunt plead "not guilty" to each of those five charges; but when testifying in the court-martial trial, and also before this committee, he admitted that he did send the prisoner out without any of the counsel accompanying the expedition from New York to Philadelphia, and the expedition did not proceed beyond Philadelphia. The prisoner and the guard were actually unattended by any of the counsel during any part of the journey, except for the few city blocks while Gibboney was in the automobile with them, which was just before he turned the party over to either Remig or to Bergdoll himself.

As to the second charge, Colonel Hunt admitted he did not instruct the guard either to handcuff the prisoner or to take handcuffs along. On the contrary, he forbade both.

As to the third charge, which relates to instructions, it is not claimed by Colonel Hunt that he gave any instructions whatever to York, who was one of the two sergeants in whose charge the prisoner was placed. The only other guard was Sergeant O'Hare. The lack of instructions to him already has been commented upon. However, Colonel Hunt claims that he gave O'Hare verbal instructions in addition to having him read the letters already referred to. Everything that was said and done by either of them, and by all others who were connected with the unfortunate affair, goes to corroborate O'Hare and to discredit Colonel Hunt in this respect.

As to the fourth charge, Colonel Hunt admits that he did not send the commissioned officer, as he was told to do by the higher military authorities at Washington.

The fifth charge is that Colonel Hunt did not send a "suitable" guard.

O'Hare testified that he is 5 feet 5½ inches tall and that he weighs 130 pounds. Unquestionably he would have been an uneven match in a grapple with Bergdoll, who was a physical giant in comparison. It may be argued that O'Hare had a pistol; but what could he have done with a pistol if Bergdoll had waited him for the purpose of taking it away from him?

It has been clearly demonstrated that he did not have sufficient education to certainly understand the written instructions. One look at him discloses that he is a man far below the average in intelligence.

That he, without sanction or approval, permitted Bergdoll to be driven to the Bergdoll farm; that he accompanied Bergdoll to a show at night; and then, late at night, permitted Sergeant York to go into a saloon, is conclusive proof that he was not a "suitable" guard. That he permitted Bergdoll to get out of his sight while in the Bergdoll residence is but a finishing incident to establish his total inefficiency.

Sergeant York was the other of the two guards. As said, it is admitted by Colonel Hunt himself that he gave no instructions to him. Receiving no instructions whatever from Colonel Hunt, the charge must be true, as stated in the specifications, that he was not properly instructed. Colonel Hunt was not only delinquent in not instructing York but he was such in selecting him. He made a great boast that in O'Hare he knew he had a sober man. He lays no claim to knowing anything of the habits of York. As just stated, on the night of the first day that the party reached Philadelphia, York went into a saloon in the presence of O'Hare, who was York's immediate superior. Next, we find that in the Bergdoll residence a bottle of gin just "happened" to be wherever York went about the house; and it is not denied that both he and the prisoner drank freely of it.

The charge in the fifth specification, the one with which we are now dealing, relates to the "suitableness" of the guard. The question well may be asked, "Who, when made acquainted with the facts, will be willing to answer that the guard was 'suitable' for any purpose except for the easy escape of the prisoner?"

As to the five charges made in the specifications against Colonel Hunt, notwithstanding the fact that he plead "not guilty" to each of them, he specifically admitted three of them in his testimony, and the other two were established. Notwithstanding his admission of his guilt as to the first specification, the court acquitted him.

Another count in the specifications was that Colonel Hunt failed to provide the guard with handcuffs. To that charge he also plead "not guilty"; yet upon the witness stand he admitted the truth of the charge. In the face of that admission the court acquitted him.

To the third count Colonel Hunt again plead "not guilty"; but in his testimony he admitted that he did not send a commissioned officer. Still, as to that count the court again held him not guilty.

The other two counts in the specifications related to insufficient instructions to the guard and to the suitableness of the guard. Those two were established by the proof, but not by Hunt's admissions.

So all five counts were proven, three of them by Hunt's admissions, and yet the court found him "not guilty" on each and every one of them.

There can be no question that Sergeant O'Hare was imposed upon by Colonel Hunt. However, there can be no excuse made for the opportunity of escape which O'Hare gave Bergdoll. O'Hare was guilty of unpardonable negligence during the night spent in the Bergdoll residence in that he permitted Sergeant York to go upstairs and sleep with a bottle of gin, while he remained downstairs and slept in the same room (in another bed) with Bergdoll. Unless Bergdoll had had a safer and just as certain plan of escape, he either would have taken O'Hare's pistol from him while O'Hare was asleep, or he would have covered him with one of his seven shotguns, compelled him to hold up his hands and remain silent, and then go away in the automobile, possibly taking O'Hare with him and throwing him out in the road at such point as might best suit his purposes.

There can be no defense whatever made for Sergeant York. On their arrival at Philadelphia he got out of the automobile and went into a saloon. During that night and the next day at the Bergdoll residence on several occasions he drank gin, not only by himself but with the prisoner. He, too, is just as blamable as is O'Hare for letting Bergdoll get out of sight. He even did not sleep in the same room with the prisoner. Besides, when the telephone bells were ringing—no doubt as a signal to Bergdoll that everything was ready—York says he went to another floor of the house to get a drink of water, when there was water on the floor which he was leaving.

Lieut. Col. C. C. Cresson, as said, was the judge advocate detailed to prosecute Colonel Hunt in the court-martial trial.

Even before any testimony was introduced, Colonel Cresson made the following statement to the court:

"The Government disclaims, and personally and on behalf of the prosecution, any idea of there being anything crooked or any collusion on the part of Colonel Hunt in this matter, or that any money was used, the only charge in the matter being simply neglect of duty and failure to take due precautions in the matter." (P. 7, Hunt's court-martial trial record.)

By that declaration Colonel Cresson gave notice that he would not, if he could, prove that he did not furnish a sufficient guard if he was bribed not to do so.

In the same way this prosecuting attorney served notice that he would not prove, even if he could do so, that Colonel Hunt had failed to send a commissioned officer along with the guard if he had been paid not to do so.

The inevitable conclusion is that Bergdoll bought his way out; yet Colonel Cresson, the prosecutor, boldly announced that he would not prove that to be the case even if he could.

That statement by Colonel Cresson clearly shows what a shocking mockery the rest of the trial was.

On pages 16 and 17 of the record of the court-martial trial of Hunt it is shown that the defense undertook to prove by General Harris that he had inspected the prison on Governors Island, of which Colonel Hunt was commandant, on June 11, following May 21, when Bergdoll escaped, and that Colonel Cresson objected to the testimony, but afterwards withdrew this objection and permitted the condition of the prison after the escape to be inquired into, all of which had nothing whatever to do with the case, except to avoid the real issues.

On page 18 of the same record it is shown that the prosecution, without objection to the question, permitted General Harris to testify relative to an inspection of the prison made by him on April 10, 1918, as if the condition of the prison more than two years before the escape of Bergdoll had anything to do with his escape.

Again, that record shows on page 19 that General Harris was permitted, without objection on the part of the prosecution, to testify as to the condition of the prison in April, 1919, more than a year before the escape.

General Harris declined to say that the release of Bergdoll to go find the gold was not a precedent. The case he cited as precedent was where permission was given a prisoner to go to see his dying mother. No instance was cited where a man had ever before been permitted to go hunt for any instrument or for gold; gold buried to aid him in avoiding capture, in the first place, and to be used toward his escape in the next place.

Attention is invited to that part of the answer of General Harris when he said, "It is not infrequent—it is not a common occurrence to give consent for a man to go to his house to recover some effects or papers, particularly papers, but they are always sent under guard." In that sentence we have General Harris saying, first, that it is "not infrequent," and next, "it is not a common occurrence." So, no precedent for the Bergdoll release could be found.

It is to be taken as granted that the permission which was referred to as a precedent, where papers were to be gotten, that they were not such as could be used by the prisoner in effecting his escape, as the gold was to be used by Bergdoll.

On page 24 of the same record, in the testimony of Colonel Penn, we find the following question and answer, neither of which was objected to by the prosecution:

"Q. Up to the time of the 20th of May, this year, what would you have to say as to the administration of the disciplinary barracks by Colonel Hunt; was it satisfactory or otherwise?—A. It had been entirely satisfactory to the department."

Again the question may be asked: What did the administration's opinion of the condition of the barracks have to do with the escape of Bergdoll?

On the same page the following questions were put to Colonel Penn:

"Q. Do you know the reason, Colonel, for the disciplinary barracks being directly under The Adjutant General's Office, and not under the department, as other posts within the department are?—A. I don't know as I can state offhand the reason for that.

"Q. Would you say this, Colonel, that the handling of prisoners who are to serve a year or more require special study, that it was something entirely different from a guardhouse, and therefore required a man who had special training in it and would be in touch with the definite policy that was adopted at Washington?"

At this point the prosecution objected; and, in the course of his objection, used this illuminating and consistent sentence: "I will not raise an objection if you don't insist on that question."

But, after the defense "had insisted" on the question, strange as it may be, the prosecution withdrew the objection. After the objection had been withdrawn it was repeat by having the stenographer read it to the witness. Just as soon as the stenographer had finished reading the question, Colonel Cresson, prosecuting, apparently anxious to have it answered for Hunt's benefit, put in and said, "Answer the question, if you can, Colonel."

The above quotation and comment are for the purpose of showing, just at this point, as can be shown in a great number of places further along in the record, that the prosecution nearly always gave way to what was desired by the defense. Usually when he did not give way the court helped out by overruling the objection.

After the witness had ceased to testify for the defense, Colonel Cresson, prosecuting, had the witness to further testify that Colonel Williams, of the Inspector General's Department, had, in May, 1919, a year before the Bergdoll incident, spoken very highly of Colonel Hunt's management of the barracks. The prosecution also had the witness testify that Maj. G. C. Shaw, of the Inspector General's Department, had reported Colonel Hunt's institution to be in excellent condition on May 6, 1920, and that the morale of the officers and enlisted men and prisoners reflected great credit upon Colonel Hunt as commandant of the place. That testimony is to be found on page 28 of the court-martial record.

But, again, the question may be asked: What did the condition of the prison or the morale of the men at any time have to do with the escape of Bergdoll, who did not escape from the prison?

One of the most ridiculous features ever injected into tragedy came when James H. Sparks was testifying. The defense asked whether or not Bergdoll looked like a dangerous man. It is needless to say that the prosecution did not object to having Sparks, a railroad brakeman, venture his scientific opinion along with that already given by the p-s-y-c-h-i-a-t-r-i-s-t. This witness would render the world a favor if he would only describe a really dangerous man merely by his looks.

In addition to the several warnings which had been given relative to Bergdoll being dangerous and liable to escape, Captain Yuill notified the authorities on Governors Island, when Bergdoll was taken there, that he was a very wealthy man and that they should not keep him in the ordinary garrison guardhouse, because in all probability he might bribe his way out.

When O'Hare was on the witness stand in Colonel Hunt's court-martial trial, testifying in response to questions put to him by the prosecution, the prosecution itself endeavored to conceal a material part of the escapade indulged in at Philadelphia, as is shown by the following questions and answers, to be found on page 81 of the court-martial record:

"Q. You got out to Bergdoll's house about what time? Do you remember?—A. I think it was between 11 and 12, the first time.

"Q. In the middle of the day?—A. Yes, sir.

"Q. And you stayed there until how long—how long did you stay there?—A. Oh, must have stayed there—we had dinner there and stayed there until about 2 o'clock.

"Q. What did you do this afternoon?—A. Then took a ride around again in the afternoon.

"Q. Now, skip over to the next day. When was the last time you saw Bergdoll, as you remember it?"

One can not but wonder and continue to wonder why the prosecution wanted to "skip over" the escapade of that night when Bergdoll was taken to the show by the guard and Sergeant York went into the saloon. Could it be that the prosecution was "whitewashing" Colonel Hunt's guards by concealing those incidents because the "suitableness" of the guard was one of the issues confronting Colonel Hunt?

On page 90 of the court-martial proceedings it is shown that while O'Hare still was on the witness stand the prosecution itself volunteered an announcement as follows:

"I think it is proper to appear here that the sergeant is a man that never takes a drink. He has taken no drinks in 19 years."

When O'Hare came to testify before the congressional investigating committee he stated that prior to the Bergdoll affair he did not know Colonel Cresson, who was prosecuting, and that Colonel Cresson did not know him; and that it was impossible for Colonel Cresson to know whether or not he (O'Hare) drank.

Pages 101, 102, and 103 of the record of Hunt's court-martial trial disclose that counsel for Hunt all but abandoned the defense of Hunt, such defense appearing to be unnecessary, no doubt, because of the attitude taken by the prosecution, and commenced the defense of O'Hare and York, who were to be tried later. Presumably he was moved by the old saw that "all three of them might hang separately unless they hung together."

Again, to show that Colonel Cresson, conducting the prosecution, was doing both big and little things to avoid the conviction of Colonel Hunt, the following questions and answers of the court-martial trial, to be found on page 105 thereof, read as follows:

"Questions by prosecution:

"Q. Sergeant, I believe you testified that it was against your orders to go to Canada?—A. Yes, sir."

That to which attention is invited is the fact that the witness had not so testified. The testimony of the witness upon the preceding day is to be found on page 97 and reads as follows:

"Q. In other words, if you get to Philadelphia and met Mr. Gibboney and Mr. Gibboney said you were to go to Canada, you would know that was wrong, wouldn't you?—A. Yes.

"Q. And you would have refused to go to Canada?—A. Yes."

It will be seen that the witness did not testify that it was "against his orders" to go to Canada; but, instead, he said he would have used his own judgment and would not have gone

to Canada. So there is another instance where the prosecution, by leading the witness, undertook to have it appear that Sergeant O'Hare did have detailed instructions from Colonel Hunt, when the prosecution was based upon the charge that he did not have such instructions from Colonel Hunt.

Frank Paul Keppel, formerly Third Assistant Secretary of War, was introduced as a witness by the defense to prove that the policy of the Secretary of War relative to the management of the disciplinary barracks at which Colonel Hunt was the commandant was in accord with the policy of Colonel Hunt.

The policy of the Secretary of War concerning the mere "management of the institution" had nothing whatever to do with the escape of Bergdoll at Philadelphia.

The witness was asked further: "Did you yourself make an inspection or two at the institution here?"

"A. I did; two inspections. * * *

"Q. On your second inspection did you find a decided change, or otherwise?—A. My impression is conditions were very much better the second time; the appearance of the place was better; the bearing of the prisoners was better, and it was evident the barracks were administered under a very careful supervision and along a definite policy; I recall that a number of prisoners at that time spent a good part of their time down at the end of the island, not within Fort Williams, but arrangements were made for making themselves useful down at the other end of the island; I don't think that was the case when I was first there."

But what did "the appearance of the place" have to do with the escape of Bergdoll at Philadelphia? Certainly the "appearance of the place" was changed to some extent by Bergdoll's absence.

The witness was actually asked: "Do you know what his (the Secretary of War's) opinion was of the conduct of the institution by Colonel Hunt?"

The opinion of the Secretary of War as to the general conduct of a prison did not excuse Colonel Hunt's refusal of handcuffs, for instance. Yet question after question like that was not objected to by the prosecution.

The defense introduced one McClellan, warden of the Chester County penitentiary, for the general purpose of proving that Colonel Hunt's prison policy was approved by him.

The defense asked him this question: "How did the general policies there compare with that of your institution?"

Even if the question had anything whatever to do with the case, it had not been proven that McClellan was properly conducting his prison at West Chester. Colonel Hunt's policies of managing a prison were permitted to be compared with McClellan's policy of running the West Chester prison, without anybody ever having said how well or how badly the West Chester prison was conducted. But, in order to get Mr. McClellan's and Colonel Hunt's idea of operating a prison, the following is quoted from the former's testimony:

"We have never used—I have never used arms with any guard; I don't allow any guard to carry arms in the institution. It might be well to tell you or the court that our institution is an open one—no walls—and our men work in the open, a mile from the institution at many times. We do not use arms. * * *

"Q. In what kind of a case, with one prisoner, would you consider handcuffs necessary?—A. Well, I would only consider handcuffs in the same light that I would consider a straight-jacket—as a matter of restraint."

McClellan and Hunt might have been suitable wardens at a foundling institution, but certainly at no other place. Moreover, McClellan does not permit the word "guard" to be used in his institution; instead he requires everybody to use the word "officer."

In answer to a question this witness, whose testimony seems to have been seriously considered, answered:

"I know very little of Bergdoll.

"Q. You don't know, then, whether it was necessary to handcuff him and send two armed men or not, do you?—A. I don't think that the man lives that it is necessary to do that to if he is a normal man, unless he is insane.

"Q. If it became necessary to transfer a man of dangerous and escaping character, then you believe he should be handcuffed?—A. I don't think so."

If one will read the latter part of page 189 and page 190, which is a part of the testimony of McClellan given at the court-martial trial of Colonel Hunt, he will be utterly astounded at the length to which McClellan would go in conducting a prison. He said, in substance, that he saw no reason why he should take the word of a commanding general that a prisoner was desperate—he would not heed warnings—but would rely upon his own opinion and that of a psychiatrist rather than take heed from a warning or obey orders from a superior authority. Except that Hunt entertained these same notions, Bergdoll might not have escaped.

Another witness in Colonel Hunt's behalf was Capt. Edmund Banks Smith, a chaplain. He stated that he was associated with the prison on Governors Island prior to 1915; that he left there in 1915, but frequently went back. That good man, considering Hunt's administration from the "uplift" or "reform" standpoint, said in his testimony:

"I noticed a slow and gradual changing of what I might term the atmosphere of the prison, rather intangible to describe, but perfectly easy to feel, that appeared to me to show an improvement in the morale of the men."

It may be said, not in a spirit of reproach, that at the time when the chaplain "felt the atmosphere" that Bergdoll was "rather intangible" at Governors Island, where Colonel Hunt presided with such motherly intuitions. Perhaps if the reverend gentleman had then "felt the atmosphere" in Germany he would have found it full of the breathings of defiance and scorn coming from Bergdoll for the American flag.

Bergdoll escaped on May 21, 1920. Colonel Hunt's court-martial proceedings commenced July 21 thereafter. During the two months which intervened between the time when Bergdoll escaped and the beginning of Hunt's court-martial trial Hunt was promoted from major to lieutenant colonel. Then, while the trial was going on announcement actually was made to the court, while in session, that Lieutenant Colonel Hunt had again been promoted, this time to the rank of colonel.

Notice: During the two months immediately following the escape of Bergdoll he was promoted twice.

In the midst of the trial, while Capt. Samuel B. Shackford, a witness for the defense, was testifying, the attorney for the prosecution arose and said to the court:

"To save time, I don't think anywhere in the specification it charges that these sergeants were not competent. I don't think negligence was charged in that way, unless the guard was insufficiently instructed by Hunt. I think testimony along that line might be dispensed with. I am not going to object to it, however, but I want to call your attention to the fact that it is not charged that either of these sergeants were improper men or not good sergeants."

That was a monstrous assertion for the prosecution to make, inasmuch as one of the specifications charged Colonel Hunt with having permitted "Bergdoll to leave said barracks on the date aforesaid not properly and suitably guarded." If they were incompetent or drinkers or negligent they were not "suitable."

The very one whose duty it was to show that the guards were not "suitable" voluntarily stated, in substance, in the above-quoted language, that it was not charged that either of the sergeants "were" "improper men or not good sergeants." Colonel Hunt was directed to provide a "suitable guard," and in the charge it is plainly specified that he did "neglect his duty in that behalf." The prosecution now is helping out the defense by saying by reasonable inference that "improper men" as guards make a "suitable" guard.

The witness testified that Sergeant York "is trustworthy—depend on him absolutely." What a wonderful statement that is, in view of all the facts brought out against him.

Amos T. Baker, one of the p-s-y-c-h-i-a-t-r-i-s-t-s who regarded Bergdoll as so beautifully innocent and harmless, notwithstanding the many warnings as to his dangerous character, really testified that handcuffing "would be humiliating to the prisoner and might suggest to him the possibility of escape." Evidently he was proceeding upon the theory that it had never entered Bergdoll's head to escape. As the handcuffs were not used, and as Bergdoll escaped, it must be that the absence rather than the presence of handcuffs suggested the escape. No matter what the consequence had been, the witness would not abandon his theory. He, with Hunt's approval, wrote a pamphlet concerning the control and guidance of prisoners.

This witness further testified as follows:

"I do recall Major Hunt not wishing to humiliate the prisoner by attracting attention to him by sending a superfluous guard or unduly securing him."

Perhaps if Bergdoll had not been so rich he would not have been so easily humiliated; nor would three men, two sergeants and a commissioned officer, have been deemed a "superfluous guard," nor would the use of handcuffs been considered "unduly securing him."

In one of Hunt's many defiances of authority and advice, he said, "I don't think the War Department is particularly expert in arriving at any decision."

It also appears that Colonel Hunt was not at all averse to being put in charge of the prison at Fort Leavenworth, where Bergdoll would have been sent if he had not escaped. One

Grafton B. Perkins, an advertising agent, had in charge this prospective promotion for Colonel Hunt.

While this committee was conducting its hearings, it appeared in some of the western newspapers that one of the committee had expressed the opinion that Hunt had been "whitewashed" at his court-martial trial. Colonel Cresson, who conducted the so-called "prosecution" of Colonel Hunt, telegraphed and asked that the record of the court-martial trial of Hunt be considered by the committee, and that his prosecuting speech also be considered by the committee. He was replied to by wire that both had already been made a part of the record and were considered by the committee. Particularly did he ask that his speech be read to the committee. That request was complied with. Whatever of criticism of Colonel Cresson there is in this report has been gotten entirely from that record, his speech included.

On page 30 of that record Colonel Cresson, prosecuting, said in his concluding speech:

"As I stated in the opening of this case, I want to state again that the prosecution does not for a minute think, nor does it intimate, nor does it care to have anyone think of intimating that Colonel Hunt in any way wanted Bergdoll to escape, that he colluded in the matter or was in any way in any conspiracy."

In another part of his speech he said:

"Of course, the court realizes, as everyone does, that it is not a pleasant duty that devolves on the prosecution in any case, civil or criminal, to come before the court and ask that a brother officer be punished or be admonished or held guilty of neglect of duty."

In that speech Colonel Cresson also said:

"Colonel Hunt has a fine record as a prison officer and the Government is not denying that."

In another part of his speech Colonel Cresson said:

"I have sympathy for Colonel Hunt. He has a fine record, has been retired as a colonel. Colonel Hunt has indeed made a magnificent record as an officer and as to the care of some prisoners. * * * I am glad to be able to say that no one can throw any suspicion of crookedness on the part of Colonel Hunt in this matter."

Several times in this report Colonel Hunt's defiance of the directions of superior officers has been mentioned. It is not desired that this report be closed without having it clearly and distinctly understood that his attitude of "defiance" of orders was feigned, at least in material part, in order to fulfill the understanding arrived at between himself and some of those who saw him at Governors Island a very, very short time before the Thursday when he sent Bergdoll away from the island without handcuffs, without a commissioned officer, without the presence of one of the counsel, without a "properly instructed guard," and without a "suitable" guard. It matters not whether he were really stubbornly defiant of orders or corruptly so, he is guilty, the latter offense being more heinous, only.

Just here it should be emphasized again that the prosecuting judge advocate, Colonel Cresson, declared in the court-martial trial that he would not prove that Colonel Hunt corruptly refused the handcuffs, or corruptly failed to send a commissioned officer with the expedition, or corruptly failed to have one of the counsel accompany it, or corruptly failed to properly instruct the guard, or corruptly failed to provide a sufficient guard, even if he could do so.

Colonel Cresson's contention during the trial was that Hunt was guilty—but only of a technical offense—if he, without taking a bribe, disobeyed orders; but that if he disobeyed orders because he was bribed so to do, then he was not guilty.

Prisoners in making escapes use different instruments. Some use crowbars, some files, some saws, and some false keys. The instrument used by Bergdoll in making his escape was money. Crowbars, saws, and files make noise. There is an old, old saying that "money talks," but in illegitimate transactions like this its talking is done in whispers, and therefore difficult of proof.

No one can be so dense as not to know that Bergdoll could not have been detained at Governors Island for the unusual length of time that he was detained, instead of being sent directly to Leavenworth, without the use of money. Neither can any impartial mind fail to see that his expedition to recover the alleged hidden gold was procured by the use of money. It is fair to assume that every discrimination made in his favor, and that every step taken by him leading to his escape, was the direct result of his immense fortune. If he had not been a millionaire, immediately following his conviction, he would have gone with other prisoners to Leavenworth, where the doors would have been securely closed behind him, unless Colonel Hunt had been successful in his effort to be transferred there.

Because a thing is accomplished by employing a licensed attorney to do it does not necessarily put the act beyond merited condemnation. Money was spent lavishly by Bergdoll for the purpose of ingratiating himself, not only with the prison authorities but with his fellow inmates in the prison at Governors Island. There are many instances where money was used, apparently for legitimate purposes, but surely with the ulterior design of escape. His prolonged stay at Governors Island cost him at least six or seven thousand dollars, and it must be remembered in this connection that it was at General Ansell's request that Bergdoll was permitted to remain there.

The broad, well-defined trail leading to the escape did not become unmistakably evident until General Ansell induced General Harris to authorize the expedition to search for the gold. There can be no doubt about General Ansell's ability and learning, but it is certain that he did not get into the case because of that ability and learning alone. His influence with the Army officers with whom but recently theretofore he had been so long associated must have been considered. The large fee contemplated by him evidently was based not only upon what he might accomplish through legal channels, but, in addition, by exercised influence.

The many fees to be gotten from others, and the big one to be paid by Bergdoll, lured him into questionable paths. No one knew better than General Ansell that his course was, at least, doubtful. His own conscience seemed to have reprimanded him even before this investigation commenced. This is evidenced by the fact that while upon the witness stand, when it was taken for granted by those of the committee that his thoughts had not yet turned to his being a possible "pardon broker," he admitted, by citations to the law in various jurisdictions, that already he was mindful of that feature of the case. Then, when it was undertaken to ascertain to what limit he would not go for a fee, he cited instances in justification of himself where other attorneys had defended notoriously infamous characters. That manner of defense of himself did not first or suddenly come to him while upon the witness stand. This conclusion is based upon the fact that when he, but recently a general in our Army, was confronted with what he had done, he drew from his pocket a written statement, prepared in advance, citing cases, both American and English, to justify his defense of Bergdoll, our country's enemy.

While there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Cresson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions and counted a mere trifle.

General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Nation, above whose safety and integrity he has placed gold.

Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of $3,600 a year. It becomes a serious question who is to pay this life-long reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munificent retirement fund, in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

The conduct of Mr. Earl B. Wood should not go unnoticed.

On April 30, 1920, John J. O'Connor, a special agent of the Government in the Secret Service, who had been sent to Philadelphia to look after the Bergdoll case, addressed a letter to Frank Burk, Assistant Director and Chief of Investigation, Washington, D. C.

That letter reads as follows:

"DEAR SIR: On the evening of April 27 Lieut. George C. McDonald, who has been and is cooperating with me in the Bergdoll cases, obtained information through one Jacob Strohm, an uncle by marriage of the Bergdoll boys, that Grover C. Bergdoll is to gain his release within a period of two weeks.

"The information, in substance, is that a Colonel Ansell, a Washington attorney who has been retained by the Bergdoll family to attack the verdict of the court-martial, has guaranteed to bring about the release of Grover C. Bergdoll for a consideration of $10,000. In an effort to gain his freedom, counsel for

Bergdoll is expected to apply for the release on bond of Grover C. Bergdoll pending the decision of the court in re application for a writ of habeas corpus, which will give Bergdoll sufficient time to depart from the United States.

"If this can be brought about, it will be a repetition of an application which was made before Judge Hand in the southern district of New York, and at the time of the application counsel requested that the prisoner be turned over to the custody of the United States marshal pending decision. Judge Hand refused the request and ordered Bergdoll returned to the custody of the military authorities.

"If there is some way to prevent Bergdoll's being released pending the decision of the court before which the application will be made, we will have prevented Grover Bergdoll's escape, together with protecting Colonel Ansell, whom I believe to be misled, from having to explain the treacheries of his client and of his confederates.

"Very respectfully,

"JOHN J. O'CONNOR,
"*Special Agent.*"

When that letter reached the department it went to Mr. Wood, he having charge of all correspondence relating to the Bergdoll case.

When Mr. Wood received the letter he should have immediately brought it to the attention of the War Department, which then had charge of Bergdoll, for the purpose of having double precautions thrown around him.

It seems that every happening—whether of act or omission—resulted to Bergdoll's benefit, and not one to his real detriment.

All this could not have been accident. Somebody, carrying convincing persuasives in great bundles, must have preceded every doing in the case, to see that nothing was left to chance.

The opinion is freely ventured that if O'Connor had written the above letter of warning about any military prisoner other than Bergdoll, the millionaire draft dodger, that that letter or its contents would have been sent at once to the War Department.

In the concealment of this most important letter Mr. Wood finds himself with no consolation. There is no one with whom he can even divide responsibility for the offense. Confronted, as he was, when on the witness stand, by that predicament, he did not attempt to do so, as the following questions and answers show:

"Mr. JOHNSON. It (the letter) came to you because you were in charge of this (Bergdoll) particular case.

"Mr. WOOD. Yes, sir.

"Mr. JOHNSON. Have you stated when you received it?

"Mr. WOOD. It is on the letter. It looks like May 3, 1920.

"Mr. JOHNSON. When you received that letter, what did you do with it or about it?

"Mr. WOOD. I went to see the Assistant Attorney General, Mr. Robert P. Stewart, who was not in his office, as I remember it, and I discussed the matter with Mr. Herron, the assistant to Mr. Stewart, relative to what steps we should take if Bergdoll should apply for a writ of habeas corpus, and to take steps to resist the issuance of the writ.

"Mr. JOHNSON. Did you bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. No, sir.

"Mr. JOHNSON. Do you take full responsibility for the failure to bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take the responsibility. I handled the letter.

"Mr. JOHNSON. Do you take full responsibility for not having brought it to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take full responsibility for the way that letter was handled.

"Mr. JOHNSON. Do you take full responsibility for not having brought the contents of this letter to the attention of anybody else?

"Mr. WOOD. I do.

"Mr. JOHNSON. That is all."

Believing that no man of Mr. Wood's most extraordinary make-up should continue in the public service, his dismissal is most earnestly recommended. More, it is recommended that he be forever disqualified from holding any appointive position whatever with the Government of the United States.

It has been said that there is perhaps no crime an exact definition of which is more difficult to give than the offense of conspiracy. It has been defined to be a combination of two or more persons by some concerted action to accomplish some criminal or unlawful purpose, or to accomplish some purpose not in itself criminal or unlawful by criminal or unlawful means.

It is not necessary to constitute a conspiracy that two or more persons should meet together and enter into an explicit or formal agreement for an unlawful scheme or that they should directly, by words or in writing, state what the unlawful scheme is to be and the details of the plan or means by which the unlawful combination is to be made effective. When two or more persons pursue by their acts the same object, often by the same means, one performing one part of the act and the other another part of the act so as to complete it, with a view to the attaining of the object which they were pursuing, this will be sufficient to constitute a conspiracy. Concurrence of sentiment and cooperative conduct in an unlawful and criminal enterprise and not formality of speech are the essential ingredients of a criminal conspiracy. Previous acquaintance is unnecessary, and it is not essential that each conspirator should know the exact part to be performed by the other conspirator in execution of the conspiracy. Moreover, all the conspirators need not enter into the agreement at the same time. When a new party with knowledge of the facts concurs in the plans of the original conspirators and comes in to aid in the execution of them, he is from that moment a conspirator.

The conspiracy may, of course, be shown by direct evidence, but direct evidence is not indispensable. Circumstantial evidence is competent to prove conspiracy from the very nature of the case. Generally speaking, the crime must be proven by acts of the party himself and of any other with whom it is attempted to connect him.

The evidence in a conspiracy is wider than perhaps in any other case. Taken by themselves, the acts of a conspiracy are rarely of an unequivocally guilty character, and they can only be properly estimated when connected with all the surrounding circumstances. The process is, after all, an inference from one fact to the existence of another.

The crime of conspiracy very, very frequently involves the use of money as a means to its successful accomplishment and, in such cases, as a general rule it is not necessary that direct evidence be adduced of the payment and receipt of the consideration. It becomes a matter of inference from one fact to the existence of another. That is this case.

It must be conceded that the motives which prompted Mrs. Bergdoll, the mother, and "Judge" Romig, the foster father, to take part in the conspiracy were not the motives that actuated either Gibboney, Ansell, Bailey, or Hunt. These latter had no affection for Grover Bergdoll, nor can it be said that his plight aroused their humanitarian impulses. What, then, incited their activities? There was, of course, the Bergdoll fortune ever present.

There are many, many offenses which are, indeed, most difficult of actual proof. There are a few impossible of good except by circumstances and by reasoning from cause to effect.

The eye of man is far more easily deceived than is his mature reasoning and calm judgment. Money may pass from hand to hand in an instant, and at some obscure place, and not be seen. While the passing of it may be proven beyond doubt, the consideration for which it did pass may be disputed. On the other hand, the full performance of the service to be rendered may be fully established; still the passing of the money in payment for the service may be proven only by appeal from the eye to the mental consideration of a chain of established facts. Again, that is this case.

However, no witness willing to tell the whole truth has seen the money actually pass. But everybody who heard or has read the testimony should be able to see an "effect" which could have been produced by no "cause" except money. In reasoning from cause to effect we see the Bergdoll millions, "the cause," standing out like Pikes Peak against the horizon of a rising sun. As the rays of light advance upon each succeeding scene in this unholy affair there is disclosed to the reasoning mind one hideous thing after another, pictured with the accuracy of the camera, until "the effect," the escape, stands out as clearly as the Egyptian pyramids against another horizon.

At first only long and meagerly defined shadows, reaching from the "cause," were cast across the Nation's integrity; but as the rays of discernment and analysis rose higher and higher the shadows shortened and shortened until a black spot stands, and will forever stand, exposed to the light of reason, although none but the guilty may have seen the corrupting influence pass from slacker to traitor.

But with the advent into the case of him who, by his partner, has been modestly declared to be "the highest authority in this country on military law," we find sorcerer-like deception practiced upon the trusting. Next we see a palsied old man, overflowing with that generous spirit of acquiescence and lack of resistance that always accompanies those who grow old beautifully, placed and replaced in artist-like fashion wherever his name could best be commercialized.

Then we find the activities transferred from Washington, which for the then present must be obscured, to Governors Island. This transfer from Washington to Governors Island was so absolute that even an official letter of warning sent from Philadelphia to Washington forecasting Bergdoll's escape within two weeks was hidden away in a pigeonhole, never to find its way to Bergdoll's prison, that he might be properly guarded.

Then we find Bergdoll put into the same cell with a prisoner who is permitted to make almost daily visits to New York, bearing on one occasion, if not on others, a written message to a well-known leader in America against constituted government. Also we find a large sum of money placed at the prison, obviously that Bergdoll might purchase the good will and, perhaps, the silence of guards or the assistance of fellow prisoners.

Next, we see the commandant of the prison turn deaf, dumb, and blind to every direction that might hinder Bergdoll's escape. We see handcuffs denied, and every other official instruction violated. The plighted faith of counsel absconds before the prisoner does, that his going may be the easier. Finally, and as a fitting sequel to this sordid tale, we find that the derelict commandant at Governors Island was prosecuted by one whose shame should be measured only by his days. Following the flimsy pretense—only a pretense—at prosecution, the commandant's fate was given to a court composed of military officers who found him "not guilty" in the face of his own admissions that he had not complied with instructions for the violation of which he was then being tried.

Bergdoll escaped through the misdoing of somebody other than the Bergdoll family and their immediate, personal associates, such as Romig, Stecker, Gibboney, and Mrs. Bergdoll. It is hoped that this report bares to the Congress the others who are more guilty than even the Bergdoll family. Shall they go unwhipped of justice?

The mother, the brother, the foster father—only those who gave shelter and comfort out of love for the black sheep of the family—have been convicted. Shall those who, for money, conceived, connived at, and executed the escape continue to practice in our Nation's courts, to wear the uniform of an officer of our Army, or to collect an annuity from a wronged people?

* * * * * * * * * * * *

The foregoing part of this report was written shortly after May 24, 1921, when it was thought by every member of the committee that the hearings had been concluded. However, about two months after that date the chairman reconvened the committee for additional hearings. These last-mentioned hearings were occasioned by the receipt of a communication sent by a special agent of the Department of Justice located at Philadelphia to the Department of Justice at Washington. That communication was forwarded to Mr. Peters, the chairman of this committee, under date of June 22, 1921.

The communication of the special agent at Philadelphia was written for the purpose of reporting that he had intercepted a letter written by Grover C. Bergdoll in Germany to his mother, Mrs. Emma C. Bergdoll, at Philadelphia. The communication states, among other things, that the letter ridiculed the seizure of the writer's property by the United States, and that the United States had started something that they could not finish; also that three neutral nations had offered him citizenship. Those statements, and a number of others, are not in quotation marks, but are represented to be a part of the substance of the letter.

That report—a rather lengthy one—embraces in quotation marks the following:

"We made the Americans look like a bunch of boobs before the whole world. They are all laughing at them. * * * You certainly did tell it to the investigators down at Washington, and you deserve credit. Why did you not tell them of the $5,000 which we gave Campbell up at Governors Island? If you did not, I would advise you to make it public, so that the grafters will be all exposed. We are writing a book which gives away the whole swindle from beginning to end, and the American public will wake up when they read it in the near future."

In the report the special agent says the word "decipiatur" was used in the letter, which, as near as he can determine, is a Latin word meaning "a joker."

Two or three weeks after the reception of that communication by the chairman of this committee he sent counsel for the committee to Philadelphia to confer with Mrs. Bergdoll relative to that part of Grover C. Bergdoll's letter suggesting that she tell the committee, if she had not already done so, that they had given Maj. Bruce R. Campbell $5,000.

The chairman of the committee also caused an examination to be made of the account of Bruce R. Campbell and his wife, Laura A. Campbell, at the bank in New York with which they did business. From that examination it was learned that Campbell had purchased an automobile, paying $1,500 therefor, and that also he had deposited with Wasserman & Bro., stock and bond brokers in New York, two sums of money amounting to $6,500. The automobile was purchased by Campbell and the deposits made with Wasserman & Bro. shortly after it was alleged that he had received $5,000 from the Bergdolls.

Upon that information another hearing was had, commencing June 19. In that hearing Mrs. Bergdoll was the first witness. She testified in substance that upon one occasion, shortly after the arrest of her son on January 7, she was at Governors Island, and that she and her son had a talk with Campbell, and that he said that if they would place $100,000 in his hands it could be used with those higher up at Washington and New York to his advantage. Mrs. Bergdoll says that she replied to that proposition by telling him to "go to hell." Then she said that her son Grover put his finger across his lips, indicating to her to be quiet. Continuing her story she stated that thereafter her son Grover asked her to bring to him at the prison $5,000, and that in a few days after this request she went back to the prison taking $5,000 with her, which she delivered to her son. She was most emphatic in saying that she did not know what her son was going to do with the money, and that she never found out afterwards what he did do with it.

She also testified that during the latter part of January or the early part of February, 1920, she was not certain which, while on the boat between Governors Island and New York, Campbell said to her that he had given the money to the proper person, whose name he called, but the name was not remembered by Mrs. Bergdoll.

When Mrs. Bergdoll first testified before the committee, which was about two months before her last testimony was given, she stated in just as positive a way that she had never given Campbell any money, other than $50 with which he was asked to purchase cravats and knickknacks for her son Grover while in prison.

Major Campbell, in testifying relative to that feature, said that Mrs. Bergdoll or somebody closely associated with the family—he was not certain which—gave him a small amount of money, something like $10 or $12, with which to make similar purchases for the prisoner. He says that he left that sum of money with a near-by store, so that Grover C. Bergdoll could get knickknacks with it.

It will be seen that Mrs. Bergdoll testified under oath in her first testimony that she gave Campbell $50 and no more. It is equally important to note that in her last testimony, when an effort was being made to incriminate Major Campbell, she rigidly adhered to that story. The press of the country carried the unqualified statement that Mrs. Bergdoll, when last testifying, stated that she gave Campbell the $5,000; when, as a matter of fact, she stated in no uncertain way that she did not give him the $5,000, or any sum except the $50, and no testimony whatever was produced to show that Campbell got any money except the small amount admitted by him and Mrs. Bergdoll, unless it be proven by his alleged admission to Mrs. Bergdoll while on the boat. If Campbell upon that occasion admitted having received any money and having turned it over to another, there is no testimony whatever showing that he referred to the $5,000 and not to the smaller sum which has been mentioned.

The reflection upon Major Campbell was made, not by Mrs. Bergdoll but merely by the question put to her by her absconding son in the intercepted letter.

An effort was made to corroborate the suggestion made by Grover C. Bergdoll, by showing that the bank account of Campbell and his wife was a very small one, indeed; so small as to forbid the possibility of his having $6,500 to deposit with Wasserman & Bro. in a "bucket shop" transaction. That account with Wasserman & Bro. was in the name of Campbell and his wife.

A young man in the Intelligence Bureau was sent from Washington to New York to examine the bank account of Campbell and his wife. The proper way to have secured testimony relative to that account was to have had some officer of the bank testify from the book entries. In the absence of that manner of establishing the bank account, the next best method was to produce a copy of that account. However, neither of those

things was done. Instead, the young man who went from Washington to New York returned, appeared before the committee, and, without the original entries, or without a copy of them, or without a single note or memorandum, testified that he had examined the account and that the largest entry in it was $252.50, Campbell's salary, which was deposited monthly; and that all the checks on that account were small; and that his monthly balances ranged between $7 and $60. Notwithstanding that testimony, the fact was afterwards established from the bank itself that during the very latter part of December immediately preceding the deposit with Wasserman & Bro. there was a deposit to that account of $5,067.

The next piece of attempted corroborative evidence against Campbell was the production of the books of Wasserman & Bro. That account showed that on the 10th day of February, 1920, Campbell deposited with that firm, to the credit of himself and wife, for speculative purposes, $4,500, and that within a few days thereafter he deposited the additional sum of $2,000 for the same purpose.

It should be noticed that our fugitive in Germany had charged, by innuendo, in the letter to his mother that they, meaning himself and mother, had given Campbell $5,000. The assumption was that the $5,000 of Bergdoll money had been used in the Wasserman & Bro. transaction, because Campbell was supposed not to have had other available money.

It must be borne in mind that Campbell did not deposit $5,000 with Wasserman, but that he did deposit $6,500 with them. If he got $5,000 of it from the Bergdolls, the question very appropriately may arise: Where did he get the $1,500 in excess of the $5,000? The answer consistently can be given that he got the $5,000 where he got the $1,500, and Grover Bergdoll does not make pretense that he got more than $5,000, while Mrs. Bergdoll says he got only $50, and he admits that he got something like only $10 or $12.

How very strange it is that the young man who went from Washington to New York to examine the bank account should testify that he had gone through the bank's books, in so far as they related to Campbell and his wife, and found no deposit bigger than $252.50, when, according to the report made by the bank itself, the deposit of $5,067 must have been staring him in the face.

Another remarkable feature in this most extraordinary case is that the special agent of the Department of Justice, located at Philadelphia, did not transmit a copy of the letter, instead of his construction of it. It seems reasonable that his very first act should have been to make a copy of the letter—better still, a photostat copy.

Major Campbell was the attorney designated by the War Department to defend Grover C. Bergdoll at his court-martial trial. The intercepted letter refers to others as having gotten dishonest money, but Major Campbell is the only one in that class whose name has been given to the committee by the special agent at Philadelphia.

Again, it may be asked, since Campbell's bank account was not correctly testified to, is it not equally possible that some name other than Campbell's may have been mentioned in the intercepted letter, while Campbell's name, as already stated, was the only one forwarded to the committee?

Major Campbell testified that he never had any conversation with either Mrs. Bergdoll or her son Grover, or with anybody else, concerning the payment to him of any money other than the small amount heretofore mentioned, and for the purposes indicated. Certainly no one in the whole United States will claim that he is less worthy of credit than any of the Bergdolls, especially that one in Germany, who makes the charge against him.

Campbell's father, now past threescore years and ten, testified in an open, manly way, which carried conviction with his manner, and told how, within his own knowledge, his son had gotten $6,000 in a "friendly gambling transaction."

Major Campbell also testified that he and his wife, not a very great while before the Wasserman transaction, had as much ready money as $24,000. Those statements have not been contradicted. If Campbell's integrity is to be reflected upon in any report that may be made, proof of the charge is challenged. There is not a scintilla of proof against him, except the mere suggestion made by Grover C. Bergdoll in the intercepted letter. The bank account and the Wasserman transaction, which were expected to corroborate the charge preferred by young Bergdoll, have been completely exploded away. If there be any who still insist that Campbell got any of the Bergdoll money, let it be said to them that the only testimony given in support was the statement made by Grover Bergdoll to his mother, which, through the special agent, was repeated to this committee.

Those who heard or have read the rambling statements made by Major Campbell when he testified should know that during a part of the hearings he was in the Walter Reed Hospital as a patient; that while in France during the war he was twice gassed; that he was at a military camp in the State of Arkansas when summoned to come to Washington and appear before the committee; that upon his way here he was confronted while on the train by copies of various newspapers stating that Mrs. Bergdoll had appeared before the committee and testified positively that she had paid him $5,000 to be used for illegitimate purposes; and that upon his arrival here he was neither in physical nor mental condition to tell a concise, connected, and lucid story in explanation of the charge. However, in his disconnected and rambling testimony there was no material statement made by him that did not turn out, from other testimony and evidence, to be true.

Those who would criticize Major Campbell are asked only to turn to the testimony given by his old father, and the manner of its giving, and then compare it with the testimony given by any of the Bergdolls or by any of their hangers-on. The one is open, frank, and superlatively candid; that of the others, to mildly express it, is exactly the opposite.

The charges against Major Campbell were made in a most indirect manner by Grover Bergdoll. Bergdoll was not under oath nor subject to cross-examination; and his mother, who was expected to corroborate him, not only failed to do so, but actually contradicted him. Major Campbell assumed the burden of proof and clearly disproved the charges. He is therefore exonerated.

In that part of this report which deals with those whose names became involved in this affair, by the testimony which seemed to have closed on May 24, the testimony of no Bergdoll has been necessary for the conclusions reached. Every adverse criticism of anyone in that part of this report is founded almost entirely upon the acts and omissions of him who is criticized. However, in this, the latter part of this report—that which relates to the Campbell affair—Bergdoll testimony of necessity can not be avoided, and that fact is the apology for treating their testimony with any degree of seriousness.

In conclusion it is deemed proper to commend Thomas W. Miller, the Alien Property Custodian, for the seizure of the Bergdoll property. It is hoped that he will exercise what seems to be his legal right to compel Mrs. Bergdoll to produce the gold which she claims to have buried on the farm near Philadelphia.

The foregoing is respectfully submitted to the House of Representatives for its consideration and appropriate action.

BEN JOHNSON.
O. R. LUHRING.
H. D. FLOOD.

VIEWS OF THE MINORITY.

By House Resolution 12 this committee was directed, in substance—

(1) To procure all facts relevant to fixing responsibility for the escape of Bergdoll from the United States military authorities and for the failure to recapture him.

(2) To determine whether any conspiracy existed to effect Bergdoll's escape or prevent his recapture, and, if so, what persons participated therein.

(3) To determine whether dereliction of duty devolving upon any persons existed which contributed to making said escape possible or hindered recapture.

I.

The committee, by its own action and through counsel and agents, has made exhaustive investigation of facts relevant to the escape of Bergdoll and has examined on oath all witnesses who are alive and available supposed to have any knowledge of or connection with the matter. The testimony of all the witnesses examined by the committee is in printed form in 18 prints of some 1,000 pages, and accompanies this report. A large number of the records and official reports procured from the Department of Justice and from the War Department are on file with the committee and have been examined by it so far as deemed necessary to form its conclusions.

The Department of Justice and every branch of the War Department consulted have furnished every facility for pursuing this investigation and apparently have been desirous of fully cooperating with the committee in its effort to reach the facts.

The committee believes that in accordance with the resolution passed by the House it has made a thorough investigation and procured all facts available relevant to fixing responsibility for this escape and for the failure to recapture.

II.

As bearing upon the question as to whether a conspiracy existed to effect the escape or prevent the recapture of Bergdoll

and, if so, what persons participated therein, it may be helpful to summarize the facts surrounding the escape.

SUMMARY OF FACTS.

Grover Cleveland Bergdoll, an American citizen, of Philadelphia, unmarried, 25 years old, worth more than a million dollars, and in good health, on August 11, 1917, having been duly registered, was ordered by the local draft board to make his appearance for physical examination on August 14, 1917.

On August 13, 1917, Bergdoll drew large sums of money from bankers and left Philadelphia and went into hiding to avoid military service.

On July 15, 1918, a questionnaire was mailed Bergdoll to be filed July 22, 1918.

On July 27, 1918, the local draft board reported to the adjutant general of Pennsylvania Bergdoll's failure to submit questionnaire.

On July 29, 1918, the adjutant general of Pennsylvania mailed notice to Bergdoll to report August 8, 1918, at 1 p. m. at the adjutant general's office, Harrisburg, Pa.

On August 13, 1918, the adjutant general of Pennsylvania reported to The Adjutant General at Washington that Bergdoll had been inducted into service on August 8, 1918, and was a deserter.

Bergdoll evaded arrest until January 7, 1920, when he was arrested by agents of the Department of Justice, turned over to the military authorities, tried by court-martial, convicted of being a deserter, and on March 30, 1920, was sentenced to imprisonment for five years. He was confined in the Atlantic branch of the disciplinary barracks at Governors Island, N. Y. He escaped from military custody at Philadelphia on May 21, 1920, under circumstances so extraordinary that the attention of the country has been directed to this case.

The history of the matter from the time of Bergdoll's arrest by agents of the Department of Justice on January 7 until his escape from the military authorities on May 21 is briefly as follows:

Immediately upon Bergdoll's arrest he employed one D. Clarence Gibboney, of Philadelphia, as his attorney, and Gibboney continued to be the principal attorney of Bergdoll until his escape. He was paid $12,500 and was given full authority to employ other counsel. Other lawyers who were connected with the case with Gibboney were Harry Weinberger, of New York; John W. Westcott, of New Jersey; and Samuel T. Ansell and Edward S. Bailey, of Washington. Capt. Bruce R. Campbell was detailed as military counsel for the defendant in the court-martial. Ansell & Bailey, a Washington law firm, of which the senior partner, Mr. Ansell, was formerly a brigadier general in the Judge Advocate General's Department and during the war was acting judge advocate general, resigning in July, 1919, to enter the practice of law in Washington, were retained in April, 1920, after the conviction of Bergdoll by court-martial, for the purpose of obtaining a review by the Secretary of War of the action of the court-martial.

Prior to the retention of Ansell & Bailey in the case counsel had used every means possible to prevent the conviction and sentence of Bergdoll. Insanity had been suggested and habeas corpus proceedings instituted, both without success. Mr. Ansell studied the record; informed Gibboney that his firm would take the case, received $5,000 as a retainer, and proceeded to prepare a brief on points of law involved with the hope of having the proceedings against Bergdoll quashed on review by the Secretary of War. By correspondence and negotiations with Gibboney, who had full authority to fix compensation of counsel, Ansell & Bailey were authorized to believe that if their efforts were successful in the War Department or by further appeal to the civil courts resulting in the release of Bergdoll, they could charge a further fee of some forty or fifty thousand dollars.

An interesting feature in connection with the efforts to obtain a review by the War Department of the proceedings against Bergdoll is the activity manifested by Judge John W. Westcott. Upon reading the brief which had been prepared by Mr. Ansell, Judge Westcott became violently enthusiastic. He mailed a copy of the brief to the Secretary of War with the following letter:

WASHINGTON, D. C., *May 7, 1920.*

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I beg to inclose you a brief in the case of Grover C. Bergdoll. The brief is exhaustive and conclusive. There is not the slightest doubt in the world but that the war authorities made a mistake. I am enormously interested in the situation, and want, if possible, to keep the matter out of the courts. There is very little question but that the Judge Advocate General will properly dispose of the case.

I hope you are very well. It has been a long time since I last had the pleasure of seeing you, but I have kept a very interested gaze upon your work.

Believe me very cordially and sincerely yours,

JOHN W. WESTCOTT.

The cause of Judge Westcott's interest in the case is in dispute. He himself says that his professional ardor was aroused by the inherent merit of the case as elucidated by Mr. Ansell in his brief. On the other hand, it is suggested that his interest was stimulated by a retainer from Mr. Gibboney. It is not particularly within our province to decide the personal controversy between Mr. Ansell and Judge Westcott. It seems certain that Ansell & Bailey believed that Judge Westcott had been retained as associate counsel, and it is probable that Gibboney took advantage of the judge's enthusiastic nature and the fact that he was associated with Gibboney in other matters to get the benefit of his advice and reputation without the pecuniary compensation which he would have demanded had he appreciated his usefulness to the case of Gibboney's client.

As soon as the activities of the lawyers along these lines had ceased by the filing of briefs with the War Department, other activities were instituted by Gibboney in behalf of Bergdoll which finally resulted in his being permitted to leave the disciplinary barracks at Governors Island and obtain what proved to be the opportunity of escaping.

On the day the Ansell brief was filed with the War Department (May 4), at the request both of Mr. Ansell and Harry Weinberger, The Adjutant General sent orders to the commander of the disciplinary barracks not to transfer Bergdoll to Fort Leavenworth, as would be customary in such cases, but to keep him at the barracks at Governors Island. This was on the plea that habeas corpus proceedings before the district court in New York would be taken inside of two weeks, but such proceedings were never taken. The result was that Bergdoll remained at the barracks, however.

On the 7th of May, at Washington, Gibboney for the first time released the "pot-of-gold" story. On that day, having taken Judge Westcott to the office of Mr. Ansell, and having inculcated a belief in the minds of Ansell & Bailey (which was in a large measure borne out by the conduct of Judge Westcott himself) that Judge Westcott was an associate counsel in the case, Gibboney proceeded to relate to them the story that Bergdoll, having previously drawn out from the United States Treasury more than $100,000 in gold, had buried it in the mountains of western Maryland. He now desired to dig it up and place it in banks.

It is astonishing that anyone would believe this story without confirmation. It is a fact that Mrs. Bergdoll, assisted by one Romig, an old friend and confidential agent of the family, did, in October and November, 1918, withdraw $105,000 in gold from the United States Treasury in Washington. Two trips were made by these two persons in an automobile from Philadelphia. Gold certificates were presented at the Treasury and gold coin received in exchange, and with considerable labor transferred to the waiting machine, in which they made their way back to Philadelphia with their precious loads, weighing over 400 pounds. Mrs. Bergdoll testified that this was her own money, and that after taking it home and leaving it under the kitchen table overnight she buried it, though not in western Maryland.

While it is a fact that Mrs. Bergdoll withdrew this gold from the Treasury, neither Ansell, Bailey, nor Westcott made any attempt to verify the story told by Gibboney and made no inquiry at the Treasury as to the withdrawal of gold.

There is no evidence whatever that Grover Bergdoll buried any gold or that he was connected with any gold. Gibboney put forward Romig as authority for the story that Bergdoll had buried gold—the same gold withdrawn from the Treasury—but Romig does not deny that Mrs. Bergdoll withdrew this money and with him took it home to her kitchen in Philadelphia; nor does he dispute her story that she subsequently, alone, buried it. Romig would not say in his testimony that he knew or believed that Grover Bergdoll had buried any gold.

A brother of Bergdoll testified that he knew nothing about Grover having any gold and had no belief that he had buried any.

The story, however, served its purpose. Gibboney had cleverly introduced a suggestion at this meeting in Ansell's office that this gold could be used to pay lawyers' fees and that Bergdoll was the one man who knew where it was. It was necessary that he have a certain liberty of action in order to go and dig it up and put it in banks, which Bergdoll regarded as safer than the ground.

Gibboney's suggestion was that a request be made of The Adjutant General by Ansell for permission for Bergdoll to leave the barracks under guard and go out to Maryland in an automobile for the purpose of obtaining the gold.

On May 10, after the conversation referred to, Mr. Ansell went to The Adjutant General in person and placed before him the request that Bergdoll be allowed to go out for the purpose of hunting the gold. He gave Gibboney as his authority for the story and made the point that Judge Westcott was joining with him in the request. Major General Harris, The Adjutant General, testified:

"General Ansell said that he had discussed the matter with Gibboney, a prominent attorney of Philadelphia, and also with Judge Westcott, and that they firmly believed the story of Bergdoll that he actually had concealed this money in this lonely spot. General Ansell himself stated that he had come to the conclusion that he was telling the truth; that he actually had the money there."

The pot-of-gold story, which had probably started in the imagination of either Bergdoll or Gibboney, had acquired such momentum that when it reached General Harris it had behind it the weight of the alleged belief and influence of former Brigadier General Ansell, who had recently vacated the office of Acting Judge Advocate General; Judge John W. Westcott, one of the most prominent lawyers of the East, who had nominated Mr. Wilson twice for the Presidency; and Mr. D. C. Gibboney, who was represented at that time to be a man of high repute in Philadelphia. General Harris was impressed and asked that the request be put in writing. This was done by Mr. Ansell in the following letter:

"MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you in this manner my request, concerning which I have just spoken to you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of reasons therefor.

"This man, in virtue of his conviction and sentence as a so-called 'draft deserter,' is now imprisoned at Fort Jay, pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is D. C. Gibboney, of unexcelled repute as a man and lawyer. Of counsel, also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

"This young man was reared fatherless under family conditions which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange, if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter, perhaps, is the most influential of the many complex motives for his action in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune—$150,000—in a lonely spot on the mountain side, distant about a day's journey from the city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

"He is now wrought up with fear and anxiety lest he may never recover the money, and accordingly earnestly asks me, other counsel joining him, to endeavor to arrange it that he may go, under guard and with his counsel, to recover the money and place it in safe-keeping, all expenses to be borne by us.

"We are requesting no privilege—only the necessary liberty of action under guard. This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel, I stand responsible for his prompt return to prison without advantage to him other than that involved in the object of this request.

"I hope the request may be granted immediately. It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary.

"May I ask prompt action upon this request? May I also ask that, if possible, knowledge of the contents of this communication, for obvious reasons, be confined to you and the Secretary, and, further, that you notify me personally at the first practicable moment after you have decided upon this request?

"With kind regard for your many courtesies, I am,

"Very sincerely,

"S. T. ANSELL."

General Harris conferred briefly with General March, the Chief of Staff, but General March considered the matter to be entirely within the jurisdiction of General Harris, who had charge of all disciplinary barracks, and gave no consideration to the request other than to glance at the Ansell letter and see who signed it, and told General Harris that "if he thought it was all right, to go ahead." The Secretary of War was never consulted about the matter until after the escape.

At General Harris's direction a letter was written from his office to Maj. John E. Hunt, in command of the United States Disciplinary Barracks at Governors Island, N. Y., inclosing a copy of the Ansell letter, saying that the request had been approved by The Adjutant General and ordering Major Hunt to complete his arrangements with counsel for the prisoner and send him out under suitable guard, with at least one of his counsel, on the expedition purporting to be in quest of gold. It was suggested, but not ordered, that Major Hunt send an officer to accompany the guard. On May 14 a conference was held at Governors Island between Major Hunt, Mr. Bailey (Mr. Ansell's partner), and Mr. Gibboney, when plans for the expedition were agreed upon and the itinerary laid out, by which the party was to proceed by train to North Philadelphia, where Mr. Bailey was to join them and the party was to be met by an automobile and proceed directly to Hagerstown, Md., near the alleged location of the buried gold.

Major Hunt selected two sergeants, O'Hare and York, to take Bergdoll on the proposed trip. One of the sergeants, O'Hare, a day or two before the journey received some verbal instructions from Major Hunt, which were neither understood nor remembered. No other instructions were given him, though a copy of the Ansell letter to The Adjutant General was shown him. The principal thing and practically the only thing that stuck in his mind was that when he reached North Philadelphia on the trip he was to be met by a Mr. Gibboney, who should be identified by a letter which Major Hunt had shown O'Hare, and that Gibboney would tell him where to go. The other sergeant received no instructions whatever. The sergeants had pistols, but no handcuffs. No officer accompanied the expedition. The prisoner was dressed in a uniform which would not distinguish him as a prisoner except to the professional eye. No counsel accompanied the expedition, which never got any further than Philadelphia.

Arriving at North Philadelphia on May 20, the two sergeants and Bergdoll were met by Gibboney and Romig. Romig had been a local magistrate in Philadelphia and was commonly referred to as "Judge" Romig, had been a friend of the Bergdoll family for years, and without doubt participated in the plans and helped carry out the details of the subsequent escape.

From the moment the two sergeants with Bergdoll were met by Gibboney and Romig in North Philadelphia the two sergeants were completely subordinated, on account of the superior intelligence of Gibboney and Romig and the fact that the sergeants were incapable of action except under orders, and, as they understood their instructions, their orders were now coming from Gibboney. The sergeants were stupid, ignorant, and in a strange place. Sergeant O'Hare, who was in charge of the expedition until Gibboney took charge of it, had never driven in an automobile before. He had only handled prisoners outside the barracks once before, and they were handcuffed and were bound for Fort Leavenworth.

Under the direction of Gibboney the party at North Philadelphia took an automobile (a Bergdoll machine which was there to meet them, driven by a man named Stecho, who subsequently fled with Bergdoll) and started toward West Philadelphia. Going down the street Romig told Gibboney that the car was not in good shape for the trip, and Gibboney replied that in that case they had better go to the Bergdoll home. He then told Romig to show the sergeants the Bergdoll home, and left the party in practical charge of Romig, telling the sergeants that he would call them up later and give them instructions. Gibboney then left the party at Broad Street, and from that time until after the escape never communicated, directly or indirectly, with either of the sergeants, nor did the sergeants communicate with him or know where he was.

The remainder of the party—consisting of Romig, the two sergeants, Bergdoll, and Stecher—then drove to the Bergdoll home, Bergdoll taking the wheel and driving himself. Stecher went into the house to see whether his wife, who was expected to cook dinner for the party, had arrived. Apparently no concealment was made of the fact that the party was expected at the Bergdoll home, although, according to the plans for the trip made at the conference on May 14, they were supposed to have driven from North Philadelphia direct to Maryland. Neither Gibboney, Romig, nor Stecher had any luggage or toilet articles or night clothes with them, although the trip was to have taken several days. These various facts apparently excited no suspicion in the minds of the sergeants, who were then

acting in the nominal capacity of guards. Romig then said he had to go to court, and the remainder of the party then drove Romig to Fifty-second and Market Streets, where he was left. This was between 9.45 and 10 a. m. of May 20. After Romig left, Bergdoll took charge of the party and drove around town, stopping at one or two places, and returned to the Bergdoll home at 12 o'clock for dinner. Mrs. Stecher had arrived and had cooked the dinner. After dinner the party, consisting now of Bergdoll with the two sergeants and Stecher, reentered the car and drove around the city until supper time. The same car was used which was driven from the station at North Philadelphia and in which Stecher and Bergdoll the next day started for Minnesota. No attempt had been made up to this time to repair any trouble with the car, either real or imaginary. Arriving at the Bergdoll house, Mrs. Bergdoll had returned and Romig joined the party, having been absent all day, and took supper with them.

After supper the party took the automobile and took Mrs. Stecher to her home in West Chester. The rest of the party, including Stecher, Romig, Bergdoll, and the two sergeants as guests, went to the theater and enjoyed the evening. After the theater Romig left the others, and Bergdoll, Stecher, and the two sergeants returned to the Bergdoll home. Mrs. Bergdoll was also there. In making his dispositions for the night Sergeant O'Hare, nominally in charge of the party, slept in a room with Bergdoll on the second floor, he and Bergdoll occupying separate beds. Mrs. Bergdoll slept on the same floor. Sergeant York slept in a room on the third floor. Stecher, the chauffeur, slept on a room across the hall from York on the third floor. Apparently nothing of importance happened during the night, although it is obvious that the two sergeants (one of whom, O'Hare, who appeared before the committee, being noticeably inferior in physical capacity) were completely in the power of the other inmates of the house. Romig joined the party at breakfast about 9 o'clock, and remained with them until Bergdoll escaped.

During the forenoon entertainment was provided in the form of pool in the pool room on the third floor, accompanied by the phonograph and the pianola and graced by the presence of a bottle of gin, which appealed to York but not to O'Hare, who refrained from drinking it. After dinner there was more pool, and then about 15 or 20 minutes before Bergdoll escaped the party was conducted back to the sitting room. In the sitting room then were Romig, Bergdoll, and the two sergeants. Stecher had been outside, ostensibly working on the car. About five minutes to 3 the telephone rang. Bergdoll said he would answer it, and went into the bathroom, diagonally across the hall from the sitting room, for that alleged purpose. After Bergdoll went into the bathroom he was never seen again by either of the sergeants. Apparently the telephone, which had another connection downstairs, was still ringing, and Romig left the sitting room shortly after Bergdoll had left for the announced purpose of answering the phone in the dining room. The sergeants say that shortly after this Romig came upstairs and said, "I do not see those boys anywhere." That referred to Bergdoll and Stecher. Thereupon a search of the house and of the garage was made by Romig and the two sergeants, without result. Then Romig called up Gibboney on the telephone and told him of the escape. Romig testified that Gibboney expressed surprise when told of Bergdoll's escape and said, "I will get a taxi and come right out." He did come out, and arrived in about 20 minutes. Up to this time he was the only person who had been notified of Bergdoll's escape.

Mr. Gibboney has not testified before the committee. He died December 26, 1920. Incidentally, as some question was made as to the accuracy of the report of Mr. Gibboney's death, your committee summoned before it the dentist who identified Mr. Gibboney's body for the insurance people, and your committee is satisfied that Mr. Gibboney is deceased as stated.

Mr. Gibboney's statement, however, was taken promptly after the escape by Col. T. Q. Donaldson, on duty in the Inspector General's Department as assistant to the Inspector General.

In the statement referred to Mr. Gibboney said that he received Romig's telephone message about 10 minutes or quarter past 3; that he arrived at the Bergdoll home about half past 3, and after talking with the sergeants and Romig called up General Ansell at Washington on the long-distance telephone, and also tried to get Major Hunt, and after that he called the department of public safety and the chief of police to notify them of the escape. No authorities authorized to arrest the fugitive were notified until about three-quarters of an hour after Bergdoll and Stecher had disappeared.

Stecher had brought the automobile around and had it ready at the door and Bergdoll had gone through the bathroom by another door and downstairs and into the machine while the telephone bell was ringing. This was on May 21, 1920, at 3 p. m. From that moment all trace of Bergdoll was lost until July 20, 1920.

Immediately after receiving Gibboney's message Ansell walked over to The Adjutant General's office, told General Harris of the escape, and he in turn told the Secretary of War. General Harris did nothing except to call up Major Hunt about 5 p. m. Major Hunt had been informed of the escape about 5 p. m. He reported to the Military Intelligence Department at Governors Island about 5.45 p. m. The Secretary of War had placed the matter in the hands of the Military Intelligence immediately, and about 8 p. m. telegrams were dispatched to all of the five Army departments and the local authorities at Baltimore, Wilmington, and a few other points were notified.

At Philadelphia the local authorities seem to have been notified about 4 p. m., but neither they nor the United States Department of Justice in Philadelphia sent out any broadcast information, and the Department of Justice in Washington, which was notified about 5 p. m., appears to have taken no immediate action. There is no evidence of any information being sent out as to the method of Bergdoll's escape, the description of the car used, or of his companion, until May 29, when a circular was sent by mail to all parts of the country bearing a picture of Bergdoll, describing the car, stating the license number, and offering a reward of $2,500, which had been put up by Ansell.

Many possible clues were run down by United States agents and by detectives employed by Ansell, but no trace whatever of the fugitive was found until Romig, on July 20, brought information to the Federal authorities at Philadelphia that the Hudson car in which Bergdoll had escaped was at St. Vincent, Minn., a little town on the Canadian border. This information was sent Romig by Bergdoll. Investigation made at the time and recently at the request of your committee proved that the car had been abandoned by Bergdoll and Stecher at St. Vincent on May 30; the Pennsylvania license plates had been replaced by Indiana plates; in the car were found two fully loaded revolvers. Bergdoll and Stecher crossed the border and went to Winnipeg, Manitoba, Bergdoll calling himself George V. Riggs and Stecher, Frank J. Johnson. They made application for steamer tickets and for passports.

The passport applications were made out in the ticket office of the Great Northern Railway Co., were taken by the agent (Bishop) to the Royal Bank of Canada, at Winnipeg, and there signed by the manager of the bank (F. W. Doherty), one of the officials authorized by Canadian law to authenticate passport applications. The bank manager never saw either Bergdoll or Stecher, and the ticket agent made only the most superficial investigation of the applicants' identity. The passports came back from Ottawa, Bergdoll and Stecher bought steamship tickets, left Winnipeg for Quebec about June 25 and sailed from Quebec to Liverpool on the steamship *Victorian* on July 7. Their further movements have not been traced. It was reported to the American authorities on the Rhine in September, 1920, that Bergdoll and Stecher were in Eberbach, Baden, Germany, where they still remain.

CONCLUSIONS AS TO CONSPIRACY TO EFFECT ESCAPE.

Unquestionably a conspiracy existed to effect the escape of Bergdoll from the military authorities. The committee believes this conspiracy was participated in by Bergdoll, Gibboney, Romig, Stecher, and possibly Mrs. Bergdoll.

It does not find that any officer, noncommissioned officer, or private of the Army or any other person connected with the Army, or with the administration of the disciplinary barracks at Governors Island in any way knowingly participated in the conspiracy.

It does not find that any officer, noncommissioned officer, or private, or any other person connected with the Army or with the administration of said disciplinary barracks received any bribe or was approached with a view of bribery in connection with this escape.

Testimony was given by Mrs. Bergdoll to the effect that $5,000 in bills which she had brought to Governors Island and delivered to Grover was paid to Bruce R. Campbell, then a captain in the Army, about February 1, 1920, for the purpose of paying it to people higher in authority, but there is no evidence whatever that if this money or any part of it was paid to Campbell he paid anything to other people. Campbell was the military counsel assigned by the commanding general to defend Bergdoll at his court-martial. It was shown, and undisputed, that Campbell deposited with a New York broker on speculation account $4,500 in bills on February 10, 1920, and $2,000 on March 3, 1920, most of which he lost.

Campbell explicitly denies that he received any money from the Bergdolls, and accounts for the money deposited with the broker by saying that in 1915 he gave $500 in cash to a friend (now deceased) who was a successful speculator, well known for his generosity and fair dealing, and that in 1917 this amount, having grown to $6,000, was sent to Campbell by his friend through Campbell's father, and kept in its original form in bills by Campbell and his wife until the deposit with the New York broker in 1920.

We do not see how this money, if paid to Campbell, had any connection with the escape of Bergdoll or the failure to recapture him, because even if paid it was immediately lost by him and was not paid by him to any person in the Army or connected with the Government. There is no evidence that Campbell was in any way connected with the escape or had any knowledge of the plan.

The acceptance of money under such circumstances by Captain Campbell would be a serious offense, cognizable by the War Department, and we assume that the proper military authorities will institute such investigation as may be necessary to the end that Captain (now Major) Campbell may be exonerated if not found guilty.

Considerable sums of money appear to have been paid by the Bergdolls in counsel fees. Mr. Weinberger received $5,580 for legal services in the trial of Bergdoll. Gibboney was given $12,500, of which $5,100 later went to Ansell & Bailey. Romig was given sums aggregating about $1,000 for expenses, and $700 was deposited with the Army authorities at the barracks for various purchases and expenses for the benefit of the other prisoners. These expenditures appear to have been generally justifiable and to have been applied to the purpose for which they were paid. Weinberger did not know of the gold hunt. Westcott, if he knew of it, seems to have taken no active part in it. There is no evidence that Gibboney applied any part of his fee to bribery. There is no way to trace the amount of money given to Romig, or what he did with it. It was cash; Mrs. Bergdoll kept no adequate books and always had large amounts of cash on hand.

The $5,000 retainer paid Ansell & Bailey was payment for legal services and probably had no influence on the part played by Ansell & Bailey in making possible the treasure hunt which led to the eventual escape. The incident which led to the writing of the letter of May 11 and the other acts of Ansell & Bailey was apparently the desire to make secure the payment of the large prospective fee which Mr. Ansell expected to earn (forty to sixty thousand dollars) by placing in bank under the control of Gibboney the reputed $100,000 of buried gold.

Although Mr. Ansell was no longer in military service and owed no duty except to himself, his actions and attitude seem extraordinary. He accepted employment in the case of a man who was notorious on grounds which to any lawyer are justifiable, but without making any investigation and without ever having seen Gibboney before he accepted Gibboney at his own valuation and fell a willing victim to Gibboney's misrepresentations and machinations, and without making any attempt to verify its truth he indorsed in his letter to The Adjutant General the whole pot-of-gold story. His letter, based on these misrepresentations which he apparently believed, contains statements not true in fact and which were readily susceptible of disproof.

He further states: "This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel I stand responsible for his prompt return to prison, without advantage to him other than that involved in the object of this request." And in spite of such a guaranty and in spite of the agreement that Bergdoll should go "under guard with his counsel," he took no precautions to assure that the journey would be as agreed and that the prisoner would be returned, and turned the whole affair over to Mr. Bailey and Mr. Gibboney. That both Mr. Ansell and Mr. Bailey relied upon Gibboney is an explanation, but not an excuse.

After the escape it would appear that Mr. Ansell did everything within his limited power to accomplish the recapture of the prisoner. He offered on May 24 a reward of $2,500, which was increased to $3,500, and paid considerable sums to detectives. It is not believed that Mr. Ansell assumed the responsibility he must be charged with because of any bribe or purchase of his services by money, nor is it believed that his motive was improper or that he conspired to effectuate the escape; for one reason, the escape was seriously to his pecuniary disadvantage in preventing him from securing his expected fee for appealing the court-martial conviction. But the letter and the personal pressure upon his former associate, General Harris, were a very important factor in gaining permission given for the trip, and the fact that Mr. Ansell did nothing to carry out his guaranty that Bergdoll should not get away undoubtedly contributed to the escape.

III.

AS TO WHETHER DERELICTION OF DUTY ON THE PART OF ANY PERSONS CONTRIBUTED TO THE ESCAPE OR HINDERED RECAPTURE.

The primary responsibility for the situation which made possible the escape rests upon General Harris. This responsibility he accepts and does not attempt to evade. As Adjutant General of the Army all military prisoners were under his general authority. Bergdoll could not have been let out on his alleged quest for gold without The Adjutant General's consent. There is no question of improper motives on the part of General Harris. It is apparent, however, that his mind was readily overcome by the strong statements of Ansell, and the one essential condition, without which nothing could have been accomplished, and the escape as planned would have been impossible, namely, an order from The Adjutant General permitting Bergdoll to leave prison, could not have been obtained had not General Harris readily yielded to the earnest and artful case put up by his former associate in the War Department, or, having been persuaded to consent, had he ordered, instead of suggested, that an officer accompany the proposed expedition.

Maj. John E. Hunt was in command of the disciplinary barracks at Governors Island, in which Bergdoll was confined at the time of the escape.

When the unusual order came from his superior officer authorizing the departure of Bergdoll, Major Hunt had knowledge of special facts concerning his prisoner, which were unknown to General Harris. Among other things he had been specifically warned three times that his prisoner was a desperate character, likely to attempt to escape. One warning was by the police authorities of Philadelphia, and two others from the Department of the East in command of General Bullard.

Having this knowledge, we hold that Major Hunt should have communicated it to General Harris and ascertained whether, in view of it, he desired to modify his order. If this was not in accord with strict military procedure we think the rules should be changed.

The order from The Adjutant General suggested that an officer accompany the expedition. If that suggestion had been carried out, in all probability the escape would not have occurred.

A suggestion in such a case amounts to an order when it is deemed reasonably possible by the recipient to carry it out. While it would have made Major Hunt short handed to detail one of his officers, in a case like this it should have been done. If not immediately available, an officer could have been obtained from some other place with little trouble.

When Bergdoll left the barracks he was in charge of two sergeants. In the one conversation between Major Hunt and the sergeant in charge before the departure, the question of handcuffs was brought up and the sergeant was told by Major Hunt that he would not need any and that they would make the group too conspicuous. No handcuffs were taken on the trip.

The prisoner was allowed to depart dressed in a uniform hardly to be distinguished from that of a private soldier. Less than ordinary precautions to prevent escape were used, although it was known to Major Hunt that his prisoner was not an ordinary one and would probably attempt to escape. In these respects we think there was a grave dereliction of duty on the part of Major Hunt.

When the selection was made of two sergeants as guards of Bergdoll they should have been first-class men, properly instructed in writing before their departure on such a peculiar errand. The men selected were stupid and entirely incompetent.

A few days before the trip Major Hunt talked briefly wih one of the sergeants. No written instructions were given him. No orders of any kind were given the other sergeant. The sergeant talked with could not remember and did not understand the instructions. He was allowed to think that he was to report to Gibboney and later take his orders from that source.

We believe that in sending out incompetent guards, insufficiently instructed, with the knowledge he had of the prisoner, Major Hunt was guilty of gross negligence that directly contributed to the escape.

Major Hunt, now Colonel Hunt, has been tried by court-martial for his neglect of duty in connection with this affair, and acquitted. We fail to see how a competent and impartial court could reach such a decision. It is certainly a serious reflection upon the court-martial system in the Army.

It is, of course, clear from the foregoing that the sergeants, O'Hare and York, were guilty of grave dereliction of duty in permitting their prisoner to escape from their custody.

They knew enough to know that they shouldn't go joy riding with a prisoner all over Philadelphia, that during the night

one should have been on guard while the other slept, and that the prisoner should not have been allowed to leave their presence. Their falling into the hands of Bergdoll's friends and ready acceptance of their orders were the natural consequences of defective instructions, coupled with a lack of natural acuteness. The sergeants were accustomed to act always under orders, and were practically incapable of independent action.

We think that in view of the mental caliber and history of the sergeants they are not so culpable as their superior officer, Colonel Hunt; nevertheless, they are guilty of negligence in the performance of their duties and should have been punished. They were court-martialed and acquitted. This we can not understand. It is no part of our duty to investigate the court-martial, but we think the officials of the War Department would do well to take cognizance of a situation and investigate the conditions under which such acquittals can occur.

Your committee finds a certain lack of efficiency in the efforts of various Government agencies to apprehend Bergdoll after his escape, and a lack of cooperation and coordination between the War Department and the Department of Justice, which should be noted.

Owing to the delay caused by the motoring of Gibboney out to the Bergdoll home, and then calling Ansell at Washington on the telephone, it was an hour before anyone in authority was notified of the escape. It was then obviously too late to look locally for a fugitive escaping in a high-powered automobile; yet no general call seems to have been sent out from either Philadelphia, New York, or Washington on the night of the escape, except short telegrams to the various military departments announcing the escape, but giving no particulars. More prompt and more vigorous efforts should have been made. It is inconceivable that two men, easily described, driving a Hudson superfix car, should have been able to travel from Philadelphia to the northern part of Minnesota without being once intercepted or reported.

No circular giving a description of the fugitives was prepared until May 23, the day before Bergdoll crossed the border. This was an excessive delay, responsibility for which must be placed upon the Military Intelligence Department in Washington.

There appears to have been little or no cooperation with the military authorities by the Department of Justice. The Washington office apparently relied on the Philadelphia office to send out necessary notices, and all the Philadelphia agents were engaged in hunting about the city.

On April 30, three weeks before the escape, John J. O'Connor, a special agent of the Department of Justice, who had been instrumental in the capture of Bergdoll in January, wrote a letter to the Bureau of Investigation of the Department of Justice in Washington, warning of a probable conspiracy to get Bergdoll out of the hands of the military authorities through habeas corpus proceedings, so that he might then escape from the country. This letter appears on page 381 of the record. It was duly received by the Department of Justice, was filed away, and was never communicated to the military authorities.

Assuming that Bergdoll's purpose in obtaining an order to leave the barracks was to flee the country, and not to dig up gold, his path could not have been made easier for him if he had laid it out himself. From the moment he left Governors Island and the conditions surrounding him became apparent he saw that he could depart when ready and without the use of violence. That such a condition existed is, of course, a scandal. We believe, however, that responsibility for it is confined to the persons named and in the degrees we have described. It is a satisfaction to find that it was in no degree due to bribery of any officer of the Army or official of the Government.

To summarize, in conclusion, we believe that, in accordance with the resolution, we have procured all facts relevant to fixing responsibility for the escape of Bergdoll and the failure to recapture him; that a conspiracy did exist to effect his escape, participated in by the civilian persons named and not by officers or privates of the Army or by agents of the Government; and that there was dereliction of duty (caused by negligence and incapacity and not by bribery) on the part of officers and others named which directly contributed to the escape.

JOHN A. PETERS.
C. N. MCARTHUR.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the two minutes that the gentleman from California has just yielded back, and an additional five minutes to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. Mr. Chairman and gentlemen of the committee, I am very glad, indeed, that my colleague the gentleman from California [Mr. LINEBERGER] has brought to your attention the report made by this committee last August. This committee was appointed to bring, as I understand it, a report to Congress, and Congress can consider that report. That is what the report is for, as I understand it. But since this report was brought in last August, no action has been taken.

Now, we have been meeting here and killing time one way and another, adjourning over Saturdays, and all that sort of thing, and we have had plenty of time in which we could have taken this matter up. I want to say that it is my opinion that the people of this Nation want this matter brought up here and threshed out by Congress.

As indicative of the strong and continuous interest in this matter on the part of the American Legion and all ex-service men and women of this country I wish to quote you from several different copies of the American Legion Weekly.

On page 16 of the American Legion Weekly, of April 15, 1921, we find an article headed "The Bergdoll trail," which is as follows:

When the Government of Baden released from custody Karl Neal and Frank Zimmer, the two Americans who attempted to capture Grover C. Bergdoll at Eberbach and were given prison sentences for alleged usurpation of authority, it did not rid itself by any means of the embarrassing problem into which Bergdoll's presence in Germany has developed. Both the War and State Departments at Washington have been busy on possible ways to obtain the delivery of Bergdoll himself from the German authorities. Although officials at Washington have hesitated to express for publication positive opinions that the United States Government itself can obtain the surrender of Bergdoll, dispatches from London lend strength to the reports that the British Government is willing to demand that Bergdoll be given up for prosecution under its immigration laws. The use of false passports by Bergdoll in passing through Canada and England on his way to Germany is said to be an extraditable offence.

On page 10 of the Legion Weekly, dated April 22, 1921, we find an article headed "Slacker notes," as follows:

The principal hope that Grover C. Bergdoll may be yanked out of Germany by extradition rests at this writing with the Canadian Government. The British Government has ruled that Bergdoll's offense in misusing English passport privileges is not extraditable, but that the Canadian Government does possess sufficient grounds on which to demand Bergdoll's surrender from Germany. It is understood that the Canadian Government has asked the United States Department of Justice for information upon which it may base the legal negotiations necessary to induce the German Government to send Bergdoll back to Canada. If Bergdoll were returned to Canada, it is regarded as certain that he would be shipped across the American border into the hands of American officials.

On page 16 of the Legion Weekly of July 8, 1921, I quote a very striking article, headed "A hero in Bergdoll's shoes":

The memory of the man into whose hands was placed the rifle that Grover Cleveland Bergdoll refused to bear, and who fell in battle overseas, will be honored by Overbrook (Pa.) Post with a fitting memorial. When Bergdoll failed to appear before his local draft board the next numbers on the list were called. The first man to be accepted was assigned to the Engineers and survived the war. The second, Russell C. Gross, of Philadelphia, entered the Infantry in the Eighty-second Division, and was killed in action in the Argonne, winning a citation for bravery in charging a machine-gun nest.

Overbrook Post intends now to change its name to Russell C. Gross Post and to build a community house that will bear the name of the dead hero and will memorialize the soldier and sailor dead of that section of Philadelphia. The community house is to be endowed, in order that it may embody the spirit of American patriotism beyond the lifetime of the Legion, as well as perpetuating the contempt of all fighting men for the arch slacker.

It was through an investigation conducted by Overbrook Post that the fact was determined that Gross was the first man to die in battle after being called ahead of his turn by the defection of Bergdoll.

My friends, has the lapse of time dulled our senses to the awful offense of all those who were in any way accessories to the crime by being in any way connected with the escape of this slacker and arch conspirator, Grover Cleveland Bergdoll? We know full well that had it not been for his gold he would now being doing his time at Leavenworth. That makes it all the harder for the ex-service people to stand—that is, the fact that his gold got him out.

I quote the following from an article on page 16 of the American Legion Weekly of September 2, 1921:

From the start a great hue and cry, partially at least, ascribable to the activity of the slackers themselves, was raised against the searchlight of publicity thrown on the whole ugly business. Persistent efforts have been made to convince public opinion that the War Department's files were so full of errors that no dependence at all was to be placed in them; that they were so replete with the names of men who served honorably that their publication could in no sense be construed as branding those who really slacked. In numerous instances little nests of slackers have been found busied about a coldly calculative propaganda to keep themselves and their kind out of the pillory of public opinion. According to them, all of the 155,000 are heroes; some of them dead, others wearing congressional medals of honor.

"So pernicious and persistent was this propaganda," The Adjutant General of the Army, Maj. Gen. Peter C. Harris, recently declared, "that had it not been for the influence, prestige, and support of the American Legion, the Secretary of War might have found it absolutely necessary to stop the publication of the slacker lists soon after that publication began. Throughout the whole affair American Legion departments, posts, and members have been of the greatest service and help. They have not only bolstered up public opinion where it was weak and wabbly, but have rendered an immense practical assistance in

supplying information for the innocent and against the guilty. The Legion took the patriotic and right position on the publication of the slacker lists, and has maintained it with dignity, force, and effectiveness."

I mention this to bring to your attention more forcibly the fact that I have already stated, and that is that the American Legion is and has been constantly active in trying to bring these slackers to justice, as well as all those who might have been connected with the escape of any such slackers.

Further regarding the case of Grover Cleveland Bergdoll, I quote the following paragraph from page 41 of the report we have under discussion—House of Representatives Report No. 354:

In conclusion it is deemed proper to commend Thomas W. Miller, the Alien Property Custodian, for the seizure of the Bergdoll property. It is hoped that he will exercise what seems to be his legal right to compel Mrs. Bergdoll to produce the gold which she claims to have buried on the farm near Philadelphia.

In connection with this particular phase of the case, I quote the following from the record of the proceedings of the last national convention of the American Legion held at Kansas City last November:

REPORT OF AMERICANISM COMMITTEE.

VI. DRAFT EVADERS AND POLITICAL PRISONERS.

Whereas one Grover Cleveland Bergdoll, a prisoner, escaped from the military authorities of the United States Government; and

Whereas the Alien Property Custodian of the United States Government, acting under and by authority of his office, has seized all property belonging to the said Grover Cleveland Bergdoll: Now, therefore,

Be it resolved by the American Legion in convention assembled, That we indorse the action of the Alien Property Custodian in seizing the property and assets of the said Grover Cleveland Bergdoll; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States and the Alien Property Custodian.

There is no doubt about the seriousness of this case in the minds of the men and women of this Nation who wore the uniform during the war. People all over the country know the attitude of the ex-service men and women on this proposition. They are interested. They want action now on the part of Congress on this proposition. The ex-service men and women who served during the war are appealing now for action upon this matter.

This report (No. 354) contains certain concrete recommendations. Why does not Congress get busy on this proposition and take it up and thrash it out? That was what the committee was appointed for. Provision should have been made for at least one ex-service man in Congress to have been appointed on this committee. I am told that it was supposed to have been that way, but no ex-service man was placed upon the committee. I do not know why not; perhaps the Speaker knows.

We are making provision here day after day for our heroes. That is all right, of course, and as it should be. But, my friends, in justice to our heroes, we ought also to give attention to our traitors, to our archconspirators, and amongst the archconspirators are many who may have helped to cover up this proposition and put it off from time to time, and especially those who were implicated in the escape of this man Bergdoll. The men and women who wore the uniform will never forget this case. You may think they will, but time will not expunge it from their memory. They want action, and they want it without delay. Why this deplorable lassitude on the part of Congress in connection with this matter? Are we going to continue to be indolent and to sleep supinely on this proposition, or will we show keen and deep interest in this matter, sufficient to see that this report is adopted and these recommendations taken up and handled? Does this appeal find patriotic response in the hearts of the Members of the Congress of the United States, or are we content to let this report stand and time pass on and nothing be done about all these offenders who were implicated in the escape of this archtraitor, Grover Cleveland Bergdoll?

I do not want to take up your time further, but I hope, my friends, that this will be brought up before Congress at an early date and appropriate action taken if Congress sees fit to carry out the recommendations of this committee. Congressional action can do it. I do not mean only about bringing Bergdoll back. There are difficulties, of course, about that; but I would like to see every possible step taken to that end. But your committee has made certain reports in connection with those implicated in his escape, with certain recommendations, and I want to see Congress take up these recommendations and see whether the Congress of the United States wants to put the implicated parties on the rack for their actions in this case or whether this Congress is willing to smooth the whole thing over and overlook the actions of those who were accessories to the crime.

In the language of the Army, I want to say on this proposition, "Let's go; let's have some action and let's have it soon." [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type the report of the special committee on the Bergdoll matter appended to my speech.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing in 8-point type the report referred to. Is there objection?

Mr. JOHNSON of South Dakota. Reserving the right to object, Mr. Chairman, the gentleman means to insert both the minority and the majority reports?

Mr. LINEBERGER. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JEFFERS of Alabama. Mr. Chairman, I shall ask for the same permission, to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for 10 minutes.

Mr. LANKFORD. Mr. Chairman, two of the greatest needs of the farmer to-day are a good market where he can sell his products at a fair price and a good credit system by means of which he can obtain promptly the money he needs at reasonable interest on fair terms. Recently I have introduced bills seeking to help solve both these important problems. I want the farmer to sell all he can produce directly to the consumer at a fair price, and I want the farmer to get the money he borrows under a system better than he has ever been permitted to use so far. I now want to discuss briefly the bill I have introduced to help the loan situation. First, I want to mention some of the difficulties the farmers are confronted with when they seek a loan either from the present Government rural credit system, or from any of the long-term loan concerns doing business in this country. I hope to remedy these evils by the bill I have offered. Let us see what these trouble are that confront every farmer seeking a long-term loan. First, it takes entirely too long after the application is made to secure the loan. Second, it costs too much to get the loan. Third, a bonus or charge is made for paying off all or any part of the loan before it is due. Fourth, the loan can not be renewed or increased without a new unreasonable expense. Fifth, any part or all of loan paid off before maturity can not be reborrowed during term of loan without extra cost or fee. In order to remedy these troubles and make the securing of long-term loans by farmers easier and more hopeful, I have introduced a bill which I wish now to explain and discuss. The bill is rather lengthy and I will not insert it in full in my remarks. It is patterned after the war finance corporation act, but is called the farmers' finance corporation act. The bill is intended to finance the farmers of the country instead of financing war activities and handling conditions growing out of the World War. The special provisions of the bill which I deem of utmost importance and which I wish to discuss now are as follows:

SEC. 7. The corporation shall be authorized, empowered, and directed to make advances upon such terms not inconsistent herewith as it may prescribe for periods of 10 years from the respective dates of such advances to persons engaged in farming, truck raising, gardening, fruit growing, or stock raising. The advances shall be made upon farm lands and improvements as collateral security or upon unimproved lands taken in connection with improved lands. Any person authorized to secure advances under the provisions of this act who contemplates seeking such advances or loan may file his application, have his title approved, and have his proposed farm security inspected and approved for the full amount that may be advanced upon the proposed security, without securing any loan at the time of the application or immediately thereafter. The applicant for loan may at once execute and have recorded a loan deed securing the corporation in the full amount for which his property is approved and may thereafter at any time within 10 years execute his promissory note or notes to the corporation for any amount, in multiples of hundreds, not in excess of the amount specified in the loan deed, and there shall be immediately advanced to the borrower the amount of the note or notes. The borrower shall be permitted to retain as an approved credit any amount specified in his loan deed not covered by his outstanding notes and may from time to time execute additional notes, in multiples of hundreds, and secure additional advances until the full amount for which his property is approved as specified in the loan deed is borrowed.

SEC. 8. The borrower may at any time and from time to time pay off in multiples of hundreds any amount the borrower desires to pay on the said loan. The amount so paid off may be reborrowed in whole or in part at any time during the 10 years' period specified in the loan deed.

SEC. 9. The interest charged on advances under this act shall not be in excess of 5 per cent per annum and shall only be charged on the money actually obtained and only for the time the money is actually retained.

SEC. 10. The corporation shall make arrangements with the local banks in each community to pay cash to the borrowers for the notes executed in accordance with this act, and the corporation shall honor the drafts of such local banks for the amount of such note or notes so paid.

SEC. 11. No commissions, bonuses, abstract fees, or other charges shall be made or demanded by any Government agent or other person for services in helping secure money or repayment privileges under the provisions of this act except a reasonable inspection fee and abstract charge may be only made for approval of security and certification of title when application is first filed.

SEC. 12. The borrower at any time he desires upon payment of a reasonable charge for inspection may have his farm property reinspected to determine whether or not in view of increased values and recent improvements he is entitled to an additional approved credit value. If he is entitled to the additional loan, he may execute necessary supplemental loan deed and have the privileges of this act to the full amount thus approved.

Mr. Chairman, I will not quote more of the bill now. The sections just read are self-explanatory and would cure the evils of the present long-term loan systems. I want the farmer to be permitted to have his loan approved for all his property will carry and then be permitted to get the money as he needs it. I want him to be allowed to pay back any amount he wishes and stop interest on money he does not need and then reborrow any amount paid back when he needs it. I want him to be allowed without extra expense to borrow and pay as he pleases so he stays within the limit his property is approved for. I want him to have cheap money promptly when he needs it and only be forced to keep it and pay interest while he needs it. I want the farmer after his loan is approved not to be required to take the money until he needs it; then when he needs it I want him to be able to walk into any bank, execute a note for any part of loan he may need and immediately get the cash for the amount of the note from the bank. I want him to be allowed without extra cost to come to this bank when he wishes and repay the amount he owes in whole or in part and then reborrow when he needs it. I am sure the banks throughout the country will gladly cooperate in the operations under this bill. Especially is this true of the country banks.

The banks would know that the farmers had an approved credit for thousands of dollars on their farms and would gladly make any advances for a short time the farmers might need, knowing that the farmer could secure money from the Farmers' Finance Corporation any day to take care of his note to the bank. The banks would gladly cash the farmer's notes under my plan and draw on the corporation, for the the money would be handled through the bank and much of it left there for deposit. The farmer's credit would be so much better when it was known he had an unused approved credit with the corporation which he could use any day. The amount the farmer had to his approved credit would be worth as much to him as though he had it in hand or on deposit, for he would know he could get it any day, and yet it would cost him nothing in the way of interest until he called for it. This bill would help the farmers and help every one that the farmers do business with. It would help the credit of the farmers. The creditors of the farmers would more gladly carry the items due them by the farmers and the farmers could more easily carry the items due them by others. The whole country would be benefited. A confidence of great value would be established. This bill if enacted into law would be a great shock absorber in times of depression or panic. All the country banks have a large number of farmers who are stockholders, directors, and other officials. Let one of these banks be about to close its doors for lack of ready cash while its directors, stockholders, and creditors have many times the amount of money needed by the bank as approved credit under the terms of this bill and what would happen? There never would be a minute's danger of the bank closing. The whole country would be much safer from financial depression and panics. The farmers would be encouraged to keep as large an approved credit as possible to be used in emergency. At present, if a farmer seeks to borrow money, he suffers agonies before he gets it. He pays too much for it. If he gets only what he needs, he later may need more and can not get it. If he gets more than he needs, he pays interest on what he does not need. If he wants to pay back part, he must pay a bonus for the privilege, and if he wants to reborrow later he must face a new commission and another long delay.

Mr. Chairman, I am very anxious for the loan provisions which I have just quoted to be enacted into law. I do not care so much whether they are part of a law establishing a new government agency or keeping the War Finance Corporation functioning under a new name or as an amendment to the present Federal rural credit system or otherwise. What I do want is for the farmers and the country to get the benefits which I am sure will flow from the enactment of the loan provisions offered in this bill. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HUSTED. Mr. Chairman, I yield 50 minutes to the gentleman from Massachusetts [Mr. TINKHAM.]

The CHAIRMAN. The gentleman from Massachusetts is recognized for 50 minutes.

Mr. TINKHAM. Mr. Chairman, I am a member of the subcommittee of the Committee on Appropriations on the State and Justice Departments that prepared the bill which is now before the Committee of the Whole House. There were no witnesses before that subcommittee at its various hearings who were not Government officials, except one individual by the name of Wayne B. Wheeler, who appeared saying that he was general counsel and legislative superintendent of the Anti-Saloon League of America. He desired to give his views regarding the disposition of funds in relation to the Department of Justice concerning the enforcement of prohibition. Before he made any statement he was examined at length, particularly in relation to the conformity of the Anti-Saloon League of America to the Federal statutes relating to the prevention of corrupt practices at Federal elections. You can read the evidence that has been printed in connection with those hearings.

As a result of the evidence he gave, there has been an examination made. The result of that examination and investigation is so important and has developed such facts that I believe the facts should be laid not only before this House but before the Department of Justice.

A law was enacted June 25, 1910, and amended August 19, 1911, and is one of the several laws to prevent "corrupt practices" at Federal elections. It is entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected." The first section of this law reads as follows:

Be it enacted, etc., That the term "political committee" under the provisions of this act shall include the national committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result, or attempt to influence the result, of an election at which Representatives in Congress are to be elected.

This law provides for detailed statements of money received in amounts of $100 or more, amount, name and address of the person from whom received, and money expended, with the name and address of each person paid $10 or more.

This law also provides that these detailed statements shall be made under oath and filed with the Clerk of the House of Representatives not less than 10 days before the election, and on each sixth day thereafter until the election, and another report to be filed within 30 days after the election. The law carries a penalty of $1,000 and imprisonment of not more than one year, or both.

No such statements were filed by the Anti-Saloon League of America or by any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, or 1918.

In 1920 for the first time three returns were filed by Wayne B. Wheeler, signing himself as "Treasurer, campaign committee, Anti-Saloon League of America"; three by the "Anti-Saloon League of America, Department of West Virginia"; three by the "Anti-Saloon League of Maryland"; and only one return each by the "Wisconsin Anti-Saloon League," the "Anti-Saloon League of Colorado," "Anti-Saloon League of Oregon," and the "Iowa Anti-Saloon League."

The first return signed and sworn to by Wayne B. Wheeler was dated October 22, 1920, the second October 29, 1920, and the third December 1, 1920. Upon each of these returns was indorsed the following protest: "We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable rather than political as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses in connection with the national organization in the election of Congressmen as indicated in the report."

The congressional districts in the first return, dated October 22, 1920, in which "the Anti-Saloon League of America" admits under oath it spent money, were the fourth and fifth districts in Indiana, the eleventh district of Iowa, the sixteenth district of Texas, the seventh district of Minnesota, known as the "Volstead district," the thirteenth district of Missouri, the first and second districts of New Hampshire, the first, second, and forty-second districts of New York, the tenth, twentieth,

twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth districts of Pennsylvania, and the first and sixth districts of Maryland.

The congressional districts in the second return, dated October 29, 1920, in which the Anti-Saloon League of America submits under oath it spent money, were the seventh district of Minnesota, known as the "Volstead district," the 25th district of Ohio, eleventh district of Maryland, twenty-fifth and twenty-eighth districts of Pennsylvania, the fortieth, forty-first, and forty-second districts of New York.

The law requires "the name and address of each person to whom any payment is made in excess of $10 or more." In each of the three reports of the Anti-Saloon League of America this provision of the law is violated in relation to some items.

Under date of November 4, 1920, Elizabeth Roberts, "bookkeeper and assistant treasurer" of the Wisconsin Anti-Saloon League, in the only return made by that league, states under oath, under the head of "Expenditures on behalf of candidates," a strictly political expenditure according to the return, that R. P. Hutton, of Milwaukee, had his "salary paid by the Anti-Saloon League of America, Westerville, Ohio," but does not state the amount.

In none of the three returns signed by Wayne B. Wheeler as "Treasurer, campaign committee, Anti-Saloon League of America," does any such person's name appear, nor is any amount traceable or returned under any possible item in these three returns as being so expended by the Anti-Saloon League of America, although they purport to be the entire expenditures of the Anti-Saloon League of America, made in connection with the congressional election of 1920, which not only would involve a violation of the act of June 25, 1910, which requires a detailed account of expenditures, name, address, and amount paid, but also involves a sworn false return, as the two returns are contradictory.

The structure of the Anti-Saloon League is as follows: There is a corporation known as the Anti-Saloon League of America, which is the national organization, and corporations in each or most of the States and the District of Columbia, known either as the Anti-Saloon League of that particular State or as the Anti-Saloon League of America, department of the State in which it is incorporated, and the national organization and the State organizations make one association or organization by the closest affiliations possible.

Vice presidents of the national organization are presidents, directors, or trustees of the various State organizations, and most of the national executive committee hold office in some State organization, which is also true of the national board of directors, and the national committee on financial management has one member who is on the headquarters committee of a State organization. As an example, William H. Anderson is a State superintendent of the Anti-Saloon League of New York. He is also a member of the national executive committee and also of the national legislative committee of the Anti-Saloon League of America.

This scheme of organization, the closest which American corporate law can devise, is known as the system of interlocking directorates and makes of such corporations in effect, so far as action and policy are concerned, one large corporate entity.

The plain intent and purpose of the law is to give publicity in Washington to all expenditures made by any committees, associations, or organizations attempting to influence congressional elections in two or more States. If any money is expended to influence an election in two or more States, the law, by the plainest language which could be employed, demands a return in form be made to the Clerk of the House of Representatives.

There can be no question that this law applies to any organization that attempts to influence an election, no matter what other activities the organization may have, because the law says so.

The expenditures of the national organization and of the State organizations with which it is affiliated or interlocked, attempting to influence the election of Congressmen, must be reported here in Washington as the activities are national and coordinated or the law is nullified.

Therefore any expenditures made for this purpose should be disclosed in a sworn report filed by the "committees, associations, or organizations," either through full returns at Washington made by the national organization, including expenditures of all its State branches in each report required by law, or by reports from the national organization and separate reports from each State where money is received or expended.

Nullification of the law would otherwise result through the formation of a national organization spending little or nothing in congressional elections and with its affiliated or interlocking State branches or departments in each State spending vast sums, about which there would be no report made in Washington as required by the law and its manifest intent and spirit.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. TINKHAM. The following organizations filed reports in connection with the 1920 election without protests that the law did not apply to them in their political activities:

Republican National Committee.
Democratic National Committee.
Republican National Congressional Committee.
Democratic National Congressional Committee.
National Committee, Single Tax Party.
Prohibition National Committee.
National Committee, Socialist Party.
Farmer-Labor Party of the United States.
Oklahoma State Democratic Committee.
Republican Senatorial Committee.
Harding-Coolidge Republican League No. 1.
National Non-Partisan Political Campaign Committee.
National Campaign Committee of the Sixteen Associated Recognized Standard Railroad Labor Organizations.
National Young Men's Republican League.
Harding-Coolidge Uptown Dry Goods Association.
Debs Campaign Conference.
National Welfare Union.
American Federation of Labor, National Nonpartisan Political Campaign Committee.
Pro-League Independents.

At this point I desire to draw attention to the fact that there has been recently issued by Parker Shields, superintendent Tennessee Anti-Saloon League, a leaflet asking for liberal contributions to this league, from which the following is a quotation:

> A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States, where money for organization and educational purposes is scarce. They have always had to have help from the national league.

This would clearly show that the Anti-Saloon League was systematically and liberally financing congressional campaigns and placing Congressmen of the United States under obligation to vote in Congress in accordance with its dictation.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Ohio. This is an important matter. I make the point of no quorum.

Mr. TINKHAM. Let me finish my statement.

The CHAIRMAN. The gentleman from Ohio makes the point of order that there is no quorum present.

Mr. COOPER of Ohio. If the gentleman will yield to me for half a minute——

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Ohio. I will withdraw my point of order.

Mr. TINKHAM. I will answer any question that the honorable Representative from Ohio desires to ask when I have finished my statement without interruption.

Another quotation is as follows:

> In addition to the above, the amount from Tennessee for the national league helps to provide for the maintenance of the entire national organization. It also helps to provide for the maintenance of our national office at Washington, D. C., under the very successful management of the Hon. Wayne B. Wheeler, one of the greatest diplomats and attorneys in America. From this office needed legislation is initiated, a constant watch is kept on the actions of Congress, and when opposition appears danger signals are flashed to every State in the Union.

Legislation initiated in the national office of the Anti-Saloon League in Washington and not in the Congress of the United States! To what degradation, to what debasement has Congress fallen that its shame can be thus heralded to the world!

There, verily, is an end of free institutions and free men. Cowardice, indeed, has completed their destruction and dishonor.

In connection with this general subject it may be of interest to the House of Representatives to know that in the Evening Star, Washington, Tuesday, March 21 last, in an interview, Samuel W. Small, secretary of the National Reform Association, is quoted as stating that that association has "a pledged financial income of over $2,000,000 annually," and that it was proposed to spend this amount at the next election in the congressional districts of the United States.

On page 472, part 2, of the hearings before the subcommittee of the House Committee on Appropriations relating to the Department of Justice, the following colloquy occurs:

> Mr. TINKHAM. I did not think you had given your personal opinion as to whether or not you thought that the corrupt practices act applied to the Anti-Saloon League if it attempted to influence elections in two or more States. I do not think you have replied to that question.
>
> Mr. WHEELER. I think that the national organization, as such, working in various States the law might be construed to cover that; and inasmuch as it can be construed that way, the only fair thing for us to do was to accept that construction until it was otherwise held.

Notwithstanding this statement by Mr. Wheeler, no returns were filed with the Clerk of the House of Representatives by the Anti-Saloon League of America or by any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, and 1918.

I therefore charge that the following are violations of the act of June 25, 1910, as amended by the act of August 19, 1911, to prevent corrupt practices at Federal elections:

1. Failure to make returns to the Clerk of the House of Representatives by the Anti-Saloon League of America or any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, and 1918.

2. Failure to give names and addresses of all persons receiving $10 or more in the three returns filed with the Clerk of the House of Representatives by Wayne B. Wheeler as treasurer campaign committee, Anti-Saloon League of America, in connection with the congressional election of 1920.

3. Failure of the Anti-Saloon League of America, department of West Virginia, to give names and addresses of all persons receiving $10 or more in the three returns filed with the Clerk of the House of Representatives in connection with the congressional election of 1920.

4. Failure of the Anti-Saloon League of Maryland to give names and addresses of all persons receiving $10 or more in the three returns filed with the Clerk of the House of Representatives in connection with the congressional election of 1920.

5. Failure of the Wisconsin Anti-Saloon League to file more than one return with the Clerk of the House of Representatives, and in that return to give the names and addresses of all persons receiving $10 or more in connection with the congressional election of 1920.

6. Failure of the Anti-Saloon League of Colorado to file any return under oath with the Clerk of the House of Representatives and without the names and addresses of all persons receiving $10 or more in connection with the congressional election of 1920, although a letter admits expenditures.

7. Failure of the Anti-Saloon League of Oregon to file more than one return with the Clerk of the House of Representatives and failure to file that return under oath in connection with the congressional election of 1920.

8. Failure of the Anti-Saloon League of Iowa to give the names and addresses of all persons receiving $10 or more in the return filed with the Clerk of the House of Representatives in the one return filed in connection with the congressional election of 1920.

9. Complete failure to file returns with the Clerk of the House of Representatives of numerous other State branches, departments, or subsidiaries of the Anti-Saloon League of America which received or disbursed money in connection with the congressional election of 1920. Notably the State of New York, the State of Pennsylvania, and the State of Minnesota.

10. That under date of November 4, 1920, Elizabeth Roberts, "bookkeeper and assistant treasurer of the Wisconsin Anti-Saloon League," in the only return made by that league states under oath under the head of "Expenditures on behalf of candidates," that R. P. Hutton had his "salary paid by the Anti-Saloon League of America, Westerville, Ohio," and in none of the three returns signed by Wayne B. Wheeler as "treasurer, campaign committee, Anti-Saloon League of America," does any such person's name appear, nor is any amount traceable or returned under any possible item in these three returns as being so expended by the Anti-Saloon League of America, although they purport to be the entire expenditures of the Anti-Saloon League of America made in connection with the congressional election of 1920 and that they are contradictory statements made under oath.

The records of the Clerk of the House of Representatives disclose a failure of the Anti-Saloon League of America and its subsidiaries to obey the Federal statutes, not only in one case but in many.

Nothing can shatter the very foundations of society, its respect for the law, and its belief that laws are to be obeyed than to have a great national organization refuse to obey laws that apply to it.

No more deadly thrust can be given to law and its enforcement than the claim of immunity from criminal statutes of general application by any one class, interest, or association.

No greater contempt of law can be shown than by reliance upon schemes to circumvent the plain meaning of a law and its spirit. American courts of justice have never allowed this to be successful. Interlocking directorates have been abolished and legal moral responsibility placed where it belonged.

The usual course for a Member of Congress to pursue in a situation such as has been disclosed is to ask for a committee of investigation of the House of Representatives. I, however, know as well as anyone who has knowledge of the House of Representatives that it would be absolutely futile for me to ask for the appointment of such a committee, as such an order of investigation could not be passed because of the power of the Anti-Saloon League of America and its influence in the House of Representatives.

I, therefore, publicly request, yes, I demand, that the Department of Justice, which I believe can not be intimidated or subverted by political influence and threats of reprisal from whatever source, and whose first duty is to enforce laws of the United States, investigate the facts which I have here submitted and upon finding that they are true to institute proper proceedings under the law.

This I do to the end that all laws shall be enforced equally against the politically powerful as well as against the politically weak, that laws passed to insure the purity of the ballot shall be given their full vigor and effect, and that impartial justice shall be respected and maintained in these United States. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. In a minute. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has 24 minutes.

Mr. TINKHAM. There have been two captious criticisms made concerning the hearing at which Mr. Wheeler was examined and the printing of the record of the hearing which I think should be answered and explained to the committee.

The first is the criticism that I should not have examined Mr. Wheeler as I did.

Mr. Wheeler was a volunteer witness who requested to appear before the committee. He made no objection to any of the questions asked, nor did any member of the committee. That should dispose of this criticism.

The second criticism is that the record of the hearing was not printed as it should have been.

The facts are these: That Mr. Wheeler was given permission by the committee to correct his testimony. As a member of the committee I had the right to correct my questions. Two copies of the record were brought to my office. One the original, with the corrections of Mr. Wheeler, and the other a copy, although it looked like an original so far as the typewriting was concerned. I dictated my corrections to a young man who had for six weeks been acting as my secretary, who was not very familiar with the correction of records. He made my corrections upon the copy instead of upon the original, and the copy with my corrections was returned to the clerk of the Committee on Appropriations and in due time this was printed. Saturday last Mr. Wheeler made discovery that his corrections were not in the printed hearings, and the matter in due course was brought to my attention. I found the original with Mr. Wheeler's corrections in my office, took it immediately to the Committee on Appropriations, and a reprint of the testimony with Mr. Wheeler's corrections as well as my own is now before the committee. That should dispose of this criticism.

Now, Mr. Chairman, I shall be glad to answer any questions.

Mr. COOPER of Ohio. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question. It seems he has made a very careful investigation, as he says, relative to the activities of the Anti-Saloon League. I would like to ask the gentleman from Massachusetts whether, while he was working along that line, he made any investigation of the activities of some other organizations, especially one known as the Association Opposed to National Prohibition; whether they had any large sums of money accumulated to influence the election of Congressmen in certain congressional districts?

Mr. TINKHAM. I have made no investigation as to the activities of any other associations, because the representatives of no other associations except the Anti-Saloon League appeared before the committee. Had they appeared and had there developed the same testimony that was developed in the examination of Mr. Wheeler, I should have included it in my statement to the House, and I would say that if there are any organizations whatsoever, no matter for what purpose they may be organized, that participated in congressional elections

in two or more States and attempted to influence results and have filed no returns under the law, they are equally guilty of violating the corrupt practices act with the Anti-Saloon League of America and its subsidiaries.

Mr. COOPER of Ohio. The gentleman from Massachusetts knows that there is such an organization. Was there not a statement inserted in the RECORD at your hearings relative to that question?

Mr. TINKHAM. It was inserted after the hearing, not at the hearing. Mr. Wheeler was given the right when the hearings were over to put certain statements into the RECORD.

Mr. COOPER of Ohio. There are a great many organizations that are opposed to national prohibition. Is not that a fact?

Mr. TINKHAM. I have heard that that is so. [Laughter.]

Mr. COOPER of Ohio. The gentleman fully realizes that they are spending a large amount of money, that to-day they are organizing in nearly every State in the Union for the express purpose of trying to defeat Congressmen who will not pledge themselves to the modification of the Volstead Act. I should like to ask the gentleman if he believes these organizations can work without the expenditure of large amounts of money?

Mr. TINKHAM. I think I should not be asked a question of that character. I will say this: I have no exact knowledge of what organizations may be operating to-day in the United States which are opposed to or which desire to change the Volstead Act. If there are organizations, I do not care what their character is, whether they favor prohibition, or are against prohibition, whether they are organizations of churches or organizations of bawdy houses, if they attempt, under this law in more than two States to influence congressional elections, a statement of their receipts and expenditures must be filed with the Clerk of the House of Representatives, and should have been filed since 1910 when this Federal statute was passed. The statute says "all committees, associations, or organizations." This is without any distinction whatever. Does not that fairly answer the question of the honorable Representative from Ohio.

Mr. COOPER of Ohio. If the gentleman will permit me, this is what I want to say to the House, that the gentleman from Massachusetts [Mr. TINKHAM] has put a large amount of work into the statement which he has given to this House to-day criticizing the Anti-Saloon League for their activity in politics. Now, I think if the gentleman here had been fair he would have looked deeper into the question, and he would have investigated the activity of those organizations that are opposed to the prohibition laws, and that to-day are spending hundreds of thousands of dollars in anticipation of defeating Congressmen for election this fall who will not pledge themselves to a modification of the Volstead Act.

Mr. TINKHAM. If any Representative of those organizations had come before the committee of which I am a member I would have asked him the same questions that I asked Mr. Wheeler, and if I found that his testimony was similar to Mr. Wheeler's I should have made a similar investigation; but Mr. Wheeler was the only witness, and he came there voluntarily, and I took up that specific case. The committee was not an investigating committee, and I am not an investigator.

Mr. COOPER of Ohio. May I ask the gentleman if he has read that part of the testimony which was inserted in the hearings?

Mr. TINKHAM. As a matter of fact, I have not had time.

Mr. COOPER of Ohio. If the gentleman will permit me, I notice here that the budget called for in the association opposed to national prohibition contemplates the expenditure of not less than $300,000. Then, in another place, it says:

Before a wheel can turn, the managing director must know that there is at least $200,000 in the treasury.

Now, I wish the gentleman would take the time to investigate these organizations—the association opposed to national prohibition.

Mr. TINKHAM. What is the date of that statement?

Mr. COOPER of Ohio. This statement was incorporated in your hearings on this bill before the committee.

Mr. TINKHAM. What is the date of that particular statement?

Mr. COOPER of Ohio. It does not give the date; but there is such an organization.

Mr. TINKHAM. If the representative of that organization had appeared before the committee, I should have made an investigation of that organization.

Mr. STAFFORD. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Wisconsin.

Mr. STAFFORD. Do the records filed by the Anti-Saloon League under the corrupt practices act, or the gentleman's investigation, show how much money was expended by the Anti-Saloon League in the election of Representatives in Congress, and for what purpose, and in what districts?

Mr. TINKHAM. I have given the districts, and I am going to ask the House to allow me to incorporate in the extension of my remarks three returns of the Anti-Saloon League of America, and the one return of the Anti-Saloon League of Wisconsin.

Mr. STAFFORD. The latter is the one in which I am particularly interested, because of the activities of certain bodies which failed to comply with the State law requiring returns, that have used thousands of dollars against me in times past. I wish to ask whether that return shows anything of the activities in any specific districts of the State of Wisconsin?

Mr. TINKHAM. This particular return of the Anti-Saloon League of Wisconsin does not show any particular activities in any particular district, except that it has attached to it as a part of it a specimen ballot in which certain Senators and Congressmen are designated and described and certain others otherwise designated and described. That I wish to have printed in the RECORD by unanimous consent.

The total expenditure as returned by the Anti-Saloon League of Wisconsin is $10,028.83.

Mr. STAFFORD. Does it give the districts in which the money was expended?

Mr. TINKHAM. It does not give the districts in which the money was expended, but the Anti-Saloon League of America has indicated, as I have read, in what districts the Anti-Saloon League of America expended money.

Mr. STAFFORD. I will ask the gentleman another question. I notice in the hearings on page 468, in which are enumerated certain districts in Minnesota, Ohio, Maryland, Pennsylvania, and New York, in which the Anti-Saloon League was active in the last campaign, that after the New York districts appears the language—

Omitted by error from former reports.

That conveys the idea that in a former report there were further districts returned. Has the gentleman any list of those districts?

Mr. TINKHAM. The districts in the first report, filed October 22, 1920, of the Anti-Saloon League of America, are as follows: Indiana, fourth and fifth districts; Iowa, eleventh district; Texas, sixteenth district; Minnesota, seventh district; Missouri, thirteenth district; New Hampshire, first and second districts; New York, first and second districts; Pennsylvania, tenth, twentieth, twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth districts; Ohio, fifth, tenth, and eleventh districts; West Virginia, first and sixth districts; Maryland, first and sixth districts.

Mr. STAFFORD. Were those funds used in favor of candidates or were they used in opposition to candidates?

Mr. TINKHAM. This is what the return says:

The above amounts were expended in the following congressional districts to aid in the election of Congressmen opposed to the nullification of national constitutional prohibition.

Mr. HILL. Will the gentleman yield?

Mr. TINKHAM. I will yield to the honorable Representative from Maryland.

Mr. HILL. I would like to ask the gentleman this question: As I understood the gentleman, he said that the Anti-Saloon League of America is a corporation, and filed three separate reports signed by Wayne B. Wheeler, treasurer, showing expenditures of money to influence the election of Members of the House of Representatives. Is that correct?

Mr. TINKHAM. It is; but he signed his name as "treasurer, campaign committee, Anti-Saloon League of America."

Mr. HILL. Treasurer of the campaign committee?

Mr. TINKHAM. Yes.

Mr. HILL. Is this the same Wayne B. Wheeler who appeared before the Appropriations Committee and was questioned by the gentleman from Massachusetts?

Mr. TINKHAM. He is the same gentleman who appeared before the subcommittee which was formulating the State and Justice Department appropriation bill now before this committee.

Mr. HILL. Can the gentleman state for what purpose the treasurer of the campaign committee of the Anti-Saloon League of America appeared before the Appropriations Committee of this House?

Mr. TINKHAM. He appeared apparently not for political purposes. He appeared to advise the committee in relation to the policies that the committee should pursue and the sums of money that should be designated for the enforcement of prohibition and limitations to be put on language in the bill.

Mr. HILL. I notice that the gentleman refers to expenditures made by Wayne B. Wheeler, treasurer of the Anti-Saloon

League of America, in the seventh district of Minnesota, and the gentleman referred to it as the "Volstead district." Is that the district represented by the chairman of the Judiciary Committee of this House?

Mr. TINKHAM. If I am not mistaken, that is the district represented by Mr. VOLSTEAD.

Mr. BARKLEY. Mr. Chairman, is it in order for me to object to the attorney's leading the witness? [Laughter.]

Mr. HILL. I will say that I am trying to elucidate the truth for the benefit of the House and the Nation. I hope the gentleman will continue to make the same illuminating answers to the rest of my questions. [Laughter.] I would like to ask the gentleman if Wayne B. Wheeler, whom I see in the gallery at the present time—and I saw him in the gallery when the medical beer bill was voted on—whether this Wayne B. Wheeler is the same one who appeared before the Judiciary Committee as legislative agent of the Anti-Saloon League?

Mr. TINKHAM. I understand he is the same.

Mr. HILL. I want to ask the gentleman one more question. Does he think it is proper that the man who spends the money to elect Congressmen should come and ask favors of the legislative committee?

Mr. TINKHAM. What does the honorable Representative mean? [Laughter.]

Mr. HILL. I would like to put my questions in a different form since I see that the gentleman is so reluctant to answer. I would like to ask the gentleman if he thinks it proper that a gentleman who becomes treasurer and spends money to assist in the election of Members of Congress should be at the same time a legislative agent and go before this same Member of Congress in whose election he has assisted and ask for legislation for his employer corporation?

Mr. TINKHAM. It seems to me highly reprehensible that a man should allow his campaign expenses to be paid in part by any organization whatsoever which he knows in advance is coming before the committee upon which he sits as a member, or particularly as the chairman, to ask for legislation of any character.

Mr. HILL. I entirely agree with the gentleman.

Mr. MANN. Will the gentleman yield?

Mr. HILL. I will.

Mr. MANN. Did I understand the gentleman to say that this Anti-Saloon League, organized as a corporation in a particular State, is obliged to make a return in reference to elections of Members of Congress?

Mr. TINKHAM. In reply let me state what the organization of the league is.

Mr. MANN. I heard the gentleman's statement.

Mr. TINKHAM. There is a national organization known as the Anti-Saloon League of America, and it has subsidiaries or departments in every State of the Union. Many of the offices of the national organization are also offices of the State organization. It has an interlocking system.

Mr. MANN. Let me ask the gentleman this question, a simple one, and get a simple answer, and I think I understand what it will be: Suppose the Anti-Saloon League in Massachusetts is organized under the laws of the State of Massachusetts and expends funds wholly within the State of Massachusetts with reference to the election of Members of Congress, does the gentleman insist that the corporation must make a Federal return?

Mr. TINKHAM. If it is interlocked with the national association, of course; else it would be a repudiation and nullification of that law.

Mr. MANN. Then I would like to ask the gentleman this question: Does the Massachusetts State Republican committee make any return with reference to its expenditures?

Mr. TINKHAM. The law provides, specifically, that only the national committees of all political parties and the national congressional campaign committees of all political parties shall make returns thereby excluding the State committees. But there is no limitation put upon the other "committees, associations, or organizations." The law provides that such "committees, associations, or organizations" shall report their entire expenditures.

Mr. MANN. If it is not interlocked with the national Republican committee, then I do not understand its purpose.

Mr. TINKHAM. The law specifically provides for returns only of the regular political national committees; but there is no limitation upon other committees so far as State expenditures are concerned.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. EVANS. Is it not a fact that as to the two pieces of legislation, or the limitations, to which Mr. Wayne B. Wheeler directed his request, the gentleman himself consented to their being incorporated in the bill; and are they not now in the bill before the House?

Mr. TINKHAM. Oh, yes; I agreed to what was suggested. It is a reasonable suggestion.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. COOPER of Ohio. A few moments ago the gentleman from Massachusetts asked me a question as to where I found the statement I was reading to him. I would state to the gentleman that he will find the statement concerning the activity of the Association Opposed to National Prohibition, together with the amount of money they are supposed to have on hand before they can turn a wheel, and so forth, beginning on page 491, of part 2, of the hearings before the subcommittee of the House Committee on Appropriations on the Department of State and judicial appropriation bill. I ask the gentleman from Massachusetts to make an investigation of the activity of that organization, and if he finds anything wrong I would like to have him report their wrongdoing to Congress.

Mr. TINKHAM. I shall take the suggestion of the honorable gentleman from Ohio under consideration. Mr. Chairman, I ask unanimous consent to have incorporated with my remarks the first, second, and third return of the Anti-Saloon League of America and the returns of the Wisconsin Anti-Saloon League. Otherwise those papers may be lost.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

OCTOBER 22, 1920.

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives, Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this report as treasurer of the campaign committee of the Anti-Saloon League of America for the period up to October 28, 1920:

Amount of contributions and subscriptions	$2,500.00
Amount of contributions $100 or more	2,500.00

Of the amount contributed or subscribed, the following list shows the names of the contributors giving $100 or more, the addresses, and the amount contributed by each, to wit:

Samuel Dunlap, Circleville, Ohio	$100.00
W. F. Hutchinson, Columbus, Ohio	100.00
John Breece, Portsmouth, Ohio	100.00
E. M. Ogilvie, East Liverpool, Ohio	100.00
Pearl Selby, Portsmouth, Ohio	100.00
A. Z. Blair, Portsmouth, Ohio	100.00
Foster Copeland, Columbus, Ohio	100.00
Alexander Neff, Neffs, Ohio	500.00
W. S. George, East Palestine, Ohio	500.00
D. C. Boyd, Galion, Ohio	500.00
W. H. Hoover, North Canton, Ohio	500.00
Total	2,500.00

Amounts expended.

Printing sample ballots	$325.00
Printing public documents (extracts of Congressional Record)	496.11
Addressing envelopes	81.50
Clerks' and stenographers' hire:	
Miss Keith	66.00
Miss Dudley	64.00
Mrs. Pearson	50.00
Miss McCulloch	75.00
Organizers and field workers: Services and expenses of—	
F. B. Ebbert	400.00
Rev. S. E. Nicholson	503.00
Telephone and telegraph	75.00
Postage	50.00

The above amounts were expended in the following congressional districts to aid in the election of Congressmen opposed to the nullification of national constitutional prohibition:

Fourth and fifth Indiana districts.
Eleventh Iowa district.
Sixteenth Texas district.
Seventh Minnesota district.
Thirteenth Missouri district.
First and second New Hampshire districts.
First and second New York districts.
Tenth, twentieth, twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth Pennsylvania districts.
Fifth, tenth, and eleventh Ohio districts.
First and sixth West Virginia districts.
First and sixth Maryland districts.

The foregoing statement is respectfully submitted.

WAYNE B. WHEELER,
Treasurer Campaign Committee
Anti-Saloon League of America.

WASHINGTON, D. C., *October 29, 1920.*

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives,
Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this additional report as treasurer of the campaign committee of the Anti-Saloon League of America for the period of October 26–29, 1920.

No additional contributions have been received.

AMOUNTS EXPENDED OR OBLIGATIONS ASSUMED.

Clerks' and stenographers' hire:	
Miss Keith	$16.66
Miss Dudley	15.84
Mrs. Pearson	16.66
Miss McCulloch	18.75
Organizers and field workers—services and expenses of:	
S. E. Nicholson	128.00
F. B. Ebbert	174.00
Telephone and telegraph	20.00
Postage	5.00
Printing and postage bills assumed	200.00

The above obligations were assumed in the following congressional districts:

Seventh Minnesota district.
Fifth Ohio district.
Eleventh Maryland district.
Twenty-fifth and twenty-eighth Pennsylvania districts.
Fortieth, forty-first, and forty-second New York districts (omitted by error from former report).

The foregoing statement is respectfully submitted.

W. B. WHEELER,
Treasurer Campaign Committee,
Anti-Saloon League of America.

—

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America; that the foregoing statement by him signed is a true and correct report of the receipts, disbursements, or obligations of said campaign committee to October 29, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned notary public in and for the District of Columbia, this 29th day of October, 1920.

FREDERICK A. THURE,
Notary Public in and for the District of Columbia.
(My commission expires October 18, 1925.)

—

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives, Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as activities of the league are educational, scientific, and charitable rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses only in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER,
Treasurer Campaign Committee,
Anti-Saloon League of America.

—

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C., December 1, 1920.

Hon. WILLIAM TYLER PAGE,
Clerk House of Representatives, Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this additional report as treasurer of the campaign committee of the Anti-Saloon League of America for the period October 29 to November 2, 1920.

No additional contributions have been received.

Amounts expended or obligations assumed.

Clerks and stenographers' hire:	
Miss Keith	$16.00
Miss Dudley	12.76
Mrs. Pearson	16.00
Miss McCulloch	18.00
Miss Lillian Berry	5.00
Mrs. T. L. Himmelman	50.40
Organizers and field workers, services and expenses of:	
F. B. Ebbert	199.00
S. E. Nicholson	45.00
L. G. Long	137.78
David Hepburn	50.00
Traveling, telephone, and other expenses:	
Telegrams	23.00
Telephone	20.00
Postage	44.92
Traveling expenses of undersigned	110.00
	$751.86
Summary of expenses filed in report Oct. 24	2,185.60
Summary of expenses filed in report Oct. 29	555.01
Total	3,492.47

The above amounts were expended or obligations assumed in the districts named in reports of October 24 and October 29, 1920.

The foregoing statement is respectfully submitted.

W. B. WHEELER,
Treasurer of Campaign Committee of
Anti-Saloon League of America.

—

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C.

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America; that the foregoing statement by him signed is a true and correct report of the receipts, disbursements, or obligations of said campaign committee from October 29 to November 2, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned, a notary public in and for the District of Columbia, this 1st day of December, 1920.

FREDERICK A. THURE,
Notary Public in and for the District of Columbia.

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives,
Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable, rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses only in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER.
Treasurer of Campaign Committee of
Anti-Saloon League of America.

—

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America, that the foregoing statement by him signed is a true and correct report of the receipts, disbursements and obligations of said campaign committee to October, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned notary public in and for the District of Columbia, this 22d day of October, 1920.

FREDERICK A. THURE, JR.,
Notary Public in and for the District of Columbia.
(My commission expires October 29, 1920.)

—

Hon. WILLIAM TYLER PAGE,
Clerk of House of Representatives, Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable, rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER.
Treasurer Campaign Committee Anti-Saloon League of America.

—

NOVEMBER 4, 1920.

Statement of expenditures of Wisconsin Anti-Saloon League primary election campaign (election November 2, 1920) in behalf of candidates on attached list, etc.

Names.	Addresses.	Salary.	Field expenses.
R. P. Hutton	Milwaukee	(1)	$237.47
J. T. Seider	do	$450.00	215.38
D. P. French	do	175.00	199.15
B. N. Hicks	do	175.00	265.65
N. C. Shirey	Madison	400.00	358.00
A. H. Zechiel	Eau Claire	350.00	391.99
J. P. Koeller	Oshkosh	350.00	479.78
T. W. Gales	Appleton	233.34	358.43
W. G. Jones	Madison	233.00	357.97
J. C. Bartholf	Milwaukee	175.02	255.10
C. M. Hodney	Madison	233.34	194.25
Total		3,503.00	3,530.25
			$7,033.25

[1] Salary paid by Anti-Saloon League of America, Westerville, Ohio.

Extra office help	$172.25
Office Specialties Co. (stencils and ink)	12.50
Standard Paper Co. (paper and envelopes)	101.62
H. H. Wert Co. (miscellaneous office supplies)	9.00
Advocate Publishing Co. (printing and envelopes)	1,720.42
Telephone	139.06
Telegraph	9.31
Postage	830.76
Total	10,028.8.

The foregoing amount was spent for educational and Americanization campaign, concurrently with political work for the candidates on list hereto attached.

STATE OF WISCONSIN, *County of Michigan, ss:*

Elizabeth Roberts, bookkeeper and assistant treasurer of the Wisconsin Anti-Saloon League, being first duly sworn, says that the foregoing statement of expense incurred or paid by said Wisconsin Anti-Saloon League in behalf of candidates named on attached printed list is correct and true, as she verily believes, and that the same constitutes all of the expenses incurred or paid by said league for the purposes named.

ELIZABETH ROBERTS.

Subscribed and sworn to before me this 3d day of November, 1920.
[SEAL.] EDITH E. HUTTON,
Notary Public, Milwaukee County, Wisconsin.
My commission expires March 2, 1924.

—

A DRY BALLOT ON REFERENDUM AND CANDIDATES—TAKE THIS TO THE POLLS FOR REFERENCE ON ELECTION DAY, NOVEMBER 2—REFERENDUM ON PROHIBITION ENFORCEMENT LAW (MULBERGER LAW)—DON'T FORGET TO VOTE FOR THIS ON THE SEPARATE PINK REFERENDUM BALLOT.

Shall chapter 556 of the Laws of 1919, entitled "An act to suspend the operation of chapter 98 of the statutes of 1917, entitled 'Excise and the sale of intoxicating liquors,' and to create sections 1569(1) to 1569(22), inclusive, of the statutes, relating to intoxicating liquors, to provide for the enforcement of Article 18 of the Constitution of the United States, providing penalties, making an appropriation, and defining intoxicating liquor," be continued of force and effect?

Yes [x].
No [—].

Dry Congressional and Legislative Candidates.

UNITED STATES SENATOR.

(Voted for by whole State.)

IRVINE L. LENROOT (Republican): Must be reelected. Next to Volstead perhaps most important man in Congress for drys. Defeat might mean repeal of Volstead Act.

GOVERNOR.

(Voted for by whole State.)

Robert Bruce McCoy (Democrat): Member Congregational Club, which took active part in voting Sparta dry. Opposes legalizing beer. For law enforcement and removal of sheriffs and district attorneys who are lax.

John J. Blaine (Republican): Voted for county option. Now receiving support of beer advocates. Refuses to state position on legalizing beer.

ATTORNEY GENERAL.

(Voted for by whole State.)

William J. Morgan (Republican): Openly opposed to legalizing beer. Lifelong dry fighter. Pledges law enforcement.

STATE SENATORS.

Tenth district: St. Croix, Pierce, Pepin, and Buffalo Counties, George B. Skogmo (Republican).

Twelfth district: Ashland, Bayfield, Price, Rusk, and Sawyer Counties, C. H. Werlein (Republican).

Fourteenth district: Outagamie and Shawano Counties, Anton Kuckuk (Republican), Clinton B. Ballard (Independent).

Sixteenth district: Grant, Crawford, and Richland Counties, Henry E. Roethe (Republican).

Twenty-second district: Walworth and Rock Counties, Ed. T. Ridgeway (Republican).

Twenty-fourth district: Clark and Wood Counties, William L. Smith (Republican).

Twenty-sixth district: Dane County, Henry A. Huber (Republican).

Thirty-second district: La Crosse and Trempealeau Counties, E. F. Clark (Republican).

CONGRESSMEN.

First district: Kenosha, Racine, Waukesha, Walworth, and Rock Counties, H. A. Cooper (Republican). Voted for eighteenth amendment; no statement on beer and wine.

Third district: Crawford, Richland, Grant, Iowa, Dane, La Fayette, and Green Counties, James W. Murphy (Democrat). Openly opposes legalizing beer and wine. JOHN M. NELSON (Republican). Voted for eighteenth amendment. Refuses to state position on beer and wine; receiving support of beer and wine advocates.

Fourth district: South half Milwaukee County, Gerald P. Hayes (Democrat). Bone dry; declares against legalizing beer and wine.

Seventh district: La Crosse, Jackson, Monroe, Clark, Vernon, Juneau, Adams, and Sauk Counties, JOSEPH D. BECK (Republican). Opposes beer and wine.

Eighth district: Marathon, Portage, Waupaca, Waushara, Wood, and Shawano Counties, EDWARD E. BROWNE (Republican). Opposes beer and wine. Needs every dry vote. (Work hard for Browne).

Ninth district: Langlade, Forest, Florence, Marinette, Oconto, Outagamie, Brown, Kewaunee, and Door Counties, DAVID G. CLASSON (Republican). Voted against eighteenth amendment. Voted for Volstead Act. Andrew R. McDonald (Democrat). Indorsed by farmer-labor. Bone-dry union-labor leader.

Tenth district: Dunn, Barron, Chippewa, Eau Claire, Trempealeau, Buffalo, Pepin, Pierce, and St. Croix Counties, JAMES A. FREAR (Republican). Has dry record.

Eleventh district: Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Polk, Washburn, Sawyer, Rusk, Price, Taylor, Lincoln, and Oneida Counties, ADOLPHUS P. NELSON (Republican). Dry floor leader.

CANDIDATES FOR ASSEMBLYMEN BY COUNTIES.

Adams, J. F. McDowell (Republican); Ashland, A. L. Bigelow (Republican); Barron, J. L. Dahl (Republican); Bayfield, F. W. Downs (Republican); Buffalo, E. A. Kompon (Republican); Burnett, E. H. Johnson (Republican); Chippewa, T. W. Hastingale (Republican); Clark, John Verkulien (Republican); Columbia, Robert Caldwell (Republican); Crawford, Albert C. Johnson (Republican); Dane (first), Herman Sachtjen (Republican); Dane (second), James C. Hanson (Republican); Dane (third), Carl M. Grimstad (Republican); Door, John Feltier (Republican), Frank N. Graas (Independent) (voted to ratify; later voted to legalize beer. No statement); Douglas (first), E. B. French (Republican); Dunn, A. L. Best (Republican); Eau Claire, Rush Bullis (Republican), M. J. McRaith (Democrat); Florence, J. D. Grandine (Republican); Fond du Lac (first), J. J. Lamb (Republican); Fond du Lac (second), J. E. Johnson (Republican); Forest, J. D. Grandine (Republican); Grant (first), C. J. Weidenkiller (Republican); Grant (second), Charles E. Tuffley (Republican); Green, William Olson (Republican); Green Lake, Charles L. Bryden (Democrat), Samuel Owens (Republican); Iowa, William Smith (Republican); Jackson, W. F. Dettinger (Republican); Jefferson (second), William Everson (Democrat), H. W. Stokes (Republican); Juneau, Oscar Miller (Independent) (opponent very dangerous; Miller must be elected); Kenosha, P. M. Anderson (Independent) (very important to elect Anderson); La Crosse (first), Frank H. Fowler (Republican); La Fayette, James Goodman (Republican); Langlade, J. A. Barker (Republican); Lincoln, Kay M. Atcherson (Republican); Marathon (second), Louis H. Cook (Republican), Kurt Beyreis (Democrat); Marquette, J. D. McDowell (Republican); Monroe, Miles L. Hineman (Republican); Oconto, Peter Ankerson (Republican); Oneida, J. D. Grandine (Republican); Outagamie (first), Mark S. Catlin (Republican); Outagamie (second), Anton M. Miller (Republican), Daniel Crowe (Democrat); Pierce, Charles E. Hanson (Republican); Polk, George A. Nelson (Republican); Portage, William Ecribner (Republican); Price, Joseph R. Farr (Republican); Racine (second), Henry F. Johnson (Republican); Richland, E. R. Cushman (Republican); Rusk, D. J. Summerville (Republican); Rock (first), A. B. Matheson (Republican); Rock (second), Edwin G. Fifield (Republican); St. Croix, George Oakes (Republican); Sawyer, D. J. Summerville (Republican); Trempealeau, H. A. Anderson (Republican); Vernon, L. M. Roseland (Republican); Walworth, Riley S. Young (Republican); Washburn, E. H. Johnson (Republican); Waukesha (first), W. A. Freehof (Republican); Waukesha (second), W. H. Edwards (Republican); Waupaca, Fred Hess (Republican); Waushara, E. W. Floetz (Republican); Winnebago (first), Clark M. Perry (Republican); Winnebago (second), Nels Larson (Republican); Winnebago (third), George B. Jones (Republican); Wood, W. W. Clark (Republican).

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Mr. HUSTED. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the honorable gentleman from Massachusetts [Mr. TINKHAM] makes a jewel of inconsistency. He is best known to fame for his vigorous insistence that the fourteenth and fifteenth amendments to the Constitution of the United States shall be in force and full effect; that there shall be a most rigid enforcement of, and compliance with, those amendments; but as to the eighteenth amendment to the Constitution, he joins with a multitude of other gentlemen in the country in looking for some way to get that amendment out of the Constitution without repealing it. He favors any kind of legislation that will evade the full effect of that amendment.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I would rather proceed. I have only 10 minutes in which to answer a 50-minute speech.

Mr. STEVENSON. I just wanted to call attention to the fact that the gentleman from Massachusetts does not seem to be as anxious to enforce the fourteenth and the fifteenth amendments of the Constitution in Boston as he is in South Carolina.

Mr. CRAMTON. That is another jewel of inconsistency. Having held a hearing of 40 pages, an investigation, if you please, of the Anti-Saloon League, represented by Mr. Wayne B. Wheeler, and that investigation having shown to any reasonable man that the Anti-Saloon League is the only organization with reference to liquor that has paid any decent respect to the election law, the gentleman forthwith proposes that we shall indict the officers of that organization which has complied with the law; but as to the other 20 or 30 organizations opposed to prohibition, who are shown by the record the gentleman himself has made to have violated that law—ignored it—the honorable gentleman says he has nothing to suggest.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I am sorry I can not. As I say, I have but 10 minutes in which to answer a 50-minute speech.

A jewel of inconsistency! The gentleman from Massachusetts said in reply to the gentleman from Ohio [Mr. COOPER] that the reason he does not ask any action against associations opposed to prohibition is because he does not know anything about their activities. His own record shows the evidence, and I will say to the gentleman that if he never had a chance until this morning to read that statement in full in the printed record it is because of a very embarrassing and unfortunate accident in his own office. It would have been in print a week ago except for that accident in the office of the gentleman himself whereby important portions of the testimony of Mr. Wheeler did not appear in the first edition of the hearings before the gentleman's subcommittee. He does not know of any wrongdoing on the part of all these other organizations, and still the testimony brought out by him from Mr. Wheeler shows that this Association Opposed to Prohibition, to which the gentleman from Ohio [Mr. COOPER] refers, has been active in influencing elections. I read from the statement of that organization in 1919, to be found on page 493 of the "second edition" of the hearings before the gentleman's subcommittee:

As to the Federal prohibition amendment all the lawyers who have been consulted are unanimous in the statement that it is illegally a part of the Constitution of the United States, and that therefore the United States Supreme Court will declare it null and void. But the members of the United States Supreme Court are extremely sensitive to public opinion. They must be made to feel the weight of public opinion that has been aroused all over the country by this attempt to prohibit, by constitutional amendment, the natural and inherent rights to free men in a free country. That sentiment can only be crystallized by the expenditure of a very considerable sum of money, and the Association Opposed to National Prohibition has nowhere near enough money to prosecute the campaign.

Mr. CHAIRMAN, if there is no law that would require them to make a report of how much money they used in their effort to influence a decision of the Supreme Court of the United States there ought to be a law, and I am surprised that the gentleman has not introduced such a law. Further, in the gentleman's own testimony brought out from Mr. Wheeler, on page 497 of the second edition of the hearings, there appears a list of liquor organizations between the years 1910 and 1920 that participated in congressional elections. That list is as follows:

United States Brewers' Association, 50 Union Square and 109 East Fifteenth Street, New York City; National German-American Alliance (Inc.), 419 Walnut Street, Philadelphia, Pa.; National Association of Commerce and Labor, Chicago, Ill.; National Retail Liquor Dealers' Association; Model License League, Louisville, Ky.; National Association of Manufacturers, St. Louis, Mo.; National Liquor League of the United States, Hugh A. Harvey, chairman congressional committee, Washington, D. C., 1912; National Federation of Retail Liquor Dealers; Wholesale Liquor Dealers' Association.

I read further from that same page of that same testimony which appeared before the gentleman's committee and was brought out by his own questioning of Mr. Wheeler:

The German-American Alliance and the brewers operated with an organization known as the National Association of Commerce and Labor, of Chicago. The political methods of this organization are set forth at length in the investigation made by the Senate Judiciary Committee, under Senate Resolution 307, of the Sixty-fifth Congress. You will find on page 1263 of the report of the hearings the detailed information which they secured by State surveys of each Congressman, his connections and the methods by which they attempted to influence votes, and their plans for securing nominations and elections of Congressmen.

You will find on pages 117, 289, 134, and 1312 a long list of business concerns that were boycotted because they would not aid the liquor organizations. You will find on pages 459 to 462 the sample reports of the political agents who worked for these liquor organizations. These reports disclose the political methods used by the German-American Alliance, the Brewers' Association, and the National Association of Commerce and Labor in influencing the election of Congressmen. The methods by which they raised their funds for carrying on the campaigns, and the defrauding of the Government of taxes which were used for corrupt purposes in elections, are disclosed on pages 83, 342, and 401; also on page 1077.

The methods by which they controlled newspapers and, in many instances, bought them in secret is set forth on pages 656, 761, 657, 675, 658, 662, 74, 73, and 458. The methods by which these organizations controlled the foreign-language press to carry out their program is revealed on pages 466, 471, 467, 621, 996, 557, 596, 551, and 630, etc.

The brewery connection with the "No beer—no work" campaign is set forth on page 199.

These organizations, interested in the election and defeat of Congressmen, at no time after the year 1910 complied with the Federal corrupt practice act.

Several thousand pages of testimony were taken revealing the political methods of these organizations, and the conclusions of the committee will be found in the CONGRESSIONAL RECORD of November 14, 1921, on pages 8603 to 8608. In the face of this testimony the attempt to find fault with the only organization that has complied with the law is unjustifiable.

If the gentleman has not read that it is because he has not made good use of the testimony brought out by himself, and the reference there given to page 1263 of the Senate hearings, giving the detailed information which the wets secured by State surveys of each Congressman, 100 questions about every candidate for Congress in this country, his connections, the method by which they attempted to influence votes, whether the man was in debt and the church to which he belonged, and so forth; the reference to the page showing a long list of businesses and concerns that were boycotted. You will find on page 459 to page 462 sample reports of the political agents who worked for these organizations. If he will look at the two volumes of Senate hearings lying on yonder table, he will find reason for the indictment of those organizations and abundant evidence already available to prove the active participation, country wide, by these wet organizations in elections, who, by the gentleman's own statement on the floor to-day, have filed no reports, as required by law. Mr. Chairman, there has been an investigation of those liquor organizations, as Mr. Wheeler called to the attention of the gentleman from Massachusetts, conducted by a subcommittee of the Committee on the Judiciary of the Senate. That subcommittee made a unanimous report, and that unanimous report received the unanimous approval of the full Committee on the Judiciary of the Senate and was accepted by the Senate, condemning those liquor organizations and their participation in politics in the most unmeasured terms, as shown by the following extract from the committee decision as published in the CONGRESSIONAL RECORD September 5, 1919, page 5187:

The allegations and charges made in said Resolution No. 307, hereinbefore set out, in regard to the brewing and liquor activities, were substantially sustained, as will appear from the printed record, volumes 1 and 2, herewith transmitted.

Your committee in entering upon the investigation directed by said Resolution No. 307 interpreted that resolution as requiring an inquiry into two subjects, to wit:

1. The conduct and activities of the brewing and liquor interest, political and otherwise, was specifically demanded; and

2. A general inquiry into pro-German propaganda and activities was required. The testimony taken having been printed, a review thereof is deemed unnecessary. Complying, however, with the mandate of the resolution requiring a report of the results established by the investigation, the following findings are herewith submitted for the information and attention of the Senate:

I.

With regard to the conduct and activities of the brewing and liquor interests, the committee is of the opinion that the record clearly establishes the following facts:

(a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.

(b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.

(c) That they have contributed enormous sums of money to political campaigns in violation of the Federal statutes and the statutes of several of the States.

(d) That they have exacted pledges from candidates for public office prior to the election.

(e) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.

(f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturers and mercantile concerns.

(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

(k) That they undertook through a cunningly conceived plan of advertising and subsidation to control and dominate the foreign-language press of the United States.

(l) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals.

(m) That for many years a working agreement existed between the brewing and distilling interests of the country by the terms of which the brewing interests contributed two-thirds and the distilling interests one-third of the political expenditures made by the joint interests.

The gentleman talks about this Chamber being dictated to by the Anti-Saloon League. The gentleman knows there is no organization that can dictate to this body of men. [Applause.] And the gentleman knows that if any resolution should come from him for an investigation of those organizations that his own questions brought into the hearings and which are shown to have violated the election laws, there will be very few votes here on the floor against it from those that respect the Anti-Saloon League as the recognized force that binds together through effective leadership the sentiment of this country of ours that is behind the eighteenth amendment. [Applause.] When the gentleman attacks Wayne B. Wheeler, when he attacks the Anti-Saloon League, I am not concerned about Wheeler or the Anti-Saloon League, but I think of those millions of faithful men and women all over this country that thank God for the eighteenth amendment and are now praying nightly for its enforcement, that this Republic may be the greater. And in so far as the Anti-Saloon League fairly represents that constituency it is entitled to the respect of Congress. Not until the gentleman shows that they have betrayed their constituency has he any right here, after they have fairly explained all their doings, to charge them with violations of this law while shutting his eyes to the real violators of the law.

The gentleman talked about the "deadly thrust" at law and order in this country that was brought about by some one or other. The deadly thrust at law and order in this country comes from those liquor organizations who were declared by a committee of the United States Senate, in that unanimous report of its Judiciary Committee, to have been guilty; that they have undertaken and frequently succeeded in controlling primaries, elections, and political organizations, and not one of them has ever filed a report under the law of which the gentleman speaks. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to my colleague from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I do not suppose the degree of seriousness with which the House regards the gentleman from Massachusetts, the Hon. GEORGE HOLDEN TINKHAM, would justify very extended remarks in reply; but it seems the more sensational and ridiculous a statement is, coming from a Member of Congress, the more publicity it obtains in the United States, and I have no doubt that the charge which has been made by the honorable gentleman from Massachusetts [Mr. TINKHAM] will, as occurred with reference to the hearings, receive wide publicity throughout the United States. Unfortunately, the people of the United States who are not on the ground and are not in the galleries have a very poor opportunity to observe the relative proportion of things that happen on the floor of the House. Sometimes they are liable to be misled by the headlines that usually are found above sensational statements like the one to which we have referred. It would be an interesting thing, if it were possible, to analyze the mental gyrations of the honorable gentleman from Massachusetts. He was a member of the subcommittee of the Committee on Appropriations which was framing this bill for appropriations for the Department of Justice. During the deliberations of that committee, to determine how much money ought to be appropriated for the Department of Justice, Mr. Wayne B. Wheeler asked for permission to come before it. I am not a member of the Anti-Saloon League; I have never contributed to its support in my life, and, so far as I know, it has never as an organization supported me in any race I have ever made for office.

I am not interested in the controversy between Mr. Wheeler and the gentleman from Massachusetts, but he has the right, as any American citizen has the right, to ask to come before the Committee on Appropriations or any other committee and to make statements in behalf of the appropriation for the Department of Justice for the enforcement of the eighteenth amendment or upon any subject before a committee. And while I do not know why he asked permission to go before that subcommittee, I have a suspicion that the fact that the gentleman from Massachusetts was on the committee may have had some influence in determining the propriety of asking and, if necessary, insisting that the Committee on Appropriations should give the Department of Justice all the money that it needed and asked for in order to enforce the eighteenth amendment and all other laws. But, at any rate, Mr. Wheeler went before the committee, and before he was permitted to open his mouth, before he was even permitted to say "Mr. Chairman," the gentleman from Massachusetts [Mr. TINKHAM] took him in charge and cross-examined him, as if he were a crap-shooting negro, before he was permitted to make the statement before the Committee on Appropriations which he came to make.

Mr. EVANS. And not a single question he asked was material to the subject being investigated.

Mr. BARKLEY. The gentleman gives evidence of the fact that he is thoroughly familiar with the questions.

Mr. COOPER of Ohio. Reading a part of the hearings before the committee, Mr. Wheeler made this statement in the presence of the honorable gentleman from Massachusetts. He said this:

Mr. WHEELER. I have already stated our viewpoint of it, and the fact that there might be some doubt with reference to it is the reason why I have asked our committee to file these reports; we are the only organization that does it. I find no criticism of the many liquor organizations that are doing the same thing for not filing a report.

He said this:

We are the only organization that does it—

That is, had filed a report on expenditure. I find no criticism of the many liquor organizations that are doing the same thing, namely, not filing reports. Mr. Wheeler stated that they had filed reports.

Mr. BARKLEY. Yes. The fact is that the Anti-Saloon League, to which the gentleman from Massachusetts has directed his remarks, is the only organization, either for or against the eighteenth amendment, that has filed any report with the Clerk of this House.

Now, the gentleman from Massachusetts becomes profound and serious when he has discovered that perhaps in some technical way Mr. Wheeler did not make his report as full as he thinks it should have been. But we hear no word of condemnation against those who filed no report at all.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Maryland?

Mr. BARKLEY. I will yield with pleasure to my equestrian friend from Maryland. [Laughter.]

Mr. HILL. I want to ask the gentleman if he does not think that all such organizations that attempt to influence the result of national elections should file reports in accordance with the law? I will say to the gentleman that I think they ought to file them.

Mr. BARKLEY. There is but one answer to that question. Of course, if there is any organization in the United States that is spending money in two or more States to influence the election of Members of Congress they ought to report, and I hope that the new organization, with which I think the gentleman from Maryland is in sympathy, the Association Opposed to National Prohibition, which has established headquarters in Washington and which has announced that it proposes to take a hand in the election of Members of the Sixty-eighth Congress, will file reports as required by law, and if it does not file reports the gentleman from Maryland, I hope, will be as active in trying to enforce the law and seeing to it that it does file reports as the gentleman from Massachusetts is in regard to the Anti-Saloon League.

Mr. HILL. I will say to the gentleman from Kentucky that I shall include such a provision in the bill that I hope to introduce to-morrow morning.

Mr. BARKLEY. I am glad the gentleman is taking time by the forelock, and hope he will help to see that all laws are enforced.

The gentleman from Massachusetts [Mr. TINKHAM] has entertained us for an hour. Whatever he talks about has in it sufficient amusement to furnish entertainment to the House. But the gentleman from Massachusetts has taken this time, as he says, in order to emphasize his fundamental objections to the violation of law. In an article which appeared in the New York Evening Telegram recently over the gentleman's signature and under his handsome picture, he laid stress on the fact that the danger that now confronts the United States of America is the disregard for and the disrespect of law. I think in some respects the gentleman is right, though I do not agree to his premise. But while he was talking about the little, insignificant error he thinks committed by the treasurer of this league, on which he pounced for not giving some name—and I do not know whether that is an error or not, although he seems to enlarge on the point of not having given the name—yet during his speech and in all the gentleman's years of activity and service he has failed to denounce organizations that are seeking to undermine the laws of the United States, organizations that announce that they propose to take a hand in the campaign for the election of the next Congress, and will try to elect men who are pledged to repeal the prohibition act, and defeat Members of Congress who favor its enforcement, and ultimately will seek to secure the repeal of the eighteenth amendment to the Constitution. The gentleman from Massachusetts has never denounced this open and flagrant propaganda for violation of the law.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Kentucky is recognized for three minutes more.

Mr. BARKLEY. The disrespect for law in this country, which is liable to undermine the foundations of our Government, is not some innocent, unintentional disregard of a ministerial statute which requires merely the filing of reports with the Clerk of this House. The violation of the law and the disrespect for law that may undermine the foundations of our Republic and finally land it on the highway of nations as a wreck, as the gentleman predicted in the newspaper article to which I have referred, is that kind of violation and disrespect which holds in contempt the law of the land, the fundamental law of the land; disrespect in the minds of people who sympathize with those who undertake to create a sentiment against the enforcement of the law. I hope the gentleman from Massachusetts will make his investigation a little more fair and his activities a little more universal than he is now seeming to do, and without regard to the character of the law or amendment that Congress enacts will join hands with us not only in seeing that the laws are enforced but that there is maintained in the United States a healthy sentiment among the people of our Nation that respects and reveres every law of the Nation and of all the States. [Applause.]

The real trouble that confronts this Nation is not the failure of some benevolent organization to cross a "t" or dot an "i" in its report. One of the menaces to our institutions is the disregard and disrespect of law, to which the gentleman from Massachusetts has contributed as much as any Member of this House. [Applause.]

In this connection I wish to incorporate in my remarks an editorial written by William J. Bryan on "The enforcement of prohibition":

[From editorial in next issue of the Commoner.]

ENFORCEMENT OF PROHIBITION.

Acquiescence in the will of the majority when expressed in accordance with our Constitution and our laws is the vital principle of our Government. Jefferson said that acquiescence in the will of the people was the vital principle of the Republic from which there is no appeal except to force, the principle of despotism.

That acquiescence in the will of the majority is the recognized policy of this country can be proven by innumerable facts in our history. For instance, in 1876 the Democrats acquiesced in the election of a Republican President by a majority of one in the Electoral College when that one majority was secured by a decision of the electoral commission which voted eight to seven on every important question. In 1884 the Republicans acquiesced in the decision when Cleveland was elected by the vote of New York and the vote of New York turned upon a few hundred votes. In 1916 the Republicans again acquiesced in the decision when President Wilson was reelected by a small majority in the Electoral College and that majority came from California which went Democratic by a few votes.

Here we have three instances of acquiescence in the election of Presidents by a narrow margin. Although great interests were at stake there was no suggestion of resistance to the decree rendered according to the Constitution and laws. And yet we find a large element, made up of some who claim respectability, resisting a prohibition law based upon a constitutional amendment adopted by a large majority after a fight of 50 years. No important question has ever been settled by so decisive a majority as that recorded in favor of prohibition. More than two-thirds of the States in the Union went dry by their individual act. More than two-thirds of the Members of the Senate and House voted to

submit prohibition. Forty-six States out of 48 have ratified prohibition. Only two States, Connecticut and Rhode Island, have refused to ratify and they are small States, and in the largest of these one branch of the legislature favored ratification. Two Congresses have been elected since national prohibition was submitted—one since prohibition went into effect—and both of these Congresses have been dry by more than two-thirds majority.

And yet, instead of acquiescing in the will of the majority, the "wets" in city, State, and Nation are attempting to elect men to office pledged to violate their oath. They are trying to prevent the enforcement of the law and also trying to secure legislation which they know to be a violation of the prohibition amendment.

So bold are these enemies of Government that they insolently warn the Federal Government not to interfere with open conspiracies in neighboring nations and on the high seas. A Philadelphia paper recently insisted that the Federal Government should not interfere with rum runners outside the 3-mile limit. What a doctrine to preach in this enlightened age! The geographies teach us that three-fourths of the earth's surface is covered by water. The "wets" would confine civilization to one-quarter and turn over three-quarters of the earth's surface to those who are outlaws and who are engaged in conspiracies against government.

Whenever a ship puts the black flag above the flag of any nation it can be sunk without fear of war. No civilized nation will lend its flag to the violation of the law of any other nation, and it will not protect its citizens when they disgrace their country and their country's flag by such kinds of piracy.

"Freedom of the seas" in this case will be "freedom to seize": the nations that attempt to protect their homes from the invasion of alcohol will be prepared to seize those who attempt to use the seas for unlawful purposes.

Mr. JOHNSON of Kentucky. I yield 20 minutes to the Commissioner from Porto Rico [Mr. DAVILA].

Mr. DAVILA. Mr. Chairman, some days ago I heard two gentlemen from Kansas raising their voices in defense of E. Mont Reily, Governor of Porto Rico. According to my information the gentleman from Kansas [Mr. TINCHER] does not know E. Mont Reily. If that is the fact, I exonerate him; but the other gentleman from Kansas [Mr. STRONG], who is not my personal friend but who is a close friend of Governor Reily, knows the governor very well. I am sorry I can not exonerate him. It seems to me that there is some similarity between the gentleman from Kansas [Mr. STRONG] and E. Mont Reily. The Governor of Porto Rico is called a "strong" man, and the gentleman from Kansas is STRONG, "too." There must be something in common between these two strong men, although I will say that there is nothing strong in Reily's favor except the gentleman from Kansas. But while the gentleman from Kansas [Mr. STRONG] seems to be very active in defense of his close friend, E. Mont Reily, I have not heard a word in his defense from the gentlemen in this House from Missouri. There are 14 Members of the House on the Republican side from the great State of Missouri. I would like to hear a word from them, and especially from the gentleman from Kansas City [Mr. ROACH], who comes from the same district as Governor Reily. He ought to know Reily better than any other Member of Congress. Let him take the floor of the House. I invite him to take the floor of the House right now, and I will yield the balance of my time provided he says something about E. Mont Reily. It would be extremely interesting. But I see the gentleman from Kansas City remains silent. Is not that an admission? Is not that a confession? I really believe so.

Mr. ROACH. Will the gentleman yield? I do not happen to be from Kansas City, Mo., but I happen to be from Missouri. I hold no brief for E. Mont Reily, the present Governor of Porto Rico. I have not had anything to say in the controversy which the gentleman has raised, because after reading what the gentleman said before concerning Governor Reily it occurred to me that all the complaints or charges that he makes against him relate to matters that are supposed to have occurred before his appointment and that might properly address themselves to the President, and no doubt did, and were considered by the President at the time of Governor Reily's appointment. Inasmuch as I had nothing to do with his appointment, and the appointment was a personal one by the President, I have not felt called upon to say anything in regard to the matter that the gentleman has heretofore presented and is now presenting to the House.

Mr. DAVILA. I am sorry to see that the gentleman from Missouri has not read my speech very carefully, unless he thinks that the charges I have made against Governor Reily are not enough for the removal of the governor. If he has reached that conclusion I have nothing to say to the gentleman.

Mr. Chairman, it is with deep regret that I arise again in this House to discuss the affairs of Porto Rico under the administration of E. Mont Reily. I am compelled to do so, however, not only in defense of my own good name but also in defense of an unwarranted and unjustified attack upon my people. The gentleman from Kansas [Mr. STRONG], a close personal friend of Governor Reily, has very warmly taken the defense of his good friend, the indefensible Mont Reily, and attempted to present my people and myself as disloyal to the American Nation. I will prove that the gentleman is acting under an erroneous impression and that his personal friend, E. Mont Reily, has assigned him a very difficult and embarrassing rôle.

Beginning with the ridiculous charges growing out of the $5,000 appropriated by the legislature, the governor says, and the gentleman from Kansas [Mr. STRONG] joins him in his assertion:

First. That the turning down of the payment of the appropriation is the cause of the hatred of the Resident Commissioner for the governor.

Second. That while I have stated that I declined to accept the appropriation and that the matter was brought to the attention of the auditor without my knowledge, yet it is a fact that I commissioned Mr. Barceló to secure in my name the payment of said appropriation.

The first charge is the only one which might connect me with the governor in this affair.

It is admitted that the governor did not know of the appropriation until his arrival in Porto Rico. At his request Judge Bonner submitted to him a statement, from which I quote the following:

On Saturday, July 30, 1921, on which date Governor Reily arrived in Porto Rico, accompanied by Hon. CORDOVA DAVILA, Resident Commissioner, I was informed by the commissioner that he wished to see me at my office. I cordially invited him to come whenever he found it convenient, but he did not do so. I submitted on the next Monday morning the whole matter of said appropriation to Governor Reily, and was informed by him that he agreed with my conclusions; that in his opinion no warrant should be issued covering the appropriation to the commissioner, and he further ordered that I should set it up on the books of my office, inasmuch as he considered I had obeyed the law throughout the entire transaction.

I confess that I can not understand what the auditor means when he goes out of his way to say in connection with this matter that on my arrival in the island I told him that I wished to see him. I remember that when Judge Bonner arrived at the pier to meet the governor I introduced him to the new executive as a very efficient and honest man. I did that with a purpose; and it is very easy to explain my commendation of the auditor as well as my words when I said that I desired to talk to him. It is known that Reily while in Washington, and before his first visit to Porto Rico, recommended the removal of the auditor, the attorney general, and the commissioner of education of the island and that I opposed these removals. Notwithstanding this, Reily insisted on the removal of the auditor, Judge Bonner, to appoint in his place his friend from Kansas City, Mo., Mr. Kessinger. As I considered it a mistake to remove without cause an efficient officer, I felt it my duty to warn Judge Bonner about the intentions of the governor.

I never had any knowledge of the conversation between the auditor and the governor about the appropriation. Their private interview was entirely unknown to me. Admitting that the governor expressed his approval to the ruling of Judge Bonner, as I was not aware of this fact, I could not feel any personal animosity toward him for such a reason. And even assuming that E. Mont Reily acted on this matter and that his attitude was known to me, how can it be possible that I should feel personal animosity against him for this when I never had any animosity against the auditor who ruled that the appropriation was invalid? How can the governor reconcile my alleged interest in securing the payment of this sum when I made all possible efforts to keep in his position the same official who held that the appropriation was invalid and whose resignation was asked by E. Mont Reily?

The following cable which I have received from Judge Bonner in reply to my cabled inquiry shows that I had not any knowledge of the interview between the auditor and the governor and that I never mentioned the appropriation to him:

SAN JUAN, P. R., March 31, 1922.

Hon. CORDOVA DAVILA,
Washington, D. C.:

You never personally presented matter of appropriation to me orally or in writing, nor did you request me to submit matter to Governor Reily. Discussed it with other questions with him last August. Several days ago he requested me to state history of case in writing. Statement shows that you asked interview with me but did not come. The appropriation was never mentioned by you to me.

BONNER.

I can not understand why this matter was submitted by the auditor to Governor Reily. According to our organic law the decisions of the auditor shall be final, except that any person aggrieved by his action or decision in the settlement of an account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken. So, the governor has not any jurisdiction in the decisions of the auditor until an appeal is taken in writing. It is a fact that no appeal has ever been taken against the ruling of Judge

Bonner. The auditor acts in a judicial capacity and his decisions can not be controlled by the executive until an appeal is taken. Even assuming that the governor advised the auditor not to authorize the payment of the appropriation, this intervention of the executive is entirely officious because he has nothing to do with a case in which he has not obtained jurisdiction. Judge Bonner is not a man to follow any advice opposed to his own conclusions even if that advice comes from the executive of the island, and should the governor have disapproved his decision I am sure that this disapproval would not have affected him in the least.

The auditor says that he submitted the matter of the appropriation to the governor on August 1, 1921. Eight days after E. Mont Reily was fully informed by the auditor of the whole matter, I received the following letter:

EXECUTIVE MANSION, PORTO RICO,
OFFICE OF THE GOVERNOR,
San Juan, P. R., August 9, 1921.

Hon. FELIX CORDOVA DAVILA,
Resident Commissioner, San Juan, P. R.

MY DEAR JUDGE: You are perhaps aware that there will be a vacancy on the supreme bench of Porto Rico in the next few weeks. I have watched your course in Washington in the past year while you have been representing your people, and I have been greatly impressed with the splendid work you have been trying to accomplish. My attention has been especially attracted to you since my arrival here through your great loyalty to the American flag and people and your glorious patriotism exhibited during the past 10 days. I believe as an American that your loyalty and patriotism should not go unheeded, but should be rewarded. Porto Rico needs more men of your type of unquestioned character, ability, and unselfish leadership known for their sterling worth and patriotism. Since my inaugural your action has been brought so prominently before me I feel it would be better for Porto Rico if you could remain here and help solve the delicate problems before us, for we all need your help, good advice, and counsel.

Therefore I have decided, without consulting you, to recommend to our distinguished President your appointment to fill a vacancy that is to occur on our supreme bench. It would give me much personal pleasure if you would accept this appointment, for I believe your selection would meet with the hearty approval of 90 per cent of the loyal people of Porto Rico, whom you have served so faithfully and well.

Please give me an immediate reply.

Yours faithfully,

E. MONT REILY, *Governor.*

And this Resident Commissioner from Porto Rico who has been assailed by the governor as capable of entertaining personal feelings against him for his supposed intervention in the matter of the $5,000 is the same man who declined to accept a position for life on the supreme bench of Porto Rico.

The governor was so impressed by Judge Bonner's report that he immediately offered to the Resident Commissioner a life position on the supreme court bench, and at the same time asked for the auditor's resignation.

It is evident that I have proven beyond any doubt that the statement of the governor attributing to me personal animosity toward him on account of his alleged intervention in the matter of the appropriation is entirely unwarranted.

Regarding the second charge that I commissioned Mr. Barceló to secure in my name the payment of the allowance, I quote from a statement published by Mr. Barceló in the public press of the island, which is self-explanatory. It says:

I must explain, however, that, although I acted in Mr. CORDOVA DAVILA'S name in claiming payment of said account, I did so to maintain the claim as a matter of principle and notwithstanding the protests at all times made by Mr. CORDOVA DAVILA, that while he was Resident Commissioner he would never accept the appropriation.

It is also well to state that the last verbal statement which the auditor says was made to him in the matter and to which he replied by the letter published in El Tiempo, was not made by me nor in the name of Mr. CORDOVA DAVILA, but by the senate committee on finance and appropriations at the time said committee had the appropriation under consideration during the last legislature. It is a pity that we should have to lose time destroying such petty intrigue.

I also want to read a letter written by a prominent lawyer of Porto Rico who was assistant attorney general and later judge of the district court of San Juan. The veracity and integrity of this gentleman is well recognized in the island of Porto Rico:

SAN JUAN, P. R., *March 6, 1922.*

Mr. ANTONIO R. BARCELÓ,
San Juan, P. R.

MY DEAR FRIEND: Because of existing political controversies some one has been seeking to disparage the conduct of the Resident Commissioner of Porto Rico in Washington, Mr. CORDOVA DAVILA, regarding the $5,000 voted by the legislature with the approval of the former governor.

It has perhaps escaped your memory that I intervened in this question as a lawyer and at your request, and the reason for this letter is because I wish to clarify the matter by my knowledge of the case.

Immediately after the auditor of Porto Rico had denied payment of this appropriation you asked me to give you my opinion as to whether you could appeal to the governor with a probability of succeeding. I studied the matter and reached the conclusion, which I transmitted to you, that the Federal statutes and precedents cited by the auditor in support of his decision were not applicable to the rights of the Legislature of Porto Rico, and that an appeal from them to the governor should be made.

I also had the honor of informing you that in accordance with article 21 of the organic act, only Mr. CORDOVA DAVILA himself had the right to make such an appeal, he being the injured party, and in reply to this I remember perfectly that you said to me that if such was the case nothing could be done about it, because Mr. CORDOVA DAVILA did not wish under any circumstance to accept this appropriation, but that you had been acting on your own account with the desire that a definite decision in this matter be rendered once and for all.

All this occurred a long time before the arrival of the present Governor of Porto Rico.

Yours very truly,

E. RIVERA ZAYAS.

Now, Mr. Chairman, it is true that my friends in the island insistently advised me to accept the appropriation, and it is my impression that Mr. Barceló used my name, among other reasons, because he wanted to present the claim in a legal and proper way. I am not prepared to say whether the appropriation is valid or not, for I have not given careful consideration to this matter and have not studied the legal aspects of it. But I know that prominent lawyers in the island maintain the validity of the appropriation, alleging that if the matter is brought to the consideration of a court of competent jurisdiction the action of the legislature will be upheld. Let me say that there is nothing improper or immoral in the approval of this appropriation by the legislature. The island of Porto Rico does not spend a cent in her representation in Washington, while other insular possessions annually appropriate funds to be expended here for the benefit of the people and under the supervision of their representatives.

Porto Rico has only one Representative in Washington, and if the Resident Commissioner uses any appropriation allowed to him for the benefit of the people, rendering a proper account, I do not see anything in such a course which may be subjected to criticism. The Legislature of Porto Rico has acted openly in this matter, and has included the appropriation in a public law. There is nothing that our legislators desire to conceal, and the publicity given to the matter in the statutes of Porto Rico is the best proof of the honesty of their intentions. I want to state, however, that I will never accept such appropriation.

The gentleman from Kansas seems to be particularly interested in the cablegrams which I sent to Mr. Barceló and which were printed by him in the RECORD. In the first of these cablegrams I urged the Senate of Porto Rico to adopt a resolution making specific charges against the governor. I sent this cablegram to have them perfect the pleadings, as it were, when my people urged me to bring the matter before Congress, because I wanted the charges to be specific and not in general terms, and because it was natural to ask and receive the cooperation of the people in the same way that I was cooperating with them in their demand for an investigation. I merely asked the senate to ratify the charges which were made by the majority caucus of the legislature three months ago and which were sent to the President of the United States.

And the gentleman from Kansas, who declined to yield to the Resident Commissioner, after assailing his character, notwithstanding repeated interrogations addressed to him, asked this arrogant and sensational question, "Does the gentleman from Porto Rico deny sending this cablegram?" Of course, I sent it. Is there anything wrong in requesting from my people their cooperation in the investigation they were pressing me to ask from Congress?

The last part of the cablegram was sent in the name of Mr. Walter McK. Jones, a member of the Porto Rican Commission, because I did not agree with the conclusion reached by him. This disagreement was noticed by Mr. Barceló, who cabled me to consult Judge TOWNER and Congressman CAMPBELL of Kansas. I consulted with Mr. CAMPBELL of Kansas and he told me he did not want to interfere in our troubles with Reily; but that, in his opinion, it should be better for the Senate to act on the merits of the appointments and not to pass the resolution. I told him that my people were pressing me to ask for a congressional investigation, and that in my opinion I had not any other course to follow. He replied without approving my attitude and rather regretting it, that if I had made up my mind I could act on my own responsibility. The gentleman from Kansas [Mr. STRONG] asked if I sent this cable to Porto Rico. Certainly I did. Is there any improper conduct in consulting with two prominent Members of Congress?

But the gentleman from Kansas seems to have lost his self-control and self-respect when he asked these vicious and foolish questions:

Does the Resident Commissioner, CORDOVA DAVILA, deny that he recently cabled Senator Barceló in Porto Rico for money to carry on the fight here against the governor, and will he explain to this House and the country as to whether or not Mr. Barceló in complying with his request, and before he made his speech in Congress, cabled him $900 to the Dupont Bank in Washington, and said in his cable he would send more soon? Will the Resident Commissioner, CORDOVA DAVILA, give the date of this transaction and explain to the country as to whether or not that had any influence upon his attack upon the Governor of Porto

Rico? Will the Resident Commissioner, CORDOVA DAVILA, also explain as to whether or not a cablegram sent by him on February 17, 1922, of which the following is an extract copy—

FEBRUARY 17, 1922.

BARCELÓ, San Juan:

Your cable pleases me very much. Plans actively under way for action in Congress. I will make speech at earliest opportunity, followed by a resolution which will probably be introduced by a Republican.

CORDOVA DAVILA.

is an acknowledgment of the receipt of the $600 or in connection with it?

Does the gentleman mean to insinuate that Mr. Barceló has bought me for $600 to make a speech against the governor? This malicious and gratuitous innuendo, this perfidious insinuation of the gentleman from Kansas, needs not any refutation by me. Let it stand in the RECORD as it was printed and as the most serious reflection upon him. If the gentleman from Kansas really desires information regarding communications with my constituents, which he can not obtain from the cable messages secured in an underhand method, I will enlighten him by saying that Mr. Barceló, who was chairman of the commission named by the people of Porto Rico to come to Washington for the purpose of demanding the recall of Governor Reily, did cable me $600 on February 16, and that this money was used to pay legitimate expenses incurred by the Porto Rican Commission, which is still represented in Washington by Mr. W. McK. Jones, a member of the Porto Rican Legislature. These expenses included stenographer, printing, telephone and telegraph charges, and other legitimate and proper expenses, and have or will be paid by voluntary contributions from the people of Porto Rico who sent the commission to Washington and not from the public treasury of the island. I will even go further and say that if my explanation does not satisfy the curiosity of the gentleman from Kansas, I will be glad to give him a detailed account of how the $600 was expended if he will call at my office.

The cablegram from Mr. Barceló, which the gentleman from Kansas so well knows, although it was written in Spanish, contained 67 words, 60 dealing with the Reily affair and 7 announcing the sending of funds. In this cable, which did please me very much, Mr. Barceló says that they will not surrender their rights for any promise or concession on the part of the governor.

And now that the gentleman from Kansas displays such great interest in knowing how our private money has been spent, can he tell me who paid the expenses of three of the gentlemen who accompanied the governor from Porto Rico to Washington to campaign in his behalf? Can the gentleman explain whether or not the public money of Porto Rico has been used to defray the expenses of the governor's party? And can the gentleman explain if there is any law in Porto Rico which authorizes the governor to spend the public money of the island to defray expenses of this nature? These are very pertinent questions which I would like the gentleman to answer. His inquiries about the expenditures of our private funds suggest that he will have a greater interest in knowing the way in which the public funds of Porto Rico are used by the governor.

The gentleman appears to be very well informed about the cables sent by Mr. Barceló to the Resident Commissioner. How did the gentleman get this information? I know that the president of the senate can not send an official message to Washington without the governor passing upon the same, as the governor has the control of the cables. I had indications that Reily was violating our private correspondence, but I could not give credit to this report. The information printed by the gentleman from Kansas regarding the cable sent by Mr. Barceló has been a great surprise to me. It is my opinion that this matter ought to be investigated. When I was in Porto Rico I could not send an official message to Washington because the cable companies alleged that they were forbidden by Reily to transmit my cables. The governor said that he had not given such an order, but the fact is that I could not use the cables officially, and that the only reason given by the companies to justify their refusal was that they have to obey the orders of the governor.

I have reason to believe that the gentleman from Kansas did not obtain the information contained in these messages from the Committee on Accounts and it is my purpose to investigate this matter until I get all the facts.

I really feel indignant when I see that the sanctity of my correspondence has been violated by the officious magpie that sits in San Juan to indulge his curiosity by prying into the communications of other people through backstairs and gutter practices. This side light of the type of creature that has been sent there as governor bears out his sinister record in the Post Office Department, wherein it is charged that—

In 1904 he was investigated and recommended for removal for having made false affidavits and for having caused certain scurrilous articles to be published in the public press about certain prominent citizens in Kansas City, Mo.

I think, Mr. Chairman, that this matter demands an immediate investigation.

In another of the cables printed by the gentleman from Kansas I advised my friends not to surrender their rights under any circumstances, and the reason of my advice is very plain. I did not want my people to surrender their rights for any concession in the distribution of public offices. We are fighting for a sacred cause and not for public jobs. What we want is a decent and able man as the representative of the United States in the island. I know that E. Mont Reily is unfit to govern a people, that his reputation and character are entirely discredited, that his veracity and integrity can be successfully impeached, and there is no power in the world that can compel me to accept a man of his character and caliber as governor of my island.

In the last cable printed in the RECORD by the gentleman from Kansas I say:

Everything here favorable. Press helping us.

And that is true, gentlemen. Congress may not accord the investigation asked for by me, the President of the United States may keep Reily in Porto Rico, but the good people of this Nation, the disciples of Washington, Jefferson, and Lincoln are with us in our fight, and I am sure that our appeal to the American people will not be in vain.

In keeping with the brazen misrepresentation that has characterized Reily ever since he has been in Porto Rico is the ridiculous story of the flags that he has given to the Representative from Kansas to be retailed on the floor of this House. The gentleman solemnly stated that—

for four years prior to Governor Reily going to Porto Rico as its governor but 1,800 flags were sold in Porto Rico, while in the half year that he has been governor over 13,000 American flags have been purchased.

I want to say in all frankness that this is the first I ever heard of this. I do not deny it, because I know nothing about it; but I am equally frank when I say I do not believe a word of it. How does the governor know how many flags were sold among the 1,300,000 people living in Porto Rico during the four years prior to his coming there? I wonder if a census or record is kept of such sales or if it is simply a brazen assertion of facts when he deals in these numbers.

In the course of his harangue, which was principally notable for the mass of inaccuracies and misinformation which it contained, the gentleman from Kansas told of the parade of the Unionist Party through the streets of San Juan, following its triumph in the last election. He said there were—

thousands of its followers in line, each carrying the one-star flag. Not an American flag! A number of Porto Rican soldiers of the Regular Army who took part were court-martialed and relieved of their duty for several months.

Mr. Chairman, I participated in that parade. My carriage was decorated with a flag and only one flag, my national flag—the Stars and Stripes. So the gentleman is beside the facts when he says there was not an American flag in line. In fact, there were many American flags in that procession, and the local Porto Rican flag was to be found in profusion. The man in charge of the decorations and the parade, Mr. José Ruiz Soler, is one of the best-known citizens of Porto Rico, a former American soldier, who as color sergeant of the detachment that came to Washington to attend the second inaugural of President McKinley received the personal commendation of the martyred President. Mr. Soler is affiliated with the National Republican Party of the continental United States and a member of the Unionist Party in Porto Rico. His loyalty and republicanism can be personally vouched for by such a stanch party leader as Senator WATSON of Indiana, and it is unthinkable that this man would have engaged in the designs intimated by the gentleman from Kansas.

That his remarks about the Porto Rican troops are no more accurate than his statement concerning the flag is proven by the following communication from the commander of the forces in Porto Rico addressed to the editor of the San Juan Times, the recognized Reily organ in the island, under date of January 13, 1922:

COLONEL JARVIS CRITICIZES THE TIMES.

POST OF SAN JUAN, P. R.,
San Juan, P. R., January 11, 1922.

To the EDITOR OF THE TIMES:

I have just read an article in your issue of January 12, 1922, headed "Former Governor Post's article."

It has not been my policy to mix in the political squabbles and differences in the island with which the papers have been filled nor to cavil at the frequent inaccuracies, more or less unimportant, in referring to occurrences among the troops or to military activities.

All the papers in the city have been notified that information would be furnished, if desired, about any matters of interest concerning the troops that it is proper to publish and the request made of all of them that items be verified at headquarters before publication. If, however, any paper does not care to avail itself of the opportunity and publishes misleading news it merely reflects on the paper and possibly inconvenences some of its readers. I have not considered it of sufficient importance to offer correction, and I have no intention now of changing my policy in that respect. It is the privilege of a newspaper to gather news where it finds it, but I believe it is a duty also to ascertain the truth, and this is even more important as to assertions appearing in the editorial columns. In the article in question, however, your reference to the regiment is so prominently placed, so unequivocally stated, and the charge made is so serious that I feel that I can not ignore it. I have no intention to comment on other matters touched on in the article, and if I do so it is only incidental. I find it difficult to make a specific answer, as the charge is so general and sweeping, but a general denial is not an answer. The only incident referred to in such a way that it can be identified is not correctly stated. No question of disloyalty came to my attention. It is true that orders were issued in accordance with the instructions and long-established policy of the War Department, prohibiting all in the military service from engaging in political activities. For violation of such orders a noncommissioned officer was reduced. He was not a color sergeant. The action would have been the same whether his activity had been in favor of one or another party. I also early in the campaign reproved one young officer for unauthorized political activity. It just happens that these two men belonged to different political parties. No other instances of undue political activity came to my notice. Of course, men in the military service have political opinions, and many of the officers and enlisted men exercised their political rights according to their party affiliations, but it is safe to say that nowhere in Porto Rico was there less offensive partisanship than among them. It is my business to know of influences that may affect the loyalty and dependability of officers and men under my command, and I speak whereof I know when I say that no more loyal, patriotic troops exist than are found right here in Porto Rico. No reason to doubt the loyalty of any man has come to my attention, but, on the contrary, daily and unmistakable evidence of reverence for the flag, loyalty to country, and devotion to duty is evident.

Each officer and enlisted man takes the oath "to support and defend the Constitution of the United States against all its enemies whomsoever," and, make no mistake, the Porto Rican troops can be depended upon in any emergency to fulfill their obligation to the last letter.

A charge affecting his loyalty is the most serious that can be made against the character of a man in the military service. No disloyal man should be permitted to remain in the service. No such man under my command would be at liberty for a minute longer than it took to get him to the guardhouse. I therefore feel it my duty to call upon you for the evidence in support of your charge of disloyalty, or that you make full, complete, and public retraction of your derogatory remarks.

Yours truly,

M. B. JARVIS,
Colonel Sixty-fifth Infantry.

The gentleman from Kansas says that he was present at a banquet given in Porto Rico when the president of the senate, Mr. Barceló, in his address openly advocated the separation of the island from the United States, and that he was amazed because the banquet was presided over by the then governor of the island. I have not the speech of Mr. Barceló here, but if I get a copy of it I will gladly insert it in the RECORD, if permitted to do so by the House. Mr. Barceló denies this charge, stating that probably the gentleman from Kansas misinterpreted his words. Regarding the Governor of Porto Rico at that time, Hon. Arthur Yager, in justice to him I want to say that there is not a more patriotic and devoted American than he. His honesty and spirit of justice were recognized even by his enemies, and his record as a private citizen and as a public servant is the best evidence of his devotion to duty and loyalty to the flag.

The gentleman from Kansas says that Mr. Barceló and myself are controlling the public affairs of Porto Rico for our own benefit. This is the first time that I have heard this accusation against me. Let me say to the gentleman that I have not any intervention in the administration of the internal affairs of the island and the filling of public offices by the insular government. This charge has been made by the political enemies of Mr. Barceló with the purpose of weakening his prestige and popularity. As president of the senate and leader of the majority party, Mr. Barceló is naturally in close contact with the public affairs of the island. He will be right or wrong, as a human being, in the political activities of his life, but he is a patriot and not a dictator as has been said by Reily and his friends. His main desire is to see his country happy under a democratic and liberal régime, without any selfish motive and even at the cost of personal sacrifice.

The gentleman from Kansas asked me to—

also explain as to who the Mr. Jones is that is described in the cablegram of February 11.

He then proceeds to answer his own question by vouchsafing a mass of misinformation and innuendoes about this gentleman who has attained to a high place in the confidence of the Porto Rican people.

Mr. Jones is a good American who cast his lot with the Porto Rican people and has been a resident of the island for more than 16 years. The gentleman from Kansas, after referring to him in a slurring fashion, states that "as a matter of fact he has no residence there." This assertion is as unreliable, not to use a stronger term, as most of the statements of the gentleman from Kansas. Had he familiarized himself with the organic law of the island, he must have known that Mr. Jones could not be elected as a member of our general assembly unless he was an actual resident of the district he is elected to represent. Not only does he comply with this statutory qualification, but he has been identified with the upbuilding of Porto Rico for almost two decades and is one of our most public-spirited citizens.

A member of our general assembly, he has felt outraged at the type of man who has been sent to Porto Rico as the representative of this Nation and has dedicated his services like other public-spirited Porto Ricans to ridding the island of an administrator whose presence is universally regarded as a blight upon the land. I will say that Mr. W. McK. Jones welcomes the most searching investigation of his activities in this matter and stands ready to assist to the fullest extent any investigating committee that may be named.

The gentleman from Kansas [Mr. STRONG] says that I charge that the governor has removed judges who should not have been removed, and points out the reasons given by the executive to explain the dismissal of these officers. Should the gentleman have read my speech I presume that he would not have misrepresented me. I am not prepared to enter into the details of the innocence or guilt of these officers, because no reason has been given for their removal and no investigation has been made. While I do not believe the reasons that according to the gentleman prompted the governor to execute these illegal acts, I charge that these officers were removed without giving them an opportunity to be heard. The executive has no power to pass upon the innocence or guilt of a judge without a proper investigation as provided by law. The executive can only remove judicial officers for cause shown, which means a hearing and an investigation, according to the Porto Rican statutes, and it is a matter of record that they were removed without cause shown. The charge that one of the judges failed to docket 740 cases involving his unionist friends is unbelievable, and I dare say that this statement is not correct. All these charges made by the gentleman from Kansas on the information of the governor are demanding an investigation. The law presumes that every man is innocent until his culpability is established, and the judicial officers removed without investigation have in their favor the presumption of innocence.

The gentleman from Kansas informed you that Governor Reily has "protected the treasury and the taxpayers of Porto Rico" by refusing to approve an issue of bonds of $14,250,000 authorized by the last session of the Porto Rican Legislature. The legislature, according to the gentleman from Kansas, had "appropriated $1,800,000 over and above the tax income." He stated that the governor "refused to permit the issuance of these bonds for the reason that it would have financially wrecked the island, which is now already bonded for $15,000,000."

Now, Mr. Chairman, what are the facts in this connection? The president of the Porto Rican Senate has cabled me a full explanation of the charge made by the gentleman from Kansas. I will read:

The statement of Congressman STRONG, based on information provided by Reily, only proves the ignorance of the governor in accepting advice from the auditor which has been used to deceive Mr. STRONG. The present debt of the insular government is only $11,950,000, as against the insular tax of one-tenth of 1 per cent collected for several years. As a result of this tax surplus there is a redemption trust fund of $1,675,383, which the Treasury has intended to use in redeeming unmatured bonds. The greater part of this debt pertains to irrigation projects in the south of the island and to the improvements of the San Juan Harbor, payable from the receipts of the same. The last insular loans approved by the legislature amounted to only $8,250,000. Loans to the amount of $6,000,000 pertain to municipal loans payable by a special tax levied by each municipality. Such loans affect only the separate margins fixed by the organic act to apply to the municipalities. The last tax levied for the redemption of new loans was only one-fifth of 1 per cent, to be used in addition to the surplus in the existing trust fund of the previous tax of one-tenth of 1 per cent to pay $2,000,000 for the purpose of completing road work already approved by previous legislatures and the appropriations in the laborers' districts. Other loans are made payable by special taxes levied against the beneficiaries of the work provided for in the loans. The Eastern Railroad loan, which is for $3,000,000, is payable from a tax levied with the consent of the landholders of the said region, the law having been subjected to the study and investigation of the public service commission after hearings conducted by the commission to readjust the provisions of the law and to give an opportunity to the public-service enterprises for the construction of connecting lines within one year from the completion of the survey.

The governor's attitude proves his purpose to obstruct the execution of the laws and to create complete confusion of administration and to discredit the country. For this purpose the governor changed the previous heads of the departments, naming others who favored such a disturbing policy. Instead of executing and seeing to the enforcement of the laws enacted by the legislature, the governor's chief mission seems to be to delegate to himself all the powers of the legislative branch of the Government, and deliberately ignoring the provisions of the laws enacted by the legislature. The road improvement work has been abandoned, and the money already expended on these projects will be almost lost. The same thing has happened in connection with the municipal work loans, which have been obstructed the same as the road loans, thus creating an injurious situation affecting not only the progress and credit of the country, but causing misery and need among our laborers, who are unemployed during the crisis and who face an awful situation.

It is not true that the legislature has exceeded its credit margin. Property assessments now exceed $300,000,000, and the margin, according to the organic act, is $50,000,000. As our debt as shown is not $12,000,000, the legislature could easily increase this by $3,250,000, leaving a margin of $9,750,000. I rejoice in an opportunity to show the chaotic situation suffered by the island on account of the acts of Governor Reily. The information contained in this cable has been obtained from the treasury and can be verified by the treasurer.

Now that the gentleman is assailing the Porto Rican Legislature it is proper to say that there is not a legislative body in the world more honest than the Legislature of Porto Rico, that the president of the senate, Mr. Barceló, so frequently mentioned by the gentleman, is a patriot and an honest man, that he has the confidence of the people of Porto Rico, and that his integrity can not be successfully impeached by any man.

Governor Reily does not dare to give you the full truth in the matter of the removal of José Coll y Cuchí. He asserts that I told him that this appointment was made by Mr. Barceló, when as a matter of fact he knows that Mr. Coll y Cuchí was appointed by Acting Governor Benedicto, and he is fully aware of all the details connected with the appointment. The governor failed to state that he was also ready to remove the father of Speaker Coll y Cuchí, Doctor Coll, and it was only through my efforts that his intentions were not carried into effect.

When I was informed of the purpose of the governor I immediately went to see him. He admitted that he had decided to remove Doctor Coll. I remember that on that occasion I said to him:

Governor, you have reminded me of the many congratulations you have received as a result of the removal of Mr. José Coll y Cuchí as chairman of the workmen's relief commission, but if you remove to-day Doctor Coll, who is an able and highly respected man, you will have the universal condemnation of the people, who will think that you are committing an act of revenge and retaliation against the speaker because he is attacking you. After you remove Doctor Coll you will not be able to say that you dismissed Mr. José Coll y Cuchí from office for the good of the service, as your attitude will be construed by everybody as an act of personal animosity against the speaker.

In the face of my strong opposition the governor did not dare to remove Doctor Coll.

E. Mont Reily will not succeed in his efforts to weaken the solid opposition of our party against him. The speaker of the house, who is a brilliant man, is not my personal friend. Mr. Barceló and myself have disagreed on several occasions on matters of principle in the past, but the governor wastes his time when he attempts to sow the seeds of discord and dissention in our ranks, because in this crusade against him we all, friends and enemies, are presenting a united front and will not recede until full justice is done to the people of Porto Rico.

The gentleman from Kansas [Mr. STRONG] appears to be very much worried about the Campbell bill granting full self-government to the island of Porto Rico under the American flag, and he attempts to convey the impression that the introduction of this bill has been obtained, through the courtesy of the gentleman from Kansas, Hon. PHILIP P. CAMPBELL, by Mr. Barceló and myself. The gentleman further says that this bill is not the only one which has been introduced for Porto Rico independence.

Let me say to the gentleman that I am compelled to decline the honor of having taken part in the preparation of the Campbell bill, and that the only thing I did was to suggest an amendment after the bill was drafted and the elimination of one of its provisions. My suggestion was not accepted, however, by Mr. CAMPBELL. This is one of the most important bills which has been introduced in the House dealing with our insular possessions. The great domestic issues confronting the American people absorb almost entirely the attention of the Nation, and our difficult problems connected with our possessions are not very seriously considered. The history of the world shows, notwithstanding, that the development of these problems has played a very important part in the vitality and prosperity of nations.

The policy of Spain, placing the government of the overseas possessions in the hands of a few autocrats, caused her the loss of a powerful empire, while England, profiting by the experience of others and her own, has been able to consolidate the Empire in the last 50 years by granting to her colonies a form of government which satisfies the aspirations of the people.

Profiting from the teachings of history, let us work a solution which meets the desires of the people of the distant territories living under the flag and which will affirm the American sovereignty in the hearts of the natives. In my humble opinion this is a matter which deserves the most careful consideration by the statesmen of the Nation. It is not necessary to use the lamp of Diogenes to find these men in America. There is abundant and excellent material and a friendly disposition on the part of the Nation, but there is a lack of interest in the study of these affairs and a great deal of work remains to be done, which, if properly carried into effect, may be a valuable asset to the Nation. It requires sagacity and statesmanship to understand and solve our problems and to meet the requirements of our people in consonance with American principles and American ideals. Sooner or later this matter will come to the consideration of the American people, and it is better to face the situation without delay, to restore confidence in the people, and to clearly define once for all the American policy in the overseas possessions.

The gentleman from Kansas [Mr. STRONG] is mistaken when he says that his colleague, the Hon. PHILIP P. CAMPBELL, introduced the bill providing for an associated free state out of courtesy to the commission sent here by the people of Porto Rico. I could have introduced the bill myself without the assistance of any other Member of the House. I know that our friend, Mr. CAMPBELL, is as much interested in the measure as are the people of the island. He is not unmindful of its exceptional importance, and the contribution of the opponent as well as of the friends of the bill will be highly appreciated when the matter comes under the consideration of the Committee on Insular Affairs.

The statement that the Campbell bill provides for the independence of Porto Rico is entirely false, as is the assertion that other bills have been introduced in Congress providing for the independence of the island. I challenge the gentleman from Kansas [Mr. STRONG] to present the bills referred to by him in his remarks.

The assertion that the Campbell bill will not be seriously considered by Congress may be more or less correct, since the gentleman from Kansas seems to be thoroughly familiar with the sentiments and feelings of Congress in this respect, but I know that the Committee on Insular Affairs will soon grant hearings on this measure, and I have a letter from the President of the United States which leads me to believe that the matter is not so trivial as the gentleman thinks. The letter from the President is the best answer to the assertion that the bill provides for the independence of the island. The President's letter reads:

THE WHITE HOUSE,
Washington, February 16, 1922.

Hon. FELIX CORDOVA DAVILA,
House of Representatives, Washington, D. C.

MY DEAR MR. CORDOVA: I have to acknowledge yours of February 16 with which you inclosed to me a copy of the cablegram which was addressed to you by President Barceló under date of February 14. I have been very interested to read this message from the leader of the Unionist Party of the Porto Rican Islands. It is very gratifying to have this expression of confidence in the Federal Government of the United States and this manifestation of satisfaction in the association of the islands with the United States and our shared hope under the American flag. I am assuming that Congress will give its earnest consideration to the bill proposed by Congressman CAMPBELL. I have no doubt that the action taken by the Unionist Party will add to the interest and earnestness of Congress in considering this measure.

Very truly yours,

WARREN G. HARDING.

The gentleman from Kansas has devoted the principal part of his speech to denouncing the Unionist Party and the sentiment for independence in the island as a serious menace to the United States.

This sentiment for independence is very old in Porto Rico. It dates back to the time of the Spanish régime. Spain alienated the affection of the insular people by her autocratic and despotic methods and because of the policy followed by the Spanish Conservative Party. The Porto Ricans were accused by the ruling class of being disloyal and traitors to the Spanish nation. The greatest enemies of Spain in Porto Rico were the Spaniards. They kept absolute control of the public affairs of the island and were opposed to any concession in the nature of self-government because they thought that every right granted to the native was a privilege lost by them. When the American soldiers arrived in the island they were acclaimed by the people as liberators and not as conquerors, as the gentleman from Kansas intimates, and the Porto Rican flag, now insulted by Governor Reily, was pinned on the coats of many of these American soldiers. The cordial reception given to them by the people made almost unnecessary the shedding of blood, and the American Nation took possession of the island without the sacrifices of life inherent to every war. As the people were disgusted under the Spanish rulers they accorded a cordial welcome to the soldiers of the land of freedom and democracy, notwithstanding that at that time a liberal form of government had been granted to the island by Spain. Let me quote from a proclamation of the commander in chief of the American forces, Gen. Nelson A. Miles, on his arrival in Porto Rico on the 25th of July, 1898:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity its military forces have come to occupy the island of Porto Rico. They come bearing the banner of freedom, inspired by a noble purpose, to seek the enemies of our country and yours and to destroy or capture

all who are in armed resistance. They bring you the fostering arms of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold.

Compare this proclamation, issued at the beginning of America's occupation, with the inaugural address of Governor Reily nearly a quarter of a century later. Surely, we are making progress!

It would be a mistake to use in the twentieth century after 24 years of American administration the old and discredited methods of the past. The people of the United States can not afford to adopt a policy which cost Spain her overseas possessions and destroyed the greatness of the Spanish Empire. There may be two or three gentlemen who, like Governor Reily, think that it is a good policy to use a club to suppress the sentiment for independence. They are mistaken. It is by persuasion and not by force that we may win the hearts of the people. You can stop an idea with another idea, but never with a club. Let us base our plea for Americanism on the force of American institutions and American ideals and let us infuse in the soul of the people confidence in justice through persuasion, arguments, and love. The only conquests of the world which have been enduring and everlasting in the hearts of the people are those obtained by love. There have been many Cæsars, but only one Christ, and while the autocratic governments of these early emperors have passed away the teachings of Christ still survive and the Christian doctrines are spread all over the world.

There is an element in the island who honestly and sincerely believe that independence is the only solution of our problems. It is our opinion that they are mistaken, and it is much better to persuade them of their errors than to charge them with disloyalty and treason. I firmly believe in the happiness of Porto Rico under the American flag, and I hope to see all my people, without exception, enjoying the benefit of our institutions in a permanent and indestructible union with our brothers of the mainland. It may be safely said that the Star Spangled Banner will wave forever on our public buildings, because it is the will of America and the forces of the Nation are behind the flag, but it will be more glorious to say that the American flag will never come down in Porto Rico because the Porto Ricans will not consent to that.

Governor Reily has on a number of occasions said that there are no more than 200 Porto Ricans who are advocating independence. Personally, I believe that the governor has perhaps underestimated the number. As I have already said, I believe, and the same sentiment is reflected by a majority of the people, that these well-meaning people are mistaken. When it comes to fixing the permanent political status of the island, the Congress of the United States will find that the people of Porto Rico will be perfectly contented to accept an autonomous government under the American flag.

It is my opinion, however, that the sentiment for complete independence will increase so long as E. Mont Reily is permitted to continue as governor of the island.

The strongest argument in favor of independence in Porto Rico to-day is E. Mont Reily. The greatest obstacle to the advancement of Americanism in the island to-day is E. Mont Reily. The advocates of independence are appealing for new recruits to their cause every day by pointing to E. Mont Reily as a symbol of Americanism. Do you expect to continue to hold the loyalty and respect of the people of Porto Rico when you send to the island as governor an irresponsible despot, who wraps himself within the folds of the Star Spangled Banner and then attempts to rule our people after the fashion of a Roman proconsul? The people of Porto Rico honor and respect the American flag, which is our flag as well as your flag. But I say to you in all seriousness, gentlemen, that the Stars and Stripes is being desecrated when it is made to serve as a shield to protect the conduct of a bully who wantonly insults our people and then seeks refuge beneath the folds of our sacred national emblem.

The charge of disloyalty against the Unionist Party is entirely unjustified. We have proven our loyalty not only by words of mouth but by plain and undeniable deeds during the crisis of the last war, when the patriotism of the citizens was subjected to a supreme test. It is very easy to speak about loyalty under the blessings of peace. It is not so easy to prove loyalty under the harass of war. The record of my island during the crisis speaks for itself and is second to none. No State of the Union can exhibit a better record than ours.

A prominent American writer, Mr. Henry A. Wise Wood, who visited the island in 1918, describing the activities of Porto Rico during the war in an article published in the New York Herald, said:

MAKING AMERICANS.

On March 2, 1917, American citizenship was conferred upon the Porto Rican. For nearly two decades he had had a land but no country. For 19 years he had been knocking at our door, unable to enter or go elsewhere. The flag over his head was not his flag, nor could he raise one of his own. So only two months before our declaration of war the Porto Rican was not an American citizen. Would he, therefore, be willing to fight for our cause?

It was this query, possibly, that caused the War Department to hesitate when announcing the draft to apply it to Porto Rico. But this hesitation, whatever its cause, had a galvanic effect upon the people of the island. Instantly there arose an indignant protest and a demand that Porto Rico be permitted to supply its full quota to the Army whose flag at last was its flag. Not only would it fight, but the opportunity to do so it demanded as its right. The children of Columbus's conquistadores were willing and ready to support the liberties of the New World, the world that in and their ancestors had carved out with their swords.

Already had the Unionist Party sent a cable to the President of the United States announcing its support of the war, with the demand that "Porto Rico be assigned its full quota of sacrifice and suffering to obtain victory."

But how did the individual Porto Rican react? A month after the declaration of war the Porto Rico Regiment of the United States Army was ordered to recruit its full strength and prepare for active duty. In three days it had enlisted 654 men and so had filled its ranks; in two weeks, drilled and fully uniformed, the regiment was on its way. Again, when Col. Roosevelt's volunteers were being recruited, it is said, 1,700 selected men signed up in seven days.

On August 27 an officers' training camp was opened at Cayey, amid the tobacco fields in the center of the island, with 250 Porto Ricans, 95 per cent of whom were graduates of colleges or universities in the United States. So thoroughly was the work done in this camp that on November 26, 88 per cent of these men were commissioned.

The results of this experiment caused great popular enthusiasm, and another camp, within the Micro Fortress, was opened with 400 men on February 1, 1918, and was hard at work when I visited it. One of its companies is wholly composed of negroes, so that officers of the lower ranks shall be provided for the negro regiments which are to be drawn from the island. Here also is being trained the home guard of San Juan, of 1,500 men, among them the foremost judges and professional and business men of the place, as well as 500 Boy Scouts.

Porto Rico has caught the war fever, and is glad of it—which is the more remarkable because its people are so little warlike that, although in the revolution belt, it has never known a revolt.

I had not pushed my inquiries far before it became plain that behind this enthusiasm for the war and ardent wish to serve in it was the stimulating influence of one man, an American Army officer. To such an astonishing extent does this soldier seem to have won the affections and confidence of these people that they have not only unquestionably put themselves into his hands in matters relating to the war but have requested the President to make him a brigadier general, so that the Porto Rican troops when they go to the front shall be commanded by him.

EAGER TO HONOR HIM.

A sheaf of these requests has fallen into my hands, from free translations of some of which I select the following excerpts:

The resolution of the House of Representatives of Porto Rico recites that "for some years there has lived among us a noble and generous son of America, directing with great foresight and commendable zeal the honorable and high duty of chief of the American troops in Porto Rico, whose name is well known by all—Orval P. Townshend"; that "Colonel Townshend has gained the love and gratitude of this island of Porto Rico by his open and decided efforts for the welfare and prestige of our land, honoring it by an efficient propaganda useful to the good name of Porto Ricans"; that "Orval P. Townshend, as colonel of the Porto Rican troops, has recently successfully carried through an intensive and arduous task to satisfy the wishes of the mothers of the future soldiers who are to give up their lives for the liberty of the world and for the triumph of justice and the rights of humanity, to satisfy those unselfish women who asked that the government for the military instruction of their sons be established in Porto Rico, for the instruction of the sons whose lives they themselves offered with noble patriotism for the defense of the cause upheld by the noble American people"; that "the people of Porto Rico realize the efforts of Colonel Townshend to do full justice to Porto Ricans, and consider him one of their valuable champions"; and that, therefore, it is "resolved by this house of representatives, first, to make a matter of record a vote of thanks and gratitude to Col. Orval P. Townshend for his well-guided purpose in the performance of his official duties; second, that the Government be requested by cable, as a special favor, that Lieut. Col. Orval P. Townshend be promoted to the rank of brigadier general."

The majority of the soldiers were affiliated with the Unionist Party. The administration of the island was Unionist, and the patriotic spirit of our men deserved the highest commendation.

This patriotic attitude of the people of Porto Rico prompted the commander of the Porto Rican forces, General Townshend, to say that had not the draft applied to Porto Rico he was sure he could fill the quota of the island by simply calling for volunteers.

The best proof that can be shown of the patriotic sentiments of Porto Rico are set forth in the following letter from General Crowder to Major Wilson, the adjutant general of the island:

MY DEAR MAJOR WILSON: I have just received from Lieutenant Colonel Kramer a personal letter filled with a glowing description of the achievements of the selective draft in Porto Rico. His account of the accomplishments of the island has not added to my admiration of the work that has been done there, as I already knew from less direct information of the splendid efforts that had been exerted. But it prompts me at this particular time to express to you, and through you to Governor Yeager, Captain Van Deusen, and the other gentleman who so ably directed the administration of the selective service law, an appreciation of the work which is now drawing to a close.

I noted with pleasure in Colonel Kramer's letter that the percentage of delinquents and deserters on the island is probably lower than in any other administrative subdivision. This is indeed a tribute not only to the loyalty and patriotism of your registrants, but also to the splendid

spirit which you have infused into the administration of the selective draft. This remarkable spirit of cooperation is further emphasized by the fact that no member of the 79 local boards has charged the Government for his services.

As you see, we had no slackers in our country. Our local registration boards refused to receive any compensation for their work, and with this wonderful record we appeal to the American Congress, asking only justice for the people of Porto Rico.

The Unionist Party in convention assembled pledged its unconditional support to the American Nation. I was present at the convention, gentlemen, and I can not describe with words the patriotic enthusiasm of the people on that occasion. The resolution was adopted among the applauses of the members, and immediately the president of the senate, Mr. Barceló, sent to President Wilson the following cable:

SAN JUAN, P. R., *May 3, 1917.*

Hon. WOODROW WILSON,
Washington, D. C.:

The Unionist Party of Porto Rico, gathered in an assembly at San Juan, pledges its unconditional support to the American Nation and to its illustrious President in the present conflict, and expects that Porto Rico be assigned its share of sufferings and sacrifices until victory is obtained.

And while the Unionist Party, assailed as disloyal by Governor Reily and the gentleman from Kansas, was pledging its support to the Nation, the President of the Porto Rican Republican Party, which is an entirely different organization from the great American party, whose name it has appropriated, now supported by the governor, was being quoted in the San Juan Times as saying:

If our countryman (Jibaro) goes to France, he does so not through his own volition, but because he is sent by law and by the national will.

It has been said that when Mr. Bryan visited Porto Rico he was so impressed with the anti-Americanism in the island that he was compelled to remind the people that he was, first, an American. I am going to prove with Mr. Bryan himself that the remarks attributed to him are entirely untrue. I quote from a statement made by Hon. William J. Bryan before the Committee on Insular Affairs on April 19, 1910, immediately after his return from Porto Rico:

I appeal to you gentlemen in dealing with these people of Porto Rico to remember that they are with us; that they are a part of us; and that their destiny is interwoven with our destiny. They welcomed us when we went there. For 12 years they have been loyal supporters. There has not been a suggestion of opposition to our country, and you will not find there to-day hostility to America or American institutions. Our language is spreading there and spreading rapidly. The children are taking it up and taking it up gladly. These people are anxious to be one with us, and I think that we will find it to our interest in every way to make them feel that they are at home and that they are in their father's house.

* * * * * * *

I confess that the little visit I made to Porto Rico has made me even more friendly to that little island than I was before I went there. I confess that my acquaintance with those people convinced me, if I needed to be convinced, that they are loyal to the United States and loyal to our institutions, and that with their every motive—their motives of generosity, their motives of justice, and their motives of selfish pecuniary interest—we can afford to take them by the hand, assure them that we are friends, and ask them to walk with us in the path our Nation has pointed out and to be our rivals only to see which can the most contribute to the good of this which is now our common country. [Applause.]

I warn the Members of Congress and the American people about the character of information coming from Porto Rico in support of Reily. This propaganda has been initiated and is carried out by Reily himself, who has converted his office into a political club. They write letters, messages, and articles full of misinformation and insult. The articles printed in the RECORD by the gentleman from Kansas [Mr. STRONG], referring to the welcome accorded Governor Reily on his return to the island, are inspired by the executive's club. The Times of San Juan is to-day the paper of Governor Reily. Everybody knows that a number of articles published in that newspaper have been inspired by the governor himself. He is importing in Porto Rico the same policy of defamation which gave him a pitiful notoriety in Kansas City, Mo.

Mr. Chairman, some days ago on the floor of this House I charged E. Mont Reily as being morally and mentally unfit to govern the island of Porto Rico. I submitted for your consideration specific charges and requested a congressional investigation to establish the governor's guilt or innocence. Has Governor Reily denied the charges? Has Governor Reily come forward and demanded an exoneration at the hands of Congress? No, gentlemen, the governor has not denied the charges and he has not joined in the request for an investigation.

The gentleman from Kansas says that the friends of Governor Reily will welcome an investigation in connection with the management of the public affairs of Porto Rico by the leaders of the Unionist Party, but the governor himself has not said a word. I will welcome a full and complete investigation in the manner proposed by the gentleman from Kansas, the Unionist Party will welcome such an investigation, the people of Porto Rico are clamoring for it, and in justice both to Governor Reily and our people an investigation should be ordered. I therefore challenge the gentleman from Kansas, who appeared on the floor of this House as the authorized spokesman of Governor Reily, to introduce a resolution calling for a congressional investigation of the facts in connection with the so-called attempt of the gentleman from Porto Rico to secure payment of the $5,000, with all the activities of the Unionist Party, the legislative work of our general assembly, and the official acts of E. Mont Reily as governor of the island.

Let the gentleman from Kansas introduce a resolution or let him by his failure to do so admit that Governor Reily is not willing to face an investigation.

I have been authorized by the president of our senate and the speaker of the house to accept and demand the investigation proposed by the gentleman from Kansas, including all the suggestions made by the friends of the governor or by the governor himself.

It is a very poor defense of E. Mont Reily to attempt to exonerate him by launching a personal attack against the men who are protesting against his administration. Suppose, gentlemen, that I appear as an attorney before a court of justice to defend a man charged with the commission of a crime, and suppose that instead of defending the accused I start a personal attack against the attorney for the State. The judge will laugh, the State attorney will laugh, the jury will laugh at me, and after I finish my remarks a verdict of guilty will be the natural result of my unsuccessful task.

The gentleman from Kansas [Mr. STRONG] may prepare and deliver a number of speeches on the floor of this House insulting our people and praising Governor Reily, but he will not convince me or anybody else of the innocence of the governor until he is fully exonerated after a proper and impartial investigation. I will say to the gentleman that if after an investigation it should be found that the governor is not guilty, I will not be the last in proclaiming his innocence. I promise to this House that if the committee in charge of the investigation reports that I have been guilty of an improper conduct, I will resign immediately my position. Can E. Mont Reily make the same promise?

I have dealt with this matter probably at greater length than it deserves, but this was for the purpose of finally disposing of the charges that I have been actuated by a personal grievance growing out of the fate of the appropriation made by the Porto Rican General Assembly. I think I have convinced any fair-minded man that this was not the case, and feeling that way I decline in the future to be diverted from my purpose of securing a congressional investigation of the official conduct of the Governor of Porto Rico.

The friends of Reily in this body may resort to throwing sand in the public eyes by charging personal malice; they may draw a red herring across the trail by raising the $5,000 appropriation bogey, but they are not going to divert us from our purpose of having this maladministrator of a helpless people investigated by a jury of his peers. False as his accusations are against me they amount to nothing in considering his case. Reily stands indicted by a whole people, and the charges that he is leveling at his accusers will be futile for the reason that he can not indict a whole people. If he even remotely deserved the emulation of Roosevelt, as he brazenly but safely claims, now that that illustrious man is dead, he will prefer to prove his official conduct "as clean as a hound's tooth" instead of trembling before the possibility of an investigation.

I have information from Porto Rico that the grand jury is investigating the expenditure of the public funds appropriated by the legislature for the office of the governor. It is not my purpose to advance any information about this matter, because the case is under investigation, and it should not be proper to indulge in any comment at this time. I hate to impeach the honesty and integrity of a man under any circumstances, and I only do that when I feel compelled to act under the obligation of a public duty. I was informed that Governor Reily was boasting here in Washington that he had the best appointment that President Harding could award, with a salary of $50,000 a year, but I did not want to lay this charge to the governor in my first speech, for the reason that the information was given to me confidentially and I was not authorized to make it public. Some days ago I read a speech delivered in Kansas City, Mo., by Rev. Dr. Edwin A. Scheil, at the Country Club Methodist Church. I quote from that speech:

Apparently the local reporters missed the significance of a recent address before the Lions Club, or were instructed to ignore it out of local pride, at which a new "excellency" boasted that he had the best appointment that President Harding could award and that his salary would be $54,000 a year. While the administration was planting poli-

cies of world-wide import—disarmament and a new association of nations—our local celebrity announces the relative importance he sustains by reason of being an "original Harding man" and the perquisites appertaining thereto.

By comparing our official contribution to the administration with the Secretaries of State, Treasury, Commerce, and Agriculture, by contrasting him with the new Chief Justice of the Supreme Court or with the probable Governor General of the Philippines, if, indeed, the comparisons will not be odious, we conclude that the administration needs a new "appointment" secretary and that we grow jackals hereabouts.

When I read this speech I sent a message to Doctor Schell with the purpose of knowing the sources of his remarks, and this is the reply that I received:

KANSAS CITY, MO., *March 21, 1922.*

Hon. FELIX CORDOVA DAVILA,
Resident Commissioner from Porto Rico,
House of Representatives, Washington, D. C.:

Before Lions Club last July, Reily said in effect governorship of Porto Rico is best political appointment President Harding has to give, and that the salary and perquisites would amount to $54,000 per year. Having visited the Philippine Islands during the administration of Cameron Forbes, without wishing to do injustice to Reily, consider him incompetent for a governorship of Porto Rico. Common opinion here confirms me in my judgment.

EDWIN A. SCHELL.

Now, Mr. Chairman, the salary of the Governor of Porto Rico is only $10,000 a year, but the appropriations allowed him for necessary official expenditures, in the disbursement of which he should be guided by the strictest economy and rectitude, amount to nearly $40,000. How could the governor figure $50,000 as his salary? I have been informed that when the governor made this statement he added that in the next four years of his administration the salary will make a total of $200,000.

Mr. STEPHENS. Will the gentleman yield? I remember that when this subject was before the House before the gentleman from Kansas [Mr. TINCHER] charged that the Porto Rican Legislature had appropriated $5,000 for your extra expenses, and that Governor Reily vetoed that measure.

Mr. DAVILA. That is a foolish charge.

Mr. STEPHENS. Did Governor Reily ever veto any such measure?

Mr. DAVILA. No, sir. There is not a word of truth in it. I am sorry that a Member of Congress of the United States should repeat such a foolish and unjust charge.

Mr. TINCHER. Will the gentleman yield?

Mr. DAVILA. I yield to the gentleman from Kansas. I will say that when I made that statement I was not referring to the gentleman.

Mr. TINCHER. I referred to the fact that I had a cablegram in my hand from Governor Reily saying that he had stopped—I used the words "vetoed or stopped"—the payment to the gentleman of $5,000 a year. If you will examine the RECORD, you will see that those were the words that I used. Now, Governor Reily still claims, and has produced some written documents which he claims confirm the statement, that the first official act of his administration was, after conference with the auditor, to stop the payment of that $5,000. That is his statement. I do not charge that.

Mr. DAVILA. I can not yield any further, because I have not the time.

Mr. STEPHENS. I called attention to it because the gentleman from Kansas said that he "vetoed it," and I am asking for information.

Mr. TINCHER. I used the word "veto" or "stop."

Mr. STEPHENS. If the gentleman used the wrong word——

Mr. TINCHER. I did not use the wrong word. Let the gentleman read the RECORD.

Mr. STEPHENS. I did not read the RECORD.

Mr. TINCHER. I quoted the telegram I had in my hand.

Mr. STEPHENS. The gentleman quoted and I heard him, and I am asking for information.

Mr. DAVILA. Mr. Chairman, I can not yield any further.

The Governor of Porto Rico had no jurisdiction of the matter of the $5,000. If he acted in this matter, it was entirely beyond his jurisdiction. I received a letter from Governor Reily eight days after this alleged conversation with the auditor, in which the governor importuned me to accept a position on the supreme bench of the island.

Mr. HUMPHREYS. The gentleman, as I understand it, protested against the removal of the auditor and against the $5,000 matter.

Mr. DAVILA. Yes. It is a matter of common knowledge that I opposed the removal of the auditor. In fact, I recommended his reappointment to the Wilson administration, notwithstanding his decision that the appropriation was invalid, just as I opposed his removal to the Harding administration, although Governor Reily finally succeeded in having him removed. This was my consistent attitude toward the auditor, notwithstanding the opinion rendered as to the $5,000. General McIntyre knows that and the Secretary of War knows it. I appeal to them to say whether I did not oppose the removal of the auditor.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. HUMPHREYS. As I understood the gentleman, when he made a speech here he made charges of misconduct on the part of Governor Reily as Governor of Porto Rico, citing what those acts of misconduct were, and the only response to that which we have heard from the governor's friends is not that Governor Reily did not commit the acts, but that the gentleman is mad at Governor Reily.

Mr. DAVILA. Yes; that is the only answer, and it is a very poor answer. The grand jury in Porto Rico is investigating the way in which Governor Reily has expended the public money of the island. Something may come from that investigation which may show plainly that Governor Reily is not the man to rule our people, and is not worthy of the confidence of the national administration.

The Grand Rapids (Mich.) Herald, in a recent editorial discussing the Porto Rican situation, said:

FELIX CORDOVA DAVILA, sole representative of 1,300,000 Porto Ricans in the Congress of the United States, rose in his seat last Thursday and solemnly charged Gov. E. Mont Reily, who rules Porto Rico by commission from President Harding, with deeds and words and attitudes inimical to the welfare of the islands and to loyal relations between the United States and its island wards. If the Congressional Record is any criterion, DAVILA received scant consideration at the hands of the House. But if a proper conception of the delicate importance of our colonial relations be consulted, he should be given careful and decisive attention. It seems to the Herald that even the most violently partisan friend of the new Republican Governor of Porto Rico should approve DAVILA'S concluding plea:

"This matter has become one of national interest. Under these circumstances, to be fair to the governor and to the people of the island, an investigation should be ordered. Either Reily or the people are responsible for the abnormality of the situation. If the governor is innocent, he is entitled to a public exoneration; and if we are right in our complaints, we are entitled to his immediate removal. The good name of the United States demands an investigation. Let the blame rest where it is merited."

Reily has had a tempestuous time in Porto Rico ever since he was sent to his important responsibilities by President Harding. A few weeks ago he returned to Washington for a White House conference in relation to his troubles. The fact that he then went back to San Juan has been taken as indication that the President stands with him in his difficulties. Perhaps he deserves the President's support. Certainly the country will approve the determined stand he took against Porto Rican movements seeking to incite sentiment favorable to separation from the United States. We would be the last to prejudge him on the strength of DAVILA'S impassioned indictment.

On the other hand, DAVILA has been elected three times, by convincing majorities, as the official spokesman of Porto Rico in Washington. Certainly a majority of Porto Ricans have demonstrated themselves to be fine citizens, intensely loyal to the United States. Certainly they have a right to be heard in protest against any phase of imported government under which they are asked to live. And DAVILA'S petition can not be ignored with impunity. He charges Reily with interfering with the island courts and judges; with violating organic law in persisting in appointments contrary to the approval of the native senate; with encouraging Island Bolsheviks (despite his opposition to Island Separatists); with undermining native faith in the United States by his irritating and domineering methods; and with importing a number of incompetent Missouri politicians (from his home bailiwick of Kansas City) to displace native administrators. Incidentally, DAVILA charges that Reily himself was once thrown out of the assistant postmastership of his home town for incompetence.

These are serious contemplations. Republicanism was properly prompt in an assault upon Bryan in days gone by for trying to fill up the Dominican customs service with "deserving Democrats." It shows poor consistency if it now complacently winks at Reily when he is charged with importing a worthless deputy sheriff from Kansas City to become chief of the secret service of an island whose language he can not even speak. Republicanism was properly critical of Francis Burton Harrison in the Philippines and sent its ablest colonial administrator, Gen. Leonard Wood, to succeed him. It can not afford to be less scrupulous in Porto Rico simply because the new governor is so close to the White House that the President calls him "Monty."

Reily may be 100 per cent all right. DAVILA may be 100 per cent all wrong. But that is neither here nor there. The one sure thing is that Congress and its Republican control will be 100 per cent all wrong if it does not find the truth. "If the governor is innocent, he is entitled to a public exoneration; if the complainants are right they are entitled to his immediate removal." Under existing condition, even though Reily be innocent of all charges, his utility is under serious handicap that must not be perpetual. Under existing condition Porto Rico can not be expected to be happy, nor can Porto Rico be expected to be satisfied. DAVILA has made a fair, square proposition. The Republican control in Congress should not be afraid to take him up.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield nine minutes to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, I avail myself of these nine minutes at this time to call attention of the House to a matter about which there is a considerable amount of curiosity throughout the country. I refer to that symbol of disloyalty, the arch slacker, the chief among the 160,000 draft evaders and slackers in the United States, Grover Cleveland Bergdoll. His case marks a certain impotency on the part of this Government, and it seems to me that the administration in charge has a duty to perform. In April, 1921, a committee was appointed by this House to in-

vestigate the very sensational features which were connected with the escape on May 21, 1920, of Grover Cleveland Bergdoll from the custody of the United States Army, where he was confined at Fort Jay, undergoing a sentence of five years for the offense against the law. One hundred and five thousand dollars in gold was withdrawn from the United States Treasury directly by the mother of this man and buried somewhere, apparently, from her testimony. The plea was, while he was in confinement at Fort Jay, without any reasonable explanation of why he was not taken to the disciplinary barracks, at Fort Leavenworth, where he should have been sent, that there was a large amount of gold buried by him in a pot in the mountains at the foot of some rainbow, which it was of great importance to him to recover. So the machinery was put in motion ostensibly to recover the gold, but in reality to recover the liberty of Grover Cleveland Bergdoll. There is evidence of an extended conspiracy. "Whoever touches pitch shall be defiled," and every person who has interested himself in the case for Grover Cleveland Bergdoll, or his associates and counsel, has been defiled. Samuel T. Ansell, Maj. (now Col.) John E. Hunt, retired, Judge John W. Westcott, D. Clarence Gibboney, now deceased, and others. I call attention to some peculiar circumstances connected with the case. The officer in command at Fort Jay, Maj. John E. Hunt, did not follow the suggestions that were given to him in a letter of instructions from The Adjutant General of the Army in regard to the care that should be taken concerning this expedition.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LINEBERGER. Will the gentleman please call the attention of the House to the fact that this very officer was promoted twice while this investigation was going on, that in the meantime the two poor sergeants who were connected with the affair were transferred to other outfits and reduced to privates, and that that officer is now drawing retired pay to-day from the United States Government? I wish the gentleman would elaborate on that.

Mr. FITZGERALD. I would rather not elaborate, because I am not here to make any charges against any of these people. Charges are suggested by the testimony and the findings set forth in various documents connected with this hearing and the report, but I shall not attempt at this time to say more than that. Every person who seems to have interested himself in behalf of Grover Cleveland Bergdoll is now under suspicion, or worse. Col. C. C. Crosson, who had charge of the prosecution of Hunt before the court-martial which acquitted him, has been recommended for disciplinary action. Gen. Samuel T. Ansell, a practicing attorney at the Washington bar, is recommended for disbarment by this committee. And one attorney contradicts another in the record in such important matters that an honest understanding seems to be impossible. One of the attorneys is now deceased. Among the living, one repudiates any employment with the case; two others swear that he was employed and acted under cover. Grover Cleveland Bergdoll not only evaded the draft successfully but he wrote insulting letters to the authorities showing his contempt for the Government and the power of the United States. He is now in a foreign country, presumably Switzerland. It seems to me that this report, having been on file in this House since August of last year, should be taken up and disposed of. I am informed by a Member from Texas [Mr. WURZBACH] that Colonel Crosson is suing certain newspapers for libel on account of things that grew out of the case.

The reputations of men concerned with this matter either ought to be made clear or the truth made known. Further than that, it is contended by one of the Members making the majority report that counsel were employed unnecessarily in this case, because there was a complaint and criticism of the composition of this committee in that it included no ex-service man.

Mr. Chairman, I ask unanimous consent to extend my remarks and include in the RECORD two letters passing between two members of this committee, showing the time, nature, and conditions of employment of two counsel before this committee, and further to indicate to the House at this time that neither one of these attorneys has seen fit to present any voucher for the payment of these fees; that counsel for this committee disagree with the majority members of the committee and were lending with their influence to persuade that committee not to make the findings that it did. This is altogether such a mess as to demand the early attention of the House.

Mr. FESS. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. FESS. When the resolution was in the House before we had not then resumed diplomatic negotiations with Germany, where this gentleman at that time was taken to be. Now, since these diplomatic relations have been resumed, what is the obstacle to bringing this man back for trial?

Mr. FITZGERALD. Because he has sought refuge, as I understand it, in the Republic of Switzerland at this time.

I want this Government to take every honest and available means to bring this man back into custody of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to extend and revise my remarks and to insert the two letters which I mentioned.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

Following are the letters referred to:

[From Hon. John A. Peters, third district of Maine; home address, Ellsworth, Me.]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C.

Hon. BEN JOHNSON,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: I want to pay the remaining bills contracted by the Bergdoll committee, and ask your approval of the following:

Just before the recess I had the disbursing clerk give me the amount of our disbursements to date, and I find that it is just about $3,000. This includes all the expenses except counsel fees.

With the consent of the committee I engaged counsel. I arranged with General Sherbourne, the principal counsel, that he should receive $100 per day and expenses. He has been paid his actual expenses, and I have his bill which represents a total of 26 days' actual time spent. I propose to approve his bill and put through a voucher for $2,600.

Owing to certain criticisms touching the nonmilitary composition of our committee, both General Sherbourne and I thought it wise to engage as assistant counsel Mr. John Thomas Taylor, a prominent member of the American Legion, and its leading representative in Washington. Before I left Washington I had a talk with him in relation to his bill, and he told me that he always received $100 per diem for congressional work, but that he would cheerfully leave this matter to the committee. I do not think that it is fitting that the assistant counsel should receive the same amount that the leading counsel receives, and I suggest that $50 per day would be a more appropriate sum.

We shall be well within the appropriation of $10,000 at these figures, and of course we are all anxious to make a good financial showing, at the same time being fair and even liberal with counsel.

I am writing this to your office in Washington, not knowing your present location, but doubtless it will be forwarded.

Will you be kind enough to write me at Ellsworth, Me., and give me your views on the above suggestions. I would like to close the matter up at an early date and not ask the lawyers to wait for their fees.

Very truly yours,

JOHN A. PETERS.

[Copy of letter from Congressman BEN JOHNSON to ex-Congressman John A. Peters.]

BARDSTOWN, KY., *September 1, 1921.*

Hon. JOHN A. PETERS,
Ellsworth, Me.

MY DEAR MR. PETERS: I am just in receipt of your letter of 3d instant, asking that I approve compensations of $100 and expenses a day for Mr. Sherbourne as counsel for the Bergdoll committee, and half that sum for Mr. Taylor as assistant counsel for the committee.

I regret exceedingly that I feel that I can approve neither; first, because neither was necessary; and next, because both, in my opinion, are excessive.

It is not my purpose, either now or hereafter, to criticise any of your actions as chairman of the committee; and I would conclude this letter at this point except for the expression in your letter that you had engaged counsel for the committee with the consent of the committee.

I attended every meeting of the committee, and I feel that I can safely say that at no time was the question of employing or not employing counsel ever put to the committee.

At one of the early meetings of the committee, held in the Naval Affairs Committee room, you announced that you had decided to employ counsel and that you had made inquiries into the suitableness of one, whose name you did not call, and that you were awaiting an answer to a telegram of inquiry which you had sent to California.

After you had made this announcement I ventured the suggestion that you employ some one of whose character and ability you had personal knowledge. A day or so thereafter you told me you had employed Mr. Sherbourne.

That is all the action taken by the committee relative to the matter. However, it is but fair to say that the failure at the time of the committee to protest your decision to employ the one of whom you spoke on the occasion referred to warranted you in making that employment at a compensation approved by the committee, which latter was not done.

In this connection it is not out of place to say that the employment of Taylor was never submitted to the committee, and I never heard of his employment until I saw his name, as assistant counsel, printed on some of the hearings.

You spoke in your letter of certain criticisms touching the nonmilitary composition of the committee and that you and Mr. Sherbourne thought it wise to employ Mr. Taylor as assistant counsel because he was a prominent member of the American Legion and its leading representative in Washington. I never heard of the criticism of which you write, and if I had I would not have been willing to expend the public money either to quiet the criticism or to employ unnecessary counsel merely to secure the approval of any organization relative to the conduct of the committee. That should be judged on its real merit rather than on any approval or disapproval which in the least might savor of purchased sympathy or bias.

Very truly yours,

BEN JOHNSON.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the regular 8-point type and insert therein two addresses made at New York on Sunday, on the occasion of the ceremonies for the returned soldier dead.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

REMARKS OF HON. THOMAS S. CRAGO, OF PENNSYLVANIA, RELATIVE TO THE CEREMONIES FOR THE RETURNED SOLDIER DEAD HELD IN NEW YORK CITY ON SUNDAY, APRIL 2, 1922.

Mr. CRAGO. Mr. Speaker, as chairman of the committee from the House appointed to attend the service in honor of the returned soldier dead to be held in New York City April 2, I wish to report that your committee attended this sacred service, and, by permission of the House, I am inserting herewith the addresses made by Senator CALDER, of New York, and by Colonel Wainwright, the Assistant Secretary of War.

This practically completes the work of returning to their homes the men who fell in France; and the services on this occasion, participated in by more than 15,000 people, under the auspices of the War Department, the Navy Department, the American Legion, the Veterans of Foreign Wars, the United Spanish War Veterans, the Grand Army of the Republic, and so many other loyal and patriotic organizations and people, evidenced the fact that we have not forgotten our fallen heroes, and that this Republic will ever hold in grateful remembrance the sacrifice these men made.

ADDRESS OF SENATOR WILLIAM M. CALDER AT THE ARMY BASE, BROOKLYN, N. Y., SUNDAY, APRIL 2, IN CONNECTION WITH THE MEMORIAL EXERCISES FOR THE RECEPTION AND DISPOSITION OF THE LAST CONTINGENT OF AMERICAN SOLDIER DEAD FROM FRANCE.

When Americans gather as we do here, how can they escape the conviction that in this governmental partnership of ours some make contributions to the National Treasury beyond calculation in dollars and cents? Seventy thousand homes, of which 1,064 are here represented, miss the gladsome ring of the voice of a stalwart youth, because, perchance, its last joyous note was interrupted as it urged comrades onward at Cantigny, Chateau-Thierry, or St. Mihiel. Our greatest reserve fund is the inspiration created by the sacrifices of heroic men and women for the Nation. To that fund these 70,000 families have made tremendous contributions.

You parents and friends of these noble dead know too well how feeble are words to heal the wounds that war has made, and how even time does not make them less deep. We gather not that we may console you, but to acknowledge the everlasting indebtedness of a grateful people to you and to them.

Fellow Americans, while we thus gather to acknowledge our indebtedness, it is well to remember that in the vocabulary of these youths "obligation" as well as "privilege" had a place. I have spoken of this Nation as a governmental partnership. These noble dead gave their all to that partnership. They, too, had an equal right to the privileges of American citizenship with those who eternally speak of the rights and privileges which belong to them. But these dead knew that unless the burdens and responsibilities of citizenship were cheerfully assumed, the privileges of that citizenship would not be worth the claiming. As a people, we should be exceedingly thankful that the great body of our citizenship do in fact appreciate that governmental obligations are impossible. This was made evident by the peaceable conduct of the universal draft. Never was a test more severe put to the work of the institutions of a free people and never did institutions justify themselves so magnificently. Beneath the occasional clamor for complete change and revolution of our system of government there lies the failure to grasp the truth that popular government requires the surrender of some rights in order that greater rights may be secured. The widespread recognition of this truth by our people is the argument which can not be answered by those who oppose and deride popular forms of government.

It is likewise the guaranty that those who promise a day when there shall be no civil duties but only civil privileges will fail to fool our citizenship. These mute forms, in unmatched eloquence, call for a more perfect acceptance of the high standards of responsibility which they and the gallant thousands of other days believed necessary for the creation and perpetuation of constitutional government. While these call for a more perfect acceptance of those standards, we rejoice in the knowledge that here is the testimonial that in every rank and condition among us there has been conformity to those standards. Here are the sons of native and foreign born, of farmers and factory hands, of rich and poor. Unmistakably they tell the tale of racial and religious and social differences forgotten in a mighty effort to promote that more perfect union for which our form of government was ordained by its founders.

My fellow citizens, the high standard of unity which these heroes followed can not be forsaken if the tasks of peace shall be met by living Americans as these dead Americans met the tasks of war. Resolutely we must stand against those who would divide the national unity of which the blood of these dead is the sacred cement. Bigotry and intolerance must not supplant mutual confidence and tolerance.

These lifeless forms are a thousand challenges to us to carry on the construction of the more perfect union necessary to the solution of the problems of mankind. Among the greatest of these problems is the preservation of peace itself. It can not be considered ungenerous for an American to state that in war Americans arrived when the need was greatest. We heartened and encouraged our allies. They went on and won with us. Won with the man power we supplied plus the man power we still were able to supply. Behind our lines and the lines of our allies there appeared to the consciousness both of our allies and our enemies a host still greater than we had sent. The world knew that America meant business.

Men and women, we can preserve the generations of the future from any scenes such as this if we, as a Nation, shall so resolve. Without the sacrifice of a fundamental American principle, we can agree that the sword will not be drawn until and unless national honor can not be otherwise maintained.

Under the same institutions and form of government by which these noble dead were inspired to sacrifice their all we can develop a public opinion in suppport of international arbitration which will hearten and encourage a like public opinion in every civilized nation on the face of the earth.

The surest way to escape participation in the conflicts of the future is by participation in the removal of the causes or war or in the adjustment of those causes by a substitute for war. While it may be that the causes can not all be removed nor a sufficient substitute be found, nevertheless the death of these men will not have been in vain if the world shall move forward along the path to peace.

My heart to-day goes out to you, the fathers and mothers and loved ones of these boys. I can readily understand that it is difficult for you to reconcile yourselves to the thought that they should have died so young. They left you as your precious boys just entering into manhood, and now their labors are finished. The span of life is not measured by years but by achievement. These heroes of ours, during the few brief months of their life across the sea, lived ages. They achieved the highest thing a human being can achieve, for "Greater love hath no man than this, that a man lay down his life for his friends." Each did a man's full duty; he flinched not nor did he falter. They achieved, they accomplished, they triumphed. They will forever live in the memory of a grateful Nation and in the hearts of the peace-loving peoples of the world. They have erected a monument by their deeds of valor which the ravages of time may not destroy.

REMARKS OF THE ASSISTANT SECRETARY OF WAR AT THE CEREMONIES FOR THE RETURNED SOLDIER DEAD, NEW YORK CITY, APRIL 2, 1922.

In yonder covered pier are more than a thousand flag-draped caskets similar to the one before us. They are the last to come home. We, their comrades, and this great throng are here to pay them a last sad, tender farewell.

We stand, indeed, in the presence of our heroic dead. The freedom of mankind was their battle cry. They fought for eternal right and justice, as did the founders of this great Republic. These were no common souls. They fought and died for their country. In what nobler cause could man fight? How better could man die? No words can do fitting honor to their memory nor bespeak the measure of our devotion. Their story will live to inspire future generations of Americans down through the ages. They gave all, and in the giving gave us the example not only of how Americans can die but how they should live.

This is an historic occasion. We have seen the living and the dead return from that conflict in which this Nation cast its great strength in order that the decision should provide justice and peace for the world. Now that time has come when we have an opportunity to pay our respects to the last contingent of those who seek everlasting peace in the land whose flag they carried to victory.

In paying homage to those, the last heroic dead to be returned from France, we also honor their comrades who rest in our national cemeteries in Europe and those whose bodies have already been returned to their own country. Of our 77,080 heroic dead of the World War, 31,520 remain in our national cemeteries of France, England, and Belgium. Their graves, row on row, are mute evidence that in civilization's hour of need America answered, and that Americans are willing to die that liberty, so dear to us, may live. The bodies of 131 have found their final resting place in other foreign countries. These will be joined by 444 others. To their graves their relatives will lead their friends to hear the story of their lives and learn something of what our country means to the liberty of the world.

Forty-five thousand four hundred and fifty-nine have been returned to our own country. They rest in our national and private cemeteries over the wide stretch of our country, and provide shrines of patriotism at which our countrymen may kneel.

We are thankful that our unknown dead is less than 2 per cent of the number who fell, and that almost all can know where their hero sleeps. In this we are more fortunate than other nations, whose unknown dead amounts in some cases to almost 45 per cent.

Each whom we know has found that final resting place desired by those nearest and dearest to him. We mourn with the patriotic mothers and wives who gave their loved ones, and in honoring our heroic dead we also honor them. No mother, no wife ever gave son or husband in a better cause, nor did a son or husband ever meet a nobler death.

Let us resolve to forever honor the memory of these sons of America by perpetuating the cause in which they gave their lives. Our country must always strive for peace and justice in the world, even though we hazard our existence. Individually and collectively let us see to it, that should America ever be called upon again to wage the fight for civilization, that she shall be equal to the task, that her defenses shall not be crumpled, nor her strength dissipated. May no American ever be called upon to give his life unnecessarily because of omission on our part. These dead must not have died in vain.

Heroic dead! Each one of you is now enshrined in the heart of a grateful Nation. Dear comrades, we who clasped hands with you, laughed with you, sang with you, lived with you, crossed seas with you, fought with you, now bid you a last goodby. You will be ever in our thoughts and on our hearts.

Heroic dead, we salute you! Sweet be your deathless sleep. You live with the immortals. Hail and farewell!

TARIFF ON PEANUTS AND OTHER FARM PRODUCTS.

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff on peanuts, peanut oils, and other vegetable oils, and include a letter and telegram from Mr. W. W. Webb, president of the Georgia Peanut Growers' Association, and also a telegram from the Country Bankers' Association of Georgia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LANKFORD. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD I wish to have printed at this time a letter and a telegram from the Hon. W. W. Webb, of Hahira, Ga., president of the Georgia Peanut Growers' Association; also I wish to have printed a telegram from the Country Bankers' Association of Georgia. I want the Congress and the country to have the benefit of these communications now while the question of tariff on peanuts and other farm products is being considered in the Senate. Regardless of what the Senate may do, the tariff bill will come back to the House on a conference report. Let all the friends of the farmers in Congress do everything possible along the lines sought in these communications.

The Hon. W. W. Webb, president of the Georgia Peanut Growers' Association, is a friend of the farmers, true and tried, and is devoting his magnificent energy and his all to their service. I wish we had many, many more like him, with a noble vision of the great possibilities of the agricultural interest and with a steadfast faith in their accomplishment, evidenced by his noble efforts in behalf of the men who toil on the farm. We would all do well to study closely his timely suggestions.

The letter and telegrams referred to are as follows:

HAHIRA, GA., *January 9, 1922.*

Hon. W. C. LANKFORD, M. C.,
Washington, D. C.

DEAR JUDGE: I am glad you are taking such a firm stand in behalf of the same tariff on certain agricultural products as is placed on the things the farmers must buy. I am interested in tariff on all farm products, and especially on peanuts.

The cotton farmers in the boll-weevil section substituted peanuts for cotton as a money crop. They found a profitable market. New machinery was installed and many products were developed out of peanuts—more than 72 in all. It has been proven by scientists that if every other product was destroyed the peanut would furnish food for man and feed for stock of the greatest values. Many luxuries are made from peanuts. All of which increase the consumption and demand. The advancing price made a happy country, especially in south Georgia, Alabama, and other States. The importation of oriental peanuts crept in to reap the benefits of American development of the many products of peanuts, but the farmers were protected by an embargo on oriental peanuts. The increasing price under the embargo brought prosperity to every business in the peanut belt.

We could not have an overproduction, the product had become so useful. The acreage was increased in 1920, with a full assurance of a profitable price, but, alas! while we were rejoicing the embargo was lifted unexpectedly and the oriental peanuts came in and blighted the hopes of our country with ruinous prices and absolutely destroyed the southern peanut industry. Having witnessed the good effects of the embargo on peanuts, in that it made us a prosperous people, we are asking to-day for protection on peanuts. The present administration is going to run the Government on a protective-tariff basis. If our southern Congressmen can not prevent protection on what the southern farmers have to buy, they certainly should try and get equal protection on what they have to sell.

They say that we will have to pay high for sugar and rice on account of tariff. I have been asked if I would vote for 2 cents per pound on sugar and rice if I could get 4 cents per pound tariff on peanuts. My answer is that I am willing for a tariff on everything else, if we can get 4 cents per pound on peanuts and on sufficient other farm products to equal or overcome the increased cost on articles we purchase. For a barrel of either sugar or rice would not be cheap to me at a penny a barrel if I did not have the penny. And if I had to get the penny as a profit on peanuts at the present price, I could not buy any sugar or rice; but if we get 4 cents per pound on peanuts, I can eat some of either at a high price. It is far better to make it possible, with protection, to buy sugar and rice at a high price than to make it impossible to buy it at a low price. Give us protection on peanuts and make us financially able to buy, rather than reduce us to a level with the foreign pauper labor. Protect us against Chinese and Japanese peanuts. Let the Chinese learn to eat their own, and they will not be blighting our prosperity with their products and at the same time appealing to the charities of America.

Let the Japanese and Chinese learn to eat more peanuts and peanut products, the best human food in the world. It will save them from starvation, and it will save the peanut growers of the South at the same time. We should protect the agricultural interests of our country, for it is the basis of our prosperity. If you can not get the tariff off of everything we buy, then for the sake of the tiller of the soil get it on peanuts and every farm product which will help the farmer.

A fair illustration is this: There is a town of 20,000 inhabitants. The incorporate limits includes quite a fine tract of timber. This timber could be sold and marketed very profitably if the trade from out of the corporate limits could be stopped. The mayor and council decided to put on a tariff to keep out competition, and the mayor in the meantime trades for all the timber. This went well for him. He could cut and sell at his own high price, for he had no competition. At the next meeting of the council one of its members, who was the owner of the only large flour and meal mill in the town, being a victim of the high-priced wood, proposed that since the tariff on wood was working so fine that the same tariff be granted on foodstuffs. This they did. All went well. At the next meeting of the council another member, who had in the town the only mill which was turning out cloth to supply the town, being a victim of high-priced wood and bread, proposed that since all was working so well they give him the same protection to his cloth. This they did. All went well. At the next meeting of the council the last man to be heard from was a shoe manufacturer, and he came forward with a similar request to those presented by, first, the fuel or timber man; second, the bread man; and, third, the cloth man. The lumberman, the first to get protection, now rises to speak. He says that as long as he was the only beneficiary the tariff was fine, but now since all are in the game he proposes that they do away with tariff altogether or use it only as a means of raising revenue. So it is when all are treated on a common level or on the same basis. So I appeal to you, on the peanut industry in the South is now drawing the last breath and will soon pass on to the hands of the undertaker, that you save its life while you may. The peanut price is far below cost of production.

In the consideration of tariff on peanuts it is only a question of whom our Government is in sympathy with, America or foreign nations. To reduce our people and our laborers to a level of those of foreign countries has a far-reaching effect. It brings not the price alone down but it brings everything else down with it. The wealth of no country exceeds the prosperity of its working citizens. The agricultural industry is the basis of southern prosperity, and drag it down and you drag down its citizenship.

A horticulturist who goes out to prune in his orchard, not understanding his task, may cut the topmost of the tree instead of the needless growth. In so doing the tree dies. So with tariff science—they need to study the case lest they cut the taproot of our country's prosperity and thus reap for themselves and others a harvest of blighted and disheartened citizens. If the southern farmers can be assured of protection, they will plant a crop of peanuts in 1922 that will start the wheels of the machine called prosperity to running and grind out a blessing that will mean the enrichment of America. Otherwise the South loses in its efforts to make a success of the peanut industry and China and Japan win.

I certainly hope that you and those striving to get a fair deal for the farmers in the matter of tariff may prevail.

Sincerely yours,

W. W. WEBB,
President Georgia Peanut Growers' Association.

ATLANTA, GA., *March 25, 1922.*

Hon. WM. C. LANKFORD, M. C.,
House Office Building, Washington, D. C.:

Our farmers are greatly disturbed about peanuts and vegetable oils being placed on the free list. If this is done, our peanut industry will suffer irreparable damage. If assured of protection, our acreage will be maintained; on the other hand, if assurance is not given them quickly, the acreage will be reduced 75 per cent the coming season. Oriental oils in competition will seriously affect our hog production also. The crippling of these two important branches of farm industry will prove a calamity. We pray your best efforts to defeat this movement, as our people are already crushed with the ravages of the boll weevil and are now threatened with this influx of oriental oils and peanuts. We can but fear this influx of oriental oils and peanuts will tend to place our farmers on the low level of cheap oriental labor. Georgia farmers are unanimous for protection on farm products the same as on manufactured articles.

W. W. WEBB,
President Georgia Peanut Growers' Association.

ATLANTA, GA., *March 29, 1922.*

Hon. W. C. LANKFORD, M. C.,
Washington, D. C.:

While the country bankers of Georgia are not very strong on tariffs, yet since we are going to have a protective tariff we ask that this tariff bill extend its protection to the products of the farmer, especially peanuts, peanut oils, and cottonseed oils that are affected by the importation of foreign soy-bean oil, peanuts, and peanut oils. If the present tariff is removed the farmers will get approximately $8 per ton less for their cotton seed and approximately $15 per ton less on peanuts. The farmers need this protection against oriental labor and must have it.

COUNTRY BANKERS' ASSOCIATION OF GEORGIA.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 288. An act for the relief of John T. Eaton; to the Committee on Claims.

S. 289. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 1945. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

S. 3083. An act authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia; to the Committee on the District of Columbia.

S. 2993. An act authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor; to the Committee on Military Affairs.

S. 534. An act to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama; to the Committee on the Judiciary.

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden; to the Committee on Public Buildings and Grounds.

ADJOURNMENT.

Mr. HUSTED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until Wednesday, April 5, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCORMICK: Committee on Indian Affairs. H. R. 10611. A bill to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stats. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes; without amendment (Rept. No. 871). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 10407. A bill authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.; without amendment (Rept. No. 872). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 10240. A bill to extend the time for the construction of a bridge across the Savannah River near Halleys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.; without amendment (Rept. No. 873). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 11152) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. CLOUSE: A bill (H. R. 11153) requiring district judges to impose workhouse sentences in all cases not meriting imprisonment in the penitentiary, authorizing the establishment of such workhouses, and for other purposes; to the Committee on the Judiciary.

By Mr. STEAGALL: A bill (H. R. 11154) to amend section 13 of an act known as the Federal reserve act, approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. ZIHLMAN: A bill (H. R. 11155) creating the positions of second assistant secretary and private secretary in the Department of Labor; to the Committee on Labor.

By Mr. McARTHUR: A bill (H. R. 11156) to regulate trade associations, and for other purposes; to the Committee on the Judiciary.

By Mr. QUIN: Joint resolution (H. J. Res. 302) creating a committee to immediately investigate destructive flood conditions in certain counties of Mississippi on the Mississippi River caused by the construction of levees on the opposite bank or side of said river under Government supervision; to the Committee on Flood Control.

By Mr. FISH: Concurrent resolution (H. Con. Res. 52) expressing the satisfaction of the Congress of the United States in the rebuilding of Palestine by the Jews, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Concurrent resolution (H. Con. Res. 53) to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11157) granting a pension to Amelia M. Hetherington; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 11158) for the relief of Ruth Dixon Philbrick; to the Committee on Claims.

By Mr. COLE of Iowa: A bill (H. R. 11159) granting a pension to Anna Bell Kimball; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11160) granting a pension to Tamar Ervin; to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 11161) granting a pension to Martha G. Waldron; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 11162) granting an increase of pension to Henrietta Hull; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 11163) granting a pension to Emily T. Buchanan; to the Committee on Invalid Pensions.

By Mr. HERRICK: A bill (H. R. 11164) for the relief of Frank Recter; to the Committee on Military Affairs.

By Mr. KELLER: A bill (H. R. 11165) granting a pension to Dennis Igo; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 11166) granting an increase of pension to Lorinda Sutton; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11167) granting an increase of pension to Robert A. Edwards; to the Committee on Pensions.

Also, a bill (H. R. 11168) granting an increase of pension to Manuel S. Sams; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11169) granting an increase of pension to Claude C. Reno; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 11170) granting a pension to Margaret Jones; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11171) granting a pension to Julia Van Wicklen Jolley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4963. By the SPEAKER (by request): Petition of George Noble Todd-Windermere, engineer and inventor, and others, relative to the lease and use of his inventions and patent rights; to the Committee on Patents.

4964. Also (by request), communications from Frank J. Batcheller, chairman national committee of the American Minute Men, of Newton Center, Mass., transmitting resolutions adopted by the Eastern Swedish Conference, representing a membership of 4,667, of the Methodist Episcopal Church; Philadelphia Conference, representing a membership of 101,091; the congregation of the First Baptist Church, of Walton, N. Y.; and the West End Baptist Church, of Oneonta, N. Y., urging the passage of House joint resolution 150, to prohibit sectarian appropriations by constitutional amendment; to the Committee on the Judiciary.

4965. By Mr. APPLEBY: Affidavits to accompany House bill 10774, for the relief of John H. Lang; to the Committee on Naval Affairs.

4966. By Mr. CROWTHER: Petition of numerous residents of Montgomery County, N. Y., urging the immediate enactment of House bill 8098; to the Committee on Agriculture.

4967. By Mr. FENN: Petition of the East Hartford (Conn.) Chamber of Commerce, protesting against the appropriation of $250,000,000 for reclaiming swamp lands in the South and West; to the Committee on Irrigation of Arid Lands.

4968. By Mr. KISSEL: Petition of the National Association of United States Civil Service Employees at navy yards and stations, Brooklyn, N. Y., urging retention of the naval supply station at South Brooklyn; to the Committee on Naval Affairs.

4969. Also, petition of the National Lutheran Council, New York City, N. Y., relative to certain legislation; to the Committee on the Judiciary.

4970. By Mr. RAKER: Petition of Mrs. Carletta Hayes, secretary of the Johnson-Reeds Creek Farm Center, of Red Bluff, Calif., relative to agriculture and allied industries; to the Committee on Agriculture.

4971. Also, petition of the special committee on resolutions of Gazelle Grange, No. 380, of Gazelle, Calif., relative to labor conditions on railroads and in coal mines; to the Committee on Labor.

4972. Also, petition of Mrs. Leslie Sloan-Orcutt, of Los Angeles; Aubrey F. Holmes, of Oakland; Paul W. Macfarland, of Los Angeles; Los Angeles Chapter, Disabled Emergency Officers of the World War, of Los Angeles, all in the State of California, and W. H. Robbe, of Washington, D. C., indorsing the Bursum bill (S. 1565); to the committee on Military Affairs.

4973. Also, petition of William E. Johnson, of 1109 Oak Street, Oakland, Calif., indorsing and urging support of Senate bill 1595; to the Committee on Military Affairs.

4974. Also, petition of S. B. Vincent, manager of the Oregon Tourist and Information Bureau, of Portland, Oreg., urging support of Senate bill 2869; to the Committee on Appropriations.

4975. Also, petition of William Dolge, secretary of the State board of accountancy, of San Francisco, Calif., indorsing and urging support of Senate bill 2531; to the Committee on the District of Columbia.

4976. Also, petition of H. M. Remington, manager and traffic director of the California Growers and Shippers' Protective League, of San Francisco, Calif., indorsing and urging support of Senate bill 3081; to the Committee on Agriculture.

4977. By Mr. REED of West Virginia: Petition signed by G. E. James, F. P. Martin, R. L. Gaines, Aaron E. Brode, and 35 others, requesting the passage by Congress immediately of an adequate tariff law based upon American valuation; to the Committee on Ways and Means.

4978. Also, petition signed by citizens of Charleston, W. Va., asking that Congress refrain from passing House bill 4398; to the Committee on the District of Columbia.

4979. By Mr. SNELL: Petition of citizens of St. Lawrence County, N. Y., favoring House bill 8086, prohibiting the manufacture of filled milk; to the Committee on Agriculture.

4980. By Mr. SNYDER: Petition of Mr. and Mrs. W. C. Davies, of Frankfort, N. Y., and Ernest N. Ames and Frank L. Rickmyer, of Rome, N. Y., for the enactment of House bill 8088, prohibiting the introduction of imitation milk; to the Committee on Agriculture.

4981. By Mr. TAYLOR of Colorado: Petition from the Sarah Platt Decker Chapter of the Daughters of the American Revolution, of Durango, Colo., urging the enactment of more drastic immigration law; to the Committee on Immigration.

4982. Also, petition from citizens of Redvale, Colo., protesting against the enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

4983. Also, petition from citizens of Fruita, Colo., protesting against the passage of House bill 9755 or other Sunday legislation; to the Committee on the District of Columbia.

4984. By Mr. TOWNER: Petition of H. L. Campbell, of Howe, Okla., and 131 other citizens of the State of Oklahoma, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4985. Also, petition of R. E. W. Goodridge, of Coleraine, Minn., and 43 other citizens of Coleraine, Minn., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4986. By Mr. WASON: Petition of Ernest E. and L. B. Whitmore, of Unity, N. H., protesting against the passage of House bill 9755 or any other Sunday bill; to the Committee on the District of Columbia.

4987. By Mr. WATSON: Resolution adopted at the conference of the Colonial Dames of America, approving the conversion of Fort McHenry into a city park; to the Committee on Military Affairs.

4988. By Mr. ZIHLMAN: Resolution by members of the Allegany Trades Council, of Cumberland, Md., expressing their opposition to the continued imprisonment of war-time political prisoners and indorsing the efforts of Senator Borah to ascertain the status of all cases of persons convicted under the espionage act; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 5, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, Thou art the author and giver of life. Thou hast given to us our span of life. We would spend it before Thee agreeable to Thy good pleasure. While we think many times our paths are strange and we know not how to go, we bless Thee that there is light from Thy presence and that where we fail to understand we can trust Thee to lead us in every line of duty, and Thou canst illumine the way for our feet. We humbly ask Thee this morning for Thy help and strength. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 3, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. NORRIS. Mr. President, I wished to make an inquiry of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. I understand the chairman is not here and I do not know who are the other members of the committee.

Mr. CURTIS. The chairman of the Committee to Audit and Control the Contingent Expenses of the Senate is a member of the Committee on Finance and is engaged at a hearing of that committee. I will send for him if the Senator desires.

Mr. NORRIS. I wish the Senator from Kansas would send for him. The Senator from California [Mr. JOHNSON] was called away from the city, but before he left he introduced the ordinary resolution providing that authority be given the Committee on Patents to hold hearings and take testimony. It was referred, of course, to the Committee to Audit and Control the Contingent Expenses of the Senate. I am informed by the Senator from California, who is chairman of the Committee on Patents, that a meeting of that committee is called for to-morrow to have hearings and to take testimony on a very important bill pending before the committee.

It is quite important therefore that the resolution should be passed to-day. There can be no objection to it. I have not examined it, but I assume it is in the regular form of resolutions passed in reference to hearings before all committees. I ask the Senator from Kansas if he will send for the Senator from New York [Mr. CALDER], who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CURTIS. I have sent for the chairman of the committee, and as soon as he comes I will speak to him about the resolution. It can be taken up by unanimous consent later in the day.

THE MUSCLE SHOALS PLANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War transmitting an offer from Charles L. Parsons, of Washington, D. C., covering certain properties at Sheffield, Ala., and the first hundred thousand kilowatts of secondary power to be derived from the proposed water-power development at Muscle Shoals, etc., which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 2558. An act for the relief of Richard P. McCullough;

H. R. 7670. An act for the relief of I. C. Johnson, jr.;

H. R. 6815. An act to amend the act of March 1, 1921 (41 Stats., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution adopted by the New Mexico Wool Growers' Association at Albuquerque, N. Mex., March 16-17, 1922, favoring the passage of the Capper-French truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. SHORTRIDGE presented a letter in the nature of a petition of the Grain Trade Association of the San Francisco (Calif.) Chamber of Commerce, giving their views relative to the enactment of legislation to legalize the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Sacramento (Calif.) Grange, No. 12, favoring the passage of the Fordney tariff bill and inclusion therein of the American valuation plan, which was referred to the Committee on Finance.

He also presented the petitions of Janet Richards, Mrs. Court F. Wood, and sundry members of the District of Columbia Federation of Women's Clubs, in the District of Columbia, praying for the enactment of legislation to prohibit experiments upon living dogs in the District of Columbia or the territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

Mr. BURSUM. Mr. President, I ask unanimous consent to have printed in the RECORD certain resolutions adopted by the live stock convention with reference to legislation desired at the hands of Congress.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico?

Mr. CURTIS. Mr. President, I should like to know what is the matter which it is desired may be printed in the RECORD? Is it a resolution, or what is it?

Mr. BURSUM. I have asked to have printed in the RECORD resolutions which have been adopted by the Live Stock Association in convention assembled, asking certain legislation from Congress.

Mr. CURTIS. And the Senator desires to have them noted in the RECORD and referred to the appropriate committees?

Mr. BURSUM. Yes.

Mr. CURTIS. I have no objection to that.

The PRESIDENT pro tempore. If there be no objection, the resolutions presented by the Senator from New Mexico will be printed in the RECORD.

Mr. CURTIS. Mr. President, I think there is a misunderstanding regarding the petitions presented by the Senator from New Mexico. I understood the Senator desired the petitions noted in the RECORD and referred to the appropriate committees. Is that correct?

Mr. BURSUM. I desire to have them printed in the RECORD.

Mr. CURTIS. I understand they are quite long.

Mr. BURSUM. No; they are very short. There are a number of papers accompanying the resolutions, but the resolutions themselves are very short; they will not occupy more than a page of the RECORD all told.

Mr. CURTIS. Could not one of the resolutions be printed without the names?

Mr. BURSUM. The resolutions refer to several different subjects, such as the activities of the Biological Survey, war-finance legislation, the payment of fees on forest reserves, and the tariff.

Mr. CURTIS. I suggest that the rule be followed and that they be noted in the RECORD and referred to the proper committee. In that way they will be printed by title, and the RECORD will indicate what they contain.

Mr. BURSUM. Mr. President, the only object in asking that the resolutions be printed in the RECORD is that the Senate may be advised as to the desires of those engaged in the live-stock industry. The printing of the resolutions, as I have said, will not occupy more than a page.

Mr. CURTIS. I shall not object.

Mr. JONES of Washington. Is it understood that the names signed to the petitions are to be printed in the RECORD?

Mr. BURSUM. Oh, no; merely the contents of the resolutions. As I have said, the whole thing will not take up a page.

The PRESIDENT pro tempore. In the absence of objection, the resolutions will be printed in the RECORD and appropriately referred.

The resolutions were referred as below indicated.

Resolution thanking our Representatives in Congress.

In full realization of the great interest and earnest endeavor of our Representatives in Congress to further the interests of the stockmen of this State, and with full appreciation of results already obtained—

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 30-31, 1922, That we express our sincere thanks to said Representatives for what they have done for us in the past and are planning to do for us in the future.

Ordered to lie on the table.

Truth in fabric resolution.

Resolved by the New Mexico Wool Growers' Association, in convention assembled in Albuquerque, N. Mex., March 15-17, 1922, That we believe in the honest labeling of all products; that we deplore the use of shoddy in the manufacture and sale of so-called all-wool goods under the term "all wool," which term is construed by the public to mean "virgin wool"; that we consider the French-Capper bill, now pending in Congress, the best effort yet attempted to correct such fraudulent practices, and that this convention indorses the French-Capper bill and urges its immediate enactment.

To the Committee on Interstate Commerce.

Cooperative work resolution.

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 30-31, 1922, That we most strongly indorse the work of the United States Biological Survey in the destruction of predatory animals and rang-destroying rodents in this State; and be it further

Resolved, That we earnestly recommend the continuance of a committee to cooperate with them in their work and to join with a committee from the New Mexico Wool Growers' Association in making a study of the most practicable way to obtain for the Biological Survey a more stable source of revenue with which to continue their meritorious work.

To the Committee on Agriculture and Forestry.

Federal reserve bank resolution.

Whereas the Federal reserve banking system was created principally in the interest of our commercial institutions; and

Whereas present banking facilities are inadequate to properly finance agricultural and live-stock raising; and

Whereas long-term credits and the acceptance for loans of ranch property as collateral are absolutely essential to a stabilization of these industries: Therefore be it

Resolved by the New Mexico Wool Growers' Association in convention assembled in Albuquerque, N. Mex., March 15-17, 1922, That Congress amend the Federal reserve banking act so that long-time loans may be extended to live-stock growers and agriculturists; and be it further

Resolved, That lands and ranch property be accepted as collateral.

To the Committee on Banking and Currency.

Resolution recommending amendment of farm loan act and increase of loan limit.

Whereas owing to drought and deflation many live-stock producers who have invested the earnings of a lifetime in ranches and improvements now have their ranches inadequately stocked and due to lack of live-stock collateral are unable to avail themselves of the benefits to be obtained from the War Finance Corporation; and

Whereas there is now functioning a Government agency operating through Federal farm-loan banks, providing farmers with funds at a low rate of interest for a period of 33½ years, but with the amount for which any individual can apply so small that it is impracticable for the live-stock producers: Therefore be it

Resolved, That the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20 and 21, 1922, recommends the enactment at this session of Congress of an amendment of the Federal farm loan act to include more fully grazing lands and improvements and a substantial increase of the loan limit; and be it further

Resolved, That a copy of this resolution be sent to the Secretary of Agriculture and to our Senators and Representatives in Congress.

To the Committee on Banking and Currency.

War Finance Corporation resolution.

Whereas since the War Finance Corporation has been revived and the scope of its work broadened to include the business of financing our live-stock and agricultural industries; and since the corporation has created machinery through which the live-stock and agricultural industries may be financed, and is attempting to secure the cooperation of the banks and live-stock loan companies that are financing the industries: It is therefore

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we heartily indorse the action of Congress in passing legislation to help solve this reconstruction problem of the live-stock industries, and we further pray that the time for accepting new loans be extended and applications be accepted for loans up to January 1, 1923.

To the Committee on Finance.

Import duties resolution.

Whereas a measure relating to import duties will doubtless be considered during the present session of Congress, and since we believe our industries can not survive unless we are protected in our home markets; and, further, that the financial condition of those engaged in the basic industries—farming and stock growing—has a direct relation to the financial condition of every other person in the United States, no matter what his occupation may be: It is therefore

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we favor a substantial tariff upon live stock, agricultural, and meat products, and urge that there be fixed a duty of 6 cents per pound on dry, and 3 cents per pound on green hides. We indorse the truth-in-fabric measure, and urge the immediate passage of the same, and protest against the indifference of the merchants of the country in regard to this bill, believing that their lack of interest is not justifiable.

To the Committee on Finance.

Tariff resolution.

Whereas the sheep industry was threatened with annihilation by importations of cheap foreign wools and frozen lamb until the enactment of the Fordney emergency tariff bill; and

Whereas our costs of production can not be reduced to anywhere near prewar costs; and

Whereas farmers, bankers, merchants, and all classes of citizens, particularly in the West, are dependent on a stable and prosperous live-stock industry; and

Whereas the Southern Tariff Association and the farmers of the country, in conference recently in Washington, advocated proper protection for all agricultural and live-stock products: Therefore be it

Resolved, That the New Mexico Woolgrowers in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, urge upon Congress the necessity of a specific duty on all wools used in the manufacture of wearing apparel imported into this country to the amount of 33 cents per pound based on scoured content, together with consistent duties on wool and wool on pelts, waste, and shoddy; and be it further

Resolved, That we favor adequate compensatory and protective duties on imports of articles manufactured from wool; and be it further

Resolved, That we favor a duty of 8 cents per pound on imported lamb and mutton, and 4 cents per pound duty on dry, and 2 cents per pound duty on green hides; be it further

Resolved, That we favor the use of American valuations as the basis of levying import duties, and are altogether opposed to ad valorem limitations on specific duties.

To the Committee on Finance.

Resolution indorsing Senate bill 3149.

Be it resolved, That the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20–21, 1922, hereby expresses its earnest approval of Senate bill 3149, introduced by Senator H. O. Bursum, respecting the transfer of all public domain from Federal ownership and control to that of the State, and copies of this resolution be sent to the Secretary of the Interior and to the Senators and Representatives in Congress.

To the Committee on Public Lands and Surveys.

Resolution protesting against transfers.

Whereas a movement is now pending in Congress to transfer in whole the control of the Forest Service from the Department of Agriculture to the Department of the Interior, and since we are of the opinion that the administration of this work can be handled more advantageously and with less duplication in the Department of Agriculture: Now, therefore, be it

Resolved by the New Mexico Cattle and Horse Growers' Association in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we protest against this transfer being made; that it is now in the proper department for the best interest of the live-stock industries, and should remain where it is.

We believe the same to be true of the Bureau of Markets, and we ask that the administration of the same be left to the Department of Agriculture.

To the Committee on Public Lands and Surveys.

Public domain resolution.

Resolved, That the New Mexico Wool Growers' Association, in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, approve Senator Bursum's bill, S. 3149, relative to the handing of public lands in New Mexico; and be it further

Resolved, That copies of this resolution be sent to our Representatives in Congress and to the chairmen of the Public Land Committees of the House and Senate.

To the Committee on Public Lands and Surveys.

Payment of grazing fees on national forests resolution.

Whereas the holders of grazing permits on the national forests of New Mexico are not in a financial position to pay any part of the grazing fees due April 1, 1922: Be it

Resolved by the New Mexico Wool Growers' Association in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, That the payment of the 1922 grazing fees be deferred till December 1, 1922.

To the Committee on Public Lands and Surveys.

REPORTS OF COMMITTEES.

Mr. COLT. From the Committee on Immigration I report back favorably with an amendment the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921. The amendment continues for two years, instead of one year, the 3 per cent immigration restriction provision contained in the present law. I ask that the joint resolution be placed on the calendar.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

Mr. CAMERON, from the Committee on the District of Columbia, to which was referred the bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 589) thereon.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 6589. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 590); and

H. R. 7340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 591).

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which were referred the following bills and joint resolution, reported them severally without amendment:

A bill (S. 2579) to provide for the publication of estimates of unginned cotton;

A bill (S. 3220) to amend section 2 of the United States warehouse act, approved August 11, 1916; and

A joint resolution (S. J. Res. 187) authorizing the Director of the Census to collect and publish additional cotton statistics.

ENROLLED JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on April 4, 1922, they presented to the President of the United States the enrolled joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

CONGAREE RIVER BRIDGE, S. C.

Mr. DIAL. From the Committee on Commerce I report back favorably without amendment the bill (S. 3360) to authorize the building of a bridge across the Congaree River in South Carolina, and I submit a report (No. 592) thereon. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Richland-Calhoun River Bridge Commission be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Congaree River at a point suitable to the interests of navigation and at or near a point known as Bates Ferry, between the counties of Richland and Calhoun, S. C., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF ABANDONED BUILDINGS AT NOME, ALASKA.

Mr. NEW. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 249, authorizing the Secretary of the Interior to donate and grant certain

buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church, for the passage of which there is an emergency. I do not think there will be any objection whatever to it; I am sure there will not be.

The circumstances are these: The War Department had a post at Nome, Alaska, called Fort Davis. On that post there were certain temporary wooden structures erected. The post has been abandoned. The structures are of no use whatever to the Government, but the women at Nome have asked the department for some of the buildings for hospital purposes. The Secretary of the Interior wants to grant them, but lacks the authority, and the joint resolution simply gives him the necessary authority.

I have a telegram from the ladies interested stating that unless the joint resolution is immediately passed, so that they may take advantage of the snow for the removal of the buildings, the whole purpose will fail and the donation will be of no use. That is the reason why I ask that the joint resolution may be considered. It has already passed the House.

Mr. CURTIS. Let the joint resolution be reported.

The PRESIDENT pro tempore. It will be read for information.

The reading clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to donate and grant to the Woman's Home Missionary Society of the Methodist Episcopal Church not exceeding three of the frame buildings on the abandoned Fort Davis Military Reservation in or near Nome, Alaska, the material so donated to be used for the erection of a hospital by said society for the use of white and native residents of the Nome district, Alaska.

Mr. OVERMAN. It has been reported favorably by the committee?

Mr. NEW. The committee reports favorably, and the Secretary of the Interior wants to have the donation made.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON PATENTS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 268, which is designed to permit the Committee on Patents to hold hearings and to employ a stenographer, as all other standing committees have authority to do. For some reason, however, the resolution was not adopted at the beginning of the present Congress. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. OVERMAN. I ask that the resolution be read.

The resolution (S. Res. 268) submitted by Mr. JOHNSON on April 3, 1922, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer at a cost not exceeding $1.25 per printed page to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 3398) declaring the railway bridge across the Kansas River in the State of Kansas, at a place about 1,578 feet from its mouth, in the city of Kansas City, Kans., an obstruction to navigation, and for other purposes; to the Committee on Commerce.

By Mr. ASHURST:

A bill (S. 3399) for the relief of the Indians of the Gila River and Papago Reservations in Arizona; to the Committee on Indian Affairs.

A bill (S. 3400) granting a pension to Ammon M. Tenney; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3401) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Commerce.

A bill (S. 3402) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A bill (S. 3403) to provide a uniform rule of naturalization and to amend and codify the laws relating to the acquisition and loss of citizenship, to equalize the citizenship status of men and women, to establish a method for the registration of aliens for their better guidance and protection, and for other purposes; to the Committee on Immigration.

By Mr. FRELINGHUYSEN:

A bill (S. 3404) granting an increase of pension to Charles Burrows; to the Committee on Pensions.

A bill (S. 3405) for the relief of the surviving children of John Moylan; to the Committee on Claims.

ADDITIONAL DISTRICT JUDGES.

Mr. STERLING. I have a letter from the junior Senator from Kentucky [Mr. ERNST], who was called suddenly from the city, leaving at midnight last night. As he can not be present to-day, he sent to me an amendment intended to be proposed by him to House bill 9103, the judicial bill, now pending. He desires to have the amendment printed, and I ask that it may be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOSPITALIZATION OF EX-SERVICE MEN.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

FRANCES KELLY.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 9275) for the relief of Frances Kelly, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

BUREAU OF INTERNAL REVENUE.

Mr. KING. Mr. President, I submit a resolution and ask that it may be read and then lie upon the table. During the afternoon, if I can secure the floor, I desire to submit a few observations in support of it.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 270), as follows:

Whereas it is alleged that there is waste, inefficiency, and extravagance in the administration of the Bureau of Internal Revenue, due in part to the disorganized and demoralized condition of the bureau, caused by attempts to replace and reassign personnel for partisan purposes; and

Whereas it is alleged that the work of the recovery and collection of delinquent taxes, amounting to hundreds of millions of dollars, has been delayed by reason of assigning personnel to the work of auditing claims against the Treasury, for the refund of taxes already collected, and of claims for tax exemption, and that such claims are being injudiciously allowed to the detriment of the Government; and

Whereas it is claimed that numerous tax attorneys, agents, specialists, advisers, and lobbyists in the employ of claimants for refunds and exemptions, some of whom, it is claimed, pretend to have partisan political influence, are carrying on negotiations with officers of the Bureau of Internal Revenue, in regard to the allowance of such claims, which negotiations preclude a judicious examination of and action upon such claims, and will result in scandal, and the disadvantage of the Government: Now, therefore, be it

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, is authorized and directed to investigate the aforesaid matters, and to report to the Senate whether or not it be advisable to make a public record of tax exemption and tax-refund claims which have been decided or which are pending before the Bureau of Internal Revenue, and whether or not it be advisable to establish a court or public tribunal for the handling and allowance of claims for tax exemptions and refunds filed with the Bureau of Internal Revenue; and to recommend effective measures to relieve the Bureau of Internal Revenue from the influence of partisan politics. The committee is authorized to administer oaths, to send for persons and papers, and to employ such clerical and professional assistance as may be necessary, payment therefor to be made out of the contingent fund of the Senate, upon the order of the chairman of the committee.

Mr. CURTIS. Mr. President, I presume the resolution which has just been read will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, will it not?

Mr. KING. I have asked that the resolution lie on the table for the present.

The PRESIDENT pro tempore. The resolution will lie on the table.

APPOINTMENTS TO AND REMOVAL FROM OFFICE.

Mr. CARAWAY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Arkansas will state his parliamentary inquiry.

Mr. CARAWAY. On page 4962 of the RECORD of yesterday, April 4, appear the proceedings in reference to a resolution submitted by me. I asked permission to submit a resolution out of order, and then asked also that it might be read. Now, here is what happened——

The PRESIDENT pro tempore. If the Chair may be permitted to interrupt the Senator, he desires to say that he is familiar with the RECORD on that point, and the present occupant of the chair is of the opinion that the resolution was offered by the Senator from Arkansas, and it will be laid before the Senate in its order.

Mr. CARAWAY. Very well.

ADDRESS BY SENATOR FORNERNEY.

Mr. UNDERWOOD. Mr. President, the senior Senator from Ohio [Mr. FORNERNEY] delivered a very able address on Thursday evening, March 30, 1922, before the Cleveland Association of Credit Men on the subject of the Great Lakes-St. Lawrence River improvement. It is an address which carries a great deal of meat in it, explaining the whole situation, and I think it is worthy of being printed in the CONGRESSIONAL RECORD. I ask that it may be printed in the RECORD in the regular RECORD type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SPEECH OF SENATOR ATLEE POMERENE BEFORE THE CLEVELAND ASSOCIATION OF CREDIT MEN, CLEVELAND, OHIO, THURSDAY EVENING, MARCH 30, 1922.

THE GREAT LAKES-ST. LAWRENCE RIVER IMPROVEMENT.

The Great Lakes-St. Lawrence River improvement has two phases—one political, one economical.

When I speak of the political phase I do not have reference to our domestic partisan questions, but to the relations which the United States and Canada, as sovereign peoples, sustain to one another.

When I speak of the economical phase I use the term in its broadest acceptation. It includes not only navigation, but if we would get the maximum returns from this enterprise we must also take into consideration the tremendous possibilities in developing hydroelectric power—the cheapest power thus far known to man.

That we already have the political or legal right to navigate the St. Lawrence River upon the same terms and conditions as the nationals of the Dominion Government is evident to anyone who will examine the treaties.

TREATY RIGHTS IN THE ST. LAWRENCE RIVER.

By article 7 of the Webster-Ashburton treaty (1842) it was agreed that the channels in the River St. Lawrence on both sides of the Long Sault Islands and of Barnhart Islands, and so forth, "shall be equally free and open to the ships, vessels, and boats of both parties."

By article 26 of the treaty of Washington (1871) the "navigation of the River St. Lawrence, ascending and descending from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privileges of free navigation."

By article 27 of the same treaty the British Government engaged to urge upon the Dominion Government to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

In 1905 the Dominion abandoned the system of canal tolls, since which time all Canadian canals have been free to all vessels with their cargoes or passengers, whether these were Canadian or American.

By article 1 of the treaty of January 11, 1909, Great Britain and the United States agreed that the navigation of all navigable boundary waters between the United States and Canada "shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privileges of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries."

At the time of the ratification of these treaties no definite plan had been adopted, or is yet adopted, looking to the method of improving the river or of the proportion of the expense which should be borne by each of the two Governments. It necessarily follows that the first step after the determination of the practicability of the venture is to study the method by which the work is to be done, by which it is to be financed, and by which it is to be administered during the process of construction and in its maintenance thereafter.

I have such supreme faith in the spirit of fair dealing which always has inspired the people of the United States and our Canadian neighbors that I am quite sure but little difficulty is to be apprehended in this behalf. Write it down for all time, and without any reservation whatsoever, that what will redound to the benefit of the one nation in its transportation system will be of a proportional benefit to the people of the other nation.

I have heard it said that this great enterprise for the development of the middle continent and its commerce must not be undertaken because, while a portion of the route is along that part of the St. Lawrence River which forms the international boundary between the two nations, another extensive portion of the route lies wholly within the Dominion of Canada.

I can not agree with this position. I think it captious. Will the gentlemen who are disposed to hesitate because of this condition pardon me if I say to them that I think they are "seeing things at night"?

I recall with great pleasure and greater pride that these two great virile people who have accomplished so much in the past, and give greater promise for the future, have lived and wrought along a boundary line which is nearly 4,000 miles in length, at peace with one another for more than 100 years, without a fort or a soldier to police the boundary. And if anyone were to rise in the Halls of Congress at Washington or in the Parliament at Ottawa and suggest the organization and maintenance of a military force to police this boundary line, he would be hooted down by his associates. I have no more fear of trouble between the United States and Canada than I have of trouble between the citizens of Ohio and the citizens of Pennsylvania, and I am quite sure our Canadian friends across the boundary, on the other side of the Lakes, have no more fear of serious difficulty between the United States and Canada than they fear aggressions between the peoples of two of their great Provinces.

To be more specific, I have heard it suggested that if the St. Lawrence route was canalized and deepened, warships, it might be, of Great Britain or some other country, could wend their way up the St. Lawrence River into the Great Lakes and attack our great cities. I would lose faith in humanity itself and in the onward progress of civilization if I were to take counsel of such groundless fears in weighing a great enterprise of this character which will mean so much to the development of our two great countries.

Let us then in the consideration of this subject, assuming, of course, that the enterprise is regarded by investigators as practicable, suggest that the two Governments, either through their respective Departments of State or Foreign Affairs, or through commissioners specially appointed for that purpose, negotiate a treaty or convention by the terms of which the two countries shall agree to undertake the construction, the financing, and the maintenance of this channel from the unsalted to the salted seas.

Surely there will be no disposition upon the part of our Government to take any undue advantage of our Canadian friends, and I am quite confident that they will approach the subject in the same spirit.

THE ECONOMICAL SIDE OF THE PROBLEM.

Let us devote ourselves to-night rather to the economical side of the problem.

Forty-two million people in the United States are found in the States directly tributary to the Great Lakes-St. Lawrence route, and these are nearly five million in the Provinces of Manitoba, Alberta, and Saskatchewan.

Sixty-three and three-tenths per cent of the aggregate value of all of the farm property in the United States is within this territory.

In this territory is produced 75 per cent of the wheat, 65 per cent of the corn, 100 per cent of the flax, 85 per cent of the iron, 40 per cent of the copper, 46 per cent of the lead, and 74 per cent of the zinc.

The report of the International Joint Commission, page 107, shows that out of 2,978,690 square miles of land surface in the United States, 1,232,645 square miles, or 41.5 per cent of the total, lies in the area tributary to the proposed waterway.

The value of the farm lands in this area is $49,819,331,000, as against $79,925,989,000, or 63.3 per cent of the total value.

It embraces, too, many of the great manufacturing industries of the country, producing agricultural implements, automobiles, rubber manufactures, meat packing, and all sorts of iron, steel, paper, and furniture products.

It is estimated by the commission that the average savings on grain through the Great Lakes-St. Lawrence route will amount to from 8 to 10 cents a bushel on all grain exported, as compared with traffic prices now prevailing through lake and rail, or all rail hauls. But let me be a little more specific.

At the present time it is somewhat difficult to ascertain exactly what the traffic rates might be for wheat or grain from the upper lake region through the St. Lawrence to European ports. Certainly it is one rate under present conditions. It would be a much lower rate were the channel completed for ocean traffic. I am entirely clear in my own mind that it will result in very substantial savings.

Mr. Charles F. MacDonald, of the Duluth Board of Trade, told the International Joint Commission that the lake rate on grain from Duluth to Buffalo at the present time was 4 cents a bushel, and the transportation from Duluth to New York, including lake and rail rates, with insurance and incidentals, was about 15½ cents a bushel, delivered in New York, but not on board vessel. The all-rail rate from Duluth to New York was 20.7 cents. With the present channels on the all-water route to Montreal there is little movement of grain. With deeper channels accommodating larger vessels, in his judgment, the movement would be greatly increased and the rate to Montreal would be about 11 cents.

Hugh J. Hughes, market director of the Minnesota Department of Agriculture, figured the cost of transporting a bushel of wheat from Duluth to Buffalo at 2½ cents. At Buffalo the transfer charges from boat to rail were approximately three-fourths of 1 cent. The rail haul from Buffalo to New York amounted to 4 cents.

The cost of transfer from car to ship in New York, three-tenths of 1 cent. Freight charges under normal conditions from New York to Liverpool were 5¼ cents, making a total transportation charge from Duluth to Liverpool of 12.55 cents. Deducting the three items involving transfer and rail haul, amounting to 5.05 of 1 cent, there was left a total water haul of 7½ cents. In other words, fully one-half of the transportation charges from the terminals at Duluth to the warehouses in Liverpool were taken up by an overland portage that left the bushel of wheat when in New York Harbor farther away from its point of destination than when it left the ship at Buffalo. In his judgment the construction of a deep waterway from Duluth to the sea would result in a saving to the shipper of an amount equal to the cost of transportation from the lake boat at Buffalo to the ocean-going ship at New York.

Julius H. Barnes, than whom no man is better informed relative to the shipment of grain, says: "If the St. Lawrence waterway were opened so that either lake carrier would extend its trip down to Montreal or the ocean carrier go up to the head of the Lakes for its cargo, the transportation saving would amount to perhaps 10 cents a bushel." Surely this sum would be saved to the farmer on wheat actually transported to Liverpool, and this cheaper marketing would be reflected in a somewhat better price for the balance of his crop.

The Secretary of Commerce, Mr. Herbert Hoover, put the problem thus: "It is a sound economic assumption that the price of all agricultural produce was made at the points in the world where that produce must meet the tide and flow of similar produce from other quarters of the earth. In other words, the price to the farmer would be increased by whatever saving might be made in transporting and handling up to the point where his price was fixed by the flow of world current." He then adds: "If by the construction of the proposed canal it was possible to secure navigation of ocean-going ships on the Lakes or even of lake carriers to Montreal in a period of two or three days, it was not difficult to calculate that the transportation of wheat from Buffalo to Montreal would not exceed 1 cent a bushel or perhaps 2 cents. Putting it at 2 cents at the outside, there would be a saving of approximately 10 cents a bushel to the American farmer on his wheat reaching Liverpool."

At the time the commission held hearings in Buffalo the rate for the shipment of grain from the head of the Lakes to Buffalo was 4 cents a bushel, or about $1.20 a ton. From Buffalo to New York, including transfer and loading into the vessel's hold, $3.20 a ton. If the Lakes-to-ocean route is completed the voyage could be continued to Montreal for perhaps 3 cents a bushel, or 90 cents a ton. From Montreal the ocean rate is ordinarily equal to the rate from New York. So it would seem that the rate from Buffalo to Montreal would amount to about 90 cents a ton, whereas from Buffalo to New York, including transfer, and so forth, it would be $3.20, or a saving of $2.30 per ton. The ocean rates from Montreal to Great Britain are about the same as they are from New York to the British ports. Those who have studied the problem are very certain that there can be a saving to the farmers of from 7 to 10 cents a bushel in the transportation abroad when the St. Lawrence is completed.

Governor Harding, of Iowa, testifying before the International Joint Commission, says that a bushel of wheat can be shipped from Duluth to Buffalo for 2 cents; from Buffalo to the ocean-going boats for 17 cents; and from the ocean-going boats to Liverpool for 14 cents. This is the present method.

With the St. Lawrence canal a bushel of wheat could be shipped from Duluth to Montreal for 3 cents, and from Montreal to Liverpool for 12 cents. The difference of 12 or 16 cents in transportation cost could go into the pockets of the American farmer.

I might quote from other expert witnesses on this subject, but time forbids. Suffice it to say that it is my judgment after a careful study of this proposition that if this Great Lakes-St. Lawrence water route is completed so as to permit of ocean-going vessels moving from the ports of the Great Lakes to the ports of the Old World to market our wheat there will be a saving of from 5 to 10 cents a bushel, thereby increasing the price to that extent to the producer.

It will be noticed that the figures I give vary. This is due in part to the fact that they are based partly on estimates and partly because they are based on various rates prevailing at different times.

Similar savings would result in many other classes of traffic, whether of agriculture or manufactures.

INCREASE IN LAKE TRAFFIC.

The increase in lake traffic has kept pace with the improvement of her harbors, docks, and channels. It has grown by leaps and bounds. This is due in part to the increased production in midcontinent, and in part to the great ability, energy, and foresight of the Great Lakes marine service.

Before the Federal Government began to improve the Great Lakes, Lake Erie had no harbor extending in depth more than 5 feet, and a few harbors extending that depth in the other lakes. In 1824 improvements were first begun by the Federal Government. Between that date and June 30, 1918, $150,000,000 were spent by the Federal Government on channels, harbors, and rivers connected with this system of lakes. Now 27 harbors in these lakes will admit vessels drawing 19 to 21 feet, and 45 harbors of less importance admit vessels drawing 14 feet. Now the traffic from Lake Erie to Montreal is limited to vessels drawing 14 feet, that being the depth of the Welland Canal.

Iron ore was discovered in the Lake Superior region in 1844.

In 1855 there were 5,000 tons shipped in sailing vessels from the Lake Superior region to Cleveland. . .

Further discoveries and development tremendously increased this output.

In 1884, 68,000 tons were shipped.

Three years later this amount jumped to 400,000 tons.

In 1920 the iron-ore tonnage increased to 56,780,498 tons.

The total value of the iron ore shipped by water from Lake Superior increased from $8,741,955.87 in 1887 to $340,682,988 in 1920.

Coal shipments from Lake Erie ports to the upper Lakes over the same period increased from $4,735,454 in 1887 to $119,427,870 in 1920.

The tonnage of hard and soft coal for the last year was 14,156,259 tons.

GRAIN SHIPMENTS.

The first record of wheat shipments through the canal at Sault Ste. Marie was in 1870. The amount was 49,700 bushels.

Forty-five years later 255,481,558 bushels were shipped east by the same water route.

The total for 1920 was 143,456,487 bushels.

In 1870 the shipments of grain other than wheat aggregated 304,077 bushels.

In 1920, 51,630,135 bushels.

In 1870, 33,548 barrels of flour went through the canal.

In 1920, 7,477,533 barrels.

In 1920, $1,000,000,000 worth of freight was carried through the canal at Sault Ste. Marie. This amount is distributed as follows:

Coal	$119,000,000
Flour	86,000,000
Wheat	315,000,000
Other grain	78,000,000
Manufactured iron	6,000,000
Copper	18,000,000
Iron ore	340,000,000
Lumber	10,000,000
Stone	985,000
Salt	992,000
General merchandise	125,000,000

The total value of the freight through the canal increased from $79,000,000 in 1987 to $1,119,000,000 in 1920.

In 1855 the tonnage shipped through the canals at Sault Ste. Marie was 14,500 tons.

In 1920, 79,282,000 tons.

Four years earlier the tonnage was 92,000,000 tons.

And, now, before we dismiss this branch of our subject, let me ask, Does anyone seriously believe that we have reached the peak of production in the country tributary to the Great Lakes? In Indiana is located the center of our population. A little farther west is the center of agricultural production. Here in northeastern Ohio is the center of industrial development. Three of the five largest cities on the American Continent are on the Lakes—Chicago, Detroit, Cleveland.

Shall we believe that any one of these industrial centers, to say nothing of the many splendid lesser cities which dot the shores of the Great Lakes, have reached the limit of their growth or industrial activities? To even suggest the thought would offend our intelligence. The Middle West has not completed its growth. It is just beginning to grow and to feel its giant strength. Great things we have accomplished in the past. Greater things are in store for us. We must prepare for the future. Not the least of the tasks before us is to provide ourselves with the transportation facilities that may be necessary to accommodate not only the present traffic but the increased traffic for future years.

PRESENT RAIL AND RAIL-WATER TRANSPORTATION.

I think every student of our transportation system must admit that present rail and rail-water facilities are not keeping apace with the needs of the country.

Transportation, like production, ebbs and flows. Disturbed economic conditions will come in spite of all that human ingenuity can devise, but as sure as they come, so they will go. The progress of events is onward. New conditions must be met. It is estimated that at least one billion if not two billions a year should be added to the rail equipment in order to be able to accommodate the traffic which will come with returning good times, and this must continue for many years. But let us not deceive ourselves. Common prudence suggests that we ought not to spend two billion where one will suffice. Common sense admits that if certain routes of traffic are already congested, we ought to see other outlets, if they are practicable.

The points of greatest congestion now are New York City and New England. We know now as the result of very sad experiences during the war, if we did not know it before, that New York terminal facilities are wholly inadequate to meet the demands. I do not overlook the fact that these demands were made greatly excessive due to the conditions of the war, but to a very material, though a lesser, extent they did exist before the World War came.

The cost of handling traffic in New York is not going to be lessened by increasing traffic in this terminal. New York City and New York State will have their annual increases. Their shipping point will be New York City, as it ought to be, and if they improve their harbor and dock facilities sufficiently to keep space with their own economic development, they will be doing well.

But shall the vast agricultural, manufacturing, and commercial interests of the Middle West and the Northwest, to say nothing of Canada, await the development of proper facilities in New York City?

I entertain none but the best of good will toward the great Empire State and the metropolitan city of New York, but if that city is not able to accommodate, as it has not been for years, the outgoing and incoming commerce of the great Central West, who is it that says we must be hampered in our development by its lack of capacity?

In speaking of the failure of New York to serve the commerce of the Middle West and his efforts to get cars for the shipment of wheat, Governor Allen, of Kansas, related this significant statement which had been made to him: "When you start a carload of grain from Chicago to New York and it reaches Trenton, N. J., it is only half way so far as time is concerned, and not one-half way yet so far as future expense is concerned." This may be a somewhat extravagant statement, but it epitomizes the experience of the great central and northwestern section of our country.

Mr. E. A. Kersten, of the S. S. Kresge Co., of Detroit, with a business aggregating over fifty millions a year, and a large part of whose sales are of imported articles, says, "That the average time consumed in getting merchandise from Europe or Japan through the port of New York to Detroit was four months, one month of which was used in the port of New York."

C. T. Bradford, of the International Harvester Co., said to the International Joint Commission that it was not at all unusual for goods to be from 60 to 75 days from date of shipment from Chicago to date of clearing from New York.

Mr. Carl W. Brand, of Cleveland, said "that delays in getting shipments through New York had resulted in importers having to carry a much larger investment in their business. In some cases the cost of handling goods through New York amounted to 20 per cent of the first cost."

Walter L. Ross, with a railroad experience of 30 years, said "he had been convinced that the primary cause of most of the transportation difficulties was congestion in New England and New York. In his judgment, the waterway project through the Great Lakes and the St. Lawrence River would relieve New York and New England and Maryland ports very materially, and thereby make for efficiency in transportation all over the country."

I dare say that the merchants and manufacturers of Cleveland and of the great State of Ohio can duplicate these experiences.

New York has talked for years about the expenditure of from $100,000,000 to $200,000,000 in improvements in New York Harbor. A prominent railroad executive is my authority for the statement that the transportation of the country, estimated in ton-miles, doubles every 10 years. If this statement is only approximately true, I am convinced that before New York City or the Government at Washington could spend the $100,000,000 or $200,000,000 in improving New York Harbor the annual increase of traffic in that city would be so great that even with these contemplated improvements completed the congestion would be as great then as it is now.

EXPENSE OF TRAFFIC IN NEW YORK HARBOR.

The Port Facilities Commission of the United States Shipping Board has gone into the question of the charges borne by steamship companies at New York. They find that the actual physical loading of the vessel was not the great source of loss and expense to-day, but rather the time the vessel was held in port. The case was cited of a small steamer of 6,500 dead-weight tons which was 15 days in port discharging 2,713 tons and loading 3,783 tons of general cargo. The port pay roll, supplies, interest, depreciation, hull, marine, and other insurance, charter hire, etc., amounted to $42,286. Other expenses, such as wharfage, pilotage, and the various stevedoring accounts amounted to $23,385, altogether $65,671, or an average of $4,371 a day. Hamburg, Rotterdam, and a few other of the efficient ports of Europe could easily have dispatched this vessel in five days before the war. On that basis the delays were costing nearly $5 a ton to the ship. Of course, this is no doubt an extreme case.

It may be said, as was urged before the commission, that the delays in New York Harbor were due to the failure of the New York authorities or of the Congress in furnishing funds for the necessary improvements. That may be true either in whole or in part, but the question now for us to determine is, keeping in mind not only the present demands but the future development of our country and the tremendous increases in outgoing and incoming freight to supply the needs of the interior of the continent, "Shall we make these expenditures in one harbor, which perhaps can not be developed sufficiently to take care of its annual increases, rather than to go to the development of the Great Lakes-St. Lawrence route, which for all time to come can bring the ocean-going vessels through its channel to the Great Lakes ports, such as Buffalo, Cleveland, Toledo, Detroit, Chicago, Milwaukee, and Duluth, to say nothing of the smaller but none the less important lake ports on both the American and Canadian side?"

PRACTICABILITY AND COST OF IMPROVEMENT.

Perhaps the strongest opponent of this Great Lakes-St. Lawrence route is Governor Miller, of New York. He is a great lawyer, whose vision seems to be limited to the boundaries of his own State. He seems to think that the scheme is not practicable and that it will cost too much. Governor Allen, of Kansas, after listening to the argument of Governor Miller, asked him somewhat facetiously, but pertinently, "Are you against the Great Lakes-St. Lawrence improvement because it will not work or because it will work?" With all due respect to Governor Miller he pleads like a skilled advocate who lacks confidence in his case. Others follow him with equally untenable objections.

One objection made is that in the St. Lawrence River traffic must be suspended for a period of five months during the winter because of the ice and the fog.

True, these are obstacles, but those who emphasize them forget that the same fog and ice for five months interferes with the ocean-going traffic to and from the great city of Montreal, through the lower St. Lawrence River, and yet her ocean-going traffic is greater than that of any Atlantic port in the United States save and except New York City alone. Two other American ports during the last year, I believe, have slightly exceeded Montreal. When this objection is made they forget that the lake traffic, too, is substantially suspended for four or five months, but nevertheless it is used to such an extent that 100,000,000 tons pass annually through the Detroit River, and it is all the time increasing, and would anyone say that the lake traffic is not a paying venture because ice interferes for four or five months in the year?

Again, they forget that the greatest congestion in rail traffic in the country is during the seven months when neither ice nor fog interferes with the St. Lawrence route.

Another objection urged is that ocean-going vessels will not enter the St. Lawrence. This is not tenable, because—

First, the cost of all rail traffic as compared with all water traffic is estimated as 5 or 6 to 1.

Second, already we have an enormous ocean traffic through the St. Lawrence to and from Montreal, which is perhaps second only to that of New York.

Third, there is a Great Lakes traffic amounting to nearly 100,000,000 tons annually, nearly eleven times as much as passes through the Suez Canal and almost twelve times as much as passes annually through the Panama Canal.

Having these facts in mind, who shall say that if the canalization of the St. Lawrence River from Montreal to Lake Ontario is completed that ocean traffic will not seek to go farther up the river; aye, even to the headwaters of Lake Superior?

Magne Svensen, the owner of the great Norwegian trans-Atlantic lines, has said:

"The moment the engineers who build the canal declare this canal is ready for operation, that moment his steamers would poke their noses into the St. Lawrence."

Certainly, in view of the enormous amount of ocean traffic at Montreal, 700 or 800 miles up the St. Lawrence River, the burden of proof is on those who contend that it will not go up farther to demonstrate the faith that is in them.

PLAN FOR CANALIZATION OF RIVER.

The distance from Lake Ontario to the Atlantic is approximately 1,000 miles. The Gulf of St. Lawrence extends to Quebec, or nearly so. The river is now improved for ocean-going vessels up river as far as Montreal. It is only 183 miles from Montreal to Lake Ontario. Only 33 miles of this distance must be canalized. The remainder of this distance needs little or no improvement, except a little dredging. The flow of water in this river is more nearly constant than in rivers usually. The variation due to seasons is seldom more than 25 per cent either above or below the mean level. For comparison purposes, it is interesting to note that there is a ratio of 30 to 1 between the spring flow and the late summer volume of the Mississippi River at Keokuk.

The engineers, Col. W. P. Wooten, United States Engineer Corps, for the United States, and Mr. W. A. Bowden, chief engineer of railways and canals for Canada, recommended the improvement. For convenience sake they divide the improvement into two sections.

First, the international section, extending from Lake Ontario to Cornwall, or the international boundary line, a distance of about 45 miles. The fall in the river is 91 feet. At present there are four canals on the Canadian side. The plan of the board contemplates the construction of a canal on the Canadian side with a prism depth of 25 feet at low water. This canal extends from the head of Long Sault Rapids down to Cornwall, a distance of 8 miles, and provided with two lift locks, with a depth of 30 feet on the sills. In order to concentrate the fall in the river so as to reduce the number of locks and lessen the mileage of restricted navigation the plans call for a series of dams. The plan is a combined scheme of navigation and water development. These dams will make possible a development of water power estimated at 1,500,000 horsepower. These engineers estimate the total cost of the entire international section, including flooded areas and power houses equipped to deliver one and one-half million horsepower, at $130,000,000. Damages, of course, should be paid to Canada for the four existing canals which will be put out of commission. This amount is not included in the cost as stated, nor for certain charter rights of the New York & Ontario Power Co.

Second, the national section of the river is that section which lies between Cornwall and Montreal, a distance of about 72 miles. The fall in the river is about 134 feet. In this section of the river lie the three rapids, Cotteau, Cedars, and Cascades, the first at the outlet of Lake St. Francis, the second 9 miles lower down, and the last at the entrance to Lake St. Louis. A canal is proposed 220 feet wide, with a depth of 25 feet at low water on the south side of the river, a distance of 15 miles. Some dredging will be required in Lake St. Francis and Lake St. Louis. The cost of this improvement is estimater at $93,000,000, not including the putting out of commission of the present existing canals. The depth contemplated under this plan is 25 feet. To get an additional 5 feet in both the international and national sections the estimated increased cost would be $17,000,000.

The estimated annual operating and maintenance cost in connection with this scheme is $2,562,000, of which they charge $1,105,000 to cost of navigation and $1,457,000 to power. These figures do not include interest on investment. The engineering board estimates that 2,260,000 horsepower could be developed on the national section of the river, if this should be thought desirable later, at an estimated cost of $220,000,000.

IMPROVEMENTS SHOULD BE COMPLETED AT AN EARLY DATE.

Think what it will mean to have the Atlantic Ocean brought to the door of the great industrial centers of the Middle West. True, the very large ships will not enter. They are not expected to enter; 70 per cent of the commerce of the world is carried on vessels of 8,000 tons or less.

Major General Black gives some significant testimony to this effect. He says: "That out of 14,513 steamships listed in Lloyd's register for 1918–19, 81.45 per cent had drafts of 25 feet or less and 99.32 per cent drew 30 feet or less, leaving a percentage of sixty-eight one-hundredths of 1 per cent of vessels having 30 feet draft or over. The average draft of vessels passing through the Panama Canal is only 21 feet, and the Suez Maritime Canal Co. also states that the average draft of the vessels passing through the Suez Canal is a little over 21 feet."

It may prove necessary if this St. Lawrence improvement is completed and ocean vessels enter the Lakes to increase from time to time the depths of channels and of harbors, but what of it? Are we not from time to time increasing the depths of the harbors on the Atlantic and the Pacific and the Gulf, as well as the channels leading to them? Why then should we hesitate to embark upon this enterprise? Those who are most opposed to this improvement speak of the expense, but I have not yet heard them decry expense when they call upon the Congress of the United States for appropriations for their own harbors along the Atlantic.

The engineers who have made a very careful study of this project say that the total expense will not exceed $252,000,000, which will include the necessary equipment for the generation of electricity amounting to 1,500,000 horsepower. Of course, their figures are not as definite as they might be. They went into the subject fully enough to convince them of its practicability. Capable engineers that they are, and not only they but the International Joint Commission, suggest that before "any final decision is reached the report of the board together with such comments, criticisms, and alternative plans as have been filed with the commission should be referred back to the board enlarged by other leading members of the engineering profession, to the end that the whole question be given that further and complete study that its magnitude and importance demand."

I am so convinced of the wisdom of this project that I would be for it even if I knew that it were to cost twice the sum. It can not fail. The present traffic of the United States now requires it, and the future industrial development of our own country as well as of Canada accentuate the need of it.

The commission suggests that that part of the cost of the improvement which may be properly chargeable to navigation shall be in proportion to the benefits which each shall receive. This amount they suggest shall be readjusted periodically.

As to the cost of the power works they recommend that as each of the countries is entitled to half of the available power in the international section of the river the cost of the works necessary solely for the development of that power should be borne equally by each country.

They further recommend that the cost of the navigation works required for the combined use of navigation and power over and above the cost of works necessary for navigation alone should be apportioned equally between the two countries.

As to that part of the navigation works which lies wholly within one country they recommend that they should be maintained and operated by the country in which they are located, and that "navigation works" not lying wholly within one country and not capable of economic and efficient construction, maintenance, and operation within one country as complete and independent units, be maintained and operated by an international board, upon which each country would have equal representation.

These, of course, are merely suggestions which have been thrown out for consideration by the proper authorities of the two countries. All of these questions can be very readily determined by a conference between the two Governments and

certainly some equitable plan can be devised which will prove satisfactory to all concerned.

I hope for the speedy completion of the Great Lakes-St. Lawrence River improvement at an early date for the common good of the people of the United States and Canada.

PENSION AND COMPENSATION LEGISLATION.

Mr. FRANCE. I hold in my hand an article written by Mr. Henry P. Janes. It is a very good summary of pension and compensation legislation and it has been suggested that it would make a valuable public document. I ask that it be referred to the Committee on Printing for the judgment of that committee upon the propriety of making it a public document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SCHOOLS FOR AERONAUTICS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which the Secretary will read.

The resolution (S. Res. 266) submitted by Mr. WALSH of Massachusetts on the 3d instant was read, as follows:

Whereas immediate and adequate consideration and development of the science of aeronautics is vital to the commercial and industrial expansion and to the protection and prosperity of the United States; and

Whereas the science of aeronautics is recognized by all nations as a dominant factor in relation to transportation facilities and the national defense; and

Whereas many foreign nations, cognizant of the necessity and importance of aircraft, have indicated programs of mail and passenger transportation far superior to the present policy of our Government with reference to the stimulation, maintenance, and advance of aeronautics for all national purposes; and

Whereas aircraft is indispensable for the patrolling and for the protection of our coast and boundaries, and to supplement to a considerable degree naval craft, coast artillery defenses, and other means of protection and defense now maintained by the Army and the Navy; and

Whereas at the Conference for the Limitation of Armament no action was taken to reduce, limit, or control the aircraft of the countries represented, although the development of aircraft had a pronounced effect upon the reduction and limitation of navies; and

Whereas it should be apparent to the most casual observer that a sufficient and properly trained personnel capable of developing, instructing, and directing aeronautics, and available for the national defense, is extremely important; and

Whereas it daily becomes more evident that if the United States is not to be completely outdistanced in the field of aeronautics, and is not therefore to be left defenseless, a separate school of aeronautics should be created and maintained, or separate schools of aeronautics should be established in the United States Military Academy and in the United States Naval Academy: Therefore be it

Resolved, That the Secretary of War and the Secretary of the Navy are directed to report to Congress (1) whether or not it is feasible and advisable to establish a school of aeronautics, to be known as the United States Academy for Aeronautics, with buildings, grounds, and equipment necessary for instructing and training cadets; (2) whether or not it is practicable to use a part of the buildings and grounds of the United States Military Academy and of the United States Naval Academy for separate schools in aeronautics, to the end that young men desirous of qualifying for commissions in the United States Air Service may be appointed as cadets to such separate aeronautical schools in the same manner as cadets are now appointed to qualify for commissions in the United States Army and the United States Navy; and (3) whether or not it is feasible to take over one of the existing navy yards or arsenals for the purpose of converting the same into a Government plant for the development and manufacture of aircraft of various kinds suitable for national, commercial, and defense purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

Mr. WALSH of Massachusetts. Mr. President, I do not understand that there is any opposition to this resolution.

Mr. CURTIS. I understand that the resolution only calls for information, and therefore there will be no objection, so far as I am concerned, and I think there will be no objection.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ADMIRAL SIMS'S STATEMENT AND AMBASSADOR HARVEY'S ADDRESS.

Mr. HARRISON. The clerks at the desk are, I understand, anxious to clear the calendar of sundry matters that have become somewhat out of date. On their suggestion, I move that a resolution I offered some time ago, the resolution (S. Res. 91) requesting the President of the United States to furnish the Senate certain information as to the purported speech of Ambassador Harvey, made at the Pilgrims' Day dinner May 19, 1921, and as to the revocation of the leave of Admiral Sims, be indefinitely postponed.

The motion was agreed to.

RECORDS OF OFFICERS AND ENLISTED MEN IN THE WORLD WAR.

Mr. CUMMINS. Mr. President, on Monday last, during a call of the calendar, the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making appropriation therefor, was passed. I was not present in the Chamber at that time. The Military Affairs Committee had reported the bill with two amendments striking out a part of the bill in which I was particularly interested. In view of these circumstances, I desire to enter a motion that the Senate reconsider the vote by which the bill was passed and move that the House be requested to return the bill to the Senate.

Mr. HARRISON. Mr. President, I did not understand to what bill the Senator referred.

Mr. FLETCHER. I did not catch the title of the bill.

Mr. CUMMINS. The bill is one intended to require the Secretary of War to furnish the various States with historical information relating to the troops and the movement of troops in the World War.

Mr. FLETCHER. I recall the bill.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question is on the motion of the Senator from Iowa that the bill be recalled from the House.

The motion was agreed to.

COTTON EXCHANGE METHODS.

Mr. DIAL. Mr. President, I desire to take just a few moments to state that I hope the Committee on Agriculture and Forestry will make a report upon a bill which I introduced some time ago. I would like to have the attention of the Senator from Nebraska [Mr. NORRIS].

On April 12, 1921, I introduced a bill to amend the present cotton futures contract law. It was immediately referred to the Committee on Agriculture and Forestry. On May 24 of last year I appeared before that committee and made a statement, and then I said I had no further witnesses to produce. The matter has been pending ever since. I have urged the committee and the subcommittee at various times to be kind enough to report the bill. Of course, I would be glad to have a favorable report, but I told them if they did not care to make that, to return the bill without any report, or, if they would not do that, to make an unfavorable report.

I want the matter disposed of by the Senate. I want to be perfectly agreeable to all my colleagues, and I have no particular complaint to make against the committee except as to the slowness with which they move. It does seem to me that 12 months is a long enough time to give consideration to the bill, especially when we remember that it took exactly 30 years for Congress to pass the original law on the subject. The hearings on the original law were voluminous and extended over many years, and all the testimony in those hearings is available for the committee in case they care for it. The matter is one of greatest importance to my constituents. In fact, I believe it is of as much importance as all the rest of the laws put together.

I wish to read just a short statement made before the Committee on Agriculture of the House. Some two months ago I went before that committee and they had witnesses there all the way from Houston, Tex., up to New York. They put those witnesses on the stand. One of them was Mr. Bailey C. Harris, president of the Galveston Cotton Exchange, and here is what he had to say:

We have offices in New Orleans and Savannah, and our head office in New York, although we are a southern firm. We have selling offices in Boston, Montreal, Bremen, Germany; Brussels, Belgium; Havre, France; Milan, Italy; and close working arrangements in Spain, in Scandinavia, in England, and in Japan.

Here is a startling statement of Mr. Harris:

Now, I have been in the cotton business about 23 years, 17 years of which time I have been in the business for my own account. Prior to the passage of the Smith-Lever bill, of course, you might say there were no regulations as to the grades or classification or anything else. The New York market was almost constantly used by two or three of the big houses for manipulation purposes, and they were really slaughtering the lambs, both the exporters and the local merchants and everybody.

When the bill was passed to which he refers that cured a great many of the defects of the then custom, but unfortunately it carried the vicious principle of the custom into the law, which law permits the seller of the contract to deliver all of the contract in any 1 of 10 grades instead of 32 grades under the custom. That is where they have kept slaughtering the lambs and everybody else ever since.

I hold in my hand an editorial from the Southern Textile Bulletin, of Charlotte, N. C., of March 16, 1922, which says, amongst other things:

More than 98 per cent of those, other than members, who have bought or sold contracts upon the New York Cotton Exchange have lost money, and the appearance of the New York Cotton Exchange in the role of protector of those who trade upon the American Cotton Exchange instead of with them is laughable.

Mr. President, I have no more love for the American Cotton Exchange than I have for the New York Cotton Exchange.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. DIAL. Certainly; I yield.

Mr. NORRIS. Has the Senator filed a motion to discharge the committee?

Mr. DIAL. No; I do not care to do that at present. I am merely going to say that I hope the report will be made by next week; if not, at that time I shall ask the cooperation of the Senator from Nebraska, if he will be kind enough to render it.

Mr. NORRIS. I should like to say to the Senator that I think his statement is correct, and that the bill introduced by him is entitled to a consideration which it has not received at the hands of the committee. The Senator's bill was referred to a subcommittee, and it has been delayed by methods which, so far as I know, are all right. It is still pending before the subcommittee, and the delay against which the Senator has been protesting has occurred. I think the matter has been delayed too long. I have already told the Senator in conversation with him that if he should file a motion to discharge the committee from the further consideration of the bill and to have the bill placed on the calendar, I would not oppose it; that, in fact, I would vote for it, unless on argument I should be convinced otherwise, because it seems to me that, regardless of whether we agree with the Senator or not as to the bill which he has introduced, he is entitled to more prompt consideration of the bill than he has received.

It is not really the fault of the Committee on Agriculture that the bill has been delayed, as the Senator from South Carolina knows. A majority of the subcommittee, I think, are Senators from the South, who are members of the Senator's own party.

Mr. HEFLIN. If the Senator from South Carolina will permit me, I desire to ask the Senator from Nebraska, who is on the subcommittee, to which he refers?

Mr. NORRIS. The Senator from New Hampshire [Mr. KEYES] is the chairman of the subcommittee, but he is not now present.

Mr. DIAL. The Senator from New Hampshire [Mr. KEYES] is the chairman of the committee, and the Senator from South Dakota [Mr. NORBECK], and my colleague, the Senator from South Carolina [Mr. SMITH], are also members of the subcommittee.

Mr. NORRIS. I think the colleague of the Senator from South Carolina is opposed to the bill of the junior Senator from South Carolina. The senior Senator from South Carolina, who is a cotton expert, is a member of the subcommittee. The senior Senator from South Carolina has been sick a part of the time, and it has been on his account, to some extent, that the delay has taken place.

Mr. HEFLIN. I think the senior Senator from South Carolina is yet sick.

Mr. NORRIS. I think he is.

I want to say to the junior Senator from South Carolina that if the motion were pending now I should not want the Senate to pass upon it at present; but, under the rule, such a motion has to lie over a day, anyway. I repeat, I myself think there has been unnecessary delay in the matter, but in large part the delay has come about in a way that casts no reflection or blame upon anybody. If, however, the Senator desires to make a motion to discharge the committee, he may do so. I think, however, that this matter should come up on a day when the chairman of the subcommittee may be here, and I think it ought to be taken up when the Senator's colleague also can be present, when the matter may be fought out.

Mr. DIAL. I appreciate very much the fairness of the Senator from Nebraska, and I was satisfied his attitude was as he has stated it. Of course, I wish to disclaim any intention whatever of reflecting upon the subcommittee, which has charge of the bill. My only complaint is the unnecessary delay. When I have anything to do I like to move along and have it disposed of, either one way or the other.

As to my colleague being opposed to the bill, I rather think the Senator from Nebraska [Mr. NORRIS] is mistaken about that. I think he wants to propose some amendments to the bill, but I do not know that he is opposed to the principle of the legislation which I have proposed. However, he has a right to his view, and I have a right to mine.

I desire to insert in the RECORD, as a part of my remarks, an extract from the Southern Textile Bulletin which I have marked. It is very short.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

NEW YORK COTTON EXCHANGE METHODS.

About two years ago a squeeze was being conducted in New York and southern cotton dealers who were caught on the short side made haste to ship cotton from Norfolk and Savannah, but when the cotton reached New York they found that members of the New York Cotton Exchange had rented every lighter or means of landing the cotton and had rented all available warehouse space, although they had no need of the lighters or the warehouse space.

The southern cotton dealers had to settle at enormous premiums with those who had conducted the "squeeze" and within five minutes after the forced settlement the quotation on the squeezed month dropped 5 cents per pound.

The members whose piety forces them to attempt to save the man who buys 10 bales upon the American Cotton Exchange made no objection when such cutthroat methods as above stated were used by their members to rob southern cotton dealers of 5 cents per pound on a large volume of short cotton.

In 1914 Lewis W. Parker, one of the ablest cotton manufacturers the South ever produced, bought a large amount of cotton futures for his mills, and those on the inside of the New York Cotton Exchange manipulated the market to depress the month that he had bought.

Facing a severe loss by reason of the undue depression of that month, Mr. Parker decided to take up the cotton—that is, to call for delivery.

His action at first threw consternation into the exchange, but they put into effect every bit of red tape and every technicality at their disposal and when he finally got his cotton most of it was of almost unspinnable grades. They had also cornered all the cotton warehouse space in New York and Brooklyn so as to put him to additional expense of shipping the cotton elsewhere. Lewis W. Parker paid a large price for his temerity in accepting cotton upon New York Cotton Exchange contracts.

We have told only a few of the things that they did to him, but there are men who were associated with him at that time that can tell a tale worth hearing.

We do not want to see the New York Cotton Exchange put out of business, and we know that there are many honest men among its members, but they should purge themselves before they seek to remove the mote from their younger brother's eye.

Mr. DIAL. Furthermore, Mr. President, I desire to say that I have introduced a resolution, which has passed the Senate, requesting the Federal Trade Commission to investigate cotton exchanges. The passage of that resolution need not interfere at all with the particular bill which I have introduced. There are many things about the cotton exchanges which I desire to have investigated; but I have not the least shadow of a doubt about the justice of my bill and about its sufficiency in affording great relief to our people should it be passed. In fact, unless we have some legislation to help the cause of cotton production, it will not be more than a year or two until we shall have to offer a premium to get people to raise cotton in the United States. There is now the darkest outlook for a crop of cotton which I have even known in my lifetime.

Mr. President, I hope the subcommittee having charge of my bill will speedily make its report. It will be a year next week since the bill was introduced. If the subcommittee can not see its way clear to make a report next week, I shall then move that it be discharged from the further consideration of the bill and that it be placed on the calendar. Congress is unconsciously aiding the cotton bears every hour it allows the present law to remain unamended.

My amendment does not interfere with the 10 tenderable grades; it only classifies them in three classes—A, B, and C, with a basic grade in each class. This is similar to wheat. This amendment will make a contract flexible enough for anyone to trade in, and definite enough to make it worth what it is claimed to represent, thereby the buyer and seller will be on equal terms, and unquestionably the value of the commodity will be enhanced.

BUREAU OF ENGRAVING AND PRINTING.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The reading clerk read Senate Resolution 267, submitted by Mr. CARAWAY on the 3d instant, as follows:

Whereas without notice as required by law, and without warning, the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Engraving and Printing, and 31 other chiefs of divisions of that bureau; and

Whereas all of said persons were within the classified service; and

Whereas the law permits the dismissal of persons within the classified service only after written notice of and an opportunity to reply to charges should be given the accused: Now therefore be it

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned from the classified service; (b) on what authority and by what authority he dismissed those employees from the service.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

Mr. ASHURST obtained the floor.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. I simply want to give notice that unless the Senator will strike out the "whereases" I shall move to have the resolution referred to the Committee on Civil Service.

Mr. KING. What are the words that the Senator asks to have stricken out?

Mr. CURTIS. The "whereases." If the "whereases" are stricken out, I have no objection to the resolution.

Mr. BORAH. Mr. President, to my mind a more serious question than the "whereases" is involved. As I understand, this is a resolution asking the President of the United States to inform the Senate why he dismissed somebody from office.

Mr. CURTIS. If not incompatible with the public interest.

Mr. BORAH. Even if the public interest is not involved, there is the legal question as to whether or not Congress has a right to ask the President how he shall discharge his duties under his executive authority with reference to officers. I think it involves a very serious legal question.

Mr. KING. Mr. President, if the Senator will yield, if there is a law which inhibits the President of the United States—I am assuming that—from removing employees of the Government without cause, certainly the Senator from Idaho would not contend that it was improper for Congress to institute an inquiry.

Mr. BORAH. Of course, if the President of the United States has violated a law which we had a right to pass, there is a way to reach it.

Mr. KING. That could be done by impeachment, as they attempted to impeach Andrew Johnson for an alleged improper removal of one of his Cabinet officers.

Mr. BORAH. Yes; or a committee could be appointed to investigate; but I simply desire to say that I think the most important proposition involved in it is that of the right of the Congress to ask the President with reference to why he dismissed some man from office. That is a matter which was once discussed very thoroughly before Congress, and on which a Democratic President, if I remember correctly, advised the Congress that it was none of their business, or words to that effect.

Mr. STERLING and Mr. CARAWAY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kansas has the floor. To whom does he yield, if to anyone?

Mr. CURTIS. I yield to the Senator from South Dakota.

Mr. STERLING. I simply want to suggest to the Senator from Kansas that if this resolution is referred to the Committee on Civil Service, it should be referred preamble and all—the preamble as well as the resolution. The Civil Service Committee might not agree to the form, it might not agree to the preamble, and might make its report accordingly.

Mr. CURTIS. Mr. President, I think the Senator misunderstood me. I said that so far as I was personally concerned, if the "whereases" were stricken from the resolution, I had no objection to the consideration of the resolution; but in view of what has been stated, I shall insist upon my motion that the resolution as a whole go to the Committee on Civil Service.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas.

Mr. HARRISON. Mr. President, may I ask the Senator from Kansas and also the Senator from Arkansas a question? There is another resolution here that proposes to have a special committee to investigate the question of the dismissal of these parties. Could we not take that up first, before action is taken on this resolution?

Mr. CURTIS. Mr. President, in view of the wording of the resolution, which the Chair has held properly comes before the Senate, I think it should go to the Committee to Audit and Control the Contingent Expenses of the Senate. It could go to the Committee on Civil Service and then be reported back and go to the Committee to Audit and Control the Contingent Expenses of the Senate; and when that resolution comes up I shall make the same motion with regard to it that I have made with regard to this one.

Mr. STERLING. Mr. President, if I may be allowed a word, while I am not seeking work for the Civil Service Committee, if it is appropriate that the first resolution—the one introduced by the Senator from Arkansas on day before yesterday—should go to the Civil Service Committee, I think there is additional reason why the second resolution, the one introduced on yesterday, should go to the Civil Service Committee.

Mr. CURTIS. Mr. President, the second resolution should go to two committees—the Committee to Audit and Control the Contingent Expenses of the Senate, in order to determine the question of expense, and the Committee on Civil Service.

Mr. CARAWAY. Mr. President, if I may interrupt the Senator from Kansas——

Mr. CURTIS. Certainly.

Mr. CARAWAY. I have no disposition to contend about which committee the resolution shall go to. I am only concerned that we shall finally get a vote upon it.

Mr. CURTIS. Then why not let both resolutions go to the Committee on Civil Service?

Mr. CARAWAY. I would rather, if the Senator from Kansas would agree, that both go, or at least that the second one go, to the Committee to Audit and Control the Contingent Expenses of the Senate. I only want action on it.

Mr. CURTIS. Mr. President, if the resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate, it would likely have to go to the Committee on Civil Service later on; so why not refer both of them there now?

Mr. CARAWAY. I do not think that necessarily follows. I presume the Senator from Kansas will agree with me that the Senate ought to have a chance to express itself upon these questions.

Mr. CURTIS. Certainly I do, but I think they ought to go to the committee first.

Mr. CARAWAY. I am willing to follow the Senator's first suggestion and let the first one go to the Committee on Civil Service and let the other one go to the Committee to Audit and Control the Contingent Expenses of the Senate. That was the Senator's first suggestion, and I shall not contest the matter if it is so agreed.

Mr. HARRISON. Mr. President, may I ask the Senator whether he will not incorporate in his motion instructions to the committee to report back within a few days?

Mr. CURTIS. Oh, no. If the committee does not report within a proper time, of course the Senator from Mississippi can move to discharge the committee. I move that the resolution be referred to the Committee on Civil Service.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate another resolution coming over from a previous day, which will be stated.

The Secretary read Senate resolution 289, submitted by Mr. CARAWAY on the 4th instant, as follows:

Whereas pursuant to an order of the President, issued the afternoon of March 31 and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law, which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience, who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which shows that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question; and

Whereas it is also now charged that irregularities amounting to theft have occurred in said bureau; and

Whereas it is in the public press charged that the people were dismissed to prevent those who sought their dismissal from exposing these irregularities; and

Whereas it is charged that a Member of this Senate knew of said irregularities; and

Whereas if said statement in said publications be true, said acts would in fact be a compounding of a felony; Therefore be it

Resolved, That the President of the Senate appoint a committee of five Members, who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law. Also find what, if any, basis of fact there is in the story of irregularities charged and the compounding thereof.

Mr. CURTIS. I move that the resolution be referred to the Committee on Civil Service.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

ADDRESS BY HON. HENRY C. WALLACE.

Mr. CAPPER. Mr. President, I have here a copy of an address delivered by Hon. Henry C. Wallace, Secretary of Agriculture, at the annual dinner of the Washington Stock Exchange on Saturday night, on the farm-credit needs of this country. It is an exceedingly interesting discussion of the subject, and I am particularly impressed with the reasons given by Secretary Wallace for placing a representative of agriculture on the Federal Reserve Board. The address is short, and I ask unanimous consent to have it printed in the RECORD in 8-point type.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ADDRESS BY HENRY C. WALLACE, SECRETARY OF AGRICULTURE, BEFORE THE WASHINGTON STOCK EXCHANGE, AT THE NEW WILLARD, APRIL 1, 1922.

FARM-CREDIT NEEDS.

Economic conditions during the past 18 months have directed attention sharply toward the farmer and the important part he plays in our national life. In the fall of 1920 prices of agricultural products almost overnight fell to figures which represented far less than the actual cost of production and far out of line with freight costs, wages, interest, taxes, manufactured goods, and practically everything else which the farmer had to buy. Farmers found themselves under the necessity of practicing the most rigid economy and restricting their buying to the bare necessities. As almost 40 per cent of our population depends directly upon the land for a living, this restricted buying by the farmer very quickly affected our entire industrial and business life. It compelled the slowing down, and in some cases the cessation, of many industries. The inability of so many farmers to pay their debts to the banks when due caused serious trouble and made necessary emergency legislation designed to relieve the tension and ease us through a period of very real financial peril. Many people have been disposed to look upon this emergency legislation, especially such as had to do with financial matters, as of the nature of class legislation solely for the benefit of the farmer. In this they are in error. Bankers and business in general have benefited from it fully as much as have the farmers; indeed, probably more.

As a result of this experience there has been much talk, first, of the need of giving more thought to the effect on agriculture in the administration of our larger credit machinery, and, second, of the need for a better system of agricultural credits. People who deal mainly with evidences of credit and those whose business does not give them an opportunity to know of conditions which influence agricultural production are not unnaturally disposed to regard such suggestions as having for their purpose the securing for the farmer of special privileges and undue advantages over other classes. My purpose this evening is to discuss these matters in their larger phases and try to show that not only should careful thought be taken of the effect on agriculture when administering our larger credit machinery, and not only is there need for a better system of agricultural credits, but that the taking of such thought and the meeting of such need will be to the advantage of the Nation at large and business and industry in general, rather than to the special advantage of the farmer.

To begin with, I advance some general statements which I think may be accepted as truisms. It is to the national interest:

First. That the production of such agricultural products as can be grown successfully in this country should be large enough, one year with another, to meet home needs. In short, that agriculturally the Nation should be self-sustaining.

Second. That so far as possible production should be by landowners or those who are in the way of becoming landowners, and that our system of renting land should be such as to enable the tenants to practice diversification of crops and store and market surplus grain and forage crops in the form of live stock. Only when such conditions obtain can we expect that regard for the maintenance of the fertility of the soil which is our greatest national material asset, and upon which the continued life of the Nation depends.

Third. That inasmuch as almost one-half of all our people live on the land, and the surplus population from the country goes to make up a very important part of our urban life, standards of living on the farm should be maintained and improved rather than lowered.

Fourth. That the farms should yield a fair rate of return on the money invested in land and equipment and a wage to those who work them which is fairly comparable, everything considered, with the wage return in the cities and industrial centers. Otherwise there will be an increasing drift of the better class of farmers to the cities, and in the course of time the land will be worked by people of the peasant type.

Fifth. That inasmuch as profits from the rapid advance in the value of land, which heretofore have been very much larger than the profits from yearly farm operations, are fast disappearing, conditions should be such that in the future our farmers can reasonably count on an adequate return from their farm operations.

Sixth. That hazards, risks, and conditions over which the farmer has no control, but which profoundly influence his returns one year with another—such, for example, as changes in the price level, which throw agricultural prices out of their normal relationship to other prices; weather conditions and insect pests, which greatly affect crop yields—should, so far as possible, be carried by the community at large rather than by the individual farmer.

Seventh. That every proper means should be used to establish agriculture upon a basis which will yield adequate returns for productive effort, rather than put a premium on speculative enterprise.

I take it that there will be general assent to the statements I have just made. It is when measures are proposed which seem necessary to insure the conditions suggested by these statements that differences of opinion arise. There is little difficulty in agreeing upon the ideals which we all wish to attain, but when we consider ways and means there is considerable clashing of views.

Take, for illustration, the proposed amendment to the Federal reserve act. The law now reads that when appointing the five appointive members of the Federal Reserve Board the President "shall have due regard to a fair representation of the different commercial, industrial, and geographic divisions of the country." The proposal is to insert the word "agricultural," so that the law will read that the President "shall have due regard to a fair representation of the different agricultural, commercial, industrial, and geographic divisions of the country." Or, as was suggested by the national agricultural conference held in January, "that in the selection of members of the Federal Reserve Board and the directors of the Federal reserve banks, due representation shall be given to agriculture, merchandizing, and manufacturing, to the end that credit policies may the more surely comprehend the welfare of all basic industries."

These proposals that agriculture, as well as commerce and industry, should be represented on the Federal Reserve Board, grew out of the belief that the needs of agriculture have not had due consideration by the board in determining its general policies, and that, as a result, farmers have suffered severely. Whether or not such belief is justified, certainly policies determined by this board may have a pronounced effect upon prices of agricultural products and upon agricultural credits. It seems to be accepted that commerce and industry and finance should be conceded representation on the board. Agriculture, which is our largest and most important industry, surely can claim a similar place in its own right, and in view of the injurious effect upon commerce and industry in general if policies should be adopted which react unfavorably upon agriculture, the astonishing thing is that anyone should object to such recognition. Such objections probably arise out of the fear that what is meant is that an ignorant partisan, familiar with the practical phases of farming but knowing nothing of financial matters, would be appointed were the law changed as suggested. Such a fear is absurd. The proposed change would simply put agriculture on a par with commerce and industry in the wording of the law, and it is a far-fetched assumption that any President would appoint any man not qualified for the position. In the interests of the country as a whole the membership of this board should be a cross section of our varied industrial life. Its policies so directly affect the welfare of agriculture, business, and industry in general that these policies should not be determined until they have had full consideration by men who have broad understanding of our agricultural, business, and industrial life, using the latter word in its broadest meaning.

A careful examination of the credit facilities of the country leads one to the conclusion that they have been devised almost entirely in the interest of industry and commerce. With the notable exception of the Federal farm loan system, the needs of agriculture have had little attention. I do not mean to suggest

that there has been a conscious purpose to develop a credit system to the injury of the farmer, but, rather, that industry, commerce, and business in general have been able to work out and use various credit devices especially adapted to their particular needs, and which the farmer, because of his isolation, of the individualistic character of his business, and of his longer period of turnover, has not been able to use for himself. Having in mind that agriculture is our basic industry, and that it can not be conducted efficiently in the absence of credit facilities suited to its needs, there should be no disagreement with the statement that both long-time and short-time money ought to be as easily and as cheaply available to the farmer as to industry and commerce. The security the farmer has to offer is as good, and the moral risk is fully as low, as with other classes of borrowers.

Heretofore when speaking of the credit needs of the farmer we have been disposed to classify them as long-term or mortgage credit, resting upon real estate as security, and short-term or personal and collateral credit. With the advent of the Federal farm loan system a new and broader conception of farm-mortgage credit has been developed. It is estimated that the total farm-mortgage debt in the United States is about $8,000,000,000. This debt is owing to commercial banks to the amount of approximately $1,500,000,000, to the insurance companies to the amount of perhaps $1,250,000,000, and the remainder to farm-mortgage companies, Federal and joint-stock land banks, various State funds and credit agencies, and individual investors. In well-developed farming sections the interest rate on farm mortgages has been fairly reasonable, although not so low as on other classes of securities no higher in character. In the more recently settled regions the interest rate has been higher than would seem to be justified by the character of the security offered. As a rule farm-mortgage loans run for a period of five years, and are generally made repayable in a lump sum at maturity, although companies which give especial attention to this class of business not infrequently provide for optional yearly payments before maturity.

Under normal conditions it has been possible to renew these mortgages, in whole or in part, upon the payment of a new commission and other incidental expenses, and this has been all the easier because there has been a fairly constant advance in the price of land, thus enhancing the security. However, when such mortgages have fallen due in times of depression or panic, renewals very often of necessity have been denied, and in some cases foreclosure, with consequent loss of the painfully accumulated savings of the farmer.

With the coming of the Federal farm loan system long-time amortized loans were introduced. While this system is hardly past the experimental stage, it promises to remedy many of the difficulties of long-time credit for the farmer. Evidently it has had a helpful effect in reducing interest rates for less-favored agricultural sections. As yet the Federal and joint-stock land banks provide but a relatively small part of the mortgage credit, somewhat less than 7 per cent of the total, but in the Southern and Western States, where interest rates were higher and loans more difficult to obtain, the loans from the Federal system now exceed 10 per cent of the total, and in five of these States exceed 15 per cent.

The most frequently urged objection to the Federal farm-loan system is the tax-exempt privilege of the bonds. I make no argument in favor of tax-exempt securities. I am conscious of the evils and dangers involved in our rapidly increasing volume of such securities, which make it possible for those who have large incomes to shift the tax burden from their own shoulders to those of others less able to bear it, but the Federal farm-loan system is very slightly responsible for the issuance of these tax-exempt securities. While the actual amount of such securities outstanding is not known, it has been estimated by members of the Treasury Department's staff that on January 1, 1922, it was about as follows:

State, county, and minor political subdivisions	$8,142,000,000
United States tax-free bonds (net outstanding)	2,164,000,000
Federal farm-loan bonds (net outstanding)	284,000,000
Bonds of insular possessions (net outstanding)	50,000,000
Total	10,640,000,000

This estimate is below estimates made by various students of taxation, and it makes no allowance for the existence of billions of dollars' worth of semitax-free securities which carry exemptions when held in amounts not exceeding a specified sum. Probably it is not far out of the way to say that we have at least $15,000,000,000 worth of securities upon which no income tax is levied.

In view of the fact that farm tax-exempt securities constitute less than 2 per cent of the whole, such criticism of the Federal farm-loan system is not well taken. It would be to the advantage of the farmer, of the average taxpayer, and of the Government itself, if all tax-exempt securities should be discontinued, but as long as other people are granted such privilege as comes from the issuance of such securities it does not lie in them to protest against similar benefits being extended to the farmer.

Short-time or working credit is secured by the farmer from two sources—the commercial bank and the merchant. Such loans by banks probably aggregate between three and one-half and four billion dollars. It is impossible to estimate the amount of such credit extended by the merchants, but necessarily this also must be carried mostly by the banks. The trouble with such short-time credit as has been available to the farmer is twofold. First, ordinarily the notes given run for a shorter time than he needs the money and therefore must be renewed; and second, except in favored agricultural regions, the interest rate is often higher than farm profits justify the farmer in paying. What the farmer needs is a form of personal credit available for varying lengths of time, according to the purpose for which it is used. It may be called intermediate credit. For the growing of crops credit running from three months to six months is needed; for live-stock growing or feeding the period may run from three months to a year and a half or two years, while for improvement or development purposes, such, for example, as the purchase of certain kinds of machinery, the building of silos and barns, the fencing and draining of land, not infrequently as much as three years' time is needed. Our personal credit machinery, therefore, is not at all adapted to farm requirements. In normal times and in favored regions the farmer can get along fairly well, but in times of financial trouble he is placed at a terrible disadvantage and often is obliged to sacrifice his live stock and grain to the disadvantage not only of himself but of the community at large. For many years past the farmer has been conscious of the disadvantage under which he has labored in this matter of personal credit, but has been unable to help himself. Now, however, due to the economic difficulties of the past two years, bankers and others who have to do with large financial operations, as well as business men whose dealings with farmers are more or less direct, have come to see that the problem is one for them as well as the farmer, and there seems hope of relief.

Two presentations of this matter, both of which have been made recently, are worthy of careful consideration. One is by the Congressional Joint Commission of Agricultural Inquiry, which, after prolonged hearings, last fall made an exceedingly valuable report on credit and has caused the introduction of a bill to amend the Federal farm loan act by establishing a farm credits department in each Federal land bank. In brief, this bill provides that Federal land banks may rediscount notes given for money advanced to farmers for agricultural purposes, such notes having a maturity of not less than six months nor more than three years, these notes to be converted into short-time debentures to be sold to the public in the same way that farm loan bonds are now sold. It is proposed further that such notes shall be eligible for rediscount at any Federal reserve bank when they have reached a maturity of not less than six months; also, the Federal reserve banks would be authorized to buy and sell the debentures issued by the Farm Loan Board, as they now buy and sell farm loan bonds.

The other report was made by the committee on agricultural credit, insurance, and taxation of the National Agricultural Conference. This committee recommended legislation to empower an agency of the Government to discount for banks, trust companies, incorporated live stock associations, and so forth, any note the result of money advanced or used in the first instance for an agricultural purpose; also, to make loans direct to cooperative associations of farmers, such loans to have a maturity of not less than six months nor more than three years at the time they are discounted. Such agency would be authorized to issue or sell debentures with a maturity of not more than three years and Federal reserve banks would be authorized to rediscount for such agency, as well as to buy and sell debentures and other obligations issued by such agency. The committee proposed also that the Federal reserve act be amended to give reserve banks authority to buy and sell notes secured by warehouse receipts covering readily marketable, nonperishable agricultural staples, and also notes secured by live stock.

When it is remembered that among the members of this committee were A. C. Miller, of the Federal Reserve Board; Eugene Meyer, jr., of the War Finance Corporation; Guy Huston, of the Joint Stock Land Bank Association; George Woodruff and Joseph Hirsch, of the American Bankers' Association; A. F. Lever, of the Federal Farm Loan Board; and Theodore H. Price, editor of Commerce and Finance of New York, its recommendations are entitled to the respectful consideration of bankers and financial men generally.

In conclusion, permit me to say that in speaking to you of the need of better agricultural credit it is not with the thought of making a special plea for the farmer or of asking for him special favors to which he is not entitled or advantages over any other class of citizens. The point I have been trying to make is that credit facilities should be provided which are adapted to the peculiar needs of agriculture and thus make it possible for farmers to produce efficiently and abundantly. This is all the more important to our business and industrial life now that we are coming into a period of strenuous competition with foreign manufacturers. Therefore every effort to this end should have the friendly consideration of those who have had training and experience in financial and credit matters.

ADJUSTED COMPENSATION FOR VETERANS OF THE WORLD WAR.

Mr. NEW. Mr. President, I have here a synopsis of the proposed adjusted compensation bill, prepared by the Senator from Missouri [Mr. SPENCER], which puts into very concise and easily understandable form the provisions of that bill. I suggest that it would be well to have it printed in the RECORD, for the convenience particularly of service men, and I ask that that be done.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

SYNOPSIS OF BONUS BILL AS PASSED BY THE HOUSE OF REPRESENTATIVES, BY SELDEN P. SPENCER, UNITED STATES SENATOR FROM MISSOURI.

1. The name of the bill is the World War adjusted compensation act.

It applies to practically every veteran in military and naval forces in the United States between April 6, 1917, and November 12, 1918.

2. It provides for the payment of $1.25 for each day of overseas service, and $1 a day for each day of home service (excluding the first 60 days of service, which was taken care of by the original bonus of $60), with a limit of $625 for overseas service and $500 for home service.

It does not apply to anyone with a grade above that of captain in the Army and its relative rank in the other branches of service.

3. Four optional plans are provided:

a. For adjusted service pay, provided that if the amount coming to the ex-service man is $50 or less, it is payable at once.

b. To receive vocational training aid.

c. To receive farm or home aid.

d. To receive land settlement aid.

The choice must be made by the ex-service man by application to the Secretary of War if he was with the military forces, or to the Secretary of the Navy if he was with the naval forces, and must be made on or before July 1, 1923. Full regulations giving detailed information as to precisely what could be done will be compiled by the War Department and the Navy Department and distributed.

4. No one can interfere by any attachment or levy or any other legal or equitable process with this bonus. It comes from the Government direct to the ex-service man, or if he dies in meantime, to his named beneficiary or estate, nor can the rights under this law be assigned by the ex-service man to anyone else. He must avail himself of it himself.

5. If the ex-service man elects to take an adjusted service certificate, he receives a certificate for the amount due him at the rate of $1 a day or $1.25, as above provided, and in addition for an amount equal to 25 per cent of the actual service compensation, and in addition to this, interest on the full amount at the rate of 4¼ per cent compounded annually for 20 years, so that the actual face value of the adjusted service certificate which the ex-service man has is about three times the amount due him at the rate of $1.25 or $1 a day for the time he served, as above indicated.

For example, if a man served 360 days overseas, he would be entitled to $1.25 per day for every day after the first 60 days. This would entitle him to $375. To this amount there would be added 25 per cent of it, or $93.75, and in addition there would be added interest on both amounts at 4¼ per cent for 20 years, so that the face value of his certificate would be approximately $1,125.

This certificate is payable in 20 years; that is, on or before September 20, 1942. If the holder should die before this maturity, then the full amount is immediately payable to the person designated by him as his beneficiary, or, failing such designation, to his estate.

If an ex-service man needs any money at any time before September 1, 1925, he can borrow at any State or National bank a half of the amount actually due him for service at the rate per day mentioned above, plus interest on such amount at 4½ per cent compounded annually for the time the certificate has actually run. This loan is based not upon the value of the certificate at maturity but upon the amount due him at the rate per day indicated above, together with interest.

After September 30, 1925, the terms of the loan are more advantageous. A loan then can be made at any post office at 4½ per cent interest. Between October 1, 1925, and October 1, 1928, 85 per cent of the amount actually due for service, plus interest thereon compounded annually, can be borrowed, and as the certificate gets older the borrowing privileges are more and more liberal.

The second choice is vocational aid. To the man who selects this plan there is paid $1.75 for each day he takes vocational training provided for him, but the amount so paid shall not exceed in the aggregate 140 per cent of the amount to which he was entitled for service at the rate per day mentioned above. That is, if a man is entitled to $500 because of his service, he would be entitled to receive $700 if he took vocational training. The vocational training to be selected will be such as the man desires to take and will meet with the approval of the United States Veterans' Bureau. If the man taking vocational training should die before the training is completed, his beneficiary or his estate receives at once the balance due to him.

The third choice is farm or home aid. To the man who selects this plan there is paid at once the amount of his service compensation, computed at the rate per day as indicated above, and to this is added 25 per cent of the amount, but this amount, which becomes at once available, can be used only to enable the man to either make improvements on a city or suburban home or in connection with the farm.

The fourth plan is the land-settlement plan, and provides that the Government shall institute such reclamation projects as a selected board may determine, and when this board has determined what tracts of land shall be reclaimed, then employment, so far as practicable, shall be given in this reclamation work to veterans, and when the project is completed a certain number of acres, which shall not be too large for cultivation by a family and shall be sufficiently large to support the family, shall be allotted to veterans to apply for, and the veteran thus applying therefor shall be allowed to apply on the purchase price of such farm the amount which he is entitled for service as indicated above per day, and to pay the balance of the price of the farm in small installments running, if necessary, through a period of not exceeding 25 years.

If the veteran should die after he has made application for such land, then his beneficiary or his estate would succeed to his rights.

The above is simply a general synopsis of the bill, and is intended to give some idea of what the bill as passed by the House of Representatives provides.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. Mr. President, I was under the impression that Senate Resolution 258 was to be handed down by the Chair, but I am informed that it is on the table. I therefore move that Senate Resolution 258 be laid before the Senate and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution of the Senator from Mississippi will be read.

The Assistant Secretary read Senate Resolution 258, submitted by Mr. HARRISON on the 3d instant, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

Mr. HARRISON. Of course, if there is no objection, and everyone is in favor of the resolution, I shall not occupy the floor.

Mr. MOSES. With reference to the resolution as it stands, the Senator from Mississippi makes an assumption which is not warranted. Does the Senator mean he wishes the President to send us the name of every person appointed by Executive order since the civil service was first instituted?

Mr. HARRISON. No; I mean since the President assumed the control of the Government.

Mr. MOSES. The Senator means the present President?

Mr. HARRISON. Yes.

Mr. MOSES. Mr. President, I assume this information is sought for the purpose of comparison, and if the resolution is to be adopted, I hope at least it will be amended so as to include the prior administration. I will say, further, for the information of the Senator and for the information of the Senate, that every Executive order setting aside the civil-service regulations and authorizing an appointment is printed in the annual report of the Civil Service Commission, and a full statement of the reasons is given always in the order; so that, in my capacity as chairman of the Committee on Printing, which is charged by the statute to guard against waste and extravagance in public printing, I should hope that the Senator would not ask for this information when he can readily go to the files of the reports of the Civil Service Commission and get it.

Mr. HARRISON. I am very glad to know that it is accessible, and there will be no obstacles thrown in the way. I am not asking for an unusual thing, then, according to what the Senator has said.

Mr. MOSES. The Senator is asking for an unusual thing, because he is asking for a lot of duplicated information to be sent by the President, when a diligent Senator could get it for himself.

Mr. STERLING. In corroboration of what has been stated by the Senator from New Hampshire, I simply call the attention of the Senator from Mississippi to the last report of the Civil Service Commission, in which is given the list of appointments under Executive orders.

Mr. HARRISON. When was that made?

Mr. STERLING. This is the 1921 report, containing a list of the orders excepting the persons named from the requirements of the rules, and they are given in detail.

Mr. HARRISON. Does that give the reasons for the orders?

Mr. MOSES. Yes; Mr. President, in every case the date of the order and the reasons for it are given. The first order printed here is dated October 2, 1920, and they run down to September 23, 1921.

Mr. HARRISON. That is one of the very reasons, may I say, why I offered this resolution and asked for its immediate consideration. That report gives the list only up to September, 1921, and I want to bring it down to date. It has been some months since then.

Mr. MOSES. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator will state his inquiry.

Mr. MOSES. Just what is the status of the resolution? Is the Senator asking unanimous consent for its present consideration?

Mr. HARRISON. It is already before the Senate.

The PRESIDING OFFICER. The resolution is on the table, and the Chair understands the Senator from Mississippi has moved to take it from the table and proceed with its consideration. That motion, the Chair understands, has not yet been put.

Mr. MOSES. If I may, I move that the resolution be referred to the Committee on Civil Service.

Mr. KING. Will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield.

Mr. KING. I would like to inquire of the Senator from South Dakota whether or not that report, or any report which has been made by the Civil Service Commission, will reveal the fact that several hundred employees in the customs service of the Government have been removed or transferred by Executive order, or by some order, largely because, or ostensibly for the reason, that they have opposed the American valuation plan of determining the duties to be imposed upon articles imported into the United States? Has the President or has any executive officer given any information as to the reasons for those changes and transfers?

Mr. MOSES. The question is not addressed to me, Mr. President.

The PRESIDING OFFICER. The Chair desires to know whether the Senator from Mississippi has yielded the floor or not?

Mr. HARRISON. No; I have the floor, and I yielded to the Senator from Utah.

Mr. KING. And I propounded an inquiry to my distinguished friend from South Dakota.

Mr. STERLING. No; it does not. The Civil Service Commission report, under the head of "Executive orders," refers, I think, for the most part, to individual cases. So far as I have scanned that report, it does.

Mr. MOSES. If I may add a word, Mr. President, these orders which are issued are for the purpose of putting people into the classified service without regard to the civil service rules, and an Executive order has to be issued in every case. The Civil Service Commission invariably refuses its assent. That happens under all administrations, Republican and Democratic.

Mr. STERLING. Appointing some originally, or reinstating some?

Mr. MOSES. The Civil Service Commission always withholds its assent, but the Executive always overrides it. However, Mr. President, I am sure the Senator from Mississippi will pardon us if we go on talking, because it helps in the general policy of delay which I am sure his record shows he so much desires.

Mr. HARRISON. Mr. President, I did not yield to be upbraided in that way.

Mr. MOSES. I beg the Senator's pardon; I did not want to upbraid him. I thought I was stating a perfectly patent fact.

Mr. HARRISON. I am not trying to take up time unnecessarily, and I make a point of order against the motion of the Senator from New Hampshire to refer the resolution to a committee, because it is not in order. My motion must be put before that would be in order.

The PRESIDING OFFICER. The Chair did not understand that the Senator from Mississippi had yielded the floor for the purpose of allowing another Senator to make a motion to refer the resolution to a committee.

Mr. MOSES. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. MOSES. What is the motion now before the Senate?

The PRESIDING OFFICER. As the Chair understands, the Senator from Mississippi has moved to take from the table Senate Resolution 258.

Mr. MOSES. I move to amend that by adding the words "and refer it to the Committee on Civil Service."

The PRESIDING OFFICER. The Senator from Mississippi has not yielded for that purpose.

Mr. MOSES. He has made a motion, and I am entitled to move an amendment to his motion.

The PRESIDING OFFICER. The Senator from Mississippi was discussing his motion and until he yields the Senator from New Hampshire can not move to amend.

Mr. MOSES. I beg the Senator's pardon; I hope he will go on with his discussion of the resolution.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas.

Mr. HARRISON. I yield.

Mr. CURTIS. I want to ask as a parliamentary inquiry if a motion to commit a resolution to a committee does not have precedence?

The PRESIDING OFFICER. It may have, possibly, when a Senator has an opportunity to make such a motion. The Senator from Mississippi has the floor as yet.

Mr. MOSES. Will the Senator from Mississippi yield to me for a question?

Mr. HARRISON. I yield to the Senator, if I can get the floor again, for the purpose of allowing him to make his proposed motion, so that we can have the whole thing before the Senate.

Mr. MOSES. I simply ask the Senator from Mississippi to accept the amendment to his motion which I have proposed.

Mr. HARRISON. I do not want my resolution buried in that way.

Mr. MOSES. Oh, Mr. President, the Senator does not mean "buried." The Senator from South Dakota [Mr. STERLING], the chairman of the committee, will give the resolution every consideration, and very sympathetic consideration, I am sure.

Mr. HARRISON. Mr. President, I did not know that there would be any opposition to this resolution, and I am very much surprised. I thought there would be cooperation in trying to obtain this list of names of people who have been appointed by the President since the 4th of March, 1921, by Executive order. The Senator from New Hampshire, who is always alert, and who was yesterday styled a political spoilsman, cites us to this report——

Mr. MOSES. Mr. President, may I correct the Senator?

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. MOSES. I want it to appear very clearly in the RECORD that I am self-styled that way.

Mr. HARRISON. I thought the Senator had a pretty good opinion of himself.

Mr. President, the report of the Civil Service Commission does not furnish the information I want. If it did, I would not press this resolution. It only furnishes a list of names of persons appointed under Executive order up to August, 1921. The great number of Executive orders, I understand, have been signed by the President since that time, only when influence has been brought to bear by the distinguished Senator from Illinois and others who sought patronage. So the list I want is not incorporated in this report of the Civil Service Commission. We need it, and we should have it.

Mr. MOSES. May I ask the Senator a question?

Mr. HARRISON. Another thing about this report which impresses me as I look over it is that the reasons are not assigned in all cases. They are supposed to be assigned, but they are not assigned in this report. I notice in numerous instances that no reason was assigned for the action. My resolution calls for the reasons as well as for a list of the names.

Now I yield to the Senator for a question.

Mr. MOSES. I simply wished to ask the Senator if he could not content himself in patience until the next report came out?

Mr. STERLING. May I correct the Senator in regard to his resolution? It does not call for any reasons at all. It just asks for names.

Mr. HARRISON. The resolution I have offered?

Mr. STERLING. I beg the Senator's pardon; I see that it does call for the reasons.

Mr. HARRISON. That is one of the things I wanted, because I thought that in some cases the reasons could not be given. I hope the resolution will be adopted, so that we may be informed as to just how many Executive orders have been issued placing these people in the classified service.

Mr. MOSES. What is the motion?

The PRESIDING OFFICER. The motion is to take from the table Senate Resolution 258 and proceed with its consideration.

Mr. MOSES. I move to amend that by striking out the words "proceed with its consideration," and add the words "refer it to the Committee on Civil Service."

Mr. HARRISON. I make a point of order against that.

The PRESIDING OFFICER. The Senator from Mississippi will state his point of order.

Mr. HARRISON. I make the point of order that that motion is premature, that the resolution must be before the Senate first, and then if the Senator wants to make his motion he can do so.

The PRESIDING OFFICER. The Chair understands that the motion is not amendable. The Chair will put the question.

Mr. CURTIS. I desire to know if it would not be in order at this time to move to commit the resolution, and if that would not have precedence over the motion to take it up.

The PRESIDING OFFICER. It is not before the Senate yet.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. KING. I desire to inquire if the resolution is not automatically before the Senate?

The PRESIDING OFFICER. The Chair understands not. It is still on the table.

Mr. KING. It is my understanding that under the rule it went over yesterday, and to-day automatically came before the Senate.

The PRESIDING OFFICER. It has been on the table for some time, the Chair understands. It was offered several days ago.

Mr. CUMMINS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. CUMMINS. My point of order is that during the morning hour a motion of this character is not debatable.

The PRESIDING OFFICER. The point of order is well taken; but the debate had closed.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HARRISON. Is it in order and permissible at this time for me to answer the question propounded by the Senator from Utah, that the reason why we did not take up the resolution yesterday, when it was presented to the Senate, was because the Senator from Nebraska asked me to let it go over until to-day, and I did so at his instance.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi to take this resolution from the table and proceed with its consideration.

Mr. HARRISON. I ask for the yeas and nays.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum, and the Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Moses	Simmons
Ball	Frelinghuysen	Myers	Spencer
Borah	Gooding	Nelson	Stanley
Broussard	Harreld	New	Sterling
Bursum	Harrison	Nicholson	Sutherland
Calder	Heflin	Norbeck	Townsend
Cameron	Hitchcock	Norris	Trammell
Capper	Jones, N. Mex.	Oddie	Underwood
Caraway	Jones, Wash.	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mass.
Cummins	Keyes	Pepper	Walsh, Mont.
Curtis	King	Phipps	Warren
Dial	Ladd	Rawson	Watson, Ga.
du Pont	La Follette	Reed	Weller
Elkins	McCormick	Sheppard	
Fernald	McKinley	Shields	
Fletcher	McNary	Shortridge	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to proceed to the consideration of Senate Resolution 258, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Ohio [Mr. WILLIS] and vote "nay." I will let the announcement of this pair and its transfer stand for the day.

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I understand that he is absent. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

The roll call was concluded.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on official business. I ask that this announcement may continue through the day.

Mr. STANLEY (after having voted in the affirmative). Has the junior Senator from Kentucky [Mr. ERNST] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and allow my vote to stand.

The PRESIDING OFFICER (Mr. JONES of Washington, after having voted in the negative). The Chair desires to state that the senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and I agreed to take care of him for the day. I transfer my pair with that Senator to the junior Senator from Michigan [Mr. NEWBERRY] and allow my vote to stand.

Mr. CALDER. Has the senior Senator from Georgia [Mr. HARRIS] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. CALDER. I am paired with the senior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and vote "nay."

Mr. DIAL. I wish to announce that the senior Senator from Georgia [Mr. HARRIS] is detained on official business.

Mr. KING (after having voted in the affirmative). May I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. KING. I have a general pair with the senior Senator from North Dakota. I transfer my pair with that Senator to the senior Senator from Ohio [Mr. POMERENE] and allow my vote to stand.

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN], and that the Senator from Vermont [Mr. DILLINGHAM] is paired with the junior Senator from Virginia [Mr. GLASS].

The result was announced—yeas 28, nays 40, as follows:

YEAS—28.

Ashurst	Fletcher	La Follette	Simmons
Borah	Harrison	Myers	Stanley
Broussard	Heflin	Norris	Trammell
Caraway	Hitchcock	Overman	Underwood
Culberson	Jones, N. Mex.	Reed	Walsh, Mass.
Cummins	Kendrick	Sheppard	Walsh, Mont.
Dial	King	Shields	Watson, Ga.

NAYS—40.

Ball	Frelinghuysen	Moses	Rawson
Bursum	Gooding	Nelson	Shortridge
Calder	Harreld	New	Spencer
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Keyes	Norbeck	Sutherland
Curtis	Ladd	Oddie	Townsend
du Pont	McCormick	Page	Wadsworth
Elkins	McKinley	Pepper	Warren
Fernald	McLean	Phipps	Watson, Ind.
France	McNary	Poindexter	Weller

NOT VOTING—28.

Brandegee	Glass	McCumber	Robinson
Colt	Hale	McKellar	Smith
Crow	Harris	Newberry	Smoot
Dillingham	Johnson	Owen	Stanfield
Edge	Kellogg	Pittman	Swanson
Ernst	Lenroot	Pomerene	Williams
Gerry	Lodge	Ransdell	Willis

So Mr. HARRISON's motion to take from the table Senate Resolution 258 was rejected.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. MOSES. The motion which has just been rejected was a motion to take from the table and to consider, was it not?

The PRESIDING OFFICER. It was.

Mr. MOSES. A further parliamentary inquiry. Mr. President, would it now be in order for me to move to take the resolution from the table and refer it?

The PRESIDING OFFICER. In the opinion of the Chair, it would be.

Mr. MOSES. Then, I move to take from the table Senate Resolution 258.

Mr. HARRISON. I hope the Chair will not render an opinion prematurely on the motion. Does the Senator from New Hampshire make the motion?

Mr. MOSES. I am about to make the motion under the ruling of the Chair.

Mr. HARRISON. I did not understand the Chair to make a ruling.

The PRESIDING OFFICER. The Chair simply expressed an opinion that the motion suggested by the Senator from New Hampshire [Mr. MOSES] would be in order, but the Chair would be perfectly willing to listen to argument on the subject, because the Chair does not claim to be an expert parliamentarian.

Mr. MOSES. Of course, the Senator from Mississippi is, and therefore he will give us his opinion.

Mr. HARRISON. No; I am merely waiting for the motion to be made, and then I shall make a point of order against it.

Mr. MOSES. Then, I move that Senate Resolution 258 be taken from the table and referred to the Committee on Civil Service and Retrenchment.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

Mr. HARRISON. I make the point of order that the motion is not in order; that if a resolution or a bill is on the table the only motion which may be properly made is to take it from the table and lay it before the Senate; and that a matter must be before the Senate before it may be referred to a committee.

The PRESIDING OFFICER. The Chair is of the opinion that the two propositions may be coupled in one motion, and therefore overrules the point of order made by the Senator from Mississippi.

Mr. HARRISON. Then, I ask for a division of the question, so that the vote may first be taken on the motion to take the resolution from the table.

The PRESIDING OFFICER. The Senator from Mississippi asks for a division of the motion. The question is, Shall the resolution be taken from the table?

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the part of the motion to take the resolution from the table.

The Assistant Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called). I have a pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "yea." On the last vote I inadvertently overlooked the fact that my pair was absent.

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as on the last roll call, I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. In view of the necessary absence of the Senator from Virginia [Mr. GLASS], with whom I have a general pair, I transfer that pair to the Senator from Michigan [Mr. NEWBERRY] and will vote. I vote "yea."

Mr. DIAL. I desire to make the same announcement as to the absence of the Senator from Georgia [Mr. HARRIS] that I made on the former vote. He is necessarily absent on official business.

Mr. SHIELDS. Making the same announcement as previously in reference to my pair and its transfer, I vote "yea."

The result was announced—yeas 64, nays 1, as follows:

YEAS—64.

Ashurst	Gooding	Moses	Shortridge
Ball	Harreld	Myers	Simmons
Borah	Harrison	Nelson	Smoot
Broussard	Heflin	New	Spencer
Calder	Hitchcock	Nicholson	Stanley
Cameron	Jones, N. Mex.	Norris	Sterling
Capper	Jones, Wash.	Oddie	Sutherland
Caraway	Kendrick	Overman	Swanson
Curtis	Keyes	Page	Townsend
Dial	King	Pepper	Trammell
Dillingham	Ladd	Phipps	Underwood
du Pont	McCormick	Poindexter	Wadsworth
Elkins	McKinley	Rawson	Walsh, Mass.
Fletcher	McLean	Reed	Walsh, Mont.
France	McNary	Sheppard	Watson, Ind.
Frelinghuysen		Shields	Weller

NAYS—1.

Harris

NOT VOTING—31.

Brandegee	Gerry	Lodge	Robinson
Colt	Glass	McKellar	Smith
Crow	Hale	Newberry	Smoot
Culberson	Harris	Norbeck	Stanfield
Cummins	Johnson	Owen	Warren
Edge	Kellogg	Pittman	Williams
Ernst	La Follette	Pomerene	Willis
Fernald	Lenroot	Ransdell	

So the motion to take Mr. HARRISON's resolution from the table was agreed to.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question recurs on the second part of the motion of the Senator from New Hampshire [Mr. MOSES].

Mr. HARRISON. Mr. President, I take it that the resolution is now before the Senate, and therefore I desire to discuss it.

Mr. CURTIS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state his parliamentary inquiry.

Mr. CURTIS. The morning hour not having expired, I ask if the motion is debatable?

Mr. HARRISON. It is after 1 o'clock.

Mr. MOSES. But the morning hour has not expired.

The PRESIDING OFFICER. The Chair understands that the motion before the Senate was divided; the question was taken on the first part of that motion; and now the question recurs on the second part of the motion. In the opinion of the Chair, the question is not debatable during the morning hour.

Mr. HARRISON. Mr. President, does the Presiding Officer hold that the resolution being now before the Senate, a motion made to refer it to the committee is not debatable? I understand the rule specifically states that a motion to proceed to the consideration of a bill is not debatable before 1 o'clock; I believe that is the hour stated; but there is nothing in the rule which prevents a Senator from discussing a motion to refer, whether before 1 o'clock or after 1 o'clock. The resolution now being before the Senate, I submit that I have a right now to be heard upon the motion to refer.

The PRESIDING OFFICER. The Chair is still of the opinion that the question having arisen in the way it did arise, namely, on the motion of the Senator from New Hampshire that the resolution be taken from the table and referred, and then, on request of the Senator from Mississippi that motion being divided, and action having been taken on the first part, the same rule applies to the consideration of the second part of the motion as would apply to the motion if undivided.

Mr. HARRISON. But I desire to offer a substitute for the motion at the proper time, and whether the resolution should be referred or whether we should proceed to its immediate consideration, I submit, Mr. President, a motion to refer is debatable. I do not like to appeal from the ruling of the Chair.

Mr. MOSES. Mr. President, in the case of the Senator's own motion to take from the table and consider his resolution, which was the manner in which he stated his motion, it was held not to be debatable.

Mr. HARRISON. But since then the resolution has been taken from the table and laid before the Senate.

Mr. MOSES. The Senate has acted on one-half of the motion to take from the table and refer.

Mr. HARRISON. Yes.

Mr. MOSES. And the Chair has ruled that it all reverts back to the one motion, which is not debatable, having been made prior to 2 o'clock.

Mr. SUTHERLAND. Regular order.

The PRESIDING OFFICER. An appeal may be taken, of course, but it is the opinion of the Chair that he has ruled correctly on the question now before the Senate. If it were an independent matter brought up at this time, the Chair would be inclined to agree with the Senator from Mississippi.

Mr. KING. Mr. President, will the Chair hear me for just a moment, if the Senator from Mississippi will yield?

The PRESIDING OFFICER. Certainly.

Mr. KING. It seems to me that the moment the motion was divided and the segregation occurred, the latter part of the motion would stand exactly in the situation as if it were a motion de novo; as if it were an original proposition. I can not conceive of its being carried back by some sort of a Siamese twin twist of the rule to a situation which existed anterior to the division. As soon as the division occurred and the separation resulted, then the latter part of the proposition stands or falls upon its own merit, the same as if it were an original proposition. I respectfully submit that the distinguished occupant of the chair misconceives the rule and applies it in too narrow a manner.

The PRESIDING OFFICER. Perhaps the Chair does.

Mr. MOSES. Mr. President, the integral quality of my motion can not be destroyed.

Mr. HARRISON. Mr. President, I suggest to the Chair that Rule VIII, on page 13 of the Manual, reads as follows:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

Now, here is the point I desire to impress upon the Chair:

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

This is not a motion to proceed to the consideration of any matter. I am going to offer a substitute for the motion to refer the matter to a committee, and I submit that when I do that it can be debated. A motion to proceed to the consideration of a matter can not be debated, but a motion to refer it to a committee certainly should be debated, so that the Senate may be informed whether they shall proceed to the immediate consideration of it or have it go to a committee. I submit that the rule expressly says that it shall not be debated if it is a motion to proceed to the consideration of a matter, and says nothing in the world about a motion with respect to reference.

Mr. MOSES. Mr. President, has the Senator from Mississippi appealed from the ruling of the Chair?

The PRESIDING OFFICER. If Senators will permit the Chair to say just a word, the Senator from Mississippi has read the rule which governs procedure under the calendar.

Mr. HARRISON. Yes.

The PRESIDING OFFICER. The Chair would like to ask the Senator if he believes that this motion would have been debatable if it had been voted upon as a unit, without having been divided?

Mr. HARRISON. No; in its original form it was not debatable.

The PRESIDING OFFICER. Now, it is divided for the convenience of the Senate, in order that it may vote on each question separately. That is the object of the division. The Chair still is of the opinion that the rule applies to the divided question the same as it did to the original question.

Mr. MOSES. And has the Chair so ruled?

The PRESIDING OFFICER. The Chair so rules.

Mr. HARRISON. If the Chair will permit me, the question was divided for the reason that all except one Senator wanted to proceed to take the resolution from the table, and they voted that way. We are divided on the question of whether we want to proceed to the immediate consideration of it or refer it to a committee.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOSES. The Chair having ruled, is the Senator from Mississippi taking an appeal from the ruling of the Chair?

Mr. HARRISON. No; I do not want to appeal.

Mr. MOSES. Then the Senator is out of order.

Mr. HARRISON. But I move, as a substitute, to proceed to the immediate consideration of this resolution.

Mr. CURTIS. Mr. President, a point of order. That motion is out of order. The question is on referring it.

Mr. HARRISON. Mr. President, the motion that was voted on was to take the resolution from the table and proceed to its consideration. This motion is, since it is before the Senate, to proceed to its consideration; and it is a new proposition, offered as a substitute for the motion to refer it to the committee. We are divided now on that question, and I can not understand why the Senator should make a point of order.

The PRESIDING OFFICER. The Chair will not feel at all embarrassed if the Senator desires to take an appeal, because he does not claim to be an expert on the rules; but the Chair is thoroughly convinced that the only thing in order now is to vote on the second part of the question before the Senate.

Mr. HARRISON. I offer as amendment to the motion to refer, that the committee be instructed to report to the Senate within three calendar days.

Mr. CURTIS. I make the point of order that that is out of order.

Mr. REED. That is in order.

Mr. KING. Mr. President, a parliamentary inquiry. Would not a motion to refer the resolution to some particular committee be in order?

The PRESIDING OFFICER. A motion was made to refer it to a particular committee. That was the motion before the Senate—to take it from the table and refer it to a particular committee.

Mr. KING. Yes. Now, is not that amendable, I ask, as a parliamentary inquiry? The motion is to refer the resolution to some other committee, and obviously that is amendable. If that motion was proper, then it is proper to instruct the committee named in the first motion to report within a certain time, because it follows under the rule that a motion to refer is proper. It does not mean that you may not move to instruct the committee how to report, or when to report. So I submit that the amendment offered by the Senator from Mississippi is proper, just as much as it would be if he should move to refer the resolution to some other committee, to the Judiciary Committee or any other committee of the Senate, rather than the one named in the motion.

Mr. HARRISON. We can not hear the argument of the Assistant Secretary in his conversation with the Chair, but I assume that he is correct.

The PRESIDING OFFICER. The Assistant Secretary advises the Chair at his request as to a point on which the Chair is somewhat in doubt; but in order to solve the doubt the Chair will go contrary to the advice and everything else, and hold that the motion of the Senator is in order, and not debatable. So the question before the Senate is the motion of the Senator from Mississippi to amend the motion to refer by instructing the committee to report in three days.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOSES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McNary	Shields
Ball	Gooding	Moses	Simmons
Broussard	Harreld	Myers	Smoot
Bursum	Harrison	Nelson	Spencer
Calder	Heflin	New	Stanley
Cameron	Hitchcock	Nicholson	Sterling
Capper	Jones, N. Mex.	Norris	Sutherland
Caraway	Jones, Wash.	Oddie	Swanson
Curtis	Keyes	Overman	Townsend
Dial	King	Page	Trammell
Dillingham	Ladd	Pepper	Wadsworth
du Pont	La Follette	Phipps	Walsh, Mass.
Elkins	Lenroot	Poindexter	Watson, Ga.
Fernald	McCormick	Rawson	Weller
Fletcher	McKinley	Reed	Williams
France	McLean	Sheppard	

Mr. DIAL. I desire to announce the absence of the Senator from Georgia [Mr. HARRIS] on official business.

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. They were ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CALDER (when his name was called). I transfer my pair with the Senator from Georgia [Mr. HARRIS] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. DILLINGHAM (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I transfer my pair with him to the senior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SHIELDS (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WILLIAMS (when his name was called). Has the senior Senator from Indiana [Mr. WATSON] voted?

The PRESIDING OFFICER. He has not.

Mr. WILLIAMS. I have a pair with that Senator, and in his absence I am not at liberty to vote. If I were, I would vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Massachusetts [Mr. LODGE] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

Mr. FRELINGHUYSEN (after having voted in the negative). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Iowa [Mr. CUMMINS] and allow my vote to stand.

Mr. DIAL. I make the same announcement with reference to the Senator from Georgia [Mr. HARRIS], that he is absent on official business, and ask that this announcement may stand for the day.

Mr. BALL (after having voted in the negative). Has the senior Senator from Florida [Mr. FLETCHER] voted?

The PRESIDING OFFICER. He has not.

Mr. BALL. I transfer my pair with that Senator to the junior Senator from South Dakota [Mr. NORBECK] and allow my vote to stand.

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Ashurst	Kendrick	Reed	Trammell
Broussard	King	Sheppard	Walsh, Mass.
Caraway	La Follette	Shields	Watson, Ga.
Dial	Myers	Simmons	
Harrison	Norris	Stanley	
Heflin	Overman	Swanson	

NAYS—37.

Ball	Frelinghuysen	Moses	Spencer
Bursum	Gooding	Nelson	Sterling
Calder	Harreld	New	Sutherland
Cameron	Jones, Wash.	Oddie	Townsend
Capper	Keyes	Page	Wadsworth
Curtis	Ladd	Pepper	Warren
Dillingham	McCormick	Phipps	Weller
du Pont	McKinley	Poindexter	
Fernald	McLean	Rawson	
France	McNary	Smoot	

NOT VOTING—38.

Borah	Gerry	McCumber	Shortridge
Brandegee	Glass	McKellar	Smith
Colt	Hale	Newberry	Standfield
Crow	Harris	Nicholson	Underwood
Culberson	Hitchcock	Norbeck	Walsh, Mont.
Cummins	Johnson	Oddie	Watson, Ind.
Edge	Jones, N. Mex.	Owen	Williams
Elkins	Kellogg	Pittman	Willis
Ernst	Lenroot	Pomerene	
Fletcher	Lodge	Randell	
		Robinson	

So Mr. HARRISON's amendment to the motion to refer was rejected.

Mr. HARRISON. Instead of referring the resolution to the Committee on Civil Service, I move that it be referred to the Committee on Post Offices and Post Roads, with instructions that they report to the Senate within three calendar days, and on that I ask for a division.

Mr. CURTIS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. CURTIS. I make the point of order that this motion is not in order. It is not in order to move to substitute another committee.

The PRESIDING OFFICER. The Chair sustains the point of order, for the reason among other things he has already stated. In this respect the Chair may have been wrong in his former ruling, though he did it as a matter of expedition. This motion now changes the original motion as it came before the Senate, which was to take from the table and refer to a particular committee, and that motion was in order. A division of that question simply gave an opportunity to the Senate to vote on each one of those questions separately. Now, the motion of the Senator changes that proposition entirely.

Mr. HARRISON. The Chair holds, then, that we would have to vote down the motion to refer it to the Committee on Civil Service and then we could vote on the other motion.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. HARRISON. It may be that some of the Senators present thought that my amendment did not allow sufficient time for the Committee on Civil Service to consider the resolution, just three days. So I move to amend by providing that they shall make a report within six calendar days. I make a point of no quorum.

Mr. MOSES. No business has intervened since the last vote, which disclosed a quorum present in the Chamber.

Mr. HARRISON. Mr. President, I submit that the Chair has just sustained a point of order against a motion I made, and that, therefore, business has been transacted. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	Myers	Spencer
Ball	Harreld	Nelson	Stanley
Borah	Harrison	New	Sterling
Broussard	Heflin	Norbeck	Sutherland
Bursum	Hitchcock	Norris	Swanson
Calder	Jones, N. Mex.	Oddie	Townsend
Cameron	Jones, Wash.	Overman	Trammell
Capper	Kendrick	Page	Underwood
Caraway	Keyes	Pepper	Wadsworth
Cummins	King	Phipps	Walsh, Mass.
Curtis	Ladd	Poindexter	Walsh, Mont.
Dial	Lenroot	Rawson	Warren
Dillingham	McCormick	Reed	Watson, Ga.
du Pont	McKinley	Sheppard	Weller
Fernald	McLean	Shields	Williams
Fletcher	McNary	Shortridge	
Frelinghuysen	Moses	Simmons	

The PRESIDING OFFICER. Sixty-six Senators have answered to the roll call, and a quorum is present.

Mr. HARRISON. Mr. President, were the yeas and nays ordered on this amendment?

The PRESIDING OFFICER. They were not.

Mr. HARRISON. I ask that the Secretary report the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The Senator from Mississippi moves to amend the motion by adding the following words:

And that the committee be instructed to report the same back to the Senate within six calendar days.

Mr. STERLING. I make a point of order that any amendment is out of order.

The PRESIDING OFFICER. The Chair ruled that a similar motion before was in order, and no question was made of the ruling. The question is now on the amendment offered by the Senator from Mississippi.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CALDER (when his name was called). I transfer my pair with the senior Senator from Georgia [Mr. HARRIS] to the junior Senator from Oregon [Mr. STANFIELD], and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. Not knowing how that Senator would vote, I withhold my vote.

Mr. SHIELDS (when his name was called). Making the same announcement as to my pair and transfer, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement with reference to my pair and its transfer, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement with reference to my pair and its transfer, I vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the Senator from Ohio [Mr. POMERENE], and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The result was announced—yeas 26, nays 36, as follows:

YEAS—26.

Ashurst	Heflin	Reed	Underwood
Borah	Hitchcock	Sheppard	Walsh, Mass.
Broussard	Jones, N. Mex.	Shields	Walsh, Mont.
Caraway	Kendrick	Simmons	Watson, Ga.
Dial	Ladd	Stanley	Williams
Fletcher	Myers	Swanson	
Harrison	Norris	Trammell	

NAYS—36.

Ball	Frelinghuysen	Nelson	Shortridge
Bursum	Gooding	New	Spencer
Calder	Harreld	Norbeck	Sterling
Cameron	Jones, Wash.	Oddie	Sutherland
Capper	Keyes	Page	Townsend
Cummins	Lenroot	Pepper	Wadsworth
Curtis	McCormick	Phipps	Warren
Fernald	McKinley	Poindexter	Watson, Ind.
France	Moses	Rawson	Weller

NOT VOTING—34.

Brandegee	Gerry	McCumber	Pomerene
Colt	Glass	McKellar	Randell
Crow	Hale	McLean	Robinson
Culberson	Harris	McNary	Smith
Dillingham	Johnson	Newberry	Smoot
du Pont	Kellogg	Nicholson	Stanfield
Edge	King	Overman	Willis
Elkins	La Follette	Owen	
Ernst	Lodge	Pittman	

So Mr. HARRISON's amendment to the motion to refer was rejected.

ADDITIONAL DISTRICT JUDGES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the resolution now goes to the calendar, and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS. Mr. President, I ask that the pending question be stated.

The PRESIDING OFFICER. The pending question will be stated.

The READING CLERK. The pending question is the amendment offered by the senior Senator from Florida [Mr. FLETCHER] to the amendment of the committee, in line 22, page 10, to insert before the word "and" the words "for the southern district of Florida, one."

Mr. NELSON obtained the floor.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. NELSON. For what purpose does the Senator ask me to yield? I have no objection to yielding if the Senator merely desires to introduce a bill or other paper.

Mr. SHIELDS. I wish to speak about one matter connected with the pending bill. It will require only a moment.

Mr. NELSON. I have no objection to yielding if the Senator desires to introduce some paper.

Mr. SHIELDS. I am informed that while I was absent from the Chamber this morning the Senator from South Dakota [Mr. STERLING], as a matter of courtesy to the junior Senator from Kentucky [Mr. ERNST], offered an amendment to the pending bill to restore to the bill a provision for a judge for the middle district of Tennessee. The House bill provided for this judge, and it is the House bill that was reported with amendments and is now being considered. The provision for a judge in the middle Tennessee is immaterial, in the sense that it would be considered by a conference committee, and therefore there is no amendment necessary in order that it may be finally considered.

Tennessee has two Senators in this body and, if I may be allowed to say so, they are both able to take care of the affairs of Tennessee and to provide all necessary judges, and they have introduced and had a bill of that kind passed on two occasions.

I have understood that the junior Senator from Kentucky moved to strike this provision from the House bill in the committee in its last meeting when I was absent on account of illness, and it was so stricken. It is not necessary that it be considered or that any amendment be offered to the bill. What has come over the spirit of the dreams of the junior Senator from Kentucky, what influences have changed his mind, I am not here to state and will not in his absence state any opinion I may have. But I do wish the Senate to know that the two Senators from Tennessee are amply able to take care of proper provisions for the judiciary of their own State.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. I yield.

Mr. STERLING. I simply desire to say that I do not doubt the ability of the two Senators from Tennessee to look after the judicial requirements of that State, but I think the senior Senator from Tennessee knows that I presented the amendment suggested to the bill, providing for a judge for the middle district of Tennessee, at the special instance and request of the junior Senator from Kentucky [Mr. ERNST], and on his behalf and out of courtesy to him. The amendment was not offered as an amendment, but I think the RECORD will show that I submitted it as an amendment intended to be proposed at the proper time. I did not know the amendment had been offered.

Mr. SHIELDS. I want it distinctly understood that I was not resenting any action of the Senator from South Dakota, and I thought I had stated that much. If not, I now state that his action in the matter was more courtesy to the junior Senator from Kentucky and was in no sense an interference with the prerogatives and duties of the Senators from Tennessee.

The provision is in the bill and is one that ought to have stayed in it. Tennessee has one of the ablest district judges in the United States. The Chief Justice went out of his way to say, when he was before the Committee on the Judiciary of the House, that Edwin T. Sanford, of Tennessee, was one of the ablest district judges of the United States and was overworked, and in that I agree with him. He is a fine judge, he is an industrious judge, and in the two districts for which he holds court, one of them not having a judge provided by law, he does twice as much business as some of the judges in districts for which assistance is provided, and five times as much as some of those judges.

Mr. NELSON. Mr. President, I propose to take the time of the Senate but for a few moments in discussing the amendment of the Senator from Florida [Mr. FLETCHER] proposing to appoint an additional judge for the southern district of Florida. The Senator from Florida on yesterday in his remarks, after adding between 200 and 300 cases to those listed in the report of the Attorney General as pending and undisposed of in the southern district of Florida, kept continually comparing that judicial district with other judicial districts of the country. The fact of the matter is, however, that Florida, with a population of not more than 1,000,000, has two districts, and as a result of the manner in which the State was divided into those districts in 1894 the district court in the northern district of Florida has very little business to transact. Let me read the figures as to the number of cases which were pending there undisposed of on June 30, 1921:

United States civil cases	4
Criminal, including prohibition cases	146
Admiralty cases	26
All other cases	32
Total cases	208

That is the number of cases pending in that district on the date indicated.

As a matter of fact, the judge of that district does not spend, and it is not necessary for him to spend, to exceed two months in the year in his district. He spends most of his time, and he has done so for the last two years, holding court in the State of New York.

The situation in Florida is peculiar in one respect, Mr. President. Some years ago, in 1890, a man by the name of Charles Swayne, from either Delaware or Maryland—there was some question raised in the impeachment case whether he was from one State or the other—was appointed district judge for the northern district of Florida. For some reason, Judge Swayne became very unpopular; and from what transpired in the impeachment proceedings I have reason to believe that there was some ground for his unpopularity. Four years after he had been appointed judge, largely, I presume, because of his unpopularity, most of the territory in the northern district—Swayne's district—was transferred to the southern district; so that out of 61 or 62 counties in the State of Florida, 41 counties were transferred to the southern district of Florida, including nearly all of the long peninsula, as Senators will see if they will examine the map hanging on the wall of the Chamber, from the Georgia line clear down to the coast, embracing all the towns of any consequence except Pensacola on the west; Tallahassee, the capital of the State; and a small town of about 3,000, Apalachicola. All the other towns of any consequence in a wide range of territory were transferred to the southern judicial district. From the best information I could obtain at the time, the transfer was made because of hostility to Judge Swayne.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator from Minnesota at that point, I desire to state that other important points in the northern district of Florida are Marianna, where there is one term of court held, Madison, Live Oak, Lake City, and Gainesville. Gainesville is far over toward the eastern part of the State. The distance from Gainesville to Pensacola must be 350 miles at least, Pensacola being at the extreme western end of the northern district, while Gainesville is at the eastern end of the district. A term of court is also held at Gainesville.

Mr. NELSON. As I have stated, two-thirds of the territory of Florida was put into the southern district in 1894, four years after Judge Swayne had been appointed. The hostility against him continued, and the delegation from Florida were constantly pressing for his impeachment. They finally suc-

creeled in inducing the House of Representatives to prefer articles of impeachment against him in 1904. Judge Swayne was tried here. There was a large vote against him; my recollection is that on one or more of the articles of impeachment I voted for his conviction; but there was an insufficiency of votes to constitute the two-thirds vote which was necessary to convict him.

Mr. President, it seems to me if Florida would utilize the services of the judge in the northern district, who has little or no work to do, for the work in the southern district, the business could be properly transacted. Adding the number of cases in the two districts together, leaving out draft and bankruptcy cases, there would not be over 1,500 cases for the two judges.

As I have said, the judge of the northern district spends very little time in that district; most of his time being spent in holding court in the State of New York. It may be that the judge in the southern district has a great deal of work, but where there are two districts in a State and one judge has little or no work to do, why can his services not be utilized in the district where there is more work instead of his going outside into other States? If I have the list correctly, it appears that nearly all of the larger towns in Florida are in the southern district, including Jacksonville, with a population of 91,000; Key West, with a population of over 19,000; Miami, with a population of 29,000; Tampa and West Tampa, with a population of 90,000; Palm Beach, with a population of 8,650; St. Augustine, with a population of 14,287; Orlando, with a population of 9,282; and Lakeland, with a population of 7,602. All of those towns are in the southern district, which, as I have said, was carved out of Judge Swayne's district.

As I said a moment ago, the number of towns in what is left of the northern district, comprising the Panhandle, are Apalachicola, with a population of 3,066; Tallahassee, with a population of 5,637; and Pensacola, with a population of 31,000. There are some other smaller towns, but they are not of great consequence.

I have examined the railroad map of Florida and find that the railroad facilities in that State are good. There is a road which runs from Pensacola eastward through Tallahassee, connecting with the great lines running down the east and west coasts. A judge residing in any part of the State will experience no difficulty in reaching any other part where a term of court is to be held. There is even a railroad running to Key West, which is situated away down in the Gulf. There is also a railroad running down the western coast of Florida nearly the whole length of the State, and there are two lines, I believe, on the east coast. There are also lines running across from one of these railroads to the other. Thus the State has good railroad facilities.

Mr. President, to do exact justice in the case of Florida, either one of two things should be done: Either some of the territory now in the southern district should be placed in the northern district, where it really belongs, thus equalizing the districts and making it entirely possible for the two judges to conduct the business of the Federal courts in those districts; or, as has been done in Massachusetts and Minnesota, the State could be made one district and the services of the two judges could be utilized all over the State irrespective of district lines.

Massachusetts, with a population of over 3,000,000, has at present only one district judge, the entire State comprising one district. This bill proposes to add two additional judges to the Massachusetts district, and when the business and the population of that district are compared with others, that does not seem to me to be unreasonable.

The Senator from Florida yesterday made considerable ado about the distances by water around the coast of Florida from one place to another. Mr. President, as I have indicated excellent lines of railroad run there, and it is very easy by means of those railroads for a judge to travel from place to place where terms of court are to be held; he need experience no trouble in that respect whatever.

I imagine that one of the reasons back of the suggestion that an additional judge be provided for the southern district of Florida is that the judge in the northern district is not very well liked and that, therefore, the people of the State desire to secure an additional judge for the southern district.

The Senator from Florida stated that the creation of an additional judge for the southern district of Florida would not involve much expense. Mr. President, the creation of new judges does involve considerable expense, for every time a new judge is appointed there is created a life office. The judge not only receives his full salary while he is in office but he continues to draw that salary for life. It seems to me in the interest of economy—and we all talk economy, but fail oftentimes to enforce it—that no additional judge should be appointed for the southern district of Florida, but that one of two things, as I have indicated, should be done: Either equalize the districts from the standpoint of territory—and that can easily be done, as Senators may see if they will examine the map—or else do, as has been done in Massachusetts and Minnesota, make the entire State one district, and then the judges may be sent anywhere within the State to hold court.

Florida is not such a very large State. It is large compared with some of the Atlantic States and the New England States, but in comparison with our Western States it is not large. It contains 58,000 square miles. Minnesota has 83,000 square miles, and the distances from southern to northern or northeastern Minnesota, on Lake Superior, are fully as great as the distances in Florida. So it seems to me that it is utterly unfair and unreasonable, under the circumstances, to ask for another judge for the southern district of Florida. The people themselves can correct and remedy the matter at their next legislature. They can set back to the northern district some of the territory that belongs to the northern district, equalize it, divide up the territory, and divide up the business so that each judge will get his fair share of the business. As it is now they have one judge in the southern district with a large amount of business on hand, and they have one judge in the northern district with little or no business. The total number of civil cases in his district was only 4. The total number of criminal cases—I read from the last report of the Attorney General—

Mr. FLETCHER. Mr. President, if the Senator will allow me to interrupt him, the Senator suggests that the legislature can correct that situation. I submit that the legislature can not redistrict the State. Only Congress can take action of that sort.

Mr. NELSON. It can be done by an act of Congress.

Mr. FLETCHER. That would not meet the situation.

Mr. NELSON. A bill can be introduced in Congress, and there is no trouble in passing such a bill, dividing up the territory equitably. The representatives of Florida brought about this condition themselves by securing legislation detaching most of the important part of the northern district from that district and assigning it to the southern district, and leaving the judge with only that little panhandle that runs west to Pensacola. All the rest of the State, all the business end of the State, all the populous end of the State is in the southern district. The northern district has next to no business.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. KING. If I understand the Senator, he is discussing now the two districts in Florida, and is accounting for the fact that in one district there is a vast amount of business and in the other but little. Why does not Congress amend the act so that either the senior judge could call upon the other judge, or there could be a redistricting of the State with reference to population and litigation?

Mr. NELSON. This judge now can be called into the southern district, but they do not want him there, I presume. The judge in the northern district spends most of his time holding court in New York City, and there are one or two other cases of that kind in the country. When they come up here I will refer to them. Here is one district with little or no business, the northern district of Florida. They have a judge there. Instead of utilizing him in the southern district of Florida, as they might and ought to do, he goes off to New York and holds court up there during the whole summer, and has little or no business.

My position is this—and I say it in all fairness: The territory and population of these two districts should be equalized and put in such a condition that there is a fair proportion of population and business and territory in each district. If that is done, the two judges that are there now can easily do all the business in Florida. The same result can be reached in another way, by doing as they do in Massachusetts and as we do in Minnesota, and having the State all one district. That can be done. If the State were made all one district, the judges could go all over the State and change with one another.

Mr. KING. The Senator, if he is making a plea now for legislation of either character, I think, speaks wisely.

Mr. NELSON. I say, either one of those things can be done. I do not feel like initiating legislation of that kind for Florida. I am simply suggesting it. The legislation to remedy this evil ought to come from the Senators from Florida. Instead of that, they come up now and ask for an extra judge for the southern district, and do not propose to do anything about the other matter.

Mr. KING. Mr. President, before the Senator concludes, if he has not already discussed the matter, I hope he will call attention to some of these other States—for instance, Massachusetts, where two judges are allowed—and demonstrate, as I think the Senator can, that there is no necessity for two additional judges in Massachusetts.

Mr. NELSON. I will refer to them when they come up; but Massachusetts has a lot of business. It has 3,000,000 people——

Mr. WALSH of Massachusetts. Four million.

Mr. NELSON. And there is a great commercial center there; and Massachusetts has only one Federal judge. Just think of that! Massachusetts to-day has only one Federal judge, and Florida, with not quite a million people, has two, and now the Senators from that State want a third, and they are finding fault because Massachusetts wants three.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that we are not finding fault with Massachusetts, but this is the situation: If we had an additional judge in the southern district of Florida we would still need all the time that Judge Sheppard, of the northern district, could spare from his court to assist the two in the southern district of Florida. Nobody dislikes Judge Sheppard. Everybody loves him, and he is a splendid judge; but he has his own court to attend to, and his district stretches over an area of 400 miles one way.

Mr. NELSON. I do not know what the reason is. I only know that he spends most of his time holding court in New York City, more than he does in the northern district of Florida.

Mr. FLETCHER. He does both; but in summer he is obliged to come to New York for some reason or other, and he spends most of his time there, and he is helping out with the work all the time. He is not loafing.

Mr. NELSON. I shall not take up the time of the Senate in needless discussion. I have aimed to state the facts as I know them.

Judge Swayne, when he went down there, turned out to be a most unpopular judge. After he had been there about four years, or something like that, they cut up his district into pieces, as it is now. They followed that up by impeachment proceedings and a trial, and he was finally acquitted. I have nothing to say about that matter. I think there was some good ground for complaint against Judge Swayne; but I ask Senators to look at the map and see what resulted from cutting up his territory as they did and putting everything in the southern district of Florida. Look at the State of Georgia, and you will see that practically all the territory south of the southern line of Georgia down to the Gulf is in the southern district, while the panhandle that extends westward, which I understand is the poorest part of the State, the least densely inhabited, with the least towns, is put into one district, and the facts show that there is little, if any, business there. The total number of all kinds of cases in the district, outside of draft cases and bankruptcy cases, is 208. They had only one draft case in that district. They had 192 bankruptcy cases.

I can say nothing more. I have no feeling about this matter, Mr. President. I have simply aimed in this case, as I have in the others, to work in the interest of economy and the welfare of the United States.

The Senator from Florida took occasion to compare Florida with Minnesota. I want to say to him that Minnesota to-day has 2,500,000 people. It contains 83,000 square miles. From the southwest part of the State to the northeast part, on Lake Superior, is a distance of probably seven or eight hundred miles. It has two large cities, the great commercial and jobbing center of that northwestern territory, with a population in the two cities—and they have grown together so that it is difficult to tell one from the other—of over 800,000. It is not only a great wholesale and jobbing place for all that northwestern country, but it is a great railroad center. Outside of Chicago, I think it is the greatest railroad center in the Northwest anywhere. In addition to that it is by all odds and by great lengths ahead of every other city as a milling center. The quantity of wheat ground there and the volume of flour manufactured there is enormous. They grind from 25,000 to 50,000 barrels a day, and even more.

Then, in the northeastern part of our State, in the territory contiguous to or back of Duluth, we have the greatest iron mines in America. We produce from those iron mines I think somewhere around 70 per cent of all the iron ore mined in the United States. In one of the ranges—I believe the Cayuna Range—there is considerable manganese ore. Our mines are peculiar in this respect: We have not only the common deep mines, where they bore in the ground and hoist the water and the ore up to the surface, but we have large mines there on the Mesaba Range, where they plow and scrape off the ground on the surface, scrape it down to the iron ore, lay railroad tracks on top of the ore, blast the ore on both sides, and load it onto the cars with steam shovels like they load gravel out of a gravel pit onto a freight car. The business of Duluth is enormous. That is the point from which all the iron ore is shipped and nearly all the coal that Minnesota uses. The shipping is immense. Minnesota is unfortunate in one way. While we have such an abundance of iron we have no coal, and the result is that our iron ore is shipped from Duluth, Two Harbors, Superior, and other points at the head of the lake, down to the ports on Lake Erie, and our supply of coal is brought up in vessels. All this traffic makes a good deal of business for our courts.

The Senator from Tennessee [Mr. SHIELDS] yesterday, in one of his questions, showed that he was astonished at the number of civil cases there were in Minnesota. If he knew the volume of business that was handled in the Twin Cities, as we call them, and at Duluth, in the iron mines and in the mills, he would not be astonished at that amount of litigation.

Mr. President, before I sit down I intend to refer to some remarks of the Senator from Tennessee [Mr. SHIELDS]. If I understood him correctly, he held this bill to be unconstitutional because it provided for the transfer of judges, not only within a circuit but from one circuit to another. I think he went so far as to say it was unconstitutional and irregular. I do not intend to quote the statutes now, but if he will refer to the statutes he will find that there are in them to-day provisions for the transfer of judges from one district to another district in the same circuit, and that the transfer is to be made upon the certificate of the clerk of the court under the existing statutes.

He will also find in the existing statutes two provisions for transfer of judges from a district court in one circuit to another circuit. It is nothing new; it is in the statute now. Let me read the last part of section 13 of the Judicial Code:

> Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled.

I cite this because it shows that this provision is not new. Under certain conditions district judges can be transferred from one circuit to another.

Section 14 of the Judicial Code provides:

> When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk—

And so forth.

I call attention to that to show that in the existing provision of law the transfer of a judge from one district to another in the same circuit is made upon the certificate of the clerk.

We do not adopt any new theory, but we adopt a more systematic plan of carrying out what is already in the statutes. The provisions which we have incorporated in the bill were prepared by Judge Dennison, one of the ablest and best circuit judges. There were provisions in the bill as it came to us from the House and there were provisions in the "18 judge" bill, what some called "roving" judges, introduced at the instance of the Department of Justice, in reference to this matter, but we adopted this language, and see how plain it is. Instead of leaving it to the certificate of the clerk of the court, we leave it to the judge. The bill provides that section 13 of the Judicial Code shall be amended so as to read:

> SEC. 13. (1) A district judge for a district may be designated to act in another district of the same circuit (including territory attached thereto)—
>
> (a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district;
>
> (b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district;
>
> (c) In aid of a district judge when the public interests so require.

Listen to this:

> (2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

How much superior that is to this provision in the Judicial Code. I read it again:

> When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk—

It is left to the clerk of the court in the law as it is.

> Under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof.

We do not change the principle of transfer. We only put it in a plainer and more workable manner than it is in the existing statute. There is no innovation. If this bill is unconstitutional, as the Senator contends, we have had unconstitutional provisions in our statutes ever since the Judicial Code was adopted, and even before that, because some of these provisions are taken out of the Revised Statutes.

Section 15 of the pending bill refers to the transfer of judges from one district to another in the same circuit. It provides:

The designation provided for by sections 13, 14, and 15—

That is, by the senior circuit judge or the circuit justice—

shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

(2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district—

And so forth.

I want to call attention to the simple and plain way in which we have provided for the transfer of a judge from one circuit to another, as compared with the existing statute. The pending bill provides:

SEC. 13. (a) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or his attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States—

And so forth.

In other words, the circuit judge of the home circuit of the judge who is to be transferred and loaned to another circuit has to certify that he can be spared, and then the judge of the other circuit has to certify that he is needed, and when the two judges so certify to the Chief Justice of the United States, he makes the transfer. Is not that more logical and more reasonable than the provision contained in this law I have quoted, which provides:

Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge—

And so forth.

In this bill we not only provide that the circuit judge of the circuit that is loaning the judge must certify that he can be spared, but that the circuit judge of the circuit in which it is desired to secure his services must certify that he is needed. In any case, it is left in the hands of the Chief Justice.

So in principle there is nothing novel in this. If the Senator maintained that a district judge having been appointed to a given district is an immovable fixture, and we have no constitutional right to move him from his own district, we would have no right to move him to a district in the same circuit. If you can move a district judge from his district to another district in the same circuit, what constitutional impediment is there to having that same district judge moved to another district in another circuit? In other words, if I may use a rather vulgar phrase, if you can move him from his roost at all, there is no reason why you can not move him from a district in one circuit to a district in another, if you can move him from one district to another in the same circuit.

I do not want my friend from Florida [Mr. FLETCHER] to think we are discriminating against him. There was another case brought before our committee somewhat similar to the Florida case. An amendment was offered, and we rejected it on the same principle on which I am opposed to the Florida amendment. I refer to the eastern district of Washington. An amendment no doubt will be offered covering that. What are the facts? The eastern district of Washington has not any more business than the northern district of Florida, if as much. Let me call attention to the amount of business in that district. The total number of cases, outside of bankruptcy and draft cases, was 104. That is less than the number in the district in Florida. Judge Rudkin, of that district, spends most of his time holding court in the northern and in the southern districts of California, and has spent very little time in his own district.

I make these statements because I want the Senator from Florida to understand that I did not discriminate against him. I took the same view of the Washington case that I did of the Florida case. The western district of Washington has two judges to-day. One of the judges in the western district spent part of his time in the southern district of California, and the other judge of that district spent a large portion of his time holding court in the city of New York.

I shall not weary the Senate further. We preach economy on the stump and here in the Senate, but when it comes to applying it as a practical matter I am sorry to say that we fail. I have always felt and I feel to-day that while I owe a duty to my constituents, I owe a higher duty to the Government of the United States.

It is my duty here at all times to stand for the welfare and protect the interests of the Federal Government. The Federal Government has many of what I might call quasi enemies. They think everything is fair to get from the Government. "Go to the Government and get anything you will and it is all right. Grab with all your might in any direction. Uncle Sam has shoulders enough and pockets enough to bear it."

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Florida?

Mr. NELSON. Certainly.

Mr. FLETCHER. On that particular point I am quite convinced myself, and I believe I submitted an argument yesterday which would prove, that it would be more economical for the Government to place an additional judge in the southern district of Florida than it would be to keep sending help from the outside, even from the northern district.

But with reference to the case of Washington I call the Senator's attention to the fact that the table shows the total number of cases pending in the eastern district of Washington was 104 as against 1,336 pending in the southern district of Florida, and in the western district of Washington the total number of cases pending was 715 as against 1,336 in the southern district of Florida, and in the western district of Washington they already have two judges.

Mr. NELSON. I am aware of the fact, and it may seem ungracious to oppose Senators when they want additional judges. We are all creatures of circumstance, and we all have our friends and we all have our candidates for judges in one form or another. It may seem rather ungracious, but I refer to this case of the State of Washington more for the purpose at present of pointing out to the Senator from Florida that I was not actuated by any discriminatory feeling against their State. I took the same stand in reference to that matter that I did in the case of Florida, and I shall take it in every case if similar cases are brought here. I feel that my first duty is to protect the Federal Government, and next to that is the duty to do what is for the best interests of justice, economy, and good government.

Mr. TRAMMELL. Mr. President, I am sure that no one would question the sincerity at all times of the Senator from Minnesota and no one would for a moment think of him being actuated by any discriminatory motives.

It is the policy of the bill, as brought before the Senate by the committee, to afford relief to districts in which relief is needed. The committee has not recommended a policy of consolidation of districts nor of the discontinuance of a particular district in a State, but has adopted a policy of considering the districts respectively. On yesterday my colleague very forcefully brought to the attention of the Senate in argument and by statistics the fact that the southern district of Florida is one of the most congested in its business and is needing relief as greatly as any district in the United States. Based upon the case of merit, upon the conditions which demand relief, we are asking the Senate to allow an additional judge for the southern district of Florida. The merits of the question have previously been considered by the Senate. On two occasions the Senate has previously passed a measure providing for an additional judge for this district in Florida. The merits have also been passed upon by the House, the House Committee on the Judiciary having recommended an additional judge, and in the bill of which this is an amendment the House wrote a provision for an additional judge in the southern district of Florida.

Take the question of the two districts in the State. It is true that there is a much larger volume of business in the southern than in the northern district. It is true that there is more territory in the southern than in the northern district. But this condition exists in almost every State of the Union in the United States district courts. An analysis of the situation will disclose that in many States where an increase in the judiciary is being authorized there are districts which are not congested, and in a number of instances districts which will have but little, if any, more business than the northern district of Florida. Take the court which has no more business than the court can dispatch, necessarily if we look at the docket of pending cases we can not determine the amount and the volume of business in that district, because it is not allowed to accumulate and to congest the dockets. On the other hand, in the congested districts, necessarily the business accumulates and piles up on account of the judge not being able to dispatch the business promptly.

The northern district of Florida covers in a very large measure the older part of the State. That is one of the best sections

of our State, and there are many prosperous towns in that part of Florida which were not mentioned by the distinguished Senator from Minnesota [Mr. NELSON] in going over the list of cities and towns in the northern district.

I have not taken the time to compile the statistics, but I am confident that within that district there is a population of not less than 350,000. I know that the district embraces within its limits all of one congressional district and a considerable part of another congressional district in the State of Florida. It is true that the judge may have the time to work in another district, but, on the contrary, it is untrue that the judge of the northern district and the judge of the southern district of Florida would be able to attend to all of the business in the two districts.

In the Minnesota cases referred to it is true that in the two districts they have probably 200 more cases than they have in the two districts in Florida, but it is proposed on that account that an additional judge be given to Minnesota. In that case we would have an additional judge for Minnesota and the three judges in that State would find a docket of only about 100 more cases for consideration than the three judges would find in the two districts of Florida if we were allowed an additional judge for the southern part of that State.

The congestion in the southern district of my State is deplorable. It is absolutely impossible for one judge to dispatch the business coming before his court under the present conditions. There is not a judge in the United States who could do it. We have a very able and capable judge in that district, a man who is interested in his work, who is endeavoring to dispatch business, but it is humanly impossible for him to dispatch the work which is incumbent upon him in that large district.

Geographically speaking, it would be very inconvenient for the State of Florida to be consolidated into one district and have the headquarters of the court in one particular city. It is true that we have splendid railroad facilities and good train service, of which we are proud, but on account of the peculiar geographical condition and situation of the State we can not reach the northwestern part of the State from southern points without making an "elbow" to get into that part of the State. If one would go from any of the more northern or western section cities down into the interior or southern part of the State, it means a trip from Pensacola to Jacksonville and back down the other angle of the elbow to wherever he wishes to go.

It would be very impractical to have the districts consolidated. The most practical and logical thing to do is to have two districts in the State. If we consolidate the business of the two districts there will be more business than can possibly be dispatched, and dispatched as it should be, by two judges.

We have presented the case of the southern district of Florida, and, as I have before stated, the committee has adopted a policy of considering each district upon its own merits in other States. In this district, when the statistics were made which were presented to the committee, there were pending 1,336 cases, and we have only one judge. The bill provides for one new judge in the eastern district of New York and two for the southern district of New York, where they already have three judges, making a total of six, with nothing like the number of cases pending proportionately in those courts, according to the number of judges, that we have pending in the southern district of Florida. In the eastern district of Pennsylvania one additional judge is provided, although that district now has two judges, with a total of 2,788 cases pending, which is nothing like a proportionate number of cases, according to the number of judges, that are pending in the southern district of Florida.

In the western district of Pennsylvania, with a total of 2,449 cases pending, with two judges at present, it is proposed to authorize one additional judge. In that instance, if we divide the number of cases by two judges it will be found that there are only 1,224 cases pending before each judge. In the southern district of Florida there were 1,336 cases pending at the time the statistics found in the committee's report were prepared, and on account of the rapid increase of business to-day there are over 1,600 cases; yet an additional judge is authorized in the western district of Pennsylvania, with an average of only 1,224 cases to each judge, but an additional judge, in the opinion of the Senator from Minnesota [Mr. NELSON], should be denied Florida, with 1,336 cases pending in the southern district of that State.

In the northern district of Texas we find there are two judges at present, with a total of 1,220 cases pending. The committee proposes to allow one additional judge to the northern district of Texas, which will give that district three judges, with 1,220 cases pending—a smaller number of cases pending for three judges than we have in the southern district of Florida for one judge.

In the eastern district of Michigan, with a total of only 754 cases pending, having already one judge of course, there is to be authorized under the pending bill an additional judge.

For the two districts of Ohio it is proposed to give one new judge. At present there are four judges in Ohio and there are 1,411 cases pending there. There is an instance where, with four judges at present and with only 1,411 cases pending, in comparison with 1,336 cases pending in the southern district of Florida, it is proposed to give an increase of one judge to be added to the four already sitting there at the present time.

The northern district of Illinois has two judges at present, with 2,184 cases pending, and it is proposed to authorize one new judge there. Even with only two judges, according to the statistics, they have no more upon them in the way of litigation to dispose of for each judge than does the judge of the southern district of Florida; yet it is proposed to allow an additional judge in the northern district of Illinois.

Take the eastern district of Missouri. At present there is one judge; the total number of cases pending in that district is 622; yet it is proposed under the pending bill to authorize an additional judge for the eastern district of Missouri.

Montana, with one judge and a total number of cases of 525, is to be given an additional judge by the pending bill.

For California, with two judges in the district and only 1,179 cases pending, it is proposed to provide an additional judge.

Arizona, with only 310 cases pending, is to have an additional judge.

Oklahoma, with 1,399 cases in the eastern district, is to have an additional judge. The Oklahoma case is one that might very reasonably be compared with the Florida case, because the number of cases pending in that court is approximately the same as in the southern district of Florida.

I submit, Mr. President, that doubtless in a number of these instances an additional judge should be authorized, and that the public business requires that Congress provide for additional assistance for the purpose of dispatching the court business of the country; but I can not quite conceive of the logic of some of our friends who oppose Florida having an additional judge for the southern district of the State when, upon the other hand, they are supporting each of these additional judgeships as provided in the pending measure.

All we ask for is that Florida be dealt with just the same as the other States and districts of the Union have been dealt with by the committee. We feel that Florida is justly entitled to an additional judgeship for the southern district of the State. We are actuated by absolutely sincere motives and only desire to have the public business of the State which is transacted by the Federal courts expeditiously carried on, as it should be.

In our State we have a number of good Republicans, one of whom, no doubt, will be appointed to the judgeship should it be created. We have no hope of having a Democrat appointed to the judgeship there; but we do feel that the business of the court in the southern district of the State demands this relief and that Florida deserves this consideration at the hands of Congress. I very much hope, therefore, Mr. President, that the amendment offered by my colleague the senior Senator from Florida [Mr. FLETCHER] will be agreed to.

Mr. CUMMINS. Mr. President, I have no hesitation in saying that the southern district of Florida, considered in and of itself, is entitled to an additional district judge; but I desire to suggest to the Senate some of the reasons which influenced the Judiciary Committee in the exclusion of that district, all of which reasons, at least, have not been stated by the Senator from Minnesota [Mr. NELSON].

The general purpose of the committee was to provide the United States, as a whole, with a sufficient judicial force. In many instances the survey of the subject passed far beyond the immediate districts concerned. As the Senator from Minnesota has stated, the northern district of Florida has so little business of a judicial character that the judge of that district is able to employ half or more than half of all his time beyond the district, and latterly it has been employed beyond his circuit. It is very clear to me that in considering the needs of the southern district of Florida we ought to take into account and give great weight to the fact that the judge of the northern district of Florida could give half or more than half of his time to the work of the southern district of Florida, and I do not know of any reason why he should not be assigned to the southern district of Florida instead of being assigned to the southern district of New York.

Moreover, I desire to call the attention of the Senate to another fact. If Senators will look at the map that hangs on the wall, it will be seen that the States of Alabama and Georgia

lie immediately north of and adjoining the State of Florida. The State of Alabama is already provided with three district judges, and I say frankly that I think it has more district judges than its necessities demand. The State of Georgia has two district judges, but this bill provides another judge for Georgia. If that provision remains in the bill, it will be seen that the group of States composed of Georgia, Alabama, and Florida will have eight district judges. I think eight district judges are all that are required and, indeed, more than are required for the transaction of the judicial business of those three States. I have no doubt—at least, it was so with me, and I think it was so with some of the other members of the committee—that we took into account the judicial force of that group of States; and there is no reason in the world why the eight district judges should not combine their energies for the purpose of trying cases in those States.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I do.

Mr. SHIELDS. Referring to the argument the Senator is making as to the three States he has mentioned, and especially as to Florida, where he speaks of the northern district not having sufficient business to occupy the judge all the time—I have not examined it, and I do not know how it is in detail, but I will look at it—and therefore that he should aid in the southern district, where unquestionably great congestion exists, I ask the Senator, why was not that principle applied to the State of Ohio? It is conceded that the two judges in the southern district have their dockets clean and tried up, and that they are spending much of their time in holding court in other districts. Why give a new judge to the northern district of Ohio, instead of letting the two from the southern district relieve that congestion?

Mr. CUMMINS. I do not think that is true of the southern district of Ohio in the degree or anything approaching the degree in which it is true of the northern district of Florida; and the docket of the southern district of Ohio, as I remember, is very much larger than the docket in the northern district of Florida. Let us see.

Mr. SHIELDS. Mr. President, we know as a fact that those two judges are holding court in other districts.

Mr. CUMMINS. I do not know it personally.

Mr. SHIELDS. The Senator will remember that Judge Sater, of Columbus, of that district, stated before the committee that he held court in Pennsylvania and in Tennessee and in some other districts.

Mr. CUMMINS. Yes; I do know that; and I think it is a very common thing; but I do not know that Judge Sater was absent from his own district for months at a time, although he may have been. I have no information on that subject; but I desire the Senate to know that in the southern district of Ohio on the 30th of June last there were 448 criminal cases pending and undisposed of, and that there were 309 civil cases pending and undisposed of.

I mention these things, Mr. President, simply to show that the committee made an effort to provide sufficient judicial force in every part of the country; and with me, at least, the fact that the northern district of Florida had little business, and that there are to be six judges in Alabama and Georgia, influenced my action to some extent.

Mr. FLETCHER. Mr. President, permit me to call the Senator's attention to this situation, which evidently escaped the committee in considering this bill if they were looking at it from the standpoint the Senator now mentions.

New York, for instance, has nine judges already. The committee proposes to give that State three more. There are certain districts in New York where they certainly do not need any additional judges, and where they have no more business than in the northern district of Florida. Take Vermont and Connecticut, right around New York, and that whole region: In Vermont, for instance, the total number of cases is 185, and in Connecticut the total number of cases is 386. There they have two judges, nine judges in New York, right in that immediate vicinity, and the same way in New Hampshire.

Mr. CUMMINS. The committee took those facts into consideration. New York has a population of more than 9,000,000 people, and the circuit is composed of New York, Connecticut, and Vermont.

Mr. FLETCHER. They have 9 judges in New York alone, 1 in Vermont, 1 in Connecticut, 1 in New Hampshire, and so forth; but I say that if the committee were reviewing the matter from that standpoint they could have found in these circuits, right adjacent to each other, less need for additional judges than exists in the southern district of Florida; and the Senator is altogether mistaken about the idea that the judge in the northern district of Florida has practically nothing to do, or that only a small portion of his time is taken up with his work. The figures show that there are pending in that court, undisposed of, 200 cases, and in addition to that 192 bankruptcy cases, 1 draft case, and 22 prohibition cases, making a total of 424 cases pending now in the northern district of Florida.

Mr. CUMMINS. That is including the draft and the prohibition and the bankruptcy cases.

Mr. FLETCHER. Yes; but there are 209 cases outside of that.

Mr. CUMMINS. I did not mean to be understood as saying that there was no business in the northern district of Florida; but I said that the business of the northern district of Florida did not consume more than half the time of the judge of that district.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. HARRISON. I notice that this report states the number of cases that are pending that have not been tried in the various districts, and it seems that that moved the committee to make its various recommendations. Did they not take into consideration the number of cases that were tried in these various courts? Does not the Senator think that that is a better way to judge as to the need of a new judge, rather than to state how many cases are left over and not tried?

Mr. CUMMINS. The committee undertook, as well as it could, to examine the report of the Attorney General showing the number of cases that had been disposed of in the various courts during the preceding year.

Mr. HARRISON. It would seem to me that the fact that there were not many cases left over shows that one judge was doing his duty, and that those who had a lot of cases left over were not doing their duty. What I rose to ask the Senator, however, was this: He was speaking of that southern tier of States there—Tennessee, Georgia, Alabama, and Florida.

Mr. CUMMINS. I did not speak of Mississippi.

Mr. HARRISON. That is why I am going to ask the Senator a question. I am wondering if there was any method in that madness or in that omission. Why was Mississippi omitted in the discussion of the Senator?

Mr. CUMMINS. There was no movement upon the part of anyone representing Mississippi for additional judicial force, and I infer from the record made by the report of the Attorney General that those representing Mississippi, not only here but in the other House, felt that they could not conscientiously ask for another judge, in view of the comparatively little business done in the court in Mississippi.

Mr. HARRISON. That does not answer the question that I propounded to the Senator. I asked him why it was that he omitted to mention Mississippi in connection with his discussion a few moments ago, when he said that there were so many judges for Alabama, Georgia, and Florida.

Mr. CUMMINS. I did not mention Mississippi because Alabama and Georgia lie immediately north of Florida and have an easy entrance into Florida through the means of communication that are established, and the judges of Alabama and of Georgia, assuming that all their time would not be required at home—and as to that I assert nothing—can easily reach Florida.

Mr. HARRISON. It was not, then, because if the one judge who is assigned to Mississippi under the law had been added to the sum total of those in Georgia and Alabama and Florida it would reduce the average that the Senator omitted the State of Mississippi?

Mr. CUMMINS. I should be sorry to arrange a system that would require the single judge that Mississippi has to be assigned anywhere else. I think the judge in Mississippi has all that a judge can comfortably do.

Mr. HARRISON. The Senator said that Mississippi was omitted because apparently the Senators and the delegation in the House made no move to bring that about.

Mr. CUMMINS. No; I said that it was not considered because apparently there had been no representations from Mississippi that the work there had accumulated so that an additional judge was necessary.

Mr. HARRISON. The Senator from Mississippi could do no more than to offer an amendment and to introduce a bill; and the Senator from Iowa, of course, is aware that there is pending a bill to create a new judgeship for Mississippi, and that an amendment was offered to this bill to that effect; and I think the Senator from Tennessee offered that amendment in the committee.

Mr. CUMMINS. I do not remember that the Senator from Tennessee offered such an amendment, though he may have done so.

Mr. HARRISON. It would have taken the usual course and been defeated had it been offered.

Mr. CUMMINS. I do not know that. If the Senator means that there was any discrimination on account of the locality from which the amendment came, he is very much mistaken, because we have added in this bill, I think, everything considered, quite as liberally to the South as we have to the North.

Mr. HARRISON. Yes; you have put in 3 judges for the South and 16 for the North. That is the liberality that the Senator's committee has shown.

Mr. SHIELDS. And that is enough.

Mr. HARRISON. That is enough under the present circumstances, I think. May I ask the Senator a question?

Mr. CUMMINS. Certainly.

Mr. HARRISON. Of course, the Senator is aware, because he has been on the committee for a long time and he has voted three times, I think, for a bill which has passed the Senate for the creation of another judgeship in Mississippi——

Mr. CUMMINS. Never.

Mr. HARRISON. The Senator may have done it when he did not know what he was voting for, but I will say to the Senator that on three different occasions bills have passed the Senate for the creation of a second judgeship for Mississippi.

Mr. CUMMINS. What the Senator means is that I did not raise my voice in protest against the bill when it was on its passage.

Mr. HARRISON. The thing I am surprised at is that the Senator did not raise his voice in behalf of it.

Mr. CUMMINS. I have never voted for a bill of that character, and I have never voted for one for the middle district of Tennessee. I have been opposed mainly to these additions heretofore.

Mr. HARRISON. Does not the Senator think this is an almost inexcusable course on the part of the committee when it is realized that Mississippi has one judge for two courts and at an expense of only $7,500 we could create one more judgeship in Mississippi? Three bills creating judgeships have passed in the Senate before, and this attitude of the committee seems unjust when you take into consideration the fact that in some of the adjoining States there are as many as three judges with little or no more business. Is there any excuse for omitting the creation of an additional judgeship for Mississippi under those circumstances?

Mr. CUMMINS. There was one reason for the omission of a provision for an additional judge from Mississippi, and that is outweighed by another reason. The reason for the creation of a new judgeship lies in the fact that Mississippi is one of two instances in the United States in which there is not a judge for each district. The other instance is the middle district of Tennessee. That can be said in favor of appointing a new judge in Mississippi. On the other hand, a comparison of the business done in Mississippi—and it is greatly to the credit of Mississippi that there is no more business than there is—I think shows that the State is not entitled to another judge.

Mr. HARRISON. But I had understood the Senator to say that he had not investigated the situation so far as Mississippi is concerned.

Mr. CUMMINS. The figures are before us.

Mr. HARRISON. The Senator refers to the figures showing the number of cases which are pending; but the Senator did not investigate, as I understood him to say, the number of cases now being tried in the courts there.

Mr. CUMMINS. The Senator misunderstood me. The report of the Attorney General shows the number of cases which were tried the year preceding the 30th of June, 1921, and all the members of the committee, I assume, have investigated those statistics.

Mr. HARRISON. Is it the opinion of the Senator that the Senate would not be justified in adopting an amendment to this bill creating another judgeship for Mississippi?

Mr. CUMMINS. Regrettable as that may seem to be, that is my opinion.

Mr. HARRISON. I am sorry to hear the Senator say that.

Mr. SHIELDS. I would like to know if the Senator thinks that of the middle district of Tennessee. He says he never voted for an additional judge for that district.

Mr. CUMMINS. Will the Senator please repeat the question?

Mr. SHIELDS. I would like to know if the Senator has the same opinion as to the middle district of Tennessee that he has of the Mississippi district? The northern district of Mississippi and the middle district of Tennessee are the only two districts in the United States which have no judges.

Mr. CUMMINS. The Senator from Tennessee stated the fact correctly. Does he now ask me my opinion as to the advisability of another judge?

Mr. SHIELDS. I do.

Mr. CUMMINS. I adhere to the action of the committee in that respect. I intend to be loyal so far as the committee in concerned. I have not been attempting, the Senator knows, to work out my individual views respecting the distribution of these judges.

Mr. SHIELDS. I have not made any such insinuation, even, much less statement, to the Senator, but the Senator said he had never voted for an additional judge for the middle district of Tennessee. Of course, a measure so providing could have passed without his vote. A bill has passed the Senate three times in the last 10 years for that purpose, but failed in the House. The Senator has two districts in his State and one judge in each, and the two districts in Tennessee, presided over by Judge Edward T. Sanford, of the eastern district, have more business than those two districts in the State of Iowa, where they have two judges. I will present the figures later. I invite the Senator's attention now to the fact that Judge Sanford is now doing more work than both of the Iowa judges are doing, each and every day.

Mr. CUMMINS. The Senator from Iowa begs leave also to remind the Senator from Tennessee that Iowa has not asked for an additional judge. I do not think we need an additional judge.

Mr. SHIELDS. But to put it back on the same basis Tennessee is on, Iowa ought to have one of those judgeships abolished.

Mr. CUMMINS. I question very much whether the Senator can, by any satisfactory evidence, prove that any judge in his State is doing twice as much work as a judge in my State.

Mr. SHIELDS. The Tennessee judge is doing more than both of the Iowa judges. I will present the figures later.

Mr. CUMMINS. The Senator will not be able to satisfy me, at least, by any proof he may have in his possession on that point, because I am familiar with my own State and know what has been done. I know that we have had one judge for the last year or more who has been practically disabled, and therefore has done no work, or substantially no work, other than the trial of criminal cases. The judge who has been at work has done as much, I venture to say, as any district judge in the United States.

Mr. President, I have nothing further to say, and I ask for a vote on the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. FLETCHER] to the amendment of the committee.

Mr. CUMMINS. Does the Senator from Florida desire a full Senate when we vote on this question?

Mr. FLETCHER. It is not material to me. I think we could carry the amendment now, as the Senate stands, and I am ready for a vote.

Mr. CUMMINS. Fearing that such would be the result, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrison	Norris	Shortridge
Broussard	Heflin	Overman	Underwood
Bursum	Jones, Wash.	Page	Walsh, Mass.
Cameron	Kendrick	Phipps	Warren
Capper	Keyes	Pomerene	Watson, Ga.
Cummins	McKinley	Pomerene	Weller
Dial	McNary	Rawson	Williams
Fletcher	Moses	Reed	
Frazier	Nelson	Sheppard	
Harris	New	Shields	

The PRESIDING OFFICER. Thirty-seven Senators having answered to their names, a quorum is not present. The Secretary will call the names of absent Senators.

The reading clerk called the names of the absent Senators, and Mr. LADD, Mr. ODDIE, Mr. PEPPER, Mr. SPENCER, and Mr. WADSWORTH answered to their names when called.

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are absent in attendance on the Committee on Finance.

The following Senators entered the Chamber and answered to their names:

Lenroot	Simmons	Curtis	Swanson
Townsend	Stanley	Gooding	Trammell

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Fifty Senators have answered to their names. A quorum is present.

Mr. CUMMINS. Mr. President, I ask unanimous consent that on the calendar day of Thursday, April 6, at not later than 4 o'clock in the afternoon, the Senate shall, without further debate, vote upon all amendments that are pending or that may be offered, and upon the bill through the regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON. I regret to object; but one of the most important amendments that could possibly be offered to the bill has not been discussed at all, and I may want to discuss it unless it is accepted.

Mr. CUMMINS. There will be ample time between now and then.

Mr. HARRISON. Between now and 4 o'clock to-morrow?

Mr. CUMMINS. When we shall conclude this afternoon I will ask for a recess until to-morrow at 11 o'clock, and the recess will not be taken before half past 5.

Mr. HARRISON. There is a very important resolution which goes over from to-day until to-morrow, and I shall want it acted on to-morrow. So I object.

Mr. SHIELDS. Would it not be better to make it 4 o'clock Friday?

Mr. CUMMINS. I am willing to make it 4 o'clock Friday. Will the Assistant Secretary state the proposed unanimous-consent agreement, so that we may all understand it?

The Assistant Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Friday, April 7, 1922, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 5103) for the appointment of additional district judges for certain courts of the United States; to provide for annual conference of certain judges of United States courts; to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, through the regular parliamentary stages to its final disposition.

Mr. HEFLIN. I thought it was the purpose of the Senator to vote this afternoon on the amendments that are pending now.

Mr. CUMMINS. I intend to ask the Senate to remain in session until half past 5 for the very purpose of voting on the pending amendments.

Mr. HEFLIN. The Senator does not intend to hold up the vote on all amendments until Friday afternoon?

Mr. CUMMINS. No; I do not. I desire to dispose of just as many of them as possible to-day.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is entered into. The question is on the amendment offered by the Senator from Florida [Mr. FLETCHER] to the committee amendment.

Mr. FLETCHER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). I observe that my pair, the senior Senator from Wyoming [Mr. WARREN], is absent. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. DILLINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. NEW (after having voted in the affirmative). As on the previous vote, I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Ohio [Mr. WILLIS] and allow my vote to stand.

Mr. KENDRICK. Has the Senator from Illinois [Mr. MCCORMICK] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. KENDRICK. I have a general pair with that Senator. In his absence I am compelled to withhold my vote.

Mr. HARRISON (after having voted in the affirmative). Has the junior Senator from West Virginia [Mr. ELKINS] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia [Mr. ELKINS], and in his absence I withdraw my vote. If permitted to vote, I would vote "yea."

Mr. FRELINGHUYSEN. I observe that my general pair [Mr. WALSH of Montana] is absent from the Chamber. I transfer that general pair to the junior Senator from Maine [Mr. HALE] and vote "nay."

The result was announced—yeas 29, nays 29, as follows:

YEAS—29.

Ashurst	Harris	Rawson	Trammell
Broussard	Heflin	Reed	Underwood
Bursum	McKinley	Sheppard	Walsh, Mass.
Cameron	Myers	Shields	Watson, Ga.
Caraway	New	Shortridge	Williams
Dial	Oddie	Simmons	
Fletcher	Overman	Stanley	
Fraser	Pomerene	Swanson	

NAYS—29.

Borah	Jones, Wash	McNary	Smoot
Calder	Keyes	Moses	Sterling
Capper	King	Nelson	Sutherland
Cummins	Ladd	Norris	Townsend
Curtis	La Follette	Page	Watson, Ind.
Dillingham	Lenroot	Pepper	
Frelinghuysen	McCumber	Phipps	
Gooding	McLean	Poindexter	

NOT VOTING—38.

Ball	Gerry	Lodge	Smith
Brandegee	Glass	McCormick	Spencer
Colt	Hale	McKellar	Stanfield
Crow	Harreld	Newberry	Wadsworth
Culberson	Harrison	Nicholson	Walsh, Mont.
du Pont	Hitchcock	Norbeck	Warren
Edge	Johnson	Owen	Willis
Elkins	Jones, N. Mex.	Pittman	
Kenyon	Kellogg	Ransdell	
Fernald	Kendrick	Robinson	

So Mr. FLETCHER's amendment to the committee amendment was rejected.

Mr. FLETCHER. I wish to reserve the amendment which has just been voted on for a separate vote in the Senate.

Mr. FRELINGHUYSEN and Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. FRELINGHUYSEN. I offer the amendment which I send to the desk.

Mr. REED. I am going to ask the Senator from New Jersey if he will not do me the favor to let me offer an amendment to the bill at this time, because I think I have to leave the city?

Mr. FRELINGHUYSEN. I withhold my amendment for the present, in view of the request of the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The READING CLERK. It is proposed to amend the committee amendment by inserting after the word "one" in line 18, page 10, the following:

For the western district of Missouri, one.

Mr. REED. Mr. President, I shall take the time of the Senate only very briefly to state the situation existing in Missouri. The business of the Federal courts of that State has been growing enormously for several years. We have two judges; one of them Judge Van Valkenburgh, happens to be a Republican, and holds court in the western district, and the other, Judge Faris, who happens to be a Democrat, holds court in the eastern district. Federal court terms are held at several points in the State. The House bill allowed two additional judges for Missouri, one for the eastern and one for the western district. The Senate committee eliminated the provision for an additional judge for the western district. I thought it had been arranged that there would be a different result from that, but I am not here now to urge that matter of procedure.

The city of St. Louis has been growing very rapidly, Kansas City has also been growing very rapidly; in fact, all of that

section of the country has been growing in population and business. Both of our judges are vigorous men; both are worked to the point of absolute exhaustion; and yet the business of their courts is falling behind.

I want to say for both Judge Faris and Judge Van Valkenburgh that they dispatch business rapidly; they are industrious; but it is greatly feared by members of the bar that they will break down under the strain which they are now enduring.

The increased criminal business, owing to the recent legislation of Congress, is now taking almost all of the time of those judges; civil business can not be attended to. I make that statement now from my personal knowledge, because I still practice law, and in that way I know the condition of the court dockets. The loss to the people of the State and to litigants through this congestion of business amounts to many times more than the salaries of the judges.

I think I will merely put into the RECORD, as much more conclusive than anything I can say, statements of the two district judges and the statement of his honor, Judge Sanborn, who is the presiding justice of the circuit court of appeals. Judge Sanborn states:

A dispatch from Washington in one of the newspapers states that you have renewed your endeavor to get an additional district judge for the western district of Missouri. One is greatly needed there, as you and I know, and I hope you will succeed. To that end I have written a letter to Senator NELSON and presented, as well as I could in a short letter, the great need of an additional judge there.

Sincerely yours,

WALTER H. SANBORN,
Senior Circuit Judge.

I will read an excerpt from a letter from Judge Faris, who is the judge of the eastern district:

I have your wire of to-day and have just wired you as follows: "Humanly impossible one judge to do work in eastern district Missouri. Health breaking under strain, and unable to keep up. Compared to five years ago, cases filed increased 100 per cent, not including bankruptcy cases. Latter increased over 30 per cent same period. Must have help. Letter follows."

In his letter the judge states:

As shown by the figures inclosed, I have disposed of 806 cases in the fiscal year preceding July 1, 1921, besides handling a vast amount of administrative work and all of the bankruptcy work. Since July 1, 1921, I have been disposing proportionately of more work than was done in the fiscal year of 1921. I can not keep this up, and I am frank to say to you that I am not going to keep it up. I simply can not stand the strain, and if Congress will not treat this district fairly, I shall be compelled to do what I can and let the rest go undone. If Congress continues to pursue the present course of taking over all criminal cases from the States, it will only be a short time until the 73 State judges will be enjoying perennial vacations and the two district judges will be doing all the work. The situation is very serious, and something must be done.

Very truly yours,

C. B. FARIS.

I agree with all the judge says, except that the State courts will still have business to do, but there is a vast amount being thrown into the Federal courts.

I have a letter here from Judge Van Valkenburgh, who is the judge of the western district. It is a very complete review of the business in the court. I shall rend the letter and call it particularly to the attention of the Senate:

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MISSOURI,
Kansas City, February 14, 1922.

Hon. JAMES A. REED,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Your telegram of to-day asking for my views in regard to an additional judge for the western district of Missouri and condition of the dockets is duly received. I wired you this morning in general terms promising to follow with a letter containing additional data.

While this matter was before the Judiciary Committee of the Senate early this month Senator SPENCER telegraphed for information. I was ill at the time, but the district attorney compiled the data to the best of his ability, and the information conveyed is embodied in the inclosed file of telegrams which I have had copied and inclose for your information. This carried the matter up to February 9. Of course, it is not as accurate as the annual compilation for the Attorney General, but it is substantially so. You will realize that we have four outlying divisions: St. Joseph, Springfield, Joplin, and Jefferson City. The dockets are lodged with the deputy clerks at those points, and it would be impossible for us to get letter perfect figures from them without a consumption of time which is prohibitive for your needs. However, we can give that approximately.

Roughly speaking, Kansas City has from 70 to 75 per cent of the business of the entire district, civil and criminal, and if I give you the comparative figures for Kansas City you can get a fair approximation for the entire district. This, however, is to be noted: In the outlying divisions I have endeavored to keep the work up in all departments as nearly as practicable, feeling that it was better that the substantial part of our falling behind should be concentrated here at home in one division, where I could deal with it to better advantage than to have it scattered over the entire district; therefore while there has been a certain percentage of deferred business in these outlying districts, it has not been, and is not, so serious. Having informed yourself of the condition of the district for this fiscal year up to February 9 from the report of the district attorney to Senator SPENCER, I will submit some data in all departments affecting the Kansas City division. Of course, the business of the district for the last fiscal year, as well as that of other districts, is disclosed in the Attorney General's Report for 1921.

July 1, 1921, there were pending in the Kansas City division 69 criminal cases; since that date 480 prosecutions of all kinds have been placed upon the docket, making a total of 549. During this period I have disposed of 55 of the old cases and 388 of the new cases, aggregating 443, and leaving 106 still pending. In addition, the commissioners advise me that they have bound over for action by the next grand jury at the April term, or for the district attorney by information, 250 cases. There are still two months to elapse before that court opens on the fourth Monday in April, and at the present rate the number of cases bound over will total about 500, so that we shall start the April term with from five to six hundred criminal cases upon the docket. We shall probably dispose of a few, but not many, between now and then, because we can have no more juries in Kansas City before the next term. Meantime, we hold the St. Joseph term, beginning the first Monday in March; the Jefferson City term, which is fixed for the third Monday in March; and the Springfield term, which opens the first Monday in April. Following Kansas City we shall have the Joplin term, still in this fiscal year, which begins the second Monday in June. All these terms have now become very active, especially on the criminal side, and St. Joseph and Joplin particularly on the civil side. You may get some idea of the volume of business in these outlying districts when I tell you that 20 criminal cases had to be left undisposed of at the last term in St. Joseph, and that 43 new ones have been added to the docket, making a total of 63. This number will be increased to some extent before court opens. Because of the fact that I have five active divisions of this court, in each of which two terms are held annually, but a limited time can be allowed to each division. This, of course, greatly interferes with the dispatch of business where there is but one judge, who must distribute himself over the entire territory. But two weeks each can be allotted to the outlying divisions, and about eight weeks to the spring term at Kansas City. The November term can be somewhat extended by holding jury terms after the first of the year, excluding the Joplin term in January, but this is done at the expense of the equity docket, which can be held only at such times as no jury sessions are on. This climate is not adapted to court work in July and August, as you know, and not even our State courts attempt to hold trial terms during those months.

At the last spring term in Kansas City, which was the first term at which the extraordinary congestion of criminal business developed, 266 prosecutions were instituted, as against 480 for this November term. From this the great increase in the volume of business may be perceived; and this in spite of the fact that last year out of 722 prosecutions in the entire district I disposed of 655, in which there were 593 convictions, collected fines aggregating $99,000, and sent hundreds to jail and to the penitentiary in the hope of breaking the back of this crime wave. This year, in spite of that attempted object lesson, I have already disposed of more than one-half that number in Kansas City alone. We have thus far collected only a little more than $40,000 in fines, indicating an increased severity in prison sentences, always imposing the limit where the defendants have stood trial, and still the dance goes merrily on. It is realized, of course, because these parties and their attorneys are not fools, that this court, with its present force, must necessarily be hopelessly clogged if the present system continues; that if greater severity is exercised and the number of trials correspondingly and naturally increases, the court can not begin to handle the criminal docket alone, which, even at present, it can not quite compass. This court must therefore degenerate into a second-class criminal tribunal, and the civil business of the district must go to the dogs. This is so self-evident that I feel almost ashamed to presume to take up your time by stating it.

If Congress passes drastic laws, which meet with stubborn resistance, it can not expect those laws to be enforced unless it provides adequate machinery for that purpose. It seems hardly fair to throw upon the courts responsibility for a condition which they are helpless to remedy. Incidentally for several years, even before the present influx, this court, by comparison with other districts, has been entitled to an additional judge. If we have such, the very certainty that business can be reached and dispatched will have a wholesome effect upon the temper of the community and of those who are disposed to set the law at defiance. My great concern has been that the prestige of the Government should not suffer in the estimation of the public—a situation fraught with great future menace.

There is another consideration not disclosed by the naked figures of reports from the districts to the Attorney General. The district courts are now burdened with a great volume of business that is not disclosed by the figures of cases brought and disposed of. We have a large bankruptcy business, and many reviews come to the court from the orders and rulings of the referees. Some of these involve records and issues equal to the report of a master or a final hearing in general equity cases. They do not appear upon the docket as cases brought and disposed of. We have to sit in three judge cases, many of them where State statutes are involved, and we are drafted from time to time upon the circuit court of appeals, already overtaxed by the volume of appeal cases. If the district judges are kept sitting continuously in trial dockets and can not give necessary consideration to the briefs of counsel upon abstruse questions in involved and complex cases, of which we get many, the unsatisfactory disposition of those cases leads necessarily to a greater number of appeals and a greater burden upon appellate courts.

Applications for restraining orders, injunctions, and receiverships are greatly increasing in volume; they must be heard and they should be carefully considered. There are now pending something like 27 receiverships in this district, including those few in charge of circuit judges. The court should be able to give adequate supervising attention to such, and the work of the court is greatly increased by enforced attention to such proceedings. No week passes without one or more of such applications being presented. Furthermore, with but one judge in a district of this size and volume of business, it is impossible to follow up cases with promptness and decision. Where juries intervene with such continuity, equity cases wait upon juries, or great expense to the Government must be entailed. All the matters to which I have referred are pregnant with substance. I have been able to do little more than suggest the topics, relying upon the appreciation of sound and experienced lawyers like yourself and others upon the Judiciary Committee to accord to them their practical significance.

Recurring to the civil docket, I find that in Kansas City alone during the fiscal year ending July 1, 1921, 163 cases were brought and 121 disposed of. I held a civil jury trial docket in Kansas City in the fall but was unable to do so in the spring. This year already there have been filed 185 civil cases in Kansas City, and but 65 have been disposed of, no civil jury trials having been held in Kansas City.

Let me pause there. That is just the condition of the docket. The civil cases have to wait. Business of the very greatest

importance is held up. The loss to litigants is tremendous, and the general disruption of the legal business is becoming not only burdensome, but—I do not like to use the word "frightful"—it is in a very bad condition.

This letter continues:

Of course, in this number of 65 there have been a few equity cases and hearings to the court, but the greater part of these cases have been settled and disposed of because of the uncertainty of a jury session. These figures indicate, however, that the civil docket is increasing, while my ability to dispose of it has been obstructed by the mass of criminal work. In 1921, 73 civil cases to which the United States was a party were brought and 40 disposed of. This year, so far, 31 have been brought and 39 disposed of in Kansas City. These cases, of course, are not of the importance and do not entail such work as those to which the United States is not a party above referred to.

It will be instructive to compare the work of this district for the year ending July 1, 1920, with that of the year ending July 1, 1921. In the former year in the entire district 306 criminal cases were commenced and 285 disposed of; 213 civil cases to which the United States was not a party were brought and 241 disposed of. Last year 722 criminal cases were brought and 655 disposed of, and 126 civil cases were commenced and 184 disposed of. There was a net accumulation of 43 of such cases upon the civil docket.

It is further instructive to compare the work of this district for the last fiscal year with some other districts to which, I understand, it is proposed to give additional judges. Compare, with the figures above stated for the fiscal year ending in 1921 in this district, the eastern district of Michigan, in which 580 criminal cases were brought and 382 disposed of and 187 civil cases were brought and 153 disposed of. With the district of Arizona, in which 462 criminal cases were brought and 474 disposed of and 138 civil cases brought and 98 disposed of. I do not complain that these districts are to get help. I believe that the judicial establishments pretty well all over the United States should be greatly increased. I merely wonder why this district is ignored. It is idle to suggest sending in a nonresident judge from time to time to relieve the situation. In the first place such a judge would be needed all the time, and in the second place any visiting judge accomplishes but a small percentage of what can be accomplished by a resident judge, with local responsibility and knowledge of local affairs. This fact is notorious among all who have any knowledge and experience with nisi prius courts. The question of expense of providing an adequate number of judges is comparatively negligible; but this is immaterial. The Government must have adequate machinery with which to function, and its cost is an imperative as that of any other item in the Budget.

With sincere appreciation of your efforts, I am,

Cordially yours,

ARBA S. VAN VALKENBURGH,
District Judge.

Mr. President, in addition to that I desire to call attention particularly to the letter of Judge Sanborn, the presiding judge of the court of appeals, who stands in a disinterested position, and who is one of the very great judges of this country; and I think I can include right next to him these two district judges as among the very fine judges. I am not claiming that they are better than all the others. The country would be fortunate if it had judges of that character in all of our courts.

I present the petition of the executive committee of the Missouri Bar Association, signed by all of the members of the executive committee, in which they dwell upon the necessity of an additional judge in both the eastern and western districts. It is as follows:

Petition to Congress of executive committee of Missouri Bar Association to provide additional judges in Missouri.

To the Congress of the United States:

The executive committee of the Missouri Bar Association respectfully represents that the business in the Federal courts in both the eastern and western districts of Missouri has multiplied in the last three or four years to such an extent that the dockets have become badly congested, and that, although the judges of these courts are highly efficient and working hard and faithfully all of the time, they have been unable to dispose of the business coming before them, and that the civil docket in the western district is now nearly one year behind; that the business in both districts is growing constantly and that there is more than sufficient business in each district to provide constant work for an additional judge in each district.

Speaking for the bar of Missouri generally, we urge upon the Congress the creation of judgeships in both districts of Missouri. If the creation of new judgeships, as suggested, is not provided, it will result in the practical denial of justice to litigants in these districts.

We are sincere in stating that, in our opinion, there are no districts in the United States that are more in need of additional judges than the districts of Missouri.

C. W. GARMAN,
President.
BERNARD C. SHANE,
Secretary.
VINCENT FIRE,
Vice President.
D. B. DUTTON,
Treasurer.
J. E. MCBAINE,
Vice President.
JNO. C. CARR,
Vice President.
E. E. GRIFFIN, JR.,
Vice President.

I do not want to take the time of the Senate to read them, but I have here telegrams, and a large number that I do not hold in my hand but have upon my desk, which come from the very best of our lawyers, men who have large business, and without exception they all tell the same story.

So, Mr. President, I venture to ask that the Senate agree to this amendment. I am as much in favor of economy as other Senators. There is no economy in a congested court. There is no economy in trying to run a machine that is so overburdened that it can not do the work. The immense cost to litigants is a thing to be considered. The loss in money to the taxpayers who have to go to these courts to have their business attended to is to be considered. The convenience of lawyers who have to practice in the courts is to be considered. The salary of an additional district judge amounts absolutely to nothing in comparison with the distress and loss occasioned by failing to have a sufficient number of judges.

So far as I am concerned, I do not want to see unnecessary judgeships created anywhere; but we must take into consideration the fact that we have doubled and then doubled again and I think then doubled again the work of our United States courts. We have put upon them the burden of trying a vast flood of fraud cases that ordinarily, or before we enacted the mail-fraud statute, never would have reached the Federal courts at all. We have imposed upon them another vast amount of business growing out of the enlargement of our interstate commerce statutes, both civil and criminal. We have imposed upon them a vast criminal business growing out of the Mann Act, and now an almost illimitable flood of work growing out of the prohibitory law; and I think the chairman of the committee having this bill in charge will feel that, whatever may be the fate of this bill as a whole, it ought to include this additional judge.

Mr. CUMMINS. Mr. President, I feel with regard to the amendment offered by the Senator from Missouri [Mr. REED] precisely as I felt with regard to the amendment offered by the Senator from Florida [Mr. FLETCHER]. I was of the opinion, as a member of the committee, that there ought to be one additional district judge in Missouri; but, comparing the necessities in Missouri with the necessities elsewhere, and with our provisions made for other communities, I could not see my way clear to the addition of two judges in Missouri. I should be glad if the same arrangement could be made in Missouri that is expected to be made in Georgia, and have the district judge that we have added made a judge of both the eastern and the western districts; but there is no movement of that kind, and hence, I suppose, that will not be done.

The personal knowledge of the Senator from Missouri respecting the work that is actually being done and the work that is left undone has very great weight with me. So far as my own vote is concerned, I shall stand with the action of the committee; but there is nothing more to be said than has been said. The Senator from Missouri has read in substance the report of the Attorney General, and has supplemented it with a statement from the judge himself. Apparently nothing remains to be said, and I am quite willing to have it disposed of at this time.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. REED] to the amendment of the committee.

On a division the amendment to the amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. President, in the provisions of this bill the district of New Jersey is not provided for. In view of the location and certain conditions existing in my State, I desire to present some facts for the consideration of the Senate and at the close of my remarks to offer an amendment to this bill which I trust will receive the favorable consideration of the Senate.

In the first place, I wish to point out how the location of New Jersey results in much litigation which is not found to nearly so great an extent in most of the other Federal districts. We have an exceptionally long seacoast. This, coupled with the fact that we are located between the two great ports of New York and Philadelphia, results in the courts of our State trying exceptionally large numbers of admiralty and maritime cases.

Of these admiralty cases there were 178 pending at the close of business on June 30, 1921, this number being exceeded by only one district, that of New York, and equaled by two others. Another need is found in the fact that a great number of our large corporations are incorporated under the laws of New Jersey. Because of this we have a large number of cases; but here it is not only the number of cases which should be considered but the importance of these cases. Inasmuch as in many cases patents are involved, the litigation is important because of the large amount of money involved and also the large amount of time consumed in trying the cases. A case in point is the case between the Buckeye Powder Co. against E. I. du Pont de Nemours Powder Co., which consumed five months' time in the trying.

This case illustrates another point: That is, that although the plaintiffs are in a great many cases from outside the State, the litigation is brought to New Jersey because the defendant is incorporated under the laws of the State. The same applies to many of the citizens of the State who have either New York or Philadelphia for their place of business. Because of their citizenship in New Jersey they are tried under the New Jersey courts.

Therefore, in addition to the usual criminal, civil, and bankruptcy cases found on the docket of the average Federal court, we have in New Jersey, because of its location and laws governing corporations, large numbers of admiralty and corporation cases.

I want to say at this point that unfortunately I was unable to appear before the Judiciary Committee and present the claims of my State. It is a matter of great importance to the bar of New Jersey and to the State and to its jurisprudence. By reason of that fact I spoke to the chairman of the committee and asked that I have an opportunity of presenting my claims to the Senate, and I hope at least those Senators who are here will listen for a few minutes—and I will only take that time—to the claims of New Jersey, and to a statement of the present condition of the Federal courts of the State.

Another point which shows the need of another judge, which is also emphasized by our location, is the number of cases arising out of the prohibition enforcement law. In the hearings held before the committee it was brought out that one of the chief causes of congestion is the number of cases pending arising under the prohibition law. At the end of June, 1921, there were 395 criminal and 84 civil prohibition cases pending.

At the present time we have three Federal judges sitting at Trenton, the capital of the State, thus doing away with considerable overhead expense which is necessary when the judges move from place to place. These judges are giving full time to their duties; I should say that they are hard-working judges, of the highest character and standard of ability, but the dockets are overcrowded, there being 13,567 cases pending on June 30 of last year.

Comparing the number of judges to population for the entire country we find that the ratio is one judge to each 800,000 of population, which ratio would entitle New Jersey, with its 3,155,000 people, to four judges. In 1898 we had one judge in the district. Now we have three, but the volume of business has increased at a much faster rate, being tenfold larger now than at that time. In 1915, at the close of the fiscal year, 111 civil cases were pending, while on the same date in 1921, 331 cases were pending, a larger number than in any other district excepting the southern district of New York. In criminal cases in 1915, at the close of the fiscal year, there were pending 145 cases, while on the same date of 1921 there were pending 11,582, this large increase being partially accounted for by the number of selective-draft cases. In the admiralty cases we had 178 cases pending, and in bankruptcy 914 on June 30 last. Other cases to which the United States was not a party totaled 562, making the grand total of cases pending 13,567. This number in itself would justify another judge for this district, but when it is considered that the amount of litigation is increasing rather than decreasing, due to growth in population, expanding business enterprises, and the coming in of new corporations, an additional judge is an absolute necessity if the Federal courts are to discharge their functions expeditiously and the needs of the situation met.

Because of overcrowded dockets the Federal judges themselves have indorsed the need for the appointment of another judge. The New Jersey Bar Association has indorsed and requested that Congress act in the interest of the proper dispatch of the business coming before these courts.

I might say here that this bar association is composed of the ablest and best lawyers who have ever practiced in any court. We have a splendid bench and bar in New Jersey. These gentlemen have come here and urged that I present to the Senate and the Judiciary Committee the great need at the present time for an additional judge. The respective bar associations of the various counties of the States have likewise indorsed this request.

Unfortunately, I did not have an opportunity of appearing before the committee, but I know what the conditions of the courts are at the present time, how congested they are with business, and how necessary it is that we be given an additional judge to clear up the congestion. I am not asking it simply because it means more patronage and that we will have another judge. It is because the lawyers have come and told me that it is absolutely necessary. I shall therefore offer an amendment, which I did not have an opportunity to offer to the committee, and I ask that the Senate favorably consider giving New Jersey an additional judge. I offer the amendment which I send to the desk, and move its adoption.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The ASSISTANT SECRETARY. On page 10, line 13, after the word "two," insert the words "for the district of New Jersey, one" and a semicolon.

Mr. NORRIS. I would like to ask the Senator a question or two. He has impressed me very greatly by what he has said as to the necessity of another judge in New Jersey. I am impressed also by what other Senators have said, and I have some knowledge regarding conditions. I think the Senator must realize, and I believe we will all have to realize, that justice in the United States courts is becoming expensive. I wonder what the result would be to the taxpayers if we give an additional judge to every place which makes a good showing, as the Senator has made one, and there are quite a large number of districts which could make a showing almost as good as that which the Senator has made. I wonder what the result will be if we go on increasing the number of judges, as it is indicated will be necessary on account of the kind of litigation which is arising. The Senator referred to one case in New Jersey which took five months to try. That was between two great corporations, I assume. Does the Senator mean that the court was actually in session five months, actually engaged in the trial of that case? And what kind of a case was that? What was the nature of it?

Mr. FRELINGHUYSEN. I think it was a civil suit involving a contract. I do not remember the details of the case; the information was given to me. I know that the Federal courts in New Jersey are very much sought, and that by reason of the fact that New Jersey, under our general corporation laws, has been practically the home of corporations for a time, until some of that business went to other States, many of these large cases have been tried in the Federal courts there, and some very important ones.

Mr. NORRIS. Could the Senator give me any idea as to how much money it cost the taxpayers of the country to try that one case which took five months?

Mr. FRELINGHUYSEN. No; I can not. Of course, as the Senator knows, I am not a lawyer. I had to secure my information from the bar association and the judges with whom I have conferred. They say that the courts in New Jersey are so overcrowded with important cases that there is an absolute necessity for more assistance for the three judges who are now sitting, and they are judges who sit practically all the time. I know that Judge Bellstah is constantly holding court. Of course, New Jersey is not a very large State, and the center of our courts is practically Trenton or Newark, within an hour of each other. So the lawyers go either to Trenton or to Newark, and there the courts are held. It saves a great deal of expense to the Federal Government by reason of the fact that the overhead is reduced. I can not give any figures as to the present cost to the taxpayers of the Nation of the Federal courts in New Jersey. All I know is that the courts of New Jersey at present are congested and overcrowded, and we are asking for this judge because we need one, and I think, after taking it up with the Attorney General and with the judges in the State, it has been clearly established that three judges can not possibly handle the business there.

Mr. CUMMINS. Mr. President, there are comparatively few Senators here, and I know the difficulty of securing a quorum this late in the day. I believe there ought to be more Senators here before the amendment proposed by the Senator from New Jersey is voted upon. I move, therefore, that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. Will the Senator withhold that motion a moment?

Mr. CUMMINS. I withhold the motion.

Mr. HARRISON. I hope the Senator will not move a recess, but will move an adjournment. There was a resolution pending to-day, which is fresh in the minds of all Senators, and there is no use letting grass grow around it before it is discussed again. So I hope that we can enter into a unanimous-consent agreement that to-morrow it may come up, and that then the Senator will move an adjournment.

Mr. CURTIS. Mr. President, the resolution is on the calendar, and it will have to be taken up by motion. Why not get rid of this court bill and get it out of the way?

Mr. HARRISON. A unanimous-consent agreement has been entered into to vote at a certain time on the judges bill, so there is no question but that the bill will be passed on Friday at 4 o'clock. If the Senator from Iowa will withhold his motion, I would like to submit a unanimous-consent request before that motion is made.

Mr. CUMMINS. I am willing to withhold the motion long enough for a unanimous-consent agreement to be entered into.

Mr. HARRISON. I present a unanimous-consent request that to-morrow morning, on the convening of the Senate, the first order of business shall be the consideration of the resolution I have offered and which was pending to-day, and that not more than an hour and a half of discussion shall be had upon the proposition before the vote is taken.

Mr. MOSES. If the Senator will make that one-half hour, I think he will have no trouble in getting his agreement.

Mr. HARRISON. One-half hour, providing I can get the floor.

Mr. MOSES. Let there be no proviso about it.

Mr. CUMMINS. I suggest to the Senator from Mississippi that he should not ask for the consideration of his resolution until it is seen at least that those who desire to discuss the judicial bill have had an opportunity to do so. It is now agreed that we shall vote upon it at not later than 4 o'clock on Friday.

I presume there are half a dozen or a dozen amendments, and I hope that those amendments may be debated and disposed of before we reach the time for the final vote. The Senator from Kansas [Mr. CURTIS] just reminds me that there are 16 amendments. I think it is not fair to Senators who are proposing amendments to the judicial bill to take any time out of the period from now until 4 o'clock on Friday to devote to some other subject. That is the reason why I moved for a recess rather than an adjournment.

Mr. HARRISON. I do not want to interfere with the plans of the Senator, but when the first unanimous-consent request was made to-day it was to vote to-morrow at 4 o'clock, and I objected to that, so we could get more time. It was then put over until 4 o'clock on Friday. There will be ample time for consideration of the judges bill. The resolution that was up to-day will be disposed of one way or the other. I have no disposition to prolong the debate on it. I will consent to a half hour's discussion or an hour and a half to-morrow, but let us have action upon it.

Mr. MOSES. I understand that the resolution is pending with a motion to refer it to the Committee on Civil Service and Retrenchment.

Mr. CURTIS. No; the resolution, I understand, is on the calendar.

The PRESIDING OFFICER. The Senator is correct about that.

Mr. MOSES. Did it not go to the calendar at 2 o'clock?

Mr. LENROOT. Was not the motion to take from the table and refer, and that was divided, and so the motion to take from the table was never acted upon by the Senate?

Mr. HARRISON. It is now before the Senate, as I understand.

Mr. MOSES. The motion to take from the table was carried.

Mr. LENROOT. Then I am mistaken.

The PRESIDING OFFICER. True; and the Chair announced that the morning hour having expired when the resolution coming over from the previous day had been under discussion, it went to the calendar.

Mr. HARRISON. My unanimous-consent request, if granted, might expedite all this matter and save confusion, so I ask unanimous consent that upon the convening of the Senate to-morrow the resolution be taken up for discussion, and that not more than one hour and a half of debate——

Mr. MOSES. I thought the Senator was going to make it one-half hour?

Mr. HARRISON. One-half hour, if I can be given the half hour.

Mr. MOSES. I shall not object, if we can then take a vote on the disposition of the resolution.

The PRESIDING OFFICER. Does the Senator from Iowa withhold his motion for the purpose indicated by the Senator from Mississippi?

Mr. CUMMINS. I am perfectly willing to withhold my motion, but I must object to the request for unanimous consent.

Mr. HARRISON. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Harrison	McNary
Ball	Dial	Hefin	Moses
Broussard	du Pont	Jones, Wash.	Nelson
Bursum	Ernst	Kendrick	New
Cameron	Fletcher	Keyes	Norris
Capper	France	King	Oddie
Caraway	Frelinghuysen	Lenroot	Overman
Cummins	Harris	McKinley	Pepper
Phipps	Shepard	Spencer	Warren
Poindexter	Shields	Sterling	Watson, Ga.
Rawson	Shortridge	Townsend	Weller

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The reading clerk called the names of absent Senators, and the following Senators answered to their names when called:

Sutherland Wadsworth

Mr. CALDER entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present.

Mr. CUMMINS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Watson, Ind. Gooding Fernald

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. CUMMINS. I move that the further execution of the order of the Senate by the Sergeant at Arms be dispensed with.

The motion was agreed to.

Mr. HARRISON. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. There is a motion to take a recess.

Mr. HARRISON. A motion to adjourn has preference over a motion to take a recess, but I suggest the absence of a quorum.

Mr. CURTIS. Mr. President, no business has been transacted since the last call for a quorum.

Mr. HARRISON. Oh, yes. I submit that at least three orders of business have been transacted. The Senator from Iowa moved to dispense with the order under the call to send out and request the attendance of absent Senators——

Mr. CURTIS. The Senator is correct.

Mr. HARRISON. And a motion to adjourn has been voted down.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	McNary	Shields
Ball	Fletcher	Moses	Shortridge
Broussard	France	Nelson	Smoot
Bursum	Frelinghuysen	New	Spencer
Calder	Gooding	Norbeck	Stanley
Cameron	Harris	Norris	Sterling
Capper	Harrison	Oddie	Sutherland
Caraway	Hefin	Overman	Townsend
Cummins	Kendrick	Pepper	Underwood
Curtis	Keyes	Pomerene	Wadsworth
Dial	La Follette	Rawson	Warren
du Pont	Lenroot	Reed	Watson, Ga.
Ernst	McKinley	Sheppard	Watson, Ind.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. HARRISON. Mr. President, I again ask unanimous consent that on the convening of the Senate to-morrow the Senate Resolution 258, which was under consideration to-day, may be taken up immediately, and that after one hour of discussion a vote thereupon be taken.

Mr. MOSES. I object.

Mr. HARRISON. I move that the Senate adjourn.

Mr. CUMMINS. I raise the point of order that the motion to adjourn is not in order, because a motion to take a recess was pending at the time the Senator from Mississippi formerly made his motion to adjourn. He can not make another motion to adjourn, because it would be purely dilatory.

Mr. HARRISON. Mr. President, I submit that since the motion to adjourn was made and voted down there has been a quorum call, there has been other business transacted, and that a motion to adjourn is always in order.

Mr. MOSES. What other business has been transacted—the Senator's request?

Mr. HARRISON. The Senator from New Hampshire has just objected to a request for unanimous consent which I made.

Mr. MOSES. Poor business that, Mr. President, I will say.

Mr. HARRISON. That may be true, in the opinion of the Senator.

Mr. CUMMINS. If the motion is in order, it puts the Senate into the power not of a few men but of one man. I do not believe that a motion to adjourn can be made under these circumstances.

Mr. SMOOT. Mr. President, what is before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Mississippi [Mr. HARRISON] that the Senate adjourn, to which the point of order has been raised that it is dilatory. The Chair has not any doubt about that, and he does not think the Senator from Mississippi has any doubt; but the present occupant of the Chair dislikes to introduce a new rule that he has never yet seen enforced, although he would be very glad to do it.

Mr. SMOOT. Was there any question before the Senate at the time the Senator from Mississippi made his motion to adjourn?

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] moved to take a recess until 12 o'clock to-morrow, and the Senator from Mississippi moved to take an adjournment. Then the point of order was raised and a quorum was called for and developed; several votes were taken; and now, after his request for unanimous consent has been refused, the Senator from Mississippi makes another motion to adjourn. The Chair is inclined to put the motion. The question is on the motion of the Senator from Mississippi that the Senate adjourn.

The motion was rejected.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. CURTIS. I make the point of order that that motion is dilatory, and that no business has been transacted since the last call for a quorum was made.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HARRISON. I appeal from the decision of the Chair.

Mr. MOSES. I move to lay the appeal on the table.

Mr. HARRISON. I submit that intervening business has been transacted.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to lay on the table the appeal of the Senator from Mississippi from the decision of the Chair. That motion is not debatable.

Mr. HARRISON. I ask for a division.

The PRESIDING OFFICER. Those in favor of the motion of the Senator from New Hampshire will rise and stand until counted. [A pause.] Those opposed will rise. [A pause.] The appeal from the decision of the Chair is laid on the table.

Mr. HARRISON. Now, I suggest the absence of a quorum upon the count which was made on the division.

Mr. LENROOT. I make the point of order that no business has intervened since a quorum was developed.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum. Upon the count as announced by the Presiding Officer there is not a quorum present.

Mr. LENROOT. The Chair did not announce the result of the count, so far as I am aware.

The PRESIDING OFFICER. The Chair had already announced that there was a quorum present.

Mr. HARRISON. I refer to the last count on the division. I ask for another division to see if there is a quorum present.

The Senate again divided.

The PRESIDING OFFICER. On the second division 32 Senators have voted in favor of the motion of the Senator from New Hampshire and 14 have voted against it.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. STERLING and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. STERLING. May not the Presiding Officer count Senators who are in their seats but are not voting on this question?

The PRESIDING OFFICER. The Chair does not feel disposed to do that.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	Nelson	Smoot
Ball	Frelinghuysen	New	Spencer
Broussard	Gooding	Norbeck	Stanley
Bursum	Harris	Oddie	Sterling
Calder	Harrison	Overman	Sutherland
Cameron	Hefin	Pepper	Townsend
Capper	Jones, Wash.	Phipps	Underwood
Caraway	Kendrick	Poindexter	Wadsworth
Cummins	Keyes	Pomerene	Warren
Curtis	La Follette	Rawson	Watson, Ga.
du Pont	Lenroot	Reed	Watson, Ind.
Ernst	McKinley	Sheppard	
Fernald	McNary	Shields	
Fletcher	Moses	Shortridge	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. CUMMINS and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CUMMINS. Mr. President, the question now is upon my motion to take a recess, is it not?

The PRESIDING OFFICER. That is correct.

Mr. HARRISON. Mr. President——

Mr. LENROOT. I demand the regular order.

Mr. HARRISON. I move, as a substitute, that the Senate adjourn until 11 o'clock to-morrow.

Mr. LENROOT. I make the point of order that a motion to adjourn to a given time is not privileged over a motion to take a recess.

Mr. HARRISON. I submit that it is.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HARRISON. I move that the Senate adjourn until to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi that the Senate adjourn until to-morrow.

Mr. HARRISON. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded? [A pause.] Not a sufficient number have seconded the demand. The motion is lost.

Mr. HARRISON. I ask that the other side be counted.

Mr. LENROOT. Mr. President——

Mr. MOSES. A point of order.

The PRESIDING OFFICER. A demand for the yeas and nays was made, and the Chair stated that it was not supported.

Mr. HARRISON. Mr. President, a parliamentary inquiry. As it takes one-fifth of the membership present to obtain the yeas and nays, I ask the Chair how many Senators raised their hands?

The PRESIDING OFFICER. Eight.

Mr. HARRISON. And how many were against it?

Mr. MOSES. That has nothing to do with it. It takes one-fifth of those present to call for the yeas and nays.

The PRESIDING OFFICER. The Chair was counting according to the roll call that was just had.

Mr. HARRISON. I ask for a division upon the motion to adjourn.

Mr. CURTIS. I demand the regular order.

Mr. HARRISON. I ask for a division on the motion to adjourn.

The PRESIDING OFFICER. The question before the Senate is the motion of the Senator from Iowa that the Senate take a recess until to-morrow at 12 o'clock.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. Those in favor of that motion will say "aye." [A pause.] Those opposed will say "no."

Mr. HARRISON. I ask for a division.

The PRESIDING OFFICER. Those in favor of the motion will rise.

Mr. HARRISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Those opposed will rise.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. STERLING. Mr. President, what is the vote on the motion?

The PRESIDING OFFICER. The vote as counted by the Chair is 41 to 14; so the motion is agreed to, and the Senate stands in recess until to-morrow at 12 o'clock.

Thereupon (at 5 o'clock and 34 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 6, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 5, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, may the day be to us a message from the changeless heart of God to the changing heart of man. Let us enjoy life at its best and give the life of joy to others. Talk in whispers to our listening hearts. Send messages of happiness to all our homes and make for all feet a new earth and a new heaven for all weary eyes. Forgive our failures and help us to an increasing mastery over self. With unfaltering faith and courage endow us, and thus may we take our part in the furtherance of good will among all men and in upholding free and righteous government. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the particular phase of the bill H. R. 10320 relating to the abolition of land offices.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

NO QUORUM—CALL OF THE HOUSE.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present.

Mr. JOHNSON of Washington. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Washington moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Edmonds	Langley	Riddick
Anthony	Fields	Lehlbach	Riordan
Blakeney	Fisk	Linebergar	Robertson
Boies	Fisher	Lonergan	Rodenberg
Bond	French	McDuffie	Ryan
Brennan	Fuller	McLaughlin, Pa.	Sabath
Brinson	Funk	Mansfield	Sanders, Ind.
Britten	Gallivan	Martin	Sanders, N. Y.
Browne, Wis.	Goldsborough	Richardson	Schall
Burke	Goodykoontz	Roaths	Shaw
Burton	Gorman	Mott	Snell
Carter	Gould	Mudd	Snyder
Chandler, N. Y.	Greene, Mass.	Nelson, Me.	Speaks
Chindblom	Griffin	Nelson, J. M.	Sproul
Christopherson	Hammer	Newton, Minn.	Stedemans
Clark, Fla.	Hardy, Tex.	Norton	Stiness
Clarke, N. Y.	Hawes	O'Connor	Strong, Pa.
Cockran	Hersey	Oliver	Tague
Codd	Hicks	Olpp	Taylor, Ark.
Connolly, Pa.	Ireland	Paige	Taylor, Colo.
Cooper, Ohio	Jacoway	Patterson, Mo.	Tinkham
Copley	Johnson, Miss.	Patterson, N. J.	Upshaw
Coughlin	Johnson, S. Dak.	Perkins	Vare
Crago	Kahn	Perlman	Volgt
Curry	Kelley, Mich.	Petersen	Ward, N. Y.
Davis, Tenn.	Kelly, Pa.	Porter	Webster
Dempsey	Kennedy	Rainey, Ala.	White, Me.
Denison	Kindred	Rainey, Ill.	Wilson
Dickinson	Kitchin	Ralston	Winslow
Dreary	Kreider	Reber	
Dyer	Kunz	Reed, N. Y.	

The SPEAKER. Three hundred and eight Members have answered to their names. A quorum is present.

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER. The gentleman from Washington moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, presented for printing, under the rule, a conference report on the bill (H. R. 9981) making appropriations for the Executive and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

DEPORTATION OF CERTAIN UNDESIRABLE ALIENS.

Mr. JOHNSON of Washington. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up the bill H. R. 11118, to provide for the deportation of certain undesirable aliens.

The SPEAKER. The bill is on the Union Calendar and automatically the House resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Oregon [Mr. McARTHUR] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11118, with Mr. McARTHUR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11118, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11118) to provide for the deportation of certain undesirable aliens.

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, is amended by adding at the end thereof a new subdivision to read as follows:

"(4) All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction:

"(a) The national prohibition act of October 28, 1919;

"(b) The act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes,' approved December 17, 1914, as amended;

"(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, the bill presented for your consideration by the House Committee on Immigration and Naturalization—unanimously presented—is short and to the point. It provides for the deportation, if the Secretary of Labor so orders by his warrant, after hearing, of those aliens in the United States who may be convicted of violations of the Federal liquor and narcotic acts, and for the violation and conviction after serving sentence of those convicted under State laws of violations of narcotic and liquor acts.

We continually hear it said throughout the United States in regard to alien offenders, "Why not deport them?" The report presented to this bill has the deportation clause of the Burnett Immigration Act, which is the basic immigration law. The deportation clause is section 19 of that law.

It provides that—

except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry—

And so forth. Those are the moral turpitude clauses. This bill presented to this committee is in the nature of an amendment to an act approved May 10, 1920, which act, if the Members of the House will remember, was one which was passed to make certain the deportation of certain alien enemies and certain interned alien enemies. That act of May 10, 1920, provided eight classifications of those who might be deported in addition to the general provisions of the moral turpitude deportation clause which I have mentioned.

That act begins—and I call your attention to this—

That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

All this bill now before you does is to add three further classifications to the specially enumerated deportation clauses, to give the Secretary the opportunity, if he so desires and finds, to proceed on a warrant against aliens convicted of violations of the acts mentioned here and the State acts on the same subject.

The committee after hearings has come to the conclusion that the United States has gone far enough with violations of the narcotic act; for instance, by aliens in this country, who are filling up the jails in some places, and in other places paying fines and not being sentenced to imprisonment; but in the West, where there has been great trouble with alien narcotic violators the judges have finally come to giving them terms of imprisonment—one year, two years, five years, seven years—for violations of the narcotic act. By the enactment of legislation of this kind we want to make certain that at the conclusion of their sentences of imprisonment the Secretary of Labor may and probably will proceed against them and cause their deportation. It is not believed that the passage of this act will make it necessary to run deportations down to misdemeanor violations of the liquor act of the State; but if an alien is arrested for violation of State liquor acts and convicted over and over again, and thereby proves himself to be an undesirable alien, and the Secretary proceeds against him as an undesirable alien, and after hearing as provided by law orders him deported, you may be very certain that he will be an undesirable alien. That is the extent of this law.

I reserve the remainder of my time.

Mr. BLANTON. Will the gentleman answer just one question?

Mr. JOHNSON of Washington. Yes.

Mr. BLANTON. For the benefit of a number of people who are making the inquiry just at this time, will the chairman of the committee tell us about how many aliens have left the United States since the 3 per cent law went into effect? I have had a number of inquiries come to my office in the last week.

Mr. JOHNSON of Washington. The exact figures are available but not at my fingers' ends this minute. For the year prior to the beginning of the 3 per cent act the net increase of aliens into the United States was 500,000.

Mr. BLANTON. I wish to know the number of those leaving the United States.

Mr. JOHNSON of Washington. For eight months of the year following the act the increase was about 40,000 net. Our inquiry, however, proves the fact that many go out of the country to seek relatives to bring them in. Further inquiry develops the fact that when times are hard in the United States there are many people who have come here to work who go out of the United States.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman reserves 52 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

DEPORTATION OF CERTAIN UNDESIRABLE ALIENS.

The committee resumed its session.

Mr. RAKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. RAKER. I desire recognition.

The CHAIRMAN. Is the gentleman from California opposed to the bill?

Mr. RAKER. I am not.

Mr. STAFFORD. Mr. Chairman, I desire recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am.

The CHAIRMAN. Does any member of the committee desire recognition in opposition to the bill? If not, the Chair will recognize the gentleman from Wisconsin, who is opposed to the bill.

Mr. STAFFORD. Mr. Chairman and gentlemen, this bill if enacted in the form in which it is reported would delegate to the States the right and power of determining what aliens should be allowed to remain within their borders, because section (c) provides that if any alien is convicted of the violation of any State statute prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, and so forth, then the Secretary of Labor, under the mandatory provision of section 19 of the so-called Burnett Act, would be compelled to deport him.

The gentleman reporting this bill glosses over the main objections and tries to represent to this House that a person can be deported only after the violation of either the national prohibition enforcement act or a State prohibition act on successive occasions. I deny it. I claim that if any person is convicted of a violation of either the national prohibition act or any State prohibition act, convicted of one offense, then it is the duty of the Secretary of Labor to deport him immediately under the provisions of section 19 of the Burnett Act.

Mr. JOHNSON of Washington. How can the Secretary do that?

Mr. STAFFORD. Because you authorize him to do so in your bill; because you provide in section 1 that the act of May 10, 1920, is amended by adding a new section. Here is the act of May 10, 1920. It is now a dead letter, because it applies entirely to violations of war statutes. That is shown in the report, which will be found on pages 1 and 2, where you enumerate specifically the provision whereby the alien may be deported for violation of various war acts of Congress. Under section 19 of the so-called Burnett Act the alien could be deported after conviction of a crime involving moral turpitude committed within five years of his admission to the country; he may be deported if he is found guilty after conviction for a second offense regardless of the time limit.

Now you propose to out-Volstead VOLSTEAD by providing that for a violation of either a national prohibition act or a State prohibition act for the first offense, whether committed within five years or after five years of his coming here, not involving moral turpitude, he shall be deported under the provisions of the general law—and after, as the gentleman from Maine says, serving out his term of imprisonment.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRAMTON. Does the gentleman understand that the act of 1920 is mandatory on the Secretary of Labor?

Mr. STAFFORD. I do.

Mr. CRAMTON. That in every case the Secretary of Labor has no discretion except to issue the warrant?

Mr. STAFFORD. That is the practice under existing law. I now call the attention of the House in reply to the gentleman from Washington and in reply to the gentleman from Michigan to the authority of the Secretary of Labor to mandatorially deport any alien convicted of a first offense of a violation of any prohibition law.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Let me finish.

Mr. CRAMTON. I want to be sure that the gentleman has my question.

Mr. STAFFORD. Let me proceed, and I will get the gentleman's question afterwards. This is what we are attempting to amend as found on the first page of the report. Permit me to read it:

That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States." if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Then it enumerates various offenses, mostly offenses involving a violation of war acts which are a dead letter to-day, and now it is proposed to add as a new section to that act paragraph 4 of this bill. Under section 19 of the so-called Burnett Act, the act of February 5, 1917, which you will find printed at the bottom of page 2 and most of page 3, the power of the Secretary of Labor has to deport aliens who have been convicted of crime involving moral turpitude within five years after the entry of the alien into the United States, or who has been sentenced more than once to a term of imprisonment because of a crime involving moral turpitude.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. MANN. Does not the act of 1920 expressly provide that in addition to the conviction the Secretary of Labor shall find after hearing that the person is an undesirable person in the United States?

Mr. STAFFORD. I think so.

Mr. MANN. Then it is not mandatory because they are convicted of a violation of a statute.

Mr. STAFFORD. It leaves it to the Secretary of Labor to find if he has been convicted.

Mr. VAILE. It authorizes him to do so.

Mr. STAFFORD. Very well; I am unwilling to vest in the Secretary of Labor that great authority to deport an alien who has been convicted for the first time of a violation of a State statute or a national statute involving the prohibition laws of the country. I can conceive of instances where in homes—and every Member representing a foreign constituency can conceive of a case, where younger people have become citizens and there happens to be an old member of the family, a parent who has not been able to take out citizenship papers, being convicted or fined for the manufacture of beer or light wine—and how many thousands of instances in the country where these foreigners are making their wine or beer—and yet the Secretary of Labor would be authorized to deport the father, to break the ties that bind the family, and send him back to a foreign country from which he may have been separated for many, many years.

Mr. VAILE. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. VAILE. The gentleman has drawn a horrible picture of this ogre, the Secretary of Labor, the President's chief adviser, and I want to ask the gentleman if he really believes that any Secretary of Labor, the President's most trusted adviser, is going to use the power conferred on him to deport a man for a trifling act?

Mr. STAFFORD. I am unwilling to vest any such authority in any Cabinet officer. I do not want to take any chances with any future administration calling to the enforcement of this act a man who is as fanatical as some men in this Chamber in the enforcement of the prohibition law.

Mr. VAILE. So the gentleman would not be willing to take a chance?

Mr. STAFFORD. I would not. I believe it is better to protect the rights of these aliens who are not guilty of any violation of law involving moral turpitude, but who are just merely guilty of a minor violation of a State statute or a national stat-

ute. You do not give him even a chance after he has been convicted the first time. You say to the Secretary of Labor that he may deport the man. In northern Wisconsin, in the district represented by my colleague [Mr. A. P. NELSON]—and he is one of the driest of the dry, and I go into those northern woods every summer because of hay-fever trouble—nearly every one of the farmers are manufacturing their home wine and home brew. Are you going to allow some State prohibition officer to go and arrest a man who does that, and are you going to put the authority in the Secretary of Labor to deport that man, when, under existing law, you permit aliens committing murder, rape, and the most heinous offenses after five years' residence to remain here?

I say that you are going too far in your exercise of autocratic power. You judge a law by the extreme cases and you want to test it by the extreme cases, and I certainly protest against such an unreasonable enactment of law.

Mr. HUDDLESTON. In reference to the question asked by the gentleman from Colorado [Mr. VAILE], to the effect that this act as proposed to be amended does not give the Secretary of Labor discretion merely, but makes it his duty to deport anyone who may have been convicted; it says that he shall be deported. So there is no discretion in the Secretary of Labor. Upon its being brought to his attention that some alien has been convicted, it becomes his mandatory duty to deport him.

Mr. STAFFORD. I am glad that the gentleman called my attention to it.

Paragraph 4 states:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction.

Now, gentlemen, there was reported just a few days ago a very well considered bill relating to the——

Mr. VAILE. Will the gentleman permit me to ask him a question?

Mr. STAFFORD. Not at present. There was reported just a few days ago a very well considered bill relating to the manufacture and control of narcotics from the Committee on Ways and Means, by the gentleman from Washington [Mr. HADLEY], wherein there is a provision providing for the deportation of those who have been convicted of violation of the narcotic act. But this bill goes to extremes, goes beyond anything that the Congress of the United States has ever passed, and violates, in my opinion, the fundamental principles of giving protection to the homes of the people when they commit no crime involving moral turpitude but are guilty of only an infraction of a punitory statute.

Mr. Chairman, I reserve the balance of my time.

Mr. VAILE. Mr. Chairman, in behalf of the chairman of the committee, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this committee has given a great deal of consideration to this subject. The chairman of the committee is always active and energetic in trying to get proper legislation, and he allows no other Member of the House or other committee to excel him in the work, to the end that the Members of the House may know what is going on, as well as the country generally, and he not only believes in enforcing the law, but believes in allowing those who are handsome and beautiful to appear before the committee and give their judgment, so that the Members of the House and the country may know. Therefore I desire to have the Clerk read in my time a clipping that appeared yesterday in a newspaper, after which I will proceed with this particular question.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAIR LILLIAN VERSUS JOHN L.

John L. Lewis, president of the United Mine Workers of America, held the center of the stage in the capacious House Labor Committee room this morning, while Chairman JOHN I. NOLAN smiled at the crowds which filled rooms, corridors, and intervening spaces.

Along came Chairman ALBERT JOHNSON, of the Immigration Committee.

"I can beat that crowd all to smithereens," he whispered with a grin as he sent a notice to the press galleries for posting.

The notice read: "Lillian Russell, President Harding's European commissioner, will be present in person at the House Immigration Committee hearings Thursday morning at 10:30."

And now they say that Congressman WALLACE WHITE, of the Committee on Woman Suffrage, is preparing to negotiate with Rudolph Valentino to tell what he knows about California women voters.

[Applause.]

Mr. RAKER. Gentlemen, speaking of this bill, I think the criticisms made by the gentleman from Wisconsin——

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. MADDEN. What particular language of this bill does the newspaper clipping have reference to?

Mr. RAKER. That relates to another bill pending, showing that the chairman of the committee is always active.

One of the things is not necessarily punishment but deterrent, and when a man is convicted under the narcotic laws of the Federal Government, or under the State laws, or convicted under the act of October 28, 1919, or under the State laws regarding the sale of narcotics, or violating the prohibition law, and he is an alien, and after he has served his term of imprisonment, if there is a term of imprisonment, he can be arrested by the immigration authorities and given full hearings—the evidence will show his conviction—and in addition to that, under the act as it is now in existence, the Secretary of Labor must find that such alien is an undesirable resident of the United States.

Mr. MILLS. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. MILLS. Has the committee any evidence to submit to the House of the need for such a law?

Mr. RAKER. Yes. We think so. I will explain it.

Mr. MILLS. Will the gentleman tell us whether there is any evidence that the Volstead law is being violated?

Mr. RAKER. Yes.

Now, that being the case, an alien who realizes, and it has been realized—we have amended the narcotic law, and that was the purpose of the Harrison amendment, to take charge of those and dispose of them who had been convicted already two or three times, and we cut so much out of it that there is no chance of getting anything out of it. But under the narcotic act you could keep a man in jail some time without putting him on the community to commit another crime. The same way with the liquor enforcement.

Mr. HUDDLESTON. Does the gentleman think that an alien that violates the prohibition law is any more an undesirable citizen than a native citizen who violates it?

Mr. RAKER. My dear sir, it is shown, because there is a statutory provision, except in a certain instance, that the court can deprive him of his citizenship. If a man deliberately and premeditatedly as an alien of this country came here, when we have a constitutional amendment conducted by practically all the States, practically all except one, when all the States have that kind of a law, and when this Congress by an overwhelming vote of both Houses passed it over the President's veto—when the American people have a law of that kind and people come to our country to receive its benefits and pleasures and opportunities, and they deliberately violate that law, because the punishment is so small that they will go back to it again, they do not belong here. The day will come when these persistent violators, these bootleggers in our country, if they continue, will compel the States to pass laws by which those citizens will not be permitted to come in them.

Mr. LAYTON. As a matter of fact, this bill is not confined to the bootlegger, where, if I understand, there is quite a diversity of opinion throughout the country as to the moral turpitude involved, but, as a matter of fact, this bill does seek at the same time to cover something that every normal man and woman in the United States is altogether interested in, and that is the suppression of the infractions of the Harrison Act.

Mr. RAKER. All right. Now, these are twins from hell itself, and liquor and narcotic drugs go together, and have from the beginning of time.

Mr. FAIRCHILD. Would not the gentleman's argument apply equally to the aliens who violate any other statute of the United States?

Mr. RAKER. No; and for this reason——

Mr. FAIRCHILD. How about the postal laws of the United States, where obscene literature is sent through the mails? Would it apply to that?

Mr. RAKER. Yes; that is a crime involving moral turpitude.

Mr. FAIRCHILD. How about counterfeiting?

Mr. RAKER. That is a crime involving moral turpitude.

Mr. FAIRCHILD. Does it apply to that?

Mr. RAKER. It applies to all such cases. To-day if you convict a man of a crime involving moral turpitude, you can deport him, but the decisions up to the present time have been to the effect that a man convicted of violation of the prohibition law is not guilty of a crime involving moral turpitude.

Mr. FAIRCHILD. Then, if you are seeking to punish crimes not involving moral turpitude, why not make this act apply to all such cases?

Mr. RAKER. We can not do everything at once. We have these two evils which have stalked through the world from the beginning of time, and the people of this country are trying to

do away here with the sale and distribution of narcotic drugs. The people of this country have been trying also to do away with the liquor evil. Therefore we have selected these two because they work hand in hand, and you can not separate one from the other, and it is a good thing to pack them right up and deal with them together. As the testimony shows, from 50 to 90 per cent of the men who violate the narcotic laws and the prohibition laws are aliens.

Mr. FAIRCHILD. Does not the gentleman understand that when you single out one or two statutes in this manner you, by implication, invite violations of all other statutes?

Mr. RAKER. No. We ought, by deporting these people, to give them an example that no more aliens living in this country who desire to receive the benefits of living in this country shall be allowed to violate the law, and then they will begin to say, "I will not violate it, because if I do I will not only get an imprisonment judgment but I will be sent back to the old country." Let me tell you not many of them will take the chances of that.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Can these people be deported from the State of California?

Mr. RAKER. My dear friend, do you not know that these aliens in California who have been debauching our country in the way of the narcotic trade, these Chinese, are violating the law to such an extent that for years we have been trying to get a better and more wholesome condition of affairs, and——

Mr. WALSH. How many of these are there in California?

Mr. RAKER. I do not know. We have tried to get a census, and we have not been able to get it.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. In a moment. I read from the hearings:

Mr. RAKER. Just let me ask you this question: Would it be material as to the percentage or as to the exact number if, as a matter of fact, there is a persistent and determined effort on the part of aliens to violate these laws?

Mr. JONES. I would not say that it is material, whether it is 50 per cent or whether it is 80 per cent.

Mr. RAKER. The good result obtained by the example of not only the punishment or the fine but the finality of the judgment, followed by deportation, would deter these people and make them believe we mean business when we pass a law.

Mr. JONES. You have expressed my view on it, Mr. Congressman, better than I could myself.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MILLS. Mr. Chairman, will the gentleman yield for a short question?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I would like to answer the gentleman's question. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. STAFFORD. I object.

The CHAIRMAN. Objection is heard.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, this bill provides for the deportation of any unnaturalized foreign-born person, any alien, who may be convicted of a violation of the national prohibition act of October 28, 1919, the Volstead Act, or—

(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes.

And so forth. Aliens are to be deported, not only for violating a Federal statute but for violating a State law.

To subject aliens to deportation under this bill it is not necessary that they shall be convicted by a court of record or after a jury trial. Even a police court conviction or a conviction by a justice of the peace will provide the required basis for their deportation.

Aliens so convicted are not merely deported without other punishment. The deportation is in addition to such punishment as may be given them by the courts convicting them. After they serve out their sentences or pay their fines they are then to be deported; that is, are to be sent back to the foreign land in which they may have been born.

The bill provides for a double punishment for a crime—punishment by the court which tries the alien and punishment by the Bureau of Immigration which deports him; punishment by fine and imprisonment in this country and then by banishment to some foreign land from which perhaps the alien fled to save his life. The bill discriminates between American citizens who violate our laws and aliens who violate them. The citizen expiates his offense by fine and imprisonment. The alien for the same offense is not only fined and imprisoned but is then banished for life.

THE HIGH-WATER MARK OF INTOLERANCE.

This bill, it seems to me, marks the high tide of fanaticism and intolerance. Section 19 of the immigration act of 1917 went far beyond anything that had previously been conceived in this country in so far as deportation is concerned. The proposal now is to extend the deportation provisions of the act of 1917 to persons who may be guilty of violating the prohibition laws, not merely the Federal prohibition laws, but the prohibition laws of any State.

I speak on this subject as one who has been a prohibitionist from boyhood, but not, as I hope, a fanatical prohibitionist, who has nothing in his mind except prohibition. I do not expect prohibition alone to save the world. But I am not willing to deport a man from the United States for violating a police statute such as the prohibition law, when I would not deport him if he had violated some law of more importance and involving more serious consequences.

WHEN FANATICISM AND UNREASON RUN RIOT.

Bear in mind that the act of 1917 fixes the period at five years after a man comes to the United States within which a man must have committed the offense for which he may be deported. Here there is no time limit. The alien may have lived here until he has raised up American-born grandchildren to manhood, and then, forsooth, because fanaticism and unreason run riot in Congress, he is to be banished to a land which he may not have seen for 50 years. And all this not for treason or plotting against the State, not for murder or theft, but merely because he is found with a flask of liquor in his pocket or is at an assemblage where forbidden liquors are consumed.

PUSHES INTO FIELD OF HYPOCRISY.

This bill not only reaches the limit of unreason but pushes into the field of hypocrisy. I say that with all deliberation. It would be indelicate for me to refer to Members of Congress or to officials of the Government, but let us refer to other men in prominent stations in society. Let us refer to the classes of wealth, prestige, and accredited culture who constitute the dominant elements in the United States. Let me ask you, gentlemen, how many of them have been guilty of violating the prohibition laws of the Federal Government or of some of the States. Many of them have their private cellars; they are the customers of the bootleggers and the rum runners; they are the "hooch hounds." They laugh at the prohibition laws. Do they deserve exile?

Let us look at this matter like sensible and honest men, and, above all, like courageous men. Will you say that an alien who sits down at a table where wine is served and perhaps drinks some of it himself—will you say that it is such a serious offense that he should be banished to some land where perhaps disorder, starvation, and ruin prevail, when you yourselves, it may be, some of you, have been guilty of a similar delinquency? If you have not been guilty I congratulate you. I want to say that some of the leaders in this land have done such things. At a recent social occasion, held in the city of Washington, and attended by some of the most prominent men in America, liquors were openly served, so I am reliably informed.

Let me say, in further amplification of the question I asked the gentleman from California [Mr. RAKER], that the alien who commits an offense does not become thereby more undesirable than the American who commits the same offense. It is the utmost of intolerance and unreason that would mete out to him a different measure of punishment.

My position upon the subject of immigration is well known. I have voted for every measure proposed in this House which would restrict immigration. I will vote to shut the doors of this country in the faces of undesirable aliens; but the time to deal with them as foreigners is before they enter, not after they are here. When an alien leaves his native land and puts his foot upon the soil of the United States, the flag reaches out over him, and the Constitution, not merely in its letter but in its spirit as the founders of the Republic conceived it, should grant him every protection.

EXILE AS A PUNISHMENT FOR CRIME.

I am not willing, because a wave of intolerance and Chauvinism has swept over us, to punish by double penalties a man who commits a crime. I am not willing to punish any crime by

banishment. You would deport the alien merely because the Constitution permits his deportation. It does not permit the deportation of a citizen who is a criminal, no matter how bad he may be. The same extreme and intolerant spirit that would deport the alien would banish the American if only it were constitutional to do so. The same spirit that lies behind this bill would drive into foreign exile those who are in opposition to those who are in the ascendency. It is un-American; it is unworthy. We ought not to go to any such extreme. There is no occasion for it.

The spirit of intolerance which animates the bill under consideration is the same spirit which brooks no difference of opinion. It would stifle freedom of speech and of press. It would deny the right of citizens to meet together. It would correct by thumbscrew and rack all errors of religious opinion. The disposition to deport an alien for the violation of the prohibition law and yet which would condone and laugh at the offense when committed by an American citizen is the spirit of persecution rampant. It would crucify all independent minds which did not bow to it. Had it the power, it would banish native-born Americans who did not speak and think and walk in the fashion the majority might hold was proper.

Mr. JOHNSON of Washington. Where would the gentleman deport an American citizen?

Mr. HUDDLESTON. To the same place that you would deport an alien who has lived here for 50 years and lost his citizenship in his native country. Where will you deport the alien to? He has become a man without a country. Will you send him to Russia? Will you deport him to Africa? Where are you going to send him? He knows nobody in the foreign country. It is not his country. You can not compel that country to receive him back. Perhaps if received back he would be promptly crucified. Would you send a Czarist back to be executed in soviet Russia? Is that within the spirit of the gentleman's intention? Would he send a proscribed Irishman back to Ireland to be hanged? Would he send an Armenian back to Turkish murderers?

Oh, the matter of not having anywhere to send the man is an unimportant detail that should give the fanatics little pause. Why not take his life for the difference in opinion? The same spirit of intolerance, the same spirit of fanaticism which would lead you to banish a man to some land where, perhaps, his life would be forfeited, where starvation would grip him, where disease and disaster would overtake him, that same spirit would send him to the gallows for the same offense or send him to ruin and death in any other shape.

Mr. WURZBACH. Is it not a fact that this law would also include within its terms a person who had declared his intention to become an American citizen and who had taken out his first papers?

Mr. HUDDLESTON. Oh, certainly; and that irrespective of the length of time that he has lived in the United States. [Applause.]

Mr. JOHNSON of Washington. I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen, in my section of the country there are not many aliens. We are not bothered much with the alien immigration question. However, I see in the hearings on this bill a declaration from parties in power and engaged in the enforcement of the law that over 50 per cent of the violators of the narcotic and liquor laws are aliens. Anyone who has ever had any experience in the enforcement of the law knows that that can be accounted for by the fact that to a great portion of the immigrants who come to this country our jails are a promotion and have no horrors for them. I know men who will deliberately walk out and commit another crime after being freed from jail, because the jail has no horror for them or for men of their class. They are aliens. They have no notion of ever becoming citizens of the United States. I have not much patience with the theory that we should not return them to the country from whence they came for fear something terrible would be done to them there. I remember one case in which a former Assistant Secretary of Labor refused to deport a Mexican anarchist. While it was admitted that he was an anarchist and was trying to do all kinds of injury to this country, a former Assistant Secretary of Labor would not deport him to Mexico for fear they would destroy his life there. Well, there might be worse things happen to civilization than the destruction of that life.

The statement has been made that the law we are amending is a dead letter. I challenge that statement. The law is not a dead letter. There are portions of the law living to-day. The gentleman called attention to certain crimes and said why not include those crimes. Those crimes are included, because they have been held to involve moral turpitude, and the same power you are giving the Secretary of Labor over these crimes in this amendment to the bill to-day is now pertaining to the very crimes the gentleman mentions.

If there are any crimes peculiar to certain foreigners it is those crimes, and I say to you that the enforcement of the narcotic act has been thwarted and disturbed more by the alien population in this country than any other and the redemption of which there is no possibility. They ought to be deported, they ought to be sent back. Any man who thinks that a jail is a palace ought to be deported from the country if he is not a citizen to the place from which he came. Every law has a reasonable and sensible enforcement, and there will not be any isolated cases like the picking up of the old gentleman my friend mentioned in the north woods where he goes hunting. The men that will be deported under this amendment are the men that are filling the jails of this country to-day to such an extent that the dockets of the courts are congested and cases can not be tried because of that congestion. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. JOHNSON of Washington. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, I am in full sympathy with this measure and the purpose of it. I have no sympathy for an alien who has been here 50 years and has not become a citizen. [Applause.] You will not find much Americanism in such men. We have too many of that kind now. This bill adds two offenses to a long list already in the law the convictions for which authorize the deportation of aliens. Among them is Bolshevism. There is need of putting out of the country those who are not in sympathy with American institutions—men who go around and preach the subversion of the Constitution of the country and in a hidden way trying to destroy the ideals of American life. I naturally expect when that spirit is abroad in the land to find measures like this meeting with hostility. The man who comes here and violates the law is not the kind of a man that America needs now. It is a shame that we have too many of our own people violating the laws. It is a shame that the 20 to 50 per cent of the violations of the narcotic and liquor laws are committed by Americans. I do not understand the spirit of the citizenship that fights this proposition in the face of the fact that the acts denounced violate the provisions of the Constitution. I do not want that kind of spirit to grow in America; there is too much of it now. Lawlessness is all too prevalent. We have come to have too little regard for the authority of law. We need to have some deep-seated genuine respect for what is in the Constitution of the United States and what is written in the statute books. If the ties of society can be weakened at all in America, they can be weakened by this spirit of lawlessness filtering into our life.

The fact that we have a large amount of it among our own people only makes it more dangerous when such men as gentlemen describe come from foreign countries into our life to blur and mar it. I hope that American public sentiment will protect itself. The idea of great hordes who have just arrived in the United States going about loaded down with booze and dope and hooch, which they are peddling. Members of the great body of citizenship, and even some Members of the great House of Congress, think that it is no offense or a trifling one. I wonder if the American people think so. We need not only to purge our life and our Nation from aliens who do that, but we need to purge this thing from the body of American citizenship. We need to get it out of the minds of our own people. I am not afraid of what my brother American will do who in his own heart loves the law. If he is an upstanding man of that stock from which free people come, he may divide into factions and fight like the mischief with his brother American, but you will never make a slave of him, you will find him with too much common sense to get him or his country into a pandemonium like France had 125 to 130 years ago, or like Russia has now. He believes in law; he believes in order; he has common sense enough to know that the enjoyment of life can not work out without law. He knows that his opportunity depends upon law and depends upon order. Americanism stands for law, and that is why I am for this bill. I hope it will pass. [Applause.] Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, the question has arisen during the debate this afternoon as to the method of deporting aliens. This bill seeks to amend the present laws relating to arresting

and deporting aliens, and the regulations now in existence will therefore apply in this case. Officers are required to make thorough investigation of all cases when they are either informed or have reason to believe that a specified alien in the United States is subject to arrest and deportation; an application is filed generally with an inspector of immigration. It must state facts showing prima facie that the alien comes within one or more of the classes subject to deportation after entry, and should be accompanied by some substantial supporting evidence. The application should also be accompanied by the affidavit of the person giving information or by a transcript of a sworn statement taken from that person by an inspector. A warrant is then issued for the arrest of such alien, and he is granted a hearing to enable him to show cause, if any there be, why he should not be deported.

Mr. ROSSDALE. Is that provided in the bill?

Mr. CABLE. That is provided in the regulations on page 75, subdivision 5, of immigration rules 22 dealing with "arrest and deportation on warrant."

Pending determination of the case, in the discretion of the immigration officer in charge, the alien may be taken into custody or allowed to remain in such place deemed by such officer secure and proper. At the beginning of the hearing under the warrant of arrest the alien is allowed to inspect the warrant of arrest, and all the evidence on which it is issued. In addition, the regulation requires and makes it mandatory that he shall be apprised that he may be represented by counsel. His counsel shall be permitted to be present during the conducting of the hearing and to offer evidence to meet any evidence presented or adduced by the Government. A complete record of the testimony, both on behalf of the Government and the alien, shall be prepared and forwarded to the bureau, together with any written argument or brief submitted by counsel, and the recommendation of the examining officer and the officer in charge for determination as to whether or not a deportation warrant shall issue.

Mr. VAILE. And this bill gives him a right to that full hearing?

Mr. CABLE. This bill amends the law and will be administered under the same regulations as govern other deportation cases, providing in each case for a full hearing and to be represented by counsel.

Mr. ROSSDALE. Does the alien under this act have the right to a hearing?

Mr. CABLE. Yes; as I have stated above, a full hearing is afforded him similar to hearing in State courts: After the record, briefs, and recommendation of the examining officer and of the officer in charge reach the bureau, they are referred to the solicitor of the Department of Labor, who again goes over the evidence and the law of the case and makes his recommendation to the chief of his bureau, viz, Commissioner Husband, who, together with the Secretary of Labor, again for the fourth time review the finding and make their determination as to whether or not such alien is a desirable resident.

Mr. BIRD. I believe it is clear that it is not mandatory on the Secretary of Labor to deport, but under the language of the act of 1920 is it not mandatory that he make a case out of every violation?

Mr. CABLE. It is mandatory thus far: If a complaint is filed with the Secretary of Labor, or if he knows of a case that should be investigated, then his men make a thorough investigation and proceed as I have outlined above. Each case will be considered by the Secretary of Labor on its merits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman, I wish to say a word precisely on the question which has just been raised, as to whether the deportation provided in this bill is mandatory on the Secretary of Labor. I can do that best by putting the documents together far better than by comment. This bill merely proposes to amend the act of May 10, 1920, by adding certain sections to it. The proposed amendment strikes nothing out of the act of May 10, 1920. The enacting clause and first paragraph of that act read as follows:

Be it enacted, etc., That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States, to wit.

They shall be deported from the United States if the Secretary of Labor, after hearing, finds that they are undesirable residents of the United States, and if he does so find they shall be deported under the conditions provided in sections 19 and 20 of the act of February 5, 1917.

I wish to call attention to a proviso of section 19 of the act mentioned. A judge can prevent the Secretary of Labor from taking the case up at all. Here is the language:

Provided further, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court or judge thereof sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within 30 days thereafter, due notice having first been given to the representatives of the State, make a recommendation to the Secretary of Labor that such aliens shall not be deported in pursuance of this act.

Mr. MANN. Does the gentleman think that that will apply to this act?

Mr. TEMPLE. This act is an amendment to the act of May 10, 1920, and that act says that the deportation shall be made in the manner provided in sections 19 and 20 of the act of February 5.

Mr. MANN. The act provides for deportation, but that does not carry the exception.

Mr. TEMPLE. The provisions of section 19 are what I read.

Mr. MANN. That is the manner of deportation, but there is no provision about finding that a man shall be deported.

Mr. TEMPLE. The act of May 10, 1920, makes the exception—that is, an amendment to that act—and does not strike out the exception.

Mr. MANN. This is a reference to the Burnett Act.

Mr. TEMPLE. Oh, no.

Mr. MANN. Yes; it is.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TEMPLE. I would like just about 30 seconds more. The act under consideration reads:

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, be amended by adding at the end thereof a new subdivision to read as follows.

This is expressly an amendment to that act, and that act provides that aliens deported under its provisions shall be deported in accordance with section 19 of the act of 1917. That section, section 19 of the act of 1917, gives the judge authority to stop the whole business before it reaches the Secretary of Labor.

Mr. EVANS. As I understand, the regulations are by this act made part of the law. Is that correct?

Mr. TEMPLE. I do not think so. I would not interpret what the other speakers state, but that is not my understanding.

Mr. Chairman, I yield back the remainder of my time.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman and members of the committee, apparently the native-born bootleggers of America fear the competition of the alien bootleggers of America, and to-day we have the first piece of legislation offered to this Chamber emanating from the bootleggers' union. I am not surprised that this type of legislation is offered to this House. Were to-day not, however, April 5, I should think that it were the 1st of April.

We stand here to-day looked down upon in this House by the picture of the most distinguished alien who ever sojourned in this country and fought for the cause of liberty. I refer to the Marquis de Lafayette, who fought in cooperation with General Washington.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. HILL. In a minute. I will just get through with this, and then I will yield.

In the days of Marquis de Lafayette "deportation" was known as "banishment." The old remedy of the old French monarchy, which was tied up with the Bastille, and which we thought had fallen with the fall of the Bastille, is now invoked to protect the native-born members of the bootleggers' union from foreign competition. [Laughter.]

I am inclined to think that this bill will pass, because I hold in my hand general order No. 17, I might say, of the generalissimo of the forces who back this bill, and for the first time to-day I am interested to notice that the bootleggers' union of America is fighting under the banner of the Anti-Saloon League of America. [Laughter.]

I am indebted this morning to some strange chance, because I have never been considered a follower of the Anti-Saloon League of America, and yet as a Member of this House this morning I received orders intended for some of the rest of you.

and in order that you will not miss your orders on this bill I will read the order of the generalissimo of the bootleggers' union of America and the Anti-Saloon League of America, which is as follows:

Mr. JOHNSON of Washington. Mr. Chairman, before the gentleman reads——

Mr. HILL. I do not care to yield yet.

Mr. JOHNSON of Washington. I want to ask the gentleman if he wants the prohibition laws enforced or not?

Mr. HILL. My views as to the enforcement of the prohibition laws will be taken up later.

Now, lest some Members have failed to read this order, I will read it. I understand some of the Members have received this order. I read:

The Anti-Saloon League of America. Legal department. Wayne B. Wheeler, general counsel and legislative superintendent, 30 Bliss Building, Washington, D. C.

I understood yesterday that he was also treasurer of the campaign committee, but he does not put that designation on this order. I read:

APRIL 4, 1922.

MY DEAR SIR: The appropriation bill, H. R. 11068, for the Justice Department as reported by the committee includes a designated sum of $300,000 for special United States assistant attorneys to enforce the national prohibition act. This is the same as last year. The Justice Department estimated that $150,000 additional was needed for clerks, stenographers, assistants, printing, etc., for these assistant attorneys. The committee amendment requires that this amount be taken from the total provided for these general purposes or items of expense.

Now comes the order for the day, the general order for to-day, issued by the combined forces of the bootleggers' union and the Anti-Saloon League of America:

On Wednesday H. R. 10075, to deport aliens who have violated the liquor or narcotic laws, will doubtless be reached for consideration.

Zero hour has struck, my friends. It has been "reached for consideration," and in a few minutes we will see the forces of the Anti-Saloon League and the forces of the bootleggers' union of America going over the top to pass this wonderful bill. [Laughter.]

Mr. GARRETT of Texas. There will not be any opposition to the amendment, will there? [Laughter.]

Mr. HILL. There will be a few. There will be a few of us who believe that George Washington and General Lafayette were the best guides for the American people in the way of deciding upon banishment who will vote against this bill.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. HILL. Not yet. I read further:

It will help law enforcement to provide for the deportation of such aliens.

Years ago in France, before the Bastille fell, they would have said "banish" such aliens. I read further:

In many places most of the offenders against the liquor and narcotic laws are aliens. There are approximately 8,000,000 aliens in the United States.

Now, my friends, that is the general order for the day. Here is your order for to-morrow or the day after to-morrow.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HILL. I can not yield yet. Mark this:

"It has been suggested," says General Wheeler, "that an amendment be added to take away the citizenship of Americans who use neighboring territory as a base for violating the laws of the United States."

I can see that this emanates from the "bootleggers' union, No. 1," located in Washington, and not a border association. [Laughter.] I read further:

Many so-called Americans are using the islands near our shores for liquor smuggling headquarters. Unless there is some real objection to the amendment its adoption would help to discourage this indefensible practice.

Pass this law to-day, Members of this House, and you will be asked to pass a further law to take away the citizenship of any American who violates the national prohibition law.

Mr. GARRETT of Texas. That refers to the other law, does it not?

Mr. HILL. I can not yield. I read further:

I hope you can see your way clear to support these measures in the most effective form.

Yours cordially, W. B. WHEELER.

P. S.—The various wet organizations are becoming active in encouraging beer and wine candidates in districts where Congressmen have supported enforcement legislation. Are there any such candidates in your district? The friends of the eighteenth amendment will do their duty if they are correctly informed.

[Applause.]

I noticed the gentleman cheered, because the gentleman was here yesterday when a promise was held out that those who voted with the Anti-Saloon League should be financed in their campaigns.

Mr. BLANTON. Why should they not be?

Mr. HILL. Mr. Chairman, I ask for order. I have not yielded.

The bill provides that all aliens who violate the national prohibition act or State prohibition act shall be deported, whether or not they have had a jail sentence or only a fine, because paragraph 4 says:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction.

That means imprisonment or fine.

Mr. LAYTON. Will the gentleman yield?

Mr. HILL. Not yet.

Mr. LAYTON. I hope the gentleman, who is a neighbor of mine, will yield.

Mr. HILL. Not yet. Now, gentlemen, I shall vote against this measure. I expect to see you pass it, because you have received your orders from the Anti-Saloon League of America. But I say to you that legislation of this kind is the sort of thing that will break down all true endeavor to make this Nation properly temperate instead of fanatically intolerant. Such legislation destroys the foundations of American liberty. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. JOHNSON of Washington. I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I feel in a fortunate position here to-day, in that never has anyone contributed anything to my campaign fund in 12 years, except one older brother, who has acted the part generously, and two years ago neither I nor anyone else paid one cent of expense for my nomination or election.

In one respect I am in somewhat the same position as my friend from Maryland [Mr. HILL]. Neither one of us makes much distinction between alien and American bootleggers. I do not care whether they are American or alien; I want to put them out of business. The gentleman from Maryland made it plain by his speech that he does not care whether they are American or alien, he does not want to interfere with their business. The gentleman from Maryland complains because in his "general order 17" Mr. Wheeler was insisting upon this bill to put the alien bootlegger out of business, and then he objected to the postscript put in by Mr. Wheeler asking an amendment to put the home bootlegger out of business. The gentleman from Maryland and myself are alike in making no distinction between the alien bootlegger and the American bootlegger, but there we part. I want them both put out of business. [Applause.]

There has been a great attempt to-day to put up a smoke screen around this bill, calling your attention to that which might be in the bill but is not, and saying little about what the bill really does contain. The bill provides that on its passage the Secretary of Labor may hold a hearing with reference to a particular alien who has been convicted of a violation of our law against the sale of intoxicating liquors or narcotics. There is nothing to say that he must hold a hearing; but if he holds a hearing and if the Secretary of Labor, a Federal official of the very highest standing, finds that such alien is an undesirable resident of the United States, then he may issue his warrant for his deportation. From the time the warrant is issued the statute is mandatory and the alien goes his way. He is deported.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. I should like to ask the gentleman if, in his opinion, it is not better, where the Secretary finds a man to be an undesirable alien, to order his deportation, rather than let the States toss that convicted violator from one State to another in an attempt to put the expense on the other State?

Mr. CRAMTON. I agree with my friend absolutely. I say from that point the law is mandatory, that the undesirable alien must proceed on his way; but until the Secretary of Labor issues his warrant, it is in his discretion; not as the gentleman from Wisconsin [Mr. STAFFORD] would like to have you believe, that the whole statute is mandatory, and that any man convicted of a technical violation of the liquor laws would have to be deported no matter how ridiculous it might be.

Mr. ROSSDALE. Will the gentleman yield?

Mr. CRAMTON. Unless I can get more time I can not yield. Now, that is the provision of the bill. Is that desirable? If a man comes to this country from abroad, and so persistently, so flagrantly, violates our law against the sale of intoxicating liquor or narcotics as to be found to be an undesirable resident, what shall we do with that man? If he is a citizen, we have no option except to keep him here. We have no other place to send him. But if he is an alien, I say we ought to send him out of the country as undesirable. [Applause.] He does not have the spirit of our American institutions in his heart. If a man is born in this country and has not the spirit of our institutions in his heart, so much the worse for the country. We can not put him out.

But if he comes here from abroad and proves after a period of probation—the gentleman from Alabama [Mr. HUDDLESTON] is evidently not a Methodist and does not believe in a period of probation—if this alien comes here from abroad and after a period of probation proves that he is undesirable, that he has not the American spirit in his heart, then I say send him home again, and the sooner the better. What is the American spirit? What is the spirit of our American institutions? Where is it codified? It is codified in the Constitution of the United States. If there is anyone here who in his heart does not subscribe to the Constitution of the United States——

Mr. MACGREGOR. There are a whole lot of them.

Mr. CRAMTON. I hope the gentleman from New York is not one of them.

Mr. MACGREGOR. Certainly not.

Mr. CRAMTON. I hope the gentleman does not stand here where he took his oath of office and say that he does not subscribe to the Constitution of the United States.

Mr. MACGREGOR. I do subscribe to it.

Mr. CRAMTON. I am glad to hear the gentleman say that.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. I would like two minutes additional.

Mr. JOHNSON of Washington. I yield to the gentleman two minutes more.

Mr. CRAMTON. The Constitution of the United States is a codification of the American spirit, and no one has the right to say that he will subscribe to one part of it and not to another. [Applause.] The eighteenth amendment to the Constitution says that in this country intoxicating liquors shall not be sold, manufactured, or transported. If there are those born in this country, even those in office, who are not willing to see the Constitution of the United States enforced, that is the misfortune of America; but if there are those who come here from foreign lands, where they had no opportunity, who have come to this land of broad opportunity, and they are not willing in return to support the supreme law of the land, the codification of our American spirit, for God's sake send them back where they came from. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, our incomparably handsome, most likable, and genial colleague from Maryland is absolutely sound on every question except one—the enforcement of the eighteenth amendment of the Constitution. He has assumed the leadership of the men in this Nation who are against the enforcement to the letter of that amendment. He stands for beer and light wines. He says that until to-day Wayne Wheeler, the distinguished attorney for the Anti-Saloon League, never dared to send him a communication. But he said that lately, as soon as this bill was framed and brought into the House, Wayne Wheeler has assumed the leadership for the bootleggers' union in this country, and immediately upon assumption of that leadership representing the bootleggers' union, is it strange that our colleague from Maryland should receive orders from Wayne Wheeler? [Laughter.] No, no; why, it is the natural sequence if that is true; if as a matter of fact Wayne Wheeler is representing them he was not far astray in sending orders to our friend from Maryland. [Laughter.]

But I want to say—and I hold no brief for Wayne Wheeler, and I never received one cent in my life from the Anti-Saloon League or any other prohibition organization for campaign expenses—I want to say, in justice to Wayne Wheeler, that if there is a man on God's green earth whom the bootleggers of the country hate, it is Wayne Wheeler. He is the man who has stood in their way; he is the man who is trying to put them out of business; he is the man who is trying to protect the homes of this country.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. If the gentleman will give me some time.

Mr. STAFFORD. I will give the gentleman a half a minute.

Mr. BLANTON. Very well.

Mr. STAFFORD. Does the gentleman know that every bootlegger in the country is the best friend the Volstead law has?

Mr. BLANTON. Oh, that is because the distinguished gentleman from Wisconsin and the distinguished gentleman from Maryland and other distinguished gentlemen who had something to do with the legislation some time ago and since have forced provisions in the Volstead law which permits the bootleggers of the country to violate the law with impunity and receive a 1-cent fine, as was received upon a plea of guilty in my own State just the other day. A violator of the liquor law of the country and the Constitution was fined 1 cent by a Federal judge in Texas. That is what makes the law ridiculous. It should be enforced as every law is enforced.

Mr. ROSSDALE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ROSSDALE. Does the gentleman suppose that Wayne Wheeler got this judge to be lenient to the bootlegger?

Mr. BLANTON. Oh, the gentleman's question answers itself through its absurdity. Wayne Wheeler stands for the abolition of the saloon and the liquor business of the country. He has done more than any other man in the country to abolish the saloons; he has done more than any other man in the country to protect the young manhood, the boys and girls of the country, and to protect the homes and the firesides; and he is the man whom we ought to commend, whom we ought to hold up in esteem, and not condemn or criticize without some reason for it. [Applause.]

Mr. STAFFORD. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Wisconsin has 24 minutes remaining and the gentleman from Washington has 10 minutes remaining.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I am reminded of the lines in the comic opera, I think "The Mikado," which run something like this:

My object all sublime, I shall achieve in time,
To make the punishment fit the crime, the punishment fit the crime.

This is rather a frantic scramble on the part of those who are endeavoring to conserve accommodations in our jails for American citizens, to provide some way of eliminating the foreign bootlegger. Of course, it appeals very strongly to gentlemen from the drastic dry States, such as the Representative from Kansas, where I understand they have become expert in fixing by legislation the length of bed sheets and other chamber linen, and also the Representatives from States from which we have just heard, where its senior Senator recently was called on to write a letter with reference to an organization operating within its borders and point out that unless the State put down the organization the organization would destroy the State.

I am somewhat familiar with the legislation enacted to enforce the prohibition amendment. I believed then as I believe now that we started in with too drastic a law for the enforcement, and to give due meed of praise to the distinguished author of that law I would say that I never heard him urge at that time nor since, nor do I think it occurred to him in his wildest dreams, that we should provide for the deportation of aliens who have violated some provision of a State law with reference to the narcotic or the prohibition laws; but I appreciate the gentlemen on the Pacific coast who have been unable to find out how many of a certain class of aliens there are living in their midst and are greatly terrorized because they are compelled to live in a state of ignorance, and if they gathered them all up in one place they would find that they would not equal the population of some modern-sized city in the United States.

The difficulty out there is that they always find some American citizen who is willing to sell their land to them, and, therefore giving them a chance to become landowners. And the difficulty with these alien bootleggers is that they are always able to find some American citizen who will buy the stuff. Talk about the distinguished counsel of the Anti-Saloon League of America. Why, he is the fellow that made bootlegging popular. He is not considered an enemy by the bootlegger, either native born or alien. He is the man who made it possible for them to ply their trade, and it may be that out on the Pacific coast, rather than build additional accommodations to their jails so that they can take care of these violators of the law, both alien and citizen, they prefer to have Uncle Sam bear the expense and ship them out of the country. I have no objection to providing

that by law, but I think we are entering upon a rather dubious experiment if we permit the States by legislation to say what aliens shall remain in the United States. In some of these very erratic and irrational States we may find that they will pass some very unreasonable law, with very heavy punishment, and they can come in then with their application and require that the alien shall be deported.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes more to the gentleman from Massachusetts.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. NOLAN. I would like to state to the gentleman that I represent one congressional district on the Pacific coast, and I have not heard from anybody in California favoring the passage of this act. I would also suggest that every time the people in the State of California have been called on to pass on a State-wide enforcement act they have voted overwhelmingly against it.

Mr. JOHNSON of Washington. Has not the gentleman read the reports of the grand juries of his own State?

Mr. WALSH. Mr. Chairman, of course the gentleman, I think, is in that unhappy class that is not permitted to bask in the sunshine of the smiles of the Anti-Saloon League. How the gentleman from Maryland [Mr. HILL] got on that list I do not know. The gentleman naturally would not hear of this urgent and overwhelming demand, because the band from the Pacific coast in the gentleman's own State is led by the distinguished gentleman sitting at the table on the other side of the aisle, who recognizes, without employing the radio mechanism, the martial strains, and he can picture in his mind the banner flowing to the breeze as the Anti-Saloon League army marches along its course, attempting to keep up with the law which it has fathered and attempting to catch up with punishment for its enforcement.

I submit, Mr. Chairman, that we made the law a little too drastic at the start. We should have followed the course embarked upon in the great State of Kansas, or in Minnesota, or in Iowa, or in Nebraska, and if we had we would find that the prohibition legislation there was a matter of growth and development. They did not fall upon their unsuspecting citizens at one sweep with prohibition legislation. They found that they had to formulate the law and improve it from time to time as public sentiment supported and indorsed it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Kansas.

Mr. TINCHER. Speaking of different State laws, I am wondering if the law of Massachusetts punishing witches by death is being successfully enforced.

Mr. WALSH. Mr. Chairman, I would state to the gentleman that Massachusetts never had any such law as that since the Constitution of the United States was adopted, and a great deal of the punishment of witches by death in Massachusetts is pure fiction and was used only years ago to frighten naughty little boys and little girls in Kansas and other Western States who would not behave and would not go to sleep at night. [Laughter.]

Mr. Chairman, I am very glad, indeed, to learn from the distinguished gentleman from Michigan [Mr. CRAMTON] that nobody has contributed to his campaign and that he, as he merits, has received the indorsement of his district. I trust he will continue to do so for years to come. However, there are campaigns in Michigan where the successful candidate can not make that claim. [Laughter.] I mention no names.

Mr. Chairman, I would like now to ask the gentleman from Washington [Mr. JOHNSON], who has charge of this measure, if he believes this bill in its present form is entirely free from complications in respect to putting into the power of a Cabinet officer authority, after hearing, to deport an alien for a violation of some State law.

Mr. JOHNSON of Washington. If the gentleman will permit me, I shall be very glad to answer that question.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield myself two minutes. Answering the question, I would state that in all the time that the United States has received immigration it has never had sufficient deportations to protect the United States. In 10 years' time the total deportations of the United States for all causes have been only a few over 30,000. We go about and gather people up after they are convicted and sentenced for certain abhorrent crimes, such as the violation of the Mann Act, we take them out of the poorhouses as public charges and send them back to the country whence they came, and yet we have been sitting here quietly for several years permitting them notoriously to violate our narcotic act by the peddling of dangerous drugs and to seduce and ruin our people, and now that we have a prohibition act we should try to have it enforced and should punish aliens who will not live up to it, even to the point of deportation if repeated violation makes such aliens undesirable as residents.

Mr. WALSH. Does the gentleman think there is any complication likely to arise——

Mr. JOHNSON of Washington. Not the slightest. If a man commits murder under a State law and serves his sentence, if they proceed against him under a warrant of this kind, they can and should deport him.

Mr. WALSH. How were they going to deport him if he should be hanged the day before? [Laughter.]

Mr. JOHNSON of Washington. Oh, they do not always hang men for murder.

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, while the gentleman from Massachusetts disputed the historical authenticity of the story of the burning of the witch at Salem, he failed to take cognizance of the fact that the witch-burning spirit actuates the proponents of this legislation. This bill provides for the deportation of noncitizens for a violation of the prohibition law or of the prohibition regulation of any State. The penalty of deportation is to be added to the present penalties. I wish I could find language adequate to express what I think of the proponents of the bill. Unfortunately the parliamentary situation does not permit it. Parliamentary practice would not permit a Member to say to other Members that they are hypocrites, fanatics, or stupid. Deportation is one of the most cruel forms of punishment. It was practiced by the Bourbons of France, and I am not surprised that the Bourbons of Texas support it. If a man violates a law, punish him. If he happens to have had enough intellect to choose to be born in the United States, if at the moment of his birth he possessed enough genius to choose this flag, then if he violates a law of his own land he should be punished the more severely.

He flouts the law of his own choosing; the law of his own making. He violates a Constitution purchased by the blood of his forefathers, and he is so much more of a criminal, if distinctions are to be drawn between citizens and noncitizens in the enforcement of the law. Some countries of Europe have been so reorganized that a man can not be deported to the country of his origin. New governments and new allegiances have been forced upon many of the peoples of Europe as the result of the last war. We are continuing the hysterical war legislation. The principle of deportation was brought in during the war to deal with an extraordinary and unprecedented emergency. Now you are going to deport a man because he has taken a drink in violation of the law. Some of you would be deported if you happened to be foreign born and noncitizens. [Applause.] The noncitizen is to be a legal outcast. Let us be honest about it. Why, gentlemen, this proposition merely indicates that the mentality of Congress has become exhausted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield one minute more to the gentleman.

Mr. LONDON. We have been in session nearly a year. The legislative projects that you were assembled for have been finished, and you have nothing to do. But there are some committees that, out of their fatigued brains, bring forth all sorts of inane, incoherent, monstrous, impossible things for us to contend with. I wish Congress would adjourn. [Applause.]

Mr. STAFFORD. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Chairman and gentlemen, I can not remain silent while you are perpetrating this piece of iniquity. History repeats itself. They used to boil men in oil when they did not agree with particular opinions. We are going that way now. Here you propose to make something immoral that is conceded to be moral.

Mr. VAILE. Conceded by whom?

Mr. MACGREGOR. Evidently by the law previous to this. It is conceded by your report that there was no moral turpitude in violating the prohibition law. There are thousands, yes millions, of our people who do not think there is any moral turpitude in violating the prohibition law.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. MACGREGOR. I can not; I have only four minutes.

In my district there are Italians, a splendid people, who have been accustomed to their wine. Do they think that there is any

moral turpitude in manufacturing wine for consumption in their own homes? Do the German people, who constitute the great basic people of my constituency, think there is any moral turpitude in the manufacturing of beer and wine in their own homes? Do the Polish people, who constitute another basic element of my constituency, think there is any moral turpitude in the consumption of beer and wine? No; they do not and they will not. They are most vehement in their resentment against the curtailment of what they consider their moral right. Now, you propose to take many hundreds, perhaps, of my people, who do not think that they have been guilty of any moral turpitude, because of some slight violation of the prohibition law, and cut them off from their families. They perhaps have been here many years; their children have grown up in the United States; their sons probably fought in the World War to make the world "safe for democracy." The mother and the father with their children are enjoying their lives in America. Perhaps the old people have not taken out their citizenship papers; I do not deem them guilty of any serious crime for not doing that in many, many cases. I am in favor of every man who comes to our country taking out citizenship papers and becoming a citizen, but there are, as I say, many hundreds who have not, and I do not consider that they have been guilty of any great or heinous crime. You propose to take these people, break up their families, and send them out into the world to God knows where; let their fate rest upon the arbitrary decisions of one man in the United States, whom you create a czar to determine the life and the liberty of the individuals covered by this infamous bill. We are becoming more and more to be a despotic, autocratic, czaristic country, placing might and power in individuals to determine the future, the life, the liberty of our citizens, and it is time that we should stop and not go any further with this specious, this futile, this czaristic legislation that you are seeking to place upon the statute books.

The prohibition amendment has been adopted; the Volstead Act has been passed. It should be enforced; but to enact this statute is going beyond the bounds of common sense. It is another step in the direction of creating disrespect for all law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield the balance of my time, six minutes, I believe, to the gentleman from New York [Mr. MILLS]. [Applause.]

Mr. MILLS. Mr. Chairman and gentlemen of the committee, it is difficult to remain silent, even if one has not any original thought to contribute to the discussion, when such a bill is presented to this body and when one has reason to fear that the measure will pass. I suppose one of the greatest faults in American public life to-day is hypocrisy, and of all the measures that are open to that charge this measure is one of the worst.

The gentleman from California this morning stated that the manufacturer and seller of drugs and the violators of the Harrison Act are in the same class with the violators of the Volstead Act. I wanted to ask him then, but he could not yield, and I desire to ask him now, whether he considers that great farming class of the State of California that is to-day devoting itself to the tremendous industry of grape growing, is in the same class with the manufacturer of heroin intended to be sold to minors in the streets and slums of New York City? He is putting them in the same class. And you gentlemen, in this legislation, are putting them in the same class. Read the history of the grape industry of California since prohibition went into effect and you will know what is happening. They are growing grapes and shipping them by the carload directly to foreigners to be manufactured into home-made wines. It is one of the bases of the prosperity of that State. Now, you gentlemen are going to say to the unfortunate foreigner who buys the grape and manufactures it into home-made wine for his own consumption that he is a criminal, to be torn from his fireside here in the United States and from his family, never to come back to this, his new home, while the grower of the grape, intended for the consumption of that foreigner, is to be considered among the foremost prosperous and respected American citizens. [Applause.] In the name of truth, in the name of honor, in the name of common sense, was there ever a more outrageous proposition put before a legislative body? To grow grapes and sell them to the foreigner to manufacture wine out of is a legitimate business, but we must deport the foreigner as a criminal. [Applause.]

In this country our citizenship is made up of all races and of all nationalities. They come here because they believe they are going to get fair play, a new freedom, and as they find that our laws are just and there is no discrimination shown they stay, and after one or two generations they become indistinguishable from the native-born American. What is going to be the effect of this class of legislation on these new arrivals? You are foisting an unjust measure on them. By this legislation you are telling them that it is all right for the Americans to grow the stuff to sell to them, but that he who buys it from those who grow it is a criminal if he uses it. If you are honest with yourselves you can not vote for such a proposition.

Mr. JOHNSON of Washington. What is the alien now if he uses this manufactured liquor?

Mr. MILLS. What is he if he makes homemade wine?

Mr. JOHNSON of Washington. Is he a violator of the law?

Mr. MILLS. I do not know whether he is a violator of the Volstead Act or not, but he may be a violator of some State law.

Now you gentlemen, of course, are going to pass this measure. It may or may not become a law. But even if I believed in this extreme legislation I should vote "no" on this proposition, because you are going so far in your frantic efforts to overcome your initial mistake that you are going to break down our whole system of law enforcement. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the remainder of my time to the gentleman from Colorado [Mr. VAILE].

The CHAIRMAN. The gentleman from Colorado is recognized for four minutes.

Mr. VAILE. Mr. Chairman, it is rather a new idea to me to find Members of the House of Representatives of the United States impliedly, at least, charged with hypocrisy on account of the offense of endeavoring to support a statute of the United States passed in obedience to a plain constitutional mandate, and passed by an overwhelming majority of the Congress. It seems to me it ill becomes gentlemen of the House to bandy about such words as "hypocrisy" in that connection.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. VAILE. For half a minute.

Mr. FESS. Did we not have the same charge of hypocrisy leveled against the legislation that we are now trying to enforce?

Mr. VAILE. Yes; and I suppose it will be done in the future by anybody who does not like such legislation.

Mr. FESS. And by the same people?

Mr. VAILE. Yes; by the same people.

Let us look at this question from the immigration standpoint. We can admit to the United States whom we please; we can refuse to admit whom we please; we can deport out whom we please. The question of the admission of aliens to the United States or their residence in the United States is one which is addressed only to our own good judgment. If we wanted to be so unreasonable, we could provide that no one should come to the United States who had red hair. It is entirely up to us. We could provide that if aliens come into the United States they can not stay unless they comply with our rules, and as a matter of fact we do require such aliens to go back unless they comply with certain of our rules. One of our rules is that they shall not be mentally deficient. Another is that they must not belong to societies opposed to our Government. Here to-day we are proposing a rule which is that if they do not comply with certain statutes of the United States, passed, as I say, by an overwhelming majority of the Congress, they may then be sent back, if, after their conviction and after they have had another day in court before the Secretary of Labor, they shall be deemed by him to be undesirable residents. But lo and behold, when it comes to the matter of enforcing that kind of a rule we find that the sentiment of the House is pervaded with another idea. The enforcement of a particular law is obnoxious to some gentlemen and so they would have us understand that there is some new principle involved in sending an alien away because he will not comply with it. You may send him back because he is a mental degenerate, or you may send him back because he is a moral degenerate. You may send him back because he is likely to become a public charge; that is to say, because he is poor and incompetent. You may send him back for this or for that, but for Heaven's sake do not send him back because he violates the narcotic act or the prohibition act!

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. FAIRCHILD. Why not for the violation of any statute?

Mr. VAILE. That might be well enough, but we can not do everything at once.

Mr. FAIRCHILD. Will you vote for that?

Mr. VAILE. I want to see this statute passed. I do not want it encumbered by other things.

Now, it is said that an American-born violator of the law is as culpable as the alien violator. I think he is even more cul-

public. But the American violator is here; he is our citizen. We have got to deal with him in some other way. We can say to the alien violator, "You can not stay unless you comply with our rule." Is it a great hardship?

The gentleman from Wisconsin [Mr. STAFFORD] gets up here and in an eloquent address says he is not willing to take the chance of putting this arbitrary power in the hands of the Secretary of Labor, the chance that the Secretary of Labor may hold as undesirable somebody who has been convicted and had his day in court and who will have another day in court; he is not willing to take the chance of the Secretary of Labor holding such a man undesirable. While he was speaking I counted in that gallery yonder 18 boys all less than 14 years of age, a group of bright youngsters from some school, eagerly listening to this debate to learn how their country's laws are made. They have since gone out of the gallery. I am not going to take the chance for those boys. I am more concerned about them than I am for the alien violator of our laws, who would wreck their young lives for a few filthy dollars.

My district comprises less than 8 per cent of aliens. I am informed by the district attorney that during his term of office—that is, since the beginning of the year 1921—70 per cent of convictions for the violation of the narcotic and liquor laws have been of aliens. Talk about taking a chance! There is chance enough to take from our own citizens who have no respect for their obligations to this country. I am not making light of that dreadful chance. It is full of perils, indeed; but must we take the additional chance which we are asked to take simply because of your extreme tenderness to aliens? We did not make these people. We did not compel them to come here. We do not have to have them, and if they do not comply with our laws we are not going to have them. [Applause.]

The gentleman from Alabama [Mr. HUDDLESTON] gives you a most pathetic picture of some man who has lived here for 50 years being deported to a country whose very language has grown strange to him, deported because he commits some trifling violation of law. In the first place, it is perfectly nonsensical to suppose that anyone is going to be deported for a trivial or a merely technical violation. This bill is intended to reach the criminal profiteer in vice and poison, and it will be so applied. But let us examine the gentleman's argument a little.

He says that the minute a man lands in this country the flag covers him and the Constitution protects him. Well, if he is so interested in the protection of the flag and of the Constitution, how does it happen that he has remained an alien for 50 years? [Applause.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. VAILE. I will.

Mr. HUDDLESTON. Many of these people have believed for years that the filing of their first papers made them citizens of the United States, and some of them have gone on for 50 years under that belief.

Mr. VAILE. That has happened in two or three States where they could vote on their first papers.

Mr. HUDDLESTON. It has happened in a multitude of States.

Mr. VAILE. The gentleman is mistaken. The Committee on Immigration and Naturalization has recently investigated that subject and found only three such States. But, at all events, there is no reason for their thinking that now. That subject has been thoroughly threshed out in our committee, and it has been thoroughly threshed out in the newspapers. But, in any case, does not that man owe any obligation to the flag which is supposed to protect him? Is the Constitution to be a dead letter as to him? Why, gentlemen, let us look at it from a reasonable standpoint. It is a question of our rules. Can we enforce our own rules, and can we enforce them by saying simply that people who will not abide by them can not live here? They can live in the countries from which they originally came. It ought not to be such a terrible hardship for them to go back to the country which gave them birth. I have very little sympathy with the cry that we hear that people who can not get along in this country, who can not conform to its laws, must nevertheless stay here because they will get along still worse in the country from which they came?

Mr. BLANTON. Will the gentleman yield for a question?

Mr. VAILE. I yield to the gentleman from Texas.

Mr. BLANTON. Even if we wanted to deport our own criminals, we could not do so, but we can deport aliens.

Mr. VAILE. Our own criminals are a separate problem. We have got to take care of them as best we can. They may fill our jails. It is unfortunate, perhaps, that we have not some place where we can send them; but, gentlemen, it is of no use to stand here and urge that the American is more culpable than the alien. Perhaps he is; for my part I believe that he usually is; but if so, he is our problem and the alien is some other country's problem, because the word "alien" means that he belongs to some other country and does not belong to us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, is amended by adding at the end thereof a new subdivision to read as follows:

"(4) All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction:

"(a) The national prohibition act of October 28, 1919;

"(b) The act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes,' approved December 17, 1914, as amended;

"(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves."

Mr. BOX. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the enacting clause of the bill.

Mr. STAFFORD. Mr. Chairman, I am willing that the vote should be taken without debate.

The question being taken; on a division (demanded by Mr. STAFFORD) there were—ayes 30, noes 99.

Accordingly the motion was rejected.

Mr. BOX. Mr. Chairman, I move to strike out the last word. We have heard something here to-day about Salem witch burning by those who oppose this measure. I never engaged in any fight when a question of law and order was involved in which I did not hear from men who object to law enforcement something about the question of witch burning. I recognize that the remark made by the gentleman from Kansas [Mr. TINCHER] was a playful one, as he is supporting this measure. If I were able to do it, I should like to take the old New Englander with his fanaticism, if he had it, and his faults—and he had them—but with his upstanding, towering Americanism notwithstanding all, and set him over against the bunch—not here, but elsewhere—from which these words have come, whose record for crime and lawlessness is bad. I will take the noble old New Englander in preference. [Applause.]

Something has been said by way of comparison of the great Frenchman, Lafayette, with the liquor forces in America. That was an unfortunate and unhappy comparison. The great honor which we pay to the memory of Lafayette entitles him to more respectful treatment than that. He belongs in a nobler company. His name should never be presented in connection with such a cause. He joined with our forefathers in the establishment of a free America when they were led by Washington, whose name was presented by the gentleman from Maryland in the same connection. The lawlessness connected with the whisky business presented itself to the great Washington. The first great uprising against the law and authority of the United States after its Government was established was from the same lawless source; and while Washington was a liberal-minded man, he was above all a great, upstanding, Nordic American, knowing that law must be upheld, regardless of whether the citizen approved or disapproved it. He know, declared, and acted upon the proposition that the orderly and regular enforcement of the law is necessary to the safety of the citizenship of the United States and to the continuance of a free Government. In his first administration he quelled the whisky insurrection. We are trying to hold down the same lawless business and reduce the evil of dope peddling. [Applause.]

Mr. STAFFORD. Mr. Chairman, I move to strike out paragraph (c), on page 2.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, beginning with line 10, strike out paragraph (c).

Mr. STAFFORD. Mr. Chairman, as I stated in my opening remarks, this bill is an amendment to a dead-letter law. Every paragraph to which this is amendatory refers to acts passed under the war powers of Congress.

I repeat, as you will find at the bottom of page 1 of the report, that this act makes it mandatory, upon the conviction of any person who has violated a State law, that he shall, upon the warrant of the Secretary of Labor, be taken into custody, and then a hearing may be had. And the Secretary of Labor, after hearing, if he decides the alien is undesirable, may order that he be deported.

Further, this act you are seeking to amend by section 2 gives no power to the court over the decision of the Secretary of Labor in passing upon the question whether this alien is a desirable citizen or not. For section 2 of the act we are amending provides:

That in every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this act the decision of the Secretary of Labor shall be final.

There have been many instances in the administration of this law under section 19 where the Secretary of Labor has gone beyond his constitutional authority in imprisoning without notice a large number of aliens on the ground that they were not in sympathy with our Government; but the Supreme Court, the palladium of the rights and liberties of the American citizens, have upheld the right of even the alien to be granted a hearing. I repeat that I am unwilling to vest in the Secretary of Labor the authority to deport an alien who has been sought after by some State prohibition enforcement officer fanatic and has been fined to grant to the Secretary of Labor the privilege of deporting that alien. As has been said many times in debate, the sponsors of this bill recognize the futility of national prohibition enforcement in communities where the sentiment is opposed to it, and now are trying to pass a legislative monstrosity by granting to the Secretary of Labor powers that were not even granted in war times to Cabinet officials or the President. That is your much-vaunted liberty and freedom under the American institution. On the one side you have an American citizen violating the law and paying a nominal fine, and beside him you may have an alien who has declared his intention to become a citizen subjected to a similar fine, and as soon as the fine has been levied and paid the Secretary of Labor takes him into custody with the power to deport him from these shores to some land where he has no home. [Applause.]

Mr. CLOUSE. Mr. Chairman, I rise to oppose the amendment of the gentleman from Wisconsin. Mr. Chairman and gentlemen of the committee, I have listened with considerable interest to the debate on this bill, and I think I came here with my mind open and free, not having prejudged the case, I am sure. But I am now prepared to say that I can not agree with the distinguished gentleman from Wisconsin that this bill deprives any individual, whether he be native or alien, in any unreasonable way of any right he has here under the flag of this country. I think, on the contrary, that this is a reasonable provision. I think it is one that should be adopted by this Congress and one that should be enforced after it is adopted.

Why, there is nothing in the argument that any man is deprived of his rights or of his liberty in an arbitrary manner, but, on the contrary, he must have been convicted of a violation of the statutes of the United States, and then only can the Secretary of Labor take action.

I shall support this bill, but I want to take this opportunity to call your attention to an existing law which is high-handed and in violation of the letter and spirit of that Constitution about which we have heard so much this afternoon. I believe that in the enactment of legislation for the enforcement of the eighteenth amendment it should at all times be reasonable in its character. But you have in connection with laws adopted in pursuance of the eighteenth amendment a statute now that takes the property of an American citizen, not of an alien, and confiscates that property without due process of law, and it is being indulged in in every State in this Union to-day.

Suppose that here in the District of Columbia a prohibition agent or one connected with the Revenue Department of this Government should go into a building owned by one of you gentlemen and should there find intoxicating liquors, or, perchance, find where an illicit still had at some time in the past been located. He arrests you, and the Commissioner of Internal Revenue immediately makes an assessment of a tax, together with a $1,000 penalty, provided under the Volstead Act. You can go into court and be abundantly able to show your innocence before the court and a jury of your peers, but notwithstanding that fact this assessment is enforced by notice after notice, and then a distress warrant is issued and levy is made upon your property, notwithstanding the jury has passed upon your innocence and given you a verdict of not guilty.

Now, I say to you that I have been a consistent supporter of prohibition. In my State 15 years ago the first political campaign in which I ever engaged was to make Tennessee, my native State, a prohibition State. I am in favor of prohibition now, but I am not in favor of any law that will take my property or your property or the property of any citizen of America without due process of law and giving him his day in court. [Applause.]

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to get a little information, if I can. Under the act of 1920 can the Secretary of Labor arrest a man before or after hearing?

Mr. JOHNSON of Washington. The act of 1920 applies to persons convicted.

Mr. MANN. Of course the act provides—

Shall upon the warrant of the Secretary of Labor be taken into his custody and deported in the manner provided * * * if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Mr. JOHNSON of Washington. Exactly.

Mr. MANN. If it were a matter of original construction left to me, I should say that he could not issue the warrant until after the hearings. What I want to know is the fact. What does he do?

Mr. JOHNSON of Washington. He does issue a warrant, I think.

Mr. CABLE. The procedure requires two warrants. When information is lodged with the Secretary of Labor a warrant is issued and the man is taken into custody, and then if after the hearing is completed the Secretary of Labor finds that he is an undesirable citizen he is deported.

Mr. MANN. And that is the construction that the Department of Labor gives to this?

Mr. CABLE. Under the regulations.

Mr. MANN. So that under this bill any man who has been fined under the prohibition law for violation of either the national or a State law can at once be arrested?

Mr. CABLE. Yes; when information is lodged and the warrant is issued.

Mr. MANN. There is no requirement of information being lodged by the statute. On information being lodged he can issue the warrant any time he pleases?

Mr. CABLE. Yes.

Mr. MANN. On his own suggestion?

Mr. STAFFORD. The hearings disclose that that is the practice of the Department of Labor.

Mr. CABLE. That is the regulation.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 41, noes 91.

So the motion was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. I am a prohibitionist. I participated in the prohibition contest in my own State when to do so there was sometimes almost involved the sacrifice of long-standing friendships. I have consistently supported the prohibition legislation that has been enacted here. I may say further that I am in full accord with the desire to restrain the activities of unworthy aliens. So strong is my view on that point that I deeply regret that the Committee on Immigration, instead of confining its work to legislation that is not very material, does not present for our consideration a bill looking to a permanent law upon the subject of immigration which would absolutely exclude all undesirable foreigners. For some unaccountable reason there has been a failure to bring in such a bill, although the promise was made a long time ago that an opportunity would be speedily given us to vote on such a measure. Why that promise has not been kept can only be conjectured. But it has not been kept, and thus we are now engaged in determining what we will do with offending aliens already admitted, when, in my humble judgment, we ought to be dealing with the far more important subject.

We are now on section (c) of this bill. Is it reasonable? One of its provisions in substance is that an alien may be deported if he violates the liquor laws of any one of the 48 States of the Union. Putting out of view the Federal law, we know that the State laws are almost as diverse as the conditions and characteristics of the 48 States. I was told a moment ago by a Representative that in his State the manufacture and the use of liquor for sacramental purposes is not permitted, and that it is not permitted for medicinal purposes. Accordingly, we are asked to say that an alien who violates the law of that particular State to the extent of making or importing or using liquor for sacramental or medicinal purposes shall be liable to deportation.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Not now.

Mr. BLANTON. That law——

Mr. MOORE of Virginia. Please wait one moment. Is that reasonable? I ask as a prohibitionist if that is a reasonable proposition? I ask if such legislation will not put us in the

attitude before the country of doing something unreasonable, and which may properly be charged as extreme and fanatical? One danger to the prohibition cause to-day is that by such legislation those who are deeply and heartily anxious that the cause shall prove a success may contribute to its final defeat. I do not discover—and this is rather significant—that the leader of the prohibition forces upon this floor, the gentleman from Minnesota [Mr. VOLSTEAD], the man entitled to more credit than anyone here for what has been done along prohibition lines, assumes any responsibility for this bill. To-day I have not heard his voice raised in favor of it. Mr. Wheeler has been criticized on the floor. I for one respect Mr. Wheeler and the great organization to which he belongs, and, so far as I know, there is an absence of evidence that Mr. Wheeler or that organization favors this provision. Regarding this provision as I do, I must oppose it. I must vote my convictions on this matter, as I shall hope always to vote my convictions on every measure. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I desire to say a word in opposition to the motion of the gentleman from Virginia. Several gentlemen are urging haste with respect to more restrictive immigration legislation. A great many people seem to think that you can take a pair of scissors and a paste pot and write an immigration act overnight—a strong, workable act. And yet when one comes on this floor with a deportation bill of this kind, designed to put some teeth into the immigration act, you find the very gentlemen who want more restrictive legislation are afraid of the teeth. Do you know what we are doing with our present deportation provisions? Deportation is a severe act, the last step, and one of the very hardest steps to accomplish. You do not pick a man up and send him out of the country just with a kick. It is a long process, as a rule. If the alien to be deported has been here some years the expense of sending him overseas is borne by the Government, and he is sent to his own country only with the consent of that country. That country usually consents because it wants to send other immigrants here. Let me refer you to these figures in respect to deportation for the last eight months' period, and we have had more deportations in the past year than for some time. For insanity, epilepsy, mental defective, and so forth, we deported 330. Those are the people that are found usually in insane asylums. The State asylums report to the Immigration Service and ask our Federal authorities to send them out of the country. Those deported because they were physically defective were 47 in eight months; because of loathsome or dangerous contagious diseases, 55; because they were likely to become, or had become, public charges, 1,190. Those are the poor broken wretches who failed in life's battle after coming here from some other country. They have collapsed and they are in the poorhouses, and we grab them up and shove them out. They have violated no law; they have simply broken down in the fight for existence. Who would leave the alien narcotic law violators in while he sends out the pauper? Of criminals we have deported 270 in eight months, and that number is above the average. As I said in the beginning, at any time the Secretary of Labor or any of his agents takes a man who is convicted under a State law and deports him as an undesirable citizen because he has violated a State law in regard to liquor or drugs, you may rest assured he is an undesirable alien, not fit to stay in the United States, and properly one to be deported.

Mr. CHALMERS and Mr. WALSH rose.

The CHAIRMAN. The gentleman from Ohio [Mr. CHALMERS] is recognized.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last two words.

This seems to have developed into a contest between the "wets" and "drys." Now, in one sense of the word I suppose that I may be classified as a "wet"; that is, I am in favor of water transportation. And, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type an address I delivered last Saturday before the City Club of Baltimore on the subject of transportation.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. STAFFORD. Earlier in the proceedings I objected to extending the remarks of the gentleman from California, and therefore at present I shall be obliged to object to the request of the gentleman from Ohio.

Mr. WALSH. Mr. Chairman, I offer an amendment. On page 2, lines 10 and 11, strike out the words "or of a State or Territory."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 2, lines 10 and 11, after the word "States" in line 10, strike out the words: "or of a State or Territory."

Mr. WALSH. Mr. Chairman, I only desire to state that this amendment is along the line suggested by the distinguished gentleman from Virginia [Mr. MOORE] and along the lines which I suggested earlier in the day, to the effect that I believe we are entering upon a field that is likely to give rise to complications if we permit a Cabinet officer, situated in Washington, to pass upon the question of deporting people because they may have violated some State law.

Now, we have an all-comprehensive national statute, and it is as drastic as most of the State laws now in force, with possibly one or two exceptions. It seems to me that if this deportation provision in reference to the prohibition act be included in the law, we might well confine it to violations of the Federal statutes.

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. I want to call the committee's attention to the fact that under the present law a man who is convicted of a crime for which he is punished for more than a year, and which involves moral turpitude, is deportable. There are 48 States of the Union now dealing with all those classes of cases, and any man convicted in any State of the Union to-day of a crime involving moral turpitude, where the judgment of the court is for more than a year, he is deported, namely, for crimes relating to theft, arson, burglary, and all other crimes of that character involving moral turpitude. And under the law to-day, after the man has been convicted and served a term of sentence as provided, it is the duty of the Secretary of Labor to make a complaint, or for some one to make a complaint, and then the party is arrested. Then it is the ordinary course of procedure to require a hearing before, first, the inspector, the immigration commissioner, and then it goes to the commissioner on immigration through his counsel; then goes to the Department of Labor through his counsel, and then finally comes to the Secretary of Labor after it has passed through all these proceedings, after due notice has been given, and when the Secretary finds the man is of an undesirable character and has been convicted under any of the laws of the 48 States he can then be deported.

These statutes to-day in regard to violating the narcotic laws are, most of them, State laws. Most of them do not involve moral turpitude, because opium for many years has been dealt in not only by England but by this country, and to-day we permit opium to be sold, and therefore it must be specifically provided that a man be deported after having been convicted by a State law. And there is no statute on the statute books now that reaches thousands of cases of those who are violating the narcotic laws and to prevent the ruining of the young men and women of this country, and where the testimony shows that 98 per cent of the violators are aliens. Then why do you want to be squeamish in regard to the deporting of these men who are destroying the very existence of the communities in which they live?

Mr. BLANTON. Mr. Chairman, I move to amend the amendment offered by the gentleman from Massachusetts by striking out the words "or Territory."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Amend the amendment offered by Mr. WALSH, by striking out the words "or Territory."

Mr. BLANTON. Mr. Chairman, this is the only parliamentary way by which I can get to speak on the question raised by the gentleman from Virginia [Mr. MOORE], who is a distinguished lawyer. He gave as his reason for objecting to subdivision 3 of the bill that various of the States had passed inconsistent laws. He said, forsooth, that some State had passed a law prohibiting this, and another State prohibiting that, and because such States had passed inconsistent laws he was in favor of striking out the third provision and limiting the bill to a Federal law. The distinguished gentleman from Virginia is too good a lawyer not to know that if any State should pass a law in any way inconsistent with the provisions of the eighteenth amendment it would be unconstitutional, because it would not be in conformity with the eighteenth amendment of the Constitution. The eighteenth amendment permits the States to pass regulatory measures with respect to prohibition only when those regulatory measures are consistent with the provisions of the eighteenth amendment to the Constitution.

Mr. MANN. Does the gentleman think the States had authority to pass such a law before the eighteenth amendment was a part of the Constitution?

Mr. BLANTON. But the eighteenth amendment specifically provides that the States are given the same concurrent right to pass laws to uphold the eighteenth amendment of the Constitution, which is to prohibit the sale and manufacture or gift of intoxicating liquors.

Mr. MANN. But the eighteenth amendment did not take away from the States any power which they had before the eighteenth amendment became a part of the Constitution.

Mr. BLANTON. I am in favor of this bill exactly as it is written, without the additional crossing of a "t" or the dotting of an "i."

Mr. MANN. Then why did you move to strike out a part of it?

Mr. BLANTON. Merely as a pro forma motion in order to answer the gentleman from Virginia [Mr. MOORE]. Under the parliamentary situation I had no other means, and I had to use a subterfuge in order to gain the floor.

Mr. Chairman. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. GRAHAM of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I rise to move to strike out the last three words.

Mr. Chairman, I suppose it will be of very little consequence what one may say on this measure, because the Members of the House seem to have practically made up their minds as to how they are going to vote, and they will not be influenced by reason in the matter of their voting. But I would like to call the attention of my colleagues to the fact that there never was a more undesirable piece of legislation than this bill which is now presented for their consideration. [Applause.]

Looking at it from a lawyer's viewpoint alone and without regard to the so-called division of "wets" and "drys," this is a bill which is intended to refer to the question of immigration and the regulation of immigration through restrictions more than anything else. The bill should be considered without regard to the question of enforcing prohibition. If you were dealing with this matter and were framing a scientific piece of legislation and would deport any alien who violated any national law, that might be received with some consideration. But when you are striving to select two classes of offenses, mere misdemeanors, and say that for them the punishment shall be deportation, you are making a distinction that is not justified in logic or in common sense. [Applause.]

The criticism of this bill made by the distinguished gentleman from Virginia [Mr. MOORE] is well founded. Any regulatory enactment of a State may become the subject of deportation. Is that just, equitable, or proper punishment? Think of it! A man may come here and do that which results in a fine, not imprisonment—he may commit an act which is malum prohibitum, not one which is malum in se; and for that, on a stranger in our midst, you are going to impose a penalty which is one of the severest penalties, in my judgment, that could be imposed. Does the punishment fit the crime? You are going to deport him for having violated perhaps a merely regulatory provision in some State law.

What right has this national body to impose penalties which are to be enforced for the violation of State laws? Let us confine ourselves to imposing penalties for the violation of Federal laws, laws made by this Congress. Let us enforce them if we see fit, even by deportation of aliens. But why say that everyone who violates some regulatory provision of some State law shall be liable to deportation if unfortunately he is an alien living in our midst?

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LAYTON. Do I understand that the Secretary of Labor could deport a citizen of Delaware against the will of the courts and the people of Delaware?

Mr. GRAHAM of Pennsylvania. If he is an alien resident, not a citizen resident in Delaware.

Mr. LAYTON. If he is not convicted by the people of Delaware?

Mr. GRAHAM of Pennsylvania. The man would have to be convicted of some violation of law, but it might be some very minor violation of law.

Mr. LAYTON. In other words, if he was deported, it would not be a Federal act in violation of the will of the State?

Mr. GRAHAM of Pennsylvania. No.

But the chief objection that I have against the enactment of such legislation as this is the looseness of its terms. Read it:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts—

And, then, in paragraph (c), wherein it says:

Any other statute of the United States or of a State or Territory prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes—

And so forth.

Think of the monstrous nature and character of a punishment like that for some trivial violation of the law which a man has perhaps inadvertently committed, but of which nevertheless he is guilty! For remember, my friends, that in those things——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WHEELER. Mr. Chairman, I ask for the regular order.

Mr. JOHNSON of Washington. Mr. Chairman, can we arrange for more time?

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may proceed for one minute more.

Mr. GRAHAM of Pennsylvania. I ask for one minute.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GRAHAM of Pennsylvania. I was going to remark that in these cases which become crimes merely because they are prohibited there is not necessarily any moral turpitude, except you may say that a man who violates any law is guilty of moral turpitude; but as between those things which men in conscience consider right and those things which they say are wrong there is a clear distinction in the law. And when you include in this section as crimes things which are merely made crimes by statute, which are not morally wrong, which are called bad only because prohibited, and for which men are liable to conviction because they are prohibited, in which even the intent of wrongdoing may be wanting, yet because they are prohibited the person may be convicted, I respectfully submit that when you so provide, singling out such cases and imposing the grave penalty of deportation, you are enacting a monstrous piece of legislation. [Applause.]

Mr. WHEELER rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. WHEELER. To demand the regular order.

The CHAIRMAN. There is not any regular order.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, I rise in opposition to the motion of the gentleman from Massachusetts [Mr. WALSH]. I believe that the amendment should be defeated.

According to my understanding, in the adoption of the eighteenth amendment concurrent jurisdiction was conferred on the several States of the Union to enact such rules and regulations as they might enact or prescribe to assist the National Government in enforcing the eighteenth amendment. I can conceive that perhaps there might be violations of those State laws and regulations, and there would be cases in which persons should be punished for violations of State laws where perhaps there would be no direct violation of any Federal statute whatsoever.

But be that as it may, gentlemen, there have been some of the most surprising arguments made here on the floor of this House that I have ever listened to. I am not yet willing to concede that any violator of the laws of this country is bigger than the Constitution and laws of this Government.

It has been stated here that this bill should not be passed because it might be considered too drastic or fanatical. I want to answer that by saying that in our attempt to support the Constitution of the United States and enforce it, we are not going to write a law that is too drastic for that purpose.

That is exactly the trouble now, that the laws by which the eighteenth amendment is to be enforced are not sufficiently drastic. I am willing to write into this law the provisions of this bill, which to my mind are simply these, that the fundamental principle of this bill is that if an alien violates the eighteenth amendment to the Constitution, he shall be deported from the United States upon conviction for such crime, and I believe that should be the law. That is what this bill undertakes to do, and its enactment will assist us in upholding the law and preventing its being violated as is now being done. Of what particular benefit is an alien citizen who comes to our country and claims the protection of our flag, who having come here undertakes to tear down the Constitution of our country? [Applause.] Let us send him back where he belongs.

That is what this bill will do, and I am in favor of passing it without making a single change, and I particularly oppose the amendment of the gentleman from Massachusetts [Mr. WALSH]. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that at the end of five minutes debate on this amendment and all amendments to the bill be closed.

The CHAIRMAN. The gentleman asks unanimous consent that all debate on the amendment and all amendments to the bill be closed at the end of five minutes.

Mr. LONDON. I object.

Mr. JOHNSON of Washington. Then I move, Mr. Chairman, that at the end of five minutes all debate on this amendment and all amendments to the bill be closed.

Mr. GARRETT of Tennessee. The gentleman from Mississippi [Mr. LOWREY] desires five minutes.

Mr. JOHNSON of Washington. Then make it 10 minutes.

The CHAIRMAN. The gentleman from Washington moves that at the end of 10 minutes all debate on this amendment and all amendments to the bill be closed.

The motion was agreed to.

Mr. MANN. Mr. Chairman, the other day I was reading a story placed in the time when in England a great many crimes were punishable by death. The result was that it was rather difficult in many cases to convict a person of a crime; and the experience of mankind, at least in those countries where the people have to do with government, is that excessive punishment adds to rather than detracts from the frequency of crime. Suppose you should put into a law a provision that a man should be hanged if he violated the Volstead Act. How often do you think you could convict anyone? I believe in upholding the law, but as a practical question if you provided that if a man took a drink of wine he should be punished by imprisonment in the penitentiary for 10 years you could not convict one in a thousand who were brought before the court for trial, and no man here—with the exception of a few—if he were on a jury with a plain case before him would vote to send a man to the penitentiary for life because he had taken a drink of wine or because he had given somebody else a drink of wine.

I apprehend this bill will pass this House, and I predict now that the result will be a more lax enforcement of the law than there is now, because if you bring before a jury an alien with whom the people of his locality are acquainted who has been convicted of taking a drink of wine or of giving a drink of wine to his neighbor and say that in addition to punishment by a fine of $10 he shall be taken away from his wife and children and sent to a foreign land you will not be able to convict him. [Applause.]

Mr. VAILE. Is there any United States statute now which prohibits a man from taking a drink of wine?

Mr. MANN. There is a statute of the United States and there are statutes of many States. I believe there is no statute which prevents a man from taking a drink of wine in his own home if he owned the wine before the eighteenth amendment was adopted, but there is a statute against it otherwise, not only Federal but State. It is a question of the enforcement of the law. Do you think you will be more apt to enforce a law—which I am sorry to say is now frequently violated—if you attempt to provide a more drastic punishment in a few cases, and probably encourage people in the end to violate the law, because the juries will not convict them? [Applause.]

Mr. LOWREY. Mr. Chairman, I recognize the force of the argument of the gentleman from Virginia [Mr. MOORE] and those who take his position, and I shall vote for the amendment before us. I believe the Federal law is broad enough——

Mr. BOX. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. BOX. Does the gentleman know that the bulk of the laws against the sale of narcotics are the laws enacted by the State, and that he will greatly weaken one of the fundamental provisions of this law when he eliminates that feature of it from this bill?

Mr. LOWREY. I shall not take the time to argue that with the gentleman, because I rose really to present another matter. I have only five minutes.

Two or three gentlemen have spoken of this bill as being monstrous, or a legislative monstrosity. I want to refer to another law that I think is more a monstrosity. I once had a good friend who was hanged. I suppose a good many of you gentlemen have had the same misfortune. Some of you may have had very good fortune to escape yourselves when your friends were hanged. [Laughter.] My friend was hanged for murder. The newspaper account said that when he committed the murder he had spent five hours in the saloon of the town. He was a man who came from one of the best families and had been a fine citizen, but a man whom liquor drove absolutely mad. He came out of that saloon and shot down a man in cold blood. For that he was hanged. The newspaper account said he had spent five hours in the saloon. Who put the saloon there and for what was it put there? The good State in which I lived was getting a thousand dollars a year of the profits of that saloon and was in copartnership with the business, and putting its fostering hand over the business and protecting it and backing it with law. The State and National Governments were both in league with it and helped to put the thing there. They put it there for one purpose and one alone, that men might go there and get drink. When this man went there and got liquor he became crazed by it. He was a man whose appetite had got where he could not control it, and it drove him into the saloon, and when he came out drunk he committed this murder. Then the same State that had passed that law, that had put that saloon there, that had backed it up, that had taken a part of its profits, turned around and hanged the man for committing the crime that he committed in the insanity gotten out of that saloon. I submit that you will never find a law more monstrous than that. When we talk about monstrosities, let us remember we are fighting a law that was the most infamous monstrosity this country ever had to deal with. I am willing to modify this reasonably, but I am in favor of the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired; and the question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. McCLINTIC. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 2, lines 10 and 11, strike out the words "or of a State or Territory."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. WALSH) there were 73 ayes and 95 noes.

So the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11118) to provide for the deportation of certain undesirable aliens, and had directed him to report the same back without amendment with the recommendation that the bill do pass.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. WALSH. Mr. Speaker, I desire to move to recommit the bill.

The SPEAKER. Is the gentleman from Massachusetts opposed to the bill?

Mr. WALSH. I am. I move to recommit the bill to the Committee on Immigration and Naturalization with instructions to report the same back forthwith with an amendment striking out, in lines 10 and 11, page 2, the words "or of a State or Territory."

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the bill to the Committee on Immigration and Naturalization with instructions to that committee to report the same back forthwith with an amendment striking out, on page 2, lines 10 and 11, the words "or of a State or Territory."

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question.

Mr. BLANTON. Mr. Speaker, I make the point of order that this particular amendment sought in the motion to recommit was submitted by the gentleman from Massachusetts in the Committee of the Whole, and by an overwhelming vote the Committee of the Whole passed on this particular question and denied it, and it is now out of order under the rules of the House.

Mr. MANN. It is surprising that anybody who knows anything about the rules of the House would make such a point of order.

The SPEAKER. The point of order is overruled. The question is on the motion for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WALSH) there were 64 ayes and 112 noes.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. STAFFORD. I ask for a division.

Mr. JOHNSON of Washington. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 222, nays 78, answered "present" 2, not voting 133, as follows:

YEAS—222.

Ackerman	Davis, Tenn.	Larsen, Ga.	Scott, Mich.
Almon	Denison	Larson, Minn.	Scott, Tenn.
Anderson	Dickinson	Lawrence	Sears
Andrews, Nebr.	Doughton	Layton	Shaw
Appleby	Dowell	Lazaro	Shelton
Arents	Drane	Leatherwood	Shreve
Aswell	Driver	Lee, Ga.	Sinclair
Atkeson	Echols	Little	Sinnott
Bankhead	Elliott	Lowrey	Sisson
Barbour	Ellis	Luce	Slemp
Barkley	Fairfield	Lyon	Smith, Idaho
Beedy	Faust	McArthur	Smith, Mich.
Begg	Fess	McClintic	Smithwick
Bell	Fordney	McFadden	Steagall
Benhain	Foster	McKenzie	Stedman
Bird	Frear	McLaughlin, Mich.	Steenerson
Black	Free	McPherson	Stevenson
Bland, Ind.	French	McSwain	Stull
Bland, Va.	Fulmer	Mapes	Strong, Kans.
Blanton	Gahn	Michener	Summers, Wash.
Boies	Garrett, Tenn.	Miller	Sumners, Tex.
Bowers	Garrett, Tex.	Millspaugh	Swank
Bowling	Gensman	Mondell	Sweet
Box	Gilbert	Montoya	Swing
Brand	Graham, Ill.	Moore, Ohio	Taylor, Tenn.
Briggs	Green, Iowa	Morgan	Temple
Brooks, Ill.	Hadley	Murphy	Thomas
Brooks, Pa.	Hardy, Colo.	Nelson, A. P.	Thompson
Brown, Tenn.	Hawley	Nelson, J. M.	Tillman
Browne, Wis.	Hayden	Oldfield	Timberlake
Buchanan	Hays	Oliver	Tincher
Bulwinkle	Hines	Osborne	Towner
Burroughs	Hoch	Overstreet	Tyson
Burtness	Hooker	Padgett	Underhill
Burton	Hudspeth	Park, Ga.	Vaile
Butler	Hukriede	Parker, N. Y.	Vestal
Byrnes, S. C.	Humphreys	Parks, Ark.	Vinson
Byrns, Tenn.	Hutchinson	Pou	Volstead
Cable	James	Pringey	Walters
Campbell, Kans.	Johnson, Ky.	Purnell	Ward, N. C.
Cannon	Johnson, S. Dak.	Quin	Wason
Chalmers	Johnson, Wash.	Raker	Weaver
Chague	Jones, Pa.	Ramseyer	Wheeler
Clouse	Jones, Tex.	Rankin	White, Kans.
Cole, Iowa	Kelly, Pa.	Rayburn	Williams
Cole, Ohio	Ketcham	Reece	Williamson
Collier	Kiess	Reed, W. Va.	Wingo
Colton	Kincheloe	Rhodes	Wise
Connally, Tex.	King	Ricketts	Woodruff
Connell	Kinkaid	Riddick	Woods, Va.
Cooper, Ohio	Kline, Pa.	Roach	Woodyard
Cooper, Wis.	Kopp	Robsion	Wright
Crampton	Kraus	Rose	Wyant
Crowther	Langley	Rucker	Young
Dale	Lanham	Sanders, Tex.	
Dallinger	Lankford	Sandlin	

NAYS—78.

Andrew, Mass.	Hardy, Tex.	MacGregor	Riordan
Bachmann	Harrison	Magee	Rogers
Campbell, Pa.	Herrick	Maloney	Rossdale
Canfrill	Hickey	Mann	Stafford
Carew	Hill	Mead	Stephens
Chandler, N. Y.	Hogan	Merritt	Taylor, N. J.
Classon	Huddleston	Mills	Tilson
Cullen	Hull	Montague	Tinkham
Dominick	Husted	Moore, Va.	Treadway
Dunbar	Kirkpatrick	Moores, Ind.	Tucker
Dupré	Kissel	Newton, Mo.	Voigt
Fairchild	Kleczka	Nolan	Volk
Fenn	Kline, N. Y.	O'Brien	Walsh
Freeman	Knight	O'Connor	Watson
Frothingham	Knutson	Ogden	Winslow
Gerneed	Lee, N. Y.	Paige	Wurzbach
Glynn	Lehlbach	Parker, N. J.	
Graham, Pa.	Logan	Perlman	
Greene, Mass.	Loudon	Ransley	

ANSWERED "PRESENT"—2.

Crisp	Longworth

NOT VOTING—133.

Ansorge	Britten	Clarke, N. Y.	Curry
Anthony	Burdick	Cockran	Darrow
Beck	Burke	Codd	Davis, Minn.
Bixler	Carter	Colliton	Deal
Blakeney	Chandler, Okla.	Connolly, Pa.	Dempsey
Bond	Chindblom	Copley	Drewry
Brennan	Christopherson	Coughlin	Dunn
Brissen	Clark, Fla.	Crago	Dyer
Edmonds	Jefferis, Nebr.	Moore, Ill.	Sanders, N. Y.
Evans	Jeffers, Ala.	Morin	Schall
Favrot	Johnson, Miss.	Mott	Siegel
Fields	Kahn	Mudd	Snell
Fish	Kearns	Nelson, Me.	Snyder
Fisher	Keller	Newton, Minn.	Speaks
Fitzgerald	Kelley, Mich.	Norton	Stroud
Focht	Kendall	Olpp	Sullivan
Fuller	Kennedy	Patterson, Mo.	Strong, Pa.
Funk	Kindred	Patterson, N. J.	Taggue
Gallivan	Kitchin	Perkins	Taylor, Ark.
Garner	Kreider	Peterson	Taylor, Colo.
Goldsborough	Kunz	Porter	Ten Eyck
Goodykoontz	Lampert	Radcliffe	Upshaw
Gorman	Lea, Calif.	Rainey, Ala.	Ware
Gould	Lineberger	Rainey, Ill.	Ward, N. Y.
Greene, Vt.	Linthicum	Reatis	Websters
Griest	Luhring	Reber	White, Me.
Griffin	McCormick	Reed, N. Y.	Wilson
Hammer	McDuffie	Robertson	Wood, Ind.
Hangen	McLaughlin, Nebr.	Rodenberg	Yates
Hawes	McLaughlin, Pa.	Rosenbloom	Zihlman
Hersey	Madden	Rouse	
Hicks	Mansfield	Ryan	
Ireland	Martin	Sabath	
Jacoway	Michaelson	Sanders, Ind.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Keller (for) with Mr. Lampert (against).
Mr. Crisp (for) with Mr. Cockran (against).
Mr. Hersey (for) with Mr. Gallivan (against).
Mr. Strong of Pennsylvania (for) with Mr. Tague (against).
Mr. Fuller (for) with Mr. Sullivan (against).
Mr. Jacoway (for) with Mr. Morin (against).
Mr. Johnson of Mississippi (for) with Mr. Dyer (against).
Mr. Hicks (for) with Mr. Kunz (against).
Mr. Brinson (for) with Mr. Olpp (against).
Mr. Codd (for) with Mr. Rainey of Illinois (against).
Mr. Ireland (for) with Mr. Sabath (against).
Mr. Patterson of Missouri (for) with Mr. Hawes (against).
Mr. Gorman (for) with Mr. Griffin (against).
Mr. Kendall (for) with Mr. Kindred (against).
Mr. Reed of New York (for) with Mr. Radcliffe (against).
Miss Robertson (for) with Mr. Connolly of Pennsylvania (against).
Mr. Patterson of New Jersey (for) with Mr. McLaughlin of Pennsylvania (against).
Mr. Lineberger (for) with Mr. Rodenberg (against).
Mr. Funk (for) with Mr. Vare (against).
Mr. Darrow (for) with Mr. Linthicum (against).

General pairs:

Mr. Longworth with Mr. Upshaw.
Mr. Christopherson with Mr. Ten Eyck.
Mr. Sanders of New York with Mr. Wilson.
Mr. Rosenbloom with Mr. Clark of Florida.
Mr. Ansorge with Mr. Martin.
Mr. Wood of Indiana with Mr. Fisher.
Mr. Davis of Minnesota with Mr. Garner.
Mr. Griest with Mr. Taylor of Arkansas.
Mr. Chandler of Oklahoma with Mr. Favrot.
Mr. Snell with Mr. Hammer.
Mr. Sanders of Indiana with Mr. Kitchin.
Mr. Dunn with Mr. McDuffie.
Mr. Edmunds with Mr. Taylor of Colorado.
Mr. Luhring with Mr. Deal.
Mr. Snyder with Mr. Carter.
Mr. Michaelson with Mr. Goldsborough.
Mr. Brennan with Mr. Lea of California.
Mr. Kahn with Mr. Jeffers of Alabama.
Mr. Kennedy with Mr. Drewry.
Mr. Reber with Mr. Collins.
Mr. Clarke of New York with Mr. Fields.
Mr. Blakeney with Mr. Mansfield.
Mr. Chindblom with Mr. Rainey of Alabama.
Mr. Burke with Mr. Beck.

Mr. CRISP. Mr. Speaker, I voted "yea." I have a pair with the gentleman from New York, Mr. COCKRAN, but I overlooked it. I wish to withdraw my vote of "yea" and answer "Present."

The name of Mr. CARTER was called, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUESTION OF PRIVILEGE.

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I have already presented to the Speaker a copy of the New York World for last Sunday, which I submit raises the question of privilege, and upon that I ask recognition.

The SPEAKER. The Chair does not think that it raises the question of privilege. The Chair will recognize the gentleman to ask unanimous consent to address the House, if he desires to.

Mr. BLANTON. But I submit that under the rule any statement appearing in a newspaper which is a misrepresentation of facts, which would tend to bring into ridicule or disrepute the whole membership of the House, presents a question of privilege.

The SPEAKER. Will the gentleman cite some authority to that effect?

Mr. BLANTON. I call the Chair's attention to sections 2704 and 2705, volume 3, Hinds' Precedents.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. There is so much confusion on the floor of the House that it is impossible to hear. What is the matter now before the House?

The SPEAKER. The gentleman from Texas rises to address the House on a question of privilege.

Mr. BANKHEAD. On what statement?

The SPEAKER. On a statement that was attributed to him in the New York World, and the question now proposed to the Chair is whether that particular article raises a question of privilege.

Mr. BANKHEAD. Has that matter been submitted to the Speaker, or is it being presented now?

The SPEAKER. The gentleman is submitting it at this time.

Mr. BANKHEAD. It is being offered as a basis for rising to a question of privilege?

The SPEAKER. Yes. The Chair has already stated that he does not think it presents a question of privilege.

Mr. BLANTON. Mr. Speaker, I refer the Chair to sections 2704 and 2705 of volume 3, Hinds' Precedents.

The SPEAKER. The Chair does not think that those are at all analogous to this matter. In each of those instances the Member was criticized in his representative capacity.

Mr. BLANTON. I will call the attention of the Chair to the specific matter, if the Chair will permit. The New York World attributes to me a statement to the effect that all Members of the House receive, for instance, a whisky flask and a poker set and various other articles as a matter of right from the stationery room, and there is also attributed to me the statement that every Member receives each Congress $2,100 of mileage. If that statement is left unchallenged before the country it may place the membership in an entirely false attitude. All the charges that I made in Austin, Tex., are contained in the CONGRESSIONAL RECORD for January 12, 1922, in the speech that I made from this floor.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Does the newspaper article to which the gentleman refers state that the gentleman made those remarks on the floor of the House or outside of the House?

Mr. BLANTON. Outside of the House. The article states that I say that every Member receives each Congress $2,100 of mileage, which is absurd, of course, as to Members from Virginia and Maryland. I did not make such statement either here or elsewhere, and I desire to correct it.

Mr. GARRETT of Tennessee. I am asking the question in order that I may have something in my own mind about whether it does present a question of privilege. If the gentleman is charged with having made it on the floor of the House, and is misrepresented in any statement that he made on the floor of the House, it might be different from what he might have been alleged to say in the State of Texas.

The SPEAKER. The Chair will cite the gentleman to a decision which he thinks covers the case, section 2708, volume 3, Hinds' Precedents:

No question of privilege arises from the fact that a newspaper has attributed to a Member certain remarks which he denies having used.

Mr. BLANTON. I agree to that.

The SPEAKER. Where does the gentleman find any distinction between this and the matter to which he refers?

Mr. BLANTON. This distinction: If the attributed remarks are true that every Member here receives each Congress $2,100 in mileage——

The SPEAKER. But the gentleman denies that they are true.

Mr. BLANTON. For instance, an average of $2,100 in mileage is received by the Texas Member for each Congress of three sessions, but is not received by every Member. Whisky flasks are received by some Members and poker sets are received by some Members, but not by all of them.

The SPEAKER. How are they received by any Member?

Mr. BLANTON. By a Member going over to the stationery room and having them charged against his stationery account.

The SPEAKER. He buys them.

Mr. BLANTON. He buys them against the stationery account. The remarks attributed to me would lead the country to believe that, as a matter of fact, every Member receives these.

The SPEAKER. The Chair will refer the gentleman to another decision, section 2691, volume 3, Hinds' Precedents, where a select committee was appointed to investigate certain charges against a Member. The Chair quotes from the finding of that committee:

But a libelous publication concerning a Member in his private character and capacity only has never been regarded as a breach of privilege, either of the body of which he is a Member or of the Member himself, and he must seek redress for such private injury in the same manner other citizens do, by vindication through the public press or by resort to the legal tribunals.

The Chair thinks it is entirely proper that the gentleman from Texas should deny having made the statement. The gentleman had opportunity the day before yesterday under general debate.

Mr. BLANTON. I then tried to get time.

The SPEAKER. But the Chair does not think it involves a question of privilege. The Chair will recognize the gentleman if he wishes to ask unanimous consent to proceed.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 9033. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stat., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 2558. An act for the relief of Richard P. McCullough;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 7870. An act for the relief of I. C. Johnson, Jr.; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs"; and

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

STATUE OF ABRAHAM LINCOLN.

The Clerk called the Committee on the Library.

Mr. FESS. Mr. Speaker, by direction of the Committee on the Library, I call up House Joint Resolution 127 to reerect the statue of Abraham Lincoln upon its original site.

The SPEAKER. The gentleman from Ohio calls up House Joint Resolution 127. This is on the Union Calendar. The House will resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 127, and the gentleman from Wisconsin, Mr. STAFFORD, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 127, with Mr. STAFFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 127, which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site.

Resolved, etc., That the Superintendent of Public Buildings and Grounds of the War Department be, and he is hereby, authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C., upon an appropriate foundation or pedestal in harmony with the statue.

Mr. FESS. Mr. Chairman, I yield 25 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, inasmuch as there are several matters of historical data interesting to students of Lincoln, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, the first monument erected to the memory of Abraham Lincoln was unveiled in the city of Washington on the 15th day of April, 1868, exactly three years after he had given to his country, to use his own former words, the "full measure of devotion."

As its temporary mantle was withdrawn by the then President of the United States, Andrew Johnson, the mighty voice of the multitude gathered there rose in approval when the white marble figure of the martyr, crowning a heroic pedestal, stood lifelike before them. The same Lincoln whom those about knew and loved seemed to stand again familiarly before them, in the words of the orator of the day and Lincoln's personal friend, "a plain, unassuming but noble and Godlike specimen of human nature." "Here it stands," he cried, "in the plaza of the city, and here it will stand, we hope, to be seen by generations long hence to come."

Since then many years have passed along; many seasons have come and gone. More than 50 springs have lighted up the parks about it, and the winds of more than 50 autumns have whirled the withered leaves about its base; a thousand morning suns have tipped the pure whiteness of its crest; for half a century the barrages of the elements have swept its area; storm after storm have lashed in fury around its base, yet, typical of the life of its human counterpart, it has firmly stood throughout the years, the inspiration of the generations which have in reverence and adoration approached it.

Unveiled and dedicated on the 15th day of April, 1868, this graceful monument marked the plaza of the city until the 20th day of December, 1920, when it fell by virtue of iconoclastic propaganda directed against it, and the saintly figure was lowered, together with its pedestal and the stones supporting its plane of exaltation, where his friends, neighbors, and compatriots had placed it, and all together rolled away as backyard rubbish, suggesting to us once more that—

> Imperious Cæsar dead and turned to clay
> Might stop a hole to keep the wind away.
> Oh, that that earth, which kept the world in awe,
> Should patch a wall t' expel the winter's flaw.

After a lifetime the figure, when it made its descent from the pedestal and passed into the sacrilegious hands of those who profaned it, was in as perfect condition as on the day of its ascension. Strong as the immortality of the person whom it represented, the pure stone image, "corruptible, yet had put on incorruption; not mortal, yet had put on immortality," and had it not been for the mental mob spirit of mad burlesque artists could have remained where it was placed by loving hands for a thousand years.

This noble monument was the monument of the masses. It appealed to the common people, who loved it. More than any other statue of Lincoln, it was preeminently "of the people, by the people, and for the people." These people who had personally seen Lincoln about Washington during the war, many of them in frequent touch with him, accepted this statue as almost a living personification of their dead friend, and many were the silent tears that dropped from the eyes of the few remaining citizens of Washington who were alive at its erection when they saw its base and pedestal junked. The monument was paid for out of the meager purses of the citizens of Washington, who had long suffered the privations of the war, and from the soldiers and sailors passing through the city.

Of all the thousands who witnessed the dedication of this statue of Lincoln, a few tottering souls remain. The distinguished company, Generals Grant and Howard; the orator, B. B. French; the Congress; the members of the civic organizations; and all the vast concourse of people in and around upon the streets and crowded in the windows and upon the roofs, and with the thousands since born, are gone. On, down past their sympathetic Lincoln and "slowly through the churchyard gate" they have been borne. They sleep their last sleep. Only then the dire deed of the humiliation of Lincoln and the removal of his statue was accomplished. To-day the statue lies prone upon the earth, but the good which it has done can not be demolished, and the monument built in memory's sanctuary can not be dismantled.

All questions involved in the resolution under consideration revolve around two subjects: First, the figure; second, the place.

The monument was about 40 feet in height to the top of the statue. It rested on a solid foundation of blue rock, 6 feet in depth. The base was an octagon, 6 feet in height and about 7 feet from side to side, on which the base of the column rested; the lower part corresponded with the base and the upper part with the shaft, being circular and molded. The shaft was 18 feet in height, with an average of 3 feet—tapering—and surmounted by a molded cap 4 feet square and 2 feet thick, on which rested the base of the statue itself. While the monument was a most substantial and symmetrical object itself, yet now that the propaganda directed against it for a number of years by a coterie of pseudo artists has succeeded, it is not thought that the reerection of the old pedestal would be advisable, especially in view of the fact that the statue itself, from every angle considered, is worthy of a new support. It is of pure white marble. It is a little larger than life-size, being 7 feet in length, while Mr. Lincoln was close to 6 feet 4 in his stocking feet. Few men exceeded Mr. Lincoln in height, and this is strikingly demonstrated to anyone who will take the pains to examine the photograph, now hanging in the office of Mr. Elliott Woods, the architect of the Capitol, of the second inauguration of Lincoln on the front steps of the Capitol, in which he is seen towering above all those about him.

The statue represents Lincoln standing with his left hand resting on the emblem of the Union—the Roman fasci—his head erect, with slight inclination forward, and his right hand partially open, as in the attitude he was wont to take in addressing an audience.

IN ITS ARTISTIC.

The charge is made that this statue is inartistic—that is to say, it is guilty of not conforming to the principles of art.

To charge a statue of a dead personage with being inartistic is equivalent to imputing immorality to a living personage, so far as successfully defending the charge is concerned. Either accusation is liable to be easily believed by the idle and uninformed, without even a desire or tendency on their part to refute it. In neither case does the indictment run "In the name of His Majesty, etc.," or "In the name of the people, etc.," or "In the name of the Commonwealth, etc.," but in that more simple, quiet, and diabolical form of the inquisition of slander beginning with the words "They say."

They say this white marble image of Abraham Lincoln is inartistic. The physical voice giving this statement utterance was that of a Government clerk, a mere blameless marionette whose simple wax cylinder mind recorded and repeated the impressions made by another.

Being after all the real tribunal in which the character of the object must be examined, the Congress will not on hearing be content with such a general charge of a want of conformity to the principles of art by simply saying it is inartistic, nor will the constant repetition of these words make that the truth which is not the truth.

The constant repetition of a phrase in speeches, poems, hymns, sermons, and in street-car ads, on billboards, and screens has been known to give the temporary appearance of a truth, sufficient to win a presidential election; and we well know we have acted on the suggestion of "Eventually; why not now?" so constantly before us, and taken it for granted that a certain "Castoria" is the "kind we have always bought," a phrase so often repeated that it must be so. And who is it that does not know that while in "the dear damp days beyond recall" the credit should have been given to Val Blatz, nevertheless by continuous and uninterrupted appeals to our eyesight we were convinced that it was not Blatz but Schlitz who made Milwaukee famous. Yet we can not do such violence to our conscience as to permit such practice to predominate in the sciences of painting, architecture, or sculpture.

Furthermore, the qualifications of those who protest in the name of art should be closely scrutinized before serious consideration should be given to their one and only cry. Of what schools of art are they? What entablatures of ancient Greece

have they studied? What association have they had with the works of the masters that they may sit in judgment on the works of other men? Can it be shown that the guardians of art in Washington have any more education in sculpture than that offered by a summer's junket at the people's expense from New York to Paris, Rome, and Venice, and back as couriers and cupbearers to a committee of double-breasted United States Senators visiting there to view and sample the fineness of arts, the main result of which being the birth of a persistent and perpetual effort to belittle the sculptored and bronze heroes of the monumental city and to replace them with memorial fountains flowing with aridity and crowded with nudity.

Long ensconcing behind the pillars of pull and preferment soon renders the meekest bureaucrat a grim image of intolerance, whose rules of action become as unchangeable as the Procrustean bed. Pliny says, "Alexander issued an edict that no artist but Appelles should paint him, Pyrgoteles engrave him, and Lysippus make statues in brass of him." So strict were the rules governing artists that even in the Byzantium school an artist who had dared to use the beautiful lines in the marble head of the Grecian Jupiter in the head of the Christ, instead of those prescribed, had to suffer for such an act the amputation of his hand.

Unfortunate would be the dawn of that day when the statuary of Washington City shall either be removed entirely or so judged in the dusk of autocratic ignorance.

But the maligners of this statue of Lincoln, in order to make a case, can not be permitted to rest on a general charge but should be made to specify violations in any conformity with the principles of sculpture.

Even the remote Egyptian times, as depicted in their works of art, demonstrate that the canon of proportions was well known to them; it has been followed through the beautiful marble statuary of Greece and Rome on down to present days. The isosceles triangle of Gibson is a very popular method for the calculations of proportions by sculptors in laying the foundation for a given piece of work. He has not taken his measurements from the average man, but selected the ideal man, borrowing, as the Greeks did, from Adonis, Mercury, Pollix, and Bacchus, taking the head from one, the limbs from another, and the body from a third. Perhaps one of the claims of the lack of conformity of this statue to the principles of art may have reference to its torso or limbs, the wise critic in his observations having used the famous isosceles triangle method, forgetting that the principle involved is not applied to studies from life. The artist who carved this figure knew Lincoln and produced him as from life, in which he had seen him. No claim ever being made that Lincoln had the legs of Adonis, the arms of Mercury, or the fat stomach of Bacchus, it was unnecessary to use the triangle test.

The cruel charge, if any, of the inartistic violation of the ethics of stone by this statue in not maintaining the Lincolnian proportions is therefore quashed and for naught held. The anatomy of the statue, which is one of the principles involved in sculpture, meets the test of the most meticulous criterion.

The principle of drapery is an important branch of the art of sculpture, and it is said that it is far more difficult to produce a statue in clothes than without them. The Phidian marbles are draped with exquisite skill. The drapery of a statue calls into play the highest skill of the sculptor—witness the silk cassock on Muhlenberg in Statuary Hall, the gloves on the hands of General Grant in the Rotunda, and the veil over the face of the nun at the Corcoran Art Gallery. Lincoln in this statue is dressed in his customary habiliments, the conventional unpressed trousers—the pressed article at that date indicating "store clothes," and no orders from London having at that time been received—the familiar Prince Albert coat, open in front; vest; high, rolled soft collar; and large black tie. It is rumored that some enemies of this statue would have been less violent in their campaign, and would have admitted it would have come nearer in meeting the measurements of their ornate minds had Mr. Lincoln been dressed in one of the model and artistic suits of Hart Schaffner & Marx.

There never was a time since the artists of ancient Greece chiseled their work out in the open under the spreading shade trees that they did not have, seated about them, a few laymen of ease who listened to their talk as they worked and admired their genius. So there are here in Washington those who, without talent themselves to paint or carve, delight in lounging about on the studio divans sighing in unison with the artist, synchronizing with his moods, harmonizing with his execrations and, like him, calling down the imprecations of the gods on the heads of the inartistic. With this layman class originated the fable that this beautiful statue of Lincoln was made by a gravestone maker—all this in further damnation of the statue by associating it with the robbing of tombs and the yawning of graveyards. Nothing is further from the truth. I emphatically deny that the maker of this figure was a gravestone maker. I know nothing of the art of a gravestone maker, but of the workmanship of the grave maker who, as Shakespeare tells us, builds stronger than either the mason, the shipwright, or the carpenter, because the houses that he builds last 'til doomsday, there remains no doubt.

But even if the artist had been a humble gravestone maker, one of the common people, who can say the great Lincoln, could he have said so, would not have praised the work the more! Lincoln himself had been a woodchopper. Even Christ found his best disciples among the lowly fishermen. Miss Vinnie Ream, the 18-year-old Government clerk, carved the figure of Lincoln now in the rotunda.

The artist of this figure, Mr. L. Flannery, had a brother and they were in business together under the name of Flannery Bros., but the brother, who was a monument maker, had no hand in the carving of the Lincoln statue.

THE FACE OF THE FIGURE.

The true beauty and correctness of this image of the martyred statesman is to be found, however, in its face. The real test of its artistic merit is: Is it, as Gardner says, a true exponent of the human spirit? And in this face art becomes a true interpreter of nature and gives evidence of the true emotions of the soul.

It must be remembered that the artist himself had resided in Washington all the time that Lincoln was President, and like other citizens was familiar with Lincoln's face and form. Lincoln frequently walking and riding about the city. The orator of the day took occasion to refer to Lincoln's well-known presence in Washington when he exclaimed, "Here he won from all who knew him—and who is there who did not know him?—golden opinions."

No doubt Flannery had often conversed with the President.

There had been a number of models of Lincoln submitted to the committee on award, and this one was selected, from among many, according to Mr. Crosby S. Noyes, father of the present owner, Mr. Theodore W. Noyes, in his paper, the Washington Star, because of its "excellent likeness." The money was raised almost entirely in Washington and was cared for and paid over to the sculptor by such excellent business men as Mr. Noyes, George W. Riggs, founder of the Riggs Bank, B. B. French, commissioner of public buildings, a position requiring him to be almost in daily consultation with the President, and 22 other and excellent business men. It seems reasonable to suppose that had not the statue been a fine likeness, they would have rejected it. One of the most notable things which occurred at the dedication was at the moment of its unveiling, when 20,000 people, struck by the close resemblance between the statue and their then dead friend, cheered vociferously in loud and long approval of the statue and of the artist. No discordant piping voice was heard to say, "It is inartistic."

All of this is sufficient evidence, coming as it does from our fathers, but to satisfy the doubly incredulous there is presented to us a witness—an expert witness—whose dramatic and convincing evidence will satisfy, it would seem, any doubting Thomas who before believing insists on seeing and putting his fingers into the nail prints. Let the witness be called. It is Mr. Freeman Thorp, a portrait artist of many years of national repute, a man over 80 but strong and robust as a youth.

Some time after this statue was taken down Mr. Thorp happened to be in Washington, and being a great authority on Lincoln, having known him personally in his lifetime and done yeoman service for him in Ohio during his campaign for President, he became much interested in the statue, and especially in its whereabouts.

THE EVIDENCE OF FREEMAN THORP.

It was understood that the monument, and especially the figure, was to be carefully preserved, when taken down, in the basement of the courthouse, before which it stood, but such was not the case. For a long while no one knew where it had been taken. The testimony of Mr. Thorp, our witness, and his opinion on the face of the statue appeared in the Evening Star, of Washington, on the 3d day of June, 1921, the editor and owner of which, Mr. Noyes, one of the city's most intelligent and noble citizens, who has worked untiringly to restore this monument, and is as follows:

THE LINCOLN STATUE—AN ACCURATE LIKENESS OF THE MARTYRED PRESIDENT.

TO THE EDITOR OF THE STAR:

Commending your editorial on the Lincoln statue, I desire to say that after a tedious search I have found the statue that was removed from its site in front of the courthouse. It is down near the river, in the rear of the old Bureau of Engraving, not stored at all, but lying outdoors roughly crated.

I do not know who chiseled the head and face, but it was accurately done by some one who studied Lincoln from life, as I did, and was not done from photographs. It is a better likeness of Lincoln than anything in plaster, stone, marble, or bronze that I have seen, and I have seen about all that have been made. Some have been made that are unquestionably great works of art, but the best of them are not accurate likenesses of him. This one is to those who, like myself, knew Lincoln pleasing to look at, because it is accurately modeled, and in its simple truth is in keeping with the unassuming man we loved.

FREEMAN THORP.

Such is the convincing evidence of a portrait artist of national reputation.

A sample of his work hangs in the lobby of this House in the oil painting of the Hon. Schuyler Colfax, Speaker of this House at the very time this statue was unveiled. Thorp's oil painting of Lincoln from life has recently been hung by order of the Senate in the main hall of the Senate wing not far from the main door. To many of us he has exhibited a pencil sketch of Lincoln's face made by him at Gettysburg at the time Lincoln delivered his famous address.

Mr. Thorp told me that he found the Lincoln with upturned face, covered partially with an old piece of gunnysack which he drew aside, disclosing dust and rainspots. With his handkerchief he wiped away the stains from the pure white marble and again the wonderful face of the Lincoln he had known more than half a century before gazed kindly upon him.

The resemblance to Lincoln was startling. The statue seemed almost to speak, and, quoting Pope, "the cold marble softened into life, grew warm." It was not hard to believe that the lips trembled and moved and that one heard the words, "With malice toward none and charity for all."

Thorp leaned over and looked into the fine face of the marble and there he recognized every line that had existed in life, and all of which, in combination, told the story of Lincoln's life and revealed those attributes which made him the permanent leader of his time and the exemplar of all time.

The marks of early poverty and adversity, deeply seated, were yet overcast with deeper furrows of power and confidence, yet all crowned with a nobility of intellectuality, sincere, affectionate—the incarnation of courage, the beatification of benevolence.

INFLUENCE OF POPULAR MARBLES.

John Ruskin says:

The sculptor does not work for the anatomist but for the common observer of life and nature.

The art of the ancients reached down into the common understanding of the people and its plea to them concerned the highest and noblest aims of their country. Xerxes, the Persian conqueror, perceiving this silent appeal and influence, dismantled the statuary and pulled down the temples in Greece, and the first measures Darius took to suppress insurrection among his victims was to raze their temples and statuary.

On the other hand, recognizing the influence of the marble, Augustus had statues erected in honor of the heroes of the Empire and who deserved the recognition of their country. His theory, and it seems a wise one, was that such a course was not only an acknowledgment of a debt owing by the nation but stimulated others to like heroic acts for the Empire. To elevate the warrior, the founder, or savior of a nation in the imagination of the people above the ordinary grade of people is a custom which has been handed down from generation to generation from the earliest periods of human history. By word of mouth, by pencil, by brush, by the chisel, has this work of immortalization gone on.

And so this exquisite white figure more than 53 years ago stepped into its position on its pedestal in front of the temple of justice and in the plaza of the city, fresh hewed, in the feelings and thoughts of the time, to become the object of admiration of the masses. Criticized? Yes; and so was the disk thrower by Myron, now and for centuries regarded as perfection in marble, and by contemporaries was declared a distortion and an overelaboration. Its artist creator in penury? Yes; but Phideas himself, known as the "sculptor of the gods," died in prison, an exile from Athens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Will the gentleman yield me a little more time, so that I may finish to-night?

Mr. FESS. I yield to the gentleman 10 minutes.

Mr. KING. I think I can finish in 10 minutes. I thank the gentleman.

Powerful as was its face, yet it was, so to speak, the ensemble of all its beauties as a whole, that this statue spoke most strongly. As Pope, in his essay on art, says:

'Tis not the lips, or eye, we beauty call,
But the joint force and true result of all.

The whole design stood for something—the Nation. To gaze at it meant that one could not help being a better citizen and to rejoice that he was a brother citizen of Abraham Lincoln. The white figure seemed to symbolize the power of union, the strength of constitutions, and the permanency of republics, and the eternity of justice.

While standing before this statue in veneration, how many of us have been impelled to call to memory those eloquent words of Charles Sumner from his funeral oration on Lincoln at Boston:

Such a character awakened instinctively the sympathy of the people. They saw his fellow feeling with them and felt the kinship. With him as President, the idea of republican institutions, where no place is too high for the humblest, was perpetually manifest, so that his simple presence was like a proclamation of the equality of all men.

WHY IT WAS PLACED SO HIGH.

This statue of Lincoln stood high, but was it not this same spirit that has always incited humanity to lift aloft the images of its heroes and martyrs and gods that prompted the spirit of the city of Washington to raise this figure so high? The Greeks raised the statue of their favorite goddess Minerva to a height of 70 feet. It was the prevailing custom of the time to place statues on high columns. The statue of General Brock on the Canadian side near the Niagara Rapids, the Duke of York and Duke of Wellington columns in London will be confirmatory of this statement. According to the theory of our Fine Arts Commission, the figure was placed high because it was a little larger than life size to the observer. Such is the habit of theory. More than once it has been intimated that it was placed high to protect it against the acts of miscreants and enemies of Lincoln, there being some remaining in 1868.

It is indeed enlightening to get the true story of why Flannery placed this figure of Lincoln on such a high pedestal or column. About a year ago a reporter of the Baltimore Sun visited the old artist in his shack, not far from the Capitol, for the purpose of obtaining a human interest story about the celebrated statue. He found Flannery lying on a cot. He was very old, weary, and faint, even then—

The ebb and the flow of his aged blood
Were playing the game of eternity,
Whether his soul should ride in with the flood
Or adventurously on out to sea.

The reporter, as he told me, asked Flannery why he chose to place the statue on such a high pedestal.

Slowly and painfully the sculptor raised himself upon his elbow and with difficulty said:

Young man, on the evening of April 14, 1864, I was occupying a seat in Ford's Theater. Arriving early I witnessed the President and his party come in and enter the upper right-hand box amid the cheers of the audience. A number of times I observed the President's face as he sat on the side of the box nearest the audience.

Suddenly, while engrossed with the lines of the single actor then occupying the stage and in the middle of the second scene of the third act, a pistol shot rang out. I looked at the President's box. His head had fallen forward. He had been hit.

Instantly the figure of a man sprang from the box upon the stage and escaped across it.

I lived through the days and nights of gloom following the assassination. As to everyone else it was a personal lamentation. And when it fell to me to carve and erect this statue, I resolved and did place it so high that no assassin's hand could ever again strike him down.

THE PLACE.

The citizens of Washington, who originated, bought, and paid for this monument, desired it placed in front of the courthouse in Judiciary Park, as the fittest and most public place in the city and where its patriotic influences might be felt by the greatest number of persons. This spot was in the center of a busy mart, the seat of judicial sales of real estate and personal property, the latter kind sometimes, in the now forgotten past, including the human commodity.

Congress had no authority to locate it, just as Congress has no power to remove it now, the jurisdiction over the courthouse grounds then being in the mayor and the city council of the city of Washington. This city gave its authority to place the monument before the city hall and courthouse with the implied trust, no doubt, that it should remain inviolate. And the then government of Washington city, having full authority, confirmed and recognized the perpetual easement granted the monument association for the location of the statue by setting off the ground upon which it stood and surrounding it by an iron fence at the cost to the city of Washington of $800.

The monument association and its successors hold the right of easement in the plot of ground so set off, and those who reached up their long arms to pull the statue down were not alone iconoclasts but trespassers. It is a sacred spot in that it has held the statue of the great martyr so long. It likewise marks the place where the historical events taking place at the time of the dedication and where the feet of our ancestors have trod.

It is more than a statue. It is a landmark, and as such deserves that repose and veneration which has always, almost to worship, been the rule of nations from archaic times to now. Monuments were built from earliest times to designate where great events had taken place. Simple heaps of rock or large stones—but all this to the populace had the deepest meaning.

Jacob marked the place at Bethel where he had seen the angels "ascending and descending" his ladder, and the place of making his contract with Laban was commemorated in the same way. Rachel's grave was so marked.

AFTER ALL, SENTIMENT RULES.

From antiquity the human race has been taught to revere its monuments. Solomon, the son of David, even now exhorts us to "Remove not the ancient landmark which thy fathers have set."

The young man who was instructed to tell one of our committees that the statue was inartistic inadvertently murmured that he believed there was "some sentiment" connected with its removal. In addition to having a belief to that effect, he now knows, and his sponsors know, that there is a good deal of sentiment involved. He knows now that his rash statement pertaining to art in sculpture is repudiated by facts and overwhelmed by millions in this country, who, when the subject of Lincoln is touched, however small may be the features, are the sentimental defenders of every atom of his history and of every infinitesimal trace of his memory.

Sentiment opposed to the removal! What does the cold and dry pedant embalmed in civil service know of sentiment? In his cloistered confines he imagines true art is created not by merit but by his opinion. This is artistic, says he. Therefore it is artistic. And for him who dares protest or doubt, there is the case of Apollodorus, the architect, who incited the hate of and was put to death by Marcus Aurelius because he had been so indiscreet as to pick a flaw in a temple the drawings of which had been prepared by the Emperor himself.

Sentiment? Thackeray says—

Without sentiment there would be no flower in life at all.

No doubt our learned friend has discovered more sentiment involved in the situation than seemed to exist at first blush. He knows that the demolition and removal of this simple statue has aroused the people like no other single deed has done for years. Legislature after legislature has resolved against the sacrilege. Civic organizations have remonstrated. The remaining members of the Grand Army of the Republic have protested. The Loyal Legion, the Aztec Club, the Sons of the American Revolution, and President Harding himself have all implored that the statue might be restored to its original place.

Sentiment! Let our friend read history, and from its pages he can cull the fact that the peoples of the world have always resented, as a matter of sentiment, the removal and change of the location of their statues and monuments to their heroes and benefactors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Mr. Chairman, may I have permission to proceed for a few minutes?

Mr. FESS. For how long a time?

Mr. KING. Say five minutes.

Mr. FESS. I yield to the gentleman five minutes.

Mr. KING. Thank you.

Mr. SMITH of Michigan. Does the gentleman intend to explain the picture?

Mr. KING. This line represents where the old statue stood, and this presents the height of the statue as it would be with the new pedestal.

Mr. SMITH of Michigan. That is the reconstructed monument!

Mr. KING. Yes. It is not proposed by anybody who is interested to erect this old pedestal. It would not have been so ungainly but for the fact that a mayor had cut down the street. This is the figure which is proposed and to which I have been addressing myself.

Mr. DENISON. How high was the original statue?

Mr. KING. About 40 feet.

Mr. DENISON. And how high is it proposed to erect it at this time?

Mr. KING. I have not the data on that. Possibly 20 feet.

Mr. DENISON. Can the gentleman state where the statue is now?

Mr. KING. As described in this statement I read here a while ago, by Mr. Thorp, it is down back of the old Bureau of Engraving and Printing, near the river. It was exposed, and through the efforts of two or three people, Colonel Sherrill put it into a box and planked it over. The pedestal lies alongside of it.

Mr. BIRD. Will the gentleman yield?

Mr. KING. If the gentleman from Ohio, the chairman of the committee, will permit me to finish.

Mr. BIRD. Did I understand the gentleman to say that Congress was without authority in taking it down?

Mr. KING. That is my judgment about it.

Mr. BIRD. If without authority in that, how could they give the authority to put it up?

Mr. KING. The government of the District of Columbia has changed. It is under the authority of Congress now, but was not at that time.

The Romans were especially jealous of their works of art. Tiberius, unknown to them, removed to his own palace a statue by Lysippus of an athlete anointing himself, and which had been standing in the baths of Agrippa, to which the public had access, and which, like Lincoln's first statue, was considered as belonging to the people. On their discovery of the removal, the populace showed its disapproval so fiercely that Tiberius became alarmed lest the people should revolt and was compelled to give up his object and replace the statue in its original place and thus appease the people.

For more than 900 years the magnificent statue of the Olympian Jupiter by Phideas stood in the sacred grove of Altis. Caligula desired to transport it to Rome. This desire gave great umbrage to the Grecian people, who had admired and worshiped it for centuries. So great was the remonstrance that he was compelled to abandon his enterprise.

Are all our hero statues to come down within the city? Du Pont has gone. Lincoln is down, and the chalk mark for destruction has been placed upon the statue of Admiral Farragut.

Before we let any commission proceed further on such a wild program let us remember that it is a well-known fact that the decadency of some of the richest and most powerful nations on earth began with a disrespect for statuary. It is related that Athenian youths, exhilarated by nectars brewed in their homes, in their nightly perambulations persisted in knocking the noses from the faces of the defenseless marble figures that marked the gardens and thoroughfares of that ancient city. As Rome conquered and the surrounding country succumbed, the peoples lost their monuments and statuary, 300 statues at one time being taken from the island of Rhodes to Rome. Nero, the tyrant, robbed the temple of Apollo at Delphi of 500 bronze statues, which he removed and placed in his celebrated palace on Palatine Hill.

And so Rome, in turn, witnessed the commencement of her decline in the removal of her statues. The Goth sacked Rome and finally set fire to it. The former citizens of Rome, now a ragged and unfortunate mob, sought for safety the mausoleum of Hadrian, and there, typical of their final destruction and in the last efforts to save their lives, threw down the magnificent statues which crowded the top of the mausoleum on the heads of their enemy tormentors, crowded beneath the walls.

REERECT THE STATUE OF LINCOLN.

No greater opportunity was ever given a group of men to right a wrong than is here offered us to-day.

Mr. CRAMTON. Will the gentleman yield?

Mr. KING. I will.

Mr. CRAMTON. While we are taking down these works of art in our own Capital, American funds are being used to restore the old temple of Apollo at Delphi.

Mr. KING. I thank the gentleman for the information.

There is no Member of this House who does not feel a personal affection for the memory of Abraham Lincoln, and how can articulate expression be better given to that love than by a vote of "yea" upon this resolution, which will raise his marble image from the ground, reerect and rededicate it to posterity? [Applause.]

HISTORICAL MATTER IN REGARD TO FIRST STATUE OF ABRAHAM LINCOLN.

Mr. KING. Mr. Speaker, prior to certain remarks in support of House Joint Resolution No. 127, to reerect the first statue of Abraham Lincoln, the House granted unanimous consent to extend in the RECORD certain material historical data, which I herewith append:

[From the Evening Star, Washington, D. C., Wednesday, April 15, 1868.]

THE DEATH OF LINCOLN—TRIBUTE OF THE CITIZENS OF WASHINGTON TO HIS MEMORY—THE CEREMONIES TO-DAY—DEDICATION OF THE LINCOLN MONUMENT—MASONIC CEREMONIES—UNVEILING OF THE STATUE—ADDRESS OF HON. B. B. FRENCH.

Three years ago this morning, at 7 o'clock, Abraham Lincoln breathed his last. The anniversary of that sorrowful day will be marked in various ways throughout the country, but nowhere with deeper feeling than in the city of Washington, where the martyred dead is remembered with so much of personal respect and affection. The department business is suspended to-day, as well as that of the municipal offices, and the public schools are closed in order to afford opportunity to all to witness the dedication of the monument to the memory of Abraham

Lincoln, raised by the citizens of Washington in front of the city hall. Flags are displayed at half-mast, and the heavy boom of half-hour guns serve to remind the most thoughtless of the solemnity of the occasion. The morning opened dark and gloomy, but lightened up to some extent as the hour for the dedication ceremonies approached.

THE LINCOLN NATIONAL MONUMENT ASSOCIATION.

At this time it may be of interest to give a brief history of the association through whose instrumentality the present monument to the memory of Abraham Lincoln was raised. In April, 1865, on motion of Mr. N. D. Larner, of the city councils, a joint committee was appointed by the councils to take action in reference to the erection of a monument in the city of Washington to the memory of Abraham Lincoln. This committee met at the mayor's office on the 28th of April, 1865, and formed itself into an association to be called the Lincoln National Monument Association, to carry out the objects proposed by the formation of the committee. Subsequently, the following officers were elected for the association: President, Richard Wallach, mayor; secretary, Crosby S. Noyes; treasurer, George W. Riggs; directors, Joseph P. Brown, Asbury Lloyd, John B. Turton, Dr. W. G. R. Newman, George H. Plant, Z. Richards, N. D. Larner, S. C. Carrington, John P. Pepper, S. J. Bowen, George F. Gulick, B. B. French, George R. Ruff, Charles C. Morris, John G. Dudley, John H. Semmes, James Kelley, William P. Ferguson, S. P. Brown, Dr. C. H. Nichols, Henry Addison, William H. Tenney.

To these were added a number of honorary directors, mostly Members of Congress, one from each State, as it was hoped at that time to secure a national subscription to the end of raising a monument at the National Capitol, the most suitable place, properly commemorative of the life and character of the lamented deceased. Owing, however, to the springing up of kindred associations in almost every State and city in the country, this hope was not realized, and with the exception of some contributions from Baltimore, among which was a handsome sum from John T. Ford, Esq., the proceeds of a benefit for the monument fund, given at his Baltimore theater, little, if anything was contributed outside of Washington. The money raised was, however, carefully husbanded, and was invested by the treasurer, Mr. Riggs, in Government registered bonds. The sum raised was, of course, inadequate to erect a monument on anything like the scale originally proposed, but was yet sufficient to raise a monument in the shape of a shaft and statue, creditable to the city; and it was determined by the association that this was the best course to pursue. Mr. Lot Flannery, of this city, who has achieved a number of successes in his art, among which is the admired monument over the victims of the arsenal explosion at the Congressional Cemetery, was the successful competitor for the work and the result is before the public.

THE MONUMENT.

The monument is about 40 feet in height to the top of the statue. It rests on a solid foundation of blue rock 6 feet in depth. The base is an octagon, 6 feet in height and about 7 feet from side to side, on which the base of the column rests, the lower part corresponding with the base and the upper part with the shaft, being circular and molded. The shaft is 18 feet in height, with an average diameter of 3 feet (tapering), and is surmounted by a molded cap, 4 feet square and 2 feet thick, on which rests the base of the statue and the statue itself. The figure at this height looks to be about life-size, and stands facing south. It represents Lincoln standing with his left hand resting on the emblem of Union—the Roman fascile—his head erect, with a slight inclination forward, and right hand partially open, as in the attitude he was wont to take in addressing an audience. The design was first made in clay by Mr. Flannery last summer, and was subsequently cast in plaster. The model attracted much attention as a spirited design and excellent likeness. The encomiums bestowed upon his design induced him to submit it to the managers of the Monument Association, and the result was that it was unanimously selected from the various designs and models before the committee as the best offered. A contract was entered into with him by which he agreed to have the monument ready by the 15th of April, 1868, the anniversary of Mr. Lincoln's death. He has since devoted himself to the work, and the reproduction in marble is held to be greatly superior to the model. Last night, between 7 and 8 o'clock the veiled statue was removed from the studio of Mr. Flannery, on Massachusetts Avenue, to the site of the monument in front of the City Hall. It had been designed to raise it to its pedestal last night, to be in readiness for the ceremonies of to-day, but in consequence of the unfavorable weather and the darkness of the night it was thought prudent to postpone an undertaking of so much delicacy until daylight. This morning it was safely raised to the top of the column upon which it is to stand. Some little work yet remains to be done about the base of the monument, which it is proposed to extend with the beautiful Tennessee marble, and an iron railing is to be placed around the monument, resting on a substantial foundation of stone.

HOISTING OF THE STATUE AND PREPARATIONS.

The statue was not moved from the studio until late yesterday afternoon, and it was landed near the pedestal about 6 o'clock, where it remained during the night in charge of some of the workmen and a small detail of police to prevent curious parties from interfering with the covering, the design being to keep it veiled until the time arrived for throwing it off. At daylight this morning the Messrs. Flannery were on the ground with their force, and the ropes being made fast to the statue, it was set securely on the top of the pedestal by 7 o'clock. Even at this hour there were quite a number of persons present anxious to get a glimpse of it, but in this they were disappointed.

Subsequently the hoisting apparatus, which was kindly loaned the artist by Captain Mullet, architect of the Treasury extension, and Mr. Clark, architect of the Capitol, was so placed as not to obscure the view, the time being so short that it could not be removed altogether.

Messrs. Downing & Bro. were also early on the ground with a force of workmen, and during the forenoon had a platform erected, 64 feet in length, 16 feet deep, and 6 feet in height, for the accommodation of those invited to be present.

THE PROCESSION.

The procession formed at the corner of Ninth and D Streets, and about 1.30 o'clock the line of march was taken up, when some of the members of No. 2 Steam Engine Co. commenced to fire a salute from a field-piece in front of the engine house. The right of the line was by the Grand Lodge of Masons, with members of the subordinate lodges, marshaled by A. M. Howard and headed by the Marine Band. The Sons of Temperance and Good Templars followed, Mr. John S. Hollingshead marshaling the former, assisted by George D. Egleston, of Metropolitan Division, W. H. Gonsalves, W. H. Harrison, C. H. Frost, J. S. Erly, J. W. Roberts, of Good Samaritan, and W. H. Chase. The band of the Twelfth United States Infantry headed the Sons, the Grand Lodge having the right of the line, followed by delegates of all the subordinate divisions. The beautiful flag of Federal City and fine banner of Good Samaritan Divisions were in line.

The Temple of Honor followed, marshaled by J. S. Stokes.

The Good Templars came next, the Grand Lodge being at the right of the line, followed by a number of the members of the subordinate lodges, marshaled by W. P. White, C. T. of Harmony Lodge, headed by Heald's Band of 17 pieces.

The Grand Lodge of the United States of the Knights of Pythias, now holding a session at Odd Fellows' Hall, Navy Yard, formed at the hall and with members of the subordinate lodges marched direct to the City Hall, reaching the grounds before the main procession arrived.

AT THE CITY HALL.

During the forenoon workmen were busily engaged in erecting a stand between the monument and the curbstone, 52 by 16 feet, capable of seating about 400 persons. From the flagstaff on the City Hall the national colors were displayed at half-mast, and the corporation offices were all closed at 12 o'clock. The large derrick had been removed from over the monument, and everything in readiness for the ceremony before 1 o'clock. The crowd began to gather about 12 o'clock, and in less than an hour the steps and portico of the City Hall were densely packed.

By 2 o'clock the entire space in front of the City Hall was crowded, while the housetops and windows of the houses opposite were filled with human beings. All the sanitary police, under Lieutenant Noonan, were on duty. No one was allowed upon the stand except those who had been invited by the committee. About 400 invitations were issued by Mayor Wallach and the committee to Cabinet ministers, heads of bureaus, Army and Navy officers, members of the Diplomatic Corps, and other distinguished persons. Invitations were also issued to the Senate and House of Representatives, but owing to the impeachment trial it was impossible for them to attend. Mayor Wallach this morning received the following letter from Speaker Colfax:

HOUSE OF REPRESENTATIVES,
April 13, 1868.

RICHARD WALLACH, Esq.,
Chairman, etc.

SIR: I am directed by the House of Representatives, before whom I have this day laid your invitation to be present on the occasion of unveiling and dedicating the statue of the late President Abraham Lincoln, to inform you that on account of a standing order requiring their presence in the Senate Chamber at the time indicated they are compelled to decline the same.

Very respectfully, your obedient servant,

SCHUYLER COLFAX,
Speaker House of Representatives.

Among those present were President Johnson, accompanied by Colonel Rives and Mr. Keenan; Mr. Kershaw; Baron Gerolt, Mr. Rangabe, the Grecian minister; Major General Hancock and General Mitchell, General Emory, Colonel Capron, commissioner of agriculture; Ambrosio Abeita, Alexandro Padilla, governor of the Pueblos of Isleta (one of the 19 villages of the tribe in New Mexico); John Ward, agent; Gen. O. O. Howard, Mr. Cantasalli, secretary Italian Legation; Admiral Radford, Assistant Attorney General Binckley, Gen. Charles Thomas and Gen. Morris S. Miller, General Carr, of General Emory's staff; Gen. S. F. Carey, of Ohio; John Hitz, Esq.; Dr. John B. Blake.

General Grant was present and occupied a position on the sidewalk in front of Mr. Bradley's office, declining to take a seat upon the stand.

THE CROWD.

The assemblage was very large, and commenced to assemble in front of the city hall long before the hour for the ceremonies. At 2 p. m. the crowd, despite the rain, had so increased as to extend down Four-and-a-half Street below the Presbyterian Church, down Louisiana Avenue beyond Fifth Street, and an equal distance down Indiana Avenue. The open space at the intersection of these streets was densely packed, and the steps, areas, roof, and windows of the City Hall Building were closely occupied. The roofs and windows of all the buildings in the neighborhood were thronged, and the boys, as usual, secured eligible positions in the treetops. The attendance of colored people was very large, filling the space in the rear of the stand. There were probably from 15,000 to 20,000 present. It was undoubtedly the largest gathering of people ever assembled in Washington on such an occasion.

THE PROGRAM.

The following was the program of the ceremonies: Prayer by Reverend Doctor Hamilten; music by the Twelfth Infantry Band; dedication of the statue by the Masonic fraternity; music by the Marine Band; address by B. B. French, Esq.; music by Twelfth Infantry Band; unveiling of the statue by the President of the United States; music by the Marine Band; introduction of the artist; benediction.

THE CEREMONIES.

After the arrival of the procession on the ground and order had been restored, Mayor Wallach presiding, Rev. Dr. William Hamilton offered up a fervent prayer. After the band of the Twelfth United States Infantry had performed "The Heart Bowed Down," from the "Bohemian Girl," the dedication ceremonies followed.

THE MASONIC DEDICATION.

The Masonic order proceeded to perform the dedicatory services of the craft, as follows:

GRAND MASTER (Benjamin B. French). Right Worshipful Junior Grand Warden, what is the jewel of your office?

JUNIOR GRAND WARDEN (Joseph B. Will). The plumb, Most Worshipful.

GRAND MASTER. Have you applied the plumb to such parts of the base of this pedestal as should be plumb?

JUNIOR GRAND WARDEN (applying the plumb). I have, Most Worshipful, and the craftsmen have done their duty.

GRAND MASTER. Right Worshipful Senior Grand Warden, what is the jewel of your office?

SENIOR GRAND WARDEN (John H. Russell). The level, Most Worshipful.

GRAND MASTER. Have you applied the level to such parts of the base of this pedestal as should be level?

SENIOR GRAND WARDEN (applying the level). I have, Most Worshipful, and the craftsmen have done their duty.

GRAND MASTER. Right Worshipful Deputy Grand Master, you will now apply the proper architectural instrument to the base of this pedestal and see if the several angles thereof are duly and properly formed.

DEPUTY GRAND MASTER (John Lockie) (applying the level). Most Worshipful Grand Master, I have applied the level to the several

angles of the base of this pedestal, and find that the craftsmen have done their duty.

GRAND MASTER. As the implements of architecture in the hands of the skillful operative mason enable him to prepare and adjust the smooth, dry materials of which the complete structure is composed, so do they, in the hands of enlightened and accepted speculative masons, teach them to prepare their minds on living stones for that spiritual building, that "house not made with hands, eternal in the heavens."

(The deputy grand master presented the corn.)

GRAND MASTER. Brethren, the corn, wine, and oil, which you carry in your processions and which are the consecrating elements used on occasions like this, are to remind us that in the pilgrimage of life we are to impart a portion of our bread to the hungry, to send a cup of our wine to cheer the sorrowful, and to pour the healing oil of consolation into the wounds which sickness hath made in the bodies or affliction hath rent in the hearts of our fellow men.

In placing the corn upon the foundation of this statue I invoke the blessing of plenty on the people of this city and upon the people of our whole country. Especially may they never want for that bread for which to eat is life eternal.

(The senior grand warden presented the wine.)

GRAND MASTER. In pouring the wine upon it, I do it in the fervent hope that the wine of joy may ever gladden the hearts of the people everywhere.

(The junior grand warden presented the oil.)

GRAND MASTER. In pouring oil upon the foundation of this statue, I hope and pray that its healing element may spread all over the face of this land and, like oil upon the troubled waters, calm the waves of discord and be conducive to that peace, harmony, brotherly love, and concord, affording happiness to all, that we believe would have rejoiced the heart of the good man whose semblance it supports and the will of God been that he should have lived to look once more upon a united people.

May the consolation of the gospel of the Prince of Peace accompany us all through life and illuminate our pathway as we pass through the dark valley of the shadow of death.

The grand master gave three raps with his gavel on the foundation and made the announcement: "I now pronounce this foundation properly prepared, well laid, true and trusty; and this statue, erected by the citizens of Washington to the memory of Abraham Lincoln, duly and fairly dedicated to the American people." [Applause.]

The Marine Band then performed the Miserere from "Trovatore."

ADDRESS BY B. B. FRENCH, ESQ.

B. B. French, Esq., the orator of the day, then addressed the assemblage, as follows:

We have met here this day, my fellow citizens, to dedicate to the people of the United States here, in the central part of their own Capital, the form and semblance of one who they dearly loved in life, and whose memory they can never cease to revere; who three years ago this day yielded up his life a martyr to his love of his country, his love of his fellow men, and his unshaken confidence in the affection and reverence for his person of all around him.

The statue which we now inaugurate is emphatically the offering of the citizens of Washington to the memory of the man whose form and features it represents.

In April, 1865, the councils of the city adopted a resolution unanimously appointing a committee to consist of the mayor and three members of each board for the purpose of forming a Washington Lincoln Monument Association. That committee, in conformity with the resolution, elected a large number of their most respectable citizens, who, with the original committee, formed the association, with the Hon. Richard Wallach, mayor, as president; C. S. Noyes, Esq., as secretary; and George W. Riggs, Esq., as treasurer. Subscriptions were solicited from the citizens of Washington, and a sum sufficient to secure the erection of the statue was obtained. A contract was entered into with Mr. John Flanagan, of Washington, to furnish the statue, and it now stands before you the work of his hands.

Who can ever forget that night of horror when the awful intelligence was borne by the telegraphic wires all through the land that Abraham Lincoln had been struck down by the hands of an assassin?

"Oh, night of woe,
How are you joined with hell in triple knot."

And that day of grief which followed, when the messenger of death went forth with the sad tidings that our good President was no longer on earth—can it be forgotten? There is not one within the reach of my voice—and I think I may truly add, there is not one in this broad land—to whom it is not a wonder and a mystery how the people bore up as they did under so terrible, so appalling a calamity. But they did bear up, and although the President whom they almost adored was dead, the Nation lived. And let me say here that I believe nothing save the final disruption of "the great globe itself" can destroy this Nation. The providence of God watches over us, sustains us through all our trials, and will preserve us as a free and independent people through all time.

It does not require any monument or any words to perpetuate the memory of that great and good and pure man. Monumental marble may crumble into dust; bronze may melt away; granite may perish from the earth; but the memory of Abraham Lincoln shall live in human hearts and be perpetuated on the living pages of history as long as any nation or people shall exist on earth. [Applause.]

But it is a satisfaction and a pleasure, tinged with melancholy, to look upon that venerated form and to view those features which, whatever else they may indicate, if true to the life, will glow with goodness, kindness, and love, and whereon never rested for a moment a single characteristic other than such as gave outward proof of a good and loving heart, a conscience void of offense, and charity toward all mankind. Oh heaven, that such a man should have died in such a time and in such a manner!

I hardly know, my fellow citizens, where to begin on an occasion like this. Although the field is ample it has been thoroughly gleaned by the pen of the historian and the harvest has been garnered in the bosoms of a loving people. Still I am aware of your affection for his memory, and that you never tire in listening to a rehearsal of his virtues. [Cries of "Never!"]

Abraham Lincoln was unlike any other man. He seemed to be born to fill the very station he occupied for the last five years of his life and like Paul that was in no stands firm to this day that he alone could have carried the country safely through the awful perils that beset it while he filled the responsible and dangerous position of Chief Magistrate. [Cries of "That's so."] We can say of him with as much truth as it was said of one of the greatest and best of English statesmen, he was, indeed—

The pilot weathered the storm.

Let us attempt to analyze the man. He was possessed of a heart as pure as the snowflake as it falls from above. Although of great simplicity of mind and manner, there was in that mind a penetration which enabled it read the motives and thoughts of others, and which spoke through the eye in language more powerful than could be uttered in words, a defiance to anyone who sought to deceive him. I have heard it called "shrewdness." It was more than shrewdness, and I hardly know how otherwise to characterize it, but in the strong language of the Apostle, as the "sword of the Spirit," for as I have myself seen the searching, powerful, inquisitive expression of that remarkable eye when turned upon one whose statement the President had cause to doubt, it has seemed to me to pierce the buckler of deception through and through, and that the wearer was conscious of his discomfiture before a word was uttered.

With a disposition as genial as a bright May morning, with a temper that could hardly be ruffled by the most untoward circumstances, with a soul absolutely beaming through the eyes, with an affection that captivated everyone, he was possessed of a firmness of purpose, in his determination to do right, that could not be overcome.

Pride of place was unknown to his character. To him that spark of the eternal which gleamed in the bosom of the most humble shone as bright as if it animated the breast of the proudest and highest in the land; and the widow and the fatherless ever found a ready listener to the tale of distress, and never left him without words of consolation and acts which spoke louder than words.

Even the language he used was as peculiar to him as was any other peculiarity of his nature—terse, pithy, plain; never wandering among the mazes of rhetoric after adornment; but simple as the man himself, and going as straight to the mark at which he aimed as an arrow from the bow of Tell. Solomon in all his glory of his proverbs might have envied him had he lived in these days of diffusive writing and still more diffusive speaking.

That single sentence in his last inaugural coming up undefiled from the pure well of his noble heart—"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in"—spoke the character of the man, and will live among the sayings of great and good men as long as the human lips can speak or types can print; and as we read it now we can scarcely repress a tear as we reflect how soon after it was said the voice that said it was silenced forever, and the work that he was to was finished.

The first we know of Abraham Lincoln as a national man is that he came into the House of Representatives of the United States as a Member from Illinois at the first session of the Thirtieth Congress on the first Monday of December, 1847. He served through that Congress without any particular distinction, except that he was regarded as an honest, kind-hearted, genial, earth-loving man, popular with all who knew him, and the few speeches he then made indicated a man of no inconsiderable talent. But no one, as I think, mistrusted the hidden mine of ability which existed under the unpretending exterior.

In the spirited canvass between him and the lamented Douglas, in 1858, he so conducted his part in the controversy as to convince his eloquent and talented competitor that he had "a foeman worthy of his steel," and the eyes of the whole people were turned upon him as "the rising man."

Whenever the people begin really to love a man, when he has fairly stolen away their hearts, they invariably bestow upon him a pet name. I believe I may say that the homelier the name the better the individual is beloved. So we find in the annals of those days that "Honest Old Abe," as a synonym for Abraham Lincoln, began to be a household phrase. There is probably no better indication of the love of the people—the real genuine affection of the masses—for men than in this pet nomenclature that they give. We can readily call to mind "The Father of his Country," "The Mill Boy of the Slashes," "Old Hickory," "The Defender of the Constitution," "Old Rack," with his "little more grape, Captain Bragg," "Old Ironsides," and many more. But we must return to the subject of our remarks.

In 1860 Abraham Lincoln was nominated as the Republican candidate for President of the United States, and the nomination was hailed throughout the loyal portion of the Union with an enthusiasm that gave assurance that he was truly the candidate of the friends of the Federal Government. He was triumphantly elected, and his election was, as we all know, the signal for the commencement of that dreadful effort to dissolve the Union that ended in four years of disastrous war and the final triumph of the Old Flag, but at a terrible sacrifice of human life and an immense expense of national treasure. Through this fratricidal war Abraham Lincoln stood at the head of the Government, calm, cool, firm, and determined. Ever hopeful in the darkest hours of the struggle and never for a moment ceasing to place his trust in that—

Divinity that shapes our ends,
Rough hew them how we will.

But the history of those dreadful years has been so many times written, and is so familiar to you all, that it would be a trespass upon your time and patience to repeat it here. I shall, therefore, content myself by saying that President Lincoln was found grandly equal to the great trust reposed in him, and performed every duty with a heroic firmness which met the admiration of all his friends.

But, while I refrain from recapitulating to you the public history that marked the momentous era of his term of office, I will endeavor to interest you by relations touching his more private life and character, some of which, in consequence of the official relations which for nearly his entire occupancy of the presidential chair existed between me, are probably known to no other person. No week passed that I did not see him, and I was often with him many times a week. This, of course, with a man like him led to numerous conversations between us and enabled me, with no particular intention of doing so, to observe the peculiar characteristics of Mr. Lincoln.

I will take the liberty, however, before commencing that part of my address to give you a brief account of the inauguration ceremonies of March 4, 1861, as written down by myself at the time, I having been honored with the chief marshalship of the occasion:

"At a few minutes after 11, the procession being formed in line in front of the City Hall, wheeled out into column of march and moved toward Willard's. In front of Willard's it again formed into line and so remained until 10 minutes past 12, when President Buchanan, who had been detained at the Capitol by official duty, arrived. He, with President Lincoln, Colonel Baker, and Mr. Pearce, of the Senate, then took their seats in an open carriage, which was received into the column of march with a proper salute from the military, music, and the cheering of the populace. The column then moved toward the Capitol. No more imposing or more orderly pageant ever passed along Pennsylvania Avenue. At the north door of the Capitol the President

and President elect were received and escorted in. In a few minutes they, with their attendants, appeared on the platform of the eastern portico, when Mr. Lincoln delivered his inaugural and was sworn into office. * * *

"The inauguration ceremonies over, we escorted the new President to the White House, where he received all comers with that cordial welcome that so strongly marks the sincerity of the man.

"In the procession was a triumphal car splendidly trimmed, ornamented, and arranged, in which rode 34 young girls. On our return the girls all alighted, and I conducted them in and introduced them to the President. He wished to be allowed to kiss them all, and did so. It was a very interesting scene and elicited much applause." The kisses bestowed by that good man on those young lips will only be forgotten when death has set his seal upon them. Such was the peaceful inauguration of Abraham Lincoln, which so many had prophesied could never be accomplished without the shedding of human blood! What I shall now say is from memoranda made at the time.

In August, 1862, just before the Second Battle of Bull Run, in a conversation with the President, he asked me my age. I gave it to him, when he remarked, with much emphasis, "10 years older than I am, and 10 years younger." I replied that he must not view his own years so disparagingly, when he repeated, "Yes, Mr. French, I am actually 10 years older than you are, the cares and troubles that are upon me are aging me rapidly—I feel it, and you will live to see me in my coffin." This was said with deep solemnity, so much so that I felt sad and tried to speak cheering words. Never in all my intercourse with Mr. Lincoln, except on this occasion and upon the death of his son William, did I witness any manifestation in words of despondency or grief. When Willie died, although he bore himself like a man and a Christian, his affections would assume their control over his sterner self at times and nature have her way.

As an evidence of Mr. Lincoln's power over his feelings, I will mention that on entering the Executive Mansion on Monday evening, March 3, 1863, to attend the reception then to take place, the President informed me that he had just received the news of the capture of our steam ram *Indianola*; but, said he, "it is known to no one else here, and as I do not wish it known until the reception is over, please not to mention it." He made some further remarks as to the misfortune that was so unfalling. The visitors commenced arriving, and he stood there shaking hands and conversing in his usual cordial and pleasant manner until the reception was over, when he turned to me and said, "I am glad this reception is over; I have been assuming a cheerfulness that I could not feel, for I could not forget that we have lost the *Indianola*."

That President Lincoln was beloved by every loyal heart we all know, but I can not refrain from copying from my own description of the dedication of the National Cemetery at Gettysburg the following:

"As soon as the hymn (the consecration hymn) was sung, Marshal Lamon introduced the President of the United States, who, in a few brief but most appropriate words, dedicated the cemetery. Abraham Lincoln is the idol of the American people at this moment. Anyone who saw and heard as I did, the hurricane of applause that met his every movement at Gettysburg would know that he lived in every heart. It was no cold, faint shadow of a kind reception; it was a tumultuous outpouring of exultation from true and loving hearts at the sight of a man whom everyone knew to be honest and true and sincere in every act of his life and every pulsation of his heart. It was the spontaneous outburst of the heartfelt confidence of the people in their own President."

Perhaps no living man ever had a keener relish for the ludicrous than Mr. Lincoln, and his power of illustration by story and anecdote was beyond that of anyone with whom I was ever acquainted; and such was the tendency of his mind to mirth that I have known him, when a grave question was propounded to him, to reply to it by relating some story perfectly illustrative of the answer required, but of such a nature that no one could resist an audible expression of merriment, in which he was certain most heartily to join, and although the surprise and alacrity of his nature seemed ever ready to pass off in a manner to make all around him innocently happy, he was ever careful to guard against injury to the feelings of any human being. And I think I can give you the assurance that not one in a hundred of the gross stories that are now imputed to him were ever even heard of by him.

To recall any of the illustrations that I have heard from his lips would be out of place here; but I can not refrain from stating one of his quaint and numerous pieces of advice to me, which you will all appreciate. The basement of the Executive Mansion was at one time so infested with rats as to render it almost uninhabitable. I called the President's attention to the fact, and he said to me, with that inimitable twinkle of the eye and expression of the countenance so remarkable in him, "Can you not procure a ferret, one of those little fellows that drive away the rats? And while you are about it, perhaps it would be well to get several and distribute them about the departments, for there are rats everywhere!" And the good President was so pleased with the idea that he asked me afterwards if I had got those ferrets.

The kindness of his disposition and his readiness to indulge his children may be illustrated by two occurrences that fell under my own observation. The preparations had all been made for the family to leave the city house and establish themselves for the summer at the Soldiers' Home. The carriage was at the door and Mrs. Lincoln and Tad were in it. The President came out to join them, when Tad said, "I have not got my cat." The President replied, "You shall have your cat," and he went into the household and returned in a few minutes with Tad's cat in his arms.

At another time when I was with him in his office conversing on official business one of the servants came in and spoke to him. He at once turned to me and asked me to excuse him for a short time, and he must go and give Tad his medicine, which he would take from no one else.

Such acts as these do honor to human nature, no matter whether done by Presidents or peasants; everyone who has a soul will appreciate them, and I have thought a thousand times, as I have seen the evidences of the minute attention given by the great and good Washington to the smallest matters that concerned his household and his home, while leading the armies of the United States or exercising the high functions of President of the infant Republic, how like in many particulars were these two truly great Presidents.

Although President Lincoln was always ready to assume any official responsibility that his position required, his innate sense of propriety was such that he never knowingly encroached on the prerogatives of his subordinates, no matter what their position might be. A somewhat curious instance of the delicacy of the President in this particular occurred in November, 1864. The day after the certain information of Mr. Lincoln's reelection reached this city it occurred to him that the laborers at the Executive Mansion ought to be granted a holiday. Almost any other man being President of the United States and possessing the power to command would have issued an order giving them a holiday. President Lincoln did no such thing, and what was my surprise at receiving a card from him in his well-known hand and which I now have:

"If Commissioner of Public Buildings chooses to give laborers at White House a holiday, I have no objections.

"A. LINCOLN."

"NOVEMBER 9, 1864."

Of course, the commissioner did choose, and the holiday was given.

The autographs of the beloved President are eagerly sought for and highly valued, and as an evidence of this, I may say that I have seen a simple card, similar to the one above alluded to, on which some request was written by Mr. Lincoln, elegantly framed and suspended in the library of a gentleman in Massachusetts, and considered so precious a memorial that no money can purchase it. And the last manuscript he ever wrote with a pen, on the evening of his assassination, is sacredly preserved, in like manner, in this city by the gentleman for whom it was written. I do not know how I can more appropriately close this, perhaps already too long address, than by reading an article prepared by myself for one of the city newspapers on the 23d of April, 1865. It is as follows:

"On Friday morning last, at 7 o'clock, all that was mortal of Abraham Lincoln, the sixteenth President of these United States, was borne from the Capitol, taking their departure for his home in Illinois, where they are to rest until the final resurrection.

"The past week has been a sad one to the whole Nation. It has been particularly sad for Washington, for here the unparalleled atrocity that deprived a people of a President whom they dearly loved and almost worshipped, and came near snatching from them a Secretary of State, particularly eminent for a head and a heart that gave him an exalted place in the affections of all who knew him, was committed; and on the awful news spread abroad on the wings of the lightning it carried with it sadness to every heart that beat responsive to the great principles of humanity which were so strongly implanted in the bosom of our beloved Chief Magistrate.

"At half-past 10 o'clock on Friday evening, the 14th instant, the bullet of the assassin sped through the brain of his illustrious victim, and from that instant he was as if he were dead, although he continued to breathe until the next morning at 22 minutes past 7.

"That Friday night was an awful one for Washington. The theater where the horrid event occurred was filled with people, and the appalling news spread, as it were, in a moment to all parts of the city. There was no sleep that night. The long roll—that startling call to all military men and to all civilians who understand it—was beat in the various camps within and about the city, and the troops were speedily under arms.

Ah! then and there was hurrying to and fro,
And gathering tears, and tremblings of distress,
And cheeks all pale, which, but an hour ago,
Blushed at the praise of their own loveliness.

* * * * * *

And there was mounting in hot haste; the steed,
The mustering squadron, and the clattering car
Went pouring forward with impetuous speed,
And swiftly forming in the ranks of war.

"Many knew not for a time what it all meant, but everyone knew that some terrible calamity was upon us; and ere long the dread reality that our President had been assassinated and our Secretary of State stricken down by the dagger of some fiend in human shape came to be known, and a cordon of troops was soon posted all around the city to prevent, if possible, any egress from it and be prepared for any emergency that an extended conspiracy might render necessary.

"There was a general rush of our citizens to Tenth Street, where in a dwelling opposite the theater lay the dying form of Abraham Lincoln, surrounded by his almost distracted wife, his weeping son, his Cabinet ministers, generals, eminent physicians, and many others whose positions gained them ready admittance to the side of the dying President.

"I stood at his bedside in the early hours of the morning and there witnessed such a scene of solemnity and grief as I never saw before and hope never to see again—

There was silence deep as death,
And the boldest held his breath,

as if it were almost sacrilege to interrupt the solemn stillness about that dying couch.

"The stern Secretary of War sat with his head bowed down in grief; the good and kind Secretary of the Navy stood as if transfixed with sorrow; the ever mild and sunny countenance of the Secretary of the Treasury, the Secretary of the Interior, the Postmaster General, and Attorney General were now overspread with the clouds of distress and mourning; Major General Halleck, who had naturally assumed the direction of affairs, was quietly moving about, fixing his large and most expressive eyes on everything that seemed to require attention and directing in whispering tones of sadness what should be done. The noble form of Sumner, seated near the head of the bed, was bowed low, and tears were flowing from many, many eyes unused to weep.

"Not long after sunrise, I should think—time could not well be counted and the heavens were weeping in a gentle rain—at the request of some of the personal friends of Mrs. Lincoln I went to the President's carriage after Mrs. Secretary Welles, and ere I could return the noble martyr had ceased breathing. I witnessed the bearing of the remains to the presidential mansion, saw them removed from the temporary coffin in which they were borne there, and from that time until they were placed in the car at the railroad depot for transportation to Illinois I was much of the time with them. My official duties made me almost one of the President's household, and on all public occasions I stood at his side or near him, and I felt as if, even had duty not demanded my presence, I could not leave the inanimate form of him of whom I had seen so much and whom I loved so well in life.

"The days of preparation passed by; the lying in state in the East Room, where thousands stood at the side of their beloved and martyred chief and paid to his memory the tribute of respect with streaming eyes; the funeral services, attended by the noble assemblage of all who aided the Executive in the performance of his arduous duties in Washington—hundreds of the most respectable civilians of the country; the full Diplomatic Corps, whose rich dresses were in marked contrast to their sad, sad countenances, for they all loved Abraham Lincoln—the mourners, not only of the family but from his native and his adopted State; the reverend clergy in full numbers. I witnessed it all.

"I listened with a most melancholy but proud satisfaction to the religious services, full of submissive piety, but also full of exalted patriotism. I saw the immense concourse of people, civil and military,

who crowded Pennsylvania Avenue from Georgetown to the Capitol, as the funeral cortege passed along, marking by their bowed forms and their sighs and tears their deep grief at the loss of one whom they had looked upon as their father. I saw the sacred remains deposited on the catafalque in the center of the Rotunda of the Capitol, with the semblance of grief all around it, and heard the pious and eloquent divine, who had been from the first at the side of the departed and his mourning family (Doctor Gurley), repeat with great impressiveness, earnestness, and devotion so much of the burial service as was appropriate, ending with a prayer.

"The crowd then departed. The guard of honor, which had been ever present since the sad catastrophe, consisting at least of one major general and his staff, and often of two, were left in charge of the body.

"At 8 o'clock on Thursday morning the coffin was opened and the crowd admitted, and between that time and 10 o'clock in the evening nearly 40,000 persons looked in sorrow and in tears upon that beloved face.

"At 6 o'clock a. m. on Friday there were assembled in the Rotunda all the Cabinet ministers, the committee who were to accompany the remains, Reverend Doctor Gurley, Lieutenant General Grant, and many other high officers of the Army, the police of the Capitol, and a few prominent citizens. Doctor Gurley addressed with deep fervor and great impressiveness the Throne of Grace, and his prayer found a solemn response, I doubt not, in every bosom.

"The coffin was then closed and was borne by 12 sergeants to the hearse, and being escorted by a battalion of the Veteran Reserve Corps was followed by Lieutenant General Grant and Brigadier General Hardee, arm in arm, and many other officers of the Army, the Commissioner of Public Buildings, and captain of the Capitol police, all on foot, and by the President and heads of the departments and the committee in carriages to the Baltimore Depot, where it was placed in a car deeply and most appropriately draped in mourning and prepared for the occasion, where the reverend clergyman again offered up a prayer to the Father of us all; and at 8 o'clock the train moved off, and he whom we all loved so well and for whom we would have willingly given our own lives was borne in solemnity and gloom toward his final resting place in the bosom of the State who gave him to us."

Unveil thy bosom, faithful tomb,
Take this new treasure to thy trust,
And give these sacred relics room
To slumber in the silent dust.

Thus the remains of Abraham Lincoln left us to find a resting place in the capital of his adopted and beloved home. It was one grand, solemn, and imposing funeral procession from Washington to Illinois, and I have been told by a gentleman who accompanied it that no dwelling was passed in all that distance, whether the palace of the rich or the humble cottage of the poor, that did not exhibit some outward badge of the grief that reigned within.

And now, my fellow citizens, we have erected, as I believe, the first public statue to the memory of that President, who more than any other since Washington, lived and ever will live in the hearts of the loyal people. Here, where he was from all who knew him—and who is there who did not know him—golden opinions; here where in the midst of his friends, while enjoying a brief respite from the cares and perplexities of his exalted but laborious station, he was struck down in death by the hand of a foul and cowardly assassin, have we this day placed upon its pedestal the plain, unassuming, but almost speaking semblance of that plain, unassuming, but noble and god-like specimen of human nature. [Applause.]

We have erected it where the earliest kiss of rosy day, as she approaches from the east, may fall upon it, and where the last gleam of evening's mellow light may salute it as the twilight darkens into night. Here it stands, as it were, in the plaza of the city; and here it will stand, we hope, to be seen by generations long hence to come. [Cries of "It will!"]

Let the fathers of the city, in times of trouble, gather around it and inspire inspiration by calling to mind the firmness, patience, fidelity, zeal, and nobleness of character of him whom it represents. Let the generations of young men gather around it and recall, as their example and their guide, the virtue, sobriety, modesty, and uprightness of life and purpose of that great man. And let us all bear in mind and ever profit by the remembrance how Abraham Lincoln placed all his trust in God, and implored His blessing upon every act of his exemplary life.

* * * God called him
Hence to lay his armor down,
To take his more than conqueror's wreath,
His martyr's glorious crown.

In the great hosts of freedom's sons,
One Lincoln leads the van,
Himself the greatest, "noblest work
Of God, an honest man."

Arise, then, oh, my country, rise!
Be worthy of his fame,
Lift high the banner of the right,
Put all its foes to shame.

Follow where Lincoln's footsteps led—
His spirit be your own—
'Twill lead you on to victory; 'twill
Lead you to God's throne!

[Immense applause.]

After the address of Major French the band of the Twelfth Infantry performed Rans l'es Vaches.

Col. E. B. Olmstead was then introduced, and recited an original poem, which was received with great applause.

THE UNCOVERING OF THE STATUE.

Professor Heald's band then performed an appropriate air, when Major Wallach advanced to the front of the platform with the President and said:

"My friends, it is hardly necessary for me to inform you what is now to take place or who the distinguished person is who will perform this ceremony. The anxiety depicted in your upturned countenances plainly tells that you are awaiting the unveiling of the statue."

The President then pulled the cord, when the covering of the statue fell, and vociferous cheers were given by the crowd.

Mr. Lot Flannery, the artist, was here introduced and loudly cheered.

The Marine Band then performed a prayer by Donizetti, after which Reverend Doctor Gillette pronounced the benediction, and the crowd dispersed.

The Mrs. Ellen Spencer Mussey Tent, No. 1, Daughters of Veterans, went on record indorsing the reerection of the Lincoln statute in a letter June 20, 1921, as follows:

MY DEAR MR. KING: The members of the patriotic organization, Mrs. Ellen Spencer Mussey Tent, No. 1, Daughters of Veterans, whose soldier fathers fought under Lincoln for the honor and unity of their country and inculcated in the hearts of their children a wonderful love and reverence for that great and noble character, Abraham Lincoln, desire to express to you their very sincere appreciation of your action in introducing before Congress a motion to have the statue of Lincoln replaced in its former position in front of the City Hall, and to thank you for your interest in a matter which is very close to the hearts of the Daughters of Veterans.

Please accept congratulations on the success of your efforts, and sincere good wishes for your future welfare.

Cordially yours,

MRS. ELLEN SPENCER MUSSEY TENT NO. 1,
DAUGHTERS OF VETERANS,
By MARJORIE MAYNARD,
Secretary pro tempore.

Lieutenant General Miles, speaking before the Society of the Dames of the Loyal Legion at Washington, D. C., February 12, 1920, said concerning the statue:

Soon after the tragic death of President Lincoln his friends erected a suitable monument and placed it facing the broad avenue where our statesmen and Supreme Court judges pass it every day and in front of the courthouse, where it is seen by thousands of his devoted fellow countrymen. I can not describe to you my feelings a few days ago when I saw men engaged in taking it down. It seemed to me like a sacrilege, and my views are expressed in the following lines:

You may move or destroy the Lincoln statue,
But you ne'er can erase from hearts that are true
That reverence sublime that all patriots cherish
For a life made immortal, that never can perish.

From the humblest of homes to the head of the Nation,
Mid the desperate turmoil of war's desolation,
He led our brave sons in a righteous cause
And welded their faith to freedom's just laws.

Loyal hands had there placed it, on sacred ground,
Near the temple of justice and law profound.
In the distance the Nation's Capitol is seen,
Where patriotism and power are held supreme.

Place it back there again, we earnestly pray,
A Nation's gratitude will amply repay.
Put it back where the friends of the martyr's sad story
Had placed it, and leave it alone in its glory.

Demand that the Lincoln statue, recently taken down from in front of the courthouse, be placed again on—

the same consecrated spot where it was erected half a century ago—

was contained in a joint resolution introduced in the general assembly of the State of Ohio by State Representative Beaty.

Without qualification the representatives and senators of the eighty-third General Assembly of Ohio unanimously condemn this unpatriotic and unprecedented vandalism and demand that the venerated monument be replaced on the same consecrated spot where it was erected half a century ago—

Said the resolution.

ASKS PRESIDENT WILSON TO HELP.

The resolution further states—

That a copy of this resolution be transmitted to the President of the United States and to our two Senators and our Representatives in Congress, with the urgent and respectful request that they use their power and authority of their great offices to repair this wrong and restore the venerated shaft to its former place in its entirety as when dedicated in 1868.

In 1866 and 1867, the resolution states, immediately after the martyrdom of Lincoln—

Steps were taken in the city of Washington to erect a monument to Abraham Lincoln in front of the city hall there, and the movement was made successful by small contributions of the people, who knew personally and loved the mighty Lincoln.

FIRST ONE TO LINCOLN.

Said monument was the first one in memory of Lincoln, modest and plain, like himself, entirely best representing that great man ever yet erected—surmounted as it was by a life-size statue of him, as like as life.

Said monument was dedicated in 1868 in the midst of the largest and most august assemblage of our mightiest Americans, most of whom personally knew Lincoln well, and with them, also, were thousands of Union soldiers who had gone to battle at Lincoln's call.

UNVEILED BY PRESIDENT JOHNSON.

Notably, Andrew Johnson, President, unveiled the statue and made a memorable speech dedicating the monument and consecrating forever the sacred spot on which it has stood half a century.

Vandal hands have dared to desecrate, pull down, wreck, and destroy that monument, and hidden it away from human view, to the shame and disgrace of the whole American Nation.

LETTER FROM AN OLD RESIDENT OF WASHINGTON.

WASHINGTON, D. C., *January 28, 1920.*

MY DEAR MR. KING: I was so glad to read the notice in to-day's paper about your effort to have the Lincoln statue reerected. I had been wondering if some one in authority would not take up the removal of that statue when it had stood so long as a monument of love to him who had lost his life in the service of his country.

I knew Lincoln and shook hands with him when he ran for President. I was then living in Ohio. He was one grand, good man, and how well do I remember how our hearts were torn with anguish when the word came that he was shot. Never will I forget it, though so many years have passed since that awful tragedy. I thought of the event every time I passed the statue.

I for one am glad you have brought this matter to the attention of Washington people, and I know that you will receive more letters thanking you for your effort in bringing up the subject of its removal. I hope it will be placed again where it stood so long.

MRS. MARY FLORENCE EDMONSON.

605 TWENTY-SECOND STREET NW.,
Washington, D. C., June 18, 1921.

Hon. EDWARD J. KING,
Washington, D. C.

DEAR SIR: A stranger to you, with no claim on your attention, I crave indulgence and pardon for writing to you about a matter very near to all hearts that love Lincoln. I am deeply interested in your bill to restore the desecrated memorial to its proper and original site.

The few of us remaining after 1866, 1867, and 1868, who raised the money out of our poverty to pay for the only true Lincoln statue on earth, may be pardoned for asking reparation of the crime of destroying and despoiling it.

I saw the first dollar paid by subscriptions of poor people, mostly soldiers who knew Lincoln well. We were all young then, and poor—the country bankrupt.

It was built out of poverty and love by the mites of the lowly whom Lincoln loved as God does.

I saw it unveiled by President Johnson, 1868, in presence of such a throng of America's greatness as earth never before beheld, and alas! never shall again.

It was a great day.

At 88 I recall the scene vividly to memory but can not describe it. They who could are gone to the silent land.

It was built by us.

It is our monument.

It is a masterpiece, because it is a true, simple resemblance of Lincoln.

May God prosper you in assisting it to its own place. There is but one consecrated place.

PRIVATE DALZELL.

The following is a letter from Mr. Freeman Thorp, an artist who personally knew Lincoln and who painted the portrait of Schuyler Colfax, one of the Speakers of the House, now hanging in the House lobby. He also painted the portrait of Lincoln which was purchased by the Senate and now hangs in the main corridor in the Senate wing of the Capitol. He also painted President Grant and others:

WASHINGTON, D. C., *June 5, 1921.*

Hon. EDWARD J. KING,
House of Representatives.

DEAR SIR: In support of your resolution ordering the statue of Lincoln reerected on its original site in the courthouse grounds, permit me to say that having sketched Lincoln from life just before he was inaugurated, and again at Gettysburg, and studied him very carefully and thoroughly under conditions no other man now living has ever had, I made diligent search for the statue, seeking to know whether it is a real likeness of Lincoln. I consider a true likeness in historical statues or portraits of prime importance.

I found the statue lying out of doors and not safely boxed, and readily obtained assurance from the office of Colonel Sherrill that it should at once be made secure from accident or malicious injury.

There are other statues of Lincoln that are great, considered in the sense of modern works of art, yet none yet made so true and characteristic as a likeness of the rugged, strong, unassuming great man whom memory we all love.

As there is no man now living who can make a statue of Lincoln from life or from memory, this one should be preserved with the utmost care, here where the greatness of his life was enacted and where more of the people of this great Nation can easily see it than anywhere else.

With great respect,

FREEMAN THORP,
138 East Capitol Street.

Restoration of the Lincoln statue was urged on December 7, 1921, by a committee representing the Sons of the American Revolution which called on me:

The committee consisted of Admiral George W. Baird, who personally contributed for the erection of the statue; Rev. William Curtis White, representing the first Episcopal parish of the District; Fred Owen, for 44 years connected with the office of public buildings and grounds in Washington; David Lynn and Charles H. Fairman, architects.

GUARANTEE OF SUBSCRIBERS.

The committee stated that descendants of the original contributors to the Lincoln statue fund stood ready to meet the expenses for a new pedestal and reerection of the memorial through private subscriptions.

They also urged that Elliott Woods, architect of the Capitol, be appointed chairman of a commission to draw up plans for a new base for the statue and estimate the cost of replacing it. Mr. Woods had charge of remodeling the courthouse, and it was in process of this work that the Lincoln statue was removed.

Mr. Fairman, who is in charge of the art work in the Capitol, speaking against the removal of the old statue, quotes from Proverbs in saying, "Remove not the ancient landmark which our fathers have set." Mr. Fairman said: "Five hundred members of the Sons of the American Revolution living in the District desire the statue reerected as an act of simple justice. It is as important to preserve the art of 1868 as it is to preserve the art of 1921."

VIEWS OF ADMIRAL BAIRD.

Admiral Baird pointed out that the Lincoln statue "belonged to the people of Washington. I and my folks contributed to its erection and have an equity in it to-day. To allow its desecration sets a precedent for the removal of landmarks and statues, rich in sentiment, throughout the entire country. Congress should protect the inherent rights of the Commonwealth in all matters of sentimental value."

Reerection of the Lincoln statue on its original site in front of the courthouse, on a low and artistic base in harmony with the surroundings, was advocated January 17, 1922, by a committee representing the Aztec Club of Washington.

The committee consisted of Rev. William Hayloe Snyder, canon of Washington Cathedral; Col. J. F. Reynolds Landis, and Col. Robert N. Getty.

Elliott Woods, Architect of the Capitol, submitted a new design for the base of the statue, which later will be submitted to the House of Representatives for consideration. The new base suggested would raise the base of the statue approximately 5 feet from the level of the sidewalk.

I recall the statue from earliest childhood—

Reverend Snyder said—

and I viewed its removal with deep regret. I and scores of the older residents of Washington remark on the absence. For sentimental as well as artistic reasons the statue should be reerected at once.

The suggested pedestal would remove all criticism in regard to the former high pedestal, which, although artistic compared to art at the time of 1867, would not harmonise with the courthouse to-day.

This statue should be treasured as valuable evidence of art at the time of its erection—

Colonel Landis said.

PRESIDENT FOR REPLACEMENT.

Warren G. Harding, President of the United States, pledged his aid in replacing the statue on April 28, 1921, to a delegation headed by Gen. Nelson A. Miles, and consisting of more than 100 men and women representing patriotic organizations of the United States.

On May 2, 1921, President Harding wrote to Hon. NORMAN J. GOULD, chairman of the Committee on the Library of the House of Representatives:

I very recently received a call of a very notable delegation representing the Loyal Legion urging the reconsideration at the hands of Congress of the decision to remove the statue erected in memory of President Lincoln in front of the City Hall in 1868.

It is such a fascinating story, and there seems to be so much of appealing sentiment about the restoration of this statue to its original position, that I think Congress might well expedite the reconsideration of the action so that this memorial may be restored to the place it so long occupied.

I cordially believe the sentiment is one that we ought to sanction, and I am glad to express the hope that Congress will take favorable action in providing for the restoration.

Among those who have worked untiringly for the restoration of the statue are Hon. Norman J. Gould; Hon. Ben Johnson; Hon. Robert Luce; Hon. Herbert C. Pell, jr.; Hon Simeon D. Fess; Hon. Frank Park; Hon. Ralph Gilbert; Theodore Noyes; John C. Shanks; Hon. William R. Wood; Hon. Edward H. Wason; and Mrs. Gen. John A. Logan.

CHRONOLOGY.

January 24, 1920: Original resolution to reerect the statue of Lincoln introduced.

April 2, 1920: Committee on the Library holds hearing on the subject.

April 28, 1921: President Harding indorses reerection of statue.

May 25, 1921: Committee on the Library reports the resolution with the recommendation that it do pass.

April 5, 1922: House of Representatives begins consideration of resolution.

The CHAIRMAN. Unless there are some further remarks, the Clerk will read.

Mr. GARRETT of Tennessee. Will the gentleman from Ohio yield for a moment?

Mr. FESS. I will.

Mr. GARRETT of Tennessee. Is it hoped to conclude this bill this afternoon?

Mr. FESS. I think not.

Mr. GARRETT of Tennessee. Well, if we can not conclude it, I wonder if we can not rise now?

Mr. FESS. The gentleman from Indiana [Mr. MOORES] desires to be heard in opposition to the resolution.

Mr. GARRETT of Tennessee. Well, that can be done next Wednesday. I make the point of no quorum.

Mr. FESS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 127 to reerect the statue of Abraham Lincoln upon its original site and had come to no resolution thereon.

ADJOURNMENT.

Mr. FESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Thursday, April 6, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

585. A letter from the Secretary of War, transmitting offer received from Charles L. Parsons, of Washington, D. C., covering certain properties at Muscle Shoals, Ala. (H. Doc. No. 220), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 6650. A bill providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic; without amendment (Rept. No. 877). Referred to the Committee of the Whole House on the state of the Union.

Mr. DUNN: Committee on Roads. H. R. 11131. A bill to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes; without amendment (Rept. No. 878). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER: Committee on Insular Affairs. H. R. 10442. A bill to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921; without amendment (Rept. No. 874). Referred to the House Calendar.

Mr. BURTNESS: Committee on Indian Affairs. H. R. 9814. A bill amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; without amendment (Rept. No. 875). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 11172) declaring the railway bridge across the Kansas River, in the State of Kansas, at a place about 1,378 feet above its mouth, in the city of Kansas City, Kans., an obstruction to navigation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 11173) to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 11174) to provide for the purchase of a site and the erection of a public building at Manti, in the State of Utah, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 11175) to authorize the printing of certain publications at United States Indian schools; to the Committee on Printing.

By Mr. COLD: A bill (H. R. 11176) authorizing the bestowal of campaign medals upon officers and enlisted men of the World War who served with what is known as the Archangel expedition, and for other purposes; to the Committee on Military Affairs.

By Mr. SINCLAIR: Concurrent resolution (H. Con. Res. 54) creating a joint commission of three Members of the Senate and five Members of the House to investigate the subject of crop insurance, with a view to determining the practicability of creating a Government crop insurance bureau, and for other purposes; to the Committee on Rules.

By Mr. JONES of Texas: Resolution (H. Res. 320) providing for the payment of one month's salary to Stella M. Weigel; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 11177) for the relief of Joy Bright Little; to the Committee on Claims.

By Mr. DOMINICK: A bill (H. R. 11178) for the relief of Hassie Cantrell; to the Committee on Claims.

Also, a bill (H. R. 11179) for the relief of Cecilia Rebecca Fretwell; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 11180) for the relief of Lewis Williams; to the Committee on Claims.

By Mr. GARRETT of Texas: A bill (H. R. 11181) for the relief of Emma Heiberg, Laura Lackner, and F. W. Lackner; to the Committee on Claims.

By Mr. HADLEY: A bill (H. R. 11182) granting a pension to Esther E. Babcock; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 11183) for the relief of Mary L. Sprague; to the Committee on Claims.

By Mr. O'CONNOR: A bill (H. R. 11184) for the relief of Rose L. Kiefer; to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 11185) for the relief of Albert Neurath and W. R. Milward; to the Committee on Claims.

Also, a bill (H. R. 11186) for the relief of Lewis H. Francke and Blanche F. Shelley; to the Committee on Claims.

By Mr. STAFFORD: A bill (H. R. 11187) granting a pension to Kathryn Labonde; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11188) granting a pension to Jennie G. Miller; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 11189) granting a pension to Eunice A. Prettyman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4989. By Mr. ANDREW of Massachusetts: Petition of citizens of Danvers, Salem, and Beverly, Mass., opposing the passage of House bill 9753, or any other Sunday bill; to the Committee on the District of Columbia.

4990. By Mr. APPLEBY: Affidavits to accompany the bill granting a pension to Amelia M. Hetherington; to the Committee on Invalid Pensions.

4991. By Mr. ARENTZ: Petition of 29 business men of Winnemucca, Nev., protesting against House bill 10598; also protest of the Comstock (Virginia City) Chamber of Commerce; to the Committee on Interstate and Foreign Commerce.

4992. By Mr. KIESS: Evidence in support of House bill 11011, granting a pension to George O. Pratt; to the Committee on Invalid Pensions.

4993. Also, petition of citizens of Potter and Tioga Counties, favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4994. By Mr. KISSEL: Petition of William Filene's Sons Co., of Boston, Mass., urging passage by House of Senate Joint Resolution 160; to the Committee on Ways and Means.

4995. By Mr. SINCLAIR: Petition of Henry Kytonen and seven others, urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4996. Also, petition of W. O. Johnson and 104 others, of Dunn Center, N. Dak., protesting against the passage of House bills 9753 and 4388 or Senate bill 1948; to the Committee on the District of Columbia.

4997. Also, petition of Mrs. A. O. Stoen and nine others, of Buffalo Springs, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4998. By Mr. TEMPLE: Petition of Division 565, of New Castle, Pa., and Division 464, of Elrama, Pa., International Brotherhood of Locomotive Engineers, in support of House bill 10798; to the Committee on Interstate and Foreign Commerce.

4999. By Mr. TOWNER: Petition of James Harper, of Turtle Creek, Pa., and 82 other citizens of the State of Pennsylvania, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

THURSDAY, *April 6, 1922.*

(Legislative day of Wednesday, April 5, 1922.)

The Senate met at 12 o'clock meridian on the expiration of the recess.

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Jones, Wash.	New
Ball	Fletcher	Kendrick	Nicholson
Borah	France	Keyes	Norbeck
Cameron	Frelinghuysen	King	Norris
Capper	Gooding	Ladd	Oddie
Caraway	Harreld	La Follette	Overman
Culberson	Harris	Lenroot	Page
Cummins	Harrison	McKinley	Pepper
Curtis	Heflin	McNary	Phipps
Dial	Hitchcock	Moses	Pittman
Elkins	Jones, N. Mex.	Nelson	Poindexter

Pomerene	Simmons	Swanson	Wadsworth
Ransdell	Spencer	Townsend	Walsh, Mass.
Sheppard	Sterling	Trammell	Watson, Ga.
Shields	Sutherland	Underwood	Williams

Mr. CURTIS. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Indiana [Mr. WATSON], and the Senator from New York [Mr. CALDER] are detained at a meeting of the Committee on Finance.

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is absent on official business.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business.

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Orerhue, its enrolling clerk, announced that the House had passed a bill (H. R. 11118) to provide for the deportation of certain undesirable aliens, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 11118) to provide for the deportation of certain undesirable aliens was read twice by its title and referred to the Committee on Immigration.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of members of James G. Blaine Council, No. 1, Junior Order United American Mechanics, of Stamford, Conn., praying for the enactment of House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from Philip P. Wells, president Connecticut Forestry Association, of Middletown, Conn., praying for the passage of the Keyes bill, making an appropriation of $2,000,000 for continuance of the purchase of forest lands in the White and Appalachian mountains, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Mrs. Milton Simon, president of the Hartford Section, Council of Jewish Women, of Hartford, Conn., praying for an amendment of the immigration law so as to render its operation practicable and humane, which was referred to the Committee on Immigration.

He also presented memorials of members of the East Hartford Chamber of Commerce and sundry citizens of West Cornwall, all in the State of Connecticut, remonstrating against the enactment of Senate bill 2747, the Federal cooperative reclamation bill, which were referred to the Committee on Irrigation and Reclamation.

He also presented a resolution adopted by the directors of the Manufacturers' Association of Connecticut (Inc.), of Hartford, Conn., protesting against alleged persistent sinister political influences seeking to undermine the independence of action of Federal Reserve Board officers, and indorsing the Federal reserve system, which was referred to the Committee on Banking and Currency.

He also presented a petition of members of the National Ex-Service Men's Political Organization, of Waterbury, Conn., praying for the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of sundry employees of the Custodial Service, Treasury Department, of Naugatuck, New Britain, and Danbury, all in the State of Connecticut, praying for the enactment of legislation granting salary increases to employees of the Treasury Custodial Service, which were referred to the Committee on Appropriations.

He also presented a memorial of members of Mattabessett Grange, No. 42, Patrons of Husbandry, of Middletown, Conn., protesting against railroad or coal-mine owners and managers, or their workmen, creating conditions preventing the country's recovery from the scourge of war, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by members of Lady Fowler Council, No. 58, Sons and Daughters of Liberty, of Milford, Conn., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

PROPOSED NEW OFFICIALS OF DEPARTMENT OF LABOR.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 3396) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor, asked to be discharged from its further consideration and suggested that it be referred to the Committee on Education and Labor, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3406) granting permission for erection of American Legion Memorial Hall on Federal building site at Corsicana, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND:

A bill (S. 3407) authorizing the bestowal of campaign medals upon officers and enlisted men of the World War who served with what is known as the Archangel expedition, and for other purposes; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 3408) to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. JONES of New Mexico:

A bill (S. 3409) to extend the powers of the War Finance Corporation under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Finance.

By Mr. STANLEY:

A bill (S. 3410) to amend section 4886 of the Revised Statutes relating to patents; to the Committee on Patents.

By Mr. FERNALD:

A bill (S. 3411) granting a pension to Adeline R. Burroughs (with accompanying papers); to the Committee on Pensions.

AMENDMENT OF WAR DEPARTMENT APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate $191,000 for the building and improvement of roads through Fort Riley (Kans.) Reservation to connect with the State highways reaching said reservation from the north, south, east, and west, intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on April 6, 1922, the President had approved and signed the joint resolution (S. J. Res. 160) authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

ENLARGEMENT OF CAPITOL GROUNDS (S. DOC. NO. 178).

The PRESIDING OFFICER laid before the Senate a communication from the Attorney General in response to Senate Resolution 156, relative to steps necessary to be taken to complete the acquisition of lands between the Capitol and Union Station for the enlargement of the Capitol Grounds, as provided in the act approved June 25, 1910, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. OVERMAN. Mr. President, I do not rise to discuss the amendment now pending, but I do rise to say that I am opposed to the bill, and I think before I am through I will demonstrate to the Senate that it is not necessary, even though they call it an emergency bill.

I am opposed to this method of legislation. It is history repeating itself. One hundred and twenty years ago, and not since that time has a bill of this nature been introduced in either body of the Congress. Every student of history remembers what scandal and what criticism attended the passage of that bill. It was called by some the "midnight judges bill."

I am opposed to creating a wholesale lot of judges for life at great salaries and taxing the people, as this bill will do, to the extent of a quarter of a million dollars, when it is not necessary. Senators will remember that there was passed, at the time I just referred to, what was then called, as this is called, an emergency bill. A dead party was going out. Mr. Jefferson

was coming in. Mr. Adams had signed the commissions and Mr. Jefferson sent his Attorney General, on the night of March 3, with his watch in hand, to look at John Marshall, who was Secretary of State, signing the commissions. The hour of 12 o'clock arrived, and they had been signed. So great was the indignation and criticism of that bill in the country that all succeeding Congresses refused to make the appropriation to pay the salaries of the judges, and they had to go out of office.

I say, Mr. President, let every tub stand on its own bottom. If a judge is needed in any district, let a Senator from that State introduce a bill, have it referred to the committee, and let it be reported back to the Senate, and passed. But do not let us have a wholesale bill like this measure, which proposes to establish all these great offices, giving pie to this one and pie to that one, a bill that is, as I expect to show, a pork-barrel bill, although the Senator from Iowa [Mr. CUMMINS] resents that designation.

The present Presiding Officer, the senior Senator from Michigan [Mr. TOWNSEND], early in the session introduced a bill to establish an additional judge in Michigan. Such a judge was needed in that State at that time. The Senate Committee on the Judiciary reported the bill favorably, it passed the Senate and went to the House, but the House declined to pass it. Some 8 or 10 other bills of a similar nature have been introduced in this Senate, passed where they were believed necessary, gone to the House, but the House has refused to pass them. But now the House sends over to us, as I am going to show, this pork-barrel bill providing for some 20 judges in one bill, instead of passing the individual bills which we sent to that body.

Is it a pork-barrel bill? Why, Mr. President, it starts off with a provision for 19 judges, with 19 pieces of pie. As we have two Senators from each State, the bill starts off with 38 votes, and now there are some 16 amendments pending to add as many more judges. If we pass this bill, and the news goes out to the country of what we have done, there will be the same criticism and the same scandal and the same indignation among the people that followed the act which was passed creating 16 new judgeships in the time of Mr. Adams.

I say this method of legislating is wrong, and I am going to show, Mr. President, that there have crept into the bill provisions for judges in districts which, in my judgment, are not entitled to them. The bill provides for two judges for Massachusetts, a State which now has one judge.

I desire to remind Senators that the bill is now brought forward as an emergency bill, on the plea that the great number of cases arising out of prohibition legislation which are now on the dockets of the courts require additional judges in order that they may be tried. Therefore I shall base my argument upon the statistics which are to be found in the table furnished us by the Attorney General, showing the number of criminal cases which are now on the court dockets for the trial of which additional judges are said to be needed. Except for prohibition indictments and prosecutions the bill never would have been introduced, as the Senator from Iowa [Mr. CUMMINS] will admit.

Mr. SIMMONS. Mr. President, I should like to ask my colleague a question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to his colleague?

Mr. OVERMAN. I yield.

Mr. SIMMONS. Is there a contention from any source that there is not at present a sufficient number of judges to try and dispose of the class of cases which are known as civil cases?

Mr. OVERMAN. I have not heard of such a contention.

Mr. SIMMONS. Is not that also true as to admiralty cases?

Mr. OVERMAN. It is. Indeed, I have not heard that there is any necessity for the creation of these additional judgeships except in connection with the trial of criminal cases. I will say in passing that there may be some 8 or 10 judges needed in this country; but to show that all the additional judges provided for are not needed I am going to quote the testimony of a judge who was a witness before our committee and who was called here by the Attorney General.

Consider the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] providing for an additional judge for New Jersey. He did not introduce a bill to create an additional judgeship there, as I recollect; he did not go before the committee in advocacy of such a measure; and yet, when this "pie" is going around, he wants his piece, as do all the other Senators. That constitutes the viciousness of this proposed legislation.

Mr. FRELINGHUYSEN. Mr. President, will the Senator from North Carolina yield to me?

Mr. OVERMAN. I yield.

Mr. FRELINGHUYSEN. I stated very explicitly on yesterday that the reason why I could not appear before the Committee on the Judiciary to offer my amendment was because of the pressure of other public business; and that I had, therefore, asked the committee that I might have the privilege of introducing the amendment on the floor of the Senate and of showing the Senate the need of the State of New Jersey for another judge, which I tried to do on yesterday.

I desire further to say to the Senator from North Carolina that the appointment of an additional judge for New Jersey is not a question of "political pie," but the amendment has been offered because the State of New Jersey needs an additional judge in order to dispense justice and to enforce the law.

Mr. OVERMAN. I heard the Senator's able and interesting statement.

Mr. FRELINGHUYSEN. The Senate is the proper place to offer such an amendment.

Mr. OVERMAN. I know the Senate is the proper place, and if the Senate is going to pass the bill, let us give every State an additional judge.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. OVERMAN. I yield.

Mr. NORRIS. Did I understand the Senator to say that there are pending 16 amendments providing for the appointment of additional judges?

Mr. OVERMAN. I understand there are 16 such amendments pending.

Mr. NORRIS. Providing for 16 additional judges?

Mr. OVERMAN. Yes, sir; that is what I am told.

Mr. NORRIS. I will ask the Senator has that anything to do with the free coinage of silver?

Mr. OVERMAN. Hardly.

Mr. President, I am not complaining of the Senator from New Jersey particularly; I am only complaining in general against such procedure. The Senator from New Jersey spoke on yesterday and gave his reasons for not going before the Committee on the Judiciary and offering his amendment there. I appreciate the circumstances, but I must say that he never introduced a bill in the Senate for the appointment of an additional judge for New Jersey, as did the Senator from Michigan, as did the Senator from New York [Mr. WADSWORTH], and as other Senators have done, whose bills have been considered by that committee and reported if the committee favored the measures; but the Senator waits to make his proposal until this omnibus bill comes before the Senate.

I do not know whether the Senator ever thought of having another judge for New Jersey until this "pie bill" came over here from the other House. I am not charging the Senator from Iowa [Mr. CUMMINS] with any logrolling. He stands too high as a man, he is too great and too good a man, and is too much of a statesman for anything of that kind; nobody would make such a charge in connection with him. However, this bill is here; it comes over from the House of Representatives. Instead of passing the 10 independent bills providing for additional judges which we have sent to that body, they return to us a "pork barrel" bill. Now, it is proposed by amendments on the floor to add other judges to the bill. As I have said, I hardly suppose the Senator from New Jersey would ever have thought about another judge for New Jersey—for they have three in that district now—except, believing that this bill is going to pass, he thought why should not New Jersey also have another judge. I do not blame him. I do not blame any other Senator under the circumstances for trying to secure another judicial office in his State, an extra piece of "pie," if you please.

Mr. NELSON. Will the Senator allow me to make one correction in his statement?

Mr. OVERMAN. I yield.

Mr. NELSON. I think the Senate has passed only six bills for the creation of additional judgeships.

Mr. OVERMAN. I stated the number as being eight. Perhaps it was only six.

Mr. NELSON. The Senator stated that 10 such bills had passed.

Mr. OVERMAN. Well, say six.

Mr. NELSON. I think only six such bills have passed.

Mr. OVERMAN. Mr. President, the Senate passed two years ago six or eight bills providing for the creation of additional judgeships. Those bills have slept the sleep of death in the House of Representatives. Why? Nobody said that the bills were not proper or that they were unnecessary or that the judges were not needed. Why were they not passed? It was because if the House of Representatives had passed those bills,

and they had been approved by the President, as a result of such action 10 Democratic judges would have been appointed. Now, however, the House sends us here an omnibus bill providing for the appointment of 22 judges, and, should the bill become a law, as everyone knows, Republicans will be appointed to the judgeships. This proposed legislation would require the appropriation of a quarter of a million dollars to be a further burden upon the taxpayers of the country.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. OVERMAN. I gladly yield to the Senator.

Mr. CUMMINS. Mr. President, I wish to protest against some of the statements which have just been made by the Senator from North Carolina.

My observation is that when an individual bill is introduced for the purpose of providing an additional judge for a particular district it is regarded as purely a local affair, and the Senate passes every bill of that kind which is introduced and which receives the approval of the Judiciary Committee.

The pending bill commands the general attention of the Senate and of the country, and we are now investigating carefully, I hope as carefully as we can, the needs of the several judicial districts. My judgment is that a much more careful and painstaking investigation is being made now with regard to the needs of the several districts than has ever been made before. From that viewpoint I think the Senator from North Carolina must concede that this is not a logrolling affair.

Mr. OVERMAN. Mr. President, I want to say there that I will not admit that the great Judiciary Committee does not consider carefully every bill that comes to it for consideration and recommendation to the Senate.

Mr. CUMMINS. I have not said that it did not; I have said that every bill which passes the scrutiny of the Judiciary Committee comes into the Senate, and the Senate regards it as a local affair and passes it just as it would a bridge bill.

Mr. OVERMAN. That is the way it is proposed to pass the pending measure, because Senators want the amendments which they have proposed to it acted upon favorably, so that their States may be taken care of.

Mr. WILLIAMS. Mr. President, if the Senator will yield, of course I do not know about all the bills which are referred to the Judiciary Committee, but I wish to take issue with the Senator from Iowa in regard at least to one situation. I know that for something like seven or eight years we were begging for an additional judge in the State of Mississippi, where court is held at three different places, at each of which there are separate officials. We wanted a new judge, but we never could secure the enactment of the bill providing for the additional judge while there was a Democratic President to make the appointment. Now, I do not know that the Judiciary Committee was actuated by any partisan motive, but the fact remains that what I have stated is true, and the fact also remains that the evidence was abundant that the State of Mississippi had less judicial service in comparison with its business and its population than almost any other State in these United States. Now we are informed that perhaps we may be given an additional judge since there is a Republican President in office.

Mr. CUMMINS. The Senator has not been informed to that effect by me, nor has he been so informed, I think, by any member of the Judiciary Committee.

Mr. WILLIAMS. I did not say the Senator informed me to that effect.

Mr. CUMMINS. I do not think the State of Mississippi really needs an additional judge, and I am not in favor of another judge for the State of Mississippi.

Mr. OVERMAN. Mr. President, I decline to yield further. I think the Senator from Iowa is of the opinion that there are additional judges provided for several districts in the pending bill which ought not to be provided for, and I think every Senator will come to that opinion when he reads the bill carefully and informs himself as to what the statistics show.

There can be no question, Mr. President, that the House of Representatives refused to pass the bills proposing to create new judgeships which had been acted upon favorably by the Senate because, even though they were necessary, they would have involved the appointment of Democratic judges. Now, however, although we could not secure the appointment of Democratic judges who were needed, we have before us a bill proposing to provide 22 additional Republican judges. Is such a bill as that a logrolling measure? Is it a pork-barrel bill? It is a pork-barrel judges bill. I am sorry that after 120 years a pork-barrel judges bill comes before us. In my opinion it is scandalous.

Mr. WILLIAMS. Mr. President, the Senator is mistaken. There has been one other bill like it, which was passed immediately upon Adams going out of the Presidency and Jefferson coming in.

Mr. OVERMAN. That is the instance I had in mind when I said that for 120 years there had been no such bill pending before Congress.

Mr. WILLIAMS. That bill was finally defeated by Congress refusing to appropriate for the salaries of the perambulatory judges.

Mr. OVERMAN. In that instance there was so much criticism by all parties, and so much scandal attached to that measure, that, although the judges under the bill were appointed for life, no Congress under that emergency measure ever appropriated a cent for their salaries, and they lived and died as judges appointed to office without Congress having made an appropriation to pay their salaries.

When the object and terms of this bill are understood and it is realized that the people will be taxed $250,000 to provide 22 or more great judicial offices for life, despite the pledges which have been made that offices would be abolished and economies so far as possible would be instituted, I believe the country will be indignant over this bill. As I have said, it is not the way, Mr. President, to act upon this important question.

I am in favor of providing additional judges where they are needed. I voted for the bill of the Senator from Minnesota [Mr. NELSON]; I voted for the bill of the Senator from Michigan [Mr. TOWNSEND]; I voted for the bill of the Senator from Florida [Mr. FLETCHER], each of which bills provided additional judges, because I believed those judges were needed. I also have voted for other bills of similar character, but I am opposed to a wholesale bill such as the one now before us.

One of the witnesses before the committee was asked to come here by the Attorney General to appear before the committee. He is a great judge, and stated in his testimony that he had been assigned to practically every circuit in the United States, the business in his district in Alabama not being sufficient to occupy all of his time. I refer to Judge Grubb, a good man, appointed by President Taft, one of the best judges on the bench. He has been all over the country, and has held court in almost every district in the Union. Mr. President, I will read from his testimony. He was brought here as a witness, with Judge Sater, who also is a great, good judge. As I knew Judge Grubb I took the liberty to cross-examine him a little.

Mr. SHIELDS. He was one of the Attorney General's commission.

Mr. OVERMAN. Yes; the Attorney General commissioned him to look into this whole matter, and he came here and appeared before our committee. I concluded I would ask him some questions. Let us see what he said; let us get at the truth of this matter, as to whether or not the additional judges provided for are needed.

Senator OVERMAN. How many districts do you find are congested in the whole country?

Judge GRUBB. I can give the cities. There are Boston, New York, Philadelphia, Pittsburgh, Chicago, St. Louis, Atlanta—the Atlanta district—California, the San Francisco district, and Detroit. I think those are the principal points of congestion.

There are about eight of them; and it is shown by the statistics, Mr. President, that a great number of the cases are draft cases, and all of the witnesses testified that none of them ever would be tried. They never will be tried. The bankruptcy cases are always referred to a referee, and then there are all these whisky cases. It was testified that half of them—one great district attorney said two-thirds of them—were submissions of "guilty." There is no trial at all. He said "There were 700 cases on my docket, and two-thirds of them came in and submitted to a verdict of guilty." You generally catch a man red-handed with liquor in these cases, and yet that is the reason why they say that this emergency bill ought to pass. It proves nothing as to congestion.

Mr. CUMMINS. Mr. President, will the Senator permit a question at this time?

Mr. OVERMAN. Yes; I am always glad to yield to my friend from Iowa.

Mr. CUMMINS. Did the distinguished judge to whom the Senator from North Carolina is now referring join in the report recommending the appointment of 18 additional judges?

Mr. OVERMAN. Yes, Mr. President; I will come to that directly. He recommended that these other judges—18 roving, carpetbag judges, as they are sometimes called—and the Chief Justice should have a meeting here in Washington, like the head of an army, a chief of staff, and have the circuit judges here constitute the general staff to assign these judges, to send a man from Maine to California, or from North Caro-

line to Wisconsin, to hold court. What does he know about the law in Wisconsin? What does he know about your people? What does he know about the conditions existing there? It is wrong in principle, and the Judiciary Committee turned it down. We would not pass any such bill as that, although these judges, who came here and recommended it, are good men, able men, but impractical. We would not stand for that bill at all, and I do not think any man in the Senate would stand for such a bill as that—to have 18 roving judges to be sent around at the will of the Chief Justice and his staff here in Washington, coming here once a year to send them around all over the country. It is fundamentally wrong.

Mr. NORRIS. Mr. President, may I ask the Senator a question for information?

Mr. OVERMAN. Yes.

Mr. NORRIS. Does not the bill that is now pending provide not for these judges but for judges to meet in Washington every year?

Mr. OVERMAN. Why, Mr. President, all that was left out of the wreck of that bill was section 2; and I am going to make some remarks about that, and why it ought not to pass. They dismantled the whole bill that asked for those roaming judges, but they left in section 2, in which it is provided that the judges shall come here in September, get $10 a day extra pay and their expenses, sit around a table with the Chief Justice presiding, and decide that this judge shall go here and that judge shall go there and that judge yonder. It is all wrong, Mr. President; and if this bill passes, what is the use of it? We are providing, they say, for additional judges at places where they are needed. If they are not needed, why call all the circuit judges of the United States here to Washington and let them sit up here in the Willard Hotel or around a table getting $10 a day extra and their expenses for the Chief Justice, the chief of staff, to find out where they should go, and assign them? I say it is fundamentally wrong. We ought not to mix up this matter with a kind of a military affair under which one man shall send a judge here or there. Chief Justice Taft says in his testimony that they want to have supervision over them and watch them. Watch a circuit judge? Watch a district judge? Why, they ought to be independent of Congress, independent of the Chief Justice, independent of everybody. They do not need any watchers. They are honorable men.

Mr. NORRIS. Mr. President, does the Senator mean to say that the Chief Justice meant, by watching them, to watch them during the year, or did he not have reference to watching them while they were in Washington? That would be more reasonable, because these judges come from the country and are unacquainted with the city here, and they will be invited to dinners and parties, and so on, and probably will need watching while they are here.

Mr. OVERMAN. I will read what he says if I can find it; but, Mr. President, this bill ought not to pass. I tell you, Senators, whenever you do pass a bill appropriating all of this money and creating this wholesale number of great offices, you are going to hear from it in the country. The people will not stand for it. I am getting letters of criticism now which I am going to read to you—one from a very great man, one of the greatest men in this country—on this subject, criticising this bill. He has read the RECORD, he says, and his attention has been called to it, and he is opposed to it. I will find out directly what Chief Justice Taft says.

Mr. POINDEXTER. Mr. President, may I ask the Senator a question?

Mr. OVERMAN. Yes; I shall be glad to yield to the Senator from Washington.

Mr. POINDEXTER. Does not this bill carry two additional judges for North Carolina?

Mr. OVERMAN. No, sir. North Carolina, as the Senator will admit, is entitled to an additional judge if any district in this country is; but I did not ask it, and they do not ask it. The judges there are doing business, and I am going to show you that the judges there have more business every year than half the districts provided for in this bill have on their dockets. They will all admit that North Carolina is entitled to a new judge if any other district is.

Mr. CUMMINS. May I suggest that the Senator did not fully answer the question of the Senator from Washington? This bill provides for an additional circuit judge in the fourth circuit, and in that circuit is the State of North Carolina.

Mr. OVERMAN. Mr. President, I want to explain about that. I do not care anything about it. I said this to the committee: "If this bill is to pass, here is a bill which has passed the Senate four times. Every district or circuit in the United States has from two to five judges, except the fourth. We have only two. One of them is sixty-odd years old, and so is the other. If the thing is going around, a piece of pie, I am not asking it, and you gentlemen ought not to do it; I am against the bill; but this bill providing for an extra judge in the fourth circuit has passed the Senate half a dozen times, and it ought to be provided for."

Mr. CUMMINS. I have no doubt of that. I believe it is the wise thing to authorize the appointment of another circuit judge in the fourth circuit; but the Senator from North Carolina is mistaken in saying he has only two. The fourth circuit has three judges, one of whom was formerly a judge of the Commerce Court, and was assigned to the fourth circuit when that court was abolished.

Mr. OVERMAN. That is true; but what I said was true, also. They have only two judges. Judge Knapp is assigned there because he was left up in the air when they abolished the Commerce Court. He is over 70 years old.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I do.

Mr. MOSES. The Senator from North Carolina is, I believe, a member of the committee which considered this bill.

Mr. OVERMAN. Yes.

Mr. MOSES. Can the Senator tell me on what basis the bill was framed in the form in which it emerged from the Committee on the Judiciary to the Senate? I listened with much interest to what the Senator had to say this morning——

Mr. OVERMAN. I am not going into the secrets of the committee, but I will say that we had a good deal of difficulty with it. We had the bill sent to us for the roaming judges. It was referred to a subcommittee, and we turned that down, and then we had another subcommittee and this bill was reported, and they considered that and a majority of the committee recommended this bill.

Mr. MOSES. No; but what I mean is, on what basis was the allocation of judges made?

Mr. OVERMAN. It was made upon the basis of these statistics which I am going to read.

Mr. MOSES. Last night the Senator from New Jersey [Mr. FRELINGHUYSEN] was calling attention to the situation which exists in his State—a State with a population of several million. The Senator from New Jersey will correct me if I overstate the figures. What is the population of his State?

Mr. FRELINGHUYSEN. Three million two hundred thousand; it will be 4,000,000 before long.

Mr. MOSES. And New Jersey had no additional judge provided by this bill. The State of Arizona, however, with a population of—will the Senator from Arizona give me the figures?

Mr. POINDEXTER. Three hundred and thirty-three thousand.

Mr. OVERMAN. That bill came from the House. I will tell the reason why the committee let it stay in the bill—because of the long distances the judge had to travel.

Mr. MOSES. The Senator does not mean to say that the courts in Arizona are held on a railroad train?

Mr. ASHURST. Mr. President, the State of Arizona has 113,956 square miles or more area than Connecticut, Massachusetts, Vermont, Maine, New Hampshire, and New York.

Mr. MOSES. May I ask the Senator a question?

Mr. ASHURST. I have not the floor.

Mr. OVERMAN. I am not going to yield to anybody. I think the Senator is able to take care of himself when the time comes, and he will answer the question. The Senator from Arizona [Mr. ASHURST] is amply able to take care of himself and his matter.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. OVERMAN. As to New Jersey, they have three judges there, I believe the Senator said, and they want more. They never thought of a fourth judge until this bill came up, I suppose because no bill was introduced, and I know that the Senator from New Jersey is one of the most diligent Senators here, and if they had needed a judge he certainly would have introduced a bill asking for it, and it would have been referred to our committee, so as to get it properly before us; but when this bill comes here we find not only him but a dozen other Senators coming in and introducing bills who never thought about a new judge until this bill came up, and then they said: "While the pie is going, give me a piece."

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. OVERMAN. Yes.

Mr. FRELINGHUYSEN. I do not think the Senator from North Carolina wishes to be unjust to me and my sincerity.

Mr. OVERMAN. Not at all. I would not for the world.

Mr. FRELINGHUYSEN. I want to say that I have been constantly urged for the last three years to introduce a bill for an additional judge for New Jersey, and my attention has been called to the crowded condition of the courts. Possibly I have been derelict in not doing so.

Mr. OVERMAN. No; the Senator is never derelict in his duty to his constituents.

Mr. FRELINGHUYSEN. But it has been a matter of public concern; and I do not think the Senator is quite just when he says that I never thought of it until this bill was introduced.

Mr. OVERMAN. I want to say that the Senator from New Jersey is one of the most diligent and earnest Senators upon the floor, and if he had thought it was necessary to have another judge in New Jersey he would have introduced a bill. If he did not do it when he thought it was necessary, he has been very remiss in his duty, and so have other Senators.

Mr. POMERENE. Mr. President, I think my good friend from North Carolina is a little too comprehensive in his criticisms. This bill does provide for an additional judge for the northern district of Ohio; and notwithstanding—and I say it with all due respect—the Senator has quoted from Judge Grubb, who named certain districts where there were overcrowded dockets, and no reference is made to the northern district of Ohio, there is one needed there, and let me suggest this:

I did not introduce a bill for an additional judge, not because it was not needed but because this bill, which had been introduced, was to take care of the situation, as it was believed. In Ohio during the last 10 years our population has increased between 20 and 25 per cent. According to the census of 1910, we had 4,700,000 people. By the census of 1920, we had 5,700,000 people; and I know the character of those judges. Two of them are Democrats and two of them are Republicans; and you do not find any Democratic lawyer finding fault with the Republican judges, and you find no Republican lawyer finding fault with the Democratic judges.

Mr. OVERMAN. I reckon we got the Democratic judges by reason of death. We did not get them in any other way.

Mr. POMERENE. No; one of them came by reason of death, and the other one came by reason of a resignation in the State. That is all true; but I would congratulate any of the other States if they had United States district judges of the type and character of those we have in Ohio.

Mr. OVERMAN. Mr. President, Senators know the history of this country, and know that it never has been attempted in a hundred years to pass an omnibus bill for this purpose; and I think the Senator from Ohio would have introduced a bill if it had been absolutely necessary and his people had wanted it.

Mr. POMERENE. Mr. President, if this bill had not been pending I certainly would have introduced a bill; and I say that I not only would have been derelict in my duty if I had not done so, but the Senate of the United States will be derelict in its duty to the people of Ohio if it does not grant this additional judge for Ohio.

Mr. OVERMAN. Mr. President, that may be so. I am not taking issue with the Senator, except I say that if he had introduced a bill and sent it to the committee and it was necessary the committee would have reported favorably on it, and it would have been passed. What I am complaining of is that "every tub ought to stand on its own bottom"; that every Senator who needs a judge in his State ought to introduce a bill for the purpose, and bring it to the attention of the committee, and let the committee consider it, and have it reported to the Senate. That is the way we have been doing for a hundred years, ever since we had the scandal in this country on account of the judges bill. Why start another scandal now?

Mr. FLETCHER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Florida?

Mr. OVERMAN. I yield.

Mr. FLETCHER. In reference to proposals to increase the number of judges in the various districts, with which the Senator finds fault, perhaps he will allow me to say in regard to Florida that I endeavored yesterday, and propose to continue to endeavor, to put in the bill in the Senate just what it had when it came to the Senate from the House. The House of Representatives put the southern district of Florida in the bill, and they did it after having on two different occasions, in 1917 and 1919, unanimously reported a bill providing for an additional judge in the southern district of Florida. Those bills went on the calendar, and were never considered. They were never reached.

Mr. OVERMAN. I have just said that the Senator from Florida was very diligent, and he introduced his bill, and his bill was considered. His bill was recommended and the Senate considered it and passed it, and the Senator from New York and the Senator from Michigan and my friend, the chairman of the committee [Mr. NELSON], did the same thing. That is the way it is done. That is the way it should be done.

Mr. FLETCHER. Then the House put in the bill the provision for an additional judge for the southern district of Florida, and now the committee proposes to strike it out.

Mr. OVERMAN. We have stricken it out; we refused to grant the Senator's amendment. The House provided for a lot of other judges, in addition to the ones the Senate had provided for, and that is the pork-barrel feature I am talking about, because it means so many votes. Of course, this bill will pass, with all these Senators provided for. There are two Senators from each State, and the Senators from the States which are provided for will vote for the bill and pass it, and that is the feature that makes this a pork-barrel bill.

Mr. NELSON. Mr. President, I want to correct a discrepancy or a difference which seems to exist between the Senator from Iowa and the Senator from North Carolina. There are only two district judges in the fourth circuit, the circuit in which the Senator lives, and all the other circuits have from three to five district judges. In reference to the bills we have passed, we passed six independent bills providing additional judgeships in six different States. One of the bills, the New York bill, was amended so as to increase the number from one to two judges for the southern district of New York. We have passed six bills, providing for seven additional judges.

Mr. OVERMAN. I think that is so, Mr. President, and, of course, I stand corrected. Whatever the Senator says goes with me. I thought there were eight. There were 10 before, two years ago, which we reported out and passed the Senate—independent bills.

I started to read from the testimony, but I was diverted. I was about to read what Chief Justice Taft said. He stated:

> This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeals, with a view to having them get at the actual facts as to where the arrears are. You gentlemen are all familiar with the fact that dockets are quite misleading.

I may have misquoted the great Chief Justice, but this is what he said, reading from his testimony.

Statistics are misleading, Mr. President, as I am going to show. They are very misleading, and there are a lot of statistics, as a judge writes me, which the Senate should not go into, because they do not amount to anything. The dockets are crowded with old cases which have been hanging on, where the defendants are gone, which are just continued from time to time. Let us get down to some of the statistics.

Mr. SHIELDS. The Senator has not yet read what Judge Grubb said.

Mr. OVERMAN. I will read what Judge Grubb said in response to this question by the Senator from Tennessee [Mr. SHIELDS]:

> That is largely accountable for this congestion.

The judge went on to show why.

> Judge GRUBB. If you take away the white-slave law and the narcotics law and the prohibition law, there would be no congestion except in the big cities and recently developed districts.
>
> * * * * * * *
>
> Judge GRUBB. I think our conclusion, that judges at large be the method of relieving the present congestion, is most subject to criticism from the idea that judges at large are not permanently a good thing, and I agree with that proposition. I think, however, that considering the present congestion, our recommendation is the better view.
>
> Senator OVERMAN. You say there is not much congestion except in these cities you have named?
>
> Judge GRUBB. I think so; yes, sir.

He goes on to say, Mr. President, without reading it, that he has been in every district in the United States, had been assigned to the different districts time and again. He stated:

> In Atlanta there is congestion. Texas, I believe, claims to be congested; but there are five judges in Texas.

This bill provides for an extra judge in Texas, and the committee granted that, I suppose, because one of the judges is sick, according to what they say. We have a general law, passed a few years ago, providing that when any judge is incompetent to try the cases on the docket, has a disability, is unable by reason of the condition of his mind or his enfeebled physical condition to perform his duties, the President is authorized by the general law to appoint another judge. So that an additional judge in Texas is not needed. I continue reading:

> Senator SHIELDS. Do you maintain that the congestion in Atlanta grows to any extent out of the liquor cases?
>
> Judge GRUBB. Entirely out of prohibition. I have been there three or four times a year to assist them, and I asked the Attorney General whether I had been of any benefit to them, and he said he was sorry, but that I had not relieved the condition at all; that more prohibition cases had come in while I was sitting there than I had disposed of—I think between 3,000 and 4,000.

Senator BRANDEGEE. And that was a bone-dry State before the constitutional amendment was passed.

Judge GRUBB. I am quite sure that five judges ought to be enough in Texas.

We are giving them six.

Senator BRANDEGEE. Have you any tabulation or statistics which you want to file with us?

Judge GRUBB. Yes, sir. Mr. Strong has the statistics. I think the gist of the matter is that there are 142,000 pending cases of all kinds and only 102 district judges to try them, which would make over 1,400 cases per judge.

Senator SHIELDS. What States have you been in?

Judge GRUBB. All the circuits except the fifth circuit.

Senator SHIELDS. And New York?

Judge GRUBB. And New York.

Senator STERLING. These cities of which you speak where the business is congested are in the several circuits, are they not—the nine circuits?

Judge GRUBB. Yes, sir.

Senator STERLING. That is, there is one large city where there is congestion in each of the circuits?

Judge GRUBB. There are two in some, as Philadelphia and Pittsburgh; I think Brooklyn is congested also.

We have taken care of that situation. This is the statement of Judge Grubb, who has visited every district in the United States except the fifth. He says there is no congestion except in 9 or 10 places in this country, which he named. What are we to do about it? That is the testimony of their own witness, of the ablest judge who appeared before us.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. OVERMAN. I yield.

Mr. NORRIS. Assuming that the Senator's statement that this is a pork-barrel proposition is correct, how could he expect the bill not to include enough places in it so as to secure sufficient votes to pass it? I am not saying it is a pork barrel bill, by any means, but I am assuming the Senator's statement is correct. If that be correct, why does the Senator criticize the inclusion of an extra judge for Texas, for instance? Are there not two senatorial votes from Texas?

Mr. OVERMAN. I am not trying to pass the bill.

Mr. NORRIS. Are they not compelled to put them in if this is a pork barrel bill?

Mr. OVERMAN. I hope the Senators from Texas will not vote for it.

Mr. NORRIS. If we are practical men and want to pass a pork-barrel bill, we must put enough pork in it to get the votes to put it through, must we not?

Mr. OVERMAN. That is what pork barrel means. I hope to make such a showing that I can get even those Senators whose States are granted additional judges to vote against the bill. That is the pork-barrel feature. Let us provide for about 10 additional judges. That is all that is needed, as Judge Grubb says. Where there is congestion, it is easily seen, and we should provide extra judges in congested districts; but I do not believe in doing it by this sort of a bill, because it has not been done for a hundred years, and I do not believe in beginning now with such a bill as this. It tends to produce scandal. People will not understand our jumping in and creating a lot of judgeships at one time in a wholesale way. Let every case stand on its own bottom.

Mr. President, I want to read a letter from the clerk of the district court of North Carolina. I did not ask him to write to me. The Attorney General has been thinking about cutting his force, and this clerk gives me some most remarkable statistics. The committee has granted Massachusetts two more judges. How many criminal cases, including prohibition cases, are pending in Massachusetts? He says there are 244. There is only one place in the State where they are holding court; there are only 244 cases on the docket; and the committee has recommended that they be granted two more judges. One judge can try four times as many cases in a year as that number pending, as I will show.

Judge Connor, of the eastern United States district in North Carolina, one of the greatest judges of this country, disposed of 700 cases last year, 1921. Yet up in Massachusetts they want three judges to try 244 cases. One judge in North Carolina disposed of 700 cases, and they want three judges in Massachusetts to dispose of 244 cases.

Mr. McNARY. Mr. President, I am interested in the statement made by the eminent Senator from North Carolina in regard to the character of the cases, and the number seems so large that it rather amazes me.

Mr. OVERMAN. It is amazing. I have devoted my argument to the prohibition cases, as the Senator from Iowa [Mr. CUMMINS] started in with those, and as this whole argument is based upon them. The emergency arises because of the prohibition cases, and I am taking all criminal cases, including prohibition cases, and devoting my remarks to that class.

Mr. CUMMINS. I think the Senator from North Carolina must have misunderstood me. There will be a certain number of cases to be disposed of. It does not make any difference what kind of cases they are. If there be a large number of prohibition cases, they must be disposed of. If there be a large number of criminal cases of other kinds, they must be disposed of. If there be a large number of civil cases, they must be disposed of. What I said in regard to prohibition cases was that the existence of the prohibition law has greatly multiplied the criminal business of the Federal courts. No one can question that, and if we intend to enforce the prohibition law, those who are accused of crime in violating that statute must be speedily tried, or the enforcement of the law will fail.

I beg to call the attention of the Senator from North Carolina to the situation in Massachusetts.

Mr. OVERMAN. I am going to read that, if the Senator please.

Mr. CUMMINS. The Senator has already read a part of it.

Mr. OVERMAN. I am going to read it all, because the Senator from Oregon has asked me a question, and I want to be fair with him. I would rather read it myself than to have the Senator from Iowa read it.

Mr. CUMMINS. I would be very glad to have the Senator read it; but I have said all the while, and said everywhere, that I thought one additional judge sufficient in Massachusetts.

Mr. OVERMAN. The Senator has said that, and I know it; but here we have a provision for two.

Mr. CUMMINS. Why does the Senator not make a motion to strike it out?

Mr. OVERMAN. I am fighting the whole bill. I will let some one else move to strike it out.

Mr. KING. Will the Senator from Iowa support such a motion? I shall make the motion.

Mr. SHIELDS. I shall make a motion to strike both of the Massachusetts judgeships from the bill.

Mr. OVERMAN. In answer to the Senator from Oregon, who has asked me a fair question, I started out to say that my argument against this bill is based upon the criminal cases, including prohibition cases, because I understood that the reasons given before our committee for the passage of this bill was the number of arrests and indictments under the Volstead Act—prohibition cases. In regard to Massachusetts, I have given not only the prohibition cases but all the criminal cases, and they have only 206, which one judge can dispose of in one court in 30 days. Let us see what other cases they have.

Mr. KING. Mr. President, what reason was urged for giving Massachusetts two, with such a small docket in arrears?

Mr. OVERMAN. Mr. President, I do not intend to go into that question.

Mr. KING. Then it is obvious, if there is no good reason, that the committee must have made a most egregious blunder. Of course, they would not do anything improper.

Mr. OVERMAN. I do not want to criticize the committee, because I think the committee did what they believed was their duty. They are all honorable men, good men, fair men; but I did not agree with them. They are entitled to their opinion, and I am entitled to mine.

Mr. NORRIS. Mr. President, the Senator has compared the number of cases tried by three judges in Boston with one judge in North Carolina.

Mr. OVERMAN. One judge in North Carolina.

Mr. NORRIS. He has compared the number of cases one judge tried in North Carolina with the number tried by three judges in Boston.

Mr. OVERMAN. Yes. A judge in North Carolina tried 700 in one year.

Mr. NELSON. Mr. President, I want to call attention to the fact that the Senator refers to State cases and a State judge.

Mr. OVERMAN. No; I am talking about Judge Connor, of the eastern district of North Carolina.

Mr. NORRIS. I assumed the Senator referred to a district judge of the United States.

Mr. OVERMAN. Yes; he is a district judge of the United States.

Mr. NELSON. I understood the Senator to refer to a State judge.

Mr. OVERMAN. No; I referred to Judge Connor, whom Mr. Taft appointed. He is a Democrat, and there was a good deal of criticism because Mr. Taft appointed him. But, one of the ablest and best judges in the United States, it is a pity that there are not more like him.

Mr. NORRIS. I think the Senator wants to be absolutely fair, and I would like to know whether the Senator expects a man in Boston to try as many cases in a year as a man in North Carolina?

Mr. OVERMAN. It is pretty cold up there. They have one place of holding court.

Mr. CUMMINS. Does the Senator from North Carolina know that a judge in Massachusetts did not try as many cases as the judge in North Carolina?

Mr. OVERMAN. He did not try as many.

Mr. CUMMINS. How does the Senator know that?

Mr. OVERMAN. I do not know what he tried. I am showing that his docket has 200 cases on it, and they want to give them two more judges to try 204 cases. The judge in the eastern district of North Carolina has six places for holding court. He goes all over the State and holds court, and cleans up his docket. That is the reason he got rid of 700 cases. The judge in Boston sits in that great, magnificent courthouse and does not go anywhere else; but they want to give him two more judges to help him try 204 cases.

Mr. WILLIAMS. To hold up the pillars of the temple of justice.

Mr. OVERMAN. Massachusetts has 142 admiralty cases, all other civil cases, 923; bankruptcy cases, 1,434; and draft cases, 3,043. There is no use for me to read about the draft cases. All the witnesses, the Attorney General, and everybody else, said the draft cases would not be tried. They can not get the witnesses. They ought to not-pros them all and get them off the docket, and then we could get at the real facts and know what we are talking about.

The Senator from Tennessee [Mr. SHIELDS] showed that they only tried in the circuit court 52 cases in the whole circuit, including Massachusetts. Those circuit judges certainly are not doing anything. Instead of giving them three district judges, let one of the circuit judges be assigned to Massachusetts to really try the cases. They have a right to do that.

The northern district of New York is congested and we have given them two judges. They have two already. In the eastern district of New York I do not think they need it, but we have given them one additional. The southern district of New York has four judges, and we have given them one additional. I am not criticizing the condition in New York, although the district attorney was here and said that of the 2,800 cases in the southern district at least 25 per cent of them are submissions. He said also he did not expect to try the draft cases. He said other cases were white-slave cases and narcotic cases, and they do not usually try them. Most of those petty offenders come into court and submit, and it does not take any time at all to dispose of that class of cases.

In the eastern district of Pennsylvania are 283 cases. Judge Connor tried 700 cases. They want another judge in the eastern district of Pennsylvania. They already have two judges to try 283 cases, but they want us to give them another judge, and the committee has given them another judge, making three judges to try 283 cases.

The western district of Pennsylvania has 137 cases. They have two judges to try 137 cases. Judge Connor tried 700 cases in a year, but they want two judges. With only 137 criminal cases on the docket, they want another judge. What for?

The Senator rather criticized me for what I said the other day about some of these judges. Some judges work harder than others. Judge Connor has tried these 700 cases and is doing his duty. He is serving his country faithfully. He believed when he accepted the office that he had a duty to perform in the trial of cases and that he should dispose of the business that came before his court. But there are many of these judges, not criticizing any individual by name, who just go into court and sit a few hours, and that is the end of it. They adjourn over Saturday and have three months vacation in the summer. When you and I and everybody else are working they are up at the summer resorts. I do not desire to make a criticism of the judges as a whole, but that is the condition in many cases.

I have already alluded to Texas. They have six judges in Texas and they want another one. Of course a judge may be feeble in one of the districts and may be crippled in health, in body or mind. If that is so, let the President meet this situation as the law permits him to do and appoint an additional judge.

Mr. CUMMINS. Mr. President, the Senator is speaking of the northern district of Texas. The Senator knows the committee was informed that one of the judges in the northern district of Texas has been disabled for a long time on account of sickness. We did not add a judge to the northern district of Texas, because there is not sufficient work there to demand more than two judges, but what will we do with an instance in which a judge becomes disabled? We have added, I was about to say, four or five judges in the last few years, either to the circuit court of appeals or to the district bench, solely because judges have become disabled.

Mr. OVERMAN. And such legislation is unnecessary as the Senator knows, and in order to get rid of such legislation as this we passed a general law.

Mr. CUMMINS. We have this option. We can pass a bill allowing a disabled judge to retire upon full compensation if he desires to retire, or we can add an additional judge to his district or to his circuit. So far as the effect upon the Treasury is concerned, it makes not a bit of difference which we do. We might just as well add another judge to the northern district of Texas as to enact a law which would enable the existing judge to retire upon full pay.

Mr. OVERMAN. My point is that it is not necessary to pass a bill, because we can take care of the situation under existing law. I found a judge in the western district of North Carolina, sick and old, and who would not retire, and all the President had to do was to appoint some man to aid him as an additional judge. We have a general law providing for that. What is the use of incorporating such a provision in this bill? What is the use of this legislation when we have a general law allowing the President in a case like that to find the facts? We do not know the facts, but the President gets the Attorney General to find the facts, and as soon as they are presented he appoints a judge. That is what I did in a case like that, and that is what Texas or another State can do.

Now I come to Missouri. The senior Senator from Missouri [Mr. REED] never thought about an extra judge in his district of Missouri, and never introduced a bill providing for an extra judge. He is a member of the committee. I believe he did say he wanted one, but he would like to have him transferred from another district to his district instead of his colleague's district, and when his colleague was provided for he came here and introduced an amendment to give him a judge in his district. What is that but pie? He got his piece of pie here yesterday afternoon in the form of an amendment. His colleague came before the committee and the committee gave him an extra judge in Missouri instead of giving it to Senator REED, although Senator REED was a member of the committee, and after the bill is on the floor then Senator REED comes here and asks for another judge and gets that other judge.

Mr. CUMMINS. Does the Senator say the committee gave that judge because the Senator happened to be a member of the committee?

Mr. OVERMAN. Oh, no. I said we did not give it to him, although he was a member of the committee, but he came into the Senate yesterday afternoon and got the additional judge, although he is not entitled to one.

Mr. CUMMINS. How did the Senator from North Carolina vote on that amendment? The Senator voted for the amendment proposed by the junior Senator from Missouri [Mr. REED]?

Mr. OVERMAN. I did not. I would have voted against it if I had had an opportunity to vote. They did not call the roll.

Mr. CUMMINS. The Senator was in the Chamber?

Mr. OVERMAN. I was.

Mr. CUMMINS. How did the Senator vote?

Mr. OVERMAN. I did not vote for it.

Mr. CUMMINS. Did the Senator vote against it?

Mr. OVERMAN. I did not. I did not vote at all.

Mr. CUMMINS. There were some of us who voted against it.

Mr. OVERMAN. But the Senate agreed to the amendment, and the Senator from Missouri was not entitled to the additional judge, and the Senator from Iowa admits that because he voted against the amendment offered by the Senator from Missouri. That is the way the thing goes. It is a piece of pie and the chairman of the committee was opposed to it, and yet the Senate gave the Senator from Missouri a piece of pie because the Senator from Missouri asked for it. Why not give it to the other 16? The truth of it is, if we are going to do this sort of business, let us give every State another judge; let us burden the taxpayers with a million dollars instead of a quarter of a million dollars; let us wholesale this thing through, and then see what the people will have to say about it.

Mr. SIMMONS. Mr. President, may I ask my colleague a question? My colleague has stated there is a general law upon the statute books authorizing the appointment of an emergency judge in case one of the judges of a district or State or circuit may be disabled by reason of his physical or mental condition. That judge, as I understand, is an emergency judge. If one of the judges of that district, especially the one appointed to assist because of the other's disability, should die, the district would not then be entitled to another judge, would it?

Mr. OVERMAN. That is true.

Mr. SIMMONS. There may be three judges in that district to-day, but one appointed as an emergency judge, and those three can be reduced to two and will be reduced to two upon the death of the disabled judge?

Mr. OVERMAN. That is the general law, and a very wise provision, too.

Mr. SIMMONS. Under the pending bill, if we add another judge to that district, those three judges are there permanently?

Mr. OVERMAN. Oh, yes.

Mr. SIMMONS. That district would always hereafter be entitled to three judges instead of two judges?

Mr. CUMMINS. Mr. President, the junior Senator from North Carolina [Mr. OVERMAN] is wrong about that. The pending bill provides that all the judges who are appointed under its provisions shall have no successors unless Congress otherwise orders.

Mr. SIMMONS. Then it is not a bill permanently increasing the number of judges that a district or circuit is entitled to?

Mr. CUMMINS. It is not.

Mr. SIMMONS. It is only in its nature an emergency measure, and upon the death of the present appointee there will be no successor appointed?

Mr. CUMMINS. There will be no successor.

Mr. SIMMONS. Then the point I have made is of no value, if that is true.

Mr. OVERMAN. I was discussing the western district of Missouri. Why was that district granted an additional judge? There are 170 cases pending there, and Judge Connor tried 700 cases.

Mr. CUMMINS. To what district is the Senator now referring?

Mr. OVERMAN. I am still talking about the western district of Missouri. Civil cases, 48; criminal cases, 170. Just think of that, Senators—civil cases, 48; criminal cases, 170—but Judge Connor tries 700. All other cases, 316; total, 600; bankruptcy cases, 300; prohibition cases, 188. I call the attention of the Senator from Ohio [Mr. POMERENE] to the fact that in reading down the column the number of prohibition cases, those cases are included in "all criminal cases," showing that the western district of Missouri only has 170 cases. Another judge is granted to that district, and they already have one, so there will be two judges there to try 170 cases.

Mr. CUMMINS. I observe that most of the votes to provide that district with an extra judge came from the other side of the Chamber.

Mr. OVERMAN. I do not believe there were five Democrats in the Chamber at the time. I was in the cloakroom at the time. The votes were all on the Republican side of the Chamber.

Mr. CUMMINS. Oh, we all voted against it.

Mr. OVERMAN. The Senator from Iowa and his fellow Republican Senators voted against it, of course. Really, that amendment was accepted. Nobody called a quorum to pass on the amendment offered by the Senator from Missouri, but they did call for a quorum when the Senator from Florida [Mr. FLETCHER], offered his amendment, and they demanded a yea-and-nay vote on the amendment of the Senator from Florida, who had a splendid case. Then here comes the Senator from Missouri [Mr. REED] with 48 civil cases and 170 criminal cases, and they do not call a quorum and do not have a yea-and-nay vote. The amendment goes in and he just gets the additional judge. Pie, pie, pie!

There are 11 more of these cases. What are you going to do with them? Of course, we ought to give the Senator from Washington [Mr. POINDEXTER] another judge. He came before the committee. He was very diligent and argued his case, but his case was not much better than many of the other districts. We refused him an additional judge. Because his judges were diligent, were good men and cleared the docket, we would not let him have an additional judge.

Mr. POINDEXTER. Our judges have a rule that if no motion or action is taken in a case within a year, it is stricken from the docket.

Mr. OVERMAN. They are good judges.

Mr. POINDEXTER. The showing as to the number of cases is not a true test of the amount of business transacted by them.

Mr. OVERMAN. That is true, and those judges know their business, no doubt. Many cases should be stricken right off the docket if the lawyers are not ready to try them. Some judges know how to transact the business of a court. Others do not, and so they think we ought to give them two or three additional judges because they are lazy and do not know how to run the business of the court.

Now I come to California. I am sorry my friend from California [Mr. SHORTRIDGE] is not here. He made a splendid fight for his judges. He was diligent. He came before the committee. He did not wait to come to the floor of the Senate to get a piece of pie. He made his case before the committee. We allowed him one additional judge, and after allowing him one he came in again and was allowed a second judge, one for each district.

The northern district of California has how many cases to be tried? It has only 147, while Judge Connor tries 700; but another judge is granted to that district.

The southern district of California has two judges. How many cases are there to be tried? There are 129. Judge Connor tries 700 cases; but it is proposed to give that district another judge to try the 129 cases.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina think it is fair to judge of this bill by the number of prohibition cases or criminal cases that are to be tried?

Mr. OVERMAN. I refer to criminal cases.

Mr. CUMMINS. Take California, for instance. There are 2,419 civil cases pending in the northern district court there.

Mr. OVERMAN. There are only 490 in the southern district.

Mr. CUMMINS. It is just as necessary to try the civil cases as it is to try the criminal cases; but if the judges give all their time to criminal cases of course they can not try the civil cases.

Mr. OVERMAN. I wish to be fair in my statements. I said in the beginning that I was going to base my whole argument on the number of criminal cases, because, as I understand, this bill, so far as providing additional judges is concerned, is based upon the large number of criminal cases.

In the southern district of California, where an additional judge is allowed, there are 538 criminal cases, including prohibition, narcotic, white slave, and all other cases, and there are only 490 civil cases.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I yield.

Mr. KING. I want to call the Senator's attention to the fact that one of the judges from California, a very able judge, has been holding court in New York, and I know he has held court in Nevada and elsewhere; indeed, he is giving considerable time to the holding of court in other States. Obviously, if there were any great pressure of public business in California, Judge Van Fleet, of whom I am speaking, could not be absent on so many occasions holding court in other places.

Mr. CUMMINS. If I may trespass upon the time of the Senator from North Carolina long enough to do so, I wish to say that there have been at least two judges from other districts and other States called into the northern district of California during the last year, and they have sat there for a very considerable length of time.

I do not know with regard to the particular judge of whom the Senator from Utah [Mr. KING] speaks, but the circuit judges of that circuit are doing the best they can fully to utilize the judicial force; that is all. It means nothing that a district judge in California is sent to another part of the country to try cases. It is simply the utilization of the judicial force. I am sure the Senator from North Carolina [Mr. OVERMAN] feels that that is true.

Mr. OVERMAN. Mr. President, these judges like to go about from place to place. I went over to New York, having been summoned there as a witness in a court, and I there found a judge sitting who, I think, was from Oregon or Washington, I do not know which. I refer to Judge Cushman. He sat there trying cases for seven weeks. There is a judge there now from North Carolina. He likes to go to New York occasionally; all the judges like to go there. They get $10 a day and have a good time. If judges should stay at home and try their own cases, they would get along much better.

I think if this bill is passed, making wholesale provision for so many judges, they will have nothing to do but to loaf, to go off to summer resorts and have a good time.

Mr. President, public officers ought to attend to the public business; they ought to work. Judges should understand they have got to work, to work as the judges of the State courts work. The judges in the State of North Carolina last year tried 9,000 cases and there were but 20 judges. The supreme court and superior court judges of the State sit almost constantly, but it seems that in the Federal courts the judges, for some reason or other, can not do that. I am sure I do not know why.

Mr. President, I wish to call attention to the unfairness of the statistics which have been furnished us. It is stated that there are 152,000 cases to be tried in the United States. I desire to ask of the Attorney General how many bankruptcy cases there are? There are 27,000. How many draft cases? Ah, of draft cases there are 37,000. So we have 27,000 bankruptcy cases and 37,000 draft cases, many of which are never going to be tried, or which at least will not take much of the

time of the judge. That makes a big hole in the total of 152,000 cases. There is where the statistics are juggled. I will not say "juggled"—I take that back—but the figures are sent to us in that way. We should examine them, however, from a judicial standpoint.

I venture to say that if the Senator from Nebraska [Mr. NORRIS], who was an able judge when he sat on the bench, will go through these statistics, remembering his own experience on the bench, he will conclude that half the judges provided for in the pending bill are not necessary. My friend, the Senator from Oregon [Mr. MCNARY], has also sat on the bench. I ask him as a judge who has sat on a bench in a State court to take these figures and go over them, and if he will do so I am satisfied that he will not vote for the pending bill.

My friend, the Senator from Iowa [Mr. CUMMINS], and I, if we sat down at a desk, could get together and agree on the number of judges who are actually needed. That number would not be 20, it would not be 18, it would not even be 15; but we could agree on the proper number. It would not be over 10.

So, Mr. President, I do not think the pending bill ought to be passed. I think we should pass through the Senate bills providing for judges as they are needed. Should there be any others needed, let Senators introduce a bill in each instance; have it go before the Committee on the Judiciary; if the judges are needed, let the bill be reported favorably, and let the Senate pass it; but do not let us pass a bill providing in a wholesale manner for additional judges.

As to New York, we have taken care of that State; as to Michigan, we have taken care of that State. We have also taken care of Minnesota, of Montana, of Florida, and other States. The Senate has previously passed a bill providing an additional judge for Florida, but for some reason or other the Senate committee has left that item out of this bill, although it was included in the House bill.

Mr. President, I now come to this section 2, which is bodily taken from a judicial bill which was previously before the Senate. That bill provided for roaming judges; it provided that a judge from North Carolina might be sent to try cases in Oregon, although the North Carolina judge does not know anything about the laws in Oregon or the conditions in Oregon or the methods of life there. Likewise, that bill provided that a judge might be taken from New Jersey and sent to North Carolina to try cases there, such a judge being entirely unacquainted with our laws and with our conditions. That is what is now proposed to be done—to sweep judges around all over the United States; to send them from one State to another. That proposition would not go down the throats of the Judiciary Committee. There was no trouble about killing that bill; but they did take from that bill a section which, in my judgment, is vicious, and that is embodied in this bill as section 2.

What is that section? It is now said we are going to take care of every State; we are going to give almost everybody who asks for it a piece of "pie"; we are going to take care of all of them. Therefore, we will put in section 2, so that the circuit judges of the United States may gather here in Washington next fall, on the 1st day of September, sit down with the Chief Justice, and assign the judges around through the country, whether they wish to go or not; take a judge by the nape of the neck and send him wherever it is desired that he shall go. That is to be done here in Washington by a few judges sitting around a table at the Willard Hotel, getting $10 a day. What is the use of that? Section 2 allows that to be done. Under the present law, where it is necessary for a judge to be sent from one court to another, that may be done. Then why this section of the bill which allows the circuit judges to gather here in Washington and send the district judges around through the country?

Oh, Mr. President, this bill will not do. It is wrong in principle. It is the worst kind of a pork-barrel bill; it bears every earmark of a pork-barrel bill; and worse than all, it is a juggling pork-barrel bill. I can not understand the idea of creating judges by wholesale in a pork-barrel bill at a cost to the taxpayers of this country of a quarter of a million dollars when the proposed new judges are not needed. It will not do to pass this bill. We ought to vote it down. Senators whose States are provided for, who have obtained a piece of pie in this bill, ought to vote against it; arise above selfishness. Then, if they can prove to the committee and prove to the Senate that an additional judge is needed in any district of the United States, separate bills may be introduced, as has been the practice for more than 100 years, and action can be taken upon the merits of each case. I say that this is the first time in 120 years that legislation of this character has been brought before the Congress. It is a repetition of history; it is on all fours with the bill which was passed early in the history of the Government which brought scandal and criticism. Such an effort ought not to be repeated in this day and time, for it is wrong and will bring disrepute on our judiciary. Let us keep our skirts clean and do right in this matter. Let the House act upon the separate bills which have been passed by the Senate; let them be considered as independent bills upon their merits, instead of considering an omnibus bill creating 19 or more new additional judges. With 2 Senators from each State and 19 States provided for, 38 Senators are affected, and with another judge provided for 2 more Senators are affected; thus by their votes we expect another pork-barrel bill to win out. By this method forty-odd votes; and then if 16 more judges are provided for in the bill, there will be about 70 Senators whose States will be affected by the measure and who will be inclined to vote for it. Are Senators going to vote for this measure because they are given a piece of pie? Are they going to vote for this bill because they have been taken care of? I do not think they will. I think they are going to vote on this bill on its merits; if they do, this bill will be defeated. I ask Senators not to vote on the bill, however, until they have examined the statistics. Some of my colleagues have been judges on the bench in their States. I ask them to look at the statistics. Let us send this bill back to the committee, and then let the Senator from Iowa, who is a fair man, and I get together and agree on what is needed in this country, and not create additional judgeships by wholesale because, forsooth, the party in power may appoint 25 Republican judges for life with large salaries involving great appropriations.

The people were promised by that party a reduction in the number of offices, a lessening of taxation, and reduced appropriations. As usual, this promise was a broken promise. This bill will increase the expenses of the Government by a quarter of a million dollars or more when all the judgeships proposed to be created are provided for. What will the little fellow think who holds or, perhaps, desires to hold some minor office? He will say, "You just railroaded through by wholesale a lot of judges who are to hold great offices for life. Are you going to cut down the number of poor clerks in offices which probably need more assistance than is needed by the Federal courts?"

Mr. President, I have no more to say on this question. I hope I have been fair. I did not intend to criticize any particular judge, but I have taken the statistics and shown that, as compared with the North Carolina judge, who lives in a pretty good section of the country, where perhaps there are no great cities but where there are many cases to be tried, the Federal judiciary is not overworked. Judges in North Carolina try cases; they know how to try them; they hold court; they do not loaf on the job; they do not go to the springs every summer and let the courts go to thunder. They try cases and keep their dockets cleared. As a matter of fact, I might say that the statistics show that North Carolina, with her two districts, is more entitled to judicial help than half of the States which have been provided for. Some Senator said to me, "OVERMAN, why do you not ask for a new judge for North Carolina?" I said, "We do not need an additional judge, because in North Carolina judges work and the cases are disposed of."

Mr. FRELINGHUYSEN. Mr. President, I do not want to take the time of the Senate to any extent. The burden of the criticism by the Senator from North Carolina [Mr. OVERMAN] seems to be that I have failed somewhat in my duty to my State and to my constituents—first, in not having the House include an additional judge in the House bill; secondly, because I did not present the claims of my State to the Judiciary Committee; and, thirdly, because I did not introduce a special bill. The Senator also complains that I should have known long ere this of the condition of the courts in my State and the congestion of the calendar or the docket.

It is true, Mr. President, that for nearly two years I have known of this condition, and it has been a matter of considerable discussion in conference with the judges in New Jersey, as well as with the Department of Justice. I myself wished to be cautious and absolutely sure that an additional judge was needed. I deliberately took occasion to discuss with the lawyers in my State, the State bar association, and the Federal judges the question as to whether we actually did need an additional judge.

I conferred with some of the Federal judges, as well as the Department of Justice, and it was only recently, after the bill had come to the Judiciary Committee, that the president of our State bar association brought to me the facts concerning the present situation in New Jersey and the condition of the docket. I was busily engaged in committee work and called it to the attention of the Senator from Iowa [Mr. CUMMINS], the chair-

man of the subcommittee, and he suggested that I bring up the matter before the Senate, so that I might present the claims of my State to the Senate. I still claim that that is my privilege and right and that I am not to be criticised for presenting the claims of my State even at this late day.

We have heard a great deal of talk about "pie" and "pork." I should say that the Senator from North Carolina was criticising me somewhat for attempting to get this judge on the ground that I was trying to secure patronage for my State. Anyone who knows about the difficulty of selecting a judge and the numerous claimants for the position will know that it has no political value whatsoever; that it is only an embarrassment; that it is very awkward; and that as a political question it creates more enemies than friends.

My claim to the additional judge and the reason why I have introduced the amendment is the fact that the docket of New Jersey is congested; that we need this additional judge. New Jersey has grown rapidly in population, and with the growth of population comes more litigation and more crime, I regret to say; and therefore, as these cases accumulate, the judges are overburdened, and the only way this condition can be relieved and additional court facilities provided is through legislation by this body. The only question before this body is, therefore, whether or not an additional judge in the third circuit is merited; and upon the facts of the case I rest my claim.

I pointed out yesterday that there were some 13,000 cases in New Jersey. It is true that 10,000 of these are draft cases; but there are over 2,000 civil, admiralty, criminal, prohibition, and United States civil cases. I know that the district of Florida has as many, and a few more; and if I had known this condition yesterday I most certainly would have voted, on the facts, for an additional judge for Florida, because I believe one is needed. I did not know these facts, and if the opportunity occurs again I most certainly shall vote for an additional judge in Florida.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Florida?

Mr. FRELINGHUYSEN. I yield.

Mr. FLETCHER. I am very much gratified to hear the Senator's statement with reference to the southern district of Florida. I am satisfied that a good many Senators who voted against that amendment yesterday would have voted for it if they had been able to attend the session here and hear the facts related and the conditions actually explained. I want to suggest to my good friend from New Jersey that there is one way in which he can very easily correct that situation. Having voted against that amendment, it would be entirely in order for him to move to reconsider; and I believe that upon such a motion as that the Senate would concur with him, and we could have that matter reconsidered and properly attended to.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. WILLIAMS. May I inquire of the Senator from New Jersey and the Senator from Florida whether this is a new entangling alliance?

Mr. FRELINGHUYSEN. It absolutely is not. I have made no statement except that I intend to vote for the amendment of the Senator from Florida if it comes up again.

Mr. WILLIAMS. Because, if it is, it is contrary to the Republican platform.

Mr. FRELINGHUYSEN. I thank the Senator from Mississippi very much for his suggestion, but I want to say that the insinuation is not warranted or merited.

Mr. President, I have a letter from one of the Federal judges which I want to read to the Senate. I think the only thing that I have to prove is whether or not another judge is needed in New Jersey, and then leave it to the judgment of the Senate. There is where I rest the claims of my State.

I quote from a letter recently received by me:

At the instance of Harvey F. Carr, Esq., president of the New Jersey State Bar Association, I submit for your consideration some of the reasons that occur to me why the United States court of this district should have an additional judge. I shall not refer to the number of cases, etc., for these give but a part of the story, the omitted part being the more illumining and instructive; besides these may all be obtained by referring to the Attorney General's reports. Neither will I dwell upon the fact that there is a constant increase of litigation in the United States courts, due to enlarged commercial activities and the continuing extension of the jurisdiction of these courts. In these respects this district is no different from the other districts. But the New Jersey district is unique in several particulars which augment to an abnormal degree the litigation brought into its court.

First, its geographical position.

(a) It has an extended seacoast, and borders on the harbors of New York and Philadelphia, by reason of which it obtains a large admiralty and maritime business.

(b) It lies between the metropolis and the large commercial and manufacturing city of Philadelphia, and the proprietors of many of the businesses carried on in those places have their citizenship and residences in this district, which is responsible for much of the litigation therein, founded upon diversity of citizenship.

(c) Many railways, including almost all the transcontinental lines, cross the State to reach the seaboard, by reason of which the work of the United States court in this district in cases of railway accidents, violations of the Federal safety appliance and hours of service laws, and stealings of freight carried in interstate commerce, is abnormally increased.

Second. The State is the domicile of the greater number of the large corporations—large in capitalization and scope of activities.

By far the greater part of the business of these corporations is carried on outside of the district, but by reason of their domicile or citizenship being in this State, they are frequently made defendants in litigation instituted in the United States court, regardless of where the cause of action arose.

The increase of litigation in the court of this district, due to the State's policy of securing under its laws the incorporation of the larger capitalizations of the country, is reflected in all branches of its jurisdiction, but principally in civil causes, both at law and in equity. The litigation of alleged infringement of patents is unusually large and burdensome, by reason of this domiciliary condition.

The suit of Buckeye Powder Co. v. E. I. du Pont de Nemours Powder Co. for damages sustained for violation of the antitrust act, tried before me with a jury several years ago, consumed nearly five months' time. The alleged conspiracy was laid in another State, and of a very large number of overt acts alleged to have been committed in different parts of our country not a single one was laid in New Jersey. The only reason for bringing the suit in this district was because the defendant had been incorporated in this State.

I have a letter from another judge, which I will also read:

I saw a copy of a letter which Judge ——— wrote you a short time ago with reference to the desirability of another Federal judge for the district of New Jersey. I heartily indorse all that he said. There is, however, another fact which I think should be called to your attention. This State, as you know, for a long time has been the home of a very large number of the great corporations of the world. This brings much litigation to the Federal courts of New Jersey, but the importance of that litigation can not be appreciated from the number of cases appearing on the dockets of the court. The real importance is due to the amount involved in those cases, it sometimes being as much as $50,000,000. This point could not be discovered in a tabulation of the number of cases arising in this district as compared with the number arising in other districts. I am sure that you would confer a very great favor upon the people of New Jersey if you could have an additional Federal judge for New Jersey included in the bill now before Congress.

Here is another letter from a member of a very prominent firm of lawyers in New Jersey:

The accumulation of business undisposed of in the Federal courts is too well known to require detailed description. The present judicial machinery in many jurisdictions, New Jersey being one of them, is barely sufficient to dispose of current demands, without reference to the arrears. Delays in the trial and disposition of cases long at issue are so pronounced as to, in many instances, amount to denial of justice. Overworked judges are doing the best they can, but impatient litigants can not be made to understand why their causes are not heard, and questions involving sometimes the very life of important business enterprises remain undecided. Delay in the administration of criminal justice is indefensible and is the occasion of much discontent. But, laying aside entirely this branch of Federal jurisdiction, the congestion of the civil business extends to every field. The calendars are crowded with untried patent, bankruptcy, common-law, and equity cases, and it is not going too far to say that one of the causes retarding the restoration of normal business conditions arises out of the locking up in the courts of large sums, badly needed by their owners, and withheld from them by the failure of the courts to function promptly in the disposition of litigated issues and in the distribution of assets under judicial administration.

The passage of Senate bill 2433 apparently offers a practical remedy for the clearing up of the arrears of business and the prevention of recurrence of the conditions, without permanent addition of unnecessary judges. The temporary expense to be incurred will be money well spent, and even in these times, when economy of public expenditure is of the utmost importance, no thoughtful person can reasonably object to the plan of relief proposed. It offers much better hope of practical relief than the additional appointment of permanent judges in the more congested districts, and will furnish a method of dealing with the arrears of business, flexible in application, and offering general relief to a greater extent than heretofore proposed by any plan which I have seen.

In this letter the writer speaks of Senate bill 2433.

I have a letter from the president of the New Jersey Bar Association, and I want to say for the New Jersey bar that New Jersey has always been known and respected for the standard of its courts. The judges of its State courts are appointed by the governor. The courts have always been bipartisan. The Republicans always recognize the traditional policy that a court should be evenly balanced, and there have been an equal number of Democratic and Republican judges. That traditional policy has never been violated. I know that when President Wilson was governor he reappointed Republicans whose terms expired, and that policy has been followed when we had Republican governors. So the standards of our courts have always been maintained upon a very high level. We have been somewhat proud of that, proud of New Jersey justice, and proud of the decisions and of the high intellectual attainments of our judges.

So it has been with the bar. They have always fought to keep political influence out of our courts. Therefore, in pre-

senting this amendment, I want to say to the Senator from North Carolina that I have no political interest in this whatsoever. The bench and the bar have appealed to me to present the claims of the State of New Jersey to the Senate. They know better than I what the condition is, and I take their word for it. They have brought to me the facts which I have read to the Senate as to what the condition is. They have pointed out the location of New Jersey, and how important these cases are. I therefore bring this appeal to the Senate to adopt this amendment.

Mr. WALSH of Montana. I rise to inquire of the Senator from New Jersey if any action has ever been taken by either House on a separate bill for the creation of an additional judgeship for New Jersey?

Mr. FRELINGHUYSEN. No; and that was the criticism of the Senator from North Carolina of my action in presenting this amendment. I do not think the Senator from Montana was in the Chamber when I told the Senator from North Carolina the reason why I had not offered a separate bill.

In the last year I have been trying to make an investigation of the condition of the Federal courts in New Jersey, and have conferred with the various judges. Before I urged this I wanted to see whether it was absolutely necessary; whether the 10,000 draft cases would ever be tried; whether the present numerous violations of the Federal prohibition law would continue; whether those cases would diminish rather than increase; whether they were making any headway with the civil cases and the admiralty cases; whether the congestion was due to the fact that the three judges were neglecting their duty. All those questions were taken up, and I have satisfied myself that this judge is absolutely necessary.

Mr. WALSH of Montana. Then the Senator can assure us that the delay was not in order that a Republican President might come in, so that a Republican judge might be appointed?

Mr. FRELINGHUYSEN. That was not the reason at all. I do not know how long we have had three judges, but I know that there are three now, and I think there was one added possibly during President Wilson's term. I want to make some investigation of that. But, as I pointed out before, no one realizes how conditions have changed in my State. We lie between New York and Philadelphia, and New Jersey has increased in population very rapidly, increasing the burdens of the courts, and increasing the litigation. Crime has increased, and the Federal prohibition act has brought a great deal of additional work to those courts. Notwithstanding the fact that we have apparently in that district a large number of judges, the conditions I have stated show why the docket has so many cases on it, and the crowding is also due to the fact that these important corporation cases are tried there, by reason of the fact that the corporations have a situs in our State, are incorporated there, and those cases are brought to our courts to be tried. If the Senator will make some inquiry from any of the prominent lawyers or judges in my State, whom he undoubtedly knows, he will find that I am not exaggerating that condition.

I just want to read a part of a letter from the president of our New Jersey Bar Association, a body who are very conservative and very cautious, who finally came to the conclusion stated here. They did not bring these findings to me until after the bill was in the Senate committee. They would not recommend this unless they knew that it was absolutely necessary. This is from Harvey F. Carr, of the firm of Carr & Carroll, Camden, N. J. I think he was one of our State judges. He said in the letter:

With the exception of the southern district of New York, and possibly one or two other districts, New Jersey has more active civil cases on its docket than any other. Its equity and admiralty list is exceeded by only two or three districts in the country. The same is true of the bankruptcy cases. I have been holding this letter awaiting definite statistical information, but I have decided to forward the same, and as soon as the statistical information is received to send it to you. Much of this information can be found in the CONGRESSIONAL RECORD under date of December 9, 1921. I am not quite sure of the date, but this is within a day or two of it.

There is such a congestion of business in our Federal courts that it takes about a year and a half to get a case tried. The condition is not a temporary one but has been the result of steady growth, due, doubtless, to the great increase in population in this State and the proximity of the cities of New York and Philadelphia. It is not generally realized that Newark, N. J., is a larger city than Cincinnati or New Orleans, and that Jersey City has a greater population than Rochester, N. Y.; Portland, Oreg.; or Denver, Colo.

We have in this district three hard-working, efficient judges, who are doing everything humanly possible to handle the work of the court, but they are unable to stem the tide of constantly increasing business. There is no deadwood on the dockets; inactive cases are not permitted to encumber the trial lists. The cases handled here are of great importance on account of New Jersey being the domicile of so many of the great corporations.

I am sending you herewith a number of letters referring to the need of an additional Federal judge in New Jersey. You will note that the New Jersey State Bar Association and the following county bar associations have declared in favor of an additional judge: Essex County, Hudson County, Passaic County, Mercer County, Camden County, Gloucester County, Cumberland County, Monmouth County, and Morris County. It is the opinion of the entire bar of this State, as well as that of the Federal judges in this district, that an additional judge is urgently needed.

Mr. President, I have tried to show that I have no other motive in offering this amendment than to see that the proper court facilities are afforded my State. Of course, if the Senate believes, after listening to this evidence, that there is nothing in this claim, that they do not need the additional judge, I will submit to their judgment, but the Senate is composed of able lawyers, the ablest in the country, and I object seriously to having my motives questioned, and to having Senators say this is a piece of pie or pork, when the judges of my State and its bar association present the facts upon which they rest their claim.

I submit the facts in this case, and I ask the Senate for its common-sense judgment, which will result, I know, in the granting to New Jersey an additional judge.

Mr. WILLIAMS. Mr. President, of course, you could get a petition of pretty nearly a majority of the bar, and of a great many other people, from almost any judicial district in the Union for another judge. That goes without saying.

A moment ago, when I interjected that mild international inquiry into the debate, as to whether there was an entangling alliance between the Senator from New Jersey [Mr. FRELINGHUYSEN] and the Senator from Florida [Mr. FLETCHER], I meant really to be funny, and sometimes my desire to be funny leads me into some degree of trouble; but if anybody is prepared to take it seriously I am prepared to make it serious. It does appear from the facts in the case that the Senator from New Jersey found no virtue in the amendment offered by the Senator from Florida until after the Senator from New Jersey had made up his mind to offer a similar amendment. Then, after he had made up his mind to offer a similar amendment, he discovered for the first time that the amendment offered by the Senator from Florida was meritorious.

Whether he voted against the amendment offered by the Senator from Florida or did not vote at all, I do not remember; at any rate, he discovered America immediately after Christopher Columbus had announced that he had it in sight.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. WILLIAMS. Certainly.

Mr. FRELINGHUYSEN. If the Senator will inform himself by referring to the RECORD, he will find that the Senator having this bill in charge offered this amendment for me practically at the same time the bill was reported; that I had spoken to the Senator from Iowa, who is handling the bill, of this demand from my State, and he suggested that I offer an amendment. I did not even know that an amendment was on the desk providing for a judge in Florida or any other judge. I simply asked the Senator from Iowa to present the claims of my State and introduce the amendment for me, which he very kindly did, and it was not until yesterday that the Senator from Iowa said to me, "I think your State is entitled to a judge, but you voted against Florida, and Florida has the same number of cases on the docket that you have."

I wish to say further that if the Senator thinks there is any entangling alliance or any agreement, he is very much mistaken.

Mr. WILLIAMS. Mr. President, of course, I am opposed to "entangling" alliances. However, in contradistinction to the Senator from New Jersey, I have been in favor of alliances which I thought "disentangled" things. I am always glad to receive enlightenment, and the Senator has just enlightened me. He now confesses that he voted against the amendment for an additional judge for Florida, but that he voted against it because he was not sufficiently informed at the time as to the merits of the amendment, but that when informed by the Senator from Iowa that New Jersey stood upon exactly an equal footing with Florida, as he contends, and which I deny, he discovered unexpected merits in the Florida amendment.

If the Florida amendment will carry two votes for this bill, and if the New Jersey amendment will carry two votes, that means four, and while I will not regard it as an entangling alliance for fear of violating the Republican platform, having lost my respect for George Washington, as the Republican Party has, and therefore not now quoting him, I must still insist that if anybody proposes to take what I said seriously, I am prepared to make it serious.

Now, Mr. President, the main argument made by the Senator from New Jersey in favor of giving New Jersey an extra judge

so that New Jersey has issued so many corporation charters that the cases in very many instances must be tried in the New Jersey Federal courts. If there is any way in the world to make New Jersey quit issuing trust charters, some of which contain—or used to contain and I suppose do yet—a provision that they shall not operate in New Jersey, then the deprivation of a judgeship for the State of New Jersey is one of the least punishments I can think of, and perhaps an efficacious one, though I doubt if it would be efficacious. I do not see much in that argument. New Jersey had better quit violating the interstate ethics of the Union and issuing all sorts of charters to trusts and combinations, to some of which she denies the liberty of doing business within her own boundaries, and then she will not have so many cases. She need not ask us to create a new judgeship in order to aid her to violate interstate comity and ethics.

Mr. President, of course when the question is asked whether a new judge is needed in a given territory the answer depends very much upon the qualifications of the existing judiciary there. Without knowing anything about the condition in New Jersey, and, therefore, without asserting anything, I recall right now a case where a Federal judge had gotten behind between two and three years with his docket, and where matters had reached a stage such that the lawyers within his judicial district carried their cases into the State courts whenever they could in order to avoid the jurisdiction of that judge. He had a habit of putting business over until "a more convenient day." Then he died and another man was appointed in his place. The other man in two sessions of the court cleaned up the docket. In that particular case it was not so much a new court that was needed as it was a new judge, and that is frequently the case.

I do not remember that New Jersey was ever neglected in connection with legislation. New Jersey is a doubtful State. No doubtful State is ever neglected. All you have to do as a rule is to prove that you are a doubtful State and then you can, if your party in Congress happens to be in the majority, secure the passage of nearly all the private bills that you want. That is not all. Maybe you can get a President, maybe you can get two or three Presidents, one after another. Why, Mr. President, when the eternal choir is formed on judgment day and the people are seeking special privileges in the way of getting to heaven I expect to see the doubtful States of the United States attempting to interfere with the angelic choir long enough to state that they *are* doubtful States and ought to be specially considered.

Be that as it may, I can not imagine New Jersey having been neglected with regard to judgeships or anything else, even with this new plea that because of the frequent issue of charters to trusts and combines she has brought upon herself an increase of litigation.

Now, Mr. President, to be serious for a moment——

Mr. FRELINGHUYSEN rose.

Mr. WILLIAMS. I will postpone being serious for a moment. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I was going to ask the Senator in what way he referred to New Jersey as a doubtful State? Does he mean in the coming political contest?

Mr. WILLIAMS. I do not know what New Jersey may do in a coming political contest. I doubt if the Lord would permit the archangels to guess—and it would only be a guess now on their part—what New Jersey was going to do in the future. I was merely referring to the history of New Jersey politically. She has been doubtful in the past. If there is any way for New Jersey to be consistent with her record of the last few years I suppose she will vote the Republican ticket; but there are two mighty good things about New Jersey. One is that the floating population, chiefly of aliens, is awfully uncertain, and nobody knows beforehand what they are going to do.

The other good thing about New Jersey is that the old, staid farmer population of the State have some mighty good principles, and they are apt to turn from one party to another upon a point of ethics and morals. If they happen to hold the balance of power during any election as between the two conflicting parties of aliens they will carry the State. They can not carry it unless the hyphenates are divided among themselves. So I do not know what New Jersey is going to do in the future. I would be a fool to attempt to predict, but I merely state the historical fact that she had been a doubtful State and that she has collected for in many ways—tariff ways, legislative ways, judgeship ways—I believe the little State now has three Federal judges—and in various other ways.

Mr. FRELINGHUYSEN. I admit we were doubtful when we elected Mr. Wilson, but that cured us.

Mr. WILLIAMS. That speaks mightily badly for New Jersey's stomach. Here are a people who take good medicine of the very best description—idealism, altruism, high purposes, civic righteousness, and world peace twice or more from Doctor Wilson, and now the Senator tells us that it disagreed with their stomach. There are people who can not get along on natural food, who can not get along on wholesome food, with whom milk disagrees, with whom butter disagrees, with whom plain bread disagrees. But let not the Senator fool himself about that. When New Jersey voted for Woodrow Wilson she honored herself and not him. When she voted for him for governor and President both she honored herself twice. It may be that in fulfillment of the Senator's devout political wishes she may disgrace herself hereafter, but at least that much of her past is safe and registered near the throne of God somewhere as a good act for the peace of the world and for civic righteousness.

The Senator can not get away from Woodrow Wilson if he wants to, and therefore he is foolish to mention him. He will be praying after a while to be rid of the memory of his opposition to Woodrow Wilson. If he lives the allotted age of man he will be praying several years before he dies to be relieved from the memory of it. Even New Jersey will, after a while, come to see that she was right twice and wrong afterwards.

Why, Mr. President, with the possible exception of David Lloyd-George—aye, without any exception—Woodrow Wilson stands to-day before thinking manhood and womanhood, not only of America but of the world, as the greatest and most unselfish man in political life who has during this generation grasped God's purposes in the history of the world, the man who has most clearly seen the God in history, as Mommsen calls him, der Göttin der Geschichte, and has seen how the God in history uses the instrumentalities of the common man's common sense and common conscience, for the purpose of working out his own plan, God's plan, for the coming of the peace of the world, and the upbuilding of the progress and civilization of the world.

I do not mean to be deflected from this little funny talk into a general exordium or eulogy, but long, long after the Senator from New Jersey dies, long, long after Woodrow Wilson—crippled in the Great War for world peace—has gone to his well-earned rest, the Senator's grandchildren and great-grandchildren will wonder how he ever could have said a disrespectful word of the greatest public man of his generation.

Mr. FRELINGHUYSEN. Oh, no, Mr. President; far be it from me to reflect personally on the former President of the United States in any manner whatsoever.

Mr. WILLIAMS. I did not say it was personal.

Mr. FRELINGHUYSEN. The Senator was discussing, I thought in a humorous vein, the political situation in New Jersey. I have refrained and I mean to refrain from any personal reflection on ex-President Wilson at any time whatsoever. In the heat of political campaign oftentimes that is done, but the Senator knows that on this floor I have never done that. I may disagree with President Wilson as to politics, but when it comes to any personal attack on him or any personal affront, the Senator knows I have never indulged in any such thing.

Mr. WILLIAMS. I did not use the word "personal" at all. I said "a disrespectful word"—politically disrespectful, historically disrespectful, philosophically disrespectful, even religiously disrespectful, if the Senator believes with me in the philosophy of Jesus of Nazareth. I am glad to learn that the Senator is beginning to apologize even earlier than I thought he would, and so the task of apology will not be left to his children and his grandchildren.

Now, Mr. President, to say a few serious words about the pending bill. The bill ought to be either fish, flesh, or fowl. It ought to be made one or the other. Either we ought to pursue the old time-honored practice of giving an additional judge to the territory which actually needs it, upon proof made to the committees of the House and Senate and upon vote taken in those two bodies, gradually increasing the judiciary as the needs of litigation require—either we ought to do that, or we ought to subscribe to the intent of the bill and organize a "flying squadron" annexed to the supreme Federal judiciary at Washington, to be sent wherever it may be desired.

We ought either to keep up the time-honored practice or else we ought to follow the theory of the bill as it was first promulgated and undertake to organize a squadron of light cavalry or dragoons on the outskirts of the judiciary system to protect it from congestion within. We ought to do one or the other. We ought not to mix them up. The bill ought to be fish, flesh, or fowl, one or the other. There ought to be some reliable theory running through it. If you are going to pass a bill for a flying squadron or light dragoons of the judiciary—a perambulatory

crowd of judges to be floating in space throughout the entire United States and spending more money, perhaps, for mileage and per diem than for their salaries—then you ought to do that and be done with it. John Adams tried it and failed; but you might, if you wish, try it over again. But you ought not to introduce a bill the principle of which is a perambulatory light dragoon flying skirmish-drill squadron and at the same time tack onto it various designations of judges in various particular areas and thereby gain Senatorial support for a general bill, in the general principles of which there appear to be many of the very Senators who have secured local judges who do not believe.

Now, make the bill one thing or the other. I am frankly opposed to a perambulatory judiciary, to carpetbagging Nebraska with a Louisianian, certainly to carpetbagging Mississippi or Louisiana with somebody north of Mason and Dixon's line, which will almost certainly happen if this bill passes. That is what it will come to; that is one of the things that it means; and I am opposed to it. I insist that I have a right to have the proposition voted upon fairly, and I insist that the vote will not be fair so long as one Senator after another gets a provision upon the bill creating a fixed judge for his judicial district. That is not fair; that is not a square way of legislating. Stand by your guns. Those of you who are in favor of the principles of this bill, vote it up or vote it down. If you vote it up, I shall not be hurt any more than will anybody else; if you vote it down, in my opinion, the country will be helped; but perhaps I am mistaken. However, make the bill fish, flesh, or fowl, and do not try to get votes for it by giving to special judicial districts, represented by certain Senators, a part of the "pie" in divergence from the general principle or theory of the bill. If it is going to be a national pie, or pretendedly so, without reward or largess to any Senator's State, then do not cut up the pie and distribute its slices to some for the sake of their votes.

Mr. NORRIS. Mr. President, I think all Senators are impressed with the importance of this proposed legislation. It deals with a fundamental principle of government. A delay of the trial of cases means a denial of justice, and a denial of justice hurts just as much if it comes by that route as though it came by one where actual corruption takes place. I realize, Mr. President, there are a great many places in the United States where there are not enough judges to transact the legitimate business that comes into the United States courts, and yet, after considering this measure with a great deal of soberness, I hesitate before I can bring myself to a state of mind where I can support this bill.

I hope that what I am going to say will be considered by no one as any reflection upon any individual, for I have no such intention. Some of the best officials of the Government are on the bench; some of the ablest and wisest and most patriotic and ablest and fairest men are judges of United States courts. That can not be said of all judges; it can not be said, of course, of all the State judges; but in what I shall say I am not intending at least to cast any reflection even upon the judiciary as a system. I certainly have no personal grievance against any judge. Those with whom I happen to be acquainted, I think, without exception, are able and conscientious men, who are doing their duty.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. STERLING. I merely wish to ask the Senator a question. There may be exceptions, of course, but will not the Senator from Nebraska admit the general high character and ability of both Federal and State judges?

Mr. NORRIS. I think so. I would admit it the same as I would admit that, as a general rule, Members of this body are high-class men. They are picked men; judges are picked men, but sometimes they are picked by politicians, and often mistakes are made when that is done. I am not willing to admit, and I do not believe, that the Federal district judges are any better class of men than are the general trial judges of the States.

I base that opinion upon my limited personal knowledge, experience, and observation. I do not know all of the judges, of course, either in the State or Nation; but, so far as I do know them, I am here to assert that the State judges, as a class, are just as able, just as competent, and just as good as are the Federal judges. About the only difference is that in most parts of the country the Federal judges work less and receive more pay.

Mr. President, to my mind, there is something fundamentally wrong with our judicial system. I know when I was a young man and started out in life, when I studied law and commenced to practice law, I thought it was the finest thing in the world; and in theory our Federal judicial system is fine. I do not think, however, it has worked out in practice so well as we would expect it to work out when we study only its theory.

From my experience in life, and especially in dealing with courts and lawyers, I have reached the conclusion that a life tenure of office is not good for the people; that while in theory the judge, appointed for life, is removed from temptation and has nothing but the straight and narrow path to follow—and often that is the result, as many judges have exemplified—yet too often the security of a life salary and a life position makes some men indifferent; it makes some forget the common people, the common run of humanity, the common folk, who are struggling, with more or less difficulty, to maintain themselves and those who are dependent upon them for a livelihood.

That is not the only objection to our judicial system; perhaps it is not an objection at all; I did not intend to offer it as one; but we have a duplicate system of judges in the United States. We have United States courts and United States judges, and then we have State courts and State judges. Thus there is a double set of judicial machinery in every community—two judges, two courthouses, a duplicate set of administrative officials, including marshals, sheriffs, clerks, and bailiffs, all doing the same kind of work, and the taxpayers footing the bill. It did not make so much difference years ago until great corporations began to be formed, until business began to be transacted on a large scale of combination, when litigation became important, involving more money. Then the fault in the system began to appear. To my mind, it is a serious problem and one which Congress should consider.

In my opinion this bill does not reach the fundamental error in our system, and I am inclined to think it would take a constitutional amendment to reach it. I do not expect to see that accomplished; I want, however, to call attention to the fault. I wish I could cause the American people to think about it, to work it over in their minds and in their hearts, and to realize that we have a judicial system that costs too much money. Justice is too expensive, Mr. President; so expensive, in fact, that the poor man can not afford to buy it.

Out in the more sparsely settled sections of the country, where the people, engaged in building up a new empire, are poorer, the places for holding United States court are hundreds of miles apart. I lived for a number of years in a town which was 250 miles from where the United States court sat. I have advised many and many clients who came to employ me as an attorney that they had better travel that 250 miles and hire a lawyer there, because I knew from my experience that cases are not tried the first time they are called; that delay ensues in one way or another because of technical proceedings; and that a man of ordinary means could not afford to hire a lawyer, pay his expenses and for his time while he closed up his office and traveled 250 miles, perhaps, to be in court five minutes and have the case continued until the next term, and carry his witnesses back and forth.

Mr. President, thousands and thousands of times this condition has meant bankruptcy for the man of ordinary circumstances who has been so unfortunate as to become involved in litigation in the United States courts. In saying this I mean no reflection on the court or the judge; I do not mean to intimate that justice would not be done when the case was reached for trial, but from the very nature of things such a condition means ruin in a financial sense.

Let me digress right there to inquire why is it that we have two sets of courts? Why should we not have only one set, so that all, rich and poor alike, could go into the same court? Our forefathers when they adopted the Constitution, I presume, felt that the judges in one State might be prejudiced against the people of another State, and that there ought to be a tribunal that would be fair as between the two. Is there anybody who believes that now? Is there any Senator here who will rise in his place and say that in his State a man from another State can not secure justice in the State courts? If there is, I pause to have him interrupt me. I should like to have the name of the State and be advised as to the character of its judiciary where a man from another State can not secure justice. It is only a fiction, Mr. President; there is nothing to that contention; it is all poppycock.

Whatever reason existed originally no longer exists. There is no reason why the Senator from North Dakota [Mr. LANE], if he comes down into Nebraska to sue me, should not be required to commence his suit in the State court of Nebraska. If he comes down into my State and—I will not say commits a crime, because I could not even have the heart to use an illustration of that kind with reference to the Senator from North

Dakota—if he were charged there with the commission of a crime, let us say with murder, and he were arrested in that State, where would he be tried, Mr. President? He would be tried in that State. He would be tried before a State judge, in a State courthouse; and there would be no way on earth for him to escape that, or to get a change of venue into another State. It could not be done. Everybody admits that. Nobody claims that that would be unjust to him. Nobody thinks for an instant that he would not have a fair trial, and the defendant in that kind of a case himself would never have the first idea that he would like to be tried somewhere else. He gets justice, and that is all he wants.

Suppose, however, that he is a corporation, and he comes down into the State of Nebraska. Perhaps he was incorporated in New Jersey, and he gets into litigation down there. If by any hook or crook under the law he is a defendant, and is sued there, and they have the right kind of service on him, so that they can hold his corporation, the first thing he does is to file a motion and have his case transferred from a State court to a United States court. Why? The law permits it. It permits it on the theory that he may not get justice in that State; and yet, if his own life were at stake, nobody would suggest such a thing or think of such a thing. If his liberty were at stake, no one would question but that he would get justice there; but if he were a corporation it would be different. He would be entitled to go into a United States court, and if he were suing me, and I were a poor man, he would be able to wear me out. I would not be able to continue the fight in that court, and the result is that I would settle to begin with, and submit to wrong, and even degradation, in order to keep out of court.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. SHIELDS. Mr. President, my observation in my own State—I do not know the condition in any other State—is very much as the Senator from Nebraska says. Whatever may have been the reason for giving the Federal courts jurisdiction originally, on account of diverse citizenship, to get justice, I do not think it exists now. I believe, and in fact I know, that there are several times more suits between parties having diverse citizenship brought in our State courts than there are in the Federal courts. In every county where they exist there are thousands more in the State courts; and the chief litigants resorting to the Federal courts on account of diverse citizenship, as the Senator from Nebraska says, are the corporations, which often are seeking delay or to wear out the defendants.

The suit is not ordinarily brought in the Federal court originally; but, whatever the reason was for that, as the Senator says, it is gone now. I think there is but very little prejudice anywhere against citizens of other States in the courts of the several States, and a man living in one State can get justice in another as fully as he could in his home State.

Mr. NORRIS. I thank the Senator, and I think every man will agree with what the Senator says; and he says it from his experience of many years as a lawyer and as a judge.

Mr. President, in the illustration I gave a while ago, if the Senator from North Dakota comes down into my State and is charged with the commission of a crime down there, there is just as much reason for him to say, "I am a citizen of North Dakota, and I want this case transferred," when his life or his liberty is at stake, as if only money were at stake; and yet, if he said it, it would be denied, while if dollars were at stake, and he said it, it would be granted.

Mr. President, I say again that that is no reflection upon United States courts or upon United States judges; but the fact remains that it is generally believed by the great common people of America that these two systems of courts, existing as I have described them, are for two classes of people—one for the rich and one for the poor. There is some foundation, as I have already described, for that belief, not based, however, upon any corruption of the courts or any disposition on the part of any judge not to do right or enforce the law properly, but from the very nature of the conditions in most of the country that is true.

Mr. President, I do not ask Senators to take my word about this belief. When I say that the people have lost faith in some of our courts I know that many people, perhaps some Senators, will say: "That is just the raving of a crazy man's mind; there is nothing to it." But, Mr. President, I am going to put some witnesses on the stand, and those who do not believe in things that I say simply because I say them will have to hold their breath when these witnesses testify.

I think it is a fact conceded by students—I can prove it by testimony as high as your desk, Mr. President, from eminent lawyers and judges and students and philanthropists of America—that our judicial system is not doing justice to rich and to poor alike; and let me say again that that is all without casting any reflection upon any man. It is due to the system. In my judgment we ought to abolish every United States district court in America; we ought to abolish entirely the United States Court of Appeals and leave nothing of our United States judicial system except the Supreme Court of the United States. We ought to give to State judges and State courts all the jurisdiction now held by United States judges and United States courts. We would have to have more judges of the States, I admit, but we would have no duplication. We would not have a complete outfit of judge, of marshal, of sheriff, of clerk, of deputy clerk, of deputy marshal, of deputy sheriff, of bailiff, and again of bailiff, a whole machinery sitting here in this courtroom presided over by a United States court, when across the street was another outfit exactly like it, presided over by a State judge, doing exactly the same kind of business, enforcing exactly the same principles of law, with absolutely no difference except that in the one case the judge drew a larger salary than the other, and the marshal got paid more than the sheriff, and the clerk of the United States court charged more for his work than the State clerk did, the taxpayers footing the bill. You can say it is charged up to litigants, but it comes out of the taxpayers of the country in the end. There is absolute duplication, and justice is not secured, because, as I said, in most of the country the transferring of a case from a State court to a United States court means that a poor man is worn out, and he submits to whatever the other fellow asks rather than lose everything he has traveling back and forth litigating, even though he knows that in the end he would be able to win his case.

Mr. President, to satisfy my friends who do not agree with my idea of government or of jurisprudence, let me read from one of their leaders, Elihu Root. Let us see what that great lawyer has to say. He says:

> No one, however, doubts that it is the proper function of government to secure justice. In a broad sense that is the chief thing for which government is organized. Nor can anyone question that the highest obligation of government is to secure justice for those who, because they are poor and weak and friendless, find it hard to maintain their own rights. * * *
>
> I do not think that we should be overharsh in judging ourselves, however, for the shortcomings have been the result of changing conditions, which the great body of our people have not fully appreciated. We have had in the main just laws and honest courts to which people—poor as well as rich—could repair to obtain justice. But the rapid growth of great cities, the enormous masses of immigrants (many of them ignorant of our language), and the greatly increased complications of life have created conditions under which the provisions for obtaining justice which were formerly sufficient are sufficient no longer. I think the true criticism which we should make upon our own conduct is that we have been so busy about our individual affairs that we have been slow to appreciate the changes of conditions which to so great an extent have put justice beyond the reach of the poor. But we can not confine ourselves to that criticism much longer; it is time to set our own house in order.

Mr. President, ex-Senator Root, when he uttered those memorable words, was not advocating a change such as I have suggested, I admit. He probably would be opposed to this change. Lawyers, as a rule, have not given it consideration. The people have realized that there was a prejudice, perhaps unconsciously so, against the United States courts, but they have not themselves understood just why. They are too apt to find fault with an unjust judge here and there, and blame the whole system. They know there is something wrong. It has not given justice to the poor. It has made justice too expensive. However, I cite ex-Senator Root, not in advocacy of what I am advocating but to show that my statement of the conditions I have outlined, which I gathered from my experience in another part of the country, is true, according to ex-Senator Root's experience in the most populous portion of the country, where injustice came about, and injustice, as he said, to the poor.

Mr. President, mark my words, when the great bulk of the people of the country get the idea that those who are poor can not get justice where those who are rich can, we have struck at the very foundation of our Government. Right or wrong, such an idea must not be permitted to have circulation. The condition must be made right if it is wrong, and if the criticism is unjustified, then a system of education must be spread over the country in order to convince the people that it is wrong.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. STANLEY. I regret that I did not hear all of the address of the Senator from Nebraska, as I am very much interested in the question to which he is calling the attention of the Senate. As I gather, the Senator maintains that the attitude of the mass of the people toward the Federal judiciary,

and its failure to do complete justice between litigants who are rich and those who are poor, is due rather to the system than to the attitude of the judge himself?

Mr. NORRIS. I have said so. I will say to the Senator that before he came into the Chamber I tried to emphasize the fact that I was making no such charge against any judge.

Mr. STANLEY. So I gathered, and I heartily concur in that position. I have noticed in a late issue of Herbert Spencer's essays, "A Man Against the State," a very elaborate discussion of this question, and if I am not mistaken, a discussion of it by the present Chief Justice of the United States, in which it is pointed out that the cost incident to the prosecution of cases in the Federal court renders an appeal to the Federal judiciary by men of limited means practically impossible. Has the Senator gone into that phase of the question?

Mr. NORRIS. Yes; I have to some extent.

Mr. STANLEY. I just wanted to call it to his attention. I think that is one of the greatest troubles.

Mr. NORRIS. It is.

Mr. STANLEY. The custom of printing records and the expense of stenographer's reports have enormously increased the cost of judicial procedure.

Mr. NORRIS. I have not called attention to it specifically, but I am going to do so now, and I thank the Senator from Kentucky for calling my attention to it. The difference in cost between litigation in State courts and in United States courts is something enormous. I would ask Senators who are mostly lawyers and have practiced in United States courts and in State courts if it is not true that when a client came to them to try a case in the United States courts there was quite a different fee charged than when the case was pending in a State court, the same kind of a case, which would require the same study and the same work. I think universally the attorney's fee is greater to begin with. The marshal gets more fees than the sheriff. The clerk gets more fees in the United States courts, and, as the Senator from Kentucky says, when they carry the case from one court to another, there is a large stenographer's fee. Then there is the cost of printing the record. Expenses are doubled or trebled at every step of the litigation.

Mr. JONES of New Mexico. Mr. President, I would suggest another item of additional expense. The United States judicial districts are very much larger than the State districts.

Mr. NORRIS. I have already called attention to that.

Mr. JONES of New Mexico. Litigants have to travel long distances to the seat of the district to attend United States court.

Mr. NORRIS. Now I want to read some more testimony along the line of that which I read before. I am not going to read all I could, because I could fill the RECORD with this kind of testimony from eminent men.

Mr. STANLEY. At this point, Mr. President, not to break the continuity of the Senator's argument, I wish to remark that it has always impressed me that the framers of the Constitution never contemplated the establishment of district and circuit Federal courts for the cognizance of cases of which they now take jurisdiction.

Mr. NORRIS. I agree with the Senator in that. I do not believe they ever thought of giving them the jurisdiction which has been given them by law. We could remedy that to a great extent by the enactment of a congressional act.

Now, I want to read something on this point from Henry S. Pritchett. Henry S. Pritchett is the president of the Carnegie Foundation. He said:

> The world is to-day filled with the word "democracy." Sometimes it is used to denote a government in which the civil rights of the individual rest upon a constitutional guaranty, sometimes to describe a close rule more autocratic than that of the Czar. An autocracy can exist without law, but a free democracy can not.

Listen to this!

> the very existence of free government depends upon making the machinery of justice so effective that the citizens of the democracy shall believe in its impartiality and fairness.

I tried a while ago, in my weak way, to bring that same idea out. It is not enough that we have justice, but in a free democracy such as he describes, if we are really to have freedom and a happy people, we must have a people who believe that they are getting absolute fairness and justice. I think it has been shown clearly that these do not exist where there are two systems which are not working harmoniously together, and in such a situation you can not expect the people to believe they get justice, because, as a matter of fact, it is not true.

Now, I want to read what was said by Mr. Taft, the present Chief Justice of the United States, bearing on the same point. Understand, I am not claiming that any of these men from whom I am reading would advocate the abolishment of the United States courts as I do, but the statement I make that there is a condition in the country where the poor can not get justice, that it is an impossibility on account of the system, that justice is too expensive, and that that condition is an alarming condition, and cries aloud to fairness and to justice and to Heaven for remedy, is borne out by the men from whom I am reading, and that is the object of their statements. Mr. Taft said:

> Of all the questions which are before the American people, I regard no one as more important than the improvement of the administration of justice. We must make it so that the poor man will have as nearly as possible an equal opportunity in litigating as the rich man—

Now, listen to this—

> and under present conditions, ashamed as we may be of it, this is not a fact.

That is the statement of William Howard Taft, ex-President of the United States, now Chief Justice of the United States.

Mr. STANLEY. And a Federal judge for many years.

Mr. NORRIS. Yes; and it bears out my statement that under our system of dual jurisprudence there is justification for the common belief on the part of millions of common people that on account of their poverty alone justice does not reach the great masses of our people as it does those who are rich.

Mr. STANLEY. Mr. President, I may be mistaken, but as I recall the statement of Mr. Taft, to which the Senator referred, he at that time was addressing himself to the question of the cost of judicial procedure.

Mr. NORRIS. Yes; and it is a statement which plainly says that on account of the expense the poor can not get justice under our system.

Mr. POINDEXTER. He means that that is due to the jury system, does he not? I understand that Chief Justice Taft at one time advocated the abolishment of the jury system.

Mr. STANLEY. As I recall, he was not discussing the jury system at all; he was discussing the cost of judicial procedure.

Mr. POINDEXTER. I was referring to his general attitude toward the administration of justice. My recollection is that in an address he at one time advocated the abolishment of the jury system.

Mr. STANLEY. I do not think he ever went that far.

Mr. NORRIS. I do not know about that. I have quoted from an address delivered by ex-President Taft before the Virginia Bar Association.

I want to read now an extract from Chief Justice Olson in the eighth and ninth annual report of the Chicago municipal court for 1915. It will be found on page 128 of that report. Chief Justice Olson said:

> When litigation is too costly, the result for many persons is a denial of justice. Such denial or partial denial of justice engenders social and commercial friction. The sense of helplessness thus caused incites citizens to take the law into their own hands.

Is there anybody here who will deny that? As ex-President Taft said, however much ashamed we may be of it, or however much we may dislike to admit that it is true, we know it to be true that a denial of justice, when known to the people against whom it is denied, means that they take the law into their own hands. Revolution, Senators, is the natural result of that, and a denial of justice to the common people, to the poor people, has been one of the causes of every revolution which has ever been recorded in history; and you may deny it for one cause or another—if it is denied, they fail to get it.

I read on from Judge Olson:

> It causes crimes of violence. It says patriotism and destroys civic pride. It arouses jealousy and breeds contempt for law and government.

When we have a citizenship in that condition, Mr. President, our country is in a perilous condition.

Mr. STANLEY. The matter of patriotism in its last analysis is the mental attitude of the citizen toward the institutions of his country.

Mr. NORRIS. I think it is, and of course that mental attitude can not be disassociated from the conditions that surround the citizen himself. If he is surrounded by injustice, it affects him. If he is happy and contented, it has the opposite effect.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. CAMERON in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. I would like to follow a little more intelligently the very interesting argument the Senator is making. Undoubtedly the Senator must refer to justice in civil proceedings rather than in criminal matters, because I suppose in criminal matters the justice is supposed to be administered without any expense to the defendant, and he is entitled to have counsel appointed if he is unable to procure counsel for himself.

With respect to civil actions, there is a great deal in what the Senator states, but is the Senator contending that it is more

expensive for litigants to conduct suits in the Federal courts than in the State courts?

Mr. NORRIS. Yes; that is my contention.

Mr. STANLEY. The Senator from Montana inadvertently, I suggest, states his case a little too broadly. It is true, so far as criminal actions are concerned, that the defendant, of course, in the nature of things can not be put to any very great expense in defending himself for some violation of a Federal statute, but if the finding of the lower court does not suit him, then the question of expense becomes very vital to him on appeal. I have known a great number of cases where appeals have not been taken because of the expense incident to the appeal, and it is not such an easy thing always to go up in forma pauperis.

Mr. WALSH of Montana. Of course, it is always expensive to travel from remote sections of the country to Washington, but aside from that I do not know where the cost is involved.

Mr. STANLEY. It is in the costs of the appeal.

Mr. WALSH of Montana. If the Senator from Nebraska will permit a further interruption, he was referring to Judge Olson, a very estimable and very able judge as well as publicist. But I do not know just how he figures out the conclusion at which he arrives so far as his own country is concerned. I can not see the difference between a man trying a case in the Federal court in the city of Chicago and trying it in a State court in that city if he is obliged to appeal or does appeal in certain controversies.

Mr. NORRIS. I do not know whether the Senator was here or not when I made my statement. I have not said that the men whose testimony I am reading would admit an agreement with me on the point I am discussing. So far as I know they would probably be opposed to it. They were not arguing the case I am arguing, but I am using their testimony to show that a state of facts existed which I had claimed, before I read their testimony, did exist.

Mr. WALSH of Montana. They are deploring generally the cost of litigation.

Mr. NORRIS. Yes. They are not discussing the question of the difference in expense; they are discussing the general proposition; but they have laid down certain facts, certain propositions, which I lay down, and I use their testimony to substantiate my position. I am suggesting what I believe to be not the only one, but one of the difficulties and one of the causes why this condition exists, and I am suggesting how it might be remedied.

I will say to the Senator from Montana that in my judgment the expense runs all through. Even though the man is in the same town where the United States court sits and the State court sits, it costs more money to try the case in the United States court than it does in the State court.

Mr. STANLEY. In the Senator's part of the country they are not in the same town.

Mr. NORRIS. Not very often.

Mr. WALSH of Montana. That is what prompted my inquiry, because that is not my experience. My experience is that one can try a case in a Federal court in the city of Helena at no greater expense. In fact, until quite recently it was less expensive, because the fees of witnesses in the Federal court were $1.50, while the fees of witnesses in the State courts were $3.

Mr. NORRIS. Did the Senator, when he was practicing law in the city of Helena, charge the same fee to a client in the United States court that he would in the same kind of a case in the State court?

Mr. WALSH of Montana. I do not know that there was any very material difference, assuming that the litigation was equally important and equally difficult. I do not think that would make any difference.

Mr. NORRIS. I think the Senator's testimony is the exception to the rule. If you employ a lawyer to do a thing in a United States court, as a rule it is more expensive than to employ the same lawyer to do the same thing in a State court.

Mr. WALSH of Montana. I am not able to offer any testimony along that line. I may say, so far as that is concerned, that I am not particularly partial to the United States court.

Mr. NORRIS. I have known men charged with crimes in a United States court who have said to me—of course, I did not have personal knowledge of the facts—that they have pleaded guilty to some small charge rather than go to the expense of fighting it and making a defense. You can talk about the expense being the same. As a matter of practice, so far as I have been able to observe it is not only not the same but I would say it is at least double in the United States court. The witnesses have to come very much farther, as a rule. They are liable to come 200 miles instead of 15 miles. You have to pay them, as a rule, save in the town where the United States court would be held, twice on the average what their attendance cost would be in the towns where the State courts are held. All the way through everything costs more.

Mr. STANLEY. I will say that in Kentucky, Indiana, and in the Mississippi Valley the cost of a record, the cost of obtaining witnesses, and so forth, are inordinately greater in the Federal courts than in the State courts. There are very few places excepted, a few large towns only, where the circuit court of appeals and the court of the district—usually a State is composed of one or two districts—are located in the same town. In fact, there is no such court of appeals, as I recall, in the State of Kentucky at all. We have to go outside of the State.

Mr. NORRIS. When two or three lawyers are traveling in Pullman cars and living in expensive hotels, all of which the clients have to pay, it means an enormous increase. I do not care to get my own individuality mixed in this matter, but I have a very distinct recollection of a friend of mine who lived in southwestern Nebraska, who was sued a great many years ago. It was the foreclosure of a mortgage. Whenever he had had any business there I had attended to it for him, and he came to see me about this matter. A claim was made under a mortgage foreclosure which he stated to me was very unjust and said he did not owe. The United States court was 250 miles away. From my office where he consulted me to the courthouse where that mortgage was recorded the distance was less than 3 blocks. If that case had been pending in that courthouse, I could have gone into court and attended to the motion that was necessary to make without expending half an hour's time and been back in my office. If I had permitted him to employ me, which I did not, I would have traveled 250 miles and looked into the case. I would have locked up my office while I was gone, and every lawyer knows that he can not afford to do that for an ordinary fee. I would have spent a week's time instead of 30 minutes' time, and he would have had to pay for it. As it was, he traveled the 250 miles, took my advice, with a letter of introduction, and hired a lawyer who was in the same city where the court was being held.

That man could better afford to have paid $250 extra than to litigate in that Federal court. He was in the United States court because some individual or corporation in New Jersey or some other State had bought the mortgage and was proceeding to foreclose it in the United States court there. I submit that is not justice. Does anyone call that justice? Is that the kind of justice with which we expect a people to be satisfied? Can we expect that man to love the United States courts? Yet there is nothing in it anywhere that reflects on any United States judge. The United States judge could not help it.

How much do you suppose it cost to serve the summons in that case? A United States marshal or deputy marshal would have to travel across the State, where if the case had been commenced in the court where it ought to have been commenced it would have been only 7 miles. Why, Mr. President, you only have to look at a case to see where the injustice comes. There is nothing fair in that. You can not expect a people, however patriotic, always to submit to that kind of proposition. We can not afford it. Justice is too expensive and life is too short to get it.

Mr. STANLEY. Mr. President, as illustrating the truth of what the Senator has said, in a great many of the States—in my State, for instance—the legislature passed an act prohibiting the transfer of civil cases to Federal courts where the amount in controversy did not exceed $2,000. I have known in my own limited experience of any number of cases, hundreds of them, where litigants having valid claims, as they thought, for amounts much exceeding the $2,000 limit, would bring the suit in a State court for less than $2,000, and take an inadequate compensation for their injuries or wrongs rather than incur the delay and inordinate expense incident to prosecuting the same case in the Federal court.

Mr. NORRIS. Mr. President, I also have known that to happen many times; in fact, it is quite a common occurrence. I was not through, however, reading from this document when I was interrupted. I now resume, reading an extract from an address of Lyman Abbott, as follows:

> If ever a time shall come when in this city—

That is, the city of Chicago—

> only the rich man can enjoy law as a doubtful luxury, when the poor who need it most can not have it, when only a golden key will unlock the door to the court room, the seeds of revolution will be sown, the firebrand of revolution will be lighted and put into the hands of men, and they will almost be justified in the revolution which will follow.

This quotation is from a man whose reputation is world-wide. He is known, by reputation, at least, by every Member of this body as one of the greatest writers of America. I suppose if I had used the same language I would have been criticized and

denounced by many men and many interests who will remain silent under the statement of so great a man as Doctor Abbott.

Mr. HARRELD. Mr. President——

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. HARRELD. Has it not been the Senator's experience that the position so graphically described by Judge Olson and by Doctor Abbott is brought about equally as well by a congestion of the dockets of the courts?

Mr. NORRIS. Yes; I will say to the Senator that the crowding of the dockets, such as has been described here by Senators who have argued for this bill, will bring about injustice. I am not claiming that the condition to which I have referred is the only thing which produces injustice.

Mr. HARRELD. In my State there has been more complaint of litigants not being able to have cases tried because of the congested condition of the dockets than there has been about the cost of litigation, though I have heard complaints for both reasons.

Mr. NORRIS. The people in the Senator's State, at least those of them with whom he is acquainted, perhaps, do not feel the need of economy so keenly, because they have more money. They have been digging oil wells and getting rich, and, therefore, they do not care for a few dollars. If wealthy corporations were the only litigants, if they paid all the expenses and there was nothing for the Government to pay, I would not care much how many judges there were.

Mr. HARRELD. On the contrary, the complaint comes mostly from the poor litigants that they can not get their cases tried because of the congested condition of the dockets.

Mr. NORRIS. I said at the beginning that a delay very often meant a denial of justice, and that is the reason I am impressed with a great many of the arguments which have been made for this bill; and yet, as I said in the beginning, after all, it does not reach the fundamental sore; it does not strike at the root of the evil. If we provide now for additional judges, and combinations of wealth continue to develop in the future as they have in the past and litigation increases as it has increased, it will only be a few years until we shall provide for more judges. We will keep on adding to the pyramid, Mr. President, until by its own weight it will topple over, and there will be ruin and devastation in its wake. That is the reason I am afraid of it. I admit that there are many good arguments for the bill, and I am not really attempting to make an argument against it; I am not opposing it; it may be necessary as a temporary remedy. I want to call attention, however, to what to me is a very serious defect in our judicial system, and one which we ought to commence to remedy if we can.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. The Senator has been referring to distances, and he is indisputably correct that there is an additional expense incident to travel to the place where the Federal court sits, which is usually, of course, at a very much greater distance from the home of the litigant than the place of the sitting of the local State court; but the Senator will remember that the Federal judicial system has been in existence now for 130 years.

Mr. NORRIS. Yes.

Mr. WALSH of Montana. And that the expense of travel, at least the time consumed in travel, at the institution of the system was vastly greater than it is now, and that, relatively, the disproportion of which he speaks between the costs in the respective courts has existed ever since the system was established, 130 years ago.

Mr. NORRIS. There are a great many costs now that did not really exist in the primitive days. The kinds of litigation now are very different from what they were then. There is hardly any comparison. For instance, the Senator from New Jersey [Mr. FRELINGHUYSEN] yesterday called attention to the condition in his State, and said that the trial of a case there last year required five months. I asked him what kind of a case it was and he was unable to tell me yesterday, but to-day he told me that it was a case involving the validity of a patent.

Mr. WALSH of Montana. Of course, the Federal court has always had jurisdiction of such cases.

Mr. NORRIS. Yes, sir; but they did not take five months to try one such case. One hundred years ago that would have been an unheard-of thing, while now it is a common thing. I wish to use that instance now, since it has been called to my attention, as the basis for a few remarks, if the Senator will allow me to proceed for a few moments——

Mr. WALSH of Montana. If the Senator will pardon me at that point, I want to remark that the reason for that is perfectly obvious. Industry is more complex now than it was 130 years ago.

Mr. NORRIS. Of course; the Senator has stated what I would have been glad to have stated.

Mr. WALSH of Montana. So that the trial of a case involving a patent which was taken out 100 years ago was comparatively a simple matter, as compared with the trial of a case involving a patent which is taken out now.

Mr. NORRIS. It was a very simple matter; but the cost is an important consideration now; so that a poor man has no business to attempt to get a patent. Does the Senator from Montana realize that if he were poor and invented a device, say, an electric light bulb, or something of that kind, which might involve putting out of business a device which was owned by a monopoly like the great Western Electric Co., or some of the other electric companies, though it might be more beneficial to man than almost anything else, he could not get anywhere with it, although the law protects him in his patent? Does he realize that he could not fight those companies and go through the courts? Where would he get the money to hire a lawyer who would spend five months in trying such a case?

Mr. WALSH of Montana. I painfully realize that, Mr. President.

Mr. NORRIS. There is absolutely no show for a poor inventor, although the books are full of statutes which in themselves are just.

Mr. WALSH of Montana. I could avail myself of some experience in just exactly that line. A client of mine invented the band which is used as a brake now on all automobiles; at least he so claimed. He did not invent it with the purpose of having it apply to automobiles, but it was designed as a brake for wagons. The incident occurred a number of years ago. Instead of the ordinary band brake he invented a brake consisting of a band which was to go about the hub of the wheel of a wagon. He insists—and I have no doubt, correctly—that that invention has been stolen and used as the means of braking automobiles. It is a very valuable invention, but, Mr. President, it would cost him exactly as much to try a case involving that patent in a State court as it would in a Federal court.

Mr. NORRIS. No; I do not think so.

Mr. WALSH of Montana. The whole state of the art would be exposed by the great corporation which acquired the title if the case were tried in a State court, just exactly the same as if it were tried in a Federal court.

I have had considerable experience in that regard, Mr. President. We used to have very expensive trials in the State court in Montana, involving testimony given by experts touching apex rights, concerning which the Senator from Utah will be able to testify. Exactly the same expense was involved in the State courts so far as the development of the geological features and all that kind of thing was concerned as would have been involved in the Federal courts. So that, so far as patent cases are concerned, the additional expense arises by reason of the vast development of industry and the great complexity of the questions, it seems to me, rather than because the case is tried in a Federal court instead of a State court. I do not see how the same expense in a State court can be avoided except to some little extent in the matter of travel. So the Senator must go deeper; he must find, it seems to me, some other way to relieve litigants of the tremendous costs of which he complains. My client would be no better off if he could try his case in a State court rather than in a Federal court. He was unable to raise the money, and I was unable to raise it for him to carry on the litigation, and, as the Senator has suggested in other cases, he was obliged to abandon whatever claim he had, but he would have been obliged to abandon it if he had prosecuted the case in the State court. He could not raise the money to prosecute it in the State court, and, so far as that is concerned, the difference in expense would have been inconsequential.

Mr. NORRIS. Mr. President, has the Senator concluded?

Mr. WALSH of Montana. I thought I should like to make that statement.

Mr. NORRIS. I am not finding fault with the Senator; I am obliged to him for his suggestion. However, I do not agree with him at all that a patent case can not be tried in a State court for less money than in a Federal court. The illustrations that I have given from my own experience and the other illustrations all show that, perhaps with rare exceptions in a few places—and I do not believe they constitute an exception—it is always more expensive to litigate in a United States court than it is in a State court.

Mr. WALSH of Montana. Will the Senator pardon me further?

Mr. NORRIS. I wish the Senator would allow me to proceed for a while now, but I will yield to him if he wants to proceed.

Mr. WALSH of Montana. I was merely desirous of calling attention to the statement made by the Senator from New Jersey that it took 5 weeks or 10 weeks, or whatever the period was, to try in the Federal court in New Jersey the patent case mentioned by him. I undertake to say it would have taken exactly as long a time and would have been just exactly as expensive if the case had been tried in a State court.

Mr. NORRIS. I am going to take that case up after awhile when I get through with the general proposition, but I assert that it will cost more to take the same case through a United States court than it will through a State court. I do not believe there is an exception to that rule. If there is, it will be in connection with some peculiar kind of case tried in a city where both State and Federal courts are held and where both litigants reside. In such a situation the expenses might be the same; but the very fact that we have State courts in every county, and there are only two or three places in a State where the Federal court sits, ought to demonstrate that it is many times more expensive to prosecute litigation in the one court than in the other. It costs more to serve the papers; it costs more to hire the lawyers; it costs more for travel; it costs more for witnesses; in fact, everything is more expensive. No sophistry can get around that conclusion, Mr. President, for the facts are standing out here in bold relief. It is no defense to say that in some city where a United States district court sits and where a State court sits, in the county seat, perhaps there may be no difference between the cost involved in prosecuting suits in the State and Federal courts, respectively. I think there will be, for a litigant never fools with the United States court without paying more money than in the case of the State court. I never was able to do it, and I never saw anybody else who was able to do it.

Let us take a patent case. The patent law on the face of it does justice to everybody, and the courts will do justice to you when you get to the right place; but what happens? If you invent a device and secure a patent that conflicts with something owned by a rich man or a large corporation, and you are poor, I will tell you what happens. The rich corporation, absolutely in defiance of the law, pays no attention to your patent, let us say, and commences the manufacture of the article. What are you going to do about it? You commence an injunction suit in the United States district court. That patent may be a difficult, intricate thing. It may be a patent on some chemical process that standing by itself is of no account, but must be used with a dozen or perhaps a hundred other processes in order to get the perfected article, but when so used it would revolutionize the thing thus obtained. Suppose, for illustration, it is that kind of a patent. The big monopoly commences manufacture, as I said, in open defiance of law, and you hire a lawyer—if you can get one without paying a large amount of money, more than you have—to commence a suit for an injunction against this concern. You commence it in the district court of the United States. It may be that they have manufactured the patented article in different parts of the United States. Very likely they have. Somebody will be appointed to take the evidence, and he will travel all over the United States taking it. He will be months taking it, perhaps years taking it. Eventually it will get back to the district court, and there your lawyers will argue whether it is sufficient or not. You have not been able to put up a bond to get a temporary restraining order, because you have not money enough to do it, and they keep right on manufacturing your patented article just the same all the time. When you get to trial you win the case, because you have a good case, you are honest, and they have no standing whatever. The judge decides in your favor.

It may be that somewhere in the taking of the evidence an error has been committed. If so, it has been safely guarded and tucked away. They take it to the court of appeals, and you have to send your lawyer there, and he has to travel to do it. You have had to pay a whole lot of money so far. You have probably lost everything on earth you had by this time, and can not go any farther; and if you have, all the time, perhaps, you have had an offer from the other side that they will pay all the costs and pay your attorney's fee if you will make an assignment of the patent to them. What are you going to do about it? Suppose you do not accept it. You have a little money; you have forty or fifty thousand dollars, but you ought to have a million dollars before you go into that kind of a fight. You go on then to the court of appeals. Perhaps the case is reversed on some technicality; but suppose it is not, but is affirmed. Two or three years have been lost. They are still making the patented article, paying no attention whatever to you. You win the case again.

They take the case to the Supreme Court of the United States. Maybe they find an error somewhere. If they do, the matter goes back for retrial. You travel all over that road again, and it takes two or three more weary years. What happens to you in the meantime? You probably die of old age before you get that far. But suppose you do not. Suppose you have had enough money to go that far and you win the case in the Supreme Court 10 years after the beginning. You have spent $50,000, and what do you get when you get the judgment of the Supreme Court? You get an injunction restraining them from manufacturing this article further. You are entitled to damages—maybe a million dollars, if it is an important patent; maybe $2,000,000, maybe several hundred thousand dollars. You proceed to get it. What do you do?

You have to commence another suit away back in the district court again, and another commissioner is appointed, and he roams all over the United States, wherever that article has been manufactured or sold or dealt in, and gathers evidence; and after two or three years of traveling he gets the evidence together and the case comes before the district court, and there the report of the commissioner is made and the matter is argued again.

Suppose you win that case, and they find there that you are entitled to $500,000 damages, and a judgment is rendered against them. What next? The same weary read—on up to the Supreme Court, and before the matter is finally decided maybe you have had to go up there three or four times. If errors have ever been committed, the case goes back for a retrial; but eventually, Mr. President, while you may have started out early in life, you finally, like Jarndyce against Jarndyce, reach the Supreme Court for the last time, and you are old, decrepit, gray-haired, ready to die, and get a final adjudication of your judgment. The chances are ninety-nine to one that you never will get that far. You can not get that far unless you are wealthy. The poor man will stop; the poor man will die somewhere on that road that he is traveling.

In a very important hearing a year or two ago before the Patent Committee some of the greatest patent lawyers in the United States were present to testify, and one of the greatest was on the stand making an argument when I put this question to him myself:

> Suppose a poor man does invent some important thing and gets it patented under the law, and, for the purpose of the argument, let us assume that there is not any question about the legality of the patent, and a great, rich corporation absolutely ignores it and defies it and goes ahead; and suppose that poor man came to you. What advice would you give him?

He was very honest, very frank, and told just what he would do, and he told the right thing; there is no question about it. He said:

> I would tell the man to sell out at the very best figure he could get. There is no hope for him.

I am not claiming that this will give full relief in a case of that kind. We could change that by changing the patent law. I am not claiming that this would give relief, but it would cheapen the matter a great deal. This five months' time in this court in New Jersey, I have no doubt, was not taken up by the judge, but it was taken up by the referees who were taking evidence, maybe traveling around in other States getting evidence. The case was perhaps pending that long; it perhaps needed an attorney every day in court somewhere for five months, but not before the United States court.

Mr. President, there is no doubt but that the most expensive place to litigate in the United States is in the United States courts. That can not be gainsaid; and justice is not any better there than it is in the State courts—not a particle.

Mr. President, I have gone over the fact that we have a duplicate system. That is very expensive. That is not efficiency. We have the most inefficient system in the world. We could hardly make it worse unless we should make it triplicate instead of duplicate. I do not know how the system can be defended on fundamental principles. Nobody claims now that justice can not be obtained before a judge because he happens to be a State judge. One of the fundamental principles which have come down in the common law is that a man charged with a crime must be tried by a jury of his peers; that no man can be hauled away from the place where the thing happened, or is alleged to have happened, and be tried in a strange land. That has been sacred in the common law. We adhere to it yet. We claim it as one of the stand-bys of human liberty. Why does it not apply to a judge? Not so much, I will admit. Why should not the same thing in a degree, at least, apply to a judge? How can we be consistent, Mr. President, if we say you will have to

submit to the verdict of a jury of your peers in the locality where the crime is alleged to have been committed, but you can be tried by a judge who has come 5,000 miles to try you? That is what this bill allows. That is what our United States courts allow. They can not help it.

The Federal judges are not familiar with local conditions as the State judges are. They are not responsive to the pulsations of humanity. They are held aloof by their positions, holding them for life as they do. Without charging, without even thinking of any individual, when you take the ordinary men, the able men of a community, and give them positions for life at a large salary, while I do not believe that all of them will be affected, while I am not claiming that half of them will be affected, I do know and we all know and God knows that many of them will be affected; that the security of a life position and a life salary makes them forget too often the toiling masses who are struggling for an existence. Thus we have another prejudice, either right or wrong, that has grown up against the Federal courts, and it is getting to be a common thing now.

One of the principal uses of the Federal judge is to have him issue injunctions. Some time ago the Federal Trade Commission, I understand, undertook to investigate the United States Steel Trust. They were promptly met with an injunction restraining them from considering it. They undertook, I understand—I am not familiar with the facts—to investigate the anthracite coal business or, anyway, some coal business, and were met with an injunction restraining them from going into it on the ground that the operation of coal mines was not an interstate business, and hence they had no jurisdiction. I am informed that at the same time, in one of our States where there is a good deal of coal mined, an action was commenced by a similar commission, holding its authority from that State, and they were met by a Federal injunction restraining them from going on with that investigation on the ground that the coal business was interstate. So they catch us coming and going. You can take your choice, you who are paying fabulous prices for coal and are perhaps doomed not long hence to pay increased prices. Some Federal judge somewhere will probably grant an injunction, whenever it is necessary, restraining a Federal commission, the Federal Trade Commission, for instance, from investigating and from publishing the facts.

Not long ago, I am informed, the United States Railroad Labor Board, provided for in the Esch-Cummins law, had a hearing on a complaint of some kind of a dispute between the Pennsylvania Railroad and its employees, and it was about to decide the case against the Pennsylvania Railroad when they were promptly met with an injunction restraining them from rendering a decision.

Mr. President, I do not believe such decrees, which I conceive to be unreasonable and destructive of good government, could be obtained in State courts. Some judge who has been influenced by a life tenure may, with perfect honesty, as he views the situation, grant such an injunction, but no Federal judge ought to have a right to grant an injunction against another Federal authority from performing a duty laid down by law.

I read from a paper called "Labor," of date February 25, 1922, in which it is said, only reading part of the article:

> In the meantime the 24-hour injunction granted by Judge Landis on December 9 is extended with each postponement and the labor board is restrained from handing down a decision originally intended to be made public on December 12 finding the Pennsylvania Railroad guilty of disregarding decisions of the labor board and violating the transportation act, all of which permits the carrier to continue defiance of the law in a "legal" manner.

Mr. President, if the judges of the United States courts would take less time in trying to issue injunctions restraining other public officials from performing their duty, they would have more time to clear these congested dockets and try these cases which are pending in the United States courts.

This same paper describes a condition which has occurred down in Alabama.

Mr. STERLING. What is the date of issue?

Mr. NORRIS. It is the issue of February 25, 1922. I do not know whether that injunction against the Federal Railroad Labor Board is still kept alive or not. I never heard of the board rendering its decision. But the idea of Congress passing a law providing for the establishment of a board to do certain things, and when they have hearings and decide the case the party that finds out it is going to be beaten in the hearing after the trial slipping over into court and getting an injunction restraining the board from handing down its decision. We can not be surprised if there is prejudice amongst the common people against United States judges.

In the same paper from which I read before there appears this article:

> On February 15 agents of the United States marshal, without legal warrant and in the most outrageous manner, invaded the offices of the joint strike committee and carried away books and documents, many of which had nothing whatever to do with the conduct of the strike, and are holding them while Burge—
>
> "He was the receiver of a railroad down there—
>
> and other representatives of the railroad are making photographic copies to be used by private interests in their fight against striking employees.

That has been righted since, I think. The court has set it aside. But this describes how they got a subpœna, got the men in the office out of the way, and while they were gone got another subpœna duces tecum to get the documents, so as to photograph them and copy them, something which had nothing to do with the litigation which was pending. They wanted to fortify themselves against a labor union and used the United States court officers as instrumentalities by which they could get a record.

When I read that, Mr. President, I remembered most vividly that when the Federal Trade Commission was trying to investigate the packers in Chicago, when they sent over to the packers' offices and tried to get their letters, they were met with an injunction of the United States court compelling them, before they could get any letter or anything they had, to specify in the subpœna just what they wanted. They had to tell what it was they wanted, and they were restrained from going at large over the office and looking through the files.

So the injunction of the United States court, which holds the great meat monopoly in Chicago blameless, restrained the commission from obtaining any evidence against the monopoly without specifying just exactly what it wanted. So an injunction of another Federal court down in Alabama seems to favor a railroad company against a labor union. The same law that protects the packer in Chicago ought to protect the most humble laboring man in the union.

As I understand it, later on in this case down in Alabama the judge, when there was brought to his notice what had been done by the officials of the court, repudiated it, brought them into court, made them surrender everything they had taken, and destroyed all the photographs and copies; so again it was no fault of the judge himself.

Mr. President, when courts are operated hundreds of miles away from the people who are affected by their action you can not expect the same faith, the same confidence—no, nor the same justice—you would get from a court which operates in a community where the people affected live. That is the reason I think we ought to abolish United States courts and give all their jurisdiction to State courts.

There is a provision in this bill which seems to me to be injurious, and that is the roving provision, sending the judges around, bringing all senior judges here to Washington every year at the expense of the taxpayers. If we get justice at the end of this circuitous business, if at the end of Jarndyce against Jarndyce justice is dealt out, the people to whom justice ought to be given are dead before it reaches them.

I think there are some provisions in this bill which ought to be adopted, because there are some places where there ought to be more judges until we get the permanent remedy which I think would give permanent relief. But there is a provision in the bill providing for the senior circuit judges coming to Washington, and, with the Chief Justice of the United States, going over the judicial situation in the United States, reviewing it, talking about it, and I suppose agreeing on a plan for the next year.

Mr. STERLING. Mr. President, I hope at least that the Senator from Nebraska will consider what I believe to be the underlying reason or motive for that provision. It is for the purpose of expediting business in the Federal courts.

Mr. NORRIS. I know that.

Mr. STERLING. And it would be of relief to the people, the taxpayers, and to the litigants.

Mr. NORRIS. I know that is the object and the purpose of it, and the purpose of our whole United States judicial system was a noble one, as laid down by our forefathers, but when we come to put it in practical operation we find it does not work out right. It is duplicating, at an enormous expense, the State systems. I am not saying this was put in with any ulterior motive; I am not charging that by any means. The theory is beautiful, but I do not believe it will work in practice.

When these judges come to Washington at the expense of the taxpayers, I was about to say, what will they do? They will meet with the Chief Justice. They will be dined every evening somewhere. They will be run to death with social activities. They will be killed with social favoritisms before they get down to business. That is especially true in respect to the genial

Chief Justice we have, who dines out somewhere every night. I would like to pause right here to say, Mr. President, that I do not believe there is any man who can stick his legs under the tables of the idle rich every night and be fit the next day to sit in judgment upon those who toil. Honest though he may be, he can not get away from the atmosphere that will surround him, and ninety-nine times out of one hundred it will affect him and get him in the end.

There will come a time, if this is continued, when dinners will not be as fashionable or as enticing, when there will be people here in the Capital City who will not be dining out in high social fashion every night, and when they do go to social and friendly dinners you will find women there who wear dresses that come clear up over their shoulders and extend downward below the knees. When that time comes, Mr. President, even William Howard Taft would not accept an invitation to that kind of a dinner.

Mr. President, I do not believe there can be any doubt but what in the practical workings the annual pilgrimages these judges will make to Washington will have an unfavorable effect upon them and upon the common idea of the common folks as to the courts. We have to bear that in mind all the way through. It is demonstrated now that justice is too expensive. It is demonstrated by the testimony on all sides that the poor man has to pay too much to get justice, and when we add any more to the expense and to the other influences outside of the duties which ordinarily devolve upon judges, we further weaken the system. No man will be injured, no interest will be hurt, by the abolishment of the United States courts and the conferring of their jurisdiction upon the State courts.

Mr. SHIELDS. Mr. President, without any preliminary remarks upon the subject I want to place before the Senate the business transacted in the Federal courts of New Jersey and compare it with some of the other districts where the Senate has held, both in the Committee on the Judiciary and upon the floor of the Senate, that additional judges are not required.

In my opinion, there is absolutely no demand and no necessity for an additional judge in the district of the State of New Jersey. They have three judges there, one of the judgeships created, I understand, not later than 1916. In addition to that, the judge of the United States circuit court lives in the State of New Jersey and has ample leisure to devote much of his time to district business. The third circuit is composed of Pennsylvania, New Jersey, and Delaware, and there is no great amount of business in the circuit court. The statistics given in the Attorney General's report show that in the third circuit the cases determined in the fiscal year 1920–21 were 124 and that there were 98 cases remaining on the docket for three judges to dispose of. Delaware has practically no business. The principal business is in the States of New Jersey and Pennsylvania. Practically there are four judges already there who can be reached to transact whatever business there may be.

We have seen by statements made on the floor which can not be controverted that bankruptcy cases and draft cases can not be considered in a statement of the business pending in the courts. That was recognized by the Attorney General in his annual report and it was recognized by all the gentlemen who appeared before the committee while considering the bill. Those cases should, therefore, be eliminated.

Eliminating those cases, there were pending on the docket of the New Jersey Federal court on the 30th of June last 1,800 cases. With three district judges to try them, that would mean 600 cases each. If the circuit judge would give any of his time to the trial of cases, there would only be 465 cases each pending at the close of the year.

I wish to direct the attention of Senators to this fact, and every lawyer will recognize it at once. When we enumerate the cases pending on the docket of any court, it does not mean that they are all there ready for trial. Some of them may have been there for some time and are yet unprepared. Some of them may have just been filed that same day. Some of them may have been brought 30 days previously, and the return of the summons just made or even not yet made. Some of them may be just at issue, and in the usual course of procedure and practice of the court can not be tried for six months or until the next term or the second subsequent term of the court. Every lawyer, I think, will agree with me that of the cases nominally upon the dockets there are at least 25 to 33 per cent of them not then ready for trial and not then really pending. Do I place it too high?

Mr. CUMMINS. I do not think so.

Mr. SHIELDS. So a statement of pending cases does not give any clear idea of the congestion of the docket. While there are 1,800 cases pending in New Jersey, I should say that at least 500 of them could be stricken off as not ready for trial and not really pending in the sense of producing a congestion. But grant that they are pending; if three judges work, there are only 620 cases each, and they can all sit at the same time. With the assistance of the circuit judge in that State there are only 465 cases each.

Another consideration is that many of the cases which have just been brought or the indictments just found perhaps will go off the docket without a trial and without consuming any substantial amount of the time of the court. The statistics of the Federal courts of all cases disposed of in the year show that more than half of them are dismissed, discontinued, go off on demurrers sustained, or, in the case of criminal cases, about four-fifths of them go off on pleas of guilty, taking no time whatever of the court.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. SHIELDS. I yield.

Mr. DIAL. I would like to ask the Senator if it is not true also that the causes of a good many of these cases will be removed as we get further away from the war?

Mr. SHIELDS. I will answer that question upon the evidence of the three district judges who made the report to the Attorney General and the evidence of the Attorney General himself. The Attorney General himself said the peak of criminal cases growing out of prohibition and the war had been reached and he thought there would be a decline. They all admitted that the alleged congestion in the courts is temporary to a large extent, although the Attorney General stated that on account of increased population—and it has not been very enormous in the country in the last 10 years—and the increase in business, and so on, there would be some increase on the civil side of the docket; and I think he is correct about that. Generally speaking, that is true.

Let us come down now to what the three New Jersey judges did in the year 1920–21, as appears from the Attorney General's report. The civil cases they tried numbered 109. Deducting those dismissed, they tried only 109 civil cases. Of the criminal cases, there were 478, after deducting the draft cases, and of those there were pleas of not guilty and dismissed on demurrer 426, so they actually tried only 52 criminal cases in that State in that year. I have been referring only to United States cases. There were other civil cases to which the United States was not a party, of which they tried 480, making a total of 641 cases that were tried in that year by those three judges, with the assistance of a circuit judge, or, if we take the district judges only, there were 214 cases each. If we add the circuit judge, there were very many less cases tried per judge.

I referred to the fact that the adjoining State is Delaware, which has a district judge with comparatively no business to transact. There is an oportunity for assistance from that source. The circuit judge of that circuit can assign the Delaware judge to New Jersey under the present statute. He can be designated to go there and hold court, so there is that extra judge, which would make five judges available to try this comparatively small number of cases on the New Jersey docket.

As to the fact that these cases are not very much litigated, the Attorney General's report shows that only 50 of them were tried by juries. Everyone knows that outside of a certain character of equity cases it is the jury cases which consume the time of a court.

That statement is a little startling after the lurid statements from judges and lawyers which the Senator from New Jersey read, but it will be noted that in these very glowing statements with reference to the congestion and business in that State they never gave any statistics; they never told of the number of cases pending or decided by the court.

They dwelt at length upon the great prosperity, especially in the manufacture of corporations in New Jersey, and showed ample ground for litigation, and a fertile field for litigation; but when we look at the Attorney General's report it will be seen that that soil was not cultivated much and produced a very small crop of cases, and that the three judges there were trying a very small number of cases, perhaps less than any other district judge east of the Mississippi River. The fact is, if we take the figures and statistics reported by the Attorney General, there is less excuse for an additional judge in New Jersey than in any other State that has been suggested here.

I want to compare that just a little with my own State, where the committee denied an additional judge. There are two districts over which Judge Edward P. Sanford presides, and, as I

have had occasion to remark on more than one day when discussing this measure, he is a comparatively young man, in the full vigor of life, able and industrious, a good lawyer, and a good judge. No one questions that he devotes all the time that he should to holding court in the two districts. In those two districts combined in the year 1920–21 he tried 561 cases. At the end of the year, when this estimate was made, the cases pending similar to those on the New Jersey docket were 921 in number.

Mr. NELSON. Will the Senator allow me to ask him to what district he refers now?

Mr. SHIELDS. I am referring to the middle and eastern districts of Tennessee. I am putting them together, because that is the work one judge is doing in Tennessee.

We saw that there were 50 jury cases tried in the State of New Jersey by all three of those judges, with the assistance of the circuit judge. Judge Sanford tried 177 jury cases during that same year. So we can see what he was able to do. He is a good judge, but he has no preeminence over others. I believe if others were just as industrious as he, they could try the same number of cases. Generally the men who have been appointed to these positions are men of ability and able to do the work.

I will just refer briefly to Florida. There they had only one judge. There were tried in that year, 1920–21, by the judge of the southern district of Florida 539 cases, and 97 of them were jury cases.

There were pending on his docket nominally 1,254 cases at the same time 1,800 cases were pending on the docket of the three judges in New Jersey, aided by a circuit judge. The Judiciary Committee and the Senate have said that there was no necessity in Florida for an additional judge; and yet in Florida one judge is doing practically as much as three judges in New Jersey, although they are assisted by a circuit judge, with Delaware available to help them out. The case of New Jersey is absolutely without merit.

In the mountains of eastern Tennessee there used to be current among the lawyers an expression, referring to a case that had no merit, that it was an absolutely "sleeveless case." I do not know how generally that expression is used, but in my opinion it applies to the character of case presented by the Senator from New Jersey. It does not appear that the Senator from New Jersey ever offered his amendment until after the bill was reported. No special bill was ever introduced to provide an additional judge, as there was in the case of Tennessee and in the case of Florida.

If the facts are as I have stated, the conclusion is inevitable that there is no necessity of onerating the people of the country with an additional judge for New Jersey. I do not care to dwell upon that subject further.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from California?

Mr. SHIELDS. I yield.

Mr. SHORTRIDGE. Is it not conceded on all hands that while the number of cases pending untried may be significant, it is by no means conclusive of the work done or the work necessary to be done? May we not admit, does not the learned Senator from Tennessee admit, that the number of cases remaining on the docket at the end of a given year, while informing and more or less significant, is not indicative or conclusive of the labor performed? Do we not know from experience that an energetic, capable, learned, conscientious judge may take a week or a month to try a given case, and thereafter dispose of a dozen small cases in a day? With great and unfeigned respect for the Senator from Tennessee, to repeat, I ask him, are we to attach the greatest importance to the mere number of cases disposed of? Should we not know the nature of the cases and inquire as to the character of the judges who perform their duties in the several districts throughout the country?

Mr. SHIELDS. I will answer the Senator's questions, and I will answer the last question first. I have been presuming that all of the judges are honest; that they are all capable; and that they are all discharging their duties. The Senator from California says that we must inquire into the character of the judges. If my statement be not correct, if the judges are not discharging their duties, the remedy for any particular district is not a new judge but the removal of the judge who is not doing his duty but is holding a public office as a sinecure, drawing money from the Public Treasury without consideration.

Now, as to the number of cases tried during a given year in one district and the number pending on the docket at any particular period being indicative of the business of the district, I say it is indicative. It is very strong evidence as to what work the judge has to do and has done. As to whether it is conclusive or not, I say it is not; there are other facts that may be considered; but the best evidence we have as to congestion is that which has been furnished us by the Attorney General and by the commission selected by him to examine into all these matters, by his two assistants who appeared before us, and by the Chief Justice, who came before the committee to testify.

Of course, the Chief Justice did not undertake to give statistics, but only made a general statement. That is all he did and it is all he can ever do. No one man in the United States sitting here in Washington, presiding over the greatest court in the world, the duties of which ought to consume his entire time, can through the senior circuit judges, after consulting with them in a week's conference in the manner described by the Senator from Nebraska, possibly learn what is to be done in the various districts. In human nature that would be impossible.

The Senator from California, I believe, lives in the northern district of California. I do not know whether or not he practiced in the southern district of California; but I doubt whether he has very accurate information of what is going on in the southern district of his State. I am not now practicing law in Tennessee, but when I was practicing law and living in the eastern district of Tennessee I had very little idea of the business on the docket of the court in the western district of Tennessee, 500 miles away from me. So the evidence which has been furnished us is the best evidence we have in reference to the manner in which business is handled in the various courts.

Every lawyer knows that in States similarly situated the litigation is along similar lines. Men and women are much alike everywhere, socially, economically, and in their litigious inclinations, although I know some people are more litigious than others. In the section of Tennessee in which I live, the mountain section, the people are more litigious and the court has a bigger docket than in the other section, though it is the smallest, I believe, in area. The east Tennesseeans like a fight. There were more of them in the Army than from any similar area in the United States. They love a lawsuit better than do any people in the world. They begin a lawsuit in the lower courts and never end until the last court has a say about it.

To refer to the case of Florida, the district court there has as many admiralty cases as has the district court in New Jersey. The statistics so show. Florida is developing rapidly, and many big lawsuits come before the courts there. In Tennessee big ejectment suits come before the courts, involving coal lands and iron lands, embracing all the way from 1,000 to 100,000 acres, sometimes valued at millions of dollars.

Under our land system in Tennessee titles are purely artificial, the State having been formed from territory ceded by North Carolina; and I defy any man from another State, who has not been raised in Tennessee, to go down there and understand the land system in a year or to conduct an ejectment suit.

A suit of that character is more difficult than a corporation suit or an admiralty suit or any other kind of suit, and it requires much time.

Now, I want to ask the Senator from California does he believe that a judge who only tries 170 cases a year on the average is doing all he can do?

Mr. SHORTRIDGE. I can not answer that without knowing the nature of the cases being tried. There are many cases—civil and criminal, admiralty causes, causes involving patent rights, causes involving interstate commerce laws—which might take up the time of the most industrious and learned judge for weeks.

Mr. SHIELDS. Certainly those cases are about the same all over the United States.

Mr. SHORTRIDGE. That may or may not be so. But answering the Senator's question, I would not arbitrarily say, in considering whether a judge was good or bad, that the number of cases tried by him was conclusive, even though he tried but 107 cases or 117.

While I am on my feet, without wishing to break in on the Senator unduly, I would rely upon the matured judgment, deliberately delivered, of the Senator from Tennessee as to the present necessity of an additional judge for the middle district of Tennessee, and I hope it will not be regarded as offensive if I remind the Senator that hitherto he has thought that there was need of an additional judge for the middle district of Tennessee. I do not mention that to embarrass the Senator, for I would not embarrass him.

Mr. SHIELDS. There is nothing the Senator could say on that subject that would embarrass me, either as to the courts or the country or the people of eastern Tennessee.

Mr. SHORTRIDGE. Certainly not. I have relatives in eastern Tennessee who bear my name, and they are fairly good people.

Mr. SHIELDS. Mr. President, I can shorten the controversy. I absolutely, of my personal knowledge, do not know anything in the world about it. I have been in the Senate for nine years; I have never been in those courts, except casually. I venture to say that every other Senator here is in the same situation practically, although the Senator from California has not been away from the courts of his State so long. However, the best evidence before the committee, in fact, as I remember, the only evidence, that additional judges ought to be provided for California is found in the facts I have been stating as to the number of cases the judges tried and the number of cases pending on their dockets. Those facts, as in the case of every other district, are before us. There is no special evidence of any consequence except the lurid statement of some fellow—I will not use the word "fellow" and I do not want to make the statement too strong, but while there is a vacancy there is always hope of filling it, and as to some judges who are not trying many cases it looks to me as if they want some relief.

I do not attack the integrity of the judges. I never did that in my life; I never did it prior to the time when I was on the bench; I never did it on account of politics. My State is peculiar. I have practiced in that State before circuit judges and criminal judges and chancellors who were all Republicans. I have tried political suits in which I represented Democrats against lawyers representing Republicans, but I never suspected the integrity of one of those judges or that he was biased on account of politics or corrupt on any other account. The ticket for the supreme court and for the intermediate appeals court runs all over the State. The State is and ought to be Democratic, and while it slipped a cog at the last election it will never be done again, in my judgment.

Mr. SHORTRIDGE. I do not want to sit silent and admit that the Senator is a prophet.

Mr. SHIELDS. There are Democratic judges in that State also, and I have never suspected one of them, and no Republican lawyer in Tennessee does. I have the utmost confidence in the integrity and purity of the judiciary, and my contest in this case and my efforts here have been to sustain the judicial integrity and purity. I yield the floor.

Mr. CUMMINS. Mr. President, I desire to ask whether any other Senator is ready at this time to speak upon this bill or upon any amendment connected with it?

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arizona?

Mr. CUMMINS. I yield to the Senator from Arizona.

Mr. ASHURST. I was going to suggest that from the observation made by the Senator from Iowa it was apparent that we might be recessing or adjourning. It seems to me that we ought to proceed, because we must vote at 4 o'clock to-morrow.

Mr. CUMMINS. At 4 o'clock to-morrow.

Mr. ASHURST. I think we ought to go right along with the bill for another hour.

Mr. CUMMINS. My judgment is that before we could get a quorum the time would have come to adjourn, and I had it in my mind to move a recess, after an executive session, until 11 o'clock to-morrow. The Senator from Arizona knows how difficult it is to get a quorum at this hour in the afternoon.

Mr. ASHURST. Oh, I have no idea of making a point of no quorum. I probably shall do that which will drive out a quorum; I want to make a short speech, lasting three or four minutes.

Mr. CUMMINS. If the Senator wants to speak upon the bill, of course I shall not make any motion.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Iowa or the Senator from Tennessee a question? I desire to know if the Judiciary Committee gave any attention to the suggestion of increasing the number of United States commissioners rather than increasing the number of judges? The judge of the district court of Boston, in addressing the bar association a short time ago, thought the congestion in the courts could be relieved very much by increasing the number of commissioners and increasing their jurisdiction, rather than by increasing the number of judges. Has the Judiciary Committee considered that aspect of the question?

Mr. SHIELDS. That was discussed in the committee; but while the committee really came to no definite conclusion in the way of a vote upon the subject, I think the majority of the opinion was that under the Constitution commissioners could not be vested with sufficient power. There was a difference in the committee upon the subject; but, as I say, I think the majority were of the opinion that such a remedy was not available.

Mr. WALSH of Montana. Mr. President——

Mr. WALSH of Massachusetts. I should like to have the opinion of the Senator from Montana, also.

Mr. WALSH of Montana. I think the opinion expressed by the Senator from Tennessee was universally entertained in the committee, that the judicial power could not be vested in commissions; that is to say, they could not be empowered to act the part of judges. It was suggested, however, that a very great relief could be accorded in substantially the same way—that is to say, by appointing what might be spoken of as auxiliary or deputy judges, given the power to try these comparatively trivial cases which come before the Federal courts and are generally referred to as police court business. For myself, I think it exceedingly unfortunate that these Federal judges, judges of the district courts, should be required to spend their time trying cases that in the ordinary jurisprudence would go for adjudication before some inferior tribunal, acting generally in a summary way.

Mr. WALSH of Massachusetts. The Senator's statement is in line with the opinion of the justice to whom I have referred.

Mr. WALSH of Montana. Yes. Such judges, however, would be United States judges. They would be appointed, as a matter of course, for life, just the same as the existing district judges. I should see no particular objection to that, however, because really the clerks of the district courts are practically appointed for life, because a judge having once appointed his clerk, he continues in office so long as the judge does, as a rule, and the judge remaining for life, the clerk remains for life. So I do not see that there would be any particular objection on the ground that these inferior judges would have a life tenure, just the same as the judges of greater dignity; but the Chief Justice seems to regard the suggestion with very little favor, and I am inclined to think that perhaps his opinion was somewhat influential with the committee. I spoke as apparently does the Senator from New Jersey about the matter because I received a letter from a very distinguished judge out West who expressed exactly the same view, that the situation would be greatly relieved if some system could be devised by the granting of jurisdiction to commissioners, as he expressed it, or to some other judges, judges of inferior grade, who would handle this police court business.

Mr. WALSH of Massachusetts. Has the increase in business been largely of a trivial character, similar to police-court business?

Mr. WALSH of Montana. I think the hearings before the committee rather tended to dissipate the public opinion that the congestion complained of is very largely due to the Volstead Act and other prohibition legislation.

Mr. WALSH of Massachusetts. That seems to be the popular opinion.

Mr. WALSH of Montana. Undoubtedly it has contributed very much to the aggregate of the business of these courts; but in the deliberations of the committee and in the assignment of judges as they are assigned by this bill practically no attention whatever was paid to the prohibition cases. The judgment of the committee, I think, in every instance, either in rejecting or in granting an additional judge, was based upon the business outside of the prohibition cases. I think the Senator in charge of the bill will confirm that view; but, notwithstanding that, there is a vast amount of business of that character which could as well be disposed of by judges of the caliber of the ordinary municipal judge, and, in my opinion, with substantial justice at, I think, a very much reduced cost to the Government of the United States, thus enabling the district judge to give his attention to more important matters.

Mr. WALSH of Massachusetts. May I ask the Senator from Montana if he has expressed an opinion about the provision of this bill that provides for the transfer of judges from jurisdiction to jurisdiction?

Mr. WALSH of Montana. I intend to say something about that when I discuss the bill, as I propose to do briefly to-morrow morning.

EXECUTIVE SESSION.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

RECESS.

Mr. CUMMINS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to, and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 7, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 6 (legislative day of April 5), 1922.

MEMBERS OF THE RAILROAD LABOR BOARD.

The following-named persons for reappointment as members of the Railroad Labor Board, for terms of five years:

LABOR GROUP.

A. O. Wharton, of Missouri.

MANAGEMENT GROUP.

J. H. Elliot, of Texas.

PUBLIC GROUP.

G. Wallace W. Hanger, of the District of Columbia.

UNITED STATES ATTORNEY.

George Springmeyer, of Nevada, to be United States attorney, district of Nevada, vice William Woodburn, jr., resigned.

UNITED STATES MARSHAL.

Albert C. Sittel, of California, to be United States marshal, southern district of California, vice Charles T. Walton, whose term has expired. This nomination is made for the purpose of correcting the name of the nominee, who was nominated March 21 and confirmed March 29, 1922, as Albert L. Sittel.

PROMOTIONS IN THE REGULAR ARMY.

To be colonel.

Lieut. Col. James Justice, Infantry, from April 1, 1922.

To be lieutenant colonel.

Maj. Royden Eugene Beebe, Infantry, from April 1, 1922.

To be major.

Capt. Robert Sherman Barr, Ordnance Department, from April 1, 1922.

POSTMASTERS.

ALABAMA.

Frank M. Johnson to be postmaster at Haleyville, Ala., in place of E. P. Lakeman. Incumbent's commission expired March 8, 1922.

CALIFORNIA.

Donald A. Parker to be postmaster at Etna Mills, Calif., in place of R. A. Crandall, deceased.

Harry A. Bradford to be postmaster at Hayward, Calif., in place of C. J. Hammond, jr. Incumbent's commission expired April 8, 1922.

COLORADO.

Mary H. Cowie to be postmaster at Boulder, Colo., in place of J. O. Miller. Incumbent's commission expired May 10, 1920.

F. Julian Dyer to be postmaster at Crested Butte, Colo., in place of A. C. Miller, removed.

Samuel H. Carlson to be postmaster at Julesburg, Colo., in place of Finley Dye. Incumbent's commission expired January 24, 1922.

GEORGIA.

Lavonia L. Mathis to be postmaster at Bullochville, Ga. Office became presidential July 1, 1921.

ILLINOIS.

Louis E. Ude to be postmaster at Carmi, Ill., in place of L. H. Boyd, resigned.

Fred More to be postmaster at Charleston, Ill., in place of Frank Johnston, removed.

Harker Miley to be postmaster at Harrisburg, Ill., in place of J. W. Davis, resigned.

INDIANA.

Lillian R. Stuck to be postmaster at Orland, Ind. Office became presidential January 1, 1921.

IOWA.

Grant E. Olson to be postmaster at Soldier, Iowa. Office became presidential April 1, 1921.

Clarissa A. Chandler to be postmaster at Lawler, Iowa, in place of D. P. O'Connor. Incumbent's commission expired January 24, 1922.

John A. Ruesink to be postmaster at Lime Springs, Iowa, in place of D. E. Horton. Incumbent's commission expired January 24, 1922.

Fred E. Dunton to be postmaster at Riceville, Iowa, in place of J. E. Dargan. Incumbent's commission expired January 24, 1922.

KENTUCKY.

Luther P. Maxey to be postmaster at Adairville, Ky., in place of O. D. Procter. Incumbent's commission expired February 19, 1922.

MARYLAND.

Alonzo M. Moore to be postmaster at Cambridge, Md., in place of G. W. Wright. Incumbent's commission expired January 18, 1920.

MASSACHUSETTS.

D. Anthony Sheehan to be postmaster at Weston, Mass., in place of D. A. Sheehan, resigned.

MICHIGAN.

Lewis E. Kephart to be postmaster at Berrien Springs, Mich., in place of J. C. Hoopingarner. Incumbent's commission expired July 21, 1921.

Herbert E. McElheny to be postmaster at Gobles (late Gobleville), Mich., in place of R. E. Vickers, deceased.

MINNESOTA.

Ingebright A. Hanson to be postmaster at Frost, Minn. Office became presidential July 1, 1921.

Robert L. Bresnan to be postmaster at Madison Lake, Minn. Office became presidential April 1, 1921.

MISSISSIPPI.

Charles C. Swetman to be postmaster at Perkinston, Miss. Office became presidential January 1, 1921.

MISSOURI.

W. Arthur Smith to be postmaster at Purdin, Mo. Office became presidential January 1, 1921.

Lorenzo T. McKinney to be postmaster at Marceline, Mo., in place of J. S. Walker. Incumbent's commission expired January 24, 1922.

NEBRASKA.

Joseph S. Jackson to be postmaster at Inman, Nebr. Office became presidential July 1, 1921.

Minnie Johansen to be postmaster at Loup City, Nebr., in place of C. F. Beushausen. Incumbent's commission expired February 4, 1922.

Fred Wolter to be postmaster at Ohiowa, Nebr., in place of Fred Wolter. Incumbent's commission expired February 4, 1922.

NEW MEXICO.

Effie C. Thatcher to be postmaster at Chama, N. Mex. Office became presidential July 1, 1920.

NEW YORK.

William E. Cartwright to be postmaster at Arnagansett, N. Y., in place of Ira Baker. Incumbent's commission expired February 14, 1922.

Leslie R. Bell to be postmaster at Manlius, N. Y., in place of J. J. Costello. Incumbent's commission expired January 24, 1922.

NORTH DAKOTA.

Viola Tomlinson to be postmaster at Oriska, N. Dak. Office became presidential July 1, 1920.

Anna M. Potter to be postmaster at Granville, N. Dak., in place of M. A. Leavy, resigned.

OHIO.

John Q. Sanders to be postmaster at Waynesfield, Ohio. Office became presidential October 1, 1921.

John P. Grassbaugh to be postmaster at Bigprairie, Ohio, in place of J. P. Grassbaugh. Incumbent's commission expired January 31, 1922.

Jasper A. Barrell to be postmaster at Malta, Ohio, in place of F. C. Thomas. Incumbent's commission expired January 31, 1922.

Joseph H. McKinney to be postmaster at New Concord, Ohio, in place of H. E. Miller. Incumbent's commission expired January 31, 1922.

Paul E. Muckley to be postmaster at Waynesburg, Ohio, in place of M. M. Mowis, resigned.

OREGON.

William S. Bowers to be postmaster at Baker, Oreg., in place of G. H. Foster. Incumbent's commission expired April 19, 1921.

PENNSYLVANIA.

William E. Vance to be postmaster at Unity Station, Pa. Office became presidential April 1, 1921.

Mame E. Hughes to be postmaster at Ward, Pa. Office became presidential July 1, 1921.

Charles W. McLaughlin to be postmaster at Mercersburg, Pa., in place of H. B. Krebs. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

Caleb F. Pendleton to be postmaster at Cheraw, S. C., in place of L. J. Huntley. Incumbent's commission expired August 10, 1921.

SOUTH DAKOTA.

Alfred R. Dendy to be postmaster at White River, S. Dak., in place of A. R. Dendy. Incumbent's commission expired January 31, 1922.

TEXAS.

Robert L. Witty to be postmaster at Bomarton, Tex. Office became presidential April 1, 1921.

Jacob Bennett to be postmaster at Bremond, Tex., in place of L. V. Holbert, resigned.

VIRGINIA.

Charles R. Coakley to be postmaster at Arrington, Va. Office became presidential April 1, 1921.

Philip B. Nourse to be postmaster at East Falls Church, Va. Office became presidential October 1, 1920.

James F. Walker to be postmaster at Fort Defiance, Va. Office became presidential July 1, 1920.

Winer Owens to be postmaster at Haymarket, Va. Office became presidential January 1, 1921.

Homo D. Gleason to be postmaster at Lovingston, Va. Office became presidential July 1, 1920.

Ann E. Copps to be postmaster at Schuyler, Va. Office became presidential April 1, 1921.

Bernard W. McGinnis to be postmaster at Shipman, Va. Office became presidential July 1, 1921.

Eva C. Hudson to be postmaster at Tye River, Va. Office became presidential April 1, 1921.

Benjamin A. Dratt to be postmaster at Woodford, Va. Office became presidential April 1, 1921.

WISCONSIN.

Simon Skroch to be postmaster at Independence, Wis., in place of Simon Skroch. Incumbent's commission expired January 24, 1922.

WYOMING.

Frank J. Estes to be postmaster at Salt Creek, Wyo. Office became presidential January 1, 1920.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 6, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, Thou dost bless us with the countless mercies of life, and we thank Thee for the promise that the rest of the way need not be made alone. We offer Thee the unspoken praise of our hearts. We seek that calmness of soul that accepts problems and hardships which stir our best energies. Abide with us, dear Lord, that they may unfold into the fruits of righteousness, wisdom, and happiness. Refine our faculties, increase their capacity, and give them unity and direction. We would have our principles alive with splendid zeal. Under the ministry of Thy Spirit may they reaffirm themselves in unselfish and unwearied service for our Republic. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. GARRETT of Tennessee. Yesterday afternoon the gentleman from Texas [Mr. BLANTON] rose to a question of privilege, but it was held by the Chair not to be a question of privilege on the ground that the matter did not present a question of privilege, and the gentleman from Texas asked unanimous consent that he might proceed briefly, stating that it was a matter affecting the entire House. Objection was made, but I have reason to think that that objection would not be pressed, and I ask unanimous consent that the gentleman from Texas may proceed for 15 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Texas [Mr. BLANTON] may proceed for 15 minutes. Is there objection?

Mr. WALSH. Mr. Speaker, is this a matter that he spoke on yesterday?

Mr. BLANTON. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes at the conclusion of my colleague's address.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent at the conclusion of the address of his colleague to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, during my entire career in Congress I have never yet said on the outside behind their backs anything about the House or any of my colleagues which I had not theretofore already said on this floor face to face in your presence.

On January 12, 1922, from this floor I made a speech against some of the perquisites of Congressmen. I made it in your presence face to face. A few days previous I had fought against the Ireland resolution passed by this House paying all losses of our restaurants in the Capitol and House Office Building out of the Treasury. As usual, I was ridiculed by a Member. The lady from Oklahoma claimed that I favored using one roller towel a week for a family. My speech from this floor on January 12, 1922, showed just what is furnished to Congressmen and the perquisites we enjoy. In my speech at Austin, Tex., I made just such statements as I had made on this floor.

Yet in attempting to quote me in last Sunday's issue the New York World garbled facts with fiction.

I did not say that Congressmen are shaved free. I said that our barbers have their barber shops, furniture, fixtures, lights, heat, water (hot and cold), towels, and such things furnished to them free, paid for by the Government, and in addition were paid salaries of $70 per month out of the Treasury, and that we paid them 25 cents for haircuts, when double and treble this fee is charged in commercial shops. I said the body rubbers in our bathrooms were paid $95 and $78 per month, respectively, out of the Treasury, and that it should stop.

I said that in our splendid offices we are supplied with a secretary and clerk, at an expense of $3,200 per annum, with $480 bonus added; that we are supplied with the finest furniture and carpets, two typewriting machines, comb and brush, clothes brush, soap, hot and cold water, electric fans, and clean linen towels every day. I did not say that the rug on my office floor cost $500. I said that the carpets and rugs in some of the large suites of committee chairmen cost $500. And if you will look on page 363 of our Clerk's last report you will see that the rugs and carpets for the Interstate and Foreign Commerce Committee rooms cost the Government $1,124.80. And on page 368 you will see that for the carpet on this floor our Government paid $10,078. And on page 366 you will see that for each Wilton rug that goes into our ordinary offices the Government last paid $191.75 each. In stores they would cost citizens much more.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment.

I did not say that the Government supplies each Congressman with a whisky flask, a poker set, pocketknives, and so forth. What I said was that in the Sixty-fifth Congress each Member had credited to his account in the stationery room $375, and in the Sixty-sixth Congress each Member had credited to him $375, and in the present Congress each Member has had credited to him already, since April 1 last year, $250, and will have another $125 credited to him there on December 1, ostensibly to buy stationery, and that we are permitted to draw this out in cash, if we want to, or we are permitted to buy anything kept in the House stationery room and have it charged against our stationery accounts. I said that these employees in the House stationery room are paid out of the Treasury to wait on us. I said that there is kept there for sale, and I exhibited on this floor the articles I procured for the purpose from said stationery room—whisky flasks covered with ostrich skin leather; ladies' fine bags covered with ostrich skin leather, worth wholesale $22.40; fine leather-covered poker sets, playing cards by the dozen; ladies fine manicure sets, all pearl covered, worth wholesale, $28——

Mr. GARRETT of Tennessee. Mr Speaker, will the gentleman yield?

Mr. BLANTON. In a moment.

Sets of carving knives, forks, and steels, copper chafing dishes, worth wholesale $15; pearl-handled pocketknives, worth wholesale $8; and large hunting knives. I showed that any Member could buy these things, if he desired, and have them charged against his $375 credit for each Congress of three sessions. And I said then, and I say now, that it should be stopped.

I did not say that each Member receives $2,100 mileage. What I did say was that in the Sixty-fifth and the Sixty-sixth Congresses, the mileage paid to the Texas Members would average $2,100 for each of these Congresses, and that it would average $2,100 for this Congress to each Texas Member. As a

matter of fact, it averages $2,191.44 to Texas Members. Where there are three sessions to a Congress, as in the Sixty-fifth, the Sixty-sixth, and the present Sixty-seventh Congress, each one of us Texas Members gets three mileage checks per Congress, and each of these checks average $730.48. To show exactly what each of these three mileage checks amounts to, I quote from the Sergeant at Arms' books the following:

Amount of each mileage check issued to Texas Members.

Hatton W. Sumners	$707.20
Marvin Jones	736.00
Clay Briggs	702.80
Sam Rayburn	673.20
Harry Wurzbach	783.60
John N. Garner	851.20
Eugene Black	514.00
Daniel E. Garrett	602.40
C. B. Hudspeth	934.00
J. J. Mansfield	840.00
John C. Box	646.40
Tom Connally	740.80
Rufus Hardy	729.20
Thomas L. Blanton	717.20
Morgan G. Sanders	706.00
James P. Buchanan	840.00
Lucian Parrish	733.48
Fritz Lanham	697.20
Total	13,148.68

The above total divided by 18 shows that the mileage paid Texas Members averages $730.48 for each of the three sessions of Congress, or an average of $2,191.44 per Texas Member per each Congress.

Of course Members living in different parts received different amounts. The majority leader, the gentleman from Wyoming [Mr. MONDELL] receives $766 per session, or $2,298 per Congress, while the gentleman from Florida [Mr. SEARS] receives $386 per session, or $1,158 per Congress, and the distinguished gentleman from California [Mr. BAKER] receives $1,453.20 per session, or $4,359.60 mileage per Congress. And I called attention to the fact that there are over 60 bachelors i Congress, and that we all get mileage whether we ride trains or not, and that this overpayment of unnecessary mileage should be stopped.

I called attention to the fact that after I knocked out on a point of order and kept us from getting last year our usual cedar chest, pine chest, and oak chest, when a few weeks ago I again had a point of order sustained against same a majority of you supported an appeal from the decision of the Chair and put these items back into the bill. And none of you can defend successfully our receiving cedar chests paid for out of the Treasury.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. I have just a few matters more. Then I will yield.

Though you may not believe it, I am working for the best interests of every Member in Congress. We can not defend these little, measly items of petty graft. I have seen some of the biggest, most important men in this House defeated at the polls and left at home. And unless we put an end to all this foolishness, sooner or later each one of us will be left at home, for our people are going to hold us individually responsible for same.

In my speech at Austin, Tex., I told my big audience there, and also at Houston, and also at Denison, that the great majority of you are just as much against all of these little items of graft as I am, but you have learned that if you ever oppose any of such items you are immediately called a hypocrite and a demagogue, and you take the path of least resistance and say nothing. Why, a distinguished Member told me yesterday that if I kept up my fight my colleagues would all dislike me. If that is true, I am ready to accept their dislike. If I can not criticise the things I find here that I think should be stopped in the interest of the people without my colleagues disliking me, then I must accept your dislike. For I came here to serve not you, my colleagues, but my 314,000 confiding constituents in Texas. My first concern is their interest. And if representing their interest loses me the friendship of every colleague here I am ready to lose it. But you are not that kind of men. And I want your friendship. But I want it only if you are willing to give it, notwithstanding my fights for what I believe is right. [Applause.]

Now I yield.

Mr. GARRETT of Tennessee. The gentleman has referred to these matters as "graft."

Mr. BLANTON. I was only saying what the distinguished gentleman from Mississippi [Mr. SISSON] said they were.

Mr. GARRETT of Tennessee. Among other things, the gentleman refers to the stationery account. Of course, I suppose the public generally understands that there is under the law allotted to each Member during a session of Congress $125 for stationery?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Now, may I ask the gentleman a question somewhat personal?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Has there been a session of Congress at which the gentleman himself has not expended that much or more for stationery?

Mr. BLANTON. Not for stationery alone, because I bought various articles.

Mr. GARRETT of Tennessee. That comes within the legitimate scope of stationery.

Mr. BLANTON. Well, for instance, I bought a typewriter, an extra one, that I needed, which is my property. It belongs to me.

Mr. MONTAGUE. You did not buy it out of the $375?

Mr. BLANTON. I bought it out of the $375 that is allowed me per Congress. I can take that typewriter home with me when I go.

Mr. GARRETT of Tennessee. Did the gentleman in his address in Texas state this matter in a manner to leave upon the audience which he was addressing the fair impression that Members were expending their stationery allowance for things other than stationery and outside of the limit of the law?

Mr. BLANTON. I am glad the gentleman asked me that question. I stated at Austin just exactly what I said on this floor on January 12, 1922, in your presence; exactly that, and no more. I left no impression there that I did not make in the RECORD and in my speech here to-day, that a Member, if he wants to, can take it all out in cash if he can get along with a little stationery. As a matter of fact, the distinguished gentleman from Tennessee knows that each of the committees furnishes us with a good deal of stationery, our own committees.

Mr. GARRETT of Tennessee. I do not know how it is with the gentleman, but since I have asked the question of the gentleman himself, I will say for myself that year in and year out there has never been a year in which the allowance for stationery alone meets my requirements.

Mr. BLANTON. That may be true; but I want to ask the gentleman this: If we spend it all for stationery, why is it necessary to keep all these items in that stationery room for sale at wholesale prices to Members? The manager of the stationery room told me that the wife of a Member of the House had come to him one day and asked him to buy a ton of coal for her. He told me that another Member's wife had come to him and asked him to have her shoes half-soled and charged to her husband's stationery account. I say that is a matter that we can not defend before our own people. We ought to stop it and stand on this floor and not be afraid of the gaff of the Members. That is what I have got to stand. It is the gaff that you have to stand. But I can stand it. I have stood it all my life, and I am not afraid of the gaff. I have stood more than that in my life, and I am not afraid of the gaff that always follows such a fight.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. GARRETT of Tennessee. Of course, the gentleman did not leave the impression upon his Texas auditors, nor does he intend to leave the impression here, that the stock which is now in the stationery room is costing the Government anything?

Mr. BLANTON. Well, if the gentleman will figure up what it costs to put in that stock of incidentals I have mentioned down there, and keep them, and the general wear and tear on them, selling them at actual cost, what it costs this Government, considering what salaries are paid to clerks there, the distinguished gentleman from Tennessee is a good enough accountant to find that it costs this Government much money.

The SPEAKER. The time of the gentleman has expired.

Mr. GREEN of Iowa. I ask unanimous consent that the gentleman from Texas have one minute more. I want to ask him a question.

Mr. GREENE of Vermont. I object.

Mr. GARNER. Mr. Speaker, I desire to be recognized for 10 minutes.

The SPEAKER. The gentleman from Texas [Mr. GARNER] is recognized for 10 minutes. [Applause.]

Mr. GARNER. Mr. Speaker and gentlemen of the House, in these United States there are all kinds of liars [applause]—there are artistic liars, there are inartistic liars, and then there is the common, ordinary liar.

Mr. BLANTON. Well, I will hold the gentleman personally responsible to me if he calls me one.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] will take his seat. The Sergeant at Arms will see that the gentleman takes his seat.

Mr. GARNER. Mr. Speaker, if I may have order—I hope that the gentleman [Mr. BLANTON] will not leave.

A Member. He has left.

Mr. GARNER. Mr. Speaker, when I look over here and see this grand old man from Pennsylvania sitting here [Mr. BURKE], I know that he is a truthful man, and you could not make him lie. [Applause.] When I come over on this side and look at our distinguished leader [Mr. GARRETT of Tennessee], every man in this House will testify that you could not wring a falsehood from him. [Applause, all the Members rising.]

But, Mr. Speaker, I have in my mind's eye—I can not observe him just at this moment, of course—but I have in my mind's eye an individual; not a man—an individual, a creature, who is as common and base a liar as ever spoke a word of English in this country. [Applause.] I have in my mind's eye, Mr. Speaker, a man who, if he had the opportunity—mark my language; I want to stay within the rules of this House—who would if he had the opportunity place in the CONGRESSIONAL RECORD the menu of the restaurant in this building where we get our lunches, without the cost price of the different articles, in order that he might make the people of Texas believe that you were getting your food free of charge at the cost of the taxpayers of this country. I know a miserable, cowardly creature—I have him in my mind's eye at this moment—who would go to the stationery room of the House Office Building, make inquiry as to the purchase of a whisky flask, and when he found that he could not get it because they did not have them for sale, would ask the superintendent to send to Philadelphia and buy him one, in order that he might parade it in Texas as though it was given to the membership of this House free of charge at the taxpayers' expense. That creature, as I say, I have in my mind's eye. I know this individual would charge you with nepotism in order that he might parade his virtue in Texas, and at the same time have two of his children on the pay roll of the Government.

Mr. Speaker, it is a harsh thing to speak about individuals, even if they are only in your mind's eye; but I, speaking for myself alone—I say it with as firm a conviction as I ever spoke a word from the floor of this House that I believe that individual, that creature that I have in my mind's eye, would do anything in order to accumulate wealth or to place himself forward from a political standpoint. [Applause.]

Mr. Speaker, I want to say one word for the Texas delegation. I have not mentioned a name up to date, but I want to say to the membership on the Republican side of the House, because the membership on the Democratic side already knows it—I speak the sentiment of every Member of the Texas delegation when I tell you that we hang our heads in shame and in humiliation every time BLANTON, of Texas, is referred to as our colleague. [Applause.] I speak for the Democratic Party here, I believe, the sentiment of every man in it, when I say that we look upon him as a liability and a distinct injury to our party. [Applause.] Ah, Mr. Speaker, I wish the rules of this House did not prevent me from expressing the viewpoint of all Members of the House. If I could only suspend the rules, Mr. Speaker, I would say what is in the hearts of the Members. I would say now, if the rules did not prevent me from saying it, I would say what 436 men believe at this moment, that THOMAS BLANTON, of Texas, is a discredit to the House of Representatives and ought to be kicked out. [Applause.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, in view of what has been said about the restaurant, the barber shop, and the stationery room, I think it is proper that there should be a brief statement made with regard to those institutions at this time. For many years, certainly far beyond my 25 years of service, certain colored men have been employed in the House who in addition to their other duties, for which they were paid a small salary, serve the Members and the employees of the House as barbers. I have never been shaved or had a hair cut in the House for which I have paid less than I would pay at any commercial shop anywhere. While a certain gentleman stated a moment ago that there was a cut-rate price, I have never heard of it. The necessity for the maintenance of barber shops in the House is apparent to anyone who knows anything about the business of the House. If Members and employees are to maintain a proper appearance, they certainly need the services of a barber and a hair cutter occasionally, and can not always find the time to go down town. It is necessary to have a barber shop. The barbers in the House are paid a small sum for work which they actually perform. In addition to this, they serve the Members and employees, and they are paid for that service by the Members or the employees whom they serve.

We have had for many years a session allowance of $125 each for stationery. We procure that stationery through the stationery room. There lies on my desk to-day a statement from the stationery room to the effect that my stationery account is exhausted, and nothing has been purchased on that stationery account, so far as I know, except stationery and those things necessary for carrying on the work of my office. [Applause.] That is not an uncommon experience; it is, I think, the usual experience of Members who endeavor to serve their constituents by answering promptly and fully their correspondence.

We do furnish a room for a restaurant in this building. That is absolutely essential for the conduct of the business of the House and for the accommodation of those who have business with the House and its committees or of the visiting public. All are treated alike and all pay the same price. Quite recently an arrangement has been made under which under certain conditions it is possible that there will be something of a charge on the contingent fund for the maintenance of the restaurant, but that is doubtful. We pay at the restaurant for what we obtain there, and pay, I think, a very good price.

Mr. ASWELL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. ASWELL. Does the gentleman know of any article that any Member has secured from the stationery room or the House restaurant without paying for it?

Mr. MONDELL. I know of no article that any Member has received or will receive from the restaurant or the stationery room that he has not paid for or will pay for.

Mr. ASWELL. And enough more to cover the overhead.

Mr. MONDELL. Undoubtedly; beyond all question. Now, I have never inquired of the keeper of the stationery room as to whether he could secure for me a whisky flask. [Laughter.] He is an accommodating gentleman, and if a Member of Congress asked him to buy a whisky flask for him I suppose he would feel it his duty to do so. I should think it would be a reflection on the Member to make such a request. I am not an adept in the great American game, and I have no knowledge whether any Member ever asked the gentleman in charge of the stationery room to buy him a poker set. If a Member desired a poker set—whatever that is—and was ready to pay for it, I suppose the accommodating young man who is in charge of the stationery room might feel disposed to buy it for him. I do not know just why, Mr. Speaker, it is deemed essential to drag that sort of thing into a discussion relative to the Congress. I have been here a long time, and I am glad to be able to say that with exceptions that are so rare as to be negligible—so rare that I can count them on the fingers of one hand—I would say that there has not been a man I have served with that has not been honest, upright, and faithful, nor a man who would under any circumstances stoop to graft. [Applause.]

Mr. BARKLEY. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. BARKLEY. I ask unanimous consent that the gentleman from Wyoming have another minute, in order that I may call his attention to a matter that I think should go into the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARKLEY. The gentleman has referred to whisky flasks; and the gentleman from Texas [Mr. GARNER] has referred to that subject. In order that the record may be clear, I desire to state that on the 5th day of January of this year the gentleman from Texas [Mr. BLANTON] went to the stationery room and asked for a whisky flask. They did not have it.

Mr. MONDELL. Certainly not.

Mr. BARKLEY. And they advised him that they did not keep them for sale. He then requested the stationery room to order him one. The stationery room ordered him one from Charles M. Griskey Sons, of Philadelphia, Pa. The order is No. 1825, on the records of the stationery room. The flask was ordered under No. 573-3-3 Ost. It was a pint flask, covered with ostrich hide, for which Mr. BLANTON paid in cash at the time he got it, the price being $6. [Laughter and applause.]

Mr. MONDELL. I assume that that was all done for the purpose of being able to make the statement that whisky flasks

could be obtained in the stationery room. I can not say whether the Member from Texas [Mr. BLANTON] is correctly quoted or not, but he certainly has been quoted all over the country as having stated, while exhibiting this same flask, that they were furnished to all Members from the stationery room.

Mr. BARKLEY. That is, no doubt, the flask he exhibited in Texas.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. The gentleman from Wyoming, I think, has covered everything that was mentioned of any consequence in the statement of the gentleman from Texas except the question of mileage. I would like to ask the gentleman from Wyoming if he knows how long it has been the law that a Member of Congress shall receive 20 cents a mile each way over the shortest traveled route between his home and Washington?

Mr. MONDELL. Much more than a quarter of a century.

Mr. STAFFORD. Since 1866.

Mr. SISSON. I think I can enlighten the gentleman. One of the first controversies that came up on the floor of the House after the Government was organized was the equalization of compensation of Members of Congress. In order that their compensation might be equalized the fathers of this Republic and the First Congress—or I think the second—provided that mileage should be paid from the home of the Member to the city of Washington and return, so that every Member of Congress might receive exactly the same compensation for services rendered here.

Mr. GREEN of Iowa. As a part of the salary?

Mr. GARRETT of Tennessee. I have wondered why, since all through the history of the Republic the mileage has been given and such men have taken it as Madison, Lincoln, Clay, Blaine, Conkling, and Carlisle, the gentleman from Texas could not take it without being contaminated. [Laughter.]

Mr. MONDELL. Mr. Speaker, in order that it may be clear, may I say that the mileage allowance is granted once a session of Congress. For one, I desire to offer testimony to the effect that during my service here, while I never have traveled except as it was necessary to travel between Washington and my home, the mileage allowance made to me, though it is a considerable sum, has not fully paid the bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. In order that the RECORD may show a little more accurately in reference to the stationery allowance, I want to say a word. Each Member of the House is entitled to a credit in the stationery account of $125 for each session of Congress. The average cost to the average Member of the House for his stationery supplies amounts to a great deal more than $125 for each session of Congress. That allowance was made years ago, before a Member of Congress even had a secretary, much less two. It is credit in the stationery room. The Member of Congress can withdraw the entire $125 in cash if he chooses to do so. That is what I have usually done since I have been a Member of the House. Then he pays for his stationery or other supplies of that character as he gets them in cash out of his own pocket. Having the right to withdraw the $125 in cash, he may obtain from the stationery room any kind of supplies which they will purchase for him, and it is then charged up to his $125, but when he does that he pays the other bills for his stationery out of pocket. It is in no sense graft. It is in no sense securing anything from the Government free of charge, and the insinuation that because a Member of the House has purchased some article which is not strictly stationery through the stationery room he has thereby participated in a species of graft has no basis in fact whatever. [Applause.] And such an insinuation is unworthy of any man with brains enough and any honor at all who is permitted to sit in this House. [Applause.]

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, with Mr. DOWELL in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF STATE.

OFFICE OF SECRETARY OF STATE.

Salaries: For Secretary of State, $12,000; Undersecretary of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500; officers to aid in important drafting work—8 at $4,500 each, 5 at $4,000 each, 15 at $3,500 each, 15 at $3,000 each, 17 at $2,500 each, to be appointed by the Secretary, any one of whom may be employed as chief or assistant chief of division or as chief of bureau, or upon other work in connection with the foreign relations; assistant solicitors of the department, to be appointed by the Secretary—1 $4,500 (who shall also represent the interests of the United States in all matters or investigations before the International Joint Commission created by the treaty of January 11, 1909, between the United States and Great Britain), 5 at $3,000 each, 2 at $2,500 each; chief clerk, who shall sign such official papers and documents as the Secretary may direct, $3,000; law clerks—1 $2,500, 2 at $2,250 each, 3 at $2,000 each; law clerk and assistant, to be selected by the Secretary to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; 2 translators, at $2,100 each; private secretary to the Secretary, $2,500; private secretary to the Undersecretary, $2,000; clerk to the Secretary, $1,800; clerks—27 of class 4, 30 of class 3, 40 of class 2, 63 of class 1 (3 of whom shall be telegraph operators), 40 at $1,000 each, 10 at $900 each; lithographer, $1,400; chief messenger, $1,000; 8 messengers at $840 each; 27 assistant messengers at $720 each; 4 messenger boys at $420 each; packer, $720; 7 laborers at $660 each; 4 telephone switchboard operators at $720 each; chauffeur, $1,080; 10 charwomen at $240 each; in all, $608,140.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I am glad to state that I represent some people in Texas who believe in constructive legislation. [Applause.] I represent largely the live stock and farming interests of western Texas. About 50 years ago under a live oak tree near the home of my late lamented friend, Lucien Parrish, there was organized the Texas Cattle Raisers' Association. At that time it was organized for the purpose of protecting the legitimate cattle raiser from what was actually known at that time as the "cattle rustler," or cattle thief, to protect the man who owned the cattle from the man who wanted to acquire them dishonestly. That organization has grown until it now is known as the Texas and Southwestern Cattle Raisers' Association, comprising men in the live-stock industry of the best business attainments and moral standing, leading citizens of the States of Texas, Oklahoma, Kansas, New Mexico, California, and Arizona. It has to-day a membership of something like 15,000, the largest organization in the interest of the live-stock industry in the world. This organization is now endeavoring to secure cheaper freight rates for the shipment of live stock to market and to pasture in other States. It has now an application, and its secretary is here asking for a cheaper rate on range cattle to the markets and to the feeding grounds of Kansas, Oklahoma, Wyoming, and the great northwest. A conference was held by representatives of the railroads in Chicago yesterday to see whether or not they could agree that Ex parte 72 should be removed and the 20 per cent increase of last year should be reduced. If that is not agreed to, it will then be taken up by the Interstate Commerce Commission, and if it is granted it means a reduction in the shipment of cattle from Texas to the States of Wyoming, Montana, Nebraska, Oklahoma, and Kansas of at least 50 cents per head. This great organization, that was headed by one of the ablest men in Texas last year, Hon. W. W. Turney, a live-stock grower as well as a great lawyer, composed of business men, of leading live-stock producers throughout the West, men who have given their lives to the live-stock industry, is asking certain things at the hands of Congress. The amendment which was passed last year to the War Finance Corporation permitting said corporation to rediscount live-stock loans, has been the means of loaning something like $30,000,000 in my State, which has somewhat relieved the live-stock producers and stimulated the price of live stock. The live-stock producer has had a hard struggle since the armistice was signed, and the drop in prices of his product, but I am happy to say that in my State conditions are a little improved at this time, so far as the prices of live stock, wool, and mohair are concerned. Representatives of this organization met in convention at Fort Worth, Tex., recently and passed certain resolutions, among them one asking for the continuance of the War Finance Corporation from July 1 of this year to January 1, 1923. I trust that some of the majority, who at present are in control of Congress, because I know the credit will go to that side over there, will offer a bill, as you are interested in the live-stock industry as I am, extending the provisions under which this finance corporation can rediscount live stock and agricultural paper until January 1, 1923.

Mr. Chairman, at the convention in Fort Worth recently certain resolutions were adopted. One of those commended the Members of Congress who had voted to revive the War Finance Corporation as applying to the rediscount of live-stock paper and commended the friends in Congress of the live-stock industry generally. I want to state to you that the work of that splendid organization—the War Finance Corporation—has been, in my judgment, the means of saving the live-stock industry from financial bankruptcy.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, may I have one more minute?

The CHAIRMAN. The gentleman from Texas [Mr. HUDSPETH] asks unanimous consent for one additional minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDSPETH. Gentlemen, I do not wish to clutter up the Record. I do not think I have done that since I have been a Member of Congress. There have been very few times when I have asked to extend my remarks and a very few times have I asked to embrace in my remarks documents of any character, but here are some resolutions in which you are interested, because they commend you, passed by this nonpartisan organization at Fort Worth, and which they have asked me to present to the Congress. Inasmuch as I do not wish to take up your time by reading the resolutions, I ask unanimous consent to extend my remarks by including them, and I trust every Member will read them carefully, and I am sure he will be profited thereby. [Applause.]

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the Record as indicated. Is there objection? [After a pause.] The Chair hears none.

The following are the resolutions referred to:

Resolution approving stand of Congressman HUDSPETH.

Whereas an article was published in the Commercial Bulletin of Boston on March 11 showing the correspondence between Robert L. Studley, of the Boston wool dealers, and Congressman C. B. HUDSPETH, of El Paso, Tex., the letters of Mr. Studley showing the position and stand taken by the wool dealers in favor of ending the emergency tariff and the fair stand taken by Congressman CLAUDE B. HUDSPETH in the defense of the woolgrowers and the continuance of the emergency tariff until such time as a satisfactory permanent tariff may be enacted by Congress; and

Whereas the letters of Mr. HUDSPETH show the sentiment and ideas of the agricultural bloc in Congress and of all the believers in a just and protective tariff for the producers of raw material in the United States: Be it hereby

Resolved, That we, the New Mexico Woolgrowers in convention assembled in Albuquerque, N. Mex., March 16 and 17, 1922, do hereby cast a vote of thanks and appreciation to Congressman C. B. HUDSPETH and the entire agricultural bloc who are so ably defending the cause of the producers of raw material in the United States: Be it further

Resolved, That the secretary be instructed to telegraph this resolution to Congressman HUDSPETH so as to cheer him on in his good work.

Resolutions adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas the needs of our great agricultural industry have received such intelligent and sympathetic attention in Congress: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association indorses the action of those Congressmen and Senators who have, with such great determination and high sense of justice, endeavored admirably to protect the welfare of the agricultural and live-stock producers, and urges the continuation of their constructive and helpful action.

Resolution adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas, owing to drought and deflation many live-stock producers who have invested the earnings of a lifetime in ranches and improvements, now having their ranches inadequately stocked, and, due to a lack of live-stock collateral, are unable to avail themselves of the benefits obtained from the War Finance Corporation by others more fortunate; and

Whereas there is now functioning a Government agency operating through farm loan banks enabling farmers with cheap money for a period of 33½ years, 3 per cent of the principal to be paid annually, but with the amount which any individual can apply for so small that it is impracticable for the live-stock producer: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association recommends the enactment at this session of Congress of an amendment to the farm loan act to include more fully grazing lands and improvements, and the increase of the loan limit sufficiently to place live-stock producers on a parity with other agricultural interests.

Resolution adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas we heartily commend the action of Congress in conferring upon the War Finance Corporation authority to make loans to producers on approved collateral through banks and loan companies, realizing that immense benefits have been and are being received from that source; and

Whereas we deplore the fact that in many sections, owing to necessary delay in forming companies to receive applications, climatic conditions which make it impossible to round up and count cattle in the winter months will prevent many worthy producers from obtaining much-needed relief before July 1, 1922: Therefore be it

Resolved, That we deem the extension for 12 months from July 1, 1922, of the powers granted to the War Finance Corporation vital to the interests of all producers; and be it further

Resolved, That a copy of this resolution be forwarded to the Secretary of Agriculture and to all Senators and Representatives in Congress from the agricultural States.

Resolution adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas the Texas & Southwestern Cattle Raisers' Association ever since the enactment of the transportation act have protested against the provision of the act known as section 15a, providing as a basis of rate making 5½ cents upon the aggregate value of the railroad in groups selected by the Interstate Commerce Commission as unjust, unreasonable, and unsound, and placing undue burden upon live-stock shippers, depriving them of the rights and remedies to secure reasonable rates, and fixing a standard which was impossible to attain upon reasonable rates that the industry could afford to pay; and

Whereas under the application of that act in the decision of the Interstate Commerce Commission which puts the same into effect, commonly known as Ex parte 74, wherein 35 per cent was added to the rates in the western group, embracing all of the country east of the Rocky Mountains to the Mississippi River, including Chicago, in addition to the advance made of 25 per cent during the war, and thus increasing the pre-war rates by 68 or 70 per cent and making rates which are unjust, unreasonable, and prohibitory to live-stock shippers who have been deprived of the right to just and reasonable rates and compelled to pay unreasonable exactions destructive of their business, under which the business can not be carried on; and

Whereas the railroads under the present basis of operating expenses and with reduced volume of traffic that has been occasioned by these advances in rates have not been able to earn and can not earn anything approaching the 5½ per cent in the aggregate or on the aggregate value of the property as assigned to them by the Interstate Commerce Commission approximating $60,000 per mile in the western district far beyond the real value of the property for any purpose for which it can be used or sold; and

Whereas under and by virtue of this act the Interstate Commerce Commission itself is without the power and by its action had deprived the States of their power to regulate rates so as to make them just and reasonable, and the attempt to do so has proven wholly impossible, and whereby the shippers have been deprived of the rights and remedies which previously existed under the law to just and reasonable rates: Now, therefore, be it

Resolved by the Texas & Southwestern Cattle Raisers' Association in convention assembled at Fort Worth, Tex., on the 14th to 16th of March, 1922:

1. That we urge the repeal of this statute, to wit, section 15a, and the return to the previous standard of fixing rates as that standard existed for a long period of years under the Hepburn law up to the time of this enactment.

2. That such additional legislation be enacted as may be necessary to protect the public against obligations to pay rates founded upon unreasonable and unfair valuation of railroads used for the purpose of calculating the rates that should be paid upon any fixed percentage of value.

3. That such legislation be enacted and such change be made in the law which creates the labor board as will not prevent the railroads of the country from obtaining labor at fair and reasonable cost commensurate with its worth and which will relieve the public of the necessity of paying operating expenses unduly enhanced by the excessive cost of supplies and materials, and in this connection we declare it to be the consensus of opinion of the live-stock producers represented by this association that railroad rates, wages, cost of supplies and materials shall stand their reasonable share in the deflation along with live stock and farm products, and that they bear their fair share and burden of reconstruction resulting from necessities brought about by the war or otherwise in our economic conditions.

4. We indorse and commend the resolutions heretofore passed by this association on this subject, and especially commend the resolution passed by the American National Live Stock Association at its annual convention at Colorado Springs, January 12 to 14, 1922.

Resolution adopted by Texas & Southwestern Cattle Raisers' Association Convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

We denounce a tariff policy which discriminates against the live-stock producers and farmers of this country, and we demand that all import duties, whether levied for protection or for revenue, shall be so adjusted that they will not discriminate in favor of or against any industry, section, or class; and we especially denounce the systematic effort which is now being made by industries which have been highly favored by the Government through so many years to remove the duty on everything which they buy from the producers while still levying a duty on everything which they sell to the producers.

We favor a national policy of protection on labor and products that treats all classes, sections, and industries alike, and are opposed to any legislation that compels producers to buy in a protected market and sell in a free one.

We indorse the declaration of principles of the Southern Tariff Association and commend the intelligent work of that association.

Resolution adopted by Texas & Southwestern Cattle Raisers' Association Convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas the "announcement" and "plan" proposed by the committee of six for the creation of a national live stock and meat board appears to present a practical method of establishing cooperation between the various branches of the live-stock industry in matters where there is a mutuality of interest; and

Whereas the plan proposed is broad and democratic in principle and demands an equitable distribution among the cooperators of the benefits to be gained; and

Whereas the plan provides especially for a comprehensive educational campaign showing the relative value of meat for food, which campaign should greatly increase the consumption of meat and result in restoring it to its proper place in the diet of the Nation: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association heartily approves the "announcement" and "plan" and requests its president to appoint one representative to serve on the committee of 17; and the association commends the plan to the National Live Stock Exchange and respectfully asks the cooperation of that body in financing it, as outlined by the committee.

Resolution adopted by Texas & Southwestern Cattle Raisers' Association Convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas additional port facilities on the Texas coast are essential to the progress of Texas and the development of the State's great resources; and

Whereas such additional port facilities would aid materially in lessening the burden of existing high freight charges which are now retarding development and stifling industry in all lines: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association in convention assembled hereby petitions and urges the Federal Government to take such action as will assure the early establishment of such port facilities as the Federal Government may see fit to select.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For temporary employees in the Department of State, $360,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $2,500 per annum and not more than eight persons shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman having the bill in charge as to the reason of the committee for not placing these employees provided for in this item of $250,000 on the statutory roll in the paragraph just preceding?

Mr. HUSTED. I will say to the gentleman that that is solely for the convenience of Congress. I think the State Department would have preferred to have them on the statutory roll. But these are temporary employees only. They are the men who are engaged in the visé and passport work. When that law is repealed, as it probably will be some time in the near future, this item will go out of the bill.

Mr. STAFFORD. Then do I understand that this entire amount of $250,000 is utilized for work in connection with the visiing of passports?

Mr. HUSTED. I will not say that it is all of it, but that is certainly the major part of it.

Mr. STAFFORD. May I suggest to the gentleman that originally this appropriation for temporary employees was not for any special work, but developed as a result of the war, and I am rather interested in hearing the chairman state that it is almost exclusively used for visé work.

Mr. HUSTED. It is really work that grew out of the war.

Mr. STAFFORD. But Secretary Lansing, when he appeared before the legislative subcommittee years back, right after the war, asking for a lump-sum appropriation for temporary employees, urged its adoption because of the need of clerical force in all bureaus of the department. Now, if this money is to be used almost exclusively in the visé division—and last year, as I notice, we appropriated $275,000 for it—it would be my opinion that the appropriation could be much more largely reduced. I have had occasion once or twice, maybe three or four times, to visit the visé bureau, and I find the clerks there without anything to do, apparently, and taking things leisurely. I would like to have the gentleman state the position of the committee in reducing the clerical force, now that the war is over and the State Department does not need the same maximum number of clerks that they did during the war. I wish to commend the gentleman for having reduced the appropriation from $275,000 last year to $250,000 as carried in this bill. But did the gentleman make any inquiry as to the number of clerks that are employed out of this fund and in what bureaus they are employed?

Mr. HUSTED. Yes; inquiry was made. Two hundred and thirty-eight clerks are employed out of this particular appropriation.

Mr. STAFFORD. Then those 238 clerks would not be all used in the work of the visé division?

Mr. HUSTED. Not all of them, but that is the burden of it. They are scattered around through the department, principally in the passport and visé bureaus.

Mr. STAFFORD. The gentleman realizes that since we agreed to a peace with Germany and Austria there is not the need of the clerical force in connection with the visiing of passports of those coming from Germany as before the negotiation of peace. Prior to the negotiation of peace all applications for passports on the part of Germans and Austrians had to be passed upon by the department officials here, but since peace is established the consular offices are given full charge of passing upon those passports, as in every other country.

Mr. MANN. Are they?

Mr. STAFFORD. They are. There are a few exceptional cases that are referred for review to the department here.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I will state to the gentleman that I have had a number of cases where we had to obtain information from the State Department as to where a passport was visèd by a consular officer abroad, and the consular officer had to report to the State Department and obtain authority to visé the passport.

Mr. STAFFORD. As I understand the practice in the approval of passports, with all persons seeking admission to this country, if the application shows the applicant be otherwise acceptable, the consular officer is fully authorized to approve it. It is only when the application shows some facts which should be submitted for consideration to the department here that the application is forwarded for review by the department.

Mr. MANN. The gentleman may be correct, although in some of the cases that I have had with the department that condition certainly did not exist, to my knowledge, and I do not think it existed at all.

I would like to say this, if I may, in the gentleman's time. Of course these matters have to be acted upon promptly, and the State Department is prompter in acting upon matters before it connected with passports than any other bureau or branch of the Government in acting upon anything before their departments or bureaus in my observation and experience.

Mr. HUSTED. I would like to say to the gentleman also that the clerks in the State Department—and it is a rather remarkable exception to the general rule—work until 5.30 o'clock every day. There is not any slacking among the clerks in the State Department. We went into this very carefully, indeed, and I am sure we have made as great a reduction as the service will stand.

Mr. STAFFORD. I am very much interested in and somewhat surprised at the statement of the chairman that the clerks in the Department of State work every day until 5.30 o'clock. If that is the condition there, then certainly the appropriation should not have been reduced $25,000 unless the current rate is at the rate of $250,000, because there is no desire on the part of Congress or any committee of Congress to compel the clerks to work overtime every day in the year.

Mr. HUSTED. I will tell you why it was reduced. It was reduced because the officials in the State Department found that with better organization they could do all of the work during the current year for $275,000, for which they had estimated they would need $400,000. That was the result of better organization in the department; and we believed there was room for still further improvement, and that in the second year of any administration you have the right to expect a little higher degree of efficiency than you had in the first year. [Applause.] Therefore we assumed that we could make that reduction.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

PASSPORT BUREAUS.

For salaries and expenses of maintenance of passport bureaus at New York City, N. Y.; San Francisco, Calif.; Chicago, Ill.; Seattle, Wash.; and New Orleans, La., $56,000.

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the paragraph.

Mr. CONNALLY of Texas. I wanted to inquire of the gentleman from New York as to what, if any, bureaus at present are being maintained other than in the city of Washington?

Mr. HUSTED. Exactly the same bureaus as are mentioned in this item. There is not any elimination and there is not any addition. The department advised us that they could carry on this work for less money if we gave them a lump sum, because they found that some of the bureaus did not use all of their appropriation and other bureaus would run into a deficiency if all the work was properly done, and they told us if we gave them a lump sum they could save the additional $7,820 which was carried in the current year's item.

Mr. CONNALLY of Texas. That was not carried in the form it is now? It was scattered out in other items?

Mr. HUSTED. Yes. It was the same form, except it gave the appropriation by places.

Mr. CONNALLY of Texas. That is what I say; in different places in the bill.

Mr. HUSTED. In the current law there is an allocation of specific amounts for each one of the passport bureaus, but, as I say, the department officials advised us that they could save this $7,820 if given in a lump sum, and we thought it was economy to do it.

Mr. CONNALLY of Texas. There is no increase in this item?

Mr. HUSTED. No.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Is the gentleman satisfied that there is no intention on the part of the State Department to cut out or reduce the work of any of these bureaus now in existence?

Mr. HUSTED. I feel perfectly satisfied that it is the intention of the State Department to allocate to each one of the bureaus now in this item an amount of money sufficient to do all the work that comes to it.

Mr. MANN. A year ago it was either the State Department or the Committee on Appropriations that wanted to cut these out. I did not know whether that view was being expressed in an indirect way or not in this bill.

Mr. HUSTED. I will not say that the State Department did not feel perhaps that it would be advisable to cut them out, but they are in the law, and so long as they are in the law I feel sure they will allocate a sufficient amount to do all the work.

Mr. MANN. Of course, every department always says it can get along with less money on a lump-sum appropriation. They do not spend any less by having a lump-sum appropriation. There may be appropriated a little more when they have a specific appropriation, but there is no less spent when they have a lump-sum appropriation. Under this they can cut out San Francisco or Seattle or Chicago or New Orleans, if they want to.

Mr. HUSTED. I must take a little exception to that statement, just as it was made. I hardly think they would cut out any one of the bureaus established by the act.

Mr. MANN. They could discharge all the employees and refuse to pay them anything. It would not be the first time such a thing has been done.

Mr. ROGERS. The gentleman from New York may not be familiar with the fact that three of these offices are doing a considerable volume of business. The New York, Chicago, and San Francisco offices are undoubtedly a great convenience to a large number of people. On the other hand, when you consider Seattle and get down to New Orleans, there is a tremendously less volume of business transacted. I notice from the hearings that in one quarter at the New Orleans office there was a business of only about $100 done, and at Seattle about twice that amount. I can conceive it would be a public advantage that these smaller offices, unless they picked up much in business, should be either considerably curtailed or else discontinued. The Seattle business ought to be tolerably well cared for from the San Francisco office anyway, I should think.

Mr. HUSTED. I feel sure that the State Department will not do violence to the evident legislative intention that these offices shall be maintained and a sufficient sum provided to carry on the work.

Mr. DENISON. Mr. Chairman, I move to strike out the $50,000.

The CHAIRMAN. The gentleman from Illinois moves to strike out the $50,000.

Mr. DENISON. I make this motion for the purpose of calling the attention of the Members of the House to a condition which I never knew existed until recently with reference to the viseing of passports issued by our State Department. Last year a gentleman from my district, a Mr. Duggan, from West Frankfort, Ill., who came to this country from the Republic of France, I think in 1903, when he was a boy, applied for a passport to return to France. He came here with his parents when a child, and he had been naturalized and was an American citizen at that time with all the rights of an American citizen. He had married and had some little children. He decided that he would like to return to France and look up the relatives of his wife who lived there. He obtained a passport for that purpose and applied to the French consul in New York to have it viseed; the French consul refused to vise it on the ground that he had not returned to France and joined the French Army and fought for France in the late war. So he was unable to return. Now, recently the gentleman decided that he would send his wife to France so that she might see her parents and visit them, not asking to go himself. So I took the matter up with the French consul in New York and with the French Embassy here in Washington, to see if her passport would be viseed and if she would be permitted to visit her parents in France, provided she should obtain a passport from our Government to do so. I was informed that she might be permitted to go to France, but that she would not be permitted to return here. In other words, the French Government takes the position that a French citizen can not become an American citizen by naturalization so as to lose the duty which he still owes to the Republic of France to return and fight for that Republic in any war in which she may become involved. It is one of the most unjust things I have ever heard of, and now this married lady, Mrs. Duggan, the wife of an American citizen, can not go to France and visit her parents without being detained there by the French Republic and separated from her husband and children, because, they say, her husband, an American citizen, did not leave his own family and country and return to France to fight with the French Army.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Indiana.

Mr. FAIRFIELD. Was there not some considerable discussion of the problem of dual citizenship at the time of the war, and did our State Department ever clearly announce the fact that dual citizenship was not recognized by this country? I think that is one of the most significant problems we have before us.

Mr. DENISON. I am not able to answer the gentleman about that, but I think that if a man becomes an American citizen he ought to be protected in his rights in any country, and I think that the State Department or some authority in this country ought to take this matter up in such a way with the French Republic as to see that American citizens have at least the same rights in foreign countries as foreign citizens have in this country. Now, here is a great injustice being done. This good woman knows what destruction was done in France and what suffering was caused there by the German invasion. She would like to look up and visit her parents and relatives over there, but they will not allow her to do so.

Mr. MANN. Will the gentleman yield for a question?

Mr. DENISON. I shall be glad to yield.

Mr. MANN. Do I understand that the French Government now maintain that a French citizen can not expatriate himself by becoming a citizen of the United States under our naturalization laws?

Mr. DENISON. They maintain that he can not do so to the extent of being released from military duty in France in case France becomes involved in war.

Mr. MANN. If he can become an American citizen, and if he is expatriated, being a French citizen—of course, the other does not follow, but I thought it had been settled long ago. It may be I am not up to date since the World War.

Mr. DENISON. I will say to my colleague that I, too, thought so, but I have found out differently, and I have just obtained the information from the French Embassy.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURTON. Mr. Chairman, maybe I can throw a little light on this subject. The doctrine of expatriation is distinctively a principle of American foreign policy, namely, that a person who leaves one country and becomes the citizen of another by naturalization thereby divests himself of citizenship in the country which he left and of all obligations to that country. That principle, however, is maintained by hardly any other country. Decisions of the Supreme Court so late, I think, as 1829 doubted or denied the doctrine. An opinion was given by Caleb Cushion, our Attorney General, expressing limitations upon the right. So late as 1850 Secretaries of State refused interposition on behalf of naturalized citizens who returned to their native land. When James Buchanan was Secretary of State he took strong grounds in favor of the principle, and was, I may say, a lifelong advocate of it. The statute asserting the right of expatriation in unequivocal terms was passed in 1868, declaring it be "an inherent right of all people." The most illuminating discussion in furnishing the foreign viewpoint is in correspondence between M. De Giers, Russian foreign minister, and our own Mr. Bayard, Secretary of State under the first administration of President Cleveland. One opposing contention is that a country might be entirely disabled in its military strength and in its laboring population if that principle were recognized. It has been the cause of friction very frequently between our country and Germany, and in earlier years with England. The vital point to which I wish to call attention is this: Our own country maintains the doctrine of expatriation. I was not aware that France had recently insisted

so strongly as the gentleman states, but Spain, France, Russia, Germany, and most of the countries of Europe deny the principle. I am frank to say that I am a little surprised at the case which the gentleman from Illinois [Mr. DENISON] mentions. What was the age of this person the gentleman referred to?

Mr. DENISON. Ten years old. I think he came here in 1903. He had gotten the passport and had bought his steamer passage. They refused to vise it there because he had not returned to France.

Mr. BURTON. It is to be hoped that since the war the insistence of the foreign countries upon that principle that they are entitled to military service of anyone born in that country will be abated. But in this controversy our country takes one position, and practically all the countries of Europe take another.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FAIRFIELD. Mr. Chairman, another case in relation to a passport came to my attention the other day. It was a case where our consul in a foreign country undertook to interpret the immigration laws and denied a passport on the ground that in the statement made by the one who applied for it he convicted himself of being a contract laborer. It gave rise to a very interesting and very difficult situation. The facts were simply these: The man's brother lived in this country and is a citizen of this country; his uncle is engaged in business in this country. The uncle had written to the young man that he would employ him, or see that he was able to take care of himself, so that he would not become a public charge and that he would associate him with himself in business. Of course, the young man made affidavit before the consul that he was coming to this country to be associated in business with his uncle. The consul in writing a letter to him makes a statement that if he had such an arrangement made he was in violation of the immigration law.

I took the matter up with the State Department, and one of the clerks down there told me the other day that the consul had exceeded his authority, that that was a matter for the immigration authorities, and therefore he should have viseed the passport and let the immigration authorities determine when the man landed in this country whether it was in violation of the immigration laws.

Apropos of that, however, it indicates the need of an increased force over that of pre-war times, for there will be many hundreds, if not thousands, of cases like that which will require much more clerical help than would have been necessary before the world was so thoroughly disorganized.

The Clerk read as follows:

DIPLOMATIC AND CONSULAR SERVICE.

AMBASSADORS AND MINISTERS.

For ambassadors extraordinary and plenipotentiary to Argentina, Belgium, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Spain, and Turkey, at $17,500 each, $227,500.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, it will be noted that this item carries the sum of $17,500 to provide the compensation for an ambassador to Mexico. A similar appropriation has been available for a considerable time, but up to the present no diplomatic representative of the rank of ambassador has been accredited by the President to that Republic. I have heretofore called the attention of the House to the official relations, or lack of official relations, between the Government of the United States and that of Mexico. I, like other gentlemen, I have no doubt, have been hopeful that the administration would bring about a situation whereby the Republic of Mexico might be recognized officially and cordial and amicable relations established between the people of Mexico and the people of the United States.

It has been charged in the press and otherwise that certain American oil interests and certain American international bankers, who have been dealing in securities of the Mexican Government, have been active in preventing recognition by the United States of the Republic of Mexico. Some time ago I introduced a resolution, which was referred to the Committee on Rules, setting forth the fact that the press of the country had been filled with such charges, and in which I asked this House to authorize the Foreign Affairs Committee to investigate the charges. But until this good hour, notwithstanding I have requested a hearing before the Committee on Rules, that resolution slumbers undisturbed in the files of the chairman of the Committee on Rules, the gentleman from Kansas [Mr. CAMPBELL].

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. MOORE of Virginia. I would like to ask the gentleman whether he ever expects the Committee on Rules will report a resolution introduced by a Member of the minority?

Mr. CONNALLY of Texas. In answer to the gentleman from Virginia, I would like to entertain the hope that the Committee on Rules may report the resolution regardless of the political complexion of its author. But I have absolutely no hope of the Rules Committee reporting any such resolution. It might report a resolution jamming through the House some piece of legislation which the managers on the part of the majority fear to permit their own membership to propose amendments to or vote upon such amendments. It is entirely probable that the Rules Committee will in a short time sponsor a rule to whip through this body some measure which it is afraid to have its own membership amend or consider, but there is no hope of bringing out a resolution of the kind I have referred to. I want to call the attention of the House to a statement made by the President in reference to Mexico.

Some time ago Mr. John Barrett, of South American and Central American fame, who for a number of years was Director of the Pan American Union, sent inquiries to 200 prominent citizens throughout Latin America and asked the question as to what they believed the United States might do on its own initiative to promote Pan American friendship. From 141 prominent citizens throughout South and Central America there came back the response that the United States should recognize Mexico on terms compatible with the dignity and the honor of the United States and Mexico, which meant "early recognition of Mexico by the United States on a basis consistent with the natural and unexaggerated dignity and sovereignty and rights of both nations, with concessions, if necessary, on the part of both, inspired by that same spirit of conciliation and cooperation which characterized the United States and other Governments at the recent arms conference."

Mr. Barrett sent a letter to the President in which he set forth a summary of these replies, and what did the President reply? The President wrote to Mr. Barrett in part as follows:

> I am not at all surprised at the expression of sentiment in the Latin American Republics which your letter conveys. As a matter of fact, we feel that way here in the Capital of our own Republic.

Mr. Chairman, if the President of the United States feels that the greatest thing which America could do to bring about Pan American friendship is to recognize the Republic of Mexico and its government, what influence is it that ties the hands of the President until he fails to do the thing which he is convinced ought to be done to restore Pan American friendship? If the Chief Executive of this Nation, who, under the Constitution, is vested with sole power to negotiate with foreign governments, feels that the greatest thing that America can do to restore Pan American friendship is recognition of the sister Republic of Mexico, why does not he recognize her and restore those relations which ought to exist between these two great Republics of the western world? What else does the President say?

> There is really no difference of opinion as to what is necessary to restore former friendly relations between our own Republic and that of Mexico. The only hitch anywhere is one of proceedings. Undoubtedly both countries are of the same mind, excepting that we can not arrive at a program which carries the whole situation in one complete program which is to be executed at one time.

In other words, the President issues a statement to the world that it is only a question of quibbling over procedure, that it is only a question of Alphonse and Gaston, that it is only a question of diplomatic red tape. I say that the administration of this Government ought to be big enough, generous enough, statesmanlike enough to do the right and proper thing regardless of all the formal frivolities that sometimes obstruct and complicate international relationship.

But there are hopes that recognition may be brought about. I quote from a dispatch from the capital of Mexico, carried a few days ago by the Associated Press, dated April 4, which states that Mr. Doheny, one of the representatives of the five great American oil companies, is now in the City of Mexico, that he is in conference with the secretary of the treasury of Mexico, and that that secretary may probably visit the United States within a short time. What does Mr. Doheny have to say? Why is it necessary for Mr. Doheny, a private citizen, representing American-owned oil companies operating in Mexico, to carry on negotiations with the Mexican Government? When was it proclaimed that the United States itself had not within its own agencies, its own diplomatic agencies, sufficient strength and wisdom and power to carry on the diplomatic negotiations

of the United States Government, when it was announced to the country that these functions are to be abdicated or delegated to owners of oil companies and international bankers?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, Mr. Doheny—and I have no reflection to make upon him as an individual—is in Mexico not as Mr. Doheny, but he is there as the representative of five great American-owned oil companies that are in a controversy with the President and the Government of Mexico over oil and oil taxes. Mr. Doheny is quoted as follows:

Mr. Doheny has declined to discuss his visit, except to say that everything is in splendid shape.

What is it that is in splendid shape? Everything, says Mr. Doheny. He is quoted as saying that the Government has kept faith. With whom has the Government of Mexico kept faith? What are the diplomatic relations between Mexico and Mr. Doheny? The commission of what Government does Mr. Doheny bear? Where are the credentials of Mr. Doheny to represent the American Government or the American people? Whom do you represent, Mr. Doheny? He represents five great American oil companies and is carrying on diplomatic relations with the Republic of Mexico. Let us go a little further.

He is quoted as saying:

The Government has kept faith and we all have confidence in President Obregon.

Mr. Chairman, who are "we" in whose voice Mr. Doheny is speaking? Is it the editorial "we," meaning Mr. Doheny, as the representative of five American companies, or does the "we" mean the American Government and the American people? How does he conclude his interview?

The oil agreements last fall have been observed.

The oil agreements made last fall! With whom were those agreements made? Agreements made with the President and the Government of Mexico with these American oil interests, carrying on private negotiations upon which perhaps depends the action of this Government in recognizing or withholding recognition of the Republic of Mexico. Oil is at the bottom of difficulties in the path of recognition of our sister Republic.

When did it become necessary for the diplomatic officers of this Government to await the adjustment of foreign relations until international bankers who visited Mexico last fall for the purpose of conferring with Mexico and the Government there should arrange their own private affairs? When did it become necessary for this Government's diplomatic agencies to wait in silence, to lie dormant, to remain quiet until private citizens can wring from a neighboring Government such concessions as they demand on account of their interests in oil and on account of the securities of another Government? If the oil interests and if the international banking interests are not the interests that are preventing recognition I want to know who is preventing recognition.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. If the President of the United States said to Mr. Barrett that we here in the United States agree that the greatest thing that the United States can do to bring about Pan American friendship is to recognize the Republic of Mexico, and if, as Mr. Doheny says, the Government of Mexico has kept the faith with American oil interests, what unseen force is it that is holding back the diplomatic arm of this Government from extending recognition to the Republic of Mexico?

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. CONNALLY of Texas. I yield.

Mr. LINTHICUM. Is it not possible the arrangement with Mr. Doheny is a condition precedent to the recognition?

Mr. CONNALLY of Texas. If that is true, the presence of Mr. Doheny in Mexico offers some hope of solving this whole situation. I am hopeful that if the oil companies can be satisfied—but I am not so hopeful that they can be—I am hopeful if they are satisfied, ways will be found to remove the difficulties that now obstruct the restoration of diplomatic relations. The great Government of the United States, so the President says, would extend recognition except for certain formalities and certain matters of procedure. The United States Government ought to be big enough and generous enough in its dealings with Central and South American Republics and the Republic of Mexico not to quibble over inconsequential things of that kind; but it ought to act in a large and generous spirit in the recognition of the rights and the dignities of these Republics, and ought to set them a worthy example in government. We must remember that these Republics have not behind them the traditions that fill the history of our glorious past. We must remember that they are not of the Anglo-Saxon race, that has ruled itself for 600 years. We must remember that they are weak and struggling nations, seeking to win their way forward to self-government and into the enjoyment of republican and democratic institutions, and that they have taken the United States as their great type, and we ought not to thrust them back in their endeavor to obtain their proper place among the sisterhood of nations. [Applause.]

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

The people of no State in this Union suffered more from the revolutionary disturbances in Mexico than the people of the State of Arizona. Arizona is a border State. A number of our citizens were shot by bullets which fell on the American side of the line during battles between the contending Mexican forces. Many of them lost their lives in the interior of Mexico. Many more of them lost their property and barely escaped with their lives. But it is now believed that the present Government of the Republic of Mexico is so firmly established that it can and will properly perform the international obligations that it owes to the other Governments of the world, and that for this reason it should now be recognized by the President of the United States as the de facto and de jure Government of Mexico.

The citizens of Arizona are better acquainted than the people of other parts of the United States with the present administration in the City of Mexico. Gen. Alvaro Obregon, who heads that administration, is from the State of Sonora, which adjoins Arizona on the south. He has been intimately acquainted in a business way with many of our citizens. He understands the conditions in the United States better than any person who has been in supreme authority in Mexico for a great many years. He has demonstrated his ability to maintain law and order and to assure a greater degree of security for life and property within the Republic of Mexico than has existed since the revolution began in 1910.

In keeping with sentiments of friendship and good will, the senate of the fifth Legislature of the State of Arizona, by unanimous vote, has requested the President of the United States to extend full recognition to the Republic of Mexico and to its President, Gen. Alvaro Obregon. I ask unanimous consent to extend my remarks in the RECORD by printing a memorial adopted by the Arizona State Senate on March 17, 1922.

Mr. CONNALLY of Texas. Is it not true that there are seven other States that have passed similar resolutions?

Mr. HAYDEN. The States of California, Texas, Oklahoma, Kentucky, Maryland, Illinois, and Michigan have also memorialized the President to recognize the existing government of the Republic of Mexico.

The CHAIRMAN. The gentleman from Arizona [Mr. HAYDEN] asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

The memorial is as follows:

FIFTH STATE LEGISLATURE, FIRST SPECIAL SESSION,
State of Arizona.

Senate memorial 1.

To the President of the United States, the Congress of the United States, the Secretary of State of the United States, and to Arizona's Representatives in Congress:

Your memorialists, the senate of the fifth Legislature of the State of Arizona, in special session assembled, do respectfully represent:

That being a "border State" and adjacent to the great State of Sonora, of the Republic of Mexico, Arizona is keenly alive to the problems now confronting and which for a decade past have confronted the said Republic of Mexico.

That your memorialists being men of affairs of the State of Arizona, chosen from the mining and cattle interests, mercantile life, and the professions, see with the clearness born of intimate relationship the magnificent struggle that has been waged, the seemingly insurmountable obstacles that have been overcome by the newborn Republic of Mexico, and the glorious achievements that have been attained by the unselfish devotion to duty, the untiring energy, the honesty of purpose, and tenacious will to lead his countrymen into the peaceful enjoyment of harmonious brotherhood by Alvaro Obregon, President of Mexico.

That from a chaos thereto unknown and a misery never before experienced in the Western Hemisphere Mexico has in less than one and one-half years emerged triumphant, and to-day faces the dawn of national achievement, seeking from her strong northern neighbors her just recognition, that she may be enabled to take her place in the God-given light of national equality.

That but one short year ago Arizona, in the spirit of western manhood, expressed her faith in Mexico and the man who, like our own illustrious Washington, had, as soldier and statesman, led his people to a safe and lasting peace, by a memorial to the Congress of the United States, praying for just recognition. That quickly following the lead of Arizona similar messages of confidence and faith were speeded to the Halls of Congress from the States of California, Texas, Oklahoma, Kentucky, Maryland, Illinois, and Michigan, representing 40,000,000 souls, urging the immediate recognition of Mexico.

That to-day is witnessed in Mexico an era of industry and prosperity plainly indicative of permanent peace—farming and ranching restored, industrial and mining activities steadily increasing. During the 15 months' occupancy of the Presidency by Alvaro Obregon no American or other foreigner in Mexico has been killed: It is therefore

Resolved by the Senate of the fifth Legislature of the State of Arizona in special session assembled, That time has amply demonstrated the statesmanship of the President of Mexico, his clarity of vision and singleness of purpose, to place his country firmly amongst the great stable governments of the earth; that Mexico is no longer a belligerent nation, torn with internal strife, but a country of peaceful pursuits and honorable ambitions, and that no good reasons, no just causes, exist to further deny to it the just recognition which the United States of America itself achieved only after its baptism of blood; it is therefore

Resolved, That the President be requested to recommend to the Congress of the United States that full recognition be extended to the Republic of Mexico and to its President, the Hon. Alvaro Obregon; it is also further

Resolved, That copies of this memorial be transmitted to the President of the United States, the Secretary of State of the United States, the President of the Senate, and Speaker of the House of Representatives, and to the Hon. HENRY F. ASHURST and Hon. RALPH CAMERON, United States Senators, and Hon. CARL HAYDEN, Congressman, and that they each be requested and urged to use all honorable means to further the prayed-for recognition of Mexico. Also that an engrossed copy be transmitted to the Hon. Alvaro Obregon, President of the Republic of Mexico.

Adopted by unanimous vote of the senate March 17, 1922.

Mr. MOORE of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio rises in opposition to the amendment.

Mr. MOORE of Ohio. Mr. Chairman, I ask unanimous consent to proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed out of order for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Ohio. Mr. Chairman, the suspension of work in the mines of our country calls attention to one of our greatest industries. We realize this when we reflect and observe that during the last year, according to the United States Geological Survey, it is estimated that 494,500,000 tons of bituminous and anthracite coal were produced in the United States. This industry affects the prosperity, the comfort, and happiness of our people, and, either directly or indirectly, touches the life of everyone.

There are approximately 700,000 men engaged as miners in the 10,000 mines in the United States, 70 per cent of whom are organized and 30 per cent unorganized. Besides these men who are investing their lives in this great industry, millions of dollars in capital have been used to develop it.

In the year 1919, which seems to be the latest figures completed by the Government, 5,793 men were employed in the mines in my district, producing 4,575,406 tons of coal, valued at $9,737,866.

The wage scale that was in effect under the contract expiring March 31, 1922, provides for the following wages:

PICK MINING SCALE.

Pick mining rate, per ton, run of mine	$1.1164
Dry entries, per yard	3.6146
Break-throughs, in entries, per yard	3.6146
Break-throughs, in rooms, per yard	2.5011
Room turning	5.4906

MACHINE MINING SCALE.

Cutting by Jeffrey style of machines, in rooms, per ton	$0.1343
Cutting by Jeffrey style of machine, in entries, per ton	.1763
By punching machine, in rooms, per ton	.1740
By punching machine, in entries, per ton	.1909
Loading, in rooms, per ton	.7855
Loading, in rooms, with hand drilling, per ton	.8057
Loading, in entries, per ton	.9103
Loading, in entries, with hand drilling, per ton	.9305
Break-throughs, in entries	Entry price
Break-throughs, in rooms	Entry price
Break-throughs, in rooms, with hand drilling	Entry price
Drilling by hand, per ton	.0202
Drilling by machine, per ton	.0208
Room turning, cutter and loader	Entry price
Break-throughs, entries into rooms or rooms into entries	Entry price

INSIDE DAY WAGE SCALE.

Timbermen, per day	$7.50
Trackhayers, per day	7.50
Trackhayers' helpers, per day	7.25
Pipemen, per day	7.41
Cagers, drivers, machine haulers, water haulers, and trip riders, per day	7.50
Wiremen, per day	7.50
Motormen, minimum	7.50
Trappers, per day	4.00
All other inside day labor not enumerated, per day	7.25

OUTSIDE DAY WAGE SCALE.

Engineers, per month	$222.00
Firemen, per day	7.25
Dynamo men, per day	7.11
First blacksmith, per day	7.77
Second blacksmith, per day	7.45
Blacksmith's helper, per day	$7.25
Carpenters, per day	7.45
Dumpers and Trimmers, per day	7.25
Slack haulers, per day	5.80
Greasers and couplers, per day	4.58

It should be said in this connection that the miners furnish the tools with which they work and their powder.

One of the disturbing factors in the coal-mining industry, both for the operator and the miner, is that the mines do not run regularly. For example, in 1919, according to official figures from the Government, the miners in my district worked on an average only 162 days during that year. This would be something near the average number of days that the average miner would be employed in a year. The operator has money invested and other expenses during the time the mine is idle and the miner is not able to engage in profitable employment. Various causes are assigned for this irregularity. When business is good one of the contributing causes is the lack of necessary cars that are not always furnished by the railroad when needed to keep the mines running and the miners actively employed. Then when there is a depression in business the demand for the production of coal is consequently lessened. High freight rates contribute to the cost to the public. These and other things must be taken into consideration for an intelligent understanding of the mining industry.

During the suspension which is now in effect the officers of the United Mine Workers have ordered a sufficient number of men from the several local unions to cooperate with the owners of the mines that the property in and around the mines may be preserved during the suspension.

The central competitive field embraces the coal fields in Ohio, Indiana, Illinois, and western Pennsylvania. This field, from a good many angles, seems to be looked upon, and has been for many years, as the base of the industry in wage agreements and other matters. It is estimated that the central competitive field produces at least one-half of the bituminous coal of the country. For many years the general custom has been for the operators and miners in this field to meet in conference at the expiration of their contracts and make adjustments and new agreements.

The contract under which the mines have recently operated was signed in New York two years ago and provided for a contract extending until March 31, 1922. This contract was signed by the operators for the central competitive field and the representatives of the United Mine Workers in joint conference. That contract contained the following provision:

Resolved, That an interstate joint conference be held prior to April 1, 1922; the time and place of holding such meetings is referred to a committee of two operators and two miners from each State herein represented, together with the international officers of the United Mine Workers' organization.

This provision in the contract has figured in the discussion and the situation that developed, and precipitated the present suspension, the miners contending that they could not continue work beyond March 31, 1922, for the reason that they had no contract under which to work, and that a majority of the operators refused to meet them in conference as had been the custom heretofore and as provided in the contract. The representatives of the miners offered to meet in joint conference. It seems to be undisputed that some of the operators were willing to meet in joint conference, and others were unwilling, contending that it would be fruitless. The stubborn fact remains that they did not meet in joint conference and confer. Some of the operators, perhaps a majority in the central competitive field, were willing to confer as provided in the contract. It is reported to me that practically all of the operators in my district were willing to confer as provided in the contract, and went so far as to make arrangements to select a scale committee, but others in the central competitive field, particularly western Pennsylvania, were unwilling to meet and confer in joint conference, and since all of the operators would not agree to the conference there has been none. Perhaps all of the operators are willing to confer by district, but the miners insist that the method that has been followed for many years should be continued, and contract adjustments made for the whole competitive field in joint conference.

For some time different officials and agencies of the Government were at work in an attempt to persuade the operators and miners to confer according to the resolution in their last contract. On March 31 Secretary of Labor Davis issued the following statement:

All of the Government's efforts in the proffer of mediation, conciliation, and compromise have failed to save the country from the national strike test of economic strength between employer and employee in the coal industry.

In this dispute in the coal industry President Harding and other Government agencies, chiefly the Department of Labor, have for weeks counseled this conference provided for in the last joint agreement be-

tween the operators and the miners. In this effort the President and myself have had neither legal right nor personal desire to dictate any program. Each one desire has been to induce by persuasion and urgence the operators and miners to discharge the obligations they assumed themselves to confer again for the shaping of a new agreement.

These efforts began in February after the refusal of some of the central competitive States operators to meet in accordance with the resolution adopted in March, 1920, providing for a preliminary conference to meet prior to April 1 to arrange a time and place for a meeting to negotiate a new agreement.

I have always believed—and every citizen is with me in the belief—that employers and employees who have signed a wage agreement or contract should observe it in spirit and to the letter. If the two parties to a trade dispute get together it is always possible to work out a satisfactory settlement and maintain peace.

In fairness it must be said that the miners' officials were willing and ready to go into the conference agreed upon, but some of the operators declined to meet, alleging that competitive factors and Federal grand jury indictments prevented any such favorable outcome as to the continuation of the existing agreements, and hence the "preliminary meeting" would prove unsuccessful. Others said that they were willing to confer, but that unless all central competitive States operators would attend, such a meeting would be barren of results and futile.

Also several outlying districts with a combined tonnage output much larger than that of the central competitive States protest the right of central competitive States to fix the basic wage for the bituminous coal industry, not only because of their minority production but because competition of nonunion coal affects the said outlying districts more than the said central competitive States.

The competitive States arrangement is not of governmental making, nor is it a new experiment. It has been in operation since 1898, and the records disclose the fact that in past years the operators as well as the miners' officials have looked upon it as a fixed and basic agency in the bituminous coal industry.

There may be room for argument on some of these contentions, but they do not obscure the main fact that operators and miners were bound to a conference, that this conference might have led to a new agreement, and the country might not have been confronted with a stoppage of coal production, a suspension avoided, ample supplies of coal, and a gradual reduction in prices would have resulted.

I can not let the opportunity pass without expressing keen disappointment at the failure of certain operators to fulfill the terms of their obligation to meet in conference with a view to peace in the coal industry for two years more. They have turned their backs on a chance to lay bare, not only to the miners but to the public, their reasons, at least, for declining a new wage arrangement. The public is entitled to these reasons, and the press would have fairly supplied them. Even though the operators were convinced that it could come to nothing, their entrance into conference would have removed any stigma of a breach of faith.

There may be faults on both sides of this bituminous dispute, but the side that openly repudiates its written and signed obligations has crippled its case before the bar of public opinion.

The anthracite industry presents a pleasing contrast, for its operators and miners are now meeting directly. There may be a suspension, but there is a negotiation and a genuine desire to agree. This clearly illustrates what the Government has sought all along in the bituminous field. There is not now, and there never has been, any disposition in Washington to force conditions upon employers, employees, or the public.

One unfortunate fact in the bituminous coal industry is that it is overdeveloped by fully 30 per cent, largely as a result of high prices during the war and the abnormal boom of 1920.

Coal production for 1921, on account of the general depression in the steel and allied industries, dropped to the 1911 basis, or only 497,000,000 tons, as compared with 561,000,000 tons produced in 1920. This explains to a large extent the present problem confronting the employers and employees of the coal industry.

At best bituminous miners do not work on an average more than 200 days during the year under normal conditions. When that average is reduced by 25 to 40 per cent, as was the case in most of the union districts last year, it can be appreciated that an abnormal and irregular condition of employment is created.

From the union mine point of view the situation is further complicated by readjustment of wages in nonunion mines before the expiration of union agreements, which has enabled the nonunion mines to secure more than their relative share of coal orders.

As the strike in the bituminous industry is inevitable, the industry is squarely on trial before the public. At this stage it is simply an economic dispute in which the chief sufferers will be the operators and miners themselves. During the strike the administration will watch developments and be ready to safeguard the public welfare whenever it is menaced.

A Government survey indicates that on April 1 there will be in stock or storage about 10,000,000 tons of anthracite and by-product coke and 65,000,000 tons of bituminous coal. This means that the railroads, public utilities, manufacturing industries, and retail coal dealers will have on hand nearly two months' supply of coal. The operators state that the production from nonunion mines will meet at least 50 per cent of the normal needs of the country.

On the strength of these facts there will be no excuse for advance in coal prices. If the price is boosted in any locality the fact should be reported to Washington at once for action by the Attorney General. The public should not be penalized by any enhanced price for coal when there is no justification for any increase.

Attorney General Daugherty favored a conference of the operators and miners and expressed regret that some of the operators had refused to meet in joint conference as provided in their contract.

The entire country is interested in this great industry and in its satisfactory and regular operation in order that the men who work in the mines may have employment and support their families, that the capital invested may receive a proper return, and that all our people and industries may have coal that is needed for the carrying on of our activities.

I think it is the sincere hope of all good Americans that somehow there may be a satisfactory and speedy adjustment of this controversy which affects the whole country and particularly affects a great body of men who are entitled to particular consideration because they are engaged in one of the most hazardous occupations in all our industrial life. [Applause.]

The Clerk read as follows:

Total, ambassadors and ministers, $923,500.

Mr. ROGERS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN (Mr. TILSON). The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 6, line 13, after the figures, insert a new paragraph, as follows:

"For the acquisition of land and buildings in Paris, France, to be used as the American Embassy under the provisions of the act of February 17, 1911, $150,000, or so much thereof as may be necessary, in addition to the sum of $150,000 appropriated by an act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, approved March 2, 1921."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

Mr. HUSTED. Mr. Chairman, I reserve a point of order.

Mr. BLANTON. It is new legislation and unauthorized by law.

Mr. ROGERS. Mr. Chairman, I respectfully direct the attention of the Chair to what is known as the Lowden Act, approved February 7, 1911, which will be found in the Thirty-sixth Statutes at Large, page 911. The Lowden Act is not long. I should like to read it as if it were in three sections. The substantial part of the statute reads as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings.

The CHAIRMAN. Will the gentleman suspend a moment?

Mr. ROGERS. Certainly.

The CHAIRMAN. The permanent occupant of the chair [Mr. DOWELL] was temporarily absent, and has now returned. He has looked up this matter, and the present occupant of the chair would ask the gentleman to recommence.

Mr. DOWELL resumed the chair.

Mr. ROGERS. Mr. Chairman, I was in the act of reading the very short Lowden Act, upon which I maintain that my amendment is in order. I read:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment.

If the law stopped there, I take it that there could be no doubt that the amendment now pending would be in order, because there is no limitation of any kind upon the amount which may be appropriated, and because the amendment in other respects conforms accurately to the requirements of that portion of the statute. Then comes the proviso:

Provided, however, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made.

So far as that proviso is concerned, I think it will not be contended that the amendment is objectionable. The sum of $150,000 is proposed, and there is no intimation—and I think there can be no intimation—that the remaining $350,000 permissible under the Lowden Act will be involved in the fiscal year in question.

Then we come to the proviso upon which I should like to speak somewhat more fully:

And provided further, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place), and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

The question, I think, has not been squarely decided as to whether that second proviso, which I have just read, excludes an item in an appropriation bill or an amendment to an appropriation involving either an original sum of more than $150,000 or an amendment the effect of which is to involve an expenditure in all, when taken in connection with previous action of Congress, of a total greater than $150,000. I think the question is not entirely free from doubt. In order that the Chair might become somewhat familiar with the question I ventured to bring it to the attention of the Chair a few days ago, when this bill was first presented to the House. I desire now to read again exactly what this proviso says:

The Secretary of State shall set forth a limit of cost, * * * which limit of cost shall not exceed the sum of $150,000.

My contention is that the second proviso is a limitation upon the power of the Secretary of State; that it is in no way a limitation on the power of Congress; and that it in no sense requires additional legislation in the event that the House has a proposal before it to expend more than $150,000 in some one place.

This second proviso tells the Secretary of State what he must do in proposing an estimate for the purchase of an embassy or legation. It is a limitation upon his power. It has nothing whatever to do with the power of the House. It has nothing whatever to do with the rules under which the House has bound itself when an appropriation bill is up for consideration. The last clause of this proviso states:

Which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

Of course, the "limit" mentioned in the last clause refers back to the limit of cost previously imposed on the Secretary of State. It has nothing to do with the rules of the House. It does not limit the power of the House in the event that a point of order is made against an item on an appropriation bill.

The question was presented last year in a somewhat similar fashion when the gentleman from Ohio [Mr. LONGWORTH] proposed to this same appropriation bill an amendment for $150,000 for the purpose of acquiring an embassy at Paris. A point of order was made by the gentleman from Texas [Mr. BLANTON] that that constituted new legislation and hence was out of order. The point of order that was then urged was that an estimate had not been furnished by the Secretary of State or by any other Government official, and that therefore the requirements of the Lowden Act had not been complied with. The gentleman from Ohio and others argued the point very fully. The Chair, who if I am not mistaken, was the gentleman from Iowa [Mr. TOWNER], stated that he was conscious of the importance of the point of order, that he had considered it with great care, and after discussion he was constrained to overrule the point of order.

I think that decision was sound, and I think it is the basis of what I hope and believe will be the decision of the Chair to-day. The second proviso, as the Chairman last year indicated, is a limitation upon the Secretary of State, but it has nothing to do with the powers of the House of Representatives; it has nothing to do with our freedom to act. There is no requirement in the law that we shall act only after an estimate shall have been furnished Congress by the Secretary of State for the specific purpose.

My whole contention, then, to sum up in a few words, is that the authority of Congress, the authority which is necessary before consideration of this item may be had against the point of order, is contained in the substantive portion of the Lowden Act and in the first proviso thereunder, both of which I have read; that the limitation contained in the second proviso is a limitation exclusively upon the Secretary of State and has nothing whatever to do with the powers of the House of Representatives when an amendment of the character now before the House is pending.

In this connection I would like to put in the RECORD a reference to the discussion last year, which occurs in the CONGRESSIONAL RECORD of January 9, 1921.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield.

Mr. LONGWORTH. The gentleman's contention is that the only limitation on the power of Congress is that it shall not exceed $500,000 in any one year but they may spend any portion of it on any one project?

Mr. ROGERS. Yes.

Mr. LINTHICUM. Mr. Chairman, I sincerely hope the point of order will not prevail. Ever since I have been a Member of Congress I have advocated the purchase of embassies and consulates abroad. It seems to me that we ought not to make it impossible for a man of moderate means to occupy one of these important positions. It matters not how brainy a man may be or how well versed he is in diplomacy, he can not occupy one of these positions abroad unless he is wealthy financially and able to live there in a manner which the office requires. We have made some progress in the last few years in the purchase of embassies and consulates. I hope the day is not far distant when all countries will see an embassy of ours in their capital. The gift of Mr. Morgan has enabled us to have a very fine embassy in the city of London. Before long we will have one of the best embassies in Berlin. Some years ago we purchased a consulate at Shanghai, China, which has proved a wonderful investment and of great importance to our Government.

Mr. HUSTED. I would like to say to the gentleman that we are discussing the point of order and not the merits of the proposition.

Mr. LINTHICUM. If the gentleman objects, I will ask unanimous consent for five minutes.

Mr. HUSTED. I suggest to the gentleman that he wait until the point of order is decided and then he will have ample opportunity to discuss the merits.

Mr. LINTHICUM. If the gentleman prefers that, I will wait.

Mr. MANN. Mr. Chairman, if I understand the argument of the distinguished gentleman from Massachusetts [Mr. ROGERS], it is that if the Secretary of State makes an estimate, as the law provides he shall, for this embassy of the United States, then Congress can appropriate the sum of $150,000 for it; but if the Secretary of State does not make an estimate, then Congress can appropriate, over a point of order, any sum that it pleases. The mere statement of the case shows how absurd it is. To say that we can not appropriate more than $150,000 if an estimate is made in the regular manner, but if the estimate is not made, then you can appropriate what you please, shows that either Congress did not know how to write a law at all, or else people have a very queer conception as to what the law is after it is written.

There is a provision in the act that the limit of $150,000 at a particular place shall in no case be exceeded unless there is a subsequent authorization by Congress.

That is not confined to an estimate made by the Secretary of State; that is a broad, straight declaration that the limit of cost of $150,000 can not be exceeded.

Now I call the attention of the Chair, although the Chair is undoubtedly as familiar with it as I am, that it has been the practice in the House of Representatives and Congress, especially in the House, for innumerable years, in making provisions for public works, such as public buildings, lighthouses, ships, and all sorts of public works, to provide in one law an authorization at a limit of cost, usually with the words "which shall not be exceeded," and in a subsequent law the appropriation itself. This Lowden Act should be construed in the light of the continuous practice of Congress for many years in fixing the limit of cost. Here was a case where Congress intended to, and I think clearly did, provide for the limit of cost at a particular place for an embassy of $150,000, with the provision that it should not in any case be exceeded, unless by subsequent authorization of Congress.

Mr. ROGERS. Mr. Chairman, I would like to say one word in reply. My contention is not, as the gentleman from Illinois suggests——

Mr. MANN. I beg the gentleman's pardon if I misunderstood him.

Mr. ROGERS. I quite understand that it was unintentional. My contention is not, as the gentleman from Illinois suggests, that our power in the House is different according to whether or not the Secretary of State sees fit to present an estimate. My contention is that the power of Congress is not affected one way or the other by the last proviso; that the authority of law which prevents the successful raising of points of order of this kind is contained in the substantive portion of the resolution and in the first proviso; that the second proviso is addressed wholly to the Secretary of State; and that Congress has the right to appropriate in this way on an appropriation bill whether or not the Secretary of State has submitted an estimate, provided, however, that the total amount involved does not exceed $500,000 in any one fiscal year.

Mr. MANN. May I ask the gentleman a question?

Mr. ROGERS. Yes.

Mr. MANN. Does the gentleman contend, under the Lowden Act, that if the Secretary of State makes an estimate for an embassy building at a limit of cost not to exceed $150,000, that then it is in order in the House to appropriate $300,000 for it?

Mr. ROGERS. That is exactly my contention.

Mr. MANN. In face of the provision which limits the cost, that it shall not exceed the sum of $150,000 in any one place, "which limit shall not thereafter be exceeded in any case except by express authorization of Congress." There is an express provision that that limit of cost shall not be exceeded except by the express authority of Congress. That is not a direction to the Secretary of State. That is a limitation in law of the amount that can be appropriated.

Mr. ROGERS. The language of the law is—

The Secretary of State shall set forth a limit of cost.

Now, did Congress, when it used that language, intend to bind itself by the decision of the Secretary of State as to what the maximum amount should be in a given case?

Mr. MANN. Congress not only intended to bind itself, but it expressly provided—

which limit of cost shall not exceed the sum of $150,000 at any one place, and which limit shall not thereafter be exceeded in any case except by new and express authorization of Congress.

That authorization of Congress is not to the Secretary of State in making an estimate. The limit of cost submitted by the Secretary of State can not be exceeded except by new authorization of Congress.

Mr. ROGERS. Congress was imposing upon the Secretary of State certain restrictions as to the breadth of his power. Congress did not intend, as I read the language of the Lowden Act, in any way to circumscribe its own powers provided the requirements of the first two-thirds of the act had been complied with.

Mr. HUSTED. Mr. Chairman, I am quite sympathetic with the proposition to acquire an embassy in Paris, but I think the construction of the gentleman from Illinois [Mr. MANN] of this Lowden Act is absolutely correct. In the first place, it authorizes the Secretary of State to acquire in foreign countries certain sites and buildings such as may be appropriated for by Congress for the use of the diplomatic and consular establishments and to alter, repair, and furnish said buildings; and then it provides—

That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made.

That is a limitation upon the Executive and not upon the Congress. It means that no matter how many buildings we may acquire for embassy purposes or for consulates, under this authorization the Executive shall not expend more than $500,000 in any one year; and, of course, it is perfectly possible to assume that under this authorization buildings might be acquired which would amount to a total sum of more than $500,000; and I assume that is why that limitation was imposed. And then it is provided further that the Secretary of State shall set a limit of cost which shall not exceed $150,000 for any one of these buildings, and it further provides that that limitation of cost shall not be exceeded except by further authorization of Congress. And "further authorization of Congress" certainly does not mean by an appropriation bill, and "further authorization of Congress" certainly does not mean the authorization carried in the Lowden Act. It means some other basic statute authorizing the exceeding of the limit of $150,000 for any one building.

The CHAIRMAN. The Chair is ready to rule.

The authorization of the Lowden Act is as follows:

Provided, however, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

The Chair has no trouble in construing this proviso. It seems clear to the Chair from the language itself that the cost at any one place is limited to $150,000, unless Congress sees fit to authorize further expenditure. But in order that we may have the view of the House on this question the Chair desires to call attention to the statement of the distinguished gentleman from Illinois [Mr. Lowden] when this legislation was presented to the House for consideration.

The interpretation by Mr. Lowden on this proviso and limitation of expenditure is in the following language—I read:

While it is true that under this bill with the present limitation it will not be possible to purchase embassies in some of the capitals of Europe where land has become very expensive, it will be possible within the limitation of $150,000 as proposed to purchase embassies and consulates within there is yet time.

This interpretation the Chair assumes was placed upon this legislation by the Congress at the time of its passage.

However, the Chair can interpret the language of the act itself in no other way than a limitation of the appropriation to $150,000 at any one place until Congress authorizes further expenditures.

The Chair sustains the point of order.

The Clerk read as follows:

SECRETARIES IN THE DIPLOMATIC SERVICE.

For salaries of secretaries in the Diplomatic Service, as provided in the act of February 5, 1915, entitled "An act for the improvement of the foreign service," as amended by the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, approved July 1, 1916, and the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920, $379,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Can the gentleman inform the committee as to how much was appropriated for this service for secretaries in the Diplomatic Service for the present fiscal year and the year preceding?

Mr. HUSTED. In 1921, $418,375; in 1920, $288,468.33; in 1919, $301,105; and in 1916, $157,500.

Mr. STAFFORD. What has been the occasion for the inordinate increase in the salaries paid to secretaries in the Diplomatic Service?

Mr. HUSTED. I do not think there has been an inordinate increase. There has been a considerable increase.

Mr. STAFFORD. It is rather inordinate when in five years the appropriation has more than doubled.

Mr. HUSTED. It is not because of the increase in the salary alone. It is because of the increase in the personnel as well.

Mr. STAFFORD. Does not the gentleman believe that it is largely increase in salaries by reason of changes of law which have been enacted in the last two years?

Mr. HUSTED. There is a largely increased personnel, due to the extra business that has come to the missions on account of the war.

Mr. STAFFORD. Has the gentleman any data as to how much is due to increased personnel and how much to increased salaries?

Mr. HUSTED. I do not think any separation was made.

Mr. STAFFORD. I have an impression that some years ago we passed in connection with the Diplomatic and Consular appropriation bill a provision increasing the salaries of these secretaries considerably.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. ROGERS. I think I can give the gentleman some information on that. Up to 1915, when there was a general salary readjustment for secretaries in the Diplomatic Service, the maximum salary paid to a secretary was $2,500. In the act of February 5, 1915, that salary was increased to a maximum of $3,000, and by the act of June 4, 1920, to a maximum of $4,000. The original range was from about $1,200 up to $2,500, and the present range is, I think, from $2,000 to a maximum of $4,000.

Mr. HUSTED. It is a range from $2,500 to $4,000. We have 23 secretaries in class 1, with salaries of $4,000 each; 27 in class 2, with salaries of $3,625 each; 29 in class 3, with salaries of $3,000 each; and 41 in class 4, with salaries of $2,500 each. That is the lowest salary paid to a secretary in the Diplomatic Service.

Mr. STAFFORD. Can the gentleman inform the committee whether these secretaries are furnished any allowance in the way of quarters or heat?

Mr. HUSTED. No; they are furnished no allowance, except the post allowance in some countries where the cost of living has greatly advanced.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CONNALLY of Texas. On account of the value of United States exchange at this time, what are the countries where the cost of living is so great?

Mr. HUSTED. Japan is one of the shining instances. The State Department informed the subcommittee that in Japan, notwithstanding the fact that the rate of exchange as between the yen and the American dollar stood at about the same ratio as it did before the war, the cost of living in Japan had advanced 100 per cent over what it was before the war.

Mr. CONNALLY of Texas. Is China one of these countries?

Mr. HUSTED. No; I think not. Persia is one of the countries. There are a number of them.

Mr. CONNALLY of Texas. I would say to the gentleman that I used to be a member of the Committee on Foreign Affairs when that committee had appropriating power. I think there is a great evil in this system of post allowances. It simply amounts to a lump sum appropriation which the Secretary of State or his subordinates deal out to diplomatic officers, and I hope the Committee on Appropriations can work out some system whereby that practice may be discontinued. It is not a healthful situation at all.

Mr. HUSTED. We have started the work by making a very substantial reduction in the amount available for post allowances.

The Clerk read as follows:

INTERPRETERS TO LEGATIONS AND CONSULATES.

Interpreter to legation and consulate general to Persia, $2,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. I note that on page 9 of the bill, where allowance for clerk hire is made, there is a provision which reads as follows:

Clerks, whenever hereafter appointed, shall, so far as practicable, be appointed under civil service rules and regulations.

That expression brings to my mind much that has been transpiring in the last few days. I predicted on the floor of this House some time ago when such an unfair deal was given Baltimore in the selection of its postmaster, when the civil service regulations were ignored and partisanship established in its stead. I know what it led to and that just the state of affairs would happen which has occurred. I was very much surprised, indeed, the other day when I heard that the President had issued an Executive order by which he dropped from the Bureau of Engraving and Printing 31 of its most efficient employees, employees who had spent from 30 years down in the service of that bureau; one who had started at $1.25 a day, one who had started at $60 a month, all in minor positions, and who through efficiency and good work had reached the high places which they held.

I notice that the newspaper stated that many of these men were not Democrats, that many of them were Republicans, that it was not a political move at all, and that not more than six, perhaps, of them voted. In that event it was all the more offensive. If it was not a political move, and if they were neither Democrats or Republicans, why were they dismissed from the service without a hearing as prescribed in section 6, part 1, volume 37 of the United States Revised Statutes?

Mr. TILSON. Mr. Chairman, I feel constrained to rise to a point of order that the gentleman is not discussing the amendment. It seems to me that when we are discussing an appropriation bill we ought not to fill the RECORD with a lot of extraneous matter. There is a proper time when the gentleman can get permission to say what he is saying now without interjecting it into the middle of the debate on a bill under the five-minute rule.

Mr. CONNALLY of Texas. Does the gentleman object because he is not talking about the civil service?

Mr. TILSON. I am objecting simply because the gentleman is not talking about the bill itself.

Mr. CONNALLY of Texas. Is the gentleman insisting it is not in order to strike out the words "civil service" because they have already been stricken out?

Mr. TILSON. Oh, the gentleman is captious in his remarks. I am simply insisting that the gentleman from Maryland discuss in an orderly manner the bill before the House.

The CHAIRMAN. The gentleman will proceed in order.

Mr. LINTHICUM. Mr. Chairman, the question before the House is civil service. I am discussing the question of civil service. No question was made when a gentleman arose on the floor of this House and delivered a long speech on the coal question, and no question was raised when gentlemen have spoken on the floor of this House upon various subjects.

And why it should be such a sore spot in the minds of some gentlemen on this side [Republican side] when I speak of civil service and the actions of the Executive order, I do not understand, unless they feel very sad about the occurrence. I think I have a perfect right to discuss the violation of the civil service act by the Executive order of the President when the very bill before us says that certain appointments must be made from the civil-service list. Now, I was saying that no investigation had been made——

Mr. TILSON. Now, Mr. Chairman, I insist upon my point of order. We are not discussing the civil service. The paragraph containing a reference to the civil service has been passed, a subsequent paragraph has been read, and the gentleman realizes that he has no foundation whatever for claiming that he is discussing the bill. I therefore insist on the point of order.

Mr. LINTHICUM. I insist I am within my rights to discuss the whole question of the civil service when the bill speaks of making selections from the civil service list.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent for five minutes additional.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent for five additional minutes. Is there objection?

Mr. TILSON. Reserving the right to object, does the gentleman intend to discuss the bill?

Mr. LINTHICUM. I mean to discuss civil service.

Mr. TILSON. I object, Mr. Chairman.

Mr. LINTHICUM. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point that there is no quorum present. The Chair will count. [After counting.] Eighty-five Members are present; not a quorum.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise, and on that I demand tellers.

Tellers were ordered, and Mr. HUSTED and Mr. LINTHICUM took their places as tellers.

The committee divided, and the tellers reported—ayes 6, noes 73.

The CHAIRMAN. No quorum is present. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Fields	London	Sanders, Ind.
Ansorge	Fisher	Lyon	Sanders, N. Y.
Anthony	Fitzgerald	McClintic	Schall
Aswell	Focht	McDuffie	Scott, Mich.
Atkeson	Free	McLaughlin, Nebr.	Shantz
Beedy	Fuller	Mansfield	Siemp
Bell	Funk	Martin	Snell
Bixler	Gallivan	Merritt	Snyder
Blakeney	Goldsborough	Michaelson	Speaks
Bland, Ind.	Goodykoontz	Moore, Ill.	Sproul
Bond	Gorman	Morin	Steenerson
Brinson	Gould	Mott	Stevenson
Britten	Graham, Ill.	Mudd	Stiness
Burke	Graham, Pa.	Nelson, J. M.	Strong, Pa.
Cannon	Griffin	Newton, Minn.	Sullivan
Cantrill	Hammer	Nolan	Tague
Carter	Hangen	Norton	Taylor, Ark.
Chindblom	Hawes	O'Brien	Taylor, Colo.
Christopherson	Hersey	Overstreet	Ten Eyck
Clark, Fla.	Hicks	Padgett	Tillman
Clarke, N. Y.	Hogan	Paige	Tincher
Classon	Ireland	Patterson, Mo.	Towner
Codd	James	Perlman	Treadway
Connolly, Pa.	Jefferis, Nebr.	Petersen	Upshaw
Copley	Johnson, Miss.	Porter	Vare
Coughlin	Johnson, Wash.	Radcliffe	Vestal
Crago	Kahn	Rainey, Ala.	Volgt
Crowther	Kelley, Mich.	Rainey, Ill.	Webster
Dale	Kendall	Reavis	White, Me.
Darrow	Kennedy	Reber	Williams
Davis, Minn.	Kiess	Reed, N. Y.	Wilson
Dempsey	Kindred	Riddick	Winslow
Drane	Kitchin	Robertson	Wood, Ind.
Drewry	Knight	Rodenberg	Yates
Dyer	Kunz	Rouse	Zihlman
Ellis	Lampert	Rucker	
Faust	Lee, N. Y.	Ryan	
Favrot	Little	Sabath	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11605) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, finding itself without a quorum, he had caused the roll to be called, and that 281 Members had answered to their names, a quorum, and that he presented therewith a list of the absentees for insertion in the Journal and RECORD.

The committee resumed its session.

The Clerk read as follows:

EXPENSES OF CONSULAR INSPECTORS.

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, $25,000: *Provided*, That inspectors shall be allowed actual and necessary expenses for subsistence, itemized, not exceeding an average of $8 per day.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. I wish to inquire of the chairman of the committee as to the interpretation of the language of the proviso which allows not exceeding an average of $8 per day for actual and necessary expenses for subsistence of these consular inspectors. How is the authorization not to exceed an average of $8 a day construed in its application by the department?

Mr. HUSTED. It is construed at an average by the month, as I understand it.

Mr. STAFFORD. Then would an inspector receive the maximum of $248 a month if there were 31 days in the month?

Mr. HUSTED. Provided they were actual expenses.

Mr. STAFFORD. That is, an inspector who may be only occupied in inspecting for maybe half a month, and yet his expenses might run much more than $8 on any one day, and under this phraseology he would be entitled to perhaps $15 a day.

A MEMBER. Not unless they were actual expenses.

Mr. STAFFORD. My colleague says not unless they were actual expenses. But the inspector in continental United States engaged in some inspectional work is limited to $4 a day.

Mr. HUSTED. As I understand it, if one of these inspectors went on a tour of inspection and was occupied 10 days in making that inspection, he would have to render an account and show that he actually expended $80 in order to receive the full amount. That is entirely irrespective of the amount expended on any one day.

Mr. STAFFORD. Oh, yes; he would want the privilege of expending almost any amount for his expenses on any one day, providing the average expenses for the month or a year did not exceed the maximum of $8 a day for the entire number of days in the year.

Mr. ROGERS. Of course, the gentleman is aware that a very large part of the work of these inspectors is traveling, by ocean and by railroad, many hundreds and thousands of miles. A journey across the Pacific or across the Atlantic may cost three or four hundred dollars on a modern-price steamer. If a consular inspector was only going to be paid a maximum of $8 a day, he would be seriously crippled in whatever he would undertake.

Mr. STAFFORD. I direct the attention of the gentleman from Massachusetts to the fact that this limit of $8 is simply for actual and necessary expenses of subsistence. When he travels he will be allowed the full amount of travel and, in addition, $8 a day on an average for all the days when away from home.

Mr. HUSTED. They are not allowed to draw anything on this account except while they are on tours of inspection, and then they may draw an average of $8 a day for the time they are actually occupied in the public business, provided they actually and necessarily spend it.

Mr. STAFFORD. Years back in the Postal Service we had an abuse whereby inspectors would run out from their headquarters for an hour or so so as to obtain the necessary $4 per diem in addition to the salary. The Post Office Committee attempted to correct that abuse by requiring that they had to be officially away from their designated headquarters in order to obtain this allowance. Is there any such regulation in the department that would restrict these inspectors and prevent them from receiving the allowance given for actual and necessary expenses except when away from their designated headquarters?

Mr. HUSTED. Let me say this to the gentleman: There are only seven consular inspectors, all told. There should be a great many more for the good of the service. These men are the only officials that we have who regularly inspect our consulates to see that they are managed on a business basis and economically, and the work which they perform is very important, indeed.

Mr. STAFFORD. I am not criticizing the number or the amount appropriated. I am inquiring about the administration of this $8 per diem. With the rate of exchange so favorable to these inspectors, this allowance of $8 per day might run to twice as much as what inspectors in the United States are receiving.

Mr. HUSTED. Well, they are traveling in foreign countries and often under very expensive conditions. I do not think this allowance is too high. I doubt if it always covers the actual expenses.

Mr. STAFFORD. Take the commercial attachés under the Department of Commerce. We do not allow them any such expenditures, and yet they are traveling the same way, and their expenses are just as great.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. The gentleman is talking about what the practice is. The language in the bill is for "traveling and inspecting under instructions from the Secretary of State." They could not do as the post-office inspectors used to do, because they can do this only when ordered to inspect, and only get it while traveling and inspecting, and then they could get only the actual amount of expenses.

Mr. STAFFORD. Oh, yes. I am directing my inquiry as to the character of the expenditure. For instance, the commercial attachés——

Mr. MANN. The commercial attachés do not travel as these men do.

Mr. STAFFORD. In Argentina the Department of Commerce has been asking for years more than the law allows them, $5 per day, perhaps. Here you are allowing them $8 a day on an average, which may run up to $10 or $12 a day of actual expenditure.

Mr. HUSTED. Let me tell the gentleman what this item covers. It covers the expense of transportation, steamship and railroad fares, hotel bills, and——

Mr. STAFFORD. If the gentleman will permit, I am not directing my inquiry as to the main part of the provision, but as to the interpretation of the phraseology in the proviso, "not exceeding $8 a day."

Mr. Chairman, I withdraw the reservation of the point of order.

Mr. BLANTON. I make the point of order, Mr. Chairman, that it is legislation. There is no law authorizing such an allowance as $8 a day.

Mr. HUSTED. Mr. Chairman, I make the point of order that the point of order made by the gentleman from Texas is made too late, debate having proceeded.

Mr. BLANTON. No; I reserved the point of order.

The CHAIRMAN. On the point of order raised by the gentleman from Texas [Mr. BLANTON] the Chair would be glad to hear the gentleman from Texas.

Mr. HUSTED. I am frank to concede, Mr. Chairman, that the allowance of $5 a day is not authorized by law.

The CHAIRMAN. The point of order is sustained. To what part of the provision does the gentleman from Texas make his point of order?

Mr. BLANTON. To that part allowing $8 a day.

Mr. HUSTED. Does the gentleman make his point of order against the $8 or against the proviso?

Mr. BLANTON. To the whole paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to amend by inserting, after the figures "$25,000," the words "*Provided*, That inspectors shall not be allowed actual and necessary expenses for subsistence, itemized, exceeding an average of $8 per day."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 9, line 14, after the figures "$25,000," insert: "*Provided*, That inspectors shall not be allowed actual and necessary expenses for subsistence, itemized, exceeding an average of $8 per day."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is legislation not authorized by law. Five dollars is the limit.

Mr. MANN. This is not legislation at all. This is a mere limitation.

The CHAIRMAN. The gentleman from Illinois offers an amendment, to which a point of order is made by the gentleman from Texas that it is legislation. The Chair thinks the amendment is clearly a limitation and overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRANSPORTING REMAINS OF DIPLOMATIC AND CONSULAR OFFICERS, CONSULAR ASSISTANTS, AND CLERKS TO THEIR HOMES FOR INTERMENT.

For defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular assistants and clerks, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, at their post or at home, $5,000.

Mr. HUSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: On page 13, after line 10, insert the following caption: "Embassies, legations, and consular buildings and grounds."

Mr. HUSTED. Mr. Chairman, this is simply a caption which was inadvertently omitted, which has always been carried in the Diplomatic and Consular appropriation bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

POST ALLOWANCES TO DIPLOMATIC AND CONSULAR OFFICERS.

To enable the President, in his discretion, and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to diplomatic and consular officers and consular assistants and officers of the United States Court for China in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $200,000.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph, beginning on line 13 and ending on line 20, for the reason that it is legislation unauthorized on an appropriation bill.

Mr. HUSTED. Mr. Chairman, while it is very unfortunate that a point of order should be made against this paragraph, which is absolutely necessary in order that the service may be properly maintained, I must admit that it is subject to a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

To enable the President to perform the obligations of the United States under the treaties of 1884, 1889, 1905, and 1906, between the United States and Mexico, including not to exceed $600 for rent, $15,000: *Provided*, That no part of this sum shall be expended for the salary of a commissioner.

Mr. HUDSPETH. Mr. Chairman, I move to strike out, in line 24, page 14, the figures "$15,000" and insert in lieu thereof "$25,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 14, line 24, strike out the figures "$15,000" and insert in lieu thereof the figures "$25,000."

Mr. HUDSPETH. Mr. Chairman, I should like to have the attention of the committee. I can not see any reason why an important a commission as this should be kicked around like a football in this Congress. This is a commission in which every American citizen is interested. If you will read the hearings, containing the statement of Undersecretary of State Fletcher, you will find that he testifies that last year, although there was an appropriation of only $5,000 made for this boundary commission, they took the unexpended balance from the appropriation of 1920 of $50,000 and expended the $25,000, as I recall. I think that was the amount, or probably something over $20,000.

Gentlemen, this is the commission that makes a survey of disputed territory between this country and Mexico. It is stated here that no part of this appropriation will be expended for a commissioner; but during all the time that we have not been recognizing Mexico, Mexico has had a boundary commissioner, as Mr. Fletcher says.

The Rio Grande, which is the boundary line between a large part of this country and Mexico, is susceptible to sudden changes, and when it does change it cuts off land that is in the United States to-day and puts it into Mexico to-morrow. I want to impress upon you gentlemen the importance of this commission and the reason why the engineers should be there upon the ground and make the surveys, so that when Mexico is recognized we may have the facts as to disputed territory. Mr. Carr, who was representing the State Department, as I believe, in the hearing, asked that at least $25,000 be appropriated. No part of that goes to a commissioner. I did not blame gentlemen here a couple of years ago for cutting off the appropriation, when there was a commissioner appointed under the other administration, who stayed in his office somewhere in one of the Southern States, practiced law, as I am informed, and did not attend to his business down on the national border, but you gentlemen over here now are in authority and unquestionably you will appoint a commissioner who will stay on the ground and perform his duty; at least you should do so. But the amount I am asking here is not for the pay of a commissioner, although I think at the present time this country is likely to suffer by reason of the fact that it has no commissioner. During all this time Mexico has its commissioner, as Fletcher states, and, as I understand, he is performing the functions of his office; but this appropriation is for the purpose of water gauging and for additional water gaugers along the Rio Grande and for the pay of engineers to make the surveys, and last year they expended that amount; but there is now no unappropriated balance remaining out of which they can make this expenditure.

Mr. TILSON. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. TILSON. Do I understand correctly that the purpose of this appropriation is to make surveys of this land that shifts its nationality overnight, one day being in Texas and the next day in Mexico?

Mr. HUDSPETH. To-morrow it may be in Mexico, by a change of the river by erosion or avulsion.

Mr. TILSON. Is it the purpose of this appropriation to have these surveys made and all this information and data collected and ready as soon as we recognize Mexico, so that we can settle these questions as to boundaries?

Mr. HUDSPETH. That is the idea, so that we will have the data concerning where the boundary line should be. Under the treaty the boundary line along the Rio Grande is the middle of the stream. I will state to my friend from Connecticut that when the stream changes there ought to be a commissioner on the ground to make the survey, so that we will have the information that Mexico will have, so that in the arbitration she will not have any advantage.

Mr. BEGG. Will the gentleman yield for a question?

Mr. HUDSPETH. I yield to the gentleman from Ohio.

Mr. BEGG. What is the salary of this engineer?

Mr. HUDSPETH. I think it is $5,000.

Mr. BEGG. Will not $15,000 provide for him?

Mr. HUDSPETH. No; not according to Mr. Fletcher. I am asking this addition not for a commission but upon the estimates of Carr and Fletcher. You understand there have to be men along the river to make these surveys and other necessary work in which this country is vitally interested.

Mr. BEGG. How many men has he under him?

Mr. HUDSPETH. Mr. Fletcher's statement was that the men required besides the engineer would call for an appropriation of $25,000. The engineer is not the only man who is needed there.

Mr. BEGG. If the gentleman will look at the hearings, as to what has actually been performed by this commission, he will find that $15,000 is a pretty generous appropriation at this time.

Mr. HUDSPETH. I will state to the gentleman from Ohio that last year they expended over $20,000, and there was no commissioner's salary included in that expenditure. Why do you want to deprive them of the men that they actually need along the river?

Mr. BEGG. They spent about that same amount two years ago.

Mr. HUDSPETH. They had $50,000 two years ago.

Mr. BEGG. They did not spend it all.

Mr. HUDSPETH. They spent every dollar of it, and this country is as much your country as it is mine, and you ought not to cut them down here, because the testimony is in the hearings that they need it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEGG. I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BEGG. Now, I want to call the gentleman's attention to the fact the year before, when I said they had $25,000, they actually spent $20,407, and the gentleman is entirely in error when he says that they spent $50,000.

Mr. HUDSPETH. They had an appropriation in 1919–20 of $50,000, and they had in prior years $50,000. There was a reason for cutting it down then, because they had a commissioner who did not do any work, and they cut him off in the appropriation. You gentlemen are in the majority, and if you want land taken from this country by Mexico it is your fault and not mine; you are responsible to our country.

Mr. BEGG. We accept the responsibility.

Mr. HUDSPETH. Yes; you accept lots of things. I have never known anything that your party would not accept. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUSTED. Mr. Chairman, we realize the importance of making the surveys and measuring the water and preserving all the data necessary to the protection of American interests, but I desire to call the attention of the gentleman from Texas to the estimates made by the department for the next fiscal year.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. I will after I get through with this brief statement. In the estimate of $25,000 they provide for a commissioner at $5,000; for a consulting engineer at $4,500; for a secretary at $4,000; for rent, $1,400; for equipment, printing, clerks, and so forth, $5,100; and for water measurements, $5,000. Now, these items made up $25,000, and the only items contained in that estimate in which the gentleman is really interested is the item of $5,000 for water measurements and the item for surveying. That is what he wants done; he wants the water measured and the necessary surveys made——

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HUDSPETH. I want to ask if Mr. Carr and Mr. Fletcher, of the State Department, did not state it was absolutely necessary for the protection of the American rights that you appropriate $25,000?

Mr. HUSTED. No; on page 155 of the hearings this is what Mr. Carr states:

My understanding is that this Government has not felt that anything could be accomplished by the appointment of a commissioner until we recognize the Mexican Government, when the commission could make binding decisions in reference to the boundary and matters affecting the boundary. That, however, does not apply to the measuring of the water, which should be kept up just as if the two Governments were in diplomatic relations.

That is exactly what we are providing for—the measuring of the water, making the survey, collecting all the data, and doing absolutely everything that is necessary for the protection of American interests. We did not think it was advisable to appoint a commissioner and pay him a salary of $5,000 when he has absolutely nothing to do. We did not think it necessary to provide money for some of the other items that allow the appointment of clerks, and so forth, when they have nothing to do.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HUDSPETH. If they expended over $20,000 last year, would not it stand to reason that they should have that amount this year?

Mr. HUSTED. I am calling the gentleman's attention to the estimates. There is a detailed estimate, and that is exactly what they propose to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

BOUNDARY LINE, ALASKA AND CANADA, AND THE UNITED STATES AND CANADA.

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500, and commutation to members of the field force while on field duty or actual expenses not exceeding $5 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $30,000: *Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business he shall be allowed actual and necessary expenses of subsistence not in excess of $8 per day.

Mr. BLANTON. Mr. Chairman, I make a point of order to that paragraph in the bill embraced within the last proviso, line 23, page 15, and line 2, page 16, which is legislation unauthorized on an appropriation bill in that it provides subsistence at $8 a day.

Mr. MANN. Will the gentleman reserve the point of order?

Mr. BLANTON. I will reserve it.

Mr. MANN. I can tell the gentleman why the proviso was put into the act. Some years ago it was found that the International Boundary Commission under the law and under the appropriation as it is in the bill, without a proviso, were charging expenses for subsistence practically 365 days in the year. Congress did not think it ought to be done. None of these gentlemen lived in Washington, none of them had an official residence in Washington; they were not engaged all the time on the work, but they were charging subsistence for all the time. So Congress put in a limitation that the only time they could charge subsistence was when they were absent from Washington or their regular place of residence on official business.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BLANTON. I imagine that if the gentleman from Illinois was commissioner and had a force of men under him and had to put up in a hotel somewhere in order to get something to eat, he would not put up at an $8 a day hotel and put his men up at a lower class hotel at $5 a day, which this bill authorizes. In other words, in lines 20 and 21 it provides that his field force shall be allowed $5 a day, and then it gives the commissioner $8 a day.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry. Are these gentlemen discussing the point of order or the merits of the bill?

Mr. MANN. The gentleman from Texas has reserved the point of order for a moment.

Mr. LINTHICUM. I do not want to be captious, but the chairman called me down on the same thing that the gentleman from Illinois is doing.

Mr. MANN. The gentleman from Texas reserved the point of order. I would like to say to my friend from Texas that when I go to New York or even to Washington and stop at a hotel it costs me a good deal more than it does my secretary or any other employee that I may have. When I was practicing law, it cost me a great deal more at a hotel than it did to send a clerk there or take him with me. However, that is not the question. I think if this limitation is stricken out, the result will be that these commissioners will have the right which they exercised formerly—I do not know whether they will exercise it or not hereafter—to charge subsistence for practically every day.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. JOHNSON of Kentucky. Is the gentleman's opinion is it material whether this language is in or out, since there is no longer a commissioner? The work now is done by the Geodetic Survey. There is no commissioner.

Mr. MANN. There is no commissioner?

Mr. JOHNSON of Kentucky. There is a commission but no commissioner.

Mr. HUSTED. Oh, I think the gentleman is mistaken about that.

Mr. MANN. I am not informed as to that. There was a commissioner at one time.

Mr. HUSTED. I think the gentleman is in error about that. There is a commissioner, but he draws no salary.

Mr. JOHNSON of Kentucky. My understanding was that Mr. Jones of the Geodetic Survey has charge of it instead of the commissioner.

Mr. HUSTED. He is the American commissioner, but he draws no salary.

Mr. JOHNSON of Kentucky. I have not seen the paper making the transfer, but my understanding is that the position of commissioner was entirely abolished, and that that was another duty added to the Geodetic Survey.

Mr. BLANTON. Mr. Chairman, if the gentleman will yield, at a great many of the hotels in the country you can get a room, not on the first floor, with a bath, but you can get a pretty good room for $2 a day. Oh, I do not mean in New York, but I mean down in Oklahoma and in my State.

Mr. MANN. But this commission does not go to Oklahoma or Texas.

Mr. BLANTON. I know; but up in Canada things are not so very much higher than they are in the South, and you can get a pretty good meal for $1.

Mr. MANN. I am not particular as to the amount, but I speak of this because of the great abuse that did grow out of the matter. We had some very fine gentlemen as commissioners, all of them I think formerly in political life, who have been retired for one reason or another. We thought we would not give them in addition to the salary of $7,500 a year subsistence for every day in the year. That is the reason this provision was put into the law some years ago.

Mr. BLANTON. Whenever you once raise subsistence to $8 per day for one set of employees, you are going to have to do it for all of the rest.

Mr. MANN. I doubt that. I can not travel all over the country for a subsistence of $8 a day, and I doubt whether the gentleman from Texas can.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. BLANTON. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HUSTED. Mr. Chairman, I move to amend, after the numerals "$30,000," in line 23, by inserting the words "*Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business, he shall not be allowed actual and necessary expenses of subsistence in excess of $8 per day."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 15, line 23, after the numerals "$30,000," insert: "*Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business, he shall not be allowed actual and necessary expenses of subsistence in excess of $8 per day."

Mr. BLANTON. Mr. Chairman, I make the point of order that that is legislation. The law authorizes subsistence at not more than $5 a day. I am sure that the Chair wants uniformity of rulings with respect to these matters. If you permit this amendment, it clearly authorizes this commissioner to spend as much as $8 per day, which would be $3 in excess of the authorization of law, and certainly to that extent it is legislation. I do not think there can be any question about that whatever.

Mr. HUSTED. Mr. Chairman, this is on all fours with the amendment recently offered by the gentleman from Illinois [Mr. MANN], which was held in order by the Chair.

The CHAIRMAN. The Chair thinks the same question is involved.

Mr. BEGG. Mr. Chairman, I would like to say a word on the point of order. I am not particularly interested in the amendment, but it does seem to me that we ought to have at least an element of consistency in legislation. I am assuming that the Chair will rule as he did a few moments ago, that this is a limitation on an expenditure; but suppose there was a statute providing that a commissioner shall be paid a salary of $5,000 a year, and that the committee brought in a paragraph saying that the salary of the commissioner shall not exceed $7,000 per year. Clearly that would be subject to the point of order as a change in existing law. It does not remedy the matter, it does not make it a limitation, to simply change the verbiage of

the statement and say that the salary of the commissioner shall not be more than so and so. In other words, stating a positive proposition in a negative way can not be held in order, if you are going to attempt at all to abide by the rules of the House. I do not care whether he is allowed $8 or $10 a day, but it seems to me if you are not going to be consistent, you are opening the gate wide so that anything can be made in order by stating it in a negative way.

Mr. JOHNSON of Kentucky. Mr. Chairman, in answer to the gentleman from Ohio [Mr. BROS], who has just taken his seat, I invite the attention of the Chair to line 18 of the bill, which authorizes a part of the $30,000 to be used for "traveling expenses." The question now arises, What part of the $30,000 may be used for traveling expenses? The proviso, as it came from the committee and as it appears in the bill, is subject to the point of order; but when the proviso is changed and is put in the negative, it thereby becomes a limitation, by providing that such part of the $30,000 as may be expended for traveling may not exceed $8 per day. So, it seems to me that, notwithstanding the fact that there is no commissioner to use it, and that there will not be another who may use it, the point of order is not well taken.

The CHAIRMAN. The point of order is overruled. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $1,500.

Mr. MANN. Mr. Chairman, I notice the appropriation for the International Prison Commission is reduced from $2,550, which was carried in the current law, to $1,500.

Mr. HUSTED. The reason for that, I will say to the gentleman, is because our quota is payable in francs, and $1,500 will buy the same number of francs to pay our quota that $2,550 formerly purchased.

Mr. MANN. That may have been the case when the estimate was made, but I somewhat doubt whether it is the case just now.

Mr. HUSTED. It was figured out to the satisfaction of the State Department, at any rate, that it would be an amount, when translated into francs, to cover our full quota.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For printing and binding for the Pan American Union, $20,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the whole paragraph beginning on line 17, page 16, and going down to the end of the paragraph. It is legislation unauthorized on an appropriation bill. I would like to say this, if the Chair will permit me, that the resolution which created this Pan American Union, as the Chair well knows, limited its life to 10 years, and it provided that any one of these countries could withdraw upon giving certain notice within that time. That provision in no way extended the life of the union. The union, by reason of the terms of the resolution which created it, expired at the end of 10 years.

Mr. BURTON. Will the gentleman yield to a question?

Mr. BLANTON. I yield.

Mr. BURTON. I think the gentleman desires to be accurate. Is he quite sure that it is limited to 10 years? This is the resolution which was passed at the conference of countries of the Western Hemisphere at Buenos Aires in 1910:

The American Republics bind themselves to continue to support the Pan American Union for a term of 10 years from this date, and to pay annually into the treasury of the Pan American Union their respective quotas. Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance. The Pan American Union shall continue for successive terms of 10 years—

That is a very frequent provision in treaties—

unless 12 months before the expiration of such term a majority of the members of the union shall express the wish, through the Secretary of State of the United States of America, to withdraw therefrom on the expiration of the term.

Mr. BLANTON. That is not the resolution that passed this Congress.

Mr. BURTON. This is the one that created the Pan American Union.

Mr. BLANTON. But its life is limited to 10 years.

Mr. BURTON. No. It says the Pan American Union shall continue for successive terms of 10 years, unless 12 months before the expiration of such term a majority of the members of the union shall express a wish to the Secretary of State of the United States of America to withdraw therefrom on the expiration of the term.

Mr. BLANTON. The Chair will note that under the reading of the gentleman from Ohio the provision of the resolution obligates each one of these countries to pay so much per year during 10 years unless some of them within that 10 years give two years' notice of the withdrawal. The mere provision that the union shall extend on does not carry with it any authorization of law for the continuance of these obligations. There is no obligation on any country to pay any of these amounts under this resolution except during this first 10-year period.

Mr. HUSTED. Does the gentleman make the point of order against the entire paragraph?

Mr. BLANTON. Against the entire paragraph, because it includes legislation.

Mr. HUSTED. Including the second proviso at the bottom of page 16, line 25? Is your point of order addressed to the entire section?

Mr. BLANTON. It is to the whole paragraph.

Mr. HUSTED. Including the second proviso?

Mr. BLANTON. It is as to all of it.

Mr. HUSTED. Then I admit the paragraph is subject to a point of order.

Mr. BURTON. Before the decision is made on that, there is one other opinion to which I wish to call attention in a positive treaty. Our relations with those countries are so important and our participation has been so generous and so responded to by these countries I do not like to see this go out on a point of order.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. BLANTON. Does the gentleman know that out of this $100,000 fund that Congress is providing the employees of this Government in this Pan American Union are spending part of it to insure their lives?

Mr. BURTON. I regard the question of such importance that a bit of gossip like that does not interest me.

Mr. BLANTON. That is not gossip. It is a fact, as testified before the committee.

Mr. BURTON. There is another agreement which is a substantive treaty. This treaty is signed by representatives of the nations of the Western Hemisphere.

It is a treaty made in regard to trade-marks in 1910, in August of that year, in which there is a provision that clearly recognizes this resolution. Two bureaus are provided to enforce the regulations in regard to trade-marks, one at Habana and the other at Rio de Janeiro. They are termed "international bureaus," and this is what was provided:

The international bureaus shall be governed by identical regulations formed with the concurrence of the Governments of the Republic of Cuba and the United States of Brazil and approved by all the other signatory States.

Then follows this clause:

Their budgets, after being sanctioned by said Governments, shall be defrayed by all the signatory States in the same proportion as that established by the International Bureau of American Republics at Washington, and in this particular they shall be placed under the control of those Governments in whose territory they are established.

Now, that is a plain recognition in that treaty of these resolutions that were passed.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 16, after line 16, insert:

PAN AMERICAN UNION.

Pan American Union, $100,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of the said governing board.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation, not authorized on an appropriation bill; and I want to call the attention of the Chair to the fact that this particular amendment offered by the chairman of the subcommittee in charge of the bill provides that in addition to this $100,000, the various amounts which the countries themselves are obligated to pay into this union are to be covered as a credit, but may nevertheless be used by the board in charge of this Pan American Union in paying the expenses of the union. In other words, we are appropriating for use in expending every single dollar of the $100,000, which is designed to cover the whole cost of operation, and then taking all the money that

should go into the Treasury besides and paying it in addition. It is clearly legislation not authorized by law.

Mr. HUSTED. Mr. Chairman, I would call the attention of the Chair to a provision of law to be found in volume 26 of the Statutes at Large, page 275, which is as follows:

For the organization and establishment under the Secretary of State of the International Union of American Republics for the prompt collection and distribution of commercial information, $36,000, and the sums contributed by other American Republics for this purpose when collected shall be covered into the Treasury.

Mr. BLANTON. That is an appropriation.

Mr. HUSTED. Yes. That is in an appropriation bill. But it does not follow that it is not legislation of a permanent character simply because it is carried in an appropriation bill. There is a great deal of permanent legislation which is carried in appropriation bills.

I want to call the attention of the Chair to the fact that the word "establishment" is used, and I doubt if there is a stronger word in the English language to indicate an intention to provide for a permanency. Take the dictionary definition of "establish." Webster says it means—

To originate and secure the permanent existence of; to found, to institute, to create and regulate; said of a colony, a State, or other institution.

And from the Standard Dictionary I quote this definition:

To settle or fix, confirm, place on a permanent footing, found, ordain, or institute, as to establish a colony.

I call the attention of the Chair to our own Constitution:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Now, this bill provides not only for the organization but also for the establishment, under the direction of the Secretary of State, of the International Union of American Republics; and I contend, Mr. Chairman, that that provides sufficient authority to support any appropriation made by Congress until this union is disestablished by some process provided by law.

At the fourth international American conference assembled at Buenos Aires in 1910 the following resolution was adopted:

The American Republics bind themselves to continue to support the Pan American Union for a term of 10 years from this date, and to pay annually into the treasury of the Pan American Union their respective quotas. Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance.

And then follows this language, which has not been quoted here before, and which is all-controlling upon the decision of the question as to whether or not the member States have decided to dissolve this union.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. HUSTED. Certainly.

Mr. BLANTON. The quota of the United States is $30,000, and yet the gentleman seeks to appropriate $100,000, and then let us spend all the balance contributed by the other countries.

Mr. HUSTED. The gentleman is referring to the quota for a particular year. The quota is entirely within the determination of the governing board, and for the last two years our quota, based on population, has been $100,000. We pay no more in proportion to our population than any other nation pays, but you can not expect a little republican State like Honduras to pay as much as the United States of America. But here is the all-controlling language:

The Pan American Union shall continue for successive terms of 10 years unless 12 months before the expiration of such term a majority of the members of the union shall express the wish, through the Secretary of State of the United States of America, to withdraw therefrom on the expiration of the term.

No such expression has been given through the Secretary of State or otherwise, and we are still an adhering member of the union, and we can not withdraw, either legally or morally, except as provided in the resolution. As long as we continue in membership it is, of course, our duty to contribute our quota as fixed by the governing board. This is the organization about which Philander C. Knox, when he was Secretary of State, had this to say:

Among the foreign relations of the United States, as they fall into categories, the Pan American policy takes first place in our diplomacy.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BURTON. Why does not that provision make this in order? I understood the gentleman from New York to concede that this proviso was subject to a point of order. The obligation to pay money may be incurred by treaty, but a treaty is the law of the land and is like a statute. Why does not that treaty make this provision entirely normal?

Mr. HUSTED. Because under our rules, if I understand them, if any part of a paragraph is subject to a point of order, it vitiates the whole paragraph. The only part of the paragraph that is subject to a point of order is the proviso providing for the distribution by the union of an edition of the monthly bulletin, which reads:

And provided further, That the Public Printer is authorized to print an edition of the monthly bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1923.

There is no authorization for the printing of this monthly bulletin.

Mr. TILSON. Mr. Chairman, I think it may help the Chair in arriving at a proper conclusion on this point of order if I review somewhat hurriedly all the legislation in connection with it.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present. This is an important argument and we ought to have a quorum to hear it.

The CHAIRMAN. The gentleman from Maryland makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. TILSON. Mr. Chairman, as I stated before I was interrupted by the point of no quorum, I think it will aid the Chair if I review very briefly the acts making this appropriation in order. The first one I find relating directly to it is an act approved May 24, 1888, authorizing the President of the United States to arrange a conference between the United States of America and the Republics of Mexico, Central and South America, Haiti, San Domingo, and the Empire of Brazil.

The first section of this act reads as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized to invite the several Governments of the Republics of Mexico, Central and South America, Haiti, San Domingo, and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, at such time as he may deem proper, in the year 1889, for the purpose of discussing and recommending for adoption to their respective Governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries.

In conformity with this statute the call was issued by Secretary of State James G. Blaine, and the First Pan American Conference met in Washington on October 2, 1889. The countries attending the conference were Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru, Salvador, United States, Uruguay, and Venezuela. The conference continued until April 19, 1890. On March 29, 1890, a recommendation was approved for the organization of an association under the title of "International Union of American Republics."

In the diplomatic and consular appropriation act, approved July 14, 1890, this language appears:

To enable the President to carry into effect the recommendations of the International American conference so far as he shall deem it expedient, when the same are agreed to by the Governments represented in such conference, or a majority of them.

In another paragraph of this same act is the language which was cited by the gentleman from New York [Mr. HUSTED]. It is as follows:

For the organization and establishment under direction of the Secretary of State of the International Union of American Republics and the prompt collection and distribution of commercial information, $36,000.

The CHAIRMAN. Was that in the same act in which the authorization was made?

Mr. TILSON. It was the same act which made the appropriation for carrying into effect the recommendations of the conference. It was the diplomatic and consular appropriation act approved July 14, 1890, and is found in Twenty-sixth Statutes at Large, 275. Under this act the Union of American Republics was organized and established and appropriations were made for its maintenance in each successive year, 1891, 1892, and 1893.

In the sundry civil act approved August 18, 1894 (28 Stat. L., p. 418), an appropriation is made, and the following additional language appears:

The Bureau of American Republics shall be placed under the control and direction of the Secretary of State, who shall report to Congress at its next regular session the propriety of continuing said bureau, or if any obligation exists on the part of the United States requiring the continuance thereof.

In accordance with this statute the Secretary of State, Walter Q. Gresham, made a report to Congress on December 14, 1894, first citing the act just cited by me, and reported in compliance with that act that the union should be continued. As to the part of the act calling for an opinion as to whether there was

an obligation requiring a continuance of our adherence to the union, Secretary Gresham uses the following language in speaking of the agreement which had been entered into:

While it has not the binding force of a treaty made by the President by and with the advice and consent of the Senate, it has the sanction of the President and both Houses of Congress, and my conclusion is that while a majority of the Governments that became parties to the union at the instance of the United States adhere to it by contributing to its support, this Government can not in good faith withdraw from the organization.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. Yes; I yield to the gentleman.

Mr. BLANTON. I am not contending that the union should not be continued. If this appropriation had been $36,000 for carrying on our part of it, I should not have objected; but the gentleman must know that out of this $100,000 some of it at least goes for the numerous entertainments that we have down at that building, and it is the waste that I am objecting to.

Mr. TILSON. The gentleman knows how to draw limitations on an appropriation bill. It will be perfectly easy, after this point of order is overruled, for the gentleman to move an amendment placing any limitation which he desires on the appropriation. Therefore, what the gentleman says is not pertinent to the discussion of the point of order.

Appropriations for the support of the union were made in each succeeding year following 1894 up to 1910, inclusive. In the urgent deficiency bill approved February 25, 1910, the following provision appears in connection with the appropriation:

To meet the actual and necessary expenses of the delegates of the United States to the fourth international conference of the American States to be held at the city of Buenos Aires.

In accordance with this provision the conference was held, and at this conference the action was taken which has been referred to by the gentleman from Ohio [Mr. BURTON] and the gentleman from New York [Mr. HUSTED], in which it was agreed by the conference that the union should continue at any rate for a period of 10 years, and thereafter for successive periods of 10 years.

It was also agreed at the Buenos Aires conference to change the name of the organization, but not its purposes; and the name "Pan American Union" was adopted. There has been no subsequent legislation on the subject, but the appropriations have been made every year without interruption. It seems to have been accepted as settled that it was authorized by law, and so the appropriations have been continued until the present time. We now find ourselves in this situation: An organization that has continued for 32 years, the United States has been a participating member all of that time, in fact was the prime mover in bringing it into existence, and yet it is contended at this late date that we have no authority of law to appropriate for its continuance. It should have some weight that Congress has appropriated for this purpose through all these years, and that the acts of the organization have been sanctioned a number of times by acts of Congress. The one act, however, that of July 14, 1890, to which reference has been made by others as well as myself, is of itself sufficient, for it gives direct authority to organize and establish this union of American Republics. Therefore, Mr. Chairman, it seems to me that all of these statutes, taken together with the history of the organization, furnish a sufficient basis for the Chair to hold that this appropriation is authorized by law, and therefore in order.

Mr. ROGERS. Mr. Chairman, there are two points that have not been covered by the two gentlemen who have discussed the point of order. I should like to bring them to the attention of the Chair.

In the first place, the Chair is undoubtedly familiar with the compilation of laws of the United States published in 1919, and known as Barnes's Federal Code. I think most lawyers in the House who have had occasion to use that volume will agree with me that it is reliable and well compiled. As the title to the volume itself discloses, it is a code only of permanent law. Perhaps it is not conclusive or binding on this House, but I think it is of some interest and of some evidential value to note that Barnes's Federal Code in sections 7044 and 7045, on page 1661, recognizes and treats of the Pan American Union as permanently established under the laws of the United States. It cites the acts of 1893 and 1894 and a number of other acts, including many of those which have been cited by the gentleman from Connecticut.

One other point I think has not been raised which to me is conclusive on this entire point: Last year Doctor Rowe, who was then and is now Director General of the Pan American Union, testified concerning this item before the subcommittee of the Committee on Appropriations in charge of the Diplomatic and Consular appropriation bill.

I happened at that time to be occupying the position of chairman, which is now so ably occupied by the gentleman from New York [Mr. HUSTED]. In the course of the discussion—referred to on page 283 of the hearings on the bill for 1922—the following colloquy occurred:

Mr. ROGERS. Article 11 of the agreement at the Fourth International Conference of American States, made and signed at Buenos Aires August 11, 1912, found in volume 55, Senate document, page 156, Sixty-first Congress, third session, reads:

"The Director General of the Pan American Union shall submit at the regular meeting in November a detailed budget of the expenses of the following year. This budget, after approval by the governing board, shall be transmitted to the various signatory governments, with a statement of the annual quota which each is to contribute, this quota being fixed in proportion to the population of the country."

Was this international agreement ratified by the Senate?

Doctor ROWE. Yes.

Mr. ROGERS. And it has the force of law?

Doctor ROWE. Yes.

That statement I am not able to challenge, and I doubt if any member of the committee is able to challenge it. To my mind it establishes conclusively two things, even if there had never been other legislation. First, that we are bound by an international agreement to engage in and continue the work of the Pan American Union until we withdraw by substantive legislation. Second, while it may be true that years ago we appropriated $50,000 or $75,000 or $85,000 a year, we are bound under the agreement of 1912 to conform to the quota obligations that are assigned to us from time to time in accordance with the international arrangement. And, as the gentleman from New York says, if we have authority to appropriate at all we have authority to appropriate for any amount unless there is a definite limitation elsewhere in the basic statutes. There is no such limitation in the law. Therefore our right here is unquestionable to appropriate any amount we desire.

Mr. JOHNSON of Kentucky. Mr. Chairman, when I came into the Chamber I was of the opinion that the Pan American Union had been automatically dissolved by the lapse of time, or, in other words, by the expiration of the 10 years. That opinion was reached after hearing only those who appeared before the committee in behalf of an appropriation for the institution.

However, I have become satisfied from the argument made by the gentleman from Ohio [Mr. BURTON] that in that opinion I was in error. I am now of the opinion, just as the gentleman from Massachusetts [Mr. ROGERS] said, that the Pan American Union runs for another term of 10 years, because it has not been by some act of Congress or of the other nations dissolved. In admitting that, however, I must agree with the gentleman from New York [Mr. HUSTED], the chairman of the subcommittee, that any appropriation made by the United States for the Pan American Union must be limited to the quota agreed upon. The amount of money authorized to be raised is upon the basis of population. Upon that basis the United States is now paying $100,000. The other Governments are assessed each a quota on the same basis, and their quotas aggregate something like $78,000, I think. It may be said here, however, that everyone of the South American Governments is not now contributing; some of them are in default. Therefore the question arises now, Can this bill provide appropriation of money other than the assessed quota? This bill appropriates a quota of $100,000. In addition to that it provides that 6,000 copies of a certain pamphlet may be printed each month, at the cost alone of the United States, to be paid out of funds other than the quota.

Mr. HUSTED. I would respectfully call the attention of the gentleman from Kentucky to the fact that the 6,000-copy item is not contained in the pending amendment.

Mr. JOHNSON of Kentucky. I am very glad that the gentleman so informs me, because while I know that that amendment had at one time been withdrawn I thought it had been revived by another motion. That being the case, Mr. Chairman, I have nothing more to say.

The CHAIRMAN. The Chair is ready to rule. Under the act of July 14, 1890, the Congress organized and established under the direction of the Secretary of State the International Union of American Republics. It is true that that legislation was on an appropriation bill, but no objection was made and it became and was permanent law. There has been no change or modification, so far as the Chair is able to learn, of this organization and the establishment of this union except as to the name. The agreement referred to by the gentleman from Texas between the members of the union is as follows:

Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance. The Pan American Union shall continue for successive terms of 10 years, unless 12 months before the expiration of such term a majority of the members of the union shall express the wish to the Secretary of State of the United States of America to withdraw therefrom on the expiration of the term.

The Chair thinks that this agreement has not expired and that the notice was not served which would in any manner

terminate our relations with the Pan American Union. The Chair therefore overrules the point of order. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11065 and had come to no resolution thereon.

OPERATION OF GOVERNMENT RADIO STATIONS FOR PRESS MESSAGES—CONFERENCE REPORT.

Mr. GREENE of Massachusetts. Mr. Speaker, I call up the conference report upon House Joint Resolution 7, to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman from Massachusetts given information to the ranking minority member that he intended to call the report up this afternoon?

Mr. GREENE of Massachusetts. Mr. Speaker, this conference report is a unanimous report of the committee. This report has been held up for three days on account of my being occupied in a joint session of the Committee on Commerce in the Senate and the Merchant Marine and Fisheries Committee of the House. I would like to have action on the conference report and have the same sent to the other body for completion. There is no objection to the report and there is no reason for delaying action upon the same.

Mr. STAFFORD. Would it be inconvenient to the gentlemen to defer this matter until morning?

Mr. GREENE of Massachusetts. I can not be here in the morning. I am due over with the Senate committee at half past 10 in the morning, as I have been during the past two days, and it will not be possible for me to be in the House at 12 o'clock to-morrow. I could not very well get here at 12 o'clock. This report has been pending for three days, waiting for a convenient opportunity to call it up. Yesterday it could not be considered because of Calendar Wednesday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "on June 30, 1925, except that all such rights conferred by this section in the Republic of China shall terminate and cease on January 1, 1924"; and the Senate agree to the same.

WILLIAM S. GREENE,
WALLACE H. WHITE, Jr.,
CARL R. CHINDBLOM,
L. LAZARO,
W. B. BANKHEAD,
Managers on the part of the House.

C. S. PAGE,
MILES POINDEXTER,
FREDERICK HALE,
CLAUDE A. SWANSON,
KEY PITTMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

No. 2: This amendment inserted by the Senate was stricken out on the ground that a five-year limitation extension for transmission and reception of press messages by naval radio stations on the Pacific coast is unwarranted owing to the belief that ample private radio facilities will have been established before the expiration of that period capable of handling all commercial and press business.

WILLIAM S. GREENE,
WALLACE H. WHITE, Jr.,
CARL R. CHINDBLOM,
L. LAZARO,
W. B. BANKHEAD,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. STAFFORD. I am quite well acquainted with the second amendment of the Senate, but I am not acquainted with the Senate amendment No. 1. I ask unanimous consent that the Clerk report the Senate amendment.

The SPEAKER. Without objection, the Clerk will report Senate amendment No. 1.

The Clerk read as follows:

Page 2, line 11, after the word "States," insert a comma and the words "Hawaii, Alaska."

Mr. STAFFORD. What was the reason for that?

Mr. GREENE of Massachusetts. It was to add Alaska and Hawaii to the privileges heretofore granted to the people of the Far East in the use of the naval radio.

Mr. STAFFORD. Will the gentleman inform the House to what other insular possessions the radio privileges extend?

Mr. GREENE of Massachusetts. The radio privileges extend to the Philippine Islands and to China and Japan.

Mr. STAFFORD. I notice in the amendment agreed to by the conferees that the conferees lessened the time within which the privileges should be extended to China by a period of six months. Instead of the limitation expiring on June 30, 1925, as it did to all countries and possessions, you have restricted it to January 1, 1924. What is the reason for that?

Mr. GREENE of Massachusetts. The reason for that was that at the disarmament conference the Chinese matter was arranged and had been agreed to by the action in the Senate in approving the disarmament conference treaties. The House conferees agreed to that date at the request of the conferees on the part of the Senate, but the House Members did not consider it necessary.

There is no need of having that length of time, even. It does no harm to anyone, and after the report of the disarmament conference reaches China, and they accept it, no further action will be necessary.

Mr. STAFFORD. As the bill passed the House, the limit of time for the exercise of these privileges was extended until June 30, 1922.

Mr. GREENE of Massachusetts. It was thus extended early last year, and by the action of the House, and was promptly sent to the Senate. They delayed action there until very recently they returned the same to the House, asked to have the same extended for a term of five years, simply stating that they wanted the time extended to June 30, 1927. We disagreed to the amendment, and the conference report was finally agreed to as the result.

As soon as private individuals establish this radio connection, for which the Radio Association of America has already obtained concessions in China, and when they are ready to establish the plant and complete its construction that will close the transaction.

Mr. STAFFORD. Not so far as press messages are concerned. Those are continued, I understand, until June 30, 1925.

Mr. GREENE of Massachusetts. They will be continued, so far as press messages are concerned, until that time, I presume.

Mr. MONDELL. As I understand it, if the gentleman will allow me, the House committee believed the House bill was proper, but it was necessary to make some little concession to the other body?

Mr. GREENE of Massachusetts. The other body felt as though they ought to have some concession, inasmuch as they

are a very important body. We did not think they needed it, but we finally satisfied them and obtained a full agreement.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3360. An act to authorize the building of a bridge across the Congaree River in South Carolina.

The message also announced that the Senate had passed the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3360. An act to authorize the building of a bridge across the Congaree River, in South Carolina; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until Friday, April 7, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SUMMERS of Washington: Committee on Indian Affairs. S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; without amendment (Rept. No. 879). Referred to the Committee of the Whole House on the state of the Union.

Mr. LARSEN of Georgia: Committee on the Public Lands. H. R. 8763. A bill validating and confirming a certain indemnity school-land selection of the State of Florida; without amendment (Rept. No. 880). Referred to the Committee of the Whole House on the state of the Union.

Mr. LARSEN of Georgia: Committee on the Public Lands. H. R. 5224. A bill to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes; with an amendment (Rept. No. 881). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 11190) authorizing the President to scrap certain vessels, in conformity with the provisions of the treaty to limit naval armaments, and providing for sundry matters affecting the Naval Establishment; to the Committee on Naval Affairs.

By Mr. MONTOYA: A bill (H. R. 11191) to protect the property of citizens of the United States against depredations committed by the Navajo Indians of New Mexico and Arizona; to the Committee on Indian Affairs.

By Mr. WILLIAMSON: A bill (H. R. 11192) to continue the land offices at Belle Fourche, Timber Lake, and Lemmon, in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 11193) to encourage commercial aviation and authorizing the Postmaster General to contract for air-mail service, and prescribing rates of transportation and postage thereon; to the Committee on the Post Office and Post Roads.

By Mr. SWEET: A bill (H. R. 11194) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11195) to amend and modify the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. RIDDICK: Joint resolution (H. J. Res. 303) relating to terms and conditions of payment for the tuition of Indian pupils enrolled in the State public schools of Montana; to the Committee on Indian Affairs.

By Mr. CONNALLY of Texas: Concurrent resolution (H. Con. Res. 55) requesting the President to take appropriate steps to adjust the diplomatic relations between the United States and the Republic of Mexico; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the Legislature of the State of Arizona, urging relief for the Arizona cattle growers' associations; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11196) granting an increase of pension to Annie C. Boman; to the Committee on Invalid Pensions.

By Mr. BRAND: A bill (H. R. 11197) granting an increase of pension to David Sloan Harrison; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 11198) for the relief of John A. Clayton; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 11199) for the relief of David F. Reed; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 11200) granting an increase of pension to Catherine B. Hall; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11201) granting a pension to Lizzie E. Fender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11202) granting a pension to Margaret A. Harris; to the Committee on Pensions.

By Mr. LOGAN: A bill (H. R. 11203) for the relief of H. W. Hamlin; to the Committee on Claims.

By Mr. McARTHUR: A bill (H. R. 11204) for the relief of school district No. 1, of the county of Multnomah, State of Oregon; to the Committee on Claims.

By Mr. McPHERSON: A bill (H. R. 11205) granting a pension to Harriett N. Chatfield; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11206) granting a pension to Agnes May Taylor; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 11207) granting an increase of pension to Samuel Spangler; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 11208) granting an increase of pension to Warren A. Ritter; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 11209) granting an increase of pension to Anna Dennison; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 11210) for the relief of the Southern Railway Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5000. By the SPEAKER (by request): Resolution adopted by the New York Conference of the Methodist Episcopal Church, indorsing the proposed constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159) and urging its immediate passage; to the Committee on the Judiciary.

5001. By Mr. CHINDBLOM: Petition of 32 citizens of Evanston, Ill., protesting against Sunday legislation; to the Committee on the District of Columbia.

5002. By Mr. FRENCH: Petition of citizens of Potlatch, Idaho, indorsing the Sterling-Towner bill; to the Committee on Education.

5003. By Mr. GALLIVAN: Petition of the New England Purchasing Agents' Association (Inc.) and Charles H. Tenney & Co., both of Boston, Mass., urging passage of House bill 10159, or the "commercial bribery bill"; to the Committee on the Judiciary.

5004. By Mr. KISSEL: Petition of the commander of the Naval Militia of New York City, N. Y., relative to the naval bill, etc.; to the Committee on Naval Affairs.

5005. By Mr. McPHERSON: Memorial of sundry citizens of Joplin, Mo., protesting against the passage of House bill 9753,

on the subject of Sunday observance; to the Committee on the District of Columbia.

5006. By Mr. RIDDICK: Petition of farmers of Portage and Big Sandy, in the State of Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

5007. By Mr. SMITH of Michigan: Petition of 178 citizens of Michigan, protesting against the passage of House bill 4388, providing for the regulation of Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5008. By Mr. SNELL: Petition of members of Grange 968, of Edwards, St. Lawrence County, N. Y., favoring the Voigt bill, prohibiting the manufacture of filled milk; to the Committee on Agriculture.

5009. By Mr. SNYDER: Petition of residents of the thirty-third New York congressional district, requesting the prohibition of imitation milk in interstate commerce; to the Committee on Agriculture.

5010. By Mr. STEENERSON: Resolution of International Brotherhood of Locomotive Engineers of Thief River Falls, Minn., favoring House bill 10798; to the Committee on Interstate and Foreign Commerce.

5011. By Mr. TINKHAM: Petition of the First Universalist Church of Roxbury, Mass., relative to the Austrian debt to the United States; to the Committee on Ways and Means.

5012. By Mr. TOWNER: Petition of J. E. Forsyth, of San Francisco, Calif., and 57 other citizens of the State of California, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5013. Also, petition of Jackson E. Mohr and 38 other citizens of Evansville, Ind., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5014. Also, petition of Harry A. Maxwell, of Malden, Mass., and 135 other citizens of the State of Massachusetts, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5015. By Mr. VOLSTEAD: Petition of 82 farmers in the seventh congressional district of Minnesota, urging revival of the Government Grain Corporation and a guaranteed price on farm products; to the Committee on Agriculture.

SENATE.

FRIDAY, *April 7, 1922.*

(Legislative day of Wednesday, April 5, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Senate resumes the consideration of House bill 9103.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] to the amendment of the committee. The amendment to the amendment will be read.

The READING CLERK. In the amendment of the committee, page 10, line 13, after the word "two" insert "for the district of New Jersey, one."

Mr. FRELINGHUYSEN. On agreeing to the amendment to the amendment I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to my colleague [Mr. HALE] and vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. Not knowing how he would vote and being unable to obtain a transfer at this time, I withhold my vote.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent to-day and I promised to take care of him with a pair. Therefore, I withhold my vote.

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Ohio [Mr. WILLIS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. He is absent, and I therefore withhold my vote.

The roll call was concluded.

Mr. KENDRICK. I have a general pair with the senior Senator from Illinois [Mr. MCCORMICK]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. NEW. I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. HARRISON. I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the junior Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. RANSDELL. I withhold my vote.

Mr. WILLIAMS. Has the Senator from Indiana [Mr. WATSON] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. WILLIAMS. I have a pair with that Senator, and in his absence I am not at liberty to vote. If at liberty to vote, I would vote "nay."

Mr. CURTIS. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Indiana [Mr. WATSON], and the Senator from Connecticut [Mr. MCLEAN] are detained at a meeting of the Committee on Finance.

I wish also to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Missouri [Mr. REED];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Utah [Mr. KING];

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The roll call resulted—yeas 25, nays 21, as follows:

YEAS—25.

Ball	Frelinghuysen	Myers	Sheppard
Bursum	Harris	New	Shortridge
Cameron	Johnson	Nicholson	Spencer
Curtis	Keyes	Oddie	Sutherland
Ernst	Lenroot	Pepper	
Fernald	McKinley	Poindexter	
Fletcher	Moses	Pomerene	

NAYS—21.

Ashurst	Kendrick	Norris	Walsh, Mass.
Capper	La Follette	Overman	Walsh, Mont.
Caraway	Lenroot	Rawson	Watson, Ga.
Cummins	McNary	Stanley	
Gooding	Nelson	Sterling	
Harrison	Norbeck	Wadsworth	

NOT VOTING—50.

Bayard	Gerry	McKellar	Smoot
Brandegee	Glass	McLean	Stanfield
Broussard	Hale	Newberry	Swanson
Calder	Harreld	Owen	Townsend
Colt	Heflin	Page	Trammell
Crow	Hitchcock	Phipps	Underwood
Culberson	Jones, N. Mex.	Pittman	Warren
Dial	Jones, Wash.	Ransdell	Watson, Ind.
Dillingham	Kellogg	Reed	Weller
du Pont	King	Robinson	Williams
Edge	Lodge	Shields	Willis
Elkins	McCormick	Simmons	
France	McCumber	Smith	

The PRESIDING OFFICER. On this question the yeas are 25 and the nays are 21. The Senator from Louisiana [Mr. RANSDELL] announced that he withheld his vote. The Senator from Washington [Mr. JONES], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Mississippi [Mr. WILLIAMS] announced their pairs. These Senators make a quorum present, and the amendment offered by the Senator from New Jersey to the amendment of the committee is agreed to.

Mr. HARRISON obtained the floor.

Mr. HARRIS. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. HARRIS. I offer an amendment which, I understand, is acceptable to the committee, and I ask that it may be read at the Secretary's desk. I do not think there will be any opposition to it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The READING CLERK. On page 10, line 22, in the committee amendment, it is proposed to strike out the word "district" and to insert "and southern districts."

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. The question is on the amendment which has been proposed by the Senator from Georgia to the amendment of the committee. The Senator from Mississippi [Mr. HARRISON] has the floor.

Mr. HARRISON. I yield for the present to the Senator from Iowa.

Mr. CUMMINS. Mr. President, the amendment which has just been proposed by the Senator from Georgia [Mr. HARRIS] to the amendment of the committee does not propose to add to the number of judges. It simply provides for the appointment of an additional judge in Georgia for two districts instead of for one district. The committee, so far as I have been able to ascertain its wishes, accepts the amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is upon the adoption of the amendment of the committee as amended.

APPOINTMENTS TO AND REMOVAL FROM OFFICE.

Mr. HARRISON. Mr. President, I was not surprised when the vote was announced a few moments ago on the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN]. It was a perfectly natural thing for Senators on the other side of the Chamber to vote for the amendment; it was only carrying out the policy as expressed in this bill. It would have been very unfortunate for the Senator from New Jersey, who offered the amendment; it would have been highly discriminatory, if Senators on the other side should have failed to accept the amendment and vote for it; for the Senator from New Jersey would have never been able to explain to his constituents in New Jersey why the distinguished Senator from Massachusetts [Mr. LODGE], the leader on the other side of the Chamber, had been able to obtain two judges to assist him in his election in Massachusetts in November next, while the Senator from New Jersey received none. Nor could the Senator from New Jersey have explained how he failed to obtain one judge, while the Senator from New York [Mr. CALDER], who comes up for reelection in the coming campaign, obtained three judges; or how the two Senators from Pennsylvania, who come up for reelection in the next campaign, obtained two judges while the Senator from New Jersey received none; nor could he have explained how the distinguished chairman of the Committee on Post Offices and Post Roads, the senior Senator from Michigan [Mr. TOWNSEND], who, as we understand, has a pretty brisk fight on his hands in Michigan, received one judge while the Senator from New Jersey received none. To Ohio, where a strong contest is on in an attempt to elect a Republican Senator, there has been given one judge. Minnesota, where the distinguished junior Senator from that State [Mr. KELLOGG] has a hard fight on his hands, is to be given a judge; so certainly the Senator from New Jersey would never be able to explain the matter in his campaign if he also had not secured the appointment of a judge. Then, as to Missouri, where there is a contest coming off, the Republicans are to be assisted by the creation of one judgeship. Over in Montana there is also another senatorial contest this year, and an additional judge is to be provided for that State under the pending bill. Out in California, where a Senator is to be elected this fall, the Republicans will be aided to the extent of having an additional judge appointed there.

Mr. OVERMAN. There are two additional judges provided for California.

Mr. HARRISON. My attention is called to the fact that in the pending bill two judges are provided for California.

In Arizona, where, of course, my friend, the senior Senator from Arizona [Mr. ASHURST], will have a fight on his hands, the Republicans will be aided to the extent of having a new appointee in the form of an additional judge in that State.

It seems that, running through the whole bill, I think, with four exceptions, the States which are selected to be given from one to three additional judges are States where sharp contests will occur over the election of sitting Members or others who are running on the Republican ticket. So it was but natural that the Republicans should have adopted the so-called Frelinghuysen amendment to give the Senator from New Jersey an additional judge in his State to aid him in the coming campaign.

Mr. President, it is very appropriate in the discussion of the pending bill that the attention of the country should be called to what transpired in this Chamber on day before yesterday. I did not speak on yesterday touching the action of the Senate on the day before, for I did not desire to interfere with the pending bill; so, under an arrangement, the Senate met one hour earlier this morning. It was a perfectly harmless resolution which was before the Senate on day before yesterday, merely asking the President of the United States—

to furnish to the Senate the name of every person appointed by Executive order, setting aside civil-service rules, and to furnish to the Senate the reasons therefor.

Is not the country entitled to know who, since the 4th of last March, under Executive order, have been appointed to civil-service positions and the reasons for such appointments? Yet the Senators on the other side of the aisle, for practically three hours, employed every parliamentary maneuver to prevent that resolution from coming before the Senate for discussion and action. During the whole morning hour, lasting for two hours, Senators on the other side, with two or three exceptions, lined up unitedly and voted against the resolution presented by me being laid before the Senate for consideration and action. What was the motive behind their activities? What prompted the majority to employ such tactics in order to strangle the resolution and hold it on the table and prevent it from coming before the Senate?

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield to the Senator.

Mr. MOSES. In the interest of complete historical accuracy, will the Senator state how the Senators on the other side voted, and whether they lined up with complete solidarity in order to force the resolution through, and will he also give his opinion as to what the motive is on the other side for pressing the resolution?

Mr. HARRISON. Yes; that is exactly what I arose to-day to address myself to.

Mr. President, this side of the aisle unitedly voted to bring the resolution before the Senate for consideration and for action. The motive behind their action was the belief that the American people were entitled to know just how many Executive orders had been issued by the President since last March setting aside civil-service rules and the reasons for doing so.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi further yield to the Senator from New Hampshire?

Mr. HARRISON. I will say to the Senator that I will finish much earlier if I am not interrupted, but I will be glad to yield to the Senator.

Mr. MOSES. I thought the Senator intended to occupy the extra hour which has been afforded this morning.

Mr. HARRISON. No; I want to get through at the very earliest possible moment. I will yield to the Senator, however. I am always glad to yield to him.

Mr. MOSES. I merely wish to point out to the Senator something which he very well knows, but which he has omitted to state, that the American people in due season, when the report of the Civil Service Commission is issued, will have all this information, and I doubt very much if there is any outcry from the country for immediate illumination on the subject.

Mr. HARRISON. The Senator advanced that argument the other day and exhibited a report from the Civil Service Commission, which did not contain all the reasons for the issuance of the Executive orders, and only covered the period up to September of last year. It will be a long while before the next report of the Civil Service Commission is issued, and when it is issued it will not contain all the reasons which I am seeking to have furnished to the Senate for the action of the Executive.

Mr. MOSES. It will contain all of the available reasons, Mr. President.

Mr. HARRISON. Mr. President, I am led to believe that the reason of the opposition of the other side of the aisle to the resolution is that they are in this diabolical plot, this conspiracy, to do things under cover and in secrecy and withhold information from the American people. I am led to believe that Executive orders have been issued by the President upon the request of certain Senators here; that the reasons for such action which were given to the President will not be transmitted in the report of the Civil Service Commission to the Senate, for, if they should be, they would not be received very well by the constituents of Senators on the majority side. That may be the reason which prompts the suggestion of the distinguished Senator from New Hampshire that the Civil Service Commission can give the reasons and make report better than can the President of the United States.

If certain Executive orders were issued by the President in behalf of certain Senators, and reasons assigned to him, the Civil Service Committee may not know anything about it, and their report would not contain it; and, regretful as I am even to suggest that such an idea might enter my mind, the actions of Senators on the other side of the Chamber and the intense opposition of Republican Senators to this resolution leads me to that conclusion.

A more reasonable request never was made to the United States Senate. You assisted in writing upon the statute books civil service laws. You have always said you believed in the enforcement of and compliance with civil-service requirements. In your platform you enunciated that doctrine. To the American people you proclaimed that theory. Here is what your party said in your last platform—the platform upon which President Harding was elected:

> We renew our repeated declaration that the civil service law shall be thoroughly and honestly enforced and extended wherever practicable. The recent action of Congress in enacting a comprehensive civil service retirement law and in working out a comprehensive employment and wage policy that will guarantee equal and just treatment to the army of Government workers and in centralizing the administration of the new and progressive employment policy in the hands of the Civil Service Commission is worthy of all praise.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I do.

Mr. STANLEY. The Senator overlooks the fact that that has been interpreted for us now by the ingenious spoilsman from New Hampshire, who says that the President meant that he would only enforce, and his party is only committed to enforce, the civil service law when practicable; and it is never practicable, says the distinguished authority from Indiana, to put a Democrat in, or keep him in, if you can find a Republican to fill the job.

Mr. HARRISON. Yes.

Mr. STANLEY. So, according to the interpretation of the two Senators, this Civil Service Commission is very simple. If that is the case, we have a wolf in sheep's clothing. The sheep's clothing is mangy, and the wolf is sticking out before and behind. I want to smoke out the President on that proposition. I hope he will say whether he approves of this interpretation of his party's platform.

Mr. HARRISON. Mr. President, right along those lines the Senator from Kentucky suggests the position of the Senator from New Hampshire. There is no Senator here who is closer to the President than is the senior Senator from New Hampshire [Mr. MOSES]. He was one of the most active workers in the last campaign. He was placed upon the Post Offices and Post Roads Committee. He is one of the most influential members of that committee.

Mr. STANLEY. And the Senator must not overlook the Senator from Indiana [Mr. NEW]. The Senator from New Hampshire has no edge—I do not know what that means—on the Senator from Indiana. He speaks over the radio telephone of the Government. The voice is the voice of Jacob, but the hand is the hand of Esau.

Mr. HARRISON. Yes, Mr. President, the two closest friends of this administration have spoken and said they were political spoilsmen; that if it were within their power they would turn out all Democrats and place in office all Republicans. So I am assuming that those are expressions that emanated from the White House, and that they are but giving to the country the views entertained at the other end of Pennsylvania Avenue.

Mr. MOSES rose.

Mr. HARRISON. I hope the Senator will allow me to proceed. So close is the Senator from New Hampshire to the White House, and so anxious, perhaps, was the President to carry out the views proclaimed by the Senator from New Hampshire, that when the Senator from New Hampshire took his man Friday, his warmest and closest political ally and friend from New Hampshire, ex-Governor Bartlett, and recommended him to the President as the most suitable man to serve as chairman of the Civil Service Commission, the President, evidently knowing the views of the Senator from New Hampshire, and knowing how Bartlett could work, placed him in that high and responsible place. He served there just long enough to learn all the ropes touching the civil service laws and regulations. I have no doubt that with his keen intellect he was constantly studying the methods that might be employed to evade the civil service law by those in the executive departments; and so, being anxious to carry out the policies enunciated by the Senator from New Hampshire as well as those of the Senator from Indiana, Bartlett is taken off of the Civil Service Commission as its chairman and selected among all the men in the United States to fill the office of First Assistant Postmaster General.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. HARRISON. I do.

Mr. NEW. I merely wish to observe that the Senator is doing me an honor from which I do not shrink but to which I am not entitled.

Mr. HARRISON. Yes; but the Senator knew what was going on, and he knew the motives that lay behind taking Bartlett from the chairmanship of the Civil Service Commission and placing him in office as First Assistant Postmaster General—the man who names all the postmasters, first, second, third, and fourth class, throughout the United States.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi further yield to the Senator from Indiana?

Mr. HARRISON. Yes; I yield.

Mr. NEW. I will say that if all the other assertions of the Senator from Mississippi are based upon as slim a foundation as the one he has just made they are not entitled to a great deal of weight, because, as a matter of fact the Senator from Indiana did not even know that the transfer of Governor Bartlett from the Civil Service Commission to the First Assistant Postmaster Generalship was in contemplation until after it was announced in the newspapers.

Mr. HARRISON. Mr. President, of course when things are done behind closed doors, in secrecy, and everything that goes on in the executive departments is withheld from the public we can only assume one's position from circumstances; but I am glad to accept the plea offered by the distinguished Senator from Indiana.

Mr. President, I have not heretofore discussed the order issued turning out 28, I believe, employees from the Bureau of Engraving and Printing. I have not said anything because I believed, or I wanted to believe, that the President would offer some excuse, whether flimsy or not, for that unprecedented action.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. STANLEY. I do not like even to question the motives of the dramatic and forceful utterances of the Senator from Mississippi; but is the Senator from Mississippi candid and sincere when he expresses surprise at the conduct of the President in throwing the benevolent robes of his high office about the spoilsman and the boss, or lending his great influence to the operation of practical politics? Has the Senator from Mississippi forgotten that the President is simply running true to form? Has he forgotten that a good many years ago, when Boss Cox and his machine had become so disreputable that the present Chief Justice of the United States became nauseated, even his gorge rose, and he denounced the methods of Boss Cox, no less a personality than the President himself came instantly to the rescue of Boss Cox against the attacks even of the present Chief Justice and the ex-President, and he went to Cincinnati and delivered a nauseating eulogy of the boss and of his kind, in which he said that Cox was entitled to the deference and devotion of all good Republicans; and for many years thereafter he was referred to as "Warren G. Harding, D. D.," not "doctor of divinity," but "Deference and Devotion Harding"? Is he surprised that the patron saint and especial defender and attorney in fact for Boss Cox should now seek the spoilsmen of the Senate to do his bidding and preserve his party from impending disorganization and ruin?

Mr. HARRISON. I think I had better modify my statement after this very real characterization of my friend from Kentucky; but I remembered the speeches delivered by the distinguished President as a Senator, when he arrayed himself against autocracy, and talked against encroachments of the Executive upon the legislative branch of the Government. I recall his criticisms of the former President for what he said was an inexcusable usurpation of power. I believed him to be a tender-hearted, mild-mannered gentleman, and that at least, while he might throw out some man from office in order to take care of some of his political friends, he would not issue such a drastic order that would take from the service women whose records—in one case for 43 years—had been the best, a woman who in two years' time could come under the provisions of the civil-service retirement law, a woman who from her compensation was supporting two invalid sisters and an old, aged mother; women who as a result of that act, when they are thrown out, never again can obtain a position in the Government service. I did not believe that this man whom I thought to be tender-hearted and fair could do such an act as that.

Mr. CARAWAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. HARRISON. I yield to the Senator.

Mr. CARAWAY. If I may interrupt the Senator a moment, the Senator from Indiana, of whom I am very fond, was very angry with me the other day for having, as he said, taken parts of two days to discuss this order, and I notice that he was taking issue with the Senator from Mississippi a moment ago. I have a letter here, if I may read two paragraphs, that may throw some light upon it. I shall not disclose the name of the lady, who comes from Indiana, because she is an employee of the War Department, and she will lose her place if I do; but the letter contains this statement:

> On March 30 a canvass was taken, by order of the War Department, in our division of the number of clerks who claimed Indiana as their legal residence. This information was sent to the chief clerk of the War Department, and my name being one of others who are in one of the divisions of the department, I received the inclosed communication this morning. This is evidently being done in other Government departments, as a friend of mine received the same kind of a blank.

Inclosed with that is a circular from the Indiana Republican committee, lock box 345, Washington, D. C., and this blank:

> [Executive committee: Mr. Oliver P. M. Brown, chairman; Capt. J. R. Henry; Mr. John B. Newman; Hon. Stanton J. Peele; Dr. Harvey W. Wiley.]
>
> INDIANA REPUBLICAN COMMITTEE OF THE DISTRICT OF COLUMBIA,
> *March 31, 1922.*
>
> DEAR FRIEND HOOSIER:
>
> Are you a Republican? ____ Or if you have not been a Republican in the past, do you desire now to affiliate with that party? ____ If your answer to either question is "Yes," please answer the following questions and return promptly in the inclosed stamped and addressed envelope. If reply is not promptly received, the committee will assume that you are not interested in the Republican Party:
>
> Name in full _____
> Washington address _____
> Have you retained voting residence in Indiana? ____ If "Yes," in what congressional district? _____ County? _____ Voting precinct? _____
> Indiana P. O. address _____
> Did you register for 1920 election? ____ If "No," when was the last time you voted? _____
> Are you going home to vote at the May 2 primary? ____ Would you like to vote at this primary by mail (any duly registered elector, if absent from the State, is entitled to vote in the primary by mail)? ____ If "Yes," do you want this committee to assist you in obtaining "absent voter's ballot" without expense to you? ____ If your wife or other members of your family are entitled to vote, please give name or names here _____
>
> The right to vote is the heritage of every American man or woman, and the exercise of that right is a requisite to good citizenship.
>
> INDIANA REPUBLICAN COMMITTEE,
> O. P. M. BROWN, *Chairman.*

The letter says that the departments are being combed to find people who can vote in the coming May primary in Indiana.

Mr. MOSES. May I say to the Senator that he did not read anything of that kind from the letter?

Mr. CARAWAY. I did read it from the letter. If the Senator from New Hampshire did not hear it, I am not responsible.

Mr. MOSES. I did hear what the Senator read. He read from the letter a statement to the effect that they went through the departments to find out who lived in Indiana. They said nothing about combing it to find out who would vote at the primaries.

Mr. CARAWAY. If the Senator can not add two and two together, I shall not waste any time explaining to him.

Mr. MOSES. If the Senator will permit me, that is the manner in which this whole discussion has been carried on by Senators on the other side. They make certain deductions. The Senator from Mississippi [Mr. HARRISON] says he assumes; in fact, there has been altogether too much assumption. The Senator from Kentucky [Mr. STANLEY] says, "I want to smoke the President out." That, Mr. President, is the animus of all this discussion on the other side. They assume, they deduce, they want to harass the President. That is all there is to it.

Mr. CARAWAY. That is not all there is to it. Here is what the letter says——

The PRESIDING OFFICER. Does the Senator from Mississippi further yield?

Mr. HARRISON. I yield.

Mr. CARAWAY. The Senator yields to me, if the Chair will just wait a moment. The letter says:

> On March 30 a canvass was taken, by order of the War Department, in our division of the number of clerks who claimed Indiana as their legal residence. This information was sent to the chief clerk of the War Department, and, my name being one of others who are in one of the divisions of the War Department, I received the inclosed communication this morning. This is evidently being done in other Government departments, as a friend of mine received the same kind of a blank.

The blank is, "Do you live in Indiana and are you willing to vote in the May primary?"

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. STANLEY. The Senator from Kentucky is perfectly frank in saying that his heart is touched with a sense of regret. I feel sorry for the Senator from New Hampshire [Mr. MOSES] and the Senator from Indiana [Mr. NEW].

Mr. MOSES. Mr. President, may I beg both the Senator from Kentucky and the Senator from Mississippi not to waste any crocodile tears on me.

Mr. STANLEY. They will be wasted.

Mr. MOSES. If the Senator insists on spilling them, I can not prevent it.

The PRESIDING OFFICER. The Senator from Mississippi has the floor. Senators will not interrupt without addressing the Chair.

Mr. STANLEY. If the Senator will just wait a while, he will need the sympathy of all good people. "Put not thy trust in princes."

I hold no brief for the Civil Service Commission. I find no fault with an honest, courageous man who believes in his party. The great trouble with modern politics is that men are not bound together in political or any other kind of organization by a common aspiration. They are held together by the force of an identical appetite.

I know that the utterances of the Senator from New Hampshire and the utterances of the Senator from Indiana are going to be used by this organization to convince the necessitous and the hungry that the time has come to turn the rascals out, and that is what is being done, and it is being done for the purpose of finding places for Republicans.

I am equally certain that when the long-haired men and the short-haired women march on the other end of the avenue, you are going to be repudiated and left out in the cold, a pair of distinguished goats, political goats, scapegoats, to take the burden of your statements and defend them to your people, and the President will still be, if he is permitted to be, the somewhat discredited angel of civil service; and that I am determined shall not be done. He can turn them out; he can wield the ax all he pleases, but he is not going to wield the stiletto, and a poisoned dagger at that, if I can help it—not on Democrats.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield.

Mr. MOSES. Of course, the Senator from Kentucky, as he said in his closing words, maintains all his activity, all his sympathy for Democrats, and being a partisan myself, I respect the partisanship in him. But, Mr. President, the Senator must not think that the Senator from Indiana and I are going out into the desert to wander, because we are not. We think we are coming to our own, and when the Senator says that we are endeavoring to point out the fact that the day is at hand when the rascals should be turned out, I think that day came long ago.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi has the floor, and under the rule has no right to yield except for a question; but it is for the Senator to decide what he wants to do.

Mr. HARRISON. I yield to the Senator from Kentucky.

Mr. STANLEY. I think it is the custom here to yield for an interpolation. While the Senator from Arkansas [Mr. CARAWAY] is reading letters, I have a little companion piece here I think would go well with his. It is like the bass and the contralto or the tenor in the same piece of music. This is written on House of Representatives stationery, headed "Assistant Director, Public Information, National Republican Committee,"

signed by Congressman CARL W. RIDDICK. This is a form letter, sent to a civil-service employee, to a man who has been under the cloak of the civil service for quite a time. It reads:

[Stationery used in this correspondence privately bought and paid for. Assistant Director Public Information, Republican National Committee, CARL W. RIDDICK, second district, Montana.]

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 29, 1921.

Mr. ————,
Washington, D. C.

DEAR MR. ————: I have been quite disappointed in not receiving a favorable reply from you in answer to my recent letter, written you in behalf of Republican Party leaders. I have been given an official position with the Republican national organization and asked to give much time out of a very busy life to the detail work necessary to carry out a nation-wide educational and publicity program arranged by party leaders and regarded by them as absolutely necessary at this time.

I know you are in full sympathy with this effort. I am expected to raise necessary funds to send the National Republican paper in the widest measure possible into strategical homes and territory, not merely to maintain party integrity and success but that the party and the Nation may proceed along fundamentally sound Republican paths that lead to safety and prosperity.

Because the work of Congress is not perfect creates the greater need for educational publicity work right now. Because times are hard and there is restlessness, there is more need for action now. The Nation can not forget, if it would, to the old-time conservative Democratic Party, for it is no more. If faith is lost in the Republican Party, the only alternative is radicalism, paternalism, confiscatory and destroying.

You are in full sympathy with your party leader friends, who see the imperative need for going on with this work now. The plan is to proceed in a way that will not prove embarrassing to any of our friends, and for that reason we ask you and other good friends to send a check for this small amount of $10 only now and to sign the inclosed pledge and return with your check, assuring us that we may call upon you every three months for a similar small amount, which you will not feel, but which will in the aggregate make the success of this work possible.

Although exceedingly busy, I am willing to work the long extra hours necessary to carry out this program of party leaders. But it is discouraging and disheartening not to have a reply and cooperation from a real friend like we know you to be. I know you have only overlooked this. I know you are in full sympathy with this work and want to see it succeed and accomplish the great good proposed, and for that reason will excuse my insistence in writing you again, and asking that you be so good as to sign the inclosed slip and send it in with your check for $10 in the inclosed stamped envelope, and then give encouragement and real assistance to the work. Party leaders will be fully advised of those who are aiding and will be appreciative, and personally I will thank you for lending encouragement to me in my arduous part of the detail work.

Very truly yours,

CARL W. RIDDICK.

This was written to a man who receives about $150 a month, $40 a year to be reported to party leaders. They not only want Republicans in but they want milch cows in which are fresh.

Mr. HARRISON. Mr. President, the action of the President in dismissing these 28 employees in the Bureau of Engraving and Printing in the manner and form in which it was done is unprecedented. If the reports printed in the papers are true, these employees all had good records. The Senator from Indiana [Mr. NEW] the other day intimated that in time something would be given to the people as to what prompted this action which had not been told. The President stated there were no charges against any of these 28 employees who were dismissed. The Secretary of the Treasury made the same statement.

We now read in the papers that since an aroused and indignant public have universally condemned it, that some one has ordered the Secret Service force of the Department of Justice to investigate and unofficial intimations reflecting on the character of these public servants permitted to be printed.

It may be that this administration now deems it wise to find something, if possible, to cover up its polluted tracts.

Mr. NEW. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. HARRISON. I am glad to get the interruption.

Mr. NEW. I do not want to interrupt the Senator from Mississippi, but if he is quoting the Senator from Indiana I would like to have him quote him accurately.

Mr. HARRISON. I will quote the Senator exactly. On April 4, just the other day, the Senator said:

Mr. President, as I have said, there are times when not even the President of the United States may make public every motive that actuates him and every reason which impels action on his part, and the action which was taken two or three days ago with reference to removals in the Bureau of Engraving and Printing falls within that category. There were good and sufficient reasons for the President's action, but whether or not they will be given to the public I can not tell.

Mr. NEW. That is right.

Mr. HARRISON. The next day the President told the newspaper correspondents, and it was published broadcast, that no charge was or had been lodged against any of those 28 dismissed employees. Of course, the motive may be given in time, and the motive may have been the reason assigned by the Senator from New Hampshire, that they were turning Democrats out of the public service in order to put Republicans in.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield.

Mr. MOSES. If the Senator will turn to my remarks I think he will find that I never assigned any such reason. I expressed the hope that that might have been the case.

Mr. HARRISON. But the Senator said "they have been fired and will stay fired," and that he indorsed the proposition.

Mr. MOSES. That is assigning no reason. I assigned no reason for their being dismissed. I repeat that they are fired. I repeat that they will stay fired.

I do not understand from the civil service law that the President of the United States has to give reasons and that he may be put upon hearing whenever he wishes to remove anybody from the classified civil service. My understanding of the decision in all these cases is that that applies simply to the heads of the executive departments or chiefs of bureaus. The Senator from Mississippi himself discharging an office boy in his law office might just as well be called to account and be demanded to give causes and reasons in writing and to hold a hearing before firing the boy as to say that the President of the United States can not dismiss a subordinate with or without reason.

Mr. HARRISON. Mr. President, that is a very unfortunate illustration. An office boy in a law office is not under the civil service, but here were 28 persons who took the examinations, passed, and were qualified under the civil service law to hold these positions. Even the director, Mr. Wilmeth, had worked in that department for years and was a civil-service employee and won his place through long service and training.

Mr. MOSES. That does not protect him as against the action of the President of the United States. The President of the United States, as I understand it, is perfectly untrammeled in his action toward the civil service.

Mr. HARRISON. If the Republican Party desires so to interpret that plank in its platform by pursuing such methods, well and good, but we might as well repeal the whole civil service law if that is to be the policy followed by this administration.

Mr. MOSES. When the question arises between the Democratic Party and the Republican Party as to their respective records on the civil service, that undoubtedly will be met. What I am trying to make clear in the course of this three days' debate, when the Senator from Mississippi and the Senator from Arkansas [Mr. CARAWAY] and the Senator from Kentucky [Mr. STANLEY] are keeping Democratic Senators from pressing amendments to give them more Federal judges in their States, is the fact that during the filibuster which they are conducting against the judiciary bill their animus is wholly partisan.

Mr. HARRISON. Why, there is no other Senator who believes any filibuster is being conducted against the judges bill. We consented to a unanimous-consent agreement which was entered into yesterday to vote this afternoon not later than 4 o'clock. I requested the Senator in charge of the bill to meet this morning at 11 o'clock, in order that we might discuss the matter. Otherwise we would have convened at 12 o'clock. We have tried in every way to expedite action on the judges bill, if you had votes enough to pass it, although I am opposed to it. The Senator knows there is no filibuster here. He is trying to strangle discussion that might reveal the iniquities of this administration, and that is what prompted his remarks.

Mr. MOSES. Oh, no, Mr. President. I hope if there are iniquities in this administration the Senator from Mississippi will discuss them, but he certainly has not revealed any yet. The removal of 28 employees from the Bureau of Engraving and Printing does not constitute anything to warrant the language of the Senator from Mississippi.

Mr. HARRISON. It would be bad enough if the President, in issuing his Executive order, had removed employees from positions that were not statutory, but under his Executive order, he who had proclaimed against autocracy and the usurpation of power attempted in that order to abolish three statutory positions. Even the Senator from New Hampshire would not contend the President had that right. He could not indorse that kind of policy upon the part of the President. I do not know why the President thinks he has grown so big that the Congress has not sufficient power left to repeal laws or make changes in laws. "Upon what meat doth this our Cæsar feed, that he is grown so great"?

Mr. MOSES. The Senator from Mississippi is a member of the reorganization commission, is he not?

Mr. HARRISON. Oh, yes.

Mr. MOSES. What are the powers of the President under that act?

Mr. HARRISON. The powers of the President under that act, as placed there by the Senator's party, were to appoint one W. F. Brown, who had been spoken of as a prospective candidate for the United States Senate from the State of Ohio, and, I presume, in order to remove him and allay the friction existing within the Republican Party in Ohio, he was made chairman of that commission at the instance of the President. From April 8 of last year to this good hour Mr. Brown, the spokesman and appointee of the Senator's President, after proclaiming that there was going to be a reorganization of the bureaus in the Government and a saving to the taxpayers, has refused to call a meeting of the Joint Commission on Reorganization. The President had it in his power to send word to that commission and have his representative, Mr. Brown, call a meeting of the commission so that we could get to work and unravel these differences. That is what the President has to do with the reorganization work.

That reminds me, Mr. President, that on yesterday the distinguished Vice President spoke in Michigan. Here is what he said:

Commenting on a tour of an automobile plant—

This is an article which appeared in the Washington Post of this morning under a Detroit headline—

Commenting on a tour of an automobile plant here, in his speech the Vice President said he had marveled at the organization and efficiency shown, and he continued: "We are trying at Washington to get the same organization and efficiency into the Federal Government. We are reorganizing departments."

Yes; you are reorganizing departments, and the record is, as I have stated, that this commission has been held back by the President from even having a meeting to consider the question of reorganization. Yet the Vice President of the United States, speaking in far-away Michigan, tries to leave the impression by that speech that you are reorganizing something down here and trying to effect efficiency in the working of the departments. He further said:

We are reorganizing departments, trying to bring more of the efficiency of private enterprise into the Nation's business. We are making progress.

He praises "the efficiency" of the automobile plant in Detroit. I presume he was talking—although it is not mentioned—about Ford's plant up there. About the only difference between Ford's plant and the work of this administration touching efficiency is that Ford's plant turns out one automobile every minute, I believe, and you are trying to turn out one Democrat every second.

Ah, Mr. President, when will you cease this hypocritical policy that you are pursuing? You came into power upon it and you are going to ride to a fall on it.

There is hypocrisy in your every act. Every piece of legislation you have passed has scintillated with it. You go before the country and you proclaim what you have done, and if those good people would analyze it they would know that what you have done has been sugar-coated; that it is merely a patchwork of false pretense.

Your packer legislation was full of hypocrisy. I was on the committee that drafted that bill in the last Congress, and I recall how Senators on the other side of the aisle fought it, and during this Congress the packers wrote the bill and you let it pass, and it was signed, and yet you proclaim it to the American people as a great piece of legislation. Hypocrisy is written in its every line.

Mr. MOSES. Mr. President——

Mr. HARRISON. I yield to the Senator from New Hampshire.

Mr. MOSES. I merely wish the Senator once more to acquit me. I voted against that bill.

Mr. HARRISON. The Senator was for once consistent.

Your Republican spellbinders proclaimed to the country that you passed the grain exchange bill restraining gambling upon the grain exchanges. Every suggestion that was made by the grain exchanges was embodied in that piece of legislation or you never would have voted for it.

The War Finance Corporation amendment was forced upon you and you accepted it reluctantly and unwillingly. We tried to amend it so that it would really give some relief, but you prevented us from doing it.

Every act of yours that you proclaimed as an achievement of the administration is a sham and pretense. That is what you are trying to practice with reference to the civil service laws by insinuating that something is wrong in the departments; that it is for the good of the service; that you are trying to bring about efficiency, and yet you discharge employees who rendered service during the dark days of the war by working into the wee hours of the morning, employees whose records heretofore stand without a blemish or a stain. So anxious are you to cover up your diabolical acts that you allow the papers to carry the intimation that something is wrong, even though the Secretary of the Treasury and the President say there was not a charge against them. I know that you are to-day in power, but do not think that you can ravish the civil service law and defy the other laws as you have attempted to do in this instance and meet the approval of the American people.

The Senator from New Hampshire [Mr. MOSES] the other day said that when the Democratic administration was in control Republicans were dismissed and Democrats placed in their stead. The record is quite to the contrary. In the campaign of 1916 both Mr. Hughes and Mr. Wilson as candidates promised a strict enforcement of the civil service law, and immediately after the 4th of March, 1917, following his second inauguration, Mr. Wilson modified his Executive order, and from that day on the highest man on the eligible list in the matter of postmaster selection was appointed to office.

But, Mr. President, I have here a letter from Massachusetts, from a person who knows what he is talking about, in which he makes this remarkable statement:

The Wilson order further provided that in every instance the person standing first as the result of the examination should be appointed unless it was shown that he was not a resident of the postal district from which the examination was given. From April, 1917—

Listen to this, you who have made contrary statements, and those who believe in the fair enforcement of the civil service law—

From April, 1917, to October, 1920, over 700 vacancies occurred, due to death, resignation, or removal from the service, and in every instance President Wilson appointed the top man on the list.

In the CONGRESSIONAL RECORD under date of March 1, 1921, a chart of appointments under the Wilson order shows that in 37 so-called Northern, Western, and Midwestern States 840 appointees were of Republican affiliation, as against 598 appointees of Democratic affiliation, and that in the entire country 60 per cent of the appointees were of Republican affiliation.

And yet the Senator from New Hampshire and those who stand with him as political spoilsmen would have the country believe that the last administration pursued such tactics as are now being employed by the present régime. Why, sirs, Mr. Phillips, a Republican from Massachusetts, a most efficient and courteous gentleman, was made and retained as Assistant Secretary of State. In the War Department, throughout the war and for the most part during Mr. Wilson's administration, there were three Republicans serving as Assistant Secretaries, and so it was throughout the departments, efficiency was sought and little politics considered.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. Yes; I yield.

Mr. MOSES. The fact is, Mr. President, that Mr. Wilson's order was not issued until he had filled the post offices with his partisans. It is true that the order issued after he was reelected provided that the highest man should always be appointed, but the figures just read by the Senator from Mississippi, showing some 800 Republicans forced to be appointed because they were the highest, as against some 500 Democrats, merely indicates that the Republicans were a great deal more intelligent than the Democrats and came out at the head of the list after examination.

Mr. HARRISON. Oh, yes; the Senator from New Hampshire thinks that all virtue is lodged in the Republican Party; but, at any rate, the last administration followed and obeyed the law.

Mr. MOSES. But, Mr. President, if I may add, the classic case is the case of the postmaster at Boston, where a vacancy occurred, I think, by death. An examination was ordered under the President's executive direction; a Republican was about 4 miles out in front of all the procession of Democratic candidates, and yet for more than a year the Democratic Post Office Department, urged thereto by Democratic Congressmen from Massachusetts, prevented the appointment of the successful Republican contestant in the examination.

Mr. HARRISON. Mr. President, that is a case which disproves the statement of the Senator from New Hampshire, for at Boston the last administration named a Republican as postmaster, and the Senator from New Hampshire knows it. The name of that appointee came to the Senate for confirmation, and he was confirmed.

Mr. MOSES. But the appointment was not sent here until it had been inordinately held up by the department, when everybody knew that Mr. Baker was miles ahead of any Democratic competitor.

Mr. HARRISON. I do not care about that. I can show the Senator instances galore where Democratic contestants were 10 miles ahead of any Republican, and yet the Republicans got the office. I can show the Senator by letters which I have here where ex-service men, who fought for their country, traveled miles and miles ahead of Republicans in the examination, and yet Republican pie hunters get the jobs.

Mr. MOSES. Does the Senator mean under President Harding's order?

The PRESIDING OFFICER. Senators must not interrupt the Senator who has the floor without first getting permission. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. MOSES. I should like to carry on a colloquy, but if I must say "Mr. President," and get the floor by the Senator yielding every time I ask a question, I do not wish to do it.

The PRESIDING OFFICER. Under the rules a colloquy between Senators may not be carried on without first obtaining the permission of the Senator who has the floor to be interrupted.

Mr. HARRISON. I am glad to have the Senator from New Hampshire interrupt me.

Mr. MOSES. If the Senator from Mississippi is referring to appointments which were made under President Harding's order, that order does not provide that the high man shall be appointed; but Mr. Wilson's order did so provide.

Mr. HARRISON. Of course, the Republicans have modified their order; but they have not even lived up to the modification of their order; and when somebody gets in their way they go to the President and ask him to issue an Executive order, and even statutory positions are abolished.

Mr. MOSES. I have never asked the President to issue an Executive order for anything.

Mr. HARRISON. Then the Senator from New Hampshire is an exception.

Mr. MOSES. I have sat, as a moot court, for the last week hearing every day piffling, childish protests made against the appointment of Republican postmasters in Southern States—some of them in the Senator's own State—but I wish to say that I have not yet found any case where the Executive order has been disregarded.

Mr. KING. Will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield.

Mr. KING. With respect to the appointment of the postmaster at Boston, I regret that the junior Senator from Massachusetts [Mr. WALSH] is not here, but I am somewhat familiar with that case. With all due respect to the able Senator from New Hampshire [Mr. MOSES], I wish to deny the accuracy of his statement that the Republican candidate for that office was miles ahead in the examination. Upon the contrary, I affirm that a fair and impartial consideration of the evidence in the case respecting the applicants and the candidates, a fair appraisement of their records, would show that the Democrat was the more competent, the more efficient, and, measured by every fair standard, should have been appointed. The action of the civil-service examining board was not only indecent but it was unfair; and I assert it was dictated, more or less, by partisan prejudices and by Republican partisan bias.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield to the Senator from New Hampshire.

Mr. MOSES. The Record, however, shows exactly what I have stated.

Mr. President, since the Senator from Utah [Mr. KING] has undertaken to speak about the Civil Service Commission in the prior administration, let me call to the attention of the Senate and the country the fact that one Charles M. Galloway, a Democrat from South Carolina, resigned from the Civil Service Commission under President Wilson, and in resigning gave out this statement——

Mr. HARRISON. Mr. President, I do not yield for that.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield further. The Senator from Mississippi will proceed.

Mr. HARRISON. I do not care anything about the statement that Mr. Galloway issued; it has nothing to do with this particular matter. I have here a letter which I received this morning from an ex-service man——

Mr. MOSES. Very well.

Mr. HARRISON. However, if the Senator from New Hampshire desires to read the communication to which he has referred, and thinks it will relieve his excitement, I will yield and let him read the communication.

Mr. MOSES. Mr. President, possibly I had better read it in my own time, because I find that the Senator from Mississippi is getting a little thin-skinned about the practices of his party. I do not wish to interrupt him further.

Mr. HARRISON. I did not think the Senator from New Hampshire really wanted to read the communication.

Mr. President, this morning I received a letter from an ex-service man who made the highest grade in an examination; but he says that he and other candidates were discarded and that a man who did not take the examination but happened to be a Republican was appointed postmaster at that place. He was inquiring why, and in passing he says:

> I hope you will pardon my saying that if justice were done us in the matter of helping us help ourselves there would not be such a cry for the bonus.

There is a great deal of truth in that statement. I could read many other letters, if I cared to take up the time of the Senate, which reveal a similar state of facts.

Mr. President, I have here a letter all of which I will not read, but among other things the writer says:

> I am a Republican, but I am appealing to you as a Democrat because our good Republicans do not have the courage—

And so forth.

Mr. MOSES. The courage to do what?

Mr. HARRISON. Well, I will read further:

> Do not have the courage or inclination to interfere that justice may obtain. Perhaps, also, because they do not care to embarrass the administration.

This letter comes from a State which is represented by two Republican Senators. I have other letters here from Republicans who denounce the administration because of its policy touching civil-service enforcement.

Mr. President, on yesterday the News, published in this city, contained an editorial in which they analyzed the situation and set forth the reasons behind the action which has been taken by the administration and the consequences of that action. I desire to read a portion of that editorial. It reads:

> Who is lying down on the Government—

The editorial discusses the allegation that Federal employees are lying down on the Government—

> Who is lying down on the Government? Here is the answer and at the same time the complete explanation for President Harding's action:
>
> Things have been going badly in the Republican organization—National, State, county, municipal. If you doubt it, ask John T. Adams, national chairman. He'll tell you—if he knows you well enough. He may even allow you to see the stacks of letters he has received proving it.
>
> These letters ring with one refrain—
>
> "We can't get any action out of the 'boys' if there are no jobs to reward them with."
>
> That applies to the "boys" in the National, State, county, and municipal organizations.

The editorial continues:

> If you have no access to Chairman Adams, ask any Cabinet officer. He'll tell you of the visits, the continuous, everlasting visits he receives from Senators and Congressmen, singing the same simple tune. With no pie in prospect, the "boys" won't work.
>
> Yesterday there was an election in Kansas City. The Democrats won——
>
> By 12,000 majority—
>
> A few days ago there was an election in Tulsa, Okla. The Democrats won. And an election in Hartford, Conn. The Democrats won.

I might also add that there was an election in Rhode Island and the Democrats won, and that there has been an election in Marion, Ohio, since the last election, and that a Republican mayor was turned out and a Democrat elected.

The editorial continues:

> Why? We don't know. There might be a different reason in each city. But the reason given to Chairman Adams, to the Cabinet officers, and, above all, to President Harding, is the reason recited above. The "boys" won't work.
>
> Harding has been trying to resist the pie pressure for many months. That is to his credit. He has withdrawn his resistance now, and that is not to his credit.
>
> Because the boys are hungry for pie, a good many Washington families of old and faithful Government employees are likely soon to go hungry for actual food.
>
> In addition, if they are allowed to get away with it, the men who are bringing this about propose that these faithful employees shall carry with them from the service a stigma that is unfair and false—a charge of having laid down on their jobs.
>
> We protest this cowardly procedure.

And yet some one says the action of the administration has been taken in the interest of efficiency. O, efficiency, how many crimes are committed in thy name!

Mr. President, why did not the President, if something was wrong in the Bureau of Printing and Engraving, remove the director or demote him and put a new man in that position, one who, in his opinion, would carry out his policies, and make such changes as were necessary in other places, by demotion if need be? That is what was done in the Government Printing Office. A new man was selected for Public Printer, a position that is

not in the civil service. Mr. Carter was nominated and confirmed and assumed the position. Immediately in every one of the branches of the Printing Office he demoted Democrats and promoted Republicans. He did not discharge the Democrats from the service. The positions in that office are technical ones, just as they are in the Bureau of Engraving and Printing; it takes years to master the work of those positions. As I have said, Mr. Carter demoted Democrats and promoted Republicans until there was not a Democrat left in that bureau serving as foreman or assistant foreman. Did we raise our voices in protest against that action? No. We thought that was perfectly proper; it was all right; it was within the law; the preceding administration had taken similar action; but never before in the Bureau of Engraving and Printing by any administration had such a policy been pursued.

Mr. President, my resolution is still upon the table. I hope that at the very first opportunity Senators on the other side of the aisle will allow it to be passed, so that the reasons may come from the President for the issuance of the Executive orders and so that the Senate and the country may know the facts. Let us get away from this practice of doing things in secrecy.

Another remarkable thing about the recent Executive order was that it was not issued in the daytime; the cloture of the night was sought to perform this remarkable act. Even when the guillotine was engaged in its bloody work in the dark days of the revolution in France it worked in the daytime and not at night.

Mr. President, if we are going to have civil service, let us comply with the law. Let us not defy it. We can not expect the humblest citizen back in his home to respect the law if he reads in the papers of the President of the United States defying it every minute of the day and then reads of men who hold the highest positions in the gift of the people—namely, Senators—indorsing that policy and preventing these resolutions from being adopted so that the facts can not be made public.

Mr. NEW. Mr. President, I would invite attention to the fact that it is now 12.30. For practically an hour and a half the Senate has listened to a stump speech. We were assembled this morning at 11 o'clock in order that the Senate might give intelligent consideration to a bill of transcendent public importance. It substantially involves the revision of the Federal judiciary; and the consideration of that measure is put aside and an hour and a half given to the aimless, purposeless discourse to which we have listened for the last hour and a half.

Mr. President, I should say nothing in reply, and not be myself guilty of taking up a moment of the Senate's time, but for a reference which was interpolated into the remarks of the Senator from Mississippi [Mr. HARRISON], to which I am offering no objection; but a letter which was interpolated into those remarks by the Senator from Arkansas [Mr. CARAWAY] is so directly personal as to seem to call for a word of explanation from me.

I take it for granted that the letter which was read, and which I have not seen either in the original or by copy, is from an organization which is maintained here by Indiana residents of Washington; that is, temporary residents, Republicans all. I particularly invite attention to the names of the gentlemen who speak for it—Dr. Harvey W. Wiley, Hon. Stanton J. Peelle, a former Member of Congress and a former judge of one of the courts in the District here, and others whose names are disclosed by the record, men and women of the highest standing. At this election, as at every other election which has preceded it for a great many years, they have sent those letters to Indiana people temporarily residing in Washington to aid them in casting their votes under what is known as the absentee voters' law of the State of Indiana. I presume that that is the purpose of this letter now. I hope it is. I admit, and gladly, that there seems to have been a purpose on the part of many of the Indianians who are now here to cast their ballots for me in the Republican primary which is to be held on the 2d day of May. I hope they will carry that purpose into execution. There is nothing about it to which I object, but much that I very heartily and fervently commend.

But, Mr. President, great indignation has been expressed in the progress of the remarks that have been made here. I think that the real basis of it is disclosed more by what the Senator from Mississippi [Mr. HARRISON] said in the closing moments of his address than in the text of the resolution which is the basis for his remarks.

It appears that some Democrats are about to be dislodged, about to be jarred loose from the jobs into which they set their teeth, and to which they have been hanging with a resolution characteristic of a Democratic officeholder, and, as the Senator from New Hampshire [Mr. MOSES] interpolates, worthy of a better cause. But the probability, the prospect, of that has occasioned great consternation. It started with a wail like that of the banshee arising from the swamps of Arkansas, which swept through the mistletoe and moss, accompanied by scalding tears. It has crinkled up the blue grass of Kentucky. It has wafted across and blistered the buffalo grass of Nebraska. It has caused the canes in the brakes of Mississippi to tremble and to bend, and has caused the Senators on the other side to forget the ravages of the boll weevil and all the other ills from which they have suffered all these weary years.

Mr. President, I regret that their anguish of spirit is so deep and firmly seated as to cause them to forget the bodily ills from which they so long have suffered. My sympathy is with them. I hope the occasion for it, however, is not to be diminished.

Mr. MOSES. Mr. President, now that all the wreaths have been laid on the doorsteps of these cruelly murdered individuals, now that all the dirges have been sung, now that all the orations have been pronounced, I trust that the funeral may go forward.

The passionate closing remarks of the Senator from Mississippi [Mr. HARRISON], however, lead me to think that when he demands that we shall "get away from these things which now pollute the public service, Mr. President," he wishes to go back to those angelic days when Charles Mills Galloway, a Bourbon Democrat from South Carolina, was forced out of the Civil Service Commission, and then made this statement:

> My resignation was forced because I would not cooperate with Postmaster General Burleson in debauching the civil service and making a sham of the merit system. Hermon W. Craven, the Republican member, and I, a Democrat, were ousted from the commission because we were not willing that the commission should be a mere adjunct of the Post Office Department, and subservient to it, especially with reference to the examinations for presidential postmasters under the Executive order of March 31, 1917.

Mr. DIAL. Mr. President——

Mr. MOSES. Let me finish reading this, please.

> A very recent example of Mr. Burleson's conduct is furnished by his proposed amendment to this order, which now awaits the signature of the President. The existing order provides that the eligible with the highest standing shall be nominated. A large number of nominations have been held up, many of them for a long time, evidently in anticipation of this amendment, which will enable Mr. Burleson in many cases to deprive those standing highest in these examinations of the nominations to which they are already entitled. Among the post offices affected by the amendment are those of Boston, Mass., and Newark, N. J.

Thus, Mr. President, speaks Charles Mills Galloway, Democrat, of South Carolina; and I commend him to the Senator from Mississippi.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. POINDEXTER. Mr. President, strange as it may seem, I want to speak about the bill that is pending before the Senate; and to that bill I offer an amendment, to insert at the end of line 22, on page 10, the following words:

> For the western district of Washington, one.

So, Mr. President, that that district, which now has two judges, will be put in the same class with a number of other districts, such, for instance, as the western district of Pennsylvania, the northern district of Illinois, and the southern district of California, which now have two and which by this bill will each be given an additional judge, making three in all. The amount of business which is transacted by the United States district court in the western district of Washington is larger and much more varied than the business that is transacted in the three districts which I have named, which are provided for in the bill.

Not long ago I had an opportunity to talk with the judges who hold the present positions in this district, as well as with a number of attorneys practicing at the bar there; and from that direct personal contact I got a much clearer and much more reliable view and information as to the condition of business in that district than could be gotten from a series of statistics and tables that are prepared, many of which contain a great many erroneous statements and which are formulated upon a basis which is not particularly illuminating, anyhow—such, for instance, as the amount of business pending at the conclusion of the year, rather than the amount of business that is commenced and disposed of during the year. From this personal information which I have, Mr. President, I know that there is an imperative need for an additional judge in this district.

The district consists of two divisions—one of them in the southwestern part of the State and one in the northwestern part. Judge Cushman presides over the southern district, with his residence at Tacoma. Judge Neterer, the other district judge, presides over the northern division of the district, with his residence at Seattle. I want to call attention to the data which they give me, the amount of business commenced—not the amount of business remaining on the docket at the conclusion of the year—the amount of work which is done in that district, and to the opinion of the bar association, contained in a letter addressed to my colleague [Mr. JONES], as to the pressing need of an additional judge; also a statement from the Attorney General of the United States that in his opinion there is a congestion of business there.

I was informed by a number of lawyers that the stress of the work in this court is so great, particularly in Seattle, a large city, a city of more than 300,000 inhabitants, with very varied business, that Judge Neterer, who resides in Seattle and presides over that division, not only works continuously, so far as his physical limitations permit him, during the daytime, but that he works a great part of the night. I was informed that it is his habit to arise at a very early hour in the morning, 4 o'clock, or something like that, and work on his cases, in order to keep up with the pressure and necessities of his court.

I got my information by asking the judges questions, because they are rather modest about pressing their claims. Judge Cushman informed me that both he and his colleague in this court are so overwhelmed with work that they are cut off practically from all association with their fellows. They have no time for anything else, not even for going out in the evening on social occasions. The lawyers tell me that under these conditions it is impossible for a proper, deliberate consideration to be given to the business to which the important business pending in the court is entitled. It is only from a very sincere and a very profound conviction of the actual need of an additional judge in this district, in the interest of the general economy which would result from a proper administration of justice in this important court, as well as in the interest of the proper conduct of business itself, and the proper consideration of cases, that I offer this amendment, and I hope it will be favorably considered.

I want to call attention to some figures given as to the amount of business transacted in this district as compared with that of two or three other districts for which three judges are provided.

Mr. SHIELDS. Mr. President, I desire to ask the Senator for which district of Washington he is moving this amendment?

Mr. POINDEXTER. The western district of Washington. If the Senate will pardon me for doing so, I do not know of any better way to show the conditions than to read a letter I received from Judge Cushman, one of the district judges now holding office there. It is dated January 11, 1922. In it he said:

> We feel that the public interest requires that we state the conditions in this district requiring another district judge, to the end that public business may be disposed of with reasonable dispatch, and the consideration which it demands.
>
> Both judges in this district have been exerting themselves to their utmost in endeavoring to discharge the business of this court. Long hours are the rule rather than the exception. It is a physical and mental impossibility to continue under such a strain. Impairment of efficiency necessarily must follow.
>
> We have prepared a statement of the business of this court during the years 1909 (when an additional judge was provided) and 1920, as shown by the reports of the Attorney General as well as the business of certain districts in which, as we understand, provision has been made for three judges by the recent House bill.

His statement also applies to the bill as amended by the Senate Judiciary Committee, which amendment is now pending before the Senate. He continued:

> Not for the purpose of showing that those districts were not entitled to extra judges but rather to demonstrate that by the same token this district deserves as well. We believe the allowance made to be necessary.
>
> Of the 13 districts in which at present there are 2 or more district judges only 5 show uniformly a greater number of cases in gross commenced—

I call attention to the fact that he refers to cases commenced and not the cases pending at the end of the year; and it seems to me it is a much more reliable guide in determining the necessities of the courts to consider the cases commenced and disposed of as well as those pending at the end of the year than merely to take those which are left over. If I may interrupt the reading of Judge Cushman's letter at this point, permit me to say that he calls attention to a rule of the court of that district in another letter which I have from him, in this language:

> All cases which have been pending in this court for more than one year without any proceedings or record having been taken may be disposed of by the court on its own motion for want of prosecution at the call of the calendar at the beginning of each term.

He states that "We have strictly enforced this rule." That accounts for the fact that there is not such a showing as compared with some of the districts as to the number of cases left on the docket at the end of the year, because they are stricken from the docket when not prosecuted. Proceeding to read from Judge Cushman's letter, which I was quoting, he says:

> The difference is not great except in the northern district of California and the eastern and southern districts of New York.

That is, there is no perceptibly greater volume of business in any of the other districts which have three judges, except in the northern district of California and the eastern and southern districts of New York, although three judges are provided for many of the other districts, and I call particular attention to the southern district of California, the northern district of Illinois, and the western district of Pennsylvania, for all three of which an additional judge is provided by the Senate amendment.

Continuing his statement, he said:

> Comparing the business in the southern district of California, northern district of Illinois, and western district of Pennsylvania, as shown by the reports of the Attorney General, with that of the western district of Washington, excluding bankruptcy cases which, except for review, do not require much of the court's attention, the estates being administered by the creditors under the supervision of the referee, we have the following:
>
> Total number of cases commenced in the southern district of California and the western district of Washington during the years 1915 to 1920, inclusive.

I leave out the intervening years for the purpose of saving time and refer only to the year 1920, which is the last year covered by the report of the Attorney General which was used by Judge Cushman in preparing this statement.

In the southern district of California for 1920 there were 726 cases commenced. In the western district of Washington there were 920 commenced. The percentage of volume of cases commenced in the western district of Washington over those commenced in the southern district of California is 29 per cent. There were 29 per cent more cases commenced in the western district of Washington that year, and I may say that a larger excess than that runs through the other years covered by the period over the southern district of California.

He specifies in a separate statement admiralty cases, and calls attention to the fact that admiralty cases, by reason of the nature of the procedure, require a great deal of the time of the judge. In the southern district of California, for which an extra judge is provided in this bill, in the year 1920 there was a total of 96 admiralty cases. In the year 1920 in the western district of Washington there was a total of 489 admiralty cases. So he proceeds:

> The disparity of work under this head is much greater than under the preceding tabulation, for the reason that admiralty causes require the judge to find the facts and law and often to read a long record for such purpose. With a congested calendar, this must be done out of court, and at night.
>
> The total number of cases commenced in the northern district of Illinois and the western district of Washington for the years * * * 1920 were—

I will refer to only those for 1920. The northern district of Illinois, 902 cases commenced; western district of Washington, 920 cases commenced:

> It would appear, from ordinary experience in court, that more work is required of a judge in the disposition of the cases in the latter than in the former district, in view of the fact that but 19 admiralty cases are reported by the Attorney General during the three years in question in the northern district of Illinois, as compared with 234, so shown, in the western district of Washington.

He turns to another district covered by this amendment, the western district of Pennsylvania, and he shows that in the western district of Washington for the year 1920 there were 920 cases commenced, and in the western district of Pennsylvania only 782 cases were commenced. He does not deny that the committee is right in providing an extra judge for the western district of Pennsylvania, but he, the bar association, and others who are familiar with the situation, including myself, insist that for the same reason that an additional judge is provided for the western district of Pennsylvania one should be provided, and there is much greater need for the provision, in the western district of Washington.

The total number of cases, other than bankruptcy cases in 1909, in the western district of Washington, was 391. The total number of such cases in the same district in 1920 was 920.

I shall not read at this time all the statistics contained in this letter, but call attention to Judge Cushman's statement as to the increase in the volume of business of the district subsequent to the date of June 30, 1920, the conclusion of the Attorney General's report, to which reference has been made, down to the 31st of December, 1921. He said:

> The report of the Attorney General closes June 30, 1920. We have had the clerk check cases filed from July 1, 1920, to December 31, 1921, and find, in Seattle—

> That is in the northern division—
>
> as follows:

Admiralty, of which 95 are forfeiture cases for violating the Volstead Act	229
Criminal cases	626
Law and equity cases	243
Bankruptcy cases	244

> Total, 1,342 cases, commenced in one division, the northern division of this district, during the period from July 1, 1920, to December 31, 1921.
>
> In the southern division, the same district, in the same period of time, the cases commenced were:

Admiralty cases	14
Criminal cases	298
Forfeitures	15
Law	110
Bankruptcy	154
Equity	47
Total	641

> Making a grand total for both divisions of the entire district of 1,983 cases commenced in this district during the 18 months preceding the 1st of January last past.
>
> In addition to that, I call the attention of the Senate and of the Senator having the bill in charge, who I know wants to be entirely liberal and just in this matter, to the fact that there were other cases not included in this list which were commenced at Bellingham, where four terms of court a year are held, in the northern division of the district, which are not included in the list of cases commenced at Seattle and at Tacoma just given. The judge states:
>
> The Bellingham cases are not included. The business there only takes from two to four weeks during the year, four sessions being held.
>
> It is apparent from the existing business—emphasized by the need established in 1909 for an additional judge in this district, and the adjudicated need in districts already provided for by the bill which passed the House, as compared with the conditions in western Washington—that the present judges can not dispose of the judicial business of this district.

Now, that is not mere empty language. As I said, on a recent visit to Seattle accidently I met Judge Cushman and asked him about this condition, and I know from that talk with him that he means literally what he said in this letter, that the business simply can not go on as it is now with only two judges. He said further:

> The litigation in the western district of Washington is not only of great magnitude, but is important by reason of the fact that this district is the terminal of practically all the great transcontinental railroads.

I was going to call attention to that. Every transcontinental railroad in the United States and in Canada has a terminus in Seattle, from the Canadian Pacific to the Southern Pacific. The Great Northern, the Northern Pacific, the Chicago, Milwaukee & St. Paul, the Union Pacific and its affiliated road, the Southern Pacific, and other roads, such as the North Western and the Burlington, which converge with the Northern Pacific, transmit their entire volume of Pacific coast business to Seattle as a terminus. In addition to that I might mention the fact that in this western district are the headquarters, the outfitting and capitalization management, the home and residence of companies which conduct the greatest fisheries in the world, which supply the world with canned salmon, a product which goes to every country and every port.

The greatest lumber business in the world is conducted there. Out of the port of Grays Harbor, which is included in the southern division of this district, ships laden with lumber go to every port where there is sufficient business and sufficient civilization to use the high-class fir, cedar, spruce, and hemlock lumber of western Washington.

There has been no section in the country where there has been a more varied and more rapid growth than in the region of Puget Sound, which is the center of this western district. The great transcontinental railroads connect with the various ship lines which ply to the ports of the Orient, and the lines of trade and commerce and the stream of commodities that go around the world pass through this district and have their agencies and port facilities and their transfer operations from trains to ships and vice versa in Seattle and Tacoma, where rail meets sail and where the great railroads connect up with the ship lines plying to Hawaii, Japan, China, and Siberia.

In addition to that is the business that has been incidental to the development of Alaska, an empire in itself, which has poured into the coffers of the national wealth half a billion dollars during the period of time since we bought it from Russia for the paltry sum of $7,250,000. Mining, fishing, agricultural settlements, development of transportation, all the varied interests that are incidental to the pioneer work of opening up and establishing government in that great dominion, full of natural wealth as is Alaska, find their sustaining headquarters, their impetus and direction, in Seattle. A part of this business is transacted in San Francisco, but the greater part of it, the chief headquarters of Alaskan business and of Alaska, are in Seattle, and out of that arises an immense amount of business which must be transacted in the United States court in that district.

There is one other circumstance to which I want to call attention that distinguishes a comparatively new country, such as is western Washington, from the eastern judicial districts which have been referred to, and that is the fact that a great deal of the business there is transacted by nonresidents, both individual and corporate, and consequently the Federal courts have jurisdiction on the ground of diverse citizenship of litigation in which their business is involved. Being able to go into the Federal courts, it is perfectly natural that they ask that tribunal instead of the local State courts, especially where they have litigation with residents of that State. That is an incident and circumstance which tends to increase to a greater degree than is the case in the normal district Federal litigation in the western district of Washington.

Mr. President, I wish to conclude, by reference, to confirm what I have said, to a statement from the Seattle Bar Association. I do not think there is a more intelligent, more honorable, more reliable bar anywhere in the world than the bar of Seattle. It is a great city, great in its present wealth and population and still greater in its potentialities, and there have gathered a very high class bar. They have the public interest at heart. They look upon these questions from the standpoint of the welfare of the public and of the Nation, rather than from any selfish interest of their profession or from any political advantage of the State or district or of any political party.

I may say, if I may refer for a moment to suggestions which have been made on the political aspects of these matters, that I regret to see that injected into a discussion in the Senate. I like to hear these matters discussed on the stump, but I do not think this is the proper tribunal in which to hang out the dirty linen of political controversies. In my opinion there is no political advantage in getting an additional judge. Personally, in so far as any responsibility devolving upon me in part from the creation of an additional judge, I would seek to avoid it, because I can not imagine any greater embarrassment, particularly in the midst of a political campaign, than to have to select one among a number of candidates, all of whom are fit and qualified and each one of whom has a strong body of adherents, and be compelled to recommend one for a position which can only be held by one.

That is the way the Seattle Bar Association looks upon the matter, and I think that their opinion and their statement, knowing them as I do and vouching for them as I can to the Senate, is entitled to credence and consideration. In a letter addressed to my colleague, dated December 31, 1921—and I shall read only brief extracts from it—the Bar Association of Seattle said:

> The criminal cases resulting from violation of the national prohibition and narcotic acts and customs laws has assumed burdensome proportions. The trials of these cases take priority over civil litigation, and as a result the determination of civil litigation of the most important character, and involving large sums, is of necessity so delayed that the business concerns interested are crying out in righteous indignation. The proximity of the territory in this district to Canada affords ready opportunity for the violation of the prohibition act, and the fact that vessels from all parts of the world are constantly entering this port clearly demonstrates the possibilities open for violation of the narcotic and customs laws. There is no other district in the United States similiarly situated, as the congested condition of our Federal court calendar conclusively demonstrates.

They might have added the amount of business in the Federal courts growing out of violations and attempted violations of the immigration law.

Mr. FLETCHER. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Florida.

Mr. FLETCHER. With reference to the situation in Washington, according to the table furnished by the committee, there appear to be pending in the eastern district of Washington a total of 104 cases, and in that district they have one judge. There appear to be pending in the western district of Washington 713 cases, and in that district they have two judges. How the Senator can reconcile his vote against the giving of an additional judge in the southern district of Florida, where they have 1,336 cases pending, with the claim here for an additional judge in Washington, I can not quite understand.

There are no admiralty cases pending in the eastern district of Washington, and there are only 57 admiralty cases pending in the western district, where there are two judges. We have 165 admiralty cases pending in the southern district of Florida, with only one judge.

Mr. POINDEXTER. The Senator probably was not present when I begun my remarks, when I discussed the best way of determining the need of an additional judge, in which I called

attention to the fact that, in my judgment, and it seems to me to be perfectly obvious, the number of cases commenced in a court during the year is a much more reliable test than the number of cases pending at the end of the year.

I called attention to the fact that these judges are working night and day. In one of the letters it was stated that they begin to hold court in the morning at 10 o'clock, and sometimes at 9 o'clock, and hold court, except for a brief intermission for luncheon, until 5 o'clock in the afternoon; that they work at night upon the record in those cases in which they have to find the facts, and that applies to all the admiralty cases. I also called attention to information that I have that one of the judges is not only working all evening at home, but gets up at 4 o'clock in the morning, as he has his law library at home, and works upon cases there before he opens court.

That answers, I think, the question of the Senator from Florida; but I wish to say, in justice to myself or in palliation of my vote on the Senator's amendment, that I was not able to be in the Senate during the discussion of the Florida case and might not have been informed of conditions. Not knowing anything about the case, except what I could ascertain from the report of the committee, I followed the committee. Unfortunately, I was not advised otherwise, not having heard the Senator's speech or seen the data presented in his case.

But I have compared conditions in western Washington in a way which seems to me to show conclusively to the advantage of that district, or rather to its disadvantage, as to its need for an additional judge—its disadvantage in the sense that there is greater congestion, that there is greater stress upon the court than in three other districts which are provided for by the committee, namely, the northern district of Illinois, the western district of Pennsylvania, and the southern district of California.

Mr. NELSON. Mr. President, I wish to call the attention of the Senator from Washington, inasmuch as he referred to the southern district of California, to the fact that Judge Cushman spent 15 days down in that district.

Mr. POINDEXTER. When was that?

Mr. NELSON. This last year. The Senator from California [Mr. SHORTRIDGE] made the statement that Judge Cushman spent 15 days in that district.

Mr. POINDEXTER. When I was before the committee in this case the Senator from North Carolina [Mr. OVERMAN] asked me how it was that Judge Cushman could hold court in New York. I wrote to Judge Cushman about that, and he advised me that he had not held court in New York for two years. It might have been two years ago that he held court in California.

Mr. NELSON. The Senator from California is here. He stated in his remarks that Judge Cushman this last year had spent 15 days holding court in the southern district of California.

Mr. POINDEXTER. It may have been an exchange. It may be that one of the judges from California held court for him and that he held court for that judge, or it may have been the pressure for his transfer was so great that he could not avoid it. But that does not in any way change or depreciate the force of the figures which I have given here as to the amount of business commenced respectively and comparatively in these several districts, nor as to the statement which I have made, which I do not think can be successfully contradicted, of the stress under which the judges are laboring in this Washington district.

There are just one or two additional paragraphs which I wish to read from the letter of the bar association:

> The western judicial district of Washington is divided into two divisions. Judge Jeremiah Neterer presides over the northern division at Seattle and Judge Edward Cushman over the southern division at Tacoma. Court is in session practically every day at both Seattle and Tacoma. Whenever Judge Cushman's engagements at Tacoma will permit it, he comes to Seattle and holds court. The sessions of the court are from 10 o'clock a. m. to 5 o'clock p. m., with an intermission at noon. Frequently, however, both judges convene court at 9.30 a. m., shorten the noon intermission, and hold night sessions.

The concluding part of the letter is as follows:

> It is a positive fact that both Judge Neterer and Judge Cushman are required to do more work than it is physically possible for them to do. Neither of them will be able much longer to stand up under the strain and stress under which they have for months past been laboring. It is not fair to either of them that they should be expected to continue to work in the future as they have in the past. But notwithstanding their ceaseless and untiring devotion to their work, litigation piles up faster than they are able to dispose of it. Important cases arising out of legitimate transactions of trade, industry, and commerce are compelled to practically stand still because of the priority given to the trial of criminal cases.
>
> This association respectfully but urgently demands that something be done to relieve the conditions above described. We know of no solution except the appointment of an additional judge for this district. We believe the records of the Department of Justice will substantiate every statement herein set forth.

Upon that statement, Mr. President, I submit the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment of the committee.

Mr. WALSH of Montana obtained the floor.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. Does the Senator from Washington desire to address himself to the amendment proposed by his colleague?

Mr. JONES of Washington. I should be glad to have about two minutes.

Mr. WALSH of Montana. Then I yield to the Senator.

Mr. JONES of Washington. I thank the Senator from Montana.

Mr. President, I have not had the opportunity to be on the floor of the Senate very much of the time since the pending bill has been under discussion because of being required to be in attendance upon committees of the Senate, and I am not going to take very much of the time of the Senate now. I do not intend to repeat what my colleague [Mr. POINDEXTER] has so well said. He has covered the conditions in western Washington very fully and very completely. I can only add my statement confirming what he has said with reference to those conditions. The situation there, as he has pointed out, is such as to cause a great deal of litigation of a Federal character. Washington is a new State, and all sorts of Federal activities may be found there. Naturally they are reflected in the business of the court.

I know the judges there personally, and I know that they are men of the most industrious character. They devote all of their time—in fact, more of their time than they ought to devote—to the business of the court.

The correspondence which my colleague has read points out very clearly and very fully the conditions; and that correspondence comes from men who know what those conditions are. I know those judges would not call attention to the situation if they did not feel that it was their duty to do so because of the imperative needs of the public. Neither of them are men who are disposed to obtrude their opinions or their judgments in matters of this kind; in fact, I think they are really oversensitive; and, as I have indicated, it was only the impelling character of the situation which led them to write the letter from which my colleague has read.

I have had occasion to examine the situation in the different districts for which judges are provided in the bill now pending, and I am satisfied that upon the data presented and the data available in the report of the committee, in the report of the Attorney General, and so on, the needs of the western district of Washington appear to be much greater than the needs of some of the districts which are provided for in the pending measure. When I say that, I do not mean to intimate that many districts do not need an additional judge, but if we are going to determine the action of Congress with reference to providing additional judges by the data showing the business transacted, as set forth in the reports of the Attorney General and by the compiled statistics as to the business of the various districts, then the showing made for the district of western Washington, it seems to me, is absolutely conclusive as to the necessity for an additional judge there.

I wish simply to express my view as to the action which I should like to have seen taken with reference to the pending measure, and yet I hesitate to do so because I do not like to set up my judgment against the judgment of the Committee on the Judiciary. I know that that committee has looked into this question very fully and very carefully; I know they have taken a great deal of time to consider it, so I think we ought to attach very great weight to their judgment and to their report; yet I can not get away from the conclusion that what I should really like to see with reference to this proposed legislation is the enactment of a measure providing, possibly, for about 10 or 12 more judges, without having those judges assigned to any particular judicial district in the United States.

I feel satisfied that the business of the courts requires more judges, but when we attempt to assign them by legislation or provide for additional judges for particular districts, then is exemplified the difficulty of doing that, and doing it in what appears to be a just and equitable manner. I have no doubt that there are many districts—in fact, it appears from the report of the Attorney General that there are many districts—in this country which are not provided for in this bill but which can make a stronger showing than some of the districts which

are provided for. That presents a rather embarrassing situation, one which we can not very well explain, and one that can not very well be justified.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. JONES of Washington. I yield to the Senator from Minnesota.

Mr. NELSON. I wish to state that in the eastern district of Washington, where Judge Rudkin presides, the number of cases outside of draft cases—and there were hardly any of them—and bankruptcy cases pending on the 1st of June, 1921, was only 108. As a matter of fact, Judge Rudkin spends more of his time holding court in California, in both the northern and southern districts of that State, than in his own district. He has not sufficient work in his own district to occupy half of his time. I do not see why his services could not also be utilized in the western district of Washington.

Mr. JONES of Washington. There is no question that his services could be utilized there, but I presume it is thought by the department that his services can be utilized to more advantage in other districts. I do not think the conditions in the eastern district are really involved. We are not asking for an additional judge there. The record shows that Judge Rudkin was holding court in California last year for 175 or 176 days. He has held court also in New York and in many other districts throughout the country.

Mr. POINDEXTER. I imagine he is the judge whom the Senator from California had in mind.

Mr. JONES of Washington. No; I inquired of the Senator. The record does show that Judge Cushman was in California for 15 days, and it also shows that Judge Rudkin was in California, I think, for 176 days.

Let me say with reference to Judge Rudkin that I have known him for thirty-odd years, as I have known the judges in western Washington for a good many years, and I know that the judges in western Washington will take it as no reflection upon them, but that they will agree with me when I say that Judge Rudkin is one of the most remarkable judges in the United States; that he is a man of amazing ability and capacity to discharge judicial functions; that he can take care of the judicial needs of eastern Washington mighty well and devote probably half of his time, if not more, to other districts.

As the Senator from Minnesota has suggested, Judge Rudkin could give a great deal of his time to western Washington, but under orders of the department, or whatever may be the manner of assigning judges to the different parts of the United States, Judge Rudkin is called to various districts and circuits throughout the country. I think it will be the uniform testimony of those who have come before him that he is one of the most wonderful judges in the United States.

Mr. POINDEXTER. Mr. President——

Mr. JONES of Washington. I yield to my colleague.

Mr. POINDEXTER. In that connection it has been pointed out that in view of the reputation which Judge Rudkin enjoys—and it seems to be almost universal—it is greatly desired that he sit as a circuit judge, for the precedents of that court are regarded as of more importance than those of the district courts, and for that reason he has not been available to sit in the district court in western Washington.

Mr. JONES of Washington. Mr. President, just a few words more. As I was saying, I do not assume to put my judgment against that of the committee—and I am not speaking in a critical manner, for very likely they have reached a better conclusion than the one I have in mind—but I had hoped that we would have a bill here which would provide for a certain number of judges without assigning them to particular districts. Possibly it might be well to assign them to the different circuits of the United States, but simply provide for probably 10 or 12 additional judges and then let them be appointed and their services utilized wherever necessity requires. That would certainly have avoided any suggestion of what has been termed the "pie counter." It is very unfortunate that any suggestion of that kind should be made in connection with a judicial bill; it is very unfortunate that there should be anything in connection with such a bill to lend color to such a suggestion as that. Of course, I know that the committee had nothing of that kind in mind, for there is not a committee in the Senate for which we all have higher respect than the Judiciary Committee. I realize that we are confronted by a very difficult problem.

The report of the Attorney General discloses that in the various districts of the country there has been a tremendous increase in judicial business during the last few years. If it were possible to provide some other method or means or instrumentality by which a great many of the pending cases could be disposed of without taking the time of a district judge, I think it would be well to employ such means; but I have no doubt that the committee gave that suggestion consideration and probably were not able to work out any scheme of that sort. I had hoped that we could do something of that kind; but, Mr. President, if we are going to provide additional judges for the various districts covered by the bill, it seems to me, upon the showing presented by my colleague, as compared with many of the other districts of the country and as shown by the testimony of the judges themselves, there can be no question as to the need of an additional judge for the western district of the State of Washington.

Mr. NELSON. Mr. President, I simply want to say to the Senator from Washington that I did not want to interrupt him, but I have the highest regard for Judge Rudkin. I regard him as one of the ablest district judges in the country, and for that reason I think western Washington ought to use him.

Mr. WALSH of Montana. Mr. President, I am sure that every reflecting Member must subscribe to the very eloquent and pertinent remarks of the Senator from Iowa [Mr. CUMMINS] in his address in opening the debate upon this bill, in the nature of a reproach to the Government of the United States for not having provided adequate courts before which litigants might with reasonable celerity be heard with respect to any controversies in which they might be engaged.

Mr. President, I take it that the first and perhaps the prime duty of any government is to provide means by which controversies can be adjudicated; in other words, to provide courts before which litigants can be heard. When organized society demanded of the individual member thereof that he surrender up his bludgeon or his gun, with which he would otherwise defend his rights and redress his wrongs, it very necessarily provided him at the same time with some tribunal before which he could go and have his causes adjudicated and appeal to the community to enforce his rights, instead of taking the law into his own hands. So that, Mr. President, any government which does not provide its citizens and others who may desire to resort to them with courts in which controversies may be tried invites a return to the primitive methods which are destructive of human society.

Mr. President, the bill before us contemplates the appointment of some 20 new Federal judges. It is inconceivable that the necessity for 20 new judges should have arisen all at once. Of course, this has been a growth, a development. At some time in the past, in the regular, orderly development and growth of our country, the necessity for an additional judge arose in some district, and thereafter the necessity for an additional judge in some other district arose, or possibly the necessity for 2 or 3 additional judges arose, and after a time a necessity for possibly 7 or 8 additional judges arose, and for 9 or 10, and eventually, if the necessity arises, for the 20 or thereabouts provided for by this bill. So that, Mr. President, either this bill is, as charged by the Senator from North Carolina [Mr. OVERMAN], an offensive pork-barrel bill, or else it spells reproach to the Government of the United States for not having seasonably provided for additional judges of the Federal courts as the necessity arose.

Mr. President, I do not subscribe to the accusation that this is a pork-barrel bill. I believe that the judges provided for by the bill as reported by the committee are needed in order that reasonable dispatch may occur in the disposition of the Federal business.

Mr. POMERENE. Mr. President——

Mr. WALSH of Montana. I yield to the Senator.

Mr. POMERENE. Is it not true that this need for additional judges has been very largely increased by reason of new Federal legislation which we have had within the last 5 or 10 years?

Mr. WALSH of Montana. There is something to that, Mr. President. Of course, the Federal legislation continues to increase; but a general opinion prevails that the necessity for these judges arises very largely from the enactment of the Volstead law and other prohibition measures. I think the hearings before the committee disclose that while that legislation has swelled the volume of business in the Federal courts it has by no means been the determining factor which public opinion assigns to it.

Mr. POMERENE. Mr. President, I did not ask the question in a contentious way.

Mr. WALSH of Montana. Oh, I understand.

Mr. POMERENE. The Senator has referred to the constant increase, which is true. Even if there had been no additional legislation there would have been an increase in the necessity

for additional judges, due to the natural increase in the business of the country.

Mr. WALSH of Montana. The Senator is quite right. The two elements are combined. There is first a continual increase in population and, more than that, an increase in business, and, more than that, an increase in the complexities which attend business, giving rise to controversies which find their way into the Federal court on the one hand and Federal legislation entering new fields upon the other hand. All of these causes have contributed to the growth of business, but we can not escape from the conclusion either that this bill at the present time is entirely unjustifiable or else that Congress in the past has been fecreant in its duty in the matter of providing additional judges. That is the fact about the matter. It might as well be admitted.

During the entire eight years of the Democratic administration, during the period of the enactment of many of the additional Federal statutes to which the Senator from Ohio [Mr. POMERENE] has referred, during the period when the war in Europe brought about an enormous increase in business in the Federal courts, during the period of the war while we were engaged in it, when that volume was swelled, there was just one additional Federal judgeship created—a Federal judge for the district of New Jersey.

Mr. POMERENE. One in eight years?

Mr. WALSH of Montana. One in eight years, to which I shall refer. That was not by any means the only bill which passed the Senate, however.

For instance, a bill to provide an additional judge in the State of Montana passed the Senate of the United States three times and went over to the House. Other bills passed the Senate in very considerable number and went over to the House. I have taken very little part in the political discussions which have arisen over the dismissal of members of the force of civil servants of the Government, but I feel entirely warranted in commenting upon the introduction of politics into the creation of additional judgeships. Half a dozen different bills for that purpose passed the Senate of the United States, went to the other branch of Congress, and were turned down over there or allowed to die, without any bones being made of it; it was openly declared and expressed in the corridors and in the committees that Republican Members over there did not intend to allow any more Democratic judges to be appointed; so that when the bill to which I have referred, to create an additional judgeship for the State of Montana, having passed the Senate twice, went to the House of Representatives it was, upon the objection of Mr. MANN, of the State of Illinois, stricken from the calendar and defeated in the Sixty-third Congress.

So a bill for the appointment of an additional judge for the State of Tennessee, having passed the Senate on several occasions, went over there, and upon the objection of Mr. WALSH of Massachusetts it was stricken from the calendar, and its passage thus prevented.

Mr. President, I have caused to be prepared a list of the bills for the creation of additional judgeships which passed the Senate and met their death in the House in the manner to which I have adverted.

For instance, in the Sixty-fourth Congress Mr. LEA, of Tennessee, introduced a bill providing for the appointment of an additional judge for the middle and eastern districts of Tennessee. It was reported by Mr. SHIELDS, and passed the Senate January 29, 1917. It was referred to the House Committee on the Judiciary February 9, 1917, and no action taken by the House.

Mr. WILLIAMS, of Mississippi, introduced a bill providing for the appointment of an additional judge for the northern and southern districts of Mississippi, which was reported by Mr. SHIELDS February 12, 1917, and passed the Senate on the same date. It was reported in the House by Mr. CARAWAY February 21, 1917, and no action taken in the House.

Mr. President, without taking the time of the Senate to read this table, I ask leave to print in the RECORD as a part of my remarks this table which I have prepared, showing in detail the proceedings had with reference to these various judgeship bills.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

BILLS PERTAINING TO THE APPOINTMENT OF ADDITIONAL JUDGES.

[Sixty-fourth Congress.]

S. 372. Mr. LEA, of Tennessee: Providing for the appointment of an additional judge for the middle and eastern district of Tennessee. Reported by Mr. SHIELDS and passed the Senate January 29, 1917. Referred to the House Committee on the Judiciary February 9, 1917. No action taken by the House.

S. 457. Mr. WILLIAMS, of Mississippi: Providing for the appointment of an additional judge for the northern and southern districts of Mississippi. Reported by Senator SHIELDS February 12, 1917, and passed the Senate on the same date. Reported in the House by Mr. CARAWAY February 21, 1917. No action taken in the House.

S. 789. Mr. WALSH, of Montana: Providing for an additional judge for the district of Montana. Reported by Mr. WALSH June 26, 1916, and passed the Senate July 27, 1916. Reported favorably in the House January 17, 1917, but when taken up for action was objected to by Mr. MANN, and stricken from the calendar.

[Sixty-fourth Congress, second session, page 3632.]

S. 1809. Mr. Hughes, of New Jersey: To create an additional judge in New Jersey. Reported by Mr. FLETCHER February 6, 1916, and passed the Senate February 8, 1916. Reported favorably February 26 in the House; passed and was approved by the President April 11, 1916.

S. 2512. Mr. GOFF, of West Virginia: Providing for an appointment of an additional judge for the southern district of West Virginia. Reported favorably on July 31, 1916, and passed the Senate January 25, 1917. Referred to the Committee on the Judiciary of the House January 26, 1917. No action taken thereon.

[Sixty-fifth Congress.]

S. 70. Mr. WALSH, of Montana: Providing for an additional judge for the district of Montana. Reported by Mr. WALSH May 21, 1917, and passed the Senate September 11, 1917. Referred to the Committee on the Judiciary of the House September 13, 1917. Reported favorably May 21, 1918. No further action taken thereon.

S. 714. Mr. ASHURST, of Arizona: Providing for the appointment of an additional judge for the district of Arizona.

S. 714. Conference reported to the Senate by Mr. ASHURST February 4, 1918, and passed the Senate February 6, 1918. Referred to the House committee on the Judiciary February 7, 1918. Reported by Mr. CARAWAY July 2, 1918. No further action taken thereon.

S. 746. Mr. WILLIAMS, of Mississippi: Providing for the appointment of an additional judge in the northern and southern districts of Mississippi. Reported by Mr. NELSON July 9, 1917. Passed the Senate September 11, 1917. Referred to the Committee on the Judiciary of the House September 13, 1917. Reported favorably June 7, 1918, by Mr. CARAWAY. No further action taken.

S. 1735. Mr. FLETCHER, of Florida: To create an additional judge in the southern district of Florida. Reported favorably February 4, 1918, by Mr. FLETCHER, and passed the Senate February 6, 1918. Referred to the House Committee on the Judiciary February 8, 1918. No further action taken thereon.

S. 1836. Mr. SHMITH, of Tennessee: Providing for the appointment of an additional judge in the middle district of Tennessee. Reported to the Senate favorably May 29, 1917. Passed the Senate September 12, 1917. Referred to the Committee on the Judiciary of the House September 13, 1917. On July 3, 1918, action blocked in the House by Mr. WALSH, of Massachusetts, on objection, and the bill was stricken from the calendar.

S. 2654. Mr. Lewis, of Illinois: Providing for the appointment of two additional judges for the district of Illinois. Reported in the Senate May 20, 1918, by Mr. OVERMAN, and passed the Senate May 21, 1918. Referred to the House Committee on the Judiciary May 29, 1918. No further action taken thereon.

S. 2777. Mr. Hollis, of New Hampshire: Providing for the appointment of an additional circuit judge in the first New Hampshire district. Reported by Mr. FLETCHER September 11, 1917. Passed the Senate on the same day. Referred to the Committee on the Judiciary of the House September 13, 1917. No further action taken thereon.

S. 2217. Mr. OVERMAN, of North Carolina: Providing for the appointment of an additional judge for the western district of North Carolina.

S. 2217. Conference reported favorably by Mr. OVERMAN February 20, 1918. Passed the Senate May 16, 1918. Referred to the House Committee on the Judiciary May 29, 1918. No action taken in the House.

[Sixty-sixth Congress.]

S. 202. Mr. WALSH, of Montana: Providing for an additional judge in the district of Montana. Reported by Mr. WALSH June 11, 1919. Passed the Senate June 30, 1919. Referred to the Committee on the Judiciary of the House July 1, 1919. No action taken thereon.

S. 282. Mr. ASHURST, of Arizona: Providing for an additional judge for the district of Arizona. Reported by Mr. ASHURST June 30, 1919. Passed the Senate June 30, 1919. Referred to the House Judiciary Committee July 8, 1919. No action taken thereon.

S. 601. Mr. SHUTTS, of Tennessee: Providing for the appointment of an additional judge for the middle judicial district of Tennessee. Reported favorably by Mr. SHIELDS June 23, 1919. Passed the Senate June 30, 1919. Referred to the House Judiciary Committee July 1, 1919. No action taken in the House.

S. 1859. Mr. Phelan, of California: Providing for the appointment of an additional judge for the northern district of California. Reported favorably by Mr. OVERMAN June 30, 1919. Passed the Senate June 30, 1919. Referred to the House Judiciary Committee July 8, 1919. No action taken in the House.

[Sixty-seventh Congress.]

S. 395. Mr. ASHURST, of Arizona: Providing for the appointment of an additional judge for the district of Arizona. Reported favorably by Mr. ASHURST April 19, 1921. Passed the Senate May 2, 1921. Reported favorably in the House June 21, 1921.

S. 694. Mr. SUTHERLAND, of West Virginia: Providing for the appointment of an additional district judge for the State of West Virginia. Reported favorably by Mr. ERNST April 29, 1921. Passed the Senate April 30, 1921, and reported favorably in the House May 2, 1921, and passed the House June 21, 1921. Approved by the President June 27, 1921.

S. 1254. Mr. TOWNSEND, of Michigan: Providing for the appointment of an additional district judge for the eastern district of Michigan. Reported favorably by Mr. NELSON May 31, 1921. Passed the Senate June 17, 1921. Reported favorably in the House June 23, 1921.

S. 1298. Mr. WADSWORTH, of New York: Providing for the appointment of an additional judge for the southern district of New York. Reported by Mr. NELSON May 27, 1921. Passed the Senate June 17, 1921, and reported favorably in the House July 23, 1921.

S. 1960. Mr. SHORTRIDGE, of California: Providing for the appointment of an additional judge for the northern district of California. Reported favorably by Mr. SHORTRIDGE July 20, 1921. Passed the Senate August 11, 1921. Referred to the Committee on the Judiciary of the House August 12, 1921.

Mr. WALSH of Montana. Mr. President, I regret to say that this is not the only instance in which these judgeships have been made the football of politics.

A few days ago we were called upon, in the Committee on the Judiciary, to act on the nominations of three judges for the Territory of Hawaii. There was submitted for the consideration of the committee in connection with these nominations a file, including a memorandum prepared by the Assistant Attorney General, Mr. Rush Holland, for the information and guidance of his principal, the Attorney General. It bears date March 16, 1922, and reads as follows:

MEMORANDUM FOR THE ATTORNEY GENERAL.

Hon. Robert Shingle, Republican national committeeman for the Territory of Hawaii, has recommended the appointment of Emil C. Peters, of Honolulu, to be chief justice of the Supreme Court of the Territory of Hawaii, vice James L. Coke, term expired. He also recommends Antonio M. Perry, of Honolulu, to be associate justice of the Supreme Court of the Territory of Hawaii, vice Samuel B. Kemp, term expired.

In addition to the recommendation of Mr. Shingle—

Bear in mind Mr. Shingle being the Republican national committeeman for the Territory of Hawaii—

the above-named gentlemen are recommended by the Republican central committee and by the bar association of the islands. This matter has been carefully gone into, and both Mr. Perry and Mr. Peters appear to be eminently qualified for the positions for which they are recommended, and their selection meets the approval of the large majority of the bar association and of the leading Republicans of the islands.

Then follows this paragraph:

There is at present no Delegate from the islands. Prince Kalanianaole recently died and the election of his successor has not yet taken place. It is believed that if these nominations are made now that such action will materially aid the Republican candidate for Delegate. I recommend that the appointments be made.

Respectfully,

HOLLAND,
Assistant Attorney General.

That is to say, Mr. President, the judgeships in the Territory of Hawaii are being handled in order to promote the election of a Republican Delegate from that jurisdiction.

Mr. POINDEXTER. Mr. President——

Mr. WALSH of Montana. If the Senator will pardon me, it appears that the judgment of the Attorney General was not at fault, because in the recent election the Republican candidate was elected, the result doubtless being contributed to by this fine stroke thus made in presenting these nominations at this critical time. I now yield to the Senator from Washington.

Mr. POINDEXTER. It is my understanding that the Delegate has been elected, Mr. Alexander Baldwin, of the island of Maui.

Mr. WALSH of Montana. I so understand.

Mr. POINDEXTER. I understood the Senator to say that the election had not taken place.

Mr. WALSH of Montana. That is what the letter says. It reads:

It is believed that if these nominations are made now that such action will materially aid the Republican candidate for Delegate.

Mr. POINDEXTER. He has already been elected, I am informed.

Mr. WALSH of Montana. He had not been elected at the time this letter was written. If he had been, the Attorney General was misinformed, or perhaps delayed his recommendation a little too long.

Mr. POINDEXTER. I did not hear the first part of the letter.

Mr. WALSH of Montana. This was under date of March 16. The election took place a day or two ago, I understand.

Mr. POINDEXTER. I do not know the exact date, but I have seen the announcement of the election.

Mr. WALSH of Montana. That is what I said, that the appointments of these judges at that time in all probability contributed to the result. At least, the result followed.

Mr. President, whenever Federal judgeships become the football of politics, and legislation for the creation of additional judgeships is either promoted or defeated upon political considerations, and appointments are made to these high and important positions as they will either contribute to or defeat the hopes of political candidates, the day for the adoption of the policy advocated by the Senator from Nebraska [Mr. NORRIS], the abolition of all Federal judgeships, is at hand, as it should be at hand.

Mr. KING. May I interrupt the Senator?

Mr. WALSH of Montana. I yield.

Mr. KING. Was the Senator discussing a letter of some person in the Attorney General's office relative to judges? I was called from the Chamber for a few minutes and I did not hear all that the Senator was reading.

Mr. WALSH of Montana. I was referring to a memorandum prepared by the Assistant Attorney General, Mr. Holland, for the information of his chief, the Attorney General, advising him that if certain nominations for judgeships in the Territory of Hawaii were then made the matter would be helpful to the Republican candidate for Delegate.

Mr. KING. Does the Senator know whether Mr. Holland is still Assistant Attorney General?

Mr. WALSH of Montana. No; I am unable to advise the Senator.

Mr. KING. If he is, it seems to me that his action deserves attention. Every lawyer as well as every thoughtful person recognizes the importance of maintaining the highest possible judicial standard. The judiciary should be above and outside of politics, and the selection of judges, whether State or Federal, should be made having in view only the ability, the learning, the integrity, and the high moral character of those chosen.

It is particularly important that the Federal judges should be men of the highest character and of experience and legal attainments. If their selection is to be employed to aid any political party, that is, in my judgment, not only a grave wrong but an assault upon our Government. It is highly improper to appoint judges because their selection might promote the interest of any political party or aid in any particular election. In the selection of Federal judges the responsibility in the first instance rests upon the Attorney General to make suitable recommendations to the President. This is a heavy and a most serious responsibility. The character of the judiciary is thus largely dependent upon the conduct of the Attorney General and those of his official family who are concerned in making recommendations. They can not afford to recommend improper men, nor can they afford to time their recommendations with reference to any partisan election, or aid in the selection of individuals for judicial positions because of the benefits which such selections may give to their political party.

I respectfully submit that the Assistant Attorney General committed a grievous mistake, to put it in the most charitable light, when he advised that if certain nominations for judicial positions were made in Hawaii, such action would be helpful to the Republican Party in the forthcoming election for a Territorial Delegate.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I should like to inquire whether the nomination was made before the election.

Mr. WALSH of Montana. The nomination was made before the election.

Mr. NORRIS. In accordance with that recommendation the nomination was made?

Mr. WALSH of Montana. The nomination came to the Committee on the Judiciary with this letter before the time when the papers announced the result of the election in Hawaii.

I suggest to the Senator that, although it is obvious that the Attorney General himself was apprised of the situation, it does not appear at all of record.

Mr. NORRIS. Of course it does not appear on the face of the record that the Attorney General personally saw that letter. I should think the presumption would be, perhaps, that he did.

Mr. WALSH of Montana. I agree with the Senator.

Mr. NORRIS. But it is not a conclusive presumption. I do not know what their system is. There may be some one in the office under the Attorney General who passes on all these recommendations, and the Attorney General does not do it himself. I agree with the Senator from Utah, however, that that kind of a proceeding should not take place at any time, under any party. While it may be that in this case they secured excellent men—I am saying nothing about that—and may in other cases secure such men, the system is wrong. Everybody must admit that, it seems to me, who wants to place the judiciary on the high pedestal where it properly belongs.

Mr. KING. I am very glad the Senator has expressed those views. I think they do credit to his sense of justice and to his splendid citizenship.

Mr. POINDEXTER. Mr. President, the Senator from Utah would not, I know, make any such strictures as he has just made in regard to Assistant Attorney General Holland, and would not propose any such drastic punishment upon him as he has suggested, until the Assistant Attorney General had been heard and given an opportunity to state what connection he had with this matter. In other words, it seems to me that to use

such strong language against a man of the standing and character of Assistant Attorney General Holland, upon a mere partisan assertion, growing out of a political controversy, without any opportunity to hear what he has to say about it, is doing him quite an injustice.

Mr. KING. Will the Senator from Montana further yield?

Mr. WALSH of Montana. I yield.

Mr. KING. I think that if Mr. Holland—that, I understand, is the name given by the Senator from Montana—or if any other Assistant Attorney General recommends to his chief, the Attorney General—upon whom the responsibility rests for recommending to the President persons for judicial positions—and he assigns as the reason for prompt action in securing their appointment that it will be helpful to any political party in an election soon to be held, he fails to appreciate his position and the full significance of his act.

I can not believe that Mr. Holland realized how improper his recommendation or statement was. I do not want to believe that the Attorney General's office is to be a political and partisan machine shop.

We are appropriating large sums to this department to enforce the law and to the end that justice may be done in the land. The enforcement of the law is not a partisan matter. If the Attorney General's office is to be run to aid the Republican Party in elections, it is important that the people know it; and if judges are to be selected because their elevation to high position would aid the Republican Party in an election, that fact should be known to the people.

I hope that this is a mere indiscretion and does not indicate any purpose upon the part of the Attorney General's office or any of its officials to prostitute their positions for partisan and political purposes.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH of Montana. I yield.

Mr. JONES of New Mexico. I am inclined to believe that the presumption which has been indulged in here that the Attorney General saw that letter may not be well grounded. While we are indulging in presumptions, may I suggest the presumption that the Attorney General did not see it. The Attorney General is a very astute politician, and if he had seen the letter it is rather reasonable to presume that he would have seen to it that it did not get to the Committee on the Judiciary.

Mr. WALSH of Montana. The Senator may be right about that. As heretofore stated, I do not assent to the charge made that this is a pork barrel bill, but I do assert that it is a log rolling bill and a vicious form of legislation. I can find no justification whatever for the other branch of Congress absolutely refusing to pass the single bills we have presented to them from time to time and then passing what might be regarded as an omnibus bill. The temptation to get into a bill of this kind a provision for the appointment of judges in places where they should not be appointed, in order to secure the number of votes necessary to pass the bill, is too great to be resisted. It should not pass without protest.

But, Mr. President, while I feel that way about it, I can not feel that I ought to vote against this bill, provided the judgeships for which it provides ought to be created for the transaction of the public business, and I believe that that subject was given the most careful consideration by the Judiciary Committee, and for myself, I voted against the provision to give two additional judges to the State of Massachusetts and against one or two others, but the contrary view was supported by good, strong arguments, and I can not feel that I ought to vote against the bill because there are one or two or possibly three provisions with respect to which I entertain some doubt.

The vicious tendency of legislation of this character must be recognized by everyone, and it ought not to pass without just criticism. On the other hand, Mr. President, I feel some apprehension that as the matter is going in the Senate, it may be loaded down with so many provisions for additional judges in other sections of the country as to make it the duty even of those who are generally favorable to the bill to vote against it.

I voted against the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] for an additional judge in that State, first, because New Jersey was the only State which got an additional judge during the eight years of the Wilson administration. That is to say, the situation in New Jersey was taken care of in 1916. Only five years ago they got an additional judge in New Jersey. I can not believe that the business of the United States courts has grown so rapidly in the State of New Jersey as that, having secured an additional judge in 1916, they ought to have another judge only six years later, and more particularly because it appears that the able delegation from the State of New Jersey was not sufficiently influential to get recognition for that State in the bill when it came from the House, and more particularly because neither Senator from the State of New Jersey was sufficiently impressed with the necessity for an additional judge for that State to induce him to go before the Committee on the Judiciary and represent the condition in his State and ask for an amendment in that regard. So I feel that the bill is weighted down to some extent by the amendment which was adopted by the Senate for the appointment of an additional judge in the State of New Jersey. I dislike to differ with my friend, the senior Senator from New Jersey, upon that matter, but I can not agree that the amendment ought to have been adopted.

Now, let me discuss briefly the situation of my esteemed friend, the senior Senator from Florida [Mr. FLETCHER]. It is admitted by the committee, and the committee recognized fully that there is an enormous amount of business in the southern district of the State of Florida, and if there were no other considerations, the representation made by the Senator from Florida would certainly entitle him to the highest consideration from the Senate in connection with his amendment. But the fact about that matter is that they had a very objectionable judge down in the northern district of Florida some years ago and various acts of Congress were passed taking away a multitude of counties belonging to the northern district of the State of Florida and adding them to the southern district, so territorially, as well as in amount of business, the southern district of Florida greatly outranks the northern district, and the amount of business to be transacted in the northern district is inconsequential.

The committee believed, as I believed, that the judge of the northern district of Florida being called to the assistance of the judge in the southern district, Florida is amply taken care of by the two judges.

In the same way I dislike to differ with my esteemed friend from the State of Washington [Mr. POINDEXTER], but I can not escape the conviction suggested, as entertained by the chairman of the committee, the venerable Senator from Minnesota [Mr. NELSON], that in view of the fact that Judge Rudkin will now be somewhat relieved there is no need for an additional judge. I am able to subscribe to every encomium upon Judge Rudkin, because I have had the honor of trying lawsuits before him. I believe that the two judges they now have in the western district of Washington ought easily to take care of the business of that State. Judge Rudkin has been called very frequently to the State of California in the past to help out in that State, but we are making provision for additional judges in the State of California, giving them an additional judge in the northern district and another judge in the southern district, and it is hoped that there will not be such demands from that State for Judge Rudkin in the future.

Now, Mr. President, I wish to say a word or two with respect to sections 2 and 3 of the bill, section 2 providing for what is known as the conference and section 3 for the assignment of judges to districts other than their own.

I am not able to concur in the view expressed nor am I able to share the apprehensions that have been excited with respect to the effect of section 3. Section 3 provides for the utilization of judges of the district court in districts other than their own and provides that the senior circuit judge of the circuit may assign a district judge to some district in the circuit other than his home district if the business in his district will permit him to go to some other district.

In that respect, bear in mind, there is no change whatever in the law. The law now permits the senior circuit judge to require the district judge to go from his home district to another district in the same circuit. Thus far, however, the law now goes no further, except with respect to the second circuit, embracing the southern district of New York. There the Chief Justice of the United States may call a judge from any district and send him to the southern district of New York on account of the extraordinary condition there. But, generally speaking, under the existing law that is the extent of the power of transferring judges from one district to another, namely, that they can not be sent, unless they go voluntarily, beyond the circuit in which they reside.

But the pending bill goes one step further and is intended to permit the utilization of district judges in circuits other than the circuit in which the districts lie. The fear is expressed with respect to that provision of the bill that private interests or particularly associations or combinations organized for the purpose of propaganda or otherwise will be able to shuffle judges of the district court around from one place in the country to the other in order to subserve their purposes; and about the cloakrooms, at least, it is suggested that the

Anti-Saloon League, finding some judge in some district to be perhaps lenient toward those who offend against the prohibition laws, will be able to transfer a judge from a remote section of the country who harbors different views upon that subject and thus displace the local judge in the administration of the law.

I find that that is perfectly fanciful. It does not seem to me to be possible at all. In the first place, a judge will not be permitted to leave his district unless the senior circuit judge of the circuit certifies that he may do so without detriment to the business of his own district. He will not be called to serve in another circuit unless the circuit judge of the circuit to which he goes asserts, over his official hand, that he needs another judge in some particular district in his circuit and that he is unable to fill the need from any of the judges in his own circuit. Under those circumstances the Chief Justice of the United States, having before him the certificate of the senior circuit judge of the circuit embracing the district desiring another district judge and having likewise a certificate from the circuit judge of the circuit in which resides the district judge to be transferred, the Chief Justice of the United States then makes the order that he shall go.

In order that anybody can control the situation, in the first place he must control the senior circuit judge of the circuit from which the district judge goes, he must next control the senior circuit judge of the circuit embracing the district to which the judge goes, and he must control the Chief Justice of the Supreme Court of the United States.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH of Montana. I yield.

Mr. POMERENE. If I may make a suggestion, under the bill as I construe it, assuming that a new judge was needed in a given district, they can only make application, or application could be made for a judge, but they would not designate the particular judge, and I dare say neither the circuit judge nor the Chief Justice of the United States would send a particular judge if one were asked for.

Mr. WALSH of Montana. As to that I do not know, but the operation would be about this way. We will assume that in the northern district of Ohio there is an accumulation of work and an additional district judge is needed. We will assume, and we must assume, that no other district judge can be found in the sixth circuit, and the senior circuit judge of the sixth circuit certifies to the Chief Justice of the United States that another judge is needed for the dispatch of business in the northern district of Ohio and that he has in his circuit no judge whom he can send there. He certifies thus to the Chief Justice of the United States.

One of the judges, we will say, in the State of Montana is not overwhelmed with work, and the Chief Justice thinks that he would be an available man to send to Ohio. Then a certificate must be secured from the senior circuit judge of the ninth judicial circuit to the effect that this district judge in the State of Montana can leave the State without detriment to the public business, and thereupon the Chief Justice may direct him to go to the State of Ohio. In other words, we have to have that combination some way or other of these three eminent judges before the conspiracy can be accomplished.

Mr. WATSON of Georgia. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I call the attention of the Senator from Montana to line 22, page 13, subdivision (c):

> In aid of a district judge when the public interests so require.

Then, in subsection 2 of section 14, we find that—

> Such designation may be made by the senior circuit judge (who may designate himself) whenever he is satisfied that the occasion therefor exists and that the public interests so require.

Subsection 3 of section 15, on page 15, includes the District of Columbia in this system.

Then, beginning at line 12, on page 15, we find section 16 providing as follows:

> (1) The designation provided for by sections 13, 14, and 15—

Those are the sections I have already mentioned—

> shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.
>
> (2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district; and when so filed and entered shall be conclusive evidence of all the facts necessary to support it.

I call the Senator's attention to the fact that a circuit judge, dissatisfied with the manner in which a district judge is conducting the business, may arbitrarily go into that district and oust that district judge from his duties and from his office, and that all the circuit judge says in defense of himself, when properly filed, is conclusive evidence that he stated the truth about it and that it contains all the evidence necessary to support his order.

Mr. WALSH of Montana. Mr. President, I do not like to get into anything in the nature of a controversy with my esteemed friend from Georgia [Mr. WATSON], but, perhaps, a few words may be necessary in order to make this matter clear to those who desire to have a clear idea of it. The Senator has invited attention to section 13 of the bill now before us. Section 13 of the bill before us provides for the assignment of judges to sit in a district other than their own within the circuit—"within the circuit," it will be borne in mind.

Let me call the attention of the Senator from Iowa [Mr. CUMMINS] to the fact that there is a misprint in line 14, on page 13, where the language should be "in another district of the same circuit."

Mr. SHIELDS. An amendment has been made to correct that.

Mr. CUMMINS. The Senator from Montana means that the word should be "of" instead of "or"?

Mr. WALSH of Montana. Yes.

Mr. CUMMINS. As stated by the Senator from Tennessee, that mistake has already been corrected by an amendment.

Mr. WALSH of Montana. Very well. Then section 13 reads:

> A district judge for a district may be designated to act in another district of the same circuit (including territory attached thereto)—

"Of the same circuit," the Senator from Georgia will understand.

Mr. WATSON of Georgia. Yes.

Mr. WALSH of Montana. Then follow subdivisions (a) and (b). The Senator from Georgia has called attention to subdivision (c), which reads:

> (c) In aid of a district judge when the public interests so require.
>
> (2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

In the first place, there is no power in anyone to displace a judge; he continues in his work without any interruption whatever; another judge is sent to his district, and the two judges endeavor to dispatch the business of the district.

The Senator from Georgia will bear with me if I call his attention to the fact that that is substantially the law as it now is, as he will find by referring to sections 13, 14, 15, 16, and 17 of the code of civil procedure.

Mr. NELSON. I will call the Senator's attention to the last part of section 14 of the Judicial Code.

Mr. WALSH of Montana. Yes. The last part of section 14 of the Judicial Code provides:

> Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district, and discharge all the judicial duties of the district judge therein.

So that one judge does not displace the other at all in the transaction of business. Of course, when a judge is sent to another district by the authority provided by the law, whether a certificate is required or is not required, all question as to whether the conditions required by the statute to exist do in fact exist is, as a matter of course, foreclosed. No one can inquire into that.

Section 15 of the bill provides for the designation of a district judge to sit in another circuit. I ask the attention of the Senator from Georgia to that. The section reads:

> SEC. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—
>
> (a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and
>
> (b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.
>
> (2) Such designation may be made by the Chief Justice, if, in his judgment, the public interests so require.

The Senator from Georgia also read section 16, which is as follows:

> SEC. 16. (1) The designation provided for by sections 13, 14, and 15 shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

And that, the bill very properly provides, shall be conclusive; and it would be conclusive if the bill did not so provide, because, in the event of a judge coming from one district to sit in another district and actually sitting in that district and trying

cases, the situation would be intolerable, it would be impossible, if anybody, debors the record, by parol evidence, could show that the facts did not exist which authorized that judge to sit in the trial of cases there. The designation that he go there is not a part of the record in any case. The validity of a judgment would in no wise depend upon the question as to whether the facts warranted his designation to fill the place.

The governor of a State may often, as is provided by law, designate the judge of one district to go to another district to hold court; he is permitted to do so whenever the business of the district in which the judge goes is such as to require an additional judge and the business of the district from which the judge comes will not suffer by reason of the fact; but the governor having issued his order that the judge go, no one can inquire into the question as to whether or not the conditions provided in the statute existed. So, while it is formally provided in the bill that the certificate will be conclusive, it would be conclusive under the established rules of law in any case. So much for that.

But, Mr. President, I can not give my assent to section 2 of this bill; and I very respectfully suggest to the distinguished Senator in charge of the bill that he take into very serious consideration whether or not that provision ought not to be eliminated from the bill. I have no doubt that its existence imperils the passage of this very much needed measure, and I submit that there is no justification for it. I fully agree with the statement made by the Senator from Nebraska that it means absolutely nothing on earth except a junket and a dinner. If the annual conference in Washington with the Chief Justice shall be held, the senior circuit judge of each of the nine circuits in the country, all estimable gentlemen, will come here; the Chief Justice will give them a dinner and the Representatives from their various States will give them a dinner; they will have a good time and then will go home. There is not any business, so far as I can see, which they can transact; there is no information which they can give which, to my mind, can not as well be conveyed by a letter written by the judges annually to the Chief Justice for his guidance and information in the discharge of the duties which he is to perform.

Of course, the number of judges who will be taken from their own circuits and transferred to districts in remote sections of the country will be comparatively few. They will be brought from all over the country, wherever they are available, to sit in the city of New York and possibly in one or two other congested sections; they may be brought, perhaps, from some adjacent circuit to sit in the city of Chicago, which is not far distant from the boundary between two different circuits; but, generally speaking, that provision of the bill will not impose upon the Chief Justice any particular arduous labor; and, to my mind, it involves an expense, trifling, it is true, when we consider the expenses of the Federal Government, but nevertheless an expense which need not be incurred and which, I think, has no justification whatever in view of the condition of things confronting us. I trust that the bill will not be loaded down with provisions for the creation of judgeships in addition to those recommended by the committee and that this rather obnoxious feature of the measure will be eliminated.

It must be said, Mr. President, that a discussion upon the floor with respect to the merits of a claim for an additional judge in any particular district is not particularly enlightening. It is necessary to consider not only the situation in that particular district but a comparison ought to be made between that district and other districts which may possibly be similarly situated. Accordingly, in these cases where the matter has not been submitted to the committee, or, where, having been submitted to the committee, its action was founded upon due consideration, I think the determination of the committee ought to be very cautiously disturbed.

Mr. WATSON of Georgia. Mr. President, before the Senator takes his seat I call his attention to subdivision c, on page 18, to which he and I have both referred, which reads:

in aid of a district judge when the public interests so require.

I call the attention of the Senator to the fact that no provision is made there for the submission of testimony to show that the necessity has arisen and that the public interest does require the designation, whereas the existing law requires the certificate of the clerk under the seal of the court. Under subdivision c, apparently, a circuit judge, arbitrarily, upon his own motion, without any evidence at all, merely because he might be dissatisfied with the manner in which the district judge was conducting the business of his court, could exercise arbitrary power over the district judge.

Mr. WALSH of Montana. It does not give him any power over the district judge at all other than to send another judge to the district, but not to displace the sitting judge at all.

Mr. WATSON of Georgia. If another judge were sent there unnecessarily, it seems to me it would be virtually——

Mr. WALSH of Montana. The extra judge would divide the work with the sitting judge no doubt, but he would not displace him at all.

Mr. WATSON of Georgia. No; I did not mean to be understood as saying that it would take his office away from him.

Mr. WALSH of Montana. No; and it does not interfere with his work at all; the two judges would simply divide the work.

Mr. WATSON of Georgia. If another judge were sent into a district to do the work, the situation might become so humiliating and so mortifying to the sitting district judge, being a man of self-respect, that he would resign. If that condition should arise, there would be some intimidation, and, therefore, an interference with the independence of the judiciary.

Mr. WALSH of Montana. Of course, I do not know how sensitive the judges may be, but if the circuit judge finds that two judges are needed in a district I do not see why the sitting district judge should feel in any sense humiliated about the matter.

Mr. WATSON of Georgia. But the existing law requires that there shall be some testimony upon which the circuit judge shall act, and that is the certificate of the clerk under seal, whereas in this bill it is left arbitrarily to the circuit judge.

Mr. WALSH of Montana. The difference between the present law and the proposed law is that under the present law the clerk of the court furnishes evidence whether the public interest requires another judge to go there or not, while under the proposed law the senior circuit judge of the circuit determines whether the public interest requires the assignment of an additional judge.

CENTRALIZATION OF POWER IN THE FEDERAL GOVERNMENT.

Mr. REED. Mr. President, I ask leave to have inserted in the RECORD an article from the St. Louis Post-Dispatch of March 19, 1922, dealing with the question of the centralization of power in the Federal Government, a very worthy and very able article.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Sunday, March 19, 1922.]

APPEAL TO GOVERNORS TO HALT MARCH TOWARD FEDERAL EMPIRE.

(The Post-Dispatch addresses this open letter to the governors of the States of the Union in the earnest hope that they will rally their people and their State legislatures to halt the destructive processes that are transferring all of the powers of local self-government to remote and irresponsible bureaus in Washington and that portend inevitable disaster to the most promising experiment in free government ever before attempted by man.)

Serious as are the great problems of disarmament and peace for the world in general, there is yet another confronting the people of the United States, one peculiarly their own, this is far more vital to their safety and happiness.

It is the advance of our General Government toward the usurpation of all powers, local and national, and the transformation of our system from a limited representative Federal Union to an unlimited bureaucratic empire.

No student of history, acquainted with the anxiety of the framers of our Federal Constitution to circumvent this very danger, can view the rapid destruction of all the barriers they erected without a sense of the deepest alarm.

Those who framed our dual political system had carefully studied the rise and fall of States from the earliest period of recorded history. In Persia, Babylon, Egypt, Carthage, Greece, Rome, and in all the transitions up to their own times, they observed that human liberty was destroyed and nations brought to ruin through the possession and abuse of unrestrained power by Governments; and that the final decay actually set in at the apparent zenith of their greatness, when all cares and all authority had been centered in a single body or group.

Knowing the experience of the ages to contain this lesson they sought deliberately to apply it for the perpetuity of the Government they were about to form and for the preservation of liberty under it. In the Constitution they formulated, therefore, they proposed a Federal Government for definite and specific purposes only, enumerating in writing the objects within its competency. The Constitution delegated to the Federal Government a minimum of power to permit the achievement of these essential ends.

The framers, knowing the sentiment of their respective 13 sovereign States, then loosely united in the Articles of Confederation, realized that no general government would be assented to save for the most necessary purposes of collective representation. They were convinced, too, that if the great expanse of country had not already been divided into States, the States divided into counties, the counties into townships, this must be done so that each might do for itself, locally and directly, what it could do so much more effectively than a distant authority.

Still fearful lest even the limited grant of powers to the Federal Government would find its way into the hands of a single person or group, and mindful of the experience of our English ancestors under the Stuarts and Tudors, and of their own under George III, they invented the device of three distinct, coordinate, coequal repositories of the limited powers they gave, distributing them according to their character to an executive branch, a judicial branch, and a legislative branch; and they declared that neither should ever exercise any of the powers lodged with the others.

All powers not expressly granted to the Federal Government were declared to be reserved to the States or to the people. This appears in the tenth amendment, adopted in 1791, two years after the Constitution went into force. In spite of its other apparent safeguards most of the States refused to come in until they got that promise. There would have been no Union without it.

If one wishes to study the distribution of powers more minutely he may find them diagramed in Prof. Frederic Jesup Stimson's work on the Constitution. His summing up is pertinent. He says:

"But there are other, more political, rights given to protect the people. Congress must assemble every year; it must have freedom of speech and guaranty against arrest; the House alone can introduce revenue bills. No Army can be maintained for more than two years. No direct taxation from the National Government; no unequal indirect taxation from the National Government. No titles of nobility. Jury trials; indictments; civil rights; the forbidding of all class legislation; the supremacy of the Constitution.

"And, finally, after all these rights have been enumerated, the great ninth amendment says that this enumeration, nevertheless, does not deny or disparage other rights still retained by the people; the final and important thing being that the framers founding this Government consciously and expressly did not intend to give general sovereign powers of conquest or national career."

Can anyone deny that we are already embarked upon a national career, with a Government more powerful and less under the control of the people than any other on earth, save possibly in Japan? Hasn't our Federal Government preached and acted upon the claim that it is now competent to do anything that any other sovereign State may do?

An enumeration of all of the Federal powers and prohibitions delegated and declared in the Constitution and an analysis of their use and abuse in practice would lead us into a field too prolix for present purposes. It is sufficient here to consider how far the Congress and the Federal court have set aside the force of the Bill of Rights, those first 10 amendments that the States insisted upon as guaranties against oppression before they would assent to the Constitution.

No one can read the first 10 amendments without realizing the sense of fear and distrust which the wisest citizens of the 13 States felt in entering into this Union. In the words of the Kentucky resolutions of 1798, they held that "free government is founded in jealousy and not in confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power."

Were the sturdy men of that period, who had defied and wrested independence from the mightiest power then on the globe, timid and easily affrighted? Was their insistence upon extensive and written restrictions upon the power to the General Government founded in a sort of panicky fear of tyrants incident to the times, or was it based upon a knowledge that out of centuries of struggle of mankind for liberty there had grown up certain tested principles of human association that give the greatest hope of happiness and freedom?

These questions have their answer in the anxious and increasingly vexatious lot of the American citizen to-day, resulting directly from the setting aside of constitutional restrictions by the Federal Government and its assumption of the role of universal intermeddler and regulator of all our concerns.

Take the first amendment. What do Congress and the Supreme Court say of it? First, that it is not an absolute prohibition, which it certainly was intended to be and which its terms plainly indicate. Oh, no! say the Federal courts, Congress may not forbid the publication of the truth with good motives, but it may legislate as to publications of other character; it may exclude the press from the mails. Likewise, say the courts, they can forbid any publication of testimony, for example, of such a nature as to "obstruct and embarrass the court," and they can also punish for contempt, without a jury, any improper publication "tending to obstruct the administration of justice." Such judicial interpretations have seriously weakened this constitutional guaranty and have tempted Congress to consider on a number of recent occasions the subject of general regulation of the press. There is such a bill before Congress to-day.

How far has the Federal Government gone in undermining the guaranty of free speech? During the war this right was very drastically abridged; any criticism of the Government or its manner of conducting hostilities was likely to mean a sojourn in the penitentiary. Perhaps that was justified, if ever much it seems to imply that war abrogates the Constitution. We have recently had some peacetime legislation, however, aimed at suppressing certain philosophies of government, and men will preach them at their peril. We no longer tolerate error of opinion with an assurance that reason left free to combat it is a sufficient safeguard. Reason must be reinforced by an army of secret agents of the Department of Justice. In the words of a Federal decision in an espionage case, freedom of speech means the prerogative of the citizen "to canvass public measures and the merits of public men." Said another, this guaranty does not imply a right to say what one pleases at all times and in all places. However, there is yet a good deal of the substance of this right left to us if we are careful of expressing our political philosophies.

Neither have we as yet been denied the right to assemble and petition the Government for redress of grievances.

As to the second amendment, while the States still have their respective militia establishments, they have been pretty generally federalized by recent legislation and their distinctive place in the State organization correspondingly weakened.

It must be admitted that the Federal Government stands acquitted of any infringement of the third amendment forbidding the quartering of soldiers in private homes.

There is no right the preservation of which is more vital to liberty than that guaranteed to the citizen in the fourth amendment to be free from search save upon warrant; yet there is none in a more precarious condition among us to-day. It was the violation of this principle by James I that destroyed English liberty, but raised up the great Chief Justice Coke as its champion. When the States procured the adoption of this amendment they believed they had rendered the people secure in their persons, houses, papers, and effects; that not even an officer, a magistrate, or a policeman could thereafter ever enter the house of a citizen or search his papers and effects without a formal warrant, duly issued upon probable cause, supported by sworn testimony stating the reason why, the crime charged, the place to be searched, and what they expected to find.

Not a day passes, however, but that Federal agents, in the enforcement of the multitude of Federal laws regulating our local concerns, contemptuously set aside this guaranty. Whether the Federal larceny statute, the Federal statutes on morals, on narcotics, automobile thefts, sedition, or what not, are being vindicated, the raids upon homes and the illegal seizures of papers and property go on. While some courts occasionally denounce this lawlessness on the part of Government officials, they nevertheless hold that evidence thus illegally obtained may be used against the accused. Also, they will admit evidence stolen by a private individual which Government officials could not lawfully obtain without a warrant.

The amendment is a general and unqualified declaration that the people have a right to be secure in their persons, houses, papers, and effects, yet the Supreme Court has struck down half of its value by declaring that it applies to criminal prosecutions only. In civil matters, says this tribunal, the people have no such right. Hence the Federal income tax inquisitor, or any other so-called civil officer, may invade your home or your office without a warrant, demand your books and papers, take transcripts of what he likes, and institute a criminal prosecution against you on the evidence obtained. With the amendment thus half frittered away, is it to be wondered at that it affords the most doubtful protection in criminal prosecutions?

We pass on to the fifth amendment, and particularly to that clause forbidding prosecution for a capital or infamous crime save on a presentment or indictment by a grand jury. An infamous crime is any crime punishable by imprisonment. In the Volstead act we find a vicious assault upon this guaranty, where the courts are authorized to resort to the subterfuge of imprisoning the accused through the summary process of contempt, without either warrant or indictment.

As to the second prohibition in the fifth amendment against twice putting a person in jeopardy for the same offense, we are told this does not mean what it says with respect to violations of the Volstead Act. Offenders against that law may be punished in both Federal and State courts for the same offense, owing to "concurrent" jurisdiction.

The third prohibition in the fifth amendment, forbidding an accused to be a witness against himself in a criminal case, is flagrantly flouted with the connivance of the courts in the role that evidence, however illegally obtained from the accused, may be used against him. With such a rule established, why should peace and prosecuting officers worry about search warrants in criminal cases? They rarely do. And the view is justified on the ground that it is more important to obtain a conviction than to preserve a constitutional right.

It is also declared by the courts that the guaranty against being compelled to testify against one's self does not apply to corporations, since they are artificial, not natural, persons, nor does it protect a corporation official from being compelled to disclose incriminating matter concerning his acts.

The fourth proposition in the fifth amendment, that no one shall be deprived of life, liberty, or property without due process of law, involves a discussion of the meaning of the term "due process of law." While no exact definition has ever been given, it is generally declared to mean law in the regular course of administration, according to those rules, principles, and forms established for the protection of private rights. Thus all the provisions of the Constitution and all laws made pursuant thereto constitute due process of law with respect to any matter cognizable under them. This prohibition is designed to keep the acts of Government officers within their lawful limits and to prevent arbitrary conduct.

The most condemnable instance of violation of this guaranty is to be found in an act of Congress permitting the deportation and exclusion of persons from the United States upon the mere any of an immigration official, regardless of whether the person so deported or excluded is an American citizen. Thus a single executive official may inflict the grave punishment of banishment, without the necessity of a jury or a judicial trial, which due process of law requires in all other cases of punishment. And the Supreme Court, in the case of Ju Toy, declared that as for him, the process of law was satisfied by a hearing without counsel before the immigration agent. Ju Toy was a poor Chinaman, but before the Supreme Court dismissed the case a Federal court of California, which heard the evidence of his birth in this country, judicially determined him to be an American citizen. It was of no use; the immigration agent had determined otherwise, and the Supreme Court declared his word beyond review by the courts. Some obnoxious or dangerous white citizen may be next.

In the final proposition the fifth amendment forbidding the taking of private property for public use without compensation, the Federal courts have evolved the vague and reprehensible doctrine that no right of private property can exist in property that may be declared to be subject to the "police power," and especially alcoholic liquors; yet Lincoln recognized the justice of compensation even with respect to depriving the South of their slaves. In spite of the licensing of the liquor business and the imposition of taxes and its storage in Government warehouses, under Government protection from time out of mind, the owners are now told that the fifth amendment is designed to prevent stripping the citizen of only certain kinds of private property, the list of which is constantly diminishing.

Further the courts hold that Government acts "merely impairing" the use of private property are not a "taking" within the prohibition, when the only sound and settled view we have known heretofore was that the right of use was an inseparable concomitant in the right of ownership. Also, the destruction of private property for the public safety, which may mean in the interest of public morals as they are viewed at the time, is not a "taking" of property.

The sixth amendment declares that in all criminal prosecutions the accused shall enjoy the right to a trial by jury. At the very outset the courts denied that this clause limited their power to punish summarily for contempt, without a jury, and in a number of Federal statutes, particularly the Volstead act, we find Congress stooping to evade this prohibition by a provision permitting Federal courts to punish offenders summarily in this fashion. It is to the credit of the Federal judiciary, however, that they have shown no eager disposition so far to break down this great safeguard against tyranny.

While this prohibition does not describe the kind of accused persons entitled to jury trial, Congress and the Federal courts have decided that it does not apply to aliens whom they wish to deport. And, as has been pointed out, it is equally denied to citizens returning to their country from abroad if the immigration agent decides they are not citizens.

The seventh amendment pertains to jury trials in certain civil actions and the eighth forbids excessive bail or the infliction of cruel and unusual punishments, which call for no comment.

The ninth amendment, declaring that the enumeration of powers given to the Federal Government shall not be construed to deny or disparage those withheld by the people, was designed to reenforce the tenth amendment, which makes a positive reservation to the States, respectively, or to the people, of all powers not delegated to the Federal Government nor prohibited to the States. These great amendments were intended forever to hold the Federal Government in check and to control that natural augmentation of power known to be inherent in all government. Yet the Federal Government had hardly gotten fairly

started before this dangerous obiter dicta from the Supreme Court thrilled the centralizers at Washington as it startled and alarmed the survivors of 1787.

"This amendment (the tenth), which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word 'expressly' and declares only that the powers 'not delegated to the United States nor prohibited to the States are reserved to the States, respectively, or to the people,' thus leaving the question whether the particular power which may become the subject of contest has been delegated to the one or prohibited to the other, to depend on a fair construction of the whole amendment."

Thus, in the omission of this little word "expressly" before "delegated" the Federal Government has been judicially confirmed in the exercise of any powers "appropriate" or "conducive" to the ends warranted by the express powers. It has, in effect, overthrown the barriers guarding the reserved powers, leaving little more than the express prohibitions standing waveringly between the States and an unlimited government at Washington. On this doctrine all of the express grants to the Federal Government, the power to levy certain taxes in a certain way, the power to regulate interstate commerce, and the others, have been used to justify all manner of legislation only remotely related to the subjects themselves. One result has been the creation of a so-called Federal police power more and more controlling the local health, morals, and welfare in the States and ousting the States from their constitutional functions. Thus, from the power to regulate commerce has been deduced a right to regulate slaughterhouses, on the assumption of intended shipment of the meats; the right to regulate liability for injury to employees engaged in interstate commerce; duties and qualifications of employees, hours of service, rates of pay; taxing of passengers, diseases of cattle and plants, education of farmers, and what not.

No one can dispute the wisdom and necessity of Federal control of railways and other means of interstate transportation, including navigation, but it was never intended that the Federal Government should construe its power over interstate commerce in a manner wholly destructive of local self-government.

Every such extension of power has only unsettled some established rule or principle of law, till at length no one knows—not even the lawyers themselves—what rule or exception a court is likely to follow in any given case.

And every new subject gathered into the rapacious arms of the Federal Government means, of course, one more bureau, board, or commission at Washington, with another corps of inspectors and agents sent out over this broad land to do for each community what it can be much better and economically do for itself.

SAFEGUARDS AGAINST ABUSE OF TAXING POWER.

When the Constitution was submitted to conventions in the respective States none of the powers conferred upon the proposed Federal Government aroused greater anxiety than that permitting it to lay and collect taxes, duties, imposts, and excises, even though direct taxes were required to be levied by the rule of apportionment and indirect taxes laid by the rule of uniformity.

Direct taxes had been the main reliance of the States for their support theretofore, but the assessment, collection, and expenditure of such revenue were in the hands of their immediate representatives and under their immediate control. To give this power even concurrently to a distant government, to be administered by agents in no wise responsible to them, they felt would inevitably result in extravagance and oppression. Patrick Henry told the Virginia convention that it would annihilate the States. George Mason visualized what has come to pass—the Federal tax gatherer in every home, with his warrants of distraint, selling out or jailing those citizens unable to pay. Two thousand of such warrants were recently issued in the St. Louis district alone.

Hamilton sought to allay these fears by pointing out that the power to levy direct taxes only according to apportionment would result in such inequalities that it would never be used except in great emergencies; that the States therefore would rarely be disturbed in their power to levy direct taxes by similar action on the part of the Federal Government. In an address to the New York convention, where the fear of conferring the power of direct taxation raised a formidable opposition, Hamilton said:

"As to internal taxation, in which the difficulty principally rests, it is not probable that any general regulation will originate in the National Legislature. If Congress in times of great danger and distress should be driven to this resource, they will undoubtedly adopt such measures as are most conformable to the laws and customs of each State. They will take as your own collectors and consult your own systems. * * They will appoint the officers of revenue agreeably to the spirit of your particular establishments, or they will make use of your own."

Luther Martin told the Maryland convention that the Federal Government should not have the power to levy direct taxes in any case.

Oliver Ellsworth, in representing the Connecticut convention, declared that it was probable "that the principal branch of revenue will be duties on imports. What may be necessary to raise by direct taxation is to be apportioned on the several States, according to the number of their inhabitants, and although Congress may raise the money on their own authority, yet that authority need not be exercised if each State will furnish its quota." Hamilton defended the power of direct taxation, however, as necessary to meet such exigencies as war.

In the Massachusetts convention Rufus King said:

"It is a principle of this Constitution that representation and taxation should go hand in hand. * * By this rule are representation and taxation to be apportioned. And it was adopted because it was the language of all America."

John Adams, Dawes, King, Sedgwick, and others expressed the view of all advocates of the new Constitution that a direct tax would be the last source of revenue resorted to by Congress. Without such assurances it can not be doubted that a majority of the States would have rejected the Constitution and gone on as independent sovereignties.

True to these prophecies, the Federal Government for more than a hundred years considered its power to levy direct taxes one to be used only upon extraordinary occasions. Within that period it was resorted to but three times and justified in each case by an emergency. The first was in 1798, during actual but undeclared war with France; the second in 1812, during war with England; and the third in 1861, during the Civil War. In each instance the laws were repealed when the war ended.

In 1894, however, under the title "An act to reduce taxation," etc., Congress passed an income tax law levying directly a tax of 2 per cent on all gains, profits, and income above a $4,000 exemption. It was promptly challenged as unconstitutional, and considered by the Supreme Court in the case of Pollock v. Farmers' Loan & Trust Co.

Chief Justice Fuller, rendering the opinion of a unanimous court, held the law to be in violation of the Constitution, in that it was not apportioned and void. The words of the Chief Justice are worthy of the most solemn reflection to-day. He says:

"Nothing can be clearer than that what the Constitution intended to guard against was the exercise by the General Government of the power of directly taxing persons and property within any State through a majority made up from the other States. It is true that the effect of requiring direct taxes to be apportioned among the States in proportion to their population is necessarily that the amount of taxes on the individual taxpayer in the State having the taxable subject matter to a larger extent in proportion to its population than another State has would be less than in such other State, but this inequality must be held to have been contemplated, and was manifestly designed to operate to restrain the exercise of the power of direct taxation to extraordinary emergencies, and to prevent an attack upon accumulated property by mere force of numbers.

"It is not doubted that property owners ought to contribute in just measure to the expenses of the Government. As to the States and their municipalities, this is reached largely through direct taxes. As to the Federal Government, it is attained in part through excises and indirect taxes upon luxuries and consumption generally, to which direct taxation may be added to the extent the rule of apportionment allows. And through one mode or the other the entire wealth of the country, real and personal, may be made, as it should be, to contribute to the common defense and general welfare.

"But the acceptance of the rule of apportionment was one of the compromises which made the adoption of the Constitution possible, and secured the creation of that dual form of Government, so elastic and so strong, which has thus far survived in unabated vigor. If by calling a tax indirect when it is essentially direct, the rule of protection could be frittered away one of the great landmarks defining the boundary between the Nation and the States of which it is composed would have disappeared, and with it one of the bulwarks of private rights and private property."

This decision leaves no doubt as to Chief Justice Fuller's personal view of the wisdom of the original limitations imposed upon the power of the Federal Government to levy direct taxes. He boldly described it as "one of the great landmarks defining the boundary between the Nation on one hand and the States on the other." However, in 1913 this great landmark defining the boundary between the Federal Government and the States was obliterated through the regular and constitutional method of amendment proposed by the Federal Congress. In place of the old provision, designed to restrain the Federal Government from sending its tax gatherers into every home and to withhold from a limited General Government unlimited power to raise taxes, this, the sixteenth amendment, was ratified by the States:

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

It has been construed by the Supreme Court to authorize the taxation of all manner of profits and gains, as well as capital assets, under such arbitrary rulings as the Treasury Department may prescribe. The lone exception in the way of income that the Federal Government may not reach is that derived from bonds issued by the States and their political subdivisions. In order that nothing may escape, however, a constitutional amendment is now before Congress permitting Federal taxation in this case. If the States acquiesce in this, only the hollow form of our "indissoluble Union of indestructible States" will remain.

There can be no argument against the justice of direct taxes as such; and an income tax is perhaps the fairest of all forms of taxation in that it distributes the cost of government according to the ability of the citizen to pay. However, these taxes, capable of raising such great sums of revenue, were designedly left with the States because it was their governments that were charged, in the constitutional arrangement, with the vast and manifold problems of internal affairs, while the Federal Government was intended to be a mere representative of the States in external relations. For long, therefore, as the Federal Government confined its activities to the limited duties assigned to it, no extensive revenue was required.

In the face of the most anxious endeavors of the framers of the Constitution and the deepest solicitude on the part of the ratifying conventions to maintain the General Government as a limited one, it is inconceivable that the States could have so readily yielded to it their own, an unlimited taxing power, in 1913. It is inconceivable that the fundamentals upon which our Government was built. It reverses the essential underlying policy of all who have gone before us to withhold from the Federal Government the inherent temptations and vice of too much power. Heretofore our actuating principle was to deny the exercise of any power where the dangers from possible abuse outweigh the possible good from its use.

What have been the results during the eight years that have followed? Have they justified the alarm and fears of the framers? One has only to observe the universal presence of the agent of the Federal board, bureau, or commission, now overrunning the States, and daily growing more numerous, obtruding themselves into the affairs of the citizen from the hour of his birth and continuing it to his last breath, when they claim a share of whatever estate remains after their previous exactions. If not only regulates his morals but even prescribes the system of accounting he shall use in the record of his personal affairs.

For 10 years prior to and including 1916 the total annual taxes of the Federal Government averaged about $600,000,000. Of this sum more than a third was raised in a manner almost unobserved as excise upon fermented and distilled liquors. About $75,000,000 was similarly raised by tobacco taxes. The remainder was drawn almost entirely from customs, which likewise were nearly invisible in their incidence. The system accorded perfectly with the constitutional design of imposing Federal taxes, with a view to convenience and the least possible irritation. The Government expenditures averaged but $7 per capita.

In beginning the exercise of the power to levy direct taxes under the sixteenth amendment Congress felt its way. It took only $71,000,000 in 1914; in 1915 it collected $80,000,000 from direct taxes, and in 1916, $124,000,000. The rate was low, the exemption high, and the overwhelming majority who were required to pay nothing thought they had no reason to complain. Still, expenditures of the Federal Government in those years passed the $700,000,000 mark.

The years of 1917, 1918, and perhaps 1919 do not afford a fair comparison, owing to the extraordinary expenses incident to our participation in the Great War, but the Federal Government nevertheless raised by direct taxes in those years approximately $700,000,000 in 1917, $3,500,000,000 in 1918, and over $4,000,000,000 in 1919. It revealed to the Federal Government the apparently almost inexhaustible funds it could raise to defray the costs of an infinitude of new Federal enterprises in times of peace. Hence, in 1920, a year and a half after the close of the war, the Federal Government levied nearly $7,000,000,000

of taxes, or $62 per capita. In 1921, in spite of a nation-wide demand for economy and relief from tax burdens that were sapping the vitals of commerce and industry, the Federal Government held to its schedule and extracted over $5,600,000,000 from taxpayers of the States, amounting to $52 per capita. In this year it shifted to income-tax payers a loss of $250,000,000 of liquor taxes no longer available by reason of the adoption of the prohibition amendment. In 1922, nearly four years after the war, the Federal Government's ordinary appropriations are something over $4,000,000,000, with some additional uncalculated hundreds of millions to be raised by new taxes for a bonus to the soldiers.

Former Senator Thomas, of Colorado, declares there are 250 powerfully organized lobbies now maintaining offices and agents in Washington, whose sole aim is to get their hands into the Federal Treasury, now that direct taxes appear to render its supply unlimited; and that Congress, yielding to political pressure thus wielded, is no longer concerned about the ancient doctrine that public revenue shall be devoted only to public needs and that taxes can be levied only for public purposes.

The unlimited Federal taxing power has recently pushed to a dangerous extent the so-called doctrine of "Federal aid." It was initiated to encourage road building in the States, a subject that Congress is constitutionally competent to deal with. But from that point it is now urging the States more and more into subordinating to some Washington bureau such strictly local functions as health and education. In such cases "Federal aid" is nothing more than Federal taxation for State purposes, in which the States receive back a mere tribe of the sums collected.

It is the natural process for all governments, even limited ones, to gain ground at the expense of civil liberty. But if to this inherent quality is added a limitless purse, as was done by the legislatures of our States in 1913, it can cause no surprise if the Government thus endowed becomes a political profligate.

Consciously and unconsciously the people of the United States have sensed this tremendous transformation in their institutions. Never before have they manifested less affection or respect for the Constitution and laws, because never before did that Constitution and those laws afford them less protection in their lives, liberty, and property; never before have they been more deeply irritated and vexed, because never before has a distant government thrust its regulating agents into the manifold activities of their daily lives since 1775.

VAST EXPANSION OF REVENUES AND BUREAUS.

Before our great experiment in self-government was launched history presented the picture of governments in all times involved in the changing tragedy of oppression, rebellion, and reformation in an endless cycle. The framers of our written Constitution felt that they had provided effectually against the need of resort to violence for the correction of our Government, however, in the amendment clause through which the people could from time to time, by peaceful means, add to or take from the Federal Government such power or powers as their safety and happiness seemed to require.

We find the situation to-day, however, to be that the powers declared in the instrument to have been reserved to the people, to be delegated or not in their wisdom, have been largely absorbed by the Federal Government through the subtle processes of legislative construction and judicial interpretation. Through the doctrine that Congress may enact any law "appropriate," "convenient," or "conducive" to the ends of the enumerated powers, nearly the whole realm of power has been gathered into its hands.

We have awakened to the realization that there has grown up over us an almost unlimited Government, to which we have recently given an unlimited purse. The form of dual government remains; the substance has disappeared. We are headed in the same direction that every other unlimited government has taken, and, if we submit, the time may not be far distant when the Federal Government will actually deny the right of the people of the States to limit its power in any respect. Then our only recourse will be rebellion and reformation.

It is useless to reaffirm the written guaranties and limitations; they would only continue to be broken through. But there is a means by which the States can check the present rush toward empire and resume the rightful discharge of the obligations of local self-government, and that is:

By repealing the power of the Federal Government to command unlimited revenue, save in time of war.

We have ample evidence that the cause of all this power that is drawing all authority to Washington, where it can not be exercised efficiently, economically, or safely.

In an address before the bar association in St. Louis February 13, 1921, James W. Beck, the Solicitor General of the United States, pointed to the taxing power, even before the adoption of the sixteenth amendment, as one that had been perverted with the acquiescence of the Supreme Court. He cited the oleomargarine case as exemplifying an instance in which Congress, by imposing a prohibitive excise, had utterly and intentionally destroyed a perfectly legitimate business, with no remedy whatever for the injured parties, in view of the Federal court's refusal to look into the motives and purposes of Congress.

If Congress may thus without judicial restraint levy an indirect tax for the purpose of destroying a particular business or class of property, to what lengths of oppression may it not now go with an unrestrained power to tax directly? Mr. Beck frankly declared the power to tax directly rendered Congress almost omnipotent.

If eight years of unlimited taxing power in the hands of the Federal Government have wrought such a transformation in the situation of the citizen it is appalling to contemplate the revolution that 20 years would bring.

Citizens of Missouri paid $86,000,000 to the Federal Government in 1921. The sums paid by other States range from $718,156 collected in Nevada to $814,000,000 paid by New York. An exceedingly large proportion of this money is not being applied to the necessary Federal functions or to objects constitutionally within the purview of the Federal powers. The greater part of the revenue properly belongs to the States, and they themselves should raise it by their own income taxes for expenditure under their own supervision.

Let a constitutional amendment be drawn declaring in substance:

"The Congress of the United States shall have no power to lay and collect direct taxes, save in time of actual war."

But, it may be objected, we have a war debt of $24,000,000,000, less $11,000,000,000 representing the allied debt; how can proper provision be made to meet the principal and interest of this? It must be considered. It may be met by quotas from the States, as Oliver Ellsworth suggested. The amendment might even permit the levying of direct taxes for the sole additional purpose of retiring the debt of the United States incurred in the prosecution of war. To permit the levying of direct taxes to meet any debt, however, would open the door to borrowing to meet current expenses and constitute little more than a substitute for direct taxes.

There are ample sources of revenue for the most generous peace-time support of the Federal Government through indirect taxes. Customs will easily yield $500,000,000; tobacco taxes, $150,000,000; the Federal estate tax brought in $154,000,000 in 1921; while it has been estimated that an excise on beer alone would yield $400,000,000. This does not by any means exhaust the list.

The United States of America became a numerous, rich, and contented Nation between 1789 and 1913, when the taxing power of the Federal Government was qualified as suggested by the proposed amendment. Our Government was frugal from necessity. Its invasion of the field of reserved powers, while extensive during this period, was the less dangerous because the absence of an unlimited purse restrained practical ventures based upon them.

There are two alternative modes by which the Constitution may be amended, set forth in Article V, as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

As no government since the beginning of time ever voluntarily surrendered power back to the people it is, of course, too much to expect that Congress could be induced to initiate an amendment that would compel economy by restricting its taxing power and restore to the States the exclusive right to raise and expend their own millions by direct taxes; hence, if any such amendment is possible, it must be undertaken by the States themselves through an application of two-thirds of their legislatures to Congress for the calling of a national convention.

ORGANIZED GOVERNORS SHOULD CHECK ENCROACHMENTS.

The governors of the States of the Union are organized, and have been since 1908, in a continuing body known as the governors' conference. Its affairs are managed by an executive committee of three governors, chosen annually. The present committee consists of Gov. William C. Sproul, of Pennsylvania; Gov. J. B. A. Robertson, of Oklahoma; and Gov. Henry J. Allen, of Kansas. There is a permanent secretariat at Madison, Wis., under the direction of Mr. Miles C. Riley as executive secretary.

That the governors of the States are not blind to the present alarming conditions is evidenced in the reports of their annual meetings. At the meeting at Harrisburg, Pa., in 1920, three governors (Robert D. Carey, of Wyoming; R. A. Cooper, of South Carolina; and Percival W. Clement, of Vermont) delivered urgent addresses upon the need of decentralization of Federal activities.

The following excerpt from Governor Carey's address reveals the outrageous waste and inefficiency growing out of actual contests among Washington bureaus to dominate Wyoming:

"If one desires to study the operations of these Federal bureaus and agencies in all their glory, he should visit the Jacksons Hole country, which lies just south of the Yellowstone National Park. Most of this section is in forest and game preserves, and here we have the best game country in the United States. The Bureau of Parks is endeavoring to add a large part of it to the Yellowstone National Park which the Biological Survey wants it for a game preserve. The Forestry Service is not in favor of park extension, for the reason that it would transfer control from the Agricultural to the Interior Department. The Reclamation Service has a large reservoir at Jacksons Lake which is irrigating lands in Idaho, and on account of the large volume of water that is run during the irrigation season the river is impassable and there are no bridges. The land along the river is being constantly washed away and damaged, but the owners have no redress. There are two Carey Act projects which the General Land Office will neither approve nor disapprove. Practically all lands for homesteading are withdrawn from entry and the development of the country is at a standstill. Numerous writers from New York have been imported into this section to write propaganda to assist the different Washington bureaus to get control of this section. Everyone has a press agent except the man who is trying to live in this country and to establish a home."

With such intimate knowledge on the part of the governors of the evils accompanying the rapid march toward Federal empire and confusion, the Post-Dispatch appeals to them to arrest it.

It urges them as the sentinels, guarding the safety of the people of their respective States, to seize the opportunity now to restore the vigor of that dual system of government in which the States were conceived to be the only safe custodians of domestic affairs.

It urges them, in the light of this narrative, to call their conference into special session, to formulate a definite program of action, and to press it upon their respective legislatures in concert, to the end that the most hopeful experiment in self-government ever attempted by a great people shall not end in failure and despair.

PROPHECIES OF THE FRAMERS OF THE FEDERAL CONSTITUTION.

In seeking to allay a general fear in the States that the Federal Government might usurp all power and become an unlimited and oppressive one, Hamilton, Madison, and Jay concerted in a number of papers, now compiled as the Federalist, to reassure the members of the State conventions to which the Constitution was submitted. The following are excerpts:

"The objectors do not advert to the natural strength and resources of State governments, which will ever give them an important superiority over the General Government. If we compare the nature of their different powers as the means of popular influence which each possesses, we shall find the advantage entirely on the side of the States. This consideration, important as it is, seems to have been little attended to. The aggregate number of representatives throughout the States may be 2,000. Their personal influence will, therefore, be proportionately more extensive than that of one or two hundred men in Congress.

"The State establishments of civil and military officers of every description, infinitely surpassing in numbers any possible corresponding establishments in the General Government, will create such an extent and complication of attachments as will ever secure the predilection and support of the people. Whenever, therefore, Congress shall meditate any infringement of the State constitutions, the great body of the people will naturally take part with their domestic representatives.

"Can the General Government withstand such a united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their legislatures to be reduced to a shadow and a name? The idea is shocking to common sense." (Alexander Hamilton.)

"The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce, with which last the power of taxation will for the most part be connected. The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberty, and property of the people, and the internal order, improvement, and prosperity of the State." (James Madison.)

"But ambitious encroachments of the Federal Government on the authority of the State governments would not excite the opposition of a single State or of a few States only; they would be signals of general alarm. Every Government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted. One spirit would animate and conduct the whole. The same combination, in short, would result from an apprehension of the Federal as was produced by the dread of a foreign yoke, and unless the projected innovations should be voluntarily recanted the same appeal to a trial of force would be made in the one case as was made in the other." (James Madison.)

FEDERAL REVENUE WHICH STATES SHOULD HAVE FOR LOCAL USE.

Following are the direct taxes levied in States by the Federal Government in 1921 in the form of income taxes, to which the States themselves are theoretically entitled as the product of their own income taxes for expenditure by their own representatives for improvements within their own borders:

Alabama	$14,222,196	Nevada	$718,136
Arizona	278,621	New Hampshire	8,384,583
Arkansas	8,226,835	New Jersey	97,891,062
California	129,170,961	New Mexico	1,300,243
Colorado	25,085,342	New York	814,736,708
Connecticut	49,208,464	North Carolina	38,664,722
Delaware	9,848,464	North Dakota	2,072,432
Florida	10,108,653	Ohio	203,847,472
Georgia	28,793,602	Oklahoma	21,637,304
Idaho	3,486,317	Oregon	21,873,313
Illinois	260,944,632	Pennsylvania	361,737,751
Indiana	49,809,541	Rhode Island	36,086,774
Iowa	28,893,632	South Carolina	26,632,367
Kansas	26,873,549	South Dakota	3,948,484
Kentucky	25,091,791	Tennessee	25,096,805
Louisiana	29,242,438	Texas	52,190,451
Maine	14,459,588	Utah	7,116,197
Maryland	44,948,663	Vermont	4,803,370
Massachusetts	214,058,413	Virginia	31,504,408
Michigan	184,494,520	Washington	29,223,005
Minnesota	53,896,224	West Virginia	35,619,846
Mississippi	7,246,977	Wisconsin	87,181,042
Missouri	86,123,595	Wyoming	2,537,062
Montana	3,925,062		
Nebraska	15,628,609	Total	3,228,137,678

MICHIGAN SENATORIAL ELECTION.

Mr. REED. Mr. President, in view of the fact that the statement has been persistently made that I did not oppose the seating of Senator NEWBERRY until after the contest was over, I desire to say that when the Newberry case was lodged with the Committee on Privileges and Elections in January, 1919, as a member of the committee I assisted in passing the resolutions which resulted in the preservation of the evidence and which forced a thorough investigation. I took an active part in the proceedings up to the time the question was taken from the general committee by reference to a subcommittee.

When the subcommittee reported, I opposed the seating of NEWBERRY in a speech made on December 21, 1921, which is reported in the CONGRESSIONAL RECORD of that date.

On January 11, 1922, understanding that the Newberry vote would occur on the following day, I journeyed from Boston for the purpose of throwing whatever strength I had against the seating of NEWBERRY. And on that day and before the vote I made my second speech, to which I invite the attention of all who care to read it.

The third and last speech was made after the resolution seating NEWBERRY had been passed. It could not have been well made before, for I sought to demonstrate that by adopting the resolution seating NEWBERRY those who had voted for it had written their own condemnation.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9168) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. DIAL. Mr. President, I thought that I was opposed to this kind of legislation on principle. It seems to me to be a bad principle to follow; and I think it brings the judiciary into disrepute, and certainly subjects it to great criticism.

My relations with the bench have been long and pleasant, but I am not much surprised that we have landed where we are now. I have thought for years that some of the judges did not impose sufficient fines on the lawless element to deter them from violating the law, especially since the prohibition law has been passed. It is absurd to put the Government to the expense of maintaining the courts, and all the machinery of the courts, and officers to risk their lives in arresting criminals, and then have them come before a judge who is not in sympathy with the law, and who imposes a farcical sentence.

I have some matters here which I have gathered from editorials, which I will read as a part of my remarks.

Here is an editorial from the Montgomery Journal. I have left out, intentionally, the names of the judges:

RESPONSIBILITY OF JUDGES FOR LAW ENFORCEMENT.

Judge ———, of the United States district court, but recently called to preside in an emergency session of the Federal court in that city, in an interview published in the local newspapers is quoted as making a severe arraignment of the national prohibition law. He declared the law "the most unpopular ever enacted," and then proceeded to give the version of the liquor and brewery interests as set forth in their propaganda to discredit the law and make difficult its enforcement.

"The amendment," he said, "was adopted under the general belief that war emergencies demanded the conservation of grain and other materials used in making whisky. It was not generally understood that prohibition would be permanent.

"Congress went to greater extremes when it passed the Volstead Act than public sentiment approved. Consequently the law is observed more in the breach than in the performance.

"Prohibition, in fact, will only come by education in the schools of the destructive use of intoxicants. The law would be more respected if its provisions were less drastic. No harm could have come from the domestic use of light wines and beer with limited alcoholic content."

Here is a judge upon the Federal bench who, while professing to desire law enforcement, actually decrying or inveighing the national prohibition law, declaring it too drastic to be enforced, and favoring the domestic use of light wines and beer, both of which are inhibited by the Constitution to which he has sworn allegiance.

The question arises, Is a judge who entertains views prejudicial to any law qualified to sit as presiding judge in cases involving the enforcement of that law?

Is not it a recognized principle of law that a judge who has prejudged a case, or biased either for or against the accused in his court, is disqualified to try such accused person?

Did not the Supreme Court of the United States, the highest judicial tribunal in America, if not in the world, only a few days ago reverse a decision rendered in a court where the presiding judge is alleged to have been biased, had prejudged the case?

If Judge ——— finds it difficult to enforce the national prohibition law, is he not, and all like him who indirectly express sympathy with the accused, largely to blame? Do they put the guilty in prison, as the law authorizes and contemplates, or do they put the minimum fine, which is regarded as a mere license to continue at the old stand?

Would any law be respected—even that providing for the punishment of the highwayman, the murderer, the violator of the pure food law—if judges upon the bench permitted themselves to publicly proclaim against such laws as being too drastic, and giving aid and encouragement to the violators by contenting themselves in assessing small fines instead of imprisonment, as provided by law?

As a matter of fact, with so many judges throughout the country like Judge ———, who assume such an attitude of unfriendliness to the Constitution of his country, and indirectly if not directly, expressing sympathy for the violators of law, fail of their duty in giving the extreme penalties of the law—not only fines but imprisonment—are not those judges who thus fail of their duty largely responsible for the conditions about which they complain and effect to deplore?

The way to stop crime is to punish the criminal. The criminal can not be punished without the judges, as well as executive officers and juries, doing their duty.

Mr. President, I am not a fanatic about the Volstead law or any other law; but it seems to me that when a judge takes an oath to uphold the law it is his duty to do so without criticizing Congress.

I also read an editorial from the Daily Oklahoman of January 27, 1921. It says:

JUDGE ———'S OUTBREAK.

It is surprising that any judge, especially a Federal judge, would be guilty of such an outbreak as that of United States district judge ——— ———, Tuesday. An attack on existing laws such as that made by him would come with better grace from a ward politician than it does from a jurist whose sworn duty is to uphold the laws.

"Repeal of the eighteenth amendment and other prohibition measures is necessary absolutely, or we will face a revolution that may destroy all the cherished institutions of the country," said Judge ———.

"Men can not continue to obey prohibitory laws and retain their liberty and contentment of mind.

"Many people believe that such a thing as a revolution in America is impossible, but I want to say that it can come just as quickly and just as terrifying in our country as in Russia. Repressive laws will bring it about.

"These thousands (who formerly imbibed at saloons and clubs) vigorously boost the law that makes them criminals because they drink and as a result of being forced into drinking beverages manufactured from weird formulas, they are led into crimes that are worthy of the penitentiary."

In the first place, it can not be granted that the presentation of facts as given by Judge ——— is a fair or accurate one.

There is no evidence to support his statement that a revolution will result if the eighteenth amendment and other prohibition measures are not repealed.

It is not true that "men can not continue to obey prohibition laws and retain their liberty and contentment of mind." The great majority of men are just as prosperous, if not more so, and just as happy and contented, if not more so, than when the liquor traffic was legalized.

It is ridiculous to declare, as Judge ——— does, that thousands "are being forced into drinking beverages manufactured from weird formulas." Who is forcing them? These men are drinking vile bootleg stuff of their own free will. Judge ——— does not admit this, nor does he take the trouble to point out that there are hundreds of thousands of men who formerly drank liquor but who do not do so now and whose health and bank accounts are far better as a result.

Not only is Judge ———'s statement deplorable because of its inaccuracy and unfairness, but also because it will have an effect of encouraging men to violate the law.

It is the duty of judges to interpret and enforce the laws. They do untold harm when they make declarations like that of Judge ———, which is bound to create a great disrespect and contempt for the law.

It is not difficult to realize the delight with which moonshiners, bootleggers, and other violators of the prohibition laws will read Judge ———'s denunciation of the eighteenth amendment and supporting measures. Nor is it stretching one's credulity to believe that these criminals may say to each other: "The judge is with us," and that they will break the law more frequently than before.

Mr. President, as I said before, I am not a fanatic about the enforcement of any law; but all laws ought to be either enforced or repealed. I feel that the farce of a judge imposing a little bit of a sentence, and the defendant going practically free, tends to increase crime. It tends to multiply that kind of cases, and hence it tends to create business in the courts, and therefore that has had a great deal to do with bringing about the necessity for more judges, if necessity exists. I have been disgusted to read in the papers where a fine of perhaps $25 was imposed on these highwaymen-bootleggers. They go around and manufacture this stuff, and are prepared to take life in selling it. In my county some time ago one of the best policemen who ever lived was shot dead by one of them; so there is no encouragement for officers to risk their lives in trying to enforce the law unless the judges are going to enforce it.

I realize that judges are appointed for life, and some of them perhaps feel a little above any authority. I think the time has come when the Attorney General ought to look into the enforcement of the law, and, if necessary, take such steps as may be required to do it.

As I said, I thought I was opposed to this bill at the beginning, and I think so yet. I think it would be much better to have passed a bill providing special judges at particular places, if they were necessary; but, to my mind, a great deal of the pending litigation, or litigation that has been pending recently or that will arise in the near future, is the result of the war, and will not remain permanently; and therefore now, when the time of economy is at hand, if the judges would work a little bit harder they would get rid of these cases, and perhaps save the people a good deal of expense. However, it seems that I am greatly in the minority, so much so that I concluded that I would join the procession and offer an amendment for one additional judge in South Carolina.

I was surprised at these figures when I looked over them. I find, briefly, that in Massachusetts—they speak of criminal cases, I believe, as the star cases—in Massachusetts they are going to be given two new judges, and in one district there they have 186 cases, I believe, and in another one 244, or something like that.

In Pennsylvania, in the eastern district, they have 342 cases, and this bill gives them another judge. In the western district they have 450 cases, and they are given another judge.

Down here in South Carolina, in the western district, where I happen to live and where we have only one judge, there are 416 cases, so we are more lawless than I thought; so certainly, under the schedule we have fixed, there is no question in the world that we are entitled to another one, and I rather think we are entitled to two. I will not be hoggish, however, and I will ask for only one piece of the "pie" that the Senator from North Carolina [Mr. OVERMAN] speaks of, and just ask them to give me one judge.

In the other district we have 316 cases. In the western district, though, where I live, a little nearer the mountains, where they make a little brew, there are 416 cases; so, clearly, under this plan we will have to have one. Otherwise, Senators will not be consistent, and I hope they will not treat me that way.

In Texas, in the western district, the bill gives them another judge, though they have only 279 cases. They are not entitled to one nearly as much as we are.

In Michigan, in the eastern district, the bill gives them another judge, though they have only 378 cases, and they are not entitled to one nearly as much as we are.

In Missouri you had already given them one additional judge in a district where there were only 257 cases; and after listening to the Senator from Missouri [Mr. REED] the other day, you gave the other district, with only 170 cases, another judge. According to that, we ought to have about three more in South Carolina; but I am not going to be expensive in these hard times, and I am just sending up an amendment which I will offer, and I hope it will be unanimously agreed to.

Mr. CUMMINS. Mr. President, a point of order. There is an amendment pending, is there not?

The VICE PRESIDENT. There is.

Mr. KELLOGG obtained the floor.

Mr. WALSH of Montana. Mr. President, will the Senator yield for a moment?

Mr. KELLOGG. I yield to the Senator.

Mr. WALSH of Montana. I do not see the Senator from Georgia [Mr. WATSON] here; but the particular section to which I desire to invite his attention, showing no change in the present law as to judges appointed to serve within their circuits, is section 17 of the Code of Civil Procedure, which reads as follows:

It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section 14, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit.

Mr. KELLOGG. Mr. President, I desire to say a few words upon sections 2 and 3 of this bill.

I shall vote for the bill, but I shall not take the time of the Senate to discuss the necessity of additional judges. I should have preferred the original bill introduced by my colleague from Minnesota [Mr. NELSON], providing for two judges in each circuit, but, as the committee has seen fit to adopt this plan, I shall vote for the bill as it is.

I am heartily in favor of sections 2 and 3, and quite agree with the reasons given, as I understood them, by the Senator from Montana for those provisions. As the Senator said, so far as assigning judges within a circuit is concerned, the law has not been changed. That can be done now by the senior circuit judge. I think experience has shown that the provision of law as it now exists, and the provision of law extending that to the second circuit, demonstrate not only the workability but the advisability of such a provision.

It is impossible to adopt a judicial system with judges in each district in the country, with varying amounts of business, and have all of the judges busy within their districts all of the time. Take the eighth circuit, the largest circuit in the United States, comprising, I believe, 13 States, extending from the Mississippi River to the Rocky Mountains, and south to Oklahoma and New Mexico, including the latter States. It has been found of very great value that the law provided—in fact, I doubt if the business of the circuit could have been done by the judges had not the law so provided—that the district judges might be assigned to other districts than those in which they reside and for which they were appointed.

I notice in the RECORD that the Senator from North Carolina [Mr. OVERMAN] was very much opposed to this assignment of judges to other districts than those in which they reside. He said:

That bill provided for roaming judges—

Referring, I suppose, to the original bill.

It provided that a judge from North Carolina might be sent to try cases in Oregon, although the North Carolina judge does not know anything about the laws in Oregon or the conditions in Oregon or the methods of life there.

Mr. President, there is not much more difference between Oregon and North Carolina—although it is not likely that a judge will be sent from North Carolina to Oregon—than there is between Oklahoma and Minnesota. The two States are a little farther apart, but the Senator forgets that the questions usually passed on by circuit and district judges are not particularly local, and that the practice, so far as equity is concerned, is uniform in all the circuits and in all the districts. I doubt very much if, in the assignment of judges heretofore, that has been an objection in any degree whatever. In fact, I think the judges who have been sent to the State of New York, the second circuit, which I believe is the only circuit to which they may be assigned at this time, have been very satisfactory, and the practice has been approved by the bar and the judges. There is no more difficulty in sending a judge from the seventh to the eighth circuit or from the eighth to the ninth circuit than there is in sending a judge from one State to another within the same circuit, especially one as large as the eighth circuit.

This is a system designed to obtain the disposition of the maximum amount of business by the same number of judges, because it is inevitable that some of the judges will not have work enough in their districts. Take the State of Minnesota, for instance. For years the judge in North Dakota has not had enough to do, and he has been assigned a great deal of the time in aiding in the large business of the State of Minnesota. So with South Dakota and many other districts.

I do not see any reason why that system should not be applied to the circuits as well as to the districts within the same circuit. I was at the bar for nearly 40 years in my State and had some experience in the circuit and district courts over the entire circuit and in other circuits, and I have never heard any objec-

tion raised to the assignment of judges within the circuit to help out judges overburdened with work.

Mr. OVERMAN. Let me read just a paragraph from a letter of one of the wisest and ablest judges of this country.

Mr. KELLOGG. I have no objection to the Senator reading it.

Mr. OVERMAN. This judge said:

> I think the power conferred upon anyone, no matter how great, wise, or patriotic, to send judges into our States and districts, unknown to our people, unfamiliar with our ways, standards of life, manners, conditions, etc., would be exceedingly unwise and dangerous—would tend to bring the Federal judiciary into antagonism to the people, weaken the confidence in their administration of justice, and result in other unfortunate and unhappy conditions.

Mr. KELLOGG. All I can say is that the judge who wrote that letter has probably overlooked the fact that assignments can now be made within the same circuit. The judges may be sent from one State to another, and it has worked well. I have never before heard any complaint of it anywhere in the United States. Certainly it has enabled judges in the different circuits to transact the business more expeditiously than it was possible to do in any other way.

Mr. CUMMINS. May I interrupt just long enough to repeat what the Senator from Minnesota said a moment ago—that a district judge can now be sent from Minnesota to Utah—and certainly there is as much difference between the habits and customs of the people in those two communities as in any two districts.

Mr. OVERMAN. I know what the law is; but I am speaking of the policy and the principle.

Mr. KELLOGG. The principle has worked well within the circuits.

Mr. OVERMAN. I do not know whether it has or not.

Mr. KELLOGG. I have had some experience along that line, and I am sure it has. I do not see any reason why that same principle should not be applied in sending a judge from one circuit to another. Of course, naturally, judges will not be sent to the same extent from one circuit to another that they have been from one district to another inside of the circuit; but it was found necessary to do it in New York, and judges have been found who could spare the time to go to New York to help out in the great accumulation of business in the second circuit.

I notice objection has been made to section 2, which provides for a conference of the senior circuit judge of each circuit with the Chief Justice of the United States in Washington once a year. The provision in relation to the duties of this conference is as follows:

> Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

I do not see any objection to that. As the Senator from Montana [Mr. WALSH] said, in order to assign a judge from one circuit to another, there must be the certificate of the presiding justice of the circuit from which the judge is taken, the certificate or request from the presiding circuit justice of the circuit to which the judge is to be assigned, and the order of the Chief Justice assigning him. Heretofore there has not been the necessity for section 2 as there will be under this bill, because there has been only one circuit under the law to which judges outside of the circuit could be assigned, and that was the second circuit; but if the judicial force of the United States is to be made most effective and transact the most business, the Chief Justice and the presiding justice of each circuit must be informed as to the necessities of judicial aid in the various districts and circuits of the United States, and if the Chief Justice can, by having a meeting with the circuit judges, review the business, obtain the statistics of the Department of Justice, and see what the necessities in each district and circuit are, so that he may be informed when he is requested to make an assignment from one circuit to another, it seems to me it will be very helpful and very useful.

Why should that not be done? If the Chief Justice is appealed to to make an assignment to-day from the eighth circuit or the seventh circuit to the second circuit, he has to inquire as to the state of business in New York, in the second circuit, he has to inquire as to the state of business in the seventh or eighth circuit from which the judge is to be taken, and as to the state of business in the particular district, and if he has that information before him in a general way he can act very much more intelligently.

Mr. SHIELDS. Mr. President, the Senator seems to have overlooked the provisions of the bill. There was very broad power given the Chief Justice as to making the assignments, but the bill has been amended, and that part has been stricken out. Under the present provision, as construed by the Senator from Montana, the Chief Justice can only designate a judge to a district named by the judge of the circuit, and can only designate a judge from another circuit upon the certificate of the circuit judge of that circuit that he can spare him, so all the information the Chief Justice requires is these two certificates from one circuit that he is needed and from the other circuit that this particular judge can be spared from that circuit. Therefore, why does he want a conference of all the senior circuit judges of the United States?

Mr. KELLOGG. Mr. President, I had already stated that fact, but presumably if the Chief Justice is going to make the assignment he ought to have some knowledge of the subject.

Mr. WALSH of Montana. Let me make an inquiry. Of course, these conditions change. At this annual conference, how can the situation be met? The year being half over, there is an accumulation of business in a district, and a judge sends word to the senior circuit judge, "I can not do the work here. I am overwhelmed. Give me another judge." The senior circuit judge says, "I have not a judge in my circuit I can send to you, but I will send to the Chief Justice to see what I can do." The Chief Justice surveys the field and thinks he can find a judge somewhere else, in some other circuit, and he communicates with the senior circuit judge there, and that judge says he can let the judge requested go. How at this annual conference can this necessity for a judge somewhere during the course of the year be anticipated? What can they do which would not be met as the situation arises?

Mr. KELLOGG. Mr. President, the business in each district does not radically change in a month or two. If the Senator will take the statistics year after year, he will find that the business in one district, unless its disposition is affected by the illness of the judge, or his inability to attend to his duties, does not suddenly double or treble, or suddenly fall off to 25 per cent. I do not see why the Chief Justice should not be informed from year to year of the general trend of the business in the districts, and by consultation with the senior circuit judge of each circuit annually he may keep informed as to the conditions of the business not only in the various circuits but in the various districts. I can see no harm in the provision, and it seems to me a very wise one.

Mr. CUMMINS. May I make a suggestion at this point?

Mr. KELLOGG. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Georgia inquired a few moments ago of the Senator from Montana as to the propriety of leaving the selection of judges to be assigned within circuits entirely within the discretion of the circuit judge. The very information which the senior circuit judge should have in order to make designations within his own circuit is contained in section 2, which the Senator from Montana seeks to strike out. It provides, on page 11:

> It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch. It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year.

It is made the duty of the senior circuit judge, under the bill, to bring this report of the district judge to the conference, so that not only has the senior circuit judge in that way all the information he possibly can have with regard to affairs in his own circuit, but he acquaints all the remaining circuit judges of the conditions in his circuit, so that there can be an intelligent distribution of the judicial force.

Mr. SPENCER. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield.

Mr. SPENCER. I appreciate the force of what the Senator from Montana has just said about the inability of any conference of the circuit judges with any particular intelligence to forecast the business of the coming year. I see the force of that, but to my mind one of the great advantages of such a conference is the getting together of the judicial machinery of the United States in conference with the Chief Justice and the Attorney General regarding the judicial business of the next year, as well as of the present year.

The Senator from Montana knows better than I that the judicial business of the United States is largely administrative. There is a business side to it as well as the law side. There are practices in the different circuits which are commendable. There are some that could be improved. Both are remedied by conference. It seems to me there is very great advantage when

the circuit judges of the different circuits of the States get together once a year to discuss the method of transacting business, the state of their dockets, the things that have proved advantageous, the things that have proved disadvantageous. The resultant of it all is a distinct benefit to the administration of justice, and that is precisely what the conference provides for.

Mr. WALSH of Montana. Mr. President, will the Senator from Minnesota yield to me for a remark?

Mr. KELLOGG. I yield.

Mr. WALSH of Montana. I was not unmindful of the provision to which reference has now been made by the Senator from Iowa [Mr. CUMMINS]. I was looking for it and was of the impression that the particular provision was found in a later portion of the bill. It is one highly to be commended, in my judgment. It is a very wise provision. I should like to see it retained. I was proceeding in my discussion upon the assumption that it would be retained.

But the report having been made by each district judge concerning the condition of his business and the report having been made by the senior circuit judge of the circuit, we have a complete review of the business, and that being laid before the Chief Justice he will be in a situation very easily to determine where to look for a judge whenever he is appealed to. The provision, it seems to me, dispenses entirely with the necessity for the conference.

Mr. KELLOGG. I do not think so. I think the provision as to conference will be a wise one and will be just. We must also remember that the Supreme Court of the United States make the rules of practice in the Federal courts, and that by the rules which were adopted a few years ago the practice has been very much simplified. I do not claim that those rules are perfect and have no doubt that the Chief Justice, in his conferences with the judges of the circuit court of appeals, may find some time other amendments and other improvements that may be made in the practice in order to expedite the business of the courts in the various circuits of the United States. The more information he can get the better for the bench and for the people.

I do not share the feeling expressed by the Senator from North Carolina [Mr. OVERMAN] that it is unwise for a judge from one district to go into another district because he is unfamiliar with local law. As a matter of fact I take it there are few, if any, district judges in the United States who are not competent to sit in any court in the United States in any State or any district and administer the law. I believe that it is advantageous for a judge to hold court in other districts than that in which he resides and is not at all detrimental to the litigants. Certainly we are never going to get the maximum business transacted unless that is done, because many district judges will not have enough business to do, while others will be overburdened. I am very much in favor of section 2 and section 8 of the bill.

Mr. ASHURST. Mr. President, the Senator from New Hampshire [Mr. MOSES] yesterday made objection to that feature of the pending bill which proposes an additional district judge for the district of Arizona, and inasmuch as no debate will be permitted after 4 o'clock it is incumbent upon me to state some pertinent facts.

COMPARATIVE AREAS.

The area of the State of Arizona, comprising the district of Arizona, is equal approximately to the combined areas of Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and New York. The figures which bear out this statement are shown in the following table:

	Area in square miles.
Arizona	113,956
Connecticut	4,965
Massachusetts	8,266
New Hampshire	9,341
Vermont	9,564
Maine	33,040
New York	49,204
Area in square miles	114,380

Business transacted in the United States courts for the fiscal year ended June 30, 1920.

[From annual report of the Attorney General, 1920.]

ARIZONA.

1. Cases pending at close of June 30, 1919	338
2. Cases commenced during fiscal year	670
3. Cases terminated during same period	714
4. Cases pending at close of June 30, 1920	294
5. Realized on fines, forfeitures, etc	$51,615.12

Mr. President, in obedience to statute Federal court is held twice a year in four places, namely, Prescott, Phoenix, Tucson, and Globe. The distance by rail from Prescott to Globe is 497 miles. It will thus be observed that the distance between Prescott and Globe is about the same distance as from Washington to Cincinnati or from Washington to Portland, Me. Litigants and witnesses are frequently required to traverse the entire distance—497 miles—to reach the place where court is held, and court is held as directed by statute. In some instances a term is suspended at one place while the judge travels to another place upon its business, after dispatching which he returns to the former place, completes the business there, and then returns to the latter place and dispatches the business there. In this connection it should be remembered that a grand jury must be assembled in each place twice a year. Thus it will be observed that the present judge convenes eight grand juries each year.

One-third of the copper produced in the United States is mined and smelted in the State of Arizona, its Indian population is greater than that of any other State excepting Oklahoma, and the area which is included within forest, Indian, and other reservations under the jurisdiction of the United States courts is larger than that of any other State.

Mr. President, much has been said about the political effect of this proposed legislation. I hope I have not reached, and I trust I may never reach, the point where I would vote either for or against an additional judgeship for political effect.

If the necessity for an additional district judge for Arizona existed when Woodrow Wilson was President, and it did exist, that necessity has not diminished, but rather has increased. When Mr. Wilson was President the distance from Globe to Prescott by rail was 497 miles, and the distance has not been shortened by the election of Mr. Harding.

Simply because the gentleman to be appointed will be a Republican, as I assume he will be, does not afford me any justification for opposing a bill which I urged under a previous administration.

Whilst on this subject I sound note of warning that it will become judges in the future simply to follow the written law, declare what the law is, and not to attempt to make law. We have had a surfeit of judge-made law. I have here a resolution adopted by the Arizona corporation commission, pointing out that the Federal judges, both district and circuit, are attempting to assume jurisdiction to fix the rates of public-utility corporations doing intrastate business only. Mr. President, I ask leave at this point in my remarks to include in the RECORD a copy of the resolution.

The VICE PRESIDENT. Without objection, permission is granted.

The resolution referred to is as follows:

> STATE OF ARIZONA,
> OFFICE OF THE ARIZONA CORPORATION COMMISSION.
>
> UNITED STATES OF AMERICA,
> *State of Arizona, ss:*
>
> The Arizona Corporation Commission does hereby certify that in regular executive session held in the offices at the capitol on Tuesday, March 14, 1922, the following resolution was adopted by the commission:
>
> Whereas Federal, district, and circuit courts have assumed jurisdiction to fix rates for public utility corporations doing only an intrastate business in cases where utility corporations have not followed the procedure established for a review of their rates by the State of their domicile; and
>
> Whereas the regulation of rates of public utility corporations has always been a purely State function pertaining to the legislative branch of the State government or to a public utility commission created by virtue of the constitution or laws of a State; and
>
> Whereas utility corporations not only have the right to have their rates passed upon by a public utility commission or a State legislature, but possess the right of appeal from such body to State courts and thence, if desired, to the United States Supreme Court, in any one of which courts every right that the utility corporation has would be carefully safeguarded; and
>
> Whereas such an assumption of power on part of a Federal court or of the Federal district and circuit courts is a repudiation of the established procedure and is a revolutionary attack upon a State's unquestioned sovereignty: Therefore be it
>
> *Resolved by the Arizona Corporation Commission*, That the Representatives of the State of Arizona in Congress be requested to lend their aid and support to the adoption of House bill No. 10212, which has been introduced in the Federal House of Representatives by the Hon. ISAAC BACHARACH upon the request of the Board of Public Utility Commissioners of the State of New Jersey, the object of the bill being to take from Federal district and circuit courts their assumed jurisdiction to fix rates for utility corporations doing only an intrastate business.
>
> In testimony whereof the Arizona Corporation Commission, by its chairman, has hereunto set its hand and affixed its official seal. Done at the city of Phoenix, the capital, this 14th day of March, A. D. 1922.
>
> [SEAL.] ARIZONA CORPORATION COMMISSION.
> D. F. JOHNSON, *Chairman.*
>
> Attest:
> F. J. K. MCBRIDE, *Secretary.*

Mr. ASHURST. I also ask leave to have read at the desk by the Secretary a letter from the Governor of Arizona directing attention to this subject.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read the letter, as follows:

EXECUTIVE OFFICE, STATE HOUSE,
Phoenix, Ariz., March 30, 1922.

Hon. HENRY F. ASHURST,
United States Senator, Washington, D. C.

MY DEAR SENATOR ASHURST: There has recently been called to my attention by Governor Edwards, of New Jersey, House Resolution No. 10212, relative to the assumption by Federal courts of jurisdiction in the fixing of rates of public-utility corporations doing only an intrastate business.

Upon receipt of Governor Edwards's letter, copy of which I am inclosing herewith, I referred same to the Arizona Corporation Commission and am to-day in receipt of copies of a formal resolution adopted by the commission, which I am transmitting herewith.

I feel sure that you will agree with me that this is a matter of the greatest importance to the States, and I sincerely hope that you will, after you have had opportunity to familiarize yourself with this proposed legislation, see fit to give it your earnest support. I can not but feel that the assumption by the Federal courts of jurisdiction in the fixing of rates to be charged by utility corporations doing only an intrastate business would, if it became generally effective, constitute a very serious violation of the sovereignty of the States.

Sincerely yours,

THOMAS E. CAMPBELL.

Mr. CUMMINS. Mr. President, will the Senator yield to me for a moment?

Mr. ASHURST. I yield to the Senator.

Mr. CUMMINS. The Senator from Arizona understands that an additional judge is provided for Arizona in the pending bill, and I have not heard of anyone who has any notion or desire to strike it out. There are contested items upon which I think some of the Senators desire to be heard. I do not wish to attempt to abbreviate the remarks of the Senator from Arizona, but we shall begin to vote without further debate at 4 o'clock.

Mr. ASHURST. Mr. President, the Senator from Iowa is one of the few Senators whom I would permit to tell me to quit talking.

Mr. CUMMINS. I do not intend to be impertinent at all, but there is a real necessity.

Mr. ASHURST. I will yield the floor, but before doing so I ask unanimous consent to include in the RECORD a letter from Governor Edwards, of New Jersey, to Governor Campbell, of Arizona, upon this same subject.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

FEBRUARY 20, 1922.

Hon. THOMAS E. CAMPBELL,
Governor of Arizona, Phoenix, Ariz.

MY DEAR GOVERNOR: A bill, known as H. R. 10212, has been introduced in the House of Representatives, Washington, by Hon. ISAAC BACHARACH upon the request of the Board of Utility Commissioners of this State.

The object of the bill is to take from Federal, district, and circuit judges the jurisdiction to fix rates for utility corporations doing only an intrastate business.

In New Jersey, until recently, we had supposed, as doubtless the people of your State suppose, that the regulation of the rates of the utility corporations of the State was a purely State function and belonged to the legislative branch of the Government. That there could be such an assumption of power by a Federal judge as to a rate for an intrastate utility was considered impossible, but the impossible has happened in New Jersey. A Federal court has authorized the utility corporation supplying two-thirds of our population to increase its rates. This was done, notwithstanding the fact that our public utility commission had already granted an increase in rates to the utility; that the utility in question had the right of appeal to our State courts and thence, if desired, to the United States Supreme Court, in any one of which courts every right that it had would have been safeguarded. It saw fit to repudiate the established procedure for review of the commission's decision through the State courts and resorted to a Federal judge with the result above stated. The evidence before the commission, consisting of some 14,000 pages, was not admitted and the court decided that the utility was entitled to increased rates after a hearing of a summary character.

What has happened in New Jersey will doubtless happen in your State and every other State. I am informed that the utilities throughout the country are watching this case in New Jersey with the intention of following the example of the utility corporation here in the endeavor to transfer from the State boards and State courts to the Federal judges the jurisdiction over rates for State utilities. If that effort succeeds, in my judgment, State sovereignty will have been dealt the most serious blow it has ever received.

May I not ask you to lend all the help you can to secure the passage of this bill. Already your public service commission has been communicated with regarding the matter by our commission. I would respectfully ask that you take it up with your Representatives in Congress. The matter is of such great importance, to my mind, that there should be a concentrated effort by all the States to secure this legislation.

No partisan political considerations influence this appeal to you. The utility commission, whose matured decision was overridden by the Federal court, was universally proclaimed to be of the highest character, both as to ability and fairness. The State pays the judges of our supreme court, which has the power of review of the commission's decisions, salaries which attract to that bench the ablest lawyers in the State, and the learning of that court is exceeded only by its sense of justice. The people of our State, without regard to party, do not want our legislature and our courts deprived of their functions in utility rate cases. As an indication of this, I may point out that while the bill for which I ask your support, in the name of the people of my State, was drawn by the utility commission, a majority of which is Democratic, it has been introduced by a Republican, Congressman BACHARACH.

Respectfully,

E. I. EDWARDS, *Governor.*

Mr. SHIELDS. Mr. President, under the unanimous-consent agreement the Senate will begin to vote in about 30 minutes. Therefore, I will not be able to discuss the conditions in any particular district at length and shall not attempt to do so. There are several other Senators who desire to be heard in respect to various items in the bill, and, on that account, I am going to be as brief as possible in my remarks.

The Senator from Arizona [Mr. ASHURST], evidently seeing the weakness of his case, has supported it by an argument before it was attacked, and I presume he has invited attack. A motion can yet be made to strike the Arizona item from the bill, as the case has been fully stated. All I have to say in that regard is that in this general omnibus bill the case of Arizona is the weakest one presented.

I believe that the statistics set forth in the Attorney General's report show that the judge of the district court in Arizona only tried 160 cases last year.

Mr. ASHURST. Mr. President, I know the Senator does not desire to create a misapprehension. I read from the Attorney General's report, which shows that 714 cases were disposed of in 1920.

Mr. SHIELDS. But, Mr. President, those figures represent cases where pleas of guilty were filed, cases in which the entry nolle prosequi was entered, and so forth.

Mr. ASHURST. They were cases prosecuted in which final judgments were entered.

Mr. SHIELDS. The judge in Arizona does not try any such number of cases, and does not have that many to decide, as the record here shows. The Senator from Arizona has merely overlooked the facts. The number he has stated represents the number of cases terminated; but in all of the Federal courts about three-fourths of the criminal cases are nolle prossed or pleas of guilty are entered, and that is the case in the court in Arizona.

Mr. President, I wish to refer briefly to the amendment submitted by the Senator from Washington [Mr. POINDEXTER] providing an additional district judge for the western district of Washington. That district presents as good a case as several already in the bill, but it is utterly without merit. The Senator from Washington dwelt very much upon the splendid resources of his State. While I never was in that State, according to my information he is correct in every statement, but the people there do not litigate concerning everything they have.

The Senator referred to the number of admiralty cases. The fact is that there were only 55 admiralty cases brought in that district, and 43 of them were compromised or dismissed, leaving only 12 to be tried. The Senator also referred to the great amount of prohibition business arising because of the proximity of British Columbia. It is shown by the statistics, however, that there were only 75 prohibition cases pending on the docket in the western district of Washington.

What was the total number of cases tried by the two judges in that district? During the last fiscal year the number of cases tried was 272, or 136 apiece. How many cases are pending there? According to the report of the Attorney General, 607 are pending, to be disposed of by two judges, or 300 apiece; and, according to all of the statistics, at least two-thirds of them will go off on pleas of guilty or will be dismissed. I shall not dwell further upon the situation in the western district of Washington.

Mr. President, I do not care to discuss further the propriety of striking out section 2 of the bill. I shall modify my motion to strike out the entire section, and will move now——

The PRESIDING OFFICER (Mr. FERNALD in the chair). The Chair will inform the Senator that there is already an amendment pending, being that offered by the Senator from Washington [Mr. POINDEXTER].

Mr. SHIELDS. I shall not ask to have my motion disposed of now, as there is a pending motion; but I am going to modify it so as to exclude from the section lines 22, 23, 24, and 25, on page 11, and lines 1 to 8, inclusive, or part of line 8, on page 12, being the provision for the district judges to make reports to the senior judges of their circuits, which is entirely in line with the argument I now propose to make in regard to striking out section 3.

Mr. WALSH of Montana. Mr. President, I suggest to the Senator that the word "year," in line 8, is the only one in that line that he ought to take out.

Mr. SHIELDS. Yes; I said "part of that line." It ends with that sentence.

Mr. WALSH of Montana. Lines 1 to 7, inclusive, and the first word in line 8.

Mr. SHIELDS. Yes.

Section 3 of this bill provides for the designation of judges from one circuit to another circuit, or, in other words, without the circuit. We have already upon the statute books provisions for the designation of judges in cases of emergency and disability of judges, which, I think, are ample to meet all the necessities of the case. This bill only connects up the Chief Justice with this designation, and is wholly superfluous, unnecessary, and confusing, and connects the court of last resort with the trial courts in the administration and trial of their cases or in providing judges for the districts—a thing that is bad policy in any case. It ought to be limited as much as possible, and I am opposing its extension by the present law.

Before I read the present law, as I am going to do, I wish to call attention to one very material difference between the present law and the proposed statute in lieu of the present law, and that is that these district judges, without their consent, are sent from circuit to circuit far from their homes. I think that is a very unjust modification of the present law. There is no limit to the time when these judges may be designated to another State, another circuit, from coast to coast, and from the Gulf to the Lakes. They may be sent away from their homes and their families without their consent at any time under the provisions of this bill. They do not know when they are to go to this distant place or how long they are to stay there. The whole effect and tendency of it is in the nature of a degradation and a humiliation of the district judges of the United States—a thing that ought not to be done. The confidence of the people in their independence and integrity ought not in any way to be lessened.

Another objection to this increase in the power of designation is that it is wholly unnecessary. This provision comes from what is called the "flying squadron" bill that provided for 18 judges from the Nation at large, 2 from each circuit, to be called judges at large. They were not to be designated to any court. They were not to be commissioned to hold a court anywhere. They were not to have jurisdiction anywhere, except when the Chief Justice assigned them to hold a court. Without an assignment they were supernumeraries, loafers, and powerless to do anything. Therefore this provision empowering him to assign judges was put in.

There was nothing in that bill providing for judges for the congested districts. This bill already adds, by the amendment, 20 new judges, relieving this congestion in every State where it exists and in cases where it does not exist. Therefore there is no necessity for the extension of that rule. There is no necessity of giving the Chief Justice command or power over these district judges. It is absolutely without excuse, unless it is thought it would be ornamental to have the Chief Justice order these district judges around; but I do not think it is an ornament these judges will appreciate. I think they will feel humiliated and degraded, and they will think their Senators have not treated them right in allowing it to be done.

Here is the present law, and it is ample to cover all the cases required and all the necessities of the conditions of every docket:

When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, any such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said court, and to discharge all the judicial duties of the judge so disabled during such disability. Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled during such disability. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed.

Mr. President, I do not want to consume all the time that is left, but I want these statutes to appear in this connection in my remarks. I have just read section 13 of the Judicial Code. I ask that sections 14, 15, 16, and 17 be printed without my reading them, so as to save time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SEC. 14. When from the accumulation or urgency of business in any district court the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or in the absence of all the circuit judges to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof. Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district and discharge all the judicial duties of the district judge therein.

SEC. 15. If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit; and said appointment shall be transmitted to the clerk and be acted upon by him as directed in the preceding section.

SEC. 16. Any such circuit judge, or circuit justice, or the Chief Justice, as the case may be, may from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge in the manner, for the duties, and with the powers mentioned in the three preceding sections, and revoke any previous designation and appointment.

SEC. 17. It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section 14, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit.

Mr. SHIELDS. Mr. President, I will state briefly the effect of these statutes. I am sorry I can not read them, because they are so clear and conclusive in the remedy provided. They show that the present modification of them is utterly without merit, and that there is no necessity of it. It is simply connecting up the Chief Justice with the trial courts—not only the trial courts, but the intermediate appellate courts, the circuit courts of appeal. There ought to be no such connection between the highest court in the land and the court of last resort, and it ought not to be required to interfere in such matters; and this is especially important in view of certain legislation that the Chief Justice is now pressing upon the Congress. I understand that he has had prepared a bill, revolutionary in its character, absolutely changing the appellate jurisdiction—I might say the revisory jurisdiction—of the Supreme Court of the United States. It has been introduced in both Houses, and I saw from the newspapers that the Chief Justice had appeared before the House Committee on the Judiciary advocating its passage. That bill is too long for me to state its terms, but in effect it takes away from litigants the right to prosecute appeals or writs of error from the Circuit Court of Appeals, and makes that court a court of final jurisdiction. The only possible way to review its proceedings is by a petition for certiorari, to be decided by the Supreme Court without oral argument—a very poor way to try lawsuits.

In effect, I say, the Circuit Court of Appeals is being made a court of final jurisdiction; yet in this bill we are connecting the chief officer of the Supreme Court with this intermediate appellate court, and thus exercising more or less influence over a court where litigants have no really available remedy in review. It is in a sense a denial of a final review of their cases in the court of last resort. No lawyer will assert that he can get his case before a court upon a printed brief as well as he can by looking the judges of that court in the eye and talking to them, and no judge will agree that he can get as intelligent and clear a view of a lawsuit as when he is looking the lawyer in the face and having him tell the merits of it.

This bill provides first in this section, simply for cases within the circuit, that the senior circuit judge may designate judges from one district to another.

That is the law now. Secondly, it provides that where there is a congestion or other emergency in a circuit the senior judge of that circuit may make a request for aid of the senior judge of another circuit—that is the effect of it—or, if he makes it to the Chief Justice—the bill is a little ambiguous—of course, the judge of the circuit from which the district judge is to go must certify that he can spare him, and thereupon the Chief Justice designates a judge to go.

What is the use of connecting the Chief Justice with that transaction? All there is in it is, let it be done as it now is, as it now can be done under the statute. First, let the judge of the first circuit certify that he needs help in one of the districts of his circuit. Then let the judge of the fifth circuit to whom he applies say, "There is a district judge in my circuit who can be spared, and I designate him," and it is all done; and that is more or less local self-government. That is all that is required. There is no use of this indirect thing of passing it through the Chief Justice.

That is the law now, but in the event these senior judges are disabled or absent from their circuits, or can not act, then the Chief Justice can make the designation under the present law,

but the value of the present law over the other is that it is more or less local self-government. It is the work of the inferior courts, unconnected with the Supreme Court, and they do not have to work through a third party. This is simply more cumbersome machinery and puts a burden upon the Chief Justice. Why he wants it I do not know, but it should be passed, because, as I have said, he is now complaining that he has too much jurisdiction and that there are more cases in his court than the court can take care of. I will not consume any more time on this bill.

Mr. CUMMINS. Mr. President, just a few words with regard to the matter, for our time is very limited now.

I hope the amendment offered by the Senator from Washington [Mr. POINDEXTER] will not prevail. I can well understand that the judges in Washington are under some pressure, but the committee distributed this judicial force as best it could, and to the districts in which the committee believed the additional judges were most needed. I have not the time to go over the statistics in regard to the State of Washington, but I only want it to be remembered that that State has a population of about one million three or four hundred thousand, as I recollect it. There are already three judges for that population, and I am sure that until we have an opportunity in the future to review that situation, there should not be added at this time an additional judge.

I must say a word with regard to the motion which I understand is to be made to strike out section 2, and first with regard to the assertions made by my friend, the Senator from Tennessee [Mr. SHIELDS]. He is all wrong with regard to what the law is now. There is no authority in the law for a senior circuit judge or any circuit judge to assign a district judge to another circuit. There is the right on the part of the Chief Justice under some circumstances to assign a district judge to another circuit, and an almost unqualified right to assign a district judge to the second circuit, but beyond that his authority does not go. Section 3 does enlarge materially the authority for designation, as was so carefully pointed out by the Senator from Montana [Mr. WALSH].

I think it is absolutely necessary that some one shall have this authority if we are to utilize our judicial force so that it will be entirely efficient, and the whole purpose of this bill is, first, to create a judicial force that is sufficient, and then make it possible to utilize it by assignment from one district or one circuit to another.

Mr. JONES of New Mexico. Mr. President——

Mr. CUMMINS. I must be permitted to say just a word, for I have not spoken very much upon the bill lately. I want to say a word with regard to the proposal to strike out section 2. I am not alarmed with regard to the influences which will be thrown about the Chief Justice and nine circuit judges if they happen to come to Washington. To me that is a nightmare that is never afflicting. I do not believe there is any such influence. I do not believe that the judges would be susceptible to the influence if it existed, and therefore I put out of view entirely this supposed seductive effect of a dinner here or there which may be given to the Chief Justice or to those senior circuit judges if they happen to arrive in Washington. I must pass that, however.

I am in favor of section 2, because it makes this bill more workable and more efficient. I am in favor of section 2, because I believe that a conference face to face between the Chief Justice and the circuit judges will result in an assignment or designation of judges to various parts of the country which will result in a more effectual disposition of the arrears of judicial business. I think the almost negligible expense attending a conference of that kind is vastly overborne by the beneficial effects of surveying all the judicial needs of the United States at a single time and reaching a conclusion as between the circuit judges and the Chief Justice with respect to places to which the district judges may be assigned.

Mr. President, I have said all I care to say about the matter, and I close by expressing my very sincere hope that section 2 of the bill will neither be eliminated nor mutilated.

Mr. JONES of New Mexico. Mr. President, I desire to call the attention of the Senator from Iowa to an amendment which I propose to offer, and I believe the Senator from Iowa will be willing to accept it.

There is a peculiar situation in the State of New Mexico. There has been no modification of the provision as to the place of holding courts in that State since the enabling act was passed. It is a State containing 10,000 more miles than Arizona, the area being 123,000 square miles. Under the enabling act the terms of the district court are to be held at one place only, the city of Santa Fe, the capital of the State, and I submit that in a State 350 miles wide and 400 miles long the courts should be held at more than one place. I offer this amendment, which I desire to read, and I hope the Senator from Iowa will accept it. The amendment is as follows:

Regular or special terms of the district courts of the district of New Mexico may be held in any incorporated municipality in the State of New Mexico.

The enabling act provides that they must be held in one place only. The amendment continues:

Regular or special terms of said court other than at the capital of said State shall be held at such time or times and at such place or places as the judge of said district court shall by order prescribe, and such order may be changed from time to time as may be deemed necessary in the public interest: *Provided, however*, That at any place where such regular or special terms of court may be so ordered to be held a suitable building in which to hold such term or terms of court shall be available without expense to the Government of the United States.

Mr. CUMMINS. What does the Senator mean by "the senior judge"?

Mr. JONES of New Mexico. My colleague proposes to offer an amendment to the bill providing another judge for the State of New Mexico, and I assumed that that amendment would carry, and this is to be offered as an additional section at the end of the bill. I may say, however, that if the additional judge should not be awarded, then the language would still be applicable to the situation.

Mr. CUMMINS. Mr. President, I have no authority, of course, to accept an amendment on behalf of the Judiciary Committee; but, in so far as I am concerned, I see no objection whatever to the amendment suggested by the Senator from New Mexico, if he will strike out the word "senior."

Mr. JONES of New Mexico. I will strike that out and insert it only in the event we get another judge. I thank the Senator, and hope the other Senators will bear this in mind.

Mr. POINDEXTER. I make a point of order against the amendment, on the ground that there is an amendment pending.

Mr. ASHURST. I will ask the Senator from Washington to withhold his point of order for a moment, because after 4 o'clock there can not be any debate. I think the amendment presented by the Senator from New Mexico ought to prevail. In Arizona they hold court in four places each year, in Montana in five places, and in a State which, as the Senator has said, is larger than Arizona, it seems to me an injustice to require that the court shall sit in one place only. The amendment offered by the Senator ought to prevail at the appropriate time. I hope it will be accepted.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	McNary	Shields
Ball	Gooding	Moses	Shortridge
Borah	Harris	Nelson	Smoot
Broussard	Harrison	New	Spencer
Bursum	Hitchcock	Nicholson	Stanley
Calder	Johnson	Norbeck	Sterling
Cameron	Jones, N. Mex.	Norris	Sutherland
Capper	Jones, Wash.	Oddie	Townsend
Caraway	Kellogg	Overman	Trammell
Cummins	Kendrick	Owen	Underwood
Curtis	King	Page	Wadsworth
Dial	Ladd	Phipps	Walsh, Mass.
Dillingham	La Follette	Pittman	Walsh, Mont.
Elkins	Lenroot	Poindexter	Warren
Ernst	McCumber	Pomerene	Watson, Ga.
Fernald	McKinley	Ransdell	Weller
Fletcher	McLean	Sheppard	Williams

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is absent on official business.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 22, add "and for the western district of Washington, one."

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a pair with the Senator from Virginia [Mr. GLASS], who is unavoidably detained from the Senate to-day. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and I agreed to take care of him for the day with a pair. I find, however, that I can transfer that pair to the senior Senator from Pennsylvania [Mr. CROW]. I make that transfer and vote "yea."

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Maine [Mr. HALE] and vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from Illinois [Mr. MCCORMICK]. I transfer that pair to the Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce that my colleague is detained on important business. He has a general pair with the junior Senator from Minnesota [Mr. KELLOGG].

Mr. MCNARY (when Mr. STANFIELD's name was called). I wish to announce that my colleague [Mr. STANFIELD] is detained on public business.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Ohio [Mr. WILLIS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], who is absent. I am unable to obtain a transfer and therefore withhold my vote. If at liberty to vote I would vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER]. On this question he would vote as I shall vote, and I therefore am at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON], who is unavoidably absent from the Chamber. I do not know how that Senator would vote if he were present, and therefore do not feel at liberty to vote myself. If I could vote I would vote "nay."

The roll call was concluded.

Mr. NEW. I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question I withhold my vote. If permitted to vote I would vote "nay."

Mr. UNDERWOOD (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Rhode Island [Mr. GERRY] and let my vote stand.

Mr. TRAMMELL (after having voted in the negative). My attention has been called to the fact that my pair, the Senator from Rhode Island [Mr. COLT] is absent. Under those circumstances I withdraw my vote. If permitted to vote I should vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED], and that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 24, nays 35, as follows:

YEAS—24.

Ashurst	Fernald	Myers	Sheppard
Broussard	France	Nicholson	Shortridge
Bursum	Harris	Oddie	Spencer
Cameron	Johnson	Page	Sutherland
Caraway	Jones, Wash.	Poindexter	Watson, Ga.
Elkins	McLean	Pomerene	Weller

NAYS—35.

Ball	Hitchcock	McNary	Shields
Capper	Kellogg	Moses	Smoot
Cummins	Kendrick	Nelson	Stanley
Curtis	King	Norris	Sterling
Dial	Ladd	Overman	Underwood
Dillingham	La Follette	Phipps	Wadsworth
Fletcher	Lenroot	Pittman	Walsh, Mass.
Gooding	McCumber	Ransdell	Warren
Harrison	McKinley	Rawson	

NOT VOTING—37.

Borah	Gerry	New	Swanson
Brandegee	Glass	Newberry	Townsend
Calder	Hale	Norbeck	Trammell
Colt	Harreld	Owen	Walsh, Mont.
Crow	Heflin	Pepper	Watson, Ind.
Culberson	Jones, N. Mex.	Reed	Williams
du Pont	Keyes	Robinson	Willis
Edge	Lodge	Simmons	
Ernst	McCormick	Smith	
Frelinghuysen	McKellar	Stanfield	

So Mr. POINDEXTER's amendment to the committee amendment was rejected.

Mr. DIAL. Mr. President, I desire to offer an amendment to the amendment of the committee.

The VICE PRESIDENT. The Secretary will report the amendment to the amendment.

The ASSISTANT SECRETARY. On page 14, line 3, insert:

Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed, and shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation; and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor.

On a division the amendment to the amendment was agreed to.

Mr. OWEN. Mr. President, I offer the following amendment. On page 18, after line 5, I move to insert the following new section:

SEC. 5. Add to section 101 of the Judicial Code the following:

"Terms of the district court for the western district shall be held at Pawhuska on the first Monday in October: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska are furnished free of expense to the United States."

There are a very large number of cases which arise in this particular section of the State——

Mr. CUMMINS. Mr. President, I demand the regular order.

The VICE PRESIDENT. Debate is not in order. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was rejected.

Mr. BURSUM. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 10, line 10, after the words "Oklahoma, one," insert the following words: "and for the district of New Mexico, one."

Mr. BURSUM. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. JONES of Washington (when his name was called). I am paired for the day with the senior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. KELLOGG (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "nay."

Mr. KENDRICK (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "nay."

Mr. NEW (when his name was called). Repeating the announcement made on the previous vote, I withhold my vote because of my pair.

Mr. STERLING (when his name was called). Making the same announcement as to the transfer of my pair as on the former vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WALSH of Montana (when his name was called). I make the same announcement as on the preceding vote as to my pair. Not being able to secure a transfer, I refrain from voting.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON], who is unavoidably absent. I do not know how he would vote if present and therefore have no right to vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. UNDERWOOD (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], who is absent. I understand he will be absent for the day. I transfer my pair with him to the Senator from Rhode Island [Mr. GERRY] and ask that this announcement may stand for the day, in order that I may vote on other roll calls without again making the announcement of my pair.

Mr. TRAMMELL. I have a pair with the senior Senator from Rhode Island [Mr. COLT]. Being unable to obtain a transfer upon this question, I must withhold my vote.

The reading clerk having recapitulated the vote, the result was announced—yeas 32, nays 32, as follows:

YEAS—32.

Ashurst	France	McKinley	Poindexter
Broussard	Gooding	McLean	Pomerene
Bursum	Harris	McNary	Rawson
Cameron	Harrison	Myers	Sheppard
Caraway	Johnson	Nicholson	Shortridge
Elkins	Jones, N. Mex.	Norbeck	Spencer
Fernald	Keyes	Oddie	Underwood
Fletcher	Ladd	Pittman	Weller

NAYS—32.

Ball	Harreld	Moses	Smoot
Borah	Hitchcock	Nelson	Stanley
Calder	Kellogg	Norris	Sterling
Capper	Kendrick	Overman	Sutherland
Cummins	King	Page	Townsend
Curtis	La Follette	Phipps	Wadsworth
Dial	Lenroot	Ransdell	Walsh, Mass.
Dillingham	McCumber	Shields	Warren

NOT VOTING—32.

Brandegee	Gerry	New	Stanfield
Colt	Glass	Newberry	Swanson
Crow	Hale	Owen	Trammell
Culberson	Heflin	Pepper	Walsh, Mont.
du Pont	Jones, Wash.	Reed	Watson, Ga.
Edge	Lodge	Robinson	Watson, Ind.
Ernst	McCormick	Simmons	Willis
Frelinghuysen	McKellar	Smith	Wolfe

The VICE PRESIDENT. The amendment of the Senator from New Mexico [Mr. BURSUM] to the amendment of the committee is rejected.

Mr. BURSUM. I ask for a recapitulation of the vote just taken.

The VICE PRESIDENT. The Secretary will recapitulate the vote.

The reading clerk recapitulated the vote.

Mr. DIAL. I ask how I am recorded as voting?

The VICE PRESIDENT. The Senator from South Carolina is recorded as voting in the negative.

Mr. DIAL. I desire to record my vote in the affirmative.

Mr. KING. Mr. President, I object.

The VICE PRESIDENT. Objection is made.

Mr. CUMMINS. I rise to a point of order. The result of the vote having been announced, the Senator from South Carolina [Mr. DIAL] can not change his vote.

The VICE PRESIDENT. The Chair has so ruled.

Mr. HARRISON. The object of the recapitulation of the vote was to ascertain how the Senator from South Carolina was recorded.

Mr. CUMMINS. But the Senator from South Carolina did not claim that he was wrongly recorded.

The VICE PRESIDENT. The Senator did not claim that he was incorrectly recorded.

Mr. BURSUM. I reserve a vote in the Senate on the amendment.

Mr. DIAL. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina [Mr. DIAL] to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 22, it is proposed to strike out the period, to insert a comma, and to insert the following:

For the western district of South Carolina, one.

Mr. DIAL. I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as on the last vote, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as on the last roll call, I withhold my vote.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the Senator from Maine [Mr. HALE] and vote "nay." I ask that the announcement of the transfer of my pair may stand for the day.

Mr. KENDRICK (when his name was called). Making the same announcement as previously in reference to the transfer of my pair with the Senator from Illinois [Mr. MCCORMICK] to the Senator from Alabama [Mr. HEFLIN], and asking that this announcement stand for the day, on this question I vote "nay."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR], which I find I am able to transfer to the junior Senator from Michigan [Mr. NEWBERRY]. I make that transfer and will vote. I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the last vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement with regard to my pair as on the last vote, I withhold my vote.

Mr. WALSH of Montana (when his name was called). I am advised that the Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a general pair, if present would vote as I am about to vote. I accordingly vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the statement about my pair made on the last roll call, I announce that if I were at liberty to vote I should vote "nay."

The roll call was concluded.

Mr. OVERMAN. I again announce that my colleague [Mr. SIMMONS] is paired with the junior Senator from Minnesota [Mr. KELLOGG]. My colleague is unavoidably absent from the city. I ask that this announcement may stand for the day.

The result was announced—yeas 14, nays 52, as follows:

YEAS—14.

Broussard	Dial	Harris	Sheppard
Bursum	Elkins	Harrison	Underwood
Cameron	Fernald	Jones, N. Mex.	
Caraway	France	Myers	

NAYS—52.

Ashurst	Johnson	Nelson	Shields
Ball	Kellogg	New	Shortridge
Borah	Kendrick	Nicholson	Smoot
Calder	Keyes	Norris	Spencer
Capper	King	Oddie	Stanley
Cummins	Ladd	Overman	Sterling
Curtis	La Follette	Page	Sutherland
Dillingham	Lenroot	Phipps	Townsend
Ernst	McCumber	Pittman	Wadsworth
Fletcher	McKinley	Poindexter	Walsh, Mass.
Gooding	McLean	Pomerene	Walsh, Mont.
Harreld	McNary	Ransdell	Warren
Hitchcock	Moses	Rawson	Weller

NOT VOTING—30.

Brandegee	Glass	Norbeck	Swanson
Colt	Hale	Owen	Trammell
Crow	Heflin	Pepper	Watson, Ga.
Culberson	Jones, Wash.	Reed	Watson, Ind.
du Pont	Lodge	Robinson	Williams
Edge	McCormick	Simmons	Willis
Frelinghuysen	McKellar	Smith	
Gerry	Newberry	Stanfield	

So Mr. DIAL's amendment to the amendment of the committee was rejected.

Mr. WATSON of Georgia. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 13, at the end of line 23, after the word "require," it is proposed to insert a comma and the following:

the necessity for said aid to the district judge having been made manifest by the certificate of the clerk under the seal of the court, as is provided by existing law.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

On a division, the amendment to the amendment was rejected.

Mr. KING. Mr. President, a parliamentary inquiry. Are amendments to the amendment tendered by the committee—that is, the substitute—now in order?

Mr. CUMMINS. I ask for the regular order.

Mr. KING. I am seeking the regular order.

The VICE PRESIDENT. They are in order.

Mr. KING. I move to strike out, in line 11, page 10, after the word "Massachusetts" and before the word "for," the word "two," and to insert in lieu thereof the word "one," so that it will read:

For the district of Massachusetts, one.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 10, line 11, it is proposed to strike out the word "two" and insert the word "one," so that, if amended, it will read:

For the district of Massachusetts, one.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah to the amendment of the committee.

Mr. KING. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as on previous votes, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as before, I withhold my vote.

I will allow this announcement to stand on all votes for the remainder of the day.

Mr. NEW (when his name was called). I repeat the announcement of the transfer of my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the Senator from Michigan [Mr. NEWBERRY], and ask that this announcement may stand for the day. I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the former vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as to my pair as on the last roll call, I withhold my vote.

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Tennessee [Mr. MCKELLAR] and will vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair, as previously stated. If I were at liberty to vote, I should vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED].

The roll call having been concluded, the result was announced—yeas 16, nays 46, as follows:

YEAS—16.

Ashurst	Fletcher	La Follette	Pittman
Borah	Harris	Myers	Shields
Caraway	Hitchcock	Norris	Stanley
Dial	King	Overman	Walsh, Mont.

NAYS—46.

Ball	Gooding	Nelson	Smoot
Bursum	Johnson	New	Spencer
Calder	Kellogg	Nicholson	Sterling
Cameron	Kendrick	Norbeck	Sutherland
Capper	Keyes	Oddie	Townsend
Cummins	Ladd	Page	Underwood
Curtis	Lenroot	Phipps	Wadsworth
Dillingham	McCumber	Poindexter	Walsh, Mass.
Elkins	McKinley	Pomerene	Warren
Ernst	McLean	Rawson	Weller
Fernald	McNary	Sheppard	
France	Moses	Shortridge	

NOT VOTING—34.

Brandegee	Glass	McKellar	Stanfield
Broussard	Hale	Newberry	Swanson
Colt	Harreld	Owen	Trammell
Crow	Harrison	Pepper	Watson, Ga.
Culberson	Heflin	Ransdell	Watson, Ind.
du Pont	Jones, N. Mex.	Reed	Williams
Edge	Jones, Wash.	Robinson	Willis
Frelinghuysen	Lodge	Simmons	
Gerry	McCormick	Smith	

So Mr. KING's amendment to the amendment of the committee was rejected.

Mr. KING. Mr. President, in line 14, page 10, I move to strike out the words "for the western district of Pennsylvania, one," leaving one for Pennsylvania.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. JONES of New Mexico. Mr. President, I offer an amendment, which I send to the desk, to be added as a new section to the bill.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the committee amendment, the following:

SEC. 5. Regular or special terms of the district court of the district of New Mexico may be held in any incorporated municipality in the State of New Mexico. Regular or special terms of said court other than at the capital of said State shall be held at such time or times and at such place or places as the judge of said district court shall by order prescribe, and such order may be changed from time to time as may be deemed necessary in the public interest: *Provided, however*, That at any place where such regular or special terms of court may be so ordered to be held a suitable building in which to hold such term or terms of court shall be available without expense to the Government of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, on line 18, page 10, I move to strike out the following words:

For the eastern district of Missouri, one.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. WATSON of Georgia. Mr. President, on page 14, line 9, I move to strike out the brackets and the words "who may designate himself."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 14, line 9, it is proposed to strike out the brackets and the words included therein, "who may designate himself," so that if amended it will read:

(2) Such designation may be made by the senior circuit judge whenever he is satisfied that the occasion therefor exists and that the public interests so require.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. KING. Mr. President, I move to strike out, on page 10, lines 20 and 21, the words "for the southern district of California, one," leaving California with one judge under the bill.

The amendment to the amendment was rejected.

Mr. SHIELDS. On page 10, line 13, after the words "New York," I move to strike out the word "two" and insert in lieu thereof the word "one," so that it will read "for the southern district of New York, one." On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement that I made on the previous vote with regard to my pair, I withhold my vote.

Mr. WALSH of Montana (when his name was called). In view of the pair I have previously announced, I withhold my vote.

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WILLIAMS (when his name was called). Making the same announcement with regard to my pair which I made on the previous vote, I withhold my vote. If I were at liberty to vote on this amendment, I would vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before, I vote "nay."

The result was announced—yeas 9, nays 49, as follows:

YEAS—9.

Ashurst	King	Overman	Shields
Dial	La Follette	Pittman	Stanley
Hitchcock			

NAYS—49.

Ball	Harreld	Nelson	Smoot
Borah	Harris	New	Spencer
Calder	Johnson	Nicholson	Sterling
Cameron	Kellogg	Norris	Sutherland
Capper	Kendrick	Oddie	Townsend
Cummins	Keyes	Page	Underwood
Dillingham	Lenroot	Phipps	Wadsworth
Elkins	McCumber	Poindexter	Walsh, Mass.
Ernst	McKinley	Pomerene	Warren
Fernald	McLean	Ransdell	Weller
Fletcher	McNary	Rawson	
France	Moses	Sheppard	
Gooding	Myers	Shortridge	

NOT VOTING—38.

Brandegee	Frelinghuysen	McCormick	Stanfield
Broussard	Gerry	McKellar	Swanson
Bursum	Glass	Newberry	Trammell
Caraway	Hale	Norbeck	Walsh, Mont.
Colt	Harrison	Owen	Watson, Ga.
Crow	Heflin	Pepper	Watson, Ind.
Culberson	Jones, N. Mex.	Reed	Williams
Curtis	Jones, Wash.	Robinson	Willis
du Pont	Ladd	Simmons	
Edge	Lodge	Smith	

So Mr. SHIELDS's amendment to the amendment was rejected.

Mr. WATSON of Georgia. I reserve a separate vote in the Senate on the two amendments which I offered.

Mr. SHIELDS. I move to strike out all of section 2 of the bill, found on pages 11 and 12, to line 8, on page 13, except lines 22, 23, 24, and 25, on page 11, and down to the word "year," on line 8, page 12. I ask that the amendment be reported.

The ASSISTANT SECRETARY. On page 11, after the words "Sec. 2," strike out all of the section down to and including line 21 on that page, and beginning with the words "The senior circuit

judge," on line 8, page 12, and the remainder of that section down to and including line 8, on page 13, as follows:

That it shall be the duty of the Chief Justice of the United States, or, in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September at Washington, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each circuit. If any of said senior circuit judges is unable to attend, the Chief Justice, or, in case of his disability, any justice of the Supreme Court in the order of seniority, may nominate any other circuit or district judge belonging to the circuit whose senior circuit judge is unable to attend, that such circuit may adequately be represented at said conference.

It shall be the duty of every such senior or other circuit or district judge to attend such conference, and to remain throughout its proceedings, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

The senior circuit judge, or, in his absence, a judge representing the circuit at the conference, shall present such reports to the conference, with a summary thereof, and his comments thereon.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The said conference shall be presided over by the Chief Justice of the United States, or, in case of his disability, by any justice of the Supreme Court in the order of seniority.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the Chief Justice.

So that section 2 would read:

SEC. 2. It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch. It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. SHIELDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the last vote, I vote "nay."

Mr. WALSH of Montana (when his name was called). In view of my pair, heretofore announced, I refrain from voting.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER] on this question. If he were present, he would vote "nay." If I were free to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I have explained why I am not at liberty to vote. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before, I vote "nay."

The result was announced—yeas 29, nays 36, as follows:

YEAS—29.

Borah	Harris	McNary	Shields
Broussard	Harrison	Nicholson	Stanley
Capper	Hitchcock	Norris	Underwood
Caraway	Johnson	Oddie	Walsh, Mass.
Dial	Jones, N. Mex.	Overman	Weller
Fletcher	King	Pittman	
France	Ladd	Ransdell	
Gooding	La Follette	Sheppard	

NAYS—36.

Ashurst	Brandegee	McLean	Rawson
Ball	Fernald	Moses	Shortridge
Bursum	Harreld	Myers	Smoot
Calder	Kellogg	Nelson	Spencer
Cameron	Kendrick	New	Sterling
Cummins	Keyes	Page	Sutherland
Curtis	Lenroot	Phipps	Townsend
Dillingham	McCumber	Poindexter	Wadsworth
Elkins	McKinley	Pomerene	Warren
Ernst	McNary	Ransdell	Weller
Frelinghuysen	Moses	Rawson	

NOT VOTING—31.

Brandegee	Edge	Heflin	Newberry
Colt	Frelinghuysen	Jones, Wash.	Norbeck
Crow	Gerry	Lodge	Owen
Culberson	Glass	McCormick	Pepper
du Pont	Hale	McKellar	Reed

Robinson	Stanfield	Walsh, Mont.	Williams
Simmons	Swanson	Watson, Ga.	Willis
Smith	Trammell	Watson, Ind.	

So Mr. SHIELDS's amendment to the amendment was rejected.

Mr. SHIELDS. I desire to give notice that I shall ask for a separate vote on this amendment when the bill is in the Senate.

The VICE PRESIDENT. Amendments not agreed to as in Committee of the Whole do not have to be reserved for a separate vote in the Senate. They can be reoffered when the bill reaches the Senate.

Mr. HARRISON. Mr. President, I offer an amendment to the committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. At the end of line 22, on page 10, insert the following proviso:

Provided, That in making such appointments, and hereafter, before the President shall appoint any district, circuit, or Supreme Court judge he shall make public all indorsements made in behalf of any applicant.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the former vote, I vote "nay."

Mr. WALSH of Montana (when his name was called). Again announcing the absence of my pair, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. PEPPER]. If he were present and voting he would vote "nay." If at liberty to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence, not being at liberty to vote, I withhold my vote.

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. KING. May I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. KING. I have a general pair with that Senator. Not being able to obtain a transfer, I can not vote. If I were at liberty to vote, I would vote "yea."

Mr. TRAMMELL. Making the same announcement with regard to my pair, I withhold my vote. If at liberty to vote, I would vote "yea."

The result was announced—yeas 21, nays 41, as follows:

YEAS—21.

Ashurst	France	La Follette	Stanley
Borah	Harris	Myers	Underwood
Broussard	Harrison	Norris	Walsh, Mass.
Caraway	Hitchcock	Pittman	
Dial	Johnson	Sheppard	
Fletcher	Jones, N. Mex.	Shields	

NAYS—41.

Ball	Gooding	Nelson	Smoot
Bursum	Harreld	New	Spencer
Calder	Kellogg	Oddie	Sterling
Cameron	Kendrick	Overman	Sutherland
Capper	Keyes	Page	Townsend
Cummins	Ladd	Phipps	Wadsworth
Curtis	Lenroot	Poindexter	Warren
Dillingham	McKinley	Pomerene	Weller
Elkins	McLean	Ransdell	
Ernst	McNary	Rawson	
Fernald	Moses	Shortridge	

NOT VOTING—24.

Brandegee	Hale	Nicholson	Swanson
Colt	Heflin	Norbeck	Trammell
Crow	Jones, Wash.	Owen	Walsh, Mont.
Culberson	King	Pepper	Watson, Ga.
du Pont	Lodge	Reed	Watson, Ind.
Edge	McCormick	Robinson	Williams
Frelinghuysen	McCumber	Simmons	Willis
Gerry	McKellar	Smith	
Glass	Newberry	Stanfield	

So Mr. HARRISON's amendment to the committee amendment was rejected.

Mr. SHIELDS. Mr. President, I offer the following amendment to the committee amendment. On page 17, after line 9, insert the following:

Provided, That no district judge shall be designated or required, without his written consent, to hold court in a district outside the State in which his district is situated.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. SHIELDS. I now offer the following amendment to the committee amendment. In line 9, after the words "associate justice," I move to insert:

No district judge shall be designated or required, without his consent, to hold court outside the judicial circuit within which he resides.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 17, line 9, after the words "associate justice," insert the following:

No district judge shall be designated or required, without his consent, to hold court outside the judicial circuit in which he resides.

Mr. SHIELDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I understand he is absent from the Chamber on official business. As I can not obtain a transfer I am compelled to withhold my vote. If at liberty to vote I should vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as before, I withhold my vote. If at liberty to vote I would vote "yea."

Mr. WALSH of Montana (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. In his absence I withhold my vote.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. PEPPER], who is absent. If present, he would vote "nay." If free to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). If I were at liberty to vote upon this proposition, I would vote "yea." I am paired, however, with the Senator from Indiana [Mr. WATSON], who is absent, and I do not know how he would vote.

The roll call having been concluded, the result was announced—yeas 20, nays 30, as follows:

YEAS—20.

Broussard	France	Ladd	Shields
Bursum	Harris	La Follette	Stanley
Caraway	Hitchcock	Overman	Underwood
Dial	Johnson	Ransdell	Walsh, Mass.
Fletcher	Jones, N. Mex.	Sheppard	Weller

NAYS—30.

Ashurst	Fernald	Myers	Rawson
Ball	Gooding	Nelson	Shortridge
Borah	Kellogg	New	Smoot
Calder	Kendrick	Nicholson	Spencer
Cameron	Keyes	Norris	Sterling
Capper	Lenroot	Oddie	Sutherland
Cummins	McKinley	Page	Townsend
Curtis	McLean	Phipps	Wadsworth
Dillingham	McNary	Poindexter	Warren
Ernst	Moses	Pomerene	

NOT VOTING—37.

Brandegee	Hale	Newberry	Swanson
Colt	Harreld	Norbeck	Trammell
Crow	Harrison	Owen	Walsh, Mont.
Culberson	Heflin	Pepper	Watson, Ga.
du Pont	Jones, Wash.	Pittman	Watson, Ind.
Edge	King	Reed	Williams
Elkins	Lodge	Robinson	Willis
Frelinghuysen	McCormick	Simmons	
Gerry	McCumber	Smith	
Glass	McKellar	Stanfield	

So Mr. SHIELD's amendment to the committee amendment was rejected.

Mr. SHIELDS. After the first five lines of the amendment of the committee on page 10, being lines 6, 7, 8, 9, and 10, reading as follows:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law.

I move to strike out the remainder of the bill and to insert in lieu thereof what I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Tennessee to the amendment reported by the committee will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all of the amendment of the committee after line 10, on page 10, and to insert:

For the district of Massachusetts, two; for the southern district of New York, two; for the western district of Pennsylvania, one; for the eastern district of Michigan, one; for the district of Minnesota, one; for the western district of Missouri, one; and for the northern district of California, one.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee to the committee amendment.

Mr. SHIELDS. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as on the previous vote as to my pair and its transfer, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the last vote in reference to my pair and its transfer, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as previously with reference to my pair and its transfer, I vote "nay."

Mr. WALSH of Montana (when his name was called). I am advised that my pair, the Senator from New Jersey [Mr. FRELINGHUYSEN], if present, would vote as I shall vote. Accordingly I will vote. I vote "nay."

Mr. WATSON of Georgia (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question, if present, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 13, nays 48, as follows:

YEAS—13.

Broussard	France	McNary	Underwood
Capper	Harrison	Norris	
Caraway	King	Overman	
Dial	La Follette	Shields	

NAYS—48.

Ashurst	Gooding	Moses	Rawson
Ball	Harreld	Myers	Sheppard
Bursum	Harris	Nelson	Shortridge
Calder	Johnson	New	Smoot
Cameron	Kellogg	Nicholson	Spencer
Cummins	Kendrick	Norbeck	Sterling
Curtis	Keyes	Oddie	Sutherland
Dillingham	Ladd	Page	Townsend
Elkins	Lenroot	Phipps	Wadsworth
Ernst	McCumber	Poindexter	Walsh, Mass.
Fernald	McKinley	Pomerene	Walsh, Mont.
Fletcher	McLean	Ransdell	Weller

NOT VOTING—35.

Borah	Glass	Newberry	Stanley
Brandegee	Hale	Owen	Swanson
Colt	Heflin	Pepper	Trammell
Crow	Hitchcock	Pittman	Warren
Culberson	Jones, N. Mex.	Reed	Watson, Ga.
du Pont	Jones, Wash.	Robinson	Watson, Ind.
Edge	Lodge	Simmons	Williams
Frelinghuysen	McCormick	Smith	Willis
Gerry	McKellar	Stanfield	

So the amendment of Mr. SHIELDS to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. KING. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. KING. An amendment was offered, as I understand, on yesterday by the Senator from New Jersey [Mr. FRELINGHUYSEN]. I inquire whether or not that amendment was accepted.

The VICE PRESIDENT. The amendment was agreed to.

Mr. KING. Is it necessary to reserve a separate vote upon that amendment in the Senate?

The VICE PRESIDENT. It is.

Mr. KING. I desire to reserve a separate vote upon that amendment in the Senate.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

Mr. FLETCHER. Mr. President, is the bill now in the Senate?

The VICE PRESIDENT. The bill is in the Senate. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. FLETCHER. I offer the amendment which I send to the desk.

Mr. CUMMINS. A point of order, Mr. President. The first question is on concurring in the amendments which have been agreed to as in Committee of the Whole, is it not?

Mr. FLETCHER. I submit that can not be done, because it is all one amendment.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. KING. I ask for a vote upon the amendment of the Senator from New Jersey proposing to provide an additional judge for New Jersey.

The VICE PRESIDENT. The amendment of the Senator from New Jersey as agreed to in Committee of the Whole will be stated.

The ASSISTANT SECRETARY. On page 10, line 18, an amendment to the committee amendment was inserted, as in Committee of the Whole, by adding, after the words "New York, two," and the semicolon, the words "for the district of New Jersey, one."

The VICE PRESIDENT. The question is on concurring in the amendment of the Senator from New Jersey.

The amendment was not concurred in.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Florida [Mr. FLETCHER], which will be stated.

The ASSISTANT SECRETARY. On page 10, after line 22, it is proposed to insert:

For the southern district of Florida, one.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida to the amendment made as in Committee of the Whole. [Putting the question.] The amendment to the amendment is agreed to.

Mr. KING. I call for a division, Mr. President.

Mr. CUMMINS. A parliamentary inquiry. Is the question on the amendment proposed by the Senator from Florida [Mr. FLETCHER]?

Mr. FLETCHER. The amendment has been agreed to.

The VICE PRESIDENT. The Chair did not understand the parliamentary inquiry of the Senator from Iowa.

Mr. CUMMINS. I ask for the yeas and nays upon the amendment of the Senator from Florida.

Mr. FLETCHER. It is too late.

Mr. DIAL. I have a recollection that a while ago the Senator from Iowa said that I was too late in desiring to change my vote. Now he is in about the same category I then was.

Mr. CUMMINS. The Senator from South Carolina may have been too late in that instance, and still the Senator from Iowa may not be too late this time.

The VICE PRESIDENT. The Senator from Utah [Mr. KING] asks for a division.

The question being put on a division, the amendment of Mr. FLETCHER to the amendment made as in Committee of the Whole was agreed to.

Mr. ERNST. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 21, it is proposed to insert:

For the middle district of Tennessee, one.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky to the amendment made as in Committee of the Whole. [Putting the question.] The amendment is rejected.

Mr. ERNST. I ask for a division.

On a division the amendment was rejected.

Mr. POINDEXTER. At the end of line 22, page 10, I move to insert:

And for the western district of Washington, one.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment made as in Committee of the Whole.

The amendment was rejected.

Mr. BURSUM. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 21, it is proposed to insert:

For the district of New Mexico, one.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment made as in Committee of the Whole.

Mr. BURSUM. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as on the last vote, I withhold my vote.

Mr. WATSON of Georgia (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WILLIAMS (when his name was called). I again announce my pair with the Senator from Indiana [Mr. WATSON] and announce his unavoidable absence.

The roll call was concluded.

Mr. WALSH of Montana. Announcing again my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], in his absence I refrain from voting. I will let this announcement stand for the day.

The result was announced—yeas 33, nays 24, as follows:

YEAS—33.

Ashurst	France	McKinley	Sawyer
Ball	Gooding	McNary	Sheppard
Broussard	Harreld	Myers	Shortridge
Bursum	Harrison	Nicholson	Spencer
Cameron	Johnson	Norbeck	Underwood
Dial	Jones, N. Mex.	Oddie	Weller
Elkins	Kendrick	Poindexter	
Fernald	Keyes	Pomerene	
Fletcher	Ladd	Ransdell	

NAYS—24.

Borah	Kellogg	Norris	Sterling
Calder	King	Overman	Sutherland
Capper	La Follette	Page	Townsend
Cummins	Moses	Phipps	Wadsworth
Dillingham	Nelson	Smoot	Walsh, Mass.
Hitchcock	New	Stanley	Warren

NOT VOTING—39.

Brandegee	Gerry	McKellar	Smith
Caraway	Glass	McLean	Stanfield
Colt	Hale	Newberry	Swanson
Crow	Harris	Owen	Trammell
Culberson	Heflin	Pepper	Walsh, Mont.
Curtis	Jones, Wash.	Pittman	Watson, Ga.
du Pont	Lenroot	Reed	Watson, Ind.
Edge	Lodge	Robinson	Williams
Ernst	McCormick	Shields	Willis
Frelinghuysen	McCumber	Simmons	

So Mr. BURSUM's amendment to the amendment of the committee was agreed to.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the amendment providing an additional judge for New Jersey was rejected.

The VICE PRESIDENT. The Senator from Kansas moves that the Senate reconsider the vote by which the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] was nonconcurred in. The question is on that motion.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. Is it not too late now, in view of the action of the Senate heretofore and of the status of the bill, to make that motion?

The VICE PRESIDENT. It is not.

Mr. KING. The amendment was considered as in Committee of the Whole, and also in the Senate.

The VICE PRESIDENT. It is not too late to reconsider the vote.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Is it not necessary for the Senator from Kansas to qualify as having voted on the prevailing side of that proposition before he can make a motion to reconsider?

The VICE PRESIDENT. If it was a yea-and-nay vote, yes; otherwise not.

Mr. HARRISON. If there was no yea-and-nay vote, how can we tell how he voted?

Mr. TOWNSEND. I call for the regular order.

The VICE PRESIDENT. Then the question does not arise. The question is on the motion to reconsider.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "yea."

Mr. McKINLEY (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the senior Senator from Pennsylvania [Mr. CROW], and will vote. I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement with regard to my pair that I made on the last vote, I withhold my vote upon this amendment.

Mr. WATSON of Georgia (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. Not

knowing how he would vote on this question, I withhold my vote.

Mr. WILLIAMS (when his name was called). I repeat the information that I have several times given to the Senate, to the effect that I am paired, and therefore not able to vote.

The roll call having been concluded, the result was announced—yeas 35, nays 26, as follows:

YEAS—35.

Ball	Fletcher	McKinley	Sheppard
Broussard	France	McLean	Shortridge
Bursum	Harreld	Moses	Smoot
Calder	Harris	Myers	Spencer
Cameron	Kellogg	Oddie	Sutherland
Curtis	Keyes	Page	Townsend
Dillingham	Ladd	Phipps	Wadsworth
Ernst	Lenroot	Poindexter	Weller
Fernald	McCumber	Pomerene	

NAYS—26.

Ashurst	Hitchcock	New	Shields
Borah	Jones, N. Mex.	Nicholson	Stanley
Capper	Kendrick	Norbeck	Sterling
Cummins	King	Norris	Underwood
Dial	La Follette	Overman	Walsh, Mass.
Gooding	McNary	Pittman	
Harrison	Nelson	Sawyer	

NOT VOTING—35.

Brandegee	Gerry	Newberry	Swanson
Caraway	Glass	Owen	Trammell
Colt	Hale	Pepper	Walsh, Mont.
Crow	Heflin	Ransdell	Warren
Culberson	Johnson	Reed	Watson, Ga.
du Pont	Jones, Wash.	Robinson	Watson, Ind.
Edge	Lodge	Simmons	Williams
Elkins	McCormick	Smith	Willis
Frelinghuysen	McKellar	Stanfield	

So the motion to reconsider was agreed to.

Mr. CURTIS. Mr. President, the question now is on concurring in the amendment; is it not?

The VICE PRESIDENT. The original vote was on the motion of the Senator from Utah to strike out the words "for the district of New Jersey, one." That vote prevailed and the language was stricken out.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. KING. I understand an amendment was offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] to insert in the bill a provision for an additional judge for New Jersey. I asked for a separate vote upon the adoption of that amendment as in Committee of the Whole. I did not move to strike it out. So I think the Chair states the converse of the motion.

Mr. WILLIAMS. Upon a separate vote the amendment of the Senator from New Jersey was defeated, and then there was a motion to reconsider that vote, which has just been agreed to.

Mr. NORRIS. I would like to have the attention of the Senator from Utah, if he will yield to me.

Mr. KING. I yield to the Senator, if I have the floor.

Mr. NORRIS. The Senator must not forget that the motion of the Senator from New Jersey was to amend an amendment. On its adoption it became a part of the amendment, so when the bill got into the Senate there was no such thing as voting again on the amendment of the Senator from New Jersey. The Senator from Utah, in order to get that provision out of the bill, would have to move to strike it out, and if he did not do that it never would go out. If he had moved to strike it out, then the Chair would have stated the situation correctly, as I understand it. The Senator's motion should have been to strike out the amendment of the Senator from New Jersey.

Mr. CUMMINS. No, Mr. President; the Senator from Nebraska is in error. The motion of the Senator from New Jersey in Committee of the Whole was to insert a provision for a judge for the district of New Jersey. That amendment prevailed. We passed into the Senate. There was no motion to strike it out, but I understood the Senator from Utah to reserve the amendment proposed by the Senator from New Jersey for a separate vote.

Mr. NORRIS. He was undertaking an impossibility; it could not be done. I do not know what happened, or what the Senator from Utah said; but, as a matter of fact, he could not reserve a vote when we got into the Senate on an amendment to an amendment which was adopted in the Committee of the Whole, because in the Senate the amendment of the Senator from New Jersey was entirely lost. It became a part of the committee amendment, and that is the amendment we are to vote on concurring in. It would have been a physical impossibility to reserve a vote on an amendment to an amendment.

Mr. CUMMINS. It was a vote on an amendment to an amendment. The motion of the Senator from New Jersey was to amend an amendment, which was entirely in order, and which was carried. When we came into the Senate anyone had a right to reserve a vote on that amendment.

Mr. NORRIS. When that amendment was carried it became a part of the committee amendment to the bill. This is a House bill, it is not a Senate bill, and that amendment to the amendment became a part of the committee amendment; and when we went into the Senate the question was on concurring in the committee amendment made in Committee of the Whole, not an amendment to that amendment.

Mr. KING. If the position of the Senator from Nebraska is correct, then there never could be a separate vote in the Senate on a substitute bill of this character, to which there were numerous amendments adopted at various times in Committee of the Whole, and upon which separate votes were reserved, when the substitute bill as perfected came to the Senate.

Mr. NORRIS. Let me call the attention of the Senator to the fact that when we got into the Senate the proper motion would be to amend. The Chair always announces when a bill has been reported from the Committee of the Whole that the bill is in the Senate and open to amendment. If the Senator wanted to amend it, he should have moved to strike it out, which I supposed he had done. I did not pay attention to the exact course pursued by the Senator from Utah.

Mr. KING. I will be entirely frank. I would not state to the Senate anything that did not actually occur, even if it were in support of the position I have taken. I did not move to strike out. I considered that I had a right to challenge the action of the Committee of the Whole by the separate vote which I had reserved before we passed out of the Committee of the Whole into the Senate. So I then asked for a separate vote upon the action of the Committee of the Whole by which the amendment offered by the Senator from New Jersey had been adopted in Committee of the Whole.

Mr. WILLIAMS. And it was an amendment to the committee amendment, and therefore in itself a separate proposition.

Mr. LENROOT. May I ask the Senator from Utah if he will not be willing to have the Record show that his motion was a motion to strike out?

Mr. SPENCER. And then let us vote on it.

Mr. CURTIS. Then we could vote on the Senator's motion to strike out.

The VICE PRESIDENT. The Chair is ready to make a ruling. The Senator from Utah reserved a separate vote. The only way that question could be put in the Senate was, in effect, by a motion to strike out. Now the question recurs on the motion to strike out the words "for the district of New Jersey, one." Those who vote in favor will vote to strike it out, and those who vote in the negative will vote to keep it in.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as on the last vote as to my pair, I withhold my vote.

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Nebraska [Mr. HITCHCOCK], and vote "yea."

The roll call was concluded.

Mr. McKINLEY. Making the same announcement as before, I vote "nay."

Mr. WALSH of Montana. I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

The result was announced—yeas 22, nays 39, as follows:

YEAS—22.

Ashurst	Harrison	Norbeck	Townsend
Borah	Kendrick	Norris	Walsh, Mass.
Capper	King	Overman	Walsh, Mont.
Cummins	La Follette	Shields	Williams
Dial	McNary	Stanley	
Gooding	Nelson	Sterling	

NAYS—39.

Ball	Dillingham	Harris	McCumber
Broussard	Ernst	Johnson	McKinley
Bursum	Fernald	Kellogg	McLean
Calder	Fletcher	Keyes	Moses
Cameron	France	Ladd	Myers
Curtis	Harreld	Lenroot	New

Nicholson	Poindexter	Shortridge	Wadsworth
Oddie	Pomerene	Smoot	Warren
Page	Rawson	Spencer	Weller
Phipps	Sheppard	Sutherland	

NOT VOTING—35.

Brandegee	Gerry	McKellar	Smith
Caraway	Glass	Newberry	Stanfield
Colt	Hale	Owen	Swanson
Crow	Heflin	Pepper	Trammell
Culberson	Hitchcock	Pittman	Underwood
du Pont	Jones, N. Mex.	Ransdell	Watson, Ga.
Edge	Jones, Wash.	Reed	Watson, Ind.
Elkins	Lodge	Robinson	Willis
Frelinghuysen	McCormick	Simmons	

So Mr. KING's motion to strike out was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole as amended in the Senate.

The amendment as amended was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

Mr. ODDIE. Mr. President, I move to reconsider the vote whereby the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee was rejected.

Mr. KING. Mr. President, I make the point of order that the motion comes too late.

The VICE PRESIDENT. The motion is too late. The amendment made as in Committee of the Whole has been concurred in.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. LA FOLLETTE. On the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "yea."

Mr. FERNALD (when his name was called). I transfer my pair with the senior Senator from New Mexico [Mr. JONES] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. NEW (when his name was called). Repeating my previous announcement as to the transfer of my pair, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before, I vote "yea."

Mr. TRAMMELL (when his name was called). Understanding that the Senator from Rhode Island [Mr. COLT], with whom I have a general pair, would vote as I propose to vote on the passage of the bill, I am at liberty to vote. I vote "yea."

Mr. WALSH of Montana (when his name was called). I am advised that the Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a pair, would vote as I shall vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. PEPPER]. If present, that Senator would vote "yea." If free to vote, I would vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

The roll call was concluded.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on important business. He is paired with the junior Senator from Minnesota [Mr. KELLOGG]. If my colleague were present, he would vote "nay."

Mr. CURTIS. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED] and that the Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

I also wish to announce that the Senator from Maine [Mr. HALE], the Senator from Ohio [Mr. WILLIS], the Senator from Pennsylvania [Mr. CROW], and the Senator from Michigan [Mr. NEWBERRY] are necessarily absent. If present, these Senators would vote "yea."

The result was announced—yeas 44, nays 21, as follows:

YEAS—44.

Ashurst	Fletcher	Moses	Rawson
Ball	Gooding	Myers	Shortridge
Borah	Harreld	Nelson	Spencer
Bursum	Hitchcock	New	Sterling
Calder	Johnson	Nicholson	Sutherland
Cameron	Kellogg	Norbeck	Trammell
Cummins	Keyes	Oddie	Wadsworth
Curtis	Lenroot	Page	Walsh, Mass.
Dillingham	McCumber	Phipps	Walsh, Mont.
Elkins	McKinley	Poindexter	Warren
Ernst	McLean	Pomerene	Weller
Fernald			

NAYS—21.

Borah	Harris	McNary	Townsend
Broussard	Harrison	Norris	Underwood
Capper	Hendrick	Overman	Williams
Caraway	King	Sheppard	
Dial	Ladd	Shields	
France	La Follette	Stanley	

NOT VOTING—31.

Brandegee	Glass	Newberry	Smith
Colt	Hale	Owen	Smoot
Crow	Heflin	Pepper	Stanfield
Culberson	Jones, N. Mex.	Pittman	Swanson
du Pont	Jones, Wash.	Ransdell	Watson, Ga.
Edge	Lodge	Reed	Watson, Ind.
Frelinghuysen	McCormick	Robinson	Willis
Gerry	McKellar	Simmons	

So the bill was passed, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the district of New Jersey, one; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the northern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the western district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of Arizona, one; for the northern and southern districts of Georgia, one; for the southern district of Florida, one; and for the district of New Mexico, one.

Whenever a vacancy shall occur in the office of any district judge appointed pursuant to this act the same shall not be filled unless the Congress shall so provide.

SEC. 2. That it shall be the duty of the Chief Justice of the United States, or, in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September at Washington, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each circuit. If any of said senior circuit judges is unable to attend, the Chief Justice, or, in case of his disability, any justice of the Supreme Court in the order of seniority, may nominate any other circuit or district judge belonging to the circuit whose senior circuit judge is unable to attend, that each circuit may adequately be represented at said conference.

It shall be the duty of every such senior or other circuit or district judge to attend such conference, and to remain throughout its proceedings, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch. It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year. The senior circuit judge, or, in his absence, a judge representing the circuit at the conference, shall present such reports to the conference, with a summary thereof, and his comments thereon.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The said conference shall be presided over by the Chief Justice of the United States, or, in case of his disability, by any justice of the Supreme Court in the order of seniority.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the Chief Justice.

SEC. 3. That sections 13, 14, 15, 16, 17, and 18, as amended by the act of October 3 1913 (ch. 18, 38 Stat. p. 203), of the Judicial Code, be amended to read as follows:

"SEC. 13. (1) A district judge for a district may be designated to act in another district of the same circuit including territory attached thereto)—

"(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district;

"(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district;

"(c) In aid of a district judge when the public interests so require.

"(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable. Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed, and shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation, and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor.

"SEC. 14. (1) A circuit judge may be designated to act as district judge in any district of his circuit or of attached territory in any case where a district judge might be so designated.

"(2) Such designation may be made by the senior circuit judge (who may designate himself) whenever he is satisfied that the occasion therefor exists and that the public interests so require.

"(3) This section shall apply to the circuit judges formerly comprising the Commerce Court.

"SEC. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—

"(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

"(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

"(2) Such designation may be made by the Chief Justice if, in his judgment, the public interests so require.

"(3) For the purposes of this section the District of Columbia is to be deemed one of the districts which may be aided and likewise a circuit, the Supreme Court of the District of Columbia is to be deemed a district court to which designations may be made, the justices of the court of appeals as circuit judges, and the chief justice thereof as the senior.

"SEC. 16. (1) The designation provided for by sections 13, 14, and 15 shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

"(2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district; and when so filed and entered shall be conclusive evidence of all the facts necessary to support it.

"(3) A certified copy shall at once be furnished by the clerk to the judges designated; also to the judge of the aided district; also (if under section 15) to the senior circuit judge of each of the two circuits.

"SEC. 17. (1) During the period of service named the judge designated under sections 13, 14, or 15 shall have all the duties, powers, and rights of the judge of the aided district (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however*, That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

"(2) Any designated judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation.

"(3) Whenever, pursuant to any law, more than one district judge is authorized to hold court in the same district, each may, separately, but at the same time, hold a district court and discharge the judicial duties of the district judge therein, but subject to section 23 hereof.

"SEC. 18. (1) Any power given by sections 13, 14, or 15 to the senior circuit judge may be exercised by the circuit judge who, on account of the illness or absence from the circuit of the senior, is acting as such.

"(2) In case of vacancy in the office of Chief Justice, or his disability from illness or absence, any power given to him by section 15 may be exercised by the senior associate justice."

SEC. 4. That section 118 of the Judicial Code, as amended by the act approved February 25, 1919 (40 Stat. L., p. 1156), be, and the same hereby is, amended so as to read as follows:

"SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, three circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided for and authorized in other sections of this act."

SEC. 5. Regular or special terms of the district courts of the district of New Mexico may be held in any incorporated municipality in the State of New Mexico. Regular or special terms of said court other than at the capital of said State shall be held at such time or times and at such place or places as the judge of said district court shall by order prescribe, and such order may be changed from time to time as may be deemed necessary in the public interest: *Provided, however*, That at any place where such regular or special terms of court may be so ordered to be held a suitable building in which to hold such term or terms of court shall be available without expense to the Government of the United States.

The title was amended so as to read: "A bill for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to amend certain sections of the Judicial Code relating to the designation, assignment, and appointment of judges outside their districts, and for the appointment of an additional circuit judge in the fourth circuit."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The message also announced that the House returned to the Senate, in compliance with its request, the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia and making an appropriation therefor.

PETITIONS AND MEMORIALS.

Mr. NELSON presented memorials of sundry citizens of Fergus Falls, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a resolution adopted by Crawford County Farmers' Union, No. 25, at Girard, Kans., March 28, 1922, favoring the enactment of legislation to stabilize prices of the principal farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented resolutions of Mill Creek Local, No. 28, and Four Lakes Local, No. 51, both of the Western Progressive Grange, in the State of Washington, favoring the passage of Senate bill 2664, the Ladd honest money bill, which were referred to the Committee on Banking and Currency.

He also presented a petition of members of Red River Lodge, No. 379, Brotherhood of Railway Clerks, Freight Handlers, Express and Station Employees, of Fargo, N. Dak., praying for acceptance of the offer of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented the petitions of John Skubina and 70 others, of Center and vicinity; Mrs. A. O. Stoen and 8 others, of Buffalo Springs; Otto Olson and 11 others, of Oriska; Alex Ferguson and 32 others, of Lankin; C. O. Peterson and 3 others, of Nortonville; L. M. Haugen and 19 others, of Taylor; Mrs. J. Muffie and 37 others, of Straubville and vicinity; Fred Brehmer and 35 others, of Wales and vicinity; Paul and Bertha Roseman, of Upham; and Mrs. Noah Willett and 21 others, of Haynes, all in the State of North Dakota, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. FERNALD. Mr. President, I report back from the Committee on Public Buildings and Grounds, without amendment, the bill (H. R. 10564) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine Insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau.

I do not intend to call up the bill for consideration to-night, but I wish to give notice that on the next legislative day I shall ask unanimous consent for its consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, reported it with an amendment and submitted a report (No. 593) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3412) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Calif. (with an accompanying paper); to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 3413) for the relief of the city of New York; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 3414) to amend section 101 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. HARRELD:

A bill (S. 3415) to render final judgment on any claims of the Eastern Emigrant and Western Cherokee, Creek, and Seminole Indians against the United States in relation to tribal lands, funds, and property; to the Committee on Indian Affairs.

AMENDMENT OF AGRICULTURAL APPROPRIATION BILL.

Mr. HARRELD submitted an amendment intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 75, strike out the remainder of the paragraph on lines 16, 17, 18, and 19 beginning with "$6,500" on said line 16, and insert in lieu thereof the following: "$12,500, of which the Secretary is hereby authorized to use not exceeding $3,000 for the purpose of building a cottage for the herdsman, and additional sheds, stalls, and pens for the protection and care of said animals."

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. CUMMINS. Mr. President, I desire to give notice that next Monday at 2 o'clock I shall ask the Senate to go into executive session for the purpose of considering the nominations of Senator SMOOT and Representative BURTON as members of the Foreign Debt Commission.

Mr. WALSH of Montana. Mr. President, rule 38 provides, with reference to nominations, that—

all information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

That, I take it, necessitates, without some action by the Senate, that the proceedings to which the Senator from Iowa has referred shall be in closed executive session.

I think every Member of the body feels that, so far as personal qualifications are concerned, no word can be said in derogation of either of the gentlemen named, Senator SMOOT or Representative BURTON. If I expressed my own personal conviction about the matter, I should say they were both preeminently qualified for the position. The sole question for consideration—and I am very sure the sole question that will be discussed—is the question of the eligibility of these two gentlemen under the Constitution, and likewise the related question as to the policy of making nominations for such position from among the Members of both Houses.

In view of that situation of affairs, I ask unanimous consent that the subject be considered in open executive session.

Mr. CURTIS. Mr. President, I shall have to object to that request.

The VICE PRESIDENT. There is objection.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS.

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of House bill 10730, the bill making appropriations for the Department of Agriculture.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. Mr. President, it is the desire to have a short executive session; and I suggest that the bill be temporarily laid aside.

Mr. McNARY. I ask unanimous consent that the bill, which has become the unfinished business, may be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

GOVERNMENT-OWNED RADIO STATIONS—CONFERENCE REPORT.

Mr. POINDEXTER. I present a conference report on House joint resolution 7 and I ask for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "on June 30, 1925, except that all such rights conferred by this section in the Republic of China shall terminate and cease on January 1, 1924"; and the Senate agree to the same.

C. S. PAGE,
MILES POINDEXTER,
FREDERICK HALE,
CLAUDE A. SWANSON,
KEY PITTMAN,
Managers on the part of the Senate.

WILLIAM S. GREENE,
WALLACE H. WHITE, JR.,
CARL R. CHRINDBLOM,
L. LAZARO,
W. B. BANKHEAD,
Managers on the part of the House.

Mr. KING. Does the Senator from Washington desire to take up the report this evening?

Mr. POINDEXTER. I would be very glad to do so. The House has approved the conference report, and it is a very simple matter. It merely extends for a period of three years the existing law——

Mr. KING. That is, it gives the United States exclusive control over certain radio operations?

Mr. POINDEXTER. Oh, no; that is not the effect of it at all. It authorizes, not the exclusive use, but the use of naval radio facilities on the Pacific—it does not apply to the Atlantic—for press messages for three years and for commercial messages in cases where there are no private facilities available.

Mr. KING. I have no objection to the facilities being used for press messages if they are not used for purely political purposes.

Mr. UNDERWOOD. Let me ask the Senator, Is there any effort in the bill to regulate the wave length?

Mr. POINDEXTER. Not at all. It does not deal with that subject.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

ADDRESS BY SENATOR RANSDELL.

Mr. McKINLEY. Mr. President, I ask unanimous consent to have printed in the RECORD in 8-point type a speech made on April 5, 1922, by the senior Senator from Louisiana [Mr. RANSDELL] before the Massachusetts Chamber of Commerce entitled "Carrying the ocean to the Great Lakes."

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SPEECH OF UNITED STATES SENATOR JOSEPH E. RANSDELL, OF LOUISIANA, BEFORE THE MASSACHUSETTS CHAMBER OF COMMERCE, AT BOSTON, MASS., APRIL 5, 1922.

CARRYING THE OCEAN TO THE GREAT LAKES.

The proposed deep-water channel connecting the St. Lawrence and the Great Lakes is a project of vast national importance. It contemplates the improvement of the St. Lawrence River to deep water in Lake Ontario, so that ships drawing 25 feet can penetrate to the western end of that lake. From that point connection will be made with Lake Erie through the Welland Canal, now being enlarged by Canada to a similar depth, carrying the ship into Lake Erie.

This project has been under the most careful investigation by the International Joint Commission of the United States and Canada, and the favorable report of that body was presented to the Senate of the United States by President Harding on the 16th of last January. According to this report, it will cost about $252,000,000 to overcome all obstructions in the St. Lawrence, and incidentally these works will develop 1,464,000 continuous horsepower at a point on the eastern end of the international boundary between New York and Canada. One-half of this, equal to 732,000 horsepower, will belong to the United States, the other to Canada. The site of the great dam at Cornwall, N. Y., where this power is to be generated, is about 275 miles from Boston and 300 miles from New York City.

Without attempting to discuss details, I may say that the construction of the contemplated deep canals through the shallows of the St. Lawrence and around Niagara Falls will permit the great fleet of Lake boats, which handle annually about 100,000,000 tons, to carry their cargoes from any point on the Lakes directly to tidewater at Montreal, Quebec, or Halifax, and with very slight strengthening these same Lake vessels, some of which carry 14,000 tons of cargo, can continue their voyage down the coast to Boston, New York, and other points. It will also permit, without any further enlargement of the Lake harbors and connecting channels between them, ocean-going vessels

drawing 20 to 21 feet to penetrate to any point on the Lakes. In other words, this project will connect the Great Lakes of our northern border, the largest and finest body of fresh water on earth, covering an area of 95,000 square miles, with all the oceans of the world, and will give to the people who live on their shores and adjacent to them the great benefits of ocean transportation for the innumerable products of their farms, mines, and factories, and for the commodities which they buy in large quantities from other lands.

The wonderful growth of the Great Lakes region in population, wealth, and general development is one of the marvels of the past half century. Cities like Buffalo, Cleveland, Detroit, Chicago, Milwaukee, and Duluth are truly magic cities, and the magician's wand which brought them into being was the cheap transportation of the Lakes on whose shores they are situated.

Nearly 40,000,000 of America's best citizens live in this favored region or will derive very great direct benefits from the project; hence it is truly national in scope, for whatever affects so materially more than one-third the people of the Republic is of great interest to the whole. If the growth of population for the next 50 years keeps pace with that of the last 50, we may expect an increase in these regions to 100,000,000.

All of these people are unanimously in favor of the St. Lawrence project, for they believe it will be of immense benefit to them in carrying their surplus products to the ocean at cheap water rates, about the same relatively as the rates which have caused the marvelous development of their section. They realize that more and more it is necessary for them to have cheaper rates and to guard against congestion in shipments to and from the North Atlantic seaboard, from which they have suffered so severely during the past decade. They realize that the people in far-off Oregon and Washington are closer to Boston and New York via the Panama Canal, so far as freight rates are concerned, than are those of Iowa. They realize that the center of their great wheat-growing section is from 1,000 to 1,200 miles away from deep water, whereas the grain centers of other countries, such as Russia, Australia, and the Argentine, are only about 250 miles from the sea. This is a great handicap to them. They feel that if the ocean can be carried westward into the heart of the continent, 1,400 miles from Montreal, to Chicago and Duluth, thereby giving them ocean ships on the northern boundary, just as the people of the West, the South, and the East enjoy the benefit of ships, it will place the Middle West on terms of parity in transportation with other States of the Union.

This briefly is the project, and this is the way the West feels about it.

Beyond a question the project is a mighty one, worthy of the best thought of all economists and statesmen. When carried to completion, its effects will be marked, not only on the vast commerce now moving between the Atlantic seaboard and the Great Lakes but also between the Great Lakes and the Gulf. It will make a new channel on which a large quantity of freight will move; it will be comparable to Suez and Panama, the construction of which changed trade routes of the world; and just as these two interoceanic canals have proved the utmost benefit to mankind by shortening distances thousands of miles and cheapening freight rates immeasurably, so will the St. Lawrence oceanic canal result, perhaps in a smaller degree, in like benefits to the people of Canada and the United States.

Transportation affects every man, woman, and child in the land and enters into our life in the most intimate manner. It is so commonplace that few of us realize it, and anything which greatly cheapens the cost of transporting from vast centers of population, living thousands of miles apart and exchanging immense volumes of commerce of every kind and sort that enters into modern civilization, is of vital import to national welfare.

The only point to be considered is, Will such a canal as that proposed on the St. Lawrence really cheapen in a material degree freight rates from the center of the country to the Atlantic and vice versa? Will this cheapening in the aggregate amount to anything like as much annually as the total cost of the project, which its enthusiastic friends claim for it? If so, there can be but one answer, and that is we must construct the project as quickly as possible regardless of expense.

It is no argument to say that nature has placed serious obstructions in the way, which can only be overcome at heavy cost. Greater obstructions were overcome by the Suez Canal, connecting the Mediterranean with the Red Sea, and infinitely greater by the Panama Canal, which links together the Atlantic and the Pacific. The wise people of England built the Manchester Canal, at a cost of one hundred millions, to carry the sea to the wharves of that city alone. Liverpool objected more seriously to this project than any city in America is now objecting to the St. Lawrence Canal, and yet the greatest beneficiary of the Manchester Canal after its completion was the city of Liverpool, the revenues on whose commerce increased five times as much during the 13 years following the opening of that canal as they had for the same number of years before. The Kiel Canal, from the North Sea to the Baltic, was made to save about 400 miles of water distance, not to overcome a physical obstruction like that at Panama, for there has always been connection between the North Sea and the Baltic, and the Kiel Canal was merely for the purpose of saving that distance. It proved a great success financially and otherwise. The State of New York, by construction of the Erie Canal from the Great Lakes to the ocean, completed about a century ago, demonstrated in the most forceful manner the vast benefit of water transportation. The Erie Canal made New York the principal city on the continent and caused it to forge rapidly ahead of Boston and Philadelphia.

The people of America are entitled to the best possible transportation of every available kind, by highway, waterway, railway, and the air. Nothing is too good for the citizens of the freest, most enlightened, progressive, and wealthy country on earth. We lead the world in railways, both as to mileage and equipment, with every possible convenience and appliance for comfort and good service. We are well advanced in highways, though not equal in this particular to some European nations. Highway development, however, is going forward by leaps and bounds with every prospect that in our more wealthy and populous States the roads will soon be as good as any on earth. We taught the world how to fly, and great progress is being made in air navigation. We have improved many of our harbors and a few of our rivers just as effectively as any other countries, and the earth profits largely by our Panama Canal. We have received marvelous benefit from modest expenditures in deepening the harbors on the Great Lakes and the connecting channels between them.

For the country at large the average cost of transportation by rail is approximately 12$\frac{1}{10}$ mills per ton per mile. If coal is excluded, this average rises to 15 mills. The average of freight rates on the Great Lakes is 1 mill, and on the ocean it varies, according to the class of freight, from 1 to 3 mills. It would be safe to say that 2 mills per ton-mile is a fair water rate in comparison with an average rail rate of 15 mills. Let us apply these rates, by way of comparison, on shipments from Boston to Chicago and Duluth. The rail distance from Chicago to Boston is 1,034 miles and the distance by water 2,682 miles. To Duluth the relative distances are 1,518 miles by rail and 2,775 by water. The rail rate, therefore, from Boston to Chicago for a ton of freight at the present average would be $15.51 as against an estimated water rate of $5.36. The rate from Boston to Duluth would be $22.70, as compared with the water cost of $5.55. It is impossible to be exact in estimates of this kind, but these figures are substantially correct, and they certainly indicate that water rates between Boston and Lake ports are infinitely cheaper than by rail.

Present rates on a bushel of wheat carried from Chicago or Duluth to Buffalo by water amount to 2 cents or less, and on the same mileage basis, with proper allowance for delays in canals and locks, 3 to 3½ cents would be a fair rate from either of these cities to tidewater at Montreal. The lowest rates at which grain can now be carried from the West is 2 cents per bushel for 1,000 miles of transit to Buffalo and 12 cents for an average of 450 miles of railroad from Buffalo to ship side at New York or Boston, a total of 14 cents. This indicates a saving to tidewater of at least 10 cents per bushel via the St. Lawrence route; and as New York and Montreal are about equally distant from Liverpool, it would mean a saving of that amount on the through rate to that world center. The great fleet of ships on the Lakes are undoubtedly the cheapest carriers of freight on earth between ports on the Lakes; and this same cheap rate, substantially, to tidewater at Montreal or Halifax can be enjoyed by all the products of the Lake regions when the St. Lawrence route is completed. What is true of the rates on grain is also true of rates on many other products of the Great Lakes region. There is no doubt also that the St. Lawrence route will very favorably affect transportation costs between the Lakes and Atlantic coast ports, which consume a large percentage of the grain and other products of that great section. In turn, there will be a similar saving in freight in the products of the Atlantic coast shipped to the West.

It is a generally admitted principle of political economy that the price of any commodity of universal use, such as corn or wheat, is determined by the price at which the surplus of the product is sold. Liverpool is the point at which the surplus of grain of the world is disposed of. To this great city grain is shipped from the United States, Canada, Argentina, Russia, and Australia, and there, in competition with the world, the price of grain is fixed. This price, to a very great extent, gov-

cone not only as to the grain sold in the Liverpool market but in the producing countries as well. The price, therefore, to the farmers in the grain sections of our great West is the world price in the Liverpool market less the cost of transportation between the farm and England.

The American farmer receives for his entire crop of grain the Liverpool price less the freight from his farm to Liverpool. It therefore follows that if the construction of the ocean waterway from Montreal to Lake Erie reduces the freight on our grain exports to Europe 10 cents per bushel, the farmers of this country will receive for their grain, which aggregates about three and one-half billion bushels a year, an addition of 10 cents per bushel over the price of grain sold under existing freight conditions. This will mean upward of three hundred and fifty millions per year saved to American farmers on grain alone. If we estimate one-half of this amount, or 5 cents per bushel only, to be conservative, the annual freight saving on grain will be equal to one hundred and seventy-five millions. There would be a very great saving also in freights on exports of every kind, amounting in the aggregate to many millions annually, though not as much in proportion as on the grain. The West is a very large producer of manufactured commodities, such as packing-house products, autos, rails, farm machinery, and so forth, and is also extremely rich in minerals, such as iron and copper, much of which is shipped abroad. The West also consumes a large quantity of imported goods, and on these importations there would likewise be a considerable saving in freight rates.

It is my candid opinion, after careful study, that if the proposed oceanic canal is completed, so that boats having a draft of 20 to 21 feet can go to and fro between the ocean and the Great Lakes laden with the commerce of the world, the annual saving to American citizens in cheaper freights than the railroads can possibly afford to charge them would, at a very conservative figure, amount every year to more than one-half the entire cost of the proposed improvement, including the Welland Canal.

Those who fear damage to railways through the cheaper water transportation to be afforded by this project should bear in mind that rail traffic is increasing at such a rate as to cause grave fear of another railroad crisis the next time there is a revival of business. The following quotations from a recent address of Mr. Elisha Lee, vice president of the Pennsylvania Railroad, are interesting in this connection:

> Traffic on our American railroads, measured in ton-miles, doubles once in a decade. This rate of increase has been maintained for at least two generations with surprising regularity, despite the varying cycles of booms, panics, and depressions through which the country has passed meanwhile.
>
> The next time our country has a real revival of business we shall in all probability be confronted with the most severe congestion of railroad traffic and the greatest inadequacy of railroad facilities ever experienced in our history. When that happens rates will be lost sight of. Everyone will be clamoring for service. Nothing could more quickly check a wave of prosperity than the inability of our railroad facilities to handle traffic which good times will create.
>
> I am firmly convinced that we face such a condition with almost absolute certainty in the not remote future.

This statement is corroborated by a very prominent man in railroad circles, in whose judgment I have confidence; and the following figures recently reported by the Interstate Commerce Commission, showing our railroad traffic since 1890, substantiate their statements:

	Net ton-miles.
1890	76,207,047,298
1900	141,899,157,270
1910	255,016,910,451
1920	447,278,126,869

Our experience during the 1918 railroad crisis is too recent and its effects too keenly felt to allow us to be unmindful of the dreadful calamity of such a congestion of traffic as Mr. Lee predicts and the statistics from the Interstate Commerce Commission indicate.

The mass of traffic to be handled 10 years from now will be so great that every facility of transportation will be required—highways, railways, waterways, and the air. The shifting of some of the bulk products of the Lakes to the St. Lawrence route will be of immense benefit to the railroads in relieving them of expenditures and leave their present tracks available for heat and high-grade freight.

I am not one of those who believe that the farmers have been badly treated, and that other classes of our citizens have received greater favors at the hands of the Government, but in the ordinary course of affairs it seems that agriculturists have not been so fortunate as some of the others. Agriculture is the native, the basic, and the foundation of most of our national wealth.

Everything we eat and wear comes originally from the soil or the waters of the sea. The only original sources of wealth are the products of the farm, forest, mine, and sea, and the persons engaged in producing these things are the best customers of our merchants and manufacturers; hence there is the strongest community of interest between them, and there should be close cooperation. Wise statesmanship and a spirit of fairness toward all our citizens demands that everything possible be done for these people upon whom we all depend. It is undoubtedly proper to assist these large classes of our citizenship by giving cheap transportation to their principal products, thereby enhancing the price thereof, while at the same time aiding substantially the merchants, manufacturers, and all others in the Great Lakes section of 40,000,000 people.

I have spoken in general terms, and shall now specialize somewhat. The New England States, with the exception of Maine, which has a fair supply of timber, have practically no raw materials of any kind, but they are very rich in brains and energy. No section of the Union is inhabited by more industrious, frugal, hard-working, sensible men than New England. If dependent upon the resources of their own section, however, they would soon starve. They draw raw material from every part of the Union, and from every country on earth, and convert it in their innumerable factories into every imaginable article for the use and comfort of mankind. Most of these factories are operated by steam-electric power created by coal from Pennsylvania and West Virginia, the cost of which is increasing rapidly. At this moment the greatest coal strike ever known grips our country, and no one can foretell its effect upon the price and supply of this essential article. Moreover, scientists tell us that the supply of coal in the Pennsylvania and West Virginia fields, the only mines in the Union near the Atlantic seaboard, is rapidly being consumed, with the prospect that the seams which can be mined cheaply will be exhausted within two or three generations.

Cheap motive power is becoming more and more important to New England. As an illustration, cotton factories, which for a long time constituted a great percentage of their business, are rapidly being moved to the South, where raw cotton is grown in close proximity to the mills, and abundance of water power is available at much lower cost than the New Englander pays for his power generated by coal.

What happened to cotton may be expected by New England in other things unless she can find cheap motive power. The future is bound to bring greater competition in production and distribution of manufactured products. Sections which have abundant supplies of water power or coal will be able to manufacture so much cheaper than communities where motive power is very high that inevitably factories will be compelled to move where there is cheap power. As inventive genius marches onward, always requiring more work from machinery and less from man, the proportion of motive power to man power increases, and the relative importance of the cost of fuel becomes greater.

New England has been obliged to pay very high rates for coal during the past three years, and has suffered much anxiety from strikes, traffic congestion, and other untoward conditions. Surely none but the most confirmed optimist can look forward to a cheapening of coal, especially when we consider that our large population and our big exports of this commodity are rapidly diminishing the supply along the Atlantic seaboard. It is, therefore, imperative for New England to look out for other and cheaper motive power.

Water-power plants, once constructed of solid concrete, will last forever with very slight change in the supply or the price of the motive agent. Coal mines become exhausted after a few generations; the price of coal fluctuates greatly, with a constant rising tendency, and the coal miners frequently strike, with a resultant increase of price and diminution of supply.

Experts differ in opinion as to the relative costs of hydroelectric as compared with steam power, but all admit that hydroelectric is much cheaper. I visited last week a big steam electric power plant at Gorgas, in north Alabama, which is located at a coal mine, where coal delivered into the furnaces costs only $2 per ton. The managers told me that the cost of this steam electric power was much greater than that of the hydroelectric power generated by the same company, even though there was no transportation charge whatsoever on the coal. I was told by the vice president of the Alabama Power Co. that in 1907, when the hydroelectric plants of his company were first developed, the cost of horsepower to the consumer in Alabama was $72 per annum, and in 1917 only $21 per annum. In the State of Mississippi, which has no hydroelectric plants, the cost of horsepower was $96 per annum in 1907, and $86 per annum in 1917.

Professional Paper 123, "A superpower system for the region between Boston and Washington," recently published by the Geological Survey, states that the power from the St. Lawrence

can be delivered at Northampton, Mass., for 4.6 mills per kilowatt hour. When this figure is compared with the production cost of power by steam electric utility plants in New England, 27.5 mills per kilowatt hour, given in the same report, it would appear that the chief question of interest to New England in regard to the St. Lawrence project should be: What is the earliest possible date on which power from the St. Lawrence can be placed on the market in New England?

Without attempting to give the relative prices to the New England consumer of hydroelectric power generated on the St. Lawrence, as compared with steam electric power, it is safe to say that the hydroelectric power would be very much cheaper.

I do not presume to say at what price this power from the St. Lawrence should be sold, nor whether or not the price should be such an amount as would pay the interest on the cost of the entire waterway improvements and amortize the debt within a period of 30 to 40 years, as has been suggested. Those are details which can be worked out to the best interests of all, and with full justice to the consumers of the power. Our Government should raise the money for its portion of the expense of the project by an issue of bonds, so that the expense will fall upon the Nation. Whatever revenue arises from the sale of the electric horsepower can be credited on the cost of the enterprise, but I would not favor fixing the price of the power high enough to pay the interest and amortization of the debt, unless that price happens to be a fair and proper one.

I am decidedly opposed to charging tolls on this waterway, and sincerely hope that when constructed it will be open and free to all the world. The people of Canada do not charge tolls on the Welland Canal nor do those of the Empire State charge tolls on their great canal system. Our Government has never charged tolls for passage through the Sault Ste. Marie locks, the Detroit River, nor the locks of the Ohio, nor for the vast improvements made on the Mississippi, nor for the use of your own magnificent Boston Harbor, nor for the harbors at New York and other great cities. Why, then, should we charge tolls on the St. Lawrence?

It is necessary in acting upon questions of this character to take into consideration the greater good of the greater number, rather than look to selfish interests of the smaller number. I can not conceive how any part of the United States would be seriously injured by the proposed waterway. The State of New York with its great industrial canal system, on which it has expended out of its own funds about $175,000,000, seems to be more opposed to the project than any other section, but I feel that New York would get as much, if not more, benefit from it than any other State, though a portion of the grain which now seeks an outlet through New York City would find direct passage to the ocean through the St. Lawrence, and to some extent there would be a reduction of New York's grain movement. New York is now, and always will be, the metropolis of America, the center of population and of wealth, and whatever benefits in such a big, broad way the vast interior of the Nation adjacent to the Great Lakes, thereby adding enormously to the national wealth, is bound to benefit the leading city of the Nation.

Another very important consideration in connection with New York is that the 1,400,000 horsepower developed at Cornwall will be in closer proximity to the heart of the Empire State, and especially to such cities as Albany, Schenectady, Syracuse, and Rochester, than to any other big centers of population. These cities lie on the banks of the Erie Canal and are served by two great railroad systems with six parallel lines. There is no better transportation system anywhere in America than along the Erie Canal with its six railroads. This region is ideally situated to become the greatest manufacturing center in America, because of its cheap and efficient transportation for all raw materials brought to its factories and for distribution of their finished products. When to these advantages is added the cheap electricity generated by the great plant at Cornwall, the interior section of New York would have wonderful superiority over any other section. Moreover, this cheap electricity can be carried not alone to these cities but also to Buffalo and to New York City itself. Buffalo is about 250 miles distant from the plant and New York City about 300 miles, which is within feasible transmission distance.

The lower Mississippi Valley need have no fear that this canal will injure it. The same general arguments apply to that section, and surely if there be a vast increase of people, manufacture, wealth, and all that goes to make a great nation in the regions adjacent to the Great Lakes, the lower Mississippi is bound to derive great benefits therefrom.

The Mississippi River and its 16,000 miles of navigable streams will soon be connected by a 9-foot canal with the Great Lakes at Chicago. This wonderful system, when improved, as it should and must be in the near future, will permit the carriage of freight by 2,000-ton barges from the Mississippi, Ohio, and Missouri River sections to the Great Lakes, thence through the Erie Canal, and the improved St. Lawrence to the Atlantic, and vice versa, to the Gulf, thereby giving the valley an outlet to the sea at both ends.

The people of the Mississippi Valley should, and I believe will, join hands with those of our northern border in giving to that section a perfect system of improved and connected waterways, and the statesmen of that region will assist in pushing to rapid completion the projects for improving the great rivers of the valley, which have already been too long delayed.

In the immediate future the United States will derive a great deal more benefit from this project than the Dominion of Canada, but the great statesmen of that wonderful Commonwealth, foreseeing its rapid growth, seem to be willing to pay one-half of the enterprise. This indicates statesmanship of the highest order, and should be a lesson to all. The people of Canada and the United States have lived together as brethren for more than a hundred years with not a single fortress or soldier along the whole 4,000 miles of their boundary from the Atlantic to the Pacific. Canada has heavy investments in this country, and we should reciprocate by like investments in her borders. The proposed project would increase, if that be possible, the present friendship and cordiality between the two nations, and bind them in ties of mutual interest, with their people working side by side for the common good of all. Our relations should become more intimate with Canada for many business reasons. This waterway will be a strong additional link in the long chain of friendship which now unites the two nations, and which I hope and believe will last until the end of time.

In conclusion, I believe in the St. Lawrence project. It is needed as an adjunct to our transportation system. The benefits to transportation are incomparably greater than the cost of the project. The power to be developed is much cheaper than coal, and is necessary for the factories, both present and prospective, of the adjacent sections of the United States. The benefits to be derived in a general way will be very great. It is my earnest hope that negotiations may be speedily entered upon between our country and Canada for the construction of this waterway and carried to an early and successful conclusion.

ADDRESS BY SENATOR REED.

Mr. KING. Mr. President, the senior Senator from Missouri [Mr. REED] delivered in St. Louis recently an address, a copy of which I have just read from the St. Louis Post-Dispatch under date March 19, 1922. The speech deals with a subject of vital importance to the American people, namely, the fundamental principles of our Government and the steps needed to safeguard and protect the liberties of the people. In this day of false isms and false political philosophy, and when opportunism and transitory policies are urged with so much thoughtless and foolish vehemence, it is fortunate that attention is challenged to the principles which underlie this Republic and appeals are made for their maintenance in order that the work of the fathers of the Republic may not be destroyed.

I ask unanimous consent that the address of the Senator from Missouri may be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD in 8-point type as follows:

LAW AND ORDER.

When Washington raised the standard of revolt there was not in all the world a single free nation of size and importance.

Mankind suffered beneath the double yoke of intellectual and political despotism.

Ruling families, ceaselessly carrying on against each other wars of revenge, religion, territory, and trade, made common cause in the oppression of the masses of men.

Resistance to authority was denounced as defiance of God.

The impious doctrine that kings ruled by divine right was universally taught, universally accepted, and universally enforced.

It was asserted that the common man enjoyed the right to hold property and to labor with his hands as a privilege granted by the divinely appointed monarch.

The seizure of the persons, property, and effects of the subject could be accomplished without other authority than the will of the sovereign.

The citizen could be cast into prison without charge and without trial, his home invaded without warrant, his papers and effects rifled and confiscated by royal soldiery and constabulary; the women of his household were abused under sanction of law.

BARBARITIES OF EARLY DAYS.

These odious prerogatives were enforced with barbarous cruelty in various countries of the world. At one period over 120 acts were in Great Britain punishable by death. The ghastly array embraced alike armed rebellion and the killing of a rabbit on the hunting preserve of a noble, and from the practice of religion according to the tenets of the Catholic Church and to the teaching of the alphabet to a Catholic child. Even the imaginary crime of "imagining the death of the King" brought the ax of the executioner.

The ruling monarchs devised punishments of diabolic ferocity. Men and women were broken on the wheel, tortured upon the rack, hanged from gibbets, drawn and quartered, and burned alive at the stake.

Revolution alone mitigated these horrors. In England certain fundamental rights had been wrested from the King. But in England, as elsewhere, no right had ever been granted save at the point of a sword.

The American Revolution was the first complete and successful challenge to autocracy.

Because America made herself free, all the world is becoming free.

But if the fathers had only broken British thraldom the people would not have attained liberty. The Republic born of strife and blood would have ended in blood and anarchy.

The tyranny of kingly government would have been succeeded by the tyranny of the mob; the despotism of hereditary rulers by the despotism of powerful individuals.

ENFORCEMENT OF LAW.

There can be no liberty save under the rule of law. There can be no liberty under the law unless the laws are sacredly observed and faithfully enforced.

The remedy for bad laws is never to be found in their breach. There is but one way to get rid of an odious law and that is by its repeal in the manner and form provided in the Constitution. There is but one way to alter the Constitution and that is by the method in that instrument prescribed.

If this fundamental principle is abandoned in one case, it can be disregarded in all cases. In such an event the end of the rule of law has come and for it is substituted the caprice of the mob or the dictation of the powerful.

The obligation I am discussing rests alike upon the officeholder and the ordinary citizen. Indeed, violation of a law by a public official is more dangerous and culpable than violation by the ordinary citizen.

These truths were known to the framers of the Republic. They especially appreciated the tendency of those clothed with office to usurp to themselves powers not granted. They fully understood that usurpation is, in fact, despotism, whether it be exercised by a parliament or a congress, a kaiser or a gendarme, a president or a policeman.

To forefend against these age-old tendencies the Constitution was ordained. By it the powers of the Federal Government were strictly defined and expressly limited to prevent usurpation and centralization. They divided the powers of government into three separate and coordinate branches, each absolutely independent of the other, and each possessing specific powers which it was authorized and directed to exercise without interference by the other branches of the Government. The system was one of checks and balances. The fundamental and controlling thought being that the powers of government should never be concentrated in the hands of any one man, or any group of men, and that no act of government could take place save under the restraint of the other branches of the Government. Accordingly, while they provided for a President, and conferred upon him certain powers, these powers can, in fact, only be exercised with the consent of a Congress. For while the President is made Commander in Chief of the Army and Navy, there can be neither army nor navy established or maintained except by act of Congress. While the President can execute laws that are already passed his arm can be paralyzed by the refusal of Congress to appropriate money.

REPRESSIVE INTERFERENCE.

Upon the other hand, were Congress to undertake to usurp to itself powers not granted by the Constitution, the Executive could balk its designs by refusing to execute unconstitutional laws, and the judiciary, by the processes of the courts, could likewise protest against unconstitutional statutes. Besides these safeguards the powers of the legislative body were divided between two houses elected by different constituencies, the members being removable by the people at short intervals.

From what I have said it follows that usurpation by one branch of the Government of the constitutional powers of another branch is a direct defiance of the spirit of the Constitution. Likewise the supine surrender by one branch of the Government to the dictation of another branch is equally destructive and even more vicious because its accomplishment involves the basest of betrayals by those in whom has been reposed a sacred trust. If the Supreme Court were to permit either the President or the Congress to dictate the decisions of the court they would thereby betray the people and destroy the court. If the Congress or the Supreme Court were to attempt to coerce the President as to matters within the just limits of his powers they would be guilty of usurpation. Likewise, if the President were to tamely surrender to Congress the powers conferred on him by the Constitution he would have betrayed his office and violated his trust. By parity of reasoning, as well as by direct deduction, if the President were to coerce Congress he would be a usurper, and if Congress were to abandon its independent judgment and make itself subservient to the presidential will, the Congress would have abandoned the purpose of its creation, betrayed the people, and nullified the Constitution.

Whenever the American Congress ceases to independently and fairly perform the duties imposed upon it, when it becomes the subservient tool of an Executive, the liberties of the American people will be dead and the Republic will have become a despotism regardless of its name and regardless of its form.

"WORSE BECOMES DESPOTISM."

Lying, therefore, at the very foundation of our liberties is the great principle of law that each agency of the Government must separately, independently, and fearlessly exercise its function reposed in it under the Constitution. When Congress ceases to perform its duties with courage and intelligence, when it subordinates its will to that of the Executive, America will have become a despotism ruled by a single mind.

The principle of representative government will have been destroyed. Congress will have become a mere board of registers to record the sovereign will. We shall have reached the condition of Germany, where the Reichstag recorded the will of the Kaiser.

The second proposition I venture to advance is that the Constitution and all parts of the Constitution are equally sacred.

No one of its provisions can be subordinated to another provision. All are entitled to respect. The doctrine that in order to enforce one provision of the Constitution other provisions are to be trampled under foot is odius and gravely dangerous. The claim that necessity warrants the violation of any part of the Constitution, if indulged, would reduce that sacred instrument to a scrap of paper. I assert there is no principle of the Constitution which can not be enforced and every other part of the Constitution preserved intact.

The claim that certain of the provisions of the Constitution may be disregarded upon the plea of necessity is the assertion that those qualified with power may nullify the provisions of the instrument whenever in their judgment such action is desirable. This is only one way of asserting that the will of the officeholder is superior to the fundamental law of the land.

EFFECT OF DISREGARDING LAW.

The doctrine I am discussing could be employed at any moment to strike down every right granted by the Constitution. The right of trial by jury could be abrogated whenever those in authority saw fit to pretend that juries would not enforce the law. Religious freedom could be destroyed whenever fanaticism controlled the minds of those in office. Liberty of speech and of the press could be stricken down if those armed with authority saw fit to assert that freedom of speech and of the press were inimical to the State. The right of peaceable assembly could be denied upon the pretext that gatherings of the people were dangerous to the State. The sanctity of the home and of the guaranties against unreasonable searches and seizures for which the Revolutionary fathers fought could be violated at will by every officer decorated with a star and armed with a gun. In brief, we would be speedily brought to a state as bad as Russia under the Czars, France under the Bourbons, Spain under Philip II.

There is but one temple in which liberty can find security. Its pillars are the Constitution, its walls the laws enacted by the sovereign people, its guardians ministers of justice who guard the portals alike against the anarchy of the mob and the sophistry of false doctrinaires. Thus far happily we have in the main kept the faith. Occasional violations have uniformly aroused a just resentment, which has forced abandonment.

By the pursuit of these policies we have made our Nation great and have established a civilization which has commanded the admiration of the world.

GREAT POLICIES OF STATE.

Along with a respect for law, our Nation has from the first adhered to certain great policies of state. Among these has been the principle that America shall not embark in schemes of empires; that she shall pursue her own high course, without infringement upon the rights of other peoples.

It has been laid up among the very fundamentals that we shall not entangle ourselves in the broils, controversies, and intrigues of the Old World. The pursuit of this course has gained for us the good will, the respect, and even the affection of all mankind. Washington, Jefferson, and all the fathers knew that we could not interfere with the affairs of other nations without subjecting ourselves to danger of interference by other nations with our affairs.

Under these policies America has prospered beyond any other nation whose story is recorded in history. Within less than a century and a half of time we have developed from one of the weakest to the most powerful Nation on earth, from the poorest to the richest. We have amalgamated the many bloods of many races of men and are producing a typical American, and developing a marvelous civilization. In the political firmament we have been the pillar of cloud by day and the pillar of fire by night, guiding and encouraging by our example all the nations of the earth. Because of America's example, fetters have been broken from the arms of millions of serfs and slaves, liberty has become a sacred word upon the lips of all the living; dynasties have fallen, tyrants have been hurled from their thrones, and prison gates have been opened. The great white light of American liberty has illuminated the night of ignorance and fear through which, for centuries, the innumerable masses of men groped in hopeless despair. Let us keep the faith. Let us steer by the stars which have hitherto guided us over safe seas.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. I move that the Senate adjourn until Monday at 12 o'clock.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, April 10, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 7 (legislative day of April 5), 1922.

POSTMASTERS.

ALABAMA.

Herbert C. Collins to be postmaster at Geneva, Ala., in place of W. K. Kenan. Incumbent's commission expired January 24, 1922.

ARKANSAS.

Rosse G. Roberts to be postmaster at Fulton, Ark. Office became presidential July 1, 1920.

Carl G. Nielsen to be postmaster at Dermott, Ark., in place of J. E. Leeper, deceased.

FLORIDA.

George W. Gleason to be postmaster at Ean Gallie, Fla., in place of W. R. Roesch. Incumbent's commission expired January 31, 1922.

Hattie M. Flagg to be postmaster at Lake Wales, Fla., in place of L. B. Riles, removed.

GEORGIA.

Daniel F. Davenport to be postmaster at Americus, Ga., in place of D. F. Davenport. Incumbent's commission expired February 5, 1922.

IOWA.

John L. Gallagher to be postmaster at Eddyville, Iowa, in place of Frank Kussant. Incumbent's commission expired January 24, 1922.

Frederick W. Steele to be postmaster at Walker, Iowa, in place of L. L. Hamblin. Incumbent's commission expired January 24, 1922.

KANSAS.

Charles N. Shafer to be postmaster at Fredonia, Kans., in place of E. F. Hudson. Incumbent's commission expired February 4, 1922.

KENTUCKY.

James H. Thompson to be postmaster at Ewing, Ky. Office became presidential October 1, 1920.

Edgar P. Catron to be postmaster at Junction City, Ky. Office became presidential July 1, 1920.

MAINE.

Osmond S. Waite to be postmaster at North Jay, Me. Office became presidential October 1, 1921.

MICHIGAN.

Earl E. Parker to be postmaster at Cement City, Mich. Office became presidential April 1, 1921.

Elfreda L. Mulligan to be postmaster at Grand Marais, Mich., Office became presidential January 1, 1922.

MONTANA.

Lizzie Gorsuch to be postmaster at Winnett, Mont., in place of Lizzie Gorsuch. Incumbent's commission expired February 8, 1922.

NEVADA.

Anna S. Michal to be postmaster at Round Mountain, Nev., in place of George Foley. Incumbent's commission expired February 4, 1922.

Emanuel Bollschweiler to be postmaster at Wells, Nev., in place of P. S. Triplett, deceased.

NEW JERSEY.

Walter Frederick to be postmaster at Delawanna, N. J. Office became presidential January 1, 1920.

NEW YORK.

Lloyd E. Jones to be postmaster at Richville, N. Y. Office became presidential April 1, 1921.

C. Homer Hook to be postmaster at Greenville, N. Y., in place of N. W. Avery. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

William B. White to be postmaster at Norlina, N. C. Office became presidential October 1, 1920.

James S. Rogers to be postmaster at Oxford, N. C., in place of B. K. Lassiter. Incumbent's commission expired March 16, 1921.

OKLAHOMA.

Albert E. Hawkins to be postmaster at Canute, Okla. Office became presidential July 1, 1921.

Ethel Senft to be postmaster at Quay, Okla. Office became presidential July 1, 1918.

Gavin D. Duncan to be postmaster at Boswell, Okla., in place of J. N. Hopkins. Incumbent's commission expired February 4, 1922.

Orlo H. Wills to be postmaster at Delaware, Okla., in place of Blanche Holcomb. Incumbent's commission expired February 4, 1922.

Ida White to be postmaster at Konawa, Okla., in place of J. P. Ford. Incumbent's commission expired March 21, 1922.

Grace M. Johnson to be postmaster at Mulhall, Okla., in place of J. S. Thompson. Incumbent's commission expired February 4, 1922.

Merrill M. Barbee to be postmaster at Spiro, Okla., in place of J. D. Ward, declined.

Eve A. Loyd to be postmaster at Stigler, Okla., in place of J. T. Holley. Incumbent's commission expired March 27, 1922.

Albert Ross to be postmaster at Thomas, Okla., in place of W. E. Hunt. Incumbent's commission expired February 4, 1922.

Harvey G. Brandenburg to be postmaster at Yale, Okla., in place of B. I. Schiefelbusch. Incumbent's commission expired August 26, 1920.

PENNSYLVANIA.

Albert S. Leiby to be postmaster at Bath, Pa., in place of F. P. Laub. Incumbent's commission expired March 21, 1922.

James W. Hatch to be postmaster at North Girard, Pa., in place of J. W. Hatch. Incumbent's commission expired February 5, 1922.

Ruth Roberts to be postmaster at Vintondale, Pa., in place of J. H. Krumbine. Incumbent's commission expired February 5, 1922.

SOUTH CAROLINA.

John E. Folger to be postmaster at Easley, S. C., in place of A. G. King. Incumbent's commission expired October 3, 1921.

TEXAS.

James R. Corbin to be postmaster at Blooming Grove, Tex., in place of S. A. Roberts. Incumbent's commission expired July 21, 1921

Robert S. Brennand to be postmaster at Colorado, Tex., in place of J. W. Person, resigned.

Minnie S. Parish to be postmaster at Huntsville, Tex., in place of W. E. McKay. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Andrew Bock to be postmaster at Stockholm, Wis. Office became presidential January 1, 1921.

Eugene F. Stoddard to be postmaster at Downing, Wis., in place of J. E. Dennis. Incumbent's commission expired March 16, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 7 (legislative day of April 5), 1922.

UNITED STATES ATTORNEY.

George Springmeyer to be United States attorney, district of Nevada.

UNITED STATES MARSHAL.

Albert C. Sitter to be United States marshal, southern district of California.

SURVEYOR GENERAL OF NEW MEXICO.

Manual A. Sanchez to be surveyor general of New Mexico.

POSTMASTERS.

ALABAMA.

Kate B. Quillin, Clayton.
Exa B. Carroll, Slocomb.

CALIFORNIA.

Camp W. Wilson, Burnett.
Elmer S. Slade, Calipatria.
Joseph C. Dutra, Chula Vista.
Bertha Johnson, Cutler.
Charles W. Jessup, Gardena.
John K. Harries, Imola.
Gus H. Winchler, King City.
John L. Pope, Lower Lake.
Lewis E. Baker, Paradise.
Harry B. Westgate, Pomona.
John H. May, Seal Beach.
Roy Bucknell, Upper Lake.
Fred C. Alexander, Yosemite National Park (late Yosemite).

COLORADO.

Byron T. Shelton, Hayden.
William A. Bighott, Kit Carson.
William W. Hofer, Simla.

CONNECTICUT.

Oliver F. Toop, South Manchester.
William P. Gourlie, Thompsonville.

FLORIDA.

Algernon Keathley, Brooksville.

GEORGIA.

William E. Fitts, Rocky Ford.
Edgar H. Lawson, Sandersville.

IDAHO.

Joseph Morley, Idaho Falls.

ILLINOIS.

William L. Hanman, Iuka.
H. L. Haynes, Ramsey.

INDIANA.

Laura B. Kantz, Bristol.
Sylvester C. Boyers, Freedom.
Flo Wilson, Universal.
Leslie L. Konkle, Vermillion.

IOWA.

Frank Popper, jr., Clutier.
Glen M. Reynolds, Irwin.
Harold A. Marmon, Mitchellville.

KANSAS.

Laura Keeler, Edna.
Elva M. Woodward, Haviland.
Emma V. Coerber, Lakin.
Floyd B. Martin, Lane.
George W. Butler, Mariand.
Henry Washburn, Mulberry.
Minnie C. True, Pittsburg.
William F. Greer, St. Francis.

KENTUCKY.

Sue C. Beardsley, Harrodsburg.
William J. Manby, La Grange.
Robert H. Ledford, Paint Lick.
David B. Ramey, Praise.
Lillian C. Duty, Winchester.

MICHIGAN.

James R. Dean, Boyne City.
Harvey Tewksbury, Kingston.
Fred J. Smith, Pickford.
Charles P. Neumann, Rochester.

MISSISSIPPI.

Samuel W. Pendarvis, Magnolia.
Thomas E. Walton, Natchez.

NEVADA.

Erwin E. Frost, Golconda.

NEW JERSEY.

Harry T. Hagaman, Lakewood.
George E. Opdyke, Landing.
Edith Vaughn, Smithville.

NEW MEXICO.

Luciano R. Baca, Las Vegas.
Callie L. Beagle, Magdalena.

NEW YORK.

Stella Hackett, Central Park.
William V. Fitzpatrick, Cleveland.
Edward H. Maloney, Dansville.
Leonard C. Palmer, Elizabethtown.
Clarence J. Weyant, Fort Montgomery.
Augustus W. Stevens, Great Neck.
Ernest B. Dye, Hinckley.
George S. Peterson, La Salle.
Herman C. Stevens, Locke.
George M. Grant, Parksville.
James R. Rodman, Port Ewen.

NORTH CAROLINA.

Annie L. Fisher, Battleboro.
John L. Womble, Moncure.
Festus E. Sigman, Thomasville.

OHIO.

James K. Fulks, Ada.
John W. Swing, Bethel.
John R. Miller, Franklin.
Peter Weishaupt, Lynchburg.
Harold J. Taylor, Marengo.
Ethel Shoemaker, Mount Blanchard.
Reed Wilson, Pleasant City.
Reno H. Critchfield, Shreve.
Jesse A. Hayes, Stockport.
George W. Smith, Wheelersburg.

PENNSYLVANIA.

John R. Diemer, Catawissa.
Laura A. Heffner, Centralia.

SOUTH DAKOTA.

Paul W. Lambert, Fairfax.

UTAH.

Archibald Stuart, Bingham Canyon.

VIRGINIA.

Olive E. Sargent, Riverton.

WISCOSIN.

George E. Grob, Auburndale.
Birt E. Fredrick, Augusta.
Edward Hemphill, Belmont.
Elmer Carlson, Brantwood.
Jacob Johnson, Curtiss.
Orrin W. Groot, Elmwood.
Andrew J. Bosch, Gratiot.
Albert F. Hahn, Humbird.
Carrie B. Carter, Lyndon Station.
Henry W. Graser, Menomonee Falls.
Lawrence G. Clark, Middleton.
Blanche Delany, Sinsinawa.
John H. Zahrte, Sparta.
Ernest L. Messer, Unity.
William Abendschein, White Lake.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 7, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, for the birth of every day we bless Thee; for every hope that makes us happy we give Thee thanks. Truly in Thee we find our rest and our full security. Thy providence is a daily miracle, so sure, so rich, so inexhaustible. O may it never be overlooked or undervalued. Fill our lives with vast and mighty meaning, and give them the vision of the unattained and a pulsing passion to realize it. May the law of truth be native to the very depths of our being. Keep in our minds this day the counsels of the Lord. Let the sweetness of Thy love, the sense of Thy providence, and the joy of Thy presence be in all our homes. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

RETURN OF A BILL (S. 2992).

The SPEAKER. The Chair presents the following message from the Senate.

The Clerk read as follows:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following title, in which the concurrence of the House of Representatives was requested:

* * * * * * *

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor.

The SPEAKER. Without objection, the Committee on Military Affairs will be discharged and the bill be returned to the Senate.

There was no objection.

NO QUORUM—CALL OF THE HOUSE.

Mr. LONGWORTH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Wyoming moves a call of the House. The question is on agreeing to that motion.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Focht	Langley	Robsion
Anderson	Fuller	Lee, N. Y.	Rosenbloom
Ansorge	Funk	Lubring	Rouse
Anthony	Gallivan	McDuffie	Ryan
Bacharach	Goldsborough	Mansfield	Sabath
Bell	Gorman	Michaelson	Sanders, Ind.
Bixler	Gould	Montague	Sanders, N. Y.
Bond	Graham, Pa.	Moore, Ill.	Schall
Bowers	Greene, Mass.	Morin	Siegel
Brisson	Griffin	Mott	Siemp
Burke	Hammer	Mudd	Smithwick
Burtness	Hardy, Tex.	Nelson, Me.	Snyder
Cannon	Hawes	Newton, Minn.	Speaks
Cantrill	Herrick	Newton, Mo.	Sproul
Carter	Hersey	Nolan	Steenerson
Chindblom	Hicks	Norton	Stiness
Christopherson	Hogan	O'Brien	Strong, Pa.
Clark, Fla.	Hutchinson	Ogden	Sullivan
Clarke, N. Y.	Ireland	Paige	Summers, Wash.
Codd	Jefferis, Nebr.	Patterson, Mo.	Tague
Collins	Johnson, Miss.	Perlman	Taylor, Colo.
Connolly, Pa.	Johnson, S. D.	Petersen	Ten Eyck
Copley	Kahn	Porter	Upshaw
Coughlin	Kennedy	Pringey	Vare
Davis, Minn.	Ketcham	Rainey, Ala.	Volk
Davis, Tenn.	Kiess	Rainey, Ill.	Webster
Drewry	Kindred	Ransley	White, Me.
Dyer	Kitchin	Reavis	Wilson
Echols	Kleczka	Reber	Wingo
Fields	Knight	Riddick	Winslow
Fish	Kunz	Riordan	Yates
Fisher	Lampert	Robertson	

The SPEAKER. Three hundred and three Members have answered to their names. A quorum is present.

Mr. LUCE. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Massachusetts moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CONTESTED-ELECTION CASE OF CAMPBELL V. DOUGHTON.

Mr. LUCE. Mr. Speaker, I present a privileged report from the Committee on Elections No. 2.

The SPEAKER. The gentleman from Massachusetts presents a privileged report from the Committee on Elections No. 2, which the Clerk will report.

The Clerk read as follows:

Mr. LUCE, from the Committee on Elections No. 2, submits the following report on the contested-election case of James I. Campbell v. Robert L. Doughton, from the eighth congressional district of the State of North Carolina.

The SPEAKER. Referred to the House Calendar.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the State and Justice Departments. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa [Mr. DOWELL] will resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent for permission to return to the first paragraph at the top of page 12 for the purpose of permitting the gentleman from Indiana [Mr. MOORES] to offer an amendment to the paragraph in which the Committee on Foreign Affairs is interested.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to the first paragraph at the top of page 12 for the reason stated. Is there objection?

Mr. LINTHICUM. I object.

The CHAIRMAN. The gentleman from Maryland objects. The Clerk will read.

The Clerk read as follows:

For printing and binding for the Pan American Union, $29,000.

Mr. HUSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. HUSTED. At the end of line 4 insert the following:

The Public Printer is authorized to print an edition of the monthly bulletin not to exceed 6,000 copies per month for distribution by the union during the fiscal year ending June 30, 1923.

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: On page 17, line 4, insert after the word "Union" "and that the Public Printer is authorized to print an edition of the monthly bulletin not to exceed 6,000 copies per month for distribution by the union during the fiscal year ending June 30, 1923."

Mr. BLANTON. Mr. Chairman, I make the point of order that this amendment is legislation unauthorized on an appropriation bill; and I call to the attention of the Chair that lines 4 and 5 went out on a point of order yesterday, and were not placed back, and were not included in the amendment that was finally adopted by the committee.

The CHAIRMAN. The gentleman is in error. Lines 4 and 5 did not go out on a point of order.

Mr. BLANTON. I made a point of order against them yesterday.

Mr. HUSTED. Mr. Chairman, the gentleman made the point of order against the preceding paragraph.

The CHAIRMAN. That is correct.

Mr. HUSTED. It is obvious that the gentleman could not make a point of order against two paragraphs at once.

Mr. BLANTON. Lines 4 and 5 were not read since the Chair ruled.

The CHAIRMAN. The Chair is informed by the Clerk that they were read.

Mr. BLANTON. I make the point of order anyway that the proviso in the amendment is, as I said, legislation and subject to a point of order.

Mr. HUSTED. Mr. Chairman, lines 4 and 5, for printing and binding for the Pan American Union, $20,000, might have been subject to a point of order, but no point of order was made against them and the paragraph remains in the bill. As that paragraph remains in the bill it is subject to germane amendments, and the amendment which I offer is certainly germane to this paragraph. It simply provides that out of this sum of $20,000 a certain number of copies of a certain bulletin may be printed for the use of the union.

Mr. JOHNSON of Kentucky. Mr. Chairman, yesterday afternoon I was making some remarks relative to the whole item, and I was laboring under the impression that a point of order had been made against the entire paragraph, and then that it had been withdrawn, but that in some way the point of order had been renewed. I was about to go further into the discussion of the point of order, and I understood clearly, as I supposed, that the gentleman from New York [Mr. HUSTED] assured me that the point of order had been conceded relative to everything except the $100,000 appropriation; that in addition to that the item had been passed by, and it can not now be returned to except by unanimous consent.

Mr. HUSTED. Mr. Chairman, a point of order was made against the preceding paragraph. That paragraph contained the proviso which I have now offered as an amendment to the succeeding paragraph. I did frankly admit that the point of order was good against that proviso, and the whole paragraph was stricken out. I then offered as an amendment the entire paragraph minus that proviso, and I stated to the gentleman that my amendment did not contain the proviso authorizing the printing of 6,000 copies of the bulletin. That is absolutely correct, but after that the next succeeding paragraph was passed and no point of order was made against it. I am now offering the proviso formerly carried in the preceding paragraph, offering it as an amendment to this paragraph which has been passed without objection——

Mr. BLANTON. Will the Chair hear me just a moment?

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BLANTON. I want the Chair to note that this paragraph under discussion has not been read by the Clerk at all. If the Chair will look at the RECORD on page 5135 the Chair will note that the paragraph which was under discussion was the preceding paragraph and not the one sought to be amended at all, and the Chair will note that on page 5137 the Chair overruled my point of order to the preceding paragraph and then permitted the amendment of the gentleman from New York [Mr. HUSTED] to be passed upon by the committee. This last paragraph was never read in the committee. It was never passed upon at all. The RECORD shows that after the Chair ruled on the point of order as to the preceding paragraph the gentleman from New York [Mr. HUSTED] immediately moved that the committee rise. That is the record here on page 5137.

Mr. STAFFORD. Will the Chair hear me as to the legislative situation?

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. The gentleman from Texas [Mr. BLANTON] will admit that he was not present yesterday when the point of order was raised by the gentleman from Maryland [Mr. LINTHICUM].

Mr. BLANTON. But I was here when I raised the point of order to the gentleman's amendment, which was just before the gentleman from Maryland made the point of no quorum.

Mr. STAFFORD. Yes, the gentleman was here; and then he left the Chamber. I think there will be no dispute about that. Now, what are the facts? When the point of order was overruled, then the reading clerk, Mr. Chaffee, proceeded to read lines 4 and 5, when the gentleman from Maryland [Mr. LINTHICUM] made the point of order that there was no quorum present, and then the gentleman having charge of the bill [Mr. HUSTED] moved that the committee rise. Lines 4 and 5 were read yesterday by the reading clerk.

Mr. BLANTON. If the Chair will permit me, I will call the attention of the Chair to what happened.

The CHAIRMAN. The Chair is ready to rule.

SEVERAL MEMBERS. Rule!

Mr. BLANTON. I am sure the Chair wants to rule correctly. I call the attention of the Chair to page 5137 of the RECORD, second column, to show what happened after the Chair overruled my point of order against the preceding paragraph:

The CHAIRMAN. The Chair is ready to rule. Under the act of July 14, 1890, the Congress organized and established, under the direction of the Secretary of State, the International Union of American Republics. It is true that that legislation was on an appropriation bill, but no objection was made and it became and was permanent law. There has been no change or modification, so far as the Chair is able to learn, of this organization and the establishment of this union except as to the name. The agreement referred to by the gentleman from Texas between the members of the union is as follows:

"Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance. The Pan American Union shall continue for successive terms of 10 years, unless 12 months before the expiration of such term a majority of the members of the union shall express the wish to the Secretary of State of the United States of America to withdraw therefrom on the expiration of the term."

The Chair thinks that this agreement has not expired and that the notice was not served which would in any manner terminate our relations with the Pan American Union. The Chair therefore overrules the point of order. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

And if what the gentleman from Wisconsin [Mr. STAFFORD] says is correct, the RECORD should be corrected.

Mr. STAFFORD. The RECORD never contains every paragraph that is read by the reading clerk.

Mr. MANN. The RECORD never shows what portions of a bill are read unless a point of order is made against a paragraph or an amendment is offered to it. The RECORD never shows what the Clerk reads when the Chair says, "The Clerk will proceed with the reading of the bill." The gentleman from Texas has not observed that, although he has observed nearly everything else in the House. The RECORD would not show it, and it would not be proper that it should show everything read by the Clerk.

The CHAIRMAN. The question is on the point of order raised by the gentleman from Texas [Mr. BLANTON]. Lines 4 and 5 were read on yesterday, and the point of order was not made to the two lines of this paragraph. The amendment submitted by the gentleman from New York, the Chair thinks, is germane to the paragraph, and the point of order is overruled. The question is on the amendment offered by the gentleman from New York.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. In justice to myself, I trust the House will bear with me a few moments. I understand it is being stated in the House and also in the Senate that the Florida delegation is opposed to an extra judge. The facts in the case do not bear this out. I succeeded in having a special bill, say colleagues from Florida materially assisting, reported out of the Judiciary Committee, this bill having passed the Senate. But we could not reach it because, as you know, the bill was on the Unanimous Consent Calendar, and the objection of any one Member to the present consideration of that bill would prevent it. The Senate has twice passed the bill giving the southern district of Florida a special judge, but neither of them were considered in the House, as neither of them were reached on the calendar. Yesterday by a tie vote the Senate refused to incorporate into the bill the judgeship for Florida, although the House had overwhelmingly provided for a judge for the southern district. I trust when the Senate finally votes on the bill it will provide for an extra judge for the southern district of Florida. I simply desire at this time, to show the committee my attitude and that the report is not correct, to read to you from the hearings on H. R. 8875, serial 19, November 7, 1921, and I trust the Members of the House will read all of the hearings. I read a part of same, as follows:

I said before the subcommittee and I want to say before this committee that when this bill comes up, after I have studied it, as I try to study all bills, if I believe that Massachusetts is entitled to one judge and Missouri is entitled to two and Illinois is entitled to one—or whatever the number is—and Minnesota is entitled to one, and Oklahoma and the Lone Star State, the great State of Texas, is entitled to what she has asked for, I shall support the bill. I have urged before this whole committee—and my colleague and other members of the committee who were on the committee at that time will bear me out in the assertion—that Florida was entitled to an additional judge and that that was the only way to give us relief. I said that during the Democratic administration; I stated that when the Republicans were in control of the House and Senate two years ago, but when we had a Democratic President. And I say to this committee to-day, as I said to the subcommittee—though some may disagree with me—that, partisan Democrat that I am, differing with the majority of this committee upon great fundamental questions of policy, when the rights and liberties of

my people are at stake, small, indeed, would be the man who would oppose a meritorious bill because a Republican President was now in office and would appoint a Republican judge.

Those were my sentiments. I advocated the bill when a Democratic President would have appointed a Democratic judge if the bill had become a law, and I advocate the passage of the bill now that a Republican is in, because I believe that if he appoints a judge he will be an intellectual judge and above party politics. The southern district of Florida is growing by leaps and bounds and is not only entitled to an extra judge, but must have one. When I became a Member of Congress in the Sixty-fourth session——

Mr. LINTHICUM. Mr. Chairman, I think the gentleman is out of order in not speaking to the bill.

Mr. SEARS. Mr. Chairman, I have never spoken out of order when any Member of the House objected, and if the gentleman insists I will stop.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. HUDSPETH. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read the amendment, as follows:

Amendment offered by Mr. HUSTED: Page 17, line 4, after the word "union," insert: "and that the Public Printer is authorized to print an edition of the monthly bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1923.

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the calendar year 1923 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague, July 28, 1899, for the pacific settlement of international disputes, $2,000.

Mr. MANN. Mr. Chairman, I move to amend in line 9 by striking out the figures "1923" and inserting "1921."

The Clerk read as follows:

Amendment by Mr. MANN: In line 9, strike out the figures "1923" and insert the figures "1921."

Mr. MANN. Mr. Chairman, it would naturally be supposed that this being an appropriation bill for the fiscal year 1923 it appropriates for the amount due for the year 1923, but from the beginning the appropriation act of one year for the next fiscal year has, as to this item, appropriated for the past fiscal year. That has been the case all the time.

Mr. HUSTED. As usual, the gentleman from Illinois is correct.

Mr. CONNALLY of Texas. Mr. Chairman, I rise in opposition to the amendment. I would like to ask the gentleman from New York were these sums expended under a similar appropriation for the last year?

Mr. HUSTED. Yes. This is for the maintenance of the international bureau.

Mr. CONNALLY of Texas. I understand what the object is. I would like to have the attention of the gentleman from Ohio [Mr. BURTON]. I would like to ask the gentleman from Ohio just how the activities of this international bureau or permanent court of arbitration are now conducted?

Mr. BURTON. I am frank to say that in recent years I have not been at all familiar with the activities of this bureau.

Mr. CONNALLY of Texas. I would like to ask whether the gentleman is advised how they have been modified or neutralized by the activities of the permanent international court recently organized under the auspices of the League of Nations, of which John Bassett Moore is a judge. Is it not a fact that those activities have been superseded by the international court?

Mr. HUSTED. Not so far as the United States is concerned.

Mr. CONNALLY of Texas. Not so far as the appropriation is concerned.

Mr. HUSTED. Not so far as the United States is concerned. We have a very important case that is about to be submitted to The Hague tribunal. It has not been submitted to the court, but it has been submitted to the bureau and will shortly be submitted to the court. Those are the claims of Norway against us for seizing Norwegian vessels during the war.

Mr. CONNALLY of Texas. I was wondering whether the bureau was functioning at this time.

Mr. HUSTED. Oh, yes; we have a case pending in the bureau which will soon be in the court.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word merely for the purpose of calling the attention of the gentleman from Illinois [Mr. MANN], who seems to be under the impression that when the Chair rules on a proposition or says that the Clerk will read the RECORD does not show it, to the fact that the following occurred yesterday, and that the Chairman said "the Clerk will read." I read now from page 5135 of the RECORD of yesterday:

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For printing and binding for the Pan American Union, $20,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the whole paragraph—

And so forth.

Mr. MANN. Certainly. When a point of order is made the RECORD shows the reading, but when no point of order is made and when no amendment is offered the RECORD does not show what the Clerk reads.

Mr. BLANTON. Well, take the preceding paragraph—

International Prison Commission.

In respect to that paragraph the following occurred:

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Then follows the paragraph from the bill relating to the International Prison Commission. No point of order was made against that.

Mr. MANN. But there was a discussion in respect to it, and the RECORD shows it. I made a motion to strike out the last word. I am correct about the matter. The gentleman will learn it after awhile.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION.

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration at Brussels, Belgium, $2,000.

Mr. BURTON. Mr. Chairman, I move to amend, in line 2, on page 18, by striking out the figures "$2,000" and inserting in lieu thereof the figures "$4,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Page 18, line 2, strike out the figures "$2,000" and insert in lieu thereof the figures "$4,000."

Mr. BURTON. Mr. Chairman, I would state first in support of this amendment that the Committee on Foreign Affairs gave exhaustive consideration to the amounts to be appropriated for these respective international bureaus, and have reported a bill, H. R. 10213, under which this amount is made $4,000. The Interparliamentary Union is of increasing importance. There is a reliance on the United States for leadership in it, and it enables us to maintain a close touch with foreign countries. Some 25 Governments are members of this union. It includes representatives from various legislative bodies all over the world, and is of especial importance in the promotion of good will.

Mr. HUSTED. Mr. Chairman, so far as I am concerned, I have no objection to the amendment, but I would like to know why it is necessary to increase the amount from $2,000 to $4,000.

Mr. BURTON. In a general way the increase is because of the larger cost of all services and facilities, also because of some proposed extentions of the activities of the bureau, such as the appointment of an assistant, and, again, the location has been changed and the rent is somewhat higher. Still further, some of the nations that have contributed and contributed regularly we must frankly say are unable to do so. The States of Norway, of Denmark, and of Sweden, also Holland, have made annual contributions of approximately $2,000 each, much more than their share. That contribution can hardly be relied upon as permanent. The union has had a system for levying assessments which, as they say, is empirical, and they have reached a decision that it is best to make an assessment according to well-established principles, observing, first, population. Some consideration is given to rates of exchange in countries in which currencies are at a discount. The Scandinavian States and Holland and Belgium, which have always shown an unusual interest in this organization, have subscribed rather more than their share, and it would seem that on the basis of population alone $4,000 is not an unduly large amount for the United States.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. EVANS. Is the amount suggested, $4,000, fixed on population solely?

Mr. BURTON. Not solely, but I may say for the most part it is.

Mr. EVANS. Are the other nations contributing by an increase of 100 per cent?

Mr. BURTON. Not all, but those who are able are doing so, or at least are expected to do so.

Mr. EVANS. Will the gentleman please give to the committee the names of those countries that are able to do so?

Mr. BURTON. There are some 25 members. The contribution of Great Britain is £450. In addition to that there is a subscription by the members of the union who are members of the English Parliament of £200. Germany is let off rather lightly, and it is proposed that she pay a comparatively small amount because of the great depreciation in her currency. Canada is expected to pay $600, which is quite large for them as compared with the $4,000 here. Australia is asked to pay £80; Belgium, 4,500 francs, which would be somewhat in excess of her quota; Denmark, 2,000 crowns, or about $400, about one-tenth of what we pay; and Spain, 6,000 pesetas. I think it hardly necessary to give the whole list, but may say that the assessment of Japan is a little less than $2,000. Barring the fact that some of the countries are depressed financially and are not able to pay, our quota is not in excess of what would be our share according to population or any other test.

Mr. EVANS. Will the gentleman from Ohio also inform the committee as to the particular money in which the quota is originally levied? That is, is it levied in terms of francs, dollars, pounds, or what?

Mr. BURTON. Swiss francs, which have a gold value of 18¾ cents and command, I believe, a slight premium in New York.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. HUSTED. Has the figure the gentleman proposes, $4,000, been fixed as our quota by the governing board of the union?

Mr. BURTON. It has.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. MANN. Not being very much of a "diner," I have never joined the interparliamentary group of the House of Representatives. I know a number of very distinguished gentlemen who are members of it, but what does this thing do except collect money?

Mr. BURTON. They hold annual meetings. The last meeting was held last August in Stockholm.

Mr. MANN. That is an occasion for a very pleasant pleasure trip, not of course at public expense.

Mr. BURTON. Oh, no.

Mr. MANN. For those who are willing to go. They are well entertained while over there, pleasantly received, but do they do anything?

Mr. BURTON. They do, decidedly.

Mr. MANN. What do they do? Tell us about it.

Mr. BURTON. To begin at the beginning, in the year 1904 the union met in the United States.

An appropriation of $50,000 was made for the union by Congress that year. The union passed a resolution requesting President Roosevelt to invite the other nations to convene for the second time The Hague conference. The members called in a body on the President at the White House. The second Hague conference, which met at The Hague in 1907, was due to that meeting.

One great general benefit is the meeting together for a common purpose and for a discussion of international questions by members of legislative bodies from the whole world. They all go home with new ideas. I have met in the gatherings of this union members from Japan, members from Russia, and even from Turkey. On a very dramatic occasion in London, members of the Russian Douma, after meeting with the organization, marched out because the Czar had issued an ukase dissolving the Douma. The members of the union have labored very constantly and with success for the codification of the principles of international law. They have proposed new principles of international law. They have considered numerous questions which pertain to international relations.

I call the gentleman's attention to another interesting occasion in Geneva in 1912, where the subject of the use of aircraft in warfare was under discussion. It is very interesting in view of what has occurred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman from Ohio have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON. In this conference the French advocated the unlimited use of aircraft; the English opposed it; the Germans remained quiet, awaiting developments. No conclusion was reached. That question was referred to a later conference. The general sentiment, however, was very strongly against the use of aircraft for other than scouting purposes.

In regard to labor, that is one of the subjects now under consideration—part of the agenda for the next meeting. I think I may say safely to my colleagues that the deliberations of the union on that subject can not be otherwise than helpful to the United States, because our standards for the workingmen are so much higher than those of other countries, and a comparison of views, a recommendation of regulations of labor as to hours and other conditions, will tend to diminish the very wide gap between labor conditions in the United States and in other countries.

And again, the passport regulations are a subject also under consideration. But I may state that the great benefit is the bringing together of men who are members of different legislative bodies in different parts of the world, rubbing off the rough edges, realizing we all have a common interest, recognizing that cooperation is what is necessary for progress in international affairs. The discussions have been very illuminating, and I can most confidently say that they have not been merely deliberations, but, as in the case of the calling of the second Hague conference, they have been very helpful.

Mr. WALSH. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. WALSH. Did the union at its last meeting pass some resolutions recommending the entrance of the United States into the League of Nations?

Mr. BURTON. No; they did not. There was a large, perhaps a predominant opinion, among the members of the union outside of the United States, that a recommendation of the league should be passed. I do not know that any proposed resolution contemplated our entrance into the league, but that organization was commended most highly by some of the members, and there were intimations that we should join. But the union absolutely followed the delegates from the United States in their action—Senator McKINLEY, of Illinois; Senator WALSH, of Montana; Senator ROBINSON, of Arkansas; and from this House, Messrs. BROOKS of Illinois, BARTHE, BARKLEY, and Governor MONTAGUE, and I think, perhaps, one or two other Members of the House. The notable feature of the last gathering at Stockholm was that they consulted the delegation from the United States, although ours was not one of the largest, and accepted their judgment and leadership in practically everything.

Mr. MANN. Mr. Chairman, far be it from me to say anything against the Interparliamentary Union. The American group is now headed, I believe, by Mr. McKINLEY, now a Member of the Senate, and one of my best friends for many years. I am perfectly willing for a few gentlemen from the House to trot off to Europe on a pleasure trip and consult with people, whose language they can not talk, on various subjects, and I am glad the gentleman from Ohio [Mr. BURTON] has made the statement he has. This is the first time I ever have heard, I think, a single reference on the floor of this House, during all the years the Interparliamentary Union has been in existence, to anything that they have done. I think there has never been a proposition presented in the House for action by the House in conformity with any suggestion made by the Interparliamentary Union, which originally was organized to do two things—one to maintain peace in the world, and the other to reduce armies and navies. Armies and navies grew by leaps and bounds, and, in spite of the Interparliamentary Union, the greatest war we ever had followed along, with the members just as bitter against each other as anybody else was. But I am perfectly willing; while I do not think it will accomplish any great thing, and while I can not see yet what they do between times, somebody is drawing a little money; probably they need it——

Mr. BURTON. If the gentleman will yield, he must not blame us for our modesty in not having exploited before the House what we have done.

Mr. MANN. If you had done anything, I think it would have been exploited. [Laughter.]

Mr. WHITE of Kansas. Mr. Chairman, I am frank to say that the glowing tribute paid to the purposes of the Interparliamentary Union by the eloquent gentleman from Ohio [Mr. BURTON] has kindled within my own mind an admiration for its purposes that I had not heretofore suspected. In reading the paragraph I got the idea that it was very much a duplication of the purposes of The Hague tribunal. I find that I had misapprehended its purposes. But it may hardly seem polite—and I would not wish to be guilty of any temerity or impropriety—to state even a difference of opinion from that of the distinguished gentleman from Ohio, but it seems to me there is at least a little incongruity in the sintement that it might result in

narrowing the gap between the standard of labor existing and maintained in this country as compared with the standard existing in Europe, for the reason, in the promotion of the public welfare of this great country, to which we are all so enthusiastically and loyally devoted, we have been passing tariff laws and building a high tariff wall, often referred to as a Chinese wall, in order to maintain that gap at the very widest possible standard at which we are able to maintain it, and I have thought, gentlemen, if you will pardon me, that that gap and those standards are established and maintained by economic conditions that are fundamental, as between this country and the countries of western continental Europe.

I still think that it can have no effect, that it can have no influence in that particular, and still think, knowing the existence of The Hague tribunal so well and so thoroughly understanding its beneficent purposes, that it will not accomplish a great deal in seeking to promote international arbitration for the settlement of international differences. I see no excuse or good reason for this amendment. They can get along with the money set down in the bill reported by the committee. I feel sure that that would be enough, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ITALY.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1923, $19,577.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. How long has this international organization of agrarian experts been in existence? How do they arrive at a quota involving $19,577?

Mr. HUSTED. The international institute was created by the treaty of 1905, which was signed by representatives of 41 powers, including the United States. The promoter of this organization was Mr. David Lubin, an American, since deceased, who was for many years our representative at Rome.

The institute is said to do very valuable work for the farmers of America in collecting information as to crops and as to crop conditions, and that information is transmitted here by cable, so that our farmers will get it promptly.

Mr. WALSH. Has it been in operation in the last year or two?

Mr. HUSTED. It has not been, I understand, in very active operation during the period of the war.

Mr. WALSH. What have they been doing with the money appropriated during the war?

Mr. HUSTED. As a matter of fact, I do not think the money has been expended. I do not think our appropriations have been expended during the war.

Mr. WALSH. Do they consider the questions of helping drought-stricken areas, and furnishing free seed to countries that have become devastated by storm and flood and war and other calamities?

Mr. HUSTED. I do not think they pursue any of those activities. They are simply devoted to the collection of accurate information as to crops and crop conditions abroad, so that the American farmer and the American dealer in agricultural products will have at their disposal the latest information to guide them in determining upon the best course to pursue in the conduct of their business——

Mr. WALSH. So that the farmer would know whether to plant wheat or sunflowers next season?

Mr. HUSTED. Well, I think that they obtain from this source very useful information. At any rate, the Department of Agriculture is convinced of it.

Mr. WALSH. It is pretty easy to convince the Department of Agriculture of anything if it involves the expenditure of money. If you mention that first, you do not have to say very much thereafter.

Mr. HUSTED. Well, I may add to that that the agricultural societies of the country are very much impressed with its usefulness, and it must be as obvious to the gentleman from Massachusetts as it is to me that it is useful to the American farmer to secure accurate data as to crop conditions and crops abroad.

Mr. WALSH. Yes. I assume that possibly it may be useful to secure accurate data as to the crops abroad. Just how often these data are supplied and how they are procured I do not know, but we get a lot of other information from abroad that is equally useful, and I venture to say a great deal more accurate, without entering into an international institute.

Mr. MANN. Mr. Chairman, may I ask the gentleman from New York what reason was given for the very large increase in this appropriation? It is much larger than we have ever appropriated before.

Mr. HUSTED. The reason is the increased expense, the very greatly increased expense.

Mr. MANN. Increased expense how? Of course, there is always a reason why people want more money. They want to spend more.

Mr. HUSTED. I have not the very fullest information, but I will give the gentleman what I have. One reason is that heretofore the King of Italy has made a large contribution toward the maintenance of the institute which has recently been withdrawn. Italy is unable to bear the large share of the expense any longer, or, or at any rate, at the present time.

Mr. MANN. Well, I will say to the gentleman that our first appropriation for this institute, which I think was $5,000 or a less sum, was made because it was claimed, "Here is an institute that may possibly do some good; the Italian Government pays most of the expenses; all we are asked to do is to contribute a little toward paying the salary of somebody there representing us and paying the expenses of printing." On that ground they got this institute located in Italy. Do I understand that having secured the location there they now want to renege and want us to pay all the expenses?

Mr. HUSTED. I know this—that the King of Italy furnished this institute with quarters. I believe it was a former palace. He turned it over to the institute for its use rent free, and the King of Italy also made a very substantial contribution toward the maintenance of the institute; but we all realize that Italy suffered greatly during the war, and the Italians are not now financially in a position to do what they formerly were able to do, and I suppose it is on account of their financial straits that they do not contribute in money what they formerly did.

Mr. WALSH. Will the gentleman yield for a question?

Mr. HUSTED. I yield to the gentleman from Massachusetts.

Mr. WALSH. This institute building was not in Fiume, was it?

Mr. HUSTED. I do not know the exact location, but I understand it was in Rome.

Mr. WALSH. I did not know but that might account for withdrawing the free rental.

Mr. ROGERS. Will the gentleman yield?

Mr. HUSTED. I yield to the gentleman from Massachusetts.

Mr. ROGERS. At the time this item was under discussion last year the Committee on Appropriations was told that the quota of the United States, which for many years had been 40,000 lire, was to be increased to 100,000 lire; that is, the increase was to be 150 per cent. Has that larger quota been increased since this matter was before the Congress a year ago?

Mr. HUSTED. I think not; and I will say to the gentleman that for the current year we appropriated $18,000 in the Diplomatic and Consular bill. That was the entire amount—$8,000 for the quota, $5,000 for the salary of the member, and $5,000 as our quota for printing; but we have since allowed a deficiency appropriation of $11,577, so that the appropriations for this current year are exactly the same as the amount carried in this bill for the fiscal year.

Mr. ROGERS. My difficulty is here: Our quota under the new arrangement has jumped from 40,000 lire to 100,000 lire. One hundred thousand lire at normal exchange would be something like the figure carried in this bill, and perhaps this figure in fact represents the American equivalent of 100,000 gold lire. But the paper lire is only one-third or one-fourth of the normal value.

Mr. HUSTED. I think you will find that they are gold lire.

Mr. ROGERS. That is what I am getting at. Does the United States get the benefit of the fluctuating exchange?

Mr. HUSTED. I think not. I think the quota is in gold lire.

Mr. ROGERS. Is that a treaty requirement?

Mr. HUSTED. I do not know whether it is or not.

Mr. MANN. There is no treaty about it.

Mr. ROGERS. Oh, yes; this obligation was made in a treaty.

Mr. MANN. When?

Mr. ROGERS. In 1905.

Mr. HUSTED. Oh, yes; it is a treaty obligation, absolutely.

Mr. MANN. The treaty has been entered into, then, long since the bureau was established?

Mr. HUSTED. Yes.

Mr. MANN. That may be.

Mr. KING. Will the gentleman yield?

Mr. HUSTED. I yield to the gentleman from Illinois.

Mr. KING. Does the gentleman know whether the International Harvester Co. contribute anything to this work?

Mr. HUSTED. I do not know anything about that.

Mr. KING. They are the recipients of a large part of the information, are they not, which enables them to sell their agricultural machinery abroad?

Mr. HUSTED. I have no idea whether they are or not. As I understand it, the information is transmitted directly to the Department of Agriculture here at Washington.

Mr. MOORE of Virginia. I move to strike out the last word. I have no particular information as to the work that is being done by the institute; but a few months ago I listened to a very interesting address by our former ambassador to Italy, Dr. Thomas Nelson Page, who is my valued friend, in which he paid a tribute to the memory of David Lubin, and also praised the activities of the institute. Inasmuch as the work of the institute is designed to support the agricultural activities of the world and the prosperity of agriculture, I shall object to seeing this item stricken out.

But I rose to say that I have been very much interested in the observations of the gentleman from Massachusetts [Mr. WALSH] and of the gentleman from Illinois [Mr. MANN] upon the suggested uselessness of some of the bureaus that we maintain for the purpose of engaging in international conference. For example, the bureau that was talked about a moment ago, the Interparliamentary Union, has been in existence a long time. I happened to be on the other side a great many years ago when it held a meeting which was addressed by some of the most eloquent men in Europe and at least one of the most eloquent of Americans. As the gentleman from Illinois [Mr. MANN] has stated, the purpose of the creation of that union was to insure, as far as possible, the maintenance of peace, and to decrease governmental expenditures for military and naval purposes. Since then, I believe, some of the men who participated in the meeting have died on the battle field; war is almost as much in prospect now as it was then, and the burdens of armament have been very slightly decreased. I doubt very much whether we are going to accomplish anything by maintaining that bureau. The truth is that we are willing to go into all sorts of conferences with Europeans that will not accomplish anything, and at the same time are unwilling to enter into those conferences that give some promise of achievement. We decline to enter the League of Nations, which is the greatest of all international conferences. A good many of us think, in view of the interest of the United States in the general question of reparations, that we ought to be represented on the Reparations Commission, but we again decline. While we take time debating the relation of the Government of the United States to the matter of reparations, our Government refuses to appoint a representative on the commission that is dealing with the subject. A very important conference is about to occur in Italy, the Genoa conference, and we have declined to enter that. There is, by the way, a significant statement in the first issue of a magazine that is now appearing called Our World, conducted by very responsible and well-known people, as to why the United States remains away from Genoa. So the truth is, we spend money without much hesitation to provide opportunities for certain people to make very attractive trips to Europe, who assist in doing ornamental and rhetorical things, and we neglect the opportunities that are afforded us to participate in great conferences that may amount to something.

This attitude recalls to my mind a remark made by a very eminent New Englander, doubtless an agriculturalist, like my friend the gentleman from Massachusetts [Mr. WALSH]. I refer to old Jacob Collamer, a United States Senator of the long ago. He said that we are so constituted that sometimes we can see the fly on the barn door and can not see the barn door itself. We are anxious, or at least willing, to mix up in comparatively inconsequential conferences but turn our backs on the conferences that may have some favorable effect upon the fortunes of the world and some results that might be of infinite advantage to the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BEGG. Mr. Chairman, I move to strike out the amount of "$19,577" and insert in lieu thereof "$8,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 18, line 7, strike out the figures "$19,577" and insert in lieu thereof "$8,000."

Mr. BEGG. Mr. Chairman, I think after listening to the remarks of practically every man that has said anything on this proposition, we are all agreed that the one thing accomplished in this proposition is that the United States is the banker. We have been contributing $8,000 to this conference, and I dare say there is not anybody in this country can lay his hand on a concrete thing that has been accomplished by the conference since its initiation that has been of any benefit to the agricultural interests of the United States.

Mr. HUSTED. This is not a conference.

Mr. BEGG. I know; it is a bureau established over there.

Mr. HUSTED. It is a bureau for the collection of data that is regularly transmitted to the United States for the benefit of the American farmer. It would be most unfortunate if this amendment should be agreed to, because the bureau would be sadly handicapped in its work. And see how inconsistent it would be. These are treaty obligations; our obligation is fixed, and to repudiate our treaty obligations would be most unfortunate.

Mr. BEGG. Is our treaty obligation fixed at $19,577?

Mr. HUSTED. It is.

Mr. BEGG. By whom?

Mr. HUSTED. The governing board.

Mr. BEGG. If the governing board fixed the amount for the next year at $50,000 would we be obligated to pay it?

Mr. HUSTED. We would not be legally obligated, of course.

Mr. BEGG. No; the facts are we are not obligated to pay more than $8,000, according to the treaty obligations. Is not that a fact? Has not the governing board exceeded their authority?

Mr. HUSTED. The gentleman knows perfectly well that they can not do with $8,000 what they could do before the war.

Mr. BEGG. Why not? The rate of exchange would give them about $12,000.

Mr. HUSTED. I thought I had explained why they could not do it. In the first place, heretofore the King of Italy made a large cash contribution; he has borne the larger portion of the expense of maintaining the institute. He is no longer in a position to do it, and now the members have to divide up the expense if the institute is to be maintained in the future as in the past. We have to bear our share of the expense.

Mr. BEGG. I will say that my people are farmers. I lived on a farm for 25 years. I have yet to hear one definite piece of information that ever emanated from this institute at Rome that was of any value to the farmers in Ohio or anywhere else in the country. Now, I think the facts are that this institution has not functioned so far as agriculture is concerned in the United States. The gentleman rightly says, no doubt, that Italy has fallen down in the maintenance of her end of the financial support of this institute, and in order to keep it going, to keep some fellows in jobs, we are willing to raise our ante two and one-half times and give it to them for a useless purpose. So far as I am concerned, I would as leave strike it all out.

Mr. HUSTED. This is not for the purpose of keeping people in jobs.

Mr. BEGG. What is it for then?

Mr. HUSTED. Let me read a statement by an American representative of the Farm Bureau which was incorporated in last year's hearings.

Mr. BEGG. Who is it?

Mr. HUSTED. Mr. Gray Silver. He says:

Mr. SILVER. The Farm Bureau, which is the large farm organization, is greatly interested in this particular problem you have under discussion, for agriculture is the basis of all industry and commerce; it is the largest business of the Nation and is international in character. Our crops, not only as to acreage, but as to the commodities produced, are directly affected by the world markets. Consequently we are greatly interested in having the information from both the angles of production and stocks on hand, which can only be secured through such an organization as we have at Rome.

Now, just one more thought, not wishing to differ in thought from the chairman: I am not a subscriber to the belief that we would get better service by less price. I think the salary of our permanent representative at Rome should be made such as to attract the high type of man who should represent this great Nation and this great business.

Mr. BEGG. Is Italy the agricultural center of Europe, and was that the reason for the location of this institute in the heart of agriculture?

Mr. HUSTED. No; I do not think so; but it has to be located somewhere in Europe and they located it at Rome. As a matter of fact, an American was the promoter of this institute. It emanated from America. America has always taken a particular interest in it. There is no doubt that this institute has

performed the work of collecting and disseminating agricultural data of very great value to the American farmer, and to deprive the farmer of it in the future would be a real loss.

Mr. MANN. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. MANN. I understand this international bureau collects information, which it distributes through governmental sources, of crop conditions, crop products, of the amount of grain and other agricultural products on hand. Some people, I think, in this country, perhaps rely upon the figures given out by this institute, but the live people engaged in business get the information as soon as the institute does, long before it is disseminated by the Government.

Mr. BEGG. I was about to ask the gentleman if he ever saw a report gotten out by a Government agency, even in this country, let alone getting it out in Italy, which reached the farmer before his crop was all marketed?

Mr. MANN. Oh, yes; our crop conditions, issued once a month by the Agricultural Department, published simultaneously all over the world, are very valuable.

Mr. BEGG. Has the gentleman ever seen any from this institute?

Mr. MANN. I have.

Mr. BEGG. I have never seen one thing from this institute of value.

Mr. MANN. I took a very active part some years ago in knocking this institution out, and followed it up for a while, but I concluded I would quit.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WALSH. Mr. Chairman, I do not think any serious harm would be done if we should adopt the amendment offered by the gentleman from Ohio [Mr. BEGG]. We will be conforming to the requirements of the treaty. Of course, you can not wonder at the officials of foreign nations raising the amount which it is expected the United States shall contribute, when they sit over there and view our generosity in spending money, $20,000,000 worth of grain for Russia, $5,000,000 or $10,000,000 for Austria, and hundreds of thousands of dollars for other countries which seem to be able to make out a case of hardship. It was natural for those people to say that if we can do that for these other countries, we can afford to pay the rent for this building in Rome. It is interesting to see how internationally attractive we have become. We have an interparliamentary union, an international commission on annual tables of constants, and so forth, an international bureau, an international institute, an international congress, an international office of public health, an international convention of radio telegraph, and then a United States section of the Inter-American High Commission; and so it goes.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MOORE of Virginia. Has the gentleman ever known any one of these agencies being abolished, except possibly the International Alcoholic Conference?

Mr. WALSH. I have never heard of any being abolished, particularly if they carry appropriations. The distinguished gentleman from Virginia in his remarks adverted to our activity along this line, and I somewhat agree with what he has to say, although I can not agree that the only international association that has accomplished anything is that which the United States refused to enter. We had lately an international gathering here in the Capital of the United States which has accomplished more for the peace and security of the world than the late lamented League of Nations has yet accomplished or, in my judgment, ever will accomplish for years to come.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MOORE of Virginia. I wish to say to the gentleman, that while he and I may disagree as to the magnitude of the accomplishments of the Washington conference, personally I am very much gratified that such substantial results were reached, and I think we are to be congratulated that at the head of the State Department there is such an extremely able and energetic statesman as the present Secretary, who conducted the work of the conference.

Mr. WALSH. I agree with the gentleman in his congratulations, except that I would add we ought also to congratulate ourselves that we are not now entangled and allied with the League of Nations, because if we had been I doubt if we would have been able to have the gathering and accomplish what has been accomplished in that way. Indeed, I doubt whether the League of Nations would have been able to bring that program to such a successful completion.

However, Mr. Chairman, referring to the amendment of the gentleman from Ohio, it seems to me that the reduction in this appropriation will not deny the International Institute of Agriculture at Rome, Italy, sufficient funds, even though the distinguished ruler of that country should decide that he is no longer able to provide us with quarters, rent free. There are one or two countries now in Europe, I think, particularly since the map has been changed, where the United States does not have a representative at one of these international affairs, but I think that they would be willing to invite us there, with the offer of rent-free quarters, just for the sake of having a citizen of this country there representing the interests of the farmer at this international institute, and they might go across the border line or into one of these new nations that have been set up and get quarters.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HUSTED. I think the gentleman labors under the misapprehension that the United States is probably the only Government called upon to pay this large amount of money. That is not the case. This quota is not based on population, but the nations are grouped as to their size and importance, and all of the nations in the first group pay the same quota that we do, viz, $20,000. At a meeting of the general assembly of the institute which was held in November, 1920, the assembly examined into the finances of the institute and decided to recommend that the quotas of the adhering Governments be increased 150 per cent, which puts the quotas of all of the nations in the first group or class at approximately $20,000.

Mr. WALSH. What nations are there in that first class?

Mr. HUSTED. All of the great nations practically are in that class.

Mr. WALSH. Is Italy in it?

Mr. HUSTED. I think so. I am quite sure of it.

Mr. WALSH. Have any of them paid the $20,000?

Mr. HUSTED. I do not know as to whether they have or not, but they are all very much interested in the institute and have paid heretofore.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. ROGERS. The countries in the first class, if the gentleman desires them, are Germany, Argentina, Austria, Hungary, Brazil, Italy, China, Turkey, Spain, the United States, France, Great Britain, Japan, Rumania, and Russia. I doubt if more than a third of those countries are paying anything like the 100,000 lire which the treaty requires.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. Has not the time for debate upon this amendment been exhausted?

The CHAIRMAN (Mr. TILSON). The present occupant of the chair has not been in the chair for the full 10 minutes.

Mr. WALSH. The gentleman from Maryland is correct.

Mr. LINTHICUM. Mr. Chairman, I do not object to the two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, will my colleague enumerate a few of the second-class nations, as far as this quota is concerned?

Mr. ROGERS. Egypt, Canada, British India, and Mexico are the only four countries in the second class. Their quota has recently increased to amount to 50,000 lire, about $10,000.

Mr. WALSH. I thank the gentleman. I am glad to notice that the first class has Russia and that the second class has Mexico; but I do not believe it is worth the extra expense to the United States to be included in the first class, so far as quota goes, and I hope that as a gradual intimation that the United States is likely some day to withdraw from some of these international, highfaluting convocations and congresses and other associations abroad we start by reducing expenditures.

Mr. JOHNSON of Kentucky, Mr. LINEBERGER, and Mr. EVANS rose.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that among the many useless commissions and institutions for which the United States is furnishing the money this is one of the most useless. It will be noticed that the next paragraph after the present one provides for a salary of $5,000 a year.

The United States was very proud of David Lubin, who, perhaps, was the most scientific man in the evolution of plant life the world has ever known, and who was sent over there as a member of that institute. Much of the consideration that heretofore was given to the proposition was out of tribute to David Lubin; but when he went to Rome he carried with him the knowledge, or imparted it to those who were there, as to how they could raise potatoes and wheat and corn and everything that went into the support of human life. But now we are left with nothing that they can give us and but little that we by this provision can convey to them. A sinecure of $5,000 a year is established for somebody—I do not know whom—that he may go to Italy and take with him no information that will serve the world. In my judgment not only the amendment that has been offered by the gentleman from Ohio should be adopted but the next paragraph should be eliminated from the bill, thereby doing away with the sinecure of $5,000 a year for a man to go over to Italy to serve no purpose.

Mr. LINEBERGER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio.

I do not think that there is any Member in this House more interested in the data which proceeds from the International Institute of Agriculture at Rome than myself, because of the fact that I represent in part a county—Los Angeles County—producing annually some $500,000,000 worth of the same agricultural products produced in southern Europe. I refer to walnuts, almonds, oranges, grapes, and horticultural products of the character produced in southern California. The farm bureaus of southern California are probably as thoroughly organized as the farm bureaus in any section of the United States. Horticulture and agriculture in that section of the Union have reached a very high state of perfection, and those who are engaged in it bring to bear in their avocation information from all parts of the world. And I can assure you that I of my personal knowledge know that the data which is procured by the International Institute of Agriculture at Rome is of vital benefit to the gentlemen who are engaged in those industries in my section of the country.

Some time ago I happened to be in Rome and visited the International Institute of Agriculture, and I was surprised at the thoroughgoing manner in which they carried on the work there. I know nothing of the reduced circumstances of the King of Italy, which have brought him to the point where he has to now collect rent for the premises which were formerly given rent free, but I do know that the chairman of the subcommittee has gone into this matter very thoroughly. And while this is not a legal obligation until the item has been passed upon by both Houses of Congress, I do believe there is a moral obligation that we should pay our quota. We are one of the richest and greatest nations on earth, and while I quite agree with the gentleman from Massachusetts that we shall decide whether or not we shall participate in these international meetings and conferences, this is a constructive work, and I think that the amendment of the gentleman from Ohio reduces the amount to a sum that is entirely too low and not commensurate with the work that is being carried on there. And I trust the amendment will not prevail. [Applause.]

Mr. EVANS. Mr. Chairman, I am sure that there is no individual upon the floor who has more criticism for these organizations international in their character, and from which no material benefits flow, than myself. I am a member of the subcommittee which produced this bill, and I was interested intensely in this particular item. And I wish to call the attention of those who have been criticizing this organization because no benefits flow from it to the following facts: It is true that the information collected by the bureau prior to the present has not been presented to the farmer as promptly as it should have been. It was brought to this country by mail usually and then dispensed through our Crop Reporter, or the various agencies used by the Agricultural Department for dispensing information.

The Members here who say they have never seen the information coming from that source are mistaken in this, that if they have seen the information so given out by the department, and the credit was not given, they got the information without knowledge of its source. But there are other benefits which have flowed from the work of this institution and to which I wish to call your attention.

On page 251 of the hearings you will find a number of those benefits enumerated. It gathers together information in reference to plant diseases, animal diseases, and methods of fighting them and controlling them, and quarantining against them.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. EVANS. Certainly.

Mr. JOHNSON of Kentucky. Is not every piece of information that the gentleman has just enumerated gathered by the Department of Agriculture and scattered all over the country to all of our people? Is not this, therefore, but a duplication of it?

Mr. EVANS. The source of the information gathered by the Department of Agriculture from foreign countries is very largely, not entirely, but very largely, obtained through this agency. And if that item alone were all this organization did, it would pay to agriculture all that it is costing. But that is not all that it does. It gathers up, and has gathered up, from different sources much valuable information. A very great deal of information with reference to farm credits, farm insurance, cooperative buying and selling, and cooperative insurance has come through this bureau, and that of itself, disregarding the other matters of information, would warrant this expenditure. But that is not all. Foreign laws relating to agriculture in different countries, and their effects, have been brought through this organization to this country.

It is a fact that through attachés connected with our Diplomatic Service we get information, but we have got here an agency which has produced it; and I may say, for the benefit of those who have criticized lack of promptness, that now it is the purpose to transmit the information with reference to crops, their character, prices, and so on, by telegraph, so that it will be immediately available.

As to the matter of the King of Italy and his contributions, I think the chairman of the committee is perhaps mistaken. The King of Italy, as I understand it, gave, not rent free for a time but for all time, one of his palaces in which the activities of this bureau are conducted. He not only did that, but prior to the war he gave out of his own private purse a very large part of the money necessary to continue the activities of this bureau, and it is that contribution that he has ceased, since the war, to make to this organization.

If you adopt the amendment of the gentleman from Ohio [Mr. BEGG] you find yourselves in this position: You will have paid your money and you will be unable to get any results if other nations do likewise, pay the reduced quota. If you get results you are parasitic in that you are taking from them something to the cost of which you yourselves have not contributed your share.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. EVANS. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. EVANS. There is one of two things to do: Pay the amount they ask, which is our fair share and which is assessed against every other nation of like character, or else do not give anything.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last two words.

Mr. MONDELL. Mr. Chairman, I do not pretend to be very well informed as to the workings of the International Institute of Agriculture. I know something of it. I know it has been long established, and in the past it has been very useful. But I know this, that in these days of unrest in the world, of more or less international suspicion and criticism, of depression in business and agriculture, we ought certainly to maintain all of the relationships that we have with other nations [applause]—relationships that lead to friendly and kindly, considerate and helpful intercourse and association. This is no time to question whether or no we get to the last picayune all that we ought to out of a small contribution of this kind. Why, the very fact of our contribution, the very fact of our association, although we could point to no definite, tangible benefit—the very fact of it is worth much more than this small appropriation. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BEGG. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Ohio asks for a division.

The committee divided; and there were—ayes 8, noes 28.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL SANITARY BUREAU.

For the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1923, $11,323.16.

Mr. BLANTON. Mr. Chairman, there is no law authorizing this legislation on an appropriation bill. I make the point of order against it.

Mr. HUSTED. Mr. Chairman, the International Sanitary Bureau has been recognized in a treaty which has been ratified by the United States Senate, and I think that is sufficient authorization to support the appropriation. This is the treaty known as the International Sanitary Convention, concluded October 14, 1905, ratification advised by the Senate February 22, 1906, ratified by the President May 29, 1906, and proclaimed March 1, 1909. Article 10 of that treaty is as follows:

The Government of each country is obliged to immediately publish the measures which it believes necessary to take against departures either from a country or from an infected territorial area.

The said Government is to communicate at once this publication to the diplomatic or consular agent of the infected country residing in its capital as well as to the International Sanitary Bureau.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. WALSH. Does the gentleman contend that that authorizes the United States to be represented in any sanitary bureau of an international character if we make the appropriation therefor?

Mr. HUSTED. This appropriation is not for representation. It is to pay the annual share of the United States toward the maintenance of the bureau, which is recognized in the treaty.

Mr. WALSH. But even though it is recognized in the treaty, does the treaty authorize the expenditure of any money for the payment of the quota or share of the United States in the expenses of that bureau?

Mr. HUSTED. It seems to me to be a fair assumption that the treaty contemplated the financial support of a bureau which it specifically recognized and of which our Government was at the time an adhering member.

Mr. WALSH. Well, we recognize lots of countries in treaties, but there is no obligation on the part of the United States to support the countries thus recognized.

Mr. HUSTED. This bureau was created pursuant to a resolution passed on January 29, 1902, by the delegates of the American Republics represented at the Second International Conference of American States, at which we were represented. This conference met in the City of Mexico. The International Sanitary Bureau was created with permanent headquarters at Washington, D. C. We were represented there, and in the treaty to which I have referred the bureau is recognized as being in existence as a bureau with which we are concerned, with which we do business, and in whose deliberations we participated, and it seems to me to be a fair assumption that the treaty contemplated financial support to the maintenance of such an institution.

Mr. BLANTON. Mr. Chairman, may I make this suggestion? If the gentleman's contention is correct, that the mere recognition in a treaty of the fact that the bureau exists authorizes this appropriation of $11,323.16, then it would be a basis for an appropriation of $100,000,000 as against a point of order.

Mr. HUSTED. Will the gentleman yield?

Mr. BLANTON. In just a moment. There is nothing in this treaty that authorizes an appropriation—absolutely nothing. There is absolutely nothing in this treaty which authorizes any expenditure on the part of the United States Government. Certainly it can not be contended that an appropriation is authorized until some treaty-making power makes a provision authorizing the appropriation of money out of the United States Treasury.

Mr. HUSTED. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from New York.

Mr. HUSTED. I am sure the gentleman will not contend that it is necessary that the treaty limit the amount of the contribution. It might be for any amount, but Congress is not required to appropriate.

Mr. BLANTON. This treaty merely recognizes the fact that an international sanitary bureau exists.

Mr. TOWNER. Mr. Chairman, there would be no other way in which we could manifest our cooperation in this work except as has been done by the treaty. Of course, as the gentleman from Massachusetts [Mr. WALSH] seems to infer, we could not in a treaty provide that we would make contributions from our Treasury in support of this bureau; but we joined in this treaty on becoming a party to it. We take the benefits from it. There is no way in which we can do this unless we join in support of it.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. TOWNER. Certainly.

Mr. MOORE of Virginia. Is not the case exactly parallel to a statute which might create an agency, and would not the statute afford the basis for the appropriation?

Mr. TOWNER. Certainly, and this would have a very much greater effect, because of the fact that it is a cooperation of nations. They joined with us in this treaty. If we joined in this treaty it is a necessary consequence—and not a mere inference but a necessary result of our joining in it—that we shall share in its support. Certainly it seems to me that the clause of the treaty which has been cited by the gentleman from New York [Mr. HUSTED] is ample justification and authority for our making our proper contribution in its support.

Mr. MANN. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. MANN. Suppose, as in this case, the executive department of the Government goes ahead and makes provision, without authority of law, for the maintenance of an international sanitary bureau, not by treaty, so that it is not ratified. I take it that no one would contend that the Executive has power to do that without a treaty being entered into which would bind Congress to appropriate for it.

Mr. TOWNER. Yes; I think the gentleman is right in that.

Mr. MANN. Now, the bureau existing without authority, if Congress makes a reference to it and directs somebody—as it has the legal right to do—to report to that body, does the gentleman think that is an authorization for appropriations for a body which is not authorized?

Mr. TOWNER. I think the authorization for this appropriation exists by the very terms of the treaty.

Mr. MANN. There is no treaty.

Mr. TOWNER. I do not quite understand what the gentleman means.

Mr. MANN. There is no treaty providing for this organization.

Mr. TOWNER. There is a treaty providing for the creation of this bureau.

Mr. MANN. Oh, no; not at all. There is no pretense that there is any treaty providing for its creation. The only claim is that the treaty provides that somebody shall report to this bureau which has been created by the Executive without a treaty.

Mr. TOWNER. Oh, well, the recognition of it amounts to the same thing.

Mr. MANN. That is what I ask.

Mr. TOWNER. I think so. The treaty, Mr. Chairman, is the supreme law. It is even stronger, especially with regard to international affairs, than the ordinary act of Congress, because it implies an obligation on our part to cooperate in the work. It amounts to the creation of this obligation, which is a necessary incident to the creation and operation of this particular international bureau.

The CHAIRMAN. In the opinion of the Chair this provision is for the purpose of carrying out this treaty, and therefore the Chair overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, a parliamentary inquiry. Does the Chair rule that this is a treaty?

The CHAIRMAN. It is in effect.

Mr. JOHNSON of Kentucky. Unless it is a treaty, there is no foundation for the ruling of the Chair.

The CHAIRMAN. The Chair views it as a treaty.

Mr. JOHNSON of Kentucky. Will the Chair be good enough to give the reasons whereby he arrives at the conclusion that it is a treaty when it certainly is not?

Mr. MANN. The Chair stated that it was for the purpose of carrying out the provisions of the treaty.

The CHAIRMAN. The Chair has so ruled.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. RICKETTS] be permitted to address the House for 10 minutes out of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Ohio [Mr. RICKETTS] be permitted to address the committee for 10 minutes out of order. Is there objection?

There was no objection.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, I am prompted by a sense of duty to my constituency and to the country to address you at this time upon a subject of the most vital concern to the citizens of this the richest and greatest country in the world.

I am certainly under obligations to the committee for yielding this time to me when you are engaged in the consideration of a bill as highly important to the country as this one is.

I think the question of the coal strike is uppermost in the minds of the people at this time. I come from a district in which there are 126 coal mines, and in which there are about 6,000 coal miners.

There is an erroneous idea prevalent in the country now that 600,000 coal miners walked away from work and went out on a strike. Nothing could be further from the truth than that. Of the 6,000 miners in my district, during the past year less than one-half have been engaged in their usual occupation. There seems to be an idea prevalent over the country that the reason for this strike is the fact that the miners are demanding a wage that is unreasonable and not commensurate with the service performed. I want to say to you gentlemen of the House that that is absolutely erroneous. In my district the pick miners get $1.116 per ton for producing coal. The machine miners get 14 cents per ton in the entry, and 17.4 cents per ton in the room. Now if the miners were given all the work that they could do, of course they could make good wages even at that price, but during the last 12 months the 6,000 miners in the district that I have the honor to represent have worked less than 100 days, and their average wage per day has been $7.50.

You can easily see that their income for the past 12 months has been less than $750. Right now in the Hocking Valley many women and children and miners are starving. They are being supplied by the people of my town and county with the necessities of life. I have a letter in my pocket from one of the best men in my county, now a common pleas judge of our court, who has served in that position for about eight years. He is one of the most conservative men I have ever known. By your permission I will read this letter to you:

COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO,
Logan, Ohio, March 31, 1922.

Hon. EDWIN D. RICKETTS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I received your generous check for the miners, and very much appreciate same.

Distress among coal miners in Hocking County is alarming, and I am informed that similar conditions exist in Perry and Athens Counties. In Hocking County the coal-producing area, as you know, is somewhat limited; yet a careful survey made by the committee on relief for this county, of which I am the chairman, shows that there are in our county alone: 127 families, comprising in all 725 persons, who are in absolute need of food.

So far we have provided food and clothing obtained through donations from our citizens generally. But we have now neither food nor clothing, and the money donated is almost exhausted, as we have only about $100 left. That, with what food we sent to points of distribution on Tuesday of this week, will last but a few days more. We have exhausted our local resources and expect to make an appeal to the State through Governor Davis within the next few days.

It seems now certain that there will be a strike commencing April 1, and then there will be no work at all at the mines. For the last 16 months or more there has been but little work for these people, and until recently they lived upon their savings, what little they were able to earn, and the union allowances. The picture is dark enough without going further.

If the State could be induced to construct the contemplated pike from Nelsonville, by way of Murray City, to New Straitsville work could be given them in need, and they would be glad to get it, as they prefer to earn a living to getting it at the hands of charity. I have no doubt that many of them have suffered because they were too proud to make known their condition. The work, under present circumstances or conditions, for which we may possibly hope in the near future, will not give employment to all for any considerable portion of the year.

Of course, relief must be found for these miners somehow, somewhere. As civilized Christian people, we can not sit by and see them starve.

Yours, sincerely,

ELMER O. PETTIT.

On the 31st of March, 1922, at midnight, the agreement between the coal operators and the miners of the country expired. Wage agreements between the miners and operators began as early as 1898, and have continued ever since, covering certain definite periods of time. The first general agreement between operators and miners dates from the appointment of an anthracite commission by President Roosevelt in March, 1902. The awards of this commission not only settled the strike, but established a basis of negotiations between miners and operators from which all subsequent modifications of wages and working conditions have been developed.

During the war an agreement made, in conjunction with the Fuel Administration, granted increases of wages. When this agreement expired on April 1, 1920, a controversy arose, and in June, 1920, a coal commission was appointed consisting of three members, one representing the operators, one representing the miners, and one representing the general public. The result of this commission's deliberations was the contract which has expired, and by which an increase in wages was granted averaging 17 per cent.

That the pending strike could have been averted is my firm belief. No just reason can be assigned for it. Both capital and labor are vitally essential to our industries and institutions. It is to be deeply regretted that operators in certain States flatly and bluntly refused to meet the miners for the purpose of determining and agreeing upon what is known as a wage-scale contract.

I deem it advisable to give to the House a brief historic sketch of the amount of coal in the United States, with some figures that, in my judgment, will enable all of us to more clearly understand the value and extent of this great industry in our own country.

COAL.

It is estimated that the United States coal fields comprise about 311,000 square miles, exclusive of Alaska. Geologists feel assured that the coal deposits of the Territory of Alaska extend over thousands of square miles. Coal is also mined to some extent in the Philippine Islands. So, it is perfectly obvious that the coal industry is one of the greatest, if not the greatest industry in this country.

As far back as 1750 soft coal was occasionally used in blacksmiths' forges here, and attempts were made to utilize it in smelting iron. The exceedingly rapid increase in the production of coal since the first two decades of the last century is shown in the following table:

Bituminous coal production in the United States.

	Tons.
1807–1820	3,600
1820	104,800
1850	2,880,017
1870	17,371,305
1890	111,302,322
1910	417,111,142
1919	458,043,000

Coal production by States (net tons).

State.	Year.	
	1920	1919
Alabama	16,111,492	21,286,000
Arkansas	1,935,928	2,228,000
Colorado	11,973,736	12,445,000
Illinois	65,946,388	91,386,000
Indiana	19,189,815	27,525,000
Iowa	7,926,120	8,240,000
Kansas	4,921,451	7,292,000
Kentucky	16,623,319	29,690,000
Maryland	5,237,125	4,738,000
Michigan	1,534,967	1,385,000
Missouri	2,982,433	3,005,000
Montana	2,926,670	4,276,000
New Mexico	3,458,531	4,241,000
North Dakota	700,941	815,000
Ohio	34,209,668	46,464,000
Oklahoma	2,648,236	4,785,000
Pennsylvania	150,521,526	183,712,000
Texas	1,892,176	2,200,000
Tennessee	7,121,380	6,916,000
Utah	3,547,930	3,525,000
Virginia	6,507,997	10,100,000
Wyoming	7,533,088	9,600,000
West Virginia	92,471,028	91,125,000

A careful study of the above data will show that Ohio produced 34,209,668 tons of coal in the year 1920, and 46,464,000 in the year 1919. Of course, everybody knows that 1918 was the peak of coal production in this country.

The coal industry is a part-time industry, the number of idle days out of a possible 308 working days being 63 days in the year 1918 and 115 days in the year 1919. On the average for the past 30 years the number of possible working days when the mines were not in operation was 123, as nearly as can be estimated. So it is plain to be seen that the miners averaged 123 idle days per year for the last 30 years.

While coal production increases in accord with normal development on an average of approximately 10 per cent per year, yet coal production in normal times varies from year to year with general industrial conditions. At the present time the United States requires for consumption about 500,000,000 tons of bituminous coal per year, while the capacity of the mines if kept in operation would be in the neighborhood of 700,000,000 tons per year.

It is estimated that the United States exports about 25,000,000 tons of coal per year.

RAILROADS.

The railroads of the country consume about 30 per cent of the total coal production. The carriers of the country own nearly a million open-top cars, and depend upon coal transportation for about 30 per cent of the total railroad traffic.

STORAGE OF COAL.

There is about 63,000,000 tons of coal in storage in the United States at the present time, that will be available for consumption, and will last for a period of about 55 days.

The control of the production of coal is responsible for the high price of coal to the people of the country. Of course, as this strike progresses the price of coal will go up, and the general public will be made to suffer the increase.

I am not one of those who believe that the price paid the miners of the country for producing the coal is the cause of the high price of coal to the consumers. Freight rates have had a great deal to do with this. I am fully convinced that the high freight rates of the railroads have had more to do with crippling the industries of this country and consequent unemployment of labor than any other factor. I am also convinced that unless the freight rates are reduced materially the railroads of this country will be driven into bankruptcy through their loss of business. [Applause.]

In this strike three parties will be affected: The operators, the miners, and the public. The operators will suffer a temporary financial loss. The public will suffer great temporary inconvenience. The loss to the miners and their families is inestimable. This strike means that 600,000 union and about 200,000 nonunion men will be out of employment. The approximate distribution of the union miners by States is as follows:

Pennsylvania	154,825
Illinois	98,000
Ohio	49,000
West Virginia	48,400
Indiana	31,000
Kentucky	14,900
Arkansas, Oklahoma, and Texas	14,800
Iowa	13,100
Alabama	12,200
Tennessee	11,500
Kansas	9,700
Missouri	8,350
Wyoming	7,650
Maryland	5,250
Colorado	4,675
Montana	4,625
Washington	4,620
Michigan	2,125
Canada	20,600

OHIO.

Seven hundred and fifty-five mines in Ohio will be involved in this strike, covering 27 counties. Ohio is a solidly unionized mine State. There are only a few wagon mines that are not unionized. These 755 mines will be closed up tight so far as coal mining is concerned.

Belmont County, with 94 mines, heads the list.

Athens County is second with 90 mines.

Perry County is third, having 89 mines.

The other counties and the number of mines are:

Carroll	13
Columbiana	23
Coshocton	18
Gallia	4
Guernsey	36
Harrison	33
Hocking	87
Holmes	1
Jackson	48
Jefferson	70
Lawrence	16
Mahoning	3
Medina	3
Tuscarawas	65
Vinton	15
Washington	1

More miners own their own homes in my district than in practically any other district in the United States, it being one of the oldest mining districts in the United States now in operation. There is a less percentage of foreign-speaking people employed in my district than in any other mining district in the country. The miners in this district insist that when a foreigner starts to work in the mine he must have made application for citizenship when eligible, or he will not be permitted to work with them. These foreigners are given ample time and proper instructions as to how to proceed to become a citizen of the United States. These miners believe that America is for Americans first, and that anyone coming from foreign countries who desires to engage in the mining industry should signify his intention of becoming a citizen of the United States.

Now, gentlemen of the House, I never undertake to defend a radical or an I. W. W. or a Bolshevist. I was a coal miner myself, and I know the miners of my district to be loyal American citizens. I know the workings of the mine inside and out, and I know that the propaganda going over the country right now to the effect that the high price of coal in different parts of the country is due to the fact that the miner is demanding an unreasonable wage is as false as it possibly can be.

Mr. BEGG. Will the gentleman yield?

Mr. RICKETTS. I will yield to my colleague.

Mr. BEGG. Can the gentleman tell us why it is that the coal miners have had so little work in the past?

Mr. RICKETTS. That is due, in my judgment, to restricted production. I am not one of those who want the men who have capital invested in this industry to lose money on their investment. I want the operators of the country to have a fair return for the money they have invested, but I do not believe it to be right for operators in some parts of the country to unite for the sole purpose of restricting production of coal, whereby the price of coal is increased to the consumers of this country. [Applause.]

Mr. DENISON. Will the gentleman yield?

Mr. RICKETTS. I will.

Mr. DENISON. Does not the gentleman think that by reason of the high price of coal during the war and the great profits it led to overdevelopment of coal mines, the opening up of new mines, and the reopening up of old mines?

The CHAIRMAN. The time of the gentleman from Ohio has expired?

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio have five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Ohio may have five minutes more. Is there objection?

There was no objection.

Mr. RICKETTS. Mr. Chairman, in answer to the question of the gentleman from Illinois [Mr. DENISON] I want to say that it is true that during the war there were a great many wagon mines opened up and nearly every available mine of the country was put into operation, and a very large production was had during that period.

WORK.

The operators, under the previous existing contract with the miners, did not guarantee steady work to the miners. The amount of work furnished is left entirely to the operator. The miner has no knowledge to-day whether or not he will work to-morrow. He must wait the blowing of the whistle at the mine in the evening as a signal for "work" or "no work." There have been numerous occasions during car-shortage periods when the whistle blew "work" in the evening and again blew "work" in the morning; that, when the miner had gotten up at 4 o'clock in the morning and prepared himself and his bucket for work, and walked a distance of from 1 to 6 miles to the mine, discovered that the railroad company had failed to furnish empty cars, hence he was required to return home. This is not an unusual occurrence. It happens frequently, to the discomfiture and dissatisfaction of the miners. This has been known to occur as often as four and five times per week, and month after month each year, when the mine was presumed to be working.

The average time worked by the miners in my district during the last year was less than 100 days, while thousands of miners at different mines, of course, worked less than 50 days during the year.

The maximum inside day wage scale is a fair average of the earnings of the men who load and mine coal. Their daily earnings will give you an idea of their annual earnings for the past year on a per diem of $7.50 the maximum, and having worked less than 100 days means less than $750 income per year. Thousands of miners earned very much less than that sum, depending, of course, upon their location and the operations of the mines at which they worked.

Mr. FESS. Will the gentleman yield?

Mr. RICKETTS. I will yield to my colleague.

Mr. FESS. Is there any basis for the statement that the wages of coal miners are so inviting that farmers' sons leave the farms and go into the coal mines and therefore increase the number of surplus miners and decrease the number of agricultural people?

Mr. RICKETTS. I want to say to my colleague from Ohio [Mr. FESS] that I am glad to answer his question. That is absolutely not the case. That is not true. You can not take a man from the farm to-day and put him into a mine and make a coal miner of him at once. You have to teach him. It is a highly important business and very hazardous. A man has to know something of the conditions of mining and of the mine; he has to know something of electricity; he has to know something of the air and coal formation. He must be able to judge whether the air is pure or otherwise. He has to be able to lay the tracks; he must be able to timber the roof of the mine. All of these, and many other things, he can not learn in a day. It takes a man years to learn to be an efficient miner.

WAGES.

I am going to insert here a detailed mining scale for the Hocking Valley, which follows:

Detailed mining scale for Hocking Valley.

(Which is a basis for the State of Ohio. The tonnage rate applying to this district is practically the same as the balance of the State except the day wage scale for the in and out side day laborer, which is higher in the Hocking district than in the balance of the State.)

PICK MINING.

Run of mine	per ton	$1.1164
Entries, dry	per yard	3.6217
Breakthroughs, in entries	do	3.6217
Breakthrough, in rooms	do	2.5116
Room turning	per room	5.4464

This is the high-price mining, being hand mining. He is required to pay almost a cent a ton to the coal company for keeping his tools sharpened. He is required to purchase his tools, light, blasting powder, and caps from the coal company. The cost of blasting will vary from 2 to 12 cents per ton. He is required to keep his place properly timbered, lay his road, and properly prepare and clean his coal.

Before the war less than 10 per cent of the coal in Ohio was hand mined. During the war it was increased to from 15 to 16 per cent.

MACHINE CUTTING.

By Jeffrey machine, in room	per ton	$0.14
By Jeffrey machine, in entry	do	.1790
By punching machines, in room	do	.1744
By punching machines, in entry	do	.1905

LOADING.

In rooms, with hand drilling	per ton	$0.80
In entry, with hand drilling	do	.9290
Breakthrough, in entries (entry price)	do	.9390
Breakthrough, in rooms (per ton)		Entry price.

This machine mining represents approximately 85 per cent of the total tonnage of Ohio. The high-price machine mining quoted above represents about 28 per cent of the total machine mining. Machine miner, light-hand miner has to furnish his tools, blasting powder, etc. He is not, however, required to pay anything for tool sharpening. He must properly prepare his coal, and failure to do so means that he will be docked so many cents for so much dirt. He is also required to properly timber his place, lay his track, and in many cases push his empty car from a distance of 250 feet. The pay of which is included in the 80 cents a ton received by the miner for loading machine-mined coal.

INSIDE DAY LABOR.

	Per day.
Tracklayers	$7.50
Tracklayers' helpers	7.25
Trappers	4.00
Trappers (where old men are employed)	5.41
Bottom cagers, drivers, trip riders	7.50
Water haulers, machine haulers	7.50
Snappers on gathering locomotives	7.50
Timbermen	7.50
Pipemen for compressed-air plants	7.42
Wiremen	7.50
Motormen	7.50
Motormen (minimum)	7.50
Other inside day labor	7.25
Spike team drivers, extra	1.25
Drivers	7.50

Drivers are required to take their mule or horse to and from the barn or stable to their working place. Some places requiring almost an hour's work in the morning and in the evening.

OUTSIDE DAY-WAGE SCALE.

	Per day.
First blacksmith	$7.77
Second blacksmith	7.45
Blacksmith helpers	7.25
Mine carpenters	7.45
Dumpers	7.25
Trimmers	7.25
Breakers and couplers	5.00

When engineers and firemen are employed by the day, the minimum rate shall be $7.25 for eight hours' work. This shall not apply to men employed at a monthly rate. This rule shall also apply to coal washers.

I am also going to insert a detailed mining scale for the Crooksville district, as follows:

INSIDE LABOR.

	Per day.
Tracklayers, drivers, rope riders, bottom cagers, water haulers, machine haulers, timbermen, wiremen, motormen	$7.50
Pipemen for compressed-air plants	7.40
Tracklayers' helpers	7.25
Where old practical miners are employed as trappers	5.77
Trappers	4.00
All other inside day labor	7.25

OUTSIDE LABOR.

The following shall be the minimum base for outside labor:

	Per day.
Blacksmith	$7.50
Blacksmith's helper	6.75
Trimmers, carpenters	7.13

When engineers and firemen are employed by the day the rate shall be $7.25 for eight hours. This shall not apply to men employed at monthly rates.

MACHINE.

Cutting with chain machines, wide work, per ton	$0.1865
Cutting with chain machines, narrow work, per ton	.2218
Loading, shooting, and drilling in rooms	.80
Loading, shooting, and drilling in entries, break-throughs between entries, break-throughs between rooms and room turning, per ton	.8159
Double-shift entries and break-throughs between entries, extra, per yard	.483

PICK.

Per ton of mine run coal	1.146
Taking care of bone coal over roadway in rooms, extra, per ton	.065
For delivery of coal by miner to entry, per ton	.065
Driving entry taking top or bottom, 5 feet high from rail, where top is slated or bone coal, per yard	3.3706
Driving entry, under top, per yard	2.5102
Driving entry and taking down bone coal, per yard	2.8049
Break-throughs between entries for coal, per yard	2.5102
Room break-throughs, single entry system, for first break-through, per yard	2.5102
Room break-throughs, single-entry system, after first break-through, per yard	1.4490
Room break-throughs, double-entry system, per yard	1.4490
Room turning, per yard of neck	1.2678
Rock-shot in room neck, 2 yards	3.1734
Four yard wide places, per yard	1.5264
Double-shift entries and break-throughs between entries, extra, per yard	.483

The coal in the Crooksville district is what is known as "Thin No. 6 coal" and ranges in thickness from 30 inches to 44 feet.

Men working in this district never have an opportunity to straighten themselves or straighten their backs during the day until they go out of the mine in the evening unless they choose to lie flat on the floor or bottom of the mine. They enter the mine in the morning and sometimes have to walk miles in a stooped position to their work. They are frequently compelled to go through mud and water in order to reach their work.

In the Hocking Valley district the pick miners receive $1.116 per ton. The machine miners get 14 cents per ton in the room, or 17.9 cents per ton in the entry.

In the Crooksville district the pick miner receives $1.146 per ton, and the machine miner receives 18.3 cents per ton.

The highest wages paid men working either inside or outside the mine in these districts is $7.50 per day. The lowest wage is $4 per day.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. LINTHICUM. What is the average pay of a coal miner?

Mr. RICKETTS. That depends altogether upon the number of cars that are put in the switch to be filled.

Mr. LINTHICUM. I was not talking about the particular days. I am trying to get at the general average, allowing for all the loss of time.

Mr. RICKETTS. An ordinary miner, if he has good high coal—5½, 6, 7, or 8 feet high—would probably get out six tons per day, while an expert miner might mine 10 tons, but there are very few men who can mine 10 tons a day, and the conditions must be right or they can not do it under any consideration. For the last 30 years the miners have averaged 123 days per year when they had no work.

Mr. LINTHICUM. That is what I am getting at. What is the earning capacity in an average.

PROPAGANDA.

Mr. RICKETTS. I have been flooded with propaganda, and I take it that every other Member of this House has likewise been the recipient of a great quantity of literature stating that the coal miners of the country are responsible for the high price of coal. Nothing could be farther from the truth. These men for years have lived on starvation wages, because of a lack of work. They could have made a fair living for themselves and families if they could have had reasonably steady work.

The press of the country in publishing the propaganda has made a great hullabaloo out of the fact that the miners were demanding six hours per day and five days per week. If they were to get that many hours per day and days per week regularly it would more than double the average employment per year, and would also double the production, and would make cheaper coal to the people of the country. The miners do not work by the day, but by the ton. This proposition does not mean a demand for fewer hours and days per week, but in reality it means an increase to them in hours and days per week, and a more equal distribution of employment to miners throughout the country.

Down in the Hocking Valley, in my district, right at this very minute men, women, and children are suffering because of the fact that the miners have not had reasonable work during the past year. If during the past year they had had six hours

per day and five days per week regularly they would not be in this pitiable condition.

Coal is selling to-day in my State at from $5.50 to $7.50 per ton. Why is this? It is certainly not due to the fact that the miners are being overpaid. [Applause.]

Very few men in public life understand miners, mine work, and mine conditions in this country. Fortunately for me I have had actual experience in the mine, and I know personally mining conditions in my district, and in a general way conditions throughout the country.

I have no quarrel with the press, or with any Member of this House who offers a just criticism, but, as one coming from a mining district, and who as a boy was engaged in the mining industry, I would be doing violence to my constituency and to my conscience, if I do not raise my voice in solemn protest against any unjust criticism that may affect the reputation, thought, purpose, and ideals of the conservative miners of this country. I point with pride to the splendid citizenship, noble character, thrift, and high ideals of the miners whom I have the honor to represent.

The nations of the Old World have enslaved their labor. That shall not happen in America, so far as I am able to prevent it. I am not satisfied with giving to an American laboring man a mere living wage. I believe that every laboring man should have a wage commensurate with his service.

I believe that the men with the horny hands of toil are the very foundation and backbone of this great Republic, and that they should have the protection of the law, as well as that guaranteed to them by the Constitution, that of "equal rights to all and special privileges to none."

There is too much of a tendency in this country to protect the man who secures the dividends, to the prejudice of the man who produces the dividends. One is just as important to this Republic as the other, and both are interdependent.

Abraham Lincoln once aptly said, "Capital is the product of labor." What could be more true?

The miners are not the only class of individuals in the United States who are organized or unionized. In fact, every line of business throughout this country is organized or unionized, and the first of these to organize was capital.

What is the difference between the laboring man who demands an increase of wage in order that he may have a greater return on his labor, which is his stock in trade, and the man who raises the sale price of his commodities in order that he may have a greater return upon his investment, or the employer who reduces the compensation to his employee in order that his profits may be greater?

Gentlemen of the House, there is an erroneous opinion prevalent throughout this country with reference to the right to strike. That greatest of great Americans, the late lamented President Theodore Roosevelt, in his message to Congress on March 25, 1908, among other things, said:

> It is important that we should encourage trade agreements between employer and employee where they are just and fair. A strike is a clumsy weapon for righting wrongs done to labor, and we should extend, so far as possible, the process of conciliation and arbitration as a substitute for strikes. Moreover, violence, disorder, and coercion, when committed in connection with strikes, should be as promptly and as sternly repressed as when committed in any other connection. But strikes themselves should be recognized to be entirely legal. Combinations of workingmen have a peculiar reason for their existence. The very wealthy individual employer, and still more the very wealthy corporation, stand at an enormous advantage when compared to the individual workingman; and while there are many cases where it may not be necessary for laborers to form a union, in many other cases it is indispensable, for otherwise the thousands of small units, the thousands of individual workingmen, will be left helpless in their dealings with the one big unit, the big individual or corporate employer.
>
> Twenty-two years ago, by the act of June 29, 1886, trade-unions were recognized by law, and the right of laboring people to combine for all lawful purposes was formally recognized, this right, including combination for mutual protection and benefits, the regulation of wages, hours, and conditions of labor, and the protection of the individual rights of the workmen in the prosecution of their trade or trades; and in the act of June 1, 1898, strikes were recognized as legal.

President Roosevelt always showed a sympathetic interest in the welfare of the wage earner. Does any man here dare deny that he was one of the greatest, if not the greatest American that has yet lived? He believed in justice to all mankind. Justice and fair dealing to the laboring men of this country would go far toward eliminating forever any such thing as a strike. [Applause.]

Why is it that John D. Rockefeller, jr., who employs hundreds of men constantly, never has any trouble in adjusting wages with his men? Why is it that the late Senator Hanna, during his lifetime, never had a strike among the hundreds of men that he employed? Why is it that Henry Ford has never had a strike among the thousands of men that he employs?

HAZARD.

I am convinced that the employment of the miners is one of the most dangerous and hazardous occupations known to man. He is surrounded with danger upon every hand. Not only is this true, but his work is tremendously hard. He comes out of the mine with his clothes wet and his body black with grease, dirt, and grime. Colds, pneumonia, and consumption are prevalent among the miners by reason of exposure in and out of the mine.

I have seen them on their way home from the mine when their clothes were frozen on their bodies. Many of them work in water half knee-deep, in foul and noxious air, and many times they are compelled to work in low coal, where they are required to double up like jackknives.

They are always exposed to the danger of gas and dust explosions, to the falling of slate and coal, to drowning, to electrocution, to mine damp, to fire, and to being mangled by dangerous machinery. The man who mines takes his life in his hands the minute he enters the shaft or the mouth of the mine. His toil, labor, and service is an industrial necessity. Without it, the whole industrial network of the country would be greatly imperiled.

The public gives too little heed to the fact that the coal miner lives what might well be termed an isolated life. He loves his work. He strives to do his best. He saves his money in anticipation of providing amply for his wife and children, and that his children may be educated and cultured and have the privileges and opportunities accorded to other children whose parents are engaged in different occupations.

He spends his working hours in inky darkness. He braves the dangers of the earth's caverns, with no assurance that he will return to his loved ones at home. In performing his duty as an industrial factor he is shut off from God's sunlight, from the sweet song of the birds, and from nature's refreshing air. His lot is indeed a hard one, and his annual income is meager, but he is one of the most important factors in the industrial world.

I believe in fair play to capital and to labor and to the people, and I am one Member of this House who will stand steadfastly and firmly at all times for a just, fair, and commensurate wage to the American miner and the American laboring man.

My heart bleeds with sympathy for the miners and their families, many of whom are actually in need of the necessities of life, and who have been living for the past year on limited rations because they have not had nor could they secure employment. [Applause.]

Mr. GOODYKOONTZ. Mr. Chairman, I ask unanimous consent to speak for five minutes out of order.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to address the committee for five minutes out of order. Is there objection?

Mr. MONDELL. Mr. Chairman, I shall have to object.

The Clerk read as follows:

ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS BETWEEN THE UNITED STATES AND GREAT BRITAIN.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographers for arbitrators for three months, at $120 per month, $360; traveling expenses of arbitrators, $4,000; reporting proceedings, $3,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $10,320.

Mr. BLANTON. Mr. Chairman, I make the point of order against this whole paragraph, beginning in line 5 and ending on line 20, the same being legislation unauthorized on an appropriation bill.

Mr. HUSTED. Mr. Chairman, this particular paragraph merely carries out the treaty which was entered into between the United States and Great Britain. The treaty was signed at Washington in August, 1910, and ratification of it was advised by the Senate in July, 1911, and it was confirmed by exchange of notes in April, 1912.

The CHAIRMAN. The point of order is overruled.

The Clerk read as follows:

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN.

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, expenses of printing, cost of law books, books of reference, and periodicals, and necessary traveling expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between

the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, $38,000, to be disbursed under the direction of the Secretary of State: *Provided*, That no part of this appropriation shall be expended for subsistence of the commission or secretary, except for actual and necessary expenses, not in excess of $8 per day each, when absent from Washington and from his regular place of residence on official business: *Provided further*, That a part of this appropriation may be expended for rent of offices for the commission in the District of Columbia in the event that the Public Buildings Commission is unable to supply suitable office space.

Mr. BLANTON. Mr. Chairman, I make the point of order as to the proviso beginning in line 10, page 21, and ending in line 15, as it provides subsistence in the sum of $8 per day, when the present law provides a maximum of only $5 per day.

Mr. HUSTED. Mr. Chairman, this is a mere limitation. It is on all fours with the provision which the Chair held in order which was offered to the bill yesterday.

The CHAIRMAN. The Chair thinks this is a limitation and overrules the point of order.

The Clerk read as follows:

INTERNATIONAL HYDROGRAPHIC BUREAU.

For the second annual contribution of the United States toward the maintenance of the International Hydrographic Bureau, $3,860.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph as legislation unauthorized by law.

Mr. HUSTED. Mr. Chairman, this is the paragraph relating to the International Hydrographic Bureau. I admit that it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

INTERNATIONAL TRADE-MARK REGISTRATION BUREAU QUOTA OF UNITED STATES.

For the annual share of the United States for the expenses of the maintenance of the International Trade-Mark Registration Bureau at Habana, including salaries of the director and counselor, assistant director and counselor, clerks, translators, secretary to the director, stenographers and typewriters, messenger, watchmen, and laborers, rent of quarters, stationery and supplies, including the purchase of books, postage, traveling expenses, and the cost of printing the bulletin, $9,500.

Mr. BLANTON. Mr. Chairman, I make the point of order against this entire paragraph, beginning on line 19, page 23, and ending with line 5, page 24, for the reason that it contains legislation unauthorized on an appropriation bill.

Mr. HUSTED. Mr. Chairman, this is really one of the most useful and valuable of all the international bureaus of our Pan American bureaus with which we are connected. I admit that it is subject to a point of order, but I hope that the gentleman will withdraw his point of order. This bureau is of great convenience and utility to all men doing business with South America. They provide for the uniform registration of trade-marks and copyrights and work of that kind. It is something in which every business man in the country who is concerned with trade-marks, patents, or copyrights is interested.

Mr. BLANTON. Mr. Chairman, I stand with the gentleman from Massachusetts [Mr. WALSH] in his position that we have entirely too many of these international bureaus.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary actual expenses during such sessions, not to exceed $8 per day each, and so much as may be necessary for said purposes during the fiscal year ending June 30, 1923, is appropriated.

Total, $30,400.

Mr. ROGERS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 24, after line 24, insert: "The appropriation of $275,000 for the transportation of diplomatic and consular officers carried elsewhere in this act shall be available for the transportation of the officers of the United States Court for China to the same extent as for the transportation of such diplomatic and consular officers."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation which is unauthorized and not germane to the paragraph preceding.

Mr. ROGERS. Mr. Chairman, the organic act creating the United States Court for China will be found, perhaps most conveniently, in Barnes's Federal Code, section 7040. This court is established by legislation as a permanent judicial agency of the United States Government. It is, of course, a court specifically located in China, and it is required in the statute that the officers of that court shall be American citizens.

For years the Congress has been appropriating for the salaries of the officers, and it is a matter of common knowledge that those officers have been going back and forth between the United States and China. At the time that this same appropriation bill was before the House last year a point of order was made—my recollection is that it was made by the gentleman from Texas [Mr. BLANTON]—against various items incident to the carrying on of a foreign service. I remember particularly that a point of order was raised against the item carrying an appropriation of $1,800 for a steam launch to be used in connection with the United States Embassy in Constantinople. It was admitted at that time that there was no statutory authority specifically permitting a steam launch in Turkey or anywhere else. If my recollection is not at fault, and the gentleman is here to correct me if I am mistaken, the occupant of the chair at that time temporarily was the gentleman from Illinois [Mr. MANN].

The Chairman overruled the point of order on the ground that a steam launch of that character was a natural and proper incident to the carrying on of a foreign service.

Here we have a court 6,000 or 8,000 miles away. We have officers of that court who are necessarily American citizens. That court is the appellate court from the consular courts of China. Those consuls have been provided for in the matter of travel. It seems clear, under a very broad line of decisions made by the Chair in connection with this same bill a year ago, that transportation for the officers of the United States Court for China is a necessary, proper, and appropriate incident of the court itself. It is admitted that that court is created by law. Therefore, it seems to me it would follow as an inevitable corollary that the transportation of the officers of that court is a proper item in this bill as proposed by my amendment.

Mr. BLANTON. If the Chair will hear me a moment, under the ruling as made by the distinguished gentleman from Connecticut [Mr. TILSON], which was based upon decisions of Chairmen of this House for the last 50 years, he held that while the committee could properly place such an amendment in this particular paragraph which the gentleman seeks now to make apply to this paragraph under discussion, and that paragraph we have already passed, yet when the committee itself did not see fit to so place it in that paragraph and the paragraph had been passed and we were on another paragraph, it was improper for any Member, either a member of the committee or any other Member, to offer such an amendment from the floor. And that decision is such an important one, based upon such a long line of decisions, that I hope the Chair will consider it in passing upon this question, so that we may have a uniformity of opinions upon which we may rely.

Mr. MOORES of Indiana. Mr. Chairman, the officers of this court are consular officers. The court is charged with reviewing the decisions of the consuls, and it is primarily a consular court of appeal. There is a law requiring its officers to be American citizens, and there is a provision that nothing shall be paid them unless they are American citizens. Being consular officers, they are entitled to travel under the same terms and conditions ordinarily as are other consular officers for whom there is an appropriation available for transportation. This amendment simply includes them where they belong, within the appropriation for consular purposes, for travel for consular officers. Mr. Chairman, the statute has not been read, but it is perfectly clear. It is very lengthly. It covers two or three pages, but it is perfectly apparent from the reading of it that the judge, who is paid $8,000 a year, that the marshal, who is paid $3,000 a year, and another officer, the district attorney, whose pay is $3,000 a year, are consular officers and chargeable with consular duties. The provision here is that the court shall sit in Canton, Tientsin, Hankow, and in Shanghai. A provision is made by statute for a subsistence allowance during travel. The tenure of the judge is 10 years, unless sooner removed by the President for cause. It certainly could not have been contemplated by the act of Congress creating this court that a marshal, required by the act to be an American citizen, and paid a salary of $3,000 a year, should have to travel from this country and take up his duties in China, and should have to return, without any travel allowance of any sort. The clear purpose of the act is that the court officers are to be treated from the beginning to the end as the other consular officers. They are changed from time to time. If the Chairman would like to see the statute, I will send it to the desk.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MOORES of Indiana. I do.

Mr. CONNALLY of Texas. As I understand the gentleman, he said that the statute specifically authorizes the sitting of this court at points other than Shanghai?

Mr. MOORES of Indiana. Yes.

Mr. CONNALLY of Texas. And does not that provision that they shall sit at other places imply an authority to pay their transportation?

Mr. MOORES of Indiana. I think, unquestionably, it does.

Mr. ROGERS. Since I addressed the Chair on the subject a moment ago I have procured the statute on this bill last year, which appears in the CONGRESSIONAL RECORD at page 2667, of January 29, 1921. When the item read was reached in the bill, which we have already reached, granting transportation for diplomatic and consular officers, Mr. BLANTON, addressing the Chair, said:

Mr. Chairman, I make the point of order against the paragraph because of the inclusion of the following matter, which constitutes new legislation upon an appropriation bill without any authority of law therefor.

And then he went on to elaborate that point. I admitted that there was no specific statutory authority for this transportation item, but contended that it was a natural, and, indeed, an inevitable, incident to maintaining a foreign service, and the Chairman, Mr. MANN of Illinois, overruled the point of order.

It seems to me that the decision of the Chair at that time is precisely in point, and should govern the present occupant of the chair when this point of order is being decided.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I have not the floor.

Mr. HUSTED. Mr. Chairman, this is the only paragraph in the bill referring to the United States Court for China, and therefore it is apparent that it is the proper place to offer such an amendment if the amendment is otherwise in order. The question of transportation is incidental to the appointment of these officers.

The CHAIRMAN. The Chair thinks the statute contemplates necessary transportation incidental to the appointment of this court, and overrules the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CONNALLY of Texas. Does the gentleman know whether or not one of the treaties just completed with China with reference to her internal affairs abrogates these United States courts in China?

Mr. HUSTED. No. It does not abrogate them, but it makes provision for their abrogation some time in the future.

Mr. CONNALLY of Texas. I did not mean automatically, but it does provide, does it not, that they shall in time be abolished?

Mr. HUSTED. Yes; when certain conditions shall have been complied with.

Mr. CONNALLY of Texas. Of course, these treaties are not the law of the land yet, because they have not been ratified.

Mr. DENISON. I think the treaty referred to by the gentleman from Texas provides for a joint commission, and the joint commission is to make a report later and provide for the abolition of these courts.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BRINGING HOME CRIMINALS.

For actual expenses incurred in bringing home from foreign countries persons charged with crime, $2,000.

Mr. LINEBERGER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINEBERGER: On page 25, line 17, after the word "crime," strike out "$2,000" and insert in lieu thereof "$5,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

Mr. LINEBERGER. Mr. Chairman, I notice on page 143 of the hearings, when this matter was up before the committee, the following colloquy took place between Mr. HUSTED, chairman of the subcommittee, and Mr. Carr, representative of the State Department. In reply to a query on the part of Mr. HUSTED as to his reasons for asking for an additional appropriation to the $2,000 which the committee proposed to allow, I find this explanatory statement on the part of Mr. Carr:

The duty of bringing home criminals is a statutory duty required under section 5275 of the Revised Statutes, and I think it would be wise to leave that amount as it stands. I wish we had estimated for the full $5,000, but certainly there is no question but that the $2,000 ought to be left, and I think it ought to be increased to $5,000. We did not estimate for more than $2,000 because as early as last September we could not foresee the demands that would be made upon this fund. Whether you can do anything with an oral recommendation for an increase to $5,000 I do not know, but based upon our current year's experience and the legal obligation involved——

Mr. HUSTED (interposing). I think we could, but we would be very reluctant to increase an estimate which you have made and which has been approved by the Budget officer.

Mr. CARR. I understand that perfectly, but the situation is as I have outlined it, and it is not at all improbable that if you should appropriate $2,000 we will be obliged to come back to you for a deficiency, if we have to bring home as many men as we have had to bring home during the current fiscal year.

Now, that colloquy between the chairman of the subcommittee and Mr. Carr, of the State Department, clearly indicates that unless that amount is increased to $5,000 there will be a strong likelihood of having to bring in a deficiency appropriation. He further indicates that there is great likelihood that the full $5,000 will be needed within the year. The $2,000 carried here is an insignificant amount. Gentlemen of the House, if the Government should have to face any emergency whatsoever in the matter——

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. I would prefer to complete this statement.

If the Government should have an emergency in the way of bringing home criminals from foreign countries, more than this $2,000 provided here would be needed. I apprehend that in the ensuing year slacker Grover Cleveland Bergdoll will be apprehended and brought home to justice. There are a lot of ex-doughboys in the United States who are going to stay on Bergdoll's trail until he is finally caught, and we know these men will never quit until justice is satisfied. The authorities are making active efforts to apprehend this slacker, and it is not at all unlikely that this may take place within the coming year. Therefore, with this in view and the statement of Mr. Carr, I think this appropriation should at least be increased to $5,000. [Applause.]

Mr. HUSTED. Mr. Chairman, the amount carried in the appropriation bill for the current year is $2,000. The estimate of the State Department for the next year is $2,000, and that is the amount we have recommended.

The reason why we have done so is as follows: They have used only $1,200 this year out of their $2,000 appropriation, and the fiscal year is three-fourths completed. For the past two years they have used but a few hundred dollars, less than $1,000, and the reason why they have used $1,200 this year is because, as Mr. Carr stated, they had some very exceptional demands made upon them. I am sure $2,000 will answer all necessary purposes.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. LONGWORTH. Has the subcommittee in this bill exceeded in any case the recommendations of the Budget?

Mr. HUSTED. Not in any instance.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BARBOUR. Will the gentleman state whether any real honest effort has been made to apprehend Bergdoll?

Mr. HUSTED. I have no information as to that.

Mr. BARBOUR. I should think that if such efforts are being made this sum would be needed for that purpose.

Mr. HUSTED. I do not think this sum would be used in that way in any event. There would be plenty of money in this fund to transport him if they caught him; but they could not use any of this money to catch him.

The CHAIRMAN. The question is upon the amendment of the gentleman from California [Mr. LINEBERGER].

The question being taken, on a division, demanded by Mr. LINEBERGER, there were—ayes 5, noes 18.

Accordingly the amendment was rejected.

The Clerk read as follows:

TITLE II.—DEPARTMENT OF JUSTICE.

OFFICE OF THE ATTORNEY GENERAL.

Salaries: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $9,000; six Assistant Attorneys General, at $7,500 each; Solicitor for the Department of the Interior, $5,000; Solicitor for the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; four attorneys at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attor-

neys—1 $4,500, 1 $3,750, 4 at $3,500 each, 1 $3,250, 14 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 $3,500, 2 at $3,000 each, 2 at $2,750 each, 4 at $2,500 each, 1 $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and administrative assistant and ex officio superintendent of buildings, $3,500; superintendent of buildings, $500; assistant chief clerk, $3,000; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,800; stenographer to the Solicitor General, $1,600; law clerks—3 at $2,000 each, 2 at $1,800 each; clerk in the office of Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk $2,000; librarian, $1,800; clerks—5 of class 4, 12 of class 3, 12 of class 2, 27 of class 1, 16 at $1,000 each, 11 at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 6 messengers at $840 each; 13 assistant messengers at $720 each; 7 laborers at $660 each; 7 watchmen at $720 each, engineer, $1,200; 2 assistant engineers at $900 each; 2 telephone switchboard operators at $720 each; 4 firemen at $720 each; four elevator conductors at $720 each; head charwoman, $480; 24 charwomen at $240 each. Division of Accounts: Chief, $3,000, administrative accountant, $3,000; chief bookkeeper and record clerk, $2,200; examiners—2 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, three at $1,800 each; clerks—8 of class 4, 6 of class 3, 7 of class 2, 5 of class 1; in all, $475,910.

Mr. HUSTED. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 26 line 14, strike out the word "four" and insert in lieu thereof the word "five."

Mr. HUSTED. Mr. Chairman, when this estimate was presented to the subcommittee there were a number of eliminations suggested by the Department of Justice and a number of substitutions asked for. We granted all the eliminations but we did not approve any of the substitutions, and we went a little bit too far. We reduced the number of these attorneys from five to four, and this amendment is simply to restore the number originally contained in the estimate.

Mr. WALSH. Will the gentleman yield?

Mr. HUSTED. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does the gentleman provide for any attorneys at $35,000 a year?

Mr. HUSTED. We do not.

Mr. WALSH. Were you asked by the Attorney General to do so?

Mr. HUSTED. We were not asked to do so. The highest-paid attorney in that department is $4,500, with the exception, of course, of the Attorney General and the departmental solicitors.

Mr. TILSON. The Shipping Board is the only governmental activity that has attorneys at $35,000 a year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HUSTED].

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 27, line 15, insert the following paragraph:

"No part of the amounts appropriated in this paragraph shall be expended for the payment of any salary or compensation for legal services in connection with any suit or other proceeding brought in any court to enjoin any officers or members of a labor organization or labor union from suspending or quitting their employment."

Mr. HUSTED. I reserve a point of order on the amendment.

Mr. DENISON. Mr. Chairman, I think this is a plain limitation on the appropriation, which is entirely proper, as far as the point of order goes. Salaries may be provided by law, but we have the right to control the appropriations for them.

I assume that most of the Members will remember the serious labor difficulties of 1919, when the coal miners went out on strike in that year, and the Attorney General filed injunction proceedings which resulted in enjoining the officers of the United Mine Workers from calling the strike and from paying out any of their funds to support the members of the organization during the strike. It resulted ultimately in compelling the officers of the organization to call the strike off, and finally resulted in the men going back to work.

If any of you lived in industrial districts during that time, you, of course, had an opportunity to witness the bitterness of feeling that was caused among all of the industrial workers of the country by reason of this injunctive order. I had an opportunity to be among the coal miners, railroad men, and other laboring men at that time and since then, and I have never known a more bitter feeling and attitude toward the courts of the country than that which was caused by this injunction issued by Judge Anderson at Indianapolis. I think in many respects it was a very unfortunate proceeding. It resulted in an attitude on the part of a large part of our people toward the courts, the Federal courts particularly, that is very unhappy and unfortunate and ought to be avoided. We now are in the midst of a serious labor dispute——

Mr. WALSH. Will the gentleman yield?

Mr. DENISON. Yes; I yield to the gentleman from Massachusetts.

Mr. WALSH. Why confine this simply to injunctions against labor organizations?

Mr. DENISON. Because I am more particularly interested in labor organizations at this time than I am in others, and because of the critical condition which exists at this time in the coal industry and the fear that prevails among the coal miners of the country that this power of injunction will be invoked again against them. They feel very intensely upon this subject. I assume that my friend from Massachusetts does not live in a coal-mining locality, and, therefore, has never been brought into contact with men in that line of industry and has no conception of the feeling that an injunction issued by a Federal court against their alleged right to quit work arouses among them. It is a very bitter and intense feeling, and I think it ought to be resorted to very rarely, if at all, because of the bad feeling that it does cause, a feeling almost of rebellion against the courts that it engenders among that great class of our people.

I started to refer briefly to the condition that now exists. For the first time in this country since the coal miners have been organized practically all of the anthracite and bituminous miners have ceased work.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. DENISON. I will yield to my friend from Texas.

Mr. CONNALLY of Texas. The purpose of the gentleman, of course, is to make it impossible for the Attorney General to bring any suit of the kind described in his amendment? Does the gentleman fear that the present Attorney General, unless restrained by some provision of law like this amendment, will bring these suits?

Mr. DENISON. I will say to my friend from Texas that I am afraid the officials of the present administration might unfortunately follow the precedent set by the officials of the preceding Democratic administration and follow the same course taken by Attorney General Palmer.

Mr. CONNALLY of Texas. They have in many instances followed the last administration, and if that is to be the policy they will have to do so again.

Mr. DENISON. Well, I hope the instances may be exceedingly rare.

Mr. LONDON. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from New York.

Mr. LONDON. Is not the language of the amendment the identical language carried in previous appropriation bills?

Mr. DENISON. I am unable to say as to that. I do not remember.

Mr. LONDON. The gentleman did not copy the language of previous bills?

Mr. DENISON. No; I claim originality for this amendment. I prepared it without having consulted anybody or referred to any preceding law.

Mr. LONDON. I understood that there was in previous appropriation bills a provision which accomplished the same purpose.

Mr. DENISON. There may have been, but if there was I have no knowledge of it. This amendment I am offering refers to injunctions, and not to prosecutions for violations of the antitrust laws.

Mr. EVANS. Will the gentleman yield?

Mr. DENISON. I will.

Mr. EVANS. As I understand, at the present time all the union miners are on a strike and out.

Mr. DENISON. I think that is true.

Mr. EVANS. To what section does this amendment the gentleman has offered apply?

Mr. DENISON. I said all union miners have stopped work. I think there may be a few in some parts of the country who had a separate contract and whose contract has not yet expired, and they are continuing to work under their contract. I may be mistaken about that, but I think it is true of the miners of Nova Scotia and it may be true of some miners in this country.

Mr. HUSTED. Mr. Chairman, I make the point of order which I reserved against the amendment, and I would like to be heard on it.

Mr. DENISON. It is reported that about 450,000 bituminous coal miners and about 150,000 anthracite coal miners, or 600,000 coal miners all together, have stopped work, and about 6,200 of the 7,500 coal mines in the United States are idle.

The loss in the production of coal in the bituminous fields by reason of the cessation of work amounts to about 1,200,000 tons daily and in the anthracite field to about 300,000 tons daily. It is difficult for most of us to comprehend what this great industrial crisis means to the men who support themselves and families by their labor in the coal mines. It is said that the daily loss of wages in the bituminous coal field alone is amounting to about $2,000,000 a day, and in the anthracite coal field to about $800,000 a day, or almost $3,000,000 each day is lost to the coal miners so long as the strike lasts. In the State of Illinois there are about 1,050 coal mines; every one of them is operated by union labor and is closed.

If the estimate of 600,000 men as the number of coal miners out of employment is substantially correct and if each man represents a family of five individuals, including himself, then it follows that about 3,000,000 men, women, and children are being deprived of their daily earnings and support by reason of the unfortunate conditions which have resulted in the closing of the mines.

Nor is this all by any manner of means, for the million and a half tons of coal that are usually mined daily are transported by the railroads for distribution throughout the country. With the closing of the mines the railroads have had to call in their coal trains and lay off their crews, so that many thousands of railroad men alone, to say nothing of men engaged in other dependent industries, are thrown out of employment.

Coal is a product that is absolutely necessary to a large part of the industries of the Nation, and while there is a sufficient supply on hand to last for some weeks to come, the reserve supply will gradually disappear, and unless the production of coal is soon resumed the industries of the country will gradually begin to close down, thereby throwing many more thousands of American workmen out of employment.

I do not think it is any exaggeration to assert that if work in the mines is not resumed within six weeks or two months there will be at least a million American workmen thrown out of employment as a result of it, and at least 5,000,000 men, women, and children will be deprived of their daily earnings and support.

This presents a serious situation and ought to receive the serious consideration of each one of us.

It is estimated by those connected with the Geological Survey that there are about 63,000,000 tons of coal now stored and available for use in the United States. It is reasonably certain that with this reserve supply available and the strike coming at this time of the year there will in all probability be very little physical suffering because of the shortage of fuel. Therefore the interest of the public in this unfortunate labor controversy need not yet seriously concern us. What should concern us most is the distress and the suffering that is bound to come to the families of the men who are out of employment.

While the coal miners are, as a rule, receiving very good pay when their wages are considered by the day alone, yet when it is further realized that coal miners on an average do not work over three or four days a week, and that there are very few miners in the country who work as much as 200 days a year, it becomes easy to understand that the miners are not overpaid, if, indeed, it can not be said that they are in fact underpaid for their labor.

And when we further consider that the wages of the average coal miner, when considered by the month or the year, is barely sufficient to support his family from day to day and month to month, we can more readily see the distress and the suffering that is bound to follow when so many miners are out of employment for any considerable time.

Mr. Chairman, it happens that I represent one of the largest bituminous coal districts in the country. There are between forty-five and fifty thousand men employed in the mines in my district. I have lived among them all my life. I think I understand something of the mining business and of the problems which confront those who earn their living by digging coal. I do not know of any coal miners in Illinois who are overpaid. I know of many who are, by reason of conditions under which they work, very seriously underpaid. I know of many who, by reason of the conditions under which they work, can not from their wages support and educate their families as the families of American workmen ought to be supported and educated. And therefore, Mr. Speaker, my sympathies are with the men who are thus thrown out of employment.

It would serve no useful purpose for me to attempt to discuss the causes that have led to the closing of the mines or to engage in any controversial discourse as to who is responsible for it. It is a labor dispute, involving one of the greatest industries of the country, and only those who are engaged in the industry as employers or employees and who know the purposes and the plans and the aspirations of those on both sides of the controversy can fully comprehend the problem in all its various angles.

This seems to be an admitted fact, however: That a controversy over wages between the operators and the miners arose during the year 1919, and as a result of their failure to agree the miners were called out on a strike, to be effective on November 1 of that year. Under certain war laws which were still at that time effective, the Government secured an injunction against the officials of the miners' organization, tied up their funds, and compelled the president of the miners' organization to issue an order canceling the strike. Finally, through the intermediation of President Wilson, the miners were prevailed upon to accept a compromise proposal of the Fuel Administrator, Mr. Garfield, and return to work pending the report of a Bituminous Coal Commission which the President had appointed for the purpose of adjusting the controversy between the miners and the operators. This commission made a report granting a substantial increase in wages to the miners and was accepted both by the operators and the miners and became effective March 31, 1920, to continue in effect until March 31, 1922. A joint conference was held in the city of New York between the coal operators and the representatives of the miners' organization on the 31st of March, 1920, and a two-year agreement was signed governing wages and working conditions in the mining industry, and in accordance with the finding of the Bituminous Coal Commission appointed by the President. In connection with this two-year agreement or contract, signed by the representatives of both parties, there was adopted this resolution:

Resolved, That an interstate joint conference be held prior to April 1, 1922; the time and place of holding such meeting is referred to a committee of two operators and two miners from each State herein represented, together with the international officers of the United Mine Workers' organization.

It would seem to me that if any part of that contract, solemnly executed by the representatives of the coal operators and the coal miners, was morally binding upon the parties thereto, this resolution with reference to the holding of an interstate joint conference prior to the expiration of the contract was equally binding upon them. And therefore it seems to me that the coal operators have to that extent been unmindful of their solemn obligation by refusing to meet the representatives of the coal miners in an interstate joint conference. The contract of 1920 did not bind or obligate either the operators or the miners with reference to any principle or policy that might be discussed or agreed to in the proposed conference. It left each of the parties free to act in accordance with their own judgment, but it did bind them to meet in conference, and therefore it seems to me the operators have not been justified in the course they have followed in refusing to meet the representatives of the coal miners in this joint conference.

Mr. Chairman, I believe that all industrial disputes grow out of lack of understanding. If employers and employees will but come together and meet each other face to face around the table, they will settle their disputes nine times out of ten if they are actuated at all by good intentions. Therefore it is not at all impossible or improbable that if the operators and the officials of the miners had with good intentions met in joint conference before the expiration of the contract and in accordance with the provision of the contract, some understanding might have been reached which would have averted this unfortunate closing of the coal mines.

In this connection I wish to say that, in my judgment, there is nothing that Congress can do that will relieve the situation. There is a constitutional limitation on the powers of Congress to interfere in the management of private industries. While the country is at war and we are as a Nation engaged in a struggle for existence, there is practically no limit to what Congress may do in the regulation of essential industries under the war powers of the Congress; but we are no longer at war.

Congress can now exercise no war power. We can only do that which we are expressly authorized to do by the grant of powers in the Constitution. Therefore I do not know of anything that Congress can do unless a national emergency bordering on a state of war should arise. Members may get busy with their typewriters and draw up long resolutions, and drop them in the basket, calling for all kinds of investigations, but these can serve very little useful purpose except to afford an opportunity for representatives of both sides of the controversy to give publicity to their respective contentions. The situation, it seems to me, is far too serious to justify anyone who is connected with the dispute or who is assuming to offer suggestions

for its settlement in approaching the subject from a purely political point of view.

The coal-mining industry is one of the Nation's greatest and most essential industries. Without coal the wheels of industry would not turn; without it the people of the country would suffer. The coal supply of the country has hardly been touched, and the industry is destined to go on hereafter with increasing magnitude from generation to generation as the vast deposits of coal in the country are opened up and made available for use. The industry must be developed and operated either by private capital or by the Government itself. Whatever the necessities of the future may bring about, the Government can not at this time either own or operate the coal mines. The people are unwilling to embark upon that policy. The condition of the Treasury would not allow it. The Government could not efficiently undertake it. Our fatal experiment with the railroads, which cost us over $2,000,000,000, and our fatal experiment with ships, which cost us many more billions, ought to warn us that the Government is incapable of operating efficiently the coal mines or any other of the great industries of the country. Therefore they must still be operated by private capital. And the Members of Congress, it seems to me, can best perform a public service at this time by using such influence as we may have in attempting to induce those who have their capital invested in the industry and those whose labor is necessary to maintain it to get together as soon as possible and in a proper spirit of concession or compromise adjust their differences and allow these hundreds of thousands of our very best and most essential laboring men to return to work under such conditions that they may properly support and educate their families.

I believe that if my amendment is approved by the House it would result in a better feeling among the miners, and might help promote an early settlement of this serious situation.

Mr. GOODYKOONTZ. Mr. Chairman, the amendment offered by the gentleman from Illinois has a bearing on the coal strike now existing throughout the country. I have here a letter under date of April 4, 1922, from Mr. Everett Drennen, president of the West Virginia Coal & Coke Co., at Elkins, W. Va., inclosing a statement of the Northern West Virginia Coal Operators' Association on the attitude of the association in respect to the proposition of meeting the miners in fulfillment of the contract that had been entered into a year or two ago in respect to meeting again in regard to a new contract. I do not wish to take up the time of the House, but I ask unanimous consent that this letter and statement be printed in 8-point type in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD as indicated in 8-point type. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. I will add to that statement this further observation; I am not familiar with the facts repeated in this letter and statement, but have consulted with an official of the United Mine Workers of America, who has assured me that it was a fact that the officials of the coal operators' association just named had always stood willing and anxious to meet the United Mine Workers of America in conference with a view of negotiating a new contract for the one that expired on April 1.

Moreover, the officials of the Northern West Virginia Coal Operators' Association are of the highest integrity, and I therefore feel quite sure that the "statement" is in harmony with the facts.

West Virginia is not in the so-called central competitive field. The statements of the Attorney General and the Commissioner of Labor charging a breach of the preexisting contract relating to conference and negotiation therefore do not apply to any of our West Virginia operators, West Virginia being regarded as an "outlying district." It is the policy of the mine workers first to contract with the central competitive field operators—Ohio, Indiana, Illinois, and western Pennsylvania—and then later with the operators in the outlying districts, such as northern and central West Virginia.

Mr. Chairman, the chief factors contributing to the great coal strike that is now upon us and Nation wide is the highly oppressive freight rate. Our foreign trade has been captured by the British. American cargo coal for South and Central America and the West Indies has ceased to exist. There is even but little demand for bunker coal, since foreign vessels undertake to bring enough coal to last them for the round trip.

Carrying charges on coal from southern West Virginia to the port of Norfolk and thence by boat to New England are from $7 to $8 per ton.

The consequence is that our miners have been working on short time and the plants have been losing money as a result of the fact that coal at the mines has been selling at from $1.25 to $2 per ton, run of mine, and the output necessarily limited. At the same time the price to the consumer has been very high due to transportation and distributing charges.

When will the Interstate Commerce Commission render its decision and grant the people relief?

The letter and statement are self-explanatory and are as follows:

WEST VIRGINIA COAL & COKE CO.,
OFFICE OF THE PRESIDENT,
Elkins, W. Va., April 4, 1922.

Hon. WELLS GOODYKOONTZ,
House Office Building, Washington, D. C.

MY DEAR MR. GOODYKOONTZ: The inclosed statement will, I think, be of interest to you in view of the present coal strike situation. It is the only official statement of our association, and not only tells the truth, but the whole truth.

Very truly yours,

EVERETT DRENNEN.

THE NORTHERN WEST VIRGINIA
COAL OPERATORS' ASSOCIATION,
OFFICE OF THE SECRETARY,
Fairmont, W. Va.

OFFICIAL STATEMENT OF THE NORTHERN WEST VIRGINIA COAL OPERATORS' ASSOCIATION.

On March 7, 1922, the directors of the Northern West Virginia Coal Operators' Association met in their offices at Fairmont, W. Va., and authorized the advisory board of the association to invite district officers of district No. 17, United Mine Workers of America, into conference for the purpose of negotiating a wage scale and working agreement to become effective after the expiration of present contract, March 31, 1922.

The membership of the Northern West Virginia Coal Operators' Association is composed of the majority of the operators in 12½ counties in northern West Virginia, with an approximate normal annual production of 20,000,000 tons and approximately 20,000 employees.

In accordance with the instructions from the directors of this association, the advisory board sent an invitation in the form of a telegram to President C. F. Keeney, of district No. 17, United Mine Workers of America, to meet at Baltimore on the 13th of March. Mr. Keeney accepted this invitation by telegram for a conference preliminary to the negotiations.

The association sent to Baltimore on the 13th to negotiate an agreement with the United Mine Workers of America the full scale committee and the subscale committee, and a meeting of the directors of the association was also called the same date at the same place. Mr. Keeney appeared at this meeting, stating he had no authority and asked that an adjournment take place until the 25th, at which time he would come back to Baltimore to meet with the operators with authority to negotiate and conclude a scale. He stated that his district convention was to meet at Charleston on the 21st, and that this convention would appoint a scale committee with authority to act, and that he would secure authority from the international policy board at their meeting in Cleveland on the 24th. To all of these requests the operators agreed, and returned to Baltimore on the 25th of March prepared to negotiate and sign a scale with an agreement for working conditions. The meeting convened at the Southern Hotel, Baltimore, on the 25th, shortly after 10 a. m., and Mr. Fred Mooney, secretary of district No. 17, requested adjournment until 1.30, stating that it would be impossible for Mr. Keeney to be present until that time.

Adjournment was agreed to, and upon reconvening at 1.30 Mr. Keeney was asked if he was "prepared to negotiate and sign a wage agreement for the field of northern West Virginia, beginning April 1." Mr. Keeney replied: "Mr. Chairman and gentlemen, I am unauthorized to negotiate and conclude a contract at this time." Mr. Keeney also made further statements with reference to why he did not have authority, and after his speech International Representative Moore made a statement to the same effect that Mr. Keeney spoke, and the meeting adjourned.

Notwithstanding these facts the United Mine Workers of America sent to individual members of their organization in northern West Virginia the following referendum ballot:

"Do you favor and vote for a general suspension of mining operations beginning April 1, when the present contract between coal miners and operators expires, in the event no agreement is reached by that time?"

By the mine workers' refusal to negotiate a new contract as specified on this ballot they destroyed the only means of preventing a suspension of work on April 1.

From this record the public will clearly understand the position of the Northern West Virginia Coal Operators' Association in the present situation. That position has been consistently a willingness to negotiate with the miners' union in an effort to avoid stoppage of production in this district. The operators not only took the initiative by asking for negotiations but consented to delay while the miners' officials sought to obtain authority from their national policy committee. The fact that the district union officials are without this authority has been and still is the sole obstacle to a peaceful settlement in northern West Virginia. The scale committee of the operators has been from the start authorized to conduct such negotiations. That the public will not obtain its usual supply of coal from this district is due simply and solely to the national policy of the United Mine Workers.

In face of this attitude on the part of the operators it must be obvious that a suspension of mining operations on April 1 is not only not of their seeking but beyond their power to prevent.

NORTHERN WEST VIRGINIA COAL OPERATORS' ASSOCIATION.

Mr. HUSTED. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Illinois. I make it on two grounds. First, that this amendment is offered to a paragraph of the bill which covers salaries only and not a fund for the prosecution of crime or for the conduct of any legal action.

These men have been appointed at salaries fixed by statute. They would be entitled to the salary if they rendered service. The amendment would be absolutely ineffective if adopted. Secondly, when that amendment is made to this particular paragraph it is absolutely a limitation on executive discretion. If the amendment was made to the paragraph providing money for conducting lawsuits, it might possibly be held in order. But here where it is made to a paragraph covering salaries only it is an absolute limitation on the executive discretion. You would be as much as saying that the executive could not under any circumstances bring any action such as referred to in the amendment. I therefore hold that the amendment is absolutely out of order as a limitation on executive discretion.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. GREEN of Iowa. Would there be any way to tell from what salary it was to be deducted?

Mr. HUSTED. No; there would be no way to tell that. No way to tell which officer was to be deprived of his salary or how many officers were to be deprived of their salaries.

Mr. JOHNSON of Kentucky. Mr. Chairman, I apprehend that this is not the proper place for the amendment. As has been stated by the gentleman from New York, the amendment at this place might be a limitation upon the service, if it should be carried, and the result would be a limitation upon the service, not on the money appropriated. There is a place in the bill where the amendment could be very properly offered, and it is my purpose to offer it at that time, not only to take care of worthy labor organizations but also to take care of the farmers' interests. I believe, as the gentleman from New York has said, the amendment is out of order at this particular place.

Mr. MANN. Will the gentleman yield? Is it not just as much in order to this item as the item to which the gentleman proposes to offer an amendment?

Mr. JOHNSON of Kentucky. I think not.

Mr. MANN. Both limitations are in the same language.

Mr. JOHNSON of Kentucky. When a man gets an annual salary of $5,000 a year, if he should take part in a prosecution of a labor union organization or for a farmers' organization——

Mr. MANN. He would not get paid at all.

Mr. DENISON. That is the purpose.

Mr. JOHNSON of Kentucky. If that were absolutely certain, I would favor this place in the bill, provided it took in the farmers.

Mr. MANN. I am not saying where the amendment ought to go in.

Mr. JOHNSON of Kentucky. It ought to go in where it always has gone in.

Mr. MANN. As far as the point of order is concerned, why is it not as much of a limitation here as anywhere else?

Mr. HUSTED. May I reply to that?

Mr. MANN. Certainly.

Mr. HUSTED. My answer to that would be that the amendment is not germane. Here is an amendment providing that certain funds shall not be used for the prosecution of labor unions. I claim that such an amendment is not germane to a paragraph which merely provides for salaries. It would be germane to a paragraph providing for the prosecution of crime, or for the prosecution of civil actions, possibly, but how it can be germane to the paragraph which relates only to salaries of certain officers of the Department of Justice, I confess I am unable to say.

Mr. MANN. Mr. Chairman, it provides that money appropriated here shall not be paid to those who do certain things. I do not see why it is not germane, and I do not see why it is not in order. I do not think it is a very good amendment.

Mr. EVANS. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Yes.

Mr. EVANS. Suppose the man whom the gentleman has in mind has worked in the year 11 months and 10 days, and has done nothing which violates the limitation. He then works for two days on a suit that is prohibited. The balance of his time is devoted to other matters not prohibited by the limitation. What would be the basis of his deduction?

Mr. MANN. That all goes to the question as to the advisability of the amendment at this place. It has nothing to do with the point of order as to whether the limitation is in order. The difficulties of excuting it have nothing to do with the point of order.

Mr. EVANS. But is it even possible of execution?

Mr. MANN. That would be something for somebody else to determine.

The CHAIRMAN. The Chair is ready to rule.

Mr. DENISON. Mr. Chairman, I desire to say a word or two in answer to the gentleman from Nebraska [Mr. EVANS]. Where an attorney is working on a salary for the Government, the Government may deduct from his salary such part as he has not earned. If he should leave his duties temporarily, the Government could dock his salary, as we commonly refer to it. If he devotes part of his time to the prosecution of such a suit as is referred to in the amendment I have offered, he could do so upon his own time, but not upon the Government's time, nor could he receive compensation for it from the Government. That is the purpose of the amendment. It is clearly a limitation. Congress has the right to place any limitation it desires on any money that is appropriated. My amendment would deter the Attorney General's office from bringing these injunction suits, because the officials could not receive any compensation out of this appropriation for the time they would devote to such suits. There is no danger of their doing so without pay, in my judgment.

The CHAIRMAN. Following the decisions in the stop watch cases, the Chair is of opinion that this amendment is a limitation, and overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following substitute for the amendment of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Kentucky offers a substitute for the amendment of the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. JOHNSON of Kentucky for the amendment offered by Mr. DENISON: Page 27, line 15, insert the following: "*Provided, however*, That no part of the money appropriated by this act shall be expended in the prosecution of any organization or individual entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky.

Mr. LONDON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-seven Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Buchanan	Codd	Dominick
Ansorge	Burke	Cole, Ohio	Drane
Anthony	Butler	Collier	Drewry
Bacharach	Campbell, Kans.	Connolly, Pa.	Dyer
Bixler	Carter	Copley	Fairfield
Blakeney	Chandler, N. Y.	Coughlin	Fields
Boies	Chindblom	Crago	Fish
Bond	Christopherson	Crowther	Fisher
Bowers	Clark, Fla.	Dale	Focht
Brinson	Clarke, N. Y.	Davis, Minn.	Freeman
Britten	Cockran	Dempsey	Fuller

Funk	Kindred	Newton, Minn.	Sears
Gallivan	Kirkpatrick	Newton, Mo.	Siegel
Goldsborough	Kitchin	O'Brien	Sisson
Goodykoontz	Kleczka	Oldfield	Snyder
Gorman	Knutsen	Olpp	Speaks
Gould	Kunz	Osborne	Sproul
Graham, Pa.	Lampert	Padgett	Stevenson
Greene, Vt.	Langley	Paige	Stiness
Griffin	Lazaro	Park, Ga.	Strong, Pa.
Hammer	Lee, N. Y.	Parker, N. Y.	Sullivan
Harrison	Lehlbach	Patterson, Mo.	Sumner
Hawes	Lyon	Perlman	Taggart
Herrick	McArthur	Petersen	Taylor, Ark.
Hersey	McDuffie	Porter	Taylor, Colo.
Hicks	McLaughlin, Nebr.	Pou	Ten Eyck
Hogan	McSwain	Rainey, Ala.	Thomas
Hudspeth	Mansfield	Rainey, Ill.	Tincher
Hukriede	Martin	Ransley	Treadway
Hutchinson	Merritt	Reavis	Upshaw
Ireland	Michaelson	Reber	Volk
Jefferis, Nebr.	Mills	Riordan	Walters
Jeffers, Ala.	Moore, Ill.	Robertson	Webster
Johnson, Miss.	Morin	Rossa	Wheeler
Johnson, S. Dak.	Mott	Rucker	White, Me.
Johnson, Wash.	Mudd	Ryan	Williams
Kahn	Murphy	Sabath	Wilson
Kendall	Nelson, Me	Sanders, Ind.	Winslow
Kennedy	Nelson, A. P.	Schall	Wood, Ind.
Kiess	Nelson, J. M.	Scott, Mich.	Yates

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 11035, finding itself without a quorum, he had caused the roll to be called, that 270 Members, a quorum, had answered to their names, and that he presented the list of the absentees for printing in the Journal and Record.

The committee resumed its session.

Mr. JOHNSON of Kentucky. Mr. Chairman, for the purpose of offering it in another place in the bill, I ask unanimous consent to withdraw the substitute which I just offered.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to withdraw the substitute offered by him to the amendment of the gentleman from Illinois [Mr. DENISON]. Is there objection?

Mr. LONDON. Reserving the right to object, may I ask the Chairman if it would be in order to offer an amendment to the substitute? The amendment should include the words "*And provided further*" after the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair will only say that the amendment to the substitute is in order as an amendment. Is there objection?

Mr. LONDON. I object, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. LONDON. Mr. Chairman, I offer an amendment to the substitute.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. LONDON. After the amendment offered by the gentleman from Illinois [Mr. DENISON] insert the words "*And provided further*," and then follow it up with the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

Mr. HUSTED. Mr. Chairman, I ask that the amendment offered by the gentleman from New York be again reported.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Mr. LONDON offers an amendment to the substitute offered by Mr. JOHNSON of Kentucky: At the end of the Denison amendment insert the words "*And provided further*."

Mr. BEGG. Mr. Chairman, may we have the entire amendment reported?

The Clerk read as follows:

And provided further, That no part of the money appropriated by this act shall be expended in the prosecution of any organization of individual entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. HUSTED. Mr. Chairman, a parliamentary inquiry. I would like to inquire whether that is offered as an amendment to the substitute of the gentleman from Kentucky [Mr. JOHNSON] or to the amendment offered by the gentleman from Illinois [Mr. DENISON]?

The CHAIRMAN. As the Chair understands it, it is an amendment to the amendment of the gentleman from Illinois.

Mr. HUSTED. Then I make the point of order that the amendment is not now in order, the substitute having been offered to the original amendment.

The CHAIRMAN. The Chair thinks a perfecting amendment would be in order to the amendment.

Mr. HUSTED. I think not after a substitute has been offered, Mr. Chairman.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. LONDON. Mr. Chairman, the amendment of the gentleman from Illinois [Mr. DENISON] aims to prevent a repetition of the experience which the miners had with the Democratic Attorney General, Mr. Palmer. Mr. DENISON in his talk before the committee explained the demoralizing effect of the application for an injunction by the Attorney General in the great industrial controversy which took place between the miners and the operators in the year 1919 and the impression it created among the great masses of the industrial workers, that the action of the Attorney General was intended to throw the entire weight of the United States Government against the workers and for the employers. The amendment offered by the gentleman from Illinois [Mr. DENISON] is limited to applications for injunction and is new. It is a new limitation so far as appropriation bills are concerned. The substitute offered by the gentleman from Kentucky [Mr. JOHNSON] is carried in the current appropriation bill and has been carried in appropriation bills for a number of years.

Mr. DENISON. Will the gentleman yield now?

Mr. LONDON. Yes.

Mr. DENISON. Does not the gentleman from New York think that the amendment offered by Mr. JOHNSON ought to be made to a different part of the bill?

Mr. LONDON. I was just going to say that the substitute offered by the gentleman from Kentucky is carried in the present current bill as a limitation upon that section of the appropriation act which provides for the enforcement of the antitrust law.

Mr. QUIN. Will the gentleman yield right there?

Mr. LONDON. Yes.

Mr. QUIN. In the Johnson amendment the words "*Provided, however*," occur, and they ought to be eliminated if your words "*And provided further*" are maintained.

Mr. LONDON. Let us see. The object of my amendment to the substitute is to combine the Denison amendment with the Johnson substitute, the Johnson substitute being a part of the current law. For some reason the committee in dealing with this particular bill has seen fit to eliminate that protection to labor organizations. I do not know why they have chosen to do so now, in view of the crisis which faces the country. Do they want to make it known that the Congress, the executive department, that the Government of the United States will be against the strikers and will favor the operators? What was your reason for eliminating the provision which is carried in a number of appropriation bills?

Mr. NOLAN. Will the gentleman from New York yield?

Mr. LONDON. Yes.

Mr. NOLAN. The amendment also would strike out the protection to cooperative farm organizations which has been carried in the bill.

Mr. LONDON. Yes. I can not understand why the committee has chosen this particular moment for eliminating this provision of the appropriation bill.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BLAND of Indiana. I desire to inquire if the latter part of the amendment is not made unnecessary by the recent legislation which exempts farmers' organizations from being subject to prosecution for their cooperative selling and bargaining?

Mr. LONDON. I would be inclined to agree with the gentleman from Indiana that so far as the farmers are concerned the recent act would take care of the situation, and that makes it so much more striking, it makes it so much more important, that this provision relating to labor organizations should be continued in the law. The omission is surely not accidental.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BARBOUR. The act referred to by the gentleman from Indiana [Mr. BLAND] takes care of the farmers' organizations, but provides in certain cases if they shall monopolize their products to enhance prices then an injunction can be applied for.

Mr. LONDON. This limitation does not intend to permit either labor organizations or farmers' organizations to commit violations of the law.

Mr. BARBOUR. No. But, as I say, the farmers' organizations are taken care of; but still, if they violate the law, then the Attorney General, or the Secretary of Agriculture through the Attorney General, can ask for an injunction, and if the amendment went in in this form it might conflict with that law to a certain extent.

Mr. LONDON. I do not quite get the gentleman's point.

In short, Mr. Chairman, my amendment intends to combine the amendment offered by the gentleman from Illinois [Mr. DENISON] with the amendment offered by the gentleman from Kentucky [Mr. JOHNSON]. The object of this limitation is not to permit labor unions to violate the law but to protect them against an indefensible interpretation of the antitrust act. They are not and can not be monopolies, and they shall not be treated as such.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. QUIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. HUSTED. Mr. Chairman, I move that the debate on this amendment and all amendments thereto be now closed.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order——

Mr. QUIN. I have been recognized to speak here. The gentleman from New York can not put me off.

The CHAIRMAN. The gentleman from Mississippi has been recognized by the Chair. If the gentleman from New York will modify his motion and make it five minutes, the Chair will put it.

Mr. QUIN. Mr. Chairman, I have obtained recognition and I am indeed sorry that my Republican friend endeavored to cut off any debate on this important amendment. The amendment of the gentleman from Kentucky [Mr. JOHNSON] and the further amendment of the gentleman from New York [Mr. LONDON], in my judgment, ought to be adopted here.

The gentlemen who oppose this action pretend to think that it would hurt the bill. This bill leaves out the necessary protection that these two amendments ought to guarantee. We had those very things in the antitrust law, in the Clayton antitrust law, that was placed in 1914 on the statute books, and these amendments are simply a guaranty that those things will still be carried out. The laboring men and the farmer organizations of the United States had that bill of rights granted to them by the Congress of the United States and signed by the President of this Republic, and to-day it stands as the law. The Supreme Court of the United States has never yet eliminated it, and when this bill is sought to be passed through this House without that security in it, it seems to me it would be as though you were endeavoring to strike down the labor unions and farmer organizations that already have this protection.

What harm could it do that this Congress should go on record as adopting these amendments, saying that none of these funds shall be used by the Attorney General or any other agency of this Government to override the very potent rights that were guaranteed in the Clayton Antitrust Act?

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I yield to the gentleman.

Mr. BLAND of Indiana. As I understand the gentleman, he says that the effect of this amendment is already law, and this amendment will only insist upon its being law. Is that the gentleman's position?

Mr. QUIN. Oh, the gentleman does not understand. These amendments are proposed to keep your Attorney General and his agents from going out and criminally and wrongfully jumping on the poor union laboring men of this country and the organizations of poor farmers of this country, who, in my judgment, have had no class legislation enacted in their behalf, but only had justice given to them when the Clayton Antitrust Act was passed, exempting these two powerful forces for good in this country from being placed under the oppressive hand of organized capital and organized greed that always has its greedy hand in the pockets of all the people. We do not want any of the funds carried in this or any other bill to be available for the purpose of preventing the legitimate efforts of labor unions and farmers' unions to get justice and a fair price for their toil. Who of you can object to the amendment being adopted to further insure that those safeguards shall be placed around these labor organizations and the farmers' unions of the United States when this bill becomes effective? [Applause.]

Mr. HUSTED. Mr. Chairman, I move that debate on this amendment and all amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. HUSTED].

The question being taken, on a division (demanded by Mr. LONDON) there were—ayes 75, noes 40.

Accordingly the motion was agreed to.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry, please. Just what was the debate closed upon?

The CHAIRMAN. On the amendment of the gentleman from Illinois [Mr. DENISON] and all amendments thereto.

Mr. HUDDLESTON. I beg to refer to the notes of what was said. I took particular note of what the gentleman from New York said. He moved that we close debate upon this amendment.

SEVERAL MEMBERS. And all amendments thereto.

The CHAIRMAN. The Chair has stated the motion correctly. The gentleman is out of order.

Mr. HUDDLESTON. I did not claim to be in order. I was undertaking merely to propound a parliamentary inquiry.

The CHAIRMAN. And the Chair has answered it.

Mr. HUDDLESTON. All right. Then the Chair is out of order in discussing it.

The CHAIRMAN. The gentleman from Alabama will please be seated. The question is on the amendment of the gentleman from New York [Mr. LONDON] to the amendment of the gentleman from Illinois [Mr. DENISON].

Mr. LOWREY. Mr. Chairman, may we have those amendments reported? Some of us got in late and do not know what we are voting on.

The CHAIRMAN. If there is no objection, the amendment will be reported. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. LONDON to the amendment offered by Mr. DENISON: At the end of the amendment add: "*Provided further*, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. JOHNSON of Kentucky. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. Should not the vote first be taken upon my substitute?

The CHAIRMAN. The amendment of the gentleman from New York [Mr. LONDON] is first in order. The question is on the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LONDON) there were—ayes 49, noes 84.

Accordingly the amendment of Mr. LONDON was rejected.

The CHAIRMAN. The question now recurs upon the substitute of the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. May we have it reported again?

Mr. MANN. I ask to have the original amendment and the substitute both reported.

The CHAIRMAN. If there is no objection, the Clerk will report the Denison amendment and the substitute of the gentleman from Kentucky.

There was no objection.

The Clerk read as follows:

Substitute offered by Mr. JOHNSON of Kentucky: Page 27, line 15, insert: "*Provided, however*, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky [Mr. JOHNSON].

The question was taken; and on a division there were—ayes 74, noes 65.

Accordingly the substitute was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended by the substitute.

The question being taken, on a division (demanded by Mr. NOLAN, Mr. BANKHEAD, and Mr. JOHNSON of Kentucky) there were—ayes 69, noes 77.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. HUSTED and Mr. JOHNSON of Kentucky.

The committee again divided; and the tellers reported—ayes 68, noes 75.

Accordingly the amendment as amended by the substitute was rejected.

Mr. JOHNSON of South Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of South Dakota: Page 27, line 15, insert: "For attorneys, accountants, and clerical assistance in the investigation and prosecution of fraudulent war claims against the Government and investigation of settlements made on war contracts and prosecution in such cases as the Attorney General shall deem necessary, $300,000."

Mr. JOHNSON of South Dakota. Mr. Chairman, in this bill providing for the entire legal department of the Government I find no provision for the necessary clerical assistance and accountants that will be required if we are going to see that those men who grafted upon the Government during the war are prosecuted. Everyone who is at all familiar with the situation recognizes the fact that the Attorney General and some individuals in the War Department have had for some time under investigation many of these claims, and in at least one case with which we are familiar—a recent case—have taken legal action.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARRETT of Tennessee. Was there an estimate sent in for an item of this sort?

Mr. JOHNSON of South Dakota. Not so far as this is concerned.

Mr. GARRETT of Tennessee. The Department of Justice has not asked for anything?

Mr. JOHNSON of South Dakota. So far as I know the Department of Justice has not asked for it, but I will say that I want to anticipate, because it will not be a very great length of time before they will ask for such an appropriation, and I want to get it in in time; that is the reason I am offering this amendment. I had no idea that gentlemen would oppose it. We know in a recent case prosecution has begun, and I know that the entire department which has charge of the prosecution in this great class of cases is now in the hands of one clerk, who a few years ago was drawing a salary of $1,200, and in the hands of the few investigators, none of whom are receiving an adequate salary. These men are being opposed to-day by the best lawyers in the United States. In any one of these cases the Government would not be more than adequately represented if it had two of the finest and highest priced lawyers in the United States.

I say without any hesitancy and without any reservations that these claims ought to be prosecuted, and if they are not prosecuted within a reasonable time the statute of limitations will expire and the men who have been guilty of these colossal war frauds will not be punished. After a thorough investigation, which lasted all of last year, I am thoroughly convinced of the necessity of an appropriation, so that the legal department of the Government will function in these prosecutions during the next two years.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Dakota. I will.

Mr. MANN. As to the amount involved, has the gentleman made any estimate?

Mr. JOHNSON of South Dakota. I have made somewhat of an estimate, that I do not have with me to-day, but I might present it to the House on another occasion. I do not know that I would be within a hundred thousand dollars of the necessary amount, and I make no pretension at this time as to the accuracy of the estimate or how much the Attorney General would need; it is a matter for him to determine, and I have such confidence in him that I feel he would not expend any more or any greater amount than is absolutely necessary.

Mr. MANN. Has the gentleman consulted the Attorney General or anybody in the department?

Mr. JOHNSON of South Dakota. I will say that I have not consulted the Attorney General.

Mr. HUSTED. Mr. Chairman, I think I can say to the gentleman from South Dakota that he is out in his estimate just the amount carried in his amendment. The Department of Justice has not asked for this item, but the Department of Justice is engaged in this work, and has ample funds to carry it on at the present time. It does not need an additional dollar for this purpose, and if this money was appropriated it simply adds $300,000 to the amount carried in the bill which we would have to raise by taxation and which the department could put to no good purpose.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. COOPER of Wisconsin. Inasmuch as the gentleman has just informed us that the Attorney General is engaged in the work of prosecution, will the gentleman state what prosecutions have been begun?

Mr. HUSTED. Well, the prosecution of Charles W. Morse is one which has had great attention in the public press.

Mr. COOPER of Wisconsin. Can the gentleman name any other?

Mr. HUSTED. I do not know what particular prosecutions have been carried on, but I know that they are engaged in investigating these cases. I know that is a large part of the work carried on by the bureau for the detection and prosecution of crime. These cases are in the hands of the attorneys for the department, and if prosecutions have not been instituted they soon will be.

Mr. COOPER of Wisconsin. Will the gentleman yield for one more suggestion? All through the campaign of 1920 I think there was not a Republican speaker who did not suggest that there ought to be prosecutions of the persons guilty of these infamous frauds on the Public Treasury. Therefore, I sincerely hope that the amendment will be agreed to.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. JOHNSON of South Dakota. The gentleman says there was a force engaged on the investigation of these fraud cases; can the gentleman name some one above a minor clerk engaged in the work at the present time?

Mr. STAFFORD. Will the gentleman yield? Will the gentleman permit me to make a reply?

Mr. JOHNSON of South Dakota. I asked the question of the chairman of the committee. Does the gentleman from Wisconsin feel that it devolves on him to protect the chairman of the committee?

Mr. HUSTED. The chairman of the committee does not need protection.

Mr. STAFFORD. The chairman of the committee needs no protection; but I thought I could give the gentleman from South Dakota some information which I thought might be agreeable to him; but I can do it in my own time.

Mr. HUSTED. I was looking up some papers to give the gentleman some definite information. Under fraudulent claims there are now 50 cases being investigated by the department, and there are 108 cases of fraud being investigated.

Mr. COOPER of Wisconsin. Are these war contract frauds?

Mr. HUSTED. I think nearly all of them are.

Mr. COOPER of Wisconsin. Those are the ones about which we are especially solicitous.

Mr. JOHNSON of South Dakota. Does the gentleman know that one of those is a war fraud case?

Mr. HUSTED. I know from the statement of the chief of the bureau.

Mr. JOHNSON of South Dakota. Will the gentleman name one war fraud case—I am not talking about all these fraud cases all over the country—with the exception of the harness case?

Mr. HUSTED. The gentleman knows perfectly well that no subcommittee can possibly go into such minute detail as to ascertain the title of every particular case being investigated by the Department of Justice. We have the general statement that this class of cases is having the very careful attention of the Department of Justice, that the cases are being investigated and being prepared for trial, and I know that the department is anxious to bring these guilty persons to justice as speedily as possible.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. STEVENSON. I wanted to ask the gentleman if the provision under the heading "Detection and prosecution of crimes," found on pages 31 and 32, under which $2,250,000 is appropriated, does not cover all of the items practically that the gentleman embraces in his amendment?

Mr. HUSTED. It does.

Mr. STEVENSON. A bureau of investigations is provided for that.

Mr. HUSTED. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from Wisconsin [Mr. COOPER] referred to the fact that practically every Republican speaker on the stump in 1920 made statements that there would be prosecutions. Of course, practically every Republican speaker on the stump in 1920 said a great many things and made a great many promises that have not yet been fulfilled. It is quite likely that there is more justification for not fulfilling those particular promises than anything else that was promised in the campaign of 1920. Because I will tell the gentleman from Wisconsin [Mr. COOPER], in confidence, that that was mostly just pure political bunk. The truth of it is that we had investigating committees here that investigated, not all, but a great many of these contracts, and never did one of those investigating committees of the House itself lay its hand upon a specific contract and say to the Department of Justice, "Here, prosecute this." They put the matter up to the Department of Justice in merely general terms.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield. I do not mean to say that there are not cases that need investigation.

Mr. COOPER of Wisconsin. Does not the gentleman perfectly well remember the report made by the commission of which Charles E. Hughes, now Secretary of State, was the head, in which he suggested boldly that there was indubitable evidence of fraud? Then the committee which was afterwards appointed by the House—I was not then a Member of the House—followed up the investigation and went into the spruce-tree contract cutting, and so forth, in the matter of airplanes, where millions and hundreds of millions of dollars were expended and no airplanes were produced. Afterwards some of the men to whom the trail most directly led were promoted.

Mr. GARRETT of Tennessee. I will say to the gentleman that, so far as that House investigation is concerned, the gentleman from Wisconsin, and a great many others, took just one side of the proposition and accepted it as proof, and probably never read the minority report.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. JOHNSON of South Dakota. The gentleman evidently is opposing this appropriation. Am I correct?

Mr. GARRETT of Tennessee. Yes; I am opposing this because there is no estimate for it. The Department of Justice has not asked for it. I am not opposing any prosecutions, I will say to the gentleman.

Mr. JOHNSON of South Dakota. The gentleman is opposing it also upon the grounds that he does not deem it to be necessary because of the great purity of the last administration and the fact that they conducted the war without graft.

Mr. GARRETT of Tennessee. I have made no such statements.

Mr. JOHNSON of South Dakota. Is not that one of the reasons the gentleman opposes it?

Mr. GARRETT of Tennessee. I oppose it because there has been no estimate made for it, and there is no testimony that it is needed except the gentleman's statement, and the gentleman does not know.

Mr. JOHNSON of South Dakota. We both served on investigating committees during the last Congress, and the gentleman reported in every case in which he made any report at all that there was no evidence of either graft or violation of law. The gentleman still believes that?

Mr. GARRETT of Tennessee. Oh, no; I did not so report. I can tell the gentleman of a great many specific cases, though I do not care to bring that matter up now.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BYRNS of Tennessee. In view of the statement that the gentleman from New York [Mr. HUSTED] has made to the effect that the Department of Justice had all of the money that is necessary to make these prosecutions, and that all of the money that the Department of Justice has asked has been granted in order to make these prosecutions, will this amendment do anything more than simply provide additional funds for the employment of additional attorneys?

Mr. GARRETT of Tennessee. That is all; and the gentleman from New York [Mr. HUSTED] has very frankly stated that situation to the House, and until there be an estimate from the Department of Justice or a statement that the Department of Justice needs it, I shall oppose this amendment. If the Department of Justice will say that it needs the funds, then I will join with the gentleman in providing it, but not until then.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. JOHNSON of South Dakota) there were—ayes 20, noes 63.

So the amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the paragraph. I am not willing to make an appropriation for the Department of Justice in view of the action of the House in refusing to limit the uses to which the appropriation may be made as proposed by the gentleman from Illinois [Mr. DENISON] and by the gentleman from Kentucky [Mr. JOHNSON]. Bear in mind, gentlemen, that previous bills have carried language similar to that proposed by the amendments which the committee has rejected. That language is now omitted from this bill. Its omission undoubtedly has a significance. I am bound to ask myself what it is.

Mr. HUDSPETH. Mr. Chairman, I dislike very much to object, but that water has gone over the dam, and I do not see any good purpose to be served by discussing it now. I shall have to object unless the gentleman confines himself to the bill.

The CHAIRMAN. The gentleman will proceed in order.

Mr. HUDDLESTON. Mr. Chairman, I am proceeding in order. That fact has a significance. It means something. Why has the committee reporting this bill omitted that limitation, and why has the House now refused to put the limitation in? That is something which everyone should ask himself.

More than two months ago I called the attention of the House to the fact that a great coal strike was impending.

Mr. HUSTED. I make the point of order that the gentleman is not proceeding in order.

The CHAIRMAN. The gentleman will proceed in order.

Mr. HUDDLESTON. I am doing it.

I begged that the administration would use some of its great power and prestige toward doing something to prevent that strike. I said that the strike was inevitable unless there was intervention. I said that the coal operators had prepared themselves for it and wanted the strike to come on. I called attention to the fact that they had refused to comply with their agreement to discuss the matter with their employees, and I urged the President to use some of his prestige to cause a meeting between the two great contending forces so that something might be done to prevent the strike.

But nothing was done. The President had business in Florida about that time. Oh, there has been a "bluff" at doing something to prevent the strike. A colorable and hypocritical pretense has been made of an effort to bring these contending forces together. But no sincere effort at settlement or conciliation has been made. By the way, I want it distinctly understood that I do not include within that condemnation the splendid effort of the chairman of the Committee on Labor. That was sincere and good; he has gone as far as he could. I refer to the executive and to the administrative branch of the Government. I assert that there has been no real and honest attempt to prevent the coal strike.

Mr. WALSH. Mr. Chairman, I make the point of order that there is nothing pending before the House calling for the remarks——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NOLAN. Mr. Chairman, I desire to correct the impression that might have been created on this committee by the statement of the gentleman from Wyoming [Mr. MONDELL]. He stated that the substitute offered by the gentleman from Kentucky might be considered a reflection upon the Department of Justice. I must disagree, to this extent: Long before I came to Congress, and that was some nine years ago, there was carried in the appropriation bill appropriating money for the Department of Justice an exemption prohibiting the use of the funds of the Department of Justice from prosecuting labor organizations and farm organizations under the provisions of the antitrust law. In 1914 the Sixty-third Congress passed the Clayton Act, amending the Sherman antitrust law. The Appropriations Committee of the House at that time did not see fit to wipe out that proviso, and it has been carried in every appropriation bill from that day to this. And it has not been considered a reflection upon preceding Attorneys General of the Department of Justice. And I take issue with the statement of the gentleman from Wyoming that it must be so considered, by the widest stretch of the imagination, to be a reflection upon the present Attorney General or the administration of the Department of Justice.

Let us see what the facts are. Some two years ago the gentleman from Ohio [Mr. FESS] succeeded in committee in having this provision stricken out. I succeeded in getting a roll call in the House proper, and by an overwhelming vote the House defeated the amendment of the gentleman from Ohio [Mr. FESS] and reinstated the very provision that was offered by the gentleman from Kentucky [Mr. JOHNSON] to-day.

I want to say to my Republican friends here that if they think the situation is such in the congressional elections that

are coming along next November, that they can go along in the way they have been going on and get consideration from the so-called labor vote or the workingmen in the industrial districts, there will be an awakening after the votes are counted and it will not be helpful to their control of this House. [Applause.] It is passing strange that the Committee on Appropriations brought in this year, as they did last year, since my Republican friends came into control, the appropriation bill for the Army and omitted the prohibition of the stop-watch system, which the House promptly corrected. This subcommittee has brought this bill in for the first time since I have been a Member of the House without this exemption which would prohibit the Department of Justice from prosecuting labor and farm organizations under the provision of the Sherman antitrust law. Now, if it is true that after the passage of the Clayton Act we continued it, why could we not continue it now after the passage of the Capper-Volstead bill? What assurance have we that the farmer is any more secure under the Capper-Volstead Act than the laborer was under the Clayton Act?

Mr. HARBOUR. If I understood correctly the substitute of the gentleman from Kentucky [Mr. JOHNSON], it provided that money should not be used in case injunctions were brought against farmers' organizations.

Mr. NOLAN. Not at all. The amendment of the gentleman from Illinois [Mr. DENISON], which, by the way, we never voted on, provided that there should not be any money used for securing injunctions in labor disputes. But the substitute of the gentleman from Kentucky was the exact provision that has been carried each year for the past 12 years in the bill providing money for the Department of Justice.

Mr. BARBOUR. Did it not provide that money should not be used for Government prosecution against farmers' organizations?

Mr. NOLAN. Yes.

Mr. BARBOUR. The marketing bill—the Capper-Volstead bill—provides if a farmers' marketing organization violates the law it shall be prosecuted and the prosecution is in the hands of the Attorney General. The two things conflict. I am in favor of the amendment that was introduced, the amendment of the gentleman from Illinois [Mr. DENISON] and the substitute of the gentleman from Kentucky [Mr. JOHNSON], but in my opinion the amendment of the gentleman from Kentucky that applied to farmers' organizations was in direct conflict with the Capper-Volstead law.

Mr. NOLAN. I do not believe, if the gentleman will study the Capper-Volstead law, that he will find it so.

The CHAIRMAN. The time of the gentleman from California has expired.

The Clerk will read.

The Clerk read as follows:

Office of Solicitor of the Treasury: Solicitor, $5,000; two assistant solicitors, at $3,000 each; chief clerk, who shall also discharge the duties of chief law clerk, $2,250; law clerk, $2,000; two docket clerks, at $2,000 each; clerks—two of class four, two of class three, two of class two; assistant messenger, $720; laborer, $660; in all, $30,230.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from New York yield? How much longer is he going to proceed to-night?

Mr. HUSTED. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11065 and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. MOORE of Illinois, by unanimous consent, was granted leave of absence for 10 days on account of important business.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair designates the gentleman from Massachusetts [Mr. WALSH] to preside at the opening of the session to-morrow.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 5 they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stats. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 2558. An act for the relief of Richard P. McCullough;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 7870. An act for the relief of I. C. Johnson, jr.;

H. R. 9004. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

ADJOURNMENT.

Mr. HUSTED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until Saturday, April 8, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Idaho: Committee on Irrigation of Arid Lands. H. R. 10614. A bill to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; with amendments (Rept. No. 883). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCORMICK: Committee on Indian Affairs. H. R. 11054. A bill to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes; without amendment (Rept. No. 884). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. S. 2263. An act to amend the Federal reserve act approved December 23, 1913; with amendments (Rept. No. 885). Referred to the Committee of the House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10686) granting an increase of pension to Elizabeth Sizemore; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11050) granting a pension to August Hertz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARDY of Texas: A bill (H. R. 11211) authorizing the Secretary of the Treasury to grant an easement to the Johnson-Wiggins Post, No. 22, American Legion, of a strip of land off the Federal building site directly north of the post office building at Corsicana, Tex., for the purpose of erecting thereon a memorial; to the Committee on Public Buildings and Grounds.

By Mr. FAIRFIELD: A bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

By Mr. TILLMAN: A bill (H. R. 11213) to continue the land office at Harrison, in the State of Arkansas, and for other purposes; to the Committee on the Public Lands.

By Mr. BUTLER: A bill (H. R. 11214) authorizing the President to scrap certain vessels in conformity with the provisions of the treaty to limit naval armaments, and for other purposes; to the Committee on Naval Affairs.

By Mr. ROSSDALE: A bill (H. R. 11215) to permit the right of counsel or of representation to arriving aliens at any hearing of a special board of inquiry held to determine the right of such immigrant for admission to the United States; to the Committee on Immigration and Naturalization.

By Mr. COLTON: A bill (H. R. 11216) to authorize the use of trucks on Government operated star routes to transport freight on return trips; to the Committee on the Post Office and Post Roads.

By Mr. McFADDEN: A bill (H. R. 11217) to make punishable by law the offense of spoken, written, or printed derogatory statements or suggestions affecting banks; to the Committee on the Judiciary.

By Mr. BURTNESS: A bill (H. R. 11218) for the erection of a Federal building at Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID: A bill (H. R. 11219) to continue the district land offices at Alliance and Broken Bow, Nebr.; to the Committee on the Public Lands.

By Mr. MONDELL: Joint resolution (H. J. Res. 304) authorizing the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSORGE: A bill (H. R. 11220) for the relief of Maj. John Vernou Bouvier, jr.; to the Committee on Claims.

Also, a bill (H. R. 11221) for the relief of Jesse G. Williams; to the Committee on Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 11222) granting a pension to Margaret B. Blunt; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11223) granting a pension to Euphemia Jones; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 11224) granting a pension to William Wiles; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11225) granting a pension to Oscar Scates; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11226) granting a pension to Mary F. Gay; to the Committee on Invalid Pensions.

By Mr. SNELL (by request): A bill (H. R. 11227) for the relief of Ulric O. Thynne; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5016. By Mr. RAKER: Petition of the Yakima Commercial Club, of Yakima, Wash., relative to the curtailment of the naval forces of the United States and protesting against the same; to the Committee on Naval Affairs.

5017. Also, petition of William J. Hanington, of Los Angeles, Calif., indorsing the Bursum bill; to the Committee on Military Affairs.

5018. Also, petition of United Chambers of Commerce of the Sacramento Valley, of Woodland, Calif., relative to the tariff on Turkish tobacco; to the Committee on Ways and Means.

5019. By Mr. KISSEL: Petition of Central Trades and Labor Council, New York City, N. Y., urging the passage of House bill 10246; to the Committee on Reform in the Civil Service.

5020. By Mr. GALLIVAN: Petition of W. F. Schrafft & Sons Corporation, Boston, urging passage of House bill 10159, the commercial bribery bill; to the Committee on the Judiciary.

5021. By Mr. SMITH of Michigan: Petition of Parke Davis & Co., against the passage of House bill 2193; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 8, 1922.*

The House met at 12 o'clock noon, and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy, Lord God Almighty. Thou art under the great burden of the world and this infinite truth means strength for the weak, love for the loveless, and a rescue for human life. Heavenly Father, our prayer is that we may hear the world's deeper meaning through the surface of mortal things. Bless us with a wise appreciation of the present. Lead us so we shall feel most deeply a new power and a new persuasion bursting from the fountain of eternal truth. When the door of this day closes lift us above the work of the days; give us respite from our labors. May home be sweet and loved ones dear, and may we hear the spiritual melody that lures us to a better and a nobler life. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The message also announced that the Senate had passed with amendments the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, in which the concurrence of the House of Representatives was requested.

LEAVE OF ABSENCE.

Mr. STEVENSON, by unanimous consent, was granted leave of absence for to-day.

RESIGNATION OF A MEMBER FROM COMMITTEES.

The SPEAKER pro tempore. The Chair lays before the House the following communication addressed to the Speaker.

The Clerk read as follows:

APRIL 8, 1922.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives, Washington, D. C.

SIR: I hereby tender my resignation as a member of the following committees: Committee on the District of Columbia, Committee on Claims, Committee on Expenditures in the Post Office Department.

With great respect, your obedient servant,
JAMES P. WOODS.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO COMMITTEES.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 221.

Resolved, That JAMES PLEASANT WOODS, Member of Congress from the sixth district of Virginia, be, and he is hereby, elected a member of the standing Committee of the House on the Post Office and Post Roads; and

That JOSEPH T. DEAL, Member of the Congress from the second district of Virginia, be, and he is hereby, elected a member of the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The Members are elected accordingly.

NAVY DEPARTMENT APPROPRIATION BILL.

Mr. STAFFORD rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Wisconsin rise?

Mr. STAFFORD. To prefer a unanimous-consent request. At the request of the gentleman from Illinois [Mr. MADDEN], chairman of the Committee on Appropriations, I ask unanimous consent that the gentleman from Michigan [Mr. KELLEY] may have the privilege of submitting a privileged report—Report No. 888—on the Naval Department appropriation bill, H. R. 11228, before midnight to-night, as if the House were in session, and that all points of order may be reserved thereon.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the gentleman from Michigan [Mr. KELLEY], from the Committee on Appropriations, may submit a privileged report on the Navy Department appropriation bill at any time before midnight to-night, as if the House were in session, and that all points of order be reserved thereon. Is there objection?

There was no objection.

Mr. STAFFORD. And that the bill be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. And that the bill and report, when submitted, be referred to the Committee of the Whole House on the state of the Union. Is there objection to the request as modified?

There was no objection.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. DOWELL] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Office of Solicitor of the Department of Commerce: Solicitor, $5,000; Assistant Solicitor, $3,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 1 of class 1; messenger, $840; in all, $21,640.

Mr. VESTAL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. VESTAL. Mr. Chairman and gentlemen of the committee, I desire to call the committee's attention to a statement made by the distinguished gentleman from Wyoming [Mr. MONDELL] on the 3d of April, found in the CONGRESSIONAL RECORD, on page 5396, in speaking about the increase in the salaries of the officials of the Patent Office. I suppose that my distinguished friend is still somewhat piqued over the fact that the bill to increase salaries in the Patent Office passed the House and passed the Senate and became a law, and in his statement to the House on that day he said:

It seems that that legislation will increase the appropriations for salaries in the Patent Office $1,951,340.

The statement is such an exaggeration of what the real fact is that I feel the committee ought to know about it. The fact is that the figures that the gentleman from Wyoming gave to the committee represent the whole appropriation for the full year. One million nine hundred and fifty-one thousand three hundred and forty dollars pays it all, and the bill that we passed only increased the original appropriation by $447,000. The appropriation was $1,500,000 for the year, and the increase in the salaries carried by the bill passed increased them by $447,000, making a total appropriation for the full year of $1,951,340.

The gentleman from Wyoming goes on to say—

Two million dollars increase, practically, in one comparatively small bureau of the Government.

I feel that it is only my duty, being a member of the Committee on Patents, and having something to do with the passage of the bill referred to, which increased the salaries in the Patent Office, to see that this error should be corrected in the RECORD.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. MILLER. Were not the fees in the Patent Office increased correspondingly, so as to take care of that additional expense?

Mr. VESTAL. The fees of the Patent Office were increased so that the entire increase is taken care of, and if the business keeps on as it started on the first of this year we shall have a surplus of $386,000.

That is all I care to say. [Applause.]

The Clerk read as follows:

For rent of buildings and parts of buildings in the District of Columbia, $36,000, if space can not be assigned by the Public Buildings Commission in buildings under the control of that commission.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The Department of Justice had a lease for five years on the building that it is now occupying. As I recall, that lease was negotiated about four or more years ago. Has the gentleman any information as to whether that lease has been renewed or whether any negotiations are on foot looking to its renewal and extension?

Mr. HUSTED. The lease is about to expire and negotiations are under way for a renewal of it; but I will say to the gentleman that it will be impossible to renew the lease on any such terms as the present ones.

Mr. STAFFORD. When does this lease expire?

Mr. HUSTED. I think it expires on July 1 of this year.

Mr. STAFFORD. Well, here is the practical situation that confronts the committee and the Congress: This building was erected primarily for the Department of Justice, under a contract whereby we secured that property at the rate, as I recall, of 36.4 cents per square foot. Costs of construction have gone up considerably since then, as all costs have gone up. During the war private investors were not willing to enter into contracts with the Government for similarly constructed buildings for less than 50 or 60 cents per square foot. Here is a department housed in a building that is suitable for its needs, with no appropriation available to continue it in those quarters, and it will be obliged to find quarters in available public buildings. Are there any public buildings available that will house such a great and growing force as that of the Department of Justice?

Mr. MANN. I read in the newspaper the other day—which is not probably a very accurate source of information—that the Department of Justice might be accommodated in the buildings north of the Munitions and Navy Buildings if Congress should conclude to buy that property instead of having the buildings upon it turn down. Whether there is room there or not for the Department of Justice I do not know.

Mr. STAFFORD. The gentleman will agree that those buildings—which are frame buildings, as I recall—are not suited for permanent occupancy, especially by such a force as that of the Department of Justice.

Mr. MANN. It would be far better, I think, than being out on the street.

Mr. STAFFORD. Oh, yes; I agree that it would be better than being out on the street. They might be able to do a little more work in those frame shacks that are falling to pieces as the years go on.

Mr. MANN. According to the statements which have been made in the public press—I do not vouch for them—the owners of the Department of Justice Building have demanded a rental which is more than twice as much as they are now receiving. I do not know whether that is a reasonable rent or not. I am not advised as to that, but I really do not think very much of the idea of putting up buildings for Government use and getting a department into them on the ground that they are going to lease them very cheaply, and then as soon as they get the department in there proceeding to more than double the rent. I call that a sort of a bolp-up.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent for an extension of time of five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I do not wish to bring up the history of the neglect of the then Attorney General in not following the direction of Congress in the legislative appropriation bill authorizing the leasing of this property, which carried a mandatory direction that the lease to be entered into should be for a period of five years with an option on the part of the Government for another five years. That was included in the lease of the building now occupied by the Department of Labor, but as to the Department of Justice Building they did not follow the direction of Congress but entered into a lease for the period of five years only. We are confronted with the condition of rising costs, and it can not be expected that we will be able to secure the same quarters when building costs are so much higher at the same rental as we secured this building five years ago when costs were so much less. We will necessarily have to pay more. I should say that twice the present rental would be an exorbitant price. Perhaps an increase of 50 per cent over what we are paying to-day would be a reasonable rental considering the increased costs.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Texas.

Mr. BLANTON. So far as the Department of Justice is concerned and its present necessities, I can take the gentleman down to the new Munitions and Navy Buildings and show him

unoccupied space there now that would house the Department of Justice.

Mr. STAFFORD. If there is available space in a well-constructed building, such as the Navy or Munitions Building, the Department of Justice should be housed there; but I am opposed to the continued housing of Government activities in flimsy shacks where in the summer time the quarters are unfit for the occupancy of employees.

Mr. HUSTED. The Department of Justice expects to continue in the occupancy of its present premises. They are fairly well adapted to its purposes. Perhaps there is not quite room enough, but there does not seem to be any other place that is available. It would cost a great deal to move, and be very inconvenient, especially at the present time. Arrangements have been made which will assure the continuance of the department in its present location. It will be at a somewhat increased rental, but the rental, I think, will be reasonable and much less than the owners of the premises would rent the property for to any private concern.

Mr. GARNER. Will the gentleman state what that rental will be?

Mr. HUSTED. I can not state exactly what the rental will be.

Mr. GARNER. The gentleman has stated that it would be reasonable, although at an increased cost, and I thought he had the figures.

Mr. HUSTED. I think it will not be in excess of a reasonable amount.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice or the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, including not to exceed $3,750 for purchase of one automobile, and including not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General, whose certificate as to the expenditure thereof shall be conclusive on the accounting officers of the Treasury Department; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including not to exceed $250,000 for necessary employees at the seat of government, and including a Director of the Bureau of Investigation at not exceeding $7,500 per annum, to be expended under the direction of the Attorney General, $2,250,000: *Provided*, That this appropriation shall be available for advances to be made by the disbursing clerk of the Department of Justice when authorized and approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding: *Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation, the Attorney General is authorized to appoint officials who shall be designated "special agents of the Department of Justice," and who shall be vested with the authority necessary for the execution of such duties.

Mr. BLANTON. Mr. Chairman, I make the point of order against the second proviso, beginning in line 12 and ending on line 18, as being legislation unauthorized on an appropriation bill.

Mr. HUSTED. Will the gentleman state the basis of his point of order?

Mr. BLANTON. That there is no law authorizing such legislation on an appropriation bill. I will say to the gentleman that this has been carried in an appropriation bill, but not in such a way as to make it permanent law. One President had appointed by the Department of Justice one of these special agents specially and solely to protect the body of a certain individual citizen in the United States as he traveled over the country during 12 months of the year.

Mr. HUSTED. Mr. Chairman, the Attorney General has certainly general authority to appoint officials to execute the law. The fact that in the proviso they are designated by a certain appellation does not affect the situation at all. This provides that they shall be designated special agents of the Department of Justice, but they could be designated by any other name just as well, and the fact that they are so designated does not give them any additional authority. The fact that they are given this special appellation does not affect the situation one way or the other.

Mr. BLANTON. Does the gentleman yield?

Mr. HUSTED. Yes.

Mr. BLANTON. Has Congress ever passed a law authorizing the Attorney General to appoint officials who shall be designated "special agents of the Department of Justice"?

Mr. HUSTED. The fact that they are designated as special agents of the Department of Justice does not give them any additional authority; it is not legislation creating any power or greater authority, nor does it widen the scope of the activity of these agents; it is merely a name. We have carried similar designations, over and over again, in different parts of the act.

Mr. BLANTON. But nevertheless when we wanted to change the designation of the Assistant Secretary to Undersecretary we had to have legislation for it, and we had a special rule brought in.

The CHAIRMAN. The Chair is inclined to think that unless there is special legislation on this question the point of order should be sustained.

Mr. HUSTED. The chairman of the subcommittee is unable to cite the Chair to any special law, but he believes that the Attorney General has the general authority.

The CHAIRMAN. The point of order is sustained.

Mr. HUSTED. Mr. Chairman, I offer the following amendment: Page 32, line 12, after the word "notwithstanding," add the following: "*Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 12, after the word "notwithstanding," insert: "*Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. All of the employees of the Department of Justice that are authorized to be appointed are creatures of legislation. It is a matter of statute fixed by law. This is clearly an attempt to give additional authority to the Deparment of Justice outside of the present legislation, and authorizing him to appoint additional employees unauthorized by the present law. It is clearly legislation on an appropriation bill, and I make a point of order against it.

The CHAIRMAN. The point of order is overruled.

The question is on the amendment offered by the gentleman from New York.

Mr. CONNALLY of Texas. Mr. Chairman, I rise to oppose the amendment. I want to ask the gentleman from New York if there is any limitation on the salaries of these officials?

Mr. HUSTED. I think there is no statutory limitation. I can give the gentleman an idea of the range of salaries.

Mr. CONNALLY of Texas. I know what the range of the ordinary salaries of the agents of the Bureau of Investigation are, but I want to inquire if it is not a fact that the designation of special agents of the Department of Justice is simply a device to enable the Attorney General to differentiate between the general agents and these special agents as far as salaries and compensation are concerned. Knowing the views of the Attorney General with reference to some of the laws relating to appointments in the civil service and the service of the Government, I want to inquire if it would not be a wise policy for the Appropriations Committee to put some limitation on the salaries to be paid to these special agents.

Mr. HUSTED. That would be a matter of legislation.

Mr. CONNALLY of Texas. But in this bill you are providing for their appointment and appropriating money to pay them.

Mr. HUSTED. It could be done.

Mr. CONNALLY of Texas. Why does not the committee do it?

Mr. HUSTED. The committee has not found any abuse. Let me say that the highest amount paid in this bill is to the director, who receives $7,500. That is Mr. Burns. The next is assistant superintendent, who receives $5,000, and there is one man who receives $4,000. The average salary paid to these employees would be in the neighborhood of $1,800 or less. This is not the only lump-sum appropriation carried in this bill. It has many lump sums with practically no limitation of the amount to be paid. So far as the information of the subcommittee is concerned, there has not been any abuse of the power.

Mr. CONNALLY of Texas. Unless something of that kind is intended, I see no reason for making these officials special agents of the department, when the Attorney General and the chief of the bureau now have authority to appoint all the regular agents of the bureau that they may find desirable.

Mr. HUSTED. I would say to the gentleman from Texas that they no longer can be designated as special agents, because the point of order made by the gentleman from Texas [Mr. BLANTON] struck that designation out of the paragraph.

Mr. CONNALLY of Texas. It leaves the same discretion in the hands of the Attorney General to pay them any salary he may see fit to pay them.

Mr. HUSTED. That applies practically to all of the employees in all of the bureaus of the Department of Justice. I do not think there is a limitation on any one of them.

Mr. CONNALLY of Texas. No; but the tremendous pressure, according to press reports, that is being exerted on the Attorney General and others in high positions, it seems to me, should impel Congress to be very slow in opening up these lump-sum appropriations for the appointment of new officials for the Department of Justice or any other department of this Government. I very much hope that the Appropriations Committee will in the future adopt some safeguard.

Mr. BLANTON. Mr. Chairman, I offer an amendment to the amendment, to add after the last word of the gentleman's amendment the following:

Provided, That no salary shall be paid to any of such employees in excess of $3,000.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the Husted amendment insert: "*Provided*, That no salary shall be paid to any of such employees in excess of $3,000."

Mr. BLANTON. Mr. Chairman, after the adverse ruling on the point of order and the amendment is offered the committee can do now just what the former favorable ruling on the previous point of order prevented, namely, appoint special agents, whether they are called special agents or some other kind of an employee. Under this paragraph, if this amendment is adopted without limitation, the Attorney General could pay out of the $2,250,000 we are giving him any salary he sees fit—$25,000, $50,000, $100,000. We certainly ought to put a limitation upon it. I do not complain when the Chair overrules my point of order. I accept his judgment and opinion. In fact, I never complain. I can not complain about the Washington Post putting in an alleged interview with me this morning that did not occur and was never authorized, as I had no interview with any Post representative. We ought to put a limitation upon these salaries. The gentleman says that high salaries are not paid. Much talk has been made about bringing Bergdoll back and the Bergdoll investigation. The report shows that General Ansell, the very man whom the investigating committee condemned, was paid, and the report of the Clerk shows that he was paid at the rate of $20,000 a year for his services helping a House committee. We certainly ought to put some kind of a limitation in this provision, and I just submit it to the House.

Mr. McSWAIN. Mr. Chairman, the gentleman's amendment provides that no one shall be paid in excess of $3,000. Is that a day or a week, or how much?

Mr. BLANTON. Three thousand dollars per annum. That is a per annum salary. That is considered in the law.

Mr. MANN. Mr. Chairman, the great horror which the gentleman from Texas [Mr. CONNALLY] just expressed, because this appropriation did not have a limitation as to the amount to be paid for salaries, would have come with considerably more force if it had been made at any time during the eight years the Democrats had control of the House, while he was a Member of the House, and it would have come with greater force if it had been ever made by any Member on the Democratic side of the House when the Democrats were in control of the House at any time during the last 50 years. This appropriation for the Secret Service of the Government has been carried from time immemorial, and it has always been considered one of those appropriations that ought to be in a lump sum. So far as my observation goes, it never has been used to pay extravagant salaries, and if we should adopt the provisions limiting the salary to $3,000 it would first cut down the salary of a division superintendent, who is properly receiving $5,000, and then would be an invitation to every employee to urge that his salary be increased to $3,000. The proposition is pure political bunk. [Applause on the Republican side.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BLANTON. The gentleman knows that the present President had the good judgment and the good sense when he came into office——

Mr. MANN. To name a mighty good Attorney General.

Mr. BLANTON. To find out that therefore under this clause a man had been employed to go around as a bodyguard to an individual citizen of this country and receive his annual salary.

Mr. MANN. I do not know about that.

Mr. BLANTON. Your President put him out of office, and I approve of his doing it.

Mr. MANN. I poke my nose into a good many things, but I have not poked it into everything in the Government, as the gentleman from Texas has.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to modify my amendment by adding the words "per annum" to the amendment that I offered.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as the Clerk will report.

The Clerk read as follows:

Mr. BLANTON asks unanimous consent to modify his amendment by inserting the words "per annum" after the figures "$3,000."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Chairman, if this amendment should prevail it would cut out 10 expert bank accountants, who are paid $4,000 a year; it would cut out a division superintendent at $5,000 a year; and it would cut out 2 special agents, who are paid $3,200 a year. The average salary paid in the bureau does not exceed $1,800 a year. There are only a few men, a very few men, not exceeding 10 in number, who receive as much as $3,000 a year. The salaries have been kept down to a very low figure. There has been no abuse of the power which has been vested in the Attorney General, and it would be very unfortunate to limit it, because no one knows when an emergency may arise when he may be compelled to employ some expert who will demand a much higher salary than $3,000. I think we can safely leave this to the good judgment and discretion of the Attorney General.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Texas.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I offer the following amendment to the paragraph:

At the end of the paragraph insert the following: "These officials shall be designated as special agents of the Department of Justice."

Mr. BLANTON. Mr. Chairman, I make the point of order that that is legislation and unauthorized.

The CHAIRMAN. The gentleman from New York [Mr. HUSTED] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HUSTED: At the end of the amendment just adopted insert: "These officials shall be designated as special agents of the Department of Justice."

Mr. BLANTON. Mr. Chairman, I make the point of order it is legislation, and the Chair has already ruled on it.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for clerical services and not exceeding $40,000 for compensation of attorneys at the seat of government, $225,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: At the end of line 22, page 32, add as follows: "*Provided, however*, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. HUSTED. Mr. Chairman, I make the point of order against the amendment.

Mr. JOHNSON of Kentucky. Mr. Chairman, I hardly think it worth while to argue the point of order. This question has been decided many times, and this provision has been carried in bill after bill here year after year.

Mr. HUSTED. Mr. Chairman, I would like to be heard on the point of order. The amendment as offered applies to the entire appropriation carried by the bill and not to the particular fund carried in this paragraph. For that reason it is not germane to this paragraph. My second point is that this amendment, in this precise form, having already been acted upon by the committee and defeated by the committee, is not again in order on this bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, since the amendment that has been offered applies to the section which has just been read, as well as to other provisions in the bill, it is

certainly in order, because it applies to the provision which has just been read.

The CHAIRMAN. The Chair believes the amendment of the gentleman from Kentucky [Mr. JOHNSON] is in order, and refers to section 5797 of Hinds' Precedents, where a case is determined practically setting forth the same facts as in this case. The point of order is overruled.

Mr. JOHNSON of Kentucky. Mr. Chairman, the substance of this amendment first got into an appropriation bill just before the expiration of the Presidency of Mr. Taft, and he vetoed the "sundry civil appropriation bill," carrying the substance of the language used in this amendment. In a few days thereafter President Wilson came into office and the appropriation bill which Mr. Taft had vetoed came back to the House with exactly the same language in it. That bill passed both the House and the Senate and was sent to the President, then President Wilson, who approved it. Since that time this language has been in every annual appropriation bill notwithstanding the fact that every time it came up the gentleman from Ohio, Mr. SIMEON D. FESS, the chairman of the Republican campaign committee, has sought to defeat it, his efforts to the contrary notwithstanding.

I appreciate that Congress but recently passed an act relative to farmers. That act yet has to run the gantlet of the courts; and, until it has done so, and until the act recently passed by the Kentucky Legislature, which enables the farmers to pool their products until they can get a fair price for them has been held good, this language ought to be carried as law in order to prevent prosecution of just such organizations as the one to which I have referred to in Kentucky, and which, I understand, exist in other States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. HUSTED. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. HUSTED: After the word "farmers" insert "or producers of mineral products and associations of producers of mineral products."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. MOORE of Virginia. Mr. Chairman, does the gentleman mean to include within that language the coal operators? Is that the purpose of the amendment?

Mr. HUSTED. If it is minerals.

Mr. JOHNSON of Kentucky. Do I understand the gentleman from New York [Mr. HUSTED], who is in charge of the bill, to have just stated that the intention of the amendment is to protect from prosecution any organization of coal operators?

Mr. HUSTED. The chairman of the subcommittee means exactly this, that he is opposed to any kind of class legislation, and he considers the amendment offered by the gentleman from Kentucky the rankest kind of class legislation. In order to emphasize his opposition, he offers this amendment. I do not see why all people should not stand on the same basis before the law, or why a special favor should be granted to anybody. [Applause.] I do not believe it is right, I do not believe it is American, and I wanted to go on record on that proposition.

Mr. JOHNSON of Kentucky. Then the purpose of the gentleman's amendment is to load down this amendment with the object of defeating it?

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Kentucky [Mr. JOHNSON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 27, noes 26.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Those in favor of calling for tellers will please rise. [After counting.] Nineteen gentlemen have risen, not a sufficient number. The amendment is agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: At the end of the paragraph on line 22 of page 32 insert "enforcement of civil service laws, 30 cents."

[Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISTRICT COURTS.

Salaries: One hundred and one district judges, at $7,500 each, $757,500: *Provided*, That this appropriation shall be available for the salaries of all United States district judges lawfully entitled thereto for the fiscal year 1923.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Does this embrace only the district judges now in office?

Mr. HUSTED. Only those now in office.

Mr. BLANTON. It does not embrace 22 new ones?

Mr. HUSTED. Only those now in office.

Mr. MANN. We provide for the salaries of district judges if they are provided.

Mr. BLANTON. We have now 101 in office.

Mr. MANN. If we create more, they could be paid out of this appropriation.

Mr. BLANTON. And cause a deficiency?

Mr. MANN. And cause a deficiency.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Hawaii: Chief justice, $6,000; two associate justices, at $5,500 each; in all, $17,000: *Provided*, That from and after July 1, 1922, the salary of the chief justice of the Supreme Court of Hawaii shall be $6,000 per annum and the salaries of the associate justices in Hawaii shall be $5,500 each per annum.

Mr. MANN rose.

Mr. BLANTON. Mr. Chairman, I make the point of order, unless the gentleman from Illinois desires to make it, that it is legislation unauthorized on an appropriation bill and changes a statutory salary.

Mr. MANN. It is clearly in order under the Holman rule.

Mr. BLANTON. It is an increase.

Mr. MANN. It is a decrease.

Mr. HUSTED. It is a decrease from $7,500 to $6,000 for the chief justice and a decrease from $7,000 to $5,500 for the two associate justices.

Mr. BLANTON. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I do not know but that perhaps the statement already made covers it, but it has been stated that the Territorial act which passed in reference to farm homesteads, and so forth, carried this item for the increase in the salary of certain officials in Hawaii, and that no word was said about it on the floor of the House.

I do not think the reduction ought to go through without any word being said about it, and I think the gentleman ought to state, while the item is under consideration, why the salary of the chief justice of Hawaii is reduced to $6,000, while we still pay the Alaska judges $7,500 and pay the judges in the United States $7,500 or $7,000, and so forth, and so on.

Mr. HUSTED. Mr. Chairman, I went into this quite fully during the general debate and gave a pretty complete explanation of the reasons why the committee took this action.

Mr. MANN. I heard the gentleman's explanation, which was that it went through the House without anybody knowing about it, which I thought was problematical, and without any other explanation of it.

Mr. HUSTED. Well, as a matter of fact, there was not any debate on the floor of the House and the title of the Hawaiian Homes Commission act made no reference to it. In addition to all that, it was not mentioned in the report on the bill and the attention of the House was not directed to it.

The Department of Justice informed the subcommittee that they had never been consulted about it; that they did not consider the increase as justified; and that they would not recommend these salaries. In view of the fact that the House passed upon it without debate, without any discussion, and the fact that there was no reference made to it in the report on the bill, and the fact that the title did not disclose it so that Members of the House would have their particular attention directed to it, and in view of the statement of the Department of Justice we

thought the proper course was to bring these salaries back to the figure at which they stood when the Hawaiian Homes Commission bill came up. If the increases are justified, let them come in in the regular way with the usual recommendation and let the Committee of the Whole pass upon it.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CLOUSE. I wonder if you provide there for a reduction of the salaries of the district judges in the Hawaiian Islands?

Mr. HUSTED. No; and they were not increased.

Mr. CLOUSE. I happen to know that a former law clerk happens to be one of the district judges, appointed a few years ago. He went over there at a salary of $1,000 or $1,800 a year and has no reputation as a lawyer that I know of, and I was wondering if it would not be advisable to investigate some of the salaries of district judges and reduce some of them.

Mr. HUSTED. There is a constitutional provision against reducing the salary of a district judge during his term of office, which precludes any legislative action.

Mr. CONNALLY of Texas. Does the gentleman know who the judge is in this case?

Mr. HUSTED. I have no idea who he is.

Mr. CONNALLY of Texas. There is no intention to reduce the salary to get rid of the district judge?

Mr. HUSTED. No. I do not know who he is and I do not know his politics.

Mr. MANN. I do not know whether I have any objection to the reduction proposed. I do not know anything about it. Here is a legislative committee that has jurisdiction of the subject, the Committee on the Territories. They put in a legislative bill a provision for increase of salaries. The Committee on Appropriations were so busy with their work that they never read the bill as they should have done and did not know that this increase was in the bill.

I read the bill. I knew it was in the bill, and I assumed that the Committee on the Territories had a good reason for making a slight increase in the salaries of the judges in Hawaii, as there had been an increase in the salaries of all the other judges of the Federal courts throughout the entire country.

Mr. HUSTED. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HUSTED. These are judges of Territorial courts. They are not United States judges. This does not affect the salary of the United States district judge in Hawaii. These are Territorial courts, inferior courts, and they placed the salary of the chief justice of an inferior court at the same figure as that of a United States district judge.

Mr. MANN. This is not an inferior court at all. The gentleman is entirely mistaken. He is not posted on the subject. This is the chief justice of the Supreme Court of Hawaii. The Supreme Court of Hawaii is not an inferior court. Of course, we do not fix the salaries of the supreme court justices of the States; but I say that we have increased the salaries of all Federal judges. The Committee on the Territories, having jurisdiction of the subject, proposed an increase in the salaries of the judges out in Hawaii. The Committee on Appropriations, without knowing anything at all about the subject of salaries in the Territory of Hawaii, propose by the appropriation bill to repeal the provision that came from the Committee on the Territories that did have jurisdiction of the subject. I just call attention to it because we have had so much said in the House about how under the new rule of the House the Committee on Appropriations would never interfere with the legislative jurisdiction of a legislative committee. Yet here was the legislative committee that had proper jurisdiction of this subject that reported a bill which passed the House, without the knowledge of the members of the Committee on Appropriations who did not examine the bill, but with full knowledge on the part of other Members of the House. Now the Committee on Appropriations at once rush in and say, "We did not know anything about this, and therefore we will repeal it."

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. The gentleman will remember that I was one of those who advocated the change in the Appropriations Committee, putting all the appropriations under one committee. I want to say to the Committee on Appropriations, as I have repeatedly said on the floor of the House, that if they continue to usurp the powers and duties of other committees, we will have to go back to the old system. There is no doubt in the world that the membership of this House will not permit any one committee to usurp the entire functions of the House. I do not want to see it done, and I have said in season and out of season that the Committee on Appropriations must be simply an appropriating committee rather than a legislative committee. Now, may I ask a question in connection with this subject of the judges of the Hawaiian Islands?

I remember one of my colleagues from Texas was appointed one of the judges out there. I do not know whether he holds that position yet or not, but it seems to me, taking the statement of the gentleman from Illinois [Mr. MANN] as correct—and I know it is—there must be some reason, either political or otherwise, why this attempt has been made to reduce this salary. I think the gentleman from New York ought to explain the reason for it.

Mr. MANN. I do not think there is anything political about it. I do not know who the judges are, although I doubtless met some of them when I was out there, but I do not recall them. I am of the opinion that they ought to have an increase of salary. Very likely the increase that was made may have been too much. I do not know. The Committee on Appropriations, however, are basing their entire proposition in the main on the fact that this increase in salaries reported from the Committee on the Territories went through the House, as they say, without anybody knowing anything about it. That is because they did not know about it, and they assumed that because they did not know anything about it everybody else was in equal ignorance.

Mr. CAMPBELL of Kansas. Mr. Chairman, I recall the consideration of the bill relating to salaries when it was reported by the Committee on the Territories. The question of the salaries of the officers in Hawaii, the salary of the governor, the salary of the secretary, and the salaries of the judges were discussed at length. I had made two visits to Hawaii. I therefore knew the subject matter under consideration when the bill was considered. The discussion revolved around the question of the expense of living out there. Building material and housekeeping are very expensive, and when an officer is big enough to be governor or secretary of the Territory or judge of the courts he must maintain a house in keeping with his position, and he can not do it in Hawaii on a small salary. Everything is expensive, and that is the reason the salaries were fixed by the Committee on the Territories as they were fixed at that time. It was not done hurriedly, but was done after very careful consideration.

It is appropriate that I add that Hawaii more than pays her why. After all expenses of Federal administration are paid there is still a large balance in the Federal Treasury out of the revenues of Hawaii.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word. I was very glad to hear the gentleman from Texas [Mr. GARNER] express himself as he did with regard to the placing of all the powers of the House in the Committee on Appropriations. As one of those who voted against him at that time, I wish to say that I now agree with him, or he agrees with me, that if there was ever anything done by this House in making rules that had less good sense about it than that action of the House, I do not remember what it was.

Mr. GARNER. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. GARNER. Let me say to my friend from Kansas that I am still of the opinion that a committee of 35 men, known as the Appropriations Committee, is better fitted and can more economically administer and provide the appropriations for the Government than the various committees which formerly did that work, and that it will be all right for the Committee on Appropriations to continue to do it if they will confine themselves to their own business and let the other committees attend to their legislative business. But if the Committee on Appropriations attempt to legislate and undertake to direct the policies of the Government to the exclusion of other committees, then it will be only a matter of time until the present large Committee on Appropriations will be disbanded and the House will go back to the old system.

Mr. LITTLE. Whenever you place such powers in any 35 men, of course the result will be just exactly what the gentleman from Texas finds it to be. You can not endow men with the power to run all the finances and determine all the expenditures of the Nation without causing them to feel that they ought to run everything, including every kind of legislation. The proper people to take up such things and pass upon them are those who are familiar with the legislation upon which the appropriations are founded. A man goes on a Military Committee, spends months on the legislation, then is told to scrap all he knows, stop work, and allow some man who has had no previous experience in such matters to expend all the money the legislation authorizes. Why set aside 150 men and let 35 run the House? Why have 35 Congressmen instead of 435 in charge of all expenses?

Mr. HUSTED. Will the gentleman yield for a question, please?

Mr. LITTLE. In just a moment I will. But there is no Committee on Appropriations of 35 men to pass on this bill. It is a committee of five each time. There are less men passing on these appropriation bills now than ever before. The men who are now passing upon these appropriation bills are men who in no case have any particular familiarity with the subjects on which they are appropriating. The committee that legislates is the committee that should decide how much money should be spent on the subjects of its legislation. The House has yielded its powers to 35 men. Of course they usurp power. All men with tyrannical powers become tyrants gradually. Everybody loses his head under such circumstances and thinks he is "it," and that he can do as he pleases and ought to do as he pleases. What the House should do is to organize the committees so that every man here has some responsible duty to attend to. You have shoved over onto these gentlemen of the Appropriations Committee all the real responsibilities of the House, and yet you expect them to act as if they did not have them. All this violates our theory of a representative government and gives a little oligarchy of five to handle our funds. Power should be distributed, not concentrated, in our expenditures. Keep near the people when you spend their money.

Mr. HUSTED. Does the gentleman think that the Holman rule should be abolished?

Mr. LITTLE. No.

Mr. HUSTED. This provision is clearly in order under the Holman rule. Does not the gentleman think that the Committee on Appropriations should avail itself at the proper time of the provisions of the Holman rule to save the Government money?

Mr. LITTLE. Yes.

Mr. HUSTED. That is all this is.

Mr. LITTLE. I was not speaking directly to this particular provision. I was taking advantage of the confession of the gentleman from Texas to express some views that should have been expressed long ago. These great bills which were formerly considered by from 12 to 20 men now receive consideration from subcommittees of 5, and practically no more. One hundred and fifty Members are deprived of power and responsibility which are centered in 35. The duties of the House should be so assigned to the various committees that every Representative shall have an active committee and a real share in our responsibilities.

Mr. MANN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 36, line 18, strike out the proviso.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, in line 17, by striking out the figures "$6,000" and inserting in lieu thereof the figures "$7,500," and in line 18 by striking out the figures "$5,500" and inserting in lieu thereof the figures "$7,000."

Mr. HUSTED. Mr. Chairman, I merely wish to say that these increases are not recommended by the Department of Justice. The Department of Justice says they are not entitled to them. They do not render the services to the value of these amounts. If you put them in you give these judges more money than they are entitled to. There is no good sense or reason in doing it. It is foolishly restoring a salary which never should have been allowed.

Mr. MANN. Well, Mr. Chairman, salaries are fixed by law. Whether the appropriation is made or not, the judges who serve will receive the money appropriated and then have a claim in the Court of Claims for the balance, which will be finally paid. It is pure monkey work to provide by law that a man shall be paid $7,500 and then only appropriate $6,000. The Department of Justice has not recommended it, as the gentleman says. Well, they are always recommending increases of salaries of judges and other officials under the Department of Justice in the United States, outside of Hawaii, and they all want the increase. I do not undertake to say just what the salary of the judges in Hawaii should be. My personal impression is that they are just as well entitled to $7,500 as the justices in Alaska are.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. MOORE of Virginia. Does the gentleman remember—I do not remember a single case up to this time except this one—where the Department of Justice has recommended a decrease of this character?

Mr. MANN. I do not recollect any case of the kind in 25 years' service.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FROTHINGHAM. Did I understand the gentleman to say that these salaries are fixed by statute?

Mr. MANN. They are.

Mr. FROTHINGHAM. What is the idea of appropriating $6,000?

Mr. MANN. The Committee on Appropriations—and I am not complaining—proposed to put a proviso in the bill reducing the salary to $6,000. If that provision had remained in the bill, there was no reason for increasing the appropriation over $6,000. But the committee having agreed to an amendment striking out the reduction, the gentleman from New York, in my judgment, ought to have offered the amendment to restore the appropriation for the full salary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out in line 18 the figures "$17,000" and insert "$21,500"; that is the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 18, strike out "$17,000" and insert "$21,500."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For judges of circuit courts, at $4,000 each, $28,000: *Provided*, That from and after July 1, 1922, the salaries of the judges of circuit courts in Hawaii shall be $4,000 each per annum.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What salaries are provided for the circuit judges?

Mr. HUSTED. Six thousand dollars is the amount carried in the commission act. It was $4,000 before that time. There is no good reason when you have restored the salary of the chief justice and the two justices why you should not also restore the salaries of the judges of the circuit court. You ought not to make fish of one and flesh of another.

Mr. MANN. Mr. Chairman, acting on the suggestion of the gentleman from New York, I move to strike out the proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, beginning on line 24, strike out the proviso.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, in line 23, page 26, the figures "$4,000" and insert "$6,000," and strike out "$28,000" and insert "$42,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 23, strike out the figures "$4,000" and insert "$6,000," and in the same line strike out "$28,000" and insert "$42,000."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS.

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the district of Alaska, and hereafter the Attorney General shall pay the office expenses of United States marshals in the district of Alaska from the appropriation "Salaries, fees, and expenses of United States marshals and their deputies" services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of horse-drawn and motor driven passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, $2,250,000: *Provided*, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow: *Provided further*, That marshals and office deputy marshals (except in the district of Alaska) may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of but under the conditions prescribed for the present allowance for actual expenses of subsistence: *And provided further*, That from and after July 1, 1922, the salary of the United States marshal, United States district for Hawaii, shall be $5,000 per annum.

Mr. WALSH. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman what the salary of the United States marshal for Hawaii is.

Mr. HUSTED. Three thousand dollars.

The Clerk read as follows:

For salaries of clerks of United States district courts, their deputies, and other assistants, expenses of travel and subsistence, and other expenses of conducting their respective offices, in accordance with the provisions of the act approved February 26, 1919, $1,255,000: *Provided*, That hereafter no clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or emoluments through any office or position to which he may be ap-

pointed by the court, other than that received as such clerk, deputy clerk, or assistant, whether from the United States or from other litigants: *Provided further*, That clerks of United States district courts, their deputies and assistants, who are or may be appointed United States commissioners may receive compensation for both offices in an aggregate amount not exceeding the rate of $2,000 per annum: *Provided further*, That the acceptance of payment for personal services from litigants other than the United States shall be deemed a vacation of their appointments as clerks, deputy clerks, or clerical assistants: *Provided further*, That from and after July 1, 1922, office expenses of clerks of United States circuit courts of appeals, also the personal compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business, shall be allowed after authorization and approval by the Attorney General, and shall be paid from this appropriation by the respective United States marshals designated by the Attorney General. All fees and other moneys of every character and description received by said clerks, by virtue of their offices, shall be paid into the Treasury, as in the case of clerks of United States district courts: *And provided further*, That from and after July 1, 1922, the salary of the clerk of the United States District Court for Hawaii shall be fixed in the same manner as salaries of clerks of United States districts courts under the act of February 26, 1919.

Mr. MANN. Mr. Chairman, I make the point of order against the provisos beginning in line 15, page 39, down to and including the word "assistants," in line 4, page 40.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the remainder of the paragraph.

Mr. HUSTED. Mr. Chairman, I think those provisos are subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order as to the rest of the paragraph.

Mr. HUSTED. Mr. Chairman, I move to amend, on page 39, line 11, after the word "of," where it appears before the words "United States," by inserting the words "United States Circuit Court of Appeals and." That is simply an inadvertent omission.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 39, line 11, after the word "of," where it appears the second time, insert "United States Circuit Court of Appeals and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 40, line 12, after the words "Attorney General," insert "*Provided further, however*, That the salaries of clerks of the United States Circuit Courts of Appeals shall not be fixed at a rate in excess of $5,000 per annum."

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Certainly.

Mr. MONTAGUE. Did not that proviso go out of the bill?

Mr. HUSTED. No; no point of order was made as to that.

Mr. MONTAGUE. I thought the gentleman from Illinois made the point of order against all of the provisos.

Mr. HUSTED. Only down to the proviso in line 4, on page 40.

Mr. MONTAGUE. I misunderstood the gentleman.

Mr. HUSTED. Does the gentleman wish some explanation of this amendment?

Mr. MONTAGUE. No; I understand the significance of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 39, line 15, strike out the figures "$1,255,000" and insert in lieu thereof the figures "$1,300,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For 270 copies of volume 259, Supreme Court Reports, to continue the sets now in the hands of certain officials, at $1.75 per volume, $472.50.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe the House is entitled to know of a condition relative to the Supreme Court Reports which was uncovered in the hearings on this bill. Under the law the reporter for the Supreme Court of the United States gets a salary of $4,500 a year. In addition to that, if he should issue two volumes of the reports during any one year, he receives $1,200 more. In addition to that he is allowed, not a clerk at $1,200 a year, but $1,200 for clerk hire. In addition still, he is allowed $000 for rent and miscellaneous items. The law requires the book to be sold at $1.75 per copy. The publisher has not been selling it at that price; but, instead, he has been selling it at $2 per copy. The necessity for his selling it at $3 a volume grows out of a most peculiar condition of affairs. In the first place, the reporter cuts up the decisions into two volumes, smaller than they should be, in order to have two editions, so that he may get the extra $1,200. In addition to that, he has the placing of the contract for the printing and binding, and has placed that with a New York firm, from which he has exacted and has received $6,500 per year for the placing of the contract.

Mr. MOORE of Virginia. And he is still in office?

Mr. JOHNSON of Kentucky. Yes.

Mr. McSWAIN. Mr. Chairman, I do not see any provision here made for the payment of the clerk of the United States Supreme Court, nor the marshal, nor the various deputy clerks. How are they paid?

Mr. JOHNSON of Kentucky. The reporter of the Supreme Court is paid in an unusual way. He is paid under a permanent statute. His drafts are made directly on the Treasury, and Congress does not have to appropriate for it. The law requires the book to be sold at $1.75 a volume; yet the reporter who gives out the publication and binding of it exacts $2.16⅔ a volume before he will let the printer have it. Consequently, it is impossible for the publisher to sell it for $1.75, as he has to pay the reporter of the Supreme Court $2.16⅔ a volume before he will let him have the contract. Adding all these things together, the reporter of the Supreme Court, with his salary and allowances and this piece of graft, gets $14,000 a year, while a justice of the Supreme Court himself gets only $14,500 a year.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. STAFFORD. Is there any connection between the price fixed in this bill at which the Federal Reporter, published by the West Publishing Co., of St. Paul, is fixed at $2 a year and their recent policy in reducing the size of the volume of the Federal Reporter to one-half what it was some years ago?

Mr. JOHNSON of Kentucky. I am not familiar with the publisher which the gentleman has just named, but I wish to say this, that the reporter for the Court of Claims of the United States gets a salary of $1,000 a year, and he does not get any graft or perquisites. He prints a volume much bigger than the one that is printed by the reporter of the Supreme Court, and it is sold for $1.25 a volume.

Mr. STAFFORD. Has any attempt been made by the committee to correct this glaring injustice to the lawyers who have occasion to use the Supreme Court reports?

Mr. JOHNSON of Kentucky. I am informed that it has been brought to the attention of the Judiciary Committee of this body.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The Clerk will read.

The Clerk read as follows:

National Training School for Boys: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistants, $12,900; chief clerk, $1,000; nurse, $900; matron of school and nurse, at $600 each; storekeeper and steward, $720; farmer, $660; baker, $660; tailor, $720; parole officer, $900; office clerk, $720; assistant office clerk, $480; physical director, $720; six matrons of families, at $240 each; foremen of shop and skilled helpers, $4,200; assistant farmer and assistant engineer, at $420 each; laundress, $360; teamster, $420; florist, $540; engineer and shoemaker, at $600 each; cook, $600; dining-room attendants—boys $300; officers, $240; housemaid, $216; seamstress, $240; assistant cook, $300; 8 watchmen, at $420 each; secretary and treasurer, $900; in all, $40,736.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent that in cases where changes have been made in items carried in paragraphs the Clerk be authorized to correct the totals.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, had directed him to report the same back to the House with certain amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HUSTED. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

ADJOURNMENT.

Mr. HUSTED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 59 minutes p. m.) the House adjourned until Monday, April 10, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 10716. A bill granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River; without amendment (Rept. No. 886). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 10770. A bill granting the consent of Congress to the county of Itasca, State of Minnesota, to construct, maintain, and operate a bridge across the south arm of Pokegama Lake; with amendments (Rept. No. 887). Referred to the House Calendar.

Mr. BUTLER: Committee on Naval Affairs. H. R. 11214. A bill authorizing the President to scrap certain vessels in conformity with the provisions of the treaty to limit naval armaments, and for other purposes; without amendment (Rept. No. 889). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KELLEY of Michigan: A bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. APPLEBY: A bill (H. R. 11229) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. DRANE: A bill (H. R. 11230) to authorize the acceptance of title to forest lands in the State of Florida and to create national forests therefrom, and for other purposes; to the Committee on the Public Lands.

By Mr. WALSH (by request): A bill (H. R. 11231) to amend section 135 of the Judicial Code; to the Committee on the Judiciary.

By Mr. SISSON: A bill (H. R. 11232) to amend section 12 of the act approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. HULL: A bill (H. R. 11233) authorizing the Secretary of Commerce to convey certain lands to the county of Muscatine, Iowa; to the Committee on the Public Lands.

By Mr. WALSH: A bill (H. R. 11234) to provide for the printing and distribution of Supreme Court Reports and amending sections 225, 226, 227, and 228 of the Judicial Code; to the Committee on the Judiciary.

By Mr. ROGERS: A bill (H. R. 11235) to provide for the reclamation of the United States military reservation at Fort De Russey, Honolulu, Hawaii; to the Committee on Military Affairs.

By Mr. BLANTON: Resolution (H. Res. 322) authorizing the Speaker of the House to appoint a select committee of 11 Members of the House of Representatives to investigate, hold hearings, and procure all facts relative to certain alleged abuses; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 11236) for the relief of the widow of Rudolph H. von Ezdorf; to the Committee on Claims.

By Mr. PRINGEY: A bill (H. R. 11237) for the relief of the heirs of James Taylor, deceased; to the Committee on Claims.

By Mr. ROACH: A bill (H. R. 11238) granting a pension to Samuel West; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11239) granting a pension to Helen D. Craig; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11240) for the relief of John J. Shaw; to the Committee on Claims.

By Mr. TOWNER: A bill (H. R. 11241) granting a pension to Catherine Tuttle; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 11242) for the relief of John P. Lockhart; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5022. By Mr. KAHN: Resolution adopted by the San Francisco Labor Council, urging the passage of House bill 10646; to the Committee on Interstate and Foreign Commerce.

5023. Also, resolution of the Foreign Trade Club of San Francisco, indorsing the resolutions of the National Merchant Marine Association relative to the President's ship-subsidy proposals; to the Committee on the Merchant Marine and Fisheries.

5024. By Mr. KISSEL: Memorial of Young & Metzner (Inc.), of Long Island City, N. Y., relative to jute bagging for covering cotton, House bill 7456, paragraph 1517; to the Committee on Ways and Means.

5025. By Mr. TAGUE: Resolution passed by the Boston City Council on April 3, protesting against the closing of the Boston (Mass.) Navy Yard; to the Committee on Naval Affairs.

5026. By Mr. TEMPLE: Petition of W. M. Brown, of West Pittsburgh, Pa., and Dr. Thad. C. Brown, of Fort Collins, Colo., in support of the Bursum bill providing for the retirement of disabled officers of the World War; to the Committee on Military Affairs.

5027. By Mr. TOWNER: Petition of Howard L. Dawson, of Creston, Iowa, and 54 other citizens of Creston and Ellston, Iowa, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

SENATE.

MONDAY, *April 10, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast been a good God unto us in all Thy dealings, notwithstanding our inclination at times to go away from Thy truth and our failure to appreciate the obligations resting upon us. But we come this morning thanking Thee for the goodness and the mercy multiplied as the days go by, and humbly beseech of Thee that there may be had this morning the consciousness of Thy nearness and the direction of Thy wisdom in all that may be said and done. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, April 5, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. MOSES presented a memorial of sundry citizens of Berlin, N. H., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BORAH presented a petition of sundry citizens of Porthill, Idaho, praying for the enactment of legislation reviving the United States Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a memorial adopted at a mass meeting held in Boston, Mass., March 29, 1922, under the auspices of the Massachusetts Public Interests League, remonstrating against the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. WILLIS presented a memorial of sundry citizens of Barberton and Kenmore, in the State of Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a letter from the Business Men's Club, of Cincinnati, Ohio, giving their views relative to the soldiers' bonus question, which was referred to the Committee on Finance.

He also presented a resolution of Dayton Post, No. 5, American Legion, of Dayton, Ohio, favoring the inclusion of a provision in the soldiers' bonus bill conferring the benefits thereof upon dependents of deceased ex-service men, which was referred to the Committee on Finance.

He also presented a resolution of Miller Stockum Post, No. 485, American Legion, of Cleves, Ohio, favoring the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. POMERENE. Mr. President, I have here a very brief letter from the Business Men's Club of Cincinnati, giving the result of a referendum vote on the question, "Are you in favor of a soldiers' bonus?" They ask that it be incorporated in the RECORD, and I ask that it may be referred to the Committee on Finance and printed in the RECORD without reading.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE BUSINESS MEN'S CLUB,
OFFICE OF THE EXECUTIVE SECRETARY,
Cincinnati, Ohio, March 29, 1922.

Senator ATLEE POMERENE,
Washington, D. C.

DEAR SIR: The board of directors of the Business Men's Club has instructed me to send you the attached copy of a letter sent to the President and to the Senate, giving the referendum votes of the members of the Business Men's Club on the question, "Are you in favor of a soldiers' bonus?" the signed votes received to date being:

No	582
Yes	99
Conditionally	18
Yes; if with sales tax	3

The directors will appreciate your presentation of this information to the proper Senate committee and to the Senate for record in the CONGRESSIONAL RECORD.

Very respectfully,
RUTHERFORD H. COX,
Executive Secretary.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 1106) to correct the military record of James Burke, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2371) to further amend an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 3, 1916, reported it with an amendment and submitted a report (No. 594) thereon.

Mr. EDGE. I report back favorably without amendment from the Committee on Commerce the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, and I ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, the joint resolution will be referred to that committee.

Mr. KING. Mr. President, a parliamentary inquiry. This does not mean that it is adopted by the Senate in that form?

The VICE PRESIDENT. It does not. The request is that the Committee on Commerce be discharged from the further consideration of the joint resolution, and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Without objection, it will be so referred.

SPECIAL POSTAL CANCELING STAMPS.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report back favorably without amendment the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices. I will state that this is similar to a bill which was passed by the Senate some days ago authorizing the use of special stamps for canceling letters in certain cities of the United States where there are to be held conventions, public meetings, or other gatherings of extraordinary importance. The authorization will involve no expense to the Government, but will accommodate the local communities, and enable the post offices in the various places named to use special canceling stamps. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. DIAL. Mr. President, I do not desire to object, but I wish to make a brief statement. I do not know that I agree with the kind of legislation proposed by the bill just reported. Last year I introduced a bill of similar import, but it was rejected, the Post Office Department stating that it did not encourage or favor such legislation at that time. I do not see any reason why the policy should be changed now. However, I am not going to object to the bill reported by the Senator from Michigan, but I can not understand why such legislation should be passed in some cases and not be allowed in others.

Mr. TOWNSEND. Mr. President, I should like to state that this is the first time my attention has been called to the matter referred to by the Senator from South Carolina. This practice had been indulged in for many years by the department, and I supposed that it had the approval of the department.

Mr. DIAL. No; the department——

Mr. TOWNSEND. I do not remember the case to which the Senator has referred; certainly it was not brought to my attention.

Mr. DIAL. The bill to which I have referred authorized the use of a special canceling stamp by the post office at Greenville, S. C., but the department reported against it, and it did not pass. I am not going to object to the bill reported by the Senator from Michigan, but I think a uniform rule should be provided.

Mr. JONES of Washington. Mr. President, I should like to have the bill go over for a few moments until I may examine it. I desire to offer an amendment to it, and I did not know the bill was coming up this morning. I will not ask that the bill go over for the day, but I should like to have it go over for a little while.

The VICE PRESIDENT. Objection is made to the present consideration of the bill.

IMPROVEMENT OF THE ST. LAWRENCE RIVER (S. DOC. NO. 179).

Mr. MOSES. I report a resolution from the Committee on Printing, and I ask unanimous consent for its immediate consideration.

Mr. KING. Let it be read.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution (S. Res. 272), as follows:

Resolved, That the reports of the United States and Canadian Government engineers made to the International Joint Commission on the Improvement of the St. Lawrence Waterway from Montreal to Lake Erie, together with Appendices B and C accompanying the same, be printed, with illustrations, as a Senate document.

Mr. KING. Mr. President, may I inquire whether that embraces all the maps which accompanied the report?

Mr. MOSES. Yes, Mr. President; it embraces the engineering map, for which there has been very great demand. They are original maps.

Mr. KING. I am familiar with them, and have examined them, and I think they should be printed.

Mr. MOSES. There has been very great demand for them.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 3416) to permit the city of Fort Smith, Sebastian County, Ark., to erect or cause to be erected a dam across the Poteau River; and

A bill (S. 3417) authorizing Independence County, Ark., to construct a bridge across White River at or near Batesville, Ark.; to the Committee on Commerce.

A bill (S. 3418) for the relief of Carl L. Moore; and

A bill (S. 3419) for the relief of James B. Fitzgerald; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 3420) to provide for the manufacture of explosives for the use of the Army and Navy, to provide for the manufacture of fertilizer for agricultural purposes, to incorporate the Federal Chemical Corporation, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CURTIS:

A bill (S. 3421) conferring jurisdiction upon the Court of Claims to hear and determine the claims of certain Indians of the Kickapoo Tribe; to the Committee on Indian Affairs.

A bill (S. 3422) granting a pension to John E. Miles (with accompanying papers); and

A bill (S. 3423) granting a pension to Laura Major (with accompanying papers); to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3424) to provide for the reclamation of the United States Military Reservation, Fort De Russey, Honolulu, Hawaii; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 3425) to continue the land offices at Belle Fourche, Timber Lake, and Lemmon, in the State of South Dakota, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. PAGE:

A bill (S. 3426) to authorize the President, in his discretion, to retire certain officers of the Navy; and

A bill (S. 3427) to permit the employment of officers of the Navy and Marine Corps by persons or companies furnishing naval supplies or war materials to the Government; to the Committee on Naval Affairs.

By Mr. HARRELD:

A bill (S. 3428) granting a pension to James E. Mulford; to the Committee on Pensions.

A bill (S. 3429) for the relief of the heirs of James Taylor, deceased; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 3430) granting an increase of pension to Sam Ferguson (with accompanying papers); to the Committee on Pensions.

A bill (S. 3431) to consolidate certain patented lands in Glacier National Park; to the Committee on Public Lands and Surveys.

By Mr. CURTIS:

A joint resolution (S. J. Res. 190) to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; to the Committee on the Library.

AMENDMENT OF STATE AND JUSTICE DEPARTMENTS APPROPRIATION BILL.

Mr. CULBERSON submitted an amendment proposing to pay $3,500 to Mrs. Daisy Crawford Carroll, widow of B. Harvey Carroll, late consul to Cadiz, Spain, being one year's salary of her deceased husband, who died at his post of duty from illness incurred while in the Consular Service, intended to be proposed by him to House bill 11065, the State and Justice Departments appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF HOUSE RIVER AND HARBOR BILL.

Mr. CARAWAY (for Mr. ROBINSON) submitted an amendment providing that the jurisdiction of the Mississippi River Commission be extended so as to include both the north and south banks of the Arkansas River for an equal distance between its mouth and the intersection thereof with the division line between Lincoln and Jefferson Counties, Ark., and that any funds which are herein or may be hereafter appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees and bank revetment, may be expended within the limits of said extended jurisdiction, under the direction of the Secretary of War, etc., intended to be proposed by him to House bill 10766, authorizing improvement of rivers and harbors, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS OF AGRICULTURAL DEPARTMENT APPROPRIATION BILL.

Mr. STERLING submitted an amendment proposing to increase the appropriation for the location and destruction of the barberry bushes and other vegetation from which rust spores originate, from $200,000, as proposed by the Committee on Appropriations, to $350,000, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

Mr. KELLOGG submitted an amendment proposing to increase the appropriation for the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, from $432,505, as proposed by the Committee on Appropriations, to $732,505, and to increase the appropriation for the location and destruction of the barberry bushes and other vegetation from which rust spores originate from $200,000, as proposed by the Committee on Appropriations, to $500,000, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

KNICKERBOCKER THEATER DISASTER.

Mr. BALL. I ask unanimous consent to present the recommendations of the grand jury which conducted the investigation into the Knickerbocker Theater disaster and ask that they may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The reading clerk read as follows:

WASHINGTON, D. C., *April 3, 1922.*

Hon. PEYTON GORDON,
United States Attorney, Washington, D. C.

SIR: We, the members of the grand jury of the January, 1922, term, having heard all of the testimony presented to us in the case of the Knickerbocker disaster, make the following recommendations:

(1) That Congress should be asked to furnish larger appropriations to the building inspector's office, to the end that they may pay adequate salaries to employ a sufficient number of computers and inspectors to do the work required.

Respectfully,
M. D. MCQUADE, *Foreman.*

WASHINGTON, D. C., *April 3, 1922.*

Hon. PEYTON GORDON,
United States Attorney, Washington, D. C.

SIR: We, the members of the grand jury of the January, 1922, term, having heard all of the testimony presented to us in the case of the Knickerbocker disaster, make the following recommendations:

(2) That the building code of the District of Columbia be revised by correcting paragraphs which are ambiguous and conflicting, and that specific changes be made regarding the construction of the type of larger buildings, particularly those in which public gatherings will be held.

Respectfully,
M. D. MCQUADE, *Foreman.*

Mr. BALL. I move that the first recommendation be referred to the Committee on Appropriations, that the second recommendation be referred to the Committee on the District of Columbia, and that they be printed.

The motion was agreed to.

The VICE PRESIDENT. If there are no concurrent or other resolutions the morning business is closed, and the calendar under Rule VIII is in order.

REPORT OF ALIEN PROPERTY CUSTODIAN.

The VICE PRESIDENT. The Chair lays before the Senate a communication just received from the Alien Property Custodian, transmitting, pursuant to Senate Resolution 191, information relative to the activities of the office of the custodian.

Mr. MOSES. Mr. President, the document is very voluminous, and inasmuch as the cost of printing it will be very large, an estimate of the cost should be had from the Government Printing Office. I move that the report be referred to the Committee on Printing.

The motion was agreed to.

Mr. MOSES. I ask that the Secretary may read the letter of transmittal accompanying the report and also the statement briefing the substance of the report.

The VICE PRESIDENT. Without objection, the letter and statement will be read.

The reading clerk read as follows:

ALIEN PROPERTY CUSTODIAN,
SIXTEENTH AND P STREETS NW.,
Washington, D. C., April 10, 1922.

To the Senate of the United States:

In compliance with Senate Resolution 191, Sixty-seventh Congress, there is herewith transmitted the information requested.

The property administered by this office consists to-day of some 33,000 active trusts representing property scattered from the Philippine Islands and Hawaii and located in almost every State and Territory of the United States. Generally speaking, the property consists of industrial plants, such as chemical and woolen mills, steamship lines, banks, land and cattle companies, salmon factories, gold, silver, and other mines of precious metal, and other miscellaneous industrial plants, as well as thousands of parcels of real estate and trusts represented by securities and liquid assets. The "trading with the enemy act" directs the President to cause a detailed report to be made to the Congress as of January 1 of each year of all proceedings under the act during the year preceding. No such report has been filed under this section since that of February 22, 1919. When the Senate's resolution was passed this office was engaged in preparing a report not only for the year 1921, under the present administration, but for the years 1919 and 1920, hitherto not covered by any report as required by the "trading with the enemy act."

The data requested by this resolution covers the office of the Alien Property Custodian since the creation of that office by the act of October 6, 1917, covering a period of almost four and one-half years. In order that the great volume of information contained in this report can be properly presented and readily understood, the information is divided into several parts corresponding with the various subdivisions of information requested in the Senate's resolution.

PART 1.

Containing "the names of all attorneys who have been appointed or employed by the Alien Property Custodian and the compensation which has been allowed to each and the character of services performed by each."

(NOTE.—This includes the names of all attorneys employed in the Washington office of the Alien Property Custodian whose compensation was paid out of the congressional appropriation as well as a list of the State counsel and an explanation as to their duties.)

PART 2.

Containing "the names of all attorneys, directors, supervisors, managers, auditors, or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property under the control of the Alien Property Custodian, with the compensation paid to each, or to be paid to each, by the Alien Property Custodian, or out of the trusts or trust funds in his custody; the names of all

attorneys appointed or employed by corporations, agents, or individuals who have been or are acting as administrators or caretakers of property for the Alien Property Custodian, and the compensation paid to or to be paid to each."

(NOTE.—In part 2 will be found a list of every corporation seized in whole or in part by the Alien Property Custodian, a description thereof, as well as data showing counsel, board of directors, officers, etc., together with their terms of service and compensation and the disposition of the property, if sold or liquidated.)

There is also included in this section liquidations other than those included in the report of corporations included in this section and consummated before March 4, 1921, together with the expenses thereof. In this section will be found a report of the 23 enemy insurance companies administered by the Alien Property Custodian, containing similar information given in connection with the other corporations reported on in this section. In addition thereto, in this section is given a list of miscellaneous fees paid attorneys, giving their names, the trust number, and the amount. Except where noted by asterisks, these miscellaneous fees were all paid previous to March 4, 1921, for services rendered before that date. In this section is also included a description of liquidation and sale under supervision of Alien Property Custodian of property in the Philippine Islands, Porto Rico, Hawaii, and American Samoa.

PART 3.

Containing "the names of all attorneys who have represented or who now represent claimants to property under the control of the Alien Property Custodian; the names of all attorneys who have represented claimants to whom property has been returned under section 9 of the trading with the enemy act."

(NOTE.—It is impossible for this office to supply "the compensation allowed each of such attorneys out of the trusts or trust funds subject to such claims," because this office has no concern whatsoever with the compensation paid individuals who employ counsel to present their cases to this office. No such compensation is ever paid out of the trust funds or upon the authority of the Alien Property Custodian, and it would be a very peculiar state of affairs if the Alien Property Custodian did have any information as to what claimants were paying the lawyers practicing before this department.)

In response to this portion of the Senate's resolution, there is transmitted the name and description of every claim filed with this office, together with action taken thereon, the date thereof, and the name of the attorney representing the claimant, if any. There is also included a complete list of all past and pending litigation under section 9, giving the claim number, the name of the plaintiff, the jurisdiction in which the action is brought, the type of action, the amount involved, the disposition, if any, the name of the plaintiff's attorney, as well as any special counsel representing the Alien Property Custodian, and the fees paid the latter. In this section is also recited a full description of fees paid depositaries.

PART 4.

Containing "a statement and description of all property sold by the Alien Property Custodian, with the names of the corporations or persons to whom sold, and the amount received therefor."

(NOTE.—Information relative to sales of property under corporation management are contained in part 2, described heretofore.)

There is included in this section a detailed statement showing lists of all patents, trade-marks, and copyrights sold by the Alien Property Custodian, giving the United States Patent Office number, the date of issuance by the United States Patent Office, title and description of the patent, the date of assignment and sale, and the name of the purchaser. There is also included in this section a detailed statement showing all sales of miscellaneous stocks and bonds, all real estate, and sales of miscellaneous merchandise, with the dates thereof, the amounts received, and a full description of the property sold, together with the trust number.

The closing lines of the Senate's resolution request "a statement or description of all property seized or demanded by the Alien Property Custodian since the passage of the resolution declaring a state of peace to exist with Germany, Austria, and Hungary." No seizing of property, property rights, or money has been made subsequent to the passage of the peace resolution, July 2, 1921, by the Alien Property Custodian. Section 5 of the peace resolution reads, in part, as follows:

"All property of the Imperial German Government, or its successor or successors, and of all German nationals which was on April 6, 1917, or has since that date come into the possession or under control of or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or control of or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America," etc.

This language authorizes the Alien Property Custodian to follow up any demand made for property under the trading with the enemy act in case the property has not actually been reduced to possession either because of court litigation or noncompliance with the terms of the trading with the enemy act. Were such language not included in the peace resolution, a premium would have been placed on those who disregarded and disobeyed the provisions of the trading with the enemy act or who refused to comply with demands made by the Alien Property Custodian in accordance with that act. In accordance with the provisions of the peace resolution there have been, however, the issuance and service subsequent to July 2, 1921, of demands of the Alien Property Custodian for the purpose of effecting a reduction to possession of property or property rights or funds which have been seized prior to July 2, 1921, by an outstanding demand and the title of which was vested in the Alien Property Custodian prior to July 2, 1921, by reason of such seizure demand. There were also certain curative demands made necessary as notice of the legal effect of the former seizures and necessary for the purpose of completing the administration by the Alien Property Custodian of property and property rights formerly acquired. No property, however, has been seized or demanded by the Alien Property Custodian since July 2, 1921. The last property seized by the Alien Property Custodian under the trading with the enemy act was the Bergdoll property, seized on May 27, 1921, within the scope of the trading with the enemy act. In order that the classes of demands may be more thoroughly understood the following three general classes are described herewith:

(1) Curative—necessary in instances where the custodian had formerly seized rights in or to a debt, evidenced by a promissory note, etc., or on an open account, unsecured or secured by mortgage, etc., or in instances where the custodian had formerly seized rights under some contract, in all of which instances it became necessary to serve a demand on the obligor in order to initiate proceedings if required to preserve the trust.

(2) Stock-cancellation demands—necessary in those instances where the right, title, and interest to shares of stock in corporations had been seized and it was necessary to secure certificates of stock from the corporation evidencing ownership of such rights in the custodian.

(3) Notices of seizure of the fee or lesser estate in real property—for recording purposes. Such instruments were necessary in those instances where there had been previously seized prior to July 2, 1921, the right, title, and interest in and to the fee or lesser estate, but no record notice thereof had been made in the offices of the respective recording officials and a record title was thus necessary for purposes of sale or to protect property against foreclosure or sale for nonpayment of taxes.

Expenses and fees are deducted from the trust funds under the operation of the Executive order of the President describing the rules and regulations respecting the scope of the powers and authority and performance of the duties of the Alien Property Custodian under the trading with the enemy act, dated February 26, 1918, and known as subdivision (b), article 3, powers of administration, reading as follows:

"The Alien Property Custodian may pay all reasonable and proper expenses which may be incurred in or about securing possession or control of money or other property and in or about collecting dividends, interest, and other income therefrom and in otherwise protecting and administering the same. So far as may be, all such expenses shall be paid out of and in any event recorded as a charge against the estate to which such money or other property belongs."

Also, under the decision of the Comptroller of the Treasury (26 Comp. Dec. 265) it was held that all expenses incurred in connection with the administration of enemy trusts were properly chargeable against the same.

The fees paid attorneys and counsel for services rendered the Alien Property Custodian in connection with the administration of the affairs of the corporations seized in whole or in part under the trading with the enemy act were paid out of the trust fund of the particular corporation involved from time to time in accordance with the above Executive order. If not paid out of the trust funds, payments have been made from the funds of the particular corporation upon action of the board of directors, with the approval of the Alien Property Custodian, if this office controlled a majority of the stock of the company. These fees cover services as counsel for the corporation, such as routine legal matters or court work or court litigation for the corporation, or in some instances, fees as attorneys representing the interests of the Alien Property Custodian for litigation in which the corporation might be involved affecting the rights of the Government or the corporation itself. The following data taken from the records of this office show the grand total of fees paid attorneys, salaries or fees to officers, directors, and supervisors, as well as expenditures for accounting, auditing, advertising and printing. The details of all the grand totals herewith noted are contained in the body of the report submitted herewith:

Attorneys' fees prior to Mar. 4, 1921	$2,138,546.99
Attorneys' fees since Mar. 4, 1921	116,469.47
Salaries of officers and directors of corporations previous to Mar. 4, 1921	1,574,017.62
Salaries of officers and directors of corporations since Mar. 4, 1921	132,435.94
Paid for accounting, auditing, and appraising previous to Mar. 4, 1921	1,084,859.23
Paid for accounting, auditing, and appraising since Mar. 4, 1921	2,718.55
Paid for advertising and printing previous to Mar. 4, 1921	258,067.52

Respectfully submitted.

THOMAS W. MILLER,
Alien Property Custodian.

Mr. KING, Mr. CARAWAY, and Mr. STERLING addressed the Chair.

The VICE PRESIDENT. There is a further communication to be read.

The reading clerk read as follows:

[Office of Alien Property Custodian.]

This report consists of thousands of typewritten pages, and covers all operations of the Alien Property Custodian under the Wilson administration, when A. Mitchell Palmer and Francis P. Garvan occupied the office, and for the year just closed under the administration of President Harding. The Senate's resolution directs the present custodian to report all fees paid attorneys, as well as salaries of officers, directors, and supervisors paid by the various corporations, and also the amounts paid for accounting, auditing, advertising, and printing. This information to include all such payments made under the Wilson administration, as well as under the present one. The following figures are disclosed by the report:

Attorneys' fees paid prior to Mar. 4, 1921	$2,138,546.99
Attorneys' fees since Mar. 4, 1921	116,469.47
Salaries of officers and directors of corporations previous to Mar. 4, 1921	1,574,017.62
Salaries of officers and directors of corporations since Mar. 4, 1921	132,435.94
Paid for accounting, auditing, and appraising previous to Mar. 4, 1921	1,084,859.23
Paid for accounting, auditing, and appraising since Mar. 4, 1921	2,718.55
Paid for advertising and printing previous to Mar. 4, 1921	258,067.52

The trading with the enemy act directs the President to cause a detailed report to be made to the Congress up to December 31 of each year of all proceedings under the act during the preceding year. This report is the first one filed under this section of the law since that of A. Mitchell Palmer under date of February 22, 1919. The present custodian was engaged in preparing a report by direction of President

Harding and, in accordance with the law, for the year 1921, as well as for the years 1919 and 1920 hitherto not covered by any report as required by law, when the Senate's resolution was adopted.

The report also discloses the fact that charges heretofore made by Senator KISO that the present Alien Property Custodian has seized property since peace was declared with Germany last July are groundless and without any foundation whatsoever. The last property seized by the custodian was that belonging to Grover Cleveland Bergdoll, seized on May 27, 1921, under the provisions of the trading with the enemy act and within the scope of that act.

The report gives in detail all information concerning every corporation seized in whole or in part by the custodian. This will show all fees paid attorneys as well as salaries paid to officers and directors out of the trust or company funds of each corporation, together with their names and dates of service. Amounts paid for auditing, accounting, and appraising are shown in detail as well as the money spent on advertising, and the newspapers so favored. One accounting bill alone of $173,757.50 was paid to an accounting firm out of the congressional appropriation for a repeat which covered the various operations of the custodian office to August, 1919, but which was not completed and delivered until April, 1921, and when completed was of no practical value.

The conduct of affairs of the Alien Property Custodian in the Philippine Islands under the direction of former Governor General Harrison is reported in full. A complete list is given of the 8,000 claims for the return of property under the amendments to the act, giving the names of the attorneys representing these claims and the action thereon. All litigation in which the Alien Property Custodian appears is described, together with the names of the attorneys representing the custodian and the fees paid. A complete list is given, in addition to the corporations sold, of all sales of miscellaneous stocks, bonds, real estate, and merchandise sold since sales, as well as a detailed description of all patents seized and their disposition.

DISCHARGE OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. CARAWAY, Mr. STERLING, and Mr. KING addressed the Chair.

The VICE PRESIDENT. The Senator from South Dakota.

Mr. CARAWAY. Mr. President, a parliamentary inquiry.

Mr. STERLING. Out of order, I——

The VICE PRESIDENT. The Senator from Arkansas will state his inquiry.

Mr. CARAWAY. Mr. President, I should like to know whether anyone on this side is to be recognized? I have been on my feet here, while half a dozen Republican Senators have been recognized since I rose and addressed the Chair.

Mr. MOSES. Mr. President, who has the floor?

Mr. CARAWAY. Mr. President, I have a part of it. If it is to be the rule of the Senate that the Vice President is to look on the Republican side of the Chamber all the time and ignore every Democratic Senator, let that rule be announced.

The VICE PRESIDENT. The Chair thinks that perhaps the Senator from Arkansas was on his feet.

Mr. CARAWAY. The Chair knows that I was on my feet.

Mr. MOSES and Mr. LENROOT. Regular order, Mr. President.

Mr. WILLIS. I demand the regular order.

Mr. CARAWAY. The regular order is to know whether I am going to be recognized or not.

Mr. MOSES. Evidently not.

The VICE PRESIDENT. The Senator from Arkansas will be recognized in due time.

Mr. STERLING. I will say for the satisfaction of the Senator from Arkansas that it will take me but a moment.

Mr. CARAWAY. Oh, I wish no favor. I am asking only my right.

Mr. LENROOT. I rise to a point of order. I demand the regular order.

Mr. CARAWAY. Well, demand it; I am demanding it myself.

The VICE PRESIDENT. The Chair will recognize the Senator from Arkansas as soon as the pending matter is disposed of.

Mr. CARAWAY. I suppose as soon as all Senators on the other side are through.

[At this point Mr. STERLING introduced a bill and submitted a proposed amendment to the Agricultural Department appropriation bill, which appear under their proper headings.]

The VICE PRESIDENT. The Chair recognizes the Senator from Arkansas.

Mr. CARAWAY. That is very kind of the Chair. I tried to attract the attention of the Chair before the morning business was closed in order to introduce a resolution. I ask now, out of order, to be permitted to introduce it.

The VICE PRESIDENT. Without objection, the resolution will be received and the Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 271), as follows:

Whereas by act of Congress it is provided that in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary; and

Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service: Now therefore be it

Resolved, That the President of the United States is hereby requested if not incompatible with the public good to inform Congress:

(a) How many honorably discharged sailors and soldiers have been demoted, dropped, and discharged from the service since the 1st day of March, 1921; and

(b) By what, if any, charges, or lack of efficiency, justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas.

Mr. CARAWAY. Section 4——

Mr. LENROOT. Mr. President, I demand the regular order.

The VICE PRESIDENT. The Senator from Arkansas has the floor.

Mr. LENROOT. I demand the regular order. Debate is not in order.

Mr. LODGE. Debate is not in order.

Mr. KING. I ask unanimous consent——

Mr. McCORMICK. The resolution should lie over under the rule.

Mr. KING. I ask unanimous consent that the Senator from Arkansas may make such statement as he cares to make upon the resolution which he has just offered.

The VICE PRESIDENT. Is there objection?

Mr. MOSES, Mr. McCORMICK, Mr. LENROOT, and Mr. ODDIE objected.

The VICE PRESIDENT. The resolution will lie over under the rule.

Mr. CARAWAY. It is to be presumed that at some time in the course of my lifetime I shall get recognized again and those Senators who are so anxious to object now——

The VICE PRESIDENT. The regular order is the calendar under Rule VIII.

Mr. CARAWAY. I understand what the regular order is, but since it took me so long to get recognized I shall complete my statement.

Mr. MOSES. I call for the regular order.

Mr. CARAWAY. Call for the regular order, if you wish, but I shall get the floor some time in my own right, and then I shall make a statement.

The VICE PRESIDENT. The calendar under Rule VIII is in order and will be proceeded with.

THE CALENDAR.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as first in order on the calendar.

Mr. DIAL. I move that that bill be indefinitely postponed.

The motion was agreed to.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Objection was made heretofore to that bill. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry, was announced as next in order.

Mr. KING. I suppose that bill will take considerable time. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," was announced as next in order.

Mr. KING. Mr. President, I should like some explanation of that bill. The Senator who introduced it does not seem to be here, so I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. KING. I suppose that bill will take some time. I have no objection to its being considered.

Mr. STERLING. I think the bill had better go over, under the circumstances.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. OVERMAN. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74 was announced as next in order.

Mr. KING and Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. POMERENE. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 496) for the relief of George A. Robertson was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. That bill involves the question of merger of street railroads in the District of Columbia. It is a very important bill, and will require considerable discussion. I should like to see the matter considered, but I do not think we will have time this morning.

The VICE PRESIDENT. The bill will be passed over.

SCHOONER "CHARLOTTE W. MILLER."

The bill (S. 1063) for the relief of the owners of the schooner *Charlotte W. Miller* was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. A bill for this purpose has been passed by the House and has already become a law.

Mr. KING. Did it pass the Senate?

The VICE PRESIDENT. Yes.

Mr. KING. Then I move that this bill be indefinitely postponed.

The VICE PRESIDENT. The question is on the indefinite postponement of the bill.

The motion to postpone indefinitely was agreed to.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

CAPT. EDWARD T. HARTMANN AND OTHERS.

The bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others was announced as next in order.

Mr. KING. I will ask for an explanation of that bill.

Mr. SPENCER. Mr. President, I think I can explain it in a word.

This is a bill for the relief of Army officers who lost their personal property in the sinking of the steamer *Meade*, upon which they were, in 1899. The only difficulty about the case is that the other officers who were on the vessel have already had bills passed in their favor; and the Secretary of War sends down this bill for the four remaining officers who have not had the same remedy, and the bill takes care of them. That is the reason why the committee reported it favorably.

Mr. KING. May I inquire of the Senator whether he thinks it is wise and proper for the Government to pay such large sums for personal property that was lost?

Mr. SPENCER. The sums are not large. These were the personal belongings of the officers that were stored in the steamer *Meade* when it was sunk in the harbor of Ponce, P. R., on May 16, 1899. These officers suffered this damage through no fault of their own, because they and their personal property were put upon this steamer by order of the department; and I thought the department very properly said that the officers ought not to be required to sustain this loss personally. It is largely clothing and accouterments and personal property. I should have said that the department was very fair in its decision that they ought to be reimbursed for that loss.

Mr. KING. May I inquire of the Senator, if this is a just claim against the Government, why it was not paid years ago?

Mr. SPENCER. One of the reasons is because some Senators from time to time objected when the bill came up; and, as a matter of fact, the other officers on this same transport by individual bills have obtained precisely the same relief for themselves. These four officers, not having pressed their individual bills perhaps as vigorously as the others, have not had the relief; and this bill simply gives to the men mentioned in the bill the relief that the other officers have had.

Mr. KING. I call the Senator's attention to the fact that the Senate has refused to pass bills to reimburse soldiers and officers for property which was lost in fires in barracks and lost upon ships, and my understanding was that where payment was made it was limited solely to property which in the discharge of their duties they were compelled to have. If the Government of the United States becomes an insurer of all the property of all the officers and all the privates in the Army, we shall be assuming a tremendous responsibility.

Mr. SPENCER. I think I can assure the Senator that this bill merely covers that class of property which the officers were required to have with them and to carry with them on this vessel.

Mr. OVERMAN. How was the amount due ascertained?

Mr. SPENCER. A board of review was held, and the board of review went over every item and certified to the War Department these items, and then the War Department sent down this bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Capt. Edward T. Hartmann the sum of $272.50, Capt. Frederick G. Lawton the sum of $1,400, Capt. Frank B. Watson the sum of $1,500, and Capt. James Romayne, United States Army, the sum of $1,658, which sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the Treasury not otherwise appropriated, said sums to be payment in full for all losses of personal property incurred by them by reason of the sinking of the United States transport *Meade* in the harbor of Ponce, Porto Rico, on or about May 16, 1899: *Provided*, That the accounting officer of the Treasury shall require a schedule and affidavit from each, such schedule to be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. KING. Mr. President, that bill is one which many of us are in favor of, but there are a number of amendments to be offered. It will take more time than we shall have in the morning hour.

Mr. McCORMICK. What is the bill?

Mr. KING. It is a bill for compulsory education, and other purposes.

Mr. LODGE. What is the number?

Mr. KING. It is Order of Business 202, and I ask that it go over. I shall be glad to join with the Senator from Kansas [Mr. CAPPER] in asking for a special hour when this bill can be taken up for consideration.

Mr. CAPPER. Mr. President, I have been trying for a good many weeks to bring up this bill. I am going to let it go over for this time; but I give notice now that at an early date I shall ask for the fixing of a definite time at which it shall be considered.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders was announced as next in order.

Mr. KING. I have been asked to have that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. KING. Let that bill go over. It will take too long to consider it to-day in the morning hour.

The VICE PRESIDENT. The bill will be passed over.

LONGEVITY PAY FOR RESERVE OFFICERS, ETC.

The bill (S. 150) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department was announced as next in order.

Mr. KING. Mr. President, I ask for an explanation of that bill before I consent to its consideration.

Mr. SPENCER. Mr. President, this bill affects only about 8 or 10 National Guard officers, and is designed to correct an inadvertent omission in prior legislation. I understand that it gives to those National Guard officers who are now detailed to duty on the General Staff merely the same recognition which other officers have when similarly detailed. Both the Secretary of War under the former administration and the Secretary of War under the present administration have certified to Congress that it is to cure an evidently unintentional mistake in the prior legislation.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That National Guard officers and officers of the Reserve Corps who have had service in the National Guard or the Organized Militia of any State, Territory, or the District of Columbia, who are called to duty under section 3a or 5b of the national defense act, shall from the beginning of said duty at any time since June 4, 1920, receive the same pay and allowances as a Regular Army officer having the same rank and length of service as said National Guard or Reserve Corps officer, whose prior service in the National Guard and the Organized Militia shall be counted in ascertaining his rights under this proviso.

Mr. SPENCER. Mr. President, there is a mistake in line 6, in the last part of the line, where a section is designated as "5b." It should be "5 (b)." There should be parentheses around the letter "b" which follows the "5."

The VICE PRESIDENT. Without objection, parentheses will be placed around the letter "(b)." If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPECIAL POSTAL CANCELING STAMPS.

Mr. JONES of Washington. Mr. President, I have no objection to the Senate taking up the report from the Committee on Post Offices and Post Roads of House bill 10740.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10740) authorizing the use of special canceling stamps, and it was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed, under rules and regulations to be prescribed by him, to permit the use of special canceling stamps, as follows: In the Gloucester, Mass., post office, dies bearing the words and figures "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923." In the Chicago, Ill., post office, dies bearing the words and figures "Chicago Boys' Week, May 18–25, 1922." In the Sunbury, Pa., post office, dies bearing the words and figures "Old Home Week, 150 Birthday, July 1–2–3–4, 1922." In the Indianapolis, Ind., post office, dies bearing the words and figures "Indiana Health Exposition, May 19–27, 1922, Indianapolis, Ind." In the Chicago, Ill., post office, dies bearing the words and figures "International Live Stock Exposition, Chicago, December 2nd to 9th, 1922." In the Chicago, Ill., post office, dies bearing the words and figures "Pageant of Progress Exposition, Chicago, July 29 to August 14, 1922": *Provided*, That no permit shall be granted for a longer period than six months and the duration of the event to be advertised; *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or post-marking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

SEC. 2. That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or post-marking dies for its own purposes.

Mr. JONES of Washington. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 2, line 6, after the numerals "1922," insert the following language:

In the Tacoma, Wash., post office, dies bearing the words and figures "See Rainier National Park via Tacoma, season June–September, 1922."

The amendment was agreed to.

Mr. MOSES. I offer the following amendment, the language to be inserted at the end of the amendment just adopted.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. To follow the amendment just agreed to insert:

In the Portsmouth, N. H., and the Dover, N. H., post offices, dies bearing the words and figures "Three Hundredth Anniversary of the first settlements in New Hampshire, 1623–1923."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SALARIES OF TEACHERS IN SCHOOLS OF THE DISTRICT OF COLUMBIA.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. A joint committee of the House and Senate are considering the question of education and the matter involved in the bill. In view of the fact that they will soon report a comprehensive educational plan for the District, I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

LONGEVITY AND CONTINUOUS SERVICE PAY OF NATIONAL GUARDSMEN.

The bill (S. 1790) to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That from and including August 5, 1917, officers and enlisted men of the forces of the Army of the United States, other than the Regular Army, who have had service in the National Guard or Organized Militia of any State, Territory, or District of Columbia, but who have entered the service otherwise than through the draft of August 5, 1917, are entitled to count such service in computing longevity and continuous-service pay from and including August 5, 1917.

Mr. SHEPPARD. Mr. President, this bill merely carries out the intention of Congress expressed in a measure which it enacted on July 9, 1918. Since that date the officers and enlisted men in the National Guard have been on a parity as to longevity and continuous-service pay. The few months before that time were intended to be covered by Congress in this bill

enacted July 9, 1918, but the Comptroller of the Treasury held that it was prospective in its operation. This bill merely carries out the intention of Congress, covering the few months between August 5, 1917, and July 9, 1918.

Mr. KING. How much is involved and how many persons does it affect?

Mr. SHEPPARD. It affects very few persons, and involves less than $100,000. I had an estimate on the subject made by General Lord. It puts the men who came in by enlistment or who volunteered in the National Guard on a parity with the men who were drafted, as to longevity and continuous-service pay, for the few months between August, 1917, and July 9, 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT SUPERINTENDENTS OF COAST GUARD.

The bill (S. 1075) giving permanent rank to district superintendents of the Coast Guard on the retired list was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION OF FEDERAL RESERVE SYSTEM.

The resolution (S. Res. 115) directing an investigation of the administration of the Federal reserve system and the office of the Comptroller of the Currency, which had been reported by Mr. McCORMICK from the Committee to Audit and Control the Contingent Expenses of the Senate, was read and agreed to, as follows:

Resolved, That the Committee on Banking and Currency of the Senate, or any subcommittee thereof, is authorized and directed to investigate the administration of the Federal reserve system and of the office of the Comptroller of the Currency and to report its findings to the Senate with such recommendations as it deems proper. For the purposes of this resolution the committee or any subcommittee thereof is authorized to employ such stenographic and clerical assistance, to meet at such times and places and to sit during the session and recesses of the present Congress, to have such printing and binding done, to make such expenditures for traveling, and to make such other expenditures as it deems necessary. The committee or any subcommittee thereof is further authorized to send for persons and papers, to administer oaths and affirmations, and to take testimony. The President of the Senate is authorized, upon the request of the committee or any subcommittee thereof, to issue subpoenas for such purposes, and the Sergeant at Arms of the Senate is directed to serve such subpoenas. Any person who willfully refuses to obey any such subpoena and any witness guilty of contumacy shall be liable to penalties provided in section 102 of the Revised Statutes of the United States. All expenses of the committee or any subcommittee thereof incurred under this resolution shall be paid out of the contingent fund of the Senate on vouchers authorized by the committee, signed by the chairman thereof.

FOREIGN TRADE ZONES.

The bill (S. 2341) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

COURT OF CLAIMS.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. NELSON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

The bill (S. 2337) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. TOWNSEND. A similar bill has passed the House and is on the calendar, having been reported from the same committee which reported this bill. I therefore move that Senate bill 2337 be indefinitely postponed.

The motion was agreed to.

OBLIGATIONS OF FOREIGN GOVERNMENTS.

The bill (S. 2135) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes, was announced as next in order.

Mr. KING. I move that the bill be indefinitely postponed. House bill 8762 of like character has passed the Senate and become a law.

The motion was agreed to.

JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person, when reimported into the United States, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 268) for the relief of William O. Mallahan was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2035) for the relief of William M. Carroll was announced as next in order.

Mr. McCORMICK. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2573) to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ADDITIONAL HOSPITAL FACILITIES FOR VETERANS OF WORLD WAR.

Mr. WALSH of Massachusetts. I ask unanimous consent, in view of the fact that it may not be reached to-day, that we take up for immediate consideration Calendar No. 588, House bill 10864. It is a bill which has been favorably reported by the Committee on Public Buildings and Grounds, appropriating $17,000,000 for additional hospital facilities for disabled veterans. In view of the fact that the committee has unanimously reported the bill, the Director of the Veterans' Bureau, the so-called White committee, and the special committee of this body which has been investigating hospital facilities for disabled soldiers, are all in favor of the measure, it seems to me we should expedite action and pass this bill without delay. The need of further hospitals for our disabled veterans is so urgent that I feel impelled to request immediate action and prevent further delays. I ask unanimous consent that it be taken up and considered now.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. This is regular Calendar Monday, and it is the only time we have had on the calendar for some time. Of course, we want this bill passed, and no doubt it will be passed in a very short while. So I think we had better go on with the calendar until 2 o'clock, and then, no doubt, the Senator can get the bill up and have it passed.

Mr. WALSH of Massachusetts. I fear it will not be reached by 2 o'clock. Will the Senator agree that it may be taken up later in the day?

Mr. JONES of Washington. I am satisfied the unfinished business can be temporarily laid aside after 2 o'clock in order to afford an opportunity to pass this very meritorious measure.

The VICE PRESIDENT. Objection being made, the Secretary will proceed with the call of the calendar.

CHARLES F. GETCHELL.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ORIN THORNTON.

The bill (S. 1655) for the relief of Orin Thornton was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE EMERSON.

The bill (S. 726) for the relief of George Emerson was announced as next in order.

Mr. KING. Let that go over.

Mr. MYERS. I ask the Senator from Utah to withhold his objection to the consideration of that bill until I can make a brief explanation of it.

Mr. KING. I shall do so.

Mr. MYERS. I shall be glad if the Senator will hear my explanation.

Mr. KING. I should be pleased to hear the explanation of the Senator.

Mr. MYERS. The facts in this case are as follows: George Emerson was a young married man, a man of family, working for a living in Great Falls, Mont. He was commissioned a second lieutenant during our war with Germany and served down at Camp Travis, Tex., where he was engaged in training soldiers for service. While there he was appointed bookkeeper and cashier of the regiment, or of the barracks, without his solicitation. He was chosen for the position of cashier and bookkeeper, to handle considerable funds, and had to serve whether he wanted to or not. He was the bookkeeper and he had to have under him a cashier, and the cashier necessarily had to have access to the cash. A private in the Army, one Moore, was selected as cashier without the volition or choice of Mr. Emerson. He did not select the man, but the officers over him selected and designated Moore, and it was necessary for that man to have a key to the safe and access to the cash. That man stole some money out of the safe, simply absconded, deserted, and left the country. Mr. Emerson had no control over him, but the Army lost some money on account of it. Mr. Emerson demanded an investigation and a hearing. It was accorded him and granted, and a judicial board of inquiry, consisting of three officers—a colonel, a major, and a captain—sat and heard the evidence on both sides, sworn testimony.

They sat for quite a while and examined everybody who could be brought before them who could shed any light on the matter. They unanimously exonerated Lieutenant Emerson, and returned a verdict that he was in no wise to blame, was not responsible, and did not profit by Moore's robbery. He was not court-martialed, he was not punished, but was removed from the Army and he went back to civil life. When he left the service the War Department arbitrarily held out of his salary the sum of $235, after he had been exonerated of any wrongdoing. I will say in this connection that it devolved upon the commanding general of the camp to review the findings of the board of inquiry, this court, and he did set them aside; but Lieutenant Emerson was not prosecuted, he was not court-martialed, he was not punished in any way. The commanding general simply set aside the findings of the court of inquiry and ordered that the balance of $235 due Lieutenant Emerson on his salary as an officer be withheld and not paid him. One man set aside the findings of a court of three officers, who conducted an exhaustive investigation, heard sworn testimony, and exonerated Lieutenant Emerson.

Mr. KING. What reason did the commanding general assign for setting aside the findings of the board?

Mr. MYERS. None. His order is set forth here in the committee report. Everything is set forth in this report.

I will read from the report of the Secretary of War, which was made on the bill, as follows:

The proceedings of the board were disapproved by the commanding general Camp Travis, who stated as follows—

And here is the commanding general's statement:

"1. Transmit herewith proceedings of the board of officers in the case of Lieut. George Emerson, Air Service, in charge of the tenth exchange.

"2. These proceedings were disapproved by me, but in view of the fact that I do not believe that trial before a general court-martial is warranted under the existing conditions, I have discharged this officer on October 21, withholding his final pay, in accordance with instructions contained in Circulars 85 and 468 c. a., War Department."

6. The Judge Advocate General on December 16, 1919, rendered an opinion in the case, the last paragraph reading as follows:

"6. It is the opinion of this office that Second Lieut. George Emerson is liable to the Tenth Infantry exchange for all losses it has sustained by reason of the theft and fraudulent transactions of Private Moore, as above set out, and for any sums it may be required hereafter to pay to the bank by reason of them."

6. The opinion of the Judge Advocate General was approved by the Secretary of War, who directed the Chief of Finance to enter a stoppage of pay against Second Lieut. George Emerson and apply the amount collected to the liquidation of his indebtedness to the Tenth Infantry exchange.

7. The records of the Finance Department indicate that there was a collection made by the withholding of $235.87, the final pay of Lieutenant Emerson.

The commanding general does not give any reason for his action. He does not say the evidence produced at the hearing was not true. He does not say the preponderance of evidence was against Lieutenant Emerson. He gives no reason whatever. It was simply an arbitrary and, I think, most unjustifiable act. If Lieutenant Emerson was guilty of any participation in the theft, he should have been court-martialed, convicted, and sent to the penitentiary. If he was not guilty, he is entitled to this money.

Emerson went back to his home in Great Falls, Mont. He is a poor man, working for his living, and has a family dependent upon him, and he badly needs this money. I say there can be no middle ground about it. This man is either criminally guilty and should have been punished, or he is not, and this thing of letting him out of the Army and not prosecuting him and then withholding $235 of his pay is wholly untenable, in my opinion.

Mr. KING. I notice that the report of the Judge Advocate General, setting aside the findings of the three officers, was approved by the Secretary of War.

Mr. MYERS. Yes; it was.

Mr. KING. I can hardly believe that the Judge Advocate General or the Secretary of War, both of whom we know to be humane men and men of good judgment and integrity, would set aside a finding as to liability unless there was some reason for it.

Mr. MYERS. I apprehend they were automatic, routine orders. The commanding general made his order without giving any reason for it, and the Judge Advocate General, I take it, automatically upheld the action of the commanding general, and the Secretary of War simply stands by the Judge Advocate General. None of them gave any reasons. I say, if a man steals $235 and is proven criminally guilty, he should be sent to the penitentiary, but if there is no crime proven against him the Government should not arbitrarily withhold $235 from his pay. The board of inquiry held there was no proof of any criminal complicity at all.

Mr. KING. I presume that the action of the Secretary of War and the commanding general was based upon the theory that Lieutenant Emerson had charge of the funds; that it was his duty to see that the funds were safely kept; and if a private were assigned to aid him, the private would be his subordinate and it would be his duty to take the necessary precautions to conserve the fund intrusted to his care.

It seems to me, in view of the fact that so many officers and persons in the Government service are intrusted with money, that there must be a very high degree of care and diligence exacted of them or there would be large sums—small, perhaps, in each item, but in the aggregate large—lost by embezzlement or theft or what not, and the Government would be responsible. There must be a high degree of care exercised by Government officers who are charged with the conservation of funds.

Mr. MYERS. The Senator may presume those are the reasons, but he can not know. No one can know.

Mr. KING. I have no doubt those are the reasons.

Mr. BURSUM. Mr. President——

Mr. MYERS. I yield to the Senator from New Mexico.

Mr. BURSUM. There is this phase about the question, as I see it. These were not Government funds. They were canteen funds which belonged, as I take it, to the regiment or the several companies. In order to manage the canteen it was necessary to have an assistant, and I take it that the assistant was selected by the several officers of the regiment. There is no provision whereby the canteen officer could be protected or could enforce a surety bond from the assistant. The assistant was selected by the officers of the regiment, and of necessity he must consent because his services were required.

Mr. OVERMAN. Mr. President, I would like to inquire whether the evidence is set forth in the report, so we can judge for ourselves?

Mr. MYERS. The evidence is not set forth in the committee report. It is quite bulky.

Mr. OVERMAN. It seems to me that two great officers, including the Secretary of War, have approved the finding of the commanding general.

Mr. MYERS. The evidence is not set forth in the report, but a transcript of the evidence was before the Senate Committee on Military Affairs, and that committee carefully considered the matter, and I believe reported unanimously in favor of the bill.

Mr. OVERMAN. I can understand what the Senator means, but the Judge Advocate General and the Secretary of War turned down the findings of the board, and therefore I would like to read the evidence.

Mr. MYERS. There is nothing to show that they passed on the evidence at all, as I understand it. The Senate Committee on Military Affairs, however, has considered the evidence for the Senator from North Carolina, and has made this recommendation. At least a subcommittee, a portion of the full committee, examined the transcript of the evidence and made a recommendation, and the whole committee acted favorably

upon it. The full committee recommends the passage of this bill, and I think its action was unanimous.

Mr. OVERMAN. I understand these were not Government funds, but canteen funds.

Mr. BURSUM. The very nature of the case would preclude it from being a Government fund.

Mr. OVERMAN. I would like to have the matter go over, and I will look into it a little further.

Mr. MYERS. It has gone over a good many times.

Mr. OVERMAN. It is a bad precedent to allow a claim where it has been turned down by the Judge Advocate General and the Secretary of War.

Mr. BURSUM. It is only a question of withholding this sum of $235 from the pay of this officer.

Mr. OVERMAN. The principle would be just the same if it were only 10 cents.

Mr. MYERS. The trouble is that some minor bills go over month after month and Senators are not willing to take the judgment of the committee which is charged with the investigation of these matters and reporting to the Senate.

Mr. OVERMAN. I like to investigate for myself.

Mr. MYERS. If every one of the 96 Senators is determined to investigate all the evidence and read it, we will never get action on this bill, and a poor man suffers meantime and is denied justice. A committee of the Senate investigated this matter, went to the bottom of it, passed on the evidence, and has reported to the Senate. I think its conclusions and recommendation should be worth something. Now one or two Senators hold up action.

Mr. OVERMAN. I do not want to fall out with the committee who made the report, but they ought at least to give a résumé of the evidence, so that each Senator voting upon the question can do so upon his own conscience and can settle the matter for himself.

Mr. MYERS. Will the Senator send to the War Department and get the transcript of the evidence, if it be there, as I think it is, and read it before the calendar is called again?

Mr. OVERMAN. If the Senator from Montana will furnish it, I shall be glad to read it.

Mr. MYERS. I shall undertake to get it for the Senator.

Mr. OVERMAN. I do not know anything about the claim except what I have heard stated on the floor of the Senate, but here are three men who say the matter is all right and the man ought to be paid, and then the commanding general and the Judge Advocate General, and the Secretary of War, who reviewed the testimony, say he ought not to be repaid.

Mr. MYERS. The commanding general said that, and I think the Senator ought to know that in all probability the Judge Advocate General and the Secretary of War just automatically approved his action. It is inconceivable that they should be able to read all the evidence in such cases. They have not the time. They must rely on the action of officers under them.

Mr. OVERMAN. The Senator surely does not mean that these officers will put the stamp of their approval upon a report without looking into it at all. Neither the Secretary of War nor the Judge Advocate General will turn down a report of this kind which will blacken the name of a man without looking into the facts.

Mr. MYERS. I do not suppose the Judge Advocate General has the time to give attention to the vast multitude of details that are involved in cases of this kind. It is inconceivable. However, if the Senator wants to read the testimony, I will see if I can get it for him.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. It is understood that the bill is to go over and certain information is to be furnished.

The VICE PRESIDENT. The bill will be passed over.

BILLS AND JOINT RESOLUTIONS PASSED OVER.

The bill (S. 1462) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds for protecting migratory birds, and requiring a Federal license to hunt them, was announced as next in order.

Mr. NEW. I ask that the bill be temporarily passed over.

The VICE PRESIDENT. It will be passed over temporarily.

BILLS PASSED OVER.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 2328) for the relief of Margaret I. Varnum was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will be passed over.

CAPT. BENJAMIN S. BERRY.

The bill (H. R. 2556) to advance Capt. Benjamin S. Berry to the permanent rank of major was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to place Maj. Benjamin S. Berry, United States Marine Corps, on the lineal list of officers of the Marine Corps, to take rank among the permanent majors of the Marine Corps next after Lemuel S. Willis, United States Marine Corps: *Provided*, That said Benjamin S. Berry shall not by the passage of this act be entitled to any back pay or allowances of any kind: *And provided further*, That nothing contained in this act shall operate to increase the number of majors in the United States Marine Corps as now authorized by law.

Mr. KING. Let the bill go over.

Mr. PAGE. I ask the Senator from Utah to state the ground upon which he wants to have the bill go over?

Mr. KING. I shall be willing to hear an explanation from the Senator as to whether there is any reason why the bill should be passed.

Mr. PAGE. To my mind it is a very meritorious bill.

Mr. KING. I shall be glad to hear what the Senator wishes to say about it.

Mr. PAGE. In the first place, it is a bill pretty well hedged about with safety. The bill does not entitle Captain Berry to any back pay of any kind whatsoever. The facts of the matter are these, and I would like to have the Senator from Utah know them, because I think he should be in sympathy with the bill if he understood the facts. Here was a young man, who in his early days was a little inclined to drink too much whisky. He reformed. He lost a great many numbers because he was intemperate for a time, but later on he performed a great many deeds which, I think the Senator will agree, ought to entitle him to consideration here. Let me read from the report for just a moment:

The purpose of this bill is to restore Capt. Benjamin S. Berry, United States Marine Corps, to the position on the permanent list of the Marine Corps which he would have held had he not been court-martialed in May, 1910.

Here is the vital point:

Ever since that date Capt. Benjamin S. Berry has performed unusually meritorious services, so much so that he received the French croix de guerre with palm and was also awarded the distinguished service cross by the commander in chief of the American Expeditionary Forces in France, for "he led his men in a gallant attack across open ground and into the Bois de Belleau, France, northwest of Chateau-Thierry, on the afternoon of June 6, 1918, inspiring them to deeds of valor by his example. When he reached the edge of the woods he fell, severely wounded. Nevertheless, he arose and made a final dash of 30 yards across through a storm of bullets and reached again the first wave of his command, before yielding to exhaustion from his injury."

It is the opinion of the department that this act alone should eliminate and atone for any former mistake which he may have made, and that it would have a good effect upon the service in general if it became known that such deeds of valor as shown by this officer could atone for a former error. Besides this, however, Captain Berry has constantly performed his duties in an excellent manner since May, 1910.

Mr. KING. I have listened with great interest to what the Senator has said, but I am not quite clear from the statement he has made as to the reason why this man was court-martialed, the result of the court-martial, and also I would like to know the reason why if men are court-martialed they should by special act of Congress later on, because they have done their simple duty as all officers do——

Mr. PAGE. Why does the Senator say simple duty? He did a meritorious and worthy act that gave him a right to come back and ask for restoration.

Mr. KING. Conceding that he did more than his duty, that he was heroic and rendered valiant and splendid service, I was wondering as to the propriety by special act of advancing the man in rank in the Army.

Mr. OVERMAN. Why did this come from the Committee on Naval Affairs?

Mr. KING. He is a member of the Marine Corps.

Mr. PAGE. Here is the statement of his commanding officer, Brig. Gen. W. D. Neville, United States Marine Corps, who says:

Major Berry in his younger days got into trouble—

That is a pretty plain statement; he owns up to it—

but, unlike a good many officers, he reformed before he got out rather than afterwards. Since his court-martial I think he has been on five or six expeditions, including three to Cuba, two to Santo Domingo, and one to Vera Cruz.

In June, 1917, he went to France in command of the Forty-fifth Company of the Fifth Regiment. He served in the training area back at Baumont, and also in the occupational lines at Verdun.

He goes on and gives a long list—I will not repeat it—of engagements in which this officer participated. He made a mistake; he fell, but he got up, and since 1916 he has been a man of exceptional valor and has rendered service of great value. Should we not sometimes forget little failures in a man's past life?

Mr. KING. I am not referring to the officer's failure at all; I do not care anything about that; I understand that he fought gallantly and bravely in the World War. The point is this: This officer holds a certain rank. If his conduct has been such as to entitle him to promotion, why was he not promoted? Why is it necessary to have a special act of Congress for that purpose? The laws governing promotions, as the Senator from Vermont knows, were very liberal and gave a great deal of discretion to the officers in charge. I think from the record here that Major Berry was a very gallant officer; I do not care anything about his former record; but he went overseas, as I understand the Senator from Vermont, holding a certain rank. He performed fine service there, service which ought to entitle him to promotion. Why was he not promoted in the regular line, in conformity with the regular procedure, as other officers were promoted? Scores of men went into the Army as captains and came out lieutenant colonels, and some of them even generals. Other men went in as second lieutenants and came out as majors. The number of promotions was very great. Thousands and tens of thousands of men were promoted, and properly so; I have no complaint of that at all. I am wondering, however, why this man, because of his valorous deeds, was not promoted; why he has to come to Congress to get a special bill through.

Mr. PAGE. All I can say is that the officer was not promoted, although he ought to have been promoted. Evidently there was a mistake somewhere which we are now trying to rectify.

I can not see anything in the Senator's argument that leads me to believe that this bill should not be passed, because there may have been possibly some reason why this officer was not promoted. I have not investigated that matter and I can not do so now; but one thing is sure, if any officer is entitled to be restored to his proper rank on account of glorious service, I think that Major Berry is one. So I want to see this bill passed unless there is some strong reason why it should not be.

Mr. KING. Mr. President, I am very much in sympathy always with officers who perform splendid service, as evidently this officer did; and I should like to see him promoted for his services; but it seems to me that we ought not to pass special bills to promote officers when in the regular line of promotion there are so many opportunities for advancement.

Mr. PAGE. Is not the following provision of the bill a sufficient answer to the Senator's objection:

Provided, That said Benjamin S. Berry shall not by the passage of this act be entitled to any back pay or allowances of any kind: *And provided further*, That nothing contained in this act shall operate to increase the number of majors in the United States Marine Corps as now authorized by law.

Mr. KING. The question of this officer's compensation does not cut any figure with me at all. If this is a just bill, it ought to be passed; if it is not, it ought not to be passed. I have such respect for my friend from Vermont that I would do anything in the world that I possibly could for him, but I confess that I do not yet see any reason from the explanation which has been made by my good friend for the passage of this measure.

Mr. PAGE. Has the Senator from Utah any objection to the bill being now considered?

Mr. KING. Yes; I have.

Mr. PAGE. Mr. President, despite the objection of the Senator—because he has objected to this measure, I think, a half dozen times—I should like to have the bill disposed of.

Mr. KING. If the Senator had not asked me the question so categorically, I was going to suggest to him that he ask the Secretary of War why, with the splendid record that this officer concededly made, he was not promoted in the regular, orderly line of promotion and advancement.

Mr. TOWNSEND. I think there possibly may be a reason, and I was wondering why it was not obtained from the department.

Mr. PAGE. The officer is in the Marine Corps; that is why the bill comes from the Naval Affairs Committee.

Mr. TOWNSEND. On account of this officer's previous record, he might not have been in a position where he could have properly received the promotion owing to others ahead of him. I can imagine that some consideration of that kind may have been the cause of his failure to be promoted. From what has been stated here, I agree with the Senator from Vermont that, if this officer did render such excellent service, and if the question of back compensation is not involved, Congress could not, perhaps, do a more meritorious thing than recognize such service and conduct on the part of one of the officers of the United States. I imagine there is a reason why this officer was not promoted, and my guess is that it was something along the line which I have suggested.

Mr. KING. Does not the Senator from Michigan think that we ought to be advised of the reason?

Mr. TOWNSEND. I myself have no objection to that. I appreciate the interest of the Senator from Vermont in this matter, and I know how discouraging it is, when we consider bills on the calendar so seldom, to have postponed from week to week many meritorious measures. I have no objection, however, to the information being obtained which the Senator from Utah desires.

Mr. KING. Let me cut the Gordian knot. If the Senator from Vermont will permit me, I will ask him to let this bill be passed over for a few moments; and then, if he will telephone to the Secretary of the Navy and ascertain the reason this officer was not regularly promoted, I shall be glad to join with him in having the bill taken up before 2 o'clock.

Mr. PAGE. It will take me just one minute to give the reason of the former and also the present Secretary of the Navy. Former Secretary Daniels says:

It is the opinion of the department that this act alone should eliminate and atone for any former mistake which he may have made, and that it would have a good effect upon the service in general if it became known that such deeds of valor as shown by this officer could atone for a former error. Besides this, however, Captain Berry has constantly performed his duties in an excellent manner since May, 1910.

Secretary of the Navy Denby says:

It is the opinion of the department that this act alone should eliminate and atone for any former mistake which he may have made, and that it would have a good effect upon the service in general if it became known that such deeds of valor as shown by this officer could atone for a former error. Besides this, however, Captain Berry has constantly performed his duties in an excellent manner since May, 1910.

In view of the foregoing, the department strongly recommends that the bill (H. R. 2556) be enacted.

We have also the opinion of General Neville.

Mr. KING. Does the Senator say that under the law, in view of the officer's former court-martial, he could not be promoted in regular order and that an act of Congress is required for that purpose?

Mr. PAGE. I should dislike to avail myself of a technicality. I ask the Senator whether, in the case of a just and meritorious private bill, it is usual to go back and make a further investigation? Two Secretaries of the Navy and General Neville have unqualifiedly made their recommendation that this bill shall pass.

Mr. KING. I again ask the Senator—perhaps he did not understand me—if he understands that the reason why this officer was not promoted because of his valorous conduct lies in the fact that he was formerly court-martialed and that an act of Congress is required to relieve him of the effects of the court-martial in order that the promotion may be obtained?

Mr. PAGE. I have not investigated that circumstance, I will say to the Senator.

Mr. KING. If the Senator says that is the reason, I have no objection to the bill; and if the Senator will telephone and discover that that is the reason, I shall join with him in having the bill taken up.

Mr. TOWNSEND. Of course, the Senator from Utah understands that two Secretaries of the Navy have recommended the passage of the bill. If they had the power to promote this man they would not ask for a special act of Congress, but they both recommended the passage of the bill.

Mr. PAGE. Do I understand that the Senator from Utah requests that the bill go over for a few moments, but that he will allow it to be taken up later in the afternoon?

Mr. KING. If the Senator will telephone and secure the information I have indicated, I will join with him in having the bill taken up and passed this afternoon.

The VICE PRESIDENT. The bill will go over.

Mr. KING subsequently said:

The Senator from Vermont [Mr. PAGE] has just called my attention to the bill to which I objected a few moments ago, and he has indicated from information which he has just received that the bill does not involve a promotion, but that it merely places the beneficiary at a given point on the list of majors, he already holding that rank. I have no objection to the bill.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2556) to advance Capt. Benjamin S. Berry to the permanent rank of major.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. OVERMAN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7589) for the relief of Maj. Ellis B. Miller was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

JOHN SULLIVAN.

The bill (S. 1690) to correct the military record of John Sullivan was announced as next in order.

Mr. KING. I ask that that bill may go over.

Mr. MOSES. Mr. President, I ask the Senator from Utah if he has read the report on this bill? It is very brief, and I think he will find it to disclose an exceptionally meritorious case in this instance.

Mr. KING. If the Senator will make an explanation, I shall be glad to withhold my objection.

Mr. MOSES. Mr. President, the situation in this case is this: This is a bill which I inherited from my predecessor, former Senator Gallinger. It has repeatedly been reported from the committee. The Senator will observe that the bill has been pending in the Senate for almost a year and that it is almost four months since it was reported from the committee. The Senator will also discover from reading the very brief report accompanying the bill that the Secretary of the Navy in the last preceding administration and the Secretary of the Navy in the present administration have likewise reported favorably upon it.

The circumstances are that the man whose record is sought to be corrected by this bill had a charge of desertion against him which he expiated by returning to the service and completing not only the term of his original service in the Navy but serving most acceptably in the Navy for some 20 years thereafter. The man is dead, and the bill is designed simply to correct his record.

So far as any "raid upon the Treasury" may possibly be concerned, under the bill, after much delay, the aged widow of the sailor may perhaps receive the small stipend which would accrue to the widow of an enlisted man. That, however, is not the purpose of the bill. The purpose of the bill is to clear up the record of the man whose fault was completely expiated and who had been assured at the time of his surrender and the completion of his original term of enlistment that that would serve to clear his record. Not only did he surrender and render that service during the period of the Civil War, but by successive reenlistments in the Navy he served for 21 years thereafter. It was 12 years after his retirement before he even applied for a pension, and he did so then simply because he was in such physical condition, that it was necessary for him to receive the stipend.

A pension was paid to him regularly until two weeks before his death, when he was notified that the desertion charge had not been cleared up and he was dropped from the roll. Two weeks after that notice the man died.

This measure has been pending practically ever since; and it seems to me that, after the lapse of years, in view of the man's good record following the offense which he committed during the period of the Civil War, and the long and honorable record which he had in the Navy subsequent to the error, it is merely an act of slight justice to grant the right which this bill seeks to grant, namely, that he "shall be held and considered to have been honorably discharged from the naval service of the United States in 1895," which was the termination of his actual service in the Navy, covering a period, in all, of something like 27 years.

Mr. KING. Mr. President, I shall not object to this bill, but I want to say that we are confronted with a large number of measures designed to relieve the charge of desertion from men who actually did desert. I have not much sympathy with deserters. As I have said, there are now a large number of similar bills before the committee, as there have been in the past. Of course, the correction of the record is merely the basis for obtaining a pension for the soldier or sailor himself, if he is not dead, or for his widow, if one has survived him. What the Senator says, that this is not a raid on the Treasury, I know he means in good faith, but undoubtedly, within a very few weeks after the passage of this bill, there will be a pension granted.

Mr. OVERMAN. I will inquire if the bill has the usual clause forbidding the payment of back pension?

Mr. MOSES. The Senator will find that provision in the last clause of the bill.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, John Sullivan, late chief boatswain's mate, United States Navy, shall be held and considered to have been honorably discharged from the naval service of the United States in 1895; but that no pension shall accrue prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 548) to place Albert Hamilton on the retired list of the United States Navy was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. PAGE. I am requested to ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REIMBURSEMENT TO NAVAL HOSPITAL PATIENTS.

The bill (S. 2719) to reimburse certain persons for loss of private funds while they were patients at the United States Naval Hospital, naval operating base, Hampton Roads, Va., was announced as next in order, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to the persons herein named the following amounts, out of any money in the Treasury not otherwise appropriated: Joseph Julian Jordan, seaman, second class, $210; William Raney Pickard, apprentice seaman, $28; James Buchanan, apprentice seaman, $40; Orvin Jefferson Bullock, apprentice seaman, $70; William James Thomson, fireman, third class, $95; Raymond Leonard Martin, fireman, third class, $75; William Brewster, fireman, third class, $15; Hiram Bitts Dain, apprentice seaman, $22; Arlous Pate, apprentice seaman, $35; Alvin Curtis, fireman, third class, $30; Irvin Howard Nell, seaman, second class, $40; James Fred Taylor, hospital apprentice, second class, $80; Franklin Elmo Brown, pharmacist's mate, third class, $20; Hamilton Okey Johnston, hospital apprentice, second class, $20; Lee Sherry, hospital apprentice, first class, $20; Raymond Clyde Malouin, hospital apprentice, first class, $70; Canuto Nacional Nallaria, mess attendant, first class, $185; and Birley Thomas, fireman, third class, $75; being the respective amounts of their private funds which the said persons had placed in the safe in the office of the executive officer at the United States Naval Hospital, naval operating base, Hampton Roads, Va., for safe-keeping and which were stolen therefrom on or about April 1, 1921, by some unknown person or persons.

Mr. KING. Mr. President, I have investigated this bill and I think it should pass, but I appeal to the chairman of the Naval Affairs Committee to have the department report some bill that will safeguard the interests of the Government, and I think the Military Affairs Committee should do the same thing. We are passing these bills almost every calendar day where officers of the Army and Navy intrusted with funds are compelled to come to Congress for redress. The money is stolen from the safe or from some depository by persons who are their subordinates.

Mr. OVERMAN. Mr. President, is this bill recommended by the department?

Mr. KING. Yes; it is recommended.

Mr. PAGE. It is. The Senator thinks a general law should be passed to take care of cases of this kind?

Mr. KING. I think there ought to be some law by which persons who are intrusted with the custody of money, who are officers of the Government, should be required to give bond.

Mr. MOSES. May I ask if these officers are bonded in any sense?

Mr. KING. I think not. We never get back anything. We pay the money.

Mr. PAGE. I think that the officers are bonded; but here is a case where the amount of the loss will be asked of the surety company under its bond and it will be turned right back, so that the man who is going to lose this amount will suffer in spite of everything, and he can not afford to lose it. That is the report that comes to us. He is a poor man. Let me read the Senator two or three lines from the report.

Mr. KING. If the officers are bonded, then I am not in favor of making the appropriation. What is the good of requiring them to be bonded if, when there is a theft or an embezzlement, the Government has to pay the amount?

Mr. MOSES. May I suggest to the Senator that we have a statement with respect to the bond and how it is going to affect the situation?

Mr. PAGE. I know, because we looked that matter up, that this poor fellow under the law will have to suffer the loss, because the bonding company will come right back upon him to

pay the amount. The Secretary of the Navy makes a statement in regard to that matter which is very brief, and I will read it:

Inasmuch as the persons named in the proposed bill deposited the amounts indicated in the safe pursuant to instructions which had the approval of the department, and the said amounts disappeared through no fault or act of their own, it is felt that the Government, in the custody of whose agent the funds were placed for safekeeping, should make reimbursement to these persons in the amounts stated, with the view of itself being later reimbursed in case said funds or any portion thereof are recovered. While there is no legal obligation on the part of the Government to make such reimbursement, it is nevertheless considered that under the circumstances and in justice to these men such reimbursement should be made.

It is therefore recommended that the proposed draft of bill hereto attached be enacted into law.

I do not think there is any question but that there is a bonding process that takes care of that matter; but here is a case where it is a fact that a party who is innocent will be compelled to suffer.

Mr. MOSES. Furthermore, if I understood the Senator, every possible safeguard had been made to take care of this money. The money had been put into a safe or in some perfectly secure place.

Mr. PAGE. Certainly; and the department reports that there has been no possible laches or fault on the part of this party who had the custody of the money.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I do not object, as I stated. The explanation, as I understand the Senator, simply means that these patients deposited their money in the safe, leaving it with some officer of the Government——

Mr. PAGE. It was deposited by an officer of the Government.

Mr. KING. And it was stolen from the safe. There is nothing in the report to indicate that the officer was bonded. What I was stating was that the Government ought to require these officers who take money to give bond, and if the money is stolen the Government ought to look to the officer and the surety company for payment.

Mr. MOSES. Let me ask the Senator from Vermont, further, whether there is anything in the report to indicate what steps were taken to discover the culprit or to secure restitution of the amount?

Mr. PAGE. It appeared before our committee that every step was taken to safeguard the Government, and it is an unfortunate condition that makes it finally come back to this man to pay it.

Mr. MOSES. I understood the Senator to read from the report a statement that these funds were put into a safe.

Mr. PAGE. Yes; by direction of the officer.

Mr. MOSES. That safe must have been in the office of some officer of the hospital, to wit, an officer of the Government. The money was stolen from the safe. What steps were taken to discover who had access to the safe, who could have stolen the money, who was the culprit, and whether from the culprit restitution could have been had? What was done about this burglary, theft, or whatever the offense was?

Mr. PAGE. Here is the plain statement. It is very brief:

This safe was entered some time between 4.30 p. m., April 1, 1921, and 8.30 a. m., April 2, 1921, and the cash on deposit, to the amount of $1,127, including the amounts indicated in the proposed bill, was stolen. A board of investigation was immediately convened on April 2, 1921, by order of the commandant, naval operating base, Hampton Roads, Va., to inquire into the alleged theft. After careful investigation the board reported that the safe was found open about 8.30 a. m., April 2, 1921, that the combination was unlocked, and the safe entered by some person or persons unknown, and that the responsibility for the theft can not be definitely fixed. No further information has been received up to the present time as to the identity of the person or persons committing the alleged theft.

Mr. MOSES. There is nothing there to indicate that the combination was set and the safe locked at 4.30 o'clock on the afternoon of April 2. That is a mere statement that they found the combination open and the safe available to anybody who chose to open the door and take out the money. From that record I could not possibly deduce that the proper steps were taken. Certainly no one could deduce that effective steps were taken to fix the responsibility for this theft.

Mr. PAGE. I do not believe we have any safes that burglars can not get into; and if the Government is to hold men responsible, it seems to me that if a fair investigation shows them free from responsibility morally, and if the Secretary of the Navy recommends, as he does here, that reimbursement be made we ought to act in accordance with that recommendation.

Mr. MOSES. Legislation of this character simply sets a premium upon carelessness.

Mr. KING. Exactly.

Mr. PAGE. I do not think so in this case.

Mr. FLETCHER. Mr. President, the situation was that these were patients at the hospital. Under the regulations they had to deposit any cash they had with this officer. They had to do it. It was a requirement. They did deposit these funds with this officer, and he put them in the safe. Somebody opened the safe and stole the money. The men who are patients at the hospital ought not to lose the money. They did what the regulations required them to do, and the board which investigated the matter found that the safe had been opened and robbed and the money taken away.

Mr. MOSES. And that nobody was responsible?

Mr. FLETCHER. They do not fix the responsibility. The officer who was the agent of the Government had these funds in his hands. The men who put them there certainly ought not to suffer by reason of the robbery of the safe where they were deposited.

Mr. MOSES. No; but the Senator misses the point of my inquiry. The officer who received these funds from the patients, undoubtedly under a regulation of the hospital, probably by general regulation of the department, was a bonded officer. Of course, a premium had to be paid for his bond, and I suppose the bonding company is responsible for this loss. Why should the loss which the bonding company will have to meet, and for which they received their premium, now be transferred to the Treasury of the United States?

Mr. FLETCHER. Nothing is said in the report about his being a bonded officer, whether they went on his bond or not, or whether the bond was collectible or not.

Mr. MOSES. But the Senator from Vermont just said he was a bonded officer and that under the bond this officer would have to pay the amount himself, probably through some arrangement with the bonding company, which has not yet been disclosed.

Mr. FLETCHER. The officer himself.

Mr. PAGE. May I ask the Senator from New Hampshire whether it is not true that this money was in the hands of this official, and by the consent and direction of the officials above him the money was placed in the identical safe where it was placed, which was supposed to be a secure safe, and between 4.30 o'clock in the afternoon and 8 o'clock the next morning the burglars went in and took the money?

Mr. MOSES. That is not the testimony which the Senator read. The testimony is not that the safe was blown or that violence was employed in getting at it. In the morning they found the combination unset, so that anybody could open the door. Who was the bonded officer to whom the Senator refers?

Mr. PAGE. It does not appear in the report. I simply have the report from the Secretary of the Navy.

Mr. MOSES. In other words, who is the real beneficiary of this legislation?

Mr. PAGE. The man who had the funds on deposit there.

Mr. MOSES. That is to say, the patients?

Mr. PAGE. No; the officer in charge of the money.

Mr. MOSES. He being a bonded officer, as I understood the Senator to say.

Mr. PAGE. I have not the facts here; but my impression is that it so turns out that he being a bonded officer the bonding company can come back and make the person charged with the money pay the amount; so that it virtually comes out of a man who should not suffer.

Mr. MOSES. In other words, bonds are given to the public, and premiums are paid for the bonds, and the bonds are no good? Is that it?

Mr. PAGE. If the bonds are good, they are so good that when they are paid by the bonding company this man who had the money has to suffer.

Mr. MOSES. The bonding company takes a premium for the bond, and then tries to compel the man who was bonded to reimburse it; and, failing that, to have the Treasury reimburse it.

Mr. TOWNSEND. Mr. President, if I read this bill correctly, this is not a bill for the purpose of reimbursing some officer of the Government. This is a bill for the purpose of paying directly these patients who were in the hospital, who deposited their money in the Government depositary. Nothing is said here about any officer, if I am reading the correct bill; and I find no report with this bill.

Mr. KING. If the Senator will permit me, the Senator is absolutely correct there. These patients deposited their money in a safe, and the money was stolen from the safe. The officer has not paid them. Whether he was bonded or not, I am not able to state. I think the Government ought to pay these men who lost their money; but I think it is a mistaken policy, and wrong, for the Government to become a guarantor of all bailments that may be made by those who come into the hospitals, and so on.

The Senator knows that every calendar day, and at various other times, we are called upon to pay for the losses in post offices. Somebody has burglarized the safe, and the postmaster comes here, and we appropriate and pay him; and in the cantonments and in the various agencies of the Government where money is embezzled or stolen we are frequently called upon to make reimbursement. It has gotten now so that if anybody loses money by reason of his own carelessness he feels that Congress will make the appropriation. We are liberal. Such persons think: "If we go to Congress, we can be reimbursed." If these Government officials who have charge of money knew that they would be held personally responsible, and that Congress would not make the appropriation, greater care would be taken, greater vigilance would be observed, the money would not be stolen or embezzled, and Congress would not be called upon to appropriate thousands of dollars to reimburse individuals who have suffered by reason of the peculations and the wrongs of Government officials or third persons. My suggestion is that we ought to compel them to be bonded, and we ought to restrict the authority of Government officials to become bailees for everybody that may come anywhere around them.

Mr. TOWNSEND. Mr. President, in looking over this bill I think the Senator from Florida is exactly correct. Here are some patients that were sent down to this hospital, and one of the regulations of the hospital is that their money shall be deposited. They take their money and put it into the safe they have there for safe-keeping. I do not think the Government is legally bound to refund this money. I do not think any officer of the Government was legally bound to pay it, but the fact is that the money was deposited under a regulation of the hospital, and these men lost it through a burglary. The proposition now clearly before the Senate is, Will the Senate permit or authorize the payment of the money to these poor men, these patients, who had placed their trust in the Government safe at that hospital because they had to do it, and whose money was stolen, having had no protection at all?

Mr. PAGE. It is stated in the letter of the Secretary of the Navy that "the persons who are named in the proposed bill deposited the amounts indicated in the safe pursuant to instructions." So they did it under orders.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. CARAWAY. Mr. President, I have listened to the discussion about the pending bill, and I thoroughly agree with the remarks to the effect that the Government should pay. I think the Government ought to carry the responsibility and pay. But that was only incidental to what I really wanted to say.

This morning I offered a resolution——

The PRESIDING OFFICER. The question is, Is there objection to the present consideration of this bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. CARAWAY. I was recognized, Mr. President.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment. The Senator from Arkansas is recognized for five minutes.

DISCHARGE OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. CARAWAY. Mr. President, this morning I offered a resolution calling upon the President to tell us how many former sailors and soldiers with honorable discharges who are within the classified service had been dismissed, demoted, or their salaries lowered. I did that because we have a statute which provides that—

In the event of reductions being made in the forces in any of the executive departments, no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary: *And provided further*, That any person knowingly violating the provisions of this section shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

Quite a number of soldiers and sailors with honorable discharges who were within the classified service have been dismissed from the service without any explanation. Three of them were in the Bureau of Engraving and Printing. There were many of them in the navy yard. There were some of them in the Treasury Department, and the departments are dismissing soldiers and sailors with honorable discharges whose records are good, and we want to know why.

There is a cry all over this country now that there is no respect for the law. How can we complain when some negro becomes a bootlegger if the highest executive officer in the land and Cabinet officers shall disregard the law and deprive men of their rights? You can not build up a respect for law and at the same time let those who are charged with the duty of enforcing it ignore it. The law is as binding upon the President as upon the humblest citizen in the land. It is within the power of the Republican majority to smother these resolutions, as I presume they are going to do. The Post said, when the other two resolutions went to the Committee on Civil Service, that the chairman of the committee was a friend of the administration, and therefore that they were dead. That may be. I am not concerned, I want to repeat, with the politics of the men who have been discharged. I want only to see justice done. I hate injustice; I hate tyranny; I dislike any man who, because he is clothed with a little brief authority, ignores the rights of those who are helpless to strike back.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. CARAWAY. I yield.

Mr. STERLING. I hope the Senator from Arkansas will possess his soul in patience over this matter of the reference of those resolutions to the Committee on Civil Service. The Committee on Civil Service, or the members thereof, Mr. President, will possess their souls in patience at the same time.

Mr. CARAWAY. I do not want to yield all my time.

Mr. STERLING. They can not do two jobs of work at the same time.

Mr. CARAWAY. I am conscious of that.

Mr. STERLING. And in due time the resolutions referred to the committee will be considered.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. CARAWAY. I do not want to be discourteous to the Senator. I am simply saying that that is what the public press says. I do not say it is true, but that is the impression which exists among the people, that the resolutions are dead. I hope the Senator will report them out.

Mr. STERLING. Will the Senator yield?

Mr. CARAWAY. Certainly.

Mr. STERLING. I am not responsible for what the public press says.

Mr. CARAWAY. I am conscious of that.

Mr. STERLING. On the contrary, everything I have said has indicated just the opposite of what the Senator states the public press has said.

Mr. CARAWAY. I do not yield any further. I am conscious of that, and I am not criticizing the Senator. I think he is too quick to suspect that somebody is criticizing him. Whatever the Senator's attitude is, I do not believe the resolutions will be reported out. I believe that hidden behind the power that goes with the Executive, they are going to ignore the people's rights, and are going to trample upon them.

But there is a court of appeal, above Presidents and above Cabinets, to which court these people who have had their characters blackened, and who have been denied the right to make an honest living, can appeal. These women who were discharged can appeal to that court. These ex-service men, who went out when Congress declared that a state of war existed between this country and Germany, who laid down their civil employments and imperiled their lives and their futures to save this country, now have their rights taken from them by the Executive and the Cabinet, and they have an appeal. It lies beyond this administration; it lies in the common sense and fairness and justice of the American people, and I am confident, sir, despite all that may happen here, despite what the Senate may do, that the American people are going to hear that appeal, and do justice by these men and these women. I do not care whether they vote the Republican ticket or the Democratic ticket; they have a right to look to the Executive and to the Congress of the United States for justice, and when it is denied them, there is somebody, somewhere, who is going to rebuke those who sit in high places and ignore the rights of those in humbler stations.

REIMBURSEMENT TO NAVAL HOSPITAL PATIENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2719) to reimburse certain persons for loss of private funds while they were patients at the United States naval hospital, naval operating base, Hampton Roads, Va.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. ELLIS B. MILLER.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that the Senate return to the consideration of House bill 7589. I have conferred with the Senator from Utah [Mr. KING] in regard to it, and he will find in the back of the report of the committee a complete statement of all the details and circumstances of this case.

Mr. KING. Will not the Senator make a very brief statement?

Mr. POINDEXTER. I will do so.

The PRESIDING OFFICER. The Senator from Washington asks that the Senate return to the consideration of House bill 7589. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7589) for the relief of Maj. Ellis B. Miller, and it was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, commission Ellis B. Miller as a lieutenant colonel in the United States Marine Corps as of date of June 4, 1920: *Provided*, That the said Ellis B. Miller shall take rank on the lineal list of lieutenant colonels in the United States Marine Corps next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1909: *Provided further*, That the said Ellis B. Miller shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of a lieutenant colonel in the United States Marine Corps: *And provided further*, That the said Ellis B. Miller shall not by the passage of this act be entitled to any back pay or allowances of any kind: *And provided further*, That nothing contained in this act shall operate to increase the number of lieutenant colonels in the United States Marine Corps as now authorized by law.

Mr. POINDEXTER. The bill is recommended by the Secretary of the Navy and recommended very strongly by General Lejeune, the General Commandant of the Marine Corps. It is to relieve this officer from the effects of an accidental circumstance for which he was not responsible in any way at all.

Years ago, when Major Miller was called up with his class for examination for promotion in the Philippine Islands, he was examined under an old order regulating those examinations, which had been issued in 1906. It so happened that he was the last on the list of officers coming up for examination.

In the meantime, in September, 1908, a new order, making new regulations for these examinations, had been issued, but it did not reach the Philippine Islands until February, and when the reports were made, all the officers who had been examined, and whose examinations were the same in all respects, so far as approvals were concerned, were passed, and the reports of the board of examiners was approved by the department, except as to this officer. Being the last on the list, his report came in late, and the department ruled that the examination was not valid, because it should have been under the new order; but the new order had not reached the Philippine Islands at that time.

Subsequently he was reexamined, passed the examination, and qualified in every way, and the department recommends that this bill be passed to relieve him from the consequences of that accidental circumstance.

Mr. KING. If he had been examined at that time, would he have measured up to the standards required?

Mr. POINDEXTER. He would have. The statement I have just referred to is specifically to that effect.

Mr. KING. Has his service been that of an honorable officer since then?

Mr. POINDEXTER. Entirely so. Otherwise, I would not be urging the passage of the bill.

Mr. KING. I have no objection to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 140) for the relief of Peter Shell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2498) to correct the military record of Alonzo C. Shekell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. Mr. President, the hour is approaching at which, by special order, the Senate is to take up the nominations of Senator SMOOT and Representative BURTON. On Friday I suggested the propriety of considering these nominations in open executive session. An objection was interposed at that time, as I understood, by the Senator from Kansas [Mr. CURTIS], with a view to a further consideration of the subject. Accordingly, I renew the request now for unanimous consent that the matter be considered in open executive session.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. KELLOGG. I offer an amendment to the bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNARY. As the unfinished business is now before the Senate, I think, in view of the notice given by the Senator from Iowa [Mr. CUMMINS], I should ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. MOSES. Is that necessary? A motion to go into executive session is privileged and it does not require that the unfinished business shall be laid aside.

Mr. LODGE. The motion is privileged, of course.

Mr. McNARY. Very well.

The PRESIDING OFFICER. The Senator from Montana has the floor.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. Mr. President, I said at that time and I repeat now, because there may be Senators here who were not present then, that so far as I am advised there is no disposition upon the part of any Senator to question in any way whatever either the personal character or the fitness of either of the gentlemen named. The questions to be considered are merely the question of the eligibility of these gentlemen under the Constitution and the propriety of naming Members of Congress to positions of this character. In view of that condition, I can see no reason whatever for not having an open discussion of the matters at issue.

Mr. LODGE. Mr. President, this is clearly executive business under the rules respecting nominations. I think, if the Senator desires to make a motion to have the matter considered in open executive session, it should be made after we have gone into secret executive session, where alone it is in order.

The PRESIDING OFFICER. The Chair understood the Senator from Montana to be presenting a unanimous-consent request. Is the Chair correct?

Mr. WALSH of Montana. That is correct.

Mr. LODGE. I know there is nothing of a personal character in this question, but I have always thought and I think now it is a great mistake to alter or change in any way the rule in regard to the consideration of nominations.

Mr. NORRIS. Mr. President——

Mr. LODGE. I think what I have to say can be said in a moment.

Mr. NORRIS. All right; I will wait.

Mr. LODGE. No; I have no desire to cut the Senator off. I yield to him.

Mr. NORRIS. I can say what I have to say at any time, but I suggest to the Senator from Montana that I am one of the members of the Committee on the Judiciary who joined with the Senator from Montana in reaching the conclusion that as a matter of law Senator SMOOT and Representative BURTON are disqualified. I desire to say, however, that it seems to me only fair to those who have reached that conclusion that their attitude should not be misunderstood. It is, as I look at it, purely a question of constitutional law. There is no one, so far as I know, who doubts the ability or fitness of either one of these gentlemen to fill the place to which they were appointed by the President. I do not desire to be put in the attitude of voting against them.

I suggest to the Senator from Montana, unless the nominations are considered in open executive session, which looks doubtful now, that he present at the proper time a resolution embodying the legal proposition, and let us vote on that. When that is voted down, if it is voted down, then all those who voted for it would be at liberty to vote for the confirmation of the two appointees.

I do not want to be put in the attitude of voting against them, because I have nothing on earth against them and I frankly admit their qualifications for the particular place. We will be misunderstood, however, unless something of that kind is done. I think the Senator from Montana could easily make the record. If it is sustained on that, then the matter is ended. If he is not sustained, as a matter of form we could all vote for the confirmation.

Mr. CUMMINS. Mr. President, it seems to me that whatever arrangements are made ought to be made after we go into executive session. I see no reason for debating this purely legal question before others than Members of the Senate, because the Senate must pass upon the question, and it is a constitutional inquiry that is proposed.

Mr. LODGE. Mr. President, I do not believe in discussing nominations in open session. I am in favor of keeping within the rule, and I also think that we should probably save a great deal of time by discussing the question in secret executive ses-

sion. If any Senator should desire to print his speech made in executive session, that could be done. That has been done before in one or two cases, and it could be arranged in this case. So a Senator's argument might be printed in the RECORD. It was done in the case of former Senator Morgan on the Panama Canal question.

Mr. WALSH of Montana. I have no desire to avail myself of that privilege, particularly because my views have been expressed in the open Senate as well as in my report which I submitted to the committee.

If the Senator from Nebraska [Mr. NORRIS] will give me his attention for a moment, I desire to say that there is involved in the question before us rather more than the naked proposition of law. There was made a part of the report which I submitted to the Committee on the Judiciary the brief speech of former Senator Hoar, made in the year 1903, as my recollection now serves me, which was addressed rather to the propriety of filing pieces of this character from Members of Congress than to the question of the eligibility of Members of Congress under the Constitution for positions of that kind.

The same subject was commented upon by another distinguished son of Massachusetts, ex-Governor McCall, in a recent number of the Atlantic Monthly. Senator Hoar said, when the subject was before the Senate for consideration on an earlier occasion, I think in the year 1898, that there was practical unanimity among the Members of the Senate that whatever might be the inhibition of the Constitution, the practice was one which ought not to be followed. So that would be a consideration aside from the mere question which would be determined by a resolution such as is suggested by the Senator from Nebraska.

I may say in this connection that I had thought of the propriety of getting a formal declaration from the Senate on the question of eligibility, but that would exclude the other consideration to which I have adverted, which it seems to me is too important, in view of the consideration that it has had, to be entirely ignored in connection with these important nominations.

Mr. LODGE. If we are going to discuss any question of constitutionality or the propriety of the President's action, both on the ground of precedent and on general grounds, to save the time of the Senate I object to the request of the Senator from Montana.

The PRESIDING OFFICER. Objection is made.

Mr. FLETCHER. Mr. President, may I inquire whether the report of the committee has been made public or whether there is any objection to the report being made public?

Mr. LODGE. That we can determine when we get into executive session.

Mr. CUMMINS. The reports of the committee have been printed and, I think, copies are in the possession of all Senators, so far as I know, or accessible at least to all Senators.

Mr. FLETCHER. It is a confidential print, is it not?

Mr. UNDERWOOD. No.

Mr. CUMMINS. The reports were submitted in executive session, as I remember it.

Mr. WALSH of Montana. I have never understood that there was any character of secrecy attached to any of them.

Mr. CUMMINS. Nor did I; and they have been in the hands of the Senate for two or three weeks.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 hours and 10 minutes the Senate (at 5 o'clock and 20 minutes p. m.) took a recess in executive session until to-morrow, Tuesday, April 11, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 10, 1922.

REGISTER OF THE LAND OFFICE.

Mrs. Addie B. McLennan, of Wisconsin, to be register of the land office at Wausau, Wis., effective upon completion of consolidation under act of October 28, 1921, in lieu of Edward P. Gorman, nominated February 13, 1922, and confirmed February 15, 1922, who has declined the appointment.

PROMOTIONS IN THE REGULAR ARMY.

TO BE COLONEL.

Lieut. Col. Llewellyn William Oliver, Cavalry, from April 6, 1922.

TO BE LIEUTENANT COLONELS.

Maj. Edward Appleton Keyes, Cavalry, from April 5, 1922.
Maj. John Gano Winter, Cavalry, from April 6, 1922.

TO BE MAJORS.

Capt. Charles Joseph Herzer, Coast Artillery Corps, from April 4, 1922.
Capt. George Lea Febiger, Infantry, from April 5, 1922.
Capt. George A. Pollin, Field Artillery, from April 6, 1922.

CHAPLAIN.

Chaplain John Joseph Campbell to be chaplain with the rank of captain from April 6, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

CAVALRY.

Capt. John Colford Daly, Infantry, with rank from July 19, 1918.

PROMOTIONS IN THE NAVY.

Lieut. Commander George M. Baum to be a commander in the Navy from the 3d day of June, 1921.

Lieut. Commander Wolcott E. Hall to be a commander in the Navy from the 28th day of December, 1921.

Lieut. Commander Fred F. Rogers to be a commander in the Navy from the 31st day of December, 1921.

Lieut. Commander William L. Beck to be a commander in the Navy from the 1st day of January, 1922.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

George M. Cook.
Edward K. Lang.
Walter D. La Mont.

Lieut. Roman B. Hammes to be a lieutenant commander in the Navy from the 1st day of July, 1921.

Lieut. Herbert O. Roesch to be a lieutenant commander in the Navy from the 20th day of July, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 31st day of December, 1921:

Delavan B. Downer.	Ames Loder.
Lewis W. Comstock.	Ralph G. Risley.
Frank E. P. Uberroth.	Carlos A. Bailey.
Alexander Macomb.	John F. Meigs, jr.
Paul F. Foster.	

Lieut. Richard S. Field to be a lieutenant commander in the Navy from the 1st day of January, 1922.

Lieut. (Junior Grade) Roman B. Hammes to be a lieutenant in the Navy from the 7th day of March, 1918.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Linton Herndon.
John G. Farrell.

Ensign John G. Farrell to be a lieutenant (junior grade) in the Navy from the 29th day of June, 1920.

Ensign Robert B. Crichton to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920.

Passed Asst. Surg. Charles S. Stephenson to be a surgeon in the Navy, with the rank of lieutenant commander, from the 3d day of June, 1921.

Asst. Surg. William R. Taylor to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 6th day of June, 1920.

Asst. Surg. Elmer F. Lowry to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

Asst. Surg. Earl E. Sullivan to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1921.

Passed Asst. Paymaster Hervey B. Ransdell to be a paymaster in the Navy, with the rank of lieutenant commander, from the 4th day of March, 1921.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commanders, from the 21st day of October, 1921:

Lawrence A. Odlin.
John A. Byrne.
John B. Ewald.

Surg. Forrest M. Harrison, of the United States Naval Reserve Force, to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Passed Asst. Paymaster Joseph A. Carey, of the United States Naval Reserve Force, to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Machinist James Hauser to be a chief machinist in the Navy, to rank with but after ensign, from the 28th day of December, 1920.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 30th day of November, 1921:

Warren E. Magee.
Helge Ohlsson.

Carpenter Robert F. Roberson to be a chief carpenter in the Navy, to rank with but after ensign, from the 19th day of January, 1922.

POSTMASTERS.

CALIFORNIA.

Etta Thomas to be postmaster at Lost Hills, Calif., in place of Mabel Hanford, deceased.

DELAWARE.

John S. Dobson to be postmaster at Millsboro, Del., in place of E. E. Carey. Incumbent's commission expired October 5, 1921.

GEORGIA.

Olivia F. Anderson to be postmaster at Chipley, Ga., in place of R. H. Dunlap. Incumbent's commission expired August 7, 1921.

Jefferson B. Hatchett to be postmaster at Greenville, Ga., in place of T. G. Williams. Incumbent's commission expired February 18, 1922.

LOUISIANA.

John A. Marchand to be postmaster at Gonzales, La. Office became presidential October 1, 1921.

MINNESOTA.

Olney A. Solberg to be postmaster at Brooten, Minn., in place of P. D. Mitchell. Incumbent's commission expired August 7, 1921.

Emanuel Nyman to be postmaster at Foley, Minn., in place of C. F. Callahan. Incumbent's commission expired July 21, 1920.

MONTANA.

Leon E. Phillips to be postmaster at Highwood, Mont., in place of B. J. Gossack. Incumbent's commission expired July 21, 1921.

NEBRASKA.

Fred H. Herrlein to be postmaster at Deshler, Nebr., in place of George Beckler. Incumbent's commission expired February 4, 1922.

NEW MEXICO.

Cassius G. Mason to be postmaster at Hagerman, N. Mex., in place of A. B. Wimberly, deceased.

OHIO.

Sanford E. Gottshall to be postmaster at Magnolia, Ohio. Office became presidential October 1, 1921.

Howard C. Moorman to be postmaster at Jamestown, Ohio, in place of H. C. Lieurance, resigned.

Albert E. Gale to be postmaster at Lima, Ohio, in place of J. E. Sullivan, resigned.

Charles L. Oberlin to be postmaster at Mineral City, Ohio, in place of William Hosick, removed.

OKLAHOMA.

Cora B. Scott to be postmaster at Milburn, Okla., in place of Eva Gill. Incumbent's commission expired February 4, 1922.

Roy A. Hoffman to be postmaster at Seminole, Okla., in place of W. S. Livingston. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Grant Piper to be postmaster at Petersburg, Pa., in place of Grant Piper. Incumbent's commission expired February 4, 1922.

Wilbur C. Taylor to be postmaster at Port Royal, Pa., in place of A. C. M. Crozier. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

John S. Meggs to be postmaster at Marion, S. C., in place of J. R. Montgomery. Incumbent's commission expired January 24, 1922.

SOUTH DAKOTA.

Otto W. Muchow to be postmaster at Hartford, S. Dak., in place of J. F. McGowan. Incumbent's commission expired January 31, 1922.

Gertrude Snell to be postmaster at Tulare, S. Dak., in place of O. L. Starr, removed.

TEXAS.

W. F. Curtis to be postmaster at Byers, Tex. Office became presidential April 1, 1920.

Cornelius A. Ogden to be postmaster at Deweyville, Tex. Office became presidential January 1, 1921.

Arthur B. Rook to be postmaster at Harrold, Tex. Office became presidential January 1, 1921.

James T. Shaw, jr., to be postmaster at Anna, Tex., in place of L. H. Goforth. Incumbent's commission expired January 24, 1922.

James M. Brooks to be postmaster at Copperas Cove, Tex., in place of W. P. Gibson. Incumbent's commission expired January 24, 1922.

Jasper N. Coffman to be postmaster at Daingerfield, Tex., in place of L. E. Willis. Incumbent's commission expired January 24, 1922.

Andrew Schmidt to be postmaster at Edna, Tex., in place of R. L. Bronaugh. Incumbent's commission expired July 21, 1921.

Arnold H. Kneese to be postmaster at Fredericksburg, Tex., in place of A. R. Gold. Incumbent's commission expired January 24, 1922.

Thomas J. Oden to be postmaster at Lindale, Tex., in place of T. J. Oden. Incumbent's commission expired July 21, 1921.

Edmund W. Tarrence to be postmaster at Llano, Tex., in place of C. M. Wallace. Incumbent's commission expired January 24, 1922.

Joel M. Moore to be postmaster at McDade, Tex., in place of J. W. Moore. Incumbent's commission expired January 24, 1922.

Rudolph Nordhausen to be postmaster at Schulenburg, Tex., in place of Henry Eilers, jr. Incumbent's commission expired January 24, 1922.

VIRGINIA.

Jessie H. Cox to be postmaster at Washington, Va. Office became presidential January 1, 1921.

Herbert T. Thomas to be postmaster at Williamsburg, Va., in place of W. C. Johnston, resigned.

WASHINGTON.

Helen M. Purvis to be postmaster at Sumner, Wash., in place of J. P. Pyles. Incumbent's commission expired January 24, 1922.

Herman L. Leeper to be postmaster at Yakima, Wash., in place of J. D. Medill. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Earl M. Gilbert to be postmaster at Rosholt, Wis. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 10, 1922.

POSTMASTERS.

COLORADO.

Mary H. Cowie, Boulder.
F. Julian Dyer, Crested Butte.
Samuel H. Carlson, Julesburg.

HAWAII.

Frank Cox, Waimea.

INDIANA.

Lillian R. Stuck, Orland.

IOWA.

Clarissa A. Chandler, Lawler.
John A. Ruesink, Lime Spring.
Fred E. Dunton, Riceville.
Grant E. Olson, Soldier.

LOUISIANA.

Joseph A. Richard, Hammond.

MAINE.

Mae L. Berry, Denmark.
Ambrose W. Kneeland, Easton.
Edward Johnson, Monson.

MARYLAND.

Alonzo M. Moore, Cambridge.

MICHIGAN.

Lewis E. Kephart, Berrien Springs.
Herbert E. McElheny, Gobles (late Goblesville).

MISSISSIPPI.

Charles C. Swetman, Perkinston.

MISSOURI.

Vaughn V. Hammitt, Carryville.
William M. Harbin, Puxico.

NEBRASKA.

Alvin O. Jones, Adams.
Owen N. Clark, Beaver Crossing.
Joseph S. Jackson, Inman.
Minnie Johansen, Loup City.
Clarence Rosecrans, Odell.
Fred Wolter, Ohiowa.
Rolland C. Shetler, Riverton.

NEW MEXICO.

Effie C. Thatcher, Chama.

NORTH DAKOTA.

Anna M. Potter, Granville.
Viola Tomlinson, Oriska.

OHIO.

Jasper A. Barrell, Malta.
Joseph H. McKinney, New Concord.
Paul H. Mackley, Waynesburg.

OKLAHOMA.

George W. J. Perry, Boley.
Thomas L. Ogilvie, Forgan.
William R. Casteel, Sapulpa.

SOUTH DAKOTA.

Alfred R. Deady, White River.

TEXAS.

Roy K. Duphorne, Aransas Pass.
Walter W. Layman, Bangs.
John Q. Hanna, Blackwell.
Robert L. Witty, Bomarton.
Wilce V. Garton, Booker.
Jacob Bennett, Bremond.
Rosalie F. Holley, Cameron.
Golden T. Thomas, Channing.
William H. Tallant, Chico.
Daniel B. Bynum, Eustace.
Loren G. Willier, George West.
McKinley H. Frank, Grapevine.
Joe E. Williams, Hamilton.
William T. Allen, Hawkins.
James W. Stubblefield, Hull.
James W. Johnson, Italy.
Earl D. Tracy, Junction.
Carl W. Smith, Kress.
Louis J. Scholl, Malakoff.
Ada H. Worley, Malone.
Arthur C. Polk, Manning.
Ralph W. Ridinger, Markham.
Thomas A. Guthrie, Mingus.
Lottie H. Rector, McCaulley.
Colonel E. Dutro, Mission.
Arthur G. Skinner, Palacios.
Jesse R. Davis, Pearsall.
James L. Noel, Pilot Point.
Dicie Stanley, Proctor.
Willie Culwell, Putnam.
Thomas J. Bailey, Royse City.
Almyra L. Williams, Taft.
John F. Warrington, Valley Mills.

VIRGINIA.

Edward A. Lindsey, Royce.
James S. Smith, Bristow.
Charles E. D. Burtis, Bumpass.
Charles B. Graves, Chester.
Emma J. Breneman, Cootes Store.
Otis R. Thornhill, Culpeper.
William E. Hardiman, Dillwyn.
Benjamin T. Culbertson, Dungannon.
Lacy C. Alphin, Hot Springs.
Lilly G. Cook, Madison.
Robert E. Newman, Manassas.
Mary V. Givens, Montvale.
Sylvester A. Ratliff, Norton.
James W. Moore, Rapidan.
Thomas C. McConchie, Remington.
Floyd I. Richardson, Sylvatus.
Wade H. Hash, Trout Dale.
Lilburn T. Adlington, Willier.

WEST VIRGINIA.

Fred A. McFarlin, Adamston.

WYOMING.

Frank J. Estes, Salt Creek.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 10, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord our God, we bless Thee for the manifestation of Thyself made in the gladness of the spring air, and for the brightness of this beautiful day that lures us with sweet persuasion to offer Thee our grateful praise. These are the affirmations of our Heavenly Father, and may there be a festival of happiness in all our breasts. O dwell among men; reign on the throne of conscience. Bless our country until it blooms and bursts into the fruits of prosperity and contentment. Endow us with the dominion of mind that suffers itself to wait, withstand, bear and forbear, and we beseech Thee that thus may wisdom's work be made manifest. In Thy holy name. Amen.

The Journal of the proceedings of Saturday, April 8, 1922, was read and approved.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920; and

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

The SPEAKER. The unfinished business is the bill making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, on which the previous question was ordered on the bill and amendments to final passage. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand a separate vote on the amendment, on page 32, line 22.

The SPEAKER. The gentleman from Kentucky demands a separate vote on the amendment referred to. Does any gentleman desire a separate vote on any other amendment? If not, the Chair will put the remainder of the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded by the gentleman from Kentucky [Mr. JOHNSON].

The Clerk read as follows:

At the end of line 22, page 32, add as follows: "*Provided, however,* That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further,* That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KNUTSON. Mr. Speaker, I move a call of the House.

Mr. CAMPBELL of Kansas. Let us divide on the vote.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is clear that there is no quorum present. The gentleman from Minnesota [Mr. KNUTSON] moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Chindblom	Drewry	Funk
Anthony	Christopherson	Dunn	Gahn
Barbour	Clark, Fla.	Dupré	Goldsborough
Blakeney	Cooper	Edmonds	Gorman
Blanton	Cole, Ohio	Ellis	Gould
Bowers	Connolly, Pa.	Fairchild	Graham, Pa.
Brinson	Copley	Fess	Greene, Mass.
Brooks, Pa.	Darrow	Fields	Hardy, Tex.
Burdick	Davis, Tenn.	Focht	Hawes
Cable	Deal	Frear	Hays
Cantrill	Drane	Fuller	Merrick

Hicks	Lee, N. Y.	Porter	Speaks
Hutchinson	McArthur	Rainey, Ala.	Sproul
Ireland	McLaughlin, Pa.	Rainey, Ill.	Stiness
Johnson, Miss.	Merritt	Ransley	Strong, Pa.
Johnson, S. Dak.	Michaelson	Reavis	Sullivan
Johnson, Wash.	Mills	Reber	Taylor, Ark.
Jones, Pa.	Moore, Ill.	Riddick	Taylor, Colo.
Jones, Tex.	Moores, Ind.	Riordan	Ten Eyck
Kahn	Morin	Rose	Vestal
Kennedy	Mott	Rossdale	Volk
Kiess	Nelson, Me.	Rouse	Walsh
Kindred	Nelson, John M.	Ryan	Walters
Kitchin	Newton, Minn.	Sabath	Ward, N. Y.
Knight	O'Brien	Sanders, Ind.	Watson
Kreider	O'Connor	Schall	Williams
Kunz	Oldfield	Shelton	Wilson
Lampert	Perkins	Slemp	Wood, Ind.
Langley	Petersen	Snyder	

The SPEAKER. Three hundred and fifteen Members have answered to their names. A quorum is present.

Mr. HUSTED. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 102, noes 56.

So the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays. As many as favor this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Forty-four gentlemen have risen, not a sufficient number. The yeas and nays are refused.

Mr. NOLAN. Has the Speaker ruled that 44 was not a sufficient number? What did the last vote show?

The SPEAKER. The Chair is told that 54 are required.

Mr. NOLAN. One-fifth of those present?

The SPEAKER. Two hundred and thirteen.

Mr. NOLAN. We had a division of the House, Mr. Speaker.

The SPEAKER. The rule is one-fifth of those present.

Mr. NOLAN. The division on this particular vote showed less than 200 present.

The SPEAKER. That does not show how many were present.

Mr. NOLAN. Let us take the other side, Mr. Speaker.

The SPEAKER. The Chair will count the other side. [After counting.] The Chair has already counted over 200. The yeas and nays are refused. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HUSTED, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NAVAL APPROPRIATIONS.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill (H. R. 11228), and pending that motion, Mr. Speaker, I would like to secure an agreement about the time for general debate.

The SPEAKER. Pending his motion, the gentleman from Michigan desires to come to an agreement about the time for general debate.

Mr. KELLEY of Michigan. What suggestion has the gentleman from South Carolina [Mr. BYRNES] to make about the time for general debate?

Mr. BYRNES of South Carolina. Mr. Speaker, I informed the gentleman from Michigan that because of the number of requests I have had from this side of the House I hope he will be most liberal in fixing the time for general debate. This is the last appropriation bill to be reported, and gentlemen on this side of the House desire to occupy some time. As a matter of fact, the time on which the gentleman from Michigan and I have agreed informally will be entirely satisfactory to me.

Mr. BRITTEN. Mr. Speaker, is it not a fact that both the gentlemen who now occupy the floor are in favor of the bill? It does not seem fair for them to agree between themselves about the time for the general debate.

Mr. KELLEY of Michigan. I will say to my good friend from Illinois that it is not my purpose to inquire of anybody as to whether he favors or opposes the bill. I shall be very glad, as far as I am concerned—and I am sure the same is true of the gentleman from South Carolina—to yield indiscriminately to Members of the House, regardless of their position on the bill, and it is our purpose to be exceedingly generous in general debate. I was about to suggest 2 days' general debate, or 12 hours altogether.

Mr. TINKHAM. Mr. Speaker, minority views have been filed in relation to this bill. I believe there is a sharp division in the House upon the questions involved, and it seems to me that there should be a division on the part of the honorable gentleman from Michigan [Mr. KELLEY] of half of his time, one-half of his time, making one-quarter of the total time to go to Members who have minority views. I think I shall insist upon that disposition of the time if it is possible for me to do so.

The SPEAKER. The Chair will state that on appropriation bills, where, as a rule, everybody is in favor of the bill, but there are divisions as to certain amendments and provisions of the bill, it is not customary to divide the time according to whether a man is for or against the bill, but it is customary to recognize the gentleman in charge of the bill and the ranking member of the committee on the other side of the House.

Mr. KELLEY of Michigan. I assure the gentleman from Illinois that he will not have any cause to complain. I am certain that he will be amply taken care of, and any other Members who desire to oppose the bill will be generously treated.

Mr. BRITTEN. Mr. Speaker, the gentleman from South Carolina [Mr. BYRNES] suggested that he had many requests for time on that side. It is barely possible that all the time may have been promised already on both sides of the House. We ought to know something about the division of the time as between those who are for and against the bill.

Mr. BYRNES of South Carolina. I will say to the gentleman that of the requests for time received by me I intend to yield the overwhelming majority of the time to gentlemen who have advised me that they are opposed to the bill. So far as I know, everybody over here who is opposed to the bill is going to speak.

Mr. BRITTEN. I am sure the gentleman will be fair, but approximately how much time has been requested of the gentleman now?

Mr. BYRNES of South Carolina. Oh, about two weeks. [Laughter.]

Mr. BRITTEN. Where do those of us come in who have not yet requested time?

Mr. BYRNES of South Carolina. I do not know about gentlemen on that side of the House. I am going to do my best to take care of gentlemen on this side.

Mr. GALLIVAN. Mr. Speaker, a parliamentary inquiry. Is there a request for unanimous consent pending?

The SPEAKER. No definite request has been made yet. Gentlemen are trying to arrange it.

Mr. GALLIVAN. There is no request for unanimous consent pending?

The SPEAKER. No.

Mr. GALLIVAN. May I ask what is the regular order?

The SPEAKER. The regular order is the attempt to agree upon time.

Mr. COCKRAN. Mr. Speaker, would it not be possible to reconcile all these conflicting ideas by letting the House itself determine when it will proceed to vote? I think there will be no difficulty about moving the previous question if the debate should ever be allowed to fall into what might be called ineptitude. I ask the gentleman from Michigan and the gentleman from South Carolina to let the debate proceed in the discretion of the House.

Mr. LONGWORTH. Mr. Speaker, I have yet to learn how the previous question can be moved in Committee of the Whole House on the state of the Union.

Mr. COCKRAN. You can always move to close debate and to rise. I am glad that even at this late day I am able to inform the gentleman from Ohio of something that I supposed his previous parliamentary experience had already informed him.

Mr. LONGWORTH. The gentleman spoke about moving the previous question in Committee of the Whole, which was a novelty to me.

Mr. KELLEY of Michigan. I feel quite sure that two days will be sufficient time so that everybody who desires to be heard on the bill can be heard.

Mr. COCKRAN. You can move to close debate. Why not let it go on?

Mr. PARKER of New Jersey. I ask unanimous consent that general debate be confined to the bill.

Mr. KELLEY of Michigan. No. I ask unanimous consent that the time for general debate be two days, but not less than 12 hours altogether, and that the time be equally divided between the gentleman from South Carolina [Mr. BYRNES] and myself.

The SPEAKER. The Chair would suggest that those two requests might be incompatible—two days, but not less than 12 hours.

Mr. KELLEY of Michigan. In case the two days should be taken up in roll calls or something of that kind——

The SPEAKER. The gentleman from Michigan asks unanimous consent that the general debate be limited to 12 hours.

Mr. TINKHAM. Reserving the right to object, I shall object——

The SPEAKER. Objection is made.

Mr. TINKHAM. Mr. Speaker, I did not say that I objected. I was about to say that, reserving the right to object, I would object unless the honorable Representative from Michigan was willing to divide his time with those holding minority views.

Mr. KELLEY of Michigan. Mr. Speaker, I could not very well do that, because the gentleman is interested in one proposition alone. The bill carries hundreds of propositions. I shall be perfectly fair and perfectly generous with the gentleman. I have him down here on my list for all the time he has asked for, and if he wants more time, being a prominent Member of the House, I shall be glad to accommodate him.

Mr. LONGWORTH. Reserving the right to object, will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. LONGWORTH. I take it that in addition to being generous in time for general debate, the gentleman will also apply that to the debate under the five-minute rule.

Mr. KELLEY of Michigan. The gentleman is right. Mr. Speaker, I desire to say also, as suggested by the gentleman from Ohio, that when that paragraph in the bill is reached which relates to the personnel under the five-minute rule, I intend to be very generous with reference to debate upon that particular proposition. So there can be no possible ground for complaint anywhere. [Applause.] That ought to satisfy my distinguished friend from Massachusetts.

Mr. BRITTEN. Mr. Speaker, from observations I have made, and I suppose from observations the gentleman from Michigan has made, it is evident that the great majority of the Members of the House are for the minority report on this bill. [Laughter.] That being true, of course they are entitled to recognition in time.

Mr. MANN. What do you want to debate it for, if that is true?

Mr. BRITTEN. I am willing to vote now.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the debate on this bill be limited to 12 hours, one half to be controlled by himself and the other half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

Mr. TINKHAM. I object.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11228, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, pending that, would not the gentleman from Michigan make the request now that the time for general debate be controlled by himself and the gentleman from South Carolina [Mr. BYRNES]? It is in the interest of orderly procedure that that be done. Both gentlemen have promised to be entirely fair, and I know they will be fair, and that request will not limit the time for general debate.

Mr. KELLEY of Michigan. Mr. Speaker, I make that request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time for general debate be equally divided, one half to be controlled by him and the other half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

Mr. TINKHAM. I object.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11228, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I should like to proceed for a little while without interruption, with the understanding that I will be very generous in yielding later on to anyone that desires information. This bill which the committee has reported carries a total of $233,247,008. It is $192,000,000, in round numbers, below the estimates submitted by the Bureau of the Budget. In that connection, however, I ought to say that the estimates submitted by the Bureau of the Budget were submitted before the Conference on the Limitation of Armaments. The bill carries $130,000,000 less than the current law. I want to take the time at this point to discuss how these enormous reductions have been brought about.

In the first place, it has been done in great part through the agreements reached by the Conference on the Limitation of Armament. That conference agreed to discontinue the building of the great 1916 program, so far as capital ships were concerned, with the exception of two ships which are to be finished. That means that 13 of the 16 capital ships are not to be completed. [Applause.] It also provides that all of the battleships of the predreadnought class should be scrapped. There are 15 of these vessels. So it provides for the discontinuance of 13 capital ships under construction, and for the elimination from the Navy of 15 other capital ships.

Last year we included in the bill, as you will recall, the sum of $90,000,000 for going forward with the building program. This bill carries no new appropriation for the continuation of the building program. [Applause.] There are a number of ships to be finished—10 scout cruisers, some submarines, and a few destroyers, but at the present time there is a balance of $71,000,000 to the credit of the construction fund. That sum will be sufficient to carry on the work on these ships that are to be completed for the balance of this year and also for next year. So that there is a cutting out at one stroke of $90,000,000 from the bill of last year on account of new construction. In addition to that saving of course there would be a heavy saving resulting from the destruction of the old ships. Those of this class that were kept in commission last year will no longer be in commission. The repairs and upkeep for them need not be provided for. There remains 18 capital ships in the Navy and some 900 other vessels, some of great military value and others practically worthless as instruments of defense.

The committee commenced its work by making an analysis of the ships of the Navy which we had left after the conference had reached these splendid agreements. We assumed, of course, that there should be maintained an 18-battleship fleet. We have never proceeded upon any other theory. [Applause.] An 18-battleship fleet, with all the necessary destroyers, submarines, tenders, oilers, tankers—everything that should go with them to make the fleet effective, a complete and rounded out fleet—and upon the proposition as to what it takes to make an 18-battleship fleet well rounded out and complete, the committee and the Navy Department are in accord. And I might say that that is about the only place I fear that we are in full accord. [Laughter.]

On that proposition we find ourselves in agreement. We took the Paymaster General's report of last year, which includes the list of all the vessels in the Navy, ship by ship, class by class, and went over them with the Navy Department. We went through the entire list from top to bottom and they struck out of their own accord such ships as in their judgment they did not desire to keep in commission. When that was done those that were not stricken off were put into a clean list, with all of the riffraff and the rubbish taken out, and that is the list which the committee has printed in its report. I do not know in my experience here of nine years when any committee before ever took such care to advise the House so particularly as this committee has done in printing in its report the names and the types of the ships which form the basis of this appropriation, and as I go forward I would like to have you have before you the report of the committee. There you will find the complete list of 18 capital ships and the name and type of ship which in the judgment of the Navy Department would give us the 18 capital-ship fleet, complete and fully rounded out, a full compliance with the treaty.

During the war we had need for a large number of craft of small tonnage. We went out and picked up pretty nearly every-

thing that would float in order to use it to hunt submarines and for our coast protection. The Navy was increased in number of ships from something like 325 to 900, and a large part of that increase represents floating riffraff, yachts, tugs, subchasers, Eagle boats, and the other small craft, which, no matter how many men are put on them, or how many were in commission, would not add a featherweight to the defense of the country. [Applause.] It was the belief of the committee that the American people do not desire to spend tens of millions of dollars upon the upkeep of ships which do not contribute to American security. [Applause.] After having agreed upon the list of ships—and do not get away from that, because there is no dispute about what it takes to make up this 18-battleship fleet—then the question naturally arose as to how many men it would take to properly man them. Those of you who have been in Congress any length of time probably have had your attention called to the fact a number of times that no two officers of the Navy agree as to how many men it takes to man a ship. Those upon the Naval Committee particularly will recall that time after time officers of the Navy have come before the committee, and no two of them have agreed upon the number of men necessary for the ships. Sometimes that disagreement has reached as high as a hundred men on a ship.

Mr. BUTLER. That is the difference?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. Oh, yes; and as high as 400 men at times.

Mr. KELLEY of Michigan. This difference of opinion comes about in a good many ways. Suppose, for instance, you were called upon to determine the number of men necessary for a battleship, and some one said that it would take 100 men with spy glasses, as we had during the war, to watch for submarines. Should those hundred men be carried in peace time as the regular complement of the ship? Some naval officer might think them necessary and include them, but what person having anything to do with the national pursestrings would permit the expenditure of the money necessary to carry 100 men on a battleship for the purpose of watching for submarines in time of peace? [Applause.] And so, having in mind the diversity of opinion in the Navy itself as to how many men it takes to man a ship, the committee decided that the best way to find out how many it takes was to find out how many these fine, efficient officers of the Navy are carrying on these identical ships to-day, and therefore we proceeded to find that out. After having called the roll of all the ships that the Navy Department desires to keep in full commission and placing upon each ship the full number now being carried, the total number fell 2,000 short of the number that we have provided under this bill for the Navy afloat. [Applause.]

Why should we give more? Are the American people in such fine financial situation that we can pile up men on ships when the officers themselves, with tens of thousands of men at their disposal, do not put them on? We did not think so. Before the war we had 84 destroyers, and we now have 301. Over 200 of these destroyers were built for convoy purposes during the war and are not required to make a well-rounded fleet. The testimony of all of the naval officers during the time that I have been in Congress has been that we ought to have four destroyers for each battleship. Four times 18 would be 72. We allow in this bill all that the Navy Department asked to be kept in full commission—103. We allowed 93 men on board of each one, whereas they are now carrying but 87. How can they complain? They have only 65 destroyers in full commission now and have 236 destroyers in half commission, with 12,000 men on board those in half commission. Do you have the slightest idea in the world that if they had not enough men on the great capital ships, which they and everyone else recognize to be the very center and core of the Navy, they would not have gone to their surplus destroyers and taken off enough men to fill up the complements of the fighting ships, which they desired to keep in full commission?

Not only did they have those 12,000 men on the destroyers in reserve, but they also had on what is called the district craft some 3,352 men—3,352 men on yachts, motor boats, small staff for district purposes, that we never had before the war. They created these district organizations during the war, dividing the coast up into districts, maintaining separate headquarters for these various districts, and then supplied the officers of those headquarters with these various craft, and upon such craft there were, as I say, 3,352 men. Then on odds and ends, which they scarcely know the names of—it took us days to find out what they were—small boats, some with four or five men on board, running up and down the coast. They had on board these 3,891 men more. That makes a total of 19,181 men on the surplus destroyers, on vessels most of which they intend to put out of commission next year, and on odds and ends of ships which are utterly and absolutely of no value as a means of defense to the country. Do you have any idea that our able officers permitted the vital ships of the Navy to go undermanned to such an extent as would destroy the effectiveness of our fighting ships when all complements could be filled up from the 19,181 men carried on vessels only half manned at best and on scores of nonmilitary craft? I have too good an opinion of our naval officers to believe any such thing.

I will say this, that if they had that reservoir of men from which they could have drawn and failed to do so, it convicts them either of having enough or else not properly administering the Navy. [Applause.] Our committee never took the position at any time that a particular number of men must satisfy the needs of the Navy. On the contrary, we insisted on first finding out what the Navy needed in order to maintain the 5-5-3 ratio, in order to keep up the treaty Navy, the 18-battleship fleet. We determined to find out the actual names of the ships that it was proposed to be kept in commission. We made a list of such ships and set opposite each ship the number of men now carried, and the clerk of the committee went to the adding machine with the figures and you have the result in this bill. We are giving all now carried and more. Why are not these sufficient? Are we so rich or our taxpayers in such fine situation that we should make provision for more men than the officers themselves have placed upon the ships of the fleet at a time when there are 96,000 men in the Navy? What seems to be desired is that the men who are taken off the surplus destroyers and worthless craft shall not be discharged but shall be piled up on the ships which are to be kept in commission. We did not believe that this should be done.

And so we allowed 50,000 men for the Navy afloat, which is 2,000 more than are carried to-day on the ships comprising the 18-battleship fleet, as set out in the committee report. I saw in the paper yesterday morning that 50,000 men afloat would destroy the treaty navy and endanger the peace not only of the Republic, but of the world! If that is true, then the peace of the Republic and the world is in danger already, because these ships constituting the treaty navy carry less than 50,000 men at this time when there are 96,000 men in the Navy. [Applause.] Now, about the shore stations.

Mr. MONDELL. That is rhetoric.

Mr. KELLEY of Michigan. Probably so. Now, about the shore stations. There are at the present time 12,633 men assigned to various duties on shore; 4,981 are under training, and unassigned 7,833, making a total of 25,447. This appears not to be sufficient, as it is now claimed that over 32,000 should be on shore with only 12,633 assigned to any necessary employment. [Applause.] When have our people become so vastly rich that we can afford to pile up 18,000 or 20,000 men on shore not assigned to any work in navy yard or station? The 7,833 mentioned above and who are wholly unassigned amount to almost 8 per cent of the entire 100,000 men of the Navy. They are allowed to take the places of those who may be sick, about 2 per cent, a few in jail, and those who are unavailable for any particular duty in transit within the service going from ship to shore, from shore to ship, or from one ship to another.

Seven per cent has heretofore been the high-water mark allowed for these causes. But now it is proposed to make an allowance of approximately 15 per cent for this waste. The committee dismissed such a contention.

For next year we have made a reduction below the 12,633 which are assigned this year to particular posts on shore of only 2,500 men. In spite of the enormous shrinkage in business which is bound to come at these shore stations by the suspending of work under the treaty and by the scrapping of vessels, we have cut off only 2,500 men from the number that is now assigned. We have provided for 2,000 men for training. This will be ample, as there are less than 5,000 men now under training in a Navy of 96,000 men, and conditions as to training will not greatly change the coming year. The country is full of young men who have had sea service and who are anxious to get back to sea. They have been out of the service a little while, and now when the opportunity comes they will reenlist and go back to the ships direct and not into the training schools. Not only that but our officers learned during the war that the best way to train a man was to train him on the ship itself. So they took these boys and put them into training schools for three or four weeks, just long enough to be sure they were not going to come down with measles or mumps or some other contagious disease, which might spread to the fleet. Then they were put into the fleet, where they belong and where they can be trained most effectively. We have allowed 2,000 men for training.

We have allowed the full 8 per cent of the entire enlisted personnel for those who may be sick, for those who may be in

prison, and for those who are in transit within the service. And while the department requires only 12,633 men for specific assignments with a 96,000-man establishment, we have provided nearly 10,000 men with an additional 7,000 unassigned, out of which the necessary number for training and replacements can be had. That makes a total of 67,000 enlisted men afloat and ashore. Why provide more? Where are they needed?

But it is said that this will not give the 5-5-3 Navy. I have noticed in the papers some very choice fiction as to what Great Britain is providing for her navy for the coming year. Here are the facts about the British Navy: The personnel of Great Britain's establishment for the coming year consists of 98,500 officers, marines, enlisted men, coast guard, and students in her naval academies—Britain's entire personnel—98,500, exclusive of colonial establishments and a few reserves operating colliers and aviation. We have provided for 3,400 men for aviation, all that the department asked for that purpose, which is a fair offset for the British Coast Guard—our Coast Guard being carried under the Treasury Department. So if you take the coast guard out of the British figures and take our aviation out of ours, the comparison is upon a fair basis between the two countries and gives almost identical figures—67,000 enlisted men plus 19,500 marines, plus 1,000 marine officers, plus 6,156 officers of the line and staff, plus 1,500 warrant officers, which are likewise included in the British figures, plus 2,500 boys in the Naval Academy, gives a total of 97,656 in the American Navy. The figures for the two countries are practically identical—98,000 men—thus the 5-5 ratio is kept with mathematical exactness. [Applause.]

But they say that the British Dominions have additional men. Oh, yes. Canada has one cruiser and two destroyers. New Zealand has a few, South Africa has a few, India a few, and Australia a few, a total of officers and men in the far-flung Dominions of the British Empire amounting to about 7,000. Why, the Naval Militia of the State of New York, which is maintained by the State of New York, has nearly 3,000 men. Then they say that the colliers are not manned by enlisted men while ours are. They are manned partly by enlisted men and partly by reserves. The best information I have been able to obtain is to the effect that less than 1,000 civilians or reserves are employed in the British Navy.

I have given you the comparative figures of the two countries. If we provide 100,000 enlisted men for our Navy, and 19,500 marines, and then add 8,656 commissioned and warrant and marine officers, and 2,500 students at the Naval Academy, we have come to a figure of 130,000 personnel for our Navy for the coming year, as against 98,500 for Great Britain. I do not believe that this Government is justified in going at this time beyond the 5-5 ratio fixed by the conference. [Applause.]

Mr. BRITTEN. I realize that my friend desires to be accurate always——

Mr. KELLEY of Michigan. Always.

Mr. BRITTEN. I am sure of that. He also knows that the British have no service like our marines.

Mr. KELLEY of Michigan. I know that the British have almost as many marines as we have.

Mr. BRITTEN. Not at all; and no marines like ours.

Mr. KELLEY of Michigan. I will say to the gentleman that there are no marines on the face of the earth like ours. [Applause.] In all the history of our Republic up to this glad hour they have added luster and glory to the name and fame of America. There are no marines like them. I admit it.

Mr. BRITTEN. The gentleman is twisting the subject. Our marines are land men and military. The British have a few of an entirely different character, and the gentleman knows it.

Mr. KELLEY of Michigan. I will say this: That the marines are under the control of the Secretary of the Navy. He can assign them to any spot or place in this Government under his jurisdiction, and the gentleman knows that that is true. And not only that; he knows that at this very hour there are upon the battleships in the neighborhood of an additional 100 marines for each ship, and every marine saves an enlisted man. The Secretary of the Navy can assign to ships as many marines as he sees fit.

Mr. BRITTEN. How many marines are afloat to-day out of the 20,000?

Mr. KELLEY of Michigan. The gentleman has propounded to me a question which he should propound to the naval officers. I have been trying to find out with the greatest particularity how many men are afloat in the Navy, and thus far I have not been able to find out. They report 71,000 men afloat to a committee of Congress and they report 68,000 afloat as of the same date to the President of the United States. [Applause.] How can I tell which is correct?

I venture to say that what I have said about the personnel proposed by Great Britain for the coming year is as near accurate as it is possible to get it and it can be safely relied upon for purposes of comparison.

Mr. TINKHAM. Mr. Chairman, will the honorable Representative yield for one question?

Mr. KELLEY of Michigan. Very gladly.

Mr. TINKHAM. Did the gentleman obtain his information——

Mr. KELLEY of Michigan. Let me ask the gentleman first: When I get through will the gentleman withdraw his objection to an agreement as to the time for general debate?

Mr. TINKHAM. Yes.

Mr. KELLEY of Michigan. Thank you very much.

Mr. TINKHAM. Now I would like this question answered, if you please: From what source of information did the gentleman obtain his knowledge in relation to the personnel of the English Navy and of the Japanese Navy?

Mr. KELLEY of Michigan. Well, my dear Mr. TINKHAM, it is a matter of common knowledge, printed in all the newspapers of Great Britain, and when you read their journal, the Army and Navy Journal of Great Britain, if you did not know what navy you were reading about you would think you were reading the Army and Navy Journal of the United States. [Laughter.]

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Has the honorable Representative obtained it only by reading the English and Japanese newspapers?

Mr. KELLEY of Michigan. I have not read the Japanese papers, but my distinguished friend from Massachusetts, I know, is a Japanese scholar, and I would be very glad to have him tell me in English what Japan proposes to do and then tell us how he knows that Great Britain has more than 98,500. Where did he get his information?

Mr. TINKHAM. I obtained the following figures——

Mr. KELLEY of Michigan. I ask you where? From the Navy Department?

Mr. TINKHAM. From the Intelligence Bureau of the Navy Department.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. CRAMTON. I hold in my hand a portion of the London Times that will give full information to the gentleman from Massachusetts of the figures stated by my colleague.

Mr. KELLEY of Michigan. Of course. To-morrow morning the action of the committee reporting this bill will be known everywhere in the United States and probably in other countries. When this Congress gets through with these appropriation bills there will not be an intelligent man who follows public affairs in any nation in the world who will not be able to tell you approximately what the United States has decided to do in the way of armies and navies. And let me say that I hope that what we decide to do will be an inspiration and a bow of promise and hope to all mankind. [Applause, the Members rising.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. I would like to ask my old friend a question.

The CHAIRMAN. Does the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. I have listened with very great care to the comparison he was making of the number of men proposed by the English and by the American navies. I do know where the gentleman got his information. He can not supply it. Will not the gentleman state to the House whether or not it was the very highest that could be obtained, absolutely official?

Mr. KELLEY of Michigan. As far as I could go.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield for one more question?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. Is the gentleman at liberty to tell us the substance of his conversation with the President last week as to the number of enlisted personnel that he desires for the Navy?

Mr. KELLEY of Michigan. I have at various times since I have been a Member of the House been called in consultation with the President, but I have yet to go out, on the street or come here and repeat what the President said, and I will not do it now. [Applause.] And I want to say further that to do so is a breach of faith and a violation of the simple rules of conduct which should guide Members of Congress in their dealings with the Executive [applause], and the gentleman from Illinois ought to withdraw the question, so that it will not appear in the RECORD.

Mr. BRITTEN. Now, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. I think my question was put in polite language, at least, and I do not want the gentleman to violate any confidence; certainly not. But we have been told through the press on a number of occasions that the President and his administration stood for a certain fixed number of enlisted personnel in the Navy. Now, of course, if the President took the gentleman into his confidence and told him he would like a certain number of enlisted personnel for the Navy, and you could not transmit that confidence to the House, that is a different proposition. Then I will withdraw my question.

Mr. KELLEY of Michigan. Oh, the President is a man who has upon his shoulders the weight of the world, almost, sir, and he has the confidence of America. But the President has something else to do besides going out and counting up the number of men required for the operation of the Navy. [Applause.] Of course, he does not know, and could not know, the number required, but he probably has been hounded by many persons to accept their figures. [Applause.] I am not sure even but what my good friend from Illinois may have been hounding him with the rest. [Applause.]

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. I will say to the gentleman that his friend from Illinois has not hounded the President, but I am determined to find out whether the President, with the Navy General Board and all the expert advice he has at his disposal, is for enlisted personnel of a specific size?

Mr. KELLEY of Michigan. I know that my friend from Illinois has been outside the jurisdiction of the United States a good deal of the time of late, but I did not know that he had forgotten the address of the President of the United States. [Applause.]

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. It was furthest from my mind to interrupt such a splendid presentation of his side of the case as the gentleman has been making. But I notice he has been willing to yield for interruptions. I have been sitting here hoping to learn more than I yet know about this question. I am on the committee with the gentleman, and I am the only Member on the democratic side of the House who has signed the minority report. I have listened with attention to the entire speech of the gentleman from Michigan; but before the gentleman gets away from his repeated statement that the Naval Establishment is piling up thousands of supernumeraries I want to know if he knows and can tell us who are the officials in the Naval Establishment who are piling up these men who are not needed in the Navy?

Mr. KELLEY of Michigan. My friend from Massachusetts [Mr. GALLIVAN] is one of the best-informed men in Congress, and I am sure I would be doing him an injustice if I thought it necessary to impart to him such fundamental knowledge as that which he now asks. [Laughter.]

Mr. GALLIVAN. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. When I get the floor I propose to tell the House what I know about the whole question, but I wanted the gentleman from Michigan to tell the House about this particular complaint he makes.

Mr. KELLEY of Michigan. I knew the gentleman had the information which he sought from me. [Laughter.]

Mr. GALLIVAN. Will the gentleman yield for another question?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. If the Naval Establishment and the Navy Department are as inefficient as the gentleman would lead the House to believe, before he starts to scrap the Navy why not scrap the Naval Establishment from the Secretary of the Navy down? [Applause.]

Mr. KELLEY of Michigan. I think ordinarily we have all we can do at this end of the Avenue to take care of our own household. It is well for us to remember that our work is to make a success of the legislative branch of the Government. [Applause.]

Mr. YATES. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Yes.

Mr. YATES. I had the honor of being one of the very few men who voted against our dear friend, the Budget system. I should like to know if I am correct in understanding the gentleman as saying that the Budget pushed up this estimate $100,000,000?

Mr. KELLEY of Michigan. The gentleman has missed the essential thing.

Mr. YATES. When was it?

Mr. KELLEY of Michigan. The Budget estimates were made long before the international agreement was reached between the nations of the world. [Applause.]

Mr. YATES. That answers my question.

Mr. KELLEY of Michigan. Now, about Japan, because I have noticed in the papers the statement that as soon as this bill passes we shall fall below Japan, and that would be serious if true.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Wait until I finish about Japan. After this scrapping is done Japan will have left 10 battleships, 62 destroyers, and 27 submarines. Remember that the Japanese Government has no marines, and the enlisted men of the Japanese Navy guard the naval stations and the yards. This is done in our Navy by the marines, which means a difference of thousands of men. Have you heard from those who compare our personnel with that of Japan that Japan has no marines? Japan will have 10 battleships, 62 destroyers, and 27 submarines. Japan next year will not have in her navy much, if any, in excess of one-half of the strength of the American Navy in 1916.

Mr. TINKHAM rose.

Mr. KELLEY of Michigan. This is information which I am especially urging upon my distinguished friend from Massachusetts, because I think my genial friend needs informing more than anybody that I have run across in a long time. [Laughter.]

Mr. Chairman, I ask unanimous consent that I may have 10 minutes in addition to my hour.

Mr. BRITTEN. I ask unanimous consent that the gentleman may proceed until he finishes his argument.

Mr. KELLEY of Michigan. I do not care for unlimited time.

Mr. BYRNES of South Carolina. I ask unanimous consent that the gentleman from Michigan be allowed to proceed until he has concluded his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Michigan may proceed indefinitely. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. I thank the House. We had in our Navy in 1916, 11 of the same capital ships that we are going to retain under the treaty. Not only that, but we had 25 additional battleships at that time. In 1916, with only 50,000 enlisted men, we had a total on our battleships of 18,859 men, and the Navy Department to-day, with 96,000 men in the Navy, has only 18,250 men on our battleships. [Applause.] They try to say to Congress that whereas when they had 50,000 men in the Navy they could spare almost 19,000 for the battleships, now they can put upon the battleships only 14,400 men if we give them 67,000 men for the Navy.

Mr. TINKHAM. Will the gentleman yield?

Mr. KELLEY of Michigan. In just a moment. Let me finish this. We had not only those battleships with all those men on board them in 1916, but we had 83 destroyers in commission, and next year we will have only 103 destroyers in full commission.

We had 40 submarines and 35 cruisers. Japan has 10 battleships for the next year, 62 destroyers against our 83 before the war, 27 submarines against our 40, and 13 light cruisers against 35 that we had before the war, many of ours being much larger and more powerful. Under such circumstances if we could keep in commission battleships enough to require 19,000 men before the war and had almost as many destroyers as we are going to keep next year, and then had only 50,000 men in our Navy, where are we going to put the rest of all these men that they are demanding for the Navy? [Applause.]

Mr. TINKHAM. I should like to ask the honorable Representative two questions.

Mr. KELLEY of Michigan. One at a time.

Mr. TINKHAM. The honorable Representative knows that men fight—not ships.

Mr. KELLEY of Michigan. Oh, yes.

Mr. TINKHAM. Japan has announced officially that the enlisted strength of her navy for next year is to be 68,252 men, more than 1,000 more than our enlisted men as proposed in the committee bill.

Mr. KELLEY of Michigan. Do not let people fool you. Japan has not announced how many men she will have on board any ship, and there is no officer in the American Navy who will be able to point out any positive information as to the intentions of Japan.

Mr. TINKHAM. If the honorable Representative will avail himself of the information from the Intelligence Bureau, he will find——

Mr. KELLEY of Michigan. Oh, I know all that they say, and when you have got all that they say you will find that "it is understood and generally believed and rather expected that that is what the Japanese will do next year." [Laughter.] That is all the information that the gentleman from Massachusetts has. What would they want them for? Ten battleships take only 12,000 men, 60 destroyers will take only 6,000 more, and that is 18,000, and 27 submarines will take only 900 more, and that is less than 20,000. In God's name, where would the Japanese put over 48,000 more? [Applause.]

Mr. MONDELL. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Yes.

Mr. MONDELL. The gentleman has answered in a way the question I was going to ask, but not perhaps as clearly as he should. How many men does he figure the Japanese could place and use on the fleet they are entitled to under the treaty?

Mr. KELLEY of Michigan. I will say that we had in our Navy before the war less than 50,000 men, and up as high as a maximum of 54,000, and we had in commission then 16 or 18 battleships in full commission, and 15 more at least in partial commission, and the Japanese next year will have only 10, I can not see how it would be possible for Japan to use more than one-half or three-quarters, all told, of the number that we had before the war. Forty thousand would give them men galore.

Mr. MONDELL. If it is claimed that Japan is to maintain more than 40,000 or 50,000 men at the outside, they having no marines, and giving them 10,000 for guarding purposes in the place of marines—if it is claimed that Japan should maintain approximately more than 50,000 men, that claim must be based on the belief that Japan is not going to keep faith under the treaty.

Mr. KELLEY of Michigan. Of course, either not keeping faith under the treaty or put her down as supplying men for ships and stations for which they have no use, and whatever you may want to say of Japan, you can not put her in that class.

Mr. BUTLER. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. BUTLER. I notice the gentleman has a great deal of useful information, and I would like to ask him this question: Japan will have 10 battleships next year?

Mr. KELLEY of Michigan. That is right.

Mr. BUTLER. Suppose she puts 50,000 men on each ship, can she fight any better? [Laughter.]

Mr. KELLEY of Michigan. No.

Mr. BUTLER. Does not it require men and ships to make a navy?

Mr. BRITTEN. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. There is no limit to the number of auxiliary ships that Japan can have.

Mr. KELLEY of Michigan. Well, when Japan builds them it will be time enough to take account of it. Japan has not yet built them, and until she does why do you want to saddle the taxpayers of this country with the burdens, the necessity for which is only prospective, to say the least?

Mr. BRITTEN. Will the gentleman yield for one more question? The gentleman has during his entire discussion of the Japanese Navy compared it with our Navy in 1916; why does he not compare it with the Navy allowed under the treaty and its ratio, 5-5-3?

Mr. KELLEY of Michigan. The only purpose I had in comparing it to the 1916 Navy was to find some place where we could agree upon a premise. If we compared it with the present time, you and I would not be in accord as to what the present Navy requires. But there can be no question as to the number that we actually had in 1916.

Mr. BRITTEN. The gentleman can make a comparison on the ratio of 5-5-3.

Mr. KELLEY of Michigan. I have done so. If Japan puts more than 40,000 men in the navy, I have no idea where she will put them.

Mr. BRITTEN. The gentleman is evading the question entirely.

Mr. KELLEY of Michigan. The gentleman knows how many we are proposing in this bill.

Mr. TINKHAM. Will the honorable Representative yield?

Mr. KELLEY of Michigan. I will.

Mr. TINKHAM. On page 8 of the report of the committee it says:

> As to the shore stations, the committee found that on February 1, 1922, 12,633 men were distributed as follows.

And then, after stating how they are distributed, it states that the total is 12,633. Now, on page 297 of the hearings before the subcommittee the following colloquy occurred:

> Mr. KELLEY. Let us have the sheet showing that just for our use.
> Captain WILLIAMS. You may have this, sir.

And then it shows that the total afloat is 68,138, and that the total ashore is 32,861. What is the answer to that?

Mr. KELLEY of Michigan. I am glad the gentleman has emphasized the thing that I want the House to know. He has called the attention of the House to that bit of testimony which shows that essential places on shore when they are all filled, when every man that is necessary for every navy yard and training school and hospital, and everything else, has been put in his place, they still had unassigned, performing no useful service to the Government, 20,000 men. The gentleman from Massachusetts is supposed to have some little regard for the Treasury of the United States, and does he think that we ought to pile upon this country the expense of 20,000 men who are performing no useful service? [Applause.]

If so, then I most respectfully invite those of you who believe that to be the correct policy to follow the leadership of the distinguished gentleman from Massachusetts. [Applause.] Mr. Chairman, I shall have to stop now, because a good many of these things will come up under the five-minute rule, and they can be explained much more in detail then than now, and abundant opportunity will be given.

Mr. MANN. Mr. Chairman, before the gentleman closes will he yield to me for a question?

Mr. KELLEY of Michigan. Yes.

Mr. MANN. I want to see whether I have the gentleman's position correctly in mind. As I understand it from the statement made by the gentleman from Michigan, he claims that the personnel, the enlisted men, allowed is sufficient to man a battle fleet of 18 capital battleships and all the necessary accompanying ships which the Navy thinks ought to accompany them?

Mr. KELLEY of Michigan. Absolutely.

Mr. MANN. And that in addition to that there will be personnel enough on shore to provide all that is necessary at receiving-ship barracks, shipyards, and so forth?

Mr. KELLEY of Michigan. Yes; and give 7,000 additional men to take the places of those who may happen to be sick, under training, or in transit in the service.

Mr. MANN. And that it does not provide a large number of men simply in training, not being used for other purposes than training?

Mr. KELLEY of Michigan. I would say to the gentleman from Illinois that it is even more favorable than his question intimates, because they do not have now a large number in training. All these men that the gentleman from Massachusetts has mentioned——

Mr. MANN. I am not speaking about the present conditions. So that if Japan or Great Britain is maintaining 25,000 or 50,000 men in training for the navy, that is up to them. We are not proposing to do that in this bill.

Mr. KELLEY of Michigan. That is true. I want to conclude now by reading this short statement from a speech which the President of the United States delivered at the conference, which he had favored as early as we, but which we suggested should be called, with a good deal of satisfaction and with entire unanimity. This is what the President said in addressing that great gathering of world statesmen:

> Out of the cataclysm of the World War came new fellowships, new convictions, new aspirations. It is ours to make the most of them. A world staggering with debt needs its burden lifted. Humanity, which has been shocked by wanton destruction, would minimize the agencies of that destruction. Contemplating the measureless cost of war and the continuing burden of armament, all thoughtful peoples wish for real limitation of armament and would like war outlawed. In soberest reflection the world's hundreds of millions who pay in peace and die in war wish their statesmen to turn the expenditures for destruction into means of construction, aimed at a higher state for those who live and follow after.

Let us translate into reality the hope of the President enunciated on that historic occasion. [Prolonged applause.]

The CHAIRMAN. The committee will be in order.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, the naval appropriation bill, and had come to no resolution thereon.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill

H. R. 11228, and pending that I ask unanimous consent that general debate be limited to 12 hours, one-half to be controlled by myself and one-half by the gentleman from South Carolina [Mr. BYRNES], including the time already used.

The SPEAKER. The gentleman from Michigan asks unanimous consent that general debate upon the bill, including the time already used, be limited to 12 hours, one-half to be controlled by the gentleman from Michigan and one-half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, and Mr. TILSON resumed the chair as Chairman.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, as a Democrat, of course, I think it would be exceedingly unfortunate should the State of Michigan elect to the Senate a Republican; but if that fate should befall us, I am satisfied that the House will agree with me that no State would be better represented than Michigan should it be represented by the gentleman who has just taken his seat. [Applause.] At the same time there is to him one objection, which is common to most of the gentlemen of the majority on the Committee on Appropriations, and that is that they are very poor bookkeepers. The fact is that if the gentleman from Michigan was a better bookkeeper he could make out a much stronger case for himself to-day than he has, for, while gentlemen in the House and in the press create the impression that the Congress proposes to abandon the Navy, the fact is that by this bill the Congress proposed to make available for expenditure a sum much greater than is set forth in the report of the committee as the total of appropriations. While this bill provides a direct appropriation of $233,000,000 it carries a legislative provision which authorizes the Navy Department to spend during the next fiscal year upon battleships which are authorized to be completed by the treaty, and which it is the intention of the department to complete, all of the unexpended balances of the Navy Department under the head of increase of the Navy on July 1, which the Navy Department informs the committee will amount to $46,250,000. So that in addition to the $233,000,000 of direct appropriation the Navy Department will spend next year this $46,250,000; and then this bill, by a legislative provision, authorizes a bookkeeping transaction which enables them to use $1,800,000 of clothing. In order that the gentleman from Massachusetts [Mr. TINKHAM] and others may be somewhat reassured, they should know that the subcommittee has agreed upon incorporating into this bill at some time, either on the floor of this House or in conference, if the Senate shall add it, the amount of $7,806,575 for the construction of aircraft. The amount is not included in the bill because the House rules prohibit us authorizing the construction of airships and construction of buildings at aircraft stations, but the Naval Affairs Committee has approved a bill authorizing the appropriation of that amount, and this subcommittee will agree to it if it is offered in the House or, if it is not offered in the House, then when it is added by the Senate.

Again, we ought to be fair with ourselves and with the country and let them know that this bill provides for pay for the officers and men based upon the law that prevailed prior to 1920, because the law of 1920 expires on June 30 of this year. We know that before July 1 of this year this Congress will do one of two things. It will either pass a resolution continuing the pay of 1920, which will add $15,000,000 to this bill, or else it will pass the McKenzie pay bill, which will add only $10,000,000 to the bill. So that when you add these figures you will find that instead of $233,000,000 this bill practically commits the Government to an expenditure of $300,000,000. Then, in addition, it is proper to say that immediately after the passage of this bill it is proposed to bring into the House a separate bill providing for the costs incident to cancellation of contracts for ships, which the department estimates will amount to $60,000,000. So that you have in sight an expenditure for naval purposes of $360,000,000. And the Senate is yet to be heard from.

Mr. MANN. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. I will.

Mr. MANN. As I understood the gentleman his statement is that he expects if the bill becomes a law the total authorization of expenditure for the next fiscal year for the Navy—I am not speaking about claims—for the operation of the Navy will be about $300,000,000?

Mr. BYRNES of South Carolina. Providing the Senate does not add a dollar to it, it will amount to $300,000,000.

Mr. MANN. I thought the gentleman included various items which the Senate would add.

Mr. BYRNES of South Carolina. With the exception of the two items I have referred to, and which the House Committee practically agrees to, the aircraft item which may be added in the House and the increase for pay of the personnel.

Mr. MANN. What does the gentleman figure will be the total probable appropriation for the operation of the Navy for the next fiscal year?

Mr. BYRNES of South Carolina. It will be at least $300,000,000.

Mr. MANN. And in operation I include construction as a part of the operation.

Mr. BYRNES of South Carolina. Eliminating this separate bill which I referred to, it will be $300,000,000, providing the Senate does not add anything other than the items I have referred to, aircraft and pay, based upon the McKenzie bill or the present law.

Mr. MANN. Does that include increase in pay?

Mr. BYRNES of South Carolina. Including pay on the basis of the law to-day and including $7,000,000 for aircraft, it is a little over $300,000,000.

Mr. MANN. Then it is not so niggardly as some people seem to think.

Mr. BYRNES of South Carolina. That is the purpose of my remarks so those gentlemen may be reassured. It is not so small in view of the supposed success of the Conference on the Limitation of Armament.

Mr. MONDELL. If the gentleman will permit, in order to emphasize what the gentleman has just stated, and I agree with his figures, the Navy that the committee proposes to be provided for under this bill without any increase whatever in size will cost us, with the necessary adjustment of pay and provision of aircraft that can be made and the construction for the current year, $300,000,000.

Mr. BYRNES of South Carolina. Yes; $300,000,000.

Mr. MONDELL. And any considerable increase in personnel above what is provided in this bill would give the Navy after the conference more than the Navy had before the conference?

Mr. BYRNES of South Carolina. Yes; I am going to call attention to some figures in order that we may understand exactly what it does mean. According to the Naval Yearbook of 1919 the total appropriations for the Navy for the fiscal year ending June 30, 1914, the last year prior to the war, amounted to $141,050,643.53 as against the $300,000,000 we agree is to be appropriated for the current expenses for the next fiscal year.

In 1915, after the World War started, we passed a bill appropriating, for the fiscal year 1916, $149,763,563.45. In 1916, after the sinking of the *Lusitania*, when there was imminent danger of our being forced into the World War, when we had determined upon the great shipbuilding program of 1916, we enacted a bill appropriating only $312,888,060.25. And now to-day, after the ratification of the four-power pact and the agreement upon a 10-year naval holiday, it is certain that this Congress is going to authorize for current naval expenses $300,000,000, if the Senate does not add an item other than those two I have mentioned.

Mr. MOORE of Virginia. As I understand the gentleman, he makes this statement: That looking at this matter from the standpoint of the House of Representatives, the total would be $300,000,000, which is about $70,000,000 in excess of the total footed in this report?

Mr. BYRNES of South Carolina. Yes. And every man in this House knows if we are to judge the future by the past, when this bill comes from the Senate it is going to be greatly increased. No matter what we appropriate here, we know it will be increased in the Senate. What the taxpayer wants to know is the total expenditures on account of the Navy, and in addition to this $300,000,000, we are going to provide in a separate bill $60,000,000, making $360,000,000. Of course, the $60,000,000 could be provided in this bill, but it would not permit gentlemen to show the great economy resulting from the peace conference. But it will have to be paid——

Mr. MOORE of Virginia. As I understand, this $60,000,000 simply takes care of the cancellation. It is not necessarily all the damages that we will have to pay.

Mr. BYRNES of South Carolina. It will take care of the costs incident to the cancellation of contracts. Before I leave that I will say that there is another item that must not be overlooked, that in addition to $360,000,000 the Navy is going to have available for use in the construction of ships the material from the scrapped battleships and cruisers, and this will be no inconsiderable sum.

Mr. LINTHICUM. In consideration of the personnel provided in the bill, have those items been taken into considera-

tion and are they necessary to pay the personnel provided in the bill?

Mr. BYRNES of South Carolina. They have nothing to do with the personnel at all.

Mr. LINTHICUM. Suppose you have this enormous sum of money that you are describing, how will that affect the personnel of the Navy when you directly say that they may have so many men and no more?

Mr. BYRNES of South Carolina. As the gentleman from Michigan [Mr. KELLEY] has pointed out so forcibly, the total number of men they are authorized to have is exactly the number of men they had on the same ships the first of this year and 17,000 additional for shore stations.

Mr. LINTHICUM. They could not have any more than that, no matter how much money they have?

Mr. BYRNES of South Carolina. They ought not to have any more than that. Now, some gentlemen would have the House to abdicate its functions and let the department determine the appropriation. When the Department of Agriculture comes here it does not say the House shall not determine the amount to be appropriated for its scientific bureaus for the next fiscal year. Nor does the War Department or any other department. But if you say that we should follow the views of the experts, I only want to know what expert. You can take the testimony of the experts of the Navy on the General Board, and they recommend for the next fiscal year 120,000 men; and if you provide those 120,000 men you will add $75,000,000 to this bill and will make your naval expenditures approximately $435,000,000.

Mr. LINTHICUM. I was not talking about the expert. What I was endeavoring to say was that under this bill you have provided for a certain number of the personnel of the Navy, and no matter how many extraneous items come in, it does not affect or increase it one bit?

Mr. BYRNES of South Carolina. Everybody knows that.

Mr. LAZARO. Will the gentleman yield?

Mr. BYRNES of South Carolina. Not now. I first want to call your attention to some matters.

I fear gentlemen may be frightened by newspaper articles in criticism of the Congress or the subcommittee that prepared this bill. I trust gentlemen will inquire as to the statement of facts before agreeing to their conclusions. I read in the Washington Post, whose editor is very close to the administration, a double-column editorial in yesterday morning's issue, containing this statement:

> A few days ago it was proposed in Congress to dictate to the President in regard to the distribution of the Army. A few wiseacres contended that troops abroad should be brought home, and they proposed to compel the President to bring them back. But a little inquiry revealed that the President was still Commander in Chief of the Army and Navy, and the attempt to override the Constitution was abandoned before the lawmakers had made themselves wholly ridiculous. Now it is proposed to compel the President to send a certain number of men to sea and to keep a certain number ashore. Before the House covers itself with ridicule as being ignorant of the fundamental law it should strike out that provision.

Advising this House how not to make itself ridiculous. I ask you who makes himself ridiculous, when I tell you that there is no such provision in the bill, and it never was thought of by any Member in connection with the bill. Here is a double-column editorial representing to the country that the bill contains a provision dictating how the men of the Navy should be distributed, when there is no such provision and no man in the House ever dreamed of such a thing.

But some gentlemen do not think it proper that we should fall to follow the experts of the Navy. The minority members of the Appropriations Committee take that position. I want to call attention to what the experts say. The General Board says you ought to provide 120,000 enlisted men. Are you going to follow them? If you do, you will do what the Secretary of the Navy does not do, because he advocates only 96,000 men. Then the President, ignoring the experts of the General Board and the experts of the Secretary of the Navy, says that 86,000 are enough. Then the minority members of the Appropriations Committee charge that the subcommittee, ignoring the experts, are threatening to wreck the Navy, and they recommend 86,000, an amount that no expert has recommended.

Look at the statement of the experts, and tell me how many men should go on the battleships. The General Board says that on the 18 battleships you ought to have 22,492 enlisted men. What does the Secretary say? He has his own experts, and he says the experts of the General Board are all wrong; that you ought to have 21,158 men. And then they actually have on board those same 18 ships only 18,259 men. Whom are you going to follow among the experts? You can not even get accurate information as to the distribution of the personnel.

My friend from Pennsylvania [Mr. BUTLER], the chairman of the Committee on Naval Affairs, had the naval representatives before his committee, and in the statement I hold in my hand they told him in arriving at the total of 70,892 men reported on board vessels, that they had 3,352 men on district vessels.

The gentlemen have changed their minds about that. Here is a statement contained in a letter of the Secretary of the Navy setting forth the men on shore, enlisted men, making up this 32,000, and it includes men on district vessels, 3,352. Well, if they count them both ways, as part of the total on shore and then count them in the number of men on the sea, they can put up a list so large that the number recommended by the General Board would be entirely too small.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. Yes.

Mr. LAZARO. Do you agree with the gentleman from Michigan [Mr. KELLEY] that 65,000 men will be sufficient to carry out our 5-5-3 agreement?

Mr. BYRNES of South Carolina. I will say to the gentleman from Louisiana that if I did not believe it I would not have voted to report the bill and I would not support it to-day.

Mr. LAZARO. I am asking the gentleman the question for information.

Mr. BYRNES of South Carolina. Yes. Because I do not believe it, and because I have examined this matter as carefully as a man could, taking not general statements, but analyzing it ship by ship and item by item, I could reach no conclusion other than the conclusion stated by the gentleman from Michigan [Mr. KELLEY], and that is that 67,000 men will provide all the men necessary to keep this treaty navy afloat, with all the ships they say they want to have afloat, and then leave them 17,000 men ashore, and that is as many men as they ought to have on shore. [Applause.]

Mr. LAZARO. One other question. Does the gentleman agree with the gentleman from Michigan [Mr. KELLEY] that the number he gave for Great Britain and Japan is correct, according to his information?

Mr. BYRNES of South Carolina. Absolutely. I have some information along that line, but if the gentleman will let me I would like to go on and call attention to a few matters, so that the Members of the House may know how unsafe it would be to accept blindly the statements that are furnished us as to the distribution of personnel.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. In a moment. Let me show in this letter from the Secretary of the Navy to the President, on page 4, that they have assigned to communications on January 1, 1,288 men, and on page 5 of the same letter I read:

> The British do not include in their figures these men doing duty in the naval communication service. Our Navy has roughly 1,600 such men.

In one page that is a difference of 300 men, and I agree that it is speaking roughly. With 54,000 men in 1916, as the gentleman from Michigan has pointed out, the Navy could keep in commission more battleships than are authorized under the treaty. If with only 54,000 men they could find 18,854 for battleships, why is it that with 67,000 they say they will be unable to put but 14,244 on battleships? The Secretary says first in his letter to the committee, dated March 16, that if 65,000 men are provided he can keep but 12 ships in commission. Look at the hearings and you will see it. He furnished to the committee a statement that he could not keep in commission more than 12 ships. Now, Secretary Denby in yesterday's newspapers informs us that he will put out of commission 5 battleships, which would leave 13 ships in commission. He has raised one inside of three weeks, and I hope as the weeks go by he can come to see that he can keep 18 battleships in commission, as the committee believes he should do.

Mr. TINKHAM. Mr. Chairman, will the honorable gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Massachusetts?

Mr. BYRNES of South Carolina. Yes.

Mr. TINKHAM. I read:

> Your subcommittee should answer, as a complement to the 18 battleships, 21,158 men.

Was not the subcommittee told by the Navy Department that it had determined the number to be 21,158 men?

Mr. BYRNES of South Carolina. Yes. The gentleman was out of the room when I said the General Board stated it ought to be 22,494 men, and the Secretary 21,158, and that the Secretary said he actually had on board on February 1 the 18,259. As the experts could not agree as to the number we should have, we based our figures on what they actually had.

Mr. TINKHAM. I want to ask the honorable Representative further——

Mr. BYRNES of South Carolina. The honorable Representative awaits the question of the honorable Representative from Massachusetts.

Mr. TINKHAM. Did not the Secretary of the Navy in relation to this matter write a letter——

Mr. BYRNES of South Carolina. I can not yield for the reading of a letter. I will say to the gentleman that I hold in my hand a report from Admiral Jones, the commander in chief of the Atlantic Fleet, and it is interesting to note his statements. He says:

> In reply to reference (a), the vessels of the Atlantic Fleet had on board on January 1 about the following percentages of their complements: (a) Battleships, 80 per cent; (b) destroyers, active, 84 per cent; destroyers, reserve, less than 50 per cent; (c) other vessels, from 85 per cent to 100 per cent.

In other words, on battleships, which they say are the backbone of the fleet, they had on board on January 1, when they had in the Navy 95,000 men, only 80 per cent of their complement; on the destroyers they put 84 per cent.

Then when it came to the other vessels, which includes yachts, tugs, mine layers, and miscellaneous craft, from 85 to 100 per cent.

If it is now thought so necessary to have a full complement on the battleships, why was it not necessary on January 1, instead of reducing the complement of the battleships and retaining the complement of miscellaneous vessels. [Applause.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BUTLER. Has the gentleman made a comparison of the number of men kept for the same ships in 1914 and 1921, and has the gentleman observed the increase of enlisted men upon those ships since 1916?

Mr. BYRNES of South Carolina. I have, although the gentleman from Pennsylvania is more familiar with it.

Mr. BUTLER. How the number had been increased; otherwise, if he would like to know definitely these figures, he will find a chart in my office showing the reason why they have increased the personnel on these fleets.

Mr. TINKHAM. Mr. Chairman, will the honorable Member yield for another question?

Mr. BYRNES of South Carolina. I yield.

Mr. TINKHAM. Why should the subcommittee base the complement that should be on battleships at the figures at which they were on February 1 and January 1, when they were 80 per cent, 20 per cent below their standard, and on the reserve destroyers less than 50 per cent?

Mr. BYRNES of South Carolina. Why should the experts of the department put on the battleships only 80 per cent and on the destroyers only 84 per cent on January 1?

Mr. TINKHAM. Will the gentleman answer my question?

Mr. BYRNES of South Carolina. The Navy had 95,000 men on January 1, and the gentleman believes they know what they are doing, and evidently the Navy Department believed that number ought to be put on battleships, and they put that number there. When we sought to find out the number of men in order to supply these ships we did not select the date January 1. The date was agreed upon by the Naval Affairs Committee and the Navy Department and the statement furnished before we entered upon our hearings.

Now, I am willing to follow the judgment of the department as to the number of men they needed on this list of ships on January 1, when this question of personnel was not at issue. The gentleman from Massachusetts does not follow them in their judgment at that time nor does he do so now, because they now urge 96,000.

Mr. TINKHAM. But it shows 80 per cent on our battleships, which is less than the complement should be. Yet that is the date the committee have used to fix our fleet and to fix the naval personnel.

Mr. BYRNES of South Carolina. Well, if it was wrong, I think the President of the United States, as Commander in Chief of the Navy, ought to ask who is responsible for putting only 80 per cent on the battleships, as compared with 85 to 100 per cent on the other vessels of the Navy, when 95,000 men were in the Navy.

Mr. LINTHICUM. Why did you adopt 80 per cent, when you say that is not sufficient and that there ought to be 100 per cent of the complement on the battleships?

Mr. BYRNES of South Carolina. I do not say there should be 100 per cent complement in time of peace. We supplied them with 95,000 men, and if they thought they ought to have more on battleships, they could have taken them off these "other vessels"—yachts and tugs and small craft—and put them on the battleships. We did not restrict them. In preparing this bill we asked them to furnish us with the list of ships they intended to keep in commission, and we took the list they gave us.

Mr. LINTHICUM. We know what you did.

Mr. BYRNES of South Carolina. And there is no question except as to the 23 destroyers they desired to keep in reserve and a few small craft not requiring many men.

In reading the British Army and Navy Journal I learn that because of the financial condition of the treasury the royal yacht *Alexandria* is to be put out of commission and that the yacht of the Admiralty is to be put out of commission. We do not ask that the yacht of the President be put out of commission or that the yacht of the Secretary of the Navy be put out of commission in order to save men. We include them in the list of the ships for which men are furnished and include the entire list determined upon by the department.

Mr. LINTHICUM. That does not answer the question. You say they ought to have a 100 per cent complement of men on the battleships, and yet you say there are only 80 per cent. Why do you say that?

Mr. BYRNES of South Carolina. I have not said that. I say if I were Secretary of the Navy and I had to make a distinction between battleships on the one hand and tugs and yachts on the other, I would rather put 100 per cent on the battleships and 80 per cent on the tugs and yachts.

Mr. LINTHICUM. Why not have 100 per cent on all of them?

Mr. BYRNES of South Carolina. Because it is not necessary; and if the Secretary says it is necessary, why did he not put them there?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I do not understand that any first-class power in time of peace carries the same complement as in time of war. Great Britain, which has a smaller complement on her ships than we have, has ordered it to be reduced 16 per cent.

Mr. BYRNES of South Carolina. Of course, they do not carry full complements. Now, gentlemen, take the navy of Japan. I hold in my hand the information from our intelligence office which was referred to by the gentleman from Massachusetts [Mr. TINKHAM] when he was questioning the gentleman from Michigan [Mr. KELLEY]. He wanted to know why the gentleman from Michigan did not get the information from the intelligence office. I have it here, and I will read it to you to show you how definite it is.

> The Japanese admiralty is said to be contemplating a reduction of 500 officers and 5,000 men.

Said by whom? By a Government official or a newspaper? The gentleman who gave that information did not come before any committee where he could be questioned in order to ascertain how reliable the information was. But he reports that it is "said" that they propose to reduce 5,000 men. In this statement from the intelligence department is a list of the Japanese ships to be scrapped. They say the ships to be scrapped under the treaty have on board at least 7,701 men and 278 officers. This is really only part of the complement. We have been told that all of the Japanese ships are properly manned and have their full complement. Then, if they have their full complement and there are 7,700 on the ships that are to be scrapped, they want you to believe that they are going to take those 7,700 men and stick them on the ships that already have their full complement. Do you believe that?

Let me read you another thing to show you how definite this information is. You know if anybody comes from the intelligence office to the honorable gentleman from Massachusetts and says, "I represent the intelligence office," he believes he has inside information, and to be relied upon, without any question as to its accuracy. Now, that may or may not be so. It depends on its accuracy. The statement contained in this intelligence office report is that on January 1, 1922, the total enlisted personnel of the Japanese Navy was 73,272. But where do they get those figures? They do not say. They may be accurate, but if they are as inaccurate as other figures I have called attention to they are not very reliable. Then he says:

> Her proposed reduction of 5,000 men will make 68,252.

Having arrived at that figure, they communicated it to the gentleman from Massachusetts, and he springs it here as a state secret to surprise the gentleman from Michigan [Mr. KELLEY]. In no place in that report is there a statement of the source of the information; and everybody knows that for the purpose of comparison here it is misleading in that it includes no marines. Japan has no marines, and everybody

knows that in the marines we have 19,500 men, and 75 to 100 on each of our battleships, and no fair comparison can be made between these figures and ours.

Mr. BUTLER. Did my friend in his investigation discover how the Japanese use their sailor men in their navy yards? I have always endeavored to find that out, but I could not. If the Japanese sailors work in their navy yards, they will count differently. Our sailors do not work in the navy yards at all. Has the gentleman discovered anything about that?

Mr. BYRNES of South Carolina. No; because, as the gentleman from Pennsylvania knows, with his long experience, it is impossible to discover anything about it.

Mr. BUTLER. I have not been able to discover anything about it in 25 years.

Mr. BYRNES of South Carolina. The gentleman from Pennsylvania with his long service and interest in the subject has never been able to discover it, and other gentlemen who have endeavored to obtain the information have never been able to learn accurately the figures of the Japanese Navy.

Mr. LAZARO. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Louisiana.

Mr. LAZARO. Why have an intelligence department in the Navy if they can not get any reliable information?

Mr. LAYTON. For fun!

Mr. BYRNES of South Carolina. I think they get the best information they can; but suppose the gentleman requests me to get him some information, and I do the best I can. That is no reason why he should swear absolutely that my information is entirely correct. I may be mistaken. It depends on a man's opportunities to secure information.

Mr. LAZARO. What I am driving at is this: If they can not give any information that is reliable, it seems that some change ought to be made.

Mr. BYRNES of South Carolina. The opportunity for securing information may be limited. It always is as to Japan, and all they can do is to do the best they can. When the information is furnished we must determine how accurate it is.

Mr. LAYTON. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will yield to the gentleman from Delaware.

Mr. LAYTON. It is believed that Congress is not so very full of information on questions that come to it for settlement. We are now doubting the information of the President of the United States, and, as far as I can gather from the discussion, we are absolutely throwing into the scrap heap the information of the Secretary of the Navy, and that of the General Naval Board. It seems to me that in the midst of all this discussion there is not much left in the shape of general intelligence. [Laughter.]

Mr. BYRNES of South Carolina. I may agree with the gentleman in part, but he does not exactly state the situation. The General Board recommended 120,000, and it is the Secretary of the Navy who refuses to follow the General Board and recommends 96,000. Now, we have good company in refusing to follow either of them because the President of the United States refuses to follow the General Board or the Secretary of the Navy and recommends only 86,000. The President throws into the scrap heap the information of the General Board and the Secretary just as much as we do.

Mr. LAYTON. It has occurred to me that where internal matters affect the United States on the one hand the Congress might use its own judgment alone; but this is a matter involving the fact that the President of the United States called a disarmament conference. If there is any man in America who ought to be informed, not only as to the obligations and honor involved in that conference but everything else as resulting consequences, it is the President. He knows what he guaranteed in that conference, and we do not. He knows the whole subject, and has recommended a Navy of a different strength from that recommended by the committee of the House.

Mr. BYRNES of South Carolina. The President, as I understand it, has assured the Senate that he made no guaranties other than those contained in the written agreements, and he does not profess to be a naval expert.

Mr. LAYTON. I am simply making the statement——

Mr. BYRNES of South Carolina. Now, I can not yield further. I recommend this thought to my good friend from Delaware that the President of the United States does not profess to be an expert on naval subjects.

Mr. LAYTON. But he confers with the experts.

Mr. BYRNES of South Carolina. Who are the experts? The General Board and the Secretary of the Navy, and the President disagrees with them.

Mr. LAYTON. Congress says we have no experts except ourselves.

Mr. BYRNES of South Carolina. This committee does not say it. This committee carefully listened to the statements made by the experts. We have the experts come before us and they are submitted to examination and cross-examination, and we analyze their statements; then, as men of common sense, having in mind the national defense and the National Treasury, we say what shall be done. What better demonstration of common sense could we have than that we recommend putting on the battleships not the number of men that the experts say should be there but what they actually put there themselves?

Mr. STEPHENS. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. STEPHENS. All you had to do was to get the list of the vessels and add up the men needed, and that you have done; that does not require any particular expert.

Mr. BYRNES of South Carolina. Exactly; we had the figures of the experts as to what they actually put on them. We do not think there should be 32,000 men on shore. There may be some people in the coast cities who believe that the Navy should be maintained solely for the financial good of those cities, and that a large number of men should be put on shore duty because they contribute more to the welfare of the community than men on ships. I know that is not the view of the Chief of Operations of the Navy. And we think it more important that the men should be placed on the ships, and if the Navy Department will carry out the intention of the subcommittee they will put 50,000 men on the ships, and they will have enough to man every battleship and the auxiliaries. If I did not believe that, I would not support the bill.

Mr. GALLIVAN. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. GALLIVAN. The gentleman knows that I signed the minority report and that I signed it because I took some stock in the demonstration by the experts. Now, my friend from South Carolina, for whom I have a great affection, questions the authenticity of the intelligence office of the Navy. How does the subcommittee know that the entire intelligence office is not telling the truth?

Mr. BYRNES of South Carolina. There is no question of truth, I will say to the gentleman. Nobody questions the veracity of the officials. They are splendid gentlemen, in my opinion. But they do not say in their statements that they have any personal knowledge; they simply say it is "said" that so many men will be in the Japanese Navy. "It is said," without any statement as to who made the statement. We question not the truth of these gentlemen but the accuracy, because we know, as I have endeavored to state frequently, that they now say in the intelligence office the Japanese ships are manned with full complements, and further they have set forth a list of ships that are to be scrapped, and the men on those ships, counting only a half complement, number 7,700 men. Now, apply common sense to that statement, and does anyone believe that the Japanese people, burdened with taxation, as are the American people, are going to take 7,700 men off these scrapped ships and carry them over and put them on the ships already fully manned? And yet that is the statement of the intelligence office.

Mr. GALLIVAN. The gentleman has answered my question. [Laughter.]

Mr. TINKHAM. Mr. Chairman, will the gentleman yield in order that I may make a statement?

Mr. BYRNES of South Carolina. No; I yield to the gentleman from Indiana [Mr. DUNBAR].

Mr. DUNBAR. Mr. Chairman, what would be the additional cost of increasing the personnel of the Navy from 67,000 men to 86,000 men?

Mr. BYRNES of South Carolina. Of course, I would have to speculate on that, and the clerk of the committee could make a much more accurate estimate; but my estimate is that it would amount to about $25,000,000 to $30,000,000, when you take into consideration pay, provisions, and the other appropriations that would be affected.

Mr. DUNBAR. Will the gentleman express his individual opinion as to how a personnel of 67,000 men will compare with the British Navy and the Japanese Navy?

Mr. BYRNES of South Carolina. The gentleman from Michigan has gone fully into that, and I agree entirely with his figures, which we carefully went over together. When we exclude from the English Navy the figures he excluded, the coast guard and other items, in order to make the figures fairly comparable, the number of men which the British Navy intends to keep in its navy during the next fiscal year will about equal

the number of men that we provide in this bill—67,000. There will be very slight difference between the two.

Mr. DUNBAR. Then the gentleman makes the claim that if we provide for a personnel of 67,000 men, we can maintain our 5-5 ratio with Great Britain?

Mr. BYRNES of South Carolina. I maintain it absolutely, and it is capable of demonstration and I believe has been demonstrated conclusively by the gentleman from Michigan. Our regret is that we are not able to make the same careful comparison with respect to Japan, because of the absence of authoritative figures such as we have as to Great Britain. And when gentlemen argue that it will result in a 2½-5-3 navy, the United States being the 2½, they are arguing that we must double our 67,000 and provide 134,000, otherwise we would not have a 5 Navy according to their basis of calculation.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. LINTHICUM. The gentleman says that the figures have been based on 80 per cent on these battleships.

Mr. BYRNES of South Carolina. I say that is what Secretary Denby says.

Mr. LINTHICUM. That the bill carries it out. Do you not think that we ought to have a full complement in case of emergency?

Mr. BYRNES of South Carolina. Yes; in case of war. In case of emergency there are five thousand and some odd men in the active fleet reserve, and by this bill there will be 4,000 more in the active fleet reserve, and there are 200,000 volunteer reservists in this country, with experience in the Navy, who in case of emergency can be drawn on.

Mr. LINTHICUM. And is sufficient appropriation provided in this bill for that?

Mr. BYRNES of South Carolina. Oh, no; not for the Volunteer Reserves. In case of war, as always, deficiency bills must be brought in. Never does a Congress in time of peace appropriate for an army and a navy sufficient to prosecute a war; but if an emergency ever arises, if we have to go to war, this Congress will be in session before we go to war, and will as always provide the necessary funds.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield——

Mr. BYRNES of South Carolina. Yes.

Mr. KELLEY of Michigan. For a little supplemental statement in answer to the gentleman from Maryland? A great many people do not quite grasp the significance of the word "complement." They think that it is something fixed, something determined. It is nothing of the sort. The complement of a ship is what some officer thinks ought to be on it, and no two of them agree.

Mr. BYRNES of South Carolina. They never have. It is difficult for those gentlemen who would have us turn the Treasury over to the military services of the Nation to realize the financial condition of the country. So far as I am concerned, I do not believe in allowing the representatives of the services, who are naturally enthusiastic as to their professions, to determine what the appropriation should be, nor do I believe with some people that we should have no navy and no army. Between these extremes there is common ground where men of common sense can meet to provide a sufficient navy and army to adequately maintain the security of this country.

I want now to talk to my friends on the Democratic side. My recollection is that our first effort to secure the limitation of naval armament took place in 1916, when we adopted the Hensley resolution and made it a part of the naval appropriation bill.

In the last Congress efforts were made on this floor by the gentleman from Virginia [Mr. MOORE] and the gentleman from Texas [Mr. CONNALLY] to provide for the calling of a conference to limit naval armament. The Republican majority disapproved of that, and the amendments were not adopted. The bill went to the Senate, and there the Senator from Idaho [Mr. BORAH] succeeded in having an amendment adopted providing for a conference between Great Britain, Japan, and the United States.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Virginia. The gentleman will recollect, perhaps, that when these amendments were under consideration the gentleman from Wyoming [Mr. MONDELL] said that such a provision would be disrespectful to the President.

Mr. BYRNES of South Carolina. I, of course, disagreed with the gentleman from Wyoming. There was no disrespect in it to the President of the United States. But Mr. MONDELL opposed it. When the bill came back from the Senate with the amendment of Senator BORAH every man on the Democratic side of the House was in favor of the Borah amendment, and because of that fact the gentlemen on the Republican side of the House who were in favor of the amendment were able to force the leadership to agree to it. We believed then that we were expressing the sentiment of the country in favor of a limitation of armament. A conference has been had. A naval holiday has been agreed upon. The four-power pact has been agreed upon, and now the people of the country are told by the Secretary of the Navy, speaking, I assume, with the approval of the President, that next year we must spend for naval purposes $400,000,000. If left to them the conference will result only in an increase of naval expenditures during the next fiscal year. My hope is that Members on the Democratic side of the House will not lend themselves to an effort to deny to the people of America the relief from taxation for which they prayed. [Applause.]

The Secretary of the Navy is a great and a good man, and I like him very much; but when I read his statement that "arms have made and kept us a nation" I wished that he might have read the words of Henry Grady, who said:

> I went to Washington the other day, and as I stood on Capitol Hill, my heart beat quick as I looked at the towering marble of my country's Capitol, and the mist gathered in my eyes as I thought of its tremendous significance, and the armies, and the Treasury, and the judges, and the President, and the Congress, and the courts, and all that was gathered there. And I felt that the sun in all its course could not look down on a better sight than that majestic home of a Republic that had taught the world its best lessons of liberty.
>
> Two days afterwards I went to visit a friend in the country, a modest man, with a quiet country home. It was just a simple, unpretentious house, set about with great big trees, encircled in meadow and field rich with the promise of harvest. The fragrance of the pink and the hollyhock in the front yard was mingled with the aroma of the orchard and of the gardens, and resonant with the cluck of poultry and the hum of bees. Inside was quiet, cleanliness, thrift, and comfort. There was the old clock that had welcomed in steady measures every newcomer to the family, that had ticked the solemn requiem of the dead, and had kept company with the watcher at the bedside. There were the big restful beds and the old open fireplace and the old family Bible, thumbed with the fingers of hands long since still and wet with the tears of eyes long since closed, holding the simple annals of the family and the heart and the conscience of the home.
>
> Outside there stood my friend * * * master of his land and master of himself. There was his old father, an aged, trembling man, but happy in the heart and home of his son. And as they started to their home the hands of the old man went down on the young man's shoulders, laying there the unpeakable blessing of the honored and grateful father, and ennobling it with the knighthood of the Fifth Commandment. * * * And I saw the night come down on that home, falling gently as from the wings of the unseen dove. And the old man, while a startled bird called from the forest and the trees shrilled with the cricket's cry and the stars were swarming in the sky, got the family around him, and taking the old Bible from the table called them to their knees (the little baby hiding in the folds of its mother's dress), while he closed the record of that simple day by calling down God's benediction on that family and that home. And while I gazed the vision of that marble capitol faded. Forgotten were its treasures and its majesty, and I said: "Oh, surely here in the homes of the people are lodged at last the strength and the responsibility of this Government, the hope and the promise of this Republic."

He was right. And now these people from millions of American homes look to you to prove to them that this armament conference was not a mockery and a fraud. They read that the Treasury faces a deficit of $25,000,000; they know that this means additional taxation to a people who now stagger under the burden of taxation and they hope that the conference, for the success of which they prayed, is to result in decreased and not increased taxation. [Applause.]

Mr. DUNBAR. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; I can not.

Mr. TINKHAM. Will the gentleman answer just one question?

Mr. BYRNES of South Carolina. No; I have yielded the floor. The gentleman can talk the rest of the day.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, in making the following statements I represent no one but myself and am alone responsible. [Applause.] The bill is proposed in the name of economy, yet nearly every member of the subcommittee and of the Appropriations Committee in favor of the bill voted in favor of a soldiers' bonus of from three to five billions of dollars against the advice of every financial agency of the Government and placed it upon an uncertain future. It does not lie in their mouth to talk economy. Allow me to say to this committee that it is not economy that has moved them. The bill is the product of propagandized pacifism and an unmanly conception of national defense. Adequate national defense should be one of the first concerns of true statesmanship. In the pacifistic propaganda has appeared the statement that 93 per cent of the national expenditures are for past and future wars. With all of congressional lack of foresight, Government mismanagement and graft, if this amount represents American liberty and freedom, is there one Member here, even the honorable Repre-

sentatives from Michigan [Mr. KELLEY] and from Wyoming [Mr. MONDELL], who would subtract from it one dollar? The expense of war is the price of freedom. The reason for the present naval bill, with its great réduction in appropriations, is due to the treaty providing for the limitation of naval armament, an experiment to reduce the contingency of wars, but with no promise of their abolition. The essence of this treaty was a provision which established the so-called 5-5-3 ratio as applied to the United States, Great Britain, and Japan. Eighteen specified capital ships were allowed to the United States as the basis of her fleet. The naval advisers of the Secretary of the Navy believe that a well-balanced fleet with 18 capital ships as a basis would require at least 120,000 enlisted men, but the Secretary of the Navy, governed alone by the pressing and present need of economy, recommended 90,000 men and 6,000 apprentices for 1923. The Appropriations Committee has seen fit to reduce this number to 65,000 enlisted men and 2,000 apprentices. The following are some of the statements publicly made in reference to this number and its effect upon the Navy by the Secretary of the Navy only yesterday:

Should the bill just reported become law it would be a blow to the Navy and to the prestige of the United States. Whatever appropriations of men and money are allowed, the Navy will be administered by the department in an earnest and cheerful endeavor to keep it as effective as possible. I feel that I should be recreant to a plain duty, however, if I did not solemnly warn the American people that the proposed reduction negatives the results of the recent conference, is dangerous to the country's security, and, in my opinion, to the welfare of the world.

If this bill becomes a law it will mean that 5 battleships of the 18 provided for in the treaty must be put in ordinary with caretakers. It will mean that, having gathered the nations together and having conducted to a successful conclusion negotiations intended to establish the relative defensive sea armaments of the different powers, we, from the earnestly insisted upon position of equality with any nation in the world, drop to second or third place. I do not believe in making a mockery of the conference. I do not believe in throwing away our sea power.

We called the conference. We made the proposals. We should abide by the conclusions. Eighteen battleships with their necessary auxiliaries and shore bases were adopted for our defense. With the passage of this bill our international plan goes by the board. It is proposed to cast to the winds the advice of the men who represented us during the conference and made the agreements and the advice of the trained officers of the service.

This bill is a challenge to the common sense of our people. I do not believe it meets the approval of our people. I do not believe such ill-advised economy can have the support of the majority of Americans. Whatever areas may have cost, they have made and kept us a Nation. If the bill passes and we slip from the position of equality in sea power, we shall not again be able to secure support at home or abroad for another conference for world adjustments. If we would sit at the first table in the councils of the nations we must have sea power.

Will this committee follow the honorable Representative from Michigan and his opinion and his conclusions, will it follow the leadership of the honorable Representative from Wyoming, or will it believe that the Secretary of the Navy has stated the truth based upon the most complete expert knowledge and with a heart that beats with virile Americanism, and whose knowledge of his country's international necessities is most clear?

Mr. TINCHER. Will the gentleman yield?

Mr. TINKHAM. I do not like to, but I will. [Laughter.]

Mr. TINCHER. The gentleman should not refuse to yield.

Mr. TINKHAM. I yield.

Mr. TINCHER. Will the gentleman state any figures or give any figures as the basis for his statement that those ships will have to be abandoned?

Mr. TINKHAM. I will if the honorable Representative from Kansas will allow me to proceed.

Mr. TINCHER. I would rather have the gentleman state concrete facts rather than generalities.

Mr. TINKHAM. I will state those facts later.

Mr. STEPHENS. Will the gentleman yield for another question?

Mr. TINKHAM. I will.

Mr. STEPHENS. I would like to ask the gentleman if the chairman of the Subcommittee on Appropriations in charge of this bill, the gentleman from Michigan [Mr. KELLEY], has not had long years of experience on the Naval Affairs Committee and should know a great deal about the Navy?

Mr. TINKHAM. I do not challenge the knowledge of the honorable Representative from Michigan, but what I do challenge is the character of his philosophy in relation to American defense.

I desire at this point in my remarks to offer two tables prepared by the Navy Department. The first table shows ships that may be manned with enlisted personnel of 90,000 plus 6,000 apprentice seamen. The second table shows ships that may be manned with enlisted personnel of 65,000.

In the first table it will be noted that the fleet shall consist of 18 battleships, as prescribed by the 5-5-3 ratio. In the second table it will be noted that the fleet shall consist of 12 battleships, 6 less than prescribed by the 5-5-3 ratio. The meaning of this second table is that if 65,000 men are the limit allowed only 12 battleships with a rounded fleet can remain in commission.

Mr. TINCHER. Will the gentleman yield?

Mr. TINKHAM. I can not yield.

Mr. TINCHER. You are not going to give the figures, I suppose——

Mr. TINKHAM. I will be very glad to give the complete figures in this table, as the honorable Representative from Kansas has not seen them.

MARCH 18, 1922.

MEMORANDUM FOR THE DIRECTOR OF NAVAL INTELLIGENCE.

Below are shown the ships that may be manned under (1) an enlisted personnel of 90,000 plus 6,000 apprentice seamen and (2) an enlisted personnel of 65,000. Opposite each item is given the number of enlisted men required.

Ninety thousand enlisted strength plus 6,000 apprentice seamen.

1.	18 battleships (95 per cent comp.)	21,239
2.	5 cruisers, second line	3,306
3.	3 light cruisers, first line	1,257
4.	5 light cruisers, second line	1,452
5.	1 aircraft carrier, second line	339
6.	2 mine layers, second line	703
7.	103 destroyers, first line	10,506
8.	26 destroyers, first line (50 per cent comp.)	1,539
9.	10 light mine layers	950
10.	84 submarines, first line	2,579
11.	27 submarines, second line (two-thirds comp.)	430
12.	10 patrol vessels, gunboats	866
13.	5 patrol vessels	462
14.	7 destroyer tenders	3,209
15.	7 submarine tenders	1,882
16.	2 aircraft tenders	586
17.	2 repair ships	860
18.	3 store ships	645
19.	4 colliers	659
20.	10 oilers	1,007
21.	2 ammunition ships	354
22.	8 cargo vessels	756
23.	3 transports	833
24.	2 hospital ships	709
25.	8 tugs, including 6 station ships	340
26.	26 mine sweepers (10 fleet towing, 10 mine sweeping, 3 air tenders, 1 submarine salvage, 1 radio calibration, 1 Bureau of Ordnance, experiment purposes)	1,271
27.	6 auxiliaries, miscellaneous	589
28.	2 fish commission	125
29.	Flag complements	1,111
30.	Fleet aviation	1,100
	Total	61,608

Enlisted strength of 65,000.

1.	12 battleships, first line (95 per cent comp.)	14,244
2.	6 battleships, first line (in ordinary)	1,236
3.	4 cruisers, second line	2,596
4.	3 light cruisers, first line	1,257
5.	5 light cruisers, second line	876
6.	1 aircraft carrier, second line	339
7.	1 mine layer, second line	356
8.	65 destroyers, first line (90 per cent comp.)	6,630
9.	50 destroyers, first line (50 per cent comp.)	2,850
10.	4 light mine layers	380
11.	84 submarines, first line	2,579
12.	10 patrol vessels, gunboats	866
13.	4 patrol vessels	430
14.	5 destroyer tenders	2,309
15.	7 submarine tenders	1,882
16.	1 aircraft tender	286
17.	1 repair ship	430
18.	1 store ship	268
19.	2 colliers	328
20.	7 oilers	703
21.	2 ammunition ships	354
22.	5 cargo vessels	451
23.	3 transports	833
24.	1 hospital ship	361
25.	8 tugs (includes 6 station ships)	340
26.	10 mine sweepers (2 mine sweeping, 7 fleet towing, and 1 air tender)	477
27.	4 auxiliaries, miscellaneous	388
28.	Flag complements	791
29.	Fleet aviation	1,100
	Total	46,000

Mr. TINCHER. I asked you for some other figures.

Mr. TINKHAM. I will give those later.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. TINKHAM. I can not now. At the end of my remarks I will answer the question if I can.

The underlying principle on which in the future the strength of our Navy must be determined is its strength in relation to Great Britain and Japan, and that strength is not only measured by ships but by men. It is men that fight, and not ships.

The committee bill ignores this basic policy and principle, and bears no reference to the other powers whose strength must determine America's proportion in the fixed ratio of 5-5-3. The average enlisted strength of the British Navy, according to the latest figures obtained by the Naval Intelligence Bureau of the Navy Department, is approximately 110,000 enlisted men. This is 43,000 more than the committee bill provides for the United States Navy. According to Japanese published and confidential information—and I would say here to the honorable

Representative from South Carolina [Mr. BYRNES] that the figure which appears here of 68,252 men in the Japanese enlisted personnel is found in a report in the Navy Department made by the American naval representative in Tokyo, and is official—this is over 1,000 men more than allowed our Navy under the committee bill, which, so far as enlisted man power is concerned, makes the United States third instead of equal to the first. Under the 5-5-3 ratio we should have 110,000 as compared with Great Britain, and 113,000 as compared with Japan. In expenditures the committee bill provides for a total expenditure for the Naval Establishment of $283,224,008. The British naval budget complete is approximately £75,605,866, and the Japanese budget is 393,662,576 yen. Translating these two sums into dollars at the prevalent rate of exchange will give a very much larger appropriation for both England and Japan than is represented by the 5-5-3 ratio. Even this does not give a correct comparison, because it is a well-known fact that a unit of work can be purchased more cheaply in either England or Japan than it can be purchased in the United States.

In reference to Japan's proposition for 68,282 men, our Navy Department officially says:

This quota is sufficient to man every Japanese ship complete which she is permitted to retain under the treaty and to fully man every ship she can complete by July 1, 1922, and still leaves 35 per cent of the total personnel available for shore establishments, aviation, and training.

In relation to personnel a most serious error, which completely vitiates the report of the committee now before the House, has been made. The report states that on February 1, 1922, there were 12,633 men at shore stations. So far as this goes, it was true; but it told only a comparatively short part of the story. It would give the impression to the casual and uninitiated reader that there were only 12,633 men on shore, when as a matter of fact there were 32,681 men on shore. In other words, there were practically 20,000 men in the Navy not disclosed by the committee report.

Mr. KELLEY of Michigan. Will the gentleman tell the House where the 20,000 were and what useful purpose they were serving? We have about $30,000,000 tied up there.

Mr. TINKHAM. I have a statement somewhere as to those facts.

Mr. KELLEY of Michigan. I will say to the gentleman from Massachusetts, while he is looking for that, that these are hard times and it is quite an item of expense to have 20,000 men floating around if they are serving no useful purpose. I would like to know if the gentleman from Massachusetts can advise as to what the 20,000 men are doing?

Mr. TINKHAM. I believe that the 20,000 men should be kept if necessary to make a well-rounded fleet, in order to carry out the intent and purpose of the treaty, and if they are necessary, and the Navy Department says they are, that this House should provide for them.

Mr. KELLEY of Michigan. I thought the gentleman said that these were on shore.

Mr. TINKHAM. They are interchangeable. The honorable Representative knows that they are at one moment on shore and at another moment afloat. Many of the men that are now on vessels that are afloat will be on shore perhaps within a week.

Mr. CRAMTON. Will the gentleman yield for a brief question?

Mr. TINKHAM. Will the honorable Representative in charge of the bill give me the necessary time to complete my statement if I yield?

Mr. KELLEY of Michigan. I shall be very generous to the gentleman from Massachusetts.

Mr. TINKHAM. The number actually on shore was 32,861, as will be seen by a reference to page 297 of the hearings. Here are the details; they are furnished upon page 297 of the hearings before the subcommittee. They show a distribution as of January 1, 1922, as follows:

Distribution as of January 1, 1922.

Total afloat		68,133
Total ashore:		
Operating force	11,392	
General detail, under training, patients in hospitals, prisoners, and students in trade schools	11,172	
Receiving ships—		
Operating	1,241	
General detail	1,642	
District vessels	3,352	
	28,799	
In transit	4,062	
		32,861

And yet I submit to this committee that if they will read the report of the subcommittee they would have no knowledge that there were those 20,000 men on shore in excess of the number indicated at shore stations, which is completely misleading.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I do not want to be unfair, but it seems they have been somewhat artfully reported in the committee bill as being at shore stations, without mention of the balance of about 20,000 men.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I will.

Mr. KELLEY of Michigan. On this list that the gentleman has read there are 4,062 men on their way home, being discharged.

Mr. TINKHAM. It says "in transit." It might be going away from home. [Laughter.]

Mr. KELLEY of Michigan. All right. I was advised that they were on their way home, and that there are 3,352 which are assigned to district vessels and counted in the number afloat, so that that makes 7,422 who either had been counted in another place or had been discharged. Does the gentleman think that we ought to provide for those?

Mr. TINKHAM. It does not indicate here that they have been discharged.

Mr. KELLEY of Michigan. Here is a letter from the Secretary, in which it is stated that it is estimated that that number of men, approximately 4,000, were on January 1, 1922, in transit to their homes for discharge. I am sure that that is the situation.

Mr. TINKHAM. That accounts in a small way for some of the 20,000 omitted from mention.

Mr. KELLEY of Michigan. Over 7,000 men, I will say to the gentleman from Massachusetts, is no idle matter.

Mr. TINKHAM. The committee based its calculation for 67,000 upon the complements upon the ships on February 1, 1922. That date was a purely arbitrary date, the last date obtained by the committee before making its report or obtaining its evidence. There was nothing classic about that date or significant, and there was nothing about that date that properly fixed how the Navy should be properly manned if it was to be fully manned and if it was to be manned in accordance with the practice which should be initiated under the treaty recently made in Washington concerning the limitation of armaments.

Now, as a matter of fact, the statement is made by the Navy Department that the fleet at that time had far below its complement, in part due to the summary discharge before that date of over 6,000 men, made necessary in order to avoid a deficiency in the appropriation for "Pay of the Navy." I have mentioned the discrepancy of 20,000 men in relation to the men ashore. I now mention a difference of 6,000 men that are accounted for as being lacking from the fleet upon this arbitrary date, fixed and chosen by the committee to fix the personnel of our Naval Establishment.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. DEMPSEY. Does not that entirely explain the 4,000 then in transit; that they were being discharged because of the deficiency in the appropriation, and were going home on that account, and should be taken into account if you had an adequate appropriation?

Mr. TINKHAM. It seems to me so.

The commander in chief of the Atlantic Fleet officially reported that it was impossible to maintain the efficiency of the Navy with the men employed at that time. Does that statement have any influence with the committee as against the arbitrary date and the arbitrary number found present with the fleet on the 1st day of February? Let me read that letter and comment upon it. It has only been read in part by the honorable Representative from South Carolina [Mr. BYRNES]. I read:

UNITED STATES ATLANTIC FLEET,
U. S. S. "MARYLAND," FLAGSHIP,
Navy Yard, New York, N. Y., April 5, 1922.

From: Commander in Chief.
To: Secretary of the Navy.
Subject: List of personnel required on board ships to maintain units ready for war.
Reference: (a) Secnav dispatch 0003-1235 (April).

1. In reply to reference (a), the vessels of the Atlantic Fleet had on board on January 1 about the following percentages of their complements:

(a) Battleships, 80 per cent.

(b) Destroyers (active), 84 per cent; destroyers (reserve), less than 50 per cent.

(c) Other vessels, 85 per cent to 100 per cent.

2. Soon after arrival in Cuban waters, when the personnel on board the battleships (exclusive of the *Florida*) had by additions received from the United States been brought up to about 89 per cent, the following conditions existed:

(a) There were no loading crews for one entire broadside of the torpedo defense battery.

(b) There were insufficient men in handling rooms of turrets to keep up the shell supply.

(c) There were insufficient men in the magazines to comply with safety precautions as regards handling of powder and to provide the rapid flow of powder required in action or for the training necessary to insure this.

(d) Full speed was not possible for a period exceeding four hours, as there were not sufficient nonrated men in the engineers' force to run full power for two consecutive watches.

3. The repair force personnel afloat should be increased by 25 per cent in order to make ships self-sustaining. This in the interest of economy.

4. The number of men on board at this time was not regarded as sufficient to efficiently operate ships and keep them ready for war, but only a makeshift number, by which the Navy could operate partially satisfactorily and tide over until such time as more personnel would be available.

5. The personnel on board at this time made it necessary to so far modify target-practice rules that replacement of shell and powder was entirely done away with. Steaming speeds had to be reduced. Some men had to occupy two stations in the operation of the battery.

None of the above can be construed as enabling ships to be kept in readiness for war.

6. Battleships should have on board at all times at least 95 per cent of their full complements in order to operate satisfactorily and to be kept in a state of efficiency and readiness.

Destroyers should have on board at all times between 100 and 105 men, which would set their percentage at about 90.

All other vessels should have on board at all times 100 per cent of their present complements, as their complements have already been reduced to an absolute minimum for the work they are constantly performing; in addition, the repair ships and repair tenders should have the repair force of their complements increased by 25 per cent. Every endeavor has been made to make ships self-sustaining afloat, and to this end repair ships and tenders were assigned a tentative repair complement. Trial with this tentative complement has shown it to be inadequate for the demands on its services and an increase of 25 per cent is warranted by both economy and efficiency.

The above figures apply to the numbers actually on board and available for duty. To this number should be added 10 per cent to cover transfers and replacements.

This presupposes that complements are filled by ratings, as it is impossible to operate with lack of experienced rated men in the various branches.

7. The fleet was not ready for war at this time, and it can not be kept in efficient condition or ready if the number of men allowed are the same as were on board at this time.

H. P. JONES.

You will notice that under "(a) battleships," he gives 80 per cent. Therefore this bill, arbitrarily, absolutely in fixing the data for the personnel, does not make adequate provision, because it is shown from the letter of the commander in chief of the fleet that the battleships were only 80 per cent manned, or 20 per cent less than they should have been. Are Members of this House going to provide for only 80 per cent upon battleships, now that there is to be established permanently an American naval policy?

You will notice also that under "(b) destroyers, active," the figures given are 84 per cent. That is 16 per cent less than 100 per cent.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. OLIVER. Does the gentleman recognize any difference between a peace and war time complement on a ship?

Mr. TINKHAM. I think the American Navy should be prepared at all times for any eventuality, and I recognize within certain reasonable limits——

Mr. OLIVER. What are the limits, then, that the gentleman recognizes as the difference between peace and war complements?

Mr. TINKHAM. I am not sufficiently a naval expert to give you that per cent.

Mr. OLIVER. What, then, is the gentleman's reliable information as to what constitutes a war complement for the ships that the gentleman is now discussing?

Mr. TINKHAM. The only information that I have is what I have read.

Mr. OLIVER. So I see.

Mr. TINKHAM. That the commander in chief says the battleships were only 80 per cent manned.

Mr. OLIVER. That is rather an indefinite statement, is it not?

Mr. TINKHAM. From me or from the commander?

Mr. OLIVER. From you and the commander, one or the other, probably both. [Laughter.] Does the gentleman undertake to now say that there should be no difference between the complement carried on a ship in peace and in war?

Mr. TINKHAM. I believe that the American Navy, in accordance with the treaty recently fixing our proportions, should have a full complement, call it war complement or peace complement, as you will, because it is necessary to have a trained personnel; and if war should suddenly break out or occur there must be trained men, and 100 per cent, to man our ships.

Mr. OLIVER. In other words, then, the gentleman undertakes to say that we should have in peace the same complement that we have in war on our battleships?

Mr. TINKHAM. I say that we should have in our establishment a trained set of men large enough to fully man all of our vessels under the treaty.

Mr. OLIVER. Is the gentleman aware that practically all of the men that we now have in the enlisted personnel of the service are trained men, and that they are in the higher grades of the enlisted force, and that comparatively few are in the seventh or lowest grade, and that we have an oversupply, according to Admiral Washington, of highly trained men in all enlisted ratings above the second?

Mr. TINKHAM. To complement what the honorable Representative has said, I know these facts, that 84 per cent of our enlisted personnel changes each two or four years. I know that our enlistments are from two to four years, and that the British enlistments are for 12 years, and the Japanese enlistments are for 10 or 12 years, giving the Japanese and English fleets a personnel much more highly trained at any time than the American fleet.

Mr. OLIVER. The gentleman used the words "our enlisted personnel changes every few years." Does the gentleman use the word "changes" in the sense that the men are separated from the service?

Mr. TINKHAM. I have used the word in that sense.

Mr. OLIVER. The gentleman can read the hearings or obtain from the Bureau of Navigation information that when the word "changes" is applied to what has occurred in our enlisted force within the last two years it means many reenlistments. We provide gratuities for reenlistments, and for that reason we now have in the enlisted personnel a very large number—over and above the needs of the service—of highly trained men. Is the gentleman aware of that fact?

Mr. TINKHAM. Not of the detail as given by the honorable Representative from Alabama, but I think this question is not as vital as the honorable Representative from Alabama is trying to make it.

Mr. HUSTED. Will the gentleman yield?

Mr. TINKHAM. I will yield to the honorable Representative from New York.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. I will yield to the gentleman five minutes more.

Mr. TINKHAM. I would like to finish my statement.

Mr. KELLEY of Michigan. I will yield to the gentleman 10 minutes more, then.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes more.

Mr. TINKHAM. I will yield to the gentleman from New York for a very short question.

Mr. HUSTED. Does not the gentleman think that the history of British and Japanese naval policy justifies the expectation that they will keep their navies as efficient as possible under the 5-5-3 ratio?

Mr. TINKHAM. Absolutely, without any question.

Mr. HUSTED. I want to follow that with another question. If we do not keep our Navy as efficient as possible under the 5-5-3 ratio, will not the effect really be to disestablish the ratio against the position given to the United States by the treaty arrangement?

Mr. TINKHAM. That is my theory, and I believe a certainty.

Mr. DEMPSEY. Will the gentleman yield for a very short question?

Mr. TINKHAM. Yes.

Mr. DEMPSEY. Is not this true obviously, that there will be reenlistments for short terms of service in this country in hard times, but that you can not expect reenlistments in normal times, because the men can get larger pay in civil employment?

Mr. TINKHAM. I think that is obviously so.

Mr. DEMPSEY. Is not that the answer to the gentleman from Alabama?

Mr. TINKHAM. I think it is at least a partial answer.

This letter which I have quoted, dated April 3, contains the following final paragraph:

> The fleet was not ready for war at this time, and it can not be kept in efficient condition or ready if the number of men allowed are the same as were on board at this time.

In 1916 the American pacifists imperiled America and would have brought the world to the brink of destruction had their policies been followed. To-day they are imperiling America and may yet destroy her. Mixed to-day with American pacifism is Japanese propaganda that America may disarm.

Had America not had the power to build the greatest fleet in the world, and had she not had a powerful and efficient Navy in

1922, she could not have dealt with England and Japan at the council table as she did, almost as a dictator. When the treaty for the limitation of naval armament may cease, her influence will approximate the strength of her fleet, and no more.

Present world uncertainty shows the need of national defense, to meet force with force if necessary.

The Washington conference did not abolish war nor pretend to. It produced a written agreement, and under the paper of that agreement there must be something to lean upon, something potent and powerful.

Under the treaty for the limitation of naval armament no country is restricted as to the number of destroyers and submarines which may be constructed. And so great navies can be built by other powers with these most powerful weapons.

Colonel Amery, parliamentarian and financial secretary of the British Admiralty, in presenting the navy budget to Parliament a few weeks ago, said:

> We agreed at Washington to accept terms of equality in navy power with the one nation with which above all others we wish to live on terms of friendship. We regard that equality as not one of competition but of cooperation for maintaining the peace of the world. But even for purposes of that cooperation we, with our traditions and responsibility for the peace of the world, can not afford to be less than an equal. That is the meaning of these estimates.

America has her traditions. America has her Monroe doctrine, her new merchant marine, her new commitments in the Caribbean Sea, and new commitments in China, the Panama Canal, Hawaii, and the Philippines.

American interests require at least a maximum fleet. American sea power must enforce national rights, protect national possessions and preserve peace and order. Even national peace or international peace and security are not alone maintained by a treaty. As I have said, the Washington conference did not abolish war nor pretend to. No paper agreement can change human nature. No contract can control the waxing of strength of one nation and the decadence of another. Pacifists and idealists attempt to deal with the world as it should be. Responsible statesmen have to deal with the world as it is and with actualities.

Other nations support their navies fully under the Washington agreement, and adequate defense is demanded by the American people. America shall not become the third naval power, inferior to England and Japan, when treaty commitments allow her to be one of the two first naval powers, and her position and interests but for the treaty commitments would make her the first naval power in the world.

Men fight, not ships, and the American Navy unmanned is a national liability, not a national asset. We Americans who believe in performing treaty obligations in the spirit they were made, who believe that history teaches lessons which should be followed, say to the pacifists of America, "You shall not pass." [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield one hour to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman and gentlemen of the committee, in view of the importance of the question now before the House, I desire to lay before you in a calm and a dispassionate manner what I consider to be the facts that will establish that the Navy is to-day in a crisis. I might even go further and say that under the bill that is reported and now before the House for consideration it is in a strangulation struggle for existence.

At the close of the Civil War, measured by the standard of those days we had a good Navy, and by inattention and indifference it continued to go to waste until it was revived in the administration of Mr. Whitney in the eighties. At the close of the Spanish War we had a good Navy measured by the standards of those days, but by lack of attention it did not progress until we stood number 3. With the program built and building, in military value and efficiency we had a Navy No. 1 in the standard of the naval world. The question of limitation of armament was presented in 1916, and as chairman of the Committee on Naval Affairs I had the privilege as well as the pleasure of reporting a provision authorizing the President to invite the nations of the world to a conference and arrive at a basis of agreement for the limitation of competitive construction and to arrive at a standard navy. But the war being in progress, the opportunity did not offer, and during the last year a provision was added by the Senate authorizing the President to call a conference, which I cheerfully supported and voted for. The conference acted, agreed upon a standard, and I want to be entirely frank and honest to the House and to the country, while I was in favor of an international agreement fixing a limitation and establishing a standard, I did not indorse all of the details of the agreement arrived at. I believed that there should be a standard fixed, but to arrive at that standard we should have maintained our best ships until we reached that standard, and to scrap from the bottom instead of scrapping the best ships, retaining the medium, and then scrapping at the bottom.

However, when the agreement was reached I accepted it in good faith, and I stand before you to-day advocating that the standard agreed upon in the conference should be accepted in absolute good faith, living up to it as such, and in that I mean not only that we should not exceed it but that we should live up to it in maintaining the standard agreed upon. I believe that whatever Navy we have, whatever Navy we are permitted to keep and maintain under the conference agreement, should be kept up to the highest pitch of naval efficiency and military value. [Applause.]

Now, that presents the issue that is now before the House. I want to say to you that in my honest judgment the bill as reported not only fails to maintain that standard but will bring the Navy of the United States from a position of five to a position not exceeding three. [Applause.] We may just as well recognize it. I want us to have an American Navy equal in value and in efficiency to the best navy in the world. [Applause.] Now let us deal with this question according to that standard. If we are not going to keep the ships that are permitted to us in proper condition of efficiency, it would be better to sink them, it would be better to dispense with them altogether and keep whatever we are going to keep at a high point of efficiency rather than to keep all of them in a half-way condition. [Applause.]

Now, the question before the House, the crucial question is, will 67,000 men allotted to the Navy accomplish that purpose? I say not. Now, why do I say so? In the first place, gentlemen, the Secretary of the Navy, who is charged with the duty, upon whom rests the responsibility, says to us as emphatically and as positively as it is possible to express it in words, that it will not. Are we not to give any credit, are we not to give any credence to the man upon whom we shall place the responsibility of discharging the trust? Are we to ignore and pay no regard whatever to the Secretary of the Navy? I am sure that I can not be accredited with partisanship when I come before you and say that it is, in my judgment, the duty of this Congress to weigh carefully, considerately, and well the deliberately expressed judgment and opinion of the Secretary of the Navy.

If we can not do so, the alternative, it seems to me, would be for the administration to place in that office a man in whom the Congress could place reliance and rest upon his judgment. Again, every competent and responsible naval officer, without exception, stated solemnly, seriously, earnestly as any language in the possession of human tongue can express it, that 67,000 men will destroy the efficiency of the American Navy, and will leave us on a bare equality with Japan. I ask the same question—are you going to pay no regard whatever to the judgment and the opinion of these men? Is there anything in their past conduct, is there anything that would justify this House in discrediting their opinion deliberately and carefully and intelligently expressed? Let us not be carried away with hysteria. The issue is too great, the result is too important, the consequences are too tremendous for us ruthlessly to ignore the opinions of these men. Have we trusted them in other important matters? Have we not intrusted to them the very honor and the good name and the preservation and safety of the Republic and the country and of its institutions, and yet will we here disregard their judgment upon the cold facts that are presented as to what this will do? Are they not competent to determine these questions? Shall I say that my judgment of how many men are needed upon a ship, how many men are needed upon this type and that type and the other type, is better than theirs? Let us lay aside our prejudices and our predilections, and deal with this matter upon its merits, and rely upon the evidence and testimony as we would in the other affairs of life.

Another thing to which I wish to direct attention is a comparison with other countries. England and the United States under this treaty are to maintain a basis of 5-5, a basis of equality, and what is England doing? How many men does she have, and from what has been said to-day there arises a controversy and a dispute as to the facts.

The evidence which I have here is of date March 25, 1922. The present British Navy, including the officers, men, and marines, 121,400; for colonial navies, 7,289; one-third of the aviation personnel, 11,969; making a total of 140,658. I shall give what is contemplated for next year in a moment. Bear in mind

that England's aviation forces are not counted as a part of her navy personnel, but as a matter of fact that about one-third of her aviation forces are operated with and constitute a part of the navy personnel.

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FROTHINGHAM. That amounts to about 10,000 men, does it not?

Mr. PADGETT. Eleven thousand nine hundred and sixty-nine. The active British Navy, marine and personnel, not including reserves, proposed by March 31, 1923—that is the next fiscal year——

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield before he leaves the aviation item?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. Assuming for the sake of argument that they do have 30,000 men in aviation in Great Britain as a separate establishment, and assuming as correct that the arbitrary assignment of 11,000, which some officer in our Navy has assigned to the Navy of Great Britain, is that any reason why we should allow 10,000 extra men for the ships of our Navy when we give all of the aviation personnel that is asked for by the Navy Department?

Mr. PADGETT. The statement that the gentleman is giving all that they desire is incorrect.

Mr. KELLEY of Michigan. For aviation.

Mr. PADGETT. I have a letter here from Admiral Moffat, that I shall call attention to, stating that you are giving but about one-half of what is required. [Applause.] The department has stated here—and you have it in the hearings—that they can allot but 1,100 instead of 6,200 men, on basis of 65,000 enlisted men.

Mr. KELLEY of Michigan. I do not quite understand what the gentleman means.

Mr. PADGETT. The department submitted an estimate in the distribution of the 65,000 men, but they could only set apart 1,100 for aviation.

Mr. KELLEY of Michigan. That is all they asked for.

Mr. PADGETT. And yet Admiral Moffat says they demand six thousand two hundred and something.

Mr. KELLEY of Michigan. But the department did not give it to them, and such request came to Congress.

Mr. PADGETT. They had 3,400 this year.

Mr. KELLEY of Michigan. They will have next year. The men allowed for aviation ashore, plus what we have allowed for the airplane carriers and for the fleet, total every man the Navy Department asked.

Mr. PADGETT. No; they say here they want more than 6,200.

Mr. KELLEY of Michigan. If you exclude aviation personnel from the British figures and also exclude it from ours, your comparison is fair, but if you take it as a fact that a mere estimate of some naval officer in our department that 10,000 men should be assigned to aviation in Great Britain and then because of that ask for 10,000 men extra for ships, of course you can roll your figures up anywhere you like.

Mr. PADGETT. No; but we are giving the total of the British Navy of enlisted men and of the American Navy, and each should include the enlisted men used for aviation.

Mr. KELLEY of Michigan. Exclusive of aviation, which in Great Britain is separate from both army and navy.

Mr. PADGETT. But when you give it for the United States you include aviation, and it should also be included for the British Navy.

Mr. KELLEY of Michigan. Oh, no; I specifically excluded aviation in my comparison from figures used for both countries.

Mr. PADGETT. Oh, no; they are included in the 67,000 men. You have not given a man above the 67,000.

Mr. KELLEY of Michigan. The gentleman does not want to misrepresent me. I stated on the floor as clearly as I knew how that the figures given for the United States included aviation and those for Great Britain did not.

Mr. PADGETT. I know; and that is what I am saying; but for Great Britain they did not include aviation, but should be included to make the comparison fair.

Mr. KELLEY of Michigan. If you exclude the number which we carry for aviation and exclude the number that the British figures carry for the Coast Guard, you have a fair comparison. You are attempting now to bring in 10,000 extra men that you say ought to be assigned to the Navy for aviation, and because of that fact insist that we ought to have 10,000 extra for our ships.

Mr. PADGETT. I am not asking for 10,000 on the sea. I am saying there should be 6,226 on the sea and on shore together; and against that, England has 11,969; and that you do not calculate those in the English Navy.

Mr. KELLEY of Michigan. Where does the gentleman get the 11,969?

Mr. PADGETT. Here they are.

Mr. KELLEY of Michigan. Who gave the gentleman the figures? Who segregated from the 30,000 which he says there are in aviation in Great Britain and allotted the 11,000 for the navy?

Mr. PADGETT. The Secretary of the Navy——

Mr. KELLEY of Michigan. Of the United States?

Mr. PADGETT. The Secretary of the Navy furnished them to me on information that was received on the 25th of March.

Mr. KELLEY of Michigan. But he might just as well have made it 15,000 as 10,000. The allotment for 10,000 is purely arbitrary.

Mr. PADGETT. Oh, no; I have more confidence in the Secretary of the Navy than that. [Laughter.] The 11,969 men assigned to the British Navy is the correct number used in the British Navy for aviation duty purposes and is not an arbitrary statement and is an addition to the 98,500 enlisted men. Just here I insert the letter of Admiral Moffett, Chief Bureau of Aeronautics. This letter clearly demonstrates that this proposed bill utterly fails to meet the aviation requirements, a new and very important naval activity:

NAVY DEPARTMENT,
BUREAU OF AERONAUTICS,
Washington, April 8, 1922.

MY DEAR MR. PADGETT: May I draw your attention to the fact that the naval appropriation bill as now drawn up and reported out of the House Appropriations Committee allows only for enlisted personnel to carry on aviation activities on a very reduced scale.

Below is shown the effect of this bill on naval aviation personnel situation:

(A) REQUIRED.

	Men.
There are required to carry on aviation activities on a small scale for the next year	5,262
Of this number there are required ashore	2,655
Of the total there are required afloat	2,607

Of the number required for aviation afloat 1,186 men are required to man the ships needed for aviation duty and also 1,421 men to man the aircraft needed by the fleet.

(B) ALLOWED FOR BY BILL.

The bill as now reported allows for 3,234 men for aviation purposes. Of this number the bill provides for 2,100 men for aviation shore activities.

Of the total allowed, only 1,134 men are allowed for aviation afloat.

Of the total allowed afloat, only 632 are provided to man aircraft.

Of the total allowed afloat, only 502 men are allowed to man aviation ships (two are allowed for).

(C) ON HAND.

There were on hand February 1, 1922, employed on aviation duty:

	Men.
Total	4,343
Ashore	2,806
Afloat	1,537

This number was short on requirements, as follows:

	Men.
Total	919
Ashore	———
Afloat	1,070

(D) REDUCTION.

As provided by the bill (House Appropriations Committee report on bill), there will be a shortage of aviation enlisted men, as follows:

	Men.
Total	2,028
Ashore	555
Afloat	1,473

(E) EFFECT.

The effect of such drastic reduction of the number of aviation enlisted personnel will be to cripple naval aviation to such an extent that very little can be done for the fleets.

It will not allow even sufficient men to handle the aircraft for which funds are being provided in the same bill.

I can not bring to your attention too forcibly the above situation, and hope that some action will be taken to provide for the number of men required for aviation duties, as laid down in the conservative estimate noted above.

I consider it vital to point out at this time that the British Navy allowance of aviation personnel for the coming year is 11,969, and that Japan, besides proposing a personnel sufficient to man every ship she is allowed to keep under the treaty and every ship she can complete by July 1, 1922, is also providing for 35 per cent of her total naval personnel to man shore establishments, including aviation duty and for training.

Sincerely yours,

W. A. MOFFETT,
Rear Admiral, United States Navy.

Hon. L. P. PADGETT,
House of Representatives, Washington, D. C.

Now the British Navy and marine personnel, not including reserves, for the fiscal year ending March 31, 1923, officers and men, 98,500; colonial navies, 7,289; also one-third of the aviation personnel were cooperating with and constituted a part of the naval personnel, 11,969; making a total of 117,758. There is no information of the number of men in the naval communication service, naval recruiting service, or the Royal Indian Marines.

They are not counted in the 117,758. I want to call attention to another matter. England had a reserve on January 1, 1922, officers, 10,332; men, 38,808; making a total of 49,130. They are not counted in the figures I gave a moment ago. And yet, what? They operate 35 oilers, 1 repair ship, and 1 supply ship. In other words those reserves operate 37 ships and are not counted in their 117,758. Add the 38,808 to your 117,758 and you have got 156,556 men in the British Navy available to operate their ships. And yet they come before this Congress and say that with our 67,000 that may be provided by this bill and our 19,500 marines we have got as many as the British have, but you can not make the figures tell any such tale as that. [Applause.] Now, you might as well meet the facts face to face right here.

Mr. YATES. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. YATES. Will the gentleman please give the source of his information?

Mr. PADGETT. The Secretary of the Navy.

Mr. YATES. I thought that is what the gentleman said.

Mr. PADGETT. I did say that. I have his figures and letter here with his signature to it.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. FROTHINGHAM. Is it not true the Royal Marines serve entirely on board ship, whereas ours serve also on the land?

Mr. PADGETT. I want to call attention to this: There is a very small percentage of the marines of the United States who serve on ships. Perhaps 10 or 15 per cent of them serve on ships and the others serve on land and on expeditionary parties. For instance, we have about 3,000 to-day in Haiti and San Domingo, we have some in China, we have some in South America, and in various countries. They are kind of an international police force, but they are not really a part of the enlisted personnel of the Navy. But count them, if you please; take your 67,000 and take your 19,500 marines and add them together, and it will not add up to the 156,556 that the British Navy has. I will say more than that, my friends——

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. NEWTON of Missouri. If we provide for the 67,000 men, how will our Navy compare in man power with the navy of Japan?

Mr. PADGETT. It is a little bit less. I can give them to you here. Japanese Navy, date January 1, 1922, enlisted personnel, 73,252, and they propose to reduce it to 68,253. In other words, they would have 1,252 more than ours.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. STAFFORD. If we had the same complement of men that we had in 1916 on the various ships that are allowed us under the armament conference and as proposed by the Navy Department, what would be the total enlisted strength of the men on those ships?

Mr. PADGETT. I have not it here, but it would be an entirely insufficient and inadequate number, because since 1916 there have been numerous and multitudinous activities and functions, such as aviation, antiaircraft, submarine, fire control, and various things that will require——

Mr. STAFFORD. Do those additional activities which the gentleman indicates attach to our 18 battleships?

Mr. PADGETT. Yes, sir; that is exactly what they do attach to.

Mr. STAFFORD. May I ask this further question: What was the percentage of the full complement of the force in 1916, when the gentleman was chairman of the Committee on Naval Affairs, as then manned and the total strength as a fighting unit?

Mr. PADGETT. The officers of the Navy said that it was undermanned.

Mr. STAFFORD. What did the gentleman, as chairman of the committee, recommend as the percentage of the manning of those ships in 1916, when the war was on?

Mr. PADGETT. I do not remember the details.

Mr. STAFFORD. In 1916, when the gentleman had charge, I remember the claim was made on this side against the gentleman that the ships were undermanned, and the gentleman from Tennessee defended it, and he said it was not necessary to have a sufficient number to fill the complement to fighting strength.

Mr. PADGETT. Now, let us get the definition of fighting strength and also of what complement means. A statement was made awhile ago to convey to the House the meaning of the word "complement." It does not mean what this officer or that one may designate, but there are certain duties to be performed, certain functions, certain activities, and it takes so many men to do this and to do that. In other words, there are certain stations upon a battleship, and it requires a given number of men, and a battleship is constructed with a view of having that number of men assigned to it. Now, then, what is known as the complement——

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. PADGETT. In a moment. What is known as the complement of the ship is what is required to properly, fully, and adequately perform the duties that are required of that ship. Now, in time of war, to cover emergencies, they have adopted in a general way the proposition that they would add 10 per cent to that number in order to constitute a reserve for casualties. That is called the "war complement." But the peace complement is the number that is required to perform properly and efficiently the different functions and activities upon the ship.

Mr. STAFFORD. Did we have that full complement in 1916 when the gentleman was chairman of the committee?

Mr. PADGETT. We did not.

Mr. STAFFORD. What percentage did we have?

Mr. PADGETT. Perhaps about 90 per cent.

Mr. STAFFORD. Was it not under that?

Mr. PADGETT. I do not remember exactly.

Mr. STAFFORD. I think the charge was made on the floor that it was much under that.

Mr. PADGETT. It may have been. I do not remember. If it was wrong then, is there any reason why we should not profit by it? [Applause.]

Mr. STAFFORD. We were threatened with war then, and we are not so threatened to-day. We have entered into a peace treaty.

Mr. KELLEY of Michigan. When I first came to the House it was my good fortune and pleasure to serve with the gentleman——

Mr. PADGETT. My association with the gentleman officially, personally, and in every way, has been delightful.

Mr. KELLEY of Michigan. I reciprocate the feeling. I was about to say to the gentleman that one of the earliest things that I heard about when I went on the Naval Committee was the controversy relative to the proper complement for ships. As I remember it at that time, Admiral Blue was chief of the Bureau of Navigation, and he had a very different opinion of what a ship's quota ought to be from that held by other officers of the Navy. It was very much lower than the quotas fixed by the General Board of the Navy.

Mr. PADGETT. That is correct.

Mr. KELLEY of Michigan. The gentleman from Tennessee always agreed with Admiral Blue——

Mr. PADGETT. In many things I did.

Mr. KELLEY of Michigan. And defended the numbers which he placed upon the ships.

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. And I remember that the question of accommodating all that some of the officers wanted to put on a ship arose; that there was no place for them to sleep; and Admiral Blue said he did not know, and the gentleman from Tennessee acquiesced and said that he did not know either.

Mr. PADGETT. I do not know about the sleeping part of it. It is true that Admiral Blue advocated a smaller number than the General Board of the Navy. And we had before it Admiral Fletcher, and Admiral Fletcher testified to a larger number than Admiral Blue, and after he had gone back to the fleet he wrote me a letter, a copy of which I have here, and which is also in the hearings, in which he called my attention to the fact that he had wholly underestimated the number that were required upon the Atlantic Fleet at that time—some more than 5,000 men that should be added.

Mr. KELLEY of Michigan. Was it not also true that the Secretary of the Navy, because of this wide diversity of opinion as to the proper complement of ships, appointed a committee of naval officers to see if they could not get together on the matter?

Mr. PADGETT. A board.

Mr. KELLEY of Michigan. A board; to somehow determine how many men it did take to man one of these ships. Successive captains on the same ship were often wide apart as to the number of men required.

Mr. PADGETT. The Secretary appointed a board known as the Mayo Board, and that board officially reported and said that there was a necessity for and a use for the larger number of men.

Mr. KELLEY of Michigan. Another board, made up of other officers, might easily arrive at a different conclusion. The question of quota is a matter of opinion.

Mr. PADGETT. It is not. It is a matter of duty to be performed on board a ship.

Mr. KELLEY of Michigan. Why do they not all arrive at the same conclusion?

Mr. PADGETT. Because one may have a different idea from another of duties that men may perform. But let me call attention to another fact, which is that since 1916 there have been multiplied activities which have arisen. The submarine question has developed during this last war; the aviation question, with all of its responsibilities and all of its duties, has developed and multiplied enormously; and then there is the radio and communications, control of gunfire, and all that.

Mr. ROGERS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. ROGERS. The gentleman was perhaps diverted when he was discussing the size of the enlisted personnel of the British Navy. I understand that within the next year there are to be reductions.

Mr. PADGETT. I called attention to that. I gave first about 140,000 that they have now. They have——

Mr. ROGERS. If the gentleman gave them, I did not catch the 1923 figures.

Mr. PADGETT. The 1922 figures are 140,658, and they propose to reduce them to 117,758.

That does not, I say, include the reserve of 38,000 that I called attention to, and these reserves operate 35 oilers and 2 other ships, making 37 all told.

Mr. ROGERS. The gentleman thinks it is not fair to compare those with the 117,000 to which the British Navy was to be reduced a year hence?

Mr. PADGETT. That is what I called attention to, the character of the enlisted personnel.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. As to the question of quotas, I am not able to follow the gentleman in his statement that it is a settled thing. I think the gentleman has proven that it is not. But I wanted to know whether or not the gentleman does not think that after all it is a question of opinion among naval officers?

Mr. PADGETT. It is a question of the duties to be assigned to the men to be performed on a ship. For instance, here is a ship that may have radio on it.

Mr. KELLEY of Michigan. They all have it.

Mr. PADGETT. Some may not. The quota may vary. That is just what it is doing. In 1916 they did not have radio; now they do have it.

Mr. KELLEY of Michigan. Then they had only eight hundred and odd men on a ship; now we have an average of over 1,000 to a battleship, besides the marines.

Mr. PADGETT. They had a little over 800.

Mr. KELLEY of Michigan. Yes; and now these ships have an average of over a thousand. Does not the gentleman think that fairly recognizes the new duties?

Mr. PADGETT. No; I do not.

Mr. KELLEY of Michigan. And would not the 100 additional marines help out?

Mr. PADGETT. Right here I have a statement showing the number of men for each ship. The *Delaware* had, in 1916, 830. Now she is allowed 1,116. The *North Dakota* had 880. Now she has 1,116, and the hearings show the number required by each battleship and also the other types of ships.

Mr. STAFFORD. Is that the fighting strength?

Mr. PADGETT. Here is the *Tennessee;* allowed 1,308.

Mr. STAFFORD. Do the numbers just given represent the fighting strength?

Mr. PADGETT. That is the number given to perform the actual duties of the ship.

Mr. STAFFORD. That is the full complement?

Mr. PADGETT. That is the full complement; but if we were in war, they would add not less than 10 per cent to that to meet casualties, because in a battle or in trouble they might have need, and likely would have need, for more men.

Mr. STAFFORD. Can the gentleman give the quotas of 1916 in accordance with the quotas arranged by the Bureau of Navigation at that time?

Mr. PADGETT. I have not the figures. They were published at that time. They were, as I say, smaller than they are now, because the activities were fewer.

Now, let me call attention, if I may, to another matter that I have here, and that in reference to the enlisted personnel, the character of the enlisted personnel. Out of 119,205 enlisted men in our Navy at the end of the last fiscal year, ending June 30, 1921, 99,401 had less than four years' experience in the Navy, and 87,291 were under 24 years of age.

Now, then, compare that with the personnel of other navies. This means that the United States Navy is largely composed of boys in comparison with the more seasoned personnel of Great Britain and Japan.

In comparison with this, Great Britain had 68,361 men serving a 12-year period of enlistment and 21,000 more with service experience of between 12 and 24 years. Now, then, my friends, we have the great body of our enlisted men with less than four years' experience going in to man the ships in comparison with the trained, seasoned, developed men in the Japanese and in the British Navies.

Now, I want to call your attention to another thing, gentlemen. It just occurs to me. I had intended to speak of it a little bit earlier. We established the 5-5-3 basis alone, absolutely and exclusively, on the tonnage basis of battleships. We left out altogether the question of speed and the question of gun power. No consideration whatever was given, if you please, to the reserve power of those countries in their maritime conditions and relations. All of that was ignored, and we placed the basis alone upon tonnage. Now, wait and just see a little interesting matter that I have right here somewhere.

Mr. OLIVER. Will the gentleman elaborate that thought, so as to give us the opinion that he holds, that the power operates to the disadvantage of America?

Mr. PADGETT. The United States will be outclassed in the treaty navy, for the table contains the names of 14 vessels in the British Navy with a speed exceeding 21 knots, while the entire list of capital ships of the Japanese Navy have a speed in excess of 21 knots. In the matter of gun power the United States Navy has now but one ship, the *Maryland*, with 16-inch guns, which will be increased to three when the *Colorado* and the *West Virginia* are completed. All the remaining vessels in the United States have 14-inch guns or less. The British have 15 vessels with 15-inch guns and the Japanese have 2 with 16-inch guns.

Now, my friends, I call your attention to that for this purpose——

Mr. PARKER of New Jersey. Will the gentleman state the speed of the ships of the British Navy?

Mr. PADGETT. It is in excess of ours.

Mr. PARKER of New Jersey. A great deal in excess?

Mr. PADGETT. A knot and a fraction, or a fraction of a knot.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. Will the gentleman say that the officers of our Navy, when they said we were getting an equal quota with the British or Japanese navy, were mistaken?

Mr. PADGETT. No; I do not mean that.

Mr. MANN. If their ships are faster and better armed than ours, what is the meaning of that?

Mr. PADGETT. Those are the facts. I understand in talking with naval officers in private conversation they do not agree with all the things that are done.

Mr. MANN. The officers you talked with did not agree, but the Navy did agree, and it was done upon their recommendation.

Mr. PADGETT. I was just telling the facts.

Mr. MANN. I was wondering whether we could rely upon the facts they gave.

Mr. PADGETT. We agreed on the 5-5-3 basis on tonnage. With these facts before us, can we assume the responsibility of cutting down the personnel, in addition to these other things that I have called attention to? These other considerations emphasize the necessity and importance of keeping the ships of our Navy well manned and in an efficient condition.

Mr. SWING. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from California.

Mr. SWING. Responding to the inquiry of the gentleman from Illinois [Mr. MANN], my understanding was not that we had actually attained the 5-5-3 ratio at the present time but that at the end of the 10-year period we would have come along to the 5-5-3 ratio in ships.

Mr. PADGETT. Yes.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. PADGETT. I yield to the gentleman from Louisiana.

Mr. LAZARO. In comparing the navies of Great Britain and the United States we should take into consideration also the trained seamen that they have on their merchant ships, who can be used in the Navy in case of emergency.

Mr. PADGETT. I called attention to that when I referred to their maritime conditions and circumstances.

Mr. OLIVER. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. OLIVER. My understanding is that the General Board whom the gentleman has quoted are of the opinion that we should now have 120,000 men in the Navy in order properly to man the ships so as to maintain this parity of 5-5-3. Does the gentleman share that opinion?

Mr. PADGETT. I do not know as to the 120,000, but I will state that in my opinion the number asked for by the Secretary of the Navy, 90,000 enlisted men and 6,000 apprentice seamen, will not fully man the Hughes Navy, as we refer to the Navy that is permitted under the conference agreement.

Mr. OLIVER. So if the General Board have in fact recommended 120,000 men as the minimum number who should man these ships, I assume that the gentleman's opinion would be that we should have that number.

Mr. PADGETT. No; I do not necessarily say that, because there are some minor ships that we can afford to put in ordinary or put out of commission under caretakers.

The Secretary of the Navy stated that he needed 106,000 men properly to man the Hughes navy, but that by strict economy and reductions here and there he had cut out 10,000 men, and that he could operate with 96,000 men, but that he would have to tie up some of the less important ships.

Mr. OLIVER. Just one further question. The gentleman made a very interesting statement in the opening, in which he said that since we have now discarded a number of our finest ships it is of the utmost importance that we efficiently man all that we have left.

Mr. PADGETT. Yes.

Mr. OLIVER. So that then, if that statement of the gentleman be correct, and he insists on that being correct, surely he would not be in favor of cutting down from 106,000 to 96,000?

Mr. PADGETT. I might do it reluctantly, facing conditions——

Mr. OLIVER. You would not sufficiently man the Navy if you should cut down the personnel 10,000 men?

Mr. PADGETT. There are a number of torpedo boats that would be laid aside in ordinary and in reserve. There are some submarines and other minor craft that would be laid aside. But when you cut to 67,000 men you have got to lay aside five or six of your capital ships that go right to the very heart and essence and being of the American Navy. [Applause.]

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. In 1916 the gentleman had charge of the appropriation bills for the Navy?

Mr. PADGETT. Yes; I had charge of them until the people went wrong. [Laughter.]

Mr. KELLEY of Michigan. The number of the naval personnel appropriated for them was sometimes 45,000, sometimes 50,000, sometimes as high as 54,000. At that time the Navy Department had on board our battleships almost 19,000 men. They have on board battleships now less than that number with 96,000 men in the Navy. Why does the gentleman think that with a Navy of 54,000 or less we could keep 19,000 men on the battleships, and with 67,000 men in the Navy we could keep only 14,000 men on the battleships?

Mr. PADGETT. The Navy Department want 21,158 men on the 18 battleships.

Mr. OLIVER. But the gentleman said that if we cut the personnel down to 67,000 men you have got to lay up five battleships?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. That reduces the number to 13. If you have 1,200 men on a ship that would be about 15,000 men. But in the days when the gentleman was chairman of the Committee on Naval Affairs and the personnel of the Navy was 50,000, we had 19,000 men on battleships, and we had 86 destroyers and the usual complement of other ships, which we have not increased very much if any since that time.

Mr. PADGETT. We have increased the number of ships very much.

Mr. KELLEY of Michigan. They are asking for only 103 destroyers.

Mr. PADGETT. They are asking for 103 and 23——

Mr. KELLEY of Michigan. Twenty-three in half commission.

Mr. PADGETT. And then are asking for those simply as a last extremity to meet your wishes as far as they can.

Mr. KELLEY of Michigan. I wonder if my good friend, the former chairman of the committee, gets my question. I wonder why it is that when he was chairman of the Naval Committee, and provided for 50,000 men in the Navy, the Navy Department could find 19,000 men for the battleships, but when it is proposed to give them 67,000 men they say they can find only 13,000 or 14,000 men for battleships.

Mr. PADGETT. Oh, you have got a great many more ships now.

Mr. KELLEY of Michigan. The difference between 86 and 103 destroyers is not great in personnel.

Mr. PADGETT. I do not remember how many; but there are so many others; and, as I stated before, the battleships now have so many more activities.

Mr. KELLEY of Michigan. But we had so many more battleships then that we were keeping in commission. We had 11 of the same 18 we are to keep under the treaty at that time.

Mr. PADGETT. Yes; but the gentleman is forgetting that instead of the Navy being reduced by this process the battleships and other ships actually increase the Navy over the 1916 program in the number of ships. On page 7 of the committee report it appears that July 1, 1916, there were in the Navy 47 destroyers instead of 86, and that we now have in the Navy 301 destroyers.

Mr. KELLEY of Michigan. No; I have stated the number—86 destroyers—and the difference between that and 103 is not great. They kept 19,000 men on the battleships with that small personnel. And yet the gentleman says with 67,000 they can keep but 14,000 or 15,000 men on the battleships.

Mr. PADGETT. I gave it according to the figures of the Secretary of the Navy.

Mr. KELLEY of Michigan. The gentleman is even better informed than the Secretary of the Navy, who has only had one year as Secretary. The gentleman is one of the best informed men in the country on the Navy, and I would like his opinion as to why it is that with 67,000 men in the Navy they can not put more than 14,000 on the battleships when in his day they put 19,000 on the battleships with only 50,000 men in the Navy.

Mr. PADGETT. We had then a considerable number of battleships that had a reduced complement, and the Secretary of the Navy is providing for adequate complement to meet the new conditions that have arisen, the new duties to be performed, and it requires a larger number of men on the battleships than it did then. On the 18 battleships it requires 21,158, and then upon your cruisers—here is a detailed tabulated statement that you have had printed in your hearings, in which the Secretary has gone into details and given you every ship by name, the type, and shown you the duties that that ship is to perform, the number of men that are required; and yet when the Secretary of the Navy gives you that detailed information and the chiefs of the bureaus and the Chief of Navigation, and all the responsible officers come to you with their experience, with all their knowledge and information, giving you the details of it, you absolutely ignore it and print in your committee report a tabulated statement of the number of men at a time when they had been reduced to the minimum by a discharge of more than 6,000 men.

Mr. KELLEY of Michigan. Four thousand men.

Mr. PADGETT. They tell me that it was reduced by 6,000. Here is the whole position of the committee as taken—and I do not mean it in any way except the most pleasant—you have taken a short yardstick to measure the cloth, and then you are insisting that the result of your measurement is correct and that the total is accurate. It can not be, because you have ignored the duties and functions and activities of the ship, the responsibilities that rest upon it and the duties it has to perform, all of which are essential and needed.

Mr. KELLEY of Michigan. I am sorry to interrupt the gentleman again, and I have taken more of his time than perhaps I should, but I will give him more time. If the Navy Department with 96,000 men or 100,000 men found it necessary for one reason or another to discharge 4,000, reduce it to 96,000, does the gentleman think that any management of the Navy such as is likely to exist there, with these high-class naval officers in active charge, would go to the picked fighting ships of the fleet and take out these 4,000 men and pass by the tugs and yachts and shore stations where there were tens of thousands of men less valuably placed? Does the gentleman think that they went into the line of the Navy and took out 4,000 men and depleted the fighting ships rather than select out men on shore? Does the gentleman indict the Navy management that way?

Mr. PADGETT. There is no indictment of the Navy Department.

Mr. KELLEY of Michigan. I understood the gentleman to say that the reason for what he calls an insufficient number on the ships of the fleet was because they had discharged 4,000 men before their terms expired.

Mr. PADGETT. I did not say before their terms expired.

Mr. KELLEY of Michigan. That was the fact, and therefore that they went and pulled them out of the battleships and destroyers and left the minor vessels and shore stations untouched.

Mr. PADGETT. What I said was that the Navy had been reduced by 6,000 in its enlisted personnel.

Mr. KELLEY of Michigan. I will correct the gentleman; it was 4,000. I am asking the gentleman this plain question: I understood him to say that the figures showed that the personnel on board these ships was lower than it should have been because the Navy Department had discharged 4,000 men out

of 100,000, and that they had been taken off the fighting ships. Does the gentleman believe for a single moment that any intelligent management of the Navy, if it had to reduce the Navy 4,000 men would take them out of these ships, the backbone of the Navy, to make that reduction, or does he think that they would take them from shore stations where they were performing less useful service?

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. FROTHINGHAM. The minority in the report say that it was 6,000 men and that their discharge was made necessary to avoid a deficiency in the appropriation to pay the Navy.

Mr. KELLEY of Michigan. The order was to take out 6,000 but they took out only 4,000, according to the Secretary's letter dated March 29, 1922, in which he said that it was estimated that the reduction in the number of men was approximately 4,000.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield to the gentleman from Tennessee 10 minutes more. The letter of January 21, 1922, from the Secretary says that it is estimated that approximately 4,000 on January 1, 1922, were in transit to their homes for discharge.

Mr. PADGETT. The Navy was reduced. Just where the men came from I do not know, but I know that at that particular time battleships were short several thousand in their complements that were needed, and the committee has reported a short complement instead of a full complement.

Mr. KELLEY of Michigan. I omitted to read the last sentence of the Secretary's letter, and if you will pardon me I will put that in, because it will make the record complete.

The reports of the actual number of these men had not been received in the department at the time of the compilation of January 1, 1922, so that there were no deductions made from the tables as of that date.

The reports had not come into the Navy Department until after that time, so there were no deductions made in the numbers carried on the ships by reason of this discharge of 4,000.

Mr. PADGETT. I wish to call attention to another matter: The total number of ships of the Navy reserved and permitted to the United States under the conference agreement, known as the Hughes Navy, is 812. The total first cost of those ships is $1,139,341,000. Under this bill as it is reported the number of ships that will not be laid up under the bill is 277, representing a total cost of $598,206,000. The number of ships that will be laid up under the provisions of this bill, if it is enacted with only 67,000 men, is 535, representing a total original cost of $541,135,000. In other words, we are to retain 277 ships and lay up 535 ships, and those that we lay up represent an initial cost of $541,135,000. Is that economy? I need not amplify that. You gentlemen know that if you shut up a house, though you may lock the doors and close the window blinds, yet there is deterioration that is an alarming feature. How much more is it in these great, complicated, delicate implements, with their machinery adapted to steam and electricity, burning coal and oil, with all of the delicate machinery that these ships contain?

Gentlemen, I appeal to your better judgment, to all that is hallowed in our country, let us be considerate and not be swept off our feet by a cry of hysteria that may prevail, which will cost us untold and multiplied millions and millions of dollars. Let us remember that it has taken generation after generation, effort after effort, to build up this American Navy. It did not come in a night. Its morale, its traditions, its history—all of the esprit de corps and all of the honor and the glory and the grandeur and the achievements are proud possessions of the American people, and they represent struggle and trial and effort on the part of the people. Let us hesitate and not with one fell sweep wipe it out. I appeal to you and to your superior judgment, to your intelligence, to your patriotism, to your sense of economy, to preserve for the benefits of our country and our people and our Government what is represented in the American Navy. Only a year or two ago every man in this House and all men and women in the country were singing the praises of the grandeur and the glory of the American Navy and its achievements and its accomplishments. That was all deserved, and yet in a few short months there has come before us a proposal that we shall shut our eyes to all the past, that we shall close our eyes to the future, and put a strangle hold upon the very life and being of the morale, the personnel, and the matériel of the American Navy. Gentlemen, I appeal to you, I beg of you, do not do it. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we are considering a naval bill under conditions that ought to be fortunate. In times past there has been ground for very wide difference of opinion as to the proper size of our Naval Establishment. We have had no real logical established rule or guide, and a man's judgment as to the size and the cost of the Navy was largely from his viewpoint of the interest he had in the Naval Establishment. Someone once asked Abraham Lincoln how long a man's legs should be, and he replied that they ought to be long enough to reach from his body to the ground—a perfect rule; but you could not very well reduce it to inches until you saw the man. Fortunately we now have a rule, a yardstick. The President, responding to the almost universal desire and opinion of the country, called a conference upon the limitation of armaments. That conference fortunately was able to reach a helpful conclusion with regard to the naval establishments of the great powers. The subcommittee of the Committee on Appropriations, having charge of this bill, approached the subject before them, as I understand it, with the idea of providing for such a Navy as we were authorized and justified in maintaining under the treaty. In some remarks I made a few days ago I said they had, as I understood it, two major objectives in view, first, that of bringing the Navy expenditures so far as they properly could within a reasonable limit of economy, and second, to abundantly provide for the Navy we are authorized in maintaining under the treaty and for its maintenance in fighting trim, and in providing for it to emphasize, to visualize the fact that there had been a conference on the limitation of armaments, and that that conference had reached a decision reducing navies and their cost, which it was the duty of the committee to present to the country in sums of appropriation that carried unquestioned, irrefutable evidence of those reduced establishments and expenditures.

We all agree, as I understand it, that the Navy we desire to maintain is the treaty Navy, and, that being true, the problem before us should be a comparatively simple one. Certainly it is a problem that we can discuss and settle in the utmost good nature and without hysteria or exaggeration, and, that being true, I have been somewhat surprised at the somewhat hysterical character of the so-called appeals that have emanated from high stations relative to what the committee has proposed. One would imagine that in reporting this bill all was lost, including honor, and that the committee proposed not only to scuttle the ships that are to be sunk or otherwise disposed of under the treaty but to abandon the entire establishment. Among the very remarkable statements that have been made in high quarters is one that particularly challenges my attention. It is stated, and stated solemnly, that this bill, if adopted, would leave us not the 5 establishment, as compared with the 5-3 of Great Britain and Japan, but a 2½, as compared with a British 5 and a Japanese 3 navy. If this bill only gives a 2½ instead of a 5 Navy, then the increase in the personnel can not be discussed in matters of a few thousand. We must double it. The Navy personnel must be not 67,000 but 134,000 men, and these gentlemen of the minority and of the department that are declaring that this is a 2½ Navy are certainly not very logical, when in trying to cure a 2½ Navy they are willing to take a 2½ Navy, or a 3.1 Navy, or something of that sort, because that is what it would in their philosophy amount to with the enlargements and increases that they propose. If they really believe what they say and if their deliberate pronouncements are entitled to credence anywhere, they are curiously illogical in not having the courage of their convictions and demanding not an increase of ten, fifteen, or twenty thousand in the personnel but of 65,000 or 70,000, so as to have a Navy for which they say they stand.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. CONNALLY of Texas. Would the gentleman mind saying who these parties are he is talking about? We would like to know.

Mr. MONDELL. Well, the gentleman is a reader of the newspapers, and I suppose he knows who the folks are who are demanding these increases.

Mr. CONNALLY of Texas. The gentleman does not refer to the Secretary of the Navy, I hope?

Mr. MONDELL. The fact is that so far as a fighting Navy afloat is concerned, there is very little difference of opinion between the committee and others, even those who demand the largest number of men and the largest appropriations. At the utmost two or three thousand measures the difference between the figures of the committee and the figures of the Naval Establishment relative to the men afloat.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. The real trouble comes as to the number of men we need ashore, in the snug harbors; just how large a

dry and well-anchored Navy we may need. I will yield to the gentleman if he will be brief.

Mr. CONNALLY of Texas. The gentleman did not have this situation in mind the other day when he made his speech on Executive and congressional harmony, did he?

Mr. MONDELL. I am glad the gentleman asked that question, because it reminds me that among the statements in the minority report is a very extraordinary one, in which the minority has assumed to quote the President of the United States. So far as I can recall, it is about the first instance in which a committee has sought to bolster up its plan and purpose by assuming to quote the President or to give his view and opinion, and, if I may say so without giving offense, I would suggest that in the future in writing reports, either of the minority or the majority, it would be much better to follow the ordinary and time-honored custom in the Republic of giving our views and our opinion as to what should be done, rather than to urge views and opinions which, if known, should not be quoted. Our responsibility can not be shifted to any individual or any other body. It is for us to determine, in the light of all the facts, what in our opinion should be done.

Mr. VARE. I suggest that the gentleman from Wyoming might confine himself in the future, then, to the practice of not using names.

Mr. MONDELL. The "gentleman from Wyoming" has so far as he can recall never quoted the President on the floor of the House, and he will not find himself falling into that error in the future. If I were to say anything in regard to that matter, it would be that so far as I know the President of the United States does not have any desire or purpose to say to the Congress of the United States just the number of men that are necessary in the enlisted personnel of the Navy. No one can know as to that until they have carefully considered the facts of the case.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Wyoming has five minutes remaining.

Mr. MONDELL. Mr. Chairman, an official, widely quoted by the newspapers as not pleased with this bill, has said that we desire and must have in full fighting strength an efficient Navy of the strength fixed by the conference and that it is our duty to sustain the action of the Conference on the Limitation of Armament. With that I agree whole-heartedly. But, unfortunately, some of the gentlemen who claim to take that view would if they had their way provide a Navy personnel and Navy appropriations which would not by a man or a dollar reflect any reduction due to the conference. Gentlemen who are claiming to be in sympathy with that great gathering would, nevertheless, retain as many men and spend as much money as though the conference never met. For one, I feel a tremendous responsibility touching the decisions of the Conference on the Limitation of Armament. I feel that it is the duty of this House, representing the American people, to give to the world visible evidence of the wonderful and triumphant and glorious outcome of that conference. We can only do it by legislation and appropriations that make it clear beyond peradventure that the President called the nations together to reduce naval burdens, that the conference met and unanimously determined on a reduction in size and cost of naval establishments, and it is our duty to proclaim the work of that conference, the glorious consummation of its labors, in reductions carried in this bill. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I had intended to ask the committee to rise at 5 o'clock, but there are two gentlemen on this side who want to get away to-night, and the time allotted to them is 30 minutes, 20 for one and 10 for the other. So I am going to ask the indulgence of the committee to sit until 5.30, in order that they may be accommodated.

I yield, first, 10 minutes to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Chairman, I pretend to no intimate knowledge of naval matters, and consequently can not speak technically on this subject. It would be presumptuous on my part even to attempt to do so. But I do want to discuss this question very briefly from a common-sense standpoint.

It is a case where we have to decide between the subcommittee of the Committee on Appropriations, on the one hand, and the President of the United States, the Secretary of the Navy, the Assistant Secretary of the Navy, the General Board of the Navy, and every expert in our Naval Establishment, on the other hand, as to a technical question, a question which is peculiarly within the knowledge of the naval experts. That question is as to how many men are needed to man our Navy granted to us under the terms of the treaty at the highest point of efficiency. While I dislike to disagree with the subcommittee of the Committee on Appropriations, I must say that on a question of this kind, which is a technical one, I am constrained to accept the judgment of the men who have been educated and trained to answer a question of this kind intelligently and correctly.

And especially am I constrained to do so when I find what I believe to be weak spots in the case of the subcommittee of the Committee on Appropriations. The first weak spot is disclosed in a statement contained in the majority report, which is as follows:

It was finally decided to ascertain the number of men carried on these identical ships on some recent available date and to be guided largely in providing personnel by the number actually carried upon the ships on the date selected. The Committee on Naval Affairs had gone into this matter of personnel quite extensively only a few weeks ago and had obtained the information, which this committee desired, as of February 1, 1922. The committee, therefore, accepted the figures of that date given to the Naval Committee by the Navy Department.

Now, there is nothing particularly significant about February 1, 1922. It is an arbitrary date, and this subcommittee based all of its calculations on the number of men on the ships on that date. It is obvious, therefore, that if that basis is incorrect the whole calculation is thrown out and is valueless as a guide to this Congress.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Certainly.

Mr. MADDEN. Does the gentleman know how many men they had in the Navy on that date? There were 96,000 men in the Navy on that date, and if they had not men enough on the ships on that date with the 96,000 men in the Navy they had the men sufficient to put on the ships and did not put them on.

Mr. HUSTED. That is the argument made by the chairman of the subcommittee [Mr. KELLEY], and that is the argument made by the ranking member of the minority of the subcommittee [Mr. BYRNES of South Carolina], and there is no force whatever in the argument. They say if they did not have them on the ships on that date they should have had them on the ships. That is not an argument. The fact is they were not there and that is all that counts. Admiral Jones, the admiral of the fleet, says they were not on the ships on that date. He says there were not enough men on that date to man more than one-half of our broadside guns, and the Secretary of the Navy says that if we use that number as the basis of our calculations we shall have to throw 5 ships allowed by the conference agreement out of commission if the remaining 13 battleships are to be kept at the highest point of efficiency.

The second weak spot is involved in the comparison of naval estimates. The British and Japanese estimates are used as the basis of comparison for next year. It appears that the estimate given by the British is about the same as our estimate, but everybody knows that Great Britain with the same amount of money can employ three times as many men as we can, so that the estimate is not significant at all. And then, in addition to that, we are the Nation that puts our cards upon the table, and they do not. There is not anything in the history of British and Japanese naval policy to justify any other expectation than this—that those nations will maintain their fleets at the very highest point of efficiency under the quota allowed by the limitation armament treaty.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. HUSTED. Yes.

Mr. MADDEN. Does the gentleman think the conference on disarmament increased the cost of the Navy or decreased it?

Mr. HUSTED. Of course, it decreases it under any suggested plan, and if the plan for 86,000 enlisted men is adopted, it would still decrease it, and it would decrease it very substantially.

Mr. MADDEN. I will say to the gentleman that if the plan he is now advocating is adopted, it will be increased over what it is to-day.

Mr. HUSTED. No; the gentleman is mistaken. The gentleman is very much mistaken. And the statement made by the gentleman from Wyoming [Mr. MONDELL] is inaccurate, because he says if we double the efficiency we necessarily double the personnel. That is not true at all, because there are two men used at sea for every man used on land, so that you can double the efficiency of your ships without doubling your personnel in the Naval Establishment.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. HUSTED. I do.

Mr. GARRETT of Tennessee. I understand the gentleman is advocating a plan which he says is indorsed by the President of the United States.

Mr. HUSTED. Quite correct, as I understand it.

Mr. GARRETT of Tennessee. And I understand the gentleman from Illinois [Mr. MADDEN] says that if that plan be adopted, then the disarmament conference did not reduce expenditures in that direction.

Mr. HUSTED. Well, I do not think that statement, with all the respect that I have for the great chairman of the Committee on Appropriations, is justified. I do not believe that if we provided for 86,000 men, as the President is said to recommend, it would increase the appropriations for the Naval Establishment over what they are at the present time. I believe that they would be substantially decreased. But whether they are increased or decreased, it is the plain duty of the American people to maintain our Navy at the highest point of efficiency under the quota arranged by the treaty. [Applause.]

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MONDELL. The gentleman continues to quote the President, and continues to quote the President very definitely as in favor of 86,000 men. I can not believe that the gentleman has any justification for quoting the President and quoting him definitely.

Mr. HUSTED. It has been stated over and over again in the public press, and——

Mr. MONDELL. Is that all the gentleman has got?

Mr. HUSTED. Well, I have had other indirect information from gentlemen of responsibility and truth.

Mr. KELLEY of Michigan. Does not the gentleman think that when he goes to the extent of quoting the President of the United States he ought first to have heard the President, and in the next place, he ought to have the consent of the President?

Mr. HUSTED. I am only quoting what I have heard, what is published in the newspapers, and what has come to me indirectly. I think any man is justified in doing that, and I am using the figure 86,000 not particularly because the President of the United States is using it, but because the figure 86,000 is what I believe to be the irreducible minimum.

Mr. KELLEY of Michigan. The gentleman does not say that the President told him that was what he stood for?

Mr. HUSTED. The President has not told me anything about it, but I understand from the newspapers that that is what the President desires.

Mr. VARE. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. VARE. The word of the gentleman from New York has indirectly been questioned.

Mr. KELLEY of Michigan. Oh, no; the word of the gentleman from New York has not been indirectly questioned. The gentleman says he has not any information at all from the President as to his position except what he has read in the newspapers.

Mr. VARE. And what he had reliable authority for. If the gentleman wants to know——

Mr. KELLEY of Michigan. I would like to know.

Mr. VARE. If the distinguished chairman of this subcommittee wants to know, and if the leader of the House wants to know, I want to say to the gentleman from New York [Mr. HUSTED] that he is stating the absolute facts.

Mr. KELLEY of Michigan. How does the gentleman know?

Mr. VARE. I am stating that upon my responsibility as a Member of this House. I say so on the responsibility of my membership in this House.

Mr. KELLEY of Michigan. Who told the gentleman from Pennsylvania that the President was in favor of 86,000 men?

Mr. VARE. I repeat to the gentleman that I say that on the responsibility of my membership in this House.

Mr. KELLEY of Michigan. Does the gentleman quote the President of the United States?

Mr. VARE. I repeat again, that I make that statement upon my responsibility as a Member of this House, that the statement which the gentleman from New York makes is correct.

Mr. KELLEY of Michigan. Did the President of the United States tell the gentleman from Pennsylvania that he favored 86,000 men for the Navy? And did the President authorize him to give out his views?

Mr. DEMPSEY. The gentleman is at liberty to answer, but the gentleman from Michigan can not catechize him.

Mr. VARE. I repeat again that I say to the Members of this House upon my responsibility as a Member of Congress that the statement of the gentleman from New York is a true statement of the facts.

Mr. KELLEY of Michigan. I yield 20 minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield a moment?

Mr. TINKHAM. Mr. Chairman, I desire unanimous consent to ask the honorable Representative from Michigan a question.

Mr. GARRETT of Tennessee. Will the gentleman yield to me one minute?

Mr. BYRNES of South Carolina. With the consent of the gentleman from Pennsylvania I yield to the gentleman from Tennessee two minutes.

Mr. VARE. I will yield for that purpose.

Mr. GARRETT of Tennessee. In view of the fact that this very delicate question has been raised, will some gentleman tell us what naval strength the President of the United States stands for?

A MEMBER. Not what he has stood for, but what he stands for to-day.

Mr. KELLEY of Michigan. The gentleman from Pennsylvania [Mr. VARE] has the floor. Perhaps he can answer the gentleman. He seems to have more information than any of the rest of us on this subject.

Mr. GARRETT of Tennessee. Can the gentleman from Michigan tell us whether there is a difference of opinion between the President and the Secretary of the Navy upon this subject?

Mr. KELLEY of Michigan. I do not know anything about that, and if I did I would not say so, unless I had the consent of the President to say it.

Mr. TINKHAM. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. VARE] yield to the gentleman from Massachusetts [Mr. TINKHAM]?

Mr. VARE. Not at this time.

Mr. KELLEY of Michigan. Mr. Chairman, I have yielded 20 minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, if this was not such a serious matter one might consider it amusing. Only a short time ago Members on both sides of the aisle day after day were continually praising the work of the Navy, praising the gallantry of its officers. Yet here to-day we find the distinguished chairman of the subcommittee on appropriations making the statement on the floor of this House that thousands and thousands of men in the employ of the Navy are somewhere and nobody knows where they are. I for one do not believe that is a correct statement of facts.

Mr. KELLEY of Michigan. Perhaps the gentleman can tell us where they are.

Mr. VARE. I do not know. I am not a naval expert. If I was I would be very glad to inform and enlighten the gentleman from Michigan.

Mr. KELLEY of Michigan. Very well.

Mr. VARE. This question was discussed more or less in the meeting of the Appropriations Committee on last Saturday. My recollection was that there were only two points in dispute. There did not seem to be any dispute as to the advisability of scrapping numerous worn-out ships—ships that would not be useful in accordance with the future program of the Navy. There was no dispute about that. The only question that seemed to arise was what was an adequate and sufficient number of men to man the ships and shore stations. On the one hand we had the information from the subcommittee, who no doubt, according to their judgment, used their best information. They saw it from their viewpoint. On the other hand we had information from the Secretary of the Navy, the officer who is charged with the management of the Navy. So it is that as a member of this committee who does not claim to be an expert on these naval matters, if I am compelled to choose between these two sources of information, there is only one for me to choose, and that is to follow the advice of the constituted authority who has the responsibility of managing the Navy. I as a member of the Committee on Appropriations am not willing to assume that responsibility. Consequently, when I am in doubt on a question affecting our naval policy, particularly in view of these international agreements which have been so recently entered into, I follow the recommendations of the officer who has the responsibility of managing the Navy.

The United States has gone on record, through the ratification of the agreements reached at the Conference on the Limitation of Armament, as being willing in the eyes of the world to support a Navy of certain strength, not only for its own protection but to help maintain a world police force on the sea, which the best minds of the great naval powers have declared adequate.

We have before us a bill which aims to defeat the very purpose of the conference findings; it aims to decrease the efficiency of the United States naval force to a point where it will stand only equal if not below Japan among the great fleets of the world, instead of maintaining its rank equal to Great Britain as the armament conferees deemed wise.

I base this statement on actual figures. Japan contemplates an enlisted strength for next year of 68,252 men while this bill provides but 67,000 men for the great United States Navy. What Member of Congress wants this condition to exist?

Economy has become necessary that the people of this country might not be burdened with taxes, the result of which is the stifling of business and individual effort. The House Appropriations Committee has practiced economy throughout its deliberations since the beginning of the present Congress. The record made under the direction of the gentleman from Illinois [Mr. MADDEN], chairman of the committee, is to be commended. There is such a thing, however, of economy being carried too far. There is a danger point, and that point is reached in this bill.

In short, the provisions made in this bill as reported from the committee are based on a Navy of 67,000 men, including 2,000 apprentices, while the estimates of experts place the necessary figure at 113,000 men that the Navy might be manned in accordance with the arms parley agreement.

In the interest of economy and prompted by a willingness to reduce the Nation's expenses the Secretary of the Navy recommended to this Congress that a force of 90,000 men and 6,000 apprentices be provided. This number would man enough ships and shore stations to provide a well-balanced fleet. The President, in turn, upon the advice of naval experts, has let it be known that he feels any number less than 80,000 men and 6,000 apprentices will be insufficient to maintain a proper force.

There has been practically no concerted opposition to the fundamental aims of the arms conference program. Unfortunately, many persons wish to carry a good thing too far. I fear that the influence of the pacifists has been greater than the influence of the practical man in this matter. It must be remembered that the wonderful results obtained at the arms conference were made possible by the fact that the United States was ready to go any nation of the world just a step better in the construction of navies if the other nations had not been willing to talk terms. It was not our weakness that counted nor could a weak United States have named terms. It was because we were strong and growing stronger.

Secretary Hughes, upon the advice of experts, named the strength of our Navy at the figure agreed upon. Are we going to reduce this strength to a point where the 70,000 trained men the Japanese will have on their vessels will be a far greater strength than our few men and larger number of ships? Are we going to say to the world that we asked for more than we wanted? Are we going to tell the world that we did not mean it when we promised to maintain an adequate naval strength to uphold our part of this international agreement?

The United States is not situated as are the other two great naval powers. We do not have a full quota of trained men in our Navy. To operate on a minimum force we should have a greater number of trained men enlisted. Our Navy at the end of the last fiscal year had 82,849 men who were serving their first enlistment. Another 16,552 had less than four years' experience. This was at a time when there were 119,205 men in the service. Since that time the Navy has been greatly reduced. There were at the close of the last calendar year about 98,000 men in the service, and that has been reduced April 1 by 1,000.

If we are to have a skeleton Navy and are not to be permitted to have a force adequate to man our ships, legislation should be passed which will keep the trained man in the Navy, that the small number some wish us to have will be the most efficient. This would involve further expense in many ways, although in the ultimate result would be less expensive. We are not here, however, to plan for such changes, but to provide an adequate force with the material we have at hand.

The reduction of the naval force would entail losses in material and deterioration of ships which would fastly overcome the slight monetary savings some feel this proposed cut would make. Brought down to hard figures, the economy we observe in this bill is so slight that we must consider the losses in national safety which we must suffer. Our Federal tax to-day is about $40 per capita. The tax necessary to support the Navy is about $4. The reduction in the Navy planned by the Navy Department would lower this figure to about $3. Then a further reduction, which would make our Navy next to useless as a fighting machine and inefficient as an adjunct to the merchant marine, for which we are planning a subsidy, would save about 25 cents per capita for the people of the United States. Is it worth it?

The 5-5-3 agreement places us on a par with the other great navy of the world—that of Great Britain. Great Britain and the United States control the merchant fleets of the world today. The reduction planned in this bill, together with the plans of Japan for an increased personnel, would change this ratio to 5-3-3. We should maintain a naval fleet to protect our merchant marine as great as any fleet in the world. The United States exports about $8,000,000,000 worth of American products each year. We can carry a great bulk of this in our own ships if the merchant marine is to be encouraged by a navy for protection in the background.

In all, a Navy of less than 86,000 men is unsafe, not economical in any sense, and would not be authorized with the sanction or approval of those in charge with the administration of the Government, both in its national and international activities. Let us support the administration at this time, when both domestic and foreign problems are acute and there are visions of better understandings.

I have before me a statement issued by Secretary of the Navy Denby commenting on the report of the committee on this bill which I wish to read:

> Should the bill just reported become law it would be a blow to the Navy and to the prestige of the United States. Whatever appropriations of men and money are allowed the Navy will be administered by the department in an earnest and cheerful endeavor to keep it as effective as possible. I feel that I should be recreant to a plain duty, however, if I did not solemnly warn the American people that the proposed reduction negatives the results of the recent conference, is dangerous to the country's security, and, in my opinion, to the welfare of the world.
>
> If this bill becomes a law, it will mean that 5 battleships of the 18 provided for in the treaty must be put in ordinary, with caretakers. It will mean that, having gathered the nations together and having conducted to a successful conclusion negotiations intended to establish the relative defensive sea armaments of the different powers, we, from the earnestly insisted upon position of equality with any nation in the world, drop to second or third place. I do not believe in making a mockery of the conference. I do not believe in throwing away our sea power.
>
> We called the conference. We made the proposals. We should abide by the conclusions. Eighteen battleships with their necessary auxiliaries and shore bases were adopted for our defense. With the passage of this bill our international plan goes by the board. It is proposed to cast to the winds the advice of the men who represented us during the conference and made the agreements and the advice of the trained officers of the service.
>
> The Navy does not belong to the Navy Department. It does not belong to Congress. It belongs to the American people. My duty to warn against undue reduction in our defensive armament is as sacred a trust as any man can hold. If the people had wanted this Navy so far below the standard agreed upon in the treaty, they should have said so long ago. There would then have been no need for the conference, and we would have been better off without one. What would the people and Congress have said if the conference had proposed by treaty to reduce the number of men in the American Navy to approximately two-thirds of the number in the British Navy and less than the number in the navy of Japan?
>
> This bill is a challenge to the common sense of our people. I do not believe it meets the approval of our people. I do not believe such ill-advised economy can have the support of the majority of Americans. Whatever arms may have cost, they have made and kept us a nation. If the bill passes, and we slip from the position of equality in sea power, we shall not again be able to secure support at home or abroad for another conference for world adjustments. If we would sit at the first table in the councils of the nations, we must have sea power.

It is on the President's figures, the lowest possible estimate, that I wish to base my contentions. To maintain this force and to provide for repairs of ships and the proper conduct of our navy yards and stations, increased appropriations for other items in this bill will be necessary. The present appropriations provided for in the bill are inadequate for the maintenance of a trained repair force at our navy yards. This force must be maintained for times of emergency.

In speaking of maintenance of navy yards I know whereof I speak. I was born and raised within a mile of the Philadelphia Navy Yard and have made a close study of navy-yard activities all my life. I have watched the Philadelphia Navy Yard grow from a small navy station in its earliest days to one of the greatest industrial plants of the world. Within its gates are building and repair units adequate to care for the Navy's needs in time of peace or war. It has maintained an efficient organization.

This bill, with its skeleton force of men and its reduced appropriations for the conduct of the navy yards, would destroy the efficiency of this great plant. The employees would be forced to other fields—would be forced to seek employment in other plants, and in time of stress would find the yard lacking in both the economy and efficiency of operation it now enjoys.

When this bill is considered under the five-minute rule I intend to present an amendment which will provide for an adequate Navy of 80,000 men and 6,000 apprentices as is desired by the President, and I hope the House will see the wisdom of approving such appropriations. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228,

the naval appropriation bill, and had instructed him to report that they had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WALSH, for one week, on account of death in his family.

To Mr. TAYLOR of Tennessee, indefinitely, on account of official business.

To Mr. HERRICK, for two days beginning Tuesday morning, in order to attend to pressing private business.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 11, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

586. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Morattico Creek, Lancaster County, Va.; to the Committee on Rivers and Harbors.

587. A letter from the Secretary of War, transmitting a tentative draft of a bill to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VOLSTEAD: Committee on the Judiciary. H. Con. Res. 53. A concurrent resolution to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes; with amendments (Rept. No. 890). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD: Committee on the Judiciary. H. R. 10768. A bill to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat., p. 670); without amendment (Rept. No. 891). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 11243) to designate a building site for the National Conservatory of Music of America; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 11244) authorizing the construction of a bridge across White River in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKS of Arkansas: A bill (H. R. 11245) to continue the land office at Camden, in the State of Arkansas, and for other purposes; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 11246) to rebuild the school building of the Indian school near Greenville, Calif.; to the Committee on Indian Affairs.

By Mr. BLAND of Virginia: A bill (H. R. 11247) to authorize the Secretary of War to sell real property at Fort Monroe, Va., formerly deeded to the Government by James A. J. Bradford; to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 11248) to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the district court of Mississippi; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 11249) to provide for the establishment and maintenance of a forest experiment station in cooperation with the University of California; to the Committee on Appropriations.

Also, a bill (H. R. 11250) to provide for the establishment and maintenance of a forest experiment station in cooperation with the University of California; to the Committee on Agriculture.

By Mr. MILLS: A bill (H. R. 11251) for the taxation and registration of motor vehicles; to the Committee on Ways and Means.

By Mr. HUDSPETH: A bill (H. R. 11252) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 11253) granting an increase of pension to Sarah Rice; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 11254) granting an increase of pension to Ira Howell; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11255) granting a pension to Jane Ritchie; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 11256) for the relief of Alexander H. Robertson; to the Committee on Military Affairs.

By Mr. MOORE of Illinois: A bill (H. R. 11257) granting an increase of pension to Mary A. Anderson; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11258) granting an increase of pension to Lucinda Brown; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 11259) for the relief of Roy M. Cleveland; to the Committee on War Claims.

By Mr. SEARS: A bill (H. R. 11260) granting a pension to Susan M. Worthing; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11261) granting a pension to Elsie M. Pool; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 11262) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation in Nebraska; to the Committee on Indian Affairs.

By Mr. THOMAS: A bill (H. R. 11263) granting an increase of pension to Mattie Roberts; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5028. By the SPEAKER (by request): Resolution adopted by the city council of the city of Boston, protesting against the closing of the Charlestown (Mass.) Navy Yard; to the Committee on Naval Affairs.

5029. By Mr. CAREW: Resolution unanimously adopted by the Rotary Club of New York City, relative to the reestablishment of the pneumatic mail tube service in the city of New York; to the Committee on the Post Office and Post Roads.

5030. By Mr. CRAGO: Resolutions adopted by the Pennsylvania State College, of State College, Pa., urging that Congress authorize and empower the Secretary of War or the Secretary of Commerce to make such investigations as may be necessary to determine what substance of whatever nature are thrown or deposited into the navigable waters of the United States or any tributaries thereof in such manner as to endanger or interfere with navigation, commerce, or fisheries; to the Committee on Rules.

5031. By Mr. FROTHINGHAM: Resolution from the Boston City Council, of Boston, Mass., protesting against the closing of the navy yard at Charlestown, Mass.; to the Committee on Naval Affairs.

5032. Also, resolution adopted by Dorchester (Mass.) Board of Trade, urging passage of House bill 7400, relative to the quality of domestic anthracite coal; to the Committee on Interstate and Foreign Commerce.

5033. By Mr. HADLEY: Petition of certain citizens of Bellingham, Wash., opposing the passage of House bill 9753, and other Sunday bills; to the Committee on the District of Columbia.

5034. By Mr. LAMPERT: Resolution of the Citizens' Civil Council of Milwaukee County, Wis., indorsing the St. Lawrence River project; to the Committee on Interstate and Foreign Commerce.

5035. By Mr. LUCE: Petition of Rose Standish Council, No. 12, Daughters of Liberty, urging passage of the education bill; to the Committee on Education.

5036. By Mr. SNYDER: Resolution of the Rome (N. Y.) Chamber of Commerce, deprecating any lowering of the efficiency of the Army or Navy or the effectiveness of the reserves; to the Committee on Military Affairs.

SENATE.

TUESDAY, *April 11, 1922.*

(Legislative day of Monday, April 10, 1922.)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess. After 2 hours and 20 minutes spent in executive session the doors were reopened.

WORLD WAR FOREIGN DEBT COMMISSION.

In executive session this day, following the confirmations of Senator REED SMOOT and Representative THEODORE E. BURTON to be members of the World War Foreign Debt Commission, on request of Mr. WALSH of Montana, and by unanimous consent, the injunction of secrecy was removed from the vote by which Senator SMOOT and Representative BURTON were confirmed.

The vote on confirmation resulted—yeas 47, nays 25, as follows:

YEAS—47.

Ball	France	McCumber	Poindexter
Broussard	Frelinghuysen	McKinley	Rawson
Bursum	Gooding	McNary	Shortridge
Calder	Hale	Moses	Spencer
Cameron	Harreld	Nelson	Sterling
Capper	Jones, Wash.	New	Sutherland
Colt	Kellogg	Newberry	Townsend
Cummins	Kendrick	Nicholson	Wadsworth
Curtis	Keyes	Norbeck	Warren
Dillingham	Lenroot	Oddie	Watson, Ind.
Edge	Lodge	Page	Willis
Fernald	McCormick	Pepper	

NAYS—25.

Ashurst	Harrison	Overman	Underwood
Borah	Heflin	Owen	Walsh, Mont.
Caraway	Hitchcock	Pomerene	Watson, Ga.
Dial	Jones, N. Mex.	Sheppard	Williams
Fletcher	La Follette	Simmons	
Glass	Myers	Swanson	
Harris	Norris	Trammell	

NOT VOTING—24.

Brandegee	Gerry	Phipps	Smith
Crow	Johnson	Pittman	Smoot
Culberson	King	Ransdell	Stanfield
du Pont	Ladd	Reed	Stanley
Elkins	McKellar	Robinson	Walsh, Mass.
Ernst	McLean	Shields	Weller

So Senator REED SMOOT and Representative THEODORE E. BURTON were confirmed as members of the World War Foreign Debt Commission.

Mr. DIAL, when his name was called, announced his pair with the Senator from Colorado [Mr. PHIPPS], transferred the same to the Senator from Massachusetts [Mr. WALSH], and voted "nay."

Mr. HARRISON transferred his pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Louisiana [Mr. RANSDELL] and voted "nay."

Mr. McCUMBER transferred his pair with the Senator from Utah [Mr. KING] to the Senator from North Dakota [Mr. LADD] and voted "yea."

Mr. MYERS transferred his pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Nevada [Mr. PITTMAN] and voted "nay."

Mr. NEW transferred his pair with the Senator from Tennessee [Mr. McKELLAR] to the Senator from Pennsylvania [Mr. CROW] and voted "yea."

Mr. STERLING transferred his pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maryland [Mr. WELLER] and voted "yea."

Mr. SUTHERLAND transferred his pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Oregon [Mr. STANFIELD] and voted "yea."

Mr. CURTIS announced that the Senator from Delaware [Mr. DU PONT] was paired in favor of confirmation with the Senator from Missouri [Mr. REED], who was opposed, and the junior Senator from Kentucky [Mr. ERNST] was paired in favor of confirmation with the senior Senator from Kentucky [Mr. STANLEY], who was opposed.

On motion of Mr. WALSH of Montana, Senate Report No. 563, relative to the question of the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the World War Foreign Debt Commission, was ordered to be printed in the RECORD, as follows:

[Senate Report No. 563, Sixty-seventh Congress, second session.]

ELIGIBILITY OF HON. REED SMOOT AND HON. THEODORE E. BURTON TO MEMBERSHIP ON THE WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana, from the Committee on the Judiciary, submitted the following report to accompany Senate Resolution 244:

The Committee on the Judiciary, to which was submitted by Senate Resolution 244 the question of the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created under the act of Congress approved February 9, 1922, in view of the fact that at the time of the passage of the act the former was, as he still is, a Member of the Senate and the latter was, and he still is, a Member of the House of Representatives, respectfully reports that, having referred the question so submitted to a subcommittee, consisting of Senators CUMMINS, BRANDEGEE, STERLING, OVERMAN, and WALSH, it reported that, having investigated the question, the conclusion was reached that the gentlemen named are ineligible, Senators BRANDEGEE, OVERMAN, and WALSH concurring in the report and Senators CUMMINS and STERLING dissenting; that upon the incoming of the said report your committee canvassed the question and now reports that it is its opinion the gentlemen mentioned are not, nor is either of them, eligible to membership on the said commission for which they have been nominated by the President of the United States.

In its labors the committee had the assistance of a discussion of the question presented by Senator WALSH, copy of which is hereto appended, supporting the view that the gentlemen named are not eligible, and in support of the contrary view discussion by Senators CUMMINS and NELSON and an opinion by the Attorney General which, it is understood, will be made a part of a report to be submitted by the minority of the committee.

In the opinion of the Attorney General reference is made to an earlier opinion of his department, copy of which, with some comments thereon by Senator WALSH, is attached hereto.

Respectfully submitted.

T. J. WALSH.	WM. E. BORAH.
FRANK B. BRANDEGEE.	C. A. CULBERSON.
G. W. NORRIS.	JAS. A. REED.
LEE S. OVERMAN.	JNO. K. SHIELDS.
HENRY F. ASHURST.	

On February 9, 1922, the President approved the bill, theretofore passed by Congress, providing for the appointment of a commission authorized, subject to the approval of the President, to refund, convert, and extend the obligations due to the United States from foreign governments, arising out of loans made to them during the war and other transactions incident thereto, amounting to approximately $11,000,000,000. By the terms of the act, a copy of which is appended hereto, the commission is to consist of five members, including the Secretary of the Treasury, the other four of whom are to be nominated by the President and confirmed by the Senate. Pursuant to that law, the President, on February 21, 1922, transmitted to the Senate a communication advising it that he had nominated as members of the commission Hon. Charles E. Hughes, Hon. Herbert C. Hoover, Hon. Reed Smoot, and Hon. Theodore E. Burton. At the time of the passage of the act Mr. Smoot was a Member of the Senate and Mr. Burton a Member of the House of Representatives. Pending action on those nominations by the Senate, it directed the Committee on the Judiciary to inquire into the eligibility of the gentlemen last named for the positions for which they were thus nominated, its aid being invoked by the following resolution adopted February 24, 1922:

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to inquire into and report to the Senate, not later than Tuesday next (February 28, 1922), touching the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created by the act of Congress approved February 9, 1922, entitled 'An act to create a commission authorized to refund or convert obligations of foreign governments held by the United States of America, and for other purposes,' reference being made to section 6 of Article I of the Constitution of the United States as follows:

"'No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time.'"

Whatever doubt may exist or be raised on the question submitted hinges upon the significance to be given to the word "office" in the language of the Constitution quoted in the resolution. Do the members of the commission in question hold "any civil office under the authority of the United States"? Less technically stated, the question is whether the positions in question are among those appointment to which is fraught with the danger or likely to introduce the evils to avert which the wise framers of our fundamental law incorporated in it the provision under consideration. What that danger is, what evils were to be guarded against, if not sufficiently obvious, is made perfectly clear by a reference to the debates in the convention. A few brief extracts from them will be sufficient for the present purpose. A delegate, Mr. Gorham, having moved to strike out the prohibitory clause, the record states:

"Mr. Butler opposed it. This precaution against intrigue was necessary. He appealed to the example of Great Britain, where men get into Parliament that they might get offices for themselves or their friends. This was the source of the corruption that ruined their Government.

"Colonel Mason was for shutting the door at all events against corruption. He enlarged on the venality and abuses in this particular in Great Britain and alluded to the multiplicity of foreign embassies by Congress. This disqualification he regarded as a corner stone in the fabric. (Elliott's Debates, p. 229.)

"Mr. Sherman was for entirely incapacitating members of the legislature. He thought their eligibility to offices would give too much influence to the Executive. He said the incapacity ought at least to be extended to cases where salaries should be increased as well as created during the term of the Member. He mentioned also the expedient by which the restriction could be evaded, to wit, an existing officer might be translated to an office created and a member of the legislature be then put into the office vacated." (Elliott's Debates, p. 505.)

For those who desire to pursue the subject further there is appended a copy of the review of the discussion on this feature of the Constitution appearing in Watson on the Constitution, evidently deemed at the time to be of very great consequence, however lightly it may be regarded now.

There were, as disclosed by the quotations above, a final purpose in the provision under review, first, to remove the temptation from Members to multiply offices to which they might be appointed, either to their honor or their profit, and, second, and perhaps more important, as viewed by the fathers, to deprive the Executive, with whom was to rest the power of appointment, of the opportunity to constrain Members of Congress to conform to his desires concerning legislation by holding out to them the hope of appointment to offices which they were to create or render more attractive by an increase of salary. In other words, to remove, in part at least, the corrupting power of the patronage of the Executive. However fanciful such a danger may seem to us, it was notorious in their day that the King of Great Britain, or at least his ministers, often secured from Parliament legislation favored by them by a liberal distribution of offices, pensions, peerages, and even of cold cash.

It would be startling to the wise and prudent fathers of the Constitution to be told that though they had guarded against the corrupting influence of the appointment of a Member of Congress to the position of a fourth-class postmaster in a frontier town, they had neglected to remove the temptation offered or the opportunity afforded by membership on a commission empowered to adjust claims against the Government aggregating $11,000,000,000, a sum so vast they could have had no accurate conception of it, however we may, with more abundant occasion for comparison, feebly appreciate its bigness.

In what has been said in a casual way on the subject since the discussion was precipitated in connection with the legislation for funding the foreign debt, reference has been made to the frequency with which Members of Congress have been appointed as commissioners to draft treaties, a practice which, though denounced from time to time by able statesmen, dates from the early days of the Republic and was recently followed by President Harding in naming Senators Lodge and Underwood on the American delegation to the Washington Conference on Disarmament. But no justification can be found in these precedents for the appointment under consideration. The positions so filled were not created by any law of Congress. The Constitution reposes in the President of the United States the power and authority to negotiate treaties. He may act in person, as President Wilson did at Versailles, or he may designate some one to act for him, pursuing the course usually followed. It is not necessary that the appointment of persons so designated should be confirmed by the Senate. Out of abundance of caution, and perhaps from a considerable regard for the sensibilities of Senators, such appointments were, in our early history, with some frequency submitted to the Senate, and that course has been occasionally followed in modern times, but it can scarcely be contended longer that it is essential that it be.

Another class of cases, quite similar in character, includes appointments on commissions to settle international disputes, like boundary commissions, or other arbitration commissions, the members of which are appointed pursuant not to an act of Congress but to a treaty. Such officers, if they may be so denominated, do not come under the operation of the clause of the Constitution under consideration which was intended to exclude Members of Congress only from such offices as they had a hand in creating or in making more desirable by increasing the emoluments attached to it. The provision in question was one of the compromises of which not a few are found in the Constitution. The more timid wished to make Members ineligible to appointment to any office, and not only for the term of the Member but as well for a year after its expiration. Others objected to any restriction on the appointing power in that regard. It was finally agreed that the safety of the Republic would be sufficiently assured if the temptation were removed only with respect to such offices as the Members respectively participated in creating or making more inviting in the manner indicated. So, admitting that the members of commissions such as those last referred to are officers and that they act under the authority of the United States, rather than under a joint authority of our country and the other party to the treaty, the offices they hold are not of that class the makers of the Constitution had in mind when they framed the clause in question; that is, though they may be within its letter, they are not within its spirit.

A third class of commissions to which Members of Congress have frequently been appointed are such as are authorized and empowered to investigate and report to Congress for its information, as a basis for legislation, which it may or may not subsequently enact. An act creating such a commission gave rise to an investigation by the Judiciary Committees of both Houses of the whole subject now being considered, action having been taken in the Senate on the motion of Senator Hoar, of Massachusetts, the chairman of its Committee on the Judiciary. Under the act involved, President McKinley appointed as members of a commission to propose legislation for the government of the Hawaiian Islands, among others, Senators Cullom and Morgan and Representatives Hitt and Rhea, House conferees, through its chairman, Hon. David B. Henderson, once Speaker, made an elaborate report, copy of which is appended hereto, in which the eligibility of Members of Congress to appointment on such a commission was upheld. The Senate committee made no report, but the views of the committee in disapprobation of the practice of appointing Members of Congress to such positions were conveyed to the President by the distinguished lawyer who was then chairman of the committee, and the Senate declined to confirm the nominations of the gentlemen named against whom no objection was made except that they were Members of Congress. We are, accordingly, without any direct determination either by the Senate or its Committee on the Judiciary on the question here discussed.

Later, however, the general subject was again canvassed in the Senate in connection with a bill for the creation of a commission to investigate and report to Congress, which the Senate amended so that the appointment of Members of Congress to membership on it was forbidden.

Speaking to the amendment referred to, Senator Hoar detailed the proceedings had in connection with the Hawaiian bill, as herein recited, denounced the policy of appointing Members of Congress on such commissions, asserted that the well-nigh unanimous opinion of the Senate was against it, and that he and many other Senators were convinced that it was in contravention of the Constitution. A copy of his remarks on that occasion are appended hereto.

The position taken by Speaker Henderson, which, bear in mind, was not accepted by Senator Hoar, was that inasmuch as the commission considered by him could recommend only and had no power either to make a law, to execute a law, or to construe a law, it discharged neither legislative, executive, nor judicial functions; it exercised no part of the sovereign power of government; and therefore its members held no "office," were not "officers."

Congress might, it was pointed out, disregard utterly any report or recommendation such a commission might submit and either omit or refuse to do anything on the subject to which it relates, or it might, in the usual way, initiate legislation of a wholly different character from that recommended. It might even anticipate the report of the committee and take action in the premises entirely at variance with any views entertained by the members of the commission.

The principle announced in the report of Speaker Henderson is believed by some members of the committee to lead to the conclusion that the members of the Foreign Debt Funding Commission hold no "office" within the meaning of the term as it is applied in section 6 of Article I. of the Constitution. It is said, in support of that view, that the commission has no powers, because whatever arrangement it may make with any foreign Government is subject to the approval of the President; that in consequence of that provision the authority to make the composition is vested in the President and that the commission merely gathers information for his enlightenment, makes recommendations to him, upon which he is to make the final and binding agreement. But that contention is plainly at war with the perfectly clear language of the act. By its terms it is to the commission, not to the President, that the authority is given to conduct the negotiations and to enter into the agreements. He has what may be denominated with substantial accuracy a veto power, and a veto power only. If their work should be unsatisfactory to him he has no power, under the act, to initiate new negotiations or to conduct them. He might undoubtedly, under the authority to make treaties conferred upon him by the Constitution, undertake the task, but whatever agreements he might make so acting would not be final, as is provided in the act, but would be subject to ratification by the Senate. But in the event supposed he would be powerless, so far as the funding act is concerned. The fact that what the commission does is subject to the approval of the President can not be said to be inconsistent with the idea that they exercise a part of the sovereign power of the Government, or, in other words, hold office. The President is empowered by the Constitution to make treaties subject to the approval of the Senate. Can it be said that the treaty-making power is vested in the Senate, the President having power only to recommend, that he acts on what he does in that behalf simply as a collector of information for the Senate and not as an officer of the Government? The Congress can enact no law except with the approval of the President. Is it true, accordingly, that all legislative power is vested in the President, the Congress existing merely for the purpose of recommending legislation to him? The Constitution itself declares that all legislative power is vested in Congress.

It may be said that the case is not parallel, because Congress may enact a law by overriding the President's veto. But is that a difference of consequence? It is the theory of the English Government that the King has an absolute veto. It is true that he has not exercised it for some few hundred years, but that he may exercise it consistently with the English constitution will, perhaps, not be disputed. Is the Parliament of Great Britain consequently without legislative powers and are all such reposed in the King, or were they so reposed when he was accustomed from time to time to exercise his right of veto?

It would do violence to the whole theory of our Government to assert that Congress exercises legislative powers only when it passes a law over the President's veto.

So nothing that one House of Congress may do in the way of legislation has any force unless approved by the other House. Is the Senate but the handmaid of the House or the House simply the servant of the Senate? Do the Members of neither body hold an office because its work to be effective must be approved by the other?

The general argument by which the conclusion is arrived at that men who fill positions created by law, in which they are called upon to perform important functions in the interest of the general public, in which they assume grave responsibilities by reason of which they attain both influence and distinction, if not emolument or other profit, positions that are in consequence eagerly sought after, are not offices is attenuated at best, but it fades to the vanishing point when every strand is gone save that the work accomplished is subject to the approval of another functionary.

It has been pointed out that the President is powerless in the premises under the act, except to approve or disapprove the work of the commission, the importance of which can not be overestimated. It is understood that Austria is asking for an extension of 20 years in respect to the debt owing by her on account of food supplies furnished her starving population by our Government; that is to say, that we arrange with her so that she shall not be required to pay any part of the debt earlier than 20 years hence. It is asserted that the weal or woe of her 7,000,000 people depends upon the grant of this concession to her, the other nations to which she is bound on account of her treaty obligations having signified their willingness to extend the time of payment of their claims if the United States would do likewise. The President of the United States may be perfectly willing to accord her the accommodation she is asking, but she can not get it unless this commission can be prevailed upon to yield to her desires. On the other hand, there is an insistent demand in this country for prompt payment, that our own people may be relieved from the heavy burden of taxation they are carrying, or that they may exhibit in a material way their gratitude to the men who responded to the call of their country in its hour of peril and constituted the great World War. Men of great sagacity, experts in international finance, not a few in number, insist that the exaction of prompt payment of even the accumulated interest on our foreign debt would operate to precipitate a crisis in business circles, the disastrous effects of which would extend around the globe and be felt not less by our own people than by those called upon to make the payment. Such a view was expressed on the floor of the Senate by the distinguished Member of that body who has been named a member of the commission.

Ignoring the adjudications of the courts as to what is or what is not technically an "office," many of them irreconcilable and hinging upon particular statutes, let us try to solve the question before us by the application of fundamental rules. In the term "office," as ordinarily used, broad enough to include the positions in question; and if it is, are they such positions as the framers of the Constitution intended should fall under the ban of the language they used?

It will be admitted that if the word "office" can, under no reasonable definition, be expanded so as to include the positions in question, it is immaterial that they are affected with the danger against which the clause in question was intended to safeguard the Republic. But is that the situation? It is a cardinal rule of construction, particularly of constitutions, that "words are to be taken in their natural and obvious sense and not in a sense unreasonably restricted or enlarged." (Martin v. Hunter's Lessee, 1 Wheat. 326.)

It is frequently asserted that they are to be taken in their ordinary and usual sense.

"In general, statutes are presumed to use words in their popular sense; utl lequitur vulgus. (Endlich on Interpretation of Statutes 76.)

"Indeed, it is probably not inaccurate to say that, as between two meanings of a word, the ordinary and popular meaning is, in general, to be preferred and is most frequently in harmony with the subject matter and object of the enactment." (Id. 78.)

To ascertain the usual and ordinary sense of words, we have recourse to the dictionary. The Century Dictionary defines "office" as follows:

"A position of authority under a government; as a man in office; to accept office. In law: (a) The right and duty conferred on an individual to perform any part of the functions of government and receive such compensation, if any, as the law may affix to the service; more specifically called public office. It implies authority to exercise some part of the power of the State, a tenure of right therein, some continuous duration, and usually emoluments. It is often defined simply

as a public charge or employment; but there are many instances of public charge or employment which are not in law deemed offices, such as the service of a janitor, or that of a person designated by special act to buy goods for public use. In early English law office was regarded as a right and could be conferred on a man or his heirs. In United States law it is a duty or agency conferred for public benefit; and, although the tenure is to some extent matter of right, the compensation is subject to change by the legislature unless constitutionally fixed."

Webster contributes the following:

"Office: 1. A particular duty, charge, or trust, as one conferred by public authority and for a public purpose; an employment undertaken by commission or authority; a post or position held by an official or functionary; specifically, a position of trust or authority under a government, as the office of a premier. 2. Law: (1) A legal right to exercise a public function or employment and to take its lawful emoluments. (2) In a more general sense, administrative or executive rights, powers, or duties, as in semipublic or private capacities, constituting established and legally recognized functions, as the office of trustee."

Though mention is made here of emoluments as being a feature generally of an office, it has been determined judicially that, while common, such a feature is not essential. (In re Corliss, 11 R. I. 638.)

That case held that members of a commission created by act of Congress to prepare and superintend the execution of a plan for holding the Centennial Exposition hold an "office" under the United States.

Undeniably a member of the Funding Commission holds an office under the dictionary definition, but if there were any doubt about it, or if the term is sometimes used in a more narrow sense, and it is essential to inquire whether in the case before us it is to be given the narrower significance, attention may, yea, by a rule both ancient and universal, must be paid to the mischief which the law was to guard against and the purpose which was to be subserved in its enactment, and such a construction must be given to the language assumed to be of doubtful import as will effectuate and not defeat the purpose of the authors of the statute. That rule, applicable alike to the statutes, constitutions, and treaties, is the subject of the following comment by Vattel, as quoted by Sedgwick (235, 236):

"The reason of the law or of the treaty—that is to say, of the motive which led to the making of it and the object in contemplation at the time—is the most certain guide to lead us to the discovery of its true meaning; and great attention should be paid to the circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone. * * *

"The consideration of the reason of a law or promise not only serves to explain the obscure or ambiguous expressions which occur in the piece, but also to extend or restrict its several provisions independently of the expressions and in conformity to the intention and views of the legislature or the contracting parties rather than to their words, for, according to the remark of Cicero, the language invented to explain the will ought not to hinder its effect. When the sufficient and only reason of a provision, either in a law or a promise, is perfectly certain and well understood, we extend that provision to cases to which the same reason is applicable, although they be not comprised within the signification of the terms. This is what is called interpretation. It is commonly said that we ought to adhere rather to the spirit than to the letter. Thus the Mohammedans justly extend the prohibition of wine in the Koran to all intoxicating liquors, that dangerous quality being the only reason that could induce their legislator to prohibit the use of wine."

To which the same thought was expressed by Judge Sanborn in Stevens v. Nave-McCord Mercantile Co. (150 Fed. 75), as follows:

"Cardinal rules for the construction of a statute are that the intention of the legislative body which enacted it should be ascertained and given effect, if possible, regardless of technical rules of construction and the dry words of the enactment; that that intention must be deduced not from a part but from the entire law; that the object which the enacting body sought to attain and the evil which it was endeavoring to remedy may always be considered for the purpose of ascertaining its intention; that the statute must be given a rational, sensible construction; and that, if this be consonant with its terms, it must have an interpretation which will advance the remedy and repress the wrong." (United States v. Ninety-nine Diamonds (C. C. A., 8th Cir.), 139 Fed. 961, 965; 72 C. C. A. 9; 2 L. R. A. (N. S.) 185.)

The positions under consideration being easily within the meaning of the word "office" as it is popularly understood and being undeniably of the character the framers of the Constitution intended should not be open to Members of Congress in the creation of which they participated, however faultily they may have expressed that intention, it must be held that such Members are ineligible under the Constitution.

But it is not necessary to insist upon an enlarged definition of the word as it is used in the law. Cases can be found in which an exceedingly restricted significance has been given to it. As a rule they have not presented for consideration either the particular provision here under consideration or any of similar import. So much importance is attached to one of these (Bunn v. People, 45 Ill. 397) as to justify a brief review.

It considered the validity of an act of the legislature creating a commission to supervise the construction of a State capitol, the members being named in the act, though the constitution provided that the governor should nominate and by and with the advice of the senate appoint all officers whose offices were established by the constitution or created by law. It was held that such commissioners were not officers, because it was asserted "no tenure of office is fixed by the act, no permanency is attached to it," and "the appointees are to perform a duty single in itself." It was remarked that "no power is given to levy taxes," though perhaps few would contend that that feature is of consequence.

In the first place the discussion was by a divided court, consisting of three members, one of whom filed a vigorous and persuasive dissenting opinion in which a number of cases were cited, including State v. Kennon (7 Ohio Stat. 456), a case quite like the one before the Illinois court, which held directly to the contrary. It might be added that Bunn v. People is flatly opposed by In re Corliss, elsewhere herein referred to.

In the second place the decision was so generally disapproved by the people of Illinois that three years afterwards, when they framed a new constitution in 1870, they inserted therein a provision to neutralize for the future the obnoxious judgment in Bunn v. People, as follows:

"An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power or for a fixed term, with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished."

That this provision of the Illinois constitution owes its origin to the decision in Bunn v. People is asserted in People v. Loeffler (175 Ill. 585, 602–603), and in Eatton v. Board of Health (127 Calif. 388, 396–397).

The definition of "office" as set out in the Illinois constitution conforms quite accurately to that assigned to it very generally by the courts. In most cases in which the subject is considered they are called upon to differentiate between an office and a mere employment, the one resting upon a statute and being impersonal in character, the other founded on contract. The outstanding characteristic of the office is that if the incumbent dies or resigns the appointing power fills the vacancy.

Among other cases upon which Judge Walker founded his dissent in Bunn v. People was United States v. Maurice (2 Brock. 96), in which the opinion was written by Chief Justice Marshall who therein stated:

"An office is defined to be a 'public charge or employment,' and he who performs the duties of the office is an officer. * * * Although an office is 'an employment,' it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to do an act or perform a service without becoming an officer. But if the duty be a continuing one, which is defined by rules prescribed by the Government, and not by contract, which an individual is appointed by Government to perform, who enters on the duties appertaining to the station without any contract defining them, if those duties continue, though the person be changed—it seems very difficult to distinguish such a charge or employment from an office, or the person who performs the duties from an officer."

The opinion in the California case cited, after quoting from Marshall, continues:

"Judge Cooley distinguished the 'officer' from the 'employee' in the 'greater importance, dignity, and independence of his position, in being required to take an official oath, and perhaps to give an official bond, in the liability to be called to account as a public officer for misfeasance or nonfeasance in office and usually, though not necessarily, in the tenure of the position.' (Throop v. Langdon, 40 Mich. 673.) But it has been held that an oath of office is not a necessary criterion, nor is a salary. These are but incidents and form no part of the office, though they may aid in determining the nature of the position. Duration or continuance have been said to be embraced in the term 'office,' and Chief Justice Marshall, in the case cited, spoke of the duty being a continuing one as an important element. But Chief Justice Pearson, in the North Carolina case cited, said 'that it made no difference whether there be but one act or a series of acts to be done, whether the office expires as soon as the one act is done or is to be held for years or during good behavior,' the service being performed for the State. Our court at an early day, in Vaughn v. English (8 Calif. 40), held that the clerks in the offices of secretary of state and controller and treasurer of state were officers within the meaning of the act of April 21, 1856. (Stats. 1856, p. 224.) It was there said: 'The term "officer," in its common acceptation, is sufficiently comprehensive to include all persons in any public station or employment conferred by Government.' The definition given in 4 Jacob's Law Dictionary, 438, was quoted as follows: 'It is said every man is a public officer who hath any duty concerning the public, and he is not the less a public officer where his authority is confined to narrow limits, because it is the duty of his office and the nature of that duty which makes him a public officer, and not the extent of his authority.' The opinion continues: 'The respondent was appointed by Government; the duties which he is to perform concern the public, and he is paid out of the Public Treasury; he is, therefore, a public officer.' It was held that because there was no definite term of the office could not be urged as an objection, for the clerks are appointed for the term of the officer making the appointment, subject to the power of removal."

How valueless many of the cases defining the word in question are may be judged from the fact that the Supreme Court of the United States held in United States v. Mouat (124 U. S. 303) that a paymaster's clerk is not an "officer" of the Navy, and in the case next reported in the same volume, United States v. Hendee, that he is an "officer" of the Navy, the court having under consideration a different statute in each case, and attempting in each to give effect to the intention of Congress.

The appropriate use of the term in the law is accordingly to be gathered rather from the law dictionaries and from a general review of the authorities than from specific cases. From these it is to be concluded that anyone who exercises a portion of the sovereign power of the State is an officer. Bouvier has the following:

"Public office in the Constitution means a permanent public trust or employment, not merely transient, occasional, or incidental; In re Hathaway (71 N. Y. 238). The term embraces the ideas of tenure, duration, emoluments, and duties; United States v. Hartwell (6 Wall., U. S. 385, 18 L. ed. 830); but it has been held that duration and salary are not of the essence of public office and that the duty of acting for and on behalf of the State constitutes an office; People v. Bledsoe (68 N. C. 457); even though it exploses such a single act as this done; State v. Stanley (60 N. C. 59, 8 Am. Rep. 488). The true test is that it is a parcel of the administration of Government; Elmson v. Coleman (86 N. C. 241); though it is a clerkship in a department and the duties are confined within narrow limits; Vaughn v. English (8 Calif. 39). * * *

"A public officer is one who renders a public service—a service in which the general public is interested; Schmitt v. Dooling (145 Ky. 240, 140 S. W. 197, 36 L. R. A. (N. S.) 881, Ann. Cas. 1913B, 1078). One who exercises some portion of the sovereign power of the State, either in making, administering, or executing the laws."

In an elaborate note to Groves v. Barden (Ann. Cas. 1917D, pp. 320 and 321) the author concludes, citing many cases, that:

"To constitute an office it is essential that the position shall be created by the constitution or statutes of the sovereignty, or that the sovereign power shall have delegated to an inferior body the right to create the position in question. * * *

"An indispensable element of a public office as distinguished from an employment is that the duties of the incumbent of an office shall involve an exercise of some portion of the sovereign power."

The concluding portion of the note advances the view, amply supported, that though the term "office" may embrace the idea of tenure, bond, oath, and compensation, none of those features are essential.

The conclusion that the positions in question fall under the operation of section 6 of Article I of the Constitution is enforced by a consideration of other provisions of the Constitution in which the words "office" and "officer" are used. The President is by it to nominate and by and with the advice and consent of the Senate to "appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law." Obviously Congress was of the opinion in enacting the law in question that the members of the commission are officers of the United States, for it is therein expressly provided that they should be nominated by the President and confirmed by the Senate, a circumstance which affords cogent proof of the fact that, as the term is popularly understood, the members of the commission hold "office." But it is said that this conclusion is at least weakened by the fact that the act provides that the Secretary of the Treasury shall be a member of the commission, leading to the inference that Congress could not have deemed that the members would be officers of the United States, since Congress has no power to appoint such, the Constitution having reposed such authority in the President subject to the approval of the Senate. That argument, however, is not sound. The act simply, so far as the Secretary of the Treasury is concerned, adds to the duties imposed upon him by law. Statutes creating boards composed of State officers for the better administration of State laws are common and universally upheld upon the principle stated. (State v. Porterfield, 47 S. C. 75.)

Congressional acts of like character are numerous, the statutes creating the Council of National Defense and the Water Power Commission being representative.

By another provision of the Constitution no "person holding an office of trust or profit under the United States shall be appointed an elector" of President and Vice President. It was this clause that was under consideration in In re Corliss, in which the Supreme Court of Rhode Island held that a member of the Centennial Exposition Commission holds an office under the United States. This provision likewise had its origin in a widespread apprehension that under the system being devised the Executive, in whom was reposed an enormous patronage, would use it to further his own purpose and ambitions. The electors it was assumed would be at liberty to exercise some independent judgment, and it was feared that an appointee of the President, eligible for reelection, would or might be constrained by a sense of interest or of gratitude to vote for him or at his direction or in conformity with his desires.

Let any Senator inquire of himself whether the framers of the Constitution intended that a citizen appointed to the high place occupied by members of the Funding Commission should, notwithstanding the ties which bind him to the Executive, be eligible as an elector of President and Vice President.

Still another provision of the Constitution is to the effect that "all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. Are the members of the commission exempt from impeachment for bribery or other dereliction in connnection with the discharge of their duties? If so, how can they be removed? The President may, of course, remove them, having the power to appoint. But in Congress powerless in the premises? Is it true that the Constitution makes preserved to the Congress the right to remove by impeachment every petty officer of the United States, but surrendered it in the case of these high functionaries?

It is required by Article VI of the Constitution that all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support the Constitution. Is it conceivable that the authors of our fundamental law prescribed that a town constable or a poundmaster should take the oath, but that such important public servants as those under consideration should be exempt from that requirement?

Another particularly pertinent provision of the Constitution deserves notice, namely, that which prescribes that "No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State. Comment is unnecessary.

The places for which Senator SMOOT and Representative BURTON have been nominated are office within the meaning of section 6 of Article I, and they are ineligible thereto.

APPENDIX A.

[PUBLIC—No. 139—67TH CONGRESS.]

An act (H. R. 8762) to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes.

Be it enacted, etc., That a World War Foreign Debt Commission is hereby created consisting of five members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That, subject to the approval of the President, the commission created by section 1 is hereby authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now held by the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign Government in substitution for the bonds or other obligations of such Government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America: *Provided*, That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign Government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per cent per annum: *Provided further*, That when the bond or other obligation of any such Government has been refunded or converted as herein provided, the authority of the commission over such refunded or converted bond or other obligation shall cease.

SEC. 3. That this act shall not be construed to authorize the exchange of bonds or other obligations of any foreign Government for those of any other foreign Government, or cancellations of any part of such indebtedness except through payment thereof.

SEC. 4. That the authority granted by this act shall cease and determine at the end of three years from the date of the passage of this act.

SEC. 5. That the annual report of this commission shall be included in the annual report of the Secretary of the Treasury on the state of the finances, but said commission shall immediately transmit to the Congress copies of any refunding agreements entered into, with the approval of the President, by each foreign Government upon the completion of the authority granted under this act.

Approved, February 9, 1922.

APPENDIX B.

REPORT OF SENATOR HOAR.

Mr. HOAR. Mr. President, I have taken very great interest in the question raised by the proposed amendment of the Senator from South Carolina, and I hope he will take an opportunity, or that some other Senator will—if nobody else does, I shall, if I can get one—to bring up this question of the appointment by the President of Senators and Representatives in the other House for important public functions under circumstances where it can be carefully and thoughtfully dealt with as we should deal with a proposed amendment to the Constitution, or as we should have dealt with it if we had been in the Constitutional Convention in the beginning.

It is evident that it can not be so dealt with to-day. There is no time for a full discussion. It comes up on a measure to which it is hardly germane after the statements of gentlemen who are likely to know what is expected, that there is no thought or probability—the Senator from Rhode Island [Mr. Aldrich] corrects me by saying "possibility"—of individuals being taken from either House of Congress for this commission. So I hope the matter will be brought up at some time when it is not entangled in the least by personal considerations in regard to our colleagues or gentlemen in the other House who may have been asked to do such service, and will be dealt with solely as a broad general principle for the future.

Mr. President, a great many years ago a President of the United States—I am not sure whether it was in President Hayes's time or General Grant's, or a little later—was called upon to make up a commission to go to Europe to deal with the silver question, and he appointed on that commission—if I may be permitted to say so—the one man in the country who was fitted for that duty. That was the Senator from Iowa [Mr. Allison], now chairman of the Committee on Appropriations. I took the liberty then of expressing my feeling of anxiety that that act might grow into a precedent and be the occasion of public complaint.

Later, in President McKinley's time, there were some eight or ten appointments made from this body of a like character, and they were, I suppose, appointments that the whole country regarded as most admirable for the public service. They were men who had studied the subjects with which they were to deal, men of great capacity, and that they were men of the highest quality of personal integrity it is unnecessary to say.

But I have no doubt it seemed to a large majority of the Senate, on reflection, that the practice had better not go further, and two measures were referred to the Committee on the Judiciary, one a general law, the other a resolve of the Senate. The committee carefully considered them. It happened that there were three members of the committee at that time who had been among those who had been selected for such functions. The committee almost unanimously agreed to a resolution disapproving of this practice. One or two of the members thought the President ought not to be restricted in his resources for that branch of the public service. However, the committee thought such a resolution might be construed into some discourtesy to the gentlemen who had acted in such places. One of the men who was then acting as a commissioner under such an appointment was one of the most serious and emphatic in favor of the resolution. He said he had accepted the place hastily, and he agreed that the practice ought not to go further.

But the committee thought it was not best, under the circumstances, to report the matter at that time, and instructed me to call upon the President and tell him what had happened and say to him that the committee hoped the practice would not be continued. I hope there is no indelicacy in my reporting what happened. President McKinley said he was aware of the objections; that he had come to feel them very strongly; and while he did not say in terms that he would not make another appointment of the same kind, he conveyed to me, and I am sure meant to convey to me, as an assurance that it would not occur again. But he said it was impossible to understand how few people there were in this country who were out of the Senate and the House who were qualified for important diplomatic service of that kind; that we had to contend with the trained diplomats of Europe, men who had studied the subject all their lives. He went over some of the difficulties he had encountered in making selections of ministers abroad for some very important matters that were expected to be dealt with. Our people come from entirely other service and conditions. He might have added what is as additional strong consideration, that we have to deal with nations who can wait, while in general our political conditions and diplomatic conditions are such that we can not wait.

The American people want to have a question settled and have it over. Great Britain says to us: "Well, if you do not come to my terms I will be here 50 years hence, and my minister of foreign relations very likely will be here 20 years hence, and we will wait. We are in no hurry."

But at the same time, in spite of all those considerations, it seems to me it is a violation of the sound principles of the Constitution as enunciated in the clause read by the Senator from Georgia [Mr. BACON]. The Constitution says the President shall not have patronage enough at his command to give a Senator, during his senatorial term, a $20 a year post office in his county seat, where perhaps he is the only man who resides there receiving letters. During the term for which a Senator is elected he can not be appointed to any place which has been created or the salary of which has been increased by sixpence during the whole six years.

So careful were the framers of the Constitution of Executive influence and control. And yet if the practice is to go on the President must come into the Senate, pick out a half dozen of our Members and send them to Europe, where they spend the summer in the most honorable positions on the face of the earth, meeting the society of foreign capitals, and then he can pay them out of the contingent fund at his disposal a sum three times greater than our salary. Now, does anybody suppose the framers of the Constitution would have approved of that? It is the question of the relation between the legislative power and the Executive power. There were two things of which our fathers,

when they framed the Constitution, were especially afraid. One was corruption in office—and that was provided for by impeachment—and the other an Executive influence over legislation.

Mr. President, it seems to me at some convenient time we must have this matter out and have it settled so far as an act of Congress can settle it. At the same time I wish to say there is not, in my judgment, the smallest criticism to be made of the purity of purpose and patriotism of the gentlemen who in the past have been selected by the Executive for these various offices.

Take the late Senator from Minnesota, now unhappily withdrawn from the sphere of public service. It would be difficult for me to put into words an expression of higher esteem for the senatorial character as exemplified by any man with whom I have ever served than by that intelligent, brave, patriotic, and courteous man, so accomplished and delightful in every relation of life, a great citizen, a great soldier, a great Senator.

It is only when the President is forced to say, "The Senator I want to employ is the fittest man in the world for the service and I can not find anybody else," that it will be done this year or has been done last year or will be done next year. But if the practice is once established, it will be done as matter of course. Senators can not accept an office, but they can do something which has ten times the power and the distinction and the compensation of an office, and a measure can be carried through, if we ever have an unscrupulous Executive, by the knowledge that Senators are to be appointed to discharge the functions. It seems to me that hardly a more dangerous practice can be conceived of than this one.

I hope the question as to what the Senate think on this subject, or what they seem to think by their votes, will not be determined on a mere amendment coming in at the close of a session, when we can have no extended debate upon it, and on a bill which is not especially germane and to which it practically has no relation.

APPENDIX C.

While it may be admitted that all of the commissions, examining boards, regents, etc., considered by the committee do differ in many particulars as to their duties, still the legal principles involved in the consideration of this class of public servants apply to all of them, and therefore they will be considered together in discussing the law in respect to them.

It can not be contended that every position held by a Member of Congress is an office within the meaning of the Constitution, even though the term office may usually be applied to many of these positions. We are therefore led to an analysis and discussion of the word "office."

The chairman of a committee of Congress is in one sense an officer holding a position different from other members of the committee. Marks of honor and distinction are given to Members of Congress in many ways, but all incident to or growing out of their position as a Member of Congress. It is a mark of distinction to be selected as members of escorts to those of our number who die; designations are made of committees to notify the Senate and the President of certain matters. The mind will readily run over a list of many positions of trust and honor that are conferred upon Members of Congress where no pretense will be made that they are offices within the meaning of the Constitution.

In United States v. Hartwell (6 Wall. 393) it is laid down that "an office is a public station or employment conferred by the appointment of Government. The term embraces the ideas of tenure, duration, emolument, and duties."

Elsewhere it is held that an office is "an employment on behalf of the Government, in any station or public trust, not merely transient, occasional, or incidental." (20 John. Rept. 492, 7 Ohio State 556.)

A careful consideration of all of the positions above referred to will show that they are merely transient, occasional, or incidental in their nature, and none of them possess the elements of duration, tenure, or emolument.

All of these appointees were but instruments to procure detailed information for the better information and guidance of Congress and are wholly lacking in the essential elements of an office within the meaning of the Constitution.

"A public office is the right, authority, and duty, created and conferred by law by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the Government to be exercised by him for the benefit of the public." (Mechem's Public Offices and Officers, sec. 1; Matter of Hathaway, 71 N. Y. 238–242, 3 Greenleaf (Me.), 481; Public Officers, Throop, sec. 6; Olmstead v. The Mayor, etc., 42 N. Y. Sup. Ct. 481.)

It has been held that these functions must be either legislative, executive, or judicial, and that to constitute the person an officer he must have conferred upon him either legislative, executive, or judicial powers. (Mechem's Public Offices, etc., sec. 4, and cases cited.)

Says the author:

"Sec. 4. Office involves delegation of sovereign functions. The most important characteristic which distinguishes an office from an employment or contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of government, to be exercised by him for the benefit of the public; that some portion of the sovereignty of the country, either legislative, executive, or judicial, attaches, for the time being, to be exercised for the public benefit. Unless the power conferred are of this nature, the individual is not a public officer."

This involves necessarily the power (1) to legislate, or (2) execute law, or (3) hear and determine judicially questions submitted.

Therefore mere power to investigate some particular subject and report thereon or to negotiate a treaty of peace, or on some commercial subject, a report without power to make binding on the Government, does not constitute a person an officer.

"It (public office) implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office." (3 Greenleaf (Me.) 481; Mechem's Public Offices, etc., sec. 2; Olmstead v. The Mayor, 42 N. Y. Sup. Ct. 481; Public Officers, Throop, sec. 6.)

Again, the employment must not be merely transient, occasional, or incidental.

In United States v. Hartwell (6 Wall. 385) the court held that the term "public office" embraces the idea of tenure, duration, emolument, and duties, and that the duties were continuing and permanent, not occasional or temporary.

In United States v. Germaine (99 U. S. Sup. Ct. 508) the question of who is or who is not a public officer was again up, and the court said:

"If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In that case (referring to United States v. Hartwell) the court said the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional or temporary. In the case before us the duties are not continuing and permanent, and they are occasional and intermittent. * * * He is required to keep no place of business for the public use. He gives no bond and takes no oath, unless by some order of the Commissioner of Pensions of which we are not advised. * * * He is but an agent of the commissioner, appointed by him, and removable by him at his pleasure, to procure information needed to aid in the performance of his own official duties. * * * There is no penalty for his absence from duty or refusal to perform, except his loss of the fee in the given case."

The duties of the commissioners appointed under the statutes—to which attention will be called—are not continuing or permanent; they have no place of business for the public use, or even for their own use; they give no bond and take no oath. In fact, they are mere agents appointed by direction of Congress for the purpose of gathering information and making recommendations for its use if the Congress sees fit to avail itself of the labors of the commission. The commissioners appointed under these statutes or resolutions can not be compelled to attend or act, and in the broadest sense they are mere agents of the Congress. These commissioners are not to execute any standing laws which are the rules of action and the guardians of rights, nor have they the right or power to make any such law, nor can they interpret or enforce any existing law.

Under a statute of Maine the governor was authorized "to appoint one or more agents for the preservation of timber on the public lands, and for other purposes," and the judges held that these agents were not a civil office of profit under the State, although they were entitled to compensation. (See 3 Greenleaf Reports (Me.), p. 481.)

In United States v. Hendee (124 U. S. 309) it was held that a paymaster's clerk in the Navy is an officer of the Navy, and in United States v. Mouat (124 U. S. 303) it was held that such paymaster's clerk, appointed by a paymaster in the Navy, with the approval of the Secretary of the Navy, is not an officer of the Navy in the sense that he is an officer of the United States.

The constitution of the State of New York, 1846, article 6, section 8, prohibits the judges of the court of appeals and justices of the supreme court from exercising any power of appointment to public office.

Section 16, chapter 280, Laws of 1847, conferred upon the chancellor power to issue a commission to some person, empowering him to act as a surrogate in a particular case when by reason of statutory disqualifications the officers designated to act could not do so. It was contended that such person when designated to act as surrogate became a public officer, inasmuch as for the time being and in the matter before whom he was to act as a judicial officer with full power to hear, try, and determine the particular case, but the court of appeals in matter of Hathaway (71 N. Y. 238) held:

"The term 'public office,' as used in the Constitution, has respect to a permanent public trust or employment, to be exercised generally and in all proper cases. It does not include the appointment, to meet special exigencies, of an individual to perform transitional, or incidental duties, such as are ordinarily performed by public officers; as to such appointments the legislature is left untrammeled and at liberty to invest the courts with power to make them." (Church, Ch. J., Andrews and Miller, JJ., dissenting.)

In Hall v. State (29 Wis. 79, ch. 40, laws of 1857) (the law) appointed certain-named persons "commissioners to make a geological, mineralogical, and agricultural survey of the State," and provided that such commissioners should arrange and distribute the functions of such survey by mutual agreement. The law provided a salary and provided for filling vacancies, and gave the governor authority to remove any member for incompetency or neglect of duty. The court held that these commissioners were officers. The court said:

"The geological survey commissioners were appointed directly by legislature; no specific term of office was fixed (except by the governor, whose power to do so may well be doubted); provision was made by law for removing them for cause and for filling vacancies; their salaries were paid out of the State treasury, and their functions were not of merely private, local, or temporary concern, but related to the material and permanent interests of the whole State. The duty imposed upon them was an important public trust, to be exercised for the benefit of all the people of the State, and could only be discharged properly by gentlemen of high attainments in physical science. * * * It may safely be asserted that any person charged by law with the performance of public functions affecting the general interests of society, especially if he be elected thereto by the people, or appointed directly by the legislature, and who receives his compensation out of the public treasury, is a public officer, and as such can have no vested right in his office, unless secured by the constitution. * * * It may be difficult to draw the exact line between an officer and a mere service or employment; but, as already observed, when public functions are conferred by law upon certain persons elected by the people or appointed by the legislature, if those functions concern the general interests of the State, and are not of a nature merely local or temporary, such persons are public officers, especially if they are paid a salary for their services out of the public treasury."

In re Corliss (11 R. I. 638) the question was up whether the office of a commissioner of the United States Centennial Commission is an office of trust under Article II, section 1, of the Constitution of the United States, and it was held that he was such an officer. The law creating that commission provided "for the holding of an exhibition of American and foreign arts, products, and manufactures, under the auspices of the Government of the United States," and the functions of such commissioners were to continue until the close of the exhibition, and their duties were "to prepare and superintend the execution of a plan for holding the exhibition." By the act of Congress approved June 1, 1872, the duties and functions of the commission were further increased and defined, and a corporation was created called "The Centennial Board of Finance," to cooperate with the commission and to raise and disburse the funds. It was to be organized under the direction of the commission. The commission was also to adopt plans for the erection of buildings, and the corporation created was to erect them in accordance with these plans.

The act also provided that the commission should "have power to control, change, or revoke all such grants, and shall appoint all judges and examiners and award all premiums." The commission was also

"to supervise the closing up of the affairs of said corporation, to audit its accounts, and submit in a report to the President of the United States the financial results of the centennial exhibition." The act also provided "no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States." The only other officers provided for by the act were alternates to serve as commissioners when the commissioners were unable to attend.

The court properly held that these commissioners were officers of the United States. They were certainly vested with sovereign functions of the Government which were to be exercised by them for the benefit of each and every State in the Union and for the benefit of all the people of The United States.

In Bunn v. The People (45 Ill. 397) the court held:

"A person employed for a special and single object, in whose employment there is no enduring element, nor designed to be, and whose duties when completed, although years may be required for their performance, ipso facto terminate the employment, is not an officer in the sense in which that term is used in the constitution of Illinois."

In re attorneys, etc. (20 Johnson, N. Y.), the court defines the legal meaning of the term "office" to be "an employment on behalf of the Government in any station or public trust not merely transient, occasional, or incidental."

In matter of Hathaway (71 N. Y. 238–243) the court said:

"'Public office' as used in the Constitution has respect to a permanent trust to be exercised in behalf of the Government, or of all citizens who may need the intervention of a public functionary or officer, and in all matters within the range of the duties pertaining to the character of the trust. It means a right to exercise generally and in all proper cases the functions of a public trust or employment."

In McArther v. Nelson (81 Ky. 67) the question was up as to whether certain commissioners were district officers, and the case says:

"The first section of the act authorizes the judge of the circuit court to appoint three commissioners, residents of the district, who shall hold their office at the will and pleasure of the judge. It is made the duty of the commissioners to have the courthouse constructed at a cost not exceeding $50,000, and to enable them to raise this money they are authorized to issue bonds, with coupons attached, bearing interest at 6 per cent, payable semiannually; and to redeem the bonds and pay the interest they are further empowered to levy an annual tax on the real and personal property in the district not exceeding 12 cents on the $100, etc. * * * They are not district officers within the meaning of section 10 of article 6 of the Constitution, but are the mere agents for the district, required by the act to discharge certain duties with reference to the building of the courthouse, and when those duties end their employment terminates."

In United States v. Germaine (99 U. S. 508) the question as to who are and who are not officers of the United States was quite fully considered. Under section 4777 of the Revised Statutes, United States, it is provided:

"That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law and to examine applicants for pensions where he shall deem an examination by a surgeon appointed by him necessary, and the fee for such examinations and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension agents, shall be $2, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides out of any money appropriated for the payment of pensions under such regulations as the Commissioner of Pensions may prescribe." *

It was held in the case cited that the appointees under this statute are not officers of the United States, but mere agents of the Commissioner of Pensions.

It is perfectly clear, therefore, that the commissioners appointed under the act approved July 7, 1898, "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes," the resolution approved July 7, 1898 (Public, No. 51), entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," and the act approved June 18, 1898, entitled "An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," are not persons "holding any office under the United States."

They are persons designated by authority of Congress to make certain investigations, inquiries, etc., or to conduct certain negotiations preliminary to and as a basis for possible action by the Congress of the United States or by one branch of it. They neither make law, execute law affecting the rights of the people, nor perform judicial functions. These commissioners are and are intended to be mere advisory agents of the Congress of the United States. Their investigations are confined to some particular matter or subject, and they are not required to take an oath of office. They have no power to decide any question or bind the Government or do any act affecting the rights of a single individual citizen.

If the House or Senate authorizes or directs the Speaker or President of the Senate, as the case may be, to appoint a special committee to investigate some particular matter or subject and report and recommend legislation, can it be claimed that an office is created or that the Members of the House or Senate appointed hold "an office"? Suppose the President of the United States is authorized to make the appointments. Does this create offices, and are the appointees "officers"?

The acts performed are for the information of the Congress, and it alone. Their suggestions and recommendations have no force; they may or may not be adopted. To make their suggestions or recommendations operative, bills or resolutions must be introduced embodying the provisions recommended, or their substance, and these must be enacted into law. If a treaty is recommended by peace commissioners, it must be submitted to the Senate and by it ratified. The acts of such a commission do not bind the President, the Senate, or the Government. Then such commissioners neither make, execute, nor interpret law. They do not possess or exercise any of the sovereign power of the Government of the United States.

That the Senate may feel that it ought to ratify or approve the recommendations of such a commission can make no difference; the fact remains that their acts are not binding upon anyone or upon any departments of the Government.

If the Congress of the United States should see fit by joint resolution to authorize the President to appoint 10 persons as commissioners, whose duty it should be to investigate the condition of the people residing in Porto Rico and recommend laws suitable to their government, and should appropriate money to pay the expenses of the commission, would anyone contend that such commissioners when appointed would become other than mere agents of the Congress for the purposes specified? Would they possess or exercise legislative, executive, or judicial functions or powers? Such commissioners would possess the mere naked power to investigate and report, and their action would conclude no one, nor would they execute or interpret any law. Their action would not affect in the slightest degree the personal or property rights of a single citizen of the Republic. They would be answerable to no power for misconduct; they would be bound by no oath.

"The officer is distinguished from the employee," says Judge Cooley, "in the greater importance, dignity, and independence of his position; in being required to take an official oath, and perhaps to give an official bond; in the liability to be called to account as a public offender for misfeasance or nonfeasance in office, and usually, though not necessarily, in the tenure of his position."

Attorneys and counselors admitted to practice in the courts of the United States are not officers of the United States. (Ex parte Garland, 4 Wall. (U. S.), 333; see also in re Robinson, 131 Mass. 376.)

In People v. Nichols (52 N. Y. 478), one of the judges of the court of appeals was designated by statute as one of three persons to examine and report upon the genuineness and value of certain relics which the State proposed to purchase, and upon the certificate of these commissioners the purchase price was to be paid. The court held that this was not an office or public trust within the meaning of the constitution of that State, which prohibits such judge from holding an office or public trust. Said the court: "It is very plain that the doing of such an act, a single act like this, is not within the meaning of the constitutional prohibition against holding any other office or public trust" (p. 485).

Applying these principles to what is known as the Postal Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Act 131, "An act making appropriations for the fiscal year ending June 30, 1899," are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Industrial Commission, the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Act No. 146, "An act authorizing the appointment of a nonpartisan commission to collate information and consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," approved July 7, 1898, are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Canadian Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Act No. 182, "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and prior years, and for other purposes," are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Hawaiian Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Resolution No. 51, "Joint resolution providing for annexing the Hawaiian Islands to the United States," are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to visitors to the Military Academy, etc., the committee finds that those Members of the House of Representatives appointed and designated as visitors to the Military Academy at West Point, to the Naval Academy at Annapolis, and the regents and directors and consulting trustees to the various public institutions in the District of Columbia and appointed by the Speaker of the House, are not, nor are any of them, officers under the United States within the meaning of the Constitution.

APPENDIX D.

THE CONSTITUTION OF THE UNITED STATES.

[By David K. Watson, pp. 330 to 336.]

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office." (The Constitution of the United States, art. 1, sec. 6, par. 2.)

The constitution of Georgia, adopted in 1777, provided: "No person shall hold more than one office of profit under this State at the same time." (Madison's Writings, vol. 4, 221.)

Few provisions of the Constitution created a more earnest debate in the convention, or were the cause of a more eloquent and forcible discussion of the principles upon which the American political system is founded, than the resolution and motions which resulted in the adoption of this clause.

There was a firm determination on the part of some of the ablest men in the convention that such a clause should be inserted in the Constitution, and a belief that to omit it would be a serious error, while other members of the convention, equally able and sincere, regarded the proposition as derogatory to individual merit and a reflection of individual integrity.

After the preliminary debates in the convention on this subject, the Committee of the Whole reported, "Members of the first and second branch of the National Legislature ought to be ineligible to any office established by a particular State, or under the authority of the United States (except those particularly belonging to the functions of each branch) during the term of service, and under the National Government for the space of one year after its expiration." (Journal, 180.)

Mr. Gorham moved to strike from the report that portion of it "concerning ineligibility of members of the first branch." He considered it unnecessary and unjust. (Journal, 222.)

Mr. Butler opposed the motion. This precaution against intrigue was necessary. Men going into Parliament that they might get office for themselves or their friends were a source of corruption that ruined Great Britain.

Mr. King thought such a restriction on the members would discourage merit; it would also give a pretext to the Executive for bad appointments.

Mr. Wilson was also against discouraging merit, and suggested the fatal consequence in time of war of rendering perhaps the best commanders ineligible.

Mr. Mason opposed the motion, and regarded the disqualification as a corner stone in the fabric.

Mr. Hamilton stated, "there are inconveniences on both sides. We must take man as we find him, and if we expect him to serve the public, must interest his passions in doing so. A reliance on pure patriotism had been the source of many errors. It was known that one of the ablest politicians of England (Mr. Hume) had pronounced all that influence on the side of the Crown, which went under the name of corruption, as an essential part of the weight which maintained the equilibrium of the Constitution."

The motion of Mr. Gorham was lost by an equal division. (Journal, 222, 223.)

On the following day Mr. Pinckney moved to strike out the ineligibility of members of the first branch to office established "by a particular State," and this motion prevailed.

Mr. Madison then moved "to render members of the first branch ineligible during their term of service, and for one year after, to such offices only as should be established or the emoluments augmented by the Legislature of the United States during the term of their being Members." (Journal, 223, 224.)

Another animated debate occurred on this motion, which met with serious opposition.

Mr. Mason said in arguing against it that genius and virtue ought to be encouraged. Genius, for aught he knew, might; but that virtue should be encouraged by such a species of venality had the merit at least of being new.

Mr. Wilson supported the motion, and said the proper cure for corruption in the Legislature was to take from it the power of appointing to office. He animadverted on the impropriety of stigmatizing with the name of venality the laudable ambition of rising into the honorable offices of the Government—an ambition most likely to be found in the earlier and most incorrupt period of life, and which all wise and free governments had deemed it sound policy to cherish, not to check.

The Members of the Legislature have perhaps the hardest and least profitable task of any who engage in the service of the State. Ought this merit to be a disqualification? (Journal, 225.)

Mr. Madison said he had been led to this motion as a middle ground between ineligibility in all cases and an absolute disqualification. * * * The question was not to be viewed on one side only. The objects to be aimed at were to fill all offices with the fittest characters, and to draw the wisest and most worthy citizens into the legislative service.

The motion was defeated by a vote of two to eight. (Journal, 226, 227.) The committee of detail reported that "Members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards." (Journal, 452.)

The most important debate on this question, and one of the most important of the whole convention, occurred when this particular clause of the report of the committee of detail was being considered. Mr. Pinckney argued that to make the members ineligible to office was degrading, inconvenient, and impolitic. Degrading, since their election into the Legislature implied that they had the confidence of the people. Inconvenient, because the Senate might be supposed to contain the fittest men. He hoped to see that body become a school of public ministers, a nursery for statesmen. Impolitic, because the Legislature would cease to be a magnet to the first talents and abilities. He moved to postpone the section, and take up the following: "The Members of each House shall be incapable of holding any office under the United States for which they, or any others for their benefit, receive a salary, fees, or emoluments of any kind; and the acceptance of such office shall vacate their seats respectively." (Journal, 520, 521.)

Mr. Mason ironically proposed to strike out the whole section, as a more effectual expedient for encouraging that exotic corruption which might not otherwise thrive so well in the American soil; for completing that aristocracy which was probably in the contemplation of some among us; and for inviting into the legislative service those generous and benevolent characters who will do justice to each other's merit, by carving out offices and rewards for it. In the present state of American morals and manners few friends, it may be thought, will be lost to the plan by the opportunity of giving premiums to a mercenary and depraved ambition.

Mr. Mercer said: "The Governments of America will become aristocracies. They are so already. The public measures are calculated for the benefit of the governors, not of the people. The people are dissatisfied and complain. Government can only be maintained by force or influence. The Executive has not force—deprive him of influence, by rendering the Members of the Legislature ineligible to executive offices, and he becomes a mere phantom of authority. The aristocratic part will not even let him in for a share of the plunder. The Legislature will be composed of wealth and ability, and the people will be controlled by a junto."

Mr. Gerry read to the convention a resolution of the Legislature of Massachusetts instructing her deputies in the convention not to agree in any case to give to the Members of Congress a capacity to hold office under the Government. The sense of the State was still the same. He could not think, with Mr. Pinckney, that the disqualification was degrading. Confidence is the road to tyranny.

Gouverneur Morris was against rendering the Members ineligible. Why should we not avail ourselves of their services, if the people choose to give them their confidence? There can be little danger of corruption, either among the people or the legislators who are to be the electors. If they say, "We see their merits, we honor the men, we choose to renew our confidence in them," have they not a right to give them a preference, and can they be properly abridged of it?

Mr. Williamson opposed eligibility, and said he had scarcely seen a corrupt measure in the Legislature of North Carolina which could not be traced to office hunting.

Mr. Wilson was far from thinking the ambition which aspired to offices of dignity and trust an ignoble or culpable one. He was sure it was not politic to regard it in that light, or to withhold from it the prospect of those rewards which might engage it in the career of public service.

Mr. Mercer was extremely anxious on this subject. What led to the appointment of this convention? The corruption and mutability of the legislative councils of the States. If the plan does not remedy these, it will not recommend itself. It is a great mistake to suppose that the paper we are to propose will govern the United States. It is the men whom it will bring into the Government and interest in maintaining it that will govern them, and he would ask if this could be done if the members of the legislature should be ineligible to offices of States; whether such disqualification would not determine all the most influential men to stay at home and prefer appointments within their own States.

The motion to substitute Mr. Pinckney's resolution was lost by an equally divided vote. (Journal, 522, 527.)

The consideration of the report of the committee of detail was postponed and finally referred to the committee of eleven, which reported the following as a substitute for the resolution of the committee of detail: "The Members of each House shall be ineligible to any civil office under the authority of the United States during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a Member of either House during his continuance in office." (Journal, 649.) This report materially changed the question which previously had been discussed by the convention, first, by limiting the ineligibility of Members to any civil office under the authority of the United States; and, second, removing the ineligibility of Senators for one year after the expiration of their term.

Mr. Pinckney moved the following as a substitute for this report: "The members of each house shall be incapable of holding any office under the United States for which they, or any other for their benefit, receive any salary, fees, or emoluments of any kind; and the acceptance of such office shall vacate their seats respectively." (Journal, 651.) He considered the ineligibility of members of the legislature to the honorable offices of Government as resembling the policy of the Romans in making the temple of virtue the road to the temple of fame. (Journal, 651.)

The vote on the motion for substituting Mr. Pinckney's motion was lost. Another sharp debate occurred and the report was amended to read: "The Members of each House shall be ineligible to any civil office under the authority of the United States created, or the emoluments whereof shall have been increased, during the time for which they shall respectively be elected. And no person holding any office under the authority of the United States shall be a Member of either House during his continuance in office." (Journal, 653.)

This section is a prohibition against a Senator or Representative being appointed to any civil office which may have been created, or the emoluments of which are increased, during the term of the Senator or Representative, and against a person holding an office under the United States being a Member of the Senate or House of Representatives. (Watson, The Constitution, vol. 1, pp. 330–336.)

WORLD WAR FOREIGN DEBT COMMISSION.

OPINION OF THE ATTORNEY GENERAL.

[Vol. XXII, p. 184.]

DEPARTMENT OF JUSTICE,
August 25, 1896.

SIR: I have your letter of the 18th instant, asking my opinion upon the question whether Hon. William L. Putnam, United States circuit judge, who was appointed and has acted as one of the two commissioners under the convention of February 8, 1896, concerning claims growing out of seizures of vessels in Bering Sea, can be paid by you for his services as such commissioner.

Your attention, it appears, has been called to Revised Statutes 1763, 1765, and the Dockery law. (2 Supp. Rev. Stat. 212.)

The provision of the Dockery law referred to is as follows:

"No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law."

Article 7 of the treaty of 1896 is as follows:

"Each Government shall provide for the remuneration of the commissioner appointed by it.

"The remuneration of the umpire, if one should be appointed, and all contingent and incidental expenses of the commission, or of the umpire, shall be defrayed by the two Governments in equal moieties."

The treaty, article 3, speaks of the two commissioners as constituting a commission, and article 1 provides that the two parties agree to refer all claims growing out of seizures of British vessels in Bering Sea to two commissioners, one to be appointed by the President, one by the Queen. The duties of the commissioners are confined to fairly and impartially investigating and deciding upon the claims, jointly, and jointly reporting any disagreement; upon which, an umpire is to be chosen.

On May 7, 1896, Congress passed a law appropriating $75,000, "to be expended, under the direction of the Secretary of State, with the approval of the President of the United States, in fulfilling the stipulations of the treaty." This language evidently referred to article 7, and did not provide for the payment of the claims.

The question is whether the act of 1894 applies to the commissioner and prevents the payment to Judge Putnam of compensation from the $75,000 because it forbids the appointment to or holding of a second "office to which compensation is attached."

Article II, section 2, of the Constitution, establishing the executive branch of the Government, provides:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments."

It would seem that the phrase "which shall be established by law" was conceived as referring to the power of Congress to pass laws necessary and proper to carry into effect all the powers granted in the Constitution, and that there was no expectation that the "officers of the United States" would be established by treaties between the United States and other countries. The commissionership in question is not an office established by law in that sense. Neither does it seem to be within the clause "ambassadors, other public ministers and consuls," for their offices were adopted from the law of nations, and exist independently of statute or treaty. (7 Opin., 242.) The commissioner is, of course, not one of the officers "whose appointments are herein otherwise provided for."

In short, the office, if it be an office, is not one of those appointments which is required by the Constitution to be made in the ways enumerated in Article II, section 2.

The treaty, to which the commission and commissionership owe their existence, provides that the President (saying nothing of the Senate) shall appoint; but although this produces a resemblance to the constitutional requirement, the commissionership is none the more, on that account, an office known to the Constitution as such. It is an office or employment emanating from the general treaty-making power, and created by it and Great Britain. In the case of United States v. Germain (99 U. S., 510) the Supreme Court says:

"That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment (those of Article II, section 2), there can be no doubt. * * * If the punishment were designed for others than officers as defined by the Constitution, words to that effect would be used, as servant, agent, person in the service or employment of the Government; and this has been done where it was so intended, as in the sixteenth section of the act of 1846 concerning embezzlement, by which any officer or agent of the United States, and all persons participating in the act, are made liable."

In the series of statutes to which the act of 1894 belongs (Rev. Stat., 1763, 1764, 1765) it will be observed that the language of the Supreme Court finds further confirmation; for, after speaking of officers, they add words to include persons serving the Government in other or doubtful capacities.

It is true that the statutes referred to were criminal; but, while this may be a reason for not confining the word office in civil statutes to a strict construction, yet what the Supreme Court says seems to indicate that where, as in this series, that word is used and followed by other designations, the line of cleavage is that between constitutional and nonconstitutional offices. (See United States v. Mount, 124 U. S., 307.)

It would seem, therefore, that the word office in the act of 1894 is to be presumed, in the absence of indications to the contrary, not to embrace such a commissionership, because not what is called a constitutional office. But this may not be so; and therefore it is well to consider that, in addition to the constitutional, there is the legal and the popular sense of the word office.

The legal definitions of a public office have been many and various. The idea seems to prevail that it is an employment to exercise some delegated part of the sovereign power; and the Supreme Court appears to attach importance to the ideas of "tenure, duration, emolument, and duties," and suggests that the last should be continuing or permanent, not occasional or temporary. In case cited it was further said: "The surgeon is only to act when called upon by the Commissioner of Pensions in some special case, as when some pensioner or claimant of a pension presents himself for examination"; and this was regarded as making his duties "occasional and intermittent."

Whether this commissioner, sent to adjudicate upon certain-named claims, fixed at the end of the treaty, whose employment was thus to perform a certain task which might take a month or several months, would answer the right legal definition of an officer, must be regarded as at least doubtful. He resembles a special assistant to a district attorney, to aid in a certain class or set of cases, who has been recognized as not an officer, although a regular assistant is an officer. No "emolument" was attached to his employment by the treaty or act of May, 1896, but the former signified no more on that point than that he was to be paid by the United States, if at all, and the latter, while appropriating money to be used in carrying out article 7, left the President (and Secretary free to pay or not to pay the commissioner, as might be arranged. I am not prepared to say, however, that, if nothing else were lacking to make him an officer of the United States—and we may assume that only officers of the United States were in the mind of Congress in 1894—it would be easy to establish that the commissioner could be paid out of the $75,000 and yet be regarded as holding an employment to which no "emolument" belonged. It does seem, however, that the temporary character of the employment, which was to consist of and to terminate at the end of the examination of a limited number of specified claims, withdraws one of the elements of an office which the Supreme Court regards as essential. (Auffmordt v. Hedden, 137 U. S. 327.)

As for the popular language, it seems clear that a person employed solely as a sworn judge of a joint international commission would not be spoken of as an officer of either country, although, under a treaty requiring it, selected and sent to his post by one of them.

For these reasons it seems to me that this act of 1894, passed anterior to the treaty as a supplement to a series of acts which first concerned only collectors of customs, naval officers, and surveyors, and were afterwards extended to other officers, should be regarded as not intended by Congress to invade the domain of the treaty-making authority and establish restrictions upon future occasional and temporary commissionerships created by international agreement, the nature and functions of which neither Congress nor the framers of Article II, section 2, could wisely have undertaken to foresee. The treaty in this case might have provided for the appointment of an identical commissioner by our ambassador to Great Britain, or by the President of France, instead of by the President of the United States, and might, for reasons important to the two treaty-making authorities, have expressly required one of the judges of the Supreme Court to be appointed. With such matters, it seems to me, Congress, by the act of 1894, had no intention of interfering. If within the letter, such an employment seems to be beyond the intent of that law.

It has been a useful custom of the Government for a century to assign to special work of great international importance eminent judges—Ellsworth, Jay, Nelson, etc.—while it has been no part of our policy to require services for the public without pay, theoretically amounting to just compensation.

What I have said seems to have been the executive interpretation of the word office, for Mr. Senator Morgan was appointed and paid as a member of the fur-seal arbitration tribunal, although while a Senator he aided in creating that "civil office," and Mr. Justice Brewer and Judge Alvey, since this act of 1894, have been appointed upon the commission to report upon the divisional line between Venezuela and British Guiana, all being compensated out of general appropriations for the expenses.

While, therefore, the question is not free from difficulty, I am inclined to the opinion that Judge Putnam can be paid a sum additional to his salary as judge.

I do not regard Revised Statutes 1763 and 1765, to which you refer me, as applicable to the case. If not an office, the commissionership was a distinct place, position, or employment, having nothing to do with the duties of the judgeship and compatible therewith, to which position no superior authority could detail Judge Putnam. (U. S. v. Mullett, 150 U. S. 566, and cases cited.)

Respectfully,

JOHN W. GRIGGS.

The SECRETARY OF STATE.

COMMENTS OF SENATOR WALSH ON THE FOREGOING.

In the opinion of the Attorney General submitted to the Senate on March 8, 1922, reference is made to the opinion of Attorney General Griggs (22 Op. 184) as a ruling of the department on the question under consideration by the Committee on the Judiciary under Senate resolution 244. Not only that it is not such, but that it supports the position taken by the subcommittee will be revealed by even a cursory study of the reasoning of Attorney General Griggs.

In the statement submitted with the report of the subcommittee commissions upon which Members of Congress have from time to time been appointed were divided into three classes: (1) Commissions to negotiate treaties; (2) commissions arbitral in character, existing by virtue of treaties; (3) commissions to conduct investigations and to report to Congress with a view to legislation.

The commission considered by Attorney General Griggs falls within the second class mentioned, and the opinion proceeds upon identically the same ground upon which, in the statement heretofore referred to, such commissions are differentiated from the Foreign Debt Funding Commission. He was called upon to say whether within a statute Judge Putnam, in his capacity as American member of the commission to settle claims for the confiscation of Canadian vessels engaged in pelagic sealing, was an officer of the United States. He argued that Judge Putnam did not come under the operation of section 2 of Article II of the Constitution empowering the President, by and with the advice and consent of the Senate, to "appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are herein otherwise provided for and which shall be established by law," because that provision was intended to apply only to positions official in character, created by act of Congress, and not to positions existing by virtue of a treaty. As to such positions the Attorney General maintains they exist not under the authority of the United States, but under the joint authority of the United States and the other party to the treaty, as will be shown from the following from the opinion, for comparison printed in a column parallel to what was said in the views submitted with the report of the subcommittee.

[From the opinion of the Attorney General.]

It would seem that the phrase "which shall be established by law" was conceived as referring to the power of Congress to pass laws necessary and proper to carry into effect all the powers granted in the Constitution, and that there was no expectation that the "officers of the United States" would be established by treaties between the United States and other countries. The commissionership in question is not an office established by law in that sense. Neither does it seem to be within the clause "ambassadors, other public ministers, and consuls," for their offices were created and exist independently of statute or treaty. (7 Opin., 242.) The commissioner is, of course, not one of the officers "whose appointments are herein otherwise provided for."

In short, the office, if it be an office, is not one of those appointments which is required by the Constitution to be made in the ways enumerated in Article II, section 2.

The treaty, to which the commission and commissionership owe their existence, provides that the President (saying nothing of the Senate) shall appoint; but, although this produces a resemblance to the constitutional requirement, the commissionership is none the more, on that account, an office known to the Constitution as such. It is an office or employment emanating from the general treaty-making power, *and created by it and Great Britain.* * * *

It seems clear that a person employed solely as a sworn judge of a joint international commission would not be spoken of *as an officer of either country,* although, under a treaty requiring it, selected and sent to his post by one of them.

In addition to the contention that a position existing by virtue of a treaty is not an "office under the authority of the United States" because created not by the United States but by the joint authority of the United States and the other party or parties to the treaty, it was urged that the makers of the Constitution could have had in mind only those offices in the creation of which Members of both Houses participated. It may be that there is equal reason for excluding Senators from office in the creation of which they participated by the ratification of a treaty as from offices created by act of Congress. But inasmuch as the ineligibility extends to Representatives in all cases in which Senators are disqualified, and the reason for the rule established by the Constitution falls as to Representatives in the case of positions created by a treaty, it is a reasonable con-

[From the argument of Senator WALSH.]

Another class of cases, quite similar in character, includes appointments on commissions to settle international disputes, like boundary commissions or other arbitration commissions, the members of which are appointed pursuant not to an act of Congress but to a treaty. Such officers, if they may be so denominated, do not come under the operation of the clause of the Constitution under consideration which was intended to exclude Members of Congress only from such office as they had as such a part in creating or in making more desirable by increasing the emoluments attached to it. The provision in question was one of the compromises of which not a few are found in the Constitution. The more skeptical wished to make Members ineligible to appointment to any office, and not only for the term of the Member but as well for a year after its expiration. Others objected to any restriction on the appointing power in that regard. It was finally agreed that the safety of the Republic would be sufficiently assured if the temptation were removed only with respect to such offices as the Members respectively participated in creating or making more inviting in the manner indicated. So, admitting that the members of commissions, such as those last referred to, are officers and that they act under the authority of the United States, rather than under a joint authority of our country and the other party to the treaty, the offices they hold are not of that class the makers of the Constitution had in mind when they framed the clause in question—that is, though they may be within its letter, they are not within its spirit.

tention that such positions do not fall under the inhibition of the Constitution.

Accordingly the appointment of a Senator or a Representative as a member of an arbitral commission is not a persuasive precedent or, justly considered, a precedent at all for the appointments giving rise to the present inquiry.

MINORITY VIEWS.

The undersigned members of the Committee on the Judiciary, which committee has had under consideration Senate resolution 244, are unable to concur in the report of the committee, it being their opinion that the Hon. REED SMOOT and the Hon. THEODORE E. BURTON are eligible for membership on the commission created by the act of Congress approved February 9, 1922, entitled "An act to create a commission authorized to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes."

They submit herewith their views upon the subject matter of the resolution.

KNUTE NELSON.
ALBERT B. CUMMINS.
WM. P. DILLINGHAM.
LEBARON B. COLT.
THOMAS STERLING.
RICHARD P. ERNST.
SAMUEL M. SHORTRIDGE.

The resolution directing the Committee on the Judiciary to make a report is as follows:

"*Resolved*, That the Committee on the Judiciary be, and it hereby is, directed to inquire into and report to the Senate, not later than Tuesday next (February 28, 1922), touching the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created by the act of Congress approved February 9, 1922, entitled 'An act to create a commission authorized to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes,' reference being made to section 6 of Article I of the Constitution of the United States, as follows:

"'No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.'".

It will be observed that the committee is required to answer a pure question of constitutional law, namely: Are Senator REED SMOOT and Representative THEODORE E. BURTON eligible, under the Constitution, to receive appointments as members of the World War Foreign Debt Commission, a commission created by the act of February 9, 1922; the act having been passed while these nominees of the President were Members of Congress, and during the time for which they were respectively elected?

Whether these selections for the commission are wise or unwise, whether the reasons which prompted the provisions of section 6 of Article I of that instrument would logically lead to the further conclusion that Members of Congress should receive no appointments of any character from the President, is a subject not submitted to and upon which the minority of the committee expresses no opinion.

There are a thousand ways, some of them proper and some of them improper, through which the President, so far as the Constitution is concerned, can bring influence to bear upon Members of Congress, and likewise there are a thousand ways, some of them proper and some of them improper, through which the Members of Congress can exert their influence upon the Chief Executive. It must be constantly borne in mind that the committee is not charged with the duty of recommending amendments to the Constitution to supply the defects of an instrument prepared and adopted at a time and under conditions which rendered it impossible to foresee or anticipate all the needs of modern government. Nor should it be forgotten that it is just as destructive of the security afforded by a written Constitution to attempt to extend its terms by forced and unnatural interpretation as it is to limit its construction by similar methods.

Unquestionably it is not only our right but our duty carefully to consider the known object which the makers of our Constitution had in view when particular provisions were debated and adopted; but respect for our fundamental law will not long survive if, in order to reach what may now be regarded as a desirable end and one which we may believe that the framers of the Constitution would have desired to reach had they been able to conceive the present development of organized society, we refuse to accept the true meaning of the words and phrases actually employed.

The minority has referred to this phase of the subject because it is earnestly and ably contended that to appoint a Senator or a Representative to any position of honor, distinction, or profit would be attended by the same evils that were anticipated and provided against by our forefathers when they forbade the appointment of a Member of either House to a civil office under the authority of the United States created during the time for which he was elected.

The fundamental difference between the majority and the minority of the committee relates to the rule of construction which should be adopted. We may not differ upon literal definitions, but, nevertheless, lying deeper than the words which we may use to describe the guides which we follow, there is a radical divergence in thought.

The majority of the committee, while they would not admit the suggestion, are in fact applying the rule which a distinguished President of the United States once stated in this very plain, blunt way—we are not attempting to quote him literally, but the substance of his declaration was that the Constitution at any given time means what the needs of the people at that time require that it shall mean. There are a great many statesmen of high degree and lawyers of great attainments who if they are not willing to avow this canon of construction act in accordance with its standards.

It is not difficult to understand the attitude of men who feel that it would promote the public interest if Members of Congress were ineligible for appointment to any office, position, place, or employment which they helped to create; first, because in rare instance the possibility of appointment might present a temptation that would influence their voters or, second, because the opportunity for such an appointment might give to the Executive an undue influence respecting the legislative act.

The minority of the committee do not deny that there is a possibility of such a result, but they can not accept the conclusion that because there is such a possibility we are justified in rewriting this clause of our Constitution, ignoring the distinction between the words "office," "position," "place," and "employment," and having so rewritten it, in testing the eligibility of Senator SMOOT and Representative BURTON, not by anything that those who have adopted the Constitution declared but by words and phrases not found in that instrument, but which according to the view of the majority ought to have been incorporated in it. The minority are strongly in favor of a liberal construction of the Constitution, but they can not concur in the obvious effort to amend that instrument through interpretation.

Moreover, it is not necessary to wreck the Constitution in order to accomplish the purpose which the majority of the committee believe should be accomplished and to institute and maintain the public policy which they are so confident should control this and every other like situation. If the majority of the Senate are of the opinion that in this instance it is contrary to the public interest that these two Members of Congress shall become members of the commission, it can refuse to confirm them, and so end the whole controversy. In any future instance, if Congress desires to prohibit the appointment of Members of Congress to any position, place, or employment, as distinguished from an "office" created by any law that it may enact, it is within its constitutional authority to do so. This is mentioned not because it is strictly material to the inquiry, but in order to call attention to the remedy that is in the hands of the Senate in this particular case and that would be in the hands of the Congress in any case occurring hereafter.

Unquestionably the chief purposes of the clause of the Constitution under consideration were, first, to remove the temptation which, theoretically at least, is presented to Congress to create offices or to increase the compensation of offices already created, which would be filled by the appointment of the Members of Congress, and, second, to preserve the independence of the legislative branch of the Government by excluding the improper influence of the Chief Executive.

It is manifest and would be at once admitted that the provision, even if rewritten by the majority of the committee, would not be extended to embrace all the influences of a generally similar character. For illustration: Suppose the act creating the commission had given to the President the authority to appoint a legal adviser to that body at a salary of $50,000 per annum and the President had appointed a Member of the Senate as such adviser; it is not contended that the person so appointed would be an officer of the United States. There is no authority, however extreme, that does not hold that such an appointment would be a mere employment, and yet the objectional temptation and the opportunity for improper influence would be as great, if not greater, than in the case of the creation of an office. Illustrations of this character could be indefinitely multiplied. One, however, is sufficient, and it serves to demonstrate how impossible it is to broaden the language of the Constitution so that it will meet all the evils which may be encountered in the general field relating to the eligibility of Members of Congress to receive recognition of any kind at the hands of the Executive.

In the discussion in which we have indulged it must not be understood that the minority of the committee entertain any doubt with respect to the propriety of the two appointments under consideration. On the contrary, we regard these appointments as eminently wise—first, because both the appointees are in every way highly fitted to perform the work assigned to them; and, second, because they understand the attitude of Congress toward the subject with which they are to deal, and are therefore likely to recommend to the President arrangements with our foreign debtors that will command the approval of the legislative bodies to which they belong.

We beg to submit that the view of the construction of the Constitution upon which we insist is not to be disparaged by the suggestion that those who hold it have resorted to a technicality. On the contrary, our contention relates to the very substance of orderly government. Any other rule of interpretation leads immediately to the complete overthrow of written constitutions and statutory enactments. The men who wrote the Constitution chose to confine the provision respecting Members of Congress to "civil offices." If the commissioners under the funding act hold civil offices, as distinguished from "civil positions," "civil places," or "civil employments," then Senator SMOOT and Representative BURTON are ineligible. The sole function of the Committee on the Judiciary is to answer the one question: Are these commissioners whose appointments are authorized by the funding act civil officers under the authority of the United States? If they are, then A. W. Mellon, Charles E. Hughes, and Herbert Hoover hold two offices, respectively, and Senator SMOOT and Representative BURTON are ineligible.

Before referring to the authorities, and there are many of them, in which the courts have had occasion to consider what is and what is not an "office" under the provisions of the various State constitutions and various Federal and State statutes, we turn to an examination of the terms of the particular act under which the World War Foreign Debt Commission was created. The material portions of the act are as follows:

* * * "That a World War Foreign Debt Commission is hereby created consisting of five members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

"SEC. 2. That, subject to the approval of the President, the commission created by section 1 is hereby authorized to refund or convert, and extend the time of payment of the principal or the interest, or both, of any obligation of any foreign government now held by the United States of America, or any obligation of any foreign government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign government in substitution for the bonds or other obligations of such government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America."

The minority of the committee are of the opinion that, if the words "subject to the approval of the President" were not in the statute, there would still be room for the contention that the commissioners are not officers under the principles announced and the definitions found in many of the authorities to which reference will hereafter be made. However, we frankly concede that if the words just quoted had been omitted there would be presented an entirely different question and an exceedingly close one. But these words "subject to the approval of the President" are in the statute, and they remove the question from the region of doubt or uncertainty.

While we postpone the consideration of the decided cases, it may be helpful to remember that the Constitution uses the words "civil office" to describe its purpose. Those who employed the words could have said, had they been so minded, "position," "place," "employment," or the like, but they did not; and it is the duty of the committee, under the resolution, to render an opinion upon the meaning of the word "office" as distinguished from the meaning of the broader and more comprehensive words "position," "place," "employment," or other

similar terms. The word "office" had a fairly definite meaning at the time the Constitution was adopted; and inasmuch as it occurs not only in the Constitution of the United States but in all the State constitutions and in innumerable laws, both Federal and State, it has been the subject, as heretofore suggested, of a great many judicial discussions and decisions, some of which have been collected and appear in the exceedingly interesting and able paper accompanying the report of the majority of the committee. These decisions are not harmonious; and as there are no two cases which involve the same conditions, they are of little value, save for one thing, namely, we are able to extract from them and from commentators, with fair precision, the elements which must concur and combine in order that any given position or place may constitute an "office." Disregarding all disputed elements, there will be found universal agreement as to one indispensable element. This element is not only admitted, but emphasized in the argument of the majority of the committee; and inasmuch as we desire to bring this matter at once to the test of this indispensable characteristic, we quote from Mechem's Public Offices, etc. (sec. 4), which states the principle as clearly as it can be found anywhere:

"Office involves delegation of sovereign functions. The great important characteristic which distinguishes an office from employment or a contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of the Government, to be exercised by him for the benefit of the people; that some portion of the sovereignty of the country, either legislative, executive, or judicial, attaches for the time being to be exercised for the public benefit. Unless the powers conferred are of this nature the individual is not a public officer. This involves necessarily the power (1) to legislate, (2) execute a law, or (3) hear and determine, judicially, questions submitted. Therefore mere power to investigate some particular subject and report thereon, or to negotiate a treaty of peace or on some commercial subject and report, without power to make binding on the Government, does not constitute a person an officer."

The principles here announced are universally accepted, and by no one more clearly than the Senator from Montana. In his address to the Senate upon this subject he says (CONG. REC., February 24, p. 3329):

"Mr. President, I think the Senator from Arkansas [Mr. ROBINSON] correctly stated the necessary elements that make an office. The first question is, Is it created by law? Undoubtedly this commission was created by law—by an act of Congress. Second, is the officer, or are the commissioners, intrusted with a portion of the sovereign power of the Government, either to legislate, to enact a law, to execute a law, or to construe a law?"

All that remains is to apply this test to the powers and duties of the commission created by the funding act. The commission has no power whatsoever. Its duties are purely preliminary and advisory. It can do nothing that will bind the Government of the United States in any respect or degree. Every act that it performs is without the least force or effect until approved by the President. It is not invested with any part of the sovereign authority of the United States. It has no function save to present to the President its work for his approval. It is to the President that Congress has delegated the authority to enter into a binding agreement. While the work of the commissioners may be more dignified and important than the work of any of the employees of the commission, it is in every sense of the same character. It is the President who becomes responsible for everything that is done.

It has been suggested that the President stands in the same relation to the commission that the courts bear to such tribunals as the Interstate Commerce Commission or the Federal Trade Commission, but we are not impressed with the analogy. It is true that there are instances in which the orders of these commissions may be reviewed by the courts, but the action of the reviewing courts is not necessary to make the orders of such commissions binding upon the parties to them. The moment they are issued they are in full force and effect until set aside by the judgment rendered by a superior tribunal. It is not so with the commission created by the funding act.

That commission can make no order, enter into no contract, make no arrangement of any description until the President approves it. It is his approval, and his approval alone, which gives to the work of the commission its validity. The commission may negotiate, gather information, plan proposed agreements into form, and report to the President. Its duties and powers are then concluded and if nothing further is done their work is valueless and can not in any manner affect the people or the Government of the United States. It is the President, and the President alone, who gives life and force to the agreements which may be presented to him. The conclusion is irresistible; the commissioners are not "officers under the authority of the United States."

The majority of the committee, in the course of their argument, mention the fact that the funding act itself contains the implication that the commissioners are officers, because it provided that they must be appointed by and with the advice and consent of the Senate.

With regard to this phase of the matter it is sufficient to say that the action of the Senate in this respect, whether considered or unconsidered, can not change the character of the duties performed by the commission, and is entitled to little or no weight in reaching a conclusion upon the merits of the subject submitted to the committee for examination and report. Moreover, whatever effect the inclusion of this provision in the act may have is entirely neutralized by another provision wholly inconsistent with it. The act contains this clause:

"That a World War Foreign Debt Commission is hereby created, consisting of five members, one of whom shall be the Secretary of the Treasury."

In this clause Congress attempts to select and appoint one of the members of the commission. It will not be denied that if the members of the commission are officers Congress can not select or appoint them. We are thus presented with this curious situation, that in the same sentence Congress has affirmed that the commissioners are officers and are not officers.

While it is not within the province of the committee to make observations upon the constitutionality of the funding act, it is, nevertheless, proper to say that if it be held that the commissioners are officers within the meaning of the Constitution there would arise at once the gravest doubt with respect to the constitutionality of the law creating the commission. While the reservation in the act providing for confirmation by the Senate of an appointment be a position, as distinguished from an "office," a reservation not warranted by the Constitution, might not affect the validity of the law, yet if these commissioners are officers, then the attempt on the part of Congress to select or appoint one of them, thus invading the authority of the President, would constitute an affirmative violation of the Constitution and invalidate the entire statute.

The clause of the Constitution now under discussion has never been judicially construed or applied, and therefore we can not appeal to any direct adjudication. It may be worth while, however, to pass from the consideration of the one element in an "office" concerning which there is no conflict of opinion and examine the question from another point of view.

In United States v. Germaine (99 U. S. 508) the Supreme Court of the United States found it necessary to determine whether a civil surgeon appointed by the Commissioner of Pensions under an act of Congress was an officer of the United States and subject to indictment and punishment under a criminal statute which declared as follows:

"Every officer of the United States who is guilty of extortion under color of his office shall be punished, etc."

In the course of the opinion (delivered by Justice Miller) the court said:

"If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In that case, referring to United States v. Hartwell (6 Wall. 385), the court said, the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional or temporary. In the case before us, the duties are not continuing and permanent, but they are occasional and intermittent. The surgeon is only to act when called on by the Commissioner of Pensions in some special case, as when some pensioner or claimant of a pension presents himself for examination. He may make 50 of these examinations in a year, or none. He is required to keep no place of business for the public use. He gives no bond and takes no oath, unless by some order of the Commissioner of Pensions of which we are not advised."

The general field which this case occupies is full of authorities from State courts. Prominent among these is Bunn v. The People (45 Ill. 397). In this case Jacob Bunn and others had been appointed, by an act of the Illinois Legislature, commissioners charged with the duty of erecting a new statehouse. The constitution of the State contained the following section:

"The governor shall nominate and, by and with the advice and consent of the senate (or a majority of all the senators concurring), appoint all officers whose offices are established by this constitution or which may be created by law, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the general assembly."

Another section declared:

"That no such officer shall be elected by the general assembly."

The proceeding was in the nature of a quo warranto brought for the purpose of testing the right of these commissioners to hold their alleged offices. We quote significant passages from the opinion:

"It is not contended that the magnitude of the object or the amount or varieties of duties imposed to carry it out determines the character of the employment or will convert that which was a mere employment, temporary in its very nature, into an office; it is only their continuous nature that will have that effect. * * *

"It seems to us that it can not be predicated of these plaintiffs in error that their duties are of such a character that a general duty continues. * * * In fact, there are no general duties imposed by the act in question on these appellees; they have only one single special duty to perform, and that is to superintend the erection of a statehouse, and when that is performed their functions, ipso facto, are at end. * * *

"It seems to us the term 'such officer,' judging from the contemporaneous action and construction of the clause by the legislature, had reference alone to such officers as had some portion of the functions of government committed to their charge. Such officers can certainly say to which of the three departments of our Government these appointees belong. It will not do to say that they belong to the executive, because they are required to execute a law. The same may be said of road commissioners; they execute the laws under which they derive their appointment, and so of numberless persons necessarily employed by the State in subordinate positions and for a special purpose. So far as we have any knowledge on this subject or are enabled to judge from the facts of contemporaneous history, no one has ever supposed the legislature had not full power to appoint and employ all such agents as might be deemed necessary by them to perform duties not of a permanent but of a transitory and incidental character such as we see in abundance in our statute books. No one has ever exalted such employees to the position of an officer, though their duties might require months or years for their full performance. There is no enduring element in these employments, nor designed to be; the duty being performed, the place is vacant by the very fact of performance.

"2. The appellees are to perform a duty single in itself, which the legislature could not of and by itself perform—that is, to superintend the erection of a statehouse, and disburse the moneys the legislature may appropriate to such purpose. No power is given to levy taxes, and no governmental act is to be performed by them."

The court cites many of the older cases which are worthy of careful review but which we must leave to the examination of the members of the committee.

In the matter of Hathaway (71 N. Y. 238) will be found an instructive discussion of this phase of the subject.

In 3 Greenleaf, 48, which is the answer of the Supreme Court of Maine to a question propounded by the governor of that State, the distinction between an "office" and a "position," "place," or "employment" is as clearly defined as the English language can define it, and the opinion deserves the most careful study.

We could multiply cases of this general character indefinitely, but it would serve no useful purpose to do so, for after we have analyzed all the varying shades of judicial opinion and noted their inharmonious definitions, we must resort finally to our instinctive classification of the particular commission created by the funding act. No two commissions are alike in their powers or duties, and when we form a judgment with respect to the essential characteristics of an "office" as compared with a "position," "place," or "employment" our fair ordinary common sense must assign this commission to the one classification or the other.

There are some suggestions in the argument submitted with the majority report which seem to require a reply. The argument refers to several instances in which Senators or Members of Congress have been appointed to settle international disputes "like boundary commissioners or other arbitration commissions," and it is said that these commissioners have been appointed "pursuant not to an act of Congress but to a treaty," and it is further insisted that "such officers, if they may be so denominated, do not come under the operation of the clause of the Constitution under consideration." Why not? The Constitution does not say that the office must be created by an act of Congress. It says he shall not be appointed to any "civil office under the authority of the United States which shall have been created, or the emoluments whereof have been increased, during such time." A treaty is the supreme law of the land, and an office created by a treaty, even

though the Members of the House have no voice in bringing the treaty into existence, is just as clearly within the prohibition of the Constitution as is an office created under an act of Congress. It seems to be simply another effort to make the Constitution so flexible that it may shrink or expand to meet the constantly changing views of public policy.

In the majority argument great emphasis is placed upon the fact that unless the commissioners are held to be officers they can not be punished for infidelity or wrongdoing; that if they are officers they can be impeached, and that this situation should lead us to the conclusion that they are officers. It is quite impossible for the minority of the committee to give weight to this contention. Indeed, the suggestion that persons composing the commission under the funding act ought to be subject to impeachment, as they would undoubtedly be if they are officers of the United States, furnishes a powerful reason for the conclusion that they are not officers.

The impeachment and trial by the Senate of men whose work is of the most temporary character is hardly thinkable. There can be no more persuasive reason for believing that they are not officers than the insistence upon the part of the majority that they ought to be subject to impeachment. It will be observed that the funding act does not require these commissioners to take an oath of office, and from that omission it may fairly be inferred that Congress did not regard them as officers, but the act might well have contained apt provisions for their punishment in the event of wrongdoing. Impeachment, even followed by removal from their positions, would be very inadequate punishment for the crimes of which they might be guilty. It is quite illogical, it seems to us, to insist that we must hold the commissioners to be officers in order to subject them to impeachment, when Congress could very appropriately have attached whatever penalty it thought desirable for misconduct on the part of the commission.

For the reasons we have merely outlined in this report, the minority of the committee is of the opinion that Senator Ruth Hanna Simon and Representative Tirnonious E. Burton are eligible for appointment as members of the World War Foreign Debt Commission.

VIEWS AND OPINION OF SENATOR NELSON.

The funding act creates a commission of five members, of which the Secretary of the Treasury is one (and it is provided that he shall serve as chairman of the commission), and four others, who shall be appointed by the President and confirmed by the Senate. The work of the commission is, in all respects, subject to the approval of the President; in other words, it is in subrogation to his wishes and direction. If he approves the work of the commission, it becomes valid; if he disapproves, it is invalid. The entire authority granted by the act shall cease at the end of three years from the date of the passage of the act (February 9, 1922). No salary is provided in the act for the commissioners, and they are not required to take an oath or give a bond for the performance of their duties.

The question raised by Senate Resolution 244 relates to the validity of the appointment of one Senator and one Member of Congress as members of the commission. It involves the construction of section 6 of Article I of the Constitution, to wit:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, * * * during such time."

And the question involved is whether this commission is such a civil office as is contemplated in the paragraph of the Constitution quoted.

Bearing in mind that the action of the commission is in all respects subject to the approval of the President, these commissioners can not be regarded as independent officers, but rather as a committee or board to advise and instruct the President. They have a specific duty in that respect to perform, and when that duty has been performed, or when three years have elapsed, their function is at an end. Under such circumstances the commission can not be regarded as an independent civil office, nor the commissioners as independent civil officers.

It is a question both of precedent and practice, and of legal principles.

The Supreme Court of the United States, in the case of United States v. Hartwell (6 Wall. 385), lays down this general rule:

"An office is a public station, or employment conferred by the appointment of the Government. The term embraces the ideas of tenure, duration, emolument, and duties."

In 1867 the Legislature of Illinois passed an act for the erection of a new capitol or statehouse, and in the act provided for the appointment of a commission of seven men named in the law to act as a commission to take charge of the erection of the new statehouse or capitol. The constitution of Illinois provided—

"That the governor shall nominate and, by and with the advice and consent of the senate (or a majority of the senators concurring), appoint all officers whose offices are established by this constitution or which may be created by law, and whose appointments are not otherwise provided for, and no such officers shall be appointed or elected by the general assembly."

The question raised was whether these commissioners appointed in the act were officers that should have been appointed by the governor within the meaning of the constitution. The case came before the Supreme Court of Illinois in the case of Bunn v. The People (45 Ill., 397), and it was decided by the court that the commissioners appointed by the legislative act were not officers of the character required to be appointed by the governor. The court in this case laid down this doctrine:

"A person employed for a special and single object, in whose employment there is no enduring element, nor designed to be, and whose duties when completed, although years may be required for their performance, ipso facto terminate the employment, is not an officer in the sense in which that term is used in the constitution."

The court further adds:

"In determining whether these commissioners are officers, it is proper to take into consideration the uniform contemporaneous and continuous expression given by the legislature, since the adoption of the constitution, to the clause in question, and from the construction thus given it must be concluded that they are not to be regarded as officers, and that such clause has only reference to such officers as had some portions of the functions of government committed to their charge."

In the case of Matter of Hathaway (71 N. Y., 238), the court laid down this rule:

"The term 'public office' as used in the constitution has respect to a permanent public trust or employment to be exercised generally, and in all proper cases. It does not include the appointment to meet special exigencies of an individual to perform transient, occasional, or incidental duties such as are ordinarily performed by public officers. As to such appointment the legislature is left unfettered and at liberty to vest the courts with power to make them."

In this case it was held that the order of the court appointing a person to act as surrogate and directing a commission to issue to him in the matter of the probate of a will in a case where a surrogate, county judge, and district attorney were disqualified from acting, was valid.

Mechem, Public Offices, section 4, contains the following statement:

"Office involves delegation of sovereign functions. The most important characteristic which distinguishes an office from an employment or contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of government, to be exercised by him for the benefit of the public; that some portion of the sovereignty of the country, either legislative, executive, or judicial, attaches, for the time being, to be exercised for the public benefit. Unless the powers conferred are of this nature, the individual is not a public officer."

In a case that came up in the State of Maine under an act of the State legislature authorizing the governor to appoint one or more agents for the preservation of timber on public lands and for other purposes, the question arose as to whether it was a civil office of profit under the State, so that no senator or representative of the legislature could be appointed as such agent. The opinion of the Supreme Court was sought upon this question, and there was a full discussion of the subject matter by the court. The court in its opinion, among other things, says:

"On a careful review of those sections in which the term 'office' or 'offices' is used, it will be found from the connection in which it stands to have reference to the division of the sovereign power which has been before States into the legislative, executive, and judicial departments. * * * There is a manifest difference between an office and an employment under the Government. We apprehend that the term 'office' implies a delegation of a portion of the sovereign power to and possession of it by the person filling the office, and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one, of the three great departments, and sometimes to another; still it is a legal power which may be rightfully exercised, and in its effects it will bind the rights of others and be subject to revision and correction only according to the standing laws of the State. * * * It appears, then, that every 'office,' in the constitutional meaning of the term, implies an authority to exercise some portion of the sovereign power either in making, executing, or administering the laws."

The court came to the conclusion that these timber agents were not officers of the State within the meaning of the constitution.

In the case of McArthur v. Nelson (81 Ky. 67) the question was whether certain commissioners appointed by the circuit court to take charge of the construction of a courthouse were district officers within the meaning of the constitution of Kentucky. Upon this question the court states as follows:

"The first section of the act authorizes the judge of the circuit court to appoint three commissioners, residents of the district, who shall hold their office at the will and pleasure of the judge. It is made the duty of the commissioners to have the courthouse constructed at a cost not exceeding $50,000, and to enable them to raise this money they are authorized to issue bonds, with coupons attached, bearing interest at 6 per cent, payable semiannually; to execute the bonds and pay the interest they are further empowered to levy an annual tax on the real and personal property in the district not exceeding 12 cents on the $100, etc. * * * They are not district officers within the meaning of section 10 of article 6 of the constitution, but are the mere agents for the district, required by the act to discharge certain duties with reference to the building of the courthouse, and when those duties end their employment terminates."

If we apply these general rules laid down by the courts to the case in hand, it would appear that these commissioners are not civil officers of the United States within the constitutional sense. Without dwelling upon the point that these appointments are of a transitory character, that no provision is made for salaries, that no bond or oath of office is required, nevertheless the controlling and decisive fact is that they are in fact only the advisers of the President, for whatever program or plan they may adopt or whatever action they may take in respect to the funding of our foreign debts it is of no effect unless approved by the President, so that ultimately whatever is done in respect to the funding of our foreign debts is the act of the Executive and not the act of the commissioners.

These commissioners stand on a par with the members of many other commissions that have been appointed during the history of the Government. Among these are the so-called Industrial Commission, part of it appointed by the President of the Senate, part of it by the Speaker of the House, and part of it by the President of the United States, with power to investigate and report to Congress. The Hawaiian Commission of five members, two of whom were to be Hawaiians, were appointed by the President and confirmed by the Senate (see act of July 7, 1898, entitled "Joint resolution providing for annexing the Hawaiian Islands to the United States"). This commission was required to recommend such legislation as they deemed necessary to Congress. In substance this is similar to that of the funding commission, for practically the funding commission are required to report to the President, and he takes final action. Whether a report is made to Congress or to the President, in neither case does it become effective until approved—in the one case by Congress, in the other case by the President. Senators Morgan and Cullom and Representative Hitt were members of the Hawaiian Commission.

Pursuant to protocol entered into between our Government and Great Britain relative to the appointment of a joint commission for the adjustment of questions at issue between the United States and Great Britain in respect to the relations between the former and the Dominion of Canada, and pursuant to the following provision in the act of July 7, 1898, an act making appropriations to supply deficiencies for the fiscal year 1898, etc., to wit:

"Canadian Commission: For the expense on the part of the United States of a joint commission to be appointed for the adjustment of differences between the United States and Great Britain in respect to the Dominion of Canada, including the compensation of the commissioners representing the United States, the pay of expert service for preparation of papers, for the portion of joint expenses, chargeable to the United States, for printing and all other incidental expenses, to be disbursed under the direction of the Secretary of State, $50,000, to remain available during the fiscal year 1899."

Senators Faulkner and Fairbanks and Representative Dingley were appointed members of this commission.

The protocol of the conferences in Washington in May, 1898, leading up to the appointment of this commission, is found in volume 1 of Treaties, Conventions, etc., by Malloy, at page 776, and shows that the conclusions of the commission were to be binding on both the United States and Great Britain.

President Harrison, on June 6, 1892, appointed Senator John T. Morgan, of Alabama, as an arbitrator on behalf of the United States under the treaty of February 29, 1892, between the United States and Great Britain, to determine the jurisdictional rights of the United States in waters of the Bering Sea, for the preservation of the fur seals. This arbitration court met at Paris and its decision was binding and required no Senate ratification.

President Roosevelt, on March 4, 1903, appointed Senator HENRY CABOT LODGE a member of the tribunal to consider and decide the boundary line between Alaska and Canada under the provisions of the convention between the United States and Great Britain, signed at Washington January 24, 1903. The decision of the tribunal was to be final. (See convention of January 24, 1903, vol. 1, p. 787, Malloy's Treaties and Conventions.)

In the last two cases, that of Senator Morgan and Senator LODGE, their action as arbitrators or members of the tribunal was final and binding and required no ratification on the part of the Senate. Their duties were clearly of an executive character and were not subject to review either by the President or Congress; and they certainly were much closer to the definition of a "civil officer of the United States," found in the Constitution, than the members of the commission provided for in the funding bill.

In September, 1898, President McKinley appointed Senator Davis, of Minnesota, Senator Fry, of Maine, and Senator Gray, of Delaware, members of a commission to negotiate a treaty with Spain.

A number of other cases of commissions appointed by the President could be cited, much akin to the commission of the funding bill. While these cases that are cited, or might be cited, do not, ipso facto, settle the constitutional question involved, yet they serve to show the legislative and executive construction given to the provision of the Constitution here in question. In the case of many of these commissions, reports must be made to Congress. In the case under consideration, the report of the funding commission must be made to the President, and must be ratified by him before it becomes valid; hence it seems clear that these commissioners are simply advisers of the President, who prepare and recommend to him the proper course to be pursued and followed; but it is his act, his approval, that breathes life into the work of the commission and gives it any effective validity.

The Henderson report (H. R.) of February 21, 1899, finds, among other matters, that the members of the Hawaiian commission were not holding any office under the United States; that the members of the postal commission were not officers of the United States; that the members of the industrial commission were not officers of the United States; and that the members of the Canadian commission, heretofore referred to, were not officers of the United States.

In view of the legal principles quoted, and in view of the many legislative precedents referred to, our conclusion is that Senator SMOOT and Representative BURTON, appointed members of the commission provided for in the refunding law, would not, as such members of the commission, be holding "a civil office under the authority of the United States," and that they are eligible as members of the commission.

WORLD WAR FOREIGN DEBT COMMISSION.

Message from the President of the United States, transmitting, in response to Senate resolution of March 7 (calendar day, March 8), 1922, an opinion of the Attorney General relating to the eligibility of Senator SMOOT and Representative BURTON to serve on the World War Foreign Debt Commission.

THE WHITE HOUSE,
Washington, March 8, 1922.

Hon. CALVIN COOLIDGE,
President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: Agreeable to the request of the Senate, expressed in a resolution concerning the passage of which I have just been informed, I am sending to you an opinion of the Attorney General relating to the eligibility of Senator SMOOT and Representative BURTON to serve on the World War Foreign Debt Commission.

Very truly yours,

WARREN G. HARDING.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 8, 1922.

MY DEAR MR. PRESIDENT: I have the honor to acknowledge your request for my opinion as to whether the appointment of Senator SMOOT and Representative BURTON to the World War Foreign Debt Commission is invalid under Article I, section 6, of the Constitution.

Were this a case of first impression, I should have serious doubt as to what reply I should make. The language of the Constitution is so broad and comprehensive that it can not be denied that the commissioners in question, in a general sense, hold a "civil office under the authority of the United States," and as this commission was created by the Congress at a time when the two commissioners were Members of that body, the application of the section of the Constitution does present a serious and debatable question.

This department has already expressed an opinion on the subject, for, in an opinion rendered by my predecessor, Attorney General Griggs (Op. Atty. Gen., vol. 22, p. 183), specific reference is made to the fact that Senator Morgan was, with the approval of the Executive, appointed a member of the fur seal arbitration, although, while a Senator, he aided in creating that "civil office."

I have failed to find any judicial interpretation of the section of the Constitution now under consideration, and, in the absence of such finally authoritative interpretation, great weight must be attached to the practical construction put upon the Constitution from the beginning of the Government. In such practical construction a distinction has always been made between special employment on the one hand and offices on the other, and between offices—using that term in a general sense—which serve only a temporary purpose, and those which have duration and permanency. From the very beginning of the Government Members of the Senate and the House have, from time to time, been asked to render services for the Government upon commissions of various kinds, and it has never been decided that such temporary employment for a special purpose and to serve an immediate exigency constituted a "civil office" within the meaning of the constitutional provision above referred to.

The Supreme Court has held in a number of cases (United States *v.* Hartwell, 6 Wall. 385; United States *v.* Germaine, 99 U. S. 508; Auffmordt *v.* Hedden, 137 U. S. 310) that the word "office" "expresses the idea of tenure, duration, emolument, and duties." Its duties must be "continuing and permanent, not occasional and temporary." In the last-cited case the office then under consideration had no general functions, nor any employment which had any duration as to time, or which extended over any case further than the power to act on that particular case. It was held by the Supreme Court "that the incumbent did not hold an 'office' within the meaning of Article II, section 2, of the Constitution."

Where, therefore, a position does not have continuancy and permanency and its function is restricted to a single matter, the position seems to be that of an executive agent and not an "office" within the meaning of the Constitution.

Many cases could be cited in other jurisdictions and the views of text writers could also be readily adduced to justify the theory that the idea of an office "clearly embraces the idea of tenure, duration, fees, or emoluments, rights, and powers, as well as that of duty."

Applying this distinction between an "office" and a temporary trust to the act of Congress which created the World War Foreign Debt Commission, I would say that for several reasons it excludes the application of the word "office" as above defined.

The commissioners receive no compensation.

Their tenure of office is limited in time and is restricted to a single object.

The subject matter of their duties is work in which the Congress has a peculiar interest and as to which it is finally responsible; for if the adjustment of the debts due to the United States by foreign nations shall ultimately be accomplished by treaty, the latter must receive the sanction of the Senate, and therefore there is propriety in a Member of that body participating in the negotiations. So far as the adjustment of the debt does not depend upon treaty obligations, the question as to what adjustment will be made of it is for Congress to determine, and it has seen fit to delegate the difficult task of adjustment to the commission, with the approval of the President. This increases the propriety of having a Member of the Senate and of the House participate in such adjustment.

Moreover, the commissioners can take no action except with the approval of the President. Their duties, therefore, are primarily those of negotiators for the terms of such adjustment, and, secondarily, as an advisory body to the President of the United States.

Inasmuch as both the legislative and the executive branches of the Government have responsibility in the adjustment of these obligations, it was desirable that there should be coordination between the two branches of the Government, and presumably this consideration prompted the appointment of a Member of the Senate and a Member of the House to confer with the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce in reaching some wise conclusion which these representatives of the executive and legislative branches of the Government could recommend to the President, to whom the final decision was delegated by Congress.

In substance and effect, your appointment to the debt commission simply puts into operation that which, without the legislation, might have occurred with entire propriety, viz, a conference between the representatives of Congress charged with the final responsibility of adjusting the debt and Cabinet officers who are charged with the duty of carrying out the wishes of Congress. No one would have questioned the propriety of representatives of the appropriate committee of Congress conferring with the Secretary of the Treasury and the Secretary of State, with a view to some recommendation to be made to the President which would guide him in his duty of negotiating with foreign countries for the adjustment of their financial obligations to this country.

Having in mind the debates in the Constitutional Convention, it seems clear that the purpose of Article I, section 6, was to prevent Members of Congress from creating offices which thereupon they would seek to fill by resigning their positions in Congress. Thus the fundamental idea was the incompatibility of the new offices thus created with their existing office as Members of Congress. This reason is plainly inapplicable to the present legislation, for, when Senator SMOOT and Representative BURTON act on this debt commission, they are not exercising duties which are incompatible with their duties as Members of Congress, but, on the contrary, their duties as commissioners are, in a sense, an auxiliary to their work as Congressmen, and moreover an auxiliary to all the Members of Congress in any further consideration that that body may feel obliged to give to this matter of adjusting these foreign obligations.

Here, again, it seems unreasonable to interpret the provision of the Constitution in question in a way that would forbid the cooperation between the legislative branch of the Government and the executive, which, with the growing complexity of life, is becoming increasingly necessary.

I can not think that such a statesmanlike solution of the question is within the mischief against which the constitutional provision above referred to was made. That provision (Art. I, sec. 6) evidently intended, on the one hand, that Congress should not create offices which its Members should fill, and that it should not be within the power of the President, on the other hand, to appoint to office Members of Congress when the offices have been created during their membership. This was a wise and salutary provision; but it seems to me to strain the language to apply it to a mere temporary employment, without compensation, and purely of an advisory capacity and intended to serve a temporary emergency.

To take an extreme illustration, it could hardly be said that if Congress creates a joint commission, to be composed of executive officers and Members of Congress, to take charge of the inauguration of a President, that such temporary and honorable employment offends the inhibition of the Constitution. There must be, in the nature of the case, as our governmental machinery becomes more complex, frequent measures to insure closer cooperation and a better coordination between the Executive and the legislature. It has long since been found impracticable to apply the Montesquieu doctrine as to the separation of the Government into three distinct and independent departments in all its literal force. Coordination must be secured if the machinery of the Constitution is to function, and to do so it must be possible, where temporary emergencies require it, to enable members of the executive and legislative departments of the Government to cooperate for special purposes on special commissions, and to construe the constitutional inhibition as obstructing and preventing such reasonable coordination tends to make the section of the Constitution in question impracticable of enforcement.

An impracticable and unreasonable construction of any clause of the Constitution ought to be avoided, and, as no judicial authority can be cited which forbids the views herein expressed, and as the practical construction by the Government from its very beginning and long acquiesced in has given some sanction to the views above expressed, I have less hesitation in advising you that in my judgment the appointment of Senator SMOOT and Representative BURTON does not offend Article I, section 6, of the Constitution.

Respectfully,

H. M. DAUGHERTY,
Attorney General.

The PRESIDENT,
The White House, Washington, D. C.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920; and

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented the petition of Wm. J. Brownlow and sundry other citizens of Cleveland, Ohio, praying for the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of the Presbytery of Mansfield (U. P.), held in the United Presbyterian Church at East Mansfield, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted at a meeting of the Presbytery of Mansfield (U. P.), held in the United Presbyterian Church at East Mansfield, Ohio, favoring the enactment of legislation prohibiting polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at a meeting of the Presbytery of Mansfield (U. P.), held in the United Presbyterian Church at East Mansfield, Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

Mr. PEPPER presented a resolution of the Philadelphia (Pa.) Board of Trade favoring the inclusion of a provision in the naval appropriation bill for the maintenance and efficient operation of the Philadelphia Navy Yard, which was referred to the Committee on Appropriations.

He also presented a petition of the Philadelphia (Pa.) Board of Trade praying for the enactment of legislation providing a subsidy for the merchant marine, which was referred to the Committee on Commerce.

Mr. HARRIS presented a resolution adopted at a regular meeting of the Lamar County Board of Trade, of Barnesville, Ga., favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

RESTRICTION OF IMMIGRATION.

Mr. HARRIS. Mr. President, I present and ask permission to have printed in the RECORD and referred to the Committee on Immigration a letter from Dr. David Starr Jordan, president of Leland Stanford University, of California, in regard to the immigration bill, and also a petition from several hundred people in Chicago in regard to the same measure.

There being no objection, the letter and petition were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

STANFORD UNIVERSITY POST OFFICE,
California, April 5, 1922.

Hon. WILLIAM J. HARRIS,
Senate Office Building, Washington, D. C.

SIR: Permit me to say that I regard the continuation of the present limited immigration law for another year, and until Congress orders otherwise, by a carefully worked out general immigration law, as of vital importance.

It should, however, be so modified as to prevent certain avoidable hardships to desirable people. Especially, I think that New Zealand, Australia, Canada, and South Africa should be regarded as British. No country has a finer population than New Zealand, and few of its people emigrate. The quota is thus soon filled, and some excellent people have been humiliated and perhaps turned back from San Francisco.

It is a plain fact that our population has been diluted to an alarming extent by the incoming of peoples which are biologically incapable of rising either now or through their descendants above the mentality of a 12-year-old child. Education and Americanization may help the individual a little, but can never improve the stock.

Guizot once asked James Russell Lowell, "How long will your Republic last?" "As long," said Lowell, "as the spirit of the fathers is in the hearts of the people." How long will this spirit endure, we may ask? Just as long as the blood of free men runs in the veins of the people. In every race there are some men and strains capable of freedom and some strains hopelessly incompetent—as in the London slums. It is hard to discriminate at Ellis Island, and to have this done in foreign lands may be impossible for legal reasons. But while it is plain that most immigrants from northern Italy, for example, are competent and desirable, there is not one in a thousand from Naples or Sicily that is not a burden on America. Our social perils do not arise from the rapacity of the strong, but from the incapacity of those hereditarily weak.

Sincerely yours,

DAVID STARR JORDAN.

CHICAGO, ILL.

PETITION.

We, the undersigned citizens of the State of Illinois, earnestly urge Congress to extend and make permanent the Johnson-Dillingham restriction law, which expires June 30. With over 5,000,000 unemployed in this country, 15,000,000 foreign born, 7,000,000 aliens, 5,000,000 persons unable to speak our language, some 5,000 foreign newspapers, and the so-called melting pot overflowing and our forces of assimilation swamped, we strongly memorialize Congress in favor of an immigration period. Our first duty is to those here. We should look after our own household. Every alien now entering becomes dependent upon some one here or takes the job from some person already here.

THE TARIFF.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, reported it with amendments and submitted a report (No. 595) thereon.

Mr. GOODING subsequently said: I submit three amendments to the tariff bill, and ask that they be read and lie on the table.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Secretary will read the proposed amendments.

The Assistant Secretary read as follows:

On page 111, line 14, strike out the figure "four-tenths of 1" and insert in lieu thereof the figure "1½," so that the paragraph as amended will read as follows:

"PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 40 cents per bushel of 56 pounds; poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; soya beans, 1½ cents per pound; cotton seed, one-third of 1 cent per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph."

On page 104, line 22, strike out the figure "three-eighths of 1" and insert in lieu thereof the figure "2"; on page 104, line 23, strike out the figure "five-eighths of 1" and insert in lieu thereof the figure "2"; on page 105, line 1, strike out the figure "one-fourth of 1" and insert in lieu thereof the figure "2"; so that the paragraph as amended will read as follows:

"PAR. 728. Paddy or rough rice, 2 cents per pound; brown rice (hulls removed), 2 cents per pound; milled rice (bran removed), 2 cents per pound; broken rice and rice meal, flour, polish, and bran, 2 cents per pound."

On page 110, line 23, strike out the figure "three-fourths of 1" and insert in lieu thereof the figure "3"; on page 110, line 24, strike out the figure "1½" and insert in lieu thereof the figure "4"; so that the paragraph as amended will read as follows:

"PAR. 757. Peanuts, not shelled, 3 cents per pound; shelled, 4 cents per pound."

Mr. HARRISON. Are these amendments offered to some bill that is in committee, or what were they?

Mr. GOODING. They are amendments to the tariff bill, which was reported to-day from the Finance Committee.

Mr. HARRISON. May I ask the Senator, was the tariff bill reported to-day?

Mr. GOODING. It was.

Mr. HARRISON. I have been here ever since the Senate convened this morning. I had not heard of it being reported.

Mr. WARREN. It was reported in the executive session.

Mr. HARRISON. It is perfectly natural that that should have been done. Everything else that has been done about the bill has been done in secrecy.

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 181) providing for the payment of war-risk insurance in certain contingencies, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 3412) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Calif., asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

REPORT OF THE BOY SCOUTS OF AMERICA (S. DOC. NO. 180).

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 273), which was considered by unanimous consent and agreed to:

Resolved, That the report entitled "The Eleventh Annual Report of the Boy Scouts of America" be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3432) to increase the efficiency of the Coast and Geodetic Survey, and for other purposes; and

A bill (S. 3433) to increase the efficiency of the Coast and Geodetic Survey, and for other purposes; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3434) directing the Veterans' Bureau to pay Constance Van Brunt Lynch the present value of a term insurance policy; to the Committee on Finance.

A bill (S. 3435) for the relief of E. J. Hendrycks; and

A bill (S. 3436) for the relief of Francis Nicholson; to the Committee on Claims.

A bill (S. 3437) granting a pension to Mary D. O'Malley;

A bill (S. 3438) granting a pension to Mrs. Henry C. Halpenny;

A bill (S. 3439) granting a pension to Conrad Miller;

A bill (S. 3440) granting a pension to Altana B. Clark; and

A bill (S. 3441) granting a pension to Mitchell Gatter; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3442) for the relief of the Portland Iron Works; to the Committee on Claims.

A bill (S. 3443) granting an increase of pension to Albert T. Baker; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3444) to amend sections 4826 and 4827 of the Revised Statutes of the United States relating to Board of Managers of National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 3445) to amend the act approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. SUTHERLAND:

A bill (S. 3446) granting a pension to George W. Johnson; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3447) authorizing and directing the Secretary of the Treasury to promulgate a schedule of fees to be charged vessels at the New York Quarantine Station as will be fair and reasonable for services rendered; to the Committee on Commerce.

AMENDMENT OF AGRICULTURAL DEPARTMENT APPROPRIATION BILL.

Mr. HARRISON submitted an amendment proposing to increase the appropriation for cooperative agricultural extension work, etc., between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture, from $1,000,000 to $1,500,000, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENTS OF TARIFF BILL.

Mr. CAMERON submitted an amendment intended to be proposed by him to House bill 7456, the permanent tariff bill, which was referred to the Committee on Finance, ordered to be printed, and to be printed in the RECORD, as follows:

On page 120, line 18, strike out the figure "7" and insert in lieu thereof "15," so as to make the paragraph, as amended, read:

"Par. 900. Cotton having a staple of 1⅜ inches or more in length, 15 cents per pound."

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ADDRESS BY FEDERAL PROHIBITION COMMISSIONER HAYNES.

Mr. PEPPER. Mr. President, I wish to make a request for unanimous consent. Last night the Federal Prohibition Commissioner made an important speech in Philadelphia, giving certain facts on the subject of law enforcement which I think it would be well to have inserted in the RECORD. I ask unanimous consent for such insertion and that the address be printed in the regular RECORD type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

[Address delivered by Federal Prohibition Commissioner R. A. Haynes, at law enforcement meeting, Academy of Music, Philadelphia, Pa., Monday night, April 10, 1922.]

I congratulate the great State of Pennsylvania upon such a magnificent demonstration of loyalty to our Constitution as this meeting reflects. I am thrilled as an American by your splendid enthusiasm for law enforcement, and yet, my friends, I am not surprised, for any State that has such leadership as that of Senator PEPPER and Governor Sproul must of necessity be found in the front ranks of patriotism and progress. This great audience stirs me to a deeper optimism, for here is the social and political force that is powerful enough to arouse the public conscience on the subject of law enforcement.

It is a great pleasure and satisfaction to speak for a Government that has outlawed the liquor traffic in Pennsylvania and upon every inch of soil under our flag. It is just such citizenship as that gathered here to-night that has registered this great moral advance of our country and prophesies the fact that the Constitution of the land, and with it, if you please, the eighteenth amendment, which is a part of it, shall not be defied, nullified, and, I think I might add, modified.

It is far from my purpose to occupy your attention with oratory or with well-rounded periods. I am here to give you facts; some of them eloquent of achievement and others which give us most serious concern. I am here as a public servant to render an account of my stewardship, and I trust to report some progress in our common task of making the law of the land effective in operation toward the high and the low alike.

Very soon after assuming the duties of Federal Prohibition Commissioner I was startled by the headlines of a great metropolitan daily which carried my own picture with the caption, "The man with the hardest job in the world." I found myself pondering the question, "Is it true that the job of enforcing the law in this great country has become the most difficult task of the hour?" I remembered that this particular law had behind it nearly a century of education and agitation; that it had become part of our Constitution over the veto of a President, and that it was ratified by 46 States, the largest number of States that had ever ratified a constitutional amendment. Remembering the courage and persistency of those who had enacted the law, I determined to consecrate myself to the task of making their dream come true. So it was that I sat down with the great problem that I felt must be solved.

I realized that the problem was more difficult because of the hour in which we lived; that we were in a period of reconstruction when the whole world was still suffering from the shock of battle that nearly wrecked the civilization of the world; that all the civilized world had been unstabilized, especially psychologically; that the backwash of the military tide registered itself in a crime wave, world-wide, and that the reflex in America was registered in the prevalence of crime from coast to coast. The war was over; the great armies of America were demobilized and all the military restraints were broken. Two million men were walking the streets in idleness. Fortunes made in the war had been lost in the early days of reconstruction; the spirit of unrest was everywhere rampant. Lawlessness and idleness were factors that entered into the problem faced. Prohibition had been on the statute books for a year and a half, but liquor was plentiful, and many good citizens were asking the question, "Is the Government really in earnest on the subject of prohibition enforcement?" The purpose that actuated the Government under President Harding, I knew. Believing that law enforcement was fundamental to the perpetuity of our institutions, it appeared to me that the prohibition law-enforcement machinery then in operation was wholly inadequate to the task that presented itself. Because of the spirit of the times, all laws were difficult of enforcement, and this law so newly placed upon the

statute books would of necessity be difficult of enforcement. Two things became evident:

The first, the need of men of the highest type and of unquestioned conviction and patriotism, for I regret to say in some localities the prohibition service was a discredited service; the other was the pressing need for a reorganization along lines especially adapted to the peculiar phases of this particular problem of law enforcement.

I shall not burden you with the details of the reorganization which has resulted and of which I am proud, and in which I have absolute confidence; but let me call your attention to the fact that its purpose was and is immediate attack upon flagrant violations of the law which has been a threefold problem. First, unwarranted withdrawals which had amounted in the calendar year 1920 to nearly 12,500,000 gallons of red liquor.

The second phase of the problem was the large amount of alcohol being diverted to beverage purposes through fraudulent manufacturing concerns, and to the large releases of beer containing an excessive alcoholic content.

The third phase of the problem was the enormous quantities of liquor then being smuggled into the country from over our borders and along the shore lines.

The threefold problem was so large and the enforcement machinery so inadequate that it became apparent from the beginning that all effort must be concentrated upon a single phase of the problem at a time.

The first effort was directed at the enormous releases of red liquor presumably for medicinal purposes. It must be remembered that 24 States out of the 48 in the United States are medicinally dry. There are approximately 150,000 physicians in the United States, and about 40,000 of them reside in these 24 medicinally dry States. Of the 110,000 physicians remaining, less than 35,000 hold permits to prescribe liquor; and yet, as one paper described it, there was a "deluge of booze." To cut down this unwarranted flow of bonded liquor was by no means an easy task. It did not mean to wage warfare upon the conscientious physician or the legitimate druggist, but it did mean to face a powerful combine of corrupt forces who through duplicity, bribery, and every other device known to the illicit traffic, were securing large withdrawals of liquor to be diverted for beverage purposes. To correct this miscarriage of the law required the dismissal of Government agents and the indictment of some men holding high offices of trust. It meant the perfecting of our permit system and sleepless vigilance on the part of the loyal officers of the Government.

It is now nearly 10 months since the renewed effort began to restrict good liquor into legitimate channels, and I am happy to report that this result is perhaps as nearly achieved as possible. The years immediately preceding prohibition showed an annual consumption in the United States of about 130,000,000 gallons of American-made whisky. During the calendar year 1920 there was withdrawn on permits approximately twelve and one-half million gallons and in the calendar year 1921 withdrawals amounted to about three and one-half million gallons. Withdrawal for this calendar year on the basis of the last three or four months will amount to about 2,000,000 gallons, which is perhaps only about one-half million gallons in excess of normal medicinal requirements.

The release of liquor in your city alone at the present withdrawal rate is just about one-fifth of what it was 10 months ago, and in the city of New York, in less than 3 months, under rigid supervision, regularly released liquor became restricted to practically legitimate uses. How nearly we are accomplishing the task of restricting bonded liquor to bona fide uses can be gleaned from the fact that of all the liquor seized by Government agents at the present time, less than 2 per cent is found to be high-grade liquor, revealing the fact that the bootlegger is unable to obtain bonded spirits. Ninety-eight per cent of the illegally obtained spirits is positively dangerous to health and often life itself.

The next phase of the problem to be attacked was the large amount of industrial alcohol being diverted to beverage purposes. There was apparently a combination whereby large quantities of alcohol used in the manufacture of synthetic whisky were marketed at enormous profits. This activity constituted a formidable opponent of the Government, for you must remember that many of these men were schooled in devious methods of evading the law. Eight or nine major violators in this classification have already been apprehended. Seizures have been made wherever warranted by the evidence and all the offenders are being prosecuted vigorously, and it is safe to say that the differential or prohibitive tax assessed against these violators alone will amount to more than $6,000,000. Governmental restrictions have been so placed around operating plants conducted according to law that the problem ceases to be longer serious.

At the beginning of this fiscal year there were approximately 500 breweries engaged in the manufacture of near-beer. Word was received from every side that many of these breweries were not obeying the law; 285 of them have been reported for violation of the law; 95 of these plants are now under seizure by the Government; 60 breweries have been seized since July 1. Two of these breweries have submitted offers in compromise of $96,000 each and the other offers reach from $20,000 to $60,000, and this does not mitigate possible criminal liability against the companies. I have long been persuaded that fines against large violators are but very small deterrent forces, so we are citing on criminal informations in the United States courts all breweries found guilty of violations. We are not only revoking permits of the guilty, but are also refusing to reissue permits to persons who have violated the provisions of their permits, and this has resulted in the closing down of about 50 near-beer plants in recent months.

Smuggling is not a new art, and the smuggling of liquors into this country was not new with the coming of prohibition. The fabulous revenues to be gained made strong appeal to unscrupulous men, and the traffic in smuggled liquors soon appeared as a menace that threatened to engulf the whole program of law enforcement and was the third phase of the program. It was necessary to enlarge the forces along our borders and to augment the general agents' force that had particular contact with this phase of the work.

Early in the administration it seemed wise to make representations to the commissioners of Canada, and an invitation was accepted to enter into a conference with the liquor commissioners from several Provinces. On November 1, 1921, the representatives of the attorneys general and the commissioners from the various Provinces met the representatives of the prohibition unit at Saskatchewan. Another conference was held at Detroit. The result of these meetings was that the Canadian officials have given to our Government the utmost possible cooperation in our efforts to close the border. The Canadian law permits exportation. Our law prohibits importation; therefore the difficulties are peculiarly complicated. However, at the present time the smuggling of liquor from Canada is having careful attention and is admittedly under better control than ever before.

A most careful and thorough investigation has been made of the liquor smuggling from the Bahamas and the Indies. We are in possession of all the hideous facts concerning the smuggling traffic. We have discovered the ships and their owners, their methods and their sea routes, and we are to-day attacking this problem by means of an air service and a marine service, and I hope the time is not far distant when we shall have such treaties with these friendly nations who are our neighbors that their subjects or citizens will no longer be permitted to commit the unfriendly act of rendering assistance and comfort to the outlaws within our country who are engaged in a business that violates the Constitution and the laws of the land.

If I were asked to name a definite result of the war, I would without hesitation say that the war has taught us how tremendous is the power of propaganda. Let the press and the platform concentrate upon one idea or purpose, and by constant effort impress it upon the minds of the people, and eventually the public will become obsessed with the idea. To me there is grave danger in the propaganda that is being waged against the enforcement of the eighteenth amendment. Nothing is being left undone to impress upon the public mind the idea that the law is not operative. Surely there is grave danger to the Republic in the attitude that the minority need not submit to the expressed will of the majority, and the question arises at once as to the security of our free institutions. As an American I am inclined to believe that the source of this propaganda is not to be found in the unwillingness of the minority to submit to the dictates of law, but that this propaganda has its origin in a well-defined purpose to nullify the law in the interest of large personal gains on the part of a comparative few, who have felt most forcefully the effect of the law; and it is significant that at the time when liquor is the most difficult to obtain in all our history, when drunkenness has decreased to a very appreciable degree, when convictions for the violation of the law are becoming most numerous, that at such time the largest amount of space is given in some of our newspapers to articles most flimsy of fact which set forth the idea that "prohibition is a failure."

Over 10,000 convictions for the violation of the law have been obtained during the last nine months. It would not be

strange if some of the hue and cry, "Prohibition is a failure," might have arisen from some of the very ones who have felt the force of the law, either in the temporary loss of their liberty, in property losses, or in the loss of their social standing. It is not to be expected that certain interests of this country will bow to the will of the majority without making a most determined effort to regain some of the sources of revenue of which they have been deprived by an outraged public. The chief cry of the antiprohibition law propagandist is that "prohibition is a failure," and the question arises in the mind, Wherein has it failed? No one expected 100 per cent enforcement. What law can you suggest that is enforced 100 per cent? But again, wherein has it failed? The drunkard has almost disappeared from the streets of our great cities; arrests for drunkenness have decreased 60 per cent under prohibition; scores of institutions for the treatment of inebriates have closed their doors; the open saloon has disappeared and the influence of sober workmen is evident everywhere in the industries of our country; and it is safe to say that for every job lost by prohibition two others have been created. Economically, the biggest thing the prohibition law has done was to destroy a parasitic business.

This in itself has been one of our greatest sources of strength during a period fraught with great financial peril. And yet the cry is that "Prohibition has failed." To the thinking man the issue is clear. This is no hour to determine whether or not the law is a failure. Every law requires the test of time, and, as Chief Justice Taft is reported to have said, not until we have tried this law for at least 10 years may we with propriety discuss whether or not the law is a failure. At least, the law should be given a fair chance and the enforcement of it should be entrusted to the friends of the law and then its value determined by its good or bad results. The cry, "Prohibition is a failure," at this particular time is much like the cry that Vanlandingham raised against Mr. Lincoln's administration of the war; it was premature and refuted by subsequent events.

This is an hour when the burden of the war rests heavily upon our people through the imposition of taxes, and so the astute propagandist has singled out the cost of prohibition and in large letters pointed to the fact that it will cost this Government nearly $10,000,000 this coming year, but the people are not apprised of the fact that there is a revenue derived from fines, taxes assessed, and properties seized under the provisions of the prohibition act. It would be interesting to the people to know that if we were to collect the fines, penalties, and special tax imposed upon violators of the law in the first six months of this administration they would more than pay two and one-half times the estimated cost of enforcing the prohibition law for the next year. These enormous figures do not include nearly $3,000,000 in bonds that are being forfeited to the Government, or $2,000,000 that have been offered in compromise by 21 of the large violators of the law, and do not include the $6,000,000 in differential or prohibitive tax that has been referred to previously. So it is not difficult to see that if Uncle Sam is at all adept in collecting his claims prohibition should be no burden upon the law-abiding citizen. The reason that certain interests are protesting against this law is the fact that they are now forced to pay for its enforcement through these fines, forfeited bonds, and prohibitive taxes. These facts do not trouble the law-abiding citizen.

That which the country at large is meeting from the propagandist to-day is what each of the various States experienced when first they adopted laws which were similar to our prohibition act and their experience, which has been well expressed by Governor Allen, of Kansas: "Kansas has had prohibition for over 25 years. When first passed there was great opposition and for the first 15 years the temperance question was the storm center of all campaigns, but each year opposition grew less and its provisions were strengthened." He further states that "to-day in Kansas the dry law is as successfully enforced as any other law, and any effort to remove the prohibition law from the statute books of Kansas would be defeated by a vote of 50 to 1." This might well be taken as the prophecy of the national experience. It is hard to believe that even the most ardent opponent of the law believes that the law can be overthrown; the most that could be done is a nullification of this law by public officials failing to do their duty in its enforcement, so the propaganda is largely an effort to intimidate honest public officials, to break down the morale of our best citizenship, and to encourage a lawless element to hold the law in total disregard. As long as enforcement officers could be easily bribed; as long as the traffic went on unimpeded by either taxes, fines, or jail sentences; so long as only the small offenders were brought to justice, there was little cause for the insidious propaganda that finds large space in that portion of the press that is still hostile to prohibition and its enforcement.

Among the most subtle and deceptive of all the propaganda directed against the enforcement of the eighteenth amendment is the persistent cry that the law is unpopular and can not be enforced; that it is being flagrantly violated and therefore should be repealed. The contention is that because this law is violated it puts all law in jeopardy and tends to develop a spirit of defiance toward all our laws. It does not take keen intelligence to see that this contention itself is subversive of law enforcement and is the veiled confession that any law that is unpopular with a minority of the people may be held in disregard, and if the Government accedes to this demand a precedent is established against the enforcement of any law rendered difficult of enforcement because of adverse propaganda. If, on the other hand, this great Government is seen to be firmly behind the laws enacted by Congress and this law is well enforced it will bring an added weight of authority to all the laws of our land. Nothing can be more fallacious than the statement that it should be repealed because it is violated.

Recently I read with keen satisfaction an editorial in one of your great dailies here. It was one of those brilliant, strong, 100 per cent American editorials that come from the brain and heart of Van Valkenburg. It was captioned, "The law is defied—Repeal it." He shoots the light of clear logic quite through the fallacy that the law should be repealed because it is violated. He shows the prevalence of banditry and points out how far-reaching and prevalent has become this form of lawlessness, with its attacks upon human life and property, and says two menacing conditions have resulted: "First, criminally inclined persons are losing all respect for the law and the agencies of enforcement, and second, law-abiding citizens are losing faith in the power of the Government to apply the statutes. And nothing will tend more swiftly to undermine public order than repeated demonstrations that laws can be violated with impunity." He also says, "If the laws against banditry were repealed it would no longer be a crime, and hence conditions which are undermining respect for those laws would disappear." With the same unanswerable satire and relentless logic he deals with the laws against stock swindling and takes up other phases of violation, and then comes to this most thought-provoking statement of present-day propaganda, "We have merely suggested some logical implications from their contention that a law which is widely and defiantly violated ought for that reason to be repealed lest it and all laws be brought into disrepute, and in order that its violators may become orderly citizens. And the remarkable fact about their demand is that it is not directed against laws which have become obsolete or have outlived their usefulness, but against the most recent of important enactments. The prohibition law, which they want repealed because it is not, they say, effective, is part of the Constitution of the United States."

It is not a question as to the popularity of the law, my friends. The question is, Is the law just and American? Does it work toward the highest destiny of this country?

Does it in its operation contribute to the well-being of our people. The communities in which this law is most unpopular are those communities where they have had the least enforcement of this law, and it would be difficult to conceive of this law ever becoming as unpopular with Americans as was the open saloon and the evils that this law is designed to eradicate from our political and social system.

Nothing can affront the American people more than the statement that we can not enforce our laws. In this statement lies the death warrant of the Republic, for this Nation can not endure without reverence for law, without the recognized authority of law. If the laws passed by Congress are no longer binding upon the people, and if the executive power of our Government entrusted with the enforcement of law is powerless, where shall we look for the seat of government? The perpetrators of this new treason have overlooked one of the great essentials of the American people—that law is but an expression of the Nation's will—and the will power of America has ever met apparently insuperable difficulties and changed them into world-amazing achievements. It is no mere expression of pride to say that when America wills to do that which other nations have not done she will not fail of that achievement.

Let us confess that the eighteenth amendment leads the way for all the nations of the earth in moral achievement; that America is the pathfinder for the race in this legislation; but let us also remember that the majority has spoken and that American backbone is as strong to-day as it was when the

world laughed at the experiment of independence or scorned the prophecy of Lincoln or doubted the dream of Roosevelt of the Panama Canal.

"Prohibition in this country is pitiful to look at" are the words reported to have been uttered by a visiting nobleman. Immediately an American editor answered in these words: "Howbeit, sir, this opinion is itself pitiful. It indicts his sense of proportion, his perspective, his sense of fitness and high weighing of values, or else his sincerity."

Let us not overlook the real issue that underlies all the contest that wages around prohibition enforcement. It is in the last analysis Americanism in conflict with Old World customs and concepts; it is democracy against avarice, lawlessness, and anarchy. The issue divides men not upon the question of their appetites but upon the question of their loyalty to their country; it is no longer whether we are wet or dry; it is whether we are American or un-American; whether we are for the Constitution and the laws of our land or for our personal convenience or self-indulgence. It is not illogical to assume that if 80 per cent of the violators of this law are alien those who aid and abet them in violation of the law are themselves un-American in spirit.

To me the prohibition act is essentially American in its purpose. Its aim is to develop the highest type of American character and manhood. Without going into the question of political science, I think it must be admitted that Washington was right when he said that our free institutions rest in the last analysis upon American character.

It is very difficult for the alien to understand this law because of the fact that he has been reared under institutions hoary with years; he has been surrounded with customs that are ancient; he has lived in a country where the population is homogeneous, and so a law that touches one's personal habits as closely as the prohibition law is quite foreign to his thought. On the other hand, we are a very heterogeneous population; our institutions are new and our customs are largely in the making, and we must of necessity have laws which are character forming and directing as to conduct in order that we may develop the American type of character which alone insures our perpetuity as a free people.

The law is essentially American, not alone in its purpose but in its outlook. There is a puzzle that is sometimes given to the student of ethics, "when is good bad?" There is one answer, "good can only be bad when it keeps us from our best." American idealism is always striving for the highest possible destiny, and our watchword is the achievement of our best. Prohibition is a great moral and social advance, and is a logical part of the Nation striving to reach its highest possible destiny.

Prohibition has not divided the Nation against itself. It has rather ranged the great forces of our Government squarely on one side of a great question, and I am pleased to say that the real forces of Americanism are lined up on the right side of the question of law enforcement. In every severe test the Supreme Court of the United States has gone squarely on record as to the constitutionality of the prohibition act. There is no question to-day as to where the Houses of Congress stand, for whenever the question is clearly defined an overwhelming verdict is rendered in favor of the prohibition act and its enforcement. You will remember that only last week the House of Representatives by a majority of more than 3 to 1 passed a bill to deport all alien violators of the liquor and narcotic laws.

With the passage of the nineteenth amendment the women of the country came into their long-delayed rights of citizenship and at that moment there entered into the realm of our political life a force that can always be relied upon to exert itself on the right side of every moral or social question. Beyond the peradventure of a doubt the women of this country can be depended upon either at the polls or in the jury box to cast their vote for law and rigid law enforcement.

There is no question as to where the leaders of this administration stand on law enforcement. Attorney General Daugherty recently said: "The Government will endure on the rock of law enforcement or it will perish in the quicksands of lawlessness. My duty is clear. As long as I am the responsible head of the Department of Justice the law will be enforced with all the power possessed by the Government which I am at liberty to call to my command." This leaves no question as to his attitude or the commitment of his department to a vigorous enforcement of the law.

No less drastic is the conviction of Assistant Attorney General Goff: "The law must be and shall be enforced as it is conceived and written, and always without fear or favor. And so to you, and through you, I bring the pledge that in so far as it lies within the power of the Department of Justice to execute and enforce the law of the land, there will be no backward step, no retreat, in preserving the Constitution and carrying out the mandate of the people."

Our great Secretary of State, who has rendered a service to the whole world in his recent leadership at the Conference for the Limitation of Armament, has also voiced with characteristic clearness and patriotism this thought when he said: "Everybody is ready to sustain the law he likes. That is not in the proper sense respect for law and order. The test or respect for law is where the law is upheld even though it hurts."

There is no question as to where we will locate the President of the United States on this great issue, for with the same constructive statesmanship with which he has viewed the distracted conditions of Europe, he has keenly penetrated to the very heart of the great problem at home and has spoken the word that leaves no doubt as to the large place which he has given to law enforcement. He recently said:

> Whatever breeds disrespect for the law of the land, in any particular department of our community relations, is a force tending to the general breakdown of the social organization. If the people who are known as leaders, as directing influences, as thoroughly respected and respectable members of society, shall in their respective communities become known for their defiance of some part of the code of law, then they need not be astonished if presently they find that their example is followed by others, with the result that presently the law in general comes to be looked upon as a set of irksome and unreasonable restraints upon the liberty of the individual. Every law involves more or less of this element of restraint. Nearly every individual will find some part of the code that to him seems an unreasonable inhibition upon his personal freedom of action. Our only safety will be in inculcating an attitude of respect for the law, as on the whole, the best expression that has been given to the social aspiration and moral purpose of the community."

These words are eloquent; they are pregnant of thought; they have couched in them great and far-reaching truths, but to me entrusted, as I am with the enforcement of this law, the attitude of this great President toward my problems has been eloquent beyond even these most brilliant periods. In the very hours when he has been carrying a burden perhaps larger than that of any other man in the world, he has found time to encourage me in the task that lay before me. While he was wrestling with questions of world-wide importance, he has found the wakeful hours to acquaint himself with the problems that confronted me, and at no time has he been too busy to interest himself or to render every possible assistance within his power when there appeared to him an opportunity to render service to law enforcement.

I say there is no question as to where these great men stand, or where the great forces of our national life are to be found. The question is where you as an individual citizen shall be located and what is your attitude toward the law?

I think little is to be feared from those who are positively hostile to law enforcement. I think there is danger in those who are negative or fail to express themselves. If the question of law enforcement is as these good men see it to be, fundamental to the life of the Nation, then the individual citizen immediately is placed in a position where he must become militant in its defense. To assist in the enforcement of the law must become his duty toward his country.

No trivial or superficial obligation rests upon the American citizen who receives all the benefits of citizenship in this great land and he only discharges the conditions of citizenship when he gives his best effort toward the perpetuity of his country. If lawlessness endangers this Republic, then there can be only one attitude of the citizen upon the subject.

You may ask, "What can I do to express my patriotism and to place myself positively upon the side of law enforcement?" As citizens of Pennsylvania, you can give your cooperation and assistance to Director Davis and the splendid organization that he is now perfecting; you can help in the enforcement of this law by publicly and privately registering your sentiment in favor of vigorous enforcement of the law; you can greatly assist by serving upon juries, as every good American citizen should do. You can render assistance by expressing your opinion to the editor of your paper and by encouraging the faithful public servant who is doing his best to enforce the law; you can register yourself in favor of law enforcement by affiliating yourself with those societies and organizations that have for their purpose the inculcating of the spirit of reverence for law in both young and old. And not the least among all the things to be observed that will place you on record is your daily conduct where in strict obedience to the law you will create an example that will point others to a proper attitude toward the law.

Let us then, my countrymen, enroll ourselves in the cause of our country's safety and the security of our Constitution. Let us renew our courage and strengthen our hope that our country

shall endure. Let us listen to the heroic voices of the past and dedicate ourselves anew to their unaccomplished task. Before the altar of our Nation, let us consecrate our lives and our love in the service of one God, one country, and one flag.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. McNARY. Mr. President, I ask unanimous consent that House bill 10730, the unfinished business, may be temporarily laid aside.

The VICE PRESIDENT. It is the understanding of the Chair that the unfinished business has already been informally laid aside, there having been a recess taken last evening until to-day.

HOSPITAL FACILITIES FOR EX-SERVICE MEN.

Mr. BALL obtained the floor.

Mr. FERNALD. Will the Senator yield to me for a moment in order that I may give a notice?

Mr. BALL. I yield.

Mr. FERNALD. Mr. President, I had intended to call up House bill 10864, the hospitalization bill, to-day, but two or three Senators have asked me to defer the consideration of that measure until to-morrow. I now simply wish to give notice that during the morning hour to-morrow or immediately thereafter I shall ask that the Senate consider the so-called hospitalization bill.

EXTENSION OF DISTRICT RENT COMMISSION.

Mr. BALL. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2919, being Order of Business 519.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of a bill the title of which will be stated.

The ASSISTANT SECRETARY. A bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

Mr. MYERS. I object to the request.

The VICE PRESIDENT. There is objection.

THE LEAGUE OF NATIONS.

Mr. McCORMICK. Mr. President, there is a matter of some moment to which I venture to call the attention of Senators before the Senate undertakes the consideration of any of the pending bills.

You have noted, sir, that in New York on Saturday last ex-Governor Cox, of Ohio, in substance submitted to his hearers the program which he presented at the notable gathering in Dayton on the 25th of January last. I will not trespass upon the time of the Senate this afternoon to speak of the portions of his address which dealt with issues wholly or primarily domestic; but I think it proper that, in the presence of the distinguished leaders of the Democratic Party on the other side, we ask if they join with him in the belief that the United States should become a party to the covenant of the League of Nations, and that despite events which have transpired since the last election?

Governor Cox at Dayton in January, and again in New York last week, spoke in forthright, downright, and direct fashion; there is no mistaking his meaning. One may believe that a great part of the address of Governor Cox was burbling and blithering bombast; but whether he so believes or not, he can not mistake Governor Cox's intention to carry the people of America into the League of Nations whenever the opportunity presented.

There were long weeks when we discussed the text of the league covenant.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. McCORMICK. Most certainly.

Mr. BORAH. The Senator has submitted to the other side a question as to whether they agree with ex-Governor Cox. I should like to ask how many Senators on this side would vote with the other side if the League of Nations were proposed at this time?

Mr. KING. Does the Senator mean proposed by the President?

Mr. BORAH. By anybody.

Mr. McCORMICK. The Senator from Idaho has as Delphic a capacity for prophesy as has any other Senator.

Mr. BORAH. But I am not in as close touch with the organization as is the Senator from Illinois, and I should like to know how many Senators on this side are now prepared to go into the league. I know that there are some prepared to do so.

Mr. McCORMICK. I think the remnant is so exiguous as to be almost invisible to-day.

Mr. BORAH. I am afraid not; I am afraid the number is increasing.

Mr. McCORMICK. Mr. President, when the Senator from Idaho asked the question which he is better able to answer than am I, I had said that during long weeks we discussed the text of the covenant, its meaning, explicit or implicit; we discussed the possibilities latent in the instrument; but to-day we may judge of the league by what has been accomplished in Europe since its first assembling.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. McCORMICK. Certainly.

Mr. HARRISON. On yesterday in the official organ it was stated that the Senator from Illinois would be the spokesman of the administration to-day in presenting to the Senate the matter which he is discussing. So I am curious to know whether there is any truth in the rumor which is afloat that there will be introduced shortly, and backed up by the administration, a bill proposing representation upon the part of this Government on the Reparation Commission. Will the Senator tell us whether that is true?

Mr. McCORMICK. Mr. President, the humorous and witty Senator from Mississippi knows very well that the newspaper to which he refers does not speak for me, and that I am not in the confidence of its editors. He knows, too, I am sure, that I have not been advised as to the purpose of Senators or of the administration with regard to the Reparation Commission.

Mr. HARRISON. No; I do not know that. I know of no Senator who is closer to the administration, and I thought that the official organ was speaking by the card when it said that he would in his speech to-day represent the views of the administration. I thought, perhaps, then, the Senator could tell us whether or not it is proposed that the United States shall have a representative on the Reparation Commission.

Mr. McCORMICK. If the newspaper so stated, it spoke without any warrant in fact. The Senator from Illinois is voicing no other views than his own.

We may judge of the accomplishment of the league by the record. We know, as I have said before in the Senate, that in the determination of disputes, in the arbitrament of boundaries, nothing has been done by the league or through the league which might not have been done under the old diplomacy and by our arbitral tribunals as formerly constituted. There is no record that the league has determined any dispute which might not have been determined in the normal course of conciliation or arbitration, while in the liquidation of the graver differences which have halted the reconstruction of Europe, in the reestablishment of the economic foundations upon which the future must be built, in the abatement of hates, in the reduction of armaments, the league has accomplished nothing. It promises to accomplish nothing; hence the gathering at Genoa of the assembly to-day, presided over by the Italian Prime Minister.

Despite the existence of the league, there are well-nigh as many armed men in Europe to-day as there were before the outbreak of the Great War and before the dismemberment of the Hapsburg monarchy and the disarmament of Germany. The league has brought into being in Europe no true peace. It has not inspired men to lay down their arms or to live in concord. We have as witness to that fact the pope, who in his letter to the archbishop of Genoa spoke of "the forest of bayonets" which environed the assembly about to gather.

So futile have been the labors of the league, so signally has it failed to imbue statesmen with a spirit of peace, so utterly has it been delinquent in bringing forward measures of reconstruction, that the pope has thought it appropriate, through the medium of a letter addressed to the archbishop of Genoa, to call upon the political leaders there assembled to attempt to do that which the League of Nations has left undone.

I know that there are some who honestly believe—I fear that there are others who for argument's sake will hold—that if America had entered the League of Nations it might have been otherwise.

The candidate of the Democratic Party for the presidency, who must remain the titular leader of the Democracy until formal action or the course of events has chosen as his successor some other, and very likely one of the Senators whom I see before me, has held not only that America must enter the league but that America should have granted credits and still more credits to Europe.

This would Governor Cox do despite the economic conditions inevitably consequent upon the war but aggravated, as all men know, by the political rivalries, the international jealousies and hates of the European powers and the armaments which they maintain because of those rivalries and hates.

The full text of the speech of the leader of the Democratic Party, delivered in New York, was not published in any of the newspapers which have come to my attention; but you may

find in his address, delivered last January in Dayton and published in full in his own newspaper, his views not only on the League of Nations but on the part which America should play in the economic reconstruction of Europe.

Europe requires credit—

Said he—

> America had a prosperity upon which credit could have been given. American gold advanced would scarcely have left our vaults, because it would have been merely the base of financial transactions for the products of our farms and factories. Our vast surplus would have brought happiness to Europe and maintained prosperity at home.

"America," said the governor, "had a prosperity upon which credit could have been given." He does not speak of the security necessary for the granting of credits. He ignores or he is ignorant of the fact that the excess of exports over imports indicates that since the signing of the armistice private credits have been granted to Europe in the sum of six or seven billion dollars. He has taken no note of the fact that since January 1, of 1921, European securities in the sum of $800,000,000 have been underwritten in the American market.

He would hale a free America to the bar of the league, there to petition for admission, while about its capital are encamped 2,000,000 armed men. He would have America grant credits, and credits still, aye, even in excess of those which from private sources have been granted to Europe since the signing of the armistice and at a time when we are about to undertake the difficult and hazardous negotiation for the resumption of interest upon the debt due from European Governments to the American Government, and for the ultimate payment of the capital of that debt, however doubtful some may think that payment to be.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. McCORMICK. I yield very readily to the Senator.

Mr. KING. The Senator a moment ago adverted to the fact that Governor Cox had pleaded for an extension of credit to Europe upon the part of Americans, and alluded to the fact that credits to the extent of five or six billions of dollars had been extended. I think the figures given by the Senator are approximately correct, that the private credits extended are between five and six billions of dollars. The question I desire to ask the Senator is this: Does the Senator think that it was wrong economically, politically, or morally for the United States, either the Government or individuals, since the signing of the armistice, to extend to Europe the large credits which were extended, as the result of which we found a market for our surplus products, increased our exports and thus increased somewhat our imports, and in a general way brought prosperity to the United States, while at the same time aiding in the stabilization of conditions in Europe, and materially diminishing the sufferings and the sorrows and the woes to which those unhappy people were subjected?

Mr. McCORMICK. The Senator from Utah, I must think, has studied the speech of his leader either less carefully than I, or not so recently.

Mr. KING. I have not read it.

Mr. McCORMICK. I thought as much.

Mr. KING. I am speaking for myself.

Mr. McCORMICK. I have no doubt that when the Senator from Utah and other Senators have read it, they will be disposed publicly to advise the country whether they agree or disagree with the leader of the Democratic Party.

Mr. KING. Mr. President, if the Senator will pardon me, without reference at all to anything that Governor Cox said, the Senator accurately stated that we had extended large credits to Europe since the armistice. I ask the Senator whether he believes that was wrong, economically or otherwise?

Mr. McCORMICK. I said the Senator must have read the speech of his leader less recently or less carefully than I. Let me ask the Senator to note this difference, that private credits granted were granted upon sufficient security. No man reading the Dayton speech of the leader of the Democratic Party can find any but the implicit meaning that credits should be granted Europe, not upon security found overseas, but upon the surplus wealth of the United States.

Mr. KING. Mr. President, I was not speaking with reference to what security had been demanded; I was taking the situation as it exists, namely, that we had extended large credits. Assume that we did or did not have security for the credits extended, but taking the broad fact as it is, does the Senator consend that the extending of credit which has been made by private individuals was wrong?

Mr. McCORMICK. If private individuals have extended credit without sufficient security for repayment, I condemn it. If they have granted credit upon sufficient security, security which guarantees payment for that which has been sold upon credit, that is sound business, beyond dispute.

Mr. KING. If those who extended the credit have been and are satisfied, then the distinguished Senator from Illinois can not complain, and the Senator from Illinois must know that economically the United States has prospered by reason of the extension of those credits. Whether or not adequate security was given, that fact stands forth, I think, demonstrable and indisputable.

Mr. McCORMICK. Mr. President, I will not labor the argument that credit granted by private sources upon insufficient security will not in the long run contribute to the wealth or prosperity of the United States. I rose to call to the attention of Senators on the other side of the Chamber the salient features of the two addresses delivered by the leader of the Democratic Party—that which dealt, if I can understand his speech, with the granting of unsecured credits to the Old World in excess of the sum in which they had been granted and that which dealt with the League of Nations.

Providence alone can forecast what may be determined at the conference of Genoa. We must hope that if it accomplish but little, that little will point the road to the drastic curtailment of armaments, to the no less drastic curtailment of civil expenditures in Europe, to the balancing of budgets, to the cessation of the issue of fiat money. If Europe can put aside her differences, if European statesmen assembled at the Genoa conference can accomplish, even in part, what assembled in the League of Nations they failed to do, then America can help in the economic reconstruction of Europe. That, I think, is a question upon which we are not disagreed. That presents an issue upon which the parties will not differ.

Mr. President, I rose to call to the attention of the leaders of the Democratic Party, many of whom I see yonder, and one of whom is likely to be nominated in succession to Governor Cox—I rose to call to their attention his argument for the granting of credits and to his demand that America enter the League of Nations. I hope that they will speak their minds as fully as he has upon those questions.

Mr. KING. Will the Senator yield?

Mr. McCORMICK. I yield.

Mr. KING. I think the Senator made just one error in the concluding part of his statement when he referred to some person on this side who would be nominated as successor of Governor Cox. He ought to have made that statement a little fuller, and he would have been more accurate if he had said some Democrat would be elected as the successor of President Harding.

Mr. McCORMICK. Mr. President, I welcome the issue which will be presented if Senators on the other side will join Governor Cox in demanding that America enter the League of Nations, and will make the campaign of 1924 as Governor Cox made the campaign of 1920. Let him who is without fear among you be the first to join himself with Governor Cox upon that issue.

Mr. BORAH. Mr. President, the Senator from Illinois voices a sentiment with which I am heartily in accord—that is, that the League of Nations will again be made the issue in another campaign, in order that we may separate this time the sheep from the goats inside our own party.

Mr. POMERENE. Mr. President——

Mr. BORAH. The Senator from Illinois is chairman of the senatorial election committee.

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. I was just wondering if the Senator from Idaho would go a little further and tell which were the sheep and which the goats?

Mr. BORAH. The Senator from Ohio does not need any instruction upon that question so far as the viewpoint of the Senator from Idaho is concerned.

I want the Senator from Illinois to make that the issue inside the Republican Party. It is within his power to do it. Entertaining the views and sentiments which he does, that the entrance of the United States into the league would be a disaster to this country, it is his highest and most solemn obligation to make it the issue.

So far as I am individually concerned, Mr. President, I occupy the same position with reference to the league that I occupied two years ago. If I know it, I will support no man for a position in this body who is in favor of entering the league, and I will support any man who is opposed to entering, whether he is a Republican or a Democrat. I confess that it may not be easy

for me to ascertain that fact, judging by the experience of the past; but if I am able to ascertain it, that will be my position.

This is not a party issue. This is not a party question any longer. There are just as many Democrats opposed to the league as there are Republicans, possibly, who are in favor of it, and this administration can not for a moment be considered as an antileague administration. The most powerful influences in the administration, outside of the President himself, are in favor of the United States entering the League of Nations, and if they are correctly reported by their proleague friends they are doing all they can to take the country into the League of Nations. No, Mr. President, it is not a party question, unless the able Senator from Illinois, through his leadership, believing as he does, is able to make it a party question.

The fundamental principles upon which the people rejected the League of Nations in 1920 were the principles which are found embodied in Washington's Farewell Address. The people did not stop to discuss reservations. They did not discuss the question of how you could form a political copartnership, and whether or not you could go part of the way in and retire at leisure, or whether you could form a limited copartnership.

The question which appealed to the American people in 1920 was the preservation of the doctrine announced by the fathers, that we should never suffer any political connections with foreign powers. That they distinctly understood; that they comprehended, and comprehending they spoke in no uncertain way. The layman, the man behind the plow, the man in the workshop, the farmer, those who were not schooled in questions of international law and the niceties of obligations, understood that simple, fundamental proposition, and upon that question they voted. If there be any candidate for Senator on this side of the Chamber who thinks the people did not or do not believe in that doctrine let him have the courage in this campaign to try it out.

Mr. President, what is the situation now with reference to that principle? In my humble judgment that principle has already been surrendered. The fundamental principle upon which the fight was made is already gone, and the question is not now the preservation of it, but the regaining of the position which we asserted in 1920. We have already made political connections and we are preparing to make others. Step by step we are moving toward a complete political association with all nations.

Permit me to recount one or two or three of the steps which we have taken, and more which we propose to take. We ratified what was known of the German treaty. In doing so we availed ourselves directly or indirectly of the most obnoxious obligations of the Versailles treaty. In other words, we reserved the right to avail ourselves of those obligations in the treaty which, to my mind, are to-day the cause of the economic chaos in Europe.

What is the proposition now pending? If we are correctly advised by the newspapers, the proposition is already at hand to introduce a joint resolution or a bill in the Congress by which the President shall be authorized to appoint a member of the Reparation Commission. When we become a member of the Reparation Commission, we will have entangled ourselves with every conceivable political question which can arise in Europe for the next 40 years. There is no proposition into which we would have entered or become entangled by reason of our entrance into the league which will not confront us and be a part of our program if we become a member of the Reparation Commission.

The Reparation Commission is itself a government, a government in Europe, exercising quasi legislative, judicial, and executive functions, a government which has practically the power of life and death over a large portion of the people of Europe, a government which centers in itself autocratic and despotic powers and touches every political nerve on the European Continent. Into that commission we propose to enter, so we are told, and I submit to my able friend from Illinois now, when the bill or resolution authorizing the President to appoint a member of the Reparation Commission comes to this body, what will be the position of the Republicans in that fight? What will be our attitude? Does he doubt for a minute what as a party we will do? And the league Democrats will join you, because it is a long step toward that for which they have been contending.

I am not so much concerned about the Democratic Party. It is not for me to care how often it is defeated; but I am concerned a little to know whether the party which sits upon this side of the Chamber proposes that the United States shall become a member of the Reparation Commission, and thus violate every pledge made to the people in 1920. Does any Member on this side of the Chamber know what the program is? I should like to hear from him. I should like to have those who are bantering our friends on the other side of the Chamber tell me what they propose to do when that proposition comes in for consideration.

I stated at the time the German treaty was up for consideration that in due time that proposition would be submitted to the Senate and we would accept it. The President has already notified the public that the first step should be taken, and is waiting for the Senate to take it; but if the Senate does not, he doubtless feels under obligation to do it.

Now, suppose we join the Reparation Commission. Have we not then abandoned the principle upon which we made the fight in 1920? Have we not become entangled in European affairs? Have we not committed ourselves to the political affairs of Europe? Have we not associated ourselves with every feature of European life—political, economic, militaristic, and every other kind? Is there anything which we would do under the league in the way of political entanglements that we are not bound to do as a member of the Reparation Commission?

Sir, the mere fact of technically refusing to join the league is not to preserve that faith the American people supposed they were voting for. We will have surrendered the principles for which we fought, whether we technically become a member of the league or not.

But that is not all. We can not become a member of the Reparation Commission and do our duty as a member of that commission and carry out the obligations of the commission and execute the obligations of the treaty without joining ourselves to the League of Nations. They were so interwoven at Versailles, made into one unit, one supporting the other and cooperating with the other, that we would be in the same position when we join the Reparation Commission and refuse to become a part of the league that those who now insist that we should join the Reparation Commission say we are at the present time, to wit, in a position where we could not enjoy our full rights or discharge our full obligations with reference to Europe.

That is the second step. The first step has been taken. The second step is near at hand, and the third step will be to become a member of the council and of the assembly at Geneva, and it will follow, in my judgment, as inevitably as the night follows the day, because when we are a member of the Reparation Commission the other is the logical and inevitable position for us to take.

Mr. President, I do not find fault with men who are for the league and say so and who are fighting for it. They have a perfect right to their opinion. Therefore it is in no spirit of personal criticism; but we know that the Secretary of State, the most influential member of the Cabinet in foreign affairs by reason of his position, is an open, avowed leagueist and always has been. We know he is in favor of becoming a member of the League of Nations with a reservation or two with reference to article 10, which are now hardly necessary by reason of article 2 in the four-power treaty, and that his object and purpose, as stated to his countrymen in 1920, was to pull the Republican Party into a position where it would have to join the league. Go back and read the proclamation which was given to the people in October, 1920, signed by Mr. Hughes, Mr. Hoover, Mr. Paul D. Cravath, Mr. Root, and others. They told the people in plain words that the only way to get into the league was to vote the Republican ticket and put the Republican Party in power. What is the interpretation of that? Certainly it bound Mr. Hughes, if he was in a position to exercise power or influence or ability or ingenuity, to exercise it in behalf of going in that direction, and he is doing it with a marked degree of success. Let no man be misled; he is carrying out his purpose.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. KING. Does the Senator think that it is entirely proper in this discussion to exclude the President from the category of those favoring the league, at least with reservations? The Senator knows that when President Harding was a Member of this body he voted for the league with the so-called Lodge reservations. In many of his speeches prior to his election his attitude was such and his declarations were such that millions of Americans construed the position of President Harding to be in harmony with that just announced as the position of Mr. Hughes and Mr. Root and others, namely, that America should go into the league with reservations with respect to article 10.

Mr. BORAH. Mr. President, in discussing the league question it is only necessary for a Republican to discuss those Republicans who are distinctly announced in favor of the league. I am always hopeful that the sorely tempted may not ultimately fall. Mr. Hughes has not left his position in doubt. The declaration of 1920, read in the light of present events, does not leave his purpose in doubt and leaves not in doubt at all his intention of carrying out his purposes.

Mr. President, there are still others. Mr. Hoover, who was another gentleman who signed the declaration of 1920, is a very active, influential, and powerful member of the Cabinet. Mr. Hoover makes no concealment of the fact at all that we are going into the league; that we ought to be in it now; that affairs will not go as they should until we are in the league. Mr. Hughes and Mr. Hoover are perfectly willing to move cautiously, just so they move. Suppose Mr. Cox had been elected President and Mr. Cox had appointed as his Secretary of State one of the ablest and most pronounced antileaguers in the United States, or suppose he had formed a Cabinet, a majority of whom were in favor of the league and some of whom were distinctly advocating it all the time, would not the members of his party have a right to say that the zeal of the President, as he would then be, was not commensurate with the promises which he had made?

So I repeat, Mr. President, it is no question of party issue. It is a question of individuals. Upon that the question will have to be fought out, and the Senator from Illinois, as chairman of the election committee, can make the issue clear and distinct and pronounced within his party. So far as I am concerned I can perhaps be of very little assistance to him, but in so far as I can aid him in that issue I stand ready to answer to his call at any hour of the day or night. On this question I know no party obligation. I can look with no more complacency upon betraying and surrendering the great policies which I believe essential to the life of this Republic by a Republican than by a Democrat. Let us again stand up and be counted. Let Republican candidates who want to go into the political embroilments of Europe say so to their people. I shall not complain of the result.

Mr. ASHURST. Mr. President, my friend the Senator from Illinois [Mr. McCORMICK] adverted to an address recently delivered by former Governor Cox at a Jefferson Day banquet in New York City. It is true that Governor Cox lost the election and lost the Presidency, but in that disastrous campaign he won that which politicians can never give and can never take away. He won the esteem of the American people. He never spoke in cryptograms.

Never was there an administration whose home or domestic policies pleased the American people more than the home or domestic policies of Woodrow Wilson. Why, then, did we sit in sackcloth and ashes after the election?

He is not only a wayfarer, he is a pretender who says the league was not an issue in 1920. If the league was not the issue, what was the issue? You can not make a contract in politics. The only way by which you can bind men in politics and statesmanship is by honor. The learned Senator from Illinois, who graces the Senate, presided at a meeting in Chicago during the league contest, at which his countrymen gathered, not by the thousands but by the tens of thousands. As chairman of that meeting he introduced a number of speakers and promised that the United States would be drawn into no league nor semblance of league, no alliance or entanglement with foreign powers, if the Republicans were successful.

The Senator from Illinois was a member of the battalion of death which stabbed the league. The Senator from Illinois denounced the league, its parents, and its friends. And yet, sir, only one capricorn had passed when the roll was called upon a vicious alliance into which we were invited—the quadruple alliance—and the Senator from Illinois voted "yea."

He voted to take the United States into an alliance with an oriental power that is challenging and undermining our American culture. He voted to take the United States into an alliance with an imperialistic government. But the Senator from Illinois did have the manhood, he did have the conscience to say that he did it reluctantly, and that he was not "enamored of such a treaty."

Mr. McCORMICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from Arizona yield to the Senator from Illinois?

Mr. ASHURST. Certainly.

Mr. McCORMICK. The Senator has described my course more leniently than other Democrats will as the campaign progresses. I am grateful to him for that. Now that he has done speaking of me——

Mr. ASHURST. I have not quite finished speaking of the Senator.

Mr. McCORMICK. Will he tell us, for himself and his colleagues, whether or not they agree with Governor Cox that we ought to enter the League of Nations and subscribe to the covenant thereof?

Mr. ASHURST. Mr. President, we Democrats do not have any Delphic oracles to speak for us. We think for ourselves and act accordingly.

Mr. McCORMICK. I did not say that Governor Cox thought for himself; I said he spoke for himself. There is a distinction.

Mr. ASHURST. I believe that Governor Cox thinks for himself and speaks for himself; and I will read to the Senator from Jefferson's first inaugural address, of March 4, 1801. Pretermitting a number of paragraphs, Mr. Jefferson, the founder of the Democratic Party, said——

Mr. McCORMICK. Mr. President, I should like to ask if the answer to my question is to precede or to follow the Senator's literary exercise?

Mr. ASHURST. Will the Senator repeat his question?

Mr. McCORMICK. Does the Senator agree with Governor Cox or disagree with him on the issue of the entrance of the United States of America into the League of Nations?

Mr. ASHURST. Mr. President, I am amazed that my friend would ask that of a Democrat. Let me read from Jefferson's inaugural address:

> Absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force.

Mr. President, am I obliged again to traverse the ground which I traversed a moment ago when I said the issue in 1920 was the league, and that by promising to stay out of the league the Republicans triumphed? Does the Senator believe that a Democrat now is seeking against that majority to take the United States into the league?

Mr. McCORMICK. What interpretation does the Senator put upon the speech of Governor Cox, of Ohio?

Mr. ASHURST. The utterance of a dauntless man——

Mr. McCORMICK. Who has rejected the doctrine of Jefferson.

Mr. ASHURST. I read further from the same inaugural address of Jefferson, in which he said:

> Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations; entangling alliances with none.

The League of Nations had at least the poor virtue, which if Senators be fair they are going to admit, to wit, that it kept the door open so that all powers of the earth might join; so that all the powers might at least be heard.

Of course, Mr. President, the Senator from Illinois would be glad to have the League of Nations for an issue.

Mr. McCORMICK. He would.

Mr. ASHURST. He would; and, of course, the leader of the majority would be glad to have the league for an issue.

Mr. McCORMICK. Mr. President——

Mr. ASHURST. I yield to the Senator from Illinois.

Mr. McCORMICK. Furthermore, the Senator from Illinois will do his best to have it for an issue.

Mr. ASHURST. I do not blame you.

Mr. McCORMICK. And thus to satisfy the Senator from Idaho [Mr. BORAH].

Mr. ASHURST. The Senator from Illinois in stating that he desires to have the League of Nations for an issue discloses a perspicacity that will be valuable not only to the Republican Party but to any association with which he is affiliated. The Senator from Illinois is too keen a man to fail to perceive the lamentable failure of the Republican Party to keep its promises. I do not blame him, in his desperation, for trying to induce Democrats to set up the league as an issue; having betrayed the confidence of the people in taking this Nation through the back door into the quadruple alliance, it becomes him now to try to make the country believe that it is necessary to perpetuate his party in power in order to escape the league.

Mr. President, it is appropriate that I should say that you, sir [Mr. JOHNSON in the chair], stood the fire. Although some prominent men in your party and a representative of a great foreign power were sent to your State to make speeches whilst the four-power treaty was under discussion, you stood like a man. Notwithstanding the backfire and the effort to align your own State against you, you delivered your vote at your country's altar for the good of your country.

Mr. President, the transparency of the Republican attempt to make the league an issue is so obvious that the most unpretending simpleton can see that it is only an effort on the part of the Republicans to get away from their record.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. ASHURST. I yield.

Mr. McCORMICK. Will the Senator from Arizona, who is as candid as he is fair, not address his remarks to Governor Cox, of Ohio? It was he who in Dayton and again in New York said that events were carrying the United States eastward to the seat of the League of Nations at Geneva. It was Governor Cox who twice said that events would bring about the entrance of the United States into the league.

Mr. ASHURST. I am aware of that, and I am also aware of the fact that the Senator from Idaho [Mr. BORAH] said that it was obvious that the attempt was now being made to take the United States one more step toward the league by having a commissioner appointed to the Genoa conference. It is very convenient for Republican leaders to talk of the League of Nations so that the people may forget that $180,000 or more were expended to secure the seat of a Member of the Senate.

Mr. KING. Over $250,000.

Mr. ASHURST. Mr. President, in the State of Arizona, which voted for Harding electors and sent my Republican colleague [Mr. CAMERON] here in 1920, you filled the sky with your promises to the people that if they would send a Republican Senator to Washington and vote for Republican electors for President you would place a duty of 20 cents a pound on long-staple Pima cotton. The people there in part believed you.

Mr. CARAWAY. But they will not do so any more.

Mr. ASHURST. The tariff bill came here from the House of Representatives the 22d day of July, 1921, 8 months and 19 days ago, and in that bill long-staple cotton was on the free list. You seek to escape the effects of that violated promise.

That is the record from which you seek to escape; that is the record in front of which you want to erect the barrage or smoke screen of the League of Nations.

I recur now to the Budget. Here I sincerely pay my tribute of respect to my friend from Illinois for his work on the Budget bill, and to another great Illinoisan, General Dawes, but the Budget crumbled and fell to pieces in a body with over a hundred Republican majority when a river and harbor bill came along.

So much for the Budget.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. ASHURST. I yield.

Mr. McCORMICK. So much for the Budget, and so much for long-staple cotton. How much for the League of Nations?

Mr. ASHURST. What is that?

Mr. McCORMICK. The Senator can not hear the question?

Mr. ASHURST. No; I can not.

Mr. McCORMICK. No; and others will be deaf to that question in the next campaign.

Mr. ASHURST. I am glad to listen.

Mr. McCORMICK. How many of you agree with Governor Cox that America must enter the League of Nations?

Mr. SHEPPARD. Mr. President, will the Senator permit me to answer, for one, that I agree with the governor?

Mr. McCORMICK. The Senator is secure in the vast spaces of Texas. He is for the League of Nations. I want to hear from some of the Senators from the border and northern States.

Mr. ASHURST. Of course, other Senators speak for themselves. I am speaking for myself.

Mr. McCORMICK. I thought the Senator was speaking for the whole Democracy.

Mr. ASHURST. I never have pretended on any occasion to speak for any other than myself. At times, in what I say, my own constituents do not agree with me. That is one reason why they elect me—because they know I say what I think, in the State and elsewhere.

Mr. McCORMICK. Mr. President, every Senator in this Chamber will readily bear witness not only to the ability but to the downright courage of the Senator from Arizona.

Mr. ASHURST. I thank the Senator.

Mr. McCORMICK. But I hope he will not consider me discourteous if I express the fear that his eloquence, if long continued, may serve as an anesthetic and lull his hearers to sleep, so that they may forget that he has not answered my question, nor has any other Senator save the Senator from Texas.

Mr. ASHURST. Not all the drowsy sirups and mandragora of the earth could lull to sleep the writhing conscience of the Republican Party when it reflects upon its broken promises.

Mr. McNARY obtained the floor.

Mr. McCORMICK. Mr. President, it seems to me that an opportunity ought to be given to other Senators on the other side of the Chamber to declare their agreement or disagreement with Governor Cox; and therefore I make the point of no quorum.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	Lenroot	Poindexter
Ball	Gooding	McCormick	Pomerene
Borah	Hale	McKinley	Rawson
Brousard	Harris	McNary	Sheppard
Bursum	Harrison	Moses	Spencer
Cameron	Heflin	Myers	Sterling
Capper	Hitchcock	New	Sutherland
Caraway	Johnson	Newberry	Swanson
Colt	Jones, Wash.	Norbeck	Townsend
Curtis	Kellogg	Norris	Trammell
Dial	Kendrick	Oddie	Wadsworth
Edge	Keyes	Overman	Warren
Ernst	King	Page	Watson, Ga.
Fletcher	La Follette	Pepper	Willis

The VICE PRESIDENT. Fifty-six Senators having answered to their names, a quorum is present.

Mr. BALL. Mr. President, I give notice that immediately after the passage of the Agricultural appropriation bill I shall move that the Senate consider Senate bill 2919, known as the District of Columbia rent bill.

Mr. McCORMICK. Mr. President, I requested the presence of a quorum in order that Senators on the other side of the Chamber might not be delayed by the intervention of other business in announcing their agreement or disagreement with Governor Cox, of Ohio. I note that in response to the call a fifth of the Democratic Senators are present. I hope that among that number there will be two or three to tell the country whether they hold with the Senator from Arizona [Mr. ASHURST] that as an issue the League of Nations is a corpse, or whether they agree with Governor Cox that it lives, and that they urge with him that the United States shall subscribe to the terms of the covenant, and take its place at Geneva, surrounded by the 2,000,000 bayonets of the peoples of Europe.

Mr. WATSON of Georgia. Mr. President——

Mr. CURTIS. May I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. CURTIS. Has the Agricultural Department appropriation bill been laid before the Senate to-day?

The VICE PRESIDENT. It has not been laid down.

Mr. CURTIS. Will the Senator from Georgia yield so that the bill may be laid before the Senate?

Mr. WATSON of Georgia. Certainly.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. McNARY. I ask that House bill 10730, the Agricultural Department appropriation bill, be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McNARY. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

CURRENT POLITICAL ISSUES.

Mr. WATSON of Georgia. Mr. President, the statement made by Governor Cox to the effect that our present situation is due to the fact that we did not enter the League of Nations should not be allowed to go unchallenged. Everyone knows what a terrible condition our country has been in, beginning two years ago, and its condition now; but, Mr. President, the same conditions prevail in Switzerland, which is a member of the League of Nations, and which was neutral during the war.

Switzerland enjoyed profound peace while other nations were convulsed. It stayed out of the vortex into which we drifted. Her profiteers made fortunes, as ours did. She was the land of refuge of thousands of people who had to leave their native lands. Her industries flourished during the war. Since the war they are prostrated. And why? She is in the league; we are not. Her industries were prostrated by the very same causes which prostrated ours. Those causes have been pointed out in a masterly and eloquent way time and again by the junior Senator from Alabama [Mr. HEFLIN].

Switzerland went crazy about the gold standard, just as we did. Switzerland refused to supply paper money to her people. We had a supply, and it was wickedly destroyed to the extent of two thousand million dollars.

Switzerland's money is so dear, the value of the dollar has been so inflated, that one industry after another has become extinct. She no longer makes the finest watches for the world. She no longer exports shoes, or laces, or embroideries, or silks, or dyes. She no longer exports the milk chocolates and the condensed milk which were sold in every market in the world. Therefore not only are the men, the women, and the children unemployed, but the very cows are unemployed. Except for domestic purposes, the cow is unemployed, meaning that her product is no longer used for the milk chocolates and the condensed milk which once brought in marvelous revenues to the Swiss.

On the other hand, Mr. President, Germany is not in the league, but Germany increased her issues of paper money until the volume of it is six or eight times as great as it was before the war, and the German goods entering the Swiss markets are underselling the Swiss goods in those markets. Germany has sprung from her ashes. Germany is industrially rehabilitated. And by means of what? Because of the increase of her currency. Switzerland is in ruins, as we are, because of our dear currency, our precious gold.

Governor Cox would make the league the issue in the next campaign. Speaking for myself only, I will say that, in my judgment, no greater mistake could be made by the Democratic Party than to try to breathe the breath of life into that dead issue.

We need not look far for issues. There is issue after issue which can be used against the Republican Party. One of the mightiest swords that could be drawn upon the opposition in the campaign of this year would be this new judge bill, which was put through last Friday night. That is the most radical, the most savage, the most dangerous attempt that has been made upon the independence of the judiciary since the year 1687, when James I of England put the judges under his feet.

There was a demand throughout this country for an additional judge here and there and yonder. That demand should have been met by separate bills, giving to this State, that State, and the other State the needed judge. There was no demand whatever for any revolutionary change in the system itself; yet that revolutionary change was made, and now the sword of Damocles is suspended by a hair over the head of every district judge in America.

Formerly the district judge, acting through his clerk and the seal of the court, sent out his signal of distress, his cry for aid, and the circuit judge had to respond to that appeal for help, and to send him a district judge from that circuit. It is true that the circuit judge, when he was convinced of the necessity for it, could himself send in a judge; but the practice had been for the circuit judge to wait upon the initiative of the district judge. Now that initiative is taken away from the district judge. He is at the mercy of the circuit judge. In some State there will be a district judge who is industrious, capable, conscientious, discharging his full duties, giving a full day's work as often as his dockets require it, disposing of all cases with due promptitude, disposing of all motions without unnecessary delay; but because he does not take the case in his own hands and direct the jury to find some bootlegger guilty; because he does not take away from the jury its constitutional rights; because he does not deprive the jury of the right of giving the accused the benefit of every reasonable doubt, the circuit judge, instigated by some prohibition officer, will send in from outside the circuit a tyrant who will storm at the jury, who will intimidate the jury, who will direct the jury, and thus reduce the 12 jurors to 12 nullities.

The other day in Arkansas a district judge of the Federal court was dissatisfied because a jury, composed of the most prominent business men in that town, refused to convict. He publicly insulted them and ordered their names stricken off the jury list forever. By what right did he do that? No right at all, but the thing is done.

Another judge put jurors in jail because they would not convict a bootlegger. They did not think the evidence warranted his conviction. They gave him the benefit of the doubt, as it was their duty to do.

We do not allow a juror to go into the box until he has satisfied the court that his mind is a clean slate, upon which can be written "guilty" or "not guilty," according to the evidence. If he has a bias or prejudice for or against the accused, he is automatically disqualified to serve on that case. Will any lawyer tell me why a judge should not go on the bench with his mind as impartial as that of everyone of the 12 jurors? Yet it is stated openly by the head men of the Anti-Saloon League that they are going to have judges to suit them.

Mr. HEFLIN. Mr. President, will the Senator yield to me?

Mr. WATSON of Georgia. Certainly.

Mr. HEFLIN. It has been the fundamental law always heretofore that it was the province of the judge to pass upon the law and the province of the jury to pass upon the facts. There are scores and scores of instances where the Supreme Court, in State and in National Government, has reversed and remanded cases because the trial judge refused to give a charge that read like this: "It is the duty of the jury to give the defendant the benefit of every reasonable doubt," or words to that effect, "and unless he is proven guilty beyond a reasonable doubt it is the duty of the jury to acquit him."

Mr. WATSON of Georgia. That is sound law.

Mr. HEFLIN. The judge of whom the Senator spoke in Arkansas undertook to direct the jury as to its verdict in a criminal case, and invaded the province of the jury when he did so.

Mr. WATSON of Georgia. Of course, that is correct.

Mr. President, in the New York World of last Thursday appeared an editorial in which Congressman TINKHAM, of Massachusetts, is quoted as saying that the Anti-Saloon League boasts that it controls Congress.

The Senator from Tennessee [Mr. SHIELDS] read into the RECORD the other day a letter from Wayne B. Wheeler, chief counsel of the Anti-Saloon League, in which he virtually told the Senator from Tennessee that he could have a new judge for Tennessee if the Anti-Saloon League could name the man. Having control of Congress, as they say, they want control of the judiciary; and if they can control the legislative and the judicial departments of the Government, the executive department will have its hands tied and 110,000,000 people will be governed to a large extent by the Anti-Saloon League.

One of its affiliated associations is the National Reform League, of which the Rev. Sam Small is one of the speakers and organizers.

Mr. LENROOT. Mr. President——

Mr. WATSON of Georgia. I yield to the Senator from Wisconsin.

Mr. LENROOT. I did not catch the Senator's statement as to the contents of the letter sent to the Senator from Tennessee by Mr. Wheeler.

Mr. WATSON of Georgia. As I understand it, in substance—I will not quote the language—it was that they would assist him in getting a new judge for Tennessee if he would allow them to name the man.

Mr. LENROOT. Will the Senator from Georgia look that up, and if he is inaccurate will he not correct himself?

Mr. WATSON of Georgia. I shall certainly take pleasure in doing so. That is the way I understood it. I so understood it at the time the Senator from Tennessee made the statement on the floor. I did not read his remarks in the RECORD, because I heard the speech. I attended a farewell dinner that was given at the home of Congressman GORDON LEE, of the Georgia delegation, just prior to the departure of Gen. Peter Harris, of Georgia, for France, and at the table, where conversation was free, I mentioned what I had heard in the Senate that day, as I understood it. One of the gentlemen at the table said, "Judge SHIELDS told me the same thing." As already stated, if I am in error, I will correct my statement.

The superintendent of the Tennessee Anti-Saloon League is quoted editorially by the New York World as follows:

> A number of Congressmen who hold the balance of power to pilot majorities in Congress come from Southern and Western States, where money for organization and educational purposes is scarce. They always had to have help from the national league.

In other words, here is the responsible head of the Tennessee Anti-Saloon League saying, virtually, that the league finances southern and western Congressmen who, of course, are expected to remember gratefully the assistance given them to be reelected, or elected in the first instance, and whose gratitude will take the form of votes as demanded by the Anti-Saloon League. Therefore, if what they say is true, the independence of Congress is gone. If they can hang a threat and cloud of danger over the heads of district judges the independence of the judiciary, won by 300 years of stubborn struggle, will be gone.

When our forefathers were framing the Constitution under which we live, the proposition was made by Mr. Dickinson, of Pennsylvania, to vest the Executive with the power to remove Federal judges when so requested by both Houses of Congress. That motion was opposed by Gouverneur Morris, by Edmond Randolph, and by Mr. Rutledge, as attempting to interfere with the complete independence of the judiciary; and when the final vote came only one State, Connecticut, voted for the provision. They left the judges completely independent, even of Congress and of the President. The life term itself was given to them in order that they might not fear removal, which had been practiced in England, especially under the Stuart kings.

Mr. President, the great trouble with our country to-day is that we have forgotten at what tremendous sacrifice our forefathers won the pearls of personal liberty. There is not a

diamond in the crown of our civic glory that did not cost the lives of thousands of brave men.

Now, the Federal judges have been mobilized and Chief Justice Taft made commander in chief. What is his record? The American people showed what they thought about his record when they gave him the worst beating that any presidential candidate ever got at the polls until Governor Cox ran. Judge Taft, on the district bench, was the very first Federal judge who nailed the engineer to his locomotive and denied him his right to quit work when the job and the pay dissatisfied him. It is as much the right of a human being to quit work as it is his right to earn his living by work. Both are natural rights, and no judge can legally take them away. Taft took them away from the engineer.

Suppose the engineer had sought an injunction against the railroad management to restrain them from dismissing the engineer, what would have been Taft's decision? Would he have enjoined the management from dismissing the engineer? The case would have been laughed out of court. If the one is good law, the other is, because the converse of the proposition that you can make a man keep on working is that you can make an employer keep on employing him.

But I mentioned the Rev. Sam Small, who is connected with the Anti-Saloon League and the National Reform Association. The Reverend Sam says they are going to spend in the election this year the $2,000,000 of their annual income. That is a fine blen of reform, is it not? They are going to debauch the electorate. Two million dollars! The first thing we know the Newberry case will become eminently respectable. We have all been sorry that so much money was spent. The Senator from Michigan himself came on the floor of the Senate and said he was very sorry, and said he was especially sorry that day, just before the vote was taken. I made a speech for the Senator on the law of the case, and I do not take back a word of it, either. They did not prove anything against him. No votes were corrupted, but the speeches cost too much; the music cost too much; those pictures taken on the battleship in the park in New York City—about which my friend from Alabama [Mr. HEFLIN] grew so eloquent—cost too much; newspaper space cost too much. Publicity cost too much, but they had to have it. Henry Ford already had it.

But here is the Anti-Saloon League claiming that it already controls the balance of power in Congress, and this was the power behind the judges' bill, which changes our judicial system, places Taft in command, and puts the circuit judges in control over the district judges. Tell me, would you not feel mortified and humiliated, if you were doing what you thought was your duty and keeping the docket clear, if the circuit judge himself were to come in, or send in an outside judge to your district? You would take it as a reflection upon yourself. You would take it as a public reprimand, and if you were a man of pride you would resign.

Another thing: The circuit judge can change a district judge around over the country until, being a man who loves his home, his home folks, his friends, his old associations, he will find life not worth living, and he will quit. Then, in comes your partisan, who will virtually abolish the office of the jury and virtually deny jury trials to the accused.

Then, too, they are to have an annual convention, with Taft presiding, and have it anywhere that he chooses, and as long as he chooses, getting $10 a day, while they are holding the convention.

The language of the bill is so vague that the convention may virtually give orders to every district judge in the Union, and he will have to obey them, else they will make him feel sorry that he did not; they will punish him in some way.

It is consolidation, centralization, putting all power here in the Chief Justice, whereas the Supreme Court should have no further power over lower courts than to reverse their decisions. That is all the power a higher court ought to have over a lower court.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. WATSON of Georgia. With pleasure.

Mr. HEFLIN. As I understood the Senator from Georgia a little while ago, if a district judge's docket now becomes crowded and he desires help from the outside, he will make known that desire and a judge will be sent down to help him clean up his docket?

Mr. WATSON of Georgia. That is the existing law.

Mr. HEFLIN. In other words, the needs of the locality control in the matter, the National Government responds, and aid comes?

Mr. WATSON of Georgia. Yes.

Mr. HEFLIN. But now the need of the locality is to be ignored, the authority is lodged at Washington, and the opinion of the Chief Justice of the Supreme Court and his council will decide whether or not a judge shall be sent down?

Mr. WATSON of Georgia. Exactly so.

Mr. President, I offered an amendment to restore to the district judge the power to call for help, through the certificate of his clerk, under the seal of the court, but the Republicans voted the amendment down. If they did not have some hidden design in that bill, why did they not leave the law as it now is?

By another provision in this proposed new law the circuit judge may name himself to go into the district and take the business out of the hands of the local judge. I offered an amendment to strike that provision out, because it seemed altogether wrong in principle to allow a judge to select himself to take the place of the district judge; but the Republicans voted my amendment down. Why was that done? The Republicans did not explain it then. I ask any of them to explain it now. It can not be explained on any theory consistent with the independence of the judiciary.

There are other issues the Democrats may use in the campaign without going into the last year's bird's nest of the League of Nations. They can use the four-power pact, which is worse than the League of Nations would have been. The league had its machinery for the adjustment of differences between nations, large and small. In the league our Republic could have protected itself from Japan and against France and against England, but in the four-power pact we have no such protection. Senators on the other side of the Chamber said that it would take a unanimous vote to decide a disputed question. Where did they get that idea? If that is true, why did they not write it into the bond? Why did they not give us the protection of three or four words, which would have made that meaning clear? Sir, we shall be bound, as all bodies in this country and others are bound, unless otherwise stipulated, by a majority vote, and Japan, France, and England will be the arbiters of our destiny.

While the debate was in progress we on this side of the Chamber spoke of the danger of the four-power pact driving Germany, Russia, and China together; we spoke of the war that was inevitable between Japan and Russia on account of Japan's aggression upon the island of Sakhalin and the mainland of Siberia. The newspapers bring us word day by day of the ever-widening area of the war. There was a battle fought day before yesterday in which it is said there were tens of thousands engaged and thousands killed. The Moscow government is behind the government at Chita. The 4,000,000 men under Trotski may even now, while I speak, be on the march toward the Siberian frontier. There is an issue. It may be debated until the hot blood of indignation runs through the veins of every true American and his eyes blaze at the way in which a party elected by such a tremendous plurality in November, 1920, because of the league, has now gone completely back and given us something worse than the league.

Let the league alone; fight the four-power pact. Tell the people that we made a struggle here to uphold the banner of traditional American policy; that we did our best, under great odds, to maintain the historic policy handed down to us by Washington, Jefferson, Madison, and Monroe. Tell them that we were handicapped from the beginning, because the first thing the President did was to take our leader away and leave us without a head.

I do not think I mistake the sentiment of the American people. They are as much devoted as ever to the policy of America first, America all the time, friendly relations, commercial treaties with foreign nations, but no political alliance at all, because any such alliance is bound to be an entangling one, drawing us into the whirlpool of European politics. It is now widened out to Asia and Africa. Our proud ship of state is launched upon a shoreless sea, without compass or rudder; we are dragged at the chariot wheels of Japan, made subservient to the imperial ambitions of Great Britain, made an ally to the imperialism of France, with her white army of 700,000 men and her black army of 4,000,000.

In God's name, what have you done—you who came to open a peace conference and who took advantage of closed doors, under the popularity of the peace cry, secretly to form this four-power pact, which needed amendment almost as soon as it saw the light?

There are other issues; a sufficient number of issues have arisen here during the short year that I have been in this Chamber. I will not enumerate them now, nor discuss them, but I have said enough to indicate what I mean. Let us bring the campaign up to date; let us not deal in back numbers and past issues. Take what our friends on the other side have done in this Congress, from the time they reversed themselves on the

Colombian treaty and the soldier bonus on down to last Friday night, when they revolutionized the judiciary system of our fathers.

And think of what was done here to-day! It is not proper for me to state what occurred in executive session, but I can announce the result. The Senate confirmed the appointment of a Senator and a Representative in Congress to act as commissioners in settling the greatest international debt that ever existed, a debt involving $11,000,000,000, with $1,000,000,000 of accrued interest due upon it. Our forefathers said that no Senator and no Representative in Congress should hold an office created during his term.

Senators have contended that these commissioners are not officers within the meaning of the law. Mr. President, the Constitution of the United States was not the work of amateurs, legal or literary; it was the work of veterans, of experts. Alexander Hamilton and James Madison were the authors of almost the entire Federalist, which has been called one of the greatest books of its kind ever written, and is standard authority to-day. Do you suppose that Hamilton, a finished scholar as well as a consummate lawyer, did not know the meaning of the word "office"? Did not James Madison, an accomplished scholar, know the sense in which the word "office" was used? Edmund Randolph, one of the splendid lawyers of his day; Elbridge Gerry, who wrote the judiciary act of 1789, which is one of the greatest statutes ever framed, the bedrock of our judicial system; George Mason, who wrote the Virginia Bill of Rights, a better paper, in my judgment, than the Declaration of Independence—do you mean to say that in the Senate now we have better lawyers, better artists in the use of words than were the men whom I have named?

The word "office" is synonymous with "employment," "position," a public, official "charge."

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WATSON of Georgia. I yield.

Mr. OVERMAN. Is it not a fact that the refunding act that we passed, in its first provision, in providing that the commissioners should be confirmed by the Senate, recognized the fact that they were officers?

Mr. WATSON of Georgia. That is my understanding, Mr. President. I thoroughly agree with the Senator.

It has been contended that these men will have no power, that they will conclude nothing, that the President will have to approve. Can anybody conceive that President Harding would veto the work of that great international conference, after it had spent weeks, perhaps months, in adjusting the claims and reaching a final decision? It is inconceivable to me that President Harding would do anything of the kind. At any rate, the President does not come into action until the refunding commission shall have acted. The President is up in the air until they give him something to stand on. Their work is the work to which he will put simply his O. K. Therefore they do have a place of tremendous power, handling the biggest debt the world ever knew. The way in which it is settled, the kind of bonds they take—meaning, of course, the nationality of the bonds—will affect the destinies of the whole world for the next 25 or 50 years.

So I say, Mr. President, I think it would be very unfortunate if Governor Cox should make the country believe that our depression in all lines of business is due to the fact that we did not go into the league. It is due to the fact that our currency began to be destroyed in 1920; and, at the very time they begin to destroy the currency, the slump began; and now, with two thousand million dollars of our money taken away from the channels of trade, there is nothing to stimulate enterprise, give hope to labor, give employment to idle hands, and put legitimate business on its feet.

It is an amazing thing that in Switzerland, which went into the league and adopted exactly the same policy that was adopted here by the Federal Reserve Board, they have the same fatal results that we got; and it is a stranger thing that Germany, on her back so short a while ago, meeting her future under such difficulties and so many discouragements, should have adopted the method which always puts new life into an industrial body; and she is to-day underselling us in the markets, underselling Switzerland in the markets, underselling England in the markets; and with her loins girded up in strength and with hope in her heart she goes forward to an assured industrial future with the victor song of Miriam on her lips.

Mr. LENROOT. Mr. President, I desire merely to correct a statement made by the distinguished Senator from Georgia.

The Senator from Georgia stated that Mr. Wheeler, of the Anti-Saloon League, wrote a letter to the Senator from Tennessee [Mr. SHIELDS], stating in that letter that if the Anti-Saloon League could name the judge in Tennessee they would assist him in securing an additional judge. I was amazed at the statement. I thought I recollected the letter. I asked the Senator from Georgia if he would repeat his statement, thinking I might have misunderstood him. He did repeat it, and in the same language.

I have the letter before me, Mr. President. While I hold no brief for the Anti-Saloon League or for Mr. Wheeler, there is not the slightest warrant in that letter for the statement made by the Senator from Georgia. There is not one single word in the letter intimating in the remotest degree that the Anti-Saloon League, if they could name the judge in Tennessee, would assist in procuring one. I should like to have the attention of the Senator from Georgia, if I may.

Mr. WATSON of Georgia. I am listening.

Mr. LENROOT. I am very sure the Senator from Georgia would not intentionally misrepresent anyone.

Mr. WATSON of Georgia. Why, no; certainly I would not.

Mr. LENROOT. I call the Senator's attention to the fact that the letter to which he has referred is found upon page 4861 of the RECORD. I ask him to read the letter, and then make the correction in the same public way that he made the statement.

Mr. WATSON of Georgia. I shall certainly do it, if I have made any mistake about it.

Mr. WATSON of Georgia subsequently said:

Responding to the suggestion of the Senator from Wisconsin [Mr. LENROOT], I read from the CONGRESSIONAL RECORD of March 31, 1922, page 4861, from the remarks of the senior Senator from Tennessee [Mr. SHIELDS]. The Senator from Tennessee said:

> I received a letter from Mr. Wheeler concerning this Tennessee judgeship, and I will read it and my answer. I know I am giving entirely too much importance to what Mr. Wheeler says and does; but as he seems to be engaged now in initiating legislation, passing laws, and influencing the President in appointing judges and the Chief Justice in the assignment of judges, I think I may notice him a little.
>
> This letter is dated March 14 and addressed to myself. I read:
>
> I select the sentences which seem to me to bear on this most particularly.
>
> Permit me to inform you that we—
>
> That is, the Anti-Saloon League—
>
> now are and always have been in favor of having an extra judgeship for the State. * * * I have a letter from the United States attorney in the middle district of Tennessee in which he says—
>
> Then the Senator from Tennessee remarked, in parenthesis:
>
> It seems he was interfering with the discharge of the duties of the district attorney down there.
>
> Then he proceeded reading from the letter:
>
> In this district the docket is fearfully congested, so that it is almost impossible for a case to be called for trial until a year and a half old, and, of course, this greatly militates against successful prosecution.
>
> Then the Senator from Tennessee proceeded:
>
> This district attorney, instead of answering that letter evidently calling him to task for supposed dereliction in his duties, wrote an apologetic letter. If I were President of the United States and there was a district attorney who would apologize to any interest for the manner in which he discharged his duty and took a reprimand from it, I would remove him as soon as I heard it.
>
> Then the Senator read his reply to Wayne B. Wheeler, as follows:
>
> Your letter tendering to me your assistance in providing a United States district judge for the middle district of Tennessee received.
>
> I do not wish or need your assistance in this matter.
>
> The Senators and Representatives from Tennessee are amply able to take care of all legislation concerning their State, and I resent any interference by outsiders and special interests, especially concerning the judiciary.

Mr. President, as I said, I did not read the speech, because I heard it; and I got the general idea from it that Wayne B. Wheeler was interfering with the independence of the judiciary, and interesting himself unduly in the selection of judges. The remarks of the Senator from Tennessee, I am sure, will bear that interpretation without any violence being done to his words. Of course, there is always room for honest differences of construction, but that is the construction I gave them.

Mr. LENROOT. Mr. President, does not the Senator admit there was no foundation in the letter to which the Senator referred for the statement that he made?

Mr. WATSON of Georgia. Mr. President, I did not attempt to quote the words. I quoted what I understood to be the meaning, and I stand by it; that is, I contend that that inference is fairly to be drawn from the words. Why should Wayne B. Wheeler be concerning himself about the condition of the dockets in these district courts? That is the business of David H. Blair, Commissioner of Internal Revenue; that is the business of Mr. Haynes, the internal-revenue enforcer. It is not the business of Wayne B. Wheeler to be cracking whips over the heads of district attorneys, and offering to assist Senators in getting new judges, carrying with it naturally the inference that the new judge must be the kind of a man he wants, or he will not assist in getting him.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. FRANCE. Mr. President, I am deeply interested in the agricultural appropriation bill, having been for some time a member of the Agricultural Committee; and I am particularly interested in an amendment which I desire to offer to that bill during the pendency of the measure. Unfortunately, important engagements call me away from the city for a few days, and I desire to ask unanimous consent to present this amendment before the committee amendments are considered. It will take only a few minutes, and I shall briefly explain the purpose of the amendment if the unanimous consent is granted.

The PRESIDING OFFICER (Mr. STERLING in the chair). Is there objection to the request of the Senator from Maryland? The Chair hears none.

Mr. FRANCE. I desire, on page 65 of the bill, to offer an amendment increasing the appropriation to investigate and encourage the adoption of improved methods of farm management and farm practice from $291,707 to $301,707, with the following proviso:

Provided, That $10,000 of this sum may be used to enable the Secretary of Agriculture to provide means for the study of the problem of the standardization and simplification of farm implements and machinery, and of the repair parts for the same, with a view to the possible more economical manufacture and use of the same.

Mr. President, this subject of the standardization and simplification of farm machinery is a very important subject, and it is one which has engaged the attention of those interested in agriculture for many years. It is quite apparent that if farm machinery could be so standardized that there would be manufactured, for example, one mowing machine instead of many varieties of mowing machines, a standard implement with standardized parts, an enormous saving could be effected in the manufacture of that particular form of farm machinery. It is quite evident, also, that the cost of the repair parts for such a standardized machine would be greatly reduced. Moreover, Senators will realize that the distribution of the standardized machine parts for standardized machines would naturally be much easier, and that it could be accomplished in a much more economical manner.

I have long been interested in this subject. Recently the Maryland Legislature adopted a memorial recommending such legislation as that embodied in this amendment, and I feel that the Maryland Legislature was very well advised in adopting such a memorial.

Of course, the appropriation of this $10,000 would simply mean that the Secretary would have at his disposal a small sum which would care for the clerical work involved in an investigation which in a large measure would consist merely in calling together the large manufacturers of farm machinery for consultation as to the possibility of some cooperation in the standardization of machine parts and of the forms of farm machines. One of the large companies—a company which has rendered very valuable service to the country in the invention and in the production of new machines—manufactures, I believe, in its own factory several varieties of implements for one particular process of agriculture. Every farmer well knows that this large company at one time manufactured three different types of mowing machines and two or three different types of binders. If that one company could be persuaded to substitute one standardized machine for these three varieties much might be accomplished in the way of economy.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Washington?

Mr. FRANCE. I yield to the Senator.

Mr. JONES of Washington. I want to call the Senator's attention to the fact that the Bureau of Standards of the Department of Commerce is doing work right along that line. I do not know that they have taken up particularly farm machinery; but I know that the Secretary of Commerce presented this very idea to us in connection with the appropriation bill for the Department of Commerce, and they also had a provision of that sort in the bill of last year—that is, the bill for the current year—and the Secretary called attention to the work they have done along various lines. I do not remember the particular manufactured articles, but where there had been heretofore 66 different varieties of the article manufactured they have got it down, I think, to 11; and then in another case where there were 32 varieties they have got it down to 6 standard articles, right in line with what the Senator is favoring.

I simply wanted to call the Senator's attention to the fact that all of that work could be done by the Department of Commerce. We ought to avoid duplication as much as possible. It is a very important object, of course.

Mr. FRANCE. Mr. President, in response to the Senator I will say that I am much gratified to know that the Bureau of Standards has carried its work so far. Of course, if the Bureau of Standards would take up this work, it would be perfectly agreeable to me; but this is the Agricultural appropriation bill, and it seems to me that it would be quite appropriate to have a small sum, such as this—merely $10,000—to enable the Secretary, if he pleased, to get in touch with the Bureau of Standards and cooperate with the Bureau of Standards through employees who might be necessary in carrying on such cooperation between the Department of Agriculture and the Bureau of Standards. I have a very high degree of confidence in the intelligence of the Secretary of Agriculture, and I believe that if this sum should not be needed for this purpose he would not use it. I merely wish to bring to the attention of the Senate the importance of this question, which will run into a saving of millions of dollars to our farmers if anything can be effected.

Mr. JONES of Washington. Mr. President——

Mr. FRANCE. I yield to the Senator from Washington.

Mr. JONES of Washington. In that connection I just want to read to the Senator a provision in the Commerce appropriation bill which I think covers this matter:

To develop methods of testing and standardizing machines, motors, tools, measuring instruments, and other apparatus and devices used in mechanical, hydraulic, and aeronautic engineering; for the comparative study of types of apparatus and methods of operation, and for the establishment of standards of performance; for the accurate determination of fundamental physical constants involved in the proper execution of this work; and for the scientific experiments and investigations needed in solving the problems which may arise in connection therewith, especially in response to the requirements of aeronautics and aviation for information of a purely scientific nature, including personal services in the District of Columbia and in the field, $15,000.

Then there are several other provisions with reference to standardization.

Mr. KING. Mr. President——

Mr. FRANCE. I yield to the Senator from Utah.

Mr. KING. I am told that the Bureau of Standards is doing some work along the line just indicated by the Senator from Washington, but I suggest this to the Senator: I do not see just how you are going to fix any rational limits to the inventive genius of the American people. The Senator knows, as most of us who were born in the country and have lived upon farms know, that the mowers and reapers we had 25 or 30 years ago, and those which were in use 40 years ago, were very different from those which are in use to-day. There has been progress, and the rivalry between various machine companies and agricultural implement houses has brought progress and change. If there had been an effort then to standardize and to bring all of the organizations engaged in the manufacture of machinery into a sort of a combine and to standardize everything, there would not have been the improvement and the developments which have been the result of rivalry.

I believe in competition. It seems you can run this thing to an extreme. I do not think you could do any effectual work, or any practical or useful work, in attempting to accomplish the things which the Senator has in mind, if I grasp all that he has in mind. Mr. Ford has standardized the Ford car, and you can get the parts almost on the desert. He has many establishments throughout the United States where you can buy the standardized parts for the Ford car. Other manufacturers of automobiles would not consent to any standardization. They think their cars, if they are not better, at least are higher priced than Mr. Ford's, and each manufacturer claims some little superiority, some advantage, and he advertises it because of those differentiations. It is not homogeneity which is sought; it is heterogeneity; it is differentiation, taking an idea here and an idea there, and developing that idea and bringing about a higher standard.

So it is in nature and so it is in all utilitarian things. We rise from the simple to the complex, from the homogeneous to the heterogeneous, from the simple piece of machinery to the more complex piece of machinery, and thus we get perfection and higher utility in all the activities of life, utilitarian or otherwise.

Mr. FRANCE. Mr. President, I realize the force of what the Senator has said, and there would be no disposition, I am sure, on my part to favor any legislation which would in any way hamper the inventive genius of our people or prevent the manufacturer of new types of machines to do work in a new way. At the same time, I think the Senator will realize that much might be accomplished in the way of standardizing different machines, for example, designed to do the same work, manufactured by one company. If one company is, simply to preserve a name, manufacturing three types of binders or three types of mowing machines, it seems to me that is a waste which is hardly rational and one which might well be avoided.

Mr. JONES of Washington. I want to read another provision of the act:

To enable the Bureau of Standards to cooperate with Government departments, engineers, and manufacturers in the establishment of standards, methods of testing, and inspection of instruments, equipment, machines, tools, and so forth.

There is $100,000 made available for that purpose for coordination and cooperation.

Mr. FRANCE. Mr. President, I do not care to prolong the debate upon this amendment, but I would say in response to what has been brought forward by the Senator from Washington that I am quite familiar, in a general way, with the problem of standardization to which he has referred. I do not think it has occurred to the Bureau of Standards that it might, under the provisions of that statute, take up the question of the standardization of farm machines and types of farm machines. There is a very great waste in the manufacture of all sorts of machines in the different standards which are used for screws and bolts and threads, so that very often nuts for bolts are not interchangeable, and so that machine tools of a certain type can not be used in place of machine tools of a slightly different type. That is a vast field, which is quite different from this, I think.

Mr. JONES of Washington. The bureau has taken up an investigation of work along those lines and in the other lines, and I do not know of any reason why they should not take up such investigation in connection with machinery if it is brought to their attention. I think they would be glad to do it.

Mr. FRANCE. Mr. President, it would be very profitable if the Bureau of Standards would take up this work. I offer this amendment because I think something might be accomplished in this direction. Certainly we want no Federal legislation which would compel manufacturers to make one type of machine. I think that would be intolerable; but I think that to supply the Secretary with a small fund which would enable him to call into conference the big manufacturers, with a view to discussing this question, would be most helpful. If the Committee on Appropriations should later decide that this work should be carried on by the Bureau of Standards, it would perhaps be more economical and better organization. If the legislation is not needed the Senate can pass upon that subject, although I rather feel that it is a question in which the millions of farmers all over the United States are vitally interested, and it seems to me that it would be at least an indication of our intelligent interest in them if we should adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. FRANCE].

CURRENT POLITICAL ISSUES.

Mr. HEFLIN. Mr. President, the Senator from Illinois [Mr. MCCORMICK] has invited the Democrats to-day to accept as the issue for the next campaign the League of Nations as the paramount issue. The Senator said, before he finished his remarks, that he would do all in his power to make that the main issue.

Mr. President, this is at least a very interesting situation. The Republican Party came into power in all the branches of the Government on the 4th of March, 1921. They have had the House and Senate since March 4, 1919. They have had control of every instrumentality of the Government all these days and weeks and months that have gone since March 4, 1921, and nothing has been accomplished in that time to which the Senator from Illinois can point with pride, so in sheer desperation he goes back and undertakes to lead the Democrats out to the battle ground where the League of Nations issue was fought out three years ago. He knows that as the Senate is made up to-day we could not elect enough Senators at the next election to change the political complexion of this august body—the body that would have to pass on the League of Nations issue suggested by him. Mr. President, the Senator from Illinois is begging the question. He is evidently trying to get away from the miserable record of his party when he asks us to go out and fight over again the League of Nations issue with him. In their own good time the American people will attend to that question. I am not surprised at the distinguished Senator from Illinois wanting to make the League of Nations or some other international question the main issue. The Senator from Illinois himself is the author of the deflation resolution which brought misery untold to millions of people in the United States since the Republican Party went into power. Let me read that resolution, because I want the 34,000 readers of the CONGRESSIONAL RECORD, who read the powerful speech delivered to-day by the Senator from Illinois, to know just why it is that he wants to make the League of Nations the issue in the congressional elections of 1922.

The Senator from Illinois offered this resolution on the 17th day of May, 1920, when the Republicans were in power in both branches of Congress:

Resolved, That the Federal Reserve Board be directed to advise the Senate what steps it purposes to take or to recommend to the member banks of the Federal reserve system to meet the existing inflation of currency and credits and the consequent high prices, and what further steps it purposes to take or recommend to mobilize credits in order to move the 1920 crop.

That is the deflation resolution that opened the door to all the train of miseries that follow the destructive deflation policy ordered and carried out by the Federal Reserve Board under Republican rule. The Senator from Oklahoma [Mr. OWEN], one of the authors of the great Federal reserve banking system, rose in the Senate on the following day and said:

The resolution of the Senator from Illinois, however, offers a hook and an invitation from the Senate to the Federal Reserve Board to declare a policy of "deflation." It carries the suggestion of deflation. The policy of deflation set by the Wall Street Stock Exchange control, which broke the stock market by high-interest rates, meets the approval of the same class of financial experts domiciled in Chicago, who might naturally advise the Senator from Illinois; but I warn the Federal Reserve Board and I warn the country that if a panic in this country results from their policy they are liable to have a North Dakota reaction, where a State bank was established to furnish money at fair and stable rates, using the credit of the State and the taxing power of the people of the State for that purpose. You can go too far in the matter of taxing the people of this country by high-interest rates and the "deflation" of credit. If the reserve board leads the procession of banks in fixing high rates on the people—that is, on their own depositors—and a great industrial depression follows, why should they wonder if the people of this country should demand as a remedy that the reserve banks be made banks of deposit and discount? I warn the Federal Reserve Board that this country is not going to submit to any depression brought about by the banks of the country or under the policy of the board or under the advice of financiers domiciled either in New York or Chicago.

The able and faithful Senator from Oklahoma saw and told what would happen.

Mr. President, following the passage of the resolution introduced by the Senator from Illinois, the prophecy made by the Senator from Oklahoma [Mr. OWEN] was fulfilled, and here is what occurred: Loans and discounts and bought paper held by all of the 12 Federal reserve banks May 28, 1920, page 748, Federal Reserve Bulletin, 1920, $2,938,000,000 in round numbers; August 31, 1921, page 1240, Federal Reserve Bulletin, 1921, $1,527,000,000 in round numbers; January 25, 1922, $932,882,000.

Contraction of credits for 12 Federal reserve banks May 28, 1920, to August 31, 1921, $1,421,000,000. May 28, 1920, to January 25, 1922, $2,005,000,000 in round numbers.

Contraction of Federal reserve notes in circulation May 28, 1920, to August 31, 1921, $625,000,000; May 28, 1920, to January 25, 1922, $923,000,000.

That is what happened following the deflation arrangement made by the resolution of the Senator from Illinois [Mr. MCCORMICK]. The Senator from Oklahoma [Mr. OWEN], a Democrat, rose in this Chamber and stated just what would follow the passage of that resolution, and it did follow. Instead of the Federal reserve banks issuing Federal reserve notes to meet the demands of business in the South and West, it withdrew the notes already issued and left the people helpless in the hands of those who desired to pillage and plunder them from one end of the country to the other, and the Senator from Illinois comes in with his face all wreathed in smiles, and says, "I intend to see that you make the League of Nations the principal issue."

If I had been the author of a resolution that had deprived hundreds and thousands of farmers of their farms, if I had been the author of a resolution that had driven 7,000,000 of men out of employment, if I had been the author of a resolution that had turned 500,000 ex-service men in the streets, I, too, would want to make the League of Nations, or some other outside matter, the burning issue of the campaign.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. Mr. President, how does the Senator from Alabama think the Republicans are going to answer when the people ask them what about that bonus for the soldiers?

Mr. HEFLIN. My friend from Georgia reminds me of another thing. If I had participated as did the Senator from Illinois in taking off the calendar the adjusted compensation

bill, just ready to give justice to the soldiers, to treat fairly those who saved the life of the Nation—if I had participated as he did in carrying it back into the committee room and putting it to sleep forever, I, too, would want some other issue in the campaign that is about to burst upon us.

I do not know what Republicans on the other side are going to do if their leader [Senator McCORMICK] continues to lead them as he is undertaking to lead them to-day. I wonder if his leadership over there is universally accepted?

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. WATSON of Georgia. When the campaign opens and the people learn that the Secretary of the Treasury is holding office in violation of a law made under the Presidency of George Washington, which law was obeyed by General Grant when he was President and which caused the resignation of A. T. Stewart after his nomination had been confirmed by a Republican Senate, what does the Senator think will be the answer of Republicans when they are charged with the willful, deliberate, and continuous defiance of the law?

Mr. HEFLIN. I do not know what the average answer will be on the Republican side, but if my friend from Georgia should confront the Senator from Illinois with the interrogation that he has presented to me, he would say, "The League of Nations must be the issue." That would be his answer. He would not discuss vital domestic issues that affect the very life of the American people. They have not yet been able to answer the Senator's proposition. The Senator read the law here. I think there is a great deal in his contention, but they wave it aside—why? Because this news does not go back to the voters. Thousands and hundreds of thousands of men never know anything about what we discuss here. They are dependent upon the CONGRESSIONAL RECORD and a few papers that are free from the clutches of the interests that are controlling the press situation in the main.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I yield.

Mr. WATSON of Georgia. I remind the Senator from Alabama that the Republicans not only have retained in a high financial office a man who is violating the law every day that he holds it, but they put him on an international debt funding commission to handle the biggest debt that ever existed in the history of mankind and where the opportunities to make more money are quite ample.

Mr. HEFLIN. Yes, Mr. President; and in spite of it all we see ruin around us, industries standing still, smokestacks idle from whose tops the black smoke used to curl when we Democrats were in power, the hum of industry was heard, prosperity flowed like a river, farmers riding in automobiles, everything lovely and the goose hanging high. The average man had money in his pocket and most of them had a bank account, and now you can go to church on Sunday and observe that the preacher feels the pinch of the hard times you have produced. They send the collection basket around and they get coppers and nickels and Republican promises whereas they used to get a $1 and $5 bill and the like even out in the country when we Democrats were in power. All that has disappeared, and is it any wonder that the Senator from Illinois wants to make the League of Nations the issue? [Laughter.]

We want to tell the people what you have done and what you have not done and try you on your record. We want to quote the Scripture and say that "The tree is known by its fruit," and measure you by that standard.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Georgia?

Mr. HEFLIN. I yield with pleasure.

Mr. WATSON of Georgia. I remind the Senator from Alabama that the Senator from New Hampshire [Mr. MOSES] the other day boldly proclaimed the doctrine that the President of the United States was not bound by law.

Mr. MOSES. Oh, no, Mr. President.

Mr. HEFLIN. I yield for the purpose of allowing the Senator from New Hampshire to defend himself against the charge.

Mr. MOSES. I spoke solely with reference to the civil service law.

Mr. WATSON of Georgia. Is that law any less binding than any other law?

Mr. MOSES. The law had been interpreted by the court to the effect that it did not apply to the President, but applied to the heads of departments and bureau chiefs. I ask the Senator to read the RECORD.

Mr. WATSON of Georgia. I heard what the Senator said at the time. It is not necessary for me to read the RECORD. Of course, he is "crawfishing"; he has seen the untenable position which he has taken. Mr. President, as I understand the law, even our Chief Magistrate can not remove a civil service employee without giving that employee a chance to be heard.

Mr. MOSES. He certainly has done it.

Mr. WATSON of Georgia. Yes, he has; and the Senator from New Hampshire, Mr. President, says that he has a right to do it, even defying the law when he does it.

Mr. HEFLIN. Mr. President, I intended to say but a word or two, but the Senator from Illinois [Mr. McCORMICK] walked over toward this side of the Chamber, begging that somebody reply to him, and state his position upon the existing situation, that I felt a desire to say a few words in reply to his earnest appeal to make the League of Nations the main issue. As a rule, Mr. President, when a man who has occupied a place in this Chamber or in the other stands for reelection he runs upon his record. He says, "I invite you to study the votes I have cast; I ask you to read the utterances I have made on public questions; I ask you to judge me by the record that I have made"; but the Senator from Illinois after months and months of absolute power rises to-day in all the majesty of his leadership on the other side and says that he proposes to make the League of Nations the issue for the Democrats in the coming campaign. Well, I repeat, if I had been the author of the deflation resolution which he caused to be passed, and had thereby brought about all the misery that has followed the adoption of that resolution—the ruin of business, the destruction of property values, the denying to millions of people the actual necessities of life—I, too, would want to inject a new issue into the campaign this fall.

Mr. WATSON of Georgia. Mr. President, I want to read for the benefit of the Senator from New Hampshire [Mr. MOSES] and for the benefit of the country at large the following provision of the law, which is found in the Statutes at Large, section 4, under the general title of "Judicial":

> In the event of reductions being made in the forces in any of the executive departments, no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary: *And provided further*, That any person knowingly violating the provisions of this section shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

I understood the Senator from Arkansas [Mr. CARAWAY] to say that among the 28 employees who were discharged summarily from the Bureau of Engraving and Printing were several ex-soldiers.

Mr. LENROOT. Mr. President, the Senator from Georgia [Mr. WATSON] this afternoon stated that Mr. Wheeler, counsel of the Anti-Saloon League, had written a letter to the Senator from Tennessee [Mr. SHIELDS], offering, if the Anti-Saloon League might name the judge, to assist in securing an additional judge in Tennessee. I called the attention of the Senator from Georgia to Mr. Wheeler's letter, and I stated that I did not believe the Senator from Georgia would intentionally misrepresent anybody. We all make our mistakes, Mr. President, in the heat of debate, and I make my share of them, but I had supposed that every Senator upon this floor, when his attention was called to a misstatement which involved a gross injustice to any individual, would be willing to correct the statement. The Senator from Georgia read the letter, but the Senator from Georgia refuses to correct the statement. It is not for me to judge of the conduct of any Senator, but I ask unanimous consent to have the letter of Mr. Wheeler to the Senator from Tennessee printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. WATSON of Georgia. I object, unless the remarks of the Senator from Tennessee [Mr. SHIELDS], at the point where I took them up, also go into the RECORD.

Mr. LENROOT. Very well. I wish to hurry on, and I will read Mr. Wheeler's letter to the Senator from Tennessee, which the Senator from Georgia deliberately stated to the Senate contained an offer upon the part of Mr. Wheeler to assist in securing a judge provided the Anti-Saloon League might name the judge. That was the Senator's statement, repeated twice upon this floor. Mr. Wheeler's letter reads as follows:

> DEAR SENATOR SHIELDS: I notice that you have been quoted in the paper as being under the impression that the Anti-Saloon League was opposed to an extra judgeship in Tennessee. Permit me to inform you that we now are and always have been in favor of having an extra judgeship for the State. As I remember it, the Chief Justice went on record in one of the hearings in favor of it. I have a letter from the United States attorney in the middle district of Tennessee in which he says:

> "In this district the docket is fearfully congested, so that it is almost impossible for a case to be called for trial until a year and a half old, and, of course, this greatly militates against successful prosecution.
>
> "So far Congress has failed to pass the bill creating an additional judgeship, and until it does no results in the enforcement of law in this district can be very successful."
>
> It is very clear to me that you need an extra judge in that district, and I hope that you will urge the adoption of an amendment to provide for it. I will gladly do anything I can to aid you in securing this amendment. Our only interest in this measure is to secure, if possible, a better enforcement of the law.

That is the letter, Mr. President, which the Senator from Georgia says contains Mr. Wheeler's offer to aid in securing the judge, provided the Anti-Saloon League may name the judge. I will permit the readers of the CONGRESSIONAL RECORD themselves to form their own conclusions with respect to the matter.

Mr. BROUSSARD. Mr. President, as the Senator from Wisconsin has read the letter which was a part of the speech of the Senator from Tennessee, I should like to read from the RECORD some remarks of the Senator from Tennessee in the very same speech and found on the same page of the RECORD:

> Right here I wish to go a little further into the activities of the Anti-Saloon League in interfering with this legislation. A few days ago, when this bill was under discussion, I stated that there was evidence of pernicious activity upon the part of the paid lobbyists of the Anti-Saloon League to control legislation concerning the judiciary, and especially that of my State. I referred to the fact that when this bill passed the House a provision was made for a district judge for the middle district of Tennessee, but that at the last meeting of the Committee on the Judiciary of the Senate, when I was ill and absent, this provision was stricken from the bill. In the same connection I called attention to the fact that it was generally conceded in Tennessee that Mr. John J. Gore, a prominent lawyer of Tennessee and one of the leaders of the Republican Party of that State, would be appointed judge in the event the office was created, and because he had been opposed to the prohibition amendment the Anti-Saloon League was already waging a war upon him and protesting against his appointment. I called attention to the coincidence between the striking out of the middle Tennessee district and the protest against Colonel Gore, and left it to Senators to infer whether there was any connection between them. I then made and now make no charge against anyone.

Mr. WATSON of Georgia. Mr. President, when any Senator on this floor undertakes to teach etiquette and the rules of propriety to a brother Senator, he assumes a serious responsibility. I am the guardian of my own honor, and I allow it to be impugned by no man.

I stated distinctly, Mr. President, that I was not pretending to quote the language of Wayne B. Wheeler's letter, but the substance or meaning, the true purport of it. Having been referred to what was said by the Senator from Tennessee [Mr. SHIELDS] before he read the letter and after he read it, I felt convinced that I had not been materially mistaken as to the real purposes in the mind of Wayne B. Wheeler when he sought to get into communication with the Senator from Tennessee in connection with the creation of a new judgeship in his State.

What does the RECORD itself show, Mr. President? It shows that Wayne B. Wheeler, according to the Senator from Tennessee, had been trying to influence the President of the United States in the appointment of district judges. It shows that Wayne B. Wheeler had made it his business to find out the condition of the docket in the middle district of Tennessee with a view to speeding up prosecutions, of course, under the Volstead law. It shows that Wayne B. Wheeler has always been in favor of a new judgeship and an additional judge. Who is it who needs to be told that such a judge would be the kind of a judge that the Anti-Saloon League wanted? Why need we beat about the bush and pretend not to understand what Wayne B. Wheeler was after? Would he interest himself in the appointment of a judge who would not be a partisan enforcer of the Volstead law? Your common sense tells you, "No."

Of course, the Senators do not appoint judges; of course, the Senator from Tennessee would not appoint a new judge; and it followed necessarily when Wayne B. Wheeler tendered his services to the Senator from Tennessee to assist him in getting a new judge that Wayne B. Wheeler was going to throw the entire influence of the Anti-Saloon League to have appointed a judge that suited them. Who can dispute that?

Mr. BROUSSARD. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. WATSON of Georgia. Certainly.

Mr. BROUSSARD. If the Senator will permit me, I should like to read another quotation.

Mr. WATSON of Georgia. I shall be very glad to have the Senator do so.

Mr. BROUSSARD. I resume reading from the CONGRESSIONAL RECORD where I left off a few moments ago, what the Senator from Tennessee said with reference to this very question:

> Mr. Wayne B. Wheeler, described, as I shall read later, in a circular issued by the superintendent of Tennessee as one of the greatest American lawyers and diplomats, stationed here in Washington in charge of this matter, and in whose office, it is said, all legislation in regard to prohibition is initiated, gave out an interview to the Tennessee papers concerning my statement, from which I will read:

Here is the interview given out by Mr. Wheeler and quoted in the Tennessee paper:

> Wayne B. Wheeler, legislative agent of the Anti-Saloon League, when questioned about the matter, admitted that protests against Gore had been sent to the Department of Justice.
>
> "These consisted of letters from certain people in Tennessee, which were forwarded to me by our State superintendent," said Wheeler. "I merely filed them with the Department of Justice. I don't suppose they ever got to the Senate committee."
>
> Wheeler denied that he or his organization had influenced the committee in striking Tennessee from the bill.
>
> "On the contrary, we believe Tennessee needs and should have the additional judgeship," said he. "If Senator SHIELDS will offer an amendment to the bill to take care of the Tennessee situation, we will use our influence to put it through."

Mr. WATSON of Georgia. Mr. President, I thank the Senator. That is simply cumulative testimony that Wayne B. Wheeler was willing to have a new judgeship in Tennessee and intended to put in a partisan of the Anti-Saloon League. Construing the whole thing together, as must be done—the understanding of the Senator from Tennessee, the letter itself, and the interviews which Wayne B. Wheeler had been giving out denouncing certain judges because of their lax enforcement of the Volstead law—my mind can reach no other conclusion than that Wayne B. Wheeler wanted another judgeship in Tennessee to speed up these prosecutions, and would, of course, support with all the power of the Anti-Saloon League a nominee who would carry out the wishes of the league in regard to the Volstead Act.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. JONES of Washington. Mr. President, the Senator from Maryland [Mr. FRANCE] was called out, and I am offering for him his amendment in a modified form in lieu of the one which was sent to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The ASSISTANT SECRETARY. At the proper place in the bill it is proposed to insert the following:

> Study of standardization of farm machinery: To enable the Secretary of Agriculture to cooperate with the Bureau of Standards in the study of the problem of the standardization and simplification of farm implements and machinery, and of the repair parts for the same, with a view to the possible more economical manufacture and use of the same, $10,000.

Mr. McNARY. Mr. President, I desire to suggest to the Senator from Washington, as I did to the Senator from Maryland when he was present, that that properly should follow the word "products," on page 65, line 11. It appertains to a kindred subject.

Mr. JONES of Washington. The Senator from Maryland desired it to go in at the proper place in the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland [Mr. FRANCE].

The amendment was agreed to.

Mr. McNARY. I ask unanimous consent that the Secretary be authorized to make all necessary changes in the totals of the bill.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. HARRISON. Mr. President, I desire to offer an amendment on page 57, line 25.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that the bill is not now open for general amendment.

Mr. HARRISON. I should like to have the amendment offered and pending.

Mr. LENROOT. I suggest to the Senator from Mississippi that it can be printed and lie on the table.

Mr. HARRISON. Yes.

The PRESIDING OFFICER. The amendment offered by the Senator from Mississippi will be printed and lie on the table. The Secretary will read the bill.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 4, line 20, to increase the appropriation for rent of buildings and parts of buildings in the District of Columbia for use of the various bureaus, divisions, and offices of the Department of Agriculture from "$165,666" to "$181,866."

The amendment was agreed to.

Mr. HITCHCOCK. Mr. President, I should like to ask, in regard to the Weather Bureau, how the footing, $351,400, compares with the amount appropriated for the present year?

Mr. McNARY. Last year the amount of salaries was $346,580. This year it is $351,400. The increase is practically $6,000.

Mr. HITCHCOCK. Is that all in the District here?

Mr. McNARY. That is in the District and at different parts of the country where the observations of weather conditions are made.

Mr. HITCHCOCK. How many of those district stations are there where observations are made?

Mr. McNARY. I will say to the Senator that I have not the districts classified. Most of the work is done here in Washington, however. Some observations are made in different parts of the country. A study of the bill that I have before me does not show minutely the location of these various stations.

Mr. HITCHCOCK. Will the Senator be so kind as to prepare himself on that subject to-morrow? I suppose this bill will have to go over until to-morrow. I should like to know where those stations are, and how many of them there are. I will say that I am inquiring especially because my attention has been called to the fact that the town of Alliance, Nebr., which is near the western boundary of the State, is considered by the head of the Weather Bureau a very desirable point at which to develop weather observations, but that the appropriation for the current year was not sufficient to enable them to do anything.

Mr. McNARY. I will state to the Senator from Nebraska that the first paragraph of salaries under the Weather Bureau is for salaries in the District of Columbia. The item to which the Senator is now addressing himself is the following item, carrying an appropriation of $115,575. That is for general work in connection with the bureau outside of the District of Columbia.

Mr. HITCHCOCK. That is, the expenditures outside the District of Columbia are $1,573,835?

Mr. McNARY. That is $115,575, which is a reduction from the bureau's estimate, but an increase over the bill of 1922.

Mr. HITCHCOCK. I see on the page to which the Senator refers that the total Weather Bureau appropriation is $1,925,235.

Mr. McNARY. That is the total; but if the Senator will look on page 7, line 18, he will observe an appropriation of $115,575. That is approximately $9,000 under the estimate of the Director of the Bureau of the Budget.

Mr. HITCHCOCK. That is for expenditures in the city of Washington?

Mr. McNARY. No; if the Senator will go back and read the whole of that paragraph, he will see that it covers the States in general.

Mr. JONES of Washington. I think the chairman of the committee is mistaken, probably, and that he will find on page 8 an appropriation for necessary expenses outside of the city of Washington.

Mr. McNARY. Oh, yes.

Mr. JONES of Washington. It reads:

> For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information—

And so forth. I think that will cover what the Senator from Nebraska asks.

Mr. McNARY. Yes; pardon me.

Mr. NORRIS. Mr. President, may I interrupt the Senator? If I understand my colleague's question, it is one in reference to the various weather stations. I will say to my colleague that they are not fixed by law. The department has power to establish them without having a place designated. It is chiefly a question of supplying instruments. Most of these reports are made by people without any expense, but the Government supplies the instruments that make the measurements and get the necessary data.

Mr. WARREN. Mr. President, the Senator is right about that. These are the general weather stations all through the States, and the method of initiating a new one is through a petition to the department showing the necessity of it. That is the general policy.

Mr. NORRIS. Yes. I have forgotten now what the expense of the instrument is; but there are different kinds of instruments, some more expensive than others, and the Government supplies them to most of the stations. There are other places where they do not get as much information, and have a cheaper grade of instruments.

Mr. WARREN. As the Senator says, many of them are simply voluntary as to service costing nothing, the Government furnishing the machinery; but in others they have the full equipment of weather experts, and the information thus gathered through the minor offices is forwarded to Washington and disseminated from the main office here.

Mr. NORRIS. Yes; it comes here to Washington, and from Washington it is disseminated all over the country.

Mr. McNARY. The estimate of the department shows that there are 47 of these stations, located in different parts of the States.

Mr. NORRIS. Yes. I will say to my colleague that I think, though, there will be found out in the anteroom here on the map all of the locations.

Mr. HITCHCOCK. I should like to ascertain this fact: Is the appropriation for the year embodied in this appropriation bill larger than for the current year, and if so by how much, for the maintenance of Weather Bureau stations?

Mr. McNARY. For the stations alone? The estimate made by the Bureau of the Budget is $1,346,610.

Mr. HITCHCOCK. What is that for?

Mr. McNARY. I will read to the Senator the current bill. The bill last year carried $1,300,110. This bill carries $1,327,240, a very slight increase—an increase of practically $27,000 for the bill of 1923, that we are now considering, over the bill covering the present fiscal year.

Mr. HITCHCOCK. And that is expended under the discretionary power of the chief of the service?

Mr. McNARY. Throughout the various parts of the States.

Mr. HITCHCOCK. I will say that the reason I make this inquiry is because the director of the service, writing me some time last fall, stated that the bureau had maintained limited facilities at Alliance at a very small expenditure, etc.; and he added:

> I realize that because of the growing importance of this city the present service does not fully meet the local demands. I recognize that Alliance would be a good point, because of geographic position, from which daily observations would be helpful in forecast work; also, a station there would be of real service to farmers—

And so forth.

Mr. McNARY. I can say to the Senator from Nebraska, as he well knows, that that is an administrative matter, properly to be taken up with the Weather Bureau.

Mr. HITCHCOCK. Yes.

Mr. McNARY. We could not cover that in this bill.

Mr. HITCHCOCK. But the bureau chief stated to me that the reason why he could not at that time extend the service was because of a lack of appropriation, and I am now endeavoring to find out by how much the appropriation was increased.

Mr. McNARY. In round figures, $27,000 over the current bill.

Mr. HITCHCOCK. I will say that Alliance is equipped with a Federal building, and the facilities are all at hand for the establishment of a weather bureau; and it is the chief city in a very wide area of country that I believe has not as yet been supplied with any adequate weather service.

RECESS.

Mr. McNARY. Mr. President, I move that the Senate stand in recess until 12 o'clock to-morrow.

The motion was agreed to, and (at 5 o'clock and 44 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, April 12, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 11 (legislative day of April 10), 1922.

MEMBERS OF THE WORLD WAR FOREIGN DEBT COMMISSION.

REED SMOOT, of the Senate.

THEODORE E. BURTON, of the House of Representatives.

SECOND ASSISTANT POSTMASTER GENERAL.

Paul Henderson to be Second Assistant Postmaster General.

MEMBERS OF RAILROAD LABOR BOARD.

J. H. Elliott to be member of Railroad Labor Board, management group.

G. Wallace W. Hanger to be member of Railroad Labor Board, public group.

A. O. Wharton to be member of Railroad Labor Board, labor group.

UNITED STATES ATTORNEYS.

Ralph Pringle to be United States attorney, southern district of Iowa.

Philip H. Mecom to be United States attorney, western district of Louisiana.

UNITED STATES MARSHAL.

Siegel Workman to be United States marshal, southern district of West Virginia.

PROMOTIONS IN THE ARMY.

Edward Fenton McGlachlin, jr., to be major general.

John Alexander McKinnon to be lieutenant colonel, Veterinary Corps.

Julian Emmet Yates to be chaplain, with rank of lieutenant colonel.

Sterner St. Paul Meek to be captain, Ordnance Department.

Asa Vern Wilder to be first lieutenant, Signal Corps.

Frank Ellsworth Brokaw to be captain, Infantry.

POSTMASTERS.

ALABAMA.

Herbert C. Collins, Geneva.
Frank M. Johnson, Haleyville.

CALIFORNIA.

Donald A. Parker, Etna Mills.
Harry A. Bradford, Hayward.

GEORGIA.

Daniel F. Davenport, Americus.

KANSAS.

Charles N. Shafer, Fredonia.

MAINE.

Ivory J. Bradbury, Hollis Center.
Earle H. Roberts, Port Kent.
Ralph B. Parker, Wells.

MASSACHUSETTS.

C. Montford Brigham, Northboro.
Sara H. Jones, West Barnstable.

MICHIGAN.

Elfreda L. Mulligan, Grand Marais.

MINNESOTA.

Edwin A. Rolloff, Balaton.
Helmer C. Bacon, Dawson.
Ingebright A. Hanson, Frost.
William Guenther, Hokah.
C. Edward Sarff, Keewatin.
Robert L. Bresnan, Madison Lake.

MISSOURI.

Mayme E. Prather, Advance.
Elam J. Nienstedt, Blodgett.
Charles T. Lease, Forest City.
Robert E. Ward, Liberty.
Lorenzo T. McKinney, Marceline.
Lena B. Porter, Novelty.
Lavinia B. Jones, Pilot Grove.
W. Arthur Smith, Purdin.

NEW YORK.

William E. Cartwright, Amagansett.
Leslie R. Bell, Manlius.
Earl B. Templer, Valley Falls.

NORTH CAROLINA.

Charles R. Grant, Mebane.

NORTH DAKOTA.

Victoria Quesnel, Buthgate.
David J. Holt, La Moure.
James W. Pratten, Milton.

OHIO.

John Q. Sanders, Waynesfield.

RHODE ISLAND.

Frederick Baldwin, Mapleville.
George W. Jenckes, Slatersville.
Charles W. Holroyd, Thornton.

UTAH.

Earl H. Greenhalgh, Ferron.

VIRGINIA.

George H. Clark, Crockett.

WASHINGTON.

Athur H. Eldredge, Colfax.
Harry E. Stark, Okanogan.

WISCONSIN.

Elizabeth Croake, Albany.
Simon Skroch, Independence.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 11, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, how excellent is Thy name in all the earth. We therefore acknowledge Thee to be our everlasting Father. Because Thou dost live, we live. This is our faith and the sum of our hopes. Even with a knowledge of our failures we still draw near to Thee, for we are Thine through the ages and through the periods of eternity. With us may life, with its priceless values, never be vague nor vain. We ask Thee to help us in our study of things which make for a greater country, a happier people, and that exalteth a nation. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATIONS.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am opposed to scrapping the Navy beyond what the treaty requires. It is the men of the Navy who do the fighting, and if you scrap the personnel by granting an insufficient number of men to man the ships then you reduce our naval defense below the 5-5-3 ratio as provided in the treaty. I am in favor of having the treaty Navy fully manned and fully equipped, as efficiency may require. I want it sufficiently equipped, manned, and trained that it may hop off at any moment.

The American people want economy, not parsimony. They want an adequate defense of their country; less than that would be dangerous and well-nigh criminal on the part of Congress. The people of the country look upon the Army and the Navy as the great force to maintain peace, not alone among the nations of the world but among the people even of our own country. They do not want us to take any chances as to safety. I am not sufficiently informed in naval affairs to discuss it from a scientific standpoint, but when the President of the United States, the Secretary and Assistant Secretary of the Navy, the General Board of the Navy, and all the experts say that the 67,000 men provided in this bill are not sufficient to properly man the ships and that not less than 86,000 will be sufficient, I am unwilling to take even the word of the distinguished committee which reports this bill against their recommendation. The basis upon which this bill is drafted and from which 67,000 men are suggested is determined by the arbitrary date of February 1, 1922, the committee taking the number of men actually manning the ships on that date as their basis for the requisite number provided in this bill. The committee knows well that for every 1,000 men actually at sea 500 men has been found the quota necessary of those on land and otherwise occupied. I believe in the English Navy as high as 600 out of every 1,000 are not at sea at one time.

The committee is therefore depending upon certain reserve officers and men, and upon others who have seen naval service. I am unwilling, and I know my constituents are unwilling to depend so absolutely upon men not now in the service. What my people want is a treaty Navy 100 per cent equipped in men and every other necessity which goes with an equipped naval force. The taxpayer is vitally interested in the amount of money we appropriate and the effect it has upon his taxation and income, but he is not willing to risk the safety of the country, and the peace not only of his country but of the world by the parsimony established in this bill.

I shall vote in accordance with the recommendation of the minority report, which says, "We recommend as an irreducible minimum that the enlisted personnel of the Navy for the next fiscal year be fixed at 80,000 men and 6,000 apprentices, and that adequate provision be made to maintain the Navy on this basis." This, I believe, will meet every requirement, and give us

a fully equipped treaty Navy of men and money, guaranteeing safety and efficiency at all times. If an emergency should occur then it will be time enough for us to depend upon our reserves and upon those who have seen service. We must always remember that the disarmament conference has not prohibited the building of smaller craft such as submarines, and so forth, nor has it prohibited the construction of aircraft which many persons believe will perform a very important if not a decisive part in future wars. I wish to adhere to every feature of our treaties, but to live up to everything allowed us as I am sure the other nations party thereto will do.

Mr. Chairman, I shall vote for the Navy fully equipped, 100 per cent, and not 20 per cent less than is necessary, as provided in this bill for the battleships. [Applause.]

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question?

Mr. LINTHICUM. I yield.

Mr. LAZARO. The Secretary of the Navy in his statement to the Committee on Appropriations on March 6, 1922, compared the *Arkansas* in 1913 and the *Arkansas* in 1922. In 1914 the number of men on the *Arkansas* was 984, and in 1922 1,250. That is because of the developments in maritime warfare and the experience gained during the World War. In time of emergency it is estimated that it would require 10 per cent more on this battleship. Where would we go for these 10 per cent more? Would it not be necessary to have a trained force to make good that 10 per cent, and would it not be true that if you had green men on there it would cause confusion and make the battleship inefficient in time of war?

Mr. LINTHICUM. The gentleman from South Carolina [Mr. BYRNES] said that the bill at present was based upon the number of men now on the battleships, and that that was 20 per cent less than the requisite number. He said they would draw these extra men necessary from the reserve force and from men who had seen sea duty, but I entirely agree with the gentleman from Louisiana that if you bring men from the reserve force and men who have seen sea duty but who have never seen any duty on this ship, they would not fit in in a time of emergency, and that there ought to be trained men working on these vessels, allotted to them.

Mr. LAZARO. In other words, in order to keep up with the battleship as it is being developed, you have to have this trained reserve force on the ship or near the ship constantly, so that these 10 per cent could be added in case of emergency.

Mr. LINTHICUM. If you want efficiency, that is true. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. WOODRUFF].

Mr. WOODRUFF. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

(During the remarks of Mr. WOODRUFF his time was extended by additional time being granted to him by Mr. KELLEY of Michigan and Mr. BYRNES of South Carolina.)

Mr. WOODRUFF. Mr. Chairman, I am sending to the Clerk's desk a resolution, which I will ask him to read.

The Clerk read as follows:

House Resolution [illegible]

Resolved, That the Speaker of the House of Representatives be, and he is hereby directed to appoint from the membership of this House a select committee of 15 members, for the Sixty-seventh Congress, and which said committee is hereby authorized to fully investigate all contracts and expenditures made by the War Department, or under its direction; the Navy Department, or under its direction; and the Alien Property Custodian, or under his direction, during and since the late war with Germany, and the settlement of any of such contracts by any officer or agent or department of the Government, and to investigate the criminal and civil prosecution, or lack of prosecution, of any or all of the claims of the Government arising out of such contracts, or the settlement thereof, by the Attorney General, the Alien Property Custodian, the Secretary of War, or the Secretary of the Navy; and, in addition to the powers herein conferred, shall have the same powers and authority as are now conferred by the rules of this House upon the standing Committee on Expenditures in the War Department; said committee is hereby authorized to send for persons and papers, to administer oaths and affirmations, to take testimony, to sit during the sessions of the House and during any recess which may occur during its sessions, and may meet at such places as said committee deems advisable. Said committee is also hereby authorized and empowered to appoint such subcommittees as it may deem advisable, and such subcommittees, when so appointed, are hereby authorized to send for persons and papers, to administer oaths and take testimony, and to meet at such times and places as said committee shall from time to time direct.

Resolved further, That said select committee shall report to the House, in one or more reports, as it may deem advisable, the result of its investigations, with such recommendations as it may care to make.

Resolved further, That the Speaker of the House is hereby authorized to issue subpoenas to witnesses, upon the request of said committee or any subcommittee thereof, during any recess of Congress during the sessions.

Resolved further, That the Sergeant at Arms of the House be directed to serve all subpoenas and other processes put into his hands by said committee or any subcommittee thereof.

Mr. WOODRUFF. Mr. Chairman, I have to-day introduced in the House the resolution which has just been read. I was impelled to introduce this resolution by information which has come to me recently, and which is of such a nature as to require the immediate attention and immediate action of the Congress. This information I propose to give to the House, in part at least, in the time which has just been yielded me by the gentleman from Michigan [Mr. KELLEY].

On March 22, when the Committee of the Whole House on the state of the Union had under consideration the Army appropriation bill, I attempted to secure the adoption of an amendment to the bill which would give to the contract audit section of the office of Chief of Finance of the War Department sufficient funds with which to efficiently and expeditiously audit the 100,000 war contracts. I showed on that day, Mr. Chairman, that the contract audit section, with a personnel of 87, had audited in the year and a half it had been engaged in this work approximately 15,000 of these contracts. I also showed that nearly all of these contracts had been the smaller ordnance contracts, and that there had been only a very few of the larger contracts audited. In spite of the fact that but a few of the larger contracts had received the attention of this department, it was shown that the Government was given the information upon which to base a recovery from the contractors sums totaling approximately $46,000,000. Included in the contracts audited were a few of those of the Air Service.

In the auditing of these contracts it was disclosed that in almost every instance overpayments running into the millions in individual cases had been made by the Government. In addition to the overpayments, it was found in nearly every instance that the contractors had been guilty of acts which clearly called for action by the Department of Justice. Notwithstanding the fact that much of this information has been in the hands of the Department of Justice for months, no determined action looking either to the recovery of the money due the Government or to the criminal prosecution of the offenders has been taken. From time to time it has been intimated by Members of Congress and others that there was to be no real prosecutions of these offenders, Mr. Chairman, but somehow I could not quite believe that. It did not seem possible to me that any man in a high Government position could or would deliberately close his eyes and his ears to the demands of a clear public duty. It did not seem possible to me that any man could so far forget his duty to the whole people of the country under his oath of office as to hesitate for one minute in instituting the proper proceedings to bring to justice those who have been guilty of gross criminal conduct, particularly when this conduct had either directly or indirectly resulted in the loss of life. And I have in mind, Mr. Chairman, our "bird men," and thousands of our men on the firing line in France, who waited and died while waiting for the American fighting and bombing planes which never came.

During the 19 months of war with Germany the Congress expended for Signal Corps and aviation purposes more than $1,000,000,000, and notwithstanding the fact that early in the war our allies sent to this country many experts in aircraft construction to assist in the manufacture of planes, which were then in use by the allied armies, and known to be efficient, not one battle plane and not a single bombing plane of American manufacture, either of American or foreign design, was placed upon the battle front. The hearings of the Frear subcommittee developed the fact that for the great sum mentioned the Aircraft Service produced the following machines used by American aviators on the French fighting front:

[Pp. 178, 179, 180, 185.]

American-built pursuit or combat planes	None
American-built bombing planes	None
American-built observation planes (D. H. 4's)	213
Machines bought from our allies	527
Total planes on French front, November 11, 1918	740

The Hughes investigating committee, as well as the Senate Thomas Committee and the House Graham Committee, all developed facts and leads which clearly indicated that hundreds of men had been guilty of criminal conspiracy in handling these aircraft and other war contracts. As a result of the investigations of the subcommittee handling the cantonment contracts, the House, by a yea-and-nay vote of 290 to 4, requested the Attorney General to institute investigations before grand juries for the purpose of securing the indictment and prosecution of

such persons as are guilty of criminal conduct. I believe the statute of limitations, together with the neglect of the Attorney General's Department, has operated to defeat this clearly expressed wish of the House.

The resolution requesting the Attorney General to act in these cases also requested him to institute civil suits for the recovery of Government funds, which have been fraudulently or illegally paid on account of the cantonment contracts. The majority report of the committee which investigated these contracts stated that if the conclusions of the majority members of the committee were correct, the Department of Justice should be able to recover by civil suits sums totaling more than $50,000,000. The statute of limitations does not operate against this class of cases, and yet, although there has been no thorough investigation of these matters by the Department of Justice, Mr. Abraham F. Myers, former office boy, later ordinary law clerk, and now the man in the Attorney General's office through whom all departmental information relative to war fraud cases must be secured, has announced to the men working on these cases that the cantonment cases have been closed.

Intimately connected with the camp and cantonment cases was the sale of surplus lumber, much of which was found upon these projects at the conclusion of the war. In this connection, and as illustrative of the conditions of which I so seriously complain, I wish to call attention to the contract made with Messrs. Phillips & Stephens covering the sale of surplus lumber. Mr. Phillips is the chairman of the Republican State central committee of Georgia. It appears from official data that the transactions under this contract were audited by the contract audit section of the Office of the Chief of Finance, and final report submitted on September 8, 1921, and then transmitted to the Attorney General for appropriate action. This report showed many gross irregularities and that the sum of $1,854,076.04 was wrongfully withheld from the United States. So far as can be ascertained, no proceedings whatsoever, either civil or criminal, have been instituted in this connection. I have a copy of a memorandum under date of March 11, 1922, written by Ernest C. Steward, in charge of the contract audit section. It is as follows:

MARCH 11, 1922.

Memorandum: For Captain Sullivan.

Re: Director of sales contract No. 1, covering the sales of surplus lumber to Messrs. Phillips & Stephens.

It appears to be essential to the public interest to again call the above contract to your attention.

The transactions under this contract were audited by the contract audit section of the office of the chief of finance, and a final report was presented on September 8, 1921, and was transmitted to the Attorney General for such action as might be deemed necessary.

The general facts in connection with the inception and functioning of this sales contract are herewith presented again in the hope that some definite action may be taken, as after the lapse of time which has occurred between the presentation of this audit and the facts incident thereto there has, so far as the writer can inform himself, been no tangible endeavor on the part of the Department of Justice toward preparing this matter for the action of a grand jury.

Shortly after the armistice in November, 1918, a meeting was held in Washington, D. C., of the representatives of the principal lumber corporations of the United States for the ostensible purpose of so regulating the disposal of surplus stocks of lumber then held by the Government as not to disrupt or injure the transactions of the commercial trade. After many conferences it was finally decided by the representatives of the lumber interests to appoint as their agent for dealing with the Government in this transaction Messrs. Phillips & Stephens, with whom the director of sales in the office of the Quartermaster General finally made this contract.

In January, 1919, a request was made of the various bureaus of the War Department to submit an accurate statement of the amount of lumber remaining on hand at all of the various projects and stations for the purpose of ascertaining the total amount to be considered in connection with this contract, and a more or less complete inventory developed the fact that there was approximately 188,000,000 feet of lumber which was not required for the immediate needs of the Government, and upon that basis, as shown in Schedule A of the contract, the agreement in question was made. There is a provision in the contract, however, that prior to the actual sale of the lumber at any project the same might be withdrawn from sale when required for the use of the Government, and acting under this provision the chief of the construction division withdrew from sale nearly 60,000,000 feet of lumber. Much of this lumber that was withdrawn by the construction division was over the violent protest of Messrs. Phillips & Stephens, and your attention is specifically invited to certain correspondence relative to this matter between Gen. R. C. Marshall, Jr., chief of the construction division, the director of sales, and the contractor.

It is a well-established fact that this contract in its entirety was drawn up by Messrs. Phillips & Stephens and brought to the director of sales with instructions to sign on the dotted line. It can therefore be readily seen that any and all indefinite provisions in the contract were placed there with the expectation and belief that any further elucidation or definition thereof would be for the benefit of the contractor and not of the Government.

A list of base prices for the four kinds of lumber specifically named in the contract, to wit, spruce, pine, fir, and hemlock, was supposed to have been submitted for the various localities in the United States in which the surplus lumber lay for each month during the life of the contract, and presumably those base prices were to bear some definite relation to commercial prices for similar lumber in the said localities, but the audit of this contract has determined the fact that these base prices were arbitrary and in nearly all instances were widely different from the prices which were current for commercial transactions, all of which was set forth in detail in our audit.

In spite of the fact that the original contract called for the purchase of only the four kinds of lumber before mentioned, there was sold over 80 varieties of lumber, and by questionable agreement between the director of sales and the contractor there was also included many millions of feet of mahogany, cherry, walnut, and other very valuable hardwoods.

In connection with the inclusion of hardwoods under the terms of this contract, the facts as developed by our audit warrant the presumption of gross fraud and collusion between the contractor and Frank T. Sullivan, of Buffalo, N. Y., who was ostensibly the direct purchaser from Phillips & Stephens. In nearly every case where shipping orders were received from the contractor the purchaser named thereon was not the ultimate consignee and the price returned to the Government for the lumber did not in any instance represent the amount received from the ultimate consignee, but was supposed to have been the price received from the purchaser named on Phillips & Stephens's shipping order, who in many cases was believed to be a dummy, and was in reality an agent of Phillips & Stephens, thereby accomplishing their purpose of obtaining a higher price for the lumber than the one which they reported to the Government, less their commission.

It has been demonstrated that where prices have been given for two or more grades of lumber from a certain project that lumber of the highest grade has been sold at the price of the lowest grade, thereby again defrauding the Government.

The audit by our accountant shows:

1. Value of lumber sold, $4,697,171.13.
2. Amount received by United States, $2,843,095.09.
3. Balance due United States, $1,854,076.04.

From the foregoing it will be seen that the Government has been defrauded by Phillips & Stephens and their confederates in large amounts, aggregating $1,854,076.04, and the evidence and official statements on which to base civil and criminal actions were prepared by our accountants and forwarded to the department some eight months ago.

From time to time two representatives of the Department of Justice have called at my office and I have during that period time and again urged upon them the necessity of action and have offered to be of every possible assistance to them or the Department of Justice. If it is the intention of anyone to act in the premises, it is most urgent that immediate action be taken, before the witnesses are scattered and the evidence disembled and the men who have faithfully and loyally labored to save the Government throw up their hands in disgust.

Although over 15,000 contracts have been investigated and audited by our office, it can be stated beyond argument that the contract in question is one which for criminal ingenuity is surpassed by none. Over 14 months of painstaking and diligent labor were consumed in making this audit and all of the facts contained therein have been explained in detail to representatives of the Department of Justice, and great pains have been taken to follow every development that might show the criminal intent of the contractor, and it is to be regretted that up to this time there has been no tangible action taken.

The writer stands ready at any and all times to assist in every way the prosecution of this case with a view of recovering money wrongfully withheld from the Government, and if possible to punish those who are guilty in this connection, and it is respectfully and earnestly urged that such action may be taken by your office as will attain this end.

ERNEST C. STEWARD,
In Charge Contract Audit Section.

Mr. MANN. To whom was that letter written?

Mr. WOODRUFF. It was written to a superior officer in the office of the Chief of Finance.

On April 12, 1920, when a resolution instructing the Attorney General to—

institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid * * *—

The gentleman from Ohio [Mr. FESS] made the following observations:

We started the investigation of these expenditures soon after the Republican Congress met. This was done in answer to a general demand from the people. Why? First, the people have a right to know how the money they are paying in the form of taxation was and is being expended. * * *

Secondly, there is an inherent right in this Government to find the culpable party who takes advantage of his Government in time of war.

If there has been anyone guilty of moral turpitude, taking advantage of the war to profiteer at the expense of this Government, then we have a right not only to point it out but we must prosecute the men who have done it.

People from every section of this country are demanding prosecution. Congress can uncover the facts. It is doing so. The Justice Department must prosecute.

It is generally believed that there will be no prosecutions. That an administration will not find itself guilty. There is a basis for this statement.

In the investigations thus far there was a report from the special commission upon aircraft, appointed by the President in response to the general outcry of the Nation for the actual situation.

That report was made by Justice Hughes, whose commission was confined to finding facts. It made recommendations which were indorsed by the Attorney General of the present (Wilson) administration. The report was sent to the Secretary of War with the recommendation that certain specific men therein named be court-martialed, which recommendation was based on the facts submitted. In spite of the facts and recommendation, the Secretary of War decided it was not a sufficient case to submit for court-martial proceedings, although we had spent $1,055,000,000 for aircraft and had not a single American-built battle plane at the front, and only 196 other American-built planes, and yet we were told there was no ground for court-martial procedure.

This action of the War Department indicates what is to be expected from the administration in the prosecution of such cases. Congress can not go further than make the investigation.

The Department of Justice, which, in the aircraft case, indorsed the Hughes recommendation, must necessarily make the prosecution, when brought under the civil authority. The indictments secured by the Shipping Board's investigation show what can be done. Another reason

why we must uncover these irresponsible expenditures in to compel a repayment, wherever it can be shown that funds have been collected under false contracts or where advantage has been taken of the Government. There are numerous cases of this sort already promised.

Still another reason why we must continue to make the investigation is to lay the foundation to cut off the unnecessary and continuing war agencies that still exist. We are bitterly assailed by the country because we have not been able to separate all the thousands of war workers who are still on the pay roll and who are employing every influence to continue on it.

If you do not lay this foundation, we will not succeed in our efforts to get back to normal, and we are subject in Congress to the criticism that we are maintaining these war agencies.

Our business here is not in any way to discredit men nor an administration because they do not happen to be on our side politically, but our business is to know how the money was spent; to let the public know it; to prosecute where there is guilt; to recover where there is fraud; and to lay the foundation to cure the disease that the whole Nation to-day is still suffering from.

What has already been accomplished justifies us in an expectation that more will still be done. That is why I will vote for the rule. Our duty as Congressmen is to get at the facts. It is then up to the Department of Justice to prosecute the guilty parties. Indictments have already been secured in some cases and trials are awaited. If, as in the aircraft cases, the findings of a presidential commission are ignored, the only recourse left us is an appeal to the people, which will not be long deferred.

This was good doctrine and good morals, Mr. Chairman. This is good doctrine to-day; it will be good doctrine as long as civilization exists, whether it comes from a Republican during a Democratic administration or from a Republican during a Republican administration. This is doctrine which will be approved by every man and woman in the country, except, of course, those who illegally or criminally profited as a result of the war.

The resolution was adopted because it was found during the investigation of war-time irregularities that the irregularities and evils complained of still existed.

Two years have elapsed and the purposes of that resolution have been defeated. There has been no cessation of pernicious activities on the part of the small group of aircraft manufacturers whose activities were condemned as late as August, 1918, by the Senate subcommittee headed by Senator Thomas, as being—

Vicious and designed to make large profits by taking advantage of the necessities of the Government.

And as—

Subjecting manufacturers to onerous requirements by its beneficiaries, such as assessments for the use of plans and specifications, the purchase of material and accessories from favored houses, the assignment and surrender of valuable patents and patentable devices to the (manufacturers) aircraft association upon a terms prescribed by itself, the discouragement of invention, and the inevitable control of the aircraft industry by that association or by some other interest through its agency * * *.

That conditions have not changed in regard to the prosecution of these war criminals and in regard to the recovery of millions of dollars to the Treasury from the war contractors I propose to show. The following is a letter I have recently received from an agent of the Department of Justice who was assigned the task of clearing up the aircraft cases. It is self-explanatory:

WASHINGTON, D. C., *April 8, 1922.*

Hon. E. C. WOODRUFF,
House of Representatives, Washington, D. C.

DEAR SIR: Being aware of your military service during the World War and reposing confidence in your Americanism, I am handing to you a memorandum dated March 18, 1922, pertaining to the aircraft investigation which I have officially conducted as an officer of the Department of Justice, and I request that this memorandum be brought to the attention of Congress and that it be made a public document.

I am aware that this request on my part may appear unusual, but I am unwilling to be a party to a perfunctory Government investigation without exhausting every effort to see that the machinery of justice functions. If this is to be a Government "of the people, for the people, and by the people," when the regular and orderly processes of the law have fallen down Congress and the people are entitled to know the facts. During the past few years the disclosures of Government investigations have meant little or nothing, and the time has come when there must be a reform. The real remedy for many of the evils of to-day is the administration of the law with even-handed justice, and, above all, a respect for the law by those in authority. As matters now stand the weak feel the hand of the law while powerful interests are protected and go uncatched. The tendency has been for those who administer the law to make influential and powerful offenders immune from punishment, and this condition must be remedied.

On October 4, 1921, I began an official investigation of the Air Service, continuing the investigation which was begun by the Hon. Charles E. Hughes. By the close of the year many important cases were being developed and the audits by Government accountants began to involve men of high position in the present and past administration, men in high financial circles, and certain concerns represented by law firms wielding powerful influence. Since January 4, 1922, the aircraft investigation has been to a large extent completely blocked. The investigation has been interfered with by high officials of the Government, sworn to uphold the law, and the due administration of justice has been hindered, delayed, and obstructed. All of these matters are covered in reports filed by me in the Department of Justice dated, respectively, February 24, 1922, February 24, 1922, and in the memorandum of March 18, 1922, which I am now handing to you, after having failed to bring about proper remedies through the authorities directly responsible.

Bringing these matters to the attention of Congress has not been without due warning and prolonged opportunities for reform. In an official report filed in the Department of Justice on December 1, 1921, attention was called to the difficulties with the investigation, as follows:

"I recommend that the higher officials of the Government be informed that these aircraft cases are heavily loaded with potential scandals which may be made public at any time, and that the importunities of these men, if listened to, may result in serious embarrassment to the administration. These men have been largely responsible in bringing discredit on the previous administration, and any leniency shown them now, as the cases against them are completed, will not restore the confidence of the people in the Government, which confidence has been well-nigh lost. A large number of these cases are coming up, and a firm stand now will avoid difficulties for the administration which otherwise will be sure to follow."

In my memorandum of February 24, 1922, I requested that my reports be placed in the hands of the Attorney General and that they be transmitted to the President. The Government's interests are suffering in these matters, and interferences with the investigation will no longer be tolerated. However, I can not be justly charged with failing to exhaust every effort to obtain corrections before submitting the matter to Congress and to the people.

The investigation and reports of Government audits show overpayments by the Government on aircraft contracts in enormous amounts. In no case has suit been brought. According to the reports filed by Government accountants to date, the following is a list of overpayments made to several of the aircraft contractors:

Wright-Martin Aircraft Corporation	$5,267,476.75
Lincoln Motor Co. (amount ascertained at time of last report, $5,794,135.15), report of completed audit	9,188,561.98
American Electro Products Co.	2,057,261.72
Dayton Wright Co.	2,554,383.27

The contract audit section of the War Department has filed its report in the case of the Standard Aircraft Corporation and the Standard Aero Co., controlled by Mitsui & Co., Japanese bankers, showing overpayments as follows:

Total payments by the Government	$16,441,680.15
Amounts unsupported by property records or other papers	9,948,028.42
In case supporting papers are produced there would remain the following amounts to be recovered from the contractors for reasons stated in the individual audits	6,586,774.61

In the sale of surplus lumber to Phillips & Stephens, the Contract Audit Section of the War Department reported this concern to be indebted to the Government in the sum of $1,854,076.04. The case has been in the hands of the Department of Justice many months and no suit has been instituted to recover this money. In spite of the fact that the contract called for the purchase of only four kinds of lumber (spruce, pine, fir, and hemlock) there was delivered to these people, according to the report of the audit, over 30 varieties of lumber, including many millions of feet of mahogany, cherry, walnut, and other valuable hardwoods.

The attention of Congress is directed to the following action of Hon. John W. Weeks, Secretary of War:

(1) On October 26, 1921, the case of the Wright-Martin Aircraft Corporation, with a report of audit by Government accountants setting out overpayments in a large amount was transmitted by the War Department, through regular channels, to the Attorney General, with the request that he institute such action as he deemed necessary to protect the interest of the Government. The case was placed in the hands of the United States attorney in New York for the necessary action in the premises. Later, through the activities of Mr. Charles Hayden, of Hayden, Stone & Co., a director of the Wright-Martin Aircraft Corporation, the Secretary of War attempted to delay action in the case, as will be seen from a memorandum from the Hon. J. M. Wainwright, Assistant Secretary of War, dated November 21, 1921 (Exhibit A), hereto attached, who informed the Secretary of War that the case was beyond the jurisdiction of the War Department. Later, at the request of the Secretary of War, the case was withdrawn from the hands of the United States attorney, further hearings were given and no suit has been brought, although every hearing in the War Department and in the Department of Justice was decided in favor of the justness of the Government's claims.

(2) In the case of the American Bosch Magneto Co., information was received that certain records with which the investigation was concerned were about to be removed. The case was immediately placed in the hands of a grand jury for a complete investigation. Again, the Secretary of War interceded with the Department of Justice in behalf of persons under investigation in this matter.

(3) While the matter is not connected with the aircraft investigation, I feel it my duty to report that the circumstances under which Carden & Herd obtained a large payment in connection with the purchase of certain Austrian ships, through the activities of the Secretary of War, ought to be thoroughly investigated.

In all of the aircraft cases developed, only two of these cases were placed in the hands of the United States attorneys for action, to wit: The cases of the Wright-Martin Aircraft Corporation and the Lincoln Motor Co. Both of these cases were withdrawn from the hands of the United States attorneys, not on the initiative of any person connected with the Department of Justice, but because of influence exerted by parties outside of the Department of Justice.

The conditions under which the Department of Justice is handicapped are of long standing. On April 6, 1922, as a protest against these conditions, I voluntarily tendered my resignation. After tendering my resignation I was asked if I would accept other employment in this department, which I refused. The only alternatives are to tolerate these conditions or expose them. The American Government shall function, and the matter is of sufficient importance to call it to the attention of Congress.

Respectfully,

E. L. SCARR.

EXHIBIT A.

WASHINGTON, NOVEMBER 21, 1921.

Memorandum for the Secretary of War.

With reference to attached letter from Mr. Charles Hayden in connection with the final settlement of the Wright-Martin Aircraft Corporation's contracts 2250 and, its supplements 2250-1, 2250-2, 2250-3, 2250-4, 2250-5, 2250-6, and 2250-7 for the manufacture of 5,786 Hispano-Suiza motors and spare parts, involving the expenditure of $36,101,752.06, will state that these contracts were given a complete

audit by accountants of the Air Service under the terms of contract 2250 and supplements. Claim was then placed before the Air Service section, War Department Claims Board, for action. The contractor was given every opportunity to appear before that section on June 24, 25, 26, and 27, 1921, gave oral testimony in support of their claim, and a further hearing was granted on August 18, 1921, whereon the contractor submitted further oral testimony and placed in evidence a great many exhibits. The audit and investigation of these contracts covered a period of about two years.

Under date of October 14, 1921, the contractor requested an appeal. The request was brought to my personal attention. In view of the extensive investigations, covering a period of two years, I felt that nothing more could be gained by administrative action. The contractor and the Government were wide apart in their conclusions to the contractor's liability. Under such circumstances it seemed to me that only a court which possessed full powers to render a final decision and enforce it can satisfactorily cope with such a situation. For this reason I directed the vice chairman, War Department Claims Board, to deny the appeal. This action was taken. It may be remarked that this matter is quite similar to that of the Dayton Wright Airplane Co., in which the conclusion was reached by the Air Service section, War Department Claims Board, that instead of the Government being indebted to the claimant, the claimant was indebted to the Government in the sum of $3,550,000. In that case, by my direction, the record was transmitted to the Department of Justice, requesting that action be taken to protect the Government's interests. I am advised that suit is about to be instituted by the Government in behalf.

On October 26, 1921, the file in the case of the Wright-Martin Aircraft Corporation was forwarded to the Department of Justice, requesting that litigation be instituted to protect the interests of the United States. The Attorney General advises me that the papers have been referred to the United States attorney, New York City, for action. Officials of the Air Service will probably proceed to New York City in a few days to advise the United States attorney in this matter.

It will be noted that the case is now in the hands of the Department of Justice, which is engaged in the necessary investigation to determine the course of litigation. In view of this state of affairs the case has passed beyond the control and jurisdiction of the War Department.

I feel very strongly that the viewpoint of the contractor having been presented to the Air Service section by its principal officials and by its counsel at a number of meetings and in many papers, that the contractor's viewpoint is thoroughly understood by the Government.

J. M. WAINWRIGHT,
The Assistant Secretary of War.

I now come to the memorandum.

Mr. MANN. Whose memorandum is it?

Mr. WOODRUFF. It is the memorandum of a man appointed officially by the Government to investigate these aircraft cases:

MARCH 18, 1922.

Memorandum for Col. Guy D. Goff, Acting Attorney General.
In re: The aircraft investigation.

1. For an understanding of the inquiries which finally culminated in the present investigation of the Air Service by the Department of Justice, it should be stated that soon after the Government entered the production of aircraft for the announced purpose of "winning the war in the air" complaints were made that the Government's interests were suffering from disloyalty, dishonesty, and graft, and the prediction was made by persons in a position to know that the undertaking would result in enormous expenditures and a failure in the program to produce a fleet of "25,000 airplanes which would be decisive of the war months before an effective army could be put in Europe."

2. Among the first to publicly call attention to the necessity of immedite remedies to forestall impending disaster in the undertaking was Gutzon Borglum. Through the activities of Mr. Borglum the Senate took official cognizance of the matter, and finally there were several hearings in which some 25,000 pages of testimony were taken. The findings in the principal investigations of the Air Service are set out in the reports of the Senate committee (Rept. No. 555, Sixty-fifth Congress, second session), the subcommittee of the House, known as the Frear committee (Rept. No. 637, Sixty-sixth Congress, second session), and the report of Hon. Charles E. Hughes to the President, dated October 25, 1918.

3. Collectively these reports show the failure of aircraft production, wholesale graft and malversion, reprehensible official misconduct, and the squandering of enormous sums of money without the production of a fighting plane, all of which was carried out on such a scale as to jeopardize the cause of our country and the successful termination and its allies. The Senate investigation and the investigation of Judge Hughes took place during the war and the House investigation began soon after the war. All of these reports stressed the fact that the true state of affairs had not been fully developed and the reports of the House and that of Judge Hughes urged further investigation.

4. These findings in these investigations and recommendations by Judge Hughes that Col. Edward A. Deeds be court-martialed and that others be prosecuted resulted in official protection and exoneration and in no activities on the part of the Government to follow up the investigations or bring to justice those who had been found amenable to prosecution. An historical sketch and a résumé of these investigations is unnecessary, as the more important facts, disclosures, and findings were briefed by me in an article prepared for historical purposes in which the records are cited and which has since been filed in the Department of Justice as an official document (Current History Magazine, April, 1921; CONGRESSIONAL RECORD, March 12, 1921, volume 61, page 1352).

5. Unfortunately the disclosures in regard to the Air Service became a political matter and numerous Government officials, Army officers, and several Members of Congress are on record as having defended the conditions which were disclosed. Widespread propaganda in defense of the Air Service has been definitely traced to persons having relations with interests which have been criticized in the official investigations. The subject finally came into issue in the last presidential campaign, when, on September 23, 1920, Mr. Harding committed himself in writing with the following pledge:

"Certainly the investigations should go on, but it should go on when our party is in power and in position to command the presentation of a testimony which will establish our contention. Until that time I bespeak your patience."

6. Under these unusual circumstances, on October 4, 1921, I was employed by the Department of Justice and charged with the duty of conducting an investigation of the Air Service, being first assured that my work would be unhampered and my directions personally given by both Mr. William J. Burns and yourself, was to find the guilty, no matter who the guilty might prove to be.

7. In my memorandum of October 12, 1921, I submitted plans for the investigation which received your approval, and in compliance therewith this investigation has been conducted, as far as it was possible for me to conduct it, strictly in accord with the recommendations of Hon. Charles E. Hughes, who, in the concluding paragraph of his report to the President, indicated how the work should be coordinated, to wit:

"6. Permit me also to suggest that a special division or subdivision of the present Bureau of Investigation in the Department of Justice should be assigned to the consideration of suggested delinquencies in connection with aircraft production so that the work already done may be appropriately followed up."

8. Upon undertaking the work it was ascertained that there were no funds available in the Department of Justice to employ accountants and an adequate corps of assistants. It was therefore arranged with the Chief of Finance Control of the Air Service to enlarge its organization out of appropriations available until a force of some 50 accountants were at work on the necessary audits in close touch with and in cooperation with the Department of Justice. In addition to this, assistance has also been rendered by the contract audit section of the War Department. In fact, the entire force furnished me by the Department of Justice has consisted of a secretary and one assistant. The estimated total cost of this investigation to the Department of Justice from October 4, 1921, to March 1, 1922, is $1,961.92.

9. While I am charged with no duties outside of the investigation of the Air Service, attention should be called to the fact that the entire War Department Bureau is deserving of severe criticism for the financial arrangements under which it is forced to operate. Here we find inexperienced men, with no ratings or very poor ratings, as attorneys drawing salaries up to $5,000 per year, while other men working in the bureau and who are really doing the work are on the pay roll at $7 per day. The employment of incompetent men at high salaries, and starvation wages to those who must be depended upon if results are to be accomplished, does not make for efficiency. There is no semblance of adjustment between the salaries of the few patriotic men who are struggling to serve the Government on salaries of $7 per day and the salaries paid to inefficients and the emoluments of attorneys who handle the cases after they have been prepared. It is recommended that these inequities in salaries be adjusted and that only competent men be permitted to handle the war fraud cases. It should also be stated that in very responsible positions in the war graft bureau are a number of young men who obtained exemption from the draft, and it is needless to say that young men who were unable to respond to the call to arms in a national crisis can hardly be considered eligible to assignment in the investigation of war crimes. It is recommended that no person who was within the draft age and was not connected with the military service be allowed to take part in the investigation of war frauds.

10. In the aircraft investigation a large number of cases are being carefully examined, both as to civil liability and criminal acts. Although the handicaps prevent the work being dignified by the name of a Government investigation, some tangible results can now be reported. According to the reports filed by the auditors to date, the following is a list of overpayments made by the Government to several of the contractors, which cases are prepared and are now ready for the necessary action to protect the Government's interest:

Wright-Martin Aircraft Corporation	$5,267,476.75
Lincoln Motor Co. (other cases yet to be added before final balance is stated)	5,794,135.15
American Electro Products Co.	2,057,261.72
Dayton Wright Co.	2,554,383.27
Total	15,673,256.89

11. I have been informed by an officer of the Treasury Department that there is approximately $1,000,000,000 charged against disbursing officers of the War Department for which it was impossible to obtain accountings that would be accepted by the Comptroller of the Treasury, and I am attempting to ascertain what amounts have been misappropriated from the funds disbursed by the Air Service. There have been payments made running into millions of dollars to a single contractor with no supporting voucher whatever, and under these conditions the door has been wide open for every variety of graft and fraud. On these contracts men have boldly and openly robbed the Government, and when they had emptied the till they have endeavored by political influence and bold propaganda of the most insidious character to prevent an investigation which would lay bare their misdeeds and dishonesty.

12. While the audits of only five of the large aircraft contracts have been completed, the estimated overpayments, based on examinations of accounts which are not yet complete, indicate that the Government has been the victim of wholesale and systematic frauds perpetrated by a small group of contractors who, through political influence, obtained the control of aircraft production to the exclusion of experienced concerns who were brushed aside when this raid on the Public Treasury began. It might be stated that recently, when publicity was given to the activities of the Department of Justice in these matters, one of the concerns which was on the list compiled for investigation, after having the money for three years, voluntarily tendered to the Government its check in a large amount to cover the overpayments it had received and before an actual investigation of its accounts was begun by this department.

13. The audits being made involve cost-plus contracts where the contractors assumed no financial risks, and in most all instances, aside from the legitimate profits, the undertakings were financed by the Government and sufficient salaries paid to the officers of these companies to warrant efficient and honest management. The relationship these contractors bore to the Government was one of trust, and they were bound by good morals and the law to protect the Government against imposition and fraud. The contracts provided that things charged to the Government were to be at the best prices obtainable. Aside from the corruption and graft and the legitimate profits and salaries paid, these men operating behind the firing line owed a peculiar duty to the country and to the men who were laying down their lives when the same paymaster was allowing them $30 per month. It may be said that so far as my investigation has disclosed, most of the contractors have no stain against their records, and that the men who thus betrayed their country belonged to a relatively small group. Had the war been planned and carried on for their special benefit their personal gain could hardly have been greater.

14. In the audits involving the enormous amounts which are being disclosed, there will be items concerning which there may be honest differences of opinion and as to the correctness of the charge in such cases only the courts can determine. These cost-plus contracts in time of war were something new, and there are no legal precedents for guidance. However, in the main the contractors were paid these enormous amounts because of the inefficiency, unfaithfulness, or actual dishonesty of Government officials who permitted the unconscionable payments.

15. In several cases investigations begun in the Air Service developed leads running into other branches of the Government, and in each instance these matters have been developed sufficiently far to get an outline of the case and place the facts in the hands of the proper officials. To indicate the scope of the investigation, the character of the disclosures and the results that are already accomplished, several of the more important cases will be summarized with a very brief statement:

2. WRIGHT-MARTIN AIRCRAFT CORPORATION.

The report of the audit of the contracts of the Wright-Martin Aircraft Corporation shows overpayments by the Government in the amount of $5,267,476.75. It was found that the minutes of this company, at the time it was negotiating for a Government contract, stated that an "8 per cent profit was a proper profit to the company on Government contracts." The report of the Government audit states that the profits actually charged and collected amounted to 270 per cent. Illustrative of numerous items disallowed by the auditors were the following:

Accountants' fees (prices ranging from $10 to $60 per day, and $5 per day expenses for work which was of no concern to the Government)	$101,047.23
Fees for attending executive committee meetings (an examination of the minute books disclosed that officers had made charges for attending meetings when the company's records showed their absence)	4,294.96
Capital stock tax	14,364.97
Salaries, employees compiling income-tax data	922.33
Cigars	995.29
Dinners	848.78
Expenses of company's Washington office for August, 1918:	
Meals	262.86
Laundry	46.12
Tips	27.45
Box of La Corona cigars for Mr. G. H. Houston	3.25

The audit disclosed the fact that this company maintained a secret-service organization under the guise of a plant protection force, which it was in no way authorized to do, although the company collected therefor $91,925.60. Notwithstanding the fact that the Government had its own plant protection organization which took care of the company's plant, at one time the names of 195 men were carried on the pay roll of the corporation in this connection. Five secret-service men were taken from the Treasury Department and the following schedule will show what the Government paid them while working in the Treasury Department and what the Government paid for the same men after they transferred their services to the Wright-Martin Aircraft Corporation:

Name.	Yearly salary in Government employ.	Yearly salary in contractor's employ.	Retainer.	Penalty for cancellation.
J. W. Wheatley	$4,200	$12,000	$10,000	$25,000
N. G. Van Doren	1,440	6,000		5,000
F. J. Sullivan	1,400	5,000		5,000
E. J. Lewis	1,400	5,000		1,500
E. S. Kyte	2,520	5,000		1,500

The penalty for cancellation was eventually reduced. Wheatley compromised his claim for canceling his contract with the Treasury Department for $17,500, which with his salary of $12,000 and his retainer of $10,000 netted him $39,500 for one year's work. It is understood that after the Government's contract with the Wright-Martin Aircraft Corporation was terminated, Wheatley continued in the employ of that company, but at a salary of $5,000 per annum. The function of this secret service organization seems to have consisted to a large extent of counterespionage against the Government and keeping the company informed as to the Government's business.

After the Government's contract was terminated, the contractor proceeded to buy back from the Government certain property, as evidenced by public vouchers No. 5947 and 5967. Public voucher No. 5947 covered the sale of semifinished tools and work in process, involving material which cost the Government $792,865.03, and for which the Wright-Martin Aircraft Corporation paid the Government $24,379.87. Public voucher No. 5967 covered the sale of special tools and patterns which cost the Government over $1,000,000. This property was bought from the Government by the Wright-Martin Aircraft Corporation for $10,642.64. In these transactions George H. Houston and J. H. Anderson acted for the company, and, on behalf of the Government, these vouchers were approved by Charles T. Menoher, James A. Mars, C. G. Hall, C. Westover, Horace M. Benstead, and Bert Winters. In the last transaction it is true that all the special tools and patterns related to articles on which the contractor owned patent rights, and that this property was worthless to anyone else except for the value of the material, but it is stated by the auditors that had the company bought them in any other way than from the Government they would have cost the contractor a sum in excess of $1,000,000, and since the contractor acquired title they have continued to use them in its usual course of business and in connection with the later contracts which it has had with the Government.

During the conference between the contractor and Government officials in efforts to procure a settlement of the money due the Government the attorneys for the Wright-Martin Aircraft Corporation have disclaimed responsibility for the change of the contract from a fixed-price contract to a cost-plus basis, and have attempted to show that this was done at the instance of the Government. The facts are that the contractor took advantage of the Government's necessities and forced it into a cost-plus contract. In complete refutation of such contentions it was disclosed that these attorneys collected large fees which were paid by the Government, and among the items they collected money from the Government for, through the Wright-Martin Aircraft Corporation, was for services in getting the contract changed from a fixed-price contract to a cost-plus basis. The law firm of Chadbourne, Babbitt & Wallace collected $23 per hour, the records show, when on the company's business, and the following items are taken from accounts which were paid in the settlement of their charges by the Government. (Report of audit, pp. 46 and 47.)

July 25, Mr. Wallace in Washington on above matter. Mr. Chadbourne went to see Potter, of Aircraft Production, to get him to give up insistance that 150-180 HP contract must be flat price, and he succeeded. This negotiation was of vital importance to the company, and company officers had not been able to bring it about; 21 hours.

July 31, Mr. Wallace left for Washington 11 a. m. on United States contracts. Conference there with Colonel Downey, Lieutenant Schnacke, Messrs. Houston and Hoyt on 1867 D Pierce-Arrow subhead license and new cost-plus 2250-5; also with Mr. Hoyt on Levering & Carrigues testing building contract, and in evening on 1867 D and $7,000,000 war credits loan. The 2250-5 was changed from a flat price to cost-plus as a result of Mr. Chadbourne's negotiations with Potter; 21 hours.

How Mr. Wallace could leave New York for Washington at 11 a. m. and put in 21 hours of work that day, and how these attorneys can contend that the Government was responsible for changing these contracts from a fixed price to a cost-plus basis, are matters which they should be called upon to explain before the grievance committee of their bar association. It should be noted that Mr. Thomas L. Chadbourne, one of these attorneys, was and is a director of the Wright-Martin Aircraft Corporation. Disbarment proceedings against Mr. Chadbourne are now pending in New York in connection with matters where the Government and the Wright-Martin Aircraft Corporation were not his clients. These men, while the beneficiaries of Government fees, have stood by and permitted the Government to be defrauded, if not actually participating in the frauds, and it would be proper for the Bar Association of New York to consider the conduct of these men in this behalf, and it is recommended that the facts be given to the grievance committee now investigating Mr. Chadbourne's professional conduct. It is also proper to point out the great influence which men can obtain by being large contributors to political funds. Mr. Chadbourne being reputed to have been one of the largest contributors to the political party in power when these outrages were perpetrated on the Government. During the last campaign he was facetiously referred to, because of his activities in these particulars, as one of "Gold Dust Twins."

2. DAYTON WRIGHT CO.

The audit discloses that the Dayton Wright Co. has been overpaid $2,554,383.27. This company was one of those of which Col. Edward A. Deeds, formerly the head of the Bureau of Aircraft Production, was an incorporator. The acts and doings of Mr. Deeds were quite fully reviewed in the report of Judge Hughes, who reported him guilty of reprehensible conduct and recommended that he be court-martialed. Before taking charge of the Bureau of Aircraft Production Mr. Deeds had been convicted before a jury on an indictment including counts of bribery and corruption, after which the case was returned to the lower court for retrial and the matter dropped. The evils of corrupt politics and large political contributions and later some financial disaster of the Government present themselves so frequently in this investigation that they can not be ignored. There is testimony of record by various witnesses that prior to the time Mr. Deeds was placed in charge of aircraft production he and his associates had made political contributions in Ohio to the extent of $37,000, and that on the day after he received his commission a personal note of Governor Cox, of Ohio, for $5,000 was discounted, and that it was later paid by the Dayton Metal Products Co. (Hearings pursuant to S. Res. 357, 66th Cong., 2d sess., pp. 2709–2829.) I have not had an opportunity to critically investigate the audit of the Dayton Wright Co. for evidence of fraud, which feature, under all of the circumstances, deserves to be carefully considered. The audit and all papers in this case have been placed in the hands of a special attorney and are having his consideration.

3. AMERICAN ELECTRO PRODUCTS CO.

The American Electro Products Co. is a Canadian concern, and the contract provided for the erection of a plant at Shawinigan Falls, Canada, for the production of glacial acetic acid, the loan of $1,750,000 by the United States Government, the plant to remain the property of the contractor at all times. On December 22, 1920, the Hon. Newton D. Baker, Secretary of War, requested an opinion of the Attorney General as to the validity of the contract and stated, among other things:

"In the opinion of the Judge Advocate General the foregoing provisions as to obligations upon the part of the Government are so wasteful and extravagant and, in view of the location of the plant in a foreign country, so inimical to the interests of the Government as to be beyond the power of any agent of the Government to incorporate them in a binding contract. Herewith is transmitted a copy of such opinion, together with all pertinent papers."

On April 20, 1921, Hon. J. M. Wainwright, Assistant Secretary of War, communicated with the Attorney General, requesting that such litigation be instituted as deemed advisable to protect the Government's interests. Among other things, the communication stated:

"I consider the terms of the contract as unconscionable and that suit should be instituted to recover from the company the sum of $1,750,000 loaned by the Government, plus unpaid interest from February 28, 1918."

It will be seen that this case has been in the Department of Justice for about a year, but so far no action has been taken in the matter.

4. AMERICAN BOSCH MAGNETO CO.

This investigation began with an aircraft contract, but shortly disclosures were made involving the administration of the office of the Alien Property Custodian, who seized the property of the Bosch Magneto Co. on May 1, 1918. Subsequent to the armistice, on December 31, 1918, the stock of the Bosch Magneto Co. was sold by the Alien Property Custodian to Martin E. Kern for $4,150,000. On January 17, 1919, the assets and liabilities of the Bosch Magneto Co. were sold by Martin E. Kern to the American Bosch Magneto Co., a corporation organized on that date under the laws of the State of New York. The report of the auditor who has investigated this matter stated—

"That the business was a profitable one is revealed by the fact that from the small capital investment of $25,000 in 1906 its books showed on April 30, 1918, after deduction for dividends, taxes, and other similar charges, a combined capital and surplus of $8,492,457.61. Furthermore, for a period of seven years preceding April 30, 1918, its net income averaged approximately $110,000 per month.

* * * * * * *

"Exhibit A, Schedule 3, or balance sheet of the Bosch Magneto Co. as of December 31, 1918, prior to taking over the company by the American Bosch Magneto Corporation, is the last balance sheet of the company while under the régime of the Alien Property Custodian. It will be noted that the capital and surplus which on April 30, 1918, was $8,492,457.61, now appears as $5,856,091.93, a net decrease of $2,636,365.68. As this was during the period of the sale of the company to Martin E. Kern for $4,150,000, one would naturally infer that the assets were deliberately written down so as to cause the net worth of the company to appear approximately near the sales price. The details of this decrease are shown in Exhibit A, Schedule 5."

An examination of the report of William J. Barry, C. S. A., and schedules attached to his report will indicate manipulations and the juggling of the books of this concern. The investigation disclosed that Martin E. Kern was a former convict and had served terms of imprisonment on several charges, and that it now appears that he himself was a citizen of Germany. When the disclosures became public Kern immediately left the country. The proposition was underwritten by Hornblower & Weeks, and Exhibit B, which is the statement of loss, is hereto attached.

During the progress of the investigation it became known that important records in the case were about to be removed, and Hon. John W. Crim, Assistant Attorney General, promptly took the necessary steps to protect the Government's interests and to place the matter before a Federal grand jury. Efficient cooperation, with the prompt, able, and conscientious efforts of Mr. Crim in all matters which concern the Government's interests, is hoped for.

JAPANESE INTERESTS.

Standard Aircraft Corporation,
Standard Aero Co.
Mitsui & Co.

The Standard Aircraft Corporation and the Standard Aero Co. are enterprises of Mitsui & Co., Japanese bankers and the fiscal agents of the Japanese Government. During the period of the war the Standard companies were prominent members of the group of contractors which controlled American aviation. There has been much corroboration of the following testimony taken in the investigation of aircraft production by the Senate Committee on Military Affairs (pp. 353–346, 468).

"Senator FRELINGHUYSEN. What relation does the Mitsui Co. bear to the Japanese Government?

"Mr. WORKMAN. They are paymasters for the Japanese Government throughout the world, its financial agents, and they were also assisting the German secret-service work before the war, acting as paymasters for them."

Judge Hughes was correct in his statement to the President that these Japanese concerns received orders for almost every variety of airplane work, "a proceeding which had no justification from a production standpoint." The concerns were operated by Harry B. Mingle and Max J. Finkiestein. While it has been established that these companies were controlled by Mitsui & Co., who owned the majority of the stock, Mingle testified before the Senate committee that Mitsui & Co. loaned him $3,500,000 to carry on the undertakings and that "all they have is a memorandum that in case I should die or anything should happen they could handle it in any way they wished." It was testified that Mingle made weekly report to the Japanese owners, and we have documentary evidence to show that early in the war the Standard Aircraft Corporation shipped five motors from San Francisco to Japan. The impropriety of such a situation needs no comment. This investigation has established the fact that agents of the Japanese Government are constantly collecting information of the most intimate character as to the industries, resources, harbors, and other information of a vital character concerning this country, and that these agents work through Mitsui & Co. Full particulars as to our information in this respect will not be reported in this memorandum.

A report by the contract audit section of the War Department shows the following as a result of its audit of the contracts of the Standard Aircraft Corporation and the Standard Aero Co.:

Total payments by the Government	$16,461,680.15
Amounts unsupported by property records or other papers	9,948,028.42
In case supporting papers are produced there would remain the following amounts to be recovered from contractors for reasons stated in individual audits	6,586,774.61

The statement showing settlement as of September 30, 1919, and known as Exhibit A, shows the following:

AMORTIZATION AND DEPRECIATION.

Total amortization on buildings, machinery, and equipment per Exhibit F, $2,286,479.35.

The comparative balance sheet after Government adjustments as of September 30, 1919, shows the following:

Assets:	
Quick: Payments to Mitsui & Co.	$4,770,000.00
Other payments and reserves set up for Mitsui & Co.:	
Prepaid expenses—rents	370,499.92

The investigation has developed the fact that the Standard companies have never owned these buildings, and as the contractor has collected for both amortization and rent on the buildings, the fraud on the Government is apparent at a glance, and a searching investigation of all of the activities of these companies must be completed.

Subsequent to these statements Mingle is alleged to have paid to Mitsui & Co. other sums in excess of $2,000,000. Although largely indebted to the Government, the Standard Aero Co. is now in the hands of a trustee in bankruptcy and the Standard Aircraft Corporation is in the process of liquidation.

Mitsui & Co. are indirectly exercising powerful influence in this country which extends to Congress and departments of the Government, and they have on their pay rolls attorneys and politicians who are attempting to run roughshod over this country to whom they owe their first allegiance.

When an investigation of the Standard contracts began, the law firm of Cadwaledar, Wickersham & Taft notified the Chief of Finance of the Air Service that they had been retained by Mitsui & Co. (Ltd.) to represent their interests, and requested that certain accountants who had been in the employ of these interests be permitted "to work with the Government's representatives during the audit of the books of the Standard Aircraft Corporation." Their request was refused unless Mitsui & Co. would admit its liability in the premises.

In a few days after this letter was written, Abraham F. Myers, formerly an office boy in the Department of Justice, who had already received unusual advancement after becoming a law clerk in the department, was given general supervision of all of the war-fraud cases at a salary of $6,000 per year. Shortly thereafter this young man, who, it seems, was one of those who failed to do military service during the war, notified the Air Service that no further information was to be given to any person connected with the Department of Justice except through him. A few days later I established by conclusive evidence that the said Myers was placed in this key position through the influence of George W. Wickersham. Since that time the investigation of the Air Service has been blocked.

GLENN L. MARTIN CO.

In connection with another case, the Glenn L. Martin Co., it became necessary for me to procure an Air Service audit made at McCook Field, which was being suppressed. In this case I learned that the Glenn L. Martin Co. had made a profit of about $400,000 on a recent contract, involving approximately $1,150,000, and that the Glenn L. Martin Co. had been paid $89,000 for the same airship which another contractor was building for $18,800 each. It was also learned that the Glenn L. Martin Co. had kept its books in code, and that it was alleged to have defrauded the Government in the matter of its income taxes. Notwithstanding the arrangements which I have perfected and had operating with the War Department for cooperation when the Department of Justice announced that it had no funds, Mr. Myers sent for an officer of the Air Service and directed him that no further information should be given to persons connected with the Department of Justice except through him. On January 4, 1922, I received a memorandum from Mr. Myers informing me that the contract contained a clause that the cost records would be available for the information of the "contracting officer," and I was further informed by him that the "Martin Co. and Chief of Air Service both construe this provision to mean that as to all others, including other branches and officers of the Government, the records are to be treated as confidential." There has come into my possession an official copy of a letter written by Maj. Thurman H. Bane, the commanding officer at McCook Field, dated November 26, 1921, to Gen. M. Patrick, saying: "This just to let you know that the Department of Justice is actually operating."

OBSTRUCTIONS.

Aside from the aggressive and open obstructions by Mr. Myers, I have reported to you fully in my memorandum of February 24, 1922, the name of a high Government official who is deeply involved, and has been sufficiently powerful to seriously impede further investigation. Just at the time when we were closing in on these crooks and were in a position to close up the main features of the investigation, my only assistant, who was rendering a most valuable service in connection with the Bosch Magneto Co., Spruce Production contracts, Japanese activities, and other matters, was suspended and for which, notwithstanding persistent inquiry, no reasons have ever been given. In another case indirectly connected with the aircraft investigation, an agent of the Department of Justice a few days ago filed with his report a check which he alleged had been offered to him as a bribe. The next day this agent was discharged.

CONCLUSION.

On February 15, 1922, I handed to you a comprehensive report of the cases in which my investigation has resulted in tangible developments and with it a large amount of documentary evidence to support my findings. Numerous cases of great importance, not mentioned in the memorandum I am now writing, are discussed in that report at length. Among these cases was documentary evidence which showed that a part of the $100,000,000 fund, which was voted by Congress to relieve starvation in Europe, was employed to finance a counter revolution in Russia, and I exhibited to you the bill of lading showing army trucks and supplies which were delivered to the Northwest Russian Army. I also exhibited a cablegram signed by an official of the American Relief Administration, referring to the captain of the Shipping Board vessel who delivered these goods, and was decorated by the commander of the Northwest Russian Army for arriving in time for the offensive against Petrograd, stating "Retained in command General Wahl thinks unsafe for him to return London to give evidence." Two days later this same official sent through Government channels a second cablegram containing numerous charges against this captain which resulted in his dismissal, all of which charges were later officially pronounced by a Government investigation to be false. The report lays bare intrigues connected with the Air Service and running out into other branches of the Government, backed up by indisputable documentary evidence which would shock the Nation. Half of the time spent during this investigation has been in efforts to overcome obstructions and fighting to get a chance to fight. Unless the corruption which infests this Government is checked, it is a serious question as to how long it can survive. The Government is being overthrown, not by bolshevists, but by crooked politicians and trusted officials who know what is going on and have not the courage to fight or expose the conditions. So far as the Department of Justice is concerned, it no longer functions except in the capacity of first aid to crooks.

It would be wrong to officially file this communication without stating that you and Mr. Burns are not responsible. Your hands are tied the same as mine. I have never observed more faithful, efficient, and serious officials than Mr. Crim and Mr. Burns, but insidious interests are so firmly intrenched that honest efforts are circumscribed by seemingly impassable barriers. On February 24, 1922, I fully reported the situation to you, mentioning the names and evidence to connect high Government officials with these obstructions and I requested that you call that memorandum and my report of February 6, 1922, to the attention of the President.

It is no longer a question of fidelity to party. Both political parties are corrupt, and both are controlled by the same interests. The situation is one of serious concern. When the law ceases to function for any cause, just so far the Government is overthrown. After endeavoring for months to get the obstructions to my investigation removed, and without success, I have determined to submit this memorandum as my last effort within the department. Unless the recommendations in my former reports are acted upon and the situation is immediately cleared up I shall without further notice transmit a copy of this memorandum to Congress, lay it before the proper grand juries, the American Legion, and other patriotic organizations and furnish copies to the press. At the same time I intend to demand an investigation of the Department of Justice and shall volunteer my services to Congress for that purpose. The American Government shall function, and I pledge myself to observe my oath of office, and in doing so to go to the limit.

Respectfully,

H. L. SCAIFE.

BOSCH MAGNETO CO.,
January 17, 1919.

Statement of loss resulting from sale of American Bosch Magneto Corporation securities.

Corporate securities acquired from American Bosch Magneto Corporation as per books of American Bosch Magneto Corporation:		
Stock (59,997 shares)		$5,755,657.50
Notes		1,800,000.00
Total valuation per books of American Bosch Magneto Corporation		7,555,657.50
Disposition of stock:		
44,997 shares to Hornblower & Weeks, at $60	$2,699,820.00	
3,100 shares to G. A. MacDonald, at $5	15,500.00	
4,900 shares to M. E. Kern (stock dividend), at $92.60	453,740.00	
7,000 shares to Hornblower & Weeks, as commission	Donation.	
59,997 shares.		
Total income from stock		3,169,060.00
Notes sold to Hornblower & Weeks for		$1,664,700.00
Income from stocks and notes, accrued interest, on notes received from Hornblower & Weeks		13,833.33
Gross income received		4,847,593.33
Deduct charges incurred in liquidation:		
Hornblower & Weeks, expense	$10,657.34	
Hornblower & Weeks, expense	5,412.44	
J. E. Covington, expense	25,000.00	
Interest paid Kern	6,916.67	
American Bosch Magneto Corporation	61,186.66	
American Bosch Magneto Corporation	31,052.41	
Herrick Smith, Donald Farley	20,641.14	
Revenue stamps	920.00	
		161,186.66
Net income received		$4,686,406.67
Net loss		2,869,250.83

Mr. Chairman, so that the House may know the sort of a man and patriot he is, I wish to state that when war was declared Mr. Scaife, although past 46 years of age, volunteered for service with the Army. He was given a commission as captain in the Air Service, later was transferred to the Infantry at his request, and in that capacity served his country throughout the war. The following biographical sketch sheds some light upon this man's standing and ability:

[From Clinton (S. C.) Chronicle, November 22, 1917.]

MR. H. L. SCAIFE.

Mr. H. L. Scaife was born at Spartanburg, S. C., in 1872, and his people were among the Colonial settlers in Virginia and South Carolina. He is a descendant of "Gentleman" William Thomson, who was among the early settlers in Spartanburg County. He is a grandson of Maj. John Sharpe Rowland, a distinguished citizen of Georgia in ante bellum days. On his mother's side he is descended from the Lewis family, which furnished 22 soldiers to fight in the Battle of King's Mountain. The Lewis family is unique in its history in that seven of its members and connections have been Presidents of the United States. His grandfather, Col. Ferdinand Scaife, led the first troops which left Union County for the Civil War.

Mr. Scaife graduated from the South Carolina Military Academy in 1892, and was engaged in educational work for eight years, being superintendent of the city schools of Laurens, and later commandant of cadets in a military school in Kentucky. He was admitted to the bar in 1898. Mr. Scaife engages in the general practice of law only to a limited extent, being in charge of the legal work in this State for several concerns. He is the originator of a system of investigations for the prevention of litigation in connection with insurance frauds. He is attorney for several concerns having mining interests in Mexico, and has spent much time in that country. He organized and is now first vice president of a hospital for miners in the district in which he is interested.

He takes an active interest in scientific and economic subjects, and papers written by him have appeared from time to time in scientific journals and have been read before associations of which he is a member. He has organized several business enterprises which have been managed with success.

Mr. Scaife is a member of the American Bar Association, the South Carolina Bar Association, the American Society of International Law, the American Association for the Advancement of Science, and other societies.

In 1916 he was appointed by President Wilson as associate member of the Naval Consulting Board and a director of the Industrial Survey for South Carolina. At the present time he is acting on the Government fuel committee for Laurens County.

As soon as a state of war was declared to exist he tendered his services to the Government, and his name is now carried on the rolls of the War Department as having qualified for a commission with the rank of major.

He has given active support to all of the efforts which have been put forth for the good of the community.

SPRUCE FOR AIRCRAFT.

Mr. Chairman, on February 16, 1920, subcommittee No. 1 of the Select Committee on Expenditures in the War Department of this House submitted its report. (Rept. No. 637, 66th Cong., 2d sess.) That report, among other things, dealt with the expenditures in connection with spruce production in the Pacific Northwest. Accompanying the report were thousands of pages of testimony and a vast number of exhibits offered during a careful and exhaustive examination which supported the findings of the majority of the committee. This report and the evidence accompanying it disclosed a situation and a series of transactions which clearly called for prompt and drastic prosecution, both civil and criminal, of the many persons and interests involved. It disclosed an unparalleled condition of waste and inefficiency in connection with spruce production. It disclosed the connection of sinister influences and powerful individuals with operations in the Pacific Northwest, in which millions of dollars were expended upon enterprises which directly and primarily benefited private interests and which, from the viewpoint of the Government, wasted public funds and delayed for selfish, mercenary purposes the airplane program. The instances and transactions which fall easily within these criticisms are too numerous to be at this time specifically mentioned. I refer you to the report for an enumeration of the scandalous details.

So far as I am informed, not a single proceeding, either civil or criminal, has been instituted by the Department of Justice in connection with these frauds. I am further informed that the settlement of these various transactions has been left in the hands of the Spruce Corporation and the Air Service, which were directly concerned with their initiation and execution during the time when the frauds were perpetrated. Speaking with a gentleman the other day concerning these matters, I asked him what were the feelings of the people of the Pacific Northwest in regard to the failure of the present administration to follow up the investigations of the committee of this House and the repeated promises made by responsible party leaders during the last presidential campaign. His reply, in substance, was that the people were sadly disillusioned and that they were rapidly reaching the conviction that persons and interests powerful enough to loot the Government during the last administration were powerful enough to retain their loot under the present administration and that war grafters and their immunity from prosecution had bipartisan characteristics.

In this connection I refer to an editorial appearing in the New York Times of May 2, 1918, under the heading "A Federal grand jury for the airplane inquiry," and from which I quote the following paragraph:

> These conditions plainly point to an organized conspiracy—bold, powerful, numerous—made up of men able to formulate a great and definite plan and embracing within their number men sufficiently high placed and influential to have the ear and the confidence of the Secretary of War.

Are we to be now forced to the reluctant conclusion that the men referred to in this editorial are still sufficiently high placed and influential to have the ear and the confidence of and to influence the course of action of men now in authority whose duty it is to investigate and prosecute them?

BOSCH MAGNETO CO.

Another illustrative case, indeed typical of many, many others, is that of the Bosch Magneto Co. The successor to this company had a contract with the Aircraft Bureau, and in connection with that contract it appears that disclosures were made of an astounding character in relation to the seizure and subsequent sale of the capital stock of the Bosch Magneto Co. by the Alien Property Custodian. On December 31, 1919, nearly two months after the armistice, the capital stock of the Bosch Magneto Co. was sold by the Alien Property Custodian to one Martin E. Kern for $4,150,000. Mr. Kern was a close personal friend and client of Mr. Palmer, Alien Property Custodian at the time of the sale. It appears that Mr. Kern was not an American citizen, but was apparently of German birth and citizenship. It would also seem that he had served three years in prison in the State of New York for felonies committed by him, and I hold here in my hand copies of his photograph appearing in the Rogues Gallery in New York City. Apart from the fact, which seems to be admitted, that Mr. Kern was not an American citizen, his conviction of a felony would deprive him of his civil rights, and it does not appear that through pardon or other Executive clemency such rights have ever been restored. The trading with the enemy act, under the provisions of which the property was seized and subsequently sold, prohibits the sale of property to other than American citizens. A violation of the provisions of the act may be punished by a fine of $10,000 or imprisonment not exceeding two years, or both. The sale to Mr. Kern was in direct and palpable violation of the act. It was a violation in which both the official who made the sale and the persons concerned in receiving the

transfers were equally guilty. No prosecutions have yet occurred, and although newspaper publicity some time ago seems to have stirred the Department of Justice to some show of activity, nothing yet has come of it.

It has been charged in this case, and the known facts seem fully to warrant the charge, that the property was worth at least twice the figure at which it was sold. The facts would seem clearly to support the charge that a gross fraud was committed against the United States in connection with this sale. Shortly after the property was sold to Mr. Kern a corporation called the American Bosch Magneto Co. was organized, to which the properties were transferred. One of the chief actors in these transactions was the firm of Hornblower & Weeks, a banking and brokerage house of New York and Boston. It appears from information obtained from reliable sources and from figures taken from the books of the American Bosch Magneto Co. that the profits realized by the firm of Hornblower & Weeks from its connection with this transaction was probably $1,000,000 or more, and that the profits which Mr. Kern realized ran to many hundreds of thousands of dollars. Neither the Department of Justice nor any other department has as yet instituted any civil proceedings to set aside this sale.

Mr. Kern returned from Europe some time ago. He still is at liberty enjoying the profit and fruits of the manipulations. While he was in Europe it appears that he wrote some letters which were intercepted and finally passed into the hands of the public authorities. To show the audacity of the man and the influence which he thinks he and his associates can exert upon public officials, I will quote from these letters. Writing from the Hotel Maurice, Paris, under date of January 27, 1922, to one of his attorneys in a Pennsylvania town, he says, among other things: "Call Griffiths in. You can trust him. Of course, he wants to look out for himself. He always does. Surely there must be some way to make the Attorney General see reason." Again, writing from the same place to the same person, he says: "Murray seems to have lost his head entirely, as have I. * * * Why don't Murray and all interests take John W. Weeks to Daugherty and put a quietus on this thing?" The Murray he refers to was one of the men who was associated with him in a deal, and who was afterwards president of the American Bosch Magneto Co. The other gentlemen he refers to are, respectively, the Secretary of War and the Attorney General, and the thing upon which he wished a quietus put evidently was the agitation in the public press for criminal prosecution by the Department of Justice in connection with the matter and civil proceedings to set the sale aside.

AMERICAN ELECTRO PRODUCTS CO.

The American Electro Products Co. is another typical case. This concern was organized under the laws of Canada, and erected a plant in Canada for the production of war supplies, among other things, glacial acetic acid. It obtained contracts from the Government. It also obtained a loan of $1,750,000. I call special attention to the fact that as early as December 22, 1920, Mr. Baker, then Secretary of War, requested an opinion from the Attorney General as to the validity of the contract, and in the communication making such request he said:

> In the opinion of the Judge Advocate General the foregoing provisions as to obligations upon the part of the Government are so wasteful and extravagant and, in view of the location of the plant in a foreign country, so inimical to the interests of the Government as to be beyond the power of any agent of the Government to incorporate them in a binding contract. Herewith is transmitted a copy of such opinion together with all pertinent papers.

Official action was not taken under the last administration to effect the cancellation of this most extraordinary contract, or even to recover the amount which the United States had loaned. Shortly after the incoming of the present administration—that is to say, on April 20, 1921—Mr. Wainwright, Assistant Secretary of War, communicated the facts to the Attorney General and requested that appropriate action be taken, among other things stating:

> I consider the terms of the contract as unconscionable and that suit should be instituted to recover from the company the sum of $1,750,000, loaned by the Government, plus unpaid interest from February 28, 1918.

Nearly a year has passed since this matter was officially called to the attention of the present Attorney General with request for proceedings adequate to preserve and enforce the rights of this Government. I understand that no action has been brought. I do not know what the reason is. I do not know what influences, if any, have intervened between the Attorney General and the undoubted rights of the Government. I do know that in this case, as in scores and hundreds of others, nothing has been done, and the hope of recovery is disappearing with lapse of time.

JAPANESE INTERESTS.

I will call specific attention to another typical instance where it appears from official records that the Government was defrauded out of millions in connection with war contracts, where men high in political circles have intervened in behalf of the contractors against whom the charges have been made, and where as yet absolutely no civil or criminal proceedings have been instituted to redress the wrongs perpetrated on the Government. Some phases of the matter to which I now refer are so unusual and extraordinary as to command the serious attention of everyone interested in the welfare of our Government.

The Standard Aircraft Corporation and the Standard Aero Co. were both given large and various contracts for the Air Service during the war. It appears that both of these companies were active and influential members of the group of contractors which controlled the aviation situation during the war. Both of these companies were financed in their entirety by Mitsui & Co., Japanese bankers, and the fiscal agents in this country and elsewhere of the Japanese Government. These facts have been known and have been a matter of official record for several years. It was testified before the Senate Committee on Military Affairs in the investigation of aircraft production concerning Mitsui & Co. that—

> They are paymasters for the Japanese Government throughout the world, its financial agents, and they were also assisting the German secret service before the war, acting as paymasters for them.

The report of Judge Hughes, made as the result of his investigations of aircraft production in 1918, called attention to the fact that these concerns were financed by Japanese capital; that they had received orders for almost every variety of airplane work; and he stated that this was "a proceeding which had no justification from a production standpoint."

A report by the Contract Audit Section of the War Department which has been in the hands of the Department of Justice for a considerable time shows that payments were made by the War Department to these concerns in the aggregate amount of more than $16,000,000, and that of this amount $6,586,774.61 was made up of undoubted illegal overpayments, which should be recovered. The investigations made, and which have been reported to the Attorney General, show the fraudulent character of these overpayments and the methods employed to obtain them. For instance, the Government paid as a part of the cost of carrying forward the contracts the sum of $370,499.92 as rental for buildings occupied by the company. Obviously and admittedly the buildings were not owned by the companies. Later they claimed and were paid a large sum by way of depreciation or amortization on these same buildings which they did not own.

Some months ago when the investigation of these contracts by the contract audit section had reached a very interesting stage the well-known law firm of Cadwallader, Wickersham & Taft, a member of which firm is a former Republican Attorney General, appeared on the scene as attorney for Mitsui & Co. A few days later Mr. Abraham F. Meyers, formerly an office boy, later a law clerk in the Department of Justice, was given general supervision over war fraud cases, including the Standard Aircraft and Standard Aero cases, at a salary of $6,000 per year. Not long thereafter this man notified the Air Service that further information concerning aircraft cases so far as the Department of Justice was concerned was to be given only through him. I am informed on reliable authority that Mr. Wickersham recommended the appointment of Mr. Meyers to the place he now holds. Up to this time no criminal proceedings have been brought against any person connected with these transactions, and no civil proceedings have been brought to recover the fraudulent overpayments. In the meantime, so I am informed, both of these companies have disbursed and disposed of the moneys obtained from the Government, several million dollars having been paid directly to Mitsui & Co. I am also informed that one of these companies is now going into bankruptcy and the other through the process of liquidation. Thus, through lapse of time, inexcusable delay, and official nonaction the situation is being created where the hope for possibility of recovery will be gone.

In view of Mr. Wickersham's activities in connection with this case an editorial in the Washington Times of April 6, 1922, will be interesting. It is, in part, as follows:

WOLVES IN LAMB'S GARB.

> The British propaganda goes on unabated in this country. Recently in Maine there appeared two notorious British propagandists, speaking to American audiences. One of them is the notorious Rathom, of the Providence Journal, whose connection with the British secret service was exposed not long since. The other is George W. Wickersham, Attorney General of the United States under Taft because he was the partner of Taft's brother.

Wickersham has been a British propagandist in this country for some time. He has spent a great deal of his energy in behalf of the League of Nations, which the British wanted, and in behalf of the present four-power treaty, which the British desperately want.

He got up a big petition for the four-power treaty, which he sent to Washington. He spoke for it everywhere. But nowhere did he reveal to the people his British connections. Therefore, it is the duty of this paper to call attention to them.

He is the American attorney for the biggest steel company in Great Britain and the largest munitions maker. His sister is married to the head of one of these firms.

* * * * * * *

When will the standards of honor of American public men require them either to decline to express publicly an opinion concerning a public question in which they have a private personal interest; or, when expressing an opinion, to reveal their personal interest so that the public may make appropriate discount?

A man with Mr. Wickersham's connections would not be allowed to sit on a jury in any case in which the British were interested. Why should he consider it honorable, for the purpose of promoting a secret personal interest, to exploit the fact that he has been Attorney General of the United States?

It is these secret connections, these private, personal interests, which are the curse of American public life.

We do not know when a man to whom we have accorded highest honors in rendering us a good return by giving us the benefit of his experience and ability without personal interest or an evil return by giving us an opinion biased by a strong financial interest concealed from our view.

The time is coming when we shall outlaw public men who do such things and even make it criminal. It is not only morally atrocious, but it is a very great public danger.

CHEMICAL FOUNDATION CO.

Subsequent to February 26, 1919, the Alien Property Custodian transferred to the Chemical Foundation Co., a Delaware corporation, about forty-five hundred patents, patent applications, and so forth, principally relating to chemicals, dyes, medicines, and so forth. The consideration agreed to be paid by the company was $250,000, an amount no doubt much less than the aggregate Patent Office fees. The patents, and so forth, so transferred were easily worth upward of fifty times the consideration received. There is no doubt that single or isolated patents included in the number transferred were each worth many times the total amount of the consideration paid.

The first order authorizing the transfer of these properties bears date of February 26, 1919, and was executed by Franklin L. Polk, under some sort of authority conferred by the President. Mr. Polk signed the document in his individual and not in an official capacity, although he at the time was Acting Secretary of State. A supplemental order covering additional properties was signed by Mr. Polk April 5, 1919. Neither of these orders described the particular patents, patent applications, and so forth, that were to be transferred. They each contained the most extraordinary provision that the Alien Property Custodian was authorized to transfer to the Chemical Foundation Co. any and all patents, patent applications, trade-marks, and so forth, to be selected by the Chemical Foundation Co. and which might be germane to the general purposes of the corporation. It is understood that from the early part of March, 1919, and for a couple of years thereafter, the Chemical Foundation Co. has from time to time selected and designated patents and trade-marks which have been transferred. In other words, a private arrangement was made in the early part of 1919 by which, for the nominal consideration of $250,000, the Chemical Foundation Co. would receive a transfer of any and all patents which it might select from among those seized by the Alien Property Custodian.

The Chemical Foundation Co. was organized after the armistice. Official data shows that it was organized by arrangement and cooperation with the Alien Property Custodian, and for the announced purpose of taking over these patents, applications, and so forth. The most active person in connection with the organization of the company was Mr. Francis P. Garvan, who became its first president, and who has continued to be such since that time. A voting trust was established in respect to the capital stock, and the first voting trustees consisted of five persons—Otto Barnard, Cleveland H. Dodge, George L. Ingraham, Ralph H. Stone, and Benjamin Griswold, jr.

At the time the company was formed and the plan for the transfer of these properties to it was formulated, Mr. Palmer was Alien Property Custodian and Mr. Garvan was the chief investigator of the Alien Property Custodian and in charge of the New York office. The men who made up the voting trustees were, in 1919 and prior thereto, the advisory sales board in the organization of the Alien Property Custodian, having the duty and the assumed obligation of passing upon and advising the Alien Property Custodian with respect to proposed sales, the adequacy of consideration, terms, expediency of making sales, and all other factors bearing upon the propriety of any proposed sale.

Mr. Joseph H. Choate, jr., was the attorney who very largely looked after the incorporation of the Chemical Foundation Co. and subsequently the transfer to it of the various patents, patent applications, and so forth. At the time the Chemical Foundation Co. was organized he became its attorney and thereafter continued in that capacity. At the time the Chemical Foundation Co. was formed, and for some time prior thereto, and for a considerable time thereafter, he was connected with the office of the Alien Property Custodian, and to quote from the testimony of Mr. Choate before a committee of this House:

Mr. GARVAN. Just what were your duties with the custodian of the alien property?

Mr. CHOATE. In the Bureau of Investigation; I had charge of the investigation of the chemical business.

A few days prior to March 1, 1919, Mr. Palmer, then Alien Property Custodian, was nominated for the office of Attorney General. He was not confirmed until some days later. On March 4, 1919, Mr. Garvan became Acting Alien Property Custodian and assumed full charge of the office. Shortly thereafter he received a permanent appointment to the position. It will be remembered that February 26, 1919, is the date upon which the first order was made authorizing the transfer of any property to the Chemical Foundation Co., and that April 5 following was the date upon which the second order was made. Up to March 4, Mr. Garvan was the chief investigator for the Alien Property Custodian. On and after March 4 he was in fact the Alien Property Custodian. He was the president of the Chemical Foundation Co. from the date of its organization a couple of months before. Many of the patents, trade-marks, and so forth, were in fact transferred to the Chemical Foundation Co. after March 4, with the result that Mr. Garvan, as Alien Property Custodian, was bargaining with Mr. Garvan as president of the Chemical Foundation Co.

The Alien Property Custodian was, of course, by reason of the terms of the trading with the enemy act, trustee of the seized property. Mr. Garvan, Mr. Choate, and the members of the Advisory Sales Board were a part of the organization of the Alien Property Custodian. They had assumed obligations in respect to the properties which the custodian seized and administered. In a broad and equitable sense they occupied a fiduciary, a trust relation to such properties, and the obligations arising under such a relationship required a scrupulous observance of the principles of honor and square dealing.

Clearly it is a situation where persons occupying a position of public trust in relation to valuable properties employed the device of a corporation organized by themselves to sell to themselves for a grossly inadequate consideration these properties, which, at the time, they were under moral and legal obligation to administer as a public trust.

It seems too clear to admit of doubt that these acts constitute both a civil and a criminal fraud against the United States. In a legal sense the property held in trust by the Alien Property Custodian was and is the property of the United States, if it was in fact seized from enemy aliens falling within the provisions of the trading with the enemy act. The seizure of the property was authorized. By the provisions of the original act and the amendments thereto, the Alien Property Custodian, under regulations prescribed by the Executive, could exercise all the rights of ownership, including the power of sale.

The alien enemy has no rights in the property which he could judicially enforce. The final disposition of the property under the law was and is dependent upon congressional action. Obviously this complete dominion over the property is inconsistent with any legal title remaining in the alien enemy. The seized property was to be held in trust by the Alien Property Custodian of the United States subject to congressional action, hence it was a public trust. In a legal sense the fraud was perpetrated in connection with property held in trust by the Alien Property Custodian. It was without doubt a fraud upon the United States.

Section 37 of the Federal Penal Code provides that—

> If two or more persons conspire together to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000 or imprisoned not more than two years, or both.

The case of the Chemical Foundation Co. falls easily upon the provisions of this section, as construed by the Federal courts. That the various persons whom I have mentioned concerted and conspired together to transfer to the Chemical Foundation Co., a corporation of their own creation, a great number of patents, trade-marks, and so forth, for a very small fraction of their value must be admitted. That this constituted a fraud upon the United States is also perfectly clear, and the character of the offense is made the more inexcusable by the fact that the conspirators were occupying public positions and charged with a public trust in relation to such properties.

It will be observed that the statute which I have quoted makes criminal any conspiracy to defraud the United States in any manner or for any purpose. The word "fraud" is given the broadest and most comprehensive meaning. Federal courts have quite uniformly held that any willful, fraudulent, or corrupt conduct on the part of a public official that operates in any way to impair the administration of the affairs of the Government or of any department is within the meaning of the statute. The statute is not confined to pecuniary rights, although it includes them. If through any conspiracy any right of the United States is injured or impaired, the statute applies. (Haas *v.* Henkel, 216 U. S. 462; Stager *v.* U. S., 223 Fed., 510; 7 Fed. Stat. Ann. 345, second edition; id. 546; id. 554.) The Attorney General in 1919—then Mr. Palmer—ruled that it was unlawful for the Alien Property Custodian to sell property held by him in trust, except for a fair and reasonable consideration. This opinion was rendered in connection with negotiations by one of the departments of the Government to purchase a patent from the Alien Property Custodian. Apparently it was not lawful in 1919 for the custodian to sell one patent to another branch of the Government except for a fair and reasonable consideration, while it was deemed proper to sell 4,500 patents to himself and his associates for a very small fraction of their value. (31 Op. Atty. Gen. 463, 1919.)

The offense embraced within section 37 of the Penal Code, to which I have referred, is an infamous offense, and properly so, because it embraces frauds against the United States which are essentially subversive and contemptible, particularly when participated in by public officials. The penalty may exceed imprisonment for a year, therefore it authorized, in connection with other statutory provisions, confinement in a penitentiary. These characteristics make it an infamous crime. Whether or not a crime is an infamous one depends upon the penalty which may be inflicted and not what is in fact inflicted in a particular case. (Macklin *v.* U. S., 117 U. S. 348; U. S. *v.* Wells, 163 Fed. 313.)

It does not require the refinement of legal argument or the learning of a lawyer to perceive the essentially immoral, dishonest, and criminal character of the transactions by which the Chemical Foundation Co. became possessed of these patents, trade-marks, and other properties. A mere statement of the undisputed facts, without argument or embellishment, enables even the lay mind to see instantly the illegal character of the transaction.

The Government could and should cancel the transfer to the Chemical Foundation Co. The fact that persons occupying a trust relation to the property were also officers and agents of the corporation to which the property was transferred also creates a presumption of fraud and illegality. The inadequacy of consideration should make the presumption conclusive. That proceedings to cancel the transfers could be successfully maintained will not be honestly challenged by anyone who understands the facts.

It could hardly be expected that Mr. Palmer, who was Alien Property Custodian when the conspiracy was conceived, and who subsequently became Attorney General, would bring proceedings either civil or criminal based upon fraudulent transactions to which he was a party. It was confidently expected by all those who believe in the honest and decent administration of public affairs that with the coming into power of the present administration the present incumbent of the office of Attorney General would promptly bring proceedings to set aside this stupendous fraud and initiate steps looking to the criminal prosecution of the guilty participants. Twelve months and more have passed since the present incumbent took office, and, so far as can be learned, absolutely nothing has been done by his department in connection with this matter. It can not be said that this is due to ignorance of the facts or that the matter has not been repeatedly called to his attention. All of the essential facts were fully developed in hearings before committees of both Houses long before he took office. This specific transaction, among others, was the subject of discussion in the press and on the platform during the presidential campaign in 1920, and in addition was called directly to his attention, as follows:

WASHINGTON, D. C., *July 28, 1921.*

Hon. HARRY M. DAUGHERTY,
Attorney General, Department of Justice,
Washington, D. C.

MY DEAR GENERAL: Herewith please find House Resolution No. 148, also extract from testimony taken from hearings on H. R. 2706, Ways and Means Committee, June 18 to July 18, 1919, and on H. R. 8078, Senate Finance Committee, December 8, 1919, to January 12, 1920.

The resolution sets forth specifically that Francis P. Garvan, Joseph Choate, jr. (and Ramsey Hoquet), were employed by the United States Government as officials in the Bureau of Investigation, office of the Alien Property Custodian, in charge of alien patents. That several months after signing of the armistice and about February or March, 1919, they negotiated a sale by the Government and prepared necessary documents for a conveyance to themselves and their associates at private sale and at a nominal purchase price of 4,500 alien chemical patents. The pretended sale was made to the Chemical Foundation Co., a private company, of which they were organizers and principal officers, and was made without notice to the public, without any competition, and for a consideration of $250,000, although reputable men declare 2 of the 4,500 patents were worth $10,000,000, and the others, though of less value, would add to that total.

Reference is made to original public documents for additional evidence regarding the chemical company, of which company Mr. Garvan was president while serving as Alien Property Custodian. After the sale and as such public officer by public acts he confirmed the sale previously made to him and his associates when they were in charge of the Bureau of Investigation and while he and they were substantially in control of such property. Extracts of testimony herewith discloses the public position of the parties and activities when negotiating the sale on the part of the Government to themselves. Absence of substantial consideration will be furnished by reputable witnesses. A refusal of Alien Property Custodian Garvan to file any report of his administration as such officer while at the same time he was and now is president of the private Chemical Foundation Co. will give an understanding of methods pursued.

Attempted justification of the sale is offered by saying that the alien patents are held by this private company for the benefit of stockholders in dye companies who are privileged to use such patents on payment of royalties or licenses at prices fixed by the chemical company. * * * I have charged in the resolution that the pretended sale was fraudulent and simply amounted to a seizure of such alien patents by such public officers and holding of the property to their own private use. That conclusion is inevitable from the testimony.

A violation of a well-known principle of international law occurred when these alien patents belonging to private parties were seized long after the armistice was signed, not as a war measure nor for protection or aid of the Government but seized for use of a private company by public officers who secured the transfer and possession to themselves for private purposes as stated. The legal responsibility of the Government to the real owners of the patents presumably extends to a return of the patents, or, in any event, their equivalent value. Apart from the violation of principles of international law here involved occurs responsibility by the Government for alien property taken over by these public officials to themselves in a private capacity at a private sale practically without consideration.

The Chemical Co., I am informed, in order to foreclose the Government's right of recovery, recently sought through its officers to have inserted in the peace resolution a provision validating all sales by the Alien Property Custodian, which effort failed through the watchfulness of committee members. It is represented that the Chemical Foundation, through its stockholders, represents a majority of the chemical interests of the country, and by its absolute control of patents and royalties the public is without protection from its exactions. Its power rests with the patents fraudulently acquired, and if the sale is set aside the other question largely will be settled by action. Probability of securing an early expression from the House on the resolution seems doubtful because of proposed recess, and it was offered only to secure added support for your action in the matter.

Your public announcement that your department would vigorously prosecute fraudulent sales made during or since the war has been hailed by the country as a vindication of its judgment last November. As a member of the House investigating committee, I aided in securing evidence which I believe warrants prosecutions and recoveries by the Government in different cases disclosed, but in all the thousands of pages of testimony taken by the House committee I know of no case that presents such a flagrant violation of official duties by men who served on both sides of a contract. From their own undisputed testimony these men violated not alone ethics of public trust and confidence but acted in defiance of well-established principles of law, and also of international law, that directly affects the good name of our Government with all other nations of the world.

The great power and influence of the chemical monopoly will be thrown against any effort to compel restitution to the Government of many millions of dollars in property, for which the stockholders paid only 2 per cent value, and this same power which sought to force validation by Congress of this sale, and spent over $100,000 for lobbying in order to secure dye legislation, will attempt to reach administrative as well as legislative action.

The public complains over punishment of "little fellows," and those skeptical of motives often question prosecutions that may serve political ends, but the case presented by the resolution is bipartisan in character; it challenges the confidence of the people in the integrity of public officials; and it affects prominent ex-officials who set an example of public irresponsibility before their subordinates and before the country.

Any information I may have is at your command, and I trust you will do all in your power to vindicate the law and to right the wrong that in its attempts to validate and "cover up" has reached even to the doors of legislative halls. Such efforts to foreclose the Government's right to inquire and to prosecute are as vicious and "indefensible" in character as was the original fraudulent sale.

Very sincerely yours,

JAMES A. FREAR.

A resolution directing the Attorney General to proceed in the above case also appears in the RECORD of July 11, 1921, but no action was asked on such resolution, presumably, because the record laid before the Attorney General was sufficient to apprise him of the facts. The resolution so introduced and appearing in the RECORD is as follows:

> Whereas the official record of hearings before the Ways and Means Committee discloses that during the year 1919 a sale of 4,000 alien chemical and dye patents was made by the Alien Property Custodian to the Chemical Foundation Co.; that said sale was conceived and arranged by Francis P. Garvan, Joseph Choate, and Ramsey Hoquet, officials of the Bureau of Investigation of such custodian's office; that these officials were also, respectively, the president, attorney, and patent adviser of the Chemical Foundation Co. and at the said time were in charge of alien patents in the Government office; that at such time they prepared, or caused to be prepared, an order wherein they were permitted to buy said patents at such price as might be determined by the Alien Property Custodian, whose advisers they were, and they

thereupon fixed a price of $250,000 as a consideration to be paid by them for property which was easily worth over $10,000,000; that said parties concerned arranged by order that such sale should be made privately, without notice or competition; and that they thereupon sold to themselves as officers of such corporation the property at a price fixed by them as such Government officers; and

Whereas said sale was fraudulently made by such public officials at a price fixed by them of only 2 per cent of the actual value of such property: Therefore,

Resolved, That the Attorney General be, and he is hereby, requested to begin legal proceedings to set aside such sale made by the Alien Property Custodian to the Chemical Foundation Co. because of fraud, and that he be further requested to receive from said Chemical Foundation Co. all licenses, fees, and royalties, or other receipts over and above the amount of consideration actually paid by such company as the purchase price of said patents.

The following official record accompanied the letter to the Attorney General, according to the RECORD of July 11, 1921:

[From p. 88, dyestuffs hearings, Senate.]

Mr. CHOATE. I appear here as counsel for the Chemical Foundation, into which I shall go in a moment, and also I have been asked to represent the American Dyes Institute, which is an association of all the dye makers in the country, because they have practically the same point of view presented by the Chemical Foundation to-day, and are, therefore, properly represented by the same counsel. I came into this case, gentlemen, through my service in the office of the Alien Property Custodian.

* * *

I am a life-long Republican * * * (p. 106), and so although it was none of our business as members of the Alien Property Custodian's staff, but purely for what we conceived to be reasons of public spirit, all of us who had the knowledge thus derived there very early began to scratch our heads to see if we could not find some way of helping this industry here.

A sale to the Grasselli Co. of 1,100 patents and other property for $5,400,000 made them realize they would stand little danger in taking over 4,500 patents for $250,000.

Hearings before the Ways and Means Committee, dyestuffs, on H. R. 2706, July 14 to 20, 1919, Mr. Joseph Choate testifying (pp. 110–111):

Mr. CHOATE. The one thing the Alien Property Custodian had power to do without further help from Congress was to sell them (the German dye patents). * * * Now, it was obvious that the wisest thing for us to do was to sell to good American purchasers, and what could we do? * * * It was then that the fertile brain of Mr. Garvan, the present Alien Custodian, then in charge of the Bureau of Investigation, conceived the high idea of getting an industrial organization to act as a trustee corporation to buy the patents. I was present at every detail of every one of the consultations that resulted in that organization. * * * It took the form it did for this reason: In the first place we had to get an organization that could never fall into the control of any one body, any one company, any one man, or any group of men. For that purpose we made the stock nontransferable without the consent of the company. * * * For that purpose we provided that the whole stock must be placed in the hands of a voting trustee. * * *

Mr. OLDFIELD. Can anybody use these patents (p. 114)?

Mr. CHOATE. Not everybody, but every good American citizen can make application for a license and get it on equal terms, and they have to pay a royalty in each case.

Mr. OLDFIELD. You effect the license system, because all of these patents are controlled?

Mr. CHOATE. Oh, no; they are only controlled by the Chemical Foundation to a very minor extent.

Mr. Hoquet, who furnished the "soft stuff," as he calls it, must be called as a witness. Again quoting (p. 116):

Mr. CHOATE. As to that happened in this way: We were casting about to get a man to take hold of it, and so Mr. Hoquet, a very ardent Republican, and equally were discussing it as thoroughly as we could go to who could handle it. It was evident that whoever took that position (manager of the Chemical Foundation) would have to have a certain familiarity with the Germans in this country. There was no other man except Mr. Garvan who had a touch of his qualifications in that respect.

Mr. MOORE. How did he acquire that influence?

Mr. CHOATE. As head of the Bureau of Investigation of the Alien Custodian's office from the start. * * * I should say that Mr. Garvan is a dollar-a-year man, and has no need to ask for any other compensation, and is, therefore, serving with the Chemical Foundation without compensation.

Mr. GREEN. Just what were your duties with the custodian of the alien property?

Mr. CHOATE. In the bureau of investigation; I had charge of the investigation of the chemical business.

* * * * * * *

Mr. CHOATE. The Bayer Co. was sold for over $5,000,000. Of course, they had large properties.

Mr. GREEN. You know that the patents had large value?

Mr. CHOATE. I know that the patents had a value which no man could calculate, because no man could say which were valuable except in rare cases. I suppose of the 5,000 taken over a great many were absolutely worthless.

* * * * * * *

Mr. GREEN. Mr. Garvan occupied what position?

Mr. CHOATE. He was head of the bureau of investigation.

Mr. GREEN. And you at that time were working under him?

Mr. CHOATE. I was.

Mr. GREEN. These companies, by virtue of their operation, whether in connection with these patents or not, and although while holding these patents, have made immense profits in this country?

Mr. CHOATE. Large profits, I should say.

Mr. GREEN. And profits that both you and Mr. Garvan were aware of?

Mr. CHOATE. Yes.

Mr. GREEN (p. 118). And learned it in the course of your operations for the Government?

Mr. CHOATE. Certainly. You understand the business was not large. The total amount of imports before the war was under $12,000,000. * * *

Mr. GREEN (p. 118). Now, after these discoveries had been made by virtue of the connection with the Government (value of the German patents) this corporation called the Chemical Foundation was instituted and it was concluded to place as its president Mr. Garvan, a very capable gentleman, and to retain an exceedingly capable lawyer as the corporation counsel, in the person of yourself. * * * Now, this company, having bought these patents, you say would have a considerable power over the imports as the result of its control of the patents?

Mr. CHOATE. It would have the power to control to a certain extent the operations under the patents. It can, if it can induce people to take out revocable licenses, revoke the licenses if the licensee behaves badly. Whether people will take licenses out in that form remains to be seen.

* * * * * * *

Mr. GREEN (p. 120). If, then, he who is a manufacturer in a small way comes before the Chemical Foundation and it appears to the foundation that he has so far not manufactured dyes to their satisfaction, and because he could not manufacture them under these patents without having a license, or for any other reason that appeared to them to be sufficient, he could be excluded?

Mr. CHOATE. He would be excluded if the Chemical Foundation did not believe he was in a position to make dyes that would be a credit to the American industries.

Mr. GREEN. This is a matter entirely in their discretion and judgment?

Mr. CHOATE. Precisely, as it is in the discretion of any other owner of patents.

* * * * * * *

PUBLIC AND PRIVATE SALES.

Mr. KITCHIN (p. 121). Now, in the sale of these patents by the Alien Property Custodian, I believe you said that one chemical company purchased how many?

Mr. CHOATE. Twelve hundred before the organization of the foundation.

Mr. KITCHIN. At public sale?

Mr. CHOATE. Yes, sir; at public sale.

Mr. KITCHIN. Were there any other bidders for them except this chemical company?

Mr. CHOATE. A great many of them, I think.

Mr. KITCHIN. How much did this company bid?

Mr. CHOATE. When the property was sold en bloc the whole property of the Bayer Co. was sold for $5,500,000. I forget the exact figures.

Mr. KITCHIN. That property included also the stock?

Mr. CHOATE. Yes, sir; that carried the company and its patents.

Mr. KITCHIN. Now, has that company turned over to your company these 1,200 patents?

Mr. CHOATE. No, sir; we hope they will. (Neither has the Dupont Co. or others controlling patents.) They are among the underwriters and good American people, and I think they will try to do the best they can to strengthen the foundation.

Mr. KITCHIN (p. 122). Now, your company (Chemical Foundation), after the purchase by this chemical company of these 1,200 patents, was organized, and then the other patents were put on sale at public auction?

Mr. CHOATE. They were not sold by public sale by the custodian, because it would have been impossible to do that for a variety of reasons. All the possible available bidders who could have bid in good faith for these patents as real manufacturers were already in the enterprise, because they were members of the American Dyes Institute. The only other kind of bidder there could have been would be a hold-up artist who would buy the patents either for the benefit of his own pocket or who would buy them to hold them up from use. It required an Executive order from the President to effect that transfer.

Mr. KITCHIN. I simply desire to get the facts on the record. Now, were these patents offered separately or were they en bloc?

Mr. CHOATE. They were sold in one transaction to the Chemical Foundation.

Mr. KITCHIN. What was the actual amount of cash that was paid for them?

Mr. CHOATE. Two hundred and fifty thousand dollars.

Mr. KITCHIN. Now, did your patents cover any other part of the chemical products except dyestuffs?

Mr. CHOATE. Yes, sir; all chemical products we could lay our hands on, but it is only in the dyestuffs that the patents are of great importance—dye and pharmaceutical goods—because it is only there that the patent is especially important. They cover salvarsan and other products and all the rest that we could get our hands on. * * *

Mr. Francis P. Garvan testified as follows:

Mr. MOORE (p. 352). I want again to call your attention to a matter that may be referred to later on, which I did not personally care to stir up too much, and that is the compatibility of the Alien Property Custodian serving also as the president of the Chemical Foundation (Inc.), which intends to enter actively into the business and the control of business, and which seeks legislation for that purpose. Is it not, in your judgment, incompatible for one man to hold those two offices, one being administrative and the other being an office where the administrator can assist the president of the corporation?

Mr. GARVAN. Can you point out any point where they conflict?

Mr. MOORE. Is it not possible that questions affecting the integrity of the Chemical Foundation might come before the Alien Property Custodian for administration?

Mr. GARVAN. Can your imagination suggest such a position?

Mr. MOORE. Yes.

Mr. GARVAN. I would like to hear it. If there is anything incumbent in my two positions, I certainly will resign one or both. * * *

Mr. MOORE. Is it not possible that the Attorney General of the United States might call upon his very efficient Assistant Attorney General whom he is now about to appoint, in the person of the present Alien Property Custodian (Mr. Garvan), to investigate the business of the Chemical Foundation (Inc.), of which the Assistant Attorney General (Mr. Garvan), now Alien Property Custodian (Mr. Garvan), is president?

Mr. GARVAN. No; it is not.

Mr. MOORE. You think that is impossible?

Mr. GARVAN. Absolutely impossible.

Advisory committee of Alien Property Custodian are now Foundation trustees. The same committee passed on sale from Government for the private company that bought. (Dyestuffs hearings, Committee on Finance, United States Senate, H. R.

8078, December 13, 1919. Mr. Garvan had not resigned after six months.)

Mr. Francis P. Garvan, Alien Property Custodian, a witness before the Senate committee (p. 520):

So I conceived the idea of forming the Chemical Foundation and putting all of these patents into a quasi public corporation, which would develop them and give them to chemical companies throughout the country. The way salvarsan had worked out encouraged us. * * * So then we had this board of trustees, composed of Mr. Otto Bennard, president of the New York Trust Co., Mr. Cleveland H. Dodge, * * * Judge George L. Ingraham, * * * Ralph H. Stone, president of the Detroit Trust Co., * * * Benjamin Griswold, jr. * * * These gentlemen had consented to act as the advisory committee for the Alien Property Custodian on questions of the sale of German property. * * *

Senator CALDER. How many patents did they take over?

Mr. GARVAN. Four thousand.

Senator CALDER. The Alien Property Custodian sold them these patents?

Mr. GARVAN. It was by private sale by the President.

Senator CALDER. For how much money?

Mr. GARVAN. Two hundred and fifty thousand dollars.

Mr. GARVAN (p. 522). I am very anxious to make this statement as fully as possible, because I do not want to have any rumors or anything to interfere with this case. I am pleased and delighted to answer questions to the fullest.

Senator CALDER. I am very anxious to have information, because the situation would indicate there is a great possibility of tremendous profits for some people.

VALUE OF FOUNDATION PATENTS.

Relating to the value of the 4,000 German patents bought by the Chemical Foundation, the following testimony on page 255 is in point.

Mr. MOORE. Would you care to deny the statement, since Mr. LONGWORTH has raised the question, that one of these 4,000 patents (salvarsan) is worth $50,000 a year royalty?

Mr. GARVAN. I would be grateful to have you tell me the name of it.

Mr. MOORE. A one million dollar patent, and you bought 4,000 of them for $250,000.

Testimony can be had that two patents included in the sale were worth several million dollars.

Relating to the exclusive power possessed by this Chemical Foundation monopoly over the 4,000 patents under its control the following testimony is relevant:

Mr. GREEN (p. 260). Reading from the charter of the Chemical Foundation "The board of directors may refuse to issue any license or may revoke any license granted by the corporation and may prescribe the terms and conditions of such license." * * *

Mr. GARVAN. Do you claim that we could use arbitrary power to refuse licenses?

Mr. GREEN. I have not the slightest doubt of it. In the first place, it says the board may issue; second, it shall prescribe the terms; and, third, it may revoke it at any time it wants to * * *.

Again referring to the dual relationship of Mr. Garvan in a public and private capacity:

Mr. GREEN. A considerable portion of the persons connected with the Chemical Foundation are connected also either directly or indirectly with the Alien Property Custodian's office.

Mr. GARVAN. Yes, sir.

Mr. GREEN. And you consider it entirely ethical that having obtained information through their connection with the Alien Property Custodian that they shall then sell to an institution controlled by themselves?

Mr. GARVAN. It was by virtue of our connection with the Alien Property Custodian office that we saw it as our public duty not to let this thing revert to where it was.

Mr. Garvan complains that he was not in fact Alien Property Custodian when the sale was made to his company. Technically this is true in name, but as officer apparently in charge of this property he arranged all the details for the sale, aided by Mr. Choate, to a company of which he was president and by his subsequent promotion to position of Alien Property Custodian he confirmed by acquiescence that same sale.

The following letter also appears in the same RECORD and has a bearing on the case:

A SELF-EXPLANATORY LETTER.

WASHINGTON, D. C., *June 4, 1921.*

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with your request I am pleased to have the opportunity of furnishing you with the following facts precedent to the investigation as called for in your recent resolution introduced in the United States Senate:

Mr. Francis P. Garvan, former Alien Property Custodian, is president of the Chemical Foundation (Inc.); Col. Douglas I. McKay, late colonel, General Staff, vice president of J. G. White & Co., is vice president; Mr. George J. Corbett, assistant secretary of Central Trust Co., is secretary and treasurer. Mr. Corbett was a director in a number of the alien-enemy concerns taken over by Mr. Garvan as Alien Property Custodian during the recent war. Mr. Joseph H. Choate, jr., who was an examiner of chemical and dyestuff concerns in the Alien Property Custodian's office during the recent war, is counsel for the Chemical Foundation (Inc.). Mr. Ramsey Hooquet, who acted as attorney for various alien-enemy concerns taken over by the custodian's office during the war, is patent counsel for the foundation.

The following gentlemen who comprised the sales committee which passed upon all the sales of the alien-enemy concerns made by the Alien Property Custodian's office during the war are the trustees of the Chemical Foundation (Inc.):

George L. Ingraham, New York; Otto T. Bannard, president New York Trust Co.; Cleveland H. Dodge, New York; B. Howell Griswold, jr., of Brown Bros., bankers, Philadelphia; Ralph Stone, president Detroit Trust Co.

Mr. Joseph H. Choate, jr., is counsel for the American Dyes Institute. Judge Covington, who was attorney for a number of alien-enemy concerns seized by the Alien Property Custodian's office during the recent war, is also counsel for the American Dyes Institute. Mr. Choate engineered the naming of the advisory committee of the War Trade Board from the Dyes Institute. This same committee is the advisory committee of the Textile Alliance. Employees of the Du Ponts were shifted to the Textile Alliance and represented them in Europe and then went back with the Du Ponts. Dr. Thomas H. Norton, who was formerly with the Department of Commerce, also became connected with the Du Ponts. Mr. R. R. Price, who had charge of most of the color end of the Textile Alliance, is now with the A. C. D. C. So you can see how the combination has been interchanged, and everywhere that you turn there is a Du Pont representative. Some of the members of the executive committee of the American Dyes Institute are as follows:

Mr. Morris E. Poucher, chairman, E. I. Du Pont de Nemours Co.; Mr. E. R. Baldwin, the Allied Chemical and Dyes Corporation; Dr. Samuel Isermann, Van Dyke & Co.; Dr. J. Merritt Matthews, Grasselli Chemical Co.; Mr. Jeffcott, Calco Chemical & Color Co.; Mr. Klotz, Newport Chemical Co.

Thanking you for this opportunity, I remain,

Very truly yours,

The following letter written to Hon. Boies Penrose, chairman of the Senate Committee on Finance, by the Hon. JAMES A. FREAR is taken from the CONGRESSIONAL RECORD of August 12, 1921, and possibly explains the influence which has operated to prevent appropriate action by the Department of Justice against the Chemical Foundation Co.:

WASHINGTON, D. C., *August 6, 1921.*

Senator BOIES PENROSE,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

MY DEAR SENATOR: To-day's press states that dye interests now seeking to secure a three-year dye embargo from your committee have persuaded Secretary of War Weeks and Secretary of Navy Denby to write your committee urging continuance of the war dye embargo for an indefinite period, in order that this country may be provided with chemicals in case of war. If correctly reported, this preposterous claim is only another evidence of the enormous power of the dye monopoly headed by the Chemical Foundation Co., which has already sought to exercise its influence on three Cabinet members, including Attorney General Daugherty, who thus far has failed to acknowledge or act on my letter to him of July 18, copy of which is hereto attached. No invisible government has ever shown more brazen effrontery than this dye monopoly, which was driven to cover in the House on July 21 by a vote of 209 to 193, including in the majority vote 96 Republicans and 113 Democrats. I am sure a much larger majority would have been recorded had the vote been needed, and I do not believe any dye embargo proposal can pass the House, whatever action may be taken elsewhere.

We may well be concerned over the power of these dye interests that reach to three Cabinet officers in their effort to perpetuate their present exclusive power in this country. Not one line of evidence in all the hearings, I am informed, suggests that this Government depended upon or received aid from any dye establishment in the country during the recent war, and the argument that we should preserve this half billion domestic dye monopoly, with its excessive prices and enormous power, because of approaching war and through need of private protection, is both preposterous and ridiculous. Secretaries Weeks and Denby are reported by the press to have written your committee simultaneously that the dye embargo should be continued for that reason. If so, they certainly had little information on which to base such statements, and caution is thrown to the winds when dye interests bring these two letters to your committee on the same day to influence committee action. I have no fear of their influence, either on your committee or on the body you represent, but I do express concern over any power that can secure such letters from such high sources, and more important that apparently has endeavored to smother efforts made to have the Government bring legal proceedings in order to set aside the Chemical Foundation Co. sale. Failure for practically three weeks to receive any reply from the Attorney General is an unusual oversight by the department that represents the Congress as well as the administration, and it is impossible to believe failure to acknowledge receipt of an official courteous letter was due to an oversight.

In my letter to Attorney General Daugherty, as you will note from the attached copy, I have stated that Francis P. Garvan and Joseph Choate, jr., while employed by the Government in the Alien Property Custodian's office in positions of control, conceived the idea of seizing alien patents then on file in the Patent Office and taking them over to themselves and their associates in a private capacity under the name of the Chemical Foundation Co., a Delaware corporation. They did this several months after the armistice was signed and seized some 4,500 patents, worth $10,000,000 or more, taken over at "private sale" for $250,000, or about 2 per cent of the actual value of such patents.

A copy of the testimony taken at congressional hearings attached hereto contains undisputed admissions of this fact by the parties who negotiated the sale to themselves. Thereafter I am informed and evidence will be produced, if need be, that they sought to validate this fraudulent sale by having a general provision in the Versailles treaty and after rejection of the treaty by the Senate, these same interests, acting through a prominent official of the present administration, who was advertised as vice president of the Chemical Foundation Co., again sought to secure validation of such contracts by insertion in the peace resolution recently passed by Congress. This effort was defeated by members of the Foreign Affairs Committee, as set forth in letter to Mr. Daugherty, hereto attached.

I do not speak of the international aspect of seizing such patents long after the war was closed, because that is a matter which carries its own argument, but the astounding proposition of covering up this alleged sale made by these public officials to themselves while apparently representing the Government is now further emphasized by threats from the Chemical Foundation Co. to sue the Government for a large amount of money, reputed to reach a half million dollars or more, in an effort to secure license payments made to the Government before the alleged sale.

The character of this dye embargo effort that put through the House last session a bill drawn by Mr. Choate, according to information in my possession, and paid $100,000 in lobby fees suggests what power lies behind these interests which obtains indorsements from high administrative officers, and apparently prevents action upon the facts stated.

The dye embargo can not be put through Congress, in my judgment, but these interests should be called to account and the fraudulent contract set aside in order to protect the Government's interests, and I ask your cooperation in trying to secure prosecution on such charges as are contained in my letter to Mr. Daugherty.

I am sending copies of this letter to the President and to others who would seem to speak with authority on matters herein set forth.

Very sincerely,

JAMES A. FREAR.

Congress and the country are entitled to know the facts and have prosecutions brought by the Government wherever overcharges or fraud have been perpetrated. During the war it became impossible to protect the public interest by proper accounting methods, and among thousands of contracts for war purposes, aggregating many billions of dollars, over seven hundred contracts were for aviation alone of $100,000 and upwards in every case. Four aircraft contracts have been disclosed containing many millions of dollars in fraudulent overcharges based on the facts here presented. It is not unfair to assume that if these prosecutions were brought and recoveries made, that many times the amount of overcharges contained in the four contracts set forth would be found in the 700 contracts of $100,000 and over which are given by the congressional aviation investigation in detail as follows:

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States.

[Starred items in the column headed "amount expended" include final payment.]

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
3444	Goodyear Tire & Rubber Co.	Akron, Ohio	Apr. 3, 1918	(1)	$3,729,028.00	Balloons	A. C. Downey, major, S. R. C.	This includes the fifteenth item listed on page A-2.
3444-1	Supplemental to 3444		May 10, 1918	$35,095.00		Installation, special facilities.	do	
3444-A	do		Mar. 4, 1919	236,375.75	*228,375.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
3114	United States Tent & Awning Co.	Chicago, Ill.	Dec. 20, 1917	[2] 253,720.00	*287,844.00	Hangars	A. C. Downey, major, S. C.	Increased $4,624.
3113	Beem Omaha Tent & Awning Co.	Omaha, Nebr.	Dec. 19, 1917	[2] 212,968.00	*217,380.00	do	do	Increased $4,412.00.
2418	Baker & Lockwood Manufacturing Co.	Kansas City, Mo.	Dec. 15, 1917	122,300.00	*125,300.00	do	do	
2410	F. J. Burch Manufacturing Co.	Pueblo, Colo.	Dec. 10, 1917	285,720.00	*291,012.00	do	do	Increased $7,292.00.
2286	Baker Castor Oil Co.	New York City	Dec. 17, 1917	282,800.00	131,053.00	Castor oil	do	Decreased $160,234.00.
2129	Ford Motor Co.	Detroit, Mich.	Nov. 22, 1917	(1)	11,782,248.00	Engines	do	
2129-1	Supplemental to 2129		Nov. 24, 1917			Amendment language, etc.	do	
2129-2	do		May 17, 1918			Profit reduced from $913.06 to $625, amendment of estimated cost.	do	
2129-A	do		Apr. 30, 1919	1,985,319.19	*1,985,319.60	Settlement	F. D. Schnacke, captain, A. S., A. P.	Increased $727,303.41.
1736	Willys Overland Co.	Toledo, Ohio	Sept. 19, 1917	9,350,000.00	10,400,013.00	Motors	A. C. Downey, captain, S. C.	
1730-1	Supplemental to 1730		Dec. 14, 1917	2,000,000.00		Advanced payment	A. C. Downey, major, S. C.	
1730-2	do					Not executed	do	
1730-3	do		May 1, 1918			Redelivery	do	
1730-4	do		July 24, 1918			do	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
1381	F. Wesel Manufacturing Co.	Brooklyn, N.Y.	Oct. 9, 1917	340,000.00	*440,303.00	Scarfring mounts	A. C. Downey, captain, S. C.	Increased $107.03.
1636	General Motor Truck Co.	Pontiac, Mich.	Aug. 31, 1917	3,040,720.00	*2,104,541.00	Trucks	do	Increased $63,821.00.
1364	Lamb, Finlay Co.	New York City	Aug. 17, 1917	(1)	*781,208.00	Fabric	do	
1364-1	Supplemental to 1364		Sept. 10, 1917			Include provision as handling 43-foot fabric.	do	
1364-2	do		Oct. 20, 1917			Same as above, 36-inch.	A. C. Downey, major, S. C. U. S. R.	
1364-3	do		Apr. 12, 1918			Increasing price of finishing fabric.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
1364-4	do		May 8, 1918			Same as above for 43-foot.	do	
1364-5	do		May 13, 1918			Providing for prices and new grades of linen.	do	
1364-6	do		May 18, 1918			do	do	
1364-7	do		May 25, 1918			do	do	
1364-8	do		June 4, 1918			do	do	
Do3533	Saxon Manufacturing Co.	Toledo, Ohio	Apr. 17, 1918	276,479.00	188,502.60	Metal parts	do	
2362-A	Supplemental to Do-3532.		Apr. 26, 1919	12,304.57		Settlement	S. M. Wiley, captain A. S., A. P.	Paid since June 1, 1919.
2621	Mark Cowen & Co.	New York City	Feb. 13, 1918	102,414.00	*102,433.00	Flying suits	O. R. Ewing, first lieutenant, S. R. C.	Increased $19.30.
2620	Fuller & Sullivan Co.	Boston, Mass.	Jan. 21, 1918	119,185.00	*121,352.00	Moleskin coats and trousers.	do	Increased $2,167.
9207	J. T. Wilson (Inc.)	Richmond, Va.	Aug. 1, 1917	[2] 819,000.00	1,009,195.00	Construction supply depot near Richmond.	C. G. Edgar, captain, S. C.	Increased $190,200.15.
8451	J. G. White Engineering Corporation.	New York City	June 28, 1917	(1)	4,995,892.00	Construction Aero Experiment Station, Langley Field.	do	
7364	Walbridge Aldinger Co.	Detroit, Mich.	May 27, 1917	(1)	*2,052,477.00	Construction, Selfridge Field.	do	
7363	Dayton Lumber & Manufacturing Co.	Dayton, Ohio	do	(1)	*2,989,546.00	Construction, training camp, Dayton.	do	
50000	Mason & Hanger Co.	Richmond, Va.	Sept. 14, 1917	(1)	2,244,648.00	Construction, near Lake Charles.	C. G. Edgar, lieutenant colonel, S. C.	
50218	J. G. White Engineering Co.	New York City	Dec. 3, 1917	(1)	1,245,227.00	Construction, Carlstrom Field.	do	
50360	Selden Brick Construction Co.	St. Louis, Mo.	Apr. 8, 1918	(1)	194,365.00	Construction, balloon school, Fort Sill.	C. G. Edgar, colonel, S. C.	Increased $75,000.
50263	Hardaway Construction Co.	Americus, Ga.	Feb. 7, 1918	(1)	*1,187,921.00	Construction, Souther Field.	do	
2626	E. L. Long	Alvin, Tex.	Feb. 9, 1918	[2] 175,000.00	26,444.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, S. R. C.	Decreased $148,535.14.
2620	Herman B. Walker	Miami, Fla.	Jan. 19, 1918	[2] 437,500.00	*8,449.00	do	do	Decreased $431,050.34.
2620-1	Supplemental to 2620		July 30, 1918				do	Reacceptance unshelled beans.
2620-2	do		Aug. 13, 1918				F. D. Schnacke, captain, A. S., A. P.	Extending date delivery.

[1] Cost plus. [2] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
2628	V. W. Helm	Miami, Fla.	Jan. 19, 1918	[1] $437,500.00	$7,922.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $175,800.
2628-1	Supplemental to 2628		July 20, 1918			Reaccepting beans unshelled.	O. R. Ewing, captain, A. S., A. P.	
2628-2	do		Aug. 13, 1918			Extending date delivery.	F. D. Schnacke, captain, A. S., A. P.	
2613	G. G. Ware	Leesburg, Fla.	Feb. 6, 1918	[1] 248,750.00	24,720.00	Castor beans	O. R. Ewing, first lieutenant, S. R. C.	Decreased $97,806.
2613-1	Supplemental to 2613		Aug. 12, 1918			Reaccepting beans unshelled.	F. D. Schnacke, captain, A. S., A. P.	
2559	D. C. Gillett	Miami, Fla.	Jan. 8, 1918	[1] 875,000.00	76,712.00	Castor beans	A. C. Downey, major, S. C.	Decreased $130,000.
2559-1	Supplemental to 2559		Aug. 13, 1918			Extending date delivery.	F. D. Schnacke, captain, A. S., A. P.	
2559-2	do		Aug. 22, 1918			Reaccepting beans unshelled.	O. R. Ewing, captain, A. S., A. P.	
2411	Baker & Lockwood Manufacturing Co.	Kansas City, Mo.	Dec. 19, 1917	141,790.00	*144,958.00	Hangars	A. C. Downey, major, S. C.	Increased $3,168.
2412	Carnie-Goudie Manufacturing Co.	do	do	708,800.00	*702,108.00	do	do	Decreased $4,691.18.
4651	Buteville Lumber & Veneer Co.	Lawrenceburg, Ind.	Sept. 12, 1918	15,500.00	*14,547.00	Walnut lumber	F. D. Schnacke, captain, A. S., A. P.	Decreased $902.46.
4651-1	Supplemental to 4651		Nov. 4, 1918			Regarding storage and insurance.	do	
10165	Frank Hill Smith	Dayton, Ohio	Aug. 22, 1917	(2)	915,800.00	Construction, A. G. S. D., Fairfield.	C. G. Edgar, captain, S. C.	
4713	Positype Co.	Cleveland, Ohio	Sept. 19, 1918	105,000.00	*105,126.00	Paper, bromotype	O. R. Ewing, captain, A. S., A. P.	Increased $126.
2145	L. P. Liles	Washington, D.C.	Dec. 22, 1917	[1] 175,000.00	*5,276.00	Planting castor beans	A. C. Downey, major, S. C.	Decreased $169,723.75
1996	L. W. F. Engineering Co.	College Point, L. I.	Oct. 19, 1917	226,800.00	*226,800.00	Airplanes	A. C. Downey, captain, S. C.	
50366	F. A. Jones Construction Co.	Dallas, Tex.	Mar. 8, 1918	(2)	111,703.00	Oil-retaining plant, Waco, Tex.	C. G. Edgar, colonel, S. C.	
1933	H. W. Johns-Manville Co.	New York City	Oct. 17, 1917	280,000.00	195,624.00	Tachometers	A. C. Downey, captain, S. C.	Terminating contract since June 1, 1919; increased $10.62.
50354	G. J. Grant Construction Co.	St. Paul, Minn.	Feb. 10, 1918	(2)	63,472.00	Improvements at Willys-Overland plant.	C. G. Edgar, colonel, S. C.	
3312	Dr. Horace Carlin Hall	Laredo, Tex.	Apr. 8, 1918	247,600.00		Castor beans	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
3920	Fort Pitt Bridge Works	Pittsburgh, Pa.	May 23, 1918	240,800.00	394,678.00	Structural steel	F. D. Schnacke, first lieutenant, A. S., A. P.	
50233	Selden Brick Construction Co.	St. Louis, Mo.	Jan. 12, 1918	196,000.00		Construction at Fort Sill, Okla.	C. G. Edgar, colonel, S. C.	Do.
4051	M. E. Gillett & Son	Tampa, Fla.	May 15, 1918	686,000.00	428,022.00	Manufacturing products castor beans.	A. C. Downey, major, S. C.	Additional payments since June 1, 1919.
4051-1	Supplemental to 4051		Oct. 30, 1918			Covering special facilities.	O. R. Ewing, captain, A. S., A. P.	
4051-2	do		Jan. 27, 1919			Additional special facilities.	F. D. Schnacke, captain, A. S., A. P.	
4051-3	do		Apr. 24, 1919			To include price of cans	do	
3002	Gordon & Ferguson	St. Paul, Minn.	Feb. 25, 1918	191,520.00	*191,657.00	Aviation suits	O. R. Ewing, first lieutenant, S. R. C.	Increased $137.20; refunded $4.28.
3385	J. H. Sieber and E. H. Flemming.	Houston, Tex.	Mar. 13, 1918	[2] 87,500.00	9,517.00	Planting and growing castor beans.	do	Payments completed since June 1, 1919.
8129	F. O. Branch	Little Rock, Ark.	Apr. 10, 1918	[2] 175,000.00	16,444.00	do	do	Do.
1889	Velie Motors Corporation.	Moline, Ill.	Oct. 8, 1917	625,000.00	*625,000.00	Trucks	A. C. Downey, captain, S. C.	
2373	Hall Scott Motor Car Co.	San Francisco, Calif.	Jan. 24, 1918	181,401.60	194,020.00	Spare parts	A. C. Downey, major, S. C.	Increased $16,118.14.
1367	Pittsburgh Model Engine Co.	Pittsburgh, Pa.	Dec. 10, 1917	780,950.00	717,771.00	do	do	Decreased $64,504.15.
2693	Spencer Kellogg & Sons (Inc.).	Buffalo, N.Y.	Feb. 14, 1918	[2] 189,100.00	165,120.00	Castor oil	O. R. Ewing, first lieutenant, S. R. C.	
4346	Pierce-Arrow Motor Car Co.	do	Sept. 9, 1918	(2)	*1,380,908.00	Hispano-Suiza engines	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Additional payments since June 1, 1919.
2463	Curtis Aero & Motor Corporation.	do	Jan. 11, 1918	(2)	4,000,047.00	Airplanes	A. C. Downey, major, S. C.	Do.
2463-1	Supplemental to 2463		Mar. 30, 1918			Re substitution of contract 3463 to supersede contract 2463 as relates to spare parts.	do	
2463-2	do		May 1, 1918			Space for testing, etc.	do	
5357	Curtis Aero & Motor Corporation.	Buffalo, N.Y.	Nov. 1, 1918	21,300,000.00	902,925.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	Decreased $20,294,000.
3771	Knickerbocker Manufacturing Co.	New York City, N.Y.	May 21, 1918	(2)	*191,205.00	Balloons	A. C. Downey, major, S. C.	
3771-1	Supplemental to 3771		Sept. 11, 1918			Amendment of cost, etc.	O. R. Ewing, captain, A. S., A. P.	
2057	John A. Roebling's Sons Co.	Trenton, N.J.	Nov. 2, 1917	280,000.00	*281,065.00	Wire	A. C. Downey, major.	Increased $1,065.47.
3690	Velie Motor Corporation.	Moline, Ill.	Apr. 23, 1918	1,221,168.00	*1,221,168.00	Truck chassis	O. R. Ewing, first lieutenant, S. R. C.	
3692	Lyon Metallic Manufacturing Co.	Aurora, Ill.	Apr. 5, 1918	167,705.00	*167,705.00	Steel cabinets	do	
4000	Western Electric Co.	New York City, N.Y.	June 8, 1918	289,400.00	*276,686.00	Wire	F. D. Schnacke, first lieutenant, S. R. C.	Decreased $112,713.22.
6867	Berger Manufacturing Co.	Canton, Ohio	Sept. 16, 1918	170,343.00	*260,407.00	Material for hangars	O. R. Ewing, captain, A. S., A. P.	Increased $90,064.82.
4766	Hayes Ionia Co.	Grand Rapids, Mich.	Sept. 24, 1918	1,368,498.00	*870,228.00	Parts of DH-4 planes	F. D. Schnacke, captain, A. S., A. P.	
4766-1	Supplemental to 4766		Nov. 1, 1918			Change in manner of payment.	do	
4766-A	do		May 6, 1919	136,586.06	*136,836.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
[illegible]	Stone & Webster	Boston, Mass.	Jan. 16, 1918	(2)	1,457,150.00	Construction hospital, Kelly Field.	C. G. Edgar, colonel.	Additional payments since June 1, 1919.

[1] Estimated. [2] Cost plus. [3] Original contract is in files, Purchase, Storage and Traffic Division.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
50221-1	Supplemental to 50221		Feb. 15, 1918			Additional work, change in specification.	C. G. Edgar, colonel, S. C.	
50198	J. G. White Engineering Corporation.	New York City, N. Y.	Dec. 3, 1917	(1)	$1,[illegible]	Construction, Dorr Field.	do	
50246	Wm. E. Hampton Co.	Los Angeles, Calif.	Jan. 23, 1918	[illegible]		Construction, Rockwell Field.	do	Canceled.
2737	A. C. Clark Co.	Chicago, Ill.	Feb. 3, 1918	[illegible]	696,981.00	Oxygen apparatus	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $34,000.
2737-1	Supplemental to 2737		June 3, 1918			Restorage	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2737-2	do		Aug. 30, 1918			Change in price, increasing first 2,500 and setting price of $120 each for second 2,500.	F. D. Schnacke, captain, A. S., A. P.	
50220	E. A. Wickham	St. Louis, Mo.	Dec. 19, 1917	(1)	153,[illegible]	Construction at Balloon School, Fort Omaha, Nebr.	O. R. Ewing, first lieutenant, A. S., S. R. C.	
50220-1	Supplemental to 50220		Jan. 9, 1918			Change in specifications.	C. G. Edgar, colonel, S. C.	
2530	Denby Motor Truck Co.	Detroit, Mich.	Jan. 17, 1918	1,029,820.00	*1,165,581.00	Trucks	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $135,761.77.
2530-1	Supplemental to 2530		Feb. 2, 1918			Readvance payment	A. C. Downey, major, S. C.	
2530-2	do		Mar. 12, 1918			do	do	
2530-3	do		Apr. 4, 1919			Change in specifications.	S. M. Wiley, captain, A. S., A. P.	
2804	Columbia Motors Co.	Detroit, Mich.	Feb. 8, 1918	210,125.00	*213,625.00	Trailers	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $3,500.
2803	Rogers Bros. Co.	Albion, Pa.	Feb. 7, 1918	210,125.00	*213,625.00	do	do	Do.
2803-1	Supplemental to 2803		May 23, 1918			Readvance payment	do	
2566	Paige Detroit Motor Car Co.	Detroit, Mich.	Jan. 16, 1918	1,133,270.00	1,134,948.00	Trucks	do	Increased $132,270.42.
2566-1	Supplemental to 2566		Apr. 22, 1919			Reimbursement for change in specifications.	S. M. Wiley, captain, A. S., A. P.	
1777	Miami Trailer Co.	Troy, Ohio	Feb. 7, 1918	210,125.00	*214,[illegible]	Trailers	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $4,[illegible]
2802	Ohio Trailer Co.	Cleveland, Ohio	Feb. 7, 1918	419,[illegible]	[illegible]	do	do	Increased $7,000.
2568	United Motors Co.	Grand Rapids, Mich.	Jan. 15, 1918	572,[illegible]	*589,790.00	Trucks	do	Increased $17,414.60, final payment since June 1, 1919.
3641	Excelsior Motor Manufacturing & Supply Co.	Chicago, Ill.	June 13, 1918	196,200.00		Metal parts	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Canceled; see contract 3641-A.
3641-A	Supplemental to 3641		do	278,434.17	[illegible]	do	do	Decreased $9,285.40.
3641-B	do		Apr. 12, 1919	7,543.81	*7,543.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
4285	International Radio Telegraph Co.	Brooklyn, N. Y.	July 20, 1918	171,[illegible]	[illegible]	Radio equipment	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $1,840.
4579	Marlin Rockwell Corporation.	New York, N. Y.	Aug. 20, 1918	137,[illegible]	31,875.00	Radiators and attachments.	F. D. Schnacke, captain A. S., A. P.	Decreased $71,000.
4765	Lewis Spring & Axle Co.	Chelsea, Mich.	Sept. 24, 1918	[illegible]	38,287.00	Plane spares	do	Increased $5,578.85.
4765-1	Supplemental to 4765		Feb. 13, 1919	[illegible]	*90,365.71	Partial payment	do	
4765-A	do		May 6, 1919	[illegible]	*43,982.50	Settlement	do	
3562	U. S. Rubber Co.	New York City.	Apr. 3, 1918	(1)	175,800.00	Balloons	A. C. Downey, major, S. C.	
3562-A	Supplemental to 3562		May 27, 1919			Order terminated, releasing Government from all further claims after outstanding approved bills have been paid.	S. M. Wiley, captain A. S., A. P.	Payments since June 1, 1919.
2547	West Virginia Pulp & Paper Co.	New York City.	Jan. 18, 1918	*2,808,000.00		Acetone and alcohol	A. C. Downey, major, S. C.	Canceled.
2547-A	Supplemental to 2547		do	4,325,705.86	*4,326,705.00	Erection of acetone and methyl plant.	do	
2547-B	Supplemental to 2547-A		Nov. 20, 1918			Cancellation contract	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
9900	Jas. L. Stewart	Pittsburgh, Pa.	Aug. 1, 1917	(1)	614,223.00	Construction A. G. S. D., Harrisburg, Pa.	C. T. Waring, captain, S. C., U. S. R.	
1445	The Sechler & Co.	Cincinnati, Ohio	June 20, 1917	126,000.00	*126,000.00	Trailmobile airplane carriers.	Chas. S. Wallace, lieutenant colonel, Signal Corps.	
1444	Curtiss Exhibition Co.	Buffalo, N. Y.	Nov. 10, 1917	100,523.00	*100,523.00	Instruction, airplane students.	do	
1362	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa.	Apr. 30, 1917	114,750.00	*114,750.00	Hydrogen cylinders	C. S. Wallace, major, Signal Corps.	
1325	Stromberg-Carlson Telephone Manufacturing Co.	Rochester, N. Y.	June 16, 1917	190,200.00	*188,873.[illegible]	Service buzzers	do	Decreased by adjustment voucher, $[illegible].
1325	Supplemental contract to contract No. 1325.		Aug. 14, 1917				A. C. Downey, captain, Signal Corps.	20 per cent increase for expediting delivery.
1322	American Steel & Wire Co.	New York City.	May 23, 1917	113,000.00	*210,332.33	Field wire	C. S. Wallace, major, Signal Corps.	Increased by adjustment voucher, $983.11.
1363	Western Electric Co. (Inc.).	do	do	145,[illegible]	*138,[illegible]	do	do	Decreased by adjustment voucher, $947.54.
1236	J. G. Brill Co.	Philadelphia, Pa.	Aug. 6, 1917	232,600.00	*232,600.00	Wire carts and parts	A. C. Downey, captain, Signal Corps, United States Reserves.	
1366	B. F. Sturtevant Co.	Boston, Mass.	May 29, 1917	100,[illegible]	*100,000.00	Engines	C. S. Wallace, major, Signal Corps.	

[1] Cost plus. [2] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
1546	California Aviation Co.	Los Angeles, Calif.	Aug. 15, 1917	$343,034.75	*$341,008.00	Airplane spares	A. C. Downey, captain, Signal Corps.	Decreased $2,025.96 by adjustment voucher.
1546-1	Supplemental contract to contract No. 1546.		Apr. 11, 1918				A. C. Downey, major, Signal Corps.	Advance payments.
1495	Dayton-Wright Airplane Co.	Dayton, Ohio	Aug. 1, 1917	2,600,000.00		Airplanes	A. G. Gutensohn, captain, Signal Corps.	Canceled, material not required.
1494	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Aug. 9, 1917	325,000.00	*325,000.00	do	A. C. Downey, captain, S. C., U. S. T.	
1497	Fisher Body Corporation.	Detroit, Mich.	Aug. 1, 1917	2,600,000.00		do	A. G. Gutensohn, captain, Signal Corps.	Do.
1498	Standard Aero Corporation, New York.	Plainfield, N. J.	do	1,612,500.00	*287,347.00	do	do	Balance, $1,325,152.50 canceled; material not required.
1509	do	do	July 26, 1917	203,541.50	*203,528.00	Planes and equipment.	do	Decreased by adjustment voucher, $13.50.
1510	The Burgess Co.	Marblehead, Mass.	Oct. 30, 1917	159,509.50	*159,509.00	Airplanes and motors.	A. C. Downey, major, Signal Corps.	
1512	Hall Scott Motor Car Co.	New York City.	July 30, 1917	1,774,500.00	*1,776,752.00	Engines	A. G. Gutensohn, captain, Signal Corps.	Increased by adjustment voucher, $2,252.96.
1512-1	Supplemental contract to contract No. 1512.	do	Dec. 10, 1918				O. R. Ewing, captain.	To provide for 10 per cent increase in wages.
1457	The White Co.	Washington, D.C	June 22, 1917	*211,400.00	*211,400.00	Trucks for radio tractors.	C. S. Wallace, lieutenant colonel, Signal Corps.	
1494	Wright-Martin Co.	New York City.	Aug. 9, 1917	325,000.00		Airplanes	A. C. Downey, captain, S. C., U. S. T.	Canceled, material not required.
1490	Western Electric Co.	do	July 23, 1917	175,000.00	*175,386.00	Field wire	A. G. Gutensohn, captain, Signal Corps.	Increased by adjustment voucher, $386.85.
1491	American Steel & Wire Co.	Washington, D.C	July 19, 1917	126,783.60	*127,377.00	Buzzer and field wire	do	Increased by adjustment voucher, $593.39.
1485	L. W. F. Engineering Co	College Point, Long Island, N. Y.	July 17, 1917	453,600.00	*453,600.00	Reconnaissance airplanes.	do	
1506	Curtiss Aeroplane Co.	Buffalo, N. Y.	July 20, 1917	1,908,000.00	*20,000.00	Airplanes and engines.	do	Decreased $1,888.00 by adjustment voucher.
1478	General Vehicle Co.	Long Island City, N. Y.	July 16, 1917	273,000.00	*40,950.00	Engines	do	Decreased by adjustment voucher, $232,050.
1516	Nordyke & Marmon Co.	Indianapolis, Ind.	July 31, 1917	2,366,000.00	*2,366,000.00	do	do	
1516-1	Supplemental contract to contract No. 1516.		Dec. 18, 1917				A. C. Downey, major.	Advance payment of $500,000.
1516-2	do		Jan. 15, 1918				do	Storing and installing magnetos on engines manufactured.
1710	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Sept. 19, 1917	6,650,000.00	5,497,163.00	Airplanes	A. C. Downey, captain, Signal Corps.	Decreased $[illegible].
1710-1	Supplemental contract to contract No. 1710.		Oct. 24, 1917				do	Providing advance payments.
1777	Thomas-Morse Aircraft Corporation.	Ithaca, N. Y.	Sept. 25, 1917	260,000.00		Airplanes	A. C. Downey, Signal Corps.	Canceled, material not required.
1361	Western Electric Co.	New York, N. Y.	Aug. 15, 1917	128,640.00	*122,195.00	Wire	A. C. Downey, Signal Corps, United States Reserves.	Decreased $6,444.22.
1558	Fowler Airplane Co.	San Francisco, Calif.	Aug. 14, 1917	325,000.00		Airplanes	do	Canceled, material not required.
1558	Western Electric Co.	New York, N.Y.	Aug. 18, 1917	128,000.00	* 128,000.00	Switchboards	do	
1560	Thomas-Morse Aircraft Corporation.	Ithaca, N.Y.	Aug. 20, 1917	168,790.08	* 168,790.00	Motors	do	
9819	Stone & Webster	Boston, Mass.	July 16, 1917	(1)	* 2,786,057.00	Construction camp, San Antonio, Tex.	C. G. Edgar, captain, Signal Corps.	
1572	Bausch & Lomb	Rochester, N.Y.	Aug. 18, 1917	665,000.00		Field glasses	L. M. Evans, captain, Signal Corps, United States Reserves.	Do.
1581	Western Electric Co.	New York, N.Y.	Aug. 28, 1917	133,658.75	*133,658.00	Cable	A. C. Downey, captain, Signal Corps, United States Reserves.	
1585	Stromberg-Carlson Telephone Manufacturing Co.	Rochester, N.Y.	Aug. 27, 1917	213,750.00	* 213,750.00	Buzzers	A. C. Downey, captain, Signal Corps, United States Reserves.	
1587	Strauss & Buegeleisch	New York, N.Y.	Aug. 28, 1917	165,000.00	* 36,812.00	Goggles	do	Decreased $128,107.50; balance of material not received.
1587-1	Supplemental contract to contract No. 1587.		Oct. 15, 1918				F. G. Schnacke, captain, A. S., A. P.	Settlement contract.
1601	Western Electric Co.	New York, N. Y.	Aug. 27, 1918	129,282.74	* 129,282.00	Telephone sets	A. C. Downey, captain, Signal Corps, United States Reserves.	
1618	Hisey Wolf Machine Co.	Cincinnati, Ohio	Nov. 30, 1917	207,250.00	* 199,280.00	Drills and grinders	A. C. Downey, major, Signal Corps.	Decreased, $8,000.
1620	Carnie-Goudie Manufacturing Co.	Kansas City, Mo	Aug. 29, 1917	112,151.00	* 112,151.00	Hangars	A. C. Downey, captain, Signal Corps, United States Reserves.	
10186	Boomer Crain & Howe and Jause Bros.	Lake Charles, La.	Sept. 1, 1917	1,700,000.00		Construction at Lake Charles, La.	C. G. Edgar, captain, Signal Corps.	Superseded by No. 10000.
1763	H. D. Lee Mercantile Co.	Trenton, N. J.	Sept. 25, 1917	135,000.00	* 135,000.00	Overalls	A. C. Downey, captain, Signal Corps, United States Reserves.	
1886	Thomas-Morse Aircraft Corporation.	Ithaca, N. Y.	Sept. 11, 1917	285,000.00		Airplanes	A. C. Downey, captain, Signal Corps.	Canceled, material not received.
1896	L. W. F. Engineering Co.	College Point, Long Island.	Sept. 14, 1917	[illegible]	* 226,800.00	do	do	

[1] Cost plus.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
1799	Liberty Iron Works	Sacramento, Calif	Sept. 27, 1917	$1,425,000.00		Airplanes	A. C. Downey, captain, Signal Corps.	Canceled, superseded by 1800-A.
1800-A	do	do	Mar. 6, 1918	475,000.00	*$475,000.00	do	A. C. Downey, major, Signal Corps.	
1812	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Sept. 19, 1917	(1)	*250,000.00	do	A. C. Downey, captain, Signal Corps.	
1880	West Coast Lumbermens' Association.	Seattle, Wash	Oct. 9, 1917	165,000.00		Fir	do	Canceled, material not received.
1913	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa	Oct. 15, 1917	459,000.00	*459,000.00	Hydrogen cylinders	do	
1916	Wm. Whitman Co	New York City	Oct. 11, 1917	115,000.00	*114,982.00	Airplane cotton fabric	do	Decreased $17.22.
1944	Goodyear Tire & Rubber Co.	Akron, Ohio	Oct. 12, 1917	372,500.00	*372,500.00	Balloons	do	
1928	Curtiss Airplane Corporation.	Buffalo, N. Y.	Feb. 1, 1918	114,000.00	*45,804.00	Airplane parts	O. R. Ewing, first lieutenant A. S., S. R. C.	Decreased $68,195.90.
1941	United States Aircraft Corporation.	Redwood City, Calif.	Oct. 13, 1917	475,000.00		Airplanes	A. C. Downey, captain, Signal Corps.	Canceled, material not required.
1959	Grays Harbor Lumber Co.	Hoquiam, Wash	Oct. 31, 1917	[2] 126,000.00		Spruce	A. C. Downey, major, Signal Corps.	Canceled, taken over by Spruce Products Corporation.
1960	Columbia Box & Lumber Co.	South Bend, Wash.	do	[2] 126,000.00		do	do	Do.
1961	Bandon Mills Co	Bandon, Oreg	do	[2] 126,000.00		do	do	Do.
1962	Blaedel Donovan Lumber Co.	Seattle, Wash	do	[2] 126,000.00		do	do	Do.
1963	Grays Harbor Com. Co.	Cosmopolis, Wash.	do	[2] 126,000.00		do	do	Do.
1964	Brow Manufacturing Co.	Puyallup, Wash	do	[2] 126,000.00		do	do	Do.
1965	Bay City Lumber Co	Aberdeen, Wash	do	[2] 126,000.00		do	do	Do.
1967	Silver Spruce Co	Bay City, Oreg	Oct. 25, 1917	252,000.00		do	do	Do.
1969	Nehalem Sawmill & Box Co.	Nehalem, Oreg	Oct. 31, 1917	[2] 126,000.00		do	do	Do.
1969	Anderson & Middleton	Aberdeen, Wash	do	[2] 126,000.00		do	do	Do.
1970	Northwestern Lumber Co.	Hoquiam, Wash	Nov. 1, 1917	[2] 126,000.00		do	do	Do.
1971	Copalis Lumber Co.	Carlisle, Wash	Oct. 31, 1917	[2] 126,000.00		do	do	Do.
1972	Wheeler Lumber Co	Wheeler, Oreg	Oct. 26, 1917	[2] 126,000.00		do	do	Do.
1974	Eureka Cedar Lumber & Shingle Co.	Hoquiam, Wash	Nov. 1, 1917	[2] 126,000.00		do	do	Do.
1975	A. G. Beale Lumber Co	Tillamook, Oreg	do	[2] 126,000.00		do	do	Do.
1976	Moore Mill & Lumber Co.	Bandon, Oreg	Oct. 31, 1917	[2] 126,000.00		do	do	Do.
1977	A. F. Coates Lumber Co.	Tillamook, Oreg	do	[2] 126,000.00		do	do	Do.
1978	B. K. Bishop Lumber Co.	Montesano, Wash.	do	[2] 126,000.00		do	do	Do.
1979	Aberdeen Lumber & Shingle Co.	Aberdeen, Wash	Oct. 23, 1917	210,000.00		do	A. C. Downey, captain, Signal Corps.	Do.
1981	Priority Lumber & Box	Seattle, Oreg	do	168,000.00		do	do	Do.
1982	Sitka Spruce Co	Coquille, Oreg	do	252,000.00		do	do	Do.
2046	Engel Aircraft Co	Niles, Ohio	Oct. 28, 1917	585,077.50	*585,964.00	Spares	A. C. Downey, major, Signal Corps.	Increased $887.
2016-1	Supplemental to cont. 2016.		Feb. 26, 1918			Advanced payments	do	
2724	Eastman Kodak Co	Rochester, N. Y.	Mar. 16, 1918	[2] 333,000.00	*332,621.00	Unit sight	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2739	L. W. F. Engineering Corporation.	College Point, L. I.	Jan. 29, 1918	[2] 360,000.00	*360,000.00	Airplanes	O. R. Ewing, first lieutenant, A. S., S. R. C.	
2859	Electric Metallurgical Sales Corporation.	New York City	Feb. 14, 1918	120,750.00	*127,806.00	Ferrosilicon	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $7,056.
2886	Clough-Bourne Corporation.	do	July 13, 1917	(1)	2,230,407.00	Construction material	A. C. Downey, major Signal Corps.	
2915	Aero Instruction Corps	do	Feb. 15, 1918	225,000.00		Aneroid barometers	F. D. Schnacke, first lieutenant A. S., S. R. C.	Canceled, material not required.
2931	Inter Register Co	Chicago, Ill	Feb. 16, 1918	112,000.00	*111,760.00	Wind-vane sights	do	Decreased $240.
1939	Curtiss Aeroplane Co	Buffalo, N. Y.	Oct. 17, 1917	894,345.00	*21,000.00	Spares	A. C. Downey, captain, Signal Corps.	Decreased $873,345.
2428	A. C. Clark Co	Chicago, Ill	Dec. 20, 1919	305,000.00		Oxygen apparatus	A. C. Downey, major, Signal Corps.	Canceled, material not required.
2445	Sturtevant Airplane Co.	Jamaica Plain, Mass.	Feb. 13, 1918	263,917.50	*263,917.00	Spares	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2440	do	do	Jan. 24, 1918	139,975.00	*165,975.00	do	A. C. Downey, major, Signal Corps	Increased $15,000
2473	Engel Aircraft Co	Niles, Ohio	Jan. 17, 1918	173,565.00	*173,478.00	do	do	Decreased $87.
2485	Rubay Co	Cleveland, Ohio.	Dec. 20, 1917	173,728.00	*173,641.00	do	do	Decreased $86.92.
2471	do	do	Jan. 28, 1918	164,128.00	*164,472.00	do	do	Increased $344.00.
2472	Engel Aircraft Co	Niles, Ohio	Feb. 14, 1918	163,965.00	*164,270.00	do	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $305.00.
1943	Flotterp Manufacturing Co.	Grand Rapids, Mich.	Oct. 6, 1917	330,000.00	*229,063	Propellers	A. C. Downey, captain, Signal Corps.	Decreased $100,937. Balance of material not required.
3477	J. G. White Engineering Corporation.	New York City	Mar. 25, 1918	(1)	183,093.00	Construction supplies	A. C. Downey, major, Signal Corps.	Payments made since June 1, 1919.
3661	Lewis Thompson Co. (Inc.).	Philadelphia, Pa	Dec. 31, 1917	[2] 250,000.00	88,400.00	Lumber	A. C. Downey, captain, Signal Corps, United States Reserves.	Estimate increased $88,400.
1991-1	Supplemental contract to Contract No. 1991.		do				A. C. Downey, major, Signal Corps.	Providing advanced payments.
1998-2	do		Oct. 11, 1918				F. D. Schnacke, captain, A. S., A. P.	Providing payment for storing lumber.
20812	Frank Hill Smith	Dayton, Ohio	Mar. 4, 1918	(1)	208,286.00	Construction	G. G. Edgar, colonel	
3414	Louis F. Shoemaker	Washington, D.C.	Apr. 4, 1918	[2] 336,897.00	*436,367.00	Structural steel	O. R. Ewing, first lieutenant, A. S., S. C.	Estimate increased $18,970.37.
3431	McClintic Marshall Co	do	Apr. 2, 1918	[2] 447,120.00	*469,652.00	do	do	Estimate increased $22,532.65.
3435	Blaw-Knox Co	Pittsburgh, Pa	do	[2] 427,400.00	*448,857.00	do	do	Estimate increased $21,457.50.
3462	Carnie-Goudie Manufacturing Co.	Kansas City, Mo.	do	143,335.00	*155,430.00	Curtains for hangars	do	Increased $12,095.

[1] Cost plus. [2] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
3490	Trussed Concrete Steel Co.	Youngstown, Ohio.	Apr. 5, 1918	[1] $994,770.00	*$1,055,460.00	Corrugated steel sheets	O. R. Ewing, first lieutenant, A. S., S. C.	Estimate increased $60,690.91.
3496	E. H. Sheldon & Co	Muskegon, Mich.	May 20, 1918	133,140.00	*132,916.00	Benches and steps	F. D. Schnacke, first lieutenant, S. R. C.	Decreased $224.
3631	W. H. Mullins & Co	Salem, Ohio	Apr. 18, 1918	120,240.23	*120,240.00	Dies	O. R. Ewing, first lieutenant, S. R. C.	
3433	Berger Manufacturing Co.	Canton, Ohio	Apr. 2, 1918	959,748.90	*968,071.00	Corrugated steel sheets	do	Increased $78,322.15.
3595	Davis-Bournonville Co.	Washington, D. C.	Jan. 17, 1918	107,665.00	*107,665.00	Welding sets	do	
2320	Winton Engine Works	do	Dec. 12, 1917	153,600.00	*153,600.00	Gasoline electric generating sets.	A. C. Downey, major, Signal Corps.	
4171	Ohio Corrugating Co	Warren, Ohio	June 28, 1918	345,000.00	*178,300.00	Steel drums	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $166,699.55.
3434	Belmont Iron Works	Philadelphia, Pa	May 6, 1918	391,352.00	*410,986.00	Structural steel	O. R. Ewing, first lieutenant, A. S., S. C.	Increased $19,634.91.
3944	Taige Mahogany Co	Indianapolis, Ind.	Dec. 13, 1917	111,748.00	85,158.00	Veneered panels	A. C. Downey, major, Signal Corps.	See supplement below.
2267	Geo. H. McFadden & Bros.	Philadelphia, Pa	Nov. 23, 1917	6,000,000.00	4,535,634.00	Cotton	do	Decreased $1,009,365.
3469	Fort Pitt Bridge Works	Pittsburgh, Pa	Apr. 2, 1918	2,508,140.00	2,489,780.00	Structural steel	O. R. Ewing, first lieutenant, A. S., S. R. C.	
4314	Disco Electric Mfg. Co	Detroit, Mich	July 26, 1918	292,050.00	*292,050.00	Generators	do	
4076	American Bleached Goods Co.	Taftville, Conn	Oct. 28, 1918	162,500.00		Fabric	F. D. Schnacke, captain, A. S., A. P.	Canceled, material not required.
3067	Pratt & Lambert (Inc.)	Buffalo, N. Y	Oct. 23, 1918	206,400.00	*209,367.00	Cellulose acetate	do	Increased $2,967.
4439	Livingston Radiator & Mfg. Co.	New York City	Aug. 16, 1918	108,200.00	*108,513.00	Radiators	do	Increased $313.65.
3004	Standard Aircraft Corporation.	Elizabeth, N. J	Mar. 15, 1918	(1)		Spare parts	A. C. Downey, major	
2344-1	Supplemental to Contract 2344 above.		Oct. 28, 1918			Storing material	F. D. Schnacke, captain, A. S., A. P.	
2673	Curtiss Aero & Motor Corporation.	Buffalo, N. Y	Jan. 18, 1918	100,000.00		Purchase of plant	A. C. Downey, major	Payments made since June 1, 1919, $92,223.
2673-1	Supplemental to Contract 2673.		Feb. 12, 1919			Amending contract regulations.	F. D. Schnacke, captain, A. S., A. P.	
2673-A	do		June 18, 1919			Providing methods of payment.	S. M. Wiley, captain, A. S., A. P.	
3573	W. H. Mullins Co	Salem, Ohio	Jan. 19, 1918	415,742.01	2,236.00	Metal parts	A. C. Downey, major	Decreased $413,492.68.
2298	Western Electric Co	New York City	July 12, 1918	281,448.80	*281,448.00	Supplies, telephone	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
3488	Livingstone Radiator Mfg. Co.	do	Apr. 4, 1918	309,150.00	*309,532.00	Radiators	do	Increased $382.00.
3365	Western Electric Co	do	Apr. 13, 1918	168,750.00	*195,000.00	Hand telephones	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $26,250.
3028	do	do	Mar. 5, 1918	102,336.00	*102,336.00	Buzzer telephones and equipment.	do	
2847	do	do	Feb. 13, 1918	387,000.00	*387,000.00	Outpost wire	do	
2590	do	do	June 4, 1918	170,460.87	*130,729.00	Telephone equipment	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $39,731.87.
2253	do	do	Apr. 13, 1918	112,500.00	*130,000.00	Hand telephones	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $17,500.
3189	Western Electric Co	New York City	Mar. 15, 1918	120,110.90	*114,378.00	Telephone switchboards and telephones.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $5,732.10.
3099	Kellog Switchboard & Sup. Co.	Chicago, Ill	Mar. 5, 1918	131,200.00	*131,900.00	Buzzer telephones	do	Increased $700.
4545	Walden Worcester (Inc.).	Worcester, Mass.	Aug. 23, 1918	177,347.20	97,754.00	Clevis parts	F. D. Schnacke, captain, A. S., A. P.	Decreased $48,261.55.
3822	General Electric Co	Washington, D. C.	May 8, 1919	142,150.00	3,964.00	Gun yokes and trigger controls.	do	Closing contracts being negotiated.
3870	American Propeller Co	Baltimore, Md	May 16, 1918	300,000.00	13,251.00	Propellers	do	Increased $7,751.
4570	Liberty Iron Works	Sacramento, Calif.	Sept. 20, 1918	400,000.00	*400,350.00	Airplanes	do	Increased $350.
4496	Standard Aeroplane Corporation of New Jersey.	Elizabeth, N. J	Aug. 30, 1918	104,250.00	*104,250.00	Planes	do	
4619	Willys-Overland Co	Toledo, Ohio	Sept. 9, 1918	2,625,000.00	*2,625,000.00	1,500 Curtiss O-5 engines.	O. R. Ewing, captain, A. S., A. P.	
4407	The Rims Co	Cleveland, Ohio.	Aug. 3, 1918	156,750.00	*156,750.00	Carrying chests, 9,500	F. D. Schnacke, captain, A. S., A. P.	
3583	Wilson Foundry & Machine Co.	Pontiac, Mich	Apr. 11, 1918	210,000.00	*210,000.00	Cylinders	do	
3517	Winton Co	Cleveland, Ohio.	Apr. 8, 1918	120,750.00	*120,750.00	Motor generator sets and charging panels.	O. R. Ewing, first lieutenant, A. S., S. C.	
3518	do	do	do	120,750.00	*120,750.00	do	do	
3700	Western Electric Co	New York City	Apr. 20, 1918	1,625,000.00	787,500.00	Radio telegraph receiving sets.	do	Decreased $837,500.
3793	Geo. B. Carter Co	Connersville, Ind.	May 2, 1918	108,723.99	*108,724.00	Bolts and cases	do	Increased $0.01.
3884	Eastman Kodak Co	Rochester, N. Y.	June 15, 1918	240,000.00	*234,654.00	Cameras	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $5,346.
2227	Wm. Whitney Co	New York City	Nov. 20, 1917	240,000.00	235,343.00	Airplane fabric	A. C. Downey, major, Signal Corps.	Decreased $4,656.10.
3130	Porsemah Mills	do	Nov. 19, 1917	120,000.00	*118,945.00	do	do	Decreased $1,054.09.
2496	Taylor Instrument Co	Rochester, N. Y.	Dec. 19, 1917	187,500.00	*162,500.00	Aneroids	do	Decreased $25,000.
3040	Lewis Thompson & Co.	Philadelphia, Pa	Nov. 23, 1917	94,000.00	*91,332.00	Mahogany	do	Decreased $2,667.76.
1299	Curtiss Aeroplane Co	Buffalo, N. Y	Apr. 30, 1917	197,055.00	*187,559.00	Engine and spare parts	Chas. S. Wallace, major, Signal Corps.	Decreased $9,495.77.
2272	Wolverine Brass Works	Grand Rapids, Mich.	Dec. 12, 1917	450,000.00	*450,000.00	Mounts	A. C. Downey, major, Signal Corps.	
2401	St. Louis Aircraft Corporation.	St. Louis, Mo	Dec. 15, 1917	2,137,500.00	*2,137,500.00	Airplanes	do	
4365	Western Electric Co	New York City	June 17, 1918	120,000.00	*119,880.00	Radio telegraph receiving sets.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $120.
4134	do	do	May 22, 1918	330,000.00	*330,000.00	Field telephones	do	
4963	Kunhardt & Co	Battery Place, N. Y.	Sept. 16, 1918	[1] 262,500.00		Castor beans 50M to 75M.	O. R. Ewing, A. S., A. P.	Canceled, material not received.
5113	General Electric Co	Washington, D. C.	Nov. 12, 1918	906,330.00		Lewis gun yokes, etc	F. D. Schnacke, captain, A. S., A. P.	Do.

[1] Estimated. [2] Cost plus.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
3790	Delta Electric Co.	Marion, Ind.	May 2, 1918	$175,065.00	*$201,453.00	Projectors	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $26,388.54.
3505	Hall-Scott Motor Car Co.	San Francisco, Calif.	Apr. 12, 1918	102,970.00	*51,517.00	Assemblies, etc.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $51,452.10.
3794	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	July 7, 1918	[illegible]	46,360.00	Spare parts	do	
3087	Stromberg-Carlson Telephone Manufacturing Co.	Rochester, N. Y.	Mar. 5, 1918	41,212.30	*41,212.00	Switchboards, units, and frames.	O. R. Ewing, first lieutenant, R. C.	
[illegible]	Thomas-Morse Aircraft Corporation.	Ithaca, N. Y.	Jan. 11, 1918	[illegible]	*1,792,165.00	Airplanes	A. C. Downey, major.	Decreased $207,835.
4301	Parsons Pulp & Lumber Co.	Philadelphia, Pa.	July 29, 1918	480,000.00	75,000.00	Spruce	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
4301-1	Supplemental to 4301		Sept. 10, 1918				do	Extending date of contract.
4301-2	do		Aug. 24, 1918				do	Advance payment.
3485	Western Electric Co.	New York City.	Mar. 6, 1918	116,944.00	*116,944.00	Electric equipment	O. R. Ewing, first lieutenant, A. S., S. R. C.	
2852	Edison Storage Battery Co.	Orange, N. J.	Apr. 13, 1918	236,100.00	90,362.00	Storage batteries	do	
2962	do	do	Apr. 16, 1918	214,080.00	[illegible]	do	do	
2957	do	do	Apr. 13, 1918	[1] 200,000.00	135,316.00	do	do	
1929	Curtiss Aeroplane Co.	Buffalo, N. Y.	Oct. 17, 1917	824,545.00	*21,000.00	Spare parts	A. C. Downey, captain.	Decreased $803,545.
3230	International Radio Telegraph Co.	Brooklyn, N. Y.	May 21, 1918	160,608.00	108,768.00	Transmitters	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $8,475.
3255	Jas. Cunningham Son & Co.	Rochester, N. Y.	Aug. 2, 1918	160,500.00	[illegible]	Windlasses	do	Decreased $15,600.
4680	International Duplex Cord Co.	New York City.	Sept. 16, 1918	197,500.00	*197,307.00	Flying suits	O. R. Ewing, captain, A. S., A. P.	Decreased $193.25.
4799	H. D. Lee Mercantile Co.	South Bend, Ind.	Sept. 27, 1918	156,000.00	156,000.00	Mechanics' suits	F. D. Schnacke, captain, A. S., A. P.	
3753	Doehler Die Casting Co.	Toledo, Ohio.	June 4, 1918	[illegible]	[illegible]	Spares	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $6,250.
2894	Thomas Morse Airplane Corporation.	Ithaca, N. Y.	Apr. 1, 1918	(3)	*216,025.00	do	A. C. Downey, major, Signal Corps.	
2894-1	Supplemental to 2894		Nov. 1, 1918	[illegible]		Changing from cost-plus to fixed price.	F. D. Schnacke, captain, Signal Corps.	
2533	Improved Equipment Co.	New York City.	Jan. 4, 1918	[1] 120,000.00	[illegible]	Silicon hydrogen generators.	A. C. Downey, major, Signal Corps.	Increased $41,852.
2533-1	Supplemental to 2533	do				Including orders 2203 and 2022a.	do	
1946	American Propeller & Manufacturing Co.	Baltimore, Md.	Oct. 6, 1918	[illegible]	74,504.00	Propellers	do	Decreased $5,539.
2179	Curtiss Aeroplane & Motor Corporation.	Buffalo, N. Y.	Nov. 15, 1917	811,435.00	640,539.00	Spares	do	Decreased $21,000. This order followed 20085, which was canceled. Payments since June 1, 1919, $4,950.
2709	United States Aircraft Corporation.	Redwood City, Calif.	Feb. 6, 1918	326,242.00	*326,170.00	Planes and spares	do	Decreased $71.90.
[illegible]	Pierce Manufacturing Co.	New Bedford, Mass.	Jan. 14, 1918	173,500.00	*228,468.00	Airplane fabric	do	Increased $55,938.74.
2229	Precision Instruments Co.	Detroit, Mich.	Dec. 1, 1917	[2] 140,000.00	*103,832.00	Air speed indicators	do	Decreased $19,392.75.
2229-1	Supplemental to 2229		Apr. 24, 1918				do	Advance payment.
2229-A	do		Mar. 27, 1919		*16,745.00	Raw materials	S. M. Wiley, captain, A. S., A. P.	Termination contract.
2238	Pierce Manufacturing Co.	New Bedford, Mass.	Nov. 29, 1917	120,000.00	131,016.00	Airplane fabric	A. C. Downey, major, Signal Corps.	Completed since June 1, 1919.
1580	Western Electric Co.	New York City.	Aug. 28, 1917	137,600.00	*140,230.00	Telephone switchboards.	A. C. Downey, captain, S. C., U. S. R.	Increased $3,230.
1881	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Sept. 28, 1917	[2] 2,500,000.00	320,720.00	Spares	do	Decreased $1,675,000.
1514	Western Electric Co.	New York City.	July 30, 1917	195,400.00	*195,400.00	Outpost wire	A. G. Gutensohn, captain, Signal Corps.	
1650	do	do	May 9, 1918	[1] 75,000.00	*68,860.00	Electrical equipment	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $6,149.49.
[illegible]	New Brunswick Corporation of Delaware.	do	Oct. 25, 1918	[2] 2,254,000.00		Castor beans	O. R. Ewing, captain, A. S., A. P.	Canceled, material not required.
4694	Commercial Bank of Spanish America.	do	Sept. 17, 1918	[2] 330,000.00		do	do	Do.
4085	The Simms Co.	Bethlehem, Pa.	June 14, 1918	360,000.00	360,000.00	Spark plugs	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Do.
4108	Connecticut Aircraft Co. Conn.	New Haven, Conn.	June 17, 1918	170,000.00	*169,934.00	Balloons	do	Decreased $66.
4108-1	Supplemental to 4108		Aug. 5, 1918				do	Amending terms of payment.
3660	Hall-Scott Motor Car Co.	San Francisco, Calif.	Apr. 13, 1918	361,336.00	*368,120.00	Engines and spares	do	Increased $16,833.77.
3860	Lewis & Vought Corporation.	Long Island City, N. Y.	May 8, 1918	100,000.00	*100,000.00	Services	do	
4330	United Fruit Co.	Boston, Mass.	July 23, 1918	131,434.78		Castor beans	do	Canceled, material not required.
5342	Waltham Clock Co.	Waltham, Mass.	Nov. 5, 1918	453,000.00		Airplane clocks	F. D. Schnacke, captain, A. S., A. P.	Do.
5337	Van Sicklen Co.	Elgin, Ill.	Nov. 12, 1918	372,300.80		Altimeters	do	Decreased $367,646.58.
5337-A	Supplemental to 5337		Apr. 28, 1919		*4,653.00		S. M. Wiley, captain, A. S., A. P.	Termination contract.
3305	Eastman Kodak Co.	Rochester, N. Y.	Nov. 4, 1918	140,000.00	*75,653.00	Cameras	F. D. Schnacke, captain, A. S., A. P.	Decreased $64,346.77.
3300	Foxboro Co.	Foxboro, Mass.	Nov. 13, 1918	300,000.00		Air speed indicators	do	Canceled, material not required.
3300-A	Supplemental to 3300		May 29, 1919				S. M. Wiley, captain, A. S., A. P.	Cancellation of contract.

[1] Estimated. [2] Cost plus. [3] Original contract in files P. S. and T.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
2884	J. A. Roebling Sons Co.	Trenton, N. J.	Feb. 13, 1918	[1] $177,675.00	$162,183.00	Wire	O. R. Ewing, first lieutenant, A. S., S. R. C.	$15,415.47 paid since June 1, 1919.
2893	do	do	Feb. 13, 1918	[1] 139,000.00	*138,716.00	do	do	Decreased $333.54.
2846	Western Electric Co.	New York City.	do	[illegible]	286,597.00	do	do	
2845	J. A. Roebling Sons Co.	Trenton, N. J.	Feb. 13, 1918	[1] 208,575.00	139,448.00	do	do	$15,204.00 paid since June 1, 1919.
4130	Bausch & Lomb Optical Co.	Rochester, N. Y.	June 22, 1918	[1] 585,000.00		Field glasses	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2841	American Steel & Wire Co.	New York City.	Feb. 13, 1918	[1] 309,000.00		Wire	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled: superseded by 2841-A.
2841-A	United States Steel Products Co.	do	May 4, 1918	[1] 309,000.00	*315,895.00	do	do	Increased $6,895.77.
1637	Kelly-Springfield Motor Truck.	Detroit, Mich.	Sept. 4, 1917	5,797,500.00	*2,011,761.00	[illegible]	A. C. Downey, captain, S. C., U. S. R.	Increased $114,261.
4038	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Aug. 13, 1918	[1] 446,500.00	258,980.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	Decreased $165,368.
4033	do	do	Jan. 17, 1918	520,000.00	347,800.00	Spares	do	Decreased $376,768.57.
4553	Bosch Magneto Co.	New York City.	Aug. 23, 1918	112,500.00		Magnetos and switches	do	Canceled, material not required.
4882	Wilson Foundry & Machine Co.	Pontiac, Mich.	Sept. 28, 1918	142,800.00	*142,800.00	Cylinders	do	
4380	Spitdorff Electrical Co.	Newark, N. J.	Aug. 27, 1918	302,237.00		Magneto parts	do	Do.
4018	Packard Motor Car Co.	Detroit, Mich.	Aug. 20, 1918	(3)	557,895.00	Battle planes	do	
4037	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Aug. 1, 1918	(3)	278,132.00	do	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $2,433,060.
4037-A	Supplemental to 4037		Nov. 1, 1918	[1] 3,200,000.00		Changing cost plus to flat price.	do	Additional payments since June 1, 1919.
4039	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	July 30, 1918	(3)		Planes	do	Payments since June 1, 1919.
3904	Edison Storage Battery Co.	Orange, N. J.	Aug. 27, 1918	105,014.00	63,182.00	Batteries	do	Decreased $3,262.
[illegible]	Western Electric Co.	New York City.	May 26, 1918	(3)	*240,138.00	Telephone material	do	
[illegible]	Standard Aero Corporation of New York.	Elizabeth, N. J.	Nov. 7, 1918	(3)	228,644.00	Planes and spares	O. R. Ewing, captain, A. S., A. P.	Payments since June 1, 1919.
1485	Kessler Motor Co.	Detroit, Mich.	July 23, 1917	125,000.00		Engines	A. G. Gutensohn, captain, Signal Corps.	Canceled, material not required.
1485-1	Supplemental to 1485		Apr. 1, 1918	125,000.00		do	A. C. Downey, major, S. R. C.	Covering advance payments.
2087	Western Electric Co.	New York City.	Oct. 25, 1917	[illegible]	252,600.00	Telephones	A. C. Downey, major.	
2538	Breese Aircraft Corporation.	Farmingdale, Long Island.	Jan. 23, 1918	(3)	70,224.00	Engine spares	A. C. Downey, major, Signal Corps.	
2538-1	Supplemental to 2538		Mar. 12, 1918	(3)		Reducing 50 per cent and correcting clerical error.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
1886	The Kelsey Co.	Cleveland, Ohio.	Nov. 3, 1917	233,047.50	*240,805.00	Spares	A. C. Downey, major, Signal Corps.	Increased $7,738.
1841	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	Oct. 6, 1917	126,000.00	*126,000.00	Engines	A. C. Downey, captain, S. R. C.	
191	Tindel Norris Co.	North Eddystone, Pa.	Oct. 12, 1917	300,000.00	*300,600.00	Cylinders	do	Increased $600.
1827	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	Oct. 5, 1917	540,000.00	*790,000.00	Airplanes	do	Increased $250,000.
2305	Breese Aircraft Co.	Farmingdale, Long Island.	Dec. 6, 1917	(3)	591,225.00	do	do	
1573	Crown Optical Co.	Rochester, N. Y.	Aug. 21, 1917	750,000.00	127,425.00	Field glasses	do	
1849	Lyibrand Bros., Ross & Montgomery.	New York City.	Aug. 1, 1917	(4)	*315,531.60	Services	do	
2929	General Electric Co.	Schenectady, N. Y.	Feb. 16, 1918	(3)	*212,190.00	Vacuum tubes	O. R. Ewing, first lieutenant, A. S., S. R. C.	
2929-1	Supplemental to 2929		May 17, 1918			Providing payment for development work.	do	
92 (D. M. A.).	Wm. E. Hampton Construction Co.	Los Angeles, Calif.	Mar. 21, 1918	(3)	157,485.00	Construction Rockwell Field.	C. G. Edgar, colonel, A. S., A.	
Dayton 106	Curtiss Engineering Co.	Garden City, N. Y.	Aug. 20, 1918	200,000.00	94,228.00	Planes	H. E. Blood, captain, A. S., A.	
Dayton 103	Dayton-Wright Airplane Co.	Dayton, Ohio.	July 10, 1918	(3)	[illegible]	Plane spares	do	
Dayton 116	Fisher Body Corporation.	Detroit, Mich.	Aug. 19, 1918	(3)	*334,307.00	Plane spares and bodies.	do	
Dayton 19	Packard Motor Car Co.	do	May 8, 1918	(3)	*660,707.00	Planes	do	
Dayton 119	Springfield Aircraft Corporation.	Springfield, Mass.	Sept. 4, 1918	(3)	*101,121.00	do	do	
3444	Glenn L. Martin Co.	Cleveland, Ohio.	Jan. 2, 1919	(3)	113,756.00	do	F. D. Schnacke, captain, Signal Corps.	
Dayton 25	Packard Motor Car Co.	Detroit, Mich.	Apr. 15, 1918	(3)	*164,668.00	Plane spares	F. D. Reptogle, lieutenant.	
2611	Glenn L. Martin Co.	Cleveland, Ohio.	Jan. 17, 1918	300,000.00	525,451.00	3 Place Corps D'Armee planes.	A. C. Downey, major, Signal Corps.	
2611-A	Supplemental to 2611		Nov. 14, 1918			Changing from fixed price to cost plus.	F. D. Schnacke, captain, Signal Corps.	
5189	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	Oct. 30, 1918	[illegible]	*255,532.00	Plane spares	F. D. Schnacke, captain, A. S., A. P.	Increased $1,[illegible]
5089	Packard Piano Co.	Fort Wayne, Ind.	Oct. 18, 1919	145,000.00		Propellers	do	
5089-A	Supplemental to 5089		May 8, 1919	12,094.91		Settlement	do	Final payment since June 1, 1919.
5184	Holt Manufacturing Co.	Peoria, Ill.	Oct. 20, 1918	425,000.00		Adapter sets	do	
5184-A	Supplemental to 5184		Apr. 25, 1919	8,709.21	*8,709.00	Settlement	S. M. Wiley, captain, A. S., A. P.	Termination contract.
4883	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Oct. 7, 1918	110,000.00	16,115.00	Propellers	F. D. Schnacke, captain, A. S., A. P.	
4877	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa.	Oct. 1, 1918	475,000.00	*475,000.00	Cylinders	do	
4876	National Tube Co.	Pittsburgh, Pa.	do	1,088,730.00	788,730.00	Steel cylinders	do	
5060	Simmons Hardware Co.	Washington, D. C.	Oct. 22, 1918	[illegible]	*43,291.00	Belts	do	
5060-A	Supplemental to 5060		Mar. 21, 1919	[illegible]	*[illegible]	Settlement	do	

[1] Estimated. [2] Cost plus. [3] Indefinite. [4] Per diem and expenses.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
3394	Firestone Tire & Rubber Co.	Akron, Ohio	Nov. 13, 1918	$123,450.00		Wheels	F. D. Schnacke, captain, A. S., A. P.	
3394-A	Supplemental to 3394		May 30, 1919	5,412.00		Settlement	do	Final payment since June 1, 1919. Decreased $404.
4686	International Duplex Coat Co.	New York City	Oct. 18, 1918	153,973.00	[illegible]	Fur backs and pockets for gauntlets.	do	
5216	S. & F. Breaner (Inc.)	do	Nov. 1, 1918	140,126.00	*91,858.00	Leather helmets	do	
5216-A	Supplemental to 5216		Mar. 26, 1919	13,175.00	*12,170.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
4763	Guiterman Bros	St. Paul, Minn.	Oct. 19, 1918	187,671.00	[illegible]	Coats	F. D. Schnacke, captain, A. S., A. P.	
4763-A	Supplemental to 4763		Apr. 22, 1919	13,219.79	*15,219.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
3869	Belmont Iron Works	Philadelphia, Pa.	Nov. 14, 1918	135,000.00	*137,417.00	Structural steel	F. D. Schnacke, captain, A. S., A. P.	Decreased $7,582.34.
5346	Kunhardt & Co.	New York City	Nov. 12, 1918	130,000.00		Tartor beam	do	
5346-A	Supplemental to 5346		May 17, 1919	24,473.78	*24,473.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
4936	Godfrey Hillabrandt	New York City	July 22, 1918	(1)	*78,308.00	Purchasing china dog boxes.	O. R. Ewing, first lieutenant, A. S., A. P.	
3336	Electric Storage Battery Co.	Philadelphia, Pa.	June 13, 1918	101,400.00	*104,773.00	Batteries	do	Increased $3,324.21.
2750	Lorraine Manufacturing Co.	Pawtucket, R. I.	Feb. 7, 1918	120,000.00	*131,324.00	Aeroplane fabric	do	Decreased $18,675.45.
2846	Western Electric Co.	New York City	Feb. 16, 1918	(2)	870,919.00	Radio telephone sets	do	
2963	do	do	Feb. 19, 1918	(2)	*78,750.00	do	do	
[illegible]	do	New York City	Feb. 16, 1918	(2)	187,500.00	Radio telephone receiving sets.	O. R. Ewing, first lieutenant, A. S., A. P.	
2968	do	do	do	(2)	154,[illegible]	Telephone receiving sets.	do	
2969	do	do	do	(2)	787,490.00	Tubes	do	
2966	do	do	do	(2)	609,114.00	Vacuum tubes	do	
2479	do	do	Mar. 21, 1918	(2)	*184,189.00	Telephone units	do	
2437	do	do	Mar. 7, 1918	(2)	*120,080.00	Amplifiers	do	
4741	Guiterman Bros	St. Paul, Minn.	Sept. 26, 1918	212,742.00	*112,580.00	Flying suits	O. R. Ewing, first lieutenant, A. S., A. P.	
4741-A	Supplemental to 4741		Apr. 22, 1919	20,154.92		Settlement	S. M. Wiley, captain, A. S., A. P.	Final payment since June 1, 1919. Increased $128.80.
1399	Western Electric Co.	New York City	Sept. 21, 1917	203,000.00	*208,128.00	Buzzers, telephone switchboards, etc.	A. C. Downey, captain, A. S., A. P.	
San Fran.	Regents of University of California.	Berkeley, Calif.	June 27, 1917	(3)	*101,903.00	Training of students	A. M. Krogstad, major, J. M. A. S. C.	
	Supplemental to above		Mar. 8, 1918			Extending course	G. B. Hunter, major, S. C.	
San Fran.	Regents of University of California.	Berkeley, Calif.	Sept. 5, 1918	(3)	96,966	Training of students	C. G. Edgar, colonel, S. C.	Final voucher for $31,734.59 awaiting payment.
3247	West Virginia Aircraft Corporation.	Wheeling, W. Va.	Mar. 18, 1918	240,657.50	*211,357.00	Spares	F. D. Schnacke, first lieutenant, A. S., A. P.	Increased $700.
3088	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa.	Apr. 4, 1918	996,331.00	*[illegible]	Cylinders	do	Decreased $11,832.00.
4779	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Sept. 25, 1918	1,400,000.00	4,015.00	Planes	F. D. Schnacke, captain, A. S., A. P.	Decreased $196,000.
3061	Wolverine Co.	Detroit, Mich.	Dec. 18, 1918	128,922.40		Spares	do	Settlement contract and final payment since June 1, 1919.
4694	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	Dec. 5, 1918	1,230,000.00		Planes	do	Decreased $[illegible]
4685	Curtiss Aero & Motor Corporation	Buffalo, N. Y.	Sept. 23, 1918	343,953.90	45,923.90	Plane spares	do	
4830	Torrington Co. Std Plant.	Torrington, Conn.	Oct. 3, 1918	392,970.23		Spares, fittings, assemblings.	do	
4814	do	do	Sept. 27, 1918	435,053.40		Plane spares	do	Increased $5,564.35.
4729	Wire Wheel Corporation of America.	Buffalo, N. Y.	Sept. 24, 1918	189,496.00	30,208.00	Wire wheels	do	Decreased $68,000.
4737	Bastian Blessing Co.	Chicago, Ill.	do	102,300.00	*98,823.75	Hydrogen valves	do	Final payment since June 1, 1919.
4904	Goodyear Tire & Rubber Co.	Akron, Ohio	Oct. 8, 1918	194,415.35	64,408.00	Tire spares	do	
4904-A	Supplemental to 4904		Apr. 8, 1919	20,756.35	*23,700	Settlement	S. M. Wiley, Capt., A. S., A. P.	
5437	Arma Engineering Co.	New York, N. Y.	Dec. 13, 1918	242,750.00		Aero navigation instruments.	F. D. Schnacke, captain, A. S., A. P.	Decreased $212,000.
4947	Van Sicklen Co.	Elgin, Ill.	Oct. 11, 1918	267,500.00	1,153.00	Oxygen apparatus	do	Decreased $267,000.
4947-A	Supplemental to 4947		May 23, 1919				do	Negotiating termination contract.
3949	Eastman Kodak Co.	Rochester, N. Y.	Nov. 4, 1918	101,000.00	64,138.00	Cameras and repair kits.	do	Final payment since June 1, 1919.
5070	Intertype Corporation	Brooklyn, N. Y.	Oct. 26, 1918	230,000.00		Interrupter gears	do	Decreased $221,000.
2988	Waltham Watch Co.	Waltham, Mass.	Feb. 14, 1918	127,000.00	127,700.00	Airplane clocks	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $10,000.
4324	Westinghouse Electric & Manufacturing Co.	Washington, D. C.	July 26, 1918	139,200.00	139,710.00	Generator and parts	do	Increased $7,800.
4313	General Electric Co.	Schenectady, N. Y.	July 19, 1918	122,500.00	111,198.00	Tubes	do	
4387	Spencer Lens Co.	Buffalo, N. Y.	July 26, 1918	275,000.00	148,775.00	Sights	do	Decreased $76,000.
3022	do	do	Mar. 19, 1918	162,630.00	*[illegible]	Sights and accessories	do	
4687	Northeast Electric Co.	Rochester, N. Y.	Sept. 13, 1918	190,000.00	19,141.00	Electric generators	O. R. Ewing, captain, A. S., A. P.	
4945	The Bristol Co.	Waterbury, Conn.	Sept. 10, 1918	125,000.00	34,575.00	Speed indicators	do	
4683	Jas. Cunningham & Sons Co.	Rochester, N. Y.	Sept. 17, 1918	265,000.00		Windlasses	do	
4947	The Bristol Co.	Waterbury, Conn.	Sept. 10, 1918	100,000.00		Speed indicators	do	
4681	Burke & James (Inc.)	Chicago, Ill.	Sept. 9, 1918	352,600.00	36,972.00	Cameras	do	
1307	Western Electric Co. (Inc.)	New York City	July 28, 1917	262,000.00	*222,000.00	Telephones	A. G. Gutenschn, captain, S. C.	
DMA 214	University of Texas	Austin, Tex.	June 30, 1918	(4)	[illegible]	Instruction, subsistence and quarters enlisted men, radio school.	C. G. Edgar, colonel, S. C.	Final payment since June 1, 1919, of $71,113.32.

[1] Commission. [2] Indeterminate (weekly rate per student). [3] Cost plus. [4] Indeterminate. [5] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
DMA 201	Supplemental to DMA 214.		Aug. 29, 1918			Providing pay for subsistence for men not instructors.	C. G. Edgar, colonel, S. C.	
DMA 215	do		Aug. 1, 1918			Changing rate and extending.	do	
DMA 213	do		Aug. 28, 1919			Changing rate	do	
1914	U. S. Steel Products Co.	New York City	Nov. 15, 1917	$725,000.00	*$736,800.00	Hydrogen cylinders	A. C. Downey, major, S. C.	Increased $11,800.00.
1921	National Cash Register Co.	Dayton, Ohio	Dec. 28, 1917	400,000.00	*395,128.00	Tachometers	do	Decreased $4,871.25.
3941	Export & Domestic Hardware Co.	New York City	Nov. 26, 1917	[illegible]		Mahogany	do	
4567	Sperry Gyroscope Co.	Brooklyn, N. Y.	Aug. 20, 1918	157,500.00		Air compasses	F. D. Schnacke, captain.	Settlement contract made June 9, 1919.
4646	Foxboro Co. (Inc.)	Foxboro, Mass.	Sept. 10, 1918	850,000.00	*87,800.00	Air speed indicators	O. R. Ewing, captain.	
4646-A	Supplemental contract to contract 4646.		May 1, 1919	49,900.00	*40,900.00	Terminating contract		
4995	Waltham Watch Co.	Waltham, Mass.	Oct. 10, 1918	211,500.00	*14,100.00	Airplane clocks	F. D. Schnacke, captain.	
4995-A	Supplemental contract to contract 4995.		Apr. 9, 1919	31,999.32		Terminating contract	S. M. Wiley, captain	Paid since June 1, 1919.
5071	Wolverine Brass Works.	Grand Rapids, Mich.	Oct. 25, 1918	163,000.00		Interrupter gears	F. D. Schnacke, captain, A. S., A. P.	
5071-A	Supplemental contract to contract 5071.		May 1, 1919	19,748.80	*19,748.00	Terminating contract	S. M. Wiley, captain, A. S., A. P.	
5312	Victor Safe & Lock Co.	Cincinnati, Ohio	Nov. 12, 1918	174,000.00		Gun yokes, trigger controls.	F. D. Schnacke, captain, A. S., A. P.	
5312-A	Supplemental contract to contract 5312.		Apr. 21, 1919	7,335.62	*7,335.00	Terminating contract	S. M. Wiley, captain, A. S., A. P.	
5314	Electric Magnetic Tool Co.	Chicago, Ill.	Nov. 11, 1918	110,400.00		Gun yokes, trigger controls.	F. D. Schnacke, captain, A. S., A. P.	
5314-A	Supplemental contract to contract 5314.		May 7, 1919	9,662.80	*9,662.00	Terminating contract	do	
[illegible]	Bristol Co.	Waterbury, Conn.	Nov. 13, 1918	250,000.00		Air speed indicators	do	
5350-A	Supplemental contract to contract 5350.		June 6, 1919	645.47		Terminating contract	S. M. Wiley, captain, A. S., A. P.	Do.
[illegible]	Standard Oil Corporation of New York.	Plainfield, N. J.	Oct. 26, 1917	263,752.50	*163,602.00	Spare parts	A. C. Downey, major, S. C.	Reduced $[illegible]
[illegible]	Union Switch & Signal Co.	Swissvale, Pa.	Mar. 11, 1918	(2)	[illegible]	Engine forgings	do	
1571	Flottorp Manufacturing Co.	Chicago, Ill.	Aug. 21, 1917	195,000.00	*176,420.00	Prop. Hall-Scott A-7-A Eng.	do	Reduced $12,579.64.
3422	Spencer Lens Co.	Buffalo, N. Y.	Apr. 11, 1918	*332,800.00	51,000.00	Optical glass	F. D. Schnacke, first lieutenant, A. S., A. P.	Paid since June 1, 1919, $152.
3422-1	Supplemental contract to contract 3422.		July 12, 1918			Settlement clauses	do	
3422-A	Do		Apr. 26, 1919	172,419.12		Terminating contract	F. D. Schnacke, captain, A. S., A. P.	Paid since June 1, 1919.
5394	Organic Salt & Acid Co.	Long Island City, N. Y.	Nov. 13, 1918	116,400.00		Benzyl benzoate	do	This contract was terminated and settled, together with contracts 3954, 5045, 5155, 5358, 5323, and orders 710413, 710566, by contract dated Feb. 20, 1919, No. 3954-A, amount $47,226.37. Contracting officer, S. M. Wiley, captain, A. S., A. P.
1528	Standard Aero Corporation of New York.	Plainfield, N. J.	Oct. 5, 1917	530,000.00	*269,102.00	Airplanes	A. C. Downey, major, S. C.	Reduced 260,897.50.
1528-1	Supplemental contract to contract 1528.		May 9, 1918				do	Providing for additional payment of $200 on each plane delivered to enable contractor to pay the M. A. Association royalty of $200 per plane, thereby eliminating the fringement clause in original contract.
[illegible]	California Castor Bean Association	Santa Barbara, Calif.	Apr. 9, 1918	400,000.00	18,573.00	Planting castor beans	O. R. Ewing, first lieutenant, A. S., S. R. C.	Reduced 123,000.
5306	Bust & Daniels	New York City, N. Y.	Nov. 13, 1918	196,000.00		Castor beans	F. D. Schnacke, captain, A. S., A. P.	Canceled, material not required.
[illegible]	Mitsui & Co.	Seattle, Wash.	Nov. 11, 1918	196,000.00	*108,000.00	do	do	
4966	Liberty Iron Works	Sacramento, Calif.	Oct. 16, 1918	350,000.00		Airplanes	do	
4966-A	Supplemental contract to contract 4966.		June 13, 1919	151,775.13		Terminating contract	S. M. Wiley, captain, A. S., A. P.	Payment completed after June 1, 1919.
2896	L. F. Liles & J. M. Malorn.	Dothan, Ala.	Feb. 5, 1918	550,000.00	*50,000.00	Shelled castor beans	O. R. Ewing, first lieutenant, A. S., A. R. C.	Reduced $[illegible]
3355	Toledo Seed & Oil Co.	Toledo, Ohio	Nov. 4, 1918	96,000.00	196,000.00	Castor beans	F. D. Schnacke, captain, A. S., A. P.	Increased $[illegible]
[illegible]	W. H. Mullins Co.	Salem, Ohio	Oct. 18, 1918	198,472.61	*[illegible]	Spare parts for planes	do	Increased $[illegible]
5273-A	Supplemental contract to contract 4924.		May 19, 1919	20,971.91	*20,971.00	Terminating contract	do	
5270	Jas. Cunningham Son & Co.	Rochester, N. Y.	Nov. 4, 1918	508,955.00		Windlasses	F. D. Schnacke, captain, A. S., A. P.	
[illegible]	Supplemental contract to contract No. 5230.		Dec. 30, 1918			Terminating contract	do	No charge.
5230	W. R. Grace & Co.	New York City, N. Y.	Nov. 5, 1918	980,000.00	[illegible]	Castor beans	F. D. Schnacke, captain, A. S., A. P.	

[1] Estimated. [2] Cost plus. [3] Indeterminate (weekly rate per student).

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
3250	Baker Castor Oil Co.	New York City, N. Y.	Nov. 4, 1918	[illegible]	$14,227.00	Castor beans	F. D. Schnacke, captain, A. S., A. P.	Payments made since June 1, 1919.
4489	Lamb, Finlay & Co.	do	July 1, 1918	200,000.00	135,957.00	Services	F. D. Schnacke, captain, A. S., A. P.	Do.
4939	Wellington Sears Co.	do	Sept. 2, 1918	180,000.00	30,265.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	Do.
5140	Springfield Aircraft Corporation.	Springfield, Mass.	Nov. 1, 1918	(1)	15,806.00	Planes	do	Do.
5126	Heartwood Aero Co.	Jamaica Plain, Mass.	do	(1)		do	do	
4916	Brewster & Co.	Long Island City, N. Y.	Oct. 17, 1918	2,497,500.00	200,000.00	do	do	Reduced $2,426,000.
4916-1	Supplemental contract to contract No. 4916.		Nov. 6, 1918			Providing advanced payment.	do	
5013	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Oct. 26, 1918	128,195.25	32,258.00	Spare parts	do	Payments made since June 1, 1919.
1917	Western Electric Co.	New York City, N. Y.	Oct. 15, 1917	271,260.00	*271,260.00	Material	A. C. Downey, captain, S. C.	
4516	Hoosier Veneer Co.	Indianapolis, Ind.	Aug. 30, 1918	155,000.00	143,265.00	Walnut lumber	F. D. Schnacke, captain, A. S., A. P.	Reduced $10,134.12.
4516-1	Supplemental contract to contract No. 4516.		Jan. 2, 1919			Providing for delivery	do	
4397	John A. Roebling's Sons Co.	Trenton, N. J.	July 16, 1918	121,750.00	*119,341.00	Wire	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Reduced $2,408.97.
4719	Engel Aircraft Co.	Niles, Ohio	Sept. 19, 1918	172,597.00	*172,597.00	Spare parts	do	
4296	Wellington Sears & Co.	New York City, N. Y.	Aug. 3, 1918	157,155.00	56,255.00	Balloon cloth	do	Reduced $61,600.
4479	Des Moines Sawmill Co.	Des Moines, Iowa.	Aug. 15, 1918	155,935.00	113,542.00	Walnut lumber	F. D. Schnacke, captain, A. S., A. P.	Reduced $41,107.85.
4479-1	Supplemental contract to contract No. 4479.		Oct. 3, 1918			Providing for delivery	do	
4399	Wellington Sears & Co.	New York City, N. Y.	Aug. 3, 1918	108,187.50	23,316.84	Balloon cloth	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Reduced $25,000.
4456	E. I. de Nemours du Pont Co.	Philadelphia, Pa.	July 9, 1918	155,000.00	19,095.00	Solvent recovery plant	do	Reduced $1,905,000.
4936	International Register Co.	Chicago, Ill.	Oct. 10, 1918	405,000.00		Spare parts	F. D. Schnacke, captain, A. S., A. P.	Reduced $405,000.
4936-A	Supplemental contract to contract No. 4936.		Apr. 23, 1919			Terminating contract	S. M. Wiley, captain, A. S., A. P.	No charge.
5065	Ackerman Wheel Co.	Cleveland, Ohio	Nov. 1, 1918	[illegible]		Spare parts	F. D. Schnacke, captain, A. S., A. P.	
5065-A	Supplemental contract to contract No. 5065.		Mar. 12, 1919	10,081.00	*10,081.00	Terminating contract	do	
4925	Excelsior Motor Manufacturing & Supply Co.	Chicago, Ill.	Oct. 24, 1918	1,042,705.57	8,221.70	Spare parts	do	
4925-A	Supplemental contract to contract No. 4925.		Apr. 11, 1919	67,005.70	*67,005.70	Terminating contract	do	
5041	Standard Aero Corporation.	Elizabeth, N. J.	Nov. 6, 1918	1,466,450.00	313,106.00	Planes	O. R. Ewing, captain, A. S., A. P.	Additional payments since June 1, 1919.
5300	Fisher Body Corporation.	Detroit, Mich.	Sept. 7, 1918	(1)	*2,276.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	
5300-A	Supplemental contract to contract No. 5300.		Apr. 30, 1919	1.00	81.00	Terminating contract	do	
3638	Torrington Co.	Torrington, Conn.	Apr. 17, 1918	110,341.00	94,149.00	Wire and rods	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Payments made since June 1, 1919.
5107	B. Sheninger & Co.	New Haven, Conn.	Oct. 28, 1918	142,750.00	20,315.00	Propellers	F. D. Schnacke, captain, A. S., A. P.	
5107-A	Supplemental contract to contract No. 5107.		May 21, 1919	69,571.83		Terminating contract	S. M. Wiley, captain, A. S., A. P.	
5230	Stewart Hartshorn Co.	New York City, N. Y.	Nov. 5, 1918	228,461.34		Tie rods	F. D. Schnacke, captain, A. S., A. P.	Terminated by contract since June 1, 1919.
5228	Erie Specialty Co.	do	do	100,148.54	*100,513.00	Bolts and nuts, JN-4D plane.	do	Increased $315.22.
3439	Standard Aircraft Corporation.	Elizabeth, N. J.	Mar. 29, 1918	(1)	1,742,970.00	Airplane assembling	A. C. Downey, major, S. C.	
3266	Grand Rapids Airplane Co.	Grand Rapids, Mich.	Mar. 18, 1918	(1)	2,476,288.00	Spare parts	do	
3303-A	Supplemental contract to contract No. 3303.		May 28, 1919	296,072.18		Terminating contract	F. D. Schnacke, captain, A. S., A. P.	Paid since June 1, 1919.
2062	Hall Scott Motor Car Co.	San Francisco, Calif.	Nov. 9, 1918	1,491,492.12	1,005,333.00	Engine parts	A. C. Downey, major, S. C.	
2062-A	Supplemental contract to contract No. 2062.		Jan. 5, 1918				do	Providing 40 per cent instead of 25 per cent discount to Government by purchasing 1,000 extra engines.
4268	The Holt Manufacturing Co.	Peoria, Ill.	July 20, 1918	212,500.00	208,250.00	Caterpillar truck adaptors.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
4473	Jas. Cunningham & Co.	Rochester, N. Y.	July 17, 1918	137,500.00	51,005.00	Windlasses	F. D. Schnacke, captain, A. S., A. P.	
4469	Curtiss Aeroplane & Motor Co.	Buffalo, N. Y.	Sept. 23, 1918	198,195.44	113,207.00	Motor spares	do	
5086	Hardman Peck Co.	New York City.	Oct. 25, 1918	117,000.00		Propellers	do	Termination contract $11,672.20, made since June 1, 1919.
5219	Witherow Steel Co.	Pittsburgh, Pa.	Nov. 5, 1918	281,917.63		Wire	F. D. Schnacke, captain, A. S., A. P.	Canceled, material not required.
5326	Marlin Rockwell Corporation.	New York City.	Nov. 11, 1918	125,000.00	127,735.00	Radiators	do	Increased $2,735.
4783	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	July 27, 1918	180,078.75	*180,078.00	Spare parts	do	
4977	Gordon & Ferguson	St. Paul, Minn.	Oct. 15, 1918	290,300.00	28,470.00	Leather coats	do	Decreased $155,090.
4987	Intertype Corporation.	Brooklyn, N. Y.	Oct. 22, 1918	145,000.00		Spare parts	do	Canceled, material not required.
4613	Witherow Steel Co.	Pittsburgh, Pa.	Aug. 20, 1918	170,000.00	*151,874.00	Stream line wire tie rods.	do	Decreased $18,126.15.

Cost plus.

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4571	Howell & Lesser	San Francisco, Calif.	Aug. 28, 1918	$300,000.00	*$300,175.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	Increased $175.
4472	N. C. L. Engineering Corporation.	Providence, R. I.	Aug. 17, 1918	225,000.00	225,000.00	Windlasses	do	
4472-1	Supplemental to 4472		Jan. 14, 1919			Correcting typographical error repayments.	do	
4455	West Virginia Aircraft Corporation.	Wheeling, W. Va.	Aug. 13, 1918	374,110.50	*374,110.00	Spare parts	do	
4229	American Cellon Co.	New York City.	July 3, 1918	299,000.00	296,058.00	Cellulose acetate dope.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
5220	The Silvex Co.	South Bethlehem, Pa.	Nov. 4, 1918	600,000.00	240,000.00	Spares	F. D. Schnacke, captain, A. S., A. P.	
5220-1	Supplemental to 5220		Dec. 1, 1918			Storage spark plugs	do	
5000	Hayes-Ionia Co.	Grand Rapids, Mich.	Oct. 24, 1918	120,000.00		Spare parts	do	
5000-A	Supplemental to 5000		May 19, 1919			Termination contract	S. M. Wiley, captain, A. S., A. P.	No charge.
5265	American Trading Co.	New York City.	Nov. 12, 1918	100,000.00	166,065.00	Castor beans	F. D. Schnacke, captain, A. S., A. P.	
4518	Eastman Kodak Co. of New York.	Rochester, N. Y.	Aug. 20, 1918	255,000.00	51,000.00	Unit sights	do	Additional payments since June 1, 1919.
5000	Starr Piano Co.	Richmond, Ind.	Oct. 28, 1918	119,625.00	8,248.00	Propellers	do	Government to credit contractor $53,349.04 on the books of the sales department as final settlement charge.
5105-A	Supplemental to 5105		Apr. 4, 1919				do	
4975	Guiterman Bros.	St. Paul, Minn.	Oct. 14, 1918	168,340.00	15,677.00	Leather coats	do	
4975-A	Supplemental to 4975		Apr. 25, 1919	22,053.79		Settlement	S. M. Wiley, captain, A. S., A. P.	Additional payments since June 1, 1919.
4433	General Motors Corporation.	Flint, Mich.	Oct. 8, 1918	13,000,000.00	5,188.00	Liberty motors	F. D. Schnacke, captain, A. S., A. P.	
4433-A	Supplemental to 4433		May 14, 1919	3,020,740.96		Termination contract	do	This termination contract also covers order 30071 and contracts 2266-A and 2266-5. Amt. of settlement $1,020,740.96.
2575	T. S. Evans	Hamlet, N. C.	Jan. 11, 1918	875,000.00	204,064.00	Castor beans	A. C. Downey, major, S. C.	Decreased $250,000.
2575-1	Supplemental to 2575		Jan. 15, 1918			Amending location of work to be performed.	do	
2575-2	do		Aug. 5, 1918			Reshelling beans, 40 per cent to be deducted from voucher.	O. R. Ewing, captain, A. S., A. P.	
2575-3	do		Aug. 27, 1918			Extending time of delivery.	do	
4759	Willard Storage Battery Co.	Cleveland, Ohio.	Aug. 30, 1918	271,250.00	*80,005.00	Batteries	F. D. Schnacke, captain, A. S., A. P.	
4589-A	Supplemental to contract No. 4589.		Mar. 27, 1919	17,796.96	*17,796.00	Termination contract	S. M. Wiley, captain, A. S., A. P.	
4827	G. & O. Manufacturing Co.	New Haven, Conn.	Sept. 28, 1918	117,500.00	*96,338.00	Radiators	F. D. Schnacke, captain, A. S., A. P.	
4827-A	Supplemental to contract No. 4827.		Apr. 7, 1919	2,500.08	*2,590.00	Termination contract	do	
4251	Chemical Products Co.	Cambridge, Mass.	July 24, 1918	159,800.00	*13,164.00	Airplane dope	do	
4251-A	Supplemental to contract No. 4251.		Mar. 25, 1919	8,895.18	*8,895.00	Termination contract	S. M. Wiley, captain, A. S., A. P.	
5084	Unit Construction Co.	Philadelphia, Pa.	Oct. 26, 1918	152,000.00		Propellers	F. D. Schnacke, captain, A. S., A. P.	Payments made since June 1, 1919.
5084-A	Supplemental to contract No. 5084.		Apr. 24, 1919	80,797.00		Termination contract	S. M. Wiley, captain, A. S., A. P.	Terminated through payment of $797 and crediting contractor $80,000 on books of sales department.
5107	The Baltic Mills Co.	Baltic, Conn.	Oct. 31, 1918	236,293.00	*15,866.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	Supplemental contract made since June 1, 1919.
5078	Harding Tilton Co.	New Bedford, Mass.	Oct. 30, 1918	221,000.00		Fabric	do	
5078-A	Supplemental to 5078		May 26, 1919	81,160.21		Settlement	do	Final payment since June 1, 1919.
5164	Potomska Mills	New Bedford, Mass.	Oct. 30, 1918	108,375.00		Balloon cloth	do	
5164-A	Supplemental to 5164		May 19, 1919	42,339.47		Settlement	do	Do.
4621	Splitdorf Electric Co.	Newark, N. J.	Sept. 13, 1918	1,887,500.00	1,765,836.00	Magnetos and spares	do	
4621-1	Supplemental to 4621		Nov. 8, 1918				do	Includes additional items.
4500	Wm. Whitman & Co. (Inc.).	New York City.	Aug. 28, 1918	189,387.75	*151,340.00	Balloon cloth	do	Increased $1,952.25.
4604	Ford Motor Co.	Detroit, Mich.	Sept. 5, 1918	2,400,000.00	465,167.00	Cylinders	F. D. Schnacke, captain, A. S., A. P.	Decreased $1,430,965.55.
4604-A	Supplemental to 4604		Apr. 30, 1919	579,467.45	*579,467.00	Settlement	do	
5001	Lorraine Manufacturing Co.	Pawtucket, R. I.	Oct. 22, 1918	102,000.00	*90,006.00	Balloon cloth	do	Decreased $48,000.
5001-A	Supplemental to 5001		June 11, 1919	9,660.73		Settlement	S. M. Wiley, captain, A. S., A. P.	Final payment since June 1, 1919.
4590	Electric Storage Battery Co.	Washington, D. C.	Aug. 30, 1918	106,500.00	53,934.00	Batteries	F. D. Schnacke, captain, A. S., A. P.	
4535	Godfrey Hillsbrandt	New York City.	Aug. 16, 1918	900,000.00	761,460.00	China dog mats	do	Decreased $195,000.
5075	Wm. Whitman & Co.	New Bedford, Mass.	Oct. 28, 1918	780,000.00	*109,045.00	Fabric	do	
5075-A	Supplement to 5075		Apr. 4, 1919	210,614.41	*210,614.00	Settlement	do	
5406	The Wilson Body Corporation.	Bay City, Mich.	Nov. 6, 1918	784,453.00		Plane spares	do	Canceled, material not required.
4504	Wellington Sears Co.	New York City.	Aug. 29, 1918	213,806.25	107,143.00	Balloon cloth	do	
4365	do	do	do	122,187.50	33,075.00	do	do	Decreased $70,000.

List of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
[illegible]	Wellington Sears Co.	New York City.	Aug. 30, 1918	$160,000.00	$142,576.60	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	
4567	The Recording Devices Co.	Dayton, Ohio	Aug. 27, 1918	100,000.00	*100,000.00	Synchronizing generators.	do	
5000	American Bleached Goods Co.	Taftville, Conn.	Oct. 23, 1918	113,000.00	35,812.00	Balloon cloth	do	
5020	Tillotson Manufacturing Co.	Toledo, Ohio	Nov. 6, 1918	(1)		Carburetors	do	
5077	Harding Tilton & Co.	New Bedford, Mass.	Oct. 26, 1918	190,000.00	*13,600.00	Fabric	do	
5077-A	Supplement to 5077		Apr. 4, 1919	14,010.56	*14,010.00	Settlement	S. M. Wiley, captain, A. S., A. P.	Decreased $109,437.
4903	Light Manufacturing & Foundry Co.	Pittstown, Pa.	Aug. 17, 1918	236,150.00	*179,000.00	Crank cases and bearing caps.	F. D. Schnacke, captain, A. S., A. P.	Decreased $48,125.88.
4903-A	Supplemental to 4903		Apr. 4, 1919	604.00	*604.00	Settlement	do	
5305	Cellulod Co.	New York City	Nov. 14, 1918	123,500.00	*10,117.00	Triphenyl phosphate	do	Decreased $96,155.64.
5305-A	Supplemental to 5305		Apr. 24, 1919	17,228.77	*17,228.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
5230	Wm. Whitman Co.	New York City	Nov. 1, 1918	220,000.00	96,870.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	Decreased $123,304.10.
5230-A	Supplemental to 5230		Mar. 25, 1919	68,147.01	*68,147.00	Settlement	do	
4979	Springfield Aircraft Corporation.	Springfield, Mass.	June 24, 1918	(1)	909,900.00	Planes	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Additional payments since June 1, 1919.
4746	Equitable Export Co.	New York City	Sept. 23, 1918	225,000.00		Castor beans	F. D. Schnacke, captain, A. S., A. P.	
4746-A	Supplemental to 4746		Apr. 2, 1919	20,000.00	*20,000.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
4979	C. H. Haberstorn & Co.	Detroit, Mich.	Oct. 21, 1918	189,000.00		Spares	F. D. Schnacke, captain, A. S., A. P.	
4979-A	Supplemental to 4979		Apr. 4, 1919	19,899.67	*19,900.00	Settlement	do	
5149	Grinnell Manufacturing Co.	New Bedford, Mass.	Oct. 28, 1918	117,637.60		Balloon cloth	F. D. Schnacke, captain, U. S. A. F.	Terminating contract for $13,941.12 made and paid since June 1, 1919.
4930	Howell & Lesser	San Francisco, Calif.	Sept. 13, 1918	350,000.00		Planes	do	Decreased $313,000; settlement contract before Claims Board.
4462	Pierce Manufacturing Co.	New Bedford, Mass.	Oct. 30, 1918	137,062.50	*1,228.00	Balloon cloth	do	Terminating contract $17,381.54 made and paid since June 1, 1919.
2697	B. E. Moses and H. M. Gibb.	Memphis, Tenn.	Jan. 14, 1918	263,300.00	17,860.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $105,000.
2697-1	Supplemental to 2697		Apr. 30, 1918			Amending location of planting.	do	
2697-2	do		Sept. 3, 1918			Shipment unshelled beans.	O. R. Ewing, captain, A. S., A. P.	
5378	United West India Corporation.	New York City	Oct. 19, 1918	900,000.00	88,604.00	Castor beans	do	Decreased $810,000.
4653	The Kosse, Shoe & Schleyer Co.	Cincinnati, Ohio	Sept. 30, 1918	155,000.00	153,640.00	Walnut lumber	do	
4653-1	Supplemental to 4653		Nov. 16, 1918			Regarding delivery	F. D. Schnacke, captain, A. S., A. P.	
4628	Hayes Manufacturing Co.	Detroit, Mich.	Sept. 9, 1918	105,000.00	11,670.00	Cylinder jackets	O. R. Ewing, captain, A. S., A. P.	
4628-A	Supplemental to 4628		Apr. 30, 1919	21,405.23		Settlement	S. M. Wiley, captain, A. S., A. P.	
4640	Watts, Stebbins & Co.	New York City	Sept. 10, 1918	119,657.50	60,164.00	Balloon cloth	O. R. Ewing, captain, A. S., A. P.	
4641	do	do	Sept. 9, 1918	126,743.75	64,674.00	do	do	
4623	W. H. Mullins Manufacturing Co.	Salem, Ohio	do	210,000.00	120,250.00	Cylinder water jackets	do	
4623-A	Supplemental to 4623		May 15, 1919	21,105.53	*21,105.00	Settlement	F. D. Schnacke, captain A. S., A. P.	
4623-1	do		Mar. 31, 1919			Restoring, etc., material	do	
10126	F. A. Jones Construction Co.	Dallas, Tex.	Aug. 25, 1917	(1)	*1,000,981.00	Constructing A. C. T., Waco, Tex.	C. G. Edgar, captain, A. S., A. P.	
2370	B. L. Hammer	Norfolk, Va.	Jan. 10, 1918	875,000.00	121,891.00	Castor beans	A. C. Downey, major, Signal Corps.	Decreased $250,000.
2370-1	Supplemental to 2370		July 20, 1918			To accept delivery of beans unshelled; 40 per cent to be deducted from price.	O. R. Ewing, captain, A. S., A. P.	
5371	American Bleached Goods Co.	Taftville, Conn.	Nov. 11, 1918	300,000.00	61,858.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	Decreased $210,000.
4594	Bosch Magneto Co.	New York City	Oct. 2, 1918	320,000.00	*64,000.00	Magnetos	do	Contract terminated for $25,061.20 since June 1, 1919.
4777	do	do	Sept. 25, 1918	160,000.00		do	do	Completed since June 1, 1919.
4628	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Oct. 1, 1918	160,000.00	137,070.00	Cylinders	do	
5319	W. S. Gray & Co.	New York City	Nov. 11, 1918	134,700.00		Methyl acetate	do	
5352	Lawton Mills	Plainfield, Conn.	Nov. 13, 1918	279,000.00	2,116.00	Balloon cloth	do	Do.
5370	do	do	Nov. 12, 1918	270,000.00		do	do	Contract terminated since June 1, 1919.
1526	Pittsburg Plate Glass Co.	Pittsburgh, Pa.	Sept. 14, 1917	105,945.00	80,134.00	Glass and plant equipment.	A. C. Downey, captain, S. C., U. S. R.	Decreased $37,322.07.
1526-A	Supplemental to 1526		Mar. 18, 1919	18,498.66	*18,498.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
2097	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Jan. 11, 1918	[2] 2,098,000.00	2,208,216.00	Airplanes	A. C. Downey, major, S. C.	Decreased $45,602.93.
2396	General Motors Corporation.	Detroit, Mich.	Dec. 11, 1917	(1)	*3,697,095.00	Engines	do	
2396-1	Supplemental to 2396		do			Modification of terms of payment advanced.	do	
2396-2	do		Mar. 21, 1918			Increasing order by 1,000 engines.	do	
2396-3	do					Not executed	do	
2396-4	do					do		

[1] Cost plus. [2] Estimated.

List of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
2266-5	Supplemental to 2266		Oct. 2, 1918			Superseding contract canceling original and amendments. This contract now fixed price, approximately $24,000,000.	F. D. Schnacke, captain, A. S., A. P.	
2266-6	do		Feb. 13, 1919			Revision of Article I in contract 2266-5, which through error was not expressed in proper manner.	do	
2266-A	do		May 14, 1919	$3,020,641.96		Settlement	do	This contract also covers contract 4433-A.
[illegible]	B. F. Sturtevant Co.	Hyde Park, Mass.	Jan. 14, 1918	165,440.00	*$165,440.00	Engines	A. C. Downey, major, S. C.	
[illegible]	The Silver Co.	Bethlehem, Pa.	Mar. 20, 1918	(1)	*150,834.00	Spark plugs	do	
3311-1	Supplemental to 3311		May 9, 1918			Furnishing contractor with certain equipment valued at $5,000	F. D. Schnacke, first lieutenant, A. S., A. P.	
[illegible]	Ordnance Engineering Corporation.	New York City	Feb. 19, 1918	(1)	113,004.00	Airplanes	A. C. Downey, major, S. C.	
[illegible]	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Mar. 30, 1918	(1)		Plane spares	do	Canceled; material not required.
2136	Union Switch & Signal Co.	Swissvale, Pa.	Sept. 25, 1917	(1)	*13,263,816.00	Engines	do	
2136-1	Supplemental to 2136		May 4, 1918			To include spare parts.	F. D. Schnacke, first lieutenant, A. S., A. P.	
[illegible]	do		Nov. 8, 1918			Price of engines and spares increased on account of change in specifications.	F. D. Schnacke, captain, A. S., A. P.	
2136 1-A	do		Aug. 18, 1918			Cancels amendment 2136-1 and amends Article I original contract re spare parts.	F. D. Schnacke, first lieutenant, A. S., A. P.	
2293	The Pierce Co.	East Rochester, N. Y.	Dec. 13, 1917	64,015.00	*101,065.00	Castor oil	A. C. Downey, major, S. C.	Increased $37,050.43.
[illegible]	Clough Bourne Corporation, contractors.	New York City	Nov. 9, 1917	(1)	*3,116,805.00	Construction Hazelhurst Field.	C. G. Edgar, captain, S. C.	
9721	J. W. Thompson	St. Louis, Mo.	Aug. 22, 1917	(1)	1,228,274.00	Construction Camp No. 1, Fort Worth, Tex.	do	
10197	American Construction Co.	Houston, Tex.	Sept. 4, 1917	(1)	*2,388,228.00	Construction training school near Houston	do	
1381	J. G. White Engineering Corporation.	New York City	June 4, 1917	(1)	636,491.00	Aviation mobilization camp for overseas.	C. S. Wallace, major, S. C.	
[illegible]	Standard Aero Corporation of New York.	Plainfield, N. J.	Nov. 10, 1917	(1)	*4,390,215.00	Airplanes	A. C. Downey, captain, S. C., U. S. R.	
1839-1	Supplemental to 1838		Jan. 7, 1918			Additional spare parts	do	
1839-2	do		Mar. 8, 1918			Additional planes	do	
1839-3	do		May 16, 1918			Additional spare parts	do	
1839-4	do					Not executed	do	
2698	Standard Aircraft Corporation.	Elizabeth, N. J.	Jan. 26, 1918	(1)	7,390.00	Airplanes		
2698-1	Supplemental to 2698		Feb. 1, 1918			Change in type of planes.	A. C. Downey, major, S. C.	
2698-A	do		June 19, 1918			Amending number planes of original contract.	F. D. Schnacke, first lieutenant A. S., S. R. C.	
2698-A-1	do		May 16, 1918			Space necessary for testing guns, etc.	A. C. Downey, major, S. C.	
2698-2	do		Sept. 21, 1918			Additional 120 planes	O. R. Ewing, captain, A. S., A. P.	
2698-A-2	Supplemental to 2698		Nov. 6, 1918			800 additional planes and spares for 1,000 planes. Also this amendment supersedes original contract and amendment.	do	
2698-AA	do		June 24, 1919	3,700,000.00		Settlement.		
3475	Oliver Iron & Steel Co.	Pittsburgh, Pa.	Apr. 4, 1918	[illegible]	85,992.00	Bolts and washers	O. R. Ewing, first lieutenant, A. S., S. R. C.	
2606	J. W. Dean and J. H. Malone.	Dothan, Ala.	Feb. 13, 1918	[illegible]	135,394.00	Planting and growing castor beans.	do	Decreased $303,105.42.
5226	The Presto-Lite Co.	New York City	Nov. 11, 1918	[illegible]		Tanks of acetylene gas	O. R. Ewing, captain, A. S., A. P.	
226-A	Supplemental to 5226		Apr. 4, 1919	439.39	*439.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
4670	The Ohio Rubber Co.	Cleveland, Ohio.	Sept. 14, 1918	900,000.00	79,371.00	Shock absorber cord	O. R. Ewing, captain, A. S., A. P.	
4723	Aluminum Castings Co.	do	Sept. 16, 1918	[2] 1,776,000.00	2,215,567.00	Castings	do	Increased $475,000.
4723-1	Supplemental to 4723		Dec. 21, 1918			Changing date re option	do	
4723-2	do		Jan. 27, 1919			do	S. M. Wiley, captain, A. S., A. P.	
4723-3	do		Feb. 20, 1919			do	do	
4351	National Pneumatic Co.	Chicago, Ill.	July 17, 1918	127,500.00	122,895.00	Gears	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Additional payment since June 1, 1919.
4014	do	do	June 8, 1918	100,000.00	*100,000.00	Gears (interrupter)	do	
[illegible]	Sturtevant Airplane Co.	Jamaica Plains, Mass.	Feb. 13, 1918	263,917.50	*268,867.00	Spare parts	do	Increased $4,900.
4417	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	Aug. 6, 1918	600,000.00	980,607.00	Airplanes	do	Increased $1,087.53.
1550-A	Fowler Airplane Corporation.	San Francisco, Calif.	Mar. 8, 1918	323,176.80	*323,195.00	do	do	Decreased $1.80.
4918	Willys Overland Co.	Elmira, N. Y.	Oct. 30, 1918	[2] 481,147.00	104,421.00	Screw machine parts	F. D. Schnacke, captain, A. S., A. P.	Decreased $14,087.59.

[1] Cost plus. [2] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
4733	Disco Manufacturing Co.	Detroit, Mich.	Sept. 27, 1918	$[illegible]	$337,089.00	C. C. synchronizing generators.	F. D. Schnacke, captain, A. S., A. P.	
4733-A	Supplemental to 4733		May 31, 1919	17,139.02		Settlement	S. M. Wiley, captain, A. S., A. P.	
4382	Sturtevant Aeroplane Co.	Boston, Mass.	July 13, 1918	[illegible]	*43,764.00	Spares	F. D. Schnacke, captain, A. S., A. P.	
2249	General Vehicle Co.	New York City.	Nov. 20, 1917	1,537,563.00	[illegible]	Building and equipment	A. C. Downey, major, Signal Corps.	Increased $66,081.42.
2249-1	Supplemental to 2249		May 11, 1918			Advance payment	do	
2249-2	do		July 30, 1918			Amendment substituting the Government instead of vehicle Co. in connection with railroad at plant.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2249-3	do		Aug. 24, 1918			Resale office equipment, etc., to contractor.	F. D. Schnacke, captain, A. S., A. P.	
5062	Packard Motor Car Co.	Detroit, Mich.	Sept. 7, 1918	(1)	348,199.00	Combat planes	do	
5062-5	Supplemental to 5062		May 19, 1919	37,725.35		Settlement	do	
5283	Wellington Sears Co.	New York City.	Nov. 13, 1918	279,000.00	22,501.00	Balloon cloth	do	
5384	Pratt & Lambert (Inc.)	Buffalo, N. Y.	Nov. 12, 1918	222,509.00	*202,436.00	Dope	do	Payment since June 1, 1919.
4289	Pittsburgh Model Engine Co.	Pittsburgh, Pa.	Nov. 7, 1918	450,000.00		Finishing engines	F. D. Schnacke, captain, A. S., A. F.	Decreased $425,000.
[illegible]	Lawton Mills Corporation.	New York City.	Nov. 1, 1918	[illegible]	9,636.00	Parachute cloth	do	Completed since June 1, 1919.
5269	Wm. Whitman Co.	do	Nov. 13, 1918	156,000.00	30,277.00	do	do	
5269-A	Supplemental to 5269		Mar. 31, 1919	11,076.43	*11,076.00	Settlement	do	Paid since June 1, 1919.
5119	Simms Manufacturing Co.	Buffalo, N. Y.	Oct. 28, 1918	399,014.94	273,896.00	Magneto spares	do	Completed since June 1, 1919. Decreased $95,300.38.
5042	Steel Products Co.	Cleveland, Ohio.	Nov. 15, 1918	144,000.00	143,325.00	Engine spares	do	
4987	Mosler & Co.	Mount Vernon, N. Y.	Oct. 10, 1918	1,030,000.00	409,911.00	Spark plugs	do	Decreased $1,534,600.
4987-1	Supplemental to 4987		Oct. 19, 1918			Advance payment	do	
4416	Curtiss Aeroplane & Motor Corporation.	Buffalo, N. Y.	Sept. 6, 1918	284,579.00	138,455.00	Spare parts	do	
4289	do	do	July 16, 1918	[illegible]	376,654.00	do	do	Decreased $50,987.79.
3768	do	do	June 17, 1918	3,235,000.00	2,418,080.00	Airplanes	F. D. Schnacke, first lieutenant.	Decreased $108,251.42.
2802	The Toledo Seed & Oil Co.	Toledo, Ohio.	Feb. 14, 1918	[illegible]	$198,722.00	Castor oil	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $4,622.94.
2823	California Castor Bean Association.	Santa Barbara, Calif.	Feb. 6, 1918	437,103.00	53,421.00	Planting and growing castor beans.	do	Decreased $115,695.
2962	Chamber of Commerce and Business Men's Club.	San Antonio, Tex.	Feb. 20, 1918	427,500.00	32,188.00	do	do	Decreased $227,500. Additional payments since June 1, 1919.
2962-1	Supplemental to 2962		Aug. 22, 1918			Amendment reaccepting unshelled beans.	O. R. Ewing, captain, A. S., A. P.	
3007	D. C. Gillett	Tampa, Fla.	Feb. 28, 1918	[2] 175,000.00	16,998.00	Planting and growing castor beans	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $70,000.
[illegible]	Supplemental to [illegible]		Aug. 13, 1918			Extending date delivery.	F. D. Schnacke, captain, A. S., A. P.	
10162	W. C. Hedrick Construction Co.	Fort Worth, Tex.	Aug. 21, 1917	Cost plus.	1,159,951.00	Construction training school, Dallas.	C. G. Edgar, captain, Signal Corps.	
2864	[illegible] & Co.	New York City.	Feb. 18, 1918	[illegible]	*130,078.00	Coats	O. R. Ewing, first lieutenant, Signal Reserve Corps.	Increased [illegible].
3305	Trans-Oceanic Trading Co. (Inc.).	do	Mar. 21, 1918	480,000.00		Castor beans	do	Canceled, material not requested.
3474	Oliver Iron & Steel Co.	Pittsburgh, Pa.	Apr. 4, 1918	[1] [illegible]	*79,320.00	Bolts and washers	do	Decreased $67,645.57.
3504	Unit Construction Co.	St. Louis, Mo.	June 19, 1917	(1)	1,638,433.00	Construction aviation school, Belleville, Ill.	C. G. Edgar, captain, Signal Corps.	
[illegible]	Richard T. Lockhart, Irby J. Hudson.	Purcell, Tex.	Feb. 26, 1918	175,000.00	*2,080.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $172,919.27.
[illegible]	J. W. Thompson	St. Louis, Mo.	Aug. 22, 1917	(1)	988,612.00	Construction Camp No. 3, Fort Worth, Tex.	C. G. Edgar, captain, Signal Corps, United States Reserves.	
[illegible]	do	do	do	(1)	1,195,432.00	Construction Camp No. 2, Fort Worth, Tex.	do	
30005	E. A. Wickham	Council Bluffs, Iowa.	Sept. 15, 1917	(1)	2,081,237.00	Construction Park Field.	C. G. Edgar, lieutenant colonel, Signal Corps.	Payment since June 1, 1919.
30045	Dayton Lbr. & Manufacturing Co.	Dayton, Ohio.	Oct. 1, 1917	(1)	801,026.00	Construction Wilbur Wright.	do	
DMA-[illegible]	University of Illinois	Champaign County, Ill.	Aug. 27, 1918	(3)	206,826.43	Military aeronautics training.	C. G. Edgar, colonel, Signal Corps.	
DMA-162	Ohio State University	Franklin County, Ohio.	Aug. 26, 1918	(3)	172,535.00	do	do	
DMA-152	Massachusetts Institute of Technology.	Cambridge, Mass.	Sept. 9, 1918	(3)	146,181.00	do	do	
DMA-135	Supplemental to DMA-132.		Oct. 6, 1918			Flexible course in aeronautical engineering.	T. H. Bane, colonel, Signal Corps.	
DMA-[illegible]	Willys-Overland (Inc.)	Toledo, Ohio.	July 1, 1918	168,469.95	*61,238.00	Lease building at St. Paul.	C. G. Edgar, colonel, Signal Corps.	
DMA-393	Supplemental to DMA-[illegible].		Jan. 30, 1919			Terminating lease	W. F. Volandt, captain, A. S. A.	Decreased $43,363.71.
4000	Wolverine Brass Works.	Grand Rapids, Mich.	June 17, 1918	[illegible]	*600,000.00	Mounts	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $287,500.
4133	B. Shoninger & Co.	New Haven, Conn.	June 20, 1918	[illegible]	*225,871.00	Propellers	do	Increased $90,125.81.
4133-1	Supplemental to 4133		Oct. 2, 1918			Re storing, etc.	do	

[1] Cost plus. [2] Estimated. [3] Indeterminate.

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4155-2	Supplemental to 4155		May 8, 1919	$34,645.52	*$34,645.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
Everman-3	Panther Auto Supply Co.	Fort Worth, Tex.	Dec. 7, 1917	(1)	*168,781.00	Gasoline	S. V. Schermerhorn, captain, Signal Reserve Corps.	
2280	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Nov. 13, 1918	(2)	29,615,776.00	Engines, spares, tools.	A. C. Downey, major, Signal Corps.	Payments since June 1, 1919.
2280-1	Supplemental to 2280		Feb. 3, 1918			Additional 1,000 engines and spares.	do	
2280-2	do		Feb. 25, 1918			do	do	
2280-3	do		May 25, 1918			Additional 1,000 engines as required from time to time.	do	
2280-4	do		May 27, 1918			Re contractor furnishing equipment of rejected parts, etc.	F. D. Schnacke, first lieutenant, A. S., A. P., N. A.	
2280-5	do		Aug. 1, 1918			3,000 additional engines	do	
2280-6	do		Sept. 19, 1918			Re subcontractors	O. E. Ewing, captain, A. S., A. P.	
2280-7	do		Oct. 31, 1918			Additional 1,000 engines.	F. D. Schnacke, captain, A. S., A. P.	
2569	Standard Motor Truck Co.	Detroit, Mich.	Jan. 16, 1918	747,007.50	*768,576.00	Trucks	O. R. Ewing, first lieutenant, Signal Reserve Corps.	Increased $21,568.50.
2532	General Motors Truck Co.	New York City.	Jan. 24, 1918	[1] 1,577,000.00	*1,627,550.00	do	do	
1949	Western Electric Co.	do	Aug. 10, 1918	[4] 500,000.00	*215,211.00	Electrical equipment	F. D. Schnacke, captain, A. S., A. P.	
4497	Blaw-Knox Co.	Pittsburgh, Pa.	Aug. 19, 1918	215,600.00	420,740.00	Structural steel	do	Increased $301,340.
4474	McKeen Motor Car Co.	Omaha, Nebr.	Aug. 17, 1918	175,000.00	170,676.00	Windlasses	do	Increased $12,737.22.
5074	Dartmouth Manufacturing Co.	New Bedford, Mass.	Oct. 26, 1918	1,300,000.00	256,463.00	Fabric	do	Additional payments since June 1, 1919. Before claims board for termination.
2649	Fred L. Boniff	San Fernando, Calif.	Jan. 27, 1918	437,500.00		Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., R. C.	Canceled.
2567	Republic Motor Truck Co.	Alma, Mich.	Jan. 16, 1918	1,024,850.00	*1,149,198.00	Trucks	do	Increased $124,348.75.
2567-1	Supplemental to 2567		June 27, 1918			Advanced payment	O. R. Ewing, captain, A. S., A. P.	
2551	Velie Motors Corporation.	Moline, Ill.	Jan. 16, 1918	1,238,412.00	*1,222,167.00	Trucks	O. R. Ewing, first lieutenant, A. S., R. C.	Decreased $15,244.34.
5583	General Electric Co.	Schenectady, N. Y.	Nov. 8, 1918	450,000.00	*30,537.00	Companies	F. D. Schnacke, captain, A. S., A. P.	Decreased $419,462.39.
[illegible]	Springfield Aircraft Corporation.	Springfield, Mass.	Nov. 1, 1918	1,050,000.00	236,114.00	Planes	do	Decreased $806,573.03. Additional payments since June 1, 1919.
[illegible]	Taylor Instrument Co.	Rochester, N. Y.	Oct. 10, 1918	105,250.00		Altimeters	do	Canceled.
4474	McKeen Motor Car Co.	Omaha, Nebr.	Aug. 17, 1918	175,000.00		Windlasses	do	Decreased $137,808.
[illegible]	Goodrich Rubber Co.	Akron, Ohio	Oct. 8, 1918	187,668.00		Tires	do	Decreased $113,195.76.
4460	International Register Co.	Chicago, Ill.	Aug. 15, 1918	218,500.00	98,419.00	Interrupter gear	do	
4809	H. D. Lee Mercantile Co.	South Bend, Ind.	Sept. 27, 1918	156,000.00	38,151.00	Mechanics' suits	do	Decreased $117,000.
5256	The American Stove Co.	St. Louis, Mo.	Nov. 3, 1918	177,000.00	51,712.00	Airplane engine heaters	do	
5361	Liberty Crankshaft Co.	Worcester, Mass.	Oct. 14, 1918	Cost plus.		Services special machinist, and new machinery plant.	O. R. Ewing, captain, A. S., A. P.	
4773	St. Louis Aircraft Corporation.	St. Louis, Mo.	Sept. 25, 1918	700,000.00		Airplanes	O. Q. Ewing, captain, A. S., A. P.	Decreased $497,000.
2454	Excelsior Motor Manufacturing Co.	Chicago, Ill.	Jan. 23, 1918	295,000.00	*295,000.00	Engines	A. C. Downey, major, S. C.	
5095	Olds Motor Co.	Lansing, Mich.	Sept. 20, 1918	1,975,000.00	220,914.00	Spare parts	A. C. Downey, lieutenant colonel, A. S., A. P.	Decreased $1,504,086.
2456	Hall-Scott Motor Car Co.	West Berkeley, Calif.	Feb. 6, 1918	1,500,000.00	*779,868.00	Engines	A. C. Downey, major, S. C.	
2456-1	Supplemental to 2456		Apr. 6, 1918			Confirms cancellation 500 engines under original contract, and provides for same as per amendment.	F. D. Schnacke, first lieutenant, S. R. C.	
2896	Standard Aircraft Corporation.	Elizabeth, N. J.	Jan. 26, 1918	Cost plus.	3,098,500.00	Airplanes	A. C. Downey, major, S. C.	Settlement contract since June 1, 1919, $3,700,000; this corrects the eighth item on list A-16 (same contract).
2896-1	Supplemental to 2896		Feb. 1, 1918			Substitution D. H. 4's for D. H. 9's.	do	
2896-2	do		Sept. 24, 1918			Additional 120 D. H. 4's.	O. R. Ewing, captain, A. S., A. P.	
2896-A	do		June 19, 1918			Substitution of D. H. 4's for D. H. 9's.	F. D. Schnacke, captain, A. S., A. P.	
2896-A-1	do		May 16, 1918			Covering space for testing guns, etc.	A. C. Downey, major, A. S., A. P.	
2896-A-2	do		Nov. 6, 1918			Additional D. H. 4's and spares.	O. R. Ewing, captain, A. S., A. P.	
[illegible]	Lewis Thompson & Co. (Inc.).	Philadelphia, Pa.	Nov. 23, 1917	500,000.00	154,368.00	Mahogany	A. C. Downey, major, S. C.	
	Supplemental to 2042		Dec. 4, 1917			Advanced payments	do	
3853	Anderson Motor Co.	Rock Hill, S. C.	May 11, 1918	142,602.96	78,276.00	Trailers	O. R. Ewing, first lieutenant, A. S., R. C.	
3853-1	Supplemental to 3853		Mar. 10, 1919			Increase unit price to cover losses to contractor due to change in specifications on 3853 and 3719.	F. D. Schnacke, captain, A. S., A. P.	

[1] 27 cents per gallon. [2] Cost plus. [3] Plus 3 per cent war tax. [4] Estimated.

List E of informal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States.

[Starred items in the column headed "Amount Expended" include final payment.]

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
ASA-9	Settlement claim under Dent Act on contract 730265 (above).		Apr. 10, 1919	$[illegible],273.84	*$[illegible],273.84	Material and freight 110-horsepower engines.	G. I. Rowley, captain, A. S., A. P.	
ASA-10	do		do	[illegible],975.82	*$[illegible],975.82	Material, 80-horsepower engines.	do	
720675	Fisher Body Corporation.	Detroit, Mich	Sept. 5, 1918	100,000.00		Spares	F. D. Schnacke, captain, A. S., A. P.	Final payment since June 1, 1919.
4626	Supplemental to 720675.		May 28, 1919	$[illegible],675.56			S. M. Wiley, captain, A. S., A. P.	
20670	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Mar. 2, 1918	1,250,000.00		Planes	F. D. Schnacke, first lieutenant, A. S., A. P.	Canceled, material not required.
[illegible]	Dayton Wright Airplane Corporation.	Dayton, Ohio	Mar. 16, 1918	(1)		Spares	do	Do.
[illegible]	West & Dodge	Boston, Mass	Mar. 14, 1918	[2] 80,000.00	*221,413.00	Gauges	do	Increased $220,000; final payment since June 1, 1919.
[illegible]	Secretary of Navy	Washington, D. C.	Oct. 16, 1918	[illegible]		Ferrosilicon	A. C. Downey, captain, A. S., A. P.	
810050	do	do	Oct. 19, 1918	229,100.00		do	A. C. Downey, lieutenant colonel, A. S., A. P.	
20015	B. F. Goodrich Co	Akron, Ohio	Sept. 25, 1917	[2] 670,720.00	*137,400.00	Balloons	A. C. Downey, captain, A. S., A. P.	Decreased $533,320.
810940	Hawaiian Plantation Co.	Boston, Mass	Oct. 10, 1918	755,000.00		Castor beans	O. R. Ewing, captain, A. S., A. P.	Decreased $755,000.
710880	Packard Motor Car Co.	Detroit, Mich	Feb. 13, 1919	130,000.00		Engine spares	F. D. Schnacke, captain, A. S., A. P.	Payments since June 1, 1919.
710882	do	do	do	980,000.00		do	do	Canceled since June 1, 1919.
[illegible]	Gosnold Mills	New Bedford, Mass.	Oct. 26, 1918	121,125.00		Balloon cloth	do	Do.
720805	Singer Manufacturing Co.	Bridgeport, Conn.	Oct. 30, 1918	178,159.16		Wire fittings	do	Canceled.
720816	Hayes-Ionia Co	Grand Rapids, Mich.	Nov. 14, 1918	1,572,053.00		Spare parts	O. R. Ewing, captain, A. S., A. P.	Canceled; material not required.
870282	Spruce Production Corporation.	Washington, D. C.	Dec. 2, 1918	[3] 6,000,000.00	*80,000.00	Stock	do	Under authority act of Congress No. 193, approved July 9, 1918.
730738	Secretary of the Navy	do	Nov. 2, 1918	130,000.00	*105,000.00	Balloons	A. C. Downey, lieutenant colonel, A. S., A. P.	Increased $16,000.
720696	do	do	Oct. 15, 1918	2,000,000.00		Hydroplanes	do	
720720	do	do	Oct. 18, 1918	330,000.00	70,000.00	Balloons	do	
721045	do	do	Feb. 4, 1919	124,420.00		Flying boats and spares	do	Decreased $12,694.86.
721069	do	do	Mar. 11, 1919	128,000.00		Flying boats	W. A. Miller, first lieutenant, A. S., A. P.	Decreased $12,254.88.
[illegible]	Caproni Caproni	Milan, Italy	Apr. 10, 1919	210,717.89		1 and 2 Caproni missions.	G. I. Rowley, captain, A. S., A. P.	See Contracts with foreign countries.
20016	Stone & Webster	Boston, Mass	Sept. 14, 1917	(1)		Construction	C. G. Edgar, captain.	Canceled Feb. 2, 1918.
710675	Rogers & Cleaver receivers, Champion Lumber Co.	Sumburst, N. C.	Nov. 9, 1918	108,000.00		Spruce lumber	F. D. Schnacke, captain, A. S., A. P.	
73279	John A. Hill	Harlington, Tex.	Feb. 15, 1919	175,000.00		Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
20006	General Motors Co.	Detroit, Mich	Jan. 2, 1918	6,750,000.00		Engine and spare parts	A. C. Downey, major.	Do.
[illegible]	Ernest Hall Coolidge	New York City	Feb. 28, 1918	875,400.00		Castor oil	O. R. Ewing, first lieutenant, A. S., S. R. C.	Do.
20055	Secretary of the Navy	Washington, D. C.	Jan. 12, 1918	155,000.00	115,400.00	Seaplanes	Newton D. Baker, Secretary of War.	Completed since June 1, 1918.
73489	D. C. Gillett	Tampa, Fla	Feb. 27, 1918	175,000.00		Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
73548	British ministry of munitions in United States.	Washington, D. C.	Feb. 28, 1918	1,250,000.00		Castor oil	do	Do.
90070	Quartermaster General, United States Army.	do	Oct. 10, 1917	520,000.00		Motor chassis	M. C. Bristol, lieutenant colonel.	Do.
90022	do	do	Sept. 26, 1917	635,000.00	*473,842.00	Motor equipment	do	Decreased $162,157.77.
90068	do	do	Oct. 9, 1917	[2] 3,947,200.00		Trucks	do	Decreased $3,947,200; canceled.
7943	Quartermaster General	U. S. Army	May 28, 1917	[2] 175,350.00		Request for purchase of chassis.	C. S. Wallace, major, S. C.	Canceled; material not required.
8114	do	do	June 4, 1917	[2] 200,000.00		Radio tractor chassis	do	Do.
8748	do	do	July 13, 1917	[2] 166,250.00	*197,504.00	Motor cycles, cars, and trucks.	C. S. Wallace, lieutenant colonel, S. C.	
9090	Chief of Ordnance		Aug. 22, 1917	250,000.00		Copper	Geo. H. Brett, major, S. C.	
7896	J. G. Brill Co	Philadelphia, Pa.	May 23, 1917	(1)		Wire carts	C. S. Wallace, major, S. C.	Do.
8874	Western Electric Co	New York City	Aug. 11, 1917	105,000.00	*[illegible]	Buzzer telephone	L. M. Evans, captain, S. C., U. S. R.	
9787	do	do	July 31, 1917	[2] 275,000.00	*[illegible]	Construction supplies	do	
8453	Fisher Body Corporation.	Detroit, Mich	June 21, 1917	[2] 500,000.00		Airplanes	C. S. Wallace, lieutenant colonel, S. C.	Do.
8436	Dayton Wright Airplane Co.	Dayton, Ohio	do	[2] 500,000.00		do	do	Do.
9685	Langrock Bros. Co	Brooklyn, N. Y.	Aug. 23, 1917	114,000.00		Overall suits	A. C. Downey, captain, S. C., U. S. R.	Do.
10388	Underwood Typewriter Co.	Washington, D. C.	Sept. 10, 1917	150,955.00	*155,640.00	Typewriters	A. C. Downey, captain, S. C.	Decrease by adjustment voucher.
10389	Corona Typewriter Co.	do	do	141,750.00	*141,750.00	do	do	
10337	Quinault Lumber Co.	Raymond, Wash.	Sept. 12, 1917	[illegible]		Spruce	do	Canceled; taken over by Spruce Production Corporation.
10338	Siler Mill Co.	do	do	420,000.00		do	do	Do.
10339	Aloha Lumber Co.	Aloha, Wash	do	420,000.00		do	do	Do.
[illegible]	Raymond Lumber Co.	Raymond, Wash	do	126,000.00		do	do	Do.
10342	Willapa Lumber Co.	do	do	420,000.00		do	do	Do.
10343	Buehner Lumber Co.	North Bend, Oreg.	do	126,000.00		do	do	Do.

[1] Cost plus. [2] Estimated. [3] Original contract in files of Purchase, Storage, and Traffic Division.

List E of informal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
10344	Multnomah Lumber & Box Co.	Portland, Oreg	Sept. 12, 1917	$420,000.00	*$[illegible],713.80	Spruce	A. C. Downey, captain, S. C.	Decreased $[illegible], balance taken over by Spruce Production Corporation.
10345	Brighton Mill Co	Tillamook, Oreg.	do	420,000.00	*74,967.00	do	do	Decreased $345,032.16; balance taken over by Spruce Production Corporation.
10346	Puget Sound Mill & Timber Co.	Port Angeles, Wash.	do	252,000.00		do	do	Canceled; taken over by Spruce Production Corporation.
10348	North Bend Mill & Lumber Co.	North Bend, Oreg.	do	168,000.00		do	do	Do.
10349	Astoria Box Co	Astoria, Oreg	do	120,000.00	*9,775.00	do	do	Decreased $410,224.19.
20037	B. F. Goodrich Co	Akron, Ohio	Jan. 25, 1918	[1] 400,000.00	*89,280.00	Balloons	A. C. Downey, major, S. C.	Decreased $310,720.
20028	do	do	do	[1] 900,000.00	*602,552.00	do	do	Decreased $[illegible].
20056	Macy Engineering Co	Franklin, Pa	Dec. 20, 1917	250,000.00	5,000.00	Electrical controls	do	Decreased $[illegible].
710,057	Dartmouth Manufacturing Co.	New Bedford, Mass.	Oct. 15, 1918	128,000.00		Balloon cloth	F. D. Schnacke, first lieutenant, S. C.	Canceled; material not required.
20041	Secretary of Navy	Washington, D. C.	Apr. 29, 1918	210,000.00		Mercury	do	Do.
720808	Grand Rapids Airplane Co.	Grand Rapids, Mich.	Oct. 2, 1918	400,000.00		Airplane tools	F. D. Schnacke, captain, S. C.	Decreased $302,000.
[illegible]	Splitdorf Electrical Co	Newark, N. J	Sept. 27, 1918	384,800.00		Magneto parts	O. R. Ewing, captain, A. S., A. P.	Canceled; material not required.
730778	Curtiss Aero & Motor Corporation.	Buffalo, N. Y	Oct. 28, 1918	1,400,000.00		Airplanes	F. D. Schnacke, first lieutenant, S. C.	Do.
860021	Federal Truck Co	Detroit, Mich	Oct. 15, 1918	120,606.25	*120,606.00	Services	O. R. Ewing, first lieutenant, A. S. A.	
49415	Navy Department	Washington, D. C.	Nov. 16, 1917	156,300.00		Transmitting sets and spares.	Secretary of War	Do.
810050	U. S. Fruit Co	Boston, Mass	Nov. 2, 1918	694,200.00		Castor beans	O. R. Ewing, first lieutenant, A. S. A.	Do.
830021	Electro Metallurgical Sales Corporation.	New York, N. Y.	Aug. 19, 1918	261,500.00		Ferrosilicon	F. D. Schnacke, captain, S. C.	Do.
720171	Jas. Cunningham & Co.	Rochester, N. Y.	Aug. 2, 1918	350,000.00		Balloon windlasses	do	Do.
720546	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa	Sept. 20, 1918	1,543,750.00		Steel cylinders	O. R. Ewing, first lieutenant, S. C.	Canceled; material not required.
[illegible]	U. S. Aircraft Corporation.	Redwood City, Calif.	Aug. 26, 1918	200,000.00		Airplanes	F. D. Schnacke, captain, S. C.	Do.
90072	Quartermaster General	Washington, D. C.	Oct. 10, 1917	[1] 210,000.00	161,062.00	Autos and motor cycles.	C. A. Scoane, lieutenant colonel, S. C.	
[illegible]	do	do	Aug. 3, 1917	[1] 600,000.00	94,533.00	Motor equipment	G. H. Brett, captain, S. C.	
9477	Director Bureau of Standards.	do	Aug. 15, 1917	[1] 100,000.00	96,375.00	Equipment and employment of personnel.	R. M. Jones, captain, S. C.	
9064	Quartermaster General	do	July 23, 1917	[1] 153,000.00	88,596.00	Motor equipment	Geo. Brett, captain, S. C.	
8637	do	do	July 17, 1917	[1] 176,000.00	*180,658.00	do	G. H. Brett, captain, S. C.	Increased $13,658.
9436	Chief of Ordnance, U. S. Army.	do	Aug. 15, 1917	[1] 100,000.00	*5,935.00	Ammunition	R. M. Jones, captain, S. C.	Decreased $94,065.
90063	Quartermaster General	do	Oct. 9, 1917	150,000.00		Truck bodies	C. A. Scoane, lieutenant colonel, S. C.	
90093	do	do	Oct. 13, 1917	[1] 103,500.00		Gasoline drums	do	
9451	Chief of Ordnance, U. S. Army.	do	Aug. 22, 1917	[1] 600,000.00		Machine guns and ammunition.	G. H. Brett, major, S. C.	
8553	Quartermaster General	do	July 2, 1917	179,180.00	109,885.00	Motor equipment	Chas. Wallace, lieutenant colonel, S. C.	
8338	do	do	June 18, 1917	100,800.00		do	do	
7869	do	do	May 25, 1917	[1] 254,300.00	195,349.00	do	Chas. Wallace, major and lieutenant colonel, S. C.	Increased $400.
90117	do	do	Oct. 30, 1917	[1] 404,265.00	103,147.00	do	C. A. Scoane, lieutenant colonel, S. C.	
10298	do	do	Sept. 12, 1917	[1] 427,500.00	*120,350.00	do	do	Decreased $307,150.
20429	Curtiss Airplane & Motor Corporation.	Buffalo, N. Y	Feb. 4, 1918	[2] 3,362,500.00		Spares	O. R. Ewing, first lieutenant, S. R. C., A. S.	Canceled; material not required.
20404	Lewis Spring & Axle Co.	Chelsea, Mich	Feb. 16, 1918	[1] 122,000.00	*5,169.00	Metal parts	F. D. Schnacke, first lieutenant, S. R. C., A. S	Decreased $117,831.
20270	Bureau of Mines	Washington, D. C.	Nov. 22, 1917	500,000.00	*227,848.00	Argon gas	C. A. Scoane, lieutenant colonel, S. C.	Decreased $[illegible].
[illegible]	Spruce Production Corporation.	do	Oct. 14, 1918	[1] 25,000,000.00	*21,500,000.00	Debentures	O. R. Ewing, captain, A. S., A. P.	Decreased $[illegible]. Under authority of act of Congress No. 193 approved July 9, 1918.
47790	Optical Annex, Naval Gun Factory.	do	May 16, 1918	[2] 1,850,000.00		Field glasses	R. M. Jones, major, S. C.	
730212	Disco Manufacturing Co.	Detroit, Mich	Aug. 16, 1918	156,000.00		Generators	F. D. Schnacke, captain, A. S., A. P.	Canceled; material not required.
730223	Winton Motor Car Co.	Cleveland, Ohio	Aug. 20, 1918	4,200,000.00		Engines	do	Do.
880001	McKeen Motor Car Co.	Omaha, Nebr	July 11, 1918	[illegible]		Windlasses	O. R. Ewing, captain, S. C.	Do.
20250	Director Bureau of Mines.	Washington, D. C.	Nov. 14, 1917	184,800.00	63,132.00	Investigation and experiments of oxygen apparatus.	C. A. Scoane, lieutenant colonel, S. C.	Decreased $84,268.
10345	Brighton Mill Co	Tillamook, Oreg.	Sept. 12, 1917	420,000.00	*74,967.00	Spruce	A. C. Downey, captain, S. C.	Decreased $345,032.16; balance canceled.
10344	Multnomah Lumber & Box Co.	Portland, Oreg	do	420,000.00	*20,743.00	do	do	Decreased $399,256.17.
30004	Wright-Martin Aircraft Corporation.	New York City	Sept. 27, 1917	2,500,000.00		Engines	do	Canceled; material not required.
730985	Union Switch & Signal Co.	Swissvale, Pa	Sept. 3, 1918	720,000.00			F. D. Schnacke, captain, S. C.	
ASA9	Supplemental to 730265.						G. I. Rowley, captain, A. S., A. P.	

[1] Estimated. [2] Transferred to General Staff.

List E of informal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States.

[Starred items in the column headed "Amount Expended" include final payment.]

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
ASA-2	Settlement claim under Court Act on contract 78-265 (above).		Apr. 10, 1919	$5,273.04	*$5,273.00	Material and freight 110-horsepower engines.	G. I. Rowley, captain, A. S., A. P.	
ASA-10	do		do	3,775.83	*3,975.00	Material, 80-horsepower engines.	do	
72041	Fisher Body Corporation.	Detroit, Mich.	Sept. 5, 1918	100,000.00		Spares	F. D. Schnacke, captain, A. S., A. P.	Final payment since June 1, 1919.
4426	Supplemental to 720475.		May 28, 1919	84,073.04			S. M. Wiley, captain, A. S., A. P.	
20670	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Mar. 3, 1918	1,000,000.00		Planes	F. D. Schnacke, first lieutenant, A. S., A. P.	Canceled, material not required.
[illegible]	Dayton Wright Airplane Corporation.	Dayton, Ohio	Mar. 16, 1918	(1)		Spares	do	Do.
128	West & Dodge Co.	Boston, Mass.	Mar. 14, 1918	1,000,000.00	*221,413.00	Gauges	do	Increased $220,000; final payment since June 1, 1919.
[illegible]	Secretary of Navy	Washington, D. C.	Oct. 16, 1918	209,992.00		Ferrosilicon	A. C. Downey, captain, A. S., A. P.	
810060	do	do	Oct. 19, 1918	229,100.00		do	A. C. Downey, lieutenant colonel, A. S., A. P.	
20018	B. F. Goodrich Co.	Akron, Ohio	Sept. 25, 1917	270,750.00	*137,400.00	Balloons	A. C. Downey, captain, A. S., A. P.	Decreased [illegible]
810040	Clement Flammkist Co.	Boston, Mass.	Oct. 10, 1918	755,000.00		Castor beans	O. R. Ewing, captain, A. S., A. P.	Decreased $755,000.
710880	Packard Motor Car Co.	Detroit, Mich.	Feb. 13, 1919	100,000.00		Engine spares	F. D. Schnacke, captain, A. S., A. P.	Payments since June 1, 1919.
710882	do	do	do	100,000.00		do	do	Canceled since June 1, 1919.
[illegible]	Gossold Mills	New Bedford, Mass.	Oct. 28, 1918	121,125.00		Balloon cloth	do	Do.
720606	Singer Manufacturing Co.	Bridgeport, Conn.	Oct. 30, 1918	178,130.16		Wire fittings	do	[illegible]
720616	Hayes-Ionia Co.	Grand Rapids, Mich.	Nov. 14, 1918	1,572,053.00		Spare parts	O. R. Ewing, captain, A. S., A. P.	Canceled; material not required.
870232	Spruce Production Corporation.	Washington, D. C.	Dec. 2, 1918	[illegible]	*80,203.00	Stock	do	Under authority act of Congress No. 193, approved July 9, 1918.
72028	Secretary of the Navy	do	Nov. 2, 1918	150,000.00	*106,000.00	Balloons	A. C. Downey, lieutenant colonel, A. S., A. P.	Increased $16,000.
720698	do	do	Oct. 15, 1918	2,000,000.00		Hydroplanes	do	
720720	do	do	Oct. 18, 1918	[illegible]	70,000.00	Balloons	do	
721046	do	do	Feb. 4, 1919	124,420.00		Flying boats and spares	do	Decreased $12,694.86.
721089	do	do	Mar. 11, 1919	124,000.00		Flying boats	W. A. Miller, first lieutenant, A. S., A. P.	Decreased [illegible]
[illegible]	Gianni Caproni	Milan, Italy	Apr. 19, 1919	210,717.89		1 and 2 Caproni mission.	G. I. Rowley, captain, A. S., A. P.	See Contracts with foreign countries.
20016	Hoke & Webster	Boston, Mass.	Sept. 14, 1917	(1)		Construction	C. G. Edgar, captain.	Canceled Feb. 2, 1918.
710675	Rogers & Cleaver Partners, Champlain Lumber Co.	Sunburst, N. C.	Nov. 9, 1918	130,000.00		Spruce lumber	F. D. Schnacke, captain, A. S., A. P.	
72279	John A. Hill	Harlington, Tex.	Feb. 15, 1919	175,000.00		Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
20206	General Motors Co.	Detroit, Mich.	Jan. 3, 1918	6,750,000.00		Engine and spare parts	A. C. Downey, major.	Do.
72471	Ernest Hall Coolidge	New York City	Feb. 26, 1918	[illegible]		Castor oil	O. R. Ewing, first lieutenant, A. S., S. R. C.	Do.
20455	Secretary of the Navy	Washington, D. C.	Jan. 12, 1918	130,000.00	113,400.00	Seaplanes	Newton D. Baker, Secretary of War.	Completed since June 1, 1919.
73439	D. C. Gillett	Tampa, Fla.	Feb. 27, 1918	175,000.00		Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
73546	British ministry of munitions in United States.	Washington, D. C.	Feb. 26, 1918	2,850,000.00		Castor oil	do	Do.
[illegible]	Quartermaster General, United States Army.	do	Oct. 10, 1917	[illegible]		Motor chassis	M. C. Bristol, lieutenant colonel.	Do.
90022	do	do	Sept. 26, 1917	635,000.00	*473,843.00	Motor equipment	do	Decreased $162,157.77.
90055	do	do	Oct. 9, 1917	[2] 3,947,200.00		Trucks	do	Decreased $3,947,200; canceled.
7943	Quartermaster General	U. S. Army	May 28, 1917	[2] 175,350.00		Request for purchase of chassis.	C. S. Wallace, major, S. C.	Canceled; material not required.
8114	do	do	June 4, 1917	[2] 200,000.00		Radio tractor chassis	do	Do.
8798	do	do	July 13, 1917	[2] 168,250.00	*197,594.00	Motor cycles, cars, and trucks.	C. S. Wallace, lieutenant colonel, S. C.	
9000	Chief of Ordnance		Aug. 22, 1917	200,500.00		Copper	Geo. H. Brett, major, S. C.	
7936	J. G. Brill Co.	Philadelphia, Pa.	May 22, 1917	(1)		Wire carts	C. S. Wallace, major, S. C.	Do.
8171	Western Electric Co.	New York City	Aug. 11, 1917	[illegible]	*[illegible]	Buzzer telephone	L. M. Evans, captain, S. C., U. S. R.	
[illegible]	do	do	July 31, 1917	[2] 275,000.00	*212,976.00	Construction supplies	do	
8433	Fisher Body Corporation.	Detroit, Mich.	June 21, 1917	2,500,000.00		Airplanes	C. S. Wallace, lieutenant colonel, S. C.	Do.
8496	Dayton-Wright Airplane Co.	Dayton, Ohio	do	2,500,000.00		do	do	Do.
9065	Langrock Bros. Co.	Brooklyn, N. Y.	Aug. 29, 1917	114,000.00		Overall suits	A. C. Downey, captain, S. C., U. S. R.	Do.
10386	Underwood Typewriter Co.	Washington, D. C.	Sept. 10, 1917	155,[illegible]	*155,646.00	Typewriters	A. C. Downey, captain, S. C.	Decrease by adjustment voucher.
10389	Corona Typewriter Co.	do	do	141,750.00	*141,750.00	do	do	Canceled; taken over by Spruce Production Corporation.
10337	Quinault Lumber Co.	Raymond, Wash.	Sept. 12, 1917	168,000.00		Spruce	do	
10338	Siler Mill Co.	do	do	420,000.00		do	do	Do.
10339	Aloha Lumber Co.	Aloha, Wash.	do	420,000.00		do	do	Do.
10341	Raymond Lumber Co.	Raymond, Wash.	do	126,000.00		do	do	Do.
10342	Willapa Lumber Co.	do	do	168,000.00		do	do	Do.
10343	Buehner Lumber Co.	North Bend, Oreg.	do	126,000.00		do	do	Do.

[1] Cost plus. [2] Estimated. [3] Original contract in files of Purchase, Storage, and Traffic Division.

List E of informal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
10344	Multnomah Lumber & Box Co.	Portland, Oreg.	Sept. 12, 1917	[illegible]	*[illegible]	Spruce	A. C. Downey, captain, S. C.	Decreased $369,235.12; balance taken over by Spruce Production Corporation.
10345	Brighton Mill Co.	Tillamook, Oreg.	do	420,000.00	*74,967.00	do	do	Decreased $345,032.16; balance taken over by Spruce Production Corporation.
10346	Puget Sound Mill & Timber Co.	Port Angeles, Wash.	do	252,000.00		do	do	Canceled, taken over by Spruce Production Corporation.
10348	North Bend Mill & Lumber Co.	North Bend, Oreg.	do	168,000.00		do	do	Do.
[illegible]	Astoria Box Co.	Astoria, Oreg.	do	120,000.00	*9,775.00	do	do	Decreased $410,224.19.
20027	B. F. Goodrich Co.	Akron, Ohio	Jan. 25, 1918	[1] 400,000.00	*89,250.00	Balloons	A. C. Downey, major, S. C.	Decreased [illegible]
20028	do	do	do	[1] 800,000.00	*[illegible]	do	do	Decreased $287,447.12.
20356	Macy Engineering Co.	Franklin, Pa.	Dec. 20, 1917	240,000.00	5,000.00	Electrical control	do	Decreased $185,000.
710867	Dartmouth Manufacturing Co.	New Bedford, Mass.	Oct. 15, 1918	120,000.00		Balloon cloth	F. D. Schnacke, first lieutenant, S. C.	Canceled; material not required.
21041	Secretary of Navy	Washington, D. C.	Apr. 29, 1918	210,000.00		Mercury	do	Do.
720608	Grand Rapids Airplane Co.	Grand Rapids, Mich.	Oct. 2, 1918	400,000.00		Airplane tools	F. D. Schnacke, captain, S. C.	Decreased $300,000.
[illegible]	Splitdorf Electrical Co.	Newark, N. J.	Sept. 27, 1918	204,000.00		Magneto parts	O. R. Ewing, captain, A. S., A. P.	Canceled; material not required.
720773	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Oct. 28, 1918	1,400,000.00		Airplanes	F. D. Schnacke, first lieutenant, S. C.	Do.
[illegible]	Federal Truck Co.	Detroit, Mich.	Oct. 15, 1918	120,608.25	*120,[illegible]	Services	O. R. Ewing, first lieutenant, A. S. A.	
49415	Navy Department	Washington, D. C.	Nov. 16, 1917	150,300.00		Transmitting sets and spares.	Secretary of War	Do.
810870	U. S. Fruit Co.	Boston, Mass.	Nov. 3, 1918	604,200.00		Castor beans	O. R. Ewing, first lieutenant, A. S. A.	Do.
830021	Electro Metallurgical Sales Corporation.	New York, N. Y.	Aug. 19, 1918	241,500.00		Ferrosilicon	F. D. Schnacke, captain, S. C.	Do.
72911	Jas. Cunningham & Co.	Rochester, N. Y.	Aug. 2, 1918	150,000.00		Balloon windlasses	do	Do.
[illegible]	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa.	Sept. 20, 1918	1,043,750.00		Steel cylinders	O. R. Ewing, first lieutenant, S. C.	Canceled; material not required.
[illegible]	U. S. Aircraft Corporation.	Redwood City, Calif.	Aug. 26, 1918	500,000.00		Airplanes	F. D. Schnacke, captain, S. C.	Do.
90072	Quartermaster General	Washington, D. C.	Oct. 10, 1917	[1] 210,000.00	151,063.00	Autos and motor cycles.	C. A. Seoane, lieutenant colonel, S. C.	
[illegible]	do	do	Aug. 2, 1917	[1] 600,000.00	94,523.09	Motor equipment	G. H. Brett, captain, S. C.	
9477	Director Bureau of Standards.	do	Aug. 15, 1917	[1] 100,000.00	96,375.00	Equipment and employment of personnel.	R. M. Jones, captain, S. C.	
9064	Quartermaster General	do	July 23, 1917	[1] 153,000.00	98,596.00	Motor equipment	Geo. Brett, captain, S. C.	
8837	do	do	July 17, 1917	[1] 176,000.00	*[illegible]	do	G. H. Brett, captain, S. C.	Increased [illegible]
[illegible]	Chief of Ordnance, U. S. Army.	do	Aug. 15, 1917	[1] 100,000.00	*6,935.00	Ammunition	R. M. Jones, captain, S. C.	Decreased $94,065.
[illegible]	Quartermaster General	do	Oct. 9, 1917	150,000.00		Truck bodies	C. A. Seoane, lieutenant colonel, S. C.	
90042	do	do	Oct. 13, 1917	[1] 103,500.00		Gasoline drums	do	
[illegible]	Chief of Ordnance, U. S. Army.	do	Aug. [illegible], 1917	[1] 140,000.00		Machine guns and ammunition.	G. H. Brett, major, S. C.	
8853	Quartermaster General	do	July 2, 1917	179,190.00	109,[illegible]	Motor equipment	Chas. Wallace, lieutenant colonel, S. C.	
8336	do	do	June 18, 1917	100,[illegible]		do	do	
7959	do	do	May 25, 1917	[1] 264,500.00	126,569.00	do	Chas. Wallace, major and lieutenant colonel, S. C.	Increased $500.
90117	do	do	Oct. 30, 1917	[1] 404,265.00	103,167.00	do	C. A. Seoane, lieutenant colonel, S. C.	
10296	do	do	Sept. 12, 1917	[1] 427,500.00	*130,550.00	do	do	Decreased $297,150.
20429	Curtiss Airplane & Motor Corporation.	Buffalo, N. Y.	Feb. 4, 1918	[2] 352,000.00		Spares	O. R. Ewing, first lieutenant, S. R. C., A. S.	Canceled; material not required.
20496	Lewis Spring & Axle Co.	Chelsea, Mich.	Feb. 16, 1918	[1] 122,000.00	*4,169.00	Metal parts	F. D. Schnacke, first lieutenant, S. R. C., A. S.	Decreased $117,831.
20270	Bureau of Mines	Washington, D. C.	Nov. 22, 1917	100,000.00	*[illegible]	Argon gas	C. A. Seoane, lieutenant colonel, S. C.	Decreased [illegible]
[illegible]	Spruce Production Corporation.	do	Oct. 14, 1918	[1] 25,000,000.00	*21,000,000.00	Debentures	O. R. Ewing, captain, A. S., A. P.	Decreased [illegible]; Under authority of act of Congress No. 193 approved July 9, 1918.
47799	Optical Annex, Naval Gun Factory.	do	May 16, 1918	[3] 1,850,000.00		Field glasses	R. M. Jones, major, S. C.	
730212	Disco Manufacturing Co.	Detroit, Mich.	Aug. 18, 1918	155,000.00		Generators	F. D. Schnacke, captain, A. S., A. P.	Canceled; material not required.
730223	Winton Motor Car Co.	Cleveland, Ohio	Aug. 20, 1918	4,200,000.00		Engines	do	Do.
880001	McKeen Motor Car Co.	Omaha, Nebr.	July 11, 1918	179,120.50		Windlasses	O. R. Ewing, captain, S. C.	Do.
20250	Director Bureau of Mines.	Washington, D. C.	Nov. 14, 1917	144,000.00	61,252.00	Investigation and experiments of oxygen apparatus.	C. A. Seoane, lieutenant colonel, S. C.	Decreased $65,360.
10345	Brighton Mill Co.	Tillamook, Oreg.	Sept. 12, 1917	420,000.00	*74,967.00	Spruce	A. C. Downey, captain, S. C.	Decreased $345,032.16; balance canceled.
10344	Multnomah Lumber & Box Co.	Portland, Oreg.	do	420,000.00	*20,743.00	do	do	Decreased $369,256.17.
30004	Wright-Martin Aircraft Corporation.	New York City	Sept. 27, 1917	[2] 500,000.00		Engines	do	Canceled; material not required.
730265	Frank Ferrell & Signal Co.	Swissvale, Pa.	Sept. 3, 1918	750,000.00			F. D. Schnacke, captain, S. C.	
ASA9	Supplemental to 730265.						G. I. Rowley, captain, A. S., A. P.	

[1] Estimated. [2] Transferred to General Staff.

Mr. FESS. I have here, for the next exhibit, a two-page statement, entitled "Construction at Air Service Stations," and says it gives the amounts under "Cost of buildings" to cover everything in construction at the several stations. There are several columns, and the first one is "Location," and the next one "Class or character," and the next one "Date of contract," and the next one "Date of purchase," and the next one "Cost of land," and the next one "Cost of buildings," and the next one "Payments to July 15, 1919," and the next one "Balance due," and the next one "Officer in charge, July 15, 1919," and the last one "Remarks." These columns have not been totaled, so I will not refer to them at this time, nor to this statement further than to say that I will introduce it as an exhibit; and apparently this gives the cost of the buildings and everything in the matter of construction at the several stations. That is your understanding, is it?

General MENOHER. Yes, sir.

Mr. FESS. I will ask that it be marked "Exhibit No. 103 (General Menoher, Exhibit D)" and inserted in the record.

(The paper referred to is printed in full in the record, and is as follows:)

EXHIBIT No. 103. (Gen. MENOHER, EXHIBIT D.)

Construction at Air Service stations.

[The amounts given under "Cost of buildings" includes everything in construction at the several stations.]

Location.	Class or character.	Date of contract.	Date of purchase.	Cost of land.	Cost of buildings.	Payments to July 15, 1919.
Americus, Ga	Souther Field—flying, training	Feb. 7, 1918	July 5, 1919	$32,594.40	$1,374,931.68	$1,358,685.75
Do	General supply depot [1]	Mar. 30, 1918			473,574.42	464,484.39
Anacostia, D. C	Boiling Field, flying [2]	May 21, 1918			364,760.95	364,760.95
Arcadia, Fla	Carlstrom Field, flying	Dec. 3, 1917	June 28, 1919	5,120.00	1,338,726.07	1,300,619.44
Do	Dorr Field, flying	do	do	5,120.00	1,508,018.21	1,508,018.21
Arcadia, Calif	Ross Field, flying	June 14, 1918	(3)		525,831.80	525,831.00
Baltimore, Md	Johns Hopkins University, training school	June 10, 1918	(4)		35,439.59	34,331.05
Belleville, Ill	Scott Field, flying field	June 25, 1917	June 28, 1919	119,265.84	1,800,739.00	1,789,080.00
Brooklyn, N. Y	Pratt Institute, training school	Mar. 4, 1918	(5)		13,768.48	13,268.07
Buffalo, N. Y	Acceptance Park, testing field	158 leases	(6)		561,187.39	561,187.39
Chicago, Ill	Grant Park steel hangar	Erected in City Park.			8,000.00	8,000.00
Dallas, Tex	Love Field—flying, training	Aug. 21, 1917	(7)		1,350,865.86	1,340,884.15
Do	Repair depot	Nov. 2, 1917	(8)		780,427.01	772,727.70
Do	Camp Dick, gunnery school [4]				11,766.00	11,766.00
Dayton, Ohio	McCook Field, experimental	Oct. 1, 1917	(9)		1,179,479.15	1,166,439.05
Do	Acceptance park, testing field		(10)		419,279.87	419,279.87
Detroit, Mich	Saxon Motor plant, warehouse	June 10, 1918	(5)		41,300.00	41,300.00
Do	Acceptance park, testing field	May 2, 1918	(5)		223,339.73	223,339.73
Elizabeth, N. J	do	May 13, 1918	(5)		165,515.27	165,515.27
Essington, Pa	Chandler Field, flying	Sept. 20, 1918	(5)		14,242.45	13,770.58
Fairfield, Ohio	Wilbur Wright Field, flying	May 27, 1917	(5)		3,155,762.26	3,115,960.91
Do	Gunnery school, Wilbur Wright	Mar. 4, 1918	(5)		949,040.90	948,337.13
Do	Supply depot	Aug. 22, 1917	June 10, 1917	8,000.00	1,101,312.09	1,074,269.49
Fayetteville, N. C	Camp Bragg	Aug. 22, 1918	(5)		31,613.44	31,613.44
Fort Omaha, Nebr	Balloon school, training	July 24, 1917	(5)	(5)	831,925.78	829,848.45
Fort Sam Houston, Tex	Storehouse	July 6, 1917	(5)	(5)	239,298.52	232,601.27
Fort Worth, Tex	Taliaferro Field	Aug. 30, 1917	(5)		1,446,220.13	1,422,151.18
Do	Barron Field—flying, training	Sept. 1, 1917	(5)		1,353,535.18	1,337,030.36
Do	Carruthers Field—flying, training	Sept. 25, 1917	(5)		1,215,083.91	1,182,482.01
Hampton, Va	Langley Field—flying, training	Aug. 1, 1917	1916	290,000.00	8,393,741.42	8,439,234.05
Hawaiian Islands	Fords Island, seaplane station		(5)		59,551.17	59,551.17
Do	Fort Kamehamaha		(5)		3,000.00	3,293.00
Houston, Tex	Ellington Field—flying, training	Sept. 4, 1917	July 3, 1919	95,178.00	2,561,152.96	2,539,789.73
Fort Sill, Okla	Post field—flying, training	July 28, 1917	(5)	(5)	1,921,921.85	1,905,273.56
Do	Balloon school	Apr. 8, 1918	(5)		443,540.56	443,540.56
Indianapolis, Ind	Engine repair depot	Nov. 5, 1917	(5)		672,590.83	672,590.83
Lake Charles	Gerstner Field—flying, training	Apr. 8, 1918	(1)		2,774,626.97	2,689,049.57
Little Rock, Ark	Aviation general supply depot	July 8, 1918	(1)		1,052,783.27	1,052,783.27
Little Silver, N. J	Camp Alfred Vail	Nov. 19, 1917	(1)		924,826.87	923,838.87
Lonoke, Ark	Eberts Field—flying, training	Dec. 3, 1917	(1)		1,932,473.76	1,918,988.94
Miami, Fla	Chapman Field	May 26, 1918	(1)		1,321,938.63	1,320,938.63
Middletown, Pa	Supply depot	Aug. 1, 1917	(1)		2,544,411.83	2,525,731.80
Millington, Tenn	Park Field—flying, training	Sept. 15, 1917	(1)		2,189,516.94	2,189,516.94
Minneapolis, Minn	Dunwoody Institute, school		(5)		834.75	834.75
Mineola, Long Island, N. Y	Hazelhurst Field	July 13, 1917	(1)		5,810,361.07	5,720,216.37
Do	Mitchell Field		(12)	June 27, 1919	390,210.80	
Montgomery, Ala	Taylor Field—flying, training	Dec. 15, 1917	(11)		1,329,258.63	1,288,224.47
Morrison, Va	General supply depot	Sept. 10, 1917	(11)		2,190,043.26	2,129,939.87
Mount Clemens, Mich	Selfridge Field—flying, training	June 1, 1917	(11)		2,433,414.46	2,474,216.16
Panama Canal	France Field				335,400.00	335,400.00
Rantoul, Ill	Chanute Field—flying, training	May 28, 1917	(1)		1,315,323.10	1,315,098.00
Richmond, Va	General supply depot	Aug. 10, 1917	June 14, 1919	19,731.25	1,164,713.62	1,160,552.58
Riverside, Calif	March Field—flying, training	Mar. 2, 1918	(1)		994,123.77	978,165.99
Rochester, N. Y	Photo school	Jan. 31, 1918	(1)		89,775.26	69,198.84
Sacramento, Calif	Mather Field—flying, training	Mar. 14, 1918	(1)		840,778.25	831,152.19
San Antonio, Tex	Kelly Field—flying, training	July 23, 1917	July 1, 1917	158,217.00	4,483,757.43	4,473,602.86
Do	Brooks Field—flying, training	Dec. 15, 1917	(1)		1,448,381.16	1,442,673.85
Do	Camp John Wise	May 29, 1918	(1)		279,153.00	278,992.97
San Diego, Calif	Rockwell Field, flying	Feb. 23, 1918	(13)	(13)	1,446,381.16	1,442,673.85
St. Paul, Minn	Mechanics school		(1)		976,628.84	976,628.84
Waco, Tex	Rich Field—flying, training	Aug. 25, 1917	(1)		1,166,439.08	1,164,306.66
West Point, Miss	Payne Field—flying, training	Mar. 25, 1918	(1)		1,486,321.30	1,463,378.75
Wichita Falls, Tex	Call Field—flying, training	Sept. 6, 1917	(1)		1,239,063.92	1,236,645.49
Lee Hall, Va	Balloon school			June 8, 1918	96,978.41	933,830.00	933,830.00

Location.	Class or character.	Balance due.	Officer in charge July 15, 1919.	Remarks.
Americus, Ga	Souther Field—flying, training	$15,745.81	I. A. Rader, lieutenant colonel	
Do	General supply depot [1]	9,089.92	do	
Anacostia, D. C	Boiling Field, flying [2]		R. D. Harts, lieutenant colonel	
Arcadia, Fla	Carlstrom Field, flying	38,106.53	T. Duncan, lieutenant colonel	
Do	Dorr Field, flying		do	
Arcadia, Calif	Ross Field, flying		L. J. Mygott, lieutenant colonel	
Baltimore, Md	Johns Hopkins University, training school	1,108.00	Closed	Alterations.
Belleville, Ill	Scott Field, flying field	11,659.00	Henry Abbey, major	
Brooklyn, N. Y	Pratt Institute, training school	433.51	Closed	Do.
Buffalo, N. Y	Acceptance Park, testing field		G. G. Scarlett, first lieutenant	
Chicago, Ill	Grant Park steel hangar		J. P. Morrow, colonel	
Dallas, Tex	Love Field—flying, training	9,681.71	H. P. Burwell, lieutenant colonel	1½ acres purchased May 10, 1919, because of septic tank.
Do	Repair depot	7,699.31	D. B. Netherwood, lieutenant colonel	Alterations.
Do	Camp Dick, gunnery school [4]		Closed	

[1] Included in Souther Field.
[2] Partially filled land owned by Government.
[3] Not purchased.
[4] Land and buildings owned by State.
[5] No contract.
[6] Not available.
[7] Owned by Government.
[8] Government reservation.
[9] Included in Fort Sill.
[10] Construction included in Hazelhurst Field.
[11] Not purchased; Government land.
[12] Acquired under condemnation proceedings.
[13] Not yet adjusted.

Construction at Air Service stations—Continued.

Location.	Class or character.	Balance due.	Officer in charge July 15, 1919.	Remarks.
Dayton, Ohio	McCook Field, experimental	$13,040.10	T. H. Bane, colonel	
Do	Acceptance Park, testing field		J. P. Caffrey, captain	Construction done by Supply Section, division Military Aeronautics.
Detroit, Mich	Saxon Motor plant, warehouse		Closed	Contract made by Construction Division.
Do	Acceptance Park, testing field		A. J. Ballinger, first lieutenant	Do.
Elizabeth, N. J	do		Closed	Do.
Essington, Pa	Chandler Field, flying	471.87	do	
Fairfield, Ohio	Wilbur Wright Field, flying	68,741.35	P. A. Olive, major	
Do	Gunnery School, Wilbur Wright	703.77	do	
Do	Supply Depot	27,042.21	J. P. Caffrey, captain	
Fayetteville, N. C	Camp Bragg		B. J. Saunders, captain	Do.
Fort Omaha, Nebr	Balloon School, training	2,075.31	J. Wuest, lieutenant colonel	
Fort Sam Houston, Tex	Storehouse	5,658.36	W. M. Garrison, major	
Fort Worth, Tex	Taliaferro Field	24,078.94	Carl Spatz, major	
Do	Barron Field—flying, training	26,598.82	J. B. Edgerly, major	
Do	Carruthers Field—flying, training	38,583.91	T. J. Hanley, major	
Hampton, Va	Langley Field—flying, training	85,492.43	W. M. Hensley, colonel	
Hawaiian Islands	Fords Island, seaplane station		J. B. Brooks, major	
Do	Fort Kamehamaha		do	
Houston, Tex	Ellington Field—flying, training	21,368.96	L. W. McIntosh, lieutenant colonel	
Fort Sill, Okla	Post Field—flying, training	26,648.32	R. E. Barnitz, lieutenant colonel	
Do	Balloon school		do	
Indianapolis, Ind	Engine repair depot		Patrick Friesel, major	
Lake Charles	Gerstner Field—flying, training	84,677.40	W. W. Wynne, major	
Little Rock, Ark	Aviation general supply depot		G. W. DeArmond, lieutenant colonel	Do.
Little Silver, N. J	Camp Alfred Vail		Closed	
Lonoke, Ark	Eberts Field—flying, training	8,484.52	A. N. Krogstad, major	
Miami, Fla	Chapman Field		F. T. Madigan, second lieutenant	
Middletown, Pa	Supply depot	18,680.03	R. C. Kirtland, lieutenant colonel	
Millington, Tenn	Park field—flying, training		J. W. Simons, major	
Minneapolis, Minn	Dunwoody Institute, school		Closed	Alterations.
Mineola, Long Island, N. Y	Hazelhurst Field	90,134.70	Archie Miller, colonel	
Do	Mitchell Field			
Montgomery, Ala	Taylor Field—flying, training	32,034.16	Seth W. Cook, lieutenant colonel	
Morrison, Va	General Supply depot	60,135.39	C. H. Bonesteel, major	
Mount Clemens, Mich	Selfridge Field—flying, training	8,198.30	D. Johnson, lieutenant colonel	
Panama Canal	France Field		M. F. Harmon, lieutenant colonel	
Rantoul, Ill	Chanute Field—flying, training	1,337.10	Ira H. Longanecker, lieutenant colonel	
Richmond, Va	General supply depot	4,101.04	C. V. Staiss, captain	
Riverside, Calif	March Field—flying, training	15,957.78	J. C. P. Bartholf, major	
Rochester, N. Y	Photo school	579.34	Closed	Do.
Sacramento, Calif	Mather Field—flying, training	9,674.07	R. L. Watson, lieutenant colonel	
San Antonio, Tex	Kelly Field—flying, training	10,154.57	B. G. Buttler, lieutenant colonel	
Do	Brooks Field—flying, training	5,707.31	D. H. Bower, lieutenant colonel	
Do	Camp John Wise	160.12	Closed	
San Diego, Calif	Rockwell Field, flying	5,707.31	A. J. Hanlon, lieutenant colonel	
St. Paul, Minn	Mechanics school		H. P. Wehrle, major	Do.
Waco, Tex	Rich Field—flying, training	2,133.42	J. J. Whiteside, major	
West Point, Miss	Payne Field—flying, training	22,962.75	W. W. Howard, major	
Wichita Falls, Tex	Call Field—flying, training	22,416.43	C. W. Russell, major	
Lee Hall, Va	Balloon school			

Mr. FESS. The next exhibit which I have to offer is entitled "Summary of contracts, United States Spruce Production Corporation." That we asked for in question 6 on June 23, and it provides, first, the name of the contractor, and then the address, and then the date, and then the amount, and then the kind of lumber, and so on. This relates entirely, as I take it, to the spruce item: it does not relate to any other expenditures, for railways or anything of the kind, that were constructed. The general purpose was to include all expenditures, and I wonder if you could furnish us, in addition to that statement—and I did not discover until now that it was lacking—I wonder if you could furnish not only what was in the spruce-production contract; not only the spruce material alone, because that does not cover anywhere near the expenditures in the western section, and the committee expects to conduct some investigation there—but all expenditures out there?

General MENOHER. I can not right offhand say whether it does or does not include all expenditures.

Mr. FESS. I have the totals of the various subjects, but they are not itemized in this way. I thought they would be of some value to us if we could get them in that way. Outside of strictly spruce production, if we could have the items of expense that are given under these various items mentioned in the next statement, so far as could be furnished, it would be of value to us.

General MENOHER. We will furnish that. Is there any limit?

Mr. FESS. Yes; $100,000 would continue to be the limit. I would like to have this paper introduced in evidence and marked "Exhibit No. 104. (General Menoher, Exhibit E.)"

(The paper referred to, composed of five sheets of a photostatic copy of statement entitled "Summary of contracts," is here printed in full in the record as follows:)

EXHIBIT No. 104. (GENERAL MENOHER, EXHIBIT E.)

WAR DEPARTMENT,
OFFICE OF THE DIRECTOR OF AIR SERVICE,
Washington, July 26, 1919.

Hon. JAMES A. FESS, *Capitol.*

DEAR MR. FESS: In response to No. 6 of your questionnaire of June 23, I hand you herewith data on contracts taken over or entered into by the United States Spruce Production Corporation, together with a statement of cash receipts and disbursements of that corporation as of June 30, 1919.

I understood from our conversation of last Saturday that this data, for the present, will suffice for this question (No. 6), and that you will notify me if you later desire data on hardwood contracts.

Very truly yours,

DAVID S. STATON,
Captain, A. S. M. A., Liaison Officer.

Summary of contracts—United States Spruce Production Corporation.

Contractor.	Contract. Address.	Contract. Date.	Amount.	Kind of lumber.	Lumber furnished. Kind.	Lumber furnished. Quantity.	Lumber furnished. Rate.	Payments made.
			Feet.			*Feet.*		
C. P. Adams Lumber Co.	Aberdeen, Wash	Dec. 27, 1917	2,000,000	Spruce	Airplane	625,062	$105 per thousand feet	$73,820.65
					Sawn cants	73,980		8,903.92
					Reinstatements	71,538		
Aloha Lumber Co.	Aloha, Wash	Nov. 1, 1917	8,000,000	do	Airplane	1,043,987	$105 per thousand feet	58,187.42
					Sawn cants	1,847,488		141,202.94
					Reinstatements	238,569		
Aircraft Lumber Co.	Seattle, Wash	Sept. 10, 1918			Logging of Government land and stumpage.	None.		[1] 8,708.26
Airplane Spruce & Lumber Co.	Hoquiam, Wash	Jan. 23, 1918		Spruce cants and logs.	Rived cants	1,277,240	Cost plus 7 per cent	[1] 1,379,881.61
					Logs	11,088,549		
Anderson & Peterson	Skamokawa, Wash	Oct. 6, 1918	900,000	Rived spruce	None			None.
Anacortes Lumber & Box Co.		Nov. 1, 1917	900,000	Spruce	Airplane	1,027,182	$105 per thousand feet	96,826.43
					Sawn cants	1,467,227		111,262.12
					Reinstatements	256,781		

[1] To Dec. 31, 1918.

Summary of contracts—United States Spruce Production Corporation—Continued.

Contractor.	Contract.		Amount.	Kind of lumber.	Lumber furnished.			Payments made.
	Address.	Date.			Kind.	Quantity.	Rate.	
			Feet.					
J. G. Arnold & Co.	Myrtle Point, Oreg.	Sept. 27, 1918	3,000,000	Rived cedar.	None.			None.
Frank Astman	Rockaway, Oreg.	Jan. 19, 1918	1,000,000	Rived spruce.	Rived spruce	162,021	$90 with $40 bonus	$21,983.12
Astoria Box Co.	Astoria, Oreg.	Nov. 1, 1917	9,000,000	Spruce.	Airplane Sawn cants Reinstatements	956,889 1,330,409 662,015	$105 per thousand feet.	73,022.83 94,182.69
Balmer, Balmer & Hodge	Tillamook, Oreg.	Oct. 2, 1918	160,000	Rived spruce.	Rived spruce	36,083	$90 with $40 bonus	3,290.79
A. G. Beals	do	Nov. 1, 1917	120,000	Spruce.	Airplane	161,776	$105 per thousand feet.	13,011.40
Bear River Spruce Co.	Portland, Oreg.	Aug. 28, 1918	7,600,000	Rived spruce.	None.			None.
Blue-Jel Donovan Lumber Mills.	Bellingham, Wash.	Nov. 1, 1917	130,000	Spruce.	Airplane Sawn cants Reinstatements	289,279 691,039 23,861	$105 per thousand feet.	18,595.49 48,420.45
H. A. Brewer	Portland, Oreg.	Jan. 7, 1918	200,000	do.	None.			None.
Brighton Mills Co.	Brighton, Oreg.	Nov. 1, 1917	9,000,000	do.	Airplane Sawn cants Reinstatements Pd. in Washing.	1,594,374 1,617,794 622,810 310,762	$105 per thousand feet.	133,623.29 130,936.93
Beckham & Hinkle	Coquille, Oreg.	May 9, 1918	150,000	Rived cedar.	Rived cedar	215,675	$90 with $40 bonus	27,225.89
C. L. Bucchre	Cloverdale, Oreg.	Mar. 22, 1918	20,000	Rived spruce.	None.			None.
Carrier Raught Co.	Centralia, Wash.	Apr. 23, 1918	1,000,000	Split spruce logs.	Split spruce logs	105,722	$90 grade 1, $45 grade 2, $175 grade A.	9,472.16
Clatsop County Co.	Astoria, Oreg.	Oct. 8, 1918	6,300,000	Spruce.	Airplane Sawn cants	121,048 757,193	$90 grade B, $45 grade C	2,605.30 31,987.25
Coats & Donald	Myrtle Point, Oreg.	July 17, 1918	250,000	Rived cedar.	Rived cedar	422,425	$90 with $40 bonus	82,390.21
J. H. Cogan	Siuslaw, Oreg.	Jan. 17, 1918	300,000	Spruce.	None.			None.
Columbia Box & Lumber Co.	South Bend, Wash.	Nov. 1, 1917	1,000,000	do.	Airplane Sawn cants Reinstatements	1,137,891 1,520,989 106,039	$105 per thousand feet.	91,755.36 107,946.61
H. C. Copeland	Joyce, Wash.	Mar. 28, 1918	100,000	Rived spruce.	Rived spruce	30,820	$90, with $40 bonus	4,006.08
Copalis Lumber Co.	Carlisle, Wash.	Nov. 1, 1917	1,000,000	Spruce.	Airplane Sawn cants Reinstatements	615,836 1,516,391 71,929	$105 per thousand feet.	61,890.33 118,560.30
Craig Lumber Co.	Craig, Alaska	Jan. 8, 1918	100,000	do.	Airplane Sawn cants	42,835 752,832	do	5,417.78 69,336.79
Do	do	Sept. 7, 1918	(3)		(1)	(1)	(1)	(1)
Crawford & Newnham	Hoquiam, Wash.	Feb. 14, 1918	1,000,000	Rived spruce.	Rived spruce	156,263	$90, with $40 bonus	20,574.19
C. Bystrom	do	Feb. 1, 1918	1,000,000	do.	do	565,521	do	73,517.73
Lester W. David	Seattle, Wash.	May 28, 1918	(7)		Logs	212,189	$19 per thousand feet.	1,510.40
Do	do	Aug. 1, 1918	(8)		Sawed logs Drying logs	7,430,207	$4 per thousand feet $4 per thousand feet	70,153.36 4,550.28
Ernst Dolge	Tacoma, Wash.	Nov. 1, 1917	1,500,000	Spruce.	Airplane Sawn cants Reinstatements	126,288 120,700 28,941	$105 per thousand feet.	13,241.18 14,559.84
Donovan Lumber Co.	Aberdeen, Wash.	do	2,200,000	do.	Airplane Sawn cants Reinstatements	1,702,947 2,303,441 409,693	$105 per thousand feet.	125,915.87 241,477.78
H. H. Dufort	Bandon, Oreg.	Apr. 29, 1918	250,000	Rived cedar.	Rived cedar	154,996	$90, with $40 bonus	19,795.38
E. Dyer	Cedar Point, Oreg.	Jan. 29, 1918	(4)	do.	do	166,969	$130 per thousand feet.	24,305.97
Do	do	Mar. 30, 1918	250,000	do.	None.			None.
L. R. Edmundson & Co.	Portland, Oreg.	June 21, 1918	9,000,000	do.	None.			None.
Ewall-Loomis Lumber Co.	Humptulips, Wash.	Nov. 1, 1917	430,000	Spruce.	Airplane Sawn cants Reinstatements	628,098 29,937 21,857	$105 per thousand feet.	67,834.04 3,008.34
O. C. Fenlason	Portland, Oreg.	Dec. 1, 1917	1,000,000	Rived spruce.	Rived spruce	47,027	$90, with $40 bonus	6,124.81
Do	do	Oct. 3, 1918	180,000	do.	None.			None.
Fishpaint Logging Co.	Brookfield, Wash.	Apr. 12, 1918	(5)				$10 per thousand feet.	39,141.67
E. L. Fletcher	Hoquill, Wash.	Feb. 14, 1918	250,000	Rived spruce.	Rived spruce	139,335	$90, with $40 bonus	18,041.39
Fyfe-Wilson & Co.	Bandon, Oreg.	Sept. 3, 1918	1,000,000	Rived cedar.	Rived cedar	316,204	do	27,668.15
Grant Smith, Porter Bros.	Portland, Oreg.	Dec. 28, 1917		Spruce cants and logs.	Rived cants Logs	5,640,484 12,985,778	Cost plus 7 per cent	[6] 2,807,668.47
Grays Harbor Commercial Co.	Cosmopolis, Wash.	Sept. 10, 1918	(7)		Logs sawed	4,623,774	$12 per thousand feet, subject to adjustment.	5,945.65
Frank Gustin	Nehalem, Oreg.	Mar. 30, 1918	240,000	Rived spruce.	Rived spruce	51,293	$90, with $40 bonus	6,680.53
Hammond Lumber Co.	Portland, Oreg.	July 31, 1918	60,000,000	Spruce logs.	Spruce logs	4,430,224	$40 per thousand feet; profit not to exceed $2.39 per thousand.	580,800.40
Chas. H. Herman	South Bend, Wash.	Oct. 1, 1918	800,000	Logging of Government land and stumpage.		None.		None.
Humfiff Lumber Co.	Raymond, Wash.	May 15, 1918	1,200,000	Fir.	Fir	552,540	$30 per thousand feet	27,685.50
Edgar Hannen	Eugene, Oreg.	Mar. 12, 1918	300,000	Rived cedar.	Rived cedar	160,173	$90 with $40 bonus	20,091.49
H. H. & S. Lumber Co.	Humptulips, Wash.	Jan. 7, 1918	800,000	Spruce.	Airplane Sawn cants	151,420 762,433	$105 per thousand feet	14,525.49 50,394.10
A. L. Houghtaling	Seaside, Oreg.	Jan. 28, 1918	450,000	do.	None.			None.
Do	do	do	900,000	Rived spruce.	None.			None.
Hoquiam Spruce Co.	Hoquiam, Wash.	Sept. 10, 1918	5,000,000	Government lands and stumpage.	None.			None.
H. H. & S. Lumber Co.	Humptulips, Wash.	Sept. 16, 1918	1,500,000	Spruce cants	Sawn spruce cants.	762,433	$30 grade 1, $50 grade 2, $50 grade 3.	50,394.10
W. R. Johnson	Raymond, Wash.	May 22, 1918	60,000	Rived spruce.	Rived spruce	162,012	$90 with $40 bonus	13,878.86
Johnson & Hopson	Portland, Oreg.	Feb. 16, 1918	3,000,000	do.	do	None.		None.
Liberty Spruce & Pulp Co.	Wilmington, Del.	Oct. 7, 1918	4,000,000	Sawn spruce cants.	None.			None.
Moore Mill & Lumber Co.	Bandon, Oreg.	Nov. 1, 1917	2,500,000	Spruce.	Airplane Sawn cants Reinstatements	1,520,250 109,625 91,188	$105 per thousand feet.	106,932.54 12,366.92
Edward Murphy	Portland, Oreg.	July 1, 1918		Logging of Government land and stumpage.		7,615,979	Cost plus 50 cents per thousand feet.	[6] 229,274.98
J. Canby Morgan	do	Jan. 9, 1918	300,000	Fir.	Fir	12,495	$55 per thousand feet	653.62
Do	do	Feb. 15, 1918	300,000	do.	do	None.		None.
Archie McDougall	Wheeler, Oreg.	Jan. 29, 1918	40,000	Rived spruce.	Rived spruce	5,439	$90 with $40 bonus	694.07
McNeill-O'Bearne Co.	Port Angeles, Wash.	Mar. 21, 1918	300,000	do.	do	178,667	do	22,995.71
North Bend Mill & Lumber Co.	North Bend, Oreg.	Nov. 1, 1917	1,000,000	Spruce.	Airplane Sawn cants Reinstatement	804,578 1,717,877 656,300	$105 per thousand feet.	89,519.67 134,371.05 57,198.18
Northwestern Lumber Co.	Hoquiam, Wash.	do	3,000,000	do.	Airplane Sawn cants Reinstatement	610,199 124,443 132,672	do	46,407.80
Olympic Spruce Lumber Co.	Seattle, Wash.	Dec. 14, 1917	100,000	do.	Airplane	1,344,753	do	18,455.20
Oregon Pacific Mill & Lumber Co.	Astoria, Oreg.	Dec. 22, 1917	10,000,000	do.	Sawn cants	2,421,277	do	92,498.37
Palmer Logging Co.	do	July 1, 1917	12,000,000	Logging of Government land and stumpage.		1,594,348	$26.75 grades 1 and 2, $9 grade 3.	144,125.61 67,709.62

[1] Canceled; see above.
[2] Sawing Government logs.
[3] Sawing and drying logs.
[4] 1 carload.
[5] Logging Government lands and stumping.
[6] To Dec. 31, 1918.
[7] Sawing logs.

Summary of contracts—United States Spruce Production Corporation—Continued.

Contractor.	Contract.		Amount.	Kind of lumber.	Lumber furnished.			Payments made.
	Address.	Date.			Kind.	Quantity.	Rate.	
			Feet.					
Portland Lumber Co.	Portland, Oreg.	Sept. 10, 1918		Logging of Government land and stumpage.		None.	Cost plus $1 per thousand feet.	$219,017.11
Port Orford Mills	Astoria, Oreg.	Jan. 7, 1918	400,000	Spruce	Airplane cedar	18,861	$105 per thousand feet.	2,250.94
Quinault Lumber Co.	Raymond, Wash.	Nov. 1, 1917	3,600,000	do	Airplane Sawn cants Reinstatements	558,121 1,461,695 275,699	$105 per M	41,427.19 118,667.71
R. D. Spruce Co.	do	May 22, 1918	300,000	Rived spruce	Rived spruce	152,742	$90 with $40 bonus	19,646.44
Rocek & White Log Co.	Aberdeen, Wash.	Oct. 7, 1918	3,300,000	Logging of Government land and stumpage.		286,234	$25 per M for grade 1, grade 2: $9 per M for grade 3.	[1] 5,720.44
Carl Schotte	Portland, Oreg.	Jan. 29, 1918	5,000,000	Rived spruce		None.		None.
Siems, Carey-H. S. Kerbaugh Corporation.	Seattle, Wash.	May 12, 1918	250,000,000	Sawn spruce cants.		None.		None.
Siler Mill Co.	Raymond, Wash.	Apr. 1, 1918	4,500,000	Spruce	Airplane Sawn cants Reinstatements	1,807,437 3,418,185 440,544	$105 per M	179,042.23 354,590.35
Silver Spruce Co.	Bay City, Oreg.	Nov. 1, 1917	5,600,000	do	Airplane Sawn cants	1,777,065 16,757	do	178,587.79 1,182.73
		Sept. 25, 1918	1,800,000	Fir	Reinstatements	144,361		None
Sitka Spruce Co.	Coquille, Oreg.	Nov. 1, 1917	5,400,000	Spruce	Airplane Sawn cants Reinstatements	3,753,003 27,480 901,534	$105 per M	341,198.31 2,548.79
Solon Schiffman	Bay City, Oreg.	do	720,000	do	Airplane Reinstatements	52,279 4,657	do	4,762.98
Sprague & Soule	Carlisle, Wash.	Oct. 1, 1918	3,000,000	Logging of Government land and stumpage.		None.		None.
A. P. Stockwell Lumber Co.	Copalis, Wash.	Jan. 28, 1918	1,000,000	Spruce	Airplane Sawn cants	81,902 28,463	$105 per M	8,605.59 995.61
C. F. Stone	Tillamook, Oreg.	Jan. 10, 1918	300,000	Rived spruce	Rived spruce	236,381	$90 with $40 bonus	27,278.15
Thorsen Hendricksen Lumber Co.	Portland, Oreg.	Jan. 14, 1918	10,000,000	Spruce	Airplane	107,360	$105 per M	1,360.34
Venom & Malone	Olney, Oreg.	July 1, 1918	12,000,000	Logging of Government land and stumpage.		1,807,737	$20 per M grade 1 and 2; $8 per M grade 3.	[2] 17,364.60
Warren Scott Co.	Seaside, Oreg.	Feb. 1, 1918	6,000,000	Rived spruce	Rived spruce	296,562	$90 with $40 bonus	36,040.48
Warren Spruce Co.	Portland, Oreg.	Jan. 11, 1918		Spruce cants and logs.	Cants Logs	4,714,871 19,483,870	Cost plus 7 per cent	[3] 4,306,075.26
Wheeler Lumber Co.	Wheeler, Oreg.	Nov. 1, 1917	1,500,000	Spruce	Airplane Sawn cants Reinstatements	1,112,952 1,867,183 79,142	$105 per M	67,981.87 98,134.19
White River Lumber Co.	Enumclaw, Wash.	Aug. 1, 1918	100,000	Sawing of Government logs.		2,155,405	$9 per M	[4] 1,053.23
		July 1, 1918		do		1,968,973	do	[4] 961.44
Willapa Lumber Co.	Raymond, Wash.	Nov. 1, 1917	5,400,000	Spruce	Airplane Sawn cants Reinstatements	2,220,229 5,000,705 484,601	$105 per M	175,896.35 [5] 274,054.05
		Feb. 5, 1918		Total output cants	Cants	8,005,738		[5] 274,054.05
Fred Wilson	Hoquiam, Wash.	Sept. 10, 1918	4,300,000	Logging of Government land and stumpage.		None.		None.
William E. Warren	Astoria, Oreg.	Nov. 27, 1918	600,000	Spruce		None.		None.
Willamette Valley Stock & Land Co.	Corvallis, Oreg.	Nov. 1, 1917	2,700,000	do	Airplane	398,356	$105 per M	36,777.12
Yaquina Bay Ry. & Lumber Co.	Toledo, Oreg.	May 25, 1918		Sawing of Government logs.	Logs sawed	1,274,812	$9 per thousand feet	[4] 11,473.34
Youmans & Thomas	Portland, Oreg.	Jan. 23, 1918	4,500,000	Rived spruce	Rived spruce	321,139	$90 with $40 bonus	37,679.08
Carl R. Schotte	do	June 4, 1918	3,500,000	Spruce logs	Spruce logs	None.		None.
Donovan Lumber Co.	Aberdeen, Wash.	Oct. 31, 1918		Sawing of Government logs.	Logs sawed	313,636	$12 per thousand feet (subject to adjustment).	[4] 1,159.66
Hammond Lumber Co.	Portland, Oreg.	Sept. 24, 1918		do	do	1,245,122	$8 per thousand feet for sawing; $3 per thousand feet for drying.	[3] 12,203.24
White River Lumber Co.	Enumclaw, Wash.	Oct. 15, 1918		do	do	1,145,250	$12 per thousand feet (subject to adjustment).	[4] 1,099.94
Willapa Lumber Co.	Raymond, Wash.	Sept. 28, 1918		do	do	4,582,284	do	17,113.84

[1] To Dec. 31, 1918.
[2] Above payment includes total amount paid for all operations, including railroad construction and purchase of equipment.
[3] To Jan. 8, 1918.

Report No. 637, Sixty-sixth Congress, second session, on Expenditures in the War Department, Aviation, gives many pages to a review of testimony of a hundred or more witnesses taken before that congressional committee, and throughout the report points out unauthorized charges made against the Government and paid by the Federal Treasury. Congressional investigations direct attention of the legal department of the Government to alleged violations of the law, and in that particular investigation, one of five separate investigations in War Department expenditures, the report on aviation specifically points out fraud and overcharges on the Government. Not one prosecution has resulted from such disclosures so far as can be ascertained.

The ablest attorney and jurist in the Cabinet is the Secretary of State, Hon. Charles E. Hughes, who made a report on aircraft frauds and profits during the war, acting under a commission from President Wilson. Mr. Hughes examined a few of the foregoing contracts and arrived at conclusions that warranted prosecution under the Criminal Code and civil proceedings to recover moneys to the Treasury, according to his report. Taking contracts for airplanes and aviation fields centered around Col. Edward A. Deeds at Dayton, his report states:

THIRD. PERSONAL INTERESTS.

There are no common-law offenses against the United States, and a charge of crime under Federal law must rest exclusively upon the violation of a Federal criminal statute. (United States v. Eaton, 144 U. S. 677, 687; United States v. George, 228 U. S. 422.)

The applicable statutes of the United States dealing with the question of personal interest of officers and agents of the Government in Government contracts are the following:

(1) Section 41 of the Criminal Code of the United States, formerly section 1783 of the Revised Statutes, provides:

"SEC. 41. No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than $2,000 and imprisoned not more than two years."

Under this statute it is not enough that an interested person merely recommends or advises transactions with the Government. To constitute a violation of the statute, the interested person must "be employed" or "act as an officer or agent of the United States for the transaction of business with such corporation," etc.

(2) Section 3 of the act of August 10, 1917 (food and fuel control act), provides:

"SEC. 3. That no person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce any person or officer authorized to execute or to direct the execution of contracts

on behalf of the United States to make any contract or give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies, or other property of any kind or character, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint-stock company, or association of which he is an officer or stockholder, or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto. Nor shall any agent or employee make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order in any council, board, or commission of the United States, or any member or subordinate thereof, without making to the best of his knowledge and belief a full and complete disclosure in writing to such council, board, commission, or subordinate of any and every pecuniary interest which he may have in such contract or order and of his interest in any firm, corporation, company, or association being a party thereto. Nor shall he participate in the awarding of such contract or giving such order. Any willful violation of any of the provisions of this section shall be punishable by a fine of not more than $10,000 or by imprisonment of not more than five years, or both: *Provided*, That the provisions of this section shall not change, alter, or repeal section 41 of chapter 321, Thirty-fifth Statutes at Large.

This section covers those who act in an advisory capacity. It has no application to transactions occurring before its passage.

It is apparent that the section was guardedly drawn and its limitations should be noted. The first sentence of the section applies to interested persons only where they "solicit, induce, or attempt to induce" any person or officer who is "authorized to execute, or to direct the execution of contracts," to make any contract or give any order for labor, services, materials, etc. The use of different expressions in the different clauses of the section suggest possible shades of meaning. The act of recommending does not come within the first sentence unless it is found to amount to "soliciting," "inducing," or "attempting to induce," nor does the first sentence cover solicitations addressed to officers than the persons or officers duly authorized to make the contracts or give the orders.

The second sentence relates to "recommendations" by interested persons, but it is limited to recommendations made "to any council, board, or commission of the United States, or any member or subordinate thereof" in the absence of the disclosure described. Apparently this sentence does not cover recommendations made to individual officers acting under the authority conferred upon them by law, who are not members or subordinates of a "council, board, or commission."

The third sentence provides that the interested person shall not "participate in the awarding of such contract or giving such order." This would seem to relate to those who take part in the actual awarding of the contract or giving of the order and not to those who act in an advisory capacity only.

The section concludes with the proviso that its provisions shall not alter or repeal section 41 of the Criminal Code above quoted.

To come within these statutes an interested person must either (1) act as an officer or agent of the Government for the transaction of business with the concern in which he is interested, or (2) solicit, induce, or attempt to induce the person or officer who is authorized to execute or direct the execution of contracts to make a contract with, or give an order to, the concern to which the interest relates, or (3) take part in a recommendation to a "council, board, or commission" or subordinate or members thereof, without the disclosure stated, or (4) participate in the award of the contract or giving of the order.

In connection with these statutes attention may be called to the following provision, which appears as a rider in the appropriation act of March 4, 1917, immediately following an appropriation for the distribution of documents (39 Stat. p. 1106):

"*Provided*, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisonment for not less than six months, or by both such fine and imprisonment, as the court may determine."

It will be noted that this provision, enacted in March, 1917, is not to be operative until July 1, 1919. It may be contended with force that this constitutes a legislative declaration, by implication, that the acts described by the provision—that is, the mere supplementing of the pay of Government officials by private contributions—should not be deemed contrary to law prior to the date fixed.

INDIVIDUAL RELATIONS OF OFFICIALS.

* * * * * * *

OFFICERS OF THE SIGNAL CORPS FORMERLY IN CONTROL OF AIRCRAFT PRODUCTION.

(1) The Chief Signal Officer: It does not appear that General Squier had any interest in any corporation or concern transacting business with the Signal Corps. The defects in the organization, which was created under his direction for the purpose of aircraft production, are matters distinct from any question of personal interest and will be considered in another division of this report.

(2) Col. Edward A. Deeds: The charges pertaining to personal interest in Government contracts relate particularly to Col. Edward A. Deeds and grew out of the highly suggestive transactions with his former business associates at Dayton. These transaction have been subjected to careful scrutiny.

Colonel Deeds was born near Granville, Ohio, on March 12, 1874. There is testimony that he once said that his name originally was "Dieds." No public record has been found to this effect. Colonel Deeds denies making the remark attributed to him and states that his family has borne the name of Deeds for at least four generations—his great-grandfather of that name coming from Pennsylvania. For many years Colonel Deeds was an officer of the National Cash Register Co., and was one of several connected with that organization who were indicted in the Federal District Court for the Southern District of Ohio, in 1912, for violation of the Sherman Antitrust Act. Upon the trial Deeds, with other defendants, was convicted, but this conviction was set aside by the Circuit Court of Appeals (Patterson v. United States, 222 Fed. 599), and the prosecution went no further.

At the time of our entry into the war Mr. Deeds had large business interests at Dayton. His intimate business associates were Charles F. Kettering and H. E. Talbott. Mr. Deeds and Mr. Kettering (an inventor and engineer of ability) have been jointly associated in many enterprises with equal shares, it being their policy to organize corporations and to take the respective interests in stocks. Mr. Deeds has supplied the financial talent and Mr. Kettering, who is without any aptitude for business details, the engineering skill. They have had, and still have, a common agent of a highly confidential sort, George B. Smith, of Dayton, who holds the power of attorney of each, keeps their respective books, has charge of their bank accounts, signs their checks, and generally looks after their financial affairs. They are still associated in various undertakings and their relations are of the most intimate character.

In 1904 Kettering was employed in the National Cash Register Co. as a designer in the engineering department, and later he became associated with Deeds in the development of what is known as the Delco ignition systems for automobiles. In the course of this development Deeds and Kettering organized the Dayton Engineering Laboratories Co., known as the Delco Co. The enterprise was successful and the common stock was sold by Deeds and Kettering in 1916 to the United Motors Corporation for several million dollars in cash and certain shares of stock. Deeds and Kettering each retained a few shares of preferred stock; Deeds continued as president of the corporation, with a salary of $60,000 a year, and Kettering as vice president, with a salary of $50,000.

In April, 1915, Deeds, Kettering, H. E. Talbott, sr., and his son, H. E. Talbott, jr., organized the Dayton Metal Products Co. with a capital stock of $200,000. The stock was held as follows: Talbott, sr., 900 shares; Deeds, 500 shares; Kettering, 499 shares; Talbott, jr., 99 shares; Charles H. Mead, 1 share; and George B. McCann, 1 share. Prior to our entry into the war this company had profitable fuse contracts with the British Government and had accumulated a considerable surplus. It appears that in the spring of 1917 both Deeds and Talbott were appointed on the subcommittee on fuses and detonators of the Munitions Standards Board. In 1916 the company had a contract with the Navy Department for fuses, and it received other fuse contracts from the Navy and the Ordnance Department of the Army in 1917. As vice president of this company Deeds had a salary of $25,000 a year. The relation of the Dayton Metal Products Co. to aircraft production is that this company, in the latter part of the year 1917, acquired all the stock (save four qualifying shares) of the Dayton-Wright Airplane Co. and also has subcontracts for metal parts with contractors making airplanes and engines. The Dayton Metal Products Co. also subscribed and paid for 1,000 shares (par value $100,000) of the stock of the Lincoln Motor Co. which was organized to build Liberty engines and has a paid-up capital stock of $850,000.

In September, 1916, Deeds and Kettering organized the Domestic Building Co. of Dayton, for the purpose of erecting and financing plants for the use of various companies. The capital stock is now $1,000,000, of which all but four qualifying shares are held by Deeds and Kettering in equal parts. This company owned the land and erected the building acquired by the Dayton-Wright Airplane Co. for its principal airplane plant.

On April 9, 1917, the Dayton-Wright Airplane Co. was incorporated with a capital stock of $500,000 by Deeds, Kettering, H. E. Talbott, and H. E. Talbott, jr., in conjunction with Orville Wright. They had taken over the former Wright organization and thus had started an airplane enterprise at Dayton in a small way in the summer of 1916. The larger enterprise of the Dayton-Wright Airplane Co. was launched about the time of our entry into the war, manifestly with the expectation of obtaining Government contracts. While Deeds was one of the incorporators, he did not become a stockholder, the subscriptions for the first 5,000 shares being as follows: H. E. Talbott, 1,990 shares; C. F. Kettering, 2,000 shares; H. E. Talbott, jr., 900 shares; George H. Mead, 10 shares; and C. A. Craighead, 10 shares. In August, 1917, the capital stock was increased to $1,000,000 ($600,000 common and $400,000 preferred). The new common stock was taken by the Messrs. Talbott and Kettering in the proportion of two-fifths, two-fifths, and one-fifth. There were early negotiations for a Government contract, and as early as June 12, 1917, a contract with the company was recommended by the Aircraft Production Board. The contract was executed on August 17, 1917 (under date of August 1, 1917), and was for 40 Standard J-1 training planes at the fixed price of $6,500 each. For this, there was substituted the contract dated September 4, 1917, which was also recommended by the Aircraft Production Board and was approved by General Squier. This contract was for 400 Standard J airplanes, 2,000 De Havilland 9's, and 1,500 Martinsydes with spare parts. By later modifications the Martinsydes and De Havilland 9's were omitted and provision was made for 4,000 De Havilland 4's. These contracts were on a cost-plus basis, the estimated amount involved being upward of $30,000,000. There was to be a fixed profit of $620 on each Standard J plane and $875 on each De Havilland, making a total fixed profit of about $3,750,000, exclusive of fixed profit on spare parts covered by the contract, thus expected to be earned, according to the contemplated deliveries, before the end of 1918. The contract also provided for additional profits to the extent of 25 per cent of the saving under the bogey or estimated cost of the planes ($7,000 on the De Havilands), and it is estimated that the additional profit on this basis would have amounted to over $2,600,000. When the bogey cost of $7,000 was fixed letters were obtained from the Dayton-Wright Airplane Co. and from the Fisher Body Corporation (which also had a contract for De Havilands), that after 250 machines had been produced there would be an equitable adjustment if the bogey cost was found to be "materially wrong." Accordingly, a contract is now about to be signed reducing the bogey cost to $5,000 and the fixed profit to $625 per plane. Even at this rate the fixed profit on the 4,000 De Havilands will be $2,500,000, and it is believed that there will be an additional profit through saving under the bogey cost and on spare parts of not less than $1,000,000. In August and September, 1917, when the first Government contracts were awarded, the capital stock of the company ($1,000,000) had not been paid in. It was not paid in until December 1, 1917, when, in one transaction, the stock was paid for and all the shares, preferred and common, save five qualifying shares, were transferred to the Dayton Metal Products Co., which thus became and still remains the owner of the Dayton-Wright Airplane Co. As the latter company practically received nothing on the issue of its capital stock save the fixed property represented by its plants, it was lacking in working capital, and this at the outset was supplied by various loans and advances of the interested parties. In December the Government agreed to advance the company $2,500,000, of which $1,500,000 was advanced at once.

The name of Orville Wright was used in this enterprise, but his chief activity has been as a consulting engineer in connection with experimental work. He has not been responsible for production. Mr. Kettering is an engineer of ability, but his work also has been that of experimental engineering; he is not a manufacturing or production expert. Much emphasis is placed by the parties concerned upon the fact that they were able to avail themselves of the old Wright organization, which had been continued as already stated. But this was a very slender basis for the prompt selection of this newly organized company, which had not even completed its financial arrangements, as one of the few companies immediately admitted to the advantages of large and highly profitable Government contracts. The promoters of this enterprise, not content with these profits which were to accrue to them, either directly or through their ownership of the Dayton Metal Products Co., at once took advantage of the opportunity to increase their gains by salaries as executive officers of the Dayton-Wright Airplane Co. Dating from August 1, 1917, the salaries thus allowed were as follows: H. E. Talbott, sr., $85,000; C. F. Kettering, $85,000; and H. E. Talbott, jr. (30 years old, who was made president of the company), $30,000. Talbott, sr., was at the time receiving, and continued to receive $60,000 a year as president of the Dayton Metal Products Co.; Kettering received a salary of $25,000 from the Dayton Metal Products Co. and $50,000 from the Delco Co.; and Talbott, jr., was also receiving a salary of $18,000 from the Dayton Metal Products Co.

There would seem to be no question but that the members of the Aircraft Production Board in recommending contracts had confidence in the capacity of those undertaking the venture, and the previous success of this group while Mr. Deeds had been associated with them was well known. But the fact remains that practically at the inception of the Government's aviation activity in connection with the war and within the sphere of Colonel Deeds's important, if not commanding, influence, his former business associates were placed at once through Government contracts in a position where they had the assurance of very large profits upon a relatively small investment of their own money, and in addition were able to secure generous salaries, which they charged against the Government as part of the cost of manufacture.

That Deeds, Kettering, and Talbott continued to be on the most intimate and confidential footing in connection with the prosecution of the Government work by the Dayton-Wright Airplane Co. is apparent from their correspondence, of which the following are excerpts:

[Letter Deeds to Kettering, June 13, 1917.]

WASHINGTON, *June 13, 1917.*

Mr. C. F. KETTERING,
City National Bank Building, Dayton, Ohio.

MY DEAR C. F.: You will be interested to know that the standard training machine is going to be called the U. S. primary training, and will not be called the Curtiss J. N. This was decided last week, and I forgot to tell you when in Dayton.

Provision will be made for either Mr. Coffin or myself to appear before the S. A. E. (Society of Automotive Engineers), and as I am one of the committee of arrangements, will see that the plans of the Aircraft Production Board get properly before the association.

Relative to the Delco, I do not care to write what is being done, but will discuss it with you when I get home and you will see that we have already gone away down the pike in this matter. Everything is lining up now in pretty good shape.

Yours very truly,

E. A.

[Telegram Deeds to Talbott, July 3, 1917.]

JULY 3, 1917.

Mr. H. E. TALBOTT, *Dayton, Ohio:*

General Squier went direct to Detroit. Will probably spend Fourth at his old home in Michigan. May be in Dayton Thursday or Friday, arriving there from Detroit or from Champaign, Ill. Harold, Kettering, and Wright can take care of him. He will be interested in the Dayton-Wright factory and laboratory, Orville Wright laboratory, and especially Mr. Kettering's views on scientific subjects. In general, he is highly technical.

E. A. DEEDS.

[Telegram Kettering to Deeds, August 4, 1917.]

DAYTON, OHIO, *August 4, 1917.*

E. A. DEEDS,
Room 587, Munsey Building, Washington, D. C.:

We believe all confidential telegrams should be sent to Mr. H. E. Talbott, sr., City National Bank Building, or George B. Smith, instead of the Dayton-Wright Airplane Co.

C. F. KETTERING.

[Telegram Deeds to Kettering, August 4, 1917.]

AUGUST 4, 1917.

Mr. C. F. KETTERING,
City National Bank Building, Dayton, Ohio:

Hereafter all confidential telegrams will be sent to H. E. Talbott, sr., instead of to the Dayton-Wright Airplane Co.

E. A. DEEDS.

[Telegram Deeds to Talbott, September 16, 1917.]

OLD POINT, VA., *September 16, 1917.*

H. E. TALBOTT, *Dayton, Ohio:*

For your personal information as coming from your local attorney, Judge Advocate General has ruled it legal for Government to select one, contractor one, and the two a third, as appraisers of market value of plant at expiration of contract. If you care to raise the question the above will be found to be the final ruling.

E. A. DEEDS.

When this last telegram, which puts in a stronger light the relations of the parties, was sent, Deeds was an officer in the Army. This highly improper conduct in holding communication in this manner with his former business associate in a transaction pending between the Dayton-Wright Co. and the Government department in Colonel Deeds's charge demands the attention of the military authorities.

But evidence of favoritism, influence, or confidential communications of this sort, however otherwise reprehensible, do not make out criminal liability under the statutes above quoted, unless it appears that the representative of the Government has a pecuniary interest in the Government contract or order, or is an officer or stockholder of, or has a pecuniary interest in, a corporation, firm, or association which is a party to the Government contract or order. And the question is whether Colonel Deeds had such an interest. His statement is that he had no such interest, but, on the contrary, had given up large salaries to devote himself to the Government service.

The facts with respect to the disposition of Colonel Deeds's interests (so far as pertinent to this inquiry) and the method of disposition are as follows:

UNITED MOTORS CORPORATION, DAYTON ENGINEERING LABORATORIES CO.

* * * The only transfer made by him of any of his shares in that company was by gift to his wife. He indorsed, for transfer, the certificates for 17,500 shares on October 13, 1917, and they were transferred to Mrs. Deeds's name on October 17, 1917. * * *

* * * If there were evidence that Colonel Deeds had acted as officer or agent of the Government in the transactions with the Delco Co., or with the United Motors Corporation, prior to October 13, 1917, there would be ground by reason of his interest for charging a violation of the statute, and it may be doubted whether there was then or thereafter such a transfer as would avail to take the case out of the statutory prohibition. But there is no evidence that Deeds acted for the Government in any transaction with either of these corporations. So far as appears, the Government made no contracts for Delco ignition either with the Delco Co. or with the United Motors Corporation. The contracts for the Delco system were made by the contractors who were manufacturing the engines under contracts with the Government, and the dealings with the Delco Co. or with the United Motors Corporation in relation to the Delco system were had by these contractors. * * *

* * * His statement to the Aircraft Production Board on August 28, 1917, that he had made a bona fide transfer of all his stock in the United Motors Corporation, when the stock had not in fact been transferred, and at most he contemplated a gift of the stock to his wife, was neither candid nor truthful, and is certainly not to be regarded as a "full and complete disclosure." But in the absence of proof of solicitation, inducement, or recommendation by him, or action on his part as an officer or agent of the Government in transactions with the United Motors Corporation or the Delco Co., there are no facts bringing the case within the statutory prohibition.

DOMESTIC BUILDING CO.

In his letter of August 28, 1917, to the Aircraft Production Board, Colonel Deeds stated that he had made a bona fide transfer of his stock in this company. This was not true. It appears that on that date he resigned the office of president of the company, but he did not dispose of his stock. The stock of that company is still held in equal portions by Deeds and Kettering.

Colonel Deeds was plainly led to make the statement in his letter by the fact that the Domestic Building Co. had acquired the land and had erected the building which was in course of completion and was then occupied and intended to be used as the principal plant of the Dayton-Wright Airplane Co. for the manufacture of airplanes. It is said that in anticipation of a lease of the property to the Dayton-Wright Airplane Co. it had been agreed prior to August 28, 1917, that Deeds's stock in the Domestic Building Co. should be sold to Kettering. But there is not sufficient evidence of a definite and binding agreement to that effect, or of anything more than a loose understanding between intimates, whose arrangements could at any time be adjusted to suit their mutual convenience. Certainly there had been no transfer of the stock. It was not until November that there was an adjustment of accounts with this company, and then, instead of a sale of his stock by Deeds, he retained his stock in the Domestic Building Co., and the plant erected by that company was purchased by Talbott, sr., Kettering, and Talbott, jr., who at once transferred it to the Dayton-Wright Airplane Co. * * *

DAYTON-WRIGHT AIRPLANE CO.

Colonel Deeds's statement in his letter of August 28, 1917, that he had never been a stockholder in this company was true. The stock is owned by the Dayton Metal Products Co., and if Colonel Deeds had or has any interest through stock ownership in the profits on his contracts with the Government this interest must be derived from an interest in the stock of the Dayton Metal Products Co.

His relation to the organization of the Dayton-Wright Airplane Co. is this: He was an incorporator, and while he did not subscribe for stock and none was issued in his name, the payment of the stock of the company to the extent of upward of four-fifths of its par value was made, in substance, by the transfer to the company of the plant built by the Domestic Building Co., owned by Deeds and Kettering, and this company received therefor unsecured notes of Talbott, sr., Kettering, and Talbott, jr., only a small part of which has been paid. Thus, Deeds and Kettering, through the Domestic Building Co., virtually furnished the main plant of the Dayton-Wright Airplane Co. on a credit to the Talbotts and Kettering. The transaction was as follows:

The airplane factory was erected on a tract which the Domestic Building Co. had acquired from the Moraine Development Co. (a corporation in which Deeds and Kettering were largely interested) at a price little over $753 an acre. The building was intended for the use of the Domestic Engineering Co., another concern owned by Deeds and Kettering, which was engaged in the business of supplying Delco lights for general illuminating purposes. It was later decided that it should be used by the Dayton-Wright Airplane Co., which entered into possession.

Still later, it was arranged that the syndicate composed of Talbott, sr., Kettering, and Talbott, jr., should purchase the plant from the Domestic Building Co. and convey it to the Dayton-Wright Airplane Co. In November, 1917 (while the building was still incomplete), Mr. Allan R. Smart, a public accountant (of Barrow, Wade, Guthrie & Co.), made an adjustment of the accounts of Deeds, Kettering, Talbott, sr., and Talbott, jr., for various advances, and a balance was struck of $683,732.16 as owing to the Domestic Building Co. In this adjustment the land (25.55 acres) was taken at $1,200 an acre, and the building at the amount of the expenditures upon it, making the price of the plant (called the Moraine plant) $836,401.06. The balance of $683,732.16 was covered by three individual notes of Talbott, sr., Kettering, and Talbott, jr., in the proportion of two-fifths, two-fifths, and one-fifth, as follows: H. E. Talbott, $273,492.87; C. F. Kettering, $273,492.87; and H. E. Talbott, jr., $136,746.43. All of the notes were dated November 4, 1917, and were payable to the Domestic Building Co. one year after date with 6 per cent interest. The notes are unsecured. The makers of the notes have paid interest quarterly; and, in addition, Talbott, sr., has paid $3,492.87 on the principal of his note, reducing it to $270,000, and Talbott, jr., has paid $26,746.43 on the principal of his note, reducing it to $110,000. It appears that Mr. Kettering has

made payments of $6,000. This transaction left the Talbotts and Kettering as the owners of the Moraine plant, which the Dayton Wright Airplane Co. was operating, and the stock of the Dayton Wright Airplane Co. for which they had subscribed had not been paid in.

The payment of the subscriptions for the stock of the Dayton Wright Airplane Co., the concurrent payment by that company for two plants (the Moraine plant, already mentioned, and another at Miamisburg), and the transfer of its stock, thus paid for, to the Dayton Metal Products Co. were effected by an exchange of checks on December 1, 1917. Shortly before, the Miamisburg plant had been acquired by Talbott, sr. (for the syndicate) for the sum of $60,000 and was turned over to the Dayton Wright Airplane Co. at $127,202, the profit being divided between himself, Kettering, and Talbott, jr., according to their respective interests in the syndicate.

To accomplish the desired result, the following procedure was adopted:

The Dayton Wright Airplane Co. gave to the syndicate its check for the sum of $[illegible]2,071.25, made up of the purchase price of the Moraine and Miamisburg plants ($836,401.08 less an item of interest ($8,531.83) for the Moraine, or main plant, and $127,202 for the Miamisburg plant). The Dayton Metal Products Co. gave its checks to the syndicate for $183,458.55 for various balances of accounts and for $999,500, the purchase price at par of the stock of the Dayton Wright Airplane Co. (less five shares retained). The syndicate thus received checks to the aggregate amount of $2,158,030.80. The syndicate gave their check to the Dayton Wright Airplane Co. in payment of the capital stock of $1,000,000 and another check to the Dayton Metal Products Co. for $1,136,537.29 as the purchase price of certain securities which the Dayton Metal Products Co. sold to the syndicate, making the total of the syndicate's checks $2,136,537.29. The Dayton Wright Airplane Co. gave its check to the Dayton Metal Products Co. in repayment of advances for $44,928.75, the difference between the sum of $955,071.25 paid by the company for the plants and the sum of $1,000,000 received for its stock. The transaction was accomplished with a minimum use of cash (less than $1,500), and as a result the Dayton Metal Products Co. had all the stock (save five shares) of the Dayton Wright Airplane Co.; the Dayton Wright Airplane Co. had the Moraine and the Miamisburg plants; Messrs. Talbotts and Kettering had the securities which they had purchased from the Dayton Metal Products Co.; and the Domestic Building Co. (owned by Deeds and Kettering) continued to hold the notes which the Talbotts and Kettering had given to that company on the settlement in November.

* * * * * * *

DAYTON METAL PRODUCTS CO.

Colonel Deeds originally held one-fourth of the stock of this company, or 500 shares. It appears from the minutes of the board of directors that at a meeting of the board in Dayton on May 21, 1917, President Talbott stated that the company had been advised by the Ordnance Department of the Army "that, in all probability, the entire facilities of the company would be utilized for munition work, and, in all probability, contracts would be given to the company as soon as appropriations were made by the Government." It is further set forth "that Mr. E. A. Deeds explained that he had been called to Washington and requested to take place as some of the committees of the Council of National Defense; that he had been to Washington and that he had accepted the call; and he therefore desired it that he might act as uninterested, directly or indirectly, in any manufacturing plant which was contemplating business with the Government, and that he desired to offer his resignation as vice president and as director of the company." The minutes show the acceptance of this resignation and that Mr. Kettering was elected vice president. The minutes of the meeting of May 31, 1917, conclude with the following statement:

"At this meeting Mr. Deeds offered for sale and discussed probable purchasers for his stock in the Dayton Metal Products Co., and Mr. Deeds offered to the directors his entire holdings of stock at its book value less 15 per cent to cover costs and probable losses in view of the possibility of the Government contracts being secured and the business of the company would have to be readjusted into lines being developed by the experimental department."

Some time subsequently—in the early part of the year 1918—the accountant drew a line across the last-mentioned statement in the minutes. He maintains that he did not consider it "a corporate record," but a matter between the stockholders.

The testimony of the parties concerned is that Talbott, sr., Kettering, and Talbott, jr., purchased all Deeds's shares in the Dayton Metal Products Co. at their book value as of May 1, 1917, less 15 per cent, and gave in settlement of the purchase price their notes, as follows:

H. E. Talbott, 200 shares	$207,706
C. F. Kettering, 200 shares	207,706
H. E. Talbott, jr., 100 shares	103,853

The notes were dated May 22, 1917, were payable to Deeds's order one year after date, with interest at 4½ per cent, and were placed in the hands of George B. Smith, the confidential agent of Deeds and Kettering. The notes were wholly unsecured. According to the stock certificate book the old certificates were canceled and new certificates issued to the Talbotts and Kettering under date of May 22, 1917.

It is not only open to doubt whether the transaction described in the minute book took place on May 21, 1917, but on all the evidence it is reasonably clear that it did not take place on that date. The minutes are typewritten and pasted in the minute book. No one of the parties is willing to testify positively that the proceedings described in the minutes took place on that day. Mr. S. L. King, of the Dayton Lumber & Manufacturing Co., has testified that he and Deeds went to Washington on the same train on May 18, 1917, and that they were in communication every day in Washington, from May 19 to 23. Furthermore, it appears that on May 21, 1917, when Mr. Deeds is represented as making his statement at the meeting of directors in Dayton, he was making his first appearance, according to the minutes of the Aircraft Production Board, at a meeting held by that board on that day in Washington. He himself testifies that he was in Washington on that day. While Mr. Deeds is represented as resigning his office as vice president of the Dayton Metal Products Co. in May, 1917, he continued to draw his salary until the end of June, 1917. The notes were placed in the custody of the confidential agent Smith, but he made no entry in Deeds's bills receivable book of these notes until September. It does not satisfactorily appear, in view of the nature of some of the items, that the adjustment of accounts in fixing the book value and the determination of the amounts of the notes could have been made before June 30, 1917. There are stock certificates bearing the date of May 22, 1917, and purporting to have been issued after the issue of the new certificates to the Talbotts and Kettering for the Deeds share, but these certificates were issued to members of the Talbott family, dividing the shares he had formerly held.

Upon all the evidence it is not established that the stock was purchased as early as May 22, 1917, and there are many indications that the transaction was dated back to that date.

However, Colonel Deeds's stock was actually transferred on the books of the company, and the notes dated May 22, 1917, were given apparently not later than September, 1917.

On December 31, 1917, interest was paid by the makers on their respective notes to that date; and interest was paid quarterly thereafter. On January 18, 1918, Talbott, sr., paid $7,706 on account of the principal, reducing his note to $200,000; in February, 1918, Talbott, jr., paid $3,853 on account of the principal, reducing his note to $100,000, and on September 11, 1918, Kettering paid, on account of his note, the sum of $10,000.

If the transaction was a bona fide sale of the stock, Colonel Deeds thereby parted with all his stock interest in the Dayton Metal Products Co., and thus did not have, by virtue of an interest in that stock, an interest in the profits of the Dayton Wright Airplane Co. The parties all deny that there is any secret agreement or option or understanding of any sort for a retransfer of the shares to Colonel Deeds, or for a sharing of profits with him.

To conclude: The fact is that the transfer of the shares in the Dayton Metal Products Co., which owns the stock of the Dayton Wright Airplane Co., was made to Colonel Deeds's intimate business associates on their unsecured notes, which are overdue and unpaid save to a small extent. But there is no proof upon which it can be charged that Colonel Deeds retained an interest in the Dayton Metal Products Co., and thereby in the Dayton Wright Airplane Co.

* * * * * * *

OTHER AVIATION ACTIVITIES CENTERED AT DAYTON—THE WILBUR WRIGHT FIELD.

This is a tract of about 2,245 acres leased to the Government by the Miami conservancy district, of which Mr. Deeds was the head. It was a portion of the area selected by the Miami conservancy district for the impounding of waters in the event of a serious flood. The property was acquired by the Government for a flying field and was developed by the erection of hangars, barracks, a storehouse, and other structures. Upward of $3,000,000 has been expended by the Government in this development.

* * * * * * *

It appears from the testimony of Ezra M. Kuhns, the secretary of the Miami conservancy district, that at the time of our entry into the war the district had been able to secure options on only about 300 acres of the tract in question, but when negotiations with the Government began there was swift action. Mr. Deeds had brought the matter to the attention of Mr. Waldon as early as April 24, 1917, and had sent to him one of the district's engineers with maps. The following telegrams show the activity of Deeds and Talbott:

[Telegram Deeds to Kuhns, April 30, 1917.]

WASHINGTON, D. C., *April 30, 1917.*

EZRA M. KUHNS,
Miami Conservancy District, Dayton, Ohio:

Subject of our trip yesterday moving very rapidly and very satisfactorily. There is no doubt in my mind but what we will be successful. Avoidence of publicity very essential. Inspection will be made end of this week or first of next. You and Morgan (Morgan was the engineer of the Miami conservancy district) must plan now as though it was [illegible]

E. A. DEEDS.

[Telegram Deeds to Kuhns, April 30, 1917.]

WASHINGTON, D. C., *April 30, 1917.*

EZRA M. KUHNS,
Miami Conservancy District, Dayton, Ohio:

Options should be rushed in the vicinity of Fairfield, raising the price if necessary.

E. A. DEEDS.

[Telegram Deeds to Kuhns, April 30, 1917.]

WASHINGTON, D. C., *April 30, 1917.*

EZRA M. KUHNS,
Miami Conservancy District, Dayton, Ohio:

Ohio State University is ordered to-day to cooperate with the Dayton school, and Magruder, Lord, and Knight instructed to report at Camp Borden, Canada, Monday to learn course of instruction. Publicity will follow these instructions, and no one outside of Signal Corps officers know of our plan for the larger school, and, so far as everyone is concerned, Dayton school is the Wright Field civilian school. Think you should advise Wright, Morgan, Harold Talbott, and Kettering, so that they will not disclose anything inadvertently. The civilian school will continue, regardless of what is done with the other plan, and Ohio State will give the preliminary instruction in military tactics and all classroom work, while the Wright Field C. will give the instruction in aviation. Harold Talbott should be the channel through which publicity is given out, and there is no objection using the last statement, if called upon.

E. A. D.

[Telegram Deeds to Talbott, May 11, 1917.]

WASHINGTON, D. C., *May 11, 1917.*

H. E. TALBOTT,
Dayton, Ohio:

Think your whole plan ideal.

E. A. DEEDS.

[Telegram, Talbott to Deeds, May 11, 1917.]

MAY 11, 1917.

E. A. DEEDS,
Care New Willard, Washington, D. C.:

Contracts remaining secured to cover 2,500 acres will be closed by to-morrow evening. Will start Monday on immediate possession of land as the fields will be ready when buildings are finished. This applies to central 1,000 acres in front of building. Builders may retain use of buildings and barns for a few months, and in some cases until winter, but main fields must be prepared without delay if they are to be used

this fall. Think best to give no reason for immediate possession, and feel sure we can arrange it. We can arrange financial matters as suggested. Wire if you approve.

H. E. TALBOTT.

[Telegram, Deeds to Talbott, May 11, 1917.]

WASHINGTON, D. C., *May 11, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

With few exceptions owners can, if necessary, continue to live in their houses for a year, thus avoiding necessity of moving this summer. Their teams will be employed, giving revenue to them. District wants to try out flying on a large scale, and wants to try experiment at once. This is only a suggestion. You doubtless may have a better one. May be necessary to exercise option at once, and if so, I will gladly go on district's note for full amount.

E. A. DEEDS.

[Telegram, Deeds to Talbott, May 12, 1917.]

WASHINGTON, D. C., *May 12, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

Suggest Kuhns, Emmett, Grant, and Brown be here Monday morning for conference on conservancy bringing description of entire 2,500. Tax value and tax rate of property under discussion. Will be helpful. Publicity can be delayed at this end without difficulty. Everything moving nicely.

E. A. DEEDS.

The practicality for this site does not appear to have been warranted by any advantages it can be said to possess. Indeed, no satisfactory reason appears for the securing of so large a tract, as apparently 1,400 or 1,500 acres would have answered the purpose.

Fields of about 600 acres were selected at Rantoul and Detroit for two-quadron fields and the field at Dayton was for four squadrons. Both the leasehold interest and the option to purchase are subject to a flood easement. The evidence is that in case of a flood, such as that of the year 1913, the impounded water—that is, after the completion of the dam, which it is understood will be completed in two or three years—would cover the lowland to a depth of about 40 feet; the lowest hangar would have 24 feet of water—that is, over the eaves—and the highest hangar would have 18 feet of water. The barracks and various buildings which stand on higher ground would not be seriously affected. The warehouse itself—a large structure—is in a dry place; and the suggestion that some of the property stored there during the past year has suffered from moisture is not supported. Aside from the consequences of flood in the Miami Valley and the use of the area as a detention basin, it should be added that a considerable part of the tract consists of swamp land which is unsuitable for the use for which it was leased.

* * * * * * *

THE CONTRACT FOR THE DEVELOPMENT OF THE WILBUR WRIGHT FIELD.

The next step was the placing of the contract for development. The contract was signed by Captain Edgar under the direction of the Chief Signal Officer and its terms were not unreasonable. It was on a cost-plus basis with a sliding scale, which as applied to the amount actually expended gives the contractor a commission of 7 per cent with a maximum limit of $140,000. The contractor, the Dayton Lumber & Manufacturing Co., was recommended by Deeds. This company had done nothing in an extensive way for several years, having been engaged since the year 1906 in selling material, and in operating a planing mill and a lumber yard. Its capital stock was $75,000. Prior to April, 1917, one S. S. King had owned 127 of the 750 shares. King's holdings were then increased to 417 shares, and in acquiring these 300 shares King was backed by H. E. Talbott, who as president of the City National Bank of Dayton arranged for a loan of $60,000 for the purpose. King wrote Talbott on April 25, 1917: "As to the ownership of the stock, if you see fit to back me up in it this can be determined in any manner that you see fit." It was not long after the control of the Dayton Lumber & Manufacturing Co. was thus acquired that the arrangement was made for giving to this company the contract to develop Wilbur Wright field. King's narrative of the circumstances in which this contract was obtained is very illuminating, and affords a notable contrast to the difficulties of many who unavailingly sought contracts with the Government.

King was sent for by Talbott and informed that he (King) had been "recommended down at Washington to assume the responsibility of putting up some buildings for Wilbur Wright field," and suggested that he immediately set about effecting an organization for the purpose. This was on Saturday, May 17, 1917, and on Sunday Talbott telephoned to King, asking him to leave immediately for Washington. Accordingly King went to Washington on Sunday afternoon, taking the same train with Deeds. It was arranged that King should call the next day at Deeds's office, which he was informed was on the same floor with that of the contracting officer, Captain Edgar. Accordingly on the following day, May 19, Deeds introduced King to Captain Edgar, and in two or three days, on May 23, the contract was signed. As Colonel Edgar testifies: "King was brought down here by Colonel Deeds and recommended to me as a proper contractor, the most available in Dayton for the work."

The following is a portion of the correspondence between Deeds and Talbott relating to this contract:

[Telegram, Deeds to Talbott, May 23, 1917.]

WASHINGTON, D. C., *May 23, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

King probably returns to Dayton this evening. He is undertaking something which he alone is unable to get through with. It will be important that you give him a vision of this job and some very definite suggestions how to hit it in a big way. This is the biggest undertaking that has ever been put across in Dayton.

E. A. DEEDS.

[Telegram, Deeds to Talbott, May 23, 1917.]

WASHINGTON, D. C., *May 23, 1917.*

H. E. TALBOTT,
Dayton, Ohio:

Suggest you personally direct publicity regarding contract to be given soon, so that it will avoid criticism and at the same time tell the story. This is particularly vital because of Captain Waring to start work Friday and the visitors whom I am bringing, who may read the papers. Your good judgment is needed on this.

E. A. DEEDS.

[Telegram, Deeds to Talbott, May 24, 1917.]

WASHINGTON, D. C., *May 24, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

In arranging for contract do not overlook a local contractor and lumberman in Osborne. Ezra Kuhns knows his name. He has been friendly to us and I promised him something to do on this job.

E. A. DEEDS.

[Telegram, Talbott to Deeds, May 28, 1917.]

MAY 28, 1917.

E. A. DEEDS,
Care New Willard, Washington, D. C.:

Just to remind you chartered accountants of Government selection, expense to be paid by contractor and charged to cost of work. Piecework for labor only on various unit sections in various classifications of work will do much toward speed and economy. Each individual transaction to have the approval of officer in charge before it is effected.

H. E. TALBOTT.

[Telegram, Deeds to Talbott, May 31, 1917.]

MAY 31, 1917.

H. E. TALBOTT, Sr.,
Dayton, Ohio:

Wire what progress has been made on Dayton field. This is for our report to the council. If foundations have been started, for instance, and how many men on the job. This only needs to be a rough estimate.

DEEDS,
Aircraft Production Board.

[Telegram, Talbott to Deeds, June 1, 1917.]

JUNE 1, 1917.

DEEDS,
Aircraft Production Board,
United States War Department, Washington, D. C.:

Steam shovel and large trench digging machine now in place. Three cutting gangs at work. Teams and tractors on ground. Carpenters finishing sheds and office for construction purposes. Foundation excavation in progress. Have plant and equipment for six concrete gangs which will be at work early in the week. Sidewalks progressing. Repairing highways to facilitate trucking operations from Dayton. Purchased five new Packard trucks to augment transportation over the existing available trucks. Next week will see everything booming along. All material, lumber, cement, planks, board roofing located and on the way. Wish you would think over method of authority which can be given me to rush transportation of railway cars. This looks like the main point of congestion. All departments of construction now organized with experienced and competent supervisors and foremen. All this in spite of the fact that it has rained every day since Waring has been here.

H. E. TALBOTT.

Despite the indications of these messages, and of his transactions with King, Mr. Talbott testifies positively that he had no interest in the enterprise, except as a citizen of Dayton, and got nothing out of it beyond 6 per cent interest received by the Dayton Metal Products Co. on money loaned.

King had no capital available for the enterprise, nor had the Dayton Lumber & Manufacturing Co. King's testimony is:

"Q. Did you have the capital to swing that?—A. Not without assistance.

"Q. Where did you expect to get the assistance?—A. When I talked to Mr. Talbott he told me on the Saturday afternoon, I said, 'Well, this will take a good deal of money.' He said, 'Yes, but,' he said, 'you need not worry about that. We will work out some way for that.' He said, 'I do not know how we will work it out, but we will work out some way for that.'"

The financial assistance that King needed was obtained upon the credit of the Dayton Metal Products Co., supported by the personal guaranties of H. E. Talbott and C. F. Kettering. Notes of the Dayton Lumber & Manufacturing Co. to the extent of $400,000 were discounted by the Dayton Metal Products Co. with the American Exchange National Bank of New York. It was originally contemplated that these notes should be indorsed by Deeds and Talbott, as is shown by the following extract of a letter to Mr. Talbott from W. H. Bennett, vice president of the American Exchange National Bank, under date of June 25, 1917:

"Referring to the conversation which the writer had with you on Thursday, I have conferred with Mr. Hensel, assistant cashier of the Federal reserve bank, and upon your statement that the Dayton Lumber & Manufacturing Co. is under contract with the United States Government for the preparation of the aviation field at Dayton, and that said company is to receive payments on the 40th of each month on the presentation of receipted vouchers for work completed in the previous month; and that it is the intention of the Dayton Metal Products Co. to make advances to said Dayton Lumber & Manufacturing Co. of amounts necessary to carry on the work, he ruled that the paper executed by the Dayton Lumber & Manufacturing Co. and indorsed by the Dayton Metal Products Co. to cover funds so advanced will be eligible for rediscount with the Federal reserve bank.

"Therefore we feel that it will probably be of mutual advantage to provide for the advance of $400,000 requested from us by a three-months' note executed by the Dayton Lumber & Manufacturing Co., to the order of the Dayton Metal Products Co. and indorsed by Mr. H. E. Talbott and Mr. E. A. Deeds. If you so desire, the indorsement of the individuals can be secured by an assignment from the Dayton Metal Products Co. of certain securities now in safe-keeping with us to the individuals referred to."

It was subsequently arranged that the indorsements should be those of Talbott and Kettering, who also gave their separate agreement of guaranty. The avails of discounted paper were passed by the American Exchange Bank to the credit of the Dayton Metal Products Co. It appears from the accounts between the Dayton Lumber & Manufacturing

Co. and the Dayton Metal Products Co. that, while the latter company ultimately paid the notes, their proceeds were used in large part from time to time for the benefit of the Dayton Metal Products Co.

The credit to the Dayton Lumber & Manufacturing Co. thus extended to it upon its notes was furnished without security, or, as Mr. Talbott put it, with "no further security except in the man (King). I trusted the man; I knew his contract." After the contract had been obtained, King increased his stockholdings in the Dayton Lumber & Manufacturing Co. by the purchase of 104 additional shares, borrowing for the purpose $20,000 from the Dayton National Bank.

It appears that the total amount paid by the Government under the contract with the Dayton Lumber & Manufacturing Co. to August 14, 1918, amounted to $3,115,161.94. This represents the amount paid for the cost of the work—that is, for lumber, materials, etc. The commission or profits of the contractor, which had been paid to that date, amounted to $102,436.04. There has been considerable trouble in connection with the contract, and the accounts are far from being in satisfactory shape. An audit of the books of the company was made by Barrow, Wade, Guthrie & Co. to November 30, 1917. They reported that they found "the pay rolls very incomplete, full of errors, corrections, and erasures," and that there was "abundant evidence that great laxity and carelessness has been exhibited by the employees of the company, especially those in the paymaster's department." These statements are amply confirmed by the evidence in this investigation, and the accounts are in course of being resaudited by Government accountants. The consideration of the various irregularities in the accounts and of the questions to which they give rise must await the result of this examination. It will be observed that the Government has withheld a large part of the compensation of the contractor until a satisfactory adjustment has been made. Of the profits received from the Government, it would appear that the moneys have been retained in the business of the company, except to the extent of a dividend of $37,500—that is, 50 per cent on the capital stock. Of this dividend, King was entitled, on the 521 shares acquired in his name, to $26,050, and of this amount it appears that he had received 70 per cent, or $18,235, to July 1, 1918. He had paid $11,000 on account of his loan ($21,000) to the Dayton National Bank. He had paid nothing on the $60,000 loan from the City National Bank. No agreement has been proved for a division of profits on this contract, and there is no proof that Colonel Deeds has had an interest in the contract or in the Dayton Lumber & Manufacturing Co. Even if it appeared that the Dayton Metal Products Co. was interested in the contract (which would explain transactions otherwise difficult to understand), this fact would not affect Colonel Deeds unless he were found to be interested in that company. The question would thus come back to the transfer of his stock in the Dayton Metal Products Co., which has already been considered.

M'COOK FIELD (FORMERLY KNOWN AS NORTH FIELD).

This is a field of approximately 200 acres in and adjacent to Dayton, which was leased by the Government from the Dayton Metal Products Co. and has been used for the purpose of making various tests. Lieutenant Colonel Vincent first suggested another field (South Field, or Moraine Field) and brought the matter to the attention of Colonel Deeds, by whom that field was principally owned. On September 27, 1917, Colonel Deeds sent the following telegram to Mr. Talbott:

WASHINGTON, D. C., *September 27, 1917.*

Mr. H. B. TALBOTT,
City National Bank Building, Dayton, Ohio:

Colonel Clark takes letter regarding Moraine flying field with him to Dayton to-night. George McCann has another letter for Mr. Kettering. Government will lease land, put up buildings, and operate experimental field. Lease will be for three years without privilege of purchase, as that is not necessary. Have complete description of property prepared; also statement of cost of buildings already erected and suggested monthly rent arrangement, and have George McCann bring them to Washington to complete lease. Have him prepare deed for this property to Mr. Kettering, who, in turn, will lease it to the Government.

DEEDS, *Equipment Division.*

Other contracts relating to aviation fields are discussed in the Hughes report, and many pages are devoted to selection of contractors, profits, and other matters relating to aircraft that challenged the attention of the country during the war. No word comes from the legal department of the Government that these charges have been investigated, although the investigator and the head of the legal department now sit at the same Cabinet table.

Mr. Chairman, I believe I have shown the necessity of employing many investigators and many attorneys on these war fraud cases with a view of clearing them up in the immediate future. It is clear the present force in the Department of Justice is entirely inadequate to properly handle the situation. It seems strange to me that the department has not long ago asked of the Congress sufficient funds for this purpose. On April 7, 1922, when the Department of Justice appropriation bill was being read for amendment under the five-minute rule, the gentleman from South Dakota, Mr. ROYAL C. JOHNSON, with whom I have for some time been working on these matters, offered an amendment to appropriate $500,000 for the purpose of carrying on these investigations and prosecutions. That no request for funds for this purpose has been submitted to Congress by the Attorney General is clearly shown by the following, taken from the RECORD of April 7, 1922:

Mr. JOHNSON of South Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report:

The Clerk read as follows:

"Amendment offered by Mr. JOHNSON of South Dakota: Page 27, line 15, insert: 'For attorneys, accountants, and clerical assistance in the investigation and prosecution of fraudulent war claims against the Government and investigation of settlements made on war contracts and prosecution in such cases as the Attorney General shall deem necessary, $500,000.'"

Mr. JOHNSON of South Dakota. Mr. Chairman, in this bill providing for the entire legal department of the Government I find no provision for the necessary clerical assistance and accountants that will be required if we are going to see that those men who grafted upon the Government during the war are prosecuted. Everyone who is at all familiar with the situation recognizes the fact that the Attorney General and some individuals in the War Department have had for some time under investigation many of these claims, and in at least one case with which we are familiar—a recent case—have taken legal action.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARRETT of Tennessee. Was there an estimate sent in for an item of this sort?

Mr. JOHNSON of South Dakota. Not so far as this is concerned.

Mr. GARRETT of Tennessee. The Department of Justice has not asked for anything.

Mr. JOHNSON of South Dakota. So far as I know the Department of Justice has not asked for it; but I will say that I want to anticipate, because it will not be a very great length of time before they will ask for such an appropriation, and I want to get it in in time; that is the reason I am offering this amendment. I had no idea that gentlemen would oppose it. We know in a recent case prosecution has begun, and I know that the entire department which has charge of the prosecution in this great class of cases is now in the hands of one clerk, who a few years ago was drawing a salary of $1,200, and in the hands of a few investigators, none of whom are receiving an adequate salary. These men are being opposed to-day by the best lawyers in the United States. In any one of these cases the Government would not be more than adequately represented if it had two of the finest and highest-priced lawyers in the United States.

I say without any hesitancy and without any reservations that these claims ought to be prosecuted, and if they are not prosecuted within a reasonable time the statute of limitations will expire and the men who have been guilty of these colossal war frauds will not be punished. After a thorough investigation, which lasted all of last year, I am thoroughly convinced of the necessity of an appropriation, so that the legal department of the Government will function in these prosecutions during the next two years.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Dakota. I will.

Mr. MANN. As to the amount involved, has the gentleman made any estimate?

Mr. JOHNSON of South Dakota. I have made somewhat of an estimate, that I do not have with me to-day, but I might present it to the House on another occasion. I do not know that I would be within a hundred thousand dollars of the necessary amount, and I make no pretension at this time as to the accuracy of the estimate or how much the Attorney General would need; it is a matter for him to determine, and I have such confidence in him that I feel he would not expend any more or any greater amount than is absolutely necessary.

Mr. MANN. Has the gentleman consulted the Attorney General or anybody in the department?

Mr. JOHNSON of South Dakota. I will say that I have not consulted the Attorney General.

Mr. HUSTED. Mr. Chairman, I think I can say to the gentleman from South Dakota that he is out in his estimate just the amount carried in his amendment. The Department of Justice has not asked for this item, but the Department of Justice is engaged in this work, and has ample funds to carry it on at the present time. It does not need an additional dollar for this purpose, and if this money was appropriated it simply adds $500,000 to the amount carried in the bill which we would have to raise by taxation and which the department could put to no good purpose.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. COOPER of Wisconsin. Inasmuch as the gentleman has just informed us that the Attorney General is engaged in the work of prosecution, will the gentleman state what prosecutions have been begun?

Mr. HUSTED. Well, the prosecution of Charles W. Morse is one which has had great attention in the public press.

Mr. COOPER of Wisconsin. Can the gentleman name any other?

Mr. HUSTED. I do not know what particular prosecutions have been carried on, but I know that they are engaged in investigating these cases. I know that is a large part of the work carried on by the bureau for the detection and prosecution of crime. These cases are in the hands of the attorneys for the department, and if prosecutions have not been instituted they soon will be.

Now, Mr. Chairman, if the Attorney General needs money with which to employ additional help in clearing up these cases, why has he not asked the Congress for the money? If he does not need additional funds, if he has all the assistants necessary to do this work, why have not some definite results been secured? Why have not suits, both criminal and civil, been prosecuted? The information upon which to base these suits have, in many cases, been in the files of his department for many months.

In view of the facts, one must conclude one of two things: Either the Attorney General does not propose to do the thing he was sworn to do when taking his oath of office—prosecute all criminals, big or little—or he does not know the facts as they exist. It pleases me to believe he does not know, because the head of a large department of this character must be there very largely in the capacity of an administrator. He can not know all the details, and such of those as do reach him must necessarily come to him through the medium of some subordinate.

LINCOLN MOTOR CO.

Following is a statement of the case as prepared by the Department of Justice for filing in the United States District Court at Detroit:

In the District Court of the United States for the Eastern District of Michigan, southern division, in equity.

In the matter of the receivership of the Lincoln Motor Co., Detroit Trust Co., receiver.

CLAIM.

The Lincoln Motor Co., Dr. to the United States of America.

1918–19.	
To erroneous, wrongful, and unlawful payment of so-called profits on motors and spares under contract 1647 and supplements	$4,963,361.98

To erroneous, wrongful, and unlawful payment of so-called special depreciation and amortization under contract 1647 and supplements	$3,225,200.00
To erroneous, wrongful, and unlawful payment of so-called anticipated or unearned profit on uncompleted portion of contract 1647 and supplements	1,000,000.00
Total	9,188,561.98

All as shown by contracts, audit, and report of War Department herewith filed and prayed to be considered as a part of this claim.

DISTRICT OF COLUMBIA, *United States of America, ss:*

Thomas F. Lane, who being first duly sworn, makes oath and states that he makes this affidavit of claim against the Lincoln Motor Co., a corporation, as an agent of the War Department of the United States of America; that he is cognisant of the facts supporting said claim; that the Lincoln Motor Co. is justly indebted to the United States of America, after allowing all just credits and set-offs, in the sum of $9,188,561.98.

THOMAS F. LANE.

Subscribed and sworn to before me this 27th day of March, A. D. 1922.
[SEAL.] THOMAS L. BIGHAM,
Notary Public, District of Columbia.

My commission expires 12th day of August, 1923.

Mr. Chairman, the Lincoln Motor Co., which during the war received large contracts for the Air Service, has been shown by the Government audit to have been overpaid to the extent of $9,188,561.96. This concern some time ago was thrown into the hands of a receiver. The receiver has sold this property to Henry Ford for $8,000,000 cash, which the receiver now holds. This case had been turned over to the Department of Justice and by it referred to the district attorney at Detroit for necessary action. The claim of the Government constitutes a first lien against the money now in the hands of the receivers.

We find the policy pursued in the past in some other cases now being pursued by the Department of Justice in the case of the Lincoln Motor Co. This case has been taken out of the hands of the district attorney at Detroit and has been returned to the department here; and there is to be another hearing given the attorneys for the receivers here in Washington tomorrow, April 12.

Inasmuch as an unbiased Government audit, conducted by men who have no personal interest in the case whatsoever, has shown this indebtedness to the Government, and inasmuch as hearings and rehearings had already been granted in this case, I wish to inform the House and the country that if history repeats itself in the case of the Lincoln Motor Co., and the Attorney General does not look fully to the interests of the Government in this case and allow the courts of the Nation to determine to what extent this company is indebted to this Government, I shall consider him guilty of misfeasance in office and shall move his impeachment upon these grounds. I appreciate the fact, Mr. Chairman, that it is impossible for the Attorney General to have the details of all these cases in mind, but I believe this case to be of such magnitude as to warrant the personal attention of the Attorney General himself.

Mr. Chairman, what I have said has been said in behalf of decency and fairness in government. It has been said in behalf of the four and one-half million ex-service men of the Nation. It has been said in behalf of everyone who wishes to see the laws enforced against the rich as well as the poor. [Applause.] Everything here presented is subject to proof, and much else besides. I have touched upon only the more flagrant cases. There are many others. The Federal prisons are full of petty thieves and grafters. They are filled with the small bootleggers, but I know of no instance where the big men, the men of wealth or political power who finance and direct bootlegging in a big way, have been prosecuted, although I do know that information upon which to base such prosecution is in the hands of the Department of Justice.

I have laid sufficient facts before Congress to-day to startle the Nation, and I believe if there is an unwillingness or inability on the part of the Department of Justice to function in the manner in which it should function that public sentiment should and will compel a change. It is incomprehensible that the President should be aware of these facts. I do not believe President Wilson was aware of the conditions that existed during his administration; I do not believe that President Harding is aware of the conditions as they exist to-day.

I most sincerely trust, Mr. Chairman, that the Congress will take immediate action upon the resolution I have introduced. I believe if the committee is appointed under this resolution its powers will be great enough to enable it to thoroughly investigate the conditions in every department of the Government in any way touching these war frauds. I believe the Congress will take this action. [Applause; Members rising.]

The CHAIRMAN. The gentleman's time has again expired.

Mr. WOODRUFF. Mr. Chairman, the country is asking what Congress has done to stop maladministration and waste of public funds.

The people are asking what has been done since April 12, 1920, when the House adopted the Republican resolution instructing the Attorney General to—

institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid. * * *

This resolution was adopted two years ago. Has anything been done? Were these evils stopped? Was the plundering of aircraft appropriations stopped? The answer, in the negative, can be found in thousands of newspaper articles printed by the American press during the past 12 months giving the unchallenged charges and testimony of the highest experts.

The answer can also be found in numerous reports of investigations of Air Service scandals and Air Service tragedies—the numerous tragedies that have taken place because our Air Service was prevented by the Air Trust from getting the best airplanes available which, experts testify, could be had by the Air Service at far less than was charged by the members of the Air Trust for inferior, dangerous aircraft.

Recognized authorities like Henry Woodhouse, the president of the Aerial League of America, who for 12 years has been recognized the world over as one of the foremost leaders in aeronautics and related sciences and national affairs; Gutzon Borglum, a pioneer in aeronautics, who was asked by President Wilson to and did investigate the aircraft scandals during the war; H. L. Scaife, who has had charge of preparing the cases for the war fraud section at the Department of Justice—these and scores of other authorities and leading organizations, like the Aerial League of America, representing thousands of Air Service officers and people identified with the aeronautic movement, have presented conclusive reports to Members of Congress and to the press.

Their charges, their facts, their reports telling the causes of the Air Service tragedies and exposing recent evils have been carried to the thousands of American newspapers by the Associated Press, the Universal Service, the International News Service, the Newspaper Enterprise Association, the United Press, and other reliable newspaper associations. The charges have not been denied.

Members of Congress have been at loss to find answers to the questions asked by the newspapers that are asking what has been done and what is being done to stop these evils, to end this wanton waste of taxpayers' money. We have been at a loss to find answers to such letters as the following, addressed by Mr. Borglum to Mr. Scaife and by Mr. Scaife to Members of Congress, asking whether anything is being done. Mr. Borglum's letter follows:

GUTZON BORGLUM STUDIOS,
Stamford, Conn., September 24, 1921.

H. L. SCAIFE, Esq.,
549 Forty-first Street NW., Washington, D. C.

MY DEAR MR. SCAIFE: Thank you for your letter of September 14. I have received all your letters, I think, and have lost no interest whatever in the work that you are doing nor in the prosecution of the men now in the Government and out who were treacherous both to it and to the Nation, in the aircraft department, during the war and since; but I have been so busy with heavy work that requires every bit of my time, and on the other hand I have pressed the charges as far as dignity permits. The Government's criminal incompetence in the aircraft swindle is a matter of Government record, made in spite of both parties. I am satisfied with my services in this to date. So far, the Democrats, even of the Wilson administration, have acted with the finer political conscience. I shall neither do nor say more at present of my own motion. Certain promises have been made to me and to the overburdened, overtaxed voter; in the meantime, we must wait till this Congress goes to the country for reelection. I shall then know who to trust and just what to do.

However, I believe—I know, as much as one can—that there will be no convictions, and that we will get nothing but a political burial of a crime of which Republicans and Democrats are equally guilty. If there is a man holding a prominent official position in the United States Government to-day who is prepared to prosecute, say, one of the biggest banks in America, that fairly glutted itself on the proceeds of aeronautic engines, which in turn it used to inflate prices on unnecessary quantities of war material for our Army—if there is a man in authority at Washington who is prepared to prosecute or even mention the name of this bank publicly, I should like to know his name. I do not believe there is such a man. But I can name you several men, high in the Government's confidence, who will not let this institution be mentioned nor let anything be done which may embarrass powerful partisan supporters.

I am interested to some extent in what you say about the fight that was made upon me; some time you will tell me. I know the men who made the fight; they have since explained, after admitting the frightful conditions that existed, that partisan political reasons made it impossible for them to make admission at the time. Will you show me one man high in political preferment to-day who will not make the same answer and in making it practically say, "To hell with America, if her welfare affects 'the party'"? I am not pessimistic nor have I lost my belief in the sweetness of life, but the power to tax the people of the United States and pass its legislation is bigger game than Standard Oil, Steel, or the railroads, combined. Under Wilson its control slipped to a great group of bipartisan interests. Call America what you will, they are our Government. You say you will begin to believe there are not five or six men in America who care or

who would do anything to prosecute investigation? There are not five or six public men who have the character to do it, in or out of the Army, in or out of political life, and there are those in commercial life. I do not know any man who will sacrifice his job or his chances for preferment to speak the truth, be it what it may.

* * * * * * * * *

* * * At this time we have thousands upon thousands of airplane engines of various kinds, mainly Liberty motors. They kill one boys, that is true, but the Government does not care anything about that. They are, as they were, worthless, that is true, but the Government never cared nor does it care now about that. They killed people at the time they were ordered, and they still do; but the Government neither cared then nor cares now for that. And they have been packed in grease and are strewn about the land; within a month one of the last and "best" delivered from our Government was found with sand in the grease, put there by whom? By Government officials or by consent of Government officials. Of course, the Government cares nothing about that. What engines do they now propose to buy? Who is it in the Government that is so powerful, or who is it outside the Government that is more powerful, who can compel the Government to oblige every aviation company to use these damnable motors in every airplane they may build or import? That question should be asked, and it should be answered, for that is the case. I will tell you of this when I see you.

The airplane industry can not live in America unless it uses Liberty motors; and it can not fly if it uses them without killing, and as long as flying in America kills it will stagnate.

There is something profoundly rotten in the whole business. It was launched and carried out with such intent to defraud—it was so bad in its conception and in its building, and finally in its production—so vast was the machinery of evil—that I doubt if we shall be able to do anything in aeronautics during this present generation because of what you now fear—there are not in all America the five or six men of power, or position, you need, who care. There are not two. The Government must completely overhaul this aeronautical outrage, discard practically all the men heretofore connected with it, and put the entire department in the hands of new people, utterly free of all connection with it during or since the war. It would not be difficult to forgive much (and many) if there was a genuine plan of this sort adopted. The Government is choked with material, yet asking for more money. Note the folly of making and recommending. Note that we are without safe landing fields across the country, and that we have no system of night lighting at all.

You speak in your letter of my writing you personally or marking as personal and confidential things I might not want to say to others. I shall remember that. But I have no objection to your using anything I say; and I shall send Mr. Harding a copy of this. I do not approve of many commissions and combatons in the Harding administration, but I have known and had the confidence of two such diverse characters as Roosevelt and Wilson as Presidents, and I have learned not to hold Presidents responsible for all of the Government all of the time.

I hope to be in Washington for a day and a night next week and shall make a point of seeing you. You say you have not heard from me since June 24. It seems hardly possible; but I beg you to be lenient with me, because I am so engrossed in work which I must finish. It does not mean that I have lost a particle of interest in the great question itself or the great service you have rendered it. You are the only man I have found who feels the personal responsibility toward a task assumed (as I felt it) and who has shown any of the patriotism in connection with it that I believe one must feel to serve a nation properly.

Sincerely yours, HENRY WOODHOUSE.

As the evils continued, such leaders of clean aeronautics as Henry Woodhouse, whose reports and statements regarding national questions have been accepted by the United States Army and Navy and made part of the records of Congress for over 10 years, brought the evidence to Congress, and to the press the evidence of existing conditions. Here are a few of the thousands of articles printed in several thousand newspapers served by the Associated Press, the Universal Service, the Newspaper Enterprise Association, the United Press, and other leading newspaper associations.

The facts given in these articles have not been refuted; the charges have not been denied.

What can we answer to these newspapers and to the millions of readers—our constituents—who have read these charges, these uncontradicted facts, and ask what we have done to stop these evils, to prevent this continuous waste of taxpayers' funds?

[From the Times, Washington, D. C., October 23, 1921.]

" BY JUGGLING AND CONCEALMENT OF FACTS AND FIGURES, THE AIR TRUST HAS PREVENTED AN ACCOUNTING OF $1,740,915,758 APPROPRIATED BY CONGRESS, THE SCHEME BEING TO PREVENT INVESTIGATION UNTIL END OF 1921, AND THEN CLAIM IMMUNITY ON PLEA THESE ARE OUTLAWED WAR MATTERS."

(By Henry Woodhouse, president Aerial League of America, chairman of committee cooperating with Government in air investigations.)

(Written for Universal Service.)

Taxpayers will read here for the first time the records showing that the aeronautic appropriations made by Congress in the past four years have amounted to over two thousand million dollars.

By devious schemes, juggling and concealment of facts and figures and circulating of misinformation, the Air Trust has heretofore succeeded in suppressing part of these records and preventing an accounting of aeronautic appropriations aggregating the enormous sum of $1,740,915,758, made available at various times.

The appropriations made available by Congress for Army aeronautics were as follows:

Appropriations for fiscal year ending June 30, 1917	$12,861,600
Appropriated by—	
Act of May 12, 1917	10,800,000
Act of June 12, 1917	264,000
Act of June 15, 1917	43,476,000
Act of July 24, 1917	640,000,000
Act of Oct. 6, 1917	40,000,000
Act of July 8, 1918	8,000,000
Appropriated by—	
Act of July 9, 1918	$700,000,000
Act of July 9, 1918	124,304,758
Act of Nov. 4, 1918	60,000,000
Act of July 11, 1919	25,000,000
Appropriation for year ended June 30, 1921	15,000,000
Total Army air appropriations	1,740,915,758

For the Naval Air Service, Congress appropriated $362,592,197, as follows:

For the year ending—	
June 30, 1917	$3,500,000
June 30, 1918	61,182,000
June 30, 1919	252,959,197
June 30, 1920	25,000,000
June 30, 1921	20,000,000
Total naval air appropriations	362,592,197

Thus the figures reveal Air Service appropriations aggregating the huge sum of $2,103,507,955, allowed by Congress for the fiscal years 1917 to 1921. Still these figures do not comprise many appropriations, such as officers and enlisted men's pay and subsistence and purchases of land for air stations, transportation of aircraft and aeronautic equipment, experimentations conducted by various Army and Navy bureaus to develop aircraft bombs, aircraft guns, radio and navigating instruments and other equipment, and the $1,000,000 for the purchase of aeroplane patents revealed.

Neither Congress nor taxpayers have been able to get an accounting showing exactly how much of these appropriations were actually spent and what it was spent for and what has happened to the aircraft motors and equipment for which hundreds of millions of dollars were paid to the members of the Manufacturers' Aircraft Association, who monopolized the aeronautic appropriations and charged exorbitant prices for inefficient and defective aircraft.

The Air Trust has a body of professional mourners in its pay, whose job is to delay the full accounting of the $2,000,000,000 air appropriations made by Congress in four years and circulate sob stories and make the public and Congress believe that the Air Service is in a pitiful state of destitution and must have additional large appropriations.

I have before me minutes of meetings of the Manufacturers' Aircraft Association showing appropriations of from $1,000 to $25,000 each made by the association for the purpose of conducting propaganda designed to mislead the public and Congress and cause further large appropriations to be made.

The evidence collected by the committee assisting the Government in aircraft investigations shows that not only the American public has been robbed on a gigantic scale in aircraft contracts, but it has been and is being prevented from learning the exact amount of Air Service expenditures and what has happened to the aircraft, motors, and equipment bought and paid for by the Government, the scheme being to delay investigations until the end of 1921 and then claim immunity under the plea that these were war matters and are outlawed by the three-year statute of limitations.

Many of the crimes committed are recent and do not come under the statute of limitation this year, but the Air Trust hopes to prevent any Federal action from being taken on these until they are outlawed by the statute of limitation next year and the year after.

The funds for continuing these schemes are coming from the recent contracts for inferior aircraft and motors placed with members of the Manufacturers' Aircraft Association by the Air Service, which amount to close to $10,000,000, on which they make huge profits.

As these aircraft are inferior, defective, and not needed by the Air Service they should be canceled immediately, not only to save the taxpayers from being robbed of additional $10,000,000, but also to prevent the continuance of these evils.

The only hope of ending these evils and safeguarding the lives of Air Service pilots rests on prompt action in canceling pending aircraft contracts and carrying into effect the recently announced intentions of United States Attorney General Daugherty to submit such matters promptly to Federal grand juries.

Our experience in investigating aircraft scandals and preparing special reports on the aircraft situation for ex-President Wilson, Secretary Baker, and Congress, and for the present administration has convinced us that these evils would not exist to-day if the aircraft scandals of 1917–18 had been submitted to a Federal grand jury for action, and we estimate that by ending those evils then the United States Government would have saved at least $300,000,000 and would have received more and better aircraft in return, and the lives of hundreds of Air Service men who were killed by defective and inefficient aircraft would have been saved.

[Published by the newspapers served by the Universal Service, September 6, 1921.]

200 MEN KILLED IN AIR SERVICE IN PAST 2 YEARS—WOODHOUSE SAYS FEW CRASHES WERE DUE TO NATURAL HAZARDS, BUT MANY TO PREVENTABLE ACCIDENTS—DEMANDS FEDERAL INQUIRY—DECLARES GOVERNMENT IS FACING LOSS OF $50,000,000 ON ORDERS ALREADY ISSUED FOR NEW AIRCRAFT.

(Henry Woodhouse, president of the Aerial League of America and chairman of the committee cooperating with the Government in investigating the postwar aeronautical situation, has written a series of seven articles exclusively for Universal Service.

In these articles Mr. Woodhouse scathingly attacks the "Air Trust," which he declares made $1,000,000,000 in graft on Government aircraft contracts, and exposes various phases of the present situation, hence the causes of several recent air tragedies, and shows how this air combine is unloading millions of dollars in dangerous and obsolete aircraft on the Government.]

(By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.)

(Written expressly for Universal Service.)

In the past two years about 200 Air Service men, including a dozen ranking officers, have been killed. Investigation shows the natural hazard of flying caused few of these deaths. The majority were due to preventable accidents.

Training of these men cost an average of $50,000 per man. Their deaths cost almost as much, as each death involved the destruction of airplanes, motors, and other equipment. These avoidable tragedies therefore cost the American public at least $20,000,000, in addition to the inestimable loss of life.

PREVENTABLE ACCIDENTS.

An investigation shows that the causes of many of these preventable tragedies still exist. Unless immediate steps are taken to institute sweeping Federal grand jury investigations, the Air Service death roll will continue to increase and the public be forced to pay more millions for aircraft destroyed.

The Air Service during the past few months has placed contracts for inferior, mechanically faulty, dangerous aircraft. These aircraft are absolutely unnecessary. Unless these contracts are immediately canceled a waste of $50,000,000 of Government funds will result.

The bare construction costs of these contracts will total $10,000,000, while motors, instruments, gun mounts, bomb racks, packing, transportation, and assembly, together with cost of housing, will bring the total over $50,000,000.

More than 200 single-motored Thomas-Morse biplanes are among those contracted for. These are erroneously classed as "pursuit planes." American aviators who might attempt to pursue enemy fliers in such planes would soon be at the mercy of the faster and better equipped enemy machines. There are hundreds of better planes than this type stored away in Government warehouses, unused.

DOZEN DIRIGIBLES IDLE.

Another order is for 35 bombing planes of the type that have caused the deaths of a score of persons since May 27, 1921. Machines of this type have been seen rotting away at Air Service fields.

Three dirigibles identical to the two dirigibles destroyed August 21 at Far Rockaway and the *C-9*, which exploded over Chicago, have been ordered. Dirigibles of this type have been proved unsafe and unsatisfactory. Their destruction has cost millions of dollars and several lives since the signing of the armistice. A dozen dirigibles of this type, which cost millions, are now stored away idle, unused.

And here is a real joker: Contracts have been let by the Army for 49 observation balloons at a total cost, equipped, of more than $10,000 each. These contracts have been let despite the fact that the Navy Department has so many of this same balloon on hand, unused, that they have recently been offered for public sale, brand new, at $2,500. Something seems to be wrong there.

As a matter of fact, the Army has made little use of lighter-than-air craft. An investment of $50,000,000 is represented in housing facilities, hydrogen generating plants, and equipment for these balloons, however.

NEW MACHINES DANGEROUS.

The Roma, a monstrous Italian semidirigible, bought by the Army Air Service, arrived at Langley Field recently in crates. At the present rate of assembly it will not be ready for its maiden cruise for many months.

The 235 airplanes, 3 dirigibles, and 38 observation balloons ordered recently are inferior, dangerous, and not needed. There are better, or equally as good ones, idle and unused, on which the American public is paying storage charges.

Contracts for these aircraft were not placed in accordance with the requirements of the law, investigation discloses. The law provides that bona fide bids be invited for aircraft and equipment needed and that contracts be placed at the lowest price for the best article.

Immediate cancellation of these contracts will save the American public $50,000,000.

[Published by Universal Service newspapers, September 7, 1921.]

UNSAFE PLANES SOLD UNITED STATES, SAYS WOODHOUSE—GOVERNMENT ROBBED OF MILLIONS, MANY LIVES IMPERILED BY GREED, HE CHARGES.

(By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.)

SECOND ARTICLE.

About two years ago an aircraft construction company built a huge fantastic airplane. It is as big as a barn and as clumsy and impossible to fly. It was built with war profits. In design it was fully four years behind the times. Aviators who examined it declared they would sooner jump off the Brooklyn Bridge than attempt to fly it. Their chances of surviving were about even in either case.

Subsequently the plane was flown. On its test flight it came to grief. The pilot luckily escaped with his life. Aeronautical officials, however, sighed with relief, believing that would be the last of the dangerous contraption.

It was not. Following hasty repairs, the machine, to the amazement of those who knew, was bought by the Army Air Service at a fabulous price. It now stands useless at an Army flying field in Virginia. No one is willing to attempt to fly it. It has cost and is costing thousands of dollars for housing and upkeep.

SHOULD CANCEL PURCHASE.

How and why it was bought no one can explain. Army officials know the money was wasted. The contraption was not ordered in accordance with law, which requires that bids be invited and contracts placed for the "best aircraft available." Its purchase should be immediately canceled and the manufacturer compelled to refund the amount paid by the Government.

Action should be taken immediately before some senseless Air Service officer orders some pilot to fly the machine, with or without a load of passengers, as was done with the Curtiss Eagle ambulance, a much similar case.

The "Eagle ambulance" was an airplane designed for three motors. To cheapen its construction and cost of operation the manufacturers, however, replaced the three motors with a single Liberty motor.

When the "Eagle" was tested at Garden City it was found logy and unable to climb rapidly. It was generally conceded to be an experimental "dud," and it was taken for granted that radical improvements and changes would be made, meanwhile the plane remaining a shop experiment, not sold or used.

Some weeks passed, when aeronautical officials were dismayed to find this same faulty experimental airplane at Mitchel Field, the Army Air Service station on Long Island. It proved most attractive in its new coat of white paint, with a great red cross painted on the fuselage and the Air Medical Service insignia and serial number "A. S. 64243" on the tail.

This plane was not needed by the Air Medical Service. Better aerial ambulances had been evolved by the Engineering Division of the Army Air Service by converting surplus De Haviland planes. In fact, the Army officials were so pleased with the success of these converted ambulance planes that they issued for publication announcements of their construction.

These announcements were part of the official "Air Service News Letter," issued by the Director of Air Service. Copies are before me, and the Air Service Director can doubtless supply extra copies to the Secretary of War, General Pershing, and General Harbord, who have been asked to investigate the "Eagle ambulance" tragedy.

SEVEN CARRIED TO DEATHS.

As this plane was not needed as an ambulance it was stripped of its hospital equipment and hastily turned into a joy-riding limousine. A most dangerous arrangement of camp stools replaced the permanent seating arrangement. On these the passengers were seated on the fatal afternoon of May 28, 1921, when a flight was started despite storm warnings from the Government Weather Bureau. When the big, unwieldy plane went into its fatal nose dive the passengers and their flimsy camp stools piled up on the back of the pilot, pinning him powerless against the controls.

Utterly helpless, the seven passengers were instantly killed in a horrible manner. News of the crash was withheld from Government officials and the press while the evidence was burned. Later a report was made to the Secretary of War characterizing the tragedy as an "act of God."

It was asserted that the tragedy was due to lack of an air weather service. Air Service officers issued statements warning Congress to appropriate $50,000,000 to $80,000,000, in addition to the $50,000,000 already given the Air Service since June 30, 1919, for a weather bureau to prevent repetition of such accidents.

These are but two instances of many cases in which the American Government has been victimized by making the Air Service a dumping place for faulty, dangerous aircraft at exorbitant prices by a small group of manufacturers who monopolize Government business.

The official Air Service audits show that these manufacturers have gotten close to $150,000,000 in public funds for construction of aircraft without motors or equipment for the Army alone since April 6, 1917.

General Pershing's report shows that only 213 airplanes reached the American Expeditionary Forces up to November 11, 1921. To-day all that the public sees for its $150,000,000 paid for airplanes and an extra $500,000,000 paid for motors, dirigibles, and other equipment is a ghastly record of death and destruction.

A sweeping grand jury investigation is necessary to halt this evil and to save further loss of life and public funds.

[Published by New York American and Universal Service newspapers, September 8, 1921.]

COSTLY AIRSHIP FLEET CALLED A HUGE WASTE.

(By Henry Woodhouse, president Aerial League of America, and noted aeronautical writer.)

Where is America's costly airship fleet?

Where are the 30 dirigibles purchased by the Air Service since the signing of the armistice, which, with their costly accessories, hangars, and other equipment, cost taxpayers more than $50,000,000?

The recent tragic end of the *ZR-2* and the destruction of three naval blimps at the Far Rockaway air station account for four. Where are the rest?

Where are the 917 observation balloons bought by the Army Air Service; the 162 observation balloons purchased by the Navy?

Why is the Air Service selling brand new observation balloons at less than a fourth of their cost and buying 38 similar ones at exorbitant war-time prices?

FACTS HIDDEN FROM PUBLIC.

The public has not yet been told that the proposed rigid dirigible construction and operating station is to cost $6,264,000. This stupendous expenditure is planned in addition to the millions already spent for dirigibles, though there is nothing to show for the money excepting the lamentable *ZR-2* tragedy.

Why is the American public told of but a tenth of the total cost of dirigible and observation balloons?

As a citizen you are entitled to know. It is you who dig down in your pockets to foot these bills.

Do you as a taxpayer know that new, undeveloped motors for airships and airplanes are constantly being ordered, though the Army and Navy Air Services have more than 30,000 brand new engines stored away which have cost more than $300,000,000?

Why are steps not taken to stop this orgy of spending and waste?

Why is the Manufacturers' Aircraft Association consulted and permitted to decide who shall get the Air Service contracts? Why is the Air Service permitted to pay the exorbitant prices fixed by the "Air Trust"?

$100,000,000 EXPENDED.

These questions all deal with the lighter-than-air branch of the Air Service. This aerial arm has cost about $100,000,000 to date—about one-tenth of total aircraft expenditures.

The heavier-than-air branch, including all seaplanes, has cost more than $900,000,000 and shows a greater proportion of waste, favoritism, graft, and maladministration.

These questions are especially timely, due to efforts of the Manufacturers' Aircraft Association to create the impression that we have but one dirigible and to obtain contracts for more defective airships absolutely not needed.

Secretaries of War and the Navy and General Dawes, Budget Director, on referring to page 677 of the Navy's annual report for 1920, will find the actual dates of placing of contracts up to June, 1920, for 31 large dirigibles and envelopes.

The schedule of contracts for 15,000 airplanes, 45,000 motors, 30 dirigibles, 1,180 observation balloons, and other equipment bought and received by the War and Navy Departments will be found in the report transmitted to Congress by the Secretaries of War and Navy for the fiscal year ending June 30, 1920.

While these figures do not represent the entire Air Service expenditures, cost of instruments, raw materials, operation, and salaries being omitted, they show graphically how approximately $600,000,000 of the appropriations for aeronautics was expended.

A LETTER BY DANIELS.

In 1919–20, when the Air Trust circulated false reports to propagate a bigger dirigible program, wherein they sought to show that the Navy had but one dirigible and the Army none, Secretary Daniels wrote to Congress and to Secretary Baker protesting against such statements. His letter follows:

"The Navy, previous to the entrance of the United States into the war, had pushed the design of the small blimp which had been successful in submarine patrol, and soon after war was declared Navy personnel was flying these blimps. These were sent abroad, but they did excellent work along our coasts.

"During the war a very successful twin-motored airship was designed by the Navy and made its appearance soon after the armistice. This ship, the C class, is one of the fastest of its size in the world, and the trip of the C-5 from Montreal to St. Johns is proof enough of its cruising radius. The Navy has at the present time 13 single-motored airships, some of which are old in service; 7 twin-motored airships built and 3 building.

"The Navy has also the following foreign ships: One new Italian, semirigid; 1 old British Zero; 1 new British North Sea; 1 new French Zodiac gun carrier; 1 new French Chalais Meudon building. The following ships which have been used by the Navy in actual war operations: Two Zodiac Vedettes; 1 Astra Torres gun carrier; 1 Chalais Meudon, and 1 Astra Torres. The Navy has turned over to the Army 3 new French Zodiac gun carrier; 1 new Astra Torres gun carrier, and 3 'C' class, and has guaranteed delivery of two Navy D class."

What has become of these airships?

If these are still in existence, together with the hundreds of observation balloons and the *Roma*, they are more than sufficient to meet the needs of the Army and Navy. If these ships still exist, then 38 more observation balloons are absolutely unnecessary, and the contracts for them represent a reckless waste of taxpayers' money and should be canceled.

[Published by the Brooklyn (N. Y.) Eagle and hundreds of newspapers throughout the United States September 23, 1923.]

SEVEN DEATHS IN ARMY PLANE NOW LAID TO "JOY RIDE"—LIQUOR AND LOOSE CAMP STOOLS IN AIRCRAFT LED TO TRAGEDY—WOODHOUSE.

That the fall of the Army Curtiss Eagle ambulance plane near Morgantown, Md., on May 28, resulting in the death of Lieut. Col. Archie Miller and six other American officers, was a mere joy ride in an unbalanced plane, equipped with loose camp stools, and arranged by agents of airplane manufacturers as "propaganda," is charged by Henry Woodhouse, president of the Aerial League of America, in a statement filed with the Department of Justice yesterday.

The statement gives the finding of the league's committee which investigated that and other fatal flying accidents, and is in response to the department's request for information from the league.

Attorney General Daugherty was told in the report that the plane was designed for three motors and equipped with but one, "illegally purchased for the double purpose of causing payments of public funds to flow into gold to and to supply an aerial limousine for joy riding and propaganda." The Air Service did not send this ambulance, the report continued, and points out just what was done elsewhere at that time in the way of improving the air ambulance service. The report goes on:

"The flights which ended in the tragedy were not legitimate but propaganda flights arranged by agents of a clique of aircraft manufacturers at Government expense to obtain support of Congressmen for large appropriations and retard grand jury investigations of apparent frauds in Army aircraft contracts.

PLANE FITTED WITH CAMP STOOLS.

"To carry out these unlawful purposes the interior of the 'ambulance' was hurriedly stripped and, by what may be characterized as criminal disregard of the requirements of safety, there were placed in this unbalanced experimental airplane loose camp stools, on which the victims of this horrible tragedy sat in the eventful flight which ended with their death. In the morning flight from Washington to Langley Field the passengers included two members of the House of Representatives, PHILIP P. CAMPBELL, of Kansas, and JOHN W. WEEKS, of Massachusetts, who were invited as 'guests.'

"It appears that this flight was arranged especially for the purpose of securing the good will of congressional measures and resolutions, but Congressman WEEKS was not aware of the motives back of the invitation.

"The flight was undertaken despite the warnings of the impending storm transmitted to the Air Service and to the Langley Field and other aviation fields by the United States Weather Bureau. The morning flight from Washington to Langley Field proved that the airplane was unbalanced and the air 'bumpy,' and the loose camp stools used as seats were wabbly, and the Congressmen and the French air attaché, Capt. Guy de Lavergne, wisely declined flying back to Washington that afternoon.

REPEATED WEATHER WARNING.

"It is not true that there were no warnings or means of finding what the weather conditions were. The records show that the Air Service has been supplied with daily reports and forecasts of weather conditions and, following the daily practice, the Weather Bureau had telegraphed to Bolling Field and Langley Field the following information:

"'Partly cloudy sky. Some risk of thunderstorms this afternoon. Moderate to fresh south to southwest winds surface and aloft.'

"This evidence disposed entirely of the unfounded claims that the accident was due to lack of warning of the impending storm and shows the deliberate misrepresentations resorted to by those responsible to conceal the facts and mislead Government officials and the public and newspapers.

"PARTY 'UNDER INFLUENCE.'

"It appears that the 'return party' was somewhat under the influence of alcoholic drinks taken to the Langley Field by agents of aircraft manufacturers. It has been a regular practice of these paid agents to supply Air Service officers from whom they seek favors with alcoholic drinks and other forms of entertainment.

"The only obvious deduction possible regarding the material causes of the tragedy are that when the aerial ambulance ran into the wind storm, before it crashed to the ground near Morgantown, Md., the pilot flew low and circled about seeking a landing place, and as the airplane tipped and nosed down the loose camp stools slid forward, throwing the passengers forward in a heap on the pilot, and the plane was plunged downward by their weight and struck the ground.

"Nothing else can explain the failure of the pilot to shut off the engine, which is the mechanical cause of the actual killing of the seven men.

"The pilot's inability to shut off the power turned the airplane's power plant into a murderous machine which pounded, tore, and ground the bodies of the pilot and passengers in such a horrible manner that, we are told, when the rescue party and Army officers arrived the bodies were only a mass of broken flesh and bones mixed with the broken camp stools, and the rescue party, who thought there were only three or four people in the plane, only found the actual number of victims from the number of limbs discovered in the horrible mass.

"QUOTES THE EAGLE'S REPORT.

"One of the many mysteries surrounding this tragedy was the suppression of the report of the tragedy for the Government officials and everybody else until after the airplane and other material evidence had been burned. The Brooklyn Daily Eagle for May 31 printed the following statement from their Washington correspondent, which appears to be correct, regarding the suppression of the news of the tragedy even from Government officials:

"'One somewhat extraordinary feature of the accident is the fact that the news was delayed so many hours in reaching Washington. The first news that was received here was at 11 o'clock Sunday morning, when a local newspaper received a tip by way of New York. The plane crashed near Morgantown, Md., not many miles from the Capital, at about 6.25 o'clock Saturday evening. It was seen to crash by Lieutenant Honeywell, of the Army Air Service, and also by persons aboard the Navy dispatch boat *Dolphin*, which was in the Potomac River off Indianhead. But apparently no word was sent either to the War Department or to Bolling Field, where the plane was awaited and where non-arrival obviously indicated trouble.'

"There is also evidence that extraordinary influence has been brought to bear on Air Service officers and others who were in a position to clear many of the mysterious aspects of this horrible tragedy, and that unlawful practice has been resorted to as a means of hushing and suppressing the facts and evidence. This in itself has had a profound demoralizing effect on the Air Service as a whole.

"WAR SECRETARY 'DECEIVED.'

"The Secretary of War himself has been deceived. Advantage was taken of the fact that he was very busy with the plans for the reorganization of the Army, and the reports presented to him misrepresented the facts, suppressed the evidence, and presented the tragedy as 'an act of God.'

"Thus even God is libeled and made responsible for this ghastly tragedy by those responsible.

"The committee has completed and will transmit to you within a few days the report of the investigation of the causes of the series of Air Service tragedies which have resulted in the death of over 150 Air Service officers and others between August 15, 1919, and August 15, 1923, and in the destruction of over 1,000 airplanes, motors, and other equipment which had cost over $50,000,000."

[Published by the approximately 500 newspapers served by the Newspaper Enterprise Association.]

UNITED STATES AIR SERVICE LESS EFFICIENT THAN MEXICAN—COST CLOSE TO BILLION DOLLARS, BUT CAN'T COPE WITH 25 PLANES OF SOUTHERN REPUBLIC, SAYS PRESIDENT OF AERIAL LEAGUE—AIR TRAGEDIES PREVENTABLE.

[Henry Woodhouse, the president of the Aerial League of America, has just completed an exhaustive investigation of the United States Air Service. Woodhouse is the author of a textbook on military aeronautics, a textbook on aerial laws, a textbook on naval aeronautics, and other works which stamp him as an authority. He has written several articles especially for the Gazette, telling what he found to be the matter with our Air Service. This is the first.]

(By Henry Woodhouse.)

WASHINGTON, September 6.—What is the matter with the United States Air Service?

Why are there so many Air Service tragedies?

Why are we told that our Air Service, which has cost close to $1,000,000,000, can't cope with Mexico's air service, which has only about 25 airplanes?

What has happened to the 13,000 airplanes and 40,000 motors for which the American public paid close to $500,000,000?

These are a few of the questions being asked by the American public.

The situation, in brief, is as follows:

General Pershing reported two years ago that the total number of American-made airplanes delivered in France by November 11, 1918, the day of the signing of the armistice, was only 964, of which only 213 actually were at the front in squadrons on that date, although $300,000,000 had actually been spent.

The public was told that there were on hand over 20,000 motors, millions of feet of airplane spruce, millions of yards of airplane cloth, tons of thousands of propellers, airplane wheels, turnbuckles, wing beams, wing ribs, and other materials.

The country was told that those raw materials and accessories do not deteriorate with time and could be utilized for years hence in the production of airplanes of improved types.

PRODUCTION CONTINUED.

The production of Air Service airplanes and motors was not stopped immediately following the signing of the armistice.

By November 1, 1919, according to the official reports transmitted to Congress by Secretary of War Baker on December 17, 1919, giving the number of airplanes, engines, balloons, and dirigibles accepted by the Air Service between April 6, 1917, and November 1, 1919, the Air Service had received a total of 13,811 airplanes, on which had already been paid $113,720,043.35, and 41,672 airplanes on which had already been paid $244,338,112.86—and many contracts were still under liquidation; therefore additional payments were possible.

In addition, the Government had ordered and received 5,181 airplanes from France, Great Britain, and Italy, and over 500 of these latest European airplanes had been received in the United States in 1919, with a large number of best European motors.

Having this enormous number of airplanes and motors and practically an unlimited amount of raw materials for constructing additional airplanes of any type, and an appropriation of $25,000,000 for the year ending June 30, 1920, and other appropriations since which bring the total expenditures of the Air Service since June 30, 1919, to over $50,000,000, it was felt that the Air Service would not require large appropriations for years to come.

Also, it was believed the Air Service could sell thousands of airplanes and motors to the hundreds of ex-United States Army and Navy Air Service officers who were anxious to buy airplanes to use for commercial and scientific purposes.

HOW PLANES WERE SOLD.

But the Air Service refused to sell any of the airplanes to aviators during 1919. According to the report made by the congressional investigations—

"We spent $20,000,000 for 4,606 Curtis motors, 1,696 Curtis-type airplanes, and 100 Standard JN-4 airplanes, which we purchased from the Curtis Aeroplane & Motor Corporation, then sold them back to this company for $2,750,000.

"The War Department refused to sell these machines to aviators for less than $3,600 each, and provided in the contract by which they were sold to the Curtis company that the Curtis company should have the first opportunity to buy any other airplane which the War Department might thereafter declare surplus."

Statements have been made and circulated by Air Service officers and agents of manufacturers to the effect that unless Congress allows close to $100,000,000 additional aeronautic appropriations, in addition to the $25,000,000 allowed for 1920, the Air Service would not have sufficient airplanes to cope with Mexican air service.

Both Congress and the General Staff conducted investigations and found that the Mexican air service consisted of less than 25 low-powered scouting-type airplanes.

Apparently all that the Air Service has to show for the expenditure of over $500,000,000 during the war and over $50,000,000 since June 30, 1919, is a ghastly list of tragedies in which were killed over 150 Air Service men, including high officers, and were destroyed over 1,000 airplanes, motors, and equipment that had cost over $50,000,000. An investigation has shown that most of these tragedies were due to preventable causes and not to the natural hazards of flying.

[Published by the Hearst newspapers and Universal Service, October 10, 1921.]

PLUNDERING OF APPROPRIATIONS HINDERS WORK—PRESIDENT OF AERIAL LEAGUE OF AMERICA WOULD CALL HALT ON WHOLESALE GRAFTING.

(By Henry Woodhouse, president Aerial League of America, chairman of committee cooperating with Government in air investigations, author of textbook of military aeronautics, textbook of naval aeronautics, textbook of aerial laws, etc.)

NEW YORK, October 15.—What can we do to save part of the billion-dollar Air Service investment?

How can we organize an efficient air service with available resources?

How can we stop the continuous plundering of Air Service appropriations by the Air Trust if the congressional investigators have failed to stop the plundering?

For the thousand millions spent in aeronautics during the war the taxpayers have only seen a disgusting exhibition of inefficiency, graft, and killing of hundreds of Air Service officers by inferior airplanes; for the two hundred millions spent in aeronautics since the signing of the armistice we have little more than a ghastly record of over 200 Air Service men killed and hundreds of aircraft, motors, and other aeronautic equipment destroyed. Can anything be done to improve conditions—and how soon?

These are some of the most pertinent questions asked by Members of Congress, Government officials, and taxpayers.

All these questions can be answered in the affirmative. All these results can be accomplished by taking the following steps:

(1) Let General Dawes, the Director of the Budget, cause the immediate cancellation of all the contracts for airplanes, dirigibles, observation balloons, motors, and equipment placed by the Air Service since December, 1920. This will prevent the further dumping of obsolete, defective, and unnecessary aircraft and equipment on the Government by the Air Trust and will save about $50,000,000 of taxpayers' money this year, because, besides the exorbitant prices of the aircraft ordered, the present contracts involve the cost of housing and operating these unnecessary aircraft and other waste of motors, instruments, accessories, and aircraft supplies.

APPOINT DIRECTORS.

(2) Appoint two of the best men available to act as directors of Army utilization and director of Navy aircraft utilization, the duty of these directors to be to take inventories to determine the exact number and condition and figure out the possible utilization of the thousands of Air Service airplanes and motors, hundreds of observation balloons, and the thirty-odd dirigibles; the tens of thousands of propellers, instruments, and accessories, and the millions of feet of spruce, millions of yards of airplane cloth, and other materials stored away.

(3) Issue orders to Army and Navy Air Service to not approve for payment any of the pending claims for alleged aircraft contracts until these contracts can be reviewed and their validity and the efficiency and value of the aircraft and articles supplied are passed upon by a competent board.

(4) Remove the Air Service officers who have connived with the Manufacturers' Aircraft Association in preventing independent manufacturers and inventors from bidding for Air Service contracts; and institute a system of open examination and public review of bids, so that it may not again be possible for the Air Trust to charge exorbitant prices for inferior aircraft and to actually prevent the Air Service from obtaining the improved aircraft submitted by independent bidders.

(5) Institute court-martial proceedings with a view of removing and punishing every officer of the Air Service who has accepted bribes, loans, presents, entertainments, and other favors or remunerations from aircraft manufacturers or their agents, or has assisted or connived with the Air Trust.

(6) Order the delivery or return to the Government of all airplanes, motors, propellers, metal parts, instruments, accessories, machinery, jigs, tools, hangars, and other equipment belonging to the Government but retained or borrowed by aircraft manufacturers or individuals.

(7) Limit Air Service flying to strictly legitimate Air Service purposes.

SOLVE PATENT PROBLEMS.

(8) To solve the problem of airplane patents steps should be taken to carry into effect the act of 1917.

In view of the fact that under the cloak of war secrecy the Manufacturers' Aircraft Association and its members and agents by misrepresentation and other unlawful practice and unlawful combine violated the above act and caused payment to themselves of some aggregating over $5,000,000 for alleged royalties for the use of alleged airplane patents in the construction of airplanes on alleged contracts which they obtained by unlawful combination, restraint of trade, and other unlawful practice; and, further, in view of the fact that said alleged patents were not legally adjudged valid and had been sold to the British Government in 1914–1916 for less than $100,000 and had been offered for sale to the United States Government by the owners for less than $400,000, the United States Government may do one of two things, as follows:

(a) The Government may proceed with the purchase of the airplane patents as provided by the act of 1917 and compel the Manufacturers' Aircraft Association and its members to obtain reimbursements of the millions obtained by them for alleged royalties on said alleged patents; or

(b) The Government may assume that the payments made for alleged royalties on said alleged patents have simply paid for said patents and may, therefore, declare said patents public property, open for public use hereafter without further payments.

The latter would be the simplest way, and the Manufacturers' Aircraft Association and their members would no doubt prefer to agree to the latter plan to face the penalties involved in the first proposition.

(9) In view of the fact that the continuous defrauding of the Government by the Air Trust is due mainly to the delay on the part of the Department of Justice to take steps to prosecute the malefactors, as ordered by Congress, action should now be taken at once by the Department of Justice to carry out the instructions provided in the congressional resolutions of April, 1920.

INVITE SUGGESTIONS.

(10) Let a circular be issued to the commanding officers and chiefs of branches and sections and boards of the Army and Navy air service, inviting their suggestions and cooperation in the matter of establishing economic management of air stations and branches and placing a premium for economic management of air service as a whole.

(11) To rebuild the whole of the Air Service and establish a line of demarcation between right and wrong, it should be made known that henceforth conduct will be judged by the West Point code of honor and moral code, and such practice as aerial joy riding, causing the destruction of aircraft and motors so as to reduce the stock in hand, and favoring manufacturers against other manufacturers or against the best interests of the Government, will no longer be tolerated but will be severely punished, as is provided by the West Point code of honor in the case of cadets who utter falsehoods or commit other ungentlemanly acts.

(12) Let the motto of the Army, Navy, and postal air services be, "Cooperation, coordination, concentration," each service working separately in friendly competition to achieve maximum efficiency at a minimum cost.

These 12 provisions can be put into effect immediately, without additional expense or additional laws, and if put into effect the evils that have ruined the Air Service heretofore will come to an end and the United States will have an efficient and economic air service in the Army, Navy, and Post Office.

[Published by the Universal Service newspapers.]

AERIAL WEATHER BUREAU SCHEME CALLED OUTRAGE—WOODHOUSE SAYS MOVEMENT IN CONGRESS TO SPEND $80,000,000 FOR STATION IS PURE ROBBERY—IS NOT NEEDED, HE AVERS—DECLARES DAILY WARNINGS ISSUED NOW ARE ENTIRELY SATISFACTORY AND THE SYSTEM IS EFFICIENT.

[By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.]

Of all the pernicious propaganda intended to rob the American public under the guise of aeronautical appropriations, the most brazen is the movement to induce Congress to appropriate $80,000,000 for establishing an "aerial weather bureau."

Having successfully deceived and robbed the American public of millions under the cloak of war secrecy, the Air Trust thinks it can continue to do so.

As quickly as deceptions are discovered, new ones are advanced. The aerial weather bureau is the latest.

DECEPTION A BOOMERANG.

But the deception proved a boomerang when the Air Trust alleged that lack of weather warnings was to blame for the "Eagle ambulance" tragedy at Morgantown, Md., May 28, when seven men were killed.

Here are a few facts which prove the claims of alleged absence of weather warnings were false:

(1) The records of the Weather Bureau transmitted to our committee state that on the morning of May 28 the United States Weather Bureau sent to Bolling and Langley Fields the following warning:

"Partly cloudy sky. Some risk of thunderstorms this afternoon. Moderate to fresh south to southwest winds, surface and aloft."

(2) Records of the Weather Bureau show further that the Weather Bureau has supplied a daily forecast to the Air Service for a number of years, including general forecasts as well as special telephone service of weather conditions prevailing in any part of the United States at any time of the day.

BOARD OF METEOROLOGY.

An interdepartmental Board of Meteorology was created September 22, 1919, by President Wilson, to bring close cooperation between the meteorological services of the Army, Navy, and Weather Bureau. The Navy wisely took advantage of the facilities offered by the Weather Bureau and now has a number of air officers trained in meteorology and aerology, who supervise aerologic affairs at naval air stations.

An Air Service letter issued by the Director of the Air Service July 27, 1919, after describing flights of various officers, prints the following statement indicating that the Air Service has received aerial weather forecasts for years:

"Before starting on this flight of 579 miles the aviators wired for the Aerial Weather Bulletin forecast and were assured fine weather for the trip, with moderate westerly winds. These forecasts will prevent aviators starting in apparently fine weather and running into a storm 100 miles from the starting point, with possible disastrous results."

Pioneer fliers have been using the Weather Bureau service since 1906, when the first balloon ascensions took place in the United States.

WEATHER BUREAU SPEEDS.

Three years ago it was decided that the Air Service should have its own weather-bureau service at the Washington headquarters. Eventually such a bureau was established and placed in active operation.

I called on the officer in charge and personally saw it satisfactorily functioning. The weather bureau was operated from the offices of the information group under direction of Maj. Gen. Charles T. Menoher, Director of Aeronautics.

In cooperation with the Government Weather Bureau the officer in charge had prepared a geographic chart which divided the United States into sections. The Weather Bureau collected information from each section and transmitted it to this Air Service officer, who in turn sent the information to the commanders of the Air Service aviation fields throughout the United States.

Reviewing the system in operation for two consecutive days I timed the officers and found it required less than half an hour in the morning and evening to transmit the weather information to all of the aviation fields. The only cost involved was that of the necessary telegrams.

WILL NOT STOP ACCIDENTS.

In face of the efficiency of the present Government and Air Service Weather Bureau requests for further facilities seem farcical.

Statements of Air Service officers and agents of the Manufacturers' Aircraft Association, made after each of the ghastly Air Service tragedies, that the Air Service needs from $50,000,000 to $80,000,000 for the establishment of a weather-bureau service are absurd. An $80,000,000 weather bureau will not stop Air Service accidents.

Aerial tragedies can be brought to an end by instituting Federal grand jury investigations. Witnesses and Air Service officers must be placed on the stand and be made to tell, under oath, what they know of the tragedies which have taken the lives of more than 150 Air Service men since August 15, 1919.

Arguments have not halted fatal aerial accidents and destruction of expensive airplanes, motors, and equipment. Talk will not bring our dead fliers back to life or return to the public pocketbook $50,000,000 represented by the thousand airplanes destroyed in crashes since August 15, 1919.

A Federal grand jury investigation is the solution. Such a probe will promptly halt the tragic deaths of our fliers, stop the drain of the Treasury by the Air Trust, and prove the first step toward making America supreme in the air.

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[Published by the Universal Service newspapers.]

WOODHOUSE EXPOSES AIR SERVICE THAT BALKED ALL IMPROVEMENTS IN PLANES NOT OFFERED BY MANUFACTURERS' CROWD—TELLS OF MORE DEATHS.

[By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.]

The Senate investigating committee was prophetic when it stated in its report in August, 1918, that the schemes of the Manufacturers' Aircraft Association were designed to cause "discouragement of invention and the inevitable control of the aircraft industry by that association or some other interest through its agency."

It has happened, but in a horrible manner, attended by scores of ghastly deaths and destruction of aircraft for which the American public has paid hundreds of millions.

COULD SELL MAN-KILLERS.

As amazing as it may seem, it is a fact that the Air Service would not buy the most perfect and safest airplane made for even a single dollar unless the manufacturer is a member of the Manufacturers' Aircraft Association. But if you were a member of the trust you could sell the Air Service a man-killing, broken-down machine for a fabulous sum.

The Senate committee's report contains scores of pitiful tales of inventors and manufacturers who were not permitted to assist the Government during the war because they were not in the Air Trust.

Since the war the number of such cases has increased. Here is a typical instance:

There is conclusive evidence that the cause of the airplane bomb tragedy which killed several officers and men at the Aberdeen, Md., Army proving grounds and destroyed close to $100,000 in Government property was the absence of a safe chassis for a bombing plane.

CHASSIS WERE REJECTED.

Such a chassis had been deliberately refused and suppressed by certain Air Service officers. Evidence shows that several Army officers and favored manufacturers, who controlled them, caused the refusal and suppression of an ideal landing gear because it had been developed by a pioneer aeronautical engineer not a member of the Air Trust.

I can supply considerable first-hand information in this case as I was a member of the committee which investigated the deaths of Lieuts. C. E. Brosman and Luther Walsh, two naval officers killed while testing the ill-fated bombing device at Indianhead, Md., November 7, 1916. Having found, after investigation, that the chassis axle was an obstruction which caused the tragedy, our committee urged various aeronautic engineers to devise a chassis without an axle.

MARTIN'S PLANS REFUSED.

Some months later James V. Martin, pioneer among American aeronautical engineers, notified us he had evolved a chassis without an axle. Finally in September, 1920, he advised us that he had sold a number of important airplane patents to the Government for $1. Copies of letters were received by him from the Air Service officers who signed the purchase vouchers as provided by law. Copies of letters thanking Mr. Martin for his generosity in contributing his patents were also sent to us.

Subsequently, in February, 1921, we were advised that the Air Trust and Air Service officers who apparently connive with them, figuring the sale of such valuable patents to the Government would undermine their monopoly, had, incredible as it may seem, caused the signed agreement of sale to be rescinded. Despite the fact that the patents were the property of the Government, the transaction having been completed, Government officials caused the vouchers and other papers in the case to be taken out of the official files and returned to Mr. Martin.

TOLD PATENTS ARE WORTHLESS.

A letter accompanying them advised the inventor in effect that his patents were worthless.

Subsequently these officers awarded contracts to favored manufacturers embodying some of the features covered by the Martin patents. In the new contracts was a clause which provides that the Government shall bear the legal expense and burden of fighting any patent infringement suit which Mr. Martin might institute against the Air Trust.

An extraordinary feature of the case is that the Army General Staff investigated the matter and found the Army was being victimized. The contract section was immediately instructed to refrain from incorporating such an obviously dishonest clause in airplane contracts.

Nevertheless, it appears that the contracts secretly awarded during the past 60 days to the Air Trust contain clauses which obligate the Government to defend these favored manufacturers in patent-infringement suits.

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[Published by the Universal Service newspapers.]

WOODHOUSE TELLS MORE OF AIR "GRAFT" WORKED ON AMERICAN TAXPAYERS; ALSO EXPOSES BIG FIRM IN FRANCE THAT WRECKED PLANES BY THE SCORES.

[By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.]

RECORDS MISSING FROM UNITED STATES FILES.

WASHINGTON, September 10.—Department of Justice officials are without a clue regarding the mysterious disappearance from the official files of a 100-page report on the aircraft investigation.

This report, which was prepared for the department by Henry Woodhouse, president of the Aerial League of America, and sent by him under registered mail, was received in Washington, the postal receipts show.

When the officials of the bureau investigating war cases came to make use of the report it could not be found, although a searching survey of the files was made.

The report covered in detail the destruction of 5,000 Air Service airplanes, motors, and other aircraft equipment.

While the American public was rejoicing over the signing of the armistice the Aircraft Trust was worrying over what appeared to be the end of the period during which they had obtained contracts for over $1,000,000,000 by schemes perpetrated under the cloak of war secrecy.

With the signing of the armistice the Manufacturers' Aircraft Association feared they might not be able to force the Government to continue the billion-dollar contracts their agents, acting in Air Service high positions, had awarded them.

RUSH THROUGH CONTRACTS.

Some of these contracts were but a few days old. They had been rushed through when agents of the aircraft manufacturers serving overseas and in Washington for a dollar a year, learned of the impending cessation of hostilities. Later these contracts were liquidated for huge sums, although they had done nothing toward fulfilling them.

Immediately after the signing of the armistice I received a visit from an official of the Manufacturers' Aircraft Association, whom I had known for some years as a small aircraft manufacturer.

He called on me because I was an active director of the Aero Club of America and vice president of the Aerial League of America, and because I owned the three leading aeronautical publications.

He told me frankly that he and other manufacturers had gotten together and figured out that in effect there would be lean days ahead for them unless steps were taken to destroy the American airplanes constructed for the war. He had been sent to attempt to induce me to have the Aero Club and Aerial League, as well as my magazines, urge the Government to destroy the stock of military and naval planes. This could be done, he stated, by claiming these airplanes were unsafe for civilian use.

MOLDING PUBLIC OPINION.

He declared it would be easy to create public opinion in favor of destroying the airplanes.

In answer, I stated if they could prove these machines, produced for training American aviators in this country and for our fliers overseas, will as far the protection of 2,000,000 American soldiers, were unsafe, that I would certainly urge that the aircraft be burned, but would also urge that those guilty of unloading such machines be hanged as traitors.

He took the matter good-naturedly and came again. Other agents of the Manufacturers' Aircraft Association also approached me, as well as other directors of the Aero Club and Aerial League. We were invited to a sumptuous entertainment, where champagne and the best of wines and liquors flowed freely. This fête was attended by leading Air Service officers, many of whom became so highly intoxicated they could not stand.

PLANE BLAZE IN FRANCE.

Subsequently the three leading members of the Air Trust and Howard E. Coffin, ex-chairman of the Aircraft Production Board, and Benedict Crowell, Assistant Secretary of War, went to Europe as the official American aviation mission. While they were there the destruction of thousands of airplanes, motors, and equipment, which had been rushed overseas after the signing of the armistice, was ordered.

While this "aviation commission" was in France many aircraft contracts were canceled in this country, despite the heated protests of agents of the Manufacturers' Association. When the commission returned they found the country incensed by the reports of the great airplane bonfires abroad.

NEW METHODS ADOPTED.

New methods had to be found to cause destruction of the thousands of Air Service planes in the United States. Here is one method adopted:

"The hundreds of so-called 'aerial recruiting expeditions' sent out during the past two years, which cost many lives and millions of dollars in airplanes and equipment, were all faked excuses to take Army airplanes out of storage and cause their destruction to reduce stocks on hand and to create talking points for larger appropriations.

"When this so-called aerial recruiting campaign for noncommissioned personnel by the Air Service was announced the Aero Club of America and the Aerial League of America had on file approximately 10,000 applications from men who were anxious to join the Air Service, as there had been many Air Service officers and men killed in indiscriminate flying, and the cost of Army flying was—and still is—abnormally high, more than $50 a minute, the officials of the Aero Club and the league thought they could assist the Government to save lives and money by turning over a list of such applicants.

OFFICIAL CRIES FOR MERCY.

I was one of the officials of these organizations who called on the Air Service officer in charge of recruiting in Washington on this mission. The recruiting officer was told that our organizations were prepared to pay the expenses of notifying these 10,000 recruits. We asked whether they should be notified to apply direct to the Air Service or at general Army recruiting offices in different cities.

"For God's sake, don't do either," exclaimed the recruiting officer. "We have more recruits than are allowed by law."

He explained guardedly that the so-called "recruiting parties" were really sent out for "general propaganda." Between June, 1919, and August, 1921, 150 Air Service officers and noncommissioned officers, whose training had cost more than $5,000,000, were killed. Most of these deaths, investigation revealed, were attributable to unlawful propaganda campaigns.

It costs $50,000 to train an Air Service pilot, and there were wrecked and in other ways put out of commission during this period not less than 1,000 airplanes and motors and other aeronautic equipment that had cost not less than $50,000,000, and there was spent not less than $5,000,000 in additional general running expenses.

HUGE SUMS FOR FEASTS.

I have personally seen copies of the minutes of meetings of these aircraft manufacturers, showing appropriations and expenditures made by them ranging from $1,000 to $25,000 each, stated in the minutes to be for the purpose of entertaining executive Air Service officers—whose names are mentioned in the minutes—and to be spent by their agents in

lobbying in Washington and elsewhere for the purpose of securing control of aeronautics, for the printing of propaganda, and for other unlawful purposes. I have also seen and have copies of the records of bank accounts from which these moneys were drawn. The evidence shows that these were funds obtained from the United States Treasury by misrepresentation, fraud, and conspiracies, and collusion with certain Air Service officers.

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[Published by the Universal Service newspapers, October 2, 1921.]

"THERE IS NO VALID EXCUSE FOR THE FOUR DEATHS IN THE TRAGEDY OF THE $100,000 MARTIN BOMBER NO. 5—SAFER TWIN-MOTORED PLANES HAVE BEEN OFFERED TO THE AIR SERVICE THAT WILL FLY WITH ONLY ONE MOTOR GOING, BUT THEY WERE REJECTED."

(By Henry Woodhouse, president Aerial League of America, chairman of committee cooperating with Government in air investigations and author of aviation textbooks.)

(Written for Universal Service.)

Four more Air Service men lie dead and one is dying, and another twin-motored Army bomber costing over $100,000 has been destroyed.

We are told that while Martin bomber No. 5 was flying over Nicholas County, W. Va., recently one of the two motors stopped and the plane plunged down, crashed to the ground near Summersville, killing four of the five airmen on board. The mechanical cause of the accident is that one motor stopped and the plane could not fly on one motor, being one of the inefficient planes of that type forced on the Air Service by the unscrupulous Air Trust.

There is no valid excuse for these deaths, nor for the excessive cost of the bombers. The tragedy could not have happened if the Air Service had ordered the best airplanes offered by bidders.

SAFE PLANES REJECTED.

Twin-motored airplanes have been offered to the Air Service that will fly safely with only one motor going, even in a high wind, and the Air Service could have had these superior planes at less than half the price charged for the dangerous ones.

The better, safer, and cheaper airplanes were rejected because the bidders were not members of or contributors to the Manufacturers' Aircraft Association, the monopolistic organization that controlled the Air Service expenditures since 1917 and have made the Air Service the dumping ground for defective aircraft, for which they have charged and charge such exorbitant prices that it is clear that the graft and waste amounted to over $100,000,000 out of the approximate sum of $200,000,000 paid for the bare construction of airplanes, without motors, accessories, or equipment.

Had the airplanes been as good as could be made or bought, the indulgent American public would probably have taken its loss good-naturedly, as it usually does.

COULD HAVE SAVED LIVES.

There was hardly a question asked either when the War Department announced that 296 American Air Service officers had been killed in accidents during the war, besides the 236 who were reported as having been killed in action, although it was felt that many of these deaths could have been prevented if American manufacturers had supplied better airplanes for training and good ones for fighting.

The American public was extremely generous in its attitude toward war aircraft evils. It paid close to one thousand million dollars for the Army and Navy aeronautic programs and since the signing of the armistice has given close to $200,000,000 more for Army and Navy aeronautics. For these huge expenditures there is little more to show than a ghastly record of killing of hundreds of Air Service men due to the faulty aircraft supplied by the members of the Manufacturers' Aircraft Association at exorbitant prices.

These dangerous Martin bombers that have killed so many people and have been wrecked so fast cost the taxpayers over $100,000 each, or over four times their value.

These bombers were widely advertised as being capable of flying without danger with only one of the two motors going. The ghastly records of crashes and deaths have proven that these bombers can not fly safely with only one motor going, as stated by the pernicious propaganda circulated by the Air Trust to mislead the public while the Air Trust was arranging for more Air Service contracts for these dangerous planes at exorbitant prices. The last contract is for 35 of these dangerous planes, which should be canceled forthwith to save further waste of funds and further killing of Air Service men.

FRUITLESS REFORM.

The West Virginia tragedy is typically pathetic. It reveals through the lips of a dying victim the brave but fruitless efforts of the pilot to control a type of plane antiquated in design and dangerous in operation, which would long ago have been replaced by more efficient and dependable types had it not been for the Manufacturers' Aircraft Association's conspiracy to control the Air Service for the private benefit of its members and agents, who support luxurious yachts and most expensive automobiles and entertain executive Air Service officers at sumptuous parties with their ill-gotten gains.

One of the basic mechanical defects of Martin bombers is that they are inefficient and have the two motors located out in the wing and not connected, and when one motor stops they will not fly and control dependably on one motor.

Much has been said about this plane's ability to fly and control on one motor, but the truth, as the record shows, is that only under perfect conditions can this plane be flown at all on one motor, and that in windy weather it is most dangerous to attempt flight with one motor, the plane tending strongly to swing into a tail spin, as it did in the West Virginia tragedy.

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[Editorial from Press, Pittsburgh, Pa., September 9, 1921.]

TREASURY LOOTERS MUST BE PUNISHED.

The fact that it is not possible to secure the restitution of any worthwhile amount of the billions of public money which were grafted and stolen during the war and afterwards is all the more reason why Congress should consent to enact Attorney General Daugherty's proposed amendment of the statute of limitations to enable the Department of Justice to proceed with criminal charges against numerous profiteers and grafters whose prosecution will otherwise be barred.

It is not alone in the operations of the Shipping Board, by which presumably not less than a cool billion of the people's money was crookedly disposed of, that there is occasion for indictments. In the Air Service and other governmental war-time activities there was also amazing imposition upon Government and people, if we may believe testimony of apparently the most credible sort.

For instance, here is Henry Woodhouse, president of the Aerial League of America, expressly charging that not only money but human lives have been wasted in what he calls the most "ghastly" manner in order that unreasonable and inordinate profits might accrue to certain favorite contractors. After referring at length to two particularly shocking transactions, Mr. Woodhouse goes on to say:

"These are but two instances of many cases in which the Government has been victimized by making the Air Service a dumping place for faulty, dangerous aircraft at exorbitant prices by a small group of manufacturers who monopolize Government business. The official Air Service audits show that these manufacturers have gotten close to $150,000,000 in public funds for construction of aircraft without motors or equipment for the Army alone since April 6, 1917. General Pershing's report shows that only 212 airplanes reached the American Expeditionary Forces up to November 11, 1921. To-day all that the public sees for the $150,000,000 paid for airplanes and an extra $500,000,000 paid for motors, dirigibles, and other equipment is a ghastly record of death and destruction. A sweeping grand jury investigation is necessary to halt this evil and to save further loss of life and public funds."

It is inconceivable that Congress should continue to lay staggering tax burdens upon the country without at the same time aiding the Attorney General in every possible way to bring the Treasury looters to the bar of justice.

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[Editorial in the Post Express, Rochester, N. Y., September 13, 1921.]

THE AIRCRAFT TRUST.

A condition of affairs both startling and shocking is revealed by Henry Woodhouse, president of the Aerial League of America, and publisher of the leading aeronautical periodicals. At the request of the Department of Justice he prepared a 100-page report covering the deliberate destruction, here and abroad, where bombfires were made of 5,000 Air Service planes, motors, and other equipment. This report was stolen from the department files in Washington, and Mr. Woodhouse was asked to send on a duplicate report, which he has done.

He asserts that the Manufacturers' Aircraft Association, known in popular parlance as the Aircraft Trust, engineered the destruction of the airplanes and equipment destroyed, and in collusion with certain Air Service officers were and are conspiring to have the Government destroy its entire stock of military and naval planes. To this end the trust repeatedly invited and sumptuously entertained leading Air Service officers, financed a costly lobby in Washington, and set on foot a propaganda to convince the people that the airplanes were unsafe for use and should be destroyed. Mr. Woodhouse alleges that the trust sought to enlist his aid, and gave him to understand that their object was contracts with the Government for new machines.

Between June, 1919, and August, 1921, declares Mr. Woodhouse, 150 Air Service officers, whose training has cost $5,000,000, were killed, and aeronautic equipment costing $50,000,000 was destroyed. Investigation is said to reveal that "most of these deaths were attributed to unlawful propaganda campaigns." Nothing more criminal and odious than these offenses charged has come to general attention, and the fact of the matter seems to be that interests which mulcted the Government out of $1,000,000,000 in airplane manufacture during the war have conspired to mulct it out $1,000,000,000 more. They are directly responsible for the destruction of property for which the American people paid hundreds of millions of dollars; and the shameful existing conditions can be remedied only if the Attorney General institutes without delay the Federal grand jury investigations ordered by congressional resolutions in April a year ago.

The Aircraft Trust is now behind a bill to create a bureau of civil aeronautics in the Department of Commerce, and to regulate the operation of civil aircraft, and is flooding the land with literature in its support. The bill is now in the Senate Committee on Commerce, and considering the interests behind it and the fight they are making for its passage, it is to be viewed with deep distrust. What the trust wants is probably what the people do not want. They are beginning now to dimly see why Air Service in America has been arrested in its infantile stage of development, why we have only colossal waste and a series of horrible fatalities to show for all our costly experimentation; and it seems not unreasonable to assume that similar base and greedy interests have been and are at work to foist costly, useless, dangerous gas-bag aircraft on the Government.

Mr. KELLEY of Michigan. I will yield the gentleman from Wyoming one minute.

Mr. MONDELL. Mr. Chairman, the gentleman who has just spoken has occupied nearly an hour presenting some very serious charges. I had hoped to be able to ask him if he had called the attention of the Attorney General to these matters that he has been discussing. My understanding is that he has not. The gentleman declining to yield, I was unable to ask him the question.

Mr. WOODRUFF. Will the gentleman permit me to make a statement?

Mr. BYRNES of South Carolina. I will yield three minutes to the gentleman from Michigan.

Mr. WOODRUFF. I do not require three minutes, although I thank the gentleman from South Carolina. But I will say this, Mr. Chairman, that while I made an attempt to secure an interview with the Attorney General I have not been successful, and I will say further that some of the things I shall put in the RECORD and which I discussed at length have been called to the attention of the Attorney General, as the record itself will show. I yield back the balance of my time. [Applause.]

The CHAIRMAN. The gentleman yields back one minute.

Mr. BYRNES of South Carolina. I yield to the gentleman from Texas [Mr. MANSFIELD]. [Applause.]

Mr. MANSFIELD. Mr. Chairman, the capital of this Nation was recently the scene of what we then considered and what we yet hope will prove to have been the most important diplomatic conference ever participated in by civilized nations. The great World War, which was the direct and proximate result of a

race in armaments, had but recently been brought to a termination, and the whole world was groaning under the burdens of taxation due to that great conflict. At the termination of hostilities all the nations that participated in the war, except ours, found themselves financially broke, while we were badly bent, financially speaking.

To the Congress of the United States is due the honor of initiating a movement for the relief of a tax-burdened world. A resolution was adopted, almost unanimously, requesting the President to call a conference for the limitation of armaments by the three great naval powers of the world—the United States, England, and Japan—the relative strength of whose navies was, in my judgment, in the order named.

The President in his wisdom saw proper to add other nations to the list and to extend the scope of the conference to include additional questions pertaining to the Orient, which, on account of their far-reaching possibilities, were deemed necessary of settlement at the same time, thus rendering still more remote any possible need or excuse for further burdening the taxpayers of this and other countries for expensive, unnecessary, and dangerous weapons of war.

The conference, under the guidance of the Secretary of State, was attended with abundant success, and the hopes of the most sanguine were fully realized. This was regarded as the termination and fulfillment of the purposes for which we entered the war and for which our brave soldiers shed their blood upon the battle fields of France.

We are now confronted with a proposition set forth in the minority report of the committee, which, if carried out, will, in my judgment, have the effect of nullifying one of the objects we had in view when we entered the war, and of reducing to a mere "scrap of paper" the conference agreement entered into for limiting armaments. After this agreement providing for the scrapping of such a large proportion of our Navy we now have the Navy Department, from its head to its foot, absolutely demanding that we shall increase the personnel of the Navy to even greater proportions than it has been the past few months, before the scrapping was commenced.

I make no pretense of expert knowledge about naval affairs, and can not say how many men are required to successfully man the ships that are to be in operation hereafter; but, if I am to make a guess, which it seems I must do, I would say that the bill as reported by the majority of the Committee on Appropriations has made provision for even a greater number than will be required.

The General Board has said that 120,000 men are necessary; the Secretary of the Navy says 96,000 and the President says 86,000. Those who favor the minority report tell us that the General Board, the Secretary, and the President all have inside information, and that we should carry out their recommendations. I ask them how it is possible for us to follow all of them when they differ so widely among themselves? Which shall we follow, the President, the Secretary of the Navy, or the General Board?

Between the President and the General Board there is a far greater difference than there is between the President and the majority report of the committee before us. If we can vary from the figures of the President to accept the figures of the General Board, we can far more easily, and with greater prudence and judgment, vary from them to accept the figures of such able and distinguished and experienced men as the gentleman from Illinois [Mr. MADDEN], the gentleman from Michigan [Mr. KELLEY], and the gentleman from South Carolina [Mr. BYRNES], and the other gentlemen constituting the majority in this case.

They ask us, "Why have a Secretary of the Navy and an Assistant Secretary of the Navy, if we can not carry out their recommendations?" To those who make this inquiry I reply by saying, Why have a Committee on Appropriations, if we can not carry out their recommendations? This committee has labored long and zealously to work out this problem. They are men of great ability and wide experience. Some of them, at least, were passing upon naval problems and appropriation bills when some of the gentlemen now connected with the Navy Department under the Secretary were in their swaddling clothes.

I have no criticism to make of the Secretary of the Navy. If he honestly thinks we need 96,000 men and no more, I admire him for having the courage to say so. We are so accustomed to having men at the head of this department who make a complete surrender to those by whom they are surrounded that it is encouraging at least when we have one there who has the temerity to place his recommendation of personnel at 24,000 below the figures recommended by the General Board. This at least shows that he has not been completely mesmerized, as others before him have been.

But, Mr. Chairman, I will say that it has not always been customary for Congress to carry out the recommendations of the heads of departments in making appropriations. If we can not vary from their recommendations, then I will propound another question on the line with that asked by some of the gentlemen on the side of the minority report and ask, Why then have a Congress?

Mr. Chairman, I shall not go into the detail of figures. The gentleman from Michigan [Mr. KELLEY] and the gentleman from South Carolina [Mr. BYRNES] have done that. Their statements show that this bill is providing for more men than we now have in the Navy, when, after the scrapping of the large number of ships agreed upon, we could not possibly need as many as we now need.

It has also been shown that we will have approximately the same number of men that England has provided for for the coming year. It has been further shown by the gentleman from Michigan [Mr. KELLEY] that Japan, with the limited number of ships allowed her by the conference, can not possibly use more than 40,000 men to advantage in her navy, and if she makes authorization for a greater number, as some seem to fear, it will add no strength to her naval power.

Mr. Chairman, we hear a great deal said as to the personnel of the English and Japanese navies, and some gentlemen seem to fear that they may provide a greater number of men than we provide for. To my mind there is no weight to that argument. If they should have more men than necessary to man their ships, it will only be an unnecessary burden upon their own taxpayers while adding nothing to their naval power. I care not what they may do along that line. Their farseeing statesmen may wait until we act and then make provision for double the number of men that we do. I could not blame them for doing such a thing, as it would be quite necessary in order to have their personnel more nearly on an equality with ours.

The gentleman from South Carolina [Mr. BYRNES] has shown that the bill, while purporting to carry an appropriation of only $233,000,000, is in fact equivalent to $300,000,000, as it authorizes the expenditure of certain unexpended balances and other items that run it up to that amount. Then, in addition to all that, there are $60,000,000 to be paid to the contractors on the unfinished battleships that are being scrapped. This will make a total of $360,000,000 for naval purposes for the coming year, far more than twice the amount appropriated for any year prior to 1916, when we entered upon such a stupendous program of battleship construction.

I would like to call the attention of the gentleman from South Carolina [Mr. BYRNES] to another little item that might be included. The leading editorial in the Washington Post of to-day calls attention to the proposed ship subsidy of $50,000,000 to our merchant marine, as recommended by the President. The Post suggests that these merchant ships could be manned by the Naval Reserve as a necessary part of the public defense and let it be covered under a naval appropriation. This paper is considered the spokesman of the administration, and this additional amount would swell the grand total to $410,000,000, or $210,000,000 more than I hope the appropriation will amount to next year.

Mr. Chairman, the Conference on Limitation of Armament, about which we have heard so much and which won for us the plaudits of the civilized world, gave the overburdened taxpayers of this country the hope that it would relieve them of a portion of the heavy burdens of taxation with which they have been oppressed. The sacrifice of property which we made by that conference was perhaps considerably greater than the sacrifices of England and Japan combined, as we had a far greater number of capital ships than they in the various stages of construction.

Now, after agreeing to destroy nearly a half billion dollars' worth of naval craft of the highest type, we find the most bitter opposition to having a commensurate decrease in the annual appropriations for naval purposes. If it was the understanding that we were to continue in the race of expenditures, then why did we agree to destroy those magnificent ships? Mr. Chairman, I believe in keeping faith with the taxpayers of this country in carrying out that conference to the fullest extent. I now realize the difficulties the Committee on Appropriations had along that line, and I want to congratulate them upon the great efforts they have made to meet the expectations of the people. [Applause.]

Mr. KELLEY of Michigan. I yield 30 minutes to the gentleman from Illinois [Mr. BRITTEN]. [Applause.]

Mr. BRITTEN. Mr. Chairman, first of all I desire to pay my compliments to the distinguished gentleman from Michigan [Mr. KELLEY] for his wonderful address on yesterday, and I am saying it sincerely, although he and I are in complete opposition on

this destructive, unscientific bill which is before the committee to-day. [Laughter.] The governor is a great lawyer and a great debater, and he could have argued just as consistently on yesterday for 50,000 men in this bill instead of 67,000, and have gotten away with that with equal grace, or for 40,000 even, and gotten away with equal grace. It is very much like the lawyer defending a house wrecker who wrecked the wrong building by mistake and is suing for pay for it. He is a wonderful exhibit of tireless energy. I have worked with him for 10 years on the Committee on Naval Affairs, and I admire him immensely, but this bill, gentlemen, is the climax of all bills ever introduced in Congress for totally ignoring the expert advice of the department which it affects.

I will venture to say, without the fear of successful contradiction, that in the past 10 years no bill has been introduced in this House that so completely ignored the expert advice of the department which it affected. The gentleman on yesterday did not say that a single part of this bill was recommended by expert opinion. The highest ranking officer in the Navy does not recommend anything that is in this bill, not a single item, excepting the names of the ships. But the gentleman from Michigan [Mr. KELLEY] very cleverly said that there is no dispute between the department and the Committee on Appropriations as to the number of ships. We have numbered them and we have named them. So far so good. The names of the ships are not in dispute, but the gentleman says that with the appropriation for 67,000 men they are going to man the ships effectively and that the small Navy men are the judges. This bill was framed by little Navy men, so called.

I have always liked to follow our distinguished leader on this side of the aisle; he is a great man—not Governor KELLEY, but the gentleman from Wyoming [Mr. MONDELL]. I will put them both in the same class. They are great men and great leaders, but let me call the attention of the House, and particularly the younger Members in point of service, that the gentleman from Wyoming, from the day that he first put foot in this Chamber has been a little Navy man. He is our leader, but we are now face to face with a most serious question—the protection of our country—and each man must draw his own conclusions and vote accordingly. I have no argument with him about that.

Mr. MONDELL. Will the gentleman yield?

Mr. BRITTEN. Inasmuch as I have referred to the gentleman; yes.

Mr. MONDELL. I do not know what the gentleman means when he says a "little Navy man." I do not recall a time in my whole service in the House when I have been for the smallest program presented, when programs were presented smaller than those presented by the committee. I do not know of a time when I have not supported the committee of the House in the naval program. I did not go to the extreme, and I have not gone to what I considered the extreme position sometimes held by some of the gentlemen here, but there certainly never was a time when I could properly be classed as a "little Navy man," whatever that may be. I have not a naval station in my district, so I am not interested.

Mr. BRITTEN. Nor have I.

Mr. MONDELL. The gentleman is very close to a very large training station.

Mr. BRITTEN. It is being made very small in this bill. The Great Lakes Station has done more for the Navy personnel than all of the other stations combined. It can still be retained to great advantage.

Mr. KELLEY of Michigan. Is that the secret of the gentleman's opposition?

Mr. BRITTEN. Oh, no; not at all. The gentleman and I are equally interested in Great Lakes.

Answering our distinguished leader, I will tell him what I mean by a "little Navy man." When our dear old friend on the other side of the aisle, Judge Witherspoon, that great naval annalist—and he was a great man—came in here with an amendment for one ship instead of two as carried in the bill, the gentleman from Wyoming [Mr. MONDELL] voted for the smaller Navy, and again when a bill carried three capital ships, he would support an amendment for two ships. It is easy for him to say now that he has always been for an adequate Navy. What is the definition of the word "adequate," and who will define it for the Navy? He may be as much for the national defense as anybody else, but he has always been looked upon as a little Navy fellow. I am sorry that I can not follow him on this bill. It has been customary in the past on matters affecting the Navy to accept, at least in principle, the advice of the highest naval authority in America, not necessarily in detail, but in principle. What is that authority? It is the Navy General Board, is it not?

Who represents the Naval General Board in the Navy Department? Admiral Coontz, the highest ranking officer in the Navy; and, of course, when he and his various bureau chiefs come before Members of Congress and request specific appropriations, it is natural they do so from expert authority. And yet these gentlemen on the committee, the little Navy fellows, say, "You do not need 1,100 men on a ship. In 1916 you had only 850 on that same ship."

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. BRITTEN. I will yield, because you will yield me more time if I need it.

Mr. KELLEY of Michigan. I will. Last year Admiral Coontz, who is a very fine and efficient naval officer, requested $680,000,000 for the Navy. Of course, Congress could not give him that sum of money. I was wondering if the gentleman from Illinois thinks we ought to have given him $680,000,000 for this current year?

Mr. BRITTEN. I just said that we do not always accept in detail the advice or the suggestions of the highest authorities, because some people may go too far one way, as you have done. I will say to the gentleman now that both the Navy Department and the administration have requested 96,000 men as necessary to properly man the ships provided for in recent treaties. The Committee on Naval Affairs of the House has gone on record, almost unanimously, by the introduction of a bill which is now on the House Calendar, for an authorization of 86,000 men. And I differ with expert authorities to this extent: I am inclined to believe they can get along with 86,000 men, although I am sure they could do better with 96,000, and all the evidence that has been presented to the Committee on Appropriations will prove that beyond the question of a doubt, and I will prove to you, gentlemen, by figures—authentic figures; not newspaper clippings; not by reference to our Navy of 1916, as the gentleman did yesterday—but prove to you in figures that we ought to be appropriating for not less than 84,000 men to-day. If we are going to accept the British ratio of tonnage and men and if we accept the Japanese ratio, we ought to be appropriating for 125,000 men for next year.

My information is not taken out of any Japanese newspapers, or out of any newspaper from England quoted yesterday, but it is accumulated by our best authorities, the Office of Naval Intelligence of the Navy, which has its channels in many, many directions for getting information. And they say—not this little naval committee—they say that on the ratio established by England we ought to be appropriating for 100,000 men at once and allow that number to work down to 84,000 by March 4, 1923, and, on the other hand, if we are going to accept the Japanese ratio—and, gentlemen, let me suggest to you that the Japanese ships are finely manned; that their navy, although smaller than ours by intent, so far as this treaty is concerned, will be superior to ours with only 65,000 men, because of the ability of superior personnel to properly handle their ships while we go along with skeleton crews.

Mr. KELLEY of Michigan. Will the gentleman yield now?

Mr. BRITTEN. Yes.

Mr. KELLEY of Michigan. Does the gentleman say that the Committee on Naval Affairs decided there should be appropriated money sufficient for a personnel of 86,000 for the coming year?

Mr. BRITTEN. No; the gentleman knows I did not say that.

Mr. KELLEY of Michigan. What did the gentleman say?

Mr. BRITTEN. He knows I did not say that because he knows naval affairs too well to assume that. That is just one of the gentleman's ways to confuse the situation, as he did on yesterday, when he might have been talking about 40,000 men instead of 60,000 and gotten away with it. The Committee on Naval Affairs has a bill on the calendar now authorizing an enlisted personnel of the Navy at 86,000 men.

Mr. KELLEY of Michigan. The authorized strength now is 137,000 men.

Mr. BRITTEN. I understand that.

Mr. KELLEY of Michigan. What does the gentleman mean by saying that the Naval Committee wants 86,000 men?

Mr. BRITTEN. Of course, you and I are not going to waste any time in arguing unnecessary questions. You are confusing the issue.

Mr. KELLEY of Michigan. I should be happy to know just what the Naval Committee had in mind when it suggested an authorized strength or a maximum strength of 86,000 men.

Mr. BRITTEN. The Committee on Naval Affairs has reported a bill which reduces the authorized enlisted strength of the Navy to 86,000, and that bill is now on the calendar. That is thoroughly plain.

Mr. KELLEY of Michigan. Was it the intention of the Committee on Naval Affairs that the Congress should appropriate for 90,000 men for this current year?

Mr. BRITTEN. The Committee on Naval Affairs is not an appropriating committee, and it has not considered that side of it at all. The gentleman knows that.

Mr. KELLEY of Michigan. I do not see any force in the gentleman's statement because it is not responsive to my question.

Mr. BRITTEN. I do not see any value in the gentleman's question. He is trying to befuddle this thing, and he is not getting away with it. [Laughter.]

Mr. OLIVER. Mr. Chairman, will the gentleman yield for a question?

Mr. BRITTEN. I will yield to the gentleman from Alabama later.

Mr. OLIVER. It is very pertinent.

Mr. BRITTEN. Yes, I know; but the question of the gentleman from Michigan [Mr. KELLEY] appeared pertinent to him, and it was not. [Laughter.] But the gentleman from Michigan on yesterday called attention to the fact that the British Navy on March 1, 1923, will comprise 98,500 men. That is correct. That is according to their budget. And then he said, in order to throw a lot of sand in your eyes, that that 98,000 men included their marines and all their officers and the boys on the high seas, and then he added, "Of course if we are going to make a comparison of navies we shall have to include our marines, 20,000 of them." Then I said, "Our marines are not seamen at all; they are soldiers; they are landsmen; they do not as a whole belong on the battleships"; and I asked the gentleman how many of our 20,000 marines were afloat to-day, and he said, "I do not know." Yet he was willing to add our 20,000 marines to the 67,000 men carried in the bill, and say, "We are appropriating for 87,000 men for the Navy." The marine is a soldier and a land fighter. He is not a naval officer; he is not a ship man at all. But the British marines included in their 98,000 men are, every one of them, seamen, and they ought to be and are included in the British enlisted personnel. They are just as much seamen as are sailors in the British Navy. Is it quite fair to say, "Well, if you are going to include in the 98,000 for Great Britain 10,000 marines, all of them seamen"—and I do not think he told you the number—"we should also include our 20,000 marines who are not seamen." Of course, he ran the figures up, and then he said, "We will add our cadets and our midshipmen and our officers," and so on down the line, and, finally, when he got through, he took his glasses off and wiped them, with that luscious smile of his—and Lord knows how he can smile!—he wiped his glasses and said, "Why, gentlemen, you could almost close your eyes and hear the appropriation for the British Navy read and think that it referred to the American Navy." [Laughter.]

Mr. LINEBERGER. That is a joke.

Mr. BRITTEN. Exactly. It is a joke; but he gets away with it, and for the time being covered 20,000 non-Navy men into the service for comparative purposes.

Mr. Chairman, Great Britain has at the present time—January 1, 1922, list—15,107 officers and marines, of which 506 are officers and 14,601 are enlisted men.

She proposes by March 31, 1923, to reduce this number to 9,800 officers and marines, of which 400 are officers.

At the present time Great Britain carries 110 marines on each battleship and battle cruiser in reduced commission. She also carries 12 marines on each of her 33 light cruisers.

The British marines do not do any expeditionary work such as we perform in Santo Domingo, in Haiti, in Nicaragua, and in China. All that class of work is done by the Army. She has no expeditionary bases such as we have at Quantico.

At the present time we have about 1,980 marines afloat, and there are 5,069 engaged in expeditionary work, and 3,800 detailed at expeditionary bases.

The British marines when on board ships are part of the ship's company. For light cruisers they are used as servants. On the battleships and battle cruisers they man at least one of the big turrets complete.

Practically the whole British Marine Corps is at sea or in depots training for sea. It is purely a seagoing corps. They do not guard navy yards and stations.

Ninety per cent of the American Marine Corps is always ashore and is never assumed to be seagoing.

Mr. Chairman, I will say in a complimentary way to the gentleman that before he started to speak yesterday more than 50 per cent of this House would have voted favorably for 86,000 men, and when he got through I do not think they would have voted for 40,000; he is so convincing. But he wound up his very eloquent address by reading an extract from the President's speech to the Conference on the Limitation of Armaments—beautiful language, language as fine as was ever uttered by the mouth of man—and he suggested that "Of course we are going into this great world work now, and we must stand by the President."

The gentleman had a conference with the President the other day. When I asked him if he could consistently inform the House just what attitude the President took on the Navy appropriation bill, he got as pettish as a 6-year-old child that had just broken a slate or something, and said I ought to withdraw the question. There were no presidential strings on his telling the House. The Members of the House have been told, the committee has been told, the country has been told what the President's desires are. The gentleman from Michigan does not care to admit that the President wants 90,000 men. Oh, no; that would be violating a confidence. He sat with the President one night—he and my handsome colleague from Illinois [Mr. MADDEN]—sat with the President one night, and they had quite a talk about this very thing.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. I have not the time now. Will the gentleman from Michigan [Mr. KELLEY] give me a little time later?

Mr. KELLEY of Michigan. I think so.

Mr. BRITTEN. You are not going to "think" about this?

Mr. KELLEY of Michigan. Well, then, I will.

Mr. BRITTEN. You will?

Mr. KELLEY of Michigan. Yes. Does not the gentleman believe that the President is able to do his own talking?

Mr. BRITTEN. He did, to you. [Applause.]

Mr. KELLEY of Michigan. Then I will ask the question in another way.

Mr. BRITTEN. Then the answer will be the same.

Mr. KELLEY of Michigan. In that event the answer will again have the applause of all the navy yards in the country. [Laughter.] I will ask the gentleman this: Does not the gentleman think that if he had a conversation with the President about any matter that he ought at least to have the consent of the President before making public the conversation?

Mr. BRITTEN. I will answer that by asking if the President requested the gentleman not to divulge his desires on this Navy personnel matter?

Mr. KELLEY of Michigan. Oh, I know that there are gentlemen who would go up to the White House and talk with the President and then peddle what the President said up and down the street.

Mr. BRITTEN. I have never accused the gentleman of having a guilty conscience.

Mr. KELLEY of Michigan. I have not pursued that course. If the gentleman ever should be consulted by the President about any matter, I am sure he would not do that.

Mr. BRITTEN. That merely accentuates what I have said in four or five different ways. The gentleman will try to befuddle an issue, and get away with it when he can. We had a naval officer named Sammy McGowan. He was a great man. He was Chief of the Bureau of Supplies and Accounts. That fellow, like Governor KELLEY, got away with anything because he had a wonderful smile. Governor KELLEY knows that he was not bound to secrecy in his conversation with the President the other night. There were others who had conversations with the President, and there was nothing secret about it. He had rather refer to the President's address at the opening of the armament conference than to tell the House plainly that the President of the United States and his administration and the Secretary of the Navy and the highest ranking naval authorities in America are for 96,000 men. He had rather tell you the other things.

Now the question is, Who is going to determine whether we ought to have 96,000 men or 67,000 seamen plus 20,000 marines who are not sailors. Of course, under an agreement with the Secretary of War I suppose we could put the Philippine Scouts on our ships out in the Asiatic Squadron.

Mr. OLDFIELD. Will the gentleman yield?

Mr. BRITTEN. No; I had rather not. I thank the gentleman very much. I know he desires to help me. The gentleman even goes a little further. You know he was very adroit about handling the Japanese situation. He was not interrupted, but here is how he handled it. He did not tell the House how many men are in the Japanese Navy to-day, not a figure. He did not tell the House that the Japanese 60 days ago appropriated almost $200,000,000 gold for their coming naval budget. I will give you the exact figures—$196,831,000, based on a yen at 50 cents. Gentlemen, in working and earning and producing capacity that is four times what our $233,000,000 is—four times as much. He did not tell you that.

Mr. KELLEY of Michigan. What was the date of that appropriation?

Mr. BRITTEN. February 22, 1922.

Mr. YATES. Was that for the Navy?

Mr. BRITTEN. Yes; Japan's naval budget. Governor KELLEY did not tell you that. When he started to analyze the difference between the Japanese Navy and ours he said we had so many men in our Navy in 1916. I asked him why he did not compare the proposed Navy under the treaty, the Japanese Navy of some 300,000 tons, with ours at 525,000 tons.

Mr. KELLEY of Michigan. Can the gentleman state the amount of the Japanese appropriation that was for new construction?

Mr. BRITTEN. No; this is their entire naval budget.

Mr. KELLEY of Michigan. Yes; including the new construction before their program was abandoned and old ships scrapped.

Mr. BRITTEN. No; this was in February of this year.

Mr. KELLEY of Michigan. The gentleman has not given the amount that was for new construction.

Mr. BRITTEN. No. I say I have given the total amount of their budget, and the gentleman can not confuse me by asking for the specific items that make up this amount, because they can not be given.

Mr. KELLEY of Michigan. If the gentleman can not give it——

Mr. BRITTEN. I will satisfy the gentleman fully on this Japanese comparison, because I have got the figures, and I did not get them out of a Japanese newspaper through our mutual friend, TINKHAM, of Massachusetts, either. [Laughter.]

The gentleman, instead of giving the actual number of men in the Japanese Navy and the actual amount appropriated for, talked about the number of men we had in 1916. Mind you, all of these figures as to Japan come from our best authority, the Intelligence Bureau of the Navy Department. The gentleman did not tell us that the Japanese had 76,000 enlisted men in their navy to-day, and he did not tell you that the new appropriation was to provide for 71,052 by March, 1923. No; when I asked him to compare our Navy with the Japanese Navy provided for under the treaty he said, "I think the best way would be to take the 1916 program of ours, and then we will take the number of men we had in our Navy in 1916 and assume that Japan is going to use that number of men." Where does he get that method of reasoning? Well, of course, he very ingeniously and knowingly selected the number of our personnel in the year 1916, because at that time the Navy General Board, the Committee on Naval Affairs, and almost every expert authority in the country were complaining because most of our ships had skeleton crews on them. In the Pacific we had 90 per cent of our ships laid up with skeleton crews, because we did not have the men, and Secretary Daniels successfully opposed any increases in the enlisted personnel, and the Navy was short of men. That is the reason. You who were here during those days remember that the Navy General Board made a specific request for some 26,000 more men, and Secretary Daniels pigeonholed that request. We brought it out of the pigeonhole by an indirect method and showed the situation up. Why would it not be much better to compare the Japanese Navy of to-day instead of using our personnel in 1916? The truth of the matter is that this treaty which has just gone through the Senate and which no doubt will be ratified by Japan provides that Japan shall have 300,000 tons, approximately, of capital ships. It provides that we shall have 525,000 tons, or thereabouts. It is remarkable also at this point to remember that we had only 500,000 tons of capital ships in commission on November 1, 1921, and the treaty provides that we are entitled to 25,000 tons more than that; and, besides, it gives us 135,000 tons more for first-line aviation carriers, a net increase of 160,000 tons of capital ships. The gentleman's committee appropriated for 106,000 men when we had but 500,000 tons of capital ships.

The treaty gives us 160,000 tons more than we had last year, and yet they are appropriating for 39,000 men less than they appropriated for last year. Those figures are taken from the hearings. They are positive.

Mr. Chairman, the authorized number of enlisted men in the Navy to-day is 137,000.

The actual number of men in the Navy is 94,000.

The Secretary of the Navy says he needs 96,000 to man the Navy specified by Mr. Hughes in the limitation of armament agreement.

The Appropriations Committee of the House has provided money for only 65,000 men.

The sum appropriated in the naval appropriation bill will provide for 67,000 men. This means a reduction before July 1 of 31,000 men, or nearly 33 per cent of the enlisted personnel. This reduction is made without previous warning in less than three months.

The radical reduction of the Navy to 65,000 men, the ruthless discharge of 33 per cent of the personnel in less than three months, will, first, leave the service without sufficient men to carry on its necessary duties; and, second, it will destroy the efficiency and morale of those that remain.

The proposed treaty "limiting naval armaments," chapter 2, part 1, contains the names of the battleships to be retained by the United States.

With 65,000 men the Secretary of the Navy states that only 12 of these ships can be kept in full commission.

The relative strength of the British, American, and Japanese navies had just been set by the Limitation of Armament Conference in the ratio of 5-5-3.

If 65,000 men are provided in the Navy, two plans are open to this country, and two only.

PLAN I.

The battleships, cruisers, destroyers, and submarines provided by the Limitation of Armament Conference can be manned, together with a limited number of absolutely necessary auxiliaries; but, if this plan is adopted, it will be necessary, first, to remove all the fleet from the Atlantic coast and to concentrate the Navy in the Pacific. This will reduce all Atlantic coast navy yards to a condition of practical disuse. Portsmouth, Boston, New York, Philadelphia, Norfolk, Charleston, and Pensacola will suffer. Second, protection of American trade and other interests in China must be curtailed. The Special Service Squadron in Central America, protecting American trade and other interests, must be abandoned. The invaluable work being done in Europe, in the Mediterranean, Black Sea, and so forth, in assisting expansion of American trade and commerce and in protecting the property of American citizens in those regions, must be eliminated.

PLAN II.

If the necessary international duties mentioned above are performed—that is, if the China Squadron, the European Squadron, and the Central American Squadron are continued, then 65,000 men will not man more than 12 battleships, with necessary auxiliaries. The Limitation of Armament Conference allowed the United States 18 battleships and Japan 10 battleships.

Mr. Chairman, the serious condition outlined above confronts the force afloat if the enlisted personnel of the Navy is reduced to 65,000 men.

The necessary naval activities ashore will be still further impeded. It will be necessary to fill 32,000 vacancies in the enlisted personnel during the next fiscal year. The time available for training these men will be very short, owing to the reduced number of men allowed. The result on efficiency and morale of the service is apparent.

Partly trained men in large numbers must be sent on board ship. The efficiency of the Navy will thus be reduced. All but two training stations must be closed. In all probability Great Lakes, Newport, Alexandria, Va., will be shut down. Many navy yards, torpedo stations, aviation stations, communication stations must be abandoned.

A large number of civilian workmen will be thrown out of work. Very valuable public property must be allowed to deteriorate. The money loss will be very great.

For many years the policy of the Government has been to maintain an adequate Navy, and every effort has been made to attract to the service young men of American citizenship; to give them an honorable career in the Navy, leading to commissioned, warrant, or petty officer rank. Only such a course could give to the Nation the number of skilled men that go to the manning of the fleet. The present sudden and radical departure from this policy involves a breach of moral contract with many thousand of these men who implicitly believed the promises that the Government, through its agents, has made to them in the past. It was this group of men to whom the country turned when, in 1917, it became necessary to furnish armed guards to merchant ships. These were the men available to carry out immediately the naval activities which the country proposed in 1917. These were the men who instructed and drilled the new men called out by the duration of war. After long service, after creditable and honorable service in the late war, many of these men must be discharged without warning, and the privileges which they believed were theirs must be ruthlessly taken from them.

The result of these ruthless cuts in the personnel of the Navy is to drive out of it the trained and experienced men, to be replaced by new enlistments and recruits. The number of

the first enlistments has rapidly increased since 1919 and numbers now about 70 per cent.

There is no similarity between the trained personnel working as a team for the defense of a country and the operation of a labor market, where the contractor hires by the day and week and discharges when the work is done. It is this phase of personnel employment from which the Shipping Board is beginning to escape that this bill seeks to inculcate in the Navy.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. BRITTEN. As soon as I get this one thought out of my mind's eye.

Mr. KELLEY of Michigan. This is a good place for you to stop.

Mr. BRITTEN. I am the best judge of that. [Applause.] But the gentleman has thrown me entirely off my line of argument, and I will have to yield to him.

Mr. Chairman, if that bill had been framed by the British and Japanese delegates to the armament conference, instead of by an American congressional committee, and if they had intended to wreck our Navy, they could not have more deliberately reduced the United States to a third-class naval power than the appropriation bill contemplates.

Treaties promoted by the recent armament conference for world's peace and safety have designated America as a first-class sea power with 18 first-line fighting ships and a total tonnage of 500,000. Unless all these ships are thoroughly manned and highly efficient, any money expended on the Navy is wasted and the losses of an extravagant war are forgotten.

The present authorized strength of the Navy is 137,000 men.

The Committee on Naval Affairs in attempting to meet the desires of the President have introduced a bill changing this authorization to 86,000 men, while the bill from the Appropriations Committee provides only for 65,000 men, a number insufficient to man what Navy is left us.

A ranking general of our Army recently said, "If you must slash appropriations in the interest of economy, at least keep the Navy large enough to protect our coast lines long enough for us to mobilize an army. The Navy must be the first line of defense, and is therefore of much greater importance to the country than a skeleton Army."

Mr. Chairman, our Navy has suffered in the past through constantly changing policies by various Congresses, until now when an international treaty for the first time in more than a hundred years definitely fixes a policy for 500,000 tons of first-line ships. In the interest of world's safety our ships must be maintained at the very highest point of efficiency, and yet we find a congressional committee that appears willing to force upon the country a much smaller ratio of men per ship than even Japan would countenance or England has.

I do not believe that the country will stand for this wholesale scuttling of the Navy, and the quicker it is aroused to indignation the better for future economy.

The appropriation bill would almost immediately throw 23 per cent of the enlisted men out of the service and so thoroughly destroy the morale of the balance that our Navy would become a joke as a world protector.

The Secretary of the Navy says he needs 86,000 men to man the Navy established by Secretary Hughes in international agreements.

The President of the United States says he is willing to compromise on the number of men and earnestly hopes for from 80,000 to 90,000 enlisted personnel.

The Committee on Naval Affairs has almost unanimously recommended an authorized strength of 86,000 and this number I believe is the least that the Navy can successfully operate with; yet appropriation is made for but 65,000.

Mr. Chairman, should a limitation of 65,000 men be inflicted upon the Navy it would mean the shutting down of practically every yard and station on the Atlantic coast and the concentration of our forces in the Pacific. It would mean the curtailment of protection for the Panama Canal. American interests and trade in China as well as in Central America would be hampered. The invaluable work being done in Europe, in the Mediterranean and Black Seas for the expansion and protection of American trade would have to be discontinued for lack of men.

Sixty-five thousand enlisted men will allow but one hospital ship for the entire Navy; aviation, the very backbone of our new national defense, would be limited to 2,100 men ashore and afloat, a most ridiculous comparison with the numbers carried in foreign aviation forces.

Students and enlisted personnel in trade schools would be cut to 500, while men under training at the various stations would be cut to less than 3,200 and would, of course, necessitate the practical abandonment of every training station in the United States.

Our ridiculously balanced Navy would have to get along with two colliers, one repair ship, one store ship, and one aircraft carrier.

Ships can not operate without men, and cold tonnage in steel commands no respect.

The Armament Conference naval ratio of 5-5-3 for Great Britain, United States, and Japan, respectively, will be changed to 5-3-3 with America on the tail end.

No log-rolling, pork-barrel extravagance during my 10 years in Congress has been so wasteful and ill-timed as this reckless demoralization of the Navy under the cloak of economy.

Mr. KELLEY of Michigan. I want to inquire whether or not the gentleman thinks that the men carried during the present year, to the number of 18,000 men, on the destroyers should be provided for in this bill?

Mr. BRITTEN. Oh, I refuse to go into an argument as to how many men ought to be carried on a destroyer. You could carry 110 or 85, and under certain conditions you could carry 195 men.

Mr. KELLEY of Michigan. The gentleman was saying——

Mr. BRITTEN. What difference does it make whether we appropriate for 110 men or 85 men?

Mr. KELLEY of Michigan. I am not speaking of quotas. The gentleman was saying that we did not expect to keep any more men on the capital ships——

Mr. BRITTEN. No; I did not say that. What is the idea the gentleman desires to bring out through his own language, and then I will try and answer it?

Mr. KELLEY of Michigan. I think we are not very far apart——

Mr. BRITTEN. Only about 19,000 men.

Mr. KELLEY of Michigan. Last year we appropriated for 186,000 men, and at that time we were having in commission only 18 capital ships.

Mr. BRITTEN. I did not say anything about the number of ships; I said 500,000 tons.

Mr. KELLEY of Michigan. That is the same thing, 500,000 tons; and now we propose to keep the same number in commission with 67,000 men, but all of the 301 destroyers——

Mr. BRITTEN. Who said so?

Mr. KELLEY of Michigan. The committee——

Mr. BRITTEN. Oh, of course, they say it; and I am going to show that they are wrong. [Laughter.]

Mr. KELLEY of Michigan. I am asking the gentleman this, if he will listen.

Mr. BRITTEN. I am listening as much as the gentleman from Michigan listened to me yesterday.

Mr. KELLEY of Michigan. I may say to the gentleman that the situation is quite different, and it would have been better if he had listened to me yesterday.

Mr. BRITTEN. It is different; I have the floor to-day. [Laughter.]

Mr. KELLEY of Michigan. This is what I want to ask the gentleman: Does the gentleman think that we ought to appropriate for keeping all the destroyers for the coming year in full commission?

Mr. BRITTEN. Oh, you might as well ask me if we ought to keep certain tenders in commission.

Mr. KELLEY of Michigan. It makes a difference of the 19,000 men that the gentleman says constitutes the difference between us.

Mr. BRITTEN. I am not talking about wiping all the destroyers out of existence; you would not dare do that now.

Mr. KELLEY of Michigan. We have 301 altogether, and a difference of 200 out of commission would make a difference of 20,000 men. Now, I am asking the gentleman if he wants us to carry that additional 20,000 men?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KELLEY of Michigan. I will yield to the gentleman five minutes more.

Mr. BRITTEN. Will not the gentleman make it 10 minutes?

Mr. KELLEY of Michigan. I will yield five minutes at a time. We will see how good use the gentleman makes of the time. [Laughter.]

Mr. BRITTEN. Well, that is what I call a manipulation of the big stick. I have to be kind to the gentleman now. [Laughter.] I will answer the gentleman in this way: If the Navy General Board and the president of the War College and the highest naval experts say that we need 200 destroyers because of our experience in the war, because the destroyer has found a new place in naval warfare—and we have no great

battle cruisers—I will be for what they want, and I will tell you why. The gentleman yesterday said when he was around the Committee on Naval Affairs it was assumed that four destroyers would go with a battleship, and that was enough. But the truth of the matter is 44 destroyers may accompany a battleship now, because submarines, aviation, antiaircraft, and so forth, radio, and aviation have so changed modern warfare that I am willing to leave the number of ships and men, as well as the operation of our craft, to our best naval authorities. [Applause.]

Are you going to let a lot of little Navy fellows tell the highest naval authorities in the country that they do not need 1,100 men on a ship, that they have to get along with 900 or less? Then, the gentleman from Michigan refers to his list of ships on page 3 of the committee report, and he says that there is no dispute about this thing, that they are in complete accord with the Navy Department, that they want to satisfy the Navy Department. Let me tell you how he arrives at his desires in building up a case. I remember when he was over in our committee and we leaned on him very heavily, because he is a very able man. We would call in the department and say, "We are going to appropriate $200,000,000 for the Navy this year; show us how you can spend it." He called in the Navy Department the other day and said, "We are going to give you 65,000 men; how will you distribute them?"

Mr. KELLEY of Michigan. Oh, nothing of the sort.

Mr. BRITTEN. I will qualify my remarks by saying that I got that information from the naval officer himself.

Mr. KELLEY of Michigan. It does not make any difference from whom the gentleman got it. The committee did not proceed in that manner.

Mr. SWING. I would refer the gentleman to the page in the hearings where the question was asked—page 347.

Mr. KELLEY of Michigan. I will say this: That after arriving at the figure of 67,000, and they insisted that the number was not adequate for an 18-battleship fleet, we asked the Navy Department to apportion that number of men to such ships as in their judgment they would man with that number.

Mr. BRITTEN. Oh, the gentleman is finally getting around to it, and he will be my way with both feet in just a minute or two. I have got it right here. Let me tell the gentleman what transpired. This naval officer came to my office and I said, "Admiral, can the Navy get along with 65,000 men?" and he said, "I have just brought you a statement that I was asked to give to the Committee on Appropriations"—this little Navy committee here—and he said, "Here is the way we distribute the 65,000 men," and out of the 18 first-line ships only 12 of them are fully manned.

Distribution afloat.

	Personnel.
12 battleships, first line (95 per cent complements)	14,244
6 battleships, first line (in ordinary)	1,236
4 cruisers, second line	2,596
3 light cruisers, first line	1,257
3 light cruisers, second line	876
1 aircraft carrier, second line	330
1 mine layer, second line	350
65 destroyers, first line (90 per cent complements)	6,630
50 destroyers, first line (50 per cent complements)	2,850
4 light mine layers (90 per cent complements)	380
84 submarines, first line	2,579
ABSOLUTELY NECESSARY AUXILIARIES.	
10 patrol vessels, gunboats	886
4 patrol vessels	450
5 destroyer tenders	2,309
7 submarine tenders	1,882
1 aircraft tender	286
1 repair ship	430
1 store ship	[illegible]
2 colliers	328
7 oilers	703
2 ammunition ships	354
5 cargo vessels	451
3 transports	833
1 hospital ship	361
8 tugs (including 6 station ships)	340
10 mine sweepers (2 mine sweeping, 7 fleet towing, and 1 air tender)	477
4 auxiliaries, miscellaneous)	388
Flag complements	791
Fleet aviation	1,100
	46,000
Ashore	19,000
Total	65,000

That is a matter of record. Of course, if we want to get along with 12 fully manned ships, 65,000 men will suffice. Then we go down the line and we find that there is provided only one hospital ship for the Navy, that there is provided only one repair ship for the Navy, one store ship, and without going into all of these figures in detail they cut down ships wherever it is possible in order to meet the desires of this little Navy committee. Then the gentleman comes in and says that they are in complete accord, that there are 18 ships by name, and that they are the ones that are named by the Navy Department, but only 12 of them can be put in commission; and let me say to you gentlemen to-day, and I am just as serious as I can be about it, that 65,000 or 67,000 men will make our Navy from 10 to 15 per cent inferior in fighting value to the Japanese Navy within five months from to-day. There is no question about that.

Men fight with ships; and when the Navy Department sent a statement like this to the Committee on Appropriations, and said that with 65,000 men they can man only 12 of these first-line ships, that means that our Navy is instantly reduced not only in its fighting spirit but in its morale. How do you suppose the men feel when they see themselves grabbed by the seat of the pants and thrown out of their lifetime vocations and desires?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MANN. Is my colleague satisfied, from the attitude of the Navy Department, that if we appropriate for an enlisted personnel of only 65,000 men, only 12 of the 18 capital ships will be kept in commission or——

Mr. BRITTEN. Fully manned—yes; I am satisfied.

Mr. MANN. Does that mean with a full complement?

Mr. BRITTEN. Yes.

Mr. MANN. What would be the lack of complement for the other six?

Mr. BRITTEN. Twelve battleships, first line, 95 per cent complement, 14,224 men; six battleships, first line—for the six of them—1,236 men; less than 200 men on a ship. That is what 65,000 or 67,000 men would mean.

Mr. MANN. How many more men would it take to give the full complement to the entire 18 capital ships?

Mr. BRITTEN. Answering the gentleman's question exactly as it is put, it will take about 1,100 men per ship additional, making the deduction, of course, for the 1,236 already included.

Mr. MADDEN. That would be about 5,500 men additional?

Mr. BRITTEN. Let me suggest this, that the battleship does not go alone——

Mr. MANN. Oh, I understand that.

Mr. BRITTEN. About 1,100 men per ship, and that figure of 1,100 will be questioned by these little navy fellows.

Mr. LONGWORTH. Would 86,000 men man all of these 18 ships?

Mr. BRITTEN. Yes; the Committee on Naval Affairs by its action thinks that 86,000 men should be adequate.

Mr. KELLEY of Michigan. What does the Navy Department think?

Mr. BRITTEN. They requested 96,000.

Mr. KELLEY of Michigan. And so it comes about that the gentleman is willing to set his judgment up against that of the Navy Department. I am both pained and shocked.

Mr. BRITTEN. I am willing to vote for 86,000 men, and I hope that most of the House will, because that is what the country wants. The country is not going to stand for our Navy ranking third with the navies of the world. [Applause.]

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. McARTHUR. And is it not true that in the presentation of this bill the Committee on Appropriations is seeking to usurp the legislative functions of the Committee on Naval Affairs, which has had a bill on the calendar in this House dealing with this question since the 22d day of March?

Mr. BRITTEN. Of course we all know that that is true. This is a one or a two man bill. The entire Committee on Appropriations considered this bill very seriously, with its 63 pages, for 10 minutes last Saturday morning. Sure, they know all about what is in the bill. I tried to get a copy of it Friday afternoon and could not because the committee was to get it next morning, and after debating it very seriously for all of 10 or 12 minutes they voted it out unanimously. This little Naval Committee says that we do not need more than eight or nine hundred men on one of these first-line ships. They talk about the 1916 ratio that we had before the war. Before the war there were two radio sets on one of those big ships. There are five now. We did not have the highly specialized fire control in those days as we have it to-day, and fire control, spotting the shot, spotting the target, is the most important operation aboard ship.

Unless you can tell the fellow down below where the shot lands, you will never hit, because the pointer does not see the target most of the time.

There was practically nothing for aviation in 1916. Let me tell you what these gentlemen are going to do. They are going to provide 2,100 men for aviation ashore. England's Navy has 10,000. When I was in Europe last year I was told by our attachés that many of the best Italian and French aviation instructors in Europe were now instructing the Japanese how to fly. Do you know what is going to happen if this bill goes through for 67,000 men? The most important branch of the Navy is going to suffer the worst, and that is aviation. We can not develop at once a flyer, a spotter, a bomber, a combat man, one who is to fly from the deck of a ship in a rough sea. He has to fly off the deck of a ship with a land plane and come back to that ship or die.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KELLEY of Michigan. I will give the gentleman five minutes more.

Mr. BRITTEN. The gentleman is very kind. I am going to be very polite to him in the future. [Laughter and applause.]

Let me tell you, gentlemen, that if there is one black blotch on our war record it is in connection with aviation. And I predict to you, gentlemen, that unless the enlisted personnel is set at such a figure that aviation will come into its own we might just as well kiss ourselves good-by if we have to fight an up-to-date power whose aviation is superior to ours. Because they will lick us; they will wipe us off the face of the sea, if they have got good aviation and we have not. Aviation will decide the sea battle first, almost before the capital ships have fired a shot. We will start to shoot at 20 or 30 miles, long before we can see the ship over the horizon, and that shot should be spotted by an aviator, and he will immediately be attacked by the enemy. He has got to fight for his life. And any man knows that he will never get back to his ship.

In a time of turmoil and battle aviators must protect themselves, and it is the survival of the fittest. Aviators will find the enemy, destroy him if possible, guide or direct big-gun fire.

Are you going to limit this force to a couple of thousand men when aviation is in its infancy? Are you going to provide according to this schedule here that was presented by the gentleman from Michigan, on page 8? He shows that in naval training stations and trade schools they appropriated for the wonderful number of 1,300 men. Think of it. Thirteen hundred men in training for the American Navy in our training stations and trade schools learning aviation, radio, and everything that goes with the modern, up-to-date Navy, and these little Navy gentlemen, with all the assurance that this is just exactly as it ought to be, say that they have provided liberally for the Navy.

Mr. KELLEY of Michigan. The gentleman speaks of an allowance of 1,300 men for training; that number is allowed not for training but for men assigned to schools as caretakers, instructors, and the like, not students.

Mr. BRITTEN. How many do you provide in training?

Mr. KELLEY of Michigan. We provide for 7,000 unassigned men. If you figure 7 per cent for sick, the prisoners, and those in transit, or about 4,500 men, that will leave about 2,500 for training. And we have less than 5,000 men in training now, with 96,000 men in the Navy.

Mr. BRITTEN. I will read the gentleman's language:

> Having in mind the reduced establishment made possible by the pending treaty and by the policy of keeping in commission only the 18-battleship fleet and necessary patrol craft, the committee believes that the number of men contained in the table below will be ample for shore purposes.

Mr. KELLEY of Michigan. The men assigned to training stations in the table given by the committee are not under training but take care of the station and act as instructors.

Mr. BRITTEN. I remember the gentleman's language of yesterday very well.

Mr. KELLEY of Michigan. The gentleman is either thinking wrong or unconsciously misinterpreting the situation.

Mr. BRITTEN. I may be misinterpreting, but I am reading the gentleman's report.

Mr. Chairman, let me explain a few defects in that hastily prepared report.

On page 1 of the committee's report under the heading "Appropriated, 1922," there is given a total of $413,239,949.23. The committee fails to state that in the second deficiency act, fiscal year 1922, there was appropriated and reappropriated $10,000,000 on which about $7,147,718 did not come out of this year's savings.

In the same tabulation at the foot of the first page the committee neglects to state that the "Estimates, 1923," of $425,000,000 is the department's estimate for a Navy of 106,000 men as submitted. The sum "Proposed, 1923," of $283,000,000 is the amount proposed by the committee itself on the basis of 67,000 men, for which the basis was supplied by the committee, and the items which make up the total of $283,000,000 were also supplied by the committee in modification of the department's figures.

It is noted in the middle of page 2 that the committee states that it has proceeded on the assumption that sufficient personnel "should" be provided to keep these capital ships in full commission together with all the necessary destroyers, submarines, and so forth, and every other auxiliary necessary to make the 18-battleship fleet complete, well rounded, and properly manned and officered. As a matter of fact, the committee after saying that these things "should" be done does not carry out its premise in any way whatsoever (see pages 216 to 232 of the hearings).

It is noted at the bottom of page 2 that the committee says it had difficulty in determining the allowance of personnel for ships to be kept in commission on account of varying opinions of naval experts. As a matter of fact, there is no difference of opinion in regard to the complement of ships. The ships' complements are definite numbers. These figures are subject to examination. On page 224 of the hearings will be found a statement of the proposed allowance for 1923 for certain ships as submitted by the department. In submitting this allowance the department had already made considerable concessions in reductions of personnel. The proposed 1923 allowance on page 224 is only 95 per cent of the official complements of the ship. The ships require even more men than this to man them fully.

Mr. Chairman, on page 3 it is noted that the committee used as the basis for its figures the numbers of personnel actually on board on the 1st of February, 1922, and the figures in the middle and at the bottom of page 3 are stated to be on this basis. The personnel allowed by the committee in this tabulation is entirely inadequate, even as the personnel on the 1st of February, 1922, was entirely inadequate, at which time it was reported that a considerable number of the battleships were unready for active service on account of inadequate personnel.

The figures of the committee only serve to perpetuate the department's difficulties in trying to keep the fleet running as based on the inadequate appropriations for the year 1922. The figures of the committee amount to a statement that the number stated is sufficient and that the ships shall not have any more personnel than happens to have been on board on the 1st of February, 1922. This action is not only fatal to the ships and to the service but it is entirely illogical as a method for determining upon complements of ships. It will be noted in the committee's table on page 3 that identical ships are allowed different numbers of personnel for no other reason than because they happen to have different numbers of personnel on board on the 1st of February, 1922. The crew allowed the *Tennessee*, 998, is among the smallest, while it is known to all that the *Tennessee*, *California*, and *Maryland* are the largest and most modern ships on the list. On the same page two ships, the *Connecticut* and the *Pueblo*, are both omitted. (See p. 224 of the hearings.) The correct figures are on pages 216–232 of the hearings.

Of page 6 is found the following statement:

> The foregoing constitute, with the exceptions hereinafter noted, the number of vessels which the department itself indicated to the committee it desired to operate next year, without any suggestion from the committee as to the number of enlisted men that might be appropriated for. They call for a total of 49,492 men. * * *

As a matter of fact, the table of ships submitted by the committee were the ships that the department said it could keep in commission on a personnel of 90,000 plus 6,000 apprentices, as is shown on pages 216 to 222 of the hearings, and similarly on page 232 of the hearings. The committee's statement that the list of ships calls for a total of 49,492 men is an absolute misrepresentation of facts. With the committee's remarks in the same paragraph, on page 6, the number of men allowed by the committee, according to the statements of the committee, are totally inadequate, as will be seen by referring to the department's tables referred to immediately above. The allowance of 50,000 men for a Navy afloat is incorrect as based upon the list of ships.

With regard to the Eagles (p. 6 of the report), used for training Naval Reserves, and the recommendation that the Naval Reserve be trained on board the regular cruising vessels as was done in the case of the old Naval Militia, the committee has absolutely prevented this by failing to appropriate money for the pay of these reserves while under training, and also failed to allow necessary money to pay their transportation to and from the ships.

The statement in the committee's report, on page 8, that "On February 1, 1922, we found 12,633 men at shore stations" is not complete, as this figure does not include men employed on district vessels, men in training at training stations and trade

schools, men on general detail, men sick in hospitals, prisoners, and men in transit. Complete data was furnished the Committee on Appropriations covering these details, but only portions of this data is referred to. The following is the distribution of men at shore activities as of January 1, 1922; the date of the last complete report:

Distribution of personnel as of January 1, 1922.

Yards and stations	1,359
Receiving ships and barracks	1,945
Training stations and trade schools (instructions and overhead)	2,082
Hospitals (operating crews)	1,978
Prisoners (cooks, etc.)	23
Communications	1,228
Aviation stations	2,756
Ammunition depots and torpedo stations	605
Recruiting stations	709
Total	12,633
General detail, men under training, patients in hospitals, prisoners, students at trade schools	12,814
Total	25,447
Men in transit, not available for duty	4,062
Total	29,509
Men on district vessels	3,352
Total ashore	32,861

(See p. 297 of the hearings.)

Mr. Chairman, referring to the table submitted by the committee on page 8 of the report as providing necessary men for shore activities, no provision is made for shore based submarine tenders which require 1,600 men, district and navy-yard craft which require 1,500 based on a 67,000-man Navy. How the committee reached its conclusion in regard to this table is not known, as the figures do not conform either to the number of men now employed or to the number requested by the Navy Department for a 65,000-man Navy, or any other sized Navy. The number of men provided will never man the treaty Navy.

On page 10 of the report of the committee it is noted that the committee has reduced the cost of the ration from 50 cents to 45 cents. This price of 45 cents is a pure gamble, but the Navy Department would prefer to use 50 cents as the cost of the ration. The Navy Department's estimate for a 65,000-man Navy was $16,328,838, as found on page 987 of the hearings. For a 96,000-man Navy the department's estimate was $23,112,204.

On page 10, under the heading of "Fuel and transportation," line 4, the statement is made that—

> The original estimate for fuel for 1923 called for $25,000,000, but that was based on an enlisted strength of 106,000 men and contemplated using a great number of vessels which it is intended by the committee shall be placed out of commission or sold. The department's revised estimate, submitted at the hearings, is $17,426,053.81. The committee propose $16,000,000 and believes that this sum will prove adequate if the department continues to watch the fuel expenditures as closely as it has during the past few months.

There must be no mistake regarding this statement regarding "Fuel and transportation." The revised estimate of the Navy Department, based on 96,000 men, is $23,060,685. In accordance with the direction of the subcommittee on appropriations, the department submitted a list of ships which it considered possible to keep in commission with an enlisted personnel of 65,000 men. (See p. 364 in the hearings.) The amount named by the department for fuel and transportation for the Navy of 65,000 men was stated as $17,426,053.81, as based on this table, without any allowance being made for emergency. (See pp. 1025 and 1026 in the hearings.) The amount named in the appropriation bill is $16,000,000, which is $7,060,685 less than the amount requested by the Navy Department for the Navy of 96,000 men, and not $17,426,053.81, as stated in the report. It should be distinctly understood in this connection that the so-called department's revised estimate of $17,426,053.81 was a figure arrived at on premises prescribed by the subcommittee itself, the subcommittee having prescribed a basis of 65,000 men and having also prescribed in part the basis upon which the expenditure of fuel was to be estimated—namely, the amount of steaming which each ship would do per month. In no correct sense can $17,426,053.81 be considered "the department's revised estimate."

Under "Public works" it is noted that large sums have been left out for the continuation and betterment of Pacific coast bases.

Mr. KELLEY of Michigan. It takes a certain amount of information to even read a thing intelligently.

Mr. BRITTEN. It takes a large lot more to write it, and that is what the gentleman did not have when he wrote this.

Then he goes on and makes a total of 2,965, and then, to show our liberality, he has thrown in an extra 7,000 for hospitals, sickness, and those in jail and in other places not specified.

Mr. BEEDY. Will the gentleman yield for a question?

Mr. BRITTEN. Yes.

Mr. BEEDY. Do I understand the gentleman agrees with the chairman of the subcommittee that this additional number of 7,000 has given to the department every man they requested?

Mr. BRITTEN. It certainly does not.

Mr. BEEDY. That was the statement made by the chairman yesterday.

Mr. BRITTEN. Certainly not. I am glad the gentleman called it to my attention.

Mr. KELLEY of Michigan. How many men did the Secretary of the Navy ask for aviation?

Mr. BRITTEN. I do not know; approximately 5,700.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KELLEY of Michigan. I yield five minutes more to the gentleman, because this is important. The committee allowed for the two new ships for aviation, which are to be put in commission soon, the number of men the Secretary of the Navy asked for, and in addition——

Mr. BRITTEN. How many?

Mr. KELLEY of Michigan. Whatever number was desired. I think it was about——

Mr. BRITTEN. I thought the gentleman might say that he expects me to know, and then he smiles.

Mr. KELLEY of Michigan. If you fill up your mind with small details——

Mr. BRITTEN. That was the reason I asked the gentleman the question. I have seen him picking up pins and rubber bands and small details for some time past. [Laughter.]

Mr. KELLEY of Michigan. Well, be that as it may, we allowed whatever number was requested—632 for the two ships.

Mr. BRITTEN. What do you mean by 632? How many men did the Secretary request for each one of these plane carriers?

Mr. KELLEY of Michigan. You mean the prospective carriers? He did not request any.

Mr. BRITTEN. He may not get any under this bill.

Mr. KELLEY of Michigan. Of course he will not, because the Secretary of the Navy is a sensible man, and he would not ask Congress to appropriate men for carriers that have not yet been authorized, and when authorized can not be completed for two or three years.

Mr. BRITTEN. I am glad to have the gentleman's complimentary remarks about the Secretary. Stand by him, old boy, and give him what he needs. [Laughter.]

Mr. KELLEY of Michigan. The Secretary is abundantly able to take care of himself. But, coming back to what we allowed for the carrier and tender that will soon be put in commission——

Mr. BRITTEN. They are converted ships.

Mr. KELLEY of Michigan. If the gentleman would listen——

Mr. BRITTEN. What are they?

Mr. KELLEY of Michigan. If the gentleman would listen he could hear much better.

Mr. BRITTEN. I do not want to be instructed along your line.

Mr. KELLEY of Michigan. Of course, if the gentleman does not want information——

Mr. BRITTEN. Not along your line, because I heard you yesterday for an hour or more. I was interested, but not convinced.

Mr. KELLEY of Michigan. I think, perhaps, that is true.

Mr. BRITTEN. The gentleman asked a question about aviation. They requested 5,700 men.

Mr. KELLEY of Michigan. Will the gentleman allow me to make a statement right there, giving just what the department desired for aviation? I will yield more time to him.

Mr. BRITTEN. All right.

Mr. KELLEY of Michigan. The Secretary of the Navy will have at his disposal one airplane carrier and one tender for the coming year. Those are new, so far as the naval service is concerned, the *Shawmut* and the *Langley*. Now, of course, it is necessary to have the men to run those carriers. Whatever number he has asked for has been allowed.

Mr. BRITTEN. What is the tonnage of those two ships?

Mr. KELLEY of Michigan. I did not build them; they are small ships.

Mr. BRITTEN. What is the tonnage of both of them? I will tell you. They are 19,000 tons combined. I will keep you informed about the Navy. [Laughter.] I had an idea when

the gentleman came in here with a one-man bill that he knew something about it yesterday. He spoke for an hour and 15 minutes extemporaneously and camouflaged where he could get away with it.

Mr. KELLEY of Michigan. Let me take the camouflage off, so that even the gentleman from Illinois can see. [Laughter.] If the gentleman will only listen, he will improve greatly. Listening is the greatest art in the world——

Mr. BRITTEN. Next to giving advice. [Laughter.]

Mr. KELLEY of Michigan. There are those two ships that the Navy Department did not have before, and they asked for a certain number of men for those particular ships. They did not ask men for ships that had not been authorized or built. We gave them the number they asked for on these two. Then they asked for 600 men that they said they wanted to put on the battleships upon which the catapults are to be placed, and we not only appropriated the money for the catapults but for the 600 men who go into the fleet aviation because of these devices.

Mr. BRITTEN. How many men do these catapults require?

Mr. KELLEY of Michigan. And, adding those to the number allowed on shore, gives 3,200 men, beside many civilians, the entire number asked for by the Secretary of the Navy for aviation. [Applause.]

Mr. BRITTEN. That is very convincing.

Mr. KELLEY of Michigan. Yes. Truth ought to carry some weight.

Mr. BRITTEN. Yes; I am satisfied that the gentleman thinks that is true. And yet the Navy Department this morning says they requested five thousand six hundred and some.

Mr. KELLEY of Michigan. What does the gentleman mean by "the Navy Department"?

Mr. BRITTEN. Men in authority in the Navy Department.

Mr. KELLEY of Michigan. Does the gentleman mean the head of the Bureau of Aviation or does he mean the Secretary of the Navy? Or does he mean Admiral Coontz, the Chief of Operations?

Mr. BRITTEN. I hope you will withdraw your question. I may have some confidential information, but it did not come from the White House. You put me in a very embarrassing position, and I hope you will withdraw the question. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. KELLEY of Michigan. I will give the gentleman two minutes more. I am glad the gentleman has learned so quickly. He has learned already the lesson I sought to teach him yesterday. [Laughter.]

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield for a brief question?

Mr. BRITTEN. Yes.

Mr. LINEBERGER. The gentleman has stated that the British have between 10,000 and 11,000 men for naval aviation. I think the House would be interested in knowing how much the Japanese have under this 5-5-3 agreement for naval aviation.

Mr. BRITTEN. I do not know. We have not been able to get those figures. The Bureau of Naval Intelligence does not know how many men are under instruction in Japan to-day in naval aviation, but they do know the names of the Italian and French instructors who are teaching them. Based on the Japanese ratio, we ought to appropriate for 125,000 men for the coming fiscal year. The gentleman from Michigan suggests that we provide some 17,000 for shore duty. For 100 years, gentlemen, the Navy Department of America has always figured 2 men afloat to 1 man ashore. That ratio promotes efficiency. That puts a man on the ship in shape to be a seaman. The Japanese Government provides for 35 per cent ashore. The English Government provides 6 out of 10 afloat and 4 ashore.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. BRITTEN. I would like to have a little more time. I would like to call the attention of the House to certain things, particularly where your greatest reductions in the bill are made.

Mr. KELLEY of Michigan. How much time does the gentleman need?

Mr. BRITTEN. Five minutes, and if the gentleman thinks I ought to have a little more time, let me have it.

Mr. KELLEY of Michigan. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes more.

Mr. BRITTEN. I want to impress the House and the gentlemen on this side in particular with the fact that in the past, for 10 years prior to the war—I will not say during war, because then everybody voted one way—but prior to the war it was this side of the House that made the Navy what it was. [Applause.] Now, gentlemen, do not feel that you have to follow your leader over here because of the eloquent speech he made yesterday. I say in all sincerity that there is not a naval officer in America that stands for this bill. There is not a single naval authority who stands for it. The administration does not stand for it. It will be amended at the other end of the Capitol if we do not take the bit in our mouths here, or else we will have a third-class Navy if this bill becomes effective. We will be third, after Japan.

Now, gentlemen, the disarmament peace treaty has imposed a specific obligation on us. The world expects us to live up to the treaty, and if we live up to the treaty we will have to properly man 500,000 tons of ships and 135,000 tons of airplane carriers. The Aviation Bureau requested $17,000,000, but the committee allows less than $8,000,000. Engineering requested $16,881,336 on the basis of 65,000 men. Think of it! These officers were trying to comply with the request of this "little Navy" committee by making a 65,000-man Navy, and the Bureau of Steam Engineering made a request for $16,881,336, based on 65,000 men.

Mr. KELLEY of Michigan. Does the gentleman know that nearly $4,000,000 of that was for new construction of towers in all parts of the world for radio?

Mr. BRITTEN. If they are for towers and for direction of the merchant marine, as many of these towers are, I am for it. That is the way they manage to get through the fog. We are establishing them on the Great Lakes, and thereby we enable ships to save life and property. It is very easy to say you do not need them, but I say the country is entitled to it. They cut the appropriation from $16,881,336 down to $12,100,000.

For construction and repair the Navy Department requested $16,465,000, based on 65,000 men. The committee gave them $14,200,000.

Fuel—there has been some argument as to whether fuel has been properly managed and handled by the Navy, but of course ships can not operate without fuel. Everybody knows that.

Mr. KNUTSON. And they can not maneuver without fuel.

Mr. BRITTEN. The department's estimate was cut more than $6,000,000. The department requested $23,000,000 and the committee recommend $16,000,000. That is a tremendous cut.

Mr. Chairman, let me read two letters from Secretary Denby about this fuel item:

NAVY DEPARTMENT,
Washington, April 10, 1922.

Hon. FRED A. BRITTEN,
House of Representatives, Washington, D. C.

MY DEAR MR. BRITTEN: Referring to your verbal request regarding fuel and transportation, I would state as follows:

The original estimate of the Navy Department, based on a Navy of 106,000 enlisted personnel, was $25,000,000. The revised estimate, based on 86,000 men, as submitted to the Committee on Appropriations, was $23,060,685.

In accordance with the direction of the Subcommittee on Appropriations, the department submitted a list of ships which it considered possible to keep in commission with an enlisted personnel of 65,000 men. (See page 364 in the hearings.)

The amount named by the department for fuel and transportation for a Navy of 65,000 men was stated as $17,426,053.81, without any allowance being made for emergencies. (See pages 1025 and 1026 in the hearings.)

The amount named in the appropriation bill is $16,000,000, which is $7,060,685 less than the amount requested by the Navy Department for a Navy of 86,000 men.

Yours sincerely,

EDWIN DENBY.

NAVY DEPARTMENT,
Washington, April 10, 1922.

Hon. FRED A. BRITTEN,
House of Representatives, Washington, D. C.

MY DEAR MR. BRITTEN: Referring to your oral inquiry regarding the expenses for fuel for destroyers for the present fiscal year, I would state that the official expenditures for the first eight months of the present year were 2,328,758 barrels, at a cost of $5,781,967.30, and the estimated expenditures for March, April, May, and June under the present program are 615,736 barrels, at a cost of $1,344,778.04, making a total for the year of 2,944,489 barrels, at a cost of $7,126,745.34.

Yours sincerely,

EDWIN DENBY.

Yards and Docks requested $6,750,000. The committee cut them $1,250,000, giving them $5,500,000.

Numerous public works in the Hawaiian Islands and elsewhere have been disregarded. They have been disregarded on the Pacific coast. Do you gentlemen know that except at Panama there is not on the Pacific coast a dock owned by the Government that will dock our latest first-line fighting ship? Not one. Think of it! There is no Government-owned dock on the Pacific coast that will accommodate one of our latest first-line ships, with the exception of the dock at Panama.

Mr. LINEBERGER. Does the gentleman know that that is at Cristobal, on the Atlantic side?

Mr. BRITTEN. Yes; I do. With the exception of that one there is not a dock on the Pacific coast that will dock one of our first-class, first-line ships.

Mr. LINEBERGER. That is not on the Pacific coast. That is on the Atlantic side.

Mr. BRITTEN. I thank my good friend for his assistance. We do not own a dock on the Pacific side that will take in one of those big first-line ships. There is one at Hunters Point that we have leased that belongs to a private corporation. Of course, we can confiscate that in time of war or emergency.

Mr. KELLEY of Michigan. The gentleman forgets the dock at Bremerton.

Mr. BRITTEN. The dock at Bremerton is seven hundred and eighty and odd feet long, and will not dock one of our latest first-line ships, and the gentleman does not know it. [Applause and laughter.]

Mr. KELLEY of Michigan. It is better not to know so much that is not so.

Mr. BRITTEN. The Naval Reserve Force is cut down to $50,000 for the entire country. A reserve force is a very necessary force. Those are the officers and men who jump in and are quickly assigned to places when an emergency arises. Only $50,000 is provided for that item.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITTEN. I thank the gentlemen for all the time they have given me. [Applause, Members rising.]

Mr. BYRNES of South Carolina. I yield 10 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, it is not my purpose to discuss at length at this time the enlisted-personnel question, to which many arguments have been directed. The discussion of this can be well deferred until that item is reached under the five-minute rule.

I felt that I could with propriety submit to the House some helpful information relative to the views just announced by the distinguished gentleman from Illinois [Mr. BRITTEN], in which he has professed accurate information as to all matters relating to the pending bill. Among other things, he stated that he desired to speak specially to the new Members of the House, on the theory that they were probably not well informed as to naval matters, and in that connection I am reminded that the gentleman, who stands as the giver of information to new Members, was probably opposed to the draft. He was not in favor of sending men to fight the battles of their country abroad unless they willingly consented to go. He may have voted in the past for big navies and big armies, but he belongs to the class who would not use such navies and armies in the event of war with foreign powers until the consent of the men constituting the Army and Navy was first obtained. I think all must agree that a Navy and an Army are worth but little if the theory of the gentleman should be carried out. I am informed that the gentleman has in his district many who may not have desired to go abroad in the recent war and that his attitude in reference thereto may have been predicated on such fact. Certainly, even with a great Navy and a great Army, this country would not be very safe if the position of the gentleman from Illinois along the lines indicated was approved.

Mr. BRITTEN. Will the gentleman yield?

Mr. OLIVER. Not now.

Mr. BRITTEN. I should like to correct the gentleman's statement.

Mr. OLIVER. I will yield later, but not just now.

Mr. BRITTEN. No; but I wish to correct the gentleman's statement.

Mr. OLIVER. I do not yield to the gentleman now.

Mr. BRITTEN. Mr. Chairman, a parliamentary inquiry—a matter of personal privilege, Mr. Chairman.

The CHAIRMAN. The gentleman can not raise a question of personal privilege in the committee.

Mr. BRITTEN. I have no argument with the gentleman, but I have just been told by a friend that the gentleman from Alabama stated that I voted against the draft, and that is entirely incorrect.

Mr. CONNALLY of Texas. A point of order, Mr. Chairman.

Mr. BRITTEN. Have I no right to state a question of personal privilege?

The CHAIRMAN. If the gentleman insists that he has a question of personal privilege and presents one, the committee will have to rise and go into the House.

Mr. BRITTEN. The gentleman stated that I voted in a certain way which I did not vote, and I want to correct that.

The CHAIRMAN. The gentleman does not state a question of personal privilege.

Mr. OLIVER. I am informed that the gentleman from Illinois [Mr. BRITTEN] introduced a bill after war was declared, in which he sought to prevent anyone being sent abroad in Army or Navy unless they consented to go. Is not that correct?

Mr. BRITTEN. Yes; that is correct, but the gentleman stated that I voted against the draft.

Mr. OLIVER. If I did, I was probably in error, and I withdraw the statement.

Mr. BRITTEN. I thank the gentleman, because the gentleman was in error about that.

Mr. OLIVER. If the bill introduced by the gentleman, which sought to deny to the Government the right to send anyone in the service abroad to fight its battles, had been passed, then certainly the effect would have been to have denied the Government's right to draft its citizens into service during war. In other words, it would have been purely voluntary with those called into the service as to whether they went abroad or not.

Now, to further show that my friend from Illinois is not a very safe advisor, he tells you in his speech to-day that the officers of the Navy Department are opposed to this bill and for that reason he insists that the bill should not have the support of the House, yet we find that he has recently refused to follow the advice of the very naval officers whom he now so strongly commends.

The committee on which he served have pending before the House at this time a bill to reduce the enlisted personnel to 86,000, and the officer personnel is fixed at 4 per cent of the authorized strength. The gentleman will not claim that this bill, which he favors, is in accord with the advice of naval officers, and certainly not with that of Admiral Coontz. My information is that the only two members of the committee who voted against the bill were the gentleman from California [Mr. SWING] and the gentleman from Tennessee [Mr. PADGETT]. The bill in question, and to which he referred, undertakes to fix the authorized enlisted strength of the Navy at 86,000, but does not provide, as he argued, that there shall be 86,000 enlisted men, but simply that this number shall constitute the maximum enlisted strength of the Navy and hereafter be the basis on which the officer personnel is to be determined; that is, the 86,000. The chairman of the committee is present and will bear me out, I am sure, as to the correctness of this statement.

Mr. BUTLER. Mr. Chairman, inasmuch as my friend has referred to me, I will give my own personal understanding. When I voted for 86,000 men and 6,000 boys, it was my distinct understanding that that was fixing the officer list under the law already established by Congress.

Mr. OLIVER. That statement of the chairman of the committee will be interesting for the Members of the House when we come to consider the personnel sections of the pending bill. In other words, the officer personnel is determined on the basis of the authorized enlisted personnel. When you decrease the authorized enlisted personnel, you automatically decrease the officer personnel. It is extremely questionable, to my mind, whether the bill favored by my friend from Illinois, which seeks to reduce the line officers of the Navy to 3,400, is wise. Recently the House voted to give the Army about a 10 per cent officer personnel, and the bill favored by the gentleman from Illinois would fix the authorized enlisted strength of the Navy at 86,000 and the officer personnel at 4 per cent of this enlisted strength.

Mr. BRITTEN. Will my friend permit?

Mr. OLIVER. Indeed I will.

Mr. BRITTEN. The strength of the Navy to-day is 91,000 and a thousand over, and the officer personnel is about 7,000, or about 9 per cent.

Mr. OLIVER. Following up the statement just made by my friend the gentleman from Pennsylvania [Mr. BUTLER], the distinguished chairman of the Naval Committee, I will say that in 1916 we had approximately 8,694 officers in the Army, Navy, Marine Corps, Geodetic Survey, Coast Guard, and the Public Health Services. We now have in these same services 21,558 officers. These figures would suggest that we are not rapidly adjusting our Military Establishment to a peace-time basis. In other words, we now have more than two and a half times the number of commissioned officers in the services I have just named than we had in 1916. Now, I wish to emphasize the fact that if there be one service that should have a strong officer personnel it is the Navy, and the limitation fixed by the bill now pending in the House and favored by the gentleman from Illinois [Mr. BRITTEN] gives to the Navy too limited an officer personnel.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman 10 minutes more.

Mr. OLIVER. Naval officers can not be qualified in a short time. They must be well educated and trained along many highly technical lines. Our naval officers are the best trained and best qualified officers of any navy in the world. The course at Annapolis is broad and thorough, and the young officer, after he finishes his course there, is sent to sea until he is qualified to take his place at any station on the battleship and efficiently perform the duties relating thereto. You can not select from civil life, without several years of special technical training, a well qualified naval officer. So the bill which the gentleman from Illinois [Mr. BRITTEN] professes so much interest in is, in my opinion, more hurtful to the real efficiency of the Navy than any possible shortage in the enlisted personnel could possibly be. The only justification for the bill which he favors is found in what some Members admit to be its purpose—that is, that it is intended to authorize the retirement from the service of a large number who were taken into the service as officers without any examination to show that they were qualified as all-around naval officers.

These men had served with distinction in warrant grades and in some of the enlisted grades, and they were unusually well qualified for the work assigned them in these grades. Few, if any, have had the technical training, however, that will qualify them for an all-round naval officer, and the bill seeks to clothe the Navy Department with authority to place them on the retired list, though the committee has not written this purpose into the bill as reported. The effect of taking these men into the lower grades of the Navy made more admirals, more captains, more commanders, and more lieutenant commanders. In other words, every 100 officers added to the lower commissioned grades make additional admirals, captains, commanders, and lieutenant commanders. Whether they were taken in for that purpose or not, I will not state, but certainly it had that effect. In view of the long enlisted service which these new officers had, we find that it may prove very expensive to retain them as officers in the Navy, if the pending pay bill should be enacted into law. There are more than 100 officers now holding a lieutenant's commission in the Navy who have had less than two years' commissioned service, yet on account of their enlisted service they would, under the pending pay bill, draw for pay and allowances more than $6,500. You will see from this the naval officers to whom Mr. BRITTEN has referred have not always been sound advisers as to naval policies. It likewise demonstrates that even the gentleman from Illinois may be regarded as an unwise adviser on many matters contributing to naval efficiency.

Now, it is not unusual for naval officers to widely disagree as to the number of enlisted men required to efficiently man the Navy. In 1919 the authorized enlisted strength of the Navy was 181,000; the following year the committee, over the strong protest of naval officers, reduced the enlisted personnel to 120,000. Naval officers then strenuously insisted that the Navy could not efficiently function with less than 160,000 enlisted men, yet Congress very wisely, against the advice of high naval officers in charge of the bureaus of the Navy Department, cut the enlisted strength to 120,000. No one undertakes now to say that we hurt the Navy by this action, but we did save a large sum of money to the Federal Treasury by refusing to follow the advice of the naval officers. Last year these same naval officers insisted that they must have 120,000 men for the present fiscal year, 1922, yet Congress, over their protest, cut it to 106,000; and who will now deny that our action was not wise? We now find that many of these same naval officers are willing to accept either 106,000 or 96,000, and the House Naval Affairs Committee, of which the gentleman from Illinois is a Member, have reported a bill, over the protest of the naval officers, to fix the maximum authorized enlisted strength at not exceeding 86,000.

The General Board of the Navy, we understand, is still insisting that we should actually have for 1923 120,000 enlisted men. Congress have not in the past followed the advice either of the General Board or of Admiral Koontz or other high naval officers, and in failing to do so, we have certainly done no hurt to our Navy. Now, after we have scrapped the great capital shipbuilding program of 1916 and are to keep in commission only a limited number of ships during 1923, can anyone claim that we have done violence to the American Navy by providing an enlisted personnel sufficient in numbers to man the ships as they were actually manned in the early part of this year and are now actually manned?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNES of South Carolina. I yield five minutes more to the gentleman from Alabama.

Mr. OLIVER. Now, without intending any criticism of the action of the conference, because I realize that some drastic proposal had to be made in order for any agreement to be reached looking to the cessation of naval competition, may I refer to the statement made yesterday by the gentleman from Tennessee [Mr. PADGITT] in which he intimated that Secretary Hughes failed to follow high naval advice in his offer to scrap the great capital fleet provided for in the 1916 program. He had at least this justification—that the public seemed willing to surrender our naval advantage in order to secure an agreement with the assembled nations looking to a limitation of armament. The American people, in the main, have given approval to the naval treaty, even though it did involve the surrender of valuable ships, some of which, when built, would have given us the most powerful and effective naval vessels of their kind in the world.

As emphasizing what was surrendered I recall that the gentleman from Tennessee [Mr. PADGITT] in 1916, after the adoption of the 1916 building program, brought in a bill from the Naval Committee and had the House to pass it, providing, first, for the construction of battle cruisers to the exclusion of battleships. He stated that preference was given to the building of battle cruisers, not only because of their great military value but because we had no ships of this type in our Navy, and Japan and England had many of the most modern types.

We have agreed to scrap all of these battle cruisers on which we have expended many millions of dollars, and so in future America will have no fast battle cruisers in its Navy. These were the finest types ever designed. They had 187,000 horsepower, and each was armed with twelve 16-inch guns, with a speed of 33 knots and better. There would have been no ships in any Navy like unto these in point of efficiency and military value, yet for the purpose of securing a naval holiday, as to the building of capital ships, we agreed to scrap all of these great ships. The treaty gives to us the right to convert two of them into aero-carrying ships, and we must see that ample funds are provided for this purpose without delay. Instead of carrying 16-inch guns, however, they will carry nothing over an 8-inch gun. Then again, to show how liberal Secretary Hughes was in his offer for a naval holiday, he agreed to scrap the great battleships that were being constructed with 42,000-ton displacement, carrying twelve 16-inch guns and with a speed of 23 knots. In lieu of these, the greatest ships of their kind ever designed by any Navy, we have consented to accept two of the *Maryland* type, carrying eight 16-inch guns, instead of twelve 16-inch guns, with a displacement of 33,000 tons, and a speed of only 21 knots. It will thus be seen that America, speaking through her State Department and through her Chief Executive, was not afraid of impending wars. They were not afraid of destroying America's chance to live in peace in the future when these great engines of war were agreed to be scrapped, but on the other hand, they exhibited faith in the nations gathered at the peace conference, and frankly said to these nations, "While we now have building the greatest battleships and battle cruisers ever designed we are willing to scrap them in order to make with you an agreement for a naval holiday and limitation on the building of capital ships, believing that any agreement entered into will be faithfully kept and that it will insure not only the peace and safety of America but of the world better than all of the navies we or they are now building." [Applause.]

Let me here quote some excerpts from the speech of President Harding at the conclusion of the Peace Conference to show how he felt in reference to the safety of America under the treaties agreed on. Said he:

> You have written the first deliberate and effective expression of great powers in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a World War is to end the strife in preparation for more of it and turn human energies to the construction of peace.
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> * * * * * *
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> I once believed in armed preparedness. I advocated it. But I have come now to believe that there is a better preparedness in a public mind and a world opinion made ready to grant justice precisely as it exacts it. And justice is better served in conferences of peace than in conflicts at arms.
>
> When you first met I told you of our America's thought to seek less of armament and none of war.

Gentlemen, those are the sentiments of the highest official in the Nation, and will you say that he did not reflect the sentiments of America in those words? [Applause.] Now, in conclusion let me say that the man who to-day undertakes by word or deed to make America believe that we are in great danger, and that Congress will do serious hurt to the Navy unless war complements are provided for all of the 18 capital ships which the treaty allows us to retain, is misleading the American

people and urging a naval program that adds nothing at this time to naval efficiency and greatly increases the expense on the National Treasury.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. I yield the gentleman five minutes more.

Mr. OLIVER. Let me show you how rapidly complements on battleships change, and it but illustrates how undecided and changeable the views of naval officers are.

In 1914 we had many ships that we will retain under the treaty and keep in commission during 1923. You will not be able to add a new ship to your fleet until 1932, after you complete the 2 now building of the *Maryland* class, because the oldest of the 18 can not be replaced until 1932, and may I remind you in this connection that we will have from 4 to 6 capital ships in this 18 carrying only 12-inch guns? If the gentleman from Massachusetts [Mr. TINKHAM] is, in fact, so much alarmed over America's danger from some imaginary enemy, as his speech indicates, then I suggest that he busy himself to see that some important units, which the treaty permits, be immediately added to our fleet so that it may become a well-rounded fleet.

Mr. TINKHAM. Will the gentleman yield?

Mr. OLIVER. Not just now. Now, in reference to the complements on some of these ships that we are retaining for 1923, we find that in 1914, for instance, the *New York*, one of the best of the ships to be retained, carried 42 officers and 898 men. A board of naval officers, when the question as to a proper complement for the *New York* was raised, met with Admiral Fletcher, long in command of the Atlantic Fleet, on the board, and this board fixed the complement for the *New York* at 38 officers and 1,022 men. After the board thus fixed the complement for the *New York*, what may be called a strange coincidence occurred. I do not charge that it influenced the action of naval officers, but it so happened that after the complement on the *New York* and other ships was fixed by this board a bill was passed by Congress fixing the officer personnel in the Navy at 4 per cent of the authorized enlisted strength. After the passage of this law the complements for the *New York* and other ships were greatly increased, and instead of 38 officers and 1,022 men we find that in 1921 there were recommended for the *New York* 53 officers and 1,367 men. Now, I leave it to the House to draw its own conclusion, and may I ask my friend from Pennsylvania [Mr. BUTLER] if the figures given are correct?

Mr. BUTLER. Yes. May I ask the gentleman a question?

Mr. OLIVER. Certainly.

Mr. BUTLER. Has the gentleman the figures which show what we know as the peace complement of the *New York* and the *Pennsylvania*, the ships that are to be retained?

Mr. OLIVER. What they actually carry?

Mr. BUTLER. Yes.

Mr. OLIVER. The actual number carried seems to have been 902 men only.

Mr. BUTLER. What was the war complement? What did it carry in 1918?

Mr. OLIVER. In 1918 there seemed to have been carried over 1,400. The gentleman has doubtless examined the table I refer to, and I wish to ask whether, in his opinion, it is correct?

Mr. BUTLER. I believe it to be so.

Mr. OLIVER. In other words, we find the complements on these ships rapidly rising from 1914, and especially after the law of 1916 fixing the officer personnel at 4 per cent of the authorized enlisted strength.

Mr. BUTLER. By reason of the act of Congress of 1916 fixing the number of officers based upon the enlisted men, the charts show that the enlisted men ran right up in number?

Mr. OLIVER. This table certainly proves it.

Mr. TINKHAM. Will the gentleman yield for one simple question?

Mr. OLIVER. My time is so limited that I hesitate to do so.

Mr. KELLEY of Michigan. I yield to the gentleman two minutes so that he may answer.

Mr. OLIVER. Then I will be glad to do so.

Mr. TINKHAM. I desire to ask the gentleman if he believes that our Navy should be equal to Great Britain and superior to Japan?

Mr. OLIVER. I am glad that the gentleman asked me that question. Our Navy to-day is not equal to Great Britain. It will not be equal to Great Britain until you authorize and complete some modern, speedy airplane-carrying ships. If the gentleman from Massachusetts [Mr. TINKHAM] will take the time to read some of the hearings before the House Naval Affairs Committee in the years 1920 and 1921 he will find high naval authority for the statement that even if we now had in our Navy all the battleships authorized by the 1916 program it would be dangerous to send them to sea, were we at war, until supplied with modern airplane-carrying ships. I have tried for some years to have Congress provide the necessary funds for these airplane-carrying ships, and it is now of supreme importance that it be done because of our agreement to scrap the great battle cruisers with high speed, and our most powerful battleships.

We must provide now for fast airplane-carrying ships, with a speed of 33 knots or more, of the most modern design. This is far more important than the question of what the enlisted strength of the Navy for 1923 shall be. If war should come, and you could not send out your 18 battleships until you provided modern airplane-carrying ships, it would seem to suggest that we are now spending much time in discussing matters not of first importance. The present bill, you will find, carries sufficient men to man the capital ships as they have been manned and were manned even this year, when the Navy had 100,000 men to draw on.

Mr. TINKHAM. My question has not been answered.

Mr. OLIVER. I have tried to show you what must be done in order to make our Navy efficient, and to show how futile and unimportant is the controversy over the enlisted personnel for 1923 unless and until proper attention is paid to supplying the Navy with the types of fighting craft now needed. The House will later find, I think, that the committee have fixed the enlisted personnel for 1923 on a conservative, safe, and economical basis, and that no hurt will come to the Navy if the committee's recommendation is followed.

The CHAIRMAN. The time of the gentleman has expired. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. GALLIVAN]. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I was a bit interested yesterday afternoon when the leader of this House, in discussing the various percentages which had befuddled his brain because of the debate as it went along, said from 5-5-3 the Navy had dwindled to 3½ per cent and 2.75, and, if he had kept talking, perhaps before he had finished he might have brought us down to a minimum of one-half of 1 per cent. [Laughter.]

I have followed the discussion on this bill from its inception with as much interest and probably more attention than I have ever followed any debate in the House since I have been a Member of Congress. As you know, I am the sole Democrat on the Committee on Appropriations who has signed the minority report, and I rise at this time to try to make it clear why I believe the majority of my committee have erred.

Yesterday, in his opening speech in defense of the bill as reported, the eloquent and admirable gentleman from Michigan [Mr. KELLEY] referred more than once to the efforts of certain unnamed individuals, but evidently officials high in the Naval Establishment who, in their urgent pleas for a greater number of men than this bill provides, are using all the strategy and influence at their command "to pile up," in the language of my friend from Michigan [Mr. KELLEY], 18,000 or 20,000 men on shore not assigned to any work in any navy yard or any station. I tried to get the gentleman to tell the House who these officials are and what their purpose was in "piling up" these thousands of men, but the astute chairman of the subcommittee carefully side-stepped my inquiry and insisted that I knew as well as he did who the officials are in the Naval Establishment who are attempting to put this alleged load on the backs of the American people.

I must confess, Mr. Chairman, that with all my regard for my friend, I do not think he was quite fair with the House in holding back the knowledge which he has in abundant quantity and which he can, of all men, verify, if the story is true. As for myself, I take it that the officials at whom his remarks were directed are those now in control of the Navy Department, from the Secretary of the Navy down to the humblest adviser.

If he is right, I want to repeat a question here and now which I suggested yesterday: Why not scrap the Naval Establishment before we start scrapping our Navy? If these alleged thousands of men who are to be unassigned for any sort of duty are insisted upon by the Navy officials whom he criticizes, why in the name of all that is good and holy does the Naval Establishment want these men?

Mr. Chairman, it is because I have been unable to get any answer to this question and because of the absolutely contradictory positions which the experts in the Navy Department and the members of the subcommittee on the naval appropriation bill have taken in this controversy that I have aligned myself with the minority members of the Committee on Appro-

priations, and I stand, without apology, with the administration in behalf of the best Navy that the United States is permitted to maintain under the agreement reached in the Conference on Limitation of Armament. [Applause.]

I am going to discuss another navy before I get through, and I hope no gentleman will leave his seat, particularly my good friend from Michigan [Mr. KELLEY].

I would vote for a bigger Navy if I could, Mr. Chairman, than is permitted under the so-called 5-5-3 agreement. My friend from South Carolina [Mr. BYRNES] yesterday, referring to the Borah amendment in connection with the disarmament conference, said that every Democrat voted for the Borah amendment when it was before this branch. I beg to differ with him. There were five of us who did not agree that the time had come in the affairs of the world when the United States could afford to scrap its Navy. I was one of them, and I again have no apologies to make. But that conference reached an agreement, and we must keep our part of that agreement. We must not go below it. Permitted as we are to maintain 18 capital ships with the necessary auxiliaries, we must not forget that men fight and not ships, and that historically good men even in poor ships have invariably triumphed over poor men in good ships. These men can be trained only in time of peace. It is generally considered by captains of industry, generals, and admirals that men are much more important than material. This can be accepted as an axiom.

Under such conditions the United States can not afford to decrease her personnel. When war comes it is too late to change the system. I have never taken any stock in that propaganda that armies and navies are always the cause of war. Wars in the Far East have been caused by weak nations.

Korea, a weak nation, was the cause of the China-Japanese War and the Russo-Japanese War, and it is my firm belief that there would be no far eastern question to-day if China and Russia were strong nations. Our own wars have not been caused by having an Army and a Navy. The enormous expense of our past wars has been entirely due to the fact that we did not maintain a sufficiently powerful Army and Navy. May I remind this House of the well-chosen words of Secretary Denby recently spoken? "Whatever arms have cost, they have made and kept us a nation."

It must not be forgotten that our influence and the due consideration of our rights are measured by other countries according to our physical power and our national spirit to redress wrongs. Foreign nations are as fully aware as we of the conditions of our naval force, at all times, both as regards its strength in material and its efficiency and sufficiency in personnel, and you know as well as do I that the greatest weight is placed on its efficiency and sufficiency in personnel.

One of the most brilliant newspaper men in this country said yesterday that the whole question which the House is considering has developed into a controversy between amateur guessing and professional knowing. Capt. Luke McNamee, one of the best-known officers of the present Naval Establishment, said the other day that Great Britain proposes to reduce her enlisted strength to 104,000 by April, 1923, a year from now. Her crews are old and seasoned, with 12-year enlistments. Ours are boys, with an average age of about 20 years, with two to four year enlistments.

In addition we have to maintain our tankers, repair, and hospital ships with regular sailors, mark you, using up 18,000 of the regular force, while Great Britain now mans these ships entirely with reserves that are never counted in her enlisted strength.

Japan proposes to reduce her enlisted strength to 63,000, although she is only allowed three-fifths of our strength, and this unquestionably, as the gentleman from Chicago [Mr. BARRETT] said, would give her a greater strength than you would give us if you support this bill.

Our friend from Michigan [Mr. KELLEY] answers that the 67,000 men provided for in this bill will give us a Navy stronger than that of Japan and equal in its man power to that of Great Britain. Well, perhaps he knows—perhaps he knows—but I repeat in this argument that I am going to align myself with those officials in our Government who have made a life study of this game, rather than with the members of any committee to whom, after all, appropriations, whether they be for an Army or Navy, are mere incidents in a congressional career.

We realize that the naval holiday must last at least for 10 years, and that the number of ships to be kept afloat is fixed by the treaty.

No new ships are to be built by the United States for its Navy during that holiday. A few new ships now building are to be completed, and then the Government navy yards will have no construction work. Necessarily many workers must be discharged soon from our navy yards because of the naval holiday, because with our new Navy repair work will be comparatively slight. I want to emphasize these words. I am fully convinced as a member of this committee that the proposed limitation of 67,000 enlisted men will not suffice to keep our ships afloat at any one time. I am in mortal dread that if you pass this bill as it comes from the committee we will be burdened with a toy Navy.

Under the bill as reported a bluejacket will be a rare bird along the Atlantic coast line—a rare bird—but, O good people, the Atlantic coast line is not going to be left undefended. Some of the gentlemen who are so enthusiastic about scrapping the Navy that fights for and defends the whole country are looking on complacently while Congress votes millions to help organize another navy, a brand-new navy, to fight for one particular factional issue in this country. They are ready to reduce the Navy of the United States and to increase the prohibition navy. [Laughter.] They call it, you know, the rum-running navy, commanded by the prohibition commissioner instead of by the President of the United States, and the rum-running navy bids fair to take the place of the United States Government, because you will not dare to refuse their request for more millions whenever they come and ask for more millions. [Laughter and applause.] All the traditions of the future will be about the gallantry of Admiral Haynes [laughter] lashing himself to the mast and giving the command to "Go ahead, and damn the rum-runners and their explosive beverages!" [Laughter.] Do you know that the rum-running navy has already put into New York? And it is reported that it will proceed to the St. Lawrence and the Great Lakes and give battle to the rum runners from Canada whose armada is daily crossing the border waters and landing Canadian Club to the thirsty of New York, Buffalo, Cleveland, Detroit, Mr. KELLEY [laughter], Chicago, Mr. MADDEN [laughter], Milwaukee, Mr. STAFFORD [laughter], St. Paul, Minneapolis, and Duluth.

I am reminded that more than 100 years ago President Monroe negotiated a treaty with Great Britain by which all fortifications on both sides of the border should be scrapped and no warships of either Government admitted on the Great Lakes, and for a century we have had an unguarded border between the United States and Canada.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman five minutes more.

Mr. GALLIVAN. That long international line, stretching 3,000 miles from Maine to Washington, has been without forts and without warships, and the people have crossed the border without having to give the countersign.

But the rum-running navy under command of Admiral Haynes and Rear Admiral Wayne B. Wheeler [laughter], chief of the bureau of navigation [laughter], and supported by the gentlemen here who are ready to scrap the old navy of Commodore Jack Barry and John Paul Jones and Admiral Farragut and George Dewey, will scrap the Rush-Bagot treaty of 1818 and transfer our naval operations from the Atlantic and the Pacific Oceans to the Great Lakes and the St. Lawrence River. [Laughter.] Instead of the daily allowance of grog to the bluejackets who fought in the old days with Commodore Perry on the Lakes we will have cold water and grape juice served to the prohibition blue-ribbon boys who fight the rum runners from Canada. [Laughter.] I wonder how long it will be before the old United States Navy, manned by red-blooded boys, will have to be rebuilt and ordered to the Great Lakes to indulge in real fighting with Great Britain because of the violation of the old Rush-Bagot treaty by Admiral Haynes and his rum-running, mischief-making navy? I for one prefer the Navy that has fought for the honor and protection of the whole United States and battled on the seven seas, winning glory for more than 100 years, rather than to scrap that Navy, to economize at the spigot, and waste millions on a rum-running navy to operate without authority of law and in defiance of our treaties, and probably involve us in real war.

Mr. Chairman, in closing, I do not want our schoolboys to be deprived of the inspiration to patriotic duty and everlasting service to that flag by snatching away from them in this hour the stories of heroism and sacrifice and achievement linked with the names of Jack Barry and John Paul Jones and Admiral Farragut, and modest but immortal George Dewey. [Prolonged applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that

the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1281. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others;

S. 150. An act to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department;

S. 1690. An act to correct the military record of John Sullivan;

S. 2719. An act to reimburse certain persons for loss of private funds while they were patients at the United States Naval Hospital, naval operating base, Hampton Roads; and

S. 1790. An act to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted.

The message also announced that the Senate had passed with amendments the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2356. An act to advance Capt. Benjamin S. Berry to the permanent rank of major; and

H. R. 7089. An act for the relief of Maj. Ellis B. Miller.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. KELLEY of Michigan. I yield 30 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, at noon today in concert with the gentleman from Michigan [Mr. WOODRUFF] I introduced a resolution providing for an investigation of certain Government departments. That resolution was read by the Clerk of the House; and rather than to take the time in reading it again, I am going to ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Chairman, the gentleman from Michigan [Mr. ROY O. WOODRUFF] and several other ex-service men of the House who enlisted in the late war, and either saw overseas service or were willing to see it, have for some time felt that there was an invisible biparty government in the United States which controls the real Government elected by the people, and they felt it was their duty to see that invisible government removed from power and that the constitutional legal Government assume its proper place and attend to the interests of the common ordinary citizen.

In Mr. WOODRUFF's speech, which you have listened to with so much interest and which is based upon absolute facts, supported by evidence which we have in our possession, he has called your attention to the fact that after the armistice was signed on November 11, 1918, the Bosch Magneto Co., a large German-owned corporation, with assets of $8,492,457.61, was sold by A. Mitchell Palmer and Francis J. Garvan, Alien Property Custodian, to Martin E. Kern, a self-admitted convict and alien enemy, for the sum of $4,750,000.

He has shown that this sale, which took place under the Wilson administration, was underwritten by Hornblower & Weeks; and that for their services in negotiating this sale Hornblower & Weeks were donated 7,000 shares of stock, worth at the sale value (which is only one-fourth of the real value), $420,000. He has shown you that Hornblower & Weeks were allowed to purchase $1,800,000 of the notes of the company for $1,664,700, giving them a further net profit of $153,300. I will say that I am reliably informed that Secretary Weeks has not been connected with the firm of Hornblower & Weeks for 10 years. He has shown further that they were, with A. Mitchell Palmer and Francis J. Garvan, largely instrumental in making this sale, because Hornblower & Weeks have charged up and collected for expenses in this matter $16,069.78. The audit from which this is taken is not full and complete and does not show all of the individuals who are interested.

We do find that J. Harry Covington, a Wilson appointee to the bench, but who during the war resigned, was taken in the scheme for a profit of $25,000.

But it is evident upon its face that from the enormous expenses that were charged up in negotiating this matter that a great deal of money, aggregating $12,000, went to persons, unknown, who must have had great political influence in either the Wilson administration or the Harding administration, or both administrations, or they would have been in difficulty to-day for their participation in the transaction.

This is invisible financial government. It is the invisible financial government against which Theodore Roosevelt fought and which every man who saw service in the late war opposes. It is the kind of government which must be wiped out in the United States if the Government may function and if the Republic exists.

Mr. WOODRUFF has told you of the Mitsui Co., the Rockefellers of Japan. He has shown you how this Japanese firm was given $16,461,680.15 of aircraft contracts by the Government of the United States in spite of the fact that this company had been the fiscal agent of the German secret service for many years, in spite of the fact that it is known that they have been mapping our coasts and securing information concerning our Government, in spite of the fact that it is known that they have maintained a thoroughgoing and efficient secret service in the United States, and in spite of the fact that after we entered the war five airplane engines were shipped by this company to Japan at a time when America had no aircraft. Mr. WOODRUFF has shown you, and has the facts to prove his statements, that this company, under the Wilson administration, was allowed to rob the Government of $9,948,680.15, and that no attempt has been made to recover this sum of money by the War Department, which now has the power to take action.

To my mind this goes to prove the fact that not only is our Government in the control of an invisible biparty financial combine, but that this combine extends to other nations of the world, and that these Japanese financiers have an interlocking agreement and arrangement with corrupt politicians in the United States which has enabled them to take money by the millions from the funds of American taxpayers and the men and women who suffered and slaved to buy Liberty bonds.

Representative WOODRUFF, who was an infantryman in the Spanish-American War and an infantryman in the late war with Germany, has demonstrated and proved his case beyond the shadow of a doubt, and the further anyone delves into his facts the more convinced they will be that his statements are true.

Mr. WOODRUFF has shown you that at the close of the late war the United States Government had on hand 188,000,000 feet surplus of lumber of all varieties.

This invisible government, which ramifies to the heads of all the lumber industries of the United States, decided that the price of lumber should not be reduced to the ultimate consumer and that this surplus should not be thrown upon the market. With this end in view, the firm of Phillips & Stevens, which at that time had headquarters in the Capital of the United States, had a conference with the then Secretary of War, and an agreement was entered into whereby all of this lumber should be sold to them at an arbitrary price, supposed to be fixed upon commercial prices, but which in reality was only a fraction of them.

This was to apply to the softwoods only—spruce, pine, fir, and hemlock.

This firm then proceeded, at the contract price which was to be paid for softwood, to take over the other woods, consisting of millions of feet of mahogany, walnut, cherry, and valuable hardwoods, and by reason of their manipulations the Government of the United States has been defrauded out of $1,854,076.84, and the price of lumber, at a time when building operations were prohibitive in the United States because of the high price of lumber, was maintained at the high war price, and American women and children are to-day homeless or at the mercy of rent profiteers.

Mr. Phillips, the senior member of this firm, is the Republican national committeeman of Georgia, a man who must stand high in the councils of the party, and that he must have great influence is shown by the fact that although this matter has been of common knowledge to the officials of the Government since the time of the armistice, neither civil nor criminal proceedings have been taken against him, although it is clear that a lawyer of even mediocre ability could secure a conviction in a criminal case and make a recovery for the Government of $1,800,000.

This is the same Phillips who, when he came to a young man in the Department of Justice named Lenihan, a youthful and inexperienced attorney, who was too busily engaged in the discussion of war contracts and politics to enter the military service and secured exemption therefrom, stated that he was arranging the appointment of Federal judges in his district, was the leader of the Republican Party in his district, and that the negro attorney, Anderson, had no status as a political leader, and, like many another man of his type, invoked without

authority the name of the President of the United States to show his commanding position and the corresponding influence he ought to wield in Government appointments. He must be a part of the invisible Government.

This is simply typical of the hundreds of cases of fraudulent war contracts and contracts for the sale of surplus war property and the settlement of claims.

The reason for my interest in these matters and the discussion of the subject at this time is not solely because of the fact of war service nor service in Congress but because of the peculiar relation that has been forced on me in investigating these contracts as a Representative of this Congress.

On the 4th day of June, 1919, by House Resolution No. 78 of the House of Representatives, there was created the Select Committee on Expenditures in the War Department, of which Representative GRAHAM of Illinois was the chairman and of which I was a member. By action of that committee I was appointed chairman of Subcommittee No. 3, charged with the investigation of foreign expenditures, and acting as such chairman I submitted a report to this Congress on the 3d day of March, 1921.

As stated in that report that committee was handicapped in every possible way. While outside the jurisdiction of the United States that committee, in a courteous manner, requested the presence of Gen. John J. Pershing, leader of the American Expeditionary Forces, in order that it might interrogate him, but relying on the security of his position he did not appear and testify. It is the same committee that had appear before it the swearing politician, Charles G. Dawes, commonly and familiarly known in inner banking circles and to Sunday school parties as "Hell and Maria" Dawes. He testified that there was no graft or corruption in the War Department. As I read his testimony the other day I could not but feel that history will recall and compare that father of our country, George Washington; that great emancipator, Abraham Lincoln; that great statesman, Theodore Roosevelt; and the great apologist for the War Department, "Hell and Maria." It is the same committee that had appear before it practically all of the higher ranking generals of the American Army, and it listened to their testimony to the effect that there was little waste or extravagance in France, and none that was not justifiable; that the casualties on the 11th day of November, 1918, when approximately 400 clean American boys were killed after the armistice was signed, and about 3,000 wounded, could not have been prevented, and it is the same committee that demonstrated beyond the shadow of a doubt that the most vicious cruelties were practiced against the members of the American Expeditionary Forces in the prisons of Paris and Farm No. 2 at Chelles, and has later watched the War Department pardon the men who were convicted for those crimes and honor the men whom great generals of the Army, such as General Harbord and General Donaldson, have under oath stated were absolutely guilty. In that case I refer to Gen. William W. Harts. It is the same committee that could not get the records on which to make a financial and fiscal report, and frankly admitted that it was frustrated in its attempts to do so by the actions of the War Department under the last Democratic administration.

That committee terminated by operation of law on March 4, 1921. Those who knew that crimes had been committed in the name of the Government felt that with the advent of a Republican administration it would be easy to institute a further investigation, develop the facts, and punish the guilty individuals. In accordance with that view the chairman of the committee, Mr. GRAHAM of Illinois, on March 5, 1921, wrote the present Secretary of War asking that the committee be continued. To this letter the Secretary of War replied, "That the day of investigation had passed."

Here we have the spectacle of the Secretary of War—who is holding his position to-day largely because of the resentment of the soldiers of the late war, who knew they had suffered unnecessarily, and citizens, who knew that there had been graft and extravagance—taking the attitude that the time for examination had expired and refusing to cooperate with the Congress of the United States in developing the facts which we knew were in existence.

When that committee expired the former members were left without stenographic or accountant assistance. Some of the members, however, Representatives GRAHAM of Illinois, REAVIS of Nebraska, BLAND of Indiana, MCKENZIE of Illinois, and JEFFERIS of Nebraska, called upon the President of the United States and urged that the harness-contract grafters and the salmon canners, who canned million of cans of decayed salmon for the consumption of service men, and other grafters be punished, and undoubtedly the President of the United States, in accordance with his statement that the guilty would be punished, has issued his orders that prosecutions be instituted. They have not been instituted, however, except in a very few cases, and every move made to secure prosecution is blocked by practically the entire War Department and a section of the Department of Justice. It may be said, however, that the President did declare void the infamous and notorious contract for the purchase of all the harness and leather supplies of the Government by four ex-Army officers—Maj. Joseph B. Byron, Lieut. Col. George B. Goetz, Capt. H. W. Benkie, and Capt. Axel F. Cochran—all of whom received the salary of $25,000 each per annum out of this contract, and they were to receive a commission of from 20 to 40 per cent. The total amount of the contract was estimated at from $25,000,000 to $150,000,000, and the sale was to be made at figures so ridiculously low as to challenge credibility.

First, let us see what an unlimited opportunity there was to graft in the sale of surplus property. One of the first statements made by the War Department was that on December 13, 1920, there was $150,000,000 worth of surplus war property, but at the same time a bulletin published by General Bullard, of the eastern zone, estimated that the Government had on hand $6,000,000,000 worth of supplies, and even on March 2, 1921, Report No. 1406, Sixty-sixth Congress, third session, stated that there was a surplus of $3,722,233,848.54. It is very evident that anyone who had the sale of this property and desired to profit by reason of its sale could make an immense fortune.

The facts which I am going to show indisputably prove that the War Department has sold property and is to-day selling property at ridiculously and criminally low prices to favored customers, concealing the facts from Congress and deliberately misrepresenting the facts. They also show that the War Department is trying to control the Department of Justice by putting men who ought to be in the penitentiary on the Department of Justice pay roll and asking Congress to appropriate for it.

In proof of the fact that the War Department is misrepresenting the facts to Congress, I desire to call your attention to Public Resolution 193, approved July 9, 1918, which provides that the Secretary of War shall submit to Congress reports relative to all sales of property. On December 5, 1921, the Secretary of War submitted to the Speaker of the House the report provided for by statute, which was forwarded to me as chairman of the Committee on Expenditures in the War Department. That report, submitted to Congress in accordance with law, is the most fraudulent, misleading, and criminally deceitful document that was ever submitted to the American Congress, as is shown by the following facts, citing the pages of the record and the official reports in the War Department which I have with me to-day.

In letter of transmittal accompanying this report, the Secretary of War made this statement:

> The percentage of recovery on sales, including transfers with funds to other executive departments and agencies of the Government, is as follows:
> (a) November 20, 1920, to November 18, 1921, 16 per cent.
> (b) December 2, 1918, to November 18, 1921, 50 per cent.

A review of Secretary Weeks's report shows how little he actually knows of the true facts. Only a few of the thousands of false entries, indicating fraudulent transactions with many favored and "inside" purchasers, will suffice to show you the extent of the official depravity and duplicity exercised in defrauding the Government, which has ever gone on without restraint since the inception of liquidation process.

Such cases as the harness sale, the lumber contract, the H. Miller transactions, and countless other corrupt deals, transpired under former Secretary Baker. The cases with which we are now dealing can not be charged as one of the crimes against the late administration, for the reason that these corrupt deals have been consummated under the present Secretary of War.

Millions of dollars' worth of supplies were sold to each of a number of favored purchasers by "negotiation," without competitive bidding, without adequate bonds or deposits to protect the Government's interests, indefinite extensions of time granted for storage and delivery, and, finally, cancellations effected to meet the convenience of these specially favored set of grafters.

SALE OF CANNED MEATS TO THOMAS ROBERTS & CO.

A contract was entered into April 21, 1921, between the United States of America, represented by L. E. Hanson, lieutenant colonel, Quartermaster Corps, for the Quartermaster General, and Thomas Roberts & Co., 116 South Front Street, Philadelphia, Pa., signed by the following members of that firm, George W. B. Roberts, William B. Montgomery, Thomas Hahn, William H. Hahn, W. W. Thrasher, and Robert Clay, for the sale of approximately 119,000,000 pounds of canned meat, and all meat to subsequently become surplus, at the following prices:

	Per can.
Bacon, 12-pound cans	$1.20
Corned beef, No. 1, 12-ounce cans	.04
Corned beef, No. 2, 24-ounce cans	.07½
Corned beef, 1-pound can	.05
Corned beef, 2-pound can	.08
Corned beef, 6-pound can	.27½
Roast beef, No. 2, 24-ounce cans	.03½
Roast beef, 1-pound can	.03
Roast beef, 2-pound can	.03½
Roast beef, 6-pound can	.08
Corned-beef hash, 1-pound can	.03
Corned-beef hash, 2-pound can	.05

The above prices were f. o. b. cars point of location.

Deliveries were made and sales reported amounting to 129,719,722 pounds, netting a return to the Government of $6,135,244.97 for meats costing the Government a total of $56,631,289.54, recorded on page 732, "Serial List of Sales," Surplus Property Division, reporting office, Chicago, Ill., 7-1-21, the method of sale being reported as "Fixed price, depot quartermaster, Chicago," as follows:

	Pounds.	Price per can.	Return to Government.	Cost to Government.	
(48) Corned beef, No. 1	6,704,177	$0.04	$268,167.08	$2,614,629.03	139,070
(24) Corned beef, No. 2	13,582,299	.07½	1,163,571.73	11,083,426.90	649,268
(48) Corned beef, 1-pound	7,566,352	.05	378,317.60	3,707,513.48	197,[illegible]
(24) Corned beef, 2-pound	[illegible]	.08	38,701.12	[illegible]	29,158
(12) Corned beef, 6-pound	857,279	.27½	235,751.73	2,386,090.04	71,440
(48) Corned-beef hash, 1-pound	9,451,664	.03	283,549.92	3,213,502.30	196,[illegible]
(24) Corned-beef hash, 2-pound	12,353,676	.05	617,683.80	7,205,712.60	514,694
(48) Roast beef, 1-pound	1,419,704	.03	42,591.12	724,069.04	29,578
(24) Roast beef, 2-pound	9,699,139	.03½	339,469.87	9,311,173.44	404,130
(12) Roast beef, 6-pound	938,411	.08	75,072.88	[illegible]	78,200
(6) Bacon, 12-pound	2,239,432	1.20	2,687,318.40	[illegible]	373,239
Total	129,719,722		6,135,244.97	56,631,289.54	

These figures show that the Government received a net recovery of $0.0472 per pound on an average for the entire quantity which had cost the Government an average of 43.6 cents per pound.

The salient features of the contract will be quoted to show the extent of duplicity to which responsible Army officers and public servants have and are now going in the liquidation of the vast surplus stocks on hand as a result of the termination of war. Article 2 of the contract provides:

> Should any canned meats hereafter be declared surplus, from the existing stock now on hand in the Quartermaster Corps, the purchasers hereby agree to accept said meats upon the same terms of payment, at the same price, upon the same conditions as specified in said contract, upon written notice by the contracting officer, and the period for the completion of this contract shall be extended in such portion as the additional quantities declared surplus bear to the entire amount originally contracted to be sold in this contract.

Article 3 provides:

> There shall be a 100 per cent inspection by the United States before shipment of all properties delivered under the terms of this contract. The United States hereby guarantees that all of the property hereby sold shall comply with the pure food laws of the United States and of the several States and to be fit for human consumption. In the event that any meat delivered hereunder to purchaser is found to be deteriorated to such an extent that it can no longer be used for human consumption, or that same is not within the requirements of the pure food laws of the United States, or of the several States pertaining thereto, the purchaser shall, within 90 days after the date of shipment, as shown by the original bill of lading, serve notice accompanied by certificates of some duly authorized health officer or sworn affidavit of two competent officers to the effect that said material is not fit for human consumption or that it does not comply with the requirements of said laws, and thereupon the United States shall allow a credit of such material at the price hereunder agreed to be paid for the same and any freight thereon. The purchaser shall have the privilege of disposing of the material last described and there shall be deducted from such credit the amount realized, the same to be determined from sworn statements furnished by the purchasers. * * *

Article 5 shows that purchasers paid the United States the sum of $500,000 to be retained as a guaranty of faithful performance and to be applied upon final payment, deliveries to be made within seven months from date of approval of contract by director of sales; the purchasers agreeing to furnish shipping instructions, accept deliveries, and to pay for at least one-seventh part of the entire quantity each month; payments for all meats shipped during the preceding calendar months to be paid on or before the 15th day of the next succeeding month, upon presentation by the United States to purchasers of bills of lading or other evidence showing delivery; the United States not being required to ship any of the material in less than 10-case lots; the United States agreeing to segregate by brands all corned beef packed in No. 1, No. 2, and 1-pound cans.

This contract was approved April 21, 1921, by E. H. Hartshorn, lieutenant colonel, General Staff, director of sales.

The various phases of this unconscionable sale clearly indicate a conspiracy on the part of certain War Department officials and criminal negligence on the part of others in its conception and execution.

On the same day the contract was executed the Assistant Secretary of War, Mr. Wainwright, appeared before the House Military Committee and informed that committee that a sale of the War Department's surplus supply of canned meats of approximately 81,000,000 pounds—not 119,000,000 pounds, as shown in the contract, and all subsequently to be declared surplus—was made to Thomas Roberts & Co. for $6,316,276; that the meat cost the Government 34 cents per pound, and that the present market price averaged 34 cents; that the sale price was approximately 6½ cents per pound.

On April 28, 1921, Col. L. E. Hanson, Chief of the Surplus Property Division, who signed the contract for the United States, wrote a letter to "all control supply officers," stating:

> A contract covering the sale of canned meats surplus, and to become surplus, has been entered into under April 21, 1921, at the following prices (prices stated above). * * *
>
> Original purchasers now holding canned meats unsold to be allowed to return all unsold meats at their own expense and to be refunded purchase price.

In the design and execution of this fraudulent sale, entailing such a tremendous loss of public funds, it is improbable that any of the other innumerable illegal and corrupt sales were made with greater disregard of public interest and common decency.

When Colonel Hanson executed the sales contract which he signed on April 21, 1921, he knew that he had previously sold many million pounds, and a comparatively large portion of this surplus meat at prices from two to three times greater than those realized on the sales to Thomas Roberts & Co. He knew that in order to deliver the vast quantity, amounting to 119,000,000 pounds specified in the contract, it would be necessary to cancel these numerous and large sales made at the much greater figure, and that by so doing he would cause an actual loss to his Government of several million dollars.

Of course, the contract as executed by Colonel Hanson was silent in this important particular, but when he wrote to his six control supply officers on April 28, 1921, informing them that—

> original purchasers now holding canned meats unsold to be allowed to return all unsold meats at their own expense and to be refunded purchase price—

he knew that he was merely confirming the fact that he was a party to an infamous plot to defraud the Government.

The record shows that parties who purchased under the higher figures prior to the Roberts contract were permitted to—

> avail themselves of the right to return to the Government and buy back through Thomas Roberts & Co. (these same) canned meats.

And that in making refunds on these former sales amounts were—

> credited and (meats) resold to Thomas Roberts without physically returning meats to warehouse.

The official record shows in only a small portion of these cancellations and refundments, so far examined, they amounted to the staggering figure of $1,115,999.01; not including a number of large sales. Besides this, it is reliably reported that the War Department is settling 30 additional claims for large amounts.

It is conservatively believed that a complete and final check of this transaction will show that the sale to Thomas Roberts & Co., after deducting the large quantities previously sold at higher prices, the cost of reconditioning and making a "100 per cent inspection," handling and reseasing, will involve the Government in a loss in excess of that sum paid into the Treasury by Thomas Roberts & Co.

Furthermore, high officials charged with the responsibility of the sale of surplus materials were fully aware of this outrageous contract. For instance, in officially commenting August 19, 1921, to the chief coordinator, General Supply, on the sale to Thomas Roberts & Co., one of them stated:

> 2. In view of the fact that there appear to be no grounds on which this contract could be voided by the Government, this memorandum may be criticized on the score that it deals with a transaction impossible of correction. Your attention is invited, however, because the sale reflects upon the manner in which men still engaged in the disposal of Government surplus property have functioned.
>
> 3. Under the contract, the purchaser acquires the entire stock of canned meats owned by the War Department. No canned meats will be held in reserve as supplies. Consequently, upon the completion of the contract, in November, the War Department will have to go into the market and acquire a sufficient stock of canned meats to meet its requirements.

4. In defending the making of this contract, the officers attached to the staff of the Quartermaster General contend that the meat had to be disposed of promptly, as they were of the opinion that it could not be carried through another summer. Nevertheless, under article 5 of the contract, the purchasers are given seven months in which to accept delivery. That provision extends the life of the contract until November 21 next. In addition, the War Department agrees, article 3 of the contract, to give a credit for such material as may spoil after delivery, on presentation of proper certificates, within 90 days after the date of shipment shown on the original bill of lading.

5. Thomas Roberts & Co. in offering this meat for sale to the public, through advertising mediums, make this expressed representation as to its condition: "The goods are absolutely first-class quality and will keep indefinitely."

6. Lieutenant Colonel Hanson, the contracting officer, when questioned as to the number of "swells" which were found in the meat that has been delivered to date to Thomas Roberts & Co., said the percentage would not be more than 1 or 2 per cent, certainly not more than 5.

7. The length of the life of the contract, the representations concerning the meat made to the public by Thomas Roberts & Co., and the proposition of spoilage estimated by Colonel Hanson would not appear to support the Army's fears concerning deterioration of the meat during the present summer.

10. * * * Bear in mind that the purchaser is relieved of all expense incident to the handling of the meats acquired. The only restriction placed upon him is that he shall not issue shipping instructions for less than 10-case lots. Conforming with that restriction, he has merely to call upon the War Department to fill the orders which he may receive for stocks which he offers for sale. Nevertheless, the Roberts company is selling corned beef, No. 1 tins, 12 ounces net, for which they paid 48 cents per dozen, at $1.10 per dozen, less than carload lots. The Roberts company is selling roast beef, 6-pound tins, for which they paid 8 cents per tin (1⅓ cents per pound), at 55 cents per tin.

11. Prior to the sale of the entire stock of canned meats to the Thomas Roberts Co. the War Department had spent a large sum of money in advertising these meats for sale at wholesale prices, which are set forth in the attached copy of War Department advertisements. For purposes of comparison note the prices at which it was later sold to the Thomas Roberts Co.: Roast beef, 6-pound cans, were offered at 70 cents per can (12⅓ cents per pound against 1⅓ cents per pound as made to Thomas Roberts & Co.); they were sold to Thomas Roberts & Co. at 8 cents per can. Quantity discounts were allowed in the offerings made by the War Department to the general public.

12. I am informed that prior to the time the War Department went out to feel the market with a view to offering the entire stock of meats for sale it was making sales under its advertised prices at the rate of approximately $250,000 worth per week.

13. By article 3 of the contract the War Department is obligated to make a "100 per cent inspection." This means that the War Department must open every case of meats embraced in the sale, take out each individual can, and test it.

14. * * * Colonel Hanson, however, told me that he was under the impression that the inspection was costing approximately 25 cents per case.

15. When those responsible for the disposal of the stocks decided that the entire quantity of meat must be disposed of promptly, they sought to obtain bids on the entire stock held by the War Department. The surplus property officers in each of the six quartermaster zones which the country is divided were instructed to ascertain whether or not there were interests in their respective territories which were in a position to bid on such a quantity of meats and to invite them for the entire stock. As a result of this effort, six bids were before the Quartermaster General at the time that the offer of the Roberts Co. was accepted.

16. Colonel Hanson and his associates assert that it was impossible for the War Department to dispose of this meat. They assert that much time and effort was spent in an endeavor to find a market in which a higher percentage of recovery might be effected. The Roberts Co. does not appear to have been confronted with such difficulties. While their conditions of sale, as embodied in the attached copy of their advertisement and equally as stringent as those of the Government, the Roberts Co. is, according to Colonel Hanson, disposing of this meat even more rapidly than the War Department can fill shipping instructions. At the end of July last the Roberts Co. had already paid into the War Department $6,135,244.97. This was the recovery made by the Government on meats which had cost the War Department $15,630,285.54.

17. While this sale was negotiated by representatives of the Surplus Property Division, Office of the Quartermaster General, it was approved by the Director of Sales of the War Department; when the Director of Sales of the War Department sent the proposed contract to his Board of Sales Review, that body unanimously disapproved the proposed sale. Nevertheless, the Director of Sales gave the transaction his formal approval.

18. The Thomas Roberts Co. is located at Philadelphia. It is a wholesale and brokerage organization. It is not to be presumed that it has a sales organization which covers the country as completely as does the surplus property organization of the Quartermaster General of the Army. The fact that the Roberts Co. has received in disposing of this meat as expeditiously as it has, and at prices much higher than those paid by it to the War Department, does not reflect credit upon the sales organization which was responsible for the disposal of this surplus meat.

19. Article 2 of the contract disposed of future declarations of surplus stocks of meat held by the Quartermaster Corps. While it was the intention of the contracting officer for the Government to sell to the Roberts Co. the entire stock of canned meats owned by the War Department, the incorporation in Government contracts of clauses which obligate future declarations of surplus are generally regarded as detrimental to the best interests of the Government.

On August 30, 1921, Lieut. Col. L. E. Hanson, Chief Surplus Property Division, wrote a memorandum to the Assistant Secretary of War (Attention: Director of Sales) referring to—

recommendations of Mr. Mattingly as submitted on August 19, 1921, to the chief quartermaster, General Supply.

2. * * * In making this contract with Thomas Roberts & Co. the Government reserves the right at all times to withhold any or all portions of surplus canned meats sold under the terms of this contract as might be required for the needs of the Army and such other governmental departments as are entitled to receive any supplies from the Army.

When Colonel Hanson made the above-quoted statement he knew that it was utterly false; he knew that there was not a word in the contract to which he affixed his signature that reserved any rights on the part of the Government to withhold from Thomas Roberts & Co. one single pound of this meat. He knew that the contract itself expressly provided in articles 1 and 2 for the sale of all surplus meats then on hand and—

should canned meats hereafter be declared surplus from the existing stock now on hand in the Quartermaster Corps the purchaser hereby agrees to accept said meats upon the same terms of payment, at the same prices, upon the same conditions as specified in this contract, upon written notice by the contracting officer; and the period for the completion of this contract shall be extended in such portion as the additional quantities declared surplus bear to the entire amount originally contracted to be sold in the contract.

Colonel Hanson's statement is proved false by letter of November 1, 1921, from the Acting Quartermaster General, signed by Col. W. S. Wood, Quartermaster Corps, to the Assistant Secretary of War, as follows:

1. In reply to your memorandum of October 29, 1921, copy herewith, paragraph 2 of memorandum from this office dated October 27, 1921, reading: "These stores have not been obligated for sale to date," is in error, as all canned meats on hand in the Army in surplus are obligated to Thomas Roberts & Co. under the contract had with that firm. The contract, however, provides that there shall be a 100 per cent inspection before the meats are turned over to the Thomas Roberts Co., and none which are deteriorated or unfit for human consumption will be delivered. * * *

On August 30, 1921, the Assistant Quartermaster General, Brig. Gen. C. R. Krauthoff, replied to the Director of Sales with reference to memorandum of August 26, wherein the Director of the Budget had called for information—

as to the spoilage of canned meats at New York and Chicago, as well as the approximate amount of canned meat that will be necessary to purchase during the present fiscal year—

Stating—

The quartermaster supply officer, New York general intermediate depot, in telegram dated August 29, 1921, reports as follows:

"Replying special-delivery letter August 27, percentage of canned bacon found bad, 40 per cent; beef, corned, 7 per cent; beef, roast, 16 per cent; hash, corned-beef, 35 per cent."

The quartermaster supply officer, Chicago general intermediate depot, in telegram dated August 29, 1921, reports as follows:

"Relet your office August 27, inspection canned bacon and canned meats sold Thomas Roberts & Co.: Bacon shows 8.64 per cent deterioration to August 27. August shows highest per cent; other meats show 14.86 per cent, August running as high as 23.50 per cent. Full report by mail to-day."

2. The approximate quantity of canned meats it will be necessary to purchase during the present fiscal year is shown below:

	Pounds.
Bacon, issue, 12-pound cans	2,400,000
Beef, corned, 1-pound cans	464,400
Beef, corned, 2-pound cans	941,200
Beef, fresh, roast, 1-pound cans	22,100
Beef, fresh, roast, 2-pound cans	47,280
Hash, corned beef, 1-pound cans	268,140
Hash, corned beef, 2-pound cans	545,580

On August 31, 1921, Brigadier General Krauthoff, Assistant Quartermaster General, wrote the director of sales:

With further reference to letter of the Director of the Budget dated August 24, General Krauthoff stated that canned meats are being held in reserve as follows: Bacon, corned beef, roast beef, totaling 1,740,452 pounds.

2. In connection with the above-listed reserves now being carried in the United States, it is desired by this office to declare same surplus before the expiration of the Thomas Roberts contract, and replace same by purchase of new stock.

On September 2, 1921, the Assistant Secretary of War wrote the Director of the Budget, replying to his letter of August 24 addressed to the Chief of Staff, dealing with the sale of canned meats to Thomas Roberts & Co. After listing the reserve canned meats on hand amounting to 1,740,452 pounds, as stated by the Quartermaster General, the Assistant Secretary stated:

In the same paragraph (letter Director of the Budget, August 24) it is stated that shortly after the date of expiration of the contract with Thomas Roberts & Co., November 21, the War Department will have to go into the market to purchase canned meats. It is the desire of the Quartermaster General to declare surplus the canned meats mentioned above as reserve stock before the expiration of the Thomas Roberts & Co. contract, so that the same may be replaced by the purchase of new stock. The reason for this request is that the percentage of spoilage is so high that it will be more profitable for the Government to sell all the meat it now has on hand and purchase anew. The approximate quantity of canned meats it will be necessary to purchase during the present fiscal year is as follows.

On August 30, 1921, the Assistant Quartermaster General advised the Director of Sales that the approximate quantity of canned meats it will be necessary to purchase during the present fiscal year would amount to 4,688,700 pounds, consisting of bacon, corned beef, fresh roast beef, and corned-beef hash.

Colonel Hanson stated in reference to reconditioning that he "was under the impression that it was costing approximately 25 cents per case."

If this statement were true, the cost to the Government would then have been approximately $600,000." If Colonel Hanson was as inaccurate in this statement, and it is believed that he was, as in his statement that the percentage of "swells" would not be more than 1 or 2 per cent, certainly not more than 5, then the cost of the inspection and reconditioning of this vast amount of meat would amount to several times $600,000. For instance, in contrast to statement of Colonel Hanson as to the small percentage of spoilage, amounting to from 1 to 5 per cent, just consider for a moment the official statement of the Assistant Secretary of War, dated September 2, 1921, as reported from New York and Chicago depots. The Assistant Secretary states:

In New York the spoilage is as follows:

	Per cent.
Canned bacon	40
Canned beef	7
Roast beef	16
Corned-beef hash	35

The spoilage for the month of August in Chicago is as follows:

Canned bacon, 8.64 per cent.
Other meats from 14.86 to 23.50 per cent.

It does not require an expert to know that Colonel Hanson's estimated cost of 25 cents per case is far inadequate to include the overhead charges, the pay of officers, inspectors, clerks, packers, and laborers to open these millions of cases, remove and carefully inspect every can contained in each case, dispose of the rejects, ranging as high as 40 per cent, dispose of these, properly recase and place free on board cars at the expense of the Government, is a ridiculous absurdity.

As a further illustration of the corruption involved in this sale, an indorsement of December 29, 1921, of Roy W. Hern, captain, Quartermaster Corps, Surplus Property Division, Atlanta, Ga., to the Quartermaster General, is cited:

1. Returned inclosing statement of goods returned to the Government by McCord-Stewart Co., Atlanta, Ga., and a Frederickson Co., Charlotte, N. C. These two are the only firms purchasing canned meats who availed themselves of the right to return to the Government and buy back through Thomas Roberts & Co. canned meats.

2. These statements show the price at which these meats were sold to these parties by the Government, and also the prices at which they rebought from Thomas Roberts & Co., Philadelphia, Pa. These parties paid this office for the meat at the Thomas Roberts & Co. prices and the checks were forwarded with the statement covering same to the quartermaster supply officer, Chicago, as instructed, together with receiving reports and shipping tickets.

Among others participating in this high-handed robbery of the Government was one Paul Klopstock, 17 Battery Place, New York City, to whom a sale was reported in "Serial List of Sales," page 411, December 3, 1920, amounting to 8,000,000 pounds of bacon, 12-pound cans, at $2.50 per can, less 35 per cent discount, sales price $1,083,332.25, cost price reported as $3,839,996.16.

Associated with Mr. Klopstock is E. C. Morse, former Director of Sales of the War Department, who was partially, at least, responsible for the War Department's failure to dispose of this meat at far more favorable prices. On March 26, 1921, Mr. E. C. Morse wrote Wallace Jenkins, New York, as follows:

I am inclosing herewith copy of the February 24 New York inventory of canned meats with list prices, cans per case, gross weights and discounts given by the Government. As our contracts run over a million dollars we are entitled to 35 per cent discount. This will give you something to work on.

As I indicated to you yesterday, if we can develop any business, we will be willing to make mutually satisfactory arrangements regarding profits.

On December 31, 1921, Colonel Hart, division quartermaster, New York, wired the Quartermaster General response to inquiry, stating:

"Refunds account Thomas Roberts, Paul Klopstock, $783,331.26."

On January 22, 1922, Colonel Cabell, quartermaster, Fort Sam Houston, Tex., wired the Quartermaster General that "Total refunds, cash and credit, $117,367.60," and stating that "$78,184.68" was "credited and resold to Thomas Roberts without physically returning meat to warehouse."

This fraudulent and abortive sale is just one of literally hundreds of such similar transactions as have been committed by Colonel Hanson and other Army officers in the sale of surplus property which were made under the régime of former Secretary Baker, condoned and defended by the War Department bureaucracy, and have continued under the present Secretary of War.

Whatever false excuses and camouflaged justification made for these outrageous frauds under the late administration can not now be well invoked by the present Secretary of War, certainly it was not for lack of information of gross and flagrant violations of the law that they should have been permitted to continue.

The Secretary of War and Chief of Staff were aware of the investigations of the congressional committees and other sources and must have known of the intolerable conditions prevailing in the War Department when he assumed office. The majority members of the investigating committee of Congress waited upon the Secretary in a body and pleaded for corrective measures to remove the evils.

These things were available as a guidepost, and if they were not deemed sufficient to warrant a thorough cleansing of his bureau, the now notorious contract with the United States Harness Co., a contract conceived and executed in fraud and voided by the President on advice of the Attorney General June 16, 1921, most assuredly should have served as a further warning.

It will be recalled that Col. L. E. Hanson also executed the infamous harness contract under Secretary Baker, which was voided by the President. This officer was not removed from his important position or court-martialed, as the interests of the Government required, but was permitted to remain in his position to further allow the Government to be defrauded out of additional millions of dollars.

To say that the $56,000,000 meat sale to Thomas Roberts & Co. "reflects upon the manner in which men still engaged in the disposal of Government surplus property have functioned," as was said by Mr. Mattingly, of the Budget staff, "may be criticized on the score that it deals with a transaction impossible of correction," is stating the question in its mildest phase. Had Mr. Mattingly been in a position to characterize this sale in its proper light he would undoubtedly have determined it as a clear case of conspiracy to defraud the Government.

At a time when the administration is directing its energies in the interests of economy and efficiency such transactions as this certainly indicate an utter lack of information and due efficiency, if not criminal negligence, on the part of high Government officials.

Under the circumstances, it seems incredible that the Government would sell all of its surplus meats at a price averaging the ridiculously low figure of 4.7 cents per pound on an average, and then proceed immediately to purchase several million pounds of the same meats at the current market rate, some six times greater than received on its sale.

That Thomas Roberts & Co., undoubtedly realizing the possibility that the President might void their contract for fraud, as he did in the case of the United States Harness Co., is indicated by the fact that they instituted a whirlwind selling campaign and disposed of this enormous quantity and had apparently completed the contract and escaped with their unlawful profits by July 1, 1921.

Roberts & Co. seem to have encountered no difficulty in disposing of this meat at extraordinary profiteering prices as soon as it came into their physical possession.

As an illustration, for the purpose of comparison, they paid the Government 8 cents, or 1⅓ cents per pound, for roast beef containing 6 pounds of meat, which they sold to the public at 70 cents per can, 11.66 cents per pound, netting them a profit of about 900 per cent. As another illustration, the Government sold Roberts & Co. corned beef No. 1, 12-ounce can, at 4 cents per can, which Roberts & Co. resold to the public at 9.2 to 12 cents per can, netting them a profit of approximately 230 per cent.

This intolerable condition may astonish my colleagues who on July 29, 1919, were so much interested in the breaking of the high cost of living that they passed a House resolution on July 29 of that year directing the War Department to dispose of the surplus foodstuffs and commodities entering into the household expenditure in such a manner as to reach the ultimate consumer.

The War Department opened and operated for a time a chain of quartermaster retail stores for this purpose. In its sales through the retail stores the War Department was not so sympathetic as to prices when it sold to the housewife as it was to Thomas Roberts & Co. The prices charged the housewife was $2.75 per can of 12 pounds of bacon, which was sold to Roberts for $1.20. Corned beef No. 1 was sold at 25 cents per can to the housewife and 4 cents per can to Thomas Roberts. Corned beef No. 2 cans were sold to the housewife at 45 cents per can and were sold to Thomas Roberts at 7½ cents per can. Corned beef, 6-pound cans, were sold to the housewife at $1.75 per can and 27½ cents per can to Roberts. Roast beef No. 2 cans were sold to the housewife at 63 cents per can and were sold to Thomas Roberts at 3½ cents per can. Roast beef No. 1 cans were sold to the housewife at 29 cents per can and to Roberts at 3 cents per can. Roast beef, 6-pound cans, were sold to the housewife at $1.90 per can and were sold to Thomas Roberts at 8

cents per can. Corned beef hash, No. 1 cans, were sold to the housewife at 22 cents per can and were sold to Roberts at 3 cents per can. Corned beef hash, 2-pound cans, were sold to the housewife at 33 cents per can and were sold to Roberts at 5 cents per can.

Representatives will no doubt recall the fact that on March 17, 1919, Col. A. M. Davis, Quartermaster Corps, on duty in the Quartermaster General's Office, wrote a letter to Frank Gerber, president of the National Canners' Association, stating:

Your letter of March 13 to Maj. Gen. H. L. Rogers has been referred to me for reply. I am glad to be able to relieve your mind on the subject of Army supplies of canned vegetables to be dumped on the market. Acting along the lines suggested by you, canned peas, corn, squash, and string beans will be added to the ration list which has always contained canned tomatoes. This will entirely dispose of our stock and eliminate surplus. I trust this will relieve your mind and those of your associates in the canners' association.

This may be taken as but an illustration of the Quartermaster General's attitude and conduct in the sale of supplies under his jurisdiction and applies particularly to the sale of canned meats to Thomas Roberts & Co.

The Quartermaster General and his subordinates well knew in 1919 and 1920 that this enormous stock of canned meats were on hand were deteriorating, as shown by official reports, and they knew full well that they could not dispose of the entire amount of surplus without difficulty at prices many times greater than received from Thomas Roberts & Co. It is clearly apparent that the Quartermaster General and the director of sales made no special effort to dispose of this surplus until about the middle of 1920, and even then it was offered at prices ranging up to seven times greater than the prices realized from Roberts & Co. This must mean that an arrangement of some kind was made with the packers.

The record shows that there were enormous cancellations or withdrawals of this surplus from sale, and that as late as May 3, 1920, the assistant director of storage, acting for General Rogers, notified the Surplus Property Division that the Quartermaster General—

has instructed this office to declare surplus 1-12 of the war reserved meats, beginning on the 1st of May, 1920, and declare the same quantity surplus each month thereafter. In accordance with these instructions, it is estimated that the following quantities of bacon and canned meats will be declared surplus during the month of May and a like quantity each month thereafter:

	Pounds.
Bacon, serial No. 10, 12-pound cans	838,996
Beef, corned, No. 1	16,515
Beef, corned, No. 2	765,422
Beef, corned, No. 6	482,022
Hash, corned beef, 2-pound cans	1,009,212

Making a total released for monthly disposal of 3,111,867 pounds, or a total amounting to 37,424,004 pounds authorized to be disposed of up to May 13, 1921.

If the War Department was acting in good faith and really desired to dispose of its enormous stocks of canned meats on hand, then amounting to about 150,000,000 pounds, why did it place definite and absolute restrictions on its sales and actually prohibit sales in excess of 3,111,867 pounds per month for a period of 12 months? The answer appears clear to any ordinary mind.

The War Department would not sell its meat in conflict to the packers' interests, which it guarded with such jealous interest. The whole meat transaction is but a repetition of the Quartermaster General's attitude toward the sale of canned vegetables above mentioned, in utter disregard of congressional resolution, the interest of the Public Treasury, and the public, who urgently needed and would have absorbed this food at fair prices to the Government.

The great packers required no such benevolent consideration at the hands of the Government. They had profited enormously on their products during the war, and were at all times able and amply forceful enough to protect their own interests. The packers are now suing the Government for $7,909,335.29 for canned meats which were never delivered and on an alleged verbal order placed just at the time the armistice was signed. Of course, in this suit the packers are claiming the high price prevailing during the war time.

If the packers be successful in this suit, it has been stated that this will open an avenue for a further assault on the Public Treasury under similar claims, which will reach into incalculable millions.

Can anyone possessing the semblance of intelligence conceive of the idea that such intolerable and inexcusable conditions of corruption and inefficiency could exist in our present age? If these conditions did not exist as a matter of fact, as amply demonstrated by indisputable facts, such conditions would, indeed, seem incredible. If there are any who doubt the accuracy of these facts, I can assure them that these statements are made after due investigation and careful consideration of the War Department's own records.

For instance, the Seneca Trading Co., an associate of H. Miller, of New York City, purchased by "negotiation" on May 13, 1920, approximately $1,000,000 worth of Army duck, etc., at sale price. Time extensions were granted for payment and delivery until April 6, 1921, when cancellations were effected. Only one of these items, which is illustrative of all the rest, will be cited.

The record shows on May 13, 1920, sale was made to Seneca Trading Co., New York, under SPD No. 13299, of 263,632 yards of duck, olive drab No. 1, 22½ inches, at 39.6 cents per yard; total sale price being $104,398.67; cost of material was reported to Congress as $231,997.04. At the time this sale was made this duck had just been offered for sale on fixed price list at 44 cents per yard, the price then demanded of the legitimate purchaser. On April 6, 1921, this sale with all other sales made on that date were canceled over the signature of Capt. C. N. Neal, acting chief, sales control section, and approved by Lieut. Col. L. E. Hanson, chief of the Surplus Property Division. The—

reason for cancellation: No cash deposit having been made on these sales and it being a known fact that it would be impossible for this concern to consummate them, it is considered to be to the best interest of the Government to cancel the undelivered balance of the sale, thereby making goods available for resale.

Now let me invite your attention to what happened in only this one instance.

The resale is recorded under the same SPD No. 13299, on page 768, July 6, 1921, as having been sold to Sigmund Eisner Co., one of the greatest favorites of the War Department, who has purchased millions of dollars' worth of material without competition and at far less than actual value. Eisner paid for this same material 0.103 per yard, a total sum of $26,534.22, the cost of which was falsely reported to Congress as $60,424.45. The correct cost was $231,634.51.

Another sale canceled by Captain Neal and Colonel Hanson for the reason that no cash deposit was made was recorded to the Seneca Trading Co. as 79,943 yards duck olive drab, No. 2, 22½ inches, at 0.578 per yard, total sale value $30,027.94, cost having been reported to Congress, on page 2314, June 19, 1920, as $65,664.28. This material was resold to Sigmund Eisner as 79,426 yards duck olive drab, No. 2, 22 inches, at 0.096 per yard, $7,624.90, and was reported to Congress, on page 703, "Serial list of sales," July 6, 1921, as having cost the Government $17,473.72.

The sale to the Delphi Mills (Inc.) (H. Miller), of 94,513 mosquito bars, at 20 cents each, total sale value $18,902.60, recorded on page 802, August 12, 1921, in report to Congress as having cost $216,434.77, whereas these bars had cost the Government $499,485.45. This is only one of scores of involved and interlocking transactions with the Delphi Mills, owned and controlled by H. Miller, who also owns and controls, or is interested in, the Berkshire Trading Co., the Chatham Cotton Co., F. W. Jones (Inc.), and Seneca Trading Co., whose combined purchases will aggregate about $15,000,000.

The Berkshire Trading Co., with whom H. Miller is associated in partnership with former Capt. J. F. Falter, of the Surplus Property Division, had previously purchased these mosquito bars from the Government at $1 each and had them held subject to his call in storage for a period of more than one year.

The original sale was reported to the Berkshire Trading Co. as irregular and corrupt, and it was pointed out that the Surplus Property Division had accepted a "phoney" bond, which in no sense afforded the Government any protection. Notwithstanding this fact Colonel Yates, and subsequently Colonel Hanson, permitted the original sale to stand for a period of more than a year, then canceling the sale for the reason that they could not enforce it under the fraudulent bond. The Government sustained a loss in that transaction of approximately $1,450,000. In a subsequent resale by "negotiation" without advertisement made to Charles Cohen, New York, at 10 cents each was secured for reclaimed bars and 17½ cents for new bars.

F. W. Jones, in reality H. Miller, comes in for a liberal share of favoritism, as shown by the report. For instance, in April, 1920, the Chatham Cotton Co., then controlled by H. Miller, purchased 276,900 yards of duck, O. D. No. 6, 72-inch width, by "negotiation," at $1.13 per yard of the identical lot and SPD number under which H. Miller had in January, 1920, purchased 239,104 yards, at 65.25 cents per yard, by "negotiation" from Colonel Purcell, who, on February 18, 1920, reduced the price to 47½ cents per yard, and later swore that the material was worth $1.30½ per yard.

The Chatham Cotton Co., running true to form, with the Surplus Property Division, obtained a cancellation on this sale

in June, 1921, and by a resale of this duck the Government lost $222,268.97.

Of course the surplus property officials, in view of their record, could be depended upon to see that the Miller-Chatham Cotton Co. associates would not be deprived of further favors, and we find that F. W. Jones, who is said not to exist, but is in reality H. Miller, purchasing 50,000 yards of the same material, at 26 cents per yard, which had been sold formerly to the Chatham Cotton Co., another Miller interest, at $1.13 per yard.

The Jones favors did not cease with that transaction. It is noted that a sale was recorded to him on July 11, 1921, of 52,296 yards of duck No. 4, 48-inch, at $0.2326 per yard, total sale value $12,164.05, the cost of which was falsely reported to Congress as $18,303.60. This material had been sold to the Universal Trading Co. on January 31, 1920, at $1.07 per yard, and cancellation was subsequently effected. The actual cost of this material was $72,482.26, and not $18,303.60, as reported.

Another sale was recorded on July 11, 1921, of 98,185 yards of duck, gray, No. 6, 36-inch, at $0.1651, for a total sale price of $15,360.08, the cost of which was falsely reported to Congress as $32,562.25. This same material, under the identical number, had been sold to Foster & Stewart on January 1, 1920, at $0.6525 per yard. The actual cost of this duck was $98,135.50, and not $32,562.25.

Another sale, recorded on July 10, 1921, of 32,481 yards duck No. 4, 60-inch, at $0.2826 per yard, total sale price $9,179.13, the cost price of which was reported to Congress as $21,112.65. The actual cost price of this duck was $50,690.36.

Another sale, recorded July 11, 1921, of 9,809 yards duck No. 4, gray, 72-inch, at $0.3426, total sale price $3,360.56, and cost falsely reported to Congress as costing $3,433.15. The actual cost price of this material was $21,035.09, seven times the amount reported.

This same duck had been sold on January 30, 1920, to the Universal Trading Co. at $1.61 per yard, whose sale was subsequently canceled.

Another sale to F. W. Jones is recorded on page 772, July 11, 1921, as 6,580 yards duck No. 4, gray, 80-inch, at $0.4026, total sale price $2,628.98, the cost of which was falsely reported to Congress as $2,285.50. The actual cost of this material was $15,672, and this identical material had been previously sold to the Universal Trading Co., January 31, 1920, at $1.45 per yard.

The sale of heavy wool stockings, amounting to 812,673 pairs, was made to the Wool Products Co., Watertown, N. Y., at 23½ cents per pair, totaling a sale price of $190,978.16, and was reported to Congress as having cost $406,336.50. This sale was made under SPD 10398 and recorded on page 290, November 6, 1920, "Serial list of sales." This sale was canceled June 2, 1921.

It is observed that the same stockings were sold under the same SPD numbers, totaling 800,673 pairs, to Phelps & Quinn, at Louisville, Ky., at 9 cents per pair, total sale value $72,060.57, and the cost falsely reported to Congress, on page 752, July 19, 1920, as $208,174.98.

This is only one of a similar number of deals involving the Wool Products Co. and the surplus property officials. This firm, with its associates, purchased millions of dollars worth of surplus property under most favored conditions, profited enormously, and obtained cancellations and avoidance of contracts whenever it meant their interests to do so.

Among other things, they purchased 72,641 steel cots in one lot, at $1.70 each, the total sale price amounting to $123,489.70. They subsequently obtained cancellation, and the cots were resold at 52½ and 55 cents each.

On another lot of 30,500 steel cots purchased November 11, 1920, at $1.70 each, amounting to $51,850, they subsequently obtained cancellation, and resale was made of the identical cots under the same sales numbers at 39 cents each to E. B. Harris, Boston, for a total of $11,895. They purchased other steel cots on October 20, 1920, numbering 37,794, at $1.70 each, at sale price $64,249.80. This sale was also canceled, and these same cots were resold on August 29, 1921, to the Boston Stores, Chicago, at prices ranging from 37½ to 52½ cents.

The record further shows that a sale of 39,448 cots, steel, at $2.50 each, total sale price $98,620, as recorded October 27, 1920. This sale was canceled, as shown by page 594, "Serial List of Sales," April 26, 1921, and, of course, they were sold at a loss corresponding to those above cited.

Another sale of cots were recorded as 35,183 on October 20, 1920, at $1.70 each, total sale price $59,811.10. A resale of 28,983 of these cots is recorded August 29, 1921, to the Boston Stores, Chicago, at 35½ to 42½ cents each.

The Surplus Trading Co. on June 14, 1920, purchased by "negotiation" 210,000 yards of mackinaw cloth, plaids, and mixtures, cotton warp, at 60 cents per yard, amounting to $126,000 at sale price, and 65,000 yards of mackinaw cloth, plaids, and cotton warp, at 58 cents per yard, totaling $37,700 at sales price. This material had cost the Government $1.17½ per yard.

Other sales were effected about the same time for large quantities.

The Surplus Property Division permitted cancellation of these sales, and this material was subsequently resold under another designation, that of "coating cotton warp," at from 29 cents to 40 cents per yard.

The record shows that the American Relief Administration purchased 540,403 yards of this material for the sum of $180,696.65, which was reported to Congress as having cost $334,551.05, when the actual cost was $634,956.02.

Backrack Bros. (Inc.), who had purchased millions of dollars' worth of surplus, and are allied with the Wool Products, Max Stabins's interests, also specially favored, purchased 147,920 shaving brushes, December 23, 1920, at 5 cents apiece. They were permitted to cancel this sale January 29, 1921, and 139,120 of the same brushes were resold to J. A. Williams & Co. at 2½ cents each, and the cost was falsely reported to Congress at 10 cents each, whereas it was 14.3.

Wool Products Co. were sold 380,987 pairs of gloves, cotton, at 8 cents per pair, as recorded February 3, 1921, totaling sale price $30,478.96, and the sales price was falsely reported to Congress as costing $95,246.75; sale having been made under SPD No. 19056.

On September 12, 1921, a sale is recorded to the Stabins Sales Corporation, under the same SPD number, of 350,937 pairs of gloves, white, at 4½ cents per pair, at a total sales price of $14,329.93, the cost of which was reported to Congress as $175,468.50, whose interests interlock with the Wool Products Corporation.

I will cite one other item which may be regarded by some as a luxury, but, nevertheless, one that is indulged in more or less by every citizen of the land. This is candy. Every soldier who served in France eagerly sought his allotted portion of this commodity, and will no doubt be interested and amazed to learn that his benevolent Government was so considerate of the profiteer. For instance, it is a fact that a sale is recorded on page 742, under date of June 27, 1921, of the "Serial List of Sales," as made to M. C. Raysor, of Washington, D. C., of 173,805 pounds of candy which had cost the Government $44,444.15 at the remarkably small figure of $335 for the entire lot.

This sale is so interesting it will be well to quote the well-known brands. It comprised 43,550 pounds of candy mints, 93,247 pounds of lemon drops, 17,280 pounds of coconut bars, and 19,228 pounds of assorted chocolates. The condition of the candy was reported as "condition good," and the record shows that the sale was made by "informal bid, Washington depot," without advertisement. It does not require an expert to determine that this sale consisted of about six carloads of high-grade candy, which was sold for $335, or $0.0019 per pound, or less than 2 mills per pound. This sale was made by these same officers that the Secretary of War and Chief of Staff still retain to sell the surplus property paid for by the people who purchased Liberty bonds.

While comparisons are odious, these nefarious practices of officers who are now wearing the uniform of the United States Army and who have been educated and supported at the expense of the Public Treasury, and who have been able so far to "get away" with it, it is interesting to know what happened to one ex-service boy, 18 years of age, who, under the urge of hunger, violated the law and with some other boys participated in a theft of one can of pork and beans, having a value of 15 cents. This boy, Jesse Blanton, was apprehended by the Department of Justice, tried, convicted, and sentenced to one year and one day in the Federal Penitentiary at Leavenworth, Kans. This boy had no powerful friends in the War Department or any administration and he served his year and a day at hard labor in the penitentiary to which he was sentenced. Those high in authority in this Government should realize that the feeling engendered by the comparison of these classes of cases and the treatment of the men involved are doing more to undermine the foundations of this Government than any other one thing.

Rather than take the time of the House at this time to recite the harness and leather contract, I prefer to call your attention to the speech of Mr. GRAHAM of Illinois, made on the floor of this House on February 16, 1921, and which may be found on page 3279 of the RECORD of that day, and his report to the House of Representatives, No. 1307, February 8, 1921. Since that time we have discovered that there are literally thousands of such cases and no attempt is being made to see that the guilty

are punished, in spite of the fact which I assume that orders have been given for their punishment by the President and the Attorney General of the United States.

Every one of you will ask how this could occur under our form of government and how men who have taken the oath of office and pledged themselves to support the Constitution of the United States could permit it. The answer is clear. It is the invisible biparty government which permeates each of our departments and because of the absolute culpability of men high in authority in the War Department. The responsibility must first rest upon the Secretary of War and his assistants; second, upon the Chief of Staff and his assistants; and third, upon the bureau chiefs directly responsible. If the first two classes named say they do not know of these things this ought to be sufficient notice served upon them so that they will know of them, and if, upon securing that knowledge, there are not wholesale court-martials in the military service, then I say without hesitation that the entire War Department from head to foot is inexcusably corrupt. My own judgment is that it can not be said that the chiefs are not aware of these conditions, because the testimony shows that everyone in the War Department, from top to bottom, is trying to keep evidence from Congress, the American public, and from the Department of Justice, and the officers who have been trying to sustain the Constitution and statutes of the United States have either been pushed from the service or shipped to foreign lands.

Illustrative of the situation existing in the War Department are the following facts, and I will cite concrete and individual cases: Maj. W. O. Watts was the executive officer of the Surplus Property Division, who always and every day stood for the interests of the Government and who for the past two years has fought against those who were grafting upon it. Through his individual initiative and efforts the harness contract was revoked by the President. Other officers could be mentioned, some in the emergency and some now in the Regular service, but for obvious reasons I can not now give the names. Of the latter emergency officers, however, who were separated from the service, Capt. George B. Hosson, who has always stood upon the side of clean government, and Capt. H. L. Scaife, who has, since his connection with the service of the United States, fought for the prosecution of those who presented fraudulent claims against the Government. However, all of these men were discharged from the service for their activities.

Looking at the other side of the case, let us see what has happened to those men in the War Department who have been amenable to the invisible government. Take the head of the Quartermaster Department, Gen. Harry L. Rogers. This officer has been in the service of the United States for many years. This is the same General Rogers who, on April 19, 1920, was censured by The Adjutant General, by direction of the Secretary of War, for a direct attempt to influence legislation in Congress affecting his department. One would assume that he must be a man of marvelous ability, or he would not be chosen for the important post he occupies. Here is what the records show, however: On February 19, 1918, the Secretary of War directed that a cablegram be sent to General Pershing asking for General Pershing's opinion as to whether or not General Rogers should be made chief of the bureau, and on February 22, 1918, General Pershing replied:

> The services of Harry L. Rogers, brigadier general, National Army, not such as to indicate him for promotion for grade of general officer, Regular Army, above other officers of my staff.

But, as it was clear that under the law no other officer was eligible for appointment, General Pershing was forced to acquiesce. General Rogers has been charged with the sale of all the property to which I have referred; he is responsible for the personnel that is selected to discharge the duties of his office and must be chargeable with notice of their acts.

The officers who have been directly concerned with this work are, first, Maj. Launcelot Marmaduke Purcell.

This officer was camp quartermaster at Lemans, France, at which place he was charged by the War Department itself with gross irregularities in the sale of war material, in which his brother, Bruno Purcell, an assistant, was involved.

The Military Intelligence made an investigation of him there, which investigation was stopped before it was fully developed, but some record must be filed in the records of the War Department and in the Department of Justice.

Upon returning from France in 1919 Major Purcell, then colonel of the temporary forces, was assigned on September 1, 1919, as Chief of the Surplus Property Division, having jurisdiction over all sales of surplus war materials coming under jurisdiction of the Quartermaster General.

Concrete cases of irregular conduct in the sale of surplus material and the adjustment of claims made by Major Purcell were called to the attention of the War Department, and a thorough investigation demanded. Ample proofs were submitted in the form of the War Department's own official documents to convict this officer of conspiracy to defraud the Government out of large sums of money.

An investigation was finally undertaken and concluded by Col. O. E. Hunt, of the Inspector General's Department, who found no "cause for criticism."

On complaint of a former officer having knowledge of the facts, who made the original charges, the Secretary of War instituted a further investigation into some of the irregular transactions involving Major Purcell.

This investigation was conducted by Major Clapham.

Conclusive proofs are in the hands of the Department of Justice, which unquestionably prove fraud and conspiracy, which would warrant a court-martial of this officer rather than promotion.

One of the numerous cases in question involves the sale of 239,104 yards of duck (olive drab) to H. Miller & Co., of New York City, made by negotiation, without competitive bidding, on January 12, 1920, at 65¼ cents per yard, amounting, at sales price, to $156,015.36.

Major Purcell subsequently admitted, under oath, that he had sold this material at one-half of its value, which would entail a loss to the Government of the figure above mentioned.

On February 18, 1920, a little over a month later, H. Miller & Co. addressed an informal letter to the Surplus Property Division, stating, "We can use the quantity at 47½ cents per yard, which is an allowance of 17¾ cents, if possible."

Major Purcell, then colonel, violated his oath, law, and orders in force when he granted Miller & Co.'s request in his own handwriting, without the formality of investigating the alleged claim or referring it to the governing sales board, a properly constituted body authorized to make such adjustments on final proof of fact.

In effecting this adjustment, Major Purcell further permitted a robbery of $42,440.96, making a total loss to the Government on this transaction alone of $198,456.32.

On seven other fraudulent settlements made by Major Purcell with H. Miller & Co., to which the War Department's attention was directed, there was involved a loss of $100,000, in addition to the above, all of which transactions have been proven by the War Department's own documents.

Four days after Major Purcell had made the adjustment with H. Miller & Co., authorizing them to take this material at 47½ cents a yard, the same H. Miller sold a large portion of this material, on February 21, 1920, to Wilson D. Trueblood at $1.41 per yard. Mr. Trueblood sold the material, which was of first grade, to the Standard Oil Co. at $1.75 per yard. This material had cost the Government $1.938 per yard.

This is only one of a number of fraudulent deals in which Major Purcell was involved. The firm of H. Miller & Co. and its associates, including the Seneca Trading Co., Birkshire Trading Co., Universal Sales Co., Delphi Mills, Chatham Cotton Co., and F. W. Jones, were great favorites and benefactors at the expense of the Government. It is estimated that these firms purchased approximately $15,000,000 worth of surplus war materials under most favorable conditions, without competitive bidding, were permitted to negotiate adjustment of false claims, and obtain cancellation of contracts without reserve when it was to their interest to do so.

These purchases were made in some cases by acceptance by Major Purcell of "phoney" or invalid bonds, which afforded no protection to the Government so far as the enforcement of the sales contracts were concerned and which could not, therefore, be enforced by the War Department, necessitating cancellation of sales one year later and losses to the Government amounting to millions of dollars.

Involved in some of the irregularities charged against Major Purcell was the falsification of public documents to effect the unauthorized transfer of Government property from one firm to another, alleged to have been purchased by the former firm, but in fact never so purchased, causing the Government another loss of approximately $400,000. This latter transaction pertains to the sale of material to the Universal Trading Co., which was taken away from the first firm without its consent, and award made to the Universal Sales Co., with whom H. Miller & Co. was associated.

Knowing the infamous record of Launcelot Marmaduke Purcell, one week ago Friday, March 31, 1922, as shown by the CONGRESSIONAL RECORD of that day, on page 4866, the Secretary of War had his name sent to the Senate for promotion to the rank of lieutenant colonel, and he would have been confirmed by the Senate before them if ex-service men of the House had not protested.

This is the same Major Purcell who, on December 19, 1919, wrote his brother in Seattle, Wash., as follows:

> MR. HUGH C. PURCELL,
> *1404 Forty-first Avenue North, Seattle, Wash.:*
>
> I am going to offer for sale in January large stocks of textiles, foodstuffs, hardware, drugs, etc. The bidding lists will be mailed to the deputy home supply officer in Seattle and you can look them over. In the event you are interested in any of these commodities for export trade, get busy and put in a bid. I intend to offer this stuff on weekly lists. Am sending you under separate cover a copy of our monthly commodity statement on surplus. If you are interested in any of the items, just drop me a line and I will advise you how to obtain the same. There are certain export restrictions against quite a number of the items in the list, but, as stated above, if you are interested in any of them, just drop me a line and I will see that you get fuller particulars.

Col. A. W. Yates. This officer went to France for duty in Paris after the war was over. He was made chief quartermaster, and was awarded a medal by the ruler of the Kingdom of Montenegro, presumably for automobile rides. On October 1, 1919, General Rogers made a special efficiency report on this officer. At that time General Rogers stated that he did not desire to have him in his organization; that he would not be satisfied to have him in his organization, and would even object to being compelled to have him in his organization at any time. He further stated:

> He is believed to be in only a moderate degree physically fit, has little initiative and is mediocre in most other respects, and that his judgment and common sense was average; attention to duty, average; initiative, below average; organizing ability, below average; capacity for command, below average.

He further said that in the performance of his duties he had handled his job "in a mediocre manner," and yet seven months after this time General Rogers placed Colonel Yates in charge of the disposal of hundreds of millions of dollars worth of surplus property. In his administration the harness graft in which he is involved was perpetrated and numberless other sales, which I have discussed and shown to be fraudulent, consummated. He ought to be indicted and convicted, and I presume that if the Department of Justice ever acts he will be indicted and convicted.

Another officer is Lieut. Col. L. E. Hanson. He is the man who succeeded Yates, and he had much to do with the harness case and other cases I have discussed. He had full knowledge of the irregularities in the service, and to-day continues to permit practices which the service men in Congress are objecting to and which the people of the United States will bitterly resent when they learn the facts. Colonel Hanson is the officer who recently directed the sale of the $56,000,000 worth of meat—to which I have referred—to the Roberts Co. for $6,000,000. This is one of the innumerable fraudulent deals perpetrated under the direction of this officer. He must also be held accountable for the hundreds of false entries made in the report of the Secretary of War to Congress hereinbefore referred to.

There are other officers who could be mentioned against whom the President of the United States may find plenty of evidence to substantiate charges if he shall interest himself in the matter. Among them are Maj. James P. Castleman, Quartermaster Corps of the Regular Army, and an officer now dead. Another officer was associated with him, but he died in time to escape punishment for his acts.

Major Castleman was General Rogers's assistant in France, charged with the duty of purchasing supplies for the American Expeditionary Forces. The correspondence concerning him, of which I have photostatic copies, speaks for itself:

> DEPARTMENT OF STATE,
> *Washington, March 19, 1918.*
>
> The honorable the SECRETARY OF WAR.
>
> SIR: I have the honor to inclose herewith a translation of a note from the French ambassador in which charges are made against Major Castleman and Captain ——— of collusion with the director of the Atlas Works in Paris in obtaining under cover of the American staff, in violation of French decrees, the entry into France, without the payment of freight or customs duties, of American-made trucks which are sold by the Atlas Co. to the public. The seriousness of these charges would seem to require rigid investigation.
>
> As it is stated in the last paragraph of the ambassador's note that the matter has been made known to General Pershing through the American ambassador at Paris, it is possible that it may be already receiving the attention of the appropriate authorities of your department.
>
> It is not found that any communication on the subject has been received at the Department of State from the American ambassador at Paris.
>
> I have the honor to be, sir,
> Your obedient servant,
>
> ROBERT LANSING.
>
> (Seal. Assistant and chief clerk, War Department, March 26, 1918.)
> (Inclosure: Translation of note from French ambassador, dated March 6, 1918. 811.22/79.)

> [Translation.]
>
> EMBASSY OF THE FRENCH REPUBLIC,
> *Washington, March 6, 1918.*
>
> MR. SECRETARY OF STATE: My Government informs me that an investigation conducted by the judicial police of Paris and communicated to the office of the general director of customs disclosed the fact that the Societe Anonyme de Mecanique des Ateliers Atlas, whose home office is at 31 Rue Demouceaux, Paris, has been selling to the public for a year or more trucks of the Clydesdale, Wichita, and Diamond, American makes under its own brand, Atlas, in violation of our decrees prohibiting imports.
>
> Upon being landed at Havre, Marseille, and Bordeaux these trucks are directly delivered to the public or shipped to the Atlas company in Paris.
>
> According to information, which unfortunately is not open to doubt, most of these wagons go forward without paying freight or customs duties under the cover of the American staff. It appears that this undue favor is secured for them by Major Castleman at Paris and Captain ——— at Bordeaux. These two officers are in collusion in this matter with Mr. Richard Valentin Roth, delegated director of the Atlas workshops.
>
> Under my Government's instructions it becomes my duty to bring those facts to the knowledge of your excellency, who will consider what action they call for. As soon as proceedings shall have been instituted against Mr. R. V. Roth by the justice of France, the Government of the Republic will furnish that of the United States with documentary proof from which the complicity of Messrs. Castleman and ——— may be established.
>
> I will add that these regrettable incidents have been made known to General Pershing through the ambassador of the United States at Paris.
>
> Be pleased to accept.
>
> SUBSERRAND.
>
> His excellency the Hon. ROBERT LANSING,
> *Secretary of State of the United States.*

On March 27 Benedict Crowell acknowledged receipt of Secretary Lansing's letter with the translation, and on March 28 General Pershing was cabled concerning the charges. To this General Pershing replied:

> With reference to paragraph 1 your cablegram 1014, charges against officers mentioned have been under investigation some time. Not at all certain that these officers were involved in the collusion. Their object of undertaking such a thing does not appear. Both officers have borne good reputations. I shall probe to the bottom.
>
> PERSHING.

A very thorough investigation was then made by the Inspector General of the American Expeditionary Forces, and on December 11, 1918, we find that a report came to General Rogers from the Inspector General of the American Expeditionary Forces holding that Colonel Castleman was guilty of all kinds of fraud against the Government, including an unlawful profit in the lease to the American Government of the Hôtel Mediterranee in Paris; a graft in the purchase of an automobile from Mrs. Thomas, of New York, now Countess Velora; graft in the purchase of many other automobiles, which were later sold to the American Expeditionary Forces; and the issuance of orders which allowed his coconspirators to escape the payment of customs duties to the French Government. We then find that on September 11 General Rogers wrote the following letter:

> [Confidential memorandum: To C. G., S. O. S.]
>
> 1. Under (b) of the recommendations the inspector recommends with respect to Lieutenant Colonel Castleman—
>
> First, that he be relieved from duty in the Quartermaster Corps;
>
> Second, that he be degraded in rank.
>
> Both of the above steps constituting each a punishment; the first, as under present circumstances, relief would be the visible expression of the conclusion on the part of his superiors of reprehensible unworthiness on his part to function as a quartermaster. Damage to his reputation of long-continued duration would result almost impossible of redemption on his part; the second constitutes a direct punishment with impairment of reputation fatal to the professional standing of an officer of the Regular Establishment.
>
> Lieutenant Colonel Castleman has been indiscreet, he has shown lack of judgment, very evident as this affair has turned out, for which he must accept the blame, besides enduring the humiliation which must come to him when he realizes that all the good work he performed in procuring supplies in a period of crisis—and this he did without a doubt—has been completely nullified by his lack of precaution, and in addition has placed him in a precarious situation. But I can find nothing in the report of this investigation that would justify the impression that he has been corrupt. It is certain, if a fair assumption of malfeasance could be established, the recommendation in this case would have been trial by court-martial. In conversation with the Commander in Chief and with Colonel Dawes both have concurred with me in the belief there has been no corruption on the part of Lieutenant Colonel Castleman in this case. Under these circumstances I deem double punishment of a character which makes its operation long continued not the just and fair method to use for causing this officer to pay for his lack of discretion.
>
> I purpose to send Lieutenant Colonel Castleman to the front, there to have charge of salvage operations, in the hope and with the conviction he will demonstrate by his work (in a sphere involving much hardship, some personal danger, and the need for very great energy) his desire to overcome the humiliating position he finds himself in as a result of his lack of judgment. I recommend no further action as far as Lieutenant Colonel Castleman is concerned.
>
> W. L. ROGERS,
> *Major General, United States Army,*
> *Chief Quartermaster.*

On September 12 this letter came to Gen. J. G. Harbord, then Chief of the Supply Service in France, and now Assistant Chief of Staff of the American Army, and General Harbord wrote the following letter:

> From: Commanding General.
> To: Commander in Chief, American Expeditionary Forces.
> Subject: Disciplinary action in case of Lieut. Col. James P. Castleman.
>
> 1. The undersigned forwards herewith the report of the Inspector General of an investigation made of the business relations of the firm of Young, Corley & Dolan with the American Expeditionary Forces, and the accompanying papers.

2. It is recommended that Lieut. Col. James P. Castleman, Quartermaster Corps, be relieved from duty in the Quartermaster Corps and that he be discharged from his temporary commission as lieutenant colonel.

3. The undersigned is only restrained from convening a court-martial and ordering the trial of this officer by his belief that through the peculiarities of the evidence in this case it would be impossible to secure justice. The character of the evidence, while showing gross incompetency and a low standard of military duty, is such that probably little more could be established than the breach of certain formal orders. The advice of the legal officer of the Service of Supply was taken after careful study of the case by his office, and the result is the recommendation contained in the preceding paragraph.

4. It is not absolutely shown that Lieutenant Colonel Castleman has been guilty of corruption. There remains only the choice between a belief that he has been guilty of corruption or the certainty that he is little better than a child in his knowledge of the proprieties which should govern an officer; the established methods of business; and the ordinary safeguards with which an officer should surround his official and personal reputation. It is a case of being a fool or a knave. It is perhaps inevitable that in an institution doing as much purchasing as the American Expeditionary Forces there must be current rumors of graft, mismanagement, and corruption. In practically all of such rumors that have come to the undersigned during his connection with the American Expeditionary Forces some ramification leads in the last analysis to Lieutenant Colonel Castleman. This officer has shown undoubted energy in procuring supplies in a period of crisis and has given much hard work to his duties. How an officer of his experience could have failed to see the impropriety of his effort to divert business to his own brother, or accepting hospitality from firms with which he was doing business, and of antedating letters tending to exculpate him while under investigation, is incomprehensible.

5. Attention is invited to the third recommendation of the Inspector General who made this investigation that the Department of Justice be requested to investigate, (a) the subject of freight and insurance charges paid to this firm to discover if the United States paid the current rates at time of shipment; (b) why goods were consigned to the United States Quartermaster Corps, United States Expeditionary Forces, when not ordered by the Quartermaster Corps; (c) the false marketing of goods as indicated in cable of June 22, 1918, Exhibit G herewith.

6. The necessary orders have been given on recommendations of the Inspector General (1), (2), (4), and (5).

J. G. HARBORD,
Major General.

In spite of these letters, which showed that General Rogers and General Harbord knew of the culpability of Colonel Castleman, we find that on December 8, 1920, the following order was issued to him:

No. 201-PC. (Castleman, James P.)
From: Quartermaster General.
To: The Adjutant General of the Army.
Subject: Request for orders.

1. It is requested that orders issue directing Maj. James P. Castleman, Quartermaster Corps, on duty at Chicago, Ill., to proceed to Wheeling, W. Va., on temporary duty in connection with the sale of 10,000,000 pounds of surplus canned meat, and upon completion of this duty to return to his proper station, Chicago, Ill.

2. The travel is necessary in the military service.

H. L. ROGERS,
Quartermaster General.
By JOHN S. CHAMBERLAIN,
Lieutenant Colonel, Quartermaster Corps.

In other words, this officer, characterized as "a crook or a child" by General Harbord, present Assistant Chief of Staff, is still selling Government surplus property.

On July 27, 1918, the Chief of the Quartermaster Corps recommended the promotion out of turn of Major Castleman for special fitness and efficiency. This recommendation was made by General Rogers, but it was refused on July 27 by General Brewster, who stated that Castleman was under investigation. Later General Hughes, the Inspector General, reported in effect as follows:

[illegible]

1. That in his dealings with the Ateliers Atlas, of Paris, Maj. J. P. Castleman's methods were irregular, unbusinesslike, and illegal, in

(a) That he did, through carelessness and negligence, cause to be introduced into France, free of duty, 33 more trucks than were purchased by the United States Government, thus defrauding the French Government;

(b) That in the purchase of 80 trucks for the United States Army he failed to comply with the regulations laid down by the French Government defining what stores might be entered free of duty, as outlined in two letters to the Commander in Chief, American Expeditionary Forces (p. 11, this report).

(c) That he did certify, and cause to be presented to, and paid by Lieut. Col. C. E. Stanton, Quartermaster Corps, a voucher certifying the receipt of three Atlas trucks, Nos. 776, 782, and 732, value 108,750 francs, dated October 25, 1917, and did, on October 31, 1917, certify, and cause to be presented to, and paid by this same officer, a voucher on which these same trucks were included, thus causing the United States to pay twice for the same trucks.

(d) That he did cause the United States to bear the expense for shipment of 65 trucks (not assembled) from LeHavre to Paris, cost of which should have been borne by the Ateliers Atlas, of Paris.

(e) That he did, in an official memorandum, report to Maj. Gen. H. Rogers, Chief Quartermaster, American Expeditionary Forces, stating that "amount of spare parts ordered" from the Ateliers Atlas, of Paris, "would amount approximately to 18 trucks," and that "72 trucks were delivered and about 10 trucks extra in spare parts," for Quartermaster Corps, knowing these statements to be false and made with the intention to deceive his superior officer.

6. RECOMMENDATIONS.

1. That Maj. J. P. Castleman, Quartermaster Corps, be brought to trial by general court-martial.

In one of the reports it is stated:

In my judgment, the interests of the United States absolutely demand that the action proposed (court-martial) should be taken. I have considered the question of disciplinary proceedings against the officers involved, but I am unable to believe that such action would be desirable. The established facts unquestionably show gross incompetency and a low standard of military duty, and the evidence points toward a possibility, at least, that corruption existed.

My only object in presenting this matter at this time is to show its relation with invisible government.

Just as soon as Colonel Castleman returned to the United States General Rogers discovered him again, and immediately put him in charge of the sale of surplus property, where he is still continued in the important depot at Chicago, and he undoubtedly would have been retained in charge of the whole matter at Washington had it not been for the protests of individuals who knew the facts.

If this is a sample of the Regular Army as it now exists—and it must be a sample of a cross section of it—there can be no reason for its continued existence, and the President of the United States should take immediate action to see that it is purged from top to bottom and that those guilty of crimes against the Government, or who have stood by and allowed crimes to be committed, be punished.

I assume all of these matters have never hitherto been directly presented to the President.

One of the great evils of the military system as it exists to-day is the complete failure of the Inspector General's Office to function. In the days of the old Army there was an endeavor to discover the commission of crimes, and an officer who was detected in theft or condonation of theft was immediately punished, but the morale of the service disappeared during the war.

Representative WOODRUFF has clearly shown that conditions in aircraft were corrupt, yet we find that when the matter was first presented to the Inspector General for consideration a letter from the Secretary of War, Mr. Baker, was sent to the Inspector General, and that letter in substance stated that the then Secretary had talked with Mr. Ryan and was certain that no crimes were committed in aircraft contracts.

The intimation is clearly given there that the Inspector General was not to function during war time, and especially not to function against malefactors of great wealth and social position, and it never has functioned since the date of that letter.

As an illustration we might review the activities of Col. O. E. Hunt, who whitewashed a number of cases presented by former Maj. W. O. Watts, including the transactions of the notorious H. Miller and associate firms, the Universal Sales Co., the Sigmund Eisemer case, the United States Harness Co. case, and numerous other cases. In many of these cases, to which Colonel Hunt applied such a liberal coat of whitewash, indictments will be secured if the Department of Justice functions, and in one case, the famous harness case, the President of the United States reversed the action of Colonel Hunt and voided the contract, and undoubtedly has ordered prosecutions instituted. This is a case wherein the Chief Executive has clearly taken improper action or wherein the Inspector General's Office has been guilty of neglect of duty or malfeasance in office, but it is clear to those who know the facts that the President is in the right.

Representative WOODRUFF and myself have performed our full duty in presenting these facts to the Congress. The duty now devolves upon you gentlemen and the President. We need no investigation if the Government will function and an investigation will be worse than useless if it is conducted with some of these men now in power in control of the records. They must be removed from their positions and no one can accomplish that removal but the President of the United States.

No officer or individual connected with the making or settlement of these contracts ought now to be allowed to pass upon their legality. If prosecutions are conducted it will take a large amount of money and this Congress must appropriate it. On April 7, as shown on page 5204 of the RECORD of that day, I offered an amendment to the bill providing for the expenses of the legal department of the Government, as follows:

For attorneys, accountants, and clerical assistance, in the investigation and prosecution of fraudulent war claims against the Government and investigation of settlements made on war contracts and prosecutions in such cases as the Attorney General shall deem necessary, $500,000.

This amendment was defeated by a vote of 20 to 63.

I can not believe that that vote expresses the sentiment of this House, and must assume that it represents lack of knowledge concerning the situation. When this or a similar amendment is adopted by the Senate it will be accepted by this body. It will not be viewed with favor by the United States Chamber of Commerce and many individuals who have opposed the adjusted compensation law for ex-service men, and that body and those men will deem it presumptuous that anyone should suggest that these war lords should return any of their plunder. It would be a great satisfaction to many loyal citizens of this country if the chamber of commerce would discontinue its useless questionnaire on adjusted compensation and do some questionnairing in an endeavor to discover the sentiment of the country on these matters.

To-day Mr. WOODRUFF and I have introduced identical resolutions asking that this Congress appoint a committee to go into these charges and make a report. If the Chief Executive does not act as he did with the Bureau of Engraving when a few Members of Congress, including myself, presented the evidence to justify his recent action, public sentiment will demand the passage of our resolution. With such a cancer in the heart of our Government I am not so certain but that the resolution should be adopted regardless of Executive action and the facts given to the public. The war deadened the conscience of the American people, and when facts like these were presented to them at the conclusion of hostilities little attention was given them. Times were good and taxation was little noticed. The conscience of America is returning to-day and our citizens as they pay the tax bill are commencing to realize that the crimes and misconduct of Government servants are the cause of much of their financial difficulty. As their conscience quickens they will insist on better government.

It has been a matter of regret to me that I have been compelled in discharging the duties of a Representative in Congress to make these remarks and inferentially attack the administration of which I am a part. It is our duty, however, as Republicans to see that each part of this Republican administration functions. If we do not do it, it never will be done. During the last administration when most of the crimes to which I have referred were committed, not one Democratic Member of this body did other than attempt to cover up the crimes of their administration. Five committee reports were submitted as shown in volume 3, serial 1, of the hearings of the Select Committee on Expenditures in the War Department and in every case a complete coat of whitewash was applied by the minority members of the committee.

On April 7 when I offered the amendment to the Department of Justice appropriation bill to appropriate money to conduct these prosecutions, but one man on the Democratic side of this House among those present on that day voted with me for the appropriation, and that was the gentleman from Alabama, Mr. HUDDLESTON.

Never since the close of the war have I heard a protest against these crimes from the Democratic side of the House except from a few ex-service men. In conclusion, Mr. Speaker, I want to say that if this committee is appointed to go into these matters, there should be some ex-service men appointed upon the committee. Those men who were in the service and are now Members of this body to-day had no opportunity to have any connection with these matters because the majority of them were with combat units in France when the Bergdoll committee was appointed, and it is apparent that it is not the intention that many of them shall ever be appointed to any committee if it may be avoided. A reading of the RECORD should convince the Speaker that the ex-service men in this body are willing to attack corruption in high places and public officials, and this committee, if one is chosen, should be made up of those men.

The American people and the ex-service man in particular will judge this administration and the House of Representatives by their action in this matter.

Mr. LINEBERGER. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will yield just this once to the gentleman from California.

Mr. LINEBERGER. I assume that the attitude of the gentleman is the same on this matter as his attitude in the infamous Bergdoll matter; he wants to see that justice is done.

Mr. JOHNSON of South Dakota. I have the same viewpoint as does the gentleman from California on some of these matters.

Let me remind you of the case of Jesse Blanton, a 19-year-old boy, an ex-service man, who two years ago happened to be walking down the railroad track with four other boys. I think he comes from the district of the gentleman from Illinois [Mr. MCKENZIE]. Poor Jesse, together with the other boys, came upon an open freight car. They looked into the freight car and it was loaded with canned goods. A case was broken open and the cans were lying there. These five boys took one can of pork and beans valued at 15 cents, and they were sentenced to one year and one day each in the penitentiary, and served the sentence, notwithstanding applications were made time after time for their parole. Is it any wonder that I say there is some invisible power behind this War Department? I think it is time these officials functioned. That is my only reason for bringing this matter up. Now I know that my time is limited, but I want to say that I have been seen several times by a gentleman high up who said it would be inadvisable for me to present these facts, because in some way it might reflect on the Republican administration and on me. I say that they are mistaken, that the Republican Party has lived through the star route graft and one thing and another, and it does not have to worry as long as it cleans up things in its own party. [Applause.]

The danger that our party is under is that we will allow the invisible government to control it. [Applause.] If it functions, have no fear. We made big promises in 1920, and I am satisfied as I am standing here to-day that when the facts are all given to the people high in authority they will see that proper action is taken.

Now, after having said that to my Republican friends, I want to say a word to the Democratic side of the House. You remember that the other day I introduced an amendment asking $500,000 be appropriated for the Attorney General to clean up these matters. So far they have spent $1,000 or $1,200, and that is all. The whole thing is in charge of a man named Meyers, a young man who was, until a few years ago, a messenger at $1,200 a year. That invisible government, a part on your side and a part on mine, is responsible for that young man, and without a shadow of doubt he ought to be removed. I submit that we ought to have had $500,000 appropriated so that we can have a real bureau of investigation that will function in these matters.

While I do not like to bring back anything to some of you gentlemen, because many of you are my good friends, and many I know to be so thoroughly honest that they would not for a moment countenance any such thing, yet I can not but remember that there was only one man on the Democratic side of the House who voted with me, and that was the gentleman from Alabama [Mr. HUDDLESTON]. I can not but remember as I hold in my hand serial No. 1, volume 3, of the report of the committee, which is the report of the Graham investigating committee—and anyone of you can secure that document—I can not but remember that report after report was admitted to this Congress, and in every case the minority members of the committee stated that there was no graft; that there was nothing that had gone wrong in the War Department; that there was no extravagance; and that you gentlemen here with a practically unanimous vote sided with the minority members of the committee. You will find those votes on record. I do not want to attack you, but I do not want you to get too much aid and comfort out of my speech. [Laughter.]

The CHAIRMAN. The time of the gentleman from South Dakota has again expired.

Mr. JOHNSON of South Dakota. Will not the gentleman from South Carolina yield me five minutes more?

Mr. FRENCH. Mr. Chairman, I am glad to yield five minutes to the gentleman.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman.

Mr. JOHNSON of South Dakota. These remarks are made from an absolutely bipartisan standpoint. If there is anything wrong in the action of the officials you had under your administration, you ought to bring it to life and attack it, although I did not notice that anybody on your side of the House ever did attack one of them during the Wilson administration, except perhaps the gentleman from Massachusetts [Mr. GALLIVAN], who has never been accused of a lack of courage, who did make an attack a time or two on the floor of the House. You ought to join with us ex-service men of the House. Do not think that Mr. WOODRUFF and I are alone, because the gentleman from California [Mr. LINEBERGER], the gentleman from Alabama [Mr. JEFFERS], both of whom saw service at the front; in fact, all the ex-service men of the House, and many others too numerous to mention here—and I could name many others in this House—are affiliated with us, and this is simply the opening gun of some of the ex-service men in the House. Not one-tenth of the evidence that we have substantiated by photo-

stat copies is given to-day, and unless action is taken you may rest assured that the gentleman from California [Mr. LINEBERGER], the gentleman from Alabama [Mr. JEFFERS], the gentleman from North Carolina, Colonel BULWINKLE—and all of them have been willing to go up against machine guns in time of war—are going to take the floor of this House and present facts until the Government functions. [Applause.]

I yield back the remainder of my time.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MCCLINTIC. Mr. Chairman, I am very glad that the distinguished gentleman from South Dakota [Mr. JOHNSON] has had the courage and the manhood to bring to the attention of the country the fact that some of the promises made by the Republican Party in the last campaign have not been carried out. I can recollect the poisonous propaganda that was spread by the missionaries of the Republican Party in which they sought to make the people believe that if they voted for an association of nations, a League of Nations, or whatever you wish to call it, it would be only a few months before we would be sending our boys back across the seas. You will remember at that time that the country was in a most wonderfully prosperous condition. You will remember that the American dollar had become stabilized as the unit of value in practically every country. You will remember that the conditions in the United States were satisfactory to the majority of the people, and that commercial activities of every kind flourished. What has taken place since that campaign? The League of Nations was turned down, and countries formerly our friends became our enemies. Rates of exchange became abnormal, business fell off, factories were forced to close, bread lines were formed in the cities, and men offered their services for sale at public auction. Five million Democrats and independents believed this propaganda and voted for a change. So I say to you now the time has come for a change, and I am hoping that the Members of this body and of the United States Senate will carry out the spirit of the disarmament conference so that we can reduce expenditures and help lift from the backs of the burdened people the financial load they will be compelled to carry if Government activities are not materially reduced.

Mr. Chairman, we have heard to-day from the Great Lakes Training Station, we have heard from the Boston Navy Yard, and we will probably hear from the navy yards on the Pacific coast before the discussion of this bill is concluded. All of these gentlemen are in favor of a large Navy. If gentlemen will analyze the minority report they will find that every single one of the signers lives in some State or city where there is located a navy yard or some big naval establishment. I know that I have been referred to as a little Navy man, and if I lived up in Chicago or some place where they have some great naval activity possibly I would be committed in favor of a big Navy. During the war I voted for all of the appropriations that were necessary to maintain our Navy, and now after the war is over and we have entered into this great disarmament program surely if we have any confidence in those who have engineered the same the time has come when we can reduce appropriations, and do so without jeopardizing the interests of our country, and at the same time carry out the spirit of the disarmament conference.

The distinguished gentleman, Mr. KELLEY of Michigan, the chairman of the subcommittee in charge of this legislation, has assured the country that an enlisted personnel of 67,000 men will be amply sufficient to take care of the needs of the Navy after the useless crafts have been eliminated, and I wish to call your attention to the following schedule of ships and the proposed complement of men to man the same:

18 battleships	18,259
11 cruisers	4,248
103 destroyers	9,579
84 submarines	2,520
6 destroyer tenders	2,551
7 subtenders	1,833
1 aircraft carrier	216
1 aircraft tender	286
2 mine layers	615
10 light mine layers	950
10 mine sweepers	498
2 repair ships	727
3 storeships	612
14 fuel ships	1,568
2 ammunition ships	354
2 hospital ships	629
Total for fleet and necessary auxiliaries	45,454

PATROL AND VESSELS OTHERWISE CLASSED.

7 cargo ships	612
3 transports	822
9 gunboats	759
6 yachts and patrol vessels	545
8 fleet tugs	338
10 fleet towing vessels	450
1 survey ship	137
2 Bureau of Fisheries	125
5 miscellaneous	250
Total	4,038
Grand total of 327	49,492

AIRCRAFT.

I have always been interested in the development of aircraft, and at present am a member of the subcommittee of the Naval Affairs Committee on Aeronautics. Everyone knows the important part performed by aircraft during the last war, and I was in accord with other members of the committee who believed that ships could be sunk at sea by dropping bombs from airplanes. When this subject was first discussed practically every officer in the Army and Navy ridiculed the idea, yet there was one officer who had sufficient courage to testify before the committee and express the belief that ships could be sunk from the air. I am unofficially informed that because of his frankness he was censured by a certain person in authority and came very near being relieved from certain duties. Because of the agitation in the press and in the United States Congress, the Secretary of the Navy and the Secretary of War finally decided to allow the aircraft of the Navy and Army to have the opportunity of attacking some of the ships which had been allocated to the United States by the Allies under the terms of peace with Germany. This test was held some 50 miles off of the Virginia Capes. A number of Members of Congress were invited to witness the same. The first ship selected for destruction was a German submarine, which had crossed the sea during the war and sunk a number of English ships near the mouth of the New York Harbor. It was my privilege to be an observer on the U. S. S. *Henderson* when the first attack was made. Three Army bombing planes, flying like eagles high in the air, sailed over the German submarine and dropped a small pilot bomb. Then circling they returned and three larger bombs were dropped from each plane. The first attack was successful, for when the projectiles struck the water and the ship a great upheaval of water and smoke took place, and the vessel turned its nose to the bottom of the sea and slowly disappeared from sight. Different kinds of ships, from a submarine to a battle cruiser, were sunk by the aircraft forces during these demonstrations, and while there may be those who are yet unconvinced as to the efficiency of aircraft when it comes to the sinking of ships, I am thoroughly of the opinion that every single Member of Congress who witnessed these demonstrations will say that in his opinion any kind of a ship that floats can be sunk by dropping bombs from the air, and that a fleet of battleships without aircraft protection is nothing more or less than a fleet of floating graveyards. I maintain that these experiments have taught a very important lesson to every nation in the world. I am of the opinion that the results of the same will have a marked influence on every country in the future with relation to its fighting forces. I also say that in the future no major nation will ever be able to transport an army across the sea and land it on any of our shores. It is very evident to any person who will stop and think that the number of airplanes available on the land will always be sufficient to overpower or destroy the number that can be carried by any fleet of convoys transporting an army. This being true, bombing planes can be concentrated at practically any point on any of our coasts with lightning rapidity, and they can go out a distance of 75 or 100 miles and destroy any army aboard ships that might be seeking to land. During the hearings before the Naval Affairs Committee a few days ago I asked Admiral Moffett the following question:

> In view of the results of the bombing tests, do you believe that a squadron of transports protected by planes could be landed on our shore?

His answer was as follows:

> I think it would be very difficult for anybody to land on any shore, especially in view of the development of aviation, both ashore and afloat.

It will be found on page 370 of the hearings, dated February 20, 1922.

Mr. CRISP. Will the gentleman yield?

Mr. MCCLINTIC. I will be glad to do so.

Mr. CRISP. The demonstration you have just referred to, of course, was interesting. I would like to ask the gentleman what he thinks the effect would have been had those ships had antiaircraft guns where airplanes from the ships should meet

the attacking airplanes? Would that have made it impossible to sink these vessels?

Mr. MCCLINTIC. It has been my privilege to visit a number of the battle fields of Europe. I have talked to a number of aviators, and I have been told that it is estimated that only one shot out of every 30,000,000 will be successful in hitting a plane. When it is taken into consideration that a plane high up in the air is surrounded with different kinds of atmospheric conditions it is very hard indeed to make the mathematical calculations necessary to hit the same. The point I make is that no fleet of transports can carry a sufficient number of airplanes to protect its vessels from the superior number of land bombing planes that will always be maintained by any major nation.

Mr. SEARS. Will my colleague yield?

Mr. MCCLINTIC. I shall be very glad to do so.

Mr. SEARS. What was the height of the airplane? How high above the vessel?

Mr. MCCLINTIC. If I remember correctly, they sailed at different heights in making different tests.

Mr. SEARS. I asked the question, because my colleague recollects that during the last war, when the bombing planes flew over London and other cities, the bombs they dropped were not successful. They did not hit the mark or did not do very much damage.

Mr. MCCLINTIC. Mr. Chairman, those who remember the results of the bombing of the last German ship will remember that the marksmanship was so perfect that practically all of the projectiles struck the vessel and it was soon sunk.

Mr. MCPHERSON. Mr. Chairman, will the gentleman yield?

Mr. MCCLINTIC. In a minute. It is for that reason that I have reached the conclusion that the people of my section of the country have confidence in the results of the disarmament conference. They are willing to believe that the other nations have entered into this agreement in good faith, and that the time has come for the American people to cease making these enormous expenditures, in order that taxation may be reduced.

Now, I yield to the gentleman.

Mr. MCPHERSON. If I understand the gentleman, he contends that we ought not to try to build our Navy on a treaty ratio but trust to airplane protection?

Mr. MCCLINTIC. No; the gentleman is wrong. I am in full accord with the recommendation made by the majority members of the Committee on Appropriations. The gentleman knows I am a member of the committee on which he serves, and he will remember that I introduced an amendment to reduce the enlisted personnel of the Navy to 65,000 in order to be in line with the recommendation that has been made by the Appropriation Committee.

VALUE OF DEMONSTRATION.

Since these demonstrations were held off of the Virginia Capes there has been a radical change of opinion throughout the country. The battleship, instead of being our first line of defense on the sea, will be forced to occupy a position in the rear. Aeronautics will be the most important branch of either the Army or the Navy, and a new bureau of this kind has recently been authorized in the Navy. In 1916, prior to the beginning of the war, the personnel of the Navy consisted of approximately 50,000 men. The number of vessels to be disposed of under the disarmament plan is 18, which have been completed, and 13 which are under the course of construction. The number of vessels to be kept in commission, according to this bill, is 327. If these recommendations are to be followed, then the number of vessels in the Navy will be reduced practically one-half. At the present time, we have ninety-odd thousand enlisted men in the Navy, both on land and sea. If we reduce the number of men in the same percentage as the number of ships, we would only need 67,000 men to take care of the needs of the Navy during the 10-year naval holiday. We have 17 shore stations, with a complement of 1,221 officers and 9,057 men. In my opinion, there is no excuse to maintain all of these stations during the naval holiday. If I could amend this bill, I would provide that the Secretary of the Navy, in his discretion, should have the power to concentrate any of the forces or equipment of any navy yard and to close all of the unnecessary stations, with the exception of one on the Atlantic coast and one on the Pacific coast. There is no excuse for making the taxpayers of this country keep a lot of machinery in operation when the output is not needed in any way.

There are many Members within hearing of my voice who remember that when the naval appropriation bill was up for consideration in this House that the distinguished gentleman from Texas [Mr. CONNALLY], a Democrat, offered an amendment providing that an invitation be extended to other major nations for the purpose of agreeing upon a shipbuilding program for the future. The distinguished majority leader, Mr. MONDELL, and others vigorously opposed this idea and the amendment was ruled out on a point of order. When the bill reached the Senate the distinguished Senator from Idaho [Mr. BORAH], being convinced that something should be done to relieve the people from unnecessary taxation, opposed the passage of this bill until he was successful in having it amended so as to include the same ideas as was presented by Mr. CONNALLY of Texas when the bill was considered in the House. I well remember when the distinguished gentleman from Michigan [Mr. KELLEY] brought in a conference report which had been agreed upon by the conferees of the House and Senate and stated to the Members of the House that it contained the Borah disarmament amendment. This announcement was greeted with cheers. In fact, it met with the approval of all the Democrats and a number of the Republicans. It was only a little while thereafter that President Harding conceived the idea, while sailing down the Potomac River on the *Mayflower*, that he would invite the major nations of the world to send delegates to Washington for the purpose of discussing this subject.

When this Nation was threatened with war with Germany I voted for every authorization presented in order to increase the efficiency of our country. I voted for the selective draft and I do not believe that anyone could ever call me a pacifist. The war is over; new lessons of defense have been learned and if it has been developed that no foreign army can land on the shores of our Nation, as is the opinion of the head of the Aircraft Division, then, unless the United States wishes to invade some foreign country or take advantage of some little nation by overpowering it, why is it necessary that we maintain in time of peace a navy larger than that which we had at the beginning of the war, when we have entered into an agreement with the other nations of the world for the purpose of limiting armament? The United States took the initiative and invited the representatives of other nations to come to Washington for the purpose of adopting a humanitarian program which would relieve taxpayers to a certain extent from having to pay large sums of money for the purpose of maintaining our fighting forces. The religious organizations throughout the country and humanitarian societies already are giving praise to this administration and citing the recommendation made by the Appropriation Committee which would reduce the Army to 115,000 and the Navy to 65,000. The Federal Council of the Churches of Christ a few days ago mailed to each Member of Congress a statement which in part reads as follows:

> The Federal Council of the Churches of Christ in America records on behalf of the churches their solemn and reverent thanksgiving to God for the Conference on Limitation of Armament. In it we recognise His answer to the fervent prayers of millions of Christians throughout this and many other lands. We rejoice in the splendid achievements of the conference already secured. They are, however, but the first steps toward a warless world. We must press forward toward the goal which the Prince of Peace Himself has set before us.

I wonder if after this bill passes the House the Senate will put into effect the recommendations of the Secretary of the Navy and the Secretary of War. Every member of the Naval Affairs Committee voted against my amendment which was offered for the purpose of reducing the Navy to 65,000; yet I am conscientious in the belief that the majority of the American people have seen enough of war. They are already overburdened with taxation, and it is for this reason that I am presenting my views on this subject, with the hope that the party in power will be the first to set the right kind of example to the other nations of the world, so that the spirit of the disarmament conference can be lived up to to the letter. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. BYRNES of South Carolina. Mr. Chairman, I would like to inquire how the time stands?

The CHAIRMAN. The gentleman from South Carolina has 148 minutes.

Mr. BYRNES of South Carolina. How much time has the gentleman from Michigan [Mr. KELLEY]?

The CHAIRMAN. Fifty-four minutes.

Mr. BYRNES of South Carolina. I would like to have more time used on this side of the House.

Mr. KELLEY of Michigan. I will say to my friend from South Carolina that I had expected to yield to the gentleman from Massachusetts [Mr. ROGERS], but I realize of course that it is not my turn to yield.

Mr. BYRNES of South Carolina. I have been good-natured all day, notwithstanding the fact that gentlemen on this side have been pressing me just about as firmly as gentlemen have been pressing the gentleman from Michigan on his side for

time. I would like to yield a little time on this side, but I do not want to prevent the gentleman from Massachusetts [Mr. ROGERS] from getting in at all. I will yield 15 minutes to my friend from South Carolina [Mr. LOGAN].

Mr. KELLEY of Michigan. Before the gentleman does that, will he let me yield two minutes to the gentleman from Delaware?

Mr. BYRNES of South Carolina. Yes.

Mr. KELLEY of Michigan. I yield to the gentleman from Delaware.

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. LAYTON. Mr. Chairman, in addressing the House upon the subject of constitutionalism versus communism I feel a deep distrust of my ability to bring to its Members the message I desire to convey in such a clear and convincing manner as to fulfill what I truly regard as a solemn obligation and duty. In endeavoring to do this I do not assume that I shall utter a word upon any topic with the substance of which the Members of the House are unfamiliar; but I believe the business men of the country, no matter what their occupation, whether upon the farm or in industrialism, the business men of every sort and kind are so absorbed in their various pursuits and enterprises, scarcely finding as many hours in the day as they often desire for their prosecution, as to have little knowledge of the general legislative trend in Congress. I also believe that this great body of our citizenship rely largely upon their Representatives whether in their legislatures or in the Congress, while they devote themselves strenuously to their own affairs. As one of the Representatives in Congress I feel compelled to declare that this is a wrong assumption, and especially so at this time, when in my judgment a crisis has been reached that threatens the fundamental character of our Government. I believe they are not only wrong but that they endanger their own interests by a confidence too often betrayed by reason of the importunity of organized class forces seeking legislation absolutely inimical to the general welfare, which importunity the average Representative in Congress regards as potential, because it is organized and clamorous.

My purpose in this address is to show the general public, if I can, the danger which I have in mind, the one which I believe we are confronting. I refer to the rapid progress which communism has made in this country, and is steadily making, apparently unheeded, or calmly acquiesced in, by those whose interests are chiefly menaced—interests which I believe to be the substantial interests of the country.

I am assuming in the beginning that the people of this country are still constitutionalists and not socialists; that they believe in self-government and not bureaucratic and communistic government. I do not speak of a coming danger, of a possible apprehension of an invasion that is yet afar off, but of the fact that this enemy is already in our midst and fast entrenching himself in our very citadels.

Before proceeding to emphasize this, in order indeed to emphasize it more impressively, let me speak briefly of the past. Let me ask you to recall the early history of America; to revisualize those great men who fashioned the marvellous national structure of the United States of America; to call to remembrance who these men were, and what they did, and what was their purpose in the doing. Let me mention the names of Washington, of Jefferson, of Hamilton, of Adams, and Madison, hoping thereby to fill the minds of the people with renewed recollections, not only of a multitude of other great men of our formative period but of their sayings and achievements and their declared purposes.

I shall not attempt in this address to undertake a constitutional argument as to the powers possessed by the Federal Government and the reserved rights of the States. I am sure that it will suffice for this present purpose if I state a well-known fact that there has been two schools of constitutional thought in this country firmly established in the minds of men from the beginning, even indeed before the adoption of the Constitution of 1789. One school was led by Hamilton, who believed in a centralized Federal Government in which the people would be subjects of that Government—a system differing but little from that of England, except that instead of a king we would have a ruler elected every four years called the President. The other was led by Jefferson, who regarded all government as rightfully proceeding from the people, and that Presidents and governors and Congresses, indeed all public servants, were to be regarded as subject to the people. There was, as is well known, an exceedingly bitter struggle between the two schools of constitutional thought. There is no doubt that the thought of the Jeffersonian school was the one that prevailed, not only in the Articles of Confederation but in our present Constitution, established later in 1789. Most of the contention that has arisen between these two schools of thought in later years, especially in the last decade, has centered around those unfortunate words "the general welfare," taken from the Articles of Confederation and placed in the Constitution of 1789, and also found in Article I, section 8, of that instrument. In brief, without elaborating upon this contention, the proponents of the Hamilton school say that the words "the general welfare" confer upon the Congress of the United States the right to pass any legislation of any sort which a majority of both bodies may regard as being for the general welfare, and to tax the States in order to support and provide for such legislation.

The Jeffersonian school, on the contrary, strenuously contended that the words "the general welfare" never conveyed any such power either in the Articles of Confederation or later in the Constitution of 1789, but on the contrary imposed upon the people themselves the responsibility for their own welfare, and that their welfare was best conserved by strictly reserving certain rights to the States. It is a historical fact that this view was expressly and clearly incorporated in our present Constitution. All the early history surrounding the making of the Constitution of 1789 reveals the fact that wholly independent States first formed a confederacy and later, in order to have a more perfect union, they adopted the present Constitution, with the expressed declaration in article 10 that—

> The powers not delegated the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In this connection a fact of supreme significance should be stated, namely, that the Constitution was not finally adopted until 1791, or until article 10 was finally agreed to. To repeat again, the Jeffersonian opinion insisted that certain rights were reserved to the people of the various States, whereas the Hamiltonian opinion was to the effect that there were no rights reserved to the States under the general welfare clause. It should be stated here that Hamilton himself did not openly hold this view, declaring to the contrary before the New York Legislature when he urged that legislature to accept the Constitution of 1789. I think it can be stated truly that for 150 years this has been the accepted thought of the country and of the Supreme Court of the United States itself, although manifestly sapped and undermined very seriously in the last two decades.

Within these two decades all sorts of legislation has been proposed, and a great deal of legislation has been enacted into law, based upon the words "the general welfare," and advocated and justified by that assumed purpose. As a matter of fact, these words are being now used to communize our institutions and to subvert our fundamental law.

It is plain that within the next decade we are going to determine whether we shall follow the Hamiltonian thought carried to its logical and ultimate conclusion, or the thought of Jefferson and of Lincoln. If we follow the former I feel that my own State, the State of Delaware, which I represent in this body, will cease to exist except in name. I feel that all her previous power of local government will be taken from her and reposed in central bureaus at Washington. This will mean that there is no limit to the power which the Federal Government will exercise over my Commonwealth. The idea is that if anything is considered "good" it can be and must be enacted into law, if those who think it is good have a majority in the Congress of the United States.

It means as a logical consequence that in the matter of taxation the States have lost all control, and that the people of the various States of the Union can be taxed for an innumerable number of purposes which many of those States may or may not approve of; that the States will lose all power over taxation and the power to control taxation through their own legislatures and the power to say how money from taxation shall be expended. In other words, under the general-welfare clause, if the people sit quietly down and make no protest the United States will become a communistic country, controlled by bureaucrats instead of by themselves, losing the liberties, the powers, the independence possessed by their forefathers. Have the people of the country forgotten the real spirit of America as contrasted with that of other Governments? Have they failed in their understanding or lost sight of entirely those remarkable debates that were held preliminary to the passage of the present Constitution, debates so voluminous, so ultimate in analysis, so conclusive in logical deduction, so filled with the highest erudition and mental brilliancy as to have excited the admiration even of the world, and leaving no doubt that our forefathers did not desire nor intend to establish in this country a merely remodeled England, differing only in the fact that the one had a King and subjects while the other should have a

President and subjects? On the contrary, they endeavored to inculcate in everything they did, by every word they spoke, the lessons of individual liberty and the constant necessity for the preservation of this liberty by eternal vigilance; to hold it as the most inestimable possession, in order that every citizen might be free and enjoy an unrestricted opportunity to pursue happiness and to protect himself in his life and property. So far from regarding the Government as being above the citizen, the whole thought and purpose of those great men was to put the citizen before the Government. They inculcated in all they said and did the lessons of individual responsibility, individual self-dependence, individual initiative, and individual freedom. They sought to teach, and did teach, that this was a people's Government. Nearly 100 years after the birth of American freedom Abraham Lincoln enunciated the very spirit of those great men, and of the real Americanism which they sought to establish, in those memorable words: "A government of the people (as the source of power), by the people (as the possessors of power), and for the people (as the recipients of the benefits of such power)." He, as well as our early forefathers, believed in the individual kingship of the citizen and that all progress should proceed through the initiative of the citizen and by his will.

Running through all the literature of those early times was the thought—evidently the profound purpose to make the several States schools for citizenship—to repose the greatest amount of self-dependence upon the people of the several States and the subdivisions of the States to govern themselves in order better to govern the Nation. The purpose is to burden every individual with a sense of civic duty, not to enervate him by depriving him of all power and sense of political duty by subjecting him to bureaucratic control. Community government, county government, State government, all were regarded as primary schools for national government.

I can not forget, I have no right to forget, the part that Delaware took in the struggle for American independence. It is the proud heritage of every Delawarean to have been in the van of this wonderful procession of human progress. Her sons were distinguished on the battle field and in the council. She gave not only of her treasures but of her blood. Her hardy and patriotic volunteers tramped from Saratoga to the Cowpens in the cause of freedom. They participated in every considerable conflict of that long and memorable struggle. Delaware's forbears were among the master builders of the political structure which has challenged the respect and admiration of mankind. Beneath that structure there has been sheltered a people in greater comfort, safety, and happiness than has ever been afforded any other people since history has been recorded. Under the Constitution that they builded and as they interpreted we have grown to an unparalleled power and wealth. The penetrating light of their Americanism has illumined the darkest corners of the earth and established a governmental example that has aroused the aspirations of the downtrodden and the helpless in all lands. The question must force itself obtrudingly upon real Americans whether we, the inheritors of these priceless possessions, have not a solemn obligation to zealously and vigilantly safeguard them. Shall we be so indifferent, shall I say degenerate, as to be willing to take and not give, to inherit and not transmit to those who come after us, to have not only incomparable examples but inestimable experiences, and heedlessly and slightingly forget them? Can we honorably and self-respectingly inherit these inexpressible benefits and basely refuse to treasure them for our descendants? Shall we be less men than those we so fulsomely laud in this Chamber and apparently venerate? Shall we mock the portraits that adorn the walls of this Capitol and the statues that characterize our national individual greatness and view them as works of art rather than as inspiring examples of emulation?

We find ourselves—

Says Abraham Lincoln—

> in the peaceful possession of the fairest portion of the earth, as regards extent of territory, fertility of the soil, and salubrity of climate. We find ourselves under the government of a system of political institution conducive more essentially to the end of civil and religious liberty than any of which the history of former times tells us. We, when mounting the stage of existence, found ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or establishment of them; they are a legacy bequeathed us by a once hardy, brave, and patriotic, but now lamented and departed, race of ancestors. Theirs was the task—

And nobly they performed it—

> to possess themselves, and through themselves us, of this Godly land, and rear upon its hills and its valleys a political edifice of liberty and equal rights; 'tis ours only to transmit these—the former unprofaned by the invader, the latter undecayed by the lapse of time and untorn by usurpation—to the latest generation that fate shall permit the world to know. This task, gratitude to our fathers, justice to ourselves, love to posterity, and love for our species in general imperatively require us faithfully to perform.

No words of mine can add to the gravity and the supreme excellence of this exhortation.

But, with your permission, I will now proceed to an exposition of the facts as I perceive them. The first thing—and, I think, the proper thing—is to speak briefly of the socialistic legislation already enacted, and afterwards of that which is on the calendars of both Houses of Congress, so that a proper picture may be presented of the situation.

There are more than 250 different commissions and bureaus of the Federal Government already in existence. They comprehend every sort of human activity in art, science, and administrative power, including forestry, agriculture, horticulture, mechancis, chemistry, biology, the whole field of medicine, including investigations both in human and animal diseases. In fact, there is nothing in the heavens above, the earth beneath, nor the waters under the earth which is not comprehended in the activities of some governmental agency. If some midnight dyspeptic idealist as he lies awake thinks he has discovered some new idealistic good, which he deems to be for the betterment of mankind, he immediately proceeds to draft a bill creating a new bureau under the Federal Government for the purpose of carrying his newly discovered idea into effect. I am not going to mention all of these bureaus and commissoins. There is no time for such a purpose.

Standing out prominently among them, and already enacted into law, are two pieces of legislation upon which I will briefly comment. I refer to the Public Health Service and the Sheppard-Towner law.

There is no doubt that these two bureaus of the Government are only a part (but a substantial part) of a carefully considered and determined scheme to communize the country. They are mere parts of the communistic mosaic found upon the calendars of the two Houses of Congress. They are in nowise distinct in purpose or in conception. Together with the Sterling-Towner bill, and the several Kenyon and Fess bills, the purpose is to medicalize not only the people even before birth, but the pigs of Oklahoma and of Texas, and by Government regulations and laws control not only the mental training but the physical training as well of the whole people. National medicine and national education are to go hand in hand to educate and discipline the whole citizenship of the country, robbing them inevitably of liberty, even in their homes, through the impertinence of the Fess amendment invading the domestic life of our people. The scheme is purely Prussian with a Marxian flavor. It is borrowed, and has not even the merit of originality. It involves a profound disbelief in the ability of the people to govern themselves. They fear for good government in the face of a proletariat increasing in millions as the decades go by. These overanxious schemers have a profound distrust of individual liberty and freedom—of community and State government. They believe that the time has come when "a government by the people" is filled with danger, and the only safety consists in their taking over the power of government by legislation and investing it in an infinite number of bureaus in the Federal Capital. To bring this about, the children must not only be educated as far as their brains are concerned, but a medical director, who will also combine the qualities of an athlete trainer, must be stationed in every schoolhouse in the land, in order that instead of free, upstanding, self-thinking, independent boys and girls after the order of our splendid past, we will have in their place millions of living machines, mere automata, all turned out from the Atlantic to the Pacific, from Alaska to Florida, like melted lead from the same bullet mold—a uniform pattern of citizenship like a Uneeda biscuit.

It is inevitable that the extension of bureaucratic government will destroy the energies, and therefore the liberties, of the people. It is inevitable that the more bureaucratic government is extended, the less community and State government will be left. It is inevitable that the extension of national power will call for more and more taxation to support the increased number of departments and bureaus with their inevitable increase of men and women upon the pay rolls. It is inevitable that the more the Government taxes the people, the less the people can tax themselves for State and community purposes. It is inevitable that the more money the Government gets from taxation, the less the States can get. The fuller the National Treasury, the more empty the State treasury, until all energies of Government will be nationalized and the States will be too poor to pay for any of their own. When that time comes, then will come revolution as the only escape from the tyranny of Congress, just as it was the only remedy in 1776 against the tyranny of a King. Either this or national death through a slavish and decadent citizenship.

The appalling fact to-day is that under a Government of representative democracy we witness the strange spectacle of the

two principal parties divided in name only. What we need to-day, more than we need the solution of the problems growing out of the war, are two political parties in this country—differing in principles and not over spoils—an open, honest, and frank constitutional party, and an equally open and frank communistic party, so that the sheep of constitutional government can be separated from the three breeds of wolves of socialism, paternalism, and communism. To-day both parties, within and outside of Congress, are mere bidders at the auction block for the support of every organized class, asking for legislation that if enacted would destroy every vestige of the constitutional government we have inherited.

These are not fanciful words. I am raising no bugaboo in an attempt to frighten the public. I am not tilting at windmills. The proof lies in the fact of the socialism already put into law, of the innumerable bills wholly socialistic that are proposed for enactment into law. To illustrate the situation, only a few weeks ago Mr. BARCLAY, a Representative of Kentucky, and a gentleman highly esteemed by both sides of the House for his ability and personal qualities, in response to an inquiry of mine whether or not—

We could not just as readily, and I would like to have a categorical answer—just as easily under the general welfare clause of the Constitution have a bureau in Washington for the foodless, another bureau for the clothless, another bureau for the homeless, and under that general welfare clause do anything that the most radical socialist in the world demands.

His reply came apparently without hesitation in the following language:

I am inclined to think that under the general welfare clause Congress could do all those things without violating the Constitution * * *.

Barring myself there was not a man on either side of the House that challenged this statement except Representative STASON, of Mississippi, who made the very logical statement that—

The very moment a court would put that construction upon it then you have eliminated and destroyed the Constitution entirely, because whatever you think is for the general welfare would then be constitutional. Therefore you would have no Constitution.

And it might be added in this connection that the one thing you would have inevitably, unavoidably, would be a Government in the United States based solely upon the will of a majority in Congress, through an aggregation of States—a tyranny in the long run greater than that we escaped from under King George.

Again, on March 29, in a short colloquy with the honorable Representative BURTON COCKRAN, I asked him the following question:

Well, whether for charity or otherwise, has this body any constitutional right to do that?—

Voting money for foreign relief—

or to vote money out of the Federal Treasury even for such purposes as the relieving coal miners in this country?

The gentleman asked me if I wanted an answer. I replied to him I should like to have an answer to my question, whereupon Mr. COCKRAN, a distinguished Democrat, replied as follows:

Yes; there is no limit to the power of Congress to appropriate money.

I wondered at the time whether the gentleman was a budding evolutionist, keeping perfect step with the times here and abroad, especially with those of Russia, or had lost all memory of the attitude of his party through more than a century.

I desire to be fair. The menace comes neither from the Democratic side of the House nor from the Republican side alone. Both sides have weakly yielded to the political pressure which communistic classes has put upon them.

Let me pause for a moment and inquire what will be the effect of this paternalistic and communistic legislation upon the respective States and their taxpayers. Although I recognize that this is somewhat of a repetition, yet I do not think that I can mention it too often.

You remember the celebrated saying of that eminent jurist, John Marshall, our first Chief Justice, that "The power to tax is the power to destroy." I know of no expression more pregnant with meaning than these few words. No matter what the form of government, whether democratic or tyrannous, taxation is not only the most vital power affecting a people, but one which affects even their lives, as well as their property. Taxation is the price that is paid to support regalities in opulence or the beneficent government of a free people. It may be wise or it may be vicious and deadly.

It may serve to promote the happiness, prosperity, and contentment of the people, or it may result in misery, destitution, and revolt. It was the question of taxation that led directly to the Revolutionary War. There is no other single concern of government so vexatious, so necessary, and so full of the requirements of justice and wisdom. It can be said beyond successful contradiction that no people are free who do not control the measure of their own taxation. Seeing that our constitutional liberties were born out of the spirit of "no taxation without representation," it is not a matter of wonderment, but of the most natural consequence, that our forefathers should have sought to protect the people from the tyranny of taxation. The ninth and tenth amendments were adopted after a delay of two years before the Constitution of 1789 was agreed to, because they recognized the possibility of a congressional tyranny equal to that of a British king. To-day, both in the Congress and through the Supreme Court, the power of taxation is being gradually taken out of the hands of the various Commonwealths of the Union and reposed in those of a majority of the Congress, for purposes which every student of constitutional history knows were never contemplated when our Constitution was agreed to. The result is that an aggregation of States, perhaps sectional in character, comprising a majority of the national legislature, can tax the other States and exploit them to their heart's content under the plausible justification of "the general welfare." Inevitably the effect of this procedure will be to excite the cupidity of the poor States, and thus exploit the rich States for their benefit. In fact, those who are behind this socialistic program of legislation now crowding the calendars of both Houses frankly use the argument that a rich State should be taxed for the benefit of the poor States, provided the object of the taxation is for some good purpose. Of course, this is the rankest communism. This means, when applied to the individual and reduced to the minimum, that the man who hath shall be deprived of a part of what he hath for the man who hath not; that wealth must be held for the common benefit, regardless of the elements that enter into human productivity and activity—of thrift, intelligence, industry, and ambition. How long would the individual work, how active would he be, what impulse to thrift would he have, what ambition in any calling, if the fruit of his labor was taken away from him by compulsion of law and given to the thriftless and the worthless, even though they were needy?

Outside, however, of the injustice involved in the matter from the standpoint of property or other considerations there is a deeper objection to this socialistic, paternalistic, and communistic legislation, striking, as I conceive it, at the very foundations of individual character, and, therefore, of our American citizenship. It seems to destroy the sense of initiative among the people, their conception of civic duty and responsibility, their sense of self-dependence, and ultimately of their sense of freedom itself. Bureaucracy will inevitably, unavoidably sap the very strength of our citizenship, exactly as any human being is enervated and perverted in character when he loses his self-dependence. In the very nature of things, whether in a savage or a civilized man, the feeling of ability to care for one's self marks the man of force as contrasted with the weakling. Again, I wish to repeat that the one lesson taught by the founders of this Government was the lesson of liberty and self-dependence as the only way to produce the strongest citizenship and, therefore, conserve the national character. I maintain that bureaucracy and paternalism will destroy the very means which were so carefully provided to secure such citizenship.

The communistic propaganda is carried on quietly and simultaneously in the several States of the Union and is in part paid for out of the money of the taxpayer by the activities of those upon the Federal pay roll. Nor is there any room for doubt that the communistic influences of Europe are at work in this country, even by money, for the purpose of overthrowing our Constitution. The Attorney General of the United States recently in an official declaration made the statement that he had in his possession evidence of the influences at work in this country supported by foreign money to sovietize labor. Recently both the Secretary of War and the Secretary of the Navy have issued warnings against Bolshevik influences to all of those under their respective departments.

Organization for propagandic purposes has been reduced to a fine art. Does any Member of this House doubt that to-day in the 4,000 counties of the United States the school-teachers are being organized behind the Sterling-Towner bill? Was there any question but that the various women's clubs were organized behind the maternity bill? Does anyone believe when he comes to reflect upon it that these clubs represent the voting strength of the womanhood of the United States? Will anyone upon mature reflection think for a moment that the loyal wifehood and motherhood of the country will divorce themselves from the interests of their husbands and of their children? If a growing burden of taxation is felt by the husband and the father, will not the same burden fall equally upon the wife and the daughter? In passing these communistic measures can

anyone say that the man would have to pay and that the woman will not? The answer is plain. In the home the interests of the husband and the father are inevitably bound up with the interests of the mother and the children. The prosperity of one is the prosperity of the other, and nothing can divorce them.

What is your remedy, your defense, unless, indeed, you approve and are content with an ever-mounting increase in taxation? Do not forget that the producers, the farmer, the manufacturer, all who really make the wealth of the country, will have to foot these altruistic and idealistic bills. Your remedy is to organize in self-defense. Take the women of your household into your confidence frankly, and say to them—unless you are satisfied with your surtaxes and income taxes—that if they desire these costly things in legislation, they will have to deny themselves, and take less of the luxuries of living, sacrifice some of their own wants, in order that you may better bear your burden. Next, quietly see to it that the business men institute a chamber of commerce or a board of trade in every town comprehending the thoughtful and the sensible taxpayers of every community, whose chief purpose shall be by cooperation to keep in their own hands control of taxation. Again, see that your representatives, whether in the National or the State legislature, are opposed to this socialistic legislation that is piling up on the calendars of both legislatures and Congress. Again, when an official gentleman of either party comes around for the money with which to prosecute the campaign, ask him openly what he intends to do with it. Say to him, "If you intend to use my contribution for communizing my country, you go to communists and socialists for your funds."

I earnestly implore you in this crisis not to depend upon Members of the Federal Congress because they have taken an oath to support the Constitution of the United States. Too often, and for the most part generally, seemingly, a Member of Congress has a mental reservation stuck back in his head, amounting to the fact that he alone shall be the interpreter of the Constitution which he swears to uphold. Nor can you rely solely upon the Supreme Court to protect you against socialism, paternalism, and other infractions against the organic law, in view of the hopes confidently expressed only recently upon the floor of the House of Representatives that a bill admittedly unconstitutional would be declared constitutional if the Congress would only pass it. The whole history of our Government shows that the Supreme Court in the long run runs with popular sentiment, and renders its decisions accordingly. Your protection—your only sure protection—lies in making and perpetuating and conserving by eternal vigilance a public sentiment that both Congressmen and members of the Supreme Court shall respect.

In closing, I make no appeal to you on the basis of an academic philosophy to invoke your appreciation of, or to secure your devotion to, constitutional government. I make a final appeal on the good old American grounds of hard common sense and the experience of a century and a half so rich in fulfillment as to satisfy the most ardent founder of this Government were he living to observe it. Again, I say the issue to-day in this country is constitutionalism against communism. Which will you choose?

For the information of the country, the producers, whether on the farm or in the factory, the toiler, the laborer, the business man, the taxpayer of every kind, I desire to put in the RECORD the titles of bills proposed for legislation both on the Senate as well as on the House Calendars, which are permeated with communism, and which, if enacted into law, will burden the people with annihilating taxation. The reason I do this is because I believe that the tax-paying public, which is largely the producing public but which is also that part of the public inherently intelligent, is uninformed as to the actual facts connected with proposed congressional action and the plain communistic purpose betrayed by the proposed legislation found upon the calendars of each House of Congress. They are astounding revelations such as I believe the public, when fully informed, will revolt against.

Senate bill 1839: This is a bill introduced by Senator MCCORMICK, called "A bill to create a department of public welfare, and for other purposes."

This bill would create a new department under the Government, with a new Secretary holding a Cabinet portfolio, combining various bureaus under the administration of the new department. More money! More taxation!

Senate bill 2964: This is a bill introduced by Senator LADD, of North Dakota, entitled:

A bill to promote agriculture by stabilizing the prices of certain agricultural products.

This bill seeks to establish a minimum price for cotton, wool, corn, and wheat—the price to be maintained by funds out of the Public Treasury. If this bill should become a law wheat, corn, wool, and cotton would have a fixed minimum price established by law, sustained and maintained out of the taxpayers' pocket. The Delaware fruit, vegetable, poultry, and cattle growers—including all other taxables—would have to stand alone and unaided, lose their crops by drought or frost or other destructive influences, and still be taxed for the benefit of those who grow corn, wheat, cotton, and wool only. I will leave the common sense of the public to characterize properly a measure which coordinate congressional courtesy might condemn if used by me.

Senate bill 622: This is a bill introduced by Senator FLETCHER, entitled:

A bill to establish a national conservatory of music for the education of pupils in music in all its branches, vocal and instrumental, and for other purposes.

What a mental melody when this idea was generated! Would it not be possible to extend the provisions of this bill so as to include the lower animals, with especial view to ameliorating the harsh and strident sounds of a long-eared animal growing more common every day?

Senate bill 524: This is a bill introduced by Senator OWEN, entitled:

A bill to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest by an authorized publicity pamphlet.

Shades of all the fathers! Be not disturbed. May there yet remain enough of your inherent counsel and wisdom to save the people from the insensate folly of such a measure. More money! More taxation!

Senate bill 523: This is a bill also introduced by Senator OWEN, entitled:

A bill to create a department of education.

This is in line with numerous other bills dealing with the same effect, creating a new department. More money! More taxation!

Senate bill 511: This is still another bill introduced by Senator OWEN, entitled:

A bill to establish a national bulletin.

Having exhausted most things that might be legislated upon, the distinguished Senator wants the Government to go into competition with the press. How in the world did such a comprehensive mind fail to include the establishment of a national church? One must not grumble, however, for without doubt this idea, now that it is in public print, will find some eager mind capitalizing it for purposes of personal fame. More money! More taxation!

Senate bill 981: This is a bill introduced by Senator TRAMMELL, of Florida, entitled:

A bill providing for and establishing scholarships in each of the States as a memorial to the American soldiers, sailors, and marines who gave their lives to their country, and as an expression of appreciation to the brave and loyal men who served in the military and naval forces of the United States in the late war.

The distinguished Senator must have had some compulsion of political desperation or a temporary aberration of mind, if not a total loss of Democratic memory, when he proposed this measure. Why not some thought for the burdened living, for the kinfolk of those who died? How many deserters there are to-day from the ranks of sound democracy? How many scorn the constitutional traditions once fondly cherished? More money! More taxation!

Senate bill 416: This is a bill introduced by Senator CAPPER, entitled:

A bill to provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, including health supervisors and school nurses, to appropriate money, and regulate its expenditure, and for other purposes.

What one wonders at after reading the title of this bill is the meaning of "and for other purposes." How was it that this measure did not include "curators for the lunch boxes," a "provision for bathtubs," "whisk brooms," "shoe shines for the boys," and nice little mirrors with perfumes, paints, and powders for the girls in order to be up to date in this grand social and educational welfare scheme. More money! More taxation!

Senate bill 398: This is a bill introduced by Senator ASHURST, entitled:

A bill to provide Federal aid for indigent tubercular persons and for other purposes.

This is one of those insidious appeals to the sympathies of the public, without a bit of gray matter given to the consideration of the principles involved, or their logical termination. While the philanthropic mind that drafted this bill was about it, why did he not make it inclusive, so that Government hospitalization should be provided for every ill that flesh is heir to? Possibly it was fondly foreseen that the inclusive process would go on,

and eventually the whole dream would be communistically gratified. More money! More taxation!

Senate bill 408: This is a bill introduced by Senator Kenyon, entitled:

A bill to establish a department of social welfare.

Here we have another proposition for another new member of the Cabinet, with all the powers and the prestige of a portfolio official. By this bill it is proposed to safeguard and promote the social welfare of the people of the United States, taking jurisdiction over the Public Health Service; the Hygienic Laboratory; the Bureau of Education; the Children's Bureau; Bureau of Industrial Housing and Transportation; United States Employment Service; United States Employees' Compensation Commission; and Home Economics; with the certainty that as time goes on dozens more of differentiated activities evolving out of those included in the bill would be demanded by the department and granted by a communistic Congress which swears to support the Constitution and at once proceeds to destroy it. More money! More taxation!

Senate bill 526: By Mr. OWEN, entitled:

A bill to establish a Department of Health, and for other purposes.

This would create another department, another Secretary with a place in the Cabinet, possessing all the power of a Cabinet officer. This bill proposes to establish within the new department a "Bureau of Sanitary Research," a "Bureau of Child Hygiene," a "Bureau of Vital Statistics and Publications," a "Bureau of Foods and Drugs," a "Bureau of Quarantine" a "Bureau of Sanitary Engineering," a "Bureau of Government Hospitals," and a "Bureau of Personnel and Accounts." The distinguished author of this bill did not enumerate more possible Government activities, evidently through weariness of the flesh or by some sudden diversion of an active and comprehensive intellect to other matters. More money! More taxation!

House bill 21: This is a bill introduced by Mr. FESS, of Ohio, known as the Fess amendment, entitled:

A bill to amend an act entitled: "An act to provide for the promotion of vocational education; to provide for compensation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

For this purpose there would be appropriated, to begin with, the sum of $500,000, "and annually thereafter for nine years an amount for each year equal to the amount appropriated for the year preceding, increased by $250,000, and for the fiscal year ending June 30, 1931, and annually thereafter the sum of $3,000,000." Practically the whole of this money would be for a pay roll—for an unknown number of salaried people to teach what the people of this country taught themselves sufficiently well for 150 years. The conspicuous symptom of a modern-day statesman is to generate a notion and make the poor taxpayer pay for his foolish lucubration! More money! More taxes!

H. R. 25: This is a bill introduced also by Representative FESS, of Ohio, entitled:

A bill to create a national university at the seat of the Federal Government.

There are those who think the seat of the Federal Government is the proper place for every human activity possible to our national life. In spite of marked ability and experience, and even specialized knowledge of our history and of the constitutional principles of our Government, these socialistic iconoclasts, either ignorantly or designedly, either heedlessly or from the impulses of personal ambition, coldly sap the foundations of a Government they have solemnly sworn to maintain. Supreme in their egotism, they have a constitution of their own back of their purposes supplanting the one that exists by proper custom and authority and sworn obligation. More money! More taxation!

H. R. 22: This is a duplication of the Capper bill, Senate 416, introduced in the House by Representative FESS, entitled:

A bill to provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, including health supervisors and school nurses; to appropriate money and regulate its expenditure, and for other purposes.

Whatever distinction there was inscribed in the Senate measure ought to have been left to that body, thereby saving the House of Representatives from the inevitable condemnation of the people when they become aware of the vicious iconoclasm inscribed in the measure. More money! More taxes!

House bill [illegible]: This bill was introduced by Representative GILLETT by request and is entitled:

A bill to provide for the world-wide extension of education by the cooperation of national governments.

I am especially gratified that this bill was introduced by Mr. GILLETT by request, and that thereby he has no personal responsibility or obligation or approval of the measure. Whoever drew this bill was not devoid of ambition, believing that the taxpayer of this country was perfectly satisfied to pay out money for any purpose whatsoever. He doubtless intended to follow up his scheme by extending his beneficient desire to the inhabitants of the other planets, if he shall by any chance establish communication with them.

H. R. 4108. This is a bill introduced by Mr. RAKER, of California, and is entitled:

A bill to create a bureau for the deaf and dumb in the Department of Labor, and prescribing the duties thereof.

Of course, it was not intended to imply (though it so reads) that there were so many deaf and dumb employees in the Department of Labor that special provision must be made for them. The evident purpose was to create a bureau for the deaf and dumb of the Nation and put it under the Department of Labor. Would it be discourteous to ask why the lame, the halt, and the blind were not included in this benevolent communistic purpose? Or why free food, free clothing, free housing, free movies, free everything was not made a part of a perfect whole? The only reasonable explanation is that as yet no one has had a dyspeptic dream sufficiently invigorating to a disordered intellect as to have had them embalmed in print. More money! More taxes!

H. R. 7. This is a bill introduced by Representative TOWNER, of Iowa, entitled:

A bill to create a department of education; to authorize appropriations for the conduct of said department; to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes.

This bill creates a department—a new Cabinet member—and starts with an initial appropriation of $100,000,000 for the avowed purpose of extending education at a time when the last census shows that illiteracy is steadily decreasing, and that the States and all our private institutions of learning are progressively accomplishing the very purpose of the bill. The measure if enacted into law would Prussianize education in America; place all education in the hands of the Government; and mold the national thought after the whim of the head of a department. The department of education would be a vast political machine operating in every schoolhouse in the land. Its political power would be incalculable by reason of its opportunity for propaganda for any purpose the department might see fit to inaugurate.

The very history of the country would be at its mercy; principles of any kind of political economy could be ingrained in the minds of the new generation, and the whole Nation molded in the same universal form which one man would fashion. It is said that the provisions in the bill specifically preclude any infringement upon the liberties of the States. How imbecile an argument. How insulting to common intelligence. Anyone knows that any man of force with $100,000,000 at his command could have the whole school establishment of the United States eating out of his hands in less than a year if every word of the bill was a proclamation of State liberty and freedom. The power of the Secretary to interfere by mere suggestion; the opportunities for advancement or promotion at his command, if one was compliant; personal ambitions such as manifest themselves in all human life and such as were revealed so clearly in Germany under the same government system affecting the very highest of her distinguished professors in her universities—all would make a mere State superintendent of education with every subordinate compliant and submissive followers of whatever policy the august secretary of education, with his millions, might desire to establish. Millions more money here and more millions to come.

H. R. 4116. This is a bill also introduced by Mr. RAKER, of California, and is entitled:

A bill to make accessible to all the people the valuable scientific and other research work conducted by the United States through the establishment of a national school of correspondence.

This means another bureau, and still more money, more taxation, more nationalization, and more weakening of the fiber of the people by more paternalism. Why did not the distinguished Representative from California include a provision in his bill for a bureau of fashions with a special provision for Parisian styles in all adornment?

It may be said, it will be said, that these bills are not yet enacted into law. True. But six months ago the communistic maternity bill was not a law, but it is a law now. It passed both Houses of Congress by an overwhelming vote, and the President signed it. Why? Everyone knows why—the most cowardly kind of politics. The time will come and is not far

distant when the real power in this land, the millions of men and women who work and who know the hardships of living, who feel acutely the disheartening pinch of taxation, will rise up and repudiate those who now yield their vote to the pressure of socialistic propagandas which do not represent the real men and women who constitute the country's strength and grandeur, as well as its majority. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. LOGAN].

The CHAIRMAN. The gentleman from South Carolina is recognized for 15 minutes.

Mr. LOGAN. Mr. Chairman, the main question we are concerned with in the pending bill is that provision by which the Secretary of the Navy is required to reduce the enlisted personnel to 67,000 men. The Secretary has advised the Congress that we should have a force of at least 90,000 men and 6,000 apprentice boys. In making this estimate he has acted upon the advice of the most expert, able, and efficient naval officers now in the service.

The Secretary tells us further that if only a Navy with 67,000 enlisted personnel is allowed, not only will we have a smaller Navy than that of Great Britain, but even than that of Japan.

VOTED FOR PEACE CONFERENCE.

I was one of those who voted for the resolution providing for the peace conference, because I could not deafen my ears to the anguishing cries of a world which had been tortured almost to death with war and desired, beyond all things, peace. I hoped that in some way—although I knew all experience of mankind was against it—a method might be evolved through the collective wisdom of the great statesmen who would assemble at the conference by which peace might be assured. But, alas, what were the concrete results of the conference? Simply an agreement that we should abolish our 1916 naval building program, which, if proceeded with, would have given us the greatest and most powerful Navy in the world, that we should scrap some of our finest battleships, upon which millions and millions of dollars of the taxpayers' money had already been expended, that we should be limited to a tonnage for aircraft carriers of 135,000 tons, and that for the immediate present we should be below Great Britain in the amount of naval tonnage we should keep, by something over 100,000 tons, and that eventually the ratio should be on a basis of 5-5-3—in other words, an equality with Great Britain and a superiority over Japan, and, of course, France and Italy, the other two powers parties to the naval treaty.

This is a far cry from disarmament, and in agreeing to a program which will prevent us from being the greatest naval power in the world a heavy responsibility was shouldered by those who have given us this treaty. But I submit that if we are to live under the treaty, then certainly we ought not to have a Navy smaller than that allowed by its terms. I do not think the American people will learn with calmness and equanimity that we are to be less powerful upon the sea than even Japan, and we are assured such will be the case if this bill passes without amendment.

PEOPLE WISH ADEQUATE NAVY.

I am fully aware, Mr. Chairman, of the demand of our people for a reduction in taxation, but I do not believe that the people desire their Navy to be reduced to a point where it will be utterly inadequate and insufficient to protect the business interests of the country and the honor of our flag. It is said by those in charge of this bill, and who have reported it favorably, that the Navy Department would not know what to do with the enlisted strength that is asked for, and yet I hold in my hand a tabulated statement furnished by the department, with which I presume every Member of Congress has been furnished, or could get if he desired, showing precisely and exactly and accurately just how the men asked for would be disposed of.

Take, for instance, what are known as capital ships or first-line battleships. The Secretary of the Navy tells us that if the personnel he asks for is allowed we shall have 18 battleships, all that we can keep under the treaty, fully manned; but if only 67,000 men are given, 12 ships, or 13 at most, can be provided for, and the remaining ships will hardly have upon them more than enough to act as caretakers. I do not believe the people of the United States are willing that this should be so.

NAVY YARDS WILL SUFFER.

We have thousands of the finest and most skilled workmen and mechanics employed at the various navy yards throughout the country. If the Navy is not to be kept up, of course, it is self-evident that there will be no work for the navy yards to do. These highly skilled and splendid workmen will have to find occupation elsewhere, and when the Navy does need their service, as it eventually will, it may take years to bring them back to the yards and reorganize them.

We know, of course, Mr. Chairman, that when the President of the United States called the conference he appointed the ablest naval officers in the country to consider questions affecting their branch of the Military Establishment. I think the President would have done the country a great service if he had dispensed with the officers of the Navy and requested the members of the Subcommittee on Appropriations who have reported this bill, and who claim to know the needs of the Navy Department better than it does itself, to serve in their stead.

Does anyone suppose that if Mr. Denby, the Secretary of the Navy, had not considered the situation a most serious and even desperate one he would have gone to the length of calling attention through the columns of the public press to what would be the effect on this country if the personnel provided for by this bill is all that is allowed?

SECRETARY OF NAVY INDICTED.

The gentleman from Michigan, Governor KELLEY, undoubtedly made a most able and powerful presentation of his side of this case to the committee; but as I listened to his argument I could not but regret that so much force, power, eloquence, and intelligence was being devoted to the ignoble purpose of destroying the Navy of his country. He has even gone to the length, Mr. Chairman, of practically indicting the Secretary of the Navy and the highest officers in the service. He has said, in effect, that when they asked for 20,000 more men than this bill calls for that they did not know what they were talking about; that it simply meant a useless expenditure of millions of dollars, and that the country could not afford it. I submit with all due deference to the honorable Representative from Michigan that the evidence he has submitted utterly fails to sustain his case, and that the sad fact remains that for the first time in its history the position of the United States at sea is inferior even to that of Japan, a country which little more than 70 years ago had practically no intercourse with the world, and whose ports were first opened to commerce through Commodore Perry. I say it is mortifying and humiliating to every true American citizen who loves his country to think of the effort now being deliberately made here to undermine and annihilate the strength of the American Navy.

POSITION OF FRANCE AT CONFERENCE.

Let me call your attention at this point to the position which France occupied at the conference. No one can deny the wonderful and remarkable achievements of the French people as a military nation. Under Napoleon they overran practically the whole of Europe. France's self-sacrifice and the wonderful courage of her people in the Great War are written in imperishable letters of gold upon the annals of time. And yet she occupied the humiliating position at the conference of waiting in the anteroom and having England, Japan, and the United States agree as to what naval force she should be allowed. I sincerely trust that if ever another conference is called the United States will not occupy the position of France.

IMPORTANCE OF SEA POWER.

But we are not considering a new question. The late Admiral Mahan, of the United States Navy, one of the greatest and ablest naval writers who ever lived, points out clearly that whenever in the history of France she had the opportunity to become a great power at sea her footsteps were always fatally directed to land armaments, with the result that she was inevitably consigned to a place inferior to that of England. Spain once possessed enormous colonies from which she drew vast riches, but lacking sea power she lost them all, and has been reduced to so low a station in the family of nations that she was not even invited to the conference. Holland at one time was the equal of Great Britain in sea power, but she, too, was gradually eliminated, until to-day her navy is not even taken into account, and was not considered by the conference.

On the other hand, England has grown to her present dominating position entirely through her sea power, and it has been generally stated that one of the main reasons for her taking part in the Washington meeting was because she foresaw that unless some radical steps were taken the United States was bound to outstrip her upon the oceans of the world.

AT THE PARTING OF THE WAYS.

It seems to me, Mr. Chairman, that we, too, now stand at the parting of the ways; and, alas, we seem bent upon taking the road which has proved so fatal to every nation that has followed it, by crippling the very force which would make us the leader among nations. As by the terms of the treaty we can not have the greatest Navy in the world, then at least let us do the best we can to keep the Navy given us by that treaty in the very highest state of perfection and efficiency.

Among the ships which Secretary Hughes proposed the Japanese should scrap was the greatest battleship in their fleet, and one of the greatest battleships in the world, the *Mutsu*, just completed. That ship had been built as a result of popular subscriptions from all classes of her people, and the Japanese statesmen resolutely declined to destroy it, claiming that their people absolutely would not submit. I am sure the American people have as much love and devotion for their Navy as have the people of Japan for theirs, and they will as resolutely oppose its reduction to a point where it will utterly fail to be that which it was intended to be, a complete safeguard to the Nation.

The gentleman from Michigan has severely censured the Secretary of the Navy as attempting to waste the money of the people, but again I say the evidence does not sustain the charges made.

Take, for instance, our torpedo boats. At the close of the war we had 283 of these vessels. They were the one branch of naval service in which we excelled the world. We have no light cruisers to speak of, and the destroyers had to take their place. These boats, manned by as gallant officers and men as ever set foot upon a deck, were the pride of our Navy; and yet the Secretary, recognizing the need for economy, without the slightest suggestion from this Congress, had determined of his own accord to lay up 157 destroyers. He asked to be allowed to keep 103 with full complements and 23 with 50 per cent complements, and yet you would deny even this.

It is galling to hear the Navy held up to ridicule as it has been in this debate, and I wish to call your attention to at least one instance of its splendid work during the war, so that you may not entirely forget, as some of you seem to wish to do, its heroic and splendid deeds. During the war it became necessary to mine the passage between England and Sweden. It was work of the most dangerous and hazardous character. Seventy-five thousand mines were laid down. It was the greatest mine field ever laid down in the history of the world, and of those mines, 57,000 were placed by ships of the American Navy. It was a magnificent feat and should never be forgotten as long as heroism and bravery are honored among men.

But I have noticed, I think, as word is being gotten to the country of what is sought to be perpetrated here, a disposition among some of those responsible for this legislation to seek to avoid their share of it; but I say you can not run with the hounds and with the hare. If there be any credit to you in giving us a Navy so much smaller than that provided for by the treaty, then you are entitled to it; but if you have committed, in the opinion of the country, a great and grievous wrong, then you must bear the blame. You can not be small Navy men and big Navy men both. You stick to your side of the line and we who believe that we are doing right and are making a desperate fight for the safety of our country and the honor of its flag will stay on our side.

SMALL NAVY DANGEROUS.

Oh, my colleagues, many of you whom I have grown to respect and honor and esteem, with whom I have come to be on terms of friendship during the months that I have been here, I urge and entreat you not to vote for this bill. It is full of harm and danger and disaster. It does not save money. It is an absolute waste of money, because if we do not have a Navy adequate to protect the country, then we almost might as well have no Navy at all.

It is said that after all, even if this is a smaller Navy than we are entitled to, it will be an example to the rest of the world and will point out to them the way to peace. I say that such a Navy as this bill seeks to provide for points out not the way to peace but the way to war. If we are ready and powerful, no nation will seek to attack us. If we are unprepared and weak, on account of our immense riches we become at once the object of the cupidity and greed of other nations.

SACRED TRUST OF THE PEOPLE'S SACRED TRUST.

For the time being the people of our beloved land have committed their well-being, their safety, and their protection to our keeping. It is a most sacred trust. If we are false to that trust, we shall deserve, as we shall receive, the deep and lasting condemnation of those we have betrayed. If we keep and hold that trust sacred, we shall be at least entitled to the thanks of those we have cared for.

It is said that this bill will meet with the approval of the great masses of the people. I absolutely deny it. I say the American people are devotedly attached to their Navy, are proud of it, and love it, and they will utterly repudiate those who seek to harm it.

Now, Mr. Chairman, I know that there are thousands of homes in this country where the very word "war" is hated as something odious, unclean, abhorrent, and dreadful—homes to which war has brought sadness and sorrow and the keenest suffering. There are wives who have been widowed, children who have been made orphans, mothers who have lost their sons, dearer to them than life itself. For all of these I have the greatest sympathy. I would that never again the earth would resound to the sound of soldiers marching to battle. I would that the seas would never again be reddened with the blood of those sacrificed in strife; and it is because I do honestly, earnestly, and sincerely desire peace for my country that I shall vote for such a Navy as I believe will bring about that peace and preserve forever the happiness, the prosperity, the honor, and the glory of our country. [Applause.]

Mr. BYRNES of South Carolina. I yield three minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter which I have received to-day from Secretary of State Charles Evans Hughes, late chairman of the International Conference on the Limitation of Armament, which letter sets forth his views as to the Navy which is requisite under the treaty obligations of the United States.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks as indicated. Is there objection?

Mr. GARRETT of Tennessee. It seems to me that the letter might very well be read now.

Mr. ROGERS. I expected to read it on the floor of the House this afternoon, but owing to the jam for time it has not been practicable. I wish to have it in the RECORD, so that Members can read it to-morrow morning.

Mr. GARRETT of Tennessee. I have no objection.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent that the letter be read.

Mr. KELLEY of Michigan. Mr. Chairman, I will yield three minutes to the gentleman from Massachusetts in order that the letter may be read.

Mr. ROGERS. I want to be sure that the gentleman from South Carolina [Mr. BYRNES] will not regard this as inconsistent with the agreement I made with him.

Mr. BYRNES of South Carolina. I have no objection.

Mr. ROGERS. I send the letter to the desk to be read.

The Clerk read as follows:

MARCH 28, 1922.

The SECRETARY OF STATE,
Washington, D. C.

DEAR MR. SECRETARY: The Committee on Appropriations of the House of Representatives is to recommend in the forthcoming naval appropriation bill for the fiscal year 1923 a reduction from the present enlisted personnel of the United States Navy, some 96,000 enlisted men, to 65,000 enlisted men. I am advised by the Navy Department that this reduction will mean that not exceeding 12 capital ships can be kept in commission. The capital-ship complement allowed the United States by the naval armament limitation treaty of February 6 last is 18. I had supposed—and I think it was generally supposed—that when the United States agreed to reduce its capital-ship force to 18 it was making a very considerable sacrifice, which was nationally permissible only because the other world powers were also limiting themselves commensurately. Now, with the ink scarcely dry upon the treaty, it is proposed to reduce the 18 to 12.

I am writing you not primarily because you are Secretary of State but because you were chairman of the recent Limitation of Armament Conference and because you have necessarily given much study of late to the proper naval program of the United States.

To put the Appropriations Committee proposal in another way, it means that instead of the 5-5-3 ratio established in the naval treaty, we shall have with the new fiscal year a 2½-5-3 ratio, with the United States Navy representing the 2½. In other words, the treaty ratio of the United States capital ships is cut in two and she becomes thereby the third naval power of the world instead of one of the two powers preeminent in naval strength.

I venture to inquire your opinion as to the national and international wisdom of the Appropriations Committee proposal.

Respectfully yours,

DEPARTMENT OF STATE,
Washington, April 10, 1922.

Hon. JOHN JACOB ROGERS,
House of Representatives, Washington.

MY DEAR MR. ROGERS: I have received your letter requesting my opinion as to the proposed reduction from the present enlisted personnel of the United States Navy to 67,000 enlisted men. You state that you write to me because of my relation to the recent Conference on Limitation of Armament and to the negotiation of the naval treaty which fixes limitations for capital-ship tonnage with respect to the United States, Great Britain, and Japan in the ratio of 5-5-3.

Under this treaty the United States is allowed now to retain 18 capital ships. You say that you are advised by the Navy Department that the proposed reduction in personnel will mean that not exceeding

13 capital ships can be kept in commission. As to this I am not qualified to express an expert opinion, but I have questioned the naval experts with whom the American delegates consulted during the recent conference and whom we found both accurate and in sympathy with the principle of limitation by agreement, and I am advised that the proposed number of enlisted men is far below the number required to maintain our Navy upon the basis contemplated by the treaty. Accepting this statement of fact, the only question would seem to be whether our Navy should be reduced below the treaty standard by a provision of personnel inadequate to maintain it.

To this question I think there can be but one answer. I strongly believe that it would be most injurious to the interests of the United States not to maintain fully the standard of the treaty.

From whatever point of view it is considered the question of appropriate naval strength is a relative one. It was recognized in calling the recent conference that the only sound basis for effecting a reduction in naval armament was through an agreement among the naval powers which would fix suitable limitations for their respective navies in relation to each other. In the invitation to the conference it was said that there seemed to be no ground to expect the halting of the increasing outlays for naval armament "unless the powers most largely concerned find a satisfactory basis for an agreement to effect their limitation." Apparently this was the view of Congress when in the naval appropriation bill approved July 12, 1921, it expressed the opinion that there should be an understanding or agreement between the Governments of the United States, Great Britain, and Japan with respect to their building programs.

What was the purpose of the conference if it was deemed to be a wise policy to cut the Navy irrespective of an agreement with the other powers? The ratification of the conference treaties is important, but it is no less important that the policy which they defined should be adhered to. By agreement of the naval powers, construction programs were virtually abandoned and limitations were fixed. It would be truly extraordinary and a manifest reflection upon the work of the conference if the Navy of the United States were reduced below the standard thus established.

The American delegates were able to effect an agreement in this difficult and important matter because they asked for limitations in proportion to existing naval strength. A very large reduction was thus effected, while national security was left unimpaired. To alter that relation would be a very serious matter for the United States, both impairing its prestige and putting its security in jeopardy.

The American delegates deemed it to be essential that they should stand inflexibly for the ratio shown by existing strength, and thus they insisted upon a replacement schedule which would give equality with Great Britain and a ratio of 5-3 with Japan. This result was achieved. We should have taken a wholly indefensible position had we asked for less. But of what avail are this labor and success if the Navy is not kept up to an agreed standard?

I have been speaking of existing conditions, but what of the future? Upon what basis is the United States to enter future negotiations on the subject of naval armament? Are we to impair our existing relative strength and accept an inferior position? I should suppose that such a proposition would require only to be stated, and that no one would defend it. The United States, in calling the conference, which has had such gratifying results, has shown that reduction can be effected by agreement. We have reduced our Navy, but we have kept our place. Great sums have been saved through the agreed reductions, but to cut under the agreement itself would be likely to prove, I believe, an expensive experiment.

I trust that an adequate personnel will be supplied to maintain the 18 battleships which the United States is entitled to keep, together with the auxiliaries that would be appropriate to such a fleet. Of course, I fully accept the view that the Navy, on the reduced basis, should be highly efficient.

I am, my dear Mr. ROGERS,
Very sincerely yours,

CHARLES E. HUGHES.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, as to the size of the Navy there may be room for argument, but I am not prepared to subscribe to the doctrine laid down in the letter if I understand what it means. If I understand, it is the purpose of the Secretary of State to insist that the Congress of the United States is bound to keep the Navy up to the number fixed in that agreement. I do not believe that. I believe all that is binding on this country under the treaty is that we shall not go above the 5-5-3 ratio. [Applause.] We are not bound legally or morally to keep it at that point if in our discretion we deem it wise to go below that 5-5-3 ratio.

Mr. ROGERS. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. ROGERS. Does the gentleman think it is wise to go below the 5-5-3 ratio?

Mr. GARRETT of Tennessee. I say that the size of the Navy may be a matter of argument, but that is not what I am talking about in the three minutes that I have. I want now, at the very threshold of that proposition, with the first official utterance, to challenge the doctrine laid down that the Congress of the United States is bound by this treaty for all time, or for 10 years, or for any time, to keep the Navy up to a certain point. I am willing to agree that we are bound not to go beyond a certain point, but certainly I am unwilling to agree that the discretionary power of the Congress has been taken away by a treaty that will prevent us making it less if we want to. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, I want to ask the gentleman from Massachusetts if that letter came as a surprise to him, or did he ask the Secretary to write it?

Mr. ROGERS. I wrote the Secretary of State a letter, as the Secretary indicates in his reply, and in order that both sides of the correspondence may be available for Members of the House, I will, if the gentleman will permit, ask unanimous consent to print my letter with that of the Secretary of State.

Mr. CONNALLY of Texas. I want to ask the gentleman if the Secretary of State gave out the letter to the papers before it reached the gentleman from Massachusetts?

Mr. ROGERS. I do not know that I can give the gentleman a stop-watch time on it, but I received the letter at noon, and, as I understand, it has appeared in the afternoon papers, although I have not seen it. But that does not seem to be particularly material.

Mr. CONNALLY of Texas. The gentleman does not mind saying whether he knew what the Secretary's reply would be before he received it?

Mr. ROGERS. I had no knowledge of what the Secretary of State would say until I got his letter at noon to-day.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to print in the RECORD his own letter to the Secretary. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the House, after listening to the letter that has been received from the Secretary of State, I fully agree that this Congress is not to be bound by any document that may be received here, but I want to say that I, for one, am not only willing to subscribe to the document so far as keeping the Navy up to the standard set by the treaty but I am in favor of going further and making the United States Navy the greatest navy in the world. [Applause.]

The chairman of the subcommittee of the Appropriations Committee in charge of the naval bill has made a delightful, balanced argument in favor of the bill as presented to the House for our consideration. I listened with great pleasure to the delivery of his remarks, and in the selfish hope of further enjoyment I have allowed myself the time to read his speech in the RECORD this morning. Of course, the gentleman from Michigan [Mr. KELLEY], owing to his experience as a Member of the House, is qualified to enlighten some of us regarding Navy matters, and from his attainment as a member of the legal profession is particularly gifted in the presentation of his thoughts so that they have the appearance of fact seemingly logical.

To my mind most of the trouble with this appropriation bill is the logicians, the lawyers, and the bankers are setting up their respective and combined opinion against the judgment and expertness of the professional, seafaring Navy men whose interest may be at times biased, but is primarily based upon cold, calm patriotism and an intimate careful study of the needs for national defense. We have an investment in the Navy men (an investment in these Navy men), an investment which started in their seventeenth or eighteenth year. We appropriated money for their education; we, the people of the country, had a hand in the character formation of these men; we have, since they graduated from the Naval Academy, vested them as custodians of our national honor in so far as seas, the highways between nations, are concerned, and at no time have they failed us. No; nor have they deceived us.

Our present situation is one in which we, representing the people, must abide by the traditions we have acquired from the past—a glorious past—for which the people of our country have an admiration greater than they accord Congress.

I agree with the Secretary of the Navy; this bill does not meet the needs of the country, is a challenge to the common people, and should be amended to meet the demands of the experts of the Navy.

Navies are not made up by adding machines, as was said on this floor yesterday by the gentleman from Michigan. We do not want an adding-machine Navy. We want a Navy of men trained to the needs of the service and enthusiastically alive to its traditions. Such men make the ideal custodians of the Nation's honor. Comparisons are odious. Ours is an American Navy, and we have no desire to compare it or its personnel with the English or the Japanese. Our men are of a better caliber, and proved that fact during the World War.

However, since the chairman of the subcommittee and the chairman of the committee itself have seen fit to insert figures of comparison in the report, I would like to take a little time to dissect these figures, from my viewpoint. The estimated appropriation for the British Navy for 1923, converted into dollars at current rates of exchange, is two hundred and thirty-four millions; under this bill the appropriation for the American Navy for the same period is $233,000,000. These figures on their face would suggest a parity of naval strength; but, the British appropriation will carry further because of the lower salaries paid to

British naval officers and the lower rate of wages paid to the enlisted personnel—the British pay scale is approximately one-third lower than the scale in the United States Navy. There is a lower cost of operation resulting from British control of fuel oil and other necessary supplies of a navy. Further, the cost of training naval recruits in the British Navy is lower than is the cost in the American Navy. You can not compare the navies of the world or their operation purely on a dollar sign, or adding-machine basis.

We should have presented to us the figures of the General Board of the Navy, approved by the Bureau of the Budget, before we accept those fixed by the subcommittee on appropriations in charge of this bill. Those figures were prepared by experts and been firmly the needs of the Navy in accordance with the conference recently held in this city and upon which the treaties have been entered into. The American people have no desire that their Navy be relegated to the third class among the nations of the world. The American people will agree with the experts of our Navy that in order to man the ships allotted to the United States by the treaties of Washington it will require 86,000 men. That its navy yards' service is essential to the proper upkeep of this tonnage and that to quibble about an honest expenditure of money for their maintenance is in contradiction to honest business management, and destructive of the needs of an honest artisan associate of the uniformed force. [Applause.]

Mr. Chairman, while I have a very high regard for the gentlemen of this House who have made a close study of this bill, and who have, to their minds, reported a bill of sufficient money and sufficient personnel to carry out their thoughts, I am willing to take for my information the views of these men who have been trained in the service of the United States Navy for just the purpose that is before us at this time. There can be no question as to the honesty of the men who make up the officer personnel of the United States Navy. Their work has stood out like a beacon light in the past and especially throughout the World War, and their service has been one which has been an inspiration not only to the American people but to the people across the seas. They have given us a Navy that has been a credit to us, and when to-day the question comes as to the reorganization of the Navy of the United States, we should hesitate before we lay aside their views and take the views of civilians whose training has been acquired in this House.

Therefore, Mr. Chairman, I am going to vote for as large a Navy as it will be possible for me to vote for. If it is possible to have a Navy with a personnel of 86,000, I am going to vote for it. If I can not get the 86,000, then I shall vote for 86,000, but I shall never cast my vote for a Navy of 67,000, which, as has been said on the floor of this House, by naval experts, by the Secretary of the Navy, by the Secretary of State, by the Assistant Secretary of State, is inadequate to meet our demands.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, a nation may perish as a result of a successful external aggression and attack directed against it, or may pass into the cemetery of dead and gone Empires, States, Kingdoms, and Republics as a consequence of internal revolt and explosion, or may fall into a sleep of oblivion before total annihilation ensues as a result of a process of decay which is quick or rapid in its destruction, in accordance with the spirit and temper of the people that it seeps and undermines. It is the duty of each and every generation in the life of a country to be constantly on its guard against attacks from without and within, as well as from the corroding and deteriorating strokes of time. It is the duty of every generation to preserve, maintain, and add to the inheritance it has received and leave as rich a legacy as possible to its heirs and successors. This obligation must be executed even if war follows its execution.

External attack may come to the United States either from a European power or from an Asiatic source. The Atlantic Ocean lies between Europe and ourselves; the Pacific Ocean rolls between our country and Asia. A Navy is therefore our first line of defense in either case, if we would repel or beat and destroy any European or Asiatic invasion. It therefore becomes pertinent to inquire what class of a Navy does America want before passing to a discussion of internal decay and national death, which I hope to take up on another day.

What think you is the sort of a Navy the people of the United States desire? Do they want a first class, a second class, or a third class Navy? Do they want a Navy that will inspire respect or a Navy that will invite attack? Do they want a Navy that will boldly, dauntlessly, and bravely sail the seas, a symbol of the valor and the invincible courage of our people, or a Navy that will slowly, respectfully, cravenly, cautiously sail out of the sight of the superior navies of the great nations of the world? What is Congress going to do about our Naval Establishment and our position on the seven seas not only as a protection to American commerce but as the sign or emblem of the courage and power of this country to maintain itself as a Republic and as an answer to any challenge that may be in the brooding minds of peoples that look upon our greatness and our glory, our wealth and grandeur with baleful, malevolent, envious, and dangerous eyes? What is the intention of Congress in regard to the size and fighting strength of the United States Navy? It is well that the people of this country should know. The Senate has advised ratification of the treaty which fixes the ratio of the three principal fleets at 5-5-3. Great Britain and Japan are going forward with the maintenance of their fleets at the ratio agreed upon. They are aiming at increasing the efficiency of their personnel so as to make their fleets much more effective as fighting forces than the ratio figure would indicate. They will have smaller but better fleets. The Senate, by consenting to ratification, apparently adopts the view already adopted by the President in making the treaty, namely, that the United States fleet should also be smaller but better, and should be kept up to ratio figure. This ratio agreed upon by the powers provides for a fleet which may in each case be described as a 100 per cent Navy. If the treaty Navy is a 100 per cent fleet, what is the House intending to do? What kind of fleet does it wish to provide? The minimum personnel for an efficient fleet on the treaty basis is 120,000. Secretary Denby's drastic cut down to 90,000 men is all that the Navy can stand with safety, if the national interest is to be protected. He made this cut in order to cooperate in the plan of the administration and Congress to reach the utmost limit of economy in public expenditures. But President Harding, to make the record for economy doubly sure, cut the Navy personnel estimate to 80,000.

The Naval Affairs Committee accepts this view and reports a bill fixing the maximum enlisted strength at 80,000, exclusive of 6,000 apprentices. Thus the Secretary, the President, and the committee cut far below the 100 per cent mark and would provide a personnel capable of making a fleet say, 75 per cent as efficient as the Navy contemplated by the treaty and approved by the Senate and the President. Now, the House subcommittee on appropriations proposes to go the President and the Naval Committee one better in their cut of Secretary Denby's estimate and make a cut still further down to 67,000 against the advice and warning of the executive department which acts on accurate information in both technical and international matters. Obviously the desire for economy has obscured somewhat the factors of national defense and security in the minds of the legislators who compose and make up the subcommittee on appropriations; those on the Committee on Naval Affairs apparently in a lesser degree and that of the President whom they have followed and even that of the Secretary of the Navy, who has reluctantly receded from an attitude which he knows to be sound and unassailable. However well informed committeemen may be, they are not experts in naval questions and can hardly pretend to possess information equal to that possessed by the President in international subjects. Through the State Department and through other channels he is kept informed on the relationship of the nations. The relationship of nations which has so much influence upon the composition of fleets are a sealed book to the members of the subcommittee and the Committee on Appropriations of the House, as well as to the Committee on Naval Affairs.

What is the object of the Government in maintaining a Navy? Either this object should be attained or the Navy should be abolished. By fixing the personnel at 67,000, the Appropriation Committee acknowledge that there must be a Navy of some sort, and thus they admit that there is some object to be attained. Then why not attain it? The curtailment of the Navy below a certain point of efficiency is equivalent to abolishing it, so far as the defense of the Nation is concerned, yet the House committee allows a large sum for 67,000 men. This is an utterly needless waste of public funds, if the object of the House is to do away with naval defense. The appropriation for 67,000 men is a violation of the program for economy, for these men can not do the work cut out for them.

The first object in maintaining a Navy is economy in the truest sense—the avoidance of waste of blood and treasure. If the United States is not fairly well prepared the next war will be so costly that all the savings now contemplated in naval personnel will shrink into nothingness. Even if defeat is averted, and an indemnity to the victor avoided, the United States will have paid for an efficient Navy many times over. Another object in maintaining a Navy is to keep the United

States from becoming a theater of war. The British fleet kept the people of England from the horrors of invasion and devastation, and the German fleet served the same purpose for Germany.

These objects call for the expenditure of money. Congress can not avoid reasonable expenditure for a Navy if it intends to make the national defense secure. The people do not object to paying for their protection. There is no public demand for the scrapping of the Navy. Why or why not? Let us see. Perhaps we may secure some light from recent happenings. Let us turn on all the light possible so that we may see the way. Was the recent conference a disarmament or a limitation on armament conference? Of course, it was for the limitation of armament and other purposes the memorable conference was called.

The stated purpose was to arrive at such a common understanding with respect to principles and policies in the Far East as to permit of a general limitation of armament by common agreement. It was a call upon nations concerned to do that finer, nobler thing which no nation can do alone—to make such sacrifices and to come to such rearrangements as would reduce the likelihood of war in the Far East and thus enable the principal powers to limit their armaments without undue danger to themselves or to those dependent upon them for security.

The general objective of the United States—which was the objective of the conference as a whole—was to improve policies and consequent conditions in the Far East so as to reduce a specific expectancy of war in the Pacific and thus permit of a general limitation of armaments.

It may be said now that the naval limitations agreement does not limit the extent to which future competition may be carried in building submarines, destroyers, cruisers, or any other type of combatant naval vessel in any number, except capital ships and airplane carriers. It virtually does not reduce the present effective force of capital ships in themselves, but merely provides against their further expansion; and it makes specific provisions for expansion of the present airplane carrier forces. As the present effective force of capital fleets in themselves is not virtually reduced, as the expansion of only capital ships and of airplane carriers are limited, and as the expansion in volume of cruiser, destroyer, submarine, or any other naval force is unlimited, it is difficult to see why some have acclaimed this agreement as a tremendous reduction of naval forces. It is merely a limitation upon the future expansion of capital forces. And this mere limitation of capital forces—counting airplane carriers as such—was obtained by the United States in consideration of yielding the right to fortify the Philippine Islands and the island of Guam, which, in the judgment of American students of naval warfare, absolutely transfers the domain of the Asiatic Pacific to Japan, for without a base of operation other than Hawaii it is utterly impossible for the United States to even contemplate an engagement beyond the radius of capital-ship activities, which, under present conditions and battleship power, does not, can not, exceed 2,000 miles. It is utterly impossible for Great Britain, operating from Singapore, to contest the supremacy that has been bestowed upon Japan as a result of the treaties springing from the Washington conference. The best-informed naval thought of this country is that Japan can now laugh at any effort that might have been made one time, but which can have no effect in the future, even though Great Britain and the United States were to take combined action in order to preserve the open-door policy in China or any other policy that might become a vital interest in Asia to the English-speaking world.

And it may not be amiss to say right here it should be realized that if the present personnel of the American Navy were to be assigned only to the ships built and to be retained under the limitation plan, and to their auxiliaries, the fleet could not be 80 per cent manned. This and other economies now make for the fact that the actual ratio between American, British, and Japanese fleets is not 5-5-3 but between 4-5-3 and 3-5-3. The truth of this will be appreciated by those who know the relative training in these three navies, and who realize that ships do not fight each other but that it takes trained men to fight ships.

The ships now in commission are short of officers and men, but in spite of this there are a number of gentlemen in Congress who propose to still further reduce the effectiveness of the fleet by heavy reductions in the personnel.

The country should be aroused to the danger of this, for with it accomplished our Navy would fall well below the ratio of relative strength outlined in the provisions of the Limitation of Armaments Conference. Are we to hand over the sea power of the Pacific to another nation?

In comparing the personnel strength of the various navies, too frequently the error is made of examining the forces concerned on purely a numerical basis. The character and experience of the personnel should be studied before a true estimate of relative strength can be attained.

In this connection investigation will show that the Navy of the United States is largely manned by young men in their first enlistment. In fact on June 30, 1921, there were approximately 98,000 men who were serving in the Navy with no previous service, and with less than four years' experience. When it is understood that on the same date the total strength of the Navy was about 119,000, it is readily seen that a high percentage of new men were in the process of being trained for naval service.

On the same date there were approximately 8,000 men in the Navy with 4 and less than 8 years' service and about 5,000 with 8 and less than 12 years.

Examining the strength of the British Navy for July, 1921, it is seen that out of a total strength of about 103,656 men about 68,000 were serving in a continuous-service period of 12 years and 21,000 were in the 10-year enlistment period following the first 12-year enlistment. But 8,000 were in the short-service period of five years.

The Japanese Navy is organized very much on the same lines as the British. Both these services have reserves of seasoned officers and men in their merchant marine.

The United States Navy, with its short periods of enlistment and heavy yearly turnover in recruits and discharges, is at a disadvantage in its effort to maintain the same relative plane of efficiency and war readiness.

During the fiscal year ending June 30, 1921, there were about 54,000 first enlistments and 16,000 reenlistments, while the discharges amounted to about 57,000 and the desertions to about 10,000.

It is clear from the above that in order for the United States to hold its fleets on the same relative numerical strength as, say, that of Great Britain, setting aside the question of the degree of experience, our Navy should maintain a personnel approximately 15 per cent greater in order to allow for the boys in training barracks and schools of instruction ashore.

This also brings home the fact that, due to the high percentage of new men constantly in our service, the need of experienced officers to train and supervise ship operations is of necessity higher in our Navy than in the other two services that have been under consideration, where the men are more seasoned and of longer sea experience.

Instead of this being the case it will be found upon investigation that but about 600 out of the total officer line strength of our Navy on January 1, 1922, can, from length of service, be considered experienced officers, and that the ratios of officers to men in the British and Japanese Navies is higher than in our own.

With these facts and statements of the leading authorities on naval matters in our country constantly in mind, I ask are we prepared to denude ourselves and by reducing our Navy leave ourselves naked to the world and at the mercy of the powerful and strong?

The so-called Hughes plan for the limitation of armaments provides, in the case of the United States, for the scrapping of ships not yet completed on which no officers and men are now serving. It also includes the junking of many of the older battleships which are now tied up, out of commission, with no officers and men on board. In a similar manner and to a less extent it applies to the other navies concerned.

It must be understood, therefore, that it does not actually reduce the numbers or strength of the ships of the active fleets now in commission belonging to the several nations party to the proposed agreement. New construction is to be stopped, and thereby money will be saved in the future. Old ships, out of commission, are to be sold, and thereby a present saving is to be accomplished.

It is becoming clear that the foreign navies limited in new construction intend to maintain their present active fleets at the highest possible point of efficiency with adequate and contented personnel. The Russo-Japanese war, as well as the recent World War, brought home one lesson very clearly, namely, that ships inadequately manned by poorly trained men are but a wasted effort. To-day, as in former years, it is the quality of the personnel and not the ships themselves that decide victory or defeat for a nation.

The danger faces the United States that its people, misunderstanding the results of the Limitation of Armament Conference, will lend themselves to the dismantling and crippling of their

present active fleet which the agreements of the conference authorize them to retain.

It must also be borne in mind that it takes time to commission a ship and get her up to the point of operating efficiency where she can take her place with success in the battle line. To mold and train the fleet into war harmony and teamwork takes long training and experience. To dissipate the efforts of the last few years in fleet development and war readiness is a matter of very serious moment to the country. It involves such a throwing away of costly effort in the training of officers and men and in material preparation that a pause should be made to consider the consequences and the price to be paid before it is permitted.

There appears to be a tendency in Congress not only to accept what the Limitation of Armaments Conference proposed, but to go much further and reduce the personnel that is required to properly man the ships which the conference plan authorizes the United States to retain. If this should be done it would mean that instead of a naval ratio of 5-5-3 being maintained between the United States, Great Britain, and Japan the United States, by its own act, would lower its position in that ratio by cutting the strength of its present naval personnel, a personnel which already is not sufficient to man fully the fleet permitted to the United States under the provisions of the conference.

These facts should be brought home to the country, for with them go sea power and the initiative in guiding world affairs. Unless a nation is strong and ready, her good intentions and ideals for the betterment of the world are of but small avail. With these facts are also bound up the questions of preparedness and national insurance against war. And what is there in world affairs that should make us feel that there is ample security in what should be, and I know is, intolerable to every American, a second or third class naval position? What is there in the brooding, sullen attitude of Europe and Asia to make us take, assume any other position than a nation on guard with watchmen on the towers night and day?

A second or third position means destruction or tribute or both. The American people do not desire to abandon their Navy because they do not want to pay tribute to anyone. They have not yet given up or grown tired of their old slogan, "Millions for defense but not one cent for tribute." They have not yet given up the idea that their children and their children's children shall be free men, and that this Republic must go on for ever as the land of the free and the home of the brave. They are not willing to be carried away to such an extent by pious utterances, high-sounding sentimentalities, and cries for rigid economy as to make them forget that "eternal vigilance is the price of liberty," and that parsimony and stinginess in appropriations for national defense are the roads over which nations have trod to a craven surrender and vassalage. There is no desire upon the part of the rich or the poor of this land to avoid a governmental expenditure that will insure a proper reverence for the flag of our country in every quarter and spot on this globe. Both the rich and the poor are for an efficient 100 per cent Navy under the terms of the 5-5-3 pact. The United States must always have a Navy that can meet any threat from any quarter whatsoever and can answer and express the attitude of a freedom-loving, liberty-worshiping people who will fight and die for their country and its ideals in such brave words as these:

> Threaten away, for I, too, am proud
> In like manner. Rule me if thou canst!
> Get by the hand the mastery—rule me then!

But not until we are beaten to the earth, and God grant that day may never come, shall we acknowledge the mastery of anyone. We all join in the expression that we are a brave people and will fight to maintain our liberties and freedom. We should all join in providing the machinery, the equipment necessary for the defense of our land and its institutions by our heroic youth if on some tremendous day the invader attempts to place his heel on our shore. The American people do not bluster but wish to point with pride to a Naval Establishment, a first line of defense, that can meet any enemy who looks upon our vast possessions and illimitable wealth with greedy and rapacious eyes. It is Virgil that says, "Wolves wax keener at the bleat of lambs." The American people are not lambs, and they do not and will never bleat. They are not wholly given over to the highly sentimental idea that by pious and uplift declarations they can prevent powerful marauders, whose rise may be as sudden as that of Japan, from hoping to trample us under foot after sacking our cities and ravishing our homes. It was Blucher who said when he was asked what he thought of London during a visit which he paid to that wonderful city, "What a magnificent city to loot; what plunder in its palaces; what booty in its temples and homes." The American people are fully aware of the fact taught by all the tragedies of the past that a highly enlightened and cultured society and civilization should ever be upon its guard from "the lesser breeds without the law," and in direct proportion to the heights it has attained in civilization must it rely upon power and force to maintain itself against assaults from those that would tear it from its position and fling it into the abyss of dead and gone nations which in the heyday of their glory forgot the primal law, "the powerful survive, the strengthless weak decay." The idea that enlightened nations should set an example to those that are less enlightened by disarming to the vanishing point is not advocated by anyone who knows the facts of history and who can see at a glance the utter fallacy, the total lack of logic that lies in such theory or assertion. To carry out such an idea would mean the destruction of the different social grades of civilization in the order of their culture, refinement, wealth, and power, and in quick time the last and least enlightened would be first. The less sentimental and less cultured nation not having reached the point where it laid the foolish notion to its soul that victory, place, and power are won by enlightenment alone, and still depending and relying upon force in the way of naval establishments would soon tear down and hurl from its summit the silly culture that forgot that strength and power are the foundation upon which every civilization must rear and maintain its superstructure of learning and lore.

Each and every naval expert who appeared before the House Committee on Naval Affairs spoke earnestly of his hope that this world might not be cursed again by any conflagration of war, and each and every one declared that as long as human nature is beset by the passions that make for greed, rapacity, envy, jealousy, glory, and the all-powerful desire to rule, commercially, financially, industrially, and otherwise, will it be necessary for the nations to remain on the alert and to see that sentinels are on guard night and day in the towers and turrets of a land that wishes to remain free. Each and every expert uttered a fervent prayer that the world might not again be cursed by such a war as that which drenched Europe in blood, but none of them thought that the millennium is at hand. On the contrary, each one declared it would be safe, prudent, and patriotic to maintain a naval establishment, so that its captains might be able on a moment's notice to answer the call from the country, "We are ready; we are here." Denby, Roosevelt, Coontz, and their associates and aides desire a Navy that will enable us to meet every requirement of the 5-5-3 pact and yet can fearlessly and proudly sail the seas knowing that it is 100 per cent efficient, valiant, and true. Does anyone believe in this Congress or in this country that England—or Great Britain, if that be preferable—will not be 100 per cent in every respect? Does it not follow as night does the day that if we do not keep 100 per cent numerically and efficiently under the terms of the treaty we will have voluntarily made of ourselves an inferior in naval strength? Can not anyone see that if we ever fall to an inferior position and fate ordains we shall meet any one of the great world powers on the sea that we would have to pay in tears, in blood and agony, in disaster and heartbreaking humiliation for a folly for which our children might curse us from the depths of their hearts?

Mr. Chairman, I will not argue the point with any one of the many who say, "Well, suppose we are defeated on sea; can't we hold our own on land?" The reasons for such a position are obvious, and any attempt at an elaboration would prove to be, I know, a work of supererogation.

Does anyone believe that Japan will not keep 100 per cent under the terms and conditions of the pact? If there be such a one, let me endeavor to settle his mind on that subject by solving the doubt with the reading of the following cablegram which appeared in the Washington Star under date of April 2:

SEES UNITED STATES GROANING UNDER NAVY COSTS—JAPANESE PAPER CALLS RATIFYING OF LIMITATION TREATY "ELOQUENT TESTIMONY."

(By the Associated Press.)

TOKYO, April 1.—The unopposed ratification of the naval limitation treaty by the American Senate is "eloquent testimony to the advantage the treaty affords America," declares the Yorozu Choho to-day in commenting on the Senate's action.

Furthermore, the newspaper declares, it is evidence of the fact that America is groaning under the burden of excessive naval expenditure and is intent upon cutting down her armaments to the utmost limit.

WONDER ABOUT SECRET PACT.

"Some Congressmen," it continues, "propose reduction even below the agreed ratio. A similar situation obtains in Great Britain. We do not know whether this informs the allegation of a secret understanding between Great Britain and America, but, in any event, Japan must not neglect the maintenance of an efficient navy.

"The shifting state of affairs in western countries forbids us to presume that the condition at the moment will last."

Every page of history shows that nations should ever be on the alert for every danger, and that the aphorism, "Beware of

the seeming friend of to-day, for he may be the enemy of tomorrow," should be constantly in the mind of statesmen, who are the trustees for the honor, greatness, and glory of their country. I know, Mr. Chairman, that there are millions of patriotic people in this country, 100 per cent Americans, who believe that there will never be any quarrel between the United States and Great Britain sufficiently grave or irritating as to make for war. They urge with what would appear to be plausibility if it were not that the stern facts of history refute their whole argument that we are members of practically the same family, speaking the same tongue, with the same literature, customs, mental processes, and so forth, and that the chains of commerce and industry are made up in large part by alternating American and British links—sincerity, of course. But when did sincerity restore to life the thousands that have been slaughtered as a result of its errors and blunders? It sometimes takes on a vision which becomes so strained in its search for the Utopia of peace as to destroy itself and the object of its search, the imaginary and intangible thing which is susceptible to the remote possibility of being embodied as a beautiful dream can become only when viewed with the eye of reason. What is there in our relations with Great Britain to justify the sweet hope of those who believe that the dream of Britain is to lie down in amity, love, and affection with the United States of America in anticipation of the millennium and not as the lion with the lamb in the fable, as many thoughtful Americans suspect?

Have Americans forgotten the historic and blistering indictment of English tyranny, oppression, rapacity, atrocities, inhumanity, and savagery, returned by Continental Congress on July 4, 1776, in the immortal Declaration of Independence? Has America forgotten the War of 1812 and the destruction and burning of this very Capitol? Does not everyone know that she was willing to break up and divide this Union during the Civil War, not because she loved the South but because she hated the Union and feared its unified power and force? Was the Venezuelan incident an evidence of her affection for us? Are her recent attempts to accentuate her power and menace the Panama Canal by attempts to control oil fields in Mexico, Colombia, and Haiti an evidence of her love for us, a love which passeth the understanding of Americans familiar with the history of their country? What pages in the history of the world do our visionary friends rely upon to prove that this mighty Kingdom, which has grown into the central figure around which is clustered an Empire on whose vast possessions the sun never sets, has changed its grim and brutal policies and the attitude of the mailed fist? Is it in the crucifixion of India, the degradation of Ireland, the trampling upon South Africa? When did a common language, the same custom, and historic aspects prevent people from clashing when national or aggregate interests required an attitude which precipitated a conflict? Was it in the War of Secession when brother was against brother, and the land was drenched in fraternal blood, undergoing a Golgotha of suffering and agony that lasted long, long beyond the terrible days of the years from 1861 to 1865? Did a common language and the same literature and neighborly proximity prevent England from trampling upon Ireland, generation after generation, since Strongbow first landed on the Irish coast? Did they prevent England from putting the Indian and Hessian upon the American Colonies while struggling for independence—for freedom, for liberty? And since when did we become so certain that Japan has her army and navy merely for show purposes? Since when did we become convinced that she is looking across the Pacific with eyes of affection and love instead of with brooding gaze waiting, waiting for the day to strike? Is not this the same country that put down within recent times two of the most ancient civilizations then on earth—China and Russia? Is not this the country that staggered humanity with its slaughter of the helpless Chinese so as to terrorize them for years to come? Is not this the country that struck with torpedo the Russian fleet without warning or a declaration of war at Vladivostok?

And as a last question, Did we ourselves grow by uplifted eye and soft, soothing, smug expressions of brotherly love, or did we move across the continent from ocean to ocean, as we delight to phrase it, as a result of power?

Mr. Chairman, I do not speak acrimoniously, vindictively, or malevolently of England or Japan in following and yielding to the law of growth, nor do I speak depreciatingly of our own wonderful expansion as a result of force—courage braving its way, overcoming perils, and beating down difficulties. I recognize that England and Japan have grown rich, great, powerful, and strong in accordance with the inexorable law which rules all things:

> They shall take who have the power;
> They shall keep who can.

I challenge and deny the wisdom of their Governments, but I can not ignore the law of their rise and growth and expansion. Knowing that their remarkable rise, their wonderful ascent, has been through force, and that "kingdoms by blood gained must be by blood maintained," they propose to keep strong and efficient and maintain at least what they claim is theirs to-day. Woe to the nation that does not heed that law; woe, woe to the people that depend upon the soothsayers. For such a people night is at hand, when glory's thrill is o'er, and hearts that once beat high for praise will feel that thrill no more.

There is no use attempting to ignore the facts of human existence without being willing and ready to pay for such blindness. Wars are not over, even though we fought the last war to end wars; at least some emotionals said so and many hysterical and credulous men and women believed it. My tears will mingle with the tears of those who weep for the young men who died like dogs in the mud, and who will never again, in this world, gladden the eyes of the parents that mourn their loss.

I am not a swashbuckler. I want to see my country at peace with all the world, and I would curse with my dying breath the enemy that assails my native land and drenched it in blood. I would gladly, joyfully aid and assist in ringing out the old, old curse of all the ages—wars with their cruelties, their rivers of blood, their tears and lamentations, their sad-eyed orphans, and bent and broken mothers who groan beneath the weight of their anguish. But it is not as clear as when the sun is shining at its zenith to a man who is not blind that a country as rich and as opulent as the United States is invites war, precipitates war, seeks attack and untold slaughter by assuming a weak and defenseless position, for such is the position that necessarily results from a weak naval establishment, which is worse than having no navy at all. For while it is true that without a Navy we would be subject to the unspeakable degradation of paying tribute, we would at least escape the slaughter of a vain resistance which would be a prelude to the destruction of our country after the looting and the sacking and the raping of our great cities.

Mr. Chairman, I am not even remotely a man of blood and iron seeking to conquer other worlds. I join with my countrymen and countrywomen who nightly send up their prayers to our Creator to spare the world the agony and the torture of strife and cruel, cruel war. But I would be defeating that very purpose if I did not pray my country to ever be on guard and always, night and day, mindful of what history teaches from its very dawn until the present hour. As pointed out by a celebrated historian, for a period beginning fifteen hundred years before Christ until the present hour there have been but 240 years of peace, and those years were apparently spent in preparing for the wars that followed them. Historians do not go back or need not go back into the shades of antiquity further than fifteen hundred years before the coming of the Nazarene, for it is plain and clear to the mind that can draw a reasonable inference from facts that it must have been one long, terrible night of strife and war where generation after generation sank beneath the red waves of a sea of slaughter. One continuous warfare of the powerful who felt that they were strong enough to assail the weak and relatively defenseless. No, Mr. Chairman, I am not a swashbuckler in standing for a strong Navy. From my viewpoint a strong Navy will make for peace.

I hope that this Congress will follow, if not the advice of Secretary Denby, then the suggestion of the President of the United States, and amend the bill under consideration so as to make for a personnel of 80,000, exclusive of the 6,000 apprentices. If we do not, and the bill passes in its present shape, I believe that a large number of patriotic men and women will feel that the American Navy has met its first defeat in the House of Representatives of the Congress of the United States. And should ever disaster befall us as a result of a small and inefficient Navy—and God grant that no such disaster or calamity shall ever even darken an hour in the life of this Republic—remember my friends that it will be no consolation to indulge in the gloomy and melancholy reflection that it was no foeman's hand that felled us, that it was our own that struck the blow. My hope, my prayer is that we shall always be on the alert, always vigilant to maintain our rights and prestige and power so that we may hand down to posterity the richest legacy ever left by a generation to its successors since this old earth first began to turn and revolve on its axis.

"Millions for defense, but not one cent for tribute." Better, far better, my countrymen, to drain our mints of money and our mines of their gold than on some terrible, some tremendous day to be laid low and prostrated after having our Navy sent to the bottom of the sea as a result of weakness by some terrible, strong, powerful superior foe in point of the number of men, fighting our brave lads from a more advantageous posi-

tion and with a better equipment with which to discharge the supreme duty of life by fighting and dying for one's native land. Better, far better, to pauperize ourselves than to leave to our children a defeated country; children whose hearts would ache, whose eyes would always be brimming over with tears at the pathetic and tragic thought that it was their ancestors who had dealt to them the terrible blow of humiliation and disaster. Their position indeed would be that of—

The struck eagle stretched upon the plain,
No more through rolling clouds to soar again,
View'd his own feather on the fatal dart,
And wing'd the shaft that quivered in his heart;
Keen were his pangs, but keener far to feel
He nursed the pinion which impell'd the steel;
While the same plumage that had warm'd his nest
Drank the last life drop of his bleeding breast.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. O'CONNOR. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. BRITTEN] may have the privilege of revising and extending his remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. TAYLOR] may have permission to extend his remarks.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Colorado [Mr. TAYLOR] may have permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LANKFORD] such time as he may desire.

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I am anxious to help the millions of farmers of the Nation. I know that the farmers of my district in Georgia do not get one-third what they should receive for the products of their farms. They and their wives and children work hard day in and day out and on into the night, and yet they do not get one-third of what they should receive for their labor. They produce an abundance and would produce much more if there was only a reasonably good market for their products. It takes more courage than most of us have to toil when that toil is in vain and when the products of our labor must rot and be lost while a world starves for the very products that rot and are lost to the producer and the rest of the world. While the people of Washington and other large cities are suffering for the vegetables, watermelons, and cantaloupes which my people produce so abundantly, the people of my district are letting these very things rot because they can not get any sort of a fair price for them. My people ought to get twice to three times as much for their products as they do get and should be able to sell easily and profitably all they can produce. Something is wrong somewhere. The watermelons, cantaloupes, and vegetables that get here from Georgia are stale when offered to the consumer and are sold for twice what they should sell for. Something is wrong somewhere. The producer gets too little for his products. The consumer pays too much and gets a stale product. Somebody somewhere gets too much, and entirely too much time is lost getting the product from the producer to the consumer. Our marketing system is wrong.

Oh, if we could only cut out the middleman and sell directly from the producer to the consumer. The producer would get much more for his product. The consumer would buy much more cheaply and there would be less delay and the product would be fresh and wholesome. There would be a greater demand for the article, for it would be so much better for table use. I gave special attention to marketing of watermelons last spring and summer. I spend practically all my spare time going from one retail man to another and from one wholesale concern to another, studying the situation and trying to help sell some watermelons as nearly as possible directly from the producer to the consumer. I finally made arrangements to sell about three carloads of melons each week directly from the producer to a big retail concern here. Of course, I was not seeking any pay for my work other than the pay of being able to help my people get a fair price for their melons. I was happy as I had the first carload shipped. I hoped to be able to find a market in this way in the large cities of the country for all the melons my people could grow. What happened? The car of melons was on the road nearly 10 days and reached here in bad condition. They were beginning to shrivel and rot. The buyer refused to accept them. There I was with an exorbitant freight bill on a car of rapidly decaying melons and no buyer in sight. I finally sold the melons for enough to pay the freight and to pay the owner about what he would have received elsewhere. I was disappointed. I wanted to help the producer get a good price for his melons. I wanted the people here to get some Georgia melons good and fresh like we eat them in Georgia. I was disappointed, but I was not disheartened. I was not able to make another arrangement last season for the sale of melons directly from producer to retail men here. I am not at all satisfied with the situation. I know the matter can be solved some way.

I am convinced that the watermelon marketing system can be greatly improved, and that what can be done with watermelons can be done with cantaloupes and many other vegetables and foodstuffs. Let us talk about watermelons a little more. From actual experience I find freights are too high. This should be remedied. Entirely too much time is taken up hauling a car of melons from south Georgia to Washington or other points. A car of melons ought to come here in 24 hours instead of taking a week or more. Melons are tied up en route on sidetracks and in hands of middlemen for days after they ought to have been used by the consumers.

People here get the idea that a Georgia watermelon is not good. They do not know what a fresh, ripe Georgia watermelon is. I am so sorry that the ones offered for sale here have been hauled and rolled about until they do not look like a Georgia watermelon at all. I see many here with labels showing they were grown in my district, and yet they are shriveled and beginning to rot. I bought a few of them and found they were not fresh and juicy as they once were. The only really good melon I got last year was sent me as a present by my good friends at Adel, Ga. My wife, children, several friends, and I enjoyed this Adel, Cook County, Ga., watermelon very much. I do wish the people all over the country could eat some real ripe, red, juicy Georgia watermelon, then they would know what a Georgia watermelon really is.

If the Georgia folks could only get their fresh, ripe melons directly to the consumers at about half what the consumer now pays, and yet at a much larger price to the producer, what a happy watermelon eating there would be. The people up here do not eat one-fourth the watermelons they would eat if they could be shipped here and delivered in a day or two from the time they leave the vines. The people of Georgia could and would sell every melon it is possible to produce in Georgia if the melons could be shipped by fast freight or express directly from the Georgia fields, then hauled from the cars promptly and directly to the consumers, and then sold at a fair price. Why can not this be done? It would be better for the producer. He would get a much better price and could sell all he could produce for cash. The railroads would haul many times more melons and get much more freight. The consumer would get a good, ripe, fresh melon for much less cost. It can be done. It should be done. It will be done. Why not at once?

I believe that Congress owes it to the producer and to the consumer to make a determined effort to establish the selling of many products directly from the producer to the consumer. This certainly should be done with watermelons, cantaloupes, and other extremely perishable vegetables. If the sale of watermelons, and so on, can successfully be made without a middleman's interference, then the sale of other products could be successfully made directly from the producer to the consumer. I am extremely anxious for the plan to be worked out as to watermelons and cantaloupes, as my State, and especially my district, produces these in abundance. I could and would help and watch the experiment from both Georgia and from Washington.

On the 24th of last month I introduced two bills along the line I have been talking. One deals with watermelons and cantaloupes only and is restricted to Washington. The other is more general in its scope, dealing with all perishable farm products, and authorizes general experiments anywhere in the United States. The watermelon and cantaloupe bill is as follows:

Be it enacted, etc., First, that there is authorized to be appropriated the sum of $25,000 to be expended by the Secretary of Agriculture in experimentation in and in the organization of cooperative marketing or selling organizations of watermelon and cantaloupe producers in Georgia and in the experimentation in and in the organization of cooperative purchasing or buying organizations of watermelon and cantaloupe consumers in the District of Columbia, and in experimentation in and in furtherance of the establishing of the sale

of watermelons and cantaloupes directly from the cooperative organizations of producers directly to the cooperative organizations of consumers; and generally to experiment in and promote and establish the sale of watermelons and cantaloupes directly from the producers in Georgia to the consumers in the District of Columbia: Second, that all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Mr. Chairman, I am convinced that in order to carry on effectively and properly cooperative marketing there must be cooperative organizations at both ends of the line. There must be a cooperative organization at the producers' end constituted of producers. It occurs to me that the matter can be best handled by the organization of producers putting part of their organization in the watermelon business, for instance, here in Washington. Let the men representing the producers here make a canvass and get a thousand or ten thousand buyers of melons for Monday delivery. Let them sell as many as possible for delivery on each day of the week. If there are 10 carloads for delivery in Washington each day then 10 cars must leave Georgia each day for Washington. The melons could, by assistance of the railroads, be delivered to consumers in less than two days from the vine. The melons could be delivered at cars or for a small charge be delivered at homes, cafés, and hotels. This would be sales directly from producer to consumers.

The farmer would get twice as much for his melons. The consumer would get melons for much less and get a fresh, ripe, juicy one instead of a shriveled, stale one. Why can not it be done? Milk, butter, and many other items are now delivered at the homes daily. These, though, are handled through middlemen. I believe the producers of milk and butter by proper organization can eliminate the middleman and sell good milk for more to producer and less to consumer. I have introduced another bill, which seeks an appropriation in connection with the sale of milk and other farm products generally directly from the producer to the consumer. I believe all perishable farm foodstuffs at least should be sold directly from producer to consumer. I want the Government to experiment in and help bring about this condition of affairs.

But back to the watermelon proposition. Some one may suggest that people do not want a watermelon every day like milk. They will want them every day if they can get good fresh ones. People of Washington and elsewhere will consume ten times the melons they now eat if they can get them fresh and at a reasonable price. It may be that the matter can be best handled by the cooperative selling organizations selling to retail men here and let them distribute the melons among the consumers. I am of the opinion, though, that the sale should be as nearly as possible directly from the producer to the consumer. I am convinced that the middleman should be eliminated for two reasons: First, he gets a large slice of the ultimate price of the melon for an unnecessary service; second, he causes unnecessary delay in the getting of the melon from producer to the consumer, and thus he injures the melon instead of helping the value of it. In order to help the consumers of the Nation and the producers it seems to me the Government could well afford to employ agents to help carry on the sale of watermelons and other foodstuffs directly from the producer to the consumer. In other words, let the Government, temporarily at least, act as middleman in an effort to bring producer and consumer into a trade relationship. After a reasonable experiment it may be determined that it is a proper function of the Government to help the great consuming public obtain the very freshest and most wholesome food at a reasonable price, and that it is a proper function of the Government to encourage agriculture and to help the producer get a reasonable price for his products.

The laboring man and other consumer should not be deprived of their hard-earned money without receiving a reasonable amount of food or other commodity in exchange. The farmer should not be forced to sell his products for less than a reasonable price. The consumer pays too much. The producer sells for too little. The middleman gets too much. The middleman lives off of the producer and the consumer. As an experiment I want the Government to act as middleman just a little while and determine just what can be done. I believe the middleman can be left off as to all perishable farm products and probably as to other farm products. Why should not the Government, through proper agents, solicit and accept from consumers orders for watermelons or other fruit and vegetables, and then have these orders filled in carload lots directly from the producer? This would be but an extended form of parcel post, registered money, money order, and Bureau of Markets activities. To-day the Government does the same things but in a more tedious way. Let us see what happens now. If I desire to buy a crate of cucumbers from Florida, or a crate of cantaloupes from Georgia, I must write an order to some one who has them for sale and order them. I then go to the Government agent at the post office and buy a money order or register the money. The Government gets the money to the producer and then by parcel post brings the cucumbers or cantaloupes back and delivers them to me. But this method is tedious and risky. Produce shipped in small packages may be damaged. Why not let us and thousands of others order fresh watermelons, cantaloupes, or other produce for delivery on certain days of the week and let the Government, instead of sending thousands of registered letters or money orders, send the money for several carload lots to the producers and then bring the products here, not in parcels but in carloads, and deliver the articles ordered.

I believe this plan can be worked in a way advantageous to producers and consumers, and yet be self-sustaining. The Government could make a small charge such as is made in parcel-post matters, only much less, as the matter would be handled in wholesale lots. Very probably, after the plan is established as practicable, the Government could give the matter up as an experiment and let the producers by cooperative organizations, with the help of the transportation lines, and with the help of the consumers, operate the scheme for the good of all concerned.

I believe that the producers and consumers will eventually work out a system much as I have outlined. I am sure the Government could and should help perfect a marketing system direct from "producer to consumer" much sooner than it would be perfected otherwise. As soon as it was known that the Government was back of such a system it would be a go. The consumers would gladly patronize such a plan and the producers are already fairly well organized. The producers would gladly help perfect any and all necessary organizations. I am asking that the experiment be made as to watermelons only between Georgia producers and Washington consumers. Of course, if the plan is perfected as to watermelons sold and delivered in Washington the plan could be easily extended to cover the whole country and to include farm products other than watermelons. I believe the scheme would finally work best either with Government agents acting as middlemen for all perishable farm products or with a joint organization of producers of all farm products, fruits, and vegetables, with agents of the joint organization of producers in all consuming centers to accept orders for specified deliveries and to make the delivery of the foodstuff ordered. The bill of a general nature which I have introduced is as follows:

Be it enacted, etc., First, that there is authorized to be appropriated the sum of $500,000, to be expended by the Secretary of Agriculture in experimentation in and in the organization of cooperative marketing or selling organizations of producers of farm products and in the experimentation in and in the organization of cooperative purchasing or buying organizations of consumers, and in experimentation in and in furtherance of the establishing of the sale of farm products from the cooperative organizations of producers directly to the cooperative organizations of consumers, and generally to experiment in, promote, and establish the sale of farm products directly from the producers to the consumers: Second, that all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Mr. Chairman, I am extremely anxious for some relief to be given the farmer and the consumer. If the bills I offer are faulty, then please, in a spirit of helpful friendship, tell me wherein they are faulty and help me find something better. I invite friendly criticism from the friends of the farmers. I have spent months and years thinking over the great need of the sale of good, wholesome farm products directly from producer to consumer. I now invite the farmers and their friends everywhere to help me solve this problem. If I am on the wrong road, going the wrong way, please tell me so and show me the right way, and I will gladly turn about and pursue the right course. I believe I am offering a proper solution. What have you to offer instead? In God's name let us help the farmer get that which is justly his own. The farmer asks for simple justice; nothing more. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield a couple of minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Chairman, I ask leave to incorporate in the RECORD a letter on the subject now under consideration, addressed to the Women's Club of Yerington, Nev.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Following is the communication referred to:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 11, 1922.

Mrs. CHARLES THRAILKILL,
Corresponding Secretary the Women's Club, Yerington, Nev.

DEAR MRS. THRAILKILL: It gives me pleasure to acknowledge receipt of your communication dated April 1, wherein it is stated: "The members of the above-named club request that you protest what is called a 'five-power treaty,' involving the scrapping of 85 capital ships."

Women everywhere throughout our land and the world should interest themselves in such great national—yes, and international—problems. In every war it is the women who bear the greatest burden, who suffer the loss of husband, son, father, and brother. The wiping out

of lives of dear ones and the return of sick and wounded is borne directly by the patient, long-suffering, and uncomplaining women of all lands.

The war left behind it a wrecked world. Millions of the strongest and best youth of the western world perished in battle. Business was shattered and the purchasing power of all the great markets of Europe was almost destroyed. It is our part as a nation to do the best we can to make better these terrible conditions.

A conference of the principal nations of the world was called to meet at Washington. The three great objects in view were:

The limitation of armaments.

The termination of the Anglo-Japanese alliance.

To discuss far eastern problems.

In these three objects our delegation was successful. This conference marked a turning point in the relations of nations by substituting open-handed and fair proposals for more or less secret bargains. The conference turned upon the attitude of the United States and there could be no doubt of the result when Mr. Hughes made the bold proposal for the limitation of armaments and the cessation of naval competition.

The fact that the strongest naval powers were rivals only a few months ago, dreading the plans of their competitors and feverishly building ships in a ruinously costly race, while they are now in a friendly understanding which is based upon confidence and removal of rivalry, is in itself an achievement of greatest importance for the cause of humanity. The like of this was never seen before.

We so reduced the number of capital ships that at the end of 10 years Great Britain will have 15 ships, the United States 15, and Japan 10. The United States now has 33 capital ships, Great Britain 41, and Japan 21. The capital-ship tonnage of the powers at the present time is: United States, 738,390 tons; Great Britain, 1,015,825 tons; Japan, 494,528 tons. At the end of the 10-year naval building holiday they will have, respectively, 525,000 tons of capital ships, 520,000 tons, and 315,000 tons. This means the end of the naval competition.

This naval treaty, upon which our Navy must be based and continued if we are to keep our word as a nation, means relief from the great burden of taxation which has rested upon all maritime nations because of great naval armaments. Also it will help maintain the peace of the world.

The enormous increase in national expenditures is necessitated to the extent of 93 per cent by the cost of war, the destruction of war, and by preparation for future wars. The cost of the Civil War alone made the startling showing of expense nearly twice as great as all governmental expenditures combined in the 72 years of national existence preceding that war.

The late war had its lessons that are equally striking. It is quite possible that children of the next generation will bear some portion of the cost of last war. At least, the final estimate has not yet been made up. This much is known: It will be as much or more than the total expense of the Government for the preceding 128 years of its existence.

The total estimated cost of this Government down to 1917 was $23,000,000,000. Let us note that in the one month of December, 1918, there was expended for war purposes more than the total cost of the Government in war and peace from 1789 to 1861.

Here is the staggering epitome: For the year ended June 30, 1920, 98 per cent of total appropriations of $6,900,000,000 were for war purposes; 7 per cent, or $400,000,000, was for the peaceful activities of all our people.

The cost of one battleship would provide water for irrigating a million acres of Nevada land. A big Navy meant burdensome taxation for building, but it demanded absolutely ruinous expense for manning and upkeep. After a vessel is built, the expense for it has just begun, and a battleship is obsolete in 10 to 15 years. Admiral Dewey's flagship, the *Olympia*, of which all present-day voters were once so unqualifiedly proud, is a pitiful joke floating beside the *Pennsylvania* of 1920.

The estimated cost for completion of the United States ships now under construction is $150,000,000. Behold the magnificent vessels we now sink in target practice! After completion untold other millions are necessary for maintenance and salaries of personnel, supplies, and fuel to keep these ships afloat. Beyond actual requirements, every additional ship is mere waste. There is no probability that the ships now built could be used in "the next war." The Navy urges us to lose sight of the development of aircraft, which so recently and so readily sunk the first-class and "unsinkable" German battleship *Ostfriesland*.

The five-power naval treaty leaves us proportionately as strong, compared with Great Britain, as we were before. Competition in naval construction and armament is at an end among the great powers for at least 25 years.

We all believe in economy in Government expenditures. We must make ample provision for the disabled and suffering soldiers of the late war. Our duty to these men is beyond anything in the power of money to purchase. It may be noted here that the cost of 15 days of war—actual expense to the United States—was sufficient to meet all the costs of the bonus to our soldiers.

Large expenses will continue as an aftermath of war. We must appropriate for an adequate Navy and at least the nucleus of a strong Army. There is considerable difference of opinion as to what the size of the Army should be. The size of the Navy has been agreed upon in conference with the great powers of the world.

We should be liberal and progressive in the matter of civil expenses. We need to devote more to education, to investigation, to preparation for the material and social future. We must provide for good roads all over our land, for the construction of public works, the development of rivers, the reclamation of waste lands.

Conditions should be made such that no man who is willing to work need hunger, that poverty may be eliminated, illiteracy unknown, labor everywhere receive a fair wage, and the farmer a fair price for what he produces every year.

We must all work to this end. A forward step was taken when the President of our country called the great powers in conference at Washington to end the stupendous waste in preparation for war, that we may direct some reasonable part of our wealth as a nation to the maintenance and upbuilding of the arts of peace.

With kindest regards, I am,

Sincerely yours, SAMUEL S. ARNETT, *M. C.*

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, the naval appropriation bill, and had come to no resolution thereon.

CALENDAR WEDNESDAY CALENDAR.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with business under the Calendar Wednesday rule to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with Calendar Wednesday to-morrow. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF TIME FOR GENERAL DEBATE ON NAVAL BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that the time for general debate on the naval bill be extended through to-morrow and that half of the time be controlled by the gentleman from South Carolina [Mr. BYRNES] and the other half by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time for general debate be extended until adjournment to-morrow night, half to be controlled by himself and half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1690. An act to correct the military record of John Sullivan; to the Committee on Naval Affairs.

S. 1790. An act to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted; to the Committee on Military Affairs.

S. 2719. An act to reimburse certain persons for loss of private funds while they were patients at the United States naval hospital, naval operating base, Hampton Roads, Va.; to the Committee on Claims.

S. 150. An act to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department; to the Committee on Military Affairs.

S. 1281. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others; to the Committee on Claims.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Wednesday, April 12, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

588. A letter from the Assistant Secretary of Labor transmitting a list of useless papers from the Immigration Service to be disposed of; to the Committee on Disposition of Useless Executive Papers.

589. A letter from the Secretary of War transmitting a tentative draft of a bill for the relief of George M. Watson, Finance Department; to the Committee on War Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Printing. H. R. 9816. A bill to provide for the discontinuance of certain Government publications and to establish branches of the Government Printing Office; with an amendment (Rept. No. 803). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KLECZKA: Committee on War Claims. H. R. 1965. A bill for the relief of Mrs. D. Montgomery; without amendment (Rept. No. 802). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10340) granting a pension to Henry Altman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10565) granting an increase of pension to Charles A. Streeter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10700) for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes; Committee on Indian Affairs discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 11264) to provide for medical and hospital services for the officers and seamen of the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBSTER: A bill (H. R. 11265) to authorize the maintenance of a bridge across the Pend Oreille River at the town of Usk, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. DEAL: Joint resolution (H. J. Res. 305) for the relief of citizens of Truxtun, Va.; to the Committee on Public Buildings and Grounds.

By Mr. WOODRUFF: Resolution (H. Res. 323) authorizing the Speaker to appoint a special committee of 15 Members of the House to investigate all contracts and expenditures made by the War and Navy Departments and the Alien Property Custodian during and since the late war with Germany, and for other purposes; to the Committee on Rules.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 324) authorizing the Speaker to appoint a special committee of 15 Members of the House to investigate all contracts and expenditures made by the War and Navy Departments and the Alien Property Custodian during and since the late war with Germany, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Illinois: A bill (H. R. 11266) granting a pension to Mary Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11267) granting a pension to Richard Howe; to the Committee on Pensions.

By Mr. BURROUGHS: A bill (H. R. 11268) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

Also, a bill (H. R. 11269) granting a pension to Lucius H. Rand; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 11270) granting an increase of pension to Rachael J. Smith; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11271) for the relief of Martha E. Esterly; to the Committee on Claims.

By Mr. GREEN of Iowa: A bill (H. R. 11272) granting a pension to Maggie Lowe; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 11273) granting a pension to Jessie L. Burr; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11274) granting a pension to Sarah Lundy; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11275) granting an increase of pension to Orlando Cope; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 11276) granting a pension to Amelia Stegner; to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 11277) authorizing the Secretary of War to donate to the Mount Pleasant school district No. 4, Rolette County, N. Dak., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 11278) granting a pension to Lodesca F. Wertz; to the Committee on Invalid Pensions.

By Mr. WEBSTER: A bill (H. R. 11279) granting a pension to Emma Grace Ridgely; to the Committee on Pensions.

Also, a bill (H. R. 11280) for the relief of Vince P. Brown; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5037. By Mr. BYRNS of Tennessee: Evidence in support of House bill 11270 granting an increase of pension to Rachael J. Smith, widow of William C. Smith; to the Committee on Pensions.

5038. By Mr. CHALMERS: Petition protesting against the passage of House bill 9753 or any other Sunday bill, such, for example, House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5039. By Mr. CURRY: Petition of 90 citizens of Geyserville, Calif., against the enactment of a Sunday law; to the Committee on the District of Columbia.

5040. By Mr. KELLY of Pennsylvania: Petition of Monongahela Presbytery of the United Presbyterian Church, adopted at Pittsburgh, Pa., urging the early passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5041. By Mr. KENNEDY: Petition of New England Southern Conference of the Methodist Episcopal Church, indorsing House bill 9753; to the Committee on the District of Columbia.

5042. Also, petition of New England Southern Annual Conference of the Methodist Episcopal Church, indorsing House joint resolution 131; to the Committee on the Judiciary.

5043. Also, petition of New England Southern Conference of the Methodist Episcopal Church, indorsing Senate joint resolution 31; to the Committee on the Judiciary.

5044. By Mr. KIESS: Petition of residents of Potter County, Pa., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

5045. Also, petition of the American Association for Labor Legislation, New York City, N. Y., relative to the Fitzgerald accident compensation bill (H. R. 10034); to the Committee on the District of Columbia.

5046. Also, petition of Edward Hines Lumber Co., Chicago, Ill., relative to the conservation of forests; to the Committee on Agriculture.

5047. By Mr. MORGAN: Petitions of Presbytery of Mansfield (U. P.) on national reform; to the Committee on the District of Columbia.

5048. By Mr. PRINGEY: Resolution adopted by the district nominating convention No. 6 of the Oklahoma Wheat Growers Association, held April 4, at Enid, Okla., urging the continuance of the War Finance Corporation and urging the President to appoint a dirt farmer on the War Reserve Board and thanking the members of the farm bloc for their effort to date to further the interest of the farmer; to the Committee on Banking and Currency.

5049. By Mr. RIORDAN: Resolution adopted by the Rotary Club, of New York City, indorsing the action of the Senate in attaching the amendment to the Post Office appropriation bill making provision for the reestablishment of the pneumatic tube service in the New York post office; to the Committee on Appropriations.

5050. By Mr. SINCLAIR: Petition of C. Jennejohn and 68 others of Glenburn, N. Dak., protesting against the passage of House bills 9753 and 4388 and Senate bill 1498; to the Committee on the District of Columbia.

5051. Also, petitions of L. H. Fixen and 14 others, of Werner, and John Hollister and 9 others, of Yucca, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5052. Also, petition of Axel Wahlstrom and P. A. Gajewski, of Alexander, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5053. By Mr. SNYDER: Petitions of Rocco Perreta & Co. and John Cousza & Co. against increase of duty on olive oil, cheese, and lemons, and asking that cheese be transferred to a specific basis; to the Commitee on Ways and Means.

5054. Also, petitions of L. G. Hesa and Fred C. Foster, of Rome, N. Y., favoring passage of the Chandler bill (H. R. 9198), providing old-age pensions for veterans of the War with Spain; to the Committee on Pensions.

5055. By Mr. TAGUE: Resolution adopted by the port committee of the International Seamen's Union of America, in the city of Boston, urging the opposition of the following sections of the subsidy bill (H. R. 10644), namely, Section A, page 12, and Section B, page 9; to the Committee on the Merchant Marine and Fisheries.

5056. By Mr. TOWNER: Petition of Mr. C. Tuttle and 10 other citizens of Creston, Iowa, protesting against House bill 9753; to the Committee on the District of Columbia.

5057. By Mr. ZIHLMAN: Petition of several citizens of Takoma Park, Md., protesting against the enactment of the proposed compulsory Sunday observance laws for the District of Columbia, namely, House bills 4338 and 9753; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *April 12, 1922.*

(Legislative day of Monday, April 10, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a list of papers in the files of the Department of Labor, at Ellis Island, N. Y., not needed in the conduct of business and having no historic value, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. RAWSON and Mr. CARAWAY members of the committee on the part of the Senate, and directed that the Secretary notify the House of Representatives thereof.

PETITIONS.

Mr. SHEPPARD. Mr. President, I present petitions of 564 citizens of Stephenville, Boyd, Joshua, Henderson, Hughes Springs, Paradise, Tolar, Santo, Perrin, Weatherford, Garner, Chico, Hood County, Palo Pinto County, and Jack County, all in the State of Texas, praying for inclusion in the tariff bill of certain rates of duty on peanuts, peanut oils, and other vegetable oils. I ask that the petitions may lie on the table, and that the text of one of them, which is brief, be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table, and the body of one was ordered to be printed in the RECORD, as follows:

To the honorable Members of the United States Congress:

We, the residents of Stephenville, Tex., interested in the maintenance, development, and prosperity of the South, realizing the extent to which our agricultural interests, directly, and our entire community, indirectly, are affected by the practically unrestricted flow of foreign-grown peanuts and other agricultural products, vegetable oils, etc., into our country because of the approximately free trade conditions existing before the emergency tariff bill was enacted, and fully appreciating that the failure to include peanuts at 4 cents per pound and peanut oil at 5 cents per pound, as well as a like rate on other vegetable oils in the permanent tariff bill, which is to supersede the emergency tariff bill, will take from the South its one cash crop that has proven a great blessing as a substitute crop for cotton in boll-weevil infested sections where cotton can not be profitably produced on account of this pest, earnestly request your consideration of this vital matter to the end that you help to secure rates stated above, which are not more than sufficient to cover the difference between the cost of production here and abroad.

Mr. WILLIS presented resolutions adopted by members of Toledo (Ohio) Chapter No. 5, Disabled American Veterans of the World War, and by the First Annual Convention of Disabled American Veterans of the World War held at Detroit, Mich., June 30, 1921, favoring the passage of the soldiers' bonus bill, which were referred to the Committee on Finance.

Mr. COLT presented a resolution adopted by the New England Southern Conference, Methodist Episcopal Church, at Pawtucket, R. I., favoring the enactment of legislation prohibiting polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New England Southern Conference, Methodist Episcopal Church, at Pawtucket, R. I., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the New England Southern Conference, Methodist Episcopal Church, at Pawtucket, R. I., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

REPORT OF ALIEN PROPERTY CUSTODIAN (S. DOC. NO. 181).

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 274), which was considered by unanimous consent and agreed to:

Resolved, That the report of Thomas W. Miller, Alien Property Custodian, submitted in compliance with Senate Resolution 191, be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3448) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.; to the Committee on the District of Columbia.

By Mr. McKINLEY:

A bill (S. 3449) granting a pension to Charles A. Detrick; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 3450) granting a pension to Eliza W. Cobb (with accompanying papers); and

A bill (S. 3451) granting a pension to Abbie Holbrook (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3452) for the relief of Hettie Pierce (with accompanying papers); to the Committee on Claims.

A bill (S. 3453) granting a pension to Elizabeth Miller (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3454) granting an increase of pension to Edwin Stott; to the Committee on Pensions.

JEWISH NATIONAL HOME IN PALESTINE.

Mr. LODGE. I introduce a joint resolution which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution (S. J. Res. 191) favoring the establishment in Palestine of the National Home for the Jewish People, was read twice by its title and referred to the Committee on Foreign Relations, as follows:

Resolved, etc., That the United States of America favors the establishment in Palestine of the National Home for the Jewish People, in accordance with the provisions contained in the declaration of the British Government of November 2, 1917, known as the Balfour declaration, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country, and that the holy places and religious buildings and sites in Palestine shall be adequately protected.

TARIFF BILL AMENDMENTS.

Mr. SPENCER submitted an amendment and Mr. RAOUSSARD submitted two amendments, intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

CLAIMS OF CERTAIN LIBERTY-LOAN SUBSCRIBERS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 5775) for the relief of Liberty-loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; and Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn.; and Farmers & Merchants State Bank, Kenmare, N. Dak., which was referred to the Committee on Claims and ordered to be printed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10739) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. HARRISON. Mr. President, I have heard it rumored that because of the tariff bill just having been submitted to the minority members of the Finance Committee and they having only a few days in which to study it and not being able to be here to-day, there was some chance of adjourning to-day at half past 2 o'clock. May I inquire if that is in the minds of the leadership on the other side?

Mr. McNARY. I think there is no chance of that, unless by a vote of the Senate. I know we are all anxious to dispose of the unfinished business, and I certainly would oppose a movement of that kind.

Mr. CURTIS. Mr. President, I judge it is the desire of the Senator from Mississippi to attend the opening game of the baseball season this afternoon, and that that is the ground for the rumor to which he refers.

Mr. HARRISON. Several of the Senators who will only have two or three days to study the report of the Finance Committee are anxious to have some time away from the Senate Chamber.

Mr. McNARY. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The Secretary will continue the reading of the bill.

Mr. McNARY. The next item is on page 8, Bureau of Animal Industry.

Mr. PAGE. Mr. President, will the Senator from Oregon yield to me for a moment?

Mr. McNARY. I yield to the Senator from Vermont.

Mr. PAGE. From the Committee on Naval Affairs I wish to report back favorably a resolution coming over from the House. It comes with a favorable report from the Secretary of the Navy and I think there is no objection to it. The House and Senate Naval Committees have examined it very carefully, and I ask unanimous consent to present the report and have it considered at this time.

Mr. WARREN. Mr. President, I shall have to object to that until we get further along with the appropriation bill.

The VICE PRESIDENT. There is objection to the request of the Senator from Vermont.

Mr. KELLOGG. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lenroot	Pomerene
Ball	Gerry	Lodge	Reed
Broussard	Gooding	McCormick	Sheppard
Bursum	Hale	McKinley	Simmons
Capper	Harreld	McNary	Smoot
Caraway	Harris	Moses	Spencer
Colt	Harrison	Nelson	Stanley
Culberson	Heflin	New	Sterling
Cummins	Hitchcock	Newberry	Sutherland
Curtis	Johnson	Nicholson	Townsend
Dial	Jones, N. Mex.	Norbeck	Walsh, Mont.
Dillingham	Kellogg	Norris	Warren
Edge	Kendrick	Oddie	Watson, Ga.
Ernst	Keyes	Overman	Willis
Fernald	King	Page	
Fletcher	La Follette	Poindexter	

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-two Senators have answered to their names. A quorum is present. The Secretary will continue the reading of the bill.

The reading clerk resumed the reading of the bill on page 8, under the heading "Bureau of Animal Industry."

The next amendment of the Committee on Appropriations was, on page 12, at the end of line 4, to strike out "$2,578,800" and insert "$2,877,600," and at the end of line 6 to strike out "$1,728,800" and insert "$2,027,600, of which $300,000 shall be immediately available," so as to read:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities, $2,877,600, of which $850,000 shall be set aside for administrative and operating expenses and $2,027,600, of which $300,000 shall be immediately available, for the payment of indemnities.

Mr. CARAWAY. Mr. President, I want to ask the Senator in charge of the bill a question. I was discussing with the Senator yesterday afternoon the question of taking care of State experimental stations. Did the Senator make up his mind that that is cared for in the bill?

Mr. McNARY. In answer to the Senator from Arkansas, I will say that it is carried under the States Relations Service, on page 55 of the bill. There are a number of them in that service. The one to which the Senator made reference is cared for in that department, and the same amount of money is appropriated this year that was given last year, $720,000.

Mr. CARAWAY. Is that thought to be enough to take care of it?

Mr. McNARY. It is believed that it will be, in the same manner in which it has been cared for in the past.

Mr. CARAWAY. I thank the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 15, at the end of line 10, to increase the appropriation for all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and so forth, from "$112,000" to "$118,900."

The amendment was agreed to.

The next amendment was, on page 16, line 14, to increase the total appropriation for general expenses, Bureau of Animal Industry, from "$5,126,446" to "$5,432,146."

The amendment was agreed to.

Mr. KING. Mr. President, recurring to page 12, the item agreed to just before I came into the Chamber, for investigating the disease of tuberculosis in animals, and so forth, "$2,027,600, of which $200,000 shall be immediately available," may I inquire of the Senator in charge of the bill just exactly what is the purpose contemplated by the appropriation and what is the reason for the very large amount carried in that item?

Mr. McNARY. I will state to the Senator that the item covers the treatment of tuberculosis in animals. The amount is increased over the amount fixed by the House to equal the estimate of the Director of the Bureau of the Budget. It is an increase of the appropriation of last year, but does not increase the estimate of the Budget. It is thought necessary in order to prevent a deficit which might occur if the appropriation were not increased. Last year a deficit of $600,000 was carried in one of the deficiency appropriation bills. It is thought that this amount will meet all indemnities and all research work done by the department.

Mr. KING. Will the Senator explain briefly whether in his opinion these appropriations have been productive of good, and whether the Federal Government should be called upon to pay for animals which because of their diseased condition are destroyed? Is it properly a charge upon the Federal Government or the State Governments, or should the owners meet the loss? I express no opinion, but seek the views of the Senator from Oregon.

Mr. McNARY. In Utah the Federal Government's share was about $1 to $3 for the State. The Government pays an indemnity, the maximum of which is $50 and the minimum $25. The balance of the value of the stock condemned is paid by the State. It is thought to be a governmental activity, inasmuch as the disease spreads from State to State without regard to invisible State lines. It is also based upon the theory that the stock moves in interstate commerce from one State to the other. The inspections are often made, not at the point of shipment, but at the point of destination. There the Government inspectors meet the stock after it has passed through several States and if stock is there condemned it prevents the spread of the germs of tuberculosis.

If it were left to the State or to individuals there would be no special effort made, as I understand it, to attempt to control the disease which has destroyed and is now destroying vast quantities of live stock in the country. I think it is purely a governmental activity and that great good is being accomplished.

I can say to the Senator that in a very great many of the States the eradication of the disease and infestation has been markedly reduced during the last three or four years. As the work proceeds it will no doubt come under the control of the States, and perhaps in a few years the States can take over the whole system which they now employ for the control and eradication of tuberculosis, and without the participation of the Federal Government.

Mr. KING. I do not quite agree with the Senator that after a while the Federal Government will relinquish control and the States handle these matters themselves. The Federal officials will never permit that to be done.

When the General Government fastens its grip upon a subject or matter, it will not surrender control. If it is disposed to do so, the bureaucrats and officials and officeholders who benefit by the retention of control by the United States will not permit it to be done. This bill is a confirmation of that general observation. I have read the bill rather hastily, and I find that appropriations are carried for subjects, or rather for objects, for which appropriations have been made for many years. One would have supposed that some of the subjects previously dealt with would have exhausted themselves by this time, but the Federal machinery having been created, positions must be given to those who have been operating the machinery for all the years. Indeed, the machinery is annually increased and the expenses augmented. So, Mr. President, I do not look for the realization of the prophecy which the Senator from Oregon has made, that the States later on will assume control over these matters, and that the Federal Government will be relieved from the burden. We might as well recognize the fact that the General Government is becoming more omnipotent each year; it is constantly invading the States, encroaching upon their powers and functions, and assuming greater control over local and individual matters.

However, I desired the opinion of the Senator as to whether legally or morally the Federal Government or the State governments, or both, should compensate the owners of animals destroyed, because of diseases which unfit them for use and which might soon cause their death.

Mr. McNARY. I will state to the Senator from Utah that I think there is no question about the legality of this transaction. Congress itself has placed its approval upon legislation of this character for many years. There are cases where the States have upheld the rights of the owners, to be paid out of general taxation for the condemnation of property that is calculated to spread disease, whether it is in plant pathology or

is animal pathology. Hundreds of millions of dollars are conserved and preserved by the activities of the States and of the Government along this line; but if an individual has a flock which is infected with a communicable disease, and the Government steps in and destroys or confiscates that property, then some compensation should go to the individual. The Government is the gainer by reason of preventing the spread of an infectious or contagious disease, for in the end its prevention inures to the welfare of the community.

Mr. KING. It would seem that if the State seizes animals which are diseased and destroys them, the entire loss should not fall upon the owners, although if the animals are so badly infected as that they are valueless a different conclusion might be reached. But does the Senator believe that the Federal Government should assume a part of the burden resulting from the destruction of animals so diseased?

If the live stock were absolutely valueless, if the disease had progressed to such a stage as to render the animals valueless, then the thought occurred to me, Should the States pay for the same, should the Federal Government share in the loss, or should either be called upon to make payment?

Of course, the power of the State in dealing with this subject is plenary. It may, if there is no inhibition in its constitution, enact laws calling for the destruction of diseased animals or improper foodstuffs, and reimburse the owners therefor, wholly or in part. But the power of the General Government is entirely different. It can not do many things that States may do. It can not tax except for purposes that are Federal and national in character, and unless it has the delegated authority so to do.

We fail to keep in view in much of the legislation enacted by Congress the distinction between the powers of States and the delegated and enumerated authority or power possessed by the Federal Government.

Mr. KENDRICK. There seems to be in many cases no opportunity to ascertain as to whether or not the disease is incurable and the live stock, therefore, valueless; and, as I understand, this appropriation is intended to share the loss between the owner of the property which is destroyed and the public or the Government. In certain cases which developed when the foot-and-mouth disease was prevalent actual demonstration proved that the disease could be cured and the live stock actually saved and be restored to a healthy condition; but it was not deemed to be in the interest of the public to take any chances of prolonging the risk by treatment of the disease.

Mr. KING. Mr. President, while I have the floor, if I may have the attention of the acting chairman of the committee for a moment, I desire to say that I observe this bill carries very large appropriations—over $33,000,000. Will the Senator state how it compares with the appropriations for the years 1914, 1915, 1916, and 1917? I will be entirely frank with the Senator. Is it not a fact that this bill carries many more millions of dollars than were appropriated for either of the years to which I have just referred?

Mr. McNARY. I can state to the Senator from Utah, in my own way, that the bill this year contains appropriations approximately $3,000,000 less than for the fiscal year 1922. It is true there have been increases made necessary by the development of the agricultural resources of the country from year to year. While there has generally been a progress upward, this year there has been a decrease which is quite marked. The decrease this year is due largely to the fact that the bill does not contain an appropriation for a million dollars which was carried last year for the acquirement of lands to protect the watersheds of the navigable streams. The bill also omits an item of $2,000,000 to buy seed grain for drought-stricken regions.

Mr. KING. I was going to call attention to the fact that the so-called reductions were in those items which ought not to be included in this bill.

Mr. McNARY. If the Senator had permitted me to conclude, I should have stated, as I shall now do, that there are a few other new items carried in the bill which practically offset those which have been omitted from it, namely, $175,000 goes into the appropriation for the Center Market, which is thrust upon the Department of Agriculture; something like $900,000 is carried in the bill for the administration of the so-called packer act; nearly $300,000 are appropriated for the execution of the futures trading act. Those new items practically offset those which were carried in the appropriation bill for the fiscal year 1922 but which were left out this year.

Mr. KING. Mr. President, the Senator knows that during the war, for reasons which were urged and doubtless regarded as sufficient—at least by many Senators—the Agricultural appropriation bill was very greatly increased, the increases involving many millions of dollars; but every assurance was then given that after the war we would return to the prewar appropriations. It is apparent that we are not keeping these promises, but propose to increase the appropriations from year to year, so that they will soon reach or exceed the highest war levels. This bill shows no economy, no retrenchment, no reforms. It is a bill filled with extravagant demands, and seems to have been projected by the bureau chiefs and officials whose powers are to be increased. I will ask the Senator why reductions were not made in many of the items in this bill? It seems to me that $35,000,000 is entirely too much to appropriate for the current year for the Department of Agriculture.

May I ask the Senator whether it is not a fact that most of the increases are caused by a larger number of officials and are designed to meet the compensation of those officials?

Mr. McNARY. Mr. President, I am very happy to inform the Senator from Utah that I think but little, if any, increases have been made on that account. I am also pleased to inform the Senator from Utah that the department will have at least 1,000 less employees in 1923 than it carries on the roll for the year 1922. There has been a decrease in the number of employees.

Mr. KING. Of course, the Senator knows that during the war we increased the appropriations upon the theory that a crisis was upon the country and it was necessary to increase the food supply. Thousands of employees were added to the rolls, but with the understanding they would be separated from the service after the emergency had passed.

Mr. McNARY. The largest increase in the bill comes about by reason of that excellent work known as research work, involving the discovery of the causes of plant and animal diseases; the extension work, which carries that knowledge out to the farmers and producers of the country; the laboratory work; the States Relation Service work in connection with the agricultural schools of the country. Increases have been made along that constructive line, rather than to provide for the payment of salaries of clerks and officials.

Mr. KING. May I inquire of the Senator—because I see so many of these are lump-sum appropriations—whether there is anything to limit the compensation to be received by employees who are to be paid from such lump sums?

Mr. McNARY. There is a limitation of $5,000 per annum in the bill, a provision of that kind having been carried since 1912, at which time the limitation was $4,500. Employees are carried under lump-sum appropriations until the next succeeding year, when they go to the statutory roll. None of the bureau chiefs are paid higher than $5,000.

Mr. KING. What I mean is this: In these appropriations the Senator will find large sums, many hundreds of thousands of dollars, but there is nothing to indicate the character of the employees who will be paid or the amount which will be paid to each. Is it understood by the committee just how those large sums will be distributed; how much will be paid for salaries; and if so, the amount to be paid to each employee; or is it left entirely to some bureau chief or to the Secretary of Agriculture to dispose of such funds as he may see fit, paying a large number of employees small salaries or a few employees large salaries?

Mr. McNARY. As I have tried to make plain to the Senator, the positions under the different bureaus are statutory, and, of course, it requires an act of Congress to increase or decrease those statutory salaries. In the case of a lump-sum appropriation a wide discretion rests with the chief of the bureau. That is naturally and necessarily so; but none of the experts or scientists are paid a sum in excess of $5,000 per annum; they are on the statutory roll. However, as I have said, a wide discretion properly is left with the bureaus in connection with the distribution of lump-sum appropriations. The committee has never found any abuse of such appropriations and authority, but the department and the chiefs of bureaus, having in mind the proper execution of the law and its administration, have never misused any funds given to them or violated any trust reposed in them in connection with the lump-sum appropriations made by Congress.

Mr. KING. Let me give an illustration: Supposing $100,000 or $200,000 are appropriated for investigations in respect to wheat rust or for the investigation of any other particular disease, is there any limitation in the bill with respect to the number of persons who may receive the appropriation?

Mr. McNARY. Oh, no; that could not be done. We must trust to the judgment, the stability, and the honesty of the officials who administer the law. Using the illustration of the wheat rust referred to by the Senator, or the barberry bush, the scientists are employed in research work to ascertain how the fungi are carried, during what period of the year, and what damage they do to the wheat, many of those scientists being located in Washington. There are also many inspectors, who

are out in the field locating the shrub and explaining to the farmers upon whose property the shrub is located the necessity of its eradication in order to diminish the damage done by the fungi. It must properly be left to the bureau to determine the number of inspectors necessary to carry on the field work, the tasks which they shall perform, the amount of research work to be carried on in the laboratories, and the extension work that must be conducted. There is a limitation upon the salaries and upon the amount of money that may be expended, but we could not by statute provide that they must have so many inspectors in the field, so many workers in the laboratory, and that so many pamphlets shall go out to instruct the farmers concerning the infestation and how to correct it.

Mr. KING. What I meant was whether there was any limitation upon the salaries paid to the various employees who would be called upon to perform work under a particular appropriation.

Mr. McNARY. I tried to make myself clear to the Senator from Utah, but I will repeat that there is a limitation of $5,000 upon the salaries which may be paid to scientists and all those who perform any character of work for the department. Outside of that, the distribution of the fund is in the judgment and discretion of the chief of the bureau as to the amount of money he shall pay to inspectors and locators, to stenographers and others, who come under his employ in order to carry on the work.

Mr. KING. Mr. President, I am compelled to leave the Senate Chamber in a few moments to visit one of the departments, and probably the item which I am about to inquire about will not be reached while I am in the Chamber. Will the Senator explain the item of $427,830 for publications? Does that embrace all the publications of the department, the various circulars and publications coming from the Agricultural Department?

Mr. McNARY. I will ask the Senator what page he is referring to?

Mr. KING. Pages 53 and 54. The item is on page 54—"Total, Division of Publications, $427,830."

Mr. McNARY. That covers the issuance of the crop bulletins, market bulletins, crop estimates, and all those pamphlets carrying information to the farmers which are the result of research work. That is called extension work. It is carrying the information out to those who need the information which has been discovered by the research work of the scientists in the department.

Mr. KING. Mr. President, if some of the publications sent out are similar to some I have received, they are not of much value, and I know that farmers have complained of the lack of value of many of these publications. There is no restriction, then, except in the total amount, as to the bulletins which shall be published—the number, and so on?

Mr. McNARY. No. In the employ of the department there are over 2,000 scientists working daily throughout the year on all those problems that inure to the welfare of the horticultural and agricultural interests of the country. When they ascertain a fact by long research in their laboratories or by investigations in the field, this information is sent out to the farmers of the country, and they, taking advantage of it, have done very much to improve agricultural conditions throughout the country. I believe it is one of the best investments the department is making, one of the best activities in which the Government is interested to-day—the welfare of the farmer—and this work under these publications is doing very much good.

Mr. KING. Some of the publications are valuable. Many of them, I think the Senator will admit, especially if he will communicate with the farmers, are of no consequence.

DISMISSAL FROM CLASSIFIED SERVICE.

Mr. CARAWAY. Mr. President, I regret very much to interrupt the consideration of the pending bill. I shall take but a few minutes.

In this morning's Post there appears a statement by a local attorney to which I wish to refer. The heading of the article is:

CITES BUREAU CHARGE.

"Forty affidavits filed against Wilmeth order," attorney says. Accused of favoritism. Dismissal of 600 employees basis of demand for reforms.

The statement is, by inference at least, that the recent dismissal by the President of the employees of the Bureau of Engraving and Printing was the result of those affidavits filed by the attorney for Mr. Hill, who succeeded Mr. Wilmeth as the Chief of the Bureau of Engraving and Printing. The attorney who gives out this statement is a Mr. Davis. By the way, the same Mr. Davis is also the attorney for Mr. Hill in the suit brought by his Mr. Hill's wife against him for divorce. I mention that merely to identify the man Davis who now comes to the rescue of the administration by giving the alleged reasons why these men and women of the bureau were dismissed and disgraced. He alleges the reduction in the force that occurred last July was the basis of the charges against Wilmeth, and furnished a justification for the President's removal of these faithful employees. In my hand I hold a report that bears a superscription of Washington, D. C., September 7, 1921, and is addressed to the honorable, the Secretary of the Treasury. I want to read it, because it tells what Mr. Wilmeth did six months ago, and shows that his action was approved by the present Secretary of the Treasury, and inferentially by the President himself; and now these paid apologists for the President, in their desperation, to find some reason to justify the President's action, this paid attorney comes forward with a misleading statement against these employees. This report deals with the same question.

Incidentally I might say that the subject of Mr. Davis's article in the Post this morning, which the Post plays up on its front page as a justification for the action of the President, deals with the action of Mr. Wilmeth who as director acted only, as I am informed, after he had discussed with Mr. Wadsworth, the Assistant Secretary of the Treasury, the method he was to follow in reducing the force at the bureau, and that this plan met the approval of Mr. Wadsworth. After it had been approved and put into effect those who were let go filed complaints against Mr. Wilmeth. The Secretary of the Treasury then appointed a committee to investigate the whole matter, and this is their report. It reads:

SIR: The undersigned, constituting the committee named by you on July 20, 1921, "for the purpose of considering the protests of certain employees of the Bureau of Engraving and Printing against their release from employment in that bureau," respectfully report as follows:

The committee has carefully investigated these protests to the fullest extent it deemed necessary or requisite to carry out your instructions, and finds as follows:

1. That there was not only a legitimate reason but an urgent necessity for a reduction in the force of this bureau to the extent to which it was actually reduced.

2. That before any employees were discharged, the director of the bureau put into effect the following rules to be observed in determining what employees should be dismissed:

(1) Drop employees, regardless of term of service, whose records are poor, involving inefficiency, inattention to duty, tardiness, excessive loss of time, agitators, and trouble makers.

(2) Drop, without prejudice, married women whose husbands are employed in the Bureau of Engraving and Printing or in other branches of the Government service at a good salary.

(3) Drop, without prejudice, those employees most recently appointed.

(4) Furlough indefinitely, but subject to recall to duty within the period of a year, employees whose services are not now needed, but whose efficiency and attention to duty have been such as to make their services desirable. This will enable the bureau to draw recruits from a trained and experienced force.

3. That, making reasonable allowance for the human element in the relations between the employees and their next immediate superiors, these rules were apparently so observed as to produce as little individual injustice as could be expected in dealing with so many cases.

4. That the reduction was a real one and not a pretended one for the purpose of putting other more favored employees in the places of those released.

The committee therefore recommends that said protests, and all of them, be disallowed, and that the applications of the protestants, or any of them, for immediate reinstatement should not receive favorable consideration.

Respectfully submitted.

D. R. CRISSINGER, *Chairman.*
WILLIAM T. ABBOTT.
W. G. PLATT.
S. R. JACOBS.
CHAS. STEVENSON.
J. E. HARPER, *Secretary.*

Approved:
A. W. MELLON, *Secretary.*

Now, notice who signed the report:

The first is D. R. Crissinger, Comptroller of the Currency; William T. Abbott, W. G. Platt, S. R. Jacobs, Charles Stevenson, J. E. Harper.

Approved: A. W. Mellon, Secretary.

The plan was submitted when the order was given to reduce the force. It was approved before it was put into effect. After it was put into effect, and certain employees complained, the Secretary of the Treasury appointed a committee headed by the comptroller, Mr. Crissinger, and this committee investigated the whole matter again and approved everything that had been done. That report was submitted to Mr. Mellon and Mr. Mellon approved it. Now this attorney, in order to besmirch the reputation of Mr. Wilmeth and justify the promotion of his client, revamps these charges, and the Post publishes them on the first page as a justification of the President's action. All these facts were known to Davis before he gave out his misleading statement. Therefore I think Mr. Davis was exceedingly unhappy in the manner of his defense.

Mr. President, I realize—it has been whispered here on the floor of the Senate; everybody knows it—that if these charges of the wrongful dismissal of these employees be pressed some kind of a finding is to be made against these dismissed men and women. They know that. They know that what they have done is now being combed by Secret Service agents, not only to find what actually was done but, if necessary, to find something that was not done in order to justify the heartless removal of these people. They are not going to be surprised at anything that may happen. They and all others realize that something is going to be found which will be claimed justifies this action of the President, and everybody is going to know that when this "finding" is announced that it is not true.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. I have heard such rumors, but I have not credited them; I have been loath to believe them. Does the Senator mean that in a Christian Government, headed by gentlemen who pretend to some sense of duty and of honor and of decency, faithful servants of this Government would first be slaughtered upon the altar of political expediency, turned out at the ipse dixit of a spoilsman, and then covertly advised that if they complained at this wrong done them, in violation of the letter if not the spirit of the law, they would lose in character as well as in fortune?

I respect a spoilsman who is bold and open about it. I am not inclined to fall out with the honest Republican or Democrat who believes that the fellows who make the fight should share in the plunder. That man may be mistaken, but he is respectable; but a Government official who would go to some poor man or woman and say, "If you make any noise about this, there will be something found out that will hurt you worse than the loss of a job," is not a spoilsman, he is a blackmailer, and I can not believe that this or any other administration would resort to political blackmail, although I have heard that rumor.

Mr. CARAWAY. The Senator from Kentucky undoubtedly saw the statements in the papers and he has heard the rumors, and he must know that if justice is all that was sought the investigation would have been had prior to the dismissal and disgrace of the men and women and not afterwards. Under any theory of justice and right men are entitled to be faced by their accusers and to know in advance of their conviction what the charge is, but here the charge was made in secret, the finding was made in secret, and the men are openly and publicly disgraced. Then detectives are set to work to find out some reason that in the mind of the people would justify this cruel action of the President.

As the Senator from Georgia [Mr. WATSON] suggests, ordinarily in decent procedure a man is entitled to a list of the witnesses who shall appear against him. In this particular case, there being no witnesses, of course there could be no list furnished.

There is a reason back of all this. On the 21st day of December, 1921, Mr. FORDNEY, a Member of Congress from Michigan—and I think I do him no injustice when I say that he thinks that "to the victor belong the spoils," and there are many honest men who entertain that view—made a speech in the House of Representatives, and the question of replacing Democrats with Republicans in the departments here was discussed. Mr. FORDNEY said there was to be a new broom in the Treasury soon, and then they would get places. After that had been passed for a little while, Mr. CHALMERS asked this question:

> The gentleman is very wise, and I understand very close to the administration. How soon, in the gentleman's opinion, may we expect a new broom in the Treasury Department?
>
> Mr. FORDNEY. I understand that the Senate is quite likely to confirm to-day the appointment of Mr. Dover, of Tacoma, Wash., a former resident of Ohio, as Assistant Secretary of the Treasury, who will have charge of the customs. That is a step in the right direction and at the right time. [Loud applause.]

This Mr. Dover was secretary of the Republican Committee in the good old days of Mark Hanna and the "Blocks of Five." He got into the Treasury, and the removals commenced. They are going on now, though not quite so spectacular as those I have just been discussing. I shall not take time to read the newspaper clippings, but merely the headlines, and without objection I shall include them. In the Daily News recently appeared this:

> To "Hardingize Government in interest of efficiency."—The language is that of one of Harding's closest advisers—Men scheduled to go have important jobs, but, it is alleged, Democratic leanings.

I ask leave to insert that article in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

TO "HARDINGIZE GOVERNMENT IN INTEREST OF EFFICIENCY"—THE LANGUAGE IS THAT OF ONE OF HARDING'S CLOSEST ADVISERS—MEN SCHEDULED TO GO HAVE IMPORTANT JOBS, BUT, IT IS ALLEGED, DEMOCRATIC LEANINGS.

[By Lawrence Martin.]

The Government departments are to be "Hardingised in the interests of efficiency" one of President Harding's closest advisers said to-day.

A general "housecleaning" that will remove at least 2,000 prominent Government employees here with Democratic leanings or views, alleged to be hostile to those of the administration, has been decided upon as a sequel to the summary dismissal by the President of 28 Bureau of Engraving chiefs.

President Harding, it is represented, having determined to attain the highest efficiency of governmental administration, the more important positions in the administration must not be held by Democrats or others not friendly to his policies. He has decided to carry out this policy, regardless of any criticism at the start, believing it will be approved in the long run.

ONE IN TEN ARE TO GO.

Elmer Dover, recently appointed Assistant Secretary of the Treasury, will soon extend the housecleaning policy throughout the Internal Revenue Bureau, where the nucleus of a Democratic machine—relic of the McAdoo-Roper days—is alleged to exist.

In addition to the bureau chiefs dismissed from the Bureau of Engraving, it is known that 445 of 5,000 employees of the Customs Service have been removed recently.

This ratio of 1 to 10 will hold in other departments, it is said.

CAUSES FRICTION WITH BLAIR.

Dover is now directing his attention to cleaning out the Internal Revenue Bureau. His moves already have caused some friction with David H. Blair, director of the bureau. The President is said to take the position that this bureau, particularly the income-tax division unit, is far behind in its work, and that a lack of sympathy on the part of some bureau chiefs with his policies is partly responsible.

About 300 changes already have been ordered among the 7,000 employees of the Revenue Bureau, and the number will be increased.

DRY AGENTS BEING SHAKEN UP.

The next department to come under the knife will be the Prohibition Bureau. Present indications are that 300 or 400 of the dry agents have been removed.

Administration spokesmen claim the President's policy already is having a beneficial effect—that hundreds of employees who have been lax in their work are "pepping up," because of the fear of losing their jobs.

Mr. CARAWAY. I wish to call attention to "Hardingizing." That is the expression, to "Hardingize" the departments. I think this administration will be credited with the coining of two words—"Newberryizing" and "Hardingizing." "Newberryizing" means to buy a seat in the Senate, and then for the administration to whip in line Members of the Senate to sustain him and keep him there.

Mr. REED. Is not the Senator for once a little inaccurate?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. CARAWAY. I yield.

Mr. REED. I thought the Senator was going to say that "Newberryizing" consisted in buying a seat in the Senate, and "Hardingizing" consisted in compelling the Republicans to vote to retain him in his seat.

Mr. CARAWAY. I think that is correct. "Newberryizing" means to buy a seat, and "Hardingizing" the Senate means to compel the Senate to keep him in it.

"Hardingizing" means something else. It means to drive men and women out of employment, destroy their reputations, blast their prospects for future honorable employment, and deny to them even the right of being told why it was done. That is "Hardingizing."

"Hardingizing" means more than that. When these wronged men and women go to see the President, as humble supplicants, and ask that he tell them what the charges were which warranted him in summarily driving them out of public employment and destroying their reputations, "Hardingizing" means to go to the golf links and leave your secretary to tell them that the President is sorry if it hurts, but he has no other explanation to make.

When that old lady went to the White House, that lady whose hair is as white as snow, who had gone into the Government service when a girl and worked her way up until she was the chief of a bureau, who had been summarily dismissed, disgraced, and driven out of public work—when she went there and asked if she may be told why it was she was dismissed, and why she was disgraced, and why her opportunity to earn an honest living had been taken from her, "Hardingizing" means to have the President say, in effect, by refusing to see her, though I do not, of course, say that he used these words: "This old woman, whose reputation I have destroyed, and whose right to make an honest living I have taken from her—send her away. I can not have the wine of my joy embittered by her tears. Whatever my reason was for disgracing her, I keep it to myself."

Mr. President, I am reminded of the minister of Louis XVI just before the French Revolution. Thousands of starving men, women, and children assembled in front of his hotel to petition him for something to eat. They wanted to tell him of their

conditions. The Government had seized everything they had, and they were actually starving in the streets. This minister sent word out that he would not see them. They besought him to know, then, what they should eat, and he inhumanly said, "Let them eat grass." Three months later, Mr. President, the same motley mob marched down the streets of Paris, with the head of that minister on a pole and a bunch of grass sticking in his mouth. The minister was reduced to that humble state as well as the citizen who begged for bread.

"Hardingizing" goes further than that. The President has a new launch, which cost $45,000, the finest in which anyone ever rode. I am not complaining, because a local paper said—and it knows—that the President could not land properly and keep his dignity with one that cost less money. He got it; $45,000 is a trifling, insignificant sum, of course. If it were not for the striking contrast, to which I am about to call attention, I would not even mention it. Here is a letter, written by Mrs. James H. Brooks, whose husband is a minister of the gospel in a little city of six or seven thousand people down in my State. She herself is the head of the Federation of Women's Clubs of that State and an active worker in all matters of reform and all movements of educational advancement. She wrote me this letter:

BLYTHEVILLE, *April 3, 1922.*

DEAR MR. CARAWAY: I am just back from a meeting of the American Legion Auxiliary, Department of Arkansas, and as I was honored with the presidency of this young child—"the baby sister," Mrs. Hobart calls it—I want to know some things.

We went out to Fort Root. Found things beautifully clean, and the woman in charge all that heart could wish in the attitude toward and care of our poor mentally sick boys.

That is a hospital for service men.

But to my horror and shame I found them—the superintendent and nurses and legionaries—begging us for second-hand clothing to clothe these dear boys—as physically perfect and beautiful as my boys or yours, and even that they must sell the baskets they make to get money for smokes. Isn't that a crying shame to this Government of ours? Is this so all over the country, and is there any way in which Congress can be made to see these things? These boys ought to be on the pay roll of the United States, receiving enough money to have the things they want. I am almost sure, thinking over the men as I saw them, that they were all average, and many more than average, in intelligence before they went into that "hell" into which they were sent.

I know you have worked for the boys; but please work as you never worked before.

Sincerely yours, MRS. JAMES H. BROOKS.

Mr. President, that is "Hardingizing." Buy your yacht and make the crowned heads of Europe ashamed when they come in comparison with you in the show places of the world, but let the boys who were sent across the sea to preserve the liberty of the world beg for second-hand clothes to wear and cigarettes to smoke. That is "Hardingizing."

Mr. HARRISON. Mr. President, the Senator referred to that launch. It cost $45,000?

Mr. CARAWAY. That is my understanding, and it was cheap at that, they tell us.

Mr. HARRISON. What is the use of that launch?

Mr. CARAWAY. Can it be possible that the Senator from Mississippi does not realize that when you are "Hardingizing" a nation you must "Hardingize" the President himself and make him outglitter in splendor any other ruler in the world?

Mr. HARRISON. I had seen in the papers a few days ago that because of the general depression in England the King of England had dispensed with his launch or his yacht.

Mr. CARAWAY. The King of England wore patched shoes also, but he is not "Hardingizing" a great nation. But I am also reminded by the Senator from Georgia [Mr. WATSON] that the President of the French Republic does not maintain a private yacht.

Mr. HARRISON. It may be, if the Senator will permit, that it is just such actions as that, with 6,000,000 men out of employment and wages being reduced, which resulted, in the election yesterday in one of the districts in New York which has always gone Republican, in the last election by 30,000 majority, in the Republican being elected by only 2,500 or 3,000 majority, the plurality or majority being cut 27,000 votes, I believe, by the Republican majority in the last election.

Mr. CARAWAY. Of course, and they will not be able to find a 2,500 majority in November.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. CARAWAY. I yield.

Mr. REED. Some mention was made of economy in some of the European courts. I noticed an article in one of the papers a day or two ago to the effect that the Queen of the British Empire had reduced her bill for dresses to $1,500 per year, and she was forced to spend most of that for court dresses, which, under the custom, she was compelled to have; that she had even resorted to having her dresses made over and some of them dyed; and that this was being done not only as a matter of practical economy but in order to set an example to be followed by other people who ordinarily expended vast sums. So the women over there seem to be in the crusade of economy as well as the men.

Mr. CARAWAY. I hope that George Harvey does not hear that, for he will cut the society of the Queen if he knows it. When George gets on his knee breeches he would not associate with a lady who had on a secondhand dress, I know.

Mr. President, here is another fine example of "Hardingizing." I am in receipt of a letter this morning from a former service man. What little this may say about me I hope the Senate will pardon my reading, because I want to read the entire letter. It is dated April 10, 1922, is addressed to me, and is as follows:

> I was so pleased when I read the article in the Star this evening in regards to the resolution introduced I just had to drop you a line to let you know I am only one ex-service man who appreciates the work you are doing for our interests. It is an awful hard thing when a man spends his early manhood in the Army and Navy, and then 16 or 17 years in the employ of Uncle Sam, with excellent records, only to be laid off, without any redress whatever.
>
> As I said before, I am only one, but I was in the navy yard as a helper when, on February 9, I was told, after working until 11 o'clock, that I was furloughed. The consequence is that I am now without work. I have served on foreign soil three different times for this country—Cuba, 1898; Philippines, 1900; China, 1901—and from my viewpoint it looks very hard that I, a married man with a family, trying to buy my own home, am furloughed while the very man that was kept to do the work I was doing came in the yard during the war when it meant either war or work. My rating was 97.2.
>
> May you be successful, Senator, in all you undertake, and believe me you have my hearty praise for your faithful work.

He signs it without any injunction of secrecy, but I do not care to publish his name. If anyone wants to see it, I will show it to him. That is Hardingizing the Government employees.

We have a law against doing that very thing. I hold it here in my hand. There even is an order bearing date June 20, 1921, calling attention to that law. It reads:

> *Provided*, That in the event of reduction being made in force in any of the executive departments, no honorably discharged soldier, sailor—

And so on.

I have another letter from an ex-service man dated the 11th, yesterday, telling the same story. I have here another letter, dated the 11th, from an ex-service man who lives in the southeast part of the city who had a place in the Government but was discharged, although his rating was good. He was laid off that somebody else might get his place.

That is Hardingizing the Government; but it seems to go beyond that. Hardingizing seems to be going even to the extent of compelling the President's own minister, the pastor of his own church, when designated to deliver the invocation at the meeting of a great world conference, to eliminate the name of Jesus Christ from his prayer. That is Hardingizing the church.

Now, my good friend the Secretary of State, Mr. Hughes, who seems to have been the only man who saved anything from the wreck of that conference—he saved his whiskers and nothing else—gets mad whenever anything is said about it. He wrote a letter saying that he hoped the people would quit criticizing the delegates of that convention. He recently gave out an interview, which was headed:

> Christ not censored from parley prayer, Mr. Hughes declares.

Doctor FESS—Congressman FESS, from Ohio—who is chairman of the Republican Congressional Committee, had written to Mr. Hughes to know about this, because Christian people everywhere did not understand why it was necessary to censor the prayer of a Christian minister, a Baptist preacher, in order not to offend the reigning monarch of Japan. Therefore, he wrote to Mr. Hughes for a denial, and got a typical Hughes denial, which always means to imply that any statement that does not agree with Mr. Hughes is not only inaccurate but contemptible. Mr. Secretary Hughes acquired that habit when he was a judge, you know. He could then make people accept his statements, right or wrong, and probably wrong. He gave this out for publication, in the concluding part of which he said:

> The narrowness and bigotry exhibited in the criticism to which your correspondence refers are, in my judgment, so utterly despicable that I do not intend to notice the matter in any way.

God bless your soul, and they are just common, ordinary Christian people commenting on the matter. But Mr. Hughes thinks that he does not need to take notice of them. He then continues with a statement, which I think he will regret some day:

> I shall not say anything in reply to the statements that are made. The best thing is to ignore the matter altogether. Doctor Abernethy's prayer was admirable in every respect.

That ought to do Doctor Abernethy a lot of good to have Hughes approve his prayer. The newspaper item then continues:

Mr. Hughes then added for Mr. Fess's information—

And I suppose for all one else's—

that no censorship was exercised.

Mr. REED. Mr. President, without desiring to interrupt the Senator, I have seen what purports to be a copy of the correspondence which discloses absolutely that the prayer was censored.

Mr. CARAWAY. I have it here, and if it had not been published already, in deference to the minister's wishes not to have it published, I would not read it now. It has been published, and I therefore want to lay it alongside of Mr. Hughes's letter in order that these narrow-minded bigots who ask that the name of Jesus Christ be used in prayer, these narrow-minded people who think Jesus Christ ought to be prayed to and ought to be named in our prayers, the contemptible people that Hughes referred to, may know just exactly what the minister said about it. I am going to read his letter.

Calvary Baptist Church, Washington, D. C.

That is the church the President "honors" by worshipping in it, you know. It is written to the editor of the Manufacturers' Record, and, as I said, unless it had been published I would not have read it. It has been in my possession for a long time, but inasmuch as Doctor Abernethy did not want it given publicity, I would not have published it, but some one else has done so, and therefore it has had publicity, and so I read it.

May I first say just this much in explanation: This letter was in answer to a letter written by the editor of the Manufacturers' Record, who is a personal friend of Doctor Abernethy, who asked him to tell him what truth, if any, there was in the statement that he had been compelled to strike the name of Jesus Christ from his prayer, and this is his answer:

I am in receipt of your very cordial letter of January 6. If I could have the opportunity of talking with you on this matter face to face, I am sure I could convince you I did not have it in my heart at all to dishonor my Lord Jesus Christ in the offering of that prayer at the conference. I have been very severely criticised for it by people from all parts of the country, but they did not know the background of the situation.

I trust you will regard what I say to you in the strictest confidence—that is, it is not for publication.

And, as I said, unless it had been published, I would not have published it.

Had I been left to my own initiative, I am very sure that I would have offered the prayer that I did in the name of Christ—at least that is the way I always do end my prayers. I was reminded, however, that the conference was not a Christian body—

And, by the way, the whole American people found that out when the four-power pact came out, because it was a surrender to paganism, an alliance with a pagan nation against a Christian nation, and, therefore, Doctor Abernethy correctly said:

I was reminded, however, that the conference was not a Christian body—

And he then continues—

that there would be Buddhists and Confucianists present, and was told that it was the feeling that a simple recognition of the Deity would fill the requirements. I remembered that the prayer that Jesus taught and which we repeat from Sunday to Sunday did not contain his name, and yet it had the spirit of Christ in it, as we will all agree.

I felt—

Now, mark you this, Mr. President—

I felt that it would be better to offer a prayer of recognition of God Almighty and a petition for guidance than to have no prayer at all.

But Doctor Abernethy was told he could not pray in the name of Jesus Christ. I will not censure him. He was told, if his letter tells the truth, that he could offer this prayer without the name of Jesus Christ, or no prayer would be offered at all.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. CARAWAY. With pleasure.

Mr. WATSON of Georgia. I remind the Senator from Arkansas that it was Christ Himself who offered the Lord's prayer, and He could not invoke Himself, because He had not then been crucified.

Mr. CARAWAY. I thank the Senator. Now, continuing with Doctor Abernethy's letter:

I therefore offered the petition as it was published in the papers. I do not believe I crucified my Lord as I have been accused of doing.

I am sorry that my brother ministers, including Doctor Dixon, have spoken as they have. I feel very sure that if they had known everything they would not have judged me as harshly as they have.

I trust this will, in a measure at least, explain the situation to you.

Thanking you again for your cordial sympathy, I remain,

Sincerely yours,

W. B. ABERNETHY.

Now, Mr. President, lay that letter alongside of Mr. Hughes's statement, who says these contemptible people who say that Doctor Abernethy's prayer was censored, these people who complained because Jesus Christ was not mentioned in a Christian country—lay it alongside of Mr. Hughes's statement and then you can believe either one of the two. You can not believe both of them. I personally believe Doctor Abernethy, though I never saw him.

Well, Mr. President, that is another case of Hardingizing the church, Hardingizing the faith of the Christian American people, by striking the name of Jesus Christ out of our prayer.

Mr. President, I want to call attention to an article that appears in the Post—I seem to have lost the date of it, but I believe it was last Wednesday—which was headed as follows:

Officials deny shake-up plan for Treasury. Reorganization work goes on over head of Secretary. Changes already total nearly 400. President's friend works scheme independent of Mr. Mellon.

The article says in part:

Dover has been working directly with President Harding and has been quite frank in his discussion of the forthcoming changes.

Now, Secretary of the Treasury Mellon, who is at the head of the whole business, but who thus far has kept his hands and his voice out of the hubbub, has spoken.

Discussing Mr. Dover's reorganization plans, without mentioning any names, of course, Secretary Mellon in an official statement said:

"These reports do not emanate from any official source."

The article says that they are going to work their reorganization over the head of Mr. Mellon. I think it is to Mr. Mellon's everlasting credit that he refused to become a party to the scheme.

Another headline in the Washington Post reads as follows:

Firm in bureau shift. Harding to disclose no charges; believes reasons ample.

Both the Secretary of War and the Secretary of the Navy have found it necessary to issue warnings to the officers and enlisted men of the Army and the Navy against turning Bolshevik. Mr. Denby came out with a strong letter warning the men in the service, both officers and enlisted men, against joining the Reds. Mr. Weeks thought so well of Denby's statement that he adopted the same phraseology, and the headlines in the paper read as follows:

Weeks joins "Red" warning by Denby. Cautions Army that communists stress efforts to breed disloyalty among men. Amplifies his Navy order.

There is a reason, Mr. President, why the Secretary of the Navy and the Secretary of War should issue these orders. When you Hardingize the Army and the Navy and the governmental departments, as they are doing, you breed disloyalty. Denby knew it. He knew it when he discharged the soldiers and sailors, in violation of the law, who were supposed to be protected by statute. He knew he was violating the law. He was assuming to be above the law, and he feared that men in lesser station might follow his example and disregard the law, and therefore he warns all who are below him that, "While I do not regard the law and deny a man's right to appeal to me, I am supreme; but you must not turn 'Red,' as I have, and disregard the law. You must be obedient to the law." And Mr. Weeks adopted the same language.

Our genial friend, the Vice President, of whom I am exceedingly fond, as the spokesman for the administration went to Michigan, as I have been told—I have no knowledge of the correctness of the statement—to help secure the renomination of the senior Senator from Michigan [Mr. TOWNSEND]. I do not know whether that is true or not, and I do not care; but the Vice President, who is accredited with being the shrewdest man associated with the administration, went to Michigan and made a speech. I do not think I am voicing any secret when I say that I have often heard it said that the mistake the Republican Party made was in not giving the first place to the man who is second. He took two hours and a half to talk about this administration, and if he, with his shrewd Yankee brains, could not think of anything good to be said for it, it could not be found; that is all. After he had wandered all around the earth he came back and said, "Well, boys, the President opened the doors of the White House." That was the best thing that the Vice President could find to say for this administration—that it had "opened the doors of the White House." Incidentally, he could have said that it had opened the doors of every workshop and factory in this country and had turned out the men, until millions of them are walking the streets and begging for bread. He could have said, if he had been candid about it, that the administration had not only opened the doors of the White House but had opened the doors of the mines, so that every man who goes below the surface of the earth and earns his living with shovel and pick is now on an enforced vacation.

He could have said, if he had wanted to, that Hardingizing the administration had opened the doors of practically every factory in New England, so that thousands and thousands of men and women and children are begging for places to work, and some of them who were strikers were shot down in the good old State of Rhode Island the other day. The President opened these doors as well as the doors of the White House.

However, it is a commentary, Mr. President, that when the brains of this administration—and I think the Vice President is the brains of the administration—went to Michigan, after weeks and weeks of study, with all of his Yankee ingenuity—and I do love his peculiar New England drawl; it carries to me conviction, of one kind or another—after thinking of all the things that this administration had done that he could afford to talk about, he said, "Why, bless your heart, boys, the President opened the doors of the White House." He has, and he has hung on it a sign "To let," and a new tenant will take it at the end of his present lease.

However, Mr. President, let me say in conclusion—and it will possibly be the last I shall say about this question at all—that I know we are not going to get any investigation. I know it for this reason: I know that this question can not be mentioned but that a half dozen Senators on the other side of the Chamber rise in anger. Why, the other day, when I tried to get consideration of this resolution, there were four or five Senators on the floor at once protesting. One of them whose name, I think, never before appeared in the RECORD—I do not presume anybody knew he was a Member of the Senate except the cashier who pays the salaries—was loudly shouting for "regular order," so that no word might be said for a dismissed soldier or sailor who had been deprived of his rights. The junior Senator from Wisconsin [Mr. LENROOT] was particularly loud in his protests. And the author of the beautiful resolution seating Mr. NEWBERRY, which said, "God bless your heart, you bought your seat, but since you belong to our tribe and we needed you one time and may need you again, you are as good as the rest of us; walk in and take the seat," also objected. They all objected, and they shut off consideration. The Post exultantly said the next morning that I tried a new flank movement on the administration to find out why they had done these men wrong, and it was promptly headed off by the Republicans. Of course they headed it off. I know I am not going to get any investigation. I told Mr. Wilmeth this morning that he would get no investigation; that he would get no vindication; that he would be "framed up" if it became necessary. He knows it. I know it.

But, after all, Mr. President, I am not concerned with the political aspects of this question. I have had some sympathy with those who do not agree with the merit system. Sometimes I have thought that it did not always produce good results. I have, though, no kind of patience with hypocrisy and sham; I have no patience with Hardingizing an administration and a department, because that means to do an injustice and ignore the other man's rights; it means to ignore the law; it means to blast the reputation of honest men and women. I have no patience with Hardingizing an administration. If you are compelled to reward what few people now remain faithful to this administration by giving them places, why, let the President do what he threatened to do the other day. He said, "If you make me mad I am going to take all of these places out of the civil service." Let him do it. Then, at least, he could look every man in the face and say, "I did so because I believe that the friends of the present administration ought to have the places. God knows there are few enough of them left, and I want to reward my faithful partisans." Then the Republican majority could at least go to the country and say, "This is our policy; we have adopted it; we are frank about it; we are not practicing any hypocrisy or sham." However, they will not do it; they are going ahead Hardingizing the departments, and the President has Hardingized the Senate and makes the Senators on the other side of the Chamber deny to those who have been wronged any kind of redress or any kind of investigation which will disclose the lack of justification for the action of the administration. But, after all, Senators, this is but the beginning, not the end.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 16, at the end of line 24, to increase the total appropriation for the Bureau of Animal Industry from "$6,669,276" to "$6,974,976."

Mr. WALSH of Montana. Mr. President, before the amendment just stated is disposed of I desire to express the gratification I feel that the customary provision in regard to the utilization of the appropriation for the eradication of tuberculosis has been preserved in the bill before us. In the deficiency bill which was passed in the month of January a provision was inserted for what is known as area eradication. It became the subject of a letter addressed to me by Doctor Butler, State veterinarian of Montana, some correspondence in relation to which subject I should like at this place to have inserted in the RECORD, if there is no objection. For the purpose of showing the efficacy of the cooperative efforts on the part of the State and the Federal Government, I desire to read a paragraph from the letter:

The stockmen of the West have cooperated with the Bureau of Animal Industry in an earnest effort to eradicate tuberculosis, and I may state for your information that, according to the United States Bureau of Animal Industry's official figures, Montana has done more work in the eradication of bovine tuberculosis than any other State in the United States, and, according to our official figures, we have reduced bovine tuberculosis from 10.63 per cent in 1911 to 0.94 of 1 per cent in 1921. Our figures for 1921 are very substantial, in that for that year we tested 72,932 cattle, and, as I have said, found only 0.94 of 1 per cent tuberculous. This record, so far as I have been able to ascertain, has not been duplicated by any State or country in the world, with the exception of the District of Columbia.

I ask that the correspondence to which I have referred may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The correspondence referred to is as follows:

STATE OF MONTANA,
LIVE STOCK SANITARY BOARD,
Helena, January 30, 1922.

Hon. T. J. WALSH,
Senate Chamber, Washington, D. C.

DEAR SIR: In regard to the Federal indemnity deficiency appropriation for the balance of the present fiscal year, which was recently passed, we find the following provision:

"For the payment of indemnities on account of cattle slaughtered in connection with the eradication of tuberculosis from animals, $600,000: *Provided*, That this sum shall be expended only in payment to owners whose cattle have been in their possession for a period of at least six months prior to slaughter.

"*Provided further*, That no part of said sum shall be expended for the payment of indemnities to owners of herds hereafter placed under Federal and State supervision unless such herds are located in circumscribed areas designated and agreed upon by the States and Federal Government in which to conduct cooperative tuberculosis eradication work."

We see by this provision that the Federal Department of Agriculture, without previous notice to this department, has changed its policy relative to payment of indemnity in the cooperative tuberculosis eradication work with Montana. This change in policy is contrary to the provisions of its cooperative agreement with the State of Montana, which was entered into and agreed upon in 1917.

We can, and have in the past, practiced area tuberculosis eradication in small isolated dairy districts where such area work was practical and within our financial possibilities. Our objection to the bureau's stand is that unless an owner of cattle lives within these small circumscribed areas, he will not be entitled to indemnity. These areas are to be decided upon by the bureau and State officials.

Anyone conversant with the West will immediately realize that it is impossible to place an entire State under such area work. Under these conditions to arbitrarily deprive a stock owner of indemnity simply because he did not live within an area designated by the Federal and State officials is discriminating and is absolutely unjust.

We write you this letter with the earnest request that you endeavor to have the appropriation bill for the coming fiscal year contain the same provisions as the last previous annual appropriation bill, and not the provision of the deficiency appropriation, which I have quoted.

This deficiency appropriation is unfair and unjust to the Western States. I may state I have had letters from Minnesota and North Dakota on this proposition, and our ideas in this matter are practically identical.

The stockmen of the West have cooperated with the Bureau of Animal Industry in an earnest effort to eradicate tuberculosis, and I may state for your information that, according to the United States Bureau of Animal Industry's official figures, Montana has done more work in eradicating bovine tuberculosis than any other State in the United States, and, according to our official figures, we have reduced bovine tuberculosis from 10.63 per cent in 1911 to 0.94 of 1 per cent in 1921. Our figures for 1921 are very substantial, in that for that year we tested 72,932 cattle, and as I have said, found only 0.94 of 1 per cent tuberculous. This record, so far as I have been able to ascertain, has not been duplicated by any State or country in the world, with the exception of the District of Columbia.

Considering that Montana has worked so diligently in this national program of bovine tuberculosis eradication, we can not but feel the decided and distinct injustice to western stockmen by the provisions contained in the deficiency appropriation bill. These provisions are applicable to small, intensely populated areas, but are inapplicable to Western States with large counties and sparsely settled areas.

Yours very truly,

W. J. BUTLER,
State Veterinary Surgeon.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 28, 1922.

Hon. T. J. WALSH,
United States Senate.

DEAR SENATOR WALSH: I have your letter of February 14, inclosing copy of communication you received from Dr. W. J. Butler, executive officer, State live-stock sanitary board, Helena, Mont., protesting against the provisions of the item in the deficiency appropriation for the eradication of tuberculosis of live stock in cooperation with the various States.

The provision to which Doctor Butler takes exception permits the payment of indemnities to owners of herds placed under Federal and State supervision prior to December 15, 1921, therefore it in no way interferes with the work in that State as far as paying for tuberculous cattle that were in herds then under supervision is concerned.

Up to January 31, 1922, only 44 per cent of the regular Federal allotment to Montana for the payment of indemnity was used, so there remains to be expended, if necessary, 56 per cent during the remaining five months of the fiscal year. This fund is not required to be spent in circumscribed areas doing tuberculosis work, so that the work in Montana can proceed in the usual manner for the balance of the year.

The department records indicate that area tuberculosis work is being conducted in Gallatin, Richland, and Ravalli Counties, Mont., therefore should it be necessary to pay indemnity for tuberculous animals in those counties it may be paid out of the deficiency appropriation.

The plan of eradicating tuberculosis of live stock from all the herds within an area agreed upon is not a new project. It was one of the three projects decided upon by the department when the tuberculosis eradication work was inaugurated in cooperation with the live-stock owners and State live-stock sanitary officials in 1917. The other projects are:

1. The eradication of tuberculosis from pure-bred herds of cattle, otherwise known as the accredited herd plan.

2. The eradication of tuberculosis from swine.

The accredited herd plan contemplates the tuberculin testing of herds of cattle whose owners sign joint agreements with the State and Federal departments. This work requires the detailing of State or Federal inspectors to make tests promiscuously around the State and entails a considerable amount of travel and added expense which can be materially reduced when employees are detailed to test all of the herds within an area agreed upon.

The area plan must ultimately be the basis for the suppression of tuberculosis among live stock in the United States. Obviously but a small part of the program could be accomplished by testing herds here and there, leaving large groups of herds untested, thus jeopardizing the health of those herds which have been cleaned up at a great expense to the State and Federal Governments. That the area plan is applicable to western conditions as well as territory more densely populated is borne out by the progress being made in the States of Oregon and Washington. In each of those States quite a number of counties are actively engaged in the suppression of the disease among all the herds in the county.

Very truly yours,

HENRY C. WALLACE, *Secretary.*

MONTANA LIVE STOCK SANITARY BOARD,
Helena, March 2, 1922.

Hon. T. J. WALSH,
Senate Chamber, Washington, D. C.

DEAR SENATOR WALSH: I thank you very much for your letter of March 4, with a copy of the honorable Secretary of Agriculture's letter with reference to tuberculosis eradication work.

The statements in my letter of January 30 addressed to you are correct. The honorable Secretary of Agriculture's answer does not take into consideration the essential objections we record against the United States Bureau of Animal Industry's attitude on indemnity for tuberculous cattle and cooperative work on bovine tuberculosis eradication.

Our objection is that they enter into an agreement with the different States and then change their methods without consulting with the various States with whom they have agreed to cooperate. We also are correct in our statement that area work, as area work is now defined, is not practical nor financially feasible in large range districts. Area work is not new. We have carried on area work in Montana for a good many years, only that area work has been limited to certain restricted districts which are thickly populated and wherein the dairy industry was the principal industry of that section.

The honorable Secretary's reference to the work being carried on in Washington and Oregon is not apropos. Area testing in these States is carried on in their thickly settled dairy sections in the vicinity of Puyallup and Seattle. So far as we have been able to ascertain, they have not undertaken area testing in any of their range or beef sections.

Area testing in Montana is being carried on in Gallatin and Ravalli Counties but not in Richland County. Climatic and geographic conditions make it impossible to carry on area work during the winter months in Richland County. In summer months cattle are out on the range, and with the present world financial conditions it is not practical to round up and gather all cattle in a county and subject them to a tuberculin test.

It is true we have not as yet been affected by the deficiency appropriation provisions, but should these same provisions become part of the regular appropriation, then Montana and other Western States will be discriminated against in a very unfair and unjust manner.

I again desire to express to you my very sincere appreciation of your earnest efforts in behalf of the live-stock industry of Montana and the Western States.

Yours very truly,

W. J. BUTLER,
State Veterinary Surgeon.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 21, at the end of line 21, to increase the appropriation for the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and by-products, and for general physiological and fermentation investigations from "$39,820" to "$45,820."

The amendment was agreed to.

The next amendment was, on page 22, at the end of line 17, to strike out "$379,705" and to insert "$432,505"; and in line 18, after the word "That," to strike out "$147,200" and to insert "$200,000," so as to make the paragraph read:

For the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $432,505: *Provided*, That $200,000 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which rust spores originate.

Mr. NORRIS. Mr. President, since the amendment just stated is a committee amendment, if we want to make any change in the amount recommended to be appropriated by the committee, it will have to be done now. So I wish to move an amendment to the committee amendment.

Mr. KELLOGG. Mr. President, I inquire to which amendment the Senator is referring.

Mr. NORRIS. I am speaking of the amendment at the end of line 17, which I am going to couple with an amendment in line 18.

Mr. McNARY. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Yes.

Mr. McNARY. To what page is the Senator referring?

Mr. NORRIS. Page 22.

Mr. McNARY. In reference to appropriation for the eradication of the barberry and the investigation of cereal diseases?

Mr. NORRIS. Yes. I move, Mr. President, to amend the amendment of the committee in line 18, page 22, by striking out "$432,505" and inserting in lieu thereof "$532,505," and also in the committee amendment, on the same line, by striking out "$200,000" and inserting "$300,000."

Mr. KELLOGG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. Yes; I yield for a question.

Mr. KELLOGG. I have offered an amendment, which I supposed was pending, to increase the amount to $732,000.

Mr. NORRIS. There is no such amendment pending now, of course. I presume the Senator submitted an amendment and had it printed.

Mr. KELLOGG. I thought I had offered it.

Mr. NORRIS. But, of course, it is not pending.

Mr. KELLOGG. Perhaps not.

Mr. NORRIS. It will have to be formally offered.

Mr. KELLOGG. Very well.

Mr. NORRIS. The fact of the amendment being printed does not make it pending, of course.

Mr. KELLOGG. I could not offer it until the item was reached.

Mr. NORRIS. No; the Senator could not offer it before this particular item came up, and it has not heretofore been reached.

Mr. KELLOGG. I wish the Senator would increase the amount suggested by his amendment.

Mr. NORRIS. Perhaps after we have discussed the item I may increase the amount. I will say to the Senator from Minnesota that I am not myself so much impressed with the amount that I have proposed as an amendment. I believe this work ought to be done rapidly, and that it will be economy to do it rapidly. I have moved to increase the amount that may be utilized from $200,000 to $300,000, based on the testimony of Doctor Ball, assistant to the Secretary of Agriculture, who says that they could utilize that much; that they have the men and machinery already, so that they can use $300,000 instead of $200,000. He says further in his testimony they could use $500,000; but he is not sure that it could be done economically. Personally I think if we have the machinery and the organization to eradicate the barberry bush, it will be economy to do it all at once, because that much more wheat and oats, but principally wheat, will be saved. I think Senators all understand that the rust in wheat, especially in the northern part of the country, running from the Canadian line clear down to Oklahoma, is caused by the spores which are blown by the wind and which originate in the barberry bush.

The barberry bush is a flowering plant, planted because it is a flowering plant, a shrub, grown in cities, on lawns, and it grows wild throughout the country. The idea is to eliminate the barberry bush, and thus eliminate black rust in wheat. My understanding is, as a scientific proposition, that with the exception of some rust which is not so damaging, and which takes place in the Southern States, there will be no rust in wheat if the barberry bush is entirely eliminated. Commencing along in the spring of the year, these spores germinate on the barberry bush if the weather is suitable; hot, moist weather being especially favorable.

The spores are carried by the wind and get into the wheat, germinate there, and rust is the result. If another spell of moist, hot weather should take place, the spores would be blown again, would germinate on the wheat itself, and millions, trillions of these spores mature in a short space of time, in a few days. If the weather is suitable and the wind is right, it

covers miles and miles of territory, of course; and when rust gets into the wheat it means the destruction of the wheat crop.

This is ordinarily considered an item for the benefit of the man who produces wheat, and of course he is primarily benefited; but in the end and in a broader scope, in a broad, fair, economical consideration of it, it is a benefit in which the consumer is just as much interested as the producer.

The method of elimination—we carried an appropriation for this purpose before on the agricultural bill, commencing during the war—is for the department to send its representatives out into the country and to a great extent educate the people. No man will produce this bush on his premises if he knows what a harmful thing it is liable to be; that it is liable to make a shortage in the principal food crop of the people. The man who has it on his lawn will be willing to exterminate it himself. The farmer who has it on his farm will be willing to exterminate it. A great many of the people do not understand that from this barberry bush such an immense national damage may be the result; so it is somewhat a matter of education.

In some places these bushes have grown wild on the hillsides, so that there are acres and acres of them on unused land that nobody cares anything about and it is necessary for some public official to destroy them. Some States have passed laws in regard to the matter. The State of Minnesota, I understand, has expended a great deal of money in the eradication of the bush, because wheat is one of the great crops of the State. North Dakota is another great wheat State that has spent some money for this purpose. There will be no difficulty in having the cooperation of all honest-minded citizens as well as officials in attempts that are made to eradicate the barberry bush.

As I said before, if the barberry bush were eradicated this year, completely annihilated, there would be no rust next year or this year, either one. It would be all over. Therefore it is economy to go as fast and as rapidly as we can without the use of unnecessary assistance and without employing men simply to idle away their time, or something of that kind. The department, as I understand, are equipped to utilize for this purpose $300,000 during the coming fiscal year. As I understand the testimony, they are not equipped to go beyond that. If they are, for one I am willing to accede to the request of the Senator and increase the amount named in the amendment.

I should like to ask the Senator from Oregon whether I am right. I have glanced over the testimony briefly. It was Doctor Ball, I think, who testified that in his judgment $300,000 could be used, and I rather derived the impression from reading his testimony that if more money than that were appropriated they did not have the machinery and organization to use it properly.

Mr. McNARY. Mr. President, I will state to the Senator from Nebraska that a number of people living in the infested district wanted the amount increased to $500,000. The question of the extent of the appropriation was submitted to Doctor Ball, the assistant to the Secretary of Agriculture, and he said that $300,000 could be efficiently used, and he left the impression with the committee, I think, that that, perhaps, was the maximum amount that could be used this year.

Mr. NORRIS. That was the impression I got. I got it regretfully, too, because personally I would rather have a larger sum appropriated.

Mr. McNARY. I do not recall that he did oppose the larger appropriation.

Mr. NORRIS. Oh, no; he did not. He said they could use $500,000, if I remember his testimony. I was trying to find it. I was glancing through the hearings again this morning. Yes; here is Doctor Ball's testimony.

Mr. KELLOGG. What page is it on?

Mr. NORRIS. Page 111 of the hearings. He says:

We would not change that amount of $147,200 at all.

That is the amount carried in the original bill before the committee. In other words, he was not asking for an increased appropriation. I confess that I hardly understand that myself. I am not saying that the officials of the department have asked for this increased appropriation, because he says distinctly that they have not asked for it; but in looking over the situation, taking the understanding that I have of the black rust, which is such a damaging thing in all wheat communities, and destroys a crop of wheat in a few days' time if the weather is just right, it seemed to me that the Agricultural Department ought to have taken more of an interest in trying to eradicate this pest, to meet this proposition, when it seems to me it can be so easily done.

I will read this testimony further:

Doctor BALL. We would not change that amount of $147,200 at all. That work has already been planned with the States for the next year. The plans are all laid; the men are all provided for.

Then he was asked a question by the Senator from Oregon [Mr. McNARY] with regard to the Budget, as follows:

In your estimate, your budget—meaning the department's budget to the Director of the Budget—did you include this proviso?

Doctor BALL. No; I think not. We just left it out, but we outlined to them that there would be $147,200 expended. You see, gentlemen, here is what we furnished: I have here an outline showing every single project that we carry on, how much was spent last year, and how much we estimate to spend this year, which is in the hands of the committee and of the Budget.

Then the Senator from Oregon asked him another question:

Doctor, let me ask you this direct question, because we had a number of witnesses here from the district where this infestation occurs, and they want $500,000 in the 13 States, which would be practically $38,000 per State; and they urged—you perhaps heard their testimony—that the increased appropriation was necessary to control this rust by the eradication of the barberry.

Doctor BALL. It is just a question of the speed with which you do it. If we could spend all that money in one year, we are equipped so that we could probably eradicate the barberries. We could probably use $500,000. I am sure we could use $300,000 and use it efficiently and economically. I am not quite sure that we could use $500,000 so economically, because it would require the building up of an organization very rapidly; but we could use $300,000 efficiently and economically this year; and if we did that it would cut in half the time that would be required to get the barberry out.

The Senator from North Carolina [Mr. OVERMAN] asked:

How do you get the estimate of $300,000? Is that guesswork?

Doctor BALL. That is just doubling our present work.

Senator OVERMAN. And you think by doubling the appropriation you can eradicate the barberry in how long a time?

Doctor BALL. The estimate they make is about three or four years. We are working now, you understand, in the most dangerous localities. Each year that we work we are completing large areas in those dangerous localities and giving more and more protection. I think in three years the protection to the wheat crop will be very complete. If a little rust outbreak came then, we would know that there was a barberry to be hunted up somewhere in that region, and we would go back and hunt for it. It will take a number of years before this will all be done.

I have no doubt but that it will take a number of years to accomplish this work, Mr. President, because it will be impossible in going over it once to get every bush, and it is not so easy to exterminate, either. It is necessary to dig it up. They have not yet found any way to get rid of the barberry bush except to dig it up. It is not difficult to dig. It is a very easy matter. It is just a little bush, but you have to find all of them. If you leave the roots in the ground and they sprout up you may get half a dozen bushes instead of one, or, if you do not find one, it will spread next year, so that, of course, it will be several years before it can be completely eradicated; but the great damage that comes is the destruction of the wheat crop, and to a great extent oats also. If the great bulk of the barberry bushes were destroyed, it would only be a question of hunting up the stray bushes that escaped destruction the first year, which could be easily done, because wherever an outbreak of rust occurred in any community it would be known that somewhere in that vicinity was a barberry bush, or more than one—several, perhaps—and they would hunt for them and get them out.

Another thing, Mr. President, and one of the things that I think has to be taken into consideration in the time in which we do this, is that a great many people do not understand, do not know, that rust comes as it does. A great many other people do not know that they are growing as shrubs in their own yards, on their own lawns, these pests that mean so much harm to the production of the principal food crop of the world. When they do understand it, when they do know it, the officials will have the assistance of everybody, of every honest citizen who is interested in the eradication of the barberry bush; and therefore, Mr. President, it is economy to appropriate just as much money as can be economically used.

I have put this amount at $300,000 on the strength of the testimony I have read. I would a great deal rather double it, myself, if I thought the money could be used economically.

Mr. POMERENE. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. POMERENE. The Senator has just touched upon a branch of the subject which interests me very much. As I understand his statement—and that is the information that I have gleaned from a reading of the RECORD—the department already have an organization which is apparently complete and apparently efficient. They suggest that they can use up to $500,000 for this purpose. Having the organization complete, knowing what the disease is, and knowing what the remedy is, why not be a little more indulgent, in view of the importance of this subject not only to the farming community but to the entire country?

I have here a statement which seems to have been compiled by the Agricultural Department, to the effect that since 1916 there have been destroyed by this black-stem rust over 323,-

000,000 bushels. That is what they estimate. If there were uncertainty about the remedy, or uncertainty as to the cause, then I would share the Senator's view that we should not increase this above the $300,000, but the disease is known, and the remedy is known. It requires a little more of an organization.

Mr. NORRIS. I read a statement somewhere as to the value of oats which had been destroyed. Has the Senator that data in the same statement?

Mr. POMERENE. Yes; I think I have.

Mr. NORRIS. Will the Senator not give that?

Mr. POMERENE. Let me give the figures for the year 1916. The loss in wheat was estimated as follows:

	Bushels.
1916	136,000,000
1917	16,203,000
1918	804,000
1919	71,417,000
1920	55,012,000
Total	323,446,000

During this period the total production of wheat in the United States was 3,982,361,000 bushels. The average annual loss during this period was 64,686,000 bushels of wheat. The estimate of the loss in other cereals from black-stem rust of the same kind in 1919 only was 4,369,000 bushels of barley, 15,027,000 bushels of oats, and 31,000 bushels of rye.

Mr. NORRIS. Thirty-one thousand bushels?

Mr. POMERENE. Thirty-one thousand bushels of rye, according to this table. On yesterday, knowing that this item would come up, I wired to our director of agriculture for some information, and in reply to that wire he sent me this telegram, which I have received within the hour:

> Barberry fungus prevails in Ohio in many sections. Damage to wheat 1 to 35 per cent, owing to locality. Ohio has appropriation of about $25,000 to control various plant diseases. Federal appropriation should be four or five hundred thousand.
>
> L. J. TAUBE,
> *Director of Agriculture.*

Mr. Taube is well known.

Mr. NORRIS. He is the State agricultural director?

Mr. POMERENE. Yes; he is at the head of the State agricultural department.

Mr. NORRIS. In Ohio?

Mr. POMERENE. Yes; in Ohio. For that reason I was going to suggest to the Senator that he increase the amount provided by his amendment to the amendment. I do not see how there can be any objection to it. If by making an increased effort now we can shorten the time we are to suffer from this disease, I think it will be economy to do it.

Mr. McNARY. Will the Senator yield for a question?

Mr. NORRIS. Yes; I yield.

Mr. McNARY. I think we all agree, whether we look at it from the standpoint of the Federal Government, or of the States, or of the communities, that first you must eradicate the barberry bush in order to prevent the rust on the wheat. About that there is no question or room for argument. But I want to ask the Senator this question: Does he not think that the States should cooperate with the Government at least on a 50-50 basis in a matter of this kind?

Mr. POMERENE. Yes; and no. I should like to have them do that, but you can not control a matter of this kind by State lines. That is the difficulty. It may do the farmers of Ohio good if you have an appropriation so that they can work up to the Indiana State line; but suppose Indiana is not doing anything. For that reason, it seems to me, the Federal Government has the right to take hold of this thing, and take hold of it vigorously.

Mr. McNARY. I am not arguing that the Government should not. Indeed, the Government has manifested its desire to do so, by making the appropriation. But I want to propound another question, first making a statement. The infestation is in only 13 Northwestern States, and the Senator may be surprised to know that only one State that I recall, namely, Minnesota, is expending any money to assist the Government in this enterprise.

Mr. NORRIS. I think North Dakota is, and I judge, from the statement of the Senator from Ohio, that at least this year Ohio will be aiding.

Mr. POMERENE. It has $25,000 appropriated for work on plant diseases, and I take it from this telegram that that appropriation can be distributed as the director of agriculture may see fit.

Mr. McNARY. I am very happy to know they have been so generous; but there has been no testimony before the House committee or the Senate committee that Ohio has contributed in any way, and I think when the Senator looks into it he will find that none of the appropriation, which the Senator says is $25,000, goes to wheat rust.

Mr. POMERENE. It is an appropriation to be expended by the agricultural department of the State of Ohio, and in view of the expression which is used in this telegram, "$25,000 to control various plant diseases," I take it that it can be used for this purpose.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the junior Senator from Ohio?

Mr. NORRIS. I yield.

Mr. WILLIS. Confirmatory of what my colleague has just stated, I want to say that I am certain it will be found that the statement of the Senator from Oregon is a mistake, so far as Ohio is concerned, because I know that the appropriation includes moneys which are to be expended for this particular purpose.

Mr. POMERENE. That is the construction I placed upon the telegram.

Mr. NORRIS. I want to say to the Senator from Ohio that I am very much impressed with what he has said. I did not know, before he interrupted me, that the State of Ohio had taken the steps which evidently it has taken in this matter.

Mr. LADD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield.

Mr. LADD. I want to say just a word in this connection. I have received this week a telegram from the president of the Great Northern Railroad urging that an appropriation of $500,000 be made to assist in eradicating the barberry bush. North Dakota has been working for a number of years in the effort to eradicate the barberry, and yet the surrounding States are not all working in that direction.

In 1916, on the 4th day of July, and up to that date, it looked as though North Dakota would have a crop of 125,000,000 to 150,000,000 bushels of wheat, but on the 4th of July and the preceding days the rust came in from the barberry bushes in the country there and the actual crop was 30,000,000 bushels of damaged wheat instead of 125,000,000 to 150,000,000. In other words, the State of North Dakota lost 100,000,000 bushels of wheat in one year as the result of rust from the barberry bushes, and therefore the State is deeply interested. I feel that it is not a State problem, although the State of North Dakota has been appropriating money annually for this purpose. It is a national problem.

Mr. NORRIS. Does the Senator know whether Canada has done anything along this line?

Mr. LADD. I think they have done some work, and I think there has been a meeting of a committee of Canadian people in that locality this year.

Mr. NORRIS. Have the Canadian Provinces, or the Dominion as a whole, appropriated any money?

Mr. LADD. I can not say whether they have appropriated any money or not.

Mr. NORRIS. That is something which ought to be taken up with the Canadian officials, I think, especially for the benefit of States like North Dakota.

Mr. KELLOGG. In the State of Minnesota the legislature made an appropriation of $25,000 this year, and money has also been raised by private subscription; so that whatever the Federal Government does more money will be spent locally than the Federal Government will spend in that State. When the Senator from Nebraska is through with his statement I will enlarge a little upon that point.

Mr. NORRIS. Mr. President, I have been greatly impressed with one argument made by the Senator from Ohio [Mr. POMERENE], which, I confess, never occurred to me before. It is that in the case of most of the investigations for which we provide there is something unknown, there is some uncertainty; we do not know how to do this or how to do that. I may cite the case of the boll weevil. Perhaps we have not found any method of eradication of the particular pest. Therefore the chances are that we will know in advance that the expenditure of money will be useless, and yet we can not afford to let it go by without doing the best we can. Therefore, if we do not know what the remedy is to reach the evil, we can not tell exactly how much money we ought to have.

But, as the Senator from Ohio said, and I want to emphasize it, there is no secret about this proposition. There is nothing unknown about it. Our scientific men, as far as I am able to see, have laid the thing bare before us. There is only one source of black rust in wheat in the Northern States, and that

is the barberry bush. There is no other means by which it can be communicated. The destruction of the barberry bush means the end of the black rust.

The Senator from North Dakota [Mr. LADD], who is now presiding, a few moments ago gave an illustration of what is likely to happen in any wheat community in the United States, with the finest prospects in the world. Hot, moist weather comes on, there is some wind, and the entire country is covered within a few days. You have a crop which is almost ready to harvest, all the work having been completed, when the use of the land for a year will be gone, and all the labor and all the seed will be lost. The crop will be almost ripe when you see it commence to wither and go down from black rust, and sometimes so much of it will be destroyed that it hardly pays to harvest what is left. It is gone. There is no remedy. There is no way to save it.

We know just exactly what the cause is. We know just exactly how to eradicate it. I have been impressed with what other Senators have said, and I think I will modify my amendment before I sit down. Instead of inserting "$332,505" in line 18, page 22, I will just increase it by "$300,000," making the committee amendment "$732,505," and in the place of "$200,000" insert "$500,000." I express the hope that in going beyond what the evidence discloses can be used economically it will not be required of the department that all the money shall be expended. I think it all ought to be expended if it can be done economically. At least it will give them a free hand to go to the very limit if they are able to get the organization at work. I hope they will be able to get it together and will use the whole amount which will be necessary to exterminate the barberry bush.

Mr. KELLOGG. Mr. President, I am very glad the Senator from Nebraska has modified his amendment so as to add $500,000 instead of $200,000. It is true that Doctor Ball testified that he was sure they could use $300,000, and he said, "We could probably use $500,000."

There is some other testimony in this record on that question. The ravages of black rust, as stated by the Senator from North Dakota [Mr. LADD] and the Senator from Nebraska [Mr. NORRIS], have been so great within the last few years that the States have become aroused, and while appropriations have not been made in every State, several States have made appropriations and are now getting organizations to exterminate the barberry bush.

An organization of 10 States has been effected in the Northwest, of which Governor Preus, of Minnesota, is the president, and Mr. Harrison Fuller is the secretary. It includes a large number of men throughout the Northwest vitally interested in the production of wheat, including the farm organizations, railroads, millers, consumers, and others.

Mr. POMERENE. Mr. President, if I may suggest it to the Senator, the statement which has been made by the Agricultural Department is even stronger than what he stated a moment ago.

Mr. KELLOGG. I was just about to read it. On page 7 of the RECORD will be found a statement where Mr. Fuller said:

> My only point was this: I will not bore you with the statement that we have from the Department of Agriculture; but we have consulted the Department of Agriculture, and we have their assurance in writing that the sum of $500,000 could be expended efficiently and economically and with great profit to the barberry eradication movement. I have a statement here which I might put in the record.

I will not stop to read the whole statement, but I beg leave of the Senate to read some paragraphs from it. It is found on pages 8 and 9 of the printed hearings, and I am assured the statement was made by Mr. Ball. I am not sure whether it is Dr. Ball or his brother, but I believe he is in this work in the Department of Agriculture. He said:

> The present appropriation is $147,200 per annum, divided among the 13 States, according to the difficulty of the problem.
>
> According to the statements of the experts in the record, men who have studied it, it will take 12 to 15 years to eradicate barberry in these States at that rate. Again, he said, reading further from page 8 of the printed hearings:
>
> This sum is the minimum which can be used effectively and keep the work going on a sufficient scale as to show results each year in 13 different States. It provides for a steady progress, but so slow as to make it certain that the campaign must last for at least 10 years longer. Funds in any amount, up to a total of $500,000 per annum, including the $147,200 now appropriated, could be used effectively for the following reasons:
>
> 1. Appropriations up to one-half million dollars would not require any particular increase in overhead expenses in Washington, but practically all the additional money would go to the 13 States for use in the field.
>
> 2. Comparatively little additional administrative or overhead expense would be required in each of the 13 States, as a State leader and clerk in each State is necessary under the present arrangement, and they could handle a much larger volume of work at a minimum of additional expense.
>
> 3. A sufficient number of well-equipped young men can be obtained through the cooperating State agencies in each State to use effectively additional funds up to the limit named. These would be young men raised in the State, familiar with its geography, its people, and its farming problems, and able to work harmoniously with the people of the State in getting this big job done.
>
> 4. Any increase in the annual appropriation would enable the work to go forward more rapidly. This would effect a financial saving in three ways. First, it would shorten the duration of the campaign and, therefore, the period of years during which the administrative organization must be maintained. Secondly, it would shorten the period of years during which fruiting bushes will continue to bear their fruit to be scattered over surrounding woodlands by birds and start new infestations. Thirdly, it will reduce the period of years in which the remaining bushes can start rust on wheat crops in the early spring.
>
> In this entire area bushes have been eradicated almost completely from cities and villages. In the solid black portions the farm-to-farm survey for bushes has been completed and practically all of the bushes removed. In the dotted portion—

He is speaking about a map now, but I will not read the balance of that, because the map is not in the Senate and I can not refer to it. That is the last statement made by the Department of Agriculture.

Mr. President, as the Senator from Ohio [Mr. POMERENE] said, in the face of the appalling losses and the threatened destruction of the wheat industry, we should not hesitate to appropriate all the money the Department of Agriculture could use.

I would like very briefly to suggest to the Senate the extent of the growth of the barberry bush and what is necessary to eradicate it. The barberry bush was discussed by Doctor Stakman, who is an expert at the University of Minnesota, formerly, I believe, in the employ of the Department of Agriculture, who has for years made a study of this subject. The extent of it is stated by him, as follows:

> It is particularly in the New England States and in the Middle Atlantic States, down as far as middle Virginia, including parts of West Virginia, the States of Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Montana, Wyoming, and Colorado that the barberry problem is the most acute.
>
> But it does extend beyond and is now developing in Idaho and Montana, and there is no reason why it will not sweep over the entire country to the Pacific coast.

Referring to the testimony of Doctor Stakman, who had maps before the committee, I quote:

> A single bush produces a tremendous number of berries, and these berries produce seedlings. This will give you some idea of it. [Producing picture.] This is in Wisconsin, in Dane County. There are thousands of barberry seedlings on a rocky ledge like that, and these barberries will grow up into large bushes. Pretty soon they will simply cover those hillsides, and then it will almost be impossible to eradicate them, because they will be in rocky places where it would be practically impossible to eradicate them without the use of dynamite, or without the use of some chemical which would kill them.

Then he proceeded to discuss it further and said:

> I want to impress upon you particularly, if I may, the fact that all through this region here, through the principal wheat-producing region and through the principal small-grain-producing region, including wheat, oats, barley, and rye, the barberry bush is escaping from cultivation. It has escaped from cultivation in the past, and it is my honest conviction that if the barberry increases its escape from cultivation at the same rate in the future that it has in the past—and as a matter of fact it will increase more rapidly in the future than it has in the past—I am absolutely convinced that unless by some piece of good fortune we get desirable resistant varieties of all of these grains it will be impossible to grow wheat and possibly small grains successfully in this region in which those grains are now being grown, for the simple reason that wild barberry bushes are scattered through all those States now. In Iowa, for instance, there are 7,700 properties on which the common barberry bush was found. There were about three-quarters of a million common barberry bushes which were located up to this last fall. In Wisconsin there were over 3,000,000 common barberry bushes, a great many of them escaped, covering hillsides, and unless they are eradicated now it will be quite impossible to eradicate them in the future. If it becomes impossible to eradicate them in the future, it seems to me that it is going to be practically impossible to grow grain successfully in that region.
>
> There are additional advantages. It seems to me that it is true economy to increase this appropriation at the present time, although, of course, that is a matter for the judgment of you gentlemen; but to me it seems as though it is real economy, for this reason: If we go ahead with the present appropriation of $147,600 a year, which is spread over the 13 States, it means that this campaign will have to go on for 12 or 15 years, probably, at least, and there is a certain overhead which must be maintained. If the increased appropriation is made, it will mean that not a single cent or practically not a single cent of the increased appropriation will need to go into overhead. The overhead can be maintained as it is now, so that the increased amount of money which becomes available can go right into the work of locating these bushes and assisting in their eradication.

Doctor Ball testified that in Wisconsin 3,000,000 barberry plants were taken out in one space of about 5 square miles. I shall not take the time of the Senate further on the question. The Senator from Ohio did not begin to state the total ravages and losses to the wheat crop by the black rust. In 1916 alone we lost 200,000,000 bushels in this country, and the decrease of the crop from 1,000,000,000 bushels down to 639,000,000 bushels was largely due to barberry.

I shall not now take the further time of the Senate, as I hope we may reach a vote very promptly.

Mr. STERLING. Mr. President, I wish to say just a few words with reference to the pending amendment. I am in hearty sympathy with the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the committee amendment increasing the amount of the appropriation for this purpose to $500,000. I may say that I submitted an amendment intended to be proposed increasing the appropriation to $350,000, but that was under a misapprehension as to the position taken by the Department of Agriculture in regard to the amount that might be judiciously used for the purpose. I understand now that I was misinformed in regard to that, and that the department thinks the $500,000 can be judiciously used.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from South Dakota yield to the Senator from Wisconsin?

Mr. STERLING. I yield.

Mr. LENROOT. Does the Senator state that the department thinks that amount could be used?

Mr. STERLING. That is the statement made now, as I understand it.

Mr. LENROOT. Doctor Ball testified that he thought $300,000 the amount.

Mr. KELLOGG. I read the last statement which was put in before the committee, very carefully prepared by the Department of Agriculture, and they state that they can use $500,000.

Mr. LENROOT. Was that after Doctor Ball testified?

Mr. POMERENE. If the Senator will look on pages 8 and 9 of the printed hearings, he will find the statement there.

Mr. KELLOGG. It appears at page 8 of the testimony. It was the last statement put in by the Department of Agriculture.

Mr. McNARY. Mr. President——

Mr. STERLING. I yield to the Senator from Oregon.

Mr. McNARY. This statement was given in response to a request from a society that was attempting to prevent the spread of rust. Doctor Ball's testimony before the committee was the last statement made, and I think in response to questions from the committee it was clearly indicated, and made almost certain if we consider his testimony to be at all of value, that $300,000 is all that could be economically used.

Mr. STERLING. I wish to say a word now with reference to another matter. It may have been gone into by some other Senator, though I do not know, because I came in while the discussion was going on. I wish to call attention to a statement in Department Circular 108, United States Department of Agriculture, to the effect that during the five years, beginning with 1916 and ending with 1920, there was a loss of wheat alone from black rust in the United States of 323,436,000 bushels. I find on my desk a statement submitted by Mr. Harrison Fuller, to whom the Senator from Minnesota [Mr. KELLOGG] referred, showing the total loss of wheat in my own State of South Dakota during these same five years was 35,113,165 bushels. The loss in oats is given for two years at 11,571,000 bushels, and in barley 5,355,000 bushels.

Mr. President, I submit for the RECORD perhaps the same telegram received by the Senator from North Dakota [Mr. LADD], who is now occupying the chair, from Mr. Ralph Budd, president of the Great Northern Railway Co., and also a letter from Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation.

The PRESIDING OFFICER. Without objection, the papers presented by the Senator from South Dakota will be printed in the RECORD. The Chair hears none.

The telegram and letter are as follows:

ST. PAUL, MINN., *April 6, 1922.*

Senator THOMAS STERLING,
United States Senate, Washington, D. C.:

I understand consideration is being given to an appropriation for eradicating the barberry bush for prevention of rust on grain. I think it hard to overestimate importance of taking every possible step for prevention of rust in grain fields, and scientific research, as well as results obtained where the eradication of barberry bush has taken place, seems to indicate conclusively that eradication of common barberry bush will prevent a very large part of losses from rust. The earlier extensive work is undertaken the cheaper it will be to eradicate the barberry, as it is spreading quite rapidly, and I earnestly ask your support for an appropriation of $500,000, to be included in the general Agricultural appropriation bill, for the eradication of the common barberry bush.

RALPH BUDD,
President Great Northern Railway Co.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., April 7, 1922.

Hon. THOMAS STERLING,
United States Senate, Washington, D. C.

DEAR SENATOR STERLING: The wheat-producing States of the Middle West are very much alarmed regarding the spread of black-stem rust, which is caused by spores which winter over on barberry bushes. The scientists have determined the only method of controlling this rust is by digging up and destroying the barberry bushes.

This work was taken up as a war measure first and some progress has been made. However, we feel that it is inadequate to meet the situation, and as stated before the Senate Appropriations Committee recently when it was considering the agricultural appropriation bill. The committee increased the appropriation $52,800, making a total appropriation of $200,000. We believe and have the assurance of the Department of Agriculture that in the 13 States where it is a serious factor $500,000 can be used judiciously this year in the location and eradication of the barberry bushes.

That the matter is of serious import is shown by the fact that a rust-prevention association was formed in St. Paul, Minn., March 11, upon the conclusion of a conference called by Gov. J. A. C. Preus. At that time the millers and others contributed a large sum to carry on the campaign, but it is entirely inadequate and, of course, the expense should not be borne in any major degree by them.

I think you will be interested in the recent dispatch from Minnesota, which I am inclosing herewith.

Appreciating your interest in this matter, and hoping you will lend your influence and vote for a larger appropriation, I am,

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
GRAY SILVER,
Washington Representative.

Mr. WALSH of Montana. Mr. President, I hope very much that the amendment tendered by the Senator from Nebraska [Mr. NORRIS] will prevail. The great destruction already wrought by this pest, and the imminent peril of its being increased from year to year, certainly ought to move us to every effort to eradicate it. It must be apparent, of course, to all that if an insufficient appropriation is made, the extent of the labor for the purpose of eradicating the bushes which act as carriers will be increased, because they will continue multiplying until they are eventually all destroyed.

As indicative of the loss which has been suffered in my State from this source, I have here a memorandum which discloses that the disease was particularly prevalent in the year 1917, and then was not particularly destructive in the two succeeding years of 1918 and 1919, perhaps because those were periods of extreme drought, and for some reason or other it seemed to affect barley only to any appreciable extent in the year 1919. In the year 1917 it was figured that the loss on wheat amounted to 2,525,000 bushels, on oats to 2,400,000 bushels, and on barley to 270,000 bushels. In 1920 the barley loss in my State amounted to 1,397,000 bushels. So the total loss within two years in my State runs up to $2,000,000 or $3,000,000, and the aggregate is something enormous.

Neither are we dependent for such information as we have concerning the part played by the barberry bush upon the information given to us by scientists in recent times. I observe that it was recognized in France way back in the seventeenth century that the barberry bush was instrumental in the propagation of black rust, and laws were passed in France as far away as that time for the eradication of the barberry bush. It has been recognized in New England for a good many years that it was likewise responsible for this particular pest, and laws were passed in the New England States for its eradication. I observe that acts have been passed in various States where the work has been carried on, involving the invasion of the premises of private owners for the destruction of the barberry bush.

Mr. McNARY. If the Senator will yield at that particular point, I desire to say that I think he must accept it as a true statement that the laws inhibit the barberry bush in all the States where the infestation occurs.

Mr. WALSH of Montana. Yes.

Mr. McNARY. Does not the Senator think the most complete remedy would be the enforcement by the States of the laws which make it unlawful for one to have a barberry bush growing on his premises?

Mr. WALSH of Montana. Yes.

Mr. McNARY. And does not the Senator think if those laws were enforced and a few were prosecuted and convicted for their violation that that would do more to eradicate the barberry bush by local effort than could be done by the appropriation of Federal money?

Mr. WALSH of Montana. I do not know that it would do any more; but the Senator must bear in mind, of course, that these bushes are very likely to grow along fences and roads and upon unoccupied premises. In my State it appears that they propagate to a very considerable extent upon the public lands, at least in the vicinity where cultivation to any appreciable extent exists.

Mr. McNARY. Will the Senator yield at that point for another question or statement?

Mr. WALSH of Montana. I yield.

Mr. McNARY. I think the Senator's classification is very good; but does not the Senator think it would be equitable if these three factors were engaged in the attempt to eradicate the barberry bush—the individual on privately owned land, the State upon the public highways and other public property owned by the State, and the Federal Government upon the public domain which is owned by the Federal Government?

Mr. WALSH of Montana. I would not like to restrict the work of eradication in that way. The spores are so easily transferred from one region to another that there must of necessity be cooperation; but I do not think by any means that the activities of the Federal Government ought to be restricted to work upon the public lands. The situation is exactly the same as with respect to fire prevention in national forests. If the work for the prevention of fires or for the extinction of fires were confined only to the national forests we would not be able to preserve the national forests. There must be cooperative work in connection with all of these transactions.

Mr. McNARY. Then the Senator, I understand, believes in generous cooperative work?

Mr. WALSH of Montana. Yes.

Mr. McNARY. In connection with the protection of national forests the owners of private forests are contributing at the rate of 8 to 1 by the Government. In the appropriation we are now considering the private individual is scarcely contributing anything, and the Federal Government is doing it all. That is the complaint which I make.

Mr. WALSH of Montana. But the conditions are not by any means identical, nor to say not analogous.

Mr. McNARY. I thought the Senator used the word "analogy" as indicating a similarity between the preservation of forests and the destruction of the barberry bush.

Mr. WALSH of Montana. It is easy to distinguish a very wide difference, because in one case you have the actual property which is being destroyed, but when a barberry bush grows upon one man's farm the owner of the farm may not suffer any more than one whose farm is immediately adjacent. So the situation, as it seems to me, is very materially different.

I want to say that I do not believe that anybody need have any apprehension that the States themselves will not join very cordially with the Federal Government in this very necessary work, because they all appreciate the peril in which they stand, as evidenced by the legislation which exists in all of the States in which work is being done for the purpose of aiding in the eradication of the offensive bush.

Mr. McNARY. Will the Senator permit me to amplify the statement regarding State cooperation?

Mr. WALSH of Montana. Yes.

Mr. McNARY. I take this statement from Mr. Fuller, who is high in authority in this matter, because he is the secretary of the organization which has to do with the prevention of grain rust. A question was propounded to him by the Senator from Washington [Mr. JONES], and he replied:

The States, with the exception of Minnesota, have made no substantial appropriation.

As the Senator from Montana knows, the damage wrought by the barberry bush has been known for generations in other countries and for many years in this country, as it was brought here by the earliest settlers in New England, and its destructive power, as the home of the fungi that destroy wheat, has been known for years.

Mr. WALSH of Montana. That does not argue anything so far as I am concerned.

Mr. McNARY. But it argues tremendously with me.

Mr. WALSH of Montana. We have exactly the same situation with reference to the eradication of tuberculosis in cattle. In that case we have undertaken to pay dollar for dollar for carrying on the work in a cooperative manner. We do the same thing in reference to the eradication of the cattle tick. The Federal Government has been making very liberal appropriations for the extermination of splenetic fever during all these years. It is appropriately the work of the Agricultural Department to provide against these diseases which spread over great areas, to the destruction either of plants or animals.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Yes.

Mr. LENROOT. Does not the Senator think that a State which is affected should at least match dollar for dollar the appropriation of the Federal Government in a matter of this kind?

Mr. WALSH of Montana. I do not think so. I do not think that has been the policy pursued in respect to any of these matters.

Mr. LENROOT. With regard to the effort to eradicate tuberculosis, the States and individuals contribute; the Federal Government pays only about one-third or less than one-third of the indemnities.

Mr. WALSH of Montana. That is only with reference to the indemnities.

Mr. LENROOT. Certainly.

Mr. WALSH of Montana. But for the work of extermination we have made constant appropriations, as has been done for the extermination of dourine, glanders, and so forth.

Mr. MYERS obtained the floor.

COOPERATIVE ORGANIZATIONS.

Mr. CALDER. Will the Senator from Montana yield to me in order that I may submit a report from a committee?

Mr. MYERS. With pleasure.

Mr. CALDER. Mr. President, some days ago the Senator from New Jersey [Mr. EDGE] introduced the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade. That joint resolution was referred to the Committee on Commerce, from which committee it was reported unanimously. It was then referred to the Committee to Audit and Control the Contingent Expenses of the Senate. As chairman of that committee, I now report back favorably the joint resolution, and ask unanimous consent that it be given immediate consideration.

Mr. NORRIS. Mr. President, I hope the Senator will let us vote upon the motion which is now pending.

Mr. CALDER. I will say to the Senator that if the consideration of the joint resolution takes any time, I will withdraw the request.

Mr. NORRIS. The pending motion will not take more than a minute, I think, and after it is disposed of, then there will be no objection to the Senator's request.

Mr. CALDER. I am compelled to go to a committee meeting.

Mr. NORRIS. I think debate has about ended on the pending amendment, and we are ready to vote. I should dislike to see the pending amendment laid aside now.

Mr. MYERS. I will say that I desire to speak for about five minutes on the pending amendment.

Mr. CALDER. I will say to the Senator that the Senator from New Jersey [Mr. EDGE] is compelled to leave the Chamber in a few moments, and I am obliged to attend a committee meeting. I thought that perhaps the Senator would permit action to be taken on the joint resolution. If it takes any time, as I have said, I will withdraw it.

Mr. MYERS. I am willing to yield to the Senator, but others have a right to object, of course.

Mr. EDGE. Mr. President, I trust the Senator from Nebraska, if there is no opposition, will permit the joint resolution to be considered.

Mr. NORRIS. I do not think there is any opposition to the motion to amend the committee amendment.

Mr. LENROOT. Yes; there is.

Mr. EDGE. The amendment to the pending bill has been debated for two hours; some of us have been waiting here hoping that that debate would cease, and that the joint resolution might be considered.

Mr. NORRIS. I will not object, Mr. President.

Mr. CALDER. The joint resolution, I will say, comes from the committee with a unanimous report.

Mr. OVERMAN. I should like to know something about the joint resolution, and what it provides.

Mr. EDGE. If I may be permitted to occupy the floor for a moment, I will say that the joint resolution simply provides for an inquiry. It establishes no policy, but provides for the appointment of a joint committee to ascertain the present situation in which the trade associations of the country find themselves, in view of the decision in the hardwood lumber case, which has put these associations in a position where they may be held to be violating the law. The proposed special joint committee will investigate the entire subject.

Mr. OVERMAN. The joint resolution simply provides for an investigation?

Mr. EDGE. That is all.

Mr. CALDER. I ask unanimous consent that the joint resolution may be considered now.

Mr. HITCHCOCK. Mr. President, I do not quite understand what the joint resolution proposes. I wish the Senator would explain it more clearly.

Mr. CALDER. The Senator from New Jersey can explain it better than I can.

Mr. HITCHCOCK. Let us have the resolution read before we consent to its consideration.

Mr. EDGE. Perhaps I can explain it to the satisfaction of the Senator.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The reading clerk read as follows:

Joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Whereas the revival of the industrial activities of the United States is essential to the welfare of the individual as well as the Nation; and

Whereas business has been suffering severe depression from which its reconstruction should be stimulated by every legitimate means; and

Whereas business procedure that will, without protecting monopolies, eliminate waste in production or distribution, lower costs, simplify and standardize methods, increase efficiency and the morale of business is a beneficial factor in economic progress; and

Whereas congressional action has already been taken to assist in agricultural cooperative marketing and distribution; and

Whereas the industrial tendency is toward the substitution of research and scientific business methods for previous uncertainty and ignorance; and

Whereas business is hesitating because unable to secure guidance, legal or governmental, which will clearly indicate the proper lines of conduct in business association; and

Whereas business is entitled to know in definite terms what it legally can and can not do: Therefore be it

Resolved, etc., That a joint committee of Congress is hereby created, to be composed of six members, three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives.

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affects industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression, with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

SEC. 3. That such committee is hereby authorized during the Sixty-seventh Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

SEC. 4. That the committee may from time to time report to Congress, and shall submit a final report on or before December 4, 1922.

Mr. HITCHCOCK. Mr. President, I will object to the present consideration of the joint resolution. It relates to a subject worth discussing.

Mr. EDGE. If the Senator will withdraw the objection for just a moment, I desire to say that I think he will admit that this Congress owes to industry some effort at least in the way of trying to solve the present unsettled business conditions. The joint resolution does not propose to establish any policy of any kind whatever, but simply makes it possible for a joint committee of Senators and Representatives to study the subject and investigate. The Commission on Agricultural Inquiry conducted a similar investigation and recommended certain legislation, some of which has already been enacted. It would seem that the joint committee proposed by the joint resolution, working with a definite object in view, could be of some service in solving the great problems which confronts us at this time.

The joint resolution proposes to establish no policy. I have already introduced a bill which covers this subject to some extent. I am purposely not pressing the bill, because I think more information should be secured. This committee provides an opportunity to do that very thing. Why delay an inquiry?

Mr. OVERMAN. With the idea of securing the repeal of the Sherman Act? Is that right?

Mr. EDGE. It has nothing to do with the repeal of the Sherman Act. Let me point out that this Congress has already practically unanimously adopted legislation which provides for cooperative marketing associations. They are outside of the Sherman Act. I voted for that bill with pleasure, and I think practically all of the Senators did. As I remember, the vote upon it was unanimous. The trade associations are asking nothing of that kind. They are not asking to be outside of the jurisdiction of the Sherman Act, but they are asking, and I think properly so, to have a clear definition as to what they can and can not do under existing laws and statutes; that is all. We certainly owe them some effort along that line when we realize that throughout this country industry is practically paralyzed to-day. These trade associations are not functioning. They are afraid to move after recent decisions of the Supreme Court. With the millions of men depending upon industry, the least we can do is to try to find some solution of the problem. Any delay in the passage of this joint resolution is simply a delay upon the part of the Congress itself in trying to find that solution. We are passing no legislation.

Mr. OVERMAN. The Senator says it is in aid of the bill that he has introduced.

Mr. EDGE. This joint resolution does not refer to the bill. The bill is simply presented as one of those measures that can be given consideration by such a committee. The bill itself was prepared by the Federal Trade Commission in Washington, and I presented it merely to have it before the country.

Mr. OVERMAN. Did the Federal Trade Commission indorse it?

Mr. EDGE. The Federal Trade Commission practically indorsed it, or individual members of the commission did.

Mr. OVERMAN. Oh, yes; individual members.

Mr. EDGE. I do not know that the commission as such indorsed it, though the bill was prepared by the commission.

Mr. OVERMAN. Perhaps the chairman did, but not the commission.

Mr. EDGE. There is no reference to this bill in this joint resolution.

Mr. OVERMAN. The Senator had said that it was presented in the interest of his bill, as I understood him.

Mr. EDGE. Oh, not at all. I simply said that I had introduced a bill on the subject which I had no intention of pressing.

Mr. OVERMAN. I hope the Senator never will press it.

Mr. EDGE. Perhaps I shall not. Personally, I am not at all sure that it is the proper solution of the problem. That is the very reason why I want to see a committee investigate it. If I felt that this bill answered the problem I would press it. The mere fact that it is such a big problem, such an important problem, and that in my judgment this Congress has so much responsibility to do something in this connection, is the very reason and the sole reason why I am not pressing the bill. I want to see a strong committee appointed to inquire into and investigate as to proper relief in this regard, just as we have done in the case of other activities of the country; and I can not see what harm the passage of this joint resolution would do.

Mr. HITCHCOCK. Mr. President, I can see no parallel at all between the situation regarding the industries of the country and the legislation that we passed allowing agricultural concerns and interests to form cooperative associations. The agriculturists could not if they would violate the Sherman antitrust law, in my opinion; but this joint resolution proposes to enter upon the very doubtful and dubious ground as to how far industrial concerns can go without actually violating the Sherman antitrust law.

Mr. EDGE. Undoubtedly.

Mr. HITCHCOCK. Mr. President, I object to this measure on two grounds: First, because it ought not to be put through without discussion and light; and, in the second place, I think I shall object to it all the time, because both the House and the Senate have committees to which this matter can properly be referred, and it seems to me that this is an effort to take it away from the jurisdiction of existing committees and form some special committee for the purpose of bringing in a special report in the interest of enabling these concerns to go as far as possible toward the violation of the Sherman antitrust law.

Mr. EDGE. Mr. President, of course I can not prevail on the Senator if he insists on objecting; but I do want a moment to answer the suggestion that the Senator has made.

Mr. McNARY. Mr. President, I desire to be courteous to the Senator; but if objection is to be made, and it is fixed in the mind of the Senator from Nebraska, I hope he will make the objection without going into a general discussion of the matter.

The VICE PRESIDENT. Is there objection?

Mr. HITCHCOCK. It is useless to discuss the matter. We ought to have it debated, at least; so I object.

The VICE PRESIDENT. Objection is made.

Mr. EDGE. I recognize the fact that the Senator is objecting; but if I may just, in two minutes, answer the suggestion the Senator has made I shall appreciate the courtesy.

The Senator inferred that this meant the appointment of a special committee, notwithstanding the fact that both Houses to-day have regular committees that could handle such subjects. There is not any question in the world as to that; but the Senator must know—and of course he does know—that when we have had very important intricate subjects of this kind it has been the universal policy of Congress to appoint special committees to devote their direct attention to them. Perhaps the Committee on Interstate Commerce would properly handle this matter in the usual course, or the Judiciary Committee or the Commerce Committee, I am not sure which; but we know perfectly well from experience that our overloaded committees can not spend the necessary time on all of these matters and give them the attention which in my judgment the

country properly demands. A special committee with that special responsibility, just like the Joint Agricultural Committee, calling witnesses on all sides of this important question, and bringing to the Senate of the United States and to Congress a direct report, with possible remedies, would help in the solution of a great big problem. I think the criticism entirely unjustified that there is any desire to have a special committee that would not give the matter the same careful, broad consideration that its members would give as members of a larger committee that perhaps has many other subjects to consider; so that I do not think that objection of the Senator is very well taken.

I sincerely hope, if the Senator will not withdraw his objection now, that he will at least give the matter consideration from the broad viewpoint that he does on matters of important legislation, and recognize that we do owe industry some solution of these problems.

If he has a better method to suggest in order to bring about a solution, I shall be glad to have it; but the fact can not be denied that there are over 3,000 of these trade associations, organized at the request of the Government during the war for the purpose of stabilizing production, that are now practically inactive because of the decision of the Supreme Court in the Hardwood and other cases, all of which decisions were by a divided court, as I recall, and that they do want, and I think properly so, to have some definition whereby they can at least proceed in the great work in which they were engaged and should be engaged in helping to stabilize production and development.

I take issue with the Senator somewhat. These trade associations are entirely parallel to the cooperative marketing associations of which the Senator spoke, saying that they are not parallel. The cooperative marketing associations, as I understand them and as they are understood in agricultural circles, are for the purpose of developing better market conditions and cutting down the expenses of marketing—a very laudable purpose—and I was glad to support the bill. These trade associations are for exactly the same purpose—to have uniform ideas and developments spread among their members, so that they can reduce overhead expenses and reduce the cost of operation.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

Mr. EDGE. I am glad to yield to the Senator.

Mr. WARREN. I understood that the Senator in charge of the bill waived objection to the consideration of the joint resolution if it would not lead to debate. I hope the debate will not go on all the afternoon.

Mr. EDGE. Mr. President, I have entirely finished; but this is a subject in which I am so much interested that I sincerely trust the Senator from Nebraska will look at it, as I say, from the broad viewpoint from which I know he usually looks at all big public questions, and try to help in the solution of this great problem. If this is not the proper way, I should like to get his idea about it.

The VICE PRESIDENT. Is there objection to receiving the report? The Chair hears none, and it will be placed on the calendar.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. MYERS. Mr. President, I am very heartily in favor of the pending amendment. I have received from Montana so many communications about it, calling to my attention the urgent necessity for an adequate appropriation for this object and the necessity for it, from a number of authentic sources, has been so forcibly impressed upon me that I feel it my duty to say a few words on the subject as expressive of the sentiments of the agricultural interests of Montana.

The farmers of the Northwest are in a desperate and most deplorable condition. I think they are sunken lower in the depths of despair than has ever been known before. Many of them in Montana are despairing of being able to stay on their farms, and yet they know not what else to do. In Montana the farmers for a number of years past have had to contend with repeated and appalling droughts, grasshoppers, high railroad rates, high cost of production, high prices for everything they have to buy, and for the last couple of years poor markets and low prices for all they produce, and these conditions have brought them to the verge of despair. The agricultural interests all over the country share more or less in that condition. I think it one of the most serious problems that confront the people of this country to-day, and I think the Federal Government ought to do everything legitimate and within the bounds of reason to assist in overcoming that most deplorable condition of affairs.

Many of the farmers of Montana have become so desperate that they are demanding very unusual and drastic legislation. Many of them are demanding the revival of the Government Grain Corporation and the fixing of a minimum price for grain, the Government to buy at the fixed minimum price all the grain which does not bring that price in the market and store it in Government-owned warehouses. Now, when there is an opportunity within a reasonable, natural sphere to assist in overcoming the very deplorable condition of affairs which exists among the agricultural interests of the Northwest in particular and the whole country in general, I think Congress should not hesitate to do it, as it may relieve the necessity of enacting later more drastic legislation.

Montana has become a great wheat-growing State. For quite a number of years it has been climbing up steadily in the scale of States that are large producers of wheat. Wheat has become, I think, the main agricultural product of the State, but for a number of years the wheat growers have had this terrible pest of black rust, created, scattered, and disseminated by the barberry bush, with which to contend. It has done immense damage to wheat growing in Montana.

With all of the obstacles with which the wheat growers of Montana have to contend, including those of high railroad rates, remoteness from market, high prices for everything they have to buy, and low prices for their products, I think it would be very burdensome if they should have to continue to contend with this pest, which is working havoc with their wheat-growing industry; and unless some adequate remedy is provided, unless an adequate appropriation be made for the extermination of this pest, it will continue to grow worse and worse and will do incalculable damage.

I think it would be very unfortunate to make for this purpose an inadequate appropriation, one not sufficient to eradicate the pest. That would only temporarily check the pest, partially smother it, decrease it for the time being, but it would not eradicate it. The seeds of it, the roots of it, would still be there, and the pest would spring up with renewed vigor and spread another year with increasing damage to the wheat-growing interests of the country. If the Federal Government is going to handle this matter at all, I think it will be economy and wisdom to appropriate a sufficient amount of money practically to stamp out the pest once and for all, or bring it under complete subjection, so that hereafter a very small annual appropriation would suffice.

Something has been said on the floor about the duty of people doing for themselves the things they can do and not depending on the Federal Government for everything. That may be sound doctrine, but I think it would be a very poor policy to begin to apply it right now upon the farmers of the country, who are already struggling under more back-breaking burdens than any other class of our people, and at a time when their business is at the lowest extremity to which it has been reduced in many years. The people of this country have been educated to look to the Federal Government for aid in everything; the Federal Government has encouraged them in it; Congress has encouraged them in it by yielding to their demands and making all sorts of appropriations for things which the States or the people might provide for themselves; but this I consider a distinctly legitimate function of the Federal Government. For many years it has been the policy of the Federal Government to encourage the development of agricultural interests, and the country never was in more need of it than it is right now. Now is the time for the Federal Government to exercise its power in that direction more beneficially and legitimately, I think, than ever before. I know the urgent need of an adequate appropriation for this purpose. I hope the amendment providing for an increased appropriation may be adopted without opposition and that it may be retained in the bill when it comes out of conference.

Mr. McNARY. Mr. President, I think it entirely fitting that I should briefly outline the state of mind of the committee on this item.

The committee thought it was very generous, and I think it was. The department did not estimate any particular sum of money for this work for the year 1923. The Bureau of the Budget did not make an estimate for this work, but $147,200 was given by the House for the eradication of the barberry bush.

A number of witnesses appeared before the Senate committee, and the committee, after due deliberation, added $52,800 to the amount appropriated by the House, which sum, added to

the total for the eradication, which is under the head of "Investigation and improvement of cereals and the study of diseases, investigation of the destruction of the barberry," made the amounts total $393,705, or the full amount estimated by the Director of the Bureau of the Budget.

The committee is in entire sympathy with the efforts of the people living in these 13 infested States to eradicate the barberry bush. If it were a matter of research or further investigation or extension work, I think the committee would have been influenced to have increased the appropriation, but it is not a matter of research; it is a matter of eradication by manual effort.

Everyone knows what causes wheat rust. Everyone knows, or should know, that the barberry bush is the host plant which must exist in order that the fungus may reproduce itself. The bush is not a small, insignificant shrub. It stands from 10 to 15 feet high. From its physical appearance it is known, or should be known, by everyone living in the infested country. It is simply a question of the removal of the bushes.

I said that everyone knows it. Perhaps I should say that information in regard to it should be further disseminated among those who do not know, but the great majority of the people living in the infested country know the character of the barberry and the result in the way of a loss in the wheat crop by reason of its nonremoval.

Therefore the committee thought that the Congress was generous in giving over $200,000 to aid these States. The committee further thought these States did not appreciate the assistance of the Federal Government or they would appropriate more money. The hearings held by the Senate committee and the House committee show, as I recall, that outside of the State of Minnesota no other State contributed one dollar in cooperation with the Federal Government. It was thought by the committee, or a majority of the committee at least, that if that attitude were made known to the various States appropriations would be made in cooperation with the Government, so that in a few years the barberry could be eradicated.

I think it is the duty of any citizen who has barberry bushes on his place to go out and remove them. I believe if the laws which are on the statute books in these various States were enforced and a few derelict owners of private property were prosecuted, it would do more to bring about the eradication of the barberry bush than the expenditure of millions of dollars appropriated by the Federal Government.

This is not a new problem. I might say that in the far West we have the Canadian thistle. Anyone who allows it to grow upon his place, after due notice, subjects himself to a fine and, further than that, the supervisor can go and remove the enemy and take a lien upon the individual's property; with the result that neither the Federal Government nor the States have been called upon to appropriate one cent, but by the enforcement of these laws the bush has been almost exterminated.

Mr. President, the argument is made, one which I think affects the participation of the Government in this undertaking, namely, that the spores of the fungi blow a great distance. I am sure the testimony shows that the spores were found as high as 8,000 feet in the air. That shows that by the force of the wind it can be carried from State to State. It is not controlled by the invisible State lines, and that is the particular excuse given for the cooperation of the Federal Government with the States. But the Federal Government should not be compelled to appropriate all this money, and I believe, and the committee believe, that in adding $52,800 to the House appropriation we show a disposition on the part of the Government to assist those States and communities in destroying a plant which is the host of the fungus which brings destruction to the wheat crop, and if the States would more generously appropriate another year, when the money is available, if the committee now in charge of the bill has the honor to handle this matter, I feel certain it would add very greatly to the amount of money which is carried in this bill.

For those reasons, Mr. President, the committee thought it was acting very generously to these States.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I yield.

Mr. HITCHCOCK. Suppose the amendment to the amendment is carried, and this larger amount is appropriated, something like $500,000.

Mr. McNARY. The amendment offered increases it from $147,000 to $500,000.

Mr. HITCHCOCK. Does the Senator think $500,000 can be expended in the work of the eradication of this pest during the next year?

Mr. McNARY. The Senator to whom the remark is addressed is not familiar with the conditions, other than as they appear upon the record. There may be a little conflict with regard to the attitude of the department, but I think Doctor Ball was very conservative when he said, and it was first reported and called to our attention by the Senator from Nebraska, that $300,000 could be economically and efficiently expended.

Mr. HITCHCOCK. As I understand it, no extra overhead expense would be involved in expending this additional amount of money. Every dollar provided by the additional sum would be expended in the actual work of eradication. If the Senator admits that this money can be expended in the work of eradication, of what possible use is it to limit the appropriation to $100,000? We might as well expend nothing at all as to expend a mere fraction of what is necessary to eradicate. It is not mere reduction of the barberry bush we want to achieve; it is the eradication of it.

Mr. McNARY. Let me tell the Senator from Nebraska that the Government is not engaged in the manual eradication of the barberry bush. It does not send men out drawing salaries from the Federal Treasury to take a pick and shovel and remove these bushes from the ground. It has to point them out, and educate the farmer upon whose ground the bushes are found that that is the host plant of the fungi which destroy his crop.

Occasionally, when the investigators find a few bushes, rather than go and notify the owner of the property, they remove them; but does the Senator think that the Government is hiring men with shovels, at from three and a half to seven dollars a day, to go out and remove barberry bushes from privately owned property?

Mr. HITCHCOCK. I want to find out what the practice is. It seems to me that, according to what the Senator says, there would be no eradication; there would be a mere paltering, a mere trifling with a great evil. If the evil is as great as it is said to be, involving each year millions of bushels of wheat, which are not only necessary as far as the farmers are concerned but which are also necessary for the prosperity of the country, the National Government should take hold of the matter in a determined, aggressive, and thorough manner, and not by a mere trifling expenditure.

Mr. McNARY. That is not the proper term to apply to the very generous efforts on the part of the Government and its expenditure of money in this matter. The Government can not do any more than educate the people as to the injury which would result to their crops from permitting the barberry bush to grow on private property. The Senator from Nebraska suggests that the Government employ a vast army of laborers to go out and attend to the manual removing of the bushes, an undertaking in which I think the Government should not engage.

Mr. HITCHCOCK. Is the Senator quoting me?

Mr. McNARY. I am drawing a logical inference from what the Senator said.

Mr. HITCHCOCK. I am not making any suggestion as to how it should be done. I have no knowledge of how it is done.

Mr. McNARY. I am aware of that fact, and I am trying to tell the Senator.

Mr. HITCHCOCK. I say that the appropriation of a trifling sum of money is a waste of money, and if eradication is desired we ought to appropriate enough money to eradicate it now; and if it is desirable, as the Senator himself intimates, to bring about cooperation between the National Government and the State governments, then that ought to be provided in this bill. We should not simply content ourselves with a nominal appropriation where a great appropriation is needed. I have listened to the debate and learned that this affects some 13 States of the Union, and that there are actually hundreds of thousands of individual cases where the barberry bushes are growing upon farms and on the highways and in various places where wheat is exposed. Does not the Senator think that if the evil is so great there ought to be an appropriation commensurate with it?

Mr. McNARY. Mr. President, I think the appropriation is commensurate with the activities which ought to be undertaken by the Federal Government, but if there is any difference between the opinion of the Senator from Nebraska and the Senator having the bill in charge, it is as to the amount of work which should be done by the States. I think the States are not doing their share. I ask the Senator this question, if he is the owner of a farm in Nebraska—perhaps he owns several—and he knows that there are barberry bushes on his farm, and he knows the havoc and destruction wrought by permitting those bushes to grow on his farm, does he think the Federal Government should make an appropriation to hire men to go upon his farm and remove those barberry bushes?

Mr. HITCHCOCK. I am not a member of the committee. I have not heard the testimony.

Mr. McNARY. It is not a question of whether the Senator is a member of the committee or not.

Mr. HITCHCOCK. But I judge from what the Senator has said that he thinks there should be some form of cooperation between the National Government and the State governments, and I ask him why he does not provide for it in the bill?

Mr. McNARY. I do not think it is necessary. I think the States, knowing that the Government is putting up this money, should meet the Government in a more liberal way than they do now.

Mr. HITCHCOCK. Would it not be easy to provide conditions in this bill of which the States could take advantage in their different legislative sessions, and avail themselves of the Government appropriation?

Mr. McNARY. Of course, that could be provided.

Mr. HITCHCOCK. Would not that be the practical way of reaching the evil?

Mr. McNARY. That was discussed by the committee. There was no particular objection, and the thought was that perhaps in some other year that could be suggested. If that is true, the States then would have to appropriate $200,000, whereas Minnesota is only appropriating $20,000, and no other State is contributing at all.

Mr. HITCHCOCK. It seems to me, if the committee takes the position that no great national appropriation should be made until the States enter upon a form of cooperation, that opportunity should be given them in the bill in addition to any direct appropriation made.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. HITCHCOCK. Certainly.

Mr. LENROOT. It was stated before the committee that the Secretary of Agriculture would recommend a 50-50 plan next year. As one member of the committee I was not willing that it should go in this year, because none of the legislatures are in session at this time, and therefore none of the appropriations would be available during the coming summer, if we inaugurated it at present. Next year the legislatures will all be in session.

Mr. HITCHCOCK. But the bill is appropriating for the fiscal year ending June 30, 1923, more than a year from now.

Mr. LENROOT. But that fiscal year begins the 1st of next July.

Mr. HITCHCOCK. If it is to be left open to the legislatures that meet next year, the provision ought to be inserted in the pending bill.

Mr. LENROOT. If it is inserted in this bill, none of the money would be available during the next summer; the work that is now going on would have to stop; but at this time next year it can be done and cooperation compelled as a condition of the expenditure.

Mr. HITCHCOCK. I realize that that is true, as far as the use of the money for the present year's work is concerned, but why could not the bill contain a provision that the legislatures could avail themselves of when they meet next year?

Mr. LENROOT. Our committee could not have reported such a provision, because it would have been obnoxious to the new rule, and the whole bill would have had to go back to the committee.

Mr. WALSH of Montana. Mr. President, in view of the position taken by the Senator from Oregon [Mr. McNARY] with reference to this very important item in the bill, I wish to call attention to the fact that the principle to which he appeals has not found very general recognition in this bill. At page 13 of the bill I find an appropriation—

For all necessary expenses for the eradication of southern cattle ticks, $660,000.

That is a very proper appropriation. It is one which has been carried in the Agricultural appropriation bills for many years, but there is no provision that it shall not be expended except the States cooperate in the expenditure, and it is not utilized alone for the purpose of devising new means for ridding the cattle of this pest. The means of combating the disease are perfectly well known. Let me read further from the provision:

Provided, That no part of this appropriation shall be used for the purchase of animals or in the purchase of materials—

And so forth.

It will be observed that it is not for the purpose of experimenting nor for the purpose of discovering new remedies, but for the purpose of eradicating the disease.

Now, let me turn to page 15 of the bill, where we find this item:

For investigating the disease of hog cholera, and for its control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, $510,000.

Turning over to the next page, we find this item:

For all necessary expenses for the investigation, treatment, and eradication of dourine, $45,000.

There is no cooperative feature in any of these items. So we go into the Bureau of Plant Industry and find an item that is of very great interest to the people of the State of Oregon as well as my State. On page 19 we find an item for the eradication of white pine blister. I read:

For the investigation of diseases of forests and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, $81,115.

Of course, with respect to all these matters, if we could inspire the States to contribute with great liberality, it would undoubtedly be very desirable, but with respect to these diseases which can not be confined within localities and are not restricted by State bounds, and which spread from one State to another, and particularly a disease like this, that is carried miles and hundreds of miles through the atmosphere, it would seem as though it was rather the field of national work than of State work, although, of course, State cooperation is necessary, because the authorities of the Federal Government would probably not be entitled to invade the premises of private owners within any State except they had the State legislation. But, so far as the appropriation is concerned, it is not, as it seems to me, in accord with the general policy that has been pursued for years, as evidenced by those items of the bill to which I have invited attention.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Montana yield to the Senator from Oregon?

Mr. WALSH of Montana. I yield.

Mr. McNARY. I am very glad the Senator from Montana has called attention to these items; but I observe this distinction: The white-pine-blister item contains an element of research. There is no element or factor of research in the barberry-bush item. It is purely one of eradication. That is the first distinction.

Mr. WALSH of Montana. I have invited attention to that peculiar feature. I have invited attention to the fact that they have not yet exhausted the field of research with reference to the white-pine blister, but we do not confine our appropriation to that. A portion of the appropriation for the white-pine blister we are going to use for the application of known methods of combating it.

Mr. McNARY. So is the Government doing that under the present appropriation. As to the other matters, the diseases affecting hogs and cattle, those animals move in interstate commerce and they require inspection. Many times the remedies result in the development of a reaction to a certain treatment. They are not visible to the eye. No one can tell when the inspectors pass through the car whether an animal is suffering from tuberculosis or whether there are parasites on hogs or ticks on cattle or scabies in sheep. It requires an investigation of each particular animal to see if it reacts to the test. Consequently it requires that work of inspection. But in the barberry work, when its host is a wild shrub and the remedy is eradication, there is nothing left to-day but private initiative plus the aid of the Federal Government and the State governments. The Federal Government has done its share beyond any doubt.

Mr. LENROOT. Mr. President, I expect the pending amendment to the amendment of the committee will be adopted; but being a member of the committee, I can not let it be adopted without placing on the record my protest against the increase without any provision for cooperation upon the part of the States.

The amendment, I think, is subject to a point of order; I am very clear that it is, but I am not going to make it. If the Senate desires to adopt the amendment to the amendment on the merits, I am perfectly willing that it should do so.

But, Mr. President, more and more the tendency is for the State to look to and expect the Federal Government to do these things, not in the way of assistance and cooperation, but to do exclusively things that the States ought to do at least a part of themselves. In this particular instance, if the Federal Government is going to undertake the eradication of the barberry by appropriations, where the Federal Government is going to

hire men to go upon the farms and lands of the country and dig them out, the barberry bush will not be eradicated for many, many years to come.

There is one way in which the barberry bush can be eradicated, and that is through an educational campaign conducted by both the Federal Government and the States, so that every farmer may know at once what a barberry bush is and every farmer may know the menace of the barberry bush. Beyond that, if the State legislatures would enact laws providing that when a barberry bush is pointed out to the owner of the land, if he does not remove it at his own expense it is to be deemed a misdemeanor, subject to fine or imprisonment, when that time comes the States will take care of the barberry problem. But under present conditions there is no penalty upon the part of any farmer for not removing the barberry bush.

What is being done under the appropriation to-day? A Federal agent goes through a State, finds the barberry bush, locates it, notifies the farmer that he has a barberry bush at such and such place on his land, and orders him to remove it. Then within 10 days the Federal agent makes another visit and finds out whether it has been removed, and if it has not been removed, the Federal agent, with his hired men, removes it. What is the penalty upon the farmer? The penalty upon the farmer is the actual cost of removal. That is assessed as a tax against him. Is there any penalty about that? Will that kind of a law bring about the eradication of the barberry bush in this country?

I appreciate my own State's interest in this matter. Wisconsin was either the first or the second State to realize and appreciate the danger and the menace of the barberry bush. But I think my own State ought not to ask the Federal Government to furnish all the money to do this work. I think my own State ought at least to put up dollar for dollar with the Federal Government. Wisconsin has done something. Minnesota appropriates $20,000 a year for that purpose. Minnesota to-day, under the $147,000 appropriation, is getting $14,000 a year from the Federal Government.

Under the increase granted by the committee Minnesota will get from the Federal Government every dollar that she raises herself. It would seem, would it not, that a great wheat-raising State like Minnesota, with the black rust such a menace to it, that the State Legislature of Minnesota ought to be the first to take the necessary measures for the removal of the barberry bush instead of coming to the Congress of the United States and asking the Congress of the United States, as they are doing by the amendment, to put up $4 for every dollar that is put up by the State.

Where is this movement going to stop if the Federal Government is going to be asked constantly to increase appropriations to do these things in which there ought to be cooperation between the States and the Federal Government? The Senator from Montana [Mr. WALSH] a moment ago referred to some items in the bill in which he understood there was no State cooperation. Among others, he referred to the white-pine blister. The white-pine blister is being dealt with to-day, and for every dollar that the Government appropriates for the eradication of the white-pine blister the States are appropriating three. With reference to tuberculosis in animals, for every dollar the Federal Government is appropriating the States are appropriating three. In the matter of the eradication of predatory animals, for every dollar the Federal Government appropriates the States are appropriating two. And that is the way the work should be done.

But, Mr. President, is it fair in the great State of Montana, whose prosperity is so bound up in wheat, that the people of the State take so little interest in their own prosperity that they are refusing to appropriate any money for the removal of the barberry bush and yet are asking the Federal Government to appropriate all that is being expended in that State? What is true of Montana is true of other States. I think North Dakota has done something. I do not remember how much has been appropriated by the State of North Dakota, but the Senator from North Dakota [Mr. LADD] is present. Can the Senator from North Dakota inform us?

Mr. LADD. I can not at this moment inform the Senator from Wisconsin as to the amount of money which North Dakota has appropriated, but during the last four or five years considerable sums have been expended for carrying on the campaign for the eradication of this pest. The State has made appropriations and the commissioner of agriculture has sent out a force to engage in the work of the eradication of the barberry bush. What good, however, has that work accomplished when in all the States surrounding North Dakota the barberry bush grows and the barberry spores come over into our State and destroy our crops? The destruction of the barberry bush is not a State question alone, it seems to me, but is a national question.

In order to protect ourselves and to insure the production of a necessary food supply North Dakota has gone further than merely to endeavor to eradicate the bush. Not being able to cope with the barberry bush in the State, we have appropriated money to develop a wheat which is rust resistant, but the rust-resistant wheat does not happen to be a good milling wheat; it does not produce good flour for bread. So the experiments have been continued, and this year they are putting out a variety which they believe will withstand the rust to a considerable extent and which will also be a flour-producing wheat. So that research and experimental work as well as efforts for the eradication of the barberry bush have been going on in North Dakota for five or six years.

Mr. LENROOT. I know that North Dakota and perhaps Wisconsin were the two first States which really dealt with this problem in an effectual way.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. In view of the imputation by the Senator from Wisconsin against the State which I have the honor in part to represent on this floor, I desire to submit that this disease comes upon us from communities farther east. The testimony before the Agricultural Committee discloses that the people of the State of Wisconsin have allowed this destructive bush to grow without very much restriction; in fact, photographic copies of fields in that State were used for the purpose of illustration before the Committee on Agriculture when considering this measure. It comes with rather poor grace, it seems to me, from the Senator from Wisconsin to aspersе the people of the State of Montana for inactivity in this matter, particularly in view of the fact that agriculture in my State has suffered some unusual trials in the last three or four years.

Mr. LENROOT. Mr. President, if we are going to proceed upon the theory that it is useless to spend money in wheat-growing States to attempt to eradicate the barberry bush unless we go back to the Atlantic coast and eradicate the barberry bushes all over the United States, then there is no use of making any appropriation at all. If the theory of the Senator from Montana be correct, that because the barberry grows in Wisconsin, Montana is not responsible, and that if the barberry bushes in Montana should be removed this year they would return next year, then we have got to go to Massachusetts and other New England States and remove every barberry bush in the United States or else we had better stop making appropriations. I do not consider that a sound argument. Although the spores move in the air, the movement is a very slow one. I do not for a moment insist that the Federal Government ought not to participate and participate fairly. I do not say it is solely a State question. I am willing to appropriate dollar for dollar from the Federal Treasury for every dollar that is appropriated by the State; but when Montana is so vitally interested I think it is not unreasonable to ask that the people of that State themselves shall expend some money to save themselves from destruction instead of asking the Federal Government to do it all. That is the only point that I make.

Mr. WALSH of Montana. It would not do much good unless the people of Wisconsin would do it, and they have not yet evinced any very great desire to do it.

Mr. LENROOT. The people of the State of Wisconsin were the first and those of North Dakota were the next to begin the eradication of the barberry bush. I am frank to say that if it were not for the feeling that the Federal Government could be relied upon to do all these things Wisconsin might be doing more for the eradication of the barberry bush.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I do.

Mr. NORRIS. I should like to ask the Senator a question in connection with the statement that Wisconsin and North Dakota have been engaged in the eradication of the barberry bush for many years, and were the first to go into the effort. Have those two States received any benefit from what they have done? Has it not been true that, as the Senator from North Dakota [Mr. LADD] has stated, their labors have been to a great extent nullified by the fact that the spores are blown into that State from States where no attempt has been made to eradicate the barberry bush?

Mr. LENROOT. Doctor Ball in his testimony was asked that very question, and he said it was very difficult to determine

the matter, because whether or not black rust prevails does not depend alone upon the existence of the barberry bush but upon climatic conditions existing at a particular time; so the two things must coincide; but Doctor Ball did testify that there was a year in Wisconsin when he thought it was very apparent that benefit had been derived from what had been done.

Mr. NORRIS. In order that the Senator's statement may not be misunderstood—I am afraid it may be subject to misunderstanding as he made it—I desire to say that the rust can not exist in the Northwestern States without the barberry bush; but it does not follow that where the barberry bush is found rust will prevail, because, in addition to the presence of the barberry, there must be a certain kind of weather in order to spread the disease.

Mr. LENROOT. There is no question about that; we might have no rust in a given year; but if there were no barberry bushes we would never have any black rust in the Northwestern States.

Mr. NORRIS. That is true.

Mr. LENROOT. Now, Mr. President, just a word with reference to the amount of money which may economically be used for this purpose. We had Doctor Ball, of the Department of Agriculture, before us, and this is what he said:

We could probably use $500,000. I am sure we could use $300,000, and use it efficiently and economically. I am not quite sure that we could use $500,000 so economically, because it would require the building up of an organization very rapidly; but we could use $300,000 efficiently and economically this year; and if we did that, it would cut in half the time that would be required to get the barberry out.

I wish to say at this point, in further reply to the Senator from Montana [Mr. WALSH], that the Department of Agriculture, while they agree that these spores are carried through the air, do not agree with him that it is useless to eradicate the barberry bush from a single State on the theory that it will be immediately filled up with barberry bushes from other States, because the present plans contemplate that in 13 States only the barberry bush will be practically eradicated in four or five years, while if the theory of the Senator from Montana is correct, unless we go to New England and eradicate all the barberry bushes in New England and everywhere else, there will be no use in spending the money at all. With that I do not agree. While the spores will still come through the air to some extent, if we can eradicate the bushes which are now in existence in every State where wheat is grown, we shall have the barberry bush problem under control. The only point that I make is that the States which are so vitally interested in the eradication of the barberry bush ought to help themselves and not expect the Federal Government to do it all.

Mr. KELLOGG. Mr. President, in view of the statement of the chairman of the subcommittee and the Senator from Wisconsin, I desire to say a few words. I do not deny that the States ought to appropriate money to cooperate in the work, but this is not a matter which has been known and appreciated for 25 or 30 years. The investigation of the relation of the barberry bush to the black rust in the West commenced about six years ago, I think, in the University of North Dakota, and it was only about three years ago that the States began to realize the necessity of the eradication of the barberry. I do not think that the people generally appreciate it now. I do not believe there are a half dozen Senators on the floor of the Senate who would know a barberry bush if they saw one, and I am sure Senators have the average intelligence of the farming community of the country.

Mr. President, it is true that the relation between the black rust in wheat and the barberry bush was known in Denmark before it was known here, and the bush was eradicated there; but it is not true that that relation has been known here for many years. Now the people are waking up to the danger. It takes some time to conduct such a campaign of education. Within the last year there was organized—the Governor of Minnesota being the president of it—an organization of 10 States, comprising the principal wheat-raising States, where the ravages of the black rust are the worst. They are awake to the subject. The legislatures of those States are not now in session and will not be in session until the winter of 1923. In my State they made an appropriation a year ago of $20,000 per annum; but, finding that insufficient, the people there have raised money by private subscription, and I guarantee that whatever money the Federal Government may devote to this purpose will be more than matched in Minnesota, and I believe it will be matched in every State, because the organization to which I have referred is now awake to the subject.

But, Mr. President, because the States have not done all they could, although now awake to the conditions, are we to sit back and say we will do nothing except appropriate $200,000 to destroy the ravages of a disease which threatens the greatest single farming industry in the country? I am told by men who are not alarmists that wheat raising will cease in those States in a few years if the barberry is not eradicated. The barberry is growing on every piece of wild ground where the seedlings drop, and it is spreading with great rapidity.

Mr. President, if it were not for the fact that the Federal Government has had an experienced department studying plant diseases and animal diseases, where would the agriculture of this country be? It is useless for me to stop to enumerate the activities of the Department of Agriculture along this line; they are known to Senators, but we might just as well say in such cases that it is the duty of the State to protect their local industries. Furthermore, it is not expected that the Federal Government is going to send out men at from $3 to $7 a day to dig up the barberry plants. The testimony before the committee was to the effect that the Government's money is to be used in a campaign of education and farm survey in connection with the States and in aiding the States in teaching the farmers what they must do, and in that way bring about the eradication of the barberry bush.

Furthermore, Mr. President, this is not purely a State question. It is true, as the Senator from Wisconsin says, that it is not entirely useless to eradicate the barberry bushes in one State if they are growing in another, because the spread of the rust, of course, would not be so great from one State to another; but it is true that the barberry can not be eradicated in the great territory reaching from Pennsylvania on the East to the Rocky Mountains on the West and from north of the Ohio River and Kansas and Oklahoma unless there is Federal cooperation, because the seeds are taken by birds and scattered from State to State, and the spores or rust germs or whatever you call them are blown, according to the testimony, 50, 75, or 100 miles; and when attached to grasses and wheat, if the weather conditions are proper, they multiply with astonishing rapidity and are again distributed, and we have known fields of wheat in less than a week to be absolutely ruined.

I think the States of Wisconsin and Minnesota and North Dakota took hold of this subject as early and as energetically as any of the States. I do not think the appalling calamity that confronted the wheat-raising communities was really appreciated among the people generally until within the last two or three years. I do not think it was fully appreciated, although in 1916 this country did lose approximately 200,000,000 bushels of wheat by the black rust, because the weather conditions were favorable for the spread of the rust; and the statistics show that from that day to this the losses have been from fifty to seventy-five million bushels of wheat per annum, and I am saying nothing about the losses in other grains.

I realize perfectly the soundness of the argument of the chairman of the committee and the Senator from Wisconsin that in many of these things the States should do more; but I do believe that the States are now awakening and the people are awakening to the threatened danger to this great industry, and that if this appropriation is made, with the organization which now exists, we will find the States at the very next legislature cooperating to the fullest extent in the eradication of the barberry bush.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. KELLOGG. I yield; certainly.

Mr. McNARY. The Senator stated a moment ago that this was a newly discovered or at least a newly acknowledged cereal disease.

Mr. KELLOGG. Oh, no; I did not mean that.

Mr. McNARY. That is, so far as these States are concerned.

Mr. KELLOGG. I think the agitation or investigation of the subject commenced about six years ago. It is true that in 1883 or 1884 or 1885 a report on the subject was made in Denmark, I think; but it was not generally published or understood in this country.

Mr. NORRIS. It was not published in the English language, as I recall.

Mr. KELLOGG. No; I do not think it was published in the English language.

Mr. McNARY. Will the Senator permit me again to refer to the record before the Senate committee?

Mr. KELLOGG. Yes.

Mr. McNARY. I refer to the testimony of Doctor Stakman, plant pathologist at the University of Minnesota Agricultural Experiment Station. The doctor said:

I have been preaching barberry eradication since about 1912—

I count that as 10 years ago—

and Doctor Humphrey, of the Department of Agriculture, also has Professor Bolley, of North Dakota, has been preaching it for a longer time than that, and various other plant-disease specialists have been insisting on it for a number of years.

Mr. LADD. Mr. President——

Mr. McNARY. If I might add a word, that would indicate that there was a wide knowledge of the disease among scientists through these infected States 10 years ago.

Mr. LADD. Mr. President, it is true that some of the scientists knew where the trouble lay, but the investigations had not been made to any great extent. If we go back to Denmark, early in the eighties they published a very comprehensive study of the entire subject and caused the eradication of the barberry bush from that country so as to preserve the wheat crop of the country, and that was done in Holland also to a considerable extent; but we did not have the information in this country. I might say, in that respect, that I have been advocating the eradication of the barberry bush since in the eighties, when as a student I took it up in the University of Maine, and I knew the conditions; but the study had not been made by the authorities who gave the information.

Mr. McNARY. Mr. President——

Mr. KELLOGG. I yield to the Senator from Oregon.

Mr. McNARY. The Senator from North Dakota is a noted scientist, and we all regard his ability highly. May I ask his attention to the fact, as a matter of history, that Doctor Stakman said, testifying on page 12 of the hearings before the Senate committee, that—

The first barberry eradication law which was passed on account of the fact that the barberry was known to damage grains was passed in 1660 in Rouen, France.

I should assume that if it was known nearly three hundred years ago in France that the barberry was the host wherein this fungus lived——

Mr. NORRIS. Mr. President, I will say to the Senator that that was not known in France at that time. The only thing they knew about it was that when they had the barberry bush they had black rust. They did not know the means by which it was communicated.

Mr. McNARY. They associated the two together.

Mr. NORRIS. Yes.

Mr. McNARY. And from that came the thought, which subsequently developed, that the rust was found in the barberry.

Mr. NORRIS. Yes.

Mr. KELLOGG. But it is only within a very few years that it has been appreciated by the people, the State authorities, the legislatures, that the eradication of the barberry bush is necessary if we are going to raise wheat. There are no legislatures that meet until 1923, I believe, at least in any of the Western States where the barberry is found; and I do not believe that we, facing this calamity, should hesitate for a moment to give all the aid possible in the campaign to eradicate the barberry bush, which this testimony shows can be done in a very short time if the appropriation is sufficient, but it will last from 10 to 15 years if we appropriate merely at the rate of $150,000 or $200,000 a year.

Mr. NORRIS. Mr. President, the amount of money, computed in cold cash, that would be saved by a sufficient appropriation to eradicate the barberry bush in one year would be many times more than the appropriation, just in the value of wheat that it would save, providing it was an ordinary year, when the weather conditions were such as to give this disease the opportunity to develop.

I should like to call the attention of the Senator from Wisconsin to the fact that, at least in my judgment, this is not a local proposition. It is not a proposition confined to the 13 States that are referred to so often. It is a national problem, Mr. President, and in my judgment, the State of Delaware is just as much interested in it as the State of Minnesota, because in all the States the people eat bread. In all the States the people use wheat. The people of the States that do not produce a bushel of it use as much of it per capita as those that produce the actual grain, and perhaps more, because they are usually, like those of Delaware, doing a whole lot of things that are more profitable, and they have more money to spend for bread than the poor farmer who has to bend his back to raise the wheat. Therefore, Mr. President, all of the country is interested in the production of wheat. The less wheat we produce the more we will pay for bread, assuming that no artificial instrumentalities come in the way of the law of supply and demand.

I think, therefore, that we ought to consider the question in a very broad sense, in a national sense; and what are we going to do, Mr. President, if some State does not eradicate this pest? Admit, as I do, at least for the sake of the argument—and I should be willing to have every State cooperate—that the States ought to cooperate, that they ought to furnish half of the money, or three-fourths of the money. We have no way to compel them to do it. Suppose a State does not do it, and it becomes the pest-hole of the United States for the development of this disease; what are we going to do about it?

Mr. President, as I said before, I have no doubt but that every State to the extent of its ability will cooperate. If there were to be meetings of the legislatures prior to the going into effect of this appropriation bill, I should have no objection to limiting it so that the States would be required to cooperate; but that could not be done now without great damage, without a liability, at least, of great loss to the wheat crop on account of rust. If we can use the money to eradicate this disease in one year, it is economy to do it—not only economy, but it is economy that runs into the millions and hundreds of millions—because every year the loss from black rust in the wheat in America is something tremendous.

Mr. President, it is no answer to say that perhaps we may have to go to Maine, and eradicate the pest there, and all the way across the continent. If it is necessary to save the wheat to make the bread for our people to eat, we will do that. We are not limited by the Constitution now as to the extent to which we may legislate in a case of this kind; but we would amend the Constitution if necessary to save the life of the people. The barberry bush is a pest that comes in direct contact with the food that the people have to have to live, that destroys it after the expense and the labor have been employed to make the completed grain; and the people will not stop at any means that may be necessary to eradicate that pest.

It has been known since 1660 in France, as has been shown here, that the barberry bush had something to do with black rust, but they did not know then just how it came about. I think that has been comparatively a modern discovery, as to just how it came about. Be that as it may, Mr. President, it is a fact that the people of the United States, as a rule, do not understand it to-day; and, as was well said, how many Senators here would know a barberry bush if they should meet it in the street this afternoon? How many people in your States know that the barberry bush is the host by means of which the pest lives that destroys the wheat and brings on the black rust? They all know about the black rust; they know what a ravage it is; they know what kind of weather is required to develop it; but not one person in a thousand knows just the scientific way in which it comes about, or that it comes from the barberry bush.

On the subject of another pest, I remember just last year reading a scientific article in some magazine about the destruction of the white pine, and I learned—it may be a confession of ignorance of which no other Senator is guilty, but it is true, nevertheless—I learned that if you raised a gooseberry bush or a currant bush in the vicinity of a white-pine tree, you killed the white-pine tree; that allowing a currant bush to grow within three or four hundred feet of a white-pine tree meant the death of the white-pine tree. I commenced to investigate further, and delved into it until I learned something about it. I suppose that has been known by scientific men like the Senator from North Dakota [Mr. LADD] for the last hundred years, but I did not know it. [Laughter.] If the Senator from North Dakota feels at all offended at that remark, I will take off a few years.

Mr. President, that only illustrates that while we know the damage wrought by some of these things, we do not realize the scientific reasons which bring them about. People can see the white-pine trees shrivel up and die, and wonder what is the matter, and they may be raising gooseberries or currant bushes right in the shade of the very trees themselves. There is a pest now which has gone all over this country which is eliminating the chestnut tree. As far as I know, nobody has yet discovered any way to stop it. It means the destruction of chestnut trees. Unless we get rid of the barberry bush it means that we can not and will not raise wheat in this country, and it is only a question with me as to how much money these people can use. I do not like the testimony of Doctor Ball. It has been read two or three times, and I read some of it which has not been read by the Senator from Oregon, in which Doctor Ball said they asked for no increase. They made no estimate whatever in regard to the barberry bush. I think they are derelict in the department when they are not thinking of doing something about a pest of that kind. It is striking at the very foundation of the American people's principal food product.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. This is not quite pertinent to the particular barberry bush which the Senator is discussing, but may I not inquire of the Senator whether, with all the appropriations which we have been making from year to year for many years for the Department of Agriculture for the extirpation of other pests, have they not multiplied rather than decreased, and as we increase the number of employees and augment the appropriations, have not the number of pests multiplied?

Mr. NORRIS. I do not suppose the Senator will claim that if we increase the appropriation, for instance, in this case, it will necessarily increase the number of barberry bushes in the United States?

Mr. KING. I am not so sure about it.

Mr. NORRIS. On the other hand, will the Senator claim that if we make no appropriation whatever, the barberry bushes will all die?

Mr. KING. Many of us, when we were younger, worked on farms, and if many of these new-fangled diseases of which we hear nowadays existed then, we dealt with them. Crops were produced, the yield in many instances being larger per acre than now, and we did not get millions of dollars of appropriations out of the Treasury every year to help the agriculturist. The farmers did their own work. They did not depend upon the Government for everything. But a different plan is now being urged. The Federal Government is expected to do what private enterprise should do. I am not referring to agriculture particularly, but to the general tendency to secure Federal aid in matters of a purely local or individual character. This tends to produce anemic people, people who will come for help when they should carry their own problems. The Federal Treasury is to become a vast cornucopia that will pour forth a golden flood to help thousands of employees who should be engaged in private employment, and to aid individuals in the enterprises to which they are directing their attention.

Mr. NORRIS. Mr. President, there may be a great deal in what the Senator has said—that we got through with those things when we did not know anything about scientific reasons and had no scientific men. We got along, though lots of people died who otherwise would have lived. There was hookworm for years and years and centuries and people did not know it, and many died. There was appendicitis, and people died. They got along without doctors. But is that any reason why when a man gets appendicitis now he should not get a surgeon and have the appendix cut out? If hookworm gets into the community, is there any reason why we should not eradicate it? There was typhoid fever more in the early days than there is now. Smallpox then was more deadly than it is now. But is there any reason why we should not resort to modern methods of avoiding those diseases now? The Senator from Delaware [Mr. BALL] suggests to me that there was yellow fever. Is there any reason why we should go back to the old days, before the street car, before the electric light, before the lamp even, before we had bathrooms, and live as we did then, or as our forefathers did?

One thing it seems to me we ought to try to do and that is to fix things so that our children, those who follow us, will have more of the comforts of life than we had, will know how to meet these diseases which confront us better than we have been able to meet them. We are not worthy of being called noble sons of noble sires unless we improve on our forefathers. The swallow which built its nest among the rafters of Noah's ark built just as good a nest as the swallow that is building one now under the eaves of the United States Capitol Building. That is the difference between man and the lower animals. Man improves and the lower animals do not. They are just the same now as they were when Adam was here. We think we are a little better; I believe we are. Sometimes it is expensive and costs lots of money, but we must have these things, even if they do come high. It is no argument now to say that because our forefathers did not know anything about the cause of black rust and just suffered their damages without being able to help themselves we should sit idly by now and see the wheat fields crumble and decay just before they are ready to harvest, when we know what the matter is and know how to apply the remedy, and do not do it simply because it is going to cost some money to do it.

I know that lots of money is spent foolishly. I wish I could stop it, but I can not. Because I can not stop it, I am not in favor of stopping all advance and progress and doing the best we can even though we do squander a lot of money in doing it.

It would be economy, as I said in the beginning, to eradicate this thing now and to do it quickly. We will save dollars by doing it, and it is only a question as to whether the department is able to use this amount of money. It seems to me they can not, and if they can not use it all, at least we will give them all they can use up to the limit of this amendment, $500,000, so that they will not be handicapped. Every time they do anything to eradicate the barberry bush they do just that much more to save the wheat crop and that much more to save the food which the American people eat.

Mr. WALSH of Montana. Mr. President, I desire to have inserted in the RECORD the law of the State of Montana providing for the eradication of the barberry bush. It is brief, and will serve as a model for statutes of that character. Briefly, it provides that any landowner on whose land is growing a barberry bush is required to dig it up and destroy it. If he does not do so, the horticultural inspector comes along and, having given him notice, which he has not observed, the inspector himself digs up and destroys the bush, and the expense of doing so becomes a charge upon the land upon which the bush is growing, and becomes a part of the taxes imposed upon the owner of the land.

The PRESIDING OFFICER. The Senator asks that it be printed in the RECORD?

Mr. WALSH of Montana. I make that request.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Laws of Montana, sixteenth legislative assembly, 1919.]

CHAPTER 46.

An act providing for the eradication of harmful barberry and extending the provisions of the act to mahonia in case of necessity, and defining the powers and duties of the State board of horticulture.

Be it enacted by the legislative assembly of the State of Montana:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, offer for sale, barter, give away, exchange, deliver, ship, transport, receive, or accept for shipment or transportation, plant, or permit to exist on his or its premises in the State of Montana any plant of the harmful barberry.

SEC. 2. It shall be the duty of the State board of horticulture or its duly authorized inspectors to enforce the provisions of this act, and they are hereby empowered to cause to be eradicated any such harmful barberry plants found growing anywhere in the State. If the owner of the land on which such harmful plants are found growing shall fail or refuse to eradicate such plants within 10 days after receiving a written notice to that effect from a horticultural inspector, said inspector shall proceed to have such harmful barberry plants eradicated and destroyed wherever they may be found growing. As soon as the horticultural inspector has had such harmful barberry plants eradicated and destroyed he shall make out a statement in duplicate of the actual cost and expense incurred by him in eradicating or destroying such harmful barberry plants. One of such statements shall be transmitted to the landowner affected by the work and the other shall be filed in the office of the treasurer of the county wherein such land is situated. The treasurer shall place such amount as indicated in such statement on the tax duplicate against the land of the landowner affected by such work, and such amount so entered shall be collected in the same manner and at the same time as taxes are collected, and when so collected shall be paid by the treasurer to the State board of horticulture, which shall remit to State treasurer to be added to the appropriation for the use of the State board of horticulture.

SEC. 3. The term "harmful barberry" as used in this act shall be construed to apply to any species of Berberis and as hereinafter provided for, to mahonia, which are susceptible to infection by Puccinia graminis, commonly called black stem rust of grains (but not including Japanese barberry, B. thunbergii, which does not propagate the rust).

SEC. 4. The State board of horticulture is hereby empowered to apply the provisions of this act to species of Mahonia whenever in its judgment the necessity arises.

SEC. 5. Any person, firm, or corporation which shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not less than $10 and not more than $25 for each offense.

SEC. 6. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 7. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1919.

Mr. TOWNSEND. Mr. President, I think the Senate as a whole is convinced of the fact that the barberry bush ought to be exterminated. The question arises in my mind, suggested by the Senator from Nebraska, as to how much money Congress ought to authorize this year for that purpose.

As I understand it, the gentleman who has charge of the expenditure of this money has stated that while they could spend $500,000 he was in doubt as to whether they could expend it entirely profitably or economically, but was satisfied that they could expend $300,000. I am wondering why the amendment goes to the $500,000, a doubling of the amount of the appropriation in the House, and is not confined to the $300,000. The authorities who expend the money say they can expend that much economically. They have some doubt about the other amount.

If it were clear to my mind that the $500,000 could be used profitably and economically for this purpose, I should not hesitate to vote for it, because I would say it was money well expended, but having doubt about it, not having heard any reason as to why $500,000 should be appropriated instead of the amount suggested by Doctor Ball, it occurs to me that this amendment should be made to read "$300,000" instead of "$500,000."

Mr. KELLOGG. Mr. President, Mr. Fuller, the secretary of the organization in 10 States for the eradication of the barberry bush, supplied to the Department of Agriculture and placed in the hearings, at page 8, if the Senator will read it, a statement to the effect that the department can use $500,000, and use it economically. That is in the record, at page 8.

Mr. TOWNSEND. Is not Doctor Ball the man who has charge of this work?

Mr. KELLOGG. I do not know whether he is or not.

Mr. NORRIS. I do not think so, although I am not positive about it. I judge Doctor Ball does not have charge of it. Perhaps the Senator from Oregon can tell us. I do not think he has charge of it, because he stated in the beginning of his testimony that they did not ask anything for this item. He did not seem to know anything about it.

Mr. McNARY. Doctor Ball has made several visitations to that country out there, but I am not sure as to the individual who actually represents the department in this work of organizing. The appropriation is used in the different agricultural colleges in the States. I think it is under the department here, but the various individuals having in charge this work have their offices in State agricultural colleges and operate from there in cooperation with the State officials.

Mr. TOWNSEND. I received a letter from the State agricultural college at Lansing stating that the man in charge thought $200,000 too small a sum for this purpose, but he did not state how much ought to be appropriated, and what I am interested in knowing now is why $500,000 is asked, instead of $300,000. If there is better authority than Doctor Ball, I would be glad to hear from him.

Mr. KELLOGG. I have talked with Mr. Fuller——

Mr. TOWNSEND. Who is Mr. Fuller?

Mr. KELLOGG. Mr. Fuller is the secretary of an association, including representatives from 10 States, Western States mostly, interested in the eradication of the barberry bush.

Mr. TOWNSEND. Does he have anything to do with the expenditure of the money?

Mr. KELLOGG. No; he is a private citizen and belongs to this association. Governor Preus, of Minnesota, is the president of it, and I think the governors of the various States are members of it. He made a statement before the committee, which appears on page 7 of the hearings, to this effect:

> Mr. FULLER. My only point was this: I will not bore you with the statement that we have from the Department of Agriculture; but we have consulted the Department of Agriculture, and we have their assurance in writing that the sum of $500,000 could be expended efficiently and economically and with great profit to the barberry eradication movement. I have a statement here which I might put in the record.

The statement is on page 8, and was prepared, as he told me, by Mr. Ball, a brother of Doctor Ball, who is in the Department of Agriculture and knows all about this subject. That statement says that the campaign carried on with the appropriation of $147,200 would take at least 10 years.

Mr. TOWNSEND. What does the Department of Agriculture here in Washington say about it?

Mr. KELLOGG. This is what the Department of Agriculture here in Washington says.

Mr. TOWNSEND. No; Mr. Fuller says that a brother of a man in the department says he can use it.

Mr. KELLOGG. There are men in the Department of Agriculture who have charge of this work, and this comes from the man who has charge of it, as I understand it.

Mr. TOWNSEND. I wonder why they did not call that man before the committee?

Mr. KELLOGG. I do not know. I was not on the committee.

Mr. LENROOT. The Doctor Ball who testified is the director of scientific work of the entire department. He is the head of it all. He is a pioneer in the work of barberry-bush eradication. He was the State entomologist of Wisconsin for three years, and that was under his personal direction.

Mr. McNARY. Doctor Ball is not the author of the statement now being referred to.

Mr. LENROOT. I understand that.

Mr. TOWNSEND. As I understand it, that was furnished by a brother of Doctor Ball.

Mr. President, as I said, I am perfectly willing to vote every dollar that the department says it can use efficiently and economically in the process of exterminating the barberry bush; but for us to vote against the advice evidently of the man who has charge of the work and say that we will give him $500,000 when he says he can use $300,000, giving him twice as much as he is getting now, it looks to me as though we are voting without information, without that information which is necessary in order for us to fix properly the amount of appropriations. That is the only question that is in my mind. It is not a question of the extermination of this pest, or the appropriation of sufficient money to do it, but it is a question of voting blindly an amount which seems to be without foundation of reason why it should be $500,000. Therefore it seems to me that the part of wisdom is to stop with the sum which is practically double the amount which we appropriated last year and give the department the amount that is asked for by its officials.

Mr. HARRISON. Mr. President, we have heard to-day a great deal about barberry bushes. From many sources the damage wrought by this menace has come to us. With a sincerity unquestioned and an eloquence unequaled these interested Senators have described this unwholesome, injurious, and infectious thing. The bill carries large appropriations designed to prevent many diseases and eradicate numerous pests, pests of all kinds and insects of every description. For instance, scabies in sheep are sought to be eliminated. Tuberculosis in animals, cattle ticks, hog cholera, the foot-and-mouth disease are all provided for.

Mr. LENROOT. Mr. President, may I suggest to the Senator that there is nothing in the bill about Democrats?

Mr. HARRISON. Oh, no; but to-day the Senator heard enough about Democrats. There was an election yesterday, and the Senator's suggestion brings it to my mind. It was up in one of the northern districts of New York. The attention of the Senate has already been called to it, and that is why Senators on the other side of the aisle are looking so woe-begone, so crestfallen, so "down in the mouth," if you please, at this time. It was an election that told a story—a story that presages what is to follow. It did not bring "glad tidings of good news" to the Senator from Wisconsin or his colleagues or the administration. Naturally you were surprised.

In 1920 in this New York district the vote was 51,512 for the Republican candidate, and for the Democratic candidate it was 21,600, a majority of 30,000 for the Republican candidate in that election. If I read correctly from this morning's issue of the official organ of the Republican Party, the Washington Post, the figures of yesterday's vote, Mr. Irvine, the Democratic candidate, received 17,712, and Mr. Henry, the Republican candidate, received 20,799, a majority of 3,000 for the Republican candidate on yesterday in this hidebound Republican district of New York where only two years ago the Republican majority was 30,000.

Primaries in Illinois were held yesterday. There was one very distinguished Republican leader, a member of the Ways and Means Committee of the House, indorsed by the administration in all the papers of his district, of which he owned three. I refer to Mr. IRA C. COPLEY. Practically all of the papers in the district, as I understand, carried the indorsement of Mr. JOSEPH W. FORDNEY, the author of the tariff bill which has recently passed the Republican House and which, after being remade by the Finance Committee of the Senate, was reported yesterday in secret, in executive session, to the Senate. Mr. FORDNEY, as well as the administration, indorsed Mr. COPLEY. I understand there was a Republican running in that primary against Mr. COPLEY, who criticized some of the administration's present policies, and was unsparing in his strictures on the votes cast by Mr. COPLEY. The result was that Mr. COPLEY was defeated by 4,000 majority. One of the other Republicans who was up for renomination and who had a contest was Mr. IRELAND. He was, of course, defending his record in that contest as a friend of the present administration. He also went down to defeat yesterday. So if the Republicans can get any consolation out of the returns of yesterday they are easily satisfied.

Now, Mr. President, if I have answered the question of the Senator from Wisconsin, I will proceed to talk about the bill.

The bill not only touches scabies, and cattle ticks, and hog cholera, and the foot-and-mouth disease, and tuberculosis, but it also deals with moths, both gypsy and brown-tailed, white-pine blisters, boll weevils, pink boll worms, bean beetles, citrus canker, Hessian flies, chinch bugs, grasshoppers, and last but not least, the rust spores from the barberry bush.

It is perfectly natural that whenever we strike the question of the barberry bush it should elicit a great deal of discussion in the Senate. It is quite a coincident that the barberry bush has been discovered and it seems to thrive most and prevail in certain localities. The localities apparently affected more than others are those represented by the distinguished junior Senator from Minnesota [Mr. KELLOGG], and in the State of Michigan, represented in part by Mr. TOWNSEND, and in Wisconsin, represented in part by Mr. LENROOT, and in that section of the country.

I heard the testimony before the committee and I have no doubt that the barberry spores that emanate from it are most

destructive, that the injury wrought therefrom is quite large, and that they are a dreaded menace.

It is natural that the wheat growers of the Middle West should be alarmed over the advent of this pest and are desirous of eradicating before a wider spread is made and greater damage wrought.

I am always sympathetic with any people who are cursed with dreaded disease or locality that is visited by dreaded pests. It is that same sympathetic feeling that has moved the Congress to make these annual appropriations so that disease to animal life might be eliminated—that insects destructive to plant or vegetable life might be destroyed and pests menacing horticulture might be eradicated.

The best methods and the surest means to do these things have commanded the attention of scientists the world over, and received of Congress most liberal treatment. Of all these pests enumerated in this bill, I will concede that few, if any, are more injurious than the barberry bush.

However, the barberry bush is not the only berry that I know of that is a pest or threatens to menace the country. Great as is the injury that may be wrought by the barberry, it is not to be compared with some other pests or, may I say, diseases by the name of "berry." You know what I mean. I can see the smiles on your countenances when I mention "berry" pests or menaces to-day. Sirs, when we talk about the danger of a "berry" pest, the people will not think of barberry bushes; they will think of Newberry bushes, a term taken from "Newberryism," meaning the plundering of the people by the purchase of power. I care not how Senators may inveigh against this barberry pest or any other pest, insect, or disease, none are as menacing to our peace and happiness, as destructive of the perpetuity of our institutions, and the very stability of our Government as the most dreaded of all pests—Newberryism.

I am going to vote for the increased appropriation that is provided in the bill by the committee, so that every effort will be made to eradicate the barberry bush. I am not going as far as some would have us to go, however.

I am not now referring to the distinguished junior Senator from Nebraska [Mr. NORRIS], but I am referring to some others who have spoken in behalf of an increased appropriation to eradicate the barberry bush in what I am about to say. If they had shown the same zeal in trying to eradicate the other kind of pest, the kind that is more deadly than the barberry, that is not applicable alone to one State or two States but to many States—the kind that reaches from Maine to Washington, that not only blights and destroys the wheat but affects the ambition of the young boy, destroys the high ideals of a people, and removes the last vestige of justice and equal opportunity. I say, if they had shown the same zeal and opposition to the advent and triumph of Newberryism that they have to eradicate barberryism, they would have rendered a greater service to more people and a larger section of the country.

It is said that these rust spores from barberry bushes are carried upon the wings of the wind and light upon the wheat and other plant life. Newberryism distributes spores, but they are not called rust spores. In New York the spores that emanate from it might be termed "Calder" spores, or those from Newberryism in Massachusetts might be called "Lodge" spores, or those in Michigan might be called "Townsend" spores, or in Minnesota might be called "Kellogg" spores.

There are other States that I might enumerate where these spores might light, not rust spores but spores that change their names when they get into the various States. I see my friend from Ohio [Mr. WILLIS] coming in. I failed to specifically mention Ohio, where certain spores from Newberryism would not be termed rust spores, but they change the name to "Willis" spores there.

So while I am going to vote for this reasonable appropriation in the nature of an increase to try to prevent and eradicate the barberry bush, I shall not go to the extent that some desire to go.

I hope that Senators will, when such a dreaded menace offers its head in this body in the future, a menace that affects not one State but the whole country, that they will exhibit the same zeal in preventing the menace to which I have referred, namely, Newberryism, that is now apparently shown in an effort to eliminate the barberryism.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS] to the amendment of the committee.

Mr. KING. Mr. President, let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 22, line 18, in lieu of the amount "$432,505," proposed by the committee, insert "$732,505," and in the same line, in the proviso, in lieu of "$200,000" insert "$500,000," so as to make the paragraph read:

> For the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $732,505: *Provided*, That $500,000 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which rust spores originate.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKinley	Rawson
Ball	Harris	McNary	Reed
Borah	Harrison	Moses	Sheppard
Broussard	Heflin	Myers	Sterling
Bursum	Hitchcock	Nelson	Sutherland
Calder	Johnson	New	Townsend
Capper	Jones, Wash.	Newberry	Trammell
Colt	Kellogg	Norbeck	Walsh, Mont.
Cummins	Kendrick	Norris	Warren
Curtis	Keyes	Oddie	Watson, Ind.
Dial	King	Overman	Willis
Dillingham	Ladd	Page	
Frelinghuysen	La Follette	Phipps	
Gerry	Lenroot	Poindexter	
Gooding	Lodge	Pomerene	

Mr. HARRISON. I desire to announce that the Senator from New Mexico [Mr. JONES] and the Senator from North Carolina [Mr. SIMMONS] are necessarily absent on official business.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee.

Mr. McNARY. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], which I transfer to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. In his absence I withhold my vote.

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the senior Senator from New York [Mr. WADSWORTH] and vote "yea."

Mr. REED (when his name was called). A few days ago I made a pair with the Senator from Delaware [Mr. DU PONT], which was to continue so long as one of us was out of town. I understand he is present. I therefore feel at liberty to vote. I vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WILLIAMS]. In his absence I withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I transfer my general pair with the Senator from Virginia [Mr. GLASS] to the Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. McKINLEY (after having voted in the negative). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY]. As he is not present, I withdraw my vote.

Mr. BALL (after having voted in the negative). I transfer my pair with the Senator from Florida [Mr. FLETCHER] to the junior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

Mr. KENDRICK (after having voted in the affirmative). I inquire if the Senator from Illinois [Mr. MCCORMICK] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. KENDRICK. I have a general pair with that Senator, which I transfer to the Senator from Louisiana [Mr. RANSDELL] and allow my vote to stand.

Mr. KING. I inquire if the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. KING. I transfer my pair with the senior Senator from North Dakota to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. MYERS (after having voted in the affirmative). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who, it appears, has not voted. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair, after having voted in the negative). The present occupant of the chair desires to state that the senior Senator from Virginia [Mr. SWANSON] is necessarily absent. The Chair undertook to take care of that Senator for to-day, but he finds he can transfer his pair to the Senator from Pennsylvania [Mr. PEPPER], which he does, and will allow his vote to stand.

Mr. GERRY. I desire to announce that the Senator from New Mexico [Mr. JONES] and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 37, nays 16, as follows:

YEAS—37.

Ashurst	Hale	Myers	Reed
Broussard	Heflin	Nelson	Sheppard
Bursum	Hitchcock	New	Sterling
Capper	Johnson	Newberry	Sutherland
Colt	Kellogg	Norbeck	Trammell
Cummins	Kendrick	Norris	Watson, Ind.
Curtis	Keyes	Phipps	Willis
Fletcher	Lodge	Pomerene	
Frelinghuysen	La Follette	Ransdell	
Gerry	McKinley	Sawyer	
Gooding	Moses	Smoot	

NAYS—16.

Ball	Harris	Lenroot	Pepper
Calder	Harrison	McNary	Spencer
Dial	Jones, Wash.	Overman	Townsend
Dillingham	King	Page	Warren

NOT VOTING—43.

Borah	Frelinghuysen	Nicholson	Stanfield
Brandegee	France	Owen	Stanley
Cameron	Glass	Pepper	Swanson
Caraway	Harreld	Pittman	Underwood
Crow	Jones, N. Mex.	Ransdell	Wadsworth
Culberson	Lodge	Robinson	Walsh, Mass.
du Pont	McCormick	Shields	Watson, Ga.
Edge	McCumber	Shortridge	Watson, Ind.
Elkins	McLean	Simmons	Weller
Ernst	McNary	Smith	Williams
Fernald	Nelson	Spencer	

So the amendment of Mr. NORRIS to the committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. KING. Mr. President, I should like to inquire whether individual amendments are in order now under the procedure that has been adopted?

The PRESIDING OFFICER. The Chair understands that a unanimous-consent agreement was entered into whereby the bill was to be read for action on the committee amendments.

Mr. KING. I desire at the appropriate time to offer an amendment appropriating several million dollars to exterminate weeds from the farms of the country. If the Government is becoming so paternalistic, I think it ought to take care of all the weeds.

The PRESIDING OFFICER. That amendment will be in order when the committee amendments are disposed of.

Mr. NORRIS. That will be in order when the weeds commence to grow. They have not started yet.

Mr. REED. Mr. President, I generally agree with my friend the Senator from Utah; but his irony, I think, is hardly warranted.

Mr. KING. That was a joke, not irony.

Mr. REED. I think the Senator meant it for irony. I am not criticising him. He had a right to indulge in it; but I rather embrace it as an opportunity merely to express my opinion about appropriations for farm work, farm development, and improvement in agriculture.

Mr. President, the making of appropriations which have the effect of improving the character of the grains of the country or the stock of the country by the dissemination of proper knowledge is not any more paternalistic than teaching the alphabet to children at the public expense is paternalistic. It is educational, and there is no reason why the education of the people should stop at the primary department of the public school or at the graduating line of the public school. If we could disseminate the last word in scientific knowledge regarding farming, it would pay back not only a thousandfold but probably ten thousandfold the expense.

The particular amendment we have just voted on is of a little different character. It proposes to stop a disease, or something which is in the nature of a disease—a pest. There never has been any question about the right and the propriety of the Government stopping the spread of contagion from one State to another among animals or among human beings. This is merely a proposition to stop the spread of disease among plants, the particular plants especially concerned in this instance being wheat and oats. That is not paternalistic. It is protective. It is not any more paternalistic to stop the spread of a contagion within the borders of the country than it is to put down an armed rebellion within the country or to protect the country against the invasion of an enemy. This class of legislation does not come within the term "paternalism" at all. It is a proper public duty, and it has been exercised for scores of years, and with the highest benefit.

Mr. President, I have not the slightest doubt that of all the moneys that have ever been expended by the Federal Government the money which has brought the finest return, the greatest reward, has been the money expended through the Agricultural Department. I do not claim that that department, in the process of experimentation and development, has not made mistakes, or that it may not make many mistakes in the future. I do not claim that every dollar brings a return; but I do make the broad claim that if you take the Agricultural appropriations in the aggregate, year by year, they have produced more of actual wealth in this country, a thousand to one more, than the money that has been expended.

No one can estimate the far-reaching effects of an improvement in agriculture. The old illustrative statement that he is a public benefactor who makes two blades of grass grow where one grew before can be applied here and multiplied by the immense farm population and then by the immense city population. This country probably would starve for meat and butter and milk if we had the kind of cattle that were universally found in this country when I was a boy. I have not the slightest doubt but that if you should compare the cattle of 50 years ago with the improved breeds of to-day it would be found that meat and butter and milk are produced at half the expense and waste of the inferior grades with which our fathers were obliged to put up. I remember the old razor-back hog that took about two years to mature and that could run so fast that you could not catch him when he had grown up. If we were forced to raise that sort of animal upon our farms to-day, and nothing else, it is my opinion that pork would cost twice as much as it does to-day. Wheat and corn and every variety of cereal have been improved to the same extent. The money expended by the Agricultural Department has been largely responsible for these vast strides forward; and we are only in the infancy of the development of our agriculture.

It is a matter of regret that some European countries have advanced so much more rapidly than we have in the application of scientific principles to the development of the farm that they are able to produce crops far beyond those which we produce at the present time. If we were to appropriate $10 for the development of agriculture where we appropriate $1 at the present time, assuming that the Agricultural Department would be correspondingly expanded, it is my opinion that it would be the finest investment that this country ever has made in its history.

I am in favor of economy in the administration of the affairs of this Government. If I had my way, I would abolish about nine-tenths of the boards and bureaus and departments; but there is one department that I would enlarge and bring to it the highest scientific skill of the world, at whatsoever cost, and that is the Agricultural Department. I think this bill and all of its provisions ought to be considered in that light.

I do not say this now for the mere purpose of replying to what my friend from Utah meant as a bit of satirical witticism. I wanted to say it anyway. Agriculture must be taken care of in this country. Fifty-two per cent of our population now live in cities, and there is no class of men who have felt the terrible strain which has fallen upon the country since the war as the farmers have. It must be remembered that the farmers are the only class of our people who were not permitted to sell at war prices during the war. It must be remembered that from the very first of the war to its end the Government fixed a price upon substantially everything the farmer produced. They did not permit him to sell in the open market of the world at the war prices, but they compelled him to buy in a market that was not controlled, and consequently he was obliged to pay war

prices for everything he purchased. Against that I protested on this floor for weeks, and in order to prevent it resorted to every legislative device at my command. I said then that the farmers of this country were as patriotic as any other class of men; that if it were necessary in order to win the war that the farmer should sell his wheat for a dollar a bushel, or give it to the Government, if, indeed, such a thing were possible and yet maintain production, the farmers of the country would be willing to do it, provided everybody else in the country were brought under the same rule, an equitable rule of common regulation.

But if the prices at which the farmer had to sell were kept down artificially by the Government and the price at which he had to buy were not thus regulated, the farmer would be despoiled and would be singled out of all the people of the country to ultimately be the sufferer through the war, while other classes of people might be the profiteers by the war. My protest not only went unheeded, but throughout this country the protest and the protestant were alike denounced. It was almost claimed in some instances that my attitude was one of disloyalty.

What has been demonstrated in the last few months? The farmer who found that his price was prevented from going up when prices were mounting, after the war was over found there was no one to keep his price from going down. Accordingly he has found himself confronted with this sort of a situation—not having been allowed to realize the high prices during the war, and during the war having been compelled to pay high prices for everything he consumed, unrestricted war prices. Since the war is over he has found that the bottom dropped out of his market, and he has been compelled to sell at ruinous prices the grains which he produced by high labor, with high-priced machinery, and at the expenses which are always incident to production when all values are high.

If the farmer had been permitted to reap the high prices of war times, he might have had money in the bank when the slump came instead of having a note in the bank, and he could have recouped himself during these times of depression out of the profits made during the time of inflation, as business houses generally did and as they are still doing. But the country then had been taught to believe, by an extensive propaganda, paid for out of the money of the people and expended through press bureaus skillfully organized, that Mr. Hoover was a magician, a magician sent almost from on high to shower the benefits of his celestial wisdom upon this earth, and that it was a kind of sacrilege to say that anything Mr. Hoover proposed to do would not bring infinite blessing to the people.

What did Mr. Hoover do? He regulated the price of everything the farmer produced, and he did it without any authority of law whatsoever. He did it by acts as arbitrary as have ever disgraced any Government—Democratic, Republican, monarchical, or Bolshevist—in the history of the world. No grant of power was given to him to regulate the price of anything, but he was given the power to license business institutions. And as he construed the power of license, it was not the power of regulation for the purpose of preventing illegal practices; it was a power of life and death over a business institution which he could exercise, and therefore, having the power of life and death, he could command an institution to pay whatever prices he saw fit to dictate.

Accordingly, he said to the grain dealers of the country and to the millers, "If you pay more than a certain price for wheat, I will take away your license to do business." He then organized the Export Grain Corporation, the only corporation allowed to ship grains abroad during the war, and through that corporation fixed the price of export grain. Accordingly, there was no place in the world for the farmer to sell his wheat where the price was not regulated by Mr. Hoover's arbitrary decree, issued not as of right, but because he had the power to deny business institutions the privilege to exist if they paid the farmer more than Mr. Hoover saw fit to dictate. Thus the price was fixed illegally by the violent and illegal abuse of a power of license.

How did he treat the great business institutions? They were permitted in most instances, where their profits were fixed at all, to vastly increase their profits, and, speaking in a broad sense, their markets were thus stabilized and their profits guaranteed. So that, for the most part, where they were regulated at all, they were enabled to pile up huge profits, vast surpluses, out of which they could draw their expenses in the days of adversity which everyone anticipated would come after the war was over. Outside of the domain of Mr. Hoover there was no regulation whatever.

I happened to be in a position a few days ago to know of an institution that had accumulated during the war period a surplus of over $12,000,000, and when orders ceased after the war, they had that money, accumulated during the war, so that they were able, if they desired, to continue to pay their regular dividends, even though business was slack and no profits were being made, paying them, and paying them properly, out of a surplus accumulated for the very purpose of meeting the days of depression and stress.

Those institutions for the most part—and I am not speaking of this particular one—had great war contracts, and made immense profits. Many of them worked on the cost-plus basis, and had no opportunity to lose. They were piling up this money against the evil day.

How differently the farmer was situated. He was denied a market. He was denied war prices. Hence, he did not have the surplus which he might have had if the hands of the Government had not rested upon his neck during the war. That, Mr. President, is just what the Federal Government did to the farmer during the war. The price of wheat was depreciated substantially $1 a bushel within a few days' time. It remained at a fixed price during the war, when the world was clamoring for bread, and when after the war was over the Government released its grip the price of wheat mounted within a very few days, if I recollect, some 60 or 70 cents a bushel, so that the price both before the war and after the war when unregulated was from 70 cents to $1.20 higher than it was during the period of regulation, a complete demonstration that the regulation throughout the war had kept down the price of wheat substantially or nearly a dollar per bushel. Multiply that by the number of bushels of wheat produced in the United States during practically the two-year period of regulation, over 1,500,000,000 bushels, and we have a rough approximation of the stupendous amount taken from the farmers on wheat alone.

But the price of wheat is reflected in the price of corn and the price of corn is reflected in the price of cattle and the price of hogs. In addition to that the prices of cattle and hogs were arbitrarily fixed through regulation of the packing houses imposed upon the packing houses by the same arbitrary methods, namely, the threat to take away their licenses unless they conformed to the arbitrary will of Mr. Hoover.

It is impossible with any accuracy to estimate the amount of money taken from the farmers by virtue of these price regulations. But I believe the farmers were deprived of between five and six billions of dollars during the two-year period of regulation.

The trouble with agriculture to-day is that agriculture was not permitted during the war to reap its just profits, but was compelled to sell in a restricted market and to buy in an unrestricted war-wild market. But to-day, with the war over, there is no one here to prevent the price of agricultural products going down to the very bottom. They kept them from going up, but they do not keep them from going down.

There is another phase of the matter that must not be overlooked. The price of the farm products was fixed not alone to benefit the American consumer, if that, indeed, was ever the object, but the farm products were sold to European countries at these regulated prices, reduced prices, so that Great Britain, France, Belgium, and all the world, seeking to buy American farm products, obtained them at the restricted prices. On the other hand, England, France, Italy, Belgium, and all the world sold to us at the full war values. The singular thing is that during that very period of the war Great Britain—I have not examined the figures for other countries—sold more in dollars than she did during any corresponding period of her history.

The result, therefore, was that the American farmer was bled white, not for the benefit of the American consumer alone but for the benefit of our allies in the war and of all Europe. Now, when Europe finds her markets disrupted and values gone, the farmer, who has to sell his surplus, is compelled to sell that surplus upon a bankrupt market at the bankrupt prices prevailing in the world. And there are none so wise they can prescribe a remedy.

These are the conditions confronting the farmer, and they confront the cattleman, the sheepman, the hog man in just the same way. The percentage of men engaged in the cattle-raising business who have become bankrupt is simply astounding, appalling. Companies and individuals supposed to be possessed of very great wealth, but in fact not possessed of it, are to-day prostrate, and their paper, lodged in the banks of the great Central West, is to a large extent worthless. At a time like this and under these circumstances, when the developments of the present are exactly what on this floor I said they would be and, as the RECORD will show, I predicted not once but scores of times, if we can aid agriculture or stock breeding and stock raising by liberal appropriations it is our duty to do it. Let there be no cheeseparing on this bill and no sneers about paternalism.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The Assistant Secretary resumed the reading of the bill at page 24, line 5.

The next amendment of the Committee on Appropriations was, on page 24, at the end of line 10, to strike out "$20,000" and to insert "$25,000," so as to make the paragraph read:

For the investigation, improvement, encouragement, and determination of the adaptability to different soils and climatic conditions of pecans, almonds, Persian walnuts, black walnuts, hickory nuts, butternuts, chestnuts, filberts, and other nuts, and for methods of growing, harvesting, packing, shipping, storing, and utilizing the same, $25,000.

The amendment was agreed to.

Mr. WILLIS. Mr. President, I desire to ask unanimous consent to return to page 19. My reason for making the request at this time is the fact that I shall not be able to be in the Chamber——

Mr. McNARY. Will the Senator please withhold his request until the Bureau of Plant Industry items have been concluded? There are only one or two more amendments under this heading.

Mr. WILLIS. Very well.

The next amendment was, on page 24, line 13, after the word "fruits," to insert "and vegetables," and at the end of line 15 to strike out "$119,200" and to insert "$121,700," so as to make the paragraph read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, handling, and studies of the physiological and related changes of fruits and vegetables during the processes of marketing and while in commercial storage, $121,700.

The amendment was agreed to.

The next amendment was, on page 26, after line 7, to strike out:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

The amendment was agreed to.

Mr. REED. I understand this is a proposition to strike out the appropriation for the distribution of free seeds?

Mr. McNARY. It is. It proposes to strike out the appropriation of $360,000 for the distribution of seeds.

Mr. REED. Mr. President, I have no desire to take the time of the Senate further so late in the day. The Senate seems to be generally in accord with this amendment, but I think it is a mistake to strike out the item.

I simply want to say what I have said before on the floor of the Senate, that there is no way by which the wealth of the country can better be increased than by the dissemination of good seeds throughout the country. It has become one of the fads to talk about the seeds being sent out by Congressmen for political purposes. We can start almost anything of that kind and carry it on for two or three years and it will become popular on the floor of the Senate.

But, Mr. President, I assume, to begin with, that the Department of Agriculture buys these seeds for what they are worth in the market, and that they buy them with prudence and that they are selected wisely. Now, what becomes of them? They are sent out almost exclusively into the farming communities, into the small villages, and they are nearly always distributed to people who want to plant them. It costs but a trifle, if there is an improved variety of vegetable, to scatter the seed in that way instead of scattering it through some seed house. When the cultivation of it once begins in a community it spreads. If Mrs. Smith finds that Mrs. Jones has a better variety of tomatoes in her garden than she has, she gets some of that seed the next year, and so the benefits grow. It has been one of the means of distributing a better variety of seeds over the United States.

Now, who is opposed to it? I unhesitatingly say that the propaganda against it begins with the big seed houses, who do not want the Government in competition with them, and who will put about six peas in a little envelope, with a beautiful picture on the outside, and charge 25 cents per package, and who want to continue that particular kind of despoliation and petty larceny.

I have heard the question debated, and I have not seen anyone rise on the floor yet and show that there has not been a good result from the distribution of these seeds, and no one will ever be able to do it. You may say this is a question that is not susceptible of demonstration.

This is susceptible of demonstration. We have in all the gardens of the United States a very much finer class of vegetables than we had a few years back. Some of the seeds may be distributed through the seed houses, but, assuming that the Agricultural Department is using common sense and reasonable care in the selection of seeds and that Members of Congress are using a little sense in distributing them, then the benefits coming from the distribution in this country of the high-class seeds thus selected bring back a full reward and a complete return to the people at large.

Let us see now whether the seeds are properly distributed. I do not claim that some of them may not get into the hands of people who do not use them, but what reason is there for a Congressman to send seed to somebody who does not want to plant them? He makes himself ridiculous when he does it. So the seeds are sent out to people who do want them. If it is desired that the distribution of seed shall not be made through Members of Congress, I shall not object. If it is thought that there is some better method of distribution than through Members of the two Houses of Congress, I shall not object to that method being adopted. However, to cut out the appropriation for this purpose is to cut out the means of the distribution of improved varieties of seeds in the United States, and to do it for the benefit of some thieving, robbing seed houses. That is a pretty harsh expression, but if Senators do not think they are thieving and robbing let them undertake to plant a garden and go down and buy their seeds from a seed dealer. They are the people back of this fight; nobody else is back of it except some individual who has been misled.

I protest against eliminating the item. If the committee thinks that the seed could be better distributed through the Agricultural Department, well and good. That department now has a large organization. I do not myself want to distribute these seeds. It is a burden and it is no political benefit to any man to have them to distribute, for there are always ten people who want them where one person can be supplied; but it is a piece of stupidity to stop this custom which has so long existed and which must inevitably bring great benefit.

Who starts the proposition to discontinue the distribution of seed? It is always some one who wants to establish a reputation as an economist. That is his motive. But back of the agitation is the seed house.

I hope this amendment will be defeated. If it is desired to have a vote on it, I am going to call for a quorum. If it is not desired to have a vote on it——

Mr. McNARY. May I suggest to the Senator from Missouri that we might pass over this item until to-morrow?

Mr. REED. I am quite willing to do that, but I do not want it to come up in my absence. I hope the Senator will notify me if I am not here, though I shall try to be here all day to-morrow.

Mr. McNARY. I will suggest to the Senator from Missouri that at the proper time I intend to ask that the Senate take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be considered as reconsidered and the amendment will be passed over.

Mr. WILLIS. I ask unanimous consent to return to page 19 of the bill and to offer an amendment, which I ask the Secretary to state.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to return to page 19 of the bill, in order that he may offer an amendment to the text of the bill. Is there objection?

Mr. McNARY. I should like to have the Secretary state the amendment.

The PRESIDING OFFICER. Of course, the amendment can not be offered now except by unanimous consent.

Mr. McNARY. I have no objection to the Senator's request, as I understand he desires to leave the city.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will state the amendment proposed by the Senator from Ohio.

The ASSISTANT SECRETARY. In the first paragraph, on page 19, line 2, it is proposed to strike out "$87,985," and in lieu thereof to insert "$92,985," so as to make the paragraph read:

For the investigation of diseases of orchard and other fruits, including the diseases of the pecan, $92,985.

Mr. WILLIS. Mr. President, if the matter which I am about to bring to the notice of the Senate had been brought to my attention soon enough, I think without doubt the item in the bill would already be as I am proposing that it shall be if the amendment which I offer is adopted. It was not, however, brought to my attention until after the estimates were submitted, and therefore it was too late to incorporate the proper provision in the bill.

It developed upon careful inquiry, as I shall show in a moment by a letter from the Department of Agriculture, that the industry of growing black raspberries in northeastern Ohio and a number of other States, particularly in New York and Michigan, has been practically destroyed by the effects of the peculiar disease which is known as "blue stem."

The Department of Agriculture has been doing some very satisfactory work to eradicate that disease within the past year, and, as the Secretary of Agriculture states in a letter from which I shall read, will be very glad to continue that work. I shall read merely one paragraph from the letter, which was sent not to me but to Representative BURTON, who was formerly a most distinguished Member of this body. In that letter the Secretary of Agriculture states:

This question is of such importance to the future of the black raspberry industry of the Lake region, which is now greatly reduced in acreage and production by these diseases, that it is a matter of importance that this phase of the work be thoroughly tested as promptly and effectively as possible. The department will consider making provision for it in connection with the estimates for the fiscal year 1924, but unfortunately this would not permit the undertaking of active work in the fields until another year has elapsed, which the raspberry growers of your region strongly desire to be undertaken at once, and which would be highly desirable to undertake if our funds permitted.

The situation, Mr. President, is simply this: Because of the effects of this disease not only is the price of this fruit going clear out of sight, making it practically impossible for the ordinary householder to buy it in that section, but I learn from reports which were made to the canners' association that in that whole section of the country there are only two firms who are canning black raspberries. I believe the subject is of sufficient importance to warrant the continuation of the work. The Government has had a man in that field, and it is believed that with another year's work the situation will be pretty well in hand. I hope, therefore, the amendment may be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. WILLIS. I now ask unanimous consent to have printed in the RECORD the letter to Representative BURTON in explanation of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

FEBRUARY 25, 1922.

Hon. THEODORE E. BURTON,
House of Representatives.

MY DEAR MR. BURTON: I have your letter of this date in which you refer to the damage that is being done to raspberry plantations in your district and the efforts made to ascertain the cause of the diseases and to develop practical methods for controlling them.

In reply I would say that destructive diseases of the raspberry have in recent years caused very serious reduction of the acreage devoted to this fruit in such States as New York, Ohio, and Michigan. While the exact cause of certain of the most destructive of these diseases has not yet been determined, investigations that have been prosecuted in the Bureau of Plant Industry during the past two years afford strong reason for hope that the blue stem, the most destructive of these diseases in the Great Lakes region, may be brought under control. While the work has not yet been under way long enough to permit an unqualified statement that effective and practicable methods for controlling the disease are in sight, the experiments in northern Ohio are very promising and the results of the work done by our specialists there are the basis for this expectation. The work thus far conducted is, however, on much too small a scale and during too short a time for a prompt determination of the practicability of controlling the diseases under ordinary field conditions.

Our specialists who are making this investigation are strongly of the opinion that the most important step necessary in retarding the spread of the disease and rendering possible the resumption of profitable black-raspberry growing where the disease is troublesome will be accomplished through the prompt and thorough eradication of all diseased plants from the fields and areas where the young plants for new acreage are grown. Unlike most fruit trees and vines, these young plants are not grown in nurseries but are obtained in the form of rooted tips from the fields planted for fruit production. What appears to be necessary at this stage to promptly determine the practicability of this method is to thoroughly eradicate the disease from one or two typical raspberry-growing localities comprising areas of a few square miles each in order to provide a sufficient supply of disease-free plants to permit the development of new plantations with disease-free stock. Such work will, of course, need to be very carefully and thoroughly supervised by a specialist familiar with the obscure early symptoms of the disease, under whose direction the fruit growers can themselves eradicate the diseased plants.

This question is of such importance to the future of the black-raspberry industry of the Lake region, which is now greatly reduced in acreage and production by these diseases, that it is a matter of importance that this phase of the work be thoroughly tested as promptly and effectively as possible. The department will consider making provision for it in connection with the estimates for the fiscal year 1924; but, unfortunately, this would not permit the undertaking of active work in the fields until another year has elapsed, which the raspberry growers of your region strongly desire to be undertaken at once, and which would be highly desirable to undertake if our funds permitted.

The appropriation of $5,000 for this purpose, which you suggest, would be sufficient for the effective handling of this work under the authority in the appropriation for fruit investigations under general expenses in the Bureau of Plant Industry.

Very truly yours,

HENRY C. WALLACE, *Secretary.*

The PRESIDING OFFICER. The Chair will suggest that the total on page 29 of the bill be passed over, because the amount will depend upon the amendment which has already been passed over.

Mr. McNARY. I think that by unanimous consent the Secretary has already been authorized to correct totals to correspond with amendments which may be made.

The PRESIDING OFFICER. The Chair will suggest that the total be passed over until the Senate acts upon the amendment which has been passed over and the amount shall have been determined.

Mr. McNARY. Very well.

EXECUTIVE SESSION.

Mr. LODGE. With permission of the Senator in charge of the bill, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

PUBLICATION OF ESTIMATES OF UNGINNED COTTON.

Mr. HARRIS. Mr. President, I ask unanimous consent for the present consideration of Senate bill 2579, to provide for the publication of estimates of unginned cotton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to collect and publish, in the same manner, for the same period, and upon the same dates as the Director of the Census publishes statistics concerning the amount of cotton ginned, an estimate of the cotton remaining unginned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL COTTON STATISTICS.

Mr. HARRIS. I also ask unanimous consent for the present consideration of Senate Joint Resolution 187, authorizing the Director of the Census to collect and publish additional cotton statistics.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect in connection with the reports of cotton ginned to November 1, November 14, December 1, December 13, January 1, January 16, and March 1, provided for in the act of Congress, approved July 22, 1912, an estimate of the number of bales of cotton that will be ginned at each establishment from the current crop after the date to which the respective reports relate; that it shall be the duty of every owner, president, treasurer, secretary, director,

or other officer or agent of every cotton ginnery to furnish an estimate of the quantity of cotton remaining to be ginned when requested by the Director of the Census; that the provisions of the act approved July 22, 1912, in regard to furnishing information concerning the quantity of cotton ginned and the confidential character of the information thus furnished shall apply equally to the statistics concerning the estimate of the quantity of cotton remaining to be ginned required by this resolution. Statistics of the total quantity of cotton remaining to be ginned in each State, as estimated by the ginners, shall be published by the Director of the Census in connection with each of the seven ginning reports specified above.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to, and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 13, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 12 (legislative day of April 10), 1922.

COLLECTOR OF INTERNAL REVENUE.

D. Arthur Lines, of New Orleans, La., to be collector of internal revenue for the district of Louisiana, to fill an existing vacancy.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICERS.

Col. William Henry Hay, Cavalry, to be brigadier general from April 11, 1922, vice Brig. Gen. Henry Jervey, retired from active service April 10, 1922.

Col. Edmund Wittenmyer, Infantry, to be brigadier general, vice Brig. Gen. Edward Fenton McGlachlin, jr., to be appointed major general.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Capt. Ira Adam Crump, Coast Artillery Corps, with rank from December 29, 1919.

POSTMASTERS.

ALABAMA.

James D. Segars to be postmaster at Carbon Hill, Ala., in place of L. C. Kelley, deceased.

ALASKA.

Theodore Diederick to be postmaster at Tanana, Alaska. Office became presidential January 1, 1922.

COLORADO.

Roy H. Horner to be postmaster at Wiley, Colo., in place of M. M. Minehouse. Incumbent's commission expired January 24, 1922.

CONNECTICUT.

Edwin H. Powell to be postmaster at Burnside, Conn., in place of F. C. Cavanaugh. Incumbent's commission expired January 24, 1922.

FLORIDA.

Mary C. Thornton to be postmaster at Ormond Beach, Fla., in place of Macon Thornton, resigned.

GEORGIA.

Jacob S. Eberhardt to be postmaster at Carlton, Ga. Office became presidential January 1, 1921.

Robert T. Broome to be postmaster at Danielsville, Ga. Office became presidential July 1, 1920.

Marcus G. Keown to be postmaster at Mount Berry, Ga. Office became presidential October 1, 1920.

Mattie M. Pope to be postmaster at Omaha, Ga. Office became presidential April 1, 1921.

William V. Cobb to be postmaster at Smyrna, Ga. Office became presidential January 1, 1921.

Annie P. Harper to be postmaster at Stillmore, Ga., in place of A. P. Harper. Incumbent's commission expired February 18, 1922.

ILLINOIS.

Clara A. Hollow to be postmaster at Trenton, Ill., in place of Daniel Dillingwell. Incumbent's commission expired August 17, 1921.

James E. Jontry to be postmaster at Chenoa, Ill., in place of J. E. Jontry. Incumbent's commission expired February 4, 1922.

Frances Baker to be postmaster at Golconda, Ill., in place of J. M. Rumsey. Incumbent's commission expired February 4, 1922.

Arthur L. Patterson to be postmaster at Grayville, Ill., in place of C. L. Scott. Incumbent's commission expired February 25, 1920.

Rola Eubanks to be postmaster at Omaha, Ill., in place of Omaha Coulter, resigned.

Russell P. Garrison to be postmaster at Wayne City, Ill., in place of G. H. Sherman. Incumbent's commission expired March 16, 1921.

KANSAS.

Charles Friskel to be postmaster at Frontenac, Kans., in place of Hugh O'Hara. Incumbent's commission expired February 4, 1922.

KENTUCKY.

Robert R. Burnam, jr., to be postmaster at Richmond, Ky., in place of R. C. Stockton. Incumbent's commission expired February 4, 1922.

Joseph H. Fortney to be postmaster at East Bernstadt, Ky. Office became presidential October 1, 1920.

MAINE.

George H. Rounds to be postmaster at Naples, Me. Office became presidential January 1, 1921.

Ralph R. Mathews to be postmaster at Berwick, Me., in place of C. M. Guptill. Incumbent's commission expired July 10, 1920.

Everard J. Gove to be postmaster at Biddeford, Me., in place of E. J. Cove, to correct name.

Will C. Heldreth to be postmaster at York Beach, Me., in place of W. N. Gough. Incumbent's commission expired July 23, 1921.

MARYLAND.

Robert H. Lancaster to be postmaster at Frostburg, Md., in place of P. T. McGann, resigned.

MASSACHUSETTS.

James R. Tetler to be postmaster at Lawrence, Mass., in place of M. F. Cronin. Incumbent's commission expired January 24, 1922.

MICHIGAN.

Henry M. Cosier to be postmaster at Bear Lake, Mich., in place of O. K. Ray Maker. Incumbent's commission expired January 24, 1922.

Benjamin F. Scamehorn to be postmaster at Bloomingdale, Mich., in place of Paul Harrison. Incumbent's commission expired January 24, 1922.

Jesse M. Green to be postmaster at Roscommon, Mich., in place of M. W. Gibbons. Incumbent's commission expired January 24, 1922.

John M. Klipp to be postmaster at Watervliet, Mich., in place of A. A. Howard, resigned.

MINNESOTA.

John L. Beck to be postmaster at Mountain Iron, Minn. Office became presidential July 1, 1920.

E. Jay Merry to be postmaster at Fairmont, Minn., in place of F. W. Betz. Incumbent's commission expired August 7, 1921.

Anton E. Rishof to be postmaster at Gary, Minn., in place of Halvor Lee. Incumbent's commission expired March 16, 1921.

MISSISSIPPI.

John W. Crane to be postmaster at Blue Springs, Miss. Office became presidential January 1, 1921.

MISSOURI.

Florence Gilkeson to be postmaster at Garden City, Mo., in place of G. B. Anderson. Incumbent's commission expired July 21, 1920.

C. P. Dorsey to be postmaster at Cameron, Mo., in place of J. C. Downing. Incumbent's commission expired January 24, 1922.

NEBRASKA.

John T. Bierbower to be postmaster at Giltner, Nebr., in place of Edwin Cutts. Incumbent's commission expired February 4, 1922.

Allen A. Strong to be postmaster at Gordon, Nebr., in place of C. M. Rebbeck, resigned.

Harold Hjelmfelt to be postmaster at Holdrege, Nebr., in place of Harold Hjelmfelt. Incumbent's commission expired April 8, 1922.

NEW MEXICO.

Roy H. Smith to be postmaster at Tucumcari, N. Mex., in place of R. A. Dodson, removed.

NEW YORK.

John W. Bow to be postmaster at Romulus, N. Y. Office became presidential January 1, 1921.

Warren G. Hasbrouck to be postmaster at Highland, N. Y., in place of G. S. La Moree. Incumbent's commission expired July 3, 1920.

James McLusky to be postmaster at Syracuse, N. Y., in place of J. J. Kessel. Incumbent's commission expired January 24, 1922.

Hobart R. James to be postmaster at Cherry Creek, N. Y., in place of H. E. Safford. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Gabriel A. Connor to be postmaster at Bellhaven, N. C., in place of D. L. Windley. Incumbent's commission expired January 24, 1922.

James L. Sheek to be postmaster at Mocksville, N. C., in place of E. E. Hunt, sr. Incumbent's commission expired July 21, 1921.

OHIO.

John H. Siegle to be postmaster at Urbana, Ohio, in place of W. A. Lowry. Incumbent's commission expired January 31, 1922.

William F. Hains to be postmaster at Wilmington, Ohio, in place of K. B. Hummel. Incumbent's commission expired July 10, 1920.

OKLAHOMA.

Robert C. Mayfield to be postmaster at Glencoe, Okla., in place of W. T. Kniseley, removed.

James S. Biggs to be postmaster at Stuart, Okla., in place of J. B. Boyett. Incumbent's commission expired February 4, 1922.

OREGON.

Benjamin F. Turner to be postmaster at Maupin, Oreg. Office became presidential April 1, 1921.

PENNSYLVANIA.

Ed D. House to be postmaster at Pleasantville, Pa., in place of Thomas McGuire. Incumbent's commission expired February 4, 1922.

Robert S. Bowman to be postmaster at Berwick, Pa., in place of O. E. Letteer, resigned.

Ralph W. Marshall to be postmaster at Polk, Pa., in place of E. J. Hutchinson. Incumbent's commission expired February 4, 1922.

Herman Raithel to be postmaster at Smithton, Pa., in place of S. H. Smith. Incumbent's commission expired February 4, 1922.

James A. Stickel to be postmaster at Vandergrift, Pa., in place of John Adams, resigned.

SOUTH DAKOTA.

Peter J. Kleinjan to be postmaster at Gregory, S. Dak., in place of E. K. Biehn, deceased.

Benjamin W. Ryan to be postmaster at Kimball, S. Dak., in place of W. J. Quirk. Incumbent's commission expired January 31, 1922.

TENNESSEE.

Florence R. Ballard to be postmaster at Bemis, Tenn. Office became presidential July 1, 1920.

Columbus L. Parrish to be postmaster at Henderson, Tenn., in place of O. L. McCallum. Incumbent's commission expired March 1, 1922.

TEXAS.

James D. Heaton to be postmaster at Barry, Tex. Office became presidential July 1, 1921.

Maude P. Williams to be postmaster at Brookeland, Tex. Office became presidential April 1, 1921.

Raymond C. Ditmore to be postmaster at Waskom, Tex. Office became presidential January 1, 1920.

Scott F. Benson to be postmaster at Alvin, Tex., in place of R. H. King. Incumbent's commission expired July 21, 1921.

Maye B. Fitzgerald to be postmaster at Marfa, Tex., in place of Robert Greenwood. Incumbent's commission expired January 24, 1922.

Benjamin F. Huntsman to be postmaster at Winters, Tex., in place of W. F. Flynt. Incumbent's commission expired January 24, 1922.

Mamie Milam to be postmaster at Prairie View, Tex., in place of Mamie Milam. Incumbent's commission expired January 24, 1922.

Thomas F. Lindley to be postmaster at Seminole, Tex. Office became presidential April 1, 1921.

UTAH.

John A. Israilsen to be postmaster at Hyrum, Utah, in place of A. A. Savage. Incumbent's commission expired January 24, 1922.

VIRGINIA.

William C. Crews to be postmaster at Madison Heights, Va. Office became presidential July 1, 1920.

Paul E. Haden to be postmaster at Palmyra, Va. Office became presidential July 1, 1920.

WASHINGTON.

John L. Harris to be postmaster at Kelso, Wash., in place of J. P. Buford. Incumbent's commission expired January 24, 1922.

William R. Wells to be postmaster at Mount Vernon, Wash., in place of J. G. Boughter, removed.

WEST VIRGINIA.

Wendell Evans to be postmaster at Winona, W. Va. Office became presidential January 1, 1921.

Sewell J. Champe to be postmaster at Montgomery, W. Va., in place of C. T. Dyer, resigned.

Justus E. McCaskey to be postmaster at Paden City, W. Va., in place of G. B. Heuthorn. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Frank E. Shults to be postmaster at Baraboo, Wis., in place of A. C. Pearson, deceased.

John E. Wehrman to be postmaster at Prescott, Wis., in place of T. J. Griffin. Incumbent's commission expired January 24, 1922.

Wilbur S. Wurm to be postmaster at Shullsburg, Wis., in place of George Paquette. Incumbent's commission expired January 24, 1922.

William R. Homermiller to be postmaster at Tomah, Wis., in place of M. T. Syverson, removed.

WYOMING.

Charles A. Ackenhausen to be postmaster at Worland, Wyo., in place of J. T. Jones. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12 (legislative day of April 10), 1922.

POSTMASTERS.

OKLAHOMA.

Gavin D. Duncan, Boswell.
Albert E. Hawkins, Canute.
Orlo H. Wills, Delaware.
Ida White, Konawa.
Grace M. Johnson, Mulhall.
Ethel Senft, Quay.
Merrill M. Barbee, Spiro.
Eve A. Loyd, Stigler.
Albert Ross, Thomas.
Harvey G. Brandenburg, Yale.

OREGON.

William S. Bowers, Baker.

SOUTH DAKOTA.

Otto W. Muchow, Hartford.
Gertrude Snell, Tulare.

WITHDRAWALS.

Executive nominations withdrawn from the Senate April 12 (legislative day of April 10), 1922.

PROMOTION IN THE ARMY.

GENERAL OFFICER.

Col. William Henry Hay, Cavalry, to be brigadier general, vice Brig. Gen. Edward Fenton McGlachlin, jr., to be appointed major general.

POSTMASTER.

Anna L. Kettleson to be postmaster at Zimmerman, in the State of Minnesota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 12, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal Spirit, the blessings of the daydawn and of the nightfall never fail us. We are grateful for this divinely ordered progress of the world and may our vision of it never be clouded. Always may we feel the stress of effort in the exercise of our sacred trusts. When it is difficult to do right and easy to do wrong, do Thou be with us. Enable us to be magnanimous, generous, and just toward friend and foe. Give encouragement to the cultivation of those finer emotions that make for the joys and the comforts of life. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

NAVY DEPARTMENT APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 11228, the naval appropriation bill.

Mr. COCKRAN. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from New York suggests that there is no quorum present.

Mr. GARRETT of Tennessee. Mr. Speaker, has the Chair declared no quorum?

The SPEAKER. Not yet. The gentleman from Michigan [Mr. KELLEY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 96, noes 7.

Mr. COCKRAN. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. As many as favor the motion of the gentleman from Michigan will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 299, nays 0, answered "present" 1, not voting 130, as follows:

YEAS—299.

Ackerman	Dominick	Fenn	Jeffers, Ala.
Almon	Drewry	Fess	Johnson, Ky.
Anderson	Dunbar	Fisher	Johnson, S. Dak.
Andrew, Mass.	Dunn	Fitzgerald	Jones, Pa.
Andrews, Nebr.	Dyer	Fordney	Jones, Tex.
Appleby	Eagle	Foster	Kearns
Arents	Eagan	Free	Keller
Aswell	Elliott	Freeman	Kelley, Mich.
Atkeson	Elston	French	Kendall
Bankhead	Emerson	Fuller, Ill.	Ketcham
Barbour	Evans	Fulmer	Kiess
Beedy	Fairfield	Gallivan	King
Begg	Fairfax	Garner	Kinkaid
Bell	Fairchild	Garrett, Tenn.	Kissel
Benham	Fields	Garrett, Tex.	Kline, N. Y.
Butler	Fish	Gensman	Kline, Pa.
Black	Focht	Gernerd	Knutsen
Blakeney	Fordney	Gifford	Kopp
Bland, Ind.	Fosler	Goodykoontz	Kraus
Bland, Va.	Frear	Graham, Ill.	Langham
Blanton	Freeman	Graham, Pa.	Lankford
Bohn	Fuller, Ill.	Green, Iowa	Larsen, Ga.
Bowers	Gallivan	Greene, Vt.	Larson, Minn.
Bowling	Garner	Gresset	Lawrence
Box	Garrett, Tenn.	Hadley	Layton
Brand	Garrett, Tex.	Hamer	Lazaro
Brennan	Gensman	Hardy, Colo.	Lea, Calif.
Briggs	Gernerd	Harrison	Leatherwood
Britten	Gifford	Hawes	Lee, Ga.
Brooks, Ill.	Gillett	Hawley	Lee, N. Y.
Brown, Tenn.	Goodykoontz	Hayden	Lehlbach
Browne, Wis.	Graham, Ill.	Hetting	Linthicum
Burdick	Graham, Pa.	Hicks	Little
Burke	Green, Iowa	Hill	Logan
Burroughs	Greene, Mass.	Hoch	Longworth
Burton	Greene, Vt.	Hogan	Lowrey
Butler	Gresset	Huddleston	Luce
Byrnes, S. C.	Griffin	Hudspeth	Lufkin
Byrns, Tenn.	Hadley	Hukriede	Lyon
Cable	Hamer	Humphreys	MacArthur
Campbell, Kans.	Hardy, Colo.	Hutchinson	
Campbell, Pa.	Harrison	Jacoway	

McClintic	Norton	Robsion	Thomas
McCormick	Ogden	Rogers	Thompson
McDuffie	Oldfield	Rosenbloom	Tillman
McKenzie	Oliver	Rucker	Tilson
McLaughlin, Mich.	Olpp	Sanders, N. Y.	Timberlake
McPherson	Osborne	Sanders, Tex.	Tincher
McSwain	Overstreet	Sandlin	Tinkham
MacGregor	Paige	Scott, Mich.	Towner
Madden	Park, Ga.	Scott, Tenn.	Treadway
Magee	Parker, N. J.	Sears	Tucker
Mahaney	Parks, Ark.	Shreve	Tyson
Mann	Patterson, Mo.	Sinclair	Underhill
Mapes	Perkins	Sisson	Upshaw
Mead	Petersen	Slemp	Vaile
Merritt	Porter	Smith, Idaho	Vinson
Michener	Pou	Smith, Mich.	Voigt
Miller	Pringey	Smithwick	Volstead
Mills	Purnell	Snell	Walters
Millspaugh	Quin	Stafford	Ward, N. C.
Moodell	Radcliffe	Steagall	Watson
Montague	Raker	Stedman	Weaver
Montoya	Ramseyer	Stevenson	Wheeler
Moore, Ohio	Rankin	Stephens	White, Kans.
Moore, Va.	Ransley	Stoll	Williamson
Moores, Ind.	Reece	Strong, Kans.	Wingo
Morgan	Reed, N. Y.	Strong, Pa.	Winslow
Mudd	Reed, W. Va.	Summers, Wash.	Woodruff
Murphy	Rhodes	Swank	Woodyard
Nelson, A. P.	Richards	Sweet	Wright
Nelson, J. M.	Riddick	Swing	Wurzbach
Newton, Minn.	Riordan	Tague	Yates
Newton, Mo.	Roach	Taylor, N. J.	Young
Nolan	Robertson	Temple	

ANSWERED "PRESENT"—1.

Rodenberg

NOT VOTING—130.

Ansorge	Fish	Kleczka	Schall
Anthony	Focht	Knight	Shaw
Bacharach	Frear	Kreider	Shelton
Barkley	Fuller	Kunz	Siegel
Beck	Funk	Lampert	Sinnott
Bird	Gahn	Langley	Snyder
Bond	Gilbert	McFadden	Speaks
Brinson	Goldsborough	McLaughlin, Nebr.	Sproul
Brooks, Pa.	Gorman	McLaughlin, Pa.	Stevenson
Browne, Wis.	Gould	Mansfield	Strong
Buchanan	Graham, Pa.	Martin	Sullivan
Burtness	Green, Iowa	Michaelson	Sumners, Tex.
Cantrill	Greene, Mass.	Moore, Ill.	Taylor, Ark.
Carter	Griffin	Morin	Taylor, Colo.
Chandler, Okla.	Hardy, Tex.	Mott	Taylor, Tenn.
Chindblom	Hawes	Nelson, Me.	Ten Eyck
Clark, Fla.	Hays	O'Brien	Vare
Cole, Ohio	Hersey	O'Connor	Vestal
Copley	Hicks	Padgett	Volk
Crowther	Hooker	Parker, N. Y.	Walsh
Curry	Hunter	Patterson, N. J.	Ward, N. Y.
Dale	Ireland	Perlman	Watson
Darrow	James	Rainey, Ala.	Webster
Davis, Minn.	Jefferis, Nebr.	Rainey, Ill.	White, Me.
Davis, Tenn.	Johnson, Miss.	Rayburn	Williams
Dempsey	Johnson, Wash.	Reavis	Wilson
Dyer	Kahn	Reber	Winslow
Drewry	Kelly, Pa.	Rose	Wood, Ind.
Dupré	Kennedy	Rossdale	Woods, Va.
Edmonds	Kincheloe	Rouse	Wyant
Evans	Kindred	Ryan	Zihlman
Fairchild	Kirkpatrick	Sabath	
Fields	Kitchin	Sanders, Ind.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Langley with Mr. Clark of Florida.
Mr. Frear with Mr. Padgett.
Mr. Snyder with Mr. Barkley.
Mr. Kahn with Mr. Dupré.
Mr. Ireland with Mr. Ten Eyck.
Mr. Patterson of New Jersey with Mr. Johnson of Mississippi.
Mr. Walsh with Mr. Kitchin.
Mr. Sanders of Indiana with Mr. Wilson.
Mr. Gorman with Mr. Sumners of Texas.
Mr. Winslow with Mr. Drane.
Mr. Bacharach with Mr. Buchanan.
Mr. Wood of Indiana with Mr. Drewry.
Mr. Chandler of Oklahoma with Mr. Hawes.
Mr. Kennedy with Mr. Kindred.
Mr. Speaks with Mr. Martin.
Mr. Williams with Mr. O'Brien.
Mr. Michaelson with Mr. Woods of Virginia.
Mr. Greene of Massachusetts with Mr. Taylor of Colorado.
Mr. Chindblom with Mr. Sullivan.
Mr. Lampert with Mr. Davis of Tennessee.
Mr. Funk with Mr. Cantrill.
Mr. Shaw with Mr. Hardy of Texas.
Mr. Vare with Mr. Mansfield.
Mr. Hicks with Mr. Hooker.
Mr. Knight with Mr. Kunz.
Mr. Kirkpatrick with Mr. O'Connor.
Mr. Davis of Minnesota with Mr. Rainey of Illinois.
Mr. Kreider with Mr. Stevenson.

Mr. Fuller with Mr. Rayburn.
Mr. Reber with Mr. Goldsborough.
Mr. Perlman with Mr. Kinchelce.
Mr. Hersey with Mr. Fields.
Mr. Gahn with Mr. Gilbert.
Mr. Ansorge with Mr. Carter.
Mr. Edmonds with Mr. Brinson.
Mr. Siegel with Mr. Taylor of Arkansas.
Mr. Volk with Mr. Sabath.
Mr. Morin with Mr. Rainey of Alabama.
Mr. Graham of Pennsylvania with Mr. Griffin.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, with Mr. TOWNER in the chair.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, it is perfectly manifest to every Member who has heard or read the remarks of the Resident Commissioner of Porto Rico, Judge DAVILA, and the gentleman from Kansas [Mr. STRONG] that a very unhappy situation exists to-day in Porto Rico.

This I know is a matter of regret to all of us, because I am quite sure that every official here from the President down, charged in any way with responsibility for the good government of Porto Rico, is most anxious to do that and that only which will bring happiness and prosperity to the people of that island.

If mistakes have been made anywhere along the line, the facts should be known so that those mistakes can be expeditiously and, if possible, permanently corrected.

The people of Porto Rico came to us not of their own accord, not upon their initiative; they came as part of the spoils of war, without in any way being consulted about the matter and without their consent asked.

That they came willingly, as they did; that they welcomed our invading army joyously, as they did, only shows the unhappy situation in which they had lived and walked and had their daily being as a part of the Empire of Spain.

When they welcomed our soldiers they did so because they had always looked to this good country as the champion of liberty in the world, and they rejoiced at the prospect of coming under that flag which they confidently believed was the harbinger and guarantor of "government of the people, for the people, and by the people."

The task of governing overseas dependencies is one of the most difficult that statesmen anywhere have ever been confronted with. Froude, the English historian, says that all history has demonstrated that self-governing democracies are incapable of properly administering the government of colonial possessions. Whether this be true or not I am not well enough informed to affirm or deny, but I believe that I can truthfully say that no statesmen charged with this high responsibility in all the history of the world were ever more sincerely and earnestly desirous of providing the best possible government for its dependencies than have been the statesmen of the United States since we embarked upon our colonial policy in 1898.

The people of Porto Rico have only such government and such rights under their government as Congress, under the Constitution, has seen fit to grant them. They exercise that measure of self-government which we have by congressional action delegated to them, and if there is an unhappy situation in the island to-day, and certainly there must be, we can not escape responsibility for it, and we will not have discharged our full duty unless we make most diligent effort to ascertain the cause or causes for this condition, and then with the facts before us set ourselves most diligently to the task of correcting whatever can be corrected by Congress. [Applause.]

Under the Jones Act, passed a few years ago, we very greatly enlarged their measure of self-government. We gave them a bill of rights, which followed closely those guaranties of liberty which are contained in our own Constitution.

We gave them the right to elect the members of their legislature and senate, and while we still retain in the President of the United States, with the advice and consent of the United States Senate, the power to appoint the Governor of Porto Rico and two of his cabinet ministers, we gave to the Senate of Porto Rico the right to participate with the governor in the selection of four members of his cabinet, who were to be the heads of the other executive departments.

In addition to this we gave them citizenship, thus guaranteeing to them those rights which our fathers held to be necessary for the happiness of any governed people.

For several years after this act everything ran smoothly there and we had every assurance that the people were happy and contented, but something has occurred to mar this situation, and, charged as we are with so much responsibility in the matter, we ought to know, if the facts be ascertainable, what the causes of this present state of unrest and dissatisfaction are.

The Senate of Porto Rico in the most formal way possible has, by a resolution adopted by an overwhelming majority of its members, presented most grievous charges of misbehavior against the Governor of Porto Rico. They charge that "he lacks the most elementary qualifications of integrity, tact, impartiality, and mental training required by the office he holds"; that "he has violated the organic act" which is their charter of rights; that "he has appointed incompetent persons to public office"; that "he has attempted to corrupt the judiciary, removing judges and threatening to remove others without cause, and attempting to coerce the members of the courts of justice."

These same charges have been made upon the floor of this House, but in greater detail and more illuminating circumstance, by the Resident Commissioner, Judge DAVILA, upon his responsibility as their Representative here, and they have asked that these charges be investigated by Congress, to the end that they may have thus an opportunity to establish the truthfulness of their allegations most solemnly and formally made.

If what they say is true, and the Porto Rican Legislature had the power which is lodged in the legislature of every State of the Union, unquestionably the governor would be brought to the bar of the Senate to answer articles of impeachment; but they have no such power. Congress has not thought it wise to delegate this power to the Legislature of Porto Rico. We have never delegated it to any territorial legislature.

When the charges are made, however, in the form in which they have been presented to us, it becomes our duty to give them most serious and thoughtful consideration, and I do not believe we can justify ourselves if we fail to take cognizance of them.

What the procedure should be, of course, is for the House to determine, but certainly these charges should be given earnest consideration.

Our own experience has taught us on numerous occasions—and no one can speak on this subject more feelingly than I can—that governors here in the States have sometimes misbehaved themselves in such a manner as to warrant their removal from office, and we can not assume that the President can not make the same mistake which the people themselves sometimes make in selecting their own governors.

Nobody doubts that President Harding more than any other man in the United States would regret such an error; nobody doubts that he has the very best interests of Porto Rico at heart; nobody, no matter how bitter a partisan he may be, will believe that the President lacks in any degree that wholehearted, sympathetic solicitude for the happiness and prosperity of these dependent people which they have a right to expect. But even so, nobody, not even the President himself, thinks that he is infallible in such matters. No other President from Washington down has been able to fill the multitude of important offices under him without occasionally selecting a man who for one reason or another was not suited for the position to which he was assigned.

The friends of Governor Reily, both in Porto Rico and in the States, have bitterly denied the charges of misbehavior which have been brought against him.

Mr. KNUTSON. Will the gentleman yield for a question right there?

Mr. HUMPHREYS. I yield to the gentleman from Minnesota.

Mr. KNUTSON. How does the action of the Governor of Porto Rico compare with the action of Mr. Sullivan, who was sent down to Santo Domingo by the former administration?

Mr. HUMPHREYS. Mr. Sullivan was recalled, and I would like to see that same parallel followed, if there be a parallel between the two. [Applause.] Let me repeat: The friends of Governor Reily, both in Porto Rico and in the States, have bitterly denied the charges of misbehavior which have been brought against him; but the very meaningful fact remains that the charges have been officially preferred and that those who have preferred them, and they only, have asked that some tribunal or committee be set up before which they could submit the facts. If the governor is not guilty, surely there is no reason to suspect that such an investigation could be to his preju-

dice. If he is guilty, this House and the country ought to know it.

Governor Reily is a Republican; he was appointed by a Republican President, and the Senate of Porto Rico and the Representative from Porto Rico have asked that a Republican House of Representatives investigate their charges and give them an opportunity to establish them by proof.

Can the governor, or his friends, or his party associates here afford to refuse this opportunity?

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question there?

Mr. HUMPHREYS. I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. I am in very hearty sympathy with the statement made by the gentleman from Mississippi with reference to the predicament into which matters have fallen in the island of Porto Rico; but I want to ask the gentleman, if an investigation were ordered by the House of Representatives and it were found that all the charges made in the Senate of Porto Rico against the governor were true, then where would we be? Just where we are now, would we not?

Mr. HUMPHREYS. I think not.

Mr. CAMPBELL of Kansas. Are we not dealing with a matter that belongs wholly to the Executive?

Mr. HUMPHREYS. I think not.

Mr. CAMPBELL of Kansas. I would be glad to hear from the gentleman what remedy he would suggest in the premises that should follow in case it should be found that the charges were true?

Mr. HUMPHREYS. One of two results might follow unquestionably if the governor was shown to be guilty of the charges which have been most formally presented against him by the Porto Ricans. Either the President would recall him or this House should impeach him. That is my opinion. We have investigated public officials in times gone by, however, where Congress had no power to impeach. I believe that few men ever appointed to office or who have held office in this country have heretofore sat silently by when charges of so serious a nature were preferred against them on this floor without requesting an investigation.

If charges of a serious nature were brought in this House against the gentleman from Kansas, I know that he would immediately demand an investigation to the end that the facts might be known. The House of Representatives has gone very far in the exercise of its power of investigation, has investigated the question as to whether or not the Senate of the United States was corruptly influenced in a vote that it cast, has investigated Cabinet officers, has investigated the Vice President of the United States, upon their request.

Mr. CAMPBELL of Kansas. Yes; upon their request. If the Governor of Porto Rico should request an investigation of charges made against him on the floor of this House by the Resident Commissioner he would be entirely within his rights, and would be asking the House of Representatives to investigate a matter over which they had jurisdiction.

Mr. HUMPHREYS. The gentleman from Kansas proceeds on the theory that the power of the House to proceed in this matter depends on the Governor of Porto Rico; that if he makes a request it gives us the power to investigate, but if he is charged and sits silently by without making a request Congress can do nothing. I do not agree to that.

Mr. CAMPBELL of Kansas. Mr. Chairman, the difference is this: We would have recourse to a remedy if the charges were wrongfully made against the governor by the commissioner, but the House, on the other hand, if a committee should find and Congress should adopt the report of the committee that the governor was guilty of everything charged by the Senate of Porto Rico, we would be just where we were when we began.

Mr. HUMPHREYS. It is unthinkable, Mr. Chairman, that the President could appoint a Governor of Porto Rico who could go down there and run amuck, disregarding and setting at naught the act of Congress which is their charter of rights, defy the law and all decency, and still Congress be powerless to impeach him. I do not subscribe to any such monstrous doctrine. I do not know whether the charges are true or not.

Mr. CAMPBELL of Kansas. I did not say that Congress was powerless to impeach him; I say it would be wholly impracticable to do so. It would take too long.

Mr. HUMPHREYS. Impracticable from what standpoint? Here are these helpless people, with no rights except what we give them. They have no vote, they can not elect anybody to this Congress. In the exercise of the powers we have given them they have chosen a senate, they have elected a Representative on this floor, and that Representative and that senate in a formal way charged that the governor has attempted to debauch the judiciary of that island; that he has attempted and has executed his threat to discharge judges without authority of law, in one instance because the judge refused to give him the reasons upon which he predicated a decision. They have made a number of most serious, damning charges against the governor, and because the governor does not request that a committee be appointed to investigate those charges we are to sit idly by and fail utterly in our duty to these helpless people. I do not believe that represents the sentiment of the people of this country. [Applause.]

One of the charges against the governor is that he attempted to intimidate senators of Porto Rico and force them to confirm his nominations, and declared that he would have the Government at Washington annul the organic act, which provides that judges shall be appointed with the advice and consent of the senate, unless his nominations were confirmed, and now we are advised that when the senate refused to confirm his nominations and adjourned that he himself, without waiting to have the Government at Washington annul the organic act, has done that very thing himself and reappointed the same men to the very offices to which the senate refused to give its consent to their appointment.

These are serious charges and can not be brushed away.

The power to appoint men to office is a kingly power. This provision, "by advice and consent of the Senate," which is in our Constitution, is something new under the sun. It never appeared before our fathers put it in the Constitution.

When Congress was deliberating on the Jones bill it was proposed that certain offices of high responsibility should be filled by the governor "with the advice and consent of the senate."

This was not idly done, it was deliberately done. The question was discussed as to whether the right of the Porto Rican senate to veto nominations by the governor should be included with the other rights which were contained in the so-called Jones Act, and it was decided deliberately that that right should be included.

It is interesting to consider this question somewhat from a historical viewpoint, this "with the advice and consent of the senate."

Until it was so provided in the formative period of our own Government this procedure was practically unknown in any of the governments of the world. Our fathers, when they met in the Constitutional Convention, had serious misgivings touching the appointive power. They had observed in the history of the monarchical governments of Europe how the king had maintained his autocratic power by distributing offices among his favorites. They recalled how this absolute power had been abused by the English King and how helpless they had been when they objected to the reappointment of some colonial governors who had so cruelly and arrogantly nullified their charters and disregarded the rights these charters were devised to secure.

They were afraid to trust the President of the United States, for fear of the evils which might flow from the abuse of this absolute power. Few questions were discussed as long in the Constitutional Convention at Philadelphia. Many radically differing theories were entertained and urged. Some wanted to place the appointive power with Congress, but as Congress would frequently be in recess, others urged that that power be lodged with the Executive.

All agreed that it was neither a legislative, a judicial, nor an Executive function, and therefore inhered in neither branch of the Government.

The power to appoint officers rests, therefore, solely where the law expressly places it, and the President has no power except what the Constitution and the law of the land give him.

Like many other provisions in the Constitution, the provision relating to appointments was a compromise; was one of the many "checks and balances"; and so it was finally agreed to as set forth in section 2 of Article II:

He shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Still this did not meet all the possible exigencies, because the Senate would not always be in session, and so another paragraph was added, as follows:

The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

This is the source of the President's power, and it is the sum total of it.

The President may make recess appointments; that is, where the vacancy happens in a recess of the Senate.

The language of the Constitution is, "That he may fill up all vacancies that may happen during the recess of the Senate." Not vacancies that may exist, but vacancies that may "happen." Such commissions must expire by their terms "when the next session of the Senate ends," unless in the meantime another appointment has been made "by and with the advice and consent of the Senate."

Fearing that the President might not keep strictly within the letter of this limitation, and that it might be construed that where the President and Senate could not get together on an officer to fill the office, and the Senate should adjourn, that the President would then make another temporary or recess appointment, section 1769 of the Revised Statutes was written into the law as the interpretation of Congress of the appointive power above referred to:

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

They went further, and in section 1771 provided that:

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than $10,000, or both.

This was to make sure that nobody would accept appointment to an office where there had been a session of the Senate after the vacancy happened. But Congress did not stop there.

In section 1772 a severe penalty was provided for anyone who would undertake to issue a commission in such cases.

That section reads as follows:

SEC. 1772. Every removal, appointment, or employment made, had, or exercised, contrary to sections 1767 to 1770, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than $10,000, or both.

These provisions are no longer carried in the law, but they serve as most illuminating evidences of the construction which those who preceded us here placed upon the limitations by which the Constitution hedges about this kingly power.

Section 13 of the organic act provides:

That the heads of departments, appointed by the governor, shall hold office for the term of four years, and until their successors are appointed and qualified, unless sooner removed by the governor.

And it might be argued, if this were all of the law, that, having been appointed in a recess and the Senate having failed or refused to confirm the appointments, that these same officers would nevertheless hold over until their successors were appointed and qualified, but this is not the only provision in the organic act.

Section 26, among other things, provides:

That appointments made while the Senate is not in session shall be effective either until disapproved or until the next adjournment of the Senate for the session.

The recent session of the senate in Porto Rico was convened for 10 days for the sole purpose of considering nominations submitted to them by the governor, and during that session the governor's nominations to cabinet positions were rejected. By the very terms of the organic act, therefore, their original appointments terminated while the senate was in session, and we now have the unfortunate situation in the island of the department of finance, the department of interior, the department of agriculture and labor, and the department of health being administered by persons who have no lawful authority whatever to exercise the functions of those offices.

Have we no duty to perform in such an emergency?

Are we to sit here idly and manifest no concern whatever in the government of Porto Rico when, if these allegations be true, the governor appointed to administer the affairs of that island is deliberately denying to the people of Porto Rico the character of government which we deliberately gave them? When the governor, without any authority of law, sets aside the plain and well-considered provisions of the organic act and proceeds to rule the island in accordance with his own will? Is it our will or our wish to have the government of Porto Rico converted into a satrapy?

We are told that the opposition to the governor's appointments is inspired by no better purpose than the desire of the majority party to possess all the patronage of the island. With all due respect to those who thus insist, I say it is nobody's business why the Senate of Porto Rico withholds its consent. We said to them in their organic act that they could participate with the governor in the appointment of certain officers, the governor to nominate, the senate to confirm. The governor has no more right to question the senate than the senate has to question the governor.

Andrew Jackson was criticized more harshly than any other President for what was called the abuse of the appointing power.

It was Mr. Marcy, a member of his Cabinet, who said, "To the victor belong the spoils." The Senate rejected the nominations of two directors of the United States Bank whom they had confirmed a year before. Jackson returned their names, explaining that he did so in order to discuss with them the objections which had been made and to explain that the things which these directors had done and which had given rise to the criticism of their conduct of the bank had been done upon his orders and that the blame, if any was due, should be put upon him. In his message returning these names he said:

I disclaim all pretention of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents.

After giving the reasons for their nomination as above explained, he concluded thus:

I repeat that I do not claim a right to inquire into or officially to censure the acts of the Senate. * * *

If Andrew Jackson could not question the Senate or censure their acts, it hardly becomes E. Mont. Reily, the Governor of Porto Rico, to do so.

We may neglect the affairs of our own people because they can and will hold us to a strict accountability of our stewardship at the next election, but the people of Porto Rico are helpless. They have no voice in our elections. They are dependent absolutely upon the good faith of the constituted authorities of this Government to see to it that their liberties and their rights are not ruthlessly taken from them.

A man may handle his own estate in as careless and reckless a fashion as he chooses, but he can not in law or good conscience be careless with the estate of his ward, and this is exactly the relationship which we bear to the people of Porto Rico.

I noticed in the paper to-day that the Internal Revenue Collector had returned a check to a taxpayer in Honolulu who had given a check on a bank there because it was drawn on a foreign country. He explained his error by saying that for the moment he had forgotten that Hawaii was a part of the United States.

If we fail to take any notice of the resolution of the Porto Rican Senate the people of that island will be justified in concluding that this Congress has forgotten that Porto Rico is a part of the United States.

These charges, which reflect most seriously upon the Governor of Porto Rico, not mere charges of neglect of duty, of sins of omission, but charges of serious, positive, and damning malefactions, have been formally preferred by the Senate of Porto Rico as well as by the Resident Commissioner, and now that the gentleman from Kansas, the chairman of the Committee on Rules, has promised an investigation if the governor requests it, Governor Reily must either make that request or rest under the suspicion of guilt. He must make his choice.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. HUMPHREYS. It is no answer to these charges to bring countercharges against the Resident Commissioner. We can not absolve ourselves from the responsibility which is ours by questioning the legality of an act of the Porto Rican Legislature, which undertook to provide $5,000 a year for the expenses of the Resident Commissioner in Washington.

Whether this was proper, or wise, or lawful on the part of the legislature, or whether the auditor of Porto Rico was within his rights when he refused to pass the appropriation some three or four years ago, and whether Governor Reily, upon his arrival in Porto Rico, indorsed and approved the action of the auditor are matters entirely beside the question.

The Senate of Porto Rico charges the governor with numerous and serious acts of misbehavior, and it is no sort of answer to these charges to say that the Resident Commissioner wanted this extra appropriation paid to him.

With all due respect to everybody, this is merely a smoke screen, and, while it may becloud the issue, it does not meet it.

Has Governor Reily attempted to coerce or to corrupt or to unlawfully influence the courts of justice in the island? Has he violated the organic act in the manner set forth by the Senate of Porto Rico and by the Resident Commissioner?

These are the charges which have been made officially to this House.

Again, we are told that the people of Porto Rico are disloyal and that they are enraged at Governor Reily because he has set up a standard of 100 per cent Americanism in the island. I have received letters to that effect from Americans on the island, stating that they are disloyal. The charge has been made here that they set up the flag of Porto Rico. Mr. Chairman, when the Governor of Massachusetts went over there last year to unveil the monument which Massachusetts had erected to her soldiers who gave their lives in Porto Rico in 1898 the only flag which he carried on his automobile was the flag of Massachusetts. Nobody thought there was anything wrong about that. We do not take our State flags here very seriously, but I dare say if the governor from one of the other States should go about our State denouncing the State flag as "a dirty rag," we would take that seriously. [Applause.]

Mr. Chairman, we make mistakes, and God knows we make enough of them, not only in selecting governors of our States but in the selection of other officers, but when one of our governors misbehaves himself, as some of them do, the people of the State have the consolation or the humiliation, according to the angle from which they view it, of knowing that he is their baby, that they elected him, and they have the machinery under the constitution and the law to get rid of him if they so desire. The people of Porto Rico did not select their governor. They have not the power to get rid of him, although the grand jury over there seems to be making some progress along that line, according to newspaper reports. [Laughter.] I noticed in the New York Times the other day that the grand jury in Porto Rico had made its presentment to the district attorney, with the request that he proceed against the governor for the misuse of public funds; and I see in the same paper this morning that the governor has removed the district attorney.

But as to the loyalty of Porto Rico. We have it on very good authority that it is a difficult matter to frame an indictment against a whole people, although some gentlemen seem to have recently overcome that difficulty, so far as Porto Rico is concerned. When we engaged in the war with Germany the following telegram was received by President Wilson from Antonio R. Barceló, the President of the Porto Rican Senate:

SAN JUAN, P. R., *May 3, 1917.*

Hon. WOODROW WILSON,
Washington, D. C.

The Unionist party of Porto Rico, gathered in an assembly at San Juan, pledges its unconditional support to the American Nation and to its illustrious President in the present conflict, and expects that Porto Rico be assigned its share of sufferings and sacrifices until victory is obtained.

ANTONIO R. BARCELÓ,
President of the Senate.

Mr. Chairman, the bleaching bones of the boys of Porto Rico who gave their lives on the battle fields of France in the war for world liberty testify to the sincerity of that offer. [Applause.] Disloyal men do not rush to the colors when the tocsin of war is sounded, when they are to be put to the test of fire. Oh, I have seen a lot of professional patriots wrap the flag about them on all occasions and preach about Old Glory, who never heard a bugle note that was not sounded on the dinner horn, who never heard their country's voice unless it called them into a fat office. [Laughter and applause.] These Porto Ricans answered the call, and when the first draft was made Porto Rico furnished by volunteers more than her quota. When the next draft was made she furnished again more than her quota. They did not have to be drafted. [Applause.] Upon every drive for Liberty bonds Porto Rico went over the top. Upon every drive for the Red Cross, for the Y. M. C. A., for all of the other war services Porto Rico went over the top, and yet because she asks the privilege of having a judiciary uncorrupted and untrammeled by executive interference, because she asks that the senate be respected in the rights which we gave them, to advise and consent to the governor's appointments, this smoke screen is set up, and we are told that they are disloyal. I do not believe that their conduct in the late years justifies the statement. I believe they are loyal, and that fact is not altered though it be also true that when they volunteered and when they went upon the battle field and when they died they had in their hearts the hope that maybe some day, somehow, in the fullness of God's providence, independence might come to their island. [Applause.] I say we ought to investigate these charges and ascertain what the facts are, and if the governor is not guilty say to him, "Well done, thou good and faithful servant," but if he is guilty, then let him take the consequences. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, until last night the main issue raised by the pending appropriation bill was one affecting the size of our Naval Establishment. Yesterday, however, the gentleman from Massachusetts [Mr. ROGERS] contributed to our proceedings a communication from the Secretary of State, which he had incorporated in the RECORD and which presents, to my mind, a question far exceeding in importance the size of the Navy we are to maintain under the limitations of the recent treaty. That question is the right and duty of Congress to discharge—unhampered by pressure or influence from any quarter—the powers conferred on it by the Constitution.

I have had occasion repeatedly, as gentlemen will remember, to deplore, in the course of debate, the decay of what might be called the congressional spirit; that spirit of self-respect and regard for their powers and duties among our Members on which the dignity and the efficiency of this House must always depend. But by nothing in our former proceedings was I prepared for this last experience, where we have spread before us here as a reason that should determine our action with respect to a matter peculiarly, completely, and exclusively within our own jurisdiction—the ratiocinations of an officer who is not created by the Constitution, or even mentioned in it. I do not know by what authority Mr. Hughes usurps the function of this House or by what authority we could transfer it to him. I do not suppose anyone will doubt that the power and the duty to fix the size of our Naval Establishment belongs to Congress. I do not know by what authority in the Constitution or by what theory of intelligent procedure this House can be asked to surrender the powers conferred upon it by the Constitution to any officer of this Government, no matter who he may be, whether the head of the State Department or the head of the Navy Department or the head of any other department. [Applause.]

If we had here a different system of government the military authorities would have but to declare their requirements and, whatever might be the machinery by which public funds were raised, it would at once be set in motion to comply with their demands. But we have a democratic representative Government. This body is a feature of it created especially for the purpose of determining the size of our Military Establishment and providing means for its support. And this duty we must discharge if our constitutional system is to continue in operation. It is, indeed, conceivable that some other officers or bodies might be found which could exercise these powers more effectively or discharge them more wisely, but the Constitution intrusts them to us, and to us alone. Yet for some reason I never could understand we are invited—nay, vehemently urged—to throw upon others these duties which the Constitution imposes upon ourselves. And it is very likely, I fear, that we will once more by our own vote declare ourselves incompetent to discharge the function for which we are created—at least less competent than other persons to whom it has never been intrusted. Is it any wonder that the House, which is so distrustful of itself, has become an object of distrust to the people and of contemptuous disregard to other branches of the Government?

As a striking illustration of the condition to which the legislative department has been reduced, I would call attention at this point to the extraordinary contempt of Congress which was manifested in the proceedings and embodied in the conclusions of the recent conference.

A year ago, with full concurrence of the Navy Department—the authority of which so many gentlemen now seem to think we should accept on this question as absolutely conclusive—Congress decided—and the decision was embodied in a law—on establishing a Navy which was to be the strongest on all the seas. If that law had been loyally enforced, this country would now be approaching first place among the naval powers of the world.

It provided for capital ships—swift battle cruisers—which had they been completed would be the finest and fullest development of naval architecture in all history. That they would constitute a fleet which must have outstripped all competitors for supremacy at sea was universally conceded. After hundreds of millions of dollars had been spent upon constructing these ships, ordered by Congress in the discharge of its constitutional duty, a gentleman whose office is not even created by the Constitution appeared before representatives of foreign governments, and without a word of authority from us, in flagrant contempt of our powers, forgetting apparently our very existence, agreed—not tentatively, subject to the approval of Congress—but absolutely—to reverse the policy of naval construction established by law. And he actually did it. The law

commanded the completion of these battle cruisers. The Secretary of State and two or three other gentlemen representing foreign nations agreed they should not be completed. And they were not. Nay, more, this self-constituted authority agreed to destroy them, and to-day they are either in process of destruction or they are assigned to destruction.

Now, Mr. Chairman, without stopping to consider the merits of that policy, I think it is well for the House to realize the exact place which in the light of these events it occupies to-day in our constitutional system. When an officer—I do not care even though he be the President—when any officer outside of Congress can undertake—not in a discussion amongst different departments of our own Government, but in negotiation with the representatives of foreign governments—to reverse the action taken solemnly by the lawmaking power and actually does set aside a statute without resistance or censure or even a word of protest by this body, then the Congress has ceased to be an essential, an important, or even a respectable feature of our political system. The Senate, through its power to ratify or reject a treaty, still retains a large measure of authority. But this House is no longer a body that receives or deserves serious consideration. And this condition is without hope, because it is brought on the House by its own conduct.

I myself—a recent arrival here—after vainly trying to induce other gentlemen of longer service and greater weight to do it—offered a resolution asserting, while the conference was still in session, that the size of our Military Establishment by land and sea is matter for Congress alone to determine and not to be affected by agreement through the treaty-making power with any foreign governments, but the Speaker held that the question it raised was not privileged.

The House submitted to that ruling, and the resolution has gone to the Committee on the Judiciary to sleep the sleep that knows no waking. Now, Mr. Chairman——

Mr. MONDELL. Will the gentleman yield at that point?

Mr. COCKRAN. With great pleasure.

Mr. MONDELL. Does the gentleman understand that there is anyone here questioning the authority of the House in the matter of having a voice in determining the size of our Naval Establishment?

Mr. COCKRAN. The gentleman, very much to his regret, is compelled to confess that not only does somebody question the authority of the House in this respect, but everybody seems to question it. If the right of the House to have a voice in fixing the size of our Navy is unquestioned (as seems to be assumed and indeed asserted in the gentleman's question), then an officer who not merely agreed with foreign governments to stop construction of vessels ordered by Congress to be built, but actually put an end to it without a word of authority from us, has committed an offense against the Constitution which ought to be more than a subject for remonstrance and condemnation here. It should be made the subject of an impeachment to be tried before the body at the other end of the Capitol.

Mr. MONDELL. I was not referring to the communication of the Secretary of State. I referred rather to the gentleman's suggestion that there might be some one here who doubted the authority or duty of the House to have a voice in determining the size of our defense establishments. I think there can be no one here who questions that.

Mr. COCKRAN. I am very sorry indeed that when the proposal of the Secretary of State to destroy ships authorized and directed by Congress to be built was pending before the conference and when the attention of the whole world was fastened on it the gentleman from Wyoming did not find a voice as leader of this House to make that assertion then, but left it to be made in a resolution which has been smothered in the Judiciary Committee.

Mr. MONDELL. It is not the province of Congress, or the House, at least, to question the procedure of the treaty-making power in making treaties. It is the duty of the House when the time comes for it to act to assert its view and judgment and opinion. And there is now a bill reported from a committee of this House, to be considered immediately following this appropriation bill in the House, in which the House will express its approval of the treaty and what is proposed under it.

Mr. COCKRAN. The tardy action of the House, which the gentleman promises, is some compensation for its neglect of an obvious and pressing duty when the treaty was imminent. And at this I rejoice. But the gentleman's statement raises very clearly a question which, it seems to me, should be met and decided at once. He says that Congress has no right to question the procedure of the treaty-making power, and I agree with him so far as matters within the scope of treaties are concerned. But the treaty-making power has nothing whatever to do with the extent of our defenses. The rights and privileges of Congress are invaded when the treaty-making power undertakes by agreement with other nations to determine how large or how small our Navy is to be. After the Military Establishment has been fixed, then the treaty-making power may, within certain limits, enter into agreements with foreign nations concerning the use or disposition of our armed forces. As, for instance, a treaty with Canada—or rather a treaty with Great Britain—may provide that no army shall be kept on our northern frontier or that no ships of war shall be kept in certain waters. All that is within the domain of treaties. It touches and concerns our relations with other countries. But our armament itself—its extent and character—is purely matter of domestic concern. No power on earth but the American Nation represented here in Congress has any right to interfere with it or affect it in any way. When, therefore, an officer of this Government undertook to deal with foreign powers as though he had a right to fix the size of our armament on land or sea, I regret deeply that somebody occupying a position of authority in this House did not rise and assert the constitutional truth that no treaty could affect the right of Congress to determine the extent of our defensive establishment.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman a question or two. As I understand the constitutional provision applicable to the question raised by the gentleman from New York, it is in substance that the Constitution and all laws enacted and treaties made in accordance with the Constitution shall be the supreme law of the land. Now, the law which the gentleman from New York has mentioned as having been enacted two or three years ago and fixing the size of our Navy was a statute. A subsequent treaty duly made would have just as much authority as that statute and would repeal it pro tanto.

Mr. COCKRAN. That I deny absolutely.

Mr. COOPER of Wisconsin. Will the gentleman permit me to say that the Supreme Court of the United States has more than once expressly held that a law and a treaty are on a parity, and that the one which is last ratified or enacted is the supreme law of the land? That is the law unquestionably, as repeatedly held by the Supreme Court of the United States.

Mr. COCKRAN. Mr. Chairman, I do not differ from the gentleman as to what the Supreme Court has held more than once with respect to the effect of a treaty. But those decisions all had reference to matters clearly inside the treaty-making power; that is to say, the power which fixes our relations with foreign countries. The treaty-making power, I repeat, does not extend to matters that are of purely domestic concern. It certainly does not extend to duties and powers which have been conferred upon us, and upon us alone, by the Constitution. When the treaty-making power interferes with the right of Congress to fix absolutely every detail of our defensive armament the dignity of this House is affronted and the Constitution is trodden under foot.

Mr. Chairman, I had little hope on rising that anything I might say would awaken the House to realization of the depths to which it has fallen or rouse it to an effort at recovering its lost importance. But none the less I deemed it a duty to point out how completely—in this matter of supreme moment to the country and the world, involving nullification of a law solemnly enacted by our authority—we have been thrust from any part in the direction of public affairs.

And yet my action in bringing before this body the situation into which we have been thrown—not so much by other branches of the Government as by our own submission to oft-repeated invasions of our authority—has not been wholly without result. Already it has evoked from the gentleman from Wyoming—who, I hope, will allow me to call him my friend—the assurance that soon a measure will be introduced to assert the right of the House to a voice in determining the size of the Military Establishment of the Government.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. COCKRAN. With pleasure.

Mr. MONDELL. The fact that Congress last year directed the President to call a conference with a view to limiting the expenses of naval appropriations, subject to the approval——

Mr. COCKRAN. I was just coming to that. I understand the point the gentleman would make.

The only excuse or justification which we can find anywhere for the action of this conference with respect to our Naval Establishment is the request or suggestion addressed by Congress to the President last year that he invite certain nations to confer on the possibility of bringing about a reduction of naval armaments. The way in which that suggestion was conveyed illustrates strikingly the degree to which our rules are responsible for the condition into which the House has fallen.

The object of the House, the object of the country, the passionate desire of the whole world was for disarmament; not for dissolution or reduction of naval establishments alone, but for complete disarmament by land and sea.

This House was asked to give formal expression to that world-wide desire in an amendment which the gentleman from Virginia [Mr. MOORE] offered to the naval bill of last session. Never since the dawn of civilization had occasion so favorable arisen for removing—aye, forcing—weapons of war from the hands of men everywhere. And that must have resulted in putting into their hands implements of industry. The providence of God had so ordered events that one nation had the power to establish peace throughout the world on foundations that could never be disturbed, and that nation was the United States of America.

For the first time in the history of the world the nation that could concededly establish the strongest military forces on land and sea did not desire a great armament but abhorred all armaments. The power which it admittedly possessed to establish the greatest armament it might have used to drive armaments from the face of the earth. And that decisive triumph of civilization could have been achieved by direct communication between the people of this country and the peoples of all other countries in the world without conferences, negotiations, agreements, or treaties conducted by diplomats whose function it has always been to deceive the public mind and pervert the public conscience—substituting for their malign activities plain declarations of purposes and desires by the representative body of each country.

With this in mind, I suggested that there be embodied in the bill which we passed last year establishing the largest navy in the world the substance of a joint resolution previously introduced by me in the House directing the President of the United States to disband all our military forces by land and sea as other nations disbanded theirs—not as politicians of different countries by various formulas and phrases calculated to deceive honest minds seemed to promise disarmament—but as all military forces were actually disbanded. By establishing the greatest military forces on land and sea, while at the same time proclaiming our readiness to disband them when all other nations had disarmed, we would be in effect declaring that we were determined to be first in armament if they made us and first in disarmament if they would let us. And to that proclamation there could have been but one answer. Disarmament, universal and complete, would have been the immediate result.

No matter how reluctant to disband all military forces politicians and statesmen might have been, the imperious demand of every people for relief from the burdens of taxation which is crushing the very life of industry, would have constrained them to accept our proposal. But the amendment of the gentleman from Virginia [Mr. MOORE] was declared out of order. Under the rules of this House it was held impossible to prescribe conditions under which the military force we were by that very act establishing should be disbanded. I did not offer any amendment to the naval bill myself, but suggested in a speech the importance of expressing the eager desire for disarmament which animated our entire membership, and our belief that it could be effected by declaring our intention, if other nations maintained great armaments, to outarm the strongest of them, but if all other nations disarmed to disarm with them. That suggestion was completely ignored. I am glad now that by refraining from any attempt to amend the measure, I have saved my innocency from familiarity or contact with that quaguire of the intellect, the rules of the House. [Laughter.]

The bill passed without any provision favoring disarmament—every proposal in that direction having been ruled out of order. At the other end of the Capitol the Senator from Idaho, Mr. BORAH, offered an amendment—the Senate always having jealously reserved to itself the right to put conditions on appropriations of money, which is the very essence of legislative power—requesting the President to call a conference of the powers maintaining large navies. It was adopted, and that amendment came back to this House. It was the only proposal looking to reduction of armaments on which, under our preposterous rules, we had any opportunity to vote.

I stated then that I did not approve of restricting the movement for disarmament to abolition or reduction of navies. The very largest reduction of naval forces would effect a saving of money so slight as to be almost negligible. The reduction of public expenditures by which the world can be saved from industrial collapse must be effected by lessening the billions wasted in maintaining enormous land forces. But that view could not be expressed in any resolution or action originating in this body under the rules. And so the Borah amendment—a totally inadequate provision—was adopted by a gagged and helpless House. I voted for it, as did many others, because a vote against it would have been a vote against any attempt whatever to mitigate the burden—the crushing burden of warlike preparations.

The President of the United States under that request by Congress and in the exercise of his own inherent powers was justified in asking these different nations to confer on what they would consent to do in the direction of reducing armaments. About this there can be no doubt. But I deny that he had the power to enter into a formal treaty for the destruction of vessels built in obedience to a law of the United States until authority to destroy them had been given him by Congress, or to take any action whatever in concert with foreign governments that would affect in any degree the size or efficiency of our Military Establishment on land or sea.

But, Mr. Chairman, I am one of those who believe that everything political should be judged by its fruits, whether it be an administrative policy or an institution of government or the action of an individual officer. If this interference by the Secretary of State and other persons outside the House with the discharge of its functions should result in better laws, better administration, a better Army or a better Navy, I would say, "Let the innovation continue and become a recognized feature of our political system."

Men are not made for constitutions. Constitutions are made for men. If a constitution be found to embarrass justice or defeat it, to retard progress rather than facilitate it, then that constitutional system should be amended or abolished. The system of government that will afford everybody subject to its authority the most complete assurance of security in the enjoyment of what he produces by his toil is the system which deserves to survive and which will survive.

Applying this test to the new method of allowing our action here to be governed and directed by persons outside our membership—which so many gentlemen seem to favor—how has it worked? How will it affect disposition of the pending question? To answer this we must first realize just what is the issue actually before us; and to realize this we must recall the conditions under which it arose.

The Secretary of State entered the recent conference with an air of extraordinary mystery and proposed that we destroy the very best features of our national defense—reduce our Naval Establishment from the greatest to the second in the world. And this proposal was made to nations that are the only powers which could possibly be our enemies in naval warfare. Think of it!

The one country that has always hitherto ruled the waves, which has insisted that control of the sea is absolutely essential to its very existence, but which can no longer maintain that supremacy against this Nation, was confirmed in the first position; that is to say, she was placed above us as a naval power by our own representatives. The spokesman for England, Lord Lee of Fareham, voicing the utmost demand that she felt it reasonable or safe to advance before the conference assembled, asked that she be put on equal terms with us. But Mr. Hughes has put her ahead of us; with a promise, it is true, that at the end of 10 years we will be equal to her in naval strength. She actually has superiority—we have a promise of equality—after a while.

And to bring about this result our representatives in the conference agreed to destroy the ships now almost completed that would have given us the greatest Navy in the world. Now, why should we decline to maintain the greatest Navy if we are to have any Navy at all?

Mr. Chairman, I believe that this world will never be at peace until complete disarmament is effected. I am the last man in all the world who would favor maintaining a great armament by land or sea for any purpose except one, and that is to force abolition of all armaments. This world will never, in my judgment, regain its capacity to support in anything approaching comfort the great populations that sprang into existence during a century of peace until all human energies and resources are enlisted in the great task of producing commodities which afford subsistence to human beings—none diverted to war or preparations for war. Not till everyone is actively at work—the armed forces of the world confined to those necessary for police purposes—will it be possible to stop the march of starvation which, after having already ravaged Russia and other countries of the East, is heading westward steadily and ominously, threatening to engulf the whole world in disaster that can not be measured.

Now, what has this conference contributed to the delivery of mankind from the curse of militaristic preparations? What have we gained by it that would justify destruction of the finest ships of war ever designed by human genius? Has disarmament been accomplished? On the contrary, armaments

have been made permanent. We ourselves must remain armed, even though our people desire to disarm. According to this letter of the Secretary of State, we have not only agreed to refrain from taking first place among the armed nations but we must maintain all the forces consistent with our remaining permanently in second place. For he insists that the basis of this treaty is that each nation subscribing to it will maintain the existing strength of its naval establishment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman from New York 10 minutes more.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes more.

Mr. COCKRAN. Mr. Chairman, I hardly think any gentleman here will deny that under this agreement we can not have the strongest fleet. That melancholy fact has been established beyond all question and beyond all necessity for further argument by the gentleman from Alabama [Mr. OLIVER] in the admirable speech which described with singular lucidity the relative tonnage that can be maintained by this country and England under the naval pact. Now, I have said before and I say again that while men—sensible men—may differ about the advisability of maintaining a Navy stronger than any other, I do not think there can be any difference among rational beings as to the folly of burdening a country with the cost of establishing a Navy that is inferior to any other.

As I have more than once pointed out, the second strongest navy is very much like the second best hand at poker, about the very worst thing anyone could have. If you can not get the best hand at poker, you had better keep out of the game. With the second best you can not win anything, but you are very likely to lose everything. Deliberately to enter the game with the certainty that the very highest hand you can get is the second best would show you better fitted for admission to a lunatic asylum than for successful participation in serious affairs. This is equally true of armaments. Deliberately to establish a Navy that could not possibly be victorious in battle over the only enemy it is ever likely to face would be an act of folly unparalleled in human annals. And yet that is precisely what this country has agreed to do. It has entered into a compact binding us to maintain a fleet that by no possibility could be equal to that of the country we must fight, if ever we are to fight at all.

But, Mr. Chairman, the treaty has been ratified. It is now a fact. We can not escape it or change it. And, therefore, nothing remains for us to do but to deal frankly and fairly with the situation it has created.

Since this treaty is in existence, my own judgment would be in favor of refusing to maintain any Navy. If we can not have the strongest, I would have none. Every ship I would send to the scrap heap, keeping just the necessary force for police purposes. If we were without any organized forces whatever at sea piracy might revive and this would be a calamity, to prevent which we are bound to take every precaution. Moreover, total abolition is impracticable, because there are a number of gentlemen over here who would maintain a Navy anyhow for the sake of pursuing those violators of the Volstead law that they think are undermining the Constitution. [Laughter.]

What then, Mr. Chairman, remains for us to decide? Nothing but the provision we should make for the second-class navy, which is the best that we can now establish. And just here is where an issue of much gravity arises.

The Committee on Appropriations reports that after careful scrutiny it finds a personnel of 67,000 men will suffice to equip all the ships that this treaty allows us to have, and it provides for them. A minority of the committee insists that 67,000 men will not be enough to man these vessels properly. Somebody or other said that 96,000 were necessary for that purpose. Somebody else said 75,000, and still others said 85,000 would be required. If we try to identify the somebody who has made any of these claims, he becomes elusive. To whom under these circumstances should we look for light, on a matter obscured by contradictory statements? To the agencies established by the House itself for the very purpose of obtaining the information necessary to sound conclusions or to persons outside our membership whose statements are vague when not mutually contradictory and who can have access to no sources of enlightenment that are not open to us and to our committees?

What is the argument for disregarding the report of the committee—this committee appointed by us that represents us; that is, in fact, ourselves? Simply that this measure does not provide for placing on each vessel its full fighting strength. That is to say, it does not provide that these vessels shall be maintained permanently on a war footing. Now, I want to ask gentlemen on both sides of the House when, in the whole history of the world, has any navy ever been maintained on a war footing in peace time? There never has been a war in all the experience of mankind which immediately after its conclusion was not followed by a great reduction in naval forces. I have not the time now to give you the figures——

Mr. KNUTSON. Will the gentleman yield?

Mr. COCKRAN. In a moment. Just let me finish this, and then I will yield. I have not the time to give the exact figures of all the reductions which followed different wars, but I will mention what is perhaps the most striking instance in history. In 1812, several years after the Battle of Trafalgar had been fought, but while England was still at war, she had 115,000 sailors and 31,000 marines actually under arms. In 1816, one year after the conclusion of peace, she had 24,000 sailors and 9,000 marines on her ships. Study the history of every war and you will find at its termination a reduction of 35, 40, 50, or 75 per cent in the number of men serving in the belligerent navies. Our own Civil War was no exception to this rule. But here we have what? Here we have this precious treaty which we were asked to accept with joy and approval because of the great reduction in taxation which it was to bring about; and if these additional men are voted, the expenses of the Navy, according to the gentleman from Illinois [Mr. MADDEN]—the chairman of the Committee on Appropriations—will be higher four years after the conclusion of the war than they were last year, three years after its conclusion. A treaty that was to have reduced taxation largely will have increased it enormously.

The utmost reduction of military expenditures that can be effected by the treaty, even under the appropriation now proposed, is, after all, but $100,000,000. If gentlemen who oppose the report of the committee have their way, there will be no reduction at all. There will be an increase. The question before this body is, then, in the last analysis: Will you, after having sacrificed our supremacy at sea in order to obtain some alleviation from the crushing burden of armaments, throw away the slight reduction in military expenditures your own committee recommends; and this on vague statements proceeding from doubtful sources, unsupported by any respectable authority? Are we to act once more as if we held anybody outside the House more competent to perform its own functions than everybody inside the House?

That is the question before this body, and the only question worth considering at this time.

There is no possibility—greatly to my regret—that this Congress will vote either to establish the greatest Navy in the world or else to abolish all naval armament. And that being so, whether the personnel of this second-class Navy is fixed at 67,000 or at 85,000 is of itself matter of little moment. But on the issue of following our own committee or accepting the direction of persons outside the House I do hope the vote will be decisive in favor of vindicating the dignity and capacity of this body to discharge its duties by the agencies it has itself established.

I have said, Mr. Chairman, and I repeat it, that if all the navies of the world were entirely disbanded, the economic result would be almost negligible. The total number of men released to industry would be only a few hundred thousand. It is on land that the great forces are maintained which threaten the peace of the world and retard its recovery from the ravages of war. There is little danger, in my opinion, that war on a world-wide theater can recur for a generation in view of the exhaustion caused by the conflict just closed. But preparations for war are continued on a scale greater than ever. Five million men are kept under arms. Their support must be drawn from the labor of others. It is the withdrawal of these enormous numbers of men in the very flower of their productive capacity from the field of industry that constitutes the great burden under which civilization is staggering and in grave danger of total collapse. Until that burden is removed entirely or at least lightened sensibly there can be no recovery for industry, no restoration of prosperity, no prospect of averting perils to the whole social fabric which threaten universal chaos. And this treaty for which we have sacrificed so much, instead of leading to disarmament, is an obstacle—I fear an insurmountable obstacle—to disarmament. From the hour when M. Briand said that the land forces of France would not be reduced, any treaty to which he was a party became inevitably an obstacle to disarmament. But if the conference has resulted in lengthening rather than in shortening the distance that divides us from disarmament, for heaven's sake let us guard the independence of our own legislative department in dealing with matters that remain the scope of its authority.

It is absolutely essential to the preservation of our republican government that Congress should retain full control of our expenditures for military purposes. This, indeed, is the very

crux of democracy and of the civilization from which democracy springs—on which democracy must always rest. There are in the last analysis but two forms of civilization. One I have often defined as civilization of the camp, the other civilization of the workshop. There can not, of course, be a civilization exclusively of the camp nor a civilization exclusively of the workshop. The camp can be formidable only where the workshop supplies it with the means of prosecuting effectively enterprises of war, while the workshop can reach its fullest productive capacity only in peace. And—up to the present at least—no means have been discovered by which peace can be preserved except by organizing armed forces to maintain it. But the difference between the two systems is none the less striking and conspicuous. Civilization of the camp protects and encourages the workshop only that military forces may be made more formidable. Civilization of the workshop seeks always to reduce the size of armaments to the very lowest point consistent with safety. Under civilization of the camp industry may grow, but armies always grow still more extensively. Under civilization of the workshop commerce expands continuously, while war is regarded as the most dreadful of calamities. And under that spirit the forces that make for conflict are always discouraged and steadily shrinking.

The war just ended was a conflict to the death between these two systems. It was my earnest hope that the victory of our arms would result in making civilization of the workshop supreme and universal. That hope has not yet been fulfilled. Indeed, we are farther from it than ever, judged by superficial indications. Instead of a world freed from militaristic preparations and delivered from the dark shadow of future wars which huge armaments project over the horizon of humanity, we have a world where military forces are multiplying and preparations for war are prosecuted more feverishly than ever before and on a constantly expanding scale. But I do not despair. Disarmament is the goal which all men and women of every race and every clime are striving to attain. And to that splendid goal I believe this country will lead the human race, notwithstanding the attempt by this treaty to make naval armaments permanent.

The great things America has done—and they are the greatest in all history—so great that not a human being in all the world would reverse or remove a single one of them if he had the power—the great things America has done have been accomplished not through her politicians but in spite of them. The settlement of our Civil War on conditions so just, and therefore so wise, that a few years after its conclusion victors and vanquished alike were rejoicing at its result—the most successful composition of internecine conflict in all human experience—was not effected by any political leader or any political party. It was forced on parties and politicians by a public opinion sufficiently enlightened to ascertain what justice required and sufficiently virtuous to impose what justice demanded.

And so in this cataclysm I feel confident the conscience of the American people will ultimately succeed in enthroning justice over all this earth. Somehow or other—in ways and by methods we can not now foresee—a declaration for disarmament—complete disarmament—will ultimately be enforced by the American people on the American Congress and enacted into law. It will be the word of God embodied in a statute proclaiming and securing freedom, progress, and prosperity to the whole world. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, in the time allotted me I propose to discuss a matter that has received considerable attention throughout the country—the recent wholesale removal of 30 of the officials of the Bureau of Engraving and Printing, filling the most important positions in that establishment.

At the outset I wish to say that even though the method of removal is of the most doubtful legality, I should remain silent if the officials had been removed because of misconduct, but, apparently, no charge of misconduct was brought against any of them. That prior to their removal nothing was called to the attention of the President as the basis for such a charge is clear from a letter written from the White House since the removal became effective. In addition, there has been given out a letter from the President to the representatives of all the Federal employees which reiterates that the character of none of the persons dismissed has been impugned. The President desires it understood that his letter is written not as an apology but as an explanation. But the difficulty is it does not explain. May I respectfully say it makes one think of the remark of Talleyrand to the effect that the art of language is to conceal thought? The letter does state that the action was taken after "extended deliberation"—not investigation but deliberation. We well know that the President himself is too busy with a multitude of matters to give any of them very extended deliberation. We must only conjecture who did the deliberating in this instance. Perhaps they were the two officials, one of the Department of Justice and the other in the Treasury Department, but not at the head of that department, who seems to be the patronage pilots on the administration ship, and whom the President had best drop from the vessel if he would keep it from going on the rocks. I am not at all surprised that the representatives of the Federal employees find the President's letter unsatisfactory.

The work of the bureau, which includes the printing and engraving of Government bonds and the notes that are a part of our circulating medium and the issue of all postage stamps, is very important and requires the service of persons possessing great technical knowledge and skill. It is not denied that such qualities, matured by experience, were possessed by the 26 men, among whom were 5 war veterans and the 4 women who have been displaced. All of them had rendered valuable service to the Government; several of them by inventions and improved processes for which, of course, they were paid nothing, had saved the Government large sums of money, and some of them had declined private employment at larger salaries than the Government was paying because of their devotion to the work in which they were engaged. They hail from the District of Columbia and 11 States. They were all in the classified civil service and appointed thereto not by the President but by his subordinates to whom the power of appointment had been intrusted under the Constitution and the law. They were appointed without regard to party affiliations, and most of them were appointed before the advent of the Wilson administration. Here was a group of high-class employees, each one having a record of fidelity and efficiency, who, prior to March 31, were without any intimation that their work was unacceptable or that it was in contemplation to dismiss or otherwise punish them. And yet, without warning, that evening they were summarily dismissed by the President's order of that date. I hope that some one who has the time will compile and present to the public the facts showing how unusually valuable to the Government was the service rendered by each of the dismissed officials. I am not able to do that now, but by way of illustration I may mention that I have heard one of them spoken of as the master engraver of this country, the finished beauty of whose work is approached by only one other, who is a New York engraver.

As further illustrative, and to indicate the suddenness of what was done and the shock it occasioned, I may mention one case of which I know, the case of an accomplished scientist, a man of middle age, residing here in Washington with his little family, by whose service the Government had profited to the extent of hundreds of thousands of dollars, and who during the war had refused lucrative private employment. He left his office late in the afternoon of March 31, and in the night was visited by a messenger who delivered him a copy of the order, along with a communication of less than four lines from the Secretary to the President, which said: "You will note the abolishment of your position and be governed accordingly." Going to the bureau the next morning he was not permitted to enter his office except in company with a watchman and a Department of Justice agent, and not enabled until later in the day to withdraw his books and other belongings. He, like most of his fellow sufferers, is a man of small means, and is now turned adrift in a time of widespread unemployment, when places are difficult to find. His case is typical of the situation which the order has brought about, and which, so far as I know, is without precedent in our history. He and the others have been abruptly ousted from the positions they filled. Those of them who were moving on toward the retirement age can now have no hope of coming within the scope of the retirement law. Furthermore, as I understand, dismissal means ineligibility for reappointment to civil-service positions.

On the Monday following the black Friday transaction of March 31 the officials visited the White House in a body, to inquire why they had been dismissed. They were in the shadow of what was to them a tragedy. The President, they were told, was in the sunshine of the golf links. They left at the White House a communication addressed to the President. At that moment the country was assuming that the removal must have been prompted by the discovery of irregularities for which the officials were responsible. All sorts of statements and rumors to this effect were appearing in some of the newspapers, which even still persist.

The men and women who had been dismissed not only felt a deep sense of injustice but the gross humiliation of being depicted as probable malefactors. That they are not malefactors we are now authoritatively assured. We also seem to be advised that preceding their removal there was no investigation, but only deliberation. It seems to be clear that the President, in determining conditions in the Bureau of Engraving and Printing, did not investigate through the Bureau of Efficiency, which is the agency that he could have used for that purpose. In this connection it may be emphasized that even though it may have been found, as from what we now know it was not found, that some one individual or two or three individuals had been guilty of misconduct, nevertheless, in fairness and equity, that fact would not have afforded ground for the wholesale removal of a large number of officials working to a great extent independently of each other. [Applause.]

On the 3d of April I offered a resolution, a copy of which will be attached to my remarks, which sets forth the law governing the removal of persons from the classified civil service. It also recites the fact that, when the order was issued, it was approved by the Attorney General, Mr. Daugherty, who was then in conference with the President. It also calls attention, I believe, to the fact that, after the sentence had been pronounced and the execution had taken place, an investigation was started by the Attorney General, presumably to search for evidence to justify what had been done. The resolution proposes the appointment by the Speaker of a committee of five to make a different sort of investigation—a thorough and impartial investigation—and report its conclusions to the House. What I desire are the actual facts. I was aware when I offered the resolution that the Committee on Rules, to which it was referred, would probably observe its habit of not considering any resolution introduced by members of the minority of the House. That very autocratic committee has proved true to form. The chairman of the committee has not deigned to acknowledge the receipt of my letter to him of the 4th of April, urging that the resolution be promptly considered. He has failed to give the subject so much as the cold respect of a passing glance, and so does not assist in getting at the actual facts.

Yesterday the gentleman from South Dakota [Mr. JOHNSON], a Member for whom I have great respect, a man who possesses in high degree one of the qualities now most needed by men in public life—the quality of courage—predicted on the floor of the House that when the facts are known there will be no one to defend the Bureau of Engraving and Printing. I do not lightly regard the gentleman's statement, but I know something about that bureau, and I oppose to his prediction my own prediction, that if we ever secure a full and impartial investigation, such as is contemplated by my resolution, it will be found that no agency of this Government has been better managed or conducted than the Bureau of Engraving and Printing. [Applause.] And why should we not have such an investigation?

Mr. Chairman, I do not desire to discuss this matter in a partisan manner. I am a party man, but, recognizing the seriousness of the conditions that now prevail, I have been anxious, I have been eager, for the success of the administration. No one would have been happier than I had it refrained from any course that merits adverse criticism. But this ominous incident, while it immediately affects only 30 American citizens, who, in certain quarters, are being ridiculed and derided because of their just complaint, adds to the confusion and uncertainty of the times in which we live by threatening to place the business of the Government where it once was—in the hands of reckless and unscrupulous spoilsmen.

All who study sufficiently to take a long view remember how the spoils system corrupted the Government of England during the eighteenth century. The use of money and patronage to control elections was the influence that wrought untold injury to England. The oppression and alienation of the Colonies was in no small measure due to the fact that the Government at home becoming corrupt, as a consequence wealthy and incompetent men, protected by the party in power for party maintenance, were foisted upon the Colonies as officials. Only after the Revolution, as a result of a struggle that had been initiated by such friends of America as Burke, Pitt, and Rockingham, was there a marked advance toward stabilizing the civil service and giving paramount consideration to the interests of the public in the conduct of the business of the Government, rather than the interests of party and the interests of powerful individuals.

The student may read the whole story in Dorman B. Eaton's book on Civil Service in Great Britain, which is the product of a survey of conditions in England made by Mr. Eaton at the request of President Hayes.

Nearly half a century ago a similar struggle to overthrow the spoils system in this country, which had become flagrantly offensive, was begun during the administration of President Hayes. It enlisted the support of many of the most eminent citizens and public men, including Senator Pendleton, of Ohio, a Democrat, and Representative Garfield, of Ohio, a Republican, and, being carried on with strong and steady determination, led to the enactment of the law of 1883, which has since been variously amended. Whatever the imperfections of the new system—and nothing in government is ideal—I believe it is regarded by the overwhelming sentiment of the country as far preferable to the spoils system, and I do not believe that the people of the United States will quietly acquiesce in its obliteration. I have no sympathy with anyone, Democrat or Republican, who favors even an approximate return to the old basis. On the contrary, I for one would be glad to see appointment to office and removal from office, offices of every character except those great offices whose occupants are looked to by the President to put into effect his general policies, I should like to see them all filled according to merit, which would involve the elimination of partisan influence, whether exerted by the President or by his subordinates or by Senators and Representatives. And in saying this I have in mind not only offices like those in the Bureau of Engraving and Printing, which had been assumed to be fairly beyond the touch of the spoilsman, but also the post offices which are to-day in greater degree than in recent years more completely the prey of the spoilsman. The enormous majority of the people of this country, the millions who go their quiet way on the farms and in the fields, the millions who labor in the factories and mines, the millions who are toiling in numberless other occupations are mainly concerned that the civil-service offices shall be properly filled, and are not much concerned as to whether they are filled by members of this party or that.

They take note of the wide difference between Government enterprise and their well-managed business enterprises. And they perfectly appreciate, whatever may be alleged to the contrary, that the difference will not be narrowed and Government rendered more satisfactory by making party affiliations and activities the standard of appointment. On this issue, which includes, but does not put to the front the Pecksniffian hypocrisy of pretending to make merit the standard, while really making party fealty the standard, but puts to the front a more fundamental and vital question, the integrity of our civil-service system, I have no misgivings as to what would be the result of an appeal to the country.

It is a circumstance of marked significance in the estimation of those who dread a return to the spoils system that only a few days before the President's order was issued his Attorney General proclaimed himself hostile to the present system. His utterance was not rebuked by the President, but, nevertheless, I am reluctant to believe that he spoke with the President's authority and approval. There have been Presidents who would not only have rebuked him but dismissed him for the good of the service. Mr. Roosevelt, who would now, had he lived, almost certainly be in the Presidency, who abhorred the spoils system and was among the stanchest and most resolute defenders of the merit system, would surely not have countenanced the doctrine which the Attorney General has proclaimed, nor, in my opinion, is it conceivable that he would have signed the order which the Attorney General doubtless prepared.

While the main issue raised by the action of the President is the issue as to whether spoils politicians are to have their way and work their will at the expense of the people of the country who desire the best Government that can be provided—while every other question is subordinate to that—I wish to express my sympathy for the individuals who have been wronged. Even if there were no law applicable to the matter, who can deny that a wrong has been done them by the treatment which they have received? The Attorney General was at the elbow of the President, we are told, when the order was issued. It is to be deplored that the President took the advice of the Attorney General. The President had much better have acted in the spirit of Edmund Burke when he said: "It is not what a lawyer tells me that I may do, but it is what my conscience tells me I must do and not do." [Applause.]

The men and women, for whose removal I have not the slightest doubt the Attorney General and politicians who share his view are responsible, are not people of wealth or power, and for that reason they were the very people who were entitled to the careful and earnest consideration of the Chief Executive. It has not been left to those of our race or of our religion to discover the duty resting upon rulers to primarily take into account the helplessness of those who have been least favored by circumstances of birth, fortune, and position. It was the Caliph Omar who said, when he came to his throne, "He that is weakest among you shall be in my sight the strongest until I have vindicated for him his rights, and he that is strongest will I treat as the weakest until he complies with the law." I predict that in the time to come the President will think regretfully of

the cruel fate to which a number of helpless citizens who had served the Government well in days of peace and in days of war were doomed by the stroke of his pen.

The essential injustice of the transaction is so clear that I hardly care to essay the task of trying to determine the rights of these people by a discussion of the law, which they supposed was made for their protection. But relative to that aspect of the matter I shall quote the statutory provision of 1912, with some little comment. The statute provides as follows:

> That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof.

It seems that Congress was practically unanimous in enacting this provision. The provision was, of course, intended to have a meaning. The Supreme Court in a decision in the case of United States v. Wickersham (201 U. S. 390) construing the regulation of 1897, to which I shall refer in a moment, and which is similar to the statute, held that an employee in the classified civil service appointed by the head of a department can not be removed by the appointing authority without notice and hearing, and if so removed he can sue for the subsequent accruals of salary. It is true that the court reserved the question as to whether the President is bound by such a regulation or statute.

I suppose that is a constitutional question. But whether strictly bound or not, he ought to consider himself bound, in the interest of the country and in the interest of fairness to individual officials and employees. If the law binds him, his action is illegal. If, on the other hand, the law does not bind him, it would be impossible to enact any law that would bind him, and he can go as far as Mr. Daugherty and the others desire him to go in completely breaking down the civil-service system. He can insist upon the exclusive right to make all appointments, except where the power of appointment is delegated by Congress to certain agencies named in the Constitution. And, however appointments are made, whether by him or by those agencies, he can dismiss all executive officials and employees at any moment and as frequently as he may think fit. He can level to the dust the system which has been so laboriously built up.

But listen. The statute I have quoted was enacted in 1912, but long before 1912 the Presidents of the United States had put in effect regulations not very dissimilar to the statute, thus electing to bind themselves to the observance of the principle now expressed in the statute. The first rule with reference to the matter was promulgated by President McKinley in 1897, and it reads as follows:

> No removal shall be made from any position subject to competitive examination, except for just cause, and upon written charges filed with the head of the department, or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense.

In 1899 President McKinley modified the rule, making it closer to what is the language of the present statute. In 1902 President Roosevelt promulgated the rule in the following language:

> No removal shall be made from the competitive classified service, except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer, and of the order of removal shall be made a part of the records of the proper department or office; and the reasons for any change in rank or compensation within the competitive classified service shall also be made a part of the records of the proper department or office.

The substantial policy of McKinley and Roosevelt became the policy of Taft and Wilson. That policy, now given the sanction of a statute, is the policy that President Harding apparently rejected when he issued his order of March 31. He will, I think, find it desirable to explain to the country much more fully than he has attempted to do his reasons for rejecting a definite policy of enormous importance, which had the approval of four Presidents, two of whom were from his own State, and which is crystallized into law.

I turn again for a moment to the individual officials who are directly involved. It is a platitude to say that the best asset is good character. These were men and women of character, as is manifest from their record and the esteem in which others hold them. Notwithstanding, they have been treated as if they were without the sort of character which alone can invite and assure confidence. I give one other illustration. Mr. Ashworth for a quarter of a century or more had been custodian of dies, rolls, and plates. According to custom, and perhaps under authority of law, on the 6th of January last the Secretary of the Treasury appointed a committee to examine Ashworth's office. The committee, after weeks given to the performance of its duties, made a report to the Secretary of the Treasury, in substance stating that it found everything to be as it should be in that office. That report was made to the Secretary at 4.30 o'clock on March 31. Nevertheless at 6.45 o'clock the same day the President signed the order dismissing Ashworth "for the good of the service." Thereupon a Mr. McCauley was appointed to succeed Mr. Ashworth, just as a Mr. Hill was appointed to succeed Director Wilmeth. None of these people, so far as I am aware, are constituents of mine, but I have known Wilmeth for years and I have confidence in the purity of his character. I also know about the high character of Mr. Ashworth. I know very little about Messrs. McCauley and Hill, but I submit that before they should have been appointed to responsible positions, which ought to be filled only by men of undoubted character, there should have been some deliberation, if not investigation.

The records of the Supreme Court of the District of Columbia, which is in such close relation to the Department of Justice, should not have been overlooked as a source of information. If the charges made in litigation pending in that court against Hill and McCauley are well founded, they will receive the condemnation of the court, as they should receive the condemnation of all decent citizens. [Applause.]

I entertain no doubt that those by whom the President was advised—and, as I think, very much misled—were actuated by an intention, which is not confined to the Bureau of Engraving and Printing, to remove officials who are not active in either party and appoint in their places those who can be relied upon to respond to party dictation and render active party service. Look at the transaction in its nakedness. The call of party distress was being heard from many States. The exigency was great. Something must be done that would have a tonic effect upon party workers everywhere. The call was heeded by the spoilsmen in Washington. There was no time to give notice or to allow a hearing. There was no time for inquiry into the antecedents of the new appointees. There was no time for anything but a quick step upon the path of reaction, toward the condition of demoralized service, general inefficiency, and political corruption which was the condition formerly existing here.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. LINTHICUM. I should like to know more about the proceedings in the Supreme Court of the District of Columbia.

Mr. MOORE of Virginia. I have not the time to go into that. Nor have I the time to do more than merely refer to a statement headlined in the newspapers this morning to the effect that the President's order is explained and accounted for by a transaction which took place in the bureau in July. That transaction involved the dropping from the roll of six or seven hundred employees, in line with carrying out the policy of economy which is so constantly and urgently insisted on. I should not forget to say that among those dropped from the roll was Mr. Perry, who has, by being appointed assistant director, become a beneficiary of the order of March 31. Hill director and Perry assistant director!

It is stated in substance that the July occurrence was of such nature as to fully warrant the President in issuing the order of March 31. But the simple facts are that the action of the Director of the Bureau in July was not only within the law but was sanctioned in advance by the Assistant Secretary of the Treasury; and that when protests were made the Secretary of the Treasury appointed a committee, with the Comptroller of the Currency, Mr. Crissinger, as its chairman, to look into the matter and make a report, which last September made a report which I shall attach to my remarks, giving the action of Director Wilmeth sweeping approval.

Mr. LINTHICUM. Mr. Chairman, while the gentleman is incorporating that in his remarks will he not incorporate sufficient of the proceedings in the Supreme Court of the District of Columbia in the RECORD to give us more information?

Mr. MOORE of Virginia. If I did so, I might be charged, as another Member on a former occasion was charged, with putting in the RECORD something it should not contain. [Laughter.]

Mr. Chairman, since the President's order was issued some fool friend of his, from whom he should pray to be delivered, predicting that similar action would be taken in many other directions, said that the purpose is to "Hardingize" the executive departments of the Government, just as some one else has said that there is a purpose to "Newberryize" the legislative department of the Government. If such a program should ever be fully consummated, this will cease to be a government of law and will become a government of men, of the most unworthy men, guided wholly by their selfish and predatory instincts. There will be a weakening of the foundation on which rests

liberty regulated by law. The golden age of the Republic will have passed and the golden opportunity of the agitator, the communist, and the Bolshevik will have come. [Applause.]

The resolution is as follows:

House Resolution 319.

Whereas, pursuant to an order of the President, issued the afternoon of March 31, and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing, and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which show that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question: Therefore be it

Resolved, That the Speaker appoint a committee of five members who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law

The report of the Crissinger committee is as follows:

WASHINGTON, D. C., *September 7, 1921.*

To the honorable the SECRETARY OF THE TREASURY.

SIR: The undersigned, constituting the committee named by you on July 20, 1921, "for the purpose of considering the protests of certain employees of the Bureau of Engraving and Printing against their release from employment in that bureau," respectfully report as follows:

The committee has carefully investigated these protests to the fullest extent it deemed necessary or requisite to carry out your instructions, and finds as follows:

1. That there was not only a legitimate reason but an urgent necessity for a reduction in the force of this bureau to the extent to which it was actually reduced.

2. That before any employees were discharged the director of the bureau put into effect the following rules to be observed in determining what employees should be dismissed:

(1) Drop employees regardless of term of service whose records are poor, involving inefficiency, inattention to duty, tardiness, excessive loss of time, agitators, and trouble makers.

(2) Drop, without prejudice, married women whose husbands are employed in the Bureau of Engraving and Printing or in other branches of the Government service at a good salary.

(3) Drop, without prejudice, those employees most recently appointed.

(4) Furlough indefinitely, but subject to recall to duty within the period of a year, employees whose services are not now needed but whose efficiency and attention to duty have been such as to make their services desirable. This will enable the bureau to draw recruits from a trained and experienced force.

3. That making reasonable allowance for the human element in the relations between the employees and their next immediate superiors, these rules were apparently so observed as to produce as little individual injustice as could be expected in dealing with so many cases.

4. That the reduction was a real one and not a pretended one for the purpose of putting other more favored employees in the places of those released.

5. The committee therefore recommends that said protests, and all of them, be disallowed, and that the applications of the protestants, or any of them, for immediate reinstatement should not receive favorable consideration.

Respectfully submitted.

D. R. CRISSINGER, *Chairman.*
WILLIAM P. ABBOTT.
W. G. PLATT.
S. R. JACOBS.
CHAS. STEVENSON.
J. E. HARPER, *Secretary.*

Approved:
A. W. MELLON, *Secretary.*

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman and gentlemen of the House, there is at least one comforting thing about the present debate upon the Navy bill, and that is that the issue presented by the measure is entirely clear and narrow. It is this: Is it possible with 67,000 enlisted men to maintain, during the ensuing fiscal year, a well-balanced treaty Navy, with all of the auxiliaries that are appropriate to the treaty Navy? That issue is answered squarely in the affirmative by the majority of the Committee on Appropriations, and it is answered squarely in the negative by the minority of the Committee on Appropriations.

Most of us in the House, myself more than many, perhaps more than most, are not experts on great questions of naval policy; we are not able of our own knowledge to answer these questions. It is a question of fact that is now before us, but it is an extremely complicated question of fact. What are we to do? I assume that like myself there are many men in this body anxious to do the right thing, who have looked about to see where they could get the most reliable and authentic information which would enable them to make up their minds. When I am seeking light on any legislative question my first inclination is to turn to the men in this House who know most about the subject under discussion. Without wishing to belittle the information of other Members of this House, I should place in the first rank on naval questions the distinguished gentleman from Michigan [Mr. KELLEY] and the distinguished gentleman from Tennessee [Mr. PADGETT]. Mr. KELLEY has devoted himself diligently and effectively to a study of the Navy during the entire time I have been a Member of the House, and nobody disputes his ability or his power in presenting his case.

Mr. KELLEY of Michigan tells us flatly, vigorously, and emphatically that there is no doubt that the bill now before us is sufficient to support the treaty Navy. On the other hand, we turn to Mr. PADGETT, absolutely fair, absolutely trustworthy in every respect, beloved by the membership of this House, and a man who has served on the Committee on Naval Affairs for 18 years and who has presided over the Committee on Naval Affairs as chairman for 8 years. What does he tell us? I ask you to turn, those of you who did not hear his speech day before yesterday, to page 5247 of the RECORD of this morning. He says:

> I want to say to you that in my honest judgment the bill as reported not only fails to maintain that standard—
>
> The treaty standard—
>
> but will bring the Navy of the United States from a position of five to a position of not exceeding three.

That is Mr. PADGETT's judgment, after nearly a score of years of familiarity with naval questions.

So we have Dr. KELLEY of Michigan on one side, Dr. PADGETT on the other side, admirable men both, taking diametrically opposite positions upon this matter that is of such very great importance to the entire country, a matter as to which every Member of this House, I know, wants to cast the right and proper vote for the national welfare. What are we to do when doctors disagree? We want to get certain and accurate information, and we are confronted with an impasse between the two gentlemen whom I have quoted. What did the Secretary of State do? And, by the way, if any criticism attaches to anyone for the Hughes letter which was read from the Clerk's desk yesterday, I suspect it should attach to me. I asked the Secretary of State a civil question, because of the fact that he had been chairman of the Conference on Limitation of Armament, and like a civil gentleman he answered, stating his opinion. What does the Secretary of State say upon this question? He says:

> I have questioned the naval experts with whom the American delegates consulted during the recent conference, and whom we found both accurate and in sympathy with the principle of limitation by agreement, and I am advised that the proposed number of enlisted men is far below the number required to maintain our Navy upon the basis contemplated by the treaty.

The Secretary of State says frankly that he can not of his own knowledge say whether 67,000 or 86,000 or 96,000 is the proper number to maintain the treaty ratio. But he does what he did all through the arms conference—he goes to the men that he considers the best men in the Navy Department, men whom he has found reliable and accurate in the past, men whom he has found not overfond of a swollen Navy, and he takes their judgment as to what is necessary to maintain the treaty Navy. They tell him that the proposal of the bill is wholly insufficient. He accepts their judgment.

Is there anything else, gentlemen of the committee, that we can do? Must we not go to those who have made their life work trying to learn about the Navy and about what can be done with the Navy Department and with the men and the matériel that the Congress of the United States gives them to work with as best they can?

I do not need on this floor to repeat what has been said over and over again as to what will happen if the Navy is to comprise 67,000 men. It will be seriously curtailed and crippled. There is one point I want to make that I think has not been stressed; perhaps it has not even been mentioned at all during the discussion.

Remember, if you please, gentlemen, this very important fact, that the President of the United States is the Commander in Chief of the Army and Navy of the United States. We can say how large a Navy he may have, but he alone—and in naval matters the Secretary of the Navy, of course, acts under him—he alone can say what use shall be made of the Navy which the Congress of the United States gives him.

We saw in connection with the Army debate an attempt to limit the use that the President and the Secretary of War could make of the forces for which the Congress was to appropriate. The House of Representatives, by unanimous vote, settled, and, I hope, settled permanently, that this Congress is not going to run the details of the Army. [Applause.] Absolutely the same thing applies here. We can say how many men the Navy shall enlist, how many men shall be granted to the Navy for the ensuing fiscal year; but, gentlemen, we can not say what the use shall be that the Secretary of the Navy deems most fitting.

I assume, perhaps, that there is no real controversy about the proposition I have advanced. I am glad to notice that the distinguished chairman of the subcommittee, the gentleman from Michigan [Mr. KELLEY], recognizes this fundamental fact very definitely in the course of the hearings. On pages 385 and 386 of the hearings the discussion was proceeding between Secretary Denby and Mr. KELLEY as to the proper allocation of a Navy of 50,000 men for sea duty. Mr. Denby explained what the viewpoint of the Navy would be as to the detailed use of whatever Navy Congress should give. Mr. KELLEY said, "That is a matter for you entirely." And I see him nod his head in affirmation that that was his intent and that he stands upon that position to-day.

Thus, we have this situation: That the Secretary of the Navy has announced that with 67,000 men he will not be able to keep in commission more than 13 capital ships. He has announced that that will be his program, that that will be his viewpoint, and that that will be the most efficient use from the standpoint of national defense which can be made of the 67,000 men proposed in this bill.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. ROGERS. I yield.

Mr. KELLEY of Michigan. What does the gentleman say to the proposition that with only 50,000 men he is now keeping what he regards as an 18-battleship fleet in commission?

Mr. ROGERS. I shall not deal with the past. I want the best possible navy in the future. The Secretary of the Navy, if we give him only 67,000 men, will keep in commission only 13 capital ships instead of the 18 provided in the naval treaty.

Now, gentlemen of the committee, it does not make any difference whether you, if you were Secretary of the Navy, or I, if I were Secretary of the Navy, would undertake to maintain 18 capital ships with 67,000 men. The fact is, as we are told in the hearings over and over again, that the Secretary of the Navy, who is now on the job, will not deem it for the national well-being to maintain more than 13 capital ships with a force of 67,000 men.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. GARRETT of Tennessee. We determine the question of policy?

Mr. ROGERS. Yes.

Mr. GARRETT of Tennessee. May I ask the gentleman, is there anything now existing in the world that indicates that we shall need more than 13?

Mr. ROGERS. That is a very fundamental question which I have not time to answer in the remainder of my 20 minutes. I agree with what I understood to be the viewpoint of the gentleman yesterday, that the treaty does not obligate us to keep our naval strength up to the maximum provided therein. I think it would be a most calamitous day for this country, however, when the Congress of the United States voted to go below the treaty ratio. [Applause.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. LONGWORTH. Assuming that the gentleman from Tennessee is right—and I think he is, that we are bound under the treaty, morally bound, not to exceed the 5-5-3 ratio—does not the gentleman think that at the time that treaty obligation was entered into we were morally bound to the American people to see that that obligation is met? [Applause.] And what would the gentleman think, if a statement had been made at that time that France and England and Italy and Japan were joining together to prevent our getting a Navy of at least 5-5-3 ratio, would have been the reaction of this country?

Mr. ROGERS. If our delegates had agreed to a Navy the one-hundredth of 1 per cent less than that of any other power in the world they would have been swept out of existence by a storm of public disapproval. [Applause.]

Gentlemen, I wish I could deal a little further with the ratio matter along the line I have already discussed it; but I must pass to another aspect of the question. In order to know what our ratio should be for the ensuing year it is manifestly necessary for us to know what the program of the other powers is for the same fiscal year. How otherwise can we know what "5-5-3" really means? In other words, the agreement made two months ago is not in all respects an absolute agreement; it is an agreement involving the element of relativity. Hence it becomes instantly important for us to ascertain what the plans of Great Britain and Japan are for the ensuing fiscal year.

I confess, gentlemen, that I have been amazed as I looked through this volume of hearings, containing over 1,000 pages, going into the greatest detail on every conceivable subject which deal directly or indirectly with the Navy. I can not find a single line that shows what the personnel of the British and Japanese Navy is to-day or what it is likely to be in the next fiscal year. I hope that admission was inadvertent. I hope it was not intentional. But whether it was intentional or unintentional, it is a very serious defect that the evidence is lacking which ought to be officially before us to enable us to make up our minds. [Applause.]

I realize, I say, the importance of knowing what the British and Japanese strength will be, because otherwise we can not know what the first 5 is, what the second 5 is, and what the 3 is. We must know those facts. I have put in a good deal of my time in the last few weeks trying to get the facts. I had no ax to grind; I did not seek to establish one figure in preference to another figure. I simply desired to get correct information. I have talked with the Navy Department. I admit that I have talked with the Navy Department. It seemed to me that the best place to get information concerning the navies of the world is our Navy Department. As to Great Britain, the Navy Department has told me that the lowest figure which honestly and fairly compares with the 67,000 in this bill is 104,000 and some odd hundreds. That eliminates from the British figures the activities that ought to be eliminated in order to check up with our own figures. I shall print in the RECORD, if I can get permission, the details showing just how that figure is arrived at.

Gentlemen, 104,000 for the British Navy is a conservative figure. The gentleman from Tennessee [Mr. PADGETT], whom we all trust, has said (p. 5250) that the corresponding figure was at least 117,000. But I have stripped from the British figures everything that could present any possible question or doubt. I have discussed the figures backward and forward and crosswise with old admirals and with young lieutenant commanders in the United States Navy. They agree that the minimum comparative figure is 104,000. If they are not liars, gentlemen, I think this House ought to follow their statement on this simple question of fact. What other information have we than the information which they give? That information as to the British figure was cabled to the Navy Department by our naval attaché in London. The figures for Japan—68,252 enlisted men—were cabled to the Navy Department in Washington by our naval attaché in Tokyo. How in the world can we reject those figures unless we want to say that the men who gave them to us are liars?

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I can not yield now.

There is nothing in the hearings that gives a basis for any estimate whatever. I desire to ask the gentleman from Michigan [Mr. KELLEY] if he is willing to answer me as to where he gets the suggestion that my figures, as they are given, are not accurate?

Mr. KELLEY of Michigan. I will say to the gentleman that the figures which I gave the House relative to the British strength for the coming year are matters of common knowledge printed generally in the British daily press and Army and Navy press as matters of news, and, in the second place, were verified to such an extent as was possible.

Mr. ROGERS. Does the gentleman mean the British Embassy?

Mr. KELLEY of Michigan. I shall not quote any particular authority in relation to matters of an international character. The public reports are sufficient.

Mr. ROGERS. Will the gentleman answer me this question, whether he has been in direct personal contact with the British Embassy or the Japanese Embassy?

Mr. KELLEY of Michigan. I refuse to answer any such question.

Mr. ROGERS. Very well, gentlemen. I prefer to have the program for the American Navy decided in the American Navy Department rather than in the embassies of Japan or Great Britain. [Applause.]

Mr. KELLEY of Michigan. I should like to ask the gentleman where our representatives abroad would get their information relative to the Japanese or British naval forces or the appropriations carried for their support?

Mr. ROGERS. They would get it in the regular way, through regular channels. It is their job to get it. I do not want backstairs information from the chancelleries of Europe obtained in Washington. [Applause.]

Mr. KELLEY of Michigan. Does the gentleman think that an examination of the book estimates of a foreign government would fall within the category which he has described?

Mr. ROGERS. I have asked the gentleman what I regard as a fair question. The gentleman does not care to answer it, and I prefer to proceed to another phase of my remarks.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. Does the gentleman want a little more time? I took a little of his time.

Mr. ROGERS. I think the gentleman has been most kind and most fair to me, and I am obliged to him.

The following is the statement referred to, comparing the enlisted personnel of Great Britain, the United States, and Japan:

	Average for year, including apprentice seamen.	Colonial navy.	Aviation (one-third of total).	Enlisted men, average per year.
Great Britain	87,649	7,000	10,000	104,649
United States (including aviation)	67,000			67,000
Japan	68,252			68,252

In addition we carry 1,900 men in communication. Great Britain uses civilians.

In addition we man auxiliaries with regular enlisted men. Great Britain mans a considerable percentage of hers with naval reserve. British so employed are estimated at 4,000. Therefore it would be proper to add 5,600 more to figures of Great Britain.

Mr. BYRNES of South Carolina. I yield 10 minutes to the gentleman from Louisiana [Mr. FAVROT].

Mr. FAVROT. Mr. Chairman, in a matter of the importance of the one before us, of such vital moment to the country, a matter upon the correct determination of which may depend our future weal or woe, if we err we should err upon the side of safety. It is better that our naval personnel be too many than too few. It is better that there be no question, no doubt as to the adequacy of our Naval Establishment, because, Mr. Chairman, we are and we always will be dependent upon our Navy for our national defense. If our Navy is strong enough, no enemy can invade us. If our Navy is destroyed, no enemy need invade us. With the destruction of our seacoast cities and the blockade of our coasts, it would not be necessary to land a man upon American soil. Realizing our dependence upon the Navy, and in order that we might maintain an adequate Navy and at the same time save the enormous expense of competitive building, we brought about a conference of the naval powers, which conference fixed the relative naval strength to be maintained by those powers. The naval force for which we stipulated and which was allotted us was, in the opinion of our conferees and of our naval experts, the least consistent with the national safety, and it was the expectation of our conferees, and it should be the duty of this Congress, so to provide that we maintain the full naval strength permitted us by that treaty.

But, Mr. Chairman, the Committee on Appropriations propose to reduce our naval force, not only considerably below that which is permitted us to considerably less than that which was allotted to us but considerably less than that deemed essential to the Nation's safety. That conference fixed the naval ratio for ourselves, Great Britain, and Japan at 5-5-3. But unless we are to take as false the statement of the Secretary of the Navy, unless we are to take as false the statements of our naval experts, unless we are to take as false the statements of the men who in the time of war must command our Navy and upon whom will fall the responsibility for the conduct of that Navy—and I do not believe these gentlemen have conspired deliberately to deceive this Congress and the American people—unless we take their statements as false the Committee on Appropriations propose to change that ratio, and by reducing our naval personnel propose to reduce our naval strength not only far below that of Great Britain but below even that of Japan, for, Mr. Chairman, the effectiveness of a Navy is dependent upon the effectiveness of its personnel, and an inadequate personnel means an inadequate Navy.

This proposed reduction is urged upon the usual ground of economy. I believe in economy, but not economy at the peril of the Nation's safety. Let me ask you, What economy can there be in an inadequate Navy? An inadequate Navy is worse than no Navy, because it represents a useless expenditure.

There could be no greater extravagance, no more criminal waste of the public money than the expenditure of hundreds of millions of dollars for the maintenance of an inadequate and practically useless navy; because a navy which falls in any degree short of the full power to serve the purposes of a navy is a useless navy. Gentlemen point to our enormous expenditure and to the great burden of taxation borne by the American people; but they fail to state that the greater part of that expenditure and of the resultant burden of taxation is chargeable to our unpreparedness and to the hysterical haste and hysterical waste with which we were compelled to prepare for war after we were in war. [Applause.] Why, Mr. Chairman, I believe that the whole of that war expenditure may be charged to our unpreparedness, for had we been prepared as we should have been we would not have been compelled to enter this war. [Applause.] Not only is the whole of that war expenditure chargeable to our unpreparedness but to that unpreparedness may be charged the death upon foreign soil of thousands of the best of our young manhood. Why, right across the river at Arlington may be seen thousands of little monuments, each marking the last resting place of an American boy who gave his life a sacrifice to our economy.

Mr. Chairman, why did we jeopardize safety for economy? What was the reason for our almost pitiable state of unpreparedness? It was that upon every occasion the membership of this House had been assured and had been convinced that war was no longer possible.

Mr. McARTHUR. Not all of us.

Mr. FAVROT. And now, notwithstanding our recent experience, notwithstanding the smoke of battle has hardly cleared away, notwithstanding that the world has not regained its equilibrium, notwithstanding the ruin wrought is unrepaired and the wreckage unremoved, gentlemen will calmly assure us that war is not a possibility, and to make provision for such a possibility would be extravagant folly.

Mr. Chairman, as long as the world is populated by men and not by angels there will be war. Until there is eradicated from man's nature human passions and human greed, pride and prejudice, there will be war. If war is not impossible, let me ask why any navy, why the expenditure carried in this bill for a navy? Why did we build any navy but for war? The only justification for this expenditure for the Navy is the national defense and national safety. But there can be no justification for an appropriation of hundreds of millions of dollars for the maintenance of a navy inadequate to maintain that defense or to insure that safety. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I feel that everything possible for and against this measure has already been said on this floor. It would be far from me, with as little knowledge as I profess to have of the technicalities of the maintenance of a navy, to endeavor to add one bit of information to that which the House has already been favored.

As I have listened several days to this debate, it seemed to me that those for and against the so-called large Navy are aiming at the same point—they both want efficiency. Whether it is accomplished under the methods designated by the very able and experienced chairman of the subcommittee, my good friend, Mr. KELLEY of Michigan, or whether it is accomplished under the method as designated by other speakers, principally the former chairman of the committee [Mr. PADGETT], we Members of the House must place in the balance and decide.

We have the gentleman from Michigan [Mr. KELLEY] informing us that 67,000 enlisted men will keep up the personnel and detailed work of the Navy. On the other hand, are these other gentlemen supported by the authority of the department itself in saying that efficiency will suffer if the number is reduced

below 87,000. With all due respect to a fellow Member of the House, it has been my experience that, as a general rule, the proper course to follow is that of the responsible administrative head. The responsible administrative head is the Secretary of the Navy, and he has very plainly told us that if the number of enlisted men is reduced to 67,000, the ratio between the Governments will be 2½-5-5 rather than 5-5-3, as agreed upon in the conference so lately held in this city. It seems to me, therefore, that we are not only obligated to follow the advice of the department from its experience and responsibility but likewise from the fact that the head of the department represents the attitude of the administration in its relations with the foreign Governments. Certainly we all desire to carry out the principles laid down in the treaties, and the opinion of the department accordingly must be given additional weight.

The gentlemen on the opposite side have made more or less objection to interference from the administrative or executive branches of the Government. Interference! Why, what a ridiculous description of advice offered to us! It is solely and simply in cooperation for the best interests of this Government. It seems to me we lack appreciation of the relative position of the executive and legislative when, in response to a letter from one of our own Members, a member of the Cabinet gives his views as to what should be done to carry out the purport, so far as our Government is concerned, of the Limitation of Armament Conference. I can not help coming to the conclusion, Mr. Chairman, in spite of the fact that I invariably favor economy in appropriations, and have so voted time and time again in this House; I can not help coming to the conclusion that it would be false economy on our part to accept the proportions as laid down in the armament conference and then not accept or adopt with that the practical ends suggested by the department itself, necessary to accomplish these results. In other words, we ought not to have a divided responsibility.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. KELLEY of Michigan. Will the gentleman state what number he favors?

Mr. TREADWAY. I have talked with my colleagues on that score and I am inclined to think that there should be no division of interests as to the proper number.

Mr. KELLEY of Michigan. The Navy wants 96,000 and the General Board 120,000; what does the gentleman want?

Mr. TREADWAY. I am prepared to vote for such an amendment as will be offered by the gentleman from Oregon establishing the number at 86,000, which I understand is sufficient.

Mr. KELLEY of Michigan. Who favors that number outside of the House of Representatives?

Mr. TREADWAY. If we have at any point a compromise, I prefer to compromise at the higher rather than the lower number. The gentleman from Michigan is suggesting the very minimum number, and I would prefer, in order to reach the wishes of the department as nearly as possible, to make the number 86,000. Evidently the department will be satisfied if it can get 86,000 rather than 67,000, which the gentleman recommends.

Mr. KELLEY of Michigan. Has the Secretary of the Navy said that he would be satisfied with 86,000 men?

Mr. TREADWAY. He has not said so to me, and I have not asked him.

Mr. KELLEY of Michigan. Has the General Board said that it would be satisfied with 86,000?

Mr. TREADWAY. No doubt, all officials will appear satisfied with what Congress allows, but we want to act with some degree of cooperation and with a proper interpretation of the obligations we have assumed through the recently adopted treaties.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield him one minute more. The gentleman from Massachusetts [Mr. TREADWAY] insists with all his might and main that we must follow the advice of the experts and then turns around and disregards them all.

Mr. TREADWAY. May I ask just one question? I know that the gentleman is very clever, both from the standpoint of information and the power of repartee, but, nevertheless, have any of the experts asked for an amount as low as 67,000?

Mr. KELLEY of Michigan. I think not, except, possibly, the gentleman from Massachusetts [Mr. TINKHAM], if he might be included in the list of experts, or the gentleman from Pennsylvania [Mr. VARE]. I think he wants the higher number, perhaps, even more than Mr. TINKHAM.

Mr. VARE. I am hopeful of getting 86,000.

Mr. KELLEY of Michigan. Oh, the gentleman himself, then, has abandoned the experts, too. [Laughter.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from Georgia [Mr. BRAND]. [Applause.]

Mr. BRAND. Mr. Chairman and gentlemen of the committee, I feel I must beg pardon of the committee, and particularly those who are so vitally interested in the naval bill, for getting time in which to discuss matters not germane to this great issue.

I had what I thought was a fairly good presentation of my reasons for voting for the bonus bill at the time the vote was had upon that bill, but I did not have the opportunity to present my views at that time because of the fact that Mr. Speaker GILLETT, whom everyone on both sides holds in high esteem, guillotined my friend from Arkansas [Mr. OLDFIELD] to such an extent that I lost out on the time which he had kindly allotted to me. It will be remembered we had two hours on each side, and the gentleman, believing he would have control of his two hours, allotted me time to speak on that day, but after he signed the minority report the Speaker limited him to 30 minutes, whereby there was but five minutes left for me. I declined to use this short time and also the privilege of extension of remarks. For this reason I wish to use the time now allotted to me by the gentleman from South Carolina [Mr. BYRNES] of delivering my speech to-day. Speaking out of order in this way is not without precedents in both the Senate and the House.

Mr. Chairman, the bill which the Republican Steering and Rules Committees agreed upon in the interest of the ex-service men and which they propose to cram down the throats of the Democrats and those Republicans who in good faith are willing to enact bonus legislation which will be of substantial service to the ex-service men will not prove satisfactory to them. Under the gag rule adopted by the authors of this measure, for which these two committees are responsible, it will be utterly impossible for any real friend of the soldier to submit any amendment of any character whatever in behalf of the soldier. Under the autocratic tactics of the Republican machine we were prohibited from submitting any amendment in behalf of either the soldier or the taxpayer.

This is an open confession on the part of the Republicans not only of their unfairness toward the Democrats, as well as the ex-service men, but of their impotence in dealing with this legislation. It would seem that with a majority of 170 over the Democrats they would not fear to permit the Democrats to offer amendments thereto and allow them to be considered upon their merits.

The Democrats were therefore confronted with the proposition forced upon them by these steam-roller committees of either voting for their bill or voting against it, which if defeated means no bonus legislation whatever. We were compelled to take it like it is; otherwise leave the soldiers without anything.

The bill offers five plans for adjustment, either one of which may be chosen by the veteran, but he is limited to the single plan chosen. They are as follows:

(1) "Adjusted-service pay," which consists of $1 per day for each day of "home service" in excess of 60 days and $1.25 for each day of "overseas service" between April 5, 1917, and July 1, 1919, the aggregate not to exceed $500 for a veteran who performed no "overseas service" or $625 for one who did perform such service. This applies to all veterans of the Army, Navy, and Marine Corps up to and including the rank of captain in the Army and lieutenant in the Navy. There is a long list of exceptions of persons and classes who do not receive the benefits of the bill. It is only available to those whose adjusted-service pay does not exceed $50.

(2) "Adjusted-service certificate": The veteran receives a certificate of a face value equal to his adjusted-service pay, increased by 25 per cent, plus interest for 20 years at 4½ per cent compounded annually and payable 20 years after date of application. The total will amount to 3.015 times the adjusted-service pay. Provision is made for the negotiation of these certificates.

(3) "Vocational training aid": The veteran may receive $1.75 for each day of his attendance on a course of vocational training, the total payment not to exceed 140 per cent of the amount of adjusted-service pay to which he might be entitled.

(4) "Farm or home aid": The veteran may receive in one payment or in installments an amount equal to his adjusted-service pay, plus 25 per cent, for the purpose, and that purpose only, of making improvements on a city or suburban home or a farm, or to purchase or make payments on such a home or farm.

(5) "Land-settlement aid": The veteran may apply his adjusted-service pay to the first payment on a farm within projects established in the various States by the "national veterans' settlement board," to be followed by small annual installment payments running over a period not exceeding 40 years."

Fair dealing demands that we should have a free and full consideration of this question, with the privilege of submitting amendments favorable to the taxpayers and the soldiers of America, both of whom contributed to the downfall of the German war machine.

I am opposed to bonus legislation which increases postage, levies a tax on gasoline, automobiles, parcel-post packages, and bank checks. I am likewise opposed to a sales tax. Taxes like these are the kind the Republican rulers and leaders first proposed. They knew that such taxes are of a character which the rich classes want, because it relieves them and puts the burden on the poor and the taxpayers of moderate means. The Republican Party has always been in favor of the classes and against the masses of the people. This is its record since its organization. It is this rich crowd whom they are serving who furnished the money in the last presidential election which put the present administration in power.

Some of this same crowd are to-day, and have been for 18 months, fighting Henry Ford's offer to the Government to take over Muscle Shoals. If his proposition is accepted by the Government the farmers of the United States will be able to purchase nitrate at half the cost they are now having to pay the fertilizer companies for nitrate. I think it the duty of the Government to accept Mr. Ford's proposition and do so without further delay, because I believe if he accomplishes what he proposes to do it will be the greatest blessing which can be bestowed upon the farmer, who at this time above all others stands in greatest need of real assistance. Some friend writing in April 22 issue of the Illustrated World states that "the destiny of mankind is at stake," and if Mr. Ford's proposition is accepted the results which he will obtain from the control of Muscle Shoals will "open the eyes of the world."

Our people are already taxed to death with State, county, and local taxes. I am unalterably opposed to increasing their burdens whether by State or Federal authorities.

I am in favor of bonus legislation for the ex-service men provided the rank and file of the people are not taxed to pay the same.

I am in favor of a bonus for the soldiers, but I think the people who made fortunes on account of their service, sacrifice, and suffering should pay it.

There are several sources from which the money to compensate these soldiers may be obtained without working any hardship upon the people generally and without levying any Federal taxes upon them.

First, I think it the solemn duty of this administration to call upon the European countries who owe us over eleven thousand million dollars to make sufficient payment on their indebtedness to provide this bonus for our soldier boys. This administration should not hesitate to make this demand for many reasons and particularly because some of these countries instead of paying what they owe us are using our money to pay a bonus to their soldiers. Such demand should be speedily enforced because it was our soldiers who went over there and saved these nations from annihilation by the German war machine.

The loans this Government made to the foreign Governments during the war are as follows:

Belgium	$347,691,566.23
Cuba	8,147,000.00
Czechoslovakia	61,256,206.74
France	3,950,762,938.19
Great Britain	4,166,318,358.44
Greece	15,000,000.00
Italy	1,648,034,050.90
Liberia	26,000.00
Rumania	23,205,319.52
Russia	187,729,750.00
Serbia	26,175,139.22
Total	9,424,346,829.24

Among other indebtedness besides these loans which foreign Governments owe this country are the following, being obligations on account of the sale of surplus war supplies:

Belgium	$29,872,732.54
Czechoslovakia	20,619,300.11
Esthonia	12,213,377.88
France	407,841,145.01
Latvia	2,523,869.32
Lithuania	4,159,491.86
Nicaragua	170,585.35
Poland	57,369,019.59
Rumania	12,922,675.42
Russia	406,082.20
Serbs, Croats, and Slovenes	24,978,020.99
Total	$572,567,894.47

There is no valid reason on earth why these foreign countries should not be required forthwith to pay the interest of this indebtedness, and such portion of the principal as may be necessary to provide a bonus for our soldiers. In my judgment, this would be done were it not for the fact that a group of international bankers hold obligations against some of these foreign Governments amounting to five thousand million dollars, and the further fact that those high in authority in this Government have a common understanding that a postponement of the indebtedness due us will be made until the indebtedness due by these foreign Governments to this group of international bankers has been discharged and fully paid. I think this is the real motive for the introduction of the refunding bill which passed Congress a few weeks ago. This bill gives the Refunding Commission authority to postpone the payment of these debts due the United States for 25 years. This is the first step looking to cancellation. It is the offspring of these international bankers, conceived in Wall Street, and brought forth by a Republican Congress. These men have banks not only in New York but in the leading cities of the world, among others, in Paris, London, and Berlin.

It is a remarkable incident and, to my mind, a very significant one that in December, 1921, at Cleveland, Ohio, Mr. Justice Clarke, a member of the Supreme Court of the United States, declared to the world that these war debts should be promptly and wholly canceled.

Recently Mr. Otto H. Kahn, an international banker, of New York, made a speech, which is now being circulated throughout the country, in which he stated:

> I would cancel the allied war debts to America to the extent that they are war debts, etc. I would cancel all the allied war debts to us, regardless of the solvency of the nation concerned.

It may be, in order to keep the people of the United States in a passive and acquiescent mood, that these foreign Governments will pay part of the interest due us, but it is my opinion if any part of the principal of our debts is ever paid it will not be until this group of international bankers get every dollar of their money.

I contend that the promise to pay which this Government now holds against these foreign Governments for the loans made them is as binding and valid as any contract which this Refunding Commission may make with these foreign Governments in regard to the payment of these loans.

The obligation we hold against Great Britain, for instance, is worded as follows:

> The Government of the United Kingdom of Great Britain and Ireland, for value received, promises to pay to the United States of America, or assigns, the sum of ——— on demand, with interest from the date hereof, at the rate of 5 per cent per annum. Such principal sum and the interest thereon will be paid at the Subtreasury of the United States in New York, or, at the option of the holder, at the Treasury of the United States in Washington, in gold coin of the United States of America of the present standard of weight and fineness, or, at the option of the holder, at the Bank of England, London, England, in pounds sterling at the fixed rate of $4.76⅔ to the pound sterling, and at any such place of payment without deduction for any British taxes, present or future.
>
> This certificate will be converted by the Government of the United Kingdom of Great Britain and Ireland, if requested by the Secretary of the Treasury of the United States of America, at par, with an adjustment of accrued interest, into an equal par amount of 5 per cent convertible gold bonds of the Government of the United Kingdom of Great Britain and Ireland conforming to the provisions of acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act.

My contention is that this is a valid obligation and as legal a contract to pay this money as can be written. It is as binding as any bond or promissory note or any other written obligation which this Refunding Commission may be able to secure from these foreign Governments. If Great Britain and other Governments who owe us are not honest enough to pay the debts under the present obligations we hold against them, they will not make payment under any other sort of written obligation which this Refunding Commission may take from them.

France can pay us if she wants to, because she is maintaining the greatest land force of any nation on earth. She has an army of 700,000 at home and, it is said, 4,000,000 in Africa.

France is financing a Polish army of 400,000 and is spending hundreds of millions upon military forces in Africa and Asia.

England is spending millions on military and naval armament and expeditions in Egypt and in the Near East and in maintaining her conquest of Constantinople.

If France and England would pay the accrued interest on the money they owe us, no American taxpayer would ever have to pay a cent to provide for this bonus.

These two countries are using money that belongs to us, and everything ought to be done by this administration, short of war, to compel them to pay at least a sufficient amount of their indebtedness to compensate the American soldiers for the services rendered by them and which helped to save these nations from destruction.

These European nations were practically exhausted and the war was almost won by Germany when the American soldiers

arrived in France. Marshal Joffre a little less than five years ago appealed to America, saying: "Send us men or Germany will win." It was their entrance upon the battle fields which helped stem and turn the tide of the German hordes and which ultimately ended the war and saved the world from German dominion.

Second. If the Republicans decline to adopt this course, then public sentiment should require them to collect the money to meet the bonus requirements from those who profiteered and amassed fortunes during the war, and from other classes of people who became millionaires by operations of the war.

These classes, and not the people generally, should be taxed for the purpose of providing compensation for the ex-service men, and taxed to the bone if necessary.

I am heartily in favor of the position taken by the Democratic members of the Ways and Means Committee in the minority report submitted by Mr. KITCHIN, which declares that whatever kind of adjusted compensation Congress shall deem justly due the World War veteran should be paid out of the taxes specifically levied for such purpose upon the big incomes of the millionaires and multimillionaires, whose number has more than trebled and whose wealth has increased to the extent of many billions of dollars since the beginning of the war, and upon the excessive profits of the big corporations, who have plundered and profiteered upon the people and the Government since January 1, 1916, to the extent of over $40,000,000,000 of net profits. These millionaires and multimillionaires and corporations were the real financial beneficiaries of the war. It is generally conceded that 23,000 new millionaires were made by reason of selfish operations during the war and the result of the war.

Since the Republican Congress and administration, in its last tax bill, relieved from taxation the millionaires and multimillionaires to the extent of over $90,000,000 yearly, as estimated by the Treasury Department, on their big incomes, why can not the Republicans now be equally as generous to the brave boys who made sacrifices, who braved the dangers of the sea and the trenches, and who took the risks of life for their country and their flag, and make these big incomes of the millionaire profiteers, who without making a sacrifice, without enduring a hardship, without incurring a risk, remained at home in peace and safety and collected out of the people and the Government billions of blood money, pay whatever sort of bonus Congress may pass? They were filling their coffers here while the boys were spilling their blood there.

As Robert Haimes says in Treat 'Em Square for April, 1922:

It will only take a few millions of the war profits of the billions which profiteers have gained. It will not take from them their capital; it will not take a cent away from their principal, but it will take a little bit of the enormous profits that they have made because those boys were able to win the war.

What did the boys give? Did they give simply the interest on their lives? Did the boys go overseas and simply give a little bit of the profits of their daily earnings? Not a bit of it. These boys threw their capital, everything on God's earth they had, into the balance. They threw their lives in the scales in order that the great profiteers as well as the remainder of the citizenship of the country might live on in happiness.

I contend that the money to take care of the bonus for the soldiers should be taken from these classes of people and out of them alone, if the Republicans refuse to make demand for payment of what the European Governments owe us.

Since the armistice was signed Congress has taken care of every other class of people who claimed to have sustained losses by reason of this war. If it was right for Congress to authorize the appropriation of $3,000,000,000 to reimburse war contractors who entered into contracts with the Government during the war, which were not fully executed, why is it not right to appropriate a reasonable amount to reimburse the soldiers who sustained losses by reason of this same war? Congress appropriated to the war mineral relief people $40,000,000 and to the Shipping Board contractors $50,000,000 and to the railroads $500,000,000, all upon the contention that it was for the purpose of reimbursing these people for losses on account of the war. If it was honest and just for Congress to take care of these classes of people, how in the name of common sense can any reasonable man object, if the tax is properly raised, to enacting legislation which in a measure reimburses the soldiers for the losses they sustained?

The leaders of the Republican Party now in control of this administration may fool themselves, but they will never be able to make the people of the United States believe that some scheme of legislation could not be devised which would take care of the bonus proposition and do impartial justice to the soldiers without taxing the citizens who made nothing out of this war.

Those who are opposing any bonus legislation should not be unmindful of the fact that several of the principal countries which participated in the war with Germany have already provided a bonus for their soldiers. They are as follows:

Canada pays	$634.40
Belgium pays	492.00
France pays	233.53
England pays	189.54
Italy pays	73.34

Australia and New Zealand have also provided a bonus for their soldiers, though I have not accurate information as to the amount paid. If the people of these countries, loaded down with heavy indebtedness, and who have suffered most during the war with Germany, are willing and can afford to extend their soldiers compensation for the losses sustained by them, why should not the United States, the richest Nation on earth, be equally generous with her soldiers?

One who has compiled statistics upon the subject says:

With the exception of Alabama, Georgia, and Mississippi every State in the Union has passed legislation giving to or authorizing for World War veterans aid, exemptions, or benefits of some kind.

Over 50 per cent of our soldiers were less than 20 years of age—mere schoolboys—and most of them were taken from the farms. A fair percentage of these boys were sons of parents who were people of moderate means; most of them were engaged in manual labor on the farm and in other vocations, many of whose parents were dependent upon their boys for support. In most cases these boys were taken from their homes without the consent of their parents. While many did not protest, few mothers of these boys voluntarily consented that they should go to France. In passing upon the merits of this question I can not forget the scenes enacted in thousands of homes of the people of my district and State when boys were leaving mother, father, and friends, and, so far as they knew, never to return. The mothers of these boys, it seems to me, are entitled to some consideration for the suffering and anguish they endured. Many of them have reached the summit of life and are going down the hill toward the setting sun. I would vote for bonus legislation on their account alone, provided the tax to pay the same is raised as I have indicated. "Mother" is the sweetest word the pen of mortal man ever wrote, and hers is the sweetest face the artist's brush ever painted. Her love and prayers followed her boy wherever duty called and wherever the flag waved, whether in camp and cantonment, on the high seas, or—

On Flanders field, where poppies blow
Between the crosses row on row.

[Applause.]

Our soldiers are entitled to this bonus, not as a price for patriotism but as a compensation for the losses they sustained.

The word bonus has a well-defined legal meaning. According to the definition contained in Black's Law Dictionary, a standard authority everywhere:

A bonus is not a gift or gratuity but a sum paid for service or upon some other consideration, but in addition to or in excess of that which would ordinarily be given.

When the private soldiers were called to the service of their country and were compelled by this Government to leave their homes and farms, the office, the factory, the store, and the shop, their means of making money for their own support and the support of those dependent upon them were destroyed, whereby loss and damage inevitably followed. The object of the bonus is to restore the status quo or place these soldiers in as good condition financially as they were when they were called to the colors. It should not be forgotten that these boys only received for their services a dollar or one dollar and twenty-five cents per day, when half of their pay was kept from them and sent to dependent relatives and 25 per cent of the same was retained for insurance, which left them practically only $7.50 a month for their personal use.

I am in favor of legislation which requires a cash bonus paid to the soldiers, and I think it should be paid to them at a time when it will not interfere with the producers, nor in any wise interrupt the agricultural interests of the country. If it is paid in the fall of the year after the crops are harvested it will be properly invested or rapidly expended before the season opens up in the following year when farming preparations begin.

The payment of a cash bonus will increase circulation, which will be the means of relieving some distress among the poorer classes of both races in my district, as students upon the subject agree that $1 in circulation pays $5 of indebtedness.

Our people were in the wake of the avalanche of destruction which swept over the cotton-growing sections during the year 1920. The sudden and great slump in the price of cotton, brought about, as I heretofore charged, by the unwise policies adopted by the Federal reserve system during the year 1920, almost destroyed them. The deflation of currency, the contraction of credits, the calls for loans made by member banks of this system, the forced sale of cotton to pay advances thereon made by member banks, the withdrawal from circulation by the

Federal Reserve Board during the last 18 months of certificates amounting to $1,500,000,000, wrought untold injury to people in all walks of life unprecedented in the history of the South.

Notwithstanding reports to the contrary, no person whose income is under $5,000 will have to pay a cent additional tax on account of this bonus. The leaders and rulers of the Republican Party now in control of this Government are not entitled to any credit for this. It is due to public sentiment prevailing and made manifest among the agricultural and laboring interests of this Republic. If this Republican element had had their way about this legislation the consuming public and the men and women who toil for a living would bear this burden and not the rich. I do not mean to charge that all Republicans in Congress are thus disposed, but it is in keeping with the policy of the Republican Party in the past to take care of the rich and let the poor take care of themselves.

The service the private soldier rendered during this war is a priceless heritage which gold can not buy. When the peace of the world was imperiled by the strongest military machine ever organized, not only America but all of its allies put their faith in and relied upon the American soldier; when the universe was in travail on account of this war and the clank of arms and the rattle of iron throats of thundering guns were menacing the world, when the fate and destiny of this and other nations were in jeopardy all classes of people on two continents relied upon the American soldier. He was then the idol of the nations and the hope of the world, and nothing too good or praiseworthy could be said or written of him. To-day he seems to have lost his identity. While bank accounts are being balanced and coupons are being clipped, while fortunes are being estimated and the clink of gold rattles upon the marble counters of the war profiteers, the private soldier is unthought of in their calculations. During the war the bravery and patriotism of these boys were heralded in the press, and the pulpit, and in song and story. The waves of the oceans rolled in their praise and the surges of all the seas leaped in their glory.

Those who went to France endured suffering and sacrifices never before experienced by an American soldier. They are heroes of the greatest war of the ages, and yet when the proposition to compensate them for the losses sustained while helping to save the world against the greatest monster which ever undertook to conquer it their sacrifices seem to have been forgotten. It is true the war is over, the machine gun has ceased firing, the roar of the cannon is hushed, the earth is free of the deadly gas, the battle fields are quiet, and the rivers of the battle scenes flow with blood and dead bodies no more—and all hope forever—and a tired and exhausted world is laboring in its efforts to get back to the paths of peace. Yet the man behind the gun who helped to bring about these happy results stands, so far as this Congress is concerned, unthanked, unhonored, and unrewarded.

It is a mistake to forget these boys so soon, for it must not be forgotten that they were called to the service of their country that the doctrine of "Peace on earth and good will to men" might survive. Neither should we be unmindful, in dealing with them, of the injunction of the great Galilean first heard on the plains of Palestine, over 20 centuries ago, announced in that immortal sentence, "And as ye would that men should do to you, do ye also to them likewise." [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW of Massachusetts. Mr. Chairman, I ask that there be read in my time as a part of my remarks the following resolution which I send to the desk.

The CHAIRMAN. Without objection, the Clerk will read the resolution.

The Clerk read as follows:

House Resolution 325.

The following resolution was presented by Mr. ANDREW of Massachusetts and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

"Whereas the Congress provided in the act of August 9, 1921, for the establishment by the Veterans' Bureau of regional offices, to exercise such powers as could be performed lawfully under this act by the central office; and

"Whereas only a small proportion of the files and folders having to do with the claims of veterans in the several regions have as yet been transferred to the regional offices, and the regional offices are still under obligation to refer the majority of inquiries and claims to the central office for information or decision, with resultant and multiplying delays, uncertainty, and confusion.

"*Resolved*, That the Director of the Veterans' Bureau be, and he is hereby, requested to comply with the intent of the law to decentralize the bureau, by expediting and completing the transfer of records and files having to do with veterans' claims to the several regional offices."

Mr. ANDREW of Massachusetts. Mr. Chairman, I have asked for a few moments in order to explain the resolution and to put before the Members of the House certain facts with regard to the handling of affairs in the Veterans' Bureau, with which many are not sufficiently familiar. On several occasions recently Members of the House for the New England States have complained of the administration of the Boston office of the Veterans' Bureau. The gentleman from New Hampshire [Mr. BURROUGHS] a few days ago spoke very severely of the interminable delays and uncertainties and confusion in handling veterans' claims in that office. In the course of several other discussions, other Members of this House have said that the handling of affairs in different branches of the bureau was so unsatisfactory as to demonstrate the failure of the whole system of decentralization.

What has been said about the unconscionable delays in securing settlement of claims and about the confusion, uncertainty, and habitual "passing the buck" between the regional offices and the central office in Washington voices the experience not only of every Congressman who has been doing what he could to help along his constituents' claims, but also of most of the disabled veterans from one end to the other of the country. Our former soldiers and sailors have every right to expect a more expeditious and a more efficient administration of the Veterans' Bureau, now that it has had time to get properly organized, but unfortunately the situation, instead of getting better, has been growing steadily worse.

Most of the blame for these conditions has been attributed either to the supposed incompetence of the men in charge of the regional offices or to the system of decentralization established by the so-called Sweet Act, but the facts which I am about to present would seem to indicate that the major responsibility for the present situation lies elsewhere.

The Sweet Act was intended to facilitate the settlement of veterans' claims by establishing 14 districts in different parts of the country, in which were to be concentrated the files and records and the responsibility for handling the claims of the veterans residing in those districts. According to the central office in Washington decentralization has already taken place in 11 of those 14 districts, and one of the first districts to be decentralized was New England. The New England district embraces all of the New England States except Connecticut, and the office in Boston is supposedly in a position now to handle the claims of all New England veterans. Instead, however, of a quicker and more certain adjudication of claims, one finds the contrary—greater delay than ever before and complete uncertainty as to where the records are to be found, and as to where the ultimate decision in any particular case is to be made. Moreover, the experience of New England would seem from the discussions on this floor to have run parallel to that of other parts of the country.

What measure of blame attaches to the men in charge of any of the regional offices I am unprepared to say, but I am quite convinced that even if these offices were in charge of men of unparalleled efficiency much of the confusion that to-day exists would continue, and the reason for this conviction is that the system of decentralization ordered by Congress and, according to public announcements, actually accomplished in the case of the New England district, has never really taken place at least in that district. The vast majority of the records and files having to do with New England veterans have never been transferred from the central office in Washington to the Boston office. Of 65,000 New England claims the folders for not more than 15,000 or 16,000 have been so transferred, and if a New England veteran writes to the Boston office with regard to his claim, the chances are more than 4 to 1 that the file dealing with his claim will still have to be sought in Washington. Under such conditions there has been as yet no real test of the system of decentralization, and no real test of the competence or incompetence of the management of the Boston office.

The claims of veterans may be grouped into several classes: First, those which have been granted; second, those which are pending; third, those which have been disallowed; and a fourth category including some of each of the foregoing groups, the claims having to do with deceased veterans. The files relating to the first group of cases—claims which have been granted—have, according to the best information I can obtain, been transferred from Washington to Boston, but these are exactly the cases which are the least likely to provoke further inquiry or correspondence, and whatever payments have been awarded under these claims will still be made, not from the district office in Boston, but from the central office in Washington.

The presence in the district office of the records of successful claimants is of importance only when the veterans concerned seek, or are subjected to, a change of award.

Second. As to the files having to do with claims called "pending," many, but not all, have been transferred. Claims, for example, for total and permanent disability are, on principle, still kept in Washington, and it is, I believe, the policy of Colonel Forbes to retain them permanently in the central bureau. In addition, cases undergoing the process of adjudication at the moment of decentralization have been retained in the Washington bureau, and it is the policy of Colonel Forbes to retain such cases "until adjudication is completed, and only then to transfer them to the district which is to have future jurisdiction over the same." In view of this latter reservation it is hard to discover what percentage of so-called "pending" cases have actually been transferred from the central office, and it is clear that a large number of the pending cases will only be transferred to the district bureau after the primary occasion for correspondence with regard to them has ceased to exist.

Third. The files with regard to disallowed claims, which probably include the majority of all claims, are, as a matter of policy, retained in the central office. If my experience is a fair criterion, a very large proportion of the correspondence from veterans has to do with the reopening of claims which have been disallowed because of insufficient evidence. The disallowed applicant is very apt to seek a reversal of the decision by presenting new evidence that his illness or disability is due to injuries or diseases incurred while in the service or that his disability is of a compensable degree. Such letters form a very large part of the correspondence from veterans, yet none of the files relating thereto are forwarded to the district offices until a claimant has actually asked for further consideration of his case. The district office upon receipt of such a request for the reopening of a case is obliged to transmit it to Washington, where, after considerable delay, the file of the case is sorted out from the archives and reforwarded in turn to the district, and all this has to be done before the request for reconsideration can even be considered.

Finally, in so far as the fourth class of claims—those of deceased veterans—is concerned, no steps have as yet been taken or are in contemplation to forward the files and folders relating to them to the several districts. The reason given for retaining such cases in Washington is that the awards are frequently divided among beneficiaries residing in different districts. But one can very well doubt whether the cases where the beneficiaries of a deceased New England veteran live outside the confines of New England are sufficiently numerous to justify the retention in Washington of the records of all the New England veterans who are deceased. It would seem probable that in the majority of cases settlements could be more expeditiously effected if these records were concentrated in the district offices.

To summarize the whole situation, notwithstanding the impression given out by the Veterans' Bureau in Washington, decentralization has not yet taken place. Even in the case of districts supposedly decentralized, like that of New England, the records of three-fourths of the claimants still remain in the Washington archives. Despite the effort of Congress to decentralize the Veterans' Bureau, one must still turn to the central office to find the records for all disallowed claims, for all claims of deceased veterans, for all claims for total and permanent disability, and even for a large number of pending claims in the course of adjudication. Such being the case, I maintain that it is unfair to blame too severely the administration of a regional office for not handling its business with expedition, and that it is quite impossible to form any opinion whatsoever on the basis of our experience up to date, either as to the success or failure or as to the possible advantages or disadvantages of the system of decentralization.

The situation is one which demands immediate and very serious consideration on the part of Members of Congress, if the veterans who were disabled in the World War are to receive the generous and grateful treatment which Congress has endeavored to provide for them and if the purposes of the Veterans' Bureau are really to be attained.

I bespeak, therefore, the support of the Members of this House in furthering the consideration and adoption of this resolution.

Mr. KELLEY of Michigan. Mr. Chairman, I yield one hour to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I pay the tribute to the chairman of the subcommittee [Mr. KELLEY] and to my other colleagues upon the committee of saying that they are profound students and closely informed upon the great subject of the naval appropriation bill. To speak upon this bill after the gentleman from Michigan [Mr. KELLEY] and the two gentlemen making up the minority membership have spoken is to speak upon a subject that for anything new in some ways represents Johnny's apple after he had said, "There ain't going to be no core."

Even so there are some phases of the proposition that I believe have not been stressed enough and, again, certain lines of opposition have developed that should be met. I hope I shall not be tedious, and while I shall not pretend to discuss all the details of the bill I am going to invite your attention to the broad policies involved, to the factors that determined the committee in reaching its conclusions, and to criticisms that have been made.

For many years, and especially during the last Congress and the present one, since I have been a member of the fortifications and naval subcommittees of the Committee on Appropriations, I have been challenged by conflicting conclusions and divergent argument, based upon a common set of facts, touching military and naval preparedness. I have listened to the arguments of the students of these problems; I have received and read books and magazine articles and studies by military and naval officers. Our committees have heard a multitude of witnesses. We are told that disarmament of nations will mean peace and that it will mean war; that large armies and navies are the surest guaranties of tranquillity and by others that they inevitably mean conflict. We are told that the World War was so dreadful that it will mean the end of such folly and by others we are told that it was but the prelude to another Armageddon more dreadful still.

So to-day we are told that by reason of the Limitation of Armament Conference and its results additional threatening difficulties confront the nations; others believe that the program will point the way to peace.

With the consideration of the pending bill, however, we have a problem where differences exist as the result of conclusions on a common set of facts, and, in addition, there is a wide divergence of opinion touching some of the facts that are vital to the case.

The letter that was read to you yesterday from the Secretary of State, addressed to Representative HOUSTON, rests upon a "statement of fact." The "statement of fact" to which the Secretary refers is that the proposed number of enlisted men is far below the number required to maintain our Navy upon the basis contemplated by the treaty. This statement of fact was furnished by the naval experts to the American delegates to the conference. Then the Secretary's letter reads:

> Accepting this statement of fact, the only question would seem to be whether our Navy should be reduced below the treaty standard by a provision of personnel inadequate to maintain it.
>
> To this question I think there can be but one answer. I strongly believe that it would be most injurious to the interests of the United States not to maintain fully the standard of the treaty.

Gentlemen, if I accepted the statement of facts touching the proposed enlisted personnel carried in this bill, I would accept the conclusions of the Secretary of State, and I tell you very frankly that I believe that the country expects us to maintain our part of the 5-5-3 ratio.

Mr. LINEBERGER. Will the gentleman yield for a brief question?

Mr. FRENCH. I yield.

Mr. LINEBERGER. Will the gentleman please tell the House whether or not the Subcommittee on Appropriations at any time consulted the naval experts who advised Mr. Hughes during the Limitation of Armament Conference, and to whom he refers in his letter?

Mr. FRENCH. Oh, I will say that the committee had all the evidence, so far as I am aware, that the Navy Department wanted to present to the subcommittee. The Secretary of the Navy, a man who is eminently fair and broad, and well informed on this question, and the Assistant Secretary of the Navy, Colonel Roosevelt, a brilliant and exceedingly well-informed man, were before our committee most of the time. The heads of all the important bureaus of the Navy were before our subcommittee, assisted by their aids at all times, and so far as I am aware, if there was one scrap of information that they had to give to the subcommittee that they did not give, I do not know what it was.

Mr. LINEBERGER. But the gentleman does not answer my question. I asked a specific one. I want to know whether these experts to which the Secretary of State refers, in a specific letter which was read here yesterday, were consulted by the subcommittee?

Mr. FRENCH. Who were those experts?

Mr. LINEBERGER. We can obtain their names. I do not have them here, but we know by name who the experts were.

Mr. FRENCH. The gentlemen ought to know that one of the members of the advisory council to our delegates, as I understand it, was Colonel Roosevelt, and, as I understand, another was Admiral Coontz himself, and, as I understand it, the same men were relied upon to furnish information that we

relied upon to furnish information to our subcommittee. I believe I am right in that statement.

Mr. KELLEY of Michigan. That is right. The Secretary of the Navy and the Assistant Secretary of the Navy were invited to come and be present at all times, whether they were being interrogated or not. Admiral Coontz, as the military head of the Navy under the Secretary, was with the committee, I should judge, three-quarters of the time, and told us everything that he had in his mind and presented his case fully.

Mr. LINEBERGER. Then, I assume that one of two things happened, that either the subcommittee did not follow the information that was given by these same gentlemen to which Mr. Hughes refers, or else they gave different information to the Secretary of State from that which they gave to the gentlemen of the subcommittee.

Mr. FRENCH. If the gentleman will permit me to continue, I want to refer to some of the very matters, I take it, that he has in mind, in the shaping of this bill. I think I will be able to point out some of the disagreements between the doctors themselves before I conclude my statement this afternoon.

Your committee had to meet a condition here that is a condition that never existed, so far as our country is concerned, in the past. Six years ago we had a Navy that was third among the navies of the world. Six years ago the nations of Europe were powerful in their might, measured by navies, by armies, by resources of men, and material wealth. To-day the nations of Europe are, many of them, bankrupt; some of them politically bankrupt, as well as financially, and to-day the Navy of the United States stands equal under the 5-5-3 ratio with the greatest navy, other than our own, in all the world. To-day we have a condition confronting the world that is vastly different from that which has confronted this Congress at any time it has shaped a naval appropriation bill.

From the foregoing and from common knowledge of the causes, purposes, and results of the World War it must be apparent—

First. That large standing armies and navies did not prevent the greatest and most destructive war in all history.

Second. That if an ambitious and aggressive power maintains a large army and navy, other nations, though peacefully inclined, must do the same; that is, compete.

Third. That invention and discoveries point to war devices more destructive and more demoralizing to civilization than ever before contemplated.

Fourth. That only by a common understanding and agreement among the nations of greatest power can competition in naval and military affairs be cut down and held within bounds.

Fifth. That, relatively speaking, the United States, in spite of war burdens, is the most powerful Nation in the world.

Sixth. That leadership by proposals and by example looking toward lessening military and naval burdens of our people and of the world may be made by the United States without other nations ascribing such leadership to fear and weakness.

Seventh. That such lessening of military burdens will contribute to the benefit of humanity—

(a) By lowering taxation;

(b) By permitting millions of people to engage in fruitful pursuits;

(c) By removing the thoughts of the world from war and carnage to the home and national culture and progress.

THE LIMITATION OF ARMAMENTS PROGRAM.

In my judgment, no matter what else may be attained by the present administration, the outstanding achievement must be regarded as the Limitation of Armament Conference, if we shall assume that the drafts of treaties formulated in that conference shall be ratified by the nations represented. These proposed agreements look to the removal of national misunderstandings, the establishment of affirmative ways of peaceful consideration of menacing problems, and the definite limitation of naval and other military activities. In brief, the proposed terms are:

First. The four-power agreement between the United States, Great Britain, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean.

Second. The naval treaty, providing for naval reductions and limitation and affecting the United States, Great Britain, Japan, France, and Italy.

Third. The submarine and poison-gas treaty, to prevent submarine attacks on merchantmen and to prevent absolutely the use of poison gas, subscribed to by the last-mentioned five powers.

Fourth. The Chinese general treaty, embodying the Root rules touching China and involving her integrity, the open door, aid for stable government, and unselfish policies of other nations, and so forth, and signed by the five powers last mentioned, and in addition China, the Netherlands, Belgium, and Portugal.

Fifth. Other treaties, resolutions, and agreements touching the open door in China, China's railroads and customs, exempting the homeland of Japan from the application of the terms "insular possessions and insular dominions," the restoration of Shantung and Wei-hei-wei to China, and a number of other lesser but important matters.

All of these proposed treaties and agreements have bearing upon the pending bill, and all to which the United States is a party have been ratified by the United States. All of these treaties dovetail together so as to make a composite whole, and though I shall discuss only the naval treaty to any extent, it must be remembered that this treaty depends in large part upon the conditions of others, as for instance the use of submarines, fortifications in the Pacific Ocean, and so forth.

THE NAVAL TREATY.

The naval treaty is vastly more startling and important from the standpoint of what it lops off from the naval programs of the powers to the agreement than it is from the standpoint of what may be maintained.

The general principles that controlled the conference on this head may be said to be—

First. That all capital-ship building programs, either actual or projected, should be abandoned.

Second. That further reduction should be made through the scrapping of certain of the older ships.

Third. That, in general, regard should be had to the existing naval strength of the powers concerned.

Fourth. That the capital-ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

AIRCRAFT CARRIERS.

Under the treaty there was a limit placed upon aircraft carriers, as follows:

	Tons.
The United States	135,000
The British Empire	135,000
France	60,000
Italy	60,000
Japan	81,000

OTHER LIMITATIONS.

1. Capital ships shall be limited to 35,000 tons.

2. Aircraft carriers shall be limited to 27,000 tons, except two for each nation of not more than 33,000 tons each.

3. No vessel of war other than capital ships or aircraft carrier shall exceed 10,000 tons.

4. No capital ship shall carry a gun with a caliber in excess of 16 inches.

5. No ship other than a capital ship shall carry a gun with a caliber in excess of 8 inches.

6. The status quo as to fortifications and naval bases shall be maintained by the United States, the British Empire, and Japan in their insular possessions in the Pacific Ocean with certain exceptions; those for the United States being the Hawaiian Islands and the islands adjacent to the coast of the United States, Panama, and Alaska (except the Aleutian Islands).

So much for a general outline of world conditions and the fruits of the Limitation of Armament Conference.

I am delighted always with the speeches of the gentleman from New York [Mr. COCKRAN], but I do not follow him at all in his reasoning this afternoon, that the call and the results of the Limitation of Armament Conference were apart from that which the President could properly do. In the first place, the President was acting within his authority upon the basis of the resolution that you yourselves passed as a part of the appropriation bill a year ago, known as the Borah amendment. Greater even that that, the President had authority in the very Constitution under which you are serving to-day, as the head of this Government, to negotiate treaties.

Further than that, he submitted the results of the Limitation of Armament Conference to the Senate of the United States, made by the Constitution a part of the treaty-making power of our country, and the Senate has ratified the treaties. Unquestionably, if the Congress, both House and Senate, should not be satisfied with the results that have been attained, it would be within the province of the Congress to pass legislation which, even if the treaties were ratified by all the powers, could set aside the results of those treaties.

So, gentlemen, we are acting here, in shaping this bill, not only in response to the policy of the administration, reenforced by act of Congress, but in response to that splendid and substantial public opinion in the United States.

THE PENDING BILL.

In shaping this bill, manifestly we could not follow the estimates submitted by the President from the Bureau of the Budget last fall, because the new conditions have changed the basis for all estimates then made.

The chairman of the subcommittee has outlined to you very fully the number of ships, the capital ships, and all the auxiliary ships provided for under the bill that we have reported. I shall not go into detail as to that, but I want to say that it was the spirit of the subcommittee as well as that of the full committee to maintain the 5-5-3 ratio absolutely.

As I proceed I believe you will agree that we have done so. Our bill provides for 18 capital ships and for the other auxiliary craft necessary for a well-rounded Navy.

Now, with regard to the officer personnel, your subcommittee felt that it was our duty to support the 5-5-3 agreement by giving to the support of those ships a sufficient complement of officers to handle the business of the Navy. We did that. Let me go into a little detail in showing you. To-day the navy of Great Britain has 5,284 officers of the navy proper, plus a thousand officers of aviation as of date October 24, 1921, according to information furnished to the Naval Committee of the House, or a total of 6,284. Our Navy under this bill has been given what? We have given the officer personnel that you have to-day, less 389 reserve officers but including 200 young men who will graduate from the Naval Academy in June, thus giving you an officer personnel of 6,256, only 3 below the officer personnel of the British Navy on the figures of last October. And more than that, the officer personnel figure that includes a thousand aviation men for the British Navy is an estimate. If it is eight too high, then we are exactly in the same notch.

Now, let us refer to Japan. Japan, according to the information furnished by the Navy Department, had in July last 3,641 officers. To accept those figures is to recognize at once that 3,061 is about the ratio that ought to be adopted by Japan for the coming year, according to the ratio of our officers and those of Great Britain upon a 5-5-3 basis.

THE ENLISTED PERSONNEL.

Now, let us turn to the enlisted personnel. The gentleman from Michigan [Mr. KELLEY] told you on the first day when he discussed this bill that we had provided for 18 capital ships; that for them we had provided for an enlisted personnel of 18,259 men. He told you that the entire enlisted personnel that we had provided for the Navy that is to serve upon ships was upward of 50,000. He told you then of the other 17,000 for service at shore stations and as auxiliaries, and he told you that the total was something like 67,000 for the enlisted personnel.

I am not going into detail as to the allocation of these men upon the ships. I want to say, however, that the gentleman from Michigan told you further that we had followed, first of all, the allocation of these men upon the basis of the complements of these same ships on February 1, 1922, except where it was apparent that ships did not have their full complement or were not ready for duty or service, and there we gave, I think, in every instance the complement that was recommended by the Navy Department for the ships that are not now in service or that will be in service next year.

The total, then, after these figures had been put down and the line drawn and the columns added, was 67,000 enlisted personnel. Now, then, there are several ways of checking up on that question, and your subcommittee availed itself of the various ways. In the first place, we could check up on the question by subtracting those who to-day are assigned to services that we do not propose to continue next year. It has been repeatedly stated here that we have 96,000 men in approximate numbers as the enlisted personnel of the Navy. It has also been told to you that we propose to scrap several hundred of useless craft that were acquired during the war, that will serve and can serve no useful purpose, but the retention of which constitutes a veritable sinkhole for the people's money that you raise by taxation.

Now, then, we took the number that could be relieved from ships withdrawn from service and we took those who would be relieved from shore duty on account of the lessening of activities on the basis of the Navy under the 5-5-3 program.

We took then those who have been regarded and carried as surplusage under even the 96,000 personnel in the Navy. We added them together, and the sum total is upward of 30,000. Now take your 96,000 and put 30,000 underneath, draw your line and subtract, and again you have figures that are practically in the same notch with the other figures, or somewhere around 67,000.

Look at it in another way. The complements of the ships of the Navy in 1916 were fixed then by those who were in large part the same officers that are in the Navy to-day. And what are the complements? There are 15 of the ships that were in the Navy then that are in the Navy now. Consult, if you please, the book known as the Ship's Data Book for that year, and you will find that upon the 15 ships at that time there were 18,797 men. Divide that by the number of ships and you will have 919 men to a ship. Apportioning the same number then for the 18 ships that we now have, or substantially the same number, and you have 16,542. But we have given you 18,259.

Now, yesterday and the day before it was said over and over again that there are new services for men upon these ships made necessary by new discoveries and new devices. So there are, and your committee gave these services full attention. The three essential services occasioned by new devices and discoveries are fire control, antiaircraft guns, and radio work. Our committee considered all of these services and the number of men that would be required for each. There was so much criticism, however, that upon yesterday I telephoned Rear Admiral McVey for verification of the figures touching fire control and antiaircraft guns and Admiral McVey furnished me with the information. In addition to the information he gave over the phone, he verified the information by means of a memorandum, which reads as follows:

APRIL 11, 1922.

Additional men for fire control	33
Additional men for 8" antiaircraft guns	112
Total	145

Also crews were increased due to the necessity of having more men to handle ammunition than had been allowed previous to the war, as the men could not hold up. Total for battleships, 280.

As to the last item referred to by Admiral McVey, "Additional men to handle ammunition," your committee did not feel justified in granting these men. Clearly, these men are for war purposes; clearly, for all peace-time training, the number of men in the complements of 1916 could handle the work.

Admiral McVey advises that the number of men required for fire control would be 33 per ship. Multiply 18 by 33 and you have 594 men.

For antiaircraft guns Admiral McVay advises that it would require 112 men per ship. That was upon the basis of 8 guns on each of the 18 capital ships. But I turned to the ship's data book to see how many of these antiaircraft guns will be on the ships the coming year. We have not provided 8 guns upon each ship. On 10 of the ships there are but 2 guns each. Upon 8 other of the ships there are but 4 guns each. Add your guns together, multiply the 14 men per gun by this number, 52, and you have 728 men.

Then what else do you have? We are told that they need men to handle the radio work. So they do. We have at this time how many? You not only have radio apparatus upon battleships but upon cruisers and destroyers and submarines and most of the craft of any importance in the Navy. Not all of the craft have apparatus of the most complete or of the latest type, such as that upon the battleships, but if you allow 10 men to each ship, which is more than the number allowed to the average station upon shore, to every one of the 18 battleships, you have another 180 men.

Draw your line again, add these several items together, and you have 17,884 men, or, in other words, 400 less than we have provided for in this bill. [Applause.]

Gentlemen, there are different ways in which you can check up on this question. I want to say that we have checked up on it. We have not been acting upon our own judgment, but we have been trying to follow that which seemed to be the very best advice that we could receive. Turn, if you please, to the records of the hearings in the Congress about six years ago and there you will find that when Admiral Blue was before the Committee on Naval Affairs some of the ships of the very character that we have to-day were under discussion, and at that time, when it was proposed that the complement per ship should be raised above 781 men, raised 178 above that, Admiral Blue was asked where they would be placed, and he said that he could not say where they would be placed. Then Mr. Roberts, of Massachusetts, whom you will remember as a member of this House, asked, "Where will you put them?" Admiral Blue said, "That is what I would like to know."

In other words, at that time, six years ago, upon the same type of ship that we have to-day, which for the most part make up the capital fleet of the United States, Admiral Blue said he did not know where he would put those men.

Go further than that. Compare the present enlisted men upon our ships with the personnel upon the British fleet. That is another way to check up. The prize ship of the British fleet to-day is the *Hood*, which they claim is the foremost ship upon the sea, and to that ship they have allocated 1,475 men, and to their other ships 955 to 1,016; in other words, figures that are absolutely comparable with the figures that we have provided for the capital ships of the American Navy.

Now, turn to Japan and what do you find? One of her ships nearing completion is the *Mutsu*, built by popular subscription. That is the ship the Japanese people did not want to give up

when it came to the question of scrapping ships. I think if I had been a citizen of Japan I would have insisted that that ship be retained in the navy, a ship of 33,800 tons, soon to be completed. To that ship they have allocated 1,360 men. Now, if you will consult the personnel allocated to their other ships you will find that the number runs from 1,000 on up; in fact, figures that are comparable to the figures that we use for the capital ships of the American Navy.

So, gentlemen, measured by the various standards that we were able to apply, we believe we have brought to you a personnel for these different ships that adequately meets the situation.

The gentleman from Illinois, Representative MANN, asked a question Monday that was answered so promptly that I do not think it was stressed enough. Representative MANN has not only one of the keenest minds that ever participated in this Congress but the rapier that he wields is probably sharper than that wielded by any other Member of this body, and anyone of whom it can be said that he stands second to Mr. MANN in intellect or in any way is receiving a great compliment. What did he say? Let me read the colloquy:

Mr. MANN. I want to see whether I have the gentleman's position correctly in mind. As I understand it from the statement made by the gentleman from Michigan, he claims that the personnel, the enlisted men, allowed is sufficient to man a battle fleet of 18 capital battleships and all the necessary accompanying ships which the Navy thinks ought to accompany them?

Mr. KELLEY of Michigan. Absolutely, and about that there is no dispute.

Mr. MANN. And that in addition to that there will be personnel enough on shore to provide all that is necessary at receiving-ship barracks, shipyards, and so forth?

Mr. KELLEY of Michigan. Yes; and give 7,000 additional men to take the places of those who may happen to be sick or under training.

Mr. MANN. And that it does not provide a large number of men simply in training, not being used for other purposes than training.

Mr. KELLEY of Michigan. I would say to the gentleman from Illinois that it is even worse than his question intimates, because they do not have now a large number in training.

That, gentlemen, is the crux of the whole matter.

There is a wide zone between men enough to care for the 18 ships in times of peace and men enough to man the same ships in time of war. On the one hand, 1,400 or 1,500 men in case of war, and on the other hand, 900 or 1,000 men in times of peace. [Applause.] Do you know that the same arguments used now were used years ago? Let me refresh your memory. The gentleman from Tennessee [Mr. PADGETT], who spoke the other day so eloquently and learnedly on this bill, spoke on the bill last year, and he called attention to the great crime that was being committed against the Navy when it was proposed to reduce the total to 100,000 men. On February 10, 1921, Mr. PADGETT said, in debate:

I have a statement, received this morning, to the effect that if the personnel was reduced to 100,000 men the ships of the Navy will be in the following status: Battleships, first line, in commission, 18—

And so forth.

Have you heard that language recently, anything that sounded like that? [Applause.]

Now, gentlemen, go further in the discussion a year ago and you find the same gentleman from Tennessee [Mr. PADGETT], my friend, so learned and so able in all affairs pertaining to the Navy, as well as generally, and on yesterday he thought we ought to follow the advice of the Navy. Here is what he said:

Now, the question before the House, the crucial question is, Will 67,000 men allotted to the Navy accomplish that purpose? I say not. Now, why do I say so? In the first place, gentlemen, the Secretary of the Navy, who is charged with the duty, upon whom rests the responsibility, says to us as emphatically and as positively as it is possible to express it in words, that it will not. Are we not to give any credit, are we not to give any credence to the man upon whom we shall place the responsibility of discharging the trust? Are we to ignore and pay no regard whatever to the Secretary of the Navy?

Mr. PADGETT is following the advice of the Secretary of the Navy. Turn, if you please, to the speech a year ago, where the Secretary of the Navy had agreed to 100,000 men, and this same gentleman from Tennessee said that he preferred to rely on Admiral Washington for the figures upon which he was then arguing, and disregarded the estimates made by this same responsible head which he now says we ought to follow.

Now, gentlemen, between the number necessary to man the ships in peace and the number necessary to man the ships in war there is an unquestionably large number, but that number represents men, as suggested by the gentleman from Illinois in that wonderfully illuminating question. Are they, then, there for the purpose of training?

That is the heart of it. Of course they are, they are performing the most useful purpose in case of war, and are supernumeraries in times of peace. They are a large body of men hanging there, if you please, suspended like the coffin of Mahomet in mid-air so long as we are in peace.

Now, gentlemen, in the subcommittee and the full committee we believed in maintaining the capital ships and such enlisted men for them as will maintain the 5-5-3 ratio, and, gentlemen, you can consider it more from the standpoint of peace than from the standpoint of war. But when it comes to the battleships and officers themselves you have a different problem. You can not build a battleship in 90 days, as was done on Lake Erie 100 years ago. You can not train officers overnight, or in six months. It requires years of time to train officers, and I think the Congress ought to maintain a substantially large number of officer personnel. If I might be bold, I would say that personally I am not satisfied with the 86,000 fixed for the purpose of 4 per cent official list for the Navy. I am inclined to think that we ought to put the number nearer to what the figures are now for the officer personnel and then remove the present ratio, and you would remove possibly something which unconsciously may enter, or is believed possible to enter, into the determination of estimates touching the enlisted personnel of the Navy.

Now, let us go a little further. I have received this morning a wonderful chart from the gentleman from Oregon [Mr. MCARTHUR]. I do not have it with me, but that chart shows on its face that the personnel provided for our Navy is lower, I think, than that of the Japanese Navy, or perhaps approximately in the same line. Now, let us consider that for just a moment. I do not think the gentleman from Oregon can actually accept at the face value the assertion that he makes in this wonderful chart. Let us consider it. Remember, we are not disagreeing as to the capital ships, we are not disagreeing on the officer personnel, but we are disagreeing on the enlisted personnel of the Navy. And yet in this chart he seems to determine everything not by officers, not by ships, but by enlisted personnel. In other words, following out his reasoning, if you would raise the enlisted personnel from 100,000 to 200,000, then what would you have done to the ratio? It would be 10 for the United States, 5 for Great Britain, and 3 for Japan. Is not that absurd? You have got to have men to go on the ships, you have got to have officers in somewhat proportionate number. In saying that to maintain a sufficient personnel to maintain the 5-5-3 ratio you have got to maintain it on the enlisted personnel war basis is absolutely without merit. [Applause.]

Let me go a little bit further. There is opposition to this bill from within the committee. The minority members of the full committee have prepared a report and have said that the cost of the British Navy for the next year will be £75,605,864.68. I wonder where the gentlemen of the minority, headed by my friend the honorable Representative from Massachusetts [Mr. TINKHAM], received that information. I turn here to the records of the Naval and Military Record, published upon March 15 of the present year in London. It is a publication that corresponds to the Army and Navy Journal of the United States. The figures that the honorable gentleman gives practically coincide with the estimates that were made in exact detail something like six months ago, before the Limitation of Armament Conference was had. Here is a magazine that boosts for the Navy of Great Britain, just as the Army and Navy Journal of our own country boosts for the Navy of the United States, and we find here the quoted report of Lord Lee, who is the first lord of the Admiralty, upon this question. This is the same Lord Lee who was the representative from Great Britain to the Limitation of Armament Conference. He says that in view of this agreement that has been entered into it was possible for him to make a supplemental estimate to the estimate that had been made some six months ago. If gentlemen will examine into the statement here of the Navy estimates, they will find that something like £10,000,000 of these estimates that are included for the support of the Navy are estimates for such purposes as civil superannuation allowances and the adjudication of old war contracts, and such things as that. Even when you eliminate all that and boil it down to its lowest at six months ago it was only £64,000,000 for what is called naval purposes alone. Then Lord Lee recommends in a supplemental estimate to Parliament that it be reduced still further, and he says the naval costs for 1922-23 have been reduced by nearly £21,000,000 from the figures that these gentlemen give.

Not only that, but he says that of this amount £450,000 are required by last year's estimates to liquidate certain war claims. So, even admitting that the £54,000,000, which is about two-thirds of the estimates, represents the budget for the British Navy for the next year, that is shown to contain, according to the statement of Lord Lee, something more than $2,000,000 for the liquidation of certain contracts.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. KELLEY of Michigan. Does the gentleman recall what the gentleman from Massachusetts said as to where he received

the information as to the cost of the British Navy? Oh, I see, the gentleman is here on the floor. Perhaps he could give us the source of his authority for saying that it cost £76,000,000.

Mr. FRENCH. I thank the gentleman for that suggestion and would be glad to have that information.

Mr. TINKHAM. I got it from the Intelligence Bureau of the Navy Department, an excellent source of information.

Mr. FRENCH. So excellent a source of information that, as the gentleman says, I am sure that if he were to go there and make inquiry, he would find the supplemental estimate of $54,000,000 for the British Navy for the next year. [Applause.]

Mr. TINKHAM. May I ask the gentleman a question?

Mr. FRENCH. Yes.

Mr. TINKHAM. Does he know the difference in pay between the different services of the British Navy and the American Navy?

Mr. FRENCH. I recognize that there is considerable difference in pay. We have to take all of those factors into account.

Mr. KELLEY of Michigan. If my colleague will yield, the difference in pay in some respects is vastly against us. The British officers of the highest rank all receive immensely more than the officers of similar grades in our Navy.

Mr. TINKHAM. How about the enlisted men?

Mr. KELLEY of Michigan. The enlisted force is not so greatly different, because the figures in this bill are based on the pay of 1908.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. KNUTSON. The gentleman has mentioned the supplemental estimate made by Lord Lee. The gentleman does not mention what change has been made in the enlisted personnel of the British Navy, and we would be very glad to get that information.

Mr. FRENCH. I want to thank the gentleman for that suggestion. I had pretty nearly forgotten it. The combined personnel for the British Navy, according to the first estimate, was 118,500. According to the supplemental statement that has been reduced to 98,500, and that includes the officers, the enlisted personnel, the royal marines, and the students in the Naval Academy of Great Britain.

Mr. KELLEY of Michigan. And the Coast Guard.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DEMPSEY. The gentleman from Tennessee [Mr. PADGITT] stated that there were 58,000 men engaged in handling colliers and other subsidiary boats in the Navy which were not carried in the personnel at all.

Mr. FRENCH. I think that consideration must be taken of that. The chairman of the subcommittee, in reply to that statement, stated that it was his information that only 1,000 civilians were employed as he recalled for the handling of that particular work.

Mr. DEMPSEY. Oh, the chairman of the subcommittee did not give his authority at all, while the gentleman from Tennessee quoted his authority. You could not handle the number of ships he specified, or one-quarter of them, with 1,000 men. The chairman of the subcommittee stated the matter without any authority whatever, while the gentleman from Tennessee stated two things—first, his authority, and second, the number of boats they man.

Mr. FRENCH. I am glad to have the interruption of the gentleman, and I would say this, as regards the navies of Great Britain, Japan, and the United States, there is the element to be taken into consideration of whether men in the enlisted personnel are used to do that which is done in one country by a civilian personnel. We have tried to take all of these elements into consideration.

We have tried to measure one against the other. As the result of it, going down ship by ship, giving the enlisted personnel here in the matter of detail that we have given it, we have arrived at the conclusions we have presented.

Mr. MADDEN. Will my colleague yield?

Mr. FRENCH. I will be glad to yield.

Mr. MADDEN. I do not think the gentleman from New York [Mr. DEMPSEY] was in the Chamber when the gentleman from Idaho called attention to the speech of the gentleman from Tennessee last year. I wish he would repeat just one section of that for the information of the gentleman from New York.

Mr. DEMPSEY. I heard all the speech this year, and it was very illuminating.

Mr. FRENCH. Then, having the speech this year in mind, what I called attention to a bit ago was the argument used a year ago by the same gentleman as to what a 100,000 Navy would do. In the words of the gentleman from Tennessee [Mr. PADGITT], if the personnel was reduced to 100,000, it would mean that we could retain but 13 battleships in full commission. With the 96,000 to-day we are maintaining 18 capital ships in commission. Let me refer to one or two other criticisms.

Mr. BEEDY. Will the gentleman yield for a moment?

Mr. FRENCH. I will.

Mr. BEEDY. We have all been very much interested in listening to the gentleman. His speech discloses he has investigated the subject, and we want all the information we can get. A good many Members of the House recognize the importance of aviation. I see the gentleman's time is nearing an end. I trust he will not take his seat without discussing that branch of the service and the provisions which the bill makes. We ought to have more particular information as to whether or no this bill provides for all the men that have been asked for by the aviation department.

Mr. LINEBERGER. Will the gentleman yield further? I would like to have the gentleman tell the committee whether or not the British Air Service, the Royal Air Service, which is a separate department in Great Britain—whether the number of men carried by them as on duty with the navy is included in the number of men which he reports to be in the British Navy for the coming year?

Mr. FRENCH. Not generally speaking. I told you that 1,000 officers were included in my officer comparison. I want to say in connection with that, that while I had not purposed to discuss the question of aviation, we have provided for aviation, I think, all the department asked. We have provided something like 3,200 men, and, as I recall, we have provided something like $7,000,000 to carry forward the work of aviation for the coming year.

Mr. MADDEN. We have provided $7,800,000.

Mr. FRENCH. I thank the gentleman. I agree most heartily with what was said here yesterday by the gentleman from Oklahoma [Mr. MCCLINTIC] touching the ability of an effective naval air force in meeting an attack of any other country. The gentleman from California asked me another question, and that is whether or not the air force included in our figures here was in the British figures. We have included 3,200 in our figures. The British Government, though, maintains a separate and distinct air force, made up, as I recall, of approximately 30,000 men, and then for the purpose of increasing the number that should be, as he thought, properly charged to the Navy, Representative PADGITT yesterday said that he thought something like 11,000 of those men should be added to the total for the Navy in order to make the figures comparable with the figures I have submitted to you.

I want to say, while I agree in the importance of the personnel of the air force, the importance of the Aircraft Service, I do not agree that the statement that he made is correct, that we should charge 11,000 men to ours in order to offset them. Why should we? Why should we, if they are using 11,000 men for Air Service, charge arbitrarily 11,000 men to our Navy to do naval service, when we are not turning them over to do air service?

Mr. DEMPSEY. Will the gentleman yield in that connection?

Mr. FRENCH. All right.

Mr. DEMPSEY. The gentleman from Tennessee did not claim that we should charge off 11,000. He said 11,000 were chargeable in their case, and only 6,200 was requested by the Navy Department here. He said that number should be included and should be added.

Mr. KELLEY of Michigan. I will say to the gentleman that the Navy Department never did request 6,200 men for aviation.

Mr. DEMPSEY. What do your hearings show?

Mr. MADDEN. Thirty-two hundred.

Mr. FRENCH. I thought that was about right.

Mr. DEMPSEY. What the gentleman from Tennessee [Mr. PADGITT] stated was—and I can not find anything in the hearings about it—that the number was 6,200.

Mr. KELLEY of Michigan. I will give the gentleman the exact facts about it—that the Chief of the Bureau of Aviation wrote a letter to Mr. PADGITT——

Mr. DEMPSEY. I remember his reading the letter.

Mr. KELLEY of Michigan (continuing). In which that statement was made. I do not know what the Chief of the Bureau of Aviation recommended to the Navy Department. We transact our business with the head of the Navy, and the chief of the bureau and the Secretary of the Navy did not ask for any such number of men for aviation. But they did ask for the number which we gave them.

Mr. DEMPSEY. Do your hearings show that? That is the question. We have either hearings or letters. The letters have been produced. What do the hearings show?

Mr. KELLEY of Michigan. I think they give the number, but I am not sure.

Mr. FRENCH. Then, while that matter is being checked up, let me proceed just a little further in answering the question of the gentleman from California. I do not think that it is at all essential for the United States to maintain a naval air service such as may be essential for Great Britain. And why? The Naval Air Service for the United States must, according to the present development of aviation science, be a defensive weapon, in my judgment, rather than an offensive one. Furthermore, it is the policy of our Government to act in that capacity rather than as an aggressive Nation. Beyond that, let me say this: The United States is so situated that we are very remote from the great nations of the world. The home base, if you please, must be on our own territory. Great Britain, lying as she does up against Europe, can in an hour's time send her aviators across the Channel and over the Continent of Europe. They can make their assault upon a city, upon a ship, or upon a navy yard, and return to the home base, if you please, within a few hours.

Not so the United States. In Great Britain you must have an aviation force according to the judgment of those in military authority there capable of offensive warfare, if you please; when, according to the military authorities of our country, thank God, we are not required to provide nor believe it necessary to provide a tremendous air force for the defense of the Union. [Applause.] There is the difference.

Now, I yield to the gentleman from Missouri.

Mr. McPHERSON. I understood the gentleman to state that the number estimated for the British Navy was 98,500, officers and men.

Mr. FRENCH. Yes, sir.

Mr. McPHERSON. How many of that number were enlisted men or corresponding to our enlisted men?

Mr. FRENCH. I just showed the gentleman a little while ago that as regards officers, the number is approximately the same as ours.

Mr. McPHERSON. In that 98,500, is not the number of enlisted men included 81,000? In other words, 81,000 as against our 67,000?

Mr. FRENCH. Oh, no; not as against our 67,000.

Mr. McPHERSON. Of the petty officers and enlisted men of the 98,500, 81,000 of them are enlisted men in the British Navy.

Mr. FRENCH. Not in comparison with our figure.

Mr. McPHERSON. What is the correct figure?

Mr. FRENCH. We have 19,500 marines.

Mr. McPHERSON. You say a certain number were provided for in the British Navy for 1923, and that it was 81,000.

Mr. FRENCH. If the gentleman has checked up those figures I will suppose they are correct.

Mr. MADDEN. It should be remembered that the British Navy includes aviation service, and the officers and marines and naval cadets.

Mr. McPHERSON. The British Navy has 81,000 men, and the British colonial service has in addition about 8,000 men, and the British air service comprises——

Mr. FRENCH. Oh, we have in the United States to-day other organizations. Several of the States have availed themselves of the cooperation work furnished by the Government in building up the naval service—the Naval Militia.

Mr. SWING. I would like to ask the gentleman how many men have we in our Naval Reserve to-day? How many men have we in the United States Naval Reserve Corps to-day?

Mr. FRENCH. Will the gentleman tell me?

Mr. SWING. I ask you.

Mr. KELLEY of Michigan. Including the officers, it is about 11,000. But the gentleman from Idaho was speaking of the Naval Militia.

Mr. SWING. Oh, you do not undertake to compare the civilians who give one or two hours a week to that work with a British colonial force which is a professional fighting force, at the command of the British admirals, a force which must go anywhere they want them to go, just as the colonial troops went into the World War just where Great Britain wanted them to go.

Mr. FRENCH. I will say to the gentleman that the American reservist, the volunteer, the enlisted man, and the drafted men have been able to give the highest account of themselves on every battle field and in every naval engagement wherein they have had a part.

Mr. SWING. Yes; they are prepared to go gladly to the support of their country, but preparedness would have saved thousands of their lives.

Mr. FRENCH. But the gentleman forgets that when it comes to casualties our men have shown themselves as capable of taking care of themselves as have the men in the so-called highly trained armies of Europe.

Mr. DEMPSEY. Is it not the ultimate conclusion that the gentleman reaches that Air Service with the United States should content itself with a less force than Great Britain on two bases: First, that we are pacifists, and second, that we should not be adequately prepared?

Mr. FRENCH. No; absolutely not. In the first place, I am not a pacifist, and in the second place, I believe that our Air Service does not need to be determined upon the same principle as that upon which Great Britain must determine the personnel of her air service. The two countries are different, absolutely. We do not have other great nations lying up against the United States who may be our possible enemies.

Mr. DEMPSEY. Are they not crossing the Atlantic now, and do they not increase the length of flight every day; and have we not to consider the future, and are we not supposed to be doing that now?

Mr. FRENCH. But we do consider the future, but this is not an aircraft bill. This is a naval bill that we are considering now. The aircraft in Great Britain is an independent institution.

Mr. KELLEY of Michigan. And the 10,000 men suitable to be assigned to aviation in the British Empire is purely an arbitrary estimate made by somebody down here in the department for the purpose of bolstering up certain figures.

Mr. MADDEN. And in addition to the aircraft provided in the naval bill we have an Aviation Corps in the Army.

Mr. DEMPSEY. The gentleman should not say that those figures are furnished with a view to bolstering up anybody's figures. You should consider the fact that these officers are actuated by a high sense of duty, and that they are not making an arbitrary assignment of figures for the purpose of bolstering up their position, as the gentleman suggests.

Mr. KELLEY of Michigan. They could have made the figure 12,000 or 15,000 if they pleased.

Mr. DEMPSEY. They are men of judgment, and their opinion is entitled to more weight than that of civilians like ourselves.

Mr. HILL. Can the gentleman tell us how many enlisted men in the aviation service are contemplated in this bill?

Mr. FRENCH. Three thousand two hundred now.

Mr. LINEBERGER. The gentleman prefers to avoid aviation, does he not?

Mr. HILL. The figure given out to-day is that the Navy has at the present time an enlisted personnel in aviation of 4,796. As I understand the gentleman from Idaho to say, this bill provides for only 3,000.

Mr. FRENCH. No; I think I said 3,200.

Mr. KELLEY of Michigan. I have it here in the hearings. On page 391 of the hearings Captain Williams testified that on January 1 they had in aviation ashore 2,160 men. Now, then, they ask in addition to that about 600 men who are to go into the fleet next year after the catapults are put upon the battleships, and some others, and in addition to that they ask for the men necessary to man the new aircraft carrier and tender, amounting to 500 men, or 1,100 in addition to those I have mentioned; and that is all the number of men I ever heard anybody connected with the Navy Department ask for in an official capacity.

Mr. HILL. May I state to the committee that my information is that the strength of the flying forces in the Navy to-day—and I obtained this information this afternoon—is 590 officers and 4,796 men? Does the chairman think that is correct?

Mr. KELLEY of Michigan. I do not know how many civilians we may have in addition.

Mr. HILL. That includes the whole personnel?

Mr. KELLEY of Michigan. In addition to that, I presume we may have that many civilians. They are not enlisted men. We are only dealing here with the enlisted force, and we have taken the figures on page 391, furnished us in answer to our interrogations of Captain Williams, who has charge of the personnel of the Navy, and he said on that day there were 2,160 enlisted men in the Aviation Corps of the Navy. I do not guarantee the figures, but they are the best that Captain Williams could furnish as to the number in the aviation section of the Navy.

Mr. HILL. That is at the present time, and in the present bill there are about 3,200 included in aviation. Is that correct?

Mr. KELLEY of Michigan. Three thousand two hundred enlisted men. The officers, of course, are in addition to that, and the civilians probably an equal number, or perhaps more.

Mr. SISSON. Will the gentleman yield?

Mr. HILL. Will the gentleman yield?

Mr. FRENCH. I want to continue my remarks.

Mr. HILL. I understand the total enlisted force in the aviation service in England is 30,000, and that 10,000 of them are assigned to the navy, but these 10,000 are not included in the

estimates of the navy enlisted personnel which has been brought before the House. Is that correct?

Mr. FRENCH. The gentleman from Tennessee [Mr. PADGITT] said yesterday that what I think is an arbitrary assignment of 10,000 or 11,000 men should be made to the British Navy for aviation; but, as I said a while ago, that should not enter into the question as to the shaping of the enlisted personnel in the American Navy.

Mr. HILL. Can the gentleman state why not?

Mr. FRENCH. In Great Britain aviation is a separate institution, and Great Britain may be under the necessity of building up an immense aircraft service, including not only 30,000 men but maybe more than that engaged only in aircraft work. Does the gentleman think that because England has done that we ought to do the same thing? Great Britain has her own problems to meet, as a country lying up against Europe, with the various countries of Europe in conflict and in constant suspicion of one another. The United States is more fortunately situated, and I do not think that at this time, just because Great Britain has an aircraft service of 30,000 men, we ought to follow her example and create such an aircraft service for ourselves.

Mr. HILL. The purpose of my question is this: I understand that the present bill includes the total enlisted personnel that is to be provided in the naval air service of the United States, but that the comparison of the figures which have been given here on behalf of the subcommittee omits from any estimate of the enlisted strength of Great Britain at least 10,000 men who could be apportioned to the aircraft service of the British Navy on the basis of taking one-third of their 30,000 who are in their aircraft service. Is that correct?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. I yield to the gentleman from Idaho 10 minutes more. I should like to ask a question of the gentleman from Maryland [Mr. HILL], who seems to be possessed of considerable information about aviation and who is more or less an expert on that subject.

Mr. HILL. I may say that I am expert on the lack of aviation in the last war, but not on the presence of aviation.

Mr. KELLEY of Michigan. I will ask the gentleman if he knows what proportion of the 30,000 men who he says are in the British aircraft service are civilians?

Mr. HILL. The information I have in this——

Mr. KELLEY of Michigan. Does any gentleman know? The gentleman from New York perhaps knows that.

Mr. HILL. I understand we have at the present time 4,796 enlisted men in the aviation service of the Navy. I suppose that includes some civilians. I understand that we have 9,379 in the Army aviation service, making a total enlisted force in our aviation in the two services of approximately 14,000.

Mr. KELLEY of Michigan. And if we add as many more civilians on the ground, we have practically as many as Great Britain, have we not?

Mr. HILL. I understand that all the civilians we have in that service are included in the figures which I have given.

Mr. KELLEY of Michigan. Does the gentleman know?

Mr. HILL. No. That is the reason I am calling for the information. But if I may finish my question, the figures which we have discussed here for the British enlisted personnel do not include the aviation service, do they?

Mr. FRENCH. We are not including the aircraft service of Great Britain. I have said that two or three times.

Mr. HILL. But we do include the aircraft service in our own Navy?

Mr. FRENCH. To the extent that it is in the Navy.

Mr. HILL. Yes.

Mr. FRENCH. We do not have an independent aircraft service within the United States.

Mr. KELLEY of Michigan. It is about comparable with the Coast Guard, which is included in the British figures and not included in ours. If you take the coast guard in the British figures and the aviation out of ours you have a comparable basis for each Government.

Mr. HILL. How many men are there in the British coast guard?

Mr. FRENCH. Two thousand eight hundred.

Mr. KELLEY of Michigan. And in our Coast Guard there are about 3,400.

Mr. LINEBERGER. I should like to ask the chairman of the subcommittee [Mr. KELLEY of Michigan] and the gentleman from Idaho [Mr. FRENCH] both a question as to the information concerning the size of the coast guard. Was the information gained from the same source as the other information relative to the British Navy; that is, from a source that can not be disclosed?

Mr. KELLEY of Michigan. Oh, no.

Mr. LINEBERGER. Where was it obtained?

Mr. KELLEY of Michigan. I will say to the gentleman that the figures for the British coast guard are no great secret. If he or anybody else will take the pains to get the ordinary reports of the British Government in our own Congressional Library he will find out practically all that I have given him. I have taken the pains to do that.

Mr. LINEBERGER. The question is not where I might get the information, but where did the gentleman get the information?

Mr. FRENCH. Before proceeding let me answer the question of the gentleman from California by quoting from the Naval and Military Record of Great Britain, where the statement is made that the total coast guard and marine police of Great Britain is 2,900.

Mr. HILL. Will the gentleman yield further?

Mr. FRENCH. I can not yield further.

Mr. HILL. I will ask the chairman of the committee to yield a minute to the gentleman from Idaho that I may ask him another question.

Mr. FRENCH. Mr. Chairman, I have been so generous to those who wanted to ask questions that almost all of my time for the last half hour has been taken up by questions. In the first place, our committee has been criticized not only in the way I have referred to, but also it has been criticized by the editor of the Army and Navy Journal. I have here a copy of the Army and Navy Journal, in which criticism is made of Congress, criticism is made of Members, which challenges the good faith of Members of the Congress and the motives of the Members of Congress who do not take the view that the Navy Department takes. And in the same editorial the different navy yards of the country are criticized by the same editor.

It seems to me in view of the fact that the minority report is signed by Members coming from States that have navy yard districts that it was an ungracious thing on the part of the editor of the Army and Navy Journal to criticise the districts. The distinguished gentleman from Massachusetts who signed the report can take care of himself, and doubtless will speak his mind of the Army and Navy Journal for impugning the motives of people of navy yard districts and insinuating they want money to maintain some navy yards and stations that the Journal says are useless either in peace or war. Now I want to say, and I ask the House to bear witness, that my friend from Massachusetts has never defended a navy yard of Boston in a speech made here during this debate. Does anyone suppose that any Representative who has spoken on this bill, whether he comes from Boston or New York, the Charleston or the Louisiana districts, had any thought of navy yards when he argued the question? [Laughter.]

Mr. TINKHAM. Will the gentleman yield?

Mr. FRENCH. I can not yield. These gentlemen are able to take care of themselves. I want to say one word further in regard to the Army and Navy Journal since it reflects upon Members of Congress and my committee. The editor has sent me a marked copy of that Journal, evidently intending it shall come to me personally, and therefore I consider it as a personal message to me reflecting upon my committee and the motives of Members of Congress.

Mr. Chairman, during the limited, yet several, years that I have participated in political discussions and activities, I have made it my constant rule to assume that those who are opposed to me are sincere in their opposition or actuated by motives and principles that to them seemed sound and I have asked that same regard for myself. Somehow I believe that most people approximate mental and moral honesty as they discuss serious matters and so I shall assume, with regard to those who take part in the discussion of the naval program. It illy becomes those who are most active in urging a program that would mean a large Navy and a large Army to attack the motives of other people. Yet I find in a marked copy of the Army and Navy Journal under the date of March 25, 1922, which has been sent to me, an editorial which is most severe.

The editor of this paper condemns the Members of Congress in most vicious language who, perchance, may not be able to see the question as he sees it. Indeed, if the Members are governed by the motives that he asserts, they are not fit to serve in the Congress of the United States. But who is this critic? The critic to whom I refer is the editor of the Army and Navy Journal, or, at least, an editorial writer upon that journal.

I am compelled to recall an allegory of the lad who returned from driving the cattle home at evening time from the Canyon of Echoes. The boy related an amazing tale to his mother. He said that in the canyon there must be some horribly wicked person; that that person must have followed down the canyon on the side just opposite from him. He said that as he was driving the cattle along that person began cursing him and

calling him names, and said everything mean and vile to him, while he was the perfectly good little boy in the conduct of his chores. His mother, being of mature years and being wise and sympathetic, knew that her son had returned from the Canyon of Echoes. She knew that the oaths and the bad names that her son had been called were the echoes of the language that her boy had spoken, hurled back from the other side of the canyon. [Applause.] Gentlemen, do you not know that usually it is true that the man who is always challenging your motive is the man whose motive you have a right to suspect? Do you not know that the man who says you have a secret reason may have one himself?

I have said that the criticism does not come with good grace from the editors of the Army and Navy Journal, and why? Let me call your attention to the editorial list of names. Before them you will find the titles of captain or general or major, and so on. Do they not recall, and do you not know, that the authorized personnel determines the officer personnel of the Navy? Do you not remember that old story which you read in your boyhood time—I think it was the formula of Swift, given in Gulliver's Travels—that twice around the thumb is once around the wrist; twice around the wrist is once around the neck; twice around the neck is once around the waist; and twice around the waist is the height of the individual? [Laughter.] This same principle prevails in the Navy. Double your enlisted personnel and you double your junior officers; double your junior officers and you double your senior officers; double your commanders and you double your captains; and increase by 100 per cent your captains and you increase by 100 per cent your rear admirals and your admirals. [Applause and laughter.]

Mr. Chairman, I am too good a friend of my country and too good a friend of our Navy to let myself be disturbed by the hasty expressions of some one writer, of whose statements doubtless the writer himself is now ashamed. I believe in the high integrity and honor of the officers of the Navy; they are men of the greatest ability; they are men upon whom our country can rely and who in event of war with a foreign nation will stand to the death between a foreign foe and the hearthstones of American citizens. And, gentlemen, I am proud of the Navy as it is to-day. I honor and admire Secretary Denby and Assistant Secretary Roosevelt, men of great ability and devoted to the public service. I pay homage to the active officers of the Navy to-day who were the men as officers who reflected distinction and credit upon themselves and immortal honor upon the flag of our country in the Great War where they were called to serve.

Mr. SWING. Mr. Chairman, I am sure the gentleman would not make a misstatement——

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes more to the gentleman from Idaho in order that he may answer the gentleman from another navy yard district on the Pacific coast.

Mr. SWING. Oh, I have no navy yard in my district.

Mr. KELLEY of Michigan. Oh, yes; San Diego.

Mr. SWING. That has no navy yard.

Mr. FRENCH. But it wants one.

Mr. SWING. No; it does not want one. I am tired of this proposal of tarring everybody with the stick of suspicion who opposes the desires of these gentlemen.

Mr. FRENCH. Let the gentleman ask his question.

Mr. KELLEY of Michigan. I want to say that the gentleman is young here, but he has developed an infinite maw for public funds.

Mr. DEMPSEY. Oh, he has developed a faculty for defending his side of the question.

Mr. KELLEY of Michigan. Naturally, for the navy yard.

Mr. DEMPSEY. Not at all; but the big, broad question.

Mr. FRENCH. Ask the question, please.

Mr. SWING. I want to ask the gentleman this: I am sure he has no desire to misrepresent the facts to the House, and I am sure the gentleman is fully informed that officers of the Navy are not based upon the actual number of men which are provided for in an appropriation bill. Therefore, what is under discussion is the actual number of men which you are providing for, and that in no way controls or affects the number of officers.

Mr. FRENCH. Oh, the gentleman is mistaken. He ought to know that at this time and for something like six years, I think, the officer personnel has its maximum limit determined by the enlisted personnel in the Navy.

Mr. SWING. The authorized, not the actual.

Mr. FRENCH. The authorized personnel in the Navy.

Mr. SWING. It is not on what you are appropriating for, but what is authorized by law.

Mr. FRENCH. If I said "the enlisted personnel" I should have said "the authorized personnel," and thank the gentleman. Now I must go on.

Mr. TINKHAM. What has the gentleman been doing? [Laughter.]

Mr. GALLIVAN. What about the navy yards?

Mr. FRENCH. I thought I could get a rise out of the gentleman from Massachusetts.

Mr. GALLIVAN. No rise, but a pleasure. [Laughter.]

Mr. FRENCH. The same Army and Navy Journal which criticized us wipes some, at least, navy yards and stations off the map and says that they ought not to exist and that their sponsors want the appropriation merely to carry on the work for the benefit of the localities. That was the reason I said that I thought it was ungracious on the part of the editor of the Army and Navy Journal to criticize the gentleman, for when he was criticizing the bill and supporting a big Navy the gentleman did not use the words "navy yard" even once.

Mr. GALLIVAN. At that time I was not interested in navy yards. I want a big Navy.

Mr. FRENCH. I know the gentleman from Massachusetts will take care of the editor of the Army and Navy Journal when he gets time, and will tell him what he thinks of him for having passed such imputations upon navy yards in general.

Mr. GALLIVAN. I will take care of him another day.

Mr. KELLEY of Michigan. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. KELLEY of Michigan. I yield to the gentleman three minutes more. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. KELLEY of Michigan. I wanted to ask the gentleman from Massachusetts a question. I wondered if the gentleman from Massachusetts has seen the clipping from a Boston paper or knows anything about this occurrence which is said to have taken place:

> Civilian employees at the navy yard at Charlestown, the destroyer base at Squantum, and the arsenal at Watertown gathered at a mass meeting on the Boston Common to-day and protested against the curtailment of their operations.

Mr. GALLIVAN. Will the gentleman give me an opportunity to answer?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. On Saturday last, when our committee was considering this bill in full committee, or when the main bill was being completed. I told the gentleman from Michigan, who has just asked me that question, that at that time there was a meeting on the historic Boston Common by these people protesting against the pending measure. He now asks me if I have read it in the newspapers! [Laughter.] Why, I am the first man that told him about it.

Mr. KELLEY of Michigan. I should like to ask the gentleman this question further. If the gentleman from Boston——

Mr. GALLIVAN. Massachusetts.

Mr. KELLEY of Michigan. I was about to put the name of the State so as to designate the place. [Laughter.] If the gentleman had been in attendance at this great mass meeting of employees from Squantum, where they had been manufacturing destroyers during the war, and this mass meeting from the navy yard at Charlestown, because their operations had been curtailed under the terms of the treaty, would he have joined with them in that protest?

Mr. GALLIVAN. Mr. Chairman, I was invited to address the meeting and declined to address the meeting because my business was here in Washington, watching this one-man bill being put through my committee.

Mr. KELLEY of Michigan. But the gentleman has not answered the question, and I shall not press him for an answer. Had he been there, had it been a Saturday, when a good many people who live in these cities along the Atlantic seaboard find time to go home, or had it been on the Sabbath when he had been there, would he have joined in the protests?

Mr. GALLIVAN. I would join in any protest which is going to disarm our Navy.

Mr. DEMPSEY. Mr. Chairman, may I ask the gentleman just one question more?

Mr. FRENCH. I can not yield. I have only another couple of minutes.

Mr. KELLEY of Michigan. I shall yield the gentleman two minutes more in order that he may answer the gentleman from New York.

Mr. DEMPSEY. I wanted to ask the gentleman this: In the course of his remarks he has offset the coast guard in the English service as against the aviators in our service. Is not the gentleman aware that the functions of the two classes of service are entirely different?

Mr. KELLEY of Michigan. That does not affect the number.

Mr. DEMPSEY. Oh, yes, it does. It affects the number on the question of the personnel. In the one case the coast guard is simply to save life in peace or war. The coast guard employee is a civilian employee, and in the other case the aviator pursues the most dangerous, the most daring, and the most useful branch of the military service.

Mr. KELLEY of Michigan. But the gentleman from Idaho [Mr. FRENCH] was saying that in the 98,500 there were included the 3,000 for the Coast Guard, so that those could be taken out, because there is nothing there for aviation.

Mr. DEMPSEY. He simply includes them as though they were a part of this.

Mr. KELLEY of Michigan. No; they are a part of the 98,500.

Mr. DEMPSEY. What about the 38,000 that you have not included at all?

Mr. KELLEY of Michigan. I will take that up in my own time.

Mr. DEMPSEY. There never will come a better time than now.

Mr. KELLEY of Michigan. The gentleman need not worry about that.

Mr. FRENCH. Let me say this in conclusion: The people of the United States have reason to expect results from the Limitation of Armament Conference. If we are to turn to the first fruits of the conference, they might be recognized in the bringing in of this bill and omitting to carry forward the building program of the Navy, which means the saving of $300,000,000. If you turn to the question of fortifications and consider the estimates that were made by responsible officers of the Army and Navy, not officially to Congress, but talking to Members of Congress, about a project on the island of Guam that to-day we will not fortify under the treaty, we would find a project proposed that carried an amount of money something like $80,000,000 or $90,000,000. It would have required for the Philippine Islands, to have made one place impregnable for our Navy program, $100,000,000. In addition to that, according to the estimates furnished by the department to the Naval Committee some four years ago, to maintain or keep up the Navy following the building program of 1916, and the three-year program added to it, it would have required, I say, from [illegible] every year.

The bill we present is less by $70,000,000 almost than half that amount. Call it $300,000,000, multiply it by 10, the years covered by the limitation of armament treaties, and you have the stupendous amount of $3,000,000,000 saved in 10 years in the maintenance of the Navy. Add to that the cutting off on the building program; add to that the amount you save by refusing to follow a building program for the next 10 years; add to that the millions you will save on fortifications, and the people of this country have a right to be proud and to be hopeful, as they look into the future and contemplate the steps that have been taken in the Limitation of Armament Conference. Gentlemen, the people of this country hope for results, not only measured in dollars and cents but, what is much more, measured in human life, measured in culture, measured in that which is best of all in all the nations of the world. In other words, that which was in the hearts of the people President Harding voiced when he spoke these words at the conclusion of the armament conference:

> It may be that the naval holiday here contracted will expire with the treaties, but I do not believe it. * * * The torches of understanding have been lighted, and they ought to glow and encircle the globe.

And they further believe in the words that were written by the immortal bard of our country, words that you learned in your boyhood from "The Arsenal at Springfield":

> Were half the power that fills the world with terror,
> Were half the wealth bestowed on camps and courts,
> Given to redeem the human mind from error,
> There were no need of arsenals or forts.

Gentlemen, I am for a Navy, not the little-size Navy that gentlemen speak of, and that was referred to insinuatingly here upon this floor, but an adequate Navy. I am for a 5-5-3 Navy, one that will protect at all times the honor and the glory of the American people, and that will be comparable to the navy of Great Britain and the navy of Japan on the ratio of 5-5-3. That is what we have provided for, gentlemen, as we bring the Navy appropriation bill before you. [Loud applause, the Members rising.]

Mr. BYRNS of Tennessee. Mr. Chairman, in behalf of the gentleman from South Carolina [Mr. BYRNES] I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Chairman, what is a "big Navy" and what is a "little Navy"? The answer depends altogether upon what you are comparing the navy with. Since the surrender of the German fleet there has been no navy of the world other than those of Great Britain and Japan which might be compared with the American Navy. So that answering the question as to our Navy, it is "big" or "little" as compared with the British and Japanese Navies.

Under the situation now presented, the Four-Power Treaty having been adopted, it has become impossible that Great Britain or Japan should attack the United States in the Western Hemisphere. It is likewise impossible for the United States to make war on Japan or Great Britain in the spheres set apart to them. Neither of the nations is given a navy sufficient to meet the navy of the other if it should give battle near the naval base of its adversary. In short, the practical result of the Four-Power Treaty is to divide the world into three parts—the Orient which is given to Japan, the Western Hemisphere, in which America is made supreme, and Europe, Africa, and the Near East, the hegemony of which has been granted to Great Britain. It is not possible for either of the powers to attack another unless it should be in combination with one of their associates.

The Four-Power Treaty has made this situation stable for 10 years. We are foolish if we do not recognize and accept that fact.

I am thinking of the Four-Power Treaty. I wonder whether the price we have paid has not been too great. We have put it definitely out of our power to question the authority of Japan in the Orient. We have conceded her supremacy by agreeing not to fortify our eastern possessions. We have said to Japan, "We trust your good faith. We commit to your hands the destiny of the Philippines, Guam, and all American interests on the other side of the Pacific."

THE DEMOCRATS HAVE ALWAYS HAD THE PRINCIPLES, BUT—

Some seventy-five years ago a prominent American, in discussing the partisan politics of that day, said that the Democrats had always had the principles, but their opposition had had the leaders. I deny that it was true then. It would place the Democratic Party upon a low plane to admit that it is true now. But I am reminded of this saying by the utterances of a former Democratic candidate for the Presidency, delivered recently in New York at a Jefferson Day dinner. He urged that the League of Nations should be made the issue of the next campaign.

Why should the Democratic Party make the League of Nations the issue in another campaign? The people have spoken upon it in so far as the treacherous currents of partisan expediency permitted them to speak. So far as the 1920 election constituted an expression upon the league, the decision of the people was against it.

The Republican Party came into power virtually without a program. Its campaign was a campaign of negation, of unjust criticism, of sectional appeal, of hypocritical pleas and of promises impossible of performance. Of all its professions it has as yet redeemed but one, that for a separate peace with Germany. All the remainder rest in pretense and apology. Having control of every branch of Government it has allowed the country to drift into an economic depression unprecedented in our history. In the meantime the invisible masters of the party have been busy getting "theirs"—the railroad owners, the war contractors, the profiteers, the tax dodgers, all have been busy.

The Republican administration has failed. It would now divert attention from its domestic failure to its pretense of foreign success. It would point the people from the things about which they know—from its indifference to distressing unemployment, from its incapacity to deal with conditions which have brought business to the door of bankruptcy, from the complacency with which it has permitted a vast coal strike to occur, from its favoritism toward big business and big finance, from its universal incapacity and ineptitude in dealing with the public welfare—it would point them to pretended success in foreign matters, with which they are little familiar. In this situation for Democratic leaders to acquiesce in the Republican scheme to substitute foreign affairs for domestic questions as issues for the next campaign is not only foolish from the standpoint of party but is unpatriotic as well.

Why a Jefferson day dinner was made the occasion for the utterance of sentiment in behalf of a League of Nations I can not imagine. Jefferson must have turned in his grave when the occasion designed to do him honor was so perverted. I remember that he said:

> I am for free commerce with all nations, and political connections with none. I am for not linking ourselves by new treaties with the quarrels of Europe, or entering that field of slaughter to preserve their balance or join in the confederacy of kings to war against the principles of liberty. The first object of my heart is my own country.

THE LEAGUE OF NATIONS.

The League of Nations had serious faults. It was in certain particulars a surrender of American sovereignty. It committed us morally, along with the other nations, to the exercise of force in keeping the peace of the world and in punishing those who might break it. It committed us to a policy of entanglement with European issues and meddling with European concerns. But overshadowing even these serious matters was the awful fact that the league carried in its bosom the monster of the treaty of Versailles. It bound us to defend that treaty, to see that its terms were performed, to stand surety for the good faith of our associates, to all the complex conditions of reparations and arbitrary national boundaries. Coupled with that treaty the league would have subverted every principle of American foreign policy from the beginning of our history to the present. Had we committed ourselves to it, it would have been for Americans to die in order to collect British and French war indemnities and to defend the foolish and, I might well say, the wicked rearrangement of national boundaries which the treaty made.

But despite its intolerable faults, the fundamental of the league was to secure the peace of the world; it held its head high in the clouds of idealism.

THE REPUBLICAN POSITION.

The opposition of the Republican Party to the League of Nations was evasive. They did not meet it with candid frontal attack, but thrust it with pin-pricking criticism. The Republicans deemed it expedient from a partisan standpoint not to oppose the principle of an agreement among the nations for the preservation of world peace. To the contrary, they expressly approved that principle. The Republican platform of 1920 made this pronouncement upon the League of Nations:

> The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

Mr. Harding, in his speech accepting the Republican nomination for President, said:

> I can speak unreservedly of the American inspiration and the Republican committal for an association of nations, cooperating in sublime accord, to attain and preserve peace through justice rather than force, determine to add to security through international law so clarified that no misconstruction can be possible without affronting world honor.

These statements are clear. They need no interpretation. They promise a world association which all the nations would be invited to join, and which would afford a forum in which justice could appeal against might, in which the weak might appeal against the strong.

I ask you, gentlemen on the Republican side of the Chamber, how have you kept that solemn promise to the American people? How have you made good upon your word? You answer me and say that you have made it good by the Four-Power Treaty. Your promise was for a world court for the ordering of justice, for an association of nations which all would be free to join. Your performance is a league among the four great military powers of the world for their own selfish benefit and to perform their own purposes.

The concept advanced by your promise is the same as that of the League of Nations. The league was impracticable, some have called it, too full of idealism, and holding its aim too high. That is the criticism made. But whatever may be said about it, always it looked to peace and to justice and righteousness in this world.

I have heard criticism of the brave and patriotic Democratic Senators who favored the League of Nations but who oppose the Four-Power Treaty, based upon the alleged inconsistency of their positions. I am proud of the Democrats who oppose the treaty. They have proven themselves good Democrats and good Americans. But perhaps they have not enough resented the unfair criticism. It is unfounded, as I shall show.

THE FOUR-POWER TREATY.

This is the four-power treaty:

I.

> The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.
>
> If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference, to which the whole subject will be referred for consideration and adjustment.

II.

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

> This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

IV.

> This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the procès verbal of the deposit of ratifications.
>
> The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

The dynamite in the treaty is in article 2:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

To understand the deadly import of this language compare it with article 1 of the British-Japanese alliance, which reads:

> It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

Mark you, that the Anglo-Japanese treaty was confessedly an alliance. It was an alliance for war. Under it Japan was brought into the World War. It is couched in substantially the same language as article 2 of the Four-Power Treaty. It means exactly the same thing. Speaking with the duplicity of diplomacy, Great Britain and Japan agreed to "communicate with one another fully and frankly." The same words are used in the Four-Power Treaty. It binds America to go to war as Japan, under the Anglo-Japanese treaty, was forced to do in 1914. Japan nor Great Britain can engage in no war which does not involve their Pacific "insular possessions," and this means that the United States is bound by the treaty to become a party to any war in which Great Britain or Japan may choose to engage.

LEAGUE AND TREATY FACE IN OPPOSITE DIRECTIONS.

The amazing thing about the discussion of the Four-Power Treaty is that it appears to have proceeded upon the assumption that the Treaty partakes of the nature of the League of Nations. Men seem to assume that those who supported the League are bound to support the Treaty. The actual fact is that the League of Nations and the Four-Power Treaty represent opposing poles. They face in exactly opposite directions. They have nothing in common, in scope, or purpose. Consistency would require those who favored the League to oppose the Treaty.

The League of Nations was *inclusive;* the treaty is *exclusive.* The conception of the League of Nations was that all the nations of the world should become members and that a forum should be provided in which the weakest might appeal against the strongest—where right might appeal against might. The chief purpose of the Four-Power Treaty is to provide an opportunity for conference among the four greatest nations concerning their mutual defense and for the imposition of their will upon any who may challenge their authority.

The League was an agreement for peace; the Treaty is a covenant for war. The League was intended to prevent war; the Treaty deals with the means to carry on war.

Under the Treaty no act of aggression by one of the four powers against any other nation is prevented. The four powers agree to respect each other's rights, but not the rights of nations which are not parties. It can not operate to protect any weak or helpless people from the aggression of one of the four powers. It contemplates not peace but war—not methods of peace but processes of force—not discussion of means to prevent quarrels but consideration of means to conduct war. It is everything but a world court in which justice may be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman five minutes additional.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes additional.

AN AMAZING PARTNERSHIP.

Mr. HUDDLESTON. The least that may be said of the Treaty is that so far as it goes, it commits us to a partnership with Great Britain, France, and Japan in matters of world

policy. We enter upon world politics upon an equal footing with them.

To justify parties in entering a copartnership the aims of the partners must be identical. Traders do not form partnerships with professional men. The conditions of the partners must be similar. Men who are solvent do not become partners with bankrupts. Men of reputation and integrity do not join with drunkards and profligates. All partnerships mean that the strongest and best of the partners puts himself upon an equality with the poorest and meanest, and that his possessions will be jeopardized by his partners' faults.

Partnerships between nations are not formed upon different principles from those between individuals. The partner nations must have identity of aims and similarity of conditions. Great Britain and Japan are great imperialisms; France little less so. Their aims are for the extension of their dominions, for conquest by force, for commercial subjugation of undeveloped peoples. Great Britain and Japan in particular aim at a sort of world dominion—Japan of the Orient and Great Britain of India, Africa, and the Near East.

America has no similar aims; we seek neither commercial nor political advantage over any other people. At the most, our world policy is merely to seek trade opportunities upon a basis of equality. I am not unmindful that we have our own imperialists, with their dreams of sharing with Great Britain and Japan in the division of the world for political and commercial exploitation, but I am happy to believe that these constitute a small fraction and that the great bulk of our people still believe in real Americanism. As our aims are totally different from those of Great Britain, Japan, and France and as our situation is wholly different, we can not afford to enter a partnership with them.

TREATY BETRAYS AMERICAN INTERESTS.

But if we may assume that America has forgotten her principles and is committed to a policy of competition with Great Britain and Japan in world subjugation and exploitation, what answer does our selfish interest give to the Four-Power Treaty?

If we aspire to world dominion, we come into sharp competition with Great Britain and Japan. The danger of war with either or both of them is ever present, and the treaty will probably preserve peace for its period. But what then?

If we are in competition with Great Britain and Japan in the business which they have been doing and obviously expect to continue, it is to our interest to weaken them, not to add to their strength. The 10-year treaty period will give these nations time in which to consolidate their World War gains. They will be able to "dig in" on the new line, so as to be ready for the next advance. They will be able to further solidify their possessions, their strength, and their powers. Great Britain will solve her difficulties in Ireland, Egypt, and India; Japan will bring Manchuria and Eastern Inner Mongolia under her complete dominion even as Korea now is. Perhaps also she will have intrenched herself in Eastern Siberia. If things go well with Great Britain and Japan, the 10 years of security which the treaty gives will leave them immensely stronger in every way than at present. At the end of 10 years we will be confronted with the choice between a new alliance which will lead us to the wheels of their imperial chariots or we must face Great Britain and Japan, grown immensely stronger, more arrogant, and more deadly.

AMERICA'S DESTINY.

If it be our destiny to try the strength of democratic America against Great Britain and Japan, it were better to try it now than to face them with their added powers and strength. With the Treaty they will have no distractions—no nation dare question their decrees—the development of possible rivals will be throttled, so that the 10 treaty years will expire and leave no nation to hold the balance of power, no great friend whose help we might have.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the gentleman two minutes more.

Mr. HUDDLESTON. It does much violation to my principles to assume that we are to enter into competition in world policies with Great Britain and Japan. America's true destiny does not lie that way—it is that we shall remain a democracy, loving liberty ourselves and according it to all others—that our ideal shall not be of a new Rome levying tribute from the corners of the world and at last expiring in riches and selfishness. Surely America has not been in vain. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. SWEET. Mr. Speaker, the Republican Party has always been a constructive party. During the last year it has brought the Nation back to the principles of established government. It is scrapping the "war machine" as rapidly as possible. It has lessened expenditures and eliminated waste in governmental departments. It has enacted a Budget law, the greatest reform in governmental procedure in a half century. It has reduced appropriations to a minimum consistent with efficiency and service. It has taken care of the disabled ex-service men of all our wars, and for the first time in our history has legislatively recognized the importance of motherhood. As a result of the great Disarmament Conference at Washington appropriations for the Navy have been reduced by two hundred millions. It has relieved the people from the burdens of excessive taxation. It is endeavoring to revive business, stimulate agriculture, and rebuild our economic and industrial structure along safe lines and upon an enduring foundation.

Important bills for the benefit of disabled ex-service men have been passed by the Sixty-sixth and Sixty-seventh Congresses. They are known throughout the country as the "Sweet bills." One was signed by the President on December 24, 1919. It liberalized the insurance features of the war risk insurance act and increased compensation. The compensation provisions of the act were retroactive, and within 90 days after it became a law over $31,000,000 were distributed by the bureau to the disabled ex-service men of the country. About three-quarters of a million came to Iowa. The other bill was signed by the President on August 9, 1921, and consolidated all governmental agencies for the benefit of the disabled ex-service men. It centralized at Washington and decentralized in the field. It provided for the establishment of 14 regional offices and 140 suboffices. My own State has four suboffices—Des Moines, Cedar Rapids, Fort Dodge, and Waterloo. The ex-service men are thus being acquainted with their rights, under the law, and splendid results must of necessity follow.

The Langley bill recently passed Congress providing for over $16,000,000 for the construction of hospitals to properly hospitalize the ex-service men.

Two adjusted compensation bills have passed the House within the last two years, one in June, 1920, and the other on March 23, 1922.

Bills have also been passed for the benefit of the soldiers of the Civil and Spanish-American Wars.

During the last two years Congress has given special attention to legislation for the benefit of the farmers of the Nation.

Some of the most notable measures which have been passed and are now being considered by Congress are:

First. Capper cooperative marketing bill.

Second. Future trading bill, regulating grain exchanges.

Third. The Federal land bank relief bill.

Fourth. The revival of the War Finance Corporation as an aid to helping move farm products. As a result of this legislation over $23,000,000 have already been sent to Iowa.

Fifth. Increasing funds available for loans by the Federal Farm Loan Board by fifty millions.

Sixth. The passage of the emergency tariff act on agricultural products to prevent flooding of our markets.

Seventh. The passage by the House of the permanent tariff bill for the benefit of the agricultural and business interests of the country.

Eighth. The packers' act to regulate interstate and foreign commerce in live stock and dairy products, poultry, and eggs.

Ninth. The passage of the bill giving agriculture a representative on the Federal Reserve Board. This bill has passed the Senate and will soon be passed by the House.

Tenth. The Anderson intermediate credit bill should be immediately considered and passed.

Eleventh. The French-Capper truth in fabric bill should be passed by Congress.

Twelfth. The Federal "blue-sky bill," to prevent the sale of spurious and fraudulent stocks and securities. This bill has passed the Senate and will soon be passed by the House.

The foregoing legislation had the approval of the farm organizations of the country.

On December 23, 1921, Mr. J. R. Howard, president of the American Farm Bureau Federation, wrote me a letter expressing his personal views of my work in Congress for the farmers of Iowa, which was as follows:

AMERICAN FARM BUREAU FEDERATION,
Chicago, Ill., December 23, 1921.

Hon. BURTON E. SWEET,
Representative Third Iowa District, Washington, D. C.

MY DEAR MR. SWEET: Having spent a considerable portion of my life in the third Iowa district, I desire to extend to you at this time my best wishes for a merry Christmas and a happy New Year, and also to assure you that the farmers of the State and of the Nation appreciate the very excellent work you are doing in your official capacity.

Such measures as the Federal land bank relief bill, the emergency tariff, the War Finance Corporation, the packer control bill, and the Capper-Tincher bill, all of which you supported, are very helpful. Knowing, as I do, your stand on cooperative marketing, and with regards to the Cummins-Esch bill and other important measures before Congress, there is no doubt of your continued opportunities in service.

It has been my good pleasure to tell a number of your constituents that whenever I am at Washington I find you hard at work on some important measure. I have even said that I do not know of any farmer in Iowa who works harder for his own welfare or puts in as many hours per day as you do in your legislative functioning.

I trust many years of service may yet be added to your public career.

Yours very truly,

J. R. HOWARD.

The lowering of freight rates is of utmost importance to agriculture. There are two or three things which Congress may do:

First. Enact the Sweet bill, which has been favorably reported to the House, revising the valuation powers of the Interstate Commerce Commission, reducing by about three billions the present recognized valuation of the railroads. There is no doubt but the value now recognized is far in excess of real value. The Senate has already passed a like bill.

Second. Pass H. R. 6861, a bill introduced by me, (*a*) restoring to the State railroad commissions power to correct abuses and discriminations in local rates; (*b*) repealing all of section 15a of the so-called guaranty provisions of the Esch-Cummins Act—15a provides a rule of rate making which is economically unsound and impossible of operation. Hearings are now being held on this measure before the Committee on Interstate and Foreign Commerce. Governor Kendall representing the State of Iowa, Charles Webster representing the State railroad commissioners, and J. R. Howard representing the American Farm Bureau Federation and the Iowa Farm Bureau, made statements before the committee in support of the bill.

The present Congress has endeavored to lessen the burdens of taxation. It has endeavored to eliminate waste in the various governmental departments, and has opposed the establishment of a bureaucratic government in Washington. The rights of the States must be preserved and centralization and unnecessary supervision at Washington prevented. Our dual form of Government must not be impaired or destroyed.

I believe that our inland waterways should be speedily developed, that water and rail transportation should be coordinated, and that together they should constitute one great transportation system.

I am in favor of the Great Lakes-St. Lawrence waterway project. As business grows better the demand for adequate and better transportation will increase. The railroads as now constituted will not be able to take care of the traffic and our water facilities must be utilized. Transportation rates must go down if the products of the Mississippi Valley are to reach our domestic markets and the markets of the world.

The manufacturer practically determines the selling price of the manufactured article, and the farmer has for many years been required to sell his products for any price he can get, without reference to the cost of production. He has had little or nothing to say about the marketing or the market price of his products. This must be changed through organization and proper methods of cooperative marketing.

The price of products sold by the farmer must go up and farm machinery and other necessary articles purchased by him must come down.

The producer and consumer must be brought closer together. The differential between the selling price of the producer and the purchasing price of the consumer is too great and must be reduced, if we expect harmony to prevail, the farmer to succeed, and industry to thrive.

Mr. NORTON. Mr. Chairman, the bill as reported by the committee fails to provide the amount of money that both the President and Secretary of the Navy say is necessary to maintain the Navy that was agreed upon at the peace conference. In other words, the subcommittee of the Appropriations Committee, with the chairman of the committee, say they will fix and determine the size and character of the Navy the United States shall maintain and the advice of the President and Secretary of the Navy shall be disregarded, as shall be the advice of Washington, Roosevelt, and practically all the Presidents from the foundation of the Government until the present.

Ex-President Roosevelt, in referring to the advice given by Washington in his Farewell Address, says:

> A century has passed since Washington wrote "To be prepared for war is the most effectual means to promote peace." The truth of the maxim is so obvious to every man of really farsighted patriotism that its mere statement seems trite and useless; and it is not overcreditable to either our intelligence or love of country that these should be, as there is, need to dwell upon and amplify such a truism.

How is it possible that anyone who reflects on the loss of life and enormous squandering of money that resulted during the World War from want of preparation can question the wisdom of that advice?

Preparation for war is certainly the surest guaranty for peace. A nation does not differ materially from the individuals that compose it; the same general ideas prevail; and one nation will not seek a quarrel with another that is prepared to resist. Does anyone believe the *Lusitania* would have been sunk if the Central Powers had thought the United States was fully prepared and would join the Allies?

I can not understand how the gentleman from South Carolina, who is on the subcommittee, can approve the report when he must know that the great advantage that the North had over the South in the Civil War came from the fact that when the war began the North had the Navy and were enabled to blockade the southern ports at once, thus depriving the South of imports and exports, that finally reduced the South to almost starvation. Then, again, everyone who is familiar with our political history since 1865 knows that it was Secretary Whitney, in President Cleveland's Cabinet, who, by his stand for a larger and better Navy, received the approval of all red-blooded Americans, and was the one man in that administration who was lauded by all without regard to party.

Is it not to Great Britain's Navy that she owes the position she has held, and still holds, among the nations of the world? Without Admiral Nelson and the valiant services his men in the navy performed England would certainly have succumbed to Napoleon. The fleet was Napoleon's only fear, and he sought in various ways to overcome it, but without success, and as a result met his final overthrow at Waterloo.

Roosevelt also said:

> It may be that some time in the dim future of the race the need for war will vanish, but that time is yet ages distant. As yet no nation can hold its place in the world, or can do any work really worth doing, unless it stands ready to guard its rights with an armed hand. That orderly liberty, which is both the foundation and the capstone of our civilization, can be gained and kept only by men who are willing to fight for an ideal; who hold high the love of honor, love of faith, love of flag, and love of country.

Of course, no country should fight except to save its honor, and the fact that it is prepared is the best guaranty that its honor will be protected without fighting. From the Declaration of Independence until to-day the patriotic and fighting qualities have been dominant in this country. Every schoolboy loves Ethan Allen and John Paul Jones, and since the Civil War the wearer of the blue has been respected and honored in the North and the wearer of the gray in the South, and since the Spanish-American War the wearer of the blue and the gray in both the North and the South. And now, after our Army and Navy rendered such noble and valiant service in the late war, so that they were lauded at home and abroad, are we to declare to the nations of the world that an Army and Navy suitable to a great country are to be dispensed with, and every soldier and sailor caused to believe that the dollar has supplanted the flag?

No one doubts but the treaties that have just been approved are steps toward peace, but we must not forget that in many parts of the world there is strife and great unrest. In China, Russia, India, and among the Mohammedans generally revolt is rampant to such an extent that England is making concessions that she certainly would not otherwise make. Even in Mexico and Ireland the people do not seem entirely satisfied with the Government.

We are now about to extend our commerce into new fields, and for this purpose will spend millions on our merchant marine. More or less friction with other countries is almost certain to arise, a large part of which will be avoided if it is known we intend to and are prepared to defend our rights.

You will all recall how, when the Italians assassinated the chief of police of New Orleans and we proposed to bring them to justice, Italy complained, but the second note from James G. Blaine, who was then Secretary of State, ended all controversy. Any nation that has prospered to any great extent has always had an adequate navy to maintain its rights and enforce its demands, but none of them ever had the cities and coast to defend that we have; and certainly it is far better to be prepared to meet an enemy on the high seas than that we should ever have to battle on our own soil. The Central Powers were not invaded, but Belgium and France show the result of fight-

ing at home. Is it not far better to err on the side of preparedness, so that if trouble does come our cities will be protected, always remembering that the 3-mile limit, which was once sufficient to protect against cannon shot, is now no protection, as shown when the Germans dropped cannon balls on Paris?

The Spanish fleet in the Spanish-American War was a good illustration of unpreparedness, and one by which we should profit. Everyone knows it was the antiquated ships and their equipment and untrained crews that enabled Admiral Dewey and Admiral Sampson to gain their great victories.

The older men will soon become infirm and young men will have to take their places, and if we expect that the Navy is to maintain the high position in the future it has in the past we must make that service honorable and respected. As the President and Secretary of the Navy are directly charged with the responsibility of maintaining an adequate Navy, I believe that their judgment should be respected and their recommendations prevail.

The Secretary of the Navy has repeatedly stated that the number of men provided for by the committee is entirely inadequate to properly man the Navy arranged for in the treaties recently ratified; in fact, that they will be but little, if any, in excess of what Japan will provide for. Has the time come when Japan is to be considered the equal of the United States and that we should, on the plea of economy, be placed on the same basis? I can not believe that any true American so desires. Remember that until Japan defeated Russia but little attention was paid to her and that it was her victory that put her on the map, and that two, at least, of the commanders who contributed to her success were educated at Annapolis.

The countries that have advanced in civilization from time immemorial have been those that maintained competent armies and navies. We have only to remember who were invited to the peace conference to prove the fact that the military spirit is necessary to a nation's advancement. Why is China being exploited by Japan, and Spain and Portugal no longer given any consideration when great international questions are to be considered? Solely for the reason that they are no longer prepared to maintain their position among nations, which I trust will never be the case with this country.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, the report shows a disagreement in the committee on this bill. Out of 35 members of the committee 6 have taken issue with the committee bill. This we have 29 to 6 in favor of the committee bill. It is reasonable to assume that the 29 members of the committee have been equally diligent with the 6 in ascertaining the facts and framing the bill that will harmonize with the truth and maintain our Navy in proper condition under the 5-5-3 treaty agreement. Those that have spoken in support of the committee bill have done it on the ground that it grants the necessary amount. Those who have opposed the bill have seldom mentioned economy, which is a fundamental duty of the hour. I shall cast my lot in favor of the majority report, with 29 of the committee, as against the 6 who oppose the bill. But under the 5-minute rule I shall seek an opportunity to express my views upon this measure and will proceed to another topic which I desire to suggest at this time.

Without money in the National Treasury you can not load the guns, you can not hire the men, you can not build the ships, and you can not fly in the air. The fundamental proposition is that the Army and the Navy must hold close to their base of supplies and the National Treasury is the necessary base. You can not persuade the Army and the Navy officers to economize for the taxpayers of the United States and the National Treasury. You will never get economy along that line, but must get it in some other way.

Mr. Chairman, the question to which I desire to refer is that new though very familiar question—

THE TARIFF.

The Fordney tariff has almost completed its period of hibernation in the second greatest legislative body of the world. Having passed the House on the 21st of last July, it has been resting almost silently under the influences of legislative chloroform for eight months. But with the return of springtime it gives visible signs of a resurrection with the flowers and foliage in the Capital City of the Nation. It is now expected to receive all of the adornments that have been prepared for it during the winter months by the legislative artists of the Senate of the United States.

Figuratively speaking, it should join hands with the revenue act of August 20, 1921, and add at least four hundred million dollars to the revenues of the National Treasury as soon as normal conditions are restored. Of course, tariff legislation naturally involves the consideration of the methods of levying duties on imported merchandise. More than one-half of the total imports is admitted to our markets free of duty. More than one-half of the remainder is admitted under specific duties; that is, so much per pound, per yard, ton, or other unit of measure, while less than one-fourth of our total imports is admitted under ad valorem or compound duties.

Ad valorem duties, of course, mean certain percentages of the market value of the merchandise. The compound duty consists of a combination of a specific duty and an ad valorem duty. A piece of broadcloth, or silk, may carry a duty of 50 cents per yard, plus 25 per cent of its value. If its market or wholesale value should be $2 per yard, the combined duty would amount to $1 per yard.

The greatest source of frauds against the customs revenues of the Treasury exists under the ad valorem rates of duty. For an extended period of time the foreign market value of imports has been taken as the basis upon which ad valorem duties are computed. To guard against undervaluations by foreign dealers in collusion with American importers it has been necessary to maintain a very large and expensive force of customs officers in foreign countries from which large amounts of merchandise are shipped into the United States. Any method that will destroy the practice of undervaluation through collusion of foreign shippers and American importers will enable us to discontinue the expensive official force patrolling foreign countries.

Many times a foreign manufacturer or shipper may establish an importing house in the United States under such arrangements as will conceal its identity and business connections with the foreign shipper or manufacturer. Some of the shrewdest schemes devised by the keenest intellects in the business world are found operating in this undervaluation of foreign merchandise.

For nearly 18 years as Auditor for the Treasury Department I had direct contact with this business in the examination and settlement of all the customs accounts of the United States. Through that channel of observation I obtained the proof of what is generally known, namely, that most American importers are honest and straightforward while a few are the shrewdest manipulators that can be found anywhere in the world.

The serious conditions created by the few make it absolutely necessary to devise ways and means to protect the revenues of the National Treasury against fraud.

Theorize as we may, we can not remove this significant fact. Every man who has had personal contact with the Customs Service knows that it is true.

FOREIGN EXCHANGE.

These difficulties have been greatly increased by the low state of foreign exchange. It is well understood that the values of foreign currency have fallen to a very low grade and that some of them have approached the vanishing point.

Suppose that a cargo of farm products were sold in a foreign market at a German port, for instance, and the German currency received in payment therefor. When the German marks are transferred into American money, how much will you have? This illustration is sufficient to show at a glance the financial embarrassments that our National Treasury and American merchants and manufactures would be compelled to meet if the foreign market value of German goods should be made and perpetuated as a basis for reckoning ad valorem duties under the laws of the United States.

AMERICAN VALUATION VERSUS FOREIGN VALUATION.

Some writers assert that the adoption of the American valuation plan would increase the cost of imported merchandise for the consumers in the United States. That argument is not valid. The primary purpose of levying taxes in any form is to supply the National Treasury with the revenues necessary to pay public expenses. In the enactment of a tariff law we should first determine what amount of revenue such an act ought to produce in connection with the necessities of the Government.

It has been wisely assumed that the Fordney tariff should yield at least $400,000,000 of revenue annually. With that basis in mind, we proceed to the arrangement of a free list for noncompeting articles of merchandise and a dutiable list for competing articles. This method of procedure is perfectly consistent with the protective theory, while it is entirely out of harmony with the theory of a tariff for revenue only.

Experience has shown that more than one-half of the foreign merchandise entering our markets is admitted on the free list, while the remainder bears rates of duty. The theory of protection distributes those rates of duty according to domestic and foreign costs of production. The recent war, however, has completely destroyed a permanent basis of reckoning on that question, hence the additional difficulties that we now meet in

writing a tariff. As stated before, less than one-fourth of the total value of foreign merchandise is admitted under ad valorem duties. The discussion of the domestic and foreign values has frequently been indulged in to furnish conclusions.

If we are to secure a fixed amount of revenue from a customs law, the foreign market value being lower than the domestic market value, the rate of duty must of necessity be higher to produce the proper amount. While the American valuation, being higher in comparison with the foreign valuation, the rate of duty should be correspondingly lower, hence to the consumer there would be no difference in the cost of his commodities. Just, for instance, as you find it in payment of taxes on real estate. If the State needs a fixed amount of revenue from that source, and the valuation of the land is low, the rate must be higher; but if the value of the land be advanced, the rate of taxation will be correspondingly reduced. So we should dismiss at once the fallacious notion that the adoption of the American valuation plan will enhance the value of the imported merchandise to the consumers in America.

The duty on common crockery is 50 per cent ad valorem and on china 70 per cent ad valorem in the Senate bill, on the basis of foreign valuation, while in the House bill the rates are 28 per cent and 40 per cent on the American valuation.

This argument is somewhat akin to the false assumption that a duty on imported merchandise in any and all cases creates trusts and increases prices to consumers.

That argument can not stand careful examination in the light of facts written in the history of tariff procedure. To illustrate: When conditions were normal tea and coffee imported on the free list were sold to consumers at an advance over the import cost of from 100 per cent to 400 per cent, without contributing one cent of revenue to the Treasury. At the same time sugar was imported on the dutiable list, and it paid into the National Treasury for a given year $50,000,000 in revenue and was sold to the consumer at 33⅓ per cent over the import cost, duty paid. These significant facts completely destroy the supposed argument oft repeated that free goods pass into the hands of consumers in this country with a smaller margin of profits than are realized on dutiable goods.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and to include in that extension an address delivered by the Hon. James T. McCleary, a former Member of this House, which unfolds many important practical lessons upon this topic, American valuation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Many of us remember Mr. McCleary as the man who delivered the principal speech on the coinage question on the floor of this House in February, 1896, in the opening days of the Fifty-fourth Congress. The Hon. Charles A. Towne, of Minnesota, had delivered his speech on the free coinage of silver. Mr. McCleary, from the same State, followed with his speech in support of the existing gold standard. Mr. McCleary's speech swept away every argument advanced by his colleague for the free coinage of silver at the ratio of 16 to 1 and laid the foundation for the Republican campaign of 1896 in support of the proposition to continue the existing gold standard which is to-day the basis of our monetary system.

Mr. McCleary's address on the subject of American valuation as the basis for levying ad valorem duties under the Fordney tariff reads as follows:

WHY AMERICAN VALUATIONS?

Although for short periods from time to time throughout our national history domestic valuations of imports have prevailed at our customhouses, we have in the main been content heretofore to accept foreign valuations. As a result of the Great War the question has arisen as never before, Has this acceptance of foreign valuations in raising national revenues been wise or unwise? Would Uncle Sam be sensible or otherwise if hereafter he used domestic valuations as the basis for assessing ad valorem duties? The question is a reasonable one, to be decided in soberness and good nature.

Let us begin by ascertaining the extent of this problem.

Under a protective tariff noncompeting articles—things the like of which we can not produce economically in this country—are admitted duty free, unless they are luxuries wanted by people who prefer "imported" goods at any price to domestic goods at a lower price. Such goods constitute our normal importations, and are always more than half of our total importations. They are not included in this question.

Everyone who has given serious thought to the subject, including practically every Secretary of the Treasury except Walker, has recommended specific duties whenever practicable. They are usable as to more than half of our competing imports. The question of valuations has nothing to do with goods the duties on which are specific, and they constitute more than half of our dutiable imports. So the problem of valuations has to do with less than half of less than half of our total importations.

The amount of ad valorem duty to be paid at the customhouses is determined by two things—the assessed value of the goods and the rate of duty on such goods. This rate of duty has always been fixed by Uncle Sam without the interference of other countries. (Under a trading or "bargaining" system of tariff, sometimes improvised as reciprocity in competing articles, we would let the foreigner have a say even as to that—a very unwise thing for us to do.)

So the question of valuations narrows down to simply one element, affecting less than a quarter of our imports. In its essence the question of valuations is simply this: Shall Uncle Sam fix both factors of the ad valorem duty—the base as well as the rate—or shall we let foreigners fix one of these two factors? It is not a very big part of the whole tariff question, but it involves a principle of vital importance: Shall this Nation be, in this matter, wholly independent, or shall it divide its sovereignty "50–50" with other nations? Every patriot grave from Lexington to Yorktown cries out to us in vibrant tones, "Preserve what we won." Our heads unite with our hearts in the only answer possible to real Americans. This is in no sense a party question. No matter which party frames the tariff law, Uncle Sam should have the say as to both factors of the duty.

OPPORTUNITY FOR FRAUD IN FOREIGN VALUATIONS.

Robbie Burns reminded us that "If self the wavering balance shake, it's rarely right adjusted." Many people who would scorn to steal from a neighbor do not hesitate to cheat Uncle Sam by evading the payment of duties at the customhouse. "Lead us not into temptation" was a wise recognition of human weakness. It is not peculiar to any nation or to any time. This human weakness is world-wide and age-long. It has always existed and always will exist. Which affords less temptation to fraud on the customs, the fixing of values on imports by foreigners, or by our own people? The right answer will go far to help us to a proper solution of the pending problem. "Have faith in America."

There is less of crime by day than by night. Why? Darkness is the cloak of crime, helping to hide it; daylight makes detection easier, and so acts as a deterrent. Where are we more likely to get the truth, from foreigners who are beyond our national control, or from our own people who are answerable under our own laws? It is the rule rather than the exception that, under foreign valuations, two invoices are given the buyer, one showing the real price paid and the other for use at the customhouse, the latter being of course much lower and intended "to fool the customs officers." As shown by quotations elsewhere in this book, under foreign valuations fraud on Uncle Sam has always been rampant.

WHICH SYSTEM DOES THE IMPORTER PREFER?

As to the dishonest importer, there is no difficulty in answering this question. He naturally prefers the system of valuations that offers the largest opportunities for fraud on Uncle Sam. But how about the honest importers, who are in the majority? Let us see.

It has always been the instinct of the mere merchant, useful as his function is in the social establishment, to wish to have his customers and his producers as far apart as possible. We saw in chapter 17, that the Hansards established only a few factories and that they were set far apart. What the Hansards wanted was the commission of the middleman, the man who brings the producer and the consumer together. That idea was very old when the Hansards flourished centuries ago. It is a mighty force in the business world to-day. Why is this the fundamental instinct of the merchant? Because the farther the producer and the consumer can be kept apart, the less they know about each other, the bigger the profits of the middleman.

This instinct has been immensely emphasized since the World War. The destruction in Europe was so awful as to wipe out the accumulations of at least a century. Never before, not even as a result of the mad ambition of Napoleon, has Europe been set back so far in human progress. She will never catch up to what she would have been but for that devastating curse.

Europe has great needs, but she lacks the ability to meet them. Work is greatly needed, but Europe lacks the capital to do it. Working people, as always when capital is wasted or endangered, are in sore distress. They are glad to work on almost any terms. For the hard-hearted it is a great opportunity for treble profit. Advocates of foreign valuations are not satisfied with even that; they wish fourfold profit. In the first place, they can get their work done in Europe at lower cost than ever, and it can be paid in depreciated money, a double profit to the producer. And the less they have to pay to get their goods into this best market in all the world, the higher their profit. And there are people galore in the United States who want "imported" goods regardless of price, and who are glad to pay fancy prices for anything imported, even when they can get domestic articles of better quality for less money. So they are open to the tremendous temptation of huge profits by buying foreign goods instead of domestic goods. It takes a person of the sturdiest kind of manhood and Americanism to deny himself such opportunities.

UNPRECEDENTED PROPAGANDA.

Elsewhere in this book is quoted from the Washington Times an admirable editorial, "Listen to suggestions," by Arthur Brisbane, chief editor of the Hearst newspapers, that are published in many cities all over the Nation. Here Mr. Hearst is pictured as a fine example of listener. His annual business is given at $80,000,000. He is the sole owner of this unequaled publishing business. He has built it up himself, and is still a comparatively young man. It is certainly a noteworthy achievement. Born an only child, the heir to the Hearst millions, he might have chosen to live a life of ease. But he chose deliberately a life of greatest toil. Probably no one employed by him works as hard or as many hours each day as does Mr. Hearst himself. Doubtless he regards it as one of the least of his achievements that he has multiplied his inheritance many times.

Such a man, with such experiences, might reasonably be expected to cherish as his dearest possession "independence." In the promotion of things in which he really believes Mr. Hearst is notably generous. An example of this generosity is his recent taking of a whole trainload of Congressmen, at his personal expense, to Canada to enable them to make first-hand study of the sales tax which is working so successfully in the great Dominion. In his efforts to help our people to an adequate understanding of this fine substitute for certain uneconomic national taxes from which our country is still suffering, even after the move in the right direction that Congress has made, he will succeed because in this he is fundamentally right.

But Mr. Hearst is also a fine example of the old saying, "When he is good he is very, very good, but when he is bad he is horrid." An example of his being horrid is a recent 2-column, full-page length editorial in the Washington Times, an editorial which was probably not written by Brisbane. It is largely the merest nonsense, but it is about as good as the stuff usually set forth as reasons for continuing the infamous system of foreign valuations. In his efforts to promote this

wholly unpatriotic thing. Mr. Hearst will fail because he is wrong, and no one knows this better than he. Why does he lend his great influence to this unhallowed thing? We'll see.

Among the utterances in this miserable editorial are a few sentences that show where the Hearst heart and conscience really lies. Among other things in it are the following: "Protection is a good thing, properly managed. * * * The tariff should protect all legitimate American interests against unfair or impossible European competition. All we Americans want to spend our money with our brothers that produce goods at home, and wherever possible to give the preference to the home product. * * * We want to first labor against starvation competition, whether from the East or the West." That is the real Hearst doctrine. Why does he advocate in the rest of the editorial what would surely help to break down this protection that Hearst really believes in? We'll see later.

Another noteworthy sentence in this foolish editorial is this: "What is said in this newspaper to-day will be put before the eyes of at least 15,000,000 voters throughout the United States in other newspapers." How could he be so sure that this matter would reach nearly half of all the American electorate? He could have the say as to only the Hearst publications. Did he mean to intimate that he, through his own newspapers, can reach such a large number? Perhaps. But he may have meant that such sentiments would find expression in all metropolitan newspapers throughout the length and breadth of the land. Did anyone ever hear of such unanimity before about anything else? Never. It is altogether too unanimous to be natural. And this brings up the related question, "Why are there so few really unstuttering protectionist editorials in great metropolitan newspapers? Is it because they have changed their minds, or is it because they are all under some mysterious influence that controls them all?" It does not require any marvelous power of insight to understand it all.

WHY THE IMPORTERS ARE SO ANXIOUS FOR FOREIGN VALUATIONS.

It is mighty important to the American people to know exactly whose voice they are really listening to. In the best of all books is the story of how blind Isaac was deceived. After investigating as well as he could without sight, he exclaimed, "The hand is the hand of Esau but the voice is the voice of Jacob." The newspapers throughout the land are largely run by their owners, who take just pride in the confidence of the people that most of them so deservedly enjoy. But they who are demanding support of this infamous foreign valuations policy are hard taskmasters. Even Hearst, the richest of publishers and one of the most independent of men, dare not disobey their imperative demand. What wonder that other publications, less well financed, bow their head, though the owners groan inwardly at their shame!

What is the chief source of newspaper income? Subscriptions? No one is so poorly informed as to think that. The effort to get subscribers is only a means to an end. What is the end to be obtained thereby? Advertising. What governs the rates for advertising? The amount and character of circulation. And who are the great advertisers in the metropolitan newspapers? Manufacturers? No; their advertising, except in a few lines, is done largely in trade publications. Who are the real, worth-while advertisers in the great newspapers? Examine any of them anywhere throughout the country. The advertisers that buy half-page and whole-page and two or more page advertisements throughout the year are the big stores. Can you guess why the metropolitan newspapers everywhere all over the country are singing the same song about the continuance of this long-used system of foreign valuations? There is one hand at the organ all over the land. Whose is it? Unquestionably the voice heard in all the great newspaper offices, the voice that absolutely dictates the editorial policy on this question, is that of the big stores. Read again the story of how blind Isaac was deceived, and think over its application in the case of these foreign valuations.

It is told of the late James Gordon Bennett that a big advertiser once came to him with a demand that he do a certain thing or the said big advertiser would discontinue his advertising. Bennett called for his advertising manager. The storekeeper felt that he had won an easy victory. When the advertising manager arrived, Mr. Bennett said to him, "Remove all advertising of this firm and never put another advertisement for that firm into the Herald." The pompous advertiser collapsed and begged that his advertising be continued, but Bennett's decision stood. *The advertising is just as important to the store as to the paper.* A little of Bennett's spirit would help the owners of newspapers to get back their self-respect.

LEADING DEPARTMENT STORES HAVE FOREIGN FACTORIES.

All of the big stores pride themselves on carrying a large line of "imported" goods. Why? Because so many of their best customers demand imported goods and will pay fancy prices for them. What is needed in this connection is a new declaration of independence by buyers, a new baptism of the spirit that will say "No imported goods for me, if I can get domestic goods." A nation-wide outbreak of this thoroughgoing Americanism would be mighty wholesome. Why not clubs everywhere with a slogan like that?

The leaders of this movement for a continuance of foreign valuations have factories in Europe and elsewhere abroad. These factories they are anxious to enlarge. If they could get approval from the party whose foundation stone is protection to American industry, they would have all their manufacturing done abroad. What would be the result to the well-paid American workingman? Many of these American producers in Europe and elsewhere feel that the foolish demands of American labor would be avoided if they could have their factories in foreign lands. Can the American workingman see his duty to himself and his country in this situation? He should be unequivocally for three things: Ample adequate protection to every American industry, American valuation of imports on which duties are ad valorem, and an honest day's work for an honest day's wage. These things are vital to the revival of American prosperity. Whoever tries to tell him anything else is not his friend.

WHAT THE SELF-SEEKING IMPORTER FORGETS.

Of course a little real thought would help him wonderfully. When he has obtained his goods, the big part of his business problem remains. How is he going to sell them? The soviets of Russia were in clover as long as the accumulations of the past were available to be stolen. These are now pretty well exhausted and the real problem of the "rule of the proletariat" has begun. They are already feeling the pinch that will plague them more and more, and by and by even the dullest will understand the simple old proposition that only by doing honest work and saving part of one's earnings can man or nation progress.

Similarly, so long as the importer has stored wealth, the accumulations of preceding years to draw on, and there are enough people of wealth who prefer "imported" goods, the importer may get along with his sales. But without the regular employment of American workmen in producing American goods, the masses can not buy and the rich will soon find themselves poor. Now, as never before in our national history, we need an amply adequate protective tariff for every American industry, wholly controlled by America in the real and abiding interest of her own people. In carrying out our plans for the benefit of the American people, one thing absolutely essential is the permanent policy of unadulterated American valuations.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I do not know that I shall consume all of that time, as the hour is very late, and I now ask unanimous consent to extend my remarks in the RECORD by printing some figures at the conclusion of my speech.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I want to state that, in my judgment, the chairman of this subcommittee has made a statement of the real facts involved in this whole question, and that the subcommittee has presented a bill that ought to pass this House practically as it has been reported. I do not believe that we are justified in appropriating another dollar at this time for a battleship. I have heard some complaint on this floor about no appropriation for aviation. The chief opposition to the enlargement of the aviation service, a positive opposition to the creation of the separate Air Service, comes from the Army and the Navy. In my judgment, it has been clearly demonstrated that the battleship is a back number in war.

I know when I make that statement I make a statement which will be controverted by many of the admirals in the Navy. I was present at the time the German so-called nonsinkable ship, the *Austerfriesland*, was sunk off the Capes by bombs from the air. In less than 20 minutes from the time the airplanes were given orders the ship was going to the bottom.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. KNUTSON. How many aircraft were in operation on the *Austerfriesland* during that time?

Mr. SISSON. At the time the ship was sunk there were four airplanes in operation. There was nobody on board the German ship. [Laughter.] I know one of the Secretaries of the Navy said that he would not mind standing on the deck of the vessel at that time, but no man would say that now.

Mr. KNUTSON. Is it not a fact that the airplanes came down until they almost touched the superstructure of the boat—the masts?

Mr. SISSON. I was sitting on another boat myself——

Mr. KNUTSON. Oh, I was there and saw it all.

Mr. SISSON. If the statement that the gentleman makes is true, then he saw something that no other gentleman saw, and there were many looking, and he saw something that the report says is not true, because those airships were from two to four thousand feet above the battleship when they dropped the bombs that sunk the ship.

Mr. KNUTSON. Does the gentleman mean to say that the airplanes did not sweep down within three or four hundred feet of the boat?

Mr. SISSON. A great many of them did a few days before that in order to show how closely they could come to it. The gentleman ought to read the report or inquire of others.

Mr. KNUTSON. Better still, I saw the thing myself.

Mr. SISSON. I was there and saw it myself. I state that the gentleman saw no such thing at the time the ship in question was sunk, and he is just as nearly correct about the other things he states as he is about this. I say the airplanes were over 2,000 feet above the ship when they dropped those 2,000-pound bombs, and the gentleman is simply mistaken if he saw the bombing. But he talks like one who did not see it. General Mitchell will be over here to-night and you will be able to ask him about how high they were. He is the man who had charge of the whole matter and knows. I have talked to him and he says the lowest plane was 2,200 feet.

Mr. CURRY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. CURRY. I do not think that there is any question but that one bomb sunk the ship. Of course, she was not in battle array, but she could have been sunk if she had been. I call the gentleman's attention to one thing that probably has escaped the attention of the House, and that is that Japan has authorized for experimentation and development of the army and navy air forces $200,000,000, to be used over a period of seven years.

Mr. SISSON. I was aware of that.

Mr. CURRY. And that Great Britain has appropriated $97,000,000 for this year and France $84,000,000 for this year. That shows that Great Britain, France, and Japan recognize the fact that the offensive and the defensive first line for the offense and defense of the nation will be from the air.

Mr. SISSON. I am very glad the gentleman called my attention to that fact. The only difference between us is that I understood it was a 10-year program on the part of Japan. Perhaps the gentleman is correct. It may be a seven-year program.

Mr. CURRY. It is a seven-year program.

Mr. SISSON. It is immaterial whether it be 7 or 10 years. It is to extend over such a period that they will be able to have not only money to accomplish great things but they will have 10 years in which to experiment before they shall finally decide upon the character of craft that they will adopt, and in this way get the very best possible that has been invented up to that time. I think that is the wise thing to do. Personally, I would be glad to see the United States embark on a very much larger program in the air, because in my judgment a battleship——

Mr. CURRY. Does not the gentleman think that the only way that we can develop in the air is through having a unified service?

Mr. SISSON. Personally, I would be glad to see a department created for aircraft—an aircraft department. I do not believe that we will be able to develop it to its fullest capacity and as rapidly as it ought to be developed as long as there is so much rivalry within the Army and the Navy in respect to the development of aircraft.

By the way, I heard some gentleman say, sotto voce, over here, something about the Post Office Department. I think we will make a mistake to deprive the Post Office Department of that service. I do not think the battle plane is the proper plane for commercial purposes, and I believe the European nations are commencing to develop a commercial plane where the conditions are different.

Mr. CURRY. That kind of a plane develops the pilots.

Mr. SISSON. Yes; it does develop the pilots.

First, as I started to say when I was interrupted, in my judgment, with what we have now demonstrated, if you have the right sort of airplanes every battleship is a floating cemetery. Now, I know it is a pretty hard thing for our Navy men to admit. One of the admirals told me, "It has been my ambition from the time I entered the Naval Academy to pace the deck of a battleship as an admiral. We are all wedded to the battleship. We all love it. But, as much as I love the battleship, I must confess with amazement that this test has demonstrated"—speaking of the test off the Capes—"that from the air a battleship can be destroyed successfully and quickly." He said, "That is a very hard statement for me to make, but I have always tried to keep my mind open for the reception of the truth."

There is no question but that the airship will play the most important part in the next great war. These principles are now clearly demonstrated: First, the nation that controls the air will control the sea; second, the nation that controls the sea will control the world. For this reason the American people should control the air. Our air program should be enlarged. We can cut out one of our battleships and put one-half that money in the air and have a better defense. Great Britain and France have both practically abandoned big ship construction and are turning largely to aircraft. The price of one battleship would give us control of the air. No ship would dare come within 300 miles of our coasts if our Air Service were properly developed. Why spend all this money now? Why not look a little further into the future and not foolishly spend all these millions until we know that it is necessary and that we are spending it for what we need?

So in building up our Navy we should take into consideration in expending so much of the people's money what the next few years may develop. If there ever was a time in the history of the world when we could afford to take a holiday in the expenditure of the people's money, now is the time, because it is admitted by almost everyone that no nation is in a financial condition to make war upon us at this time. Not only that, if the professions of nations mean anything, these four powers having agreed on this 10-year period in which no enlargement of navies shall be made, we can certainly relieve our people of some of the burdens of taxation. If we mean what we say, is not this the hour to practice some real economy?

This was one of the boasted accomplishments of the peace conference. They promised great relief to the taxpayers. Has this promise, too, been already repudiated? If these proposed amendments are urged by the President and the Secretary of State, then, indeed, the peace conference is a farce, and the people of the world know it. At this very hour England and Japan are considering the size of their navies. If the United States reduces her personnel, they will reduce theirs. So it is of great importance to every selfish interest to enlarge as much as possible now, for it means so many, many millions to them in profit not only for next year but all the years to follow. Why, gentlemen of the committee, the bill now provides for the very identical ships allowed under the treaty and for the maximum number of ships. This is admitted by everyone who knows anything about this treaty Navy. The only ones who deny this are people who are careless with the truth and who are ignorant. The only question in controversy is whether there are enough men provided in the bill to properly man and operate the ships.

The entire fleet that the Navy Department say they want to keep under the terms of the peace treaty is as follows, as shown by the hearings:

THE FLEET AND NECESSARY AUXILIARIES.

	Men.		
18 battleships:			
Delaware	935		
North Dakota	995		
Florida	893		
Utah	879		
Wyoming	1,048		
Arkansas	1,074		
New York	1,039		
Texas	1,039		
Nevada	959		
Oklahoma	929		
Pennsylvania	1,029		
Arizona	995		
New Mexico	1,062		
Mississippi	997		
Idaho	974		
Tennessee	998		
California	1,294		
Maryland	1,154		
		18,259	
11 cruisers, armored:			
Huron	664		
Seattle	791		
First class, Rochester	566		
Second class, 3 light cruisers (building)	990		
Third class—			
Birmingham	576		
Cleveland	288		
Denver	288		
Galveston	288		
Tacoma	277		
		4,248	
103 destroyers (93 men each)		9,579	
84 submarines (30 men each)		2,520	
6 destroyer tenders:			
Melville	552		
Black Hawk	349		
Bridgeport	520		
Altair	450		
Denebola	450		
Rigel	450		
		2,551	
7 submarine tenders:			
Camden	514		
Savannah	508		
Beaver	292		
Bushnell	179		
Fulton	131		
Rainbow	297		
Canopus	292		
		1,833	
1 aircraft carrier, Langley		216	
1 aircraft tender, Wright		286	
2 mine layers—			
Baltimore	501		
Shawmut	314		
		815	
10 light mine layers—			
Mahan	99		
Murray	95		
Maury	85		
Israel	99		
Ingraham	99		
Ludlow	95		
Burns	99		
Anthony	99		
Rizal	99		
Hart	92		
		959	
10 mine sweepers (tugs)—			
Chewink	46		
Curlew	44		
Lark	44		
Mallard	52		
Penguin	51		
Seagull	54		
Whippoorwill	54		
Tananger	52		
Finch	54		
Bittern	47		
		498	
2 repair ships—			
Vestal	557		
Prometheus	570		
		127	

	Men.	
3 storeships—		
Sapphirapport	235	
Bridge	180	
Artic	198	
		613
24 fuel ships—		
Arethusa	78	
Brazos	112	
Cuyama	95	
Jason	152	
Kanawha	101	
Nereus	141	
Orion	164	
Pawnee	91	
Proteus	153	
Ramapo	91	
Sapelo	91	
Trinity	91	
Naches	101	
Pecos	107	
		1,566
2 ammunition ships—		
Nitro	177	
Pyro	177	
		354
2 hospital ships—		
Mercy	268	
Relief	301	
		569
276 Total for fleet and necessary auxiliaries		45,854
PATROL AND VESSELS ELSEWHERE CLASSED.		
7 cargo ships:		
Bath	55	
Beaufort	71	
Eastern	87	
Newport News	113	
Capello	81	
Sirius	91	
Vega	91	
		589
3 transports:		
Argonne	211	
Henderson	397	
Chaumont	214	
		822
9 gunboats:		
El Cano	33	
Monocacy	46	
Palos	46	
Pampanga	30	
Quiros	47	
Sacramento	152	
Villalobos	56	
Wilmington	151	
Asheville	148	
		759
6 yachts and patrol vessels:		
Isabel	83	
Mayflower	165	
Nokomis	88	
Scorpion	112	
Sylph	22	
Vixen	22	
		142
5 fleet tugs:		
Cheticoke	39	
Massasoit	37	
Nasa	33	
Ontario	34	
Osceola	34	
Potomac	35	
Sonoma	34	
Tallapoosa	39	
		338
10 fleet towing vessels (tugs):		
Bobolink	45	
Robin	45	
Vireo	45	
Rail	45	
Quail	45	
Brant	45	
Cardinal	45	
Kingfisher	45	
Partridge	45	
Tern	45	
		450
1 survey vessel, Hannibal		137
2 Bureau of Fisheries:		
Albatross	81	
Fish Hawk	44	
		125
5 miscellaneous:		
Gold Star	97	
Regulus	91	
Antares	86	
Procyon	17	
General Alava	19	
		309
51 Total for patrol and vessels elsewhere classed		4,038
327 Grand total		49,492

This table shows the exact ship and its name retained in the bill and is the identical list asked to be retained by the Navy. The number of men opposite each ship is the number of men on the ship on the 1st day of February, 1922. This list of ships was furnished by the Navy Department without any suggestion of the number of men. But the committee took the number of men on board on the 1st day of February, 1922. To this should be added 632 men serving in aviation ratings on that day and 700 additional men for flagship duty. Then there has been allowed 93 on 108 destroyers, when on February 1, 1922, the average on the destroyers was only 87 men on board, which number, if applied to the 108 destroyers, would permit reducing the total down to 50,000 men. So, without doubt, the 50,000 men will keep afloat all the treaty Navy.

Now, about the shore stations. At the present time 12,633 men are assigned to the various shore duties, there are 4,981 being trained and 7,883 absolutely unassigned, making a grand total on shore of 25,447 men. But this now, under the contention of the Secretary of the Navy, is not enough. They now say they need 32,000 men on shore. That is to say, they now want 32,000 men, with jobs for only 12,633. Oh, Mr. Chairman, when did our taxpayers become so vastly rich that they can pile up 20,000 men on shore with nothing to do, no navy yard to work in, no training stations to train in, and no ship upon which to serve?

Now, Mr. Chairman, we have allowed 8 per cent of the entire enlisted personnel for those who may be sick, in prison, or in transit. The department now requires only 12,633 men for specific assignment with a 96,000-man establishment. This bill provided 10,000 men with an additional 7,000 unassigned, out of which the necessary number for training and replacement can be had. That makes a total of 67,000 afloat and on shore. What need have we for more? Some uninformed or careless men on this floor say that this will not give us a 5-5-3 Navy. They are just ignorant of the facts. The London Times is in the Congressional Library, and that paper publishes the proceedings of Parliament, and it is as reliable as the CONGRESSIONAL RECORD. Here are the facts about the British Navy. The personnel of Great Britain's Navy, as shown by her budget, is 98,500. This includes officers, enlisted men, marines, coast guard, and students in her naval academies. Now, look at ours. This bill carries 67,000 men, plus 10,500 marines, plus 1,000 marine officers, plus 6,150 officers of the line and staff, plus 1,500 warrant officers, plus 2,500 boys in the Naval Academy, which gives us a total of 97,650 in the American Navy. In other words, each Nation has about 98,000 men. But Great Britain counts many mechanics and machinists in here which we carry as civilian employees. So, really, we have more than she has.

Now, as the chairman of the committee says, we are giving the Navy all the men it had on these ships on the 1st of January and 2,000 surplus, and this number was the maximum of men on the ships when there were 90,000 men in the Navy. So it is bound to resolve itself now into one proposition, and one alone, and that the officers of the Navy are more solicitous about their own promotions and the kind of straps they wear on their shoulders, perhaps, than they ought to be. I do not know that I ought to make this statement, because I believe it ought to be the ambition of every young man in the Navy to be an admiral. I glory in that ambition. But I do not believe a Congressman should share that. You have a higher trust than that. When you have given an adequate defense and an adequate Navy, you ought not to be swept off your feet by selfishness. I am not complaining of the men on this floor who have navy yards in their districts and are clamoring to keep them. I suppose if we should swap places with them we would be like they are. I suppose if I were living in a district where my landlord and my groceryman and all the people that live there get business out of a navy yard, I would be like they are.

Mr. CURRY. How many navy yards are there?

Mr. SISSON. In the United States?

Mr. CURRY. Yes.

Mr. SISSON. I am glad that there are not more than there are now.

Mr. DEMPSEY. Do you mean that the position of the proponents is measured by the number of navy yards?

Mr. SISSON. The gentleman did not catch what I meant, or he is indulging in a great deal of imagination. I know my friend to an imaginative and a splendid gentleman, and I know that when he differs with you he differs honestly. I do not know that there is anything miraculous about it, that where you have a navy yard your people wish for a large Navy. And there are other influences. There are a great many people who want to sell steel for a battleship. There are men who sell buttons for the coats. That makes business good. The Moloch of war—and I had not intended to discuss this—the Moloch of war can not be satisfied. It is the most devouring god that the devil ever set up. It not only commits crime in war time, but in peace time. It has the most unsatisfied appetite in the world.

We gave you $233,000,000 in this bill, and there is $71,000,000 in the building fund, making $304,000,000, and then after that the $60,000,000 that is going to be demanded and must be had for the settlement of these claims on these contracts—it may go to $100,000,000—but take the small figure, and you have the stupendous sum of something over $360,000,000 that this Navy is going to cost you during the next fiscal year. Is not that enough to satisfy a considerable maw? What sort of a paunch has an animal that it takes more than $360,000,000 to feed in one year—over a million dollars a day? And yet the country is in a financial condition that it was never in before.

The counties are paying enormous taxes. The States are paying enormous taxes, and the Federal taxes are enormous now, with both of these political parties, both the Democrats and the Republicans, pledging their sacred honor to reduce them; their sacred honor; yes, bound almost by a Jesse James oath, for on every stump in this Nation both parties, in effect, said: "If you will return us to power we will reduce expenditures."

The Democrats were arraigned on every stump in the last campaign for their ruinous extravagance. And yet when a servant of yours like my distinguished friend from Michigan, Governor KELLEY, comes and, as a courageous statesman, as a man of great brains and great heart and great courage, tries to fulfill the pledges to the American people and the taxpayers, he is assailed by the departments; his courage is attacked on every side, his judgment is attacked, and you would imagine by what they say that he was endeavoring to wreck the whole country.

Mark this little prophecy that I now make: When he goes back to that inarticulate mass which Mr. Carlyle speaks of; when he goes before that inarticulate mass which is so little cared for in this Congress by men who so cruelly forget those people back there who are laboring and toiling, the men you do not see about the clubs, the men you do not see riding in palace cars, the men whom you do not meet in the counting rooms of banks, but that inarticulate mass that Carlyle, that wonderful philosopher, that great old Scotchman, spoke of—that inarticulate mass—be sure they will be heard some time, and when they are heard the sound of their voice will be like the roar of the mighty waters of Niagara, and the force of them will be irresistible.

And when Governor KELLEY goes before that great mass of uncorrupted and incorruptible minds and hearts of the masses of the American people, you will hear a most overwhelming verdict, "Well done, thou good and faithful servant; thou hast been faithful over a few things in the House of Representatives and we propose, because you have been patriotic and courageous, to promote you to the body that you desire to enter." He is the kind of men who will save this Republic, and the people know it. [Applause.]

Mr. DEMPSEY. Now, will the gentleman yield for a question?

Mr. SISSON. Yet selfishness knows no politics. Selfishness knows no patriotism. The Bible never had a truer sentence writen into it than "The love of money is the root of all evil." It is the love of money that is the root of all evil. It is not money that is the root of all evil. No; that is not the root of evil at all, but it is the love of money that is the root of all evil. Oh, my friends, you might think differently about this bill if you knew more about that Book and about that passage in that Book. I think it is the greatest of all books. There you find the truth.

But the Moloch of war has blinded men. They do not look at or care for the suffering taxpayer. They do not see the quiet suffering on the farm; they do not see the suffering in the mines; they do not see the suffering of all this inarticulate mass; they do not hear the cries of this mass at this time here on this floor; I may plead for them now in vain, but they will be heard nevertheless, gentlemen. They are going to speak some of these days.

Now I yield to the gentleman from New York.

Mr. DEMPSEY. In connection with the gentleman's statement as to economy, I would like to ask the gentleman this question: Did he hear the chairman of the subcommittee state that the estimate of the Budget was $192,000,000 in excess of the amount in this bill, and that only a small amount, about one-half of that, was accounted for by the discontinuance of the building program?

Mr. SISSON. I heard all that the gentleman from Michigan said, and I indorse all that he said. When he said that he told the literal truth.

Mr. DEMPSEY. It is not wonderfully generous treatment that the committee is giving. The total, you said, is $233,000,000?

Mr. SISSON. Yes.

Mr. DEMPSEY. Yes; and you cut the Budget estimate down $192,000,000, so that you give about 50 per cent of what the Budget provided.

Mr. SISSON. We did, and I think we did very well when we did that. I think we did very well, indeed. The gentleman from New York must be very peculiarly minded. I have seen many men who are peculiarly minded, but this is the first time I have ever heard of a complaint or a complaining tone of voice which conveyed the effect of a criticism and by virtue of the emphasis with which it was said carried a terrible reflection on the committee because it saved $192,000,000. I am a member of this committee and I am glad to share the honor or the blame with those who composed it. But it is a terrible criticism to hurl at a man to charge him with having saved $192,000,000 in these hard times! The gentleman from Michigan [Mr. KELLEY] ought to get the gentleman from New York [Mr. DEMPSEY] to make that statement out in his State. I want him to come down in my district and make that charge against me. I will plead guilty. I have been instrumental in assisting in saving to the taxpayers $192,000,000. I want to say to the gentleman from Missouri [Mr. ELLIS] that if such a charge as that was made out in that good old Missouri district of yours that you, as one of 435 Members, had assisted in saving $192,000,000 of the taxpayers' money, which would be $441,000 as the share saved by each Member, a result obtained by dividing $192,000,000 by 435, it surely would not do you any harm. I wish I could live long enough to draw out of the Federal Treasury that much money! I would make Methuselah look like a boy. [Applause.] In my own district it amounts to over $40,000 for each county in my district.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Let me tell you another thing. When you speak of the Budget you must understand that the man who is at the head of the Budget is liable to fall under the influence of my friends, the Army and Navy officers, and my friend Dawes is subject to such influence, no matter how much he may try to resist it.

I do not know what the Budget would have done, nor does the gentleman know what the Budget would have done, nor can any man speak for the Budget or General Dawes now. After that treaty was signed, and after it was ratified by the Senate, I do not know but General Dawes and the Budget might have cut off a few millions more. Nobody has any right to say that they know what they would have done; but with the light before us we have done the best we could to carry out what we believed to be the terms of that treaty. If President Harding does what the big Army and Navy people want him to do, he will be the first to repudiate his own treaty. This will be a real test of the confidence he has in his own treaty. If he shall yield to the clamor of the pork-barrel Navy people, those who profit by the Navy, then he will come to Congress before the final vote is cast and ask for an increase in the personnel of the Navy over what is allowed in this bill. Let us hope that the oppressed American people may be spared that additional burden. The President should not use his big stick on Congress and drive them to this increase.

Mr. DEMPSEY. Now will the gentleman yield?

Mr. SISSON. I do.

Mr. DEMPSEY. I merely made the statement I did and asked the question I did to comment upon the gentleman's statement that we had been so very generous.

Mr. SISSON. Let me ask you a question. Do you think $233,000,000 for the Navy is not a generous appropriation?

Mr. DEMPSEY. Let me finish my question.

Mr. SISSON. Wait. You have asked me a great many questions. You have put me on the stand, not so much for the purpose of eliciting information as to find out how I stood for the purpose of criticism. I do not think it important to the House or the American people about how I stand. The question is whether I am right or wrong. I yield to the gentleman.

Mr. DEMPSEY. I think we can form a very reasonable estimate as to what the Budget would have done after the disarmament conference. I think we can form an absolutely arithmetical estimate, because last year we appropriated $90,000,000 for construction, and if we take the same appropriation this year—and that is a fair way to treat it——

Mr. SISSON. Oh, I am neither a prophet nor the son of a prophet, and I can not tell——

Mr. DEMPSEY. We would still have $102,000,000 for construction.

Mr. SISSON. I might say that I can not tell what might or might not have been done. I am simply dealing with facts. I know these pork-barrel Navy people want to try to get away

from the cold-blooded facts as stated in this report and as borne out by a close study of this bill in order to go off into some dream or into the realms of prophecy and have the House act upon imaginary enemies and ghosts rather than upon facts. But the fact is that the Navy Department itself admits that so far as craft are concerned we have given them all that the treaty requires. The only controversy is as to the number of men that it takes to man the ships. Now, they have got more men on them than they usually have on these ships, and I do not know of any better way to do than to do like Governor KELLEY and the subcommittee did. They asked, "How many did you have on such and such a date when you had 96,000 men? Now, if you did not need them in time of peace at that time, why do you need them now?" But to be on the safe side we gave them a leeway of 2,000 men over my peace-time force on the ships.

I have heard a good deal here about the comparison between the British Navy and our own. Oh, my! If the British people were as panicky as we are, and if they saw as many ghosts as walk up and down in this House every time we are considering a Naval or Army bill, the English Navy would be more than double what it is. You know I am rather amused at some of the arguments made by gentlemen here about the Australian Navy and the colonial navies of Great Britain. Do you know that some of the English naval officers say that is one reason why the mother country ought always to maintain a very much stronger navy; that as between Great Britain and foreign nations these colonial navies are a great help to Great Britain, but that if there should be a revolt in Australia or in Canada, it would simply mean that Great Britain would be required to have a navy to overcome her colonial navies and repel a revolution; and that, too, when perhaps she was in a foreign war.

Mr. GREEN of Iowa. Will the gentleman yield for a question right in that connection?

Mr. SISSON. Yes.

Mr. GREEN of Iowa. A member of the British Parliament stated a while ago in a debate on the floor of that body that not only was a war with this country unthinkable, but that it was absolutely impossible, and that he hoped and believed that, if such a war was ordered in the manner that George III ordered one, the officers of the English Navy would not obey the order.

Mr. SISSON. With everything that we have done since the Great War and even with the lessons of that war, some people do not learn anything. You will hear people saying that preparedness means peace, that the best-prepared nation will never be attacked. Yet Germany was the best-prepared nation on earth. Germany supposedly had the best army, and if you believe what our friends say during the debate on naval bills, she had a navy about twice as good as ours. Yet where is her mighty war machine now? What has become of her boasted preparedness? They do not urge that now. The German preparedness did not prevent her being attacked and did not save her. The big Army and the big Navy advocates have been driven from one thing to another.

But now what do they say? They say, "Yes; we have entered into that pact, but the other nations have not ratified as yet and we must take no chances." In other words, they try to move Congress by fear. The fact is there is not a naval officer or an Army officer around the Army and Navy Club who believes in that four-power pact. Any world movement for the reduction of arms or armament is resisted by them. You can not blame them, for they have selected the Army or Navy as a life work, and to have reduction of armies and navies means less promotion and less salaries for them. Ask any of these officers concerning some fact and they will tell you the truth. They are truthful men. They despise liars. As a rule, they are absolutely honest and as fine a lot of fellows as you ever saw, but still they are human beings. They have the same ambitions that you have. They have the same feelings that you have; and it would not belong to a profession that I did not think was a good one. Would you? I believe in belonging to a profession where I can rise all my life and continue to rise, and still feel that I am not what I ought to be in that profession. I think a soldier who does not believe in his profession or a naval officer who does not believe in his profession ought to be out of the service and his uniform ought to be taken off him. Therefore, I glory in the fact that they feel that they ought to have promotion. But keep constantly in your minds that they are human beings and that they are ambitious.

It disgusts me to hear some of my good friends in the House get up and ask the gentleman from Michigan [Mr. KELLEY], or some other member of the subcommittee, "Did you have before you all those experts in the Navy, and did you get those experts to tell you about what we ought to have and what they ought to have according to the treaty?" Let me tell you that if I had to do that I would forego my seat in Congress and I would go back home.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman 10 minutes more.

Mr. LONDON. Will the gentleman yield for a question?

Mr. SISSON. Yes.

Mr. LONDON. How does the appropriation compare with the prewar appropriation?

Mr. SISSON. The prewar appropriation in 1915 was $141,-[illegible].

Mr. LONDON. And the appropriation is now larger than the prewar appropriation?

Mr. SISSON. The figures I have in mind——

Mr. MADDEN. It was $141,000,000 in 1915 and $149,000,000 the next year.

Mr. SISSON. That was the year immediately preceding the war.

Mr. LONDON. With all the international conferences and treaties the appropriation is $100,000,000 greater than before the war?

Mr. SISSON. Yes; and if you take into consideration that they have $71,000,000 available to spend for the balance of the fiscal year and all of next; $71,000,000 in the Treasury to complete or continue the building program, and in addition to that the $60,000,000 which is going to be appropriated for the purpose of taking care of the claims, it will make the stupendous sum of $260,000,000.

Mr. LONDON. Is not the personnel larger than it was in 1915?

Mr. SISSON. I think the limit was 54,000 before the war, and they usually had about 40,000 actually enlisted in the Navy.

Mr. KNUTSON. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. KNUTSON. The gentleman said there was $71,000,000 unexpended.

Mr. SISSON. For the building program.

Mr. KNUTSON. The gentleman does not want the House to assume that that will be carried over in the next fiscal year. There are three calendar months remaining, which is one quarter of a year, and that will be expended——

Mr. SISSON. I do not think anybody got that idea. I think the gentleman from New York understood what I said.

Mr. KNUTSON. It will be practically all expended.

Mr. SISSON. Not over $30,000,000 will be expended at the most, and there will be at least $41,000,000 available on the 1st of January.

Mr. MADDEN. There will be $48,000,000 available for the construction of airplane carriers on the 1st of January.

Mr. DEMPSEY. The rate is about $90,000,000 a year.

Mr. SISSON. With that stupendous amount of money it seems to me that the party in power with its great majority should be satisfied.

Mr. TINCHER. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. TINCHER. As I understand the proposition from questions asked by the gentleman from Illinois and others, it is not a question of how many men we are going to have on the ships, but how many men we are going to have left to be on shore on parade.

Mr. SISSON. That is it; they want the American people to have two men on shore when one is busy. I can not agree to that. Will you Republicans now repudiate your own President and the much-boasted accomplishment of the peace conference which he called, and which he claims as one of his great services to the American people? It is said by some here that he is for a larger Navy than is provided in this bill. It is said by some that he will ask Congress to increase this bill. Will the President thus so soon renounce his position on the good accomplished by his peace conference? Do the big interests who are clamoring for a bigger Navy have such a hold on the President that they can make him eat his own words? Many contend that he belongs to the big interests, and that they will cause him to turn his back upon his boasted "peace conference," and that he will ask Congress to do the bidding of the naval officers. This hour will test him. If he is a real man, if he is a real leader, and if he is to live in history as a blessing to mankind, he will not do this thing. If he believes what he has said to the world and to the American people, and if he has any confidence in the work of his own hands, he will insist on carrying out in good faith the real reduction of armaments. If

he is playing cheap politics, if he is trying to run with the hare and the hounds, he will come and try to coerce you Republican Members to turn this committee down and do the bidding of the Steel Trust, the General Electric Co., the navy yards, the gunmakers, the naval officers, and all that selfish interest who, moved by a love of money, have always cursed the human family with war.

There are only two kinds of Congressmen. Both branches of Congress have only two classes. They are like verbs. They are either "indicative" Congressmen or "subjunctive" Congressmen. They are either acting or they are being acted upon. A very small minority are in the "indicative mood." The vast majority are in the "subjunctive mood." That is to say, the majority of both Houses of Congress are in the "subjunctive mood" class. They are acted upon. They do as they are told. This is well enough if the controlling or telling power is wise and unselfish. But the rule is the other way. The controlling and telling power is selfish. The selfish interest is always active. It is always wide awake. It is present at the ballot box. It controls Presidents and Cabinets. They in turn control Congressmen and Senators.

Let us hope and pray that in this trying hour a good influence may move the President to exercise his power for good, for peace, and for economy. Let us pray that the President may be moved by truth and for the good of the suffering world to insist upon Congress reducing the instrumentalities of death and to take the lead of the whole world in a march for peace, universal peace, and thus remove from the backs of men this burden of taxation which is now too heavy to bear. May we not see the sad spectacle of the President turning his back upon his splendid professions and deserting the path of truth and peace and marching at the head of error, selfishness, suffering, and war.

AMEND THE FARM LOAN ACT.

Now, there is another body of men that I want to call attention to. No nation is stronger than its farmers or stronger than its agriculture. You imitate Germany in a great many things, but you are unwilling to imitate Germany in agriculture. Germany recognizes fully, as Napoleon did, that the army moves on its belly. It is utterly impossible to make an army or navy unless you feed it. It is equally impossible to make an army or navy unless you feed the father, the mother, the brother, and the sister back home. Therefore, no nation is stronger than its agriculture. No great military power ever succeeded unless it had a great agriculture or access to agriculture. While we are talking about these matters of a great army and navy that they say we need, we have not had to bother about agriculture because we have been and are the greatest agricultural country in the world, but we are reaching the point where agriculture is beginning to wane. Sir Thomas Buckle says that there never has been a great nation whose agriculture has commenced to wane that was ever able to overcome that condition; that it continues to get worse. I want to call your attention to an amendment that ought to be made, and made at once, to the Federal farm loan act. The last clause in the section enumerating the kind of indebtedness for which loans may be made provides that all indebtedness that the farmer owes may be paid from the money loaned, provided it was incurred for agricultural purposes.

Indeed, during the last few years a great many men out in the State of the gentleman from Kansas [Mr. TINCHER] and down in my State were prosperous because they got such splendid prices for their farm products.

Mr. ELLIS. But they were war prices.

Mr. SISSON. It is immaterial what they were. The farmer did not analyze that fact. He bought his wife and child a musical instrument or perhaps a flivver. They never before, perhaps, had had any comforts. Suddenly the war was over, and prices dropped, and he found himself in debt, and it was necessary to borrow money to make the crops and to save his farm. He applies to the Farm Loan Board for a Government loan. They are powerless to help him, because the indebtedness was not incurred for agricultural purposes. I have consulted within the last few days with the Federal Farm Loan Board because of certain conditions in my own district, and without a single exception everyone of them said that that clause ought to be repealed. It is immaterial with the farmer what he contracted the debt for. And I think it ought not to be the policy of this Government to deny a man who has contracted a debt any loan because he bought a musical instrument or a flivver. The only question ought to be whether or not he is able to pay and will be able to pay and whether his land is worth the money.

Mr. TINCHER. What the gentleman is advocating is that he should have the same right to borrow money to save his farm that he would have to buy it with.

Mr. SISSON. Absolutely. In other words, I think he ought to have the same right to borrow money that any other class of borrowers has in any banking institution. I think it is all right for the Farm Loan Board to find out what he is going to do with the money. I think that is proper and should be done. I think it is right for the banker to ask what he is going to do with the money before he loans it, because he is interested not only in the security but also in whether the borrower will be able to pay when the loan matures.

I have no objection to that. However, if I should go to the chairman of the committee, who is a good business man, and should want to borrow money, he would not want to know how I got in debt, but he would want to know about my ability to pay. He would want to know about the moral risk and then what kind of security I had to offer. That is all the Federal Farm Loan Board says it ought to have and the Federal Farm Loan Board has asked this Congress to amend that law, and we ought to amend it. I believe if that matter is brought to the attention of the Committee on Banking and Currency they will report the bill. I introduced a bill the other day which has been referred to that committee, and at the first opportunity I want to go before the committee and see if we can not get them to report the legislation.

In the case mentioned, however, the farmer who invested in the little Ford and still owed for it in whole or in part is denied the privilege of liquidating that indebtedness through the farm loan system. I say without hesitation that the only possible way by which the losses of agriculture during the last two years are to be absorbed is through the utilization of their capital investment as a basis for credit under a system which furnishes a low rate of interest and a plan for the gradual annual liquidation of the indebtedness. This the farm loan system provides, and it is not fair to agriculture that these restrictive limitations in the law should be allowed to continue to work their harmful effects.

When the merchant or professional man goes to his local bank to borrow money, while it is true the good banker will want to know the uses to which he puts the money if the loan is made, yet it is important to bear in mind that he is not confronted with any statutory prohibitions or limitations. It would seem that the farmer has been singled out by Congress as the one class of people that the Congress feels called upon to tell how he may use his money. Under normal conditions, and before the days of deflation and the perpendicular drop in farm prices, this limitation, perhaps not working any peculiar hardship, went unnoticed. The situation is entirely different at this time, and there is real need for positive relief. If the Banking and Currency Committee will take this bill of mine under consideration and report it favorably there will be performed a service to agriculture of immense importance, and I strongly urge action upon this bill at once.

The Farm Loan Board has asked Congress for the repeal of this restrictive provision, and again repeats that recommendation in its fifth annual report to Congress. I quote the language of the report:

> The second has had to do with the purposes for which loans may be made. Again, section 12, paragraph 4, defines purposes for which loans may be made, and subdivision D deals with loans to liquidate indebtedness of borrowers, and it will be noted that loans to liquidate indebtedness can only be made to discharge a mortgage upon the premises, or "to liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes."
>
> Thousands of applications have been made by farmers with unencumbered farms for loans with which to retrieve losses of the past 18 months, many of which could not by any construction be classed as "indebtedness incurred for agricultural purposes," and had ultimately to be denied. The board seriously questions the wisdom of this limitation, and has once before pointed it out to Congress, recommending that loans may be made to an "actual farmer" to liquidate any indebtedness. While it is no doubt economically highly to be desired in agriculture, as in other vocations, that persons should not incur indebtedness outside of their usual line of business, yet where such indebtedness has been incurred by mistake or by misfortune and exists as an obligation which an actual farmer must pay, the board is unable to see the soundness of the restriction which deprives him of the right to liquidate such indebtedness by a long-time amortized loan upon his farm, and we renew our recommendation that this provision of the farm loan act be modified so that loans may be made to actual farmers for liquidation of any indebtedness.

I want to say while I am on my feet that no agency of the Government is performing a more useful service to the agriculture of the Nation than is the farm loan system. Its progress has been fought at every step by the old-line mortgage companies through their association, the Farm Mortgage Bankers' Association of America, and from circulars being received by Members of Congress recently the fight is still on.

I know it is a distressing contemplation upon the part of the old-line mortgage companies to realize that their grip upon the throat of American agriculture is being gradually broken by the operation of the farm-loan system, and that they are soon

to be forced to make a reasonable rate of interest and to charge reasonable commissions. Heretofore these concerns, as is well known, have never been content except to lay upon the backs of the farmers in interest and commission precisely as much and not one whit less than the traffic would bear. Their real competitor at this time is the farm-loan system, and that they have realized it and are undertaking to hamper it is, as I have already said, demonstrated, not only by the fact that they contested the constitutionality of the act in the Supreme Court of the United States and tied up the loaning operations of the system for nearly 15 months, and at a time when its services could have been of such tremendous value to agriculture, but it is shown in the recent disingenuous circular which has come to the attention of many of us, in which the secretary of this association undertakes to discredit the system by the publication of many totally untrue statements and of many half truths.

These gentlemen had as well save their money, because the farm-loan system has proven itself to be such a vital necessity to the agricultural life of the Nation that no Congress is going to be insane enough to tamper with it except to improve its services.

As an indication of the work of this system, I may say that within nine months the Farm Loan Board, acting for the 12 Federal land banks, has put upon the market and sold to the investing public $175,000,000 of farm-loan bonds. These bonds, as is well known, are based upon first mortgages on agricultural lands, and they are the instrumentality by which the farmer is enabled to buy money upon the security of his land. This bond has been declared by the Supreme Court to be the instrumentality of the Government, and as such it is the duty of Congress and of the administrators of the law to guard it with the same care as is exercised by the Government itself in the issuance of its own bonds or certificates of indebtedness. These bonds are now being quoted at a very good premium and they have become a standard form of investment.

The Federal land banks, 12 in number, being the regional banks of the system, are now loaning on a basis of about eighteen and one-half million dollars per month, and the joint-stock land banks, these being organized by private capital, are loaning in the neighborhood of about $8,000,000 per month, and with the rapid growth in number of these institutions it is safe to predict that the joint loaning operations of the system, if the bond market will absorb their bonds, will be loaning in the next six months on a basis of forty or fifty million dollars per month, for even now these joint agencies are loaning on a basis of slightly in excess of $1,000,000 per each workday in the week. This is a huge volume of business for an institution of this character, but the delinquencies in interest and installment payments of the Federal land banks amount to but 1.4 per cent of the total maturities and but 0.17 of 1 per cent of the total loans closed to March 31, 1922, clearly indicating that the loans have been conservatively made and that the management of the banks as well as the policies of the board look to safety as a first principle in their business operations. This is as it should be.

I have a peculiar personal pride in the bank of my own land bank district, located at New Orleans and serving the States of Mississippi, Louisiana, and Alabama. The farm loan act was intended to furnish a basis of credit, or an avenue of approach to credit, to the small farmer to whom such approaches were closed. While the average loan for the farm loan system through the Federal land banks is $2,989, the average loan for the New Orleans bank district is $1,759. The New Orleans bank is more nearly serving the original purposes of the farm loan act than any bank in the system. During the month of March I am informed this bank closed 1,035 loans, in an aggregate amount of $1,967,250, making the average loan for the month $1,891.

Gentlemen unfamiliar with rural conditions can not appreciate what $1,500 or $2,500 may mean to the average farmer of the country, nor do they appreciate what this system as a whole is doing to stabilize agricultural conditions and to lift agriculture from a mere state of existence to the dignity of a real profession which should, but frequently does not, give as good return upon the investment as a similar investment would bring in returns when put into any other business.

In conclusion, permit me to urge again upon the membership of the Banking and Currency Committee the very great importance of this bill which I have introduced. The Farm Loan Board is powerless to relieve the situation which the restrictions referred to in my opening remarks place upon the farmer. It is not enough to criticise the board. They are helpless to remedy it. If criticism there be, that criticism should be aimed at us who refuse to take action to relieve a situation that should not have been created in the first instance.

My bill will liberalize the farm loan act in such a manner as to enlarge the uses to which the money loaned may be put. In paragraph "D" of section 12 of the farm loan act, the borrower is permitted to use the money borrowed, if to pay a debt, only when such debt was incurred for an agricultural purpose, as I have just stated. Those of us who are familiar with the agricultural developments of the past two years will recognize in this limitation a grave injustice to the farmers of the country. During the days of high-priced farm products many farmers incurred debts that were not perhaps for agricultural purposes. Some of these farmers, having for the first time in life money or credit sufficient with which, we will say, to buy a Ford car, went in debt and bought one, furnishing for the very first time an opportunity for his hard-working life companion to break the dull monotony of her life by taking a little trip to some near-by town or city. Perhaps it was bad business judgment upon the part of the farmer to incur this indebtedness for the pleasure of his hard-working wife and children. I do not think so. I know something of the ceaseless drudgery that is hers. I know that her workday never ends. Her cares are many. She never complains. I know, for I was raised in the country far from the railroad, and I have never forgotten how these God-fearing country mothers sacrifice and toil and complain not. I know that her opportunities for contact with the world are few, and I do not begrudge her this little pleasure. No; and I want this good farmer to know that his Government will not deny him a loan to save his farm, even if for once in his life he did make a business mistake. Much has been spoken and written of the tendency of the country boy and girl to leave the farm and to cast their lots among strangers in the cities and towns of the country. Yes; and this tendency is going to increase unless something is done to lighten the burden and increase the pleasures of the good country women. These good women are the very salt of the earth. They are the mothers of the men and women worth while. We must make life for them contented and happy, relieve it somewhat of its isolation and its hardships, and the country boy and country girl will view country life in a much different way. This Nation must depend upon the country boy and the country girl for its real men and women. The country has furnished, and will furnish, the men and women who will make our Nation great; for—

> Ill fares the land to hastening ills a prey,
> Where wealth accumulates and men decay;
> Princes and lords may flourish or may fade;
> A breath can make them, as a breath has made:
> But a bold peasantry, their country's pride,
> When once destroyed, can never be supplied.

It is a deep conviction with me that my country is no stronger than its agriculture; that its peace, its prosperity, depend upon the prosperity of the farmer, because there is the source of all life, all strength, all happiness. If I serve the farmer, I serve the whole people. If I fail to serve him, I fail to serve all the people. If I hurt him, I hurt all the people. If I destroy him, I destroy the Government. If I save him, I save the Government. If we are able to erect a permanent haven of liberty on these shores of ours, if we are to build that temple high, on solid foundation, all the governmental agencies must take always into consideration the fact that we must not cripple agriculture, because it is the foundation on which the whole structure stands. No Congressman, whether he lives in the city or in the country, who has the right idea of strength of Government, who has the proper love for his wife and children and friends and neighbors, would in anywise willfully cripple agriculture. Where there is an injustice in the law that operates against the farmer we ought at once to correct that defect and teach him and his family that this Government is his friend. You must not talk about the terrible tendency of the boy and the girl to leave the farm unless you can increase some of their pleasures and their hopes and aspirations on the farm. There is the beginning and the end of the strength of this great Republic. [Applause.]

In conclusion, Mr. Chairman, I will say that it has been my ambition, as all my colleagues on both sides of the aisle will bear testimony, to relieve the farmer of the enormous interest burden which he now bears. This service this Congress can perform. When the Democrats were in power this farm loan act was passed. It was relieving thousands of farmers. The Republicans came into power in the House and the Senate and withheld financial support for nearly two years. The Farm Loan Board was paralyzed for want of funds. But finally the West and South got together and relieved the situation somewhat. Not half of what ought to have been done was done. But a few small farmers did get a little relief. What I now want and ask this Congress to do immediately is to pass the bill I have introduced and also a bill reducing the rate of interest to the farmer so that his money will not cost him more than 5 per cent. This is as much interest as he should pay on a long loan secured by a first mortgage on his land. If this were done, the southern and western banks would at once be in shape to finance the crop loan to the farmers. The merchant could pay all of his obligations and the stress of hard times would be relieved and the song of contentment would again be heard in the land.

The following statement, which I asked to put in the RECORD, will show how much has been loaned in my congressional district. If this Congress will now do its duty, thousands of other farmers in my district could be relieved. If you Republicans who represent agricultural districts will get busy, this Congress can be made a blessing to millions of suffering farmers and save their homes. This list shows what has been done in my district:

1407. Ackerman National Farm Loan Association, of Ackerman. Number of borrowers, 52. Amount granted, $62,000.
1621. Calhoun County National Farm Loan Association, of Pittsboro. Number of borrowers, 88. Amount granted, $137,350.
1520. Coffeeville National Farm Loan Association, of Yalobusha. Number of borrowers, 63. Amount granted, $136,275.
851. Cumberland National Farm Loan Association, of Dancy. Number of borrowers, 89. Amount granted, $50,075.
1340. Duck Hill National Farm Loan Association, of Duck Hill. Number of borrowers, 49. Amount granted, $88,975.
2427. Starkville National Farm Loan Association, of Starkville. Number of borrowers, 16. Amount granted, $44,550.
81. Eupora National Farm Loan Association, of Eupora. Number of borrowers, 149. Amount granted, $166,875.
939. Farmers' National Farm Loan Association, of Grenada. Number of borrowess 42. Amount granted $56,200.
2178. French Camps National Farm Loan Association of French Camps. Number of borrowers, 48. Amount granted, $96,425.
2104. Goodman National Farm Loan Association, of Goodman. Number of borrowers, 1. Amount granted, $700.
1640. Gore Springs National Farm Loan Association, of Gore Springs. Number of borrowers, 38. Amount granted, $81,850.
2598. Grenada County National Farm Loan Association, of Grenada. Number of borrowers, 64. Amount granted, $163,375.
1412. Houlka National Farm Loan Association, of Houlka. Number of borrowers, 37. Amount granted, $42,125.
1735. Houston National Farm Loan Association, of Houston. Number of borrowers, 40. Amount granted, $95,850.
2362. John Leigh National Farm Loan Association, of Tillatoba. Number of borrowers, 41. Amount granted, $31,875.
1332. Kosciusko National Farm Loan Association, of Kosciusko. Number of borrowers, 148. Amount granted, $187,515.
1410. Liberty Chapel National Farm Loan Association, of Kosciusko. Number of borrowers, 89. Amount granted, $66,645.
2259. McCool National Farm Loan Association, of McCool. Number of borrowers, 42. Amount granted, $42,825.
902. Mount Vernon National Farm Loan Association, of Eupora. Number of borrowers, 22. Amount granted, $16,700.
1439. Okolona National Farm Loan Association, of Okolona. Number of borrowers, 24. Amount granted, $65,600.
940. Spay National Farm Loan Association, of Spay. Number of borrowers, 35. Amount granted, $28,850.
725. Sturgis National Farm Loan Association, of Sturgis. Number of borrowers, 2. Amount granted, $3,350.
1725. Tupelo National Farm Loan Association, of Tupelo. Number of borrowers, 32. Amount granted, $41,775.
1207. Tri-County National Farm Loan Association, of West. Number of borrowers, 6. Amount granted, $18,750.
1245. Pontotoc National Federal Loan Association, of Pontotoc. Number of borrowers, 183. Amount granted, $178,400.
855. Valden National Federal Loan Association, of Valden. Number of borrowers, 76. Amount granted, $93,025.
3136. Valley National Federal Loan Association, of Carrollton. Number of borrowers, 35. Amount granted, $97,375.
1506. Vardaman National Federal Loan Association, of Vardaman. Number of borrowers, 53. Amount granted, $67,525.
2341. Winona National Federal Loan Association, of Winona. Number of borrowers, 35. Amount granted, $72,475.
1271. Woodland National Federal Loan Association, of Woodland. Number of borrowers, 13. Amount granted, $20,600.
903. Yalobusha-Lafayette National Federal Loan Association, of Water Valley. Number of borrowers, 33. Amount granted, $77,350.
Total number of borrowers in fourth district, 1,600.
Total amount granted in fourth district, $2,267,000.

Thus, you see, gentlemen of the committee, 1,600 families have been benefited by this law. God grant that it may be twice that number before the end of this year.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the question of naval defense is purely a matter of national policy and has no relation whatever to partisanship.

Before going into a general review of the appropriation bill now under consideration, I desire to take up in detail a few of the more salient points and address myself to the differences existing between the committee and those who are charged with the responsibility of providing adequate naval defense for our country.

Now, let us go a little more into detail in this bill as reported by the committee; let us see whether they have made use of all the information available, and let us see whether they have presented the case in its entirety fairly and squarely before the House, or whether they have taken just partial truths and presented them in such a way as to be somewhat misleading. Most of us are not familiar with the details of the naval question. The gentleman from Michigan has found it comparatively easy to jump into the discussion of small details and befog the main issue before the House. Upon reading the hearings, however, I find that he was unable to do this when dealing with the Secretary of the Navy and his naval advisers; every question raised by Mr. KELLEY had a good answer, and any of the gentlemen who will take time to read the hearings, especially that portion relative to the distribution of enlisted men afloat, will find there the answer that must have satisfied even the gentleman from Michigan as to why 18 battleships could not be manned with 67,000 men.

In those hearings you will find that the gentleman from Michigan, after all his questions to the people familiar with the details, apparently was satisfied that the only proper thing for the committee to do was to depend upon those technical people for the proper distribution of the men allowed by this body. In several places during this discussion he told the Secretary of the Navy that he would leave the distribution of the men entirely to the Secretary—that the committee most assuredly did not wish to run the Navy. In the statement accompanying the bill the committee states further that it desires to keep in full commission the 18 battleships and the full number of auxiliaries named by the Secretary of the Navy that go to make up the full treaty Navy; and yet having been told by the Secretary of the Navy that 67,000 men will be distributed to man only 13 battleships, and having assured the Secretary of the Navy that the committee would depend upon the judgment of the Secretary of the Navy in making the distribution, yet in the report accompanying this bill the committee has the audacity to intimate that the Navy Department and the committee agree upon the ships quoted in the tables on pages 3, 4, and 5 of the report, and that is why I will endeavor at this time to show that it is in absolute disagreement with the statements of the committee when talking to the Secretary of the Navy.

The Secretary of the Navy told them flat-footedly that 50,000 men at sea could not be maintained by 17,000 men ashore. He told them also, and in an equally positive manner, that with 50,000 men at sea 18 battleships and the remainder of the treaty navy could not be manned, and would not be manned; therefore, when the committee states on page 2 of the report that this bill provides for 18 capital ships and a full treaty Navy, and on page 3 when they intimate that the department and the committee are in agreement regarding this list of ships which can be manned, again I wish to emphasize the fact that they are absolutely misleading the Congress of the United States. No one here will dare dispute the right of the Secretary of the Navy to distribute his men as he in his judgment thinks best for the interests of national defense. He is the technical adviser of the Commander in Chief of the Army and Navy; he is the man solely responsible for the naval defense of this country; he and his naval advisers are the ones in case of emergency upon whom this Congress will lean and throw all the responsibility, and, in case of failure, throw all the blame for such failure.

Knowing this, and knowing that it is the executive right to distribute the men allowed by the legislative branch, the Congress of the United States must accept the distribution as laid down by the Secretary of the Navy. They must acknowledge that if 67,000 men are provided that only 13 capital ships and approximately two-thirds of the treaty Navy will be manned. Thank God, however, those 13 will be efficiently manned, and ship for ship will be better than anything in the world. That is the situation which this Congress has to discuss, what the Secretary of the Navy says he will do with those men, so let us stop discussing this misleading statement in the committee's report wherein they say that the bill will provide for the full treaty Navy and come right down to brass tacks and acknowledge that we must accept the distribution of the Secretary of the Navy, and that this bill will provide for only two-thirds of the treaty Navy.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I have only 10 minutes.

Mr. KELLEY of Michigan. I will be very glad to yield one minute more to the gentleman.

Mr. KNUTSON. Very well, I yield for a question.

Mr. KELLEY of Michigan. Was the gentleman present this afternoon when some testimony was read by one of the speakers to the effect that that same thing was said last year, that if we did not give more than 100,000 men we could keep but 13 battleships in commission?

Mr. KNUTSON. I was out of the room for about 15 or 20 minutes this afternoon and I did not hear the statement made.

Mr. DEMPSEY. It was said to be a statement made by Mr. PADGETT in a speech made in 1915 or 1916.

Mr. KELLEY of Michigan. Oh, no; last year.

Mr. DEMPSEY. I did not hear the speech and I did not see it. Of course, we have not the speech before us and we do not now know what he said.

Mr. KNUTSON. That has been the trouble throughout this debate. We have been asked to accept hearsay.

Mr. MADDEN. But this is not hearsay. It is in the record.

Mr. KNUTSON. The question of national defense is involved here and not candidacies for other offices.

Mr. DEMPSEY. The gentleman from Tennessee would, I think, be able to take abundant care of himself if he were here.

Mr. KNUTSON. Yes; I want to say right now that there is nobody who is more patriotic than the gentleman from Tennessee. There is not a man in this House who knows more about naval affairs than the gentleman from Tennessee, and I am not afraid to follow him at any time, because I know he is actuated by the highest and most patriotic motives, although he does not belong to my party.

Mr. LINEBERGER. The gentleman means he would follow him in matters involving naval affairs?

Mr. KNUTSON. I say in naval matters. Oh, I do not follow him in tariff matters. [Laughter.]

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. KNUTSON. Is the gentleman going to give me more time?

Mr. KELLEY of Michigan. I will yield to the gentleman a minute.

Mr. KNUTSON. I can not yield for a minute.

Mr. KELLEY of Michigan. Two minutes, then.

Mr. KNUTSON. I can not do it for two. The gentleman has been stringing me along now for two days. It has taken me two days to get the floor, and I am going to hold it. [Laughter.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. KNUTSON. I have said before that this report of the committee was misleading; it most assuredly is. Let me call the attention of the committee to page 10 of the report accompanying the bill. This shows more clearly than anything in this report the fact that your committee has not been quite fair in presenting the case regarding this most important arm of our national defense. The Navy Department has not been given a chance. [Applause.]

On page 10 the committee states in regard to "Fuel and transportation" that the department's revised estimate submitted at the hearings for this appropriation was $17,426,000. Does the committee in this statement inform the Congress of the United States that this revised estimate was made on the basis of a 12-battleship Navy? Does the committee in this statement inform the Congress that this revised estimate was made on the basis of only 65 destroyers in full commission? Most assuredly not. The committee does not intend to bring in the full evidence here, so that we can vote intelligently, because they know that we will vote them off their feet. They have come here with that statement in a deliberate endeavor to choke back the facts that appear in the hearings that accompany the bill. Those estimates as revised were fully discussed in these hearings. The committee is aware of the fact that they provide for only 12 battleships in full commission. Why do I say that? Because the figures for "Fuel and transportation" were based purely and simply upon a mileage basis for each and every ship. The department in presenting its estimates based them upon the fact that battleships, destroyers, and other vessels of the fleet in full commission were each to steam a total of 16,000 miles at economical speed during the year, and there in the hearings we see these estimates worked up ship by ship for this two-thirds treaty Navy, and yet the committee again would have us believe that this estimate, reduced further by them by a total of $1,426,000, will provide the fuel for the full treaty Navy.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. KNUTSON. If the gentleman will give me five minutes, I will yield.

Mr. MADDEN. I have not the time to yield.

Mr. KNUTSON. I will answer any question anybody wishes to ask at the rate of five minutes to the question. [Laughter.]

Mr. MADDEN. I wish to correct the figures.

Mr. KNUTSON. I wish to say if they are wrong, then the fault lies with the committee and not with me. I take them from the hearings. I am not taking the figures from somebody's mind. I am taking them from black and white.

Mr. MADDEN. I will give the gentleman some figures from the Secretary of the Navy over his own signature.

Mr. KNUTSON. I am taking the figures from the hearings.

Mr. KELLEY of Michigan. I will yield to the gentleman three minutes more.

Mr. KNUTSON. I will not do it. It is five or nothing. [Laughter.]

In presenting the estimates and in arriving at the basis of 16,000 miles for the year for active vessels of the fleet, was the Navy Department extravagant or basing its claims on nothing but fancy? No. They were doing just exactly what the gentleman from Michigan had been insisting be done throughout the entire hearings—they have gone right back to the fiscal year 1916 and taken the averages that were found necessary at that time to maintain efficiency of the various units of the fleet. Could anything be more conservative or more fair than this? But does the committee tell you that? No. They know that all of this data is so completely hidden in the hearings that you and I and all the other nontechnical Members of Congress will never be able to find it, and so they figure they can get away with it here on the floor when they say that they are providing fuel for a full treaty Navy. [Applause.]

Of what importance is fuel to the Navy? We have had a great deal of talk regarding the personnel, and the fact that the mere existence of tonnage does not maintain the treaty ratio; we have had many references to the fact that personnel must be fully trained, but have we stopped to realize that in order to obtain the full training of both the officer and enlisted personnel our ships must spend a goodly portion of their time at sea? Surely we do not want a Navy which never goes to sea and which is not proficient in all the things that go to make up a homogeneous and tactically efficient fleet. But under the terms of this provision, contrary to the statements of the committee, our battleships will be able to steam only two-thirds of what they did in 1916, and therefore be, ship for ship and fleet for fleet, only two-thirds as efficient. [Applause.]

Mr. MADDEN. And the fuel cost was only $5,630,000.

Mr. KNUTSON. I will not yield unless the gentleman gives me five minutes.

Just one more point to illustrate that the committee in discussing this weighty question have not, in my opinion, gone at it in the proper way. In maintaining any ratio of three powers is not the surest method of checking up on the maintenance of such ratio that of comparing with such other powers what we propose to do and what they propose to do? Personally, I think that is the only way in which to arrive at a proper conclusion. But has this been done by this committee? It has not, and this is a question I feel to be very important and which I feel should be borne in mind by every Member of Congress before the vote comes. Has the gentleman from Michigan ever, during the entire time devoted to the hearings on the naval appropriation bill, asked the Navy Department for information relative to the proposed naval establishments for next year of Great Britain and Japan? Think of that, gentlemen. They provide money in this bill to establish a system for obtaining such information, and yet in the making up of this most important bill they absolutely turn their backs upon this source of information and never once endeavor to get it. [Applause.] Instead of that, what does the chairman do? The gentleman from Michigan himself informed you during the first day of debate that he had depended upon the newspapers for certain information regarding these foreign navies. [Applause.] Think of that, gentlemen. In a question of this importance and with machinery for which he himself provides to furnish him this information, turning his back upon all this and going to the newspapers for this data. I would like to ask the gentleman from Michigan if ever during the process of these hearings he has asked the Navy Department officially for this information? I would like to ask him, further, if during the hearings it was not on two occasions at least suggested to him that this information be inserted in the record of the hearings, and if he did not wave it aside as a matter of no importance? These are the things, gentlemen, which, to my mind, form conclusive evidence that the Congress of the United States can not depend upon the recommendations of this committee, and I do not believe for one moment that, knowing these things, and with these misleading statements having been called to the attention of the Congress, that we can do otherwise than sustain the contention of those who plead for a 100 per cent efficient Navy.

Mr. KELLEY of Michigan. My dear friend, we have got all the documents——

Mr. KNUTSON. I am not speaking of documents. Has the gentleman asked the Navy Department for official information?

Mr. KELLEY of Michigan. Yes.

Mr. KNUTSON. The records down there do not show it. I looked it up to-day. [Laughter and applause.]

I have stated before that the committee in reporting out the bill, which supposedly provides for the maintenance of the definite ratios with two other powers, has ignored the facts in regard to the proposed plans of those powers. I wish at this time to sum up some of these comparisons which have been presented to various Members of Congress by the Secretary of the Navy.

First, the total enlisted personnel to be provided by the three countries in question for the next fiscal year are as follows:

Great Britain	104,000
Japan	68,252
United States	67,000

Second. Of these totals it has been brought out that Great Britain finds it necessary to keep 38 per cent of her men ashore. Japan finds it necessary to keep 35 per cent of her men ashore. The Secretary of the Navy requests sufficient men so that he can keep 23½ per cent ashore, and the bill, as reported to the House, states that 25 per cent is plenty to be kept ashore.

Third. Again, the Secretary of the Navy has informed Congress that for the next year Great Britain proposes to keep on her battleships an average of 1,214 men; Japan proposes to keep on her battleships an average of 1,292 men. Again, the Secretary of the Navy has stated that the minimum number of men that he can recommend per battleship is 1,175. Yet here we have the situation of our committee ignoring all of these facts and stating that they are perfectly content to have our battleships manned with only an average of 1,014 men. Those are the facts, gentlemen, which must be borne in mind in voting upon this bill. The gentleman from Michigan can confuse the main issue by talking to we nontechnical people about little details, but those comparisons he can not get around, and I do not see how, in the face of those comparisons, we can afford to say that the estimates of the Secretary of the Navy, shown by these comparisons to be conservative, can be discarded.

In closing I wish to append a comparative statement of the enlisted personnel of Great Britain for 1922–23:

Summary of British personnel for the next fiscal year is quoted below. It will be noted that the British propose to reduce their personnel gradually between this date and March 31, 1923, so that an average must be considered in comparing with the strength of other navies.

Present enlisted strength (excludes marines and officers)	96,900
Enlisted men in colonial navies	6,500
Enlisted men of Royal Air Force doing duty connected with navy (this figure is taken as one-third of the total enlisted force of United Air Force, namely, 30,000)	10,000
Total enlisted force March 31, 1922	113,400
British estimates provide for reduction to the following by March 31, 1923:	
Enlisted men (excludes marines and officers)	78,000
Enlisted men in colonial navies (no reduction)	6,500
Enlisted men of Royal Air Force doing duty connected with navy (this figure is taken as one-third of the total enlisted force of United Air Force, namely, 30,000)	10,000
Total enlisted force March 31, 1923	94,500

Average total for the year, 103,950.

[NOTE.—This total of 103,950 does not include men doing duty in the naval communication service, which in our Navy totals, roughly, 1,600; naval recruiting service, which in our Navy includes about 800; nor does it include naval reservists manning, to our knowledge, 37 auxiliary vessels.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, we have been overwhelmed by expert authorities; we have heard them commended and heard them condemned. I do not intend to get into the controversy with regard to the extent of the personnel of the Navy at this time. I feel, rather, in the position of the judge who at the conclusion of a long case feels that he ought to take the papers and reserve decision.

My purpose for the present is to examine the suggestion of my colleague from New York [Mr. COCKRAN] that the making of a treaty by the President whereby the armament of the United States is in any way affected is an invasion of the prerogatives of the lower branch of Congress.

This raises the question as to how far the treaty-making power provided in our Constitution may go in obligating the Congress and it also suggests a limitation on the treaty-making power.

It is tantamount to saying that the Constitution of the United States, which vests the power in the Executive to enter into a treaty and in the Senate to ratify it, has no force and effect where that treaty may happen to call for an appropriation in this House or seem to limit the volition of this House or to curtail its control over its military or naval appropriations.

In my opinion there is no doubt that the Executive has the right to enter into a treaty embodying anything short of a violation of our Constitution—a right which appears to be only limited by the proviso that the Senate ratify it. In short, he has the power, if he cares to exercise it and the Senate agrees. But here is a paradox—an anomaly: The House is perfectly within its rights, if it uses its power to appropriate, to make other and even incompatible or conflicting arrangements.

The making of such a treaty does not violate the prerogatives of this House, because we still maintain our right to utterly ignore its terms, and, if it is conceivable that the Senate could be induced to alter its views with respect to the four-power pact and were disposed to cooperate with us, the work of the conference could be completely disregarded, repudiated, and even reversed.

This presents an anomalous situation, an incongruity, which constitutes a peculiar, and possibly a dangerous, loophole in our constitutional armor. It raises the vital question, Why should not the power to ratify have been extended to the House as well as to the Senate? I think that it is manifest that in framing the Constitution and giving the Senate the sole power to ratify a treaty the founders of the Constitution departed from the basic principles which otherwise guided their sound judgment in the framing of that instrument. It would seem as if the Nation's founders were unwilling to trust the popular legislative branch of the Government in matters of diplomacy, and were still tied to some of the old prejudices against the admission of light into the dark recesses of international dealings. Once before in our history, when the Texas treaty was rejected in 1844, this question was the subject of much debate, and the issue was tested by President Tyler by sending the rejected treaty to the House, where an effort was made to have it ratified by a joint resolution. This failing, the idea of accomplishing annexation by treaty was abandoned and it was eventually consummated directly by joint resolution, without further treaty preliminaries.

I do not agree with the contention that if the House fails to make a necessary appropriation to maintain the Navy at the ratio which was established in the four-power pact, their action is equivalent to a repudiation of that treaty. The only way in which the four-power pact can be violated is by the creation of a larger Naval Establishment than the treaty provides. I doubt whether any of the other parties to the pact would grieve a single moment if we cut our Navy down to nothing.

Yet it might happen that the House at some time might take advantage of the door which our national Constitution leaves wide open for the crippling of a treaty through the exercise of its power to deny appropriations. The remedy is to give the House the right to pass on a treaty.

In three successive Congresses I have introduced a resolution embodying an amendment to the Constitution giving to the House of Representatives equal power with the Senate in the ratification of treaties, and I hope that gentlemen will give that proposition some consideration, in view of recent international developments and of the trend which this debate has taken. The French Chamber of Deputies, the English Parliament, the Italian Chamber, all have a part in the ratification of treaties. The United States House of Representatives is the only body among democratic governments in the world to-day which is deprived of the right to participate in the making of that part of the law which is embraced in a treaty. Vesting the treaty-making power in the Senate was a survival of ancient mistrust of the people and its representative body. Independent of this consideration, as a treaty is a law and Congress is the law-making body, the plain deduction is that treaties, as well as statute law, should be ratified or enacted by both bodies of Congress.

The gentleman from Wisconsin [Mr. COOPER] to-day fired a very pertinent question at one of the speakers, in which he said that the Supreme Court of the United States holds that the provisions of a treaty and of statutory law are on a parity. So they are. But that determination of the Supreme Court of the United States is based upon the assumption that each branch of the Government will confine itself to its legitimate function and jurisdiction. No treaty can compel the House of Representatives to pass a law to conform to its terms, notwithstanding that there may be an ethical obligation to do so. There ought not to be this conflict between duty and power. There will always remain the danger of deadlocks or embarrassing conflicts between executive power and legislative rights so long as the lower House of Congress is deprived of its proper share in the making of all laws, whether by treaty or by statute. The safest way to protect the jurisdiction of the House is to accord to it the same right as the Senate has to pass upon

treaties negotiated by the Executive. Then if the compact entails appropriations to carry it into effect the very terms of the ratification by both branches of Congress will make it a matter of good faith ever after to do all things necessary to carry the treaty into effect.

In conclusion let me say that no one need fear that he is violating the Constitution in respecting the four-power pact, or that he is impairing the Constitution either by increasing or diminishing the naval ratio which the four-power pact provided. And in saying this I do not want to be understood as committing myself as yet on either side of the personnel proposition. [Applause.]

APPENDIX.

Griffin's proposed amendment to Constitution giving House of Representatives concurrent power on the ratification of treaties.

Joint resolution (H. J. Res. 13) proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of paragraph 2 of section 2 of Article II of the Constitution of the United States, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"He shall have power to make treaties, provided the same are ratified by a majority of the Senate and House of Representatives; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Oregon [Mr. MCARTHUR].

The CHAIRMAN. The gentleman from Oregon is recognized for 20 minutes.

Mr. MCARTHUR. Mr. Chairman, it has been my privilege for about five years to serve on the Committee on Naval Affairs of this House. This committee at one time enjoyed the privilege of considering and reporting the annual naval appropriation bill. This and other committees that formerly considered large questions of policy were, to a large degree, emasculated by the action of the House some two years ago in centering its appropriating power and a very large portion of its legislative policy in the Committee on Appropriations, which now seeks, through measures such as the one we are now considering, to determine the legislative policies of the Government. But nevertheless those of us who remain on the Committee on Naval Affairs are not unmindful of the welfare of the American Navy, and while I have no authority to speak officially for the membership of the committee, yet as one of its ranking members and as a Member of this House, I come here to-day to tell you that I view with alarm the action of the Committee on Appropriations in reporting this bill, which proposes an enlisted personnel of only 67,000 men for the next fiscal year. [Applause.]

The action of the Committee on Appropriations in reporting a bill in which it is proposed to reduce the enlisted personnel of the Naval Establishment during the coming fiscal year to 67,000 men is in direct violation of the spirit and purpose of the recent Conference on the Limitation of Armament, which established the 5-5-3 ratio for the capital ship and aircraft carrier tonnage of Great Britain, the United States, and Japan. The American people approve of the results of this great conference, but I can not believe that they are in sympathy with the recommendations of the Committee on Appropriations in this matter.

It is axiomatic that the officers and men constitute the backbone of the Navy. Battleships, destroyers, submarines, and aircraft are useless unless properly manned, and no Navy can keep in fighting trim without a full complement of men. Great Britain realizes this, and, according to information available, on March 25, 1922, made provision for 104,000 enlisted men for the ensuing fiscal year. This includes the colonial navy and one-third of the enlisted personnel of the united air force, but excludes the marines, the coast guard, the naval communication service, the recruiting service, and the naval reservists manning auxiliary naval vessels. In comparing the enlisted personnel of Great Britain with that of the United States, it is not proper to consider the marines in either instance. British marines do not perform certain of the most important functions that are performed by the United States marines—expeditionary and occupational work, such as is now being performed by our marines in Haiti, Santo Domingo, Nicaragua, and Peking. These functions in the British Empire are performed by regular troops of the army. The British Navy does not carry the air force as a part of the naval establishment. In Great Britain the air force is carried separately. There will be 30,000 enlisted men in the British air force during the next fiscal year. A conservative number of these to allot to the navy would be one-third, or 10,000. In addition, there are the colonial navies approximating 7,000 enlisted personnel at the present time. These are an integral part of the naval force of the British Empire. The United States carries the communication personnel as a part of its regular establishment. The British Navy does not. We need 1,600 regularly enlisted men of the Naval Establishment to be engaged in this work, which is similar to that performed for the British Navy by men not carried as a part of its enlisted force. The British man at least 37 of their auxiliaries with naval reservists, whereas we man all of ours with regularly enlisted personnel. A careful estimate of this gives not less than 4,000 men so employed by the British establishment. Besides, the British recruiting is handled by civilians and not by members of the regular establishment. Adding all of these figures, we get as the potential strength of the British enlisted force during the next fiscal year 110,149. In order to be absolutely on the safe side, we can deduct 6,000 men from this number, leaving the British enlisted personnel at 104,000, as compared with 67,000 carried in this appropriation bill. [Applause.]

Japan proposes during the next fiscal year to maintain an enlisted personnel of 68,252. These figures are based on authentic information available as late as February 17 of this year. This proposed enlisted personnel is sufficient fully to man every present Japanese ship which can be retained under the treaty and every new ship which can be completed by July 1, 1922, and still leave 35 per cent of Japan's total personnel available for shore establishments, aviation, and training. [Applause.] Do the people of the United States want an enlisted personnel of 67,000, as compared with 68,252 for Japan? Does any red-blooded American who loves his country and who wishes to see her supremacy maintained among the powers of the earth wish to see her sink to the level of the third naval power of the world?

The figures which I have quoted have been furnished by reliable and trustworthy officers of the Navy Department. There is no reason to doubt their authenticity. These officers in turn obtained their information from the published records of the actions of the British Admiralty and of the British Parliament and from unquestioned official sources in Japan. All of this information was obtained by the same people and in the same manner as was the information on which the entire American plan for the Conference on Limitation of Armaments was obtained. [Applause.] This plan was found to be accurate in all particulars. It may be interesting if the Committee on Appropriations would advise the House just when, where, and under what circumstances it obtained all of its information relative to the British and Japanese enlisted personnel. Not a single line of it is in the hearings. [Applause.]

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. MCARTHUR. Certainly.

Mr. LINEBERGER. Did not the chairman of the subcommittee practically decline to answer that question when propounded to him by the gentleman from Massachusetts [Mr. ROGERS]?

Mr. KELLEY of Michigan. The chairman of the subcommittee could answer that better than the gentleman from Oregon.

Mr. LINEBERGER. I would be glad to have the gentleman answer.

Mr. KELLEY of Michigan. I will be glad to answer, but not in the time of the gentleman from Oregon.

Mr. MCARTHUR. The distinguished gentleman from Michigan [Mr. KELLEY], whose ability and talents are worthy of a better cause than that of relegating the United States Navy to third place among the powers of the world, during the debate on Monday said that an enlisted personnel of 40,000 would give Japan men galore during the next fiscal year. This would undoubtedly be true if Japan were so foolish and short-sighted as to adopt a small-navy policy such as that now being advocated by the gentleman from Michigan and his colleagues on the Committee on Appropriations who have arrogated to themselves the right to determine the naval policy of the United States Government by withholding funds for the proper maintenance of our Naval Establishment. [Applause.]

The Conference on the Limitation of Armament agreed upon certain general proposals limiting naval expenditures and scrapping certain large types of ships. Its object was to reduce the burden of taxation involved in competitive navy building, but by no stretch of the imagination can it be conceded that the

function of the conference was to make provision for the destruction of any navy. [Applause.] There are gentlemen who seriously believe that all the navies of the world should be scrapped, or at least reduced to insignificant proportions. These are the same pacifists and peace-at-any-price gentlemen whose leadership this Congress followed when the immortal Roosevelt and the lamented Gardner were attempting to arouse the people of the United States to the danger of their state of unpreparedness during the two or three years prior to our entrance into the World War. If Congress and the country had followed the leadership of these two great Americans and their little band of faithful followers in Congress, thousands of American lives and billions of American treasure would have been saved. Those of us who advocated preparedness in 1915 and 1916 were told that we were in a state of nervous excitement and that our line of thought was good mental exercise. And yet the gentleman from Michigan [Mr. KELLEY] and other gentlemen in this House are now seeking to disregard every lesson of the World War and to foist upon this country a pusillanimous third-rate naval policy. [Applause.] I for one protest; and even though others do not join me, I shall vote against the passage of the pending bill unless it is amended to meet the requirements of our Navy as to enlisted personnel.

I have every confidence in the distinguished Secretary of the Navy, a former Member of this House and a veteran of two wars. I believe he has the proper conception of the dignity and standing of the United States of America among the powers of the earth, and that he views with alarm the efforts of gentlemen to weaken our Naval Establishment. I have every confidence in Assistant Secretary Roosevelt, a man who has bared his breast for his country and who has a proper conception of America as a naval power. I have every confidence in Admiral Coontz, the distinguished Chief of Naval Operations. These gentlemen have all told me of the threatened danger to the United States Navy in the 67,000 enlisted personne proposal. [Applause.] I have a much higher regard for their opinion on naval matters than I have for the opinion of even so distinguished a Member of this body as the gentleman from Michigan [Mr. KELLEY], and I concede that his knowledge of naval matters is profound and comprehensive. I only regret that his distinguished talents are not applied to the maintaining of a naval policy commensurate with our wealth and standing among the nations.

It is well known that for a certain complement of Navy men afloat there must be a certain number in the various activities of shore duty. The British Parliament has been asked to provide enlisted men at the rate of 60 men ashore for 100 men afloat. And a safe policy for any country to follow would be to provide 50 men ashore for every 100 men afloat. The Secretary of the Navy, based on years of experience, has recommended 50 men ashore for 100 men afloat, yet the gentleman from Michigan [Mr. KELLEY] and the other gentlemen who are standing sponsor for this bill would reduce the American ratio to 34 ashore for 100 men afloat.

Mr. KELLEY of Michigan. The gentleman is a very distinguished member of the Committee on Naval Affairs, and has given the subject of the Navy a great deal of consideration. I wonder if, in working out what he thinks to be the proper number for the Navy, he has decided about the number that should be afloat and the number that should be ashore.

Mr. MCARTHUR. Does the gentleman mean as to the percentage?

Mr. KELLEY of Michigan. No. How many men has the gentleman figured necessary for the ships and how many ashore?

Mr. MCARTHUR. I will say to the gentleman from Michigan that if we appropriate——

Mr. KELLEY of Michigan. I understand the gentleman is in favor of a personnel of 86,000.

Mr. MCARTHUR. Two-thirds afloat and one-third ashore, I would say, as a general line of policy, and yet if the men are allocated according to the proposal of the Secretary of the Navy—and we can not question his right to allocate them as he sees fit in order to maintain such a Navy as we give him—they will be apportioned at the ratio of only 34 men ashore for every 100 afloat—a ratio of 3 to 1 instead of the correct ratio of 2 to 1.

It is idle to attempt to compare the Naval Establishment of this year with that of 1916. Naval experts the world over use in common two expressions—post-Jutland and pre-Jutland. Post-Jutland is taken to mean modern, pre-Jutland archaic. The late war formed a dividing line in military and naval tactics. Naval tactics, weapons, and construction have been radically modified since 1916. In 1916 aviation, submarines, radio, fire control were either nonexistent or in their infancy. The complement of a battleship depends upon the functions which that battleship is called upon to perform. The battleship to-day, on account of the above developments and others of a kindred nature, is radically different from the battleship of 1916.

A few of the specific developments which necessitate the increase in personnel are:

Eight antiaircraft battery guns with their necessary equipment.
Four broadside directors with their necessary equipment.
Concentration party in mast.
Main-top torpedo control.
Improvements for the handling of ammunition in the turrets.
Increases in radio communication, fire control, electrical devices, etc.
Range converter.
Range keeper.
Director correction setters.
And certain highly confidential installations.

The men on board the battleship *Texas* in 1916 numbered 932. The number of men the department wishes to place on board her this year is 1,243. The difference between these numbers, namely, 311, is more than taken up by the number of men assigned to these new activities.

On Monday the gentleman from Michigan [Mr. KELLEY] based his main contention on the allotment of personnel to the fleet, afloat, on the report given to him by the Navy Department, of the number of men so employed on February 1, 1922. The explanation for the small numbers of personnel on our ships on this date, which inadequate numbers are those used by the committee, as against the complements required by the Navy Department, is simple.

Mr. KELLEY of Michigan. Does the gentleman think it was easier to take them off the battleships than off the destroyers, which were only in half commission?

Mr. MCARTHUR. Certainly, because most of the destroyers had only skeleton crews, and in reducing the Navy the department had to go where they could find the largest number of men. [Applause.]

Mr. KELLEY of Michigan. The gentleman will probably recall that the destroyers——

Mr. MCARTHUR. Did the gentleman say I would probably be recalled? [Laughter.]

Mr. KELLEY of Michigan. No. I hope the gentleman will be recalled to the House as often as he desires to come, because he is a very valuable Member. But as I say, the gentleman will probably recall that at the time he is speaking about, the reserve destroyers with about 12,000 men on board were very accessible, many of them being at Charleston, S. C., were they not?

Mr. MCARTHUR. That is correct.

Mr. KELLEY of Michigan. So that it would have been quite as simple a matter to get the men from the destroyers?

Mr. MCARTHUR. Probably not so simple, for most of the destroyers had small crews. The fact that the department considers the reduction as merely an emergency measure is indicated clearly in the very report of Admiral Jones, read by the gentleman from South Carolina [Mr. BYRNES]. In the first paragraph of this report Admiral Jones states that on January 1; that is, after these discharges had taken place, the battleships had 80 per cent of their complement on board. In the second paragraph of his report he states that soon after their arrival in Cuban waters this percentage was increased to 89, thereby indicating that the department immediately took steps to remedy this deficiency, and had done so to the extent of approximately 10 per cent, in a very short period of time.

The Committee on Appropriations, on pages 6 and 7 of the majority report, stated in substance that on March 1, 1922, the Navy had in its possession 254 vessels of a nondescript character, including Eagle boats, subchasers, tugs, yachts, motor boats, and various miscellaneous craft. The suggestion is made that if these craft are kept in full commission tens of millions of dollars will be required for their upkeep and operation. They are characterized as dead weight and a millstone around the neck of the Navy, and the suggestion is made that they all be sold. The studied inference to be conveyed to Congress here is plainly and unmistakably to the effect that the Navy Department wants to keep all these ships in commission and fully manned. The gentleman from Michigan [Mr. KELLEY] on Monday positively confirmed this impression. He eloquently painted a picture of tens of millions of dollars spent on ships of no military value and men by the thousands scattered up and down our coasts on vessels so small that the Navy Department can not find them. Upon investigation, I find that the committee's "hundreds of vessels, thousands of men, and tens of millions of dollars" turns out to be 170 small vessels manned by 2,450 men—an average of about 15 men a ship—whose operating cost by no stretch of the imagination can exceed $7,000,000, and whose operation is of real constructive value to the public

interest and to the national security. The committee's partial statements of fact, unfair inferences, and unsound reasoning in this particular case are characteristically indicative of its whole report on the personnel situation, and as such should be pondered on by all Members of this House having the public interest at heart.

The American people love their Navy and its traditions. They properly regard it as our first line of defense, as the guardian of our commerce, as the protector of our territorial and insular possessions. They wish to see it maintained at its full strength on the 5-5-3 ratio authorized by the recent treaty. They wish to see it maintained on an equality with the British Navy, as one of the two great naval establishments of the world. They do not wish to see it relegated to a position inferior to that of Japan. [Applause.]

Gentlemen tell us that we will maintain substantially the same tonnage as Great Britain, but the Secretary of the Navy is authority for the statement that not less than five of our first-line battleships will be in ordinary, which means that they will not be in active service if our enlisted personnel for the coming fiscal year is reduced to 67,000. The Secretary of the Navy knows just what he can do with an enlisted personnel of this size, and at my request the Navy Department has prepared a chart, a copy of which I mailed to each Member of the House, which shows just what an enlisted personnel of 67,000 will mean to our Navy during the coming fiscal year. It is not for gentlemen in this House to question the authority of the Secretary of the Navy to equalize and distribute his personnel over the various naval activities or to question the figures in the chart, which has been prepared by men in his department. This chart shows that an enlisted personnel of 104,000 for Great Britain, 67,000 for the United States, and 58,252 for Japan means that capital ships will be maintained at the ratio of 5-3.2-2.6; that aircraft carriers will be maintained on the ratio of 5-1.2-0.6; that submarines will be maintained on the ratio of 4.1-5-2.8; that cruisers and destroyers will be maintained in the ratio of 5-2.1-2.6; that mine layers will be maintained in the ratio of 4.8-1.25-5; and that the total combatant vessels will be maintained in the ratio of 5 for Great Britain, 2.8 for the United States, and 2.75 for Japan. Can any thinking man fail to understand what this sweeping reduction means to our Navy and to the people which it protects?

Gentlemen, I respectfully submit that our Navy should be maintained at its full strength authorized by the recent treaty and, believing that it can not be so maintained with an enlisted personnel of only 67,000 men, I shall, at the proper time during the consideration of this bill, offer an amendment proposing to increase this number to 86,000. I bespeak your earnest consideration of the arguments in support of the 86,000 enlisted personnel and hope that you will decide to give this amendment your support.

I can not believe that you will adhere to the "penny-wise and pound-foolish" policy of the Committee on Appropriations or that you will shift the responsibility for the writing of this bill onto the shoulders of the Senate. Let us face this question fairly and squarely and decide for ourselves whether or not the United States is to maintain a Navy which will glorify the traditions of the Republic or whether we are to drop to the third place among the naval powers. [Applause.]

Mr. KELLEY of Michigan. I yield six minutes to the gentleman from Minnesota [Mr. LARSON].

Mr. LARSON of Minnesota. Mr. Chairman and gentlemen, I had no intention of making a speech. My purpose was merely to listen to the discussion and then vote according to the dictates of my best judgment.

We are told that "democracy is government by discussion." We have had a splendid exemplification of that statement. The bill has been most ably and thoroughly discussed from every viewpoint. I am indebted to my colleagues for the facts they have presented and the deductions they have drawn therefrom.

I do not rise to offer any substantial contribution to this discussion. I possess no expert knowledge on naval affairs that entitles me to speak with authority upon this matter. I feel, however, that I should state some of the reasons that prompt me to vote as I shall. This measure is of supreme importance to the people, and they are entitled to know not only how we vote but why we vote as we do.

Had no discussion been had on this bill I would vote for a larger appropriation than that proposed by the committee. I probably would vote for an appropriation that would give the Navy 86,000 enlisted men. I came to that conclusion from reading the Washington newspapers and such other propaganda as was furnished me by those who champion a big Navy personnel. While I am not a so-called big Navy man, I do not want the efficiency of our "first line of defense" crippled in the least. No American should. That was my notion when the discussion was opened by the distinguished gentleman from Michigan [Mr. KELLEY]. In the language of the street, I was from Missouri; I wanted to be shown. I placed the burden of proof on the committee to prove clearly and conclusively, not by mere assertions but by facts and figures, that the appropriation proposed is ample to man the United States Navy without jeopardizing its efficiency.

When the chairman of the Subcommittee on Naval Appropriations had concluded his speech, one of the most remarkable speeches that it has been my privilege to hear, I was thoroughly convinced that the appropriation proposed is sufficient. All the arguments that have been presented to the contrary, including the letter of our great Secretary of State, have not changed that opinion, and I shall vote accordingly.

They say that parliamentary oratory is a lost art. I do not believe it. Real oratory is as effective now as it was when Demosthenes spoke. If a man has anything to say and knows how to say it in fitting form—that is, with clearness, force, and eloquence—he will always be assured of an appreciative and responsive hearing. The masterly presentation of the committee's proposal by the distinguished gentleman from Michigan brought to my mind Speaker Reed's epigrammatic definition of eloquence—"Logic on fire." That speech was logic on fire, alright. It burned up the opposition completely. Mr. KELLEY's arguments have not been answered; they are unanswerable. In this discussion they stand as solid as the Rock of Gibraltar.

That speech was received by the House with spontaneous enthusiasm. Even his opponents were carried away by his eloquence; but the following morning I read in one of the Washington papers of brilliant and able speeches having been made by the big Navy advocates, and the chairman's remarkable speech was barely mentioned. In effect, the paper I read stated:

Mr. KELLEY also spoke.

[Laughter.]

I mention this merely to show how powerful these big Navy people and their supporters are here in Washington. The press is at their command; but let me say that we who believe that 67,000 men are ample to man our Navy in these "piping time of peace" should not allow ourselves to be influenced by the Washington atmosphere. What we should be concerned about is the atmosphere at home and in the country at large.

We know that the folks at home want actual, concrete results from the arms conference—results that will be reflected in their tax bills. Let us express by our votes on this measure the convictions of the American people. As James Bryce says:

> What is democracy for except to represent and express the convictions and wishes of the people?

In their dire distress the advocates of a big Army personnel threw out the S O S signal to our great Secretary of State, who gallantly came to their rescue with a letter in which he expresses his personal views on the proper size of the "Hughes Navy." I do not agree with those of my colleagues who look upon Mr. Hughes's epistolary medium of instructing us benighted Members of Congress as an unwarranted and gratuitous intermeddling in the affairs of this House. Personally, I welcome his views. We should seek the truth, no matter whence its source. It is entirely proper that Mr. Hughes should give us and the country the benefit of his opinion. Any contribution that he may see fit to make to the discussion of any public question will always receive my thoughtful consideration, for I, in common with many of my fellow citizens, regard him as America's greatest living statesman. His beneficent work in connection with the arms conference alone entitles him to a place in the galaxy of the world's great statesmen. As an American I am proud that my country has produced a man of his preeminent intellectual ability and superb moral courage.

But let us see whether Mr. Hughes's letter has the persuasive force that the advocates of the big Navy personnel claim for it. What, in fact, does the Secretary say? Is his opinion based upon facts or is it predicated upon a mere assumption of what the facts are claimed to be? Let me quote from his letter. He says:

> You say that you are advised by the Navy Department that the proposed reduction in personnel will mean that not exceeding 12 capital ships can be kept in commission.

As to this—

He continues—

> I am not qualified to express an opinion.

And like the careful lawyer that he is, he predicates his opinion, you will observe, upon the strength of the statement that the Navy Department has furnished him with, for he says:

> Accepting this statement of fact, the only question would seem to be whether our Navy should be reduced below the treaty standard by a provision of personnel inadequate to maintain it.

But the soundness of the statement of alleged facts to which Mr. Hughes refers is challenged by the Subcommittee on Naval Appropriations and other opponents of a big naval personnel. Mr. Hughes begs the very question that is practically the main issue in this discussion. Therein lies the probative weakness of his letter. If you grant his premise, his conclusion is obviously correct; but the committee has demonstrated, almost to a mathematical certainty, that with a personnel of 67,000 men the 18 capital ships and all other craft that go with them can be kept in commission, thereby giving us a Navy of the treaty standard.

But while it is our duty to weigh carefully the views of the President and of the "best minds" constituting his great Cabinet on the merits or demerits of pending legislation, as representatives of the people we have no moral right to abdicate our judgment and follow blindly their proffered counsel. We can not shift upon their shoulders our constitutional responsibility. In the last analysis, we, and we alone, are responsible to the people for the character of the measures this House passes.

The committee's proposal will save the American people close onto $200,000,000 a year, as compared with the appropriation for the last fiscal year. Is not this great sum worth saving? It is true that the United States is the richest country in the world. Although we have only one-seventeenth of the world's population, we own one-third of the world's estimated wealth. But let us not forget that we have an enormous public debt and that our annual Government expenses are stupendous.

Our people are burdened with taxation—municipal, state, and national. They are tax-ridden. They are complaining, and justly. They are demanding of us relief from their tax burdens. Under such circumstances, I ask, what right have we in peace times to sanction the employment of several thousand superfluous men in our Navy? No red-blooded American wants to be a sinecure or a parasite. He prefers to be engaged in a service in which he can be of use to his country. To keep men in unnecessary public positions is a waste of the people's treasure and of human energy. Let us save the money and also give these superfluous men an opportunity to engage in the development of our natural resources.

In the name of common sense, what reason is there for a big Navy personnel in these peace times? If there were any reasonable fears of an immediate invasion, that would be justification for a big Navy. But who is to invade us? Surely no European nation. Europe is bankrupt. Great Britain, France, and Italy are bled white. The militarism and imperialism of Germany are no more. Is Japan, thousands of miles removed from us, our international hobgoblin? Japan may be militaristic and imperialistic, but she is not insane. Japan has no desire to commit national suicide. Japan wants to exist. She does not want to measure swords with America.

The fact of the matter is that no government for many years to come, perhaps for many generations, could induce its people to engage in another war. The people have had enough of hell. They have just finished fighting "the war to end war." What they want is "less of armament and none of war." [Applause.]

It is the law of human nature that imputation of distrust excites in others a corresponding sentiment. As Charles Sumner said in his plea for universal peace more than a half century ago:

> War preparations in a period of professed peace must naturally prompt adverse preparations, and everywhere within the circle of their influence quicken the spirit of war. So are we all knit together that the feelings in our own bosoms awaken corresponding feelings in the bosoms of others, as harp answers to harp in its softest vibration, as deep responds to deep in the might of its power. What in us is good invites the good in our brother; generosity begets generosity; love wins love; peace secures peace; while all in us that is bad challenges the bad in our brother; distrust engenders distrust; hate provokes hate; war arouses war. Therefore are we admonished to avoid such appeal, and this is the voice of nature itself.

It is to be deplored that any Member of this House should allow himself to be carried away so far by his zeal and enthusiasm for a big Navy personnel as to deem it necessary to charge a nation that participated in the arms conference on the invitation of our Government with engaging in propaganda to disarm America. Such imputation is not only extremely bad taste but it has a tendency to engender distrust and hate in the minds and hearts of those with whom we are desirous of living on terms of international good will and comity. And that means every nation on the globe. That accusation may reflect the sentiments of a few militarists and alarmists, but I am sure that it does not reflect the sentiments either of this House or of the American people.

This effort on the part of Congress to reduce armaments is not prompted by Japanese propaganda; it is prompted solely by a desire to give concrete and practical expression to the enlightened Christian sentiment of the American people.

It is utterly absurd to charge the committee and those of us who concur in their views with a purpose "to wreck the Navy." Such an accusation is the child of militaristic hysteria. We are not "wreckers" simply because, in the interest of national economy and for the promotion of international friendship and enduring peace, we advocate a reasonable reduction in our Navy personnel.

We concede that the champions of a big Navy are actuated by patriotic motives, but we deny that they have a monopoly on American patriotism. Whatever our views may be as to the size of the Navy personnel, we are all actuated by a desire to promote the highest welfare of our common country. We may differ as to the proper naval policy, but we are all Americans.

No naval officer who advocates a big Navy personnel should take umbrage because we do not adopt his views. We question neither his veracity nor his sincerity. We know that he is intensely patriotic. We appreciate that he stands for "our country, right or wrong." We acknowledge his service to the Republic. But we also know that he is likely to have a mania for a big Navy—the biggest in the world—for the bigger the Navy the greater the glory. He will not willingly give up any of his prestige and power as the head of a big fighting machine. He is actuated by the philosophy of—

> The good old rule, the simple plan,
> That he should get who has the power,
> And he should keep who can.

That feeling is perfectly natural. It is the result of his training and environment. Whoever heard of an admiral who advocates a small navy or of a general who favors a small army? Such an admiral or a general is a rara avis.

If we refuse to follow the advice of these naval experts who advocate a big Navy personnel, it is because we think that they are prejudiced. If Congress were to give them a free rein, we would soon have the biggest navy on the seas. Listen to what Capt. L. M. Overstreet, United States Navy, says:

> I believe—
>
> Says he—
>
> that we need approximately 120,000 men to man the so-called Hughes Navy and should increase rather than decrease our present force.

The naval board also wants that number.

That is disarmament for you! That is carrying out the will of the American people as expressed through the action of the Washington conference! What would happen to the United States Treasury if Congress were to allow the naval experts to dictate the size of a Navy personnel? It soon would become like unto a dime savings bank.

I prefer to follow the sound judgment of the Subcommittee on Naval Appropriations as to the size of our Navy personnel. The members of that committee have had years of experience in dealing with naval affairs and naval appropriations. They have thoroughly and conscientiously investigated the matter from every possible viewpoint, and their unbiased, deliberate judgment is that 67,000 men are ample to man efficiently the United States Navy. That number is large enough for me, and I am sure the American people feel that that number of their fellow citizens, with the ships at their disposal, can and will in these peace times maintain the rights, prestige, and honor of the Republic. [Applause.]

What this war-weary world needs now is less of distrust and hatred and more of confidence and love. The true grandeur of our Nation consists not in a big Navy or a big Army, the machinery of force, but rather in the spirit of justice and right. If we are to lead the world, as we are expected, to a higher and a better civilization we can do so not only by preaching "less of armament and none of war" but what is more important by translating our preaching into actual practice. A good example is the best sermon. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman, no one can be more opposed to the expenditure of unnecessary money upon our Navy than I am myself. I hope the time will come when the resources of this country shall be turned from the creation of destructive agencies to the creation of constructive agencies. I would like to see the time come when this country could devote its resources to internal improvements and the construction of those great projects in our midst which return prosperity and happiness to our people. [Applause.] However, we owe an obli-

gation, under conditions as they exist to-day, to give to our people absolute security, even at a considerable cost to the country. The greatest minds of the world that met here at the Limitation of Armaments Conference rendered this verdict to the world and to us if we will but hear—not that there will be no more wars but that there will be more wars. Otherwise, instead of a mere limitation of armament, they would have agreed to a total disarmament. [Applause.]

With that verdict in our minds, and knowing from history that from the earliest dawn of time down to now there has been war after war, and knowing, as we do, when we use our common sense, that until God sees fit to change the hearts and minds of men there are going to be still more wars, I think we should be prepared. When the millennium comes—and I pray that its coming may be hastened—we may do away with the Navy, but we will do away with the Navy when, and only when, we may also do away with the police in the cities and the sheriffs and the constables in the country.

If the Committee on Appropriations had made the issue here simply that 67,000 men were enough, that would have been one thing, but they take the position here that 67,000 men will furnish our Navy with a fighting strength commensurate with the treaty ratio of 5-5-3.

I glory in the accomplishments of the Limitation of Armaments Conference, and I stand here now striving to preserve to the American people the benefits of those accomplishments—not to destroy them. [Applause.] It was thought by those who made that agreement that the 5-5-3 ratio was the best ratio that could be agreed upon to preserve the peace of the world—between the two great Anglo-Saxon countries an equality, and between America and Japan a substantial increase in the strength of the American Navy.

This bill has been called a one-man bill, and I think there is some evidence to justify that statement. If we must take the judgment of one man, then I know of no man whose judgment I would rather take than that of the distinguished chairman of the subcommittee, but experience tells us that it is not safe to rely upon the judgment of one man. In the report a great deal is said about the treaty ratio and the maintenance of that ratio. But it is my opinion that the question of how the fighting strength of our Navy would compare with the navies of Great Britain and Japan was an afterthought. During the hearing the inquiry seemed to be how few men could be put on the ships and still keep them afloat. The hearings ran from the 6th of March to the 21st of March, and all the experts of the Navy were called before the committee. On the third day of the hearings the learned chairman of the subcommittee virtually said to the Secretary of the Navy, "Take 50,000 men afloat and 15,000 men on shore, and cut your cloth accordingly." He did more than that. He told the Secretary of the Navy what ships he desired him to keep in commission, viz, the 18 battleships, the 108 destroyers, and the 84 submarines. He said, "Take the rest of the 50,000 as far as it will go, and then cut off wherever it stops." Then and there the control of the Navy passed from the Secretary of the Navy to the chairman of the Subcommittee on Appropriations. [Applause.]

The Secretary of the Navy, in a letter to the committee, clearly pointed out just what the consequences would be if this arbitrary cut was put into effect. He said that with only 65,000 men the Navy would find—

(1) That our available force for sea is 46,000, because in the opinion of the department it is vitally necessary for the best interests of the Navy and the Government to keep the vessels referred to in commission and the shore station activities as a necessary adjunct.

(2) Six battleships of the first line, being all the 12-inch gun ships, will of necessity go into ordinary with complements only large enough to preserve them and keep them ready for as quick action as possible. I also call your attention in this connection to the fact that this involves the withdrawal of the flagship Utah from the European Squadron and the abandonment of that station. It is the opinion of the department that for the national defense it is better to have 12 full complement, ready-for-action ships than it is to have 18 part complement ships not ready for action. I personally believe that a ship too greatly undermanned is a sick ship and will be of little account in battle.

(3) In addition to the 46,000 actually serving on ships, the arbitrary 7 per cent replacements bring up the figure to 50,550, leaving for shore stations only 14,450.

(4) The destroyers are reduced to 65 with 90 per cent complements, with 50 in reserve with 50 per cent complements.

(5) All submarines, second line, are placed out of commission.

(6) Practically all Eagle boats, subchasers, and other small craft now used for training reservists or other purposes go out of commission.

(7) If we are to consider the appropriation for the year as of July 1 to be on the basis of 65,000 men, we must start the year on July 1 with 85,000 men. That means we must reduce between the date of the approval of the appropriation bill for the fiscal year 1923, should it contain the figure of 65,000, by getting rid, by discharge or otherwise, of approximately 21,000 men.

* * * * * * *

In regard to the figure submitted, I must further inform you that it is wholly inadequate in the estimation of the department to properly man the United States Navy. It will necessitate leaving ships of vital importance out of the battle line. The ratio established in the naval treaty is for the three great naval powers—the United States, Great Britain, and Japan—5-5-3. Under the personnel allowance of 65,000, according to our best information, this ratio will be reduced to 2½-3-3 for the United States, Great Britain, and Japan, respectively.

However, it appears that the committee paid no attention to this warning. Their decision seems to have been made up on the third day of their hearings.

From that day on to the finish of the hearings I find no deviation from the preconceived opinion of the chairman of the committee, and after hearing the evidence he rendered his decision which he had already formed at the beginning, a Navy of 65,000 enlisted men and 2,000 entered apprentices. In fact, I am betraying no confidence when I say that before the hearings ever started I was informed that this 65,000 was to be the strength of the Navy. What was the use of having the hearings, what was the use of going from ship to ship and man to man, what was the use of working the adding machine, when it had already been determined what the strength of the Navy was going to be? [Applause.] It is easy for a man who is familiar with the Navy to talk to the Members of the House, the majority of whom are not familiar with the technical organization of the Navy, and say to them that "We have furnished a personnel for 18 battleships, a personnel for 108 destroyers, and a personnel for 84 submarines, and what more do they want with men, where would they put them?" Because Congressmen from the Middle West can not think of any other class of vessels than those named and can not suggest where to put them—can not think of an answer to the gentleman's question—they come to the conclusion which the defenders of this bill want them to form, namely, that there can be no other place to put the men, and therefore they are not needed. I have heard of men who say, "What do you want with mine sweepers and mine layers in time of peace, and all of the other 57 different varieties of boats and craft that it takes to make up a modern navy?" The comparison of the personnel of to-day with the personnel of 1916 means nothing, because fighting on sea to-day is totally different from what it was in 1916.

The gentleman from Idaho [Mr. FRENCH] undertook to make this allowance. He finally got down to the aircraft, and because that looked as though it was going to swell the personnel beyond what was provided for in the bill he said, "Well, we did not allow them any money to put the antiaircraft guns on the ships so that we can hold down the personnel." If that were true, it would be a crime against the men who have to fight on these ships—to refuse them the necessary protection in order to reduce the personnel.

Mr. KELLEY of Michigan. Oh, I think the gentleman misunderstood the gentleman from Idaho. What he did say was that we did not have all the aircraft guns or mounts manufactured yet to put on them.

Mr. SWING. He said you had not appropriated for them.

Mr. KELLEY of Michigan. Oh, no.

Mr. SWING. And I will say this: They are appropriated for and they are manufactured and they are going to be on these ships this coming year [applause] if I can take the word of Admiral McVay, Chief of Ordnance.

Mr. KELLEY of Michigan. If the gentleman has the fact about that, then we can cut out what we have included for antiaircraft guns when we get to the right place in the bill.

Mr. SWING. Well, I find the gentlemen in charge of the bills are good on cutting; but let me say that it is not every cutting that is economy.

Mr. KELLEY of Michigan. The gentleman would not want us to appropriate money for guns if we have them already, would he?

Mr. SWING. No. But I want you to appropriate for the men to man the guns. What good are hulls without the men behind the guns? [Applause.]

Mr. KELLEY of Michigan. Whether we have the guns or not?

Mr. SWING. Admiral McVay says we have the guns, and I want the men to man them. You can not bluff the world with empty hulls. Ships without men are no better than a scene painted on canvas. You must have both ships and men to make a fighting force, and that is where this bill falls down.

Now, the chairman of the subcommittee accused the Secretary of the Navy of having 20,000 men piled up on the shore some place with nothing to do. The accusation is a serious one, that the officials of our Navy, who are willing to give their lives in defense of their country, are conniving, if not actually in a

criminal conspiracy, to raid the Treasury of the United States by keeping on the Navy pay roll 20,000 men who have nothing to do.

Mr. KELLEY of Michigan. The gentleman is a very prominent and influential member of the Naval Committee. Will he tell the House just where the 20,000 extra men are on shore?

Mr. SWING. I thought you would ask that, and so I have prepared a statement, which I will read or introduce in the RECORD.

Mr. KELLEY of Michigan. The gentleman had better read it.

Mr. SWING. Will the gentleman extend my time if I read it?

Mr. KELLEY of Michigan. How long is it?

Mr. SWING. It consists of one page.

Mr. KELLEY of Michigan. What is it?

Mr. SWING. It shows in detail where these 20,000 men are and what they are doing—the men you said were piled up on shore with nothing to do.

Mr. KELLEY of Michigan. Go ahead and read it.

Mr. SWING. I will. It says:

Distribution of enlisted personnel as of January 1, 1922.

OPERATING FORCE ON SHORE.

Navy yards and naval stations	1,359
Receiving ships and barracks, operating force	1,945
Training stations and trade schools (instructors and overhead)	2,032
Hospitals (operating crews)	1,078
Prisons (cooks, etc.)	22
Communications	1,228
Aviation stations	2,754
Ammunition depots and torpedo stations	605
Recruiting stations	709
Total operating force on shore	12,637
District vessels (crews)	3,352

Mr. KELLEY of Michigan. What are they?

Mr. SWING. Does the honorable gentleman from Michigan not know?

Mr. KELLEY of Michigan. I want to know if the gentleman knows.

Mr. SWING. Yes, sir; I know. You call them "yachts and nondescript vessels," implying that they were pleasure boats for the commanders, and other useless craft, but you know that they are mostly tugs that pull vessels into their places in the harbors, that haul out to the vessels barges loaded with coal for fueling, and self-propelling oil barges. You know that as well as I do.

Mr. KELLEY of Michigan. There are men and tugs in the yards to handle the vessels that carry the coal. These are district craft.

Mr. SWING. I am talking about district vessels. Have I answered your question on that?

Mr. KELLEY of Michigan. I rather think not.

Mr. SWING. Well, the gentleman can be very hard to satisfy when he wants to be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes more to the gentleman because I interrupted him.

Mr. SWING. I had already accounted for 15,985 men when I was interrupted. I will now continue:

Replacements:		
Patients in hospitals		2,756
Prisoners in prisons		1,339
Under training and instruction at training stations and trade schools		4,981
General detail:		
Yards and stations	27	
Trade schools and training stations	529	
Receiving ships and receiving barracks	3,603	
Ammunition depots and torpedo stations	225	
Aviation stations	52	
		4,436
		28,799
In transit and delayed reports		4,062
		32,861
Total afloat		68,138
Grand total		100,999

Mr. KELLEY of Michigan. That is why the gentleman desires the additional 20,000 men.

Mr. SWING. No. That was in reply to your proposition that there were 20,000 men that Secretary Denby could not account for.

Mr. KELLEY of Michigan. Have you accounted for them?

Mr. SWING. There is the statement which shows exactly what they are doing, and it is satisfactory to me.

Now, the whole issue in this thing is just this: It is whether or not we have what we have told the American people we were going to have, a Navy equal to any in the world. I charge that this bill was drawn in total disregard of the comparative strength of the personnel of our Navy with that of other nations.

In this whole volume there is not a single inquiry by the chairman of the committee or any of his associates asking for information as to the relative strength of any other navy, and it seems to me it did not occur to them important until after they had been criticized for not maintaining the Navy according to the treaty ratio. Then the gentleman from Michigan, having previously decided that our Navy should have only 65,000 enlisted men and 2,000 apprentices, started out to find the evidence to support it. And where did he look? The Lord only knows. It is a great mystery as to where this committee went for assistance.

This colloquy between the learned gentlemen from Michigan [Mr. KELLEY] and the gentleman from Pennsylvania [Mr. BUTLER] took place while the chairman of the subcommittee was making his opening statement on behalf of this bill:

Mr. BUTLER. I have listened with very great care to the comparison he was making of the number of men proposed by the British and by the American navies. I do not know where the gentleman got his information. He can not supply it. Will not the gentleman state to the House whether or not it was the very highest that could be obtained, absolutely official?

Mr. KELLEY of Michigan. As far as I could go.

Mr. KELLEY of Michigan. What is the gentleman's inference?

Mr. SWING. The inference is that there are only officials of three countries who could possibly be appealed to for this information—the American, the British, and the Japanese. It seems that you place no confidence in the naval officials of our own country, so it is hardly likely that you got your information from them.

And I am afraid that the sad spectacle is presented to the American people of a committee of this House preparing a naval bill for the defense of our country, asking Japanese and British officials to assist in framing it. [Applause.]

Mr. KELLEY of Michigan. Does the gentleman say that the committee had no information from American representatives abroad?

Mr. SWING. I went to the only source that was afforded to me, the official hearings of your committee, and nothing can be found——

Mr. KELLEY of Michigan. Does the gentleman say that the committee had no information from our representatives abroad?

Mr. SWING. I say this, that you have not disclosed it. If you are willing to disclose it, you may do so now.

Mr. KELLEY of Michigan. I thank the gentleman for this permission.

Mr. SWING. We maintain through appropriations the Naval Intelligence Bureau, and the gentleman knows that its function is to acquire from most official sources the most authentic information obtainable regarding the navies of the world. Only a part of it is published; most of it is secret.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SWING. Mr. Chairman, may I have two minutes more?

Mr. KELLEY of Michigan. I regret I can not yield more time.

Mr. GRIFFIN. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from California is recognized for five minutes more.

Mr. SWING. Now, something was said in this tarring-stick act of these Members of the House who took exception as a matter of conscientious duty to the conclusions reached by the committee about their being from navy-yard districts. Well, the answer to that is that enlisted men do not work in the navy yards, and the issue now before this House is the size of the enlisted personnel, and its decision will neither increase nor decrease the size of any navy yard.

The district I represent, as well as my State—in fact, the whole Pacific coast—is interested in this bill solely from the standpoint of adequate national defense. We on the west coast face the only source of danger from which danger can come to this country. We believe that we have a right to look to our Government to furnish us absolute security and not leave us dependent upon the word of some foreign power. We have a Navy which is capable of giving us that absolute security if this Congress will only appropriate for its adequate support and maintenance. In this connection, and as typical of the sentiment of the people of my State, I want to read a telegram received this morning from John R. Quinn, commander of the American Legion of the State of California. It does not represent navy-yard employees who are seeking to raid the Treasury of the United States, if any there are. This represents men who fought and bled and who have learned the lesson of the Great War on the battle field at the risk of their lives

and their health, and who do not want our country to again pay the awful price of unpreparedness. It says:

SAN FRANCISCO, CALIF., *April 11, 1922.*

Congressman PHIL D. SWING,
Washington, D. C.:

Representing 50,000 California Legionaries, I feel that we would be derelict in our duty if we did not protest against the reduction of the naval forces of the United States below 90,000 men, as we should have under the disarmament pact 5-5-3 pro rata. Our late experience seems to be too soon forgotten. We must maintain a sufficient personnel for our national defense.

JOHN R. QUINN,
Department Commander.

[Applause.]

And now, finally, since the chairman of the subcommittee himself read a statement from the President delivered before the Limitation of Armament Conference, I would like to read what President Harding wrote regarding maintaining the American Navy:

We want no Navy for conquest. We would all like to reduce armaments; but so long as there is need for national defense we must maintain our Navy, not only in its material strength but in the moral capacity of its officers and men. Our Navy is the great wall of America. A navy that is almost good enough will, in the end, prove more costly to the safety of the United States than no navy at all.

[Applause.]

Now, taking the facts before us, 67,000 men as the enlisted strength of this country, and taking the like elements from the navies of Great Britain and Japan, we find that for the ensuing fiscal year the average enlisted strength for Great Britain will be 104,000 men and for Japan 68,252, as against our 67,000. We know the facts or we can learn them. We can not fool ourselves, and in Heaven's name let us not commit the crime against the country of fooling the people into thinking they have a 5-5-3 rated Navy when we have only a 5-3-3 Navy. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HOGAN].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. HOGAN. Mr. Chairman, the issue in the debate upon the proposition of cutting down the estimates submitted by Secretary Denby for the personnel of our Navy from 96,000 men to 67,000 men is simply this: Shall we resort to national short-sightedness in the name of national economy.

In my opinion the American people would resent our meeting that issue as the Appropriations Committee would meet it. Extreme parsimony with our Navy has never been popular. From the days of John Paul Jones and Farragut and Schley and Dewey until now that Navy has defended our coast line in both great oceans and has never been beaten. It has upheld liberty and opposed tyranny. It has done its full share in the work of making this the first nation in the world.

Let us not forget that if we were enabled to break the shackles of the British Empire and become free to preserve the integrity of our Union, to become a world power by rescuing from Spain her down-trodden possessions, and to assume the leadership of mankind following upon our turning the tide in the bloodiest war of history, it was because we did not rely entirely upon our prayers, but kept our powder dry. It was because we upheld fine and honorable traditions in our Navy as a fighting machine. It was because we kept the old fighting spirit at the highest pitch. It was because the protection of America was the highest consideration.

It is now proposed by the statesmen of the Appropriations Committee to abandon all of our naval traditions and to make the United States accept a place as a third-rate naval power. Some of the members of the committee who urge the reduction would have us believe that white is black and black is white. They would have us accept their statement that by a reduction in the personnel of about one-fourth of the number of men asked for the Navy would be kept up to the same maximum as the British Navy, which will not be permitted to dwindle to the smaller total. These statesmen have attempted to nullify the splendid work of the Harding administration in bringing about a 10-year limitation of naval armament. This Republican administration has been replete with measures of great distinction for the benefit of all the people of the country, but in the century to come nowhere will it so resplendently shine in achievement for the public good as in its sincere effort to bring about world peace on a practicable basis. When Charles Evans Hughes laid down the terms of the armament treaty subsequently adopted I do not believe he had any thought that his proposal to scrap the ships of Great Britain, the United States, and Japan to a 5-5-3 basis would be met by an attempt on the part of the Appropriations Committee of the House to cut our diminished Navy to the point of inefficiency. Our national interests were not jeopardized by President Harding and Secretary Hughes. On the contrary, they safeguarded them with treaties which are not to be considered scraps of paper. Is Congress, then, to be less careful of our national interests? Are we, the Representatives of the people, to appear before our constituencies and explain a vote against a personnel of 86,000 men on the ground that it equally carries out the terms of the arms treaty in the face of the diametrically opposite opinion by Secretary Hughes himself?

There are some here who would have us believe that in the nature of things we shall never have another war with England. As the result of our saving her cause in the World War she now has a third instead of a fourth of the globe as her domain. In order to placate opinion in this country, she has given dominion government to Ireland, in some respects a greater move in the direction of world peace than the arms conference. For the same reason she has accepted equality on the sea of the Stars and Stripes. I hope no further wars will ever come. I hope that all nations will be so beneficently imbued with the blessings of peace that they will never think of again taking to bloodshed to settle their differences. But I do not believe they will, and because I wish to protect America from theory and shortsightedness I want to see it fully prepared for any eventuality that may arise in the future with Great Britain or any other power. There are those also who would have us believe that we shall never war with Japan. I hope so, but I can not believe that Japan has lost all ambition as the result of the arms treaty, and I want to see our Navy maintained at a standard which will enable us to be reasonably sure of victory in the event of a fight. "Speak softly, but carry a big stick" was Theodore Roosevelt's maxim, and it is good enough for me. Let us all be in favor of peace, but take no chances. And toward Great Britain and Japan let us have the most altruistic good will. Let us believe their good will toward us. But in the event that their will should not be so good, let us be ready with a broadside that will sweep empires off the seas and preserve for mankind the ideal of liberty and republicanism.

Sixty-seven thousand men will not be sufficient to maintain our Navy on an equality with that of England. This is testified to by naval experts. Their word and that of the Secretary of the Navy and the son of Theodore Roosevelt, who is now Assistant Secretary of the Navy, are sufficient evidence to me as against the cheeseparing contentions of the Appropriations Committee. Eighty-six thousand men will save our Navy from sinking into the third class. I am for it and for the Navy and the fighting spirit of John Paul Jones and Dewey. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CURRY, as Speaker pro tempore, having assumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, in two prepared speeches delivered yesterday the gentleman from Michigan [Mr. WOODRUFF] and the gentleman from South Dakota [Mr. JOHNSON] made numerous and in many cases very damaging accusations against certain Army officers. The general impression left by these charges is that other officers, including the War Department itself, have either connived at, condoned, or ignored the acts upon which these accusations are supposed to be founded. That such an impression is accurate or that it has any substantial foundation in fact no fair-minded man, in my judgment, believes. If there be crookedness or corruption of any kind in the War Department or in the Army, the person most interested and who would be most active in finding and getting rid of it is the Secretary of War. No one who knows his high character will dispute this. Nor should we allow the fact, even if proved, that a few Army officers in very rare instances have been unfaithful to cast a cloud of suspicion upon the whole Army. As we all know, Army officers were called upon during the war to perform tasks unprecedented in magnitude and difficulty. With exceptions so rare as to be noteworthy on that account they accomplished these tasks with honor and

credit to themselves and with great advantage to the country. If any man has disgraced himself and his country by dishonesty, he should be uncovered and punished, but let us not besmirch the honorable records of the many who gave the very best that was in them to their country in the time of its great need.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MALONEY, indefinitely.

To Mr. STEVENSON (at the request of Mr. MCSWAIN), for two legislative days, on account of important business.

To Mr. HUDSPETH, indefinitely, on account of important business.

To Mr. SANDERS of Indiana (at the request of Mr. PURNELL), indefinitely, on account of illness in his family.

To Mr. VESTAL (at the request of Mr. PURNELL), indefinitely, on account of illness.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Thursday, April 13, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. S. J. Res. 186. A joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden; without amendment (Rept. No. 894). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 156. An act for the relief of the heirs of Julio Carrazco, deceased; without amendment (Rept. No. 895). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Claims. H. R. 636. A bill for the relief of the Delaware & Hudson Co., of New York City; with an amendment (Rept. No. 896). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 862. A bill for the relief of Vivian Hood; with an amendment (Rept. No. 897). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 4145. A bill for the relief of Leonidas Sawyer; with an amendment (Rept. No. 898). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 4421. A bill for the relief of John Albrecht; with amendments (Rept. No. 899). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9472. A bill for the relief of the Canadian Pacific Railway Co.; with an amendment (Rept. No. 900). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9941. A bill for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co.; with an amendment (Rept. No. 901). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9942. A bill for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md.; with amendments (Rept. No. 902). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUDDLESTON: A bill (H. R. 11281) to regulate interstate commerce in coal; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 11282) to create Federal local option districts, to provide money to pay the expected deficit in the Treasury, to amend the revenue act of 1921, and for other purposes; to the Committee on Ways and Means.

By Mr. HARDY of Colorado: A bill (H. R. 11283) to continue the land office at Del Norte, in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. ANDREW of Massachusetts: Resolution (H. Res. 325) requesting the Director of the Veterans' Bureau to comply with the intent of the law to decentralize the bureau by expediting and completing the transfer of records and files having to do with veterans' claims to the several regional offices; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 11284) granting a pension to Alice McCarty; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 11285) granting a pension to Christiana Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11286) granting a pension to Mary A. Binker; to the Committee on Pensions.

By Mr. EDMONDS: A bill (H. R. 11287) for the relief of W. B. Moses & Sons, the Willis-Smith-Crall Co., American Home Furnishers Corporation, the Western Electric Co., and S. A. Curtis; to the Committee on Claims.

By Mr. ELLIS: A bill (H. R. 11288) granting a pension to Walter B. Kelley; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 11289) for the relief of the children of William Wheeler Hubbell and his wife, Elizabeth Catherine Hubbell, both deceased; to the Committee on Claims.

By Mr. GREENE of Vermont: A bill (H. R. 11290) granting a pension to Almira L. Boutelle; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 11291) granting a pension to Joseph J. Chevrette; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11292) granting a pension to Lucinda Hayes; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11293) granting a pension to Elmira Pariseaux; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11294) granting a pension to Phoebe Smith; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11295) granting an increase of pension to Cynthia L. Godfrey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5058. By the SPEAKER (by request): Resolution adopted by the board of estimate and apportionment of New York City, urging the continuance of the Brooklyn Navy Yard and hospitalization for disabled veterans; to the Committee on Appropriations.

5059. By Mr. ANSORGE: Petition of Mount Morris Community Council of Defense and the Harlem Tenants' Association, of New York, urging necessary appropriation to provide private sanitoriums at Saranac Lake and Liberty, N. Y., for tubercular soldiers; to the Committee on Public Buildings and Grounds.

5060. By Mr. BIXLER: Petition of Warren County (Pa.) citizens, urging support of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

5061. Also, petition of Mercer County (Pa.) citizens, urging the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

5062. Also, petition of citizens of Elk County, Pa., urging the passage of the Towner-Sterling bill (H. R. 7 and S. 1252); to the Committee on Education.

5063. Also, petition of Warren County, Pa., citizens, urging support of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

5064. By Mr. CAREW: Resolution unanimously adopted by the Broadway Association of New York City, relative to the Senate amendment to the Post Office appropriation bill; to the Committee on Appropriations.

5065. By Mr. CULLEN: Resolution adopted by the board of estimates and apportionment of New York City, relative to the Brooklyn Navy Yard and hospitalization for disabled veterans; to the Committee on Appropriations.

5066. Also, resolution adopted by the Broadway Association of New York City, favoring the enactment of the Senate amend-

ment to the Post Office appropriation bill to reestablish the pneumatic-tube system in the New York post office; to the Committee on Appropriations.

5067. By Mr. FAUST: Resolution signed by citizens of St. Joseph, Mo., favoring passage of the Towner-Sterling educational bill; to the Committee on Education.

5068. By Mr. GRIFFIN: Resolution unanimously adopted by the Broadway Association of the city of New York, on April 7, 1922, urging the House of Representatives to support the Senate amendment to the Post Office bill providing for the continuance of the pneumatic-tube system in New York City; to the Committee on Appropriations.

5069. Also, resolution adopted by the board of estimate and apportionment of the city of New York, urging the continuance of the Brooklyn Navy Yard and hospitalization of the veterans of the New York district for the purpose of relieving the employment situation; to the Committee on Appropriations.

5070. By Mr. KAHN: Petition of citizens of Oakland, Calif., against Sunday closing legislation; to the Committee on the District of Columbia.

5071. By Mr. KISSEL: Petition of the American Association for Labor Legislation of New York City, N. Y., relative to the Fitzgerald accident compensation bill (H. R. 10034); to the Committee on the District of Columbia.

5072. Also, petition of the Edward Hines Lumber Co., of Chicago, Ill., relative to the conservation of forests; to the Committee on Agriculture.

5073. Also, petition of the board of estimate and apportionment of the city of New York, relative to the Brooklyn navy yard and hospitalization of disabled veterans; to the Committee on Appropriations.

5074. By Mr. LEA of California: Petition of 248 citizens of Healdsburg, Calif., protesting against the enactment of House bills 9753 and 4388, compulsory Sunday observance bills; to the Committee on the District of Columbia.

5075. By Mr. MEAD: Petition of Leo H. Mix and other residents of Hamburg and vicinity in New York State, protesting against the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

5076. By Mr. RADCLIFFE: Petition of citizens of Paterson, N. J., and vicinity, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

5077. By Mr. RIORDAN: Resolution adopted by the Broadway Association, relative to a Senate amendment to the Post Office appropriation bill reestablishing the pneumatic-tube system in the New York post office; to the Committee on Appropriations.

5078. Also, resolution adopted by the board of estimate and apportionment relative to the Brooklyn Navy Yard and hospitalization for disabled veterans; to the Committee on Appropriations.

5079. By Mr. ROSSDALE: Resolution adopted by the Broadway Association of New York, that the pneumatic-tube system be restored in New York City; to the Committee on Appropriations.

5080. By Mr. SNYDER: Petition of L. G. Hess and Fred C. Foster, of Rome, N. Y., favoring passage of the Chandler bill (H. R. 9198) providing old-age pensions for veterans of the War with Spain; to the Committee on Pensions.

5081. By Mr. TEMPLE: Petition of Charles G. Martin, Esq., of New Castle, Pa., in support of House bill 7213; to the Committee on Invalid Pensions.

5082. Also, petition of Chapter No. 1, Disabled American Veterans of the World War, of Philadelphia, Pa., in support of Senate bill 1565; to the Committee on Military Affairs.

5083. By Mr. TINKHAM: Resolution adopted by the City Council of the City of Boston, protesting against the closing of the Charlestown Navy Yard; to the Committee on Appropriations.

5084. By Mr. TREADWAY: Resolution of the Gen. H. W. Lawton Camp, United Spanish War Veterans, of Springfield, Mass., in favor of maintaining an adequate Army and Navy; to the Committee on Appropriations.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE
SIXTY-SEVENTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXII—PART 6

APRIL 13 TO MAY 8, 1922

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PROCEEDINGS AND DEBATES, OF THE SIXTY-SEVENTH CONGRESS SECOND SESSION.

SENATE.

THURSDAY, *April 13, 1922.*

(*Legislative day of Monday, April 10, 1922.*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCumber	Pomerene
Ball	Gooding	McKinley	Shepparagain
Borah	Hale	McNary	Smoot
Broussard	Harreld	Moses	Spencer
Bursum	Harris	Myers	Sterling
Calder	Harrison	Nelson	Sutherland
Capper	Heflin	New	Swanson
Caraway	Jones, Wash.	Newberry	Townsend
Culberson	Kellogg	Nicholson	Trammell
Cummins	Kendrick	Norbeck	Walsh, Mass.
Curtis	Keyes	Norris	Walsh, Mont.
Dial	King	Oddie	Warren
Dillingham	Ladd	Overman	Watson, Ga.
du Pont	La Follette	Page	Weller
Edge	Lenroot	Pepper	Williams
Ernst	Lodge	Phipps	Willis
Fernald	McCormick	Poindexter	

Mr. HARRISON. I wish to announce that the Senator from New Mexico [Mr. JONES] and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS.

Mr. LODGE. Mr. President, I present certain resolutions of the Legislature of Massachusetts urging upon Congress the immediate passage of legislation providing adjusted compensation for men and women who served the United States during the World War, and also resolutions relative to recognizing Palestine as the homeland of the Jewish people. I ask that they may be printed in the RECORD.

The VICE PRESIDENT. They will be received and printed in the RECORD.

The resolutions are as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and twenty-two.

Resolutions urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War.

Whereas national honor demands that the services of men and women who served their country during the World War should be fittingly appreciated; and

Whereas adjusted compensation should be paid to such men and women as evidence of the Nation's regard for their services: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges upon Congress the enactment forthwith of such legislation as will provide adjusted compensation for men and women who were in the service of the United States during the World War; and be it further

Resolved, That copies of these resolutions be sent by the Secretary of the Commonwealth to the presiding officers of both branches of Congress and to the Members thereof from this Commonwealth.

In house of representatives, adopted March 15, 1922.

In senate, adopted in concurrence March 29, 1922.

A true copy.

Attest:

F. W. COOK,
Secretary of the Commonwealth.

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and twenty-two.

Order relative to recognizing Palestine as the homeland of the Jewish people.

Whereas the supreme council of the allied peace conference meeting at San Remo recognized the right of the Jewish nation to a national existence in Palestine and conferred upon Great Britain a mandate over Palestine; and

Whereas the various great nations of the world have approved the establishment of the national homeland for the Jews in Palestine; and

Whereas the people of the United States individually and through their spokesmen in Congress, and by leading men in all walks of life, have expressed their gratification at the realization of the national hopes of the Jews; and

Whereas the General Court of Massachusetts views with pleasure the progress of the Jewish people in Palestine in developing the economic resources of the country, in founding institutions of learning, and in creating a spiritual center, so that it may the better serve mankind: Therefore be it

Ordered, That the General Court of Massachusetts urges the Government of the United States of America formally to recognize the present status of the Jewish people in Palestine and thus to approve the fulfillment of its yearning desire for a national home in the land of its forefathers; and be it further

Ordered, That copies of this order be sent by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, to each of the Senators and Representatives in Congress from Massachusetts, and to the Zionist Organization of America.

In house of representatives, adopted March 29, 1922.

In senate, adopted in concurrence March 29, 922.

A true copy.

Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. KENDRICK presented a resolution adopted by the directors of the Chamber of Commerce of Cheyenne, Wyo., favoring the enactment of the bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, which was ordered to lie on the table.

Mr. WILLIS presented a memorial of sundry citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a resolution adopted by the directors of the Chamber of Commerce of Cheyenne, Wyo., favoring the enactment of Senate bill 3254, to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, which was ordered to lie on the table.

He also presented a letter in the nature of a memorial from Painters' Union No. 370, of Casper, Wyo., remonstrating against the imposition of increased tariff duties on linseed oil, which was ordered to lie on the table.

REPORTS OF THE COMMITTEE ON PENSIONS.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 7210. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars others than the Civil War, and to widows of such soldiers and sailors (Rept. No. 596); and

H. R. 7827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 597).

ELSIE HUDSON.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 248) submitted by Mr. ODDIE March 3, 1922, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Elsie Hudson, widow of J. Lloyd Hudson, late a laborer in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 3455) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 3456) granting a pension to Ellen Leahy (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3458) to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada, or to remove its present bridge and construct, maintain, and operate a new bridge across the said river; to the Committee on Commerce.

By Mr. WILLIS:

A bill (S. 3459) granting a pension to Charles Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls with a view to possible extension of the District park system; to the Committee on Public Buildings and Grounds.

NAVAL PETROLEUM RESERVE IN WYOMING.

By Mr. KENDRICK:

A bill (S. 3457) to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes."

Mr. KENDRICK. Mr. President, I wish to submit just a word in explanation of the bill which I have just introduced.

Naval Petroleum Reserve No. 3, known as the Teapot Dome, is an oil and gas reserve in the State of Wyoming immediately adjoining the famous Salt Creek pool. Government experts and oil men universally regard it as one of the best oil structures in the country. It covers approximately 6,000 or 7,000 acres of land and the minimum oil content has been estimated to be 30,000,000 barrels. This tract was exempted from the provisions of the leasing act enacted on February 25, 1920, and it was generally assumed that many years would probably elapse before any attempt was made to develop it.

The naval appropriation act for the fiscal year ending June 30, 1921, carried a provision authorizing the Secretary of the Navy to develop the naval reserves either directly by agents and employees of the Government or indirectly by lease with private individuals. Under the authority of that act several leases have been granted upon the California petroleum reserves, where, because of private titles which had vested prior to the creation of the reserves, the oil was being extracted and it was deemed advisable, in order to protect the Government, that the leases should be granted.

In the Teapot Dome there are no producing wells. It was recently reported, however, that various private oil interests have been negotiating with the Navy Department and with the Department of the Interior, the Secretary of which, by order of the President, now has authority over the naval reserves, for leases upon the Teapot Dome. The general leasing act provides a minimum royalty of 12½ per cent upon all lands developed under this authority, but in the Salt Creek field the royalties heretofore charged have been as high as 33⅓ per cent and a similar royalty is being charged by the State of Wyoming on school lands in the Salt Creek field. A portion of these royalties, by the terms of the leasing act, is reserved for the use of the State. At the present time there is no provision of law governing royalties that may be charged on the naval reserves and no provision for the protection of the State.

The bill which I have introduced is designed to compensate the State of Wyoming in a small measure for the loss of this valuable and extensive area within her boundaries. Under the old system this land would have passed into private ownership and the State would have been vested with the authority to tax it. Under the new system by which the ownership is retained in the Federal Government the State, of course, is completely deprived of the power of taxation, although it will have the same responsibility for building roads and maintaining schools and providing all the formal functions of State and local Government for which it would have been responsible under the old rule. The same reasons therefore which prompted Congress to provide for the distribution of the royalties under the leasing act should now operate to the same effect as regards the Teapot Dome.

I have therefore introduced this bill for the purpose of protecting my State in that particular. I move that the bill be referred to the Committee on Public Lands and Surveys.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALDER submitted an amendment proposing to pay $3,000 to Alice Potter, widow of Julian Potter, late consul to Rouen, France, being one year's salary of her deceased husband, who died as a result of illness incurred in the Consular Service, intended to be proposed by him to House bill 11065, the Departments of State and Justice appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to include projects authorized at the second session of the Sixty-seventh Congress in the provision of the War Department appropriation bill relative to preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized, and so forth, $42,815,661, intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRINTING OF THE TARIFF BILL.

Mr. McCUMBER submitted a concurrent resolution (S. Con. Res. 21), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House.

INTERNATIONAL REFORM BUREAU.

Mr. POINDEXTER. Mr. President, I ask unanimous consent to have printed in the RECORD, in the regular RECORD type, a statement from Mr. C. S. Longacre, general secretary of the Religious Liberty Association, in answer to certain statements made in regard to him in the RECORD a few days ago.

There being no objection, the statement was ordered to be printed in the RECORD in 8-point type, as follows:

RELIGIOUS LIBERTY ASSOCIATION,
Takoma Park, Washington, D. C., April 3, 1922.

HON. MILES POINDEXTER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR POINDEXTER: I regret exceedingly that Dr. W. F. Crafts, the superintendent of the International Reform Bureau, chose the CONGRESSIONAL RECORD as the medium through which to malign and misrepresent the Seventh-day Adventist denomination, their publications, their doctrines, the Religious Liberty Association, and me in particular. Likewise, he has brought a charge against me which he claims involves the integrity of certain Congressmen who are directors of the board of the Reform Bureau. In justice to the Congressmen involved, as well as to me, I think I ought to be given the opportunity of exonerating these Congressmen in the public eye from being involved in the alleged charge. All I ask, in justice to them as well as to me, is that I be permitted to defend myself through the CONGRESSIONAL RECORD, since the RECORD was made the medium of an unjustifiable attack upon me relative to the uprightness of several Congressmen.

Doctor Crafts and I have been engaged in a religious controversy for some time, and it is most unfortunate that Doctor Crafts chose the CONGRESSIONAL RECORD, not only to make public his views but to misrepresent the doctrines and views of another Christian organization, as he did in the RECORD of March 18, 1922. I do not believe that the CONGRESSIONAL RECORD should give countenance to such unsavory methods and unhallowed purposes. Since the CONGRESSIONAL RECORD has been employed as a medium through which to make a false and vicious attack upon a highly respectable and Christian organization, essential justice demands that the accused be allowed to make its defense through the same medium.

Doctor Crafts gave an interview to the various newspapers in which it was alleged that he stated that he expected to obtain a million dollars in a few days to aid him in putting his reform measures through Congress. The Washington Times of December 10, 1929, published the following interview from Doctor Crafts relative to the million-dollar fund, under this striking caption:

SUM OF MILLION TO DYE UNITED STATES "BLUE," CRAFTS SAYS.

Dr. Wilbur F. Crafts, founder of the International Reform Bureau, announced to-day that within the next three years he is going to spend $1,000,000 in safeguarding prohibition, extending the "blue laws," and amending the Federal Constitution so that the United States will be designated as a "Christian Nation."

"One of my reasons," he explained, "is to prevent any further excuse for the plea that Bible readings in the schools and similar American Christian institutions are unconstitutional."

Asked where he expected to get the $1,000,000 he requires in his enlarged reform program for Christianizing and dry cleaning and dyeing "blue" the United States, he replied quite seriously and in a very matter of fact way:

"Oh, I am expecting that million almost any day now. I could have had it long before this if it were not for the fact that I am so busy with other things I had not quite got to it."

The Washington Star of December 10, 1920, likewise published the following under a somewhat similar caption:

WOULD SPEND MILLION TO GET REFORM LAWS—REV. WILBUR F. CRAFTS ANNOUNCES AIMS OF INTERNATIONAL BUREAU CONFERENCE TO-DAY.

It is expected the International Reform Bureau will spend $1,000,000 within the next three years in safeguarding prohibition, extending the "blue laws," and amending the Federal Constitution, so that the United States will be designated as a "Christian Nation," according to Rev. Wilbur F. Crafts, superintendent and treasurer of the bureau.

Doctor Crafts said he expected to get the money almost any time to carry on this work. He said he could have had it long before this if it were not for the fact that he was so busy with other things.

In connection with these interviews given the newspapers, Doctor Crafts is alleged as having said that if the Republican Congress did not pass the bills which he was sponsoring in Congress he was going to notify "the God-fearing people back home which Representatives have been derelict." (Washington Herald, December 8, 1920.)

Upon the strength of these newspaper reports of Doctor Crafts's interviews and statements made to the public in lectures I published the following statement in the Liberty Magazine of the third quarter of 1921, which statement Doctor Crafts quoted in his letter printed in the CONGRESSIONAL RECORD of March 18, 1922:

Dr. Wilbur F. Crafts, the superintendent of the International Reform Bureau, who styles himself a "professional reformer" and "Christian lobbyist" at Washington, according to published reports of the Washington papers, recently threatened every Congressmann with political beheadal by the churches, whose animosity he would stir up by a slush fund of a million dollars which was at his command if Congress did not pass his pet Sunday bills which were then pending.

Concerning this million-dollar fund referred to above, based on Doctor Crafts's interview to the newspapers, he takes exception to it because I called it a slush fund and said he had it "at his command," whereas it was still prospective and he was "expecting" it. But Doctor Crafts told the newspapers that he was "expecting that million almost any day now."

Such language could not mean anything else but that he had it "at his command," according to newspaper reports. Moreover, I did not involve a single Congressman's integrity, either in the receiving or dispensing of this large sum of money. I stated expressly that according to newspaper reports Doctor Crafts himself was going to use this money for propaganda work in "the churches, whose animosity he would stir up" by the means of this large fund that was "at his command." If a Congressman wants to be included in this statement, he will have to put himself there by his own choice. I certainly did not include him. Neither did the newspapers or I claim that the money was to be used by Doctor Crafts for any other purpose than propaganda work among the churches. But we were all agreed, who made comments on this fund, that it was an exceedingly large sum of money for one man to spend, especially when some of it was to be utilized to notify the folks back home which of the Congressmen were "derelict."

I called this fund a "slush fund" because of its vastness, and explained my meaning in the Liberty Magazine as follows:

When we called this large sum of money a "slush fund" we did not mean to imply that Doctor Crafts obtained it or was going to use it in a corrupt way, but that it was too much money for one person to spend to put reform measures through Congress, and, as the Washington papers alleged, to notifying "the God-fearing people back home which Representatives have been derelict." We used the term in the same sense as a prominent United States Senator used it recently when he charged another Senator with securing his election by means of a "slush fund." He said he did not intend to go behind the returns and intimate that the money was obtained or used by the Senator in a corrupt way, but that such a large sum was too much money to spend for the purpose to which it was devoted in a political campaign. (See Liberty, first quarter, 1922.)

All these facts were well known to Doctor Crafts before he sent his letter to Senator MYERS to be printed in the CONGRESSIONAL RECORD, in which he insists in putting a contrary construction upon my words and explanations.

Doctor Crafts further states in the CONGRESSIONAL RECORD that I—

joined in the nation-wide cry that a Puritan "blue law" was pending in Congress for the whole country when "no national Sunday law, drastic or otherwise, has been introduced by anyone in Congress in the quarter century of the reform bureau's history."

In this Doctor Crafts grossly misrepresents us of the opposition to the compulsory Sunday observance bills proposed to Congress. During the last 25 years more than 70 Sunday bills have been introduced into Congress at the instigation of religious societies for the District of Columbia, and on July 13, 1921, after several futile attempts during 1920, a national Sunday law bill of the most drastic character was introduced into the CONGRESSIONAL RECORD and printed in full in connection with a lengthy petition from the Methodist Church South, praying for its passage. Petitions and resolutions were coming from all parts of the country asking Congress to pass this proposed national Sunday law. It was this proposed bill that we were opposing, and yet Doctor Crafts says there was no national Sunday issue before the Nation. Doctor Crafts himself sponsored a national Sunday law bill and carried on a vigorous campaign in its behalf during the Fiftieth and Fifty-first sessions of Congress. The bill was so drastic that no person or corporation was permitted to perform "any secular work, labor, or business," works of necessity and mercy only excepted on Sunday, all "amusement and recreation" was prohibited "in any Territory, District, vessel, or place subject to the exclusive jurisdiction of the United States," and section 2 of this national Sunday bill provided "that no mails or mail matter shall hereafter be transported in time of peace over any land postal route" "during any part of the first day of the week"; likewise "the prosecution of commerce between the States" was prohibited on the first day of the week as not being in harmony with "its observance as a day of religious worship."

It was purely a religious measure, and placed on a religious basis, as the title of the bill stated that its purpose was "to promote its observance as a day of religious worship." We were not only opposing their proposed religious measures in Congress but the future aims of the religious organizations which are seeking to legalize the obligations of the Christian religion. Doctor Crafts admits that the pending Sunday legislation is merely the entering wedge for more stringent legislation which is to follow.

Doctor Crafts asserted in the CONGRESSIONAL RECORD that I was the "chaplain for the motley crowd of bootleggers, prize fighters, gamblers, and Sunday profiteers," and that the Religious Liberty Association was in "alliance" with this "selfish" and "motley crowd."

This is not the first time that Doctor Crafts has made this false charge in print not only against me but against the denomination which I represent. He has been repeatedly informed of the falsity and injustice of this charge, and yet he insists on making it in print and from the platform whenever it suits his purpose to malign and misrepresent us before the public. He knows, as everyone else does who knows us, that we are a strictly temperance people, abstaining both from the use of liquor and tobacco, and that we would not tolerate for any consideration any of this "motley crowd" in church fellowship. The fact that some of these folks are opposed to compulsory Sunday observance laws and come to hear me lecture, and sign the petitions protesting against their enactment, is no more justification to put me in the same class than if a lot of robbers came to hear Doctor Crafts lecture against the use of opium and signed his petition, and as a consequence I should call him the "chaplain of this motley crowd." Doctor Crafts finds fault in the CONGRESSIONAL RECORD because Seventh-day Adventists publish a book entitled "'Bible Readings,' whose sectarian purpose is disguised," because they put the imprint of their publishing house upon the book instead of the denominational name. There are hundreds of books published by the Methodists, Presbyterians, and Baptists that only bear the publisher's imprint, but he says not a word to condemn them.

He asserts in the RECORD that "Seventh-day Adventists have just sent out 1,000,000 copies of an extra edition of the Liberty Magazine," and that "in each of these magazines is a printed petition to Congress that confuses the ignorant." We wish to inform Doctor Crafts that judges of the highest courts in the States, hundreds of lawyers, newspaper and magazine editors, deans of universities and professors in colleges, professional men in every walk of life, including hundreds of clergymen of every faith, have not only placed their names upon the petitions but have called for the petitions protesting against these obnoxious Sunday bills which are now pending in Congress.

Doctor Crafts wants to know what the difference is between "threatening Congress with 'a million-dollar slush fund'" and "flooding Congress with a million of such disguised sectarian petitions."

There is a world of difference between a church organization as such spending $1,000,000 to induce Congress to enact religious obligations into civil law and to enforce them at the point of the policeman's baton and between citizens as such sending in petitions to Congressmen asking them to keep their hands off of religion by law and to remain loyal to the constitutional guaranties of civil and religious liberty as conceived by the founders of this Republic. The church has no business as such in politics. We should not send our petitions to Congress as Presbyterians, Methodists, or Adventists, but as citizens. Doctor Crafts ridicules us in the RECORD because we assume that if Congress compels people to observe Sunday that Congress "must ere long compel Sunday worship under penalty of death," but that the existing Sunday laws in the States have no such effect now. But we can not forget the past. The Puritans, when they were in full power in New England, executed the death penalty for the violation of any one of 13 religious obligations, of which a compulsory Sunday observance law was simply one.

What good men did before they are likely to do again under similar conditions when they are clothed with the power. Hundreds of Seventh-day Adventists have had to spend months and years in solitary confinement in prisons and in the chain gangs in the United States during recent years as the result of religious prejudice and persecution under the existing Sunday laws in the various States. We are not dealing with a theory but with actual experiences.

The writer frequently received letters from preachers and religious zealots stating that he ought to be "hung," "lynched," and "exiled" for opposing the Sunday law measures. With Madison we hold that the only way of avoiding the evil consequences of religious legislation is by denying the principles. A legal religion has all the possibilities of an inferno couched in its very incipiency. We deny the first step in that direction because it embraces the last step.

Doctor Crafts claims in the RECORD that we slur the United States Government in representing it by "a horned hog," and that it is to become a persecuting power. Doctor Crafts has been repeatedly informed that we never represented the United States Government by "a horned hog," as he asserts. We symbolize the United States as John the Revelator did in the latter part of the thirteenth chapter of Revelation by a two-horned beast having the characteristics of a lamb and a lion, and not as "a two-horned hog," as Doctor Crafts charges in the RECORD. England is politically represented by a lion, Russia by a bear, and the United States by a bird of prey—the American eagle. But the Bible has symbols of its own to represent nations. God symbolized ancient Babylon by a lion, Medo-Persia by a bear, Greece by a leopard, and the Roman Empire by a fierce-looking dragon. But God represented the United States by a beast having the characteristics of a lamb. Dr. De Witt Talmage agreed that this third beast of Revelation xiii represented the United States. No more dignified symbol was ever employed by inspiration to represent a nation.

We believe that the United States Government is the noblest creation of man—a gem of gems among the nations of earth, and a star of the first magnitude. The principles upon which the American Republic was founded were divinely ordained as conceived by its founders. The total separation of church and state, the guaranties of religious freedom, the inherent rights of the conscience of the individual, and the inalienable rights of all men, are the principles which have made this Nation the greatest and grandest of all nations. The principles of civil and religious liberty as conceived by Washington, Jefferson, and Madison are our principles. We believe in American democracy and ideals as set forth by the founders of our glorious Republic, and we are opposed to any movement that seeks to pervert and override the American guaranties of human rights. What we do believe and teach relative to the United States in prophecy is that the time will come that the latter part of the thirteenth chapter of Revelation, referred to by Doctor Crafts, will be fulfilled in the United States, and that religious organizations will arise in this country seeking to overthrow the guaranties of human liberty and the free exercise of the conscience, and that these oppressive and intolerant religious societies will combine, federate, and consolidate themselves into a powerful ecclesiastical machine to bring power and influence to bear upon our political institutions for the purpose of legalizing religious obligations under the most drastic penalties.

Unless present-day tendencies in America are checked along this line it will not be long till legislation will be enacted at the dictation of religious organizations, and this prophecy of the religious organizations in America will be fulfilled. We believe that this explanation of our true position is due the readers of CONGRESSIONAL RECORD, in lieu of the misrepresentations which were printed.

Yours for liberty, truth, and equal justice,

C. S. LONGACRE,
General Secretary Religious Liberty Association.

THE HAWAIIAN SITUATION.

Mr. WALSH of Montana. Mr. President, ex-Senator Phelan, from the State of California, has just returned from a trip around the world, stopping en route in Hawaii. He has committed to paper some studies he made as to conditions in the Hawaiian Islands. I ask unanimous consent that his statement be printed in the RECORD in the regular RECORD type and referred to the Committee on Territories and Insular Possessions.

There being no objection, the statement was referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD in 8-point type, as follows:

THE HAWAIIAN SITUATION.

[By Hon. James D. Phelan.]

The conditions in the Territory of Hawaii require Federal attention. The "gentlemen's agreement"—that mongrel thing, neither treaty nor law—which was intended to save California without offending Japan, left Hawaii unprotected. There was no restriction put upon immigration there.

Hawaii was abandoned to the Japanese by the blundering policy of our Government. How far the sugar planters may be responsible for this is another question. They wanted labor. They spent millions in immigration enterprises, seeking relief from Portugal, the Azores, the Philippines, and Porto Rico. Some immigrants proved of no value; others fled to the continental United States, where the European workers were welcome. Finally the Japanese, beginning in 1885, were permitted to come, and now, by immigration and birth, compose about one-half the entire population of this American Territory. The Chinese are barred by the exclusion law.

Briefly, the question of Hawaii is: Of what value are the islands to the United States, and to what extent do the Japanese depreciate their value?

Hawaii is an indispensable base for American naval operations. The menace in the Pacific is from Japan, ambitious and aggressive. It is inconsistent with our national interests to harbor in the islands a people, now composing one-half their entire population, who owe loyalty and military service to Japan and can not be Americanized.

In the second place, the production of wealth in American control is highly desirable for the encouragement of our commerce. The surplus products of our fields and industries find in Hawaii a natural market. Should control pass to the Japanese the military and commercial situation would reach a critical stage. Therefore, as a precaution, if not a cure, the American planters should be protected against absorption by Japanese. Out of 45,000 agricultural workers required there is now a labor shortage of 14,500. The planters can not fill the gap. The Japanese, who struck when they were getting $3 per day—wages and bonus—plus house, garden, medical attendance, free water and free firewood, led the planters to believe that the unexpected move was designed to embarrass them to the point of surrender, because at about the same time Japanese, or persons representing them, according to Walter F. Dillingham, official representative of the Territory, made offers to purchase plantations outright, and so end all trouble.

In California, farmers under such pressure sold their lands. The Hawaiian planters decided to fight. Now, it appears to me that this is not solely a planters' fight. It is a fight for an American-controlled Hawaii. It is a comparatively easy matter for these aliens to capture the soil if the islanders are indifferent. Aliens may acquire land, privately owned, in the Territories of the United States, but not public land; so the door is open, as usual, and that is the only "open-door" policy that is pleasing to Japan.

The planters ask that the restrictions of the immigration laws be relaxed in favor of Hawaii for five years in order to fill the labor deficiency from sources other than Japan. If they can not get help, they are dependent on Japanese immigration. Field labor there repels and does not hold the second generation of Japanese. Many experiments have been tried to induce the agricultural settlement of the islands by, for instance, the Portuguese, but so long as they are free to leave they desert the islands.

A permanent solution of the problem might be found in such a system, inaugurated and maintained by the Territory, as the "land settlement board" plan in California—borrowed in turn

from Australia—by putting desirable settlers on the soil under attractive conditions of land purchase and long payments, or by fixing wages at a basic rate, as was done in Hawaii during the war, and a bonus, determined by the market price of sugar. This would take time, but I believe it would serve the best interests of the Territory to tax itself and vigorously bring it about.

The Japanese, with all the influence and power of their Government, are making a firm stand. They have a close association which imposes taxes on its members—$1,000,000 was raised during the strike—and their consul directs every move. It is Japan governing a Japanese province under the Stars and Stripes. They have extensive propaganda. Although the Japanese are the deadliest enemies to American labor, on account of their skill, industry, low standards, and general adaptability, white labor leaders in the islands took Japanese money to go to Washington to save Hawaii for the Japanese.

There is little doubt but that the planters, frightened at the aggressive stand taken by the Japanese, want to introduce Chinese as a quick and available remedy. They say very frankly that they can not hold out. They have no other labor. As the Japanese made unreasonable demands, which were rejected, and the strike was finally broken, and then only on the motion of a special commissioner from Japan, they justly fear their existence depends on the will of Japan.

Can America tolerate such a condition in a country necessary for the national defense and splendidly contributing to its commerce and wealth?

Our Government moves slowly. With vigor, a land settlement by desirable immigrants might be essayed and a Federal commission might be appointed, with a man like Doctor Etwood at its head to put such settlers on the land after purchasing the plantations. But Doctor Afend is sorely needed in California. Congress has full jurisdiction over Territories, and can change their form of government. Inevitably in a few years Hawaii will lose its American institutions of its own motion in order to avoid the political control of native-born Japanese.

Why not now take up the two questions in a big way? Why temporize? The expedient proposed to gain time, namely, to admit a limited number of Chinese for five years, might give our Government a chance to turn around, like the strategic move of a general confronted with stubborn facts and an agile enemy. It would be distinctly distasteful to the Japanese, because they can not meet Chinese competition at home or abroad. The Chinese wants are few, their industry well known, their skill in agriculture unquestioned. They would be able to replace the Japanese or economically destroy them, as the Vedalia cardinalis devoured the pests in the California orchards.

Furthermore, the Chinese make a good and acceptable blend with the native Hawaiian population. They add something to the strain which results advantageously, unlike the Eurasian combination. The Chinese have no powerful and aggressive Government behind them, and they can be required to leave at the expiration of their time should our Government in its wisdom decide to reorganize Hawaii.

Until the pressure of population fills up the waste places of continental United States and we secure for ourselves a homogeneous and indissoluble union of minds and hearts by restricted immigration and the domestic development of patriotic purposes I fear the people of this country will be slow, too slow, to grasp with prophetic vision the imminence of danger and the need of action. The vice of the United States is living only from day to day. Since it is our habit to move slowly, because there is no leadership under the congressional system, let us inquire in what order we should proceed. If we had a parliamentary system, the premier would propose a measure and press it with the weight of the Government to a speedy conclusion. It would win or he would lose and be compelled at once to appeal to the country on that issue. We dawdle; we palaver with diplomatists who take easy advantage of the national habit of putting things off, which invariably increases difficulties and multiplies probelms.

Look at unhappy California. The Federal Government refused to recognize the Japanese menace until to-day. Now there are 100,000 reasons urged by Japan why we should do nothing. The rights of resident Japanese—100,000 in one State and 350,000 in the United States—unassimilable, indigestible, creating economic disturbance and labor distress, are pressing for consideration. They steal in between the meshes of the law and breed with alarming rapidity.

Let us assume that all are agreed on a rigorous exclusion policy. We still have the problem. We must scatter the Japanese in California to save the rural population. I see but two ways of doing it: By firmly denying them naturalization and land ownership—which we do now—and so cause them to seek other fields; and by effecting at the same time land settlement on a generous scale under State auspices, so as to secure a desirable population, American and clearly, potentially American, which will be loyal to the country in peace and war.

The Japanese born on the soil are American citizens by the Constitution. As a matter of fact, Japan claims and holds them to a strict allegiance to herself. In the Hawaiian trouble last year, the first opportunity for observation, the native Japanese, who professed American predilections, took orders from Japan through the "Imperium in Imperio" presided over by the consular service. A Japanese born on the soil before he attains 17 years of age can theoretically renounce his Japanese citizenship provided Japan consents. That is the joker. Japan rarely asked, never consents.

If the native Japanese were not ineradicably Japanese, with our power biologically to assimilate so as to maintain the standards of our civilization, we might tolerate a temporary evil. "The melting pot," however, rebels. It is not temporary. We can not, side by side, have two contending races without perpetuating a race problem, and of this have we not had enough? The Civil War is a monument to nonassimilability. For this reason the Constitution should be amended so that not all persons, but only those granted the precious privilege by Congress, should become citizens by birth. It is treating too lightly a great inheritance. Shall one patriotic society—like the American Legion, which has already expressed itself on the Japanese question—take the leadership of this movement? Prohibition and woman's suffrage organizations have shown the way to constitutional reform.

Because they are born in the sugar plantations of Hawaii a brood of Japanese, formidable in numbers, are now free to come to continental United States, where they can own and lease land and lay deep the foundation of an alien colony, already a menace. So, too, the equally large brood generating day by day in the Golden State, swarming it and overwhelming white civilization, brings in a yellow tide. These are two alarming breeding grounds endangering the whole country.

Unless we check the fecundity of the Japanese in America—continental and insular—the danger will grow daily; but that we can not do. More brides are coming in than before the alleged restrictions imposed by Japan. Japan apparently encourages in every way, as by the extension of the period of time within which a returned subject is exposed to military duty at home, the building up of its colonial empire by births. Steamship rates are so made for the round trip on their own ships that the expense of a bride is no greater than by the former photograph marriage. Our "gentleman's agreement" permits the laborer to go to Japan and return with a wife. Our national policy of preserving our population and our institutions should be sternly declared, and to effect it a new leadership should demand these changes:

(1) The termination of the treaty of 1911 (six months' notice is required).

(2) The passage of an exclusion law like the one now applying to Chinese, which would end the so-called "gentlemen's agreement."

(3) An amendment to the Federal Constitution, which now unhappily gives citizenship to all persons born on the soil.

(4) Universal disarmament or, as an alternative, the maintenance of the American Navy at its highest efficiency.

JAMES D. PHELAN.

HONOLULU, *October 18, 1921.*

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. McNARY. Mr. President, on yesterday afternoon, in order to avoid a roll call, I asked that the amendment which is found on page 26, line 8, of the pending bill be passed over until to-day. The Senator from Missouri [Mr. REED] expressed a desire to be heard on the amendment, which is the one pertaining to the free distribution of seeds. I think, in view of the practical promise then made, that I should now ask that we recur to the amendment at this time.

The VICE PRESIDENT. Without objection, the amendment referred to by the Senator from Oregon will be stated.

The READING CLERK. The amendment reported by the Committee on Appropriations which was passed over is on page 26, line 8, to strike out the clause beginning in line 8, relative to the purchase and distribution of valuable seeds, down to and including line 22, on page 28.

Mr. McCORMICK. Mr. President, it had been my hope that following the call for a quorum the Senator from Oregon [Mr.

McNARY] would assure the calling of the roll a second time in order that there might be some Senators on the other side present who would care to-day to join Governor Cox in the avowal of intention to bring the United States into the League of Nations. Those who read the newspapers during the morning will have noted that yesterday Governor Cox again declared his belief that the United States ought to subscribe to the covenant of the league and ought to assume the responsibilities of membership therein.

It is true that Governor Cox adverted to what he termed the sins of omission or commission of the Republican administration and the Republican majority in Congress. We are very ready to discuss them; doubtless we shall discuss them here and elsewhere before the election. If you please, sir, we are as ready as the Senators on the other side of the Chamber to debate the domestic issues.

Mr. HARRISON. Will the Senator yield for a question?

Mr. McCORMICK. In a moment. The Senator from Mississippi, who just rose, will bear me out when I say that here and elsewhere I have discussed the record of the Republican administration and majority in Congress, as I have the record of the last administration and the preceding Democratic majority; but I seek to-day some single Democratic Senator who will join the Senator from Texas [Mr. SHEPPARD] in avowing his agreement with Governor Cox to demand that the United States enter the League of Nations.

It may be that the Senator from Mississippi, as secure as the Senator from Texas in the devotion of his constituents to himself and to his party, may join Governor Cox; but I listen for the voice of some Democratic Senator from a State which sometimes may cast its electoral vote for a Republican President, or which at some time may elect a Republican Senator; I wait to hear a call that America enter the league from a Democratic Senator representing a truly free constituency, one which may voice its judgment upon the issue of the League of Nations. Is there no such Democratic Senator who will declare again that the United States should go to Geneva, there to petition for admission to the league?

Mr. HARRISON. Will the Senator yield now before he takes his seat?

Mr. McCORMICK. Very readily.

Mr. HARRISON. There was an election in the State of the Senator from Illinois day before yesterday.

Mr. McCORMICK. That was a primary election.

Mr. HARRISON. And I understand that one of the Representatives, who happens to be a member of the present Ways and Means Committee of the House of Representatives, and a great personal and political ally of the Senator from Illinois, and who was indorsed in a speech by the Senator from Illinois, as well as by the present administration, was defeated. I am curious to know if, in the primary in which the friend and political ally of the Senator from Illinois, and I might say a most estimable gentleman, went down by quite a large majority, and succumbed to one who was running on an anti-administration ticket, the Senator's friend indorsed the stand of the Senator from Illinois when the Senator from Illinois voted for the four-power pact?

Mr. McCORMICK. Mr. President, the Senator from Mississippi is not familiar with political conditions in Illinois. He is as abysmally ignorant of them as am I of political conditions in Mississippi. My able friends who served in the other House of Congress, and who were defeated in the recent primary, were neither of them my political allies, nor in any primary have they been actively associated with me.

Mr. HARRISON. But the Senator from Illinois has not answered my question.

Mr. McCORMICK. I have.

Mr. HARRISON. Did the Representative in question indorse the stand of the Senator from Illinois when the Senator from Illinois voted for the four-power pact?

Mr. McCORMICK. I have no idea what position that gentleman took in the primary. I have said to the Senator from Mississippi that neither of my friends who were defeated for Congress in that primary have been actively associated with me in any primary contests in Illinois.

Mr. HARRISON. Perhaps the Senator's friends in Illinois realize that the Senator from Illinois really was not so strong for the four-power pact as his vote indicated, anyway.

Mr. McCORMICK. Perhaps there are Senators on the other side of the Chamber who are not as strong for the League of Nations this year as their votes last year indicated. The number of Laodiceans yonder increased with the years, it would seem.

Mr. HEFLIN. Mr. President, is the question now pending the amendment to strike out the appropriation which provides for the free distribution of seed?

The VICE PRESIDENT. The pending question is on agreeing to the committee amendment on pages 26, 27, and 28.

Mr. KING. Mr. President, will the Senator from Alabama yield to me for just a moment?

Mr. HEFLIN. I yield.

Mr. KING. The Senator from Illinois in his speech the other day, in which he attempted to determine the campaign issues for the coming year, quoted somewhat liberally from an address delivered by Governor Cox at the Jefferson day banquet in New York. I think in justice to Governor Cox, because of the frequent allusions to the address, it should appear in the RECORD. I therefore ask unanimous consent that the address be inserted in the RECORD and printed in 8-point type.

Mr. McCORMICK. This is the address in full, I trust.

Mr. KING. It is the address in full, and I am sure that the Senator, after having read it, will feel like deleting some of his remarks.

The VICE PRESIDENT. Without objection, the speech referred to will be placed in the RECORD.

The speech referred to is as follows:

COX CONDEMNS LACK OF LEADERSHIP IN NATIONAL CAPITAL.

Former Governor Cox's address in full follows:

"Just as the campaign was closing in 1920 I said to a New York audience that the then approaching result of the ballots would bring definite economic results, either to our benefit or injury. In short, if America expressed a mandate for international cooperation, exchange would be stabilized, spur would be given to credits, and we would enter upon a prosperity without precedent. If we by our ballots established selfishness as our creed, and isolation as our policy, a blight would fall upon industry everywhere. The observation was respectfully made to sundry interests that their real grievance was taxation, and that they seemed to be resolved upon an enterprise that would multiply their troubles. Their taxes have been reduced, but in the very way predicted—through the curtailment of their profits. It required no gift of prophecy to foresee what would happen. It was apparent to every person not blinded by prejudice. The individual who acts from an impulse born of anger always finds in time that his vision was clouded and his reason arrested. It must in fairness be admitted now that in the face of unparalleled emergency, when the most rational thought of the Nation was required, we witnessed the spectacle of suffrage expression without regard to the interests of humanity. There was not enough thought of the future and what was to be done for the common good. There was too much thought of the past and punishment for fancied wrongs. In the calm review of history the period and events in question will be referred to as 'the madness of 1920.'

"If there is anything in the theory that adversity, national or otherwise, brings the reflection of fair analysis and honest conviction, then we will find at least one compensation from our harrowing economic experiences. The theory that a serious depression in our business affairs was an inevitable aftermath of the war is an unadulterated humbug. The desolation in Europe naturally brought the need of every article that enters into commerce. America had reached an unprecedented peak in productivity, agricultural and industrial. Returning soldiers would have met all shortage in labor. The rebuilding of Europe required years of American products.

"Credit is based upon two things: Gold, and the presumption of industry and integrity. We had the gold, Europe was anxious to go to work. The initiative was upon us. Gold in itself means nothing. To it must be joined progress, enterprise, and appreciation of the fact that the same human industry that produces it occasionally needs the cooperation of credit. If the American bankers do not already know that they have lost to English financiers the opportunity for world leadership, the revelation will soon come.

"If we had lifted our voice for international cooperation, we would to-day be prosperous. Overhanging inventories that led to bankruptcy would have been absorbed in trade. Every dollar's worth of our surplus agricultural products would have been bought and foreclosure and disaster would not now be outstanding elements in farm life. Some farmers have survived, and the mere circumstance of their survival is cited by propagandists as an evidence of returning prosperity.

"As one surveys conditions at Washington he finds little ground for hope of a stable prosperity. There is no attempt made to meet the nation-wide charge of broken promises. Extensive default in performance usually denotes bankruptcy in the resource of plan and purpose. The philosophy of the ne'er-do-well that something, somehow, will turn up seems all possessing. In short, the evident hope is that the ingenious American people will work themselves out of existing plight, and the administration can then take credit for it. The burdens of taxation remain; there seems to be a hopeless confusion of policies as to a tariff system; the reorganization of Government bureaus is yet in the nebulous state of uncertainty, the probabilities being that the reorganizers on the pay roll outnumber the employees that have been taken off. The dollar sign still hangs over the Senate door, as the password to those who are willing to join NEWBERRY in doing emergency jobs about the place. Nothing has been evolved to ascertain what is the matter with the railroads. The single claim that wage and coal costs form the incubus will not suffice. There are fundamental disorders; there is too wide a zone between the division superintendent and the chairman of the board. Bankers' committees have their functions, but it does not consist in running the railroads. Industry advances in method and efficiency; the railroads have not moved a peg forward in 20 years. If the railroads could buy what they need, business would improve. Every day they drift nearer to the danger of public acceptance of the idea that Government ownership is the only panacea. Congress has run amuck, and, holding at bay the executive branch of the Government, it thinks only of the feast of spoils that it has compelled the White House to deliver through a disgraceful invasion of the merit system. Meanwhile the American people ask themselves how far back through the ways and the days of old they must go to reach the promised land of normalcy.

"The average person of the average community believes there is something radically wrong in Washington, and that it consists chiefly in a lack in leadership. There is no captain of the ship. Groups move along their statutory and constitutional grooves, but there is never cooperation in effort without leadership. The Presidents in our time whose names are associated with progress and achievement outlined policy, established it in public confidence, and through the purely constitutional processes of a democracy in government their concept became statute law and an agency for good. Roosevelt's fame will consist largely of his foresight, courage, and leadership. When the burdens of the greatest war of all time fell upon our country, when victory depended upon the assembling of individual effort, when the ship of state had to hold true to course, regardless of the portents of many a threatening day and night, it rode through to glorious triumph because Woodrow Wilson was on watch on the bridge.

"While there is much regret throughout the country over the aimless way in which things are drifting, it is not fair to criticize the President of the United States. He is simply keeping his contract with the people. He was open and frank in expressing his opinion as to what the function of the Executive is under our charter of government. He clearly indicated what his relation to the Congress and our affairs would be. The campaign waged by his party, through platform and speech, was largely directed against the alleged autocratic policies of Mr. Wilson. In marking the distinction which both he and his party made as between what had been and what was to be in this regard the Republican candidate specifically promised what he would do. He has kept the faith. He doubtlessly believes his performance is in precise harmony with what he accepted as a mandate adopted by 7,000,000 plurality.

"While our business adversity has been occasioned by our not going into the League of Nations, it is not our purpose to go into any discussion of the Lodge conspiracy. Instead let us turn to what the league, in face of senatorial sneers, has accomplished, and it is time, certainly, that our people know something about the very obvious attempt to embarrass, if not destroy, the league. In order to appraise the work of the league there should be created a mental background as to what the conditions were in Europe when the first assembly met in 1920 at Geneva, Switzerland. The war had awakened hatreds that had slumbered for centuries. Old frontiers, which had been enforced by might, were broken up; newly created governments were in their swaddling clothes; railroads which belonged in whole or in part to governments as they existed prior to the war included extensive trackage and terminals on soil subject to a new authority. Circulating media were presented as legal tender in territories no longer under control of the governments that had issued them. Foolish embargoes and repressive restrictions were being enforced against the tide of travel across many frontiers; minority peoples were caught up in lands alien to them; certain districts were wholly detached from any central government; prisoners of war in untold thousands were unable to reach their homes; typhus and other contagious diseases had broken out. In fact, conditions generally were in such confusion as to discourage anyone save an enthusiast for the great cause of peace which had taken hold of the best thought of Europe. The league, as the only working central body, became the trustee of a considerable part of Europe, and to it were consigned interests that had to be held sacred if trouble were to be avoided. Twenty-one slumbering wars were going on. There is now but one in all Europe. The secretariat became a useful administrative agency at once. The personnel of its sectional heads embraces the following nationals: Norwegian, English, Dutch, French, Italian, Swiss, and Polish. In the face of enormous difficulties, moved by the fine idealism possessing the movement, the branches of the league have achieved a measure of success that seems to be well known except in our own country.

"In 1920 the Polish Government requested the league to arbitrate the existing troubles with Lithuania. A commission was dispatched to the scene of the controversy. Order now prevails. Representatives from the two governments entered into an agreement last January before the council of the league to abstain from hostilities. During 1921 trouble arose between Albania and the Serb-Cront-Slovene State. Troops had advanced into disputed territory. Misunderstanding grew out of indefinitely formed frontiers. The council of the league intervened. Soldiers were withdrawn, the new boundaries are fixed, and peace prevails. The settlement of the Aaland Islands controversy was an affair of such world-wide interest that nothing need be said of it save that under the kindly offices of the league a dispute prolonged through many years came to an end, not only because the league approached the task without prejudice but both parties in interest had confidence that under the league agreements would be respected.

"Upper Silesia seemed to present the hardest of all the European problems. The allied powers wrestled with it in vain. No agreement could be reached. There were important economic and political questions involved. Finally the allied powers, with American Ambassador George Harvey present as observer, decided to turn the question over to the league for solution. The league respected the provisions of the Versailles treaty and held to the just principle of establishing frontiers on the results of the plebiscite. Its recommendation was accepted by the principal allied powers and the conference of ambassadors. Former Swiss President Calonder has conducted for the league these negotiations between Germany and Poland. The utmost spirit of conciliation has prevailed between these two countries in forming working agreements during the necessary period of transition. Disorder has ceased in Upper Silesia, and there is every reason to believe that the decision of the league will be the base of a permanent peace.

"The covenant carried more than a declaration of principle in the matter of reduced armaments. With the United States out of the league, there was little hope of progress in the reduction of naval armaments. The results of the Washington conference, in so far as they touch this subject, will be helpful to the purposes of the league. Land disarmament, however, is not so much affected by our nonmembership. The second assembly of the league requested the temporary mixed convention to draw up a general plan of disarmament following a survey that is now under way. This plan will doubtless be submitted to the next meeting of the assembly in September. An international conference on the private manufacture of arms is to be held before the next assembly.

"The two perplexing tasks, administration of the Saar Basin and the protection of the free city of Danzig, are in the hands of the league. Over the Saar Basin, a governing commission under control of the league presides. On it sit a Belgian, Dane, Frenchman, and Canadian. The social, economic, and political results of its work have been eminently satisfactory. In Danzig the high commissioner appointed by the league settles disputes between the city and Poland. The free city shows signs of development, and Poland is afforded an outlet to the sea. For generations this situation was the origin of recurring troubles.

"No greater test of the administrative efficiency of the league could have been imposed than the protection of minorities. This term applies to groups of persons differing in race, religion, or language from the majority of the inhabitants of a country. The extent of the racial admixture following the war and the establishment of new frontiers can scarcely be approximated. When the treaty of Versailles was concluded the commission on new States was requested to draft treaties with the European countries within whose borders minorities were isolated in the midst of majorities alien to them. The first treaty was made with Poland. It carried very essential changes in the forms and practices that had previously prevailed and which had proved inefficient. Under the new system all guaranties are intrusted to the league. Ten such treaties were made, some of them with the so-called enemy countries. Finland, on receiving the award of the Aaland Islands, gave guaranties to the population for the preservation

of the language, culture, and local Swedish traditions. The regulation of the reciprocal and voluntary emigration between Greece and Bulgaria was another trying assignment. In no instance, so far as known, has the league failed to maintain harmonious compliance with these treaty arrangements.

"A conspicuous feature of the league is the protection it gives to the smaller nations. Indeed, from his first contact with the terms of peace, President Wilson stressed the absolute necessity of protecting the small States. Recently, Mr. Huber, the Swiss member of the International Court of Justice, in an address at Berne, said that if the league ever came to grief, it would be unfortunate for all its members but a catastrophe for the small States. In harmony with the principle of protecting the weak, the plan was evolved to control the mandated territories. The covenant of the league describes them as 'those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world.' The care of such people is intrusted to certain powers, acting, however, for the League of Nations.

"The financial conference at Brussels, convened by the league, marked the beginning of a program of financial reconstruction. Out of it came the adoption by European States of budgetary reforms devised by fiscal experts of the league. Definite plans involving carefully worked out details for international cooperation were presented. One of them, called the ter Meulen scheme from its author, a member of the economic and financial committee of the league, was later adopted for the financial reconstruction of Austria. It is safe to predict that if the approaching Genoa conference attempts the beginning of a concerted fiscal program it will follow the principle, if not the form, of the ter Meulen plan.

"The reopening of the lanes of traffic and the reestablishment of contacts wiped away by the war was the achievement of the Paris and Barcelona conferences conducted by the league. Recovery of the exchanges, a necessary prelude to business revival, was prevented by new frontiers, conflicting legislation, and needless formality. Complete liberty of transit, of interstate transport, and of navigation, as well as the removal of annoying taxes and duties, were stipulated in the final convention.

"The league recognized the modern and progressive principle that a central agency must interest itself in welfare work when communities and even States themselves are unable to meet a situation of common menace. During the war there was little semblance of government in many parts of Europe. The massing of large bodies of troops, the too-frequent disregard for sanitary regulations, and the final state of impoverishment brought widespread sickness, the worst form of which was typhus. Certainly if civilization were to be restored in devastated areas the population had first to be preserved. The league appealed to the world for financial aid. It established contact with the two Red Cross organizations, and in brief time established its first line of defense against the advance of the epidemic. A perplexing area was the zone lying between the lines of ethnological Poland and ethnological Russia. Naturally there was considerable delicacy in this situation, but full cooperation came from Poland, and contact was actually established with parts of Russia, where surveys were made and invaluable information gained. The health organization of the league is proving one of the most effective instrumentalities for good that the world has ever known. It not only is playing the good Samaritan and establishing hope and vitality where desolation was well-nigh complete, but it is paving the way for the economic forces within the league.

"The immoral traffic in women and children impressed itself as a threatening institution on the impressions of civilization some 20 years ago. It had been a practice of the ages, but to the modern sense it finally became abhorrent. Conventions were held in 1904 and 1910 for the specific purpose of imposing restraint and punishment, but nothing worth while was accomplished. Soon after this the war came on, and poverty gave unprecedented opportunity for a renewal of the traffic, but on a very enlarged scale of operations. The league called a conference in which 34 nations participated. The survey which had preceded the meeting revealed the most shocking facts. In central Europe women and girls, threatened with starvation, fell an easy prey to the nefarious business. Into large centers of population many were transported. Over 300,000 had been taken from Greece alone. The conference revealed a universal moral awakening. The work began where the conventions of 1904 and 1910 had ended. The good was taken from the prior plans, and additions which experience suggested were made. The most efficient agencies have been created to stamp out the evil.

"Nothing has cast a more baneful influence over civilization than the use of opium. The league in a common-sense analysis of conditions reached the conclusion that control of the source of supply to the actual legitimate world demand for the drug was the way to approach the problem. A comprehensive survey, which obviously is the first logical step, is under way.

"When the war closed there were hundreds of thousands of prisoners of war interned in different countries. The local population was chiefly concerned about its own subsistence and many of the governments were unable to provide the means to bring back their own soldiers that had been interned. In Siberia some detention camps suffered a 50 per cent loss from starvation. The league appointed Doctor Nansen, the Arctic explorer, its high commissioner to undertake the task of repatriation. He commanded the confidence necessary to essential contacts. He gained the cordial cooperation of the soviet government of Russia, as well as of Germany, Austria, and all the so-called enemy countries. At the end of 1921 he had returned over 400,000 men to their homes and reported the work completed. He is now engaged in relieving the vast numbers of civilian refugees who have been pressed by circumstances into alien lands.

"The league has created and actually elected the judges of the international court of justice, the dream of international lawyers for a century past. The covenant of the league provided for the establishment of such a tribunal. At The Hague conferences the enterprise had been discussed. In 1907 Elihu Root, in his instructions to the American delegates to the conference, urged them to use every possible endeavor to create such a court, and thus 'establish a world-wide justice based upon law.' They formally presented the proposal, which was debated, and the conference sought to adopt it. It failed because no agreement could be reached as to the method of selecting the judges. The division came between representatives of the large and the small nations. There was a fear that so many powers could not harmoniously and equitably choose a small number of judges. For more than 10 years nothing was done. Moved by the provisions of article 14 of the covenant, the council of the league again set in motion this important enterprise. The ablest international lawyers of many countries were requested by the league to confer and submit a plan of organization, among them the Hon. Elihu Root. In the summer of 1920 the meeting was held. The old bugaboo over the method of electing the judges of the court appeared at once. Then it was that some one observed that the underlying genius of the scheme of the league itself was the creation of the council controlled by the large powers and the assembly controlled by the small powers; therefore the problem's solution was to be found in permitting both the council and the assembly voting as separate bodies to choose the judges. The merit of the suggestion was so obvious that it was adopted. The candidates to be voted for were to be formally placed in nomination by the delegates of the old Hague court of arbitration, each group being privileged to suggest the names of four men, two only of whom could be of the group's nationality. The council and the assembly from the nominations, 89 in number, elected the 11 judges of the court. It required but a few ballots and was practically concluded in one day.

"Recognizing that the war was over, and that amicable relations had been established through treaties, the league sought to temper bitterness of the past through cooperative labors for the common good. It admitted to membership 13 neutral nations that had not joined the Allies in war, as well as two ex-enemy countries—Austria and Bulgaria—all for the purpose of establishing a new world relation. It admitted Germany to membership of the international labor office. In the Brussels financial conference a German delegate, Herr Bergman, arose to address the first international audience in six years. Germany participated in the Barcelona conference. In the conference for the suppression of the traffic in women and children, all four ex-enemy powers participated. On the advisory committee for the control of the opium traffic, a German member has been appointed. When Germany recognized the justice of the principle of publicity of treaties and voluntarily sent in for registration more treaties than any nation except Great Britain and France, she was accorded every facility and courtesy. In the recent conference for the internationalization of the very conflicting standards of antitoxic sera for diseases, such as diphtheria, pneumonia, etc., Germany was given representation and her scientists are now carrying on investigations in accord with the league's program. In short, in economic, scientific, and humanitarian activities the league, with thought of future peace, rather than past conflicts, is healing the breach that divided the world's national and racial units.

"These are the conspicuous achievements of the League of Nations.

"Is there any valid reason why it should not have the moral support of every agency of civilization? Can any Government afford, in the judgment of history, yea, more, in national conscience, to deny assistance? Finally, if any Government has treated the league and its works with scant courtesy, if not with discourtesy, ought not the veil be lifted and the facts be given? Let us in this thought submit a record of the attitude of our own Government under the present administration.

"During the early months of 1921, the secretary general of the league sent to the Secretary of State at Washington communications of special importance. Information concerning all the large general conferences of the league was sent to the American Government, as a matter of course, as it was sent to all Governments represented in the league. In the early months of the present administration, the general attitude was maintained in the Department of State that the United States did not 'recognize' the league, and could not therefore have any communication with league officials. This led to a most awkward situation which may best be described with reference to pacticular subjects:

"1. Mandates: On February 21, 1921, Secretary Colby informed the council of the league that the American Government would insist on having a voice in the disposition of the mandated territories and would refuse to recognize any mandates which it had not approved. On March 1, 1921, the council replied that it would postpone consideration of the mandates until its next meeting to which a representative of the United States was invited. This note was received in Washington in the first days of March, 1921, but when the council met late in June it had received no reply from the United States. Nor has such a communication ever been received, though in August, 1921, the American Government sent a communication concerning the mandates to the British, French, Italian, and Japanese Governments.

"2. White-slave conference: When the first assembly of the league voted to hold this conference it directed that invitations be sent to all Governments which had ratified or adhered to either of the white-slave traffic conventions of 1904 and 1910. On February 27, 1921, such an invitation was sent to the American Government by the secretary general of the league, by registered mail, inviting the United States to be represented at the conference in Geneva on June 30, 1921. In February, also, a questionnaire on the subject was sent to the Secretary of State at Washington. No reply was made to these communications. In early June it was learned that the State Department had stated officially that the United States had not been invited to the conference. On or about June 13 the secretary general of the league sent a cable to the Secretary of State, in order to avoid any misunderstanding, informing him of the February communications. On June 25, 1921, the American consul at Geneva visited the secretary general and informed him that the invitation to the white-slave conference had been misplaced but later located in the archives of the Department of State. The invitation, however, was not directly accepted or declined.

"The United States was not represented at the conference and failed to comply with any of the requests for information, though Mr. Bascom Johnson, of the American Social Hygiene Association, was present during some of the sessions of the conference.

"Speaking of the American consul in Switzerland reminds us that he has been asked on occasions by our State Department to call on the secretary general and deliver a message by word of mouth. For instance, on June 30 he called on the secretary general and read the following cablegram signed by Mr. Hughes:

"'Please inform the secretary general orally and unofficially that his notes of the 18th of November and May 22 have been received, but as this Government has no relations with the League of Nations no reply will be sent to them.'

"This form, beyond question, is a precedent in diplomatic affairs.

"Within the last few days Secretary Hughes advised the league, doubtless by oral consular message, that the United States could not cooperate in the white-slave movement because of state relations, but that congressional action was sympathetic with the cause. If it is an affair of the States, why is the Federal authority taking cognizance of it?

"3. Opium: The opium convention of 1912 provided that certain information should be exchanged by the signatory powers, through the medium of the Government of the Netherlands. The Dutch Government requested that it be relieved of the responsibility and that the league undertake it. To this the league agreed, and the various signatories to The Hague opium convention gave their assent, with the exception of the United States. In the summer of 1921 the American Government objected to the centralization of this purely administrative work in the offices of the league which had organized the opium commission to handle it. The American objection was put on technical grounds. No change in the opium convention was proposed—only a change in the administration which would have more efficiency in the exchange of documents and information.

"4. International Health Organization: The Rome convention of 1907 set up an international hygiene office at Paris, controlled by a committee on which the United States is represented. For lack of money and other reasons it has not been a great success. The league proposed to organize much more extensive machinery. A committee was set up by the council of the league. Various organizations were asked to name members of it, among them the committee chosen by the Rome convention of 1907. Because of the opposition of the United States representative on the old committee it refused to name delegates. Thus for many months, while typhus and other diseases were raging in eastern Europe, the league found it impossible to set up machinery to deal with the problem effectively. The league organization has finally been organized independently. Recently (1922) a backhanded formula has been found when Dr. Rupert Blue has been taking part in some of its work as an American acting 'unofficially.'

"5. Financial relief to Austria: Reference has been made to the ter Meulen plan for the rehabilitation of Austria. It was proposed that creditor governments agree to suspend their claims for 25 years. This was early in 1921. Clearly, cooperation of all these creditors was essential. The United States is the largest creditor. Seventeen Governments agreed. The United States paid no attention to the matter until two weeks ago, when the Foreign Relations Committee of the Senate presented it to that body, and the long-delayed action was taken. A European financial authority, in commenting on the subject, February, 1922, said: 'All the Governments concerned, with only two or three provisional exceptions, have agreed, but amongst those which have not given a reply is Austria's most important creditor, and it is not a member of the league. The scheme can not be put into final execution until this creditor has given definite assent.' Austria was starving. Important agencies of civilization devised a method of relief, but the United States was dumb to appeal, and for more than a year held the whole project in suspense because it was created by the league.

"6. International Emigration Commission: This commission was set up by the international labor office of the league in 1921. As one of the important immigration countries the United States was invited to be represented on the commission. The Department of Labor was inclined to make an appointment, and the Commissioner of Immigration at the port of New York was named to attend the commission's opening meeting in July, 1921, even going as far as London. At the last minute, however, he failed to appear and no communication concerning the incident was received from the American Government.

"7. Permanent court of international justice: In many respects this is the most unfortunate episode which these remarkable developments involve. No objection to this court is of record from any jurist, international lawyer, or government on earth. For years the plan was discussed. It was recognized as an international necessity. It fit into the plan of the League of Nations and thus happily blended the idealism upon which The Hague project was based, with the practical principles of the league. As John Bassett Moore, now a member of the court, aptly put it, 'Although constituted under a statute prepared by the council and passed by the assembly of the League of Nations, it represents the fruition of efforts with which the international activities of the United States has been closely and distinctively identified.' Commenting further upon it, he said: 'It is only when the minds of men can be brought into a common accord that peace is definitely assured. To this end the permanent court of international justice has been ordained in an effort to create an institution which should embody the highest human ideal, that of peace through justice, and particularly justice based on law.'

"Mr. Harding in the campaign of 1920 had much to say about it, particularly when pressed for specifications of his plan for an association of nations.

"In many speeches he said: 'We can safely submit our interests to the opinions of an international court of justice without yielding our national rights or sovereignty.'

"Now what has happened? When the time came to prepare for the election of judges the secretary general of the League of Nations, under date of June 4, 1921, notified the American delegates to The Hague to submit their recommendations in keeping with the method which Mr. Root himself helped devise.

In compliance with diplomatic usage, the notice was sent to the Secretary of State for reference to the delegates, who were Messrs. Root, Gray, Moore, and Strauss. The secretary general of the league did not receive a reply from our Secretary of State. But on July 27, 1921, seven weeks later, Mr. Root is known to have written a friend in England that he had not received the invitation to nominate. This information reached Geneva August 11 or 12, 1921. On the same day direct cable invitations were addressed by the secretary general to Messrs. Root, Gray, Moore, and Strauss. Ten days later Mr. Root replied that the letter of invitation sent to the Secretary of State June 4 had then—about August 20—been received. The list of nominations was closed about the middle of August. The American delegates made no nominations. Four Americans, however, had been nominated by other countries and John Bassett Moore was elected. Our Government has no connection whatsoever with the court. We can become a member of the court without joining the league. By accepting the statute of the court we would enjoy status and privilege equal to what is accorded to others. Mr. Moore recently said:

"'The court, if it is to fulfill its high mission, must have the support of the Governments of the world and of public opinion, being in this respect like all human institutions.'

"Other countries have agreed to submit their disputes, but Uncle Sam is still a hermit. The court against which no man has raised his voice is rejected by our Government because the League of Nations had a hand in its beginning and retains a certain administrative relation to it. The league is the thing that affrights! It disturbs the even tenor of the administration as a hobgoblin distresses a sleeping child. It matters not what the international project is nor the virtue it possesses, it is tabooed if the League of Nations has anything to do with it.

"This is not statesmanship; it is fanaticism!

"Day by day its effects are fastening themselves upon the impressions of our people. They are beginning to realize that under modern conditions certain elements in our economic life are moved by prevailing forces elsewhere, as the tides and streams of the ocean are influenced by the processes of nature. The Republican administration is opposing laws over which man has no control. It permits this Republic to remain in the world view a selfish, greedy people, strapped to our money bags and unaffected by the distress of others.

"These intolerable conditions can not endure. Policies opposed to the general welfare and to our moral, religious, and economic tenets must yield to the controlling will of an intelligent people. As we foregather to-night as disciples of the creed of Jefferson, Jackson, and Wilson let us resolve to hold the line. No great cause was ever won in a single battle. Our principles are right, and they must and will prevail."

Mr. McCORMICK. Mr. President, I should like to ask the Senator from Utah a question.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. HEFLIN. I yield to the Senator from Illinois.

Mr. McCORMICK. I will take but a moment. I should like to ask the Senator from Utah when we may expect a speech on the subject of the League of Nations from some of his colleagues?

Mr. KING. Mr. President, I can understand the anxiety of the leader upon the other side—the political leader, of course—the distinguished Senator from Illinois, to divert attention from the wretched fiasco of the Republican administration during the past year. The Senator is to lead the gallant hosts of the Republican Party in the coming election. He has no slogan; he has no principles which will appeal to the people; he can write no platform which will commend itself to the judgment of the American people. He has no record of achievements to bring to the attention of the country. Failure and disaster have followed the Republican administration. It is not to be wondered at that the shrewd and able political leader should be concerned about issues, and should, like a perturbed angler fishing in muddy waters, seek to get some sort of a bite. Let me say to the Senator, however, that he need not be disquieted about the attitude of the American people upon the League of Nations. I do not pretend to speak for the Democratic Party; I often vote against many of its representatives in the Senate; but I can assure the Senator from Illinois that the overwhelming majority of the American people are in favor of an association of nations, and that sooner or later this Nation will join with other nations in a world association; the American people will not be satisfied with the wretched four-power pact into which the Senator and other Republicans have led this country. [Manifestations of applause in the galleries.]

The VICE PRESIDENT. The Chair desires to remind the galleries of the rule of the Senate which requires that the galleries shall remain silent.

Mr. McCORMICK. I understand the Senator has not yet said that the people would enter the League of Nations.

Mr. HEFLIN. I decline to yield to the Senator from Illinois for the purpose of interrupting the applause in the galleries.

The Senator from Illinois challenges the Democrats; he wants them to fight a duel with him upon the question of the League of Nations. Heretofore when a party has been challenged he has been allowed to name the time and place and the character of weapon to be used, but the Senator from Illinois wants to name the time and the place and designate the character of weapon which shall be used, even by his opponent.

Mr. President, the pending question is one which has been up for consideration many and many a time in this Chamber.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I am glad to yield to my friend from Nebraska.

Mr. NORRIS. The Senator is not going to discuss the question pending before the Senate, is he?

Mr. HEFLIN. I intend to discuss the question of seed distribution.

Mr. NORRIS. I did not suppose the Senator would so far forget himself as to discuss the question that is pending before the Senate.

Mr. HEFLIN. Mr. President, the question is so vital to the welfare of the masses of the people that I must call the attention of the Senate to it this morning. For a long time we have had statesmen in the other branch of Congress and in this who have sought to strike out the seed-distribution provision. I have never understood exactly why, Mr. President. The people get great benefit from the free distribution of seed. The Senator from Missouri [Mr. REED] on yesterday said that the fight against it was inaugurated and carried on by the great seed houses of America, and that must be true.

When I was a Member of the other branch of Congress I distributed the seed, as did other Members. I received scores and scores of letters telling me how valuable they were; how much they were appreciated; how they had introduced a new and improved kind of seed in various localities. I submit, Mr. President, that is a very beneficial thing to thousands of American people.

A year ago the Senate passed upon the same question; we had a roll call upon it, and by a vote of 55 to 22 the Senate declined to strike out the seed provision.

Mr. McNARY. Mr. President, let me ask the Senator from Alabama whether that is the vote instructing the conferees or the vote directly on the item itself?

Mr. HEFLIN. This was a vote, I believe, instructing the conferees to let this provision remain in the bill. It is the same thing. Now, the motion here is to strike it out; and I submit to my good friend, the able Senator from Oregon, that we are losing time when we strike it out. We never will get this measure through the other branch of Congress with free seed stricken from it. I think they will compel it to be put back in conference; but why should the Senate go on record as favoring the proposition of denying this little handful of seed to the people who now so much appreciate them?

A few days ago I voted for a provision here to appropriate money to buy seed wheat for distressed farmers out in the great Northwest. The Government has expended a few million dollars for this purpose. These people had to have the seed wheat in order to make a wheat crop. If the Government could do that, I submit to my friends on the other side that in distressing times like these, when times are hard everywhere, especially out in the rural districts of the country, down in the South and out all over the West, Senators should not withhold these little packages of seed that will go out to these people and serve them so well.

Mr. DIAL. Mr. President——

Mr. HEFLIN. I yield to my friend from South Carolina.

Mr. DIAL. I remind the Senator that the Senate voted also for seed wheat for the distressed people of Russia.

Mr. HEFLIN. I thank my friend for the suggestion, Mr. President. I saw the Senate go upon record as appropriating money to buy seed to be used in the soil of Russia, thousands of miles away, and I see here a provision to take away from the people right here at home a small pittance which will send a few seed to the citizens of our own country. I saw the Senate appropriate the other day several hundred thousand dollars for the pneumatic-tube service of one city in this country, the city of New York. I believe that the amount carried in that bill was three times the amount that will be appropriated here for the distribution of free seed all over the United States. Only a few hundred people at best will be benefited by the pneumatic-tube service in New York, while in this free-seed distribution hundreds of thousands of people will be benefited.

I just wanted to bring these few things to the attention of Senators, and beg them, in the face of them, not to vote to strike out this free-seed distribution provision.

Mr. President, a lot of people are dissatisfied at the way in which the Government is being conducted—very much dissatisfied—and you had better let this little seed package go, because it does show that you are doing out a little gift to them, reminding them that you have not entirely forgotten them. I beg Senators to let these seed continue to go at least until prosperity shall come again. Do not add to the troubles the people already have, to their distress and misfortune, by taking away about the only thing that they now get at the hands of the Government, thousands of them—a little package of seed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. DIAL and Mr. HEFLIN called for the yeas and nays, and they were ordered.

Mr. SUTHERLAND. Mr. President, I should like to inquire how the question is stated.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on pages 26, 27, and 28.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. That amendment is to strike out the provision?

The VICE PRESIDENT. To strike out the provision. Those voting "yea" will vote to strike it out; those voting "nay" will vote to retain it. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. As he is not present, I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from New York [Mr. WADSWORTH] and will vote. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. McKELLAR]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. McNARY (when Mr. STANFIELD's name was called). I desire to announce the absence of my colleague [Mr. STANFIELD] on account of official business, and to state that if he were present he would vote "yea."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence I am compelled to withhold my vote. If at liberty to vote, I should vote "nay."

Mr. HEFLIN (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] has a general pair with the senior Senator from Massachusetts [Mr. LODGE]. He is absent on account of illness in his family.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON], who is unavoidably absent. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

The roll call was concluded.

Mr. HARRISON (after having voted in the negative). I have a general pair with the Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and will allow my vote to stand.

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. In his absence I transfer that pair to the Senator from Oregon [Mr. STANFIELD] and will vote. I vote "yea."

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained from the Senate on account of illness. He is paired with the Senator from South Dakota [Mr. STERLING]. I ask that this notice may continue throughout the day. If my colleague were present, he would vote "nay."

Mr. EDGE (after having voted in the affirmative). Has the senior Senator from Oklahoma [Mr. OWEN] voted?

The VICE PRESIDENT. He has not voted.

Mr. EDGE. I transfer my pair with that Senator to the senior Senator from Connecticut [Mr. BRANDEGEE] and will allow my vote to stand.

Mr. DILLINGHAM. Transferring my general pair with the junior Senator from Virginia [Mr. GLASS] to the senior Senator from Pennsylvania [Mr. CROW], I will vote. I vote "yea."

Mr. STERLING. I have a general pair with the Senator from South Carolina [Mr. SMITH]; but I understand that that Senator, if present, would vote as I intend to vote, and I am therefore at liberty to vote. I vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I understand that if he were present he would vote as I have voted, and I will therefore let my vote stand.

Mr. BALL (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand that he has not voted, so I transfer that pair to the junior Senator from California [Mr. SHORTRIDGE] and will let my vote stand.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. KING (after having voted in the affirmative). I inquire whether the senior Senator from North Dakota [Mr. McCUMBER] has voted?

The VICE PRESIDENT. He has not voted.

Mr. KING. I have a general pair with that Senator. I am unable to obtain a transfer and therefore am compelled to withdraw my vote. If I were at liberty to vote, I should vote "yea," as I heretofore have done.

Mr. CURTIS. I desire to announce the unavoidable absence of the Senator from New Jersey [Mr. FRELINGHUYSEN]. I also desire to announce that the junior Senator from Kentucky [Mr. ERNST] is paired with his colleague, the senior Senator from Kentucky [Mr. STANLEY], and that the junior Senator from Illinois [Mr. McKINLEY] is paired with the junior Senator from Arkansas [Mr. CARAWAY].

The result was announced—yeas 29, nays 24, as follows:

YEAS—29.

Ball	Fernald	Moses	Poindexter
Borah	Hale	Myers	Townsend
Calder	Jones, Wash.	Nelson	Walsh, Mass.
Capper	Keyes	Newberry	Warren
Curtis	Lenroot	Norris	Willis
Dillingham	Lodge	Page	
du Pont	McCormick	Pepper	
Edge	McNary	Phipps	

NAYS—24.

Ashurst	Harris	Nicholson	Sterling
Broussard	Harrison	Oddie	Sutherland
Bursum	Heflin	Overman	Swanson
Culberson	Kendrick	Pomerene	Watson, Ga.
Dial	Ladd	Reed	Weller
Gooding	La Follette	Sheppard	Williams

NOT VOTING—43.

Brandegee	Gerry	McLean	Smith
Cameron	Glass	New	Smoot
Caraway	Harreld	Norbeck	Spencer
Colt	Hitchcock	Owen	Stanfield
Crow	Johnson	Pittman	Stanley
Cummins	Jones, N. Mex.	Ransdell	Trammell
Elkins	Kellogg	Rawson	Underwood
Ernst	King	Robinson	Wadsworth
Fletcher	McCumber	Shields	Walsh, Mont.
France	McKellar	Shortridge	Watson, Ind.
Frelinghuysen	McKinley	Simmons	

So the amendment of the committee was agreed to.

Mr. REED. Mr. President, when this question was before the Senate on yesterday it was passed over at the request of the committee, probably because there was a quorum lacking. I consented to that, but stated at the time that I did not want it to come up in my absence. I was detained this morning at one of the departments and arrived in the Senate a few moments late. The vote was then proceeding, and I could not make the statement I am now making. I know that the vote came on through a misunderstanding, the Senator having the bill in charge thinking he had informed me yesterday that it would come on at 12 o'clock, whereas my understanding was that the Senate would reconvene at 12 o'clock and that this question would not be called up in my absence. For that reason I shall ask for a separate vote in the Senate on this question, and at that time I hope to submit some observations which may possibly have some effect on the vote.

Mr. McNARY. Mr. President, I regret the misunderstanding. It was my intention to convey the information to the Senator from Missouri that I would ask for a recess until 12 o'clock today, at which time we would revert to the seed item, and, to show my good faith, I sent out after the Senate met and had a search made for the Senator. I am very glad he has retained the right to bring this question up in the Senate, where he will have an opportunity to discuss it.

Mr. REED. It was purely a misapprehension, and there was no bad faith, of course.

The Assistant Secretary read the next paragraph, covering salaries of the Forest Service.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. KING. Mr. President, I want to inquire of the Senator from Oregon whether the item with respect to county agents has been reached; and if not, whether the Senator expects to dispose of it in the next hour?

Mr. McNARY. I will say to the Senator from Utah that the item this year in the pending bill carries $500,000 less than the amount in last year's bill.

Mr. KING. For county agents?

Mr. McNARY. For all work of that character. I am told there will be an effort made to increase the item $500,000, which is supplemental to the Smith-Lever Act, but inasmuch as the Smith-Lever Act reaches the maximum provision this year, the amount available for the year 1923 is the same as is that available this year, even though there appears to be a decrease of $500,000.

Mr. KING. This is the point to which I want to call attention. I have received and have in my possession scores of letters protesting against the activities—the misguided activities, as it is alleged—of the county agents, in that they devote their time to the criticism of private business organizations; that they go throughout the country delivering talks—"lectures," as they are denominated—averring that they are acting under instructions of the Agriculture Department, in which lectures they criticize private enterprises, men who are engaged in the coal business, in the agricultural implement business, in the banking business, in the seed and grain business, generally private enterprise, and inculcate the thought that the Federal Government should take charge of the marketing of farm products and that the Federal Government should exercise a sort of paternalistic control over at least a large part of the business activities of the country.

I make no comment upon these letters, a large number of which I have here upon my desk. I also have clippings from newspapers corroborating these statements. When that item is reached I shall be glad to have the views of the Senator as to whether, if this is a fact, there should not be some legislation which will confine these county agents to their legitimate functions.

I am making no complaint about the county agents as a class. I have no doubt some of them are doing fine work, though I have many complaints about the supreme and colossal ignorance of a large number of them. They have no scientific education. They seem to be out rather to antagonize business and to create discontent among the farmers than to act in conformity with law and to do the work which is authorized by law to be done by them. May I inquire whether the committee's attention was called to these numerous complaints about the transcending of authority by the county agents?

Mr. McNARY. Mr. President, I will state to the Senator that I have heard from no lips other than his own any complaint against the county agents. The record abounds with statements of the good work of the county agents. I know of no department of the Government more popular, that is bringing a greater response from the farming community, that seems to be more strongly intrenched in the hearts of the farmers than the county agents, and I am amazed, I am even shocked, to hear from the Senator from Utah that they are engaged in work along political lines or any other outside of that which is peculiarly prescribed by law.

Mr. KING. I did not use the word "political." I stated it was charged that they are engaged in activities not consistent with their work. I should be very glad if the Senator would come to my desk and read a score or more of letters from reputable men, from Montana on the west to some of the New England States on the east.

Mr. McNARY. May I ask the Senator the general character of the complaints against the county agents?

Mr. KING. I can take the time now to read from the letters——

Mr. McNARY. I assume the Senator is familiar with the correspondence.

Mr. KING. I stated a moment ago what they are. The complaints are that the county agents go around delivering lectures criticizing private enterprise and private activity, denouncing those engaged in the coal business for their activities, their charges, and their extortion; and doubtless there have been some of the coal dealers who should be denounced. I make no comment one way or the other; I am merely stating the fact. They are criticizing men who are engaged in the grain business, men who have built up business enterprises for many, many years, and generally denounce and criticize the economic system, stating that they represent the Agricultural Department in seeking to organize the farmers into groups and organizations for the handling of their supplies and products, for buying and selling, and so forth. I make no comment on these charges. I make no criticism of the alleged propaganda. I am merely calling the attention of the Senator to the fact that criticisms have come to me from a large number of persons of the character and along the lines I have indicated. As to whether these criticisms are just or well founded, I express no opinion.

Mr. McNARY. Does the Senator from Utah desire to dispense with this splendid service on account of the indiscretions of a dozen or more agents?

Mr. KING. No; I made no such suggestion at all. I was wondering if the attention of the committee had been called to it, and if it be a fact that there is any considerable activity of the character indicated by the letters; then it occurred to me that it might be wise to add a proviso to the bill that the county agents should perform the work for which they were employed rather than to engage in propaganda or preachments destructive of the business of private persons.

Mr. NORRIS. Mr. President, I wish the Senator would let us know about how extensive these criticisms are, and whether they are coming from one section or from all sections of the country.

Mr. KING. I just stated that I have letters from Montana and from as far east as New England, as I recall.

Mr. NORRIS. A good many of them?

Mr. KING. Yes; quite a number.

Mr. NORRIS. I do not suppose anyone connected with the Government in any capacity would stand for these Government agents doing things which are improper, and some of the things the Senator alleges would manifestly be improper. I think the Senator must realize that among such a vast number of persons it will always be found that there will be some who are not up to standard and some who ought to be discharged. I have had opportunities to see the work of these county agents in a somewhat extended way, and I have found that, as a rule, they are a very fine class of people and well educated. The Senator mentioned lack of education as one of the things he desired to call attention to, that they were not scientific. Those with whom I have come in contact were well educated.

Mr. KING. Within the past five minutes, here in the Chamber, a Senator told me that the county agent in his county was wholly ignorant and incompetent.

Mr. NORRIS. I have no doubt there are such, and they ought to be discharged, and I presume they will be. They will be weeded out. I think as a whole, however, they are pretty high-class people.

Mr. KING. I was just giving my information. I am making no criticism at all, but I felt it was my duty to call the attention of the Senator having the bill in charge and the members of the committee to these numerous complaints. I shall be very glad to show some of these letters to the Senator, or to present them more in detail when we reach this item.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 36, after line 17, to insert:

> For personal services in the District of Columbia and elsewhere, made necessary by the requirements of the Federal water power act, $12,000.

The amendment was agreed to.

The next amendment was, on page 37, at the beginning of line 3, to increase the appropriation for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, from "$400,000" to "$425,000."

The amendment was agreed to.

The next amendment was, on page 37, line 22, to increase the appropriation for general expenses of the Forest Service from "$4,072,282" to "$4,109,282."

The amendment was agreed to.

The next amendment was, on page 38, line 10, to increase the total appropriation for the Forest Service from "$6,537,902" to "$6,574,302."

The amendment was agreed to.

The next amendment was, on page 39, at the end of line 21, to strike out "$70,400" and insert "$75,400," so as to make the paragraph read:

> For conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture; for the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism, $75,400.

The amendment was agreed to.

The next amendment was, on page 40, at the end of line 11, to increase the appropriation for the investigation and development of methods for the manufacture of table sirup and sugar and

of methods for the manufacture of sweet sirups by the utilization of new agricultural sources from "$10,000" to "$20,000."

The amendment was agreed to.

The next amendment was, on page 42, line 7, to increase the appropriation for general expenses, Bureau of Chemistry, from "$944,561" to "$959,561."

The amendment was agreed to.

The next amendment was, on page 42, line 8, to increase the total appropriation for the Bureau of Chemistry from "$1,267,631" to "$1,282,631."

The amendment was agreed to.

The next amendment was, on page 44, line 3, to increase the appropriation for investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultural experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, from "$168,200" to "$178,200."

The amendment was agreed to.

The next amendment was, on page 44, line 10, to increase the appropriation for general expenses, Bureau of Soils, from "$292,535" to "$302,535."

The amendment was agreed to.

The next amendment was, on page 44, line 11, to increase the total appropriation for the Bureau of Soils from "$371,775" to "$381,775."

The amendment was agreed to.

The next amendment was, on page 45, line 13, to increase the appropriation for investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts from "$168,500" to "$178,500."

The amendment was agreed to.

The next amendment was, on page 46, line 13, after the word "Board," to strike out "$64,000" and insert "$71,500"; and in line 14, after the word "sum," to strike out "$5,000" and insert "$10,000," so as to make the paragraph read:

For investigations of insects affecting citrus and other tropical and subtropical plants, and for investigations and control of the Mediterranean and other fruit flies, in cooperation with the Federal Horticultural Board, $71,500, of which sum $10,000 shall be immediately available for investigations of the camphor scale.

The amendment was agreed to.

The next amendment was, on page 46, line 25, to increase the appropriation for general expenses, Bureau of Entomology, from "$832,510" to "$850,010."

The amendment was agreed to.

The next amendment was, on page 48, line 5, to reduce the appropriation to enable the Secretary of Agriculture to meet the emergency caused by the spread of the European corn borer, and to provide means for the control and prevention of spread of this insect throughout the United States, etc., from "$275,000" to "$200,000."

The amendment was agreed to.

The next amendment was, on page 48, line 12, to reduce the total appropriation for the Bureau of Entomology from "$1,835,580" to "$1,778,080."

The amendment was agreed to.

The next amendment was, under the head "Bureau of Biological Survey," on page 48, at the end of line 18, to strike out "two $1,500" and to insert "two at $1,500 each," so as to read:

Biologist, who shall be chief of bureau, $4,000; chief clerk and executive assistant, $1,800; administrative assistant, $2,250; executive assistant, $1,800; executive clerk, $1,980; clerks—4 of class 4, 8 of class 3, 2 at $1,500 each, 16 of class 2, 1 $1,260; 16 of class 1, 2 at $1,100 each, 1 $1,080, 2 at $1,000 each; preparators—1 $1,200, 1 $900; photographer, $1,300; game warden, $1,200; messenger, $720; messenger boys—1 $600, 2 at $480 each; laborer, $720; 3 charwomen at $240 each; in all, $91,290.

The amendment was agreed to.

The reading of the bill was continued to line 19, page 54.

Mr. McNARY. Mr. President, at the request of the junior Senator from Utah [Mr. KING] I ask that the subject "States Relations Service," beginning on page 54, be passed over for the present.

Mr. HARRISON. Mr. President, I hope we can get the Senator from Utah into the Chamber. I desire to offer an amendment to that part of the bill. I have an important conference to attend later in the afternoon.

Mr. McNARY. I will try to ascertain the whereabouts of the Senator from Utah and get him into the Chamber as soon as possible.

Mr. HARRISON. Let me offer my amendment and let it be pending.

Mr. McNARY. I think it would be well for the Senator to do that.

Mr. HARRISON. I will offer the amendment, then, and let it be pending. I offer the following amendment.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 57, line 25, the last line on the page, strike out "$1,000,000" and insert in lieu thereof "$1,500,000."

Mr. HARRISON. I understand the Senator from Oregon desires to postpone consideration of the amendment until the Senator from Utah is present?

Mr. McNARY. I would like to pass it over temporarily, in view of a promise I made to the Senator from Utah that it would not be called until he was at least notified or was in the Senate Chamber.

The PRESIDING OFFICER. The amendment will be passed over temporarily.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 65, at the end of line 23, to strike out "$471,200" and to insert "$477,200," so as to make the paragraph read:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, $477,200.

The amendment was agreed to.

The next amendment was, on page 66, at the end of line 5, to strike out "$357,400" and to insert "$405,000"; and, at the end of line 7, to strike out "importers, exporters," so as to make the paragraph read:

For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and live-stock estimates, acreage, yield, grades, stock, and value of farm crops, and numbers, grades, and value of live stock and live-stock products on farms, in cooperation with the States Relations Service and other Federal, State, and local agencies, $405,000: *Provided*, That not less than $65,000 shall be used for collecting and disseminating to American producers and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals as may be necessary in connection with this work.

The amendment was agreed to.

Mr. SHEPPARD. On page 67, line 19, I move to strike out the figures "$385,000" and to insert "$405,000." I do this for the purpose of having the matter go to conference——

Mr. McNARY. I think the Senator should defer offering his amendment until the committee amendments shall have been disposed of.

Mr. SHEPPARD. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 67, line 20, to increase the appropriation for general expenses, Bureau of Agricultural Economics, from "$1,716,580" to "$1,770,180."

The amendment was agreed to.

The next amendment was, on page 69, at the end of line 24, to increase the total appropriations for the Bureau of Agricultural Economics from "$3,532,043" to "$3,585,643."

The amendment was agreed to.

The next amendment was, on page 71, under the heading "Federal Horticultural Board," line 6, after the figures "$1,440," to insert the word "each," so as to read "three at $1,440 each."

The amendment was agreed to.

The next amendment was, on page 74, at the end of line 2, to increase the appropriation for the acquisition of additional lands at headwaters of navigable streams, etc., from "$50,000" to "$75,000."

Mr. OVERMAN. I move to amend the committee amendment on page 74, line 2, by striking out the figures "$75,000" and inserting in lieu thereof "$575,000."

Mr. McNARY. I think the Senator from North Carolina, perhaps, had better defer his amendment. An agreement was had on yesterday that committee amendments should first be disposed of.

Mr. OVERMAN. The reason I offer my amendment is that it is an amendment to the committee amendment.

Mr. McNARY. That is true. I beg the Senator's pardon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina to the committee amendment.

Mr. OVERMAN. Mr. President, every dollar which it is proposed to appropriate by my amendment is needed and will be expended in pursuance of law. In committee I proposed the

amendment which I have now offered, but the committee by a narrow margin voted it down. All of the members of the committee were in favor of the principle involved, and were in favor of the appropriation, but they voted it down by a narrow margin on the ground that for the present this work should be delayed. I do not see why the appropriation for this great purpose should be delayed any more than appropriations for national parks or any other object should be delayed.

Mr. President, I am not going to argue this question now at any length, although it is very important. The House of Representatives now have before it a bill which has been reported favorably by the Agricultural Committee of that body, and which is on their calendar, appropriating $1,000,000 for this purpose, whereas the amendment offered by me proposes an appropriation of only $500,000.

We are informed by the commission, on which the Senate is represented by two Senators and the House of Representatives by two Members of that body, and of which the Secretary of Agriculture is also a member, that the appropriation is absolutely needed in order that contracts which have been made may be completed. Options have been obtained on land at a very low figure, and if the appropriation provided by my amendment is not made, the options will expire and the Government will have to pay twice as much for the land as they can get it for now under the options.

Representatives were here from Pennsylvania, from North Carolina, from West Virginia, and all over the Appalachian region. Everybody, I think, is in favor of this project. We have appropriated every year from $1,000,000 to $2,000,000 ever since the original act was passed. Now, it is proposed practically to leave out the appropriation for the purchase of the lands, and to provide only a sufficient sum to pay for the administrative expenses.

I think the work which is being done in acquiring the forest lands is an excellent work. It is conservation; everybody says it is right; the work ought to be carried on, and yet it is proposed to let it wait for a year.

The work which is being done along this line is for the purpose of conserving the water powers of the country and to protect flow of water in the navigable streams. I think it can not be denied that that is a good work and one that should proceed, as the Senators on the commission recommend, as the department recommend, and as the Secretary of Agriculture, Mr. Wallace, recommends. They say that a million dollars should be provided. Forestry associations all over the country have indorsed it, and have asked us to appropriate for the purpose from one million to two million dollars, while the amendment which I have offered merely provides an appropriation of $500,000. I hope it may be adopted.

Mr. HEFLIN. Mr. President, does the Senator think $500,000 will be a sufficient amount to carry on this work?

Mr. OVERMAN. Oh, Mr. President, it is not nearly enough to carry it on; it will only enable the department to complete some contracts which have been entered into and to pay for land on which they have options. If those options should expire, there is no telling what will have to be paid for the land.

Mr. HEFLIN. It is necessary to have $500,000 in order to carry on the work already mapped out?

Mr. OVERMAN. The Agricultural Committee said we ought to have $1,000,000; the commission in charge of the work say there ought to be appropriated $2,000,000.

Mr. ASHURST. Mr. President, will the Senator explain the nature of the work? I understand from what has been stated by the Senator that the Department of Agriculture proposes to purchase land in order to add to the area of national forests.

Mr. OVERMAN. Yes; to increase the acreage of the forest lands in order to protect the headwaters of streams and to conserve water power. It is in conformity with the act passed by Congress, as will be seen from the bill, on March 1, 1911, which is known as the Weeks Act. Under the act we have been purchasing land in the Appalachian Mountains from Pennsylvania southward in order to protect the headwaters of streams.

Mr. ASHURST. Mr. President, if the Senators who come from the States in the Appalachian region feel that the forests there ought to be extended, I see no objection to the amendment, but the national forests in Arizona are large enough.

Mr. OVERMAN. This item merely relates to the Appalachian region.

Mr. ASHURST. In Arizona already our forests are too vast in extent.

Mr. KEYES. Mr. President, I have a copy of a letter written under date of January 21 from John W. Weeks, chairman of the National Forest Reservation Commission, to the Director of the Budget. It bears so directly upon the proposed amendment that I send it to the desk and ask that it may be read.

Mr. OVERMAN. I should be very glad to have the letter read.

The PRESIDING OFFICER. There being no objection, the Secretary will read as requested.

The reading clerk read as follows:

(Members: Hon. John W. Weeks, Secretary of War, chairman; Hon. Albert B. Fall, Secretary of the Interior; Hon. Henry C. Wallace, Secretary of Agriculture; Hon. HENRY W. KEYES, New Hampshire, United States Senate; Hon. JOHN K. SHIELDS, Tennessee, United States Senate; Hon. WILLIS C. HAWLEY, Oregon, House of Representatives; Hon. GORDON LEE, Georgia, House of Representatives.)

NATIONAL FOREST RESERVATION COMMISSION,
Washington, D. C., January 21, 1922.

The DIRECTOR OF THE BUDGET,
Treasury Department, Washington, D. C.

SIR: The estimates of appropriations required for the Department of Agriculture during the fiscal year ending June 30, 1923, as approved by the Bureau of the Budget, include (Budget, p. 279) an item of $500,000 for the acquisition of additional forest lands under the provisions of the act of March 1, 1911. The appropriation for the same purpose during the fiscal year ending June 30, 1922, was $1,000,000. From the note appended to this item, as proposed for the ensuing fiscal year, it is evident that the very great reduction from the current appropriation contemplates the complete suspension or postponement of purchases of forest lands and is intended to provide solely for maintaining a small nucleus of the experts previously employed by the Forest Service on this work with a view to the resumption of purchases at some later day.

The activity covered by this item has been carried on continuously by the Government since the passage of the Weeks Act in 1911. It has reflected a very active and widespread public sentiment in favor of extension of the national forests for the dual purpose of affording protection to the watersheds of important navigable streams and increasing the production of timber to supply the economic needs of the country. Every close student of the timber-supply situation in the United States and the degree to which the denudation of our forest lands has been carried is convinced that a rational extension of public forest ownership is one of the essential remedies which must be applied, particularly in view of the clear responsibility resting upon the Federal Government to maintain the navigability of important streams by insuring the continuous forestation of their upper watersheds.

When this work was initiated in 1911 it was with the deliberate purpose of acquiring ultimately not less than 5,000,000 acres of forest lands on the watersheds of important rivers in the Eastern States. Moderate appropriations have been made available continuously by Congress since the passage of the Weeks Act, and the examination and purchase of lands has up to the present time gone forward gradually but without a single break in the continuity of the work.

The character of the activities required in making this Federal policy effective is such that a steady and continuous functioning of the executive agencies involved at a gradual rate is imperative. Large areas of forest land can not be surveyed, appraised, and bought in haste if the work is to be done efficiently and the Government is to obtain full value for the sums expended. On the contrary, there must be a sustained and continuous process of examining and weighing the merits of different tracts of land and building up the Government's holdings slowly with the regard for efficiency in the conduct and negotiations and in the determination of the values obtained. In other words, to carry out the Federal policy of extending national forests over the most important watersheds of navigable streams, to which I regard the Government as definitely committed, it is my conviction that provision must be made currently for the continuation of this work on a reasonable scale without a break. There has been no break hitherto in the conduct of this work, and I would regard such an interruption as the reduction in this item would require as extremely unfortunate to the public interests.

It should also be borne in mind that expenditures for this purpose are in reality investments in public property, investments as to whose ultimate return, both in revenue and in public benefit, I have not the slightest doubt. Under the operation of the Weeks Act to date 2,047,718 acres of forest land have been purchased at a cost, including examinations of titles, land survey, and all overhead expenses, of $5.99 per acre. Many individual tracts included in these purchases have more than doubled in value since the Government acquired them. This area is now returning in revenue to the Treasury in excess of $100,000 per annum from the conservative and carefully regulated use of its timber and other resources. A very conservative appraisal of the land acquired up to the present time indicates that the demonstrable value of the land and timber is in excess of $19,000,000, or an increase over the cost of acquisition of more than $7,000,000.

Furthermore, the existing economic situation makes the present time probably the most favorable for the effective expenditure of Government funds in pursuance of this policy that has ever existed since that policy was adopted. Forest lands, particularly cut-over forest lands of the character whose acquisition is most desirable to accomplish the purposes of the Weeks Act, are now available at exceedingly low prices owing to the desire of many owners to convert such forms of property into cash.

At the meeting of the National Forest Reservation Commission in December, 1921, the purchase of 135,000 acres of land in a considerable number of different tracts was approved at an average price of $3.33 per acre. Considering the character of the timber and young growth on these areas, as well as their public value for watershed protection, this was the most advantageous list of purchases that has probably ever been passed upon by the commission. The Forest Service has today pending offers in localities previously approved by the commission as desirable for purchase under this law, which aggregate 837,000 acres, obtainable at terms probably equally as advantageous as the purchases approved by the commission in December.

Because I am convinced that as a public investment reasonable appropriations can be very effectively expended at the present time for this purpose, and because, in my judgment, the policy which the Nation has adopted can only be carried out efficiently by continuous and uninterrupted effort on a moderate scale, I believe that some provision for continuing the purchases should be made during the ensuing fiscal year. You understand thoroughly my position in the matter of economy; and I regard it as thoroughly consistent with that position to urge that the Bureau of the Budget approve a supplemental estimate

of not less than $500,000 for the item in question. Such a fund, while entailing a reduction from the scale of the present work, would enable it to go forward and would permit the Government to take advantage of the most favorable offers now in hand.

Respectfully,

JOHN W. WEEKS, *Chairman.*

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina to the amendment reported by the committee.

Mr. OVERMAN. I ask for a division. I should like to see how many Senators vote for it.

The PRESIDING OFFICER. The Senator from North Carolina requests a division.

The question being put, on a division the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CAPPER. Mr. President, economy is, and should be, our national watchword. I believe in it, but not to the extent of injuring efficiency or limiting service that will benefit the entire population. The Department of Agriculture should have adequate support—greater than ever before in the history of the country—because it has a larger job to handle, more problems to meet, and faces a critical situation in which to meet them.

The Department of Agriculture has a man-sized job on its hands in helping to get agriculture on its feet, in working out farming economies, in supplying the Nation with agricultural and marketing information, and in encouraging greater and more efficient production of crops and live stock, which will redound to the benefit not only of the farmers but of the entire citizenship.

To accomplish this work the department needs liberal funds. On a job so important, so vital to the Nation, it is a mistake to be anything but liberal with finances. There are times when the spending of money makes possible great future economies. I think that is true of money appropriated for the Department of Agriculture to-day. Congress can best economize by being liberal, and making possible the giving of a broader service to agriculture.

Mr. President, for many years the United States Government has been content to let agriculture take care of itself. There has been no national policy of a constructive nature. Farmers have gone on producing under many handicaps that might easily have been removed. The result has been disaster that in the last two years has overtaken the farmers, caused billions of dollars in losses by shrinkage in the value of farm products, and has been seriously detrimental to business throughout the land. Agriculture has been brought to a point where its future is in peril, where it is bound to go backward unless real relief is forthcoming.

The need of a constructive national program looking to the rehabilitation of agriculture is imperative. I think that fact is appreciated by business men as well as by farmers. It is generally accepted that prosperity must come first to the farms before it can prevail in the city. Evils that have grown up must be corrected before agriculture can function in a normal and profitable way.

A vigorous, strong, and properly supported Department of Agriculture will be a vital factor in working out and putting into effect a constructive national agricultural program. It is the logical machinery to handle that work, because it knows what must be done and the best way to get it done.

Mr. President, the unfavorable conditions under which agriculture has been struggling have wrought serious changes in it. The hazards of the business have driven out owners and brought in tenants. Tenancy is increasing every year, and this is a menace to the Nation, because it means, in the final analysis, that soil rapidly is being depleted, and little is being done on many acres to build up fertility. The average renter is not a soil improver.

In 1920, renters operated 37 per cent of the farm lands of the United States. That area was 42 per cent of the improved farm acreage and 44 per cent of the total valuation of the land, both improved and unimproved. Tenant farmers rent land equal to the combined area of Texas, Illinois, Iowa, Arkansas, Michigan, Wisconsin, and Florida. Tenant farmers operate more than 265,000,000 acres.

Farms are growing larger. The number of renters has not increased so far as the number of acres they lease. While the proportion of rented farms increased 3 per cent between 1910 and 1920, the increase in acres rented during the same period has been 20 per cent.

Young farmers, on whom the future of the industry depends, are quitting the soil because operating it no longer is as profitable as many lines of employment in the city. It is a shame that the greatest industry in the United States should be in such a plight. It is near a disgrace that a Government should allow such a condition to persist, to the injury of every citizen. There is no excuse for its existence except national neglect, caused, I believe, rather by ignorance than by intent.

Some phases of this situation are familiar to business men. The depression of the last few years got them to look for causes, and they discovered that the real cause of depression was the way in which the farmer was made to stand the brunt of it all. Prices of his products were the first to be smashed down to below even the pre-war average. Farmers were deflated in a hurry, and so crudely that in many cases the punctures were so big that they could not be patched up. In a few months farm wealth figures in billions was written down to millions, and then business yelled because the farmers would not buy. They could not buy. Between the market manipulators who smashed prices and the banks which withheld credit and forced the liquidation of obligations, the farmer was helpless. He did not control his market. He had to take what was offered for the things he had to sell. With creditors pressing, the farmer was forced to liquidate what he could turn, even at a sacrifice. The industry was thrown into confusion from end to end. It is still suffering from the effects of a system that will permit the perpetration of such a national wrong. The farmer was helpless, and all the wolves were free to prey upon him.

Mr. President, agriculture would not have been injured so much if the same policy of forced deflation had been applied to every other industry; but while the price of the farmer's products dropped like a plummet, prices of other commodities decreased only slightly, if at all. The cost of living and operating a farm remained virtually unchanged, but the revenue from that operation was more than cut in two. The farmer did not get out of the market; he was put out—kicked out, in fact.

The consumer did not profit from the plague of deflation visited upon the farmer. He continued to pay as much for food, and any decreases were mighty slow in coming. For a year or more somebody was holding up the consumer of the Nation, robbing the farmer and the city man at the same time, and apparently they have gotten away with it. There were billions in that loot that should have been spent for food and clothing and farm equipment. If it had gone to the farmers and to the consumers business would not have gone through the depression that has caused such serious losses.

But I am happy to say, Mr. President, that the number of business men in this country who realize that the farmer has not had a square deal, and that he must have a square deal before the Nation can be truly prosperous, is increasing rapidly. They realize that action taken to benefit the farmers is not in any sense class promotion. Their analysis has told them, as it has told those closely in touch with agriculture, that the business of farming is fundamental and must be given as much thought and assistance as have been accorded to other industries which it actually overshadows in magnitude.

Agriculture is the greatest industry in the United States. It is an $80,000,000,000 affair. Once it gave the Nation $22,000,000,000 in new wealth every year, and supplied 50 per cent of its bank deposits. It will do the same and more if it is given a square deal to-day; but if it is to flourish it must be encouraged and safeguarded.

The time is past when the Nation should tolerate those whose greed insists on making the farmers the goats—men who would bleed farmers white in order to amass fortunes to hide away in tax-exempt securities. The wolves already have been permitted to run free too long. Market gamblers have had their day and have robbed right and left with impunity. I hope that particular book of wrong has finally been closed.

Mr. President, it is up to Congress and the Government to assist in working out a national program which will give the farmer a larger share of the fruits of his labor and a chance to have something to say about the price he receives for his products. Cooperative marketing should be encouraged. Better credit facilities must be established to enable the farmer successfully to operate with his slow turnover. He must have, and rightfully can demand, as good financing as other industries and businesses receive. That is only fair. To-day the farmer very largely gets credit in a haphazard, unsystematic way, after other industry has been served. He gets the crumbs, if there are any, from the financial table. In the last few years even the crumbs had been cleaned up before the farmer had a chance at them.

Certain things of an emergency nature have been attempted and accomplished, and they are helping relieve the agricultural

situation. Immediate relief of intolerable conditions was sought. The worst injuries were treated. Much still remains to be done.

Mr. President, I wish to call attention to the fact that this corrective legislation has been sponsored and promoted by the agricultural bloc. Congress has realized the grave importance of doing something constructive to aid agriculture and has passed several valuable acts. The billion-dollar War Finance Corporation to handle agricultural credit more effectively is one. The Capper-Tincher future trading bill to regulate the grain exchanges is another. Then there is the packer control bill, the agricultural emergency tariff bill, the Kenyon bill increasing interest rates on bonds of the farm-loan banks from 5 to 5½ per cent, and the Curtis bill authorizing the appropriation of $25,000,000 as a revolving fund for the Federal farm loan banks. One of the most important enactments was the passage of the measure permitting farmers to market their products cooperatively. That measure gives the farmer the opportunity to help himself in overcoming and removing many of the evils that have grown up in the marketing of agricultural products. It will tend to reduce the great spread between the prices the producer receives and the price the consumer pays for the products.

The farm bloc favors a liberal but sane appropriation for the Department of Agriculture, so that it may function efficiently and conduct its activities on a scale in conformity with the size and importance of the industry it serves.

The farm bloc believes railway freight rates are too high and must come down.

The farm bloc would restore to State railway commissions much of the power taken away from them by an unwarrantable interpretation of the transportation act by the Interstate Commerce Commission.

Another measure favored by the farm bloc which will contribute to a permanent and prosperous system of agriculture is the development of the Muscle Shoals project. We should resume work immediately on the Government's great fertilizer and power plants on the Tennessee River. The Nation's fertilizer bill is now about $250,000,000 annually. I believe it is possible to reduce this one-half if we carry out the Muscle Shoals program.

The farm bloc is supporting the Capper-French truth-in-fabric bill to compel makers of clothing to brand their goods so that the buyer will know the amount of pure wool and the amount of shoddy in it.

First in its program, the farm bloc holds credit reform. It realizes that agriculture is at the mercy of those who control credit, and that many who exert that control are not particularly in sympathy with agriculture. The farm bloc knows that farmers have suffered and many have been ruined financially by lack of credit.

The farm bloc is seeking to evolve a credit plan which will give relief to agriculture, which will make more money for financing the slow turnover of the farms, which will give the farmer another opportunity to go ahead with his work with a decent chance to make good. If that is accomplished, it will mean cheaper food, more work, reopened factories and mills, and a return of good times.

Senator McNARY's bill extending the operation of the War Finance Corporation until July 1, 1923, should be promptly passed by this Congress.

The activities of the Farm Loan Board must be enlarged and extended. The 12 farm land banks now have applications for loans amounting to more than $150,000,000, but the funds available are wholly inadequate to take care of the pressing needs of the farmers.

Another obvious need in the way of further legislation for the encouragement of agriculture is a law that will make the Federal Reserve Board more responsive to the farmer's credit needs. This is best met, in the judgment of many, by the bill which already has passed this body and is pending in the House, providing for the recognition of agriculture in the appointment of members of the board. This bill makes but a single change in the existing law, inserting the word "agricultural," so that when appointing members of the Federal Reserve Board the President "shall have due regard to a fair representation of the different agricultural, commercial, industrial, and geographic divisions of the country." A studied effort has been made to have this legislation appear to be class legislation, but such a conclusion can be reached only as a result of a complete failure to comprehend its import. Agriculture is our greatest industry. Surely an effort to have it given only the same consideration that is given to commercial and industrial divisions in our Nation can not truthfully be defined as an attempt to obtain class legislation. When the dependence of other industries on agriculture is more clearly understood I look for the prompt enactment of the bill by the House. Only the fear that the President might appoint to this position a man ill-fitted for the place can justify further opposition to this measure; and surely that is a far-fetched assumption, as has been so well said by Secretary of Agriculture Wallace.

Mr. President, the charge has been made that the farm bloc seeks class legislation, and that its aim is to profit agriculture, no matter at what cost to other industry. The men who make that charge lose sight of the fundamental fact that agriculture is basic, that what contributes to its prosperity and well-being unquestionably benefits all industry. When agriculture is profitable the Nation is prosperous.

It is not class legislation to demand that agriculture have as good credit facilities as any other business; that farmers be encouraged to work together to improve their marketing condition; that the market gamblers and speculators and the selfish class which has grafted off of the farmers for many years be unmasked and controlled.

The farm bloc does not recognize the right of any class to have an advantage at the expense of another group or of the population as a whole. The interests which oppose it fight the farm bloc because it does not tolerate their pet piracies. Vested interests have been bloodsucking the farmer long enough.

The purposes of the farm bloc are economic, not political. It is striving for a more sensible program of national development in which agriculture will occupy its rightful position and be accorded the interest it deserves. Its aim is to bring about a better understanding and greater cooperation among all worthy elements of the population, to the end that all may be aided; and it will fight, and fight hard, to accomplish that aim.

Mr. President, I know that Congress and the administration are in sympathy with the needs of agriculture, that they are anxious to promote the welfare of the farmers of the country, and that they have their feet solidly on the ground. That is why so much already has been accomplished, and why so much more will be done. We have an able and efficient Secretary of Agriculture. His department is doing great work for the upbuilding of the agricultural interests of this country. A liberal policy toward this department will serve to make more valuable and serviceable the legislation already enacted, and to safeguard the improvement in agricultural conditions that has been accomplished.

Mr. FERNALD. Mr. President, I am going to ask unanimous consent to recur to the item on page 20, making an appropriation of $175,000, of which $50,000 shall be immediately available, for the eradication of the white-pine blister.

Mr. President, first of all, I want to say that I have been very greatly interested in the speech of the Senator from Kansas [Mr. CAPPER]. He is not only a very able Senator but a very conscientious man, and whenever he speaks he has something to say to the Senate. I, of course, can not take to myself any of the credit for the passage of this legislation, because I did not happen to belong to the bloc. Although a farmer, I have never studied law, and I do not belong to any bloc or to any class, but I simply try to do my duty as a Senator, and whenever legislation which is beneficial to the farmer is up for consideration, I am sure it has my indorsement and approval.

Yesterday I listened with great interest to the remarks of the Senator from Nebraska [Mr. NORRIS] explaining the spores and fungi which appear on the barberry bush in many of the Central Western States, and which are so destructive to the cereal crops which are raised there. I favored an increase in the appropriation for the eradication of that pest, not that it affects my State at all, or even New England, as very little wheat, barley, or cereals of any kind are raised in New England, although I know it is not intended to overlook my State, the most easterly in the Union, because we do raise great quantities of potatoes down there.

What I wish to call the Senate's attention to at this time is the fact that while the wheat and barley and oat crops are crops which are raised yearly, the crop which I want protected when once destroyed it takes at least 75 years to reproduce. The same condition exists with the pine tree in my State that exists with the wheat in the States of the central West. Their's is a black rust, which appears on the stem of the wheat, as I understand it, which comes from spores which multiply on the barberry bush. In Maine the white-pine blister, which is such a pest to us, comes from the currant or gooseberry bush. It is not to-day so extensive but that I believe with a fair amount of exertion and a proper appropriation it might be entirely exterminated.

I believe in a spirit of fairness, and whenever any State of this Union can be benefited by an appropriation of the Federal

Government, wherever that State is, in whatever section of the country, whenever it appeals to me that it is an advantage, it has my approval. I am not so much of a partisan as a great many, and I am not so particular about political divisions.

An appropriation for any section of this great country which may be benefited by such appropriation, whether the East or the West or the South or the North, has my approval, and I am going to ask for an amendment to this particular appropriation carrying $175,000, and ask Senators from all the States of the Union to view this precisely as they view the situation in their own States regarding their own crops.

The State of Maine, as Senators know, is called the "Dirigo" State. We have 23,000,000,000 feet of spruce growing on the soil of Maine and an equal amount of pine trees. This promises to be a very serious matter. The lumbermen of my State have already taken precautions and are trying to stamp out the pest, and I believe with a sufficient appropriation at this time, or a small increase in this amount, it may be entirely exterminated. Therefore I move that this amount be increased from $175,000 to $250,000, and I hope the Senator having the bill in charge will accept the amendment.

The PRESIDING OFFICER. The Chair is advised that by the consent agreement committee amendments are to be taken up and disposed of before individual amendments are entertained.

Mr. FERNALD. Then I withhold the amendment for the present, Mr. President.

Mr. DIAL. Mr. President, with regard to the appropriation for the Appalachian Forest, I desire to say that a great work is being done there and a large quantity of land can be acquired very cheaply. Unless we do something to protect our streams a great number of them will soon fill up with sand and silt.

I remember that when in 1908 we had a great flood in the South, the Pacolet River, which rises in this forest, rose 40 feet within one hour. That sounds unreasonable and it is hard to believe, but on that stream there were several very large cotton mills, and at that time several of those mills were literally washed away. In the case of two of the largest mills in the South not only the machinery but the buildings themselves were washed down the streams.

Mr. OVERMAN. And tenant houses were washed away.

Mr. DIAL. A great number of tenant houses were washed away. I remember very vividly about that time, because I was interested in a property half the value of which was destroyed during that flood.

In my country the old people speak of the "August freshet." That means the freshet of 1854. The streams were higher then than at any time on record before this last flood. After that, when engineers were developing water power, they would lay out their plants having in view a stream reaching the height reached by the streams in that year. During the last flood, of which I have just spoken, the streams in that section rose 10 feet higher than in 1854.

For these reasons I must commend the Senate for adopting that amendment. Money could not be spent to any better purpose.

The next amendment was, on page 74, line 11, to strike out the proviso in the following words:

Provided, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, animals, machinery, and all other property of whatever nature or kind appertaining to the experimental farm of the Department of Agriculture, situated at or near New Iberia, La., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 83, line 9, after the word "except," to strike out "one person at a rate of $6,500 per annum" and to insert "three persons at a rate of $6,500 per annum each," so as to make the paragraph read:

To enable the Secretary of Agriculture to carry into effect the provisions of the packers and stockyards act, approved August 15, 1921, $410,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum except three persons at a rate of $6,500 per annum each.

The amendment was agreed to.

The next amendment was, on page 83, at the end of line 19, to increase the total appropriation for the Department of Agriculture from "$35,692,233" to "$35,808,533."

The amendment was agreed to.

Mr. ASHURST. Are we considering only committee amendments at this juncture?

Mr. McNARY. I think that concludes the committee amendments. A few moments ago I asked that the States Relations Service items, beginning on page 54, be passed over for the moment.

The PRESIDING OFFICER. The Senator from Mississippi has proposed an amendment to that part of the bill, which will be stated.

The READING CLERK. On page 57, line 25, strike out "$1,000,000" and insert in lieu thereof "$1,500,000," so as to read:

For cooperative agricultural extension work, to be allotted, paid, and expended in the same manner, upon the same terms and conditions, and under the same supervision as the additional appropriations made by the act of May 8, 1914 (38 Stat. L. p. 372), entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," $1,500,000, etc.

Mr. HARRISON. Mr. President, I shall not take up much of the time of the Senate in the discussion of this amendment, and before I begin I want to allude to the manner in which this bill was originally framed and the suggestions or estimates made by the Budget Director.

The original estimate of the Agricultural Department was, I think, for $3,000,000 more than the amount which was submitted by the Director of the Budget. In other words, when the Department of Agriculture submitted the estimates for the appropriations for that department to the Director of the Budget it was cut practically $3,000,000.

I want to state the manner in which it was cut, and if such procedure and policy is to be followed by the Budget Bureau the American people will not stand for the continuation of that bureau. Everything the distinguished Senator from Kansas [Mr. CAPPER] said in his speech a few moments ago is true touching the importance of agriculture and the necessity for appropriations therefor.

When the Secretary of War submitted his estimate for the Army to the Director of the Budget I am informed that the estimate remained intact and that it was submitted to Congress in practically the same amount that was originally submitted to the Director of the Budget by the War Department. That is for the Army, and I do not know as to the Navy. But the Agricultural Department estimate is cut $3,000,000 by the estimate of the Budget. How was it done? When it was submitted by the Secretary of Agriculture to the Director of the Budget he did not look it over himself. If he had we might have had some respect for the estimate contained in his report. He placed it in the hands of one of the employees of the Budget Bureau, a person whose name I do not now recall, who was formerly the manager of the La Salle Hotel, in the city of Chicago, a person who, so far as the record discloses, never farmed in his life or had any knowledge of agriculture—a very estimable gentleman, perhaps, and very competent, perhaps; but he, the ex-manager of the La Salle Hotel, an employee in the Bureau of the Budget, was placed in charge and control of the estimates submitted by the Department of Agriculture to the Bureau of the Budget, and he cut that estimate $750,000. In cutting it, however, he did consult with certain officials of the Department of Agriculture. To that extent he is to be complimented.

The estimate then went for the signature of the Director of the Budget, and he refused to sign it. He said the amount had not been cut sufficiently, and he designated another person, an employee of the Budget Bureau, to take the estimate and make further reductions, giving him instructions to cut it practically $2,000,000 more. The Director of the Budget, Mr. Dawes, designated an Army officer, a graduate of West Point, a general, I believe, who knew nothing about agriculture, and, I suppose, never worked a day on a farm in his life. This general, this Army officer, this employee of the Budget Bureau, without knowledge of agriculture and without conference, I might say, with the employees or heads of the bureaus in the Department of Agriculture, took the estimate and cut it another $2,000,000. The question was put to Doctor Ball and to the Secretary of Agriculture whether, in making the reduction of practically $3,000,000 of the original estimate submitted by the Secretary of Agriculture to the Director of the Budget, such items were taken into consideration showing the needs of some to be decreased and others to be eliminated. They said no; that they just took the whole bill and slashed it to the amount of $2,000,000.

That is the way the Director of the Budget is performing, and those who are interested in agriculture in America, who have heard the praises of certain gentlemen in this Chamber and elsewhere respecting the Budget Bureau, should know that when it comes to appropriating money for the Agriculture Department an Army officer, without knowledge of agriculture, is designated by the Director of the Budget to slice it without respect to the needs and exigencies of the hour.

So while the Army bill, so far as the Budget Bureau is concerned, is submitted in practically the same figure as requested by the Secretary of War, the appropriation for the Department of Agriculture is treated differently, and the Director of the Budget cuts it $3,000,000 below the estimate of the Secretary of Agriculture. Of course, agriculture is not getting a fair deal. It can not get a fair deal under such circumstances as that. If they were going to cut these estimates, why did not this Army officer, representing General Dawes, talk with the Secretary of Agriculture or Doctor Ball or the other gentlemen in the Department of Agriculture who are informed as to the condition and the needs of agriculture?

Mr. CARAWAY. Mr. President——

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does not the director himself think that they grow wheat in the stock or grain exchanges?

Mr. HARRISON. Perhaps so. The impression has gone abroad that the Director of the Budget, General Dawes, a splendid man, a fine business fellow, straight and honest so far as I know, efficient and courageous and competent, looks over these estimates when they come to him. He never sees them; but under the system that is now practiced some employee in his bureau, without knowledge of the particular subject matter, is designated to go over them and cut them without respect to the needs of the department involved.

Mr. REED. Mr. President——

Mr. HARRISON. I yield to the Senator from Missouri.

Mr. REED. I call the Senator's attention to the fact that the river and harbor bill was cut by Mr. Dawes's authority or his demand to, I think, $13,000,000. The information I have is that when he was called upon to explain that he said the figure had been arrived at by taking the appropriations of last year and of the year before. He did not know that last year when the $15,000,000 appropriation was made—I think that was the figure, but I am speaking from memory—there was unexpended and on hand a very large amount of money, and again I am speaking from recollection, but I think it was something like $40,000,000, and that that was the reason why the appropriation last year was made so small, because of the large amount of unexpended balance being on hand.

So without any information of that character he proceeded to say that we needed only $13,000,000 this year, although in fact, if I have the figures correctly in my mind, we actually had last year something like $65,000,000, counting the unexpended balance.

That is the way business is being done by one man and his cohorts who are undertaking to supervise the business that belongs to the Congress. I wish to repeat now what I intend to repeat on every occasion, that I voted against the Budget scheme.

Mr. HARRISON. I thank the Senator for what he has said touching the action of the director with reference to rivers and harbors. It is quite true that he took into consideration moneys that had not been expended, but which had been appropriated and for which contracts had been made, and which had to be spent on the particular projects, and that work had merely been delayed because of the war and conditions arising out of the war.

It reminds me of what happened to the rivers and harbors estimate under the system of the Director of the Budget. The estimate of the War Department for rivers and harbors for the coming year was $42,000,000. That estimate is made by a board composed of men who are trained, who have specialized in river and harbor improvements. They know the conditions of the country as no other class of men in the country know them, and yet notwithstanding their estimate was $42,000,000, General Dawes, I presume, did not like it—I have no idea that he knew anything about it—and some employee in the bureau cut it to $13,000,000. Then the River and Harbor Committee of the House, realizing that the conditions of the country would not stand for such treatment as that, knowing that the rivers and harbors had filled up during the years of inadequate appropriations for river and harbor improvement, and that that applied to every port throughout the country and every river in America, called in General Dawes and the friends of river and harbor improvements over there and had a conference with him. When it was brought to his attention, he did raise the estimate from $13,000,000 to $27,000,000, but the House thought when a few days ago the river and harbor appropriation bill was before it for consideration that the board of Army engineers knew more about the needs and conditions of the rivers and harbors than General Dawes; so notwithstanding the fact that he had raised his estimate from the original $13,000,000 to $27,000,000, the House by an overwhelming majority, on the recommendation and under the whip and spur of the River and Harbor Committee of the House, increased the amount of Dawes's estimate and made an appropriation of $42,000,000 as requested by the board of Army engineers. I congratulate the House of Representatives on their action. They showed an independence of action and courage which it would be well for the Senate to emulate.

If the Director of the Budget continues to designate some employee in his bureau to cut estimates without respect to the needs of the country, not only will the Congress lose respect for his estimates but the American people will rise up and demand a repeal of the Budget law. Representatives in Congress, both in the House and in the Senate, are those under our Constitution to make appropriations to care for the needs of the country, and we should not delegate that authority to any one person.

However, that is aside from what I had risen to say. The amendment I have proposed covers the item on page 57, and I respectfully ask the attention of the Senate to the item. There is no more important proposition embraced in the bill than the item to which I am now calling attention. It is to care for the cooperative agricultural extension work throughout the United States. It applies no more to Mississippi than it does to Maine, no more to Nebraska than it does to Minnesota. It covers every part of the country.

The appropriation in this paragraph carried in the bill is $1,000,000. The estimate of General Dawes, notwithstanding he had cut the total amount carried by the bill practically $3,000,000, was $1,500,000 for this item, but the House did not give the $1,500,000 requested both by the Secretary of Agriculture in his estimate and by General Dawes in his estimate. They reduced it to $1,000,000. The Senate committee followed suit on a very close division in the committee, I think, and the bill only carries $1,000,000, $500,000 less than the estimate of General Dawes and $500,000 less than the estimate of the Department of Agriculture.

Why was the million and a half dollars requested? It was because the Smith-Lever agricultural extension bill, which was passed in 1914, provided for an initial appropriation to cooperate with the States in the matter of agricultural extension and cooperative work, which amount was to be increased approximately $500,000 each year for a certain number of years. This coming year is the last year that the increase is to be allowed. If we had appropriated $1,500,000 in the pending bill for the coming year, we should have fulfilled our part of the contract under the Smith-Lever law, but the Congress, if it should follow the recommendation of the committee, would not be complying with the requirements of the Smith-Lever law, because to do so it should appropriate $1,500,000.

I know what moved the Senate committee in not recommending an appropriation of $1,500,000 for this purpose. It was because Doctor Ball, representing the Agricultural Department, said that this was the same amount which was appropriated last year, and that if we appropriated the same amount this year as was appropriated last year, namely, $1,000,000, it would not affect the organization and would not cause a dislocation of the work. Of course not. The same amount of money being appropriated, it would take care of the same conditions, but when Congress inaugurated the plan provided in the Smith-Lever law the amount of the appropriation was to be increased year by year until this year at the rate of $500,000 annually.

There are approximately 700 agricultural counties in the United States to-day where this work is not being carried on and into which no appropriation out of the Federal Treasury goes to cooperate with the efforts of the States. How can those 700 agricultural counties be expected to receive the benefits of the act if we are not going to increase the amount according to the provisions of the Smith-Lever Act as originally passed? I submit that we ought to keep faith with the Congress of 1914 when it passed that act and grant this increase of $500,000.

I am not combating the proposition that the amount recommended by the committee is the same as that for last year, and that there will be no disorganization of the work if my amendment shall not be adopted, but if the Senate shall adopt the amendment it will enable the Agricultural Department to extend this desirable service into some of the 700 remaining agricultural countries throughout the country which do not now enjoy its benefits.

Mr. President, I saw this body and also the House of Representatives vote to appropriate millions of dollars to send seed to Russia. It was done as a humanitarian act. There are counties to-day in the United States, not alone in the South or West but they may be found in the North and in the East perhaps, where the farmer has been hard hit; where his taxes are heavier than they have been for years previous; where he has poorer crops than he had had for years past; where he needs

help more than he has needed it for a long time. There are counties in my State—and I take it that we are no worse off in Mississippi than in other States—where the taxes are now so heavy that the people believe they must do away with the county agent who is provided for under the act; they believe they had better save a little because of the depressed conditions prevailing in the country to-day.

If such a condition exists in certain counties, why should not the Federal Government go to their relief and pay a little more to the county demonstration agent than it has heretofore paid, allowing the counties to pay a little less than they have previously paid? That will help the taxpayers to some extent, and you know they need it in some places.

Whenever we stop this work we hurt agriculture. So I submit that here an opportunity is offered to render some real aid and benefit to the agricultural interests of the country. The additional appropriation is needed; it merely carries out the purposes of the original act. I know of no action we could take which would result in more substantial benefit to the farmers at this time than to increase the appropriation for the cooperative extension work. It is the appropriation which provides for the county agents to go around to inform the farmers as to new, modern, and up-to-date methods of farming. Before the inauguration of this system, in certain sections of the country—and I know that this statement applies to my section—hogs formerly died by the thousands, but the county agents informed the farmers how to treat hog cholera and thereby saved thousands, yea millions, of dollars to those farmers. It was through the influence and advice of the county agents in one county in my State that a little red-headed, freckle-faced boy on some piney woods land was enabled to raise some 237 bushels of corn on 1 acre of ground.

It is under this appropriation that money has been furnished to send the lady demonstration agents around to teach the little girls how to can fruits and vegetables and to help in the solution of the problem of the high cost of living. So I submit that we should keep this service in a highly organized condition and appropriate every cent that is needed in order to carry on the work and still further to build it up where it is not now organized and in operation.

Mr. President, I hope that the distinguished Senator from Oregon [Mr. McNARY], in charge of the bill, will agree to accept the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

Mr. McNARY. Mr. President, the committee considered this matter very carefully, and there was no effort upon the part of anyone to interfere with the agricultural extension work. As the Senator from Mississippi realizes, no one appreciates more than the members of the committee the great work which the Agricultural Extension Service is doing; but I think the RECORD might properly show the reason for the action of the committee.

There has been no sum of money deducted from the total to be used for this work. As suggested by the Senator from Mississippi, under the so-called Smith-Lever Act the maximum appropriation is reached this year, the annual increase having been $500,000. The Senate committee realizing that fact, omitted the $500,000 from the item which the Senator from Mississippi desires increased. The item to which he has asked to add $500,000 is supplementary only to the Smith-Lever Act, and was put on during the time of the war in order to induce increased production of farm products. It was for the purpose of stimulating production, and a million and a half dollars were appropriated. Inasmuch, however, as the appropriations under the Smith-Lever Act have increased so greatly until this year—referring to the fiscal year 1923—$500,000 being added to the amount heretofore appropriated in any one year, the committee thought that by decreasing the appropriation under the supplementary act $500,000, the same amount as heretofore would be available for the work; in fact, the service will have the same amount for next year. Acting upon that theory, the department itself not insisting upon an increase, but being satisfied with the appropriation provided by the bill, which will enable this splendid work they are now doing to proceed, the committee did not believe that there should be added the amount of money which has been suggested by the Senator from Mississippi.

That was the reason of the action of the committee; that is the reason the Senator in charge of the bill at this time does not feel that he can accept the amendment, because it is thought that all the money necessary will have been appropriated if the amounts as reported by the committee are voted into the bill.

Mr. REED. Mr. President, do I understand the Senator in charge of the bill to concede that under the Smith-Lever Act the appropriations were to increase from year to year until they reached a maximum of $1,500,000 this year? Is that correct?

Mr. McNARY. Oh, no; they reached a maximum in 1920 of $4,580,000 under the Smith-Lever Act. The $500,000 to which I refer is a part of the $4,580,000. The act referred to on page 57, the appropriation under which it is the desire of the Senator from Mississippi to increase, is supplementary to the Smith-Lever Act. For the fiscal year 1924 the Smith-Lever Act will carry the same amount as it does this year, and then if it is desired further to carry on this work in cooperation with the colleges of the State $500,000 may properly be added to the general fund used for that purpose.

Mr. REED. Does the Senator concede the point that there are 700 colleges in the United States where this work has not been carried or tendered or offered?

Mr. McNARY. No; the Senator from Oregon does not concede that. The testimony before the Senate committee and the House committee shows that there are over 2,070 counties in the number of the 2,700 counties which have availed themselves of this appropriation. I think the department is willing and has funds sufficient to extend the work if the States and counties will cooperate, and the failure to extend it is due to the negligence of the counties rather than to the inertia of the department or the lack of funds.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

Mr. HARRISON. I ask for a division.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from New York [Mr. WADSWORTH] and will vote. I vote "nay."

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Delaware [Mr. DU PONT] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and will vote. I vote "nay."

Mr. WALSH of Montana (when his name was called). I inquire if the Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The PRESIDING OFFICER. He has not.

Mr. WALSH of Montana. I have a general pair with that Senator, and therefore withhold my vote.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the Senator from Indiana [Mr. WATSON] to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

The roll call was concluded.

Mr. ERNST. I transfer my general pair with my colleague, the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Pennsylvania [Mr. CROW] and will vote. I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut. I am unable to obtain a transfer and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. STERLING. I have a general pair with the Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TRAMMELL. I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. KING (after having voted in the negative). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. May I inquire whether he has voted?

The VICE PRESIDENT. He has not voted.

Mr. KING. I am unable to secure a transfer, and I am therefore compelled to withdraw my vote.

Mr. CURTIS. I have been requested to announced the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. MCKINLEY] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 30, nays 28, as follows:

YEAS—30.

Ashurst	Harris	Norbeck	Swanson
Culberson	Harrison	Norris	Trammell
Cummins	Heflin	Overman	Walsh, Mass.
Dial	Johnson	Pomerene	Watson, Ga.
Fernald	Jones, N. Mex.	Rawson	Weller
Fletcher	Kendrick	Reed	Williams
Gerry	Ladd	Sheppard	
Harreld	La Follette	Simmons	

NAYS—28.

Ball	Hale	McNary	Pepper
Borah	Jones, Wash.	Moses	Phipps
Bursum	Kellogg	Nelson	Spencer
Calder	Keyes	New	Sutherland
Capper	Lenroot	Newberry	Townsend
Curtis	Lodge	Oddie	Warren
Ernst	McCormick	Page	Willis

NOT VOTING—38.

Brandegee	France	Myers	Smoot
Broussard	Frelinghuysen	Nicholson	Stanfield
Cameron	Glass	Owen	Stanley
Caraway	Gooding	Pittman	Sterling
Colt	Hitchcock	Poindexter	Underwood
Crow	King	Ransdell	Wadsworth
Dillingham	McCumber	Robinson	Walsh, Mont.
du Pont	McKellar	Shields	Watson, Ind.
Edge	McKinley	Shortridge	
Elkins	McLean	Smith	

So Mr. HARRISON's amendment was agreed to.

Mr. ASHURST. Mr. President, I desire to inquire whether the committee amendments have all been disposed of?

The VICE PRESIDENT. They have.

Mr. ASHURST. Mr. President, I ask attention to——

Mr. McNARY. Will the Senator yield until the committee can offer an amendment or two?

Mr. ASHURST. I yield the floor.

Mr. McNARY. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 61, line 17, after the sum "$175,000," it is proposed to insert:

payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon on behalf of the committee.

The amendment was agreed to.

Mr. McNARY. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 68, line 11, it is proposed to strike out "$175,000," and in lieu thereof to insert:

$146,540: *Provided*, That any moneys received from or in connection with the sale of cotton purchased for the preparation of practical forms of the official cotton standards and condemned as unsuitable for such use may be expended by the Secretary of Agriculture during the fiscal year ending June 30, 1923, for the purchase of other cotton for such use.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon on behalf of the committee.

The amendment was agreed to.

Mr. McNARY. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 83, after line 18, it is proposed to insert the following:

That hereafter the maximum salary of any scientific investigator or other employee engaged in scientific work and paid from the general appropriation of the Department of Agriculture shall not exceed the rate of $6,500 per annum: *Provided*, That for the fiscal year 1923 no salary shall be paid under this paragraph at a rate per annum in excess of $5,000, except the following: Not more than 8 in excess of $5,000, but not in excess of $5,500 each, and not more than 3 in excess of $5,500 each.

Mr. KING. I would like to ask the Senator to explain the purpose of this amendment. If we are advancing these 2,000 scientists, so-called, to $6,500 per annum, I see no reason why in every other department where there are men of special attainment, expert bookkeepers, lawyers of skill and ability, and men of many other professions which will suggest themselves readily to the Senator, we will not have to increase their compensation. It seems to me the Senator is establishing a precedent now the result of which will be that the salaries to be paid to employees of the United States will be doubled, and in many instances trebled, so that in the end the aggregate will be tens if not hundreds of millions of dollars.

Mr. McNARY. Mr. President, replying to the Senator from Utah, I have offered this amendment after the matter was considered thoroughly by the Senate Committee on Agriculture and Forestry. The present limitation of $4,500 on scientists is so small that a great many of them are taken into private enterprises. Endowed universities and State institutions pay a great deal more than $6,500, and it is impossible for the department, after very many years of care and good treatment of these scientists, to keep them in this departmental work, which is very important to the agricultural interests of the country.

It was thought that if the number of men enumerated in the amendment should receive a salary higher than $4,500, it would encourage them to remain in the department, doing the great work they are doing for agriculture, instead of becoming connected with private concerns and the endowed universities of the country. It will not increase the total of the appropriation. It gives a wider discretion to the Secretary of Agriculture to pay larger salaries to these men, who are so essential to the great research work upon which the whole superstructure of agriculture rests.

I may add that it is the hope and belief of the Secretary of Agriculture that it will work a great economy; that a few fairly highly paid scientists working in laboratories and doing research work will accomplish very much more than a few mediocre men receiving $4,500, who, when they do become efficient, are taken away by private institutions.

Mr. KING. Under the amendment, how many would be transferred to the $6,500 category?

Mr. McNARY. The amendment in itself simply gives a latitude and a discretion to the Secretary of Agriculture to pay that salary when he thinks it essential for the good of the department.

Mr. KING. Is there any limitation upon the number?

Mr. McNARY. There is a limitation in the amendment which I have offered. I think there are 11 authorized, altogether.

Mr. KING. Are there any now receiving $6,500?

Mr. McNARY. None whatsoever.

Mr. KING. There are approximately 2,000 scientists, I am advised, in the Department of Agriculture.

Mr. McNARY. Yes; doing various work in the different bureaus along scientific lines—research work.

Mr. KING. Has the Senator taken into account the psychology of this proceeding? It is obvious, it seems to me, that if we give some $6,500, it would lead to discontent. Others will say that their services are just as good as those of the men who are receiving $6,500, and the importunities will be so great for increases that the end will only be reached when all get $6,500, and when that time comes resentments will arise in other departments. Men in other departments who occupy positions calling for ability will insist that they are just as good as men in the Agriculture Department, and they will insist upon increases in compensation.

Mr. McNARY. If we are going to let the measure of our generosity be discontent, I suppose it would affect every individual, from chair-warmer up, in all the departments of the Government; but the Senator must understand that men who devote their lives to scientific research, issuing pamphlets, making discoveries of insecticides, studying insects and fungi and the great destruction they are bringing about in the country generally, and all the diseases by which hogs and live stock generally are affected, are worth more than $4,500 a year, and will not remain in public employ on such a meager salary. In order to encourage those men to do this work, it is thought wise that the Secretary of Agriculture, in a few instances where they do work commensurate with the salary, shall have the opportunity of increasing their salaries from $4,500 to $6,500, with the conservative limitation set forth in the amendment.

Mr. KING. May I inquire of the Senator whether this becomes a general statute, or is it to be limited to this one year?

Mr. McNARY. It is limited to the scientific work in the Department of Agriculture.

Mr. KING. The Senator does not answer my question. It was my fault in not making myself clear. Is it the purpose of the Senator to make this a general law, which will be carried into the future, or does the provision expire by limitation at the end of the year?

Mr. McNARY. It is attached to the present appropriation bill, and it will expire at the end of the fiscal year 1923. I may express the hope that it will be continued indefinitely. I should like to see it become a fixed statute.

Mr. KING. That is a matter to be considered later. I am not sure that the Senator from Oregon is right that it will ex-

pire by limitation. On reading the amendment, I think the Senator is wrong, if he will pardon me. It provides that hereafter the maximum salaries of any scientific investigator or other employee shall not exceed such and such a salary. So it is a fixed statute, and would become a part of the permanent law. I raise a point of order against the proposed amendment. It is general legislation upon an appropriation bill, and is therefore obnoxious to the rule which forbids general legislation upon appropriation bills.

Mr. McNARY. I do not think the point of order is well taken. It is not new or general legislation. In very many appropriation bills providing funds for the administration of the Department of Agriculture limitations of this character have been carried.

Mr. OVERMAN. It has been reported by a standing committee.

Mr. McNARY. It has been reported by the standing committee to which the legislation was referred, and reported by the department, and is contained in the official estimate of the Director of the Budget.

Mr. CURTIS. If the provision makes it permanent law, it does not make any difference whether it was estimated for or not; it is subject to a point of order as general legislation.

Mr. KING. If that were not true, you might increase the number of employees, as this does; you might change entirely the statutory salaries provided by general law, and introduce all forms and sorts of new legislation general in character, as this is.

Mr. McNARY. I will modify the amendment offered a few moments ago by striking out the words "that hereafter" and inserting the following words "during the fiscal year 1923."

Mr. CURTIS. That makes it all right.

Mr. KING. I am inclined to think that my adroit and learned friend has met the point of order which I suggested, and the amendment as modified is not obnoxious to the rule to which I called attention.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I respectfully direct attention to page 80 of the bill, line 13. I will read the whole paragraph, which commences on page 79, line 22. It reads as follows:

ERADICATION OF THE PARLATORIA DATE SCALE.

To enable the Secretary of Agriculture to meet the emergency caused by the existence of the Parlatoria date scale in California, Arizona, or any other State, and to provide means for the extermination of this insect in California, Arizona, or elsewhere in the United States, in cooperation with the States concerned, $13,000.

I seek to increase the amount from $13,000 to $15,000. At the appropriate time I shall move to strike out the "$13,000" and to insert "$15,000." I do not deem it necessary or advisable for me to traverse here the ground I went over in such infinite detail in 1921; but I will take time briefly to say that in Arizona and California, in Texas and New Mexico, there has grown up a date culture which is astonishing in its extent. Many millions of dollars are invested in that date culture. I have spoken about these dates before, and Senators are familiar with their character, how delicate they are, and how much extreme care must be employed in their culture.

The Federal Government has spent a vast sum of money in establishing this date culture. These dates are capturing the markets everywhere, but this insect, Parlatoria, has attacked the dates, and last year the sum of $15,000 was found adequate to combat this insect and save the date crop. I am advised by the Bureau of Plant Industry that a like sum, $15,000, would be necessary this year, and without further argument I ask to have read a memorandum regarding the eradication of the Parlatoria date scale, which says much more succinctly than I could what ought to be said upon the subject. I ask that the Secretary read the memorandum, because it constitutes all I could or would desire to say.

The VICE PRESIDENT. The Secretary will read the memorandum.

The reading clerk read as follows:

MEMORANDUM REGARDING ERADICATION OF PARLATORIA SCALE IN THE DATE PALM.

Date culture is one of the most promising new fruit culture recently introduced into the hot, irrigated valleys of the Southwestern States. The first successful production of the Deglet Noor date was made in Arizona in 1910 by the University of Arizona. The Deglet Noor palm was introduced into the Southwest in 1900 and up to 1910 none of the fruit had been ripened. The methods first worked out in Arizona were then modified and applied to California, with the result that a flourishing date industry has developed in the Coachella Valley, where the climatic and soil conditions seem admirably adapted to this very profitable new fruit culture.

It was soon found by entomologists that all date palms were attacked by two dangerous insects, and that one of these—the Parlatoria—was so destructive as practically to render date culture impossible. It was found that the date palm could not be grown successfully in this country in the presence of this scale. The young palms, it is true, could be fumigated, but the older trees could not be treated without very heavy expense. Here again the University of Arizona led the way in discovering a new method for eradicating this scale pest on the observations made in San Francisco after the great fire, where it was observed that dates and other palm trees that had been burned to a crisp afterwards sprouted out and made a healthy new top. This drastic method of burning the top and the charring of the whole trunk was then applied to the cooperative date orchard at Tempe, Ariz., and the Parlatoria scale was destroyed here completely for the first time in history, some 12 years ago.

Owing to the very heavy importations of date palms made from 1911 to 1915 this Parlatoria scale was reintroduced into many orchards in Arizona and California, and as the trees get older the eradication of this scale has become increasingly difficult. In the meantime the date industry is showing more and more promise, and large investments are being made in California and Arizona, and it is highly probable that the date industry will very shortly be extended into southern Texas as well. So threatening were the conditions that an appropriation of $15,000 was carried in the last appropriation bill for the eradication of the Parlatoria date scale, and the work of eradication was carried on during the past year in a very vigorous way. In the meantime, however, more than 10,000 additional date offshoots have been imported since this appropriation became available on March 3, 1921, and it has been found that the work of completely eradicating this scale from the 10 or 12 older date plantations which are now infested is proving to be very costly. Originally more than 100 date plantations were infested with this scale. At present there are not over 10 per cent of these plantations showing infestation by this insect. It is of the utmost importance to clean up these remaining plantations and to so treat the new importations that they will be completely cleaned before the offshoots they produce will be distributed to the growers. It is a matter of the utmost importance, therefore, that this work be continued at full energy until the last Parlatoria date scale in the United States is killed. Only in this way can the date industry be considered a safe and sound investment. Already $10,000,000 are invested in this industry, and there is every reason to expect the investments to increase rapidly in the near future until from thirty to fifty millions are invested in this new fruit culture.

The expenditure of the small amount of money necessary to safeguard this great industry is bound to revert to the United States Treasury ten or twenty fold in the income-tax returns from the large date plantations now being set out. The experience with cotton boll weevil, gypsy moth, and white-pine blister, together with other dangerous diseases, shows only too clearly how important it is to safeguard new crops from dangerous insect enemies or diseases. In the present case methods worked out in this country have been applied successfully and can unquestionably be utilized to the effect of completing the eradication of this dangerous scale and thereby pave the way for the establishment of a profitable new industry which can be carried out in regions not especially suitable for ordinary fruit culture. In other words, the date industry does not displace other profitable fruit industries but creates a new fruit industry where none now exists. It is obvious that such a result is bound to be perceived sooner or later in the income-tax returns.

Mr. ASHURST. In line 3, on page 80, I move to strike out the numerals "$13,000" and insert in lieu thereof "$15,000."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KELLOGG. Mr. President, I call the attention of the Senator in charge of the bill to the proviso in line 6, page 66, in the item providing for the publication of certain statistics. The proviso reads as follows:

Provided, That not less than $65,000 shall be used for collecting and disseminating to American producers—

And so forth. I think, in view of the fact that the Department of Commerce carries on the same work, the language ought to be "not more than $65,000," especially in view of the fact that the Department of Agriculture estimated for $65,000 for the work. I move, therefore, to amend by striking out the word "less" and inserting the word "more," in line 6.

Mr. McNARY. I have no objection to the amendment.

The VICE PRESIDENT. The proposed amendment will be stated.

The READING CLERK. On page 66, line 6, strike out the word "less" and insert the word "more," so that the proviso will read:

Provided, That not more than $65,000 shall be used for collecting and disseminating to American producers—

And so forth.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 85, line 19, I move to substitute a colon for the semicolon following the numerals in that line, and to add the following proviso:

Provided, That $15,000 of this amount shall be used for the investigation by the Forest Products Laboratory, United States Department of Agriculture, of flax straw as a source of supply for the manufacture of pulp and paper.

The amendment which I propose does not increase the appropriation. It simply insures that $15,000 of the lump sum of $340,000 shall be utilized for carrying forward experiments which are now under way giving great promise of our being able to utilize the vast amount of flax straw that is wasted in the country, running up into something like 1,500,000 tons annually, for the manufacture of pulp and paper. I simply desire to make certain that at least $15,000 of the sum shall be utilized for that purpose.

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. On page 39, line 19, after the numerals "$340,000" and before the semicolon, insert a colon and the following proviso:

Provided, That $15,000 of this amount shall be used for the investigation by the Forest Products Laboratory, United States Department of Agriculture, of flax straw as a source of supply for the manufacture of pulp and paper.

Mr. McNARY. The bureau in estimating this amount set aside $15,000 for the work suggested by the Senator from Wisconsin, and the proposed amendment makes it more certain. I think it is a proper amendment, and I am willing to accept it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 75, in line 16, after the words "may be made," strike out the remainder of the paragraph and insert in lieu thereof:

$12,500, of which the Secretary is authorized to use not exceeding $3,000 for the purpose of building a cottage for the herdsman, and additional sheds, stalls, and pens for the protection and care of said animals.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. McNARY. I wish to ask the Senator from Oklahoma if this is an estimate submitted by the Department of Agriculture or the Director of the Budget?

Mr. HARRELD. It is a matter recommended by the Director of the Budget. It was recommended by the Bureau of the Budget exactly in the words of the amendment which I have offered. For some reason the amount was reduced by the committee. I did not know it until a few days ago when my attention was called to it. I naturally thought, after it had been passed upon by the Budget, that there would be no further trouble about it. I should like to inquire if anyone knows the reason why it was changed? This experiment station, I may say, has been in existence for a great many years. They were asking for a larger appropriation than this and the Bureau of the Budget reduced it to this amount.

Mr. KING. Mr. President, may I inquire of the Senator from Oklahoma, if the experiment station has been in existence, as just stated by him, for many years, why it has not been found necessary in the past to erect buildings for the purpose contemplated in the Senator's amendment?

Mr. HARRELD. This is the first time any appropriation has been recommended to build the herdsman's cottage, but it is needed very badly. They have not any place for him to live, and the present condition interferes with the proper management of the experiment station.

Mr. KING. If he has gotten along thus far without any difficulty, will the Senator explain the necessity for increasing the appropriation now?

Mr. HARRELD. The experiment station has been in existence several years, but during the war all requests for an appropriation for this house were refused, of course, because the money was not available for that purpose. Lack of it handicaps and interferes very materially with the proper conduct of the experiment station. I have here, in the form of an editorial published in a Woodward (Okla.) paper, a very graphic description of conditions there, if any Senator wishes to see it.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. HARRELD. I yield.

Mr. McNARY. The House committee cut the item for the reason that the experimental farm, so far as it has to do with the matter of experiments, has only one man employed, and they thought that $8,500 was a sufficient amount of money to be used for that purpose. The record shows that there are only 13 Holstein cows at this place, with the one man.

I think it is the idea of the Secretary of Agriculture within the next two or three years to reorganize the whole scheme of farm demonstration work as it is being conducted and abolish a good many of the experimental farms. In view of that state of mind on the part of the Secretary of Agriculture and the department, I think it would be absurd at this time to expend more money in the erection of a home or to grant an increase in the salary of a man who has to look after only 13 Holstein cows. That is the reason why the House committee did not appropriate an amount of money equal to that estimated for by the Director of the Budget, and the Senate committee did not feel justified in changing the amount appropriated by the House.

Mr. KING. Mr. President, may I say——

Mr. HARRELD. Let me answer the Senator from Oregon first. The station not only is experimenting in dairying but it is experimenting in all kinds of fruit and shade trees. They have there now about 60 varieties of fruits, shade trees, Kafir corn, and so forth, with which they are experimenting. The work of the station has been vastly beneficial to the farmers of that section of the country. It is not limited to dairy experiments at all.

It is an experiment station that cost the Government $15,000 in the beginning. They paid $15,000 for the land on which it is located, and this is the first time I ever heard any talk about doing away with it. It has always been intended that it should be improved from time to time. The only reason why the building in question has not been erected before is because, as I said, the conditions during the war were such that no appropriation could be had for that purpose. I have never heard a word expressing any thought of doing away with it in any sense whatever.

Mr. McNARY. I think I am quite correct when I restate——

Mr. HARRELD. May I say further that the question of the building was brought out before the Bureau of the Budget, and they recommended the sum which I have set forth in the amendment.

Mr. McNARY. I may say to the Senator from Oklahoma that this legislative body is not going to be governed by the Director of the Budget. That might as well be understood now as at any time.

Mr. HARRELD. Its views ought to be persuasive at least.

Mr. McNARY. They may be to the Senator from Oklahoma, but they are not persuasive to the Senator from Oregon.

Furthermore, this little farm consists of only 160 acres, 13 Holstein cows, and a foreman. They talk about a chicken project, but there are no chickens on the place, and the increase here for which the Senator is asking is to provide a poultryman, without poultry.

Mr. KING. I suggest that they raise some goats; but doubtless they expect Congress and the people to be made the goats.

Mr. HARRELD. No. In that district we do not need any Republican votes; we have plenty of them.

Mr. KING. I said "goats."

Mr. HARRELD. I thought the Senator from Utah said "votes."

Mr. KING. No. I said it was desired to make goats of Congress and of the people.

Mr. HARRELD. Mr. President, this is not a matter of light concern. I never before heard any talk of doing away with this station. It was intended that it should be added to and built up. I was surprised to find that the recommendation of the Budget Bureau had been turned down by the committee. I should like the committee to let this matter go into the bill, so as to get it before the conference committee in that way. Will the Senator from Oregon agree to that?

Mr. McNARY. I have made no promises of that kind, and I do not believe in the practice. If the Senator desires to do so, he may move his amendment.

Mr. HARRELD. Then, Mr. President, I offer the amendment.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. HARRELD. I ask for a division on the amendment.

The question being put on a division, the amendment was rejected.

Mr. HARRELD. I may want a vote on the amendment when the bill gets into the Senate, and I reserve the right to have a separate vote on it in the Senate.

Mr. KING. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The READING CLERK. On page 58, line 8, after the word "agents," it is proposed to insert:

Provided, That the appropriation made in this paragraph shall not be available for the payment of salaries of county agents whose services are not wholly given to the work authorized herein.

Mr. McNARY. Mr. President, I make the point of order against the amendment. It is legislation on an appropriation bill, and is not estimated for by the department or by the Budget Bureau.

Mr. KING. Mr. President, I do not think it is, but I will modify the amendment so as to read:

Provided, That no part of the appropriation authorized in this paragraph shall be devoted to the payment of the salaries of county agents unless they give their entire time to the work for which they are employed.

It is a limitation to the same extent as the amendment which the Senator offered a few moments ago. Undoubtedly a limitation may be attached to an appropriation without the amendment being subject to a point of order.

Mr. McNARY. It is a modification of the existing law, and I can not see where the language now suggested by the Senator from Utah in any way changes the amendment or makes it more amenable to the rule.

Mr. KING. Let me ask the Senator does he believe that county agents should devote their time to other employment?

Mr. McNARY. Oh, Mr. President——

Mr. KING. Does not the existing law, in spirit if not in letter, restrict them to the work for which they are employed?

Mr. McNARY. Of course, I do not believe that county agents should devote a part of their time to other employment. I do not believe that even the Senator, perhaps, should practice law for private emolument while he is a Member of this body; but I would not vote for an amendment going to that extent. I do not see why we should pick out this particular class of Government employees and say to them, "You have got to work eight hours a day and you can not talk or think about anything else but your duties," and let the rest of the country, including the Members of this body, talk all the time about all the foolish things that enter their heads.

Mr. KING. The Senator from Oregon need not get indignant and resentful over an amendment which it seems to me he should gladly accept. If county agents or other employees of the Government give their time to other service, then they should be restrained. It seems to me perfectly plain that county agents should not be engaged in work, while being paid by the Government, for other persons or for themselves. The amendment seeks to cure what I am told has become a common practice with some agents of organizing trade-business associations and attempting to destroy legitimate private enterprises and companies dealing in agricultural and other products. I have a large number of letters here complaining about the activities of, and propaganda alleged to have been carried on by, county agents. It is charged in these letters that some of these agents devote a portion of their time in denouncing private enterprise, in seeking to injure or destroy the business of men engaged in legitimate business activities; that they utilize their positions as county agents to further enterprises in which agriculturists are interested; and that they become members of organizations and employ their official position to advance such organizations and destroy business concerns which have been built up by hard work and honest, competitive service. Numerous complaints were brought to my attention and I wrote to the Secretary of Agriculture. In his reply he said:

During the recent severe economic depression in agriculture the farmers have been very insistent that the county agents should help them in marketing, and undoubtedly in a number of cases these agents have gone further than they ought in dealing with such matters. Whenever cases have been brought to the attention of the department in which it was shown that county agents had overstepped the bounds of propriety in this regard an effort has been made to keep their work within proper limits.

Let me call attention to a few letters containing complaints. I select them at random from perhaps 30 which I have here. In a letter written in November, from San Francisco, the writer says:

Inclosed please find letter which was sent to the Los Angeles Milling Co., Los Angeles, Calif., by the California Farm Bureau Exchange. In the second paragraph they claim that their organization is nation-wide in its scope and is fostered by the United States Department of Agriculture.

Accompanying that is a statement which seems to indicate the use by the county agent of his position to work against private enterprises.

I have a letter here from Oklahoma which states, under date of August, 1921:

Inclosed please find clipping from the Miami District News, of Miami, Okla. Miami is the county seat of our county. The paper is dated August 2, 1921.

You can see from this article that our county agent is meddling with the grain business in this locality. We have understood that he has been receiving export bids on wheat and that the farmers of Miami have loaded out a few cars through him.

Then there are a number of clippings from newspapers showing that work along that line was being done by the county agents. The complaint is that the agent uses his position as a Government official to injure the business of merchants and dealers in agricultural products.

I also have a letter from Grand Island, Nebr., dated July 7, 1921, from which I quote as follows:

We wish to call your attention to the inclosed clipping from the Omaha World-Herald of July 6 on which you will note the agent in that territory is traveling with Mr. Dewald in the interest of securing new members for the United States Grain Growers (Inc.). We are also inclosing a clipping from the Grand Island (Nebr.) Independent of July 6 giving reply to questionnaire—

And so forth.

The writer then passes to another matter. His letter refers, however, to clippings from a newspaper supporting his statements.

I have here a letter from Illinois, signed by a county agent, asking for quotations on wheat, and so forth, showing that he is engaged in soliciting or finding purchasers.

I have a letter from Drexel, Mo., inclosing a circular, signed by Mr. Miller, the county agent, referring to coal prices, and so forth.

I have also a communication from Lansing, Mich., inclosing another letter calling attention to the county agent who, the writer states, is getting "very active in trying to engineer the farmer's business for him."

Here is a letter from Illinois calling attention to the fact that "farm bureaus in several States are going outside of their authority in promoting business." It incloses a clipping from the Chicago Tribune in support of this statement.

A letter from Great Falls, Mont., contains this statement:

It is quite generally known that the county agents have been active in ordering and selling hay, feed oats, seed oats, seed wheat, etc., in direct opposition to the regular trade in this and adjacent counties. * * *

We are attaching a bulletin issued under date of April 21 by the county agent here, in which you will note he has advertised as on hand seed oats, Marquis wheat, flax, alfalfa hay, etc. All of these commodities can be purchased from local dealers. In addition to advertising in their bulletins, they have inserted advertisements in the local papers as well.

The letter incloses a bulletin emanating from the county agent. In the bulletin the following appears:

The car of Victory oats shipped in from Canada was ordered out very rapidly. There is still a limited supply of both Victory and Banner, and orders will be received only subject to supply on hand. The reputation of the Victory oats is such that everyone should seed it if only enough for a couple of acres in order to get a start with this oat.

We have listed at the office a quantity of Marquis seed wheat, Swedish select oats, seed flax, and some alfalfa hay in carload lots.

The office has a supply of garden seed for free distribution to be sent out on request.

Very truly yours, F. E. MacSpadden,
County Agent.

I have a letter here from Port Huron, Mich., in which the writer, speaking of the county agents, says:

There is a good deal of propaganda being published in the smaller county papers throughout the State, and I am attaching herewith an article which was printed in the Huron Times-Herald of the issue of May 14.

The clipping is attached, but I will not take the time to read it.

A letter from Adrian, Mich., states:

The market was represented in this county in the month of February by W. C. Cribbs, marketing expert of the Bureau of Markets, Washington, D. C., who, in conjunction with the county agent, held farmers' meetings throughout the county in schoolhouses, grange halls, etc., and I am told by some farmer friends that the burden of his talks seems to be largely attempting to break down the confidence between the farmer and the so-called middleman, including coal dealers, agricultural implement concerns, elevators, etc.

He says:

As we wrote you previously, we offer a protest against the activities of any branch of the United States Government or State government which attempts to bring in disrepute one class of citizenship in favor of another, and this is exactly what this gentleman tried to do in this county and succeeded partially in doing.

I have here a letter from Huntingdon, Pa., signed by the county agent, in which he says that he has five carloads of baled timothy hay for sale, and quotes the price for hay of various grades, and signs himself as "county agent."

Here is a letter from Missouri in which it is stated:

Inclosed herewith find a clipping from the Johnson County Farm Bureau News, May 20, 1921, edited by County Agent Clough, which gives further information on the activities in this county. * * * have just learned through the secretary of Johnson County Farm Bureau that the county agent here is paid by the Federal Government and State government and by private subscriptions. We certainly expect to fight to the very utmost in any legitimate way we can the use of our tax money to ruin our own business.

Mr. President, these are a few out of a large number of letters I have which would seem to indicate that county agents were exceeding their authority and were using their positions and their offices to attack business houses and persons who are engaged in private enterprise. My understanding is that these county agents are Government officials. It occurs to me that they should confine their labors while paid by the Government to their statutory duties. They should not use their positions to carry on business or to engage in competitive business with private concerns. They are to aid in farm demonstration and to carry to the farmers scientific information. Some of the letters contain protests against their attempts to undermine legitimate private enterprise and to attack persons who are engaged not only in agriculture but in the coal business and in other lines of industry.

It seems to me that the amendment which I have offered ought to be accepted by the Senator. The letter from Secretary Wallace seems to indicate that some agents transcended their authority. When attention was called to that fact doubtless they desisted, and the Secretary says that "every effort will be made to confine them to the work for which they are employed." If enacting this amendment will aid the Secretary, the Senator ought to be glad to accept it.

Mr. McNARY. Mr. President, does the Senator from Utah think that we should select county agents, as against all other employees, for the purpose of gagging them and restricting their statements and their political opinions?

Mr. KING. Oh, it is not that at all.

Mr. McNARY. If legislation of this kind is going to be enacted it should be general in its character, and I think it should be made to apply first to this body.

Mr. KING. The Senator may offer such an amendment if he desires to extend its operation; but I ask the Senator again if he agrees with the statement made by the Secretary of Agriculture which I read a moment ago, to the effect that where cases have been brought to the attention of the department in which it was shown that county agents have overstepped the bounds, and so forth, efforts have been made to keep their work within proper limits; and does he agree with the statement that undoubtedly in a number of cases these agents have gone farther than they ought to in dealing with such matters? If that is true, what objection can there be to a restriction in the appropriation that will confine these county agents to the scope of their authority, as evidently desired by the Secretary of Agriculture?

Mr. McNARY. Mr. President, the Senator from Utah knows that that is a condition which we wish existed in all the departments—that the employees would faithfully perform the duties imposed upon them. I quite agree that if there are any who are going beyond the proper line of their work and causing any social disturbances or interfering or obtruding their opinions in political matters, it is the duty of the Secretary of Agriculture or the employers of these men to caution them about it or to recall them from their work. The objection I have is to singling out these county agents, who perhaps in many instances are not paid as much as they should be, and applying this rule to them, when it ought to be made general if it is to be made at all.

Mr. KING. I want the Senator to distinctly remember that I have not used the word "political" at all. I have not even suggested it. The complaints that have been made in the numerous letters which I have before me do not relate in the slightest degree to political activities or alleged political activities; and the matters to which the Secretary of Agriculture refers, where agents have transgressed, referred to no political activity, but undoubtedly referred to activities of the character described in these letters, in which the agents were assailing private enterprises, among them being houses that were engaged in buying and selling grain and which had built up a business and acquired a standing and had a large clientele.

I have no personal knowledge of these matters, but have received complaints, oral and written, from various parts of the Union, from California to Michigan, and I think I have here a number of letters on the subject from New England States. As I say, I have no knowledge of the matter myself.

Mr. LADD and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. The Senator from North Dakota rose first, and, if the Senator from Nebraska will pardon me, I will yield first to him.

Mr. LADD. Mr. President, I think perhaps I have had a reasonable amount of experience in association with county agent work in this country. I have had associated with me for a number of years not far from 100 county agents and county workers and their assistants. I know that occasionally one of them goes wrong and makes mistakes; I know that occasionally one of them becomes too zealous; but the director of the extension department of the institution usually calls those men into conference and the matters are adjusted. I think it would be unfair and unjust to the county agents of this county and to those associated with the agricultural colleges to single out that one group and make an example of them at this time.

Mr. KING. Mr. President, if the Senator will permit me, it would not be wrong or unjust, assuming that in that field of Federal service are the only ones who are violating, to put it mildly, what might be called the proprieties, if Congress should insist that such procedure should cease, if any employees of the Government are going beyond their authority they should be restrained.

It is the duty of Congress to prescribe the duties of Government employees. If the duties of county agents are not sufficiently defined, then Congress or the Secretary of Agriculture should clearly point out their duties. There can be nothing improper for Congress to restrict or narrow the field of activity of officials. This is a bill dealing with agriculture. If it appears when the naval bill or any other appropriation bill is before us that some officials provided for in such bills are exceeding their authority, then we could with propriety limit the scope of their work. It would be no reflection upon such employees.

I am sure the Senator from North Dakota would not indorse the acts of which complaint is made in the letters to which I have called attention.

Mr. LADD. I concur fully with what the Senator has stated, and do not approve of any action on the part of the county agents that would lead to any difficulties along those lines; but the county agent is not alone a Federal employee. He is employed jointly by the Federal authorities, by the State authorities, and by the county authorities or by the farm bureau, with funds raised by the farmers themselves, each usually bearing one-third of the expense in North Dakota. Sometimes those men have been asked by the farmers to become the organizers of a group of men that shall enable them to sell their products directly through cooperation—as, for instance, in the case of the sweet-clover seed of North Dakota. Through the action of the county agent in putting the farmers in touch with parties who would buy the seed, the farmers were able to obtain double the price that they usually received, with no additional expense to the users of the seed. In the case of the wool in North Dakota the farmers of the counties asked the county agents to take charge of the matter and enable them to secure a better price for their wool. They formed a large wool pool and secured a much better price than the farmers were able to secure before. They made an arrangement with a large woolen mill to convert some of the low-grade wool into blankets, whereby the farmers secured twice or more the price that they otherwise would have received for that wool. I have one of the blankets, that I was glad to purchase from them for one-half the price that I would have paid in the market.

I know that there were those who criticized those county agents for assisting the farmers in this cooperative work. I know of another instance where the county agent, at the request of the farmers, bought several carloads of coal at a considerable saving.

The dealers in coal were somewhat solicitous as to what might follow, and they did not like the proceeding, and criticized the county agent for having assisted the farmers in purchasing this coal; but I think the time has come when cooperative organizations and cooperative movements led by the farmers' agents are going to have a larger share than in the past in the work of selling and buying for the farmer. Ninety per cent of the county agents in North Dakota are college graduates. The majority of them were trained at the institution in the State and know the conditions; and I believe, trained as they are, that they are in a position to lead the farmers in the right direction in cooperative work, and will save them large sums of money.

Mr. KING. Mr. President, I should like to ask the Senator if he sees no difference between woolmen and agriculturists forming legitimate and proper organizations for the sale of their products and employing such agents as they desire, and the Government of the United States creating offices and filling them with men who go out and engage in organizing agriculturists and others and aid them in conducting business and in so doing attack and destroy legitimate enterprises?

Mr. LADD. I do not think the Senator quite understood the function which the agent served in that connection. He was simply the means of organizing the farmers, bringing them together, and finding a channel through which they could sell, and so informing the parties. I feel also, as far as that is concerned, that the Federal Government and the Department of Agriculture could not be engaged in a better business than in assisting the farmers to form cooperative organizations at this time. I think it would be money well spent on the part of the Government to enable the farmers to form cooperative organizations that should enable them to get better markets and to receive better returns for their products, and I think it is a perfectly proper and legitimate function of the Government.

Mr. KING. Mr. President, there will be many persons who will not concur in all of the views of the Senator. I may not have fully understood him; indeed, I was unable to hear all that the Senator said. There should be no opposition to the view that agriculturists be permitted to work together for the purpose of finding markets for their products. For years I have urged the woolmen and the farmers to organize for the purpose of selling their products. I am opposed to monopolies and conspiracies to destroy competition, whether such monopolies or conspiracies are formed by manufacturers or woolmen or farmers. But there is a broad field for legitimate and proper cooperation in marketing farm products.

I doubt, however, the authority of the Federal Government to tax the people to pay the salaries of officeholders to go into the States and engage in business or direct the people in their private concerns. What right has Congress to create offices in order to send an army throughout the land to show bankers how to organize and run their business, or merchants how to buy and sell and keep their books, or builders how to erect buildings, or manufacturers how to build factories and operate their plants? We have proceeded upon the theory that the General Government can collect scientific data relating to agriculture and then carry it to the farmers.

But the Senator, if I understand him, contends that the General Government should go further. Is there no limit to the power of Congress? May it run the farms and the herds for the owners of the same? Is it a government function to help the sheepmen and the merchants carry on their business? Should the Government become a parent to and take charge of the people?

Mr. President, this is not a socialistic State, nor is it a paternalistic Government. It is a Republic. The American people in the early days of the Republic looked with distrust upon a bureaucratic or paternalistic Government. They believed in their own capacity to govern themselves. They wanted no heavy hand of bureaucracy laid upon them.

We are fast departing from the spirit and practice of the fathers, and the people are being taught that it is the duty of the Government to "take care of the people." We need more democracy, more individual effort, more personal freedom. It will be a backward step when the American people feel that they are the wards of the Government and must be supported by it. The farmers of the United States are brave and courageous. They are not supplicants for help from the Federal Government. All that they ask is a square deal. They want no special privileges, nor do they want special privileges granted to others.

As stated, I am in favor, and have been for years, of woolmen and producers of agricultural crops taking steps to find markets for their products, even though in so doing they wipe out the middlemen. There is no doubt but that the farmers and other producers have obtained in the past too little for their labor; the profits have been made by the middlemen. The woolmen of the West, who run the risks, who furnish the capital and produce the wool, have been compelled to sell in a restricted market in Philadelphia and in Boston, and the wool buyers and brokers have grown immensely rich at the expense of the woolgrowers; and the farmers have been robbed and plundered by middlemen, and I am glad to see the farmers organizing for the purpose of marketing their products.

When we can get rid of the parasites in our economic life, of the unnecessary factors and agencies in all branches of business found between the producer and the consumer, the better it will be for the social and the political organism.

Mr. President, I have called attention to these numerous letters, and if the Senator in charge of this bill does not feel that there should be any proper restriction upon these employees of the Government, but believes that it should be left to discipline, which may be applied by the Secretary of Agriculture, I shall not press the amendment at this time.

The VICE PRESIDENT. The Chair understands that a point of order was made that this is new legislation on an appropriation bill.

Mr. KING. I withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. HEFLIN. Mr. President, I wanted to oppose the amendment of the Senator from Utah, because I think these county agents are doing a great work and I fear that if his amendment should become the law any of these big concerns who buy products from the farmer, when they caught the county agents carrying valuable information to the farmer, telling the farmer how to get a better price for his product, would say, "We will have you removed from office if you don't stop that. You are violating the restrictions thrown around you and you can not give this information and aid to the farmers." Thus they would work great injury to the farmer. I am satisfied the Senator from Utah did not mean that his amendment should go that far, but I fear that it would. These county agents ought to be free to give all kinds of information in line with their work to the farmers in the counties that they serve. The speculators in farm products want to close the mouths of our county agents and prevent them from giving aid to farmers in the matter of marketing their crops.

Mr. FERNALD. Mr. President, a few moments ago I called attention to a provision in the bill relating to the white-pine blister and moved to amend, on line 15, page 20, by increasing the appropriation for the purpose of exterminating the white-pine blister from the country from $175,000 to $250,000.

On yesterday I listened with great interest to the remarks of the Senator from Nebraska [Mr. NORRIS] on an amendment for the extermination or eradication of the black rust, the appropriation for which was increased from $200,000 to $500,000, that affects the wheat fields of his section of the country and of the Middle West and South. He made a clear and scientific statement of the way that black rust was produced from the little spores on the barberry bush and how they multiplied by millions and millions, until eventually they destroyed the crops of many of the Middle and Central Western States.

Absolutely the same thing takes place with regard to a little spore which is resulting in the destruction of our pine forests, largely in the State of Maine but covering New England and possibly some of the other Northern States. We have what is called the white-pine blister. It comes from a little spore on the currant or gooseberry bush. Up to this time it has not proven so very formidable, and I believe that with a proper and vigorous enforcement against this little animal it may be entirely exterminated; but if we work along, as they have in the West, with a small appropriation, doing a little each year, it is money entirely wasted. There ought to be sufficient vigor used in the extermination of these spores to completely exterminate them, and I believe it can be done.

The farmers in the Middle Western States raise cereal crops, which are produced from year to year, but in our State we have but the one crop, our white-pine trees, the life of which covers a period of 75 years, and when a tree is once destroyed a new one can not be produced to take its place in a lifetime. One-third of our State of Maine is now in one big forest, and always will be, because it is so stony and abrupt and mountainous that the soil can never be cultivated.

My desire is to increase this amount to such an extent that we may go to work and exterminate these little spores in the next two or three years. It means a tremendous amount to my State. As I stated a few moments ago, we have 23,000,000,000 feet of spruce growing on the soil of Maine to-day, and probably an equal amount of pine timber. One-fifth of all the paper manufactured in this State comes from wood grown on the soil of Maine, and when those woods are once destroyed they are gone forever. This increase is, I believe, more important, more imperative, than even the increase in the appropriation for the destruction of the little germ which produces the black rust in the wheat fields.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield.

Mr. KING. Upon whose lands is the timber to which the Senator is now referring?

Mr. FERNALD. On private lands, largely, although the Government still owns a great many acres of land in that State.

Mr. KING. There is a large amount of timber in Maine owned by private individuals from which they are deriving a great deal of profit. Their profit may be diminished if this blister of which the Senator speaks develops and kills some of the trees. Does not the Senator think they ought to be sufficiently interested in their own property to get rid of those blisters without coming to Congress?

Mr. FERNALD. I want to reply to the Senator, because it is so easy to reply to him. The owners of the timberlands, in their organizations, by contribution of private capital, and with the aid of the Government, are using every effort possible now, and I believe it will be possible to exterminate this trouble entirely from our State. I was very glad yesterday to vote for the increased appropriation asked by the Senator from Nebraska. That, as I understand, covered about 13 States of the Middle West. It is a splendid and generous thing for every Senator here to aid and assist every State in this Union, wherever it can be done. My friends from the cotton districts of the South have had $300,000,000 passed down to them in 16 States. New England has not had to ask for anything of that kind. Maine has not come in for any particular appropriation or assistance up to this time, but this matter is of such importance to our State that it almost means the life and death of

our timberlands down there, and I am asking only that this appropriation be increased from $150,000 to $250,000.

Mr. FLETCHER. May I ask the Senator what the department recommended?

Mr. FERNALD. I do not know what they have recommended.

Mr. LENROOT. They were given what they recommended.

Mr. McNARY. Last year $100,000 was appropriated by the Congress for this purpose. During the year a deficiency item of $150,000 was carried. This year the original estimate of the department was $100,000, but due to an outbreak in the Great Lakes country a second estimate was submitted, which increased the amount $75,000, making it a total of $175,000. That was allowed by the House, and that sum was accepted by the Senate.

Mr. FLETCHER. And carried in the bill?

Mr. McNARY. And carried in the bill.

Mr. FLETCHER. Of course, the Senator from Maine will realize that the department has not the force and has not the facilities to utilize money beyond a certain amount which they estimate, and there would be no use in appropriating more.

Mr. FERNALD. The men who ought to attend to this are right there in the forests to-day. There is no question about getting the help necessary to perform the work there. It has to be done by men in the forests, and it is only necessary to determine the number of bushes in each county and town in the State, and have them pulled up and destroyed. That is all that is required. There is no particular scientific research work necessary. Everybody knows what ought to be done and has to be done, and the only thing that can be done is to exterminate this pest.

Mr. LENROOT. Mr. President——

Mr. FERNALD. I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to say to the Senator that in this appropriation the department has adopted the policy in all States east of the Mississippi River of requiring dollar for dollar expended upon the part of the States. It appeared in the hearing that $100,000 was all that the States and private organizations had informed the department they would raise for this purpose, and therefore the department recommended the sum of $175,000, giving more than dollar for dollar.

Mr. HEFLIN. Mr. President——

Mr. FERNALD. I yield to the Senator from Alabama.

Mr. HEFLIN. Suppose there should be such a pest in the forests of Maine that private enterprise was not able to put up the amount of money necessary, would the Government then withhold the amount of money necessary to save the forests of Maine?

Mr. FERNALD. I thank the Senator for that suggestion. This is precisely what they are doing. The proprietors of the timberlands in my State to-day, individually and by organization, are expending a large amount of money for the extermination of this pest. I think I know about as much about the forests of Maine as does the department at Washington. I have been pretty much in every town and all through the forests. I know that all that is necessary to do is to go around and pull up these bushes and burn them. It does not require any scientific men to carry on any research work. If we can have sufficient funds to do that with just common labor, we can exterminate the trouble in my State and in the other Northern States. The same principle applies to the wheat fields of the West. Yesterday we increased an appropriation from $200,000 to $500,000 for the elimination of the barberry menace, a most commendable thing to do, a very generous and very proper thing to do. Something of the same character should be done with my State for the extermination of the pest which we are discussing. I believe it is right and proper for all Senators to help every State wherever they can be of assistance. It is not necessary to come down to the department every time we are asked to do anything for a State and get information from them as to just what should be done. We can in a general way depend upon them for information, but there is not a Senator who does not know more about conditions in his State and what is needed than does the department in Washington.

I am asking that the amount be increased, and I ask for a rising vote on the question.

Mr. LENROOT. Mr. President, the Senator from Alabama asked if the private interests could not put up sufficient money to match the Federal appropriation dollar for dollar to eradicate the pest, whether the Federal Government should then refuse to make an appropriation. Does the Senator from Alabama believe that the great lumbering interests of Maine are unable to raise, for the eradication of the white-pine blister in Maine, the sum of $25,000 or $50,000? Does he think the great State of Maine is unable to appropriate the sum of $25,000 or $50,000 to meet dollar for dollar an appropriation by the Federal Government in the State of Maine?

Mr. HEFLIN. Mr. President, I take it that a great deal of the forest land in Maine is not owned by the sawmill companies but is owned by private individuals. It may be that some of those private individuals have expended so much money in fighting the white-pine blister that they are not able to put up any more. Then what good would it do to clean up 100,000 acres of land and not touch the property of a man who has 10,000 acres and who is unable to free his trees of this pest? We would have the work all to do over again, because the pest would spread, I take it, from the section that was not cleaned out.

Mr. FERNALD. Absolutely. I just stated to the Senator from Wisconsin that the lumber interests of Maine had appropriated large sums of money, individually and by organization, to exterminate the trouble, but the States can not do this work. Suppose Maine should appropriate $25,000 or $100,000, and the State of New Hampshire right along the same line did not appropriate anything, then what we spend in Maine would be of no value. The work has to be done all over the country, and wherever the pest exists money must be expended to exterminate it.

Mr. LENROOT. The Senator from Alabama says it might be that the lumber interests in Maine had expended all of their money and could not raise $25,000 or $50,000 for this purpose. Of course that might be, but there is no evidence anywhere that such is the case. Of course that is not the case, as the Senator well knows, if he has been in Maine and is familiar with it.

Mr. HEFLIN. I do not well know it, because I understood the able and distinguished Senator from Maine to say that the problem was too big for them to handle it alone; that they are doing all they can now, and that they need this additional sum from the Government, and, so far as I am concerned, I am willing to grant it.

Mr. LENROOT. I am very sure the Senator from Maine, of which State he is so justly proud, will not stand on the floor of the Senate of the United States and say that Maine can not raise $25,000 or $50,000 to help eradicate this pest from the State of Maine.

Mr. President, this is just one of the instances, in a matter that is of very vital interest to a State, where they ask the Federal Government to assume the entire burden.

Mr. FERNALD. Why, Mr. President, I have made the statement twice that we do not ask the Federal Government to make the entire appropriation, but that we are doing there, individually, collectively, and by organization a great amount of the extermination work. I have stated twice that we do not ask the Federal Government to make the entire appropriation.

Mr. LENROOT. I will put it this way—that it is an instance where, instead of matching dollar for dollar, as is being done now and as will be done in the next year under this appropriation of $175,000, they are asking the Federal Government to appropriate more money than is being expended by the States and individuals in the States. Now, that is a fair statement. We had in testimony before the committee just what has been proposed to be raised during the next year for the eradication of the white-pine blister by States, by counties, and by individuals, and the total amounts to $100,000. The bill carries $175,000.

This is a good deal like the other cases where they look to the Federal Government to do all of these things; the pest is not going to be eradicated as quickly as if the States and the individuals in the States would not expect the Federal Government to do it all, but would realize their own responsibility and do their own share. I do not mean that the Federal Government is doing it all now.

I am willing the Federal Government should put up dollar for dollar in these cases, but it is not fair to ask the Federal Government to do more than that.

Mr. BURSUM. Mr. President——

Mr. LENROOT. I yield to the Senator from New Mexico.

Mr. BURSUM. Does not the appropriation apply to the whole United States?

Mr. LENROOT. It does.

Mr. BURSUM. And to all the public lands?

Mr. LENROOT. Yes; but where the Federal Government has public lands the States are not asked to match dollar for dollar.

Mr. HEFLIN. Mr. President, the Senator from Wisconsin suggests that the States must put up dollar for dollar. There have been a great many appropriations made to exterminate pests in different parts of the United States where that principle was not invoked. If I remember correctly, when Congress

appropriated $500,000 to fight hog cholera, we did not require the States to match dollar for dollar before they could get the benefit of that fund. We did that to stamp out hog cholera from the hogs of the United States. When we appropriated money the other day, a few million dollars, to buy seed wheat for our farmers in distress up in the Northwestern States, we did not require the States or the individuals to put up dollar for dollar before they could get the benefit of that fund.

The appropriation sought by the Senator from Maine affects the white-pine blister proposition throughout the whole United States, and I submit that $75,000 is not a large sum when we consider the good that is derived by stamping out this pest in all sections of the country.

If private individuals own land where this blister is present and they have been collecting their own money and applying it for years and years, and they are not able now to meet the appropriations made by the Federal Government, I submit that it is unfair to stop the work in those localities and apply it to some other State and deny it to Alabama or to Maine, because it may be that the money is not forthcoming in those sections. I submit that this is an American question and the forests of America are involved. The whole of the forests of America will be benefited by exterminating the white-pine blister pest and the money is well worth expending. Seventy-five thousand dollars is not a large sum.

Mr. LENROOT. It is $175,000.

Mr. FERNALD. The increase asked is $75,000.

Mr. HEFLIN. The Senator from Maine is asking for an increase of $75,000, and I submit it is a fair proposition.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maine [Mr. FERNALD].

On a division, the amendment was agreed to.

Mr. SHEPPARD. Mr. President, I now renew my motion to amend, in line 19, page 67, by striking out the numerals "$385,000" and inserting in lieu thereof the numerals "$405,000."

This increase involves the amount necessary to restore the leased wire market service to the State of Texas, which was discontinued a year or so ago on account of lack of funds. The matter was not brought to my attention by the State department of agriculture of Texas until a few days ago, and I did not, therefore, have an opportunity to have an official estimate made by the Department of Agriculture.

The reinstallation of the service has been made very advisable by the fact that the State of Texas has installed a radio market service and can now use the leased market wire to very great advantage.

If the Senator in charge of the bill will permit the amendment to be made and to go to conference, I shall lay before him and the other conferees the data justifying the additional amount.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 67, line 19, strike out the numerals "$385,000" and insert in lieu thereof "$405,000."

Mr. McNARY. Mr. President, I ask the Senator from Texas if this has been estimated for?

Mr. SHEPPARD. As I explained, the matter was not brought to my attention until a few days ago. I took it up unofficially with the department and found this was the amount necessary to restore the leased market wire for the State of Texas. I shall not ask the Senator to accept the amendment unless I can lay before him and the other conferees in the next day or two facts justifying the additional sum.

Mr. McNARY. I will state to the Senator from Texas that the matter was never presented to the committee.

Mr. SHEPPARD. The Senator will recall that I spoke to him about the matter a day or two ago and explained why I had not had an opportunity to bring it to the attention of the committee.

Mr. McNARY. I shall not oppose the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Texas [Mr. SHEPPARD].

The amendment was agreed to.

Mr. FLETCHER. Mr. President, on page 35, line 12, I move to insert, after the word "woods," the words "and grasses." This is a provision for the investigation of certain woods with the idea of making paper, and in some States grasses are a great source of supply for that purpose.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 35, line 12, after the word "woods," insert the words "and grasses," so that it will read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods and grasses as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest and fiber products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $340,000.

Mr. McNARY. I have discussed the amendment with the Senator from Florida, and I think it is a proper one. So far as I am able to do so, I am willing to accept it.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. REED. Mr. President, there was one amendment which was reserved, the amendment in relation to the free distribution of seeds. I should like to have a separate vote on that.

The VICE PRESIDENT. The bill has not yet been reported to the Senate.

Mr. REED. I thought the bill had been reported to the Senate.

Mr. HEFLIN. Mr. President, there is a proposition in which the States along the Gulf coast are very much interested, and that is the continuation of the work of investigating and curing diseases attacking the Satsuma orange. I had an amendment prepared to offer to the pending bill in order to make it sure that a provision in reference to that matter would be in the bill. I have talked with the Senator from Oregon [Mr. McNARY], who has the bill in charge, and he has stated that this appropriation is provided for on page 24 of the bill. I have also talked to Doctor Ball, of the Bureau of Plant Industry of the Agricultural Department, and he says that this proposition is cared for. I therefore desire to state to the Senator from Oregon and the Senate that, with the understanding from himself and Doctor Ball that if the $7,500 appropriated on page 24 of the bill is to be used for the purpose to which I refer, I do not care to offer the amendment which I had prepared.

I ask to have printed in the RECORD, Mr. President, in connection with my remarks, a letter from Representative McDUFFIE, of Alabama, on the subject.

The VICE PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON RIVERS AND HARBORS,
Washington, D. C., April 11, 1922.

Senator J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: I herewith hand you a letter which is self-explanatory.

You will note the proportions to which the citrus industry in Alabama has grown within recent years. I feel the Congress should not deny such care and protection as this great industry merits. The work, after having been done for three years, promises complete success in another season, and I sincerely hope you will be successful in reinstating this item in the bill.

I have written Doctor Winberg, assuring him that you would give the matter your undivided attention.

With kindest regards, I am,
Cordially yours, JOHN McDUFFIE.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in all amendments made as in Committee of the Whole except the amendment relating to the free distribution of seeds, which has been reserved.

The amendments, with the exception of the amendment reserved, were concurred in.

The VICE PRESIDENT. The question now is on concurring in the amendment reserved by the Senator from Missouri on pages 26, 27, and 28 relating to the free distribution of seeds.

Mr. REED. Mr. President, I discussed this question at length on yesterday. It is true that many of the Senators who are now present were not present at that time.

I now simply wish to say that the appropriation for the free distribution of seed is the one appropriation which has been carried in the Agricultural appropriation bill for many, many years which goes directly to the people. Under it improved varieties of seeds are distributed into every State and into every hamlet of the Nation. It has probably brought more good results directly to the people than has any appropriation ever contained in the Agricultural appropriation bill. A fight has been made upon it for years by the seed houses. I submit that this appropriation ought to remain in the bill and that the people ought not to be left entirely to the mercy of the seed houses.

If the Agricultural Department is conducting its business correctly—and I hope that it is—it is selecting the finest varieties of improved seeds, and the scattering of that character of seeds throughout the United States brings a result that is incalculable.

Mr. President, I ask for a division on the question.

Mr. LENROOT. Mr. President, I merely wish to say a word. One might be led to believe by the debate in favor of the distribution of free seeds that the farmers in the country are demanding it. I do not know of one single farm organization represented here in Washington which is in favor of the distribution. Does the Senator from Missouri know of any?

Mr. REED. Does the Senator from Wisconsin know of any that are against it?

Mr. LENROOT. Yes; I do.

Mr. REED. I should like to have him name one.

Mr. LENROOT. I have understood that the Farm Bureau and other farm organizations have at various times passed resolutions against it. If I am mistaken in that, I shall be glad to be corrected.

Mr. REED. I have never in my life heard of that.

Mr. LENROOT. I have.

Mr. REED. On what ground does the Farm Bureau protest against the free distribution of seeds?

Mr. LENROOT. Because they believe it is taking an appropriation away from agriculture that is used for the benefit of Senators and Representatives, with the idea that it is going to help them politically, and that the purpose behind it is not to aid agriculture, whereas the three hundred or four hundred thousand dollars or more used each year for the distribution of free seed could be used in experimental work for agriculture and would be of some real value to agriculture. That is the ground upon which their opposition is based; and I think it is a good ground.

Mr. President, in my judgment, if it were not for the fact that Senators and Members of the other House have control of the distribution of free seeds to our constituents, the appropriation for the distribution of free seeds would have gone out of this bill long, long ago.

Mr. REED. Mr. President, I have no desire to detain the Senate. There are 3,500,000 people who live in my State and a very considerable percentage of them live on the farms and in small towns and villages. The protest made by the Senator from Wisconsin just now is the first one I have ever heard made against the free distribution of seeds except by those who object generally to all appropriations.

A part of the protest the Senator has made I have heard; I have read it in newspapers and elsewhere. It is cheap claptrap to say that Senators and Representatives desire this appropriation because it benefits them politically. I stated yesterday, and I repeat now, that it would be my preference that the distribution of these seeds should be made by the Agricultural Department direct. I should be very glad if that were done. The single objection anyone might make to that would be that the Agricultural Department perhaps has no organization directly in touch with the people as have Members of Congress in their respective districts. I know the department has its farm agents, and so forth, but I still adhere to my judgment.

Mr. LENROOT. Mr. President, I should like to say that I happened to distribute the seeds allotted to me through those very county agents.

Mr. REED. Then the Senator is getting no particular political benefit from it. I do not think I myself ever got any political benefit from it; and I am not talking about it from that basis. I do not conduct my campaigns with either garden seeds or chicken feed.

Mr. LENROOT. If the Senator will yield there, I will say that I think any Senators and Representatives who think it is of political advantage to them are mistaken.

Mr. REED. I am not talking about it on that narrow ground; that is the ground that has been chosen, however, by the great seed companies on which to make this fight, the companies which charge 25 cents for a package of seed peas, and there are only four peas in the package.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I yield.

Mr. LODGE. All of the seeds which are distributed are bought from the great seed companies by the Government.

Mr. REED. Yes; but they are bought in bulk, and they are not paid for at the rate of 5 cents a pea.

Mr. LODGE. And a third of them do not come up.

Mr. REED. Very well; if a third of them do not come up, that is an indictment of the Agricultural Department, for if the Agricultural Department is so foolish as to expend the people's money in buying seeds that will not grow, then we had better get a new Secretary of Agriculture and a new force of assistants clear down the line.

Mr. LODGE. Mr. President, I did not know it is the fault of the Agricultural Department; but three or four years ago, as a matter of curiosity, I took some of the flower seeds and some of the bulbs and tried them. I had them planted under the best possible conditions, and the best possible care was taken, but more than 30 per cent never came up at all; they were very poor seed and poor bulbs; they were poorer even than the variety of seeds bought from the seedsmen.

Mr. REED. I will ask the Senator if he has ever tried planting any seeds he has obtained from seed stores?

Mr. LODGE. I have. I have never planted anything else, as a matter of fact, except that one time when I tried the seeds furnished by the Government; but they are worse than the seeds supplied by the seedsmen, and those seeds have become very bad.

Mr. REED. Yet the Senator says the seeds that are distributed by the Government are bought from the seed companies.

Mr. LODGE. Certainly they are, and the Government gets the worst of the transaction.

Mr. REED. It would appear, therefore, that the Agricultural Department are doing the idiotic thing, or the dishonest thing, of buying the poorest seed.

Mr. LODGE. I do not think it is dishonest. The seeds to which I have referred were obtained when a Democratic Secretary of Agriculture was in office. I think he was absolutely honest, as I think, of course, the present Secretary is.

Mr. REED. Under those circumstances, perhaps the seeds were not planted on good ground. Perhaps Democratic seed would not grow in Massachusetts.

Mr. LODGE. They were planted on very carefully prepared ground.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. REED. Yes.

Mr. HEFLIN. I remember that a few years ago there was some complaint about the seeds furnished by the Government being faulty, but Doctor Galloway made it his business to see that good, sound seed were purchased, and since that time I have never heard any complaint about the seed not coming up. The department buys good seed now.

Mr. REED. Mr. President, all of this humor aside, I think the Senator from Alabama has put his finger on the question. There may have been some bad seed sent out, but certainly the Agricultural Department, which we trust to expend millions of dollars, has not failed alone in the matter of free seed.

Speaking of my own State—and I can speak only of my own experience—I have requests for these seeds constantly; particularly in the proper season, and they are distributed to lists of people regardless of politics. I do not even see the lists. The theory on which this system of distribution was started was that the Federal Government should obtain the finest variety of improved seeds, and that by sending them out all over the country in a very short time they would be reproduced and thoroughly disseminated through the community, so that instead of the old and inferior varieties there would appear in each community an improved variety. I can imagine no plan which would be more sensible.

If it has not been correctly carried out, then somebody in the Agricultural Department is derelict in his duty. I have no doubt that in some instances seeds which would not grow have been sent out. When I lived on a farm I thought sometimes I had good seed corn, but found when I tested it that it did not germinate. Such things happen; but I take it, no oftener in the case of seeds supplied by the Agricultural Department than in the case of those furnished by private individuals.

The question is, shall we stop the distribution of seeds of improved varieties of grains and of plants? I think it would be a mistake and that politics has nothing to do with it.

I should be perfectly willing, if we had time, to prepare an amendment to provide that the seeds shall be distributed in some other way, although my own experience is that it is just as well to have some of these things done by Members of Congress who know the people of their respective communities and who are rotating and changing in office from time to time so that in the end the people get the benefit of a distribution that is independent of some particular department.

Mr. DIAL. Mr. President, I have heard some criticism of the distribution of seed, but I want to say that the people in my State are very anxious to receive these seed.

A few months ago I was at home, and next morning I saw in the paper that I had stated that if anyone in the State wanted seed I should be very glad to hear from him. When I came back to Washington I told my secretary that I thought he had undertaken a pretty big proposition to invite all the

people of the State who wanted seed to write for them. He replied that he wanted to serve the people as much as he could. Some time after that my mail was flooded by requests for seed, without respect to party, or favoritism, or anything of that sort. Of course, I did not personally read very many of these applications. I did read some of them, and in many of them the writers said that they received seed last year, and they answered a good purpose, and they were very glad indeed to get them again.

My office has sent out thousands of packages; not all of them garden seed, but flower seed. Mine were a little different from those of the Senator from Massachusetts—sown on stony ground. They were sown on good ground, and they flourished. A short time ago I received an invitation from the chairman of the Civic League in a prosperous city in my State, inviting me, as soon as convenient, to come down, as they wanted to show me the magnificent flowers that grew from these seed.

Mr. REED. I ask for a division on this question.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. A division is called for.

Mr. McNARY. I suggest the absence of a quorum.

Mr. REED. I thought the Senator wanted to proceed without a quorum to-day.

Mr. McNARY. No; I want to proceed with a roll call.

The VICE PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McKinley	Poindexter
Ball	Hale	McNary	Pomerene
Broussard	Harris	Moses	Reed
Bursum	Harrison	Myers	Sheppard
Calder	Heflin	Nelson	Shortridge
Capper	Hitchcock	New	Simmons
Caraway	Jones, N. Mex.	Newberry	Smoot
Colt	Jones, Wash.	Nicholson	Spencer
Curtis	Kellogg	Norbeck	Sterling
Dial	Kendrick	Norris	Sutherland
Edge	Keyes	Oddie	Swanson
Ernst	King	Overman	Trammell
Fernald	La Follette	Page	Walsh, Mont.
Fletcher	Lenroot	Pepper	Warren
Gerry	Lodge	Phipps	Watson, Ga.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present. The question is on concurring in the amendment made as in Committee of the Whole relative to the distribution of seed. The committee amendment proposes to strike out the item.

Mr. McNARY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. What is the status of the amendment? I understood that we agreed to it some time ago in Committee of the Whole. Has that action been reconsidered?

The VICE PRESIDENT. The amendment was agreed to in Committee of the Whole, and a separate vote was reserved upon it in the Senate. The Secretary will call the roll on concurring in the amendment.

The reading clerk proceeded to call the roll.

Mr. ERNST (when his name was called). I transfer my general pair with my colleague, the senior Senator from Kentucky [Mr. STANLEY], to the senior Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

Mr. LODGE. When his name was called. I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from New York [Mr. WADSWORTH] and will vote. I vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and will vote. I vote "yea."

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Ohio [Mr. WILLIS] and will vote. I vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I understand that if that Senator were present he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. He is absent, but I understand that if present he would vote as I shall vote on this question, and therefore I feel at liberty to vote. I vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). I transfer my general pair with the junior Senator from Arizona [Mr. CAMERON] to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my standing pair with the Senator from Indiana [Mr. WATSON] to the Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN], and will vote. I vote "yea."

Mr. KENDRICK (after having voted in the negative). I have a general pair with the Senator from Illinois [Mr. McCORMICK], which I transfer to the Senator from South Carolina [Mr. SMITH], and will allow my vote to stand.

Mr. EDGE (after having voted in the affirmative). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Delaware [Mr. DU PONT], and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from Virginia [Mr. GLASS], and that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 30, nays 31, as follows:

YEAS—30.

Ball	Hale	McNary	Pepper
Borah	Jones, Wash.	Myers	Phipps
Calder	Kellogg	Nelson	Poindexter
Capper	Keyes	New	Smoot
Colt	King	Newberry	Walsh, Mont.
Curtis	Lenroot	Norbeck	Warren
Edge	Lodge	Norris	
Ernst	McKinley	Page	

NAYS—31.

Ashurst	Gooding	Oddie	Sterling
Broussard	Harris	Overman	Sutherland
Bursum	Heflin	Pomerene	Swanson
Caraway	Hitchcock	Reed	Trammell
Dial	Jones, N. Mex.	Sheppard	Watson, Ga.
Fernald	Kendrick	Shortridge	Weller
Fletcher	La Follette	Simmons	Williams
Gerry	Nicholson	Spencer	

NOT VOTING—35.

Brandegee	Frelinghuysen	McLean	Stanfield
Cameron	Glass	Moses	Stanley
Crow	Harreld	Owen	Townsend
Culberson	Harrison	Pittman	Underwood
Cummins	Johnson	Ransdell	Wadsworth
Dillingham	Ladd	Rawson	Walsh, Mass.
du Pont	McCormick	Robinson	Watson, Ind.
Elkins	McCumber	Shields	Willis
France	McKellar	Smith	

So the amendment made as in Committee of the Whole was nonconcurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXTENSION OF DISTRICT RENT COMMISSION.

Mr. BALL. I move that the Senate proceed to the consideration of Senate bill 2919, to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

Mr. POINDEXTER. I would like to ask the Senator from Delaware, pending the putting of the motion, if he expects to press the bill this afternoon?

Mr. BALL. No; I am going to yield to the Senator from Maine, who desires to bring up the hospitalization bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Delaware.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2919) to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, which had been reported from the Committee on the District of Columbia with an amendment in the nature of a substitute.

Mr. JONES of Washington. I submit an amendment, which I intend to propose to the bill which is now the unfinished business. I ask that it be printed and lie on the table. I will simply state that the effect of the amendment would be to exclude business property from the operation of the law.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

HOSPITAL FACILITIES FOR EX-SERVICE MEN.

Mr. FERNALD. Mr. President, for several days I have been trying to get up House bill 10864, the soldier hospitalization bill. I have conferred with the Senator from Delaware this

afternoon, and he agreed to yield to me to take up this bill, but it is getting so late that I shall desire to call it up early to-morrow. As it is understood that the Senate will adjourn very soon, this bill can be taken up in the morning hour to-morrow. The Senator from Delaware has been courteous enough to agree that the bill may be taken up before the bill he has in charge is proceeded with.

AMERICAN NAVAL EFFICIENCY.

Mr. FLETCHER. I ask unanimous consent to have inserted in the RECORD in 8-point type a brief article appearing in Current History for the present month, entitled "American naval efficiency," by former Senator Willard Saulsbury.

There being no objection, the article was ordered to be printed in the RECORD in 8-point type, as follows:

AMERICAN NAVAL EFFICIENCY.

(By Willard Saulsbury, member of American Advisory Committee to Conference on Limitation of Armament, formerly President pro tempore of the Senate of the United States and Senator from Delaware.)

Believing, as we do, that the future years are to be more peaceful than the past, and that pending treaties signed at the Conference for Limitation of Armament will be duly ratified and carried into effect and will aid toward this peaceful future, there are still some fundamental facts we must not forget.

That the powerful naval nations have just agreed to limit their power is due simply and solely to the well-recognized fact that if competition in navies continued the United States would soon be not only the most powerful on the sea, but would be the only solvent nation on the earth. Great Britain never showed her willingness to resign her title of "mistress of the seas" until she knew she could not keep that title. The limitation of naval armament has only been agreed to because the one nation, our own, admittedly able to maintain the most powerful navy, frankly stated that she wished to achieve no such prominence and would limit her own warships to a tonnage equal and not superior to her strongest competitor, provided the other nations would agree on proportional tonnage. That agreement was reached because, having the ability not only to compete but to excel, we waived our opportunity because we did not wish to achieve preeminence in this line of human endeavor. Had our Navy been weak or our shipyards insufficient or our sailors and their commanders inefficient there would be no naval holiday or limitation of sea power.

Our actual power and our naval program brought sanity to a bellicose though war-sick world. The most unchanging thing in all the world is the human mind, and more than a century and a quarter has been required to produce an unbeaten, possibly an unbeatable nation, warlike, yet not military, devoted to the paths of peace and willing to forego that supremacy which is achieved only by force. We may draw an almost infallible conclusion from what we, fortunate ones, living at this period of the world's history, have seen with our own eyes.

If this same Nation continues great—I mean so comparatively and potentially great—we may turn the whole world away from the ideals of military force which have prevailed heretofore. If we now sit smugly content and allow our power, actual or potential, to rust away, we will soon become a negligible factor as a world force and be so treated.

We all wish the so-called naval holiday, now planned to last 10 years, to be renewed and continued, and it is not unreasonable to expect, if we properly conduct ourselves, that it will be renewed and continued. It is not improbable that 10 years hence the naval tonnage of America and Great Britain will by agreement be cut in half and the relative amounts be agreed on as 250,000 tons for each of these nations and 150,000 tons for Japan, and the others likewise diminished; but this will come about only if the half million tons we have are during these 10 years kept at the highest state of efficiency. If our ships rust out and the morale of officers and men declines our wishes and our proposals will be disregarded and ignored, or, at the best, politely "agreed to in principle," with specious reasons why the time is not opportune for action.

The suggestion that we now adopt a policy of neglecting the Navy and our Naval Academy at Annapolis and that we use the tax money which we now can save for other and supposedly more popular purposes, is frightfully mischievous. Our Navy must continue to be as good, as large, as well prepared as any in the world. Our officers and men must be as keen and capable as we are proud to know they now are. Every gun must be ready, every brass polished, and every shoe lace tied. We must have an educated reserve of naval officers to draw on to command our auxiliary fleet should need arise for its construction and use. We must show our determination to live at peace even if we must fight to do so.

If this position is known, then naval holidays will be long and armament will be still further limited. Not less important than ships are men and especially officers. They must have no feeling that only unjust treatment is their lot. China degraded the military art, following the ideas of her extreme pacifists, until she became the political football of the world.

The least expensive help toward greatness on which taxes can be properly spent is the balanced education of our youth. If I could, instead of reducing the output of our Naval Academy, I would educate there each year four times as many young men as we could retain in active service. As many as should be retained to keep our actual Navy at its high standard should be kept in the public service, giving those whose records were highest at the academy the option of remaining. The rest would be distributed, highly educated and well fitted, throughout the country to bear their part in private life and enterprise. They would form a great reserve, to be called on if ever needed, and would furnish the finest possible body of young men from which to recruit officers of the great merchant marine I hope we are to have.

One who now talks of making our Navy contemptible does our country and the world as ill service as if he urged the militarization of the Republic, and in my own opinion would probably bring about the very thing we all have come to disbelieve in—progressive competitive armament among the virile nations of the world.

REPRESENTATION OF AGRICULTURE ON FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, I have here a copy of a letter written by Hon. John Skelton Williams, former Comptroller of the Currency, to Congressman KITCHIN, of North Carolina. This letter touches in part upon pending legislation which provides that agriculture shall have representation in the membership of the Federal Reserve Board. The country is indebted to John Skelton Williams for many valuable contributions to the discussion of the ruinous deflation policy of the Federal Reserve Board. This letter contains much valuable information, and I ask unanimous consent to print it in the CONGRESSIONAL RECORD in the regular RECORD type.

There being no objection, the letter was ordered to be printed in the RECORD in 8-point type, as follows:

RICHMOND, VA., *March 20, 1922.*

Hon. CLAUDE KITCHIN,
House of Representatives, Washington.

MY DEAR MR. KITCHIN: I understand that the Senate bill enlarging the Federal Reserve Board and limiting the expenditures which may be made by the reserve banks for luxurious banking establishments is now before the Banking and Currency Committee of the House and presumably will soon be reported to the House unless the efforts which are now being made by the Reserve Board to smother or defeat it should succeed.

I consider that measure exceedingly important and wise as far as it goes, but it does not go far enough, especially in the matter of curbing the lavish waste and extravagance which it has been demonstrated exist in the administration of the reserve system.

$50,000,000 FOR FOUR BANK BUILDINGS IN FOUR CITIES.

Astounding as it seems, it is nevertheless true that the Federal reserve authorities had already planned to spend about $50,000,000 for gorgeous banking edifices in the four cities of New York, Boston, Cleveland, and Chicago.

Against the official estimate of cost as submitted to the Senate under date of October 31, 1921, and described in that report as to most of the cost as the "Most recent estimate" of $49,878,914, please note the statement recently made on the floor of the United States Senate that the cost of both Houses of Parliament, including the House of Lords and House of Commons, was only about $2,000,000, or less than one-tenth of the amount which the reserve board has authorized for banking quarters in New York City alone, namely, $25,646,000.

The Capitol at Washington, according to the statement of another Senator, cost not more than $2,500,000, or less than one-eighth of the New York Reserve Bank's buildings and equipment as planned.

The Federal Reserve Board, in its recent supplementary report to the Senate, has confessed that the cash fees and commissions which they have agreed should be paid to architects, engineers, and contractors for banking quarters in New York City amount to $1,746,000, exclusive of the additional fees and commissions paid in connection with the construction of the New York Reserve Bank annex.

FEES ALONE OF NEW YORK BANKING PALACE ABOUT EQUAL COST OF HOUSES OF PARLIAMENT.

The total of these huge commissions and rake-offs for this one bank at New York amount to practically as much as the total cost of the Capitol at Washington or the total cost of

both Houses of Parliament! It appears to be still a secret what the fees and commissions on the other reserve banks amount to.

Pages 21, 22, 24, and 34 of the board's official report to the Senate of October 31, 1921, furnish the following details as to the cost of the magnificent banking palaces in the four big cities above referred to:

[Figures from reserve board's report to Senate in answer to Overman resolution.]

Federal reserve bank buildings.	Cost to Oct. 1, 1921.	Estimated to finish.	Total estimated cost (land and structures).
Boston	$4,456,563	$900,000	$5,356,563
New York	7,766,410	17,880,000	25,646,410
Cleveland	3,410,257	5,000,000	8,410,257
Chicago	5,835,684	4,629,000	10,465,684
Total	21,469,914	28,409,000	49,878,914

In my letter to Senator OVERMAN of December 2, 1921, I showed that the average yearly congressional appropriation for all United States public buildings under the Treasury Department, including post-office buildings, courthouses, customhouses, and so forth, have averaged annually for the past 20 years only $10,969,076, which is only about 40 per cent of what the Reserve Board has authorized one bank to spend for lavish banking quarters in one big city.

The funds appropriated for the reserve bank edifices for the four cities mentioned, therefore, amount to approximately five times as much as the average yearly expenditures for the past 20 years for all of the Federal buildings in all of the 48 States of the Union.

$34,000,000 FOR BANK BUILDINGS FOR TWO FAVORED CITIES.

The above table shows also that two banks—New York and Cleveland—were authorized to spend for palatial banking quarters in those two cities the sum of $34,056,000, which exceeds by more than $9,000,000 the total amount which the farm loan banks were provided with under the recent congressional resolution to meet the urgent needs of farmers throughout the country. Can this be called an equitable distribution of the funds of the system?

$10,000,000 ENOUGH; $50,000,000 APPROPRIATED.

If the Boston and Cleveland banks should have been limited to the cost of the excellent banking quarters provided for the reserve banks of Philadelphia and St. Louis, and $2,500,000 appropriated for the bank at Chicago, which, in the opinion of competent judges, would have fully met that situation, and $5,000,000 additional should then have been appropriated for the New York bank—and that amount would, unquestionably, have given New York all the accommodations reasonably needed now or for years to come—there could have been a saving of just $40,000,000 on the amount which the board authorized for banking quarters for those four cities alone. If double the allowance here suggested should have been made, there could still have been a saving of $30,000,000 from the amounts authorized by the board for those four cities.

The total cost of the bank building of the Federal Reserve Bank of St. Louis, with equipment and the land on which it stands, is placed at $510,461. This is exclusive of other property subsequently bought, but which the report says they propose "to sell if found that a larger building is not required." As the ground without the new lot covers 20,367 square feet, as compared with 16,675 square feet for the Federal Reserve Bank of Kansas City, 19,205 for the Philadelphia bank, and 26,400 square feet for the Chicago bank, it would seem that this additional land could be readily dispensed with.

HOUSING COST $14,063 PER EMPLOYEE.

As the officers and employees of the Federal Reserve Bank of St. Louis, December 31, 1921, numbered 517 and the officers and employees of the Federal Reserve Bank of Cleveland on the same date numbered 598, it will be seen that the cost of housing each employee in these two banks, based on the estimated cost of the respective buildings, would be as follows:

	Per capita.
Federal Reserve Bank of St. Louis	$987
Federal Reserve Bank of Cleveland	14,063

Surely there is "something rotten in Denmark."

The Federal Reserve Board's report to the Senate of October 31, 1921, showed that the reserve banks had already spent up to October 1, 1921, in the several reserve districts (pp. 21–22) on their banking palaces the sum of $39,370,000, and the additional amount which they had planned to spend to complete six of the bank buildings then under construction was $32,812,000, making a total of $72,182,000, which is exclusive of other enormous expenditures which the board had also planned to make in other cities where elaborate buildings have also been provided for, or are in contemplation. Some of these have been stopped by the board since the introduction of Senator HARRIS's resolution to limit those expenditures.

RENTAL VALUE, GYMNASIUM, AUDITORIUM, CLUB, AND RESTAURANT SPACE IN NEW YORK BANK EXCEEDS TOTL RENTAL, ALL 12 RESERVE BANKS, 1917.

The manner in which every instinct of economy has been violated is obvious at every turn. For example, in the New York banking palace, now under construction, the annual rental value of the space set aside for "gymnasium, restaurants, club quarters, and auditorium," or movie theater, as it is sometimes called, is $179,322, as figured on what the reserve board describes in its reports as "the basis of existing rental values." The rental value of that space, so appropriated, is more than the total rental paid by all of the 12 reserve banks in the calendar year 1917—only the Dallas Reserve Bank at that time occupying its own banking house.

CLAIM THAT NEW BUILDING IS NEEDED TO "STORE GOLD" IS SIMPLY A FAKE.

In endeavoring to excuse the erection of the 15-story building by the New York Reserve Bank, with 5 additional stories underground, it was claimed that space was needed for the "storage" of the New York Reserve Bank's vast gold supply; but calculations which have been made show that the New York Reserve Bank's annex alone, *exclusive of the main banking palace*, estimated in the board's October report to the Senate to cost *an additional* $23,435,000, contained enough space in its basement for vaults capable of holding, without crowding, not only all of the gold supply of the New York Reserve Bank but the entire gold supply of the whole world, estimated at about $9,000,000,000.

The suggestion, therefore, that this huge additional building was necessary, either in whole or in part, to store the gold, etc., is an absurd pretense.

VOLUME OF LOANS PER EMPLOYEE, 1917, $500,000; 1922, $40,000.

The total loans, discounts, and bought paper held by the Federal Reserve Bank of New York last week—March 15—amounted to only $92,725,000, or about $40,000 per employee. In December, 1917, they were about $500,000 per employee.

Official reports show that the New York Reserve Bank has been employing, exclusive of all employees engaged in its "transit" or check-collection department, from 2,000 to 2,500 men and women. In 1920 the "transit" department had 522 employees.

A report which I have before me shows that one of the largest and most successful banks in New York City, whose loans and investments amount to about twice as much as the loans of the New York Reserve Bank, employs in all departments, including its transit or collection departments, its banking department, and all other departments, something less than 100 employees.

I also have before me the report of another large financial institution which has outstanding about $400,000,000 of loans, and those loans are in charge of one capable executive officer, who has in his department only about 30 employees, or say, 10 employees per $100,000,000 of loans, while the New York Reserve Bank has, exclusive of employees in its transit or check-collection department, more than 2,000 employees per $100,000,000 of loans.

The loan department of the bank is the most important. The work in connection with Liberty bonds is a mere fraction of what it was in 1917, when expenses were less than one-seventh of what they were last year, and the number of bank-deposit accounts is small compared with most of the banking institutions in New York City, although the amount of its deposits is, of course, very large. Its check-collection business is also small compared with that of the New York clearing house.

Loans, discounts, and bought paper held by the New York Reserve Bank were as follows:

Mar. 15, 1922	$92,725,000
Dec. 28, 1917	403,110,000

This shows that loans, discounts, and bought paper held by the Federal Reserve Bank of New York on December 28, 1917, amounted to more than four times as much as at this time, although that reserve bank for 1917 was employing only 829 employees and officers, as compared with 2,773 employees and officers December 31, 1921.

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Official reports show that the New York Reserve Bank has

EXPENSES INCREASE 800 PER CENT—25 MEN GET SALARY INCREASE AVERAGING 594 PER CENT.

For the year 1921 current expenses of the New York Reserve Bank were reported at the enormous sum of $8,673,456, against total current expenses in 1917 of $1,129,336.

In other words, since 1921 the expenses have increased to nearly 800 per cent of what they were in 1917

What else could you expect when you find money being so recklessly paid out that 25 of the New York Reserve Bank's "officers" whose aggregate annual salaries at the time of or just before their employment by the Federal reserve system amounted to only $56,300 were getting in October last $334,700, an increase of 594 per cent, although the salaries of most Government employees, Senators, and Representatives have not been increased at all.

I believe that at least five or six million dollars could have been saved in the administration of the New York Reserve Bank last year if it had been run with a proper regard to intelligent administration and economy, and of the amount so saved 90 per cent would have gone into the Federal Treasury.

In making the plans for its new "banking temple" at New York the Federal reserve authorities proceeded with the most amazing waste and the most reckless extravagance.

The total rental paid by the Federal Reserve Bank of New York for the years named was reported as follows:

Calendar year 1920	$301,397
Calendar year 1919	290,243
Calendar year 1917	55,557

Rental value of space set aside for "gymnasium, restaurants, clubs, and auditorium" on "present basis of rental," $179,322. Total rental *all reserve banks* 1917 (only one bank building owned), $178,622.

The bank at this time has no need for as much space as it had in 1919 or 1920, and yet they are pushing forward the construction of an additional 20-story building, including five stories underground, upon which the taxes alone, based on cost and the present New York City tax rate, will amount to about $700,000, or twelve times total rental in 1917, although loans are now less than one-fourth of December, 1917. Rental increased from $55,557 to equivalent of over $1,500,000, estimating funds in building at 3 per cent.

And the interest on the $25,646,000 which the board authorized the bank to expend for banking quarters would, at the moderate rate of only 3 per cent, be equal to, say, $769,000, making the rental cost on this basis, exclusive of upkeep, insurance, and other expenses, of $1,469,000, or about five times as much as the maximum rental the bank has ever paid in any one year in the past, when the demand for space was probably greater than it will be for many years to come.

The rental on that basis is also about thirty times as great as the total rental paid in 1917, although the bank's loans in December, 1917, were four times as large as they are now. (The money being spent in the building, if loaned on agricultural and commercial paper, would have been nontaxable.)

I viewed the site of the New York bank building a few days ago, and found earth was still being excavated from the foundation. The bank officers claim that they bought the land at a bargain price. If this is true, why not instruct the bank to sell it at a profit, if possible, and buy land a few blocks away which could be gotten so as to save, on land alone, probably three or four million dollars. The less expensive ground would be equally convenient to 97 per cent of the bank's depositors.

As to this new and wantonly extravagant building, its erection has practically not yet been commenced—still working on the foundation. Unless the subcontracts have been let on an enormously inflated basis they ought to be able to cancel the contracts by the payment of a moderate amount of money and save the Government on the land and building at least $15,000,000 from the estimate they submitted to the Senate in October last of $25,646,000.

NEW YORK RESERVE BANK ARRANGING FOR $25,000,000 BANKING PALACE WHILE RESERVE BOARD SUSPENDS RESERVE REQUIREMENTS TO AFFORD IT RELIEF.

The Reserve Board's report to the Senate shows that it made the "informal arrangement" with the "general contractor" for the construction of this monumental folly, or banking temple, on December 22, 1919, although the official records show that about that very time the Federal Reserve Bank of New York, largely as a result of its huge loans to certain big speculative institutions in that city, was so hard pressed that it was actually borrowing in January, 1920, more than $100,000,000 from other Federal reserve banks in other parts of the country, including the South and the West, whose resources were to that extent being sapped.

It is also worthy of note that while the New York Reserve Bank was practically in the act of authorizing these unconscionable expenditures for this banking palace the Federal Reserve Board at Washington was passing a resolution waiving the reserve requirements for that particular bank, thus facilitating its imprudent and improvident expansion.

The formal contract with the general contractor it appears was executed January 25, 1921. About that time, or, say, on February 14, 1921, the New York Reserve Bank, according to Governor Strong's admission before the Joint Commission on Agricultural Inquiry, August 9, 1921, was lending to two banks in New York district the sum of $250,000,000, the amount loaned to one of these institutions being $150,000,000.

TWO BANKS GET $250,000,000, WHILE TOTAL LOANS ON AGRICULTURAL AND CATTLE PAPER IN 5,307 BANKS WERE ONLY $59,000,000.

The total amount of "agricultural" and "live-stock" paper held as late as February 28, 1921, by eight Federal reserve banks, covering about two-thirds of the area of the entire country, was less than $59,000,000.

Therefore, those two banks in New York were being accommodated with more than four times as much money as 5,307 member banks were at that time getting on "agricultural" and "live-stock" paper in 28 States and parts of 5 others, including all of the New England States, New York, New Jersey, Delaware, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Arkansas, parts of Indiana, Illinois, Missouri, Louisiana, and Arizona, and also in the whole of the important agricultural and cattle-raising States of Oregon, Washington, and California, with Utah, Nevada, and Idaho added.

NEW YORK RESERVE BANK DIRECTOR GETS BIG LOAN ON "DUMMY NOTE."

The following instance illustrates the scrupulous nicety and punctilious ethics of the New York Reserve Bank officials. In the autumn of 1920 the records show that a certain director of the New York Reserve Bank was borrowing from a member bank to which the New York Reserve Bank had extended huge accommodations more money than the Federal reserve banks of New York, Boston, Philadelphia, and Cleveland were lending at the same time on agricultural and live-stock paper to all the 2,766 member banks in all the States in those great districts. Furthermore, the New York Reserve Bank director was borrowing that money mainly on speculative stocks and more than half of it on a "dummy loan."

I have used in this letter figures as to building costs taken from the official report submitted to the Senate by the Federal Reserve Board under date of October 31, 1921, in answer to the Overman resolution calling for data. The report gave figures down to October 1, 1921, as to expenditures, and the estimated cost to complete the unfinished banks are presumed to be the estimated costs as of October 1, 1921, or the date of the report, October 31, 1921, except that we are told that the most recent estimate "for the completed banking quarters in New York City," which the report places at $25,646,410, is "March, 1921."

RESERVE BANK OFFICIALS SCAMPERING TO COVER.

Since the disclosures of this colossal extravagance and scandalous waste were made last fall the Federal reserve authorities have gotten very busy trimming down building estimates, and now claim that they did not really expect to spend the amounts they admit they had "authorized." But unless Congress itself puts the brakes on them, their promises and new estimates must be taken with a good deal of salt. These reductions should have been made before they were forced by an aroused public indignation.

WHAT A COLORADO BANK PRESIDENT SAYS.

In conclusion I beg leave to quote the following extract from a letter from a bank president in Denver, Colo., which was introduced in the CONGRESSIONAL RECORD of January 16, 1922, by Senator HARRIS of Georgia. The letter referred to was dated January 11, 1922. It refers to Senator HARRIS's bill designed to place a limit upon the expenditures to be made by the reserve banks without the authority of Congress. Its writer said:

> If I am correctly informed, this bill attempts to place at least a joint control over the money earned by the Federal reserve banks in which the Government has a direct interest under the law in Congress itself. As a matter of fact, the Federal reserve banks should not be allowed under any circumstances to spend the money of the Government without the Government's consent, and your logic is certainly sound.
>
> It has been well understood among banks throughout the country that the Federal reserve banks were spending money like drunken sailors in erecting new buildings on most extravagant scales in order to use up the extraordinary earnings of these banks and not be obliged to turn the same into the Government Treasury.
>
> The business of the Government in the matter of public buildings should not be delegated, but be under the direct supervision of Congress. Of this there can be no doubt or argument. There may be cases where there is need for Federal reserve bank buildings, but, if so, Congress had just as well provide it as to have the bank boards provide it.

UNITED STATES TREASURY MULCTED OF $6,000,000 BY BOOK ENTRIES FOR "DEPRECIATION."

Already the reserve banks have charged off for alleged depreciation in connection with the cost of bank buildings, most of which have not yet been completed, over $7,000,000, and 90 per cent, or over $6,000,000 of this charge-off, is at the expense of the Federal Treasury.

There is probably not a man in either branch of Congress who will attempt to defend the mismanagement for which certain Federal Reserve officials have been impeached. The charges can not truthfully be denied. It is now for the Congress to answer the question which Governor Harding, of the Reserve Board, and Governor Strong, of the New York Reserve Bank, in the language of the notorious Tweed, are probably asking, "What are you going to do about it?"

I believe, Congressman, that you will find that the correction of these evils is a subject well worthy of your splendid abilities and your courageous efforts.

The fatal experiences of the past two years, in my opinion, prove quite clearly that the wise, capable, and fearless administration of our banking and currency system is really of more pressing importance to the whole country than the tariff, or disarmament, or the collection of our foreign debts, or other great questions which at this time are occupying the public mind.

With cordial best wishes,

Sincerely yours, JOHN SKELTON WILLIAMS.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE BRINSON.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. SAMUEL M. BRINSON, late a Representative from the State of North Carolina, and transmitted the resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Assistant Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
April 13, 1922.

Resolved, That the House has heard with profound sorrow of the death of Hon. SAMUEL M. BRINSON, a Representative from the State of North Carolina.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses connected therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SIMMONS. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The resolutions (S. Res. 275) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAMUEL M. BRINSON, late a Representative from the State of North Carolina.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee on the part of the Senate under the second resolution Mr. SIMMONS, Mr. OVERMAN, Mr. ASHURST, Mr. CARAWAY, Mr. LADD, and Mr. HARRELD.

Mr. SIMMONS. Mr. President, I move as a further mark of respect to the memory of the deceased Representative that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 14, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 13 (legislative day of April 10), 1922.

COLLECTOR OF INTERNAL REVENUE.

D. Arthur Lines to be collector of internal revenue for the district of Louisiana.

PROMOTIONS IN THE NAVY.

To be commanders.

George M. Baum.
Wolcott E. Hall.
Fred F. Rogers.
William L. Beck.

To be lieutenant commanders.

George M. Cook.
Edward K. Lang.
Walter D. La Mont.
Roman B. Hammes.
Herbert O. Roesch.
Deleavan B. Downer.
Lewis W. Comstock.
Frank E. P. Uberroth.
Alexander Macomb.
Paul F. Foster.
Ames Loder.
Ralph G. Risley.
Carlos A. Bailey.
John F. Meigs, jr.
Richard S. Field.

To be lieutenants.

Roman B. Hammes.
Linton Herndon.
John G. Farrell.

To be lieutenants (junior grade).

John G. Farrell.
Robert B. Crichton.

To be surgeon.

Charles S. Stephenson.

To be passed assistant surgeons.

William R. Taylor.
Elmer F. Lowry.
Earl E. Sullivan.
Forrest M. Harrison.

To be paymasters.

Hervey B. Ransdell.
Lawrence A. Odlin.
John A. Byrne.
John B. Ewald.

To be passed assistant paymaster.

Joseph A. Carey.

To be chief machinists.

James Hauser.
Warren E. Magee.
Helge Ohlsson.

To be chief carpenter.

Robert F. Roberson.

POSTMASTERS.

ILLINOIS.

William R. Buckler, Brockton.
Louis E. Ude, Carmi.
Fred More, Charleston.
Joshua L. Saylor, Glasford.
Harlo F. Selby, Golden.
William T. Robinson, Kenilworth.
Robert A. Blackmon, Lacon.
George H. Townsend, Onarga.
Homer F. Kelly, Roseville.
Frank Reed, Taylorville.

IOWA.

John L. Gallagher, Eddyville.
Frederick W. Steele, Walker.

KENTUCKY.

James H. Thompson, Ewing.
Edgar P. Catron, Junction City.
Jackson L. Montgomery, Valley Station.

LOUISIANA.

Jesse M. Talbot, Bernice.
John A. Marchand, Gonzales.
Clifford P. Connell, Haughton.

MASSACHUSETTS.

Almon L. Pratt, Belchertown.
Raymond C. Hazeltine, Clemsford.
Delano E. Chase, Linwood.
Myron M. White, South Duxbury.
D. Anthony Sheehan, Weston.
George B. Waterman, Williamstown.

MISSISSIPPI.

William B. Stone, Fulton.
Henry P. Patton, Sardis.

MONTANA.

Clarence R. Miller, Circle.
Ernest M. Goodell, Dutton.
Mary J. Tasa, Flaxville.
Leon E. Phillips, Highwood.
Rose M. Sargent, Nashua.
Letta Conser, Plevna.
Marie I. Moler, Reedpoint.
Lizzie Gorsuch, Winnett.

NEW JERSEY.

Walter Frederick, Delawanna.

NEW YORK.

C. Homer Hoek, Greenville.
John B. Read, Poland.
Lloyd E. Jones, Richville.

NORTH CAROLINA.

James S. Rogers, Oxford.
William J. Hardage, Waxhaw.

OHIO.

Howard C. Moorman, Jamestown.
Albert E. Gale, Lima.
Sanford E. Gottshall, Magnolia.

PENNSYLVANIA.

Howard L. Harbaugh, Fairfield.
W. Winston Davis, Johnstown.
James W. Hatch, North Girard.
William E. Vance, Unity Station.
Ruth Roberts, Vintondale.

SOUTH CAROLINA.

Jefferson M. Davis, Pinewood.

TEXAS.

James T. Shaw, jr., Anna.
James R. Corbin, Blooming Grove.
W. F. Curtis, Byers.
Robert S. Brennand, Colorado.
Jasper M. Brooks, Copperas Cove.
Jasper N. Coffman, Daingerfield.
Cornelius A. Ogden, Deweyville.
Andrew Schmidt, Edna.
Arnold H. Kneese, Fredericksburg.
Arthur H. Rook, Harold.
Minnie S. Parish, Huntsville.
Thomas J. Oden, Lindale.
Edmund W. Tarrence, Llano.
Joel W. Moore, McDade.
Rudolph Nordhausen, Schulenburg.

WISCONSIN.

Sever E. Nelson, Argyle.
Leslie D. Jenkins, Bagley.
Henry C. Scheller, Cecil.
Eugene H. Stoddard, Downing.
John F. Rhinehart, Gays Mills.
Carson J. Lawrence, La Farge.
Charles Pearson, Lavalle.
Burton E. McCoy, Prairie du Sac.
Andrew Bock, Stockholm.
Harry Bradley, Taylor.
Edmund O. Johnson, Warrens.
Tena W. Krentz, Westfield.
Theodore R. Peterson, Weyauwega.
George E. King, Winneconne.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 13, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be not silent unto us, O God, for amid our laughter and amid our tears we give Thee thanks. O speak to us out of the clouds which hide the glory of Thy face. Again there is a silence in our roll call, and a Member, honored and esteemed, will answer no more to his name. Remember the loved ones with the rich blessings of the untroubled heart. Impress us with the brevity and uncertainty of life, and also with its tremendous meaning. As men, as citizens, and as servants may our daily lives be born of the conviction that we are dealing justly and with loving mercy, for God is near. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. GRIFFIN. Mr. Speaker, on page 5951 of the RECORD of yesterday there are some typographical errors, and I ask unanimous consent to revise and extend my remarks in order to make the necessary corrections.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks and to make the necessary corrections. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2579. An act to provide for the publication of estimates of unginned cotton; and

S. J. Res. 187. Joint resolution authorizing the Director of the Census to collect and publish additional cotton statistics.

The message also announced that the Vice President had appointed Mr. RAWSON and Mr. CARAWAY members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2579. An act to provide for the publication of estimates of unginned cotton; to the Committee on the Census.

S. J. Res. 187. Joint resolution authorizing the Director of the Census to collect and publish additional cotton statistics; to the Committee on the Census.

DEATH OF REPRESENTATIVE BRINSON.

Mr. POU. Mr. Speaker, it is with sincere sorrow that I announce to the House the death, in the early hours of the morning of this day, of SAMUEL MITCHELL BRINSON, a Representative from the third district of North Carolina. Our colleague had been a sufferer for many months. It was a tribute to the people of his district, among whom he had lived, that last week, when he had returned to this city from a sanitarium, he made the request that he be carried home in order that he might die amongst his friends among whom he had lived and spent his life. Our dead friend was a man of generous impulses, amiable, and lovable. On his soul when the summons came rested that calm which of right belonged to one who had never knowingly injured a fellow being.

His funeral will be held to-morrow from his home in the city of Newbern, N. C., at 3 o'clock.

I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 320.

Resolved, That the House has heard with profound sorrow of the death of Hon. SAMUEL M. BRINSON, a Representative from the State of North Carolina.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses connected therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Mr. KITCHIN, Mr. POU, Mr. STEDMAN, Mr. DOUGHTON, Mr. WEAVER, Mr. WARD, Mr. LYON, Mr. BULWINKLE, Mr. HAMMER, Mr. BOWLING, Mr. SANDLIN, Mr. LOWREY, Mr. GLYNN, Mr. TYSON, and Mr. KING.

And then (at 12 o'clock and 7 minutes p. m.) the House, in accordance with the resolution, adjourned until Friday, April 14, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FESS: Committee on the Library. H. J. Res. 304. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; without amendment (Rept. No. 903). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GENSMAN: A bill (H. R. 11298) to make punishable by law the offense of uttering false statements affecting national banking institutions; to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5085. By Mr. CONNELL: Resolution adopted by the Manufacturers' Association of Lackawanna County, Pa., indorsing the principle of American valuation of imported goods in the administrative provisions of the tariff bill; to the Committee on Ways and Means.

5086. By Mr. CONNOLLY of Pennsylvania: Evidence in support of House bill 11285, granting a pension to Christiana Hoffman; to the Committee on Invalid Pensions.

5087. Also, evidence in support of House bill 11286, granting a pension to Mary A. Binker; to the Committee on Pensions.

5088. By Mr. KISSEL: Petition of William Wallace Brauer, Washington, D. C., relative to loaning the German Government a billion dollars to revolutionize the American agricultural industry; to the Committee on Ways and Means.

5089. By Mr. MEAD: Resolution adopted by the board of estimate and apportionment of New York City, urging the continuance of the Brooklyn Navy Yard and more hospitalization for disabled veterans in the New York district; to the Committee on Appropriations.

5090. Also, petition of Frank Mangus and other residents of Buffalo, opposing the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *April 14, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Gracious Father, we recognize the associations which gather about this day. We recognize the solemn responsibilities which come to us with those associations, and we rejoice before Thee that Thine own eye of piety and Thy heart of love are moved for a world in need, and we thank Thee for Him who came to bear our sins, to meet for us the emergency in the great crises of human life. We pray that more and more His Spirit may dominate our lives, control our actions, and bring us into closer sympathy with mankind in its needs and in all the affairs and responsibilities of government and of personal relationship. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 10, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF STATE, 1923 (S. DOC. NO. 182).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State (foreign intercourse), fiscal year 1923, for alteration, repair, and furnishing of the embassy building in London, England, $155,000; for the International Conference on Maritime Law, $5,000; and for the Fifth International Conference on American States, at Santiago, Chile, $75,000; in all, $235,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ALTERNATIVE ESTIMATE, DEPARTMENT OF STATE, 1923 (S. DOC. NO. 184).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an alternative estimate of appropriation for the Department of State (foreign intercourse), fiscal year 1923, for the International Research Council, $4,030, in lieu of the estimate for the same purpose contained in the Alternative Budget, page 90, in amount $2,658, representing a net increase in the amount requested of $1,372, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1923 (S. DOC. NO. 183).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1923, for "pay, etc., of the Army," $500,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the Massachusetts Department, Grand Army of the Republic, protesting against the enactment of legislation reducing the efficiency and personnel of the Army and Navy below the level agreed to by the Conference on Limitation of Armament, which was referred to the Committee on Appropriations.

Mr. MYERS presented a resolution of the Libby (Mont.) Commercial Club, favoring inclusion in the McNary reclamation bill of a provision for the reclamation of logged-off lands, which was referred to the Committee on Public Lands and Surveys.

Mr. ODDIE presented letters in the nature of petitions from employees of the Treasury custodian service of Reno and Carson City, Nev., praying for the enactment of House bill 8928, granting certain relief to employees of the Treasury custodian service, which were referred to the Committee on Appropriations.

Mr. CALDER presented a resolution of the board of aldermen of the city of New York, favoring the restoration of the pneumatic-tube system in the postal service at that city, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENDRICK presented a resolution of Ora Call Post, No. 10, American Legion, of Wheatland, Wyo., favoring the passage of the soldiers' bonus bill without amendments likely to defeat its final enactment, which was referred to the Committee on Finance.

Mr. MOSES presented memorials of sundry citizens of Rochester, Farmington, and Washington, all in the State of New Hampshire, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CURTIS presented a resolution adopted by the congregation of the First Presbyterian Church of Lincoln, Kans., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by the congregation of the First Presbyterian Church of Lincoln, Kans., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COLT presented a resolution of the Varnum Continentals, of East Greenwich, R. I., protesting against the policy of further reduction of the Army and Navy personnel, which was referred to the Committee on Military Affairs.

Mr. WILLIS presented a resolution adopted by Sarah M. R. Battles Tent, No. 44, Daughters of Veterans, of Akron, Ohio, favoring the enactment of liberal pension legislation for veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. RAWSON, from the Committee on Military Affairs, to which was referred the bill (S. 151) to amend sections 4874 and 4875 of the Revised Statutes, relating to compensation for superintendents of national cemeteries, reported it without amendment and submitted a report (No. 598) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 256) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919, reported it without amendment and submitted a report (No. 600) thereon.

He also, from the same committee, to which was referred the bill (S. 583) for the relief of Lyn Lundquist, reported it with an amendment and submitted a report (No. 601) thereon.

PRESENTATION OF TABLET TO NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. CURTIS. Mr. President, for the Senator from Connecticut [Mr. BRANDEGEE], chairman of the Committee on the Library, I report back favorably without amendment the joint

resolution (S. J. Res. 190) to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution, and I ask unanimous consent for its immediate consideration. It is very short.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350 for the expenses of producing a suitable tablet in conformity with this resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL SERVICES IN HONOR OF GENERAL GORGAS.

Mr. FLETCHER. From the Committee on Printing I report back favorably Senate Resolution 250 to provide for the printing of 2,500 copies of the memorial services held in honor of Maj. Gen. William Crawford Gorgas, and I ask unanimous consent for its present consideration.

There being no objection, the resolution was read, considered, and agreed to, as follows:

Resolved, That there be printed 2,500 copies of Senate Document No. 390, Sixty-sixth Congress, third session, entitled "Memorial Services Held in Honor of Maj. Gen. William Crawford Gorgas," for the use of the Senate document room.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. Mr. President, I ask unanimous consent that Senate Resolution 258 be referred to the Committee on Civil Service, with instructions to report the resolution back to the Senate within 10 calendar days.

Mr. CURTIS. I ask the attention of the Senator from South Dakota [Mr. STERLING] to the matter, though I think there is no objection to the order.

Mr. STERLING. What is the Senator's request?

Mr. HARRISON. The request I have made is that Senate Resolution 258, which was debated at some length some weeks ago, be referred to the committee of which the Senator from South Dakota is chairman, with instructions that it be reported back within 10 calendar days.

Mr. STERLING. It is the resolution relating to appointments by Executive order?

Mr. HARRISON. It is.

Mr. STERLING. I have no objection.

Mr. HARRISON. I would like to have the resolution amended by inserting after the words "Executive order" the words "since March 4, 1921."

The VICE PRESIDENT. The Senator has a right to modify the resolution.

There being no objection, the resolution as modified was referred to the Committee on Civil Service, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order since March 4, 1921, setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

MISSISSIPPI RIVER BRIDGE.

Mr. CALDER. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn., and I submit a report (No. 599) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the State of Minnesota be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3460) granting a pension to Hallie Wilt (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3461) to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 3462) to add two associate justices to the Court of Appeals of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A bill (S. 3463) relating to transportation rates for veterans, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SHEPPARD:

A bill (S. 3464) for the relief of the Houston (Tex.) Chamber of Commerce, Emma Heiberg, Laura Lackner, and F. W. Lackner; to the Committee on Claims.

By Mr. CURTIS:

A joint resolution (S. J. Res. 193) to locate a Bartholdi fountain on the circle at the intersection of Columbia Road, Harvard, and Mount Pleasant Streets on Sixteenth Street; to the Committee on the Library.

TARIFF BILL AMENDMENTS.

Mr. LODGE and Mr. ASHURST each submitted an amendment and Mr. NICHOLSON submitted four amendments intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

Mr. ODDIE. I submit an amendment intended to be proposed by me to the tariff bill, the amendment providing for the placing of cyanide on the free list. This is done for the purpose of protecting the gold and silver mining industries. I move that the amendment lie on the table and be printed.

The motion was agreed to.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL.

Mr. HEFLIN. Mr. President, I have here an amendment which I desire to offer to the bill making appropriations for the military and nonmilitary activities of the War Department. My amendment provides for the continuation of the barge service now in vogue on the Black Warrior River. The bill as it came over from the House did not provide funds necessary to continue this service and my amendment makes the necessary provision. I will offer this amendment to the bill at the proper time. I move that it be printed and referred to the Committee on Appropriations in charge of the bill.

The motion was agreed to.

AFFAIRS IN THE NEAR EAST.

Mr. KING. Mr. President, I offer a resolution, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

The resolution (S. Res. 276) was referred to the Committee on Foreign Relations and ordered to be printed, as follows:

Senate Resolution 276.

Whereas Great Britain, France, Italy, Japan, Belgium, Greece, Poland, Portugal, Rumania, Yugoslavia, and Czechoslovakia, on the 10th of August, 1920, formally recognized the independence of the Republic of Armenia and entered into a solemn compact not only to respect but to preserve as against external aggression the territorial integrity and political independence of Armenia; and

Whereas Turkey, upon the 10th day of August, 1920, formally recognized Armenia as a free and independent State and renounced in favor of Armenia all rights and title in the vilayets of Erzerum, Trebizond, Van, and Bitlis in conformity to a boundary and frontier therein which had been fixed by the President of the United States according to the stipulations of the treaty of Sevres; and

Whereas the aforesaid powers signatory to the treaty of Sevres, in disregard of their covenants respecting the independence and integrity of Armenia, have suffered and permitted the so-called Kemalist Government, having its seat at Angora, Anatolia, to enter the Provinces of Erzerum, Trebizond, Van, and Bitlis, and by means of murder, rapine, pillage, arson, and outrages unspeakable to destroy a large portion of the Armenian population in said Provinces, and to expel the remnants of the Armenian people from said Provinces; and

Whereas the powers signatory to said treaty, in callous indifference to their solemn pledges and to the national rights and liberties of the Armenian people, are contemplating that the Kemalist Government shall be confirmed in its illegal seizure and occupation of the Armenian Provinces of Erzerum, Trebizond, Van, and Bitlis; and

Whereas it is impossible for Christian peoples to have and enjoy the rights of life, liberty, and security of property under any Turkish régime, while, on the other hand, the Turks may enjoy the full and free exercise of their religion and be secure in their liberties, lives, and property under a civilized government, such as obtains in Christian nations; and

Whereas the continued exercise of political authority by the Turkish State in Constantinople was, by article 36 of the treaty of Sevres, made conditional upon Turkey faithfully observing the provisions of said treaty, particularly as regards the protection of the rights of racial, religious, and linguistic minorities in Turkey, and in the event of a

failure to observe said treaty the powers expressly reserved the right to modify the Turkish rights in Constantinople, and Turkey agreed to accept any new dispositions which the powers might make in relation thereto; and

Whereas a failure of the powers to take drastic, radical, and effectual measures to pacify Turkey and bring an end to Turkish disorder, rapine, pillage, and crimes, and to place the Christian peoples and Turkish tribes in such a position of security and of governmental and economic order as will permit said peoples and their territories to become self-supporting will only result in multiplied disorders, distress, and famine; will aggravate the anxiety and burdens of the people of the United States, who are being constantly importuned to come to the aid and succor of the victims of Turkish malice and misrule; and will otherwise constitute an example of the perfidious attitude of the powers in a great historical and political crisis, at a time when adequate power is in their hands, to reach such a rational and permanent adjustment of the Turkish problem as shall be justified in Christian morality and by the verdict of history; and

Whereas the people of the United States view with misgiving and disappointment the action of the powers in weighing Mohammedan opinion in Asia and Africa in the balances against the opinion of the people of the United States and of other civilized States, who have become indignant at the vexatious temporizing with the Turkish question; and

Whereas in the opinion of the people of the United States the elimination of Turkish political authority from Constantinople, the liberation and independence of Armenia, and the pacification of Anatolia were second only in importance to the thwarting and overthrow of the German military power, and if these results be not accomplished, now that the Turks have been delivered into the hands of the allied powers, the American people will feel that they have been deprived of one of the legitimate fruits of the victory of the allied and associated powers in the recent war, and the Christian nations themselves will be deprived of the peace that has been won; and

Whereas no consideration of the integrity of the Turkish debt may be properly permitted to interfere with the realization of these objects, but that questions of the apportionment and security of the Turkish debt must be subordinated and accommodated to the inexorable political requirements for the realization of these objects: Now therefore be it

Resolved, That it is the sense of the Senate of the United States that, in conformity to the pledges of the powers and of the rights reserved in that behalf in the treaty of Sevres, the powers should take effectual measures to permanently supplant Turkish political authority in Constantinople, and that Constantinople ought either to be placed under the administrative authority of Greece or be constituted a free State having the same status as the free city of Danzig under the League of Nations; that the political independence and territorial integrity of Armenia, according to prior commitments of the powers, should be confirmed and that effectual military measures be taken to assure the same; and that, if the Kemalist régime at Angora in Anatolia will not recognize these dispositions and abide in good faith by the provisions of the treaty of Sevres for the protection of racial, religious, and linguistic minorities in Anatolia, effectual measures, military and political, should be taken to pacify Anatolia and to provide for a just and liberal political administration therein.

INDUSTRIAL CONDITIONS.

Mr. EDGE. Mr. President, I desire to make an announcement. I am convinced that the chaotic condition existing in industry to-day demands the consideration of Congress; and I wish to announce that on Monday next, immediately following the routine morning business, providing the calling of the calendar does not interfere, I shall ask unanimous consent to consider Senate Joint Resolution No. 188, which provides for a committee of inquiry to endeavor to find some solution of the problem. As I do not want to interfere with the regular business of the Senate, I desire further to announce that should the morning hour on Monday be consumed by the calling of the calendar I shall renew my request for unanimous consent the first morning thereafter when we have a morning hour.

ACCOUNTS OF CERTAIN DISBURSING OFFICERS.

Mr. NELSON. Mr. President I ask unanimous consent for the present consideration of the bill (H. R. 10429) authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts. It is a bill which has passed the House, and the passage of which is recommended and urged by the Comptroller General of the United States in order to enable him to settle the accounts of certain disbursing officers. It was unanimously reported by the Judiciary Committee of the Senate.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized, through such officer as he may designate, and within two years from the passage of this act, (a) to relieve disbursing officers or special disbursing agents of the War and Navy Departments from accountability or responsibility for losses occurring between April 6, 1917, and November 18, 1921, of funds, or of accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible; and (b) to allow credits, in the settlement of accounts of said officers or agents, for payments made in good faith on public account during said period, notwithstanding failure to comply with requirements of existing law or regulations pursuant thereto: *Provided*, That in cases of losses or payments involving more than $1,000 the Comptroller General shall exercise the authority herein only upon the written recommendation of the Secretary of War or the Secretary of the Navy, which recommendation shall also set forth the facts relative to such loss or payment: *Provided further*, That the Comptroller General in all cases shall certify that the transactions, expenditures, losses, or payments appear to be free from fraud or collusion.

Mr. SMOOT. Mr. President, will the Senator from Minnesota make a brief statement with reference to the bill? It seems to be so sweeping in its character that there must be some special occasion for its passage.

Mr. NELSON. The bill was passed by the House and is recommended and urged by the Comptroller General and was unanimously reported by the Senate Committee on the Judiciary. It is to enable the Comptroller General to settle the accounts of certain disbursing officers. A great many disbursing officers failed to get the proper vouchers and documents, and under the rule of the department they are unable to settle their accounts. The report of the committee in support of the bill shows the facts in the case.

Mr. SMOOT. Was there any reason why they did not get vouchers?

Mr. NELSON. We passed such laws at the close of the Civil War and the Spanish War.

Mr. SMOOT. It was on account of war conditions that they could not get receipts and vouchers?

Mr. NELSON. Yes. The disbursing officers were here and there ordered to places temporarily and failed to get the proper vouchers in many instances.

Mr. SMOOT. I have no objection to the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDRESS BY SENATOR WILLIS.

Mr. HALE. Mr. President, I ask unanimous consent to have printed in the RECORD, in the regular RECORD type, an address by the junior Senator from Ohio [Mr. WILLIS] delivered at Bangor, Me., on the 6th instant before the Republican State convention.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SUMMARY OF ADDRESS BY HON. FRANK B. WILLIS AT BANGOR, ME., APRIL 6, 1922, BEFORE THE REPUBLICAN STATE CONVENTION.

A little more than a year has passed since President Harding was inaugurated and the various departments of government passed under Republican control. Though in many of these departments Democrats remain in practical control through the bureaucratic system which has fastened itself like a barnacle on the ship of state, yet Republicans are properly chargeable with responsibility and are ready to answer for their stewardship, even though they have been hampered and impeded by holdover Democrats who seek not to promote but to hinder. Ours is a government by parties, and I trust it will remain so. Parties are charged by the people at the polls with a mandate to perform. On the performance of the trust imposed rests the determination of the question whether the party in power shall remain in power. Vesting of power implies the obligation to exercise that power in the performance of party pledges. Let us examine the situation by which the Republican administration was confronted on March 4, 1921.

Our Nation, forgetful of partisan lines, had fought a great war; it had saved civilization from disaster; it had financed Europe as well as America and given of the fairest flower of its young manhood that liberty among men might continue to live. Unfortunately, at Versailles the high purposes of the war were obscured and shriveled by avaricious land grabbing and rival ambitions, on the one hand, and by an impracticable internationalistic scheme of world supergovernment on the other. America's ideals were misinterpreted at Versailles, and when later, to resume its independence, which had almost been bartered away, it rejected by an overwhelming vote a League of Nations to which it had never subscribed and in no respect authorized, charges of bad faith were made. The atmosphere of suspicion was further darkened by the stubborn refusal of the Democratic administration to conclude any treaty of peace whatever with the countries with which we had recently been at war. Having deceived the people in one campaign by the false slogan of "He kept us out of war," the Democracy was emboldened to essay another campaign of deception with the less attractive rallying cry of "He kept us out of peace." As a result of this attitude our foreign affairs on March 4, 1921, were in a desperate condition. We were despised by our enemies and distrusted by our former friends.

Misunderstanding of fundamental American ideals and misrepresentation by self-appointed spokesmen had bred doubt and suspicion and hate. We had fed and fondled and financed Europe so long that she was beginning to believe that was our permanent job. When she was informed that money loaned to buy bread must not be spent for bullets she resented the impertinent suggestion of American independence. Yet Europe

could not be blamed especially, for she had been repeatedly informed by Democratic statesmen that our country was anxious to yield up its sovereignty and become the pack horse and the policeman for everything from the Hebrides to Hejaz.

March 4, 1921, Europe was sullen, dissatisfied, suspicious, unfriendly. There were ominous complications in the Pacific—complications which threatened the peace of the world—Japan silent, aggressive, was doubtful as to America's policy in the Far East; and doubt is the prolific mother of suspicion, jealousy, hatred, and war. There were troublesome difficulties in Central America; the vascillating policy of the preceding administration had brought that region to the verge of revolution. Our Mexican policy had been such as to make Americans little more than a laughing stock in the Republic to the south of us. Such was the condition of our foreign affairs when Warren G. Harding became President—he was confronted by unrest, turbulence, suspicion, the loss of American prestige, and threatening difficulties likely to breed wars.

What has been accomplished in a year in the betterment of our foreign relations? In the State Department vascillation and weakness have given place to firmness and strength.

America has accomplished more in one year under the leadership of President Harding and Secretary Hughes toward better understanding among nations and the promotion of world peace than has been accomplished in all the long decades of our national history prior to 1921. So wise and so convincing have been the plans of President Harding for American expression of the world's fond hope for tranquillity and peace that these plans have received the cordial support of substantially all the people regardless of party lines. Indeed, Senator OSCAR UNDERWOOD, of Alabama, himself the leader of his party in the Senate, a great American before he is a Democrat, had a most honorable and important part in shaping and defending these plans.

Every serious international difficulty which threatened a year ago has either been finally settled or the definite means provided for its speedy adjustment. All this has been done without sacrifice of national sovereignty or abatement of self-respect and with fullest justice to other nations. Deeds have banished doubts, suspicion has given way to confidence, ambition has surrendered to justice. Yet all this has been accomplished quietly, firmly, fairly. We have succeeded in securing without loss of national sovereignty adherence to those principles of even-handed justice of which America is the chief advocate and defender. All this has been done in America, by Americans, in a distinctively American way. President Wilson went to Europe, and failed; President Harding brought Europe to America, and succeeded. Versailles despoiled China, robbed a confiding friend, and gave Shantung to Japan. American diplomacy, exemplified by Harding and Hughes, brought despoiled and despoiler together in the inspiring atmosphere of American fair play and gave Shantung back to China. The treaty of Versailles made problems, the Washington conference solved them. The two treaties prepared by that conference relative to China guarantee the open door, provide an equitable customs tariff for the new Republic, and, by pledging a policy of "hands off," guarantee to China a fair chance to work out its own destiny.

By other agreements the great nations have banished from any future wars the deadly poison gas that strangles and suffocates and sears and have put the submarine under bonds for good behavior. Without sacrifice of national honor or loss of American strategic position, a treaty was concluded providing for limitation of construction of capital ships by the great maritime nations. This sane measure of economy and peace is a long step forward; according to a recent estimate by naval officers it saves to our country alone over $250,000,000 per year, or nearly $1,000,000 per day. It lifts from the shoulders of the taxpayers a part of the rapidly increasing burden of competitive armament and at the same time gives to the signatory powers and the world a pledge of good faith and devotion to peace.

Rivalry in armament will lead to war as certain as it did in 1914. This treaty turns the faces of the great maritime nation away from war and toward peace.

The so-called four-power treaty substitutes conference for conflict and reason in the place of rifles. It infringes in no respect on American sovereignty or independence; it yields up no American ideal; it involves our Republic in no entangling alliance; it rests for its sanction on no armies camouflaged as international policemen and on no navies lurking in the offing; it constitutes no supergovernment based on force and creates no obligation legal or moral to use force. It is the expression of the thought of the world that there is a power more powerful than force and that is the regnant sway of world opinion founded in justice and right. Unless this principle is recognized, we must fall back on the doctrine that might makes right and that the only way to secure safety for ourselves is to proceed on the theory that no other nation will keep its word, and that we must therefore arm to the teeth.

The world is sick of war. It was calling for leadership. In his inaugural address President Harding said:

> We recognize the new order in the world with the closer contacts which progress has wrought. We sense the call of the human heart for fellowship, fraternity, and cooperation. We crave friendship and harbor no hate. But America, our America, the America builded on the foundation laid by the inspired fathers, can be a party to no permanent military alliance. We are ready to associate ourselves with the nations of the world, great and small, for conference, for counsel; to seek the expressed views of world opinion; to recommend a way to approximate disarmament and relieve the crushing burdens of military and naval establishment. Since freedom impelled and independence inspired and nationality exalted a world supergovernment is contrary to everything we cherish, and can have no sanction by our Republic. This is not selfishness; it is sanctity. It is not aloofness; it is security. It is not suspicion of others; it is patriotic adherence to the things which made us what we are.

The treaties drawn by the Washington conference were the answer to the President's recommendation.

These treaties have now all been ratified by the Senate. If nothing had been done in the year past beyond the work of the Washington conference, enough has been wrought in this consummation alone to give the administration of President Harding place alongside of the administrations of Washington and Monroe and to justify the confident claim of public approval for a program outlined in the Republican platform, proclaimed by its candidates, planned and carried into execution by its officials. This record of solid, successful, tangible achievement, of which the Nation is proud and for which a bleeding, war-burdened world is grateful, will be contrasted by a thoughtful electorate with the Democratic record of subserviency to European interests, abandonment of national ideals, rainbow chasing after an un-American League of Nations, meddling with everything, settling nothing, not even the bills of expense piled up by their administration—the most recklessly extravagant and wickedly wasteful in the history of the Republic.

But it is not in the handling of foreign affairs alone that the Republican Party has made a record which merits indorsement at the hands of the people. In domestic affairs it has made more progress toward economy and business methods in eight months than the Democratic Party made in eight years. When the Republicans came into full power in 1921 they found a Federal Treasury verging on bankruptcy. The World War unavoidably increased Government expenses, yet these necessary expenditures were vastly increased by Democratic wastefulness and incompetency. Cost-plus plans and privileged profiteering had piled Ossa on Pelion. National expenditures had increased beyond belief. Appropriations for the year ending June 30, 1916, were $1,115,000,000. In three years they had increased to more than $27,000,000,000. For 1917 expenditures had increased to $1,600,000,000 and the next year to $18,000,000,000. Following the election of a Republican Congress in 1918 expenditures were reduced from the Democratic high-water mark of $27,000,000,000 in 1919 to $6,500,000,000 in 1920. Cessation of war accounted for some of this decrease, but Republican economy and business methods were a large factor in making decrease possible.

For the fiscal year ending June 30, 1921, Republican economy brought appropriations down to $4,750,000,000 and the next year to $3,909,000,000, and for the coming year appropriations will be cut at least $500,000,0000 below this figure.

Before the war the $1,000,000,000 Congress was viewed with alarm. To-day, according to Eliot Wadsworth, Assistant Secretary of the Treasury, the Government is committed to more than double that sum in obligations and fixed charges that can not be reduced. This $2,065,000,000 is made up of $975,000,000 for interest on public debt, $388,000,000 sinking fund and other charges, $450,000,000 for disabled veterans' relief (apart from any bonus proposal whatever), and $252,000,000 for pensions.

These total nearly 60 per cent of the estimated cost of the National Government, leaving but 40 per cent upon which savings may be effective. The Army and Navy Departments and good roads take 26 per cent, leaving 14 per cent for all other Government services.

Such is the heritage handed down to President Harding by his predecessor.

The Government of the United States is the greatest business in the world, and the administration of President Harding has insisted that the best business methods should be established. For decades business men and thoughtful citizens generally have been urging the establishment of a Federal Budget system to make possible coordination of the different executive departments and cooperation between the governmental agencies which raise revenue and those which spend it. This is the application of just plain common business sense to a great business problem. Accordingly a Republican Congress promptly passed a Budget law, which President Wilson promptly vetoed. On March 4, 1921, the new Republican Congress came into being; it promptly passed a Budget law, which President Harding promptly signed. This law has been in operation under the efficient management of General Dawes less than a year, yet in that time it has saved of the taxpayers' money more than a billion dollars.

Theories do not count for much, but actual facts do. Here is an actual, tangible saving under Republican methods of a billion dollars a year, more than $3,000,000 every day. Economy after a Democratic administration is not a theory; it is a necessity. Democratic administrations do not solve problems, they make them; they do not pay debts, they create them. It is the business of Republicans to solve the problems and pay the debts, and that is what we are doing.

Better business methods in government are immediately reflected in better government credit. United States bonds that were selling a year ago at 87 are now selling at 90 and going up every day. Government bonds are a thermometer of finance, and this thermometer shows Government credit going up at 1 per cent a month. We told the people to hold their Government bonds, the Republican Party would bring them back to par, and it is doing it.

Two very tangible reasons why Government bonds are appreciating in value are furnished by two recent reports of the United States Treasury. One report shows that for the five-month period beginning July 1 this year the Federal expenses were $500,000,000 less than for the corresponding period under the Democratic administration in 1920. This is reducing the Federal expenses at the rate of $100,000,000 a month, or $1,200,000,000 a year, as compared with the operating expenses during the closing year of the Wilson régime.

Simultaneous with this report the Treasury shows that the gross debt of the United States Government has been decreased by over $485,000,000 within 90 days.

The Washington Post of March 29 said this:

> The cost of government is 30 per cent lower now than a year ago, a Treasury Department statement showed yesterday. Thus far this fiscal year, which began July 1 last, the Government has disbursed $2,412,000,000 under the heading of ordinary expenditures. For the corresponding period of the last fiscal year expenditures amounted to $3,502,000,000, an excess of $1,090,000,000 over the current period. President Harding's demand for economy in all Government affairs is believed responsible for the decrease.

This is the reason why bond prices have advanced—President Harding has made good the pledges of economy.

The President's policy is evidenced by the decrease in the Federal pay roll. Between January 1, 1921, and January 1, 1922, the grand total of all Government employees in the United States dropped from 643,833 to 588,018, a decrease of 55,815, a total now increased to 70,000 and reaching at least 85,000 before the end of this administration's second year.

In his speech at Marion, Ohio, in July, 1920, accepting the presidential nomination, Senator Harding said:

> I believe Federal departments should be more businesslike and should send back to productive effort thousands of Federal employees who are either duplicating work or are not essential at all.

The President has made good on this pledge to the people.

In his message to Congress one year ago President Harding especially urged speedy enactment of certain legislation. These recommendations have been carried into effect.

The emergency tariff law was passed, giving to languishing agriculture the encouragement that always comes from a protective tariff. The products of the farm were no longer on the free list where they were placed by Democratic tariff makers.

Farmers lacked credit; they were plundered by the packers and fleeced by stock gamblers. In harmony with platform pledges the Republican Party afforded immediate legislative relief, which is being felt now in the improved condition of agriculture throughout the country.

When the Congress convened the agricultural interests of the Nation were in a very critical condition. They needed protection and financial assistance. The response of the Congress was instant and without precedent. Within 90 days it had made provisions whereby the agricultural and live-stock interests of the United States were extended practically unlimited credit. The farmer's home market was protected, his exports were financed, $25,000,000 were added to his farm-loan funds and the interest charges decreased, gambling in grain to his detriment was stopped by the Capper-Tincher law, and exploitation of the live-stock interests was stopped by the packers and stockyards act.

Within 90 days the special session of the Republican Congress enacted more helpful, constructive, protective legislation in behalf of the basic industry of agriculture than all the sessions of Congress in any 10-year period of American history put together.

The President asked for a resolution declaring peace with Germany; this action Congress promptly took.

It passed a taxation law removing $800,000,000 of tax burdens from the people in a single year and eliminating all transportation and nuisance taxes.

It passed the new immigration law to restrict immigration on the 3 per cent basis. The Republican Party believes in and practices protection to American labor against cheap, underpaid foreign competition, whether that competition comes on foot or in boxes or crates. Neither cheap foreign labor nor its products shall be permitted to come into this country without restrictions. The present Congress will, in my judgment, retain and strengthen the immigration law.

Congress, believing in the Republican principle of developing our own country, has appropriated at the rate of $75,000,000 per year for aid in highway construction.

The Republican Party has not failed in discharging its obligation to him who has borne the burden of the battle, his widow, and his orphans.

As a recent report of the Veterans' Bureau shows, the Government is:

1. Paying out $1,000,000 cash every day, including Sunday, directly into the hands of the ex-service man or his dependents.
2. Providing, without cost, hospital care and treatment to 30,000 ex-service men. This care includes board and lodging and represents an annual expenditure of $60,000,000.
3. Giving vocational training, without cost, to over 100,000 disabled ex-service men, at an annual expenditure of over $30,000,000.
4. Conducting an insurance business for over 600,000 ex-service men, without any cost of administration to them, at premium rates below those of private companies for like policies. The insurance now in force is in the sum of $3,500,000,000.
5. Mailing out 650,000 checks every month, representing an expenditure of $42,000,000 monthly.
6. Conducting over 50,000 medical examinations every month.
7. Giving outside treatment in cases where hospitalization is not required to 20,000 ex-service men every month.
8. Handling 1,000 new claims every day in addition to the 1,200,000 already on file, and employing over 4,000 ex-service men in carrying out this work.
9. In addition to the above, the Veterans' Bureau has allowed 305,000 compensation claims; has paid out in compensation benefits $300,141,000; has allowed 148,000 insurance claims, totaling a value of $1,310,000,000.
10. The Veterans' Bureau will expend during the current calendar year of 1922, $510,000,000 in behalf of disabled ex-service men, more than the entire expenditures of the United States Government in any year of its history prior to 1897.

With the same liberality and patriotic purpose the Republican Party will solve the problem of adjusted compensation. It passed the Sweet law, asked for by the veterans, for the reorganization and decentralization of the Government functions dealing with veteran relief; it has never failed the soldier and it will not fail him now. It is significant that the States which have provided State compensation are Republican, whereas Democratic States have generally done nothing for their soldier boys.

Democratic tactics of delay have hindered and hampered, but they have not been and will not be able to prevent full completion of the Republican program before Congress adjourns.

The Republican protective tariff law is well on its way to final passage. The baneful effects of Democratic free-trade legislation were obscured by the Great War. Yet before the war came industrial disaster impended. Factories were closing, mines were shut down, mills were idle, unemployment was everywhere, soup houses were busy, bread lines were long. Under Democratic tariff laws employment had been transferred to Europe and Canada, while our own people suffered, and then the war came, with its large demand for American products.

War orders from Europe came in abundance and the people forgot Democratic tariff blunders that closed American factories and opened factories in Europe.

Europe was busy with war, consequently there were few exports to America. The waste of war increased beyond the wildest expectations our exports to Europe. As a result we enjoyed a terminary, feverish prosperity. But now all is changed. Europe is not able to buy but she is able to produce. Her rate of wages is only a fraction of ours. She can, therefore, produce in many lines more cheaply than we can.

An ounce of gold pays wages for—
Twenty hours' work in the United States.
Fifty hours' work in Great Britain.

Ninety hours' work in Japan.
One hundred hours' work in France.
Two hundred hours' work in Germany.

A recent trade report says:

Imports from Europe last month were valued at $71,484,521, as against $68,113,403 in January and $54,820,045 in February a year ago.

Exports to Europe last month amounted to $129,956,140, as compared with $146,939,246 in January and $238,816,430 in February, 1921.

Trade with South America remained almost stationary during February as compared with January.

Notable among the figures as to countries were those relating to Germany, from which country the United States imported goods valued at $8,901,154 last month, almost double the value of German goods which entered the country in February, 1921, when the German mark had a higher value.

American markets are being flooded with European-made goods offered for sale here at prices only a fraction of our American labor cost. If our American standards are to be maintained, if American workingmen are to be employed, if American industry is to thrive, we must write on the statute book at the earliest possible moment a protective tariff law, and if there is unnecessary delay in the Senate after full discussion, I am in favor of amending the rules of the Senate so as to make it possible for the majority to function and do business. Before many weeks a protective tariff law based on the principles of Blaine and McKinley will be on the Federal statute books.

Republicans have checked extravagance, established the Budget system, reduced taxes, lopped off appropriations, maintained American ideals. On this record of pledges the administration of President Harding looks to the people of Maine for a vote of confidence and support.

Enactment of the cooperative marketing law, the emergency tariff, the act for regulation of the packing industry, the act to prevent grain gambling, the reorganization of the Veterans' Bureau, the passage of the immigration act, the enactment of the maternity law, the extension of rural credit, the enactment of the tax law reducing tax burdens by hundreds of millions, the cutting of appropriations to the bone—all these indicate cordial Republican congressional cooperation with the Executive. The signs look better. Even the promise of a Republican tariff law stimulates industry and starts the factories.

With the early enactment of the tariff and prompt funding of the foreign debt already provided for by law, industrial conditions will continue to improve, and under Republican policies we shall have peace and prosperity at home as we have honor and prestige abroad.

DISMISSAL OF EX-SERVICE MEN FROM THE CLASSIFIED SERVICE.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The ASSISTANT SECRETARY. Senate Resolution 271, submitted by Mr. CARAWAY April 10, 1922, requesting the President to inform Congress as to alleged demotion, dropping, and discharge of honorably discharged sailors and soldiers from the service since March 1, 1921.

Mr. CARAWAY. Mr. President, I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. The resolution is before the Senate for action, having come over from a previous day.

Mr. CARAWAY. Then I move its adoption.

The VICE PRESIDENT. The Chair has just stated that the resolution is before the Senate for action. The question is on agreeing to the resolution.

Mr. STERLING. I move that the resolution be referred to the Committee on Civil Service.

The VICE PRESIDENT. The question is on the motion of the Senator from South Dakota, to refer the resolution to the Committee on Civil Service.

Mr. CARAWAY. I ask for the yeas and nays.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

Mr. HARRISON. Let the resolution be read.

Mr. MOSES. I withhold the suggestion of the absence of a quorum in order that the resolution may be read, as requested by the Senator from Mississippi.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution, as follows:

Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary; and

Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service: Now, therefore, be it

Resolved, That the President of the United States is hereby requested, if not incompatible with the public good, to inform Congress:

(a) How many honorably discharged sailors and soldiers have been demoted, dropped, and discharged from the service since the 1st day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

Mr. HARRISON. Mr. President——

Mr. MOSES. Now I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harreld	McNary	Simmons
Ball	Harris	Moses	Smoot
Broussard	Harrison	Myers	Spencer
Bursum	Heflin	Nelson	Sterling
Calder	Hitchcock	New	Sutherland
Capper	Johnson	Newberry	Swanson
Caraway	Jones, N. Mex.	Nicholson	Townsend
Culberson	Jones, Wash.	Norbeck	Trammell
Curtis	Kellogg	Norris	Wadsworth
Dial	Kendrick	Oddie	Walsh, Mass.
du Pont	Keyes	Phipps	Warren
Edge	King	Poindexter	Watson, Ga.
Ernst	La Follette	Pomerene	Watson, Ind.
Fernald	Lenroot	Rawson	Williams
Fletcher	Lodge	Reed	Willis
Gerry	McCormick	Sheppard	
Hale	McKinley	Shortridge	

Mr. SHEPPARD. I desire to state that the Senator from Montana [Mr. WALSH] is absent on official business.

Mr. SIMMONS. I wish to announce the absence of my colleague [Mr. OVERMAN] on official business.

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present.

Mr. HARRISON. Mr. President, in all probability, in the confusion, when the Senator from South Dakota [Mr. STERLING] made his motion to refer the pending resolution to the committee, he had not heard the resolution read. I have just examined the resolution, and I can not see why it should be referred to a committee. The resolution merely states some facts and asks for certain information. It reads:

Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary—

After the statement of that fact, which no Senator would deny, then the resolution merely requests the President—

If not incompatible with the public good, to inform Congress:

(a) How many honorably discharged sailors and soldiers have been demoted, dropped, and discharged from the service since the 1st day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

If there have been any honorably discharged soldiers or sailors discharged or demoted from the service the Senate is entitled to know that, and having the resolution referred to the committee can do no good. If the Senate desires this information the resolution ought to be passed now and should not be referred to the committee, because the committee can not, I imagine, alter the proposition at all. The resolution merely seeks some information to which the Senate is entitled. I presume the resolution is for the purpose of laying the foundation for some legislation affecting the discharge of soldiers and sailors after the facts for which it calls shall have been ascertained.

Mr. STERLING. Mr. President, the resolution does assume facts, and it is for that very reason that it should be referred to the committee. The Senator from Mississippi did not read the second paragraph of the preamble.

Mr. HARRISON. Very well, I will read it. It is as follows:

Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service.

That is a statement of fact. If honorably discharged soldiers and sailors whose records were good have been dropped, the Senate is entitled to know it, and we can not obtain the information except through the passage of a resolution calling upon the President to give the information to us.

Mr. STERLING. The second paragraph, as I think the Senator from Mississippi will admit, is a pure assumption of fact, namely, that "many honorably discharged soldiers and sailors whose records are good have been demoted, dropped, and discharged from the service."

That is a matter to be proven, I suppose. It is the assertion of a fact.

Mr. HARRISON. Does the Senator want the resolution to go to a committee, so that he can take testimony to ascertain that fact?

Mr. STERLING. So that we can examine into the question of fact which is set forth in the resolution. I do not think the Senate is prepared now upon this mere assumption to consider this resolution.

Mr. HARRISON. If the Senator from Arkansas [Mr. CARAWAY] is willing to eliminate the second paragraph of the preamble, then that would eliminate the difficulty and we could pass it. Would the Senator then be willing to have the resolution adopted?

Mr. STERLING. I think, irrespective of the second paragraph, the resolution ought to go to the Committee on Civil Service. It relates to the civil service and makes an inquiry in regard to it and into the discharge of certain persons from it. I think by all means the resolution should go to that committee.

Mr. HARRISON. Will the Senator agree, then, that an instruction shall go with it to report the resolution back within 10 days?

Mr. STERLING. I should be willing to agree to an instruction of that kind if I thought it were possible to make the report within that time; but the Committee on Civil Service now has a number of matters to consider; it has already two resolutions offered by the Senator from Arkansas and a resolution offered by the Senator from Mississippi. I will assure the Senator that the resolution will receive consideration at the earliest practicable date.

Mr. HARRISON. What the Senator says is a confession, however, that the committee has not the time to attend to it.

Mr. STERLING. No; it is not a confession that we have not the time, but it is a statement that we want a reasonable time to give to it, along with a good deal of other work which has been put upon us.

Mr. HARRISON. I move to amend the motion of the Senator from South Dakota by providing that in the reference of the resolution to the committee an instruction shall accompany it that the committee shall report the resolution back to the Senate within 10 calendar days.

The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi to the motion of the Senator from South Dakota.

Mr. REED. Mr. President, it seems to me that the objection raised by the Senator from South Dakota could be easily cured by striking out the second paragraph of the preamble, which reads:

Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service—

And then modifying the resolution so that it would read:

Resolved, That the President of the United States is hereby requested, if not incompatible with the public good, to inform Congress whether honorably discharged soldiers and sailors have been demoted, dropped, and discharged from the service since the 1st day of March, 1921.

Mr. CARAWAY. That ought to be the 4th of March.

Mr. REED. Very well. If the suggestion appeals to the Senator, then we are passing on no fact.

Mr. CARAWAY. I will accept that.

Mr. REED. If the Senator will offer it in that form——

Mr. CARAWAY. I will accept the suggestion of the Senator from Missouri.

Mr. REED. I think the only person who could amend the resolution is the Senator who offered it. It is in this parliamentary situation: If the Senator will accept it with the second paragraph of the preamble out, modify it, and then make the resolution read:

Resolved, That the President of the United States is hereby requested * * * to inform Congress whether honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service—

And how many, giving the names—if it can be offered in that way, there will be no occasion to refer it.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. CARAWAY. With the permission of the Senator from Missouri, I desire to offer the resolution in this amended form, striking out the second "whereas" in the preamble, and then making it read:

Resolved, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress whether honorably discharged soldiers and sailors whose records were good have been demoted, dropped, or discharged from the civil service—

And the remainder of it will read as it now reads. I also wish to change "the 1st day of March" to "the 4th day of March." That is a typographical error.

The VICE PRESIDENT. Does the Senator from Mississippi withdraw his motion to amend?

Mr. HARRISON. I understand that the Senator from South Dakota is going to withdraw his motion to refer, with this modification.

Mr. STERLING. Oh, no; let us have the regular order. I do not know how the Senator from Mississippi got an understanding like that.

Mr. HARRISON. I just imagined that as it was right and as the Senator always wants to be right, he would withdraw his motion in view of this modification.

Mr. STERLING. Oh, no; Mr. President, I insist upon the motion to refer.

Mr. REED. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi to amend the motion to refer the resolution as perfected by its proponent, the Senator from Arkansas.

Mr. STERLING. Mr. President, a parliamentary inquiry. Can that motion be made now, and entertained, pending the motion to refer the resolution to the committee? That was the pending motion, as I understand.

Mr. REED. Mr. President, it seems to me there is no occasion for any confusion. The Senator from Arkansas offered a resolution, which he has a perfect right himself to amend.

Mr. LENROOT. Not now, at this stage.

Mr. REED. He has asked to modify it and offers it in the modified form.

Mr. WILLIAMS obtained the floor.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to amend the motion to refer.

Mr. LENROOT. May it be stated?

Mr. REED. Mr. President, there is such confusion that it is impossible to understand what is going on.

Mr. LENROOT. I should like to have the amendment stated.

The VICE PRESIDENT. There is no amendment.

Mr. LENROOT. I thought the Chair said that the question was upon the motion of the Senator from Mississippi.

The VICE PRESIDENT. The Chair will state the question. A motion was first made to refer the resolution.

Mr. LENROOT. Yes.

The VICE PRESIDENT. Then the Senator from Mississippi moved to amend the motion to refer by adding instructions to report back within 10 days.

Mr. LENROOT. That is what I asked to have stated.

Mr. REED. And, Mr. President, pending that the Senator offering the resolution asked to amend it or change it and submit it in the amended form.

The VICE PRESIDENT. He had a right to perfect it before the motion was put.

Mr. REED. That has been done, and the motion is now pending.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Mr. WILLIAMS. Mr. President, I understand, of course, that it is admitted all around that the Senator from Arkansas has a right to perfect his original resolution, and that the question now pending before us is the motion to refer the resolution of the Senator from Arkansas as modified by him, and that the various amendments are to that.

Mr. President, I wish to make this suggestion to my colleague: The Senator from South Dakota [Mr. STERLING] has just said that the Committee on Civil Service could not report back in 10 days, because of various other matters of importance that are pending before that committee. It would be well, I think, not to have any question as to time; and I suggest to my colleague that he give them 20 days within which to report, or, if necessary, even 30 days, but any time that the Senator from South Dakota says is absolutely necessary in order to enable the Committee on Civil Service to perform their other duties and to perform this one, if the resolution shall be referred to them. It would be better to make it six months than to have the committee confess that they could not attend to anything except what they now have before them. None of us believe that this is an extremely overworked committee.

Mr. STERLING. Mr. President, I can not agree to any amendment to the resolution. I make the point of order that there is a motion pending, and that is the motion to refer, and that the motion to amend is not now in order.

The VICE PRESIDENT. The motion to amend is a motion to add instructions to the reference.

Mr. LENROOT. That is proper. That is all right.

Mr. STERLING. I shall not object to that.

Mr. WILLIAMS. Mr. President, on the point of order, I do not think there is a Member of this body who will contend that when a motion is offered to refer anything to a committee, it can be out of order to refer it with instructions.

The VICE PRESIDENT. Nobody objects to that. That is admitted.

Mr. WILLIAMS. I thought so, and especially with instructions with regard to the time to be taken by the committee. That principle is so well recognized that it is always in order in this body and in the other body to offer a resolution to have a committee "report forthwith," and it is a motion which takes precedence of nearly all other parliamentary motions of any description.

Mr. President, personally speaking, I have no objection to this matter going to a committee, provided it is understood that it does not go there for the purpose of being buried; but if the position of the Senator from South Dakota is to be taken by this body, the country will understand—at least, I as a part of the country will understand—that his object *is* to have it buried. Unless he consents to some time within which that committee will report back, I charge that that is his object.

Mr. STERLING. Mr. President, the Senator from Mississippi may put that interpretation upon the matter if he chooses to do so. My declining to accept an amendment to the effect that the committee shall report in 10 days, 20 days, or any other limited time, does not mean that the committee will not give this matter consideration, or that the committee intends to bury it; but there is no occasion for the instruction.

Mr. WILLIAMS. The Senator objects to an instruction that the committee shall report back in 10 days, or 20 days, or 30 days, and he said any time, from which I suppose that he would object to an instruction to report back within five years. I say that not only I but every other man of common sense understands that if that means anything, it means that the resolution shall be referred to the committee for the express purpose of being buried.

Mr. STERLING. Mr. President, the Senator from Mississippi must not judge the common sense of other men by his own ideas or opinions or his own judgment as to what common sense is.

Mr. WILLIAMS. Mr. President, if I were appealing to anybody, from King Solomon—who is said to have had exceeding wisdom—down to my darky Amos, who drives my wagon on the plantation, and left this particular controversy to either one of them, either one of them would decide that I was right and that the Senator from South Dakota was being guilty of a mere camouflage. There can be no question about that.

Mr. President, whether this resolution ought to pass or not is another matter; but if it is to pass, then it ought to pass, and there ought to be no pretense of its passage while there is injected into its belly a denial of any result. That is what the Senator from South Dakota is trying to bring about.

There is not the slightest pretense upon the part of any man with common sense, with knowledge to ascertain what the natural consequence of an action is, the action itself being once predicated, but that his object is to put this resolution to sleep. If that is not the Senator's object, purposely entertained by him in his own mind, it is at least the natural consequence of what he is proposing to have us do; and every man of ordinary intelligence is, even in the law books—not otherwise full of common sense—presupposed to be affected with the purpose of the natural consequence of his own acts. Therefore I charge—and I think everybody will admit that the charge is well taken—that unless the Senator consents to some time—and I care not about the time—within which this resolution shall be reported back from the committee, then the natural consequence of his position is that it shall never be reported back at all; and he, being a sane man, outside of the asylum, is affected with the effect accompanying the natural consequence of his position.

In its modified form the resolution reads:

> Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary: Now therefore be it
>
> *Resolved*, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress:
>
> (a) How many honorably discharged sailors and soldiers whose records have been good have been demoted, dropped, and discharged from the service.

Let us stop and think for a moment. There is a law upon the statute books covering this situation. It had to be signed by the President of the United States in order to become a law. It is in its nature as much executive as legislative. The executive and the legislative branches of the Government were both parties to the enactment of the law. Is it to be said that one of the two branches to the enactment has no right to inquire of the other as to whether it has acted in good faith or not, whether it has carried out the law; and if, under the modification, the assertion is withdrawn that there have been soldiers and sailors discharged contrary to law, and for it is substituted an inquiry as to *whether* there have been or not; and if so, how many, how can the executive branch of the Government object to this inquiry upon the part of the legislative branch of the Government, both of whom were parties to the enactment of the law; all the more, when you insert in it the words "if not incompatible with the public interest"? By the way, there is no greater camouflage than those words, because it is always left to the Executive to determine, in his own discretion, without inquiry aliunde and without question, whether the thing is or is not "incompatible with the public interest."

Now follows this:

> By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and
>
> Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

How does the law read? It reads that they shall not be dropped or reduced in rank or salary.

Mr. WADSWORTH. Mr. President, will the Senator cite the provision of the statute from which he is reading?

Mr. WILLIAMS. If the Senator asks whether I can give a reference to the code, the page, and the date of the approval of the act, I answer that I can not. My memory does not carry the act of Congress so specifically as that.

Mr. WADSWORTH. Can the Senator point in any way to the provision of law referred to in the preamble?

Mr. WILLIAMS. I can not, if the Senator means the page, or refers to the date.

Mr. WADSWORTH. Can the Senator give the date of the act of Congress?

Mr. WILLIAMS. I am not a man who goes around with a lot of dates, and things like that, in his head, but I suppose every Senator will admit that there is such a law.

Mr. WADSWORTH. Is the Senator certain that there is such a provision of law?

Mr. WILLIAMS. Yes. It provides that in the event of discharge or reductions in the public service, in so far as they affect honorably discharged soldiers or sailors, they shall not be made or there shall be a reason given. Does the Senator deny that that is the law?

Mr. WADSWORTH. I have been endeavoring to find that provision of the statute, and thus far I have been unable to do so.

Mr. WILLIAMS. I confess frankly that I can not at this moment give the Senator the date of the approval of this statute, but I am informed by the Senator from Utah [Mr. KING], who is very much more of a detail man and very much more of a detail lawyer than I am, that in a few minutes he will have the statute here, and then I will read it. Nobody denies—not even the Senator from New York—that there is a statute to the effect which I have stated, and the resolution is based upon the fact that the law exists forbidding this sort of discrimination against honorably discharged soldiers and sailors, and that they have a right to know the cause which has been alleged for their demotion or for their discharge, if they are demoted or if they are discharged.

All the resolution asks is, first, whether any honorably discharged soldiers or sailors have been demoted or discharged, and, if so, their names and the dates of their demotion or discharge; secondly, what charges of inefficiency or of any other character were made against them in order to justify their demotion or discharge. The word "demotion" does not mean merely not being promoted. It means taking a man out of a higher rank at a higher salary and reducing him to a lower rank with a lower salary. That *should* never be done by the Government or even by private enterprise, unless there is some reason for it.

I read now from the United States Statutes at Large, Sixty-second Congress, volume 37, brought me, as I anticipated. By the way, Mr. President, where is the Senator from New York? Echo answers, Where? In response to the inquiry of the Senator from New York, I read from section 4, page 413. After reciting certain powers vested in the Civil Service Commission, there is this proviso:

> *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Mr. President, I made one mistake of memory about the statute. I thought it said without the cause being communicated to Congress. But this statute is an absolute prohibition. The law goes further than I thought it did.

Mr. LENROOT. Will the Senator give the volume?

Mr. WILLIAMS. Wait one moment. Let me finish the reading of the law:

> Any person knowingly violating the provisions of this section shall be summarily removed from office—

Of course, that does not apply to the President, because Congress can not remove him except by impeachment. It does not apply to the Secretary of the Treasury, but it does apply to the subordinate chiefs of bureaus—

> Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

Mr. President, I hope the RECORD will disclose the fact that after the Senator from New York [Mr. WADSWORTH] had asked me a question about where I could find the statute, and after I had frankly confessed that I did not carry the dates of the enactments of Congress in my mind, I subsequently did find the statute and read it, and found it stronger in favor of the contention I was making than I myself thought it was, and that he in the meanwhile had disappeared from the Chamber.

The VICE PRESIDENT. The question first comes on the motion to amend offered by the Senator from Mississippi to the motion to refer.

Mr. HEFLIN. Have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have not yet been ordered. The yeas and nays were requested on the main question.

Mr. HARRISON. I ask for the yeas and nays on my motion to amend the motion to refer.

The yeas and nays were ordered.

Mr. HARRISON. If I may be permitted, I would like to modify my motion to refer with instructions by making it 20 days instead of 10 days.

The VICE PRESIDENT. The question then is on agreeing to the amendment offered by the Senator from Mississippi, that the committee be instructed to report within 20 days.

Mr. CARAWAY. Mr. President, I do not want to take a minute of the time of the Senate, but I ask unanimous consent to have two letters printed in the RECORD at this point in the proceedings, in the ordinary type of the RECORD.

There being no objection, the letters referred to were ordered to be printed in the RECORD, in 8-point type, as follows:

U. S. INTERDEPARTMENTAL SOCIAL HYGIENE BOARD,
Washington, March 11, 1922.

To whom it may concern:

It is a pleasure to recommend Mr. Luther B. Turnley to the favorable consideration of anyone desiring the services of a capable clerk.

Mr. Turnley's assignment while in the employ of this board included the supervision and operation of our mimeographing section. Mr. Turnley is not only an expert operator of the mimeograph but is capable of handling mimeoscopic work, such as illustrations, charts, special tables, and tracing from freehand and mechanical drawings.

Mr. Turnley is also acquainted with the details of filing mimeograph work and has had a lot to do with the details of the distribution scheme, mailing lists, covering letters for pamphlets, and general work of information service of this board.

Mr. Turnley's work here was very satisfactory, and the termination of his services was due to causes beyond his control and ours.

If more specific information regarding Mr. Turnley is desired, telephone Main 6276.

SIDNEY MORGAN,
Supervisor Military District of Washington.

—

WASHINGTON, D. C., *April 12, 1922.*

Hon. T. H. CARAWAY,
Washington, D. C.

DEAR SIR: I am writing to state facts in my case. I am an ex-service man; I entered the service August, 1918, giving up a good position, went over, and was returned to the United States for discharge May 28, 1919. Having been discharged, I was again given a position with the Shipping Board in the cable department, where I was employed from August, 1919, to February, 1920. The force was reduced and I was one to go.

I then took the first-grade civil-service examination and passed, and waited three months before being placed, which was with the United States Interdepartmental Social Hygiene Board. I was there from June, 1920, to June, 1921, when the force was reduced and I was again out. I notified the Civil Service Commission May 15, 1921, that I would be out and to place me on the reemployment register, and was told that they could do nothing until I was out, which was June 30, 1921.

Since then I have been going to the Civil Service Commission constantly and have been treated with no consideration, being told each time that there was nothing for me. I then tried myself in the different departments and secured two positions, one with the Treasury Department and the other with the Internal Revenue Bureau, and applied to the Civil Service Commission to be certified, and was told I could not be certified, as I had not worked in any one department three years, which I would have to do in order to be transferred from one department to the other. If I was working and wanted to be transferred from one department to another, that might be the case; but I don't see why that rule should apply to me not working at all, and have not worked a day since June 30, 1921, where I was working with the United States Interdepartmental Social Hygiene Board, and was laid off because of reduction of force.

I have tried to seek outside employment and have been asked if I was an ex-service man and why the Government did not provide work for me. I am married, and my wife has had to work since I could not get work. She is not in the Government.

Trusting you may find some way to help me in the near future, I beg to remain,

Yours sincerely,

LUTHER B. TURNLEY,
4889 Conduit Road, Washington, D. C.

P. S. Inclosed will find letter of recommendation of my last employment.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. LODGE (when his name was called). I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Vermont [Mr. PAGE], I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Pennsylvania [Mr. CROW] and vote. I vote "nay."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I am unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the senior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The roll call was concluded.

Mr. KING. May I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. He has not voted.

Mr. KING. I have a general pair with that Senator, and in his absence, being unable to obtain a transfer, I am compelled to withhold my vote.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I desire to have this announcement stand for the day.

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is absent on account of illness. I will let this announcement stand for the day.

Mr. SIMMONS. I wish to announce the absence of my colleague [Mr. OVERMAN] on official business. He is paired on this vote with the Senator from Maryland [Mr. FRANCE].

Mr. CURTIS. I desire to announce that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from

Virginia [Mr. GLASS] and that the Senator from Connecticut [Mr. McLEAN] is paired with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 25, nays 40, as follows:

YEAS—25.

Ashurst	Harris	Norris	Trammell
Broussard	Harrison	Pomerene	Walsh, Mass.
Caraway	Heflin	Reed	Watson, Ga.
Culberson	Hitchcock	Sheppard	Williams
Dial	Jones, N. Mex.	Simmons	
Fletcher	Kendrick	Stanley	
Gerry	La Follette	Swanson	

NAYS—40.

Ball	Gooding	Moses	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Harreld	New	Sterling
Capper	Kellogg	Newberry	Sutherland
Cummins	Keyes	Nicholson	Townsend
Curtis	Lenroot	Oddie	Wadsworth
du Pont	Lodge	Phipps	Warren
Edge	McCormick	Poindexter	Watson, Ind.
Ernst	McKinley	Rawson	Weller
Fernald	McNary	Shortridge	Willis

NOT VOTING—31.

Borah	Frelinghuysen	McLean	Ransdell
Brandegee	Glass	Myers	Robinson
Cameron	Johnson	Norbeck	Shields
Colt	Jones, Wash.	Overman	Smith
Crow	King	Owen	Stanfield
Dillingham	Ladd	Page	Underwood
Elkins	McCumber	Pepper	Walsh, Mont.
France	McKellar	Pittman	

So Mr. HARRISON's motion to amend was rejected.

The VICE PRESIDENT. The question recurs on the motion to refer the resolution to the Committee on Civil Service.

Mr. REED. Mr. President, I think that the purpose of the reference is now absolutely plain. Twenty days' time was to be allowed by the amendment which has just been voted down by an almost strictly party vote. Twenty days' time to do what? To consider a resolution merely asking the President for information.

The reference of such a resolution to a committee at all is wholly unnecessary. The committee have no facts to ascertain. The sole thing the committee can do with the resolution, as the resolution is couched since it was modified, is to report to the Senate whether or not the Senate ought to ask the President to give the reasons for the discharge of any soldiers or sailors who may have been discharged. That is not a question for a committee. It is a question for the Senate to pass on in the first instance, and the question could be passed on by a yea-and-nay vote on the mere adoption or rejection of the resolution.

It follows, therefore, inevitably that there is but one purpose for the reference, and that is to gain time and if possible ultimately smother the resolution. What, I pray, are the committee to do? Are the committee to advise the Senate whether or not, in the judgment of the committee, the President ought to be asked to furnish the Senate information with reference to the discharge from civil-service positions of former soldiers of the Army and sailors of the Navy? How much would it help the Senate to have the advice of the committee on that matter?

The proceeding that is now being had is on a par with the performances we have witnessed here constantly in the last few days. It seems to be a part of a concerted action to keep the Senate and the country from knowing just what is being done in the executive departments of the Government. A veil of secrecy is to be thrown around the acts of the President and those who serve under him. The other day some one made the statement on the floor of the Senate that the President was not amenable to any law; that he is above the law, I presume. There was once a King of Poland who undertook to write an address in Latin and, being as ignorant of Latin as some people are of the ethics and decencies of public life, he made many blunders. A clerk who did know Latin said to him, "This particular sentence is ungrammatical." The King replied that the monarch is above grammar. Whereupon he was thereafter known in history as supergrammatical.

The doctrine now seems to be asserted that the President of the United States is above the law of the land. We find Senators sitting in their seats undertaking to defeat or smother a resolution asking merely for the names and reasons for the discharge from the public service of honorably discharged sailors and soldiers who are guaranteed their positions by the law unless it is necessary to reduce a force and their discharge is made inevitable by virtue of those facts.

It may seem to Senators that it is necessary to pursue this course, but there is only one reason why that could constitute such a necessity and that is that there must be something to conceal. There must have been some illegal or oppressive acts done, otherwise the resolution would be passed without the form of debate or a shadow of opposition. What is it that the executive department has to conceal? The only question is, Have honorably discharged soldiers and sailors been dismissed from the public service without adequate or proper cause? Why can not that question be answered and why should any man hesitate in answering it?

If former soldiers and sailors have been so discharged, that is a complete answer and the administration would hasten to make it and the friends of the administration would court honorable publicity of that kind of an honorable course of conduct. If former soldiers and sailors have been discharged with good cause, the administration would be equally willing to state the number discharged and the reasons for their discharge. It is only when they have been wrongfully discharged that hesitancy will be manifested. It is only when there is something to conceal that it is necessary for the cohorts of an administration to rally and defeat investigation or even inquiry. You undertake to refuse to give to the Senate of the United States and to the country the facts with reference to the treatment you are according to soldiers who served their country in the great World War; you undertake to keep from the country and from the Senate knowledge of the fact that you have been violating the law of the land and trampling upon that law; you sit like so many indifferent graven images while these soldiers are being deprived of their rights under the law; and yet you were the loudest in singing their praises when they were marching out to defend the country, and you were the most insistent that their rights should be always guarded.

Of course, every lawyer who has ever defended a criminal in court, if his client were guilty, has endeavored to secure a continuance. That is the first and cardinal doctrine of defense when your client does not dare front the bar of justice. I am not saying that the President is a criminal, of course, but if he has or those under him have lived according to the statute now under consideration, then they are receiving a very poor service from their friends and defenders when the President and his subordinates are placed in a position such as is here manifested this morning, to wit, that there is something to conceal and that it is necessary to bury this resolution for an indefinite period of time, if not forever.

There was no hesitancy on the part of these soldiers to go to the rescue of their country. There ought to be no hesitancy on the part of the administration in granting them their rights under the law, and if the administration has granted them their rights under the law there will be no hesitancy on the part of the administration to come forward with the evidence to show that the course of the administration is above criticism.

However, as I stated a moment ago, this seems to be a part of a general plan of smothering things, keeping them away from the public. Several times Congress has been refused by the President information to which, in my judgment, we were entitled. Some day we are going to have a President who will be of the opinion that the business of the country is public business and is entitled to be known and understood by the public. You may, because of the present majority, be able to pursue these tactics of suppression of facts, but I venture the assertion that it will not be very long pursued, and that if the soldiers and sailors who served their country are being wrongfully discharged, you can not suppress that fact by a reference of this resolution to a committee; and any committee that requires more than 20 days to report this resolution must have some obstacles confronting it which do not appear upon the face of the resolution.

I repeat, Mr. President, there should be no reference whatever of the resolution. The Senate ought to decide whether or not it desires this information. Then, if the President declines to give it to us, we shall have to take such course as may be open. I do not hesitate to say to the President of the United States, whom I personally respect, and to every executive officer of this Government, that, in the last analysis, the Congress of the United States is the master of this and every other similar situation. A majority of Congress may decline to ask for information and then the public will have to inquire as to their motives.

Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The question is on the motion to refer the resolution to the Committee on Civil Service.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. NEW (when his name was called). Repeating my previous announcement as to the transfer of my pair, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. Being unable to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. KING (after having voted in the negative). I inquire whether the senior Senator from North Dakota (Mr. MCCUMBER) has voted?

The VICE PRESIDENT. The Senator from North Dakota has not voted.

Mr. KING. I have a general pair with that Senator. I am unable to obtain a transfer, and reluctantly I am compelled to withdraw my vote.

Mr. BALL (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand he has not voted.

The VICE PRESIDENT. The Senator from Florida has not voted.

Mr. BALL. I transfer my pair with the Senator from Florida to the senior Senator from Colorado [Mr. PHIPPS] and let my vote stand.

The result was announced—yeas 39, nays 24, as follows:

YEAS—39.

Ball	Hale	Moses	Spencer
Bursum	Harreld	Nelson	Sterling
Calder	Jones, Wash.	New	Sutherland
Capper	Kellogg	Newberry	Townsend
Curtis	Keyes	Nicholson	Wadsworth
du Pont	Lenroot	Oddie	Warren
Edge	Lodge	Poindexter	Watson, Ind.
Ernst	McCormick	Rawson	Weller
Fernald	McKinley	Shortridge	Willis
Gooding	McNary	Smoot	

NAYS—24.

Ashurst	Harrison	Myers	Stanley
Broussard	Heflin	Norris	Swanson
Caraway	Hitchcock	Pomerene	Trammell
Dial	Jones, N. Mex.	Reed	Walsh, Mass.
Gerry	Kendrick	Sheppard	Watson, Ga.
Harris	La Follette	Simmons	Williams

NOT VOTING—33.

Borah	Fletcher	McLean	Robinson
Brandegee	France	Norbeck	Shields
Cameron	Frelinghuysen	Overman	Smith
Colt	Glass	Owen	Stanfield
Crow	Johnson	Page	Underwood
Culberson	King	Pepper	Walsh, Mont.
Cummins	Ladd	Phipps	
Dillingham	McCumber	Pittman	
Elkins	McKellar	Ransdell	

So Mr. CARAWAY's resolution was referred to the Committee on Civil Service.

The VICE PRESIDENT. The morning business is closed.

HOSPITAL FACILITIES FOR EX-SERVICE MEN.

Mr. FERNALD. I ask unanimous consent to take from the calendar for consideration House bill 10864, and, after the reading of the bill by the Secretary, I shall desire to make a few remarks in regard to it, which will be very brief.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The READING CLERK. A bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau.

The VICE PRESIDENT. Is there objection to taking this bill from the calendar and proceeding to its consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants shall be of fireproof construction and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President: *Provided, however*, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized, by Executive order, to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof.

SEC. 2. That the construction of new hospitals or dispensaries, or the extension, alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

SEC. 3. That for carrying into effect the preceding paragraphs relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith.

SEC. 4. That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion suffering from neuropsychiatric and tubercular ailments and diseases.

Mr. FERNALD. Mr. President, it is my desire to state very briefly the purpose of the bill and its provisions.

It is obvious that the purpose of the bill is to provide hospital facilities for those soldiers of the late war who need treatment in the hospitals, and facilities for carrying out the purpose of the bill. The provisions of the bill are somewhat different from those of any public buildings bill that has been before the Senate during my time as a Senator. It provides that all of the buildings and everything connected with the bill shall be cared for by one man, instead of by the Treasury Department, as heretofore. The House Committee on Public Buildings and Grounds have been carrying on hearings on this matter for many weeks; and after a long-continued investigation of the matter they have brought out this bill, which has the approval of the Federal Board of Hospitalization, the Assistant Secretary of the Treasury, and the President of the United States.

As I have stated, the provisions of this bill are somewhat different from those of other public buildings bills. It has been thought best, and in fact I have always held to the opinion that it was much better to leave these matters in the hands of one man than in the hands of a committee which meets only occasionally. I do not know personally the Director of the Veterans' Bureau. I would not know him, I suppose, if I saw him come into this Chamber; but from all the sources of information that the House committee were able to bring before them, and from the indorsement of the President and all those connected with the bill, this seems to be about the only way to handle the matter, as under the Sweet bill the director of the bureau has authority to carry out all the provisions for the care of the disabled soldiers.

There are to-day about 30,000 ex-service men who need hospital care. About 1½ per cent of all the men sent overseas ought now to be in hospitals. We have already provided Government hospitals for 21,000 men who are now in hospitals. We have also made provision, under a bill passed last year, for about 6,000 more. I think there are about 1,500 beds now ready for

occupancy in those hospitals. There has been some delay, and I have no right to charge to anyone in particular the responsibility for the delay. I do believe that the matter would have been advanced very materially from its present status if it could have been left then in the hands of one man. Whenever a committee has a thing to do, it is very natural for each of its members to place the responsibility upon the other members of the committee, and to excuse himself from being as active as one man would be if he had entire charge; so, for that reason this provision was made in the bill, and, as I say, it has the sanction of the Federal Board of Hospitalization, the Secretary of the Treasury, and the President of the United States.

Only one hospital is entirely completed under the bill which was passed last year—that at Fort Logan H. Root, in Arkansas. It is estimated that before we hospitalize all of the soldiers and sailors of the late war the number will reach about 38,000, and the peak will be reached in 1926. It is hoped that when this bill passes we may begin immediately to make provision for the hospitalization of the rest of the men now outside, some of them in homes for disabled soldiers, some of them in hospitals which are perhaps little better than almshouses, some of them entirely outside of any institution; and, in fact, those outside of the 21,000 in the Government hospitals are cared for in private institutions.

I wish to read part of a statement made before the House committee by the Assistant Secretary of the Treasury to prove what I have already said in regard to the effect that the Secretary feels the passage of this bill would have on his department:

> The Secretary of the Treasury does feel, however, regardless of who may locate the new hospitals, where they may be built, or what the size, cost, or character of construction of such new hospitals may be, that it is in the interest of economy and efficiency that the preparation of plans and specifications and the actual superintending of the construction of the hospitals be done by the Supervising Architect, whose office is a part of the Treasury. The Supervising Architect has told you of the facilities of his office. I am not asking that you designate that he shall do this work, but am merely stating that I believe it is in the interest of efficiency and economy that those facilities be utilized.

So there is a provision in this bill that the Director of the Veterans' Bureau may call upon that department of the Government to furnish such facilities as he feels may be utilized for this work.

That is the opinion of the Assistant Secretary of the Treasury. I think there is no difference in the opinion of Senators on either side of this Chamber as to the desirability and the imperative need of these hospitals at this time. We are of one opinion, and I am sure it is a very pleasant duty for a Senator to present a bill that has the indorsement of every Senator on the floor.

I have taken up this matter in my committee, which acted immediately. It was necessary to have but one meeting of the committee. The committee were of one mind. All of the Senators on this side of the Chamber and all on the other side agreed that speedy action should be taken; and for this reason I shall consume but very little time in presenting the matter to the Senate.

If it were not for what I believe is an erroneous and false impression that has gone about the country, I would feel quite content to rest my case here. I feel sure of what the vote will be; but some publications in different sections of the country have attempted to give the impression that the Government has not done as much for the soldiers of this war as has been done for soldiers of other wars. I want to correct that impression, because, of the six great wars this Government has fought, there has never been one the soldiers of which have had the very generous treatment accorded the veterans of the war we have just passed through.

Senators may be surprised to know the difference in the treatment of the soldiers by the different Governments. Outside of Australia and New Zealand, no Government that was in any way connected with the late war has paid anything like what the United States has paid her soldiers. Canada alone paid her soldiers $33 per month. The United States paid her soldiers $33 per month. Great Britain paid her soldiers but $11.40 per month. Germany paid her soldiers $3 per month. France, Austria-Hungary, Italy, and Japan paid their soldiers less than $2 per month. So Senators may see that in comparison with what other Governments have paid, the United States has been exceedingly generous.

No soldier of the Revolutionary War received a pension, for over 40 years after the close of the war, of more than $5 per month, and that only in case of disability to such an extent as to prevent his performing manual labor.

No soldier who served in the war for independence was allowed a pension for any reason except for injuries or disability incurred in the service, for 42 years.

No soldier of the War of 1812 was pensioned for any cause, except for disability incurred in service, until 60 years after the war.

No widow of the War of 1812 received a pension until the act of 1816, and then only $4 per month.

No soldier of the Mexican War received a pension, except such as were wounded or disabled in the service, until 40 years after the close of the war.

Those totally disabled as the result of service received $8 per month.

No soldier of the Civil War who was not injured or disabled by his military service received any pension from the Government until the act of 1890, 25 years after the close of the war.

Those totally disabled received only $8 per month in case of privates, and only $30 per month in case of lieutenant colonels and those of higher rank.

No widow of a Civil War soldier was granted a pension until 25 years after the close of the war, and then only upon proof of the soldier's death being of service origin.

At the close of this fiscal year we will have expended during this 12-month period for the benefit of the soldiers $438,000,000, twice as much as was ever expended before in aid of the soldiers of any war.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield.

Mr. KING. The Senator does not mean that that is all that has been expended by the Government since the armistice?

Mr. FERNALD. No; I expect to take that up right away.

Mr. KING. It will be over that amount for one year.

Mr. FERNALD. That is for one year. Four hundred and thirty-eight million dollars is the amount for this year.

Mr. KING. Nineteen hundred and twenty-two or nineteen hundred and twenty-three?

Mr. FERNALD. Nineteen hundred and twenty-two.

Mr. KING. I think the Senator will find that it will be considerably more than that.

Mr. CALDER. That is for the year ending June 30, 1922.

Mr. FERNALD. Now I will take up the other years.

Mr. KING. There will be deficits. I think I can assure the Senator that the expenditures for the fiscal year 1922 will exceed $500,000,000 for the purposes indicated in the observations of the Senator.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. FERNALD. I yield.

Mr. WALSH of Massachusetts. May I suggest to the Senator from Utah that his figures may be correct about the expenditures, but there are assets in the way of premiums received from the soldiers on insurance, which reduce the sum to the figure named by the Senator from Maine?

Mr. KING. I think the Senator will find that there are claims unadjusted which will amount to millions of dollars, which will swell the total, even admitting the assets to which the Senator refers, to the aggregate which I have indicated.

Mr. WALSH of Massachusetts. It is a common mistake to say that the soldiers have cost so much money, which has actually been expended, and to give no credit for the revenue which has been received. The senior Senator from Utah [Mr. SMOOT] for a long time labored under that impression, and gave some figures which were very grossly exaggerated, because there has been a very large amount coming to the Treasury from the soldiers themselves in the way of insurance premiums.

Mr. FERNALD. Now I want to go on to show the difference in the treatment of soldiers of these different wars. I am certain these figures are absolutely correct.

From the beginning of the Revolutionary War until July 4, 1836—53 years after the close of the war—no widow of an enlisted soldier who served in the War for Independence was ever allowed a pension. But by the act of July 4, 1836, and several amendatory acts, widows of Revolutionary soldiers were allowed a pension at first of $4 and later $8 per month. They were never allowed more than that until the act of 1886—more than 100 years after the war.

Until the act of 1816 no widow of the War of 1812 received a pension. But by that act widows of soldiers who were killed in the service were allowed half pay, or $48 per year—$4 per month.

Widows of soldiers killed in the Mexican War received half pay of $48 per year for life, and it never was increased above that amount until 1887—40 years after the close of the war—and then increased to $8 per month.

In 1886 pensions of widows of Civil War veterans were increased to $12 per month. So that no widow of a Civil War veteran whose death resulted from injuries received or disease contracted in the service received as much as $12 per month until over 20 years after the close of the war. Their pensions remained at $12 until 1916, when they were increased to $20 per month. So that it was not until 25 years after the close of the war that the widows of Civil War veterans could receive a pension except upon proof that the soldier's death was of service origin.

Widows of veterans of the Spanish War have never been allowed a pension of more than $12 per month; and prior to the passage of the Sells Act they were never allowed that except in case where the soldier's death was due to injury received or disease contracted in the service.

Mr. WALSH of Massachusetts. Mr. President, the Senator, of course, does not claim that there is any provision under existing law for granting pensions to widows of soldiers of the late war?

Mr. FERNALD. No; I am just going to show what we have done.

Mr. WALSH of Massachusetts. What we have done for the widows of the late war has been as the result of the insurance plan.

Mr. FERNALD. Absolutely.

Mr. CALDER. I think the Senator from Massachusetts is mistaken about that. I think we do pension the widows of men who were killed in the service.

Mr. WALSH of Massachusetts. Who were not insured?

Mr. CALDER. Yes; I think so.

Mr. WALSH of Massachusetts. I would like to have the Senator refer me to the law providing that.

Mr. CALDER. I am reasonably certain that is so. I shall look it up, due to the fact that the Senator questions it.

Mr. WALSH of Massachusetts. Of course, they were practically all insured.

Mr. FERNALD. I have a table before me which shows that in case of death, if the soldier leaves a widow alone, the Government of the United States pays the widow $300 a year.

I want to say, in connection with insurance, that 148,000 claims have already been allowed; that there is still in force insurance to the amount of $3,500,000,000, and no Government ever made such provision before for the soldiers of any war. They are handling at the department 1,000 new claims every day, in addition to the 1,200,000 already on file, and employing 4,000 ex-service men in carrying out the work.

Mr. WALSH of Massachusetts. Those are compensation claims.

Mr. FERNALD. Yes.

Mr. WALSH of Massachusetts. Not death claims.

Mr. FERNALD. In addition to the above, the Veterans' Bureau has allowed 305,000 compensation claims, and has paid out in compensation benefits $300,000,000. We are mailing out 650,000 checks every month, representing an expenditure of $43,000,000 monthly; giving vocational training, without cost, to 100,000 disabled ex-service men; providing hospital care for 30,000 ex-service men, at an annual expenditure of $60,000,000; expending $1,000,000 cash every day for ex-service men and their dependents.

So, Mr. President, since 1918 this Government has expended $1,410,000,000, and from now on, under the provisions of the laws we have already enacted, it will cost this Government $438,000,000, twice as much as was ever expended before for the soldiers of any war.

There are three groups of men we sent overseas. One group of 1,950,000 returned able-bodied, in good health, able to care for themselves, and take up their life work where they left it off. They are better physically, mentally, and morally than when they went overseas. There is a difference of opinion, possibly, as to the best attitude for the Government to take toward these men. One thing may be certain, that the Government of the United States will treat all men justly.

We had another class of men, those boys who never returned. Fifty thousand two hundred and eighty of these boys were killed in battle. There were 48,370 men who died from disease—pneumonia, the "flu," and tubercular trouble. There were 17,000 who died from other causes, or 115,000 men in all. Nothing more can be done for those good boys. They fought for the flag. They fought side by side. This was no sectional matter; this was no partisan matter. The boys of Alabama and the boys of Maine, the barber's son and the banker's son, fought side by side. They made the supreme sacrifice. They gave their all. They fought in battle. They slept under the same tents. But, Mr. President, they have exchanged their battle-ground camps for tents on the infinite shore. The books are closed with those boys. This Government has shown every courtesy and every honor possible to them. In 778 cemeteries on the other side the bodies of those brave boys remain.

There is still another group for which I am speaking now, the returned invalid and disabled soldier. I have never yet read in any publication or ever heard any man say that those boys should not be cared for, and the bill before us this afternoon is in the interest of the invalid and disabled soldier.

We have 30,000 of those boys to-day, and it is a pleasant duty to speak as an American on an American question. There is no difference of opinion, in my judgment, about this. The committee held hearings and heard everybody who wished to appear, and nobody ever suggested but that we should do all possible for these men.

So, Mr. President, when the vote is taken I want, first of all, a quorum called. I want a record vote. I want the shining, glowing, and encouraging message to go from Maine to California, from the northland lakes and rivers to the Gulf of Mexico, that it is to be the policy of this Government to care for and protect its defenders. It will be an encouraging word to the boys who fought overseas. Let it ever be remembered that the invalid and disabled soldier is to have the care and protection of his Government.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

Mr. FERNALD. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

Mr. BALL. I understand that temporarily laying it aside does not displace it?

The VICE PRESIDENT. It does not.

Mr. POMERENE. Mr. President, may I make a suggestion?

Mr. FERNALD. I yield to the Senator from Ohio.

Mr. POMERENE. I am, of course, in entire sympathy with the hospitalization bill, but the rent bill is of rather pressing importance, because the present rent law expires within the next three or four weeks. I understand that the pending bill which has been presented by the Senator from Maine is not going to take very long, and I therefore make no objection to his request to temporarily lay aside the unfinished business.

Mr. FERNALD. My understanding with the Senator from Delaware [Mr. BALL] was that I was to present the matter very briefly, and I think it will take only a very few moments more to dispose of the hospitalization bill.

The VICE PRESIDENT. The Senate has agreed to continue the consideration of the bill, and it is before the Senate as in Committee of the Whole.

Mr. ASHURST. Mr. President, the bill is of extreme importance. It has been read by the Assistant Secretary and a lucid explanation has been made by the chairman of the committee, the Senator from Maine [Mr. FERNALD]. As he has said, it appropriates the sum of $17,000,000 for the further hospitalization of ex-soldiers.

The vice of previous legislation of this sort, the purpose of which was good and which attempted hospitalization, was that it divided the authority. We were unable to determine whether the Treasury Department or the Veterans' Bureau had authority, and, as is usual in cases where there is divided authority, there is more or less conflict and delay. In the pending bill full discretion and ample authority are vested in the Director of the Veterans' Bureau, subject only to the action of the President.

I am aware that criticism has been laid against the Director of the Veterans' Bureau, but until the director shall have had an opportunity to work without being enmeshed in red tape, I can not hold anyone to blame where he has not been fully charged with the responsibility, but in the pending measure the Veterans' Bureau is charged with the responsibility and ample funds are provided. We now have a right to expect adequate hospitalization of our ex-service men who are suffering from neuropsychiatry, tuberculosis, or who are suffering generally.

The legislation is so important that I shall withhold any further remarks upon the subject. It will be remembered I have spoken many times on this very subject, but I believe the best service I can render now would be to shorten my remarks so that the bill may pass. I ask permission to include in the

RECORD a copy of an address I delivered in the Senate on the 22d day of December, 1921. I ask that it be printed in 8-point type.

The VICE PRESIDENT. Without objection it is so ordered.

The address referred to is as follows:

SPEECH OF HON. HENRY F. ASHURST, OF ARIZONA, IN THE SENATE OF THE UNITED STATES, THURSDAY, DECEMBER 22, 1921.

The Senate had under consideration the conference report on the bill (H. R. 9458) for the relief of the distressed and starving people of Russia.

Mr. ASHURST. Mr. President, what I am required to do this morning is apparently ungracious, as the Congress desires to adjourn for the holidays, but my task must be performed. I shall restrain the oratorical impetuosity and tumultuous emotion which I feel as I reflect upon the foul injustice that is being perpetrated upon many of our ex-service men suffering from tuberculosis. I now thank not only the conferees on the part of the Senate but also the conferees on the part of the House on the Russian relief bill. They accorded to me a privilege not usually extended to Members of either House. I made it known to the conferees that I desired to be heard on my two amendments, which the Senate adopted, to the Russian relief bill, and the chairman of the conference committee [Mr. SMOOT] was so kind as to come to me and advise me that they were in session. It was accorded, not only by the Senate conferees but also by the House conferees, a patient hearing, and I have reason to believe both of my amendments would have been agreed to had it not been for the reactionary and archaic rules of another branch of Congress which prevented the House conferees from agreeing to the amendments. I have, therefore, no quarrel with the conferees on this bill, but I quarrel with the rules of another body of the Congress.

I direct attention to the somnolence that has come upon the American Congress, a sleepiness which neither "poppy nor mandragora nor all the drowsy sirups of the world could produce." I am at eternal war with this Congress or any Congress that will be silent, inert, and asleep when it should be lit by the passion of justice. Meanwhile what are the facts?

On the 17th of last October I received the following telegram from the Governor of Arizona, a gentleman of good judgment and of accurate expression:

PHOENIX, ARIZ., *October 17, 1921.*

Senator HENRY F. ASHURST,
Washington, D. C.:

Director Forbes, of Veterans' Bureau, has submitted report to President strongly urging immediate action to meet present emergency arising from needs of hundreds of disabled former service men who, with approach of winter, are pouring into Arizona, where facilities for their care are very inadequate. He recommends immediate completion of Whipple building program through letting of contracts, it being obvious that under system now in effect winter will be well over before any of the buildings now under construction will be ready for occupancy. Maj. Louis T. Grant, manager Veterans' Bureau, twelfth district, is now in Washington, and I therefore urge that Arizona congressional delegation take prompt action, conferring with Major Grant and Director Forbes and calling on the President, bringing strongly to his attention the desperate situation in which these men find themselves and pointing out necessity for immediate action along following lines: Speeding up of construction program at Whipple, establishment of vocational-training center at Prescott, acquirement of additional hospital facilities at Phoenix, and construction of cottages at Tucson to accommodate approximately 300 more patients. The need is very real, and I urgently bespeak your hearty cooperation.

THOMAS E. CAMPBELL,
Governor.

Immediately upon the receipt of that telegram I called upon Mr. C. R. Forbes, Director of the United States Veterans' Bureau, and he said to me, "Senator, the governor has not overstated nor misstated the situation. We are trying to save the lives of the tubercular ex-service men who are pouring into the Southwest. We must have action, and we must have the nerve to sever the damnable red tape that is hindering efficient work."

Now, Mr. President, whether the common opinion of our countrymen to the effect that the Southwest with its balmy air and salubrious climate is a specific for tuberculosis is erroneous or not, nevertheless it is the common opinion not only of the laity but of many members of the medical profession that the Southwest is a specific for tuberculosis. I do not argue that question at this time. I leave the question to the physicians to answer; but I do assert, and no Senator would deny, that it is a common belief throughout our country that those persons suffering from tuberculosis who go to the Southwest find relief from the great white plague and that there the progress of their disease is arrested.

Therefore many ex-service men suffering from tuberculosis which they contracted while in the honorable service of their country drift into the Southwest, largely at their own expense, not by the dozens but by the scores. The local physicians there have measured up splendidly to their high and arduous profession; the charitable organizations, the State authorities, and the county authorities have done their full duty in attempting to care for these men, and yet with all the superb work that the people have done, that the State has done, and that the Public Health Service has done, there still remains much more to be done. I could litter these desks with letters from ex-soldiers in Arizona who have gone there in search of health and are now suffering from the lack of proper hospitalization.

On December 12, when the deficiency appropriation bill was before the Senate, I offered the following amendment thereto, and the same was agreed to by the Senate:

That the Director of the United States Veterans' Bureau is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named therein. Such hospital plants and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

That for carrying into effect the preceding paragraph relating to additional hospital facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000 to be immediately available and to remain available until expended.

In support of that amendment I spoke, in part, as follows:

Mr. ASHURST. Mr. President, the time has arrived in the progress of hospitalizing the ex-service men when no further explanations or excuses may be offered. The situation is one which calls for immediate action. There is in this pending bill a provision to appropriate $1,000,000 to enable the Government of the United States to take part in the International Exposition at Rio de Janeiro. Naturally the opulent Government of the United States, which courts and deserves the esteem of other powers and other peoples, can not be oblivious to the fact that we should in due time take our proper part in the International Exposition at Rio de Janeiro, which will require the expenditure of $1,000,000; but are we prepared to vote $1,000,000 to take part in the International Exposition at Brazil when in one town in the United States 950 tubercular soldiers are suffering from neglect? Are Senators ready on their conscience to say that they prefer that this $1,000,000 shall be spent for an international exposition rather than for the hospitalization of tubercular soldiers? * * * On armistice day we had services in honor of the unknown dead; and the private soldier was permitted to stand on the sidewalk and see the procession go by. Fifty thousand dollars were appropriated by Congress for the purpose of making arrangements for the exercises, and this sum was spent in giving admirals and generals and high foreign dignitaries seats; but the "gold-star" mother received scant attention; no gold-star mother was brought here to participate in those exercises. All the soft seats and all the carriages and the equipages were preempted by generals and admirals and high foreign dignitaries. Now, with ex-service men suffering from neglect on the streets of Phoenix, Ariz., we are going to "shell out" $1,000,000 to participate in an exposition in Brazil, but refuse to hospitalize those who stood in the iron storm of war and breathed poison gases in order that our civilization might be saved.

* * * * * * *

On the same bill to which my amendment was attached appropriating $1,000,000 for further hospitalization of ex-soldiers there was also attached by the Senate an amendment appropriating $100,000 to be expended by the Department of Labor in bringing the man to the job and the job to the man. I had the honor to be present at a meeting of the unemployment conference called by President Harding. I there met workingmen whose speeches showed that they possessed fully as firm a grasp upon fundamentals in government as any Senator here.

The unemployment conference recommended that $400,000 be spent by the Department of Labor in finding employment for those who desire to work; not to be spent in bounties, gifts, and largesses out of the Treasury, but to assist honest, upstanding workingmen to find a chance and an opportunity to earn their daily bread.

The time has come in Congress and out to stop this soft talk; this ballyho and this twiddling of melting notes on the harp of sociability and acquiescence; the time has come to act. When this $400,000 item for finding employment for idle men reached General Dawes his knife and scalpel carved the amount to the bone, but even General Dawes found that $200,000 was absolutely necessary, so he recommended that sum.

The emotionless, self-contained, and detached Senate felt, however, that General Dawes had been extravagant, so the Senate adopted an amendment appropriating only $100,000, or one-half the amount General Dawes said was necessary.

When this deficiency bill reached the conference committee on the disagreeing votes of the two Houses my amendment appropriating $1,000,000 for further hospitalization of ex-service men and the amendment providing $100,000 to relieve unemployment lasted about as long as would a waxen taper in a blazing temple and both were rejected by the conferees.

On December 14, when the conference report on the deficiency bill was considered by the Senate, I spoke in part as follows:

Mr. ASHURST. I shall not take time now to go over the ground I traversed on last Monday. The Senate will remember that I presented a status of affairs which I believe convinced every Senator of the necessity for immediate action regarding the hospitalization of tubercular soldiers. The Senate adopted my amendment which appropriated $1,000,000 to be spent by the Director of the United States Veterans' Bureau, or in such other manner as the executive branch might see fit, for the hospitalization of tubercular soldiers who were gathering in large numbers throughout the Southwest, attracted there, as I said, by the widespread opinion, shared not only in the West but throughout all portions of our country, that in the Southwest a specific, the healing air, could be found for their great plague, tuberculosis.

The Senate was convinced that a real necessity existed.

I did not happen to have in my pocket or amongst my papers on Monday, when I made my speech on this subject, a telegram which I shall now read. This is the telegram from Doctor Sweek, of Arizona, of the Public Health Service:

"Exact figures impossible. Lowest estimates 950 active cases vicinity of Phoenix. Four hundred should be hospitalized but not willing to enter present contract hospital. Number of cases in Arizona that would enter properly conducted hospital, lowest estimate, 1,500. Present number hospitalized here, 104. Any size institution up to 1,500 would be full nine months of year. Hospital for 400 could be kept full year round for 25 years. Attending specialists available. Expensive resident staff of full-time men unnecessary. Would like opportunity to make this model hospital. Great need for hospital here, as men come from all States. Proper care here would prevent widespread criticism. As disease advances the number here increases as Southwest is used as last resort."

* * * * * * *

Now, Mr. President, I submit that in time of war it is right for the superior officer to say where a soldier shall go, whether it costs the soldier's life or not; but after he has gone faithfully through the war, after he has had practically every segment of his lungs burned and torn away by the enemy's gas, it is not humane, it is not just to him to say, "You shall go where we say or you shall die." A humanitarian government, a just government will say to him, "If you share the common belief that your plague will be lifted and your disease arrested in some particular climate and you have gone there in large numbers, in good faith, at your own expense, in that belief, then a rich and opulent government will set up a hospital there for you."

I repeat, the Senate conferees are entitled to the thanks of the Senate for the manly way in which they struggled to save this amendment appropriating the $1,000,000, and if a thousand ex-soldiers die from neglect, abandoned by the most powerful and opulent Government, the blame will not rest upon the Senate, but will rest upon those who are so bound by red tape that they are no longer free men.

* * * * * * *

In company with Governor Campbell, of Arizona, Representative HAYDEN, and Mr. D. B. Heard, editor of the Arizona Republican, I called upon the President and read to him the telegram from Doctor Sweek.

The President manifested every attention and proved himself to be what he is believed to be, a man of heart and brain, willing to give civil consideration to any important matter that a citizen sees fit to present. I do not feel at liberty to quote him.

Many times when ex-service men in Phoenix, Tucson, or Prescott suffering from tuberculosis are offered transportation and offered hospitalization elsewhere, they will not go away because they believe the progress of their disease will be arrested in those genial climes, and shall the Government be so rigid and so hard-hearted as to say to the soldier, "You shall be hospitalized where we want you hospitalized or you may go to your grave"? That is the issue before us.

German bullets and German gas cost the lives of scores of thousands of Americans during the World War, but if American red tape now in existence is to continue it will cost the lives of thousands more.

As a sample of the methods pursued by the Government, I will read from a letter of Doctor Redewill, of Phoenix:

PHOENIX, *December 13.*

There are hundreds of boys in Phoenix that need hospital care and a large number of them want to come to Desert Inn, but on account of the opposition to our place we are unable to take care of any of these men. On the other hand, two years ago we had some 20 soldiers paying their own way here at Desert Inn and were perfectly contented, but when the Public Health Service told them that they could not stay here if they wanted to receive compensation, but that if they went to the Phoenix Sanitarium it would not cost them anything for their board and they would also receive their compensation they all left here, thus not only taking away our contract but also a certain amount of income from our place by taking these soldiers away from us when they were contented to pay their own way rather than receive free board at the Phoenix Sanitarium.

For a reasonable sum of money the Public Health Service could acquire the Deaconess Hospital at Phoenix and could, at comparatively small expense, soon complete the same and thus care for scores of men now requiring treatment, but the Treasury Department has closed its ears and eyes to all arguments in favor of purchasing and completing this hospital.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. ASHURST. Yes; I yield.

Mr. SMOOT. I think the Senator will agree with me that one of the curses that has directly affected some of our soldier boys throughout the United States has been the treatment they have received through some of the private hospitals.

Mr. ASHURST. Why, then, do some of the soldiers want to go to private hospitals?

Mr. SMOOT. I do not know.

Mr. ASHURST. If they are so terribly abused, why do they want to go there?

Mr. SMOOT. I do not say that they all are, and this may not be one of those places. I do not say that. I do not know anything about it; but I do know that in some of the private hospitals of this country our soldiers have been outrageously treated.

Mr. ASHURST. Of course. I am not speaking of any private hospitals except those in the Southwest.

Mr. SMOOT. The Senator knows more about this case than I do, because this may be a perfectly first-class hospital, and perhaps even better than the one the Public Health Service has designated; but power had to be given to the Public Health Service, or, now, the Veterans' Bureau, to select the places where the boys should be sent so that they could control them, so that they could have an investigation made, and so that if complaints were made they could go at once and see that they were rectified, if any wrong was done the soldier.

The Senator is not any more anxious to see those boys taken care of than I am. I have tried to further the legislation in their behalf in this body right along; and the Senator knows that I never would submit to any kind of legislation that would in any way be a detriment to the soldier boys.

Mr. ASHURST. I know that to be true. Men differ in views and temperaments; some ex-service men prefer the large United States Public Health Service hospitals, whilst some desire treatment in the smaller or private hospitals and some prefer the so-called home treatment.

I desire to allow the ex-service man to make his own choice in cases where at all practicable.

Mr. President, the Senate has not been entirely inactive in this matter. A resolution was introduced (S. Res. 59) by the junior Senator from Massachusetts [Mr. WALSH] demanding an investigation. The committee was appointed, and on August 24 it made a partial report signed by Senators SUTHERLAND, CALDER, WELLER, WALSH of Massachusetts, and POMERENE. Twelve recommendations were made. The first recommendation was:

(1) That the Director of Veterans' Bureau be authorized to provide additional hospitals according to the recommendations of the board of consultants at a cost of $16,400,000, and that an appropriation of that amount be made available without delay.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. CALDER. I will say, in reference to the statement the Senator has just made, that that recommendation was made by the special committee of the Senate after months of inquiry and investigation. We made that as our first recommendation, and the most important one.

Mr. ASHURST. So I am reenforced by the statement of the industrious junior Senator from New York, who says that after months of patient investigation his committee unanimously reached the conclusion that $16,400,000 should be placed in the hands of Director Forbes.

At this juncture I must state that when my amendment appropriating $1,000,000 was agreed to by the Senate on the 12th instant it was said—and I am not going to give names—"Senator, you ought not to lodge that authority in Colonel Forbes. You should have lodged the authority with the Treasury Department." When my second amendment, adopted by the Senate on the 20th instant, lodged the authority with the Treasury Department, it was said to me, "You should have lodged the authority with Colonel Forbes."

I say in reply, "You can not ping-pong me. You may play ping-pong in the parlors of the dilettante, but not with me."

So this report of the Senate investigating committee was submitted to the Senate. Their first recommendation was that $16,400,000 be expended for further hospitalization.

Now, I have been severe upon that committee. I said, publicly and privately, that I thought they were guilty of a flagrant disregard of their duties when they omitted to go to Arizona and investigate conditions there, but I am beginning to believe that they knew to whom they were reporting. Of what avail would it be to go to Arizona and investigate, when the recommendations they have made as to conditions here are ignored? Their recommendations have been disregarded and forgotten, so I probably owe that committee—composed of Senators SUTHERLAND, CALDER, WELLER, POMERENE, and WALSH—an apology for the criticisms I directed against them because of their failure to go to Arizona and investigate.

Mr. President, a cry of anguish and despair came to us from starving Russia—Russia, that mysterious land; that spinner of webs; that people of mysticism and orientalism which will some day contribute not a little to the material wealth of the world.

A bill appropriating $20,000,000 to aid Russia passed the House of Representatives and came to the Senate, and when

the bill was pending in the Senate on the 20th of this month I spoke as follows:

Mr. ASHURST. Mr. President, as I listened to the speeches to-day, and they have all been excellent, varying emotions surged within me. Some Senators say this measure, if enacted into law, would not be constitutional, but the bill is institutional.

I sometimes believe that chloroform or some other anesthetic falls upon us in this Capitol, else what could make us so oblivious to what is going on in our own country as well as in other countries. Mr. President, during the past 10 years we have seen some strange mutations. In that decade changes more remarkable and radical took place on this earth than took place in the 200 years preceding. Even the processes of thought, the customs and views of the peoples, have changed, and whether we would or would not prefer the old days that we knew before 1914, we could not return to such standards if we tried.

We are living in a new earth and must adjust ourselves to the conditions.

We are told that thousands of people are starving in Russia. Doubtless that is true. We are told that we are inhibited by the Constitution from appropriating money for the purpose proposed. Doubtless that would be true according to the way the Constitution was interpreted, and correctly interpreted, 45 or 50 years ago; but the Constitution, sir, is not a dead hand; it is flexible. It has been stretched to protect every dollar in our land, and I insist that it shall be stretched to protect every person in our land.

Mr. President, we will find refuge to-day from the upbraidings of our national conscience by voting $20,000,000 to relieve Russia; but I fear when we examine closely we may find in that act but a scant refuge for our conscience.

The United States is a fountain, not a cistern; her open hand is a horn of plenty. The United States must and will take her place as the leader of the nations. Destiny compels her, requires her, to take that wondrous place. It is right and proper to listen to Russia's cry of anguish and despair, but before America can be generous, Mr. President, she must be just.

A Chinese philosopher once sent for his students to gather about him and tell him which, in their opinion, was the greatest of the virtues; he found them divided as to whether generosity or justice was the greater. The other virtues had comparatively no votes when the students were delivering their opinion. There was a tie vote between generosity and justice, and, breaking the tie, he said to them, "You must be just before you are generous. You can not be generous without first being just."

I believe that America as the leader of all the nations has come at last to know that there is an ethnic unity of the human race and that the distress of one nation must be a concern of all the others.

Now, let us examine and see if we have been just toward those whose sacrifices have made our country so powerful for good in the affairs of men.

How cynical, how tragic it would be to appropriate $20,000,000 for starving Russians and then refuse to appropriate the modest and much-needed sum of $100,000 to aid the Department of Labor in securing employment for our unemployed men. Workingmen in America are not asking a largess or a gift from the Treasury; they are pleading for an opportunity to get a job and earn their bread. So I shall offer to this bill an amendment which passed the Senate on the 12th instant, and which amendment Senate conferees manfully struggled to save, same being an amendment appropriating $100,000 to be used by the Secretary of Labor in securing employment for the unemployed here in the United States.

Moreover, Mr. President, how may we lay the flattering unction to our souls, how can we say on Christmas Day, "We have done a glorious thing by sending $20,000,000 to Russia," when we remember that ex-service men are suffering from tuberculosis, and in many—too many—cases are without help or mercy?

The Senate on the 12th instant agreed to my amendment appropriating $1,000,000 for the further hospitalization of ex-service men afflicted with tuberculosis, yet that amendment, which was added to the deficiency bill, was abandoned in conference. The blame, howsoever, does not rest upon the Senate, for this body did all within its power to save the amendment.

If we desire to serve America, if we want to keep her in the paths of progress, let us not neglect those who made possible our peace and our progress.

The Senator from Utah [Mr. SMOOT], who is not known as an orator, who makes no pretensions to oratory, really established himself to-day as an orator by his speech. In clear, convincing language he pointed out what destiny has cast upon us as to our duty to aid Russia; but are we going to say when the Christmas bells are ringing that we have $20,000,000 for Russia, but not a penny to aid the American workingman in securing a position; that we have money for Russia, but that the American soldier who carried our stainless banner to new glory may die a death of neglect because, forsooth, bureaucracy says the soldier is already taken care of, and that a bureaucracy must never be questioned?

Mr. President, German gas and German bullets slew their thousands of our boys and American red tape is slaying its thousands more. On the 2d day of November I laid before the Senate the facts as to the necessity of further hospitalization of soldiers afflicted with tuberculosis, who are pouring into the Southwest by the score. The local authorities have gone to their limit in trying to aid. The humanitarian and the generous people of the Southwest have given from their private purses until they are practically no longer able to give; and yet, inert, somnolent, bound by red tape, we serenely sit here while these poor boys are shamefully neglected. We are told by bureaucracy, which worships red tape, that "we are taking care of them." Ask the dying boys if they are being taken care of. Do not ask some bureaucrat. * * *

It has been stated here that if this bill does not become a law, children in Russia will perish. That is true, and I say if my amendment does not become a law, American citizens will perish here. The despondent, the disconsolate, who are out of money and out of work, looking not for charity, gifts, or a largess, but looking for work, will perish in spirit if not in body. No appropriation that could be made, nothing that could be done, would be more welcome to the people of this country than an appropriation to enable the Department of Labor to secure, if possible, positions and jobs for the unemployed.

I have said before, and I repeat, that if this amendment is defeated, if the hand of the Department of Labor shall be paralyzed in its laudable endeavor to secure work for men in order that they may earn their daily bread, the blame will not be on the Senate.

Mark you closely to what I now say. This Government does not owe anyone a living; he who being able to work says that the Government owes him a living is the idler, the malingerer, and the grafter; but the Government does owe every person a chance to earn a decent living, and the Government that does not secure to each citizen a fair chance to earn a living will soon drift into troubled waters.

I shall at the appropriate time offer another amendment—somewhat similar to the amendment I offered to the deficiency bill, which amendment was adopted by the Senate but lost in the conference on the disagreeing votes of the two Houses—appropriating a reasonable sum of money to be placed at the disposal of the Secretary of the Treasury to enable him to extend full hospitalization to ex-service men; then when these two amendments shall have been adopted and the bill passed we shall feel the glowing and expanding of soul that comes to those who have done their full duty.

I then proposed the following amendments to the bill, and both were agreed to by the Senate, viz:

That the Secretary of the Treasury is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Secretary of the Treasury is authorized to accept gifts or donations for any of the purposes named therein. The location and nature of such hospitals, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Secretary of the Treasury.

That for carrying into effect this provision relating to additional hospital facilities there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be immediately available and to remain available until expended.

* * * * * * *

To enable the Secretary of Labor, during the present unemployment emergency, to augment the existing facilities of the United States Employment Service in facilitating the transportation of labor from one State to another, inform States in which there is scarcity of labor of the situation in States where there is surplus of labor of the kind desired, and securing, compiling, and publishing information on unemployment throughout the country, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; rent of quarters outside of the District of Columbia; supplies and equipment, telegraph and telephone service, and printing and binding, $100,000.

Both of these amendments went to conference, and when the conference report was laid before us, we found that the Senate conferees had yielded to the House conferees and had receded, which action, of course, kills the two Senate amendments and leaves the bill precisely as it passed the House, to wit, $20,000,000 for relief of distressed Russians; not a penny for relief of distressed Americans. I believe, however, that the House conferees would have yielded had it been possible for them to do so without killing the Russian relief bill.

Now whilst Congress was appropriating $20,000,000 to aid sufferers in Russia, what was going on at home?

I will read some of the melancholy happenings, and will call upon the Senators from the States mentioned in the dispatch I am now about to read to deny it if it be untrue. This is from the Washington Times of December 21, 1921. The article reads:

STARVATION IS FACING 2,000 IN WEST VIRGINIA TOWNSHIP—MINDEN PAINTED "HELL ON EARTH" AS RESULT OF MINE SHUTDOWN.

HUNTINGTON, W. VA., *December 21.*

Two thousand men, women, and children, comprising the populace of a West Virginia town—Minden, in Fayette County—are literally starving to death.

The mines closed down several months ago. The miners and their families remained, hoping for a resumption of work. None came. Today at Minden and other towns in the stricken area babies are dying for want of sufficient nourishment, children are half clothed, and the entire town is slowly starving.

To add to the misery, an influenza epidemic is sweeping the territory. The death rate has been alarming. Schools have closed; out of 500 pupils only 104 were able to attend classes last week.

Conditions in Minden and surrounding mining communities are deplorable. The babies cling to gaunt parents, weakened by weeks of literal starvation. An eyewitness arriving here last night said that a loaf of bread would be hailed as a gift from Heaven.

Where only one pair of wearable shoes are left in a family the children take turns in wearing them. The majority are walking about barefooted and shivering in the biting cold.

The mines shut down in early fall. Lack of orders was the cause. Five hundred miners were thrown out of employment. During the warmer weather of autumn there was no serious suffering, but when cold came, lack of food, clothing, and medical attention brought about pitiful conditions. One man from the stricken area, who managed to secure money enough to reach here, said that Minden was "a hell on earth" and had been for several weeks.

Mr. STERLING. Mr. President, is the Senator from Arizona able to state in what county Minden is?

Mr. ASHURST. Fayette County. That is a little more definite than "Volga Basin," in Russia.

There is no Senator here who could truthfully say that I have been more partisan than the exigencies of politics required me to be, and surely I do not desire to be offensively partisan on this occasion, but, I can not forego the observation that it is the Republican and not the Democratic Party that needs sympathy now.

Your predicament is worse than ours. Politically, you are more nearly bankrupt of vision than we are, and your political situation, instead of improving, is rapidly growing worse.

When Republican Senators go to the cloakroom they will say, "That man is telling the truth." You may, and doubtless do, at times desire to solve these questions of large import, but you do not know how to go about it. Frequently, when your hands grasp the handle of the keen and glittering blade of truth and justice, you are inept and in your struggles to cut some Gordian knot you but slash and mutilate yourselves.

Never again let me see the word "efficiency" in a Republican editorial in praise of your present majority or hear it from the lips of a Republican orator. Do not use that word again. You have demonstrated your gross inefficiency and debility at a time when you had full power. I do not mean anything personal; I simply say that your own newspapers, your own orators, know that you are not meeting the duties of the hour.

True, you have passed some good legislation, but its volume is so small when compared to what you ought to have done that it is practically nothing. So, if you will pardon this political reference, you have now an opportunity golden in its preciousness, if you can only measure up to it, and I appeal to you to look into this need of the ex-soldier for hospitalization and see to it that the ex-soldiers who are suffering and who are unable to work by reason of disease shall be hospitalized.

So, to recapitulate, the Senate on the 20th instant adopted my amendment appropriating $100,000 to enable the Department of Labor to find work for unemployed men; on the same day it adopted my amendment appropriating $500,000 for the further hospitalization of soldiers wherever and whenever the Secretary of the Treasury desired to hospitalize them.

These amendments have been defeated, and the Russian relief bill will become a law. I again thank the Senate conferees for the time they gave me. Moreover, I would be playing a small part if I should criticize the House conferees, for I am sure they would have adhered to my amendments were it not almost a certainty that to so adhere would have killed the Russian relief bill.

I am not permitted to criticize the House of Representatives. I am not going to do so. Any criticism of the rules of that branch of Congress would be unparliamentary, howsoever true it might be. But I will say that when the gathering tide of public opinion is informed as to the archaic rules in another branch of the Congress, which make it practically impossible to secure needful legislation, there will come a demand that such rules shall be altered.

We have seen some strange mutations in politics in the past decade and we will see more unless we learn to do the people's will. In 1912 we thought the day of the Republican Party was done. We thought its blood was water. In 1920 there were men who thought the Democratic Party was dead. Neither party is dead. Unless adequate hospitalization for the tubercular ex-service men shall be provided I am going to leave here for a time and make some speeches in the States and in the districts of men who may solicit the votes of the people, and when I read the CONGRESSIONAL RECORD which tells the tale of the inattention to and the disregard of amendments looking toward soldier relief somebody is going to "sit up and take notice."

It is a foul injustice which this Congress has perpetrated upon the Nation in defeating my amendments to the Russian relief bill.

When the conference report on the deficiency bill was before the Senate my learned friend from Maryland [Mr. FRANCE] arose and castigated his party associates for their remissness. He said, "Why is it that bad measures always pass and good ones are defeated?" His phrase was, "Why is it that on all good amendments conferees always recede and on all bad amendments conferees agree?"

When he uttered these words little did we think that such a thing would happen again within a week, but it has happened. But, Mr. President, I am comforted by the reflection that—

Truth crushed to earth shall rise again;
the eternal years of God are hers.

Congress may learn a valuable lesson from one of Joseph Addison's essays entitled "The Political Upholsterer." There lived in London some years ago, within my neighborhood, says Addison, an upholsterer of more than ordinary diligence and application to business, and he became a man of independent means because of his close attention to his own affairs. He arose early; his family was decently provided for and his house was comfortable. Later he developed a peculiar habit of knitting his brows and his countenance grew grave; he arose at a still earlier hour, not, however, to open his shop, but to inquire if the mail from Holland had yet arrived.

He became more inquisitive to know what went on in Poland than what took place in his own household, and he was in greater anxiety for King Augustus's welfare than for the welfare of his own family.

This man and his affairs had long been out of my mind, continues Addison, until about three days ago, when I met him walking in St. James Park. He was shabbily dressed, and I intended to ask him as to his present circumstances when he prevented me from doing so by asking me what I sincerely thought of the King of Sweden. When he had fully discussed Turkey in Europe and had deposed princes, settled the bounds of kingdoms, and balanced the power of Europe, he asked me to lend him half a crown, for in his upholstering of foreign countries he had ruined his business, reduced his family to poverty, and himself to beggary. Addison says he loaned the half crown to the worthy but needy "statesman" to be repaid when the Turk was driven out of Constantinople.

Mr. President, we are neglecting our own household whilst upholstering foreign countries; the course of conduct which ruined the London upholsterer will, if practiced much further, ruin the United States. Let us first be just to those at home who have claims upon us; then our generosity toward strangers will be a virtue. As it is now our generosity to strangers whilst our own are in need is our reproach.

Mr. WALSH of Massachusetts. Mr. President, did time permit, I had intended to make a résumé of what the Congress has done in the way of appropriations for the hospitalization of disabled war veterans. It is a very interesting story. Had the same speed and promptness been exercised in the past that have been exercised in the handling of this bill by the chairman of the Committee on Public Buildings and Grounds, the Senator from Maine [Mr. FERNALD], and by the members of that committee, we would not have had the sad story of neglect and the apologetic record of indifference disclosed that the people of the country are now so familiar with.

It is very interesting to know that only three material appropriations have been made since the close of the war for hospital construction. The first one was for $9,000,000. It was made on March 3, 1919. The request for that appropriation was formally made to Congress in December, 1918, it having been discovered some two months before the armistice that there were no facilities available for hospitalizing discharged diseased and wounded soldiers and sailors except the hospitals and relief stations under the direction of the Public Health authorities, which were plainly inadequate. Of course, the Army and Navy Hospitals could not care for disabled soldiers after they had been discharged from the service.

The months following the first appropriation on March 3, 1919, made apparent the magnitude of the task of hospitalization for discharged disabled soldiers and sailors, which up to this time was not fully realized. Careful study was then begun on the problem, and on December 5, 1919, there was submitted and published Document 481, which reviewed the entire question and contained an estimate of an immediate need for 30,000 beds, and that approximately $85,000,000 would be required for this purpose. This estimate, in the light of subsequent developments, proved to be fully justified, because on July 7, 1921, there were actually hospitalized in Government-controlled hospitals 26,453 patients.

Congress had before it from December, 1919, this request for millions of dollars to provide hospital facilities for our ex-soldiers. Hearings were held almost daily before the Committee on Public Buildings and Grounds, and they were constantly urged to appropriate money for this purpose until the adjournment of Congress.

Subsequently continuous appeals were made to Congress, and the need for immediate action was daily urged upon them until the spring of 1921, when a special appeal was made for an appropriation of approximately $35,000,000; but it was not until March 3, 1921, that an appropriation was authorized, and then only for $18,000,000, and this more than two and one-half years after the signing of the armistice and one year and four months after conditions were disclosed by Document 481.

Congress can not escape responsibility for the delays in providing funds for this humane work. The Senator from Arizona [Mr. ASHURST] was largely responsible, if my memory is correct, in forcing the appropriation of $18,000,000 through Congress in the dying hours of the Sixty-sixth Congress by insisting again and again for action. The Republican Congress permitted a whole session to pass after the war was over without appropriating one dollar for hospitals. The first $9,000,000 appropriated in March, 1919, was passed by a Democratic Congress in its closing days. I think that Congress itself must appreciate and confess that it was careless and indifferent to the importance of the need in letting the long period of time pass without action while our incapacitated veterans were

suffering in poorly equipped temporary and unsuitable contract hospitals. Even in March, 1921, when $18,600,000 was appropriated, it was apparent that it would be insufficient. Last summer the special committee investigating hospitalization and other agencies dealing with the rehabilitation of disabled soldiers, on which committee I had the honor to serve, made a report to Congress recommending an immediate appropriation of $17,000,000. The Director of the Veterans' Bureau, the present Secretary of the Treasury, and, indeed, the President himself, have urged that further money be appropriated for further extension of hospital facilities, yet not until a few days ago did this bill come to the Senate from the House providing for the appropriation of the $17,000,000 fixed in the pending bill.

Mr. ASHURST. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Arizona.

Mr. ASHURST. I wish to say in behalf of the chairman of the Committee on Public Buildings and Grounds, I being a member of the committee, that just as soon as the bill came over from the House he convened the committee, using extraordinary diligence in getting it together, and promptly reported the bill within one day. He has moved with the greatest celerity, and I am very proud to say it.

Mr. WALSH of Massachusetts. I have already made reference to the fact that immediately upon this bill coming to the Senate the chairman of that committee speedily called his committee together and the committee immediately reported it favorably. Had the same action been taken and the same promptness been manifested in 1919, 1920, and 1921, we would not have had the hospitalization record that is altogether shameful.

As I have pointed out, up to the beginning of this year not one single bed was available from any appropriation made by Congress, unless it was the few provided for by the earlier appropriation of $9,000,000 in March, 1919.

In February of this year there were 30,879 Government patients in hospitals. Of this number, 21,772 were in Government institutions and 9,107 in contract hospitals, mostly private, profit-making institutions, or in State insane asylums.

The present Government hospital facilities are practically utilized to the full capacity, and before more men can be admitted more hospitals will have to be built.

There are thousands of neuropsychiatric ex-service men who will become hopelessly insane unless adequate hospital facilities are quickly provided for their care. Many others are in the early stages of tuberculosis and in dire need of special hospital facilities to promote and hasten their recovery.

Even with the completion of the projects undertaken under the $18,600,000 appropriation, only 6,000 additional beds will be available, and this number is not sufficient to care for those in need of immediate treatment.

Mr. POMERENE. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Ohio.

Mr. POMERENE. May I suggest to the Senator from Massachusetts and others who are interested in the subject that the diseases from which former soldiers are suffering are constantly developing and we have not reached the peak of the requirements for hospitalization in the country, in my judgment, so far as they are concerned. New tubercular cases are constantly developing——

Mr. WALSH of Massachusetts. And neuropsychiatric cases.

Mr. POMERENE. Yes; and nervous diseases. I think the matter should be hastened with all reasonable speed.

Mr. WALSH of Massachusetts. I will say to the Senator, as he will recall, that the evidence before the special investigating committee was that there were reported per month 1,500 new cases which required hospital attention. I do not care to take the time of the Senate further, except in emphasis of what I said in the beginning, to commend the speed and promptness with which the committee has acted; to point out that it is in marked contrast with our previous record; and that had we shown the same speed and interest when the earlier demands for hospitals were sent to Congress we should not have had so much of the unfortunate criticism that has prevailed among the veterans of the war for three years.

I think the criticism of the administration of our relief agencies for disabled veterans has been largely directed against compensation, training work, and inadequate hospitalization, and justly so; but I also think, in the matter of providing hospitalization facilities, Congress can not escape the charge of having evinced grave indifference in not having appropriated any money from March, 1919, until March 3, 1921, when we made the appropriation of $18,600,000, which even then was known to be inadequate.

Mr. DIAL. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from South Carolina.

Mr. DIAL. Of course, I am in favor of the legislation which is embodied in the bill, but I wish to call the attention of the Senator from Massachusetts to the language on page 2, line 12, which reads:

Such hospital plants shall be of fireproof construction.

There seems to be an inconsistency in that provision of the bill when contrasted with the language which is found in section 2, which provides that the construction "shall be done in such manner as the President may determine."

Mr. President, the point I wish to make is this: It seems to me that if all of these buildings were required to be of fireproof construction it would tend to defeat, in a measure, the great purpose of the bill, for certainly it will require a long time for their construction. I am not very familiar with hospitals, but I presume there are very few of them in the country which are of fireproof construction, although they are all probably protected by sprinkler systems and other fire-fighting apparatus. I think, however, it would be unwise to insert in the bill the requirement that such buildings shall be fireproof. Such a restriction would certainly limit the use of the funds very greatly. I am not an expert in the construction of such buildings, but I merely call the attention of the proponents of the bill to the matter which I have suggested.

Furthermore, in the sections of the West where it is proposed to construct some hospitals the climate is very mild; and what we desire to do is to prevent the spread of disease and to cure those who are ill as soon as possible. If, however, we wait in order to erect fireproof buildings it would seem to me that we should thereby very greatly delay their construction. I repeat I merely call the matter to the attention of other Senators. I do not know whether the language to which I have referred is inserted advisedly or not. It might be for the advantage of the builders, but it would seem to me that it would be very poor policy to require that the buildings which are provided for shall in all cases be fireproof. The hands of the Government should not be tied; discretion should be left with the proper officials. This provision is in the interest of certain contractors. The character of the construction should be decided by where located, the character of the patients, and whether or not the buildings are to be permanent, and so forth.

Mr. CALDER. Mr. President, I am very glad the Senator from South Carolina has called attention to the provision of the bill to which he has referred. It was my privilege recently to discuss that phase of the matter with the Director of the Veterans' Bureau. He said the President should be given the authority to erect fireproof buildings. I agreed with him that fireproof buildings may now be erected almost as speedily as nonfireproof buildings may be erected, provided they are not great 10 or 12 story buildings. It is the purpose of the director to build these structures not exceeding three stories in height, and to locate them where plenty of air and light are readily obtainable. He insists—I agree with him; and I have had some experience in the business of constructing buildings—that such buildings ought to be fireproof. We ought to leave nothing to chance; we ought to erect such hospitals as that there will be no possibility of any of the patients being burned to death overnight.

I will say to the Senator that if the construction of these buildings is placed in the hands of some of our largest builders in the great cities they can construct a three-story fireproof structure to take care of a thousand sick men in from seven to eight months, if they go about it at once.

The Senator may recall the construction of the fireproof Army and Navy buildings in this city near the Lincoln Memorial. Those buildings were constructed during one summer, and I think they are as fine buildings of a fireproof character as will be found in this part of the country.

So, Mr. President, I would not agree to cut out the provision of the bill that these buildings shall be fireproof. We ought to take no chances on the lives of these men, many of whom are confined to bed and would have to be carried out in case of emergency.

Mr. DIAL. Of course, any building of a permanent type ought to be fireproof.

Mr. CALDER. Certainly.

Mr. DIAL. This provision in all likelihood would prevent the authorities from purchasing any building already constructed if it were not fireproof. However, I repeat, I merely call the matter to the attention of the Senate and ask whether

Senators desire to have that language retained in the bill. I myself think it is an ill-advised provision. Of course, if we are going to have permanent hospitals they ought to be fireproof, but if they are to be merely temporary and designed to accommodate the greatest number of patients at the earliest possible moment, it seems to me the requirement that such buildings shall be fireproof ought to be stricken out of the bill.

Mr. WALSH of Massachusetts. Mr. President, I think the provision of the bill for fireproof construction is very important, and that it is very wise that such provision should be made. I think the experience of the committees which have considered the needs and the complaints against the temporary hospitals in which veterans have been housed has led them to the conclusion that fireproof buildings are the only safe and proper kind of structures to use.

Replying again to the Senator from Ohio [Mr. POMERENE] as to the urgency of this situation, and confirming what the Senator from Maine [Mr. FERNALD] has said. It is to be noted that at the present time only about 20,000 of the 30,000 disabled veterans receiving hospital treatment under the Veterans' Bureau are housed in Government hospitals. One-third of all the disabled men are in State, local, private, or contract hospitals. When the work is completed on the hospital buildings which are being enlarged and constructed under the appropriation of $18,600,000, 6,000 of the remaining 10,000 patients will have been taken care of. So that this appropriation will take care of the remaining three or four thousand who will be for years yet under treatment outside, and also others who may require treatment in the years to come. However, in the natural course of events it will be at least two years before the work under this appropriation can be completed.

I wish to state further that I think the committee also showed very wise judgment in leaving the responsibility to the Director of the Veterans' Bureau. We found that many long, tedious, and unnecessary delays occurred in starting the erection of hospital buildings under last year's appropriation of $18,600,000; that months of time were wasted in drawing plans and looking over sites and other detailed work which could have been avoided or hastened. I believe, therefore, that putting the responsibility upon the Director of the Veterans' Bureau is going to help to facilitate the erection of the hospitals provided for in this bill. This bill should pass without delay, and I hope by an emphatic majority.

Mr. FERNALD. Mr. President, I wish to say to the credit of the Senator from Texas [Mr. CULBERSON] that in the committee he offered a very excellent amendment—it was so considered by the committee—but it was not accepted because we did not feel that we ought to accept any amendment in view of the desirability of securing the enactment of the bill at the earliest possible date.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. FERNALD. I suggest that a yea and nay vote be taken.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I am informed that were he present he would vote as I propose to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I am informed that if present the Senator from Alabama would vote as I intend to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent, but I understand if he were present he would vote as I intend to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. NEW (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. McKELLAR]. I am informed that if present he would vote as I propose to vote on this measure. I am therefore at liberty to vote, and vote "yea."

Mr. CARAWAY (when Mr. ROBINSON's name was called). My colleague [Mr. ROBINSON] is unavoidably absent. If present he would vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). I desire to announce that my colleague [Mr. SMITH] is detained on account of illness. He is paired with the Senator from South Dakota [Mr. STERLING]. If present my colleague would vote "yea."

Mr. STERLING. I have a general pair with the Senator from South Carolina [Mr. SMITH]. I understand that if that Senator were present he would vote as I intend to vote. I am, therefore, at liberty to vote, and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I understand, however, that if he were present he would vote as I intend to vote. Therefore, I feel at liberty to vote, and vote "yea."

Mr. HEFLIN (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. He has a general pair with the senior Senator from Massachusetts [Mr. LODGE]. If my colleague were present, he would vote "yea."

Mr. WALSH of Montana (when his name was called). Notwithstanding my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], I vote "yea."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN], but I am informed that, if present, he would vote as I shall vote. I, therefore, am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BALL (after having voted in the affirmative). I have a general pair with the Senator from Florida [Mr. FLETCHER]. If present, I understand that Senator would vote as I have already voted. Therefore, I will allow my vote to stand.

Mr. LODGE. I desire to announce that, so far as I am informed, the following Republican Senators who are absent would vote "yea" on the passage of the bill: The Senator from Connecticut [Mr. BRANDEGEE], the Senator from Arizona [Mr. CAMERON], the Senator from Pennsylvania [Mr. CROW], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Maryland [Mr. FRANCE], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Minnesota [Mr. KELLOGG], the Senator from North Dakota [Mr. LADD], the Senator from North Dakota [Mr. McCUMBER], the Senator from Vermont [Mr. PAGE], the Senator from Pennsylvania [Mr. PEPPER], the Senator from Oregon [Mr. STANFIELD], the Senator from West Virginia [Mr. ELKINS], and the Senator from Connecticut [Mr. McLEAN].

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I understand that if he were present he would vote as I intend to vote. So, I feel at liberty to vote, and vote "yea."

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia [Mr. ELKINS] who is absent on official business. I understand if he were present he would vote "yea." As I intend to vote the same way, I feel at liberty to vote, and vote "yea."

I desire to announce that the following Democratic Senators, all of whom are necessarily absent, would, if present, on the passage of the bill vote "yea."

The Senator from Florida [Mr. FLETCHER], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Tennessee [Mr. McKELLAR], the Senator from North Carolina [Mr. OVERMAN], the Senator from Oklahoma [Mr. OWEN], the Senator from Nevada [Mr. PITTMAN], the Senator from Missouri [Mr. REED], the Senator from Louisiana [Mr. RANSDELL], the Senator from Arkansas [Mr. ROBINSON], the Senator from Tennessee [Mr. SHIELDS], the Senator from South Carolina [Mr. SMITH], the Senator from Florida [Mr. TRAMMELL], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Georgia [Mr. WATSON].

Mr. COLT (after having voted in the affirmative). I have a general pair with the Senator from Florida [Mr. TRAMMELL]. I understand that if he were present he would vote as I have voted. I therefore will allow my vote to stand.

The result was announced—yeas 67, nays 0, as follows:

YEAS—67.

Ashurst	Gooding	McKinley	Simmons
Ball	Hale	McNary	Smoot
Borah	Harreld	Moses	Spencer
Broussard	Harris	Myers	Stanley
Bursum	Harrison	Nelson	Sterling
Calder	Heflin	New	Sutherland
Capper	Hitchcock	Newberry	Swanson
Caraway	Johnson	Nicholson	Townsend
Colt	Jones, N. Mex.	Norbeck	Wadsworth
Culberson	Jones, Wash.	Norris	Walsh, Mass.
Cummins	Kendrick	Oddie	Walsh, Mont.
Curtis	Keyes	Phipps	Warren
Dial	King	Poindexter	Watson, Ind.
du Pont	La Follette	Pomerene	Weller
Edge	Lenroot	Ransdell	Williams
Ernst	Lodge	Sheppard	Willis
Fernald	McCormick	Shortridge	

NOT VOTING—29.

Brandegee	Gerry	Owen	Smith
Cameron	Glass	Page	Stanfield
Crow	Gallinger	Pepper	Trammell
Dillingham	Ladd	Pittman	Underwood
Elkins	McCumber	Randdell	Watson, Ga.
Fletcher	McKellar	Reed	
France	McLean	Robinson	
Frelinghuysen	Overman	Shields	

So the bill was passed.

EXTENSION OF DISTRICT RENT COMMISSION.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the emergency described in Title II of the food control and the District of Columbia rents act, approved October 22, 1919, still exists and continues in the District of Columbia, and that the present housing and rental conditions therein require the further extension of said act.

SEC. 2. That said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended by an act entitled "An act to extend for the period of seven months the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, and for other purposes," approved August 24, 1921, be, and the same is hereby, reenacted, extended, and continued, as hereinafter amended, from the date of the approval of this act until the 22d day of May, 1924, notwithstanding the provisions of the first section of the act entitled "An act to extend for the period of seven months the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, and for other purposes," approved August 24, 1921.

SEC. 3. That section 101 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 101. When used in this title, unless the context indicates otherwise—

"The term 'rental property' means any building or part thereof or land appurtenant thereto in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith; but does not include an apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'apartment' means any apartment or part thereof in the District of Columbia rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee, or other person, not the owner, entitled to the use or occupancy of any rental property or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privileges or services connected with the use or occupancy of any rental property or apartment.

"The term 'commission' means the Rent Commission of the District of Columbia."

SEC. 4. That section 102 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 102. A commission is hereby created and established to be known as the Rent Commission of the District of Columbia, which shall be composed of five commissioners, none of whom shall be directly or indirectly engaged or in any manner interested in or connected with the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President, by and with the advice and consent of the Senate, and three of the commissioners appointed shall be learned in the law and shall have been engaged in the actual practice of law before the Supreme Court of the District of Columbia for a period of at least five years prior to their appointment. The term of each commissioner shall be for the period covered by this act, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission, as at present constituted, shall continue in office and shall have and exercise all the powers and duties now vested in them pending the appointment and confirmation of the five commissioners provided for herein. The commission shall at the time of its organization and annually thereafter elect a chairman from its membership. The commission may make such rules and regulations as may be necessary to carry this title into effect. All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed."

SEC. 5. That section 103 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended by said act approved August 24, 1921, be, and the same is hereby, amended by adding thereto the following:

"The commission shall also have the power to appoint two inspectors, outside of the civil service, who shall receive a salary not exceeding $2,000 a year each, payable monthly."

SEC. 6. That the last sentence of the first paragraph of section 105 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"Any member of the commission may sign subpoenas, administer oaths and affirmations, summon witnesses, conduct hearings, and receive evidence touching any matter which the commission is authorized to consider or investigate, and the substance of such evidence, when certified to the commission by the member of the commission who heard and received the same, may be made the basis of the commission's determination respecting the matter under consideration or investigation."

SEC. 7. That the last paragraph of said section 105 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the United States at any designated place of hearing. Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce such books, accounts, records, papers, or correspondence, or who shall fail or refuse to file with the commission plans and other data in such detail as the commission may require, descriptive of the rooms, accommodations, and service in connection with any apartment required by the commission, if in his power to do so, in obedience to the subpœna, order, or lawful requirement of the commission, or who shall neglect or refuse to comply with any lawful determination or order of the commission requiring him to furnish heat, electric current, or other service in any rental property or apartment shall be guilty of an offense, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not exceeding $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. No officer or employee of the commission shall, unless authorized by the commission or by a court of competent jurisdiction, make public any information obtained by the commission."

SEC. 8. That section 106 of said Title II of the food control and District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property or apartment, with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property or apartment are fair and reasonable. Such complaints may be made and filed by or on behalf of any tenant, and by or on behalf of the owner of any rental property or apartment, notwithstanding the existence of a lease or other contract between the tenant and the owner; and in fixing and determining the fair and reasonable rents, rates, or charges for any rental property or apartment the commission shall in all cases take into consideration the character and condition of the property and the character of the service, if any, furnished in connection therewith.

"In all such cases the commission shall give notice personally or by registered mail and afford an opportunity to be heard to all parties in interest: *Provided*, That notice given by the commission to the agent of the legal owner of any rental property or apartment for the collection of rents shall be deemed and held to be good and sufficient notice to said legal owner. The commission shall promptly hear and determine the issues involved in all complaints submitted to it. All hearings before the commission, or any member of the commission, shall be open to the public. If the commission finds that the existing rents, charges, service, or other terms or conditions of the use or occupancy of any rental property or apartment are unfair and unreasonable, it shall fix and determine the fair and reasonable rents, rates, or charges for the rental property or apartment under consideration and may fix and determine the fair and reasonable service, terms, and conditions of the use or occupancy of the property, and may also order and require the furnishing of such service by the owner as it shall lawfully determine to be fair and reasonable. In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property or apartment, except on appeal from the commission's determination, as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto."

SEC. 9. That section 108 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 108. Unless within 10 days after the filing of the commission's determination any party to the complaint appeals therefrom to the Supreme Court of the District of Columbia in general term, the determination of the commission shall be final and conclusive. The said Supreme Court of the District of Columbia, in general term, is hereby given jurisdiction to hear and determine appeals taken from determinations of the commission, and said appeals shall be given precedence over the other business of said court. At the hearing of said appeals the chief justice of said court shall preside, with at least two of the associate justices of said court, to be designated by said chief justice, and in the absence of said chief justice the senior associate justice of said court shall preside, have the powers, and perform the duties of said chief justice. If such an appeal is taken from the determination of the commission, the record before the commission or such part thereof as the court may order shall be certified by it to the court and shall constitute the record before the court, and the commission's determination shall not be modified or set aside by the court, except for error of law. If any party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original determination, with the return of such additional evidence. In the proceedings before such court on appeal from a determination of the commission, the commission shall appear by its attorney or other representative and submit oral or written arguments to support the findings and the determination of the commission. No owner or tenant shall apply to the said Supreme Court of the District of Columbia to review any determination of the commission fixing the fair and reasonable rents, rates, or charges for any rental property or apartment, except by appeal, as hereinbefore provided, and said

court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

"Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, by writ of certiorari, to be issued by it, in its discretion, upon the petition of any party aggrieved by said final decision, or by the rent commission, within 30 days after said final decision, but if said writ of certiorari shall be denied, said final decision of the said Supreme Court of the District of Columbia in general term shall remain in full force and effect."

SEC. 10. That section 109 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 109. The right of a tenant to the use of or occupancy of any rental property or apartment, existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant, subject, however, to any determination or regulation of the commission relevant thereto; and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property or apartment subject to the rights of tenants as provided in this title. The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property or apartment shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, or for the purpose of tearing down or raising the same in order immediately to construct new rental property or apartment if approved by the commission, upon giving 30 days' notice in writing, served in the manner provided for in section 1123 of the act entitled 'An act to establish a code of laws for the District of Columbia,' approved May 3, 1901, as amended, which notice shall contain a full and correct statement of the facts and circumstances upon which the same is based; but in no case shall possession be demanded or obtained by such owner in contravention of the terms of any such lease or contract. If there is a dispute between the owner and the tenant as to the accuracy or sufficiency of the statement set forth in such notice, as to the good faith of such demand, or as to the service of notice, the matters in dispute shall be determined by the commission upon complaint as provided in section 106 of this title.

"Any dispute made before the commission under the provisions of this section shall be filed with the commission before the notice complained of has expired."

SEC. 11. That section 111 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 111. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or condition for the rental property or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant."

SEC. 12. That section 112 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 112. If the owner of any rental property or apartment collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this title, he shall be liable for and the commission is hereby authorized and directed to commence an action in the municipal court of the District of Columbia to recover double the amount of such excess, together with the costs of the proceeding, which shall include an attorney's fee of $50, to be taxed as part of the costs. Such actions shall be brought in said municipal court, regardless of the amount to be recovered, and the said municipal court is hereby given special jurisdiction to hear and determine all such cases. The commission is hereby authorized to bring such actions without the payment of costs, and no bond shall be required in the case of any appeal taken by the commission from any judgment of the said municipal court in any such case. The judgments of the said municipal court in such cases shall be subject to appeal to the Supreme Court of the District of Columbia in general term, in the same manner as determinations of the commission. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him, and the balance shall be paid into the Treasury of the United States to the credit of the District of Columbia: *Provided*, That if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's determination, the whole amount of such recovery shall be paid into the Treasury of the United States to the credit of the District of Columbia."

SEC. 13. That section 113 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 113. If in any proceeding before the commission, begun by complaint or on the commission's own initiative, and involving any lease or other contract for the use or occupancy of any rental property or apartment, the commission finds that at any time after the passage of this act, but during the tenancy, the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in the municipal court of the District of Columbia."

SEC. 14. That section 116 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 116. Any person who with intent to avoid the provisions of this title enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property or apartment without subjecting such use or occupancy to the provisions of this title or to the jurisdiction of the commission, shall upon conviction be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or both."

SEC. 15. That section 117 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 117. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property or apartment and shall require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form. The owner of an apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such apartment, and a schedule of rates and charges therefor. The commission shall, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such apartments; and the rates and charges stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such apartment. The commission's determination in such case shall be made after such notice and hearing and shall have the same force and effect and be subject to appeal in the same manner as a determination of the commission under section 106 of this title."

SEC. 16. That said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended by adding thereto the following:

"SEC. 124. (a) Any violation of this act or of any order of the commission, committed before the termination of this act may, after such termination, be prosecuted by and in the name of the Attorney General in lieu of the commission in the same manner and with the same effect as if this act had not been terminated.

"(b) In the case of (1) any proceeding begun under the provisions of section 114 before the termination of this act, or (2) any proceeding on appeal from a determination of the commission begun before the termination of this act, such proceeding may, after such termination, be continued in the same manner with the same effect as if this act had not been terminated, and all powers and duties in respect to such proceedings vested in the commission by this act shall for the purposes of such proceedings be vested in the Attorney General.

"(c) Any right or obligation based upon any provision of this act on upon any order of the commission, accrued prior to the termination of this act may, after the termination of this act, be enforced in the same manner and with the same effect as if this act had not been terminated.

"(d) The Attorney General may, after the termination of this act, appoint the attorney last appointed by the commission under the provisions of section 103 to assist in the enforcement of this act. Such attorney shall continue to receive compensation for such services at the rate of $5,000 per annum, payable monthly."

SEC. 17. That section 2 of the said act, entitled "An act to extend for the period of seven months the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, and for other purposes," approved August 24, 1921, be, and the same is hereby, repealed.

SEC. 18. That all orders and determinations heretofore or hereafter made by the commission shall be and remain in full force and effect until the termination of this act.

SEC. 19. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. POINDEXTER. Mr. President, in view of the fact that I shall not be able to be here throughout the consideration of this bill, I should like to ask the Senator from Delaware if he has any objection to a unanimous-consent agreement that when the vote is taken upon the final passage of the bill it shall be a yea-and-nay vote?

Mr. BALL. I have not any objection.

Mr. POINDEXTER. I ask unanimous consent that when the vote is taken upon the final passage of the bill it be a yea-and-nay vote—a record vote.

The PRESIDING OFFICER. Without objection, the yeas and nays will be ordered on the passage of the bill.

Mr. POINDEXTER. Mr. President, this is a very remarkable bill to be considered in an American legislative assembly. One of the fundamental principles of all American constitutions is that private property shall not be taken for private use, either with or without compensation; and yet, in principle, that is exactly what this bill proposes to do. This bill provides that one private citizen can occupy the premises of another private citizen against the will of the owner of the property for an indefinite length of time. I suppose the bill undoubtedly will pass, as there seems to be a state of apathy in regard to it; it seems to be considered that it ought to be passed as a matter

of course in some way; but it seems strange to me that such a measure, involving such a principle as that, should receive consideration at all, or should receive any votes in favor of it, in time of peace.

I can readily understand how this legislation was initiated and how it received its original support as a war measure, because the people of this country at that time did not stop to consider the effect upon individuals or even the rights of individuals when the winning of the war was involved or when, as was the case in this instance, we were dealing with the immediate consequences of the war. This bill goes a good deal further than that and holds that a contract made between the owner of a piece of property and a tenant shall be enforceable as against the owner of the property, but can not be enforced as against the tenant. That is a very novel proposition to be enacted into law by the Congress of the United States. It also provides that the usual remedies at law and in equity—to use the language of the bill; I will call attention to the entire provision in a few moments—to which a citizen of the United States is entitled shall be suspended so far as the owner of property is concerned, but shall still remain in force in so far as the man is concerned who happens in one way or another to have gotten possession of it in the capacity of tenant.

It not only provides that one private citizen shall have the use and the benefit of the property of another private citizen without his consent, but it goes to the extent of requiring the owner of the property to render services to the tenant, in addition to allowing the tenant to occupy his property beyond the term of his lease. Services are defined in the act as being the furnishing of maid servants, of light, of heat, of paying the bills for water, of furnishing janitor service; and if the owner refuses to do it, although he may not desire to have a tenant in his house at all, he is penalized under the terms of this bill. In addition to giving up the possession of his property, under compulsion, to some one whom he did not desire to occupy it, he is required to continue to furnish him with the conveniences which the tenant may require at his hands.

Mr. McCORMICK. Mr. President, will the Senator yield for a moment?

Mr. POINDEXTER. I yield for a moment.

Mr. McCORMICK. Does not this legislation suggest something of the legislation which Mr. Lenin has put into effect?

Mr. POINDEXTER. I was just going to say that it would seem to be a far call from the Ball Rent Act to the Genoa Conference; and yet, as a matter of fact, the same identical principle is involved in each of them. The attention of the whole world to-day is directed to the city of Genoa, and to the international conference which is assembling there; and those who hear me who have paid any attention to the press dispatches as to the proceedings of that conference have noted the fact that the conference in its present stage hinges upon the proposition which has been laid down to the Russian delegates as one of the conditions upon which they will be treated with as to the recognition of the government of Russia that Russia shall recognize the right of private property.

The question raised by this bill is whether or not the United States is to recognize the right of private property, which is guaranteed by the Constitution of the United States. I may say that I have not the slightest doubt that if there were sufficient initiative and energy among the people of this District to make a characteristic American protest against such an invasion of private rights there would be but little prospect of the passage of this measure. I do not care to discuss the merits of the District status at this time, but they have been deprived of their civil rights for so long that they have apparently lost all the energy and initiative which impel ordinary American communities to vigorously oppose the invasion of the fundamental and inalienable rights of American citizens. If there were sufficient public interest in the District to take this act again to the Supreme Court of the United States, I have not the slightest doubt that its further extension would be held unconstitutional by that tribunal, because it is a violation of the rights which I referred to a moment ago.

All the bill amounts to, in substance, is this: It is said that there are people in the District of Columbia who have not houses, and that there are other people in the District who have houses, and that consequently Congress will provide that the houses of those who have them shall be taken away from them and given to those people who haven't them but who want them. That is all there is to the bill.

I can readily imagine that a perfectly constitutional bill, one which might not be considered unreasonable, might be framed along the lines of the usury law, which would provide penalties and inhibitions against the charging of exorbitant rents, without setting up a great commission, with a lot of officers at high salaries, and without providing that a man shall occupy the house of another man against the owner's will.

That is not the nature of the bill. It is generally understood that that is the nature of it, and that that is the principle on which it is based, and it is not generally understood that, as a matter of fact, it is an entirely different proposition. It is not confined to the regulation of rents, putting the leasing of dwellings upon the basis of a public service, and providing that rents shall not be exorbitant; but, as I said before, the bill goes to the outrageous extent, to the unconstitutional extent, not only of providing that rents shall not be exorbitant, but of saying to a man that he shall rent his property to another man whether he desires to rent it to him or not.

I hear some Senator mention the question of business houses, and I understand there is a movement to amend the bill by excluding business houses from its terms. I think they ought to be excluded, because I think that all kinds of buildings ought to be excluded from its terms; but I fail to see why there should be any discrimination in favor of the owners of business houses. If these limitations upon the rights of citizens in the ownership of property—which, by the way, is the first principle of individual liberty which is mentioned in the Bill of Rights and the constitutions of the States and of the Union—are to be imposed, why they should not be imposed upon owners of business houses and hotels the same as upon the owners of private houses I do not know.

Why do they leave out hotels? Why is it proposed to leave out business houses? Simply because the owners of hotels and the owners of business houses have more influence than the owners of apartments. That is the only reason. There is no more reason in principle why you should allow hotels to charge a crowding public exorbitant rates for lodging in those hotels than that you should allow the owner of an apartment house to charge what are alleged to be exorbitant rates for his apartments. It is just as necessary for the people who stop in hotels to find accommodations in which they can house themselves for the time being, it is just as essential to the public welfare, it is just as much and more in the nature of a public service as the renting of apartment houses, and yet it is not included in the bill. Now it is proposed, I understand, with the consent of the author of the bill, to exclude business houses from the bill.

Mr. President, I want to speak more particularly about the terms of the bill. The best condemnation, the best argument against the passage of this bill, is contained in the first lines of the report which has been filed in support of it. That report states after setting out the act:

> Your committee finds that the rental conditions in the District of Columbia which prompted the enactment of the original legislation, approved October 22, 1919, and the extension thereof, as approved August 24, 1921, continue to exist, if they have not grown worse.

I do not know whether Senators caught the significance of that or not. That is the statement of the committee which reported this bill. That statement is to the effect that, notwithstanding the enactment of the present law on October 22, 1919, which is in substance the same as the pending bill, the committee says it has not accomplished the purposes for which it was intended, that the conditions which they sought to remove still exist, and not only that, but the committee says those conditions have grown worse. The committee says the law failed of its purpose. Notwithstanding the fact that it has been on the statute books for more than two years, it has not accomplished the purposes for which it was enacted, but they say, in the language which I have just read, that it has made those conditions worse, at least that conditions have grown worse, notwithstanding the fact that the law is in effect. Yet they propose to remedy these conditions under the strange process of reenacting and extending a law which has not improved these conditions in the two years since it has been on the statute books.

It is a good deal like a quack doctor, with no scientific knowledge of his profession, dosing some poor patient with some medicine which he imagines might possibly be of some benefit to him, but the patient constantly grows worse, and gets into a very acute stage of disease, goes on that way for two years, and is about to die, when the quack doctor says, "Well, I will cure you now. I will give you a larger dose of the same medicine you have had already, which pretty nearly killed you." That, in effect, is what is proposed by the bill.

I will tell why the bill is brought here, Mr. President. I will tell the real motive back of it. This is simply another instance of the ingrowing disposition of a Government bureau which is once established, given a foothold, and let sink its roots into the Public Treasury. The original Ball Rent Act provided a few officers with high salaries, for which we appropriated $50,000, and "All the king's horses and all the king's men" can not up-

root those officeholders and that bureau and get it out of existence.

It was said that $50,000 would accomplish the purpose for which the act was passed temporarily; provide for three commissioners at a salary of $5,000 each, and a secretary at a salary of $3,000—$50,000 in money. Last December they came in and said $50,000 was not enough, that they needed $25,000 more, and it was given to them, making $75,000 in all. In 1921 they came in and said that there were not enough officers provided for. The bureau having gotten its roots into the rich soil of Government patronage, had begun to grow. It became more hungry and desirous of Government pap and nutriment, so we provided an additional office. Some lawyer, who I suppose could not make $2,500 a year in private practice, was to be appointed at a salary of $5,000 a year, and now that lawyer, having been put upon the Government pay roll at $5,000 a year, finds that the term of the act is about to expire, so he draws up another bill to extend the life of the law, under which he holds this great position, for another period of two years.

This lawyer has written a strange provision into the bill which he has drawn to continue the authority under which he holds his position, that even after the act has expired, when the period of its extension shall come to an end, the commissioners "may," to use the language of the bill, employ him to continue in charge of the litigation which grows out of the transactions of the commission during the period of its life. Of course, it is simply a provision for perpetuating in office the attorney who has drawn up this bill, apparently without any regard and, I assume, without any fundamental knowledge of those inalienable and inestimable privileges of personal liberty and private citizenship which give a man control of the earnings of his labor, of his own property, so long as he does not use it to the injury of his neighbor. The bill provides a means by which all this shall be sacrificed, but that for two more years he shall hold this office, and that even after the two years have expired he "may"—which means he "shall"—be retained to represent the commission at $5,000 "per." That is one of the reasons why this bill is brought here at this time.

Another reason is that it provides four more good jobs. I read from the report of the committee:

> The principal changes in the present law are as follows:
> (a) The rent law is extended until the 22d day of May, 1924.
> (b) The rental of business properties, other than hotels, is returned to the jurisdiction of the Rent Commission.
> (c) The membership of the commission is increased to five members.

Every time they bring in a new bill the commission is to grow and new offices are to be created. Three commissioners could not regulate the rents of the District. They have to have five, so two more are provided for by this bill. The report further states:

> (d) Two additional inspectors are provided.

So there are four new offices under this commission created by this pending bill, which was advertised as being merely an extension of the old law. That, Mr. President, is really the reason why all the statements as to its temporary nature which were made at the time the act was extended in the first place have been cast aside and demand is made for its extension for an additional two years.

It does not come from any demand of the public. It comes from the commission itself. It comes from people who are holding these offices and from those who want to hold them. It is simply a grab at the Public Treasury, and in grabbing at the Public Treasury it is nothing to them that they are trampling over the plainest and most important rights of the individual citizen, those which the framers of the Constitution of the United States and of the States in their various jurisdictions have named first in the list of those inalienable rights which characterize the status of free men under our form of government.

It is just as essential to protect an individual from the encroachments of his government as it is to protect him from the encroachments of a foreign power or of some other individual. What difference does it make to the citizen of the United States whose rights are invaded whether that invasion is by his own government or by some other individual or by some foreign country? If there is no security of private property, the result is the same from whatever source the invasion comes.

I am reminded at this point in my remarks to say—and I am going to be perfectly frank about it, without any invidious mentioning of names—that I believe there is a rule of the Senate which forbids a Senator interested in a subject matter of legislation from voting upon it. I am perfectly satisfied, in the first place, that if every Senator would read the bill, simply read it carefully and intelligently, there would not be the slightest possibility of its passing, but there is no way of getting the majority of the Senate to read the bill. It is accepted upon the report of the committee, and the report of the committee is made upon the report of the attorney, who is getting $5,000 a year during the life of this law.

Not only that, but if every Senator and every Representative who is a beneficiary of some action of the commission in cutting down the rent which he is paying for the quarters which he occupies while he is serving as a Member of this Congress would refuse to vote, the number of votes in behalf of the bill would be very greatly reduced.

I have a statement here, which I have no occasion to doubt at all, calling attention to one among many cases which have been called to my attention, instances of the kind to which I have just referred, where, in a certain large apartment house, the number of which is given and the name of the Senator is given, which I will not mention, the Rent Commission allows to the owner of the property only $1.095 per foot for the rooms occupied by the Senator, while for other tenants in the same tier the Rent Commission fixes the rate at $1.75 a foot. In another case a Senator is allowed space at 95 cents a foot in the same building, while other tenants in the same tier are charged $1.30 per foot.

But the case is much worse than that. It is a sordid sort of proposition. In their effort to cater to those in positions of power and influence, as I judge from the circumstances and from the actions of the commission, the commission, as I am informed, not only reduced their rents, but in some cases increased the rents of those who occupied smaller and inferior apartments above what was charged by the owner of the building himself, poorer, more lowly tenants, who do not get the consideration that those receive who are in the positions of the mighty.

Not only are Senators the beneficiaries of the action of the commission, but I am informed—and I have no reason to doubt it at all—that judges of the courts which construe and pass upon the law are tenants who have been likewise liberally dealt with by the commission in fixing the rents which are to be charged to them. There is danger in such a situation that the Government itself will be tarnished by its invasion under the circumstances of the private rights of the supposedly free citizens of a great municipality under the American flag.

Mr. WILLIS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. WILLIS. Does the Senator state as a fact that judges called upon to pass on the validity of the law have received these favors or does he state it as his opinion that such a thing might have occurred and other things have taken place?

Mr. POINDEXTER. I stated, as information which I said I have no reason to doubt, that judges of the courts of the District before whom this matter may come occupy apartments whose rental comes before this commission to be determined.

Mr. WILLIS. That is not what I understood the Senator to state before.

Mr. POINDEXTER. I gave certain instances in the case of Senators, in which I cited the comparative rents which have been allowed, and I am informed that the same thing has occurred in a similar way in the case of judges.

Mr. JONES of Washington. Mr. President——

Mr. POINDEXTER. I yield to my colleague.

Mr. JONES of Washington. I would like to ask my colleague, so as to be sure that I understand the matter rightly, if it is his information that the commission has allowed lower rents to Senators than to other tenants of similar property, or have those rents been fixed by the landlords?

Mr. POINDEXTER. The rents have been fixed by the commission.

Mr. JONES of Washington. By the commission?

Mr. POINDEXTER. Yes. I wish to read in this connection a statement furnished to me. There is nothing invidious in it at all. It is rather a strong statement and I think justified by the situation.

> The findings of the Rent Commission in the matter of rents for—
>
> A certain number, but I omit the number of the street—
>
> are so unfair to the owners and to some of the tenants, so inadequate to provide a fair return on the proved value of the property, and so partial to certain influential tenants at the expense of tenants having no influence in Congress or the courts, that the same and the practical workings of the Rent Commission generally might well be made the subject of congressional investigation, especially in view of the proposed extension of the Ball Act for two more years from May 22, 1922.
>
> After several years' experience in the operation of this building, the owners revised the schedule of rates for the various apartments, carefully considering every advantage or disadvantage for each apartment separately, with a view to eliminating, so far as humanly possible, all inequities or inequalities. The Rent Commission, in their finding and determination, disregarded this carefully adjusted and well-balanced schedule and arbitrarily adopted a new one of their own by which all of the largest, most luxurious, best located, and best lighted apartments, occupied for the most part by tenants of large means, who are able and with few exceptions willing and anxious to pay the prices

set by the owners, have been reduced, while the rental of the smaller apartments, occupied by tenants of small means, Army officers and Government employees, without political influence, have been allowed to remain practically the same or in some cases increased.

A glance at the plat of the building will show that the large apartments in the wings, with central halls and open on three sides, are the choicest in the building, and owing to their size the rate per square foot was set by the owners at lower than on the one, two, and three room apartments. Yet the Rent Commission has seen fit to cut the rates on the largest and best apartments, and to leave the rates on most of the small apartments untouched, except where increases have been allowed.

This surprising and inequitable determination can be accounted for only by the fact that in each of the eight wings comprising these choice apartments there reside either a Senator or Representative, a justice of the United States Supreme Court or of the District Court of Appeals.

I want to say here that I do not state and I do not believe that any justice of the Supreme Court or of the District Court of Appeals or any Senator or any Representative has been influenced in the slightest degree in any action he has taken in regard to the Rent Commission, if he has taken any action at all, and some of them have not taken any action, by the circumstances to which I am alluding. That is not the point. The point is the condition in which they are placed. There are thousands of things—perhaps that is rather an exaggerated number to state, but there are many relations which are prohibited by the law, even though it might be known that no dishonesty or wrong motive was involved, simply because of the relation and because as a matter of public policy it is considered unwise that people in those relations should act in regard to the matter in which they are concerned, even though they might be able to hold the scales balanced with perfect justice and evenness between the contending parties.

Mr. WILLIS. Mr. President, if the Senator will permit me——

Mr. POINDEXTER. I yield.

Mr. WILLIS. It seems to me that the important thing is not whether any Senator or Representative or judge has been influenced, but whether the law in its terms permits any such interpretation as to make possible even an effort to do such a thing as that.

Mr. POINDEXTER. That is the open charge that is made by the party who furnishes me with the statement which I am now reading.

Mr. WALSH of Montana. Mr. President, will the Senator give the name of the author of the document he is reading?

Mr. POINDEXTER. I do not care to give it now. If it should be necessary, I may state it. He is the owner of the property at this number, and I have the number here.

Mr. POMERENE. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has been perfectly frank, and a frank statement ought to have a very frank reply. The Senator after making a statement here which reflects upon the integrity and honor of Senators and of a justice of the Supreme Court finally says that he meant no reflection. But it puts them in an embarrassing position. At the same time, he does not give the name of the man who writes this letter, but allows him to spill his bilge water into the Senate and to reflect upon public men.

Mr. POINDEXTER. I am informed by the Senator from New Hampshire [Mr. MOSES] that this information has all been published in the newspapers. My only desire in not giving names and the numbers of the apartments was not to bring in the names of individuals who are affected. If it is insisted upon having the names, I am perfectly willing to give them.

I want to say before proceeding further that I have stated certain facts. The Senator from Ohio says that I cast reflection upon the honor of Senators and justices of the Supreme Court. That is a conclusion which he himself has drawn. I state, and I do not believe it can be successfully contradicted, that justices and Senators occupy apartments, the rental for which has been fixed and, in some instances, reduced by the Rent Commission. The Senator can make what he chooses out of that. One does not remedy the situation by closing one's eye to it, or denying it if it actually exists.

Mr. POMERENE. Mr. President, I happen to be one of the unfortunate renters. My rent is not fixed by the commission. I recognize that if a fellow wants to spit out his venom against Senators he may do it, but I am not going to surrender my responsibility and put forty or fifty thousand tenants at the mercy of some shylocks.

Mr. POINDEXTER. No; the Senator prefers, rather than putting 40,000 or 50,000 tenants at the mercy of some shylock, to relieve the situation at the expense of private owners of property rather than at public expense.

Mr. POMERENE. Mr. President, of course, I understand that the Senator from Washington may make that argument. That same argument, however, was made by the railroads against the Interstate Commerce Commission at the time we established the commission and gave them the power to fix rates. This question has been passed upon not only by the courts of New York but it has been passed upon by the Supreme Court of the United States. The Supreme Court of the United States has sustained similar laws not only in the District of Columbia but in the State of New York.

Mr. POINDEXTER. I hope the Senator from Ohio will make his remarks brief.

Mr. POMERENE. I did not mean to interfere. I beg the Senator's pardon.

Mr. WALSH of Montana. Before the Senator from Washington [Mr. POINDEXTER] proceeds further, I desire to ask as to the document to which he has referred and which he has read, whether he has investigated the facts recited in that document in order to ascertain whether or not they are reported accurately?

Mr. POINDEXTER. I have investigated them by very careful examination of plats and conversations with individuals.

Mr. WALSH of Montana. Then the Senator makes these statements upon his own responsibility?

Mr. POINDEXTER. I quote the statements from the parties whose names I will furnish if the Senator insists on knowing who they are.

Mr. WALSH of Montana. No; I do not. Of course, we all know who they are. However, what I want to know is whether the Senator from Washington is prepared to assert that the facts are correctly stated in the document from which he is reading?

Mr. POINDEXTER. No; I am not prepared to make that assertion any further than that I have not any reason at all to doubt their correctness.

Mr. WALSH of Montana. Has the Senator any reason——

Mr. POINDEXTER. Just a moment. It would be quite strange, quite unusual, if such facts did not exist where so numerous a body as Congress is temporarily sojourning in a city and undertaking to regulate the rents of that city. It would be most strange if that should not bring about just the situation which is stated to me to exist, and the truth or falsity of which is very easily to be ascertained.

Mr. WALSH of Montana. If the Senator draws any inference from the general condition, I have no objection to his doing that; but what I wanted to know was whether he was assuming responsibility for the statements and is now quoting them as matters of fact?

Mr. POINDEXTER. No; I am not, personally.

Mr. MOSES. The facts which the Senator from Washington has read from the communication which he holds in his hand were published in full in the newspapers, and it is perfectly evident that nobody who has knowledge of the situation in connection with the proceedings which were held before the Rent Commission and the findings made by the Rent Commission could be ignorant of the premises referred to in this letter. I think the Senator from Montana is himself perfectly familiar with those premises.

Mr. WALSH of Montana. The Senator from Montana has no interest in such comparisons as are referred to in the letter, and he does not believe they are sustained by the facts. Is the Senator from New Hampshire prepared to assert the truth of the statements made in this report?

Mr. MOSES. I am prepared to assert this much: With reference to the particular premises described and characterized in the letter from which the Senator from Washington has read, I am prepared to state that it was a matter of public knowledge, which was published in the newspapers, that the Rent Commission made certain findings, reducing the rents of Senators and, I think, reducing the rent of a justice, and I am positive reducing rents for other officials of the Government.

Mr. WALSH of Montana. That is not the question; that is not the statement which is made in the letter at all. The statement is to the effect that the premises occupied by a justice of the Supreme Court of the United States were favored against exactly the same tenements in the same row. Is the Senator from New Hampshire prepared to assert that that is true?

Mr. MOSES. I know nothing about the comparative rentals of the premises. I do know, however——

Mr. WALSH of Montana. The Senator does know that the house in question was a subject of consideration by the rent commission and certain rents were reduced?

Mr. MOSES. Yes.

Mr. WALSH of Montana. That is all he knows, is it not?

Mr. MOSES. Yes; and I know that certain people were——

Mr. WALSH of Montana. The Senator knows also that certain Senators have apartments in that house and a justice of the Supreme Court has an apartment in that house and a

justice of the Court of Appeals of the District has an apartment in that house. That is all he knows about it, is it not?

Mr. MOSES. And I know that certain of the people in the category which the Senator has named had their rents reduced.

Mr. WALSH of Montana. They had their rents reduced. That is all the Senator knows about it?

Mr. MOSES. That is quite enough to know.

Mr. WALSH of Montana. But is the Senator prepared to say that tenants in the same row occupying identically the same kind of apartments were not required to pay exactly the same figure.

Mr. MOSES. I have not said that at any time; I am not prepared to say it, and there is no reason why the Senator from Montana should ask me to say it.

Mr. WALSH of Montana. The Senator has advised the Senate that all of the facts given in this report and now read by the Senator from Washington were made public through the press a short time ago.

Mr. MOSES. I think that is a fact.

Mr. POINDEXTER. Does the Senator from Montana, who is familiar, he says, with the conditions, dispute the fact that the rentals of some of the smaller tenants have been increased?

Mr. WALSH of Montana. I think the rentals of some of the tenants were increased.

Mr. POINDEXTER. Then the Senator admits the truth of everything that has been stated?

Mr. WALSH of Montana. No; I do not admit the truth of everything that has been stated. I admit the truth of the statement that rents were very largely reduced by order of the Rent Commission, and that in some cases, I believe, there were increases; but I do not admit the important point to which the Senator adverts, namely, that the rentals of United States Senators, of a justice of the Supreme Court of the United States, and of a justice of the Court of Appeals of the District of Columbia were set at a figure less than the rentals charged those occupying identically the same kind of apartments in the same building.

Mr. POINDEXTER. I do not mean to be impertinent at all, but so long as the Senator has intervened and knows more about it than anybody else, I will ask him—he need not answer if he does not care to——

Mr. WALSH of Montana. I do not know as much about it as the Senator, if what he states from the report is true.

Mr. POINDEXTER. May I ask the Senator from Montana if his rent was reduced?

Mr. WALSH of Montana. No; my rent was increased. If the Senator wants to know, the rent of my apartment is less than the rent of other apartments in exactly the same row. I occupy the top apartment, and that apartment suffers by reason of construction details, and therefore I do not pay as much as others in the same row. The probabilities are that the Senator has been misled by that circumstance.

Mr. POINDEXTER. No; I do not think so.

Mr. WALSH of Montana. In other words, he is just giving us one side of the story, and he tells us the side of the story of those owner of the building.

Mr. POINDEXTER. I did not quite understand the last statement of the Senator; but, as I understand him, he first stated that his rent was increased, and then I understood him to say that it was reduced.

Mr. WALSH of Montana. The Senator misunderstood me. My rent was increased over what I had been paying, but it was less than the amount demanded of me.

Mr. POINDEXTER. That is, the rent fixed by the Rent Commission was less than the amount the landlord asked.

Mr. WALSH of Montana. Exactly; that was generally the case, I believe.

Mr. POINDEXTER. Also the Senator states that his rent was lowered, while the rents of some other tenants were increased?

Mr. WALSH of Montana. Yes; for reasons to which I have referred.

Mr. POINDEXTER. That is practically all that the article alleges.

Mr. WALSH of Montana. Oh, no; the Senator has not given the facts at all.

Mr. POINDEXTER. I have given all that I was concerned about.

Mr. WALSH of Montana. I think that is right.

Mr. POINDEXTER. I do not undertake to apply them in any way except the way in which anyone would apply them to satisfy his own judgment about the matter. I simply stated conditions which the Senator admits to be true.

Mr. WALSH of Montana. It is quite evident, Mr. President, that the owner of the building is not satisfied with the adjudication made by the Rent Commission.

Mr. POINDEXTER. It is also quite evident——

Mr. WALSH of Montana. He has taken the proper course by an appeal to the higher courts. It is quite reasonable to assume that he would not regard with high favor the actions of the Rent Commission. I am astonished that the Senator, lawyer as he is, would come into a tribunal like this and quote what is said in relation to a decision of a tribunal by the defeated party before the court.

Mr. POINDEXTER. I have been justified in it by the admission of the Senator from Montana that it was a statement of the exact facts.

Mr. WALSH of Montana. The Senator is in error. The Senator from Montana made no admission that it was a statement of the exact facts; on the contrary, he controverts the statement. However, I do not desire to get into any controversy over the matter with the Senator from Washington.

Mr. POINDEXTER. The Senator seems to think that the statement ought not to be quoted, because it is the result of the dissatisfaction of the landlord with the action of the Rent Commission. It might just as well be said that it ought to be quoted because of the intense satisfaction of the Senator from Montana with the action of the Rent Commission.

Mr. WALSH of Montana. I say that if the Senator came in here with a statement of that kind he ought to have told us that it was the statement of a dissatisfied owner.

Mr. POINDEXTER. It speaks for itself. I have quoted it as the statement of the owner of the premises. However, it is immaterial whose statement it is; the material thing is whether or not it is true.

Mr. WALSH of Montana. The Senator quoted it as the landlord's statement after I drew the information out of him.

Mr. POINDEXTER. I wish to read a portion of this remarkable piece of proposed legislation. I read from page 7:

SEC. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments are affected with a public interest.

Of course, it is a question of law whether or not that can be done. The basis upon which it is done is that there are some people who are having difficulty in getting rental apartments; some people who claim that they are charged too much for them.

Mr. President, there are a great many people in the District out of money who are very anxious to have means to support their families or to carry on business. There are other people in the District who are well supplied in that regard; so by the same token we ought to pass a law saying that all bank deposits of private citizens are affected with a public interest and appoint a commission to distribute them among those people who have not sufficient means. That would be somewhat parallel in principle to the bill which is now before us.

Then the bill proceeds:

and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property or apartment, with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may or upon complaint shall determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property or apartment are fair and reasonable.

Here is the definition of "service" contained in the act itself:

The term "service" includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privileges or service connected with the use or occupancy of any rental property or apartment.

In other words, if this commission, even after the term of a lease has expired, should find that the owner of the property, in addition to allowing the tenants to remain there, did not furnish adequate maid service or janitor service, or did not pay the bills for the heat or for the light or for the water, they could penalize him for not doing so. The bill not only puts the premises in a state of servitude, but it puts the owner of the premises in a state of servitude to this commission which is set up here in this bill, not only above other citizens of the community but above the courts, as I shall show by reading from the terms of the pending measure:

Such complaints may be made and filed by or on behalf of any tenant, and by or on behalf of the owner of any rental property or apartment, notwithstanding the existence of a lease or other contract between the tenant and the owner.

You may have a contract entered into voluntarily, with all the sanctions of a contract under the law. This remarkable bill, drawn up, I believe, by one of the beneficiaries of the act—namely, the attorney whose office is created and perpetuated by it—provides that this commission can ignore the obligations of the contract and fix such service and such rental as they see fit, notwithstanding these terms are fixed by a written agreement for a consideration with all the formality and sanctions of the law.

Then, the bill proceeds, in another part of it:

If the commission finds that the existing rents, charges, service, or other terms or conditions of the use or occupancy of any rental property or apartment are unfair and unreasonable, it shall fix and determine the fair and reasonable rents, rates, or charges for the rental property or apartment under consideration, and may fix and determine the fair and reasonable service, terms, and conditions of the use or occupancy of the property, and may also order and require the furnishing of such service by the owner as it shall lawfully determine to be fair and reasonable.

If I know myself at all, I know that if I were in the position of one of the citizens of the District of Columbia affected by the terms of this bill and any commission set up under it undertook to order me to furnish service to somebody who was occupying my premises without my consent, I would see that the case went to the highest court of the land before I complied with any such invasion of my personal, as well as the property, rights of a citizen. I would rather live in a tent than to be the beneficiary of the strong arm of Congress reaching out to take another man's premises and give it to me for my benefit and pleasure, followed up by an order that he should not only allow me to use his premises contrary to the terms of an agreement which had been entered into, but that he should render service to me.

Reading again from the bill:

In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property or apartment, except on appeal from the commission's determination as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto.

It not only degrades the citizens of the community, but it degrades the courts. Let me read that again:

Such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto—

Not in accordance with what the court thinks would be reasonable or just. All through this bill you will find this commission magnified and its powers over private property swollen away beyond what is safe to vest in any officer or in any tribunal other than some judicial tribunal which is governed by the law and by the procedure of the law.

I want to emphasize again that the findings of this commission are made binding upon the courts in all collateral proceedings on any question arising out of the relation of landlord and tenant of dwelling houses or apartments.

But that is not all, Mr. President. Not only are the courts bound and tied by that provision in adjudicating the rights of citizens, but there is this provision on page 11 of the bill, line 15:

And said court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

I have heard a good many Senators—among them, it seems to me, some of those who are supporting this measure—animadvert upon the attitude of certain parties to industrial disputes in this country who took the position that the remedy of injunction by the courts should be abolished in so far as those disputes are concerned; and yet here we have a case where nothing but property rights is involved in which we propose to insert the long knife of congressional power into the jurisdiction of the courts and cut out from it the right to issue injunctions against a rent commission which is not even composed of lawyers, though its members are a law unto themselves, who are not governed by the rules of evidence in reaching their conclusions, who have no knowledge of that or of constitutional guaranties or the philosophy of the law.

Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed or modified by the Supreme Court of the United States, by writ of certiorari, to be issued by it, in its discretion, upon the petition of any party aggrieved.

That is another vice of this proposed law. Why should we burden the Supreme Court of the United States with jurisdiction of petty rent cases, which ordinarily would be tried in a municipal court under some ordinance passed by a city council? That is one of the absurdities of this bill. I think that is or ought to be offensive to the Supreme Court of the United States—that they are required by this bill to sit in every case which may be brought before them that arises from some order made by this rent commission, even though it may involve only $10, some trivial difference between a landlord and a tenant. The highest court in the world is to stop its great business and hear and determine a petty dispute of that kind! I am glad of the opportunity to point it out, whatever the vote may be upon his bill, in order that I may have the satisfaction at least of placing upon the records of Congress notice of the nature of this legislation.

I want to go somewhat further into the terms of this bill.

In section 109 of the original act, page 12 of this bill, there is a provision that—

The right of a tenant to the use or occupancy of any rental property or apartment, existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall—

Now, mark this language—

notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant subject, however, to any determination or regulation of the commission relevant thereto.

Notwithstanding the expiration of the lease, the bill provides that at the option of the tenant, so long as he complies with the terms fixed by this commission, he may continue throughout his life in the possession of the property of another man, or, at least, throughout the term of this law; and there is no reason to think that this law will not be upon the statute books long after we have all departed from these scenes.

If once a bunch of these beneficiaries, as one Senator said here the other day, get their teeth set into a job of this kind you have a propaganda and a lobby for its continuance every time it is about to expire, until it at last becomes a permanent law. That is the experience we have had already, and, as I pointed out a moment ago before some of the Senators came in, every time it appears in its reincarnation it is bigger than it was before; it contains a lot of additional offices. The last time it came in it provided a job for an attorney. This time there are jobs for two more commissioners and two more inspectors. That is the reason it is brought in now.

I read further from the bill, and I ask Senators to listen to it—

and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract.

I wish the Senator from Kentucky would pay particular attention to that. I just read a moment ago a section which provided that notwithstanding the lease, at the option of the tenant he could remain in the building; that is, the lease is not binding on the tenant. The further provision I have just read is to the effect that the lease, while not binding on the tenant, shall be binding on the landlord. That is a new creation of law, a contract that is binding on one side to a contract and not binding on the other side. It is somewhat difficult to conceive that sort of legal obligation. Of course, it ceases to be a contract, and yet it is a contract in one sense. It is an obligation. The law takes the place of the contract and enforces the terms of the contract as against the landlord and gives the other party to the contract, the tenant, absolute liberty to disregard it entirely. I do not think that is fair; I do not think it is right. I think it is contrary to the fundamental principles of American law.

The bill reads:

So long as he pays the rent and performs the other terms and conditions of the tenancy.

"So long." How long will it be? It will be just as long as he wants to stay there. If he is a Senator, probably it will be as long as he is in the Senate. If it is somebody who has got what he considers a very favorable decision from the Rent Commission, if he has a permanent residence in the District of Columbia, it would be just as long as this law remains in effect, which will be for two years, if this pending bill is passed, and probably will be forever under the renewals which undoubtedly will be urged with equal force from time to time. Listen to this:

All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property or apartment subject to the rights of tenants as provided in this title.

That is, every purchaser of property shall take possession of it, if he purchases it, subject to the right of the tenant to remain in it as long as he chooses to remain during the life of this legislation. The consequence of that has been, as the distinguished Senator from Delaware points out in his report, that it has defeated the purposes for which it was intended, and that the conditions sought to be relieved have grown worse, as I read a moment ago from the report.

I have upon my desk a large number of letters, from some of which I shall read briefly in a moment, to the effect that while there is a good deal of building of business property going on in the city, which is not subject to the terms of the existing law, and which, I understand, under a tacit agreement which has been reached, has been excluded from the terms of the pending bill—while there is a great deal of construction of business property, there is very little construction of rental residence property.

Mr. POMERENE. Will the Senator give his authority for the statement that there is a tacit understanding that new buildings will be excluded from the operation of this law?

Mr. POINDEXTER. I said business property.

Mr. POMERENE. I understand an amendment has been proposed the purpose of which will be to take business property out from under the operation of this law; but when the Senator says there is a tacit understanding, I resent it.

Mr. POINDEXTER. I do not know why the Senator resents it, because I was not referring to the Senator from Ohio.

Mr. POMERENE. No; but I happen to be a member of the committee which has presented this proposed legislation. Of course, I recognize the fact that everybody who seems to favor it is committing an outrage upon the District of Columbia and upon some of these landlords. I understand the Senator's position, and I understand that he is reflecting upon anybody who may seem to differ from his judgment.

Mr. POINDEXTER. I hope the Senator will not be so heated in the matter as to assume that. I credit everybody with honorable motives and base my argument upon the principles of law which I have stated, which I do not think can be disputed, upon my regard for the rights of American citizens, which I have always been taught to treasure, and upon certain facts, the essential features of which have been admitted here upon the floor of the Senate as to the situation in which we are all placed in regard to this. I do not reflect upon anybody's motives at all.

Mr. POMERENE. The Senator apparently has not been very choice in his language when he has been referring to certain Senators and others. It is not to be assumed that judges are going to pass upon their own cases.

Mr. POINDEXTER. That is the reason why I suggested that Senators should not vote upon their own cases.

Mr. POMERENE. That may be so, too; but it may be that when it comes to the question of any taxation law no Senator ought to vote on any such law, because it might affect him. That is possibly true, and as a result there would not be any Senator or any Representative who could vote on any taxation law.

Mr. POINDEXTER. I think this is rather a special condition as to tenancy in the District of Columbia. At least, that is the basis upon which this legislation is sought. As the Senator at my side [Mr. MOSES] suggests, taxation laws recognize the validity of the constitutional guaranties. No one disputes the power of the Government to levy taxes. A tax does not set aside contracts. It does not set aside constitutional guaranties.

I have practiced law a long time, and I have very firmly fixed in my mind the principle that private property can not be taken for private use, either with or without compensation, without the consent of the owner. The violation of that principle is what I am objecting to and what I claim to be the effect of this bill. When the Senator comes to know me better than he does now he will understand that I do not impugn the motives of anybody who takes a different view from mine. I am too jealous of my own prerogatives to deny like privileges to others. I may state my position too vehemently. I try to state it emphatically.

I have very deep and profound convictions upon this measure. I believe it violates a principle which is the foundation of our institutions, to which I am attached. At the same time I have come to the time of life when I realize that about the most profound principle and about the most sacred things honorable men may differ, and I can not understand at times why Senators should assume that because we do differ there should be any impugning of motives. That is very far from my thought. At the same time I repeat that it seems clear to me that this legislation is a departure from those rules by which the government of our Nation has been guided from its foundation down to the present time.

Now I want to read somewhat further from this proposed act:

The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property or apartment shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, or for the purpose of tearing down or razing the same in order immediately to construct new rental property or apartment if approved by the commission, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled "An act to establish a code of laws for the District of Columbia."

In other words, if a man wants to get his house to reside in himself, he can not get it except with the permission of the commission, and upon a showing to their satisfaction that his application is made in good faith. He must humiliate himself by going and begging a petty tribunal to be allowed to have his own house for the residence of himself and his wife and children. I say that is demoralizing and degrading.

So, Mr. President, if he wants to construct new property by using a portion of the old building, he is not allowed to do that by the commission. He must tear it down completely, and yet, as a matter of fact, a great deal of the building which has been done in the District of Columbia recently—some of the most effective, some of the most valuable—has been accomplished by using a very large percentage of the old building and remodeling it into new property. But the commission can deny the owner the right to do that, because under the terms of the act he can only secure permission to rebuild if he shall tear it down or raze it.

In this connection I want to call attention to a statement put out under the name of Randall H. Hagner, a real estate man in this city. He said:

A concrete case that I can cite is that of the purchase of an old building at the northwest corner of Fourteenth Street and Park Road by the Riggs Bank interests. The property was acquired for the purpose of immediately erecting a modern fireproof business building to cost in the neighborhood of $300,000, exclusive of the value of the land. This building was to be erected primarily to have a branch of the Riggs National Bank at this corner, and, secondly, to meet the demands for modern business accommodations in that section of the city.

There was only one lease on this property when the bank purchased it. It was held by an Italian conducting a fruit store who paid $200 per month on a lease that would expire next September. As the new owners were very anxious to begin building immediately, they purchased the Italian's lease for the sum of $6,500. Upon receipt of this sum the Italian vacated his store. The bank then served notice on the other tenants of the building, all of whom held month to month agreements.

At the expiration of this notice no one moved. The owners promptly took the case before the Rent Commission. It developed that under the law it is impossible to dispossess those tenants, because a portion of the building is occupied as apartments. Unless the new building which is to be erected contains a similar number of apartments, the occupants of the old apartments can not, under the law, be dispossessed. What could be more unfair than such a condition?

That is, if you have a building that covers an entire block and there are two apartments in it occupied by tenants, those two tenants can prevent the owner from tearing down that building in order to erect a new building, as was proposed in this case, and so tie up a business enterprise involving hundreds of thousands of dollars.

Mr. MOSES. Involving a situation like the famous resolution adopted by a town council:

"Resolved, That we build a new jail;

"Resolved, That we will build the new jail out of the material of which the old jail is composed; and

"Resolved, That we will not tear down the old jail until the new jail is completed."

Mr. POINDEXTER. That is about the situation so far as this particular piece of property is concerned, as I will show by reading a few lines further:

When the old building referred to was built, some 35 years ago, this section was almost in the country and was strictly residential in character. There are in the building half a dozen or more apartments renting for $25 or $30 a month.

And they want to put up a $400,000 branch of the Riggs National Bank.

Under the present rent law the bank is prevented from making a $300,000 improvement—

And with the $100,000 for the land it makes $400,000—

without building a semiapartment house in what the District Zoning Commission now terms a business section.

In other words, they can not change an apartment house in an old residential section of the city, with the rapid growth this city has enjoyed in the last 10 years, into a business property under the terms of the act. I read further:

An illustration is provided by the building, 1516 K Street NW. The development of this property was held up for two or three years for the above-mentioned reasons—namely, that the tenant who held a monthly lease could not be dispossessed unless the building was to be totally torn down. Ultimately the tenant purchased a house and gave up the premises. Apprehensive that they would again be unable to get possession, the owners kept this property idle for some months until they were able to sell. To-day it has the appearance of a new building, but 80 per cent of this building is retained from the original structure. The property was purchased for Redmond & Co., a New York investment banking house, who are using it as their Washington office.

Another consideration which the proposed legislation is going to make more difficult is the financing of legitimate building enterprises. You realize that when a business building is erected ninety-nine out of one hundred owners need financial assistance. An owner takes his plans to an insurance company or trust company and gives a statement of the earning possibilities of the project. It is apparent that such financing is made difficult when there is no stability as to the rentals calculated, because they may be reduced to any point that the Rent Commission might deem proper.

Mr. WILLIS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. WILLIS. Perhaps the Senator has already covered the point in his speech, which I have not been able to be present to hear in its entirety, but can he state from his investigation what the effect of the law has been thus far upon building operations?

That is the essential thing in the question that confronts the city. There are not enough buildings to house the people. Has the law thus far tended to encourage or discourage building operations?

Mr. POINDEXTER. I think the best answer to that question is the report of the committee accompanying the bill. The Senator will bear in mind that the law has been in effect for over two years now. I read from the report:

Your committee finds that the rental conditions in the District of Columbia which prompted the enactment of the original legislation, approved October 22, 1919, and the extension thereof, as approved August 24, 1921, continue to exist, if they have not grown worse.

There could not be anything more definite or specific as to the complete failure of the legislation, and I can not see how it would have any other result.

Mr. WILLIS. The Senator will recall that when the bill was here for the last extension it was said it would not be necessary to ask for another extension, it being admitted that the legislation is really in violation of a well-recognized principle of business. It was said that that act would care for the emergency, but it is stated now that conditions have grown worse rather than better.

Mr. POINDEXTER. I remember very well the assurances which were given at the time the law was extended in 1921 that it would not be necessary to ask for another renewal.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. POINDEXTER. Certainly.

Mr. CALDER. Does the Senator know whether the statement made by the committee in regard to conditions being worse is true or not? Are conditions as bad now as they were two years ago, or does the Senator know?

Mr. POINDEXTER. I have been inclined to accept the report of an adverse witness as the truth, as it is a well-known principle of law that when a witness testifies against his own interest great credibility should attach to his testimony. Personally I have made no examination. I am informed that conditions are at least as bad as they were, and I attribute it to this legislation, which discourages the building of apartment houses. I can readily understand how it would do so. Here, for instance, is another provision of the bill which I want to call to the attention of the Senator from New York:

But in no case shall possession be demanded or obtained by such owner in contravention of the terms of such lease or contract.

That shows the one-sided character of the law. The owner can not violate the contract of the lease, and yet at the same time the tenant can ignore it and continue in possession indefinitely after the term of the lease has expired. When we pass a law of that kind, breaking down the safeguards of contracts which probably have been drawn with very great care by the owner of the property, telling him that it is of no benefit to him and at the same time that the tenant can enforce its provisions against the landlord while ignoring them himself, I do not think that there is much inducement to people to build rental property.

Mr. CALDER. I will say, if the Senator will permit me, that in New York we have the same sort of rent law which we have continued under a recent act of the legislature, but we have also passed a law which has given to the man who builds houses to be occupied for dwelling purposes complete freedom from taxes on improvements for a period of 10 years. That has offset in a measure the injury brought to property by the rent legislation which we have there as well as we have here.

At the same time it seems to me that while perhaps against every rule of business, there might have been some provocation during the war for legislation of this character, when we were bringing into the Capital City tens of thousands of people and when rents were increased abnormally. But that condition has passed away and we are getting back to normal times again.

From my observation there are some houses for rent; there are some rental signs up that did not appear a few years ago. I think the time has come when we can do away with legislation of this character and come back to ordinary conditions of business again and encourage people to construct houses and to progress along lines that were workable before. I am listening to the Senator's argument with great interest.

Mr. POINDEXTER. There are a great many houses for sale, so I am informed, and I have noticed some of them myself. The statement was made that the owners of the houses would not rent them because they can not get a tenant out once they get him in, and if they want to sell they have to sell subject to the right of the tenant to continue there indefinitely as long as the law exists. Of course, under those circumstances they prefer to let a building remain vacant for a considerable time in order that when they do sell they can give possession.

Mr. CALDER. As the Senator suggests, the law has worked contrary to every rule and custom of business and has been most damaging to the city at a time now when the war emergency has long since passed.

Mr. POINDEXTER. I attach a great deal of importance to the judgment of the Senator from New York, because he is much more familiar than I with the subject of buildings and uses to which buildings are put. I am very glad, indeed, to have him corroborate the conclusions I have formed in regard to this legislation.

Mr. WALSH of Montana. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Montana.

Mr. WALSH of Montana. Can the Senator from New York give us any information about the amount of building now going on in the city of Washington compared with the amount during the last 10 years?

Mr. CALDER. With the permission of the Senator from Washington, I will state that I have made no inquiry in regard to that matter. I do not know just what the condition is here. I have had no occasion to inquire. I know that in the city of New York there are more building operations than in any other portion of the State.

Mr. WALSH of Montana. How long has the rent law been in force in the Senator's State?

Mr. CALDER. Since 1918.

Mr. WALSH of Montana. I have no figures on the matter, but I fancy there is more building going on in the city of Washington to-day than at any time during the time I have been here—for over nine years. I speak of the residential property and apartment houses.

Mr. POMERENE. Mr. President, I can give the Senator that information.

Mr. WALSH of Montana. I shall be very glad to have it.

Mr. POMERENE. I have a statement from Mr. John T. Healy, inspector of buildings, under date of April 7, 1922, showing that during the year 1918 there were 3,795 building permits issued, representing a valuation of $7,172,818.

In 1919 there were 6,920 permits issued, representing a valuation of $20,403,392.

In 1920 there were 7,581 permits issued, representing a valuation of $19,511,928.

In 1921 there were 9,290 permits issued, representing a valuation of $24,327,434.

Mr. POINDEXTER. Does the Senator know what percentage of that is business property and hotel property and what percentage is individual residence property?

Mr. POMERENE. No; I could not give that, but there were 9,290 permits in all during the year 1921, and from our general information I would say that only a comparatively small portion of that represented the larger buildings.

Mr. POINDEXTER. Many of them are very small buildings for individual family use, to be occupied by the owners.

Mr. CALDER. May I make a further inquiry of the Senator from Washington? These rent laws, of course, apply to new buildings as well as old, but do they apply to the new buildings in their first occupancy? Can not the owner of the new building charge whatever rent he pleases for the new building?

Mr. POINDEXTER. Oh, no; not what he pleases at all.

Mr. CALDER. When it is first occupied he can do that, can he not?

Mr. POINDEXTER. No; when it is first occupied by a tenant for residential purposes it is subject to the law. The tenant going in there when it is first built can stay there until the building comes down or until the law expires.

Mr. CALDER. Do the Rent Commission have the fixing of the rent in the first occupancy of the buildings?

Mr. POINDEXTER. They may or may not have. They may do it upon their own initiative, or upon complaint of the tenant.

Mr. CALDER. Under the operation of the New York law, when a house is completed and advertised for rental, the landlord can ask whatever rental he feels disposed to ask. After the tenant has come in, if an effort is made to increase the rent, that brings the property under the rent law.

Mr. POINDEXTER. That is a very different law from this one. I have just been reading the clause which provides that the terms of the contract are not binding on the tenant at all. If a man builds a new house and rents apartments in it, and makes a written contract with those tenants, next week a tenant may go before the Rent Commission and allege that the rent is too high and the Rent Commission can reduce it, and the tenant can remain there as long as he pays that reduced rent, even after the term of his lease has expired; and he, in the meantime, can require the owner of the property to furnish him service as it is defined in the act.

The commission may on its own initiative, if it sees fit, change the rent of the occupant of the building. Even though

there is no complaint about it, they can make the complaint themselves; and when they make a finding the proposed act provides that that finding shall be conclusive upon the courts. I am glad to say that one of the courts of the District of Columbia has held that when the rental fixed reaches the point which they regard as a confiscation of the property they will not be guided by the rental so fixed by the commission.

However, the commission in many instances have fixed rentals upon property—so I am informed, and I have no reason to doubt it, because the tabulation is very much in detail—which yield less than 1 per cent upon the investment; there are other instances where the rentals yield between 1 and 2 per cent upon the investment; and yet, unless the owner has means to carry his case into the court and get a decision that that is confiscation in principle, he has to be content with the income fixed by the Rent Commission.

Mr. CALDER. May I suggest to the Senator from Washington that the Senator from Ohio [Mr. POMERENE] has referred to the number of building permits granted last year. Does the Senator from Ohio know whether or not the buildings for which permits were granted were constructed? I know it is very often the practice for very large numbers of permits to be taken out and yet the buildings not be constructed.

Mr. POMERENE. Of course, I can not say as to that. I have here the figures for two or three months of this year. The permits are increasing all the time, but I have not gone into that question at all.

Mr. CALDER. I will say to the Senator that the building department usually gives out the figures of the number of permits granted, but it does not always indicate the number of houses which are built. Of course, I know in some of the large cities of late a great many permits have been granted, but difficulties have been had in financing the buildings, and perhaps they have not all been constructed.

Mr. POMERENE. That may be true, but the permits have been gradually increasing here from year to year. I have not checked them up and I have not asked anybody else to check them up, but I thought the number of permits would give some fair conception of the building operations.

Mr. CALDER. I will say to the Senator that it is information, and valuable information, but it is not always conclusive.

Mr. POINDEXTER. Mr. President, as to the exercise of the unusual powers which are possessed by the commission, I want to call attention to the remarkable exemptions granted to the commission by this proposed legislation from requirements which are imposed upon ordinary litigants. The commission are not required to give bond.

The commission is hereby authorized—

Reading from the proposed act—

to bring such actions without the payment of costs, and no bond shall be required in the case of any appeal taken by the commission from any judgment of the said municipal court in any such case.

Why should the Rent Commission in litigation with an humble citizen be relieved of the same requirements that are imposed upon him in the way of giving bond or paying costs of the courts? I have already spoken of the imposition of personal service upon the owner, and I want to read just what the proposed act says on that subject. In an additional provision it is stated:

If * * * the commission finds that at any time after the passage of this act, but during the tenancy, the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract.

So the convenience of the tenant is conserved and must be supplied by the owner, but the tenant himself is at perfect liberty to pay no attention whatever to any of the obligations which he assumes under the lease.

Here is another feature of the act. Ordinarily there are various forms of leases. If a man has a property which he wishes to lease, he or his business advisers determine what the nature of the lease shall be, what sanctions it shall contain, in what language it shall be framed; but that liberty is taken away from owners of property by this bill. There can be no lease of such property made at all except in accordance with the form of leases devised by the commission which is created under this act. The proposed act provides:

The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property—

That is a curious provision of the bill. In addition to the fact that it deprives the owners of the freedom of contract in the making of such leases as they prefer, it provides that the owner shall be required to use the forms prescribed by the commission—

and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form.

There never was such a playing of ducks and drakes with the ordinary sanctions of the law of contract as is proposed in this bill. If a man draws up a lease in a certain form, the bill provides that that lease shall be construed as if it were in another form.

Mr. MOSES. In other words, the bill makes two classes the beneficiaries: The tenant occupant and the law stationer.

Mr. POINDEXTER. And the officeholders under the act. The remainder of the people suffer from it.

These beneficiaries are among the active propagandists for this bill. It is difficult to understand otherwise the tremendous pressure that there is for its passage.

However, here is the peculiar feature which I started to point out: The bill carefully provides that the commission shall prescribe a form of lease, which is a contract between the owner and tenant, and then it is provided subsequently throughout the bill in the most specific terms that the lease, though made in the form carefully prescribed by the commission, shall not be binding upon the tenant but only upon the landlord. The tenant may stay after the lease has expired, may refuse to pay the amount of rent required by the lease, the form of which is prepared by the commission, and the commission, in their discretion, may support him in that attitude.

Mr. MOSES. It is wholly jug-handled.

Mr. POINDEXTER. Yes; there is only one handle to it.

Now, I think I have come to the real divine spark out of which this flame of enthusiasm for the alleged benefit of the "dear people" has originated. I refer to paragraph D, on page 20, which reads:

The Attorney General may, after the termination of this act—

After its termination—

appoint the attorney last appointed by the commission under the provisions of section 103 to assist in the enforcement of this act. Such attorney shall continue to receive compensation for such services at the rate of $5,000 per annum, payable monthly.

Under that provision in the bill, very carefully inserted by the gentleman who evidently wrote it, even after the law has expired and had its obsequies, his office shall continue to live. He is astute, at least, in looking out for his own interests.

Mr. MOSES. That is a fitting provision to bring in at the Easter season.

Mr. POINDEXTER. Yes; it is a time of joy and hope. So, Mr. President, I submit this matter, there having been an agreement to have a record vote upon it. I feel that I have accomplished the purpose which I had in view of pointing out clearly the real terms and iniquities of the bill.

Mr. BALL. Mr. President, I offer an amendment to the committee amendment.

The PRESIDING OFFICER (Mr. MYERS in the chair). The amendment to the amendment will be stated.

The READING CLERK. On page 4, line 19, after the word "Senate," it is proposed to strike out the comma and the following:

and three of the commissioners appointed shall be learned in the law and shall have been engaged in the actual practice of law before the Supreme Court of the District of Columbia for a period of at least five years prior to their appointment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. POMERENE. Mr. President, I desire very briefly to discuss the pending bill. I shall pass by those animadversions which were cast against Senators and the Justices of the Supreme Court, because, I think, when the Senator who uttered them has an opportunity to read his remarks in cold print he will regret that they were uttered.

Many of the provisions which the Senator from Washington has discussed were contained in the old law. They were, of course, considered at the time they were before the Senate and the House of Representatives, and they have been passed upon and sustained by the Supreme Court of the United States.

I, perhaps, ought to say a word with regard to the provisions of the bill which relate to the fixing of prices for service, elec-

tric light, water, and so forth. Provisions concerning such items are contained in many of the leases, and the rentals agreed upon before any legislation on this subject went into effect included these services; and, for that reason, if it is thought advisable to grant any relief as between landlord and tenant, it is necessary not only to include the rental of the rooms or the houses, as the case may be, but to include these other services; otherwise the purpose of the law would be circumvented by permitting the landlord who furnished the light or the water or the heat to make such charges as he saw fit.

Mr. President, we can talk as we choose about the wisdom or the unwisdom of laws of this character. I recognize that there is room for an honest difference of opinion, and I say very frankly that I do not like such legislation. I would rather that the conditions were such that it would not be required; but, as I see the situation here in the District, the question is whether the Government shall control the affairs of the District or whether the tenants shall be at the mercy of a few exacting landlords. That is the only question here.

I recognize the fact that this legislation was for a temporary purpose only. When the original act was about to expire, a joint resolution or bill was presented which extended the provisions of the law for a period of eight or nine months—I have forgotten the exact time—and that time will expire, I think, some time in May of this year. It was thought by the District Committee, at the time the bill providing for this extension was presented, that that would be a sufficient period within which normal conditions might be resumed.

Very much to the surprise of the committee, as well as of others who have considered this question, after this extension was adopted and the end of the rent year was in sight, which was October 1, many of these landlords who were renting to tenants, and particularly to the poorer class of tenants, refused to enter into any lease whatsoever, and many of them said that their reason was that the moment this rent act expired the rents of these tenants would be greatly advanced, or they would be set out on the street. I am not guessing at this. I know whereof I speak.

There must be thirty or forty or fifty thousand tenants in this District who are employees of the Government. Most of them are obliged to rent their apartments. The question for Senators to consider, it seems to me, is this: Shall we sit silently by and allow these tenants to be thrown into the street or permit these excessive exactions, or shall we try to give them some assistance?

This is not taking property from the landlords. That could not be done. A rent commission was appointed for the purpose of doing justice between the landlord and the tenant.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. POMERENE. Yes.

Mr. WATSON of Georgia. I should like the Senator from Ohio, if he can, to point out the difference in principle between arbitrarily fixing rents in Washington and doing the same thing in Chicago, Boston, or New York.

Mr. POMERENE. Mr. President, that is a very pertinent question. There is no difference at all. The only difference in our jurisdiction is this: Here in the District the Congress is vested with plenary power, subject only to such limitations as are contained in the Federal Constitution. In the different cities to which the Senator from Georgia has referred the State legislatures act under the power that is invested in them by their constitutions; or, to express myself perhaps more accurately, they can exercise any power which is not prohibited to them either by the State constitution or by the Federal Constitution.

The Senator has suggested a very interesting question. Away back a number of years ago the State of Illinois passed a statute to regulate the charges which might be made by grain elevators, and there were distinguished gentlemen in that day who loved the Constitution more than they loved themselves who said that the legislature was interfering with private property when it attempted to do that; that these gentlemen who had builded these elevators had the right to charge anything they saw fit to charge, because the elevators were their property. This case came to the Supreme Court of the United States, however, and in Ninety-fourth United States Supreme Court Reports, on page 113, is reported the case of Munn against Illinois, sustaining the power of the legislature to fix these rates, and taking the position that when the elevator man held himself out in a public capacity, inviting the storage of grain, his business was clothed with a public interest, and therefore the Government had a right to regulate it.

Let me read just a paragraph from the opinion. I read from page 126:

> Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but so long as he maintains the use he must submit to the control.

I shall not take the time to read the long opinion of Mr. Chief Justice Waite; but it is the law, and it has been followed from that day to this.

Mr. WATSON of Georgia. Mr. President——

Mr. POMERENE. Will the Senator pardon me for just a moment?

Mr. WATSON of Georgia. Certainly.

Mr. POMERENE. Here is the situation: If some one were to come to the District of Columbia and put up an elevator, and other men wanted to have their grain—their wheat, their corn, their oats—put in this elevator, Congress would have the right to regulate those charges; but, according to the logic of some of these constitutional lawyers, if a man builds a great storage house in which he intends to rent out apartments for the shelter of human beings, then they contend, "No; we can not do that."

In my humble judgment if the Congress of the United States has the power to regulate the price that can be charged by a landlord for the storage of corn and of wheat, so also can the Congress regulate the price that he may charge when the father of a family wants to house his babies and his wife. That is the constitutional question involved, and it does not disturb me very much.

More than that, the constitutionality of this act was passed upon by our Supreme Court by a majority of 5 to 4. Among the four was Mr. Chief Justice White. Since that time there has been a change in the membership of the court, and recently, about the 20th of March, this same question was before the United States Supreme Court in a case which arose under a statute of the State of New York. I think the cases were the same from a standpoint of fact. The Supreme Court of the United States sustained the New York law by a vote of 6 to 3, Mr. Chief Justice Taft joining with the majority.

Mr. WATSON of Georgia. Mr. President——

Mr. POMERENE. I yield to the Senator.

Mr. WATSON of Georgia. The Senator has now taken the position that the regulation of the charges of an elevator is analogous to fixing the rents of a private dwelling or apartment house. The Senator, of course, sees that his logic carries him to the proposition that Congress could then fix the rents in Boston, New York, Chicago, or any other city.

Mr. POMERENE. No; I do not go to that extent at all. The Senator, I think, has overlooked the fact that under the Constitution, which provided for the organization of the District of Columbia, the Congress was given plenary power; it has the sole legislative power here in the District. We do not have that power in the States; and let me say, further, that the case to which I refer involved the constitutionality not of a Federal statute but of a State statute.

Mr. WATSON of Georgia. But, Mr. President, if there is any analogy between the running of an elevator and the renting of a private house that would apply to every city in the Union.

Mr. POMERENE. No; I think not. I do not think we would have the right to go outside of the District in a matter of that kind, and I think the Senator will agree with me after he shall have taken the time to investigate that question further.

Mr. President, I am not going to take the time to refer to a number of letters that I have here, or to information which was brought to other members of the committee as well as myself as to the enormous increases in rents which were to be put into effect by these landlords on the very day of the expiration of the present rent act. That has all been gone into before. The question is whether or not we want to leave these people at the mercy of some of these landlords.

This act provides for reasonable rentals. One of these real estate agents called me up the other day and said to me, when the question was up as to whether or not this bill was to apply to business property, "Why, we have made more money under the rent act than we ever did before." Now others speak for them and say that we are taking private property without compensation.

Another argument they have used is that it interferes with building, and we have heard much of the law of supply and demand. The figures which I read a little while ago demonstrate conclusively that building in the District has been increasing. When the legislation for an extension of the act was pending before, probably 8 or 10 months ago, the argument was made that there was less demand for houses in the District, because a good many people had gone out. The fact is that the rents have been increasing. I think there can be no question about that.

I am just as anxious that the landlord shall have a square deal here as I am that the tenant shall have a square deal, and I think the machinery of this law demonstrates conclusively that that was the purpose of the framers of it, as well as of Congress, when it was originally passed.

The law provides that the rent commission shall hear these cases. They can be brought either by the landlord or by the tenant. If the tenant thinks he is paying too much, he can have a hearing. If the landlord feels that he is not getting enough, he can have a hearing. There have been some changes made here as to the course of appeal. Those were made largely because of the recommendation of the attorney for the rent commission. In his judgment, the cases could be more expeditiously heard on appeal if the appeal went to the Supreme Court of the District of Columbia rather than to the United States Court of Appeals for the District.

It is true that we have provided for an increase in the number of the commission from three to five, and the reason for it was that there was such an accumulation of business before the commission that it was thought that if the membership were increased to five, and they were permitted to hear the testimony in sections, there could be a quicker determination of the issues involved. Those were the only reasons for these changes, and with the knowledge which the committee had we thought that they ought to be adopted.

I do not think I care to discuss the matter further at the present time.

Mr. WALSH of Montana. Mr. President, I do not desire to enter into any discussion of the general merits of this legislation. It has justified itself repeatedly before Congress, and, so far as the arguments to which we have listened this afternoon are concerned, they were made ineffectively against the legislation before the supreme court, and I do not desire now to review them.

There are some features of the bill, however, which I am sure ought to be changed. I invite attention particularly to the provision on page 15, to the effect that judgments of the municipal court, in cases brought before that court, shall be subject to appeal to the Supreme Court of the District of Columbia. That section provides that whenever an adjudication shall be made fixing the rent of any building, and the landlord shall charge more than the amount of the rent so fixed, the tenant paying the rent may begin suit in the municipal court, and there recover double the amount of the excess rent which he has paid. Then it is provided that from a judgment in a proceeding of that character an appeal may be taken to the Supreme Court of the District of Columbia.

The Judiciary Committee some time ago conducted extensive hearings for the purpose of relieving the congestion of business before the Supreme Court of the District of Columbia, and we increased the jurisdiction of the municipal court so that it took cognizance of cases of a civil nature involving sums not to exceed $1,000, and appeals were permitted from that court to the Court of Appeals of the District of Columbia instead of to the Supreme Court of the District of Columbia, as had been the case theretofore. That plan has worked out admirably, and so appeals are now taken in all cases from the municipal court to the Court of Appeals of the District of Columbia. I see no reason why appeals from judgments of this character should be taken to the supreme court, while appeals on judgments in all other cases are taken to the Court of Appeals of the District.

Accordingly, Mr. President, I move to strike out from section 12 the language to which I have referred. It destroys the symmetry of the system which was devised by the Congress for the correction of a great evil which existed here arising from the congestion of business in the Supreme Court of the District of Columbia. I do not believe there is any reason whatever for that particular provision of the bill, and I hope the Senator in charge of the bill will consent to an amendment.

Mr. BALL. As I understand the Senator, he refers to language in the bill providing that where an increased rent has been paid by the tenant, he can recover it. I see no objection to taking the appeals referred to to the court of appeals, and if the Senator will offer an amendment to that effect, I will accept it.

Mr. WALSH of Montana. I ask that the question on the amendment be put, unless there is further discussion.

The VICE PRESIDENT. Will the Senator state his amendment again?

Mr. WALSH of Montana. I move to strike from the bill the language on page 15, beginning with the word "The," in line 17, down to and including the word "commission," in line 21.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 15, beginning in line 17, strike out the following:

> The judgments of the said municipal court in such cases shall be subject to appeal to the Supreme Court of the District of Columbia in general term in the same manner as determinations of the commission.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. I want to invite attention to another court feature of the bill, beginning on page 11, adverted to by the Senator from Washington [Mr. POINDEXTER]. It begins on line 21 and extends to and includes line 6 on page 12. It reads:

> Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States by writ of certiorari to be issued by it in its discretion upon the petition of any party aggrieved by said final decision, or by the rent commission, within 30 days after said final decision, but if said writ of certiorari shall be denied, said final decision of the said Supreme Court of the District of Columbia in general term shall remain in full force and effect.

That also introduces an anomaly in the judicial system of the District of Columbia. The Supreme Court of the District of Columbia occupies in the judicial system practically the same position the ordinary district or circuit court occupies in the State system. The Court of Appeals of the District occupies generally the same position the supreme court or the court of appeals of a State occupies.

It would be just as reasonable to allow an appeal from the district court of a district in the State of Montana to the Supreme Court of the United States as from the Supreme Court of the District of Columbia directly to the Supreme Court of the United States. There is no case anywhere in our system of jurisprudence which permits an appeal from a trial court jumping right up to the Supreme Court of the United States, and I see no reason whatever for introducing that anomaly in this judicial system.

We have created a Court of Appeals of the District of Columbia, which bears the same relation to the Supreme Court of the District of Columbia which the supreme court of a State or the court of appeals of a State bears to the lower courts of that State, and why now permit a writ of certiorari directly to the Supreme Court of the United States? The proper place for that to go, obviously, is to the Court of Appeals.

Mr. POMERENE. Mr. President, the provisions to which the Senator is now referring were prepared with a great deal of care, and we accepted the judgment of the attorney for the rent commission upon this subject. We had hearings upon the matter, which were reported. It was his judgment that, as this act was limited for a short period of two years, necessarily we ought to have these cases heard and determined as quickly as possible, and if the appeals went from the commission direct to the Supreme Court of the District of Columbia, they could be more quickly heard and determined than if the appeals were to lie, as now, from the commission to the Court of Appeals.

I think the committee felt persuaded that that was the right thing to do. I have not changed my mind about it. I do not think two appeals should lie—that is, one from the commission to the Supreme Court of the District, and then another from the Supreme Court of the District to the Court of Appeals of the District—but recognizing the fact also that there might be serious legal questions presented, it was thought that we should provide for a writ of certiorari to be allowed by the Supreme Court of the United States. That is the reason which prompted the committee to present it in the form in which it now stands.

Mr. WALSH of Montana. On the suggestion of the Senator from Ohio, I had a talk with the attorney for the commission, and have heard him express his views concerning the wisdom of this provision. Of course, if you could appeal directly from one of the inferior courts of a State to the Supreme Court of the United States, in a case which can get there, it would be in the interest of expedition, no doubt; but nobody has ever thought of suggesting anything of the kind. It would, of course, cut out the supreme court of the State. Suppose I begin an action in the district court for my county. The question, we will say, involves the matter of the construction of a Federal statute, and if I could go immediately from the district court of the State to the Supreme Court of the United

States it would be a very happy thing to do, but it is not deemed advisable to permit that.

Let me call attention to the fact that whatever is gained in that way is lost otherwise. We are now asked to legislate to relieve the Supreme Court of the United States from the excessive burden of the litigation which is now before it. Indeed, a bill is now pending which I understand has the approval of the Chief Justice of the United States, providing that there shall no longer be an appeal or writ of error as a matter of right to the Supreme Court of the United States, but all matters shall be reviewable there by writ of certiorari in the discretion of the court. It is thus proposed in order to relieve that court of the burden of the business which is constantly accumulating in that court. Now, here it is proposed that in the case of every final decision of the supreme court of the District, which, bear in mind, is the trial court, the case shall go to the Supreme Court of the United States, it is true by writ of certiorari, and the court will issue this writ only in such cases as it thinks advisable to bring there for the purpose of appeal; but there is imposed upon the Supreme Court the duty in every case of examining the record upon the appeals, for the purpose of determining whether it shall issue the writ of certiorari or not.

I do not see why it should be desired to introduce that kind of anomaly in our judicial system. I do not think it is fair to the Supreme Court of the United States to impose upon it the duty of considering appeals from the inferior courts of the District of Columbia. I think that provision ought to go out, and I think that a judgment of the Supreme Court of the District of Columbia in one of these rent matters should take just exactly the same course as any other judgment of the Supreme Court of the District of Columbia, namely, that it should be reviewable in the Supreme Court of the United States as other cases are reviewable in the Supreme Court of the United States. There is no reason, so far as I can see, why the regular course of procedure should not be followed in these cases.

But I also find no reason on earth for the language immediately preceding that to which I have now addressed myself. It is provided in the same section, on page 11, as follows:

> No owner or tenant shall apply to the said Supreme Court of the District of Columbia to review any determination of the commission fixing the fair and reasonable rents, rates, or charges for any rental property or apartment, except by appeal, as hereinbefore provided, and said court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

Mr. President, a right of appeal from the commission to the Supreme Court of the District of Columbia is given by the act. Then, why provide that no other method of review shall be resorted to or that an injunction shall not lie? An injunction could not lie in a case of that kind where there was a right of review by appeal, nor would any other method of review lie. So I see no reason for that provision at all. It might be construed into what I conceive to be a denial of justice.

If a case should arise in which the commission is proceeding in some manner beyond the law, in a way not provided for by the law, why should not the commission be enjoined from proceeding to the detriment or injury of anyone who is hurt? I can not very readily conceive of how they might do so, but if they should do so, why should we take away from the court the power to issue an injunction and restrain the commission from doing something that the law does not authorize them to do? That is the only case in which I can conceive an injunction to enjoin the commission could possibly be issued.

So I shall move to strike this language out, but I address the motion first to the matter of judicial review. I move to strike out so much of the language of the bill as appears on page 11, after line 20, and so much as appears on page 12, down to and including line 6.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment, and it will be stated.

The READING CLERK. Strike out beginning in line 21, page 11, the following:

> Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed or modified by the Supreme Court of the United States by writ of certiorari, to be issued by it, in its discretion, upon the petition of any party aggrieved by said final decision, or by the rent commission, within 30 days after said final decision, but if said writ of certiorari shall be denied, said final decision of the said Supreme Court of the District of Columbia in general term, shall remain in full force and effect.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. I likewise move to strike out the other clause, beginning in line 11, on page 11, down to and including line 20 on said page.

Mr. JONES of Washington. I ask that the amendment to the amendment be reported.

The READING CLERK. On page 11, line 11, strike out the following:

> No owner or tenant shall apply to the said Supreme Court of the District of Columbia to review any determination of the commission fixing the fair and reasonable rents, rates, or charges for any rental property or apartment, except by appeal, as hereinbefore provided, and said court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

Mr. WALSH of Montana. Mr. President, I wish to say an additional word before the vote is taken. Of course, if it had not been already determined that the act is constitutional, we could very readily conceive of some litigant going before the supreme court and asking that the commission be enjoined from proceeding in some particular case upon the ground that the act is unconstitutional. But it has already been adjudicated that it is constitutional. Under those circumstances what is the reason for taking away the power of the court to issue a writ of injunction, which can be issued only in case the commission endeavors to do something the law does not authorize to be done? So long as it is proceeding under the law it ought to be permitted as a matter of course to go on, and it is not conceivable that the court would issue an injunction in such circumstances.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana to the amendment of the committee.

On a division, the amendment to the amendment was rejected.

Mr. JONES of Washington. Mr. President, I offer the following amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be reported.

The READING CLERK. Strike out lines 3, 4, 5, 6, 7, and 8, on page 3, and insert in lieu thereof the following:

> The term "rental property" means any building or part thereof or land appurtenant thereto in the District of Columbia rented or hired, and the service agreed or required by law or by determination of the commission, to be furnished in connection therewith; but does not include (a) any portion of an apartment building, (b) a garage or warehouse, or (c) any other building or part thereof or land appurtenant thereto used by the tenant exclusively for a business purpose other than the subleasing or otherwise subcontracting for use for living accommodations.

Mr. JONES of Washington. Mr. President, I wish to say just a word with reference to the amendment. The law as now framed does not apply to business houses and general business property. I am willing to vote for the extension of the law as it is now, but I am not in favor of extending its provisions to make them apply to business properties of various kinds in the District of Columbia. I think that would be extremely unwise. The extension as proposed in the bill pending before the Senate not only extends the law as it is now but also makes it apply to various business enterprises in the District of Columbia. The amendment which I have offered strikes out that proposition.

Mr. POMERENE. Mr. President, this matter was decided on by the committee after hearing from a number of people upon the subject. I have before me a letter which was written by the Merchants and Manufacturers' Association, which I am going to ask to have incorporated in the RECORD. It shows very great increases in the rentals. Many of those rentals have been increased, in my judgment, exorbitantly.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD, as requested.

The letter is as follows:

MERCHANTS AND MANUFACTURERS' ASSOCIATION (INC.),
Washington, D. C., February 15, 1922.

Hon. L. H. BALL,
Chairman Senate District Committee, Washington, D. C.

DEAR SENATOR BALL: At a meeting of the board of governors of the Merchants and Manufacturers' Association held yesterday afternoon the following resolution was adopted:

"Whereas business property rents are being increased to an abnormal and unreasonable extent; and

"Whereas probably 75 per cent of Washington business houses are lessees: Therefore be it

"*Resolved by the board of governors of the Merchants and Manufacturers' Association, assembled this 15th day of February, 1922*, That the president of this association is directed to appoint a committee to advise Congress of the necessity of immediately including business property in the provisions of the Ball Rent Act and to make such representation to Congress direct or in connection with other organizations."

President Anton Stephan appointed the following-named committee. The said committee having given the matter serious consideration, we, the undersigned, respectfully petition the Congress of the United States as follows:

While the special committee on business property rents believes that control and supervision of business and the person should be limited at all times, we are nevertheless conscious that when an extraordinary

situation arises, the effect of which is to impair the common good, Congress should and must enact legislation to exercise a corrective influence.

Information has reached this association that during the last five years business property rents have mounted to heights absolutely beyond reason. Increases have ranged as high as 300 and 400 per cent, entirely out of keeping with the actual value involved.

It must be borne in mind that in practically every business property lease the lessee must bear the burden of all improvements and repairs, and indeed some of them carry provisions involving taxes and assessments.

The value of the dollar decreased 50 per cent in the most trying period that we have passed through. But that situation long ceased, due to the fact that practically everything except property rentals has dropped. Therefore those who are disposed to interfere with the common welfare through arbitrarily maintaining fictitious value should be made to peremptorily desist. The practice can only tend to operate to the disadvantage of the entire community.

One of the great mercantile agencies has reported that the total business failures, according to their records, for 1921 were 19,602, an increase of 155 per cent over the previous year, of which 13,990, or 71½ per cent, were among retailers. A substantial part of these calamities were due, we believe, to the inordinate rents that were assumed by retail merchants.

Experience has proven that a large part of the propaganda operating to increase rents has been developed through some of the large national chain-store systems, in addition to the selfishness of certain individuals who are unmindful of the consequences of their acts.

Straight-thinking men and women in America, from President Harding to our humblest citizen, are looking forward to the return of what Mr. Harding has so well termed "normalcy."

Such a much-desired situation can not be realized in the face of rising business-property rents, particularly where deflation has taken place in all other departments of business.

Your petitioners ask nothing more than a square deal from the business-property landlord.

If business-property owners are entitled to a greater return on their holding, they should have it; but we submit that in instances where tenants make repairs, and, indeed, have actually created entirely new buildings, with modern equipment, such as, no doubt, will last for 50 years or more, and did this upon the ruins of age-old buildings, abnormal and unreasonable increases in rentals should not be permitted.

The present admitted shortage of buildings is in no sense due to a lack of enterprise upon the part of the business community, but came about through the exigencies of war, when the necessities of the Government and the Nation demanded that there should be a cessation of building to conserve man power and materials for the then more necessary undertakings.

Excessive and unreasonable rents have the effect of increasing prices, increasing unemployment, and of generally creating a situation wherein discontent is nourished.

We believe that in the former amendment of the rent control act a grave mistake was made in exempting business property.

Since the absence of control demands have been made on lessees for increases, the undertaking of which can only spell disruption of established businesses and the increase of unemployment.

It is our individual conviction that if all parties join hands we Americans, and particularly in the Capital of the Nation, can develop a spirit of enterprise that will have a most heartening effect upon all the activities. But this is impossible if the landlord is to get the "lion's share" of the increment of business.

There is no reason why any business should be run solely for the benefit of the landlord or any one individual.

We trust that you and your confreres in the Senate and House will take immediate steps to bring about legislation correcting this great abuse of excessive rents for business property in the District of Columbia.

Yours very truly,

R. P. ANDREWS, *Chairman*,
LOUIS LEVY,
GEO. E. HEBBARD,
GEO. P. KILLIAN,
FRANKLIN W. HARPER,
Special Committee on Business Property Rentals of the Merchants and Manufacturers' Association of Washington, D. C.

Mr. POMERENE. I have another letter which indicates rents demanded after the present law expires. I have the locations, but I will not give them.

In one case the present rent is $150, and it is proposed to be increased to $300; in another case it is $125, to be increased to $250; another $200, to be increased to $300; another case $150, to be increased to $325; another case $150, to be increased to $400; then follows five different places where the rentals are given as $75, which are to be increased to $250 each; then one of $140, present rent, to be increased to $500; one of $85, to be increased to $350; another one of $150, to be increased to $300.

It has seemed to the committee that while we did have objections to extending the rental law to business, there were very strong reasons why it should be extended to these business properties as well as to others.

Mr. WALSH of Montana. Mr. President, do the figures before the Senator give us a basis for comparison, showing what the same apartments rented for in 1915, 1917, 1919, and 1921?

Mr. POMERENE. No; I have not that information.

Mr. MOSES. May I ask the Senator has he any figures to show the prices charged in these shops back in 1915 and 1916, as compared with the present time?

Mr. POMERENE. I have not.

Mr. MOSES. It is a little difficult, in view of present prices, to waste much sympathy upon the poor, oppressed shopkeepers of Washington.

Mr. WALSH of Montana. I was simply curious to know from the Senator. I thought, perhaps, he would be able to give us that information. We are informed from time to time that prices are being reduced, that the cost of living is being reduced, that the cost of food supplies for the family is being reduced, and that the cost of clothing is being reduced. I wanted to know from the Senator whether there is a corresponding reduction in rents.

Mr. POMERENE. I have not heard of any corresponding reduction in rents. I have before me a three-page letter, which I would be glad to have read. I have already obtained permission to incorporate it in the RECORD, but I will read just one brief paragraph from it:

> Information has reached this association—

That is, the Merchants and Manufacturers' Association—

> that during the last five years business property rents have mounted to heights absolutely beyond reason. Increases have ranged as high as 300 per cent and 400 per cent, entirely out of keeping with the actual value involved.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

On a division the amendment to the amendment was agreed to.

Mr. CARAWAY. Mr. President, I offer an amendment to the committee amendment, to come in at the end of line 13, on page 20, of the bill. The amendment relates to hotel charges.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas to the committee amendment will be stated.

The READING CLERK. On page 20, at the end of line 13, it is proposed to insert the following:

> SEC. 17. That the proprietor, manager, owner, or other person in charge of and conducting any hotel in the District of Columbia shall post in a conspicuous place in each room thereof a card or sign plainly stating the price per day of such room, and a copy of such rates for each room shall be filed with the Rent Commission of the District of Columbia. In case the hotel is conducted on the American plan, the rates for meals shall be posted in a conspicuous place in each room of the hotel. Such cards or signs, both with reference to rooms and meals, shall be dated as of the day on which they are posted. The rates charged for rooms shall not be advanced in less than 30 days from the date of the approval of the said commissioners of the written application therefor, and in the event an advance in rates is granted the same requirements with reference to posting of notices and filing copies thereof with the Rent Commission of the District of Columbia, as above provided, shall apply.
>
> Any person, firm, or corporation who shall violate any of the provisions of this act or who shall charge any guest a rate in excess of said posted rates shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $10 nor more than $100 for each offense.
>
> The Commissioners of the District of Columbia are hereby charged with the enforcement of this act.

Mr. CARAWAY. Mr. President, I shall take but a moment in explanation of the amendment to the amendment. I am not seeking to thrust upon the rent commission the duty of trying to ascertain whether hotel charges are just or unjust; I am simply seeking to provide some means of preventing hotels from advertising, in case of conventions and other meetings in Washington, that there will be no increase in the prices charged by them in order to induce people to come, and then practicing all kinds of extortion.

I have in mind an instance which occurred not a great while ago. A convention was to be held here and certain persons asked me to engage rooms for them at one of the best hotels in the city. I did so, the price agreed on being $4 a day. I offered to pay in advance, but I was assured that it was not necessary; that the rooms would be reserved. When the people came—and they came more than a thousand miles—they found their reservation had been canceled and they were charged and compelled to pay $20 a day for their rooms.

The only object I desire to accomplish is to prevent hotel keepers, if a certain price is agreed on at a hotel for a room, taking advantage of conventions and other unusual gatherings to charge a higher price without notice and extorting all kinds of unfair and unreasonable prices from people who come here believing that prices are not to be changed by reason of such conventions.

Mr. POMERENE. Will the Senator from Arkansas yield for a question?

Mr. CARAWAY. I yield.

Mr. POMERENE. I am not sure that I caught the phraseology of the Senator's amendment, but as I recall it there is a criminal penalty provided for.

Mr. CARAWAY. That is true.

Mr. POMERENE. And that applies to the entire bill. My suggestion is that the Senator only intends it, probably, to apply to this particular provision of the proposed act?

Mr. CARAWAY. I do.

Mr. POMERENE. I suggest to the Senator that he make that modification of his amendment.

Mr. CARAWAY. I see the point of the Senator from Ohio, and ask permission so to modify the amendment that it shall provide that the penalty shall apply only in case of a violation of the provision dealing with hotels.

Let me say, in conclusion, that I have discussed this amendment with the chairman of the Committee on the District of Columbia [Mr. BALL] and also with the Senator from Ohio [Mr. POMERENE], and, while they did not examine the amendment, they expressed no opposition to the principle.

The VICE PRESIDENT. The amendment to the amendment will be modified as suggested.

The amendment to the amendment, as modified, is as follows:

SEC. 17. That the proprietor, manager, owner, or other person in charge of and conducting any hotel in the District of Columbia shall post in a conspicuous place in each room thereof, a card or sign plainly stating the price per day of such room, and a copy of such rates for each room shall be filed with the Rent Commission of the District of Columbia. In case the hotel is conducted on the American plan, the rates for meals shall be posted in a conspicuous place in each room of the hotel. Such cards or signs, both with reference to rooms and meals, shall be dated as of the day on which they are posted. The rates charged for rooms shall not be advanced in less than 30 days from the date of the approval of the said commissioners of the written application therefor, and in the event an advance in rates is granted the same requirements with reference to posting of notices and filing copies thereof with the Rent Commission of the District of Columbia, as above provided, shall apply.

Any person, firm, or corporation who shall violate any of the provisions of this act relating to hotel charges or who shall charge any guest a rate in excess of said posted rates shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $100 for each offense.

The Commissioners of the District of Columbia are hereby charged with the enforcement of this act.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass? On that question the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. KING (when his name was called). I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. Not knowing how he would vote, I withhold my vote.

Mr. LODGE (when his name was called). I have a pair with the Senator from Alabama [Mr. UNDERWOOD], which I transfer to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Vermont [Mr. PAGE], I vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. WARREN (when his name was called). I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Maryland [Mr. FRANCE], and vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMPBELL], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "nay."

The roll call was concluded.

Mr. JONES of Washington (after having voted in the affirmative). The senior Senator from Virginia [Mr. SWANSON] is absent on official business. I have agreed to pair with him for the day, but I understand that on this bill he would vote as I have voted. Therefore, I will allow my vote to stand.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

The roll call was concluded.

Mr. FERNALD. I have a pair with the junior Senator from New Mexico [Mr. JONES]. In his absence, I withhold my vote.

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Oregon [Mr. STANFIELD] and will vote. I vote "yea."

Mr. MCNARY. My colleague [Mr. STANFIELD] is absent on account of public matters. If he were present, he would vote "yea."

Mr. BALL (after having voted in the affirmative). I find that my pair, the Senator from Florida [Mr. FLETCHER], who is absent, would vote as I have voted if he were present, so I will allow my vote to stand.

Mr. KENDRICK (after having voted in the affirmative). I have a general pair with the Senator from Illinois [Mr. MCCORMICK], which I transfer to the Senator from Virginia [Mr. SWANSON] and will let my vote stand.

I also wish to say that the Senator from New Mexico [Mr. JONES] is absent on business of the Senate. If present, he would vote "yea."

Mr. KING. I have heretofore announced that I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. Because of his absence, I had to withhold my vote. I now find that I can obtain a transfer. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and will vote. I vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from Delaware [Mr. DU PONT] is paired on this question with the Senator from Maryand [Mr. WELLER]; that if the Senator from Delaware were present he would vote "nay," and if the Senator from Maryland were present he would vote "yea."

I have also been requested to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN], and that the Senator from Minnesota [Mr. KELLOGG] is paired with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 36, nays 17, as follows:

YEAS—36.

Ashurst	Gooding	Lenroot	Spencer
Ball	Hale	Lodge	Sterling
Bursum	Harris	McNary	Sutherland
Capper	Harrison	Nicholson	Townsend
Caraway	Heflin	Norbeck	Trammell
Colt	Jones, Wash.	Phipps	Walsh, Mont.
Curtis	Kendrick	Pittman	Warren
Dial	Keyes	Pomerene	Watson, Ind.
Glass	La Follette	Rawson	Willis

NAYS—17.

Broussard	Moses	Poindexter	Watson, Ga.
Ernst	Myers	Reed	Williams
Harreld	New	Sheppard	
King	Newberry	Stanley	
McKinley	Oddie	Wadsworth	

NOT VOTING—43.

Bomah	Fernald	McCumber	Shields
Brandegee	Fletcher	McKellar	Shortridge
Calder	France	McLean	Simmons
Cameron	Frelinghuysen	Nelson	Smith
Crow	Gerry	Norris	Smoot
Culberson	Hitchcock	Overman	Stanfield
Cummins	Johnson	Owen	Swanson
Dillingham	Jones, N. Mex.	Page	Underwood
du Pont	Kellogg	Pepper	Walsh, Mass.
Edge	Ladd	Ransdell	Weller
Elkins	McCormick	Robinson	

So the bill was passed.

SERVICES FOR SOLDIER DEAD AT BROOKLYN, N. Y.

Mr. HARRIS. Mr. President, when the transport *Cambrai*, the last ship bringing home from France our precious dead, reached New York, I was one of the members of the Senate committee to meet these boys coming home to await the final reveille in their own beloved land. Pvt. Charles W. Graves, of Rome, Ga., was the last one to come ashore, and for that reason was selected to symbolize the thousand and forty-one soldiers who came with him. The President of the United States was represented by the Assistant Secretary of War. Both Houses of Congress were represented by committees. Several governors of States and many thousand soldiers marched behind the caisson. On the line of march there were several hundred thousand Americans who stood with bowed heads. On some of the streets through which we marched in Brooklyn the residents were all foreigners; most of them could not even speak our language, but their people had helped win the war. They removed their hats and stood with bowed heads as the solemn procession passed. Pvt. Charles W. Graves's remains were taken to Rome, Ga., his old home, and laid to rest by his boy-

hood friends and fellow soldiers of the American Legion, who had offered their lives to their country. Nothing I can say will add to the glory and honor of Charlie Graves and those who gave their lives to their country—they made the supreme sacrifice. They saved our country and the world; yes, civilization for all time; and for all time the heroic deeds of our soldiers will be the proud heritage of the people of our country.

I shall not take the time of the Senate to-day to say more about Charlie Graves and those he symbolized—the whole Nation mourned their loss; but I wish to say a few words about the people of Rome and northwest Georgia, among whom he lived, and whose aspirations inspired him to noble deeds which cost his life on the battle field.

Rome is the commercial and educational center of northwest Georgia, and situated where the beautiful Etowah and Oostanaula Rivers meet to form the Coosa. The city is surrounded by hills overlooking beautiful valleys. It is one of the oldest cities of Georgia, and is the home of Shorter College for young ladies, which is the pride of our State. It is also the home of the famous Martha Berry School for mountain boys and girls, which has attracted the attention not only of our country but of others. Theodore Roosevelt, William Howard Taft, and many others prominent in this and other countries have visited this school, and judging her by the good she has accomplished, I consider Miss Martha Berry one of the most wonderful women of our times. Rome was the home of the beloved Doctor Axson, for many years pastor of the Presbyterian Church, whose daughter was the wife of Woodrow Wilson. It was here she grew to lovely womanhood. Her mortal remains rest in beautiful Myrtle Hill Cemetery, and the memory of her life is dear to all who knew her.

Mr. President, there are no better people in the world than the people of Georgia. It has been my good fortune to spend my life among the people of northwest Georgia, part of the time residing in Rome, and it is in that section, among those people, I hope to spend my last days. That section of Georgia was the home of the Cherokee Indians, and when they left the white pioneers who settled this section were strong men and women, who loved God and obeyed His commandments. Their forefathers had been soldiers in all of the wars of our country, from the Revolutionary to the World War, and their records in war and peace had reflected credit on themselves and their country.

Members of the Rome bar have always been among the leaders of the many great lawyers of our State. I was born and reared in the adjoining county of Polk, which was a part of the Rome judicial circuit, and many of the judges of this circuit would have graced with honor and dignity the Supreme Court of the United States. As a boy I looked with reverence on Judges A. R. Wright, John W. H. Underwood, Joel Branham, and John W. Maddox when they held court in my home county. Judge Wright was a member of the Confederate Congress, and Judge Underwood was a member of the first Tariff Commission. They have long gone to their rest. Judge Branham is one of the grand old men of our State. Judge Maddox ably represented the seventh district in Congress. He retired voluntarily and has the esteem and confidence of our people. He was succeeded by Congressman Gordon Lee, whose devotion to the interests of the people he represents is so well known to you.

Rome was the home of Dr. H. V. M. Miller, one of the most eloquent and talented men of his time, who was elected a Member of this body just after the Civil War. He was the only Senator elected from this section of Georgia until my election. The late Judson Clements, who so ably represented his district in Congress and served as a most useful member of the Interstate Commerce Commission for so many years, lived at Rome. In my public career I have been thrown with many of the leading statesmen of our country, but in my judgment the men I have referred to are the equal of any.

These and many others I could mention have distinguished our section. I would refer to others, but I must not trespass upon the time of the Senate. All of these men were self-made and accomplished great things by earnest effort, and their lives are an inspiration to the youth of our State. I have mentioned only a few of the many thousand I might name of both men and women whose heroic deeds, self-sacrifice, and devotion in their daily work have been equal to any of these. These men I have selected as a symbol of the lives of the people not only of northwest Georgia but of the entire State, just as the body of Charlie Graves was selected as a symbol of the thousand and forty-one soldier dead.

RESTRICTION OF IMMIGRATION.

Mr. COLT. Mr. President, I move that the Senate take up for consideration House Joint Resolution 268, extending the present immigration law for a period of two years. I shall not ask to go on with it to-night.

Mr. HARRISON. Mr. President, before that motion is put, may I ask whether the Senator is going to proceed to-night with the consideration of the joint resolution in case it is taken up?

Mr. COLT. Not to-night.

Mr. LODGE. The purpose is to make it the unfinished business.

Mr. HARRISON. Mr. President, this matter is one of a great deal of importance. Recently the President appointed Mrs. Moore, an expert on immigration, to make a visit abroad and study this subject. When the committee met to consider this joint resolution it was hoped by some of us that she might be invited to come before the committee and give us her views, but the committee did not see fit to invite her. Her report has just been filed, I think only a day or two ago. Some of us have not had time even to read the report, and it is most important that it should be considered in connection with this joint resolution. The Commissioner of Immigration has submitted some amendments to the present law; and I had hoped that the Senator from Rhode Island would not move to take up the joint resolution for consideration until Monday, so that we might have at least two days to read the report of Mrs. Moore. I think courtesy not only to Mrs. Moore but to the President, who delegated her to go abroad and make this study, demands that we should have time to study the report.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I do.

Mr. MOSES. Will the Senator from Mississippi guarantee to read the report between now and Monday?

Mr. HARRISON. I had hoped the Senator from New Hampshire might have time to read it. I have read most of the report, but I really want to study it.

Mr. MOSES. May I ask the Senator another question? Is there a ball game to-morrow?

Mr. HARRISON. I do not know whether there is a ball game to-morrow or not, but I know that if there is a ball game no Senators on the other side will be here to transact the public business.

Mr. MOSES. I know that the Senator from Mississippi will not be here if there is, Mr. President.

Mr. HARRISON. The Senator from Mississippi is generally here, but he never sees the Senator from New Hampshire here.

Mr. MOSES. The Senator from Mississippi has defective eyesight, I know, but I am positive it is not that bad.

Mr. HARRISON. May I ask whether the Senator will not defer taking up this matter until Monday?

Mr. LODGE. No, Mr. President. I think this is a very important matter that ought to be disposed of, because the present law comes to an end on the 1st of June. Has the joint resolution been taken up?

The VICE PRESIDENT. Not yet. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, which had been reported from the Committee on Immigration, with an amendment.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 15, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 14, 1922.

REGISTER OF THE LAND OFFICE.

Mrs. Addie B. McLennan to be register of land office, Wausau, Wis.

POSTMASTERS.

ALABAMA.

Theodore Diederick, Tanner.

ILLINOIS.

Roy H. Horner, Wiley.

FLORIDA.

Walter D. Griffin, Bradentown.
George W. Gleason, Eau Gallie.
Hattie M. Flagg, Lake Wales.
Mary C. Thornton, Ormond Beach.

KENTUCKY.

Robert R. Burnam, jr., Richmond.

MASSACHUSETTS.

James R. Tetler, Lawrence.

MICHIGAN.

Henry M. Cosler, Bear Lake.
Benjamin F. Scamehorn, Bloomingdale.
Jesse M. Green, Roscommon.
John M. Klipp, Watervliet.

NEBRASKA.

Fred H. Herrlein, Deshler.
John T. Bierbower, Giltner.
Allen A. Strong, Gordon.
Harold Hjelmfelt, Holdrege.

NEW MEXICO.

Roy H. Smith, Tucumcari.

NORTH CAROLINA.

Gabriel A. Connor, Belhaven.
James L. Sheek, Mocksville.

SOUTH DAKOTA.

Charles H. McCrossen, Ashton.
Alice S. Eaget, Lily.
Ira D. Winter, Wall.

WYOMING.

Charles A. Ackenhausen, Worland.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 14, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We bless Thy name, our heavenly Father, for the hallowed associations of this day. We are reminded of the tragedy of divine love and the memorial everlasting of the Teacher of men. Clothed with humility, yet filled with power, it is the Father's heart struggling for infinite expression. O merciful God, may we have a noble conception of sacrifice and service. Impress us with the highest ideals of our national life. Strengthen us with a fixed and solemn determination to judge and measure all problems with intelligence and conscience. When life's day is done and it is evening time; when the sunset is flushing the river, the hill, and the shore, by the light of the cross may we find our way to the Father's house. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolution:

Senate Resolution 275.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAMUEL M. BRINSON, late a Representative from the State of North Carolina.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend his funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, As a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had passed with amendments the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate Concurrent Resolution 21 was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate Concurrent Resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House—

to the Committee on Printing.

THE NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. LONGWORTH. Will the gentleman from Michigan yield?

Mr. KELLEY of Michigan. I will.

Mr. LONGWORTH. Is it the intention of the gentleman to press for a vote on the personnel question to-day or to-morrow?

Mr. KELLEY of Michigan. We will move right along and let that come wherever it may.

Mr. GARRETT of Tennessee. The gentleman does not propose to adjourn over if you do not complete the bill?

Mr. KELLEY of Michigan. That is not the intention.

Mr. LONGWORTH. The gentleman will recall that when the Army bill was before the House, by agreement the controverted matters were put over until the last, and the uncontroverted matters were passed upon first.

Mr. KELLEY of Michigan. In the case of the naval bill that could not be done, because everything else hinges on the size of the personnel.

The SPEAKER. The question is on the motion of the gentleman from Michigan.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The Clerk, proceeding with the reading of the bill, read as follows:

PRINTING AND BINDING.

For printing and binding for the Navy Department, $212,250, including not exceeding $50,000 for the Hydrographic Office.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word. I want to call attention to a matter connected with the printing and binding that seems to me is the greatest abuse that comes under any department of the Government. Under the vocational educational arrangement that we have, the other day a young man who had already taken his degree of A. M., as I am informed, was prepared to take his Ph. D. I did not know that in the national training we were going quite as far as that, and I challenge the wisdom of the policy that does so, but he was required to print his thesis. Here is a soldier we are educating, and we have great cries about the soldiers, and under the requirements he had to print 150 copies of his thesis, which is required by Cornell University. They had to ask the Joint Committee on Printing to approve a bill of $482 for printing the thesis of a man we are training to get back to work. I do not know where the trouble is, but the amount had to be approved or the man would not get his degree. So the committee approved it. It seems to me that that is an abuse in handling the printing and handling all the matters with relation to vocational educational training. Such training should stop at least with an A. M. degree. Mr. Chairman, I withdraw the proforma amendment

The Clerk read as follows:

TEMPORARY GOVERNMENT FOR WEST INDIAN ISLANDS.

For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act providing a temporary government for the West Indian Islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, $250,000.

Mr. FESS took the chair.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 6, line 7, after the word "President," strike out the figures "$250,000" and insert in lieu thereof "$343,440."

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. KELLEY of Michigan. Is the additional sum proposed by the gentleman from Iowa sufficient to make up the difference between the amount carried in this bill and the amount that we appropriated for the Virgin Islands last year?

Mr. TOWNER. The estimate, as the gentleman from Michigan knows, made by the officer now acting as Governor of the Virgin Islands, was $384,500. The amount appropriated for this year was $343,440. The Budget arbitrarily cut the amount to $250,000, which is carried in the bill. Really the amount estimated ought to be carried, but I have not offered that amendment, I will say to the gentleman, I have only offered the amount appropriated for the present year.

Mr. KELLEY of Michigan. I will say that the only reason the committee did not include the same amount this year as was appropriated last year was the fact that the Budget Commissioner arbitrarily made a deduction to the amount carried in the bill. The committee has no objection to the amendment offered by the gentleman from Iowa.

Mr. MANN. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. MANN. What was the reason the Budget Bureau made the cut?

Mr. TOWNER. Nothing except the fact that they were making reductions all along the line. In this particular case it would be utterly impossible for the Governor of the Virgin Islands to continue with the appropriation recommended by the Budget Committee.

Mr. MANN. The Budget did not recommend a cut in every case. There are many cases where they recommended the amount of last year's appropriation, and in many cases where they recommended in excess of last year's appropriation. Now, was this just a hit and miss, a guess of the Budget Bureau, or a recommendation wholly without any information whatever?

Mr. TOWNER. I will say to the gentleman that, so far as I know, there was no information except the estimate and the showing by the governor of the islands, which was very complete. That afforded not the slightest ground for a reduction from the amount asked for.

Mr. MANN. Without any reflection upon the Director of the Budget, it sometimes happens that there are cases where some employee of the Budget Bureau, looking over these items, says to himself, What is the use? Cut it out; and that is all they know about it.

Mr. TOWNER. I think the gentleman is very nearly correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. TOWNER resumed the chair.

Mr. LONDON. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 10 minutes. I desire to discuss the bill.

The CHAIRMAN. Is there objection?

Mr. CLARKE of New York. May I inquire if the gentleman is going to stick to the text of the bill?

Mr. LONDON. I am.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, I want to discuss the broader aspects of the controversy which centers around the question of the increase of the personnel of the Navy. Instead of Wilson's fourteen points we have a multitude of treaties. The treaties are confined to the problems of the far Orient. These treaties mean that the United States has announced to the world that it is ready to fight for a place, if not in the sun, then for a place in the Orient; that it is ready to contend for a market in the Orient; that it is ready to fight for the open door to China, so that the Chinese door should be open to anybody and everybody who is ready to invade China. We have openly committed ourselves to the policy which has been followed by European nations, to fight for markets, colonies, and spheres of influence on other continents. Simultaneously with this announcement there has come an agreement that the number of dreadnoughts in the Navy be limited in the ratio of 5 to 8, so far as the principal Asiatic power is concerned.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CLARKE of New York. Does not the gentleman think that this is an improvement upon the policy announced by Mr. Josephus Daniels of wanting to go ahead and develop the Navy until it overtops every other navy in the world? Does the gentleman not think this is an advance really toward peace?

Mr. LONDON. It is better than an unlimited increase of the Navy. It is undoubtedly better than an unchecked rivalry of armament; but the thing that is of primary importance in the consideration of this question is whether the great masses of the American people realize the importance of these treaties, whether they understand their meaning, whether they are ready to indorse this declaration made to the world that the United States will contend for spheres of influence and for markets in the Pacific. That is the really big question involved in the situation.

Mr. Chairman, I have never believed that the Navy of the United States could ever be strong enough to overcome the navy of Japan in Japanese waters. All the experience in the last war has demonstrated that for purposes of defense a small navy is sufficient. In spite of its overwhelming superiority, the British Navy has been unable to successfully attack a single German fort. In spite of overwhelming advantages, the German Navy was never able to capture a single Baltic port from Russia.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. KNUTSON. The British Navy was successful, however, in protecting the coast of Great Britain during the war.

Mr. LONDON. For defense purposes, as I said, the insignificant Russian fleet offered successful opposition to the infinitely stronger German fleet. What I am arguing is that for purposes of defense no large navy is necessary, and those who speak in the name of the defense of the Nation have no right to ask for a large Navy. That is the contention that I make.

Mr. KNUTSON. Then, why a Navy at all?

Mr. LONDON. Oh, the gentleman may as well argue that because he wants a steak he is ready to swallow the ox. From the standpoint of defense, Mr. Chairman, this question of the increase in the personnel is not relevant.

A very strange thing occurred in connection with this discussion, and that is the bringing in of the opinion of the Secretary of State. That is rather significant. What has the Secretary of State to do with this question? Has the Secretary of State agreed to maintain the ratio of 5-5-3? Is it an alliance in spite of the declaration of the Senate that these treaties shall not be considered as treaties effecting an alliance? The argument of the Secretary of State would be relevant only in case we agreed to maintain that ratio instead of providing that the 5-5-3 ratio should be the maximum. The Secretary of State has nothing on earth to do with this question, unless we take it for granted, as argued on the floor the other day—and, by the way, it was by a Democrat—that we must bow to the Secretary of State; that the Secretary of State knows things that we do not know; that the President knows things that we do not know. If it is to be a question of faith in the Secretary of State or in the President, let Congress abdicate its powers. If our legislation is to be based on admitted and voluntary ignorance, we may as well stop legislating.

Mr. Chairman, in spite of all these treaties, the expenditure for the Navy to-day is larger by nearly $200,000,000 than the pre-war expenditure. How can you justify it, not only from the standpoint of economy, from the standpoint of dollars and cents, but from the standpoint of good faith with the world? Is not the United States supposed to lead in the work of peace; and if you are to lead in the work of peace, how can you think of increasing armaments?

When I was interrupted I was about to develop the thought that the United States could never hope to maintain a Navy strong enough to overcome Japan in her own waters. It can not. In order to accomplish that the Navy of the United States would have to be many times larger than that of Japan. Nor is it desirable to keep alive the thought that the United States has any reason to wage war against Japan.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

For temporary employees in the Office of Naval Intelligence, $13,280: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except two persons at $2,000 each.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

There has been so much question raised with reference to the accuracy of certain information which has been given out both by the Navy Department on the one hand and by the chairman of the committee that presents this bill on the other hand that under this item with reference to naval intelligence I wish to

discuss for a few moments the question of the accuracy of that information.

In the first place, I want to say that nothing in my remarks ought to be considered as any reflection upon the officers of our Navy. It is greatly to their credit that they are wrapped up in their profession; that they look at everything through naval spectacles, magnifying the dangers which threaten us and minimizing the resources of our own country. And it is greatly to their credit that they should think that over and above all the matter of naval affairs transcends everything in importance. But it would be little to our credit if we accepted every statement that is made by them without verifying the information so given.

I make this statement in view of the fact that we have had repeatedly in the past wrong information given us by the Navy Department, information that has been in turn given here on the floor by members of the Naval Committee and those that are interested in the bills which were before us. A very striking example of the carelessness, at least, of giving us information is found on page 456 of the hearings, from which it appears that in 1919 Captain Leigh presented the committee with a table showing there were 3,000 chief petty officers in the Navy. As a matter of fact it is now conceded that at that time there were 12,600. In the discussion on the naval bill in 1920 that occurred in this House a member of the committee stated that France was building nine dreadnoughts. Why did he state that? Because he had received the information to that effect from the Navy Department. Was it correct? It was not. France had not so much as laid the keel of any dreadnought, had not as much as lifted a hammer on any dreadnought.

During the course of that same discussion I stated that England was not then building any capital ships, and a member of the Naval Committee on the other side rose and corrected me. He said he hoped I would not place any credence in newspaper rumors that England was building no battleships. The gentleman was entirely incorrect. And why did he make that statement? Because the officers of the Navy had informed him that England was building capital ships at that time. Was it a fact? It was not. England had not laid down any capital ships since 1911 or been engaged in building any, and everyone now knows that to be the real fact.

Now, Mr. Chairman, we have had some dispute here as to the number of men in the personnel of the English Navy. On March 16, in the House of Parliament, Mr. Amery, the financial secretary to the admiralty, gave out the official statement that the number of men in the English Navy would be 98,500, which is the number that was given by Mr. KELLEY, the chairman of the committee that presented this bill. Did the Naval Intelligence Bureau know this? If they did not they were woefully ignorant. If they did, why did they give the Members of this House the statement that has been repeated here on this floor that the personnel of the English Navy was 104,000? When they talk about England maintaining 18 capital ships in commission——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes further.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes further. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. When they gave the Naval Committee the information that England expected to maintain 18 capital ships in commission, did they know that in this same statement made by Mr. Amery, and also in the statement made by Lord Lee, the First Lord of the Admiralty, in the British official White Paper, it was said that only 15 capital ships would be maintained in full commission? If they did not know these things they were woefully ignorant. If they did know them, they have been misinforming the House and the Members of the committee in the same manner as they have before.

The trouble is that these gentlemen are so much interested in their profession—and it is to their credit—that they are——

Mr. BUTLER. Did I understand the gentleman to say that it was officially stated that on the 15th of March of this year by the first English admiralty officer that England only intended to keep 15 ships in commission this year? I did not understand exactly what the gentleman said, and I would like to have him repeat it.

Mr. GREEN of Iowa. That statement was made on March 1, as I remember, and published in the London Times of March 2 by Lord Lee, the First Lord of the Admiralty. The gentleman from Michigan [Mr. KELLEY] can verify it. He has the paper right on his desk—if the gentleman wish to look at it—that contains the information that only 15 capital ships would be kept in full commission.

Mr. BUTLER. I thank you very much.

Mr. ARENTZ. Will you please explain what you mean by full commission? Does that mean that the same number of men shall be on the ship that were on the ship during the time of war, looking through binoculars for submarines, and so forth?

Mr. GREEN of Iowa. Oh, no.

Mr. ARENTZ. What do you mean by full complement?

Mr. BUTLER. I do not know how many men England places on a ship that is held in reserve, but even the ships which are rated as being in full commission in times of peace do not carry their war complement. The same statement which was made by Mr. Amery, and to which I have before referred, carried also the information that the complement of the Atlantic Fleet would be reduced by 16 per cent, and that the complement of the Mediterranean fleet had already been reduced in proportion.

Mr. KELLEY of Michigan. What is the war complement of the *Queen Elizabeth*?

Mr. GREEN of Iowa. I will have to ask the gentleman for that information, as I am not sure I could give it exactly. It is about 1,200. I can not give offhand the complement of each British battleship.

Mr. KELLEY of Michigan. I understand about 1,200. Fifteen per cent of that would bring it down to about 1,000.

Mr. GREEN of Iowa. To be exact, it is a little over 1,200.

Mr. KELLEY of Michigan. I think it is about 1,200. We put on an average, in this bill, 1,014, and 100 marines besides.

Mr. GREEN of Iowa. The gentleman is well aware our ships carry, as a rule, a larger complement than those of England. I do not understand why. I do not know why the American sailors are not just as competent in their work on a ship as those of England, but for some reason they have always carried a larger complement than the ships of England.

Now, Mr. Chairman, I trust in the discussion on this bill we will use a little common sense. We expect the naval officers to be not only somewhat prejudiced by reason of the fact that their advancement and success is to a certain extent wrapped up in these bills, but also by their zeal for their profession, and are inclined here, in England, and elsewhere to magnify the dangers and also the numbers of the forces of the foreign nations.

Now, a table has been given out as to how many men Japan has. I do not know where anybody got that. I do not understand how it can be obtained. Japan gives out no official figures in reference to the number of men she has on her ships. A chart has also been presented here showing the number of tons that England will have in commission and the number of tons we will have in commission under this bill and the number of tons Japan will have.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. May I have two minutes more?

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I do not know any way in which it can be figured out, taking the 15 largest ships that England possesses, that they would have the number of tons in commission that are given on that chart, nor do I know any way, using the number of tons that represent the largest ships of Japan and the number of capital ships Japan has, by which it can be shown that Japan can have that many tons in commission.

Mr. Chairman, in no other country are statements of naval experts accepted as final. If we are to accept them as final, we might as well abdicate our function, so far as the Army is concerned, because on the same principle we should accept all that the Army experts say, which we have refused to do. In every first-class power the civil authority is above the military authority, and in every first-class power and by every legislator of such power it is recognized that the civil authorities not only control but they ought to consider the natural prejudices which exist in the minds of military and naval experts, and which influence the statements which they make. [Applause.]

Mr. MONDELL. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, the statement that the gentleman from Iowa [Mr. GREEN] has just made relative to the testimony given by officials of the Navy at one time and another as to the number of petty officers in the Navy brings to mind a

series of more or less painful recollections. If one questions why some of us take with some little measure of allowance the statements made by so-called experts, if there is any question in the mind of anyone as to whether or no we should accept as gospel what some of the experts say, let them search their own experience with regard to so-called expert testimony.

One in a position of responsibility here has, first and last, a good many more or less trying experiences. One is frequently called upon to take a position which subjects him to criticism, which frequently presents him in a false light before the country and often tends to make life uncomfortable. I remember one such experience when in the late fall of 1919 a great drive was started for the increase of the pay of the officers of the Navy. I was in sympathy with all that was said and all that was urged in behalf of these officers, for certainly the world never saw a more gallant set of men, the world never witnessed more heroic service than that rendered by the American fleet and the American Navy during the war [applause], and particularly that portion of the Navy which operated in the North Sea with the British fleet and that served in the sea lanes haunted by the sea wolves. And so these appeals found a sympathetic echo in my mind.

But I felt some responsibility to the taxpayer, to the man who pays the bills, as well as to these gallant sailors. It was said, "The high sea pay of the war no longer prevails; prices are high; the cost of living is great; these men must have an increase." Well, I may have been stubborn in my opposition. I was, I admit, hard to convince.

I found it difficult to bring myself to believe that under all the circumstances there should be an increase in the pay of all the officers of the Navy. But finally the appeal took a somewhat different form. It ceased to be made on behalf of the higher officers of the Navy. It come to be urged only on behalf of the commissioned officers of low rank and with great earnestness on behalf of the petty officers, the men down in the stoke room, the skilled men doing the hard work and having the heavy responsibility; the men of fine ability and capacity as skilled machinists or engineers, as practical workers, the men upon whom we must depend to keep the great complicated fighting machines of the Navy afloat. I listened to the appeal of some of the individual members of these corps, and I finally concluded that whatever might be the fact with regard to the commissioned personnel, there was a condition which warranted and demanded an increase of pay for these efficient, brave, working forces of the Navy.

The man who above all others, at all times and under all circumstances, urged these increases was the gentleman from Michigan [Mr. KELLEY]. He haunted my footsteps. He appealed to me with great earnestness, but always in perfect good nature. He was insistent; he was persevering; he never let up. He said, "This must be done, at least for the noncommissioned officers of the Navy. These fighting, working, efficient men must be better paid." In the meantime a large part of the press of the Union was aimed at Congress to compel us to increase the pay of the Navy all along the line, and as it was understood that other gentlemen in positions of responsibility were favorable to the increases asked the pressure came on the floor leader, the chairman of the steering committee, and for several months I was perhaps the best abused man in the Union.

The Navy would sink; the Navy could not function; the Navy would have to be tied to the dock if this was not done. This and much more along the same line was dinned into our ears continuously. Officers of the Navy, from admiral to captain, urged the increase of pay.

Gentlemen appeared before the committee of Congress, and Captain Leigh, in the presence of the Secretary of the Navy, gave testimony in support of Mr. KELLEY's bill, and his contention was that the pay was so low and the demand elsewhere at high wages for these trained men was so great that they were being drawn from the Navy into private employment at a rate that imperiled the Navy and the Nation. He said their numbers had been reduced to 3,000. That is the number; 3,000. Secretary of the Navy Daniels and Captain Leigh, experts, said, "We must save the Navy from this peril." I agreed that the pay under the circumstances for these men was low, and I was greatly impressed with the statements that the Navy would cease to function if the skilled men deserted in such numbers. I finally said to the gentleman from Michigan [Mr. KELLEY], "So far as I am personally concerned, I will help you increase the pay for the petty officers, but for the present for no one else," and eventually a bill was introduced and passed this House to increase the pay of the petty officers. During that discussion we understood that this would cost a few millions. That is my recollection.

The bill passed the House to increase the pay of the petty officers. It did not increase the pay of any petty officer. "Add a few millions to the pay of the Navy, or the Navy can not function. There are only 3,000 of these highly skilled men remaining." That was the statement that was made. The bill passed the House and went to the Senate. In the Senate it was broadened and expanded and increased just as the bill now before us will be, until it embraced not only the petty officers but a large part of the commissioned personnel of the Navy, the Army, the Coast Guard, the Public Health Service, and it came back to the House. As the bill passed the Senate I have no idea how much it might have cost. Again we were subjected to criticism by practically all the maritime newspapers of the country because we were not willing to pass the extravagant Senate bill. Finally we reached a compromise under which the increase of pay covered the petty officers and the lower grades of all these establishments, the commissioned officers as high as commander in the Navy, and lieutenant colonel in the Army, as I recall.

Mr. BUTLER. Colonel.

Mr. MONDELL. Colonel in the Army.

Mr. BUTLER. And captain in the Navy.

Mr. MONDELL. And that increase was insisted upon on the claim that the cost of the increase would be less than $40,000,000 per annum. That was stated repeatedly on the floor of the House. We had it on the highest authority, expert authority of the War Department and the Navy Department, that under no circumstances would it go over $40,000,000. Our increase of a few million meant for the real workingmen of the Navy had grown to $40,000,000, but that was the last dollar that it could possibly amount to according to the testimony of all the experts of all the services. The fact is that legislation has cost us or will have cost us up to the 1st of July $140,000,000, or at least $70,000,000 a year. In the beginning it was to cost perhaps $10,000,000, according to the expert testimony, and it was urged by everyone in these establishments, aided and abetted by all the metropolitan newspapers of the country, abusing Congress and particularly abusing a few men in Congress as hard-hearted and shortsighted. Now it is costing at least $70,000,000 a year.

Now, how about the 3,000 men on account of whom we were first persuaded to give these increases?

During the discussion of the bill now before us Captain Williams appeared before the committee. This was just a few weeks ago, in the consideration of this bill. He said:

> In the hearing on November 12, 1919, in connection with the pay bill of 1920, Captain Leigh submitted a table showing that there were 3,000 chief petty officers in the service; also certain requirements for various sized navies. These figures, according to Lieutenant Commander Soule, are based on estimates of a very vague character. They were so manifestly in error that a count was made as of November 15, 1919, and it was found that there were 12,668 chief petty officers in the service.

It will be noted the statement of Captain Leigh was November 12—three days later the count was made.

Did they come to Congress and correct the mistake as between 3,000 and 12,668? They did not. When the statement was made it was probably not an intentional misstatement, but when it was allowed to go into the printed record when it was known it was not true, it must have been intended to mislead, and it did mislead the Congress.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. In just a moment. As further evidence of the value of the testimony of experts, Captain Williams, who gave this testimony, went on and said, referring to the difference between the two statements—

> I have no more faith in 12,668 than I have in any other figure.

He did not know whether either of them was correct. Yet gentlemen follow the experts and tell us we must.

Mr. KELLEY of Michigan. Will the gentleman read the remark that I made in connection with that proposition?

Mr. MONDELL. Yes; I will read it:

> Mr. KELLEY. Does that say that there were 12,000 chief petty officers at the time Captain Leigh made this statement?
>
> Captain WILLIAMS. Yes, sir.
>
> Mr. KELLEY. I think Captain Leigh's statement is nearer correct.
>
> Captain WILLIAMS. Maybe so.
>
> Mr. KELLEY. Otherwise there would not have been any occasion for your coming down here and getting an increase of pay. That was the basis on which it was made.

The increase of pay was based on the facts, practically sworn to before this committee, that there must be an increase of pay because the men were leaving the Naval Establishment and there were only 3,000 of them left, and we must increase the pay in order to keep the Navy afloat. That statement was made in every newspaper published in this eastern section. "You have got to do it to keep the Navy afloat. There are only 3,000 of these men."

Mr. MADDEN. Captain Williams is Chief of the Bureau of Navigation, is he not? So he ought to know.

Mr. BUTLER. No; he is assistant.

Mr. MONDELL. Captain Leigh was sent here as the expert to testify before Congress, and he did testify, and his figures were just one-fourth of the figures said to have been developed by an actual count. On those figures of Captain Leigh Congress passed the bill which has cost us $140,000,000.

Mr. KELLEY of Michigan. I wish the gentleman would read what I said further.

Mr. MONDELL. I will if I have the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. I ask unanimous consent that the gentleman from Wyoming may have five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Wyoming be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Now remember that the man who took more interest in this increase of pay than any other, the man who is largely responsible for the act, was urging it on the statement of the experts, because he felt his responsibility under the circumstances. That man, the gentleman from Michigan [Mr. KELLEY], made this statement at the recent hearings, when Captain Williams testified:

> Mr. KELLEY. I know that we started in 1919 to readjust the pay because the number of skilled mechanics was not sufficient. That was in 1919, and it took us quite a little while to get it through. It was a difficult job, but we finally did get it through, and we based the whole argument—I made the argument at the time—to the House on the fact that there was a tremendous shortage of skilled mechanics. If you had had 12,000 chief petty officers at that time, I would never have taken control of the bill.

That is the statement of the gentleman from Michigan. Now I yield to the gentleman from Virginia.

Mr. MONTAGUE. I ask this for information: Did the gentleman state that the increase in the Navy alone has been $140,000,000?

Mr. MONDELL. No; in the four services.

Mr. MONTAGUE. What was the increase in the Navy?

Mr. MONDELL. About $15,000,000 I am told. I am under the impression it is more. That is not provided for in this bill because the pay bill expires on the 1st of July.

Mr. BUTLER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BUTLER. I sat on that conference on the bonus bill, and does the gentleman mean to say that the increase was $140,000,000?

Mr. MONDELL. Up to the 1st of July.

Mr. MONTAGUE. But only $15,000,000 for the Navy.

Mr. MONDELL. It started just as the demand for modifications of this bill started. It started on a claim that all that was wanted was a few millions "absolutely necessary to keep the Navy afloat"—the so were the words that were used repeatedly. It was absolutely necessary, we were told, or the Navy would have to be tied up, and it finally reached four services and all the officers up to colonels.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CONNALLY of Texas. Does the gentleman mean to say that the Navy represented that there were only 3,000 petty officers when in fact there were 12,000?

Mr. MONDELL. We have the testimony both ways.

Mr. CONNALLY of Texas. Was there not anyone on the Naval Committee that keeps posted so that they know whether there are 3,000 or 12,000 officers?

Mr. MONDELL. They were taking the testimony of experts. And now it is said we must take the testimony of experts. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau; and

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes. I occupied no time in general debate.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, those of us who are interested in this bill are wondering why the sole question involved here of what enlisted personnel we need in the Navy should be shifted, and we go back an untold period of years to determine something about some petty officers. [Applause.] On the unsupported testimony of one side it would seem that they were not able to count the number of petty officers. That is not a matter of expert opinion at all; that is simply counting. Why should these gentlemen, if they are willing to face this question of personnel, seek to befog the issue and go back two years to talk about petty officers? Have we not enough here of this question to engage our attention? Is not this enlisted personnel question confronting us? What has that to do with the petty officers some unknown years ago?

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DEMPSEY. I will yield to the gentleman.

Mr. MOORE of Virginia. The gentleman is a distinguished lawyer. Does he not think that it tends to illustrate the value, or the lack of value, of expert testimony?

Mr. DEMPSEY. I do not think so at all, and I do not think that the gentleman, who is an able lawyer, if a mistake was made by some unknown person on a question would claim that it should be taken as a precedent in a court of law. He very well knows that it would not, and that it would not carry a feather's weight.

Now, gentlemen, let us take the statement of the distinguished chairman of the subcommittee, for whom I personally, and I believe this House, has the highest respect. If the figures in this bill are to succeed, if the chairman of the subcommittee is to carry this number, it must be upon his speech. He addressed this House with rare eloquence. The question is whether he did it upon logic, upon figures, and that is what I want to examine and not the petty officers of two or three years ago. [Laughter and applause.]

First, let us take the chairman's first statement. The committee does not come in here urging that we must stand by the Budget. They could not defend that claim, because the first statement of the chairman of the subcommittee was that this bill carries $233,000,000, and that that was a cut of $192,000,000 under the Budget estimate. Ah, but you say the chairman afterwards said that that was previous to the settlement of the disarmament conference. That is true, but as the result of the disarmament conference, what was cut out? Simply the construction program, and we appropriated last year $90,000,000 for the construction, and that was all. So they have cut off $102,000,000 from the Budget, aside from construction, and they can not urge the Budget as a reason for sustaining the bill.

The chairman next says, "I assume we should maintain an 18 capital ship program." And then he says—and I call your attention to his language—"on this, and this only, we were in accord with the department." He says the naval experts disagree as to the number of men needed to man the battleships, and what does he say about them? In the next sentence the chairman of the subcommittee says "they are capable and patriotic men." They are not the kind of men described by the Republican leader; they are not the kind of men described by the gentleman from Iowa. We have the characterization of these men by the chairman of the subcommittee, and his is the language I have quoted. He says these experts are not only "capable but patriotic men." So we start out with these men—"capable and patriotic men"—advising a larger enlisted personnel than the chairman of the subcommittee reports.

The chairman, however, rejects the advice of all of the naval experts, and says that the way to determine was to count and see how many men they had on the battleships on a day which he selected, and he says they had 48,000 men on the capital ships. He says they had 19,861 men on the subsidiary ships, and he says the subsidiary ships were "only half manned," and then he asks why should not the Navy Department have drawn from the ships only half manned enough men to make up the full complement for the capital ships?

Mr. KELLEY of Michigan. Did the gentleman say——

Mr. DEMPSEY. I will yield to the gentleman in a moment. Let me give the gentleman's own words. Here is what the gentleman said:

> If they had not enough men on the capital ships, would they not have taken off enough from their surplus destroyers?

The surplus destroyers in the gentleman's own language were only half manned.

Mr. KELLEY of Michigan. Certainly, and they should not have been manned at all; simply laid up with caretakers. They are a surplus above the treaty Navy.

Mr. DEMPSEY. Oh, in the name of common sense, in the name of all that is fair and reasonable, how in the name of the eloquence, even defying logic, which the gentleman used, can he say that the destroyers of the United States, all of the ships except simply the capital ships, should be absolutely abandoned, to go to destruction? [Applause.]

Mr. KELLEY of Michigan. Just a moment——

Mr. DEMPSEY. Oh, I have not finished my quotation. When I do I shall yield.

Mr. KELLEY of Michigan. Just a moment right there, before the gentleman goes on.

Mr. DEMPSEY. Wait a moment, and then I will yield. Then the gentleman followed that by this statement:

> Do you think the naval officers permitted the capital ships to go unmanned when 19,181 were carried on vessels only half manned?

And he called that a reservoir. He calls this well, which has been half exhausted, these ships which were half manned, these ships that did not have enough men on them to protect them—he calls them a reservoir. In the name of common sense, in the name of anything except the great eloquence with which the gentleman from Michigan presented this question, how can you draw from such a reservoir as that? [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I do. And I am going to ask for five minutes' additional time.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent that he be permitted to proceed for 10 minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from New York be extended for 10 minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. The suggestion that I made the other day was that if they were short of men on the capital ships the natural thing would be to take them off the destroyers, which were only half manned anyhow, and could have been laid up entirely.

Mr. DEMPSEY. The gentleman said that 204 of them were half manned, and he would draw the men off these ships that did not have enough men on them to preserve them.

Mr. KELLEY of Michigan. But the Navy Department does not propose to keep them in commission next year, does it?

Mr. DEMPSEY. Oh, that does not answer it. They are going to abandon all but 103, but that is no answer at all, and the gentleman knows it.

Mr. KELLEY of Michigan. I just want to get the thing clear in the gentleman's mind——

Mr. DEMPSEY. Oh, there is no doubt about that. The matter is clear in my mind. There is not even a fog. Even the gentleman's eloquence could not obscure it.

Mr. CLARKE of New York. The gentleman has quoted the exact language of the gentleman from Michigan?

Mr. DEMPSEY. I have quoted it literally from the RECORD.

Mr. KELLEY of Michigan. This is the point I want to call to the gentleman's attention——

Mr. DEMPSEY. I don't think the gentleman has a point.

Mr. KELLEY of Michigan. That might be so. A point is not large. This is what I would like to ask the gentleman: If next year they are willing to place 200 destroyers out of commission entirely, without any men on them, how does the gentleman say that it would have hurt those destroyers to have taken enough men off them to make up what they claim they were short on the capital ships?

Mr. DEMPSEY. I think that is in line with the gentleman's logic.

Mr. KELLEY of Michigan. I would be under great obligations to the gentleman if he would answer the question, if he can.

Mr. DEMPSEY. I am going to answer it. Give me a chance. The gentleman says that because we had these ships and we had not agreed to give up any of them, because the disarmament conference had not been called and had not sat, because we did not know that we were going to abandon one of those ships, because we were only then equal to Great Britain and far below Japan, before we had made any agreement at all we should have abandoned a large part of the Navy of the United States. Is that logic? Is that anything but eloquence? Does that stand examination? Does that stand a calm review of reason? That is the reason he says they could have taken men off these ships, because before we had decided on any policy of abandonment of any of them we should have abandoned a part of them.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Oh, all of the gentleman's speech is founded on just that kind of logic and is not a whit more substantial.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. OLIVER. The gentleman will recognize that last year we had in commission many submarine chasers and what are known as Eagle boats, and that the Navy Department recognizes now that they have no military value whatever. Does the gentleman think it would have hurt to take the men off those ships that have no military value and transfer them to the battleships?

Mr. DEMPSEY. Oh, the gentleman from Alabama has asked a question which, as a member of the Committee on Naval Affairs, he ought to know is not fair. He knows that on the ships of which he is talking there were a little over 3,000 men. Could you draw 12,000 men from 3,000? The gentleman knows it could not be done.

Mr. KELLEY of Michigan. The gentleman thinks it would be better to take them off the battleships and leave them on the subchasers?

Mr. DEMPSEY. I think that that statement, illogical, unsound, having no relevancy to anything that has been said, is just as sound as any part of the gentleman's argument. Here is the gentleman's conclusion. He says:

> If they had that reservoir of men from which they could have drawn and failed to do so, it convicts them either of having enough or else not properly administering the Navy.

Let us answer the two charges. Let us take the charge of not having properly administered the Navy, and to answer let us quote the very next sentence of the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. I answer the second charge of improperly administering the Navy in the language of the gentleman from Michigan. He followed what he said by this sentence:

> And I know they are capable and patriotic men.

So, being capable, having the ability to administer the Navy, being patriotic, wanting to administer it well, there can not be any question that the charge that they administered it improperly is without any foundation of fact whatever. He says it must have convicted them of having men enough in this great reservoir. We have examined that charge of the reservoir, we have found of what the reservoir consisted, and we have found there was not any such reservoir at all. So the gentleman is wrong in both of his bases for bringing in the 67,000 men.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. GREEN of Iowa. The gentleman quoted the gentleman from Michigan as stating that with the complement of men he allowed the battleships would be only half manned. I am sure the gentleman did not intend to do that?

Mr. DEMPSEY. Oh, no; I did not say that. I said that the destroyers were only half manned and that he was going to draw from the destroyers.

Mr. GREEN of Iowa. Has the gentleman considered the number of men it requires to man a battleship?

Mr. DEMPSEY. I am no expert on that; neither is the gentleman. He lives so far away that he knows that these far-shooting guns can not reach him. [Laughter.] He feels secure, and does not pretend to be an expert, and his opinion is not worth anything.

Mr. GREEN of Iowa. The gentleman knows that I did not state those matters as a matter of opinion. I stated the official figures.

Mr. DEMPSEY. They are all against you. You have not a man with you who is an expert on the question. Every officer in the Navy, the Secretary of the Navy, the President, and all others who have knowledge and experience are on the other side. [Applause.]

Mr. GREEN of Iowa. The same gentleman that told us that France was building nine battleships.

Mr. DEMPSEY. I do not know anything about that except what the gentleman from Iowa said on the floor this morning, and we are not going to decide the case on an ex parte statement. You may just as well be wrong in your statement as the other side. I heard the gentleman the other day in a

colloquy with the gentleman from Texas as to helium, and we found out when he came on the floor that he knew the facts and that the gentleman from Iowa was mistaken. And we are confident that he is mistaken this morning, able and experienced legislator as he is and as I recognize him to be.

The gentleman says there are 48,000 men afloat on the battleships. I would like the attention of the chairman of the subcommittee to this. The chairman of the subcommittee stated positively that there are 48,000 men afloat on battleships.

Mr. KELLEY of Michigan. Oh, no. I never said anything of the sort. The report gives the exact number, 18,250.

Mr. DEMPSEY. You said there were 48,000 men——

Mr. KELLEY of Michigan. Not on capital ships.

Mr. DEMPSEY. Afloat in the Navy. Which did you say?

Mr. KELLEY of Michigan. What class of ships is the gentleman talking about?

Mr. DEMPSEY. Here is what he said:

So we have allowed 50,000 men for the Navy afloat, which is a couple of thousand more than are carried to-day on the ships comprising the 18 battleship fleet, as set forth in the committee's report.

Mr. KELLEY of Michigan. That is correct.

Mr. DEMPSEY. The gentleman is very positive in that statement, but I would call his attention to the fact——

Mr. KELLEY of Michigan. Those figures were furnished by the Navy Department.

Mr. DEMPSEY. Let me show you that you were probably wrong about that, and that you admit you are wrong about it. A little later in the debate the chairman of the subcommittee was asked how many men there were afloat in the Navy to-day, and he said:

Why, I have been trying to find out for weeks and months. I have been making all the investigation possible for a man to make, and I am unable to this present hour to ascertain. One report is that there are 67,000 and the other is that there are 71,000.

Mr. KELLEY of Michigan. Does the gentleman say that the discrepancy I point out does not exist?

Mr. DEMPSEY. I think it is correct that you do not know; yes. [Applause.] I think it is correct that you do not know in both instances. I think it is correct that you do not know enough about the men on the capital ships, and that you do not know any more about the men afloat. I think you do not know about these matters, and that you ought to rely on the experts and officers that do know.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Does the gentleman deny the fact that these figures set down in the report are the figures furnished by the department as of the number on those various ships on the date mentioned?

Mr. DEMPSEY. The gentleman from Wyoming and the gentleman from Iowa [Mr. GREEN] say that these officers of the Navy do not even know how to count. That is the basis on which you are going to the House.

Mr. KELLEY of Michigan. What do you say?

Mr. DEMPSEY. You say they can not even count the number of men.

Mr. KELLEY of Michigan. I asked a simple question. Is the number set down against each ship in this report the number the Navy Department gave the committee or not?

Mr. DEMPSEY. I do not think the gentleman is correct, because he says he has been trying to find out the number of men afloat for weeks and months past, and that he is utterly unable to find out.

Now, gentlemen, just one moment and I will conclude. As the result of a great conference which marks a period in the world's history the United States, the most prosperous and, without boasting, let us say, the greatest Nation in the world, for the first time in its history of over 130 years has reached the proud position where it is conceded an equality upon the seas with Great Britain, although we have heard time out of mind that Britannia ruled the waves. And having gained that great position, having won that proud eminence, having been placed where we have the right to be equal to Great Britain, it is now proposed——

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. DEMPSEY. I will yield in a moment.

Having reached that proud position, it is proposed that we voluntarily abandon it.

Now, figures are not misleading. You can not disguise the fact that, taking the figures of the chairman of the subcommittee, of 98,500 there are 38,000 men—civilians—who man the English colliers and the other subsidiary ships, and so it brings the number of men in the English Navy far above 67,000, even if we include the marines, which properly should not be included.

Mr. KELLEY of Michigan. The gentleman did not mean 38,000 men, did he, on the British colliers?

Mr. DEMPSEY. On the British colliers and subsidiary ships.

Mr. KELLEY of Michigan. Is that the statement of the Navy Department?

Mr. DEMPSEY. That is the statement of the gentleman from Tennessee, whom I regard as the best authority on this question in the United States.

Throughout this debate there has been underlying it a criticism of the officers and enlisted men of the American Navy, on the ground that they are wrong in their estimates, and willfully wrong; that, in the language of the gentleman from Wyoming [Mr. MONDELL], they have failed to make corrections when they discovered mistakes; and for that reason it has been urged that we should abide by the committee's report. Why, there is not one of us who is not proud of the record in history of the American Navy. [Applause.]

There is not one of us who does not look with pride at the Navy from the time of John Paul Jones down to Admiral Sims, and with the confident and unfaltering belief that the American fleet of the future will equal the Navy of the past in its glory and in its defense of the United States. [Applause.]

Miss ROBERTSON rose.

The CHAIRMAN. The lady from Oklahoma is recognized.

Mr. OLIVER. Mr. Chairman, later I wish to be recognized in opposition to the pending motion.

Miss ROBERTSON. Mr. Chairman, you know when a woman goes into a new room and waits awhile she is always looking around and thinking what she would do to improve its furniture. [Laughter.] I would like to improve the furniture of the House of Representatives. On either side, both on the minority and on the majority side, and in view of every Member, I would have a map of the United States. [Applause.] If that map were there to-day, as I would like to see it, at the center of the United States I would put the great big red heart that is the emblem of Kansas City. [Applause.] That is because it is the center of the country. You know east and west on the two coasts you have the arms and legs. New York may claim to have the brains, hidden in a careful skull. But we in the Middle West have the great pulsating heart that sends the red blood throughout the body. We raise the food to nourish the national body. We are not to be despised, and we are not necessarily in favor of a small Navy, even if we are inland.

I have some figures here, but I am not going to read them. They say figures do not lie. These figures tell how many men were in the Navy from those States of the Middle West, reaching over as far as Wyoming, where the great plains, spreading like the waves of the sea, would call upon the young men to think of the sea, perhaps, and hear its call. [Applause.] Of our boys in Oklahoma there were 637 who went from my own district, composed of eight counties, and Oklahoma had about 7,000 men in the Navy during the war.

I saw many of those boys go. They went and made a splendid success of their service. I was laughing a little not long ago about our boys who went to war. I said, "It cost me a little more to send a sailor boy to the war than an Army boy, because the Army boy had only to have a Testament; that is all he could put in his old kit bag, while a Navy boy's pack would take a whole Bible. [Applause.] They came back well trained, so many of them, and it is good training, this training that the boys receive in the Navy, where Oklahoma still had last year 1,500 in the service.

Mr. DEMPSEY. I would like to call attention to the fact that the number of men in training is cut down from 5,000 to 2,000 in the bill as reported by the committee.

Miss ROBERTSON. I thank you. I can not give you more figures now, for lack of time. I have just had my orders through one branch of the most powerful lobby in Washington. "The most powerful lobby in Washington," the woman's lobby—these figures I have not time to give—put down here all the millions of expert women who say what Members of this House are expected to do. Here are the orders that I got this morning from one branch of this lobby of women experts. [Laughter.] I read:

1749 Corcoran street, Washington, D. C., April 13, 1922.

It was addressed on the outside "To the Hon. ALICE M. ROBERTSON," but it says here "Dear sir." [Laughter.] And there is going to be one less member, probably, of the American Association of University Women. I plead guilty to membership.

That association has a number of local branches in your States, too, gentlemen. I read:

1749 CORCORAN STREET,
Washington, D. C., April 13, 1922.

DEAR SIR: The American Association of University Women, which has a number of local branches in your State, in convention assembled on April 8, 1922, in Kansas City, Mo., passed a resolution earnestly urging Congress to take immediate steps for the reduction of our Army and Navy. We therefore ask your support for the Kelley naval appropriation bill now pending before the House.

Respectfully,

LAURA PUFFER MORGAN,
MRS. RAYMOND MORGAN,
Legislative Representatives.

It seems the Army bill and the Navy bill did not give to some members of "the most powerful lobby in Washington" all they wanted in the way of high-priced welfare jobs. They had women in the Conference on the Limitation of Armaments. We understood they were of the utmost value in helping out in that conference; that they collated facts and figures, I believe. We have heard that the estimate for the Navy is based largely on what grew out of that conference. Kansas City, holding still another convention, is again heard from. I quote this from last evening's Washington Star:

PROPOSED AS VICE CURB—DR. VALERIA H. PARKER ADVOCATES WOMEN'S ACTIVITY IN POLITICS.

KANSAS CITY, Mo., April 13.—Active participation of women in politics as a cure for vice was urged by Dr. Valeria H. Parker, executive secretary of the United States Interdepartmental Social Hygiene Board, at the public health institute being held in Kansas City.

Doctor Parker said she did not advocate "women of the type of Representative ALICE ROBERTSON, of Oklahoma, for office." Miss ROBERTSON, she said, "has not the viewpoint that women want, but purely a financial view. Women who will push legislation against all forms of vice are needed."

[Laughter.]

You will note she says, "Miss ROBERTSON has not the viewpoint that women want, but purely a financial view." [Laughter.] She has been too economical to suit the most powerful lobby in Washington. She has not voted to carry out extravagance.

The CHAIRMAN. The time of the lady from Oklahoma has expired.

Mr. PARKER of New York. Mr. Chairman, I ask unanimous consent that the lady may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Miss ROBERTSON. She has not met the approval of the most powerful lobby in Washington because she has felt that in these times of need and stress she, who has lived close to the farm women and children of that most wonderful State which she represents, should consider their condition. Ours was not a profiteering State, because Oklahoma gave everything in the war and received no financial gains from it. In eastern Oklahoma we had not a military camp. In the whole State we had not a munition factory, nor airplane works, nor steel mills; we had absolutely nothing to bring us easy money, but we raised the food, and we sent our red-blooded men to help. [Applause.] And because I have been near to these farm people who sent me here—it was not the rich towns of my district; it was the men and the women on the farms who sent me here—I have voted to reduce in every way that I possibly could the taxation that would come on our people. [Applause.]

Miss ROBERTSON—

She said—

has not the viewpoint that women want, but purely a financial view.

Am I so rich from saving the money that might have been spent on educating children, and that sort of thing; they doubtless have looked into my record and found how much wealth I have accumulated by withholding from those who needed help.

Women who will push legislation against all forms of vice are needed.

[Laughter.]

And so I am thinking of those red-blooded boys down there and thinking of the people of Oklahoma. We believe in the Navy. We believe in our country. Look at the map with me. We have no shipyards. [Applause.] We have no labor question, of votes of men working in the shipyards, to consider at all in this. But the administration gave the women a representation in the Conference on the Limitation of Armament. As I understand, the personnel of the Navy that is asked for is based upon the report of that committee. It was made in good faith. We took our place as assigned us there. We could have had first place above all others, for undoubtedly we had power to, but we were willing to be on an equality with the once greater power, and I for one am one woman who is never willing to see us yield that equality and to take a second place. [Applause, the Members rising.]

The Clerk read as follows:

BUREAU OF NAVIGATION.

TRANSPORTATION AND RECRUITING.

For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; transportation of enlisted men of the Naval Reserve Force to and from duty, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of enlisted men; in all, $4,151,775.

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word. I shall use few or no figures except those contained in the committee report. A report can not absolutely cover up what is really done. That report at the top of page 7 says:

The committee has declined to make provision for the deadwood of the Navy. It should be laid up and wherever possible sold. It constitutes a millstone around the neck of the Navy.

That would be right if that were true. They did more than remove deadwood. This committee has reduced to the utmost, I think to the extent of 20,000 men, the live wire of the Navy, which is the force of destroyers—on page 5 of the report. They have allowed 9,575 men for 103 destroyers, with none laid up in ordinary to help them as a reserve.

At the bottom of page 7 I find the subcommittee saying as to what they call deadwood—

The chief drain, however, has been the destroyers. Of these craft we have 301, of which 219 are exclusive of those built prior to and under the big program authorized in the naval appropriation act for the fiscal year 1917. These war-built destroyers—

That is the 219—

call for a total of 24,966 enlisted men when fully manned, and during the last completed fiscal year it cost to maintain and operate the entire number of destroyers the stupendous sum of $75,869,098.92.

Mr. Chairman, if 219 destroyers took nearly 25,000 men, 301 destroyers took over 30,000, and they propose now to allot only 9,569. It is more than 20,000 reduction.

Let me call your attention to what the destroyer does. There was a careful statement handed in by the Secretary of the Navy to the Committee on Appropriations. It is indorsed as having been handed on the 6th day of March; and because there were 91 typewritten pages they did not print the paper. We do not know why it was not printed. It shows the need and use of every kind of ship in the Navy. It would seem to be the most valuable of all documents to be printed, and 91 typewritten pages would not take more than 20 pages of the fine print in which they put communications. The Secretary of the Navy says in part as to destroyers:

3(d). Since the United States Navy possesses no light cruisers and no battle cruisers until more scout cruisers are provided, destroyers will have to take the place of these. To offset the loss of power due to the absence of scout cruisers and battle cruisers the destroyers must be in relatively larger numbers. No attempt will be made to estimate the number of destroyers that is equivalent in value to a single battle cruiser or to a single light cruiser, because this is indeterminate, but the number of destroyers that are necessary for use in connection with the movement of a force of 18 battleships and its train must be sufficient to provide for the necessary scouting and screening operations as well as to afford the protection against submarine attack in the vicinity of the main body itself.

The Navy possesses 283 destroyers of the first line. The importance of this powerful force and its value to the United States can scarcely be overestimated. It is the most powerful destroyer force in the world, and it forms in itself a defense for this country which every nation in the world knows must be reckoned with in case aggressive action is contemplated. These vessels possess mobility of action, high speed, long cruising radius, and powerful offensive—defensive qualities. They are seaworthy to the highest degree, although their speed may be reduced by bad weather, and can be relied upon to strike quickly, surely, and at long distances. They are armed with high-powered guns, the latest torpedoes, and with depth charges that are so deadly to the submarine. The exploits of our destroyers during the late war are fresh in our minds. It is not necessary, therefore, to dwell upon the value of the destroyer as such, but I desire to impress upon you the great asset which this country has in possessing these splendid craft in such numbers.

If the United States Navy, instead of the British Navy, had been engaged with the Germans in the Battle of Jutland, all of the preliminary fighting would have been between the United States destroyers, on one hand, and the enemy's battle cruisers, light cruisers, and destroyers, on the other hand. It can easily be imagined that whatever number of United States destroyers might have been present, this number would not have been excessive.

In addition to the number of destroyers required for operations directly connected with the movement of the main body, which number it has been shown must be abnormally large because of our deficiencies in battle cruisers and in light cruisers, another large number of destroyers will be necessary for convoy escort work. The number of destroyers that were employed by the Allies in supporting the actual

operations of the Grand Fleet in the North Sea was large. Another large number was engaged in carrying on the convoy escort work. Considering that the total number employed was greater than the number we now possess, although its entire effort was directed against only one first-class naval power it will be seen that the destroyer force we now possess is none too strong for strictly destroyer service, irrespective of demand for their use as cruisers.

With the greatest reluctance and with deep regret I have made arrangements to place about 150 of these vessels out of commission, thereby reducing the number which can be considered as instantly ready by about one half and thus weakening the position which this country holds in this respect. I have done this because I recognize the need for national retrenchment and because I do not feel that the national defense is imperilled in view of the amity of our international relations. When it is recalled that only in destroyers is our Navy materially superior and that this superiority is more than counterbalanced by our deficiencies in battle cruisers, scout cruisers, and destroyer leaders, the reason for my reluctance in taking this step will be the more apparent. Plans have been drawn by which I believe the destroyers to be placed out of commission can be placed out of commission in such a manner that the deterioration will be reduced to a minimum. They are, however, bound to deteriorate, and with these vessels taken from the active list of the Navy the defense of the country, available on short notice, must be considered as having been reduced accordingly.

Now, Mr. Chairman and gentlemen, the history of the destroyer is a romance. In 1897 Admiral Meade, who was among the best officers in the Navy at that time, said he was not afraid of a fight about Venezuela, because if we had 300 torpedo boats not an English fleet would come anywhere near our shores. At Port Arthur the destroyers went in the harbor and broke up the Russian fleet in port, and when the World War came on the British, remembering this fact, withdrew all their battleships to the north end of Scotland, because they had less than 100 destroyers and they could not patrol the North Sea and keep off the German torpedo boats, and so their great ships had to stay in a posture of defense except when the German fleet came out and could be attacked. Meanwhile commerce was left without protection. The United States built destroyers. I remember some of us went over in 1917, and those who were with me in that congressional party—I see one of them here—will remember how pleased we were after we got into the danger zone, 300 or 400 miles from Liverpool, when two American destroyers took their places on either side of us and saw us into port. Our hundreds of destroyers, with radio, with torpedoes, with depth charges, and the use of the wireless, established a patrol about the British Isles which drove away or sank the submarines. Their convoy gave the fleet of merchant vessels protection to carry supplies of food. These 300 destroyers gave and give our young officers what is not given on our battleships, training in independent command. Men can not shoot straight with torpedoes and guns from a destroyer that is rolling around in the sea unless officers and men are seamen already trained to the backbone. They can not be run and fought merely by men from a reserve. If we are to keep up that fighting force, it must be kept active as a live wire. It is monstrous that the committee say that they have removed deadwood when they destroy that force. They say they will leave us 103 destroyers in commission, but the Secretary of the Navy and his assistant stated repeatedly that with 65,000 men they could only keep 65 destroyers in commission and 50 in ordinary with half crews waiting, so that they could be put in commission after the crew was filled up.

Mr. Chairman, it is suicide to get rid of officers and men who know their duty and who are trained for it. It is suicide to give up the live vessels of the fleet, for some people do not believe much in battleships or in having a fleet of slower vessels in some respects, like our old fleet of monitors. These destroyers are the live ships of the Navy. We have 301 of them. There were 287 in commission last year. We do not know how many men were on them, but certainly one hundred and odd to a destroyer. They propose to reduce from 30,000 men to man these 300 vessels down to only 9,567 men.

This bill will destroy the live part of the American Navy, on which we will rely in case of war. The first attack is made by destroyers and light cruisers. The cruisers are faster. The Secretary of the Navy asked for the building of 10 light cruisers of 30 or 35 knots, and that is not provided in this bill. In addition, the bill reduces the 301 destroyers in commission to 65 in commission and 50 in ordinary. We will not stand for such a reduction of force that is taken from the live, active, mobile fighting Navy of the United States. [Applause.]

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I challenge any man to know less about the Navy from personal investigation than I do. I stand here and expect to cast my vote as the result of the evidence introduced before this committee, and the facts that I am able to ascertain from the discussion of this bill on the floor. I believe in keeping the Navy up to 5-5-3 ratio, at least for this year, agreed to by the treaty. So far, there have been very few speeches on the floor that threw any light on the question whether this bill would do that. I do not think it is an argument for the gentleman from Massachusetts [Mr. ROGERS] to come before the committee of this House and say or intimate to us, first, "I am pretty close to the administration and the department, and have a letter from the Secretary of State, which I want to read." I want those who attach any importance to the letter and his standing with the Secretary to read the letter that he wrote the Secretary to get that letter. It is printed in the RECORD.

Second, he says as an argument against the committee bill, the Secretary of the Navy will by reason of being a representative of the Commander in Chief of the Navy place the men you appropriate for, and if you do not let him tell you how many men there should be for ships in the Navy he will not man the ships provided for in the treaty; he will unman the 18 ships. I say to you, gentlemen, if I believed that the department was saying to me through that representative a thing of that kind, I, as an American Congressman elected to represent my people, would resent the insinuation from the department. Think what that implies. That here is a department that will violate the good faith of the four-power treaty, violate the faith with our Allies in the reduction of the armament unless the American Congress will forget its constitutional right and duty to fix the size of the Navy and let the department fix the size.

Mr. McARTHUR. Will the gentleman yield?

Mr. TINCHER. No; I can not yield now.

Now, the gentleman from Massachusetts said to the gentleman from Michigan, "Did you talk with the British Embassy, and what did they say?" The gentleman from Michigan [Mr. KELLEY] said he declined to answer. Why did he decline to answer? Of course, Mr. KELLEY talked with the British Embassy, and got all the information he could as to the size of the British Navy. He talked with the Japanese Embassy upon the size of the Japanese Navy, but any man with brains enough to come here ought to know that the gentleman from Michigan could not say on the floor of the House what the British Embassy said to him, for that would not have a tendency to make the British Embassy popular with the powers that appoint, it not being a part of the duties of the embassy to inform a committee of Congress.

I wonder how Mr. ROGERS claims the experts got their information.

But how does my friend, the gentleman from Massachusetts [Mr. ROGERS] handle that? Like a boy in the sixth grade debating society at school. He says, "Traitor. Let England fix the size of our Navy." That is the way he handles that. All that stuff does not go with full-grown men. It might go with some fishing community up in Massachusetts and it might go with a class of people who meet on the green and resolved during the disarmament conference that we were about to ruin the country by following the President and Secretary Hughes in the conference for disarmament. That does not go here. We do not believe that PAT KELLEY is a Benedict Arnold because he tried to get some information as to the size of the English Navy. [Applause.]

Now, I have fondness for Massachusetts reasoning and I know I will get a rise. Before 4 o'clock this afternoon some man will be talking about the Kansas cyclones. I remember as a boy when we had a debating society out on the plains there was one little fellow who always walked up in front of the audience, no matter what the subject was, and said, "I will now answer the argument made by that Benedict Arnold who preceded me." [Laughter.]

There has not been any showing either by figures or fact to warrant the statement that they can not man the 18 capital ships with 67,000 men. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FAIRFIELD. Mr. Chairman and gentlemen of the committee, I have earnestly listened to a goodly portion of the debate and I have read parts of the hearings. I have conversed with men who claim to know, but I am in much the same condition as the gentleman from Kansas who just preceded me. I shall be compelled to vote upon this bill without any full and adequate knowledge of the facts in the case. As a matter of fact, that is no reflection either upon the committee or upon the man who states his position. It is true that very few men who will vote upon this bill will be able definitely to give the number of men on the ships, the number of men ashore, and the men on the auxiliaries and say "we know." Now, gentlemen, it does seem to me that the argument will rest on what we are willing to take as authority in the case. It is childish upon this floor to twit Members with the fact that they have navy yards in their districts. [Applause.] The question is infinitely larger than that. In my judgment, the situation is really grave, and from the intensity with which men speak to me about it I am convinced that no man on either side but wants to vote honestly

for the thing which he thinks the country ought to have. The disarmament conference was the most notable event in many long years of modern history, and in that conference the Secretary of State, Mr. Hughes, was compelled to rely upon the expert knowledge of the men in our Navy Department. No man on the floor of this House raised the question at that time as to whether these men were competent or not. The problem now is: Are they venal, are they competent? When I am compelled to believe that the men at the head of the Navy Department are so venal that they will come before this body and on a matter of fact state that they know 86,000 men or 90,000 men are needed to carry out the provisions of that treaty, when in reality they do not need that many, then I say, God help the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. I prefer not at this time.

Mr. MONDELL. I just wanted to ask the gentleman if he knew——

Mr. FAIRFIELD. Mr. Chairman, I have refused to yield. A little later I may. A gentleman honored in this House, for a number of years chairman of the Committee on Naval Affairs, and now on the minority side, a man for whom we have the highest respect, stated only the other day that the committee's bill will not take care of what we agreed to do in the disarmament conference.

On the other hand, the gentleman who is leading the fight for the committee bill states positively that it will. I do not look upon either of these men as venal. I think that they are honest, but here we have two men of equally long service, presumed to know as much about the matter, one as the other, and yet diametrically opposed to each other on a matter of fact. If we knew the facts in the case of our own certain knowledge, there would be no need of this discussion. What, then, is a man to do who does not only not know the facts but who, in order to thoroughly understand the matter in detail, would require to devote six months study to it? I think the average Member is reduced to a consideration as to what authority he will follow in the case.

Mr. MONDELL. Mr. Chairman, will the gentleman yield now?

Mr. FAIRFIELD. Mr. Chairman, I prefer not to yield yet. The experts in the Navy Department say this will not carry out the provisions of the disarmament conference. The Secretary of the Navy says the same thing. The Secretary of State, who had to rely upon these men during that most intricate and difficult conference that has taken its position among the great events of the world, says that while he is not an expert, he yet relies confidently upon the judgment of the men who guided him at every step in the way. I understand that President Harding has taken the same position, although I am not at liberty to say that, for I do not know definitely that he has done so. While it is true that we may discount the judgment of the head of the Navy Department when a matter of opinion is involved, yet I ask gentlemen to remember that this is a matter of fact. If I am to vote upon a bill as to matter of fact, I say to you that I am not ready now to take the position that the men who state that this naval bill as reported by the committee will not take care of the disarmament conference, do not know what they are talking about, and neither am I willing to say that they are venal or that they will mislead us. [Applause.] I shall support a personnel of 86,000.

Mr. CRISP. Mr. Chairman, I have never been a militaristic man; I have always opposed a large Army but have favored a big Navy. Large armies sometimes Prussianize a country, but large navies never do this. I favor sweeping reductions in the Army, for, if we maintain a sufficient corps of trained officers, in time of trouble we can soon equip any army of the finest soldiers in the world. Our country is fortunately situated geographically, with an ocean between us and any country that might jeopardize our national security and defense. If American rights and American security is ever assailed, the foe must come from across the sea; therefore I have always believed that America should have the best Navy of any country in the world. [Applause.]

Mr. Chairman, I am not familiar with the technical details and needs of the Navy or how many men it takes to equip and maintain ships in commission. I can truthfully say that I have the greatest love for the gentleman from Michigan [Mr. KELLEY], but I do not think that he knows anything more about the Navy or the needs of the Navy than does the gentleman from Tennessee [Mr. PADGETT], who for eight years was chairman of the Committee on Naval Affairs when the Democrats were in power. They differ diametrically as to the number of men required to maintain a Navy on the 5-5-3 ratio. The gentleman from Michigan [Mr. KELLEY] in a speech stated that 63,000 men authorized by the Appropriations Committee bill will maintain our Navy on a basis of the ratio of 5-5-3 and give us practically as many men as are in the English Navy. The gentleman from Tennessee [Mr. PADGETT], who is a profound student of the navies of the world, disputes this. In a speech on the floor of this House he said:

> Now, the British Navy and marine personnel, not including reserves, for the fiscal year ending March 31, 1922, officers and men, 98,500; colonial navies, 7,289; also one-third of the aviation personnel were cooperating with and constituted a part of the naval personnel, 11,969; making a total of 117,758. There is no information of the number of men in the naval communication service, naval recruiting service, or the Royal Indian Marines. They are not counted in the 117,758. I want to call attention to another matter. England had a reserve on January 1, 1922, officers, 10,322; men, 38,808; making a total of 49,130. They are not counted in the figures I gave a moment ago. And yet what? They operate 35 oilers, 1 repair ship, and 1 supply ship. In other words, those reserves operate 37 ships and are not counted in their 117,758. Add the 38,808 to your 117,758 and you have got 156,556 men in the British Navy available to operate their ships. And yet they come before this Congress and say that with our 67,000 that may be provided by this bill and our 19,500 marines we have got as many as the British have, but you can not make the figures tell any such tale as that.

It is frequently said here in debate that we can not pay any attention or give credence to the recommendation of naval officers as to the needs of the Navy, for they are biased and unreliable. I know very few naval officers. Those whom I have had the good fortune to meet are honorable men, and I think they love their country and desire to serve their country just as much as does the distinguished gentleman from Michigan, myself, or any other Member of the House. I think when it comes to technical knowledge as to the number of men required to operate the Navy, they know very much more about it than any of us. [Applause.] We are perfectly willing to rely upon naval officers and entrust millions of dollars of property and the precious lives of our boys to these gentlemen when they are baring their breasts to the bullets of the enemy, to the storms of the seas, when the country is at war. Why are they not entitled to some confidence and their opinions entitled to some weight as to the needs of the Navy when we are at peace?

Appealing now to my Democratic colleagues, we have a right to be proud of the American Navy, because our party has played a conspicuous part in it. It was during the Cleveland administration, when Mr. William C. Whitney was Secretary of the Navy, that the American Navy first took a prominent place on the sea.

And it was during the last Democratic administration, under the Democratic program of 1916, that the American Navy became the best one in the world. Why should we follow the Republican majority leader and take any chance or cast any vote that may reduce it to a second-class Navy?

Now, gentlemen, as I said before, I do not know the number of men required to maintain this Navy on the ratio of 5-5-3, which we all want to maintain. Now, if there is any doubt about the number of men required to do this, without criticizing any of my colleagues, I, for one, shall resolve the doubt in favor of giving the number of men that the naval officers and the Navy Department, the Secretary of State, and all those who have studied the matter from the Government's standpoint, declare it is necessary to give, to wit, 86,000 men. [Applause.]

Now, Mr. Chairman, there is another thing I wish to call to the attention of this House. When we adopted the Budget system and consolidated the appropriations in one committee, the Committee on Appropriations, it was expressly stated and argued on this floor that the Committee on Appropriations was not a legislative committee. In bringing in this bill the Committee on Appropriations has transcended its authority and is usurping the prerogatives of the Committee on Naval Affairs by legislating for the Navy. The bill legislates by providing that the personnel of the Navy shall be only 63,000 men. The Committee on Naval Affairs, which under the Rules of the House has charge of legislation relating to the Navy, after two months of hearings, has reported a bill recommending that the personnel of the Navy be fixed at 80,000 men and 6,000 apprentices. The question for us to decide is whether we will follow legislation suggested by the Appropriations Committee or by the Naval Affairs Committee. Are we willing, by accepting the report of the Committee on Appropriations, to say that

the Naval Affairs Committee and the other former appropriating committees of the House shall be reduced to mere nonentities?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CRISP. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Will the gentleman yield there?

Mr. CRISP. Yes, sir; I will.

Mr. KELLEY of Michigan. The present authorized strength of the Navy is 137,000, and upon that authorized strength the number of officers are determined. It was my understanding, and perhaps the gentleman will correct me if I am wrong, that the Committee on Naval Affairs reported a bill fixing 86,000 as the maximum for the purpose of fixing the officers' personnel and not with the view of fixing the minimum strength of the Navy.

Mr. CRISP. I am going to say very frankly to the gentleman from Michigan [Mr. KELLEY], as I said when I started out, that I am not familiar with the details of this legislation. My information was from prominent members of the Committee on Naval Affairs that their bill authorized a personnel of 86,000.

Mr. KELLEY of Michigan. The gentleman from Missouri [Mr. McPHERSON] and the gentleman from Oregon [Mr. McARTHUR] are both distinguished members of the Naval Committee. Both have risen and perhaps they will be willing to state whether or not it was their intention in fixing the authorized strength of the Navy at 86,000, that that should be the minimum strength of the Navy?

Mr. McPHERSON. The purpose of fixing the Navy at 86,000 is stated in our report. It is to carry out the intention of the Conference on Limitation of Armament.

Mr. KELLEY of Michigan. Let us get it straight in the RECORD, if the gentleman will permit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McARTHUR. Mr. Chairman, I ask that the time of the gentleman from Georgia be extended two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. In order that it may be perfectly straight in my mind and in the RECORD, I understand the gentleman from Missouri [Mr. McPHERSON] to state that it was the intention of the Naval Committee in reporting the bill that the minimum strength of the Navy should be 86,000 men?

Mr. McPHERSON. To comply with the treaty.

Mr. KELLEY of Michigan. I see that the gentleman from Pennsylvania [Mr. BUTLER] shakes his head. I presume the chairman might have some views on that subject, but of course had better do that in his own time and not in the time of the gentleman from Georgia.

Mr. McPHERSON. If I may, in the gentleman's time——

Mr. CRISP. I must decline to yield.

Now, to sum up and not take any more of the time of the House, it is my intention to vote to increase the personnel to 86,000 men. [Applause.] And I shall do it for the reason that the Naval Affairs Committee, which is the proper legislating committee for the House on this subject, after exhaustive hearings has recommended 86,000. I shall do it because the Secretary of the Navy, Mr. Denby; the Assistant Secretary of the Navy, Mr. Roosevelt; Admiral Washington, Chief of the Bureau of Navigation; and all other naval officers who are charged with the duty of managing the Navy have said it was necessary to have 86,000 to maintain our Navy on a 5-5-3 ratio, which we are authorized to do under the disarmament treaty. I shall do it because the Secretary of State has advised this House that the naval board that was intrusted with the responsibility of advising our peace commissioners when the international conference was being held say it requires 86,000 men to maintain the 5-5-3 ratio. [Applause.]

The present strength of the Navy, as I understand it, is 104,000 men. If it is reduced to 86,000 there will be a reduction of 18,000 men, which will effect a large saving to the taxpayers, and if you give the 86,000 there is no question but what our Navy will be efficient and be equal to the Navy of Great Britain. I have no criticism of any colleague who differs with me, but I shall take no chances for my country's safety. I shall give the country the benefit of any doubt in my mind by voting for 86,000 men. The number that those charged with the responsibility say is necessary to maintain the 5-5-3 ratio. [Applause.]

Mr. McPHERSON. Gentlemen of the committee, I desire to further answer the question asked me by the gentleman from Georgia [Mr. CRISP]—what the views of the Naval Committee are on this question? It is well expressed in their report in favor of the bill fixing the number of men needed at 86,000 in these words, reading from the report to accompany H. R. 11002:

> The authorized enlisted strength of the Navy shall be reduced to 80,000 men and 6,000 apprentice seamen.
>
> This reduction has been provided for in this bill for the purpose of carrying out the spirit of the Conference on the Limitation of Armaments held in Washington, D. C., at which it was agreed that the naval forces of the several contracting powers should be established at such point as might be required to fully conserve the national defense of each.

It seems to me that ought to make plain to the House the views of your Committee on Naval Affairs, that make a study of the necessities of our Navy. The Committee on Naval Affairs has determined that to carry out the treaty will require 86,000 men.

Mr. MONDELL. When was that report filed?

Mr. McPHERSON. That report was filed in this House on March 25, 1922.

Mr. MONDELL. Will the gentleman yield further?

Mr. McPHERSON. Am sorry, but I can not yield further at this point.

Much has been said here about this particular bill and about how it was made. The subcommittee on appropriations have told us that in preparing this bill they have tried to provide a force sufficient to man the treaty Navy.

There is much evidence in existence that no attention was paid to provide a Navy equal to that of Great Britain. In fact, there is much evidence which to my mind strongly indicates the bill was drawn at a time and under circumstances when the Committee on Appropriations knew nothing about what the treaty would be and what size fleet the United States would be entitled to maintain under it.

The present bill was not proposed by the full Appropriations Committee, as we all know. It is supposed to be the work of a subcommittee of five members of the Committee on Appropriations.

We changed our rules in the Sixty-sixth Congress. Prior to that time all the bills relating to our Naval Establishment, including the appropriation bills for the Navy, were passed upon and proposed by 21 men constituting the Committee on Naval Affairs. That committee had serving on it many men of long service in this House and who had for years studied the needs of our Navy, and were familiar with it in all its aspects. Men selected for service on that committee had duties so exacting they were not permitted to serve on other committees of the House, but were required to give their entire time to the Naval Establishment and the study of our Navy's needs and betterment.

We were induced to make the change in our rules and intrust the work of proposing naval appropriation bills to the Committee on Appropriations upon the argument that such change was a necessary part of our Budget system. That argument was a deception upon the country.

Our present method is not a necessary or proper part of our Budget system. Under the existing rule there is no effort to coordinate expenditures. The country has not the advantage of having a Committee on Appropriations to intelligently appropriate for the different services, but, on the contrary, we have several subcommittees consisting of one, two, three, or four men, none of whom may be familiar with the needs of the particular service, which hurriedly bring in appropriation bills instead of having those measures carefully prepared by a full committee of 21 men selected to study specially the very subject in hand.

The present bill is an apt illustration of the evils of our new method. This bill is the work of one man, the gentleman from Michigan [Mr. KELLEY]. It appears to me proper that the country should know this bill was not the work of the 35 men of the Appropriations Committee in an effort to provide a treaty Navy. I want the country to know our appropriation bills, all appropriations, are made by a few men, many of whom have had no connection with naval affairs or with the department appropriated for. They have had no opportunity even to study its needs.

Who prepared the present item in debate providing for 67,000 men? Was this bill prepared by men who had studied our naval requirements in order that it should comply with the ratio of 5-5-3 agreed upon in the limitation of arms conference?

I say it was not, but is the work of the gentleman from Michigan.

We all know that the conference was called to meet on the anniversary of the armistice, November 11, 1921. It held its first session on November 12, 1921.

On November 13, 1921, the gentleman from Michigan [Mr. KELLEY]—who, I claim, made this bill—was quoted by the New York Times as saying that expenses of maintaining the Navy would be reduced $150,000,000 to $200,000,000. The naval appropriation of last year was near $430,000,000, and this bill makes

a reduction of about the sum Mr. KELLEY named on November 13, 1921. In other words, the bill we have is the very one Mr. KELLEY declared on last November 13 we would have. Again, in the New York Times of November 18, 1921, the gentleman from Michigan [Mr. KELLEY] is again quoted as saying the conference will make possible a reduction in naval expenditures of $200,000,000. We will have a navy of fifty or sixty thousand men. Again, I call your attention to the fact that the bill does not provide a treaty Navy, but simply carries out the threat or prophecy of the chairman of the Subcommittee on Appropriations made in November, 1921.

Again, on February 20, 1922, the gentleman from Michigan was quoted in the Washington Post as saying we would have a Navy manned by fifty or sixty thousand men and he would effect a saving of about $200,000,000. The bill proposed is for a Navy of about 60,000 and effects a saving of about $200,000,000. The hearings were not begun by the subcommittee until March 6, 1922. The treaty had not been made, and under those circumstances no one could, of course, know what would be required to carry out the understanding made later. Therefore the bill does not appear to have been proposed with a view to maintain the treaty.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. McPHERSON. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. McPHERSON. On the 18th of November, 1921, the gentleman from Michigan knew how many men should be in the Navy. He had then decided to make a reduction from the $422,000,000 appropriated last year of $200,000,000 and he had decided upon a Navy of from 50,000 to 60,000 men. On February 20 he again predicted that we would have a Navy of 60,000 men, according to a statement published in the Washington Post.

He filled the newspapers with interviews, not as to how many men were needed to maintain our Navy at the ratio of 5-5-3, but he was giving notice in advance of subscribing the treaty or hearing the evidence as to the very sums in money and of men as provided in his bill. When we saw his bill we see he had saved his many arguments, although it appears in doing so he had lost us our position under the treaty. By his conduct I am reminded of an experience of an old Missourian of Clay County during the Civil War. This old man owned a number of slaves, and decided as the war progressed that if he remained in Clay County, where the Union forces came frequently, he would lose his slaves and that to save them he would leave Missouri and remove to Texas.

Down in southwest Missouri he was captured and brought to General Lane's tent, who inquired of the old man as to what was the matter. The old man said, "General, I am an old man, and, as you see, my fortune is all invested in these slaves. If I stay in Clay County, I will lose them. I am on my way to Texas, where I hope to keep them."

The general said, "Return to Clay County, obey the laws, take no part in the effort to destroy the Union, and your slaves will be as safe in Clay County, Mo., as they will be Texas." The old man said, "What! General, are you not going to take my slaves from me?" The general said, "No; do as I say."

The old man replied, "I am not going to do it. I have told all my neighbors up there in Clay County that you would take our slaves from us, and I am not going back there after seeing you here, for I would a darn sight rather lose my slaves than to lose my argument." [Laughter.]

After the many statements by the gentleman from Michigan that we were going to have a 60,000-man Navy, made before the ratios of the treaty were known, and when we examine the item it is apparent the gentleman from Michigan has not lost his argument of November 13 or 18, 1921, or of February 20, 1922, although it is certain they have lost our Navy the position provided for it in the treaty. I have been pained to hear those who favor the bill of our friend taunt Members of the House whose arguments they could not answer with, "Oh, such are the arguments of those who have navy yards. He comes from a district with a navy yard." Those who represent such districts have shown they have as much patriotism as the rest of us. Such taunts are unmanly, it seems to me. One of our Members has recently been engaged in trying by public addresses in Texas and elsewhere to lessen the confidence of the people in their Representatives and thus undermine our Government. His conduct is not unlike that of those who have no other argument or answer to the logic urged here against those who have for patriotic reasons opposed this bill than the charge that such are influenced by the fact they represent districts in which navy yards are located. It is a poor defense of yourself to cry "Navy yards!" in answer to appeals to your judgment and reason to preserve our Navy the equal of that of the foremost navy in the world and carry out in both letter and spirit the treaty.

You ought to accord us the same interest in our country, its finances, and its honor as you claim for yourself. Answer our appeals to your judgment if you can, but I hope we will hear no more of navy yards.

Gentlemen, if the known character of your colleagues were less exalted than they are known by you to be, your imputation lacks logical connection. The subject of our debate is the personnel. We are talking about men, not ships or machines. Navy yards build and repair ships, not men. Their work, if they have any, would be neither increased nor diminished by this bill. It adds or subtracts no ships or material thing from the Navy. Its passage will not increase the earnings of any navy yard in the United States by one cent. If we increased the number of men on the ships to a hundred thousand, and the ships being no more nor less than they are, would make no difference in the work of the navy yards of the country. Navy yards do not work on the men.

Mr. HILL. Is it not true that if we do not have men enough on the ships to take care of them it would increase the work in the navy yards because they have got to repair them all? [Applause.]

Mr. McPHERSON. Yes; the lack of men might have that effect. I believe in increasing the item under dispute to 86,000 to provide the treaty Navy. The question is not whether we will have certain ships but whether we will have enough men to man those ships to the highest state of efficiency, or whether we will have such an inferior number as that we will be playing second fiddle to England at least, and perhaps to Japan.

I am a great believer in the benefits to our country and the world to flow from the limitation of armaments treaty. I am unwilling to vote our country into a secondary position when by the treaty we are entitled to first place with England.

I am proud of our naval officers, whose advice is being rejected if we agree to this item. I have confidence in their ability, their honor, and their patriotism. They are worthy of our confidence and that of the American people. Have they the confidence of our people? That confidence has been manifested over and over again.

In 1916 the American people trusted them to plan and build a Navy in which they were to invest billions of money. They believed our naval officers were sufficiently skilled to plan and build for us a Navy second to none, although first-line ships had advanced in cost from $304,000, when the old *Constitution* was built, to $40,000,000 for the *Pennsylvania*. When war comes they are always willing to give their sons in whatever numbers are needed to fight on the ships our naval officers plan and build against the enemies of the United States. The people trust them, why should not we?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. McPHERSON. Mr. Chairman, I ask for unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McPHERSON. I have seen the American people manifest their confidence in these naval officers in the late war by sending their children to man our ships under the command of these naval officers in confidence of victory, and victory came.

I believe, and the American people believe, in the capacity, patriotism, and skill of our naval officers. They have all agreed that to properly man the fleet we are allowed to maintain under the treaty will require more men than the 67,000 provided by the pending bill, and as proposed in the bill submitted by our Committee on Naval Affairs to carry out the provisions of the treaty requires 60,000 men.

I am like my colleague from Oklahoma [Miss ROBERTSON]. I represent a district that has not a dollar's worth of naval property in it, and never had; but I am unwilling, as I believe the proud people of my district and of my State and of our country are unwilling, to put the United States second to any nation on earth, and I shall vote, as a country Member from a country district, without navy yards or naval activities or salt water, and about as dry as that from which our beloved majority leader comes, so dry that you have to prime your eyes before the tears can flow [laughter]—I shall vote to maintain our Navy equal to that of any other nation on earth. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I may be in error as to my conception of the issue which is involved here, but I do not think so. It seems to me that the gentlemen who are arguing for the increase in personnel to 86,000 are predicating that argument wholly upon the proposition that we are bound by treaty to keep the Navy up to a certain strength. I do not think so.

Mr. DEMPSEY. Will the gentleman yield?

Mr. GARRETT of Tennessee. In just a moment, please. As I said the other day, immediately after the reading of the letter from the Secretary of State, I think we are morally bound not to go beyond a certain ratio, but I do not subscribe to the doctrine that the Congress or the country is bound by the treaty to keep the Navy up to that ratio if the Congress and the country choose to go below it. Now, I yield to the gentleman from New York.

Mr. DEMPSEY. I have been present, I think, at practically every moment of the debate upon this bill, and I have not heard anyone argue that we were bound to have a Navy equal to that of England, which Mr. Hughes, Mr. Root, Mr. UNDERWOOD, and Mr. LODGE have obtained for us. We can have no Navy at all if we want to, and can yield the equality with England which they gave; but I understand there is nobody who is willing to yield that equality.

Mr. GARRETT of Tennessee. Is not the question after all whether we are in danger if we do go below that, and is there anybody here prepared to say that we are in danger if we go below it?

Mr. DEMPSEY. Yes; we are always in danger.

Mr. GARRETT of Tennessee. From whom?

Mr. DEMPSEY. Can you anticipate whom the lightning will strike in the next storm? Can you tell from what portion of the sky it will come? The gentleman's question is just as logical as that.

Mr. GARRETT of Tennessee. Mr. Chairman, I was present the day that the Conference on the Limitation of Armament opened. I heard the address of the Secretary of State. I interpreted that address to mean that this limitation that was proposed, and which has been substantially carried out, was not for the purpose of making war but for the purpose of moving toward the assurance of peace. [Applause.]

Mr. DEMPSEY. And have we not taken a long step in that direction in reducing the tonnage to the extent that the disarmament conference agreed to that reduction? Is not that what they did, and have they not made a memorable step in history? And shall we voluntarily go on and abandon the Navy altogether because they have limited it to certain figures?

Mr. GARRETT of Tennessee. Oh, the proposition of the committee does not provide for abandoning the Navy. [Applause.]

Mr. FAIRFIELD. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to my friend from Indiana.

Mr. FAIRFIELD. It is the gentleman's understanding, as it is mine, is it not, that the committee insists that this provision will take care of the 5-5-3 treaty provision?

Mr. GARRETT of Tennessee. Yes; I so understand. But let me say to my friend from Indiana with entire frankness that after all to my mind is not the important question here. But they say it takes care of it.

Mr. FAIRFIELD. If by virtue of that arrangement we sustain a position of equality and, therefore, of advantage in our diplomatic relationships, does the gentleman think that the Members of this House have a moral obligation to the country in seeing to it that that position is maintained beyond any doubt and that safety is secured by an increase, if there is any question as to the probability of our being in danger?

Mr. GARRETT of Tennessee. If I understand my friend from Indiana correctly, if there are any evidences whatever that the country is in danger, of course the moral obligation rests upon the Congress to protect the country. But if it is meant that there is a moral obligation growing out of the treaty to keep it up to a 5-5-3 proposition, I do not subscribe to that doctrine at all. [Applause.]

Mr. FAIRFIELD. If the gentleman will permit, perhaps he did not get the first phase of my question. Granting, as I think most men will admit, that our position was such that we could have built more largely than any other country—and, therefore, our judgment was gladly acquiesced in—is there not a moral obligation upon this body to see to it that the relative position of the country be maintained, so that in the future we can also take the initiative, if need be, toward further reduction?

Mr. GARRETT of Tennessee. I do not think so.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I yield to the gentleman from Delaware.

Mr. LAYTON. Does the gentleman approve of the opening address of the Secretary of State and then think it is logical that a matter which grows out of the things that the Secretary of State was after in the beginning should be neglected and his advice disregarded?

Mr. GARRETT of Tennessee. Neglected and disregarded now, does the gentleman mean?

Mr. LAYTON. Yes.

Mr. GARRETT of Tennessee. I think that the Secretary of State was moving more along economic lines, in so far as his address in regard to the Navy was concerned, than along any other lines. And I want to follow that up by saying that the conference was called as a Conference on the Limitation of Armament. Presumably all that was involved in the call was presented by the Secretary of State in his address upon the opening day of the conference. But eventually the conference went far beyond that and negotiated other treaties; particularly, if I may mention it, the four-power pact, which was made the corner stone of the whole program evolved. That principle which the builders had formerly rejected became the keystone of the whole arch. [Applause.] Now, if that four-power pact meant anything, if that is worth anything to the world, it meant a progress toward peace. Therefore, unless we are threatened with danger, why are we bound by the treaty to keep the Navy up to the 5-5-3 proposition? And yet these gentlemen who report it say that this bill does that. I do not know whether it does or not, and do not care.

Mr. MADDEN. As a matter fact; has not the country accepted the 5-5-3 ratio itself?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

The Clerk read as follows:

CONTINGENT.

For ferriage, continuous-service certificates, discharges, good-conduct badges, and medals for men and boys; purchase of gymnastic apparatus; transportation of effects of deceased officers and enlisted men of the Navy, and of officers and enrolled men of the Naval Reserve Force who die while on duty; books for training apprentice seamen and landsmen; packing boxes and materials; books and models; stationery; and other contingent expenses and emergencies arising under cognisance of the Bureau of Navigation, unforeseen and impossible to classify, $16,000.

Mr. GOODYKOONTZ. Mr. Chairman, I have listened with profound interest to the distinguished leader of the minority [Mr. GARRETT of Tennessee], knowing that he was an exceedingly astute legislator, a logical leader, as well as a patriotic man, and knowing that he was deeply interested in securing the future peace of this country and would not consciously leave undone anything that would, so far as his power and influence went, add to the defense of the Nation in the time of war or threatened great danger. But I was somewhat surprised to hear from him, notwithstanding the fact that we entered into the covenant of the arms limitation treaty on the basis of 5-5-3, that it were unnecessary that this Government should undertake to see that our preparation should lend to the very maximum efficiency allowed us under the treaty. I was also surprised to hear from this distinguished leader of the minority—and I admire him, regarding him as one of the very strongest men from the South—that it were unnecessary to make preparation until confronted with danger. When is the time to begin preparation? When the great guns of the enemy are near our shores, bombarding our coast cities? [Applause.] When there is an actual invasion of our country? Is it at the time when we are helpless and unprepared that we should begin preparation? We have already had a signal evidence of the want of preparation; a great war that came upon us without preparation cost us in increased expense billions of extra dollars, as also extra lives and human suffering. [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. GARRETT of Tennessee. From what enemy are we now likely to fear?

Mr. GOODYKOONTZ. It would be useless for me to speculate on that. What enemies hitherto have come across our pathway—enemies that we have had to fight?

Mr. GARRETT of Tennessee. Will the gentleman yield further?

Mr. GOODYKOONTZ. I yield.

Mr. GARRETT of Tennessee. If the only ones that you fear would be England or Japan as naval powers—if there is any reason to fear either of these, we rendered ourselves ridiculous by making ourselves simply equal to one of them in the treaty. [Applause.]

Mr. GOODYKOONTZ. The gentleman's logic and his argument would lead him to the abolishment of the entire Navy.

If you have extreme confidence in England and Japan, abolish your Navy. [Applause.]

Mr. LAYTON. Will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. LAYTON. That was the question I wanted to ask the gentleman—if the logic of the gentleman from Tennessee would not lead just as clearly to the abolition of all of the Navy.

Mr. GOODYKOONTZ. The gentleman is clearly right; the question is, Shall we have a personnel of 86,000, as has been recommended by the administration—the President as Commander in Chief of the Army and Navy at the head of the executive department, the State Department, and the Navy Department—or only 67,000 men, as has been advised by the subcommittee of the House? So far as I am concerned, I am willing to take the advice of the administration on this point and abide by it. [Applause.]

Mr. STAFFORD. Will the gentleman yield?

Mr. GOODYKOONTZ. I will.

Mr. STAFFORD. Following the logic of the gentleman's argument, instead of having 12,000 men as at present occupying the Coast Artillery, why not have 20,000, which the Army organization prescribes as war strength?

Mr. GOODYKOONTZ. The gentleman's query is not pertinent. I have been always opposed to a large Army, but have been for a strong Navy.

Mr. STAFFORD. What is the difference between the fortifications along the coast and the floating fortification on battleships?

Mr. GOODYKOONTZ. That is not germane. [Laughter.] We should give heed to Theodore Roosevelt's advice, "Speak softly and carry a big stick." We are limited as to the size of the club, but we want it to be the very best club that human ingenuity can devise and money can buy.

Remember the words of Patrick Henry—I may not quote him accurately:

The next gale that springs from the north will bring to our ears the clash of resounding arms.

This was an argument for preparedness. [Applause.]

I think we should have just as an effective "big stick" as we can get hold of. I want to give the Navy every dollar it requires in order that it may develop every pound of power and every ounce of strength obtainable. The Navy is entitled to funds sufficient to enable it to make a supreme effort to reach the very maximum of efficiency and perfection. [Applause.]

Mr. OLIVER. Mr. Chairman, I rise to correct what I think are inaccuracies in some of the statements made by two of my good friends, one of them, the gentleman from Georgia [Mr. CRISP], and the other the gentleman from New York [Mr. DEMPSEY], and I respectfully invite their attention to the same. The gentleman from Georgia [Mr. CRISP] seemed to feel that the Appropriations Committee was trespassing on the Naval Affairs Committee of the House, because the pending bill appropriates for only 67,000 enlisted men, while the Naval Affairs Committee has recommended to the House the passage of a bill fixing the authorized strength of the Navy at 86,000. My friend from Georgia failed to recall that under existing law the authorized strength of the Navy is now more than 137,000. The act of 1918 fixed the authorized enlisted strength of the Navy at 131,000, plus 6,000 apprentice seamen, and an additional number of Hospital Corps men. Last year no one questioned the authority of the House Appropriations Committee to appropriate for only 100,000 enlisted men, although in fact the authorized enlisted strength was then more than 137,000. The number of men finally appropriated for in the bill was 106,000 men, more than 30,000 less than the authorized strength of the Navy at that time under existing law. The gentleman from Georgia no doubt voted first for 100,000 and later for the 106,000 without protest.

Mr. McARTHUR. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. McARTHUR. The question was not raised, because it did not propose to do what this does, to make the Navy inferior to that of Japan. [Applause.]

Mr. OLIVER. I will be very glad to discuss the question submitted by the gentleman from Oregon [Mr. McARTHUR] when the section of the bill to which his remark may be considered appropriate is reached. I am now endeavoring to give to the House the authorized enlisted strength of the Navy under existing law and to convey to the House the information that the House has always favored the action of the Appropriations Committee in limiting the amount appropriated to the actual number of enlisted men needed, even though the number appropriated for may be greatly less than the authorized enlisted strength of the Navy.

In the bill carrying an appropriation for the Army you fixed the number of enlisted men in the Army to be appropriated for, although that number was less than the number which the existing law authorized.

The House approved it, and doubtless the gentleman from Oregon voted for it, just as he did the naval appropriation bill of last year. Certainly no one was heard last year, or more recently, when we passed the Army bill, to claim that the Appropriations Committee was trespassing on the authority of any legislative committee of the House.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. GARRETT of Tennessee. Does the gentleman from Alabama know whether the gentleman from Oregon [Mr. McARTHUR] still fears Japan, notwithstanding the four-power treaty? [Applause.]

Mr. OLIVER. I will yield sufficient time to the gentleman from Oregon to answer the question of the gentleman from Tennessee.

Mr. McARTHUR. Oh, no; I do not fear Japan; but I think that the United States ought to have a Navy, if not superior, then equal to that of any power in the world.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman from Alabama yield to enable me to ask a question of the gentleman from Oregon?

Mr. OLIVER. Certainly.

Mr. KELLEY of Michigan. Does the gentleman say that the number of men allotted here will make our Navy inferior to that of Japan?

Mr. McARTHUR. Yes; that is the broad statement.

Mr. KELLEY of Michigan. And the gentleman understands that this number of men is the number of men carried on these ships. Then, I ask the gentleman, if, therefore, our Navy has already sunk below that of Japan?

Mr. McARTHUR. Oh, that is not the number of men carried on these ships at the present time.

Mr. KELLEY of Michigan. Oh, yes; we are giving the number now carried and about 2,000 more.

Mr. McARTHUR. I think that the gentleman is in error.

Mr. OLIVER. Mr. Chairman, under the bill referred to by the gentleman from Missouri [Mr. McPHERSON], and which he states sought to provide that 86,000 enlisted men should be the actual strength of the Navy, I wish to call his attention to the error into which he fell. This is most evident from the mere reading of the first part of section 1 of the bill, to which he refers, and which reads:

That the total authorized enlisted strength of the Navy shall be reduced on July 1, 1922, to 86,000 plus 6,000 apprentice seamen.

The bill nowhere states that its purpose is to hereafter fix the actual number of enlisted men in the Navy at 86,000, but follows the language of like bills by simply providing what the enlisted strength may be.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. GRAHAM of Illinois. Has the gentleman read any reason given by the naval authorities for the fact that there is not now carried on the fleet a full personnel? What is the reason that they are not now carrying more men than they are?

Mr. OLIVER. Mr. Chairman, if the gentleman from Illinois will pardon me, I would prefer that a discussion of that matter be deferred until the section of the bill to which it very properly relates is reached. I am now desirous of submitting to the House some facts which I think will serve to correct some inaccuracies into which one or more gentlemen have fallen.

I know that it is the desire of the House, irrespective of what may be the final attitude of this or that Member on the present bill or on any of its provisions, to have accurate information as to the matters here discussed. As further showing that the gentleman from Missouri [Mr. McPHERSON] was in error as to the statement he made, the House will recall that the gentleman from Pennsylvania [Mr. BUTLER], the chairman of the House Naval Affairs Committee, stated that his understanding of the purpose and effect of the bill referred to by Mr. McPHERSON was absolutely as I have stated; that is, that it simply sought to fix the authorized maximum strength of the Navy and did not undertake to require that this number should constitute the actual enlisted number in the Navy at this or any other time. Perhaps never in the history of our country have we in

peace time had in the Navy its full authorized enlisted strength. Prior to the war the actual enlisted strength was much less than its authorized strength. If the House should now vote an appropriation for 86,000 men, this would be more than 50,000 less than the present authorized strength of the Navy.

May I again remind the gentleman from Oregon [Mr. MCARTHUR] that if he feels the Navy would now be weakened by appropriating for only 67,000 enlisted men, then the bill brought in by the House Naval Affairs Committee, of which he is a member, serves to deal it a much severer blow, because the bill which the gentleman from Oregon favors proposes to cut the officer personnel strength of the Navy from 5,500 to 3,400—this last number to include all officers carried as additional or extra numbers. Naval officers must be trained along very technical lines, and it is important to maintain a proper officer personnel, and far more important in peace time than a large enlisted personnel. Certainly no naval officer has been found who recommended to the House Naval Affairs Committee that the officer personnel be reduced to 3,400.

Mr. LAYTON. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. LAYTON. The gentleman just made the statement that at no time in our history has the authorized personnel of the Navy been at its full quota.

Mr. OLIVER. In peace times.

Mr. LAYTON. Then it necessarily follows that if we adopt the 67,000 personnel we will have a still weaker Navy, one below the 67,000.

Mr. OLIVER. If you should later pass the bill recommended by the House Naval Affairs Committee which seeks to fix the authorized enlisted strength at 86,000, then 67,000 would be a very fair percentage of the actual authorized strength in peace times.

Mr. LAYTON. The gentleman does not get the point.

Mr. OLIVER. I think I do.

Mr. LAYTON. The experience of the country is that whatever the authorized personnel we always fall below it, so that if we establish a personnel of 67,000 we are going to fall below that.

Mr. OLIVER. The gentleman evidently misunderstood the statement I have just made. I undertook to say, and I think I did, that the actual strength of the Navy was usually short of its authorized strength, and that in providing appropriations for the enlisted personnel in Army and Navy we have always endeavored to ascertain the number of men actually needed and to recommend appropriations for that number, irrespective of the authorized enlisted strength under existing law.

The gentleman from New York [Mr. DEMPSEY], in speaking of the remarks made a few minutes ago by the gentleman from Wyoming [Mr. MONDELL], stated that Mr. MONDELL had taken up the time of the House in discussing a matter long past and probably forgotten—that the House was not interested in past mistakes, even though they may have been the mistakes of naval officers. Permit me to say that the House may find that it is very much interested in the statement of the gentleman from Wyoming [Mr. MONDELL] before it has finished its consideration of the pending bill, for the reason that the bill carries a provision authorizing the Secretary of the Navy to retire a large number of chief petty officers and hereafter carry them as fleet reservists. This is made necessary because of the large oversupply of chief petty officers now in the service and to which the gentleman from Wyoming [Mr. MONDELL] refers. If the House should approve that provision of the pending bill which seeks to separate these officers from the service on retired pay as fleet reservists, it would involve a large amount of money during the lifetime of the men so retired.

A letter from the Bureau of Navigation on April 7 shows that we have approximately 12,000 chief petty officers, a number very much larger than a Navy of 96,000, 86,000, or 67,000 requires. Something must be done to get rid of this large number, because the pay of a chief petty officer mounts rapidly into high figures, with his allowances, and if the Navy is oversupplied some method must be found for reducing the number. There seems to be no question raised even by naval officers as to having a very much larger number of chief petty officers than are now needed, and they likewise recognize that we may have too large a number in the warrant grades and in the higher enlisted grades. These constitute the men of the enlisted service who draw the larger pay. I think you will see at a glance why the House may be greatly interested in the remarks of the gentleman from Wyoming.

My understanding is that the bill reported by the House Naval Affairs Committee also seeks to provide for the retirement within a fixed time of commissioned officers, some chief petty officers, and some in the warrant grades. The House bill undertakes to authorize the retiring of these to the reserves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Do I understand the gentleman to say that it is the view and has been recommended by the Appropriations Committee that these chief petty officers should be retired? Where will the Treasury come in?

Mr. OLIVER. My understanding is——

Mr. BUTLER. My friend is usually extremely accurate. I hope he is mistaken.

Mr. OLIVER. My understanding is that in this bill——

Mr. BUTLER. That is pure legislation, to begin with.

Mr. OLIVER. To complete what I started to say, I understood, Mr. BUTLER, that your committee had reported the bill providing for the retirement of some in the warrant grades and also some chief petty officers.

Mr. BUTLER. In the bill that was reported from the Committee on Naval Affairs we sought to retire commissioned officers, not from 5,500 and down—that many authorized by law—but from 4,140 down—six or seven hundred. But we did not provide for the retirement of warrant officers.

Mr. OLIVER. The Appropriations Committee was certainly under the impression, and we gathered that impression from my friend, Mr. BUTLER, the distinguished chairman of the House Naval Affairs Committee, that the Naval Affairs Committee had reported a bill authorizing the retirement not only of commissioned officers, but providing for the retirement of some in the warrant and chief petty grades. If I am in error as to that——

Mr. BUTLER. No; the error was mine. Of course, my friend knows I would not mislead him. I endeavored to say at that time what I now endeavor to say, that we had agreed to have the President take from the warrant officers' list as many as he thought was necessary and return them.

Mr. OLIVER. Then, as I understand, the bill reported by your committee does authorize the President to retire warrant and chief petty officers, and in that connection I will state that the Appropriations Committee, while carrying a provision of this kind in the present bill, does not undertake to recommend it to the House, but simply to bring this important matter to the attention of the House, and let the House take such action as it may deem wise in the premises. We were simply following the bill reported out, as we understood, by the House Naval Affairs Committee, and it is the purpose of the chairman now handling this bill to make that statement to the House when that section of the bill is reached. My purpose in giving the information at this time is to show how it was pertinent to the remarks made by the gentleman from Wyoming [Mr. MONDELL] and that it is an important matter for the consideration of the House, notwithstanding the statement of the gentleman from New York [Mr. DEMPSEY] that the gentleman from Wyoming had been speaking of a matter wholly abstract to the present bill.

Mr. DEMPSEY. The "gentleman from New York" did not say the committee should forget at all. The "gentleman from New York" said that the fact that one man had made a mistake in counting at some indefinite, uncertain time, as claimed by the gentleman from Wyoming, did not prove that all the experts in the Navy would make mistakes. And, the "gentleman from New York" said, further, that the question in this bill was not the question of petty officers but the question of enlisted men.

Mr. KELLEY of Michigan. The gentleman from New York evidently does not know that petty officers are enlisted men.

Mr. DEMPSEY. Oh, yes.

Mr. OLIVER. I can yield no further.

Mr. KELLEY of Michigan. He does not know what they are.

Mr. OLIVER. Let me suggest to the gentleman from New York if he will read the hearings——

Mr. DEMPSEY. I will not find anything on the question of enlisted strength at all.

Mr. OLIVER. If the gentleman will only wait until I finish, I feel sure he will see that the information I am endeavoring to give him is material. If he will examine the hearings to which I will refer him, he will get very helpful information along the lines he now professes interest in. The gentleman from New York did say that he was criticizing the gentleman from Wyoming [Mr. MONDELL] because he had alluded just to the mistake of one naval officer, and further stated that that amounted to but little. Now, if he will read the hearings had before the House Naval Affairs Committee in the fall and winter of 1919, which covered a period of about two months' time, and which hearings related to increased pay for the enlisted and commissioned personnel of the Navy, he will find that not one officer

but many officers of the Navy, not at one time but many times, made what he, the gentleman from New York, now designates as a mistake of a single officer. Statements were made to the House Naval Affairs Committee that a number of chief petty officers and officers in the warrant grades and enlisted men in the higher grades were rapidly leaving the service because of better pay on the outside, and that unless something was immediately done to retain them in the service it would be simply impossible to operate our fleet. Of course, the committee accepted these statements as correct, and the officers doubtless felt at the time that they were correct. I know they felt they were honest in what they said, but, unfortunately, it seems they then had and now have an oversupply of men in these two grades.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINEBERGER. Mr. Chairman, I ask that the gentleman from Alabama have five minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection?

Mr. LINEBERGER. I know that the gentleman is a very distinguished member of the Committee on Naval Affairs.

The CHAIRMAN. The gentleman will desist.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Alabama be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINEBERGER. I know that the gentleman from Alabama is a very distinguished member of the Committee on Naval Affairs, and I want to ask him one question in all sincerity. I want to know if he honestly believes that either England or Japan will maintain under this agreement anything less than a navy of the very highest efficiency? I want you to answer that question.

Mr. OLIVER. May I state that when the provision of this bill to which this question may be pertinent is reached I will be very glad to discuss it, but I am now simply endeavoring to give some information as to other matters to the House.

Mr. LINEBERGER. You have only to say yes or no in order to answer the question.

Mr. OLIVER. I will be very glad to answer more at length when the section of the bill to which it may be appropriate is reached.

Mr. LINEBERGER. I am sorry that the gentleman sees fit to evade an answer to that question.

Mr. OLIVER. I have no desire to evade answering the question, but my purpose in refusing is simply to avoid entering on the discussion of a matter that is wholly foreign to the information which I have been endeavoring to give the House on other subjects. I will say to the gentleman from California, however, that I feel sure that both Japan and England will not do less than what we will always do, and I know that is what the Appropriations Committee now purposes to do by this bill, namely, to keep their navies in an efficient condition.

Mr. LINEBERGER. Then I assume that the gentleman insists that the committee's report maintains our Navy at the very highest point of efficiency.

Mr. OLIVER. I think we will be able to show that to the satisfaction of the House, if the gentleman from California will only remain here when the personnel section is reached, and I hope that he will give fair consideration to what is said, even though he may now entertain an opinion entirely different from the views of the committee. The committee has no desire to in any way hurt the efficiency of our Navy, and we will very frankly and freely discuss the entire question, giving you our views as to why we limited the enlisted personnel to 67,000 men, when that section of the bill is reached. You must recognize that this is the most orderly way of proceeding in the consideration of a bill of this importance.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. I gladly yield to the gentleman.

Mr. LAYTON. If the gentleman from Alabama believes that we ought to throw aside all the recommendations of the Navy Department because of past mistakes which the Navy Department has made, what in the name of heaven should we do as to the House of Representatives?

Mr. OLIVER. Permit me to say that the premise on which the gentleman predicates his question is not one that I concede to be correct. The committee will be glad to discuss fully the limitation on the enlisted strength when that provision is reached, and I hope that the gentleman will concur with me that it can be better discussed when the appropriate section is reached.

Mr. MCARTHUR. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. Yes.

Mr. MCARTHUR. I would like to ask the gentleman from Alabama to advise the committee where the members of the subcommittee obtained their information about the British and Japanese Navies? There is nothing in the hearings about them.

Mr. OLIVER. If the gentleman will only content himself until this section of the bill, to which his question relates, is reached, I think that members of the committee will very gladly give him such information as they have. Permit me to say to the gentleman from Oregon that he is doing far greater hurt to the Navy by undertaking to reduce its officer personnel to 3,400 than can possibly be done by limiting the enlisted personnel to a figure which the gentleman from Oregon seems to feel is inadequate. Certainly the gentleman has found no naval officer who will recommend or indorse the bill reported by his committee to reduce the officer personnel to 3,400.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman allow me to say a word?

Mr. OLIVER. Yes.

Mr. KELLEY of Michigan. The testimony of the Naval Intelligence Bureau, even by the Naval Committee, has always been regarded as more or less secret. They always wanted us to lock the doors and prevent anybody from peeking in at the windows, so that their testimony is not public but is printed for the use of the committee.

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. NEWTON of Missouri. I want to ask the gentleman from Alabama if he thinks that the 96,000 men recommended by the Secretary of the Navy would be a violation of the terms of the treaty providing for the 5-5-3 ratio?

Mr. OLIVER. No. There is nothing in the treaty limiting the enlisted personnel of the Navy. The treaty only seeks to declare a naval holiday and fix a limitation on the number, size, and character of capital ships of the navies of the countries involved.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MONDELL. Mr. Chairman, from time to time during the debate gentlemen who do not approve the committee's figures have stated that they are not willing to take the judgment of the committee in the matter, but insist on taking the judgment of experts, and particularly the experts of the Navy Department. Curiously enough, some of the gentlemen who have made that statement have then added that they were therefore for an enlisted personnel of 86,000. I desire to ask gentlemen if any of them know of any time or place when the experts of the department or anyone in the Navy Department agreed to or suggested a personnel of 86,000, or anything like it?

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield for an answer.

Mr. SWING. All right. As between 67,000 and 86,000 all the experts are in favor of 86,000. [Applause.]

Mr. MONDELL. That does not answer my question at all; and, furthermore, it is not an accurate statement, for none of the so-called experts have proposed a personnel of 86,000; they are for a personnel of from 96,000 to 120,000. I have the latest statement that is to be found anywhere from the Navy Department, the letter of the Secretary of the Navy to the President, of date of April 5, in which the Secretary says:

> The General Board of the Navy have recommended as the necessary complement to our treaty Navy approximately 120,000 men.

Mr. SWING. I know; but——

Mr. MONDELL. I decline to yield. There the experts contend for 120,000 men. The Secretary then adds, in this letter to the President, the latest we have heard from him—

> I have recommended to the Congress an enlisted personnel of 90,000 men and 6,000 apprentices, with which personnel I believe the Navy can be maintained for the present with a reasonable degree of efficiency.

Now, what do the experts stand for? Will they be any happier with 86,000 than with 67,000? Nay, verily, the suggestion of 86,000 did not come from any expert, unless the gentleman from Oregon [Mr. MCARTHUR] qualifies as an expert.

Mr. MCARTHUR. He is just as much of an expert as the gentleman from Wyoming. [Applause.]

Mr. MONDELL. That comes from the imagination of the gentleman from Oregon. [Applause.] If we were to give the Navy 86,000, which is some 20,000 less than they have asked, they will be bombarding the doors of the Senate for the additional 20,000 men.

Mr. SWING. No.

Mr. MONDELL. The gentleman from California shakes his head. They will; and if they ask it the gentleman from California will probably vote to give it to them. He will, no doubt, say then, just as he does now, "I am following the experts."

Mr. BUTLER. Let us be fair all around. I know the gentleman will be fair. My friend from California [Mr. SWING] will agree with me that no naval authority ever mentioned the figure of 86,000. It is not to be found in the hearings.

Mr. MONDELL. The Navy Department has never suggested a figure less than 96,000. It has never suggested an expenditure of less than $350,000,000, and if you are to follow these experts your vote must not be for 86,000 but for 94,000, and you must raise this appropriation to approximately the expenditure of the present fiscal year. Then, instead of having appropriations reflecting the economies expected as a result of the treaty, we shall be spending for our Naval Establishment as much, if not more, than we did before the treaty on the limitation of armament. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes. I took no time in the general debate.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Will the Chair kindly inform me when I have consumed 10 minutes?

The CHAIRMAN. The Chair will do so.

Mr. LONGWORTH. Mr. Chairman, it is always with great hesitation that I take a position at variance with the conclusions of the great Committee on Appropriations, headed as it is by the ablest chairman since Uncle JOE CANNON. [Applause.] In this particular instance I have hesitated all the more to set my judgment against that of the chairman of the subcommittee, master that he is of the subject of naval affairs, whose speech when presenting this bill was one of the most brilliant I have ever heard in this House. [Applause.]

It is only after the most thorough investigation and mature deliberation that I have reached the conclusion that in your laudable efforts for economy you have in this instance cut too deep. You have cut below the quick. I fear that in the saving of a few millions you have created a situation which might cause a loss of untold billions. I fear that in your effort to protect Uncle Sam's pocketbook you have come perilously near to injuring dangerously his strong right arm. [Applause.]

I come from Ohio. There are no navy yards or naval stations there, but there are thousands upon thousands of people in Ohio, including her first and the Nation's first citizen, who insist upon the maintenance of an American Navy adequately manned, adequately equipped, and second to none in the world. [Applause.]

It may be superfluous then to assert that my advocacy of a Navy larger than that provided for in this bill is not influenced by any thought of local advantage. I would be reluctant to believe—I do not believe—that any man here is for an adequate Navy merely because he lives in a seacoast State any more than I would believe that he is for an inadequate Navy because he lives in an inland State. Not a man has spoken here, not a man will vote here when the time comes, and I care not which way he votes, whom I would suspect of being governed by motives of other than the highest patriotism.

It is many years since I have listened to a debate so vigorous, so enlightening, so frequently brilliant, as the debate upon this bill, and it has served a most useful purpose. Instead of muddying the issue, as debates sometimes do, it has immensely clarified it, and reduced it down to a plain, vital question, keen as a knife-edge, and not to be evaded or misunderstood. That question is, Does this bill provide for a treaty Navy?

Practically every leader on either side of the question has asserted his purpose to stand for a Navy which will fit with exactitude the terms of the naval treaty recently ratified by the Senate. The one important exception is the gentleman from Tennessee, the distinguished and able leader of the minority. He takes the position that while the treaty, so far as Congress is concerned, binds us both legally and morally not to exceed the ratio provided in its terms, it in no wise binds us to maintain that ratio. I can follow the gentleman from Tennessee only part way in his conclusion. I concede that we are obligated to the high contracting parties not to exceed the 5-5-3 ratio, but I vigorously dissent from the proposition that we are under no obligation to maintain it. On the contrary, I hold that we are under the most definite and solemn obligation to the American people to provide for a Navy which will at least equal Great Britain's and be to Japan's as 5 is to 3. [Applause.]

Mr. Chairman, you sat with a great majority of both Houses of Congress in the gallery of the now historic hall where the representatives of the powers were gathered to agree upon some plan for the limitation of armament. The air was tense. Not one of us knew whether the conference would be a success. Many of us feared that it might drag on many weary months, to eventually fail. We were hoping that something might happen to relieve our fears. And happen it did, and right off the bat! [Applause.]

Charles Evans Hughes [applause], one of the very greatest ministers of foreign affairs that this or any other country has ever had [applause], arose in his place at the head of the table to address the delegates, and within 20 minutes the clouds of doubt had cleared away and the successful issue of the conference was assured beyond peradventure, for Secretary Hughes had laid America's cards face up on the table, and his proposal was so unselfish, so just, so eminently fair, that its immediate acceptance was a matter of course. [Applause.]

You all recall the wave of applause that rocked the galleries when America's offer was revealed. Every Member of the Senate and every Member of the House jumped to his feet and acclaimed the proposal that America's Navy should be the equal of Great Britain's and be to Japan's as 5 is to 3. Do you suppose that there was one of us who would have applauded a proposal that our Navy should be the equal of Japan's and be to Great Britain's as 3 is to 5? Yet that is precisely what this bill as reported does propose. No, Mr. Chairman, instead of cheers there would have been hoots and hisses. Enthusiastic approval would have given place to righteous indignation. [Applause.]

The question is to-day, Shall we now sanction a proposition which we would then have contemptuously spurned?

Suppose further, Mr. Chairman, it had later developed that our delegates were weakening under pressure and were ready to cast their votes to cut under our own proposed naval strength. Do you not know that the American people with the slightest suspicion of such a weakening would have swept those delegates out of the Hall? [Applause.] Gentlemen of the subcommittee, you can not do now what you could not have done then. You can not put across this second-rate lame-duck Navy that your bill proposes. [Applause.]

Mr. BYRNES of South Carolina. Will the gentleman yield for a question?

Mr. LONGWORTH. Pardon me, please, because I have only a few minutes. I will try to yield to the gentleman later.

The American people then, the American people now, demand a Navy which shall be in man power and efficiency the equal of any in the world. And they are going to get it. [Applause.]

How about the other great navies? Does anyone suppose that Great Britain or Japan will cut their personnel one iota below the number required to efficiently man every single vessel to which they are entitled under the treaty? Is there any man here who would have the hardihood to assert that Great Britain's 18 capital ships and Japan's 10 will not be kept in full commission? Yet you propose by this bill to create a situation where but 13 of our 18 capital ships can be kept in full commission and the other 5 will be compelled to lie idle in a state of innocuous desuetude, so to speak, with but 200 men aboard, one-sixth of their proper complement. Of our 13 cruisers but 10 will be in full commission, and of our 108 destroyers but 65.

You will have crippled the American Navy, gentlemen. You will have made of America a second-class or maybe a third-class sea power.

These are not things which might happen. They are things which will happen, and you can not prevent it if your bill goes through. Congress has the power to limit the number of men to man our ships, but it has not the power to regulate their placing. The Navy Department has informed us that if the number of men be limited to the 67,000 provided in this bill, the things I have enumerated will happen. They have informed us that a personnel of 86,000 is the irreducible minimum necessary to keep all the ships to which we are entitled under the treaty in full commission. In other words, the difference between 86,000 and 67,000 is the difference between having in full commission 18 capital ships instead of 13, 13 cruisers instead of 10, and 108 destroyers instead of 65. It is the difference between a treaty Navy and a lame-duck Navy. I am for a treaty Navy, and I firmly believe that the American people are for a treaty Navy. [Applause.]

The gentleman from Michigan has repeatedly challenged any man on this floor to quote the President of the United States. I accept that challenge. [Applause.] I read from a letter I received this morning:

THE WHITE HOUSE,
April 8, 1922.

MY DEAR CONGRESSMAN LONGWORTH: I have to acknowledge your letter of inquiry addressed to me on the 10th instant. If I were to address the Congress formally, I could say only what I have already said informally, because I am well persuaded that it is not wise to make so drastic a cut in the naval appropriations as has been proposed in the measure now pending in the House.

[Applause.]

I do not doubt the good faith of the committee majority in believing a suitable Navy can be maintained under the limitations fixed in the pending bill, and I am heartily in accord with every consistent effort to deepen the cut in governmental expenditure. At the same time, I must believe in the good faith of the Navy Department and our naval advisers, who say very emphatically that it is impossible to maintain, within the proposed appropriations, the standard set for our Navy which was made the base of the international conference, and which standard we have proclaimed to the world.

[Applause.]

Of course, the decision must lie with the Congress, but I should not be frank in replying to your inquiry if I did not say that I shall be greatly disappointed, and I believe the country will be greatly disappointed, if the appropriation, to which the Navy must and will adhere, is reduced to the point where the limitation of enlisted men and apprentices is below 86,000.

[Applause.]

No presentation of the situation, which has come to my notice, has served to alter that opinion.

Ultimately, perhaps, the lower figures proposed may be reached, and I hope it will be possible through later international concert, but the trend toward peace and security ought to be more firmly established before going beyond the limitation to which we were gladly committed at the international conference.

Very truly yours,

WARREN G. HARDING.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

[Applause.]

These are solemn words of advice, and it would be a reckless man, I think, who would not heed them.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman.

Mr. GARRETT of Tennessee. When great naval experts like the President of the United States and the gentleman from Wyoming disagree, what are we poor laymen to do? [Laughter.]

Mr. LONGWORTH. As for this poor layman, I unhesitatingly decline to follow the gentleman from Tennessee in his program for the reduction of our Navy below that of Great Britain. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, it is well known even to laymen, to say nothing of military men, that when the fortunes of battle become most critical reinforcements are always called for most loudly. A few days ago the gentleman from Massachusetts [Mr. ROGERS], whom the papers had heralded as the man who was to lead the forces for an increase in Navy personnel claimed to be necessary in order to man what is called a treaty Navy, began to feel somewhat doubtful of the issue and rose in his place on this floor and read a letter from the Secretary of State as to what he deemed to be necessary to maintain a so-called treaty Navy. The gentleman from Massachusetts, of course, solicited that letter. He desired that letter not for his own information, because he was already convinced, but he desired that letter for the pressure which it might exert upon the wavering Members from other sections who did not entertain the same views as did the gentleman from Massachusetts. He wanted the prestige and the name of the Secretary of State with which to persuade those he could not himself convince. Not entirely satisfied that the Secretary of State's views met approval, we are now presented with a letter from the President of the United States. I have no criticism to make of these officers, because I know under what tremendous pressure they are placed by influences outside of Congress and by Members of the majority—whether Republicans or Democrats—when they get into a critical position they beseech the Cabinet officials and high executive officers of the Government to come to the rescue. I do not blame the officials for that course; neither do I approve as a wise course in general. On the question that is now before us I want to say that I believe in maintaining the Navy of the United States up to the point that is permitted under the treaty. A year ago when the naval bill was before the House some will recall that during the debate I made some remarks on disarmament and stated that I believed then, as I believe now, that the only way we can force other nations to yield to disarmament and bring pressure to bear to secure the limitation of armament is to let them know that the United States is going to maintain a Navy as large as is permitted under the treaty, and if we have no treaty, then the greatest in the world.

But I contend that under the treaty the United States does not need as many men as are contended for by some gentlemen on the floor. At this point I might suggest that if the President of the United States, in his letter, is influenced by naval opinion to advocate 86,000 men, there must be disagreement among his advisers, for, according to the gentleman from Pennsylvania, the chairman of the Naval Committee, he is not following the naval authorities who advised the committee, because the gentleman from Pennsylvania says that no naval officer and no authority from the Navy Department ever gave the committee any advice as to 86,000 men for the Navy. [Applause.] But, gentlemen, what does the naval treaty provide? The naval treaty provides that the United States power at the present time, when it completes the immediate scrapping, shall have 500,650 tons. After it completes its two new battleships and scraps two old ones, it will have a naval strength of 525,850 tons. It provides that Great Britain shall have for the present year not 500,000 tons, as provided for the United States, but shall have a tonnage of 580,450 tons. After her two new ships are completed and after the scrapping of four old ones takes place she will have 558,950 tons for an indefinite period until, in the course of time and through the scrapping of ships because of age, she shall be reduced to the permanent basis of 525,000 tons in capital ships.

But for the present time, under the treaty, Great Britain is allowed 580,450 tons, as against 500,650 tons for the United States, and I contend that it does not require as many personnel in the Navy of the United States as it does in the Navy of Great Britain upon that basis.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, if 67,000 men places the United States on a 3 to 5 basis, according to the statement of the gentleman from Ohio [Mr. LONGWORTH], then, instead of 86,000 men, we ought to appropriate for something over 110,000 men, using his ratio. It is simply a question of whether or not as a matter of fact 67,000 men will maintain the existing strength of the Navy as it is being maintained at the present time. All of the arguments are based, after all, on a question of fact, and I refuse to accept as an admitted fact the statement that 67,000 men will not maintain the 18-battleship ratio.

I desire to call attention to another fact. The United States battleship fleet of 18 battleships does not have at the present time sufficient auxiliary ships to make it a complete, well-balanced fleet. That is admitted. The gentleman from Alabama [Mr. OLIVER], formerly a member of the Committee on Naval Affairs, makes that statement, and the gentleman from Pennsylvania [Mr. BUTLER] will make that statement. The Navy of the United States at the present time has not sufficient auxiliary ships to make a well-rounded 18-battleship fleet. If that is true, then the United States does not require a personnel to man ships which she does not have in commission.

Mr. Chairman, for one I am not and never have been a little Navy man. Although I live far from the sea, I realize it is necessary for the United States to maintain an adequate Navy, and shall so vote, but during the coming year what fears have we that our security will be imperiled? The President of the United States and the Secretary of State, who are now being called as witnesses to support the claim that unless this Congress adopts the larger complement of men for the Navy our security will be endangered and that war perhaps will threaten us—these two officials are the ones who only a short time ago told us that with the conclusion of the Conference on Disarmament, on the ratification by the Senate of the four-power pact, and on the conclusion and approval of all the conference treaties, there was not a cloud of war even so large as a man's hand out yonder on the horizon, that the safety of the United States from war was now practically assured, and that we might lift up our faces toward the future with confident hope that a long step had been made toward securing peace forevermore. [Applause.] Yet now these same prophets of peace, these same gentlemen who have solemnly told the Congress and the country that through their instrumentality peace has been assured, come before the Congress of the United States and tell you that if you reduce the personnel of the Navy a few thousand men you are imperiling the safety of the Republic and the peace of the world. [Applause.] What did the President say when he submitted the treaties to the Senate? I am not criticizing the President. I think he is a fine man, I think he is of genial and good nature and loves his friends, and I think he is particularly susceptible to the pressure that has been exerted upon him in this particular instance. The President does not like to say no to his friends. I think he is rather unfortunate, however, in some of his friends. [Laughter.] What did the President say about these treaties? I quote from his words to the Senate:

Much as it was desirable to lift the burdens of naval armament and strike at the menace of competitive construction and consequent expenditure, the executive branch of the Government, which must be watchful for the Nation's safety, was unwilling to covenant a reduction of armament until there could be plighted new guaranties of peace, until there could be removed the probable menaces of conflict.

The President of the United States says that through these treaties the probable menaces of conflict have been avoided, and yet gentlemen invoke the President as saying that unless this House adopts 86,000 men as the personnel strength of the Navy the Republic will be imperiled. What does Secretary of State Hughes say in the letter that was extorted from him by the good fellowship of the gentleman from Massachusetts [Mr. BOLTON]?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to speak for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, the Secretary of State has been quoted on numerous occasions as saying that as the result of the conference a long way had been traveled along the road to peace and world security. What does he say about a personnel of 86,000? I quote from the letter which was inserted in the RECORD a few days ago by the gentleman from Massachusetts:

To alter that relation would be a very serious matter for the United States, both impairing its prestige and putting its security in jeopardy.

He does not say how. He simply refers to altering the relation, and I say that with a personnel of 67,000, according to some of the best authorities we have here on the floor of the House, we shall maintain that relation. But how ridiculous for the Secretary of State to come here, through the instrumentality of this letter, and say that unless we adopt 86,000 instead of 67,000 men, the security of the United States would be put in jeopardy. By whom? By whom? What nation is there that can lead out upon the sea a fleet that will challenge the strength of that of the United States, except Great Britain or Japan?

Do we fear danger from Great Britain? The Secretary of State and the President and all in authority have told us that in the conference that has just ended and in all the negotiations between the two countries the United States and Great Britain are in accord; that we have entered into a treaty not to fight but to submit our controversies to conferences and to adjustments. The Secretary of State has told us that there is no danger there. Who else? Japan? Are we going to fight Japan within the next year? Oh, I do not think so. Japan can not lead a navy out on the seas that would equal ours, except according to the testimony of the gentleman from Massachusetts [Mr. ROGERS] and the gentleman from Oregon [Mr. MCARTHUR]. They are the only ones here who admit that the United States with 500,000 tons can be defeated by Japan with 300,000 tons. They are the only authorities that I know who make such an assertion. It is ridiculous in one breath to say that we have peace and may be assured that we shall continue to have it and in the next breath to say that those nations whom we trust, those nations with whom we are willing to covenant, those nations with whom we are willing to form an alliance, if we but turn our heads the other way are ready to strike us in the back and attack us and sink our battleships. [Applause.]

The only way to get disarmament is to keep after it in the years to come. We have not got it yet, but the people of the United States want it now more than they ever wanted it in the past. This conference was a good thing. It set a precedent, but it is only a small beginning. We have not got disarmament in this country when it takes 120,000 men, according to some of the experts, to man our fleet. We have not got disarmament when out of that conference the weakest nation that entered it came with a navy greater than that swarming armada that Phillip of Spain sent sweeping up the channel to challenge the strength and the might of Great Britain.

We have not disarmed, when the least powerful nation that entered the conference emerged from it with a navy more splendid than that which gathered under the banners of Nelson when he swept the maritime power of Napoleon from the sea and sealed the doom of that great genius whose ambition Waterloo finally engulfed in despair.

Mr. Chairman and gentlemen of the committee, I am not here speaking as a partisan to-day. I am not seeking to take any advantage of the position of the President and of the Secretary of State. But I do fear, in view of the fact that these letters from these officials have been incorporated into this RECORD, I believe in view of the fact that they will be sent over the wires to all parts of the world, that Great Britain and Japan, with whom we have solemnly covenanted not to fight, that these nations, with whom we have contracted not to increase our navies, when they hear the President of the United States and the Secretary of State saying that unless we make the personnel 86,000—these two powers, the only powers from whom we can possibly expect any danger—I believe when that message goes out it will not contribute to the confidence of Great Britain or to the confidence of Japan in the good faith or in the fairness of the United States of America. [Applause.] They may say, "We trust America, but she does not trust us. Is it possible that when her back is turned she fears we shall assassinate her in the dark?" I am not willing to issue that kind of a message to the world. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

NAVAL TRAINING STATION, GREAT LAKES.

Maintenance of naval training station: For labor and material; general care, repairs, and improvement of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting, and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: in all, $160,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1923, shall not exceed $45,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

A few years ago the experts in the Navy Department insisted that Congress should provide for a training station on the Great Lakes at tremendous expense, and, guided by the experts in the Navy Department, Congress made provision for a training station to be located on the Lakes, in the judgment of a commission to be appointed by the Secretary of the Navy, which commission promptly located the station in the district represented by the chairman of the Naval Committee. And having appropriated great sums of money for the expense of the Great Lakes Training Station, located north of Chicago, and having largely depended upon the men who went through the Great Lakes Training Station during the war, the experts in the Navy Department now conclude that it is not necessary to have a training station on the Great Lakes at all, and under their advice this bill practically abolishes the training station constructed, not as a war measure but provided for long before the war, on the advice of the experts. But experts change. The opinion of the experts to-day is worth nothing to-morrow, because experts can be manipulated more rapidly than three-card monte. [Applause.]

Mr. COCKRAN. May I ask the gentleman if he ever knew an expert yet who had any other function in life except to contradict every other expert?

Mr. MANN. I have great respect for the experts. I quite frequently follow them. I am not complaining now, because I do not know much about the Great Lakes Training Station, and I wonder if the Navy Department itself does. The Navy Department has always been largely controlled by the people along the Atlantic and Pacific coasts, while in time of war the Navy goes back to the interior to get the men to man and fight the ships. [Applause.] And when war is over they want to locate the training stations all along the coast, where the money will be spent in the districts represented by the gentlemen who ardently advocate an enlarged Navy. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, I offer a motion to strike out the last word for the purpose of asking one or two questions of the chairman of the subcommittee, if he will be good enough to give me his attention.

I observe that the appropriation for the Great Lakes Training Station has been reduced from $400,000 to $160,000 and the appropriation for Hampton Roads from $375,000 to $360,000. In other words, the appropriation, Mr. Chairman, for Hampton Roads has been reduced $15,000 and that for Great Lakes has been reduced $240,000. I would like to ask the chairman of the subcommittee what it is proposed to do at Great Lakes hereafter?

Mr. KELLEY of Michigan. I will say to the gentleman from Illinois that the question of the training for the Navy is a rather difficult sort of a question, because of the different methods which prevail for training in different years. Originally the Navy Department insisted that it was necessary to keep the boys on shore in these stations for some four months and get their training there. But during the war they discovered that about all they needed to do was to keep them on shore long enough to be sure that they would not come down with the measles or the mumps and spread it to the fleet, and that the proper place to train the boys in seamanship and fighting was on the ships of the Navy. Now, you can readily see that that

has resulted in an almost complete abandonment of these stations for the purposes for which they were originally intended. For instance, at the present time, with 96,000 men in the Navy, there are less than 5,000 men in training in all the stations but one. Now, that being the case, we have training stations enough not only to train the boys for our Navy but, I suppose, to train enough for all the navies of the world.

The one in Chicago is a permanent training station, as the gentleman from Illinois [Mr. MANN] has said, with a capacity originally for about 2,500 boys, as I recollect. Before the war we appropriated for this station $80,000 the last year. And I think they had 1,200 or 1,500 boys in the station at that time. Now, in view of the fact that the stations have been almost completely abandoned for the purposes of training, we thought if we doubled what they had before the war at Chicago it would be a fair allowance.

Mr. CHINDBLOM. Will the gentleman yield for another question?

Mr. KELLEY of Michigan. Yes.

Mr. CHINDBLOM. What was the appropriation for Hampton Roads before the war?

Mr. KELLEY of Michigan. That brings about the other question which I was quite sure the gentleman would reach in a moment, that the station at Hampton Roads, under the policy of the department, has, I think, been regarded as the place at which to centralize the training so far as the training of boys for the fleet is concerned. So that during this year on the Atlantic coast practically all the training has been done at Hampton Roads. That is the greatest rendezvous, the department says, for the fleet. The fleet being there, it is desired to train the boys and put them into the station out of the ships, and so they expect what training they will do on the Atlantic coast will in all likelihood all be done at Hampton Roads. That is why we did not reduce the appropriation.

Mr. CHINDBLOM. Well, Mr. Chairman, it appears to be the policy of this appropriation bill to destroy whatever interest there may be in the Central West——

Mr. KELLEY of Michigan. Will the gentleman yield for one further remark?

Mr. CHINDBLOM. Yes.

Mr. KELLEY of Michigan. The Navy Department desired to abandon the training station in Rhode Island and not use it at all. We did not know what the policy of Congress should be on a proposition of that kind. The fleet is at Newport through the happy and cheerful summer months.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent for five minutes more. I have not heretofore taken the time of the committee on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. KELLEY of Michigan. Will the gentleman yield further?

Mr. CHINDBLOM. I yield to the gentleman.

Mr. KELLEY of Michigan. It was stated that there would be more or less training, more or less passing back and forth from the ships to the shore during the summer months, and so we reported for Newport an item sufficient to keep the place open in that season of the year when the fleet would be in that vicinity.

Mr. CHINDBLOM. As I started to say, Mr. Chairman, it seems to be the policy of this appropriation bill to discourage whatever interest there may be in the matter of the training of boys for the Navy in the Central West. It happens that the Great Lakes Training Station is in my district, but I am not speaking for it on that account. I presume that the station will be maintained for some purpose. At the present time there is a total personnel at the station and in the hospital of 1,670 men. There are under instruction in the radio school 255, and there are in the aviation school 193. The operating force and the men on general detail number 538; the marines at the station number 26; in the main hospital there are patients to the number of 68, and there are war veterans to the number of 400, and the operating force is 190.

Reducing this appropriation from $400,000 to $160,000 leaves practically only a monument of the buildings, the grounds, and the equipment to designate the place where during the war the largest number of men were recruited and trained for service in the American Navy; men who came from the farms in the West and from the factories and shops in the big cities of the central portion of this country and furnished a large part of our forces at sea.

Is it proposed, Mr. Chairman, that the Navy shall be the particular property and the particular interest only of the seacoast of the United States, or is the policy to be followed hereafter, as it has been followed heretofore, that an attempt be made to create and maintain close contact and direct interest in this great arm of the fighting strength of the Republic among the people who live away from the seashore and from the Atlantic and Pacific coasts?

The appropriation for Hampton Roads has been reduced in the amount of $15,000, while that for the Great Lakes has been reduced $240,000. I would like to ask the chairman why this discrimination? We could at least continue to keep the training schools at the Great Lakes. Most certainly the radio school and the aviation school can be kept there. Why would it not be equitable and fair to the purposes of the Navy to transfer $100,000, say, of the appropriation for Hampton Roads to the Great Lakes, and put the two stations at least upon a parity? Then you will show that you have some regard for the great work which has been done by the people of the Middle West for the Great Lakes Naval Training Station.

Mr. KELLEY of Michigan. Well, I will say to my friend from Illinois that in preparing the bill providing for training of course we had to be governed very largely by where the Navy Department said they were going to train the boys.

Mr. CHINDBLOM. Of course, they have some fondness for the Atlantic coast and for the Pacific coast. I understand that. But is not Congress going to have something to say about it?

Mr. DEAL. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. DEAL. Perhaps I can enlighten the gentleman somewhat on that point. Chicago, or the naval training station on the Lakes, is about a thousand miles from the seacoast, and in the transfer of these boys to and from the training school to the coast it would cost this Government millions of dollars annually to take those boys to and from the coast and bring them back to the ships.

Mr. CHINDBLOM. Oh, Mr. Chairman, the gentleman is mistaken. You do not have to spend any money to transfer them to the radio and aviation schools.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. CHINDBLOM. I move to amend, page 15, line 19, by changing the figures from "$160,000" to "$260,000." And I want to say that if that motion is adopted I shall move to amend the appropriation for Hampton Roads by reducing the amount there from $360,000 to $260,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 15, line 19, strike out the figures "$160,000" and insert in lieu thereof the figures "$260,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CHINDBLOM. Mr. Chairman, I would like to have a count of noses. I ask for a division.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 32, noes 56.

So the amendment was rejected.

The Clerk read as follows:

NAVAL TRAINING STATION, NAVAL OPERATING BASE, HAMPTON ROADS, VA.

Maintenance of naval training station at naval operating base, Virginia: For labor and material, general care, repairs, and improvements; schoolbooks; and all other incidental expenses; in all, $360,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1923, shall not exceed $25,000.

Mr. CHINDBLOM. I move to strike out the last word. Mr. Chairman, in my remarks a few minutes ago, when I suggested the transfer of $100,000 from the naval training station at Hampton Roads to that at Great Lakes, I of course had no intention of deprecating the work at Hampton Roads, and I shall not now make the motion which I then suggested. I want to say this, however, that I assume that this appropriation for training is based upon a 67,000 men Navy.

Mr. KELLEY of Michigan. There are only 5,000 to be trained in it in any event, even under the 96,000 men Navy. The training in these training schools is almost negligible.

Mr. CHINDBLOM. If you have a larger number of men do you not have to supply more men to take the places of those whose terms expire? You certainly will have need for a larger training school. I merely want to say that if the number of

the personnel in the Navy is increased, then it will be necessary to increase the appropriations for the training schools. And when that is done I hope the committee and the department will see the justice of giving some consideration to the people of the great Middle West, and will recall the fact that the people of this country have at great expense established a large, efficient, creditable training station in the Middle West, which should not be allowed to go to rack and ruin.

Mr. MANN. If the gentleman thinks that the Navy as now operated is going to give any consideration to the West he has another guess coming. [Laughter.]

Mr. CHINDBLOM. I hope I will not have to reach that conclusion, because if we are to be successful in this Nation in time of peace as well as in time of war, if we are to prosecute industry successfully and defend ourselves adequately against any possible emergency or exigency, we must give proper attention to every part and every section of our country.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

In all, Naval Home, $158,622, which sum shall be paid out of the income from the naval pension fund.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to read a short editorial from the Philadelphia Inquirer of Monday, April 10, 1922, and have it printed with my remarks in 8-point type.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing an editorial in 8-point type. Is there objection?

There was no objection.

Mr. CRAGO. Mr. Chairman, the other day when we were considering the so-called adjusted compensation bill I tried to reason with myself as to how I should vote. Originally I had not favored this legislation, because I knew that many of the ex-service men themselves did not favor it and the business interests of our country were very much opposed to it, but I reasoned that a great majority of our service men now had become convinced that this compensation was justly due them; so, following my invariable rule, I resolved my doubts in favor of the men who had worn the uniform of our country in time of war and voted for the then pending bill. When any legislation or appropriation concerning the Army or Navy is being considered by the House I invariably follow one rule, namely, to favor that policy which looks to the safety of our country; and believing as I do, that a real Army and a real Navy are essential if we would compel peace, I shall vote now to keep our Navy equal to the navy of any other great power and trust to the genius of our American naval men to turn that arm of our defense in case of need into the very best Navy of the world, able to strike the hardest blow. National defense is the prime reason for the existence of our Federal Government, and yet we haggle over appropriations to maintain this defense while with a lavish hand we appropriate moneys for purposes which are really not national.

How can anyone with full knowledge of the significance of the meeting of the great nations on the question of naval disarmament fail to see that it is our plain duty to maintain a Navy equal to the one approved by that conference? Any other course, it seems to me, is an act of treachery to the nations who so gladly answered the call of our President and attended this conference.

I do not profess to have sufficient knowledge of the personnel of the Navy to determine for myself the exact number of men necessary to keep our Navy in the ratio provided in the conference agreement, so I am compelled to rely on the opinions of men who do have this knowledge. If the number provided by this bill would enable us to maintain this ratio, it seems strange that no one has shown us that it can be done, while, on the other hand, every naval authority takes the position that under this bill our ratio can not be maintained. It should not be a difficult matter to determine. We can not go beyond the ratio; our associated nations will prevent this; but we should not fall below that ratio, because our sense of honor and fair play should be strong enough to prevent such action. [Applause.]

The following is the editorial referred to:

A CHALLENGE TO COMMON SENSE.

"The defense of the Navy appropriation bill, reported to the House on Saturday by Representative KELLEY of Michigan, the chairman of the subcommittee that framed it, is not convincing. He gives three reasons for the reduction of the enlisted personnel to 67,000 men—the agreement reached by the Washington conference, the laying up of surplus destroyers, and the elimination of nondescript vessels.

"Some of these reductions are contemplated by the Navy Department, to be sure. But the bill as it stands goes much further than that. Mr. KELLEY's assertion that the 18 battleships to be retained under the terms of the treaty can be kept in full commission is denied by the Secretary of the Navy. Five of them, at least, must be put in ordinary with caretakers.

"It is absolutely futile, therefore, to contend that the bill preserves the 5-5-3 ratio agreed upon by the conference. Every naval expert who has expressed an opinion denies that. It is, they say, a 5-3-2½ ratio, with the United States at the 2½ end. Mr. KELLEY takes no account, apparently, of fleet maneuvers or gun practice. These are vital items in naval efficiency. A fleet on paper is not a fleet in being. As Admiral Sims has put it, 'A navy that can not win is a useless expense. This is preparation for defeat.' Mr. KELLEY was not very successful in juggling the figures as to the naval forces of Great Britain and Japan under the treaty. It would be interesting to learn how he comes to the conclusion that with the proposed reduction in personnel the American Navy and the British 'will stand almost exactly at the same point.'

"Secretary Denby states the whole case in a nutshell when he says, 'We called the conference. We made the proposals. We should abide by the conclusions.' If the bill goes through as it has been reported, all our naval plans go by the board. It is, as the Secretary points out, 'a challenge to the common sense of our people.' Congress should be made to feel that the Nation realizes this."

[Applause.]

Mr. CRAGO. Mr. Chairman, I believe that that expresses the opinion of the patriotic people of this country. They are not afraid of this expense; what they want is as strong and efficient a Navy as they can get under the terms of the disarmament agreement. [Applause.]

The Clerk read as follows:

For services of necessary employees at branch offices, $23,700.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I really should have tried to get the floor immediately after my genial friend from Kansas, because I can qualify with him as far as lack of technical knowledge of the Navy is concerned.

I do not intend to discuss this measure from such a point of view or to discuss whether we should have 1,100 or 1,300 men on a capital ship; I simply want to present my views as the views of an average American citizen who simply tries to use a little common sense and judgment in arriving at a conclusion.

I am in entire accord with the statement of the chairman of the committee when he said that the American people do not want at this time to spend a single dollar that is not absolutely necessary. And I think my record along this line will compare favorably with that of any man in this body. Yet at this time, in many ways the most crucial during our history as a Nation, I do not want to be "penny-wise and pound foolish." That is what I fear we would be if we cut our Navy personnel down to 67,000, as provided by the committee.

My memory is not so short but what I well remember the condition we were in only five short years ago when we were suddenly thrown into the very vortex of a world-wide war with not a single weapon of offense or defense at our command. How often we all thanked God for England's Navy and France's Army. [Applause.] How often we all said we will not be caught that way again. If it had not been for these two arms of defense raised in our favor, we would have a much bigger war burden than we are carrying to-day.

My friends, in the next life and death struggle of nations perhaps England's Navy and France's Army may not be on our side. Let us to-day make our own Navy our strong arm of defense and not trust anybody. [Applause.] That is the only sensible thing to do. It is not the appropriating for a few extra men that runs up the big Navy cost; it is the stupendous and everlasting building program—and I voted for it when it was thought necessary. But this expansion program has been done away. We have the ships, and all we have to do is to properly man them, and I believe this House is going to vote to do it.

The 5-5-3 naval agreement of the conference has met the approval of every American citizen, and I for one am not going to vote for any measure that contains a question of doubt as to our status under this agreement. As I understand it, the President, Secretary of the Navy, Assistant Secretary of the Navy, and every naval advisor of the conference says we can not efficiently maintain the ratio allowed us by the conference with 67,000. It is a cold show-down between the executives and every expert naval authority of the country on one side and the five members of the Subcommittee on Appropriations on the other, and I am going to give the benefit of the doubt to the President and the Secretary of the Navy. I had rather be sure than sorry.

I listened to every word of the distinguished gentleman from Michigan, and he made one of the most able and convincing arguments I have ever heard here. The only question is, was his premise right? Was it a fair basis to lay as a foundation of a new Navy the number of men on shipboard on February 1? We were then operating under the old régime. We were then keeping in commission all our ships, but not necessarily at the highest point of efficiency. We were using the men as seemed best for the number of ships afloat and under the then existing conditions. But while under the new arrangement everything is entirely different, and we are now limited as to number of ships, we are not limited as to the efficiency of the operating force we can place on those ships. This is the only place, if we operate under the treaty, where we have any discretionary power—namely, the degree of efficiency we maintain on the ships allowed us. If 1,300 or 1,400 men will make a capital ship more efficient than 1,100 men, then the people of this country want the 1,400.

Mr. MADDEN. Will the gentleman yield?

Mr. SNELL. I will.

Mr. MADDEN. There were only 2,900 men difference between the number of men allotted by the committee to the 18 battleships and the number of men the Navy says we have got to have.

Mr. SNELL. Then I would go the limit of the 2,900; give them all they ask for in this instance, and be sure of the future efficiency of our Navy.

Mr. FESS. Will the gentleman yield?

Mr. SNELL. Certainly.

Mr. FESS. When I ask the question I have the same matter in mind that my friend has, the matter of economy.

I think the Bureau of Standards is authority for the statement that 93 per cent of the total cost of Government is for war, and that 70 per cent of that is due to past wars. We can not reduce that 70 per cent, because it is the interest on the public debt, the sinking fund for the disabled soldiers, and other things that grew out of the wars that we must pay. That leaves about 23 per cent to maintain our present Military Establishment. If we do not cut on that, where is there any chance to save anything?

Mr. SNELL. We are cutting in this way, and when we cut out the large and expensive building program, we cut the great part of the cost of our Navy during the last few years. At the present time we have the ships and the only additional expense is appropriating for a few extra men to man those ships.

It is a question of efficiency at which we shall keep those ships that I am interested in, and the one the American people are interested in. Furthermore, in my judgment that is the only question left open to us to decide, if we operate under the terms of the naval agreement.

Mr. FESS. My friend and I have talked about the matter, and we are both open-minded on this question. I have not yet ascertained how much we are going to be able to save as a result of the arms conference if we allow the Navy influence to continue.

Mr. SNELL. I do not think that we are allowing this Navy influence to continue when we simply vote enough money to keep at 100 per cent efficiency the ships allowed us under the naval treaty. I am not a great-Navy man; I do not even know any men in the Navy. I have no naval activities in my district, but I am interested in having a strong arm of defense on which we can depend in time of need.

Mr. FESS. I have always been a big-Navy man.

Mr. SNELL. I do not know that I always have, but I have voted for everything during the last five or six years which has been asked for, because I thought it was necessary. It seems to me at this time that we owe it to the American people to vote to keep our Navy under the terms of the agreement to the highest possible efficiency. That is the only thing that I am interested in as far as this bill is concerned. While I appreciate the work that has been done by the Subcommittee on Appropriations, I do feel that in this particular matter we ought to follow the advice as far as possible of the experts of the country, of the men who were selected to represent us in the naval conference, and in whose judgment we have the fullest confidence.

Mr. FESS. The gentleman will recall the advice of the experts of the Army who recommended an Army of 570,000, and the gentleman would not follow that advice. What I am concerned about is whether by following the recommendations of these men we will save a single dollar. Is it not true that they make the recommendation in the light of what the Congress will allow them?

Mr. SNELL. They have nothing to do with recommending a building program, because that is a closed incident. The only question before us now is the efficiency at which we shall keep the ships allowed us under the treaty.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, the gentleman is one of the very best business men in the House, and I am very much interested in what he is saying. It is true that the building program is eliminated now from the bill.

Mr. SNELL. That was the large part of our naval expense heretofore.

Mr. KELLEY of Michigan. But the gentleman must keep in mind, so far as this year's finances are concerned, that a bill will follow this to settle up contracts on account of the cancellation of all these ships, and that it has been variously estimated will take from sixty to one hundred million dollars. That will have to be paid this year.

Mr. SNELL. I appreciate that; but even so, it is cheaper to settle these contracts than to go on and build the ships; and, furthermore, that is not the question before us at the present time. The only question before us at the present time and one real question of contention in regard to this bill is whether we will appropriate for 67,000 men or 86,000 men.

Mr. KELLEY of Michigan. The gentleman stated that the only added expense which would be involved by increasing this number of men would be what the men would cost in their subsistence.

Mr. SNELL. Yes; that is practically the situation as I see it.

Mr. KELLEY of Michigan. If the gentleman does vote for an increase in the number of men, I assume that he does it upon the theory that the number of men provided for in the bill would keep in commission only 12 battleships.

Mr. SNELL. That is practically my position. I think there is some question of doubt about the number of men required, and I prefer to be absolutely sure. I do not think there is enough difference between 67,000 and 86,000 so that we can afford to take any chances at this time. There is where I stand.

Mr. KELLEY of Michigan. The point I wanted to make is this: That if the committee is wrong and we have provided only enough for 12 battleships, and the gentleman is going to vote to add enough men now to man 18 battleships, then the gentleman must see that we will have to provide for enough money to keep those battleships going, fuel and everything else in proportion, if we have made the mistake that the gentleman says we have made.

Mr. SNELL. I do not say that I am absolutely sure the committee has made that mistake, but I want to give the benefit of the doubt on the side of safety.

Mr. KELLEY of Michigan. And if that is true, a thousand men put on the ships means $3,000,000 for every 1,000 men. You can figure that up for yourself.

Mr. SNELL. The gentleman did not understand my statement as I made it. Furthermore, I do not understand it costs $3,000 per man when you have everything else provided.

Mr. KELLEY of Michigan. An increase of 20,000 men would mean an increase in the bill of $60,000,000, if the gentleman is correct in his original premise, that the committee has made a mistake, and he says we have.

Mr. SNELL. I said I thought there was a question of doubt, and if there is a question of doubt as regards the matter of providing 100 per cent efficiency in the ships that we are allowed under the treaty, I am going to vote for the higher number of men.

Mr. KELLEY of Michigan. It would be useless, would it not, to provide the men unless we provided the fuel with which to run the ships?

Mr. SNELL. I understand that you provided the fuel; you stated so in your opening speech.

Mr. KELLEY of Michigan. You are taking my position now.

Mr. SNELL. No; I am not.

Mr. KELLEY of Michigan. You are on one side or the other of the situation.

Mr. SNELL. My position is absolutely clear. You provide in this bill maintenance for all the capital ships that we are allowed under the treaty.

Mr. KELLEY of Michigan. And plenty of men.

Mr. SNELL. The only question in my mind and in the mind of this House is whether you have provided enough men, and I say that I give the benefit of the doubt to the larger number of men, because I think that is what we should do at this time.

Mr. DEMPSEY. In reference to the question of the gentleman from Ohio [Mr. FESS] as to whether we are saving anything as a result of the disarmament conference, the chairman of the subcommittee says that the bill appropriates $233,000,000, and that that is a saving of $192,000,000 from the Budget estimates. We appropriated ninety millions last year for construction, but we are saving $102,000,000 even beyond the construction program.

Mr. MADDEN. It costs $75,000,000 to settle all of the contracts.

Mr. SNELL. That is not carried in this bill.

Mr. MADDEN. That will be carried in another bill.

Mr. SNELL. We are not discussing that at the present time.

Mr. STAFFORD. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. STAFFORD. Does the gentleman differentiate between keeping in a high state of efficiency that which by treaty we are limited in going beyond and that arm of defense, such as fortifications, where we are not limited as to the number which may be employed?

Mr. SNELL. I do not know as I understand the gentleman, but I am for fullest efficiency in every arm of offense and defense.

Mr. STAFFORD. That is not the rule the War Department is following with reference to fortifications. They——

Mr. SNELL. I decline to yield further. I am willing to go the limit to keep our fighting force and all arms of defense up to 100 per cent efficiency.

Mr. Chairman, I am not satisfied with a 4.99-5-3 ratio. I want it 5-5-3, and our five spelled with all capital letters, and no doubt about it. I want the Navy allowed us under the treaty the best money, energy, and American brain power can make it.

The responsibility rests on you men right here, and you can not dodge that responsibility. It is all right to argue over the number of clerks in the Navy Department and cut them to the limit, but it is different when you are dealing with the safety of the Nation.

This is probably the most carefully prepared Navy appropriation bill ever presented to this House, and the only great question of contention is the appropriating for 19,000 additional men. I honestly believe that if we err at all that we err on the side of safety, and that we should vote for the additional 19,000 men and certainly do our part toward making our Navy the best and most efficient navy in the world. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NAVAL OBSERVATORY.

SALARIES, NAVY DEPARTMENT.

Astronomers—1 $3,200, 1 $2,800; assistant astronomers—1 $2,400, 1 $2,000, 1 $1,800; assistant in department of nautical instruments, $1,600; clerks—chief $2,000, 1 $1,800, 1 $1,600, 2 at $1,400 each, 2 at $1,200 each; instrument maker, $1,500; electrician, $1,500; librarian, $1,800; assistants—2 at $1,600 each, 3 at $1,400 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter, $1,000; engineer, $1,200; 4 firemen, at $720 each; 7 watchmen, at $720 each; mechanic, $900; 8 laborers, at $660 each; in all, $58,400.

Mr. LAYTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. LAYTON. Mr. Chairman, I shall not consume much of the time of the House in what I propose to say. The bill before the House demands the frank expression of every Member. Since my entrance into this body I have voted uniformly for the strictest economy. I have voted for amendments that sought to reduce appropriations, even in opposition to a committee. I have expressed myself in season and out of season to the effect that our duty was to cut out every unnecessary dollar that could be dispensed with, keeping in mind the national safety and welfare. The only apparent exception was when I voted to increase the appropriation for rivers and harbors. I voted for this increase because after the most careful consideration, and utilizing the experience of our skilled engineers in the War Department, I thought it in the interest of the whole country. I shall employ the same impulses—the same kind of thought and action in voting on this bill. Only recently this Government entered into an agreement for naval disarmament with England and Japan, establishing the ratio of 5-5-3. This was not only a solemn obligation not to exceed the ratio of five on our part but, in my judgment, as equally a solemn obligation not to fall behind it. Those who know—at least those who are expected to know; those, indeed, who are employed by the Nation to know; the paid experts; the men of especial experience and training; those whom we would surely depend upon in war; all of those from the President to the Secretary of State, from the Secretary of State to the Intelligence Bureau of the Government, from the Intelligence Bureau to the Naval Board, from the Naval Board to every naval officer—all unite in asking for more than 86,000 men, but positively assert the necessity of this number as a minimum in order to maintain our solemn ratio obligations. In purely domestic legislation I believe in the utmost freedom of thought and action by this House, because its Members have more or less personal knowledge of the facts and consequences involved. This is an international matter, with international facts involved and with international consequences. Under such circumstances I feel it my duty to subordinate any personal belief or desire involved in this legislation, but shall follow the desires of those who ought to possess vastly superior information to any I could possibly acquire. My thought is that if such expert and unanimous authority is not to be respected, why respect any authority at all? Why spend the money we do spend for this superior technical knowledge and then reject it? Why employ a skilled architect to plan the building of a house, then follow the advice of a lawyer, banker, or blacksmith? Mr. Chairman, while I desire with all my soul to lessen taxation, and therefore expenditures of money, there are some cases when to do so works for national hurt or menace. This I believe to be one of them, and I shall therefore vote for the amendment. [Applause.]

Mr. SNELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. DEMPSEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McARTHUR. Mr. Chairman, I make the same request, and also to include a telegram from Hanford MacNider, head of the American Legion.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word.

I want to make some observations on this Naval Observatory appropriation. We have heard a good deal here, and particularly from the members of the committee, about naval influence, about the Members of the House being influenced by the Navy Department one way or the other. I want to call the attention of the chairman of this committee to the facts involved in this Naval Observatory item.

Some years ago the Appropriation Committee had a very interesting hearing on the subject of the Naval Observatory. They wrote letters—I suppose the chairman is going to read my remarks; I see he is not listening to me——

Mr. KELLEY of Michigan. I beg the gentleman's pardon. There is no Member of the House to whom I listen with greater pleasure, and whose speeches I read with greater delight. [Applause.]

Mr. HUMPHREYS. I congratulate the gentleman upon his excellent taste and judgment. [Laughter.]

As I remarked before, Mr. Chairman, several years ago the Appropriation Committee held some very interesting hearings on this subject of the Naval Observatory. The facts are that we spend more money on this observatory than is spent upon any similar astronomical observatory anywhere else on the face of the earth, and as an astronomical observatory it does not even rank second class. It is not comparable, in the estimation of the scientific men of the world, with the naval observatories in many of the countries of Europe, nor is it in a class with the observatories, many of them, in the United States.

The letters were addressed to the scientific men of this country, the Lick Observatory of California, the University of Wisconsin, Harvard, Carnegie Observatory, and a number of others, and all of them wrote very fully and freely about it, and they all wrote that the manner in which this Naval Observatory had been administered from the beginning was most unsatisfactory. The great observatory in Russia, established in 1675, has had fewer men in charge of it as directors than we have had in charge of the Naval Observatory in this country during the past 75 years. There has been but one astronomer of world note ever in charge, and that was Simon Newcomb, in all the history of the observatory.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. The gentleman made a rather sweeping statement that the observatory had always been in rather a second-class condition from its very origin.

Mr. HUMPHREYS. From second to third and fourth and fifth as an astronomical observatory.

Mr. MONTAGUE. Does the gentleman recall when the Naval Observatory was under the charge of the late Matthew Maury, and when it not only was efficient but was known all over the world? And when Maury left he was asked to assume charge of a similar institution in Russia.

Mr. HUMPHREYS. He was one of the greatest scientific men this country ever produced, but his work in the observatory was not astronomical. He mapped the roads of the sea, its currents, and trade winds, and it was there that he wrote his physical geography, but his fame does not rest on astronomy. No man has more respect for the memory of Matthew Maury than I have, and Maury, let us keep in mind, was at the observatory for 17 years. He had time for consecutive and continuous work.

Mr. KELLEY of Michigan. My attention was attracted elsewhere for a moment, but I think I caught the import of what the gentleman was saying. The gentleman says that this is not an efficient department of the Navy?

Mr. HUMPHREYS. I did. It is inefficient, and this is the reason why it is inefficient: It is because of this naval influence that prevents our transferring the Naval Observatory from the Navy Department into the Smithsonian Institution or some other civil department of that sort, where it belongs. All of the astronomers of this country—and there is no exception—who were interrogated testified to that, and they have all complained. We put a man in there, a naval officer, coming off the sea and resuming shore duty because, according to the theory entertained by the Navy Department, he is an expert. Whatever they assign an officer to, he forthwith becomes an expert in or is already an expert. He comes in for two years' shore duty, and then they assign him to this Naval Observatory. Therefore he is one of the world's great astronomers. [Laughter.]

Mr. KELLEY of Michigan. I would judge from what the gentleman says that he has not all confidence in everybody that the Navy Department sets up as an expert?

Mr. HUMPHREYS. No. Navy officers have been complained of in this debate, and the gentleman himself has been complaining of the influence which they exert upon Members of the House who are not members of the committee. An officer is assigned out there for two years, and then sent off in command of a battleship; and, as these distinguished astronomers have stated to the committee, a naval officer is no more competent to take charge of that observatory than an astronomer is competent to take charge of a battleship. There is no disagreement among these distinguished scientists on that subject. Yet that institution stays just where it is, and where it has been all through these years, under the Navy Department, spending more money and not doing the work that so great an observatory should do.

Years ago I introduced a bill, as other Members have done, in the effort to try to get that institution transferred to the Smithsonian Institution, where it would function as it ought to function. But what do we find? The Committee on Appropriations can not legislate, and these bills are referred to the Committee on Naval Affairs, and the Committee on Naval Affairs consults the Navy Department, and the Navy Department reports, of course, that it should remain where it is, in charge of some great astronomer who has just returned from a tour of duty on the high seas. [Laughter.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. FESS. The gentleman's remarks are very illuminating, especially with reference to what we will come to later in the bill.

Mr. HUMPHREYS. Yes. That is what I had in mind.

Mr. FESS. I think I can deduce the gentleman's conclusion from what he has said, that the designation of a naval officer to have charge of the Naval Observatory is not altogether wise?

Mr. HUMPHREYS. Yes. It is the theory of the Navy that a man who graduates from the Naval Academy at Annapolis and comes back from a tour of duty on the sea and is assigned to shore duty necessarily becomes an expert in whatever they assign him to. They assign him out here to this Naval Observatory, on which we have expended a great deal of money, on which we have expended more than has been expended on any other astronomical observatory on the face of the earth, and yet it ranks fifth. Simon Newcomb, the one great astronomer who has ever been in charge, on his deathbed begged that this observatory might be transferred to the Smithsonian Institution, where it could function properly.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. HUMPHREYS. Mr. Chairman, I would like to have three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HUMPHREYS. A little further on in the bill, as the gentleman from Ohio [Mr. FESS] suggested, we are going to have another and a very illuminating instance of this same theory of the Navy Department, in which the gentleman from Michigan [Mr. KELLEY] and his committee have acquiesced. The Navy wants to get rid of the civilian instructors at Annapolis, proceeding upon the theory that a sailor who comes in every two years on shore duty is competent to do anything or teach anything that anybody can teach. Here is a list of them, just taking them as they come: No. 1 is an astronomer; No. 2 is a professor of mathematics; No. 3 is a professor of English; No. 4 is a professor of something else; and the proposal is to send them over to Annapolis to teach those boys over there—to educate them.

Now, listen—and here is the bait which they hold out, and this committee swallowed the hook.

Mr. KELLEY of Michigan. Will the gentleman allow me to interrupt him right there?

Mr. HUMPHREYS. In a moment. They said to this committee, "Gentlemen, if you will do this, you will save $235,000 a year," and with all due respect to the gentleman from Michigan, every wheel in every head on the Committee on Appropriations quit running. Whenever you convince a member of the Appropriations Committee that your proposal will save $235,000 a year, you have captured his judgment. The Navy officers, or at least those whose advice is now sought about Annapolis matters, want to get rid of all civilian instructors, and this bill is the first bad step in that direction.

You gentlemen talk of militarism. What more insidious or effective method can you conceive than this?

Start the boys out when they are 16 or 17 years old, the impressionable age, under these military men, take them away from civil life completely and take them away from civilian instructions, and let them see nothing but brass buttons day or night, and let them then and there imbibe that spirit of militarism which they will breathe and drink, when they are permitted to breathe and drink at all. Why, this committee has talked more about militarism than all the rest of the committees of the House put together at this session of Congress, and yet when those uniformed gentlemen come up on the blind side of you with a proposition to save $235,000, you gentlemen fall for it. [Laughter.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have three minutes more, of which I propose to use the greater part. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I will say to my friend from Mississippi that this is only another illustration of the fact that he and I are almost in perfect accord, as we nearly always have been on a great many of these matters. The Navy Department recommended that 78 civilian professors and instructors at the Naval Academy at Annapolis be dismissed on the 1st of July. The Committee on Appropriations did not think that was quite the proper thing to do, for two reasons: First, because we had some very grave doubts along the very lines that the gentleman from Mississippi has suggested.

We believed that there ought to be a larger percentage of civilian professors in the academy than the Navy Department had recommended. Second, we did not believe it was fair to dismiss on so short notice that many professors, as teachers are obliged to seek employment at a particular time of the year, and if they do not get a position then they do not get it at all. So instead of cutting out 78 instructors and professors, as the Navy Department recommended, we included in the appropriation enough for all of them, with the exception of 20 or 30 whom we thought possibly the superintendent might pick out and dismiss without doing either the service or the teachers any injustice. Now, what does the gentleman think about the action of the committee?

Mr. HUMPHREYS. I say the committee made a mistake to that extent. They ought to have dismissed 20 or 30 of the naval officers instead of the civilian teachers. I mean, dismiss them as teachers. Why, the naval officers who are teachers there are getting very much larger salaries than the civilian teachers. Yet gentlemen say we can save money by putting

naval officers in there as teachers, whereas it costs more, and they do not know how to teach. Admiral Wilson told you very frankly that he had no word in their selection, that he did not know who they were, that they come in from their tour of duty at sea and are assigned there as teachers at Annapolis without his choice. After they have been there about a year they pick up some knowledge of how to teach. They stay there another year, and then they go out and another set of new men come in. He said they wanted it as a normal school for the naval officers. He thought it would be a good thing for the naval officers, not for the boys that are being taught. Suppose Harvard should turn off every professor at the university and just go out among the alumni and gather men together from all walks of life except the profession of teaching and put them on the job there and keep them two years and then turn them off and get another set. How long would Harvard rank as an institution of learning? [Applause.] Why, gentlemen, there is no answer to it.

Mr. McARTHUR. Mr. Chairman, I rise in opposition to the pro forma amendment, for the purpose of asking unanimous consent that the Clerk may read in my time the copy of a telegram from myself to Col. Hanford MacNider, national commander of the American Legion, and his reply thereto.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *April 13, 1922.*

Col. HANFORD MACNIDER,
National Commander the American Legion,
National Headquarters, Indianapolis, Ind.:

Naval appropriation bill, which threatens destruction of the efficiency of our Navy and sets aside the ratio agreed to at the disarmament conference, now pending before the House. I will appreciate an expression of your sentiments upon this bill on behalf of the ex-service men and women of the country which I shall take pleasure in calling to the attention of my colleagues on the floor of the House.

C. N. MCARTHUR.

INDIANAPOLIS, IND., *April 13, 1922.*

C. N. MCARTHUR, M. C.,
House Office Building, Washington, D. C.:

The American Legion, men who have served with the colors, desires to go on record as energetically upholding the President in his stand for the retention of a sufficient number of officers and men to adequately man the remaining fleet left our country under the agreement of the Conference for the Limitation of Armaments. The Legion must and does oppose the drastic reduction in personnel now proposed in committee amendments to the naval appropriation bill now before Congress. The Legion always has indorsed a strong naval policy, but it has observed with heartfelt approval the international deliberations that resulted in an equitable reduction of armament. It felt that the world had taken a real step toward brotherhood when the 5-5-3 ratio of armament was adopted by the three leading maritime powers, but its approval can not extend to the present proposals for further weakening our naval strength. The members of the American Legion know from an experience that can not be ignored that the safety of our whole country depends, first of all, upon our Navy. They know it is a first line of defense in time of war, a gauge of our position in international affairs in time of peace, and the only agency through which the Monroe doctrine can remain effective. The Legion feels that the lessons of the last war must not be so readily unlearned. We can not forget that our Navy was unprepared in 1917, while friendly nations gave of their slender strength to aid us. We know that officers and men can not spring to arms overnight. They must be trained through long years of peace. Further recommendations for reduction would cut our quota actually below 3, as compared with the 5 of Great Britain, and America would become a second-rate naval power.

National security demands that naval reduction keep within the bounds of reason. Not least among the evils attendant on too drastic reduction would be the fact that our voice would be weakened when future suggestions for future reduction of armament are made.

The Legion, not as militarists but as men with open eyes and hard-earned experience, believes further reduction of the naval strength would imperil the integrity of our national defense.

HANFORD MACNIDER.

[Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. McARTHUR. If I have any time remaining, I will yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Did the gentleman ever before see it stated in print anywhere, or hear it fall from any person's lips, that the American Navy was not prepared in 1917?

Mr. McARTHUR. I have heard it very often.

Mr. GARRETT of Tennessee. My impression was that one of the things in the history of the war which thrilled the world was the famous reply of the American naval officer to the chief of staff of the British Navy, who asked, "When will you be ready?" And the reply of the American naval officer was, "We are ready now." [Applause.]

The Clerk read as follows:

For cleaning, repair, and upkeep of grounds and roads, $6,500.

Mr. RANKIN. Mr. Chairman, a short time ago the distinguished Speaker of this House appointed me to go to New York with four other Members to attend the ceremonies on the landing of the last load of our overseas dead. As I looked upon the flag-draped coffins and realized that more than a thousand of these mute and silent messengers of "man's inhumanity to man" were spread out before me, my mind went back across the last eight years and I thought of the 10,000,000 men, the flower and hope of this generation, who had gone down to nameless graves as a result of that militarism which we were fighting to destroy and which some men are encouraging in this country now. As the curtain fell on that last scene of the most horrible tragedy of all the ages, a bugler from a distant point of vantage sounded taps, and as the last notes rolled out over that vast sea of silent, upturned faces, I seemed to hear welling up from every anguished heart the words, "This must not occur again." [Applause.] I realized that we were paying the penalty for the awful mistake of militarism that has been insiduously fastened upon the world by the same tactics that are now being indulged in by those outside of Congress who are to-day fighting the proposals of the Subcommittee on Appropriations and clamoring for abnormal naval expenditures. [Applause.]

I have just listened to the reading of the letter from the temporary head of the American Legion, and I doubt if he intended that it should be even published, much less read before Congress. Surely a man in that position would have more sense than to try to dictate to Congress about a matter that falls entirely within the prerogative of Congress, and about which he knew no more than the average Member of the House, and possibly not as much. I can not think that any man capable of holding that high position could be so arrogant as to think that he could receive a letter from a Member of Congress one day on so grave and important a question and answer it the next day and give this body more information than could a committee headed by the distinguished gentleman from Michigan [Mr. KELLEY], who has been studying it for months.

I am a member of the American Legion, and I have as much right to speak for the ex-service men as any man in the country, and I do not hesitate to say that if a vote were taken of all the ex-service men, including those who are members of the Legion and those who are not members, they would sustain the position of the distinguished chairman of the subcommittee [Mr. KELLEY of Michigan] in his efforts to carry out to the letter our agreement at the disarmament conference and thereby reduce as much as possible the burden of taxation. The ex-service men of this country, I say, would sustain that position by an overwhelming majority. [Applause.]

Mr. LINEBERGER. Will the gentleman yield?

Mr. RANKIN. Yes; I yield.

Mr. LINEBERGER. I want to say that 50,000 legionaires from California certainly would not sustain the position of the chairman of the subcommittee, as the record will show.

A MEMBER. How do you know?

Mr. LINEBERGER. Because they have expressed themselves through their elective officers.

Mr. RANKIN. I might offset that with something like 100,000 from Mississippi. [Applause.]

Mr. ARENTZ. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. ARENTZ. No one has proved to my satisfaction that the subcommittee proposal has done anything more than the commander of the American Legion asks for. In other words, the Navy will be in the 5-5-3 ratio.

Mr. RANKIN. Yes; if the recommendations of the subcommittee are carried out. But I do not want the House to be misled by a misleading letter. The American Legion commander does not profess to know what is before the House, but merely states his attitude in broad, patriotic generalities.

Suppose that this 67,000 men should not be sufficient to man these vessels and it should so appear later; would it not be an easy matter for Congress to increase the number later? Let me call your attention to another thing. It just occurs to me that the Genoa conference is in session. This is one of the most delicate times to quibble on the size of the Army or the Navy. Suppose America—suppose this Congress should go on record as repudiating the attitude of this subcommittee, and increasing the personnel of the Navy of 86,000 men or more in the face of the report here. Is it not highly probable that it would be a disturbing influence at Genoa that would lead the rest of the nations of the world to believe that in all probability America was not keeping faith under the agreements of the disarmament conference? [Applause.]

Mr. LINEBERGER. I want to ask the gentleman if he is a candidate for the Senate?

Mr. RANKIN. Well, now, that is the most sensible question the gentleman has asked. [Laughter.] I will say to him frankly I am not, nor do I know that I ever shall be.

Mr. LINEBERGER. Most of the advocates of this proposition are candidates, and I hope they will all be elected.

Mr. RANKIN. I will say that I am not a candidate for the Senate, but am a candidate for reelection; but some mighty good candidates for the Senate have spoken here on this bill. [Laughter.]

Mr. GALLIVAN. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. GALLIVAN. The gentleman has referred to the Genoa conference. Do I understand that this country is participating or has anything to do with the conference at Genoa?

Mr. RANKIN. No; but Congress is interested in the welfare of the world, the welfare of humanity, and the stability of the economic conditions of the world. [Applause.]

Mr. GALLIVAN. The gentleman has no objection to emphasizing, so that it will appear in the RECORD, the fact that this country is not participating in the Genoa conference?

Mr. RANKIN. I think everybody who reads the RECORD knows that, with the possible exception of the gentleman from Massachusetts [Mr. GALLIVAN]. [Laughter.]

Mr. DEMPSEY. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. DEMPSEY. Does not the gentleman believe that Secretary of State Hughes would be alive to the effect of this vote, and does he think if it was likely to imperil the whole world at the Genoa conference the Secretary of State would have been quite unlikely to write the letter that he has written?

Mr. RANKIN. I have heard a great deal of talk the last two years about Congress failing to function. Mr. Hughes has no more ardent admirer in the Democratic Party than I. I think he is a great man, but I do not think it is the duty of Congress to leave all its thinking to Mr. Hughes or any other member of the Cabinet, or any temporary head of the American Legion. [Laughter and applause.]

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Mississippi.

Mr. KELLEY of Michigan. Oh, Mr. Chairman, let us read. Time has been exhausted on this amendment.

Mr. ROGERS. Oh, no; it has not.

Mr. KELLEY of Michigan. Very well.

Mr. ROGERS. Mr. Chairman, I have in my hand a letter from the Secretary of the Navy. [Laughter.] I hesitate to submit another of these official communications because some Members of the House seem prone to regard them as tainted. I do think, however, that we can not have too much real information on this matter. The debate to-day has been bringing out a wealth of information that will certainly assist the Members in determining how they shall cast their votes when the issue is decided on the enlisted personnel. This letter of the Secretary of the Navy is in response to a letter of mine asking him for four tabulations. First, what detailed use he would make of the 96,000 enlisted men which he recommended in his estimates; second, what use he would make of the 86,000 men, the compromise figure which the President has advocated in private previously and in public to-day; third, what use he would make of the 67,000 men recommended in the pending bill; and, in the fourth place, by way of comparison, and for the convenience of the Members, the use which the pending committee measure would make of the 67,000 men, provided effect should be given to the committee's own idea as to distribution.

Mr. MADDEN. Mr. Chairman, will the gentleman yield before he reads the letter?

Mr. ROGERS. I am not going to read the letter. I would rather not yield, because the gentleman from Michigan seems to be in a hurry.

Mr. KELLEY of Michigan. Would the gentleman yield to me for a question? I am not in such a hurry as I thought.

Mr. ROGERS. If the gentleman is to be soothed by my yielding, I shall be glad to do so.

Mr. KELLEY of Michigan. I am curious to know if the 18 battleships will be kept in commission if 86,000 men are allowed.

Mr. ROGERS. That is the point to which I was about to refer.

Mr. MADDEN. I was about to add whether the letter indicated that they could be kept in commission with the 67,000 men, and I am also rather curious about the gentleman's attitude in asking the Secretary of the Navy what he would do with the men, inasmuch as the gentleman has said that it was none of our business on two or three different occasions.

Mr. ROGERS. It is just for that reason that I want to know what he plans to do with them.

Mr. MADDEN. The gentleman from Massachusetts said that it was none of our business.

Mr. ROGERS. I said it devolved upon the President, as Commander in Chief of the Army and Navy, to allocate the men we gave him as he saw fit; therefore, in order that I might know and that we all might know what will happen if only 67,000 men are given him by Congress, I asked the Secretary of the Navy what use he planned to make of the 67,000 men.

Mr. MADDEN. That is in the record.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. CONNALLY of Texas. Would the gentleman mind stating whether in his search for military authority he has any communication from General Sawyer on the subject? [Laughter.]

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HILL. I am gratified to hear the gentleman ask this question, because it shows that the gentleman does not know that General Sawyer is in the Army and not in the Navy, and that is characteristic of a number of other questions that have been asked in this matter.

Mr. GARRETT of Tennessee. Well, he succeeded an admiral and ought to be all right. [Renewed laughter.]

Mr. HILL. I will say to the gentleman that my understanding is that he did not succeed an admiral, but merely a rear admiral.

Mr. ROGERS. Mr. Chairman, these pleasantries having been disposed of, I call attention to the fact that this table, which I shall ask to have printed in the RECORD, shows that on the 96,000 basis and on the 86,000 basis, 18 battleships, the treaty number, can be maintained. On the other hand, it shows that on the 67,000 basis only 13 can be maintained in full commission and 5 will go into ordinary with only about 200 men on each of the 5. As the Assistant Secretary of the Navy said the other day, a battleship in ordinary is a naval relic.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the letter of the Secretary.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to, with the accompanying papers, is as follows:

THE SECRETARY OF THE NAVY,
Washington.

Hon. JOHN JACOB ROGERS,
House of Representatives,
Washington, D. C.

MY DEAR MR. ROGERS: With reference to your letter, dated April 8, 1922, requesting certain information as to the number and kinds of vessels which can and would be operated with an enlisted personnel of 96,000, 86,000, and 67,000, I forward herewith a tabular statement of the information requested.

It should be noted that the arrangement and classification of ships is the same as that adopted by the chairman of the subcommittee in his report submitting the naval appropriation bill to the House of Representatives.

Sincerely yours,

EDWIN DENBY.

(Inclosure.)

Arrangement and classification of ships.

Types of vessels.	Navy Department distribution.						House of Representatives Appropriation Committee distribution for 67,000 enlisted.	
	For 96,000 enlisted.		For 86,000 enlisted.		For 67,000 enlisted.			
	Ships.	Men.	Ships.	Men.	Ships.	Men.	Ships.	Men.
Battleships—Commission	18	21,158	18	21,158	13	15,[illegible]	18	[illegible]
Battleships—Ordinary	0	.....	0	.....	5	1,036	0	.....
Cruisers	13	6,034	13	6,034	10	4,729	11	4,248
Destroyers	103	10,506	103	10,506	65	6,630	103	9,579
Submarines	84	2,579	84	2,579	84	2,579	84	2,580
Destroyer tenders	6	2,759	6	2,759	5	2,309	6	2,551
Submarine tenders	7	1,882	7	1,882	7	1,882	7	1,833
Aircraft carrier	1	339	1	[illegible]	1	339	1	[illegible]
Aircraft tender	1	296	1	285	1	[illegible]	1	[illegible]
Mine layers	3	953	2	619	1	[illegible]	2	615
Light mine layers	10	900	6	504	4	[illegible]	10	[illegible]
Mine sweepers	16	821	9	456	4	[illegible]	10	[illegible]
Repair ships	2	860	1	430	1	[illegible]	2	727
Store ships	3	845	3	845	1	[illegible]	3	812
Fuel ships	14	1,679	12	1,424	9	1,091	14	1,568
Ammunition ships	2	354	2	354	2	354	2	354
Hospital ships	2	709	2	709	1	341	2	[illegible]
Cargo vessels	7	633	7	633	5	451	7	612
Transports	3	[illegible]	3	[illegible]	3	833	3	832

Arrangement and classification of ships—Continued.

Types of vessels.	Navy Department distribution.						House of Representatives Appropriation Committee distribution for 67,000 enlisted.	
	For 96,000 enlisted.		For 86,000 enlisted.		For 67,000 enlisted.			
	Ships.	Men.	Ships.	Men.	Ships.	Men.	Ships.	Men.
Gunboats	9	787	9	787	9	787	9	789
Yacht patrol vessels	6	545	6	545	5	513	6	545
Fleet tugs	8	340	8	340	8	340	8	338
Fleet towing vessels	10	450	10	450	6	261	10	450
Survey ships	1	146	1	146	1	146	1	157
Fish Commission ships	2	125	2	125	2	125	2	125
Miscellaneous	5	424	5	424	4	373	5	250
Total		57,107		55,657		42,338		40,462
Flag complements		1,111		1,111		791		700
Fleet aviation detachment		1,100		1,100		1,100		662
Destroyers (50 per cent complete)	23	1,311			50	2,850		
Submarines (two-thirds complete)	27	420			23	347		
Shore-based submarine tenders [1]	5	2,003	5	2,003	5	2,003		
Patrol vessels, Eagles	30	316						
Patrol vessels, submarine chasers	43	261						
Total		6,532		4,214		7,091		1,332
Total at sea, enlisted		63,639		59,271		49,429		30,824
Total at shore stations		32,361		26,729		17,571		16,176
Grand total		96,000		86,000		67,000		67,000

[1] Shore-based submarine tenders: This item was fully discussed before the Appropriation Committee and in the early hearings, 2,003 men were carried in the personnel allowance. At the request of the committee, the item was shifted to the Shore Establishment, but in the statement of Mr. KELLEY, the item appears to be unaccounted for in anyway.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

Mr. ROGERS. I do not care for any more time.

Mr. KELLEY of Michigan. My attention was directed away from the gentleman for a moment and I did not understand whether the Secretary's letter said that 18 battleships could be kept in commission or could not with 86,000 men.

Mr. ROGERS. The 18 battleships can be kept in commission, the Secretary says, either on the 96,000 basis or on the 86,000 basis.

Mr. KELLEY of Michigan. Oh, it makes no difference which?

Mr. ROGERS. And 13 battleships in full commission and 5 in ordinary on the 67,000 basis.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BEGG. If the gentleman is correct in his information, and if the Secretary of the Navy says he can now maintain these 18 ships on a basis of 86,000, does the gentleman know why he asked for 10,000 more than he needed?

Mr. ROGERS. The gentleman's question, of course, answers itself. The capital ships are only one element in the Navy. The Secretary of the Navy wanted a well-balanced Navy. He will do the best he can with the 86,000, and he will undertake to maintain the 18 capital ships, though at the expense of sacrificing other important activities.

Mr. BEGG. And he will do the best he can with less, I take it.

Mr. ROGERS. He has indicated in this memorandum what he thinks is the best he can do with each of the three complements.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I have no more time.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. Then I take the floor in my own right in order to ask the gentleman a question.

Mr. ROGERS. I would remind the gentleman that he told me five minutes ago that all time had been exhausted.

Mr. KELLEY of Michigan. Then I will ask to take the floor in my own right.

The CHAIRMAN. The Chair will recognize the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Chairman, I would like to inquire of the gentleman from Massachusetts if the Secretary of the Navy is to maintain the 18 battleships in full commission with 86,000 men, he would be obliged to take men off other ships, would he not? Now, if he intends to do that on a basis of 86,000 men, why did he not do the same thing this year when he had 10,000 more men to draw from? [Applause.]

Mr. ROGERS. I suggest that the gentleman from Michigan ask the other gentleman from Michigan, Mr. Denby.

Mr. KELLEY of Michigan. I have asked the question over and over again. Neither the Secretary of the Navy nor any of his advisers seem able to throw any light on it. I thought possibly the gentleman from Massachusetts might be able to help me out.

Mr. ROGERS. I am printing, gentlemen of the committee, a very full statement, showing item by item what the Secretary of the Navy will do with each of these three personnel programs. I think a perusal of them will clarify the viewpoint of many of the Members.

Mr. MADDEN. Does the gentleman bind himself to do that?

Mr. KELLEY of Michigan. Does he give a bond?

Mr. ROGERS. He gives a statement of the intended use of the three different personnels.

Mr. KELLEY of Michigan. In order to have the record complete, perhaps I ought to say that I hold in my hand a copy of a letter from the Secretary of the Navy to the President of the United States. I have not used the letter, although I think I might have done so, because copies have been in possession of others on the floor.

Mr. MADDEN. That letter is practically in the minority report.

Mr. KELLEY of Michigan. The chairman only emphasizes what I am saying. This letter advised the President of the United States on the 5th of April that it would take 96,000 men to operate the treaty Navy. The Secretary says:

> I have recommended to the Congress an enlisted personnel of 99,000 men and 6,000 apprentices, with which personnel I believe the Navy can be maintained for the present with a reasonable degree of efficiency.

Now the Secretary of the Navy writes to the distinguished gentleman from Massachusetts that he can do it with 86,000 men.

Mr. STAFFORD. And to-morrow it may be 76,000 men.

Mr. KELLEY of Michigan. I simply call the attention of the House to the difficulty experienced by the committee charged as the agent of the House to determine the facts which were to form the basis of an appropriation in the face of such varying and shifting testimony and recommendations by the Navy Department. [Applause.]

Mr. ROACH. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield.

Mr. ROACH. In view of the statement the gentleman has just made, does not the gentleman believe if we would wait a few days and take this vote the Secretary might get down to our figures after all. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. BYRNES of South Carolina. I simply want to ask the gentleman from Michigan if it is not a fact that in the hearings the Secretary stated that with the number of men allowed to him, after what he asked for, he could keep 12 battleships in commission, and in last Sunday's paper that he could keep 13 battleships? He has raised by one battleship in 10 days.

Mr. KELLEY of Michigan. This is the spring of the year, you know. [Laughter.]

The Clerk read as follows:

> For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $1,500.

Mr. DALLINGER. Mr. Chairman, I would ask the gentleman from Michigan if he is not willing to have these items passed over until the House decides on the size of the Navy?

Mr. KELLEY of Michigan. What is the gentleman's idea about that? Why should we pass it over?

Mr. DALLINGER. I understand that the Budget recommended a larger appropriation——

Mr. KELLEY of Michigan. Oh, yes.

Mr. DALLINGER (continuing). On a basis of 86,000 men.

Mr. KELLEY of Michigan. The gentleman then thinks that with the increased personnel of 86,000 men it would be necessary to increase all these navy-yard items in the bill? That is the theory on which you are asking to have them go over tonight?

Mr. DALLINGER. There will be more vessels to be repaired.

Mr. KELLEY of Michigan. With that understanding, Mr. Chairman, I ask unanimous consent that these items be passed over until we determine the size of the Navy.

Mr. VARE. Mr. Chairman, I object.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, the naval appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7589. An act for the relief of Maj. Ellis B. Miller; and

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 12 they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church; and

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until Saturday, April 15, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 2238. A bill to amend the United States cotton futures act by inserting therein a new section for American Egyptian cotton only, to be known as section 5a; with an amendment (Rept. No. 904). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMONDS: Committee on the Merchant Marine and Fisheries. H. R. 6313. A bill authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.; without amendment (Rept. No. 905). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDERSON: Joint Commission on Agricultural Inquiry. Report No. 408, part 4. A report on marketing and distribution. Ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10903) granting a pension to Bryan T. Jennings, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 11297) to increase the present limit of cost for the erection of a public building at Paris, Tex., from $170,000 to $225,000, to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11298) amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city, and to authorize the erection on said new site, when acquired, a public building suitable for post-office purposes, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 11299) changing the name of Keokuk street in the city of Washington, D. C., to Military Road; to the Committee on the District of Columbia.

By Mr. LARSON of Minnesota: A bill (H. R. 11300) authorizing a per capita payment to the Chippewa Indians of Minnesota from their tribal funds held in trust by the United States; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 11301) effecting the retirement of any officer on the active list of the Official Register of the Army who held a higher grade in the temporary forces of the United States during the World War than his Regular Army rank during said war; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 11302) providing for the recognition by Congress of the valuable service rendered by the adjutants general of the several States during the World War; to the Committee on Military Affairs.

By Mr. BIRD: A bill (H. R. 11303) authorizing and directing the Postmaster General to permit the use of a special canceling stamp at the post office at Wichita, Kans., bearing the words "Reunion Thirty-fifth Division at Wichita, Kans., September 25-27, 1922"; to the Committee on the Post Office and Post Roads.

By Mr. FROTHINGHAM: Memorial of the Legislature of the Commonwealth of Massachusetts relative to recognizing Palestine as the home land of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts urging the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, urging Congress to immediately pass legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

By Mr. PAIGE: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 11304) granting a pension to Emily M. Harrison; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 11305) for the relief of Ira D. McMillan; to the Committee on Naval Affairs.

By Mr. FULLER: A bill (H. R. 11306) granting an increase of pension to Delilah R. Mann; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 11307) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 11308) granting a pension to Catherine Caine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11309) granting a pension to Edward T. Conway; to the Committee on Pensions.

Also, a bill (H. R. 11310) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 11311) granting an increase of pension to Eliza J. Tyler; to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 11312) granting a pension to Edna Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11313) granting a pension to Barbara E. Bernard; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11314) granting an increase of pension to Shiloh Sally; to the Committee on Pensions.

By Mr. LARSON of Minnesota: A bill (H. R. 11315) for the relief of Humphrey Jones; to the Committee on Claims.

By Mr. LINEBERGER: A bill (H. R. 11316) granting a pension to Frances Conner; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 11317) for the relief of James B. Alexander; to the Committee on Military Affairs.

By Miss ROBERTSON: A bill (H. R. 11318) granting a pension to Narsisus Butler; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11319) granting a pension to William A. Shirey; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 11320) granting a pension to Eliza Wisher; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 11321) granting a pension to Augusta Simon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5091. By the SPEAKER (by request): Telegrams from the Palestine National League, of Chicago, Ill., and E. D. Stone, of Boston, relative to the resolution of Congressman FISH in regard to Palestine; to the Committee on Foreign Affairs.

5092. By Mr. ANSORGE: Petition of the Harlem Board of Commerce, expressing its approval of a selective bonus for the sick, the injured, and the needy; to the Committee on Ways and Means.

5093. Also, petition of the Men's Club of the Mount Washington Presbyterian Church, of New York City, urging adequate provision for the needs of sick, disabled, and convalescent veterans; to the Committee on Appropriations.

5094. By Mr. BARBOUR: Petition of residents of Fresno and Dinuba, Calif., protesting against the proposed Sunday laws; to the Committee on the District of Columbia.

5095. By Mr. CHALMERS: Petition protesting against the passage of proposed compulsory Sunday observance bill for the District of Columbia, namely, House bills 4388 and 9753; to the Committee on the District of Columbia.

5096. By Mr. CONNELL: Resolution adopted by the State Conservation Council of State College, Pa., March 30, 1922, that the Congress of the United States authorize and empower the Secretary of War or the Secretary of Commerce to make such investigations as may be necessary to determine what substances of whatever nature are thrown or deposited or permitted to flow into the navigable waters of the United States or any tributaries thereof in such manner as to endanger or interfere with navigation, commerce, or fisheries, with special reference to the effects of mine waste in the pollution of streams; to the Committee on Rivers and Harbors.

5097. By Mr. CRAGO: Petition of Sharon Lodge, No. 108, Benevolent Protective Order of Elks, of Sharon, Pa., urging that a modification be made of the laws now existing so as to permit the sale of light wines and beer; to the Committee on the Judiciary.

5098. By Mr. CRAMTON: Resolution of the Marine Engineers' Beneficial Association No. 43, of Port Huron, Mich., favoring the enactment of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

5099. By Mr. CULLEN: Resolution opposing the American-valuation plan unanimously adopted at a meeting of the Retail Dry Goods' Association of New York, held April 11, 1922; to the Committee on Ways and Means.

5100. Also, resolution adopted by the Illinois Manufacturers' Association, heartily approving the proposition to extend Federal financial aid to United States merchant ships (H. R. 10644 and S. 2712); to the Committee on the Merchant Marine and Fisheries.

5101. By Mr. GALLIVAN: Petition of the Dorchester Board of Trade, of Dorchester, Mass., urging the passage of House bill 4700, which provides for the placing under Federal control the quality and grade of coal furnished to consumers; to the Committee on Interstate and Foreign Commerce.

5102. By Mr. HILL: Resolution of the Women's Civic League, opposing Senate bills 2203, 2382, and 2740, transferring the Bureau of Forestry from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5103. Also, petition of residents of Annapolis, Md., against the passage of the compulsory Sunday observance bills (H. R. 4388 and 9753), which aim to regulate Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5104. Also, petition of residents of Baltimore, Md., against the passage of the compulsory Sunday observance bills (H. R. 4388 and 9753), which aim to regulate Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5105. By Mr. KISSEL: Petition of G. Caplan and L. C. Hill, of Brooklyn, N. Y.; Robert Dean, of New York City, N. Y.; and Miss Sophie D. Thiel, of Yonkers, N. Y., relative to the tariff duty on sugar; to the Committee on Ways and Means.

5106. By Mr. LAYTON: Resolution adopted by the citizens of Dover, Del., opposing the passage of any of the pending compulsory Sunday observance bills (S. 1948, H. R. 4388 and 9753); to the Committee on the District of Columbia.

5107. By Mr. LINEBERGER: Petition of Rev. S. W. Gage and others, of Los Angeles, Calif., to extend whatever protection and help may be necessary to make Armenia a self-supporting and self-protecting nation; to the Committee on Foreign Affairs.

5108. Also, petition from 54 citizens of St. Paul and Duluth, Minn., in support of the Towner-Sterling bill; to the Committee on Education.

5109. Also, petition from the Presbyterian Ministers' Association of Los Angeles, Calif., and the Ministerial Union of Los Angeles and vicinity, in behalf of the Assyrian Christians of Persia; to the Committee on Foreign Affairs.

5110. By Mr. MOORES of Indiana: Petition of 137 citizens of Indianapolis, Ind., protesting against the enactment of blue laws for the District of Columbia; to the Committee on the District of Columbia.

5111. By Mr. MUDD: Petition of residents of Hyattsville, Md., and vicinity, protesting against the passage of House bill 4388, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5112. By Mr. SIEGEL: Resolution adopted by the Broadway Association (Inc.), of New York City, asking that provision be made for the reestablishment of the underground pneumatic-tube system connecting the postal stations of New York one with another and those in New York with some of the postal stations in Brooklyn; to the Committee on Appropriations.

5113. By Mr. SINCLAIR: Petition of W. E. Stannard and 30 others, of Lostwood, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

5114. Also, petition of John W. Bragg and 12 others, of Tuttle, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5115. Also, petition of Max Wegener and 35 others, of Van Hook and Sanish, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5116. Also, petition of Arthur Anderson and 37 others, of Wales and Dresden, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5117. By Mr. SINNOTT: Petition of citizens of Bend and Gaston, Oreg., against the compulsory Sunday observance bills (H. R. 4388 and 9753 and S. 1948); to the Committee on the District of Columbia.

5118. By Mr. SMITH of Michigan: Petition of the Michigan Milk Producers' Association, in favor of House bill 8086, to prevent adulteration of milk; to the Committee on Agriculture.

5119. By Mr. SNYDER: Petition of residents of Ilion, N. Y., against the enactment of House bill 9753 or of bills of like character; to the Committee on the District of Columbia.

5120. Also, petition from Humbert F. DeRosa, of Utica, N. Y., suggesting amendments to the watch schedule of the pending tariff bill; to the Committee on Ways and Means.

5121. Also, petition of Clark and seven others, of the thirty-third district of New York, favoring passage of the Chandler bill (H. R. 9198) providing old-age pensions for veterans of the war with Spain; to the Committee on Pensions.

5122. By Mr. STINESS: Memorial of the Varnum Continentals, of East Greenwich, R. I., urging that the minimum strength of the Army be 150,000 men and 13,000 officers and that the Navy personnel be at least 93,000 men; to the Committee on Appropriations.

5123. By Mr. TEMPLE: Petition of Chartiers Presbytery, United Presbyterian Church, Hickory, Pa., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; also indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

5124. Also, petition of Chartiers Presbytery, United Presbyterian Church, of Hickory, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5125. By Mr. TINKHAM: Resolution adopted by the United Veterans of the Republic, Unit No. 12, of Charlestown, Mass., relative to the personnel of the Navy and the Boston Navy Yard; to the Committee on Appropriations.

5126. Also, resolution adopted by the Associated Industries of Massachusetts, opposing any amendment of the transportation act which will deprive the Interstate Commerce Commission of its power over intrastate rates; to the Committee on Interstate and Foreign Commerce.

5127. Also, resolution adopted by the Navy League of the United States, urging that the personnel of the Navy be maintained at not less than the ratio of 5-5-3 to that of the British and Japanese Navies; to the Committee on Appropriations.

SENATE.

SATURDAY, *April 15, 1922.*

(Legislative day of Friday, April 14, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	La Follette	Sheppard
Borah	Hale	Lenroot	Shortridge
Bursum	Harreld	Lodge	Simmons
Calder	Harris	McCormick	Smoot
Capper	Harrison	McNary	Spencer
Caraway	Heflin	Moses	Stanley
Colt	Hitchcock	Nelson	Sterling
Culberson	Johnson	Newberry	Sutherland
Curtis	Jones, N. Mex.	Norbeck	Swanson
Dial	Jones, Wash.	Norris	Townsend
Edge	Kellogg	Oddie	Trammell
Ernst	Kendrick	Overman	Wadsworth
Fernald	Keyes	Page	Walsh, Mass.
Gerry	King	Pomerene	Watson, Ga.
Glass	Ladd	Reed	Willis

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. He has a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I ask that this announcement may stand for the day.

Mr. DIAL. My colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF STATE, 1923 (S. DOC. NO. 185).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriation for the Department of State (foreign intercourse), fiscal year 1923, for revision of Chinese customs tariff, and inquiry into extraterritoriality in China, $68,750; for commission of jurists to consider amendment of laws of war, $3,750; and for claims of the Government of Norway, $2,200; in total amount $74,700, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS.

Mr. CAPPER presented a resolution adopted by the Emery-Eckington Parent-Teachers' Association, of Washington, D. C., favoring the passage of Senate bill 3136, providing for increased salaries to school-teachers in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LADD presented a resolution adopted by Dominion Local No. 1, Western Progressive Grange, of Dominion, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented the petitions of J. I. Framvorg and 10 others, of Bergen; B. J. Swang and 46 others, of Harvey; and W. G. Safford and 92 others, of Hillsboro and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the United States Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

COMMISSIONS TO MIDSHIPMEN IN THE MARINE CORPS.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the joint resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of midshipmen under certain conditions, reported it without amendment and submitted a report (No. 602) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STANLEY:

A bill (S. 3465) to amend section 42 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended; to the Committee on Appropriations.

By Mr. SWANSON:

A bill (S. 3466) for the relief of the widows of certain officers and enlisted men of the United States Navy; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3467) granting a pension to Mary G. Grover (with accompanying papers); to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3468) to empower the Bureau of Efficiency, subject to the approval of the President, to establish a system of efficiency ratings for the classified service in the several executive departments and independent establishments, in the District of Columbia and elsewhere, based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact; to the Committee on Civil Service.

TARIFF BILL AMENDMENTS.

Mr. JOHNSON submitted three amendments intended to be proposed by him to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

RESTRICTION OF IMMIGRATION.

The VICE PRESIDENT. The unfinished business is before the Senate and will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, which had been reported from the Committee on Immigration with an amendment, in line 5, after "June 30," to strike out "1923" and insert "1924, unless otherwise repealed," so as to make the joint resolution read:

Resolved, etc., That the operation of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, is extended to and including June 30, 1924, unless otherwise repealed.

Mr. HARRISON. Mr. President, I desire to offer a substitute for the pending joint resolution. I do not ask to have it read at this particular time. I have offered it and I will give some explanation of the substitute.

Mr. POMERENE. Mr. President, as this matter is likely to be passed upon now, if it does not interfere with the Senator's plan I would like to have the substitute read so that we may understand what it is.

Mr. HARRISON. May I say before it is read that the substitute which I have offered for the pending joint resolution includes the recommendations of the Commissioner of Immigration. Only one exception is made. It excludes the recommendation of the commissioner that the quota from any one country may be 1,500. It was my opinion that under the 3 per cent restriction if a country's quota was 250, no more than that number should be permitted to enter the United States. With that single exception the substitute which I have offered includes the recommendations of the Commissioner of Immigra-

tion as to the amendment of the present immigration law. It does not change the 3 per cent quota at all.

Mr. HARRIS. Mr. President, I would like to ask the Senator from Mississippi how his substitute differs, if at all, from the substitute which I presented some days ago?

Mr. HARRISON. I have forgotten what the Senator's substitute is.

Mr. HARRIS. The substitute which I have offered limits immigration for five years, but excludes clauses (1) to (8), inclusive, of the present law.

Mr. HARRISON. I will proceed with my explanation and then have my substitute for the joint resolution read.

Mr. WILLIS. Mr. President——

Mr. HARRISON. I yield to the Senator from Ohio.

Mr. WILLIS. I am anxious to understand the Senator's substitute. Does it include the amendment proposed to the committee as set forth on page 9 of the committee report?

Mr. HARRISON. It is carried in the report of the Commissioner of Immigration.

Mr. WILLIS. The Senator will recall that the commissioner made certain recommendations to the committee. If he has the report of the committee before him he will find those recommendations set forth on page 9.

Mr. HARRISON. It includes all those recommendations.

Mr. WILLIS. And what else?

Mr. HARRISON. It is exactly the confidential print which was before the Committee on Immigration, and which did include all these suggestions. I am going to yield to the chairman of the committee, the Senator from Rhode Island [Mr. COLT], in a moment, but before doing so I wish to say that my proposed substitute makes it a matter of permanent law. It changes the 2 per cent limitation which was applied and merely carries it out, leaving the 3 per cent quota as it was. As I understand the Senator from Georgia [Mr. HARRIS], he proposes a complete restriction for five years.

Mr. HARRIS. Yes; with certain exceptions which are mentioned in the substitute which I have offered.

Mr. LODGE. Mr. President——

Mr. HARRISON. I yield to the Senator from Massachusetts.

Mr. LODGE. I only want to say that I have not examined the substitute which the Senator has offered, and so I do not know that I have any objection to it, but it seems to me that what we ought to do now is to make sure that the present law does not lapse on the 30th of June. If we undertake at this moment to revise the entire immigration act, it will take us a good while. The most important thing is to get the pending joint resolution passed in order to make sure that the present law is extended. I am in favor of a revision of the present law. I know that the Commissioner of Immigration has made some very important suggestions. I think we ought to go over the whole law and I suppose that will soon be done. But it seems to me that it is of first importance at this moment to make sure that the present law does not lapse on the 30th of June.

Mr. HARRISON. May I say to the Senator from Massachusetts, before I yield to the Senator from Rhode Island, that I have suggested in my substitute no change of the 3 per cent quota provision; I knew that would start discussion and that the two Houses might not agree on it; but I do think, and I believe if the committee had investigated the proposition they would have thought, that the recommendations of the Commissioner of Immigration were wise. They are not included.

I wish now to yield to the chairman of the Committee on Immigration, and then I shall answer the suggestion of the Senator from Massachusetts that it might kill the joint resolution if we did not adopt it exactly as the House passed it.

Mr. McCORMICK. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. I promised to yield to the Senator from Rhode Island.

Mr. COLT. Mr. President, I wish to make a short statement.

Mr. HARRIS. Mr. President, will the Senator from Rhode Island yield for a moment to have read, so that he can discuss in connection with his substitute, the amendment which I have proposed?

Mr. COLT. I yield for that purpose.

The VICE PRESIDENT. There is an amendment pending, but the amendment offered by the Senator from Georgia will be read for the information of the Senate.

The ASSISTANT SECRETARY. On page 1, line 6, insert the following:

No alien shall be admitted under the immigration laws to the United States unless transported to the United States in a vessel documented under the laws of the United States, as defined in the shipping act of 1916, as amended; but this provision shall not apply to persons included in clauses (1) to (8), inclusive, of subdivision (a) or in the second proviso of subdivision (d) of section 2 of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921.

Mr. COLT. Mr. President, the joint resolution (H. J. Res. 268) which has been favorably reported by the Immigration Committee and is now before the Senate, continues the present immigration law for two years instead of for one, as passed by the House. That is the effect of the amendment reported by the committee.

The two most striking facts brought out in the operation of this law are, first, that the immigration from northern and western Europe is of a permanent character, while the immigration from southern and eastern Europe is of a temporary character; and, second, that the immigration movement from southern and eastern Europe is offset by the departures, or home-returning movement, of this group of aliens.

The following figures are taken from a report of the Commissioner General of Immigration, giving the quotas, the admissions, and the departures under the present 3 per cent law from July 1, 1921, to February 28, 1922, a period of eight months:

Table giving the quotas, admissions, and departures under the present 3 per cent law from July 1, 1921, to February 28, 1922.

NORTHERN AND WESTERN EUROPE.

	Quota.	Immigrant aliens admitted.	Departed.
United Kingdom	77,206	23,248	6,903
Germany	68,039	11,678	2,408
France	5,802	3,445	1,507
Belgium	1,557	1,459	818
Norway	12,116	2,745	256
Denmark	5,544	1,742	294
Sweden	19,956	4,026	1,212
Switzerland	3,745	2,359	833
Netherlands	5,002	1,290	800
Total	197,557	51,981	15,930
Net gain			36,051

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. COLT. I prefer, as the statement I am making is a short one, not to be interrupted until after I have finished.

Mr. NORRIS. Very well.

Mr. COLT. Now, contrast the statistics of immigration from northern and western Europe with the statistics of immigration from southern and eastern Europe, which are as follows:

Table giving the quotas, admissions, and departures under the present 3 per cent law from July 1, 1921, to February 28, 1922.

SOUTHERN AND EASTERN EUROPE.

	Quota.	Immigrant aliens admitted.	Departed.
Italy	42,021	39,181	42,371
Poland	25,827	27,108	27,395
Russia	34,247	9,569	4,065
Greece	3,286	3,384	5,067
Portugal	3,229	1,726	4,928
Other countries (southern and eastern Europe)	40,750	38,638	28,217
Total	154,373	119,606	113,243
Net gain			6,363
Total net gain in immigration			42,411

It will be noticed that from Poland the immigration exceeded the quota, but that more Poles departed from our shores than were admitted.

Mr. CALDER. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New York?

Mr. COLT. I would prefer not to be interrupted until I have finished this short statement.

It will be noted that out of 51,981 alien immigrants admitted from northern and western Europe only 15,930 returned, while out of 119,606 alien immigrants admitted from southern and eastern Europe 113,243 returned. In other words, out of a net increase of 42,411 in our alien-immigrant population from Europe during eight months, 36,051 were from northern and western Europe and only 6,363 from southern and eastern Europe.

These figures further show that there is no marked immigration movement to the United States from northern and western Europe. There were admissible under the quota law 197,649 from northern and western Europe and only 51,981 were admitted, or less than one-third the number admissible. There

were admissible from the United Kingdom 77,206 and only 23,248 came. Out of 68,039 admissible from Germany only 11,678 came. Out of 12,116 admissible from Norway only 2,745 came, and out of 19,956 admissible from Sweden only 4,026 came. Instead of conditions following the Great War producing, as many predicted, an increasing flow of immigration from these countries, especially from Germany, these conditions have tended to check immigration.

In regard to the immigration from southern and eastern Europe we find this situation, a relatively strong immigration movement to the United States and a substantially equal return movement. From Italy 39,181 came in during eight months and 42,371 departed—and, mind you, Mr. President, I am confining myself strictly to immigrant aliens—from Poland 27,108 came in and 27,395 departed; 3,384 came in from Greece and 5,067 went back; from Russia 9,569 came in and 4,065 departed—that is the only important exception where the number of those who departed was not in excess of the number who came in—from Portugal 1,726 came in and 4,928 returned.

These figures show that however strong the tide of immigration may be from southern and eastern Europe it is met by a counter returning movement. If there are causes which impel a large body of these immigrants to come to this country, there are also causes which impel a large body to return to the country of their birth.

One of the causes of the movement of peoples from one country to another is economic and another cause is political. I believe that the economic rehabilitation of Europe has tended to check immigration and also has tended to increase the returning flow. I also believe that the destruction of autocracy and the establishment of new republics in Europe have tended to retard immigration and have also tended to increase the return movement. A striking example of the effect of political changes upon the return movement is shown in the case of the Polish race. During eight months, from July 1 to February 28, 5,963 Polish immigrants were admitted to the United States and 25,166 returned to Poland.

Mr. TOWNSEND. During what month was that?

Mr. COLT. During the eight months of the operation of the law, from the 1st of July to the 28th of February. In round numbers 5,000 Polish immigrants were admitted and 25,000 Polish immigrants returned to Poland during that time.

As to the general effect upon immigration of the operation of the law for eight months it may be said that the number of alien immigrants from southern and eastern Europe admitted to the United States is only about 6,000 more than the number who have departed, and that the number of alien immigrants from northern and western Europe admitted to the United States during this time is only about 36,000 in excess of those who have departed.

Such defects and hardships as have been disclosed in the practical administration of the law have been in part corrected and these corrective efforts will be continued. I might say with regard to immigration that the facts are so complex that it is very difficult to frame even a reasonably perfect immigration law; and, therefore, there ought to be a great deal of administrative power lodged in the Department of Labor. In other words, the law should be made elastic enough to prevent what might be called tragedies, so that the law could be administered with humanity.

The Commissioner General of Immigration, Mr. Husband, says—and mark this:

I am quite sure that some of the administrative difficulties of the past can be avoided or considerably minimized in the future, even though the law is extended without amendments as the House joint resolution provides.

With respect to amendments, there was such a division in the committee as to what amendments should be adopted, and the whole subject of amendments opened up such a wide field that the committee deemed it best at this time simply to extend the law without any change in its provisions. When you once opened the door to amendment you had three classes of amendments proposed, and each one of those classes represented a distinct opinion in the committee. You had restrictive amendments, you had amendments which liberalized, and you had constructive amendments. When once you had opened the door to the admission of amendments, all the parties who offered these different kinds of amendments would be entitled to be heard. As was said by the senior Senator from Massachusetts [Mr. LODGE] a moment ago, the country ought to know and the world ought to know what the immigration law is going to be for the next year; because in an immigration law it is necessary that the law should not go into effect until a considerable time after its passage. One of the difficulties with respect to the administration of the present law was that there was not sufficient time to give notice to the peoples who wanted to come to this country, and therefore during the month of June there was great confusion.

Since the next session of Congress is the short session, the committee also deemed it wise to make the extension for two years instead of one. This extension for one or two years—and the committee, by a majority, thought it was best to make it for two years—it is believed will give time to frame a bill covering constructive legislation along two lines—along the line of selection at the source, and along the line of distribution upon arrival in this country.

Mr. OVERMAN. Mr. President, how does this joint resolution tend to correct the tragedies that the Senator talks about in the interest of humanity? Is any latitude given to the commissioner to admit those who ought to be admitted?

Mr. COLT. I might say that the Commissioner General of Immigration has met that situation by requiring the immigrant to give bond. I might say that this law is supplemental to the old law of immigration, and under certain conditions of hardship the commissioner general has fallen back upon the rules of the old law, of which this law is an amendment. I believe that the Commissioner General of Immigration and the Secretary of Labor have endeavored in every way to meet and to overcome these hardships and difficulties. Those hardships and difficulties arose largely in the beginning of the operation of this law, in the beginning of this restrictive legislation, before the immigrants had had full notice of the law. I believe, as the Commissioner General of Immigration says, that those hardships have been largely corrected by administrative rules and regulations, and that if we pass this joint resolution just as it is, extending the time, there will be little or no complaint as to hardships in the future.

I might say that the time is short between now and the 1st of July. I believe that this joint resolution should pass at once. Then if there are any amendments to the act which it is thought best to bring before the Senate for consideration we shall have plenty of time to perfect the law. The situation to-day, to my mind, is that this extension should be granted at once and that whatever amendments may be deemed necessary should come up as separate pieces of legislation.

I want to say that the experience of the House, when they entered into the question of perfecting this measure or of framing a constructive bill, was that they found such a difference of opinion after prolonged hearings and discussion that they reached the conclusion I have reached under similar conditions, that the only thing to be done now to meet the present situation is to continue the present law for one or two years.

Mr. HARRISON. Mr. President, there is nothing complex about this proposition. I concede to no Senator here a greater interest in the restriction of foreign immigration than myself. I would not do anything to jeopardize legislation that will take care of the situation, but we must have courage in dealing with these questions. This is the 15th of April. The present law does not expire until the 30th day of June, so you have a long time to legislate if you will get busy.

There is not a suggestion embodied in the substitute I have offered that has not been considered by the House Immigration Committee. More than that, there is not a suggestion embodied in the substitute I have offered that has not already been adopted by the House Immigration Committee. If that be true—and no one will deny it—then where will any delay come from adopting a substitute that carries out the recommendations of the Commissioner General of Immigration, who says in his report that in some cases they are necessary to the strict enforcement of restriction on immigration?

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. HARRISON. I do.

Mr. WILLIS. Does the Senator claim that the provisions of his substitute have received consideration at the hands of the Senate Committee on Immigration?

Mr. HARRISON. If the Senator will just let me proceed, I do not want to take up the time of the Senate, and I shall be very brief, because I know that the substitute I have offered is important, and I know that if Senators will stay in their seats and consider this proposition they will adopt this substitute.

Here is what happened in the Immigration Committee, and I am not revealing any of its secrets. We met for the first time in months and months. The immigration question has long been an important one. I might say that there are few questions of greater importance to the American people than the restriction of immigration, and that has been true for some time. Why, when we had this matter up before the Senate

Committee on Immigration, I think a year ago, the evidence that came to us was that at Danzig and other places prospective immigrants by the thousands were standing in line for days and for nights waiting to get their passports visèed so that they might come to America. Those were the facts. Periodicals and newspapers and all kinds of organizations had urged Congress to take care of the situation, and it was that menace that forced Congress to pass the present law; so when the Senate committee met a week ago, after a long delay, this joint resolution that has been passed by the House was presented to us. The Commissioner General of Immigration had made certain suggestions as to changes in the present law. Those changes are incorporated in my substitute. I made a motion to the committee to invite your Commissioner General of Immigration to appear before the committee that he might present this matter to the committee and that the committee might consider and pass upon it. Aye, I went further than that. Some weeks ago the President selected Mrs. Lillian Russell Moore—a very splendid lady, accomplished, versed, I presume, in immigration questions—and she was commissioned by the President, your President, to go abroad and study this question from every angle and to return to this country as soon as she could and make a report to the Secretary of Labor. I assume that the President thought it was an important question, and pressing, or he would not have looked all over the country and selected Mrs. Lillian Russell Moore to make this investigation; and so she went abroad. She returned only a few days ago. She filed a report—I have it here—to the Secretary of Labor, and she says that what we ought to do is to have a holiday for five years, preventing any immigration to this country within that time. She says that there are hordes of people, undesirable immigrants, who are waiting anxiously, desirous to come to this country to live.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. WATSON of Georgia. I suggest to the Senator that it will add strength to his argument and to the report of Mrs. Moore to remember that we have 6,000,000 men unemployed in this country now.

Mr. HARRISON. Yes; 6,000,000 men unemployed in this country to-day, factories closed down, wages being cut, empty box cars everywhere, men and women going hungry and in rags and tatters. Yet you say we have not time to study a proposition in which the American people are vitally interested and have been urging us for months and for years to do something about. The trouble is not a lack of time; it is a lack of courage upon our part to handle the question.

Mr. WATSON of Georgia. Mr. President, I think we ought to remember in this connection that since this administration went into power and the deflation policy of the Federal Reserve Board went into effect there has been a suicide for every 25 minutes.

Mr. HARRISON. There is a terrible and deplorable situation in this country. You admit it; you know it. I want to read just a few extracts from Mrs. Lillian Russell Moore's report, which the Committee on Immigration, of which the distinguished Senator from Ohio is a member, considered. What the committee did was discourteous to Mrs. Moore; it was discourteous to the Commissioner of Immigration and to the President of the United States not to have called in Mrs. Moore and Mr. Husband, and let them make their reports to the committee when that matter was being considered. This is what Mrs. Moore said in part:

> The higher civilizations of past ages, history teaches us, succumbed to such foreign invasions as now threaten us.
>
> Alien infiltration wrecked Rome and Greece. * * *
>
> I believe it would be a good thing for America, if an immigration "holiday" of five years could be declared. * * *
>
> If the present law restricting immigration by quotas from other countries is continued, it should be materially strengthened, as I have suggested.

Mr. REED. Mr. President——

Mr. HARRISON. One moment; just let me finish reading this. The report continues:

> If Congressmen should go abroad they could see the facts as I saw them. One particular fact is that no good immigration is turning our way. The good inhabitants of every foreign country are needed there, and can possibly be happier and more contented there than in America. * * *
>
> There is more to this immigration problem than the economic side. Warning has been issued through the German Red Cross that the United States must be on its guard against the introduction of cholera and typhus by Russian immigrants. Hordes of these people, Dr. A. Schlesinger officially announced, are pouring into Germany over the Polish, Letvian, and Esthonian borders, and many are seeking passports to America, where they have relatives and friends who are financing them for their journey.
>
> * * * * * * * *
>
> It is fortunate for the United States that Congress enacted the 3 per cent quota law. It is doing much good. With some of the additions I have suggested it would be quite efficient. Its chief weakness is the lack of power held by our consuls abroad. There, it seems to me, is the foundation of all the trouble. * * *
>
> If we do not keep up the bars and make them higher and stronger there will no longer be an America for Americans.

Before I yield, Mr. President, I ask permission to incorporate this report following my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix A.)

Mr. HARRISON. I now yield to the Senator from Missouri.

Mr. REED. The inquiry I was going to propound was not very important, but I wanted to inquire when Lillian Russell became an authority on the rise and fall of the Roman Empire? I admit she is a pretty high authority on matters theatrical, and perhaps on cosmetics, but I never knew until just now that she had entered the other field.

Mr. HARRISON. I did not know she was an authority on the rise and fall of the Roman Empire until I read this report. Indeed, I did not know she was an authority on the immigration question until President Harding commissioned her——

Mr. MOSES. The Senator seems to quote her with great approval.

Mr. HARRISON. But she must be or she would not have been selected by the President. I yield to the Senator from New Hampshire.

Mr. MOSES. I remarked that the Senator from Mississippi seemed to quote Mrs. Moore with great approval.

Mr. HARRISON. Does not the Senator like to have me quote from the appointee of his own President, one who was commissioned in such an important task as this? Are the Senator and his colleagues not to take into consideration any of the reports made by these people? When these people are appointed and go abroad and travel in foreign countries, trying to serve their people and their Government, is not the Senator to pay any attention at all to their reports?

Mr. MOSES. I have read this report. I simply wanted to point out the incongruity of the Senator criticising Mrs. Moore in one breath because she was not an authority on immigration, when he had already been quoting her with great approval before that. I wish to say further with reference to the particular matter now under discussion——that is, this immediate phase of the debate—that I think it highly undignified and most ungentlemanly.

Mr. HARRISON. That is about the height to which the Senator from New Hampshire can go.

Mr. MOSES. I admit that I do not rise to the height of assailing ladies on the floor of the Senate.

Mr. HARRISON. I refuse to yield to the Senator. I have not said a word in criticism of Mrs. Moore. I would not. I agree with her views. She has voiced my sentiments. I think she is quite a remarkable and accomplished lady. I said that in the course of my remarks. I did not know that she was an authority on immigration questions until she was appointed by President Harding. If that carries with it a criticism, then the Senator can accept it as such. He is just about that big.

Mr. MOSES. I have already done so.

Mr. REED. Mr. President, I want to say, so that I will not be misunderstood, that I am not criticising the Senator for quoting this authority. It is probably the best agency that has been employed by this administration. The Senator naturally has to turn to that source for his facts, under the circumstances, but I still raise the question as to the high authority and the controlling weight of an opinion by this lady upon international law or immigration questions.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Georgia?

Mr. HARRISON. Before I yield let me answer the Senator from Missouri. I am not basing my argument on any report of Mrs. Moore; not at all. That is just part of the case. I am basing my substitute on the recommendation of Mr. Husband, the Commissioner of Immigration, and appointee of this administration, a man who I believe knows more about the immigration question to-day than anyone else in the United States. I have great respect for his judgment, and I am willing to follow him more quickly than those Senators on the other side who are opposing his recommendation and refusing to follow him in this instance. I have the good of the country at heart.

Mr. HARRIS. Mr. President, as I understand, the Senator's substitute leaves the 3 per cent provision as it is, and I offer an amendment changing that so as not to allow any but the excepted class to come in for five years, and I wonder if the Senator from Mississippi will not accept that amendment?

Mr. HARRISON. I am in this attitude, Mr. President, that I would vote and I shall vote for the amendment offered by the Senator from Georgia, but my substitute is pending. I do not believe the Senate will accept a holiday of five years, although I am going to vote for it, and I am in favor of it in the event my amendment is not adopted.

I am hoping that my substitute will be adopted. I have drawn the substitute conservatively, because I did not want to complicate the proposition. I wanted to keep the simple issue before the Senate, not change the 3 per cent quota but only to carry out the recommendations of the administrative officer having the immigration question in charge.

Mr. HARRIS. I withdraw my amendment, and will offer it if the substitute offered by the Senator from Mississippi is voted down.

Mr. HARRISON. In the year ending June 30, 1921, 978,163 immigrants of all kinds entered this country. Of course, some went away. Eight hundred and five thousand two hundred and twenty-eight immigrant aliens entered this country that year, and, mark you, for about 26 days during that year this 3 per cent quota was in operation, which cut down the number of immigrants coming into this country. If it had not been for that, there would have been many more.

For the 10 years up to 1912, I think, approximately 11,000,000 immigrants came into the United States. In my opinion, the 3 per cent quota law, which is now on the statute books, has worked well. It is a good law. It does not go as far as I would have had it go, but it has cut down the number of immigrants coming into this country.

For instance, during the time this law has been in operation something over 200,000 immigrants have come into this country. I think under the 3 per cent quota 350,000 immigrants a year are allowed to come in, there being a particular quota each country can send here.

Mr. CALDER. If the Senator will permit me, that is 350,000 from Europe, I believe. The figures show that the quota was 351,930 from Europe.

Mr. HARRISON. I would like to have the attention of the Senator from Rhode Island. The 3 per cent law allows only 357,000 immigrants to come into this country each year. No such number do come, because certain countries do not send their full quotas. No country can send more than its quota, although during the last year, because of peculiar circumstances, some countries have sent more than their quotas. I believe during the operation of the 3 per cent quota law there have been 15 countries which have sent more than their quotas, but I assume it was because in the beginning of the operation of the 3 per cent quota law a great many immigrants came to this country through the encouragement of the steamship companies, landed at New York, had to be taken care of, and were admitted into this country. They had started from their respective countries before the law was passed. This should not and doubtless will not happen again.

A remarkable situation is presented under this law, however, which illustrates more than anything else, and will convince anyone more than any other proposition, that it is a good law or that the quota system is an improvement over the old system. We have desired immigration from western Europe. The undesirable immigration to this country has come from eastern and southern Europe, and under the 3 per cent quota law immigration coming to this country from the desirable sections of Europe has shown a large increase, proportionate to the number of immigrants, and immigration has fallen off proportionately from the eastern and southern sections of Europe.

For instance, the figures show that from northern and western Europe for the period from July to December, 1913, 142,776 immigrants came to the United States. From southern and eastern Europe and Asiatic Turkey there were 568,001.

In the period from July to December, 1921, the number had fallen off. From northern and western Europe there were 70,974, and from southern and eastern Europe there were 112,239.

In the period from July to December, 1913, the immigrants coming into the United States from northern and western Europe were 19.4 per cent of all the immigrants during that period who came into this country. In the period from July to December, 1921, it rose to 38.5 per cent, showing that there was an increase in the number of desirable immigrants to this country; while from eastern and southern Europe, in 1913, from July to December, the percentage was 77.2, and in the period from July to December, 1921, it had fallen down to 56 per cent. So the system is working well; but we want to remedy the defects in the present law, and the person above all others in the United States who knows the defects in the present law is the administrative officer of the Immigration Bureau.

Now, what does he say? Under the present law immigrants can come into the country from Canada, from Cuba, from Mexico, after one year's residence there. The Commissioner of Immigration has said that there are thousands upon thousands of undesirable immigrants from Europe and elsewhere who have gone to Canada, Mexico, and Cuba in order to live there one year and then obtain admittance into the United States. So he recommends that the law be changed, and he says it is necessary to change it, that it is imperative that it be changed from one year's residence in Cuba, Mexico, or Canada to five years' residence there. I submit if there were no other amendment adopted by the Senate, that one amendment should be adopted. If we do not adopt it, the whole 3 per cent quota law will fail and can not be successful.

The other change that is suggested by the Commissioner of Immigration is this: The present law imposes no penalty upon steamship companies for violating the rules and regulations and laws of the land respecting immigration. They may go abroad, they may encourage any number of undesirable immigrants to come to this country, who may come into the port of New York and flood every part of Ellis Island or other port of entry, as the case may be. They may be hungry there and penniless, as they were, and organizations of various kinds have had to take care of those people when they were landed there.

Mr. LODGE. Mr. President——

Mr. HARRISON. I will yield to the Senator in just a moment.

They were landed there through the instrumentality of the steamship companies, encouraged by them, and the quota that should have come was gradually increased because of the activities and influences of the steamship companies. Under the present law no penalty can be imposed upon the companies, and the Commissioner of Immigration has suggested that the law should be amended so as to impose a penalty of $200 on every steamship company that brings an alien to this country from a country whose quota has been exhausted and to compel the steamship company to pay back to that alien the expenses incurred in coming here upon a fruitless mission. Is not that important? The Commissioner of Immigration says it is. We all know the steamship companies should be punished when they violate the regulations, and so I have proposed in my substitute an amendment carrying out that idea.

Now I yield to the Senator from Massachusetts.

Mr. LODGE. That provision as to steamship companies exists, as the Senator well knows, in existing law, but it is not applied to the law now under discussion.

Mr. HARRISON. Yes; it is not applied to this law.

Mr. LODGE. The Senator stated specifically that it did not exist at all.

Mr. HARRISON. Oh, it does not exist as applied to the 3 per cent quota law.

Mr. LODGE. It does not exist as applied to this law, but the Senator gave the idea that we have no penalties applicable to the steamship companies. Such a provision has been carried in the law for years and it ought to be applied to this law. I entirely agree with the Senator.

Mr. HARRISON. That is what I am complaining about—that the penalty now in force does not apply to the 3 per cent quota law, and it should apply to it. Does anyone tell me we should not make that change because we have not the time? We ought to have the courage to take the time and amend our laws when conditions demand it.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. HARRELD in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. WATSON of Georgia. Has the Senator studied this question from the standpoint of the vast increase of crime in this country? Does he see any connection between foreign immigration and the increase in crime?

Mr. HARRISON. I think there is no doubt that crime increases according to the increase of undesirable immigration into the country. Crime and everything in the way of disorder increases.

Mr. WATSON of Georgia. I call the Senator's attention to the fact that in nearly every one of the brutal, fearful crimes, which seem to be organized, systematized, commercialized, the names of the leading criminals are foreign names. They are not American names.

Mr. SWANSON. Mr. President——

Mr. HARRISON. I yield to the Senator from Virginia.

Mr. SWANSON. As I understand the provision reported by the committee, it extends the law for two years. If the amendment proposed by the committee is not adopted it means only

a nullification of the existing law, because under the present law, even if it be extended two years, all an immigrant has to do is to go to Canada or Cuba or Mexico and stay there one year and then he will be permitted to come into this country without any restriction whatsoever. That is really a nullification of the present law.

I think possibly the statistics which were given by the Senator from Mississippi did not include the immigrants who came in from Canada, Mexico, or Cuba, which is permitted under the law. If we are going to have the 3 per cent law extended two years and allow Mexico, Cuba, and Canada to be a mere dumping ground where foreigners can come simply for the purpose of staying one year and then coming into the United States without restriction, I can not see why Senators should object to an amendment covering that situation. Does the Senator expect to offer the amendment separately?

Mr. HARRISON. No; I am offering mine as a substitute for the joint resolution, that carries with it the various amendments which I am going to discuss. I do not think the Senator from Rhode Island has any objection to the amendments. The only question is that he is afraid that the joint resolution might not be agreed to by the House with those amendments, but I do not feel that way about it because the House can adopt every amendment that I am proposing in the substitute by moving to concur in whatever the Senate has done or otherwise, and it will become a law just as quickly as it would if we passed the joint resolution extending it as the committee has suggested.

Mr. COLT. Mr. President, will the Senator permit me to ask him a question?

Mr. HARRISON. Very gladly.

Mr. COLT. The Senator is dealing with the amendments proposed by the Commissioner General of Immigration. I entirely agree that certain of his suggestions would perfect the law, but when in the committee we opened up the question of amendments there were other members of the committee who wanted to go beyond these suggestions, and there were other amendments offered and the time was getting so short that we reached—whether the judgment was right or not—the conclusion that it was better to pass the pending joint resolution in the form in which the House passed it and then supplement it later with other legislation.

I would like to ask the Senator if he has considered the Husband amendment referred to on page 12 of his letter to the chairman, increasing the quotas from Australia, Africa, other Europe, and other Asia?

Mr. HARRISON. I have not included that amendment in my substitute.

Mr. COLT. So the Senator does not agree to some of the suggestions of Mr. Husband?

Mr. HARRISON. As I stated in the beginning of my remarks, I do not agree with that one. That would tend, in fact, it would have the effect of increasing the number of immigrants permitted to come to the United States over the 3 per cent quota now allowed. I shall vote for no amendment, nor champion any suggestion, that will increase immigration to this country. My tendency is to decrease, rather than increase, the number.

Mr. COLT. The Senator does not agree with the commissioner general's suggestion where he says, substantially, that it would not be just to admit from Australia only several hundred British subjects and that there ought to be a pre-war minimum admitting 1,000?

There are two schools of thought here, and we must dwell upon it—those who are in favor of absolute suspension of immigration for five years and who are in favor of every restrictive measure and those who are not in favor of such restrictions but are in favor of the quota provision.

Mr. SWANSON. Mr. President, will the Senator from Mississippi allow me to ask the Senator from Rhode Island a question?

Mr. HARRISON. I yield to the Senator from Virginia for that purpose.

Mr. SWANSON. As I understand, under the interpretation given to the existing law there is no limitation upon the number of people from any country who can go into Canada, Mexico, or Cuba, and if they stay there one year there is then absolutely no limitation on the number of those people who can legally come into this country. Is not that true?

Mr. COLT. Under the present law there is no limitation.

Mr. SWANSON. Then we are in this condition under the existing law, if not modified by the amendment of the Senator from Mississippi, that really we have no immigration law restricting immigration from anywhere if the steamship companies wish to take foreigners into Canada, Cuba, or Mexico and let them remain there one year for the purpose of their coming to the United States without restriction.

Mr. COLT. The present law says they must remain there for one year.

Mr. SWANSON. Yes; they can go there for the purpose of coming to the United States and violating our laws, and in that way we get all the undesirables. Those who desire to do so can remain there, of course. It really nullifies our existing law at the end of a year under those conditions, does it not?

Mr. COLT. Will the Senator deal with facts somewhat and not with the fear that there are thousands and thousands going to those border countries?

Mr. SWANSON. I have information to that effect.

Mr. COLT. As a matter of fact, Mr. Husband says immigration from Mexico and Canada has fallen off.

Mr. SWANSON. I have been informed, though I do not know whether it is true or not, that great colonies are being formed of people coming to those places for the purpose of later coming into the United States; that the steamship companies carry them to those countries and in that way effect really a nullification of our immigration law.

Mr. COLT. So far as I have any opinion, I concede as a matter of precaution that it would be well to extend the time from one year to three or five years. I agree to that.

Mr. HARRISON. Mr. President, along the line of the question suggested by the Senator from Virginia, Mr. Husband said in his report in speaking of immigration from Canada and Mexico:

> There are plenty of indications, however, that systematic violations on a considerable scale will be attempted during the remainder of the present fiscal year, or, in any event, during the coming fiscal year, provided the law is continued in force. I shall not go into details in this regard but can assure you that the bureau is quite fully aware of the situation and will employ every possible means to insure a strict enforcement of the law.

Then further over in his report he said:

> Various immigrant aid societies and similar organizations, and possibly also steamship agents in foreign countries, have, according to reports believed to be authentic, fostered and promoted this movement of aliens to foreign contiguous and neighboring countries. It is known that thousands of aliens from countries with exhausted quotas have entered Mexico in recent months; that there are perhaps a larger number of such aliens now in Cuba, with no employment and no prospect of securing same, and that others have gone to Canada and to South America (principally to Brazil), all apparently with the one purpose in view of eventually gaining admission to the United States.

With a situation such as that confronting us, does anyone tell me we should not amend the law when the joint resolution is here for consideration?

Before I was interrupted I was discussing the penalty features as applied to the steamship companies. The amendment suggested in my substitute carries the penalty to the steamship companies which violate the law. There is none in the present law touching the 3 per cent quota provision.

Here is what President Harding had to say about that proposition. Now, you Republicans will all prick up your ears and listen to this, I know. I wish to ask unanimous consent to incorporate, following my remarks, this very remarkable document on immigration and the 3 per cent restriction law by Robert De C. Ward, professor at Harvard University.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Appendix B.)

Mr. HARRISON. President Harding replied to a letter written by Representative ISAAC SIEGEL, of New York, in September, 1921, and, among other things, said:

> I haven't any doubt in the world but the enforcement of the immigration laws is working many a hardship. My own distress has been very great over some of the specific instances which have been reported to me. If I have the situation correctly presented, the difficulty must be charged to the dishonest steamship agents who have brought to this country innocent immigrants in spite of our continued warnings during a period of very great tendency. I know how very persistent have been the impositions which have been made on the Government agents who have been disposed to be sympathetic and more than generous in carrying out the law.

Here is what the Secretary of Labor, Mr. Davis, says about the steamship companies bringing over undesirable immigrants in violation of the regulations:

> Secretary Davis reiterated the statement by the President that much of the trouble is caused by dishonest steamship agents and that pitiful stories of hardship are being circulated in the deliberate attempt to discredit the law.

Assistant Secretary of Labor Henning, on September 3, said:

> Unfortunately, the law has no teeth, and the only way the offending companies can be punished is to compel them to take back aliens who are not admissible.
>
> It is a pitiful sight. I have never seen it, but I have heard of it. I know it must appeal to the sensibilities of men and women everywhere that poor, unfortunates brought here by steamship companies from Europe and elsewhere and landed at New York

> without money, without friends, are sent back home because the quota of immigrants permitted to come is exhausted. If the human heart could be touched, that sight would touch it.
>
> The coming here of people under such conditions through the influence of steamship companies should be prevented. We shall never be able to stop it so long as we have no law which penalizes the agents of steamship companies for bringing over these unfortunates under such circumstances, and yet the Senator from Rhode Island and the Senator from Ohio say we have not the time to amend the existing law, that the date of expiration of the present law is the 30th of June, and we may not be able to enact a new law by that time. I am not surprised at Senators on the other side making such a statement and believing in it, because they realize that they have taken so long to do nothing in relation to all other matters.

Mr. LODGE. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. HARRISON. I yield.

Mr. LODGE. The Senator from Mississippi is giving a perfect illustration of the reason why it is necessary to pass this joint resolution by the time he is wasting instead of trying to amend the joint resolution.

Mr. HARRISON. Of course, if the Senator from Massachusetts will not listen to argument and Senators on the other side merely wish to sit here and say, "No; we have not time for that," well and good; but such action furnishes the reason why the Republican leadership is now being denounced from one end of the country to the other.

Mr. LODGE. I am perfectly willing to listen to argument when argument is made.

Mr. HARRISON. The Senator has agreed with me on two or three propositions which I have advanced.

Mr. LODGE. Exactly. I want to help get the joint resolution through.

Mr. HARRISON. Will the Senator from Massachusetts vote for my substitute for the joint resolution?

Mr. LODGE. No.

Mr. HARRISON. I did not think the Senator would.

Mr. LODGE. But I will vote for some amendments if the Senator from Mississippi will frame them properly.

Mr. HARRISON. I had hoped that the Senator occasionally would vote for something that is right. I am offering a good proposition, and yet the Senator will not take it.

Mr. LODGE. I am ready to vote for any amendment which I believe should be made; I do not know that there is anything in the Senator's substitute to which I object; but I know there are certain amendments that ought to be made to the pending joint resolution, and it will not be done by standing here and bellowing about the Republican Party. The thing to do is to proceed with the consideration of the joint resolution and perfect it.

Mr. HARRISON. I know that the Senator from Massachusetts when he is hit is bound to rise. God knows I have been, and other Senators on this side have been, very lenient with the Republican Party—more so than we should have been.

Mr. LODGE. The Senator from Mississippi does not need to be lenient. He does not do the Republican Party the slightest harm.

Mr. HARRISON. I know that. One can not do any harm to a thing which is dead, for it does not feel.

Mr. LODGE. The Republican Party has enough feeling to win in the next election.

Mr. HARRISON. That is what I call optimism of the rarest kind.

Mr. LODGE. Not a bit. I remember that the Senator from Mississippi was optimistic in 1920; and so I doubt if there is any foundation for his present optimism.

Mr. HARRISON. Yes; but the Senator's party stacked the cards and played them from under the table on us at that time.

Mr. COLT. Mr. President——

Mr. HARRISON. I yield to the Senator from Rhode Island.

Mr. COLT. Mr. President, I thought that the business before the Senate was the joint resolution proposing to extend the existing immigration law. I desire to say to the Senator from Mississippi that I should like to see the joint resolution perfected along the line of some of the amendments which have been suggested by Mr. Husband. I have always taken that position; but the reason why I can not vote for the amendment or substitute of the Senator from Mississippi is that he includes some of the commissioner general's amendments and rejects others, those amendments all being included in the committee print, which is the basis of the Senator's amendment or substitute.

I wish to call attention to one of the amendments the adoption of which Mr. Husband could not recommend in its present form. I refer to the amendment which requires cooperation of the Department of State with the Department of Labor. It is an amendment along the line of constructive legislation, along the line of selection at the source. The amendment is to the effect that when the consul visés a passport he shall also issue a certificate that the alien comes within the quota. The consul having the quota before him will know the number of immigrants that may be admitted from that particular country, and he will issue a certificate to the alien immigrant applicant. That amendment has not been perfected; the Secretary of State has not consented to it. That was one of the difficulties which the committee met when it came to constructive legislation. We could not frame such legislation hastily, for it involved a redrafting of the certificate provision.

The committee were met at once with the question, "What are we going to do with the excepted classes under the 3 per cent limitation? Is the consul going to pass upon those?" In other words, there were practical difficulties which had not been solved in connection with the certificate plan, and there has been no agreement as yet by the Secretary of State to cooperate with the Department of Labor. That is one of his amendments that Mr. Husband did not ask the committee to adopt.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. HARRISON. I shall yield in one moment. Mr. Husband did recommend the adoption of that amendment; he dictated it himself, and said that if some plan like that were not incorporated the department would be very much embarrassed.

Mr. COLT. I beg the Senator's pardon. I know the Senator from Mississipi never intends to make a misstatement and I certainly do not. I think I made the statement a little too strong. Mr. Husband did recommend a certificate provision, but, to speak in somewhat ordinary language, he "passed the buck" to the committee and asked the committee to perfect the amendment and to get the consent of the Secretary of State.

Mr. HARRISON. Well, the committee also passed the buck.

Mr. COLT. He said that was as far as he would go. As to many of the other amendments which he suggested, I approve of them.

Mr. LODGE. Mr. President——

Mr. HARRISON. I yield to the Senator from Massachusetts.

Mr. LODGE. In regard to the suggestion as to consular inspection, I think that is a very old idea and a very good one. We tried to get it adopted some 25 years ago, but the difficulty which then met us was that other countries would not permit it. The trouble is not with our own State Department, but other countries will not allow an American consul to say whether or not a citizen of Germany, for instance, or France or whatever country may be affected, shall sail from that country. They objected to our consuls exercising that authority.

Now, under the changed conditions since the Great War, it may be possible to make some arrangement of that kind, and I see no objection to giving the authority to our Government to endeavor to make such an arrangement, but it is not something which we can accomplish ourselves; it is necessary to have some arrangement with foreign governments in order that our consuls may be allowed to issue certificates. It would be the most valuable thing that could be done, if we could once bring it about, but it has been prevented by the action of other countries. I remember in past days Germany particularly objected very strongly.

Mr. HARRISON. The Bureau of Immigration, as I understand, fear that the State Department in the future might abolish the passport system in some particulars. They are, of course, using that system now; but, if it should be abolished, the Bureau of Immigration are afraid that a very undesirable class of immigrants may be admitted to our shores. There would in that event be no examination or certification by our consuls or agents abroad.

Mr. LODGE. We can maintain the passport system.

Mr. HARRISON. We can do it, unless the State Department decides otherwise.

Mr. LODGE. We are now maintaining it.

Mr. HARRISON. We are now maintaining it; but, as I have said, the Bureau of Immigration are fearful that a change may be made. That is according to the statement made to me by Mr. Husband.

Mr. LODGE. If the Senator will allow me, provision concerning the passport system is carried in the diplomatic and consular appropriation bill, and there has been no suggestion from the State Department of abolishing the system.

Mr. HARRISON. That is a matter which may be worked out in conference, but what I have stated was the suggestion of Mr. Husband. If there is objection to that particular provision, it is easy to strike it from the proposed substitute, and then if the other provisions of the substitute which are recommended are all right we could reach an agreement. I assume that no one is combating the suggestion that there should be a penalty on the steamship companies.

Mr. LODGE. No.

Mr. HARRISON. I also assume that no one is combating the suggestion that the one-year limitation as to residence in Canada, Mexico, and Cuba should be raised to three years or five years.

Mr. LODGE. No; I do not think there is.

Mr. HARRISON. So if that be true there should be no great difficulty in reaching an agreement. The other suggestions which I have made are merely to provide some slight administrative changes. For instance, under the present law students who come from a foreign country can not be admitted here merely to attend college. The commissioner thinks that they should be excepted, so that they may come to this country to attend college. These are small matters. The two main propositions suggested by the Commissioner of Immigration are a penalty on the steamship company and a greater limitation on residence in contiguous territory. If we could agree on those two suggestions, it would be easy to pass this joint resolution, and we would then really enact legislation of a constructive character. If I thought that the House would dillydally about such amendments and would not accept them, and that they would delay the bill beyond the 30th of June, I would be the last Senator here to offer such an amendment.

Mr. LODGE. The Senator will admit that it would be a great misfortune to have the bill fail.

Mr. HARRISON. I think it would; but, in view of the fact that practically everybody seems to agree that the two proposals are all right, they could be put in.

Mr. COLT. Mr. President, did I understand the Senator to say there are two main propositions?

Mr. HARRISON. Yes; there are but two main propositions.

Mr. COLT. What are those two?

Mr. HARRISON. The two which I have named. I am perfectly willing to leave out everything else, except the amendment raising the one year's residence requirement in Canada, Cuba, and Mexico and other contiguous territory to five years—that is one—

Mr. LODGE. That ought to be done.

Mr. HARRISON. The other is the imposition of a penalty on steamship companies for violating the rules and regulations and bringing here immigrants from countries the quota of which have been exhausted.

Mr. LODGE. And that ought to be done.

Mr. HARRISON. That should be done.

Mr. LODGE. It is absurd to deport an immigrant and compel a steamship company to take him back for one violation of the immigration laws and not compel it to take him back for another.

Mr. STERLING. I wish to say to the Senator from Mississippi and other Senators that I have an amendment covering the suggestion in regard to residence in contiguous territory, amending the present law so as to require five years' residence.

Mr. HARRISON. I am perfectly willing to agree on any proposal of that kind.

Mr. STERLING. I suppose the regular order would be to perfect the joint resolution before the Senator's substitute comes up for consideration.

Mr. HARRISON. Perfecting amendments, of course, should first be offered to the joint resolution.

Mr. STERLING. By the amendment to which I have referred and some other amendments, the objections which the Senator from Mississippi has to the joint resolution might be met.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. I yield.

Mr. SHORTRIDGE. May I ask the Senator from Mississippi whether his substitute in any wise deals with subdivision 5, section 2, of the present law which provides that excepted classes as defined therein embrace "aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration"? Does the Senator's suggested substitute in any wise touch that provision?

Mr. HARRISON. It does not change that at all.

Mr. SHORTRIDGE. I assume the Senator knows how important that provision is.

Mr. HARRISON. Yes; the effort has been made to take care of that situation, I will say to the Senator.

Mr. LODGE. The provision to which the Senator from California refers is left entirely unchanged.

Mr. HARRISON. I certainly do not propose to change it in my substitute at all, and I do not think that it is changed by the joint resolution at all.

Mr. COLT. May I ask the Senator if he would accept the amendment relating to penalizing the steamship companies as drawn up by Mr. Husband, and also the amendment requiring five years' residence in Canada and Mexico?

Mr. HARRISON. I am perfectly agreeable to adopt the amendments in that form even, but I think they should change, for instance, the 20 per cent monthly limitation under the present law. That is suggested by him as quite desirable. I do not think, however, it is so important that that be done.

Mr. COLT. I will tell the Senator why it is not necessary. It is because the law says "shall not exceed 20 per cent," so that the department could regulate that.

Mr. HARRISON. If the Senator thinks that other suggestions of the commissioner can wait, then, that is perfectly agreeable to me; but I do think it is highly important and, indeed, necessary that the two amendments to the present law which I have suggested be now adopted—one respecting the time of residence in contiguous territory and the other penalizing steamship companies for violations of the law.

Mr. COLT. I might say to the Senator in regard to the amendments which the commissioner general wanted, that the two which the Senator has suggested do not increase the number of immigrants in any way.

APPENDIX A.

Report to the Secretary of Labor by Lillian Russell Moore on European emigration conditions as affecting the United States.

MARCH 28, 1922.

Hon. JAMES J. DAVIS,
Secretary of Labor, Washington, D. C.

DEAR MR. SECRETARY: I beg leave to submit the following report of my observations on immigration, as commissioned by you, during a visit to European countries:

Immigration, in my opinion, is the gravest question to-day confronting the American people and the most serious problem demanding solution by the American Government.

Time was when our shores were a haven for the politically and religiously oppressed, and when our gates opened the way to opportunity for the ambitious and inspiring of other lands. Time was, too, when our Nation, in its period of construction and reconstruction, needed the brawn of the sturdy European to extend civilization into uncultivated and undeveloped territory.

To-day European conditions are such that a haven of refuge is not required. There is no longer political oppression abroad. Men are not being driven from their homes for disputing the divine right of Kings to rule. The war has restored human rights to the peoples of Europe, and the new conditions permit to all free expression of thought and peaceful possession of property. There may be suffering; there is oppression; but freedom is freedom, and none need seek sanctuary here.

Nor does America need labor to aid in the development of its resources. That stage has long passed, and it is a fact that the immigration of recent years has been from that class of people which arrests, rather than aids, the development of any nation. When I declare that most of those now seeking to come here have not any of the inspiration or the necessity of the early settlers from abroad, I am stating facts that impress everybody who makes any study of European conditions.

In this immigration problem, then, there is only one thing that demands serious attention, and that is, What is best for America?

We must be just before we are generous.

We must think of the future as well as of the present.

The higher civilizations of past ages, history teaches us, succumbed to such foreign invasions as now threaten us.

Alien infiltration wrecked Rome and Greece.

It is against such a fate that America must protect itself—that the American Government must protect its people, including those of foreign birth or extraction who have loyally taken up the duties of American citizenship.

I believe it would be a good thing for America if an immigration "holiday" of five years could be declared. But if we must keep our gates open, I would urge a new system by which the sifting process should be carried on abroad, so that none but those who, physically and mentally, would make valuable additions to our population would be admitted to board ship for America.

There should be rigid tests of mental qualifications by American consuls. One rigid requirement should be that applicants must be able to read, write, and speak their own language.

Physical tests should be conducted by American physicians, and any bodily weakness should mean rejectment. The Wassermann blood test ought to be employed in every case.

I am insistent upon the employment of American physicians to make these tests, because I believe that racial sympathies might lead to too liberal a view of bodily infirmities. It is just possible, too, that some foreign government agencies might not object too severely to the departure of undesirables. It has been intimated that foreign governments might protest against the employment of American physicians as health examiners, but there is no logical ground for such objection. Protest might just as reasonably be made against the quarantine officials of home ports who examine incoming passengers.

If the present law restricting immigration by quotas from other countries is continued, it should be materially strengthened as I have suggested. There should be also a central headquarters, possibly in London, where American consuls should regularly report the number of their visés, so that the quota could not be exceeded any month, thus avoiding the hardship of deportation for the excess immigrants.

In present circumstances every intending immigrant needs simply to apply at the nearest American consulate for a visé, for which he pays $10. It is the consul's duty to ascertain all the facts in relation to the individual, including details respecting health, morals, contract labor, and the like—but the consul is absolutely limited as present conditions exist. He has no power to refuse a visé for any reason other than that the quota of the country is exhausted, and in which event alone he may refuse a visé. This is unfortunate, for it necessarily leads to thousands of departures of unfit persons to America, who succeed either by influence or trickery in entering the country and being turned back upon inspection at Ellis Island.

These people lose by breaking up their homes in their own countries, and America loses by the cost of their return. Much human misery could be avoided, periodical congestion at Ellis Island prevented, and the entrance of unfit persons into the United States most conveniently checked by the application of the following suggestions:

Consuls should be authorized to refuse visés to all unfit persons. All applicants for visés in the case of immigrant persons should be required to submit details three months before final action is taken. This should include a certificate from their native doctor stating that a blood test has been taken, thus proving they are physically fit. In case of male immigrants, a penal certificate should be presented giving a record of their career, on which is attached a photograph of each man, thus allowing the consul to obtain close information of the most definite character with regard to the alien's past history, physical condition, qualifications as farmer, laboring man, etc.

Questioning of the immigrants has not proven satisfactory. It is quite obvious that an applicant is not likely to admit anything to a consular officer which will damage his chances of obtaining a visé. Therefore, as I suggested, the penal certificate, accompanied by a photograph of each man, would give a direct line upon his record. It would also be advisable to have the Bureaus of Immigration and Naturalization subject every foreigner living in the United States who wishes to bring over an immigrant to the same examination as the immigrant himself must pass before a consular officer. Such a foreign resident should be required to submit a police record covering the entire time of his residence in the United States, and an affidavit of support executed by the relative in the United States should be demanded of every applicant. And after this affidavit has been executed, and before it is sent abroad to the immigrant, it should be stamped by the immigration authorities, so that when it is presented to a consular officer, with a request for a visé, he will know that the immigrant intends to join a decent, law-abiding resident of the United States.

There should be additional laws making it a felony for any resident of the United States making a false statement concerning the admissibility of any relative or other immigrant. This law should be so drastic that it will seal up one of the most intolerable loopholes in our immigration system.

A change in the immigration law from the legal 3 per cent quota would perhaps be advisable to read instead that the number of immigrants to be allowed in the United States should be agreed upon by the Secretary of Labor and foreign countries, establishing the number of passports to be issued for three months in advance, and that the total quota of 3 per cent of all countries, added together, shall not be surpassed. This would give the Secretary of Labor the power to choose such countries as he thinks have the most desirable immigrants for the United States. And instead of the steamship lines all depositing their immigrants at Ellis Island license could be given for disembarkation of immigrants at such ports as New York, Boston, Baltimore, Savannah, New Orleans, Galveston, San Francisco, and Seattle. With our own merchant marine this could easily be done. This would scatter the immigration throughout the country, place the farmers in the farming countries, and relieve New York from increasing its present foreign population.

This system would likewise put a stop to clandestine immigration. The newspapers in Italy publish, after the sailing of practically every steamer for the United States, that a number of clandestine immigrants have been found hidden on board and were arrested, and in almost every case they were criminals.

While I was in Rome the steamer *Arabic* sailed from Naples, and advice came from the Italian authorities by wireless that there were 100 clandestine immigrants on board. These men pay large sums of money to be smuggled on the steamer, and if they succeed in reaching New York disembark as members of the crew. It is therefore advisable that all the crew of any steamer sailing for a United States port should have a proper book or certificate, with their photograph on it for identification, and stating that they are one of the crew of the steamer, and should not be allowed to disembark and pass through the customs gate without showing such card or certificate.

In this manner these undesirables would be unable to land. At present many are taken from alongside in small boats and carried to some convenient landing place.

When I arrived in Cherbourg I was met by the doctor in charge of the immigrants. He gave me the inclosed certificate, which shows that he vaccinated 209 immigrants bound for America, out of which 21 proved to have fatal diseases, which would compel them to be turned back upon their arrival at Ellis Island. Neither the examining doctor, the consul who visaed their passports, nor the consul general at Cherbourg were endowed with the power to forbid them to go aboard the steamer. It seems to me that this is the foundation of all the trouble. And it takes but a small mind to realize that if more power is not invested in our consuls abroad and if every immigrant is not compelled to have a blood-test certificate at the very beginning of his intentions to come to America on an immigrant, our civilization of the future will deteriorate to a marvelous extent.

I farther believe that all of the personal information of each man gathered by the consuls and immigration inspectors should be available to examining judges before certificates of naturalization are granted. We are menaced, and we must avoid that condition. Take the consul at Vienna, for instance:

During the years of 1920 and 1921, long before office hours, crowds of unwashed, ill-fed, prospective immigrants—most of them of very low mentality and moral fiber—surged around the consulate. These people were from Poland, Russia, or Rumania, and claimed to have blood relatives in America who would take care of them and guarantee them support. They did not know the meaning of the word "truthfulness," and were carriers of disease caused by their extreme bodily filth. It was discovered that large numbers of Poles were applying for visés at Vienna, claiming the necessary one year's residence in the place of departure, and bringing with them documents to prove such residence. So many of these documents were false that the practice was adopted throughout the year 1921 of having every Sienna document—including the police certificate of morality required—which was presented by a Pole examined and checked by the investigator. It was found that underground channels of information existed among these people as how to have false documents prepared by meeting certain "agents" in given "café houses." Other means of pressure were brought to bear on consular officers. In these cases lawyers would appear as intermediaries or friends from the United States. Usually naturalized American citizens would appear as spokesmen. These often proved to be promoters of immigration, who would obtain in New York the names of persons wishing their so-called relatives to come over, and who, for the consideration of usually more than a hundred dollars in each case, would fill out a large list of names and undertake to go to eastern Europe to "see them through" all visé and traveling formalities. In one case a New York notary public, who had obtained names of people coming to him professionally to make out affidavits, undertook to bring over 50 immigrants, whom he declared to be his relatives, and who all claimed a year's residence in Austria. An investigation proved that they all had false documents and that they had been in Austria only a few days. One of them divulged the fact that the intermediary was to receive $300 apiece upon their arrival in the United States.

Of the several thousand Polish immigrants who obtained visés in Vienna in the years 1920–21 it was the personal observation of a consular officer stationed there that only two were not bound for New York City, and just one claimed to be a farmer—all nonproductive, so-called citizens.

There are several organizations formed for helping certain elements which undoubtedly have a considerable humanitarian value, but which, at the same time, have encouraged this kind of immigration. One relief representative assured me that they had a great amount of money in the banks of Europe which was to be used to help immigrants to get to America.

From Italy we get a more productive immigrant. While some of them come to us as truck gardeners, the greater number go into railroad, excavating, and mine work. The majority of immigrants from southern Italy and Sicily are of the peasant type. Their standards of living are low. Their ultimate destinations are the industrial towns of the East. As potential American citizens they afford reason for considerable apprehension. From Naples come farm laborers, and their physical condition is generally good. From Florence, Venice, Milan, and Genoa the immigrant is productive, as many of them are stonemasons, carpenters, miners, mechanics, weavers, etc. From Trieste the great majority, and practically all of those who obtain visés from this quarter, are of the Slav nationality. The opinion from that consular district maintains that, in spite of the present system of control, it is almost impossible to prevent agitators, criminals, and other dangerous undesirables from obtaining visés, and the local authorities do not desire to cooperate to the extent of furnishing the names of persons under suspicion.

We have laws and regulations of a most painstaking character which prevent the shipment of live stock, living plants, and seeds to the United States, and we prohibit entirely shipments under these heads instantly when danger arises; but until the last few months we have opened our national gates to human beings desiring to settle among us without much restriction as to moral consideration or purity of blood. And as a result we have a huge problem with which to deal. It would be a wonderful thing if all immigration could take a rest for a few years, for the adjustment and reconstruction of its principles and regulations, and meantime requesting our Congressmen to visit the countries from which the majority of immigrants come. They could do this in their vacation months—not as a pleasure trip, but as a matter of information, which can be used to the greatest advantage in future discriminating rules for immigration, that we may protect ourselves permanently by a drastic prohibition as respects the unfit, as described in section 3 of the present immigration law.

If Congressmen should go abroad they could see the facts as I saw them. One particular fact is that no good immigration is turning our way. The good inhabitants of every foreign country are needed there, and can possibly be happier and more contented there than in America.

It is a fact that in France there are only 65,000 in the ranks of the unemployed. Reconstruction is being elaborately carried on in France, and every able-bodied man is not only needed but his prospects are made so alluring that he has no inclination to emigrate. Only those who are useless to France and would be a burden to America show any tendency to depart. Italy needs men to till the soil, to grow food, and to keep her own country prosperous. It is to the interest of France and Italy to keep the best of their sons at home—if not forever, at least for a long time to come.

There is more to this immigration problem than the economic side. Warning has been issued through the German Red Cross that the United States must be on its guard against the introduction of cholera and typhus by Russian immigrants. Hordes of these people, Dr. A. Schlesinger officially announced, are pouring into Germany over the Polish, Letvian, and Esthonian borders, and many are seeking passports to America, where they have relatives and friends who are financing them for the journey.

Already nearly 50,000 cases exist in Germany, traced to refugees, and German immigrants from the Volga region have been infected. Seventy-five per cent of the recent arrivals in the concentration camps were diseased, according to Red Cross statistics.

The minister of health has called attention to the necessity of vaccinating everyone arriving from Russia, declaring that children especially are carriers of typhus.

We take in too few productive immigrants and too many destructive.

I look upon the question of immigration as closely associated with that of citizenship. Personally, I believe that no alien should be naturalized until he has lived in the United States 21 years. Our own men have to live here 21 years before they can become voting citizens.

It is fortunate for the United States that Congress enacted the 3 per cent quota law. It is doing much good. With some of the additions I have suggested, it would be quite efficient. Its chief weakness is the lack of power held by our consuls abroad. There, it seems to me, is the foundation of all of the trouble.

I want to say for our American consuls that I never met a more patriotic class of men as a rule. Their Americanism is pronounced, and I believe it is accentuated by their knowledge of America's perils. They see, and they know, better than any class of our citizens, the difficulties and dangers of laxity in immigration laws.

Our America has passed the transition stage.

It is to-day a world power.

An intelligent, cohesive, loyal citizenship is its propulsive force. Solidification of all its elements is essential to perpetuity.

The melting pot has been overcrowded. It has boiled too quickly and is running over.

It were better to put out the fires under it and allow its contents to solidify before adding any more raw material.

If we don't keep up the bars, and make them higher and stronger, there will no longer be an America for Americans.

Respectfully submitted.

LILLIAN RUSSELL MOORE.

APPENDIX B.

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IMMIGRATION AND THE 3 PER CENT RESTRICTIVE LAW.

[Robert De C. Ward, Harvard University.]

THE NEW LAW AND ITS ENACTMENT.

The new 3 per cent immigration restriction act was designed to meet postwar conditions which our previous laws were never intended to cope with. It passed both Houses of Congress by tremendous majorities, and after being "pocket vetoed" by President Wilson was again passed by similarly large majorities and promptly approved by President Harding. The backbone of the new law is as follows: Section 2. "That the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per cent of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910." Eight classes of aliens are excepted from this provision, including "(3) aliens under the age of 18 who are children of citizens of the United States." Provision is made for the determination of the exact numbers of aliens of the different nationalities who may be admitted. The number of any nationality that may be admitted in any one month shall not exceed 20 per cent of the total number of aliens of such nationality who are admissible in that fiscal year. Preference shall be given, "as far as possible," to wives, parents, brothers, sisters, children under 18 years of age, and fiancees of citizens of those who have applied for citizenship, and of persons eligible for citizenship who were in the service of the United States during the war and were honorably discharged. Provision is further made for the preparation of rules and regulations necessary to carry the act into effect and for the publication of statements showing the exact numbers who may be admitted. The act continues in force until June 30, 1922.

THE REASONS FOR THE NEW LAW.

The enormous majorities by which Congress passed this bill clearly reflected the firm conviction of the great mass of our people that immediate and effective restriction was imperative. There has never been a time in the history of immigration legislation when the popular demand was so widespread and so vehement. The practically unanimous opinion of Government immigration officials and of all unprejudiced experts was that immigration was certain to increase and increase rapidly, to numbers greatly exceeding those of prewar days, and that the quality of the bulk of the newcomers would be distinctly inferior. Very important testimony along these lines was received from United States consular officers at numerous foreign ports and submitted by the Department of State to Congress. These reports, coming from many different men and many different places, are distinctly to be regarded as unprejudiced and authoritative. They practically all agree in certifying that the majority of the prospective immigrants are both physically and mentally undesirable. Such expressions as "physically deficient," "mentally deficient," "economically undesirable," "socially undesirable," "of low standards of living," "not of the most desirable class" occur again and again. Furthermore, numerous competent and unprejudiced observers who had been making a first-hand study of the conditions in Europe fully concurred in the views expressed by our own consular officers.

The predictions made by these various competent authorities have been fully verified. Immigration during the year ending June 30, 1921, exceeded 800,000, almost doubling that of the preceding year. Furthermore, the opinion of those who have had opportunity to observe the new arrivals, and who are unprejudiced and honest in their views, is to the effect that our consular officers and our experts were fully justified in their statements regarding the inferior quality of most, not all, of these people. An immigration official at New York has recently reported that the majority of the aliens now coming is expect to be fruit peddlers, shoe blacks, soft-drink venders, and sweatshop workers. (New York Times, Sept. 13, 1921.)

THE OPPOSITION TO RESTRICTION.

In spite of the extraordinary popular demand for restriction in accordance with which Congress acted, there was insidious, active opposition, thoroughly organized, heavily financed, issuing misleading information, playing upon all sorts of alien prejudices, endeavoring by every possible means to counteract the plain will of the vast majority of the American people. One of the best known and most reliable Washington newspaper correspondents, Mr. Mark Sullivan, writing of the hearings before the House Committee on Immigration February 7, 1921, said:

"The great bulk of the hearings consisted of testimony from special interests, either racial or business, who opposed the bill strenuously. No thoughtful American, equipped with knowledge of the background, can read the stenographic report of those hearings without being deeply and somberly concerned."

Still more striking is the evidence brought forward by Hon. JOHN C. BOX, of Texas, in the House of Representatives January 8, 1921. Judge BOX said:

"Mr. Chairman, recently by a vote of 295 to 41 a bill suspending immigration was passed by this House, in which vote the will of the American people spoke and party lines disappeared. But powerful influences oppose restriction. Two of these are:

"First. A demand by the foreign born among us that their kinspeople and racial comrades be admitted freely.

"Second. Individual and corporate greed which disregards the present and future welfare of the mass of Americans and their children because it wants money and power over labor.

"The interracial council is a mouthpiece of the opposition of these two groups. To it I invite your attention. * * *

"The interracial council is a concern of some magnitude. Some months ago it had 40 or 50 executives and other full-time paid employees in its offices in New York, and an unascertained number of other agents and employees. It is financed, in part at least, by its industrial or subscribing members, numbering several hundred. The following are some of its subscribing members whose names I get from its printed literature and from the testimony of Mr. Mayper, its executive secretary:

"Phelps Bros. & Co., 'owners of an Italian steamship line'; the International Mercantile Marine Co.; Barber Steamship Lines; Cosmopolitan Shipping Co.; Downey Shipbuilding Corporation; France & Canada Steamship Co.; Green Star Steamship Co.; Pacat Steamship Co.; Pacific Steamship Co.; Todd Ship Yards Corporation; Standard Oil Co. of New Jersey; Allegheny Steel Co.; American Beet Sugar Co.; American Locomotive Co.; American Woolen Co.; Armour & Co.; Atlas Powder Co.; Chattanooga Coke & Gas Co.; Colt's Patent Firearms Manufacturing Co.; General Electric Co.; Henderson Shipbuilding Co.; Hillman Coal & Coke Co.; Indiana Pipe Line Co.; Inland Steel Co.; Kelley-Springfield Tire Co.; Lackawanna Steel Co.; National Sugar Refining Co.; National Shipping Co.; New Home Sewing Machine Co.; Oliver Iron & Steel Co.; Pennsylvania Coal Co.; Pennsylvania Coal & Coke Corporation; Pennsylvania Textile Co.; Phelps-Dodge Corporation; Southern Cotton Oil Co.; Standard Steel Car Co.; Studebaker Corporation; Underwood Typewriter Co.; Worthington Pump & Machinery Co.; Bethlehem Steel Co.; Cudahy Packing Co.; Dold Packing Co.; Du Pont de Nemours & Co.; General Motors Co.; Libby, McNeil & Libby; Swift & Co.

"These are only a few of the several hundred big financial, industrial, and steamship concerns whose money is financing the propaganda of the interracial council. It will be noted that many steamship companies are among them. One list of these subscribing or industrial members will be found in the committee hearings of April 22, 1920; another list, containing some names not given in the testimony, will be found printed on the literature of the interracial council.

"These subscribing members pay annual membership fees amounting to as much as $2,500 for some concerns, and more than that for a few, and smaller sums for each of many others. 'It runs from $100 a year to $2,500 as an average. A few are larger.' (Testimony of Mayper, executive secretary, p. 167.)

"The expenditures of the interracial council in certain of its activities, which manifestly do not cover all of them, amounted to $213,955.19 for the period beginning March 1, 1919, and ending March 31, 1920. (See testimony, Mayper, p. 167.) That was the first year of its existence. Its activities have continued with apparently increased magnitude, but I am without information as to later expenditures.

"Mr. BLANTON. Mr. Chairman, will the gentleman yield?

"Mr. BOX. Yes.

"Mr. BLANTON. Is it any wonder, then, that this splendid piece of legislation has been sidetracked and held up?

"Mr. BOX. It is not any wonder; but it is an ominous thing if the will of the American people is to have to give way to influences like these. Nothing but a sense of duty prompts me to present these facts as they have been disclosed. The statement that I have made is based upon testimony. I have the hearings."

The situation is perfectly clear. Further comment on this point is unnecessary.

THE WORKING OF THE LAW.

It was natural that there would be certain difficulties in the early working of the new law before the exact numbers of admissible aliens from each country could be officially determined. Numerous steamers arrived during the early part of June with aliens far in excess of the numbers which were admissible. Congestion resulted. To each port there had been assigned a percentage based on the usual percentage entering that port. When these numbers had been filled, efforts were made to borrow from other ports "rights" to land additional immigrants. There was great confusion. Immigration officials in Washington went to the limit in showing humanity and consideration. Aliens in excess of the June quota were allowed to land under bonds. By joint resolution Congress later provided that the excess numbers of any nationality thus admitted should be deducted from the totals of that nationality admissible during the fiscal year beginning July 1, 1921.

But even in the early days of the new law, and all the more since then, the complications and the hardships to incoming aliens have been chiefly due to the disregard of the law by the steamship companies. In the whole history of our immigration legislation these companies, with rare exceptions, and then usually only when infractions of the law meant payment of fines, have never tried to obey our laws. Their tactics under the new percentage limitation act have been as usual.

The percentage bill was before Congress in one form or another during most of last winter. There never was any doubt that it would become law before summer. Although the exact number of aliens of each nationality could not be officially determined at the moment of the enactment of the measure, the steamship companies had ample time to make plans to meet the new conditions. They were in no sense "caught," as one editor has expressed it. The logical and the humane policy on their part would have been to refuse passage to all aliens who might, when the exact percentages of admissible immigrants were announced, be refused permission to land. But these companies accepted as steerage passengers several thousands of aliens who would, beyond a doubt, be excludable. There is little doubt that these excess aliens were shipped with the conviction that the sympathies of "sentimentalists" and of certain Congressmen who are interested in the "foreign vote" would be so aroused that some special provision would be made for the landing of the excess numbers. The steamship companies deserve absolutely no sympathy. They accepted the passage money of thousands of aliens who should never have been allowed to embark. They have no interest in their steerage passengers beyond the receipt of their passage money. The Commissioner General of Immigration said in Washington on June 10 last that there were then more than 10,000 immigrants in excess of the June quota already on their way to the United States, and all were accepted for passage after the new law had gone into effect.

The monthly "immigrant Derby," when, during the last few minutes of each month, incoming steamships race from beyond the 3-mile limit to quarantine in the effort to land their steerage passengers in time to have them come within the quota, and the numerous cases of hardship when the excess aliens have to be debarred could be avoided if all the steamship companies were honestly endeavoring to live up to the law. The trans-Atlantic steamship lines have a system of daily exchange of information as to the numbers of alien passengers who are embarking on their several ships. No excess over the allotted quota need therefore be started on the voyage.

Although practically all of the difficulties and the hardships to debarred aliens were due to the flagrant disregard of the law on the part of the steamship companies, the administration very properly felt that everything possible should be done to save needless suffering of perfectly innocent aliens. Hence, about mid-September, the State Department sent instructions to American consular officers abroad not to visé passports from any country whose annual admission quota to the United States is approaching exhaustion, or has already been exhausted.

This should do a great deal to reduce the number of cases of hardship and of disappointment for which, be it reiterated, the steamship companies, not the laws, are chiefly responsible.

PROPAGANDA AGAINST THE NEW LAW.

Even before the new law went into effect, a very active press campaign against it was begun. The law has been subjected to an organized attack by "interested" individuals, alien racial groups and hyphenated societies, and certain influential newspapers. All of these are bent on making any percentage limitation scheme appear unreasonable, unjust, and inhumane. All of them are, fundamentally, opposed to any action on the part of the American Government to protect our country against practically unrestricted and unselected immigration. In the case of influential newspapers which are incessantly attacking the new law, it may incidently be noted that they all carry heavy steamship advertising. In the case of other papers also, the motive is plainly that of the pocketbook. Thus, the bulletin of the Associated General Contractors has said that the effect of the law will be to "prevent the immigration to this country of the most useful class of immigrants—the common laborers who come here to work in the construction industry." The "influences" against restriction have also been very busy in Washington, interviewing Senators and Congressmen, attacking not only the percentage limitation measure but also all restrictive legislation.

The propaganda against the new restriction law has not been confined to this country. In a dispatch to the Philadelphia Public Ledger, dated London, October 16, 1921, the following statements were made:

"European steamship companies, the traditional enemies of United States immigration restrictions, have started propaganda aiming at the breaking down of the barriers put up by the '3 per cent' law. They hope when the present temporary measure expires next June to have so prepared the ground that again they will be in a position to fill the holds of their ships with Europe's surplus humanity and pour it into the United States. This law which limits the number of immigrants to a very small proportion of the number allowed to enter the United States heretofore was a severe blow to the steamship lines, and they fought it hard when it was before Congress. In the days before the war steamships carried thousands of immigrants, at approximately $100 a head, whereas now they carry dozens. The loss of that revenue came at a time when the entire trans-Atlantic passenger business was less remunerative than for years, because of the high costs of operating ships.

"To get back some of this business the big companies have outlined a plan for a campaign of propaganda, and already have got it working in England. The plans rest on the idea of digging up specific cases of alleged improper treatment of foreigners at Ellis Island and spreading them broadcast in the European press."

The attitude of the steamship companies and of the other influences which are seeking to bring the new law into disrepute has been clearly set forth by Government officials. Representative ISAAC SIEGEL, of New York, wrote to the President in September, 1921, citing instances of cruelty to aliens which had occurred in the enforcement of the law. President Harding replied as follows:

"I haven't any doubt in the world but the enforcement of the immigration laws is working many a hardship. My own distress has been very great over some of the specific instances which have been reported to me. If I have the situation correctly presented, the difficulty must be charged to the dishonest steamship agents, who have brought to this country innocent immigrants in spite of our continued warnings during a period of very great leniency. I know how very persistent have been the impositions which have been made on the Government agents who have been disposed to be sympathetic and more than generous in carrying out the law." * * *

Secretary of Labor Davis reiterated the statement by the President that much of the trouble is caused by dishonest steamship agents, and that pitiful stories of hardship are being circulated in the deliberate attempt to discredit the law. Assistant Secretary of Labor Henning on September 3, 1921, said:

"Unfortunately the law has no teeth, and the only way the offending companies can be punished is to compel them to take back aliens who are not admissible."

That, he added, was being done, the department "having exhausted its milk of human kindness." Mr. Henning here emphasizes the fundamental deficiency in the law. It has no teeth. There is no fine or punishment for the company that disregard its provisions, nor is the company required to refund the deported alien's passage money. The only way is to compel the companies to carry back at their own expense the surplus, and when this has been done in a few hundreds of cases it is perhaps not too much to hope that these companies will begin to cooperate among themselves. As soon as they do so the law will prove entirely workable.

Finally on September 15 Assistant Secretary Henning added:

"Those in control of the flood of aliens coming into this country deliberately exceed the monthly quotas and depend upon compelling us, with their sob stories and tales of families being separated, to permit the law to be disregarded."

Patriotic Americans, in whose hearts patriotism is above pocketbook, can not give too much praise to President Harding, Secretary Davis, Assistant Secretary Henning, and Commissioner General Husband for their firm stand on this whole question of the enforcement of the law. In the face of aggressive, persistent, and thoroughly organized opposition on the part of selfish interests they have held their ground, tempering the enforcement of the immigration laws of the United States with the utmost possible justice and humanity. They deserve well of their country, and they may be assured of the support and high commendation of the vast majority of plain Americans, who are not organized to work for the enforcement of these laws and who seldom take it upon themselves to make their views known to Government officials, either personally or by writing. The highest commendation is also due to the Senators and Representatives who in the face of fierce and bitter opposition, heavily financed and thoroughly organized, secured the passage through Congress of the new act. To Senator DILLINGHAM, of Vermont, and his supporters in the Senate and to Congressman ALBERT JOHNSON, of Washington, chairman of the House Committee on Immigration, and his staunch supporters on his committee and in the House the country owes a great debt of gratitude which it will not forget.

THE NEW LAW VINDICATED.

The percentage law, in spite of its crudities and of difficulties in its enforcement, has been abundantly vindicated. Immigration was fast assuming its pre-war rate when the new law went into effect. Although it did not begin to function until early in June, the commissioner general estimated that it probably reduced immigration in that one month by about 50,000. As one of the Washington correspondents puts it:

"Incidentally, the sudden appearance of unemployment in America illustrates the wisdom of the act restricting immigration which was passed during the first few weeks of Harding's administration. Otherwise our unemployment problem might have been greatly increased. Throughout the world great numbers of human beings have been displaced by war and postwar conditions. These derelicts float toward us as inevitably as water flows down hill. There was some degree of truth, although more mere cleverness, in the saying that America was becoming the 'cesspool' of the human race. * * * The new law puts a limit, even if only a loose and partial limit, on the number of immigrants who can increase and complicate our unemployment problem."

SUGGESTIONS FOR FUTURE LEGISLATION.

The 3 per cent limitation act expires on June 30, 1922. What shall take its place? The "emergency" which led to its adoption still exists and will continue to exist. There is no longer an "emergency." We are facing a permanent condition of rapidly increasing and of steadily deteriorating immigration. And there are millions of prospective immigrants overseas who are simply waiting for the 30th of June, when they will rush in in a seething, chaotic mob unless Congress takes steps to stop them.

A calm, unprejudiced survey of past legislation and of the workings of the temporary 3 per cent restrictive law leads the writer to the following conclusions regarding the lines along which our new legislation should be planned.

First. The percentage-limitation principle, long and strongly advocated by leading authorities, should be made permanent. Whether this should be the present 3 per cent, based simply on the number of aliens of each nationality in this country, or a somewhat larger percentage, say, 5 per cent or 10 per cent, based on the numbers of each nationality who have become citizens, is relatively immaterial. The latter, on the whole, seems the more consistent and more rational plan.

Second. Heavy fines of at least $200 should be imposed upon the transportation companies in the case of every alien who is brought here in excess of the quota and in violation of the general immigration laws. Such fines would immediately put an end to most of the cases of hardship and suffering which have occurred during the past few months because the present law has "no teeth." It is a very strong argument in favor of heavy fines that, by this means, we can force the steamship companies, without expense to us and with the minimum of hardship to the intending immigrant, to make a careful examination and count of their passengers on the other side, and thus to prevent the embarkation of all aliens in excess of the quotas and of those who are inadmissible, for any other reason, under our laws.

Third. Every prospective immigrant should have a passport, visaed by an American consul after the alien has been "passed" by an immigration inspector and a medical officer of the United States Public Health Service attached, as vice consuls, to various consular offices abroad. This provision is embodied in a bill introduced by Hon. ALBERT JOHNSON, of Washington, on July 16, 1921 (H. R. 7604). Such foreign inspection would obviously be a wise and humane way of stopping most of the inadmissible aliens before they started on their voyage. This plan would be to the advantage of the prospective immigrant, and it would also be better for the steamship companies, for it would mean that very few rejected aliens would have to be taken back at the companies' expense. Canada has for years eliminated her undesirable immigrants "at the source." Passports would not give the alien the right to land if, after a second examination at our own ports, he were found to be inadmissible. Cases of this sort would, however, be rare. Furthermore, the number of passports issued in each foreign country should not exceed the official percentage quota of that country.

Fourth. Some plan of registration of arriving aliens such as that suggested by Secretary Davis might well be inaugurated. This would not in any way constitute the alien a suspected or an undesirable person, but it would help us in our task of Americanization and of exercising a sort of watchful supervision over our new arrivals.

The logical thing to do is to plan our new legislation along existing lines. Experience has shown that these are on the whole wise, sane, and reasonable. Canada, for example, has, in her immigration laws, closely followed our general immigration law, although she has added many additional restrictions. With the changes and additions above suggested, certain perfectly definite results would follow, viz. (1) a reasonable restriction, to something like an assimilable quantity, of the number of immigrants; (2) a far more careful selection, and a more effective elimination of the unfit; (3) a very great reduction in the number of cases of hardship now arising when aliens reach our shores only to be deported.

In the light of all available facts, it would seem in the highest degree unwise, illogical, and dangerous to embark upon any new and untried schemes of immigration legislation such as those of putting almost unlimited discretionary powers in the hands of a commission, of repealing any portion of our general immigration act of 1917, and of superseding the Chinese exclusion act and the "gentlemen's agreement" with Japan by a plan for admitting orientals on any percentage basis.

Mr. HARRISON. May I ask the Senator from South Dakota a question?

Mr. STERLING. Yes.

Mr. HARRISON. I understand the Senator says he has an amendment pertaining to residence in contiguous territory?

Mr. STERLING. Yes; I have an amendment proposing to change the present law so as to make the requirement five years.

Mr. HARRISON. We could embody both propositions in one amendment, if that would be agreeable to the chairman of the committee.

Mr. STERLING. I send the amendment to the desk and offer it if it is in order at this time.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The ASSISTANT SECRETARY. On page 1, after line 6, it is proposed to insert a new paragraph, as follows:

SEC. 2. That subdivision (7) of section 2 (a) of the act of May 19, 1921, entitled "An act to limit the immigration of aliens into the United States," be, and hereby is, amended to read as follows:

"(7) Aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands."

Mr. HARRISON. Mr. President, may I ask if the Senator from South Dakota will not extend his amendment so that it will incorporate section 4, as suggested by the Commissioner General of Immigration?

The PRESIDING OFFICER. If the Senator will permit the Chair, he will call the Senator's attention to the fact that there is a pending amendment, offered by the Senator from Georgia [Mr. HARRIS], which affects the text of the joint resolution, and was offered prior to this one, and should be considered first.

Mr. HARRISON. I do not mean to have this voted on now; but I hoped the Senator would incorporate the two propositions in one.

Mr. STERLING. That I will do, and I offer this as an amendment to follow the one just suggested, found on pages 9 and 10 of the print which I send to the Secretary, beginning with section 4.

Mr. HARRIS. Mr. President, has the Senator from Mississippi withdrawn his substitute?

Mr. HARRISON. I am going to withdraw my substitute if the chairman of the committee will accept this other proposition.

The PRESIDING OFFICER. As the Chair understands, the question now is on perfecting this amendment if possible.

Mr. HARRISON. What the Senator from South Dakota has offered is for the purpose of trying to perfect the joint resolution.

Mr. HARRIS. The substitute of the Senator from Mississippi is before the Senate. I have a substitute to offer if that is voted down.

Mr. HARRISON. May I say to the Senator from Georgia that I have not yet withdrawn my substitute, but I am going to do so just as soon as the Senator from South Dakota puts in good form his amendment carrying out those two propositions.

Mr. STERLING. I understand that there is the right, of course, to perfect the pending measure.

Mr. HARRISON. As I understand the Senator from Georgia, he is then going to offer a substitute for the proposition.

Mr. HARRIS. Yes.

The ASSISTANT SECRETARY. The Senator from South Dakota also proposes to add, as section 3, the following:

SEC. 3. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States, either from a foreign country or any insular possession of the United States, any alien not admissible by virtue of the terms of this act, or otherwise in violation of any rule or regulation, not inconsistent with this act, prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor; and if it shall appear to the satisfaction of the Secretary of Labor that any alien, not admissible because of the terms of this act, has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, and such fine shall not be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

Mr. HARRISON. Mr. President, a parliamentary inquiry. That is an amendment that is offered to this joint resolution. Of course the substitute is more in the form of a bill. There is no difference, as I understand, between a joint resolution and a bill. Both have to receive the signature of the President.

Mr. LODGE. Just the same.

Mr. HARRISON. So it is perfectly permissible for this amendment to be offered to a joint resolution. Now, Mr. President, I withdraw my substitute.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota [Mr. STERLING].

The amendment was agreed to.

Mr. HARRIS. Mr. President, I offer a substitute for the joint resolution as amended, and ask that it be read.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the resolving clause of the joint resolution as amended and to insert:

That no alien shall be admitted under the immigration laws to the United States from June 30, 1922, until July 1, 1927; but this resolution shall not apply to persons included in clauses 1 to 6, inclusive, and clause 8 of subdivision (a) or in the second proviso of subdivision (d) of section 2 of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921.

Mr. HARRIS. Mr. President, I am not going to take the time of the Senate to discuss this matter, except to say this:

There are several million unemployed men in this country. There are 750,000 unemployed ex-service men in this country. Every one of these men who come into this country and gets a position takes a job away from an American. The class of men that are coming into this country now are nothing like the class that formerly came; and I believe we ought to prevent any immigration, except such as I have stated in this substitute, and shut them out for five years.

Mr. WILLIS. Mr. President, I trust that the amendment which has been offered by the Senator from Georgia [Mr. HARRIS] will not be adopted, for a perfectly practical reason. As the Senator knows, I agree with his general view of this proposition. Personally, I think I should be willing to vote for such a limitation; but it is perfectly evident that if this amendment is adopted we shall get into a situation where we shall get no immigration legislation at all, because the House will not adopt this provision, and the law will expire, and the country then will be exposed to a deluge of immigration.

It seems to me the sensible thing to do is to pass this joint resolution as it has already been amended. That will afford immediate relief. Then I shall join the Senator and other members of the committee in hearings to perfect legislation such as the facts may show to be necessary.

In that connection, Mr. President, because in the course of this debate the attitude of Mr. Husband has been called into question, in that he is represented as saying that all of these amendments that were suggested by him were absolutely necessary, imperatively necessary——

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator.

Mr. HARRISON. It may be that the Senator got that impression from what I said.

Mr. WILLIS. I did.

Mr. HARRISON. If so, I did not want to give that impression. Mr. Husband in the report said that he thought all of these amendments were advisable. He did not say in his written report that any of them were absolutely necessary and imperative; but Mr. Husband did tell me, and it was not confidential at all, that, so far as the one-year residence proposition was concerned, it was, in his opinion, absolutely imperative.

Mr. WILLIS. I do not disagree with the Senator and with the commissioner in that; and for that reason, and to make the position of Mr. Husband clear, I think it would be desirable to print just here in the RECORD a portion of his statement, appearing on page 9 of this report, giving his views touching these amendments.

I trust that the amendment proposed by the Senator from Georgia will be voted down at this time, though I favor the principle of it. I think, if it is adopted, it will imperil this whole legislative program.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Ohio will be printed in the RECORD.

The matter referred to is as follows:

While the administration of the act of May 19, 1921, has been attended with perplexing difficulties, some of which could not have been foreseen at the beginning, I think it can be said without qualification that the law has proven to be both workable and effective to a somewhat surprising degree. It went into effect, on short notice, at a time when immigration from Europe was rapidly approaching pre-war proportions, and in view of the many interests and influences involved it has seemingly accomplished its purpose, and for the time being at least is operating smoothly.

Of course, the law has been violated, as must be inevitable in the case of any legislation which drastically interferes with the plans and ambitions of human beings, but it can be said advisedly that there have been no wholesale violations, and, in fact, relatively few aliens have entered the country who would have been debarred solely because of the quota law. There are plenty of indications, however, that systematic violations on a considerable scale will be attempted during the remainder of the present fiscal year or, in any event, during the coming fiscal year, provided the law is continued in force. I shall not go into details in this regard but can assure you that the bureau is quite fully aware of the situation and will employ every possible means to insure a strict enforcement of the law.

SUGGESTED AMENDMENTS.

If the act of May 19, 1921, is to be amended, it is desirable from an administrative standpoint that the following provisions shall be made:

1. Limit the number who may be admitted in any month to 10 per cent of the yearly quota instead of 20 per cent, as in the present law.
2. If possible, the number admitted monthly or annually ought to be regulated at ports of departure rather than at ports of arrival, or preferably in countries of origin, if this can be accomplished through limiting the number of visas issued each month.
3. A sufficient penalty for violations of the act to insure observance on the part of transportation lines.
4. Increasing materially the period of time (now one year) during which aliens who are natives of countries within the operation of the act shall be required to live in foreign contiguous territory, etc., before they are exempt from the provisions of the law.
5. Giving legal authority, through administrative discretion or otherwise, to the end that immediate families shall not be separated because children and parents happen to be born in different countries.

6. Insuring that the always very limited immigration of European origin from New Zealand, Australia, and South Africa shall not be prohibited.

You will note that I have suggested these proposed amendments as desirable rather than indispensable additions to the law from an administrative standpoint. They would be desirable, and in some instances highly desirable, but you have asked me verbally if the law in its present form is not reasonably satisfactory, and I shall answer by saying that with the experience of the past eight months as a guide I am quite sure that some of the administrative difficulties of the past can be avoided or considerably minimized in the future, even though the law is extended without amendment as the House joint resolution provides.

With the hope that the foregoing may be of some value to you and the committee, I am,

Faithfully yours.

Mr. CALDER. Mr. President, I voted for the 3 per cent restriction bill when it was passed a year ago. It has worked well. It has filled the purposes for which it was enacted. It was intended to restrict immigration, and that result has been accomplished.

I have analyzed the statement made by the Senator from Rhode Island [Mr. COLT] a moment ago that would seem to indicate that 351,930 immigrants were admissible from Europe this year under the quota fixed by the 3 per cent law. Of that number, 51,000 actually came from northern and western Europe and 119,606 from southern and eastern Europe; but the figures also show, Mr. President, that 15,930 aliens, citizens of northern and western Europe, and 113,243 aliens, citizens of eastern and southern Europe, departed from this country, making a total of those who were admitted of 171,000; and a total of those who departed of 129,000; so that the total gain during the eight months referred to in the statement of the Senator from Rhode Island was only 42,414 people from all of Europe.

Mr. COLT. And only 6,000 from southern and eastern Europe.

Mr. CALDER. Yes; the Senator points out that of that total our increase in population from southern and eastern Europe is only 6,000 and 36,000 from northern and western Europe—surely, Mr. President, a very small number, indeed.

For my part, I am not willing to vote yet to shut out all immigration from all countries in the world. I believe that the restriction has worked well; I believe that it was a good thing to adopt; but I also believe there are very many good people in some of the other countries of the world that can do no harm to us by coming here.

Mr. HARRIS. I ask for a division on my substitute. In order to save time, I will not ask for a roll call.

The PRESIDING OFFICER. The question is on the amendment, in the nature of a substitute, offered by the Senator from Georgia.

On a division, the amendment was rejected.

Mr. HARRIS. I offer the amendment which I send to the desk, and I ask that it may be read.

The PRESIDING OFFICER. The amendment will be read by the Secretary.

The ASSISTANT SECRETARY. The Senator from Georgia proposes to add at the end of the amendment already agreed to the following:

SEC. 4. No alien shall be admitted under the immigration laws to the United States unless transported to the United States in a vessel documented under the laws of the United States, as defined in the shipping act of 1916, as amended.

Mr. HARRIS. Mr. President, I wish to remind the Senate that when the President of the United States made his address to the Congress in regard to the merchant marine and reached this subject he received more applause than for anything else in his address. I shall not take the time of the Senate to discuss the amendment, but I hope that it will be incorporated in the joint resolution.

Mr. JONES of Washington. Mr. President, personally I am heartily in favor of this amendment. I am satisfied, however, that we could not pass through Congress a bill requiring that all aliens coming to the United States shall be carried in American ships. I want to say to the Senator from Georgia that we hope to provide in the merchant marine bill which will be reported to the Senate that at least 50 per cent of such immigrants shall come in American ships. As I said, personally I shall vote for the amendment, but without any special hope that it will be adopted. However, I do want to assure the Senator from Georgia and the Senate that we hope to include in the merchant marine bill a provision requiring that at least 50 per cent of such immigrants be carried in American ships.

Mr. COLT. With regard to this amendment, I may say that the feeling of the committee was, as stated by the Senator from Washington, that it is premature; in other words, that it perhaps could not be applied at the present time; that it might be included in the merchant marine bill, but that now, by reason of the fact that the merchant marine question is not settled as to the number of vessels and all of such things, it would not be proper to adopt the provision at this time. Therefore the committee voted it down.

Mr. JONES of Washington. It may be asked why we do not put the 50 per cent provision in this joint resolution. We have found that it is quite a difficult proposition to work out the provision under which 50 per cent of the immigrants coming to the United States shall be carried in American vessels. So that can be taken as the reason why we do not propose anything of that sort in connection with the pending measure.

Mr. WILLIS. Mr. President, what I desire to say is merely corroborative of what has been said by the Senator from Washington. The Committee on Commerce is working on this general subject and giving it very close attention. The majority of the committee is in harmony with the principle expressed in this amendment; at any rate I am, and I know the chairman of the committee is. But it seems to me that it would be very unfortunate to lug that question into this measure. Therefore I trust the amendment will be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. There is a committee amendment, which the Secretary will report.

The ASSISTANT SECRETARY. In line 5 the committee proposes to strike out "1923" and to insert in lieu thereof the words "1924, unless otherwise repealed."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. COLT. I move that the Senate insist upon its amendments, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. COLT, Mr. DILLINGHAM, and Mr. KING conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEENERSON, Mr. GRIEST, and Mr. BELL were appointed managers of the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major; and

H. R. 7589. An act for the relief of Maj. Ellis B. Miller.

NAVAL PETROLEUM RESERVE IN WYOMING.

Mr. KENDRICK. I offer a resolution of peculiar importance to the people of my State, and I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 277) was read and considered by unanimous consent, as follows:

Whereas there have recently appeared in the public press statements purporting to have been authorized by the Department of the Interior to the effect that the Secretary of the Interior and the Secretary of the Navy are negotiating with private parties for the operation of lands included in naval petroleum reserve No. 3, Wyoming No. 1, withdrawn by Executive order of the President dated April 30, 1915, known as the Teapot Dome: Therefore

Resolved, That the Secretary of the Interior and the Secretary of the Navy are hereby requested to inform the Senate, if not incompatible with the public interests, whether such negotiations are pending, and if so the names of all parties, the terms and conditions of all proposed operating agreements, and whether opportunity will be given the public for competitive bidding for the operation of these lands, or whether it is proposed to award a lease or other operating contract or agreement for the entire area to one person, corporation, or association.

Mr. KENDRICK. Mr. President, in the subject matter of the resolution there are two questions involved: First, whether there is any present need for the development and operation of the Wyoming naval reserve, known as the Teapot Dome; and, second, if there is such need, whether the interests of the Government would be best preserved by a private or a public sale. I have no doubt that the Department of the Interior and the Department of the Navy have very excellent reasons for any program they may have adopted, and if it is really their

intention to permit the operation of the Teapot Dome within the near future, that they have a very good explanation for that intention. I am constrained to believe, however, that the interests of the State of Wyoming and the interests of the people of the United States are so intimately involved in this matter that before any arrangement by contract or otherwise is made for the development of this field, the public should be permitted to have some inkling of the terms upon which it is proposed to act.

It has been announced, apparently on the authority of the Secretary of the Interior, that the policy of the Interior and Navy Departments is now to abandon the storage of oil underground and to store it rather in surface tanks prepared for this purpose on the Atlantic and Pacific coasts. That such a policy would be in all respects a wise and commendable one with respect to the California naval reserves I am ready to agree, if the information which I have received with respect to the condition of those reserves is correct. I am told that oil wells which have been sunk upon private lands within the boundaries of the California reserve would, in a comparatively short time, drain those fields of their contents, and therefore that it is to the interests of the Government to have similar wells drilled upon the land in the same fields which have been reserved for the use of the Navy. But this is not the condition that prevails in the Teapot Dome. There, if I am correctly advised, no wells whatever have been drilled to production, and no wells have been drilled in the vicinity through which by any possibility this reserve could be drained. It would appear, therefore, that there is no danger of the oil in the Teapot Dome being removed until the Government acts. All the land in this field is owned by the Government, and no one may remove the oil until the Secretary of the Interior and the Secretary of the Navy shall consent.

Is it, then, to the interest of the Government to authorize the development of this field at the present time, to pay private operators for drilling the field, to authorize the necessarily heavy expenditures that would have to be met if tanks sufficiently large to store the content of this dome are to be erected, in order that this oil may be taken from its natural storage place to the seaboard? We have just ratified a treaty by which the size of the Navy has been reduced. It is to be presumed, therefore, that unless the use of coal is to be abandoned on our naval vessels, the Navy will have less rather than a greater need for oil in the immediate future. Not only that but the oil fields on the public domain outside of the naval reserve are not now being worked to capacity. The Government derives a royalty of from 12½ per cent to 33⅓ per cent upon all oil removed from the Salt Creek field, which lies immediately north of the Teapot Dome. The Secretary of the Interior is authorized to take this royalty in oil, and in Wyoming he is doing that, but within the past year the drilling requirements of the Government leases in the Salt Creek field have been suspended and the field is producing scarcely more than one-third of its capacity with the present number of wells. It would seem to follow from this that there is no great need for oil at the present time. Of course it may be said that the royalty oil from the lands outside the naval reserve is used by the Shipping Board; but, of course, since the Shipping Board is not using the full amount of the Government oil which could be produced, the difference between what it is using and the capacity of the field, so far as the Government is concerned, could be assigned to the use of the Navy if the Navy needs more oil. I take it, however, that there is no present need for naval fuel oil, because all of the announcements emanating from the Interior Department indicate that if the Teapot Dome is developed its production will be stored for future use. The question, therefore, is simply whether it is wiser and of greater benefit to the Navy to allow this oil to remain stored underground or to remove it across the country to be stored in surface tanks.

If it should appear from the information afforded by the department that it is expedient to develop the Teapot Dome now, there still remains the inquiry whether the interests of the Government would best be preserved by a private or a public sale. There can be no doubt that if these lands are to be let to private interests for development it should only be after all operators have been given a full and complete opportunity by competitive bidding to offer the Government the best possible return.

Only last June approximately 2,000 acres of outside land in the Salt Creek field were sold at public auction under the authority of the Department of the Interior. Although the price of oil at that time was only 50 cents a barrel, the bonuses paid by the operators, who were eager to secure the leases, amounted to the sum of $1,687,000. That the lands in the Teapot Dome are vastly more valuable than those which sold for bonuses of over a million and a half dollars is the general belief of all Wyoming operators, and if these lands were put up at public auction the profit to the Government would be proportionately greater.

Mr. President, in connection with the resolution submitted by me, and as indicating the interest in this matter on the part of the people of my State, I send to the desk a telegram from the Hon. B. B. Brooks, of Casper, Wyo., former governor of the State. Governor Brooks is not only one of the first citizens of Wyoming but he is one of our largest oil operators and is regarded as one of the best authorities on the oil business in the West. His telegram speaks for a large number of oil operators and incorporates the substance of a resolution passed by a convention of oilmen. It also reflects the general sentiment of the people in reference to this question. I ask that the telegram may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CASPER, WYO., *April 14, 1922.*

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.:

At a meeting of the Rocky Mountain Oil and Gas Producers' Association held in this city to-day a resolution was unanimously adopted protesting against the drilling and development of naval reserve No. 3, known as Teapot Dome, and the reported letting of a private contract to Harry Sinclair or any other person or corporation for the following reasons: There is no present market or outlet for the present production of oil. The present production of oil does not affect this naval pool. The oil is not adapted to naval uses nor is there any present naval requirement for additional oil. This association is opposed to the letting of contracts for the development of Government oil reserve by private arrangement and without opportunity for general competitive bidding. Furthermore, the proposed additional production will seriously increase the already overproduction of crude in this territory and result in continued reduction of prices of crude oil to the loss of the producers, the State of Wyoming, public schools, good roads, and national reclamation fund; also the proposed drilling of the Teapot Dome means transporting that oil from the State of Wyoming in its entirety, whereas if produced in the future and when actually needed it will be refined in this State; and we deem the present proposed development and withdrawal not in harmony with purposes of original withdrawal or the policy of the leasing law. The Rocky Mountain Oil and Gas Producers' Association includes in its membership fully 80 per cent of the producers and more than 95 per cent of the production in the State. The association urges upon the Wyoming delegation immediate action to prevent the consummation of the proposed contract affecting the Teapot Dome. Immediate action is necessary.

ROCKY MOUNTAIN OIL AND GAS PRODUCERS' ASSOCIATION,
By B. B. BROOKS, *President.*

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Wyoming.

The resolution was agreed to.

INDUSTRIAL CONDITIONS.

Mr. CALDER. I move that the Senate take up for consideration Senate Joint Resolution 188, which authorizes the appointment of a committee of three Senators by the President of the Senate and three Members of the House by the Speaker to inquire into the conditions of industry and commerce in the United States, for the purpose of securing information on which to base legislation.

Mr. FLETCHER. Let the joint resolution be reported.

The joint resolution was read by title, as follows:

A joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. JONES of Washington. Let the resolution be read in full, Mr. President.

The reading clerk read the joint resolution, as follows:

Whereas the revival of the industrial activities of the United States is essential to the welfare of the individual as well as the Nation; and

Whereas business has been suffering severe depression from which its reconstruction should be stimulated by every legitimate means; and

Whereas business procedure that will, without protecting monopolies, eliminate waste in production or distribution, lower costs, simplify and standardize methods, increase efficiency and the morale of business is a beneficial factor in economic progress; and

Whereas congressional action has already been taken to assist in agricultural cooperative marketing and distribution; and

Whereas the industrial tendency is toward the substitution of research and scientific business methods for previous uncertainty and ignorance; and

Whereas business is hesitating because unable to secure guidance, legal or governmental, which will clearly indicate the proper lines of conduct in business association; and

Whereas business is entitled to know in definite terms what it legally can and can not do: Therefore be it

Resolved, etc., That a joint committee of Congress is hereby created, to be composed of six members, three of whom shall be appointed by the President of the Senate, and three by the Speaker of the House of Representatives.

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may

deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

SEC. 3. That such committee is hereby authorized during the Sixty-seventh Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

SEC. 4. That the committee may from time to time report to Congress, and shall submit a final report on or before December 4, 1922.

Mr. OVERMAN. Is this measure brought before the Senate by unanimous consent?

The PRESIDING OFFICER. The Senator from New York has asked unanimous consent for the present consideration of the joint resolution.

Mr. OVERMAN. I hope it will not be taken up to-day.

Mr. HARRISON. Does the Senator from New York intend to go on with it to-day?

Mr. CALDER. Yes; I desire to have it made the unfinished business.

Mr. HARRISON. The Senator does not intend to ask us to go any further with it to-day after it has been made the unfinished business?

Mr. CALDER. I hoped there might be no objection to taking it up.

Mr. WALSH of Massachusetts. It is the joint resolution which the Senator from New Jersey [Mr. EDGE] said he would ask to have taken up on Monday?

Mr. CALDER. It is the joint resolution to which the Senator from New Jersey referred.

Mr. WALSH of Massachusetts. I thought the Senator from New Jersey said he would not ask to have it taken up until Monday.

Mr. FLETCHER. There are several Senators opposed to it, and I do not think it would be fair to take it up in their absence.

Mr. CALDER. Why not let us have it made the unfinished business, and then I will ask to have it temporarily laid aside for any other business which may be brought up?

Mr. LODGE. I think we can take it up, if it is so desired.

Mr. OVERMAN. It can be taken up by a majority vote.

Mr. LODGE. We can take it up by a majority vote.

Mr. OVERMAN. We may want to debate it.

Mr. CALDER. There is no objection to taking it up that I know of.

Mr. LODGE. It can be made the unfinished business.

Mr. HARRISON. The Senator from Massachusetts [Mr. WALSH] has said that the Senator from New Jersey [Mr. EDGE] stated to some Senators that it would not be taken up until Monday.

Mr. LODGE. The Senator from New Jersey said he wanted to have it made the unfinished business, and that he would not press it until Monday; that he understood some Senators desired to be heard on it, and that he would have to be away himself to-day, and would not press it until Monday.

Mr. CALDER. If there is no objection to having the joint resolution made the unfinished business, I shall agree to lay it aside temporarily.

Mr. OVERMAN. I am opposed to taking it up to-day.

Mr. LODGE. It can be laid aside for to-day.

Mr. CALDER. I will not ask for a vote on it to-day; I shall not press it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. OVERMAN. I object.

Mr. WALSH of Massachusetts. Let me read from the RECORD what the Senator from New Jersey [Mr. EDGE] said on yesterday:

I wish to announce that on Monday next, immediately following the routine morning business, providing the calling of the calendar does not interfere, I shall ask unanimous consent to consider Senate Joint Resolution No. 188, which provides for a committee of inquiry to endeavor to find some solution of the problem. As I do not want to interfere with the regular business of the Senate, I desire further to announce that should the morning hour on Monday be consumed by the calling of the calendar I shall renew my request for unanimous consent the first morning thereafter when we have a morning hour.

Mr. LODGE. Before the Senator from New Jersey left this afternoon he said he would like to have it taken up and made the unfinished business, but with the understanding that we should not go on with it before Monday.

Mr. OVERMAN. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the joint resolution being made the unfinished business?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States, for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. CALDER. I ask unanimous consent that the joint resolution be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it will be temporarily laid aside.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Mr. CAPPER. I ask unanimous consent that the Senate take up for consideration at this time the bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. FLETCHER. May I ask, has the bill the unanimous report of the committee?

Mr. CAPPER. The report of the committee was unanimous, except that one member of the committee, the Senator from Utah [Mr. KING] was not present. The bill has the approval of the District Committee, of the District Commissioners, and of the Board of Education. They have been anxious for several months to get action upon it. It is a very meritorious measure. The District of Columbia has no compulsory school attendance law and those in charge of the schools here say it is exceedingly important that we have enacted for this city as quickly as possible a law which will require attendance in the public schools.

Mr. WATSON of Georgia. This is an extremely important bill. It is such a sweeping and vitally important measure that I hope the Senator from Kansas will not press it at this time. I would like to look into it myself.

Mr. CAPPER. It has been before the Senate for two or three months.

Mr. WATSON of Georgia. We have been constantly busy on something here in the Senate. I know I have been constantly in my seat and busy on the floor from time to time.

Mr. CAPPER. How much time would the Senator like to have?

Mr. WATSON of Georgia. Let it go over until some day next week and I shall look into it in the meantime.

Mr. CAPPER. We have delayed it here a number of times and given way to other measures. However, if the Senator asks for more time and will indicate the time he would like to have, I shall not insist upon the consideration of the bill now.

Mr. WATSON of Georgia. I would like to have it to go over until next week so that I may examine the bill and the report. Compulsory school attendance and the regulation of child labor are important questions.

Mr. CAPPER. The bill is in line with the compulsory school attendance laws of every State in the Union, and the work permit feature of it is exactly the same that we now have in the District of Columbia.

Mr. WATSON of Georgia. Two or three days could not possibly make any difference. I hope the Senator will not think me unreasonable if I request him to let the bill go over until Monday.

Mr. CAPPER. Very well.

PENSION LEGISLATION.

Mr. BURSUM. Mr. President, there are a number of pension bills on the calendar which have passed the lower House and which have been pending in the Senate for several months. They ought to be taken up and disposed of. I desire to give notice at this time that on Monday, immediately after the passage of the joint resolution which is now the unfinished business, I shall move to make the pension legislation the unfinished business, commencing with House bill 2158, to provide for the monthly payment of pensions.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. BURSUM. I yield.

Mr. HARRISON. I was going to suggest, if there are several pension bills, that some agreement might be entered into that those matters could be taken up some night early next week.

Mr. BURSUM. That course would be very agreeable to me.

Mr. FLETCHER. Mr. President, the calendar will be called on Monday, and I presume the bills referred to by the Senator from New Mexico will be reached then. So very likely they may be taken care of when they are reached in the regular order, and it will not be necessary to set them for a special time.

Mr. BURSUM. I desire to bring them up by agreement or by motion for the reason that they are nearly always objected to on a call of the calendar, when the understanding generally is to take up only such bills as are not objected to. Therefore, I desire to give notice that I shall move to take up the bills to which I have referred immediately after the disposal of the unfinished business now before the Senate.

INCOME TAX ON FOREIGN VISITORS.

Mr. DIAL. Mr. President, I have just noticed a very remarkable statement in the New York Times of to-day. I see where Mr. Ralph D. Blumenfeld, who is a part owner of Town and Country, published in London, and chairman of the board and editor of the London Daily Express, recently paid our country a visit and spent about three weeks in the United States. While he was here he purchased somewhere between $220,000 and $225,000 worth of machinery. When he attempted to return home, before he could get his sailing papers, he was asked by an official in New York his occupation, his business, and how he spent his time in the United States. The conversation proceeded and the official then desired to know the salary that he drew. He said that he was on no salary, and thereupon the official arbitrarily put him down as worth $17,000 salary and assessed him $86.50 income tax for the pleasure of visiting the United States and the further pleasure of purchasing some $225,000 worth of machinery to be shipped out of the United States.

It seems to me, Mr. President, that if such is the law it should not be continued, and if such is not the law the officials should not so disturb people who come to our country to spend their money. If we expect to build up trade in this country by building a tariff wall around us so high that no goods can come in, and then in addition to that when people visit here to spend their money if we are going to tax them before we let them go home, it seems to me we will dry up the industries of our country.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. DIAL. I yield.

Mr. KING. I would like to ask the Senator from South Carolina if we pursue a course of that character what effect it would have upon Americans who might go abroad, and buy or sell there? Would they not be subjected to some sort of retaliatory legislation?

Mr. DIAL. In the same manner, I should think, and we would then soon have our home products dried up almost absolutely, except as far as we ourselves could use them. It would stop the encouragement of trade with the people of the world. This is one of the most remarkable instances I have ever known. It is, however, just about what could be expected at the present time when we remember the way in which we enact our laws and the defective execution of the laws.

Mr. KING. It seems to me if the present law permits that, it ought to be promptly amended, because that is such an oppressive thing that it will appeal to everyone as being injurious to the American people.

Mr. DIAL. I agree with the Senator. I am satisfied that it will drive away millions of dollars' worth of foreign trade.

J. B. GLANVILLE AND OTHERS.

Mr. CURTIS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 854) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture. The bill was read and considered the last time the calendar was called and it went over upon the objection of the Senator from Florida [Mr. FAIRCLOTH], to whom I have spoken and who has no further objection to urge.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CURTIS. On page 4 there is a clerical error which I wish to correct by an amendment. In the amendment reported by the Committee on Claims, line 13, page 4, I move to strike out "forty-eight" and to insert in lieu "four thousand two hundred and thirty-one."

Mr. FLETCHER. What does that change?

Mr. CURTIS. It states the exact number of cattle. There was a clerical error in the number.

Mr. FLETCHER. I understand the claim grows out of the negligence of the agents of the Government?

Mr. CURTIS. It does.

Mr. FLETCHER. It has been reported on favorably by the department?

Mr. CURTIS. It has.

Mr. HEFLIN. Does the Department of Agriculture recommend it?

Mr. CURTIS. It is recommended by the department.

The PRESIDING OFFICER. The substitute reported by the Committee on Claims having been agreed to, it will be necessary to reconsider the vote by which the amendment was agreed to. Without objection that vote will be reconsidered and the amendment to the amendment will be stated.

The READING CLERK. On page 4, line 13, strike out "forty-eight" and insert in lieu "four thousand two hundred and thirty-one," so as to read:

For losses and damages sustained by them through the negligence of the veterinary inspectors employed by the Bureau of Animal Industry, Department of Agriculture, in their failure to properly dip 4,231 head of Texas cattle, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 17, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 15, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, the height and the depth, the length and the breadth of Thy love are beyond our knowledge. We praise Thee, for Thou art the King of Love whose goodness faileth never. As we wait in the foreglow of the great Easter day, there comes to us the sublime truth, "Greater love hath no man than this." It glorifies all there is in earth and sky and places supreme value on the worth of man. Be with us this day, and as the light of the morrow breaks upon us may our hearts respond to the heavenly strain that celebrates the world's redemption. O Son of God, rise upon all darkened lands and touch all things and bring them forth into beauty. We would accept the eternal law of achievement, namely, defeat of conquest through sacrifice. May no one in all the world be big enough to make us little enough to hate. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3217. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.;

S. 2919. An act to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended;

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2919. An act to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended; to the Committee on the District of Columbia.

CORRECTION.

Mr. JOHNSON of South Dakota. Mr. Speaker, in an address I made on the floor of the House on April 11, I made several remarks about Brig. Gen. George W. Burr, of the Regular Army, stating that at the time referred to he was in charge of the Sixty-seventh Field Artillery brigade in France. The latter statement came from The Adjutant General's records, but I find that those records have been confused with the record of another General Burr in France who was in charge of the brigade I mentioned. I have received a letter from Brig. Gen. George W. Burr of date April 13, 1922, stating the facts with reference to his service with this organization, and an investigation of the record convinces me his statements are correct; that he had no connection with the artillery brigade referred to, was not censured in France; and I am going to ask unanimous consent to insert a copy of his letter in the RECORD, together with a copy of my reply to him, which will state the facts.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If I understand it, the general rules of the House give the gentleman permission to correct the RECORD. Of course, they do not give him the permission to insert letters or to correct statements concerning some individual.

Mr. JOHNSON of South Dakota. I will state to the gentleman that I am asking unanimous consent to do that very thing. I am going further, to submit a unanimous-consent request that all the statements with reference to Brig. Gen. George W. Burr be eliminated from the permanent RECORD.

The SPEAKER. The gentleman asks unanimous consent to insert the letters indicated. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. There is another request, Mr. Speaker, that all reference to Brig. Gen. George W. Burr be eliminated.

The SPEAKER. The gentleman makes the further request that the statements referred to be eliminated. Is there objection?

There was no objection.

The letters referred to are as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, April 13, 1922.

Hon. ROYAL C. JOHNSON,
United States House of Representatives,
Washington, D. C.

SIR: Your attention is invited to the following extract from a speech made by you on the floor of the House, as reported in the CONGRESSIONAL RECORD of April 11, 1922:

"Brig. Gen. George W. Burr, of the Regular Army, was in charge of the Sixty-seventh Field Artillery brigade in France. I have with me a photostatic copy of a report made at Toul, France, February 7, 1919, by General Bullard, and it might not be amiss to say the ex-service men who are interested in seeing a reform in the Army have a great many photostatic copies of exhibits which can not be controverted. This report shows that General Burr showed inexcusable neglect. Corrections were duly pointed out. An inspection made some three weeks later showed continued similar inexcusable neglect, with corresponding resulting damage to motor transportation. As the brigade was under orders to go and has now gone to the Lemans area, taking its motor transportation with it, discipline and corrections could not be made here. I recommend that this matter be followed with General Burr, even though he has now been relieved and ordered back to the United States, and that it be followed also with the brigade now in the Lemans area. In the great effort being made to keep motor transportation in condition, both General Burr and the officer in charge of this transportation should be held responsible.

* * * * * * *

"General Burr, after he had been found inefficient in France, * * *"

This entire quotation in so far as it refers to Brig. Gen. George W. Burr, of the Regular Army, is in error, since I was not in command of the Artillery brigade referred to, was not in France at the time, and was not the officer referred to in the report to which you have reference. These statements are readily verified from the records.

Since you have done me a gross injustice in the above quoted reference to me in your speech, I request that you take immediate steps to have made a suitable correction.

Respectfully,

GEO. W. BURR,
Brigadier General, Ordnance Department, United States Army.

APRIL 13, 1922.

Brig. Gen. GEORGE W. BURR,
Office of the Chief of Ordnance, Washington, D. C.

SIR: Replying to your letter of April 13, I wish to say I find the facts with reference to your service with the Sixty-seventh Field Artillery as stated in your letter.

The error was due to a confusion in the records of The Adjutant General's Office in that your name was confused with that of the other officer.

In order to make as full amends as possible I have to-day given the facts to Congress in a short statement, have included for the CONGRESSIONAL RECORD copies of your letter and of my reply, and have secured unanimous consent that all reference to you in connection with this matter be stricken from the permanent copy of the CONGRESSIONAL RECORD.

I regret this error as much as you, and have tried to correct it with as much publicity as was given to the original statement.

Most respectfully,

ROYAL C. JOHNSON.

Mr. MILLER. Mr. Speaker, I am very glad that the gentleman from South Dakota made the correction in reference to Brig. Gen. George W. Burr.

The SPEAKER. For what purpose does the gentleman rise? Does he wish to ask unanimous consent to address the House?

Mr. MILLER. Yes; to proceed for one minute.

The SPEAKER. The gentleman from Washington asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MILLER. I am very glad the gentleman from South Dakota has seen fit to correct the RECORD with reference to Brig. Gen. George W. Burr. Brig. Gen. George W. Burr was in command of the Third Post Supply Department in London, England, during five months, and made such an exceptional record that he was ordered returned to the United States and was put in the permanent force of the Supply Department, where he made an exceptional record.

SPECIAL CANCELING STAMPS IN CERTAIN POST OFFICES.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 10740, with Senate amendments, and I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Minnesota calls up from the Speaker's table the bill H. R. 10740, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A BILL (H. R. 10740) authorizing the use of special canceling stamps in certain post offices.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, are there any serious objections to adding to the number, already provided for, of canceling stamps for these two illustrious affairs that have been included in the Senate amendments?

Mr. STEENERSON. I do not exactly understand the question.

Mr. GARNER. Is this a unanimous-consent request?

The SPEAKER. The Chair thinks that the gentleman could bring it up as a matter of right, a House bill with Senate amendments.

Mr. GARRETT of Tennessee. Is it a Union Calendar Bill?

The SPEAKER. No; it is a House Calendar bill.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Would a motion to concur in the Senate amendment take precedence of the motion to consent to the conference?

The SPEAKER. The Chair thinks it would.

Mr. STAFFORD. What objection would there be to concurring in the Senate amendments?

Mr. STEENERSON. I am trying to save the House some time. Since this amendment was put on adding two new places there has been an urgent request made to have another one put on, and we desire to do that in conference.

Mr. STAFFORD. I do not think the gentleman will be able to accomplish that by such parliamentary tactics. If the gentleman wants to block concurrence, it is in his power to do so.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to disagree to the Senate amendments and agree to the conference asked for by the Senate. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. STEENERSON, Mr. WEBBER, and Mr. BELL.

CALL OF THE HOUSE.

Mr. VARE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Anthony	Blakney	Brand
Andrew, Mass.	Bacharach	Bond	Britten
Anderson	Bixler	Bowers	Brooks, Pa.

Brown, Tenn.	Hammer	Lampert	Sekall
Burke	Hawes	Langley	Shelton
Campbell, Pa.	Hayden	Linthicum	Siegel
Cantrill	Herrick	London	Snyder
Clark, Fla.	Hickey	McSwain	Speaks
Cole, Ohio	Hill	Maloney	Sproul
Copley	Hogan	Mansfield	Stiness
Dale	Hudspeth	Michenison	Stoll
Davis, Tenn.	Hunted	Mills	Sullivan
Deans	Hutchinson	Moore, Ill.	Sweet
Drewry	Ireland	Morin	Taylor, Ark.
Dunn	Jefferis, Nebr.	O'Brien	Taylor, Colo.
Dyer	Jeffers, Ala.	Olpp	Taylor, Tenn.
Fields	Johnson, Miss.	Perlman	Tincher
Focht	Kelly, Pa.	Radcliffe	Vaile
Fordney	Kennedy	Rainey, Ala.	Volk
Foster	Kettner	Rainey, Ill.	Wolstead
Frear	Kiess	Reber	Walsh
Fuller	Kindred	Robertson	Ward, N. Y.
Gilbert	Kirkpatrick	Rosenbloom	Wason
Goldsborough	Kitchin	Rossdale	Williams
Gorman	Kleczka	Rouse	Wilson
Gould	Knight	Ryan	Winslow
Graham, Pa.	Kreider	Schaub	Wood, Ind.
Griffin	Kunz	Sanders, Ind.	Young

The SPEAKER. On this call 317 Members have answered to their names. A quorum is present.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The motion was agreed to.

THE LATE REPRESENTATIVE FLOOD.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the fourth Sunday in May, May 28, 1922, be set apart for the delivery of addresses on the life, character, and public service of the late HENRY D. FLOOD, formerly a Representative from the tenth congressional district of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Sunday, May 28, be set apart for memorial addresses on the late Representative FLOOD. Is there objection?

There was no objection.

NAVAL APPROPRIATIONS.

On motion of Mr. KELLEY of Michigan, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, with Mr. TOWNER in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $101,400: *Provided*, That no person shall be employed hereunder, other than as a draftsman or such other technical capacity, at a rate of compensation exceeding $1,800 per annum, except the following: One at $2,200, one at $2,000.

Mr. VARE. Mr. Chairman, I ask unanimous consent to address the committee for one minute.

Mr. KELLEY of Michigan. Mr. Chairman, last night the gentleman from Massachusetts [Mr. DALLINGER] asked unanimous consent that the bureau appropriations be passed over until after the enlisted strength of the Navy had been disposed of. The gentleman from Pennsylvania [Mr. VARE] objected to that request. I understand this morning that the gentleman from Pennsylvania is asking the Chair to be recognized for the purpose of withdrawing his objection? Am I right about that?

Mr. VARE. Mr. Chairman, the statement made by the distinguished gentleman from Michigan is correct. I ask unanimous consent to withdraw the objection and proceed to discuss the bill under the item "Personnel."

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he be allowed to withdraw his objection that he made. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Michigan [Mr. KELLEY]?

There was no objection.

Mr. KELLEY of Michigan. It is the understanding that we start in with the pay of the Navy, on page 31.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

PAY OF THE NAVY.

For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, $225,893,986; officers on the retired list, $3,110,840; commutation of quarters for officers, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, pay clerks, and mates, naval constructors, and assistant naval constructors, $1,310,400; and also members of Nurse Corps (female), $1,000; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $20,000; pay of enlisted men on the retired list, $875,566; extra pay to men reenlisting under honorable discharge, $3,772,000; interest on deposit by men, $10,000; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, $51,832,351; pay of enlisted men undergoing sentence of court-martial, $520,520; and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $422,400; pay of the Nurse Corps, $366,720; rent of quarters for members of the Nurse Corps, $25,000; retainer pay and active-service pay of members of the Naval Reserve Force, $5,689,238; reimbursement for losses of property under act of October 6, 1917, $10,000; payment of six months' death gratuity, $150,000; in all, $93,814,016; and the money herein specifically appropriated for "Pay of the Navy," shall be disbursed and accounted for in accordance with existing law as "Pay of the Navy," and for that purpose shall constitute one fund: *Provided*, That retainer pay provided by existing law shall not be paid to any member of the Naval Reserve Force who fails to train as provided by law during the year for which he fails to train.

Mr. McARTHUR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 32, line 10, strike out the figures "$3,772,000" and insert in lieu thereof the figures "$5,981,000."

Page 32, line 15, strike out the figures "$51,832,351" and insert in lieu thereof the figures "$62,108,534."

Page 32, line 16, strike out the figures "$520,520" and insert in lieu thereof "$558,000"; page 32, line 19, strike out the figures "$422,400" and insert in lieu thereof "$1,207,200"; page 32, line 20, strike out the figures "$366,720" and insert in lieu thereof the figures "$447,580"; page 32, line 25, strike out the figures "$93,814,016" and insert in lieu thereof the figures "$107,503,230."

Mr. KELLEY of Michigan. In order to bring the matter fully before the committee, the gentleman's amendment should include page 34, where the bill provides for 67,000 men. I understand the gentleman's amendment is based on 86,000 men.

Mr. VARE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VARE. I will state that I conferred with the Chair a few days ago as to the parliamentary situation, and I understood that on the question of amendment the senior member of the Appropriations Committee being opposed to the present bill, he would be recognized to make an amendment as to the personnel.

The CHAIRMAN. This is not the paragraph relating to the personnel, and therefore the Chair recognized the gentleman from Oregon.

Mr. VARE. My understanding was that an agreement was made that all the other items would be passed over until such time as we reached the personnel, and that was the purpose of my withdrawing my objection.

Mr. McARTHUR. Let me state my understanding of the situation and probably it will be satisfactory to all the gentlemen interested. The figures that I have presented are based on the necessary enrollment of a personnel of 86,000. They are not haphazard figures, but have been prepared by the Paymaster General of the Navy. I have no objection to letting the matter go over until the next paragraph is read and the gentleman from Pennsylvania can offer his amendment for 86,000 personnel and we can discuss the amendments together.

Mr. VARE. Mr. Chairman, I was on my feet at the time the gentleman from Oregon was recognized.

Mr. McARTHUR. I will say that I also have an amendment to that paragraph, but I am willing to let the gentleman from Pennsylvania offer his amendment.

The CHAIRMAN. Does the gentleman from Oregon make a request that this may be passed?

Mr. McARTHUR. I am willing to have it passed until after the item with reference to the personnel is read.

The CHAIRMAN. Does the gentleman make the unanimous-consent request?

Mr. OLIVER. If the personnel is increased to 86,000, of course the figures will have to be changed to conform with that increased personnel, so the question of pay should be deferred until we see what the result of the vote on the increase will be.

Mr. KELLEY of Michigan. The only thing I am anxious about is that these gentlemen shall not fall out about it. [Laughter.]

Mr. VARE. I ask unanimous consent to present this amendment.

Mr. McARTHUR. I am willing to have my amendment pending until the other paragraph is read, and I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that this paragraph be passed until the question of personnel is decided, on page 34.

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, I did not so understand the request of the gentleman

from Oregon. The request of the gentleman from Oregon is to have his amendment considered as pending until the next paragraph is read and then let the gentleman from Pennsylvania offer his amendment, action being taken first on the amendment of the gentleman from Pennsylvania and then on the amendment of the gentleman from Oregon.

The CHAIRMAN. That is the Chair's understanding. Is there objection to the request?

Mr. KELLEY of Michigan. Perhaps I can help these gentlemen clear up their difficulty. I would be glad if I could divide the thing equally between them, but I do not know that I can; but I would suggest that whatever arrangement is made between them the first proposition to be disposed of is the size of the Navy and that the amendment seeking to increase the number from 67,000 to 86,000 be first considered; then, if that should carry, the figures of the gentleman from Oregon would be next in order.

Mr. McARTHUR. I will object to that.

Mr. MONDELL. Mr. Chairman, the gentleman from Michigan, chairman of the subcommittee, agreed that the first supply sections of the bill should be passed in order to accommodate the gentleman, and with the understanding that the first question to be voted on was the question of the size of the personnel. Now, queerly enough, after having agreed to that with the gentleman from Oregon he disagrees with the gentleman about this.

Mr. McARTHUR. The gentleman from Wyoming is furnishing some gratuitous advice in this matter. I want to be reasonable and I am willing that the two amendments shall be considered at the same time, providing the gentleman from Pennsylvania can control half of the time on our side of the question.

Mr. KELLEY of Michigan. What is the real objection to the suggestion that I have made?

Mr. McARTHUR. I am willing to withdraw any objection and accommodate the gentleman.

Mr. VARE. I want to assure the gentleman from Oregon that he may control half the time.

Mr. McARTHUR. I do not care to control any more than half the time. Let us read the bill, then.

Mr. VARE. Mr. Chairman, I trust the Chair will now have the amendment read which I have sent to the Clerk's desk.

The CHAIRMAN. Unanimous consent has not been agreed to as yet.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Oregon [Mr. McARTHUR] be considered as pending, that first consideration be given to the amendment of the gentleman from Pennsylvania [Mr. VARE], and that upon the matter of the amendment of the gentleman from Pennsylvania there shall be four hours of debate, the four hours to be divided equally between the two sides of the proposition, the gentleman from South Carolina [Mr. BYRNES] controlling one hour and some one on that side who is against the committee proposition controlling the other hour.

Mr. BYRNES of South Carolina. Mr. Chairman, of the time allotted to me I would grant one-half to the gentleman from Massachusetts [Mr. GALLIVAN], the ranking Democrat on the Committee on Appropriations opposed to the committee amendment.

Mr. KELLEY of Michigan. And that the other two hours will be divided, one hour to be controlled by myself and the other hour to be given to either Mr. VARE or Mr. McARTHUR, whichever one of them will consent that he withdraw.

Mr. McARTHUR. I am perfectly willing to let the gentleman from Michigan control the time.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the amendment offered by the gentleman from Oregon [Mr. McARTHUR] shall be pending, and be taken up for discussion under the amendment which is proposed to be offered by the gentleman from Pennsylvania [Mr. VARE]; that upon those amendments there shall be four hours of general debate, two hours to be controlled for the amendments offered by Mr. VARE and Mr. McARTHUR and two hours against, to be divided between the respective sides of the House, to be controlled by the gentleman from Michigan on the majority side of the House and the gentleman from Pennsylvania [Mr. VARE], and on the minority side of the House to be controlled by the gentleman from South Carolina [Mr. BYRNES] and the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. KELLEY of Michigan. Mr. Chairman, if the Chair will permit, my request is that there be four hours of debate on these two amendments, but that the vote shall come, first, on the amendment offered by Mr. VARE; that two hours of time shall be given to the gentleman from South Carolina [Mr. BYRNES], who will divide with Mr. GALLIVAN, and two hours shall be given to the proponents of the bill, one hour of that time to be given to Mr. VARE, who yields one-half of it to the gentleman from Oregon [Mr. McARTHUR].

Mr. LONGWORTH. Mr. Chairman, with the understanding that the vote shall be had at the conclusion of the debate?

Mr. KELLEY of Michigan. Oh, yes.

Mr. LONGWORTH. I think that better be made a part of the request.

Mr. KELLEY of Michigan. And that the vote be had at the conclusion of the debate.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GREENE of Vermont. We are asked to consent to an agreement that it is a pig in a poke. What is the amendment that the gentleman from Pennsylvania proposes to offer?

Mr. LONGWORTH. Let it be read for information.

Mr. KELLEY of Michigan. I stated that it was to change the personnel from 67,000 to 86,000.

Mr. GREENE of Vermont. I did not so understand it.

Mr. LONGWORTH. Mr. Chairman, I ask that the amendment may be read for information.

The CHAIRMAN. Without objection, the amendment which is to be offered by the gentleman from Pennsylvania [Mr. VARE] will be read for information.

There was no objection, and the Clerk read as follows:

Amendment proposed by Mr. VARE: Page 34, line 7, strike out the figures "2,000" and insert in lieu thereof the figures "6,000," and on page 34, line 8, strike out the figures "67,000" and insert in lieu thereof the figures "86,000," making the paragraph read as follows:

"Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy, by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to the provisions of existing law governing discharges, so that the average number of enlisted men, including 6,000 apprentice seamen, shall not exceed 86,000 during the fiscal year 1923."

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WINGO. Mr. Chairman, a parliamentary inquiry. There is so much confusion in the Hall that I could not hear all that has been said. We have an understanding over here on the Democratic side that provision is only made for the proponents of the 67,000 idea, which is the bill, and the 86,000 personnel. What provision is made for those gentlemen who will offer an amendment to increase the Navy to the authorized strength, demanded by the experts? I think those who want to follow the experts should be given equal opportunity to offer an amendment.

Mr. KELLEY of Michigan. I would say to the gentleman from Arkansas that the morning mail has not yet arrived. [Laughter.]

Mr. WINGO. Oh, it has not? That gives me the information I wanted, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan. [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy, and the graduates to be commissioned shall be selected by the Academic Board of the Naval Academy after giving equal consideration to the scholastic standing and adaptability for naval service of each graduate: *Provided*, That each graduate of the Naval Academy of the class of 1922 who is not commissioned as an ensign in the Navy shall be paid mileage at the rate of 5 cents per mile from the Naval Academy to his home and a sum equal to three months' pay as a midshipman, such payments to be made from the respective appropriations in this act providing for the transportation and pay of midshipmen.

Mr. RAKER. Mr. Chairman, I reserve the point of order.

Mr. McCLINTIC. Mr. Chairman, a parliamentary inquiry. I want to know if an amendment will be in order to be offered at this time to that part of the section which the Clerk has just read.

The CHAIRMAN. The Chair thinks an amendment may be offered at any time.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that all of these other matters be passed over without prejudice.

Mr. McCLINTIC. Mr. Chairman, reserving the right to object, I want to find out if an amendment offered at this time to the paragraph which has just been read, would it be in order to have the amendment disposed of?

The CHAIRMAN. The Chair thinks not now.

Mr. McCLINTIC. Then I ask that my amendment be read, and then I shall agree that it may be passed over without prejudice.

Mr. RAKER. Mr. Chairman, so that there may be no question, I make the point of order against that provision, and let

the point of order be pending with the gentleman's request that this go over until the personnel has been fixed.

Mr. KELLEY of Michigan. That is entirely agreeable to me.

The CHAIRMAN. The point of order is reserved.

Mr. McCLINTIC. Mr. Chairman, I ask that my amendment be read, with the understanding that it goes over until the other matters are disposed of.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC] to be considered pending.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 33, strike out lines 8 and 9, and including "in the Navy," in line 10, and insert in lieu thereof: "that in determining the number of the members of the 1922 Naval Academy graduating class who shall be commissioned the Secretary of the Navy is hereby directed to bring about the retirement of 75 per cent of such officers in the Navy as are eligible for retirement. He shall cause to be commissioned out of 1922 Naval Academy graduating class 200 members, and an additional number equal to the number of officers retired under the provisions of this section."

Mr. BAKER. Mr. Chairman, the reservation of the point of order would go to the amendment, and the whole matter is pending.

The CHAIRMAN. Let the record show that the reservation of the point of order also goes to the amendment. Let the Chair state this matter. It is the understanding of the Chair that if amendments are offered to any of these provisions included in the reading down past the paragraph commencing on page 34, that the debate on them will be limited to the four hours, unless otherwise arranged; so that the Chair can not recognize anyone outside of the four hours unless arrangement is made to that effect.

Mr. KELLEY of Michigan. Will the Chair restate what he has just said?

The CHAIRMAN. It occurs to the Chair that debate on amendments that might be offered to any of these paragraphs will all be included in the agreement ordered, unless otherwise arranged.

Mr. KELLEY of Michigan. No, Mr. Chairman. The intention was that the debate should be upon the question of 86,000 men or 67,000 men, and all other matters should be included outside of this four hours.

The CHAIRMAN. And matters depending upon that?

Mr. KELLEY of Michigan. And all amendments to those would, of course, be included in the time.

The CHAIRMAN. The Chair, of course, has no objection to that interpretation, so that independent amendments offered shall be considered for debate after the other matter has been decided.

Mr. KELLEY of Michigan. I think that is right.

The CHAIRMAN. With that understanding the paragraph is passed, and the Clerk will read.

The Clerk read as follows:

The authorization contained in section 2 of the naval appropriation act for the fiscal year 1921 for the employment of 500 reserve officers in the aviation and auxiliary service is hereby repealed.

Mr. BAKER. Mr. Chairman, I reserve a point of order to the section.

Mr. SWING. Mr. Chairman, I reserve all points of order.

The CHAIRMAN. The point of order is reserved by the gentleman from California [Mr. BAKER] and also by the gentleman from California [Mr. SWING]. The Clerk will read.

The Clerk read as follows:

Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy, by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to the provisions of existing law governing discharges, so that the average number of enlisted men, including 2,000 apprentice seamen, shall not exceed 67,000 during the fiscal year 1923: *Provided*, That enlisted men who have served not less than 25 years shall, unless sooner discharged by sentence of court-martial, be permitted to reenlist and continue serving until they are eligible for retirement after 30 years' service as now provided by law: *Provided further*, That enlisted men of the Navy who would be eligible under existing law for transfer to the Fleet Naval Reserve after 16 years' service at the expiration of the current enlistment in which serving, or who have completed 16 years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve at the expiration of enlistment after 16 years' service: *Provided further*, That enlisted men of the Navy, who have completed 18 years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve after 20 years' service: *Provided further*, That enlisted men who have served for more than 12 but less than 16 years shall be permitted to reenlist and continue serving, unless sooner discharged by sentence of a court-martial, until they have completed 16 years' service, whereupon they shall, upon their own application, be permitted to transfer to the Fleet Naval Reserve: *Provided further*, That no enlisted men of the Navy shall be transferred to the Fleet Naval Reserve unless they have completed 16 or 20 years' service after the Navy is reduced to the number of enlisted men appropriated for in this act, and in no event after January 1, 1923: *Provided further*, That the enlisted men who have served less than 12 years found to be in excess of the total number herein appropriated for, after all other deductions have been made by way of retirement or transfer, shall be discharged or furloughed without pay for the convenience of the Government, and all recruiting shall be discontinued until the total number of enlisted men has been reduced to the number herein appropriated for: *Provided further*, That enlisted men of the Navy who may be separated from the service by furlough or discharge under the requirements of this act shall receive travel allowance now authorized by law for men honorably discharged, and shall, upon reenlistment in the Navy at any time hereafter, receive the then current pay of the rating held at the time of discharge plus all permanent additions to such pay authorized by law at time of reenlistment for service equal to that which they had at time of discharge, and, if allowed to reenlist, shall be required to serve under such reenlistment only for a period equal to the unexpired term of the enlistment in which serving when furloughed or discharged: *Provided further*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the medical department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers authorized or appropriated for in this act.

Mr. VARE. Mr. Chairman——

Mr. ROGERS. It is understood here also that all points of order are reserved on the whole paragraph.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] reserves all points of order on the paragraph.

Mr. VARE. Mr. Chairman, I offer an amendment.

Mr. STAFFORD. Mr. Chairman, a point of order. No amendment can be offered for consideration while the point of order is reserved to the paragraph.

Mr. ROGERS. This is being done by unanimous consent for the convenience of the House.

The CHAIRMAN. The Chair understands the point of order will not be insisted upon.

Mr. STAFFORD. When is the point of order going to be pressed?

Mr. ROGERS. After the consideration of the main question.

Mr. STAFFORD. I think, Mr. Chairman, in behalf of regular parliamentary procedure we should have the regular order.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Was not that a part of the unanimous-consent agreement?

The CHAIRMAN. As the Chair understood it, it was not modified by the committee.

Mr. MONDELL. Do I understand the gentleman intends to have a vote on the motion before the point of order is decided?

Mr. ROGERS. On the main question.

Mr. MONDELL. On that theory, if the gentleman is defeated on the vote, he may be able to brush it all out on the point of order.

Mr. ROGERS. That is not worthy of the gentleman. My point is to wholly leave it over and let these questions with the points of order go into the details of the paragraph, awaiting the decision on the main question.

Mr. WINGO. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. MONDELL. If the gentleman from Massachusetts [Mr. ROGERS] will kindly leave it to me to say what is worthy of the "gentleman from Wyoming," I will appreciate it.

Mr. ROGERS. I have an opinion and I assert it.

Mr. MONDELL. This House can not vote under the rules with a point of order reserved.

Mr. ROGERS. We have already done it twice within a minute.

Mr. STAFFORD. The gentleman is not correct. I raise the point of order that no amendment can be considered.

The CHAIRMAN. The Chair thinks after the reservation is made the reservation lies.

Mr. STAFFORD. If the Chair will permit me, then if the Chair would ask the gentleman reserving the point of order whether he withdraws it or insists on it——

The CHAIRMAN. The gentleman from Massachusetts did not insist on it.

Mr. LONGWORTH. The gentleman from Massachusetts has made no point of order. He has not stated what his point of order was. He simply reserves the right to make a point of order to the paragraph after this matter is determined.

Mr. STAFFORD. The regular order demands that he shall make his point of order or not make it. He has not made it.

The CHAIRMAN. The Clerk will proceed to report the amendment.

Mr. TREADWAY. As I understand the last remark made, it was that the gentleman must make his point of order or withdraw it at this time?

The CHAIRMAN. Yes, if regular order is demanded.

Mr. TREADWAY. The regular order having been demanded by the gentleman from Wisconsin, it seems to me the point should be made or withdrawn. The gentleman from Wyoming [Mr. MONDELL] seems very touchy about it, and we had best have it out.

Mr. MONDELL. Mr. Chairman, the "gentleman from Wyoming" is not touchy about anything, but it is absurd beyond words to insist that this House shall debate for four hours and then vote, solidly or otherwise, on a proposition that may thereafter go out on a point of order. If anything of that sort has ever been heard of heretofore in a parliamentary body, it has escaped my notice. It can not be done. There is no rule under which it can be done.

Mr. TREADWAY. Mr. Chairman, if there is no rule by which an agreement can be entered into of that nature, there is no reason why the point should not be made. The gentleman from Wyoming offered a very unfortunate insinuation, it seems to me, against my colleague from Massachusetts, that if he was beaten he would take some other method of reaching the end he is seeking.

Mr. MONDELL. If that was not the gentleman's purpose, what had he in mind?

Mr. TREADWAY. It was not his purpose. He had no such purpose.

The CHAIRMAN. The Clerk will report the amendment.

Mr. KELLEY of Michigan. What is the point of order?

Mr. TREADWAY. That on page 34, after the proviso, you are putting legislation in an appropriation bill.

The CHAIRMAN. The Chair would like to understand the point of order made by the gentleman from Massachusetts. Will the gentleman from Massachusetts please state his point of order?

Mr. TREADWAY. Mr. Chairman, I make the point of order that beginning on page 34, line 9, and from there on through the paragraph, the various provisos carry with them legislation which is not proper on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, the point of order made by the gentleman from Massachusetts, of course, is not good, because the whole paragraph is designed to reduce the strength of the Navy from 96,500, its present strength, to 67,000. Of course, the machinery set up in the paragraph for effecting that reduction is only collateral to the main proposition of the reduction, and the whole paragraph comes squarely under the Holman rule, making a provision in order which effects a reduction in numbers or salaries of officers or men.

Mr. TREADWAY. Mr. Chairman, may I ask the gentleman from Michigan a question?

Mr. KELLEY of Michigan. Yes.

Mr. TREADWAY. Even if these paragraphs were thrown out on a point of order, if the point of order was upheld and these paragraphs did not appear in the bill, would we not then still be reducing the Navy under either circumstance, whether the number we agree upon here is 67,000 or 86,000? Consequently, to my mind, the Holman rule applies before we reach the provisos at all. These are the provisions that you are endeavoring to insert here, of a legislative character, that will qualify the reduction you are to make under the vote we are to take, either for 86,000 or 67,000.

Mr. KELLEY of Michigan. No. I will state to the gentleman from Massachusetts that the other provisions to which he has made a point of order simply provide the methods and machinery by which the reduction is to be effected. If the machinery were not provided, probably the reduction could not be made.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. KELLEY of Michigan. Yes.

Mr. NEWTON of Minnesota. Take the first proviso, for example:

Provided, That enlisted men who have served not less than 25 years shall, unless sooner discharged by sentence of court-martial, be permitted to reenlist and continue serving until they are eligible for retirement after 30 years' service, as now provided by law.

Wherein does that come under the Holman rule?

Mr. KELLEY of Michigan. Those men are entitled to remain in the Navy and subject to retirement privileges. If that retirement is to be effected prior to the time when they ordinarily could retire, you transfer them from a salary higher to a salary lower, so that it comes under the Holman rule under another theory.

Mr. NEWTON of Minnesota. You reduce the Navy to 67,000 men.

Mr. KELLEY of Michigan. In one case we reduce the number, and then of those who are reduced by reason of the reduction of the number you also reduce the pay, so that you make a reduction both ways.

Mr. NEWTON of Minnesota. You do not reduce their pay, but you transfer them to the inactive list. They are a charge on the Treasury.

Mr. KELLEY of Michigan. But they get less pay.

Mr. NEWTON of Minnesota. They draw pay, but do not perform any service. That is the point. Here you have men who do not perform service who draw pay. Where is the saving on the Treasury?

Mr. KELLEY of Michigan. It has been held many times that the transfer from the active to the retired list comes under the Holman rule.

Mr. STAFFORD. This identic question was submitted to the Chairman of the Committee of the Whole House on the state of the Union when the War Department appropriation bill was under consideration, and there the Chair ruled that the collateral matters to carry out the main provision of reductions were in order.

Mr. NEWTON of Minnesota. The gentleman has had great confidence in the Chair heretofore.

Mr. STAFFORD. I not only have great confidence in the Chair, but I feel sure he is upholding the position taken by the chairman at that time.

Mr. KELLEY of Michigan. I will say further, Mr. Chairman, that the enlisted force of the Navy is divided into classes. This reduction can not be made all out of one class, but must come out of the classes proportionately all along the line. These paragraphs are intended to bring about that reduction in each case of enlisted men in the Navy, and the various provisions are for the purpose of effecting that transfer, the change from the active to the inactive list, or whatever the case may be; and the whole matter is predicated primarily on the reduction of the number of men, and, second, on the reduction of pay. They do render service when on the inactive list when called upon to do so. They are at the command of the Government in any time of need.

Mr. NEWTON of Minnesota. But it will prevent their reenlistment and continuance in the service. It seems to me that is simply particular legislation not necessarily collateral to the reduction of the Navy referred to.

Mr. TREADWAY. Mr. Chairman, may I ask the gentleman from Michigan one more question?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Massachusetts?

Mr. KELLEY of Michigan. Yes, indeed.

Mr. TREADWAY. Will these provisions be applicable whether the final vote on 67,000 or 86,000 applies?

Mr. KELLEY of Michigan. They will be not only applicable but necessary.

Mr. TREADWAY. Then I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. STAFFORD. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

The Clerk read as follows:

Amendment offered by Mr. VARE: Amend, on page 34, line 7, by striking out the figures "2,000" and inserting in lieu therefor "6,000," and on page 34, line 8, by striking out the figures "67,000" and inserting in lieu therefor "86,000," making the paragraph read: "Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to provisions of existing law governing discharges, so that the average number of enlisted men, including 6,000 apprentice seamen, shall not exceed 86,000 during the fiscal year 1923"—

And so forth.

Mr. KELLEY of Michigan. I understand that the gentleman's amendment is intended only to change the figures "2,000" to "6,000" and the figures "67,000" to "86,000," and that all the other language connected with the paragraph is untouched.

Mr. VARE. The gentleman is absolutely correct.

Mr. KELLEY of Michigan. Under the unanimous-consent agreement entered into a while ago I yield to the gentleman from Pennsylvania [Mr. VARE] one hour, and reserve the remainder of my time.

Mr. VARE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, I wish to express my personal views as a member of the committee that reported this bill, and I trust that in my limited time I may be permitted to do this without interruption.

I very much regret to differ with the majority of my colleagues on the Committee on Appropriations in reference to the naval strength provided for in the pending bill. This bill was drafted by a subcommittee of five, consisting of one Member from

Michigan, the distinguished chairman of the subcommittee, one from Minnesota, one from Idaho, one from South Carolina, and one from Alabama. These five States have an aggregate membership in the House of 42. Great States like Massachusetts, New York, Pennsylvania, Ohio, and Virginia, each an empire in itself, have had no voice in the preparation of this bill, which presumes to determine the naval policy of this country.

Mr. KELLEY of Michigan. The gentleman is a member of the Committee on Appropriations, is he not?

Mr. MAGEE. I decline to yield, Mr. Chairman.

The members of the subcommittee contend that they desire to give to the country a Navy in numbers and efficiency authorized by the naval treaty recently ratified by the Senate, and that they have done so in this bill. On the other hand, the Secretary of the Navy, Assistant Secretary Roosevelt, and other high officials of the Navy, and prominent members on the Committee on Naval Affairs of the House, contend that this bill does not do so. [Applause.] The crucial question is one of fact. We must determine who is right in the contention. All the Members of the House, excepting the five Members comprising this subcommittee, can be regarded as jurors. The country will look to us to give a correct verdict.

I do not consider that I am competent to determine the naval policy of the country, and yet I consider that I am just as competent to determine such policy as the other 30 members of the Committee on Appropriations who had no part in the drafting of this bill. However, I do consider myself entirely competent to act as a juror in this case, and to render a true verdict in the public interest upon all the facts presented for our consideration.

It is conceded that we are entitled to 18 capital ships under the naval treaty. The question at issue is the number of enlisted men required on shore and to man those ships and the necessary auxiliary vessels thereto for action in defense of our country upon reasonable notice. The Secretary of the Navy says that it will require materially more men than this bill provides for. The members of the subcommittee say that 67,000 will be sufficient. What is the basis upon which the subcommittee fixes this number? They say in their report that they have accepted the figures given to the Naval Committee by the Navy Department as of February 1, 1922. This statement is a confession of the abject weakness of their case, because those ships and the necessary auxiliary vessels were not ready and equipped for action on February 1.

The Secretary of the Navy, as I understand, contends that on February 1 there were only sufficient men on those ships to man and equip for action 13 capital ships. It is apparent that if we are to have 18 capital ships and maintain them ready for action additional men must be provided for in the pending bill.

The Committee on Appropriations, under the rules of the House, is an appropriating committee. It is not a legislating committee. This committee makes appropriations when appropriations have been duly authorized by the various committees of the House vested with legislative power. As a member of the Committee on Appropriations, I feel it my duty to protest against the Committee on Appropriations attempting to determine the naval policy of the country through limitation in appropriations. There is a fundamental principle involved here that can not be ignored. Such an attempt is, in my judgment, a direct assault upon the Budget system and, if persisted in, will ultimately end in the House taking away the great powers now vested in the committee [applause] which, when properly exercised, make this great committee the watchdog of the Treasury and the foundation rock of the present budgetary system that means the saving annually of hundreds of millions of dollars to the taxpayers of the country.

Further, as a member of the Committee on Appropriations, I can not bring myself to the point of striking a blow at the American Navy, which is the pride of the Republic. It is, in my judgment, the greatest asset that the Nation possesses. It is our first line of defense, and, if properly provided for, will prove to be our secure line of defense. The traditions of the Navy are marvelous. It has never failed the country in any crisis that has ever arisen. Its officers and men have exhibited the greatest daring and courage on every occasion when called upon to defend their country. It has never been whipped upon any lake nor upon any sea [applause], and I hope that in the years to come, upon the seven seas, in peace and in war, wherever an American warship may be, the flag will still wave. [Applause.]

I think that a Republican President is entitled to the support of a Republican House. [Applause.] The President was responsible for the International Conference on Limitation of Armaments, and I assume that he knows what he wants. He is the greatest asset that the Republican Party has. [Applause.] The country is overwhelmingly with him and will not tolerate an attempt to nullify his great work. [Applause.] Some of my Republican friends may refuse to sustain the President on a matter arising out of one of the greatest conferences in the history of the world, but I predict that such refusal will not bring you any glory nor enhance your political prestige. Don't fool yourselves. The public will know that a vote for the enlisted personnel provided for in this bill is a vote against the President, a vote against the prestige and security of this country, a vote to make America probably a third-rate naval power. [Applause.]

The CHAIRMAN. The Chair will recognize the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY of Michigan. I yield three minutes to the gentleman from Missouri [Mr. ROACH].

The CHAIRMAN. In order that the procedure may be understood, the Chair will recognize the supporters of the amendment of the Republican side and the opposers of the amendment on the Republican side, the supporters of the amendment on the Democratic side and the opposers of the amendment on the Democratic side.

Mr. KELLEY of Michigan. Mr. Chairman, I think it will be better if the Chair will simply recognize whomsoever is yielded to. We have control of the time on the floor.

The CHAIRMAN. The Chair has the right of recognition.

Mr. KELLEY of Michigan. I know; but nobody gets the floor except by having time yielded to him by one of four men. The Chair can not determine in what order the speeches shall be made.

The CHAIRMAN. The Chair has the right to determine and should determine the proper order of debate.

Mr. KELLEY of Michigan. How could the Chair determine the order of debate? He does not know what the order of the debate is to be, except as it is suggested by those who have control of the time.

The CHAIRMAN. The issue in this case is a simple one. There are some gentlemen on one side that have one hour and some on the other that have one hour.

Mr. KELLEY of Michigan. Can not the Chair trust the men who have charge of the time as to the order in which the opponents and proponents shall proceed? I yield three minutes to the gentleman from Missouri [Mr. ROACH], and why should the Chair fail to recognize him?

The CHAIRMAN. The Chair is recognizing the gentleman. But the Chair announces that he will recognize the gentleman from Massachusetts [Mr. GALLIVAN] next.

Mr. KELLEY of Michigan. Suppose the gentleman from Massachusetts does not want to yield to anybody?

The CHAIRMAN. That is at the option of the gentleman from Massachusetts. After that the Chair will recognize the gentleman from South Carolina. The Chair makes that announcement in fairness to all.

Mr. KELLEY of Michigan. I want to be in perfect harmony with the Chair, but when the time is in the control of four men who have among themselves reached an agreement as to the order in which the speeches shall be made, I can not understand how the Chair can arrogate the right of determining the order in which the speeches shall be made.

The CHAIRMAN. If gentlemen desire any other arrangement, the Chair will carry it out.

Mr. KELLEY of Michigan. I do. I desire to have the Chair recognize the men who are given time by the Members having charge of the time.

Mr. BYRNES of South Carolina. Mr. Chairman, I think there is no trouble about it. What the gentleman from Michigan means is that if the gentlemen on the floor arrange among themselves the order, the Chair will recognize them as they are yielded time.

The CHAIRMAN. Certainly; the Chair simply made the announcement as to what he would do without any other arrangement.

Mr. ROACH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include a table.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend and revise his remarks. Is there objection?

There was no objection.

Mr. ROACH. Mr. Chairman, it can not be disputed that this bill just as it is written calls for an expenditure of a million dollars a day on the Navy alone for the next fiscal year. If we adopt the amendment proposed, we will add to this amount $60,000,000 annually to be paid by a tax-paying public that is already staggering and groaning beneath a weight of taxation never before known. These figures are not mere conjectures but are established beyond dispute. When the people of this

country learn these facts they will not say that we have been niggardly with the Navy. The expenditure of a million dollars a day on the Navy during times of peace, following on the heels of the disarmament conference, is not a small thing, and we should stop to consider well before adding to this amount.

We should not permit ourselves to be swept off our feet or lose our own poise and power of reasoning on account of the powerful influences at work here in Washington and elsewhere to save men of high places jobs that were scrapped by the disarmament conference. I sympathize with them, of course, but my duty to the people lies plain before me.

Throughout this entire debate the question has been repeatedly asked as to whom we should follow in the many conflicting recommendations which have been made to us upon this subject. Answering for myself, I have, at the cost of days of hard labor delving into brain-racking figures and statistics which have caused me sleepless nights, carefully investigated the facts for myself. I have weighed all that has been said by the Secretary of the Navy, Navy experts, committee in charge of the bill, the 1,086 pages of testimony contained in the hearings, the debates on the floor, and what everyone has had to say upon the subject, and I now expect to keep faith with my conscience by following my own judgment thus formed, which brings me to the inevitable conclusion that I should vote against the amendment proposing to add $60,000,000 annual expense to this bill, and which I will attempt to show you is wholly unnecessary. [Applause.]

Some people fail to realize that we are to-day confronted with a new condition of affairs, so far as relates to our Navy. The disarmament conference has just been concluded, the treaties ratified by our Senate, and for the first time in our history we have a fixed standard or yardstick by which the size of our Navy is to be measured. The people of this country praised God when it was heralded to the world what the disarmament conference had accomplished. Fathers and mothers' hearts were gladdened when it became known that the five great powers of the earth had entered into a compact which made war next to impossible during the life of the compact—a period of 10 years. The struggling taxpayer lifted his head with a wan smile in the thought that at last a means had been found to lessen the awful burden he was carrying. Our own beloved President electrified the world with his now historic statement, which I repeat verbatim:

> Out of the cataclysm of the World War came new fellowships, new convictions, new aspirations. It is ours to make the most of them. A world staggering with debt needs its burden lifted. Humanity, which has been shocked by wanton destruction, would minimize the agencies of that destruction. Contemplating the measureless cost of war and the continuing burden of armament, all thoughtful peoples wish for real limitation of armament and would like war outlawed. In soberest reflection the world's hundreds of millions who pay in peace and die in war wish their statesmen to turn the expenditures for destruction into means of construction, aimed at a higher state for those who live and follow after.

I plead with you that we keep faith with the country, or else this declaration by the President will become mere empty words of mockery. [Applause.]

I stand for an adequate Navy under the peace treaty, but not for a single man or a single dollar more. In my opinion, the future peace of the world depends largely upon the good faith shown in our observance of the treaties and can best be obtained if the United States and the other powers will faithfully stay within the boundaries established by the 5-5-3 ratio of naval strength. If the United States violates the spirit and intent of this ratio—if we fudge over the line and attempt to build up our Navy to a greater strength than that laid down by the plain terms of the treaty, such an act would be an evidence of bad faith upon our part and calculated to cause the other nations to take similar action, and it would soon again become a mad race of the world for naval supremacy.

The question of the correct size of our Navy is no longer an open one or difficult of determination if we will but take the time to go into the facts, and we are not required to rely upon expert testimony from naval officers, but merely to exercise our own good common sense and apply sober judgment to the facts with which we have to deal to reach an intelligent conclusion. I have tried many lawsuits, and when I was compelled to rely upon expert testimony that run counter and contrary to the physical facts of a case the expert testimony had to give way to the established facts, and here are the established facts with reference to the size that our Navy should and must be.

The disarmament conference in fixing the relative naval strength of the three great naval powers of the world at the ratio of 5-5-3 left no room for doubt or uncertainty. They said in plain terms that the size of the navies of Great Britain and the United States as compared with that of Japan should be at the ratio of what five is to three. They did not gauge this ratio or relative strength by numbers of men or by dollars and cents, but, leaving no room for doubt, declared that the navies of Great Britain and the United States were to consist of 18 capital battleships each, with all necessary auxiliary warcraft to accompany that number of capital battleships, while that of Japan was fixed at 10 capital battleships, with like necessary auxiliaries. The conference by this action declared the strength of the Navy to consist of the fighting ships afloat and not the number of men in the offices or on the streets of Washington. This bill proposes to make our Navy exactly what the disarmament conference said that it should be—no more, no less. Figures prove themselves, and here they are: The bill provides that the fleet of the Navy of the United States and its necessary auxiliaries and complement of men shall be made up by 18 capital battleships, with a total complement of men on board of 18,259; 11 cruisers, with 4,248 men on board; 108 destroyers, with 9,579 men; 84 submarines, 2,520 men; 6 destroyer tenders, 2,551 men; 7 submarine tenders, 1,833 men; 2 aircraft carriers, 502 men; 12 mine layers, 1,574 men; 10 mine sweepers, 498 men; 2 repair ships, 727 men; 3 storeships, 612 men; 14 fuel ships, 1,568 men; 2 ammunition ships, 354 men; 2 hospital ships, 629 men; 7 cargo ships, 612 men; 3 transports, 822 men; 9 gunboats, 759 men; 6 yachts and patrol vessels, 545 men; 8 fleet tugs, 338 men; 10 fleet towing vessels, 450 men; 1 survey ship, 137 men; miscellaneous, 7 with 375 men; total number of craft, 327; of men aboard, 49,492. The Secretary of the Navy nor anyone else does not contend that a single additional man is required on board either of these ships.

Mr. MILLSPAUGH. Will the gentleman yield?

Mr. ROACH. I yield for a question.

Mr. MILLSPAUGH. The argument which the gentleman is making is very convincing. How does the gentleman arrive at the number of auxiliary craft and men necessary to accompany the 18 capital battleships prescribed by the disarmament conference?

Mr. ROACH. From the testimony of the Secretary of the Navy and Navy experts given before the committee in charge of the bill and contained in the printed hearings. I will furthermore say to the gentleman that the number of auxiliary craft, both as to men aboard and ships necessary, which I have just given has been fixed by the Navy Department itself as being the necessary craft and men to accompany the 18 capital battleships prescribed by the treaty. I also wish to emphasize the fact right here that the number of men on board these same ships on February 1, 1922, was 2,000 men less than the numbers which I have given, but the experts were not willing to accept the actual number of men on these ships on that date, so the committee allowed the number of men on each ship that the Navy Department said was necessary, and as a result of their liberality this bill actually provides 2,000 more men than was on board these selfsame ships on February 1 last. There is no dispute and can be no dispute about that. Good measure has been given in every instance where the least doubt existed. I also have here the names of the battleships, submarines, destroyers, gunboats, and other warcraft that I have just mentioned, which will make our future treaty Navy, including the President's yacht, *Mayflower*, with 160 men on board, and a half dozen other yachts that do not add any strength to the Navy. I will not take the time to read the list. They are thrown in for good measure.

Now, then, these undisputed facts show that the floating Navy of the United States, which is really the test of the naval strength, can be maintained exactly up to the standard called for by the peace conference—with 49,492 men, ship for ship, with every man on board asked for by the Navy Department.

NAVY ON SHORE.

Remember that this bill provides for 67,000 men, which, after placing 49,492 on ships, gives us 17,508 men on shore. It should not be difficult to determine whether this is sufficient number or not. We certainly do not want more on shore since the ratification of the treaties than we had before, and the hearings before the committee show that on February 1, 1922, 12,633 men were on shore, distributed as follows:

Receiving ships and barracks	1,945
Navy yards and stations	1,359
Training stations and trade schools	2,032
Hospitals	1,078
Prisons	23
Communications	1,228
Aviation	2,754
Ammunition depots	605
Recruiting	709
Total	12,633

Using that number as a basis—without reducing a single man—you can see by deducting this number from the 17,508 would leave a surplus of 4,875 men on shore. The evidence before the committee shows most conclusive that there are only

jobs for 9,965 of these men on shore, which number would be sufficient to fill every shore station, so that the 17,508 men which we allow in this bill for shore duty fills every post on shore and gives a surplus of 7,543 men to draw from. In addition to these actual figures, which no one dares to dispute, it should be remembered that we have thousands upon thousands of efficient Navy men and seamen throughout the United States and hundreds of young men graduating out of the Naval Academy every year who could on a moment's notice be called into the service of the Navy in the event of war. Where are we going to put an extra 20,000 more? What are they for? Where is the proof of the necessity for them? This is no time to accept the opinion of anyone unless they back up their opinion with facts to prove the wisdom of their judgment.

Are we so rich that we wish to add 20,000 men to this shore list who will have absolutely nothing to do but parade the streets of the city of Washington at the expense of the taxpayers of this country? That is exactly what we do if we increase the number of men in this bill a single man. We are giving the Navy every single man that they say is necessary on the battleships and warcraft constituting the treaty Navy, and if the Secretary of the Navy lays up some of the fighting craft and places the men in offices to ornament the mahogany furniture who is to blame? The Secretary of the Navy is now operating this same number of warcraft with 2,000 men less than we are giving him in this bill. No one has yet pointed out a single reason why he can not continue to do so.

Oh, I will tell you the trouble. The peace conference scrapped a large number of battleships, 200 destroyers, and hundreds of other smaller warcraft, many of which added no real strength to our Navy. Each one of these battleships carried an average complement of 1,914 officers and men, the destroyers an average of 87 officers and men, with a less number on each of the smaller craft, but all of whom will be out of jobs when the treaty Navy is established, and this proposed amendment is simply an effort to put 20,000 of these unemployed on the pay roll with nothing for them to do. Are we going to vote to do it? I stand for an efficient Navy, second to none in the world; for the treaty Navy—this bill gives us all of that. Why should we increase it? If we increase the number of men 20,000, we must increase ships, fuel, and every other expensive item in proportion. Do you know what this means? Let me right here give you exact figures. The fuel bill for destroyers alone during the first three months of the present fiscal year was approximately 880,882 barrels of fuel oil, costing an average of $2.56 per barrel, a total cost in this item alone for three months of $2,511,822, which is at the rate of $10,047,288 per annum, and it should be remembered that prior to the war the entire Navy fuel bill never exceeded $5,631,000 per annum. It is high time to stop some of this expense. If we carry out the intent of the peace conference, 200 of our 300 destroyers must be scrapped. Only a few days ago some of you gentlemen vigorously objected to expending $42,000,000 for improvement of all the great rivers and harbors of the country, others recently said we were so poor that we could not grant a bonus to the ex-service men, while yet others are unwilling even now to pay a pension to men who fought in the Civil War because you say we have not the money, yet you would now add $60,000,000 annually to this bill without batting an eye when the proof shows such expenditure to be unnecessary. [Applause.]

I would do violence to my own judgment and betray the confidence of the people that sent me here if I voted for this proposed increase. Were I not sure of my ground I would yield to the pressure of the almost irresistible and powerful influences at work to secure this increase. It is all right to follow some one else if you do not know the facts, but I have not quit thinking for myself, and I conceive it to be my duty as a Member of the greatest legislative body in the world to inform myself of the facts, which I have attempted to do, and I intend to vote to sustain Governor KELLEY and the majority of the committee, who have taken no one's word but gone into the facts for themselves. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, there have been some splendid arguments made during this week in favor of both contentions. Some one—I believe it was the gentleman from New York [Mr. MAGEE]—said a few moments ago that many of us would have to act as jurors and decide upon these arguments which have been made. That is true. A great many of us came into the discussion with minds perfectly impartial on the issues involved and with determination to do that which is best for the Nation and best for the Navy. It is for those of us to decide what we shall do and how we shall vote. If we make a mistake and vote for too large a Navy and too large a personnel, then we have made a mistake in voting only for an expenditure of too much money. And yet that money will not be wasted, because it will be spent for the training of young men. It will be spent for equipping the Navy up to a standard which would be valuable in any war that may come; but suppose we made a mistake on the other side; suppose we make a mistake and vote for too small a personnel. Then we do not make a mistake only in the expenditure of money but we make a mistake against our Government, we make a mistake which means inefficiency, we make a mistake which means our Navy is not the Navy it should be under the treaty recently made at the disarmament conference.

For my part, I am going to cast my vote in favor of the larger personnel. [Applause.] Why do I do that? I do it because the Department of the Navy says we need the larger personnel. The President says so; every naval export says this; every man who is very familiar with naval affairs says that we need the larger number. And gentlemen, I am quite sure that if we had some of the witnesses that are dead and gone they would likewise say we need the larger personnel. What would Schley say, what would Sampson say, what would Dewey say if he were alive, what would the other naval heroes of the past say? What would Theodore Roosevelt say if he was still living and was asked on which side he would cast his vote? [Applause.]

Mr. Chairman, how are those of us who expected to get information from this debate to vote? On one side are men true and tried producing powerful argument in favor of the bill as written. On the other side are men equally as good showing almost, if not conclusively, that the increase is absolutely necessary. On one side is a majority of the subcommittee charged with the responsibility of bringing out a proper bill and giving it to the House along with sufficient reasons for the faith that is within them. On the other hand is a minority of that committee, many, if not all, of the Naval Affairs Committee of the House, as well as the Secretary of State, Hon. Charles E. Hughes, one of the commission on the part of the United States to the disarmament conference; and that splendid gentleman, the Secretary of the Navy, and the President of the United States.

I again repeat. How are those of us who have not had the opportunity to study the problem in detail and who are now with all earnestness seeking information to vote? Shall we heed here and now the plea of economy and vote for the lesser number of men, or shall we support a larger personnel, as sought by the Navy Department, and vote for the larger number?

Mr. Chairman, I know there is a chance to make a mistake in this matter, as there is in all measures which come up for consideration here. I feel this way about the matter: If we make a mistake and vote for too large a personnel for the Navy, we make a harmless error, except that we cause an expenditure of too much money. If we vote for too small a personnel for the Navy, we make an error that would give us a Navy less than authorized by the conference, a Navy inferior to that of England and almost, if not, inferior to that of Japan, and a Navy not adequate for our protection. On one hand we may lose money, on the other we may lose a Navy which would probably keep us out of war and which would win for us if war should come. On one hand we may lose a few million dollars, on the other hand we strongly chance to lose all. How shall we vote? It is far better to vote for millions for the Navy when these millions are not needed than to fail to appropriate one dollar when that dollar is needed to make our Navy of sufficient strength to insure peace to our Nation, whether that peace be a continuation of the peace we now enjoy or the result of victory in a war thrust upon us.

Ah, Mr. Chairman, it would be infinitely better for us to appropriate every dollar it is possible for this Nation to raise rather than fail in the provision of any amount needed to make our Navy of sufficient strength to absolutely guarantee that "this Government of the people, for the people, and by the people" shall not perish from the earth.

For my part, Mr. Chairman, I am going to resolve my doubts in favor of safety and of the larger personnel. [Applause.]

Mr. VARE. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LINEBERGER].

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, this bill has been more exhaustively debated than any other piece of legislation which has come before the House since I became a Member, and there is little that I can add, but I think that by asking ourselves two fundamental underlying questions we can arrive at a very definite decision as to what our action should be in the matter. Since we are the elected Representatives of the people, the first question that the Members of this House should ask themselves, because it is the first question which these same people of the United

States will ask themselves, is whether or not the other two parties to this agreement, Great Britain and Japan, will maintain under this treaty arrangement any navy other than one which is fully efficient. To my mind the answer of the American people and the answer of the Representatives in this House will be that they will not; the other question is, Can we afford to maintain a Navy under the 5-5-3 agreement that is any less efficient, under the agreement, than any other of the powers involved? The answer is a categoric "No."

The gentleman from Ohio [Mr. LONGWORTH], in a query which he made on the floor the other day, submitted, to my mind, another question which the proponents of this lame-duck treaty Navy have failed to answer satisfactorily. In the debate he asked the Member who was then speaking, the gentleman from Massachusetts [Mr. ROGERS], I think, what the American people would have said to the American conferees if at any time they had attempted to place our ratio lower than the ratio of any other one of the conferees engaged in the conference. The gentleman from Massachusetts [Mr. ROGERS] replied that they would undoubtedly have been swept from power, but that question has remained unanswered by the opposition, however. We know and they know that the answer would have been, as Mr. ROGERS stated, "We know what they have done." Public opinion would have risen up in its might and would have swept the conferees from out of the conference hall by a wave of protest which would have rocked the Nation. [Applause.]

My distinguished comrade and colleague, the gentleman from Mississippi [Mr. RANKIN], who was good enough to admit to the House that he is not a candidate for the Senate, as are many others of the leading proponents of this bill—Mr. KELLEY, Mr. MONDELL, and Mr. ADKINS—yesterday made a statement on the floor of this House to the effect that he could effect the 50,000 legionnaires in California who have, through their department commander, telegraphed requesting the California delegation to stand for a personnel of 86,000, with something like 100,000 legionnaires from Mississippi. Now, my friend from Mississippi is frank and always sincere, and I am sure he believes what he stated yesterday on the floor of the House, but to show you how inaccurate these proponents are, even when they are not avowed candidates for the Senate [laughter], I want to read a few statistics relating to Mississippi. Mississippi in the World War furnished for the Army 62,859 men, and for the Navy 4,898, and the Marine Corps 553, making a total of 68,310. She had 4,443 members of the American Legion on October 15, 1921. Where does the gentleman from Mississippi propose to get his 100,000 legionnaires, which is nearly 32,000 men more than she had in uniform during the World War? By what gift of imagination or fancy does the gentleman conjure up 100,000 legionnaires where only 4,443 grew before? [Laughter and applause.]

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. I am sorry, but I have not the time. I hope that gentlemen of the House will bear in mind that the statements which have been made on this floor by the 67,000 personnel proponents are just as generally inaccurate on this question. Now, if the gentleman from Mississippi had been a candidate for the Senate—and I hope he will be some day—after this bill is passed he would probably have said 200,000 instead of 100,000. [Laughter.] That is the way it seems to affect them.

There is no question where we should stand on this bill. We should stand with the Secretary of the Navy, with the Secretary of State, with the President, if you please, and the naval experts who advised the American conferees at the Limitation of Armament Conference. With all due respect to the distinguished gentleman from Michigan [Mr. KELLEY], the chairman of the subcommittee reporting out this bill, I say that for my part I shall take my stand with the great leaders in this great movement for the limitation of armament, and shall vote for a personnel of 86,000, as proposed in the amendment offered by the gentleman from Pennsylvania [Mr. VARE] [applause], and as recommended by that greatest of all living Americans, Warren G. Harding, President of the United States. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. In reply to the gentleman from California [Mr. LINEBERGER] I desire to say that when I stated on yesterday that I might offset his 50,000 ex-service men in California who, he says, are in favor of the larger personnel for the Navy with something like 100,000 from Mississippi who are in favor of economy in naval and military expenditures I did not state that all those men from Mississippi were members of the American Legion. An ex-service man has the same right and the same voice in public affairs, whether he is a member of the American Legion or not. [Applause.]

He tells you that Mississippi furnished only about 68,000 men during the war and that therefore my figures were exaggerated; but he overlooks the fact that thousands of ex-service men have moved to Mississippi since the war closed.

We had two training camps in that great State—Camp Shelby, at Hattiesburg, and Payne Field, at West Point—and when those boys from other sections of the country came there and saw what a wonderful country we have, what great prospects are there for the future, and what good-looking girls Mississippi affords, they were simply charmed [laughter], and when the war closed those boys flocked back to Mississippi by the thousands. [Laughter.]

And if my distinguished friend from California [Mr. LINEBERGER] had had the privilege, the pleasure, and the honor of training in Mississippi for the gallant services which he rendered overseas, especially if he had been a single man, no doubt to-day, instead of wasting his time trying to convince this House on the proposition for which he stands or of tantalizing himself with the prospects of going to the Senate, he would be down there in Mississippi cultivating his cotton fields or mowing his alfalfa and singing "Praise God, from whom all blessings flow." [Laughter and applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, like the gentleman from Missouri [Mr. REACH] I have yet failed to hear an argument on this floor that to my mind satisfactorily refutes the figures and arguments given us in the majority report of the committee. Gentlemen insist still that we must accept the views of the naval experts, of the admirals, and of the heads of the Navy Department. I commend the suggestion rather of the gentleman from New York [Mr. MAGEE]. We are the jury; it is our duty to hear the evidence from both sides and judge seriously whether we really can afford to cut down our Navy personnel and naval expenses as proposed in this bill. I submit that other men have spoken besides the naval officers, and have spoken with reason more cogent and authority more firmly established by facts, figures, and precedent. Again I am irresistibly impelled to tell a story. A gentleman sat in a railway train and held on his lap a tightly closed little wooden box perforated with small air holes, as if it contained something alive. A gentleman sitting by looked curiously at the box, and the conversation ran somewhat thusly:

"What is that in your box?"

"Why, it is a kill-o-ma-dee."

"A kill-o-ma-dee? What is that?"

"Oh, it's a little animal about as big as a rabbit."

"How does it live?"

"It burrows in the ground, like a prairie dog."

"What does it eat?"

"It eats snakes; nothing but snakes."

"That's funny. How do you get enough snakes to feed it?"

"Why, I am a hard-drinking man and I have no trouble finding snakes. I find them all around almost every day."

"But they are imaginary snakes."

"Yes; but that makes no difference. This is an imaginary kill-o-ma-dee."

It seems to me that the advocates of a large Army and Navy are seeing snakes. They are backing their demands with shrieks of fear inspired by imaginary dangers to our national and domestic safety. Especially do some of our friends quake at the name of Japan, which they wave as a red danger signal, and seem surprised that any of us should fail to stop and tremble.

I frankly believe that is all bunk. Japan, struggling under her crushing debt and scarcely able to feed her congested population on her small area of productive soil, Japan who needs our friendship ten times more than we need hers—can it be that she wants to pick a fight with America? No, gentlemen, war with America is about the last thing the real Japan wants. Of course, that nation has its militaristic clique, supported by their jingo press. What nation has not? But these do not represent the true spirit of Japan. This is not only the conclusion of reason; it is the testimony of intelligent and patriotic Americans who have opportunity to know, both of those who have visited Japan to study this question and those who have lived in Japan for years.

I feel an American pride in our Navy. I appreciate its importance, as long as we need it, and I am not yet ready to do away with it entirely. I realize the necessity of maintaining it at a reasonable strength. The question is simply as to what constitutes a reasonable strength. That can not be answered offhand. It requires investigation, the production and consideration of evidence. Our committee have given weeks and even

months to such an investigation, considering evidence on all sides of the question, and have brought before us the facts as they have found them, with their recommendations based thereon. These facts which they have brought do not seem to me to have been successfully contested, and hence I believe that the recommendation of the majority of the committee for a Navy of 67,000 men should stand, and that this House would not be doing a consistent thing, but would be doing an unwise and an extravagant thing, to increase the figure to 86,000.

I differ from the gentleman from New York [Mr. MAGEE] when he says that our Navy is our greatest asset. The greatest asset of any Government, in time of war even more than in time of peace, is a loyal, patriotic, satisfied, thrifty, and intelligent people.

> Ill fares the land, to hastening ills a prey,
> When wealth accumulates and men decay;
> Princes and lords may flourish or may fade,
> A breath can make them, as a breath has made;
> But a bold peasantry, a country's pride,
> When once destroyed, can never be supplied.

The wisest thing, the most righteous thing, and the most vital thing for us to do as the legislative body of a great nation is to pass such laws and to so direct public affairs as to help the interests, encourage the hearts, and inspire the confidence of the plain people. Notice, please, I do not say the common people—certainly I do not say the lower classes of the people—they are the higher classes if measured by their common sense, their fundamental principles of righteousness, or their importance in our economic, social, or political systems. The foundation of a building may be its lower part, but it is also its most solid part. And the great population that forms the basal part of our civilization is also its most constructive and productive part.

These are the people who work in the shops and the stores, on the farms, on the railroads, in the mines and the factories, on the roads and the bridges—everywhere that honest bread is to be won by honest toil. They far surpass the rest of our population in numbers. "God must have loved them, or he would not have made so many of them." It is not improper to refer to them as the "working class." That they are, and in that is their pride and their strength. If our democracy stands for anything it stands for the principle that no honest labor is menial and for the fact that the man who is poor enough to have to work is, after all, deserving of the most consideration.

The larger part of this great working class, which forms the solid foundation of our institutions, and I venture to say the more virile and the more virtuous part, live on the farms and in the "old home towns." They furnish the strongest and most effective recruits to the great business and professional ranks of our cities. So much is this true and so generally is it recognized that these two phrases, "the old home town" and "down on the farm," have come to be universally associated with our concept of successful men.

A great man in Chicago said to me:

> LOWDEN. I will tell you, if it were not for the good, pure, red blood that flows into our cities from the country districts, our cities would rot.

To me some gentlemen seem to consider our Army and Navy as an end sufficient unto itself. Such argument can readily be reduced to an absurdity. They are not an end but a means. They are valuable only as they are really needed for defense. Every cent expended on them beyond that is pure waste. Not only is it waste but the very existence of armaments greater than necessary is a menace and an evil, social, political, and economic. It is a dissipation of man power and money power that should be turned into production and is an encouragement of dangerous autocracy.

Understand again, please, this is not an attack on adequate defense. But gentlemen seem to me to have established clearly that a Navy of 67,000 men is all that is necessary and proper under the terms arrived at by the arms conference. The addition of 19,000 men above that at a cost of $40,000,000 is the thing that seems to me wrong and dangerous. For the people who will feel this burden most are at the very basis of our political and economic system. They are the large majority of our population, and they are the element of our population which most need financial protection and relief. When we legislate for the improvement of the condition of the plain people we are discharging our highest official duty; when we needlessly increase their burdens, we descend to the depths of official iniquity. When we so legislate as to win their confidence and loyal support to the Federal Government, we are building the strongest possible wall of protection around the Republic; when we shake their confidence and shock their loyalty, we are battering the walls which we already have.

Mr. KELLEY of Michigan. Mr. Chairman, I yield one minute to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Chairman, I have followed the course of this debate from the beginning, and I am thoroughly convinced that the bill provides a sufficient personnel, and I believe, without qualification, knowing the valor of American seamen, that with that personnel we will have the most efficient navy in the world.

The gentleman from Washington [Mr. MCARTHUR] says he wants a navy equal or superior to that of any other country in the world. Well, we can not have a navy in ships and tonnage superior to that of any other country. The treaty forbids it, and I am thoroughly convinced from the statements of the chairman and the majority report that the personnel provided for in the bill gives us a navy fully equal and, I believe, superior to any navy in the world. I believe also that a large majority of the House believe as I do upon this subject. It may be that on account of the letter of the President addressed to Mr. LONGWORTH, of Ohio, that Members may vote for the larger number. I know the power of the President is great, his influence is great, but I believe his best friends are those who shall seek by their vote to carry out the spirit of the Conference for the Limitation of Armament; and, further, since I believe that the number of personnel provided in the bill is sufficient, I could not for any reason justify my course in adding $40,000,000 unnecessary tax to the burdens of an already overburdened public. Will not the American Congress, if it shall vote for the larger Navy, place ourselves in a position of discrediting the sincerity of the other signatories to the four-power treaty? Will we not place ourselves in a position of those who take counsel of their fear rather than of their confidence? Is it becoming and appropriate that at this particular juncture, when all progressive nations in the world are longing for the guaranties of peace, that this Nation, which has inspired and initiated the great world conference, shall now by our action proclaim our distrust for its final results?

Much of the argument for a larger personnel revolves around the contingency of war, the imminence of war, not the possibility but the probability of war, and yet no portentous cloud is seen, and unless the nations with whom we are treating and the only nations who are in position to do us harm are utterly recreant to all the instincts of honor and faith there is no danger of war. Further, if there is any one thing that has been more strongly impressed upon my mind than any other since I have been in Congress it is that each and every head of a department of government is religiously impregnated with the idea that his particular department of the Government is paramount, superior, and more important than all others. And that this is true of the Navy Department there is no doubt in my mind, nor do I think in the mind of any Member of Congress. The Congress should act dispassionately, free from the extravagant views of the Secretary of the Navy. We should not lose sight of the enormous pressure brought to bear upon committees and who seek to influence Members of Congress to protect the interests of great Government establishments, such as navy yards, ordnance manufactories, and especially the interests of naval officers, who are naturally loath to relinquish their jobs; but my duty is to the taxpayer of the Nation upon whose shoulders now rest heavy burdens and grievous to be borne.

Closing as I began, I know the valor of American seamen, and with ships of equal tonnage and equal gun power, whether we shall have a few dozen more or less upon a ship, we have yet the greatest Navy in the world, and believing this I would feel that I were guilty of dereliction to the best interests of the people of this great Nation, and especially the people of my own district, whom it is my highest ambition to represent faithfully. If I should cast my vote to add 19,000 men to an already sufficient Navy and thereby add $40,000,000 to their taxes.

Mr. Chairman and gentlemen of the House, I can not consistently, with my conception of my duty, consider the argument of those who have flaunted the specter of war, cast my vote for this increase, but I shall cheerfully and conscientiously cast it to sustain the report of the committee. [Applause.]

Mr. VARE. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. PATTERSON].

Mr. PATTERSON of New Jersey. Mr. Chairman, when I vote on the bill now before Congress proposing the drastic cut in the enlisted strength of the Navy from the present figure of approximately 96,000 men to 67,000, I propose to follow the leadership of our great President, Warren G. Harding, the Commander in Chief of the naval and military forces of the United States, who personally informed the members of the Naval Affairs Committee that he thought the present strength of the Navy should be fixed at 86,000.

Since the President has confirmed this in his letter to the distinguished gentleman from Ohio [Mr. LONGWORTH], I do not

fear that I am violating any confidence reposed in that committee by making such a statement.

President Harding is backed up in his view of the situation by Secretary Hughes and Secretary Denby, and while some Members of the House of Representatives do not consider those gentlemen as being naval experts, I can fortunately furnish some information on the subject which you will all agree comes from a man competent to judge the situation.

I refer to Admiral Henry B. Wilson, of Camden, N. J., affectionately known to the "gobs" in the service as "Tug" Wilson. Admiral Wilson comes from my home town and I have known him from boyhood. He grew up with the Navy from midshipman to admiral, and during the great World War was stationed at Brest in charge of the transportation of our millions of soldiers to the battle fields of France. How well he accomplished that great feat is now a matter of history, and his native town and State are exceedingly proud of the renown that he has brought them. Later he commanded the great Atlantic Fleet, and while serving in that capacity did me the great honor of making a special trip to Camden to vote for my election to Congress, the first ballot he had been able to cast in 20 years, owing to his continuous service on the sea for his country. At present he is spending the evening of his life in command of the Naval Academy at Annapolis, training future captains and admirals to take his place and the places of others when their time comes for retirement. Surely my colleagues will not claim that Admiral Wilson is not an expert, fully qualified in every way to express the needs of the Navy.

This is what he has to say in a recent letter to me, in which he gave me permission to publish his views on the question now pending:

> MY DEAR MR. PATTERSON: As you well know, these are serious times for the Navy, to which service I have been attached all my life. Naturally, I am much distressed over the way things appear to be going, and as a friend of mine and my Congressman I appeal to you to help the service of which I am so proud, to keep the drastic legislation which has been proposed from being enacted.
>
> I can assure you, PATTERSON, as a friend, that it will be disastrous, in my opinion, to reduce the number of officers we have at the present time. There are not too many as conditions are to-day. If later other nations honestly reduce, or are willing to reduce, then, of course, I would be in no way against meeting their move. It takes time to make officers. As for the men, I can understand that some reduction can be made without much harm. If you can stand by the commissioned personnel, as I hope you will, I know that you will be doing good work as an American, and you will be more than pleasing one of your constituents, who holds you in high esteem.
>
> I appreciate your stand in voting for a decrease in the Navy to not less than 86,000. All of us who know the Navy feel that it would be a national disaster to reduce the Navy without regard to its efficiency. I can not say more than the press has been saying this week and I agree with much, practically all, in fact, that they have said. The press understands, much as we do, that an efficient Navy is vital. No doubt you have read Mahan's "Influence of Sea Power on History." If you have not, it makes interesting reading. Mahan shows conclusively that there never has been a successful power—that is, successful for any length of time—without control of the sea.
>
> I am glad that the New Jersey delegation is standing behind the Navy. I am sure they are making no mistake so far as the good of the country is concerned, and I feel equally sure that their constituents will agree with them. It is too bad that Mr. HUTCHINSON is holding out, but nine for and one against is a pretty good average for the old State. (Since then Mr. HUTCHINSON has informed me he stands for an enlisted personnel of 86,000.)
>
> As a matter of fact, there is a greater menace in the Butler bill than the 67,000 men proposed by the Appropriations Committee. That menace is the provision for reducing the authorized strength. A reduction in the authorized strength will cause a corresponding reduction in officers, as provided by the bill, and will unfortunately prevent any increase in the Navy in view of any impending trouble without legislative action. When the situation is internationally delicate, legislation for increasing the armed forces is always looked upon with disfavor, as it is possible that such legislation will be looked upon by a prospective enemy as an overt act. To my mind it would be so much better to let the authorized strength stand and reduce the Navy through the Appropriations Committee to 96,000, in order that the President's hands may not be tied in case it is necessary to fill up to capacity suddenly.
>
> The unfortunate part of the whole situation is the unrest in the service, which is inevitable when none of the personnel know just where they stand. A commission in either the Army or the Navy has always been considered more or less of a permanent proposition so long as efficient service was given. With the sword constantly hanging over their heads, officers and prospective officers will look with hesitancy upon a naval career. As you know, the pay is low compared to what a man of Naval Academy education ought to be able to earn in civil life. This low pay has been compensated by the assurance of a permanent position and by the honor and pride of service. Public barging against the naval personnel can not but make the younger officers wonder if it is really worth while, and, of course, when they get in this state of mind it is not unreasonable to expect that they will not give their best. All that we ask is an adequately paid Navy, as good as any navy in the world. The arms conference was a success largely because we had something tangible to give, and we gave it willingly. Were there to be another conference, where we had nothing to give, you would find our position not unlike that of China in the last conference. Look at Japan for a moment. Less than half a century ago they were virtually an unknown, unimportant people, comparatively. They spent huge sums on their national defense. What was the result? In a period of a few years they have reached the top. The last conference has, in fact, made them one of the three great powers. They had might on their side—China had right. Who got the most out of the conference? Japan has in recent years acquired control of many acres of land and they acquired this because they had power. I am not arguing that we ought to be a military Nation. I do not believe in that, but I do believe that if we are to be heard in the councils of the world we must have adequate national defense.
>
> You may quote me as much as you like. I have spent my whole life in the Navy. I know the Navy inside and out. I know that what I am saying is right and I know that any student of world's history will admit that this is right. I appreciate the need for economy and I am heartily in accord with any plan for reasonable economy, but I can not concede that it is economy to place our country in an insecure condition, a condition which may cost us billions in the future. Preparedness never costs as much as unpreparedness. The last war is an exemplification of that. This is a fact and not a theory.
>
> With kindest regards and my thanks for the stand you are taking in regard to the national defense, I am,
>
> Sincerely yours,
>
> HENRY B. WILSON.

Admiral Wilson has won his renown. He has reached a safe anchorage. His only hope and thought is to maintain the glory, the prestige, and the traditions of the American Navy made immortal by John Paul Jones, Barry, Stewart, Perry, Lawrence, Decatur, Farragut, Sampson, Schley, and Dewey.

The proposed reduction in the pending bill to 67,000 men has its economic side. Where are the 30,000 men to be thrown out of the Navy to secure work when there are already several million American workmen seeking jobs because we have failed to enact a permanent protective tariff based on American valuation?

Stoppage of the construction program under the terms of the bill under discussion is costing my district millions of dollars annually in wages. I have no navy yard in my district, but located there is one of the largest shipbuilding plants in the world. Before and during the great World War the New York Shipbuilding Co. built some of the biggest and best ships in the United States Navy, and the same company has constructed some of the finest passenger and cargo carriers of our merchant marine. Now it is building huge caissons for the new Delaware River bridge that will link the great States of Pennsylvania and New Jersey and make Camden a city of half a million people. But in the meantime our workmen and merchants are suffering. One great battleship building is to be scrapped and a mammoth battle cruiser—the *Saratoga*—we hope is to be converted into an airplane carrier. During the war 18,000 workmen were busy in that hive of industry and the pay roll was $1,000,000 a week. Now there is a skeleton organization of 5,000 of the most skilled men left, with a pay roll of but one-quarter its previous size. Naturally, the business men and merchants are affected as well as the idle workmen, who can not find jobs on account of the depression in all other lines.

Cheeseparing is not always economy. To paraphrase a famous saying, I believe in "millions for defense but not one cent for graft." We are saving $200,000,000 a year under this bill. That will pay our national debt, outside of what is owing to us from our allies, in 50 years. Eighty-six thousand men in our Navy as against 67,000 would increase the expense approximately $20,000,000 for a few years. That is a small premium to pay on a marine insurance policy that will probably prevent our being plunged into another war that would cost us untold billions.

Mr. Chairman, we have all enjoyed the heavy artillery and broadsides fired in the big battle of the general debate of the last few days. We have even enjoyed the smoke screen of false economy thrown up by the opponents of the larger Navy. The decks are now cleared for action, and under the five-minute rule the auxiliaries and smaller guns can be used. Ordinarily I would agree with the hard-working members of the great Appropriations Committee and would gladly follow the lead of such intellectual giants as Chairman MARTIN MADDEN, JAMES R. MANN, FRANK MONDELL, and Governor KELLEY, but under the circumstances I am compelled to forego that privilege and enroll under the banner inscribed "Safety first." [Applause.]

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I have been very much disgusted by the constant insinuations that gentlemen who favor the policy of the administration on the question of an adequate "treaty" Navy are actuated by selfish motives. Such an insinuation comes with bad grace from this Subcommittee on Appropriations which in bringing in this bill admits, through its chairman, that it has included appropriations for naval training stations in spite of the fact that the new policy of the Navy Department is in favor of training these boys on the vessels and not on shore. And yet they have included these items in the bill, one of them being located on the Great Lakes. A navy yard is just as important a part of a Naval Establishment as any other part, but there is not a man in this House who believes that any navy yard should be maintained unless

it is absolutely necessary for the maintenance of an adequate Naval Establishment. This matter, however, is more important than the question of any particular phase of this appropriation. It is a question of whether this country shall maintain such a Navy as is provided for in the naval treaty which has just been ratified by the Senate of the United States.

The gentleman from Michigan [Mr. KELLEY] is a clever debater, and, as has well been said, he could make a jury believe that black is white or that white is black, and he could have made just as good a speech if he had advocated a Navy with 25,000 personnel. But he can not get away from the fact that Great Britain and Japan are proposing under this new treaty arrangement to have a personnel of 98,000 and 68,000, respectively.

A Navy does not consist of battleships or of guns alone. It depends upon the men behind the guns, and I do not believe that the American people, when they understand the facts, will ever consent that this Nation shall have a Navy in the ratio of two and one-half compared with five for Great Britain and three for Japan. They expect that the American Republic is going to have a Navy as provided for in that treaty, and in order to have such a Navy we must have a personnel corresponding, at least approximately, to the personnel of the British Navy.

The gentleman from Michigan [Mr. KELLEY] attempted to show that the marines—20,000 of them—should be added to the 67,000 he provides for, and therefore, he says, we will really have a Navy of 87,000. He knows perfectly well that the marines, taken as a whole, are not part of the enlisted personnel of the Navy, although they are provided for in this bill. They are essentially land troops, and there is no valid reason for including them in the Naval Establishment. On the other hand, as the gentleman from Illinois [Mr. BRITTEN] pointed out, the Royal Marines of England are sailors. They are trained to fight battleships. Our marines are not. It is not expected that any considerable number of them shall be upon these vessels. As has been pointed out, at the present time less than 2,000 of them are on the vessels. The greater part of them are only on the vessels on which they are carried from one particular post of duty to another. So when he says that this bill virtually provides for a Navy of 87,000 men, he is not telling the exact facts and to that extent is misleading the House.

I therefore hope that the amendment providing for a personnel of 86,000 will be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLIVAN. Mr. Chairman, I yield half a minute to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. DEAL. Mr. Speaker, I favor the amendment for a Navy minimum of 86,000 men. There are two classes of individuals who, for the time being at least, are subject to the shafts of oratorical irony and criticism of the distinguished gentlemen composing the subcommittee of the Appropriations Committee having charge of H. R. 11228. These gentlemen, representing districts far removed from the seaboard, where naval ships, yards, docks, and bases are supposed to function, are peculiarly fitted for the duties to which they have been assigned, but seem to have discarded as unworthy of consideration information supplied upon request by our naval authorities. Not only has there been a seeming disposition to spurn such information but to laymen, such as myself, it appears that there has been a decided effort to discredit the testimony submitted by the Department of the Navy, and yet this is the only source from which such information can be obtained unless, perchance, one has passed through the various grades of the service and is in close touch with its records, as has been the Secretary and his aids. From the suggestions which, I think, that I have heard upon this floor a novice might infer that those in charge of our Navy are either very ignorant or else are perjurers. To those of us who have associated and have acquaintance with its personnel either suggestion is absurd, and it is my conviction that the public will be equally as loath to accept these views. The conviction has obtained that the standard of honor in the Navy has been of the highest. From the day that a recruit enters the service he is taught that he must be truthful and honest—in short, a gentleman. Those in command having passed through the academy, and all ranks of the service from ensign to admiral having served on ships large and small, in yards, at the bases, and in the offices, having for a lifetime devoted their entire thought to the work of building a defensive organization for a country of which they are citizens, must know that of which they speak. Surely I should not be censured for inclining to follow their advice. Nor can we forget the White Fleet which sailed without a hitch around the world, advising all nations that we actually had a Navy. The daring and successful entrance into Manila Bay, the sinking and capture of the Spanish fleet and the island without the loss of a ship. The Battle of Santiago can never be forgotten, and finally when the order was given to take part in the World War these men were ready to the minutest detail. Under their guidance not a troop ship was molested, not a duty left undone. These men have never failed. It is a long, long trail to undo in the eyes of the public or of this body their capacity or their veracity.

The second class to which I refer are those Representatives who happen to hail from districts in which there are navy yards, bases, and so forth. I happen to be one of those Representatives. Indeed, it may be that no district in the Union is so honeycombed with naval activities as the second district of Virginia, which I have the honor to represent, comprising 312,000 people, nearly 100,000 above a congressional quota. We have one of the best, if not the best, equipped navy yards in America. Three large dry docks, one of which is over 1,000 feet in length with 40 feet of water over the mud sill; a machine shop second to none in equipment; storage space and warehouses unequaled. A naval base with accommodations for 25,000 recruits, located immediately upon the anchorage of our largest battleships, supply houses and docks at which these ships may enter, load, and discharge; a fuel storage for millions of tons of coal; an Army base and terminal, the magnitude of which is appalling; a fort at Cape Henry armed with the heaviest rifle guns, capable of dropping shells upon ships 20 miles off the coast; a marine hospital; a Navy hospital; and, finally, a magazine depot. With all of these Government activities in my district, according to the formula, my views are the very last entitled to the consideration of my colleagues, and yet having lived in the midst of them, having seen them come one by one, develop and grow beyond the conception of a great majority of my colleagues, knowing the hundreds of millions of dollars that they have cost the taxpayers of all the States of the Union, I venture to warn this body of the danger and loss of permitting them to deteriorate, even though I invoke the witicisms and sarcasm and ridicule of the distinguished committee, who have sailed the seas of the great Middle West, who have gained their knowledge of battleships and dry docks and naval bases where the tall corn grows, and to some extent from the naval personnel.

I have the greatest confidence and respect for the committee, for their views and for those who agree with them. Indeed, there have been times during this debate when their evident sincerity of conviction has tempted me to believe there was justification for their view, but when weighed in the balance they seem to me to be wanting.

Mr. Speaker, I believe that we should practice the utmost economy in all branches of our Government, but there is such a thing as false economy. Under this head I would place the enormous reduction proposed by a majority of the Appropriations Committee in H. R. 11228, both in personnel and appropriation. I have listened with profound interest to many of the debates upon this floor for and against the committee recommendations.

Arguments have been presented by Members of this body who have devoted years of time and thought to the subject. There has been such a divergence of opinion and disparity of figures, even where it is claimed they have been obtained from the same source, that I have been unable to reconcile them. I frankly admit that I have little first-hand information upon the subject; therefore, I accept the Navy estimates as the safest to follow. There are some facts, however, which have not been contradicted and upon which all seem to agree, the first of which is that we are in need of a Navy, that it should be adequate as a first line of defense in event of war. England for a hundred years has maintained a navy superior to that of any other nation, her policy being to keep it at a standard of strength equal to that of any two of the leading naval powers. Under this policy her commerce has extended to the farthest parts of the earth; she has grown in wealth and power. London was until the recent war the financial center of the world, and the day came when her navy saved not only the British Empire and her allies but possibly America from German domination. It requires a generation to train designers of warships, big guns, and submarines, engineers and mechanics to construct them, to build and maintain our yards and docks, and tools that must be kept in constant repair. Turn these men adrift, let our equipment deteriorate, and we will unquestionably see history repeat itself. The eyes of the world are turned with avarice upon the wealth of America, even as were those of the

Goths and Visigoths upon the wealth of Rome. Only yesterday there stood upon the floor of the Genoa conference delegates from the most powerful nation of the world in population and natural resources demanding a redistribution of the world's gold supply. America is said to have about half of this supply. These people well know that they have not that with which to buy this gold. Then, how is it to be redistributed? Let us not "destroy our battleships and other impediments of war in order to release funds for maternity and child hygiene," War Finance Corporation schemes for private interests, seeds for farmers whose average wheat yields have been above normal, bonuses for the strongest, most healthy, and most virile of American manhood, millions given to foreign countries in direct violation of the mandates of the Constitution that we have all taken a solemn oath to uphold, maintain, and keep inviolate.

It ill becomes gentlemen in this body to chide with extravagance those of us who wish to maintain our Navy at the highest degree of efficiency, when, notwithstanding a bonded debt of $23,000,000,000 as the result of a war which came like a bolt from a blue sky, plus a floating debt of $4,000,000,000, when they have themselves voted during this Congress, in cash and credits directly and through subsidiary organizations belonging to the Government, nearly and probably more than $6,000,000,000. We have been 30 years in the building of a Navy of which the American people are justly proud, a branch of the service that is deservedly popular among the masses, an insurance against invasion, a guaranty of American prestige upon the seven seas, the strong arm that commands the respect of all nations of the world. European statesmen are to-day exerting themselves to draw America into its troubles, to secure our guaranty in some form or other of its war gains and its war losses. It will continue this policy until it succeeds or is convinced of failure. Let our Navy deteriorate and Europe will become convinced of its failure far more quickly. Its attitude of friendship may be, and probably will be, reversed. The murder at Serajevo was the excuse for an explosion of the smoldering lust to take that which thy neighbor hath. Can anyone believe that this characteristic sin, inherent in man since the days of Cain, has changed? Can anyone be so guileless as to believe that the Washington Disarmament Conference has recasted human nature? If so, reduce the Navy and watch the result. Let us not find ourselves in the position of the foolish virgins. We may not, as in the last war, find friends who are willing to "lend us of their oil." I can not sympathize with a policy of opening wide the doors to the vaults of our Treasury and inviting the theorists and idealists who may organize a few thoughtless people, come to Congress claiming to represent millions, and with demands and threats secure millions and billions of dollars from the pockets of the taxpayers, while we pretend to the people at home that we are responding to their demand for a lightening of the tax burden by deleting the necessary maintenance of our Navy, of our yards, machine shops, docks and bases, our harbor and river activities, our public buildings, and our national highways. We can not deceive the people. There was a time perhaps when this might have been done, but our splendid educational system has taught the great majority of our people to read and to think, and with an increasing acquirement of knowledge Congress, the most important branch of our Government, is being held more and more in contempt by the public, because it turns from the highway of statesmanship to follow the narrow trail of petty politics.

Mr. GALLIVAN. Mr. Chairman, I yield half a minute to the gentleman from Ohio [Mr. HIMES].

Mr. HIMES. Mr. Chairman, I represent a district having no direct contact with navigable waters and so far removed from the Atlantic and Pacific seaboards as to be entirely safe from invasion unless, indeed, this entire land were overrun by foreign hordes. Accordingly, if the people in my district were narrowly selfish or selfishly narrow, it would behoove me to support the Committee on Appropriations in its laudable but nearsighted proposition to reduce the personnel of our Navy to 67,000 men.

But the people of my district, Mr. Chairman, are both broad-minded and patriotic. They have not forgotten that they gave to this Nation one of its greatest Presidents nor that they belong to the State that has become known as the Mother of Presidents. They have obtained and retain a national viewpoint, and I am confident that they would have me insist that we maintain the ratio as fixed by the Conference on the Limitation of Armament and not through false economy lose our prestige among the world powers.

Gentlemen may say that the world is tired of war or that we have no international enemies or that we are too remote to be subject to attack. They may be right, but are those good reasons for our inviting attack and deliberately laying ourselves open to insults that necessarily lead to retaliation and war?

It would be presumptious, indeed, for me, a new Member of this honorable body, to disagree with its distinguished leaders, were it not that in so doing it was possible for me to agree with leaders just as distinguished. Gentlemen say that the Navy can be properly manned with 67,000 men and others say that 86,000 men is the irreducible minimum. It is with no disrespect to the members of the Committee on Appropriations when I say that I choose to rely upon the judgment of the business men of the Navy Department, my colleagues of the Naval Affairs Committee, the Secretary of State, and our President.

From the inception of this Nation we have believed that international matters should be handled by the executive branch of the Government, subject to the approval of the legislative. This administration, in cooperation with leaders of the Senate, with the approval of the great majority of this House, and inspired by the prayers of a Nation, completed an international agreement whereby the United States might join with sister nations in reducing armaments in perfect safety. A ratio, intended to preserve a balance and not only make remote danger of war but to serve as a basis for negotiations looking toward future economies was worked out. I am in complete accord with my colleague [Mr. LONGWORTH] in the belief that our efforts toward international peace depend as much upon maintaining the 5-5-3 ratio as a minimum as upon our fulfilling our solemn pledge that it be our maximum. I shall vote for the amendment.

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to my colleague from Massachusetts [Mr. FROTHINGHAM].

Mr. FROTHINGHAM. Mr. Chairman, this has been a very enlightening debate. It comes down to the question of how many men we need on these ships to keep them up under the treaty. Advocates of the committee report for a Navy personnel of 67,000 and those advocating an increase to 86,000 both say their number will be sufficient. But it seems to me that if there is any doubt on the question the way to solve it is to take the greater number, and then you will know you have not made any mistake.

Mr. KELLEY of Michigan. Will the gentleman yield? That being the case, 120,000 would be the number.

Mr. FROTHINGHAM. The greater number that is before the House. If we had not had a large and potential Navy there would not have been a successful conference here in Washington. We would not have been in a position to call one and we would not have had anything to give up, to trade with, or to persuade other countries of our good faith. Besides, at the end of 10 years, when the treaty ends, we shall be in a weak position if we fail to keep our enlisted personnel to a proper standard. If we had not had a Navy second to only one in the world, that conference would not have come to a successful conclusion; and do you suppose for a minute that Great Britain would not have continued to maintain that she must have the largest navy in the world if we had not had the potentiality here, second to her, and still growing? Do you suppose that otherwise she would have conceded that this country could have a Navy equal to hers?

No, gentlemen; there is only one question, and that is whether you will be on the sure side and vote to have an adequate personnel for these ships, or whether you will let them go down hill.

Now, I would like to say one serious word to this House, if the gentleman from Michigan [Mr. KELLEY] will give me his attention. I would like to point out one thing that has not been touched on by anyone here yet, and that is what happened at the time of the Spanish War in 1898.

The ship on which I served did not participate in the battle of Santiago, but I went over a short time afterwards with Admiral Sampson and others and visited those Spanish ships. Now, on paper before that war the Spanish Navy was held by some foreign experts to be the equivalent in ships and armament of the American Navy. Those ships were driven on the beach by our gunfire. They would have been driven on that beach anyway, no matter how they had been manned, because the men of the American Navy, their traditions, their ability, and quality were superior to those of any navy in the world.

Mr. KELLEY of Michigan. Does the gentleman know how many men we had then?

Mr. FROTHINGHAM. I know how many we had then, and I know more or less the number in the Spanish Navy, and those were the competitors then. But I have only a few minutes, and I want to talk on the bill.

Mr. KELLEY of Michigan. I am sorry I interrupted the gentleman.

Mr. FROTHINGHAM. It was discovered that those Spanish ships were not in proper condition. Why were they not kept in condition? Because they had not kept up the personnel of the Spanish Navy. They had not been kept up numerically, and it was currently reported that when Admiral Cervera came over here with those ships they had to empty the prisons in Spain to get the necessary number of men to put on them. The *Colon*, which was supposed to have a speed of 22 knots, was allowed to run down, so that she was overtaken by the *Oregon*, of 16 knots.

In those days the complement of a battleship was 500 men. Some of you may recall the couplet sent to Captain Evans, as he was then, by Rudyard Kipling. They ran something like this:

Zogbaum draws with a pencil, and I do things with a pen, while you sit up in a conning tower bossing 500 men.

On a battleship now some twelve hundred men are required. It is a city. Submarine defense, radio, wireless, airplanes, anti-aircraft defense, and a change in the method of gunfire have all come in, the guns are bigger, the ships are bigger, and all this requires more men.

Does anyone imagine that England and Japan will not keep theirs up to the limit? Of course they will.

I am for the policy which will keep the personnel of the American Navy first in war, first in peace, and first in the hearts of its countrymen. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I am going to yield two minutes to the gentleman from Ohio [Mr. COOPER], and I would ask the gentleman from Michigan [Mr. KELLEY] if he has anybody left to plead his cause that he will use some of his time then. I now yield two minutes to the gentleman from Ohio [Mr. COOPER].

Mr. KELLEY of Michigan. I will say to my friend from Massachusetts that I have a very retiring disposition and do not want to crowd in. [Laughter.]

Mr. COOPER of Ohio. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. VARE. Mr. Chairman, I ask unanimous consent that all gentlemen who speak on the bill be permitted to extend their remarks.

The CHAIRMAN (Mr. FESS). That can not be done in Committee of the Whole.

Mr. KELLEY of Michigan. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. MILLSPAUGH].

The CHAIRMAN. The gentleman from Missouri is recognized for one minute.

Mr. MILLSPAUGH. Mr. Chairman, I feel sure that I voice the sentiment of the people of my district in supporting the committee on this bill.

Living as I do in the midst of the great agricultural belt of the Nation which has been so sorely stricken by the financial stringency which came as an aftermath of the war; being fully cognizant of the difficulty which farmers and stockmen have encountered in securing funds with which to pay their taxes, caused by the enormous war expenditures, and realizing that the funds which must be raised to maintain our Army and Navy must eventually be produced from the soil, I am constrained to support the committee in its endeavor to reduce the Navy to the smallest number of men and ships which in their sound judgment they consider commensurate with our position in world affairs.

The people of my district, regardless of party affiliations, were keenly interested in the Washington peace conference and followed its deliberations with unflagging interest. They have manifested their satisfaction at the wonderful results obtained from the conference and feel that our country should go to the limit in disarmament for the dual purpose of demonstrating to the world that we regard our obligations seriously and are willing to take the lead in abolishing war and the war spirit and also to lift the war debt which hangs over us as the sword of Damocles.

When I made the pledge to do all in my power to reduce needless Government expenditures I meant what I said, and in looking over the legislation of the past year and considering the untiring labors of the Appropriations Committee I can candidly say that we have kept the faith. The Army and Navy have been reduced, useless Government clerks have been dropped from the pay rolls, the Budget system has held a check on the department heads both as to employees and as to purchases for their several departments.

But, Mr. Chairman, while giving the Members my views on this bill I want to present to them another matter which I think is of interest to them.

Mr. Chairman, being a member of the District Committee and my attention having been called to the housing shortage in Washington, which condition seems to become more acute each week, I determined to seek the cause.

Starting with a well-founded suspicion that the Rent Commission was responsible for a goodly portion of the trouble, I deemed it wise to make an examination of its activities or inactivities, as you may choose to call it, and upon merely a cursory investigation I am convinced that this Utopian scheme is the cause of the distress of the wage earner as well as the man of moderate means in the District.

Although the commission is more than a thousand cases behind its docket, it has recently partially abandoned the docket where the rights of wage earners are involved and has upon its own initiative taken up the matter of fixing rents for the Chastleton and other apartments which are occupied principally by millionaires, Senators, and Representatives, in the meantime allowing the wage earners to be mulcted.

The commission is now more than seven months behind in its hearings, and a reference to its docket reveals the fact that there were 800 complaints filed from September 12, 1921, to November 28, 1921, of which number 48 have been acted upon.

In an official statement of the commission for the month of March, 1922, it is shown that 190 rent cases were determined by the commission, resulting in an increase in rents of $811.50 per month and a decrease of $1,277 per month, making a net decrease in rents for the entire month of $965.50.

Assuming that this is a fair average of the results of the deliberations and determinations of the commission it will readily appear that the total net reduction of rents for one year will be less than $12,000, while the expenses of the commission to produce this result will equal, if not exceed, $45,000 per annum.

This means that the taxpayers of the District must pay $27,000 per year, and the taxpayers of the country, your constituents and mine, must pay $18,000 per year to maintain this pernicious system. In plain language it costs the taxpayers of the United States $45,000 per year to secure a rent reduction of $12,000 per year for a few people in the District of Columbia, and the millionaires seem to be given the preference in the functioning of the commission.

Referring again to statistics, it will readily be seen that the average rent reduction is less than $5 per month.

The intimation is given that in partially abandoning the docket to take up the Chastleton hearings on its own initiative the commission is yielding to pressure from the Hill, which I hope is not true, for I do not believe there is a Member of this House who can justify himself in expending $45,000 of the taxpayers' money in such a futile cause.

The Rent Commission renders a report to no one, so far as I can ascertain; is responsible to no one, and functions as it pleases without being examined or supervised at all.

The commission is asking for an enlargement of its personnel that it may catch up with its docket, but I am confident the taxpayers of the country will not look with favor on an extension of this pernicious legislation.

There are hundreds of new houses being built in Washington, and of these hundreds I have been unable to find a single one with a for rent sign upon it, as each house on being completed is readily sold, the result of the Ball Rent Act being to drive wage earners and people of moderate means to buy property on the installment plan at exorbitant prices. The Ball Rent Act has certainly been a godsend to the real estate promoter.

I sincerely trust that although this measure has been jammed through the body at the other end of the Capitol as a result of propaganda, that the membership of this House, pledged as they are to economy in Government expenditures, may defeat it and remain true to their constituents.

I have made these remarks at this time in order that the Members may have time to consider the evil effects of this measure so that if the attempt is again made to force it through the House under gag rule the Members may act with full knowledge of the facts.

Mr. VARE. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. YATES].

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. YATES. Mr. Chairman, of course I am for an adequate Navy, and I intend, of course, to vote for it.

If the committee, the House Committee on Appropriations, can convince me that this bill—H. R. 11228—as it stands, gives our country an adequate Navy, then I will vote for it.

But until then I am for the minority report, and if I could get a chance I would vote for a Navy of 100,000.

Professing no familiarity with professional figures, having no expert knowledge and no technical experience, I must do

the best thing possible—seek the best advice to be secured. [Applause.]

I have been, of course, impressed and swayed by the genial and generous, resourceful and wonderful subcommittee chairman, the gentleman from Michigan, ex-Governor KELLEY. I am really afraid I have been too much affected by his impetuous oratory and advocacy of this bill. If ever there was an "imperial wizard" with naval figures it is Governor KELLEY. I would like to vote with him. But his name and fame are secure, anyhow.

However, I find that the minority report appears to embody nearly the views of the Secretaries of the Navy and of State—the trusted heads of the Navy Department and the State Department. We must trust somebody. The people trust Harding, he is trusting Denby and Hughes; both are, in my judgment, worthy of trust. And Secretary Hughes says "To alter the 5-5-3 relation would be a very serious matter for the United States, both impairing its prestige and putting its security in jeopardy." [Applause.]

My people are for an adequate Navy. I may have my doubts as to what is adequate. My people have no doubts. They are positive. They favor taking no chances.

If they ever were ignorant of the Navy they are not now; they know what an adequate Navy is.

They have been informed by those 2,000,000 men who returned from abroad after seeing great sacrifice, great service, and great sens, and the great value of a real Navy.

I am very, very sure that if there is one thing—one thing above all others—that is absolutely demanded by Illinois, it is an adequate Navy. [Applause.]

With this profound conviction and assurance as to my people, and confronted with a radical disagreement between men and officials who ought to know but who radically differ, I face the alternative of voting, on the one hand, for 67,000 men—67,000—as recommended by the Committee on Appropriations, or voting, on the other hand, for 86,000 men—86,000—as recommended by the House Committee on Naval Affairs and by the minority of this subcommittee. What shall I do? What would my people do? I feel now that I will vote for the 86,000—"and if this be treason, make the most of it." I will take no chances. [Applause.]

It has been said here—well said—that there is nothing in the history of England or Japan to cause us to trust them blindly or to assume they will not prepare fully.

Be not deceived.

On the contrary, the entire history of both England and Japan warns us that both England and Japan will surely arm—right square up to the highest and last notch of efficiency allowed in the 5-5-3 treaty—and England, by the way, will do it with our money, money she owes us. Be not deceived. This is no time for "weasel words."

It is true that gentlemen arguing for the little Navy—the 67,000 men—67,000—exclaim, "Oh, the country is not rich enough to pay for 20,000—20,000—more men"; and they repeat over and over again, "Is the country so rich?"

The downright answer, stripped of all mental reservation and all equivocation and all evasion, is, "Yes; the country is rich; too rich to be pacifist; too rich to risk again the awful danger of 1917 and 1918; it is rich enough to defend itself, and do it right."

Then why, why, in the name of common sense and in the name of love of country, and why, in the name of our oaths, yours and mine, registered in heaven, should we, we alone, disarm, making the ratio no longer 5-5-3, but 5-3-2½—yes, 5-3-2½—5 for England and 3 for Japan and 2½ for us? To do that would be dangerously near indulging in pacifism.

Theodore Roosevelt, whose name will always be inseparably linked with the American Navy, in a speech to 20,000 cheering people, his last at Springfield, Ill.—the last speech I heard him deliver, said:

And now comes the pacifist, and he says, says the pacifist, "Come, now, let us be harmless; because the more harmless we are the less harm other people will do to us; so come, now, let us be harmless.

This puncturing of pacifism was greeted with cheers, uproarious and tumultuous.

I believe I know how this lover of liberty and of his country would vote on this question. He would vote for an adequate Navy and take no chances, and would thus insure the peace of the world and thus lessen, at least for a time, the horrors of war, which will always threaten this old world until God sees fit to change the natures of men. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. May I have one minute more?

Mr. VARE. I am very sorry I have not the time.

Mr. YATES. I had the promise of one more minute.

Mr. VARE. I yield the gentleman one more minute.

Mr. YATES. I want, in that one minute, to answer, with another question, the question asked by the gentleman from Tennessee, Mr. GARRETT, the Democratic leader. Another gentleman had the floor—the gentleman from West Virginia [Mr. GOODYKOONTZ]—and he was interrupted by the gentleman from Tennessee, who, with urbanity and suavity asked the childlike and bland question: "Against whom are we arming? Who can possibly be our foe?" I answer that question by asking, Who will be our friend? Will it be Japan or will it be old England? No; there is not a nation in the world to-day that is our friend. They are all suspicious and unfriendly, and I am in favor of arming on that theory and not disarming on the theory of the gentleman that we have no foe. When he asks, "Who is our foe?" I reply, "We waked up one day 30 years after the Revolution and found ourselves again at war with England. Then, 30 years later, we had to go to war with Mexico. Then, 17 years later, we were on the verge of war again with England over the Trent incident. Then, 35 years later, our foe was Spain. And only 20 years later we were at war with Germany and Austria. Just before all of these wars there were men who asked, "Who will be our foe?"

Mr. MADDEN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] One hundred and nineteen Members are present, a quorum.

Mr. VARE. I yield to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Chairman, love for the Republic and patriotic devotion to its highest interests should prompt all our actions here, especially in the matter of providing for adequate national defense.

Every Member of this House and of the Senate, every officer of the Government, State and Federal, and, indeed, every American everywhere, should love America as Macaulay says Pitt loved England, as an Athenian loved Athens, as a Roman loved the "City of Seven Hills."

No cowardly impulse, no sectional selfishness, no narrow view of patriotism, no partisan prejudice, no sordid stinginess, should ever remotely influence our legislative conduct in providing for the common defense and promoting the general welfare of our country. Rather let us invoke the lofty and patriotic spirit of the Revolutionary fathers and of the saviors of the later Republic, who held no cost too heavy and no sacrifice too great when the sacred rights of humanity were to be proclaimed and the great cause of liberty and of union was to be defended and maintained.

The people of my district, like those of yours, my colleagues, are God-fearing and peace loving. They pray for peace perpetual with national honor unimpaired. But they are red-blooded Americans all, who love their country, believe in it, adore its flag, and are ready, if need be, to fight and die for both. They believe in both preparedness and peace—peace, if possible, with honor and self-respect; preparedness as a guaranty of victory if war must come.

During the last few weeks my office has been flooded with letters from the people of my district protesting against the destruction of the American Army and the American Navy. Hundreds upon hundreds have conveyed to me the double message of preparedness and peace. These letters are instructions from those whom I have the honor to represent to use my best endeavors to promote and maintain an honorable peace between America and all the other nations of the earth, but to neglect no act and leave no stone unturned to create and maintain a state of national preparedness that would enable the Republic to defend grandly and successfully its territory and its flag if war should come. These instructions are sacredly binding upon me, and by my vote and voice in Congress I shall obey them. In other words, I shall stand and do stand for the strongest possible Navy personnel that the circumstances of this day and time will allow. I shall vote for 86,000, as provided by the Vare amendment, instead of 67,000 as provided by the bill. I should like to vote for 96,000 asked by the Navy Department, if it were possible. I will not consent to the scrapping of the American Navy by the American Congress.

I am in favor of strong national preparedness, but I am opposed to militarism. I want my country to be and to remain forever the great advocate of peace among all the countries of the world. I want our glorious flag to represent forever the force and justice of democracy and military discipline, and not the tyranny and oppression of autocracy and military despotism.

The founders of the Republic designed it to be a perpetual asylum of liberty and of peace. They intended that the civil should remain forever above the military authority. They emphasized this design when they made the President of the Republic, a civilian officer, the head of both the Army and the Navy. I sincerely trust that their beneficent intentions will prevail to the end of time.

But the builders of our Government were not pacifists, "peace at any price" men, who prefer humiliation to battle and the ease and quiet of a voluptuous existence to the fierce struggle of life in which courage and strength are born. They were men of blood and iron who preferred death and annihilation to dishonor and disgrace. They knew that the infant Republic had been created in the throes of revolution—in seven years and eight months of arduous toil and bitter struggle. Their vision was prophetic, and they foresaw that insurrection from within and invasion from without would necessitate military and naval preparedness if America was to remain united and free and if the safety and dignity of the country were to be successfully defended and maintained.

No wonder then that Washington, in his fifth annual address, gave to his countrymen this sage advice:

> I can not recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a position of complete defense. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld if not absolutely lost by the reputation of weakness. If we desire to avoid insult we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

No wonder that John Adams, in his second annual message, dealing with our relations with France, should have used this language:

> But in demonstrating by our conduct that we do not fear war in the necessary protection of our rights and honor, we should give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone secure peace.

No wonder that Thomas Jefferson, in his fifth annual message, advocated—

> The organization of 300,000 able-bodied men between the ages of 18 and 26 for offense or defense at any time or at any place where they may be wanted.

It is interesting at this point to note that Thomas Jefferson advocated a larger Army for the defense of a small Republic of fewer than 20 States, populated by fewer than 5,000,000 people, than some of his Democratic descendants are willing to provide for the defense of a giant Republic of 48 States and several colonies, with a population of more than 100,000,000 people. It would be more interesting still if the virile, pugnacious, red-headed author of the Declaration of Independence, founder of the University of Virginia, and third President of the United States could appear again upon the earth and express himself after hearing members of his own party as well as Republicans advocate the gradual disbanding of the Army and destruction of the Navy at the very moment that a justly alarmed people demand that their Representatives in Congress provide them with means of adequate national defense.

The greatest obstacles in the way of maintaining adequate military and naval preparedness are the theories and objections of professional pacifists, who are to be found both in and out of Congress. The convictions of these men should not be derided or denounced. Their aims are high, their motives are pure, and their impulses are generous and fine. Their hopes and aspirations for permanent and universal peace are honorable to human nature and are a splendid tribute to the higher and better qualities of the minds and hearts of men. But they are dangerous nevertheless, for they are nothing more than plain idealists and deluded dreamers. In making forecasts of the future they take no account of the past. The teachings of history mean nothing to them. The inherent savagery in man and the inevitable experiences of human life do not seem to impress them seriously. They refuse to ground their convictions in what men have done as the best assurance of what men may do, but insist on coloring their arguments with all the tints of the rainbow and on weaving them from the warp and woof of mere fancy and conjecture.

It is a ghastly and sickening thought, but if human history teaches anything, it is that man is a savage animal and that recurring wars are as inevitable as the certain return of the tides of the sea.

In 1908, at Chicago, the late brilliant and gifted ex-Governor Black, of New York, nominated Mr. Roosevelt for the Presidency. The following is an extract from that perfectly polished gem of oratory:

> The fate of nations is still decided by their wars. You may talk of orderly tribunals and learned referees; you may sing in your schools the gentle praises of the quiet life; you may strike from your books the last note of every martial anthem, and yet out in the smoke and thunder will always be the tramp of horses and the silent, rigid, upturned face. Men may prophesy and women pray, but peace will come here to abide forever upon this earth only when the dreams of childhood are the accepted charts to guide the destinies of men.

This sentiment may seem pessimistic and be painfully disappointing and distressing, but the teaching is sound in the light of human history and experience, and we should never forget that the only safe guide for our footsteps upon the highway of the future is the light of the past.

A state of warfare seems to be the normal condition of human life and the bloody pastime of the nations. For thousands of years the peoples of the earth have been at each other's throats in terrific struggles. The gates of Janus, in Rome, were closed for short periods only three times in 700 years. Within the memory of man now living every important nation on the globe has fought three important wars, and many of them four or five. Our own dear country is no exception to the rule. The brief span of the life of our Republic has been marked by six great conflicts—the War of the Revolution, the War of 1812 with England, the Mexican War, the Civil War, the War with Spain, and the War with the Central Powers. This does not take into account the Florida wars, the wars with the Barbary States, nor the various Indian wars that have marked the progress of our history.

For ages it has been the dream of philanthropy and the hope of religion that the perfection of Christian life and the advance of civilization would do away with all wars by illuminating the reason, softening the heart, and taming the savage qualities of men. But has this been realized? Let the terrible world struggle that has just ended answer.

The Sermon on the Mount is the chart of the soul on the sea of life, and its beatitudes are the glorification of the virtues of gentleness, mercy, love, and peace. Nearly 2,000 years have passed since the Prophet of Nazareth delivered this sublime and solemn message to mankind, and yet within the last six years the appalling and pathetic spectacle has been presented of the Christian nations of the world employing all the devilish ingenuity and the hellish methods that fertile brains and scientific aids could furnish to devise yet more fiendish means and to invent still greater guns to blow other Christian brains into seething froth.

No; let us not be deceived by the thought nor be beguiled by the hope that civilization as we now understand it will ever bring lasting peace. History and experience have taught us that civilization at best is but a veneer, and that the slightest scratch will reveal beneath the surface the savage in the man. A pastoral commonwealth with justice and peace forever seated at the confines of the Nation is a Utopian dream.

Let the pacifists indulge their visions of a millennium of peace. But let practical patriotic men pay no attention to them. Let us not forget that the bitter experiences of our race teach us that wars are inevitable and that they come seemingly in obedience to a law as pitiless and inexorable as that which dooms us to the dust. Let us not forget that a solemn obligation rests upon us, under our constitutional oaths as Congressmen, to provide for the "common defense" as well as to promote the "general welfare." Let us then meet the great issue of national preparedness intelligently and fearlessly in the light rather of human history and experience than in the shadow of the fears of theorists and dreamers.

I do not hesitate to tell you, my colleagues, that I have more confidence in the teachings of history than I have in the deliberations and proclamations of international disarmament conferences. Furthermore, I do not hesitate to say to you that I prefer to guide my political conduct in this body by history and human experience rather than by the resolutions of any handful of men however grandly gifted and endowed.

In closing, then, I wish to state my preparedness creed: I believe that a Republic of 100,000,000 people, with several thousand miles of coast line to protect, with important insular possessions to defend, with the Panama Canal to fortify and guard, and with the Monroe doctrine to maintain should have a standing Army of at least 200,000 men, with adequate militia and volunteer reserves, together with a Navy at least second among the navies of the world.

This belief represents my personal conviction and reflects, I am convinced, the sentiments and wishes of a very large majority of my constituents, and I shall act upon this belief in my vote to-day.

Repeating a single sentence from the fifth annual address of Washington, heretofore referred to, that "there is a rank due to the United States among nations which will be withheld if not absolutely lost by the reputation of weakness," I wish to say, Mr. Chairman, in closing, that I have an abiding and unbounded faith in the great destiny and in the undying glory of my country. I believe that the time is not far distant when American genius and American influence will dominate the nations and overshadow the earth; when our Constitution and our Declaration of Independence will be the mold and model of free institutions among all the tribes of men; when the torch of freedom which was lit at the flame of the American Revolution will be a beacon light to the oppressed of all mankind; when our soldiers and our sailors will be feared and respected on every land and on every sea; when the drumbeat of our country will be heard around the world; when freedom's flag will illumine all the skies; and, whether proceeding from the mouth of an ambassador or from the hot throats of Federal guns, when the mandate of the great Republic will be heard and obeyed throughout the earth. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. OLIVER]. [Applause.]

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, certainly there exists no rational ground now for apprehending war troubles in the near future. We have just concluded very far-reaching treaties with all the great naval powers of the world, and the President has spoken in a most assuring vein to the people of the Nation as to what these treaties promise in the way of peace for the future. Since the gentleman from Illinois [Mr. YATES] and the gentleman from New York [Mr. CHANDLER], notwithstanding these treaties and the 10-year naval holiday which they promise, seem still to see dark clouds of war hovering over us, I respectfully invite their attention to some excerpts from a speech delivered by the President at the concluding session of the peace conference. Among other things, he said:

> But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.
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> When you first met I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in the accomplishment.
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> Again, gentlemen of the conference, congratulations and the gratitude of the United States! To Belgium, to the British Empire, to China, to France, to Italy, to Japan, to the Netherlands, and to Portugal I can wish no more than the same feeling which we experience, of honorable and honored contribution to happy human advancement, and a new sense of security in the righteous pursuits of peace and all attending good fortune.

It might be well for the President also to read again his own speech, since in a recent letter to the gentleman from Ohio [Mr. LONGWORTH] he expresses doubt as to whether we have advanced sufficiently along the paths of peace to adopt what the Appropriations Committee of the House now recommend as an adequate and sane naval program for the year 1922. This speech certainly shows that the President, when the conference adjourned, and the Senate's ratification of the treaties was urged, strongly felt that we had advanced far along the paths of peace, and that our country was reasonably safe for the next 10 years at least from all dangers and misunderstandings that might lead to war. The people of our country accepted the action of the conference in that fine spirit and belief that bespoke an international cooperation and understanding, so hearty and sincere as to dispel all thought of impending war, and so great was their faith in the agreements made that very general public approval has been given the Senate's ratification of the treaties. As a result, our country is now preparing to scrap not only 15 of the older battleships but also 13 of the most powerful war vessels ever designed, all of which are nearing completion, and on which millions have been spent. These 13 great warships would have been finished within the next two years, and on their completion America's supremacy of the seas could not have been challenged by any power.

In August, 1916, Congress authorized the building of 10 battleships, 4 of which, when finished, would have been the speediest, the most destructive, the most powerful ever designed by the mind of man. The same act also provided for six battle cruisers, the speediest, the most effective for offensive and defensive warfare ever authorized for any Navy. No nation had any ships like these, built or building, and it is doubtful whether any other nation has the financial ability to construct now or in the near future such giant weapons of destruction. Yet under the treaty all of these great battle cruisers and seven of the battleships are to be scrapped, and included in the seven battleships to be scrapped are our four greatest, with a displacement of 42,000 tons each, a speed of 23 knots, each carrying twelve 16-inch guns, capable of throwing with accuracy steel projectiles weighing 2,100 pounds more than 25 miles. No one questioned on the completion of this great building program, already far advanced, that the United States would possess the most powerful naval vessels of these two types afloat.

Mr. LINTHICUM. Will the gentleman yield?

Mr. OLIVER. Not just now. Certainly America's willingness to scrap her greatest weapons of destruction was the highest evidence of her faith in the treaty promises of peace for the future. [Applause.]

We will now have no battleships of more than 21 knots speed and none with the gun power or tonnage displacement of those we have agreed to destroy; we will have no great battle cruisers in our Navy; and yet so great was our faith in the agreements entered into with our former allies that we have permitted Great Britain to retain many capital ships, with a speed of 23, 25, and 32 knots, carrying great modern 15-inch guns, and to build two additional battleships of 35,200 tons displacement—larger than any we have retained, with no limit as to speed. Mark my prediction, she will build these two with light side armor, with decks well protected, each carrying not exceeding two or four 16-inch guns, and of great speed, with the greatest possible space for aircraft. No navy will have any vessels in point of effectiveness like unto them.

Japan has been allowed to retain battleships faster than ours, and she will also have more than five battle cruisers, armed with great modern guns, having a speed of more than 32 knots.

If, then, there are in fact substantial grounds, as some wildly imagine, for the fears expressed by a few as to our country's security, then the conferees, the President, the Senate, and the people who indorse their action have shown a degree of reckless, thoughtless carelessness, little short of treason, in agreeing to scrap six great battle cruisers and seven great battleships now nearing early completion. These 13 ships, from the standpoint of naval value, measured by speed, gun power, tonnage, and effectiveness, possess more than double the value of the 18 capital ships which the treaty permits us to retain, and which must constitute the entire capital-ship strength of our Navy until long after 1932, because the treaty forbids any further construction of capital ships by the United States until after 1932.

In this connection it may be well to take a passing inventory as to the military value of these 18 capital ships of our Navy. Eleven have a tonnage displacement ranging from 24,000 to 27,000 tons, with a speed of about 20 knots, each carrying from eight to ten 14-inch guns, capable of throwing a projectile weighing 1,400 pounds about 20 miles; three will have a tonnage displacement of 33,000, a speed of 21 knots, each carrying 16-inch guns, capable of throwing a projectile of 2,100 pounds about 24 miles. We at present only have one of this last type; the other two are now in course of construction and will be completed probably by 1925. The remaining 4 of our 18 capital ships are less than 21,000 tons displacement, with a speed of 18 or 19 knots, each ship carrying 12-inch guns only, with a range of about 15 miles and capable of throwing a projectile of 870 pounds only. Two of the 12-inch-gun ships are to be scrapped when the two battleships now building are completed.

The six 12-inch-gun ships have no real naval value; any one of the seven great battleships or battle cruisers which we are to scrap could have successfully met and destroyed all of the six in an hour's time, without even subjecting itself to gunfire from the ships so destroyed. A battleship is like a woman's hat—only good in its season.

So for the next two years our capital fleet will consist of only 12 battleships of real military value, which last number will be increased to 14 about 1925, and this 14 will constitute our Navy's real capital-ship strength until long after 1932. Great Britain in speed, tonnage, gun power, and number of ships is now unquestionably superior, as the gentleman from Tennessee [Mr. PADGETT] has well pointed out.

The point that I wish to impress on the House is this: That out of the 18 capital ships we are allowed to retain under the treaty, we will have but 14 of any real military value, and yet we are not complaining. And why? Simply because we have faith in the agreements we have made with the great naval powers of the world, and we believe that for the next 10 years all danger of war has been reduced to a minimum, if not made impossible. [Applause.]

Naval experts know, and our people should be informed, however, that at present we have neither a balanced fleet nor one on a 5-5 basis with Great Britain. We have more destroyers,

say, Mr. Chairman, in closing, that I have an abiding and unbounded faith in the great destiny and in the undying glory of my country. I believe that the time is not far distant when American genius and American influence will dominate the nations and overshadow the earth; when our Constitution and our Declaration of Independence will be the mold and model of free institutions among all the tribes of men; when the torch of freedom which was lit at the flame of the American Revolution will be a beacon light to the oppressed of all mankind; when our soldiers and our sailors will be feared and respected on every land and on every sea; when the drumbeat of our country will be heard around the world; when freedom's flag will illumine all the skies; and, whether proceeding from the mouth of an ambassador or from the hot throats of Federal guns, when the mandate of the great Republic will be heard and obeyed throughout the earth. [Applause.]

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more submarines, but Great Britain has more and faster battleships and at least seven battle cruisers, whereas we have none; she has five or six aero-carrying ships, and we have only one of very doubtful value. The treaty, however, permits the United States to build five aero-carrying ships, aggregating 135,000 tonnage, and authorizes two of our modern battle cruisers, now in course of building, to be converted into aero-carrying ships of 33,000 tons displacement each, with no limit as to speed, but carrying only 5-inch guns.

It is important, then, that this Congress appropriate sufficient money to build not less than two modern aero-carrying ships of great speed, because only on the completion of the five aero-carrying ships authorized by the treaty can we feel that we have a balanced and really effective Navy. In future the first line of offense and the best line of defense, so far-visioned naval experts advise, will be our Air Service. [Applause.]

Let me again repeat that until you have built great aero-carrying ships and perfected your Air Service organization our Navy will not be equal to Great Britain's, and this fact is frankly admitted by every naval authority; yet, notwithstanding this, I submit America feels unafraid. [Applause.] Not only are we unalarmed but we are even now looking forward to the time when another conference can be called which will place further limitations on capital ships, and limitations also on submarines and other weapons of destruction. [Applause.]

Then why, may I ask, under these conditions should we listen to the insistent demands of the Navy Department to provide at great expense war complements for our capital ships and a great surplus of men for shore stations?

I wish to discuss this matter from a business standpoint with the Members of the House, because I feel that if the House is acquainted with the facts, as we know them, they will not vote millions of dollars for needless expense. We all love the American Navy. [Applause.] No man here knowingly would do it hurt. It is our country's best security, and far be it from me to detract from or say aught in criticism of its wonderful past achievements, both in war and in peace. [Applause.]

Neither the Navy Department nor naval officers, however, are immune to mistakes, and this Congress well knows how extravagant indeed are the estimates they often submit. I have previously called the attention of the House to the fact that it is not unusual for naval officers to widely disagree as to the number of enlisted men required to efficiently man the Navy. In 1919 the authorized enlisted strength of the Navy was 181,000. The following year, over the strong protest of the Navy Department, the committee reduced the enlisted personnel to 120,000. Naval officers then strenuously insisted that the Navy could not efficiently function with less than 160,000 enlisted men, yet Congress wisely and against the advice of high naval officers at the head of the bureaus of the Navy Department cut the enlisted strength to 120,000. Who will undertake to say now that we hurt the Navy by this action? Yet we saved a large sum of money to the Federal Treasury by refusing to follow the advice of naval officers.

Last year these same naval officers insisted that they must have 120,000 men for the present fiscal year, 1922; yet Congress, over their protest, cut it to 106,000; and who, again may I ask, will deny that our action was wise? You will recall that the heads of the bureaus fooled our good friend the gentleman from Tennessee [Mr. PADGETT] last year to the extent that in a speech before the House he stated that he was advised by the Navy Department that if the enlisted personnel of the Navy was cut to 106,000 that only 13 battleships could be kept in commission. We to-day find him again in a speech to the House on last Monday stating that the Navy Department now advises that if the enlisted personnel is cut to 67,000 they can only retain in active commission 13 battleships. Rather a remarkable coincidence that they should have fixed on 13 as being the number of battleships that could be retained in active commission, whether you have 106,000 or 67,000 men. The pending amendment to fix the enlisted personnel at 86,000 will be over the protest of naval officers, because they are now demanding 100,000. In other words, it would seem that we always find them willing to take for the next year what you gave them this year, especially when the question is raised as to whether they are entitled to the number they now have. Congress has not blindly followed in the past the advice either of the General Board, the Navy Department, or any combination of high naval officers, and in failing to do so I submit that we have done no hurt to our Navy.

A careful, judicial, and unbiased study of the facts will now disclose to the Members of the House that the committee in reporting the pending bill have provided sufficient men and sufficient money for the fiscal year 1923 to efficiently man and operate all of the ships which the Navy Department states is its desire or purpose to keep in active commission during 1923.

I respectfully submit that an examination of the table furnished by the Secretary of the Navy to the gentleman from Massachusetts [Mr. ROGERS], appearing on page 5551 of the CONGRESSIONAL RECORD, will disclose that with 86,000 men the Navy Department proposes to keep in commission the same number of ships, and no more, than the pending bill seeks to provide shall be kept in commission with 67,000 men. The essential differences, then, between the Navy Department in its use of the enlisted personnel of 86,000 men, provided for in the amendment of the gentleman from Pennsylvania [Mr. VARE], and in its use of the 67,000 provided for in the pending bill are simply these: The Navy Department desires to place on 18 capital ships, as shown by the table on page 5551 of the RECORD, 23,360 men, including flagship complements and fleet aviation detachments, whereas the pending bill provides for these same capital ships only 19,591 men, including flagship complements and fleet aviation detachments. The Navy Department further desires, as shown by the table on page 5551, to keep at shore stations, including shore base submarine tenders, 28,732 men, whereas the pending bill provides for these same shore stations only 16,176 men. Certainly this Congress, if the Members will only read the hearings, are not willing to provide 28,732 men for shore station duties in the Navy during 1923. A careful reading of the hearings will show that the committee has made generous provision for these activities.

Now, as to the complements for the capital ships, the pending bill provides not only for all capital ships but also for the other ships which the Navy Department proposes to keep in commission during 1923 more men than were actually carried on these same ships during January of the present year, when the Navy had 100,000 men or more to draw from.

The real item of difference between the table submitted by the Secretary on page 5551 of the RECORD and the pending bill, as the same relates to the enlisted personnel on our ships, is in fact reduced to the size of the complements on our 18 battleships. The pending bill provides not only more men than were carried on these ships in January of this year, but it provides, as complements for each of these 18 battleships, more men than the General Board of the Navy and the Bureau of Navigation fixed as the number to be carried on these ships when the ships were originally designed.

We may even apply a further test to show that an adequate complement for each of our capital ships has been provided for in the pending bill, namely, for 1923 we have given to each of these capital ships more officers and enlisted men than were carried on any 18 battleships of Great Britain's during September, 1918, at a time when Great Britain was carrying on all of her battleships full war complements.

In proof of these claims I submit, first, that a report from the Navy Department itself, as set out in the hearings, shows that we have provided, with the 67,000, more men for the ships to be kept in commission in 1923 than were actually carried on these same ships in January of this year.

As to the claim that we have provided an excess number over the complements fixed by the General Board and the Bureau of Navigation when the ships were originally designed, I respectfully refer the Members of the House to a full discussion of this subject before the House Naval Affairs Committee on December 31, 1918, where Secretary Daniels supplied to the committee a table showing the original complements fixed by the General Board and the Bureau of Navigation for eight of our present battle fleet. I quote from page 916 of the hearings as follows:

Designed complement of ships.

New York	902
Arkansas	916
Wyoming	915
Texas	902
Delaware	830
North Dakota	830
Utah	828
Florida	837

Secretary Daniels, in discussing this table in connection with the increased number of men that some naval officers were then recommending as peace complements for our capital ships, made the following statement to the committee:

> In my judgment, there is not a ship in the American Navy that is not overmanned and the number of men should be reduced; but there are officers in the Navy, able and very splendid men, who believe that we should now make a permanent complement on the ships equal to our war complement which, in my judgment, is the greatest waste of men and the greatest waste of money that could possibly be permitted.

If the Members of the House, in connection with the table giving the complements fixed by the General Board for the ships,

as they were designed, will read the interesting speech made by the gentleman from Idaho [Mr. FRENCH] and add to the designed complements the numbers which Mr. FRENCH points out may be added on account of fire control and other changes made after the ships were designed, you will find that the pending bill provides for this additional number of men on every capital ship in a most generous way. [Applause.]

Now, in support of the claim that the pending bill provides for our 18 capital ships more men and officers than were carried on any like number of Great Britain's greatest capital ships during the war, I beg to submit a table, accepted by the House Naval Affairs Committee in December, 1918, as officially correct, and which table clearly shows that the total number of officers and enlisted men carried on British battleships during the war was less than the number which the pending bill provides for our battleships in 1923. The list I have just referred to was furnished by Secretary Daniels and can be found on page 917 of the hearings, and the following taken therefrom gives the names of 18 of Great Britain's best battleships, with the dates of their completion, their tonnage displacement, and the number of officers and men carried on each ship as of September 30, 1918, which was long after the Battle of Jutland and shortly before the war closed:

Battleships.	Completion.	Displacement.	Officers and men.
		Tons.	
Royal Sovereign	Apr. 29, 1915	29,150	942
Royal Oak	Nov. 17, 1914	25,750	977
Revenge	May 28, 1915	25,750	[1]970
Resolution	Jan. 14, 1915	25,750	937
Ramillies	Sept. 23, 1914	25,750	937
Malaya	Mar. 18, 1915	27,500	955
Valiant	Nov. 4, 1914	27,500	957
Barham	Dec. 31, 1914	27,500	1,955
Queen Elizabeth	Oct. 16, 1913	27,500	[1]1,015
Warspite	Nov. 26, 1913	27,500	957
Erin (late Reshadieh)	Sept. 3, 1913	23,000	1,130
Benbow	Nov. 12, 1912	25,000	[1]995
Emperor of India	Oct. 24, 1912	25,000	1,095
Marlborough	Oct. 17, 1912	25,000	995
Iron Duke	Mar. 21, 1912	25,000	916
Ajax	Nov. 18, 1911	23,000	812
Centurion	Oct. 6, 1911	23,000	1,349
King George V			

[1] Flagship.

The above table shows the British war complements on 18 of her great battleships, as carried in September, 1918—6 of the ships included in the list being flagships. The total number of officers and men carried on these 18 British ships during the war was 17,409, and the total number which the pending bill provides for our 18 capital ships during 1923 is 19,591. In other words, the pending bill provides for our 18 battleships as peace complements in 1923, 2,182 more enlisted men than the total number of officers and enlisted men carried on 18 British battleships during the war. [Applause.]

And in this connection, it is proper to say that the statement has been invariably made that the British war complement was at least 10 per cent greater than her peace complement.

Who will now deny that the pending bill provides for all of our 18 battleships, first, a complement in excess of the actual number carried on these same ships in January of this year; second, a complement largely in excess of the number fixed by the General Board and the Bureau of Navigation, when the ships were originally designed; and, third, 2,182 more men than were carried on 18 of Great Britain's largest and best battleships in September, 1918, during war. If these claims be conceded, then what reason can there be for providing 23,360 men—the number which the Navy Department now insists should be carried on these 18 capital ships? The mere statement of the question, it seems to me, carries its own answer.

Now, if it is the desire of the House to provide this large peace complement for 18 battleships, 6 of which have no real military value, and to provide more than 28,000 men for shore stations, then, of course, you should vote for the amendment offered by the gentleman from Pennsylvania [Mr. VARE]. It is well to remember, however, when you add useless personnel increases to the Navy for 1923, that the hope of the people of our country that the peace conference would result in substantial reductions in naval appropriations can not be realized.

Already we are told by the gentleman from Illinois [Mr. MANN], chairman of the Appropriations Committee, that if the enlisted personnel is increased to 86,000, and the amount necessary for scrapping the 29 ships provided for in the treaty is appropriated, that the total amount expended on the Navy for 1923 will total about the same as was appropriated for in 1922. With 28 capital ships to be scrapped, with a large number of submarine chasers, Eagle boats, and other small craft of no military value to be either sold or put out of commission, with a large number of destroyers and other auxiliary craft to be put in reserve, surely the House must know that the Navy enlisted personnel can and should be greatly reduced, and the pending bill undertakes to do this.

I respectfully submit that we have provided an adequate number of men to man our ships and care for all naval activities during 1923, and out of the savings thus effected we should provide for the immediate construction of two aero-carrying ships, which I have attempted to show are now urgently needed in the fleet and the building of which should not be longer delayed.

In conclusion, since strong opposition has now developed in the House, in the administration, and in the Navy and War Departments against any reduction in either the officer or enlisted personnel of these services, it may be well here to set out some facts showing a comparison between our Military Establishment prior to the war and at the present time. In 1916 we had approximately 8,694 officers in the Army, Navy, and Marine Corps and the other allied services. We now have in these same services 21,358 officers. The enlisted personnel of the Army is now twice what it was in 1916, that of the Navy is about double the size of what it was in 1916, and the Marine Corps is more than one-half as large again. We have at our universities and colleges 95,000 young men in the Reserve Officers' Training Corps units and a large number under the War Department in training at high schools and other institutions in addition to this 95,000.

The abnormal increase in the number of generals, colonels, lieutenant colonels, and captains of the Army, of admirals, captains, commanders, lieutenant commanders, and lieutenants of the Navy will later furnish interesting information to the people of our country, especially to our farmers, when they study the cost of maintaining the Army and Navy for 1923.

It is evident now that strong pressure is being brought to bear by the administration to maintain the Army at 150,000, notwithstanding the House by a large vote favored its reduction to 115,000, and we have seen and felt in the House during the week the hand of the administration in the increase now proposed for the Navy. Well may we ask: When will the time come that our Military Establishment is to be placed on a peace-time basis?

It would seem that with a strong federalized National Guard, now numbering about 150,000 in its enlisted personnel, and with about 8,000 officers, this country can well afford to materially reduce its regular standing Army, and the recent peace conference certainly gave promise of large reductions in the Navy.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER. Under leave to extend I wish to insert a further statement read to the House Naval Affairs Committee by Secretary Daniels on December 30, 1918, as set out on page 912 of the hearings. The statement is as follows:

> It seemed to be universally agreed by all naval experts that in passing from the predreadnought class of battleship to the dreadnought a reduction in the cost of maintenance would result because of two factors: (a) That the small ship with a great number of small-caliber guns required more men and officers than a larger ship with large-caliber guns only, therefore the complement of a dreadnought would be less than the complement of the predreadnought; (b) the change from the coal-burning to the fuel-oil burning battleship would reduce the complement of the dreadnought as compared with the predreadnought.
>
> While only the latest battleships have been oil burners exclusively, and although a reduction in the engineers' forces has resulted, nevertheless the complements of the ships of the Navy have been constantly increasing and have been increased far beyond the designed complement at the time the ships were laid down.
>
> On January 11, 1907, President Roosevelt, in advocating the authorization of the "21 big-gun ship" in his message to Congress, stated as follows upon recommendations of the experts of the Navy Department:
>
> "Moreover, though a large ship consumes more coal, a small ship having a large number of small guns—6-inch, etc.—actually requires more men and officers than a large one having heavy guns only, and consequently each small ship costs at least as much to maintain and repair. For example, the complement of a dreadnought of 18,000 tons is 680 officers and men, while that of the *Louisiana* of 16,000 tons is about 850."

In 1910 the war complement of the *Louisiana* was stated as 964 men and the peace complement as 834 men, while in 1915 a report from the fleet itself placed the peace complement of the *Louisiana* at 1,137 men. The *Louisiana* is cited because in 1907 the experts in advising President Roosevelt placed the complement at 850 officers and men.

For instance, the *New York*, the designed complement is 902 enlisted men. In 1915 the complement was stated at 1,094 as a flagship, and to-day she has on board 1,464 men as a flagship, and the peace comple-

mest, as determined by a board now in session in the fleet, will be probably 1,410 men. Another instance is the *Delaware*, whose designed complement was 830 men; in 1915, 961; to-day, 1,004; and the board in session in the fleet will probably recommend a peace complement of 1,247 men. When the plans for the modern dreadnoughts were laid down such ships as the *Pennsylvania* and *Arizona* were designed to carry 937 men, but the number of enlisted men actually on board to-day is 1,440 for the *Pennsylvania* and 1,540 for the *Arizona*. While it is true that the battleship force has been used for training purposes during the war, there is, nevertheless, a board in the fleet now in session to recommend the complement of the battleships, and it is probable they will recommend a complement of about 1,420 men for the *Pennsylvania* and 1,490 men for the *Arizona*. This is an increase of 556 and 626 men, respectively, over the designed complements in time of peace.

The complement of enlisted men of the ships of the Navy has increased to such an extent that the crowded condition becomes a matter of concern as regards efficiency and sanitation. The division commander of the American forces operating with the British Grand Fleet, Rear Admiral Hugh Rodman, has forwarded a criticism to the department relating to offices, compartments, and sleeping space, stating that the men are crowded and are "packed in like sardines in a tin, two and three deep at times, in close, poorly ventilated berth deck compartments," and recommends that no more changes be made in the ship where the change will encroach upon the space for the crew, as it tends to cause more men to find sleeping billets on the "already crowded berth deck."

The number of men on the ships to which Admiral Rodman made reference in his letter to the Secretary were war complements carried on the ships, consisting of about 1,400 men to the ship. This, strange to say, is the peace complement now recommended by naval officers for many of our capital ships. The admonition of Admiral Rodman should be sufficient to warn Congress against placing large peace complements on these ships.

Secretary Daniels, continuing to read from the prepared statement, said:

While it is conceded that the complement of the ship might be necessarily increased in time of war to care for casualties, additional lookouts, and fire-control stations, and even in time of peace, because of additional stations that may become necessary from time to time in the development of modern naval warfare, yet, after careful investigation, I am of the opinion that the complements of the battleships of to-day can be operated efficiently with smaller complements. In December, 1914, a memorandum was filed with this committee setting forth a comparative statement of the commissioned line personnel and of the enlisted personnel of Great Britain and the United States. The statement showed as follows:

Enlisted personnel:	
Great Britain, per thousand tons	55
United States, per thousand tons	69
Commissioned line personnel:	
Great Britain, per thousand tons	2.21
United States, per thousand tons	2.51

It is therefore submitted that so far as the manning of the fleet is concerned efficient work can be done with smaller complements.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I must ask not to be interrupted during the brief 10 minutes that I shall have. There are a few questions that I want to take up in rapid fashion by way of summary. In the first place, much has been said on both sides of this question upon which there is no difference. We all love our country, we all love our flag, we all love the greatest Navy in the world, and I can join in that wonderful encomium paid our Navy a little while ago by the gentleman from New York, Mr. MAGEE. I agree with everything that he said in tribute about what it has been, what it is, and what its officers and men always will be. What, then, is the question? The question is whether or not under the pending bill we are protecting the 5-5-3 program. Three factors enter into that program in large degree—ships, officers, and enlisted personnel. As for ships, your committee stand for 18 capital ships, 106 destroyers, and enough auxiliary craft to meet the situation under the agreement. Second, we stand for officers to man these ships, and no one challenges our conclusions. Third, with regard to the men, after the most careful analysis that your subcommittee could make, we believe we have taken care of the situation in comparison with that which will be provided for the navies of Great Britain and Japan. We fixed the enlisted personnel as that upon our ships upon the 1st of February last. We provided for shore stations and we added some seven thousand to take the place of men in transit, in hospitals, and away from posts of duty. So figured, we have shown that the enlisted personnel will be approximately 67,000 men.

Then we have cross checked on our figures. We took the complements that were prescribed for the ships eight years ago and increased these complements by men required by reason of new devices and new services and it gave us slightly less than 67,000 men. We went further than that. We subtracted the men now assigned to ships that are to be scrapped and to stations and duties that are to be abandoned from our present enlisted personnel of 86,000 and it gave us 66,000. Further than that, compared by the number of men on the ships making up the capital ships and other craft of Great Britain and Japan to-day, our figures are wholly adequate and comparable.

Why should we provide more? Those who oppose, who want to raise the number up to 87,000, say that we need more men. For what purpose? They do not say. What is the purpose? As has been said by the gentleman who preceded me, there is a certain very definite minimum for men during peace times to be upon the different battle craft. Upon the capital ships it is something like 900 or 1,000. We have gone beyond that. You would have something like thirteen or fourteen hundred, if you please, in time of war. Between that upper line and this lower line you will find something like three or four hundred men. Why should we have a war-time complement upon our ships or anything that would approach it?

What are these men? They are electricians, some of them; some of them machinists, mechanics, laborers. The electrician that is working in the electrical plant to-day in any city in this country is ready, for the most part, with experience necessary to which will be added a short preliminary training as he goes upon shipboard to care for the electrical work upon the battle craft. The man who is at the lathe, the man who is the engineer, the man who is the laborer performing work for which he will receive pay in civil life in any of the industrial concerns of this country is doing that which gives him the experience necessary with a very little adaptation to the work upon the ship that will make him capable of carrying on as a member of the American Navy in war or in the event of an emergency. That is all there is to the proposition. You have that great reservoir of men who are electricians, machinists, mechanics throughout this country and you can draw upon them, and in a few months they can be trained fully to meet the work upon shipboard.

Aside from the quotas we have provided, these men had better be employed in private industry.

You can not do that with officers. It takes time and years to train officers. Therefore, as to them, we have given the high number. You can not do that with regard to ships; it takes years to build them.

ADDED COST.

Several men have spoken to me in respect to the cost of the additional men under the proposed amendment. Figure it up any way you please, and the very minimum cost for the additional men in my judgment, and I think that rests upon estimates of the Navy Department, will fall somewhere near $57,000,000. That assumes that they will be placed in much the order that the personnel we have allowed are placed at this time. But if you intend to bring more of the destroyers into the service—add another 200, say, of the destroyers and put the men on those ships—you will immediately add to the cost, and instead of its being $57,000,000, it may be $60,000,000, $75,000,000, or even more, because vast quantities of money will have to be expended for fuel, for repairs, and for other purposes, to maintain these added craft.

THE RATIO OF UNITED STATES AND JAPAN.

There is another criticism I must mention. We are told that the enlisted personnel for Japan will be from 68,000 to 71,000 men. We are told that if we provide an enlisted personnel of 67,000 we will fall in ratio below the ratio of Japan. But gentlemen who so urge are proclaiming the 5-5-3 ratio and themselves apparently contend that 86,000 enlisted personnel for our Navy will maintain the ratio indicated as against the enlisted personnel of Japan.

Is it not apparent that there is sophistry in the contention of these gentlemen? They make the ratio depend entirely upon enlisted personnel when they consider the figures of 67,000 provided by the committee, while, on the other hand, when they consider the proposed figures of 86,000 they evidently include in measuring their ratio the number of ships and the number of officers that will be provided by the United States and that will be maintained by Japan. If gentlemen would be consistent, instead of supporting an amendment for 86,000 enlisted personnel, they would support an amendment that would bear a ratio of 5 to 3 to the Japanese alleged enlisted figure of 71,000, and they would be asking in their amendment that the enlisted personnel for the United States be 118,330.

OPPOSITION TO THE COMMITTEE FIGURES.

The most vigorous opponents of the proposed enlisted personnel offered by the committee of 67,000 are the officers of the Navy Department, on the one hand, and groups that represent navy yard and navy station activities upon the other. These latter groups are not limited to the Representatives upon this floor from the States where are located navy yard and other activities, but the opposition is reflected through chambers of commerce, commercial clubs, newspapers, and groups of workmen from cities where navy activities are found. During the last few days Representatives from States have come to me

and asked me frankly whether or not, in my judgment, a reduction of the enlisted personnel to 67,000 men would reduce the activities of the navy yards. I have been compelled to tell these men that I believed it would; that the navy yard activities would necessarily shrink with the removal of naval craft as provided in the treaties, and with the abandonment, as we propose, of battle craft of various kinds that can serve no useful purpose. These men are between what they conceive to be two duties; they want to serve their country, they want to serve the districts they represent, where men are employed in navy yards; they hope that their two duties will not conflict, and, like the faithful Achates of old, they feel that they must serve those who have sent them here and whose Representatives they feel themselves to be. More than this, the members of your subcommittee have been appealed to by these workmen; they have been appealed to by business men and civic organizations to maintain their navy yards.

A year ago, when your subcommittee refused to appropriate $670,000,000, approximately, asked for by the department, and scaled the appropriation down in the House to approximately $390,000,000, the same fight was waged by people within the navy-yard districts. And not only did the groups to which I have referred urge upon the committee the carrying forward of projects that could not be defended except in war, but the wives of employees of navy yards themselves appealed to the committee. They urged the committee to permit the construction of naval craft for which we had no use in order, as they said, that their husbands might not be thrown out of work and the bread taken from the mouths of their children.

Gentlemen, the American people support the Limitation of Armament Conference and its results. The agreements we are entering into for the limitation of naval craft must necessarily decrease the building of ships as units of our Navy. Do gentlemen believe we should continue to build ships in order to sink them, or in order to salvage them? The agreements of the Limitation of Armament Conference will mean the discontinuance of guns in such quantities as had been anticipated; it will mean that guns of the largest caliber plan will not be built. Do gentlemen believe that notwithstanding all this we should vote the people's money for the building of guns, for the construction of naval materials, in order that employees of the navy yards may be continued in their employment? The appeal that was made to me not to throw these men out of work touches my deepest sympathy, but better a thousand times that we adhere to the plan of limiting our armament and permit these machinists and skilled employees to enter into profitable and productive activities in private life.

Mr. Chairman, those who urge these larger appropriations are sincere in their purpose, but as I see it, they are as incapable of getting the true and entire perspective of the situation as would be a man in the jury box if asked to deliberate upon a case in which he was involved, and so I say of the officers of the Navy. They are honest, they are sincere, but they are enthusiasts, and with that enthusiasm they want to see the Navy Department magnified beyond that which appears to be sustained by sound reason. The enthusiasm on the part of the Navy officers for their work is the same enthusiasm possessed by the successful officers of every bureau in every department of our Government, who somehow feel that their own particular work is after all the reason almost for the existence of government. If your Appropriations Committee were to accept the estimates of the heads of bureaus of the Navy Department and of all the other departments of our Government, the Budget for next year for the United States would be not less than $10,000,000,000.

Mr. Chairman, the other day when I discussed this bill, and again to-day, I referred to the conditions confronting us six and eight years ago and at this time. I have called attention to the financial, the military, the economic wealth, if you please, of Europe and the countries of Europe, and the same factors pertaining to the United States. I think you should have before you a chart that will indicate to you more graphically than words can tell it the ratio of economic strength, the ratio of burdens borne by the several nations, the ratio of the factors that will enter into just comparison between nations as you consider what should be the policy of the United States in the maintenance of a Navy. Therefore I want to place at this point in my remarks a table that will show the essential factors touching the leading nations of the world approximately eight years ago and touching them to-day:

	United States.		Great Britain.		France.		Japan.	
Population	(1913) [1] 95,000,000	(1920) 105,710,620	(1911) 45,370,000	(1920) [1] 50,000,000	(1911) 39,601,509	(1920) [1] 40,000,000	(1913) 53,065,122	(1918) 57,070,995
Debts	(1913)* $1,028,364,000	(1920) $24,062,510,000	(1913) $3,496,818,000	(1920) $37,010,000,000	(1913) $5,345,249,000	(1920) $40,095,000,000	(1913) $1,261,997,000	(1920) $1,300,000,000
Army	(1914) 105,012	(1922-23) [2] 126,000	(1914-15) 181,000	(1922)	(1914) [3] 790,000	(1922)	(1914) [4] 250,000	(1922) [1] 200,000
Navy: Tons built	(1914) 765,133		(1914) 2,157,850		(1914) 688,840		(1914) 312,640	
Do	(1922) 1,295,343		(1922) 1,787,932		(1922) 538,442		(1922) 504,255	
Tons built and building program	(1922) 2,063,173		(1922) 1,984,252		(1922) 906,942		(1922) 1,398,643	

	Italy.		Russia.		Germany.		Austria.	
Population	(1914) 35,298,917	(1918) 36,740,000	(1912) [1] 171,050,900	(1920)	(1910) 64,925,993	(1920)	(1914) [1] 50,000,000	(1920)
Debts	(1913) $3,921,153,000	(1920) $18,320,000,000	(1913) $4,537,881,000	(1920)	(1913) $1,194,052,000	[1922]	(1913) $2,132,480,000	(1920)
Army	(1914) 204,673	(1922)	(1913) 1,200,000 to 1,800,000	(1922) 1,000,000	(1913) [4] 790,985	[1922]	(1913) 424,258	(1922)
Navy: Tons built	(1914) 353,491		(1914) 270,951		(1914) 951,713		1914)	
Do	(1922) 340,050							
Tons built and building program	(1922) 407,213							

[1] Estimated. [2] Approximately as carried in House military appropriation bill. [3] Including colonials. [4] Peace Army.

WHOM DO YOU FEAR?

Now, I have only a couple of minutes more. Gentlemen, the question has been asked before, of whom are you afraid as a Nation? I pointed out the other day the different nations of the world, their condition eight years ago, and their condition to-day. Let me ask the question again, Of whom are you afraid? Are you afraid as you look across the water to Great Britain, the only country that has a navy comparable to ours? There is a country where every individual, man, woman, and child, is under an indebtedness to-day, owing, by their Government, of from three to four times per capita the indebtedness of the United States. Are you afraid of France? France,

poor, stricken France! As you walk down the streets of her villages or go through the country and see her thousands of wounded men, with the country under a load to-day that is five or six times per capita the indebtedness of the United States, do you fear her? Go to Italy and you find another country similar to France. Go to Germany and Austria, with no navies; countries that are practically on the verge of bankruptcy. Or is it Russia that you fear, a country that was a powerful nation eight years ago, and yet to-day a country that is financially bankrupt; a country, if you please, of splendid people, dominated and impoverished to-day through a cruel and tyrannical minority. Gentlemen, do you fear that country to which we are sending from our abundance the bread and butter that her people may not starve? [Applause.] Whom do you fear?

In the other direction, is it China, a better friend of the United States to-day than ever in times past? Is it Japan that you fear—a country with half the population of the United States, a country with a navy that is about 3 to 5 compared with ours; a country that does not have the material wealth that can be found in some of the great American States of our Republic? Now, gentlemen, whom do you fear?

One word in conclusion. If the Limitation of Armament Conference is to bear the fruit we finally hope, we must show the world that we respect the letter and the spirit of the agreement. There is no prohibition in the agreement touching various kinds of battle craft, yet for us to engage in building such craft would be to proclaim that though we may keep the letter of the treaty we shall forget the spirit. There is no limitation against submarines, so far as their construction may be concerned, and yet in my judgment we would blight the fruit of the conference were we to compete in submarine construction. The agreement of the conference carries dual responsibility; it carries responsibility to the nations of the world besides our own, and it carries responsibility to our people. We must keep faith with foreign countries by refusing to go above the 5-5-3 agreement. We must keep faith with the people of the United States by refusing to go below, except as we may do so through the concert of supplemental agreements. This I hope we may be able to do.

Gentlemen, I believe we have given you a bill that respects the treaty and that will challenge the admiration not only of our own people but of foreign countries as well.

I heard the address of Premier Briand at the second, I believe, of the Limitation of Armament Conferences. He said, in substance, that peace between nations is not insured by destroying arms and tearing down forts, it is not insured by scrapping ships; there must be more than that, said this eminent statesman; there must be the will for peace.

We have given you a bill, in my judgment, that maintains at once the dignity of our country, the dignity of our Navy, the dignity of our place in the ratio of navies, but that must be calculated to let the nations of the world know that with the American people there is the will for peace. [Applause.]

Mr. VARE. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, as I understood the gentleman from Idaho [Mr. FRENCH], in the very eloquent address that he has just delivered, and which he is so capable of always making, he said that one man's guess at the present time is as good as another's in the distribution of the men to be used by the Navy. On the one hand, then, we find the gentleman from Michigan [Mr. KELLEY], the gentleman from Idaho [Mr. FRENCH], the gentleman from Alabama [Mr. OLIVER], and the gentleman from South Carolina [Mr. BYRNES] are doing part of the guessing, and, on the other hand, we find that the department itself, the Secretary of the Navy, the Secretary of State, and the President of the United States, the ones which you are to put in the scales, are also guessing. Now, if that is in the form of a guess, I for one want to be on the side of the President of the United States. [Applause.]

It seemed to me that this debate was over yesterday when a letter was read from the President of the United States stating that anything less than 86,000 men in the personnel of the Navy would not be sufficient to keep up what we have agreed to as a 5-5-3 limitation among nations. So it seems to me, Mr. Chairman, we not only have it as our duty toward the administration itself but, further than that, and far above that, we are under obligations to the administration as part of the agreement among the great powers. We can not afford in any sense to have this question settled on other than the basis which the Government itself desires. And when one speaks of using any financial consideration, it seems to me that we can almost, from the way in which money has been spent, not only in this Congress but in preceding Congresses, regard this difference of $14,000,000 between the two figures as presented to us as in the light of practically nothing more than a financial bagatelle. It is true that $14,000,000 is a lot of money, but in proportion to the amount that Congress has been spending for other purposes it is very little with which to maintain the integrity among nations. [Applause.]

Why should we speak of "being afraid" of some other nation? For my part, this additional number is not required in anticipation of any trouble with other nations, but rather that we may continue to maintain an equality with them in line with the recent limitation agreement.

Mr. GALLIVAN. Mr. Chairman, I yield three minutes to my colleague from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the committee, many of the arguments made here to-day and advanced to the Members of this House are followed by the questions: Of whom are you afraid? Who are we going to fight? In answer to that, Mr. Chairman, let me say that it does not make any difference who we are going to fight. We are not afraid of any nation in the world. We never were afraid of any nation in the world, because heretofore we have had a Navy provided by former Congresses of the United States made up of red-blooded men who never measured the American dollar with the lives of the young men who make up our Navy and who would not be swayed from their duty. [Applause.]

Mr. FROTHINGHAM. Can the gentleman tell me whom England and Japan are afraid of? They are keeping up their navies.

Mr. TAGUE. Mr. Chairman, the only one that England or Japan will ever be afraid of is the American Navy. [Applause.]

Mr. Chairman, I venture to say, coming as I do from one of the districts which has been referred to as having in it a navy yard, that I will be charged with selfish motives and trespassing on the rights of this House when I advance in a humble way my reasons for advocating a larger Navy. I want to say that our motives are just as honest and just as clean as the motives of those who are advocating the other side of the question. We are not looking upon it from a selfish point of view, because we in those districts have seen the Navies of the United States grow to the size that they were during the late war. We have seen the boys from your districts in the Middle West, we have seen them from the far West, come to the eastern coast, there to make up the red-blooded men of the American Navy, and there they were received by men who had been trained in the service, men who were a credit to the Nation. They were experts, Mr. Chairman; yes, experts of the Navy. I am willing to follow in the wake of those men who have given their lives to the building up of the American Navy.

I am willing to follow men like Admiral Coonts rather than my distinguished friend from Michigan [Mr. KELLEY], and I am willing to follow Admiral Taylor rather than the distinguished leader from Wyoming, as to what I think should constitute the Navy of the United States.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GALLIVAN. Mr. Chairman, I yield two minutes to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. VARE. And I yield him the same.

The CHAIRMAN. The gentleman from New Hampshire is recognized for four minutes.

Mr. BURROUGHS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BURROUGHS. Mr. Chairman, I am going to vote my own honest convictions on this bill and I am going to vote for 86,000 men. [Applause.] In doing this I am very glad that I am supporting the recommendations of the President of the United States, the Secretary of the Navy, and every single naval official who has voiced an opinion concerning the matter. I am not ashamed to be found in this company.

Mr. Chairman, I am very glad to vote for every dollar of appropriation that is necessary in order to maintain our Navy on an exact equality, both in ships and personnel, with the navy of the British Empire and in the ratio of 5 to 3 in comparison with the navy of Japan. I understand the Congress of the United States is entirely within its rights under the treaties adopted at the recent conference in Washington in providing exactly that kind of a Navy. From all the information I can get—and I have sought information wherever it was available—I do not believe the present bill, which is being so ably defended by the chairman of the subcommittee, the distinguished gentleman from Michigan, will give us that kind of a Navy. I understand that this bill gives us not more than 18 battleships with

full complement, when we are entitled under the treaty to have 18, and the British Empire is going to have 18. I understand that this bill will give us not more than 10 cruisers, when we are entitled to have 13. I understand that this bill will give us not more than 65 destroyers in full commission, when we now have more than 300, and the very least number that the Secretary of the Navy has recommended is 103 in full commission and 23 in half commission. I understand that this bill will give us a total enlisted personnel of only 67,000, when the British Empire will have not less than 104,000 and Japan will have not less than 68,000. These figures are obtained through the Navy direct from our naval attachés at London and Tokyo. If any other or different figures are given, they seem to be based on nothing more dependable than common rumor or newspaper report. It is therefore my belief that this bill, if enacted into law, will inevitably reduce our Navy in point of efficiency and strength far below the British Navy and probably somewhat below the navy of Japan. It is because of this belief that I shall vote for the motion to increase the enlisted personnel to 86,000 men.

The gentleman from Wyoming, the distinguished leader of the majority, asks with much dramatic effect why it is necessary to accept as gospel truth the recommendation of the naval experts. I think there is no necessity for it. I know of nobody who has suggested doing so. What I do say, however, is this: I see no sense whatever in spending weeks in the examination of experts before the committee if these experts are all to be regarded as prejudiced witnesses, whose testimony in the end is not to be relied upon at all, and whose recommendations and conclusions are to be summarily thrown on the ash heap. Doctors, of course, sometimes make mistakes. But, after all, in time of sickness most of us go to a doctor rather than to a blacksmith. I want to call attention to the fact that these naval experts, whose recommendations seem to be regarded with so much distrust and suspicion, and whose testimony is thought to be so wholly unreliable, are the very same men upon whom our delegates to the arms conference relied entirely in all matters involving expert opinion or advice in framing the treaties. Our brilliant Secretary of State, Mr. Hughes, and Senator Lodge and Senator Underwood and Mr. Root found them to be entirely trustworthy. I wonder what has happened in the short space of a few weeks that the chairman of this committee now finds himself unable to trust these same men to advise him as to the proper number of men to serve as the complement of a battleship. I confess I do not exactly understand.

The distinguished leader of the minority, the gentleman from Tennessee, has just told us that he sees no obligation upon us growing out of the treaty to maintain a Navy in accordance with the so-called 5-5-3 ratio. I am inclined to agree with the gentleman on that proposition. But, Mr. Chairman, I say that we do have an obligation to maintain our relative position in exact accord with the terms of the treaty. That obligation arises out of the oath which each one of us took in front of this desk. Our duty, as I look at it with reference to this matter, has a twofold aspect. We owe a duty to the rest of the world with whom we have entered into treaty relations to keep at all times within the limitations prescribed by the treaties. But in addition to that we owe a duty to our own people not to allow the fighting strength of the American Navy to fall below the position accorded us in the treaty. I have a very firm conviction that the American people expect this Congress to do its full duty in both aspects as I have described them.

There is not a man in this House who does not know that if our delegates at the arms conference had been willing to accept a position of inferiority to any other nation in the world in respect to naval strength, the treaties they formulated would never have been ratified by the Senate or by the people, and they themselves would have been quickly swept into oblivion by a thoroughly aroused and offended public opinion. If that is so, it seems to me equally clear that the same public opinion, when it understands the true situation, will condemn any man or any party that is responsible for the weak, timid, pusillanimous policy now for the first time proposed in a great naval bill in the American Congress that would put our Navy into a permanent position of inferiority among the naval powers of the world. I said "permanent," Mr. Chairman, and I use the word advisedly, because it must be plain to everybody that if once we accept a second or third rate position it is going to be most difficult, if not, indeed, impossible, at a later time to take our rightful place. Any subsequent action by Congress looking in that direction will at once excite among the other powers the greatest suspicion, if, indeed, it be not regarded as a hostile act.

Mr. Chairman, I was a strong believer in the so-called Limitation of Arms Conference. I saw in it a real effort along what seemed to be perfectly sane and practical lines to put a stop to the race for naval supremacy among the nations, that was bound to be an ever increasing burden upon every people and nation that participated in it. I believed then and I believe now that the only practical, sensible way for the nations to disarm is by agreement. I most assuredly do not believe in disarmament by example. I am unwilling to see my country disarm either on land or sea as long as all the other nations of the world remain armed to the teeth.

I was proud to see my country take the first step toward disarmament. How was she able to do it? It was only because she had at the moment a Naval Establishment potentially, at least, the most powerful in the world. When the right time comes I want to see her take another step in the same direction, but her success then, as before, will depend upon her having a strong, efficient Navy, the equal of any that sails the seas. If we are to expect others to follow, we must see to it that we maintain our position of leadership. Any other policy spells inevitable failure.

I would go very far indeed to bring about a condition in the world wherein war would no longer be tolerated and when any nation that engaged in it would be considered an outlaw nation. But, Mr. Chairman, while that is true, it is also true that I will never, if I know it, favor or vote for any measure the effect of which is to put the control of American naval policy into the hands of the little group of extreme pacifists that seem to follow the leadership of that other son of Michigan whose chief title to distinction lies in the fact that he has put the "tin Lizzie" into thousands of American homes. So far as I am concerned, I will never vote for any policy or any measure the inevitable effect of which is to cripple and hamstring and dismantle our Navy in order to meet the views of men who, however noble and fine may be their ideals for their country, fail utterly to grasp the fundamental truth that such ideals amount to nothing in the present state of civilization unless we possess the will and power to make them effective.

I appeal to you, my colleagues, not to cripple and destroy our splendid Navy. Its noble traditions are the pride and glory of America. It is and must always remain our first line of defense. It is both our right and our duty to keep it on a basis of equality with the best. In the name of John Paul Jones and Perry and Decatur and Farragut and Dewey I ask you to-day to maintain that right and perform that duty. [Applause.]

Mr. VARE. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. NEWTON].

The CHAIRMAN. The gentleman from Missouri is recognized for three minutes.

Mr. NEWTON of Missouri. Mr. Chairman, I do not believe that any event of the past half century has met with such universal approval as the achievement of Secretary Hughes and our American representatives at the disarmament conference called by President Harding, which convened in Washington on the 12th day of November last. I believe that 95 per cent of the American people are in favor of some kind of an international understanding to prevent a race in armaments and to minimize the dangers of war. Many Americans were in favor of the League of Nations for this reason. The last election, however, demonstrated that a vast majority of the American people were afraid that the covenant of the League of Nations went too far and threatened to involve this country in European conflicts. I am persuaded that the overwhelming sentiment among those who opposed the League of Nations is in favor of an understanding, such as President Harding and the American peace delegates brought about through the disarmament conference.

Prior to the World War Great Britain stood first in naval strength among the nations of the earth. Great Britain was the mistress of the seas, and under the protection of her navy her commerce entered with security into every port around the world. Next to England came the navy of Germany, and under its protection the commerce of Germany became a strong rival to the commerce of Great Britain, while the commerce of the United States, lacking the protection of an adequate Navy, was greatly retarded in its development.

Our representatives at the Disarmament Conference succeeded in getting an amicable arrangement whereby the navies of the three great naval powers should be limited, and providing that the navy of Great Britain at the end of 10 years should be no greater than that of the United States, while the size of the navy of Japan, as compared with that of the United States, should bear the ratio of 3 to 5.

What was it that made this achievement possible? What was it which made England willing to surrender her proud position as mistress of the seas and to consent to a limitation of her armaments which made it possible for the United States, without excessive expenditures, to have a Navy equal to that

of any nation upon the globe? What was it that made Japan, proud as she is, with an extensive navy building program, submit to a naval ratio of 5 to 3?

It was the fact that America had undertaken with determination to carry out a program which by 1926 would give America the greatest Navy afloat, coupled with the further fact that both England and Japan knew that the resources of the United States were such as to insure victory for America in an international race in armaments. I believe that every patriotic American feels that the establishment of this naval ratio by amicable agreement—a ratio which makes the naval strength of the United States at a moderate cost equal to that of Great Britain and vastly superior to Japan—was the greatest achievement of this age. What would the American people have said of the work of our delegates at the arms conference if they had consented to a naval strength between Great Britain and the United States upon a ratio of 5 to 3 and a naval strength of the United States less than that of Japan? And yet that is the thing which the bill now under consideration proposes to do.

Why do I make this statement? What evidence have I to sustain it? The chairman of the subcommittee, Mr. KELLEY of Michigan, and our leader, Mr. MONDELL, declare that the provision of the bill providing for an enlisted naval personnel of 67,000 men is fully adequate to take care of our Navy's needs. But what are the facts? Great Britain has provided in her naval budget for enlisted personnel, exclusive of marines, amounting at the end of the next fiscal year to 98,000 men. Japan has provided in her naval budget for next year for a personnel of 68,252 men, and yet this committee tells us that an enlisted personnel of 67,000 men for the American Navy will maintain our ratio equal to that of Great Britain and as 5 to 3 when compared with the navy of Japan. The fallacy of such a contention is obvious. To begin with, the training of England's naval personnel is far superior to that of ours, because her enlistment is for a period of 12 years. The training of Japan's naval personnel is superior to ours, because her enlistment is for a period of six years, while the enlistment of the personnel in our Navy is for an average period of three years.

On June 3, 1921, out of 119,000 men in the American Navy, 98,000 had less than 4 years' experience and 87,000 of them were less than 24 years of age. Experience shows that it takes at least one year to make any sort of a sailor out of enlisted men and that it takes at least three years' training to prepare men for efficient service in operating a battleship. Furthermore, our naval records for the last year show that we had 55,000 new enlistments of young men who had never seen naval service, while we had only 16,000 reenlistments.

Thus it will be observed that at least one-third of our enlisted men must necessarily be in training all the time and thus incapable of active naval service, while a considerable percentage of the remaining two-thirds must be engaged in training the one-third raw material. This handicap does not apply to the British and Japanese Navies under their long enlistments.

Thus it is evident to any reasonable man that the contentions of the chairman of the subcommittee [Mr. KELLEY of Michigan] and the floor leader [Mr. MONDELL] that this bill provides for our complement under the terms of the treaty is totally without foundation. Battleships do not make navies, and the finest battleship in the world is of no value as a fighting force unless it is manned by trained, intelligent, and skillful seamen. You can not have a 5-3 ratio between the United States and Japan so long as Japan has 68,252 men, seasoned and trained under long enlistment, while the United States has only 67,000 men, one-third of whom are not trained at all. And you can not maintain a 5-5 ratio between Great Britain and the United States so long as Great Britain has 98,000 enlisted men, seasoned and trained under 12-year enlistments, while the United States has only 67,000 enlisted seamen, one-third of whom are not trained at all.

If we are to keep up our complement and help to insure peace by maintaining our ratio with England and Japan, as provided in the treaty, we can not do so with a personnel of enlisted men such as that which is provided in the bill now under consideration. If we are going to disarm alone and ignore the splendid ratio which caused the American people to hail the achievements of our delegates at the arms conference as a great success, then what did the accomplishments of the conference amount to? If we do not maintain the strength allotted to us, in order that America's views and ideals might be respected over the world, then what advantage was there in having a conference? No other nation is going to interfere with us in disarming alone. We had a right to do that without a conference. But the American people know that to do this means to invite trouble, and I do not believe that they will approve of any such program.

The American people have learned by experience in recent years that unpreparedness invites conflict. They have learned that such a condition of our Army and Navy, coupled with an election in this country strongly declaring in favor of peace, regardless of the insults which we endured, resulted in our being hurled into a world conflict which cost this country $40,000,000,000 and 70,000 lives, and placed a responsibility upon this Government to care for sick and wounded soldiers amounting to more than $500,000,000 a year.

I do not believe the American people want this mistake repeated. I believe that they approve of the achievements of President Harding and Secretary Hughes. I believe that they feel that a great step has been made toward permanent international peace by agreement, and I believe they want us to keep our complement up to its full strength, as Great Britain and Japan are doing, until the time comes when further declarations by agreement can be made. If we ignore the provisions of the treaty and take our place in naval strength in the rear of Great Britain and Japan, it is reasonable to assume that at the end of the 10-year period the agreement for the limitation of arms will not be renewed and we will again be off on another international race in the construction of machines for war.

I am convinced not only from the facts which I have presented to you that the provisions of this bill are totally inadequate to provide for our complement under the arms conference, but even if I did not have these facts I would vote to increase the enlisted personnel of the Navy to 86,000 men. Why do I say this? The chairman of the subcommittee, who served for some years upon the Naval Committee of the House, has declared that the enlisted strength of 67,000 men is adequate. The Republican floor leader [Mr. MONDELL] has declared the same thing. Why should I not follow them? I will tell you why. Because the Naval Affairs Committee of the House, consisting of Members of this Congress who have devoted years of study to the naval problems of this country, say that we can not keep up our complement and maintain the ratio provided by the treaty with less than 86,000 enlisted men; because the Secretary of the Navy and the naval experts who have devoted their lives to the study of naval problems and who so successfully advised our delegates to the peace conference tell us that we ought to have at least 86,000 enlisted men and that we can not maintain the 18 first-line battleships allotted to us by the treaty, together with the necessary auxiliary equipment, with less than 86,000 men; and because the Secretary of State, who so successfully led our delegation at the peace conference in the greatest achievement of world peace yet known, and who, as the head of the State Department, together with the Secretary of the Navy, is in a position to have in his possession information upon international questions which are not and can not be available to Members of Congress, urges that we must not provide for less than 86,000 men; and because the President of the United States, who is acclaimed by the nations of the earth as the great leader for international peace, and who is in a position to have information and to understand far better than we the complicated angles of this great international problem, said to us in a letter yesterday:

> I shall be greatly disappointed, and I believe the country will be greatly disappointed, if the appropriation to which the Navy must and will adhere, is reduced to a point where the limitation of enlisted men and apprentices is below 86,000.
>
> Ultimately, perhaps, the lower figures proposed may be reached, and I hope it will be possible through later international concert, but the trend toward peace and security ought to be more firmly established before going beyond the limitation to which we were gladly committed at the international conference.

There is no official of this Government more insistent upon national economy than President Harding; no one more determined that the tax burdens of the people shall be reduced. It was under his leadership that this great achievement for peace was accomplished; it was under his guiding hand that this international race in armaments was stopped. He is in a position to understand better than we the purposes and inclinations of the other nations of the earth. No man in this Government carries greater responsibility than he; no man in this country is more patriotic than he; no man in the Government is more concerned about the welfare of the Nation and its future than he. He is the commander in chief of the Navy, and when he tells me, as he did upon yesterday, that he will be greatly disappointed if we fail to provide for an enlisted naval personnel of 86,000 men, I, for one, will not cast my vote to hamper him in his fight for world peace. He is the head of our Nation, the leader of my party, and when he appeals to me, as he did upon yesterday, you may depend upon me to respond. [Applause.]

The CHAIRMAN. The Chair is ready to recognize any gentleman.

Mr. KELLEY of Michigan. Mr. Chairman, how much time has the gentleman from Pennsylvania?

Mr. VARE. Twenty-three minutes.

Mr. KELLEY of Michigan. How much time has the gentleman from Massachusetts [Mr. GALLIVAN]?

Mr. GALLIVAN. A little over 30 minutes.

Mr. KELLEY of Michigan. I suggest that the gentleman use some of his time.

Mr. GALLIVAN. I would prefer to have a vote, but I yield myself three minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for such time as he desires to use.

Mr. GALLIVAN. Mr. Chairman, I approach once more the consideration of this tremendously important bill with some fear and trembling. In the general debate we progressed as one happy family until the closing hour; then almost in the closing minute the motives of the men who come from the big cities on the Atlantic coast and the Pacific coast who advocate a larger number of enlisted men in this bill were questioned. I come from a city which has within its limits the oldest and the finest navy yard in all the land. It has helped to make the history of this Republic, and we in Boston are proud of its achievements and glory in its record. But do you men believe that the three Congressmen from Boston who favor the larger number of men proposed in the amendment are interested solely because of that navy yard? Does any man within the sound of my voice believe that we are made of that kind of stuff? Yet our motives were attacked openly, and, as I say, it is with fear and trembling that I dare return to make another appeal for the flag. [Applause.] The other day I told the House of the newest navy in our land, the prohibition navy. I see, by the way, that it got into operation yesterday and it fired its first shot, and it was a wet shot. [Laughter.] I said then that this Congress was at all times ready to vote millions for prohibition, but in this hour pennies for the flag. What of it if it is going to cost $47,000,000 more to put this amendment on the bill? What of it? Is it the cost of your Navy that you are sitting here to estimate? Is it the cost or is it the character of your Navy and the kind of a Navy you are going to have? Oh, let me say to my friend King KELLEY of Michigan, whom I love [laughter and applause], I want to read to him some lines from Rudyard Kipling. I should have opened my brief speech with these lines. I know he will applaud.

> No doubt but ye are the people—your throne is above the king's,
> Whose speaks in your presence must say acceptable things:
> Bowing the head in worship, bending the knee in fear—
> Bringing the word well smoothed—such as a king should hear.
>
> Such as a king should hear!

I do not want to take up any more time of this House, but this is going to be my last word on this proposition. I was ready at noon to submit the question to a vote without any further debate, and I appeal to the men of Congress to realize that at no time in their career, in my judgment, have they had a more important question handed to them; and I appeal to them to go slow before they follow the recommendation of a committee of five men, coming from the States so well pictured as my colleague from New York [Mr. MAGEE] pictured them. In closing again I go back to Rudyard Kipling, and this is for the whole House:

> No doubt but ye are the people—absolute, strong, and wise;
> Whatever your heart has desired ye have not withheld from your eyes.
> On your own heads, in your own hands, the sin and the saving lies!
>
> [Applause.]

Mr. BYRNES of South Carolina. I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, our genial and distinguished colleague from Massachusetts [Mr. GALLIVAN] in the speech which he has just concluded, made one of those striking statements for which he is talented when he said, "Congress is willing to vote millions for the enforcement of prohibition but pennies for the support of the Navy." In the first place, the genial gentleman from Massachusetts might as well recognize that prohibition is now a part of the Constitution of the United States, and Congress, which is sworn to uphold and defend the Constitution, is going to appropriate whatever money is necessary to enforce the prohibition laws. All gentlemen who are advocating light wines and beer and who would like to see an abandonment of efforts to enforce prohibition might as well recognize the eighteenth amendment as part of the law of the land and join hands to bring about its effective enforcement. In the second place, the gentleman from Massachusetts is entirely mistaken when he says Congress is only "spending pennies for the Navy." He should recall that if this pending naval appropriation bill is passed without any additions, coupled with the amount already appropriated for the support of the Army, the Government of the United States will be appropriating for the fiscal year 1923 upwards of $500,000,000 for the support of the Army and the Navy. And yet the gentleman from Massachusetts says, "What does it matter if you add $47,000,000 more?" Well, gentlemen of the Congress, what does it matter? Is it no matter if you add fifty million more dollars tax burden to the already bended back of the taxpayer? I believe I recall that some one has said that there is one thing that is stronger and more powerful than armies, and that is an idea when its hour has come. The hour for the relief of struggling humanity from the crushing burdens of military and naval armaments has come, and happily it has fallen to the lot of America to lead the way. [Applause.]

It is not the first time that the forces of destiny have bestowed upon us the power of a great opportunity. Our Revolutionary fathers of 1776, when they declared by the pen of Thomas Jefferson that all men are created equal and endowed with certain inalienable rights, among which are life, liberty, and pursuit of happiness, and that governments derive their just powers from the consent of the governed, set in motion forces which have crumbled thrones and empires and have scattered the emblems of despotism and tyranny like as a sand storm scatters before it the dust of the desert. Those who have visited Washington's home at Mount Vernon will remember that hanging on the wall of one of the halls is the key to the Bastile which was sent by Lafayette to Washington through Thomas Paine. In the glass case where the key rests is the note which Paine wrote to Washington upon delivery of the key. It reads thus:

> Our very good friend, the Marquis de Lafayette, has intrusted to my care the key of the Bastile and a drawing handsomely framed representing the demolitions of that detestable prison as a present to Your Excellency, of which his letter will more particularly inform. I feel myself happy in being the person through whom the marquis has conveyed the only trophy of the spoils of despotism and the first rips fruits of American principles translated into Europe to his great master and patron. When he mentioned to me the present he intended you my heart leaped with joy. It is something so truly in character that no remarks can illustrate it and is more happily expressive of his remembrance of his American friends than any letters can convey. That the principles of America opened the Bastile is not to be doubted and therefore the key comes to the right place.

When the news reached England of the fall of the Bastile the great statesman Fox, perceiving its significance for liberty, exclaimed:

> How much is this the greatest event that ever happened in the struggle for liberty and how much the best.

And now, at another epoch in the world's history, America is again privileged to lead the way, and by her own unselfish example at the recent Limitation of Armament Conference has laid out a path for other nations to follow which they can not afford to ignore. The American people heartily approve and support the work of that conference and expect Congress to give effect to its program by real reductions in expenditures. If Congress votes the increase in naval personnel, as proposed by the pending amendment, from 67,000 enlisted men to 86,000 men, and follows it up by increases in other items of appropriation made necessary by the increase in personnel, will we be giving to the American people any substantial reduction in naval expenditures? I say no. Gentlemen, we must avoid that sort of a situation. The people are entitled to have some of the burdens lifted.

NATIONS SHOULD PAY AS MUCH ATTENTION TO TRAINING FOR PEACE AS IS PAID TO TRAINING FOR WAR.

Now, I am not laboring under any delusions as to the effect and benefits of limitation of armaments. I realize that it is not a sure and certain guarantee of peace. Causes of war run deeper than armaments. Men went to war long before gunpowder and firearms were invented, and when there were only clubs and sticks and crude spears for weapons. There must be a moral reformation, a universal will and purpose for peace among the nations of the world before we may expect permanent peace. I would hardly be optimistic enough to say that we have reached that millennium yet. But while I realize that humanity is yet very far from the perfect ideal, I would hate to see its shortcomings and imperfections made the basis for a do-nothing policy.

A policy of just sit back and say human nature is selfish and men are grasping, and therefore nothing can be done except to let things drift along until another crash comes and the world is plunged into another war more horrible than the one through which we have just passed. No; civilization has never made any progress that way.

> We rise by things that are under our feet;
> By what we have mastered of good and gain;
> By the pride deposed and the passion slain
> And the vanquished ills that we hourly meet.

A nation should pay as much attention to training for peace as it does in training for war. If the Nettebos and Bernhardis and Kaiser Wilhelms of Germany had devoted their attention to developing a spirit of peace and good will among their people

instead of a harsh and intolerant military spirit, in all probability the world would have been spared the horrible holocaust of the recent war.

One of the best ways to train for peace is to lay aside some of the burdens of military and naval armaments and enter into treaties of arbitration and understandings with other nations to which we can resort when the war clouds do threaten, instead of resorting to an appeal to the sword. Men who take time to think and nations who take time to think, usually find that they have acted the part of wisdom. The man who is always thinking about achieving his rights and nothing about fulfilling his obligations is likely to come to grief, and the rule is not different among nations. So while I want to see the United States protected in all of its rights, I am equally anxious that it recognize and fulfill all of its obligations.

The agreements entered into at the recent Limitation of Armament Conference are distinctly forward steps in training the world for peace, therefore I favor observing these agreements in letter and in spirit, and it is for this reason that I will vote against the amendment to make the proposed increase in naval personnel.

Mr. KELLEY of Michigan. Mr. Chairman, how does the time stand now?

The CHAIRMAN. The gentleman from Michigan has 40 minutes.

Mr. KELLEY of Michigan. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, it is my unalterable determination to uphold the hands of the President of the United States, of his great Secretary, and of the American delegates to the Conference on the Limitation of Armaments, by voting for that reduction in naval personnel and naval cost contemplated by the treaty they negotiated, and faithfully reflected in the provisions of this bill. [Applause.]

Mr. Chairman, it is true that the Washington conference does not bind us in the matter of personnel or cost of the Navy. It does bind us in the number of effective fighting ships. It is true that we could maintain our present personnel of 96,000 enlisted men; we could increase that to the 120,000 which the naval board recommends; we could maintain our present expenditures, we could increase them, as the Naval Establishment desires, without violating the letter of the treaty. But is there anyone so dull, so insensible to national obligations as to believe that we could do that or anything approaching it without violating the treaty in every phase and factor of its essential principles, without making it a mere scrap of paper begrudgingly adhered to in the letter, flagrantly violated in the spirit? [Applause.]

Gentlemen express a desire to follow the naval experts. How far do they expect to follow them? The officials of the Naval Establishment, civil and military, have never budged from their insistence upon a Navy of from 94,000 to 120,000 enlisted men, or qualified their demand for naval expenditures as great or greater than those of the days before the ratification of the treaty. Is this to be wondered at? Not at all. I challenge anyone to find in all the history of the world a time or place when a professional fighting establishment ever voluntarily or willingly reduced its costs or forces by a single man or a single dollar. [Applause.]

We have heard much of the importance of maintaining a treaty fleet, 18 battleships in full commission and their necessary auxiliaries. With that thought and purpose I am in complete accord, and it is accomplished by the provisions of this bill. There was no other thought or purpose in drafting it; but, Mr. Chairman, there is a wide difference between the reasonable and proper maintenance of a treaty fleet and the continuation of the unhappy and unholy competitive naval race for supremacy which it was hoped the Washington treaty had brought to an end. [Applause.]

If it were true—which, in my opinion, it is not—that Great Britain was, with her wide-flung empire, maintaining under arms a few more men than we, must our sole effort and endeavor be to hunt out and count the last man she has in order that we may match him with another? If that is the theory on which we are to carry out the treaty, then it were just as well that the treaty had never been negotiated. Save for the fact that we have surrendered and propose to sink our finest fighting ships, we have come out of the conference just where the nations went in—suspicious and determined to outrace and outclass each other. If it be true that Japan, following the usual oriental custom of having two men do the work of one, is maintaining in training or otherwise a few more than the forty or fifty thousand men which might properly man her fleet, would that fact alone justify us in maintaining a larger establishment than is necessary to keep our treaty Navy in fighting trim?

Mr. Chairman, this committee undertook in good faith the task of preparing a bill which, while making sufficient provisions for our Navy under the treaty, does at the same time—and what is equally important—translate into legislation and in the figures of appropriations the spirit and purpose of the treaty in the reduction of naval costs and naval establishments. Notwithstanding the committee's best efforts, this bill, without any increases, with the necessary additions which must be made to it in pay and in provision for aircraft and for continuing construction, will involve a cost of upward of $390,000,000, as compared with a naval cost of less than $150,000,000 for the years immediately preceding the Great War. No one knows how much more must be added to this cost through the cancellation of contracts on ships now building and to be abandoned. Some have placed it as high as $50,000,000. I trust that figure is excessive, and yet it is possible and would result in an outlay of approximately $350,000,000 for the Navy the first full year after the treaty and within a few millions of the cost of the Navy before the ratification of the treaty.

That is the bill as it is now before us. Add the 19,000 men proposed and the cost increases by from $40,000,000 to $50,000,000, or to at least $400,000,000; or about the cost of the Navy this year. Add another $10,000,000 or $15,000,000, as your naval experts will all demand when this bill goes to the Senate, and your naval costs and your naval personnel will be greater after the treaty is ratified than it was before. This is no fanciful suggestion; this is what I know to be not only in the minds of naval men but, unhappily, I regret to say, in the minds of men on this floor. I am for a treaty Navy but I am also for the spirit of the treaty. [Applause.]

The crowning achievement of our great President and of our great Secretary of State, the crowning glory of this administration is the Conference on the Limitation of Armaments and the treaties resulting from it—if they be adhered to in their spirit and their purpose. It is our duty, regretful as we are, that we may seem to differ from the view of those in high places, here and now to sustain the President and his administration, to meet the expectations of the people of the country by crystallizing into law and appropriations the purpose and triumphant accomplishment of the conference through the reduction in the Navy and naval expenditures proposed by this bill. [Applause.]

Mr. Chairman, if we make the increases that are now asked of us we shall raise the cost of the Navy and the Naval Establishment higher after the ratification of the treaty than before it, and shall in so doing violate the spirit of the treaty we profess to desire to observe. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, ordinarily I have great respect for the judgment and opinion of the gentleman from Wyoming. Generally I follow his judgment as the floor leader of my party, but I can not follow him to-day. He has just told us that if we pass this amendment and provide for 86,000 enlisted men in our Navy that we will thereby scrap the naval treaty which was but recently entered into at the Washington conference. He has so informed us notwithstanding the fact that the President of the United States has requested this number of men. Does the gentleman contend that the President, who has so successfully negotiated this treaty, now intends to scrap it? I wish to say to the gentleman from Wyoming that, so far as I am concerned, as to the effect of this amendment upon that treaty I prefer the judgment of the Secretary of State and the President of the United States. [Applause.]

The people of the great Middle West who furnished some two millions to our Army and Navy during the late war believe in the treaties negotiated at the Washington conference. They believe in the naval treaty and in maintaining the strength of our own Navy at the 5-5-3 ratio agreed upon. That ratio places our Navy as second to none in the world, and they want no Congress to change that position.

A navy is made up of ships, guns, and men, and one might almost say that the greatest of these is men. This treaty authorizes us to maintain a Navy based on 18 capital ships, placing us on a par with Great Britain and making us second to none among the naval powers of the world. In negotiating the treaty and providing for the necessary capital ships the question of the guns upon the ships was fully considered. The treaty therefore considered the first two elements—ships and guns—and it is up to this Congress to provide the necessary men to maintain that Navy and to keep it up to a high state of efficiency.

The bill before us does not provide a sufficient number of men. I have great confidence in the gentlemen in charge of

this bill, but their statements are disputed by the naval officers, the Secretary of the Navy, the Secretary of State, and the President of the United States. It seems to me that the preponderance of the evidence submitted before us is on the side of those in favor of this amendment for 86,000 men. [Applause.]

I want to make this further observation: If this Congress should adopt this bill as it is and fix the Navy enlisted personnel at 67,000, we would, in effect and for all practical purposes, fix that figure as a maximum for the full 10-year treaty period. For all practical purposes it would be impossible in the future to come in with a bill increasing that number, for the very moment that we did so it would be charged, and with some reason, that we were violating the spirit of the naval treaty by increasing its strength. To-day we are just commencing upon the first year of this treaty period. No such situation can now confront us in fixing the number of men for this year. With a Navy of 18 capital ships properly balanced we require some additional ships, such as two airplane carriers of 27,000 tons each. There is a bill before us authorizing the conversion of two battle cruisers now under construction—which construction is to be abandoned under the treaty—into two airplane carriers.

The construction of these and two more additional carriers is contemplated under the treaty. Furthermore, we should complete the 10 scout cruisers that are under construction. The Committee on Naval Affairs has recommended to the House the completion of these auxiliary ships, and their completion is necessary if we are to have a properly balanced Navy and to maintain our position as a coequal naval power of Great Britain.

Now, then, those ships have not yet been completed. No provision has been made in this bill for manning those ships with the proper number of men. When the ships are completed those ships will, of course, have to be manned with the proper complement of both officers and men. If, therefore, we now limit our Navy to 67,000 enlisted men, where are we going to get the men to man these additional and most necessary units to our Navy? If after fixing the Navy at 67,000 enlisted men we then seek to raise that number, it would be claimed at once that we were violating the spirit of the naval agreement. It seems to me, therefore, with this conflict of opinion and conflict of figures, and the necessary additions to the Navy that must be provided for, that we had better play safe and adopt the amendment fixing the Navy at 86,000 men, for if that proves to be more than sufficient in the future it will be easy for us to reduce that figure, whereas if 67,000 men proves to be too few it will be embarrassing and exceedingly difficult to raise that figure.

Mr. Chairman, to me there is but one thing to do, and that is to support the amendment for a Navy in accordance with the desires of the President, backed up by his able Secretary of State. [Applause.]

Mr. VARE. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, one who has not participated with the committee in the formation of this bill can only give impressions rather than produce any very solid information on the proposition. My own impression is, Mr. Chairman, that in framing this bill, with a purpose of cutting expenses, a very worthy purpose, the committee have cut too deep—they have cut the Army too fine and the Navy too fine. The questions have been asked on the floor, Where are we expecting trouble? Who will make war on us? We can not tell where trouble is coming from. In 1912 nobody would have believed that it was possible to have a war with Germany in 1917. We are in this position: That this country is a very rich country. Human nature is the same all over the world. We have the accumulation of the gold of the world. We have lots of property, lots of riches, and lots of prosperity as compared with other countries. Undoubtedly we excite the envy of other powers, as wealth and success always excite envy. The possibility always exists that we may find ourselves in trouble from unexpected sources. So far as I am concerned, I am going to vote for a Navy that I think is as near as possible to the limit of what we are permitted to maintain under the treaty of the Conference on Limitation of Armament. We ought not to fall behind the naval strength of any other power. [Applause.]

Mr. VARE. Mr. Chairman, I yield now to the gentleman from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. Mr. Chairman, I am in favor of an efficient Navy. It happened that during the war I had three of my boys in the service. One of them was in the Navy. He was shifted from training in California to Hampton Roads. He wrote to me from there and said, "Father, I have been here two days and I have looked all around, and I see over in the bay 12 or 15 American warships and cruisers. I shall be on one of them in a few days, and I assure you that I know that we will lick the whole world." [Laughter and applause.]

I want to keep faith with my boy and I want to keep faith with the American people. I shall vote for a bigger Navy. [Applause.]

Mr. VARE. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. KLINE].

Mr. KLINE of New York. Mr. Chairman, the gentleman from Oregon and the gentleman from Massachusetts have most ably stated to you their reasons why we should not pass the naval bill carrying 67,000 enlisted personnel as reported by the Committee on Appropriations. I heartily agree in all that they have said. There are, however, certain aspects which they have not covered. They have dealt with the Navy afloat, but to keep the Navy afloat there is necessary a large and highly developed force ashore. We have at this time throughout the United States navy yards and stations where there are employed about 53,000 civilians. We have an investment in these navy yards exceeding one-half a billion dollars. The corps of navy yard workmen is not a mushroom growth. It has been built up through years. It is composed of men of training and skill, many of whom have given the better part of a lifetime to this Government work. Should this bill carrying 67,000 personnel prevail, this shore organization will of necessity have to be in large measure discontinued. For example, I am reliably informed that with a 67,000-men Navy a great majority of the yards on the east coast would have to be closed. The business of yards is repairing the ships. If the ships are put out of commission, there is no work for the yards. Under these circumstances they could not be continued. The discontinuance of the yards will not only involve a great hardship upon the employees, who would thus be left without work, but would also destroy at a blow the very specialized organization which has been built up through so many years and which is an absolutely necessary integral part of the Nation's defense. Such an organization can not be assembled overnight. It is of necessity the product of long years of work. I therefore bespeak your consideration for this very important aspect of the bill. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I now yield four minutes to the gentleman from Michigan [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, one day about six years ago I sat in the balcony of this House as a spectator and listened to a portion of a debate on what was then known as one of the preparedness bills. One of the Members who opposed that measure made the argument: "With whom are we going to fight? Is it with England, our friend of a century? Is it with Japan, an island smaller than many of our States? Can it be with Germany, with an ocean lying between us?" Within a year from that time we were plunged into the World War.

Yesterday I sat in the same balcony with some visitors and heard the identical argument delivered against the amendment now before us, and delivered with the same vehemence and eloquence: "Whom are we going to fight, England, Japan, Russia?" It is as unthinkable to-day as it was in 1916 that this country should ever again engage in armed conflict. But the inconceivable happened once. It can happen again. We fervently hope and pray that it will not, but no one can issue a guaranty.

But we are asked: "How about the treaties that you have ratified? Do they not guarantee this country against war?" No one has claimed for them that extravagant virtue. No country to-day, in the present state of civilization, is war proof any more than the most skillful engineers or builders have been able to construct with all their ability a building which is fireproof. We hear occasionally of some new marvel of engineering construction which is heralded as fireproof, but we have never yet heard the architect or the builder tell the owner of the building not to carry any insurance on it because it could not burn. In this instance our architect and engineer is the Commander in Chief of the Military Establishment of the United States [applause], and he has given us a solemn warning that the bill as proposed by the subcommittee does not furnish adequate insurance and protection for the building of which we are the custodians, and which houses 110,000,000 of American men, women, and children. [Applause.]

My genial colleague and neighbor from Michigan [Mr. KELLEY] on Monday last said that the President is a man who has upon his shoulders the weight of the world, and that he had something else to do besides going out and counting up the number of men required for the operation of the Navy. Mr. Chairman, by his letter of yesterday the President has given us to know that with all of his multitudinous cares, responsibilities, and obligations he deems it essential to give his attention to the size of the Navy personnel, and that there is no

responsibility weighing upon him which is greater than that which has to do with the security and the safety of the people who look to him for guidance. [Applause.]

It has been said that this amendment is sponsored by those who live upon the coasts. I come from the Middle West, and I intend to vote for the amendment. It has been said that the amendment is backed by only those who have navy yards in their district. There is not a navy yard within 500 miles of Michigan, so far as I know. It is with reluctance that I find myself unconvinced by the able and plausible argument of my colleague, but I take solace in the thought that I am in accord with another gentleman from Michigan, a man who in the earliest days of the war, at the age of 49, enlisted as a private in the Marine Corps, and who served throughout the war with distinction, and who sits to-day as Secretary of the Navy, not with a smile upon his lips, but fearful, and yet hopeful, that the American Navy will not be destroyed by the American Congress. [Applause.]

Mr. VARE. Mr. Chairman, I yield six minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I have no letter to read from any man in high official position, and I have none to read from naval experts and none to read from navy-yard employees. But if I were to read a letter I would read one of many I have received from persons of position in my district, in humble station and in high, the one letter expressing the sentiment of the many, and the many expressing the sentiment which I feel prevails in my district, in my State, and in this Nation—the sentiment that this Congress should give to the Nation a Navy worthy of the flag it bears. [Applause.] A natural corollary of the Washington conference, so happily and so successfully terminated, prompts us to curtail the human as well as the material forces of the Navy if we are to keep abreast of the advanced thought of the hour and are to meet fairly and squarely the spirit of that conference. To make effective this curtailment the Naval Affairs Committee, after very exhaustive hearings, determined to recommend to Congress that the authorized strength of the Navy be reduced to 86,000 men, believing that while this number would represent a substantial reduction in personnel it would not render the Navy impotent nor ineffectual. I am glad to say that the prevailing opinion of the Naval Affairs Committee was and is that the actual strength shall approximate the authorized strength, and therefore it is with a clear conscience and a firm conviction that I am willing to vote for the amendment offered by the gentleman from Pennsylvania. [Applause.]

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I regret I can not yield. My colleagues, as we approach the subject and as we vote upon it, let us remember that the American people feel kindly toward the Navy; they appreciate its value for defense; they appreciate its value for protection to our commerce; they appreciate its value in maintaining our national policies, and I believe they are willing to pay the cost of keeping it well equipped, well maintained, and well manned. [Applause.]

As the nations of the world, in the arms conference, followed President Harding, a man of sympathy, a man of world vision, a man whose heart is attuned to the aspirations and the hopes of humanity, let us, his fellow citizens, follow him to-day in his patriotism and in his statesmanship as he has interpreted that conference by pointing the way to a Navy worthy of a mighty people. [Applause.] Colleagues, let us vote for the amendment [applause], let us have a Navy worthy of the name, worthy of the glory, worthy of the deeds of that Navy which throughout the years has been the pride and the bulwark of the Republic. [Applause.]

Mr. LINTHICUM. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. There are 39½ minutes remaining between the gentleman from Pennsylvania [Mr. VARE] and the gentleman from Michigan. The gentleman from South Carolina [Mr. BYRNES] has 23 minutes, and the gentleman from Massachusetts [Mr. GALLIVAN] 25 minutes.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the chairman of the committee, Mr. MADDEN. [Applause.]

Mr. MADDEN. Mr. Chairman and gentlemen, the Appropriations Committee recognizes itself as the servant of the House, and we recognize the House as the servant of the people, and we believe the American people are in favor of decent economy in the conduct of the Government. [Applause.] We give as conscientious study to every problem that comes before us as it is possible for disinterested minds to give. We have no preconceived notions about anything. We have no special interests to serve. We serve only the American people, and we believe when we come to you with a recommendation seeking to preserve the integrity of the economic side of the American Government we have a right to expect reasonable and decent consideration at your hands. [Applause.]

There has much been said to-day about the gentleman from Michigan [Mr. KELLEY]. I think he has no peer anywhere. [Applause.] For integrity of purpose, useful, unselfish devotion to duty, industry, knowledge, and experience no man of my acquaintance surpasses the distinguished gentleman from Michigan. [Applause.] As chairman of the subcommittee which prepared the pending bill, he has shown that he possesses an amazing fund of naval knowledge, more knowledge of naval affairs than any naval officer that came before us. [Applause.]

It has been said that we have acquired no information. Well, if we acquired no information, it was because there was no one in the Navy who had it [applause], for we had every man presumed to have any knowledge before us, and we made up our minds we were going to acquire the knowledge if it could be obtained.

Why, the distinguished Secretary of the Navy was before the Committee on Appropriatons for three weeks every day; so was the Assistant Secretary of the Navy, and they learned more about the Navy during their sessions with the Committee on Appropriations than they would have learned if they had been in these positions for a thousand years. [Laughter and applause.] Why, that is the place where we compel men from the departments to expose their ignorance or their knowledge or experience, as the case may be. Oh, we frequently have been compelled to send them back to learn their lesson. You talk about the Navy and about the expert knowledge which the men in the Navy possess. Everybody else has been telling tales out of school, and I presume it is no crime for the chairman of the Committee on Appropriations to tell his tale, and I propose to tell it. Why, it is not long since, as you all know, that the Navy was before us for $12,500,000 of a deficit for fuel for the ships. They withdrew. They came again. We had further hearings. They reduced from $12,500,000, as the hearings went on, to $10,900,000, and, as the hearings proceeded, from $10,900,000 to $9,900,000. We gave them $6,283,000 for the rest of the fiscal year. They said that the Navy would be tied to the docks.

Mr. MONDELL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MONDELL. Does the gentleman remember that the floor leader, yielding to the importunity of the experts, begged the chairman of the Committee on Appropriations to give them this sum which they said they must have?

Mr. MADDEN. I do, very well indeed.

Mr. MONDELL. I believed in them for the moment.

Mr. MADDEN. But I did not. [Applause]. And we gave them $6,283,000. It may be of interest to the House to know that only a few days ago I received a letter from the Secretary of the Navy saying that in the original instance they made a mistake; that they only should have asked for $7,700,000 instead of $12,500,000. [Laughter and applause.]

There is your expert knowledge taken from the Navy books by the Secretary of the Navy. Why is their expert knowledge more valuable as to the men on the ships? No two men in the Navy will tell you the same thing about the number of men on the ships. We have agreed on every ship except 23 destroyers, which they wanted in half commission. Twenty-three destroyers in half commission would mean 50 men to a destroyer. Fifty men to 23 destroyers would mean 1,150 men. They have 18 battleships. They had on board on the 1st of February, 1922, 18,258 men. They said they wanted 21,158 men as the extreme maximum. That would be only 2,900 men more; 2,900 and 1,150 would be 4,050 men. If there is any difference at all between the Committee on Appropriations and the Navy, it is 4,050 men. That is all there is to it. They said they would be able to function these ships if they had these men.

We had 301 destroyers built during the war. Everybody knows we do not need 301 destroyers in time of peace. Even the Navy says they do not need them. They say they are going to lay up 198 of them. They have laid them up. Why, the destroyers cost $75,896,000 last year, within $4,500,000 of the total cost of the Navy before the war, except for repairs and construction.

Do you want to maintain this sort of a Navy forever? The American people, I believe, are waiting, anxiously waiting, to see whether we are in earnest in the promise we made of economy in the conduct of the Government. Why, the total cost of the Navy and of the Army in 1916 was only $280,000,000. The total cost of the Army and Navy for the current fiscal year is $800,000,000. The total cost of the Army and Navy for the

year 1923, if the House and the Senate will concur in the recommendations made by the Committee on Appropriations, will be $500,000,000. [Applause.]

That is 100 per cent more than before the war. Why, the Navy had in 1916, 51,000 men. They had then as many battleships as we have now. If they could conduct the affairs of the Navy with an equal number of battleships then on an expenditure of $147,000,000, in God's name is there any reason why they can not conduct it now on the basis of $233,000,000? [Applause.]

Do you know, gentlemen, that if your amendment is adopted it will add $60,000,000 to the recommendations of the committee? That is not all; oh, no; that is not all. There is a bill pending here to-day for increased pay for the Navy which will mean, when passed, $15,000,000 more. There is a bill pending for $8,000,000 for the Navy for Air Service construction. That will have to be added to this bill. There is a bill pending, or one that will be pending, for the cancellation of the contracts due to the conference limitation, which requires the cessation of construction on several battleships now under way. That will cost $75,000,000 more. This program, then, would read like this: The bill instead of $233,000,000 would mean $391,000,000.

Are you ready, gentlemen, to go before the American people and say that you are willing to keep this load upon their backs forever? We supposed when the Conference for the Limitation of Armaments was called that that would mean economy. But does it? Not if this program goes through.

What we maintain is this: That we give the Navy every man and every ship except the 23 destroyers in half commission that they ask for, and we maintain that what we have given them is compliance with every line of the naval treaty. [Applause.]

Now, we are your servants. You will do what you please. We come here to recommend. You have the power to act. Whatever your action may be, it will be our action when it is over.

But we plead with you on behalf of an overburdened taxpaying public to stop, to think, to listen, to wait for the verdict; for the verdict if it does not come to-day, gentlemen, will come in November. [Applause.] And I would like to know how any Republican can go back home and make any claim for the support of his constituents on the ground that he has voted for economy when he must make that claim in view of extreme extravagance; and that is what your proposal with respect to this bill means.

The Budget submitted to the Congress was $167,000,000 more than the revenues, and since that time we have $85,000,000 more of estimates. That makes the Budget to-day $252,000,000 more than the revenue. The Budget did not contain any estimate for carrying out the pending reclassification act, which will cost several million dollars more, and likewise it did not contain the probable action that will be taken by the House under the so-called $240 bonus, which will cost you $35,000,000; and it did not provide for the $17,000,000 bill that you passed a few days ago for the veterans' hospital fund; and it did not provide for the $65,000,000 road bill, which is pending, and which undoubtedly will be passed. And it did not provide for the pending river and harbor act amounting to more than $31,000,000. The items for which the Budget did not provide amount to $163,000,000, and $163,000,000 added to the $252,000,000 to which I have called your attention will make a deficit on the face of the case of $415,000,000. If you add the figures which it is proposed to be added to this bill you will not only eat up all the revenues but you will leave the Government with many hundred millions of deficit, and we shall be compelled to go to the American people with a new tax bill. Do you want to do it? Do not do it. I plead with you.

There is no man living who loves the President of the United States more than I. I am his friend; I am unselfishly devoted to him. I love him with a love that knows no turning. I would go further for him than any man I know. I was one of the first seven or eight men in the United States who declared for Mr. Harding for President. There is nothing in the world that he could ask me to do—and I know he would not ask me to do anything that his conscience would not tell him was right—that I would not do.

He has asked me for nothing in this. He has asked no one for anything in this. He has expressed an opinion as to what he thinks, but the expression of that opinion does not disclose the facts as they exist. We have obtained the facts from a close, earnest, untiring, unselfish devotion to and study of the case. I come to you, gentlemen, pleading with you to sustain the Committee on Appropriations and to let the party go to the country with a fulfillment of its promises for decent economy in government. [Applause, the Members rising.]

I yield back the remainder of my time.

Mr. VARE. I yield to the gentleman from Massachusetts [Mr. ROGERS] two minutes.

Mr. ROGERS. Mr. Chairman, a sentence spoken by a very great American:

> But there is something we need even more than ships, and this is officers and men. To provide battleships and cruisers and then lay them up with the expectation of leaving them unmanned until they are needed in actual war would be worse than folly. It would be a crime against the Nation.

Those are the words of Theodore Roosevelt. [Applause.] They were expressed to this Congress of the United States on December 8, 1901. Roosevelt had the gift of vision; we should follow him to-day. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I yield 20 minutes to a real expert, the gentleman from Tennessee [Mr. PADGETT]. [Applause.]

Mr. PADGETT. Mr. Chairman and gentlemen of the committee, on last Tuesday it was my pleasure and privilege to submit to the House some remarks on this bill. So deeply impressed am I with the gravity of the situation, so serious are the conditions that are threatened, not alone to the Navy but to the country, by the provisions of the pending bill that I feel justified in appearing before you again.

Before the armistice was called we had built and building the finest and best Navy in the world. In military and naval efficiency and value it stood number one. With a generous response the people of the United States said through the conference, "We are willing to yield our first position and come down and put ourselves upon an equality with another country," when we had a position of superiority over that country in the military value of our Navy.

The other day I called your attention to the fact that this agreement for a 5-5-3 ratio was based alone upon tonnage of battleships. It ignored every other consideration. It left out gun power and it left out speed; and I submitted to you facts showing that in speed England had many ships faster than our battleships that we retain, because in our generous response, in the overflowing generosity of our country and our people we scrapped 13 of the finest, greatest, strongest, and best ships that were ever planned and put in the course of construction in all the history of the world. That is what we did. We surrendered gun power, we surrendered speed, and took ships with inferior gun power and with inferior speed, and put ourselves upon an equal basis of tonnage alone.

My friends, I call your attention to that to emphasize the fact that it does not behoove us, it does not become the American Congress further to sacrifice the efficiency and the ability of the American Navy. [Applause.] The responsibility rests upon us to see to it that the proper standing, the proper ratio, of the United States is maintained. [Applause.]

A moment ago the distinguished leader of the majority, the gentleman from Wyoming [Mr. MONDELL], came before the House and said that it was always his proud pleasure to support the President of the United States. When I heard him say that I could not withhold the reflection that if the President heard that expression he would say, "From such friends and supporters, good Lord deliver us." [Laughter and applause.] Again, the gentleman said that he was maintaining the treaty, that he wanted to save the treaty that had been agreed upon, that the treaty should not be sacrificed, that the treaty should not be salvaged; and I thought to myself, "Does he think that the President of whom he is so proud has not good sense enough to know whether or not he is sacrificing and salvaging the treaty?" [Applause.] But, my friends, do not forget that the President of the United States has not only a personal but he has a historical interest in this transaction. The President of the United States is interested in preserving this treaty, and he understands it, and I dare say that the President is as proud and is as jealous and is as deeply interested in the preservation of the treaty as is the gentleman from Wyoming, and I dare say that he understands our international relationships, that he understands the purposes of the treaty and its intertwining relationships with all the countries of the world as well as does the gentleman from Wyoming. I want to say also that I think the Secretary of State, Mr. Hughes, understands the details and the particulars and the circumference and the center and the whole of that treaty as well as does the gentleman from Wyoming. [Applause.]

I think he is as deeply interested in it. I think in the history of these days that is to be written hereafter his name will be coupled with it as proudly and as intimately as that of the gentleman from Wyoming, and he will be accredited in history

as having as deep and abiding an interest in its preservation and he would as deeply protest against its salvage and its sacrifice, as would the gentleman from Wyoming. [Applause.] And yet, my friends, we find the President of the United States so deeply impressed, so thoroughly aroused, over the tremendous consequences of this pending bill, so aroused over the disastrous results that will come to the American people, that he has not been content to have the purported interviews that have come out in the press of the country to give his views and his ideas of this matter, but in answer to a letter from a Member of this body he comes out and in specific terms warns this House and warns the people of this country of the disaster threatened by this legislation. And more than that, my friends, if you will read that letter in the spirit and the motives in which it was written, you can not escape the conviction that the President was coming and even pleading and begging the membership of this House in the name of the history of this country and the preservation of its standing and its relationship with all the countries of the world to maintain and preserve the standards and the integrity and the relationship of the American Navy. [Applause.]

My friends, the chairman of the Committee on Appropriations [Mr. MADDEN] said that the people of this country were in favor of economy. Exactly so. We are all in favor of it. But what is economy? I want to say to you and to say to him that withholding money is not always economy. Economy is the judicious and rightful use of money for a necessary and a proper purpose. [Applause.] I called your attention the other day to the fact that as the result of the Hughes conference that just closed we had 812 ships, and under the provisions of this bill we will have in operation 277, and we will have in ordinary and reserve 535. I called your attention to the fact that the initial cost of these 535 ships that it is proposed to put out of commission and allow to go to waste and ruin was $541,000,000. I ask you, my friends, is that economy?

I want to say more. The people of the United States are not only in favor of economy, but I want to say to you what you know and what everybody in this country knows, and that is that the American people are in favor of and honor the American Navy. [Applause.] They do not want the American Navy scrapped. I have noticed as I have gone among the people and have met the plain man that he says, "I want a good Navy. It is our first line of defense. It keeps our enemies from our shores. They can not set foot upon our soil to molest us and to attack us. We want a great and a capable and an efficient Navy."

Now, my friends, these gentlemen say that they are providing for that; that is their ipse dixit. But on what do they base it? It is simply just that, for if they had put in any other figure they could say the same thing, "We have provided for all the necessities of the Navy." But what do you say? The President of the United States says it is inadequate, that it is insufficient and not providing the proper personnel for the Navy. As Commander in Chief of the Army and Navy, as President of the United States, as an interested, honorable, upright citizen, is not his judgment and his word entitled to some consideration and weight? Charged with the duty and responsibility as Commander in Chief of the Army and the Navy in this country, shall we give no weight, no credence, no credit to the statement of the President of the United States? And, more than that, my friends, the Secretary of the Navy, who is charged with the duty and responsibility of executing the laws and maintaining a Navy and distributing the personnel that goes into details, he has submitted figures and details in the hearings and says that if you provide for 67,000 men he will have to put out of commission in ordinary and reserve 535 of our ships, and can equip only 277 of them; and of those ships, the 18 battleships constituting the basis of the tonnage agreement, we have got to scrap 5 of them and put them in ordinary with only one-sixth of the personnel, barely enough to look after them and keep them cleaned up.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. No, I can not; I have but little time. Then comes the Assistant Secretary of the Navy, who has given the matter close personal investigation, and he corroborates the others. Then comes every responsible naval officer in the Navy, every single one without exception; they have not a single man on whose statement they can predicate their assertion. They say to you that if you only give us 67,000 men, here is the distribution that we will have to make of them; here are the ships that will have to go into ordinary and into reserve; and here are the only ones we can equip in commission and operate.

Now, when you come to think of the vast investment that is in this, when you come to think of the morale, when you come to think of the fact that it has taken generation after generation to build up the American Navy, that it represents struggle, that it represents contest, that it represents the education of the masses of the people in which they can build up a great and honorable history; history the tradition of achievement in results that you have built up, and now they come and say it will be economy to starve it to death.

My friends, I do not believe in that sort of economy. I believe that the American people want a navy that is provided for of 5-5-3, and they want it 5-5-3. I stand before you today to say that if that conference had agreed or submitted a proposition that the English Navy should be 5, and the American Navy should be 4 or 3, and Japan's Navy should be 3, every man in this House, every man in this country that has one drop of patriotic blood in his veins would rise up and damn them beyond recognition. [Applause.]

Our people would not have stood for it one minute. These gentlemen are proposing to put us on a basis of Japan, and Japan has 1,252 men more than we are providing for our Navy. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, if a Member of the House reaches the conclusion expressed by my good friend from Nebraska [Mr. REAVIS] that he must follow the advice of the experts in fixing the number of the enlisted men, and he has the courage of his convictions, then he owes it to himself to vote either for 120,000 men, recommended by the General Board, or for 90,000 men, recommended by the Secretary of the Navy, upon the advice of his expert advisers. [Applause.] If he refuses to do that, then he must admit that he is casting a vote in defiance of the advice of all of the experts. If gentlemen reach the conclusion expressed by the gentleman from Nebraska, that this bill does not provide for a 5-5-3 Navy, they may well suffer some disturbance of mind; but the members of the committee who listened to the testimony of the experts of the Navy Department, of the Secretary of the Navy, and the Assistant Secretary know that this bill provides sufficient men to man a fleet that will provide us with our part of the 5-5-3 ratio. [Applause.]

Regardless of the statements that have been made, no intimation was given to representatives of the department of the men that would be allowed to them when they were asked to outline the ships which under the treaty they would put in commission next year. We simply asked them to indicate the ships they would retain and they outlined that list. I checked them off one by one, as did other members of the committee. Then we asked them to give us the number of men on those ships. They said they did not have that number as of that date, but would furnish the list reported as of January 1, and it amounted to 49,492 men. We said, then, that we would allow for the ships 49,492 men, but they said that they wanted more than 49,492 men for next year; that for the same ships they wanted 61,000—after the peace pact had been signed and after the naval holiday had been agreed to. Mr. Chairman, I wish the newspapers would state to the country that for the next year the Navy Department wants 12,000 more men than they had on the same ships this year on January 1. [Applause.]

Oh, but they say it does not provide a 5-5-3 Navy. The gentleman from Nebraska [Mr. REAVIS] thinks that for us it means a two and a half Navy. Does the gentleman mean what he says? My friend from Ohio [Mr. LONGWORTH] said the same thing yesterday. Then, if 67,000 men means a two and one-half Navy, in order to be five you would have to vote for 134,000. If you do not, then you sacrifice the ratio of 5-5-3. Sacrificing the ratio of 5-5-3 is what they charge us with, but they advocate the sacrifice themselves when they vote for 88,000. I say that we do not sacrifice it, and all of the correspondence school that we have had thrust upon us in the last few days—the letter from the President, the letter from the Secretary of the Navy, the letter from the Secretary of State, from the chamber of commerce, and from all of the other inhabitants of the correspondence school—every last one has been based upon the statement of the Navy Department that under the personnel provided we will have a Navy less than that of Great Britain and only equal to Japan. I deny it, because the figures do not support it.

Gentlemen say that this committee did not ask the Navy Department for a statement as to the personnel figures of other navies. That statement, too, is untrue. When the gentleman from Massachusetts [Mr. ROGERS] and the gentleman from Minnesota [Mr. KNUTSON] and others were charging the gentleman from Michigan [Mr. KELLEY] with that fact I knew that one week before the gentleman from Michigan made a report to this House I went to the office of the Chief of Operations to ask him to authorize the intelligence office to give me the latest

figures they had on the British and Japanese personnel. His aid, Commander Hill, very courteously stated that he would present the figures to me there, and he gave them to me, and I hold in my hand a statement signed by the aid to Admiral Coontz, the Chief of Operations, which is based on the March report, but yet differs from the statement furnished by the Navy Department, and which has been placed in the RECORD.

In this statement placed in the RECORD the figures as to total personnel exclude marines and officers. Why did he not exclude the Coast Guard? I have a statement here in which they do that. Did he exclude the midshipmen? No. He says here in the statement which has been put in the RECORD that the total enlisted force on March 31, 1923, will be 94,500 men; and in a statement furnished me, based on the same report, on March 25 it is 97,450. And then in order to secure the figure of 104,000 he adds 111,000 of last year to the 97,000 for this year and divides it in two. No two figures furnished us being the same, we determined to check up these figures. I have here the debates of the House of Commons on the naval estimates, the statement of the parliamentary secretary of the Admiralty of Great Britain. I have read every available service paper of Great Britain, and I find that the figures furnished by the department are inaccurate and misleading. I charge nothing venal.

I do charge that the statements upon which the President and the Secretary of State and others have reached the conclusion that Great Britain would have in its personnel next year a much greater number of men than we have is wrong. I can not go into all the details. Here is one glaring misstatement. They told you that next year Great Britain would have in the Royal Air Force 30,000 men and that one-third of them would be devoted to naval aviation. Knowing how inaccurate their statements were, we determined to investigate. We learned that Brig. Gen. William Mitchell, Assistant Chief of Operations of the American Army, as splendid an officer as ever wore the uniform, had just returned from Great Britain, where he had been studying aviation. We summoned him before the committee. Here is the transcript of his testimony. He says while the authorized strength of the Royal Air Force is 30,000 that they have not recruited more than 23,000. Instead of one-third of that force, or 10,000, being assigned to the naval service that only 2,500 men are assigned to the naval service. [Applause.] And he did not make any general statement. Here is his testimony. Because of his service during the war he is very intimate with the English aviation officers, and he had excellent opportunity to acquire information, not from newspapers but by personal visits to their headquarters and to practically every important aviation station, and he sets forth here station by station the number of men and the number of officers. He says that assigned to the fleet there are only 850 men—that there are located at training stations only 1,197 men, making 2,047 men. To be liberal he allows 500 mechanics, giving every doubt to the naval service, making the total number of men of the Royal Air Force assigned to the navy only 2,547 men in time of peace. In time of war one-third would be assigned to the fleet and coast defenses, only one-sixth going to the fleet.

Now, let me ask you, if the Navy Department can send through this entire country, sticking in every newspaper this chart which is based upon the statement that there are 30,000 men in the Royal Air Force and one-third assigned to the naval service, when there are only 2,500 assigned to it, how can you depend on any figures that they give you on this subject?

Now, you have been told that the English complement on battleships is going to be greater next year. Have they not told you that every day here? Here is the statement of the First Lord of the Admiralty, explaining the naval estimates, that because of the improved international situation, they will this year reduce the complements on their battleships by 15.7 per cent.

Instead of increasing it, they are going to reduce their complement 15 per cent because of the improvement in the international situation. If the international situation has improved for Great Britain, what has occurred to so menace the security of this country that the Navy of the United States wants 12,000 more men on the same ships than they had on January 1 of this year? The militarists of one country act very much like the militarists of another country. Here are the debates of the House of Commons. It may remind you of what you have heard here this week:

> The parliamentary secretary of the Admiralty, Mr. Amery: The American Navy, following the same policy as ourselves in reducing strength, proposes to reduce from 139,000 to 115,000; that is to say, to a strength slightly above ours. The position of the Japanese Navy is that their figure stood at 92,000. The latest figure stood at 80,000. I am not aware of any suggestion for still further reduction.

This statement was made as late as 24th of March, 1922. We could have told him better than that. But Great Britain is told that we contemplate keeping 115,000, a force greater than theirs, and Japan is to keep 80,000. In Japan doubtless the people are being told that Great Britain and America are increasing their enlisted men, and here we are told that Great Britain is to retain a superior force and Japan an equal force.

Can not you imagine a scene similar to this in London, a debate along the same lines? But the secretary to the Admiralty did make one statement which should be interesting to the gentlemen who claim that we are providing so small a force compared to that of Great Britain. He said of us:

> The committee of their lower House has made suggestions which, when you include all the different items comparable with the items which come under our vote A, would reduce the total to something over 99,000 men, or a figure very slightly in excess of our own.

Now, remember, that while the Navy Department asserts that the British intend to keep in the service 104,000 men, the secretary of the Admiralty time after time in this debate states that they intend to reduce the total force to 98,000 at the earliest possible date in this fiscal year. Now, let us see how he figures that with comparable figures our total will exceed that number. Their 98,000 will include marines, officers and men, officers of the navy, and officers and men of the coast guard. This is admitted by the statement I have from the office of Chief of Operations. It appears from the English statements. It does not indicate whether midshipmen, numbering approximately 2,500, should be included. But take our 67,000 and add 19,500 marines, 6,156 officers of the line and staff, 1,244 warrant officers, 1,000 marine officers, approximately 4,000 Coast Guard men and officers, and 2,500 naval cadets, and you have a total of 101,400. This evidently is how the secretary to the Admiralty figures our force in excess of theirs. Does it impress gentlemen at all that while they are charging that we have reduced the force so much below Great Britain's that the British Admiralty is asserting that the force proposed in this bill when properly compared with theirs is greater?

One very pertinent remark was made by Lieutenant Commander Kenworthy. As gentlemen argued for increased appropriations for the navy yards of Great Britain, he said:

> The navy does not exist for the dockyards but the dockyards for the navy.

Let me call attention to this statement by the Secretary of the Admiralty:

> I omitted to answer the question put by the right honorable gentleman the member for the city of London as to the numbers in the Navy in 1914. The figure is 150,300, which we are now reducing to 98,000.

So that while Great Britain can reduce its force from 150,300 to 98,000, including marines, officers, coast guard, and all, which would really bring the net down to 70,326, including aviation, this peace-loving country of ours must increase its force from 54,000 in 1916, after the sinking of the *Lusitania*, up to 67,000, and if some of you have your way to 86,000. And remember that under the treaty Great Britain is allowed for the next year 580,450 tonnage as against our 500,650, and manifestly if they are to keep in commission their treaty navy it would require a few thousand more men than it will require to keep ours.

But the gentlemen who have not studied this question assert that the force provided could not keep the 18 battleships in commission. If, with 54,000 men in 1916, they could find 18,000 men to keep battleships in commission, why can not they find 18,000 men for the battleships out of the 67,000 men provided by this bill? They say it can not be done. Before the committee the Secretary stated that with 67,000 men he could keep in commission only 12, and the table on page 282 so shows. But the table, when prepared by the Secretary and inserted in the RECORD yesterday, shows that with the same number he now says he can keep in commission 13 battleships.

And my good friend from Tennessee [Mr. PADGETT] says that if you provide 67,000 men you can keep in commission but 12 battleships. I love him, but he is not always the best prophet. Last year when we had the appropriation bill up the Navy swore if we gave them 100,000 men we were going to scrap the whole shooting match, and on February 10, 1921, Mr. PADGETT said:

> The gentleman from Michigan [Mr. KELLEY] stated that it would keep all of our dreadnoughts in commission. I must disagree with him. I have a statement, received this morning, to the effect that if the personnel were reduced to 100,000 men the ships of the Navy will be in the following states: Battleships, first line, in commission, 13.
>
> [Laughter.]

That is the high-water mark. They can not exceed 13. Last year they could not. This year they say they can not. When we passed the 100,000 provision, instead of putting in commission 13, as Mr. PADGETT predicted, they put in 18, and they

have 18 to-day. So what becomes of the prophecy of my good friend from Tennessee?

Oh, they say, "We ought to follow the experts on the question of personnel for battleships." Well, the General Board says you ought to put 22,000 on them. The Chief of Operations says you ought to put 21,000 on them. And they have to-day 18,000. They ought to have 18,000. And when we give them that 18,000, when we give them the exact number they have on the ships they want to keep in commission, then if they do not keep them in commission it is not your fault, but the fault of the naval officers, and the President ought to remove some of them. [Applause.]

Now, let me say a word to this side of the House. We have heard much of the Limitation of Armament Conference. We Democrats believed in limiting armament. During the World War we told the people that we fought that war in order that war might be no more. Then, under the leadership of our President, we endeavored to provide for a limitation of armament on land and sea through the League of Nations. When the last naval bill was considered Members on this side fought for an amendment providing for a limitation of armaments, among them being the gentleman from Virginia [Mr. MOORE] and the gentleman from Texas [Mr. CONNALLY].

When the Senator from Idaho [Mr. BORAH], against the wishes of the Republican leaders of the Senate, placed his amendment on the naval bill, this side of the House with only one or two exceptions stood for it and fought for it.

Now, after this conference has been held up to the world as a success, shall we vote for an amendment here that will mean increased naval appropriations instead of decreased appropriations in the next fiscal year? If I wanted to play politics with you gentlemen on the Republican side, I would advocate it; I would help pile up appropriations, so that when you went before the people we could say the Limitation of Armament Conference was a fraud. But a man's duty is not to his party but to the people of America. In every hamlet they prayed for the success of this conference, and they thought they were getting something. Shall we tell them before the ink is dry upon the peace treaty that we have only distrust for the signers and that the people, instead of getting reduced taxation, will get a gold brick at the hands of the American Congress? [Applause.]

We have heard from all the lobbies, the naval lobby, the steel lobby, the newspapers in communities where naval activities exist, some unselfish and some selfish. But back home there are people from whom you have not heard, people who do not write you letters, but who stay upon the farms and in the factories of America and place their trust in you. Among these people who sent you here there is unemployment and distress. The people are sorely oppressed by taxation. Will you listen to the plea of the special interests, or will you consider the interests of the people who sent you here, and vote to reduce to some extent the taxation which now threatens to exhaust the rich and beggar the poor? [Prolonged applause.]

Mr. KELLEY of Michigan. Mr. Chairman, has the time all been consumed except what I have reserved for myself?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GALLIVAN] has five minutes.

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to the great old patriarch of national defense, the real hero here of the World War [JULIUS KAHN]. [Applause.]

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Chairman, I thank the Lord that I have learned and remembered some lessons of the World War. On the 6th day of April it was only five years since we got into that war. We were absolutely unprepared for the war. In 1916 the national defense bill was up before this House, before this committee; I had the pleasure of supporting that measure. I repeatedly called the attention of the House to the fact that we were not prepared for war.

Unfortunately the House was not willing to vote for all the amendments that I had proposed at that time. Gentlemen then asked me on this floor the very questions or, rather, questions similar to the ones that have been asked here to-day. Repeatedly I heard men on this floor say, "Whom are you going to fight? Whom are you going to prepare for? What is the need of getting ready? There is no enemy in sight." I told the House frankly that I did not know who would be our enemy; I did not know when war would come; but I believed in keeping this country of ours measurably ready to meet any country in the world. [Applause.] And after an interim of six years I still feel that way regarding the United States of America. [Applause.]

Now, the Members in charge of this bill speak of the economies that should be practiced at this time because of the great burden of taxation. I agree that the taxes are terrific, but what brought them upon the shoulders of the people of this country? The war, for which you would not get ready in 1916. [Applause.] Practically $1,000,000,000 a year is the amount that the people of the United States are called upon these days to meet in the Treasury of the United States our annual war expenses. That is a terrific amount; that is what our unpreparedness in 1917 cost us. Yet the people are paying the indebtedness cheerfully. But they expect this House to do those things that will prevent the possibility of any future war.

The Democratic President was elected in 1916 on the score that "he kept us out of war." It was at that time a pacifist country. A few months later, when we took up these very questions of preparedness on this floor, we could not induce the Members of the House to make appropriations for necessary preparation. And yet in less than seven months afterwards we were in the war up to the very hilt. We had to pour out $24,000,000,000 to meet the expenses of the war. Our interest charges alone cost us a billion dollars a year. It took us 18 months to get ready for that war. Fortunately for us, England and France and Belgium were able to hold the lines while the Americans were being trained and put in a condition to help win the war.

That kept on for some little time; in those days we were not prepared to fight. But our Navy was able to help the bringing of 2,000,000 American soldiers to the war areas of Europe. Finally, in May, 1918, we were able for the first time to send our forces to fight. America needs make no apology for the work of our soldiers. But no loyal patriotic citizen wants our boys to go through such another experience. That is why I support the amendment for 86,000 men. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from South Carolina yields one minute, his unexpired time, to the gentleman from Michigan [Mr. KELLEY], so that the gentleman has 21 minutes. [Applause, the Members rising.]

Mr. KELLEY of Michigan. Mr. Chairman, we have debated this bill now for an entire week, and we have at last reached the point where we are to make a decision. The bill is important in the highest degree, both because it directly relates to the national security, which must always be our first concern, and also because it carries an appropriation of nearly a quarter of a billion of dollars. It has been asserted that the amounts carried in the bill are insufficient and that the number of men provided will not properly man the ships which we are to retain under the agreements reached at the Conference on Limitation of Armament. If I believed that this were true I would not vote for the bill myself. The amounts carried are based entirely upon the theory that they are adequate to meet all the requirements of the treaty navy. I do not believe that the position of the committee as to this has been shaken in the slightest degree during the entire week of debate. The propositions laid down at the beginning of the debate have not been successfully met. The most serious criticism of the work of the committee, apparently, has been that we were not willing to accept without challenge the views of the Navy Department, particularly with regard to the size of the enlisted personnel necessary to operate a navy based upon the 5-5-3 ratio.

I need not say in this connection that the committee has at all times been eager to obtain the viewpoint and the opinion of the Navy Department, but we have been just as eager to ascertain the reasons as we have been to learn their conclusions. An opinion, no matter from what source it may come, is of little value unless the reasons lying at the bottom of such opinion appeals to the judgment. I am frank to say that we have not accepted statements and opinions without question, and I may say we have scrutinized every demand for money with more than usual severity. We believed that the conditions of business in the country and the state of the finances of the Government demanded such a course. We proceeded upon the theory that no person under the Government, high or low, was entitled to a single dollar for his department unless he could sit on the opposite side of the table and show with a reasonable degree of certainty where that dollar was to be spent and why it was necessary to spend it. [Applause.] We assumed that you wanted us to pursue this course. If we were to accept without question whatever was laid before us in the form of demands for money, the labor of the committee might as well have been eliminated and the estimates brought directly to the House. We regarded ourselves as the agents of the House, to inquire into all the facts, and felt ourselves charged with the duty of making a most searching inquiry and examination into the needs of the Navy in the light of the Conference on the Limitation of Armament before bringing for your consideration this great bill, carrying more than $230,000,000. We have kept the faith to the very best of our ability. [Applause.]

I will admit at the outset that the committee and the Navy Department have not always been in accord, and that we have not accepted in every instance the views of the advisers of the Navy Department. There is in the Navy the same difference of opinion with reference to naval matters as exists in the professions of medicine or the law as to legal and medical affairs. The committee did not, therefore, expect to find that every naval officer agreed with every other naval officer. If it were merely a matter of disagreement between two officers of equal rank and experience, the committee could choose between them or disregard either or both. But the thing that has disturbed the committee more than anything else has not been the varying opinions of different men but the widely differing statements of fact made by the same naval officer under exactly the same conditions and within a comparatively short period of time. [Applause.] The committee has been obliged to adopt a most searching attitude because of this fact. The military head of the Navy under the Secretary is the Chief of Naval Operations. The same officer who held that position a year ago holds it now. During the course of the hearings last year the Chief of Naval Operations was asked to state to the committee of the House the number of capital ships and necessary auxiliaries which could be maintained in full commission with an enlisted force of 100,000 men. He put into the hearings a table on January 10, 1921, which appears on page 65 of last year's hearings. In this table it appears that he could keep in commission 17 battleships and the necessary auxiliaries with an enlisted force of 100,000 men. The bill passed the House carrying approximately $400,000,000.

The Senate added approximately $100,000,000 more. During the consideration of the Senate increases this same officer testified before the Naval Affairs Committee of the Senate, on the 18th of February, 1921, with the same bill under consideration and with no change in world conditions, that he could keep in commission only 15 battleships and necessary auxiliaries with 120,000 men. [Applause.] At the same time, and while before the same committee, he put in another table showing that with 110,000 men he could keep in commission only 13 battleships. [Applause.] We gave him 106,000 men and he has kept in commission 18 battleships. [Applause.]

I am going to make a statement which I fear may sound somewhat harsh, but I believe that it should be said. No executive department of the Government should permit its officers to juggle with facts in the manner above stated. [Applause.] I do not believe that any officer ought to be continued as the military head of the American Navy who appears before two different committees of Congress within a month and makes such varying and contradictory statements as a basis for increased appropriations. [Applause.] I have always been glad to be guided by the counsel of the officers of the Navy Department whenever such counsel has been consistent and appeals to the judgment and can be defended in reason. The experience of our committee, however, last year made it necessary to adopt more searching methods of inquiry this year than heretofore in determining the requirements for the Navy. We did not believe that the House would be satisfied with the mere statement of the Chief of Naval Operations that any particular number of ships could be kept in commission with any particular number of men.

We therefore decided to determine the needs of the Navy in a more detailed and thorough manner. Instead of inquiring as to the number and type of ships that could be kept in commission with a particular number of men, we decided, first, to require the Navy Department to furnish us a complete list of all ships of every type, by name, which in the judgment of the department would be necessary to a properly balanced 18-battleship fleet. This list the committee has printed in its report. We then assigned to each ship the number of men now carried on that particular ship, as furnished us by the Navy Department itself, as of February 1, 1922. The bill, therefore, provides for all the ships of the treaty Navy, with as large a personnel carried thereon as was on board on the date above mentioned. I do not see how a fairer or more accurate method could be devised. [Applause.] But they say we took advantage of them. I suppose that what they really mean is that had they known that we intended to base our appropriation upon the number of men upon the ships on a certain day the results might have been quite different. [Applause and laughter.] Be that as it may, it is claimed the number was not normal. This debate has been going on now for a full week. Officers from the Navy Department have been in constant consultation with Members of Congress, supplying information and making suggestions relative to the various proposals carried in this bill.

I have no criticism whatever on account of their doing this, but I am sorry that some of them thought it necessary to exchange their uniforms during the past week for civilian clothes, whenever they came to the Capitol. [Laughter.] If the number of men carried on the ships, as of February 1, 1922, was abnormally low, if there had been an hour during the last 12 months when the records would show a larger number carried on the ships than were carried on that date, have you any idea that my good friend from Massachusetts [Mr. ROGERS] would not at least have had a letter from the Navy Department advising him on this fact? [Laughter and applause.] But we go through the whole debate for an entire week, the department claiming that the number of men on the ships was below normal on February 1 last, with all the records in their office to show this fact if it were true, but we come to the very hour of voting and no such proof has been furnished. [Applause.] No other proof is necessary, in my judgment, to convince the House that the number of men carried on the ships on February 1, 1922, represented a fair average of personnel afloat on these particular ships for the year. The number of men we have, therefore, allowed for the treaty navy stands upon as solid a ground as to accuracy and sufficiency as when printed in the report and laid before Congress. So much, then, for the Navy afloat. They have not shown that they need another man. We have provided for 59,000 men for the treaty Navy afloat—2,000 more than were carried upon these identical ships before the great nations of the earth entered into a solemn compact to keep the peace of the world and to maintain friendly relations with one another. [Applause.]

No one has yet given any reason why a larger number of men should be supplied than the ships actually carry at this time. The only other question, therefore, is, did we give them men enough on shore? My answer is that it gave them a man on shore for every job on shore, and 7,000 men besides. [Applause.] But it did not seem to be sufficient. They had on February 1, last, only 12,000 places on shore where they could legitimately put men, and yet they are asking this Congress for 32,000 men on shore to fill 12,000 jobs at a time when farmers, merchants, and manufacturers are borrowing money to pay their taxes. [Applause.] If the Committee on Appropriations had actually followed any such advice as that, then, indeed, the suggestion of the gentleman from New York [Mr. MCGEE] that the Appropriations Committee might well be abolished would be timely. [Laughter.]

Why do they desire this large number of excess men on shore? I am sure that question has been running through your mind constantly during this week of debate. I asked the distinguished gentleman from Massachusetts [Mr. TINKHAM] the other day if he, as a business man, was willing to say that we ought to appropriate for 32,000 men to fill 12,000 jobs, and he said that he thought so if the Navy Department wanted them. [Laughter.] But the other gentleman from Massachusetts [Mr. GALLIVAN], with a mind as sharp as a razor's edge, was not so easily satisfied, and he pressed me for an answer as to what the department could do with all these extra unassigned men. And the question is still unanswered by any proponent of this increase of 20,000 men above the amount provided in the bill.

In my judgment there is only one possible reason for asking for these 20,000 extra men. It can not be because they are to be added to the ships of the treaty Navy. Those ships already carry enough, as has been shown by Mr. OLIVER, Mr. BYRNES of South Carolina, and other gentlemen on this floor. They are not needed on shore because we have given them a man for every job and 7,000 unassigned men for training or to take the place of men who are sick, on leave, or in transit in the service. But that was not enough. They come here and want 20,000 more. What for? The gentleman from Massachusetts [Mr. DALLINGER] on yesterday asked to have the navy yard items passed over until the number of enlisted men were agreed upon. In answer to a question by me as to the theory upon which his request was based he replied that an increase in the number of men, of course, would mean an increase in the number of ships and a consequent increase in the item of repairs. Inasmuch as the committee had provided for the treaty navy, it becomes apparent that those who demand the increased number of personnel expect a larger Navy to be kept in commission than that required under the treaty. The other gentleman from Massachusetts [Mr. ROGERS] also let the cat out of the bag a while ago when he condemned as unwise the policy of not keeping all our fighting ships in full commission. And the gentleman from New Jersey [Mr. PARKER], more frank than all the rest, urged that all our destroyers should be kept in full commission. And at last we have the reason why the 20,000 extra men are demanded. It proves out with almost mathematical precision. We have 200 surplus destroyers and it takes 100 men for each destroyer. So that if we keep them all in commission it will require exactly 20,000 men to man them. This is the only

logical reason which has been given by anyone for increasing the personnel provided in this bill from 67,000 men to 86,000 men. But what does this proposal mean?

Are we ready to send this challenge out to the world, that we intend to keep in commission 200 warships over and above the number required to maintain the treaty Navy? How does such a performance on the part of Congress harmonize with the lofty ideals enunciated by America at the time of the assembling of the Conference on the Limitation of Armament? What will the world say to-morrow morning as the Christian people of the earth assemble for worship on the Sabbath day if they are told from the pulpit that the American Congress has just appropriated $54,000,000 to keep in full commission and ready for instant war 200 ships of war in addition to those permitted under the treaty? [Applause.] Such a proposal as that would strike at the heart of civilization everywhere throughout the world. [Applause.] The mischief that such a course on the part of Congress might do can not be calculated. But it is said that the President and the Secretary of State have advised this. If they have been misled as to the effect and the purpose of this increase in personnel, the responsibility upon Congress to prevent the mischief is only thereby increased. [Applause.]

Why have our naval officers taken this position? Why do they desire all these surplus warcraft to be kept in commission? They have simply fallen into a panic. The 200 surplus destroyers require 1,600 officers, and if we lay up the 200 destroyers the officers are lying awake nights wondering what will be done with the officers thus released. I think the officers have made a mistake.

Personally, I have not been in favor of greatly reducing the number of officers. In fact, I am willing that we should have a surplus of officers. I believe that should be the policy of the Government. If we have the officers and the ships, the enlisted personnel is not so serious a problem and could be quickly supplied. There is no provision, therefore, in this bill for any reduction in the number of officers, although it is possible that some reduction may be necessary at an early date. Thus through fear of losing promotion or perhaps through fear of being severed entirely from the service, I fear the officers of the Navy have made common cause with the various localities of the country whose business interests have been adversely affected by the agreements reached at the Conference on Limitation of Armament. We therefore find arrayed against this bill all the local influences from Maine to New Orleans on the Atlantic and from San Diego to Seattle on the Pacific. I do not say that this is not a natural attitude for these various navy-yard communities to take. They naturally feel the loss of business as a result of smaller naval activities. I can well sympathize with the employees here in the Washington Navy Yard. Some of them have been employed by the Government for 20 years. They have been manufacturing the great 16-inch guns that were to be placed on ships that are never to be built. These guns will never even fire a salute.

When the agreement was reached at the conference the major portion of the work in the Washington Navy Yard came to an end, and the thousands of employees had to look for employment elsewhere. There is a great navy yard in Boston. I do not censure Representatives from that locality who reflect the opinion of the city which they represent. There is a great navy yard in Philadelphia, and I do not censure Mr. VARE for looking after the interests of his constituents who will suffer financial loss because of reduced naval activities at that point. But the fact that new adjustments will be necessary, and that temporary losses must be sustained in certain localities, must not be permitted to retard the work so gloriously begun at the Washington conference.

Gentlemen of the House, it is very well to sympathize with those who may be financially or professionally affected by the great world movement having for its object a reduction and a limitation of armament. Where it is possible and proper, no doubt some temporary adjustments should be made until employment in civil lines can be obtained. I want to say, however, in conclusion, that the American Congress must not permit any group of individuals or any combination of localities anywhere under the flag to throw themselves across the path of the world's progress in its onward march toward the goal of international understanding and good will. [Prolonged applause, the Members rising.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

Mr. HICKS. Mr. Chairman, let the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the Vare amendment.

The question was taken, and the Chair stated that he was in doubt.

Mr. VARE. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. VARE and Mr. KELLEY of Michigan were appointed to act as tellers.

The committee divided; and the tellers reported—ayes 177, noes 130.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. MANSFIELD], who is present in a wheel chair, be permitted to be counted in the negative.

The CHAIRMAN. Is there objection?

There was no objection.

So the amendment was agreed to.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, and had come to no resolution thereon.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. MCARTHUR].

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman from Oregon please state where the figures which he has in his amendment came from?

Mr. MCARTHUR. Mr. Chairman, the figures in my amendment were prepared at my request by the Paymaster General of the Navy.

Mr. KELLEY of Michigan. Do they provide for taking 10,000 men out of the lower grades of the Navy and keeping all of the high ones in, or are they proportional?

Mr. MCARTHUR. They are proportional. That is my understanding.

Mr. KELLEY of Michigan. Does the gentleman say so of his own knowledge?

Mr. MCARTHUR. I can not say so of my own knowledge. That is my understanding.

Mr. KELLEY of Michigan. Are the amounts carried based upon present law or the law of 1916 and prior to that?

Mr. MCARTHUR. They are based upon the same law that the bill is drawn upon. They are presented to the House upon the theory that the increase would be made which the House has just voted to make in Committee of the Whole.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, and had come to no resolution thereon.

EXTENSION OF REMARKS.

By BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken upon the bill have permission to revise and extend their remarks in the RECORD for five legislative days.

The SPEAKER. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, availing myself of the privilege to extend my remarks on the Navy appropriation bill, I desire to submit a telegram from Myer C. Rubin, adjutant of the San Francisco chapter of the Military Order of the World War:

Resolution adopted by San Francisco chapter, Military Order of the World War, Wednesday, April 19, 1922, at San Francisco, Calif.

Whereas it has come to the attention of the San Francisco chapter of the Military Order of the World War that certain Senators and Congressmen intend to legislate for the further reduction of the personnel

of the Army and the Navy and to curtail the Navy building program; and

Whereas the excuse given for the proposed legislation is for economy of administration funds and a consequent lessening of the burden of taxation now being carried by our people: Be it

Resolved, That it is the opinion of the San Francisco chapter of the Military Order of the World War that the sum so saved would be so small as to be insignificant in proportion to the danger involved in reducing the already inadequate number of the armed forces of this country; and be it further

Resolved, That this order is most emphatically opposed to any reduction in the numerical strength of our Army and Navy as now proposed and insisted upon by the departments of the Army and Navy; and be it further

Resolved, That this chapter of the Military Order of the World War use every endeavor to prevent the ill-advised legislation mentioned in the first paragraph of this resolution and that copies of this resolution be forwarded to the representatives in Congress from California, and that they be requested to reply by formal letter setting forth their attitude in this matter.

(Please transmit copies to chairmen Senate and House Committees of Army and Navy Affairs and Members of Congress from California.)

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. DUNBAR, for six days, on account of important business.

Mr. HAMMER, for four days, on account of business.

ORDER OF BUSINESS.

Mr. ROGERS. Mr. Speaker, may I ask the gentleman from Wyoming if it is the intention to call up the naval bill for consideration on Monday?

Mr. MONDELL. The Unanimous Consent Calendar will, I assume, be considered on Monday, unless the House determines otherwise by vote. Later in the afternoon, if it is desired, if we get through with the Calendar for Unanimous Consent early, we might take up the naval bill, but I should think it would be doubtful.

Mr. SNELL. Does the gentleman not think it would be well to have it thoroughly understood to-night when the final vote will come on the bill—that it will not be on Monday?

Mr. MONDELL. Mr. Speaker, I think the gentlemen ought to know, and I doubt if under the circumstances we ought to take up the naval bill at all on Monday. I think we should adjourn after consideration of the Unanimous Consent Calendar is concluded. I make that suggestion, because there are gentlemen who desire to go home who would not return Monday if the naval bill is not to be taken up at that time.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until Monday, April 17, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

590. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Lake Washington Ship Canal, Wash., was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ELLIS: Committee on Claims. H. R. 9615. A bill for the relief of Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers; with an amendment (Rept. No. 906). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PURNELL: A bill (H. R. 11322) to amend paragraph (11) of section 6 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. WARD of North Carolina: A bill (H. R. 11323) to provide for a post-office building at Williamston, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. UPSHAW: A bill (H. R. 11324) to amend the Federal farm loan act so that branch banks shall be established in the capital of each State; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 11325) granting an increase of pension to Margaret Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 11326) granting a pension to Judson B. Luckhurst; to the Committee on Pensions.

By Mr. FAUST: A bill (H. R. 11327) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to Leslie J. Kennedy; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 11328) granting a pension to Lucy E. Porter; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11329) granting an increase of pension to Mary E. Waddell; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 11330) granting a pension to Deliaette Bruno; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11331) for the relief of Rudolph Ponevacs; to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 11332) granting an increase of pension to Amanda E. Pollard; to the Committee on Pensions.

By Mr. McDUFFIE: A bill (H. R. 11333) for the relief of Francis Leo Shea; to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 11334) granting a pension to Sarah Anderson; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 11335) for the relief of the widows of certain officers and enlisted men of the United States Navy; to the Committee on Pensions.

By Mr. O'CONNOR: A bill (H. R. 11336) for the relief of Joseph L. Galle; to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 11337) for the relief of Anna Volker; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5128. By the SPEAKER (by request): Petition of the Union League Club of Chicago, opposing the proposed reduction of the Army and Navy as provided in bills now pending and indorsing the President's stand on same; to the Committee on Appropriations.

5129. Also (by request), petition of the Grand Army of the Republic, Department of Massachusetts, opposing the reduction of the Army and Navy as proposed in bills now before Congress; to the Committee on Appropriations.

5130. By Mr. CULLEN: Petition of the president of the Chamber of Commerce of the United States of America, supporting the conclusions reached by the disarmament conference and later embodied in the four-power naval treaty and the President's recommendations regarding the Navy; to the Committee on Appropriations.

5131. By Mr. DARROW: Petition of more than 200 members of Trinity Presbyterian Church, of Philadelphia, urging the passage of House bill 2183, regulating the export of opiates; to the Committee on Ways and Means.

5132. By Mr. FAVROT: Petition of sundry citizens of Baton Rouge, La., opposing the passage of the Fitzgerald Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

5133. By Mr. GALLIVAN: Resolution adopted by the United Veterans of the Republic, Unit No. 12, of Charlestown, Mass., relative to the Navy personnel and the Boston Navy Yard; to the Committee on Appropriations.

5134. Also, petition of Charles A. Waterman, of 18 Ethel Street, Boston, Mass., urging the passage of House bill 2894, calling for a 25 per cent reduction in interchangeable mileage; to the Committee on Interstate and Foreign Commerce.

5135. Also, petition of the New England Confectionery Co., of Boston, Mass., urging passage of House bill 10159, known as the "commercial bribery bill"; to the Committee on the Judiciary.

5136. By Mr. HADLEY: Petition of sundry citizens from the State of Washington opposing the Sunday blue law; to the Committee on the District of Columbia.

5137. By Mr. KEARNS: Petition of Mrs. Burt L. Knotts and others of Lewistown, Ohio, opposing the passage of House bill 9753, or any Sunday bill; to the Committee on the District of Columbia.

5138. By Mr. KISSEL: Petition of Leon Dickinson, Esq., of Brooklyn, N. Y., protesting against the reduction of the Navy from 86,000 to 65,000 men; to the Committee on Naval Affairs.

5139. By Mr. MANN: Petition of sundry citizens of Chicago, Ill., opposing the passage of pending compulsory Sunday observance bills (S. 1948 and H. R. 4388 and 9753); to the Committee on the District of Columbia.

5140. By Mr. MORIN: Petition of the First Baptist Church of Pittsburgh, Pa., Rev. James K. Kirtley, acting pastor, urging immediate action on the Miller bill (H. R. 2193), as it will prevent all improper exportation of opium and other harmful drugs; to the Committee on Ways and Means.

5141. By Mr. RAKER: Petition of F. W. Delventhal, secretary of Lodge No. 1246, United Brotherhood of Maintenance of Way Employees and Railroad Switchmen's League, indorsing House bill 10798 and urging its passage; to the Committee on Interstate and Foreign Commerce.

5142. Also, petition of the Chamber of Commerce of the State of New York, indorsing The Hague rules regarding ocean bills of lading and urging legislation looking toward its adoption; also petition of the Dried Fruit Association of California, of San Francisco, Calif., indorsing the McKellar amendment to the Harter Act, permitting ocean carriers to make contracts in accordance with The Hague rules, 1921; to the Committee on the Merchant Marine and Fisheries.

5143. Also, petition of John R. Quinn, department commander, American Legion of California, of San Francisco, Calif., protesting against the reduction of the naval forces of the United States below 90,000 men; to the Committee on Naval Affairs.

5144. Also, petition of the Chamber of Commerce of the State of New York, relative to Federal taxation; also, petition of Ray Hays, of Nevada City, Calif., protesting against a tax of $2.35 a pound on imported wrapper tobacco; also, petition of the Foreign Mission Society of Vincent Methodist Episcopal Church, of Los Angeles, protesting against the proposal to tax wine and beer to raise revenue for the soldiers' bonus; to the Committee on Ways and Means.

5145. Also, petition of J. J. Borree, brigadier general, National Guard of California, indorsing Senate bill 3325 and House bill 10972, the Army pay bill, as amended; also, petition of Snow Shed Lodge, No. 743, Brotherhood of Railroad Trainmen, of Roseville, Calif., indorsing House bill 6432, for the relief of the Russian Railway Corps; also, petition of George M. Krone, of Los Angeles, urging action on the Bursum bill; to the Committee on Military Affairs.

5146. By Mr. SNYDER: Petitions of J. T. Smith, William Zeiter, Frank E. Marshall, Morris Rosenthal, and J. W. Shotthafer, of Utica, N. Y.; W. J. Doyle and Parker L. Scripture, of Rome, N. Y.; and Alvie Carlstran, of Oriskany, N. Y., favoring the passage of the Chandler bill (H. R. 9198) providing for an increase in pension for veterans of the War with Spain; to the Committee on Pensions.

5147. Also, petitions of granges at Lee, Columbia, and Steuben, N. Y., favoring equal privileges in granges and land banks which other American banks enjoy; to the Committee on Banking and Currency.

5148. By Mr. WILLIAMSON: Petition of sundry citizens of Hot Springs, S. Dak., opposing the passage of the bill to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

MONDAY, *April 17, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for yesterday and all that it means, for the hopes stimulated, the desires realized in the fact that there was an open tomb emptied, and that through the life of Him who lived and wrought so wondrously and died, was buried and rose again, life and immortality have been brought to light.

We bless Thee this day for all its associations and ask that our lives may be ennobled by the thought that the Risen One lives and lives to-day as ever. Grant Thy blessing upon the work of the day and glorify Thyself in every act and word. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, April 14, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCormick	Sheppard
Brookhart	Hale	McKinley	Simmons
Bursum	Harreld	McNary	Smoot
Calder	Harris	Moses	Spencer
Capper	Harrison	Myers	Stanley
Caraway	Heflin	Nelson	Sterling
Colt	Hitchcock	Newberry	Sutherland
Culberson	Jones, N. Mex.	Norbeck	Swanson
Curtis	Jones, Wash.	Norris	Townsend
Dial	Kellogg	Oddie	Walsh, Mont.
du Pont	Kendrick	Overman	Warren
Edge	Keyes	Owen	Watson, Ga.
Fernald	King	Phipps	Weller
Fletcher	Ladd	Pittman	Willis
France	La Follette	Poindexter	
Gerry	Lenroot	Pomerene	
Glass	Lodge	Rawson	

Mr. HEFLIN. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that the announcement stand for the day.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

The VICE PRESIDENT. Sixty-five Senators having answered to their names, a quorum is present.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House:

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major; and

H. R. 7589. An act for the relief of Maj. Ellis B. Miller.

SPECIAL CANCELING STAMPS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TOWNSEND. I move that the Senate insist upon its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. TOWNSEND, Mr. STERLING, and Mr. WALSH of Massachusetts conferees on the part of the Senate.

SOUTHERN TARIFF ASSOCIATION.

Mr. GOODING. Mr. President, on Thursday of last week a committee known as the schedule committee of the Southern Tariff Association met in this city for the purpose of urging increased protection for southern industries. They asked for a meeting with a number of Republican Senators who have been urging proper recognition and protection for the agricultural industries of the country. A very interesting communication addressed to those Senators at that meeting was read by Mr. Woodall, of Texas. I ask that the communication may be read.

Mr. KING. Does the Senator desire to have it read?

Mr. GOODING. Yes; I desire to have it read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk proceeded to read the communication.

Mr. DIAL. Mr. President, may I ask from whom this communication comes?

Mr. GOODING. I ask that the names attached may be read so that Senators from the South may understand from whom the communication comes.

The reading clerk read the signatures attached to the communication.

Mr. GOODING. I ask that the reading of the communication may be proceeded with and concluded.

The VICE PRESIDENT. The Secretary will continue the reading.

The reading clerk resumed and concluded the reading of the communication, which, entire, is as follows:

WASHINGTON, D. C., *April 13, 1922.*

To the Republican Senators representing agriculture and affiliated industries:

The schedule committee of the Southern Tariff Association appreciates the opportunity to appear before you and present its case. It is conscious of the deep solicitude of all of you for the well-being of the Nation as a whole, and is grateful that the vital interests of a great

section, itself almost an empire, will be safeguarded by you equally with the vital interests of the particular States and sections which you represent by special commission.

We are convinced that the Nation stands at a critical point in its economic development. Fortunately, there is the light of human experience to designate the proper path to take. The genius of the American people has transmuted a continent into the world's treasure house. The historians are as one in ascribing the downfall of Rome to the economic destruction of the free farming population, caused by the great wealth of the cities and the cultivation of the soil by cheap slave labor. A wise policy of protection has piled up prosperity and wealth in the United States. The rewards of manufacture have been large and constructively beneficial. Through protection it was possible to forge in this country the machinery of supply that terminated the Great War. This commanding success of manufacture, which is in itself a convincing demonstration of the value of protection, has enriched the great industrial centers and attracted to them the youth of the country. Invention has softened the asperities of rural life, but it has also visualized for the young man the superior rewards the city has to offer. The balance in attraction has been disturbed.

The South has been traditionally a great agricultural center. So, also, is it rapidly becoming a potent factor in pure industrial achievement. We speak for the South, however, when we say that the preservation of the integrity of its agriculture is of supreme importance. A national policy devised to restore some sort of parity between industry and agriculture is, therefore, of paramount interest to the South, as it is to the West. Our plea primarily is for an avoidance by this Nation of the economic error which sacrificed agriculture to the demands of manufacturing. We contend for a national policy so broad in its scope and so fair in its application that it will make the country self-sustaining in all its elements. We argue for a general prosperity on farm and in city alike.

This is the goal that all southern statesmen have before them. Unfortunately, the political tradition of the South has been favorable to nonprotective tariffs, and extraneous issues have influenced the South to support that theory. We hold no commission from the electorate, but we do speak for the enlightened business judgment of the South, which may rapidly become a political pronouncement, when we say that if the pending tariff legislation gives just and fair tariff protection to southern products the prosperity resulting will be an object lesson in the value of the protective principle of so convincing a character that the advocacy of free trade will cease to offer attractions.

The finished product of the farmer is the raw material of the manufacturer. We can not comprehend how any manufacturer can fairly contend for protection for his own finished product and at the same time protest against protection for the raw material that is the finished product of the farm. The doctrine of free raw materials breeds discontent and social unrest. The farmer protests, as he ought to protest, against having to sell in a free market and buy in a protected mart. That is discrimination and unworthy of sound statesmanship. We respectfully urge on you that when any manufacturer's finished product is granted protection there be accorded likewise to the raw material that the manufacturer uses, which is the finished product of the farmer, if produced in this country, corresponding protection.

Evidence has been presented to Congress to show that a considerable volume of American capital has been sent to foreign countries, where labor is cheap, with the intent of bringing back for sale in the American market the products of such cheap labor. We regard it as economic lunacy to erect barriers against the immigration of pauper labor and at the same time to permit the products of such labor to compete with goods produced under American standards in a free market. The country can be swamped no less by an influx of cheap agricultural products from the Orient than by the entrance of oriental labor. The latter is prohibited by law and the former should be.

The tides of economic destiny are not yet charted in Europe. A major catastrophe has swept aside old landmarks. Not only are the continental currencies in a state of flux, but there is also no longer a yardstick with which to measure foreign values. On all ad valorem duties the basis of valuation is determinative. A great gap will be torn in the whole fabric of protection if Congress fails in this emergency to recognize the new conditions with which trade is confronted. To base rates on foreign valuations when foreign valuations notoriously can not be accurately found is to make a covenant with uncertainty and cut breaches in the tariff wall. The assumed difficulties of administration under American valuation can not be compared with the difficulty of arriving at anything like a fair estimate of foreign cost. We ought to know our own business better than we know the business of other people. Surely we can trust our own valuations better than theirs. We can not understand how legislation, the very purpose of which is to maintain American standards, can reject American valuation. American standards and American valuations are almost synonymous terms in the present peculiar position of the world. The two will stand or fall together. * * *

We have given careful study to the tariff bill as introduced in the Senate. There are some features of it which are not in accord with the principles in which we believe. There is not adequate protection for certain products of vital importance to sound and general national prosperity, and particularly to the South. We seize the opportunity to present for your consideration the corrections that we believe to be desirable. Each such suggested schedule is the result of long and careful study on the part of those whose knowledge of their special industries is exact and thorough. No schedule is suggested that is in any respect out of harmony with the general purpose of the bill. The least possible protection that will meet the situation is asked in every case. It has been a constant purpose to do no more than ask for a differential which will take up the inequality between labor costs at home and abroad.

The emergency tariff act, the record shows, has saved whole sections in the United States and prevented great numbers of agricultural producing units from going under the sheriff's hammer. The evidence on this point is decisive and cumulative. We are convinced that an impartial permanent tariff act, spreading its benefits into every part of the Union, enriching no section at the expense of the other, but uniting all in general prosperity, will serve to establish permanently the protective principle in American legislation and policy. We urge upon you that you be solicitous to see that the pending tariff bill, when enacted into law, be of such a character, and it is to that end that our suggested amendments are brought forward.

In appraising the results of the emergency tariff act we find it has added $3 per ton to the farm price of cotton seed, or a total of $25,000,000 to the 1921 crop. It has added $18 per ton to the farm price of peanuts, or a total of $10,000,000 to the 1921 crop. It has added $12,000,000 to the farm value of the 1921 rice crop and saved the industry from destruction. It has saved the sheep and wool industry from annihilation and made it a prosperous industry. It has saved 90 per cent of the sugar planters of Louisiana from bankruptcy.

Without the emergency tariff act agriculture would have been completely paralyzed and many of our important agricultural industries would have perished.

Respectfully submitted by the schedule committee of the Southern Tariff Association.

E. A. Burguieres, chairman; B. B. Chaney, Stuttgart, Ark., rice industry; A. M. Loomis, Washington, D. C.; John M. Rogers, Washington, D. C., 817 Union Trust Building; P. H. Whaley, Washington, D. C., Munsey Building; T. S. Kenan, Atlanta, Ga., vegetable oils; B. A. Burguieres, New Orleans, La., sugar industry; Joe Chaffe, New Orleans, La., sugar industry; C. S. Matthews, New Orleans, La., sugar industry; Judge R. E. Milling, New Orleans, La., sugar industry; John J. Sheehan, New Orleans, La., sugar industry, rice industry; F. B. Wise, New Orleans, La., Rice Millers' Association; H. M. Grandstaff, Asheville, N. C., mica; W. S. Phillips, Brownsville, Pa., glass; E. A. Eignus, Beaumont, Tex., rice industry; J. S. LeClerce, Dallas, Tex., vegetable oils; Robert Ash, Washington, D. C., Munsey Building; Ed. Woodall, Hillsboro, Tex., vegetable oils; John H. Kirby, Houston, Tex., president Southern Tariff Association; P. D. Bain, Norfolk, Va., peanuts; Percy Stevenson, Norfolk, Va., peanuts; J. C. Beale, Norfolk, Va., peanuts; T. H. Birdsong, Norfolk, Va., peanuts; N. M. Osborn, Norfolk, Va., peanuts; J. B. Pinner, Norfolk, Va., peanuts; Frank Kell, Wichita Falls, Tex., flour milling; C. J. Harris, Dillsboro, N. C., clay; George A. Sharpe, Birmingham, Ala., graphite; C. A. Moffitt, Birmingham, Ala., iron and steel.

The VICE PRESIDENT. The communication will lie on the table.

Mr. KING. Mr. President, I have a large number of statements and petitions and communications entirely adverse to the views expressed in the remarkable document which has just been submitted to the Senate, but I shall not ask to have them read.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a petition of sundry citizens of Baldwin, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted at a mass meeting of citizen of Kansas City, Kans., April 3, 1922, favoring the passage of the Dyer antilynching bill, which were referred to the Committee on the Judiciary.

Mr. WILLIS presented resolutions adopted by the board of directors, Columbus (Ohio) Chamber of Commerce, favoring the establishment and maintenance of an American merchant marine, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Columbus (Ohio) Chamber of Commerce, protesting against further reduction of the Army and Navy personnel, which were referred to the Committee on Naval Affairs.

Mr. KEYES presented a resolution adopted by Londonderry Grange, No. 44, Patrons of Husbandry, of Londonderry, N. H., protesting against the passage of Senate bill 2747, the so-called McNary cooperative reclamation bill, which was referred to the Committee on Irrigation and Reclamation.

He also presented memorials of sundry citizens of Colebrook, Portsmouth, New Castle, Rye, and North Hampton, all in the State of New Hampshire, remonstrating against the passage of Senate bill 2747, the so-called McNary cooperative reclamation bill, which were referred to the Committee on Irrigation and Reclamation.

Mr. SPENCER presented petitions of members of the Women's Self-Improvement Club, the Phyliss Wheatley Club, the Twelve Charity Girls' Club, and the Kensington Art Club, all of Kansas City, Mo., praying for the passage of the Dyer antilynching bill, which were referred to the Committee on the Judiciary.

Mr. SHORTRIDGE presented a letter from the San Francisco (Calif.) Labor Council, giving their views relative to the Volstead Act and favoring enactment of legislation permitting the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Board of Supervisors of Los Angeles, Calif., favoring the making of an appropriation to defray expenses of training the citizen soldiery for a period of two weeks, etc., which was referred to the Committee on Military Affairs.

He also presented resolutions of the Allied Printing Trades Council of Los Angeles, Calif., protesting against increase in the postal rates on second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the Junior Order United American Mechanics, of Los Angeles, Calif., and

vicinity, praying for the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 3465) to amend section 42 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3291) for the relief of Henry Cordes, reported it without amendment and submitted a report (No. 603) thereon.

Mr. NEWBERRY, from the Committee on Banking and Currency, to which was referred the bill (S. 2436) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act, reported it without amendment.

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2743) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," reported it with an amendment and submitted a report (No. 604) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (H. J. Res. 57) making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof, reported it without amendment and submitted a report (No. 607) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3163) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," reported it with an amendment.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls, with a view to possible extension of the District park system, reported it without amendment.

MEAT PACKERS IN UNRELATED LINES OF BUSINESS.

Mr. LADD. From the Committee on Agriculture and Forestry, under the second resolving clause of Senate Resolution 211, I submit a report, and ask unanimous consent for its immediate consideration.

The report was read as follows:

REPORT.

The Senate Committee on Agriculture and Forestry, to which committee has been referred Senate Resolution 211, providing "that the Attorney General of the United States be requested to report to the Senate what steps, if any, have been taken to enforce and carry out the terms of said decree," being the decree entered by the Supreme Court of the District of Columbia on February 27, 1920, in the suit of the United States of America v. Swift & Co. and others, in equity No. 37823, recommends that the hearings before the Interdepartmental Committee on the question of modification of the consent decree in the case of the United States v. Swift & Co. et al., with reference to unrelated commodities, be published as a Senate document to accompany the communication from the Attorney General of the United States. The manuscript contains approximately 3,065 pages of typewritten data as the result of these hearings and contains most valuable material which should be made a permanent record available for use not only for the subcommittee in their hearings but to Congress as well, and will, in the judgment of the committee, be of great value for court use.

Mr. LADD. Mr. President, the resolution reported by me from the committee provides for the printing of the hearings before the interdepartmental committee on the question of the modification of the so-called consent decree in the case of the United States v. Swift & Co. and others, with reference to business conducted by the meat packers in unrelated lines of industry. Under Senate Resolution 211, the committee have had under consideration and examination the report of the Attorney General, together with the hearings referred to, and request that they be printed as a part of the proceedings as a Senate document. There are approximately 3,065 pages, for which I have had prepared an index. We find it is almost absolutely necessary to have this matter printed before we can proceed with further hearings under Senate Resolution 211, and several Senators outside of the committee who have examined it think that it would be advisable and desirable to have it printed.

Mr. MOSES. Mr. President, a document of that size I think should certainly have an estimate of the Public Printer of its cost before it is ordered printed without any further explanation; and the law further requires that a document of that size shall have such an estimate. I move that the resolution be referred to the Committee on Printing.

Mr. NORRIS. Mr. President, I should like to call the attention of the Senate briefly to just exactly what this document is.

I am not a member of the subcommittee. I have not heard the evidence, of course; but some time ago the Senator from Wisconsin [Mr. LA FOLLETTE] introduced a resolution that contained two propositions. They both referred to the so-called consent decree in the packer cases, where an attempt was made by some of the packers to modify the consent decree that prohibited the packers from going into unrelated lines. The resolution that the Senate passed directed the Committee on Agriculture and Forestry to make an investigation of that subject. It also called upon the Attorney General to send to the Senate the information that he had.

At that time I called the attention of the Senate to the fact that this resolution of the Senator from Wisconsin contained two things. One was calling on the Attorney General for certain information. The other was directing the Committee on Agriculture and Forestry to make an investigation of the same subject, and the suggestion that it be modified and proposing that we get the information first from the Attorney General, and then we could decide whether we wanted to investigate.

That proposition was rejected by the Senate upon a vote and the resolution passed; that resolution directed the Committee on Agriculture and Forestry to make an investigation of this subject, and also directed the Attorney General to make a return. It was referred to a subcommittee of the Committee on Agriculture and Forestry, with directions to follow out the instructions of the Senate. The Senator from North Dakota [Mr. LADD], acting in behalf of that subcommittee, reported to the full committee, and then was directed by the chairman of the full committee upon the approval of the report to bring this report, as he has done, into the Senate.

Mr. President, this investigation that was made in the Department of Justice in regard to the modification of this consent decree contained a good deal of evidence, as the report of the committee shows. It is of no value whatever unless that evidence is put in such shape that it can be read. I happen to know that there is a great demand for it from the calls that have been made upon me from all over the country, and also from other Senators, who, I presume, in turn have been moved by requests from their States asking for this document, which they suppose has been printed.

Mr. MOSES. Mr. President——

Mr. NORRIS. The committee itself, as the subcommittee says, can not make an intelligent investigation of this subject, as it is directed to do by the Senate, unless that evidence is put in acceptable form. That is, it must be printed; and while I have not read the evidence, I suppose it will be explanatory, at least, of what was attempted to be done in the modification of the consent decree on the packer situation. It is a very important proposition.

When we passed the packer legislation, while the Congress did not pass the bill that I wanted or the bill that the Committee on Agriculture and Forestry of the Senate brought in here, we do know that the legislation was influenced to quite an extent by the fact that while these questions were pending before the committee the Attorney General went into court, with the consent of the packers, and obtained what is known as a consent decree. The legislation of Congress was undoubtedly modified because of the existence of that decree, which resulted in a permanent injunction in which the packers were enjoined from doing certain things. With that condition, Congress enacted the packer regulation act. If I had had my way, or if the Committee on Agriculture and Forestry of the Senate had had its way, we would have ignored that decree entirely. We did ignore it in our investigations and in reporting our bill, but the Senate thought otherwise.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. In just a moment. The House also thought otherwise. We did not have our way, and we legislated on the theory of that decree being permanent law.

Not much time had elapsed after that legislation was enacted before an attempt was commenced to modify that decree. This evidence that was taken by the Attorney General was offered

by the packers and by those who are opposed to the modification of the decree. It therefore bears directly upon the act passed by Congress that attempted, at least, to regulate the packers. The proposition now is to print that evidence so that it will become available.

Mr. MOSES. Mr. President——

Mr. NORRIS. Why, Mr. President, it seems to me self-evident—that is particularly true if this committee is going to make any investigation under the direction of the Senate—that that evidence must be printed.

Mr. POMERENE. Mr. President——

Mr. NORRIS. I am going to yield to everybody in due time. Do not worry.

This document was brought to my notice by the chairman of the subcommittee when it was presented, and he asked me whether it ought to be printed, whether he had authority to have it printed in the hearings; and I presume technically he had. I told him at first that I thought the thing to do was simply to hand it to the reporter and have it printed as part of the hearings; but that night I got to thinking about it, and I thought, since perhaps it was the main thing that was to be investigated, that that ought not to be done unless the Senate ordered it done. So I saw the chairman of the subcommittee and took it up with him again, and suggested, as he said that the subcommittee had gone about as far as they could go without doing something with this evidence, that they make a partial report to the full committee, and that we would undoubtedly order him to make a report, or I would, if the committee authorized me to do so, direct him to make a report to the Senate.

That is how the matter happens to come to the Senate. I presume the committee could simply have had the evidence printed, and it would have cost just as much one way as the other; but it is better to have it printed as a Senate document, by itself, than it is to have it locked up with some of the committee hearings, for we are going to have demands for it, and we would have to fish it out of the hearings and send this evidence in connection with something else.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. First, let me yield to the Senator from Ohio, who rose first.

Mr. POMERENE. I simply desire to ask this question: Has the Department of Justice recommended any modification of that decree?

Mr. NORRIS. I understand not; although I have not read the evidence that has been presented.

Mr. POMERENE. Let me ask a further question. As I am told, this investigation was being made by one representative from the Department of Justice, one from the Department of Commerce, and one from the Department of Agriculture. Has that committee made any recommendation to the Attorney General bearing on the subject?

Mr. NORRIS. I do not know; not that I know of.

Mr. McNARY. Mr. President——

Mr. POMERENE. I think the Senator from Nebraska stated the proposition fairly when he said that the fact that this decree was entered modified the views of Senators somewhat with respect to the pending legislation.

Mr. NORRIS. Oh, there is not any doubt about it; and the thing is happening now that I thought at the time would happen—that as soon as Congress got through legislating and passed the law, there would be an attempt made to nullify the decree; but that attempt has not been successful. The evidence upon which it is based, and, as I understand, the evidence of the other side in controverting it, coming from the organization of farmers, consumers, and so forth, who have obtained notice of what was going on in the Department of Justice, constitutes this thing that the committee now desires to print as a Senate document, mainly because of the demand that is coming from the country, from people interested in the subject, to get it.

I now yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I simply wish to state to the Senator from Nebraska that the logical and obvious and natural way of dealing with this document would have been for the committee, under its undoubted authority, based upon a resolution adopted at the beginning of the Sixty-seventh Congress—a resolution such as is adopted at the beginning of every Congress, authorizing the committee to act through subcommittee under that resolution—to print this evidence in the report of the hearings. When, however, the committee brings in an excerpt from hearings to be printed as a Senate document there is a clear and unmistakable regulation with reference to public printing connected with documents of this bulk. Small documents, the cost of printing which can be estimated by anybody, because we know what it costs per page, are authorized to be printed here day after day by unanimous consent; but it has been the invariable rule of the committee, certainly since my connection with it—which has been during the whole of my experience in the Senate—to secure the estimate of the Public Printer in cases of this kind.

I wish the Senator from Nebraska and the Senator from North Dakota to understand that the motion I have made to refer the manuscript and the report to the Committee on Printing is by no means made with any hostile intent toward the report or any of the suggestions which the committee makes. It is in order that in the case of a document of this size we may follow the logical, regular, and statutory method of having it printed.

Mr. NORRIS. Mr. President, I am not criticizing——

The VICE PRESIDENT. Let the Chair state the request of the Senator from North Dakota. The request was that he have unanimous consent for the immediate consideration of his report. Is there objection to that request?

Mr. SMOOT. Mr. President, may I say just one word?

Mr. NORRIS. Will the Senator let me finish first? I want to say to the Senator from New Hampshire that I am not objecting even to having this resolution referred to the Committee on Printing. The thing I wanted to do, principally, and the thing that it seemed to be my duty to do, was to state to the Senate the exact situation. We probably could have had this evidence printed without coming to the Senate to ask for it, but it would not have been in as good shape as it will be if it is printed as a Senate document. It will not cost any more one way than the other.

Mr. MOSES. Mr. President, will the Senator permit me to interject right there that having it printed as a Senate document makes available for the use of the Senate only 300 copies, whereas if the subcommittee had proceeded to have it printed in its record of hearings, under its undoubted authority, it could have had all the copies necessary to meet the demand.

Mr. NORRIS. No; we are limited——

Mr. MOSES. The committee could have had a thousand copies to start with, and it could have had reprints made by order of the chairman of the Joint Committee on Printing.

Mr. NORRIS. To cut the matter short, I will ask the Senator from North Dakota to withdraw his report, and we will try to handle the matter without bringing it into the Senate.

Mr. SMOOT. Mr. President, will the Senator yield to me for just a moment?

Mr. NORRIS. Yes.

Mr. SMOOT. I only want to state that if this evidence is printed as a public document, the great bulk of the numbers of the print will go to the libraries throughout the country and to places where nobody will ever see them at all, and Congressmen and Senators will get only two copies in all. It seems to me it should be printed in a different way from that; but if the Senator is going to withdraw the request, I have nothing further to say.

Mr. LADD. I ask permission to withdraw the request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the request is withdrawn.

Mr. WILLIS. Mr. President, I wish to make response to the inquiry propounded by my colleague to the Senator from Nebraska. I call my colleague's attention to the fact that the Department of Justice has taken no action whatever looking to a modification of this decree, and to the further fact that when an effort was made by the packers to have the decree modified the Department of Justice, as my colleague has stated, referred the whole matter to the court, as it were, made up of the three distinguished representatives of three separate departments, and before the matter came up here, and before this resolution was considered by the Senate, that court had already determined, and so reported to the Attorney General, that there ought not be any action by the Department of Justice looking toward a modification of the consent decree. So the department was not prodded into it; it had already acted promptly.

Mr. POMERENE. If my colleague will permit me, I had this matter up with the Attorney General some considerable time ago, shortly after he had determined to refer the subject to a committee consisting of one representative from each of the several departments. I did not understand at that time that he had come to any conclusion, but he very courteously indicated to me that this committee would be glad to hear anyone who was interested on either side of the case.

Mr. WILLIS. The thing I wanted to make clear to my colleague is the fact that this investigation had been had and recommendation had been made by these three investigators to

the Department of Justice before any action was taken by the Senate on the resolution.

Mr. POMERENE. I had not known they had made any recommendation upon the subject.

Mr. NORRIS. Mr. President——

Mr. ASHURST. A point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. NORRIS. Will not the Senator withhold his point of order?

Mr. ASHURST. I withhold it for one moment.

Mr. NORRIS. Mr. President, I think I ought to make reply to what the Senator from Ohio has said. I have no interest in this matter. I do not know, and I care not, whether the resolution was offered or whether there was action taken by the Senate before the Attorney General acted. It is not my purpose to criticize anybody, but I want the facts known.

It was alleged that there was great danger of the Attorney General or his committee permitting the decree to be reopened and changed and modified. I think that was before the introduction of the resolution. The question was raised on the floor of the Senate as to whether they had made a determination, and I was informed by a Member of the Senate who had been in communication with a member of this committee that they intended to modify that decree. I do not know whether he was right about it or whether he was wrong about it; I think it is immaterial now. At least, it has not been modified yet.

It was the object of the resolution, I think, in part at least, to give publicity to the facts, so that in the future there would not be a modification brought about without laying the whole thing before Congress. I said when the resolution was up, I remember, that since it did affect legislation by Congress, it seemed to me that no Attorney General ought to consent to any modification without first submitting it to Congress, because of the peculiar way it came about. It affected legislation, because there would have been different legislation, without any question, if the Attorney General and the packers had not come to this agreement about the decree.

While I can not say what action the committee will take, it is very likely, at least, that when the committee get through with their investigation and make a final report to the Senate, they will recommend that no Attorney General ought to consent to any modification of the decree until Congress has given its consent to the specific modification.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield.

Mr. WILLIS. I know the Senator from Nebraska wants the exact facts, because he is always fair. I call his attention to the fact that the original resolution for this inquiry was offered in the Senate on the 3d day of February, 1922. I have a copy of the resolution here. I call his attention to the further fact that in Exhibit B of Senate Document 145, beginning at page 18, he will find the report of the interdepartmental committee. That report was made on the 20th of January, two weeks before the resolution was offered in the Senate. That keeps the record absolutely straight.

Mr. NORRIS. I am very glad that is true. I want to ask the Senator from Ohio, before the Senate passes from this question, whether that was acted on, and when it was finally acted on?

Mr. WILLIS. I understand that the report of the interdepartmental committee was accepted by the Attorney General, and no further action was required.

Mr. NORRIS. When was it accepted?

Mr. WILLIS. The document does not indicate.

Mr. NORRIS. Then the Senator has not shown it all.

Mr. WILLIS. I have shown it all. What I have undertaken to show was that the interdepartmental committee had already made its recommendation to the Attorney General before the resolution was introduced.

Mr. NORRIS. Exactly, and it was probably pending there at the time the resolution was introduced.

Mr. WILLIS. Certainly.

Mr. NORRIS. But the Attorney General had taken no action on it.

Mr. WILLIS. Certainly, and has not taken any action yet.

Mr. NORRIS. The Attorney General has taken no action yet.

Mr. WILLIS. And so far as I know, no action is contemplated.

Mr. NORRIS. There will probably be no action on the resolution.

Mr. BURSUM. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded. Reports of committees are still in order.

Mr. WILLIS subsequently said:

In order to make the record absolutely straight relative to the matter just under discussion between the Senator from Nebraska [Mr. NORRIS] and myself, I ask unanimous consent to have printed in the RECORD the decision of the Attorney General as of date February 7, 1922, on the consent decree matter.

Mr. NORRIS. The action of the Attorney General, I understand, was after the submission of the resolution.

Mr. WILLIS. Yes; the action was after the introduction of the resolution. The resolution was adopted the 3d of February.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Extract from letter of Attorney General in response to Senate resolution of February 3, 1922.]

On February 7, 1922, in agreement and in accord with the views of the Secretaries, the Attorney General approved such report and issued the following official statement thereon:

"On the question of a modification of the consent decree in the case of United States of America v. Swift & Co. and others, with reference to unrelated commodities, I have come to the conclusion that such grave and far-reaching questions which affect not only the provisions of the decree with respect to unrelated commodities but which also strike at the very foundation of the entire decree and are of such vital interest to the public generally are matters which, regardless of what position the Department of Justice might assume, must be ultimately decided by the court which entered the decree before any modification could be made, and as those who most strongly oppose any modification (namely, the wholesale grocers) are now parties to this cause, by intervention, which intervention has been sustained by the court since the request for this hearing before the Attorney General was granted, it seems that the way is now open for those who urged a modification and who so earnestly contended that they have been seriously injured by this decree and have never had their day in court, to present such questions and contentions in the first instance to the court for decision, without the same being in any way prejudged by the Attorney General.

"Therefore I feel that this request by the California Cooperative Canneries Co. and others for a modification of this decree should be presented in the first instance to the court which entered this decree and not to the Attorney General."

WEST FORK, SOUTH BRANCH, CHICAGO RIVER.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment Senate bill 3177, a bill declaring a stream in Illinois nonnavigable, a bill urged by both Senators from Illinois, and to which the War Department has no objection. On behalf of the senior Senator from Illinois [Mr. McCORMICK], I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3177) declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream, which was read, as follows:

Be it enacted, etc., That all of that portion of the West Fork of the South Branch of the Chicago River in the county of Cook and State of Illinois, extending west from the west line of the Collateral Channel of the Sanitary District of Chicago, in the northwest quarter of section 36, township 39 north, range 13 east of the third principal meridian, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NATIONAL BANK CHARTERS.

Mr. CALDER. From the Committee on Banking and Currency I report back favorably, with amendments, the bill (S. 3255) to amend section 5136, Revised Statutes of the United States, relating to corporate power of associations, and I submit a report (No. 606) thereon. This bill permits the extension of national bank charters. It is urged by the Comptroller of the Currency and the Federal reserve system. I ask unanimous consent for its present consideration.

Mr. KING. I object.

The VICE PRESIDENT. There is objection.

Mr. CALDER. In view of the objection, I shall call this bill up at the very first opportunity. It is necessary that it should be passed at any early date, or hundreds of national bank charters will lapse.

The VICE PRESIDENT. The bill will be placed on the calendar.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. CURTIS, from the Committee on Appropriations, to which was referred the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, reported it with amendments and submitted a report (No. 605) thereon.

Mr. KING. May I inquire of the Senator when he expects to call up the bill?

Mr. CURTIS. I want to have it printed to-day and placed on the desks of Senators to-morrow; and if possible I shall call it up to-morrow.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. HARRELD:

A bill (S. 3469) granting a pension to Charles E. Wilson; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3470) for the prevention of venereal diseases in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SHORTRIDGE:

A bill (S. 3471) granting a pension to Adra Cranford; to the Committee on Pensions.

AMENDMENT OF SENATE RIVER AND HARBOR BILL.

Mr. BROUSSARD submitted an amendment proposing to authorize an appropriation of $477,125 for intracoastal waterway, Bayou Teche to Mermentau River, La., in accordance with report submitted in House Document No. 610, Sixty-third Congress, second session, intended to be proposed by him to Senate bill 3017, the Senate river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

JAMES W. MARDIS.

Mr. WALSH of Montana submitted the following resolution (S. Res. 278), which was referred to the Committee on Claims:

Resolved, That jurisdiction is hereby conferred upon the Court of Claims to consider and determine the equities and enter judgment upon the claim of James W. Mardis, deceased, for the sum of $18,815.50, in full for property taken by the United States Government in the year 1867 for the United States Army, at the time of the establishment of Fort Ellis, near Bozeman, Mont., in the County of Gallatin, in the Territory of Montana.

DEALING IN COTTON FUTURES.

Mr. DIAL. On April 12, 1921, I introduced a bill (S. 385) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, and on February 13, 1922, I introduced another bill (S. 3140) to amend section 5 of the United States cotton futures act. These bills were referred to the Committee on Agriculture and Forestry. No reports having been made thereon, I enter a motion that the committee be discharged from the further consideration thereof.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that the call of the calendar shall begin with Order of Business 398, where we left off at the last call of the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will announce the bill on the calendar at that point.

The ASSISTANT SECRETARY. A bill (S. 1456) for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army.

The VICE PRESIDENT. A House bill identical with this has been passed, and this bill should be indefinitely postponed.

Mr. KING. I move that the bill be indefinitely postponed.

The motion was agreed to.

The bill (S. 2493) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE VAN DERBURGH BROWN.

The bill (S. 1297) for the relief of George Van Derburgh Brown was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 10, to strike out "$12,000" and to insert in lieu thereof "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Van Derburgh Brown, of Brookline, Mass., whose wife was killed and he was severely injured, by being struck by a mail truck in use in the Boston postal district and operated by the Post Office Department, as a result of gross negligence on the part of the driver, on the night of Sunday, January 2, 1921, the sum of $5,000, from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING. Merely for the purpose of offering an amendment, if it should seem necessary, I move to reconsider the vote by which the bill just acted on was passed. I do not want to offer my amendment now. I want to talk with some person interested to see whether or not this would be a complete release of the Government from any claim by the estate of the woman who was killed, as well as a release by the husband. I have no objection to the bill being passed, and I merely note a motion to reconsider. On looking into the legal question, if I discover that there is nothing in that point, I shall withdraw my motion.

The VICE PRESIDENT. The Chair understands that a motion is entered to reconsider.

Mr. LODGE entered the Chamber.

Mr. KING. I merely enter a motion to reconsider. The Senator from Massachusetts [Mr. LODGE] is here now. If I may have his attention, I will say to him that I offered no objection to the consideration and passage of Senate bill 1297. I suggest to the Senator from Massachusetts the question that I raised when the bill was passed, namely, whether it was intended to be a complete quittance and discharge, not only for the death of the wife but for injuries sustained by the husband, or whether or not, in the form of the language here, the estate of the wife might not prefer a claim? All I am anxious for is that the Government shall be clearly relieved from all claims by the husband or the estate of the wife.

Mr. LODGE. I understand this closes the whole matter.

Mr. KING. I am not asking for any explanation. I am familiar with the case.

Mr. LODGE. It happened some years ago, and I understand there is no other claim.

Mr. KING. I think it is a little unfortunate that the bill was not drawn so as to make it clear, but on the assurance of the Senator I withdraw any objection.

The VICE PRESIDENT. Without objection, the bill stands passed.

BILLS PASSED OVER.

The bill (S. 103) for the relief of Morgan Miller was announced as next in order.

Mr. KING. I object. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2258) for the relief of Jesse L. Clay was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2872) for the relief of Alfred Sjostrom was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

CAPT. FRED S. JOHNSTON.

The bill (H. R. 927) for the relief of Capt. Fred S. Johnston was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Fred S. Johnston, supply officer One hundred and eighth Regiment Infantry, United States Army, the sum of $68 in full payment of all claims against the Government for reimbursement on account of newspaper advertisements of proposals for bids for forage supplies for the use of the Third Regiment New York Volunteer Infantry, National Guard, United States Army, at Rochester,

N. Y., from April 26 to May 3, 1917, said advertisements having been published on the order of said Capt. Fred S. Johnston without specific authority of law or departmental orders.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTELLA BARNETT.

The bill (H. R. 3270) for the relief of Estella Barnett, was considered as in Committee of the Whole, was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,250 to Mrs. Estella Barnett, of Toledo, Ohio, in compensation for injuries sustained April 24, 1920, in the city of Cleveland, Ohio, when struck by a United States Government mail truck.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNER OF VESSEL "MARIA ARTAU."

The bill (H. R. 5965) for the relief of the owner of the vessel *Maria Artau* was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,901.35 to the owner of the vessel *Maria Artau* as compensation for and in full satisfaction of all claims of such owner for any damages to said vessel sustained as a result of a collision between said vessel and the U. S. S. *Kittery* on August 7, 1917, in Santo Domingo waters, the responsibility for such collision having been placed on the U. S. S. *Kittery* by a naval board after investigation.

Mr. KING. Mr. President, I would like to ask some member of the committee or some Senator who is familiar with the matter why we make a direct appropriation in cases of collision in some instances, whereas in others we authorize the parties to bring a suit before the Court of Claims, and when the Court of Claims has heard the evidence and adjudicated the liability then we make the appropriation? It seems to me it is discriminatory to make appropriations directly in some instances and refuse to make appropriations in others, and compel the parties to go to the Court of Claims and establish a lack of negligence upon their part and negligence upon the part of the Government.

Mr. CAPPER. Mr. President, in the first place, the amount involved is comparatively small and the Navy Department unhesitatingly recommended the payment of the amount claimed. The Secretary of the Navy says there is no question that the U. S. S. *Kittery* was absolutely responsible for the accident and that there is really no question about the justice of the claim. In cases where the amount claimed is comparatively small, it has been the policy of the committee, and especially after the bill has passed the House, not to cause the parties to go to the trouble and delay of referring the matter to the Court of Claims. The bill now pending has passed the House. The matter was gone into very carefully by the Committee on Claims of the House, and our committee took it up with the Navy Department. It appealed to the committee as being a just claim.

Mr. KING. I do not like to object to the bill, but the Senator must know that a large number of claims have been preferred against the Government for collisions upon the high seas or in our harbors where it is alleged the Government was at fault. We have compelled in those instances the person who claimed to have been injured or damaged to go to the Court of Claims and establish the liability of the Government. Then after the Court of Claims has made a ruling we have made an appropriation where necessary.

Mr. CAPPER. I think the position of the Senator from Utah is correct as a general proposition, but there are many of these minor claims and it would be loading up the docket of the Court of Claims with a lot of small cases to refer them all to the court, and probably be a waste of time of the court. When the statement of the department is so clear on the matter, it seemed to the committee useless to go through the further procedure and expense of adjudicating such matters in the Court of Claims.

Mr. SMOOT. The claim is for a citizen of a foreign country, is it not?

Mr. CAPPER. It is.

Mr. SMOOT. If that is true, I hardly think the bill is in the regular form. If the Senator will let it go over, I will look it up.

Mr. CAPPER. I am very glad to give the Senator an opportunity to do that.

Mr. SMOOT. If the bill is in proper form, I shall have no objection to it.

Mr. CAPPER. The Navy Department is pressing the claim.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Objection being made, the bill will be passed over.

Mr. HARRIS. Mr. President, when the United States declared war on Germany three sons of A. V. Howe, of Tallapoosa, Ga., volunteered for service. They were anxious to serve their country and concealed any physical defects which might prevent their acceptance. Their father was active at home in all war work. The records made by all of these young men reflected credit on themselves and their country. When the war ended they came home to find positions to take up work again.

About the time of their return Judge A. I. Head, the postmaster at Tallapoosa, resigned, and under President Wilson's orders these appointments were made on merit under an examination by the Civil Service Commission instead of the old spoils system. President Wilson had issued an order that ex-service men should be given preference in these examinations, and the first person on the list was nominated. Victor L. Howe, one of the three brothers I have referred to, stood the examination and was appointed postmaster. I am informed that he gave satisfaction to the people in the discharge of his duties.

A few days ago this young veteran was removed as postmaster. I have received letters from both Republicans and Democrats stating that his services were satisfactory to all of the people except a very few Republicans who were trying to get him removed before his term under his commission expired. It seems that nothing is cared about the removal reflecting on the character of this young man, who had fought and suffered physical disabilities for his country.

The few people who wanted this place evidently secured the assistance of the State Republicans, for two postal inspectors were sent to Tallapoosa, and I have information from reliable people that Howe has been harassed by some unjust and petty charges.

I have seen the inspection report, and the charge stressed more than any other is covered by a photograph showing, posted on the wall in the post-office lobby, a small cartoon of a man with a painfully disappointed expression on his face, saying "I voted for a change and got it." Another photograph showed a list of the young men from that county who had been in the service during the World War.

I have received many telegrams and letters, as well as a petition signed by a large majority of the people who are served by the Tallapoosa office. Years ago many Federal soldiers moved to that place, and members of the Grand Army of the Republic post there have protested against the removal. Capt. Harold Hutchens, who distinguished himself in the World War, now a member of the Georgia State senate and commander of the American Legion post, has entered his protest, as well as that of the Legion post.

I have shown these protests to the Postmaster General and urged that justice be done this young man, who served his country so faithfully during the war. I have confidence in the Postmaster General and I am sure he will go to the bottom of the matter.

Mr. President, I hope I may be pardoned for stating my personal interest in this young man, though there is nothing political. He served in the Sixth Engineers in France. My brother's only child, the youngest captain in the Army when he was commissioned, served in the same regiment and was killed in the Argonne while leading an advance of his company. Just after the armistice I went over all of the battle fields in which this regiment had taken part. It was several companies of this regiment who held the Germans when they had broken the British line near Amiens. It is marvelous how any of them lived through it all when one sees the fields where they fought.

Another personal reason, Mr. President, is that Tallapoosa is in Haralson County, which, like my own county of Polk, was formerly a part of Paulding County. These splendid people are my neighbors and good friends. I went to school with many of them, and Haralson County is in the senatorial district which elected me without opposition to the State senate, although counties in this district are often carried by the Republicans in national elections. My predecessor in the State senate, Hon. Edward S. Griffith, of Buchanan, an able man and lawyer, who has distinguished himself in his profession, lives in Haralson County.

Mr. President, the people of Tallapoosa and Haralson County deeply resent what they consider unjust treatment of Mr. Howe.

Mr. President, I ask to have inserted in the RECORD statements from the American Legion post and the adjutant of the Grand Army of the Republic post at Tallapoosa.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

AMERICAN LEGION,
HEADQUARTERS ALBERT C. DIAL POST, No. 58,
Tallapoosa, Ga., April 10, 1923.

It appearing that Victor L. Howe, a member of said post, having served in the World War, and honorably discharged after a period of voluntary service covering three years, two and one-half years of which were spent overseas, and after said discharge, having been

commissioned postmaster at Tallapoosa, Ga., and serving satisfactorily to its entire patronage for a period of 2 years, 14 months of which has been spent under the present Republican administration, having been "summarily discharged for the good of the service," without specific charge, and without opportunity for defense, the following resolution has been adopted, and it is directed that copies of the same be sent to Senators HARRIS and WATSON and Congressman GORDON LEE and State of Georgia headquarters and national headquarters of the American Legion:

"*Be it resolved by said post*, That Victor L. Howe, as postmaster, has given unparalleled satisfaction to the entire patronage of the Tallapoosa post office.

"That unanimous protest is by this resolution voiced at the removal of an ex-service man of unquestionable character, integrity, and ability for the gratification of any partisan, political whim.

"That this post charges said discharge was not in good faith, but was had on a report of fake charges, intentionally preferred by dishonest inspectors of purely political and partisanship purposes.

"That it is not the intention of this post to enter into any political controversy, but it considers the present case to come entirely within its legitimate purview, if for no other purpose than to foster a spirit of fairness and possibly prevent a recurrence of such a breach of faith on the part of the Post Office Department or any other governmental agency.

"That no censure be directed at the present temporary appointee, he being considered as having had no part in the false chicanery incident to the removal of the former postmaster."

HAROLD C. HUTCHENS, *Commander*.
CHAS. J. VANCE, *Adjutant*.

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Post No. 4, Grand Army of the Republic, composed of Republicans who have fought the battles of the party all their lives, wish to go on record as opposing the removal of this young soldier from office until his time is out, as we believe the boys who risked their lives for their country are entitled to and are deserving of their country's gratitude, and should be honored with any trust or office that they are capable of filling.

This young postmaster, Victor L. Howe, was a volunteer soldier who spent nearly two years in the trenches in France with the American Expeditionary Forces as a private, and came home after a protracted hospital experience badly broken in health. He has never taken an active part in politics, has a leaning toward Republican principles, and had a different person been named national committeeman from Georgia he, with a score of others I know, would have voted the Republican ticket in 1920. This office was never conducted in a more satisfactory manner to the public than at present. By carefully looking after the business, especially the parcel-post packages, he has succeeded in raising the office from third to second class, and we believe this has been accomplished by his efficient service and business methods. In this connection I will say this young man has not taken advantage of the situation of employing additional help which the law allows, but, on the contrary, he, with the assistance of one other young man, a Republican and the son of an old Union soldier, is doing all the work, thus saving the Government the expense of an additional clerk, which is allowed in a second-class office.

F. A. JONES,
Past Department Commander, G. A. R.,
Adjutant Post No. 4.

SUPPLY CORPS OF THE NAVY.

The bill (S. 2390) to redistribute the number of officers in the several grades of the Supply Corps of the Navy was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT JUNE.

The bill (S. 1245) for the relief of Robert June was announced as next in order.

Mr. KING. Reserving the right to object, I ask for an explanation from the Senator from Michigan [Mr. TOWNSEND], who introduced the bill.

Mr. TOWNSEND. This is a bill to compensate an employee of the Government, Robert June, for injuries sustained by him during the course of his services on the Panama Canal Zone. He was an overseer or superintendent of work and had charge of a train loaded with earth or sand at a time when there was a flood on the Chagres River which was washing away an embankment. He was trying to save the embankment, which was being destroyed by the flood in the Chagres River, to the detriment of much property of the Government. He found it necessary to pass between the cars; he could not go around the train, as it looked as though the train would slide down the embankment. A subordinate employee gave the signal to the engineer to move on while this man was between the cars, and he was, as a consequence, very seriously injured. The order should not have been obeyed, because it was not given by one in authority; but it was obeyed, the engineer thinking that the one who gave the order had authority to give it. June had not placed himself in a position of danger with reckless disregard of his life. The train was stationary when he attempted to go through, but while he was going through the signal was given to move on and he was thereby severely injured, as is shown by the statement of General Goethals, who states the nature of the accident, how it occurred, and so on.

This employee subsequently tried to return to work, and did return for a time, but he was later compelled to leave. He has suffered several operations and to-day has a disabled side, an almost complete stiff knee, and the joints of the body on his right side are practically ossified.

Mr. KING. Will the Senator permit an inquiry?

Mr. TOWNSEND. Certainly.

Mr. KING. Would not this case come under the Federal compensation act?

Mr. TOWNSEND. It has been thought not. This man tried to obtain the benefits of that act on several occasions, but it was considered to be a case requiring a special act of Congress. In the first instance, I suggested to him that he seek relief under the compensation act, but he said he could not secure relief from that source.

Mr. KING. I am unable to understand why that act is not broad enough to include the case which is now presented by the Senator. It would seem, if we pass any legislation at all, if that act is too narrow, that we should extend its provisions so as to bring this man within the law.

Mr. TOWNSEND. I think the Senator from Utah is right about that, but this is a case of immediate necessity. There was no pressure brought to bear upon the committee, but this bill was submitted to them and they were asked to look into the facts. I have looked into them and I have submitted the facts as they have been presented to me. It was the opinion of the committee that the claim ought to be allowed. Whether he should be allowed $5,000 is a question for the Senate to determine, but there is no doubt at all that the Federal Government owes this man compensation. He is disabled on account of his service to the Government and without his fault, and it was not a case of assumed risk.

Mr. KING. I agree with the Senator that under his statement this man should be compensated, but I do suggest for the consideration of my friend the question of the wisdom of making direct appropriations, in view of the fact that we have a commission to investigate cases of this character, which commission is authorized to make payment and grant allowances in accordance with fixed and graded standards under which this man may take his place along with the others in the Federal service who have met with similar accidents.

Mr. TOWNSEND. The fact of the matter is that even if the general compensation law were applicable to this case it would not, in my judgment, afford sufficient relief. If, however, the Senator from Utah seriously objects to the consideration of the bill, inasmuch as I am not able to state to him now just what has been done along the line he suggests, although I am sure something has been done, I am willing to consent that it shall now go over, if he will consent that the bill may come up and at least be discussed the next time the calendar is called. Meantime I will look into the matter and see if I can obtain sufficient information to answer the questions which the Senator from Utah has asked.

Mr. KING. I shall be very glad to yield to the Senator's wishes in that direction, and I wish him to feel that there is no captious objection at all on my part, but merely if there is a law covering the case, I think we should not now go outside of it and pass a special act.

Mr. TOWNSEND. I do not think any case has been brought to my attention which has enlisted my sympathy more than has this particular case. Mr. June was formerly an active young man with a bright future before him; but he is not so to-day. His present condition is entirely due to the accident which occurred while he was in the employ of the Government and, I repeat, without any contributory negligence on his part.

Mr. KING. I hope that on next Monday this matter may again be brought up.

Mr. WALSH of Montana. I should like to inquire of the Senator from Michigan why this case does not fall within the general compensation act?

Mr. TOWNSEND. As I have previously answered the Senator from Utah [Mr. KING], I am not prepared just at this moment to answer that question. I know that certain reasons were urged against it. I shall endeavor to ascertain and submit to the Senate on the next calendar day what those reasons were.

Mr. SMOOT. Mr. President, I presume the reason this case does not come within the provisions of the compensation act is that the injury was sustained before the passage of that act. The injury is reported in the bill as having occurred in the month of June, 1908.

Mr. TOWNSEND. I think that is probably a full answer to the question; that the accident occurred before the law to which the Senator from Utah refers was passed.

Mr. SMOOT. The bill itself states that the compensation is to be "for injuries sustained in the month of June, 1908."

Mr. KING. That was 14 years ago.

Mr. TOWNSEND. That is when the accident occurred.

Mr. SMOOT. The only law, then, upon the statute books covering such a case was that which provided that those suffer-

ing injury should be granted one year's salary. I will ask the Senator to look into the question which has been raised—I will ask the Senator to look into that question——

Mr. TOWNSEND. I shall be glad to do so.

Mr. SMOOT. And to ascertain if the employee injured did not fall under that law; and if not, why not; although when I come to think of it, if my recollection serves me right, even that law was passed after 1908, and he did not even come under the original law authorizing the payment of one year's salary for employees injured in connection with the construction of the Panama Canal.

Mr. TOWNSEND. I am sorry that I am not informed in reference to that detail.

The PRESIDING OFFICER. Objection being made, the bill will go over. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2380) for the relief of Henry P. Collins, alias Patrick Collins, was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (S. 2654) for the relief of Almond S. Root was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

FRANK FERRIN.

The bill (H. R. 2004) for the relief of Frank Ferrin was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. PHIPPS. Mr. President, I inquire if objection has been made to the present consideration of House bill 2004.

Mr. KING. I withdraw the objection to that bill. I have looked into that case, and shall make no objection to it.

Mr. PHIPPS. The bill has been very carefully considered by the committee and its passage recommended.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That in the administration of the pension laws Frank Ferrin shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company H, Third Regiment New Hampshire Volunteer Infantry: *Provided*, That no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN CLETNER.

The bill (S. 2632) to correct the military record of Martin Cletner was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. SHORTRIDGE. Mr. President, I hope the Senator from Utah will withdraw his objection to the consideration of that particular bill. It has been very thoroughly examined and considered by the Committee on Military Affairs. A printed report on the bill is in the hands of Senators. I beg to call the Senator's attention to the concluding sentence of that report, which reads:

Your committee has studied carefully the evidence submitted by the War Department and is inclined to give credence to the affidavits executed by Cletner (or Cubbler) contained therein. It is considered entirely reasonable that Cletner, who was but 19 years of age, should have been separated from his command as described in the second affidavit, that he was unable to locate his company, that he should return home in accordance with advice given him by the sergeant of a provost guard at Hagerstown, Md., and that he, a minor, should obey his father by remaining home, particularly in view of the latter's assurance that his case had been taken up with Captain White, who, according to the father, had "fixed that matter * * *" and return would not be permitted.

In view of the fact that Cletner was assured by his father that his record had been cleared and that he would not be permitted to return to his company, and his subsequent service resulting in confinement as a prisoner for nine months, followed several months thereafter by an honorable discharge, your committee urges favorable action.

This bill carries us far back into the Civil War, and it is thought to be a just thing to clear his record. I hope the Senator will permit the bill to be considered and passed.

Mr. KING. Mr. President, I regret very much to have to object to some of these measures, but we are having reported not only scores but hundreds of bills—not in this Congress, but during the past few years—to relieve persons from the charge of desertion. The report accompanying the bill for the passage of which the Senator is just pleading contains this statement by Gen. P. C. Harris, The Adjutant General:

Nothing has been found of record to show that this soldier was captured in 1862, as alleged by him, nor to corroborate his other statements relative to his whereabouts after the date of his desertion and his failure to return to his command.

Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been denied, and now stands denied for the reason that the period of his absence between his desertion from Captain Wrigley's independent company, Pennsylvania Volunteer Infantry, and his reenlistment in Company C, Third Regiment New Jersey Volunteer Cavalry, exceeded four months, which fact precludes favorable action under section 3 of the act of Congress approved March 2, 1889 (25 Stat. L. 869), which is the only law in force governing the subject of removal of charges of desertion and the issue of discharge certificates to soldiers charged with desertion.

I will say to the Senator that between now and the next calendar day I shall examine the evidence very carefully; but I want to give notice now that unless there is some very strong reason why charges of desertion should be removed, I shall oppose these bills. I am willing that men who served shall be compensated; but deserters do not appeal to me very strongly.

Mr. SHORTRIDGE. This man was a lad 19 years of age at the time, and the committee considered all that.

The PRESIDING OFFICER. Objection is made.

Mr. SMOOT. Mr. President, I hope also that if this bill is considered the usual provision will be put upon it, which I notice the committee failed to insert; and if it passes the way it is now, I am not quite sure but that the soldier would draw a pension and all these bounties from the day the first pension bill was passed. The usual proviso is "that no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act." That has been left off of this bill. I think, as it is now presented to the Senate, if it became law, this man would have a perfect right to draw a pension from the time the first pension bill was passed up to the present day; so whenever the bill is to be considered, I shall certainly want that proviso put upon it, anyway.

Mr. FLETCHER. Mr. President, I think the Senator is entirely correct upon that point; but the proviso should also include pensions and state that "no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act."

Mr. SMOOT. "Other emolument" covers pensions, as I understand.

Mr. FLETCHER. I think it would be better to use the word "pension" in connection with it.

Mr. SMOOT. Of course, the suggestion of the Senator would be more specific.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

RICHARD PARKE.

The bill (S. 2179) for the relief of Richard Parke was announced as next in order.

Mr. KING. I object. Let it go over.

Mr. CALDER. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes. There is no report here.

Mr. CALDER. I beg the Senator's pardon; there is a report.

Mr. KING. All right; I will withhold the objection for a moment.

Mr. CALDER. Mr. President, this bill grants an honorable discharge to Richard Parke, of Company A, First Regiment New York Volunteer Cavalry. It appears that this soldier enlisted for the Civil War. He served about five months with his command, and then, taking a furlough, returned home. Meeting some younger friends of his, he immediately enlisted in another regiment, and served for nearly three years. He was honorably discharged from his last service. He holds that discharge; but because of his first service he is technically barred as a deserter. Where it can be shown from the records that the soldier on the second enlistment engaged in combat and obtained an honorable discharge, it seems to me that at this time, when he is past 80 years of age, and he and his family desire to have his record cleared before he passes away, it is eminently fair to have that done.

I am perfectly willing to have a proviso added to this bill "that no pension, bounty, payment, or allowance shall accrue prior to the enactment of this measure." We have passed bills of this character over and over again where the last service of the soldier was honorable; and I may say that this bill passed the Senate at the last Congress, but failed to get through the House.

Mr. SMOOT. Mr. President, no information is given in the report as to when the soldier reenlisted or how long he served. Can the Senator from New York state when he reenlisted and how long he served?

Mr. CALDER. Mr. President, the bill provides that he shall be held and considered to have been honorably discharged as of

the 22d day of August, 1862, indicating that he must have deserted on that date. The report indicates that—

Although it appears from the facts submitted that Parke left his first command and was, therefore, technically guilty of desertion, it also appears that he very soon thereafter reenlisted in another regiment and acquitted himself with full credit during the greater part of the war, receiving a discharge from his latter assignment and service.

Mr. SMOOT. It makes a great deal of difference to me whether after the desertion he entered into the service and then served during the war. If that is the case, I should not have any objection at all to the passage of the bill.

Mr. CALDER. I know that that is true, Mr. President, from my intimate knowledge of the case and the record, and the report indicates it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FLETCHER. Mr. President, may I inquire of the Senator whether the soldier reenlisted under his correct name or under another name?

Mr. CALDER. Under the same name.

Mr. FLETCHER. Does the Senator know whether or not this transaction took place in order that a bounty might be paid?

Mr. CALDER. I do not, Mr. President. I never inquired about it. I do know that the soldier is now past 80 years of age, a very old man, in very poor health, and probably will hardly live the year out.

Mr. FLETCHER. Those things sometimes happen where there is a reenlistment in order to get a bounty.

Mr. CALDER. I know they do. I know of many cases of that kind. This young man, however, was about 18 years of age when this incident happened. I may say that he had four grandsons in the World War, and they brought this matter to my attention. They want their grandfather's record cleared before he dies.

Mr. WALSH of Montana. Mr. President, as I understand, this man has an honorable discharge from his last enlistment?

Mr. CALDER. Yes.

Mr. WALSH of Montana. That entitles him to a pension, does it not?

Mr. CALDER. It does not.

Mr. SMOOT. Not until the charge of desertion is removed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Richard Parke, late of Company A, First Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 22d day of August, 1862: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

Mr. JONES of Washington. Mr. President, I do not think that bill could be disposed of before 2 o'clock; so I will ask that it may go over, in order not to delay the consideration of other bills on the calendar.

The PRESIDING OFFICER. The bill will be passed over.

ACQUISITION OF LANDS FOR MILITARY PURPOSES.

The bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Mr. President, I desire to offer two amendments to this bill, in the nature of committee amendments.

Mr. KING. May I inquire of the Senator if this is not the bill that we considered some time ago?

Mr. WADSWORTH. No; this is a supplemental bill. I said to the Senator at that time that another bill would follow, clearing up some other projects. This is not nearly as large or comprehensive a bill as the former one.

Mr. KING. Reserving the right to object, I should like an explanation of the bill from the Senator.

Mr. WADSWORTH. I will do my best. First, the Senator will not object, I assume, if I offer two amendments to the bill?

Mr. KING. No.

Mr. WADSWORTH. And I invite his attention to them.

Mr. LA FOLLETTE. Let us have an explanation of the purposes of the bill first, before we take up its consideration.

Mr. WADSWORTH. They are committee amendments. The Senator does not mind my perfecting the bill?

Mr. LA FOLLETTE. No.

Mr. WADSWORTH. Then I will explain it, of course.

Mr. KING. I do not want it understood that by perfecting it we waive the right to object.

Mr. WADSWORTH. Oh, not at all.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WADSWORTH. On page 2, I move to strike out lines 11 to 16, in the following words:

Fairfield Air Intermediate Depot, Fairfield, Ohio: For the acquisition of 544.28 acres, part of the lands now occupied under lease at Wilbur Wright Field, and for acquisition of site and rights of way for sewage disposal plant and electric power line in connection therewith, $165,000.

The amendment was agreed to.

Mr. WADSWORTH. On page 3, line 8, I move to strike out the figures "$134,032" and to insert in lieu thereof the figures "$39,328.56," so as to read:

Walter Reed General Hospital, Washington, D. C.: For the acquisition of an addition thereto and for the site of medical museum and library, in addition to the sums heretofore appropriated for that purpose, $39,328.56.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, the two amendments which I have just offered bring about a reduction in the aggregate appropriation made in this bill of $259,703.44. In explanation of those amendments, it turns out that there is no necessity for the Government to acquire permanently the land at the Fairfield Air Intermediate Depot. It would not be to the financial advantage of the Government to do so; and therefore the committee, on the suggestion of the Secretary of War, has asked that that be stricken out, and that has just been done.

In the case of the Walter Reed General Hospital item it may be well to recollect that two or three years ago in one of the appropriation bills authority was given to the War Department to acquire land adjacent to the Walter Reed Hospital in order to make possible the enlargement of that hospital. Proceedings have gone on now for two years or more in the acquisition of that land. Some of it has been acquired by agreement with the owners and some has been condemned. The condemnation proceedings have proceeded toward a conclusion, but there still remain a few parcels which have not yet been acquired. The deficiency bill signed by the President on March 20 last carried an appropriation to pay for those parcels in connection with which the condemnation proceedings have been finished. That appropriation was $94,703.44. The deficiency bill was introduced and passed through both Houses of Congress after this bill was reported by the Committee on Military Affairs.

Therefore it is necessary, of course, the Congress having already appropriated for the payment of the parcels which have been settled in the condemnation proceedings, to deduct from this bill the amount carried in the deficiency bill.

Now, Mr. President, as to the bill in general——

Mr. WILLIS. Mr. President, before the Senator leaves that subject, can he give the Senate a little further explanation concerning the item relative to the Fairfield depot? As he knows, I have sought to keep in pretty close touch with the situation with reference to McCook Field, and I have had no information concerning the plans that were made for what seems to be here the final abandonment of Wright Field. Is it the purpose of the War Department to give up Wilbur Wright Field?

Mr. WADSWORTH. I will read the letter from the Secretary of War on that question, or at least that portion of it which is applicable to that particular project. He says, under date of February 11, 1922, in a letter addressed to the chairman of the Military Affairs Committee:

Among the projects on which legislation was requested were the following:

Middletown Air Intermediate Depot, Middletown, Pa.: To complete the acquisition of real estate, $165,000.

Fairfield Air Intermediate Depot, Fairfield, Ohio: For the acquisition of 544.28 acres, part of the lands now occupied under lease at Wilbur Wright Field, and for acquisition of site and rights of way for sewage-disposal plant and electric power in connection therewith, $165,000.

Since the date of my previous letter, modifications of the War Department program now make it unnecessary to acquire by purchase the land in connection with the Fairfield Air Intermediate Depot, provided the appropriation requested in S. 2885—

That is this same bill—

(H. R. 9632) for the Middletown Air Intermediate Depot is made available, and in addition, the $50,000 carried in H. R. 7158, Sixty-seventh Congress, first session, for the acquisition of real estate in connection with the Ordnance Storage Depot, Middletown, Pa.

That last item is already law.

Mr. WILLIS. So far as the Senator is advised, then, this proposed legislation has nothing to do with any lease which may have been made?

Mr. WADSWORTH. It has not.

Mr. WILLIS. It simply goes as a matter of permanent acquisition?

Mr. WADSWORTH. The Secretary of War thinks there is no necessity for the permanent acquisition by purchase of the land. When a former bill was before the Senate, which contained, as I recollect, 13 or 14 items, I explained that during the war the War Department, wisely or unwisely, built a large number of tremendous projects. In many of those projects they erected buildings of a permanent character—factory buildings, ordnance storehouses, supply bases, depots, docks, warehouses on the water front in some of our greatest cities, such as New York, Philadelphia, Norfolk, Charleston, New Orleans, and huge installations in the interior.

The work was done so rapidly that in many instances the Government did not have time, or did not have the funds later, to acquire the land on which these permanent buildings were erected. Congress very wisely, I think, in 1918 forbade the War Department from purchasing any more real estate until the Congress could get a bird's-eye view of the obligations of the Government in the matter of acquiring land.

The result has been that since 1918 the department has been faced with this impossible situation: Millions of dollars worth of buildings stand upon land not owned by the Government in whole. In many instances it is owned in part, but a parcel here and there under the buildings is not owned by the Government. The result is that the Government can not sell the buildings to any advantage, and it can not lease them to any advantage. Its title is not secure. Some of the leases have run for four years. Some of the rentals now turn out, in time of peace, to be excessive. In some instances the land was requisitioned from the owner, but the intervening action of Congress of 1918 has prevented the Government from ever paying the individual for the land taken from him. It has been the effort of the Military Affairs Committee of the House of Representatives, as well as the Military Affairs Committee of the Senate, to cooperate with the War Department in cleaning up some of these situations in order that the Government may get rid of this property, if the Congress so decides. It is within the power of the Congress alone, of course, to sell real estate. The matter would not be important, so far as dollars and cents are concerned, if it were not for the fact that these immensely valuable buildings stand upon lands the title to which does not as yet rest in the hands of the Government.

The principal item in this bill relates to the inland warehouses at Philadelphia. Of the total amount carried by the bill, which is now considerably less than a million dollars, $575,000 is for that one project. I invite the attention of Senators, if they care to examine it, to the report of the committee, which recites what has been done there. We have buildings on that property of a permanent or semipermanent character, upon which we have spent, together with the expenditure on the railroad track, $3,025,000. The land upon which it stands has been held under lease from the Girard Estate at an annual rental of $6,070. The trustees of the Girard Estate have no right, under the terms of the trust, to sell the land to the Government. The Government may only acquire the land by condemnation proceedings. I think it is fair to say that the trustees of the Girard Estate, in making this lease with the Government and permitting its renewal, have acted in a patriotic spirit.

Mr. SMOOT. Do I understand the Senator to say that the value of the land is $500,000?

Mr. WADSWORTH. Five hundred and seventy-five thousand dollars. That is the estimate made by the War Department as to what it would cost if subjected to condemnation proceedings, and my further understanding is that the trustees of the Girard Estate do not contest that.

Mr. SMOOT. We have a lease on it at $6,000 a year?

Mr. WADSWORTH. Yes; practically a nominal lease.

Mr. SMOOT. It is a nominal lease. It is a little over 1 per cent.

Mr. WADSWORTH. It is practically a nominal lease. That is conceded.

Mr. SMOOT. Can we extend that lease?

Mr. WADSWORTH. It is renewable hereafter, but the Girard Estate can not stand it any longer. There is a limit to the endurance even of an estate. The Senator will recollect that this estate is not a business concern. It is a great charitable and educational establishment.

Mr. SMOOT. Does the report show to what date the lease is renewable?

Mr. WADSWORTH. Up to June 30, 1922.

Mr. SMOOT. That is the end of our power of renewal?

Mr. WADSWORTH. The lease is renewable to June 30, 1922, and with renewal privileges thereafter.

No one regrets more than I that it seems necessary to expend money in this way, but if the Government is ever to get back any considerable percentage of the huge investment which it made during the war on these projects the only way to get it back is to complete the title to the land. Then the Congress can direct the Secretary of War to sell the property, and, after owning the land under the buildings, the property can be sold as a unit and can bring in something commensurate with what the Government has spent, because it then can be sold for general business purposes, or the Government, under the direction of Congress, can lease the property.

Mr. SMOOT. If the Senator is familiar with the property, I ask him if, in his opinion, it is possible for the Government, after paying $575,000 for the land, to sell the land and the property for very much more than $575,000?

Mr. WADSWORTH. Mr. President, if the Senator will pause just a moment, I will state that the lease——

Mr. SMOOT. If the Government can not do that we should not put any more money into the project.

Mr. WADSWORTH. I understand. The report states:

Acquisition of title would be necessary in order for the Government to advantageously dispose of its heavy improvement investment in the event that it was decided to sell this project in the future.

Because of the status of the title to the property it is necessary that acquisition thereof be had by condemnation proceedings. Appraisal obtained by a representative of the Government in April, 1919, showed a fair value at that date to be from $8,000 to $8,250 per acre.

This is near the city of Philadelphia. The Government has to pay, under a lease, only $6,000 for the whole thing, which is practically nominal. The report continues:

On May 23, 1919, the general manager of the Stephen Girard trust agreed to accept a price of $8,250 per acre for the property in a friendly condemnation suit, which represents a total of $500,775, with the understanding that the Government was to assume all cost in connection with the proceedings and that said price would be net to the estate. This offer was made in letter form, and it is not known at this time whether such price would still be acceptable. It is believed that any appropriation for the acquisition of this property should be in the amount $575,000, which includes the amount of the original offer to sell plus an allowance for a normal increase in the value of the property since the date of the original offer and sufficient funds to cover the cost of the expenses contingent upon the acquisition by condemnation proceedings.

Mr. FLETCHER. It seems that the Government has spent as much as $300,000 in improvements on this property.

Mr. WADSWORTH. It has.

Mr. FLETCHER. It would cost $145,000 to remove all we put there and restore the property to its original condition, which we would have to do under our contract, and get what we could out of the wreckage, which would not be very much. So it is necessary to get title to the land in order that we may handle it and get something out of the improvements which we have put on it.

Mr. SMOOT. The only question that I have in mind is whether the Government is going to use the property for a number of years to come.

Mr. WADSWORTH. A portion of the property now contains some buildings which the Government is using somewhat actively. On this property, in addition to these huge warehouses, is the establishment of the Army at which is manufactured the clothing and equipage. To that extent that portion of the property is now a permanent institution. That is not the whole of it. But there has been moved from other places and centralized at this point the depot which is the largest clothing and equipage establishment the Army has. That is now in operation, of course, on nothing like a war-time scale, but merely for the manufacture of clothing and equipage for a peace-time Army. We have no other place where that activity is carried on. That is the one place now left. That portion of it, it is understood, in all probability it would be good policy for the Government to keep. But other portions of it, which the Government has and can not now dispose of, it has under lease.

Mr. MYERS. Mr. President, I want to say that at 2 o'clock I shall ask unanimous consent, if no other Senator does so, that the unfinished business may be temporarily laid aside until we can finish the calling of the calendar under Rule VIII. We ought to finish the calling of the calendar once in a while. We shall have all day to-morrow, if necessary, to consider the unfinished business, and we ought to finish the call of the calendar by

3 or 4 o'clock. When the time comes I shall ask that the unfinished business be temporarily laid aside.

Mr. SMOOT. That, of course, can only be done by unanimous consent.

On the pending bill I will say that I would prefer not to have the Government put a single dollar into the property, but take its loss now, if those buildings have to be demolished in a very short time; but if the buildings are to be used by the Government and are necessary for the Government, then I think perhaps it would be a wise proposition to purchase the land. If it is only a temporary makeshift, if it is a question of saving the wreckage of buildings, then I say let us not buy it. Let us take our loss now, and I think the first loss would be the best one. But if, as I say, we are compelled to use the buildings, and if the Government needs will be of a permanent nature, I have no objection to the appropriation; but unless they are, I think it would be very unwise to buy the property.

Mr. WADSWORTH. The Senator must recollect that we can not lease this property beyond June 30 next at anything like the rates we are now paying.

Mr. LA FOLLETTE. The report does not so state.

Mr. WADSWORTH. The present lease is not renewable.

Mr. LA FOLLETTE. It states that there is no renewal privilege in the present lease, but in the last sentence of the report occurs this statement:

> This figure, coupled with the net salvage and restoration loss to the Government amounting to $145,000, would make a total expenditure of $595,000 necessary in the event of abandonment of the project, due to failure to acquire the title and possible inability to procure a new lease.

It does not appear from the report anywhere that negotiations have been prosecuted for leasing the property, and that there has been a refusal on the part of the owners to renew the lease. It simply says the lease contains no renewal privilege, but admits the possibility of securing a lease. It is proposed to make this expenditure of half a million dollars to acquire a lot of property we shall have to negotiate the sale of afterwards, perhaps under conditions that are not as favorable as when we acquired it, taking into account the whole statement with regard to this property, that there is only a small portion of it that will be useful to the Government; and it seems to me preposterous to make this large investment, in view of what has already been put in. If we are going to eventually have to tear down these buildings to put this real estate back in its former condition, as near as may be, and sell it and take our loss, to add a half million dollars in further investment, quite unnecessarily, it seems to me is not a good proposition for the Government.

Mr. WADSWORTH. I can not agree with the Senator that if we acquire the property——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. MYERS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside in order that we may go on with the call of the calendar. I do not think it will take more than an hour or two longer, and then we can spend the rest of the day on the unfinished business, and all day to-morrow, if necessary. I think the call of the calendar ought to be finished once in awhile. The tariff bill will soon be coming on, and then I do not suppose the calendar will be called for three months. I appeal to Senators to join with me in granting the request. We did not reach the calendar until 1 o'clock to-day, most of the time up to that hour having been taken in discussing a matter not before the Senate.

Mr. EDGE. Mr. President, as the proponent of the joint resolution which is the unfinished business, I have no objection to having it temporarily laid aside to conclude action on the bill which was under discussion when we reached the hour of 2 o'clock, if it can be brought to a conclusion within a reasonable time, but I must object to continuing the calendar beyond that. I am very anxious to have the joint resolution disposed of. I shall speak but briefly upon it, and it can be disposed of very expeditiously. We can then go back to the calendar, but I do want to discuss the joint resolution at this time.

Mr. CURTIS. Mr. President, I desire to state to the Senator from Montana that it is the intention to ask that we may proceed with the call of the calendar to-morrow or, in case the pending joint resolution is disposed of to-day, to take it up then. We can proceed with the calendar until 2 o'clock to-morrow in case the joint resolution is not disposed of before that time. I agree with the Senator that the calendar ought to be called to its conclusion.

Mr. MYERS. I appreciate the information imparted by the Senator from Kansas, but——

Mr. CURTIS. I agree with the Senator from Montana that the calendar should be called to its conclusion at the earliest possible moment.

Mr. MYERS. I move that the Senate proceed to the consideration of the calendar, under Rule VIII, until it is finished to-day.

Mr. JONES of Washington. Mr. President, I suggest that the motion is out of order.

Mr. MYERS. Why is it out of order?

Mr. JONES of Washington. The Senate can not proceed by motion to take up the calendar after 2 o'clock.

Mr. MYERS. A motion can be made to take it up at any time.

Mr. JONES of Washington. The Senator can move to take up a bill that is on the calendar, but not the calendar.

Mr. MYERS. I challenge the correctness of the Senator's interpretation of the rule. I believe I may move to consider the calendar under Rule VIII at any time. I submit the point of order for the ruling of the Chair.

The PRESIDING OFFICER. The point of order is well taken. There can be no call of the calendar after 2 o'clock under Rule VIII. A Senator may move to take up any particular bill or the next bill on the calendar, and if the Senate so desires it will be done.

Mr. FLETCHER. Mr. President, I suggest to the chairman of the Committee on Military Affairs that he ask permission to lay aside the unfinished business temporarily until we can dispose of the particular bill which was pending when the unfinished business was laid before the Senate. I understand the Senator from New Jersey does not object to that.

Mr. EDGE. I do not object if the bill can be disposed of within a reasonable time. I presume the Senator in charge of the measure can not tell as to that. If it can be disposed of in the next few minutes, I am satisfied to lay aside the unfinished business temporarily for that purpose.

Mr. JONES of Washington. Mr. President, I want to say to the Senator from Montana that I, too, am anxious to take up the calendar. I have spoken with several Members on this side in the last two or three days, and I have been assured that during the next day or two, or some time during the week before we take up the tariff bill, the calendar will be taken up and the Senate will go through it. I think we ought to go through it before the tariff bill is taken up. I am in hearty accord with the Senator.

Mr. MYERS. We proceed with the calendar, but it is never finished.

Mr. JONES of Washington. I want to take it up when we can finish it. I think we ought to go on with the unfinished business now and dispose of it and then take up the calendar, and when we reach the bill of the Senator from New York we can dispose of that. It looks now as though there would be considerable discussion of that bill, so I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for. The business before the Senate is the unfinished business, which has been stated.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

Mr. WADSWORTH. Will the Senator withdraw that for a moment until I make a parliamentary inquiry?

Mr. OVERMAN. Certainly.

Mr. WADSWORTH. The hour of 2 o'clock having arrived, and the consideration of the calendar having ceased, objection was not made to the further consideration of the bill which was under discussion when 2 o'clock arrived. Am I correct in understanding that upon the resumption of the consideration of the calendar to-morrow, for example, the bill which was then pending will be the first to be considered?

The PRESIDING OFFICER. Unless the Senate otherwise directs, under Rule VIII the call of the calendar will commence at the beginning of the calendar; but the Senate may direct the call of the calendar to commence at any point.

Mr. STERLING. Mr. President, expressing my own personal view, I hope we may begin where we left off to-day and finish the calendar, and then go back to the beginning if we have time.

Mr. JONES of Washington. I do not think we ought to do that. I think when we start on the call of the calendar we ought to start at the beginning. There are usually some bills left over because the time of the Senate is so short up to 2

o'clock that we do not always get to them. I think when we start on the calendar to go through it we ought to begin at the beginning. I would not consent to-day to begin to-morrow where we left off to-day. I may consent to-morrow to begin there, but I would not consent to-day to do it.

Mr. STERLING. It was but recently, only two or three days ago, I think, that we began at the beginning of the calendar, and we have gotten this far now on the second day's consideration of the calendar. I think that those who have bills on the calendar following the bill of the Senator from New York, which was under discussion at 2 o'clock, have a right to insist that they shall be considered.

INDUSTRIAL CONDITIONS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, which had been reported from the Committee on Commerce and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and reported from the latter committee.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Gooding	Lodge	Sheppard
Brousard	Hale	McCormick	Simmons
Bursum	Harreld	McKinley	Smoot
Calder	Harris	McNary	Spencer
Capper	Harrison	Moses	Stanley
Carraway	Heflin	Myers	Sterling
Culberson	Hitchcock	Nelson	Sutherland
Cummins	Johnson	Newberry	Swanson
Curtis	Jones, Wash.	Norris	Townsend
Dial	Kendrick	Oddie	Wadsworth
du Pont	Keyes	Overman	Walsh, Mont.
Edge	King	Pepper	Warren
Fernald	Ladd	Phipps	Watson, Ga.
Fletcher	La Follette	Pittman	Willis.
France	Lenroot	Poindexter	

The PRESIDING OFFICER (Mr. STERLING in the chair). Fifty-nine Senators have answered to their names. A quorum is present.

Mr. EDGE. Mr. President, Senate Joint Resolution 188 has been presented for the purpose of endeavoring to find a method to assist or at least to relieve the present distressed condition in industry, which I think is universally admitted to exist. I propose to speak but briefly on the terms of the provisions of the joint resolution, because it appeals to me that the necessity for congressional action, or at least for any effort we can put forth is in this direction, is so obvious that a long discussion would be unnecessary.

The joint resolution in itself simply provides for the appointment of a congressional committee consisting of three Senators and three Members of the lower House. The title of the joint resolution expresses directly its object, and I will read it: It provides for—

Creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

The title sets forth very clearly that the object of the inquiry is to endeavor to find a method, if it can be discovered, and then through legislation to make it easier for industrial organizations to keep within the law. In other words, there is not the slightest thought or idea of taking away from the courts any power, but, on the contrary, it is an attempt to keep from courts, whose dockets are already congested, those cases which might properly be kept from them if a proper tribunal existed under the Government for the purpose of assisting industry and business and defining the rights of industry and business under existing acts.

Trade associations have been in existence for many years, but during the World War, under the impetus of governmental encouragement, such associations greatly multiplied. To-day there are, I believe, over 2,000 so-called trade associations. They number in membership from 20 or 30 individual concerns to hundreds of individual concerns, aggregating, I should say, as a safe estimate, three or four hundred thousand individual concerns, covering all the States in the Union.

Mr. KING. Mr. President, would it interrupt the Senator if I should make a suggestion?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. EDGE. I yield.

Mr. KING. Before the Senator concludes, I should like him to discuss the point that I am about to suggest. At first I was somewhat in sympathy with the purpose of the Senator's resolution, as I interpreted it, but upon further consideration I am not so sure but that it is a scheme—and I do not use the word offensively—by manufacturers and other persons who are engaged in business and trade to evade the Sherman antitrust law.

The Senator from New Jersey knows that Mr. Eddy a number of years ago conceived the adroit and subtle method of effecting trade associations and trade organizations by which trade agencies and instrumentalities were so perfected that they have come within the denouncement of the statute. The Hardwood Lumber Co. case showed just what those trade agreements are. I am afraid that the business men and manufacturers of the United States, profiting by their experiences in the war, when we winked at combinations in restraint of trade and destructive of competition, want to perpetuate that condition and want the Government to modify the Sherman antitrust law so that they may organize to throttle and destroy competition and build up gigantic monopolies which will be oppressive to the American people.

Mr. EDGE. Mr. President, I am very glad to be interrupted and to answer any question along the line of my discussion or argument, but the Senator from Utah has introduced into the argument, I might say, an inquiry as to a possibility which, so far as the proponents of the resolution are concerned, is so far beyond any purpose underlying the resolution that it seems to me it has not even a place in this discussion.

Further than that, Mr. President, is it not almost a libel upon the intelligence of Congress to assume, following the report and recommendations, whatever those recommendations might be, which the committee of inquiry might present, that Congress could not in its wisdom and judgment, as is always the case, decide according to that judgment as to whether such recommendations were wise or unwise?

Let me make it thoroughly understood that the commission proposed to be created is to have absolutely no power so far as the determination of a policy for Congress is concerned. It is to be appointed simply and solely for the purpose of making inquiry and endeavoring to ascertain some method by which the present admitted conditions of depression, inactivity, inertia, and hesitation may be improved, and report its findings to Congress.

Mr. WATSON of Georgia. Mr. President——

Mr. EDGE. Just one moment.

So far as any amendment to the Sherman Antitrust Act is concerned, I have not heard such a suggestion made by any one of the representatives of the trade organizations with whom I have in any way consulted. Only four or five days ago the Secretary of Commerce held a conference in the department building, at which some 400 or 500 representatives of commercial and trade organizations were present. Speeches of various kinds were made. I was only there a short time, but the idea was presented that Congress should at least listen to business men and permit them to have some tribunal before which they could come in order to demonstrate their troubles and their difficulties. That suggestion does not involve the thought that the commission is going to come back to Congress with any recommendation except what they believe to be in the best interests of the business development of the country.

Now, just let me give a little idea of the scope of these trade organizations. I hold in my hand a book published by the Department of Commerce relative to organizations existing in every State in the Union, agricultural, industrial, and commercial. Such organizations are not localized in the East or the West, but they are scattered all over the country. Reading here I find that they have headquarters in Knoxville, Tenn.; Kansas City, Mo.; Billings, Mont.; Cincinnati, Ohio; Milwaukee, Wis.; El Paso, Tex.; Milwaukee again; Chicago; Philadelphia; Syracuse; Indianapolis; Boston; Richmond; Columbus, Ohio; Seattle, Wash.; New York; Rochester; Portland, Oreg.; Indianapolis; Youngstown, Ohio; Beaver Falls, Pa.; El Paso, Tex., again; Huntington, W. Va.; Milwaukee, Wis.; San Francisco, Calif.; Phoenix, Ariz.; Los Angeles, Calif.; San Francisco, Calif.; Seattle, Wash.; Toms River, N. J.; Rochester, N. Y.; Gardner, Mass.; Grand Rapids, Mich.; Greensburg, Pa.; High Point, N. C.; Charlottesville, Va.; Hartford, Conn.; Houston, Tex.; Pittsburgh, Pa.; Bridgeton, N. J.; Wheeling, W. Va.; St. Louis, Mo.; Council Bluffs, Iowa; Kansas City, Mo.; Denver, Colo.; Jacksonville, Fla.; Salt Lake City, Utah; Charlotte, N. C.; Argos, Ind.; Atlanta, Ga.; Columbus, Ga.; Kansas City, Mo.; Woodbourne, Pa.; Council Bluffs, Iowa; Abilene, Kans.; Natick, Mass.; Neenah, Wis.; Providence, R. I.; and so on, demonstrating that the organizations of the various local indus-

tries are more or less scattered throughout the different sections of the country.

After the joint resolution was introduced, without having consulted in any way or discussed it with representatives of trade organizations in Washington, I received dozens and dozens of letters from business organizations throughout the country. As indicating the character of the letters I wish to read for the RECORD a few excerpts from them. I quote first from a letter from the secretary of the National Federation of Construction Industries:

It was extremely fortunate that we were just holding the annual meeting of the National Federation of Construction Industries at the time you introduced in the Senate a resolution asking for the appointment of a joint committee to consider and advise as to legislation affecting business cooperation.

I have been directed by the membership of the federation to send you the following resolution adopted by them in session on April 6 at the Drake Hotel, Chicago:

"Whereas a joint resolution has been introduced in the Congress of the United States asking for the appointment of a joint committee to consider and advise as to legislation affecting business cooperation; and

"Whereas this federation is aware of the need of such legislation for the fullest development of the commercial fabric of the Nation: Therefore, be it

"*Resolved*, That the National Federation of Construction Industries, in convention assembled, heartily indorses the efforts of Senator EDGE, of New Jersey, and Representative McARTHUR, of Oregon, to bring this need to the attention of Congress; and, be it further

"*Resolved*, That a copy of this resolution be transmitted to the introducers."

The following is from a letter from Warren, Pa.:

Please accept our commendation for your efforts in endeavoring to clarify the situation regarding trade associations. We believe that the resolution introduced in Congress by you is a practical and common sense way of accomplishing something that is vitally necessary to the welfare of not only business men but the country at large. You have our best wishes for the success of this measure, and we shall do whatever we are able to assist you.

From a letter of the Barnes Manufacturing Co., of Mansfield, Ohio, I quote the following:

I am very much interested in the bill with reference to trade associations, and if possible would like very much to have a copy. There is certainly need of clear legislation with reference to trade associations—that is to say, as to what they can do and what they can not do. I do not think there is any question but what 95 per cent—

I direct the attention of the Senate particularly to this statement—

of more of the manufacturers are honest and want to stay within the law, but it has been impossible to know what could be done with safety.

I am in hopes your bill will clear up this situation and that it will go through.

From a letter from the National Association of Chair Manufacturers I quote the following:

The views which you expressed are indicative that the much-needed legislation giving positive definition to trade association activities has taken concrete form, and I sincerely trust that while your initial attempt to secure passage of your joint resolution was not possible, that you will devise means so that the joint resolution is passed at an early date, and that the committee will commence its investigation.

We have as trade association executives two distinct types, one being the lawyer who builds a clientele of trade associations and the other type a practical executive versed in the detailed problems of the industry and therefore able to speak for the industry from an actual acquaintance with its needs rather than from a theoretical standpoint.

From the Talking Machine Association I quote the following statements in a letter received from them:

We have noted with a great deal of interest the introduction of your joint resolution for a congressional committee to investigate the causes of business depression. As the talking machine and allied industries are especially subject to the varying winds of trade, thousands of our readers throughout the country will undoubtedly be interested in the undertaking you have in hand.

Here is an excerpt from a letter from the American Trade Association Executives, which is an organization embracing, as I understand, the executives of various trade organizations:

I was much interested in your address at the trade association conference in Washington on Wednesday last.

It was the consensus of opinion of the executive officers of the associations represented at that conference that the resolution offered by you should have early and favorable action by the committees before which it now is.

The question of the activities of trade associations is one entirely and properly subject to differences of opinion, and therein lies the difficulty. There is no question in the world that some of the trade associations have trespassed on the law and assumed such form as perhaps to constitute monopolies in restraint of trade. Various cases were taken to the Supreme Court. One well-known case, the Hardwood Lumber Co. case, has been referred to. That case was decided by a divided court, three judges dissenting from the majority opinion. The decision in effect was that the hardwood association had, through its practices, tended to restrain competition in trade in contravention of the terms of the Sherman Antitrust Act. Other cases have been cited—I am not entirely familiar with them all—setting forth other instances where activities along certain lines have been in violation of that act.

Mr. President, it is exactly that situation which we desire to clear up; it is from that situation from which 2,000 trade organizations, representing an individual membership of perhaps half a million firms and individuals, desire to be relieved. In my judgment, they have a right to come to Congress and ask Congress if it is possible to do so, to define through proper legislation—not through a repeal of or an amendment to the Sherman Act, but through proper legislation—what they may and what they may not do. I do not think a Member of this body will question for one moment the correctness of the statement made in one of the letters from which I have quoted that 95 per cent of the manufacturers and business men of the country are honest; and when they ask us to give them some idea of the manner in which they may legitimately act, rather than to be haled into court, rather than to be indicted on account of some practice or action which may be questionable, and as to which even the Supreme Court is divided in its decisions, they have a perfect right to expect at least that much consideration at the hands of the Congress of the United States.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from New Jersey if he can name any statute of the United States which has been defined so many times by the courts of the United States as the antitrust laws, which were inaugurated 32 years ago?

Mr. EDGE. No, Mr. President; I am afraid I can not discuss from a legal standpoint with my learned legal friend from Nebraska just what the Supreme Court has decided in these various cases. I know only three or four generally-referred-to cases. Perhaps there have been more; but, in that connection, it will perhaps help answer the Senator's question——

Mr. HITCHCOCK. Can the Senator name an act of Congress that has been more carefully and repeatedly defined in detail by the courts of the United States than the antitrust laws?

Mr. EDGE. The Senator is asking rather an unfair question. Of course I can not. I am not sufficiently familiar with the decisions of the Supreme Court to attempt to go into a discussion of that kind.

Mr. HITCHCOCK. Can the Senator point to any provision in the antitrust laws which has not been passed on by the courts of the United States and defined by them?

Mr. EDGE. I can name a number of them. I will in just a moment.

Mr. HITCHCOCK. I should like to have the Senator do so. Is it not a fact that there are three or four volumes filled with the decisions of the courts of the United States exactly defining the meaning of the antitrust laws in practically every line?

Mr. EDGE. Mr. President, the mere fact that these decisions have been handed down by the Supreme Court—if I wanted to take the time I should really like to read the Hardwood decision and others into the RECORD—and that the judges have generally gone over, in preparing the decisions, the possibility—follow this, now; I am putting it in as good legal language as I am capable of putting it—of some of these practices of State associations indirectly violating the Sherman law is again the very reason why a clear definition by legislation must be given these associations, or they are practically helpless.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. EDGE. I yield.

Mr. NORRIS. I realize the difficulty the Senator is talking about. I think, however, it comes from a different cause than perhaps the Senator does. The Supreme Court has very often passed on cases—and, as the Senator says, very often by a divided court—involving the question whether the acts complained of are or are not violations of the Sherman Antitrust Act. There have been, as anybody who is at all familiar with the record will admit, various cases where it must necessarily be difficult to say whether or not they are a violation of the law, because the Supreme Court itself divides. It has gotten to be a fashionable thing to have a five-to-four decision; but I want to submit to the Senator that the reason why that comes about is because various corporations and organizations and combinations of corporations are seeing how far they can go and still escape the penalties of the law in the way of forming monopolies.

Mr. EDGE. There is not any question as to that, Mr. President. I thoroughly agree with the Senator from Nebraska. There is a natural tendency on the part of business corporations or organizations or associations to go just as far as they feel

they can go. That is human nature; and yet, with it all, I think the Senator will agree with me that 95 per cent—again I repeat the number—of the representatives of these trades and industries want to keep absolutely within the law.

Mr. NORRIS. I think most of them do, at least. I do not know what the percentage is, but I always believe that the majority of people and the majority of organizations are honest and want to do what is right; but if the Senator could define this matter by law any clearer than the court has defined it, he would still be up against the proposition that people who wanted to take advantage of the law would see how far they could go to get around that definition. We never will escape from it.

Mr. EDGE. If the Senator will permit me, I am going to reach a possible solution of this problem; but I am not presenting it excepting as one possible solution that such a committee of inquiry as I am proposing could investigate and, I think, meet the situation of which the Senator has just spoken.

Going back to the question of the senior Senator from Nebraska, the difficulty with these many-times-defined provisions of the Sherman Act, as the Senator puts it, and the difficulty on the part of business in being just positive as to what that act does prohibit or does not prohibit, is, as I understand, primarily because these decisions are rendered in general terms. I hope the Senator is following me. I am trying to answer his question. These decisions—the Hardwood decision particularly—are rendered in very general terms. The Hardwood decision does not say, "You shall not put out joint advertising," for instance, or "You shall not standardize a production of some character." It says, in general terms, that the general activity of the association has, in the judgment of a majority of the court, trespassed upon the act. That is the reason why I come back here and say that all these other 1,999 associations, reading the decision in the Hardwood case, will say, "Well, where are we at? If we do this particular thing, has that been under direct question by the Supreme Court?"

Mr. OVERMAN. Mr. President——

Mr. EDGE. So I suppose if it is practical and possible—and certainly it does deserve consideration—that we study the question of having the Federal Trade Commission in Washington, or the Department of Commerce, or some other governmental tribunal, clothed with such authority that when associations want to start along certain lines of activity they can apply to the Federal Trade Commission or the Department of Commerce or whatever Federal body is delegated with the authority, and be given, just as the Interstate Commerce Commission gives to-day, orders and certain powers and privileges which would at least give them an opportunity to renew activity.

Mr. OVERMAN and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield; and if so, to whom?

Mr. EDGE. I yield to the Senator from North Carolina. I think he rose first.

Mr. OVERMAN. Has not the Senator a bill now pending before the Judiciary Committee carrying out his ideas?

Mr. EDGE. As I answered the Senator from North Carolina a similar question a few days ago, I introduced with this joint resolution a bill which provides a method similar to that of which I have just spoken.

Mr. OVERMAN. I was wondering——

Mr. EDGE. Just a moment, please; the Senator has asked me a question, and I am trying to answer it. At the same time I stated publicly on the floor of the Senate that my only object in presenting the bill was in order that the committee, if authorized, would have the bill as one of the methods or suggested methods before them in order to study it, and have an inquiry that perhaps to some extent would be made on that bill; that is all.

Mr. OVERMAN. I was wondering what was the need of a great investigation, costing hundreds and thousands of dollars.

Mr. EDGE. What was the need of an investigation of the agricultural interests of the country, that has cost this country some fifty or seventy-five thousand dollars, which I think was well spent? What was the need of other investigations we have had recently but to get facts and figures and evidence so that we can intelligently pass upon the facts brought out in them?

Mr. OVERMAN. We have had investigation after investigation on this subject.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. EDGE. I yield.

Mr. NORRIS. The Senator from New Jersey, at the time he was interrupted by the Senator from North Carolina, had reached a very interesting phase of the discussion of this question, and it was about that that I rose to interrogate him. As I understand, while perhaps this joint resolution does not in terms bring that about, the Senator wants a condition by which there will be some official organization, some governmental body like the Federal Trade Commission, to which these corporations or individuals can apply, and set forth what they propose to do, and get an opinion from them as to whether the proposed action is legal or illegal. Is that right?

Mr. EDGE. Mr. President, that is quite correct; and let me supplement that, because there is a very interesting possibility connected with it. I am not entirely prepared to discuss the legal side of this matter, but only to this extent: I realize that such a tribunal could not and should not give immunity from the law to anybody who inquired. I have no such idea as that; but I do believe that the first responsibility we should have is to try to keep people out of court if we can.

Mr. NORRIS. I agree with the Senator.

Mr. EDGE. And if they can go to such a body and get some general line of information, it would certainly be helpful.

Mr. NORRIS. We ought to keep people out of court as much as we can, and the law ought to be made as plain as possible with a view to doing that; but I think it must be apparent to the Senator, as I think it would be to any person who would study it—and I think the matter has been discussed a great many times by great legal minds, and studied by lawyers of a great deal of ability—that just the moment you provide for such a governmental body, the effect will be, no matter what you may mean, at least within the scope of the jurisdiction of that governmental body that can give an opinion in advance, that it means immunity to the very limit of the opinion that is given by that body. In fact, it ought to. If the Senator and I were sitting as judges to pass on the legality of an act of some corporation, and a law had been passed that permitted the Federal Trade Commission to give an opinion in advance as to what they could do, and they came up before us, and there was any doubt whatever, and they said, "Here is the opinion of the Federal Trade Commission, in which they say that they think it is all right for us to do this," I think we would hesitate a good while before we would condemn it. It would be immunity in practice; but while it may not always look so to the lay mind, the history of civilization and jurisprudence from the beginning of civilization shows that courts ought not, where it can be avoided, to give an opinion in the way of a moot court; that there ought to be no moot decision. In other words, anybody, whatever you might call it, that had that power would in effect be a court; and if a court were given the power to pass on things in advance, in the end——

Mr. EDGE. What does the Senator consider the power of the Interstate Commerce Commission in connection with their orders, decisions, and so forth?

Mr. NORRIS. They do not have such power.

Mr. EDGE. They have power to-day to pass on rates and to interpret law to the extent that, as I understand, it is practically almost a judicial power.

Mr. NORRIS. Yes; in lots of cases; but, as I understand, they have no such power, and no other organization that I am familiar with has such power as the Senator has outlined and proposes to give.

Mr. EDGE. I have not outlined any power, Mr. President. I am not proposing any positive or finally definite remedy. I am simply suggesting that if a committee of inquiry, after exhausting all possible investigation and having representatives of business and representatives of the governmental departments and others give information before them, can devise a means by which we can minimize litigation or encourage business to go along certain lines we will have accomplished something; and it does seem to me that Congress is wholly unjustified in refusing to give the business interests of the country at least an opportunity to come before a committee of Congress to tell of their troubles and their present difficulties primarily because of these decisions like the Hardwood decision.

Now, let me give you—I have started several times and have been diverted from it——

Mr. HITCHCOCK. The Senator has twice mentioned the Hardwood case as though that left matters in any doubt. The Senator has read the decision in that case, and he can not possibly escape the conclusion as to exactly what the court found, because it can be boiled down into one short paragraph of that decision, the final paragraph of the judge who rendered the decision. He said:

The evidence is clear that the purpose and effect of the activities of the open competition plan here under discussion were to restrict competition and thereby restrain interstate commerce in the manufacture and sale of hardwood lumber by concerted action in curtailing production and in increasing prices. We agree with the district courts that it constituted a combination and conspiracy in restraint of interstate commerce within the meaning of the antitrust act.

Mr. EDGE. Yes; they say what they can not do, practically, in effect; but they do not say what they can do, and that is what I am trying to find some method of discovering for the business of this country.

Mr. HITCHCOCK. Mr. President, the Senator is giving the impression that these hundreds of decisions of the courts carefully defining the original antitrust act and its amendments have left the business world in real doubt as to what the intention of Congress was.

Mr. EDGE. Mr. President, with all the language at my command I reiterate that statement. They are in real, positive doubt as to what they can do. That decision plainly states that, so far as the organization of the Hardwood Association was concerned, their practices were illegal. That is settled. The Supreme Court has so decreed, even though it was by a divided court. But they do not state in that decision how far trade associations can go, and that is the question to-day that makes for the hesitation. I want to read this statement, which I think will to some extent give the Senate a little idea of the activities of these trade associations and the reason why they would like to have a little clearer definition as to whether some of these other activities will be in contravention of the provisions of the Sherman Act.

Mr. HITCHCOCK. Mr. President, the courts, in passing upon the antitrust law, have gone always to the very heart of the proposition, namely, what was the purpose of the people who engaged in the combination? What was the effect of what they did? Every one of these court decisions which has denounced such combinations has either found that they resulted in destroying or impairing competition, in restraining trade, or in increasing prices unreasonably. In this particular case, which the Senator criticizes, it was proven that the result of this combination within its very first year was not only to restrict the production of hardwood but to increase the price of oak from 33 to 296 per cent, to increase the price of gumwood from 60 per cent up to 343 per cent, and of ash lumber from 55 per cent to 181 per cent. How can the Senator say there is any doubt about a decision that such combination was not only in restraint of trade but was destructive of competition and resulted in an outrageous increase of prices at the expense of the consumers, the very thing the antitrust laws were designed to prevent?

Mr. EDGE. Mr. President, I am not defending in any way the hardwood trade; quite the contrary. I think I have made my position quite clear. We do not question the final decisions of the courts of this country. In that case the court was undoubtedly justified, or the decision would not have been made. It was a violation of the Sherman Act. But that is water over the dam. At the same time, I do not think the Senator from Nebraska will contend that there is not a useful purpose to be served by these trade associations, and in view of that type of rather sweeping decision and recognizing the millions and millions of dollars involved in the development of business through proper organizations, legal cooperation, legal organizations, these trade associations are trying to find what they can do. We would not decide on any policy by the adoption of this resolution. Surely the business men of this country have a right to have an investigation made to decide what it is possible for them to do. Perhaps legal entanglements will make it impossible to give them relief, but no one is in any way, shape, form, or manner attempting by this inquiry to amend the Sherman Act. That suggestion is anticipating a thought that is certainly not in the mind of the proponent of the resolution.

These trade associations are active along the following lines: They concern themselves with the collection of domestic credit information, with the handling of insurance in different forms for their members, with standardization of quality and grades of their commodities and products, so that the public may have reliable grades, and some have supported inspection to see that these qualities are maintained.

They have concerned themselves with simplification of trade terms, elimination of unnecessary varieties in dimensions of different articles, with conduct of arbitrations, with joint advertising of products of the industry, with securing prevention of infringement in trade-marks and designs, the promotion of welfare work in the organization of employees, with employment insurance, with the problems of apprenticeship and trade education, and the prevention of accidents.

They have policed in many cases their own membership, in order to keep them within the jurisdiction, as far as it is possible to define it, of the antitrust acts.

They have concerned themselves with representing the views of the trades in legislation on tariff, taxes, transportation, and so forth. They have concerned themselves with freight rates, overseas transportation charges, uniform bills of lading, with statistics as to production and stocks of goods, with scientific accounting.

All of which frequently make for lower costs to the consumer in the market.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. EDGE. I yield.

Mr. STANLEY. I am endeavoring, as far as I can, to follow the Senator from New Jersey.

Mr. EDGE. It is rather difficult with the interruptions, I agree.

Mr. STANLEY. I do not mean to intimate that the Senator from New Jersey is not making himself perfectly clear, but if I gather the gist of his complaint it is this, that there are a vast number of enterprises and organizations in charge of those enterprises which are fearful that certain policies, certain plans and activities, if carried out, may be within the inhibition of the Sherman Act, althought they feel they are not, and although they believe that these things are in themselves legitimate and designed to encourage or to stabilize business. Is that the Senator's idea?

Mr. EDGE. To an appreciable extent; yes.

Mr. STANLEY. If that be the case, and the Senator's purpose is to see if it is not possible to organize a commission which shall apprise these associations or individuals, upon request, whether or not a proposed plan of operation having to do with price, or output, or the cost of transportation or of production, or any other thing, is a legal or an illegal plan, whether it be an arrangement of insurance rates, or a pooling of freight rates, or the regulation of an output, or the fixing of price, or any other of a thousand things that business enterprises often prefer to do in common rather than to do individually on their own initiative. Is not that the idea that the commission is to so advise?

Mr. EDGE. That is one idea, I might say to the Senator from Kentucky, if it can be found legally possible to have, for instance, the Federal Trade Commission delegated with what might be termed interpretative administration power, if that is good in law.

Mr. STANLEY. That is a very apt expression, I will say to the Senator from New Jersey.

Mr. EDGE. However, I do not consider that that is the only object of such a commission as I have proposed under this resolution.

Mr. STANLEY. That is one of the objects?

Mr. EDGE. That is one of the objects, if it can be successfully brought about. If not, Congress is here to hear the report of the commission. I quoted with great pleasure and entire approval the resolution presented by the Senator from Wisconsin [Mr. LENROOT], providing for an agricultural inquiry a year or so ago, which resolution was adopted unanimously. They have just brought their report in quite recently. I have looked over two volumes of it myself. They have recommended certain legislation, some of which has been presented, I believe, and it has great merit. Their inquiry has done much, and I think will do more, to help stabilize agricultural conditions, and everybody knows they deserve our consideration. It is not entirely fair for Congress to assume that this commission is suggested with some ulterior object of repealing or amending some antitrust act. Under this resolution the Congress would give away no power at all. If after three or four months of hearing the difficulties of industry, which, after all is said and done, represents the employment or nonemployment of millions and millions of men and women, the committee comes back to Congress with a few constructive suggestions which can be put on the statute books in the way of legislation, they will be performing a good service. That is all this resolution provides for. I can not see any reason for an objection to the inquiry. Perhaps there will be great reason for difference of opinion as to some of the legislation which may be proposed, but that, of course, we can not discuss now. We do not know what it will be.

Mr. STANLEY. I can not say that I am inclined to agree with the Senator, but I can see the pertinency of his suggestion. We are regulating to death, ad nauseam, ad infinitum, about 95 per cent of the business of this country, and perhaps there is

no great reason why we should not regulate everybody and everything. For one, I am in favor of curtailing this regulation rather than enlarging it, and I do not hold that it necessarily follows that because the Government has made a vast number of blunders it should institute a universal policy of blundering. Because it has stuck its nose into a hundred places where its nose had no business is no reason why a governmental nose should be everywhere.

Mr. EDGE. I agree with the Senator from Kentucky.

Mr. STANLEY. As I understand it, the Senator says that he proposes to advise business enterprises and business associations as to the propriety of the proposed policy for the conduct of business, and in order to advise them he would have a committee appointed which should investigate the propriety of creating a commission to advise these people as to whether or not they were within the provisions of the antitrust act before embarking upon a line of business, rather than have the courts penalize them for their conduct after they had embarked upon a policy.

Mr. EDGE. If that is legally possible, that would be a wonderful help to the industrial world. Whether it is or not, I am sure I am entirely incapable of deciding.

Mr. STANLEY. God might do it if he had time. I do not think he will. Outside of the Almighty—and I say it reverently—I am not willing to intrust that kind of a power to any tribunal clothed with the power to grant plenary indulgences for violations of law.

But may I ask the Senator from New Jersey——

Mr. EDGE. Apropos of the Senator's remark just made, I have never proposed delegating plenary power to any commission at any time, and I do not want that thought of for one moment. I have tried to qualify every reference to that possible help to industry. I thought the Senator clearly understood me.

Mr. STANLEY. That may have been the conclusion of the pleader, but I gathered from what the Senator said that he desires to create a commission which shall have the power to advise——

Mr. EDGE. To advise Congress.

Mr. STANLEY. To advise Congress or anybody else, and ultimately to advise business as to the legality of its course. Would the Senator put on that commission lawyers of a certain number of years' training and experience, or would he make it a hodgepodge?

Mr. EDGE. Is the Senator from Kentucky discussing the complexion of the congressional committee?

Mr. STANLEY. The personnel of any body vested with power to advise the business of the country as to the legality of its proposed conduct.

Mr. EDGE. Inasmuch as the Senator from New Jersey has not suggested that, it does not seem he should be expected to answer such questions. So far as the complexion of the commission or committee of Congress, it is provided in the joint resolution very clearly that three Senators, to be appointed by the Vice President, and three Members of the House, to be appointed by the Speaker, shall constitute a committee to consider the subject, to call before them such witnesses as they may desire, and to do all such things that such commissions are naturally expected to do in the investigation of the subject. So far as all the other possibilities are concerned, they are entirely foreign to anything the proponent of the joint resolution had in mind.

Mr. STANLEY. Has not the Senator a bill now pending before Congress providing for such a commission?

Mr. EDGE. Yes; the Senator from New Jersey has introduced a bill, which was referred to in the statement I have just made, to be considered by the commission if the commission so desire.

Mr. STANLEY. And the joint resolution provides simply for a body of Congress to study the propriety of the creation of such a method as is set forth in the bill?

Mr. EDGE. That is one of the possibilities.

Mr. STANLEY. Then let us stick to that until we get through——

Mr. EDGE. Mr. President, I can not yield the floor for an argument. I am not through.

Mr. STANLEY. I am not endeavoring to make a speech, if the Senator please, but I want to get the Senator's idea.

Mr. EDGE. If the Senator will propound his question, I will endeavor to answer it.

Mr. STANLEY. That is exactly what I propose to do. Would the personnel of the Senator's commission be composed of lawyers of a certain number of years' training, or would he put anybody and everybody on it?

Mr. EDGE. If such a commission were authorized by Congress, and powers of interpretative and administrative capacity were delegated to such a commission and I had the appointing power, with all due regard to the profession which the Senator from Kentucky represents, I would try to find four hard-headed business men and perhaps one lawyer. But not having reached that position at all in the consideration of the legislation, I think it is entirely apart from the object of the joint resolution we are considering.

Mr. NORRIS. The Senator would have to go outside of the Senate to make up his committee, would he not?

Mr. EDGE. The Senator from Nebraska misunderstood me. I was not talking about a congressional committee. I was answering the Senator from Kentucky as to the type of tribunal which would be appointed if Congress passed the bill to which he referred.

Mr. NORRIS. I thought the Senator was referring to the committee. Of course, the Senator could not get that kind of a committee in the Senate. He could get neither business men nor lawyers.

Mr. EDGE. I will not argue that with the Senator from Nebraska.

Mr. STANLEY. A tribunal having no knowledge of the law would be much better suited to interpret the law than one that had; but conceding that, if the Senator had his commission and it was composed of hard-headed business men and the hard-headed business men would come before two hard-headed business men, neither one of whom knew anything about the law, to find out whether they were violating the law or not, what would be the difference between such a unique organization and the Supreme Court of the United States delivering a declaratory judgment upon the same subject?

Mr. EDGE. It does not make any difference, and I do not desire to consume any further time in discussion along that line. In my judgment, many of the business men of the United States, a large majority of whom it is conceded are honest, would like, if possible, by consultation and advice, to find methods by which they can keep out of the Supreme Court of the United States and all other courts of the United States.

In conclusion, and I am only going to speak a moment longer, I would like to point out the fact that the trade associations as organized to-day are certainly in the large majority of cases not the type of combination that seems to be indirectly criticized in remarks which have been made in the propounding of questions. As a matter of fact, if we will go over the report of the Department of Commerce, though I shall not take the time of the Senate to read it now, it will be found that in a large majority of the trade associations the membership is made up almost exclusively of small concerns throughout the country. The large concerns are not members of trade associations, generally speaking. It is not necessary for them to be members of trade associations. They have great big organizations; they secure all the statistics they need to work out all their different activities. They do not want, perhaps, to give all of their knowledge and secrets of trade, or whatever you may term them, to all their competitors throughout the country.

The fact remains to-day that in all the associations about 60 or 70 per cent of the membership, representing active firms in the various industries, are the small members scattered throughout the country, all over the United States, who, because of that membership, are given a certain service that they can not otherwise get because of their smallness. They meet together; they get bulletins and information about standardization, about insurance, about rates, export trade possibilities, and the general development of business. The large concerns do not need that. Their organizations are complete without it.

Again, I think I referred briefly to the fact that the organizations are known to have done splendid work in policing the activities of their individual members. In other words, when some member trespasses in some way upon the law or the policy of the association in the matter of fair dealing or fair trademarking, and so forth, that member has been suspended. I have a book giving numerous cases where suspensions have been made by the association simply because of such facts. I do not think there can be any question raised as to the real service of the trade associations.

The legislation, therefore, boiling it all down to the joint resolution, goes no further than to permit representatives of those associations, as several of them have written to me—and I have read their communications into the RECORD—to come before a commission of their kind, to tell their troubles to the commission, to discuss their situation, just as the representatives of agriculture very properly discuss their problems, and to find, if it is possible, some remedy. Then Congress gets the report of that commission. Congress is in no way committed to any particular policy or a departure from existing statute or policy. We are simply permitting the business of America, representing hundreds of thousands of industrial toilers

throughout the United States, as well as the millions of unemployed to-day, to have a public body representing them, so they can come to that body and see if it is possible to work out remedial legislation to help in the development of their trade and of the industrial activities in which they are interested. Shall we deny them that right?

Mr. McNARY. Mr. President——

Mr. EDGE. I yield to the Senator from Oregon.

Mr. WALSH of Montana. Mr. President, may I ask——

Mr. McNARY. I believe the Senator from New Jersey yielded to me.

Mr. WALSH of Montana. I merely wish to ask the Senator if he desires to discuss the matter to which the Senator from New Jersey has directed himself?

Mr. McNARY. I desire to propound a question to the Senator from New Jersey concerning the cooperative organizations mentioned in section 2. It appears that the committee is to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade. The Senator from New Jersey will recall that Congress a few weeks ago passed a bill which was signed by the President defining the rights of cooperative organizations, particularly those engaged in agricultural activities. Is it the intention under the joint resolution that the committee to be appointed shall report to Congress the limitations prescribed in the joint resolution, as compared with illicit combinations, when the act defining those cooperative organizations plainly sets forth the scope of their authority?

Mr. EDGE. No; and I do not read the paragraph in that light at all. It is not so intended. The Senator should start at the beginning of the section—

> That it shall be the duty of the committee to investigate existing conditions of industry—

The Senator should read the section in its entirety—

> SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

If I get the point of the Senator from Oregon, he asks whether the committee itself will define the rights and limitations of cooperative organizations. The committee under that authority, as I understand it, and so believed when the joint resolution was prepared, will suggest, if they decide that it is wise so to do, legislation that will do the very thing we have been discussing here for an hour—whether it is possible to suggest legislation that will define the difference between what the Sherman Act prohibits and what it does not prohibit. That is all. They can not give a legal interpretation of an act. The joint resolution does not provide that. It is simply the one great big question. The purpose of the commission is to see if it is possible to define the differences. If the commission can find a way, they are instructed to report it to Congress.

Mr. McNARY. The commission may suggest legislation in their report, if they think it is advisable, defining the rights of cooperative organizations?

Mr. EDGE. That is right.

Mr. McNARY. There are no rights to define. The authority vested in cooperative organizations to transact business is clearly and accurately defined in the act which we passed during the present session of Congress.

Mr. EDGE. Does not that refer only to a certain type of cooperative organizations? I thought it referred only to agricultural organizations.

Mr. McNARY. Of course.

Mr. EDGE. It does not refer to trade and industrial associations.

Mr. McNARY. That is what I wanted to know. Would not the Senator be willing to clarify that by saying in the joint resolution that the commission are to define the rights and limitations of business associations? Is not that in fact what he intends?

Mr. EDGE. Certainly; there is no thought of anything else.

Mr. McNARY. Then I would suggest to the Senator that the words "cooperative associations" ought to be changed to read "business associations." Then we would not be doing again by the joint commission the work which has already been done and which has already been provided for in legislation which has passed Congress.

Mr. EDGE. The Senator well knows that I have no desire to amend, by implication or otherwise, the acts which have already been passed to help exactly the same situation as to the agricultural interests. If there can be any legal misinterpretation of the words "cooperative organizations," and if the Senator feels it would in any way cover this measure under the other act, I am entirely willing to change the wording to "business and trade organizations."

Mr. McNARY. Then I suggest to the Senator, while perhaps an amendment is not proper at this time, in the first paragraph, where it reads "define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade," that he strike out the words "cooperative organizations" and insert in lieu thereof the words "business associations."

Mr. EDGE. Business and trade associations.

Mr. McNARY. Yes; business and trade associations. Let that term be inserted in both places in lieu of "cooperative organizations."

Mr. EDGE. There is absolutely no objection to the suggested amendment.

Mr. WALSH of Montana. Mr. President, I should like to ask the Senator from New Jersey a question.

Mr. EDGE. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to ask the Senator a question. The purpose of the investigation proposed by the joint resolution, as I understand, is to call out an expression touching the legality of the operations of trade associations, and defining, if possible, what they may do and what they may not do; that is to say, what would constitute a violation of the Sherman antitrust law and what would not constitute a violation of it. I understand the Senator from New Jersey, contemporaneously with the introduction of this joint resolution, introduced a bill upon the same subject, which was referred to the Committee on the Judiciary. That was quite appropriate, because the original bill which became the Sherman Act originated with the Committee on the Judiciary, and all bills since which have touched on or affected that law, including the Clayton Act, for instance, have been referred to and considered by the Judiciary Committee. Now, I wish to inquire of the Senator from New Jersey why the trade associations to which he desires to give an opportunity to be heard before the commission proposed to be created by this joint resolution could not exactly as well be heard before the Committee on the Judiciary in connection with the bill introduced by the Senator from New Jersey? They would there have an opportunity either to indorse the bill of the Senator from New Jersey and ask that it be passed or to propose some substitute for it or propose some entirely different remedy.

Mr. EDGE. I endeavored in my general discussion of the pending measure to give the obvious answer to that question. I consider this subject entirely too important to be considered in that way. Covering, as the Senator has indicated in propounding his question, such a wide range of possible legislative assistance and cooperation, from the experience which we have all had with the work of regular standing committees, I suggest that it would be very doubtful if a subcommittee of the Committee on the Judiciary, in the ordinary course, unless particularly interested in this matter—and, of course, the committees are necessarily interested in all subjects relating to the welfare of the country—would go into what I consider the necessary investigation of this great, big subject.

Again, I felt that it was important that we should have a joint committee of the two Houses, for certainly some relief must be found; and if such relief must be found through the medium of legislation, any proposed legislation must go through both Houses of Congress.

The course proposed by the joint resolution is not unusual, but follows the policy which Congress has pursued for many years. It is not at all an innovation. We are proposing under the terms of the joint resolution to select Members of each House for a specific duty, which will be carefully to consider this very important subject in all its wide ramifications. That is the reason for the manner in which the joint resolution is framed, and I think it is a very concrete and definite reason.

Mr. WALSH of Montana. The Senator from New Jersey has offered a very good reason for taking the subject out of the jurisdiction of the Committee on the Judiciary and reposing the jurisdiction somewhere else, if what he desires is what is recited in the joint resolution, namely, a general inquiry into the cause of business depression, the standardizing of methods and the development of morale in business, and so forth. Of course, those are not subjects that legitimately fall within the jurisdiction or the domain of the Committee on

the Judiciary, and I would scarcely suggest that course; but we are led to believe from the argument of the Senator from New Jersey and from the fact that, contemporaneously with the introduction of the joint resolution, he introduced a bill which went to the Judiciary Committee, that what he really wants is what he says, namely, some definition for the guidance of trade associations as to when they will be under the condemnation of the Sherman Act and when they will not be. If that is what the Senator wants—and that is apparently what he says—the trade associations will have no difficulty whatever in securing hearings before the Committee on the Judiciary. So far as that part of the subject is concerned, it might just as well go to the Committee on the Judiciary, because if in its report the commission to which the Senator refers should recommend a bill, that bill, if it touches this subject, will go to the Committee on the Judiciary and that committee will conduct the hearings over again.

Mr. EDGE. Mr. President, I think I have several times answered similar suggestions which have come from other Senators. That particular thought is a very important one, but the activities of the commission, if one be authorized, would not in any way be confined to the narrow scope suggested by the Senator. There are other questions, to some of which I have referred generally, which the proposed commission should undoubtedly investigate and in relation to which they should report back to Congress.

In conclusion, I desire to say that the main thought in my mind when introducing the resolution was that Congress should at least recognize the problems confronting the business world, and should, in an orderly manner at least, prepare to deal with those problems; that a committee representing both branches of Congress should invite representatives of business and industry before it, and that, as a result, some method, perhaps, of helping to solve this big problem might be devised.

Mr. WALSH of Montana. Mr. President, if the Senator will indulge me a little while, I desire to say that I find I was in error in the statement that the bill introduced by the Senator contemporaneously with the introduction of the resolution was referred to the Committee on the Judiciary. I now observe that the bill, like the joint resolution, went to the Committee on Commerce.

Mr. EDGE. I think I can explain that, but that is merely a matter of detail that has no effect on the proposition.

Mr. WALSH of Montana. If the Senator will pardon me for just one moment, I wish to call attention first to what seems to be the meat of the bill. It is found in section 6, which reads as follows:

> That any trade association may request from the commission—

The creation of which is provided for by the bill—

> a specific ruling with respect of the legality of its plan of organization as expressed in its constitution or articles of association, and by-laws and any agreements or contracts between the association and its member, which constitute the working basis of the association.

That is the point of the matter. A commission is to be created which is to advise the particular association whether it falls under the condemnation of the Sherman Act or does not fall under the condemnation of the Sherman Act. It seems rather strange to me that a bill for the creation of a commission of that character should go to the Committee on Commerce.

Mr. EDGE. I attempted to explain to the Senator from Montana, who desired to continue his observations, that when the bill and joint resolution were simultaneously introduced I made no request whatever as to what committee they should be referred; I had not the slightest care about it, so far as that is concerned; but I presume because the measures related to commercial matters the Chair asked if it would be satisfactory to refer the measures to the Committee on Commerce. I said, "Entirely so." Later in the discussion with the chairman of the committee outside the Chamber we both agreed it would be better for the bill to go to the Committee on the Judiciary; so that, so far as the bill is concerned, it really makes absolutely no difference, and I have no interest in it whatever. I have no intention of pressing the bill. I introduced it practically by request. I am not in entire sympathy with all of its provisions. I very much question whether, if passed, it would offer a real solution of the problem. So the bill should not really enter into the discussion. When the proposed joint committee is authorized, if it shall be, and has an opportunity of investigating this entire situation, then, when it makes a recommendation, of course there will be something more definite for Congress to discuss.

Mr. WALSH of Montana. In view of the statement now made by the Senator from New Jersey, Mr. President, I ask unanimous consent that the Committee on Commerce be relieved from the further consideration of Senate bill 3385, and that the bill be referred to the Committee on the Judiciary.

Mr. EDGE. That is entirely agreeable to me. I would have made the same suggestion if it had occurred to me.

The VICE PRESIDENT. Is there objection?

Mr. EDGE. The Senator, of course, is referring to the bill?

Mr. WALSH of Montana. If that request is granted, then I shall move that Senate Joint Resolution 188 be referred to the Judiciary Committee for consideration in connection with Senate bill 3385.

Mr. EDGE. Mr. President, that motion, of course——

The VICE PRESIDENT. Let the first question be disposed of.

Is there objection to the request of the Senator from Montana that the Committee on Commerce be discharged from the further consideration of Senate bill 3385 and that it be referred to the Committee on the Judiciary?

Mr. EDGE. Of course, the Senator from Montana realizes that the Senator from New Jersey has the floor at the present moment, so that the motion would not be in order?

The VICE PRESIDENT. The Chair thought the Senator from New Jersey had surrendered the floor.

Mr. EDGE. I have not surrendered the floor, Mr. President.

Mr. WALSH of Montana. I do not desire to take the Senator from New Jersey off his feet. I will withdraw the motion.

The VICE PRESIDENT. The Chair understands that the motion is withdrawn.

Mr. CUMMINS. Mr. President——

Mr. EDGE. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not understand just what the Senator from Montana requested, if anything, in addition to the discharge of the Committee on Commerce from the consideration of the bill introduced by the Senator from New Jersey.

Mr. KING. The Senator from Montana also requested that it be referred to the Committee on the Judiciary.

Mr. CUMMINS. I do not desire that question to be disposed of, if it is in order, at this time. It is quite true that the antitrust law was considered by the Committee on the Judiciary finally, but when the antitrust law was first introduced it was referred to the Committee on Finance, and a very elaborate report was made by the Committee on Finance upon that bill. After being debated on the floor of the Senate for some time, it then was referred for redrafting to the Committee on the Judiciary. In 1914, when the Clayton Act was considered, it was referred to the Committee on the Judiciary solely because it was a modification, in some degree, of the Sherman antitrust law.

The real jurisdiction of Congress, Mr. President, for the consideration of any such measure as this, is based on the authority given in the Constitution to Congress to regulate commerce among the States. Bills relating to the exercise of that power should, therefore, primarily be referred to the Committee on Interstate Commerce, and not to the Committee on the Judiciary or the Committee on Commerce, or any other committee. I do not intend to raise the question at this time, because, as I gather it, the question is not now whether or not the bill shall be referred to the Committee on the Judiciary. I do not know that I would care to oppose such a motion, but I want some time to reflect upon it. Sooner or later we will be compelled to define a little more clearly the jurisdiction of these two committees, and I want to reserve the right, anyhow, to insist upon the proper jurisdiction of the Committee on Interstate Commerce.

I should like, before I take my seat, to ask a question of the Senator from New Jersey with respect to the resolution which he has been discussing.

The VICE PRESIDENT. The Chair will state to the Senator from Montana that the Chair understands that there is objection on the part of the Senator from Iowa to his request for unanimous consent?

Mr. CUMMINS. Mr. President, I understand that the bill introduced by the Senator from New Jersey is now before the Judiciary Committee.

Mr. WALSH of Montana. No; it is now before the Committee on Commerce. I have asked that the Committee on Commerce be relieved from the further consideration of the bill and that it be referred to the Committee on the Judiciary.

Mr. CUMMINS. I was ignorant as to that. I merely want the question as to which committee shall have the consideration of that bill reserved for some future time.

Mr. EDGE. I gladly defer on that question to the Senator from Iowa, for I realize very thoroughly his better knowledge of the technique and details of such subject matter.

Mr. NORRIS. Mr. President——

Mr. CUMMINS. The truth is that heretofore questions affecting the regulation of commerce and interstate and foreign commerce have been divided—excluding the Judiciary Committee, which ought not to consider such questions at all—between the Committee on Commerce and the Committee on Interstate Commerce, respectively, the latter committee taking those bills which had peculiar reference to our shipping, to our ocean commerce, and the Committee on Interstate Commerce taking those bills which had reference particularly to inland transportation.

Mr. EDGE. Mr. President, I think the reference was entirely correct, however, especially as it refers to the joint resolution going to the Committee on Commerce, so that there can be no real question raised—of course it can be raised, but I do not think there is a justification for raising it—so far as the joint resolution is concerned. The joint resolution distinctly provides, following the suggestion of the Senator from Iowa, that it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries.

Mr. CUMMINS. Precisely.

Mr. EDGE. So I think the reference in the first place was entirely a correct one, as far as that is concerned.

Mr. CUMMINS. I do not think it was, Mr. President; but I do not care to take up that question at this time. I want to ask the Senator from New Jersey one or two questions about his joint resolution.

If I have understood the Senator correctly since I came into the Chamber, he has taken out of his purpose, if not out of the language of the joint resolution, about the only thing that seemed to me to commend it at all. Experience has shown that it is impossible further or more accurately to define what shall constitute a restraint of trade or what shall constitute a monopoly. I think the experience of every lawyer, and his observation as well, is that it can not be done. The infinite variety of our commercial and industrial institutions precludes any more accurate definition of the words "restraint of trade" or "monopoly" than we now have, and the matter cited by the Senator from Nebraska shows that. The efforts of the Supreme Court of the United States, as well as of the inferior courts, to apply these words to this great variety of business and organization which arises prove conclusively that what constitutes restraint of trade or monopoly can not be defined any further or more perfectly than they have defined it; but the instance cited by the Senator from Nebraska proves just the reverse of the conclusion which he draws from the number of these decisions. They show, if anything could show, that the law is not settled and that it can not be settled.

Every case that comes to the Supreme Court is a different case and presents different conditions; and I think the multitude of these decisions shows that the field is uncertain and that the business world does not know and can not know what is legal and what is illegal until after a particular case is begun and reaches the Supreme Court of the United States.

Mr. EDGE. Mr. President, may I interrupt the Senator right there? Of course, I can not discuss legal interpretations, although I am rather interested to see the Senator's conclusions diametrically different from those of the Senator from Nebraska in discussing the same possibility; but is it not correct that an interpretive administration—that is, before a case goes to the court——

Mr. CUMMINS. I am coming to that.

Mr. EDGE. I should like to read just about one paragraph.

Mr. CUMMINS. I want to inquire about that.

Mr. EDGE. The Senator will undoubtedly discuss it, and I will give him all the information I have about it in advance:

"Interpretive administration" means the exercise of discretion by an administrative agency in the determination of facts upon which the agency rules and acts in accordance with principles laid down by the Congress for the accomplishment of the legislative object. The consequences of such ruling and action are those which the Congress has declared shall follow such ruling and action.

Such rulings are customarily subject to what is known as a "limited" review by the courts. This judicial review is narrowed to an inquiry whether there are facts to support the conclusion and whether the law was properly interpreted.

This character of procedure has been sustained by the United States Supreme Court in many instances. It will not supersede the courts, but will afford a method for the adjustment out of court of many causes which otherwise would have to pass through them unnecessarily.

Is not that a result to be desired, if possible?

Mr. CUMMINS. But the Senator from New Jersey, half a dozen times at least in my hearing, has disclaimed any such purpose on the part of his bill or in this investigation.

Mr. EDGE. Oh, no, Mr. President; I have not—at least, I mean to say if I have I am sorry, and I did not want the Senator to draw that conclusion. I have stated several times that if this could be done, or attempted to be done, and cases could be kept from the courts by the advice of a Federal tribunal, it certainly would be in the interest of good citizenship to keep them from the courts, and I think that has generally been agreed upon; but I have followed that by stating that as a layman I certainly could not discuss whether it would be legally done or not, and for that reason I wanted a committee appointed to ascertain that.

Mr. CUMMINS. I suppose the Senate, or the Judiciary Committee, is quite as competent to decide its legality as any other committee that might be created.

Mr. EDGE. That is only one of many, many questions that arise.

Mr. CUMMINS. But this is the point: I want to call the attention of the Senator from New Jersey to the history of the matter, because to a degree I am in entire sympathy with him.

We tried to do this in the Federal Trade Commission act. That is, an amendment was considered by the Senate which had for its purpose the very thing that is now suggested by the Senator from New Jersey in the memorandum from which he has just read. I am rather familiar with it, because I was responsible for the effort. That amendment provided that any association or corporation could present to the Federal Trade Commission its articles of incorporation and its plan of doing business, the things which it proposed to do, and after a hearing the commission was given authority to declare whether the proposals of the association or the corporation, as the case might be, were in contravention of the antitrust law, and, if carried out honestly and fairly and kept within the limits of the proposal, whether the business of the association or corporation would be a violation of the antitrust law. The amendment further provided that if the Federal Trade Commission found that the plan or the proposal, if faithfully and honestly carried out, would not be a violation of the antitrust law, then the Government should not institute any proceedings against that association or corporation—that is, so far as its plan was concerned; not its practices, but so far as its plan was concerned it should be adjudicated to be beyond any prosecution under the antitrust law.

Under the antitrust law there is no prosecution except by the Government. An individual can not prosecute a corporation or an association because it is in violation of the antitrust law. An individual may sue for damages that may have been brought about by a monopoly or a restraint of trade, but a suit in equity for an injunction against the further conduct of the corporation or the individual of whom it is alleged that it is restraining trade or creating a monopoly or attempting to create a monopoly must be brought by the Government; and the decision which the Federal Trade Commission would make is not a moot decision, as was suggested a moment ago by the Senator from Nebraska. It binds the Government, and so long as that corporation pursues the plan and pursues it fairly and honestly it can not be prosecuted.

In my opinion, that is the only way in which the subject can be made certain. Whether it is wise to intrust a power of that kind to the Federal Trade Commission or to any other body is a matter upon which there may be fair difference of opinion; but just a few days ago we reposed even a greater power in the Secretary of Agriculture, and I have always been in favor of giving that power to some tribunal of the Government, because the antitrust law never can be made certain by any definitions that we may see fit to employ.

For the life of me, however, I can not see any reason for creating a committee to investigate the subject. Every fact which we will ever be called upon to consider in determining whether or not the course I have suggested is wise is accessible through hundreds of investigations which have been made. I can not imagine a single phase of the subject that has not been developed; and Congress can apply these facts that have been developed through many, many investigations to the particular thing that is sought to be done just as perfectly without an investigation as with it.

Mr. EDGE. Mr. President, I am very much interested in what the Senator from Iowa has stated. If I interpret his view correctly, he has taken a position diametrically opposite to that expressed by other Senators as to the possible power which can be delegated to an administrative tribunal as compared to the power of the courts. In other words, he takes the position that Congress can delegate to the Federal Trade Commission—the Senator will correct me if I am misstating his position—power to define what they can or can not do under the Sherman Antitrust Act.

Mr. CUMMINS. Inasmuch as the Government alone can prosecute one who is alleged to be guilty of the antitrust law, I have no doubt that we can confer upon the Federal Trade Commission, or any other tribunal we may create for that pur-

pose, the power to decide whether a given plan is in violation of the antitrust law, and that their decision will bind the United States. I am not now speaking about the wisdom of doing it.

Mr. NORRIS. I want to ask the Senator if he stated that the Federal Trade Commission now has that power?

Mr. CUMMINS. It has not.

Mr. NORRIS. I ask that question because I was satisfied the Senator did not want to leave that impression. I think he did leave that impression by some of his observations.

Mr. CUMMINS. I hope not. I did my best to have that power conferred upon the Federal Trade Commission, but failed.

Mr. NORRIS. The Senator was not successful.

Mr. CUMMINS. No; I was not.

Mr. EDGE. Was not the original object of the legislation, which was generally discussed, to confer a similar power?

Mr. CUMMINS. It was very generally discussed upon the floor of the Senate.

Mr. EDGE. Mr. President, I have taken very much more time than I intended to take. It seems to me, however, in conclusion, that the statement of the Senator from Iowa, and its issue with some of the statements of other Senators as to congressional power, and as to delegating power to other commissions, even with all the information the Committee on the Judiciary may have collected in investigations of similar subjects, shows that it is desirable to have a committee of this kind authorized, and such an investigation brought down to date, in view of those recent decisions, the Hardwood decision and others. I have tried to impress on the Senate, in many statements, that while it is of great importance for Congress to give further consideration to the possible delegation of this power, yet there are many other ways, I think, in which Congress can to-day help industry in this country.

Any information the Judiciary Committee has on this subject, of course, any committee of the Congress would be able to secure. I can not imagine such a committee as this starting new legal investigations along this line. The decisions of the courts, the opinions of eminent lawyers already on file with the Judiciary Committee, and any other information that is needed, of course, can be and would be obtained, but it is the general phase of the subject that I am trying to impress on my colleagues of the Senate, the responsibility and the duty we have to-day at least to give the business men of this country an opportunity to officially tell us their troubles. A committee, therefore, might represent both houses for that specific service.

Most of the argument to-day has centered upon what might happen if something were recommended by the committee proposed to be appointed. Let us give the committee a chance, without any preinstructions, to investigate the present business and industrial depression, and then we will be prepared, as Senators and Members of the lower House, to consider and discuss any recommendations they have to make.

Mr. NORRIS. Mr. President, I can not myself see why this committee should be appointed as set out in this joint resolution, why there is any necessity of it, or any necessity of the investigation proposed.

There may be uncertainties as to just how far these organizations can go and still remain within the law. Secretary Hoover has been agitating this for some time, suggesting that they all report to him and tell what they are going to do. In an argument I made a few days ago, wherein I cited the recent decision of the Supreme Court in the Hardwood Lumber case, I pointed out, as I thought, where that decision conflicted absolutely with the propositions which Secretary Hoover set forth that he wanted to take up, and which I think he is probably going to take up anyway, no matter what we pass. There probably would not be any way of stopping him short of an injunction from a United States judge.

The proposition of the Senator from New Jersey now is to have a joint committee, three members appointed by the Vice President and three by the Speaker of the House, to have a lot of hearings, to take evidence, and try to ascertain just what these associations can do.

Mr. President, the reason why there is a twilight zone in many, many cases, at least, is because these associations are professing to organize for one purpose, when they are doing business for another purpose. That is not always the case. It is not perhaps the case as to all those who are members in many instances, but that often occurs, as the Supreme Court decision in the Hardwood Lumber case shows.

If men or corporations were organized for the purpose of seeing how they could obey the law rather than to see how far they can go and still escape prosecution under the law, there would not be so much difficulty or so much said about the twilight zone.

I could bring about a twilight zone in any case. If I wanted to make an assault on the Senator from South Dakota, and wanted to avoid the law which punishes for assault and battery, and I started out deliberately and made an investigation and tried to shape things around so that I could make an assault and line it up under the law of self-defense, or something of that kind, I could get a condition of circumstances, probably, that would throw a lot of doubt in the minds of the jury, and I would escape punishment. There is a twilight zone about any crime. There have been hundreds of thousands of prosecutions for assault and battery where the defendant, at least if you believe his story, was acting within the law, and with perfectly good intentions.

If men were anxious to avoid a violation of the antitrust law, there would not be so many violations of it. It has been my experience, and I think the experience of others who have had anything to do with the consideration of criminal cases, that very few defendants have ever been prosecuted who, if you believe their stories, were not perfectly innocent. If the stories of the defendants are always true, then the prisons are filled with innocent people who are suffering now; and the Hardwood Lumber case shows how men of big business got together, ostensibly for a good social time, perhaps, ostensibly to do something which on the face of it looked to be perfectly legitimate, but the court found that underneath it all was an intention to violate the law, and they held that the organization was in violation of law.

If we establish a commission, as the Senator from New Jersey proposes, or as the Senator from Iowa wants, which shall say in effect what will be a violation of any plan which may be applied to them and what will not be, we will always have a twilight zone just the same. You can not put language into such form that good lawyers will not find a reason for putting a different construction on it from what you intended, and you will always have men who claim they are obeying the law, when their real intention is to violate it.

The Sherman antitrust law, covering the kind of business it is intended to cover and with the scope it is intended to cover, necessarily includes organizations which are violating the law, and at the same time trying to make everybody else believe that they are not violating it. That might happen with regard to any law. Personally, I do not understand how you can enact a law which will make it certain that that will not happen. Men who want to violate it and yet avoid punishment are going to devise all kinds of means of bringing that about.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. The Senator will remember that we had quite a time here a short while ago trying to find out whether certain acts were violative of the law against corrupt practices in reference to the election of a United States Senator, it being stoutly contended on the one side that the acts were not in violation of the law and on the other side that they were. That law seems perfectly plain.

Mr. NORRIS. Yes; and when you submitted it to a tribunal to pass on it you found a very great difference of opinion by men who, on the face of things at least, were equally qualified and who had equal opportunities to get the facts. The Supreme Court are composed of men who are human, as shown by the fact that they very seldom agree. If there were not anything else to show they were great lawyers, that would demonstrate it. Most of the decisions, when there is a big contest, are by a divided court. It is not unnatural that it should be so in these cases. When a certain state of facts is alleged before them a majority of them say: "This demonstrates that this is an illegal organization; that while on the face of it they were organized for a perfectly legitimate purpose, the real intention has been to create a monopoly and to restrain trade, and therefore they are guilty."

Another set of men might be equally intelligent, if we could get such another set of men together, and might reach a different conclusion, without imputing any dishonesty or lack of ability to either set of men. The Supreme Court of the United States, by a decision of 5 to 4, I think, said that the Standard Oil Co. was not a trust; was it not the Standard Oil?

Mr. CUMMINS. It said it was a trust.

Mr. NORRIS. I mean the Steel Corporation. They said the Standard Oil Co. was a trust, but they said the Steel Corporation was not a trust and was not in violation of the Sherman antitrust law. That was by a divided court, but nearly every-

body in the United States, except members of the Supreme Court, knew that the price of steel was fixed everywhere in the United States, if not in the world, by the Steel Trust, and is yet, was at the time, and has been for years. It is no secret that what few independents there are follow along, as they naturally would, on the heels of this great corporation. I suppose it is possible even for human beings who happen to be judges of the highest court in the land to be mistaken. They have the last guess. It is not much more, sometimes, in these cases, I think, as important as they may be, and when they do make their guess we all acquiesce in it, as we ought to do, because it is better to have it settled, even though we do not agree with the settlement, than not to have it settled at all.

Mr. STANLEY. Mr. President, I doubt whether the Supreme Court has said that the Steel Corporation was not a trust. The Senator from Montana [Mr. WALSH] called attention to that the other day, stating that in effect they decided it was a trust, but it was not wise to say so.

Mr. NORRIS. That may be.

Mr. CUMMINS. May I put a question to the Senator from Nebraska?

Mr. NORRIS. The Senator may put a question, and I will yield to anyone who is able to answer it.

Mr. CUMMINS. I put it out of my own experience. Suppose that in a town there are six grocery stores. One of them is a very large one, occupying about the relation to the trade that the Steel Corporation now occupies to the steel trade. The other five are small concerns, doing about one-half of the business of the town. The five come to the conclusion that they had better consolidate, and in that way be better prepared to meet the competition of the large concern. Would that be a violation of the antitrust law?

Mr. NORRIS. If I were trying that case and it came before me and I had the power to decide it, I would ask a great many questions before I would be ready to pass on it. I would hear the evidence, I would see the witnesses, and I think when I got through I would have reached a conclusion at least satisfactory to myself. But I do not profess to know how to decide it under the Senator's statement.

Mr. CUMMINS. The situation I had in mind when I was making inquiry of the Senator from New Jersey suggested the presence of just that situation. Would that organization in and of itself be a violation of the antitrust law? I am not speaking now of any unfair practices, any unfair methods or efforts to take advantage of misrepresentations, or anything of that kind. I am speaking of the mere organization or consolidation of five small grocery stores in order to meet the competition of one large grocery store.

Mr. NORRIS. As the Senator modifies it and now puts it, I would not think it was a violation of the law.

Mr. CUMMINS. The Supreme Court of the United States in some of its decisions—they are not at all harmonious—as the Senator knows, have decided that it is a violation of the antitrust law.

Mr. NORRIS. Now, the Senator puts into his proposition something that probably the Supreme Court would exclude when they held that it was not a violation.

Mr. CUMMINS. The Supreme Court would now.

Mr. NORRIS. I know the Senator gave his organization a good character at the very beginning of his proposition when he put the question to me first. I say I can not answer it from the question. If I were trying the case, I would form an opinion, or I think I would, as to what its real objects were. I would be able to know when I get through, at least in my own conscience, whether it violated the law or not. But when the Senator puts the question to me the second time, he gives his organization a good bill of health to start with.

Mr. CUMMINS. I am giving both a good bill of health. I am not assuming any improper motive on the part of either of the business concerns. I am assuming that all of them want to make some profits. They are organized for that purpose and that alone.

Mr. NORRIS. Yes; I think that is legitimate.

Mr. CUMMINS. But the twilight zone to which the Senator referred relates a great deal more to organizations which have been attempted with a perfectly upright design and motive than it does to corporations which have been organized, and there have been very many of them, with the very vicious design and improper purpose of monopolizing trade and of making an undue and unreasonable profit.

Mr. NORRIS. The Senator may be right. I think he is wrong, but he may be right that the kind of organization of which he speaks constitute a large majority of the institutions or corporations that are doing business within the twilight zone. My own idea is that while there are occasionally in some specific instances some difficulties, there is very little difficulty in keeping out of the clutches of the law if you want to do the square thing, if you are not trying to see how far you can go, and, in fact, violate the law without getting caught at it. I believe those who are operating within the twilight zone as a rule—there may be many exceptions and the Senator may be right and I am wrong; all of them may be honest——

Mr. CUMMINS. That is simply my observation.

Mr. NORRIS. I believe that those who are operating within the twilight zone are there because they want to be there; are there because they want to get an advantage that the law does not give to honest men, and to escape the penalties of the law.

Mr. WALSH of Montana. Mr. President, I proposed a short while ago a motion to refer the pending joint resolution to the Committee on the Judiciary, supposing at the time that the bill to which reference was made, as introduced by the Senator from New Jersey, had gone there. In my judgment the joint resolution should go to the same committee as that which considers the bill proposed by the Senator reposing in the Federal Trade Commission the power to determine whether a corporation or association will fall within the condemnation of the Sherman antitrust law or not. I hope the Senator from Iowa will be able to reach a definite conclusion.

Mr. CUMMINS. What I said was more as a warning or suggestion as to the course that I intend to pursue in the future than as applicable to the particular measure.

Mr. WALSH of Montana. I so understood the Senator.

Mr. CUMMINS. I believe thoroughly that questions which relate to the regulation of interstate and foreign commerce, based upon our constitutional authority in that regard, ought to be referred either to the Committee on Commerce or the Committee on Interstate Commerce, but I do not intend to insist upon that distinction just now.

Mr. WALSH of Montana. I fully agree with the Senator, and if this were a matter of first consideration I would not urge a reference of it to the Committee on the Judiciary. But this important matter of antitrust legislation has had the consideration of that committee ever since its organization, and in all efforts to modify or repeal the act that committee has given consideration to the subject. It was in view of that situation that I asked unanimous consent, and I now renew the request for unanimous consent, that the Committee on Commerce be relieved from further consideration of the bill and that it be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that the Committee on Commerce be relieved from the further consideration of the bill (S. 3385) to regulate trade associations, and for other purposes, and that it be referred to the Committee on the Judiciary. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana. I now renew my motion that the pending joint resolution (S. J. Res. 188) be referred to the Committee on the Judiciary.

Mr. EDGE. Mr. President, that motion, of course, I oppose. The joint resolution has been debated to some extent to-day, and certainly any further debate to be had on it should follow in the orderly, regular way if Senators desire to debate it. The joint resolution was considered by the Committee on Commerce and reported unanimously, I think 11 or 12 Senators signing the report.

As the Senator from Iowa, to whose judgment I defer, has stated, the question of whether a joint resolution referring to such matters shall go to the Committee on Commerce or the Committee on Interstate Commerce depends to a great extent upon whether the subject matter includes or excludes foreign commerce. The pending joint resolution takes into consideration the possibilities of foreign commerce, so that I contend that the reference to the Committee on Commerce, so far as the joint resolution is concerned, was in no way unusual. It might have been equally proper to have referred it to the Committee on Interstate Commerce or the Committee on the Judiciary, but it went to the Committee on Commerce in the ordinary way and was reported in the ordinary way and has been debated in the ordinary way, and for it to be recommitted to some other committee it seems to me is in no way justified.

Mr. OVERMAN. Mr. President, the Senator said that 11 Senators signed the report. Does he mean by that that the committee was polled?

Mr. EDGE. Yes. I mean the usual method was employed in the reporting of the joint resolution, as usually happens with all bills, the Senator's included, that I think is employed in reporting 90 per cent of the bills in the Senate, because of the fact that committees are not in frequent session.

Mr. OVERMAN. I merely wanted to know whether it was considered by the committee, or whether the committee was just polled. It seems that it was polled.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

Mr. EDGE. Mr. President, I suggest the absence of a quorum.

Mr. WALSH of Montana. If the Senator will defer that, I wish to say just a word or two.

Mr. EDGE. I withdraw the suggestion.

Mr. WALSH of Montana. The question as to just exactly what ought to be done in any case to clarify the situation, which is deemed in some quarters to be obscure, obviously has reference to some change in the law so as to effect the violation of the Sherman antitrust law. As has heretofore been stated, that matter has had the consideration of the Judiciary Committee now for a period of over 30 years. Efforts have been made from time to time to bring about just such a result as the Senator from New Jersey contemplates. So far as my information goes, those measures have always been referred to the Judiciary Committee, inasmuch as they contemplate some amendment of the Sherman antitrust law.

The difficulty about the problem, which seems to some people so very simple, has been pointed out in discussions here this afternoon. I do not suppose there is a criminal law or statute concerning which more or less difficulty may not arise in connection with its application to a particular state of facts. Whether under a certain state of facts a man is guilty or is not guilty of murder is often a very close and debatable legal proposition as well as question of fact. Whether under particular circumstances a man has or has not committed larceny is often a matter of very grave doubt from the standpoint of the law.

As also indicated, the difficulty arises by reason of the fact, and the difficulty of legislation about the matter arises by reason of the fact, that plans for the organization of those corporations may be entirely harmless and altogether praiseworthy indeed, but when it comes to carrying out the plans they are departed from, from time to time, for the purpose of accomplishing illegal ends, if it were not contemplated originally that ends condemned by the statute were not to be attained. That was the case in the famous hardwood lumber association organization. If the organization had confined itself to the purpose which it had in mind and had followed with scrupulousness the plan which was originally outlined, it is doubtful whether it would have been condemned by the Supreme Court. As it was outlined originally, this was what was to be accomplished:

> The purpose of the plan is to disseminate among members accurate knowledge of production and market conditions so that each member may gauge the market intelligently instead of guessing at it; to make competition open and above board instead of secret and concealed; to substitute, in estimating market conditions, frank and full statements of our competitors for the frequently misleading and colored statements of the buyer.

Accordingly the central officer of the association was to receive reports from all members of the association concerning all sales made by them and the prices at which the sales were to be made, which information was to be conveyed to all members of the association, and that was all there was to it. That in all probability would not be condemned by the court as at all illegal. But instead of doing that, here is what actually was done, as disclosed by excerpts from the opinion in the case. The court said:

> In the first quarter of the year the problem was to maintain the war prices then prevailing rather than to advance them, and although the minutes of the various meetings were kept in barest outline, we find that beginning within a month of the consideration of the two associations the members of the "Plan" began actively to cooperate through the meetings to suppress competition by restricting production. This is very clearly shown by the excerpts following from the minutes of meetings and from the market letters and sales reports distributed at them.

I do not read that testimony, but it doubtless supports the conclusion at which the court arrived. The court then went on to say:

> Much more of like purport appears in the minutes of the meetings throughout the year, but this is sufficient to convincingly show that one of the prime purposes of the meetings, held in every part of the lumber district and of the various reports, was to induce members to cooperate in restricting production, thereby keeping the supply low and the prices high, and that whenever there was any suggestion of running the mills to an extent which would bring up the supply to a point which might affect prices the advice against operations which might lead to such result was put in the strongest possible terms. The cooperation is palpable and avowed, its purpose is clear, and we shall see that it was completely realized.
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> Next, the record shows clearly that the members of the combination were not satisfied to secure, each for himself, the price which might be obtainable even as the result of cooperative restriction of production, but that throughout the year they assiduously cultivated—through the letters of Dadd, speaking for them all, and through the discussions at the meetings—the general conviction that higher and higher prices were obtainable, and a disposition on the part of all to demand them. The intention to create such a common purpose is too clear to be doubted, evidenced as it is by the following excerpts from much of like character in the testimony.

I forbear reading the testimony from which the court reached that conclusion. Then the court continues:

> To this we must add that constantly throughout the minutes of the various meetings there is shown discussion of the stock and production reports in which the shortage of supply was continually emphasized, with the implication, not disguised, that higher prices must result. Men in general are so easily persuaded to do that which will obviously prove profitable that this reiterated opinion from the analyst of their association, with all obtainable data before him, that higher prices were justified and could easily be obtained, must inevitably have resulted, as it did result, in concert of action in demanding them.
>
> But not only does the record thus show a persistent purpose to encourage members to unite in pressing for higher and higher prices, without regard to cost, but there are many admissions by members, not only that this was the purpose of the "plan," but that it was fully realized.

Then the court says:

> These quotations are sufficient to show beyond discussion that the purpose of the organization and especially of the frequent meetings was to bring about a concerted effort to raise prices regardless of cost or merit, and so was unlawful, and that the members were soon entirely satisfied that the plan was "carrying out the purpose for which it was intended."

So the court finds, as a matter of fact, that the plan was organized for the purpose of enabling them to restrict production and to raise the prices, and that that result was actually accomplished. Mr. President, when that situation of affairs exists it is not difficult to say that a company falls under the condemnation of the law.

Now, to show that there is not so much difficulty about this matter as may be imagined by some people who like to travel close to the line which divides what is legal from what is illegal, I call attention to the case of the United States against the American Linseed Oil Co. and others, which is reported in Two hundred and seventy-fifth Federal Reporter, at page 980. That is a decision by the District Court for the Northern District of Illinois. The case was pending while the Hardwood Lumber Association case was before the Supreme Court of the United States, and the decision was rendered earlier, if my recollection now serves me, than was the decision of the Supreme Court.

The decision of the Linseed Oil case was on November 3, 1919, and the decision of the Supreme Court on the Hardwood Lumber Association case was on December 19, 1921. So that this case was decided before the district court had the aid of the Hardwood Lumber Association case. The court found that this particular trade association—that is, the Association of Linseed Oil Manufacturers—was not prohibited by the Sherman Act. Now, let me read from the decision and show Senators just what kind of an association that was. I read from the opinion, as follows:

> The purpose of the council and bureau was to collect and furnish to the various members current quotations on linseed oil, the record of sales of oil, including prices, statistics as to stocks on hand, crop conditions at home and abroad, and other information of interest or value to the manufacturers of linseed oil. The Armstrong bureau entered into contracts with certain of the defendants and agreed to furnish them the foregoing information for a consideration.
>
> Pursuant to these contracts, the various subscribers daily reported their price lists to the bureau and promptly sent word of any change. Other information was also furnished from time to time. The statements received and collected by the bureau were immediately sent out to all the members of the association.
>
> The record discloses that the information collected and distributed by the bureau to its several members was of the kind which a sagacious business man secures, or endeavors to secure, in the operation of his enterprise. The information was true. The price lists furnished were made in the regular course of business and offered in good faith to customers or prospective customers. There was no proof that the members of the association ever, at the bureau meetings or at any other place, discussed prices or made agreements with respect to prices, and there was no evidence that the prices asked by any of the subscribers were not in accordance with the market price of flaxseed, upon which the price of linseed oil was based.
>
> Production was not limited during the period the bureau was in operation. There was no proof of division of territory. There was no proof that the prices asked by the individual defendants were not fixed by them upon their own judgment, considering all factors affecting supply and demand. There was no proof showing that any member was under the slightest obligation or constraint to ask higher prices or maintain prices.
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> * * * * * * *
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> Each individual crusher entering into a contract with the Armstrong bureau specifically and expressly agreed that all information reported to the bureau or distributed by it should at all times be purely statistical and pertain only to past operations, and that the bureau should not be used to enable the constituent members to fix prices for the sale of linseed oil, cake, or meal; to limit the sale, production, or manufacture thereof; or to divide the territory in which it was to be sold.

In the trial of the case the Government sought to establish—as they sought to establish and did establish in the Hardwood Lumber Co. case—that the purpose of this organization was not exclusively such as was outlined in the circular defining its plans, but that it really was an agreement between these people—covertly, of course—so that they might get together to fix prices and limit production, and so on; but the Government failed to make the proof, and the court held that upon the plan as outlined, and so far as the court was advised, at least, the plan was carried out honestly and consistently, and it was not in violation of the law. So we do not find it very difficult now to determine, with a reasonable degree of accuracy, whether an organization is within the law or is without the law.

When this case goes to the Supreme Court, if it should go there, that court may find upon the evidence adduced that there really existed the illegal purpose which they found to exist in the Hardwood Lumber Co. case, drawing the conclusion from facts outside of the plan proposed by the circular and other documents of the company, by extraneous evidence, showing that the plan was something other or different from what it appeared upon the face of the instrument.

I can not understand, Mr. President, how, with reference to these questions, a commission of any kind of business men can afford a basis upon which very sensible action may be taken. They are not supposed to know the intricacies of the statutes which have had so much consideration from the courts. They might, perhaps, propose something which long ago was determined to be impossible of operation or which would be entirely destructive of the purpose for which the antitrust act was originated.

In the first place, I do not believe, Mr. President, that the depression of industry in this country, which unfortunately exists, can be attributed in any marked or in any appreciable degree to the inability of trade associations to know whether they are operating within or without the law. If we were able to define—and I submit that is an impossibility—when an association operates within the law or when it is beyond the law, I do not believe the result would be particularly manifest in the increase in business activities throughout the country.

Mr. EDGE. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from New Jersey.

Mr. EDGE. The Senator, perhaps, is not aware that in the city of Washington last Thursday or Friday there was a meeting at which were present some 400 or 500 representatives of different trade associations, coming here from all over the United States, including many distant points. At that meeting many speeches were made and reports submitted. I was present during a portion of the session, and I can state that practically every one of the statements made by the representatives of the trade associations was to the effect that trade associations had practically ceased functioning; that they were inactive simply because of the uncertainty surrounding the decisions of the courts.

I know the Senator from Montana always desires to be absolutely accurate, but when he suggests that only one or two or three or four trade associations might be affected because of the decision to which he has referred, I am sure, upon investigation, he will find that the trade associations of this country have practically ceased doing business. Further, when he states that he does not believe that the finding of a joint committee, such as is proposed in the joint resolution, will have any great influence upon present depression, I am sure he is incorrect, because the trade associations through their standardization processes, through their joint advertising processes, and their other activities help to create markets, which is the very thing that helps develop industry.

Whether the solution proposed is a proper one or not is an open question; but I am sorry that I have not impressed the Senator from Montana and other Senators with the actual importance of having trade associations reinaugurate their activities, because, in my judgment, the fundamental difficulty to-day, to which is due largely the present trade depression, is the failure of the trade associations to carry on their work.

We have just as much money in the country as we ever had; we have just as many people, less the toll of war; the main trouble is the lack of those activities which make markets. The trade associations, representing hundreds of thousands of individual producers, furnish the activities tending to make markets. If any other method can be suggested better than the one proposed, designed to encourage trade associations to become active, then it seems to me it is the duty of Congress to try to help discover that method. The only purpose of the joint resolution is through the medium of the commission proposed to be created to discover, if possible, a way, to some extent, of restoring confidence.

Mr. WALSH of Montana. Mr. President, I want to remind the Senator that we had very, very prosperous times in this country before trade associations were ever known, and I dare say we shall again; but, if the Senator will pardon me, I want to make a suggestion in connection with this matter that it seems to me is the true solution of this problem. I suggest to him that the trade association and the Senator from New Jersey are a little impatient about this matter. If they will only bring before the Supreme Court of the United States one of these associations which has adhered strictly to the plan which it has advertised—namely, of being merely an association for the purpose of carrying to the members thereof such information as can be assembled concerning the facts of the trade in which they are engaged—and the Supreme Court will say that such an association as that is unlawful, then there will be appropriate occasion for some action by Congress; but, Mr. President, the trouble about it is this: Take the Linseed Oil case, for instance. If the decision in the case of the United States against the Linseed Oil Co. is affirmed by the Supreme Court of the United States, then a perfect guide will be had. Then these associations will be enabled to do and entitled to do just exactly what the Armstrong Bureau professed to do.

The plan was a very simple one. People engaged in the manufacture of linseed oil became members of this bureau, run by this man Armstrong in the city of Chicago. Each member agreed that he would report to Armstrong every day just exactly what sales he made and at what prices he made them. He also agreed that if he intended at any time to change the prices he would send word to Armstrong of the change that he was going to make. Armstrong also agreed to gather statistical information, secured from Government sources and otherwise, concerning the state of the industry, and to disseminate that information among members of the association; and the district court held that confining itself to that line of industry the Armstrong Bureau was not under the condemnation of the law.

Bear in mind, I have told you that the Government endeavored to establish—whether they did or not I do not venture to say, though the court held that they did not—that they had a further purpose, and that was to restrict production and to increase prices. As I say, the court held that that was not established.

If that case should go to the Supreme Court of the United States, and the Supreme Court of the United States should hold, as the lower court did, that there was no purpose of that character, and that the only purpose of the organization was to give to members the information which would enable them the better to transact their business—in other words, if these trade associations will only confine themselves to the purposes for which they profess to be organized—I do not think the Supreme Court will hold them unlawful, although I may be mistaken about that; but why legislate in advance of the decision of the Supreme Court of the United States? The Hardwood Lumber Co. case does not help us at all, because there they held that outside of their plan they clearly had an illegal purpose.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield to the Senator.

Mr. NELSON. It strikes me in reference to this matter, first of all, that these smart and educated and intelligent business men ought in their inner consciousness to be able to determine for themselves whether they violate the ethics or the principles of the Sherman law. Furthermore, it seems to me that it is about as difficult to define how near they can call to the wind in reference to the Sherman law and in what cases as it is to define cases of usury and fraud. It is the experience of the courts, and has been, as the Senator from Montana very well knows, that the courts decline to lay down any hard-and-fast rule as to what constitutes actual fraud, and the same thing is true in reference to usury. There are so many ways of getting around that. It seems to me that it is extremely difficult to define in detail in these cases to what extent these associations may go to avoid the consequences of the antitrust law.

Of course, I know that in the moral world there are some people who want instructions as to how near they can call to the Ten Commandments without violating the Ten Commandments, and I can conceive the same thing in reference to the business world. When we come to define what these associations may do or may not do to avoid the evils attempted to be repressed by the antitrust law, it seems to me we strike as difficult a problem as we do in the case of defining fraud and in the case of defining what constitutes usury.

Mr. WALSH of Montana. I think the position of the Senator is eminently sound; but I merely desire to submit, in conclusion, that in my humble judgment these people are going at the thing in the wrong way. Instead of coming in now and asking Congress to legislate with reference to a proposition that is not yet settled, if they have not got a case in which the matter will be presented to the Supreme Court disassociated from extraneous facts disclosing that they are not carrying

out the plan as they propose it, if they will present a case in which the association devises and religiously adheres to a plan merely of disseminating information, and then the Supreme Court holds that that plan is contrary to the law, it will be time enough to ask for a modification of the law.

Mr. NELSON. Mr. President, will the Senator allow me a further interruption? The Senator is aware of the fact that it has been the complaint of business interests, not only now but for many years past, that they did not know how to operate under the Sherman antitrust law.

Mr. WALSH of Montana. Yes.

Mr. NELSON. That has been a standing complaint almost since the days of the enactment of the law. They found great difficulty in that respect; so that this is no new discovery that business men have reached to-day. There always has been the complaint that they never knew how close to the wind they could sail under the Sherman antitrust law.

Mr. WALSH of Montana. The effort is an old one.

Mr. EDGE. Then the Senator does not agree with the Senator from Iowa that if it could be defined, if a Federal bureau could tell them how close to the wind they could sail, it might save the courts some of their present congestion and still serve business in a perfectly proper way?

Mr. NELSON. Would the Senator want me to tell him how near he could travel to the usury law and still avoid its penalties? In my boyhood days I knew a man in Wisconsin, a rich old farmer, who made his living by usury. He had this favorite way of doing if a man wanted to borrow money: He would shake his head and say, "Money is scarce; I do not know whether I can get you any or not." Then he would take the man out in the yard and show him a cow or a steer—a cow that was worth $20 in those days—and he would say to him, "If you will buy this cow and pay me $40 for it, maybe I can loan you a hundred dollars." That was one way of committing usury. I might cite similar instances in the case of actual fraud. They are plentiful. The trouble is that away back of it the consciences of these big business enterprises have become calloused, and they need religious instruction rather than legislation to guide them in the path of honor and rectitude.

Mr. EDGE. Mr. President, this discussion is very interesting; but allow me to direct the attention of the Senator from Minnesota to the fact that these trade associations do not represent big business. That is the remarkable part of it. They represent a combination of the smaller business interests of the country. The big interests are so independent and so powerful and have such other organizations of their own that they refuse to join these associations.

Mr. CUMMINS. Mr. President, I assume that what has just been said by the Senator from Minnesota [Mr. NELSON] will furnish a reason for the motion made by the Senator from Montana [Mr. WALSH]. He wants to bring these associations under the spiritual influence of the Senator from Minnesota, who is the chairman of the Judiciary Committee.

Mr. NELSON. Oh, no; they would go to the Committee on Interstate Commerce.

Mr. CUMMINS. I can assure them that they will always receive justice, if not spiritual consolation, at the hands of the distinguished Senator from Minnesota. However, I rose to say one word in answer to the Senator from Montana.

It seems to be assumed by a great many people that nearly every commercial transaction is tainted with some kind of unworthy motive. I do not share that opinion. I think most business is pretty fair, honest business, and I do not think those who seek advice with regard to the construction of the antitrust law are criminals, or want to disobey the law, or want to evade it. Some of them do, but most of them do not.

To my mind, the difficulty in regard to the construction of the antitrust law does not arise in such a case as has been cited by the Senator from Montana. Here is the difficulty: The prohibition against agreements or combination or contracts in restraint of trade as originally construed by the Supreme Court meant that competition must not be diminished; that whatever interfere with free, unrestricted competition constituted a restraint of trade. A little later the Supreme Court modified its view in that respect, and introduced the word "unreasonable" in connection with restraint of trade, so now we must assume that the prohibition is against the unreasonable restriction or suppression of competition. The Senator from Nebraska was right; the real soul and heart of the antitrust law is that the good of the country requires in its commercial affairs fair, reasonable competition, and anything that tends to destroy that is contrary to the law.

I put again this instance, and there are hundreds and thousands of similar ones in the country which I think comprise the real difficulty in the antitrust law.

If there are 20 competitors in a given field, and if the twentieth man buys up the first man, so that there are but 19 competitors, is that such a restriction of competition as brings the transaction within the antitrust law? No one can tell; no one would dare venture an opinion, I think, at least in the old days, as to whether or not that constituted a violation of the antitrust law.

We pass on; and if the twentieth man buys up the first 5 men, and there are only 15 competitors left, does that constitute a restraint of trade? I mean, the very act itself; not what might follow in unfair practices or methods of competition, but just the fact that the number of competitors has been reduced. Is that within the antitrust law? There is not a lawyer in this Chamber or an assembly of lawyers anywhere who can answer that question until finally a court passes upon it.

Mr. STANLEY. Mr. President, I am not advised of any decision by the Supreme Court holding that the out and out purchase by one competitor of the property of another, without any understanding as to the future operation of the two concerns, is illegal.

Mr. CUMMINS. I think there has never been a decision of that kind. I do not think there would be. I can answer that question, probably, but when the competitor gets along to the absorption of 5 or 6 or 7 or 8 or 9 or 10, then you enter the twilight zone, and nobody can tell whether an arrangement of that kind will be held to be a violation of the antitrust law or not.

Mr. STANLEY. In my opinion much of the confusion touching this question has arisen from a failure to distinguish between monopoly and restraint of trade. The old Elizabethan monopoly, whether created by law or whether the result of the activities of the individual, enable one man or one concern to control too great a portion of an industry, like the one that was attempted to be prevented in the old laws, a monopoly in the purchasing of grain. That has never been accepted by modern legislators, and was not in the mind of Edmunds or any of the other authors of the antitrust law. Our laws, as I see it, simply deal, not with monopolies, but with the acts of interference in the untrammeled currents of commerce, and it is not so much the effect upon the currents as the act of interfering. That line of decisions was perfectly plain until, unfortunately, I think it was Chief Justice White who incorporated the idea of reasonable restraint of trade—the rule of reason.

As legislators our only trouble now is in determining to what extent men can interfere with the untrammeled course of trade without materially impairing the movement of commerce, the reasonable or unreasonable restraint of trade.

Mr. CUMMINS. I think I agree entirely with the observations just made by the Senator from Kentucky, although the antitrust law itself separates the attempt to create a monopoly from a restraint of trade. I do not believe that a monopoly which grows out of superior efficiency and the ability to market a product, or a series of products, at a less price than a competitor can market them for, is contrary to the spirit, or possibly not to the letter, of the antitrust law. We must allow these opportunities.

But we have a law that is capable of very many constructions and interpretations as applied in particular cases, and if we could assume that every man who was in doubt with regard to the validity of a particular transaction in which he was about to engage was a corrupt man, a vicious and criminal man, there would be no desire, I am sure, upon the part of anybody to clarify this statute or provide any means for clarification; but while there are some, of course, who desire, as the Senator from Minnesota said, to sail close to the wind, I am sure that is not true of the great majority of instances in which it has been uncertain whether a proposed transaction could be legally entered into or not.

Every lawyer who has had considerable experience knows that when these questions have been propounded to him in the past there have been many of the transactions which were from the moral standpoint entirely free from even the suspicion of moral turpitude, in which the lawyer could not honestly advise his client respecting the validity or the legality of the thing about to be done. That has happened in so many cases within my own knowledge that I have always been in sympathy with the effort to erect some tribunal which could and would make a ruling so far as the organization itself, its plan, its scope, its purpose, as declared in its articles of incorporation, as declared in the contract about to be entered into, were concerned.

As time goes on, I understand perfectly that the most innocent articles of incorporation, the most innocent articles of association, can be made the instrument of great wrong, and that the conduct or the practices of the association may be

condemned by the antitrust law or by any tribunal before which the litigation may come; but that does not change my own conviction that there is a great field in which such a tribunal can operate to the great benefit of the people of the country.

ST. LAWRENCE CANAL PROJECT.

Mr. CALDER. Mr. President, I give notice that during the discussion of the unfinished business to-morrow I shall address the Senate on the St. Lawrence canal project.

CONDITIONS IN HAITI.

Mr. KING. Mr. President, it is not my purpose to discuss the resolution now before the Senate, but briefly to call attention to some resolutions adopted on the 31st of March by the Union Patriotique Haitienne Comité Central, an organization of Haitians, the members of which are residents of Haiti. I am not fully advised as to the nature and objects of the organization, but am informed that it is composed of some of the very best citizens of Haiti, who are opposed to the occupation of their country by the military and naval forces of the United States and who desire that our Government relinquish political authority and all other control over Haiti and her people.

As Senators know, our Government sent war vessels to Haitian waters several years ago and landed marines upon the island. Later the constitution under which the people of that nation lived and by which they were governed was set aside and a new constitution adopted. It is claimed by the Haitians that the action of the United States was wrong; that by military force it took possession of their Government, suspended their constitution, and in contravention of international law and that comity which should exist among nations, now rules their land.

It is charged by Haitians that we are now attempting to force a loan upon the Haitian people and that the President of Haiti and other officials are controlled, if not coerced, by the military forces of the United States, which occupy strategic points upon the island.

The resolutions to which I have referred relate to the occupation of Haiti and are in the nature of a protest against the policy of this Government in its dealings with the Haitian people and their Government.

The resolutions are in French, but I have a translation, which reads as follows:

Whereas the Government of the Republic of Haiti as it has been constituted since its origin by the founders of the Republic is essentially democratic and representative; and

Whereas this character has been formally consecrated in every Haitian constitution; and

Whereas it admits neither the illusory control of the executive power by functionaries whom he nominates and revokes at his will, nor the election of the President of the Republic by these same functionaries, instead and in the place of representatives of the people, regularly elected according to legal conditions;

We protest in the name of the Government and in the name of the people that it represents against all usurpation of the functions of the national assembly by the so-called council of state which M. Sudre Dartiguenave has nominated and which remains revokable at his will;

We protest especially against the right which this illicit body lays claim to exercise to elect the President of the Republic and to ratify international treaties;

We confide to the delegated administrator, M. Georges Sylvain, the duty to transmit to the Senate of the United States this present resolution passed in the plenary assembly of the members of the Central Committee of the Union Patriotique, 31st of March, 1922.

On behalf of the committee.

GEORGES SYLVAIN.

I shall leave the copy—indeed, it seems to be the original—with the Secretary, but the translation just read will be printed in the RECORD.

Mr. President, a committee of the Senate is making an investigation of the questions involved in our occupation of Haiti, and I hope that a report will soon be submitted by it.

I do not offer these resolutions for the purpose of entering upon a discussion of this matter, but I felt constrained to present them because of the numerous complaints emanating from Haitians, and I believed that when their views were presented in this concrete form they should be placed before the Senate.

When the committee has submitted its report, then there will be full opportunity to discuss the entire question.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 18, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1922.

UNITED STATES MARSHAL.

J. H. Fulmer, of Nevada, to be United States marshal, district of Nevada, vice Thomas Pickett, resigned.

REGISTER OF THE LAND OFFICE.

Dudley S. Valentine, of California, to be register of the land office at Los Angeles, Calif., vice Benjamin F. Groves, whose term expires May 13, 1922.

RECEIVER OF PUBLIC MONEYS.

Brainerd B. Smith, of California, to be receiver of public moneys at Los Angeles, Calif., vice Alexander Mitchell, whose term will expire June 24, 1922.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Elliott Burgess Roberts, of Massachusetts, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice H. W. Hemple, promoted.

POSTMASTERS.

CALIFORNIA.

Josephine M. Costar to be postmaster at Greenville, Calif. Office became presidential October 1, 1920.

Margaret R. Faber to be postmaster at McKittrick, Calif., in place of Warren Rodgers, removed.

John R. Chace to be postmaster at San Jose, Calif., in place of Byron Millard. Incumbent's commission expired January 24, 1922.

Bernard G. Larrecou to be postmaster at Menlo Park, Calif., in place of E. J. Crane. Incumbent's commission expired January 24, 1922.

COLORADO.

Harrison E. Thompson to be postmaster at Hot Sulphur Springs, Colo. Office became presidential April 1, 1921.

CONNECTICUT.

William M. Logan to be postmaster at West Cheshire, Conn., in place of W. M. Logan. Incumbent's commission expired January 13, 1921.

FLORIDA.

Dexter R. Milton to be postmaster at Watertown, Fla. Office became presidential July 1, 1920.

GEORGIA.

Martha C. Vinson to be postmaster at Byron, Ga. Office became presidential January 1, 1921.

Frank Summerour to be postmaster at Duluth, Ga. Office became presidential April 1, 1921.

Sallie M. McDaniel to be postmaster at Norwood, Ga. Office became presidential January 1, 1921.

Jacob L. Roberts to be postmaster at Pinehurst, Ga. Office became presidential January 1, 1921.

Ezekiel E. Sago to be postmaster at Rebecca, Ga. Office became presidential October 1, 1920.

ILLINOIS.

Herman W. Behrens to be postmaster at Kampsville, Ill. Office became presidential October 1, 1921.

Walter A. Foster to be postmaster at Steward, Ill. Office became presidential April 1, 1921.

John J. Barton to be postmaster at Sublette, Ill. Office became presidential July 1, 1921.

Joseph L. Hosick to be postmaster at Elizabethtown, Ill., in place of L. T. Rash, resigned.

May S. Williams to be postmaster at Hanover, Ill., in place of W. J. Sullivan. Incumbent's commission expired January 17, 1920.

Paul P. Shutt to be postmaster at Paris, Ill., in place of Thomas Moyer, removed.

INDIANA.

William S. Matthews to be postmaster at North Vernon, Ind., in place of J. N. Culp, resigned.

KANSAS.

William S. Smith to be postmaster at Rozel, Kans. Office became presidential April 1, 1921.

KENTUCKY.

James L. Blair to be postmaster at West Liberty, Ky. Office became presidential October 1, 1919.

MARYLAND.

Susie S. Thompson to be postmaster at Hillsboro, Md. Office became presidential January 1, 1921.

MICHIGAN.

Wynne C. Garvin to be postmaster at Millington, Mich., in place of H. A. Bishop. Incumbent's commission expired January 24, 1922.

George A. Cook to be postmaster at Ypsilanti, Mich., in place of J. F. McCann. Incumbent's commission expired June 27, 1920.

MINNESOTA.

Sarah B. Schumacher to be postmaster at Zimmerman, Minn. Office became presidential October 1, 1920.

Olans K. Burtness to be postmaster at Caledonia, Minn., in place of W. W. Belden. Incumbent's commission expired January 24, 1922.

MISSOURI.

Anna A. Brown to be postmaster at Bunker, Mo. Office became presidential October 1, 1921.

Frank E. Evans to be postmaster at Armstrong, Mo., in place of A. M. Green. Incumbent's commission expired January 8, 1921.

NEBRASKA.

Henry J. Steinhausen to be postmaster at Creighton, Nebr., in place of F. H. Green, removed.

Ray H. Surber to be postmaster at Davenport, Nebr., in place of D. A. Berker. Incumbent's commission expired February 4, 1922.

Earl R. Lewis to be postmaster at Humphrey, Nebr., in place of J. E. Ryan, resigned.

James E. Scott to be postmaster at Osmond, Nebr., in place of J. E. Scott. Incumbent's commission expired February 14, 1922.

James D. Finley to be postmaster at Sargent, Nebr., in place of W. T. Cropper. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Eva H. Ketcham to be postmaster at Belvidere, N. J., in place of E. H. Ketcham. Incumbent's commission expired April 30, 1922.

John Boyd to be postmaster at Greystone Park, N. J., in place of John Boyd. Incumbent's commission expired March 16, 1921.

NEW YORK.

Arthur H. Wyatt to be postmaster at Huletts Landing, N. Y. Office became presidential January 1, 1922.

Raymond C. Green to be postmaster at Sanquoit, N. Y. Office became presidential October 1, 1920.

May M. Ferry to be postmaster at Edwards, N. Y., in place of M. L. Bancroft, resigned.

Louise E. Wells to be postmaster at Stony Brook, N. Y., in place of N. E. Lampfort. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Otis Banner to be postmaster at Newland, N. C. Office became presidential October 1, 1921.

Alfred A. McDonald to be postmaster at Parkton, N. C. Office became presidential January 1, 1921.

Richard S. White, sr., to be postmaster at Elizabethtown, N. C., in place of E. F. McCulloch, jr., resigned.

NORTH DAKOTA.

John V. Kuhn to be postmaster at Richardton, N. Dak., in place of A. J. Berger, removed.

OHIO.

Arthur R. Hurd to be postmaster at Lawndale, Ohio. Office became presidential July 1, 1920.

William M. Freeman to be postmaster at Otway, Ohio. Office became presidential January 1, 1921.

Ray V. Chase to be postmaster at Archfold, Ohio, in place of David Snyder, deceased.

Addie F. Healer to be postmaster at Kingston, Ohio, in place of F. B. Mowery, removed.

Helen E. Sawyer to be postmaster at New Paris, Ohio, in place of W. H. Wisman. Incumbent's commission expired February 19, 1922.

OKLAHOMA.

Guy E. Reece to be postmaster at Braggs, Okla. Office became presidential April 1, 1920.

George Rainey to be postmaster at Enid, Okla., in place of S. C. Campbell, resigned.

John M. Dorchester to be postmaster at Pauls Valley, Okla., in place of W. M. Erwin, resigned.

PENNSYLVANIA.

Elwood M. Stover to be postmaster at Kulpsville, Pa. Office became presidential October 1, 1920.

Mabel M. Myer to be postmaster at Ronks, Pa. Office became presidential January 1, 1921.

Elwood S. Rothermel to be postmaster at Fleetwood, Pa., in place of O. M. Keller. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

Lottie G. Myers to be postmaster at Pamplico, S. C. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Arthur H. Siem to be postmaster at Clark, S. Dak., in place of H. B. Brown. Incumbent's commission expired January 31, 1922.

Thomas J. Dolin to be postmaster at Camp Crook, S. Dak. Office became presidential January 1, 1922.

TENNESSEE.

John V. Allmon to be postmaster at Gleason, Tenn., in place of G. P. Brummitt. Incumbent's commission expired July 25, 1921.

TEXAS.

Alfred B. Vernon to be postmaster at Hermleigh, Tex. Office became presidential April 1, 1921.

Robert M. Hazelwood to be postmaster at Leander, Tex. Office became presidential January 1, 1921.

John C. Wood to be postmaster at Big Sandy, Tex., in place of J. C. Wood. Incumbent's commission expired January 24, 1922.

Florence M. Geyser to be postmaster at College Station, Tex., in place of W. C. Boyett. Incumbent's commission expired July 21, 1921.

William F. Viereck to be postmaster at Sealy, Tex., in place of Lon Davis. Incumbent's commission expired January 24, 1922.

Don A. Parkhurst to be postmaster at Tahoka, Tex., in place of J. B. Walker, resigned.

VIRGINIA.

Robert Irby to be postmaster at Appomattox, Va., in place of L. F. Ferguson. Incumbent's commission expired July 21, 1921.

Le Roy Jester to be postmaster at Chincoteague Island, Va., in place of I. H. Savage. Incumbent's commission expired January 24, 1922.

WASHINGTON.

Martha M. Juvenal to be postmaster at Kahlotus, Wash. Office became presidential January 1, 1922.

Richard A. McKellar to be postmaster at Cashmere, Wash., in place of Archie Manson. Incumbent's commission expired January 24, 1922.

Paul W. Thiele to be postmaster at Grandview, Wash., in place of A. B. Sykes. Incumbent's commission expired January 24, 1922.

Frederick J. Fleischer to be postmaster at Prescott, Wash., in place of R. B. Smith. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Paul W. Schuette to be postmaster at Ableman, Wis. Office became presidential January 1, 1921.

Reginald E. Caves to be postmaster at Dalton, Wis. Office became presidential October 1, 1921.

Henry A. Elmer to be postmaster at Maribel, Wis. Office became presidential April 1, 1921.

Charles Brown to be postmaster at Montello, Wis., in place of D. W. McNamara. Incumbent's commission expired June 29, 1920.

WYOMING.

W. Leroy Call to be postmaster at Afton, Wyo., in place of J. A. Mecham. Incumbent's commission expired March 8, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1922.

POSTMASTERS.

GEORGIA.

Jacob S. Eberhardt, Carlton.
Robert T. Broome, Danielsville.
Marcus G. Keown, Mount Berry.
Mattie M. Pope, Omaha.
William V. Cobb, Smyrna.
Annie P. Harper, Stillmore.

KANSAS.

Charles Friskel, Frontenac.

MISSOURI.

C. P. Dorsey, Cameron.
Florence Gilkeson, Garden City.

NEW MEXICO.

Cassius G. Mason, Hagerman.

OHIO.

Charles L. Oberlin, Mineral City.
John H. Siegle, Urbana.

OKLAHOMA.

Robert C. Mayfield, Glencoe.
Cora B. Scott, Milburn.
Roy A. Hoffman, Seminole.
James S. Biggs, Stuart.

PENNSYLVANIA.

Charles E. Ehrhart, Dallastown.
Ed D. House, Pleasantville.
Ralph W. Marshall, Polk.
Wilbur C. Taylor, Port Royal.
George F. Klinefelter, Shrewsbury.
Mame E. Hughes, Ward.

VIRGINIA.

Charles R. Coakley, Arrington.
Philip B. Nourse, East Falls Church.
James F. Walker, Fort Defiance.
Winer Owens, Haymarket.
Homo D. Gleason, Lovingston.
Ann E. Copps, Schuyler.
Emeline P. Lacy, Scottsburg.
Bernard W. McGinnis, Shipman.
Eva C. Hudson, Tye River.
Benjamin A. Dratt, Woodford.

WEST VIRGINIA.

Sewell J. Champe, Montgomery.
Justus E. McCaskey, Paden City.
Wendell Evans, Winona.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 17, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, behold what manner of love the Father hath bestowed upon us! Thou art the supreme certainty of our faith and the supreme comfort of our souls. How we bless Thee that life is ever lord of death! Through summer's day and winter's night we believe that the Judge of all the earth will do right. Let us take loyal hold of life and work and thus we shall be trained to be idle with safety. For Thy mercy's sake forgive our faults and failings. As destinies have been intrusted to us, O lead us on that we fall not. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, April 15, 1922, was read and approved.

ADDITIONAL JUDGES.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9103, a bill providing for the appointment of judges, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table a bill, disagree to the Senate amendments, and ask for a conference, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9103) entitled "An act for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, and to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes."

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, permit me to ask the gentleman if he has conferred with minority members of the Judiciary Committee about this matter before making his request?

Mr. VOLSTEAD. I have talked with the gentleman from Texas [Mr. SUMNERS], whom I expect to put on the conference, with the consent of the Speaker, and it is entirely agreeable to him, so far as I know. I understood that he was not very well a day or two ago. I expect he will be here and ready to participate, however.

Mr. GARNER. Let me ask the gentleman, Does he state definitely to the House that he has spoken to the gentleman from Texas [Mr. SUMNERS], who is going on the conference with him, concerning bringing up this bill at this time?

Mr. VOLSTEAD. Not at this time. I had a conversation with him in reference to it and told him I expected to ask the Speaker to put him on the conference.

Mr. DOMINICK. Mr. Speaker, further reserving the right to object, this report, as I understand it, has been on the Speaker's table for probably a week, and all that I know about it is that the matter was informally discussed at a meeting of the Judiciary Committee a few mornings ago—on one morning of last week. As I understand it, there have been some very radical changes made in the House bill and that it is practically a different bill. Therefore I believe before this matter goes to conference it ought to be referred to the Committee on the Judiciary. And as there has been no arrangement as to referring it to the conference at this time, I shall be forced to object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 854. An act to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture.

The message also announced that the Senate had passed with amendments the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, had insisted upon its amendments, had requested a conference with the House, and had appointed Mr. COLT, Mr. DILLINGHAM, and Mr. KING as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer Rebellion and are patients of the United States Veterans' Bureau; and

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 854. An act to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Claims.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. To-day is set apart for consideration of bills on the Calendar for Unanimous Consent. The Clerk will call the first bill on the calendar.

LANDS IN FORT FETTERMAN MILITARY RESERVATION, WYO.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 10002) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10002) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming.

Be it enacted, etc., That the provisions of section 2455 of the Revised Statutes of the United States be, and the same are hereby, extended to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming, which were restored to entry under the homestead laws only by the provisions of the act of July 10, 1890 (26 Stat. L. p. 227), and the act of December 22, 1892 (27 Stat. L. p. 408): *Provided*, That sales of land in said abandoned military reservation heretofore made in good faith under assumed authority of section 2455 of the Revised Statutes be, and are hereby, confirmed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LAKE GEORGE, YAZOO COUNTY, MISS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice and take its place on the calendar. Is there objection?

There was no objection.

MESCALERO RESERVATION INDIANS, NEW MEXICO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6294) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, I ask that the bill be passed without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

SALE OF PITTSBURGH STORAGE SUPPLY DEPOT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh storage supply depot, at Pittsburgh, Pa.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh storage supply depot, at Pittsburgh, Pa.

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to sell at either public or private sale, upon terms and conditions deemed advisable by him, the land and improvements thereon erected, situated in the city of Pittsburgh, State of Pennsylvania, lying between Thirty-ninth Street, Fortieth Street, Butler Street, and the Allegheny River in said city, comprising an area of approximately 19¾ acres, and also a certain parcel of land in said city of Pittsburgh located at the northwest corner of Geneva Street and Forty-fourth Street, comprising approximately one-half acre, together with easements and rights of way leading thereto, all of which said property is generally known as the Pittsburgh storage and supply depot, and to sell the same as a whole or in parcels, as the Secretary of War may determine, and to execute and deliver in the name of the United States and in its behalf any and all deeds or other instruments necessary to effect such sale.

SEC. 2. That all moneys received as the proceeds of such sale, after deducting the necessary expenses connected therewith, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk proceeded to read the bill H. R. 10772.

Mr STAFFORD. Mr. Speaker, as to the bill that was just passed, I do not know what the printed copy in possession of the Clerk shows, but I notice on page 2, line 6, a typographical error. The word "many" should be changed to "may." I do not know what the bill in possession of the Clerk shows.

The SPEAKER. Without objection, the proceedings are vacated, and the amendment offered by the gentleman from Wisconsin is agreed to.

The amendment on page 2, line 6, to change the word "many" to "may" was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAINTENANCE OF INCOMPETENT INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10772) providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family, shall be a charge against the said Indian or his estate.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I have no objection to the bill, but I notice in the report the committee adopts the recommendation of the Secretary of the Interior, but fails to include it in the printed bill. I would like to inquire of some member of the Committee on Indian Affairs if that was merely an oversight?

Mr. MANN. That was just an error in handing in the copy.

Mr. STAFFORD. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in extending relief to any incompetent or restricted Indian, as provided by law, either in furnishing food, clothing, fuel, medical or hospital care, or other necessary assistance, or to the members of the family of any such Indian, to charge the actual cost of the relief so extended to such Indian.

SEC. 2. That any amount expended and charged against any Indian as herein provided may be reimbursable and paid from any funds that may accrue to the credit of such Indian, and, in case of death, any part of the amount so charged remaining unpaid may be paid from the proceeds of the sale of any property or from any funds belonging to the estate of such Indian.

Mr. STAFFORD. Mr. Speaker, I wish to offer the following amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 1, line 9, after the word "Indian," strike out the period and insert "in his discretion and under such rules and regulations as he may prescribe."

Mr. BURTNESS. Is that the committee amendment included in this report?

Mr. STAFFORD. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

STATUE OF EDMUND BURKE.

The next business on the Calendar for Unanimous Consent was the resolution (S. J. Res. 165) authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to inquire if the gentleman from Ohio knows where it is intended to erect this statue?

Mr. FESS. I have no definite information as to where it would be located. I presume the Fine Arts Commission would be consulted as to the best place.

Mr. MANN. Usually I think it has been the practice in recent years to know in advance where they propose to locate a statue. I am not going to object to this resolution, but there have been times when, having acquired authority like this, they have put up statues in places where they had no business to be, and it has been customary, I think, for quite a number of years to receive that information before we actually pass a bill of this kind.

Mr. FESS. I think perhaps the information was given to the gentleman from Massachusetts [Mr. LUCE], who is not present.

Mr. WALSH. My colleague from Massachusetts [Mr. LUCE] has just come in.

Mr. FESS. The question has been asked as to the location of this proposed statue.

Mr. LUCE. I do not think that matter has been considered.

Mr. MANN. I was just saying to the gentleman from Ohio [Mr. FESS] that in recent years it has been the practice, I think, of the Committee on the Library to ascertain where it was proposed to locate a statue before a resolution was passed. I am not going to object to the consideration of this resolution, but we have had difficulty at times in the past.

Mr. LUCE. The question has not arisen since I have been a member of the committee, and I was not aware that there was any occasion for it.

Mr. MANN. I am aware of the fact that since the gentleman from Massachusetts became a member of the committee the only resolutions passed were for statues already constructed. It is a good thing, however, to know in advance.

Mr. LUCE. I appreciate the suggestion of the gentleman, and I am very glad to have this called to my attention.

Mr. WALSH. Does not my colleague from Massachusetts think it would be well for Congress to have some idea as to where this statue is to be placed before the resolution is passed? Would it not be best to postpone consideration of this resolution until some information is obtained as to where they will place this statue?

Mr. LUCE. I have no objection to that. The restriction here is that the statue shall be placed somewhere other than in the grounds of the Capitol, of the Library of Congress, of Potomac Park, and of the White House. I had not expected that we should be asked to go that far.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. FESS. We can get that information, I think. The Library Committee has the call on Calendar Wednesday.

Mr. MANN. You would not have any trouble, probably, in passing it by unanimous consent. No indication is given as to where they want the statue erected. The people who want to erect statues always want the very best place in the District of Columbia. Perhaps they ought not to have it, and it is a little difficult at times to resist the pressure.

Mr. LANGLEY. Mr. Speaker, will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. LANGLEY. I understand the general rule is not to name the location in the act authorizing the erection of the monument. That was true in the case of the Grant Memorial and also in the case of the Meade Monument.

Mr. MANN. That was true in the case of the Grant Memorial, and where a great majority of this House earnestly protested against the location.

Mr. LANGLEY. I think that is true, and I hope this monument will not be erected in the Botanic Garden.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman allow me to interject a statement?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. The Grant Monument was located by a commission—at least, they suggested it—and the head of that commission was Elihu Root, of New York.

Mr. Heward, a distinguished Democratic Member from Georgia, brought in an adverse report opposing a resolution to change the location and supporting the suggestion of Senator Root and the rest of the commission, and it went through this House by a large majority.

Mr. MANN. This House voted by a large majority to change the location of the Grant Monument after it had been started. That is the fact.

Mr. REED of New York. What is the rule with reference to these locations? Does the Fine Arts Commission now have the entire say with reference to that?

Mr. MANN. They are consulted.

Mr. REED of New York. And then is the matter submitted to the House?

Mr. MANN. The Chief of Engineers, which at the present time means, I suppose, Colonel Sherrill, as good a superintendent of Public Buildings and Grounds, perhaps, as we ever had, makes the selection.

Mr. REED of New York. After he makes the selection, is the matter submitted to the House at all?

Mr. MANN. It is not.

Mr. STAFFORD. The proviso with which the gentleman is acquainted leaves the selection of the site subject to the approval of the Joint Committee on the Library of Congress, with the advice of the Fine Arts Commission, so the Joint Committee on the Library has the final say before the permanent site is finally selected.

Mr. LUCE. I had the understanding that in any case it was within the jurisdiction of the Committee on the Library.

Mr. WALSH. Mr. Speaker, I will not object, I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission to the Sulgrave Institution for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, District of Columbia, other than those of the Capitol, the Library of Congress, Potomac Park, and the White House, of a monument to the memory of Edmund Burke, champion of American liberty: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Library Committee of Congress, with the advice of the Commission of Fine Arts, and it shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of said monument.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER. The Clerk will report the next bill.

SECTIONS 5549 AND 5550 REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. VOLSTEAD. I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

EDUCATIONAL LEAVE TO EMPLOYEES OF THE INDIAN SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9814) amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I rise to inquire of the gentleman from North Dakota [Mr. BURTNESS], who reported the bill, as to whether these teachers in the employ of the Indian Service are annual employees or are they merely seasonal employees during the period of instruction?

Mr. BURTNESS. They are annual employees.

Mr. STAFFORD. So whether they are granted this additional 30 days' leave or not in addition to the 30 days that all Government employees have, they will receive their salaries, regardless of whether they are at home, at the school, or whether they are at some institute receiving special educational training?

Mr. BURTNESS. That is not exactly the situation. They receive the regular annual leave of 30 days that all employees receive. Then, in case they desire to attend some teachers' institute or take a course of instruction, they may now have 15 days' additional leave, but only in the event that they take a course of that sort. The purpose of this bill is to increase that educational leave from 15 days to 30 days.

Mr. STAFFORD. Are these Indian teachers paid on a 12 months' basis or paid for the period that they are actually instructing?

Mr. BURTNESS. They are paid on a 12 months' basis, the same as any other permanent employees of the Government are paid. They receive now one month's vacation, the same as any other Government employee does, with the additional provision that if they desire to take a course of instruction at some institute they get 15 days' additional educational leave, for which they are paid.

Mr. STAFFORD. But even now if they do not take that 15 days' educational leave, they would not be employed at the schools, but would be more or less resting?

Mr. BURTNESS. They would have to be at the schools.

Mr. STAFFORD. The traveling expenses connected with their going to these educational summer schools are borne by the teachers themselves?

Mr. BURTNESS. By the teachers themselves.

Mr. STAFFORD. I withdraw the reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the proviso of the act approved August 24, 1912 (37 Stat. L., p. 519), allowing educational leave to employees of the Indian Service, is hereby amended by striking out the word "fifteen" in the sixth line of the sixth paragraph of said act, and inserting in lieu thereof the word "thirty," so that the proviso shall read: "*Provided*, That hereafter employees of the Indian schools may be allowed, in addition to annual leave, educational leave not to exceed 30 days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred."

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. BURTNESS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS SAVANNAH RIVER NEAR HALLEYS FERRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10240) to extend the time for the construction of a bridge across the Savannah River near Halleys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the time for commencing and completing the construction of a bridge authorized by act of Congress, approved March 4, 1921, to be built by J. J. Smith and J. H. McGee, both of Starr, S. C., across the Savannah River near Halleys Ferry, and between the counties of Anderson, S. C., and Hart, Ga., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DOMINICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

RATES OF POSTAGE ON CERTAIN KINDS OF PRINTED MATTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I notice that the gentleman from Minnesota [Mr. STEENERSON], chairman of the Post Office Committee, is present. When I first read this bill I thought the purpose of it was to permit publishers of newspapers to print large numbers of additional sheets and send them in bulk through the mail at second-class rates to be distributed by private establishments that had inserted the advertisements reprinted on the additional sheets. On reading the report it shows that that is not the purpose of the bill, but it is a question in my mind whether the phraseology would not permit the sending of large numbers of single sheets through the mails at the second-class rate instead of the higher third-class rate. The language of the bill is—

That single sheets or portions thereof from any publication entered as second-class matter sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter.

Would not that language "single sheets" in the plural permit the publisher to send not only one sheet but many sheets through the mail at second-class rates? I have had a little experience in campaigns where it was very serviceable to have full-page advertisements reprinted in the same type for distribution among the voters.

Mr. STEENERSON. I do not think this bill authorizes that.

Mr. STAFFORD. It seems to me the phraseology is broad enough to bear that construction. Would not the purpose of the bill be obtained by amending so as to provide in the singular that a single sheet or portion thereof from any publication entered as second-class matter might be sent at second-class rates?

Mr. STEENERSON. The author of the bill [Mr. SUMMERS of Washington] is here, and perhaps he can answer the gentleman better than I can.

Mr. SUMMERS of Washington. What was the gentleman's question?

Mr. STAFFORD. I have no objection to the purpose of the bill as reflected in the report. The objection I had in mind was the phraseology, which I fear will bear the construction permitting the publisher of the newspaper to send at second-class rates large numbers of advertising sheets that might be demanded, whereas now they go at third-class rates. The phraseology is—

that sheets or portions thereof from any publication entered as second-class matter sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement.

Mr. SUMMERS of Washington. That latter part makes the purpose certain.

Mr. STAFFORD. It might be qualified and limited to one. Would not the publisher have the idea that many might be sent? I admit that it is a strained construction, but I think it can bear that construction.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. MANN. The job printer reads printing through the mail at third-class rates. The gentleman thinks it might be possible for the job printer who owned a newspaper to print advertisements in the newspaper and send the advertisements at second-class rates.

Mr. STAFFORD. Yes; in large numbers.

Mr. MANN. Well, we all know if it is possible to do it it will be done.

Mr. STAFFORD. There is no question about that.

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. Is not this another attempt to lower the rates of postage on second-class matter?

Mr. STAFFORD. No; its purpose is to send one single advertising sheet in an envelope rather than the paper or magazine which contains the individual or the firm's advertisement.

Mr. WALSH. It goes at a lower rate of postage.

Mr. STAFFORD. You do not have to send the whole paper.

Mr. MANN. It permits the sending of a part of a paper instead of sending the whole.

Mr. STAFFORD. Under the existing rules and regulations any publisher may send out a sample copy of a publication and has a right to send one or several copies at second-class rates to the persons or firms who order the insertion of the advertisement.

Mr. MANN. This bill provides that this shall be done under rules and regulations of the department. Does the gentleman think there is any danger at all of the department allowing large quantities of job printing to be sent through the mail at second-class rates?

Mr. STAFFORD. Not large quantities, but the way publishers make up and ship the second-class matter it is impossible for the department to keep a very close surveillance over the publications inclosed in the sack. The publisher could without detection by the postmaster ship large quantities, because they are dispatched to the terminals, especially in the cities, in sacks, and there could be many advertisements go at second-class rates. I thought that might be obviated by authorizing it in the singular; that a single sheet or portion thereof from any publication entered as second-class matter, and so forth.

Mr. SUMMERS of Washington. If the gentleman will permit me, instead of littering up the mails with something that is of no profit to the Government, they would be sending single sheets at the end of the week or the end of the month. If we adopt the suggestion of the gentleman from Wisconsin, it would make it necessary to send them every day. If there is any other amendment which the gentleman thinks would make it more certain, I would be willing to adopt it.

Mr. STAFFORD. If we adopt the singular instead of the plural, wherein would it necessitate the publication being sent every day instead of at the end of the week? The single sheet from any publication of second-class matter could be sent at the end of the week or the end of the month.

Mr. SUMMERS of Washington. If it could be so construed, there would be no objection.

Mr. MANN. But if the law provides that the singular shall be construed as the plural and the plural as the singular in all statutes, I do not think it would make any difference.

Mr. STAFFORD. I simply desire to obviate any abuse that might arise by shipping large numbers of advertising sheets——

Mr. SUMMERS of Washington. That is not the purpose of the bill.

Mr. STAFFORD. I know; I so stated at the beginning.

Mr. SUMMERS of Washington. It applies only to second-class matter, and it must be passed on by the Post Office Department, and under rules and regulations issued by them. This is a double check.

Mr. STAFFORD. Mr. Speaker, I am not certain that it will not be subject to abuse, but it is left to the Postmaster General to prevent any abuse that might arise, and I will withdraw my reservation of an objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That single sheets or portions thereof from any publication entered as second-class matter shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails by the publisher to his advertisers or their agents at the zone rates of postage applicable under the law to the advertising portions of such second-class matter.

With the following committee amendments:

On page 1, line 4, after the word "matter," insert "sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement."

And, in lines 6 and 7, strike out the words "by the publisher to his advertisers or their agents."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAPATO IRRIGATION PROJECT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9951) to amend section 28 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, this is an amendment to a section of the existing law. The existing law provides, page 2 of the bill, that the Secretary of the Interior be authorized and directed to collect on or before December 31 of each calendar year hereafter, including 1920, from landowners a certain amount per acre. The bill under consideration seeks to change that so as to read 1922, and it supersedes entirely the present law. What are you going to do about the dues for 1920 and 1921, which have not been collected?

Mr. SUMMERS of Washington. That is fully provided for in the bill.

Mr. MANN. Oh, no; it is not. It is fully provided in the law that you collect for each calendar year, including 1920, but when you amend that law so as to read 1922, that leaves no authority to collect for 1920 and 1921.

Mr. SUMMERS of Washington. Does not the language in line 19 cover that? It there provides that as to any unpaid amount due for the years 1920 and 1921 the Secretary of the Interior——

Mr. MANN. Is authorized to grant an extension of time, but he is not authorized to collect the amount due.

Mr. SUMMERS of Washington. An amendment offered by the gentleman to cover that point will be satisfactory, if it is not thoroughly covered.

Mr. MANN. I wondered if it ought not to be left, so far as time is concerned, as it is in the existing section. Undoubtedly whoever drafted the bill thought that providing for 1922 would be sufficient, because the amendatory law would not be passed until 1922. There is another suggestion I desire to make. The section of the appropriation act had three paragraphs which are not in this bill at all, and if this bill is passed those three paragraphs will be entirely eliminated from the law. I am quite confident that is not the desire of the gentleman.

Mr. SUMMERS of Washington. Those paragraphs provide for an appropriation which was expended two years ago.

Mr. MANN. I think they provided for a good deal more than that, if my recollection serves me correctly. I looked it up. I do not remember what the paragraphs are, but I know that my impression was when I read the language that it was not the intent to repeat them. Of course I might be mistaken about that. I think the gentleman had better look that up.

Mr. SUMMERS of Washington. I did look it up at the suggestion of the gentleman some time ago, and I was of the opinion that that covered only an appropriation which has already been expended.

Mr. MANN. If the gentleman has looked it up, I am perfectly satisfied. I had forgotten that I spoke to the gentleman about it.

Mr. SUMMERS of Washington. It amends only following the words:

And provided further, etc.

Mr. MANN. But this amends the section to read "as follows," and anything that is not in this bill which is in the existing section is left out when this bill becomes a law.

Mr. BURTNESS. Does it not amend simply that portion which is in the section following the words "and provided further"?

Mr. MANN. Oh, the three paragraphs I speak of are following those words.

Mr. WALSH. Mr. Speaker, what is the necessity for reducing the amount paid to $2.50 an acre per annum from $5?

Mr. SUMMERS of Washington. This amount was fixed at $5 a few years ago, rather arbitrarily, and at a time when the farmers were very prosperous. They were producing good crops and receiving good, high prices. Before the first payment fell due, however, the bottom dropped out of the prices of agricultural products, and the men who had gone onto this project had invested everything and found it difficult—in fact, almost impossible in some cases—to continue operations. Then, under the irrigation law the repayments are supposed to be distributed over a period of 20 years. This brings it down to not to exceed 12 years, which would still be 8 years less than the other projects, and this project, of course, should not be discriminated against in that manner.

Mr. WALSH. If they have three or four prosperous years in 1925, 1926, and 1927, are they coming back here with a bill to raise the rate again?

Mr. SUMMERS of Washington. If this bill becomes a law, they are not coming back to make any changes or reductions. I trust the gentleman will not object to the consideration of this bill.

Mr. MONDELL. What is the total construction charge of this project per acre?

Mr. SUMMERS of Washington. Something over $30.

Mr. MONDELL. It is from one-half to one-third of the total construction charge of the irrigation projects generally, and this is perhaps the best alfalfa section in the Northwest.

Mr. SUMMERS of Washington. It is a very good project. There is no question about that, and they are repaying. This is one project that is repaying. They are making desperate efforts to do so.

Mr. MONDELL. How much have they repaid on this perfectly splendid project?

Mr. SUMMERS of Washington. The project is not completed yet, but we passed a law——

Mr. MONDELL. Oh, the man who is on his land and has it under irrigation and is getting his water does not care much whether there is some storage still to be constructed at public expense somewhere up in the mountains, which is the case in respect to this particular project. So far as he is concerned, his part of the project is constructed, and he is getting the benefit.

Mr. SUMMERS of Washington. From the time we called on them for repayment two years ago the majority have been making repayments. This bill came out a little earlier to-day than I expected, and I have not those figures before me. They were gone into by the committee. The bill once passed the Senate, but was dropped in conference in order that it should be considered and come from the Indian Committee. They have considered it and have held hearings on it, and the chairman, who is not especially disposed to the consideration of the matter, has made a very favorable report upon the bill.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. SUMMERS of Washington. Yes.

Mr. BURTNESS. In response to the question asked by the gentleman from Massachusetts [Mr. WALSH], I think it might be well to emphasize the fact that since the original bill was passed the prices of farm products have decreased 50 per cent, so that——

Mr. WALSH. That is an argument against the bill.

Mr. BURTNESS. So at that time it was very much less than it is now. As a matter of fact, in providing for the amount suggested in this bill as recommended, the entire project will be paid off in less than 20 years.

Mr. WALSH. If that is the entire argument the gentlemen are raising in behalf of this bill, I am going to object.

Mr. BURTNESS. It is one of the reasons that appealed to the committee to allow a smaller amount, because the rental value of the land is less than it was during war times.

Mr. WALSH. What has the rental value got to do with it?

Mr. BURTNESS. The rental value, generally speaking, on any project, whether it is operated by the man who farms it himself or it is leased out to some one, surely determines how much you can pay from the proceeds of the land, whether it be a case of farm land, or a residence, or something else.

Mr. SUMMERS of Washington. Will you permit me to say at this time that the farmers on this project are mortgaging their this year's crops in order to get the water turned on for this present season? Now, that is actually taking place at this time. Otherwise presumably the land would have to lie idle. Repayment charges can not be met, with it lying idle. They have to have the water. The season is on. I know this from correspondence.

Mr. WALSH. Will the gentleman yield for a question?

Mr. SUMMERS of Washington. Yes.

Mr. WALSH. How many other projects will be affected if this legislation is enacted?

Mr. SUMMERS of Washington. I do not know of any other. I do not know of any other that was placed on the same basis as this one. The amount was fixed arbitrarily, as I say, at a time just before the agricultural conditions changed, and it is a fact that many of these people are having to mortgage their this year's crop in order to get water so as to grow a crop this year. Now, this does not sacrifice anything. They pay interest on their charges that are carried over. They have to pay the

full amount that has been assessed, of $5 per annum on the past two years, if they have not already paid it. Most of them have. And they have to pay the charge fixed annually straight through, and they finish paying, instead of in 20 years, in a period of not to exceed 12 years.

Mr. WALSH. Well, of course, if they have another crop failure this year, it will not make any difference whether it is $2.50 an acre or $5.

Mr. SUMMERS of Washington. I beg the gentleman's pardon. They have not had a crop failure, but the price they received for their alfalfa was below the actual cost of production during two years. That is what put them in this condition. These are good citizens, who are working hard and trying to comply with the law, but alfalfa at low prices has to be shipped long distances, with high freight rates, and they were able to realize only $4 or $5 a ton, whereas they usually get about $10 or $12 on the ranch. Such conditions undoubtedly are not going to prevail in the future.

Mr. WALSH. Will the gentleman tell me if the words in lines 16, 17, and 18, reading "shall be available for expenditure under the direction of the Secretary of the Interior for continuing construction work on the said system" are part of the present laws?

Mr. SUMMERS of Washington. As I understand it; yes.

Mr. WALSH. That is not new phraseology?

Mr. SUMMERS of Washington. I do not think so.

Mr. WALSH. Well, I think this matter ought to be passed without prejudice. But if the gentleman feels confident that the three paragraphs which the gentleman from Illinois has directed his attention to, which have been omitted from this amended proviso, are not material to the operations of the law, I will not object, but this is establishing a precedent that I think we will be called upon to follow here a little later on by bills being introduced covering these other projects. Every time they have a high wind or a cloud of grasshoppers Uncle Sam will have to come in and lower the rates.

Mr. SUMMERS of Washington. I think I can assure the gentleman that will not be the case.

Mr. STAFFORD. Reserving the right to object, then I understand the gentleman deems it advisable to follow the suggestion of the gentleman from Illinois [Mr. MANN] that it will be necessary to change the amending phraseology so as to read in line 3, page 1, in the last proviso of section 22——

Mr. MANN. Oh, no.

Mr. STAFFORD. The last proviso.

Mr. MANN. No. This only provides for an amendment of that part of the section following the words "*And provided further.*"

Mr. STAFFORD. That part following the paragraph, as the gentleman pointed out, contains three other distinct matters.

Mr. MANN. I understand. That may be repealed.

Mr. STAFFORD. Maybe that money is desirable for further work and it is not intended to be repealed.

Mr. MANN. I spoke to the gentleman from Washington about it some time ago, and he says he looked it up.

Mr. SUMMERS of Washington. So far as that appropriation is concerned, it has been expended.

Mr. STAFFORD. Of course, by just merely changing a word in line 3, page 1, as to the last proviso of section 22, the gentleman does not take any risk at all.

Mr. SUMMERS of Washington. It is agreeable.

Mr. STAFFORD. I do not want to interpose my view if the gentleman says that the money has been expended.

Mr. MANN. The money has been expended, but likely there are bills that have not been paid.

Mr. STAFFORD. But the money may have been obligated and not paid out of the Treasury.

Mr. SUMMERS of Washington. In 1920.

Mr. STAFFORD. And, if so, the money can be expended two years after the fiscal year 1921. I would suggest that in line 3 the gentleman insert "the last proviso of section 22 of an act," because it is the proviso that is being amended, and then there would be no doubt whatsoever of the following three appropriating sections remaining in the bill.

Mr. SUMMERS of Washington. Will the gentleman please repeat his suggestion?

Mr. STAFFORD. Page 1, line 3, after the word "That," insert "the last proviso of."

Mr. HOCH. If that were done, you ought to change the words further on.

Mr. MANN. Yes. That would require another amendment on page 2.

Mr. HOCH. Would it not be well to place after the word "that" the words "section of"?

Mr. STAFFORD. And then strike out in line 3, page 2, as suggested, the following: "Following the words '*And provided further.*'" It is the last proviso of section 22. Now, we are amending the last proviso.

Mr. HOCH. That would be agreeable.

Mr. STAFFORD. So that the way to really amend it as desired by the gentleman from Washington [Mr. SUMMERS] without doing violence to the other three sections that are not intended to be amended——

Mr. HOCH. I think if the gentleman will read further he will find there is another proviso to that section.

Mr. STAFFORD. Yes. There is another proviso, but it does not contain the words "*Provided further.*" There is a proviso in the paragraph following.

Mr. MANN. Then that would not be the last proviso in the section.

Mr. STAFFORD. It would be the last proviso in the section.

Mr. MANN. Not if there is another proviso there.

Mr. HOCH. Why would not my suggestion meet the situation? There is only one place where it was not provided for. Insert in line 3, after the word "That," the words "portion of," so that it will read "That portion of section 22."

Mr. STAFFORD. That is a good suggestion.

Mr. MANN. All the rest of the section follows those words.

Mr. HOCH. Then there is nothing further there to be amended.

Mr. MANN. If there is nothing further it requires no amendment.

Mr. WALSH. If there is any question about it, it ought to be passed over without prejudice, so as to give time to consult the existing law.

Mr. SUMMERS of Washington. I hope the gentleman will not object. I do not think it omits anything that refers to an appropriation. I trust the gentleman will not interfere.

Mr. BURTNESS. It is one of the up-to-date communities.

Mr. WALSH. You would reduce the rate and save money.

Mr. STAFFORD. Would not this suggestion overcome all the difficulties, "That the last proviso of the eighth paragraph of section 22 of an act," and so forth? It is the eighth paragraph. There is no question about that. We have the statute before us. It is the eighth paragraph. Does the gentleman from Massachusetts withdraw his objection?

Mr. WALSH. Yes.

Mr. SUMMERS of Washington. Mr. Speaker, he withdraws his objection.

Mr. STAFFORD. Question, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 23 of "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921, pertaining to the collection of charges from landowners on the Wapato project of the Yakima Indian Reservation, Wash. (41 Stat. L. 451), following the words "*And provided further,*" be amended to read as follows:

"That the Secretary of the Interior is hereby authorized and directed to collect on or before December 31 of each calendar year hereafter, including 1922, from landowners other than Indians under the said system the sum of $2.50 per acre for each acre of land to which water for irrigation purposes can be delivered from the said system, which sum shall be credited on a per acre basis in favor of the land in behalf of which it shall have been paid and be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined, and the total amount so collected, including any money collected from Indian allottees, shall be available for expenditure under the direction of the Secretary of the Interior for continuing the construction work on the said system.

"That upon the failure of any landowner to pay annually the construction charge as herein provided within the year within which it is chargeable, and as to any unpaid amounts due for the years 1920 and 1921, the Secretary of the Interior, in his discretion, is hereby authorized to grant an extension of time within which such payments may be made for such time and upon such terms, including interest charges, as he may determine, and under such rules and regulations as he may prescribe: *Provided*, That no extension for the payment of any amount due for the years 1920 and 1921 shall in any event be extended beyond January 1, 1925."

With committee amendments as follows:

Amend page 1, line 3, after the word "Section," by striking out the figures "23" and inserting in lieu thereof the figures "22."

Amend page 2, line 19, after the word "That," by striking out the words "upon the failure of any landowner to pay annually the construction charge as herein provided within the year within which it is chargeable, and."

Amend the title so as to read: "A bill to amend section 22 of an act approved February 14, 1920, entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes,' for the fiscal year ending June 30, 1921."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. MANN. Mr. Speaker, it seems to me, I will say to the gentleman, that you ought to change "1922," in line 7 of page 2, to "1920," and not strike out the language in lines 19 and 20 and 21. You have got to establish that there is a construction charge for those two years of 1920 and 1921. That has to be a statutory construction. If you follow the existing law as to that, you establish that construction charge. Then, in lines 19, 20, and 21, you provide that on the failure to pay the amount of that construction charge for the years 1920 and 1921 the Secretary shall extend the time. You accomplish your purpose, but leave the liability for the payment of this construction charge. I know that no one wants to avoid that liability.

Mr. SUMMERS of Washington. They are given an extension of time in which to pay it.

Mr. MANN. The construction charge is changed by this bill for those years. It would be changed to $2.50. You do not want to do that.

Mr. SUMMERS of Washington. I will say that it was not the intention of the bill to change any charges that accrued prior to this time. If that should be changed to 1920——

Mr. MANN. If it were to be changed to 1920, of course, it would make a construction charge for those two years, $2.50. If it is left out, I am inclined to think there will be no construction charge payable at all for these two years, because there is no authority for doing it.

Mr. WALSH. Would not the better way be to add the proviso to the proposed amendment to cover the years 1920 and 1921?

Mr. MANN. I expect it would be. Now, what is the construction charge against the Indian?

Mr. SUMMERS of Washington. There is no definite charge. They simply collect as rapidly as they can from the Indians. That is the policy. But it is a definite charge against the whites.

Mr. MONDELL. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. MONDELL. We are amending a statute which now provides for charges at the rate of $5 per annum, and amending it so that the charges for each year after 1922 shall be $2.50 instead of $5. It does not seem to me that that affects in any way the responsibility to pay the charges that have accrued.

Mr. MANN. Where is the authority of law for collecting it?

Mr. MONDELL. The authority is in the statute.

Mr. MANN. No. We wipe that out of the statute when we amend it. Suppose we should repeal that law. Would there be any authority to collect it?

Mr. MONDELL. There would be authority to collect if so far as sums became due while the law was in effect.

Mr. MANN. After we repealed it?

Mr. MONDELL. The gentleman is a good lawyer and I am not a lawyer at all, but——

Mr. MANN. I am not a good lawyer, but I am quite satisfied that if we authorize the collection of a sum and then repeal the authority, you can not collect it. A man would not want to pay it. I would not want to pay it if it was not due.

Mr. SUMMERS of Washington. Does the gentleman from Illinois think that should be amended to read "1920"? Do you see any other way than that?

Mr. MONDELL. If that is done, then there should not be the extension that there is in the last proviso, to the year 1925.

Mr. SUMMERS of Washington. No.

Mr. MONDELL. Because after having relieved these people from their payment for two years it is hardly fair to give them a further extension to 1925, an extension which we have not given in the case of any other reclamation project.

The SPEAKER. Is there objection?

Mr. MANN. We have passed the right to object.

Mr. STAFFORD. We wish the bill was back at the objection stage. I think all of us wish that now.

Mr. MONDELL. Mr. Speaker, I rise in opposition to the amendment. A bill similar to this was introduced in the Senate and was placed on the House bill as an amendment. It went off that bill in conference, as it should, because it was not germane to the bill which it amended. The gentleman from Washington [Mr. SUMMERS] is, of course, embarrassed by the fact that a bill of this kind was introduced in the Senate. I suppose the people in that section are under the impression that that practically meant that they were to secure the relief under the bill.

There is no finer irrigation project in the world than the Yakima. There is no portion of the Yakima which is better than the Indian section of it. There is no reclamation project in America that has been built at public expense that has been so liberally treated as this particular Indian project. There was a decision under which the Indians were granted a certain amount of the water of the river without regard to the need of other lands. An agreement was entered into under which a certain amount of water was to be diverted for the use of these lands. Later it developed that the amount of water was not sufficient. Then they secured legislation under which the general Public Treasury pays for a large portion of the storage for this project. This is the only reclamation project I know of where there is not a charge against the landowner for the entire cost of the project. So large a part of the project is charged against the Treasury that the total cost per acre to the settler is, I think, below $30, as compared with anywhere from $50 to $100 under the reclamation law projects. That difference is largely due to the fact that the Treasury bears the burden of a large portion of the expense of storing the water for the project. It is true these people paid large prices for their lands. They paid more than they would have paid otherwise because the reclamation charge was low. The value of the lands was assumed to be a certain amount.

The Federal Government was to get only so much, and then the Indian owner received the balance of the estimated value of the land. If the charge had been higher the Treasury would have been reimbursed fully, the Indian owner would have gotten less money, while the settler would have paid no more. But while the settler pays no interest on the money expended by the Federal Government, he does pay a high rate of interest on the land purchase price. The difficulty with these settlers is not the reclamation charge. It is the heavy obligation they are under to the people from whom they purchased, to whom they paid high prices, and to whom they are paying high interest charges. The legislation is very liberal. I do hope that these people will have sufficient public spirit now to meet their obligations. We hope the gentleman from Washington [Mr. SUMMERS] will return here continuously for years. He says he will not introduce another bill to reduce these charges. It is well for him to make that promise. I want to say to him that the bankers who hold the obligations of these settlers, the storekeepers to whom they owe bills, will be on his back just as heavily in the future for further reductions as they are now. The probability is that those are the gentlemen who are now pressing this matter much more than the settlers themselves. The banker in the locality who does not want to see a dollar go out of the community to help pay even a portion of the cost of these projects, the storekeeper who wants to be sure that his bill is paid, whether the Government ever gets a dollar or not, are the men who will be wanting further legislation of this kind.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. I should like to say that this legislation has been asked for by the settlers, who are mortgaging their this year's crop in order to make a crop. The gentleman's statement as a general proposition may be entirely correct, but I assure him that that is not the case on the Wapato project. This legislation comes from the demand of men who have invested their all and who are trying to struggle through and make their payments and who will not come back here and ask for further reductions.

Mr. MONDELL. It is because of our very great sympathy for these men who have been having a hard time that we agree to the passage of this bill. But their hard time has not been altogether owing to low prices. They have been having a hard time because they have been held up in the prices that they paid for their lands, because they have been paying a heavy interest charge on the sums still due, and I imagine a great many of them still owe heavily on their lands.

Mr. SUMMERS of Washington. They do.

Mr. MONDELL. Those are the sources of their difficulties quite as much as low prices. I have said what I have for the protection of the gentleman from Washington [Mr. SUMMERS]. I think his constituents ought to know that these reductions and extensions are allowed because the Congress does not want to do an injustice to the settler; and yet in a case like this it is done with a very considerable reservation as to whether or not this relief will in the long run be really helpful to the settlers themselves, and whether it would not be better for them to make the effort necessary to meet these obligations within the near future.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. STAFFORD. I offer the following amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 3, after the word "that," insert "the eighth paragraph of."

Mr. MANN. What about the part of the eighth paragraph preceding the proviso?

Mr. STAFFORD. I do not intend to modify the language found on page 2—

Following the words "and provided further" be amended to read as follows.

Mr. MANN. All right; I see.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. SUMMERS of Washington. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SUMMERS of Washington: At the end of line 19, page 2, insert "that nothing herein shall be construed to modify or release any charge that may have accrued prior to the year 1922 and"—

Mr. SUMMERS of Washington. I think that takes care of the objections raised by the gentleman from Massachusetts and the gentleman from Illinois.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I want some information out of curiosity. I would like to know what the difference is between this provision and the existing law. The existing law provides that the white landowners shall pay so much. In this you leave out the word "white" and say that the landowners other than Indians shall pay so much. What other kind of owners are there?

Mr. STAFFORD. They have Japanese on the Pacific coast.

Mr. MANN. I assume that when a man moves to change the law he has some reason for it. It may be that he has not.

Mr. SUMMERS of Washington. Suppose an Indian had come in from some other part of the United States and had purchased land there.

Mr. MANN. He would not be a white landowner.

Mr. SUMMERS of Washington. This applies to landowners who are not Indians.

Mr. MANN. The existing law fixes a charge against white landowners. In this you fix a charge against owners other than Indians. What others are there?

Mr. SUMMERS of Washington. Well, there might be a colored man; I do not know that there is. This is supposed to exclude Indians.

Mr. MANN. At whose suggestion was it put in?

Mr. SUMMERS of Washington. I think it came out of the Department.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TO ISSUE TRUST AND FINAL PATENTS ON LANDS WITHDRAWN OR CLASSIFIED AS POWER OR RESERVOIR SITES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10611) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes.

The SPEAKER. Is there objection?

Mr. McCORMICK. Mr. Speaker, at the request of the author of the bill I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

EXTENSION OF UNITED STATES BOTANIC GARDEN.

The next business on the Calendar for Unanimous Consent was House Joint Resolution 298, authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, I would like to ask the chairman of the committee if there is any other Government land south of the tract to be reserved in this bill?

Mr. LANGLEY. I think there are a few tracts not covered by this resolution.

Mr. RAKER. This is the land on the east side of James Creek Canal?

Mr. LANGLEY. Yes; it includes all that the government of the District of Columbia can at the present time conveniently turn over to the Botanic Garden.

Mr. RAKER. Does this includes the tract that runs to the Potomac River—Anacostia branch?

Mr. LANGLEY. To the War College.

Mr. RAKER. There is a strip of land on the east side of the War College that runs clear to the Potomac. Does this include the land that runs to the Potomac?

Mr. LANGLEY. No; I do not think it covers the entire tract.

Mr. RAKER. Why did you not include all the land to the end of the point?

Mr. LANGLEY. It is the intention to include it all.

Mr. RAKER. There is nothing there but a few old shacks.

Mr. LANGLEY. This takes in all of that land to which the gentleman refers.

Mr. RAKER. Let me put my question this way: Where they unload the garbage there is a strip of land on the east side of the river that runs down and makes a point, and I want to know if it includes that entire point?

Mr. LANGLEY. I think it does.

Mr. RAKER. Clear to the Potomac?

Mr. LANGLEY. I do not recall the exact point to which this line goes, but I will say that Senator FERNALD, chairman of the Senate Committee on Public Buildings and Grounds; Senator BACHARACH, of the Library Committee; myself as chairman of the House Committee on Public Buildings and Grounds; the gentleman from Indiana [Mr. WOOD]; Col. C. O. Sherrill, in charge of public buildings and grounds; Colonel Keller, District Commissioner; General Beach, Chief of the Engineer Corps; and Director George W. Hess, of the Botanic Garden, all together went over that entire piece of property, and all reached a unanimous agreement as set forth in this resolution.

Mr. RAKER. The gentleman has been over the entire piece of property, and the end of this point is about due east from the War College.

Mr. LANGLEY. Yes.

Mr. RAKER. What I want to know is whether or not it is the intention to include that point?

Mr. WOOD of Indiana. It is. It oozes out to a very narrow point as it runs down along the land of the War College. The first contemplation was to end at the end of the dump, but this new resolution includes that on the other side of the dump, clear down to the river.

Mr. STAFFORD. Will the gentleman state the acreage in this tract?

Mr. RAKER. There must be 15 acres, about.

Mr. WOOD of Indiana. Oh, more than that.

Mr. LANGLEY. I should say 30 acres or more, now available.

Mr. WOOD of Indiana. It is of an irregular shape.

Mr. RAKER. There is a street on the east side that has two large rows of trees.

Mr. WOOD of Indiana. Yes.

Mr. RAKER. This land lies on the west side of the street where the trees are?

Mr. WOOD of Indiana. Yes.

Mr. RAKER. From the dump down to the end—that would be the south point?

Mr. WOOD of Indiana. Yes.

Mr. RAKER. What I am interested in is whether it takes that point in?

Mr. MANN. The point is in the War College grounds.

Mr. RAKER. No; it is not.

Mr. MANN. I was there this morning.

Mr. RAKER. I was there yesterday and went all over it. On the south side is where the dump is, at the end of that canal.

Mr. LANGLEY. There are several dumps there, and that is what we want to get rid of.

Mr. RAKER. At the north end of the present canal there is a place where they unload garbage on boats.

Mr. WOOD of Indiana. Yes.

Mr. RAKER. This tract of land runs south on the east side of the canal and comes to a point in the Potomac River, and what I want to know is whether or not this tract from the dump on the south takes in all of the land on to where it ends in the river?

Mr. WOOD of Indiana. That is right.

Mr. MANN. Does it join the War College grounds?

Mr. RAKER. No.

Mr. WOOD of Indiana. It is on the left side of the War College grounds looking east.

Mr. RAKER. There is a canal there between the War College and this land.

Mr. WOOD of Indiana. Yes.

Mr. RAKER. All of this land is on the east side of the canal?

Mr. WOOD of Indiana. Yes; and it is the intention to include all of what was originally a part of the James Creek Canal bed.

Mr. MANN. There are some sand operating provisions down there. Where is it from them? They are right close to the War College, where the sand boats come up.

Mr. RAKER. It is about 300 yards on farther east, onto another tract of land.

Mr. MANN. Where the sand barges come up is some distance east of the War College grounds.

Mr. LANGLEY. I will state to the gentleman that the engineers have made a blue print of it showing the metes and bounds.

Mr. MANN. Then it is a wonder they do not keep it where somebody can see it.

Mr. LANGLEY. I hope to have it here in a minute.

Mr. RAKER. What I am trying to get at is this: This point properly taken care of outside of the War College and the Speedway is one of the most beautiful places in Washington, if it is properly put in shape and used with the rest of the grounds.

Mr. WOOD of Indiana. Yes; and it is about as unsightly now as you could possibly have it.

Mr. LANGLEY. It is a disgrace to the city in its present condition.

Mr. MANN. Oh, no.

Mr. RAKER. It is a perfect slump hole of everything.

Mr. MANN. But people do not have to go there. This is land awaiting development. It is on the river front.

Mr. LANGLEY. Awaiting cleaning up.

Mr. WOOD of Indiana. If this project is carried out, it will mean the improvement of all that tract of ground which used to be a part of the James River Canal, from immediately back of the Botanic Garden clear down to the War College and beyond to the river.

Mr. MANN. The gentleman does not mean that it goes down to the river?

Mr. WOOD of Indiana. Whatever you call it, it is some sort of a creek down there.

Mr. MANN. How far is it away from the navy-yard grounds?

Mr. WOOD of Indiana. It is clear to the right of the navy-yard grounds.

Mr. MANN. It is between the navy-yard grounds and the War College?

Mr. WOOD of Indiana. Yes.

Mr. MANN. How far is it from either one? Does anyone know?

Mr. WOOD of Indiana. Yes. It joins directly to the War College.

Mr. MANN. It does not join directly to the War College down at the water's edge or come anywhere near it, I should judge.

Mr. WOOD of Indiana. I think the gentleman is mistaken.

Mr. LANGLEY. I do not know exactly, by feet or yards, how far it is from the War College to the navy yard.

Mr. CHALMERS. Mr. Speaker, has anyone made objection to this bill as yet?

Mr. STAFFORD. Mr. Speaker, unless the gentleman can bring in a chart so as to show the Members of the House what is contemplated in the improvement of this unimproved land, I shall make objection, because there is another day coming for the consideration of this bill.

Mr. LANGLEY. I have sent for the chart and it will be here in a moment.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. WOOD of Indiana. I hope the gentleman will not object.

Mr. STAFFORD. It will be only two weeks from to-day.

Mr. WOOD of Indiana. I do not think there could be any objection to it if the gentleman understood the matter.

Mr. FESS. Will the gentleman withhold the objection until I ask a question?

Mr. STAFFORD. I withhold it temporarily.

Mr. FESS. If there is any portion omitted in transferring to the Joint Committee on the Library, the Government does not forfeit any rights from what is omitted, but the question with me is that the Director of the Botanic Garden is ordered to take such portion of the fence down as he sees fit in order to have this proper dedication of the monument on the 27th.

Mr. LANGLEY. That is a part of the understanding.

Mr. FESS. He has declined to do it, because he still has the authority to do so, until there is a place located to transfer these shrubs. If we wait two weeks, what is going to happen?

Mr. LANGLEY. The fence is being removed to-day, pursuant to this understanding. Mr. Hess wants to do what is right.

Mr. STAFFORD. There are not many shrubs that will be impaired down there by the delay of two weeks.

Mr. WOOD of Indiana. Just a moment. It is a matter of good faith. I have understood, and was led to understand, that there was not any opposition to this, and the Director of the Botanic Garden is taking the fence down, and these shrubs must be removed. There is no question about their being valuable. You could not replace them with a king's ransom.

Mr. MANN. They are not worth 10 cents.

Mr. FESS. They are worth inexhaustible riches to those who appreciate botany, because representatives——

Mr. MANN. I know every shrub down there. They are worthless, so far as that is concerned. They are not worth moving, and most of them will never be moved.

Mr. HICKS. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore (Mr. HUSTED in the chair). The regular order is, Is there objection?

Mr. STAFFORD. I object.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that it go to the foot of the calendar.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that the resolution remain on the calendar at the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

TABLET TO THE OFFICERS OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

The next business in order on the Calendar for Unanimous Consent was House Joint Resolution 304, to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the House joint resolution? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 190, identical with the resolution which has just been reported, and that it be considered instead.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to take from the Speaker's table Senate Joint Resolution No. 190, it being identical with the House resolution, and asks unanimous consent that the Senate joint resolution be considered in lieu of the House joint resolution.

Mr. WALSH. Let the resolution be reported.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 190) to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

Resolved, etc., That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350 for the expenses of producing a suitable tablet in conformity with this resolution.

Mr. MONDELL. Mr. Speaker, I beg to call the attention of the House to the fact that the two resolutions are not entirely identical, as the Senate resolution makes an appropriation of $350, whereas the House resolution authorizes an appropriation of $850. I did not recall that when I said they were identical. But I assume, however, there would be no objection to making a direct appropriation of that small sum.

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman why the tablet is presented to the officers of the society rather than to the society itself? It would look, under the phraseology, under a hasty reading of it, as though this was presenting a tablet to the officers of this society as a personal recognition of some action of those officers rather than recognition of some action taken by the society. Why should not the tablet be presented to the organization itself?

Mr. MONDELL. Well, I agree with the gentleman that that would seem to be an entirely appropriate procedure, and I assume that the presentation of the tablet is to the officers who allowed the use of the building. Of course, they were not able to secure the acquiescence of all the members of the society in that, but did it on their own responsibility. And I assume that the presentation to the officers is, of course, a presentation to

the society. The resolution in the form in which it is presented is as drafted by those instrumental in securing the use of the building.

Mr. MANN. I notice that the President of the United States in his communication does not suggest either that it be presented to the officers or that it be presented to the "National Society," because I believe there is no such institution, but does suggest that the Government has promised in the name of the Government to present a tablet to the Daughters of the American Revolution, which, I believe, is the name of a corporation incorporated by act of Congress.

Mr. MONDELL. The gentleman is generally so accurate in his information that I would not question the accuracy of the explanation he has just made. But the society is known as, and I believe carries on its stationery the title, "National Society of the Daughters of the American Revolution."

Mr. MANN. Very well, if they want to take it that way. We incorporated it. I am under the impression that I never heard it referred to—and I have frequently heard it referred to—as the "National Society of the Daughters of the American Revolution," but I have always heard it referred to as the "D. A. R."

Mr. MONDELL. The gentleman has been away for a day or two, and he has missed some of the discussion with regard to experts. We are accepting the language and the phraseology of the experts.

Mr. MANN. I thought the President was an expert, and that is not his language. He controlled the House's action the other day. Maybe the gentleman did not agree with him then, and does not agree with him now.

Mr. WALSH. Experts had rather rough sledding, I am told, last week.

Mr. STAFFORD. The experts rough sledded over the House Members.

Mr. WALSH. Is that it?

Would the gentleman have any objection to having the phraseology modified in accordance with the request of the President, in order that this may be plain and clear?

Mr. MONDELL. In order that this may all be thoroughly understood, I will say that with the President's letter came the resolution in the form in which it is now before the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield in that particular?

Mr. MONDELL. The chairman of the committee shakes his head and indicates that I should not make that announcement. The gentleman from Massachusetts wants to follow, as I desire to, the view of the President, so that the resolution is now before us in exactly the form in which it came with the President's letter. I think it an entirely proper form.

Mr. MANN. The House resolution or the Senate resolution?

Mr. MONDELL. They are both identical.

Mr. MANN. They are not.

Mr. MONDELL. Except that I wrote in the House resolution the words "authorized to be appropriated" instead of the words "are hereby appropriated."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. As I read the President's letter, he desired the Congress to authorize an appropriation for the erection of a tablet in Continental Memorial Hall in commemoration of the Conference on the Limitation of Armament. The bill as submitted is not in commemoration of the Conference on the Limitation of Armament, but is to mark the appreciation of Congress for the use of that building for holding the conference—an entirely different purpose.

Mr. GARRETT of Tennessee. Mr. Speaker, we can not hear on this side just what the differences are between the leaders and the President. May we have order? [Laughter.]

Mr. MONDELL. There are no differences whatever, happily.

Mr. STAFFORD. There were some differences last week, but I do not know whether there are any differences to-day or not.

Mr. MONDELL. The measure is in the approved form.

The SPEAKER pro tempore (Mr. HUSTED). Is there objection to the present consideration of the joint resolution?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Wyoming, who is interested in this matter, if he thinks it would in any way invalidate the object and purpose of this resolution if we make the presentation directly to the Daughters of the American Revolution, rather than to the officers thereof?

Mr. MONDELL. Well, this request is made on behalf of those who had the most to do with the conference, and it is made in the language suggested by them, and personally I would rather prefer to use the language they have suggested.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CHINDBLOM. I understand there is to be a change of officers of the organization. There is not any danger that the present officers would carry the tablet away?

Mr. WALSH. The gentleman does not know anything about that. It depends on what the tablet says.

Mr. STAFFORD. Does not the gentleman believe that the House approves the idea of the President providing for a tablet to be erected in Memorial Hall in commemoration of the conference, as suggested in his letter, rather than a tablet expressing the appreciation of Congress for allowing the conference to be held there?

Mr. MONDELL. The gentleman from Wisconsin lacks imagination.

Mr. STAFFORD. In this particular there is no question about that.

Mr. MONDELL. The tablet will be a tablet commemorating the holding of the conference. That is what the tablet will commemorate and set forth. It is proposed to present it to the society through their officers out of appreciation, or as a token of appreciation, of the fact that they allowed the conference to be held in their hall. But the tablet will set forth in appropriate language the fact that in the Continental Hall of the National Society of the Daughters of the American Revolution on a given date the Conference on the Limitation of Armament was held.

Mr. STAFFORD. I am glad the gentleman from Wyoming is reading into the bill something that is not present at all. Reading it as closely as a Philadelphia lawyer would read it, you could not find anything to carry out that intendment.

Mr. MONDELL. Oh, yes; I think you can.

Mr. STAFFORD. Oh, no. Let me read you what it says:

That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament.

For "making available Continental Memorial Hall"; for making it available.

Mr. MONDELL. Yes; the resolution states the reason for presenting the tablet. It will be presented out of appreciation for the use of the building. But the tablet itself will set forth in appropriate terms the fact that in that hall at a given time was held the Conference on the Limitation of Armament.

Mr. STAFFORD. The gentleman reads that into the bill, but there is nothing in the bill to warrant that assumption.

Mr. MONDELL. That is the fact.

Mr. WALSH. How much rent did the conference pay for that hall?

Mr. MONDELL. That is a question that ought not to be either asked or answered at this time. I do not know that they paid anything.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman from Wyoming has the floor, will he yield for a moment?

Mr. MONDELL. If I have the floor, I yield.

Mr. GARRETT of Tennessee. I would like to ask the gentleman this question: If it is a fact, as stated by a distinguished authority one day last week, that the treaties which resulted from the conference held have apparently now been reduced to the condition of scraps of paper, whether he thinks it desirable to press the presentation of this tablet at this time? [Laughter.]

Mr. STAFFORD. It will be of some historical consequence at least.

Mr. MONDELL. The treaties have not as yet been treated as scraps of paper. I hope they will not be.

Mr. LONDON. Mr. Speaker, will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. LONDON. Is not the very language presenting a tablet to the officers of the society absurd? You do not present the tablet to the officers of the society. You present the tablet to the society.

Mr. MONDELL. Did the gentleman hear what was said——

Mr. LONDON. A part of it.

Mr. MONDELL. In regard to the genesis of this question? I think, when we are performing an act such as is proposed, it is proper to do it in the form in which those most directly interested in the great event referred to think appropriate. I do not want to be critical. They seemed to think that it was appropriate to make the presentation to the officers. In fact, it is to the society.

Mr. CHINDBLOM. In other words, the persons who will be physically present will be the officers?

Mr. MONDELL. Yes.

The SPEAKER pro tempore. Is there objection to the consideration of this resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350 for the expenses of producing a suitable tablet in conformity with this resolution.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER pro tempore. Without objection, House Joint Resolution 304 will be laid on the table.

There was no objection.

The SPEAKER resumed the chair.

LEAVE TO EXTEND REMARKS.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the two bills introduced by me which were passed here to-day.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the two bills indicated. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. SUMMERS of Washington. Mr. Speaker, when governmental expenses mount into billions of dollars annually and we seek innumerable ways of reducing the taxpayers' burdens I am pleased to bring to your attention this bill, to ask your favorable consideration, and to urge its passage.

If fully cooperated in, it will save the taxpayers from a quarter to a half million dollars annually.

This bill does not shift the tax burden from one shoulder to the other. It makes an actual saving by providing a way to stop a great economic waste.

The bill reads as follows:

A bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter.

Be it enacted, etc., That single sheets or portions thereof from any publication entered as second-class matter, sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the same rates of postage applicable under the law to the advertising portions of such second-class matter.

Under existing law newspapers and periodicals may be sent by the publishers thereof to advertisers or advertising agents for the purpose of having the advertisement checked at second-class rates. But to go at this rate an entire copy of the paper must be sent. If only a page or a portion of the newspaper is sent, it goes at third-class rate with postage stamp attached.

The purpose of this bill is to enable newspaper publishers to send single sheets, or portions of the newspaper, to advertisers or advertising agencies at the second-class rate.

The objects to be gained by the passage of this bill are two-fold:

1. If the system of furnishing to advertisers or advertising agencies only that portion of the magazine or newspaper containing the advertisement were generally adopted, there would unquestionably be a great saving of print paper. It is believed that the passage of this bill would encourage this practice very greatly and that it would soon become practically a universal custom, and that the saving in paper would run into thousands of tons.

2. It is generally agreed that second-class matter is handled by the Post Office Department at a considerable loss to the Government, so any reduction in weight of second-class matter carried through the mails is a distinct gain. Considering the fact that over 25,000 publications send out a few advertisers' copies every issue, it can be seen that this system might result in a substantial reduction in the volume of this unprofitable class of mail. Most of these advertisers' copies of newspapers go to the large cities, like New York and Chicago, where the large advertising agencies are located and where the post-office facilities are sadly overburdened.

Newspapers would no doubt adopt a system of inclosing the single sheet in unsealed envelopes properly labeled, and these would unquestionably be easier handled in the post offices and much easier carried by the carriers than the bulky newspapers.

This legislation is recommended by newspaper men, advertising agencies, and by those who understand the working of the Post Office Department. The bill specifically states that the privilege shall run "under such rules and regulations as may be prescribed by the Postmaster General."

The system authorized by this bill being voluntary, there can be no objection on the part of anybody to it, and there are many who strongly recommend its passage.

This very complete and lucid committee report was written by Representative HARRY of Colorado, a lifetime publisher, and but recently president of the Editorial Association of America.

After I had prepared and introduced this bill two years ago, it was submitted to publishers and advertising agencies throughout the United States. The replies, which were received in large numbers, indicate that 90 per cent or more of the big publishers will avail themselves of the provisions of the bill, and will forward single sheets at the end of each month. To appreciate the probable saving to the Government, it must be borne in mind that second-class mail is carried at an average loss to the Government of approximately 5 cents per pound. This amounts to from $50,000,000 to $70,000,000 annually. However, except for low postal charges, the subscription rates on all publications would have to be increased.

From information furnished me by the Congressional Library it seems altogether probable that if this bill is enacted into law and fully cooperated in by publishers and advertisers that it will mean—

An annual saving to daily, weekly, and monthly publications of 60,000,000 copies;

An annual saving of 8,000,000 pounds of print paper;

It would mean to each individual publisher a very considerable saving in print paper and in dollars and cents;

At 10 cents per pound for print paper, it would mean a saving of $800,000 to the publishers of the United States; and

An annual saving to the Federal Government of approximately $400,000, and this is the prime object of this legislation.

Mr. LANGLEY. Mr. Speaker, I was granted the privilege of extending my remarks in the RECORD on the bonus bill and on the hospital bill for five days. I was called out of the city on urgent business, and since my return have been ill. I ask unanimous consent that I be granted five additional days in which to extend my remarks on these same bills. It will be only a brief extension of my actual remarks on the floor.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks for five days on the bills indicated. Is there objection?

There was no objection.

BRIDGE ACROSS SAVANNAH RIVER, SAVANNAH, GA.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand the remaining bills on the Calendar for Unanimous Consent have not been there a sufficient number of days to allow them to be considered to-day under the rule.

Mr. MONDELL. I understand that is correct.

Mr. GARRETT of Tennessee. But the last bill on the calendar is a bridge bill which was presented by our colleague from South Carolina [Mr. BYRNES]. Would the gentleman from Wyoming be willing that that bill be considered?

Mr. MONDELL. I think the gentleman would be entirely within his rights in requesting unanimous consent for the consideration of that bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10407) authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

The SPEAKER. The Chair would like to state that he has been quite scrupulous in trying to observe what he thinks is the spirit of the rule in not recognizing Members to make requests for unanimous consent on any day, or on this day, except for bills properly on the calendar, but has made an exception for bridge bills, thinking them to be a perfunctory class of bills which nobody could possibly object to. The Chair recognizes the gentleman from Tennessee, who requests immediate consideration of the last bill on the Calendar for Unanimous Consent, although it has not been on the calendar for three days. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the counties of Jasper, S. C., and Chatham, Ga., be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Savannah, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p. m.) the House adjourned until Tuesday, April 18, 1922, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8800) granting an increase of pension to Lucy S. Faser, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. REECE introduced a bill (H. R. 11338) to empower the Bureau of Efficiency, subject to the approval of the President, to establish a system of efficiency ratings for the classified service in the several executive departments and independent establishments, in the District of Columbia and elsewhere, based upon records kept in each department and independent establishment, with such frequency as to make them as nearly as possible records of fact, which was referred to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KINCHELOE: A bill (H. R. 11339) granting an increase of pension to Johanna Slaton; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 11340) to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley; to the Committee on Naval Affairs.

By Mr. ROBSION: A bill (H. R. 11341) granting a pension to Mike Grubb; to the Committee on Pensions.

Also, a bill (H. R. 11342) granting a pension to William H. Stanberry; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11343) granting an increase of pension to Nannie E. Scott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5149. By Mr. ELLIS: Petition of the Central Labor Union assembled in Kansas City, Mo., favoring modification of the Volstead law so as to permit the manufacture and sale of beer; to the Committee on the Judiciary.

5150. By Mr. FULLER: Petition of the Illinois Automotive Trade Association, protesting against any further special taxation on the automobile industry; to the Committee on Ways and Means.

5151. Also, petition of the Carolina Bagging Co., favoring protection for the jute-bagging industry by the imposition of an adequate tariff duty; to the Committee on Ways and Means.

5152. Also, petition of the Chamber of Commerce of La Salle, Ill., favoring adequate provision for the Army and Navy, and opposing reduction of the enlisted personnel below the recommendation of the President and the Secretary of the Navy; to the Committee on Appropriations.

5153. Also, resolutions of the Illinois Manufactures' Association, favoring bills for Federal aid to the merchant marine, and the maintenance of the Navy as provided in the treaty at the 5-5-3 ratio; to the Committee on Appropriations.

5154. Also, petition of the National Association of Casualty and Surety Agents, opposing the Fitzgerald bill (H. R. 10034) relating to workmen's compensation in the District of Columbia; to the Committee on the District of Columbia.

5155. Also, petition of the Union League Club, of Chicago, and the Chamber of Commerce of the United States of America, opposing proposed reduction of the personnel of the Army and Navy; to the Committee on Appropriations.

5156. Also, petition of Mrs. Raymond Morgan, legislative representative of the American Association of University Women, favoring the naval appropriation bill as reported, for reduction of the personnel of the Navy; to the Committee on Appropriations.

5157. Also, memorial of the city council of the city of Rockford, Ill., protesting against the proposed establishment of a Federal reformatory at Camp Grant, on the outskirts of said city of Rockford; to the Committee on Military Affairs.

5158. By Mr. LINEBERGER: Petition from 28 citizens of the city of St. Paul, Minn., favoring the Towner-Sterling bill; to the Committee on Education.

5159. By Mr. SINCLAIR: Petition of F. W. Stedman and 45 others, of Berg, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

SENATE.

TUESDAY, *April 18, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, the Author of all our good, constantly dispensing Thy blessings and assuring us of Thy care for us and asking from us the fullness of desire on our part in the expression of devotion and consecration to the highest interests of the world as well as of our loved country, be pleased to reveal Thyself to us to-day, and may the hours be freighted with the consciousness that we live and move and have our being in Thee. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ALTERNATIVE ESTIMATE, ARMY QUARTERMASTER CORPS, 1923 (S. DOC. NO. 186).

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting an alternative estimate for the War Department, fiscal year 1923, not involving any increase in the total amount heretofore estimated for, but simply a rearrangement of amounts for certain items under the Quartermaster Corps, in total amount $73,000,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERMENT OF SOLDIER DEAD.

The PRESIDENT pro tempore laid before the Senate a communication from the Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas who are to be reinterred in the Arlington National Cemetery, Thursday, April 20, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

MR. BORIS BAKHMETEFF, AMBASSADOR OF RUSSIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State relative to the subpœna served upon Mr. Boris Bakhmeteff, ambassador of Russia, by the Sergeant at Arms of the Senate, which the Chair will request the Secretary to read.

The communication was read, as follows:

DEPARTMENT OF STATE,
Washington, April 11, 1922.

SIR: A representative of Mr. Boris Bakhmeteff has brought to the attention of the department the following telegram said to have been sent to him by the Sergeant at Arms of the Senate:

"You are requested to appear before the Committee on Education and Labor of the United States Senate on Monday, April 17, 1922, at 11 o'clock and to testify relative to matters under consideration by said committee. Your necessary expenses will be reimbursed. Will you accept this notice as service of subpœna and appear at the time named. Answer paid here.

"(Signed) DAVID S. BARRY,
"Sergeant at Arms, United States Senate."

Mr. Bakhmeteff presented his letter of credence to the President of the United States and was officially received by the President as the ambassador extraordinary and plenipotentiary of Russia on July 5, 1917, and since that time this Government has recognized him in that capacity and has recognized no other Russian ambassador.

Since Mr. Bakhmeteff, in accordance with the general diplomatic practice in such cases, has brought the telegram to my attention, I deem it to be incumbent on me to point out that an ambassador is not required to respond to process. The provisions of sections 4062 to 4064 of the Revised Statutes of the United States are declaratory of the law of nations with respect to the immunity of diplomatic officers.

I have the honor to be, sir,
Your obedient servant, CHARLES E. HUGHES.

The PRESIDENT pro tempore. Unless the Senate otherwise orders, the communication will be referred to the Committee on Education and Labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following Senate joint resolutions:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; and

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

The message also announced that the House disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Washington, Mr. SIEGEL, Mr. VAILE, Mr. SABATH, and Mr. RAKER, managers of the conference on the part of the House.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6054. An act fixing rates of postage on certain kinds of printed matter;

H. R. 9814. An act amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service;

H. R. 9951. An act to amend section 28 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921;

H. R. 10002. An act to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation, in the State of Wyoming;

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Halleys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.;

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.;

H. R. 10772. An act providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family shall be a charge against the said Indian or his estate; and

H. R. 10825. An act to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts; and

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau.

PETITIONS.

Mr. ELKINS presented resolutions adopted by the River City Club, of Parsons, W. Va., favoring annual payments by the Federal Government to districts and counties in which lands have been purchased to be used as part of national forest reserves for water conservation, equivalent to the revenue which would accrue to such districts or counties if the lands were assessed and taxed by the local authorities, etc., which was referred to the Committee on Public Lands and Surveys.

Mr. TOWNSEND presented a petition of sundry citizens of Detroit, Mich., praying for the passage of an adequate protective tariff law based on American valuations, which was ordered to lie on the table.

Mr. WILLIS presented a resolution adopted by the First Presbytery of Ohio, at the United Presbyterian Church, of Morning Sun, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the First Presbytery of Ohio, at the United Presbyterian Church, of Morning Sun, Ohio, favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a resolution adopted by Corporal Thomas R. Iverson Post, No. 404, Veterans of Foreign Wars, of Cheyenne, Wyo., favoring the passage of House bill 9578, providing for the exemption of war tax on admissions to entertainments, bazaars, etc., given by posts and ladies' auxiliaries of the Veterans of Foreign Wars, which was referred to the Committee on Finance.

He also presented a petition of Morgan F. Knadler Camp, No. 19, United Spanish War Veterans, of Laramie, Wyo., praying for the passage of Senate bill 3263, to extend the provisions of section 127-A of the national defense act, as amended, so as to grant retired pay and allowances of warrant officers on the retired list to retired enlisted men who served as commissioned officers in the United States Army during the World War, etc., which was referred to the Committee on Military Affairs.

REPORTS OF THE COMMITTEE ON PUBLIC LANDS AND SURVEYS.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

S. 2140. A bill to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land (Rept. No. 609); and

S. 2460. A bill to amend an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (Rept. No. 608).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 3472) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

By Mr. PITTMAN:

A bill (S. 3473) to amend section 2 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture and Forestry.

A bill (S. 3474) to establish a Government Indian School at Elko, Nev.; to the Committee on Indian Affairs.

A bill (S. 3475) for the relief of Fannie B. Turner; to the Committee on Claims.

A bill (S. 3476) to amend an act to grant to citizens of Modoc County, Calif., the right to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove such timber to Modoc County, Calif.; to the Committee on Public Lands and Surveys.

By Mr. FERNALD:

A bill (S. 3477) granting a pension to Amelia D. Crocker (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3478) for the relief of George W. Trowbridge; to the Committee on Claims.

TARIFF DUTY ON CYANIDES.

Mr. ODDIE. Mr. President, on Friday last I offered an amendment to the pending tariff bill to restore the language of the bill as passed by the House relating to cyanide. I desire now to present a substitute for that amendment.

My reason for asking this substitution is that since the presentation of the first amendment I have learned that the Tariff Commission, in a volume containing a summary of tariff information, which has just appeared, prepared for the use of the Finance Committee, has suggested that all cyanides be classified under one paragraph. Acting upon this suggestion, the Finance Committee adopted the language which is found in paragraph 38a of the pending bill, and which is carried in the substitute amendment I now offer.

The suggestions of the Tariff Commission are found at page 1435 of the Summary of Tariff Information, 1921, and are as follows:

It has been represented to the Tariff Commission that it would be advisable to classify all cyanides under one paragraph. This suggestion has also been made by a domestic manufacturer before the Senate Finance Committee. (See pp. 1109–1118, hearings before Committee on Finance, Tariff Schedule 1, H. R. 7456.) The various cyanides are used for practically the same purposes. It is their cyanogen (CN) content, and not their metal content which is of importance to the consumer. Therefore this classification is logical. If the committee desires to adopt this suggestion, the following paragraph will accomplish the purpose:

"Cyanides: Potassium cyanide, sodium cyanide, all other cyanide salts, and all combinations and mixtures of cyanides, — per cent ad valorem."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

ALIEN PROPERTY CUSTODIAN ATTORNEYS.

Mr. KING. Mr. President, several days ago the Alien Property Custodian submitted a report pursuant to a resolution theretofore adopted by the Senate. In that report it is shown that a large number of attorneys were employed and received compensation.

I am in receipt of a telegram from a distinguished lawyer, in which he refers to the fact that there were a great number of attorneys and men of standing who during the war volunteered their services and served for a considerable period, some of them during the war, not only in the Alien Property Custodian's office but in other branches of the Government.

He seemed to think, and perhaps justly, that the inference was properly to be drawn from the report that every attorney who served in the Alien Property Custodian's office was compensated. He thought the public ought to know—and in that view I share his opinion—that there were lawyers of ability and standing who gave their services and rendered very splendid service in that office as well as in other branches of the Government during the war.

Mr. MOSES. For a dollar a year, was it not? They all had to be compensated.

Mr. KING. The Senator from New Hampshire may take such comfort as he pleases from his observation.

BILLS REFERRED.

The following bills were severally read twice by title, and referred as indicated below:

H. R. 6954. An act fixing rates of postage on certain kinds of printed matter; to the Committee on Post Offices and Post Roads.

H. R. 10002. An act to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming; to the Committee on Public Lands and Surveys.

H. R. 10925. An act to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.; to the Committee on Military Affairs.

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.; to the Committee on Commerce.

H. R. 9814. An act amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service;

H. R. 9951. An act to amend section 28 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921; and

H. R. 10772. An act providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family shall be a charge against the said Indian or his estate; to the Committee on Indian Affairs.

THE CALENDAR.

The PRESIDENT pro tempore. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that the call of the calendar begin where we left off on yesterday.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the call of the calendar shall begin at the point at which the Senate left off yesterday. Is there objection? The Chair hears none, and it is so ordered. The Secretary will report the first bill on the calendar at that point.

ACQUISITION OF LANDS FOR MILITARY PURPOSES.

The bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes, was announced as the first bill on the calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WADSWORTH. Mr. President, the bill which has just passed is the bill which was under consideration yesterday when the Senate proceeded to other business at 2 o'clock. At that time the senior Senator from Wisconsin [Mr. LA FOLLETTE] had expressed doubt as to the wisdom of one of the items in the bill. It just occurs to me now that in a sense I owe a certain obligation to the Senator from Wisconsin to give him an opportunity to express his opinion of the measure. While I do not at this time make a motion to reconsider the vote by which the bill was passed, I desire to say that I shall make an endeavor immediately to communicate with the Senator from Wisconsin, and, if he so desires, I shall then make such a motion.

JOHN H. GATTIS.

The bill (S. 2017) for the relief of John H. Gattis was announced as next in order.

Mr. KING. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

J. B. WATERMAN.

The bill (S. 1059) for the relief of J. B. Waterman was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. B. Waterman, of Belpre, Ohio, the sum of $483.25, being the amount paid the Government by him for that value of stamps and money taken from his custody as postmaster of Belpre, Ohio, by burglars on February 13, 1911.

Mr. SMOOT. Mr. President, bills of this character are continually coming before the Senate. In my opinion there ought to be some legislation enacted requiring all men handling funds of the Government to give a bond. There is not a day on which the calendar is up for consideration when bills of this character are not considered. In fact, it seems the way we have been passing bills to reimburse postmasters under these circumstances has been only an invitation to them to handle money carelessly and allow it to be loosely cared for. It seems to make no difference to them whether it is stolen or not, and I think they become careless.

I am going to take steps to see if some legislation can not be passed requiring postmasters who handle money of the Government to give a bond to the United States, whether it be a bond against theft or a bond against other cause for loss on the part of the Government. It makes no difference what is the cause the Government ought to be protected against the stealing of so much money from postmasters.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1852) for the relief of Benjamin F. Spates, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1405) for the relief of William Collie Nabors, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 403) for the relief of Louise Saint Ges, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, was announced as next in order.

The PRESIDENT pro tempore. The bill has heretofore been considered as in Committee of the Whole and has been reported to the Senate. It is now in the Senate and open to amendment.

Mr. SMOOT. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

MONTHLY PAYMENT OF PENSIONS.

The bill (H. R. 2158) to provide for the monthly payment of pensions was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BURSUM. Mr. President, I move that the Senate proceed to the consideration of the bill which has just been objected to by the Senator from Utah [Mr. KING], notwithstanding the objection.

The PRESIDENT pro tempore. The Senator from New Mexico moves that the Senate proceed to the consideration of the bill named by him.

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state his inquiry.

Mr. KING. If the motion of the Senator from New Mexico [Mr. BURSUM] should prevail and the bill for which he asks consideration be taken up, would it not mean that there would

be no limitation upon debate, that the five-minute rule would not be applicable, and that we might discuss the bill during the remainder of the day?

The PRESIDENT pro tempore. The Senator has stated the situation as the Chair understands it.

Mr. KING. So that we should then depart from the calendar for the purpose of considering the bill at great length, if we should decide to consider it?

The PRESIDENT pro tempore. The Chair desires to qualify the statement he has just made by further stating that, of course, at 2 o'clock the bill for which the Senator from New Mexico moves consideration would cease to be before the Senate. The question is on the motion of the Senator from New Mexico.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. BURSUM. My understanding is that under Rule VIII debate is limited to five minutes?

The PRESIDENT pro tempore. But that rule would not be applicable if the bill be taken up by motion. The question is on the motion of the Senator from New Mexico. [Putting the question.] The "noes" seem to have it.

Mr. BURSUM. I ask for the yeas and nays.

Mr. FLETCHER. I wish to make a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Florida will state the inquiry.

Mr. FLETCHER. The inquiry is this: We are proceeding, not by unanimous consent, to consider only bills that are not objected to; but we are now proceeding regularly, as I understand, on the calendar under Rule VIII.

The PRESIDENT pro tempore. The request for unanimous consent was limited to designating the point at which the call of the calendar should begin.

Mr. FLETCHER. That I understood. The calendar is now under consideration; the bill of the Senator from New Mexico is reached on the calendar; a Senator has made objection to the consideration of the bill; and the Senator from New Mexico has moved that the bill be taken up. Has he the right to make that motion; and, in case the motion is agreed to, will the debate be limited to five minutes?

The PRESIDENT pro tempore. The Chair is of the opinion that the unanimous-consent agreement does not prevent the Senator from New Mexico making the motion which he has made. The Senator from New Mexico asks for the yeas and nays upon his motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. McKINLEY (when his name was called). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY], who is not here. I transfer that pair to the Senator from Maryland [Mr. FRANCE], and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL], and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Missouri [Mr. REED], and vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I am informed that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Iowa [Mr. RAWSON], and vote "yea."

The roll call was concluded.

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. OVERMAN (after having voted in the negative). I have a general pair with the Senator from Wyoming [Mr. WARREN], who is absent. I therefore withdraw my vote.

Mr. FLETCHER (after having voted in the affirmative). I have a pair with the Senator from Delaware [Mr. BALL], who is absent. I therefore withdraw my vote.

Mr. KENDRICK. I have a general pair with the Senator from Illinois [Mr. McCORMICK]. I understand that if present he would vote as I am about to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. FERNALD (after having voted in the affirmative). I inquire if the Senator from New Mexico [Mr. JONES] has voted?

The VICE PRESIDENT. The Senator from New Mexico has not voted.

Mr. FERNALD. I have a pair with that Senator, which I transfer to the Senator from Delaware [Mr. DU PONT], and allow my vote to stand.

Mr. EDGE. I transfer my general pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from California [Mr. SHORTRIDGE] and vote "yea."

Mr. KING (after having voted in the negative). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. LENROOT. I wish to announce the absence of the Senator from New York [Mr. WADSWORTH] on official business.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. I ask that this announcement may stand for the day.

Mr. STANLEY. I inquire if the junior Senator from Kentucky [Mr. ERNST] has voted?

The VICE PRESIDENT. The junior Senator from Kentucky has not voted.

Mr. STANLEY. I have a pair with the junior Senator from Kentucky, and for that reason withhold my vote.

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is detained from the Senate by illness.

I also with to announce the following pairs:

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 49, nays 4, as follows:

YEAS—49.

Ashurst	Heflin	Newberry	Spencer
Broussard	Jones, Wash.	Nicholson	Sterling
Bursum	Kellogg	Norbeck	Sutherland
Capper	Kendrick	Norris	Swanson
Curtis	Keyes	Oddie	Townsend
Edge	Ladd	Page	Walsh, Mont.
Elkins	La Follette	Pepper	Watson, Ga.
Fernald	Lenroot	Phipps	Watson, Ind.
Gerry	Lodge	Poindexter	Weller
Glass	McKinley	Pomerene	Willis
Gooding	McNary	Sheppard	
Hale	Moses	Simmons	
Harris	Nelson	Smoot	

NAYS—4.

Culberson	Dial	King	Myers

NOT VOTING—43.

Ball	Ernst	McKellar	Shortridge
Borah	Fletcher	McLean	Smith
Brandegee	France	New	Stanfield
Calder	Frelinghuysen	Overman	Stanley
Cameron	Harreld	Owen	Trammell
Caraway	Harrison	Pittman	Underwood
Colt	Hitchcock	Ransdell	Wadsworth
Crow	Johnson	Rawson	Walsh, Mass.
Cummins	Jones, N. Mex.	Reed	Warren
Dillingham	McCormick	Robinson	Williams
du Pont	McCumber	Shields	

So Mr. BURSUM's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2158) to provide for the monthly payment of pensions, which had been reported from the Committee on Pensions with an amendment.

The bill was read, as follows:

Be it enacted, etc., That payment of pensions shall be made monthly, on the 4th day of each month, beginning not later than September, 1921.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. BURSUM. Mr. President, the original bill provided that the date of commencing monthly payments should be not later than September, 1921. On account of the delay in the consideration of the bill, this provision was changed by the committee to July, 1922. At this time it will be necessary to defer that date until September, 1922. I move, in lines 4 and 5, that

the word "July" be stricken out and the word "September" inserted in lieu thereof.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from New Mexico to state the scope of this bill. As I read it and interpret it, it would mean that every person drawing a pension from the Government—not only military and naval pensions, but civil pensions—must be paid monthly; and, as I interpret the bill the payments are made not only to the soldiers of the Mexican and Civil Wars and the Spanish-American War but would embrace all private pension claims, which amount to thousands and perhaps tens of thousands, and would apply to all of the pensions that have been granted and may hereafter be granted by reason of services during the World War. I should like to ask the Senator whether or not the interpretation just suggested is correct?

Mr. BURSUM. Mr. President, the object of the bill is to make payment of pensions to veterans of the Civil War monthly. The civil pensions mentioned by the Senator have not been taken into consideration. There are on the pension rolls at the present time approximately 560,000 veterans and widows of veterans. The law has been asked for and proposed in order to place veterans of the Civil War upon an equal footing and basis with those of the World War. The veterans of the World War are all paid monthly. It was also suggested in order to give the veterans the opportunity of having a cheaper rate of living. The time for long credits has passed. There is no doubt but that every veteran coming under this act will be saved from $5 to $15 per month in the amount of his necessary bills. There is no institution in the country nowadays that pays quarterly. There is no corporation in the land that is not required by law, in most of the States, including the railroads, to pay its employees twice a month. The Veterans' Bureau pays once a month. Every civil employee of the Government is paid twice a month.

The only person I know of who is compelled to wait three months is the soldier who served the country in the Civil War and in the Indian wars and in the Spanish-American War.

The cost involved is nothing outrageously excessive. The cost to the Government of providing this system of payments will not exceed 3 cents per month for each soldier in addition to the present cost. It will cost approximately $160,000 annually to make this change, and to start out with it will cost, in accordance with the estimates of the Secretary of the Interior, $44,000. That is necessary to install different machinery. The Secretary of the Interior, to my mind, strikes the essence of this proposition in the latter part of his recommendation to Congress on this bill:

> Assuming that the Congress did right in making the payment of compensation by the Bureau of War Risk Insurance monthly and that no change will be made in the law, there is no apparent reason why the Congress should not be asked to authorize monthly payments to pensioners paid by the Bureau of Pensions.
>
> Under the existing law it appears that there is a discrimination in favor of a comparatively youthful list of beneficiaries receiving compensation and against a large list of very aged beneficiaries receiving pension.
>
> The payment of pensions monthly would enable very many Civil War pensioners to receive one or two months' more pension than they get, for the reason that they are dying at the rate of about 4,000 a month and very many of them live until within a few days of the quarterly payment. If paid monthly they would receive pension up to the 4th day of the month of their death if they died after that date.

That is the concluding statement of the Secretary of the Interior in commenting upon this bill. It seems to me that there ought not to be any controversy on this subject; that this bill is so eminently fair and just, and so clearly the decent thing to do, that it ought to pass without any opposition.

Mr. KING. Mr. President, may I make an inquiry of the Senator? The Senator stated, as I understood him, that the additional cost figured by the Secretary of the Interior is $160,000.

Mr. BURSUM. That is my last estimate, since this report, coming directly from the Pension Bureau.

Mr. KING. I suppose the Senator means that the cost in the Interior Department will be $160,000?

Mr. BURSUM. The cost to the Pension Bureau; yes.

Mr. KING. Of course, the Senator knows that that is only, I was about to say, a small part of the cost incident to this change, if it shall be made. The Senator knows that, because of the very perfect system of bookkeeping employed by the Government, it will involve a large number of employees in other departments of the Government, particularly in the Treasury Department.

Mr. BURSUM. That was all taken into account by the Pension Bureau. This is an estimate of the total additional cost.

Mr. KING. As I understood the Senator, the $160,000 additional cost related only to the Pension Bureau.

Mr. BURSUM. No; the statement was made that it would cover the entire additional cost.

Mr. KING. Has the Senator there the statement of the Secretary of the Interior?

Mr. BURSUM. I have here the statement of the Secretary of the Interior, yes; but in addition to this I have a verbal statement from the officials of the Pension Bureau. I made further inquiry about the cost of this measure for this reason: It was first contended that the cost would be only $44,000. It was later contended that it might be as much as $400,000. For those reasons I made special inquiry, and the answer I received was that it would probably cost $160,000 in addition to the present cost and in addition to the $44,000 required to make the immediate changes in the departments.

I take it, Mr. President, that these veterans who served this country in the greatest peril in its whole history, who were extremely lenient in their demands upon the Government for pensions, who for years and years and years were content to receive a very modest sum in aid of their existence in the shape of a pension, who for years and years received only six, seven, eight, nine, or ten dollars a month—these veterans, who are now living close to the sunset of their lives, ought to be given the same privileges that are given to those who served in the World War.

They are paid monthly. The world knows that the pensioner of necessity must be a poor man. He must be in need of the pension. He is not a man who has credit; and the time of long credits, of three months' credits by grocery men or hotels or merchandise houses or any other kind of business, has passed. To-day most business is done on a cash basis, and anyone who is willing to run the risk of trusting a pensioner will necessarily charge a much higher price than the cash price of the article, and especially so now that the hazard is still greater. The pensioner may die before the end of the three-month period, as has been suggested by the Secretary of the Interior, and under those circumstances there will be no security for the payment of his bills. This monthly payment will save those poor veterans many a pension payment, and it will save them $5, $10, or $15 a month to help them in getting along. I submit that it is absolute justice, and that we ought not to quarrel or quibble about the few dollars extra that it will cost to give this service to which the veterans are entitled.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. KING. Mr. President, I agree with the Senator that if soldiers and sailors of the World War obtain pensions monthly, there is no reason why pensions should not be paid monthly to the veterans of the Civil War and the Mexican War.

Mr. BURSUM. That is true.

Mr. KING. It is not a matter of quibbling, as the Senator knows, to inquire as to the cost. I do not think the Senator has come within two or three hundred per cent of the cost in the estimates which he has given, as will be demonstrated when this bill is put into operation.

The Senator states that this bill is to apply, as I understand him, only to soldiers of the Mexican War, the Civil War, the Indian wars, and the Spanish-American War.

Mr. BURSUM. Yes; they are the only veterans who are drawing pensions.

Mr. KING. The point I had in mind was this: The Senator states that the purpose of this bill is not to interfere with existing pension laws, other than those applying to veterans of the wars I have just named, and particularly it is not intended to relate to the civil pensioners.

Mr. BURSUM. We did not have those in mind at all. They were not considered.

Mr. KING. I knew that. I was wondering whether the Senator would consent to having the bill amended so as to make it clear that it is not intended that it shall apply to civil pensions.

Mr. BURSUM. I have no objection.

Mr. KING. Perhaps the words which I am about to suggest may not reach the situation, but I suggest to the Senator that at the conclusion of the sentence on line 5 there be added these words:

> *Provided*, That this act shall apply only to those obtaining military and naval pensions arising out of the Mexican War, the Civil War, Indian wars for which pensions have been allowed, and the Spanish-American War.

Mr. BURSUM. I suggest to the Senator that perhaps it would be better to insert, after the words "payment of pensions," the words "to veterans of wars, their widows, and dependents."

Mr. KING. That is entirely agreeable to me.

Mr. BURSUM. That would include all wars.

Mr. KING. There was no disagreement between the Senator and myself. I wanted to limit it as he desired it to be limited.

Mr. BURSUM. That was intended to be done.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Secretary will report the amendment just offered.

The ASSISTANT SECRETARY. On line 3, after the word "pensions," insert the words "to veterans of wars, their widows, and dependents."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BURSUM subsequently said:

Mr. President, in order to clarify an amendment adopted to House bill 2158 and to save, probably, a conference on the same, I ask unanimous consent that the unfinished business be temporarily laid aside and that the vote by which that bill was passed may be reconsidered.

The PRESIDING OFFICER. The Senator from New Mexico asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of reconsidering the vote by which House bill 2158 was passed. Is there objection to temporarily laying aside the unfinished business? The Chair hears none. Is there objection to reconsidering the votes by which the bill was ordered to a third reading and was passed? The Chair hears none.

Mr. BURSUM. I now move to reconsider the vote by which the amendment which I offered to the bill was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

Mr. BURSUM. I ask that the amendment be rejected.

The amendment was rejected.

Mr. BURSUM. I move to amend by adding at the end of the bill the following proviso:

> *Provided*, That the provisions of this act shall not apply to civil pensions.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1948) for the relief of Virgil O. McWhorter was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 942) for the relief of James Johnson was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. JONES of Washington. That may go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. The consideration of that would take more time than we have at our disposal this morning, and I suggest that it go over.

The VICE PRESIDENT. The bill will be passed over.

COLLECTION OF INDEBTEDNESS FROM GENERAL PRISONERS.

The bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, was announced as next in order.

Mr. KING. Reserving the right to object, I would like to have some explanation of the bill. Can the Senator from Montana explain it?

Mr. MYERS. I am not the author of the bill, nor did I report it, and I am not familiar with it.

Mr. KING. I ask that it be temporarily laid aside until the Senator from New York [Mr. WADSWORTH] comes into the Chamber.

The VICE PRESIDENT. Without objection, it will be temporarily laid aside.

Mr. WADSWORTH subsequently said: Mr. President, during my absence at an important committee meeting Senate bill 3111 was passed over. I ask unanimous consent that we may return to it. I think in a moment of time I can explain the bill to the satisfaction of the Senate.

Mr. KING. I asked that it should go over until we could send for the Senator from New York, and I have no objection to its being considered now.

The Senate, as in Committee on the Whole, proceeded to consider the bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, which was read, as follows:

> *Be it enacted etc.*, That if at the time of restoration to duty as an enlisted man, from the status of a general prisoner, such enlisted man is indebted to the United States or its instrumentalities, or to any Government agency, the amount of such indebtedness will be collected in monthly installments of not exceeding an amount equal to two-thirds of his monthly pay: *Provided*, That if such indebtedness of the enlisted man so charged against him at the time of his restoration be not fully liquidated before the date of expiration of his current enlistment or on such date thereafter to which he may be required to serve under the provisions of the one hundred and seventh article of war and his service subsequent to his restoration has been honest and faithful, then at the time of such enlisted man's discharge from his current enlistment the Secretary of War, if he deems such action to be in the interest of justice and for the best interest of the military service, under such regulations as he shall prescribe, may remit and cancel the portion of such indebtedness then remaining unpaid.

Mr. WADSWORTH. Mr. President, this bill is in the interest of generosity and humanity in the treatment of military prisoners. This is the situation: We will say that a soldier deserts from the Army, is apprehended, and brought back and tried. The penalty may be imprisonment for a stated time, plus a fine assessed against him to meet the cost of paying the reward to those who apprehended him as a deserter.

The soldier goes to a military prison. Under the existing statute, if his behavior is good he is returned to duty with his unit, under regulations prescribed by the War Department. The fine, however, still lies against him, and under existing law that money must be collected from his pay as fast as the pay is credited to him, with the result that a soldier who, on good behavior, has been returned to duty and is serving again with his unit, finds that for some months he draws no pay whatsoever. He is left in an impossible position. He can purchase nothing. He has not a penny in his clothes.

This bill will authorize the Secretary of War to withdraw from his pay in installments, from month to month, the amount of money which he owes the Government. It will leave in his pockets a portion of his pay.

Mr. KING. Under the bill can the Secretary fix the amount to be drawn each month?

Mr. WADSWORTH. The bill provides for that. The language is:

> The amount of such indebtedness will be collected in monthly installments of not exceeding an amount equal to two-thirds of his monthly pay.

It is in the interest of generous treatment of men who have shown on a second trial that they are good soldiers, and they certainly should not be placed in a position where there is not a penny left in their pockets.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses was announced as next in order.

Mr. KING. Let the bill go over.

Mr. BURSUM. This is a bill to increase the pensions of certain persons from $12 to $20. I think we ought to dispose of the bill.

The VICE PRESIDENT. The Senator from Utah asks that it go over.

Mr. KING. I suggest that we take it up when we come to the other general pension bills. The calendar is being considered in the morning hour, and I think we ought to proceed with the consideration of unobjected bills.

Mr. BURSUM. I will be glad to do that if the Senator will not object to having the bill taken up to-morrow. This bill has gone over several times, but it can be postponed until

to-morrow. We shall probably have another day on the calendar this week.

Mr. MYERS. This is the kind of a bill that will take a long time to consider, and I hope the Senator from New Mexico will not insist on having it taken up now.

Mr. BURSUM. There ought not be any debate on it. It is a most meritorious bill.

Mr. MYERS. It can be taken up by motion at any time.

Mr. BURSUM. But when can I get a chance to make the motion?

Mr. MYERS. I think the Senator will get a much better chance than if he tries to have it passed now.

Mr. BURSUM. I will yield for the present, reserving the right to make a motion later on.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutant generals of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

The VICE PRESIDENT. The bill has been amended, read and passed, and a motion has been entertained to reconsider, made by the Senator from Iowa [Mr. CUMMINS].

Mr. SMOOT. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

MANDE H. MOSHER.

The bill (H. R. 1274) for the relief of Mande H. Mosher was announced as next in order.

Mr. KING. Let that go over.

Mr. CAPPER. Mr. President, with regard to this bill, it is for a small amount; it has been on the calendar a long time, and I do not believe there will be any question about it. It was carefully considered by the Claims Committees of both the Senate and the House.

Mr. KING. When we get through with the calendar we can take it up.

Mr. CAPPER. We might not get back to it on the calendar for a month. It involves a small appropriation, only $1,250.

Mr. KING. But there is a question of liability, and I ask the Senator to let it go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE VAN DERBURGH BROWN.

The bill (H. R. 3057) for the relief of George Van Derburgh Brown was announced as next in order.

The VICE PRESIDENT. A Senate bill covering this matter was passed yesterday. Is there any objection to passing the House bill, which is just like the Senate bill which went through yesterday?

Mr. KING. Is it proposed to reconsider the vote by which the Senate bill was passed?

Mr. WADSWORTH. It will die in the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3057) for the relief of George Van Derburgh Brown, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Van Derburgh Brown, of Brookline, Mass., who was severely injured, and whose wife was killed by being struck by a mail truck in use in the Boston postal district and operated by the Post Office Department, as a result of negligence on the part of the driver, on the night of Sunday, January 2, 1921, the sum of $5,000, from any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. LEPLEY.

The bill (H. R. 4394) for the relief of Annie M. Lepley was announced as next in order.

Mr. KING. Let the report be read.

The VICE PRESIDENT. The Secretary will read the report.

The Assistant Secretary proceeded to read the report submitted by Mr. CAPPER from the Committee on Claims March 7, 1922.

Mr. KING. I do not ask for any further reading. I object to the present consideration of the bill.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 820) for the relief of the Hunter-Brown Co. was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1651) for the relief of Prairie View State Normal and Industrial College was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1026) for the relief of Albert E. Magoffin was announced as next in order.

Mr. KING. I object. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2346) for the relief of Ellen B. Monahan was announced as next in order.

Mr. KING. Let that go over, so we may have an opportunity to look into it.

The PRESIDING OFFICER. On objection, the bill will go over.

GOVERNMENT BUILDING, BIRMINGHAM, ALA.

The bill (S. 3258) to provide for the renting of the old Government building in Birmingham, Ala., was announced as next in order.

Mr. SMOOT. Mr. President, I would like to know what is the purpose of the bill?

Mr. WARREN. I wish to assure the Senator from Utah that there is no money consideration of any consequence connected with the bill. The building is standing there empty, and it is the desire to use it for soldiers who are there; that is, the State troops. The matter was very carefully gone into by the committee.

Mr. SMOOT. It is for the Alabama National Guard, is it not?

Mr. WARREN. Yes; I said for the State troops. I think there will be no objection to its passage.

The PRESIDING OFFICER. The Assistant Secretary suggests that he is under the impression we have already passed a House bill covering the matter. The Chair would suggest that the bill go over temporarily until that question can be investigated.

Mr. WARREN. Yes; if there is any question about it, let it go over temporarily. It is a bill introduced by the senior Senator from Alabama [Mr. UNDERWOOD]. I was familiar with the case at one time, because it was considered by our committee, but if there is any idea that a similar bill has passed, although I think it has not, let it go over for the present.

The PRESIDING OFFICER. The Chair will ask the junior Senator from Alabama [Mr. HEFLIN], who has just entered the Chamber. We have just reached on the calendar the bill (S. 3258) to provide for the renting of the old Government building in Birmingham, Ala. The Assistant Secretary has suggested that a House bill was passed by the Senate involving the same matter. Can the junior Senator from Alabama enlighten the Chair?

Mr. OVERMAN. Mr. President, I remember that the senior Senator from Alabama [Mr. UNDERWOOD] discussed the matter on the floor, and I think it was passed in some form.

Mr. WARREN. I think it passed as an amendment to an appropriation bill.

Mr. HEFLIN. My colleague had the matter in charge and I do not know what disposition was made of it. I understand that a bill of like character passed the House and that that bill was later passed by the Senate.

The PRESIDING OFFICER. That is the Assistant Secretary's recollection.

Mr. WARREN. My recollection is a little different from that. I now recall that it was offered on the floor by the senior Senator from Alabama [Mr. UNDERWOOD] as an amendment to an appropriation bill and was not objected to, and I think we will find it in the appropriation act.

Mr. HEFLIN. I suggest that the bill on the calendar be passed over until we can look into it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WARREN subsequently said:

Mr. President, referring to the bill (S. 3258) to provide for the renting of the old Government building in Birmingham, Ala., I desire to say that I have looked up the appropriation act to which I referred a few moments ago, and I find that after the appropriation bill had been favorably reported by the Committee on Appropriations Senate bill 3258 was moved as an amendment on the floor of the Senate to the appropriation bill by the Senator from Alabama [Mr. UNDERWOOD] and was agreed to. So I move to strike from the calendar Senate bill 3258.

The PRESIDING OFFICER. Without objection, Senate bill 3258 will be indefinitely postponed.

BRIDGE ACROSS LITTLE COLORADO RIVER, ARIZ.

The bill (S. 2563) to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz., was considered as in Committee of the Whole.

Mr. KING. Mr. President, reserving the right to object, I would like to have an explanation of the bill.

Mr. ASHURST. Mr. President, I move to amend on line 3, after the word "hereby," by inserting the words "authorized to be," so that the line will read, "that there is hereby authorized to be appropriated," and so forth.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ASHURST. Objection, of course, may be made at any time. I concede that. I should like to have the amendment considered.

The PRESIDING OFFICER. The Senator from Arizona offers an amendment, which will be stated.

The ASSISTANT SECRETARY. On line 3, after the word "hereby," insert "authorized to be," so the line will read, "That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated," and so forth.

The amendment was agreed to.

Mr. ASHURST. I ask that the committee report be read.

Mr. SPENCER. Mr. President, I wonder if I could not save some time by giving in a sentence or two the substance of what the report contains? The report is a little long.

Mr. ASHURST. I will withhold the request for the moment.

Mr. SMOOT. I would like to have the report read.

Mr. SPENCER. Very well; the Senator from Utah wants the report read.

The PRESIDING OFFICER. The report will be read as requested.

The Assistant Secretary read the report submitted by Mr. SPENCER March 11, 1922, as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 2563) to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in the following letter from the Acting Secretary of the Interior, under date of October 26, 1921, which is appended hereto and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, October 26, 1921.

Hon. CHARLES CURTIS,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I submit, in compliance with your request of the 8th instant, the following report on the construction of the bridge across the Little Colorado River near Leupp, Ariz., Indian Agency, to be considered in connection with Senate bill 2563, introduced by Senator ASHURST, and providing for the relief of the Allied Contractors (Inc.) by the payment of $17,471.25 as additional compensation for completing the bridge.

This bridge was constructed under contract with the Allied Contractors (Inc.), whose bid was $31,000 for the work installed in accordance with the drawings and specifications prepared by the construction section of the Indian Bureau from data submitted by Mr. Walter Dubree, former superintendent of construction in the Indian Service.

In making his original borings for the abutments of the bridge, Mr. Dubree found what he believed to be solid rock at a few feet below the surface, and this level was fixed by him and appeared both in elevation figures and profile sent out by the Indian Bureau with the advertised drawings and specifications. On excavating for the abutment the contractor found, at the level fixed by Mr. Dubree, only a thin layer of shale, upon which it would have been folly to place the weight of the abutment and that of the transmitted weight of the bridge; consequently a safe foundation bed had to be secured and excavations were therefore made to solid rock, which was found at a considerable depth below the level given on the contract drawings, this necessitating a considerable amount of extra concrete in the abutment below the water line. Further extra cost was incurred in lengthening walls of the original wing of the abutment, which wisdom advised, after considering the alluvial formation of the river banks and the liability of their being eroded at flood stages of the river and leaving the abutment exposed to danger of undermining.

Mr. William Dennet, also former superintendent of construction in the Indian Service, was in charge of the construction of the abutment at the starting of the work, but left the construction section before the completion of the bridge, and the work was supervised by Mr. James, superintendent of the Leupp Indian school. Both of these representatives have recommended payment to the contractors for extra work under their contract and both have certified to the excellent construction of the bridge.

The first claim for final payment presented by the contractors included extra work in the amount of $21,045.83, which was considered excessive by the Indian Bureau, and accordingly a conference was arranged in June, 1921, between the contractors' representatives and those of that bureau, whereby the contractors' original claim was reduced to $17,471.25. It is believed, since an agreement was made to consider any claim by the contractors for additional payment, at a previous conference in April, 1920, by former Assistant Secretary Hopkins, Mr. Towle, representing the contractors, and representatives of the Indian Bureau, that proper justification is present for approving the payment to the contractors, as provided by the Senate bill.

Sincerely,

E. C. FINNEY, *Acting Secretary.*

Mr. KING. Mr. President, in order that we may have a full explanation, I shall object to the consideration of the bill. I hope the Senator from Arizona will move to take up the bill, and we shall not then be hampered by the five-minute rule.

Mr. ASHURST. The bridge is wholly on the Indian reservation. The Navajo Indian Reservation comprises about 30,000 square miles, and it lies in Arizona and in New Mexico. The bridge is across the Little Colorado River and at times that stream, which is a flashy, erratic stream, rises to such an extent as to make it impassable without the bridge. The Navajo Indians, who are flockmasters there, must get their wool to market. Until the bridge was built the Indians, who frequently brought their wool to the river bank, the railroad being some 35 miles south, would be required to wait on the northern bank of the river for days and even for weeks until the waters subsided. It is a substantial bridge and is of much value to the Indians.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. ASHURST. Certainly.

Mr. WARREN. The Senator proposed some amendment to the bill?

Mr. ASHURST. I proposed an amendment in line 3, after the word "hereby" to insert "authorized to be," so that it will read, "That there is hereby authorized to be appropriated," and so forth.

Mr. KING. May I inquire of the Senator whether this sum is to be charged against the funds of the Indians; and if not, why not?

Mr. ASHURST. The appropriation was made in 1916, and, unless my memory is defective, it is to be charged against the Indians.

Mr. KING. As I understand the Senator, then, the cost is to be met by the Indians themselves from their funds?

Mr. ASHURST. That is my remembrance.

Mr. BURSUM. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BURSUM. The Navajos have no funds of their own.

Mr. KING. Why should the Government, for their particular advantage, pay for this bridge? I am inquiring for information.

Mr. MYERS. Because they have no money.

Mr. KING. Mr. President, I think the objection had better stand.

The PRESIDING OFFICER. The Senator from Utah objects, and the bill will be passed over.

ALBERT E. MAGOFFIN.

Mr. WILLIS. I desire to ask unanimous consent to return to Calendar No. 533, being the bill (S. 1026) for the relief of Albert E. Magoffin. I was called from the Chamber temporarily to answer the telephone, and during my absence that bill was reached on the calendar and passed over.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to return to the bill named by him. Is there objection?

Mr. KING. I do not object to returning to the bill.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill, which proposes to pay to Albert E. Magoffin $225, in full settlement of all pay, bounty, and allowance due by reason of his service in the Eighty-ninth Regiment Ohio Volunteer Infantry during the Civil War.

Mr. KING. I reserve the right to object to the consideration of the bill.

Mr. WILLIS. Mr. President, I desire to make a brief statement concerning the bill. My attention was drawn to the bill, in the first place, through an examination of the papers in the case, and the finding amongst those papers of an affidavit from

one of the most distinguished men who ever occupied a place in this Chamber. I refer to Hon. J. B. Foraker, of Ohio, who knew this claimant well. I particularly call the attention of the Senator from Utah [Mr. KING] to what former Senator Foraker said in his statement on page 2 of the report on the bill. I ask unanimous consent to incorporate that statement in my remarks at this point, without taking time to read it.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The affidavit referred to is as follows:

Hon. J. B. Foraker, of Ohio, who says he was personally acquainted with claimant for 50 years and was with claimant on the raid or scouting expedition in the spring of 1863, and also says:

"While on the same the claimant was somehow badly injured in his left ankle, which injury finally culminated in an amputation of same. I saw claimant from time to time, almost daily, while he remained with the regiment. He was plucky and courageous in the performance of his duty and continued to discharge it for some time after he should have been relieved.

"He finally became unable to march and was compelled to go to the hospital, where he was discharged for disabilities; the ankle being, as I have always understood, the most serious of his ailments; it was so serious that in time it became necessary to amputate the same, as above stated."

Mr. WILLIS. Mr. President, the facts in this case were simply these: Albert E. Magoffin, while serving as a soldier in the Civil War, received a serious injury. As is stated in the beginning of the report, which is very carefully drawn:

On April 4, 1863, on a raid at Snow Hill, Tenn., in the line of duty and under orders, he injured his left leg below the knee, from which he never recovered, and which later, in 1868, resulted in the amputation of his limb.

Singularly enough, when this man was mustered out of the service no reference was made to that disability; he was mustered out because of other disabilities. It is to that singular omission that former Senator Foraker calls attention in his statement. There are various statements to the same effect by his comrades. It is one of those errors that will inevitably occur when large numbers of cases are being handled. He was, however, mustered out and has been drawing a pension for other causes, but this injury has never appeared as a matter of record. There can not be the slightest question as to the fact which Senator Foraker clearly sets forth.

I read further from the report of the committee:

The claimant is receiving a pension now of $72 per month, based on his disabilities mentioned in his discharge, which has never included the injury to his leg.

As a matter of fact, the man's leg is off. It is not proposed to grant him an additional pension at all, but to help the old soldier a little bit. He was at the time he enlisted promised a bounty of $100 a month; $25 were paid him but $75 remain unpaid. This bill proposes to pay him the $75 with accrued interest. The old man now lives in California, and I personally know he is very much in want. The committee thought this would be in the interest of justice and they accordingly recommend that he be paid $225, which is $75 with accrued interest. It is not a pension proposition at all. In view of the fact that his disability, through an error in the record, was never included, and he was never pensioned for it, it seems to me this is a case that has very exceptional merit, and I hope the Senator from Utah will not object. I do not believe he is going to do so.

Mr. KING. I should like to inquire of the Senator from Ohio if he approves of civil claims which are presented 60 years after the maturing of the alleged claim? If this claimant was entitled to a bounty in the sixties, why did he not present his claim then when the facts were accessible to the Government?

Mr. WILLIS. I should say that if this man had not received this injury, and if the peculiar circumstances which I have described did not exist, I should not be in favor of recognizing any such claim.

Mr. OVERMAN. I do not know why former Senator Foraker did not get this bill through for the relief of this man. Senator Foraker was himself on the Committee on Pensions.

Mr. WILLIS. I do not know why Senator Foraker did not do so.

Mr. OVERMAN. What did Senator Foraker say about the claim?

Mr. WILLIS. Let me read what Senator Foraker said, though I have already incorporated it in my remarks.

Mr. OVERMAN. I know that Senator Foraker was on the Committee on Pensions.

Mr. WILLIS. Yes; and the Senator from North Carolina knew Senator Foraker well.

Mr. OVERMAN. Yes.

Mr. WILLIS. Here is exactly what Senator Foraker says about the matter, and frankly this is what attracted my attention to the claim, because I had great confidence in the judgment of Senator Foraker. Senator Foraker says, speaking of the expedition in which this man was injured:

While on the same the claimant was somehow badly injured in his left ankle, which injury finally culminated in an amputation of same. I saw claimant from time to time almost daily while he remained with the regiment. He was plucky and courageous in the performance of his duty and continued to discharge it for some time after he should have been relieved.

He finally became unable to march and was compelled to go to the hospital, where he was discharged for disabilities; the ankle being, as I have always understood, the most serious of his ailments; it was so serious that in time it became necessary to amputate the same, as above stated.

But through one of those singular errors which sometimes occur this injury was not one of the grounds of the soldier's discharge; the man was discharged for other causes and because of other disabilities, and he is drawing a pension for them. The proposition here is simply to grant him this little amount of $75, with accrued interest, with the idea that it will help him out.

Mr. KING. May I inquire of the Senator from Ohio whether the Government at that time paid bounties?

Mr. WILLIS. Yes; that is my understanding.

Mr. KING. I wish also to inquire whether this claimant was promised a bounty by the Government or by the State?

Mr. WILLIS. My understanding from the report is that he was promised a bounty by the Government.

Mr. KING. Many of the States paid bounties; and my understanding is that they redeemed their promises, and that all to whom bounties were promised obtained them.

Mr. WILLIS. I understand what the Senator from Utah is driving at; but it is my understanding from the report on the bill that only $25 of the bounty was paid.

Mr. KING. If this applicant was promised a bounty by the Government, it seems to me that he is a monument to which we should point with a great deal of pride, if for 60 years, with that amount due him, he never made application for it. I can not quite believe it.

Mr. WILLIS. I have no personal information upon that phase of the matter, but here is the statement which is contained in the committee report:

At the time claimant enlisted he was promised a bounty of $100. Twenty-five dollars was paid on the bounty in July, 1863, and the balance still remains unpaid.

Mr. WARREN. It has never been the practice of the Government to pay interest on claims against the United States previous to their adjudication.

Mr. WILLIS. For the sake of the argument, I am perfectly willing to admit that that is the case. The plain fact is, however, that, while this old soldier has been pensioned, he has not been pensioned on account of this particular disability. He lost his leg as the result of his military service, but through an error in the record he has never received any compensation for that injury. He might have had a pension bill introduced here on his behalf for that reason, but no such action was ever taken.

Mr. OVERMAN. Is it proposed to pay interest on this claim?

Mr. WILLIS. The Senator from North Carolina knows very much better about that than do I. I suppose the Committee on Pensions, however, thought the amount for which he asked was so small, anyway, being only $75, that they allowed him the interest.

Mr. OVERMAN. But the interest amounts to twice as much as the claim.

Mr. WILLIS. I know it does; the bill provides for the payment of $225 to an old soldier who has but one leg.

Mr. OVERMAN. I am willing to take care of the old soldiers.

Mr. WARREN. But the Government never pays interest on claims against it until they are adjudicated.

Mr. WILLIS. I understand that.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I have no objection to the bill if the provision for the payment of interest is stricken out. I do not think that interest should be allowed; it never has been allowed by Congress since I have been a Member of the Senate. I understand it has been the practice both of the House and the Senate not to provide for the payment of interest except in the case of such claims as have been adjudicated.

Mr. OVERMAN. I will ask the Senator what is the amount of the principal?

Mr. WILLIS. The principal is $75. I do not desire to attempt to deceive the Senator and could not if I wished to do so. I read from the third page of the report, as follows:

The claimant asks for payment of $225, which is the balance on bounty of $75 and interest. This is equivalent to about 3½ per cent simple interest from date of discharge.

Mr. OVERMAN. Will not the Senator strike out the amount representing the interest and provide merely for the payment of $75? I shall object to the bill if it carries the payment of interest.

Mr. WILLIS. If the Senator from North Carolina desires to move such an amendment he may do so.

Mr. OVERMAN. As the Senator from Utah [Mr. SMOOT] has said, if we pass the bill in its present form it will constitute a precedent.

Mr. WILLIS. I understand the practice of the Government has been as stated.

Mr. OVERMAN. I do not care to make any motion in reference to the bill, but I shall object if it carries interest.

Mr. SMOOT. If the beneficiary of the bill had a claim for $225, I should not object to appropriating that amount, but I must object if the bill provides for the payment of any more than the original claim.

Mr. WILLIS. I ask the Senator to note what the bill provides. Of course, there has been discussion of it here which is now a matter of record, but the bill says nothing about the payment of any interest. It reads:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert E. Magoffin, out of any money in the Treasury not otherwise appropriated, the sum of $225 in full settlement of all pay, bounty, and allowances due by reason of his service—

And so forth.

So far as the bill itself is concerned, it does not say anything about interest. Does the form of the bill satisfy the Senator from Utah?

Mr. SMOOT. From the report of the committee, however, if it is ever looked up it will be found that the payment of interest was provided for, and that will constitute a precedent.

Mr. WILLIS. Very well.

Mr. SMOOT. I ask the Senator to amend the bill by striking out $225 and inserting $75, so as to provide merely for the payment of the amount which is due.

Mr. WILLIS. Very well; I will accept that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. In line 6, after the words "sum of," it is proposed to strike out "$225" and insert "$75."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF INDIANS OF MONTANA.

The bill (S. 249) for the relief of certain tribes and nations of Indians in the State of Montana was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 3, after the word "cause," to insert "nor more than $25,000 to be paid by any tribe or tribes occupying one reservation," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature which the Blackfeet, Blood, Piegan, Gros Ventre, River Crow, and Assiniboin Tribes or Nations of Indians residing upon the Blackfeet, Fort Belknap, and Fort Peck Indian Reservations east of the Rocky Mountains, and the Flathead Tribe of Indians west of the Rocky Mountains, in the State of Montana, may have against the United States may be submitted to the Court of Claims, with the right of any party to appeal to the Supreme Court of the United States, for the determination of the amounts, if any, due any of said tribes from the United States under the treaty of October 17, 1855, or any other treaty or law for the misappropriation of any funds and property due said tribes or any of them, or any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear, try, and determine all legal and equitable claims, if any, of said Blackfeet, Blood, Piegan, Gros Ventre, River Crow, Assiniboin, and Flathead Tribes, or any of them, against the United States, and any legal or equitable defense, counterclaim, or set-off which the United States may have against said tribes, or any of them, and to enter judgment. The Court of Claims shall have the authority to adjudicate all rights, legal or equitable, of said tribes and the United States, notwithstanding the lapse of time and the statutes of limitations, and the final judgment and satisfaction thereof shall be in full settlement of all claims of said tribes against the United States. The suit or suits shall be commenced within one year by the filing of a petition or petitions, and verified by an attorney or attorneys employed by said tribes, or each tribe, upon information and belief as to the facts alleged. The attorney or attorneys shall be selected and employed by the said tribes with the approval of the Secretary of the Interior and the fees fixed by the Court of Claims, and said fees approved by the Secretary of the Interior, and said fees shall be paid out of any sum or sums found due any of said tribes: *Provided*, That in no case shall the fee or fees exceed more than 10 per cent of the amount of the judgment recovered in said cause, nor more than $25,000 to be paid by any tribe or tribes occupying one reservation.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to have the Senator from Montana explain the bill briefly, or else I should like to have a little time to read the report to ascertain whether there is any change in the practice respecting the Indians named in the bill, comparing the pending bill with other bills for similar purposes which have heretofore passed.

Mr. WALSH of Montana. There has been no change, except the committee has recommended the amendment touching attorneys' fees and providing that in no case shall they exceed $25,000.

Mr. SMOOT. I notice that amendment.

Mr. WALSH of Montana. The attorneys' fees are limited to 10 per cent, but in no case shall they exceed $25,000. Otherwise the bill is in the usual form.

Mr. SMOOT. This bill has not passed the Senate heretofore, has it?

Mr. WALSH of Montana. No.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROW INDIANS OF MONTANA.

The bill (S. 250) authorizing the Crow Tribe of Indians, residing in the State of Montana, to submit claims to the Court of Claims, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That all claims of whatsoever nature, which the Crow Tribe of Indians, residing in the State of Montana, may have or claim to have against the United States, under any treaty or law of Congress, or for the misappropriation of any funds of the tribe, or the failure to pay any moneys when due, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the case or cases upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Crow Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun by the Crow Tribe of Indians as parties plaintiff and the United States as party defendant. The petition or petitions may be verified by the attorney or attorneys employed in said claim by the Crow Tribe of Indians upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, and in no case in excess of $25,000, to be paid to the attorney or attorneys employed by the said Crow Tribe of Indians, who shall be a member or members of the bar in good standing of the highest court of the State, District, or Territory in which he or they reside, and the same shall be included in the decree and shall be paid out of any sum or sums found due said tribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPENCER subsequently said: Mr. President, while I was out of the Chamber for a moment the Senate passed Senate bill 250, a bill authorizing the Crow Indians to have their rights adjudicated by the Court of Claims. The Indian Department were against the bill, but the committee was in favor of it. However, there is an amendment to which I am sure there will be no objection, which is generally put on those bills, providing that attorneys should act under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, in accordance with existing law.

I move that the votes by which the bill was ordered to a third reading and passed be reconsidered, so that this amendment may be incorporated in the bill.

Mr. KING. May I inquire of the Senator whether the Senator from Montana [Mr. WALSH] is in favor of this amendment?

Mr. SPENCER. I went to see that Senator, but he had left the Chamber. I conferred with the Senator from Arizona [Mr. ASHURST], a member of the committee, and he tells me that he thinks there can be no objection to it, and I am sure there could not be.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. SPENCER. I move to amend, on page 2, after line 10, by inserting after the word "Indians" the following:

Under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, in accordance with existing law.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 514) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes, was announced as next in order.

Mr. KING. I have been asked to request that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

ALLOTMENTS ON CROW RESERVATION, ETC.

The bill (H. R. 10195) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes, was considered as in Committee of the Whole.

The bill has been reported from the Committee on Indian Affairs with an amendment in section 1, page 2, line 9, after the word "Oklahoma," to insert "and to prosecute all appropriate proceedings to recover for such members any excess-income tax which may have been paid by or exacted of them, respectively," and in line 20, after the word "act," to insert "and that such contract shall obligate the firms or individuals with whom the same are made to prosecute to a final determination all claims included in such contract, unless the Secretary shall otherwise direct," so as to make the section read:

SECTION 1. That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to make or approve contracts with competent and experienced firms or individuals to prepare and submit, through the Superintendent for the Five Civilized Tribes, amended income-tax returns covering the years 1919, 1920, and 1921, for the restricted members of the Five Civilized Tribes of Indians in Oklahoma, and to prosecute all appropriate proceedings to recover for such members any excess-income tax which may have been paid by or exacted of them, respectively: *Provided*, That the compensation paid for the preparation and submission of such amended income-tax returns shall not exceed for any year 10 per cent of the actual net savings in taxes allowed such taxpaying Indians either by reason of deductions for depletion or other proper allowances actually secured in their behalf as a result of the work and efforts of the firms or individuals with whom such contract or contracts are made in pursuance of this act, and that such contract shall obligate the firms or individuals with whom the same are made to prosecute to a final determination all claims included in such contract, unless the Secretary shall otherwise direct: *Provided further*, That the Secretary shall make payment of such compensation out of the funds belonging to the several restricted Indians who shall be the beneficiaries of such contract.

Mr. SMOOT. Mr. President, I doubt the wisdom of the amendment on page 2, beginning in line 9, reading:

And to prosecute all appropriate proceedings to recover for such members any excess-income tax which may have been paid by or exacted of them.

I shall ask that the bill go over unless that amendment is rejected.

Mr. WALSH of Montana. Mr. President, I have no interest in that feature of the bill at all, but the subject had very careful consideration by the committee, and it was deemed advisable to put that amendment in as well as the amendment which follows it. The members of the Five Civilized Tribes have become the owners of very valuable oil properties; they were called upon to make returns for taxation, and in many cases it is claimed that their returns called for a very much higher tax than they were obliged to pay.

This bill authorizes the employment of an attorney to prosecute before the Commissioner of Internal Revenue a claim to recover the excess taxes paid. Of course, it is conceivable, and not at all improbable, that the commissioner will indorse the action that was taken. The ordinary individual then would have an opportunity to go before a court and sue to recover the excess tax, and we want to give the Indian exactly the same privilege that the white man has.

Mr. SMOOT. He has that right now.

Mr. WALSH of Montana. Oh, he has it, Mr. President, but the trouble is that he has no opportunity to employ an attorney, having no funds at his command, and being practically prohibited from entering into any agreement with an attorney, and being unable to do so, as a matter of fact, being under guardianship; so we simply wanted to authorize him, through the Commissioner of Indian Affairs, to employ an attorney to prosecute the claim for the recovery of the money which he claims to be due him. It is simply giving him an opportunity to go into court and establish his claim against the Government, which it seems to me we ought to be very glad to accord to all Indians.

Mr. SMOOT. There is no limit whatever here. This amendment would authorize any attorney, at any time in the future, to proceed against the Government for the collection of "any excess income tax which may have been paid by or exacted of them," meaning the Indians. The Senator from Montana knows that these Indian cases in the past have been the means of many attorneys exacting from the Indians excessive attorney fees, and, in fact, many of them were originally worked up by the attorneys for the very purpose of getting large fees out of the Indians whom they defended. It seems to me that if we are going to give this right by law, it ought to be limited to some time.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. WALSH of Montana. I want to say to the Senator that this is a matter in which the Senator from Kansas [Mr. CURTIS] is particularly interested, and the amendment was made at his suggestion.

Mr. SMOOT. It would not make a particle of difference in my view of the matter who suggested it.

Mr. WALSH of Montana. I understand. I merely make this statement so that the Senator will have my position with respect to the matter clear; but I think the Senator has not stated the case exactly. It will be observed that this bill authorizes the Secretary of the Interior to make or approve contracts with firms or individuals for the preparation for restricted members of the Five Civilized Tribes of amended income-tax returns; that is, they made income-tax returns which they now insist were not correct, and this bill authorizes the Secretary of the Interior to employ an attorney to make for them amended income-tax returns with a view to recovering from the commissioner, when the amended return is approved by him, the amount of the excess. It is altogether likely, however, that the Commissioner of Internal Revenue will not approve the amendment, and then the Indian is left helpless, and he can not recover the amount that is due him. He could, of course, go on himself and hire an attorney, as the Senator suggests; but we want to repose the power in the Secretary of the Interior to look after his interests. If the Secretary of the Interior feels that a suit ought to be begun, he is authorized under this bill to hire an attorney to prosecute the suit.

Mr. SMOOT. I should think if the Indian who had paid the tax was told by some attorney that he had overpaid the Government, and that there was really some money coming to him because of that overpayment, and he in turn went to the Secretary of the Interior and appealed to him to select some attorney or approve some attorney that might be selected by the Indian to enter into a suit for the recovery of this money from the Government of the United States, it would place the Secretary of the Interior in rather an embarrassing position to refuse it, and I doubt very much whether the Secretary of the Interior would do so. At least he would not do so until he had looked up the case himself, and decided in his own mind that there was no just claim on the part of the Indian.

The Senator knows that these Indians are exploited by attorneys from one end of this country to the other. He knows that men have been made wealthy by fees charged to and collected from the Indians for prosecuting their claims in the courts against the Government of the United States. I have no objection at all to this bill if the time is limited. The Government ought to have some time fixed in which suit can not be brought against it for the recovery of taxes paid.

Mr. WALSH of Montana. Mr. President, the general limit is applicable to everybody.

Mr. SMOOT. Oh, yes.

Mr. WALSH of Montana. No right is conferred here at all, and I want to say this much to the Senator: The bill as it stands, without this amendment, authorizes the Secretary to employ these attorneys.

Mr. SMOOT. Then there is no need of the amendment.

Mr. WALSH of Montana. Yes; the simple question is, How far shall the attorneys go? Shall they quit when they have presented the matter to the Commissioner of Internal Revenue, or shall they go on and prosecute the case in the courts if the Secretary of the Interior desires them to do so?

I appreciate what the Senator says, that these are often made speculative matters; but we are already authorizing the employment of these attorneys, and it is simply a question of how far their powers shall go.

Mr. SMOOT. I hardly agree with the Senator that this gives them no rights in addition to those that they have under existing law. This amendment, if it should become a law, would be passed since the passage of the law which limited the time in which the suits could be brought. It seems to me that the construction which would be put upon it, that being the case, would be that this is giving the Indians a privilege and an advantage that is not given to any other taxpayer in the United States. All other taxpayers must conform to existing law. They must make their applications within the period limited by that law, but it seems to me that if this bill passes there will be no limitation at all.

Mr. WALSH of Montana. This could not possibly be construed to extend the period of the statute of limitations.

Mr. SMOOT. Then, if that is the case, I do not see any necessity whatever for the amendment. If it gives them no additional right, if it grants no extension of time over that which is provided for in existing law, I can not see any reason why the amendment is offered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I will ask that it go over to-day.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

FRED SUMPTER.

The bill (S. 3176) for the relief of Fred Sumpter was announced as next in order.

Mr. WALSH of Montana. Mr. President, a recent ruling of the department makes unnecessary this relief to the claimant, and I accordingly move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

LANDS IN NEW MEXICO.

The bill (S. 2014) to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in township surveys hereafter to be made in the State of New Mexico, if it shall be made to appear to the satisfaction of the deputy surveyor making such survey that any person has, through himself, his ancestors, grantors, or their lawful successors in title or possession, been in the continuous adverse actual bona fide possession, residing thereon as his home, of any tract of land or in connection therewith of other lands, all together not exceeding 160 acres, in such township for 20 years next preceding the time of making such survey, the deputy surveyor shall recognize and establish the lines of such possession and make the subdivision of the adjoining lands in accordance therewith. Such possession shall be accurately defined in the field notes of the survey and delineated on the township plat, with the boundaries and area of the tract as a separate legal subdivision. The deputy surveyor shall return with his survey the name or names of all persons so found to be in possession, with a proper description of the tract in the possession of each as shown by the survey, and the proofs furnished to him of such possession.

Upon receipt of such survey and proofs the Commissioner of the General Land Office shall cause careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth in respect of such claim and occupation, and if satisfied upon such investigation that the claimant comes within the provisions of this section, he shall cause patents to be issued to the parties so found to be in possession for the tracts respectively claimed by them: *Provided, however*, That no person shall be entitled to confirmation of, or to patent for, more than 160 acres in his own right by virtue of this section.

All claims arising under this act shall be filed with the surveyor general of New Mexico within two years next after the passage of this act, and no claim not so filed shall be valid. No tract of such land shall be subject to entry under the land laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN NORTH AND SOUTH DAKOTA.

The bill (H. R. 9710) authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That any homestead entryman or purchaser of Government lands within the former Cheyenne River and Standing Rock Indian Reservations in North Dakota and South Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension to the 1923 anniversary of the date of his entry or contract of purchase upon payment of interest in advance at the rate of 3 per cent per annum on the amounts due from the maturity thereof to the said anniversary; and if at the expiration of the extended period the entryman or purchaser is still unable to make the payment he may, upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time, not exceeding a period of three years, as the facts warrant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLERKS OF UNITED STATES DISTRICT COURTS.

The bill (H. R. 8342) to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and empowered to increase or decrease the salary of any clerk of a United States district court within the limits prescribed by the act approved February 26, 1919, where upon investigation the Attorney General finds that there has been such material increase or decrease in the volume of business transacted in any such district when contrasted with the volume of business upon which the said salaries have been heretofore fixed as to justify such increase or decrease, but in all cases the said increase or decrease shall be based upon the amount of business transacted by the court and the fees and emoluments collected by the clerks and by them paid into the Treasury of the United States during the four years last preceding the time of such increase or decrease of salary to be made by the Attorney General under the power hereby conferred: *Provided*, That no change in the salary of any clerk having been hereafter fixed under power hereby conferred shall be made until after the lapse of four years from the date of such change.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUNICIPAL PARK, BUTTE, MONT.

The bill (H. R. 5762) providing for a municipal park for the city of Butte, Mont., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the municipality of Butte, Mont., to designate and segregate for municipal recreational development any lands, not to exceed 3,600 acres, within the Deerlodge National Forest which, in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperation with the said municipal authorities as, in his opinion, will permit the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2281) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MILES SWIFT.

The bill (H. R. 7284) for the relief of Miles Swift was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the naval record of Miles Swift, who served in the United States Navy from November 12, 1861, until August 15, 1864, be corrected, and that in the administration of the pension laws he shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided*, That no back pension, pay, bounty, or other emolument shall accrue or become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2130) changing the name of Vernon Street, in the county of Washington, D. C., to U Street was announced as next in order.

Mr. CAPPER. I ask that that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LASSEN VOLCANIC NATIONAL PARK.

The bill (H. R. 5588) to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916, was announced as next in order, and was read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916 (39 Stat. L., p. 442), be, and the same is hereby, repealed.

Mr. KING. Mr. President, I should like an explanation of that bill.

The PRESIDING OFFICER. The Senator who reported the bill is not present.

Mr. SMOOT. The bill was reported out of the committee at a time when I was not present. I will ask the Secretary to read the letter of Hon. E. C. Finney, Acting Secretary of the Interior, dated February 15, 1922. The letter gives a full explanation of what the bill is and why it is recommended for passage.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the letter.

The reading clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1922.

Hon. NICHOLAS J. SINNOTT,
Chairman Committee on the Public Lands,
United States House of Representatives.

DEAR MR. SINNOTT: I have your request of July 1, 1921, for a report on H. R. 5588, Sixty-seventh Congress, first session, which is a bill to repeal section 5 of the organic act approved August 9, 1916, to establish the Lassen Volcanic National Park, in the State of California, which places a limitation on future annual appropriations of said park to $5,000 unless previously authorized by law.

This park is located in northern California and contains, in addition to its chief scenic feature—the only active volcano in the United States proper—innumerable other attractions for the enjoyment and

pleasure of the people. The small annual appropriations heretofore made have not permitted active development, administrative or protective work, nor has this been contemplated. The available funds have been expended in their entirety in road construction near the park boundaries. In the past two years great interest in the attractions of this park has been shown by the touring public, it being estimated that the visitors increased from 2,000 in 1920 to 10,000 in 1921. The time is obviously close at hand when active administration of the park must be undertaken in order to provide for the necessary protective and maintenance work, which will require more than the small amount of $5,000 permitted under existing laws.

I recommend that the bill providing for the repeal of this inhibitive clause be favorably reported by your committee.

Respectfully,

E. C. FINNEY, *Acting Secretary.*

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FLETCHER. One moment. I desire to inquire about that. At present there is a limit of $5,000 a year; and is the object of this bill to remove that, so that there will be no limit on what may be expended?

Mr. SMOOT. That is the object of the bill.

Mr. KING. I object.

The PRESIDING OFFICER. The bill will be passed over.

DANIEL S. GLOVER.

Mr. SWANSON. Mr. President, the bill (S. 2281) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover was passed over, and I want to make a little statement in reference to it. I am sure that any Senator who looks into it will not object to its consideration.

It is a case where a man was working in the navy yard here, drilling on some very dangerous work, and a piece of metal flew into his left eye, on January 28, 1913. At that time they did not think it was very serious, and he got compensation under the law at that time of only about $46. His eye got worse and worse from the little piece of metal which flew into it, and on November 8, 1916, which was only two months after the employers' liability act was passed, a very serious condition developed in regard to his eye, and he lost his left eye. He spent a little over $1,700 in getting treatment. He has lost his left eye entirely and has nearly lost the sight of his right eye. He is still kept at work there, because he is an expert. It is only a question of time when the sight of his right eye will be gone.

The chairman of the board of compensation has recommended that this be allowed, and the only difficulty was that the disability came in November, 1916, and the act was passed on September 7, 1916. The original injury was from a piece of metal getting into his eye in 1913. The record shows that he has spent $1,700 for medical treatment, and he and his family are entirely dependent. It is therefore a case in which the Government ought to make this allowance. If it were a private corporation, I do not believe there would be a moment's hesitation. I ask unanimous consent that we go back to that bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. SMOOT. Before I decide whether to give consent or not, I want to ask a question in regard to it.

Mr. SWANSON. There is a report on it from the board which has charge of it—compensation for injuries. They recommend it, and set out the facts which I have stated.

Mr. SMOOT. I will ask the Secretary to read that report, because I do not find it in my file.

Mr. SWANSON. It was not in my file, but a report was made by the Senator from California [Mr. SHORTRIDGE].

The PRESIDING OFFICER. The Secretary will read the report.

The reading clerk read the report submitted by Mr. SHORTRIDGE May 14, 1922, as follows:

Report to accompany S. 2281.

The Committee on Education and Labor, to whom was referred the bill (S. 2281) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

Mr. Glover while an employee of the Washington Navy Yard was injured during the performance of his duties on January 28, 1913. He would have been entitled to all the benefits of the act of September 7, 1916, if it had been effective at the time he was injured. The United States Employees' Compensation Commission has reported favorably on the bill in the following letter:

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION,
Washington, March 1, 1922.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate.

MY DEAR SENATOR: You have made inquiry in regard to the case of Daniel S. Glover, in whose behalf a bill has been introduced in the Senate (S. 2281) by Senator SWANSON to grant relief in the terms of the employees' compensation act of September 7, 1916, on account of the results of an injury sustained January 28, 1913, while employed as a machinist at the Washington Navy Yard.

Mr. Glover, whose home is now at 1466 King Street, Alexandria, Va., called at the offices of the commission July 11, 1921, to make inquiry with reference to the possibility of receiving compensation under the terms of the present compensation act on account of the injury above mentioned. At the time of his call upon me he was employed at the naval torpedo station, Alexandria, Va.

Mr. Glover's injury in January, 1913, was a laceration of the left eyeball, due to flying particles of metal striking the eye. At that time he was disabled for work for 15 days and was paid compensation, under the compensation law of May 30, 1908, for 12 working days to the amount of $45.76. Unfortunately, however, one of the particles of metal penetrated the eyeball, so that on November 23, 1916, he was again disabled and was under treatment by an eye specialist until June 1, 1917. It was impossible, however, to save the sight of the left eye, and since this time Mr. Glover has been blind in this eye. At the time of his call upon me in July the sight of the right eye had been failing for some time, so that his vision in this eye at that time was limited to 20/200, even with properly fitted glasses. He had continued to do his work at the naval torpedo station because long experience and skill acquired and a very sensitive touch supplemented the little remaining vision. Mr. Glover was convinced that it would be impossible for him to continue this work for more than a very limited time.

When Mr. Glover, at the time of his disability and medical treatment between November 23, 1916, and June 1, 1917, made claim for further compensation, it was necessary to disallow the claim because the law of May 30, 1908, limited the payment of compensation to one year from the beginning of disability. The total benefits received by him on account of his injury therefore amount to $45.76. The costs to him of the results of the injury are in excess of $1,700, this including very heavy medical and hospital bills.

Mr. Glover is not entitled to any benefits under the present compensation law, because it applies only to results of injuries occurring after September 7, 1916. The case is one in which, if the accident had occurred after September 7, 1916, total disability compensation would now be payable at the rate of $66.67 per month. In addition to this, all of the medical treatment which has been at Mr. Glover's personal expense would have been furnished without charge to him. The compensation payments would continue for life, and any medical or hospital treatment needed would be furnished without expense to Mr. Glover. The case is one which illustrates in a very striking manner the utter inadequacy of the provisions of the act of September 30, 1908, under which Mr. Glover was compensated.

Yours very truly,

CHAS. H. VERRILL, *Commissioner.*

Mr. SMOOT. I shall not object to the consideration of this bill, but I do not want to have it pointed to in the future as a precedent under which every person who received the slightest injury before September 7, 1916, while in the Government service, can come later and claim by special act the privilege of being put under the employers' liability law.

Mr. SWANSON. I think the Senator is entirely correct in his position. This development did not come until November, 60 days after September 7. He lost the sight of his eye then, and it might have been considered almost a new injury. It is disallowed mostly on a technical ground.

Mr. SMOOT. It is a rather serious case, and perhaps we can pass this special bill in this man's behalf, but I hope it will not be pointed to as indicating that the practice of Congress hereafter will be to take care of all such cases, no matter whether the claimant has a scratch upon his hand or on his foot, or whether he is just laid up for a few days from some temporary illness.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Daniel S. Glover, on account of the results of an injury sustained January 28, 1913, while in the performance of duty as an employee of the navy yard at Washington, D. C., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3310) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3309) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. That bill will take considerable time, and I think we had better let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3326) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1282) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MISSISSIPPI RIVER FISH-RESCUE STATION.

The bill (H. R. 2393) to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce, was announced as next in order.

Mr. KING. I understand that this is as important as the bill which was introduced in the House of Representatives many years ago by Private John Allen, about the unborn generations in Tupelo. So I think perhaps it is quite important, and it ought to go through.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, line 1, to strike out "$75,000" and insert in lieu thereof "$60,000"; and, beginning with line 5, to strike out section 2 and to insert in lieu thereof a new section, so as to make the bill read:

Be it enacted, etc., That there shall be established on the Mississippi River, at a point to be selected by the Secretary of Commerce, a station for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley, to be under the direction of the Bureau of Fisheries of the Department of Commerce, and for this purpose there is authorized to be appropriated the sum of $60,000 for the construction of buildings and the purchase of equipment, boats, and such other accessories as may be deemed necessary for the successful operation of such station.

SEC. 2. That in connection with the establishment of such fish-rescue station there is authorized the following personnel, namely: One district supervisor, at $2,500 per annum, to have general charge of fish-rescue and fish-cultural operations in the Mississippi Valley; a superintendent, at $1,500 per annum; 2 field foremen, at $1,200 each per annum; 4 fish-culturists at large, at $960 each per annum; 1 engineer at large, at $1,200 per annum; 1 clerk, at $1,200 per annum; 2 coxswains at large, at $720 each per annum; and 2 apprentice fish-culturists, at $600 each per annum.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SPRINGFIELD ARMORY MILITARY RESERVATION, MASS.

The bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to convey by quitclaim deed to the city of Springfield, Mass., for public street purposes, and for no other purpose, all the right, title, and interest of the United States of America in and to all or any part of certain strips or parcels of land within the Springfield Armory Military Reservation, Mass., now used as streets, and known as Byers Street, Pearl Street, Federal Street, Lincoln Street, and Mill Street, the areas to be so conveyed being particularly described as follows:

BYERS STREET.

Parcel No. 1: Beginning at a point in the north line of Frost Street, located 3 feet westerly from a stone bound that marks the present limit of that part of Byers Street that is public; thence north 49 degrees 30 minutes 30 seconds west, 551.89 feet to the southerly line of Pearl Street; thence north 42 degrees 13 minutes 20 seconds east, about 54 feet to the easterly curb of Byers Street; thence on a curve of 65 feet radius about 32 feet; thence on a curve of 20.14 feet radius, 5.95 feet; thence south 49 degrees 30 minutes 30 seconds east, 818.42 feet to that part of Byers Street now public; thence westerly across Byers Street 36 feet to the point of beginning.

Parcel No. 2: Also a second parcel, located adjacent to the parcel above described and described as follows: Beginning at a point in the southerly line of Pearl Street, located north 42 degrees 13 minutes 20 seconds east, 241.30 feet from Spring Street; thence north 42 degrees 13 minutes 20 seconds east, 9.25 feet; thence south 49 degrees 30 minutes 30 seconds east, 558.23 feet; thence south 40 degrees 29 minutes 30 seconds west, 9.25 feet; thence north 49 degrees 30 minutes 30 seconds west, 558.51 feet to the point of beginning.

It is intended by the description of the two above parcels to describe all the land located between the easterly curb line and the private property on the westerly side of that portion of Byers Street now owned by the United States of America. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Byers Street, Bk. 276, pp. 46, 46, Dec., 1921."

PEARL STREET.

Beginning at a point in the northerly line of Pearl Street, located 243.82 feet easterly from Spring Street, said point being at the easterly end of that part of Pearl Street now public; thence north 41 degrees 11 minutes east, 814.93 feet; thence north 59 degrees 25 seconds east, 1,293.46 feet to Federal Street; thence by Federal Street 48.78 feet to the southerly curb line of Pearl Street; thence on the southerly curb line of Pearl Street by a curve of 50 feet radius, 32.6 feet; thence south 59 degrees 25 seconds west, 1,233.46 feet; thence on a curve of 127.54 feet radius, 39.69 feet; thence south 41 degrees 11 minutes west, 706.84 feet; thence on a curve of 20 feet radius, 13.24 feet; thence on a curve of 65 feet radius, about 11 feet; thence south 42 degrees 13 minutes 20 seconds west, about 63 feet to the part of Pearl Street now public; thence across Pearl Street, 46.5 feet to the point of beginning; intending to describe all of the land between the southerly curb line and the private property on the northerly side of Pearl Street between that part of Pearl Street now public and Federal Street. Said property being shown on blue print "Springfield, Mass. Department of streets and Engineering, Pearl Street, Bk. 276, pp. 45 and 46, Dec., 1921."

FEDERAL STREET.

Beginning at a point in the easterly line of Federal Street, located 570.96 feet southerly from Worthington Street, said point being at the southerly end of that part of Federal Street which is public; thence south 29 degrees 5 minutes 15 seconds east, 213.33 feet to the westerly line of Armory Street extended; thence north 9 degrees 53 minutes east, 16.54 feet; thence south 29 degrees 5 minutes 15 seconds east, 154.67 feet to the line of the southerly curb of Lincoln Street extended; thence westerly by the line of the southerly curb of Lincoln Street extended 15 feet; thence north 71 degrees 34 minutes 45 seconds west, 58.38 feet to the westerly curb line of Federal Street; thence north 29 degrees 5 minutes 15 seconds west, by the westerly curb line of Federal Street, 345.76 feet to that part of Federal Street now public; thence across Federal Street by the line of the southerly end of that part of Federal Street now public, 54.82 feet to the point of beginning; intending to describe all of the land located between the westerly curb line and the private property on the easterly side of Federal Street from the present end of that part of Federal Street that is public near Pearl Street to lines near the trolley track at Lincoln Street. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Federal Street, Pearl to Lincoln St., Bk. 276, pp. 47, 48, Dec., 1921."

LINCOLN STREET.

Beginning at the intersection of the easterly line of Federal Street and the northerly line of Lincoln Street; thence north 64 degrees 50 minutes 45 seconds east, 864.58 feet to the intersection of the northerly line of Lincoln Street with the easterly line of Magazine Street; thence 34.33 feet across Lincoln Street on the easterly line of Magazine Street to the southerly curb line of Lincoln Street extended; thence south 64 degrees 50 minutes 45 seconds west, 867.29 feet by the line of the southerly curb of Lincoln Street to the easterly line of Federal Street; thence northerly by the easterly line of Federal Street 34.08 feet to the point of beginning; intending to describe all of the land between the southerly curb line and the private property on the northerly side of Lincoln Street between Federal Street and the easterly line of Magazine Street. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Lincoln Street, Bk. 276, pp. 48–50, Dec., 1921."

MILL STREET.

Beginning at the intersection of the easterly line of Dickinson Street and the southerly line of Mill Street; thence 54.31 feet to the fence on the northerly side of Mill Street; thence by said fence about 575 feet to Hancock Street; thence across Hancock Street about 51 feet to the intersection of the easterly line of Hancock Street and the northerly line of Mill Street; thence on a curve of 295.24 feet; 109.17 feet; thence on a curve of 442.24 feet radius, 77.2 feet to the intersection of the westerly line of Chester Street and the northerly line of Mill Street; thence north 85° 47′ 20″ east, 53.34 feet to the intersection of the easterly line of Chester Street and the northerly line of Mill Street; thence north 85° 47′ 20″ east, 48 feet; thence on a curve of 144.24 feet radius, 75.88 feet; thence on a curve of 848 feet radius, 354.02 feet; thence on a curve of 1,086.89 feet radius; 377.75 feet; thence north 12° 49′ 55″ east, 161.12 feet to the southerly line of Central Street; thence north 76° 35′ 5″ west by the southerly line of Central Street 46.14 feet; thence north 20° 40′ 5″ east, 234.7 feet; thence north 48° 51′ 35″ east, 50.49 feet; thence south 27° 35′ 20″ east, 59.17 feet to the line of the southerly curb of Mill Street; thence on a curve of 49.86 feet radius, 43.14 feet; thence south 12° 49′ 55″ west, 145.42 feet to the easterly line of the proposed Central Street extension; thence still south 12° 49′ 55″ west, 50.73 feet to the westerly line of the proposed Central Street extension; thence still south 12° 49′ 55″ west, 160.71 feet; thence on a curve of 1,108.89 feet radius, 391.89 feet; thence on a curve of 888 feet radius, 849.77 feet; thence on a curve of 184.24 feet radius, 96.92 feet; thence south 85° 47′ 20″ west, 852.82 feet; thence south 42° 18′ 50″ west, 491.92 feet to the point of beginning at Dickinson Street; intending to describe all of the land in Mill Street from Dickinson Street to a point north of the northerly side of Mill River and from that point all of the land located between the private property on the northerly side and the edge of the sidewalk on the southerly side of Mill Street. Said property being shown on blue print "Department of streets and engineering, Springfield, Mass. Plan showing proposed layout of Mill Street from Orange Street to watershops; also proposed extension of Central Street from Mill Street to Allen Street, October, 1921."

Provided, That the conveyance herein authorized shall be upon condition that the city of Springfield, Mass., shall improve and maintain each and all of said streets as public streets: *Provided further*, That there shall be reserved in the conveyance herein authorized the right to construct and maintain over, under, and across said streets water, gas, and sewer mains, electric light and telephone wires and cables, and any other utility which the operation and use by the Government of said armory may require: *And provided further*, That the said city of Springfield shall not sell or convey the said described premises, nor devote the same to any other purpose than street purposes; and in the event said premises shall be used for any other purpose or shall not be cared for and maintained as are other public streets of said city, the right, title, and interest hereby authorized to be conveyed shall revert to the United States.

SEC. 2. That the Secretary of War be, and he hereby is, further authorized, in his discretion and under such conditions, rules, and regulations as he may prescribe, to permit the extension of Central Street by said city of Springfield to connect with Allen and Oakland

Streets at the junction of the latter streets in said city, and to permit the said city to construct, operate, and maintain a bridge and approaches thereto across the Mill River Canal at the point where such extension of Central Street crosses said canal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERBERT LANGLEY.

The bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PAGE. Did some one ask that that go over?

Mr. OVERMAN. Yes; it is 2 o'clock.

Mr. PAGE. If it goes over because the hour of 2 o'clock has arrived, I have nothing to say.

The PRESIDING OFFICER. It went over because it was objected to when it was reached on the calendar.

KETCHIKAN POST, AMERICAN LEGION, ALASKA.

The bill (H. R. 3460) to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to permit Ketchikan Post No. 3, American Legion, to erect a building upon and use and occupy, for post purposes, so much of that certain tract of land adjacent to Tongass Narrows, Alaska, described as follows: Beginning at corner No. 1, within the corporate limits of the town or city of Ketchikan, Alaska, from which a stone marking the intersection of Mission and Stedman Streets bears north 16 degrees 14 minutes east 22 feet distant, and United States locating monument No. 4 bears south 37 degrees 15 minutes east 1,289.27 feet distant; thence south 43 degrees 7 minutes east 100 feet along the southwest side of Stedman Street to corner No. 2; thence south 31 degrees 30 minutes west 105.30 feet to corner No. 3; thence north 8 degrees 21 minutes west 75.74 feet to corner No. 4, on the south side of Stedman Street; thence north 81 degrees 39 minutes east 160 feet along the southerly side of Stedman Street to corner No. 1, the place of beginning; containing 10,046.90 square feet: *Provided*, That the permit hereby authorized may not be assigned, shall be subject to such terms and conditions as to occupancy and use as may be prescribed by the Secretary of the Interior, and shall be revocable by the Secretary of the Interior, after due notice to the permittee, when, in his opinion, the public interests so require: *Provided further*, That the title to all buildings erected on said lands by the permittee shall remain in them at all times, and said permittees may remove said buildings at any time; and if the permit be lawfully revoked, a period not exceeding one year shall be allowed for removal of buildings or improvements.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PAGE. I would like to know the status of House bill 7415. The Senator from North Carolina objected to its consideration, because the hour of 2 o'clock had arrived.

The PRESIDING OFFICER. It went over on objection. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. CALDER obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	Lodge	Poindexter
Borah	Hale	McCory	Sheppard
Broussard	Harreld	Moses	Smoot
Bursum	Harris	Nelson	Spencer
Calder	Harrison	Newberry	Stanley
Capper	Heflin	Nicholson	Sterling
Caraway	Hitchcock	Norbeck	Sutherland
Culberson	Johnson	Norris	Townsend
Curtis	Jones, Wash.	Oddie	Wadsworth
Dial	Kendrick	Overman	Walsh, Mass.
du Pont	Keyes	Owen	Warren
Edge	King	Page	Watson, Ga.
Fernald	Ladd	Pepper	Watson, Ind.
Fletcher	La Follette	Phipps	Williams
Glass	Lenroot	Pittman	Willis

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

THE ST. LAWRENCE WATERWAY.

PROBLEMS OF TRANSPORTATION AND THEIR RELATION TO THE FARMER.

Mr. CALDER. Mr. President, problems of transportation challenge attention in increasing measure. The figures involved startle those not yet accustomed to think in terms of billions. But the immensity of our transportation problems is not their only claim upon our interest. Their immensity is only equaled by their diversity. A stranger, perusing our public prints, would inevitably be led to the conclusion that we had but recently discovered our railroads, our rivers, and our canals and were engaged in our initial effort to forge them into a workable, efficient, national system.

In one respect such a conclusion would state the fact. Our railroads, our rivers, and our man-made inland waterways are not new, but neither have they been forged into an efficient, practical transportation system. We are still a land of transportation units that await the design of the master organizer.

The transportation facilities of our Nation were not projected as links in a national system. The early settlements were planted at the mouths of rivers. Colonists pushed their way up the rivers into the wilderness. From widely separated communities the tide of migration pushed its way to the Alleghenies, crossed the mountain barriers, and swept into the lands beyond. A few national highways, the Erie Canal, and some timid railroad ventures represented our first large-scale transportation endeavors. The problem was always to meet present necessities. There were few who even dreamed what the future held for them. Pioneers pushed their way westward, westward, westward, building as they went, but building for their own needs and for their own time. Each district met its own transportation problems and solved them as best they could. And there were always new districts to be developed. We have now reached the point where we are touching shoulders clear across the continent. It has become necessary for us to link our isolated transportation units, designed primarily to meet sectional needs, into a transportation system that will be truly national in its scope.

Therefore, if we are to solve our transportation problems, and solve them we must, we can not permit ourselves to forget the needs of the system as a result of our enthusiastic devotion to some one of the particular units that ultimately will compose that system.

In this particular I believe we can, all of us, subscribe to a very excellent doctrine that has come out of the West and which was recently enunciated by Congressman A. P. NELSON, who said:

> We should not have a competition between the railroads and our inland waterways, but sympathetic cooperation. Indeed, we must supplant destructive competition between railways and waterways by a program of constructive cooperation. There is plenty of room for growth and expansion of railways in legitimate territory void of inland waterways. The whole country, the producers and the consumer, should have the benefit of the full and complete development of both railways and waterways through cooperative harmony.

SOME ARGUMENTS PROVE TOO MUCH.

That is sound in theory, and, so far as it has been exemplified in action, sound in practice. But programs of constructive cooperation involve more than extravagant emphasis upon some detail in the general plan. Deeply concerned as I am regarding our transportation problems, I am becoming more and more suspicious of arguments regarding them that prove too much. Doubtless the pooling of railroad equipment, the joint use of terminals, the consolidation of existing lines into logical systems will prove steps that will be of very material assistance in meeting our transportation difficulties. But I do not believe we can afford to go all the way with those who assert any one of these particular steps will insure our transportation salvation.

We are, relatively speaking, a young Nation, but we nevertheless have some history back of us. There was a time when national turnpikes were relied upon to serve all our transportation needs. We had our day, too, when we gazed upon the possibilities of artificial inland waterways through a mist of glory. Those were the times when enthusiasts not only proclaimed the canal as the ultimate highway but contended for the doctrine that through public works taxation, as a State or even governmental institution, would forever be annihilated. Public works were to make possible the complete development of the inexhaustible resources. They were relied upon not only to maintain State governments but as a source of possible revenue to the individual citizen, who was to receive a dividend from the public works his State controlled.

BUBBLES BEFLAGGED.

That vision vanished when the bubbles of Van Buren's day exploded. Then railroads came into being one by one. They were to be our salvation. Later it was the Interstate Commerce Commission that was to make it possible for the roads to meet our every transportation problem. Plan after plan, theory after theory, flashed across the screen.

The St. Lawrence waterways project has been presented as the answer—final, complete, conclusive—to a transportation problem. To that extent it is a masquerader. It is at best, in view of its existing conditions, an attempt to answer a price

problem. The St. Lawrence project is vital to-day, because it represents a dream. Farmers, laboring under the glare of hot prairie suns, in years when prices were low, paused to wipe their brows, count their costs, tabulate their gains, and, gazing through the prairie haze, conjured up the vision of a cooling ocean beating upon the confines of their prairie homes. Well, the prairies are peopled by men and women whose forefathers lived by the sea.

SHADOW ACROSS NATION.

The St. Lawrence waterways project casts its shadow across the Nation because farmers worked long hours under the hot sun raising wheat that sold in the world market for a price they considered far too low.

The transportation problems of our people can not be solved except upon the basis of an all-American transportation system—a system that will link the railroad, the auto truck, the canal, the river, the ocean into one great union intelligently planned and executed in conformity with the plan devised to meet our national needs.

If we are to avoid the evils that inevitably follow patchwork effort, if we are to build symmetrically, each major transportation problem must be met upon a national rather than upon a sectional basis. We can not logroll ourselves to a state of maximum efficiency.

I have called your attention to the fact that the St. Lawrence project is, under present conditions, an answer to a price problem rather than a solution of a transportation difficulty.

SURPLUS OF FREIGHT CARS.

There was during the year of 1921 on an average transportation day a surplus of railway freight cars sufficient to entirely fill 23 tracks reaching all the way from New York City to Philadelphia, 90 miles distant, with enough cars left over to reach from Philadelphia to the seat of Princeton University. Or, in terms of tonnage, on any average day there were sufficient freight cars idle to move 13,431,520 tons of freight.

Idle freight cars in the United States during the past year ranged from 307,479 during the week of greatest surplusage to 80,203 during the week of least surplusage, and these figures do not include the idle cars owned by others beside the railway companies. On any average day there were 316,036 idle cars.

It could be urged, and perhaps with some measure of justice, that figures from 1921 are not thoroughly representative of our national experience. But neither are the figures of 1919, and it is upon the basis of the 1919 showing that the wheat farmer contends his crops rot upon the farm because the avenues of transportation are clogged with traffic. The answer to that claim is the daily average of 316,036 idle freight cars. This idle equipment is worth approximately $2,000,000,000. Figuring the investment on this idle equipment at 5 per cent, we have an annual interest loss of $100,000,000, a loss not alone to the railroads but to the country at large, which ultimately pays it.

MORE CENTS PER BUSHEL NEEDED.

No; it is not a transportation burr under the saddle that is causing the Middle West to gallop so madly. Price is the impelling motive. More cents per bushel and more bushels is the slogan of the wheat belt. From the wheat growers' standpoint, therefore, the St. Lawrence waterway must be judged upon the basis of its effect upon a bushel of wheat laid down in Liverpool.

Mr. Charles P. Craig can be presumed to speak with authority concerning the St. Lawrence project. He lays down two axioms in connection therewith.

First, he says the price of wheat at home is determined by the price paid for the surplus abroad. Very well, let us accept that. Then, says Mr. Craig:

> The Canadian Northwest can double its acreage, multiply it fourfold, eightfold even, before its land is utilized to the last acre.

That is the vision—a Canadian acreage multiplied eightfold—with which Craig would comfort the American wheat grower. Let us pause to consider the economic significance of these figures.

The peak wheat acreage in the United States was 75,694,000 acres, reached in 1919, an increase of 35 per cent over the acreage in 1910. Canada's peak was 10,125,968 acres in the same year, an increase of 115 per cent over the 1910 figure. Canada's wheat production increased from 132,000,000 bushels in 1910 to 263,000,000 bushels in 1920, an increase of 100 per cent. The production in the United States increased from 683,000,000 in 1910 to 833,000,000 in 1920, an increase of approximately 33 per cent. While production in the United States increased 33 per cent during the 1910 period, the value of the wheat crop increased 100 per cent, the 1910 value being $560,000,000, the 1920 figure being $1,197,000,000. During this same period the value of Canada's wheat crop increased 400 per cent, being $99,530,000 in 1910 and $427,356,000 in 1920.

The average price per acre of the land devoted to wheat in 1920 was $92. The average price of Canadian land now devoted to the production of wheat is $43.

Mr. President, I have here two tables, showing the increase in the value of wheat lands in Canada and in the principal wheat States in the United States. I ask unanimous consent that the tables may be printed in the RECORD.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, it is so ordered.

The tables referred to follow.

The following tables show the relative increase in Canadian and American wheat-growing lands:

Average value farms per acre in Canadian wheat Provinces.

Provinces.	1910	1920	Per cent increase.
Manitoba	$30	$39	31
Saskatchewan	22	32	45
Alberta	24	33	38
Ontario	48	70	45

Average value farms per acre in United States wheat States.

States.	1910	1920	Per cent increase.
Indiana	$74	$175	136
Illinois	108	187	73
Michigan	47	73	55
Wisconsin	57	96	100
Minnesota	45	109	142
Iowa	96	227	135
North Dakota	28	42	50
South Dakota	38	71	100
Nebraska	46	87	109
Montana	18	32	78
Wyoming	11	19	73
Idaho	45	59	30

CANADA JUST ENTERED LISTS.

Mr. CALDER. But this is only part of the picture. Canada has but entered the lists. Its wheat growers have not even begun to fight. There are in Manitoba, Saskatchewan, and Alberta 120,894,000 acres under private ownership. The total number of acres surveyed up to January, 1920, was 199,757,000. Of this total, approximately 25,000,000 acres are now available for homestead entry. In addition to the surveyed areas there are large tracts in these Provinces which have been only partly surveyed. The partly surveyed tracts contain more than 250,000,000 acres.

A quarter section of land may be obtained as a homestead in these Provinces on the payment of an entry fee of $10. In northern Ontario a quarter section can be obtained for 50 cents an acre, one-quarter in cash.

Now here is the question: Granted equal transportation facilities, what will be the result of a contest in which 250,000,000 acres of land, valued at from 50 cents to $43 an acre, is pitted against 75,000,000 acres of land with an average value of $92 an acre?

Bear in mind that this proposed canal is ostensibly being built primarily to carry wheat. Divorce the project from its aggressive agrarian support and it collapses. I concede that perhaps this canal, if built, may carry wheat, but whose wheat, I ask you? The answer is unescapable—Canada's.

I will not venture an attempt to prophesy regarding the future of the United States as a wheat-exporting Nation. Herbert Hoover has given it as his opinion that within 10 years we will have become a wheat-importing people. I neither reject nor accept that conclusion. But I know of no one better qualified to speak upon this subject than our very able Secretary of Commerce.

MAY IMPORT WHEAT.

Before the war the United States imported wheat from Argentina. Europe's average demand for wheat in normal times was half a billion bushels. Canada supplied 200,000,000 bushels in good years and 100,000,000 bushels in poor years. Asiatic Russia, India, Argentina, and the United States supplied the remainder of the deficit. There is nothing in our past experience indicating that we can base our commercial future upon wheat exports. Indeed, there is no reason even for the hope we will have unlimited quantities of wheat to export. If you want to figure approximately how far the biggest wheat crop will go, allow 6 bushels of wheat per head for our population of 110,000,000 people; then set aside 100,000,000 bushels for seed. The rest of the crop we can export. Our normal produc-

tion is well under 900,000,000 bushels. Our normal export figure is less than 100,000,000 bushels.

With these figures that I have submitted to you in mind, it is very easy indeed to understand why our Canadian brethren should be willing, even anxious, for us to construct a highway to the sea that will bring Manitoba, Saskatchewan, and Alberta a few days nearer to Liverpool. And it is easy to understand why Great Britain, the master wheat merchant of the world, should look with favor upon any plan we undertake that will make the resources of her own rich Provinces in any way more accessible to her.

CANADA NOT DEPENDENT ON OUR BOUNTY.

The time has come, I believe, when we should cease to regard either Canada or Great Britain as in any way dependent upon our bounty. It is quite possible for us to be a worthy cousin without attempting the rôles of father, mother, kindly uncle, and maiden aunt. We can, I believe, rest assured that our English and Canadian cousins are intelligently alive to their own interests.

If, after reading the glowing literature distributed in ton lots by the proponents of the St. Lawrence project, Canada does not proceed immediately to build the proposed St. Lawrence waterway, it can only be because her people do not believe the testimony so far offered.

Just what do the proponents of the St. Lawrence project assert they have proven?

First, that the proposed waterway will, in the amount of commerce that it carries, exceed the Panama Canal, rival the Suez Canal, and render the Nile a Mississippi River bayou in comparison. The St. Lawrence Canal is to be the mightiest artery of commerce on earth. Mr. Craig says so.

Montreal is to become a combined London, Liverpool, New York, Hamburg, and Hongkong.

Four hundred million tons of commerce a year—200,000,000 out, 200,000,000 in. These are the figures some St. Lawrence waterways proponents use. When they fairly hit their stride six hundred million tons a year become a vivid possibility.

ST. LAWRENCE ADVOCATES OVERENTHUSIASTIC.

Four hundred million tons of commerce a year carried by 3,000 ships! Allowing three weeks for the round trip from Montreal to Duluth and conceding that the St. Lawrence will be free from ice and fog at least seven months of every year, approximately 14 ships would pass a given point every day, going one way or the other.

This would indeed be quite a procession, particularly in view of the fact that the import and export tonnage of the United States was only 100,384,206 tons in 1920—a banner year.

In order in any way to give credence to the figures proclaimed by the St. Lawrence waterway enthusiasts, it is necessary to conclude that their expectations are based not upon the tonnage that is going out but upon the tonnage that is coming in. The proponents of the plan may have visioned the St. Lawrence Canal as the answer to the riddle of how Europe intends paying its debt with imports. Regarding this aspect I can only venture the sheerest surmise. What will the St. Lawrence deliver at the door of the Middle West?

Cargoes of crockery, perhaps at cut-rate prices to solace and sustain the crockery interests of Ohio.

Steel bars and plates delivered at the nearest Lake port—a contribution to Pittsburgh.

Shiploads of furniture for Grand Rapids.

And for the farmer, what? If the canal works as well as the enthusiasts say it will, it will deliver for the use of the middle western farmer shiploads of wheat and shiploads of beef from the Argentine. Yes; and mutton from Australia.

These are the possibilities if this proposed waterway works out one-half as well as its proponents would have us believe.

But there is more to the plan than commerce. There is the water power. Do not forget the water power. One million five hundred thousand horsepower! Four million five hundred thousand horsepower! That depends upon who is telling the story.

Indeed, when the case is stated by its most enthusiastic friends the proposed waterway stands forth, looms up as the greatest opportunity for private investors that has appeared upon the financial horizon in 10 generations. There is some support for this suggestion. One of New York's leading financial journals, in the course of a recent editorial, said:

INVESTIGATION HEREFORE WHERE.

Private interests have spent several hundred thousand dollars within the past few years investigating the whole question from end to end. As a result of the reports of their engineers they are now ready to place high funds of their own in the development of power along the river. All they ask and all they should ask is that they be given the opportunity of undertaking these enterprises under reasonable terms and conditions (including proper Government supervision) at their own expense and risk. At far less expense than would be the case under the commission plan, the Governments of Canada and the United States could obtain better navigation facilities by combining their plans with those of private capital and bearing only that part of the expense which is properly chargeable to navigation. If the canal is to be justified on any basis, it is one of this sort.

The proper course for the authorities, both in Washington and Albany, and of course in Canada, to pursue is clear enough. Water-power rights should be leased on equitable terms (under arrangements such as those outlined in the Federal water power act) to the highest responsible bidder, and along with the developments undertaken by private capital the Governments of the two countries—if prospective traffic justifies it—should erect proper canal facilities.

All of this suggests that when the wheat chaff enveloping this project has been blown, some hydroelectric grain will be found.

There are other reasons why Canada should be interested in the canal. She is a growing country. Her own commerce is increasing by leaps and bounds. She is particularly concerned with the fuel problem, being, as her editors and statesmen are accustomed to remark, now dependent upon the United States for coal. The Canadian Deep Waterway and Power Association makes out a very convincing case—for Canada. It says:

During 1919 Canada imported 13,000,000 tons of bituminous coal from the United States at a cost of $130,000,000.

In Alberta and in the maritime Provinces, Canada has a plentiful supply of bituminous coal, but the high rail freight rates prevent its distribution.

Open the St. Lawrence locks to large freighters and Canadian bituminous coal will supply the Canadian market.

EXCELLENT PROPOSAL FOR CANADA.

Very excellent reasons why the canal should be constructed—by Canada. The power situation is equally interesting. Concerning this the Canadian Association says:

The power contained in the rapids of the St. Lawrence River can be developed to yield 4,200,000 horsepower of electrical energy, of which amount 3,200,000 horsepower will belong to Canada.

Three million two hundred thousand electrical horsepower is equivalent to 64,000,000 tons of bituminous coal annually.

The St. Lawrence power can be developed and a deep waterway through the rapids can be constructed for an estimated cost of $200,000,000, only 50 per cent more than one year's bill for Canada's importation of American bituminous coal.

By this showing Canada's interest in the proposed waterway outruns that of Uncle Sam's by the ratio of 3 to 1. Then, too, Canada looks to the canal to save it 5 cents a bushel on its wheat. It is seeking an outlet for its millions upon millions of undeveloped land. This is the story the Canadian Deep Waterway and Power Association tells:

During the year ending March 31, 1920, Canada imported goods valued at $1,064,516,169.

The Provinces west from and including Ontario consumed over two-thirds of all imports, representing a value in round figures of $709,000,000.

This left only one-third of the value of $354,000,000 for distribution in the Provinces served directly by the ports of Montreal, Quebec, Halifax, and St. John.

Ontario, Manitoba, Saskatchewan, Alberta paid high freight rates for a long rail haul from one of the eastern seaports.

Open the St. Lawrence to ocean steamers and have your imports carried at a cheap water rate to your nearest lake port.

I cite these facts for the purpose of calling your attention not only to Canada's interest in the proposed waterway but to its preponderance of interest.

Its wheat farmers have a greater stake in the proposed canal than our own.

CANADA HAS WATER-POWER INTEREST.

Its manufacturing interests have a greater stake in the water power it is proposed to develop and for Canadians generally the proposed waterway is potentially far more important than it is to the people of our own country.

If these facts prove anything, and they are Canadian facts, they prove that if our Canadian and English cousins are smart traders they will build this canal on their own territory. And I, for one, am willing to concede they are smart traders.

Our Canadian cousins, when they are discussing matters among themselves, point out that it is important that Canada should look to itself. Both the United States and Canada, they say, should as far as transportation facilities are concerned "develop along sound economic lines." These are words of wisdom. Sound economic development for us calls for the projection of the all-American transportation system in which inland and coastal waterways must be given their proper place. The Middle West has two highways to the sea.

The Mississippi River, the Illinois River, and the drainage canal present the possibilities of a through route from New Orleans to Chicago and the Great Lakes—the New York Barge Canal, a route to New York. The proper development of either one, the proper utilization of either one, would in time inevitably compel the construction of the St. Lawrence waterways project by the Canadians themselves if the plan possesses the merits its proponents claim for it.

A sane program providing for water transportation requires the development of our intercoastal system, the improvement of our inland rivers, and the construction of essential inland canals.

WILL COST OVER A BILLION.

Estimates of the ultimate cost of the St. Lawrence waterways plan, completed in all its details, run from $1,100,000,000, the figure quoted by the New York State Commission, to $1,450,000,000, which is the estimate of Hugh L. Cooper. The cost of finishing division four of the proposed waterway is conceded to be in excess of $250,000,000 by the friends of the project. Estimates that are based upon facts rather than upon hope and enthusiasm all tend to show that $500,000,000 is a minimum figure.

The average annual expenditures of the United States for improvement of rivers and harbors during the last 20 years has been $30,000,000. The actual expenditure for the maintenance and improvement of rivers and harbors in 1921 was $40,811,000.

FUNDAMENTALLY UNJUST.

With these figures in mind, the fundamental injustice of stepping across the border to spend $500,000,000 for waterways improvements is apparent. For the amount of money that it will be necessary for us to invest in the St. Lawrence scheme, under the plan as now projected, it would be possible to finish the intercoastal ocean highway along the Atlantic, construct a canal across Florida, provide the necessary intracoastal development from Florida to Galveston, make necessary improvements on the Mississippi system from New Orleans to St. Louis, canalize the Illinois River, and convert the Chicago drainage canal into a practical transportation link. This series of improvements would provide practical waterways from New York to Chicago by way of the Gulf, every mile of the route being one that could be traversed by craft built to navigate an inland system.

And when the New York to Chicago waterway had been constructed there would still be money enough available to go far toward connecting Pittsburgh to the Lakes and with the Mississippi by means of practical inland waterways.

New York is ready to unite with all her sisters in this mighty galaxy of independent Commonwealths in creating this great scheme of intersecting national waterways. We do not want any money from you to help finance our inland waterways. We are not asking for a single dollar to pay for the upkeep of the barge canal. We gladly defray these expenses out of our own resources, and we would with equal gladness pay our share of any expense involved in the more complete development of the waterways, which can be made so useful to commerce, industry, and agriculture in this country.

Somehow there is an impression in Congress and in the country that those who ask for money to improve indispensable harbors and useful rivers are seeking a share of the contents of a national "pork barrel." This is a very unfortunate position to take in relation to such vital improvements. Every plan is treated on its merits. If what is proposed is impracticable or is evidently a mere attempt to raid the Treasury in the interests of some locality, then it should be instantly and finally rejected.

But there are many legitimate projects proposed or in contemplation, and they are all within American territory. Somebody in authority in Illinois recently said that navigation for comparatively deep-draft ships would be open from Chicago to the Gulf of Mexico in a very few years. If this is so, then I can only say that I congratulate the people and the States through which the Mississippi River runs. It is an all-American project, and if sound should have the support of every section.

New York will not stand aside and sulk if the ports of New Orleans, Galveston, Charleston, Boston, San Francisco, Seattle, and Portland enjoy more than usual prosperity by bringing them through the development of inland waterways in closer touch with the great producing sections of the Nation. We will do our best to help you. We will not grumble if some of the trade, or a large part of it, is diverted from our great port. If other ports can be made rich and prosperous through the building of canals, through the larger use of navigable rivers, and through the improvement of inland shipping conditions generally, the Empire State will not be impoverished. On the contrary, the benefits obtained through such a policy of inland waterway expansion will be reflected in the increased volume of trade between the Atlantic seaboard and the inland States.

Let the Mississippi, the Ohio, the Missouri, and other rivers be improved. If it can be shown that money spent on them is going to be productive of increased national wealth and improved transportation facilities, New York will joyfully join in a concerted drive to complete these enterprises.

And I submit to you that this series of improvements is more essential to our agricultural and industrial welfare than any possible canal in Canada, which the Canadians must inevitably construct themselves without calling for our assistance, if the project is feasible.

The country has recently been deluged with statistics tending to prove that New York is the "neck of the bottle" for the entire Nation.

How untrue these statements are is shown by the following comparative figures giving the exports from southern ports in millions of dollars during the year 1920 as compared with the year 1890.

Here are the figures:

Ports.	1890	1920
Baltimore	74	339
Norfolk and Newport News	21	228
Wilmington, N. C.	7	35
Charleston	34	22
Savannah	31	361
Jacksonville		13
Pensacola	3	11
Mobile	3	68
New Orleans	105	589
Galveston	24	598

New York is not even the neck of the bottle as far as wheat exports are concerned, as the following table shows:

Custom districts.	Bushels.	
	1917	1920
Maryland	37,539,000	37,798,000
Virginia	115,000	17,684,000
Florida	34,000	35,000
Galveston	21,822,000	40,561,000
Mobile		
New Orleans	25,270,000	43,606,000
San Antonio		77,000

NEW YORK PLAYING BIG RÔLE.

But even though New York were the "neck of the bottle" it by no means is playing a minor rôle in our transportation drama. Its offering to the Nation, its helping hand extended to the Middle West, holds half a billion dollars for port improvements and $167,000,000 already expended upon the barge canal.

This $667,000,000 is contributed unconditionally. It will strengthen the position of New York, that is true; but it will likewise strengthen the position of the Middle West. This contribution to the Nation's transportation facilities does not come from the Federal Treasury. It is New York's contribution. Therefore let those who are without sectional rancor answer this question:

Given equal facilities in either direction would the Middle West prefer to route its commerce through Canada or through American ports? When half a billion more expended upon the port of New York is added to the $167,000,000 investment in the barge canal, the West's outlet to the sea will be all or more than is sought through the proposed St. Lawrence route.

MIDDLE WEST LOOKS TO EUROPE.

The eyes of the Middle West are now turned toward Europe, war-stricken Europe, as the means of our economic salvation. The tides of American commerce, if our Nation is to play its part in the world, can not all make Liverpool their ultimate goal. They must flow to the south—to Mexico, Cuba, the West Indies, South America, and through our own Panama Canal—on to the Far East. It is not the old lands—the war-wrecked lands—that will be the theaters in which the contest for commercial supremacy is decided. The new lands, the undeveloped territories, are the lands of opportunity.

The path of the Middle West to the Far East does not lie by way of Labrador.

In recent literature issued by the Great Lakes Tidewater Association statements are made concerning the savings upon the following commodities if commerce moved by way of the St. Lawrence:

Millions of feet of mahogany from South America.
Millions of feet of cedar from Yucatan.
Trainloads of pineapples from Cuba.
Thousands of tons of sugar from Cuba.
Scores of tons of chicle from Yucatan.
One hundred and fourteen thousand two hundred and four tons of coffee from Brazil.
Fruits, nuts, and vegetable oils in almost unlimited quantities.

All of these products come from the south. On the basis of its own figures the magical highway for which the West is searching extends from the Gulf to the Great Lakes, and here is the evidence.

In the fiscal year of 1921 exports to South America and the Far East were as follows:

Cuba	$420,890,940
Japan	253,210,035
Argentina	124,299,424
Uruguay	17,564,731
Mexico	154,993,154
Brazil	147,520,940
Chile	113,193,507

Not all our commercial future lies in Europe. Our argosies must sail south and to the Far East as well.

Much has been said concerning the economic misfortunes that have been visited upon agriculture. No one realizes more keenly than I the tragedy of unrequited toil or the blight that touches a nation when the sower and the tiller, faithful to his task, finds in the harvest no adequate reward. From this center of industrialism we can extend to the Middle West the hand of comradeship and tell them that we understand. We, too, have suffered; and we know, moreover, that whatever misfortunes he may have experienced, the farmer has at least not been forced to eat out his heart in idleness.

It is not within reason to expect that when millions of our artisans lack employment agriculture will be uniformly prosperous. The fortunes of the consumer and producer are linked in an eternal bond. Prosperity can not be fenced in any narrow district nor can economic misfortune be confined to a single class or locality.

But the economic skies are brightening. There are better days ahead. Even so, we can not solve our problems solely upon the basis of a localized water cure. We must beware of the arguments that prove too much, of the remedies that are cures for every ill.

Pictures of the *Leviathan* docking at Chicago—a steamship drawing 42 feet of water arriving at its destination through a 23-foot channel—may represent a pleasantry inspired by enthusiasm. Tales of a canal that will straightway convert Chicago into a city of 10,000,000 souls may be a permissible form of propaganda. But such enthusiasm entails certain penalties, and under its smile there are hidden many cruelties.

NOT A HEALTHY CONDITION.

It is not a healthy condition when every little hamlet bordering upon our inland lakes sees for itself a metropolitan future. These dreams are pictured in terms of the docks that will one day grace the village water front, and keen-witted real estate men proceed diligently to capitalize local credulity. It is not a healthy sign when villages 60 miles from the Great Lakes proceed to plan futures that will be made possible solely through the improvement of the St. Lawrence as a waterway. Prosperity does not come this way. It is not dumped upon us suddenly in bucketfuls. We can only assure our commercial future by diligent work and careful planning and we can not achieve our destiny upon the basis of sectional appeals, rivalries, or animosities.

I would not in any way hamper the commercial development of Canada, neither would I rob our own rivers and harbors in order to secure funds with which to conduct an experiment in which Canada has a preponderant interest. If we build to meet our needs and Canada builds to meet her needs, both will develop along sound economic lines. And upon such development we can confidently face our future friendship and mutual prosperity.

COST TEN TIMES GREATER THAN SUEZ.

No great waterway is local in its effects. All the nations of the earth derive benefits from the canals at Panama and at Suez. They are benefited by an open Bosporus and by an unobstructed Danube. Yet while all great waterways benefit all nations, none of the links in the systems that we have ding are under international control. The final cost of the proposed St. Lawrence Canal would be ten times that of the Suez Canal and four times that of the Panama Canal. Great Britain controls the Suez. The Panama Canal is ours. The flag has followed our investments. Somehow I feel that when we finance a scheme we should also control it, and control it absolutely.

This was the view of that great American citizen, the late Theodore Roosevelt. In digging the Panama Canal he might have gone into partnership with France, Great Britain, Colombia, or other Latin-American Nations. It was suggested at that time by many men whose advice could not lightly be disregarded that international partnership in the construction of the great waterway would be a wise policy to adopt. There might be little fear of international complications following such an agreement. But the then President determined that if America was to finance any part of the effort she would finance the whole of it. Then he determined that the canal would be wholly in American territory.

Complete control of the canal or the abandonment by America of any part in it was the wise policy of Mr. Roosevelt. Events have justified that course. The President acquired for America what is known as the Canal Zone. No question of sovereignty has arisen, and the world recognizes the right of the American flag to float there and respects fully the authority of this country.

If England and France had united with America in building the canal and had created a tripartite authority over it Germany might very well have bottled it up during the early stages of the World War. Mr. Roosevelt insisted that America should not enter into partnership with other powers in the construction of canals or any other means or facilities for transportation. It would not now be wise to depart from that policy.

Notwithstanding our investments there and our undisputed ownership our ships still pay toll and enjoy no privileges not accorded the vessels of other nations. We have been invited to double the investment we made at Panama for the purpose of constructing a waterway we will not control, and our ships will enjoy no rights upon the St. Lawrence not extended to our keenest competitors.

While we must play our part as a builder, I believe I am echoing the sentiments of every patriotic citizen when I say that where we build with the Nation's funds there our flag should float as the symbol and token not only of our ownership but of our control.

Mr. TOWNSEND. Mr. President, I dislike very much to interfere with the regular order of business, in which I know the Senator from New Jersey [Mr. EDGE] is deeply interested, but I had not anticipated such an address as we have listened to from the Senator from New York [Mr. CALDER]. It was pertinent to nothing before the Senate. I can not, however, allow that speech to go unchallenged. At this time I shall make no extended speech on the St. Lawrence waterway project, but I must make a brief statement in order that the RECORD may not show my assent to what the Senator has said.

It is a most remarkable thing that Senators and others who advocate general waterway improvement can see benefits only when such improvement lies within the borders of their own States. It does not come with good grace from representatives of New York State to deprecate the expenditure of public money in the development of a proposition which would result in such great general good not only to the Northwest, and especially to the Middle Northwest, but to the entire country in general. We have spent more money upon the port of New York, many times over, than the wildest estimator would ever figure this particular development would cost.

The Senator has quoted figures as to the cost of the project, ignoring absolutely the report of the engineers who were appointed by Canada and the United States not only to determine the feasibility of the project but to investigate and report its probable cost. The cost of the development, as reported by the International Joint Commission, would be $252,000,000. But suppose it costs twice that much, which no one informed believes it would cost unless we develop a larger amount of electrical power, which of itself would be self-supporting, the project reported upon would justify the expenditure. The work we are contending for would cost $252,000,000, approximately about half the cost of the Panama Canal and but a fraction of the Federal money spent on New York harbor. That cost was estimated at the time of the high prices which existed during the last two or three years, and we all know that those prices are now coming down. It is a well-known fact, sir, that if there were nothing but water power developed, if no other practical thing were achieved, the cost of the enterprise would be warranted by that particular item alone.

The Senator from New York said that the project is to be conducted to some extent in Canadian waters. Of course, that is true. The St. Lawrence River is the one great outlet from the Middle West through the Great Lakes to the ocean which in some of its course is an international boundary and in some of the balance of its course is within the borders of Canada. But we get the full benefit of whatever improvement is made.

The Senator from New York said he can see that it is for the advantage of Canada in her wheat-producing sections to have the waterway completed. Why, sir, Canada could not under any circumstances profit as much by the waterway as will the United States. Canada is not excited over the proposition; she is not overenthusiastic over it, because her railroads to-day afford her practically ample facilities for getting her products to market. That is not the case in the United States. We are short of railroad transportation facilities. We must have more and better transportation. If there was any one thing fully demonstrated in the late war it was that the port

of New York and the other Atlantic seaboard ports were congested to an extent which prevented the early termination of that war. It meant the loss of American boys, it meant the loss of foreign sons, because we could not get our products to the seaboard and onto the ships.

The Senator has said that New York furnishes ample facilities for the admission of imported products into the Middle West. Why, sir, the Great Lakes region is within an hour's ride of the center, not only of the population of the United States but of production. The Senator asked what will go into the Middle West from abroad. The products that now come from abroad through New York and some of the other Atlantic ports will go through this new facility from point of origin to point of consumption. Why should the great Middle West pay tribute to New York? Oh, it may be an idle dream to think of extending the seaboard into the Great Lakes region—a thousand miles farther into the interior of the country. We are not suggesting, and no one has suggested that ships with 42 feet would pass through this waterway. It is a well-known fact, however, that about 90 per cent of all the ships which sail the seas between the United States and Europe to-day draw less than 25 feet of water, and that is the depth which it is proposed the canal shall have.

Mr. President, the project can not be defeated by the opposition of New York. And that is practically the only State from which organized opposition comes to-day. Yet it is the State of New York which has received more from the Federal Treasury in the development of her great water ports than any other State in the Union. I do not object to that. I do not hesitate to vote for the appropriation of money that is necessary to improve a harbor which from the national viewpoint should be improved, but I shall look with a great deal of complacency upon the proposition of carrying population a little farther into the West in order not to congest it at the seaboard. It will make for a better country. It will make for greater economy.

When the Senator confines his argument largely to wheat and other grain, and admits at the same time that Canada would save perhaps 5 cents a bushel on her wheat for the Canadian farmers by this improved waterway, and then scoffs at the proposition that the American farmer would receive any benefit, I would remind him that it has been figured out conclusively that all kinds of grain that are shipped from the Middle West to the seaboard contribute to the State of New York, either at Buffalo or New York City, from 6 to 8 cents a bushel simply in the handling and rehandling of the grain from the trains to the elevator and from the elevator onto the boats and back again to the elevator.

No; we can not get away from the proposition, sir, that this improvement spells economy. It is going to succeed, the selfish opposition of any particular section to the contrary notwithstanding. This is a great natural outlet. If Senators will look at the map, they will find that the St. Lawrence River is the most direct line to Liverpool from the Middle West. Not only that, sir, but it is not true that the benefits of the proposed waterway will be confined simply to exports and imports. Much of the stuff that is raised in the Northwest or Middle Northwest and consumed on the Atlantic seaboard can be carried there directly by the ships with one loading and one unloading. I repeat, sir, that the proposed waterway is going to be accomplished. It is with no enmity to New York, and it is with no enmity to any part of the country that I say this. It is simply a realization of a natural demand which the country is bound to recognize.

I repeat, Mr. President, that I had not known the matter was to come up at this time for discussion. It is a live question. No ridicule and no misstatements of fact will prevail against it. I know that the Senator from New York did not wish to misstate facts—he did nothing of the kind intentionally—but he is not acquainted with the facts. If he had been he would have made a different speech from the one which he so carefully prepared and presented here to-day.

I have said this much, Mr. President, and I beg the pardon of the Senator from New Jersey [Mr. EDGE], who I know is anxious to proceed with the consideration of the unfinished business, because I did not feel that the Senator should go unchallenged and I by my silence, perhaps, be understood as acquiescing in his statements. Nothing is further from my mind or the minds of those who are interested in the project than agreeing to the alleged arguments of the Senator from New York this afternoon.

INDUSTRIAL CONDITIONS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. EDGE. Mr. President, it is not my intention to speak on the pending unfinished business further than to call attention to the pending motion, which is that the joint resolution shall be referred to the Committee on the Judiciary.

Mr. CURTIS. Will the Senator yield in order that I may make the point of no quorum?

Mr. EDGE. I yield for that purpose.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Heis	Nelson	Smoot
Broussard	Harris	Newberry	Spencer
Bursum	Heflin	Nicholson	Stanley
Calder	Jones, Wash.	Norbeck	Sterling
Capper	Kellogg	Norris	Sutherland
Caraway	Kendrick	Oddie	Swanson
Curtis	Keyes	Overman	Townsend
Dial	King	Page	Wadsworth
Edge	Ladd	Pepper	Walsh, Mass.
Elkins	La Follette	Phipps	Walsh, Mont.
Ernst	Lenroot	Poindexter	Warren
Gerry	Lodge	Reed	Watson, Ga.
Gooding	McNary	Sheppard	Willis

Mr. WALSH of Massachusetts. I desire to announce that the Senator from North Carolina [Mr. SIMMONS] and the senior Senator from New Mexico [Mr. JONES] are absent on official business of the Senate.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum is present.

Mr. EDGE. Mr. President, I propose to take but five minutes of the time of the Senate this afternoon merely to draw attention to the parliamentary situation as I understand it. The pending motion is to refer the joint resolution to the Committee on the Judiciary. The bill which I introduced at the same time I introduced the joint resolution has already, by unanimous consent, been referred to the Committee on the Judiciary, which I believe is the perfectly proper committee to consider the merits of the bill. I hope they will give public hearings and consider those merits. The joint resolution now before the Senate, however, is quite a different proposition. It is not in any way confined to legal questions, but quite the contrary. I can not conceive that the Committee on the Judiciary, composed as it is entirely of lawyers, would want to assume the responsibility which is imposed by the joint resolution. The joint resolution was referred in the ordinary way to the Committee on Commerce, because in its text it included an investigation of foreign and domestic commerce. It was reported by the Committee on Commerce to the Senate, then referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and was by that committee reported to the Senate. So that a motion to refer the joint resolution to the Committee on the Judiciary would seem to me to be entirely out of place.

I should like to have as expeditiously as possible all the debate which is desired on the joint resolution and then secure a direct vote on it, but the reference of the resolution in this way to a committee would seem to me to be entirely inconsistent. Section 2 of the joint resolution reads:

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Certainly the text of the joint resolution itself furnishes plain evidence that the Committee on the Judiciary would hardly, in the ordinary way, be concerned with a resolution providing for the appointment of a committee to investigate business situations throughout the United States and the possibility of obtaining foreign markets. Almost all of the debate on yesterday centered upon the one thought which is carried out in the bill which is now before the Committee on the Judiciary, the one thought of ascertaining if it were legal to delegate to a governmental tribunal the power to furnish those applying for it information as to what they could or could not do under the provisions of the Sherman Antitrust Act or other acts of a similar

character. The discussion was mostly between the lawyer Members of the Senate. The Senator from Iowa [Mr. CUMMINS] took the position that Congress undoubtedly had that power and could delegate certain administrative functions to the Federal Trade Commission or any other tribunal they might elect. Other Senators took the counter view; but so far as that question is concerned it can, and in my judgment should, be considered by the Committee on the Judiciary, and they now have before them a bill which will enable them to give that matter consideration.

The joint resolution before the Senate is quite a different matter. It relates entirely and exclusively to an investigation upon the part of a congressional joint committee to hear from business men their suggestions, and so forth, as to how, if any congressional action can assist, the present depression in industrial circles can be to some extent improved. They are asking for nothing but an official congressional body to whom they can come and tell their story and their troubles, and it seems to me that a debate on the possibility of amending or repealing the Sherman Act is entirely apart from any contemplated action so far as this joint resolution is concerned.

This joint resolution establishes no policy. It simply delegates to a committee of Congress the power to investigate and report if they find it is possible to suggest any remedial legislation, and that is the only question before the Senate to-day. I appreciate that any question in regard to the Sherman Act, its amendment or its operation, would necessarily involve the Senate in an endless debate. When this committee, if it is authorized, comes back to the Senate and to the House with recommendations, whatever they are, then, of course, the Senate and the House will consider those recommendations. It seems to me it is a reflection upon the Senate or upon the House to anticipate in advance that these recommendations can not be satisfactorily considered and disposed of when that committee makes its report.

In conclusion, I simply want to emphasize the point that I believe it is the duty of Congress to provide an opportunity for the business interests of this country, large and small, to be able to tell of their troubles in a way that may develop proper legislative cooperation. This joint resolution has been introduced in the House by Representative MCARTHUR, of Oregon. It is not sectional in its viewpoint. We can not get farther apart than from the Atlantic to the Pacific. Every State in the Union is interested in trying in some way to overcome the present industrial depression. It involves exchange; it involves the use of our merchant marine; it involves all those matters that industry and commerce must necessarily deal with; and this committee, just as the agricultural inquiry committee listened to the difficulties and troubles that the agriculturists of the country were undergoing, will listen, I assume, to the difficulties and troubles of the industrial world, the millions of men and women who are involved to-day from the standpoint of their employment or nonemployment. Will Congress refuse the business men of this country an opportunity to have that type of a committee to whom they can appeal?

Mr. KING and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Jersey yield; and if so, to whom?

Mr. EDGE. I yield to the Senator from Utah.

Mr. KING. I ask the Senator if the paramount object of this joint resolution is not to enable business organizations and corporations to organize in such a way that they may secure the benefits of combination and yet avoid the penalties of the Sherman antitrust law?

Mr. EDGE. Not at all. It is one of the suggested subjects that the committee would investigate or look into, so specified in the joint resolution.

Mr. KING. The Senator has used several times the expression "remedial legislation." Is not the only remedial legislation which the Senator seeks to have an act passed by Congress that will legalize trade combinations such as the Eddy combinations of which we have been hearing so much, particularly in the Hardwood Lumber case?

Mr. EDGE. Absolutely not. I tried to make that just as plain and clear as I could in my argument yesterday. If the Senator wishes me to repeat what I said, the possibility of delegating to a Federal bureau certain interpretive administrative powers certainly should be given consideration. If such powers can be delegated—and lawyer Members of the Senate say that they can—I am sure that the Senate of the United States would be glad to see business men kept out of the courts, if by conference with representatives of the Federal Trade Commission they were given such advice as would keep them out of the courts; but so far as going any farther than that is concerned, and as to whether or not that is possible, that is a matter for the committee to report back to Congress. I contend that this continued suggestion, anticipating that an effort is to be made to build up combinations in restraint of trade, is not justified by the facts; and, after all is said and done, when the committee come back and reports, if they should say, "The Sherman Act should be repealed," or whatever they might report, it would be entirely up to Congress to give it every consideration, as they do any recommendation that comes to this body.

Mr. KING. If the Senator will pardon me, the Senator knows that in practically every business in the United States to-day—manufacturing business as well as the agencies organized for the purpose of disposing of the products of manufacture—there are organizations, and those organizations meet together, from the Standard Oil Co. down, and directly or indirectly they fix prices, and they contribute by their action to the maintenance of a monopoly, more or less, or to the stifling of competition. It seems to me that in view of the recent decision of the Supreme Court of the United States many of these combinations which I believe are illegal are considerably frightened, and they want Congress to legalize their organizations or to point the way by which they can organize and maintain organization in order to bring about combinations or to restrict competition.

Mr. EDGE. Mr. President, the Senator from Utah implies very plainly that a large majority of the business men of this country are not honest; in other words, that they want to be given immunity from existing laws, or words to that effect. I can not think that any Senator of the United States believes that a majority of the business men of this country are not good citizens or are dishonest. As a matter of fact, speaking of the Standard Oil Co. and other large corporations, as I think I pointed out yesterday, the large companies are not members of these trade associations. None of them are members of these trade associations. It is not necessary for them to be. They have all the information in their own organizations. The members of these trade associations are the smaller business interests scattered all over the country.

Suppose for a moment—and then I am through—that the trade associations were practically legislated out of business. Does not the Senator realize that that would naturally compel large monopolies? If these small concerns in Texas and Louisiana and other States did not have the benefit of these organizations to be given information and standardization and various things that help most naturally in cooperation, they would naturally be more or less consolidated and amalgamated. The very existence of trade associations, instead of making for monopoly, prevents monopoly.

Mr. OVERMAN. Mr. President, will the Senator allow me to ask him a question?

Mr. EDGE. I yield the floor.

Mr. OVERMAN. Does not the Senator know that a few years ago an investigation by an industrial commission, such as the Senator asks for, was held at a cost of $800,000, and now there are 80 volumes that can be had that will give the Senator all the information he wants?

Mr. EDGE. Yes; I know something of that; but I am sure the Senator realizes that since then we have gone through a great war. Business has been entirely put out of gear and joint. The situation between this country and other countries abroad is entirely changed. Anything that we did 8 or 10 or 15 years ago, so far as economic and business life is concerned, is practically worthless to-day. We can not live 15 years ago. We have to live in the present period and under present conditions, and bring our knowledge and our investigations down to date.

Mr. OVERMAN. After we get the report, will we not be in the same position that we will with the other reports? Nobody will ever read them. They will be put up here in the top of the Capitol and sold as waste paper.

Mr. EDGE. We did not do that with the agricultural inquiry committee, did we?

Mr. STANLEY. Mr. President, will the Senator yield to me for just one question?

Mr. EDGE. Gladly.

Mr. STANLEY. The Senator from New Jersey, I think, misapprehends the statement of the Senator from Utah. Because a man or a concern is not prepared to obey to the letter a given law, it does not necessarily follow that he is dishonest. For instance, there are great numbers of people in this country who do not obey the Volstead law, but I do not think they are all crooks.

Mr. CURTIS. Mr. President, I had intended to ask the Senator to lay aside this measure in order that I might take up the appropriation bill; but I have been informed that one of the Senators desires to study the appropriation bill further, and I shall therefore wait until to-morrow to take it up. I think I shall give notice to the Senator, however, that if his joint resolution is not disposed of by to-morrow I shall move to take up the appropriation bill.

Mr. STANLEY. Mr. President, there is much more in this apparently innocuous joint resolution than appears on its face. Were I speaking to-day not in behalf of the honest enforcement of the law prohibiting combinations in restraint of trade or monopolizing or attempting to monopolize the business of these United States; had I a brief only for big business; did I speak only in the interest of great incorporated concerns, I should be just as much opposed to this pernicious proposition as I am to-day.

I distinctly recall that 10 or 12 years ago the chairman of the board of directors of the United States Steel Corporation, appearing before a committee of which I was chairman, earnestly insisted upon the naming of a commission authorized to fix prices for that concern; and I advised him most respectfully then that he was a socialist, and did not know it. It was my great pleasure the other day to review a little volume, "The State against the Man," a compend of the essays of Herbert Spencer, and I read a very able introduction to one of those essays by Judge Elbert H. Gary, the chairman of the board of directors of the United States Steel Corporation, in which, adopting the aphorism of Jefferson that "they are best governed who are least governed," he made the most complete and conclusive answer I have ever read to the argument he had made 10 years ago before the committee investigating the affairs of his great corporation.

The Senator from New Jersey is fundamentally wrong in his diagnosis of the case. What business needs is not pap, is not subsidy, is not supervision; it is air, a chance to breathe. It is not a few hundred yards more of red tape about its pulsant limbs, but it is somebody with wisdom enough and somebody with courage enough and somebody with candor enough to admit that no party, Democratic or Republican, and no government that ever was devised by the wit of men, ever made this or any other people rich or prosperous. The only thing that government can do for business, the only thing that doctors can do for the human body, is to give it a chance to cure itself, give it a wholesome atmosphere. Give business all the liberty consistent with the peace and security of society and with the legitimate rights of others engaged in similar occupations.

The trouble now is, and the trouble from the beginning has been, that you have attempted all sorts of legislative nostrums. The Senator from North Carolina has very wisely called the attention of the Senator from New Jersey to the fact that but a few years ago we had an industrial commission which spent nearly a million dollars, and compiled tomes of statistics, which now litter the cellars of this Capitol, hundreds of thousands of pages. You can find in the report of that commission every conceivable plan by which Governments ever attempted to make men rich or prosperous, and they are so much waste paper.

I say, Mr. President, that from the beginning this Government has done but two things for business. I maintain, and I invite contradiction on the part of the Senator from New Jersey, that neither the Government of the United States nor the Government of any other country in the history of the civilized world has or ever can do more than two things for business. One is to subsidize and the other is to supervise it. That is all. It is all any Government ever will do. The first is always pernicious and the last is usually unnecessary, and generally unwholesome.

Let us get down to the bedrock. Prosperity means nothing more nor less than an industrial state in which the great majority of the citizens of the United States or any other country engaged in productive enterprises are operating at a profit, are accumulating wealth.

Wealth can only be accumulated in one of two ways. You must either make it or you must take it away from him who has made it. There are only two sources of wealth in this country. One is production and the other is plunder. You may plunder like a medieval marauder. You may plunder with a battle ax and a mace. You may plunder with a dark lantern, a club, and a jimmy, or you may plunder by the misuse of the law, but money that is made by crudely taking it away from the man who produced it, or money that is made by perverting the powers of government to make an unprofitable support a profitable business, are essentially immoral—are industrially pernicious.

Why should we waste months of time and millions of money in a vain and foolish effort to find new ways to either subsidize or supervise the business of the United States? You have exhausted a morbid ingenuity in that direction already. If there is any new way by which the powers of this Government may be used to subsidize those who are politically persona grata, and to plunder those who are helpless, I believe you will fail to find it.

Let us see what this resolution does. After a multitude of whereases, it provides:

> That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade—

Think of it!—

> to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

You have covered the scope of inquiry of every political economist from Adam Smith to the present day. You have covered everything that every parliamentary, legislative, and judicial body has ever attempted to do since the governments were ordained by man. It is said that Sir Francis Bacon took all knowledge for his province, but the scope of this inquiry makes the activities of Bacon seem narrow and contemptible in comparison.

If this committee does what this resolution proposes it shall do, it will be wiser than Bacon, more patient in its inquiries than Adam Smith, more ingenious than John Stuart Mill, and you will evolve from six Members of the House and Senate more wisdom than the House and Senate have ever displayed since the first Congress was assembled. All this is just plain "moonshine," legislative "bunk."

Here is the milk in the coconut; it is proposed to distinguish between illicit combinations in restraint of trade and cooperative organizations of various kinds. That is the essence of the thing when you clear the rubbish out of the way. To quote a homely expression we use in the South, that is "the nigger in the woodpile," and I know it, because the Senator from New Jersey introduces with it a companion piece, which proposes the creation of a commission, to be composed not of lawyers but of hard-headed business men, who shall investigate all the business concerns of this country, their methods of operation, their bylaws, constitutions, and minutes, and shall determine, from the method of their organization and the method of their operation, whether or not they are violating the Sherman Act. If they are, they shall be told to cease and desist. If they are not, they are to be given a certificate of good character. They shall receive a certificate which they can file with the Department of Justice securing absolute immunity from Federal interference or indictment by any court in the United States.

Such a combination, so fraught with folly and corruption, has not been proposed since I have been a Member of either the House or the Senate. Think of it! This is proposed by a leader in that administration which solemnly promised the people of the United States that it was going to take politics out of business and take business out of politics. This creates a great and infallible tribunal with the power to grant a plenary indulgence, without the right of appeal, to every crooked concern between Cape May and the Golden Gate, between the north woods and the Everglades of Florida.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New Jersey?

Mr. STANLEY. Certainly.

Mr. EDGE. Does the Senator assume from the line of argument that if such a bill became a law any governmental tribunal that should be delegated with administrative and interpretative authority, as the term is used, would be crooked and would give to business the right to do those things which they should not do under the law? He must assume, from what he says, that the Interstate Commerce Commission, which to-day has very large powers to give orders, as I understand it, is not honest. Does he for one moment assume that these governmental bureaus are not honest?

Mr. STANLEY. Certainly not. Suppose the Senator from New Jersey should introduce a bill to do away with the right of trial by jury and I should oppose it as a pitiless and archaic piece of tyranny. Would the Senator from New Jersey rise in his place and say that I assumed that judges were cruel and pitiless because I did not give them the right to draw the halter about the neck of every man charged with crime in this country? The greatest Attorney General of his day, Jeremiah S. Black, declared that the judge who does away with the functions of a jury and sends a man to his doom murders him as

effectually as if he rolled up the sleeves of his robe and stabbed him through the heart.

If it should be proposed that that provision of the Constitution prohibiting the union of church and state, or the guaranties of liberty of speech and freedom of the press should be abolished, would the Senator from New Jersey rise in his place and say that I assumed that Congress and the Executive are corrupt and that they would abuse a power to supervise the press, to censor it?

Mr. EDGE. No; Mr. President.

Mr. STANLEY. I say to the Senator from New Jersey that the power to say who is obeying the law and who is not, save alone the courts that have been tried by a thousand years of experience, save alone by the process of law that is hoary with the proscription of centuries, is replete with danger and is the fecund mother of possible corruption.

Mr. EDGE. Mr. President, I think the Senator would agree as a lawyer that if legislation can be devised which would provide for business information from properly constituted Federal bureaus which would keep business out of the courts, that through cooperation with such a bureau, discussing the possibilities of the activities of the trade associations, not giving them immunity, as he puts it, but with an understanding between them and the Government, as far as it is possible, just as the Interstate Commerce Commission, as I understand it, now administers a portion of their responsibility, certainly it is for the best interests of the people of the country to keep them out of the courts. The courts we all know are very congested. If we can devise a method to lessen litigation, with its terrific expense and burden, it seems to me we are accomplishing something in the interest of all the citizenship of the country.

Mr. STANLEY. Mr. President, I wish there were a Santa Claus; I wish there was such a thing as an infallible source of wisdom and power that could tell the people just what to do to be saved and tell the people just what to do to be rich. But I do not share the faith of the Senator from New Jersey. I regret that the same pernicious delusion, from which, thank God, the founders of the Constitution were eternally free, that there is vested in the men in the aggregate, clothed with the pomp and circumstance of power, a wisdom which ordinary men but in office do not enjoy, can not once and for all be sent to the eternal depths of exploded delusions. In Kentucky, away back yonder shortly after the adoption of the Constitution of the United States, her legislature approved certain resolutions written by Thomas Jefferson, in which they declared, in opposition to the alien and sedition laws, that governments are a necessary evil; that they must be constantly watched with eternal vigilance; that they have a tendency to insidiously increase and to abuse their powers; and that only delegated powers, tested by experience, should ever be given to any Government, however wise, or to any officer, however good and pure. Personally there are few better men than that poor Czar whose body festers in an abandoned mine in northern Siberia, but that did not make him a good tyrant. Few men were more exemplary in their early youth than Commodus or Caligula, but that did not prevent authority from festering their very souls and converting well-meaning men into monsters.

After years of experience, after declaring from the foundation of the Government that the vesting of unlimited power anywhere in any body for any length of time and for any purpose was eternally pernicious, it is proposed in the twentieth century, it is proposed after 150 years of experience, to create an industrial tribunal which the Senator from New Jersey admits has absolutely unrestricted power, in the hope that its wisdom will increase with its power and that it will not abuse its authority.

Why, Mr. President, think what it would mean. The Senator proposes to create a commission, unbound by any of the precedents or forms or mandates of the law, from which there is no appeal, which is not required to try causes in the white light of day, which does not give defendants or plaintiffs an opportunity to meet and confront and to cross-examine the witnesses against them, which holds its sessions in some dark corner of some marble sarcophagus here in Washington, which can issue decrees that can make and unmake fabulous wealth, which can divert billions in or out of the coffers of great concerns, with no means of detection, or redress, or review.

The Senator says we must give these plenary powers to this crazy commission because they are honest men. They were honorable men whose daggers stabbed Cæsar. The way to keep men honest is to keep them where they can not be dishonest without detection. That is plain common sense.

Why, the Senator from New Jersey, if he would pursue the same policy in ordinary business for himself that he is attempting for the people of the United States would smash every cash register in his concern, because it is of no earthly use if all men are going to be honest even in the handling of a few dimes.

Mr. EDGE. Mr. President, I can assure the Senator from Kentucky I would not come to him for advice in connection with a matter of that kind.

Mr. STANLEY. It is a pity the Senator does not do so. The Senator from New Jersey does not need to come to me. If in governmental matters he would wait at the back door of some high school and get a boy who had read the Constitution five minutes before and had studied civil government for two hours, that boy would tell him that this thing was puerile, wicked, and absurd. I feel that I waste the time of the Senate, to say nothing of my own time, in exposing the folly of such a proposition. Of course, the Senator would not come to me for advice, nor to any other man who is supposed to have any insight into the thinly veiled iniquities that this proposal—I will not say is designed, I will not say it is the purpose—but the result of this legislation will make every crooked concern from Androscoggin to Yubadam call its author blessed.

Mr. President, the purpose of the proposed legislation is very simple and very plain. For years and years business concerns—and I am not blaming big business for it—all over the world have desired to make money. The easiest way in the world to make money is to keep the other fellow from underselling. Men invest hundreds of millions in great concerns and they naturally object to the dangerous and embarrassing effect of some competitor with more ingenuity and more enterprise getting into the same business and underselling. The doctor feels resentful toward the charlatan who makes a visit to his patient more cheaply than he does. I know as a lawyer that the reputable lawyer does not enjoy it when some shyster who has not half his ability takes a case for a third what he would charge. So the great head of some great industry, who has built it up and believes he is charging a reasonable price for his product, naturally looks for some method of coming to an understanding with his competitors and preventing a fall in price.

We all want to make just as much money as we can by the exertion of our energy and our talent. I am not inveighing against business because of self-interest, because of that desire to accumulate and to prosper which is inherent in the hearts and minds of all of us. But it remains, nevertheless, Mr. President, that the good of society demands that doctors should not have the right to get together and fix fees; that lawyers should not have the right to absolutely fix their charges; that merchants nor farmers nor anybody else should have the right to violate or to prevent the operation of the wholesome laws of supply and demand. For that reason, not the Sherman Act, but the common law has prohibited, has inhibited, has punished combinations in restraint of trade from the dawn of Anglo-Saxon civilization.

This is nothing new. The Sherman Act simply applied the rules of common sense and of common law to interstate trade. Away back in Addyston Pipe case the present Chief Justice of the United States, a former President, in Eighty-fifth Federal Reporter, very aptly declared:

> It is certain that if the contract of association which bound the defendants was void and unenforceable at the common law because in restraint of trade, it is within the inhibition of the statute if the trade it restrains was interstate.

In other words, the only thing the Sherman Act, that they talk so much about, ever did was to apply the rules of the common law to interstate trade, to apply principles that are as old and as immurable as justice and civilization itself.

What was it that the Sherman antitrust law was intended to prevent? Does that law deprive men, as the Senator from New Jersey would have us believe, of the enjoyment of the rights that are necessary to prosperity, of privileges that are essential to a revival of business? Is there anything that men are to gain by violating the Sherman law, which ought to be the foundation and the basis of honest and legitimate business?

Mr. President, no man ought to know better about the things which the Sherman law was intended to prevent and to prohibit than the great former president of the Steel Corporation, who, in my opinion, is the greatest genius the steel industry has ever produced; a man who is to steel what Edison is to electricity; the greatest executive which that great business has produced in the history of steel in the United States—Charles M. Schwab. No man had a more accurate knowledge of the character and effect of such agreements than Charles M. Schwab, once the president of the United States Steel Corporation. Speaking of the very combinations which the Senator

from New Jersey says we ought not to try to prohibit, Mr. Schwab says:

> No man has a clearer appreciation than myself of the evils that lurked in the trust scheme. * * * It was founded on misconception and promoted along the lines of self-destruction. Its fundamental principles were the restraint of trade, increase of price, and the throttling of competition—a trinity that would wreck any proposition, business, political, or social.

The whole idea of combining and restraining trade, which the Sherman Act was designed to prevent, the whole idea of cooperative selling and cooperative buying for great industrial concerns, says Mr. Schwab—

> was founded on misconception and promoted along the lines of self-destruction. Its fundamental principles were the restraint of trade, increase of price, and the throttling of competition—a trinity that would wreck any proposition, business, political, or social.

And there never was a business association which had no desire to throttle competition, to restrain trade, or to increase prices which was in any danger of violating the Sherman law, and there never will be.

Mr. President, I know of nothing in which men have shown a greater or more morbid ingenuity, except in the desire to create perpetual motion, than the idea of business men that they can devise some means under which, by agreement among themselves, they may restrict competition or fix prices or restrain trade; by which they may sell cooperatively, without violating the plain letter of that brief act. It looks so easy that they have not yet ceased the attempt. Occasionally, as in the Knight case and a few others, they have managed temporarily to avoid the meshes of that wonderful act, but ninety-nine out of one hundred of them sooner or later have come to grief in the courts when the purpose of the combination was understood.

Mr. President, think of the wonderful ingenuity that these men have exercised. For instance, if I own a share of stock, there is absolutely no harm in my selling that share of stock to the Senator from Georgia [Mr. WATSON]; it could hardly be called commerce; it is absolutely innocent; and yet that is all that was done in the formation of one of the most gigantic monopolies that ever menaced the industrial peace of the world.

The Great Northern and the Northern Pacific first invented that device. It was hatched in the fecund brain of Victor Morawetz, the man who, it is said, wrote the charters and by-laws of the Northern Securities Co., of the United States Steel Corporation, and of the Standard Oil Co. He said, "It is easy enough to get around that law; all that the stockholders have to do is to sell their stock, transfer it to a holding company"—that is what was done in the case of the Northern Securities Co.—"and on the basis of that stock issue other stock." So the Great Northern and the Northern Pacific put their stock into hodgepodge, into a pool; the stock was preserved, and the holding company issued pro rata stock of the securities company in lieu of the old stock of the several companies. There was not a word said about freight rates; not a word said about wages; not a word said about concurrent operation; not a word said about pooling interests or anything of that sort; but that immortal jurist, Mr. Justice Harlan, said, "It matters not how innocent the thing which was done; to a practical, hard-headed, common-sense man it is a moral, physical, and intellectual impossibility for a hundred thousand to have all done the same thing at the same time, except for one purpose, and that purpose was to secure the union of these two great corporations for the purpose of regulating rates and fares and controlling prices"; and so the court dissolved the Northern Securities Co. on the face of its organization.

The Steel Corporation drew up its charter and by-laws with that in view, and attempted to avoid it. It is very difficult to prove that the Steel Corporation ever in its history entered into a combination with any other concern to fix the price of a nail or a lock or a plate of tin. It found out that they could leave the whole field of coal and ore and semifinished steel untouched. They were charged with forming a coal trust. I examined into that allegation for six months, and stated publicly that there was not a suspicion of a trust in coal; there was not and is not now. They did not pay any attention to the coal fields or the ore fields; but it takes $10,000,000 or $20,000,000 to operate a battery of blast furnaces, the most costly apparatus in the whole business. So they seized upon the idea of controlling pig iron, and then they adopted the custom of charging for the cost of converting pig iron. That simple expedient gave the United States Steel Corporation an iron hold upon the steel industry of the world. It took me 18 months, with a committee composed of some of the ablest Members of the House of Representatives, among whom were some of the greatest jurists who ever adorned bar or bench, to find that out. It took years and twenty-odd volumes of investigations for a half dozen Federal courts and the Supreme Court of the United States to detect the sinister, subtle arrangements by which the Standard Oil Co. evaded the law.

Now, will the Senator from New Jersey tell me that a commission composed of a few "hard-headed" business men can do what the greatest jurists who ever sat on a bench have only been partially able to do, to discover the purpose and the effect of these subtle arrangements? They would know as little about it as would the Senator from New Jersey. They would make monkeys, cats'-paws, dupes, of any "hard-headed business men" who ever sat as a body to play pins with Victor Morawetz and the greatest lawyers in the world. Think of it—

> Six men of Hindustan,
> To learning much inclined,
> Each went to see the elephant,
> Though all of them were blind.

A select set of hard-headed business men, appointed by a Republican administration, are going to regulate everybody's business; to give one a certificate of good character and another the privilege to plunder. Not one of these hard-headed business men must know anything about the law, because the Senator from New Jersey says a knowledge of the law is a "suspicious circumstance," while the greatest lawyers in the world would be plying them with every cunning lie a lawyer ever uttered. If it were not so tragic it would be pathetically absurd.

I do not believe lawyers are any better than anybody else, but I do believe it takes a thief to catch a thief; I believe that it takes a lawyer to understand the machinations of a lawyer. More than that, where is the Senator from New Jersey going to find the wise men—2 or 10 or 20 wise men—who will know more about everybody's business than the persons directly interested know about it themselves? Members of the House of Representatives and of the Senate are paid $7,500 a year. Members of the Interstate Commerce Commission are paid $12,000. That would not pay a healthy millionaire's cook for six months; that would not pay a decent overseer. A man who has sense enough, a man who has technical skill, a man who has the patience to understand the details of any great business, whether it be the production of oil or steel or copper or anything else, can command $100,000 a year; and surely the Senator from New Jersey is aware of the fact that they are only expected to know their own business; but the members of the proposed commission are expected to know about everybody's business.

The trouble, Mr. President, is not that we have not regulated business enough, but that we have regulated it too much. The trouble, I say to the Senator from New Jersey, with business to-day is not that there is no power, civil or ecclesiastical, to grant immunity to those who wish to violate the law, or to grant plenary indulgences to those who wish to plunder; the trouble is that somebody has not smashed half of the commissions which have been attempting to regulate business; the trouble is that we do not go back to the plain old rule that every man is entitled to manage his own business just as he pleases so long as he does not violate the simple principles of law and decency, and so long as he does not invade the tangible rights of his neighbor.

I would say to every individual in the United States: "Regulate your own household, your own appetites, your own aspirations, your own faith, your speech, your personal relations to God and to man, and so long as you concede that every other man has the same right and so long as you do not invade the legal rights of your neighbor you shall be absolutely secure and absolutely immune." I would say to every business in the United States, from the highest to the lowest, no matter how rich or poor: "So long as you obey the plain dictates of common law and common sense and refrain from doing that which the combined wisdom of the world and civilization has said is pernicious and immoral and industrially unsafe and unsound, so long as you keep within the plain, common-sense rules of the law of the land you may proceed as you will." I would take spies out of factories and inspectors out of warehouses; I would remove the long, pernicious, everlasting, cadaverous nose of every unnecessary inquisitorial supervisor into the morals, business, and health of this people, and I would put them to plowing corn or cracking rocks or doing something to earn their bread, instead of becoming nuisances and menaces to the peace and security and the honor and the safety of my country.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. STANLEY. I yield.

Mr. EDGE. I did not want to interrupt the Senator's flow of oratory at that particular moment.

Mr. STANLEY. That is not oratory; that is truth.

Mr. EDGE. I wanted to thank the Senator that he seemed to be in agreement with me in one direction at least, and that is that business is decidedly overregulated.

Mr. STANLEY. "I thank thee for teaching me that word."

Mr. EDGE. That is exactly the thing we are endeavoring to bring about by such legislation as has been suggested—to do away with some of this regulation and overregulation and give business an opportunity to go to some tribunal that has some authority to help them out a little bit without their being continually haled into court.

The Senator speaks about investigating committees and says he has nothing to do with any of them. I am sure the Senator recalls the committee known throughout the country as the Stanley committee, which it seems to me was well known as an investigating committee years before I ever came to Congress. Apparently the Senator was in sympathy with his own investigation; was he not?

Mr. STANLEY. I wish the Senator from New Jersey could have been on that investigating committee.

Mr. EDGE. I wish I could.

Mr. STANLEY. He would not have diagnosed one disease and prescribed for another. Why, I will say to the Senator from New Jersey that I endeavored to lay that great corporation upon the dissecting table, not to destroy it, but, as a kindly surgeon would do, to cure its ills. My purpose was not further to regulate and restrict its activities, but to discover what device these people were using, if any, and not they particularly, but all concerned—for the purpose of restraining competition, stifling trade, interfering with the free course of commerce. I am an advocate of personal liberty, but I would not hesitate to take a jimmy away from a burglar who was about to break into a house. I did not want to destroy the legitimate rights of that corporation or any other, but I wanted to find its jimmy, if I could, and I think I did.

I will say to the Senator from New Jersey that I have not changed one iota, I have not moved an inch, I have not stirred from my tracks since I pursued that investigation for 18 long months, on an average of 14 hours a day, without one feeling of anger or resentment toward the Steel Corporation or toward organized wealth, without one thought of personal hostility or aggrandizement; in a sincere desire to find the truth I labored as the chairman of that great committee. We did not have any experts. The work was done by the committee. My only reward, my only purpose, was to find out some way to keep open the great channels of commerce. Yet every great daily, almost without exception, in the United States at one time or another took me for its text. I was a "red-handed anarchist." I was a "flannel-mouthed demagogue." I was "playing to the wild, unclean, unholy passions of an ignorant mob"; and to-day many of those same great metropolitan dailies are good enough to speak of me as a conservative.

I said then to the chairman of the board of the United States Steel Corporation, I said in an address before the Chamber of Commerce of Pittsburgh, that I was a conservative, and that unless great corporations obeyed the law they would find themselves in the hands of pernicious, inquisitorial governmental tribunals like the Trade Commission and like this abominable thing the Senator from New Jersey would have if he gets a chance. I went before the President of the United States and pled with him with all the earnestness of my soul not to approve the creation of any kind of a trade commission; to leave the regulation of trade to the courts, where it belongs, and not to Congress, and not to bodies exercising legislative authority; and I to-day reaffirm with emphasis all I said and all I stood for as chairman of the committee investigating the United States Steel Corporation. That report of nearly 300 pages, that I wrote with my own hand, I shall leave as a heritage to my children and my children's children; and if they will read it when they are able to read, before they are out of their teens, they will repudiate the heresies of the Senator from New Jersey.

Mr. President, I wish to call the Senator's attention in conclusion to the fact that our greatest prosperity, perhaps, was enjoyed at a time when there was absolutely no industrial supervision over the business activities of the people of these United States. There perhaps never was a time in the history of this country—perhaps the Senator from Georgia [Mr. WATSON] knows better than I do about that, but it is my opinion that there never was a time in the history of this country, from the discovery of America until now—when the people of what are now these United States advanced more rapidly in culture, refinement, knowledge of government, and all the things that make for great and prosperous citizenship, than during the 30 years prior to the American Revolution. Considering their numbers, their wealth and their mastery of new enterprises was the marvel of the world.

The greatest English statesman, the most learned, the most versatile of all the parliamentarians of Great Britain—he towers in my mind above Fox and Grattan and Pitt and Chatham in the versatility of his knowledge, in the splendor of his intellect, and in the vast range of his clear and unobstructed vision; I refer to Edmund Burke. In defending these Colonies in the British Parliament he paid the wonderful tribute to which I would call the attention of the Senator from New Jersey:

"As to the wealth which the Colonies have drawn from the sea by their fisheries," he continued, speaking specially of the bill then in its last stage before the house, "you had all that matter fully opened at your bar. And pray, sir, what in the world is equal to it? Pass by the other parts and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudsons Bay and Davis Straits, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition is but a stage and resting place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that, whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland nor the activity of France nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things—

And I commend this to the attention of the Senate—

When I contemplate these things; when I know that the Colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection—

I bespeak for the business of this country from the Senator from New Jersey, from the Federal Congress, from pernicious interference everywhere, that wise and salutary neglect. Better, a thousand times better, leave us as old England did, in the wilderness, to work out our own salvation, than to bind our limbs, fetter us, manacle us, wrap us in red tape, subtle, silent, resistless and suffocating as the coils of a boa constrictor.

Forty years ago, Mr. President, the greatest of foreign critics of our institutions—in 1840, I think, nearly a hundred years ago—saw the first symptoms of this pernicious, devastating, damnable paternalism. In the sixth chapter of his Democracy in America de Tocqueville has wisely warned us:

I had remarked—

Says de Tocqueville—

during my stay in the United States that a democratic state of society, similar to that of the Americans, might offer singular facilities for the establishment of despotism. * * *

I seek to trace the novel features under which despotism may appear in the world. The first thing that strikes the observation is an innumerable multitude of men all equal and alike. * * * Above this race of men stands an immense and tutelary power, which takes upon itself alone to secure their gratifications, and to watch over their fate. That power is absolute—

Oh, think how he describes the legislation of the Senator from New Jersey, how minutely he describes a propaganda that is in the air, making at times the atmosphere of the Senate Chamber fetid and debasing as the dungeon of a slave!

That power is absolute, minute, regular, provident, and mild. It would be like the authority of a parent if, like that authority, its object was to prepare men for manhood; but it seems, on the contrary, to keep them in perpetual childhood. It is well content that the people should rejoice, provided they think of nothing but rejoicing. For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances—what remains—but to spare them all the care of thinking and all the trouble of living.

* * * * * * *

I have always thought that servitude of the regular, quiet, and gentle kind which I have just described might be combined more easily than is commonly believed with some of the outward forms of freedom, and that it might even establish itself under the wing of the sovereignty of the people. Our contemporaries are constantly excited by two conflicting passions—they want to be led and they wish to remain free; as they can not destroy either one or the other of these contrary propensities, they strive to satisfy them both at once. They devise a sole, tutelary, and all-powerful form of government, but elected by the people. They combine the principle of centralization and that of popular sovereignty; this gives them a respite; they console themselves for being in tutelage by the reflection that they have chosen their own guardians. Every man allows himself to be put in leading strings, because he sees that it is not a person or a class of persons, but the people at large, that holds the end of his chain.

Oh, deliver us from this wild, this insane, this pernicious political delusion that because everybody can vote, a mass of voters can not destroy the last vestige of personal liberty, of our industrial independence, our security, and prosperity.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to, and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, April 19, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 18, 1922.

PROMOTION IN THE REGULAR ARMY.

To be major.

Capt. Theodore Whiting Sidman, Infantry, from April 12, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. John Kramer Miller, Infantry, with rank from June 28, 1920.

Col. John Edwin Woodward, Infantry, with rank from July 1, 1920.

Col. William Kelly, jr., Cavalry, with rank from July 1, 1920.

Lieut. Col. Alfred James Booth, Infantry, with rank from July 1, 1920.

Maj. William Vaulx Carter, Cavalry, with rank from July 1, 1920.

Maj. James Alexander Ulio, Infantry, with rank from July 1, 1920.

Maj. Michael Joseph O'Brien, Quartermaster Corps, with rank from July 1, 1920.

Capt. Rene Eugene Fraile, Quartermaster Corps, with rank from July 1, 1920.

Maj. John Nicholas Smith, jr., Infantry, with rank from July 1, 1920.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

MARINE CORPS.

First Lieut. Thomas R. Shearer to be a captain in the Marine Corps from the 18th day of October, 1921.

Second Lieut. William H. Hollingsworth to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Norman E. True to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

The following-named noncommissioned officers in the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 11th day of February, 1922:

Gunnery Sergt. Wallace C. Harding.
First Sergt. William W. Davies.
Corpl. Everett H. Clark.
Sergt. Augustus W. Cockrell.
Sergt. Paul F. Jones.
Corpl. Delbert D. Spangler.
Corpl. James M. Smith.
First Sergt. Lewis A. Hohn.
Corpl. Bayard L. Bell.
Corpl. Vernon E. Megee.
Corpl. Joseph D. Humphrey.
Corpl. Orin H. Wheeler.
Corpl. William H. Doyle.
First Sergt. Harold S. Levis.
Corpl. Ernest E. Linsert.
Corpl. Thomas L. Cagle.
Sergt. James G. Hopper.

The following-named citizens to be second lieutenants in the Marine Corps for a probationary period of two years from the 15th day of March, 1922:

Edwin A. Pollock, a citizen of Georgia.
John R. Strestt, a citizen of Maryland.
Cornelius J. Eldridge, a citizen of Virginia.
Randolph McC. Pate, a citizen of Virginia.
Dudley W. Davis, a citizen of Maryland.
Robert S. A. Gladden, a citizen of Maryland.
Franklin C. Hall, a citizen of Maryland.
John D. Christian, a citizen of Maryland.
Beverley S. Roberts, a citizen of Maryland.
Lucian C. Whitaker, a citizen of South Carolina.
William O. Brice, a citizen of South Carolina.
Francis M. Wulbern, a citizen of South Carolina.

POSTMASTERS.

ALABAMA.

Charlie S. Robbins to be postmaster at Good Water, Ala., in place of W. L. Crew. Incumbent's commission expired July 23, 1921.

John F. Fraser to be postmaster at Lafayette, Ala., in place of J. F. Fraser. Incumbent's commission expired July 21, 1921.

CALIFORNIA.

Clarence A. Dickison to be postmaster at Compton, Calif., in place of A. M. Canson. Incumbent's commission expired January 24, 1922.

ILLINOIS.

Fred J. Bohnenkemper to be postmaster at Germantown, Ill. Office became presidential April 1, 1921.

Mathias A. Grenning to be postmaster at Glenview, Ill. Office became presidential October 1, 1921.

Paul Bleser to be postmaster at Gross Point, Ill. Office became presidential October 1, 1921.

Lucian D. Lyons to be postmaster at St. David, Ill. Office became presidential October 1, 1921.

KANSAS.

Robert B. Stevens to be postmaster at Lecompton, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Bud Morgan to be postmaster at Lothair, Ky. Office became presidential January 1, 1922.

Thomas D. Tapp to be postmaster at Springfield, Ky., in place of S. W. Sims. Incumbent's commission expired February 18, 1922.

MINNESOTA.

Elmer O. Haugen to be postmaster at Pelican Rapids, Minn., in place of C. R. France, resigned.

MISSISSIPPI.

Joseph R. Weathersby to be postmaster at Taylorsville, Miss. Office became presidential October 1, 1918.

Alabama Akers to be postmaster at Iuka, Miss., in place of J. C. Jourdan. Incumbent's commission expired January 24, 1922.

NEW YORK.

John E. Gubb to be postmaster at Batavia, N. Y., in place of J. F. Ryan. Incumbent's commission expired January 24, 1922.

Everett H. Axtell to be postmaster at Deposit, N. Y., in place of M. F. Axtell, removed.

Philip I. Brust to be postmaster at Medina, N. Y., in place of J. M. Tuohey. Incumbent's commission expired July 21, 1921.

Sarah M. Taylor to be postmaster at Westbury, N. Y., in place of John Scally. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Charles N. Bodenheimer to be postmaster at Elkin, N. C., in place of J. H. Ball, resigned.

OHIO.

Ernest C. Ludwig to be postmaster at Anna, Ohio. Office became presidential January 1, 1921.

James B. Emery to be postmaster at London, Ohio, in place of C. E. Gain. Incumbent's commission expired January 31, 1922.

Reinhart W. Kuck to be postmaster at New Bremen, Ohio, in place of L. W. Kunning. Incumbent's commission expired January 31, 1922.

PENNSYLVANIA.

Lucille B. Fillinger to be postmaster at Ralston, Pa. Office became presidential January 1, 1921.

Margaret Pilson to be postmaster at Morton, Pa., in place of F. W. McCall. Incumbent's commission expired August 22, 1920.

SOUTH DAKOTA.

Jennie Dodge to be postmaster at Egan, S. Dak., in place of C. F. Jenks. Incumbent's commission expired July 23, 1921.

TEXAS.

Lucy A. Carhart to be postmaster at South San Antonio, Tex. Office became presidential October 1, 1921.

VIRGINIA.

Claiborne W. Beattie to be postmaster at Chilhowie, Va., in place of J. S. Snavely, removed.

Edward M. Blake to be postmaster at Kilmarnock, Va., in place of H. W. Brent, resigned.

WASHINGTON.

Jennie A. Smith to be postmaster at Peshastin, Wash. Office became presidential April 1, 1921.

Joseph H. Dean to be postmaster at Castlerock, Wash., in place of Joseph O'Neill. Incumbent's commission expired January 24, 1922.

Rees B. Williams to be postmaster at Ilwaco, Wash., in place of M. E. Sprague. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Joseph Kuchenmeister to be postmaster at Almena, Wis. Office became presidential July 1, 1920.

Nels O. Neprud to be postmaster at Coon Valley, Wis. Office became presidential October 1, 1920.

Edward Stackman to be postmaster at Ontario, Wis. Office became presidential April 1, 1921.

Alvin H. Hafer to be postmaster at Roberts, Wis. Office became presidential October 1, 1920.

Stanleigh K. Caveney to be postmaster at Arcadia, Wis., in place of Albert Hess. Incumbent's commission expired January 24, 1922.

John H. Thelen to be postmaster at National Home, Wis., in place of A. R. Curtis. Incumbent's commission expired January 24, 1922.

WYOMING.

Chester A. Lindsley to be postmaster at Yellowstone Park, Wyo., in place of George Whittaker, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 18, 1922.

POSTMASTERS.

CONNECTICUT.

Edwin H. Powell, Burnside.

GEORGIA.

Lavonia L. Mathis, Bullochville.
Olivia F. Anderson, Chipley.
Jefferson B. Hatchett, Greenville.

NEVADA.

Anna S. Michal, Round Mountain.
Emanuel Bollschweiler, Wells.

NEW YORK.

Hobart R. James, Cherry Creek.
Warren G. Hasbrouck, Highland.
John W. Bow, Romulus.
James McLusky, Syracuse.

TEXAS.

Scott F. Benson, Alvin.
James D. Heaton, Barry.
Maude P. Williams, Brookeland.
Maye B. Fitzgerald, Marfa.
Mamie Milam, Prairie View.
Thomas F. Lindley, Seminole.
Raymond C. Ditmore, Waskom.
Benjamin F. Huntsman, Winters.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 18, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, we thank Thee that we are still the creatures of Thy thought, will, and love, and may these be more perfectly developed in us. Thy blessings are so manifold that they overflow and transcend all our needs. May they spur us to our duty, lift us to the mountain, strengthen us for the valley, and we would have these consecrated by the thought that God shares them. Bless us with true estimates and high standards, such as quiet homes, books of the master minds, worthy friends, and helpful pleasures. Let us always feel the higher reaches of life and being. Amid the changes of time and thought, O be Thou changeless and steadfast in the solemn issues of our public and private lives. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A DELEGATE.

Mr. CURRY. Mr. Speaker, I have the pleasure of introducing to the House the Hon. H. A. BALDWIN, the Delegate elect from the Territory of Hawaii, and request that the oath of office be administered to him.

The SPEAKER. The Chair understands that the certificate has been duly filed with the Clerk.

Mr. CURRY. It has.

Mr. BALDWIN appeared at the bar of the House, and the oath of office was administered to him by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 927. An act for the relief of Capt. Fred S. Johnston;
H. R. 3270. An act for the relief of Estella Barnett; and
H. R. 2004. An act for the relief of Frank Ferrin.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2179. An act for the relief of Richard Parke.

The message also announced that the Senate had insisted upon its amendments disagreed to by the House on the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, had agreed to the conference asked by the House, and had appointed Mr. TOWNSEND, Mr. STERLING, and Mr. WALSH of Massachusetts as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3177. An act declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream; and
S. 1297. An act for the relief of George Van Derburgh Brown.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1297. An act for the relief of George Van Derburgh Brown; to the Committee on Claims.

S. 2179. An act for the relief of Richard Parke; to the Committee on Military Affairs.

S. 3177. An act declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the House Joint Resolution 268, disagree to the Senate amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Washington calls up from the Speaker's table House Joint Resolution 268, and the Clerk will read the title.

The Clerk read as follows:

House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921.

The SPEAKER. The gentleman from Washington asks unanimous consent to disagree to the Senate amendments and agree to the conference asked for by the Senate. Is there objection?

Mr. GARNER. Reserving the right to object, will the gentleman make the required statement?

Mr. JOHNSON of Washington. I have conferred with the minority members of the Committee on Naturalization and Immigration, including the ranking member. We have all agreed that we ought to go to conference on the Senate amendments.

Mr. GARNER. I am not captious in objecting, but I want to state once more that I do think that when a Member asks unanimous consent to send a bill to conference he ought at least to state that he has conferred with the minority.

Mr. JOHNSON of Washington. I meant no disrespect. I have conferred with the minority, and the ranking member of the minority is on the floor and can speak for himself.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS SAVANNAH RIVER, SAVANNAH, GA.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to reconsider the vote whereby the bill (H. R. 10407) authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga., was passed yesterday, and that that motion lie on the table.

The SPEAKER. Without objection, that will be done.

There was no objection.

Mr. VARE. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following-named Members failed to answer to their names:

Anthony	Foster	Lee, N. Y.	Sears
Barkley	French	Lehlbach	Shelton
Bond	Gahn	McFadden	Siegel
Brand	German	Mahoney	Slemp
Britten	Gould	Mansfield	Snyder
Brown, Tenn.	Greene, Mass.	Michaelson	Stiness
Buchanan	Griest	Moore, Ill.	Sullivan
Cantrill	Hammer	Nelson, J. M.	Sweet
Carew	Hardy, Tex.	Newton, Mo.	Taylor, Colo.
Chandler, Okla.	Hooker	Parker, N. J.	Taylor, Tenn.
Clark, Fla.	Hudspeth	Porter	Upshaw
Copley	Ireland	Pou	Walters
Crowther	Jefferis, Nebr.	Pringey	Ward, N. Y.
Davis, Tenn.	Johnson, Ky.	Radcliffe	Wason
Dempsey	Johnson, Miss.	Rainey, Ala.	Williams
Drewry	Jones, Pa.	Rainey, Ill.	Winslow
Driver	Kelly, Pa.	Reber	Wood, Ind.
Dunbar	Kiess	Robertson	Woodruff
Edmonds	Kirkpatrick	Rosedale	Yates
Evans	Kitchin	Ryan	Young
Fairchild	Kunz	Sabath	Zihlman
Fields	Lampert	Sanders, Ind.	
Focht	Langley	Schall	

The SPEAKER. Three hundred and thirty-nine Members have answered to their names; a quorum.

Mr. KELLEY of Michigan. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

NAVAL APPROPRIATIONS.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The Clerk will read, beginning at page 24.

Mr. McCLINTIC. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCLINTIC. According to the agreement that was entered into a few days ago when this section was under consideration, the amendment which I offered was to be considered after the pending amendments which related to the personnel had been disposed of.

Mr. KELLEY of Michigan. Mr. Chairman, I think the understanding was that we would pass over the bureau appropriations until after we had fixed the strength of the personnel and then return to the bureau appropriations again. The amendment which the gentleman offered, of course, will be pending when we reach that, in due course, but it is not my understanding that we were to take that up prior to the bureau appropriations.

Mr. McCLINTIC. Very well.

The CHAIRMAN. That was the understanding with the Chair, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ORDNANCE.

ORDNANCE AND ORDNANCE STORES.

For procuring, producing, preserving, and handling ordnance material; for the armament of ships, for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; for the maintenance, repair, or operation of horse-drawn and motor-propelled freight and passenger carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations, and for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots; in all, $9,500,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots for the fiscal year ending June 30, 1923, shall not exceed $935,000.

Mr. STEPHENS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: Page 29, after line 24, insert the following: "That no part of this appropriation or any other appropriation contained in this act shall be available for expenditures at the naval proving ground, Dahlgren, Va., except so much as may be necessary to maintain the station on a closed-down basis."

Mr. STEPHENS. Mr. Chairman, this amendment which I have presented has to do with the Dahlgren Proving Ground, situated about 60 or 70 miles below Washington, in Virginia. The original proving ground was at Indianhead, about 25 miles down the river. The naval proving ground consists of three separate and distinct places. First, the proving ground at Indianhead; second, the powder factory at Indianhead; third, the proving ground lower station at Dahlgren, Va. On account of the long ranges of modern guns it was thought necessary during the war to establish a new proving ground at Dahlgren, Va. Transportation to Indianhead, Md., both for the powder factory and the proving ground, is effected by railroads by the way of White Plains, Md., and by barge on the Potomac River. Transportation to Dahlgren, Va., is effected by railroad or barge to Indianhead, and thence by reshipping 33 miles on the Potomac River to Dahlgren, Va. This primarily was a war activity. In the fall of 1918 the Naval Affairs Committee, upon the recommendation of the Bureau of Ordnance, introduced a bill appropriating $1,000,000 for a lower station proving ground at Dahlgren, Va. In 1919 the Bureau of Ordnance appeared before the Appropriations Committee and asked for an additional appropriation of $980,000 in the deficiency appropriation bill. This was without the knowledge of the members of the Naval Affairs Committee. The original appropriation of $1,000,000 was made by this committee, and the $980,000 additional was appropriated, as I said before, in the deficiency appropriation bill. The original plan presented to the committee was for an expenditure of $1,000,000. By this additional deficiency appropriation there was added to that expenditure $980,000, which gave to them in all $1,980,000. This has developed until there has been expended $2,200,000 at Dahlgren, Va. This is the lower station.

The original proving ground is at Indianhead. At Indianhead during the war there was expended over $7,000,000 in developing the Indianhead powder plant and the proving station, and in this they provided for officers' quarters and a railroad running into Indianhead station, so that the Indianhead station was complete in everything. It is complete in its powder factory and it was complete in its proving ground.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. OLIVER. Has the gentleman any naval authority to the effect that you can satisfactorily test our long-range guns at Indianhead?

Mr. BUTLER. They are doing it at Aberdeen, Md.

Mr. STEPHENS. I have authority that we can test our long-range guns at Indianhead; yes. There is a difference between proving a gun and ranging a gun. Indianhead is complete. In proving a gun you do not need a high elevation. You prove the gun, prove the capacity of it; that is, you prove whether it is all right or not. In ranging a gun you range it at a certain elevation. In ranging these large guns will carry 25,000 or 30,000 yards. It was primarily for that purpose that the lower station was selected to range guns. It was a war activity.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUTLER. Mr. Chairman, inasmuch as this is a very important restriction which the gentleman proposes to place upon the bill, I ask that he have five minutes additional time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS. Mr. Chairman, as I said, there is a difference between proving and ranging a gun. The lower station was for the purpose of ranging large guns, an absolute war activity. The war is over. The necessity for this proving ground has disappeared. The capacity of the ground at Indianhead is complete. They have complete and full equipment for the proving of these guns.

Mr. KEARNS. Mr. Chairman, does the gentleman take the position that a gun in peace times ought not to be proved as to range, as to how far it will shoot?

Mr. STEPHENS. No. I do not claim that you need not range guns during peace times, but there are other methods of ranging guns. When these guns are taken aboard the battleships they are taken out for target practice and for ranging. There is no reason why these guns can not be ranged as they have been ranged heretofore, from the battleships.

Mr. KEARNS. If I understand, this place down here which the gentleman proposes to eliminate is about 60 miles below

Washington. That is the place where they have been taking the range of the guns, is it not?

Mr. STEPHENS. They have tested some of the guns; yes.

Mr. KEARNS. Has the gentleman any other place in the United States in mind, if this place be discarded, where we can range the guns?

Mr. STEPHENS. Yes. There is a place at Aberdeen, Md., where you can range guns.

Mr. MUDD. Does the gentleman recall that Admiral McVay stated to the committee they could test these large guns at Aberdeen, Md.?

Mr. STEPHENS. It has already been stated before the committee that Aberdeen was a proper place for the ranging of large guns, if necessary, but I want to impress upon you the difference between the proving of guns and the ranging of guns. Dahlgren, Va., is on the Potomac River. There is no railroad within 35 or 40 miles of Dahlgren on that side of the river, and the only way you can get there is to go down to a certain point in Maryland and cross over 5 or 6 miles in a tug or any kind of a vessel to Dahlgren.

Mr. BUTLER. Right there, how many months of the year are they cut off from that point?

Mr. STEPHENS. If they have cold weather, if they have a freezing time, they would be cut off entirely. The harbor there is not of the proper depth. If we retain Dahlgren as a working unit there probably will have to be spent another million dollars at that place. I have the testimony of practical men who have been in the proving business for the last 20 or 25 years, stating that Indianhead is sufficient in all ways to conduct this proving station, and that it will save thousands and thousands of dollars to the Government in the way of transportation and in the way of men. We have at Dahlgren at the present time nearly 400 men, and Indianhead can handle this business with less than 100 men.

Mr. BUTLER. How many officers?

Mr. STEPHENS. At present at Dahlgren there are 17 naval officers. At Indianhead before the war there were six.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KELLEY of Michigan. How much more time does the gentleman think he needs in order properly to explain this matter to the committee?

Mr. STEPHENS. I think I have properly explained it now, unless somebody wants additional information. I could go on and give facts for the next hour, if necessary.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

Mr. KELLEY of Michigan. We do not desire to take up too much time on this unless the gentleman has some other important matters he desires to give the committee. We do not want to delay too much.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the time of the gentleman from Ohio be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. I desire to ask the gentleman how much this would save the Government in expense?

Mr. STEPHENS. It would save the Government in ordinary expenses at least $500,000 a year, and it would save an additional expenditure of the further finishing of Dahlgren at least $1,000,000.

Mr. MUDD. The appropriation for ordnance supplies does not limit the Navy Department to expend as much as they please on Dahlgren, as a matter of fact?

Mr. STEPHENS. No.

Mr. MUDD. Is it not a fact the Navy Department asked for more money this year for Dahlgren than they asked for Indianhead?

Mr. STEPHENS. Well, I do not know but what the gentleman is right. At Dahlgren they have 1,968 acres, and they have erected 70 buildings. They have built 4½ miles of railroad, and they have two hangars for airplanes. In their original proposition there was not any mention made of airplanes.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. STEPHENS. I will yield.

Mr. STEVENSON. How do you propose to do away with the discretion of the Navy Department and naval experts; they do not want this, do they? Leave them to select the place which is best and most efficient for the carrying out of this business.

Mr. STEPHENS. I will say to the gentleman the head of the Bureau of Ordnance recommended this place as a war activity.

Mr. STEVENSON. And does he recommend it now?

Mr. STEPHENS. I believe he does.

Mr. BUTLER. Explain to the committee the outfit they have there so that the committee will understand what has been done and how, at Aberdeen, they have every facility for testing these long-range guns that can be made, and we know that no more long-range guns for the Navy are now being considered.

Mr. STEPHENS. I will say that in the table given by the Chief of the Bureau of Ordnance the original estimate was $1,000,000, and it was stated positively to the members of the Naval Affairs Committee that that would cover the expenditure at Dahlgren, and then seven months thereafter this same bureau appeared before the Appropriations Committee and got an additional $980,000 without the knowledge of the members of the Naval Affairs Committee. And I will say further that they enlarged their plan there to equal their $980,000, and finally ran the expense to $2,200,000. In that they erected for the commandant's home a building that was estimated by some at $100,000; but the figures show that the house will cost not over $60,000. In that they built three other houses for their junior lieutenants at an expense of $30,000 apiece. And what I want to call your attention to is that this money has not been expended for the absolute proving business, but it has been expended for buildings that were not necessary.

Mr. FESS. Will the gentleman yield?

Mr. STEPHENS. I will.

Mr. FESS. Did the gentleman say that houses were built for residence purposes at the rate of $30,000?

Mr. STEPHENS. That is what I say; that one house was built for a commandant's home at $60,000, and other homes for the lieutenant officers at $30,000 apiece.

Mr. FESS. By what authority?

Mr. STEPHENS. I can not tell by what authority. It seems the only authority I can discover is the proving ground itself, and I made inquiries as to who is the proving ground, and I am told that the proving ground is the commandant, and the commandant can enlarge and can expend money according to his own ideas, and that is what has been done.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PADGETT. Mr. Chairman——

Mr. KELLEY of Michigan. Mr. Chairman, before the gentleman begins, I wish to say that the gentleman from Wyoming [Mr. MONDELL] desired to ask the gentleman from Ohio a question, and I ask unanimous consent that he have a couple of minutes more.

Mr. MONDELL. Mr. Chairman, I desire to ask the gentleman how many of these structures, costing from $20,000 to $60,000 for officers, were built?

Mr. STEPHENS. Well, there was one for the commandant. There were three for some of the other officers, at $30,000 apiece.

Mr. MONDELL. Were they built before the actual work on the proving grounds was completed?

Mr. STEPHENS. They were built before the actual work on the proving grounds was completed, because the proving grounds are not yet fully completed.

Mr. MONDELL. Who estimated for these buildings?

Mr. STEPHENS. From as much information as I can get, the commandant of the proving grounds.

Mr. MONDELL. Did the Navy Department approve the estimates?

Mr. STEPHENS. I am not informed.

Mr. MONDELL. My idea was just what expert recommended the $60,000 building for the commandant and the $30,000 buildings for junior officers?

Mr. STEPHENS. In my investigation I can find no authority except that of the commandant in charge, who proceeded to recommend it.

Mr. MONDELL. The gentleman has investigated this matter carefully, and does he know of anyone in the Navy Department that has criticised this expenditure, or that has taken any steps to call to task the men who are responsible for it?

Mr. STEPHENS. I have not heard of any criticism from the Navy Department or of anyone called to task.

Mr. MONDELL. These buildings were deemed essential, I suppose, for the maintenance of the Navy?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS. They might have been deemed essential by some.

On January 18, 1918, at a hearing before the Naval Affairs Committee, the matter of appropriating for a naval proving ground and for increasing facilities for the proof and tests of ordnance material, including necessary buildings, construction, equipment, railroad facilities, land, and damages and leases to persons, firms, and corporations resulting from the procurement of land for this purpose $1,000,000.

Rear Admiral Earle stated that $1,000,000 would be enough to buy the land and make all the improvements necessary for a proving ground at the place which afterwards became Dahlgren, Va. He stated that they wanted to purchase 1,000 acres of land and that the estimated cost of the land would be about $100,000, perhaps $130,000.

In the hearing Mr. Talbott asked:

Have you ascertained about what it will cost to purchase the land and install the plant?

To which Admiral Earle replied:

Yes, sir; $1,000,000 covers it.

Mr. BUTLER. Will the admiral leave that estimated statement, and will you leave the map so that we can look at it?

Admiral EARLE. Yes, sir. (See statement appended marked "Exhibit A.")

In estimating the expenditures necessary at Dahlgren, which would come out of the $1,000,000 appropriation, Admiral Earle gave the following figures (Exhibit A, p. 100, Hearings 1918):

For railroad	$175,000
Dock and the bridge at Mathias Point	100,000
Land (1,000 acres)	100,000
Magazines:	
1 S. P	5,000
1 B. P	5,000
Shell house	5,000
Gun pits	20,000
Power house	50,000
Employees' barracks	24,000
Purchase or erection of quarters	50,000
Bombproof	30,000
Lookout towers	15,000
Screen poles	5,000
Workshop	10,000
Small boat anchorage and docks	4,500
Office, chronograph room, and instruments	15,000
Steam locomotive or crane transfer	15,000
Water system	5,000
Telephone system	1,000
Ranging stations, land, and shelters	10,000
Miscellaneous	25,500
Total	1,000,000

In July, 1921, I requested a complete statement of expenditures in connection with the lower station proving grounds at Dahlgren, Va.

The following was submitted:

SPECIAL COMMITTEE OF THE
COMMITTEE ON NAVAL AFFAIRS,
Tuesday, August 2, 1921.

The committee this day met, Hon. A. E. B. STEPHENS presiding.

Mr. STEPHENS submitted for incorporation in the record the following letters and statements:

EXPENDITURES.

NAVAL PROVING GROUND,
Indianhead, Md., July 28, 1921.

From: Supply officer.
To: Inspector of Ordnance in Charge.
Subject: Expenditures at Dahlgren, Va.

1. In compliance with the request of the Hon. A. E. B. STEPHENS, of the Naval Committee of the House of Representatives, there is submitted herewith a complete statement of expenditures in connection with the establishment of the lower station proving grounds at Dahlgren, Va. In this connection, and in response to Mr. STEPHENS's inquiry, there has been no material used in the construction work at Dahlgren which has been previously charged to Indianhead and then used at Dahlgren without charge. The only buildings moved from Indianhead have been those which were taken from the abandoned "white" camp on the Neck and which were torn down and used in the construction of one set of barracks, one 2-family house, five single-family cottages at the colored settlement, and one set of barracks for white employees at a cost as noted in the appended summary.

2. The following figures show actual expenditures for all projects up to July 1, 1921. Some figures were given Mr. STEPHENS during the progress of the inspection, but it will probably be found that the figures beneath are in excess of those figures, in view of the fact that the expenditures for June have now been entered and included:

Temporary buildings (this figure includes all buildings originally erected to house the labor personnel and administration offices, such as two large 2-story barracks for white laborers, one 2-story mess hall and barracks, one colored barracks, storehouse, carpenter shop, dispensary, recreation hall, and various smaller structures for temporary use)	$79,048.48
Roads (includes 4 miles of completed and surfaced roads and 1.1 miles graded but not surfaced)	60,938.09
Railroads (includes 4.7 miles)	208,777.54
Sewer system (2.8 miles ranging from 6-inch to 12-inch)	56,057.86
Fresh-water system (3.2 miles)	71,644.77
Operation of suction dredge for obtaining sand and gravel	16,758.52
Drainage system (surface drainage of swamp tracts)	5,248.95
Lighting and power circuits (1.5 miles and 1,600 feet of conduit)	25,212.98
Bulkheads for retaining mud in filling marshes	2,779.40
Wharf (15,650 square feet timber pile wharf, 8-foot bents)	46,407.56
Artesian well (includes erection of old tank from Winthrop)	7,053.66
Dredging (does not include dredging done by Army)	9,008.51
Survey work, Mathias Point	2,732.16
Installing chronograph system	37,798.36
Installing dynamos and boilers	14,810.63
Lighting circuits	[illegible]
Telephone line	756.97
Temporary fuse butts and battery	2,261.12
Radio station	2,394.88
Garage at Morgantown	369.16
Administration building	53,980.71
Float and pile driver	615.76
Guard house at wharf	889.41
Telephone line to Cobb Point and Blackstone Island	2,548.55
Commandant's quarters	46,694.52
Three aid type houses (quarters for assistant inspector, proof officer, and experimental officer)	83,323.30
Two Arcadia type houses	30,144.82
Two type A bungalows	33,280.20
Gun emplacements (all emplacements at main battery, including major and minor caliber batteries, and also emplacements at the plate battery)	146,619.23
Seaplane hangar	57,642.82
Proof officer's office and physical laboratory	46,690.46
Bombproof and powder-heating house at main battery	61,720.14
Magazines and shell house	16,355.62
Bombproof at plate battery	9,226.42
Range, observation, and screen towers	1,767.05
Storehouse (permanent)	40,728.49
Oil and tank storehouse	9,188.37
Storage for gasoline	3,116.73
Land plane hangar	5,301.92
Machine shop (incomplete)	39,845.98
Power house (incomplete)	71,406.72
Schoolhouse	20,015.08
Mess hall and gallery	26,096.17
Recreation hall	16,619.66
Eight 4-room cottages	42,337.69
46 cottages, erection (obtained from Housing Corporation)	67,378.47
Gambo Creek trestle (includes contract driving piles, etc., $15,807)	50,134.14
Balloon-filling house	418.65
Warehouse on wharf	1,079.15
Range tower for calibration range	3,794.12
Enlarging dock at Blackstone Island	231.64
Garage	1,275.91
Stable	3,485.08
2 civilian dormitories	50,358.69
1 civilian dormitory (removed from Indianhead)	8,081.24
1 bachelor officers' quarters (formerly a temporary building moved and addition put on)	3,500.00
Colored quarters removed from Indianhead (as noted in paragraph 1)	9,300.00
New water tower (contract)	10,680.00
Girders, etc., Washington Navy Yard (this item includes all the specially constructed girders for large caliber guns and the gun circles for minor caliber battery with all heavy bolts necessary for holding down in concrete)	275,094.12
Land (1,377 acres at Dahlgren; includes shell deposit, $26,015)	154,836.70
Land, Blackstone Island, 60.594 acres	21,060.00
Total	2,145,607.06

In June, 1921, I submitted a number of questions to the chairman of the Naval Affairs Committee, Mr. BUTLER. He forwarded them to the Navy Department for reply. The following information was furnished as a result of the inquiry:

JUNE 9, 1921.

Hon. THOS. S. BUTLER,
Chairman Committee on Naval Affairs,
House of Representatives.

MY DEAR MR. BUTLER: Supplementing my letter of May 27, and replying more fully to your letter of May 26, 1921, the following information is furnished with regard to expenditures at the naval proving ground, Dahlgren, Va., reference being made to the several numbered paragraphs of your letter:

Question 1. What amount of money has been expended since July 1, 1918, for buildings, officers' quarters, and improvements of all kinds at the proving grounds, Dahlgren, Va.?

Answer. $2,210,205.11.

Question 2. Amount yet to be expended for same purposes under outstanding contracts?

Answer. Approximately $250,000 for one gantry crane for handling heavy guns.

Question 3. Amount of all authorizations for expenditures not covered by contracts and not yet expended?

Answer. $274,100.

Question 4. Statements showing the estimated cost or contract price of the commandant's quarters; and the total amount spent and to be spent for the improvement of existing buildings for use as such quarters, including therein the cost of all material and the cost of all labor, and from what appropriation taken; and also the cost of furniture for such quarters.

Answer. The total estimated cost of the commandant's (inspector's) quarters is $52,000, of which $40,262 has been expended up to May 1, 1921, the entire cost of the commandant's quarters being borne by the appropriation "Increasing facilities for the proof and test of ordnance materials." The cost of furniture for these quarters was $8,406.95, purchased under the appropriation "Ordnance and ordnance stores." The commandant's quarters have been built entirely without the use of materials from any other buildings.

Question 5. Statement showing the cost of all other officers' quarters, whether for building, moving, or remodeling, including the cost of all material and labor used for such purposes and the appropriation from which defrayed, and also the cost of furnishing and equipping such quarters.

Answer. Eight sets of officers' quarters, including the rehabilitation of the Arnold Storehouse, have cost $140,191, with an estimate of about $10,000 to complete. Eight additional sets of junior officers' quarters were built at an expenditure of $42,227. All of the above expenditures have been made from the appropriation "Increasing facilities for proof and test of ordnance materials." The furniture for the above quarters cost $20,505, out of appropriation "Ordnance and ordnance stores."

Question 6. Statement showing the several funds from which expenditures for all of the above purposes has been or will be taken.

Answer. Expenditures since July 1, 1918.

Appropriation:

Engineering, 1921 (radio station)	$2,386.55
Increase, Navy, armor and armament	51,905.05
Increasing facilities for proof and test of ordnance materials	601,794.79
Ordnance and ordnance stores	1,554,958.72
Total	2,210,205.11

Authorizations not covered by contracts and not yet expended.

Appropriation:

Increase in facilities for proof and test of ordnance materials	138,300
Increase of the Navy, armor and armament	134,100
Ordnance and ordnance stores	61,700
Total	274,100

All expenditures incurred and authorizations for expenditure under the appropriation, "Increase of the Navy, armor and armament," pertain exclusively to the test of new ordnance material.

Question 7. If any portion of the above-named expenditures is charged to the Indianhead account, give detailed statement showing amount of same.

Answer. The above expenditures and authorizations refer to Dahlgren, Va., exclusively.

Sincerely yours, EDWIN DENBY.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. PADGETT. Mr. Chairman and gentlemen, this matter has been considered for years and years by the Naval Committee, and I differ materially and substantially with the gentleman from Ohio [Mr. STEPHENS]. This matter was recommended and investigated by the committee for a number of years before it was established. That at Indianhead had grown up sort of like Topsy. It was first a powder factory, and they had connected with it the testing of guns, and in the development of guns, passing from 8, 10, and 12-inch guns up to 14 and 16, it became very necessary to have longer ranges. The ranging and the testing of the guns at Indianhead became a very great menace and danger to navigation, and Dahlgren was authorized for that purpose, where we have a range of more than 50,000 yards. At Indianhead our range is limited somewhere from 8,000 to 12,000 yards.

Mr. LINTHICUM. Was that investigation made before the establishment of the Aberdeen proving ground, and does not the Aberdeen proving ground fill all the purposes for testing a long range also?

Mr. PADGETT. No; it does not.

Mr. LINTHICUM. Why not?

Mr. PADGETT. Simply because that matter has been gone into by a board of Army and naval officers. Aberdeen is an Army testing plant, and that matter was considered very fully and very carefully, and it was found impracticable to operate it for both activities, both the Army and the Navy. And we have the other one there. The Secretary of the Navy was before the committee and went into the matter very fully, and the point-blank question was asked him as to which was the more important in the Navy, Dahlgren or Indianhead, and he said:

> Gentlemen, we need both. The activities are different, but if one or the other is to be closed, I prefer that Dahlgren be kept open, because it is absolutely necessary for the Navy to have the long range of the guns.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. PADGETT. In a moment.

The gentleman from Ohio [Mr. STEPHENS] stated the guns could be ranged from battleships. That is in direct conflict with the statements of the officers. You have got to have a permanent base. You have got to have fixed ranges, and you have got to have all of the paraphernalia that is attached to the land base in order to get the full benefit and the accuracy and the test of your guns. And I want to say that from years and years of investigation, and from a thorough investigation by the Naval Committee, it is to-day one of the most important activities that we have for the efficiency of the Navy.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GRAHAM of Illinois. I, for one gentleman in the House, am not particularly concerned about what some board of Army officers or Navy officers have said or about what the Secretary of the Navy has said.

Mr. PADGETT. Yes.

Mr. GRAHAM of Illinois. In answer to the question of the gentleman from Maryland [Mr. LINTHICUM], I would like to have the gentleman himself say to this House why those two ranges are necessary.

Mr. PADGETT. I can only be governed by the opinions of men who have to do the work, and they say that the location and the grounds and the conditions at Aberdeen are not adequate and sufficient for the operation and the testing of the guns of the Navy and the guns of the Army. They are entirely different.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. I say to you, gentlemen, that it is very, very important that they be maintained.

May I have five minutes more?

Mr. BUTLER. I would like to ask the gentleman from Tennessee a straight question.

Mr. PADGETT. Yes.

Mr. BUTLER. Is it not a fact that these great guns have been tested at Aberdeen?

Mr. PADGETT. Not that I know of for the Navy.

Mr. MUDD rose.

Mr. KELLEY of Michigan. Mr. Chairman, I would like to see how much time is needed.

Mr. BYRNS of Tennessee. The gentleman from Tennessee has five minutes more, has he not?

Mr. PADGETT. Let these other gentlemen have an opportunity to speak. I do not want to take up the time. The gentleman from Alabama [Mr. OLIVER] and the chairman of the committee [Mr. KELLEY] and others want to speak.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the debate on this amendment and all amendments to the paragraph close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Maryland [Mr. MUDD].

Mr. REED of West Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Virginia. I wanted to ask the gentleman from Tennessee [Mr. PADGETT] a question.

Mr. REED of West Virginia. The time of the gentleman from Tennessee [Mr. PADGETT] has been extended, has it not?

The CHAIRMAN. I understood it was requested.

Mr. PADGETT. Was my five minutes included in the 20 minutes?

The CHAIRMAN. It was not.

Mr. PADGETT. Do I have five minutes in addition to that?

Mr. KELLEY of Michigan. No, Mr. Chairman; the gentlemen I had in mind were the gentleman from Maryland [Mr. MUDD], the gentleman from West Virginia [Mr. REED], the gentleman from Alabama [Mr. OLIVER], and the gentleman from Maryland [Mr. LINTHICUM].

Mr. MOORE of Virginia. Mr. Chairman, by unanimous consent I ask that the gentleman from Tennessee may have five minutes additional.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Tennessee may have five minutes additional. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. REED of West Virginia. My colleague is evidently well informed on these questions. Can he tell me or the committee when these costly residences were built?

Mr. PADGETT. During the war. They were completed since the war. They were started during the war at peak prices, and they cost too much money. But that is water that has run under the bridge.

Mr. REED of West Virginia. They were built under cost-plus contracts, were they?

Mr. PADGETT. I do not know as to that, but they were built under war conditions and at the peak of high prices.

Mr. REED of West Virginia. Does each of these costly residences furnish a home for a single officer?

Mr. PADGETT. No. I am under the impression they have a number of officers in some of them.

Mr. REED of West Virginia. For a $30,000 building?

Mr. PADGETT. Yes.

Mr. BUTLER. Oh, no. How many officers live in the commandant's house, a $65,000 house?

Mr. PADGETT. There are no hotel accommodations for anybody there, and the commandant is forced by the necessity of things to entertain the officers that come there—the Secretary of the Navy and other officers that come there—and his house has to be a little larger on that account. But as I said, these houses, built as they were under the conditions that then prevailed, cost more than they should have cost. But that is water that has run under the bridge. But I want to emphasize the fact that the activities done there, the work done there, is the most important and the most essential work for the efficiency of the guns, because what are the ships worth if your guns do not shoot straight and hit? And right there has been the great demonstration of the efficiency of the gunfire of the Navy. Do not let us make a mistake and do away with that very important and essential station.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MOORE of Virginia. Has the gentleman visited this proving ground and made a personal inspection of those activities there?

Mr. PADGETT. I have.

Mr. MOORE of Virginia. From my understanding of the hearings, Admiral Earle and his associates, who selected that ground, considered it the most available on the coast?

Mr. PADGETT. Yes. That was selected by a board of officers, and not only Admiral Earle but the admiral in charge before him—the Chief of the Bureau of Ordnance before Admiral Earle—assisted in the selection. We have gone into it time and time again, and Congress authorized by special bill the acquisition of that site and the purchase of land because it was represented to us, after careful investigation, as the most available; and right down on the water front it gives us a range of more than 52,000 yards that we can not get anywhere else.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman another question?

Mr. PADGETT. Yes.

Mr. MOORE of Virginia. In the recent hearings before the Committee on Naval Affairs have not the Secretary of the Navy and also Admiral McVeagh, the head of the Ordnance Department, expressed themselves as considering the maintenance of this proving ground absolutely essential?

Mr. PADGETT. Oh, tremendously so.

Mr. BYRNES of South Carolina. I want to ask the gentleman from Tennessee if, in his investigation of the commandant's house, of which we have heard so much, he found that the commandant's house is not exactly like the homes of commandants at other places, and that the total cost was $52,000, including furniture? That was the information we secured after a most lengthy investigation last year.

Mr. PADGETT. That is what I understood, that it cost $52,000, including the furniture. Whether it was exactly like the houses at other places I do not know, because I have not seen the other places.

The CHAIRMAN. The gentleman from Maryland [Mr. MUDD] is recognized for five minutes.

Mr. MUDD. Mr. Chairman, I do not unnecessarily intend to take up the time of the House, but believing that I am rather fairly informed concerning the details of this very important matter before us, I desire to appeal to you to support the pending amendment so that the activities at Dahlgren shall cease and the station be abandoned entirely by the Government. My colleague, Mr. STEVENS, who introduced the amendment, has very ably presented to you the salient facts in relation to this proving ground. I served upon the subcommittee of the Committee on Naval Affairs, of which I am a member, that investigated the expenditures at this so-called lower station. The committee made a most thorough and complete investigation, and I say to you gentlemen of the House that inasmuch as this was, to my mind, purely a war-time, emergency, auxiliary proving ground, as it was then represented so to be to the members of the Naval Committee, we should pass this amendment, and by our action make sure that no part of this appropriation or any other appropriation shall be available for expenditures at Dahlgren, Va., except as much as may be necessary in maintaining the establishment on a closed-down basis only.

When the naval officers appeared before us in 1918 Admiral Earle, who was then Chief of the Bureau of Ordnance, said that it had been the desire of the Navy Department for several years to have a proving ground for the testing of long-range guns, and that Dahlgren had been observed by naval experts as the most desirable site in the country, because the course of the river from that point for about 20 miles or more to Blackstone Island is a straight course of open water, over which the guns could be fired and the projectiles recovered. He said to the committee specifically and definitely that this amount of $1,000,000 was sufficient to purchase 1,377 acres of land at Dahlgren and for the completion of the station. He did not state to the committee that it was the purpose of the Navy Department to build a station separate from Indianhead, thereby to maintain two distinct activities. He did not say to us that it was the intention of the Navy Department to build a house there for a commandant at a cost of $60,000, three aid-type houses at $60,823.30, and quarters for assistant inspector, proof inspector, experimental officer, and many other expensive dwellings for officers; but later on, and without the knowledge of the Naval Committee, the Bureau of Ordnance, upon the representation that it needed more money for the completion of the Dahlgren station and the testing of guns, obtained $980,000 from the Appropriations Committee. It was the distinct understanding of the Naval Committee that only the guns of larger caliber should be tested at Dahlgren, and that guns of 8-inch and lower caliber would continue to be tested at Indianhead, as is evidenced by the fact that Admiral Earle, for the safety of such testing, requested and obtained $80,000 for the purchase of additional land of 1,000 acres or more known as Cornwallis Neck. It was not contemplated then by Admiral Earle and his associates to dismantle Indianhead; it was never understood by the Naval Committee that such a course should be pursued; and it was never intimated to the committee that the faithful employees of Indianhead should be forced to leave their homes and families to live in this isolated section, upon which so much money had been recklessly and extravagantly wasted in the building of outrageously expensive houses for officers, with unsatisfactory quarters for the men, to whom I have referred, some of whom have not yet completed payments upon their homes at Indianhead.

Why, Mr. Chairman, if you leisurely take a walk on the Virginia side of the river, you can not help but run into a naval station here and there. I realize that Members of the House who have navy yards located in the districts are called "big Navy men," and their arguments are given not much consideration by the membership of this House who are opposed to a big Navy. I expect one of you gentlemen to ask me if Indianhead is in my district, and if, for that reason, I am not selfishly interested in this proposition; but I say to you that Indianhead is no longer in my district, because, during the war, you took it and put it over in Virginia. Of course, I am selfishly interested, and I am glad that my friend and colleague from Ohio [Mr. STEPHENS], who comes from a State where there are no naval stations, who knows the justice of my plea to you, has offered this amendment, which I am asking you to adopt in the interest of economy; that you give back to the State of Maryland what you took away from Indianhead.

There is no earthly use for the continuation of this expensive and useless proving ground. It is a fine resting place for officers, and a beautiful spot, but it does not justify the expenditure of more millions as a station, distinct and separate from Indianhead, where guns have been successfully tested for 30 years. Dahlgren not only interferes with navigation very seriously in the waters of southern Maryland, on the Potomac, but it interferes with the fishing industry, depriving the thrifty oystermen of my district from dredging in the oyster beds during the proper season.

It is contended that big guns can not be tested at a range over 18,000 yards at Indianhead, and that it is vitally necessary that they should be tested at higher elevations. Why, Mr. Chairman, I have been reliably informed that they have practically made no tests of over 18,000 yards at this place. It can not be contended that the smaller guns can not be as satisfactorily tested at Indianhead as at Dahlgren. Great elevations for guns of this caliber are not necessary. For high-elevation testing a big gun could be tested at Aberdeen, if necessary, though, for all necessary purposes, they could be tested once or twice a year at Dahlgren without great expense and without the necessity of continuing the construction or the maintaining of this place as a naval station. I am asking you, however, to close down this station entirely, because, in the 10-year holiday ahead of us for peace-time efficiency, Indianhead serves all purposes.

It is not surprising to me that the membership of this House is not aware of the existence of this station. When we were called upon during the war to appropriate funds for war purposes, we unhesitatingly approved of those of such recommendations at the request of the Military Establishment of the Government, because we felt it our duty to patriotically support the President of the United States and the Government in every respect to the end that we might win that war. Hundreds of millions of dollars were wasted throughout the country that Members of Congress do not know about, and it is time that when such information is brought to you of useless

activities created for war purposes, it is the duty of Congress, for the sake of economy, to sell, or otherwise dispose of, great tracts of land that were purchased and are now of little or no value whatever to the Naval Establishment.

The work at Dahlgren is unquestionably a duplication of the work that has been done so successfully at Indianhead for 30 years. We had before us a committee of civilian employees who have been employed at this station for many years, including the powder expert, his assistant, and the quartermen, who have charge of the powder-making function of the proving ground at Indianhead. It is unnecessary for me to remind you that these gentlemen made a splendid impression upon the committee, and it can be well understood by you and me that, on account of their long experience in the work of making powder and the expert testing of guns, they are as equally qualified as are the experts of the Navy Department to furnish information to the Committee on Naval Affairs that the naval proving ground at Indianhead, which is a complete establishment, upon which millions of dollars have been spent for 30 years, is thoroughly equipped for the most satisfactory testing of all guns to be used by the United States Navy, and for the information of the House I submit to you a petition, signed by hundreds of employees at Indianhead, including the civilian experts, in support of my contention that there is no need for a separate institution at Dahlgren.

The petition referred to is as follows:

To the honorable Members of the United States Senate and House of Representatives:

We, the undersigned, respectfully petition the honorable Members of the United States Senate and House of Representatives to initiate means necessary to prevent the moving of the United States Naval Proving Ground from Indianhead, Md., to Dahlgren, Va.

We ask that you give the following facts your careful consideration, and trust that same will be deemed of sufficient moment and good reasoning to convince you of the rightful cause and justness of our claims:

The only real, vital need for an additional naval proving ground is that range work may be done at longer ranges than are now available at Indianhead. However, in view of the fact that there is danger to the inhabitants from flying fragments consequent to plate, shell, and fuse work, it is granted that it would be better to remove such work to a more remote location. However, during the past 30 years the proving of all manner of guns, plates, shell, and powders at Indianhead has not caused a single fatality, except among employees actually on duty in the proving ground area, and but one instance is recalled of damage to private personal property, the damage in question being negligible.

But with the above exceptions—that is, the comparatively small volume of the work that is admitted to be of a dangerous nature—we petition you as we set forth herewith that there is no logical reason why millions of dollars should be spent for equipment at Dahlgren that is now provided at Indianhead, and which would be obviously a total loss in the event of transfer of all proof work to Dahlgren, and we request that retention of such activities of the Indianhead Proving Ground at Indianhead as can best be performed there; that is, proof of all medium and minor caliber guns, powder, and ammunition; proof of star shell; proof of tracers; proof of such major caliber guns and powder as do not require high-angle fire; experimental work in ordnance which can not be carried on with larger caliber routine tests.

It is believed that it has been demonstrated that the location and general facilities at Indianhead for this class of work are unsurpassed. Ranging of shell in this comparatively narrow river (the Potomac) allows splashes to be properly observed as they can not be at Dahlgren. Stump Neck, as has been repeatedly shown, allows recovery of fired shell of all calibers, even the largest. The only place at Dahlgren where shell can be landed for recovery is at Blackstone Island, 30,000 yards away. This requires high velocity and elevation, causing the shell to bury itself to an extraordinary extent, thereby entailing great cost for recovery. With minor caliber shell it is out of the question to recover shell after firing. With medium caliber star shell work recovery of shell or parachute is possible at Indianhead range and is not possible at Dahlgren.

The battery facilities and housing at Indianhead are already provided. At Dahlgren facilities other than for long-range work, plate shell, and fuse tests, together with housing for other employees, are yet to be provided, at a tremendous cost, which would be unnecessary with the retention of Indianhead Proving Ground for work within its capacity.

The work handled at Indianhead during the war is all the evidence necessary as to capacity and facilities, and the fact that Indianhead is now connected by rail with every source of supply of naval ordnance. It is without question the logical proving ground, if for no other reason than that of cost. In the event of a national emergency the proof work could be conducted with a dispatch that would be physically impossible at Dahlgren, and in the event of a cold winter and heavy freeze transportation to the Dahlgren station would virtually cease.

For many years the proving ground at Indianhead was seriously handicapped by the lack of transportation facilities and housing accommodations for its employees. During the late war this was entirely overcome by the construction of a steam railroad at a cost of about $1,000,000, the erection of a new concrete dock and slip and connecting railroad spur at a cost in the neighborhood of $1,000,000, and the erection of over 100 houses for employees at a cost of $1,000,000.

To make Dahlgren serviceable and its operation practicable in case of war the same conditions as existed at Indianhead prior to the late war, only on a greatly exaggerated scale, would have to be surmounted, and owing to the greater distance from ordnance material sources and difficulty of approach, the cost would be very much greater.

Owing to lack of appropriation of funds for employees' quarters at Dahlgren, Va., houses from the Indianhead Proving Ground are now about to be moved to Dahlgren, Va.

(Copy of a petition signed by 456 persons.)

(Presented to the Hon. SYDNEY E. MUDD, M. C., and the Hon. O. E. WELLER, United States Senate, by the following committee: C. N. Dement, N. T. Dutton, F. D. Cary, R. J. Carpenter, W. W. Farnum, R. W. Bellman, R. Dement, W. R. Halls, J. M. Dement.)

C. N. DEMENT, *Chairman.*

When our committee visited Dahlgren on the U. S. S. *Sylph*, which is a small yacht owned by the Navy, we were astonished upon our arrival to learn that the channel in which we anchored was 3 miles distant from the shore. We ascertained upon our investigation that big guns can be transported from the 3-mile point to the Dahlgren shore only upon barges towed by a small tug. The docking facilities are very unsatisfactory, all of which means, Mr. Chairman, that if this place is to continue and Congress sanctions its growth as a future big Navy station Congress will be called upon to appropriate several million dollars for the dredging of a channel, which undoubtedly is needed, and for docking accommodations and for other facilities which we now possess at Indianhead out of the funds of the United States Treasury, to maintain and to construct what we already have upon the Maryland side, where we were called upon and did build a railroad, which cost us nearly a million dollars, where we have 2,000 acres of land, including Cornwallis Neck and Stump Neck, in order that guns could be tested at Indianhead before Dahlgren was conceived of or mentioned to the Naval Committee.

Mr. Chairman, I repeat, at Indianhead we have a complete naval station, which has been in the process of construction for 30 years, beginning as a modest Government reservation, purchased for the single purpose of testing all guns for the United States Navy. I do not approve of expending further funds for the proving of the guns of our Navy elsewhere. It is a well-known fact that in actual engagements if our guns are to be fired at a range of 30 or 40 miles that range in battle must be obtained during the encounter by necessary military observations in the air. I ask you, therefore, why should we unnecessarily test the guns at very high elevations on land at a prohibitive cost? [Applause.]

Mr. Chairman, I know that my time has expired. I make no apologies for the fact that I am a "big Navy man," and I am proud of the fact that I live in a naval district, where are located the Naval Academy at Annapolis and the naval proving ground at Indianhead. I believe that the Limitation of Arms Conference put us in a better position than we were before the conference, because under the terms of the treaty our Navy can be equal in strength to the navy of Great Britain and greater than Japan. I believe in keeping pace with these other nations in the maintenance of the Navy that is second to none in the universe. I believe, however, that wherever we should find opportunity to economize we should do so. Certainly this is an instance where Congress can save money, which would otherwise be entirely wasted upon the development of a war-time project which has now lost its usefulness. Therefore I sincerely hope and I appeal to my colleagues to adopt the amendment before us. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. MUDD. Yes.

Mr. TILSON. What is the practical difficulty of using the Aberdeen testing ground for both the Army and the Navy?

Mr. BUTLER. They have done it.

Mr. MUDD. Mr. BUTLER, our chairman, states that they have done it. Personally I think these activities of the Army and Navy should be separate.

Mr. TILSON. That is, providing proper cooperation can be brought about between the War and Navy Departments.

Mr. MUDD. Admiral McVay has testified before the Naval Committee that these big guns could be tested at Aberdeen, if necessary, for long-range purposes.

Mr. TILSON. Surely there are not enough guns to keep both places busy.

Mr. MUDD. No. And both Admiral McVay and Admiral Earle admit that all guns can be satisfactorily—except for high elevation—tested at Indianhead, particularly smaller guns. They have two batteries at Dahlgren, and Indianhead with one battery can do it at half the cost that they can at Dahlgren. [Applause.]

Mr. STEPHENS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, neither of these proving grounds is in my district, but I do happen to know something about both Indianhead and Aberdeen, especially Aberdeen, which is on the direct line between Washington, Philadelphia, and New York. There are some thousands of acres of land at Aberdeen, and there is not a proving ground in this world as well equipped as that one, with two trunk-line railroads, with miles of railroad trackage throughout the grounds, and with a water front and every conceivable advantage as a proving ground. There is no reason in the world why guns of any caliber can not be tested at that place. When the proving ground was first suggested there was a strong sentiment that it be established at Kent Island, on the other side of the bay, in Maryland, but there was strong opposition to that because it interfered with navigation. Therefore the Army officials went to Aberdeen, and there they procured this vast acreage of land, a large part of which is marsh land and not susceptible of tillage.

Mr. MONDELL. Will the gentleman yield?

Mr. LINTHICUM. I have only five minutes. If the gentleman will get me more time, I will be glad to yield for any question. So there is not a particle of use in the world to go down there 60 miles from Washington and spend $1,500,000 for the completion of the proving ground at Dahlgren. It has not even been completed yet, and there is no use of spending over a million dollars or somewhere around a million and a half of dollars to complete it. Indianhead has been in existence as a proving ground for some 30 years. It has been constructed and completed gradually by the Government. It has met every requirement of the tests, and will continue to do so. It is only 26 miles from Washington, connected by rail and water, whereas Dahlgren is connected only by some 60 miles of water, and often closed by ice in winter. I do not know whether gentlemen here observed it, but only the other day the press carried a dispatch stating that a large barge had upset in the storm and dumped two of the large guns in the water. Now, you would not have such a condition as that at Aberdeen nor Indianhead, because you have direct rail connection by the Baltimore & Ohio and by the Pennsylvania to Aberdeen and by the Pennsylvania to Indianhead, and you have all the water front you need at both places. I can not conceive why the Navy and the Army can not combine to test their guns at Aberdeen when they are too large to test at Indianhead. There is no necessity for other places.

But more than that: If we are to have a treaty Navy, if one of the great purposes is economy, why should we continue to develop proving grounds and all those things as though the war still continued? I do not see why what we have at Indianhead and Aberdeen should not cover every possible necessity without the expenditure of further money.

Now I have a little time and I gladly yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I think the gentleman has answered the question I had in mind; that is, so far as he seems to have information. I can not understand how it happens that, having acquired the proving ground at Aberdeen, which is a very long-range proving ground, we should have started another proving ground. I can not understand why Aberdeen is not available for both services.

Mr. BUTLER. It is, and they have used it for both.

Mr. LINTHICUM. I do not know, unless it was thought that we went into the war on such an immense scale that it was considered that the Army and Navy should be separated during the war; but now that we have peace and have entered into a treaty between the four great powers, I can see no further necessity for the separation and the consequent expense. Indianhead and Aberdeen meet every requirement, and they are completed and fully equipped.

Mr. MONDELL. The ranges are quite as great at Aberdeen as at Dahlgren.

Mr. LINTHICUM. There is any range at Aberdeen you want; you shoot over marsh lands and water that is not used. There is any range you want, without any danger to property.

Mr. MONDELL. And the railroads reaching into Aberdeen are good.

Mr. LINTHICUM. The best possible in the world. The great trunk lines of the Baltimore & Ohio and the Pennsylvania system both traverse it with miles of trackage and switches. In addition to this, you have miles of water front. It is accessible from every point in the country.

Mr. OLIVER. Mr. Chairman, I feel that the appropriation as recommended by the committee should be retained. It would be a serious blow not to provide sufficient funds to maintain and operate the naval proving ground at Dahlgren. In this connection permit me to read from the hearings before the Appropriations Committee some questions asked by me of Admiral McVay, the present head of the Bureau of Ordnance, and his answers thereto. To my mind, it states the situation very fully:

Mr. OLIVER. Do you find Dahlgren is a better station for testing your guns than the one you abandoned?

Admiral McVAY. Indianhead has not been an efficient station for the last 20 years.

Mr. OLIVER. In other words, you are not prepared at Indianhead to test your large guns?

Admiral McVAY. It is not possible to range a modern gun at Indianhead without taking a risk which I will not take.

Mr. OLIVER. And you find that at Dahlgren you can test both the small and large guns?

Admiral McVAY. Yes, sir. At Indianhead you can not range a gun, under ordinary conditions, beyond 12,000 yards, although on an exceptional day you can range it to 14,000 yards; but at Dahlgren we have a line of fire of 30 miles. We found that some of our range tables were correct because they had been calculated from firing at 3 degrees elevation only, and beyond a small range of 14,000 or 15,000 yards the ranges were calculated and were not determined as a result of firing and, therefore, were not checked; they were all incorrect, and that is a matter of the greatest importance in opening ranges for battle as well as throughout a battle, and it has not been possible since long-range guns came into being to properly range them at Indianhead, nor can it be made possible to do it there.

To the same effect is the statement of the Secretary of the Navy before the House Naval Affairs Committee, where in reference to a resolution looking to the abandonment of Dahlgren he said:

If the resolution is intended to stop activities in Dahlgren, then I should again very vigorously oppose it. I can not see the crippling of the Navy without entering a protest; the committee will then do exactly as it chooses. If it becomes a question of going to Dahlgren and concentrating the activities there or at Indianhead, I should most assuredly advise that Dahlgren be the place, because of the superior range.

Mr. LINTHICUM. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. LINTHICUM. I notice that nothing is said there about Aberdeen. Why could not they test their guns there?

Mr. OLIVER. I do not think anybody had Aberdeen in mind, except the gentleman from Maryland. The gentleman from Maryland [Mr. MUDD] did not. It may be that some day we will have the Army and the Navy cooperating together as to these activities. But up to this time for some reason, whether satisfactory or not, they have not occupied the same ordnance testing grounds. Some legislation by Congress will be necessary to require them to do so if the gentleman from Maryland deems it wise and feasible. So far as the pending amendment is concerned, it seeks to deny to the Navy further use of the property that is absolutely essential to testing its large guns.

Mr. STEPHENS. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. STEPHENS. I want to ask the gentleman if he would expect the Bureau of Ordnance to say anything else than to approve what the bureau has done?

Mr. OLIVER. I will say that my information is that Admiral Strauss, the predecessor of Admiral Earle, and a naval board and Admiral Earle strongly favored and recommended Dahlgren as the best place for the proving ground. If Admiral McVay and the Secretary of the Navy are correct in the statements they make, then civilians can understand the importance of this station. In other words, they found that at Indianhead they had been unable to test the large guns, and the attempted tests resulted in many errors as to ranges, and they were only able to correct those errors after the tests at Dahlgren, and surely there should be no objection to retaining it for this important naval purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STEPHENS].

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were 57 ayes and 45 noes.

Mr. PADGETT. I demand tellers.

Tellers were ordered, and the Chair appointed Mr. STEPHENS and Mr. PADGETT.

The committee again divided, and the tellers reported that there were 106 ayes and 67 noes.

So the amendment was agreed to.

The Clerk read as follows:

Not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy, and the graduates to be commissioned shall be selected by the academic board of the Naval Academy after giving equal consideration to the scholastic standing and adaptability for naval service of each graduate: *Provided*, That each graduate of the Naval Academy of the class of 1922 who is not commissioned as an ensign in the Navy shall be paid mileage at the rate of 5 cents per mile from the Naval Academy to his home and a sum equal to three months' pay of a midshipman, such payments to be made from the respective appropriations in this act providing for the transportation and pay of midshipmen.

Mr. KELLEY of Michigan. Mr. Chairman, I think there is an amendment pending offered by the gentleman from Oklahoma [Mr. McCLINTIC] to an item on page 23.

Mr. McCLINTIC. The gentleman from California [Mr. RAKER] made a point of order against the section——

The CHAIRMAN. A point of order was reserved to the paragraph on page 33, lines 8 to 20.

Mr. KELLEY of Michigan. What is the point of order?

Mr. RAKER. The point of order is that it is legislation on an appropriation bill.

Mr. KELLEY of Michigan. Well, it is legislation that is in order, because it reduces the number of officers from 541 to 200.

Mr. RAKER. That is for the Chair to decide. In the first place, they are not officers.

Mr. KELLEY of Michigan. Oh, yes; they are officers; a midshipman in the Naval Academy is an officer.

Mr. RAKER. Not yet. In the second place, it is legislation as to mileage, it is legislation as to compensation, and it is not a reduction in expenditure.

Mr. KELLEY of Michigan. It is a reduction in every way. It is a reduction in number from 541 to 200. If they were commissioned in the Navy they would receive the pay of an ensign instead of the pay this bill provides for, the pay of a midshipman. So it is not only a reduction in number but a reduction in pay.

The CHAIRMAN. The gentleman from California will state the proposition upon which he bases his point of order.

Mr. RAKER. First, it is legislation on an appropriation bill. Second, it is it is intended to reduce the number of officers——

Mr. KELLEY of Michigan. That is why it is in order.

Mr. RAKER. Just a moment. If it is intended to reduce the number of officers, then it does not comply with the Holman rule, because subdivision 2 of Rule XXI provides that it must not only reduce the number of officers but must reduce their pay.

Mr. KELLEY of Michigan. Well, it does do both, and the rule does not require that both should be done.

Mr. RAKER. That is what the rule says. Third, it is legislation with regard to mileage; fourth, it is new legislation with regard to payment of men who have been left out of the school without graduation; fifth, it disposes of these young men without authorizing them for graduation. On the first proposition I have looked for a decision, but I could not find one in regard to retrenchment. The rule provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

And so forth.

That is a conjunctive requirement which must be complied with. It does not apply here.

Mr. LONGWORTH. Will the gentleman read the entire paragraph?

Mr. RAKER. I am reading that one thing which relates to officers. Let me read it again. There are three provisions—the one I read and the two others—but I shall read them all:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

You find interpretations on the other provisions, but I do not believe the gentleman will be able to find that you can reduce officers except that in addition to that there must be a reduction in pay. That is what the language says, and undoubtedly that is what it means.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN. Under the existing law is it not provided that all of these men in the graduating class at Annapolis shall be commissioned as ensigns?

Mr. RAKER. If they pass the required examination; yes.

Mr. MANN. If we limit the number to less than the total, is not that a reduction in the number of officers on the pay roll?

Mr. RAKER. But that is a future proposition. That does not cover this.

Mr. MANN. Oh, this is all for next year; it is a future proposition. It is for the next graduating class. This reduces the number of officers in the Navy, whether it is for this year or next year. That provision takes effect when the bill becomes a law.

Mr. RAKER. Mr. Chairman, I think the point I make on that is good.

Mr. MANN. Is it not a fact that it does reduce the number?

Mr. RAKER. I do not know so much about that.

Mr. MANN. Why, the very reason the gentleman is opposed to it is because it does reduce the number. Does it not reduce the compensation to say that a man shall get only 3 months' compensation when without that provision he would get 12 months?

Mr. RAKER. Then it must be a reduction of expense.

Mr. MANN. The rule provides for a reduction in the number of officers or the compensation of officers. If this does not do that, then I can not read English.

Mr. RAKER. I imagine the gentleman can read English very well. On the other proposition, Mr. Chairman, it is a serious question whether or not it is a reduction, a saving to the Government. These men have cost the Government in the neighborhood of $350,000 up to the present time. They are all needed in the service, and for every one that we take out another will take his place. It is not a saving for the Government. It is depriving these men of the rights by new legislation that they are entitled to upon an appropriation bill, legislating them out of these rights, fixing compensation and mileage, and compensation for three months after they have retired. I submit the matter to the Chair.

The CHAIRMAN (Mr. CAMPBELL of Kansas). The Chair would inquire of the gentleman from Michigan the number of men affected by this amendment.

Mr. KELLEY of Michigan. There are 541 in the senior class at Annapolis and this provides that 200 of them shall be commissioned.

The CHAIRMAN. The Chair is ready to rule. On page 33 of the bill, beginning at line 9, there is a provision that not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy. If this paragraph as a whole were not carried in the appropriation bill there would be graduated from the academy for this year 541.

Mr. MADDEN. And, Mr. Chairman, they would be commissioned officers.

The CHAIRMAN. Yes; and they would be commissioned as ensigns in the Navy. According to the paragraph but 200 of these will now be commissioned, leaving 341 without commissions. Clearly the amendment is germane to the bill, and it is within the Holman rule. It makes a reduction of an amount easy to be determined of the amount of the appropriation carried in the bill. Therefore it is in order, and the Chair overrules the point of order.

Mr. RAKER. Mr. Chairman, I offer to amend by striking out all of lines 8——

The CHAIRMAN. But there is an amendment pending.

Mr. RAKER. This is to strike out the whole proviso on page 33.

Mr. McCLINTIC. Mr. Chairman, but a perfecting amendment is in order first.

The CHAIRMAN. The gentleman from Oklahoma has offered a preferential amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 33, strike out lines 8 and 9, including the word "Navy," in line 10, and insert in lieu thereof: "That in determining the number of members of the 1922 Naval Academy graduating class who shall be commissioned the Secretary of the Navy is hereby directed to bring about the retirement of 75 per cent of such officers in the Navy as are eligible for retirement. He shall cause to be commissioned out of 1922 Naval Academy graduating class 200 members, and an additional number equal to the number of officers retired under the provisions of this section."

Mr. KELLEY of Michigan. Mr. Chairman, I reserve a point of order on the amendment.

Mr. McCLINTIC. Mr. Chairman and gentlemen of the committee, the object of this amendment is to make it possible for all members of the 1922 graduating class at Annapolis to be commissioned.

Every young man who enters the Naval Academy is made to believe, either by his Congressman or the Government regulations, that if he will comply with the rules and regulations of the Naval Academy and make the necessary grades that after four years he will be graduated and commissioned as an ensign.

This being true the Government is morally obligated to extend to each graduate this consideration. From my own personal knowledge many parents have made sacrifices in order to allow their son to qualify for an appointment. When it is taken into consideration that the majority of these young men have labored diligently for years in order that they may finally receive this reward. I can not see how any Member would be willing to vote legislation which would cause the Government to break faith with those who are entitled to be graduated and commissioned.

The amendment I have offered provides that the Secretary of the Navy shall cause to be retired 75 per cent of those officers who have a service record of over 30 years. It will allow him to retain in the service 25 per cent of such officers as are needed in the Navy. It also provides that for every officer retired a graduate of the 1922 class shall be commissioned as an ensign,

and in my opinion if the amendment is adopted it will be possible to graduate the entire 1922 class. Everyone realizes that the number of officers in the Navy is based upon the number of enlisted personnel, and unless some such amendment of this kind is adopted there can be found no way of graduating and commissioning the members of this class.

The young men at Annapolis at the present time represent the best blood of the Nation. They are the ones that must be depended upon in the future to take care of this arm of our Government. They have had the opportunity of being trained along different lines from those who have a service record of many years in that they have had the advantage of all the new lessons of naval warfare that have been discovered as a result of the World War. Their minds are in a receptive mood. They are susceptible to the right kind of training, and I do not believe that anyone could say that it would be the best policy of the Government to deny them the opportunity of being commissioned and at the same time retain hundreds of officers who should be retired.

Now, I respectfully call the attention of the committee to what I consider the highest authority at the present time on this subject. On Wednesday, March 1, 1922, the Secretary of the Navy, Mr. Denby, came before the committee of which I am a member, and he testified as follows, found on page 501:

Mr. McCLINTIC. I take it that it is your opinion it would be better to retire those at the top who have served 30 years—it would be better for the Navy to let these old men retire and commission this class of 541 rather than commission the class and let those men remain in the service?

Secretary DENBY. Yes, sir; that is true.

I also wish to call attention to the testimony given by Admiral COONTZ on Wednesday, February 22, found on page 408:

Mr. McCLINTIC. I just want to know if you can give me the approximate number of officers in the Navy at this time who have a continuous service record and have reached the age that entitles them to be retired?

Admiral COONTZ. I can come pretty close to it. I should say, including the warrant officers, 250 officers have been in the service over 30 years and are entitled to retirement under the 30-year law, if the President would allow it.

Mr. McCLINTIC. The reason I asked that question is that I am in accord with the recommendation of the Secretary of the Navy relative to commissioning these graduates, but it was my thought, inasmuch as they had been taught all the latest ideas relative to naval warfare, and they represent the best blood of the Nation, it would be far better to retain them for service in the Navy, to take active charge of the Navy and be trained, and retire these men who are entitled to be retired, or will be retired.

Admiral COONTZ. Yes, sir; you are right.

Mr. KELLEY of Michigan. Will the gentleman yield at that point?

Mr. McCLINTIC. I will yield.

Mr. KELLEY of Michigan. Did the Navy Department furnish the gentleman with figures to show how many people there are in the Navy in line who would be eligible for retirement who ordinarily do not retire?

Mr. McCLINTIC. Yes, sir; I would be very glad to give that information. It will be found on page 502 of the hearings, which were held March 1, 1922. The distinguished gentleman from Ohio [Mr. STEPHENS] asked:

Mr. STEPHENS. If I may ask, probably Admiral Washington could give the number; how many officers would it be possible for the Navy to retire?

Admiral WASHINGTON. Who are eligible in every way?

Mr. STEPHENS. Yes, sir; all those eligible or nearly so; about how many officers?

Admiral WASHINGTON. I think there are about 90 warrant officers. There would be exceeding 500.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLINTIC. I would like to have five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Five hundred officers in the Navy eligible to be retired at the present time?

Mr. McCLINTIC. That is the testimony.

Mr. KELLEY of Michigan. That undoubtedly means if they elect to retire; those who have served a certain length of time but would not be eligible for retirement as far as the Government was concerned—that is, compulsory retirement.

Mr. McCLINTIC. If I understand the present law, after an officer has served 30 years, he can make application for retirement.

Mr. KELLEY of Michigan. The gentleman's proposition is to put upon the retired list 75 per cent of all those who have served 30 years in the Navy?

Mr. McCLINTIC. Yes, sir.

Mr. KELLEY of Michigan. And the estimate of the probable number is about 500?

Mr. McCLINTIC. Yes, sir.

Mr. KELLEY of Michigan. Does not the gentleman think we would have so much of a list here that it would break the personnel of the Navy——

Mr. McCLINTIC. No; if my amendment is adopted, it will make it possible for every member of the class to be commissioned, and inasmuch as there are a number of officers who are at the present time eligible for retirement capable of performing excellent service in the Navy, it would seem that by retaining one out of every four that those officers could be relieved from their duty without destroying the efficiency of any department.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. GRAHAM of Illinois. Has the gentleman found out how this would affect the aggregate expense? For instance, if these officers are retired, what salary are they retired on, what proportion of the original salary?

Mr. McCLINTIC. They are retired on three-fourths pay.

Mr. GRAHAM of Illinois. If they are retired on three-fourths pay——

Mr. BUTLER. Under the law which we passed——

Mr. GRAHAM of Illinois. That would be a reduction in the grade if your plan was adopted, then?

Mr. BUTLER. Yes.

Mr. GRAHAM of Illinois. Would this retirement affect a lot of good officers of higher grades that ought to be kept in the service?

Mr. McCLINTIC. I do not figure that it would, because one out of every four would be retained, according to my amendment.

Mr. GRAHAM of Illinois. Who is to do that?

Mr. McCLINTIC. The Secretary of the Navy.

Mr. BYRNS of Tennessee. Would not this happen if the amendment is adopted, namely, that those retired would be of the higher rank; that they would retire on three-quarters pay, which would necessitate the reduction of officers to these higher ranks, and would not you have a double expense in that way, by the retired pay and the pay of these others?

Mr. McCLINTIC. It would provide a sufficient number of vacancies in the officer personnel, so that these graduates could be eligible to be commissioned. Under the present law the number of officers in the Navy is based upon the enlisted personnel, and unless there is some such amendment as this adopted it would not be possible to have a sufficient number of vacancies in order to allow all the members of the 1922 class to be graduated.

Mr. BYRNS of Tennessee. Would you not be largely adding to the expense of the Government on account of the pay paid to these retired officers? You would put over 300 in retirement.

Mr. McCLINTIC. At the present time they are drawing 100 per cent pay. It would simply mean the pay of the officers would be reduced 25 per cent, and these young men, who represent the very best blood of the Nation, would be given the opportunity to be commissioned as ensigns.

Mr. BYRNS of Tennessee. As a matter of fact, it would mean the Government would have upon its back the expense of providing for three-quarters of the pay of all these officers who are retired.

Mr. McCLINTIC. The law provides that that shall be done at the present time.

Mr. BYRNS of Tennessee. Your amendment makes it compulsory.

Mr. McCLINTIC. My amendment provides a way so that every one of these 1922 graduates can be commissioned, and I am of the opinion that this kind of an amendment should be adopted or something should be done in order not to break faith with those who have met the requirements and regulations of the Navy Department.

Mr. ROSE. I want to say that I am in entire sympathy with the amendment of the gentleman from Oklahoma, and I would like to add to the statement he has made to the House that a great many of the boys are fearful they will not be given the commissions that they expected upon the completion of their course at the academy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I make a point of order.

Mr. McCLINTIC. Mr. Chairman, I would like to ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROSE. I have letters from fathers of boys who are about to enter the academy, and they lodge serious objections to the possibility that their sons may successfully complete the required course and in the end be denied the commission they so earnestly sought. The fair thing to do is to continue the present plan until the present body of students has been graduated, after which time all who enter will know that a commission is an uncertain quantity.

Mr. McCLINTIC. In view of the testimony which I have read, which was given before the committee by Admiral Coontz and the Secretary of the Navy, and in view of the fact that one officer out of every four can be retained, it does seem to me that this House should keep faith with the members of the 1922 class and be willing to adopt some such amendment which will make it possible for those young men to be commissioned as ensigns.

Mr. REED of West Virginia. Is it true that there is a law that an officer about to be retired is advanced a grade?

Mr. McCLINTIC. No, sir; it is not. These officers at the present time are drawing full pay. If they are retired, they will draw 75 per cent.

Mr. REED of West Virginia. Will they be advanced just before that?

Mr. McCLINTIC. They will not be advanced. And that being true, it will provide a sufficient number of vacancies to allow the members of this class to be commissioned as ensigns.

Mr. McSWAIN. I want to ask my friend, if his argument of a moral obligation on the part of the Government would apply to the class of 1922, why would it not apply in a like manner to those who would constitute the class of 1923 or 1924? We would have to retire officers of the Government in order to have these boys get a commission.

Mr. McCLINTIC. I dare say there is not a Member of Congress that ever appointed a boy to the Naval Academy but what has said to the young man and to his parents that he would have a commission when he graduated.

Mr. OLIVER. Mr. Chairman——

Mr. KELLEY of Michigan. Mr. Chairman, I reserve the point of order for five minutes.

Mr. OLIVER. I wish to ask my friend [Mr. BUTLER], the chairman of the Naval Affairs Committee, a question. What officers did the committee have in mind should be retired in the next two years in the bill reported to the House?

Mr. BUTLER. Beginning with the rear admirals and going on down to the ensigns.

Mr. OLIVER. Did you have especially in mind those who after the war were taken into the commissioned personnel of the service without examination?

Mr. BUTLER. Without the others.

Mr. OLIVER. I merely want to make this statement to the House. The Appropriations Committee, as I understand, in the matter now before the House and in reference to other matters that may follow, was simply carrying out what they understood to be the recommendation of the Naval Affairs Committee.

Mr. BUTLER. This is our bill here.

Mr. OLIVER. The Appropriations Committee desired not to express an opinion, one way or the other, about the matter, but simply desired to bring these matters to the attention of the House in order that you might take such action as the House thought best. This condition obtains in the Navy now, namely, that there were commissioned in the Navy after the war about 700 or 900 officers without examination. They had a long enlisted service, and had served most efficiently in the enlisted and warrant grades.

Many of these men will never be selected for promotion to the higher ranks in the Navy where promotion is by selection. I had understood that the Naval Affairs Committee, in drafting the bill for the retirement of a large number before 1923, had in mind the retirement of those who had been taken in after the war. The officer pay of these is large on account of their long enlisted service, entitling many to full longevity pay. My thought is that if the House wishes to approve and pass the bill recommended by the House Naval Affairs Committee action should be promptly taken thereon, and you would then have sufficient vacancies to provide commissions for the Naval Academy graduates, and if the others are retired in advance, the promotions in the upper grades referred to by some of the Members would not occur. One of the most important and growing services of the Navy is the Air Service, and old officers are not qualified for this service; and since you must have young men in the Air Service, you can not find better material for this service than those young men who are to be graduated in June. But unless the House is in sympathy with the recommendations of the bill reported by the House Naval Affairs Committee, and in sympathy with it to the extent that you are willing to make the bill effective now, I can well understand why you should hesitate to unduly add to the ranks of the commissioned personnel.

Mr. BUTLER. Will my friend permit me to ask him a question?

Mr. OLIVER. Always glad to yield to you, Mr. BUTLER.

Mr. BUTLER. Does the gentleman anticipate for one moment that the House will remove one officer after the vote taken by the House the other day? I want to ask my old friend, who has had experience, what his judgment is?

Mr. OLIVER. I think the House should give very serious consideration to the bill which your committee has recommended; if the committee will be perfectly frank with the House, as the gentleman from Pennsylvania has been and always is, stating whom the committee desire to separate from the service and the reasons therefor I think the House will look with favor on the bill. You are retaining some in the service at great expense, and it would seem to be a mistake to miss the opportunity of taking into the service these sound, capable young men who are so well prepared to qualify later as efficient naval officers in any branch of the service to which they may be assigned.

Mr. KELLEY of Michigan. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan makes a point of order on the amendment. The Chair would like to hear the gentleman from Michigan on the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, the subject matter of the paragraph relates merely to the graduating class at the Naval Academy for one year. It provides that only 200 out of the 541 shall be commissioned. The gentleman from Oklahoma [Mr. McCLINTIC] offers an amendment according to the terms of which the entire class would be commissioned. But then he goes on further than that and provides that officers not in any way connected with the Naval Academy, and who are in the service under existing law, shall be forcibly retired, contrary to the provisions of the existing law, in order to make places for the young men who are to graduate from the academy; so that the amendment which the gentleman offers, relating to other officers of the Navy outside of the graduating class at the academy, of course would not be germane to the paragraph, and therefore is subject to a point of order.

Mr. McCLINTIC. Mr. Chairman, I do not think the point of order is well taken, for the reason that the effect of my amendment does not produce any result different from that which would be accomplished if the paragraph were stricken out. If this paragraph were removed from the bill, then 541 graduates of the 1922 class would be commissioned. If my amendment is adopted, I am not in a position to say whether all of them will be commissioned or not, but approximately 500 of them would be commissioned. In other words, it is more likely that the number of graduates that would be commissioned under the provisions of my amendment would be a less number than it would be if the paragraph was not in the bill, and that being true it would necessarily bring about a reduction in the appropriation, and therefore I think the point of order is not well taken.

The CHAIRMAN. The Chair would ask the gentleman from Oklahoma upon what theory can the provision in his amendment providing for the retirement of 75 per cent of the naval officers eligible to retirement be germane to the amendment?

Mr. McCLINTIC. Mr. Chairman, the present law provides that officers who have served for 30 years can be retired.

The CHAIRMAN. But does the amendment offered by the gentleman from Oklahoma apply to the paragraph in question, and is it germane thereto?

Mr. McCLINTIC. Inasmuch as this is legislation which is for the purpose of bringing about the commissioning of the 1922 class, and inasmuch as all classes heretofore who have graduated have been commissioned, in my opinion it will probably bring about a reduction in expenditures, therefore I would naturally think that the point of order should be overruled.

The CHAIRMAN. The Chair is ready to rule. The paragraph to which the amendment is offered by the gentleman from Oklahoma [Mr. McCLINTIC] refers and relates wholly to the Naval Academy, the graduating class in the Naval Academy. The amendment proposes a method by which it might be possible for the Secretary of the Navy to graduate a few members of that class which, according to the operation of the law as it now stands, would include 541 in number, who would receive their commissions as ensigns. The major proposition in the amendment offered by the gentleman from Oklahoma appears to the Chair to be the retirement of 75 per cent of the officers eligible to retirement who are now in the naval service, and therefore it is not germane to the paragraph in question, and the Chair sustains the point of order.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the paragraph.

Mr. RAKER. Mr. Chairman, I desire to be heard. I have a motion pending.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I have read the hearings in relation to this matter, and the only things in the hearings relating to it are found on page 626 and on for about four pages, and they all show that these men should be graduated and commissioned.

Admiral Wilson, speaking to the committee, as found on page 629, says as follows:

> In my days as a midshipman graduate many good officers were lost and sent into civil life who would have been of great value later on, and the amount expended to get people to fill their places was much more than what it would have cost to retain them.

All evidence before the committee goes to show that it would be a large expense to the Government not to graduate these men; more of an expense than it would be to graduate them and take care of them, outside and beyond the question of the right of these young men to be graduated and to receive the consideration which the Government intends to give them. Being somewhat interested, as all Members are, in what is going on, and having visited the academy a number of times, I went to the Navy Department last week. I saw Admiral Washington, and I have a statement here approved by him that I wish to read to the House to show the impropriety in allowing this paragraph to remain in the bill and the propriety of striking it out. It is as follows:

> In response to your telephonic request of this afternoon for information relative to the number of line officers in the naval service and to the question of whether or not we have vacancies for or could use to advantage the number of midshipmen of the graduating class of the Naval Academy of June next, totaling 535, I would reply as follows:
>
> There are to-day in the line of the Navy 4,098 officers on the active list, which includes 196 former chief warrant and warrant officers who were commissioned after 15 years' enlisted and warrant service, and 818 officers who were found qualified as a result of the examinations held in May last, in accordance with the act of June 4, 1920. The total number of the graduates of the Naval Academy in the line to-day is approximately only 3,080.
>
> Should Congress allow 86,000 enlisted men for the Navy, which number the House has just agreed to, we would then need 5,135 line officers for that many men, in order to properly officer and carry on the Navy under the operating plan as contemplated and approved. As we have only 4,098, this indicates a shortage of practically 1,042 line officers necessary to meet the fleet requirements. If the 535 graduates of the Naval Academy were commissioned and taken into the service it would then increase the number of available line officers to 4,628, so that we would still be short 507 of the number actually needed to properly officer the fleet and shore stations—5,135. As a partial offset to this existing shortage of line officers we are using the services of 272 officers of classes 2, 3, and 6 of the Naval Reserve Force in the auxiliary vessels and elsewhere, under the provisions of the act of June 4, 1920, which authorized their employment. However, under the terms of the House appropriation bill, No. 11228, now before the House, page 33, lines 21 to 24, inclusive, is a provision rescinding this authorization, and if this provision of the bill should pass it would be necessary to discharge these reserve officers and their places would have to be filled by officers of the regular service, which would further reduce the effective number of the Regular Navy for properly manning the combatant ships. This fact makes it more pressing and necessary that the total number of graduates of the Naval Academy should be taken into the naval service and none of them discharged.
>
> It is therefore clear that the number of the graduating class—535—if taken into the Navy at the present time, could not only be used to great advantage, but would still leave us short of the actual number needed.
>
> In addition to the present existing shortage there are a number of applications on file from officers who have 30 years or more of active naval service, many of whom are ex-warrant officers, who desire to go on the retired list. The department, in accepting these applications, placing these officers on the retired list and making allowances for the annual attrition, due to deaths, resignations, dismissals, etc., could reduce the number now on the active list by about 200, and if the entire graduating class of 535 were commissioned it would only mean a net increase of the present existing number of line officers by about 335. This would be but a moderate addition above what we now have, and all of whom are greatly needed for the efficiency of the fleet.
>
> It also should be noted that the source of supply for line officers is from the Naval Academy and that a graduate is not available for service until he has completed four years of study. It does not seem wise under the present existing shortage of officers that we should fail to take into the Navy these young men who are now within less than six weeks of graduation.

[During the reading of the paper Mr. RAKER's time was extended eight minutes.]

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. KELLEY of Michigan. Does the letter indicate whether the officers whom they request here are for the treaty Navy or for all the ships left in the Navy?

Mr. RAKER. This is a statement handed me by one of the officers of the Navy and is approved by Admiral Washington and the Secretary of the Navy.

Mr. KELLEY of Michigan. The number of officers the gentleman speaks of is the number necessary if we keep in commission 200 ships of war in addition to the treaty Navy.

Mr. RAKER. Not at all. I had a statement showing in detail the officers and the vessels and the necessity of it, but I am not an expert in this matter, and these men have had years of experience and are competent and qualified, and I can not see why I should not take their evidence.

Mr. KELLEY of Michigan. Has the gentleman the list of ships he speaks of?

Mr. RAKER. I did not bring it with me.

Mr. KELLEY of Michigan. How many destroyers are included in the list?

Mr. RAKER. I have referred to that; I did not bring the statement, because I did not think it necessary. The gentleman has it and knows what it is. It includes all the vessels provided for by the 5-5-3 pact.

Mr. KELLEY of Michigan. And all the rest of the vessels.

Mr. RAKER. None of the rest of the vessels.

Mr. KELLEY of Michigan. Mr. Chairman, this situation is a good illustration of the fact that everybody wants reduced armament in the abstract, but nobody wants it, apparently, in the concrete. Whenever it strikes at any particular locality, then it seems to be a bad thing. We increased the number of midshipmen at the Naval Academy a few years ago for the sole purpose of furnishing officers for this great fleet which is not to be built. You remember that each Member of Congress had two appointments until 1916, and then came on this great building program of 10 capital ships and hundreds of other similar ships to go with them. The officers said, and they were right about it, that when this great fleet was finished we would need a large number of additional officers, and so we increased the number of midshipmen in the academy from two appointments to five for each Senator and Representative. This class of 541 is about the first fruit of that increase.

Now, although the purpose for which the additional officers were needed, namely, to supply the fleet which we had provided for in 1916, no longer exists, yet we have a letter read here by the gentleman from California [Mr. RAKER] from one of the officers of the Navy, saying that we need as many officers now as though the building program were to be completed instead of discontinued. [Applause.] The cat is out of the bag. [Laughter.]

This whole business that we have been discussing here for days revolves around the question of the number of officers. It is the heart of the question of the increase in the enlisted personnel which we put into the bill on Saturday and which ought not to be sustained when we get into the House. [Applause.] The officers want kept in commission these 200 extra destroyers.

On these 200 extra destroyers there will be 1,600 officers, and these 200 destroyers are to furnish work for the navy yards. The men were provided Saturday for the extra ships, but those who carried that through Saturday did not have the courage to put through the corresponding increases for the navy yards to-day. [Applause.] They hope that when the bill gets over to the other end of the Capitol the job will be completed. But there is many a slip between the cup and the lip. [Laughter and applause.] But no one is to be fooled by the failure to offer amendments to these navy-yard items. The carcass is in plain view. [Laughter.] Under the circumstances it seemed better to stop with the 20,000 enlisted men and leave the Senate to finish the job. [Laughter.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that he may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Does not the record show that if the amendment offered by the gentleman from Oklahoma should prevail, it will increase the expenses each year $1,057,897, and will create 3 rear admirals, 13 captains, 23 commanders, 47 lieutenant commanders, 109 lieutenants, and 140 lieutenants of the junior grade?

Mr. KELLEY of Michigan. The gentleman is undoubtedly correct.

Mr. BUTLER. And it will cost this Government $1,200,000 a year.

Mr. KELLEY of Michigan. Mr. Chairman, while I am on this subject I want to make another observation or two. I

have said that these increases are engineered by officers of the Navy in combination with the navy-yard localities of the country. I want the House to know and know in time before Members answer the roll call, because the roll will be called, just what the situation is. Here is a notice that I hold in my hand that I wish to call to the attention of the House. It is a most illuminating document. It is signed by Captain Vogelgesang, of the United States Navy, commandant, New York Yard, New York. Here is what he says:

At a meeting of the ships trade committee at 11 a. m. this day with the commandant, the discussion ensued as follows:

"The commandant desires to reaffirm his interest and cooperation in the splendid work that is being done by the yard committees in the matter of arousing public interest not only in the amount of work to be assigned to this yard but also in the maintenance of the Navy as a whole.

It is not the treaty Navy, it will be observed, but the Navy—every ship in it. Listen to what he says:

To this end invitations have been extended and accepted by the Brooklyn Chamber of Commerce to visit the yard in order to familiarize themselves with existing conditions. Moving pictures are to be taken, and the general campaign to increase publicity in gaining headway each day.

Mr. Chairman, we saw the fruitage of it here last Saturday. [Applause.]

An appropriation by Congress of $250,000,000 for the navy will not suffice. At least $350,000,000 are required.

This disinterested officer in charge of the yard in New York says that we must have $350,000,000 for the Navy. That explains why there is something about the atmosphere in navy-yard localities that puts a little finer brand of patriotism into a man's soul than the atmosphere of any other community in the land. [Laughter.]

Mr. TEN EYCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KELLEY of Michigan. Just as soon as I finish this illuminative notice to the workmen in the New York Navy Yard.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Let me continue the reading:

The fight will be staged on the floor of Congress, and the result thereof will determine in a positive manner whether the Navy as a whole—

That means all of the ships in the Navy, in order that they may be repaired in these shops and stations scattered up and down the seaboard so thick that you could almost throw a baseball from one station to another,

We must not rest content or cease our efforts on any less substantial assurance that the yard is to be kept open than that which will be embodied in an adequate appropriation for the entire Navy by the Congress. A general discussion followed touching upon the several details of the publicity campaign.

In behalf of the Brooklyn Navy Yard strong speeches were made by William T. Probert and other gentlemen. The necessity for arousing active interest and participation in this campaign was strongly emphasized. It was urged that every man having the interest of the yard at heart seek an opportunity to inform his friends in civil life of the conditions actually existing to-day and threatening conditions that confront us in the immediate future. The chairman of the executive committee of the yard reported a balance of approximately $300 from contributions recently received.

Information at hand indicates that the city of Boston has staged a monster demonstration, parade, and mass meeting to be held on the 8th instant, with a view to arousing public sentiment favorable to the local yard and the Navy—it is highly desirable that similar interest be created in this locality. In June of 1921 there were 16,000 men employed in the yard. At the present time the number approximates 3,500. With a small appropriation for the next year it is inevitable that there will be a further reduction in the yard forces on July 1, 1922.

We must not be discouraged in the seeming indifference of those in civil life—they have their own problems and worries, but it is possible to arouse their interest and there is every reason to believe that once this interest is aroused and the voice of the people is heard in Washington an adequate appropriation will be provided. Assuredly we are not content to let this matter go by default—people in Boston, Philadelphia, and Norfolk are awakening to the conditions and the people of Greater New York will be no less responsive once the matter is forcibly brought to their attention.

Appeal is made for a united, a continuing, and an enthusiastic campaign upon the part of every individual attached to or in any way identified with the Brooklyn Navy Yard.

Mr. TEN EYCK. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. TEN EYCK. Does the gentleman from Michigan object to publicity and the spread of proper information to the citizens of the United States? [Applause.]

Mr. KELLEY of Michigan. Oh, no. I do not blame the workmen in the city of New York who are employed in these navy yards. I do not blame them for desiring employment in the navy yard. But I do not believe that it is the proper function of the commandant of the New York yard to set on foot a campaign of this character. It is forbidden by law. [Applause.] I ask the gentleman if he thinks that it is proper for the commandant of one of these yards to encourage the workmen to make contributions for the purpose of influencing the naval policy of the country or for the purpose of securing increased appropriations?

Mr. TEN EYCK. I will answer the question. I believe in the utmost publicity. I believe as Secretary Hughes, the chairman of the peace conference, when he recommended to this House that we maintain 86,000 in the Navy personnel, and I am glad to be for an adequate Navy for the protection of the United States.

Mr. KELLEY of Michigan. Oh, yes; Secretary Hughes said that if the statements made by Mr. Rogers in his letter were accurate, then the personnel suggested was not sufficient; but as to the facts in the case he had no information. That is what the Secretary said. [Applause.]

Mr. TEN EYCK. Will the gentleman yield for another question? Had the President of the United States any facts when he made his recommendations?

Mr. KELLEY of Michigan. Oh, the same people who furnished Mr. Hughes with his information also furnished the President with his. That is the trouble about this whole situation. I want to repeat for the benefit of navy-yard localities that these 20,000 extra men will not furnish additional employment in the navy yard in New York or Boston or any other yard, unless they are put on ships in addition to the ships that the committee proposes should be kept in commission under the treaty Navy. The whole thing goes right back to the proposition of whether or not we intend to keep in commission the whole Navy—all the additional ships, particularly the 200 extra destroyers. I can well understand how the delegations from the States of Ohio or Indiana or Michigan may very well be in favor of keeping in commission the full treaty Navy, but are they willing to go out into the great Middle West and say that they are not only willing to maintain the treaty Navy but that they want to put in commission 200 extra warships over and above the number required under the agreements reached at the conference? That is the situation, and every man in this House will have to face it at the election next fall. [Applause.]

Mr. NORTON. Mr. Chairman, we have all listened to talk on baseball, moving-picture shows, and other things for the last 10 minutes, but nothing has been heard about the question that is now before you. The motion is made to strike out the paragraph which provides that the boys who are to graduate from Annapolis shall not be commissioned. No Navy man put them there. You yourselves put there one or two of them; I do not know how many. [Applause.] I did not put anybody there.

Mr. KELLEY of Michigan. Will the gentleman yield for a question?

Mr. NORTON. Yes.

Mr. KELLEY of Michigan. Does the gentleman think that because we put these boys in the academy to get ready for this great fleet which is now not to be built, that therefore we ought to put them into the Navy and pile them up like cordwood, almost, making it impossible, even, for them to obtain anything like reasonable promotion until they are old and gray-haired men? They never could get past the grade of lieutenant in the Navy if you put these 500 men in there, unless you want to put into commission all the riffraff, all the other stuff, that is in the American Navy to-day in order to make jobs for the navy yards for repairs.

Mr. NORTON. Those boys were put there by agreement on your part that every man that went through that academy and passed that examination should be commissioned. That was the agreement you made with those boys. Now you are going back on your agreement, everyone of you that votes against it. Every man in this Congress made that arrangement with them, as solemn an agreement as could possibly be made. They left their homes. The war was on. We said, "We need your services; go up there and be educated and, having graduated, you shall be commissioned." That was the agreement, absolutely. There are no "ifs" and "ands" about it. Make your arrangements from now on. Next year cut it to 100 if necessary. Those boys spent four years in being educated in certain specific lines. They left their high schools in taking this course, and gave up preparing for other vocations in life.

Mr. KELLEY of Michigan. What does the gentleman think the Conference on Limitation of Armament was for?

Mr. NORTON. I think it was to assist in maintaining peace to a certain extent. No conference on earth will ever prevent all wars.

Mr. BUTLER. Will the gentleman yield? Now, let me ask my friend, Does he not know that this will increase the officers of the Navy 540 men? While there might be some question about the increase of enlisted men to fill these jobs, this would be an awful thing to do.

Mr. NORTON. I do not care if it increases them. I say, cut them off in the future; but these boys have gone down there with an understanding, every man that is there, that he was to be graduated, and that if he was graduated he should be commissioned as an ensign. The law provided for it and it has not been changed.

Mr. McSWAIN. Will the gentleman make the same argument for the class of 1923 also? That class went there under similar circumstances.

Mr. NORTON. Any boys that went there under those arrangements.

Mr. McSWAIN. So that it will continue four years longer.

Mr. NORTON. You had no business to pass a law of this kind if you did not intend it should be carried out.

Mr. McSWAIN. How much has it cost these boys, anyway?

Mr. NORTON. Four years of life and hard study, and the giving up of another vocation.

Mr. McSWAIN. My education cost me the same amount of work and time out of my own pocket.

Mr. NORTON. So did mine.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ROSENBLOOM. Mr. Chairman, I move that the gentleman be granted two minutes more. Does the gentleman have any knowledge as to how many of this graduating class have received their education under false pretenses?

Mr. NORTON. I do not think anyone who ever graduated at Annapolis received his education under false pretenses. I want to say to you that there is not a school in the United States that is more careful.

I want to cite one instance: Two men graduated from Annapolis that served in the war between Japan and Russia, and they did as much or more in the war between Japan and Russia to bring victory to Japan than any other two men.

These men in this class ought to be commissioned.

Mr. ROSENBLOOM. Mr. Chairman, I move to strike out the last word.

Mr. KELLEY of Michigan. Mr. Chairman——

The CHAIRMAN. The Chair can not recognize the gentleman from West Virginia to move to strike out the last word. The gentleman from Oklahoma offered an amendment and has not been heard. The Chair will hear the gentleman now.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that debate on the amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on this paragraph and all amendments thereto shall cease in 20 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Oklahoma [Mr. McCLINTIC] is recognized.

Mr. McCLINTIC. Mr. Chairman and members of the committee, the distinguished gentleman from Michigan, the chairman of the committee, made a statement a few minutes ago the substance of which was that the debate on this floor this afternoon illustrates the attitude that will be taken by some who are loud in favor of the disarmament agreement, but when it comes to vote for anything in which their interests may lie, they immediately turn about face. The gentleman from Michigan [Mr. KELLEY] knows very well that I am one who voted with him a few days ago when he sought to have the enlisted personnel of the Navy reduced to 67,000; and I want to say further, that I have not any appointee in the 1922 graduating class at Annapolis. The only reason I offered this amendment was that the Secretary of the Navy and Admiral Coontz, who appeared before the committee, thought, according to their testimony, that it would be better to retire a number of the officers who have served for 30 years rather than to refuse to commission the members of the 1922 class who have met the requirements and made the necessary grades. It is for this reason that I have stood here to-day on this floor arguing that the Members of this House should not break faith with those splendid young men who represent the very best material we have to select from. So, Mr. Chairman, I have offered this amendment to strike out the section, believing that it would be far better to commission the members of the 1922 class than to deny them the hope they have held for years.

I want to say, further, that if I have the right understanding relative to the present law the number of officers in the Navy is regulated according to the enlisted personnel. If my amendment is adopted, what will happen? It will mean that the members of the 1922 class will be graduated, and then the Navy Department would be forced to retire that excess of officers over the number that are authorized by law. It is for that reason that I have offered the amendment.

Mr. VAILE. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. VAILE. Does not the gentleman think it would be better for the country, as well as fairer to the men, if we limited the size of the classes and take advantage of the training that we have already given them at the academy—four years' expense to the taxpayers of the country?

Mr. McCLINTIC. The Committee on Naval Affairs at this time has reported a bill which will take care of this situation in the future. I want to say to you that if you ever appointed a young man to the Naval Academy at Annapolis, or if you have ever carried on any correspondence with the parents, you have informed them——

Mr. VAILE. Certainly.

Mr. McCLINTIC. That it is the policy of the Navy to graduate and commission every cadet who meets all of the requirements.

Mr. VAILE. And the taxpayers have paid for those four years for the tuition which these young men have received at the academy.

Mr. McCLINTIC. I will never vote for any legislation that breaks faith with those whom the Government has led to believe that they are to be given a certain consideration. I am in favor of reducing the enlisted personnel of the Navy and the retirement of as many officers as will be necessary to make places for the graduates of the 1922 class.

Mr. KELLEY of Michigan. Mr. Chairman, if there is any time remaining to the gentleman, I would like to call his attention to this fact: I know, of course, it is a disappointment to these boys, and I sympathize to that extent. But there are now 1,280 ensigns just above them and 541 lieutenants of the junior grade and 1,324 lieutenants. Of course, under the law they would be promoted up to the grade of lieutenant by reason of length of service. When they get to the grade of lieutenant promotion beyond that would have to be by selection to fill vacancies. Now, the number of vacancies in the line of the Navy is about 135 per year at the present time. Now, the gentleman can readily see what would happen with all of these officers ahead of these boys, and especially with 1,924 in the grade of lieutenant. The vacancies above that would be so few and the opportunities for promotion so slight that when these young men get up to the grade of lieutenant it would be just like a hump on a camel, beyond which the boys could never go; and if they did—if there was any possible way——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLINTIC. One minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. If by any chance opportunity was made for them through retirement it would put so many officers on the retired list that it would not be very long before the list would become so unpopular in Congress and elsewhere that it would break down the entire naval personnel. We must be very careful in working this thing out not to get too heavy a retired list. If I had a boy of my own graduating from the academy this year in a class of 541 members, with only 135 vacancies to fill, I am sure I would not want him to be commissioned.

Mr. McCLINTIC. Mr. Chairman, just a second. I want to say that, in the main, I am in accord with the gentleman from Michigan [Mr. KELLEY]. I have voted with him all the way through. I am the only member of the Naval Committee who voted to reduce the enlisted personnel to 67,000. But I think we owe a moral obligation to these young men and I do not want to see their hopes blighted. [Applause.]

Mr. BUTLER. Mr. Chairman, I agree with my friend from Oklahoma [Mr. McCLINTIC] in the main, but I never felt when I nominated a boy to the Naval Academy at Annapolis that I could guarantee to him that he should remain in the service. He or his people knew as much about his chances for a naval career as I did. In my time I have named 18 boys to the Naval Academy, and it is a pleasure for me to say in a public place to their credit, so that it will go on a public record, that not one of them failed, not one of them has been, to my knowledge, court-martialed, and all are now in the service. [Applause.]

Mr. NORTON. Were any of them cut out when they were graduated?

Mr. BUTLER. No. They knew very well, as all of them might have known—perhaps it is not fair to say that they should

have known—that they would have to take their chances. But it seems to me that if I were a young man who had had the opportunity to obtain an education at Annapolis I would thank my Government for that opportunity, and I have never felt that I was under any obligation to see that they were either commissioned or retained in the service thereafter. It costs $18,000 to educate a boy at Annapolis.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. FESS. Speaking in sympathy with all boys in education, I want to raise this question: After the young man has been graduated at Annapolis at the expense of the Government, is he seriously handicapped on leaving the academy without a commission, or is he well equipped, better than the usual person, to fill a place in the business world?

Mr. BUTLER. Of course, he is better equipped. He may be, for example, a mechanical engineer. There are many opportunities for them along that line. And more than that, we have on the calendar a bill which authorizes the Government to give to each graduate a degree.

That was asked for by the superintendent of the academy to help the boys along hereafter, and if that legislation now on the calendar becomes a law the degree conferred upon the graduates by the Naval Academy will be a better degree and a more useful certificate than he might have obtained at any other institution. There can be no just complaint, my friends, none whatever, because these boys can not remain in the service.

The point made by the gentleman from Michigan [Mr. KELLEY] is the real one. These young men will not all have an opportunity to obtain commissions. If they should they will be unhappy and dissatisfied with their slow promotions. I helped in a small way to frame the act of 1916, when we supposed we were providing for officers for a great fleet of 157 ships, the larger of which will now go by the board under the terms of our recent treaty.

Mr. FESS. How many young men would be able to go through the universities at their own expense if it would cost them $18,000 to do it?

Mr. BUTLER. I have had three boys that I educated, and I was delighted to do it, and it cost me many hundreds of dollars; but I could not send them to any institution that would have cost me $18,000 in four years. I could not have afforded it. I can not answer for my rich associates in the House. I do not know their financial abilities. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. One second more. I must talk rapidly to get through. Here is the point for us: Are we going to increase this commissioned personnel in view of what happened in Washington a few weeks ago? We are limited to the number of ships. While we differ upon the number of enlisted men to fill the ships there can be no mistake made here upon the commissioned personnel established and fixed by law upon the urgent request of the officers themselves. [Applause.]

Mr. ROSENBLOOM. Mr. Chairman, I am not a member of the committee, and I am not chairman of any committee. The question I asked of the gentleman from Ohio [Mr. NORTON] when he was on the floor; as to whether or not all these cadets at the Naval Academy at Annapolis were entitled to a commission from the Government as a part of the contract that the Government made with them, was asked because I happen to have personal knowledge of the fact that a great many of the midshipmen at Annapolis are being educated at the expense of the Government illegally, and when I say they are being illegally educated I say so for this reason, that the statute providing for the appointment of the midshipmen uses the words that they must be actual residents of the district from which they are appointed.

Let me relate briefly to you some of the experience that I have had. I have named young men who have been disqualified. After that fact had been reported to us in some mysterious way, a few days before the time of appointment has expired, there appears an unusually bright young man, usually accompanied by an officer of the Navy or a relative, who says, "Why not give this young man an opportunity?" And the unusually bright young man is appointed as a cadet. I say that it is largely for that reason that a great many of the candidates that I have named, I not being chairman of the committee, are being rejected, and I believe an investigation of that situation ought to be made to see how many of these cadets are at the academy in violation of the law, and to see whether or not they should not be required to reimburse the Government for the expense incurred in educating them. That matter should be looked into. [Applause.]

I have taken it on myself to inquire at the Naval Academy concerning the actual residence of boys who superseded the boys whom I had nominated and who were rejected, and I have never been able to get that information. I was informed that "it was not information that should be given out." [Laughter.] I say we might well look into that before we say we owe every graduate of the Naval Academy a commission in addition to his education. If we concede that we owe him a commission, we might also be said to owe him a war, too. [Applause.]

Mr. TAGUE. Mr. Chairman, I have never had a boy rejected from the Naval Academy, and I never certified for membership in the Naval Academy a boy unless he lived in my district. [Applause.]

Mr. Chairman, I believe when we send a boy to the Naval Academy, and he goes there and signs a document that admits him, then the Government of the United States enters into a contract, not only with that boy but with the parents, to the effect that he shall receive not only an education but, if qualified, he shall also receive his ensignship in the United States Navy. I do not think any law placed on the statute books now can wipe away the obligation of the Government, unless you want to defraud a boy of his rights. Much has been said here to-day by the distinguished chairman of the committee as to the vote that was taken on last Saturday. It evidently rankles in the breast of my good friend from Michigan when 178 Members of this House, just as patriotic as you, sir, stood up here and told the country that they believed in a Navy of 86,000 enlisted men; that they believe in an adequate Navy. We were within our rights as Representatives of the people of this Nation in saying so by our votes. It does not become you, Mr. Chairman of this committee, or any other Member of this House to criticize the action of the 178 Members who voted in this manner, any more than we should question you and those who voted with you. [Applause.]

Mr. Chairman, it is tiresome to sit here as a Member of this House and hear Members, one after another, criticize those who come here within their rights as Members to vote as they see fit. I never questioned the vote of any Member of this House, and you have no right to question my vote when I vote here, even if I do represent a district that is made up of men who have worked patriotically for their Government and a district wherein lies a navy yard of the United States Government. It was not the people of that district that put it there; it was this Congress of the United States that established the navy yard in Boston, an institution that is of benefit to the Government of the United States and to the Navy.

Mr. Chairman, I have certain rights as a Member, and I am going to express them. I have just the same right as the chairman of this committee, and although perhaps I am not a naval expert, I have the same right to express myself on the floor as had the President of the United States when he sent a letter to the distinguished Member from Ohio; just as much right as the Secretary of State or the Secretary of the Navy, and their methods have not been questioned nor their motives impugned.

Now, if this Congress wants to say that 86,000 men shall constitute the Navy, we have a right to say it. If we want to say that 100,000 men shall constitute the Navy, we have a right to say it. We are the body that fixes the size of the Navy and the size of the Army, and no committee that has been delegated by this House to act for them has the right to establish the size.

Your report is before this House, your report is before us for consideration, and it is being considered fairly upon its merits. It is being considered by the representatives of the people of this country, it is being considered by us, and we have a right to say what the size of the Navy shall be; 178 Members against 130 on Saturday expressed by their vote the will of their people what should be the size of the Navy. Whether or not that shall be the vote on the final passage I do not know, neither does any other Member, but I venture to say that the gentleman from Michigan was overexcited when he said if he was placed on the conference he would never vote for 86,000 men, that it would "be many a cold day" before he would vote in conference what this House instructed him to vote.

Mr. KELLEY of Michigan. The gentleman is mistaken; I never said that.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC].

The question was taken; and on a division (demanded by Mr. McCLINTIC) there were 32 ayes and 95 noes.

So the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 33, line 20, insert as a new section:

"The Secretary of the Navy is hereby directed to cause to be commissioned, out of the 1922 Naval Academy graduating class, a sufficient number to fill all vacancies in the grade of second lieutenant in the Marine Corps occurring during the fiscal year ending June 30, 1923."

Mr. KELLEY of Michigan. Mr. Chairman, I do not know that personally I would have any objection to that, but the Committee on Appropriations has not considered it and naturally I can not agree to it. I make a point of order on it.

Mr. GARRETT of Tennessee. The gentleman will reserve it?

Mr. KELLEY of Michigan. I will reserve the point of order.

Mr. HAYDEN. Mr. Chairman, I am not willing to concede that the amendment is not in order. My object in presenting it is to grant commissions to a number of young men who will otherwise be deprived of an opportunity to serve their country. Under existing law vacancies occurring in the grade of second lieutenant in the Marine Corps are filled by appointments from civil life, although it is optional on the part of the Navy Department to accept graduates of the Naval Academy to fill such vacancies. Much to my regret, the committee has just voted that over one-half of the graduates from the academy next June are not to obtain commissions in the Navy. I believe that it would be good policy to commission every one of them; but if that is not to be done, then the next best step is to provide that they shall obtain commissions to fill all vacancies in the Marine Corps. There can be no question but that a graduate of the Naval Academy is better equipped by reason of his four years' training at Annapolis to serve as an officer in the Marine Corps than would be the average person selected from civil life.

It seems reasonable to me, Mr. Chairman, that inasmuch as this bill contains legislation upon the subject of what shall become of the graduates of the Naval Academy that it should be in order to vote on an amendment placing some of them in another branch of the Navy Department. My amendment will in no way increase the expense to the Government, because their compensation as second lieutenants would be the same as the pay and allowances of lieutenants who come into the Marine Corps from civil life. I am glad to know that the gentleman in charge of the bill agrees that this should be done, but only questions the propriety of having it done as a part of this measure. If it ought to be done, why not do it now?

Mr. KELLEY of Michigan. I have no information about it, but I know that the number of officers in the Marine Corps is full, and if this provision was adopted there would be a surplus of officers there.

Mr. HAYDEN. In the hearings I find the following statement made by the commandant of the Marine Corps with reference to the appointment of graduates of the Naval Academy as officers in the Marine Corps this year:

Mr. BYRNES. What percentage of the academy graduates are generally assigned to the Marine Corps?

General LESSEUR. Up to this year the needs of the line of the Navy have been so great that we have not gotten very many. Beginning in 1915 they began to make some appointments from among the graduates of the Naval Academy, but prior to that time there had been no appointments for 10 years. To-day there are about 75 Naval Academy graduates among the officers of the Marine Corps, and we hope to get this year, to help the Naval Academy and help us, about 25. That is the number we would like to get.

My amendment does not provide how many shall be commissioned as second lieutenants in the Marine Corps, but simply provides that all vacancies that may occur shall be filled by appointments from the class of 1922 at Annapolis.

Mr. KELLEY of Michigan. The gentleman can readily see that as a member of an appropriating committee I might not have information enough about it to be willing to put the Appropriations Committee back of it, so I would have to make the point of order, though I think there is some merit in what the gentleman says.

Mr. HAYDEN. The gentleman from Michigan understands that the amendment does not direct that any additional officers be added to the Marine Corps, but that all vacancies occurring therein during the next fiscal year shall be filled from this source.

Mr. BUTLER. But the gentleman would not want to kill the spirit of the Marine Corps, would he? He knows that five-sixths, if not seven-eighths, of the officers who come into this corps come from the ranks. They are men who earned it on the battle field. They earn it through the grades, and the gentleman certainly would not want to destroy that spirit. I know he would not. It would kill the corps if you adopt an amendment like this.

Mr. HAYDEN. Certainly the adoption of the policy that I have proposed for one year only would not destroy the spirit of the entire Marine Corps.

Mr. BUTLER. They come up from the ranks of the different grades and then finally are examined and commissioned in the corps. I should say that from five-sixths to seven-eighths of the officers commissioned in the last two or three years have come from the ranks. It would kill the corps.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KELLEY of Michigan. I make the point of order, Mr. Chairman.

The CHAIRMAN. This is offered as a new paragraph and constitutes independent legislation. The Chair sustains the point of order.

The Chair is informed that a point of order was reserved against the next paragraph by the gentleman from California——

Mr. SWING. Mr. Chairman, I reserved a point of order on Saturday.

The CHAIRMAN. On the next paragraph?

Mr. SWING. On the next paragraph. My colleague from California [Mr. RAKER] also reserved a point of order. We both reserved a point of order.

Mr. KELLEY of Michigan. What is the point of order?

Mr. SWING. I ask recognition for the purpose of making my point of order.

Mr. MADDEN. The gentleman does not have to get recognition to make a point of order.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SWING. Mr. Chairman, the point of order I desire to make is that this section constitutes new legislation on an appropriation bill, and therefore is not in order because it is not within the Holman rule. I desire to argue that point.

The law of 1921 provides that 500 reserve officers are also authorized to be employed in the aviation and auxiliary service. It is to be presumed that these men are performing some useful service, and that they are not, in the language that has been bandied about here so frequently, "piled up on top of one another like cordwood," doing nothing. The fact that they are performing active service in the Navy, and that they are now to be forcibly separated from the service, does not justify the conclusion that the service which they are now performing will hereafter go unperformed; but, on the contrary, other officers will be found to take their places. These reserve officers range in grade from ensigns to captains. When a captain who is a reserve officer is taken out under this provision, some one below him will be promoted to take his place, and so on down the line.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. SWING. Certainly.

The CHAIRMAN. Does not this paragraph necessarily result both in a reduction of the personnel and in the amount of money carried in the appropriation?

Mr. SWING. The section of the naval appropriation act of 1921, just preceding the authorization of this number, fixes the number of commissioned officers, both active and reserve, at a certain per cent of the enlisted personnel. So, assuming that these 500 are taken out, still the Navy is authorized to maintain the number of officers at 4 per cent of the enlisted strength of the Navy. The total number of officers will not be less; merely a different set of men will constitute those officers.

Mr. KELLEY of Michigan. Will the gentleman yield at that point, if it will not interrupt him?

Mr. SWING. Certainly.

Mr. KELLEY of Michigan. While it is true that the Navy can take in 4 per cent of the enlisted personnel in the way of officers, the only avenue for officers under existing law is through the Naval Academy.

Mr. SWING. Oh, not at all. I think the gentleman will recall on reflection that the law provides that they may be taken into the Navy by examination as to their qualifications, first, from the reserve officers, and, second, from warrant officers as well as through the Naval Academy. I was so informed by the Judge Advocate General of the Navy, who is supposed to be an authority on naval law.

Mr. KELLEY of Michigan. That was a temporary act which expired last January.

Mr. SWING. I hope the gentleman will advise the Judge Advocate General of that, so he will become informed of it.

Mr. KELLEY of Michigan. I shall be glad to give advice to anybody who needs it, including the gentleman from California. [Laughter.]

Mr. SWING. The gentleman from Michigan has differed from the experts so much that I suppose he must continue to do so in order to be consistent. The section which I desire to read, Mr. Chairman, is the section of the general law that is now in effect:

The number of commissioned officers of the line—permanent, temporary, and reserve—on active duty shall not exceed 4 per cent of the total authorized enlisted strength of the regular Navy.

Mr. KELLEY of Michigan. I will say to the gentleman that these are not officers of the line. They are practically civilians working on the colliers.

Mr. SWING. Oh, no; they are not civilians. They are in the service of the United States Navy, taken in by an act of Congress.

Mr. KELLEY of Michigan. Do not get excited about it.

Mr. SWING. I will not get any more excited about this than the gentleman from Michigan did about the vote of this committee fixing the strength of the Navy at 86,000. [Laughter.]

Mr. KELLEY of Michigan. The gentleman must follow my virtues, not my faults.

Mr. SWING. And the gentleman has many, I admit. The point I desire to make is this: There is a total number of officers which the Navy is authorized to have, based on the authorized strength of the enlisted personnel. When we simply say that the men who are known by the name of reserve officers must be taken out of this 4 per cent, that does not mean that there is going to be a hole in the 4 per cent, but it means that the Navy will fill those vacancies by examinations and other methods, and other men will take their places. It simply amounts to writing a qualification into the law as to who may serve as a commissioned officer in the Navy, and it provides in a negative way that no reserve officer may serve. It would be the same as if it said that no men with blond hair should be officers in the United States Navy. I think it is clearly legislative and it ought to be taken up by the legislative Naval Committee and seriously considered. Some of these men have been for 20 years in the service of the United States, and some just and fair provision for their retirement should be made for them by the legislative committee, and they should not after a lifetime of faithful service be simply cut off here arbitrarily with hardly a month's notice.

Mr. KELLEY of Michigan. Mr. Chairman, the law provides 4 per cent of the authorized strength of the Navy for the line of the Navy. In addition to that the law provides that 500 reserves might be appointed for the auxiliary service—the colliers and the oilers—and to serve in aviation. Those are in addition to the regular officers of the line of the Navy. They are not included in the 4,100 officers now in the line. They are not included in the staff. Inasmuch as the Navy Department increased the line of the Navy last January by 900 officers, most of whom were warrant officers, who would make fine masters of the auxiliaries, the reserve force need not longer be continued. It amounts to a reduction of 389 officers. It comes squarely within the Holman rule providing for a reduction in the number of officers.

The CHAIRMAN. The provision against which the point of order is made is as follows:

The authorization contained in section 2 of the naval appropriation act for the fiscal year 1921 for the employment of 500 reserve officers in the aviation and auxiliary service is hereby repealed.

The provision which is sought to be repealed is as brief as the reference to it. It reads as follows:

Provided further, That 500 reserve officers are also authorized to be employed in the aviation and auxiliary services.

They are also authorized to be employed in the auxiliary and the aviation services, and the provision of the present act is to repeal that section. It necessarily results in so far as the matters affected by it are concerned in a reduction. Therefore the point of order is overruled.

Mr. RAKER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 33, beginning with line 21, strike out the paragraph.

Mr. RAKER. Mr. Chairman, I do not believe that it is my duty to sit idly by and take statements from gentlemen, even though they be chairmen of committees, to the effect that every man who votes against them must be in the navy-yard district or have some personal interest in a navy yard. That is wholly unjustified. It is unbecoming on the part of the chairman of a great committee, and I trust the chairman of the committee did not mean what he said by those statements. He takes for granted the fact that figures from men of the Navy, from an admiral of the Navy, from the Secretary of the Navy, must necessarily be all wrong, because he differs with those figures that these distinguished men who have given years, as those officers of the Navy have to that subject, have prepared. If we want to get information, it seems to me that we should go to the men of the Navy, who have given most of their lives to the subject and who are in the position to give competent testimony. We were quite willing to let them take our boys across the sea without any loss of life. We have been quite willing to send them into battle whenever it was necessary from the beginning of this country to the present time. We have always found them ready to meet every obligation. However, when it comes to a question of a small amount of appropriation which these gentlemen favor, then the chairman of the subcommittee and other members of the Committee on Appropriations endeavor to browbeat the other Members of the House, and, because they do not agree with them, say that these figures are all wrong, that everything that is before the House is wrong, and, therefore, that we should discredit them. I know the gentleman does not mean that. If he does, he certainly is as wrong as wrong can be in every conceivable thing, and the mere ambition or the desire of the chairman of the committee should not impress him and imbue him with the importance of his position to the extent of charging that those who do not vote with him have some ulterior purpose in mind, some navy yard or some individual in the navy yard that they hope to help.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield.

Mr. VAILE. There is not a navy yard in the gentleman's district.

Mr. RAKER. There is not a navy yard in my district or within 100 miles of my district.

Mr. VAILE. And there is not one within 1,500 miles of mine, and I agree with the gentleman.

Mr. RAKER. I state what I believe to be right, and I have a right to use my own judgment. I do not think the chairman of this committee should accuse members of being in favor of a navy yard simply because the member does not agree with him. My judgment is just as good as his, and my right to exercise my judgment is just as good as his. There is no need of the chairman coming in here and claiming that he is going to jam through the bill and say "Oh, wait until the roll call, and I will show you fellows." Of course, we will be here when the roll is called, and we are going to vote in the House just the same as we voted in Committee of the Whole. I have been here for 11 years, and I have never answered present once. I vote either yes or no, and will continue to do so, notwithstanding the criticism of my distinguished friend from Michigan [Mr. KELLEY].

Mr. QUIN. Mr. Chairman, I am not surprised at the arguments that have been made on this naval bill. You have the pork grabbers coming from the East, the pork grabbers coming from the West, the pork grabbers coming from the South, and the pork grabbers coming from the North, and all of them stand for special privilege in this instance with the big interests of the United States that are always reaching their greedy hands down into the pockets of the people. [Applause.] These Democrats that will vote with the big interests of this Republic will learn something some of these days, it matters not what they may heap upon the neck of the patriotic statesman from Michigan [Mr. KELLEY] after he has made his splendid argument and demonstrated to a certainty so that every man, though he be a wayfarer or a fool, must know that 67,000 men are more than are necessary to man the Navy of the United States for the coming fiscal year. [Applause.]

In the face of the armament conference called in the city of Washington this powerful God-fearing, Christian Nation that is supposed to stand out as the torchbearer of liberty and the exponent of the religion of the Christ and the living God—in the face of the work of that great conference of patriotic statesmen of three continents, we are to have this Congress stamping epochal work under their feet and repudiating it. Who is at the back of it? These navy-yard fellows that are trying to reach into the Treasury, the barons of Wall Street and their henchmen that seek to ruin the gentleman from Michigan [Mr. KELLEY], but PAT KELLEY will be standing high in Michigan when a lot of these plunderers, these people [laughter], who are bowing to the golden calf, will be licking his hands. The people of the United States are awake to-day. The same men who demanded the taking off of the excess-profits tax, the same men who reduced the income tax, the same men who drove this outrageous Fordney tariff bill through this House to rob the mass of the American people are the same interests coupled up with the pork-barrel navy yard who are endeavoring to put this program through to-day

satisfy the rapacious demands of big business. Why, a woodsman can find from the tracks what kind of game is there. He does not have to see the bear, rabbit, or squirrel. He knows they have been there as soon as he sees their tracks. Any man who is well acquainted can tell that the big interests have been making tracks around, and they are here to-day under different forms. [Applause.] But though they might come with a sheepskin on them, we can tell where the wolf is; it is there. But you can say what you please, the American people expect this Congress, through its authorized representatives, to live up to the American provision of the armament conference, and the one great step that has been made after this World War was ended, after the high-sounding declarations were made, this Congress is coming now to repudiate that work. Instead of setting an example that the European and Asiatic nations may know that the people of the United States are acting in good faith, you are proposing to repudiate the good work of the wise statesmen who have laid the foundation for world peace, and by such ignominious repudiation you will again put this Nation in a position to be suspected by all of the world. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

PROVISIONS, NAVY.

For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in case of death or desertion upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Supply Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, chief pay clerks, and chief sailmakers) at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessel to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); subsistence of men on detached duty; subsistence of officers and men of the naval auxiliary service; subsistence of members of the Naval Reserve Force during period of active service; expenses in handling provisions and for subsistence of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, $15,586,862, to be available until the close of the fiscal year ending June 30, 1924: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required.

Mr. SWING. Mr. Chairman, I offer an amendment to the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SWING: Page 37, line 15, strike out the figures "$15,586,862" and insert in lieu thereof the figures "$19,724,928."

Mr. SWING. Mr. Chairman, this amendment is offered to bring this section of the bill in conformity with that part of the bill which was amended on Saturday by this committee. It provides the provisions or the food for the 86,000 men who were inserted in this bill by our vote on Saturday. There are increases in one or two small items in order to carry out the percentages which have been proven by years of experience, such as the increase of courts-martial, the increased number of sick, and so on. Otherwise it is simply a provision to feed the men who were provided for in the bill last Saturday. It is absolutely necessary to provide the food for those men. It is an increase of $4,138,066. I hope the chairman of the committee——

Mr. GRAHAM of Illinois. Where did the gentleman get the figures for this?

Mr. SWING. The figures were furnished me by the Bureau of Supplies and Accounts of the Navy Department, which is in charge of this subject matter.

Mr. GRAHAM of Illinois. And that much will be required for 86,000 men?

Mr. SWING. Exactly. I hope that the chairman of the committee will not oppose the amendment as it simply places this section of the bill in conformity with the section upon which we acted last Saturday and upon the same basic pay as the committee itself adopted.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment.

I have been a little surprised that amendments have not been offered to other sections of the bill. I am wondering just why it was that certain gentlemen asked to pass over certain paragraphs of the bill, the Bureau of Engineering and the Bureau of Construction and Repair, until we had voted on the size of the Navy, in view of the fact of having voted on the size of the Navy we passed the paragraphs providing for these bureaus without any amendments having been offered to them. If it was not the intention of the gentlemen who are supporting the increased personnel to offer amendments to the items carried on pages 24 to 32, why did they ask to pass over those sections?

Mr. SWING. Will the gentleman yield until I answer the question?

Mr. MONDELL. I will be very glad to do so. It is information I am seeking.

Mr. SWING. I do not know, because I did not make the request, but I presume it will be reasonable to presume that Members who were here on Saturday and desired to go home for Sunday and Monday wanted to vote on the crucial question before the House and get through. And we did get through at a late hour on that day.

Mr. MONDELL. I see gentlemen present who were the most active Saturday. I think the gentlemen who made the requests are present here.

Mr. SWING. A great many were absent on Monday, though.

Mr. MONDELL. And in order that they need not be here on Monday, we did not take up the naval bill. They are here to-day. And yet they offer no amendments to these items which they asked to have passed over. Of course, they could have had no purpose at the time in having them passed over except to have the opportunity to offer amendments to them later. They have been read without any amendments being offered. Now, we have reached other items in the bill not having to do with engineering, not having to do with construction and repair, not having to do, in other words, with navy yards and naval stations, and we have an amendment increasing the amount. I am at a loss to understand the theory on which gentlemen are proceeding. Do the gentlemen lack the courage of their convictions? Is there embarrassment in offering on the floor of the House the amendments they expect will be placed on the bill in the Senate? If gentlemen will frankly avow that, we will none of us be disposed to say anything more about it. But I do not like to have the gentleman pass over these sections without some explanation at least. How are they proposing to explain to their constituents the fact that, having made a fight for certain increases which were demanded, insisted upon, having had the House pass over certain sections of the bill before that question was temporarily settled, they then declined to offer any amendments, under the Bureaus of Engineering and Construction and Repair, absolutely essential from the standpoint of those who have urged the increase of personnel. Is it any more essential to the Navy that they shall have additional provisions and additional clothing than that we shall care for the additional ships? Do the gentlemen expect there will be no increases in the appropriations for navy yards and naval stations? I think not.

I rose simply for the purpose of having some gentleman inform us as to the theory on which they are proceeding. I assume, of course, it is all in the best of faith, and yet I am wondering what the folks down at the navy yards are thinking as they hear that the House of Representatives and their representatives here present are passing over the items that mean so much to them, without any request for increases, with no suggestion of an increase until we reach an item in which they have no particular interest.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. MONDELL. I am craving information.

Mr. KELLEY of Michigan. I was about to suggest that might it not be possible for the gentleman from Wyoming to ascertain from some of the gentlemen present, the gentleman from Massachusetts [Mr. ROGERS], perhaps, whether or not the Navy Department desires that these navy yard items should be passed over and have the items added when the bill reaches the Senate?

Mr. MONDELL. The experts, of whom we have heard so much in days recently passed, have insisted on increases for all these items. Where are the champions of the experts to-day? Where are the gentlemen who were so insistent that we should meet the view of the experts as to the needs of the Navy? The gentleman says they will be here at the roll call, but that will do no good if the amendments are not offered and presented.

Mr. CONNALLY of Texas. I suggest that these gentlemen are writing letters to their constituents that they have got the bacon.

Mr. MONDELL. I do not like the use of the word the gentleman has just used, but the paragraphs that contain the appropriation—not to use the word "bacon"—for the navy yards—have been passed. Is it hoped that at a later date and elsewhere these items will be increased?

Mr. KELLEY of Michigan. Would it be out of place to renew my suggestion of a moment ago to inquire whether any of the gentlemen present has had any communication from the Navy Department as to whether it would be advisable to pass these items over in order that they may be inserted in the Senate?

Mr. MONDELL. There may be some gentlemen that may answer that question. I can not.

Mr. JOHNSON of Washington. Why does not the committee rise and the House adjourn or else proceed in an orderly way, instead of fussing along with this kind of a farce? [Applause.]

Mr. MONDELL. I agree with the gentleman, for I can think of nothing so utterly farcical, so utterly illogical, as to have gentlemen vote for and carry an increase of naval personnel of 20,000 men and then decline to offer the amendments which are absolutely essential if we are to accept the arguments on which those increases are made. [Applause.] I do not want to offend any gentleman, but I believe in men having the courage of their convictions.

Mr. JOHNSON of Washington. The gentleman understands that not all the members of this Committee of the Whole House on the state of the Union are on the Appropriations Committee or the Committee on Naval Affairs. We plain, everyday Members desire to fix this up in a way that is right. We do not want to sit here and have a post mortem. The thing to do is to rise and make some figures that we want. We have a leader.

Mr. MONDELL. I agree with the gentleman that the most illogical performance that has occurred here in many a day is what we have just seen in passing these items without gentlemen who favored and voted for the increase offering any amendments in harmony with the increase in the personnel for which they voted Saturday. Gentlemen must not blame the committee for not offering increases they do not believe necessary. I certainly can not offer them, for I do not believe any increases should be made. It is the duty of those who favored the increase in personnel to offer the increases to the various items to correspond with the increased personnel. Why do not they do it?

Mr. McARTHUR. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for 10 minutes. Is there objection to the gentleman's request?

There was no objection.

Mr. McARTHUR. Mr. Chairman, each member of the Committee of the Whole House on the state of the Union enjoys certain rights and privileges, and among those rights is that of offering amendments to bills as those bills are read; and I submit this proposition to you, that the gentleman from Wyoming [Mr. MONDELL] or any other gentleman in this House, as these separate paragraphs were read, ought to have offered amendments to perfect the paragraphs or else hereafter forever held his peace.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. No; not just now. The House last Saturday, in the Committee of the Whole House on the state of the Union, by a vote of 177 to 130 determined to increase the enlisted personnel in this bill from 67,000 men to 86,000 men. We have seen men of straw built up in the newspapers of this morning and built up here this afternoon by the eloquent and distinguished gentleman from Michigan [Mr. KELLEY], who comes here and tells us that the purpose in increasing this enlisted personnel from 67,000 to 86,000 is to put into commission these 200 additional destroyers.

I say there is nothing to that argument. I have talked with the Secretary of the Navy since the gentleman made his eloquent speech here a few moments ago, and the Secretary of the Navy, the head of our Naval Establishment, tells me that with the 86,000 enlisted personnel, if it is carried in the bill when finally enacted, not one additional destroyer will be commissioned.

Mr. KELLEY of Michigan. Did the Secretary tell you whether or not the items carried for construction and engineering and all the other items in the bill were sufficient?

Mr. McARTHUR. That question was not raised. I never put the thing up to the Secretary of the Navy. But I did put up to him the question suggested by the gentleman from Michigan, that the purpose of this increase in the enlisted personnel from 67,000 men to 86,000 men was to put 200 additional destroyers in operation. That is not the purpose, but the purpose merely is properly to man those battleships and other ships provided for in this bill, which would not be properly manned with a personnel of 67,000.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. CLOUSE. The gentleman has stated that the Secretary of the Navy has stated this morning that it will not add an additional destroyer to the number whose commissioning is provided for in the report of the committee. I wonder how he will reconcile that statement with the report inserted in the RECORD by Mr. ROGERS on April 14, found on page 5551 of the RECORD, in which he said it would be possible only to commission 65 destroyers with 67,000 enlisted men, whereas he would have 103 under the 86,000 figure.

Mr. McARTHUR. In both instances I submit that the figures are 103, just exactly what the gentleman read; both sets of figures—103, just exactly as provided in the report by the gentleman from Michigan. [Applause.]

Mr. KELLEY of Michigan. The list of ships as submitted by the distinguished gentleman from Massachusetts [Mr. ROGERS], as compared with the list provided for by the committee, is a smaller list of ships, is it not, and we have the spectacle now of our being "great Navy men" instead of "little Navy men"? [Laughter and applause.]

Mr. McARTHUR. The gentleman has been converted. [Applause.]

Now, Mr. Chairman, the greatest authority in the world is "They say," and I have heard that authority—"They say"—quoted around here several times to-day. "They say" that if the President had been aware of certain facts and figures before the gentleman from Ohio [Mr. LONGWORTH] visited him the other morning he would not have written the letter that he wrote. I want to know from the gentleman from Ohio [Mr. FESS] whether this talk of "They say" is correct, or has been conjured up here merely for the purpose of influencing the voting when the yeas and nays are called? I simply want to know if there is any truth in the report that the gentleman from Ohio [Mr. FESS] went to the White House on Saturday, taking certain figures with him, and that the President said that if he had seen those figures before he wrote the letter to Mr. LONGWORTH he would not have written the letter? Is there any truth in that statement or not?

Mr. FESS. I will say to the gentleman that I went to the White House to talk with the President about the facts. He told me that he could not carry the facts in his mind. He said if I would go over to the Navy Department they could explain them. He said nothing to the effect that if he had seen the facts he would not have written that letter. [Applause.]

Mr. McARTHUR. I am glad the gentleman from Ohio has set the matter right. I know that celebrated authority "They say" has done an injustice to the gentleman from Ohio. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. GARRETT of Tennessee. I would like to know if the gentleman from Ohio [Mr. FESS] would be willing to go further and say whether the President said he would not explain it because he did not know anything about it, and therefore sent him to the Navy Department? [Laughter.]

Mr. LONDON. That is what he said in substance.

Mr. McARTHUR. Mr. Chairman, some gentlemen do not seem to know when they are licked, and they do not take the vote of 177 to 130 on last Saturday as indicative of the feeling of this House on the question of the size of the enlisted personnel.

Some gentlemen are terribly disappointed. They thought we were coming in here to-day to load this bill up with a lot of pork. They are so disappointed that the tears are running down their cheeks, because they know now that all we propose to do in this bill, by increasing the personnel, is decently and properly to man the ships provided for in the bill reported by the gentleman from Michigan [Mr. KELLEY]. [Applause.]

Mr. KELLEY of Michigan. Does the gentleman think that the other items in the bill as reported by the committee are ample to take care of the treaty navy?

Mr. McARTHUR. I have no information about the other items except the report of the hearings printed and sent out only a day or two before the bill came into the House, for the functions of legislating has been taken away from the committee of which I am a member and lodged in the committee of which the distinguished gentleman from Michigan is a member.

Mr. KELLEY of Michigan. Has not the Navy Department advised the gentleman?

Mr. McARTHUR. The Navy Department has not advised me, and I can not consider all these things. Perhaps I have only a single-track mind, I do not know; but I went into this enlisted personnel fight because I did not believe the ships in

our Navy would be properly manned in the bill reported by the gentleman from Michigan [Mr. KELLEY]. I do not live in a navy-yard district and never expect to, because I am satisfied with the district where I live. It is the best district on God's earth, but we are never going to have a navy yard there.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. McARTHUR. I yield to the gentleman from Ohio.

Mr. COOPER of Ohio. Can the gentleman give the committee any information as to how much the total appropriation will be increased by the adding of these 19,000 men? I will say that the statement has been made that it will probably take anywhere from $60,000,000 to $100,000,000. I should like to have some information about that.

Mr. McARTHUR. I am glad the gentleman raised that point. I have heard it said on the floor that it would cost $60,000,000. I have heard it said in the cloakroom that it would cost $100,000,000. I called up the Chief of the Bureau of Supplies and Accounts, Admiral Potter, a few minutes ago and asked him what it would cost, and he said as far as his bureau was concerned—the wages of the men, clothing, and food—it would cost $22,000,000. Of this amount over $4,000,000 will come from unexpended balances of this year, leaving less than $18,000,000 to be added to this bill.

Mr. KELLEY of Michigan. And that would merely be the pay of the men and their food.

Mr. McARTHUR. And clothing.

Mr. KELLEY of Michigan. And clothing. Now, suppose the men are put on other ships.

Mr. McARTHUR. They will not be put on other ships. They will be put on the ships authorized in the bill reported by the gentleman from Michigan. [Applause.]

Mr. KELLEY of Michigan. Then, in that event there will be no need for increasing any of these other appropriations.

Mr. McARTHUR. I think not. The gentleman has allowed them to go through here without being increased.

Mr. KELLEY of Michigan. When the bill comes back from the Senate will the gentleman stand with the committee?

Mr. McARTHUR. Not necessarily. [Laughter and applause.] I will stand with the committee if I think the committee has done the right thing, and I believe under the leadership of the gentleman from Michigan, after the spanking the House has given him and his committee on the matter of the enlisted personnel, the committee will do the right thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. KELLEY of Michigan. I would like to address the House for a few moments.

Mr. VARE. Is the gentleman going to address the House in order or is he going to deviate from the pending amendment to discuss other matters?

Mr. KELLEY of Michigan. I am going to speak about this matter of provisions and possibly some other matters.

Mr. VARE. Then if the gentleman will permit, it seems to me we have devoted a great deal of time to other matters, and we ought to get down to the amendment before the committee.

Mr. KELLEY of Michigan. I know the gentleman does not relish what I am saying. I appreciate that very fully, and he will not relish what I am going to say now. I am saying this now chiefly for the comfort of the gentlemen who have been urging an increase in these appropriations for the purpose of furnishing employment or continuing employment in those localities affected adversely in a business way by the treaty. If it is true that the 20,000 extra men are not to be put on ships other than the treaty ships, but are to be piled up on those, then, of course, there will not be any additional repairs and no additional work in the navy yards.

Mr. McARTHUR. Will the gentleman yield?

Mr. KELLEY of Michigan. Just a moment until I state this, and then I will yield. One of the reasons given by the commander of the Atlantic Fleet for the additional men is to increase the repair force afloat. This will still further reduce the repair work done in the yards. I commend this new possibility of further navy yard inactivity particularly to my good friend from Pennsylvania [Mr. VARE], and I ask other gentlemen in navy yard districts to take notice of it.

Admiral H. J. Jones, of the Atlantic Fleet, in a letter in answer evidently to a request from the Navy Department, on April 3, 1922, with reference to the condition of the fleet, says he is short of men, and one of the reasons why he is short of men is because he requires a larger repair force personnel afloat. He wants to increase the number of men in his machine shops on the ships and his tenders that go with the ships by 25 per cent, in order that the ships shall be self-sustaining. In other words, he wants to take away from the navy yards that which they now have. He wants the repairs, as far as possible, all done aboard the ships or on tenders accompanying the fleet, except when they go into dry dock. So I fear we come to the unhappy situation of virtue being its own reward. [Laughter.]

Now, as to this particular amendment. Of course, if the number of the enlisted personnel is to stand at 86,000—which I am hoping will not be the case—the provisions will have to be supplied, but this is one of the items on account of which the Navy Department may incur a deficiency; and I would much prefer to see this proposition go over until we have finally determined upon the size of the Navy. I am hoping that the House will reverse the action of the Committee of the Whole and provide men only for the treaty Navy and not for a great fleet of 200 warships in addition. [Applause.]

In addition to that the Navy Department has not submitted to the committee the necessary figures. I hope, Mr. Chairman, that the amendment will be rejected.

Mr. NEWTON of Minnesota. The gentleman from Michigan has expressed himself so often upon the floor as having no confidence in the Navy Department that perhaps that was the reason they did not send the figures to the committee.

Mr. KELLEY of Michigan. I think that is true. I am glad the gentleman mentioned it, because last year they insisted that the ration would cost 68 cents per man. We fixed the amount at 50 cents, and yet they have no deficiency. We furnished them with plenty of money to feed the boys, although they said it would cost much more. [Applause.] So I admit their figures might not be controlling.

Mr. NEWTON of Minnesota. I am surprised in view of that, that the gentleman has not manifested more confidence in the department.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BYRNES of South Carolina. Do I understand that the gentleman from Oregon says that the Navy Department with 86,000 men will not keep in commission any more ships than it would if it had 67,000 men?

Mr. KELLEY of Michigan. Sure.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, each day more definite evidence is offered us of how impossible it is to rely upon information that is furnished us by the Navy Department in reference to these matters. When the gentleman from Oregon announces to this committee that the Navy Department advises him to-day that with 86,000 men they will keep in commission no more ships than they will with 67,000 men, I ask each and every one of you to take up the RECORD under his seat and look on page 5551 of April 14, at a statement inserted by the gentleman from Massachusetts [Mr. ROGERS]. He stated it was sent to him by the Navy Department and I remember with what solemnity he announced it to the House.

Mr. McARTHUR. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; not now. I will yield in a moment to find out what the gentleman from New York just suggested to the gentleman from Oregon. [Laughter.] Turn to page 5551 and you will find a table furnished by the Navy Department wherein the Navy Department assures the House that with 67,000 men they will keep in commission 257 ships, and with 86,000 men they will keep in commission 321 ships. [Applause.]

Now, the gentleman from Oregon, the author of the amendment, comes here and tells us that with 86,000 men they will not keep in commission any more ships than they would with the 67,000 men. So much for the information from the department. Now, is there anyone who does not know what is going to happen to this bill? The gentleman from Oregon knows it, and he would be unhappy if he did not know that when the bill goes to the Senate the amendments referred to by the gentleman from Michigan will be added, and it will come back as it did last year, when it had $100,000,000 added to it. One hundred million dollars added last year is only an indication of what is going to be done this year. Read your newspapers, the same papers that have been advocating the increase of the personnel. Yesterday afternoon the Evening Star says: "What about the Army? Only one-half of the fight is won. See to it that you have more than 115,000. Now is the time for true economists to come to the rescue and increase the size of the Army." They want more men for the Army because they think your action has justified them in making the demand. I showed the other day that this bill as it stands will cost $800,000,000 when you include the appropriation for construction of aircraft and increase of pay. Then you put on the $60,000,000 referred to by

the gentleman from Illinois [Mr. MADDEN] for cancellation costs and you have $760,000,000. Every man you add will cost $3,000. The man who is relied upon to furnish the figures when we make the appropriations, and who has made the computations, says $3,000 a man is the cost when you add all items. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWING. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. KELLEY] may have two minutes to answer a question.

Mr. KELLEY of Michigan. Mr. Chairman, I will move to strike out the last word in order that the colloquy may go on.

Mr. SWING. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. SWING. I understand the chairman of the subcommittee is opposed to any increase in this item even to bring it into conformity with the 86,000 personnel.

Mr. KELLEY of Michigan. That is correct.

Mr. SWING. I take it that you are willing to leave it to the Senate when it gets over there to provide for these men?

Mr. KELLEY of Michigan. There is no use in having a vote on two propositions when we get into the House. One will be just as good as two. If in the course of time it develops that there are to be 86,000 men in the Navy, even though the Senate does not put on an amendment, the Navy will have full authority to feed the men under existing law.

Mr. SWING. And the gentleman would advocate their creating a deficit?

Mr. KELLEY of Michigan. I do not think that they will have to create a deficit.

Mr. SWING. Has the gentleman any criticism to offer of my statement that these figures were prepared by the Bureau of Supplies and Accounts based on the same unit of 45 cents?

Mr. KELLEY of Michigan. Oh, no; I do not doubt the authenticity of the gentleman's figures. If he says they are official, I know they are.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. KELLEY of Michigan) there were—ayes 73, noes 69.

Mr. KELLEY of Michigan. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. KELLEY of Michigan and Mr. SWING to act as tellers.

The committee again divided and the tellers reported—ayes 86, noes 77.

So the amendment was agreed to.

The Clerk read as follows:

For additional personal services in the Bureau of Supplies and Accounts, as the Secretary of the Navy may deem necessary, to be employed only in the Bureau of Supplies and Accounts, including the Navy Allotment Office, the Navy Disbursing Office, and the Navy Property Accounting Office, $676,160: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: One $5,000, two at $4,500 each, one $3,000, two at $2,500 each, one $2,400, three at $2,250 each, one $2,000, three at $2,250 each, one $2,200, one $2,150, three at $2,100 each, nine at $2,000 each, and three at $1,950 each.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the spelling of the word "personal" be corrected in line 8, page 40.

The CHAIRMAN. Without objection the correction will be made.

There was no objection.

The Clerk read as follows:

BUREAU OF AERONAUTICS.

AVIATION, NAVY.

For aviation, to be expended under the direction of the Secretary of the Navy, as follows: For aircraft and accessories in course of construction or manufacture on June 30, 1922, $490,000; for navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1922, $168,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, $5,475,000, including $475,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, $1,116,950; for drafting, clerical, inspection, and messenger service for aircraft stations, $710,000; in all, $7,960,950, and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing laws on "Aviation" and for that purpose shall constitute one fund: *Provided*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $250: *Provided further*, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy: *Provided*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

Mr. HERRICK. Mr. Chairman, I have a couple of amendments which I desire to offer.

Mr. HICKS. Mr. Chairman, I offer the following amendment, and I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 40, line 2, strike out "$5,475,000" and substitute "$7,096,000."

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, may I ask the chairman of the subcommittee if it is his expectation to finish the vote on this bill this afternoon?

Mr. KELLEY of Michigan. It is nearly 5 o'clock now, and possibly we may quit at about 5 o'clock.

Mr. LONGWORTH. Is it the intention of the gentleman to ask to dispense with Calendar Wednesday to-morrow?

Mr. KELLEY of Michigan. That was our original intention, and I rather think we will do so.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HICKS. Mr. Chairman, I have asked for 10 minutes in which to speak on what is probably one of the most important sections of the bill, one certainly in which I think most of the Members are very much interested, and which is vital for the Navy.

Of course, we all realize that aviation is an expensive item. There must be continual replacement, and the upkeep and operation is very large. A plane is not like a battleship, which will last for 20 years. We build a plane and it may last for six months or six weeks, and then has to be replaced or repaired. The amendment which I have offered is to increase the amount appropriated for the operation and maintenance of aviation. It does not pertain to new construction, items which must be authorized by the Committee on Naval Affairs, and which the Committee on Appropriations realizes must come from that committee and which their report refers to.

I am not going to speak of the work of aviation for the past year except briefly. The experiments which have been carried on and which have been brought to a successful conclusion have demonstrated that aviation is more and more important as an arm of the naval service. The greatest achievement of naval aviation in the past year consists in having perfected and placed in production a device known as a catapult for projecting airplanes into the air without a platform to run on, and before the next fiscal year expires we propose to have a catapult upon every battleship of the Navy and upon many of the smaller craft, so that we will be able to project the planes into the air without the use of a runway, which we have found not to be practical. During the last year we had runways on many of the gun mounts of the Navy. They have all been taken off. We have now on the *Maryland* one catapult, and it works successfully; and, as I say, we are going to put them on every battleship. We have now at Norfolk a landing platform on which we can land airplanes successfully and bring them to a full stop in a distance of 150 feet. We are going to put such platforms on the great airplane carriers which I hope this House will soon authorize to be built.

We are experimenting with a variable camber with a variable propeller, and we are carrying forward as fast as possible all these improvements which it is thought will make naval aviation more practical and more efficient, but with the amount of money appropriated by this bill for the operation of our airplanes it will not be possible for us to carry forward the work as it is deemed it should be carried on to obtain the best results and make aviation a real factor.

Mr. STEPHENS. Will the gentleman yield?

Mr. HICKS. In a moment. We have set aside in this bill practically $6,000,000 for operation; the $475,000 of the amount in the item is for these catapults I spoke about. It cost this year $5,000,000 to operate our naval aviation activities on a very much reduced basis and one not indictive to development. To do that we had to take $500,000 out of the construction fund to properly run the stations and conduct the flying. This reduced our construction activities. This item supplies the fuel, the oil, the replacement of planes which are damaged, the heat, upkeep of buildings, and so forth, and to do it properly will cost about $6,000,000; and this is what this amendment is asking you to do. This is the Budget figure, and I do not think it is exorbitant.

Unless this is done, this is what you will be confronted with next year. You will have these stations of ours of which now we have only two for operation, one for training, one for

experimental work, and one for the marines, equipped with planes, and yet it will be impossible for our aviators to take those planes from the ground except on limited flights, because there will not be fuel enough, and if they are broken or damaged there will not be sufficient money with which to repair them. We will be unable to carry forward properly the helium plant. This item provides for carrying forward that important adjunct for lighter than air, and which means perhaps the safety of human lives.

Mr. STEPHENS. If the gentleman will yield, may I ask whether the airplane activity at Dahlgren, and the expenditure of money that has been reported as uselessly expended there, would come under this appropriation in reference to the airplane business?

Mr. HICKS. That comes under experimentation; it does not come under this item. This is an item for operation, and the item of which the gentleman speaks is experimental.

Mr. STEPHENS. It has not anything to do with this, because they have built hangars there and a great deal of money has been expended and wasted.

Mr. COOPER of Ohio. May I ask the gentleman how much his amendment proposes to increase the bill?

Mr. HICKS. About $1,000,000, and it is in order that aviation may go forward and be developed as a vital part of the Navy in reference to bombing, coast defense, observation, and so forth, so that it will be one of the great weapons of defense. Those who saw the bombing experiments down off the coast last July realize the importance of aviation in reference to air attack on battleships and the taking care of the defensive work of our coast. To carry forward that work is the purpose of this amendment, and I hope it will carry.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HICKS. I will.

Mr. ANDREWS of Nebraska. Did the Conference on Limitation of Armament accomplish anything as to the reduction of the naval expenditures?

Mr. HICKS. I should say it did.

Mr. ANDREWS of Nebraska. To what extent and in what way?

Mr. HICKS. I imagine the gentleman is perfectly able to read the report of the conference and to figure out the results. It cut out new construction of capital ships for many years to come.

Mr. ANDREWS of Nebraska. If what we have done here for the last two or three days is going to increase our expenditures for the next fiscal year, how can we claim——

Mr. HICKS. I hope the gentleman will address himself to the item which increases it far more than this amendment——

Mr. ANDREWS of Nebraska. I thought the gentleman, who has a wide range of knowledge upon this subject of naval affairs and aviation, having explored the air as well as the earth, could answer the question, and that is the reason I gave it to him.

Mr. HICKS. With profound appreciation of the compliment, I want to say to my friend from Nebraska that I thoroughly believe in every accomplishment of the Washington conference. I believe my friend from Nebraska is a sincere friend of aviation and wishes to see it advanced, and for that reason I ask him to vote for this amendment.

Mr. ANDREWS of Nebraska. I can not now.

Mr. GRAHAM of Illinois. This is a question that does not arise out of the conference. A year or so ago I think I raised the question in the House here as to why the aviation departments of the Army and Navy could not be consolidated and the necessity of duplication of our flying fields, and all that sort of thing, be done away with. How far and to what extent have we attempted to do that?

Mr. HICKS. I will say to my friend there have been no efforts up to the present time to bring about a consolidated Air Service, except that a number of bills have been introduced to that end.

Mr. GRAHAM of Illinois. All over the country the Navy is running its aviation and the Army is running its aviation.

Mr. HICKS. We have only five stations of the Navy on the land, including two for operation, one for training, one for experiments, and one for the marines.

Mr. STAFFORD. Of course, the Navy, as the gentleman well knows, has its experimental station at League Island, Philadelphia, and is duplicating exactly the work that is being done by the Army at McCook Field, at Dayton, Ohio. There is duplication all along the line.

Mr. HICKS. I want to say to my friend, that until we bring forward a bill to effect a united Air Service we can not shut down our aviation activities for the Army and the Navy, unless you want to strangle the whole service.

Mr. GRAHAM of Illinois. Why is not somebody doing something?

Mr. HICKS. Senator NEW introduced a bill for that about two years ago, and so did several others.

Mr. CURRY. I introduced a bill about a year or so ago. Senator NEW's bill does not go as far as mine. My bill was referred to the Committee on Military Affairs, and I have not been able to get any action on it.

Mr. HICKS. I dislike to go into that, because it is a bigger subject than this amendment to carry forward naval aviation for the coming year.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on agreeing to the amendment.

Mr. KELLEY of Michigan. Mr. Chairman, the gentleman from California asked for a couple of minutes, and after that I think I will ask that the committee rise.

Mr. CURRY. Mr. Chairman, I usually agree with appropriation items in the committee bill, although I supported the increase of the enlisted personnel of the Navy from 67,000 to 86,000 men, and I believe the amendment offered by the gentleman from New York [Mr. HICKS] should be adopted. I wish to call the attention of the House to the fact that I have some information that probably the House would like to hear. Great Britain, after the Limitation of Armament Conference adjourned, appropriated $97,000,000 for army and navy aviation purposes, and France appropriated $84,000,000 for the ensuing year; and Japan has authorized the expenditure of $200,000,000 for experimentation and production, to be used over a period of seven years. Now, any person conversant with modern warfare and who has paid any attention to the experiences of the late war knows that in the future, to a great extent, we will have to depend for offensive and defensive warfare on aviation, on undersea boats, and bombs and gas. I think the appropriations made by the House for Army aviation were too small, and that the appropriation in this bill is too small. We ought, at least, to maintain the 5-5-3 naval program, and to insist that the Navy of the United States, in ships and men and in the air, be maintained on an equality with that of Great Britain. The appropriation asked for in the amendment that is submitted will not place the aviation of the Navy of the United States on an equality with the aviation of the navy of Great Britain, France, or Japan.

I hope the amendment will be adopted, although I usually agree with the committee estimates.

To obtain the best results in aviation we must provide for a unified air service, as Great Britain, France, Italy, Japan, and all other great nations, with the exception of the United States, have done. During the last Congress and early in this Congress I introduced a unified air service bill. It was referred to the Committee on Military Affairs, and I have been unable to induce the committee to hold hearings or take action on it. My bill has the indorsement of all of the men who fly, who actually navigate the air, in all branches of the Government service, as well as the flyers in private commercial enterprise; but it has not the support of the high Army and Navy officers not in the Aviation Service.

Mr. HERRICK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HERRICK. Mr. Chairman and gentlemen, I am not going to take much of your time. I am going to talk very briefly.

A year ago we voted an appropriation of $850,000,000 to complete a lot of first-class battleships, some of them costing $40,000,000 or so. They are all practically completed now. And we have had a conference down here, a so-called peace conference, in which all of our hereditary enemies practically pulled the wool over our eyes and caused us to agree, after spending $40,000,000 to build each of these valuable ships, to spend $20,000,000 probably to tear them down, and then we will find that they have refused to ratify the treaty. And where will we be at? [Applause.]

Fortunately aviation does not appear to have been included in this wholesale scrapping program; it may be fortunate for us in the long run that it was not, because if that which I have predicted might happen does happen we may have to fall back on airplanes to sink an invading enemy fleet; and from what we saw last summer I believe if we have enough airplanes it can be done, and maybe in the future we shall not have to build $40,000,000 battleships.

I have an amendment pending which I wish the House to seriously consider when the committee reconvenes to-morrow. On page 48, line 21, I wish to strike out the figures "$400,000"

and insert the figures "$500,000." And on page 49, line 22, I want to strike out the following words:

That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

I wish to say that I am fully aware of the fact that some of these private airplane manufacturers are charging two or three prices. They think the Government is rich, maybe, and can pay the bill. It reminds me of a remark of a young man back where I used to live. His father was pretty well to do, and the young man would never do anything, and some one says, "Why don't you go to work?" And he says, "Oh, I don't have to work. Dad's rich and will pay the bill." [Laughter.]

That seems to be the impression throughout the country concerning the Government. If you sell something to the Government at four times its value, the Government is rich and can pay the bill. My amendment provides for the setting up of airplane factories.

That is all I have to say to-day. I wanted to speak last week on increasing the enlisted personnel from 67,000 to 88,000, and I ask unanimous consent to include it in my remarks. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN (Mr. DOWELL). The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. HERRICK. This is what I wished to include:

Mr. Chairman and gentlemen of the House, I arise to oppose this amendment—increasing the personnel of the Navy from 67,000 to 88,000. A year ago we passed the naval construction bill, carrying an appropriation of $650,000,000 for the completion of the naval program inaugurated by the late Democratic administration, and at that time we were given to distinctly understand that these ships had been contracted for and were in various stages of completion; and that we would have to pay the contractors their 10 per cent profit on the contract price, regardless of the fact whether the ships were ever completed or not, and that fact, and that fact alone, caused many Members of Congress to vote for the completing of these ships, of which I was one, because we having been given to understand that we could take our choice between paying these contractors their contract profits and the cost of the material which they had procured or claimed to have procured for the completion of these ships, without getting any ships in turn for our money, or we could appropriate the $650,000,000, complete the ships, and thus surpass the British Empire in naval power and make of the United States Navy the most powerful navy in the world. This fact, and this fact alone, caused the passage of this appropriation bill. These ships are now virtually completed, but have not yet been placed in commission.

Thus with the completing of these ships the United States have become the foremost world power, while the British Empire has reached the point of disintegration, as witnessed by the Empire allowing Ireland to become a free State, granting the independence of Egypt, and the unrest of other outlying portions of the Empire. Just at this point, where the United States became the dominant world power, the President, wholly forgetful or willfully ignoring the decision of the jury of the United States voters, which brought in a verdict against the treaty of Versailles by 7,000,000 majority, called the so-called peace conference at Washington, which conference drafted the infamous four-power treaty which bolsters up the tottering British Empire and restores it to first place as a world power, and turns over the domination of the seas to Great Britain and her slant-eyed yellow allies, the Japs, and voluntarily relegates the United States to a bad second place. I contend that this four-power treaty is just as infamous and fully as much in contravention of the time-honored policy of the United States of no foreign entangling alliances, which policy has been the policy of the United States of America from 1776 to 1922.

The jury of American voters rendered a verdict against the treaty of Versailles by 7,000,000 strong, the largest verdict against any administrative policy that has ever been rendered since the independence of the United States, and yet the judge—President Harding—who was elected to office at the same time that the voters brought in this stupendous verdict, has flaunted the will of the voters, and arrogated to himself the right to set this verdict aside and commit the United States to an era of 10 years' duration of embroilment in entangling foreign alliances, which may at any day involve us in a war against some nation with which we have absolutely no quarrel whatever and actually compel us to spend American money and sacrifice American lives in behalf of Japan, who is both our racial and political enemy; and after we have gone to the enormous expense of completing these powerful new battleships calls for us to undergo an additional enormous expense of cutting them up and reducing them to junk without their ever having been placed into commission or put to any use; and should we be too hasty in the destruction of these ships we might find after we had destroyed them that the wily Japs and their British allies might refuse to ratify the treaty.

Then we would have destroyed our own Navy, while the enemy would be in full possession of all their ships, and be in a position to treat us as they treated Russia when they launched an attack against the Russians without having made any previous declaration of war; and our Navy having been destroyed by our own hands we would be at the mercy of the enemy upon the seas and the enemy would be enabled to carry home to us the war upon our own continent, and we would have to fight out the war upon United States soil with the resulting destruction of many of our American seacoast cities.

We now having gone to the enormous expense of constructing a Navy which was not only adequate and powerful enough to defend the United States against the navies of the world and to enforce peace throughout the world, at least in so far as the United States' interests were concerned, we commit the monumental folly of destroying this safeguard of peace, after the enormous expense to which we have gone to acquire it. For it is a fact that both the congested Japanese Empire and the British Empire were already burdened to the limit and would have been compelled to desist from further naval construction through sheer inability to further finance any additional construction, and we, with the most powerful Navy in the world, could easily have enforced world peace by being in a position of being too powerful to be attacked.

This would have kept the foreign nations at peace with us. And it is a fact that we as a nation have never yet been guilty of aggression upon the weaker nations, nor is there any national tendency or inclination to covet the lands of our neighbors or even to collect all that is justly due us. This is fully borne out by the United States entering into the European war, in which we incurred an expense of $34,000,000,000 to save the Allies from defeat at the hands of Germany, and then allow the Allies to gobble up all of Germany's colonial empires and parcel them out amongst themselves, the lion's share, of course, going to that international pirate, the mangy old yellow British lion, while we retire empty-handed and do not even force the collection of the $10,000,000,000 which we loaned to the Allies, or even interest thereon, for did we enforce the collection of the interest we would not be wondering where the money is to come from to pay our veterans adjusted compensation, but could pay our veterans a decent bonus in cash rather than leaving it in the hands of the Allies to pay their veterans' bonus with and to further strengthen their militarism.

But since President Harding has involved us in foreign entangling alliances and virtually delivered us into the very foreign bondage that ex-President Wilson sought to deliver us into and which the American people by the enormous majority of 7,000,000 votes rendered their verdict against, and which verdict has been set aside by the President and a subservient Senate, acting under the party leash and committed us to be a tail to the British kite and a cat's paw to pull the Siberian chestnuts out of the fire for Japan for a period of 10 years, it is irrelevant and immaterial whether during that period of time we have any Navy at all or not, or at least until this infamous treaty can be abrogated. Desperate sickness sometimes requires desperate remedies and the patient is required to take terrible nasty medicine, and while it would be a temporary misfortune I am inclined to take the view that it would be a blessing in disguise if after we have wantonly destroyed the Navy which we have been at enormous expense to build, some little third-class nation was to declare war on us and bombard some of our coast cities we, of course, would build new ships and ultimately defeat them; but after the war was over it would undoubtedly teach us the lesson which our forefathers knew but which we have seemingly forgotten that the United States has no business whatever in being involved in foreign entangling alliances.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ACKERMAN, for three days, on account of death in the family;

To Mr. DRIVER (at the request of Mr. OLDFIELD), indefinitely, on account of sickness; and

To Mr. BLANTON, indefinitely, after the conclusion of the naval bill, on account of needing rest after five years' continuous hard work.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject under consideration to-day.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on the pending bill. Is there objection?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with business under the Calendar Wednesday rule to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, I presume if that is done this bill will be proceeded with and in all probability will be concluded?

Mr. MONDELL. I think so.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 19, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 6110. A bill amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; with an amendment (Rept. No. 908). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ELLIS: Committee on Claims. H. R. 9614. A bill for the relief of H. L. Koester; without amendment (Rept. No. 907). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. H. R. 6130. A bill providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army; with an amendment (Rept. No. 909). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. H. R. 1741. A bill for the relief of John M. Green; with an amendment (Rept. No. 910). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11335) for the relief of the widows of certain officers and enlisted men of the United States Navy, and the same was referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 11344) to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.; to the Committee on Military Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11345) authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 11346) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon, known as the old lighthouse property, at Lighthouse Point, in the city of New Haven; to the Committee on Military Affairs.

Also, a bill (H. R. 11347) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale; to the Committee on Military Affairs.

By Mr. SHAW: A bill (H. R. 11348) governing the withdrawal of water from Lake Michigan by the Sanitary District of Chicago; to the Committee on Rivers and Harbors.

By Mr. LEE of Georgia: A bill (H. R. 11349) to amend section 9 of the Federal reserve act to authorize State banks with a capital of less than $25,000 to become members of the Federal reserve bank of their district, and for other purposes; to the Committee on Banking and Currency.

By Mr. FOCHT: A bill (H. R. 11350) to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ELLIS: Joint resolution (H. J. Res. 306) designating and naming an historical ocean-to-ocean highway and recognizing patriotic organizations which have promoted it; to the Committee on Roads.

By Mr. FISH: Joint resolution (H. J. Res. 307) expressing satisfaction at the re-creation of Palestine as the national home of the Jewish race; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served in the United States during the World War; to the Committee on Ways and Means.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNN: A bill (H. R. 11351) granting an increase of pension to Nancy W. Fuller; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 11352) granting a pension to Edward R. Baker; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 11353) to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 11354) granting a pension to Ambatt Huego, alias Agert Hugo; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 11355) validating a certain application for and entry of public lands; to the Committee on the Public Lands.

By Mr. KRAUS: A bill (H. R. 11356) granting a pension to Rebecca J. Rush; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 11357) granting a pension to Sarah Beason; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11358) to correct the military record of Emmett Goodwin; to the Committee on Military Affairs.

Also, a bill (H. R. 11359) granting a pension to Albert P. Ramsey; to the Committee on Pensions.

Also, a bill (H. R. 11360) granting a pension to Ellen Stout; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 11361) granting an increase of pension to Robert Longstaff; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5160. By Mr. BARBOUR: Petition of the executive council of the California State Federation of Labor, protesting against Senate bill 3217 and House bill 10844, known as the "ship subsidy bills"; to the Committee on the Merchant Marine and Fisheries.

5161. By Mr. BURROUGHS: Petition of Greenwood Council, No. 34, Junior Order United American Mechanics, of Kingston, N. H., advocating the passage of the Towner-Sterling bill; to the Committee on Education.

5162. By Mr. GALLIVAN: Resolutions adopted by city council of the city of Boston, Mass., by William J. Doyle, assistant city clerk, April 3, 1922, protesting against closing of the Boston Navy Yard; to the Committee on Naval Affairs.

5163. By Mr. KISSEL: Petition of the Chamber of Commerce of the United States of America, of Washington, D. C., regarding the tariff; to the Committee on Ways and Means.

5164. Also, petition of the Metal Trades Council of Brooklyn, of Brooklyn, N. Y., urging the passage of House bill 10867; to the Committee on Naval Affairs.

5165. By Mr. LINTHICUM: Petition of Charles F. Nash, of Baltimore, Md., registering opposition to Senate bill 2919; to the Committee on the District of Columbia.

5166. Also, petitions of Louis Cardish, president Shaarei Tiloth Congregation; I. W. Davidson, president Hebrew Young Men's Sick Relief Association; J. H. Lipnick, president Roidphei Tzedeck Synagogue; B. Stern, president of the synagogue; Harry Zax, president of the Mogen Abraham Synagogue; I. Brown, president Beth Hamedreth Hagodol Synagogue; Harry Heyman, president Congregation Tzemach Tzedeck Synagogue; and David Schumer, all of Baltimore, State of Maryland, favoring the establishment of a Jewish national home in Palestine; to the Committee on Foreign Affairs.

5167. Also, petition of the Service Star Legion, of Baltimore, Md., favoring continuance of appropriation for hostess houses; to the Committee on Appropriations.

5168. Also, petitions of George W. Houck and John J. Greer & Co., of Baltimore, Md., favoring the Towner-Sterling bill; to the Committee on Education.

5169. By Mr. MERRITT: Petition of sundry citizens of Greenwich, Conn., praying for the passage of House bill 2195; to the Committee on Interstate and Foreign Commerce.

5170. By Mr. NEWTON of Minnesota: Petition of C. E. Mattison and sundry others of the Soldiers' Home at Minneapolis, Minn., protesting against the passage of House bill 9753 or other Sunday bill, such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5171. By Mr. SMITH of Michigan: Resolutions adopted by Butterworth Post, No. 109, Department of Michigan, Grand Army of the Republic, of Coldwater, Mich., favoring the passage of the Burnum pension bill; to the Committee on Invalid Pensions.

5172. Also, resolutions adopted by the Army and Navy Club, at Lansing, Mich., favoring the passage of the Army pay bill (H. R. 10072); to the Committee on Military Affairs.

5173. Also, resolutions of the Kalamazoo Club, of Little Gardens, protesting against the transfer of the United States Forest Service and national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5174. By Mr. SINCLAIR: Petition of the Rotary Club of Minot, N. Dak., protesting against the repeal of the transportation act of 1920, or the enactment of legislation tending to interfere with proper readjustment and development of railroad transportation; to the Committee on Interstate and Foreign Commerce.

5175. Also, petition of the Rotary Club of Devils Lake, N. Dak., opposing the repeal of section 416 of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

5176. By Mr. SNYDER: Petitions of William McCabe, Owen J. Kearns, Herbert B. Love, J. G. Aichler, S. C. Baldwin, J. J. Carson, J. T. Seddon, and August H. Uhl, members of Fort Stanwix Post, No. 58, Sons of Veterans, of Rome N. Y.; committee of Volunteer veterans, National Soldiers' Home, of Hampton, Va.; Robert Byers, Utica, N. Y.; William G. Bowen, Clinton, N. Y.; and Edward T. Shaughnessy, Lebanon, N. H., favoring passage of the Chandler bill (H. R. 9198), providing for an increase in pension for veterans of the War with Spain; to the Committee on Pensions.

5177. Also, petition of Seifert Corners (N. Y.) Grange, favoring equal privileges in grange and land banks which other American banks enjoy; to the Committee on Banking and Currency.

5178. By Mr. WINSLOW: Petition of sundry residents of Worcester, Mass., regarding Joint Resolution 244, regarding the recognition of Armenia; to the Committee on Foreign Affairs.

5179. Also, petition of residents of Worcester County, Mass., re House bill 9753; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *April 19, 1922.*

(Legislative day of Tuesday, April 18, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Smoot
Ball	Gerry	McNary	Spencer
Borah	Gooding	Nelson	Stanley
Brandegee	Hale	Newberry	Sterling
Bransford	Harris	Nicholson	Sutherland
Bursum	Harrison	Norbeck	Swanson
Calder	Heflin	Norris	Townsend
Capper	Hitchcock	Oddie	Wadsworth
Caraway	Johnson	Overman	Walsh, Mass.
Culberson	Jones, N. Mex.	Page	Warren
Curtis	Jones, Wash.	Pepper	Watson, Ga.
Dial	Kellogg	Phipps	Watson, Ind.
du Pont	Keyes	Poindexter	Wolcott
Edge	King	Ransdell	Williams
Ernst	Lenroot	Reed	Willis
Fernald	La Follette	Sheppard	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is unavoidably detained on official business.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

Mr. DIAL. My colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

GREETINGS FROM ENCAMPMENT OF SPANISH WAR VETERANS.

The VICE PRESIDENT laid before the Senate the following telegram, which was ordered to be printed in the RECORD:

MALDEN, MASS., *April 18, 1922.*

CALVIN COOLIDGE,
Vice President United States, Washington, D. C.:

Twenty-third annual encampment of Department of Massachusetts United Spanish War Veterans, in meeting assembled, send hearty greetings to you and to Members of the Senate.

GEORGE E. WILLIAMS,
Department Commander.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a letter in the nature of a petition from D. W. Ogilbee, Wyoming department commander, American Legion, of Casper, Wyo., praying for the retention in the soldiers' bonus bill of the land settlement provision contained in title 8 thereof, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a resolution of the Kalamazoo Club, of Little Gardens, in the State of Michigan, protesting against changing the jurisdiction over the national forests from the Department of Agriculture to another department, which was referred to the Committee on Public Lands and Surveys.

Mr. SHEPPARD presented petitions of sundry citizens of Gillespie County, Comanche, Aubrey, Stockdale, and Bridgeport, all in the State of Texas, praying for inclusion in the tariff bill of adequate duties on peanuts and peanut oil, which were ordered to lie on the table.

Mr. NORBECK presented petitions of sundry citizens of Lake City, Hillhead, Veblen, Argonne, Dowling, Hilland, Plankinton, Stickney, Wetonka, Mina, Langford, Britton, Ellingson, Wessington Springs, Miller, Gannvalley, Eagle Butte, Lantry, Fulton, Artesian, Eden, Grenville, and Sisseton, all in the State of South Dakota, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by the California Cattlemen's Association, at Los Angeles, Calif., favoring the enactment of legislation extending the operation of the War

Finance Corporation until July 1, 1923, which was referred to the Committee on Banking and Currency.

He also presented memorials of sundry citizens of Wichita and Labette Counties and Enterprise, all in the State of Kansas, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. JONES of Washington presented a memorial of sundry citizens of Ferndale, Wash., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution of the Commercial Club of Yakima, Wash., protesting against reduction in the personnel of the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Seattle (Wash.) Laundry Owners' Association, remonstrating against the proposed imposition of tariff duties on oils used in soap manufacture, which was ordered to lie on the table.

Mr. LADD presented resolutions of the Cottonwood Unit, Park County Farm Bureau, of Clyde Park, Mont., favoring the passage of the soldiers' bonus bill and opposing increased parcel-post rates, which were referred to the Committee on Finance.

He also presented resolutions of the Rotary Club of Minot, N. Dak., protesting against the repeal of the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

He also presented a resolution of the North Bellingham Progressive Grange, of Bellingham, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented the petition of Mrs. J. W. Grum and 21 others, of Woodworth, N. Dak., praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions of East Dalkena Local Grange, No. 30, of Dalkena, Wash., favoring the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. POINDEXTER presented a telegram in the nature of a petition from the military affairs committee of the Spokane (Wash.) Chamber of Commerce, favoring the making of an appropriation for maintaining the Organized Reserves of the United States Army, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Stevens County, Wash., praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Yakima (Wash.) Commercial Club, protesting against proposed reduction in the personnel of the United States Navy, which was referred to the Committee on Naval Affairs.

Mr. WILLIS presented a resolution adopted by the City Council of Toledo, Ohio, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

A resolution in furtherance of movement for construction of the Great Lakes-St. Lawrence waterway.

Whereas the commercial prominence of the city of Toledo, known throughout the country as one of the greatest railroad centers, will be materially and substantially increased, thereby adding to the growth, prosperity, and welfare of the city, if additional transportation facilities are provided; and

Whereas the proposed Great Lakes-St. Lawrence waterway would be of immense value and advantage to Toledo and the vast hinterland in reducing transportation charges and would give to Toledo its true place as an exporting and importing center and as a gateway to the sea and attract more and larger industries to this locality: Therefore be it

Resolved by the council of the city of Toledo, That it hereby heartily approves the proposed waterway, and further urges Congress and the President of the United States to take such action as will be necessary to provide for the construction and completion of the proposed waterway as speedily as possible; and be it further

Resolved, That a copy of this resolution be forwarded to Representative CHALMERS and Senators POMERENE and WILLIS and to the President by the clerk of this council.

Adopted April 10, 1922.

B. D. CULLEN,
President of Council.

Attest:

A. W. PAYNE,
Clerk of Council.

I, A. W. Payne, clerk of the council of the city of Toledo, State of Ohio, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by council April 10, 1922, approved by the mayor April 15, 1922, and published in the Toledo City Journal April 15, 1922.

[SEAL.]

A. W. PAYNE,
Clerk of Council.

TOLEDO, OHIO, *April 17, 1922.*

Mr. WILLIS also presented memorials of sundry citizens of Eaton, West Alexandria, Lewisburg, Brookville, Phillipsburg, Trotwood, Troy, Dayton, Osborn, West Senora, Eldorado, West Manchester, New Paris, Farmersville, Tippecanoe, Germantown, West Middletown, New Lebanon, New Carlisle, Verona, Greenville, Potsdam, Arcanum, Union, Gratis, and Camden, all in the State of Ohio, remonstrating against the proposed increase in duty on wrapper tobacco, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 3479) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes"; to the Committee on Patents.

By Mr. CALDER:

A bill (S. 3480) to amend and modify the war risk insurance act; to the Committee on Finance.

By Mr. SWANSON:

A bill (S. 3481) to advance Maj. Ralph S. Keyser on the lineal list of officers of the Marine Corps; to the Committee on Naval Affairs.

By Mr. BALL:

A bill (S. 3482) for the relief and retirement of William J. Wingate (with accompanying papers); to the Committee on Civil Service.

A bill (S. 3483) to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NELSON:

A bill (S. 3484) fixing the salaries of United States attorneys and United States marshals; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 3485) authorizing the United States Shipping Board to reimburse builders of wooden ships for losses sustained as the result of the cancellation of contracts and the abandonment of wooden-ship construction; to the Committee on Commerce.

By Mr. HITCHCOCK:

A bill (S. 3486) to continue the district land offices at Alliance and Broken Bow, Nebr.; to the Committee on Public Lands and Surveys.

By Mr. BALL:

A bill (S. 3487) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.; to the Committee on the District of Columbia.

By Mr. STERLING:

A bill (S. 3488) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

TARIFF BILL AMENDMENT.

Mr. JOHNSON submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

AGNES MALLOY KILMARTIN.

Mr. SWANSON submitted the following resolution (S. Res. 279), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Agnes Malloy Kilmartin, daughter of Robert C. Kilmartin, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EXAMINING DIVISION OF CIVIL SERVICE COMMISSION.

Mr. STERLING. Mr. President, under the resolution (S. Res. 199) a select committee was appointed for the purpose of investigating the proceedings of the examining division of the Civil Service Commission, and so forth, the resolution having been introduced by the senior Senator from Arkansas [Mr. ROBINSON]. Under the terms of the resolution the committee was to report its proceedings and findings to the Senate within 90 days.

The time is about to expire and the committee is not as yet prepared to make a report, this largely on account of the absence of the two minority members of that committee. When one of the members of the committee, the junior Senator from Tennessee [Mr. MCKELLAR], left the city he asked that the consideration of post offices in Tennessee and some others be deferred until his return. I agreed with him that such consideration would be so deferred. In view of those conditions I ask unanimous consent that the time of the committee in which to make report be extended 30 days from this date.

Mr. HARRISON. Mr. President, reserving the right to object, may I ask the Senator from South Dakota when the special committee was appointed? Was it not about January 20?

Mr. STERLING. The resolution was reported by the Senator from New York [Mr. CALDER] from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment January 9, and it was passed January 19. Some days after that, January 25, the committee was appointed by the Vice President.

Mr. HARRISON. May I ask the Senator, because he doubtless has it before him, when the first meeting of the committee was held under the resolution?

Mr. STERLING. I can not give the date now when the first meeting was held. It was not very long, I think, after the committee was appointed.

Mr. HARRISON. May I ask how many meetings have the committee held?

Mr. STERLING. We have had several meetings; we have taken testimony, heard statements, and so on. I think we shall, within the 30 days asked, easily be able to make a report.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

PROPOSED LEGISLATION.

Mr. HARRIS. I ask permission to have inserted in the RECORD resolutions adopted by the Georgia Country Bankers' Association relative to agricultural credits, the suggested bonus plan, and the Muscle Shoals development.

The members of this association represent practically all the banks in the State, except a few of the city banks. That is one of the largest bankers' associations in the United States. They make loans direct to farmers, and their judgment as to rural credit legislation I would consider very important. The officers of these banks are among the leading citizens of their towns and counties.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

AGRICULTURAL FINANCING.

The events of the past two years have taught us that there is a vital link missing in our financial structure; that while commerce is taken care of through the present banking system, and land ownership and development is provided for through the Federal land banks and long-time loans from mortgage companies, there is no system provided for properly financing the intermediate time loans so necessary to the proper development of agricultural production.

We therefore urge upon Congress to complete the work it has so well begun through the establishment of the Federal reserve system to care for the commercial interests of the country and the Federal Farm Loan Board to finance long-time land loans by creating an additional structure on a permanent basis that will enable banks in agricultural communities to find funds that will enable them to safely make loans of from one to five years for legitimate agricultural production.

HENRY FORD AND MUSCLE SHOALS.

We have noted with very great interest the offer of Mr. Henry Ford to purchase or lease the Government properties at Muscle Shoals and to develop same for the benefit of the South and the entire country, and especially the agricultural interests. It is with deep regret that we have observed the very apparent desire of certain interests to prevent Mr. Ford and his associates from securing possession of this property for the purpose stated, and especially the apparent sympathy of high and influential officials of the Government with those obstructive interests.

We urge upon our Representatives in Congress to use every effort to secure the acceptance of Mr. Ford's offer at the earliest possible period.

SOLDIERS' BONUS.

As it would seem that the soldiers' bonus measure that has recently been passed by the lower House in Congress seeks to transfer the financial burden of the bonus to the banks for many years to come and would have the effect of tying up a considerable portion of the assets of banks that should remain liquid under our present system of commercial banking, we urge our Senators in Congress to make every effort to so change the measure that this burden be met by some method that will raise the necessary funds in some other and more satisfactory way.

TREASURY DEFICIT.

Mr. HARRISON. Mr. President, some weeks ago the distinguished leader of the Republican Party in the Senate, the senior Senator from Massachusetts [Mr. LODGE], made a very interesting speech in Boston. In the course of his speech, which was carried in all the press of the country, he made the statement that appropriations of $5,337,000,000 asked by the departments have been cut to $1,428,000,000. Whether he made that statement or not I do not know. Of course, he was speaking as a candidate and laboring under the enthusiasm of speaking to his constituents, and it was but natural that he should get his figures a little confused. Whether he made the statement or not, the papers carried it that way.

Mr. LODGE. Mr. President, there was an error of one word in the statement, and I corrected it here on the floor and corrected it in the permanent RECORD.

Mr. HARRISON. I say that the papers must have carried it wrong.

Mr. LODGE. They did carry it wrong.

Mr. HARRISON. But they did carry it that the Senator from Massachusetts had made the statement. It was not confined to one paper, but it was carried in all the press of the country, and when an impression is once created it is difficult to remove that impression. The statement carried as made by the Senator from Massachusetts in his Boston speech was that appropriations of $5,337,000,000, as asked for by the departments, had been cut to $1,428,000,000. That was about the wildest statement that has been made by any Republican spellbinder recently, although many grossly exaggerated claims have been made.

I noticed the other day that the junior Senator from Ohio [Mr. WILLIS] made a speech in New York and laid great claim to big changes and big cuts. Of course, we knew you Republicans were going to bungle the Budget, but we did not know to what extent you would do it. I want to call the attention of the Senate to a letter that came to the chairman of the Finance Committee yesterday, the senior Senator from North Dakota [Mr. MCCUMBER], from the Secretary of the Treasury, in which the Secretary said that the estimates of $167,000,000 deficit for the fiscal year 1923 have increased now under the alleged splendid management of the new administration to $484,000,000, and that will be the amount of the deficit for the coming fiscal year. Of course, there may be another mistake in that estimate. It may be more than this amount when the true facts are known. Anyway, the Secretary of the Treasury says now the estimate of $167,000,000 was all wrong and it has been increased to $484,000,000 as the amount of the deficit, and he lays it largely to the falling off of the income tax. I think that is true. There is depression everywhere. Nobody is making any money, scarcely, under the promised prosperity under this administration. So it is perfectly natural that incomes should be greatly diminished. You who have been laying and may in the future lay large claims of savings should study the deficits and remember this report of the Secretary of the Treasury.

SURVEY OF POTOMAC RIVER TO GREAT FALLS.

Mr. FERNALD. Mr. President, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 192.

Mr. KING. Mr. President, I think we had better proceed with the regular order, as we have before us the joint resolution of the Senator from New Jersey [Mr. EDGE].

Mr. FERNALD. I think if the Senator from Utah will allow me to speak about one minute and explain the object of the joint resolution for which I ask consideration he will withdraw any objection to my request.

Mr. KING. I have no objection to that, but I wish to call the attention of the Senator from Maine to the fact that the joint resolution of the Senator from New Jersey is the unfinished business——

Mr. FERNALD. While the discussion has been proceeding I am quite sure we could have passed the joint resolution for which I have asked consideration.

Mr. KING. And the Senator from Nebraska [Mr. NORRIS] is ready to speak this morning on that joint resolution.

Mr. FERNALD. I shall not detain the Senator from Nebraska for any appreciable length of time. I simply ask that the joint resolution to which I have referred may be considered and passed, because I know there can be no objection to it.

Mr. KING. The Senator has presented his request so seductively that I think I shall not object.

The VICE PRESIDENT. The joint resolution will be read by title.

The ASSISTANT SECRETARY. A joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls, with a view to possible extension of the District park system.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine for the immediate consideration of the joint resolution?

Mr. KING. I think it will be necessary to have a little discussion of that joint resolution, and I therefore ask for the regular order.

Mr. FERNALD. I still have the floor, have I not, Mr. President?

The VICE PRESIDENT. The Senator from Maine.

Mr. FERNALD. If the Senator from Utah objects to the consideration of the joint resolution, I shall have to make a motion that it be taken up.

Mr. HARRISON. Let the Senator from Maine make his motion to take up the joint resolution.

Mr. FERNALD. I think I can displace the unfinished business if I have votes enough to do so. I am sure, however, that it will not consume five minutes of the time of the Senate if the joint resolution shall be taken up, because there is no objection to it from any source and there can not possibly be. I move that the Senate proceed to the consideration of the joint resolution.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Iowa [Mr. KAWSON], and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Pennsylvania [Mr. PEPPER], and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON], who does not appear to be present. Therefore I withhold my vote.

The roll call was concluded.

Mr. SHEPPARD. I wish to announce that the Senator from Montana [Mr. WALSH] is unavoidably detained on official business.

Mr. KELLOGG. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

Mr. KING (after having voted in the affirmative). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

Mr. CARAWAY (after having voted in the affirmative). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Ohio [Mr. POMERENE], and let my vote stand.

Mr. HARRISON (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. As he is not present, being unable to secure a transfer of my pair, I withdraw my vote.

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is absent on account of illness.

I also wish to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR].

The result was announced—yeas 38, nays 18, as follows:

YEAS—38.

Ashurst	Gerry	La Follette	Stanley
Brandegee	Gooding	Nelson	Sterling
Broussard	Hale	Nicholson	Swanson
Butram	Harris	Norris	Walsh, Mass.
Capper	Heflin	Oddie	Warren
Caraway	Hitchcock	Overman	Watson, Ga.
Culberson	Jones, N. Mex.	Poindexter	Weller
Dial	Keyes	Ransdell	Willis
Fernald	King	Reed	
Fletcher	Ladd	Sheppard	

NAYS—18.

Ball	Jones, Wash.	Newberry	Sutherland
Calder	Kellogg	Page	Townsend
Curtis	Lenroot	Phipps	Wadsworth
du Pont	Lodge	Smoot	
Edge	McNary	Spencer	

NOT VOTING—40.

Borah	Glass	Moses	Shields
Cameron	Harreld	Myers	Shortridge
Colt	Harrison	New	Simmons
Crow	Johnson	Norbeck	Smith
Cummins	Kendrick	Owen	Stanfield
Dillingham	McCormick	Pepper	Trammell
Elkins	McCumber	Pittman	Underwood
Ernst	McKellar	Pomerene	Walsh, Mont.
France	McKinley	Rawson	Watson, Ind.
Frelinghuysen	McLean	Robinson	Williams

So Mr. FERNALD's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls with a view to possible extension of the District park system.

The joint resolution was read, as follows:

Resolved, etc., That the Chief of Engineers is hereby authorized and directed to make an examination and survey of the banks of the Potomac from Washington, D. C., to Great Falls, and to submit an estimate of the cost and a recommendation as to the advisability of the creation of an extension of the park system of the District of Columbia in this area.

SEC. 2. That there is hereby authorized to be appropriated, from any moneys now available in the Treasury of the United States, the sum of $5,000 to defray all expenses of this survey.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed——

Mr. NORRIS. Mr. President, if there is to be no debate or explanation of the joint resolution, I desire to say a few words.

Mr. FERNALD. Mr. President, I was about to make an explanation of the joint resolution.

Mr. NORRIS. I yield if the Senator from Maine desires to speak.

The VICE PRESIDENT. The Senator from Maine is recognized.

Mr. FERNALD. Mr. President, the purpose of the joint resolution, as will be readily understood by its reading, is to provide for a survey with a view to the possible extension of the park system of the city of Washington. I have felt that the city of Washington ought to be, and, if it were in my power to make it so, it would be the most beautiful city in the world. We have already provided for an extension of the Botanic Garden in the section of the city contiguous to the Capitol. On either side of the Potomac may be found scenery comparable to that anywhere in the Appalachian system of the United States. The area between Washington City and Great Falls has never been surveyed with a view to its utilization for park purposes. There are thousands of acres there in primitive forest. There are creeks and gorges and forest scenery unexcelled in this section of the country. The joint resolution merely provides that this area may be surveyed.

I know the desire of the Senators of the United States to beautify their homes, wherever they may live. I have the pleasure of sitting in the shade of trees that were set out by my great-grandfather 110 years ago, and hardly a year passes that I do not add some shrubs and trees to my home grounds where I live. To pass on to the coming generation this year I have ordered 200 shrubs to be set in my garden, that my children and my children's children may enjoy the pleasure of having these flowers and shrubs, and sitting, as I do, in the shade of the trees set by my great-grandfather.

We are all desirous of beautifying our homes, and yet here in the city of Washington it is doubtful if any man expects to enjoy his home for more than a few years, and then it will pass on, perhaps, to the next generation or two, and finally go to strangers; but the city of Washington is to be the home of the Congress of the United States from now to the end of time, and it ought to be the duty of every Congressman and Senator to undertake to beautify this city, to make it more beautiful for those who are to come after us. It is doubtful if any of us may remain here more than 20 or 30 years at the most—some of us probably will not remain here quite that length of time, although I expect to—but there will be other Senators here, and we should pass on this city to other generations, beautifying it by parks and by avenues, and beautifying the streets and all the grounds of this city.

So far as I know, there is no opposition to this joint resolution. Certainly no one living in the city could object to it; and I am sure that it is not only the privilege but the duty of Senators to do precisely what is asked to be done here in this joint resolution.

Mr. KING. Mr. President——

Mr. FERNALD. I yield to the Senator.

Mr. KING. I invite the Senator's attention, however, to this matter: It has been discovered that whenever projects were contemplated by the Government to improve Washington, or to erect buildings, and it became known that land was to be pur-

chased, the prices immediately assumed altitudinous heights. The Senator may recall reading some years ago that a very distinguished and a very public-spirited citizen of Washington quietly obtained options upon a large amount of land for the purpose of increasing the area of Rock Creek Park. For some reason or other Congress failed to avail itself of the options which he tendered to the Government, and the day of the maturing of the options passed, and the lands were not purchased. Those lands to-day could not be purchased for perhaps from ten to fifty times the price for which the options were obtained.

To make the application of what I had in mind, if we pass this joint resolution, and the owners of the land upon either side of the Potomac within the area that will be surveyed know that there is a possibility of the public-park system being extended and those lands acquired, they will attribute to those lands values that will be fabulous. Does not the Senator think that it might be the part of wisdom to obtain options before we make surveys?

Mr. FERNALD. Oh, no. This land can be condemned by the Government and taken for what it is worth, and as time goes on it will become more valuable. Every year every forest in the United States is worth a little more than it was worth the year before. As time goes on these lands will advance in price and we would simply have to pay more next year than we would this year. This joint resolution simply contemplates the purchase of the land, so that from now to the end of time the poor as well as the rich may enjoy this park. It is adjacent to the city, and on either side of the Potomac for 15 miles there is as fine scenery as human eyes have ever witnessed. It ought to be taken in hand now, before these lands advance any more than they have advanced now, and under the law we have a right to condemn this property and take it for its real value.

I do not concede that the argument of the Senator from Utah is valid or ought to be considered in connection with this joint resolution. I do not think there is any opposition to the joint resolution from anybody. Certainly the poor would like to have an opportunity to go out in these free lands and forests and enjoy the afternoons; and if this property is ever to be developed for water or for power it would be more accessible and we would have roads there whereby we might develop this property with much less expense than could be done if it were to be developed now.

Mr. BRANDEGEE. Mr. President——

Mr. FERNALD. I yield.

Mr. BRANDEGEE. I have not read the Senator's joint resolution, but I ask for information. Does the Senator have in mind the condemnation of extensive areas of land, or simply enough for a driveway?

Mr. FERNALD. This joint resolution simply provides for a survey.

Mr. BRANDEGEE. A survey of what?

Mr. FERNALD. Of these lands, to see what might be done and how they could be developed and the sort of a park that we might have there. The joint resolution simply provides for a survey and makes a small appropriation of $5,000, and directs that a report be made back to the Senate. I do not think it is necessary to go into the matter to any great extent.

Mr. JONES of Washington. Mr. President——

Mr. FERNALD. I yield.

Mr. JONES of Washington. I notice that the joint resolution does not pretend to describe the boundaries of the land that is intended to be surveyed. I just want to get what the Senator has in mind and how much land he thinks we might or ought to get.

Mr. FERNALD. On both sides of the river there are thousands of acres. I do not know just the extent of it.

Mr. JONES of Washington. The land, of course, goes out on either side indefinitely.

Mr. FERNALD. I do not expect to take in all of the State of Virginia or all of the State of Maryland; but I think after surveying these lands we might determine how much ought to be taken, and we never will be able to determine until they are surveyed and we get an idea. I think these lands could be purchased now at a very reasonable price.

Mr. JONES of Washington. The Senator contemplates that the Chief of Engineers can survey just as much of the territory as he desires within the limits of the $5,000?

Mr. FERNALD. Yes.

Mr. JONES of Washington. Of course, the survey may be a sort of reconnaissance; he may go out there and look it over and report to Congress what he thinks we ought to take. He could recommend a pretty large area, of course.

Mr. FERNALD. That, of course, will come to the attention of the Senate.

Mr. JONES of Washington. Oh, of course.

Mr. FERNALD. And with that in mind we can provide for taking just as much as seems practicable for a park.

Mr. JONES of Washington. The idea in the Senator's mind is to take in as much as possible of the territory out there?

Mr. FERNALD. As much as practicable.

Mr. JONES of Washington. On both sides of the river, up to Great Falls?

Mr. FERNALD. Yes.

Mr. KING. Mr. President, it seems to me that the joint resolution is rather too restricted. I will say to the Senator that I am very much in favor of this measure. I am very much in favor of any policy that will enlarge and extend the parks of Washington. I think the cities of the United States as a rule have been negligent in establishing and promoting a proper parking system. The result is that we have these congested areas, with no breathing spaces for the people. I think Washington ought to set an example in the establishment of beautiful parks.

It seems to me, as I have suggested, that the joint resolution is too restricted. I am not sure that, taken literally, this would not confine the examination and the survey to the banks proper. It would not permit a survey or an examination back from the banks a quarter of a mile or any distance. Will not the Senator accept the amendment I am about to suggest, because it is clear that they ought to make a survey not only of the banks but some distance back, as far back as in their judgment, if Congress shall make the appropriation, the land would be suitable and proper for park purposes. I think the Senator from Washington clearly indicated that idea a moment ago.

Mr. JONES of Washington. That is what I had in mind in asking the questions I did—the language of the joint resolution.

Mr. KING. So I offer this amendment, and ask the Senator to accept it: After the word "Potomac," on line 5, add the following words:

> And lands on either side thereof which would be suitable for a public park.

So that, if amended, it would read:

> That the Chief of Engineers is hereby authorized and directed to make an examination and survey of the banks of the Potomac and lands on either side thereof which would be suitable for a public park from Washington, D. C., to Great Falls.

Mr. FERNALD. I am very glad to accept that amendment. I think it is a very good one.

Mr. KING. I offer that amendment.

Mr. FERNALD. Having made the very brief explanation that I have, I am quite willing to have the joint resolution acted upon.

Mr. NORRIS. Mr. President, I have no objection to having this survey made. In fact, I am rather inclined to favor the proposition; but I desire to call attention now to the fact that it may be, if we enter upon the improvement that is contemplated by the passage of this joint resolution, that the action of Congress ultimately, at some future day, will be used as an argument against the development of the water power at Great Falls, on the Potomac River.

This joint resolution provides only for a survey and appropriates only enough money to make the survey. It does not contemplate the purchase of any real estate. If it did, I should oppose it at this time, unless the improvement were made in connection with the improvement for water-power purposes at Great Falls.

Mr. President, I suppose the argument would be made at once that we would not dare to flood any of this land for power purposes, because it would destroy the beauty of the land to be used for park purposes; and I am not willing to bind the Government of the United States to the improvement of this section of the country and the acquiring of title to this land if by so doing we are going to forestall the action that the Government might take at some time for the improvement of the water-power possibilities of the Potomac River between here and Great Falls. I do not think for a moment that the Senator from Maine has any such idea in his mind.

Mr. FERNALD. I have not.

Mr. NORRIS. I do not think he believes he is taking any action now that might preclude that in the future, and I do not believe this step would do so. It might facilitate it, in fact, because it would give us a survey of the country between here and Great Falls, much of which would have to be overflowed with water in case the power possibilities were developed.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. POINDEXTER. The Senator from Nebraska has perhaps given more attention to the matter of the development of power from the Potomac River than any other Senator, and

I wish to ask him, for information, whether the project he has in mind, in general outline, is the development of power from Great Falls itself or from the Little Falls below the Great Falls? The Senator has just remarked that the development of the power project would overflow lands between here and Great Falls. Of course, if it had that effect, the dam in the river would then be, not at the falls or at the head of the falls but it would be somewhere much farther down the river. What is the reason against the use of the power of the Great Falls itself, taking the water out of the river at the head of the falls instead of lower down? By the former process, it always seemed to me, we would get the largest amount of power.

Mr. NORRIS. Making a direct answer to the question of the Senator, which is very pertinent, there is no reason, in my judgment, against it. About 10 or 15 years ago, when this matter was first seriously considered by Congress and I was a Member of the House of Representatives, an appropriation of $20,000 was made for the purpose of having a survey and a report made as to means to enable the officials to increase the water supply of the District of Columbia and develop the power. At that time, and for several years afterwards, there was quite an agitation, I will say to the Senator from Washington, against any improvement which would interfere with the beauty of Great Falls, and the development which was proposed by Colonel Langfitt, whose survey was up to that time the most complete as to the water-power possibilities of the Potomac River that had ever been made in the history of the country, although it had been surveyed many times, did not contemplate the destruction of the scenic beauty of Great Falls. His plan was the construction of a dam at or near the District line, which would be about 9 miles this side of Great Falls, a dam, as I remember it now, 115 feet high, which would make a lake 9 miles long and 115 feet deep at this end, but which would back up the water only to the foot of the falls.

Senators will remember that on two or three different occasions the Senate has put on various bills an appropriation and an authorization for the development of Great Falls. It has always been rejected by the House, it has come back to the Senate, and has been eventually stricken out in conference.

I am sorry the conferees who represented the Senate when that was done the last time are not present. Some of them were in the Chamber when I began talking, but I have had the usual effect, and they have disappeared. The conferees reported a substitute for the provision that was put in by the Senate authorizing the development of this power, appropriating money to make another survey, and the argument was used that this survey had become old and that we had better have another one. That contention prevailed and another survey was made. The last survey came at the time when prices were at their peak. Estimates were made. I am sorry the Senator from Washington [Mr. POINDEXTER] has disappeared, as what I am saying is principally in answer to his question.

Mr. FERNALD. The Senator from Washington is in the chair.

Mr. NORRIS. He will give better attention, then, than he would if he were in his seat. He can not help listening now.

I will say to the Senator from Washington that the next survey that was made did provide for a development which would interfere with the falls. The item provided for the construction of two dams; there were several others contemplated, but there were to be two main dams in the Potomac River. One was similar to that I have heretofore described, in the same place where Langfitt's report put it, at the District line, making the same sort of a lake, 9 miles long; but to add to the power there was to be constructed another dam up there to get the benefit of the drop of the water which comes over the falls, a development which, as far as financial considerations are concerned, would be cheaper than the other, and would add greatly to the power possibilities, increasing them about a third.

The Senate again took that up, and put the provision in the Army appropriation bill. The House again rejected it, it came back, and, although I did what I could in my feeble way to prevent the Senate from taking favorable action on the conference report, the Senate adopted the report, and the provision was stricken out. The conferees on the part of the Senate were not friendly to it, as a matter of fact, and most of them, anyway, went into the conference unfriendly and came back into the Senate with the provision stricken out, and it went out of the bill again.

Time is passing. It will not be more than a few years before it again can be said, "This survey is old. We shall have to make a new one. Maybe the water is running the other way in the Potomac River by this time. It may be that it is going uphill instead of down, and we will have to have a different kind of a development." We will spend $20,000 or $25,000 more to make another survey. If the survey is honestly made, the same report will come in again; that is, "Develop it. It is one of the greatest water-power possibilities in the world." Then it will be stricken out again.

A Senator asks me why, and echo answers, "Why?" It is just the same as everything else of that kind. There is always enough power and influence in people and corporations who do not want the development made to prevent action. So far they have succeeded every time. It does not follow, of course, that any Member of the Senate or of the House is derelict in his duty, because this comes as an improvement for the District of Columbia, principally, and, as everybody knows, Members of the Senate and of the House have more than they can attend to in their own States and in their own districts, and they can not give attention to this. But, Mr. President, it is a moral sin, an economic sin, that the water going down the Potomac River, which would make power enough to turn every wheel in the District of Columbia, light every home and every street, should go to waste year after year, year after year, that wonderful water tumbling down over the rocks within sight of the dome of the Capitol. Yet we talk of efficiency, yet we talk of conservation, and we go out and preach conservation, when at our very feet there is tumbling down the power that would save 140,000 tons of coal in the Capital City every winter, with coal now $15.50 a ton.

It is almost enough to drive a man insane to think that an intelligent Government, that wise statesmen under this Capitol dome, should year after year throw aside public money to make surveys which always tell the same story of great power possibilities unharnessed going to waste down to the sea, as they have been for the hundreds of years that have passed, we sitting idly by while it goes on, spending the money of the people for other purposes, when every light that shines in the District, every car that runs, every wheel that turns, every house that has a light ought to be supplied and furnished by this great white power. After the plant was once constructed it would cost comparatively nothing to keep it going year after year.

The last report which was made was one of the best. The weak point in the Potomac power as a power proposition—and it has only one weak point—is that there is a great difference between the maximum and the minimum flow of the Potomac River.

I am speaking only from memory, of course, but it was estimated that the average power which would be developed through the year by this one dam, not speaking of the other, would be 66,000 horsepower. It went up to as high as 90,000 horsepower, and a few days in the year, on an average only a day or two every year—and in some years there would be no such condition—it went down to as low as eleven or twelve thousand horsepower.

So the development of storage dams in the tributaries of the Potomac River is important, and the last report goes into that. The last report of the Army engineers shows how that can be done, and shows how this expenditure can be made, building two dams on the Potomac; yes, and the third dam. One is to increase the present dam, which exists up there for the water supply of the District, and then there are to be several other dams in the tributaries, which will store large quantities of water and equalize the flow of the Potomac River over those dams, so that we would have a steady flow the year around.

This report shows that, paying war prices for labor and for materials, at the very peak, in 50 years, as I remember it, it would pay back every penny it cost. In the meantime it would reduce the cost of electricity to the consumers of the District by 50 per cent, and there could be enough set aside, as I said, to pay the whole cost back in 50 years, and there could be enough set aside to keep it in repair; so that at the end of 50 years we would have saved 140,000 tons of coal every year, and we would have saved the people of this District and this city one-half of the cost of their electricity, and we would have it all on our hands, all paid for, without a cent of expense thereafter. From that on, all we would have to consider would be the cost of operation. It would make electricity so cheap that when you turned it on in your house you would never stop to turn it off, because it would cost you more to turn it off than it would to pay the bill for the electricity.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. I yield.

Mr. ASHURST. If I understand the Senator aright, his statement was that the maximum amount of horsepower which might be developed at Great Falls would be 60,000?

Mr. NORRIS. No; it would be more than that. I was speaking only of the one dam.

Mr. ASHURST. What would be the maximum?

Mr. NORRIS. I can not give that. I can not give the figures from memory, but it would be more than that.

Mr. ASHURST. More than 60,000 horsepower?

Mr. NORRIS. Yes; more than that.

The demand for horsepower in the District of Columbia in 1920 was 95,000 horsepower. I agree with the Senator that it is a pity that the people of this District should be fleeced monthly by being required to pay not two prices but three prices for electric current. No people except the quiescent people of this District would permit such extortion as the electric light and gas companies practice upon them; but the people are helpless, having no representation, and it seems to me that Congress should at the earliest moment develop the horsepower at Great Falls.

I join with the Senator from Nebraska in his repeated demand that the hydroelectric power at Great Falls, now dormant, ought early to be developed.

I announce here and on all other opportunities that may be presented to me I shall contribute my modest mite, small though it be, toward the development of these falls.

I am in favor of the joint resolution proposed by the Senator from Maine. I believe if the project that he advocates were adopted there would be no city whose environments were garnished more beautifully than would be the environments of Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. NORRIS. Mr. President, I would like to offer an amendment. Of course, I did not know this matter was coming up, or I would have been prepared for it. I would like to have the joint resolution go over, so that I can prepare an amendment. I want to offer an amendment that in effect will say that in making the survey the surveyor or the department shall have in contemplation the development of the water power of Great Falls as outlined in a Senate document which I can get and to which I wish to refer.

Mr. CURTIS. Mr. President——

Mr. NORRIS. I hope, therefore, at this stage the Senator from Maine will consent to let the joint resolution go over until to-morrow.

Mr. CURTIS. If the joint resolution should go over until to-morrow, I am going to move to take up the appropriation bill which I have in charge, and I shall be glad to consent to lay that aside temporarily at any time to dispose of the joint resolution.

Mr. NORRIS. I will be ready to present the amendment to-morrow.

Mr. FERNALD. Could not the Senator from Nebraska prepare his amendment now? I think he can explain it, so that the Assistant Secretary can frame it. I am perfectly willing to accept it.

Mr. NORRIS. It would be in the form of a new section, section 3, that in making the survey provided for in section 1 the department shall make such survey on the theory that the development of water power at Great Falls shall be considered as outlined in Senate Document No. —, and I will have to supply the number.

Mr. FERNALD. If the Senator will perfect his amendment, I have no objection to it. I think I understand very well what he has in mind.

Mr. NORRIS. The Senator from Maine has no objection to the amendment?

Mr. FERNALD. None at all.

Mr. EDGE. Mr. President, I suggest to the Senator from Maine that he expedite the passage of the joint resolution, and I hope it will not go over until to-morrow. It is well known that it has displaced other business that has been before the Senate and debated for several days. I have a statement concerning the proposed legislation which was displaced that I would like to make. I trust that the joint resolution will be disposed of in order that the way may be cleared for the consideration of the joint resolution which was displaced by it.

Mr. FERNALD. I feel quite certain that the Senator from Nebraska and myself have a very good understanding about the matter, and I am willing to accept an amendment such as he has suggested. I am sure he will have it perfected very shortly.

Mr. NORRIS. I have the amendment perfected now, and I will ask the Assistant Secretary to read it. I think it will be satisfactory.

The PRESIDING OFFICER. The proposed amendment will be read.

The ASSISTANT SECRETARY. Add a new section, as follows:

SEC. 3. In making the survey provided for in section 1 of this joint resolution, the Chief of Engineers shall take into consideration any and all plans for the development of the water power of Great Falls and the dams and bodies of water made necessary thereby.

Mr. FERNALD. I accept the amendment.

Mr. JONES of Washington. Mr. President, I want to suggest that there be added a provision that the department or Chief of Engineers shall make no suggestion that will interfere with the development of the contemplated park system.

Mr. NORRIS. That is the object of it all. I shall be glad to have that added.

Mr. ASHURST. Mr. President, I know the Senator from Kansas [Mr. CURTIS] desires to bring up an appropriation bill and I join with him in desiring early action. I am not disposed to be captious and punctilious, but I understood, and I believe Senators generally understood, that the calendar was to be called.

I refer in particular to one bill that has passed the House providing for the application of the reclamation law to irrigation districts. It is necessary at the earliest date that a bill should be passed that will make lands within the Federal irrigation projects eligible for farm loans. An amendment will be offered by the senior Senator from Idaho [Mr. BORAH], and I believe there will be no objection to it as it has been carefully worked out.

I know that every Senator here desires to observe every agreement made, whether in writing or not. I believe that it was the implied understanding that we should take up the calendar and go through with it to the end. We broke off on Monday at 2 o'clock under the rule, and yesterday the hour of 2 o'clock came and the Senator from New York [Mr. CALDER] delivered a very able address. No one felt like asking for the calendar because we were interested in his speech. But I submit that at this time we should recur to the calendar where we left off yesterday and go through with it.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. Monday is calendar day and undoubtedly we can finish the calendar on that day. I pledge the Senator that I shall ask unanimous consent that we may meet some night to complete it if we can not complete it in the daytime. I think the appropriation bill which I have in charge will only take a short time, and after it is disposed of I am willing to go on with the calendar. I am just as anxious to have the calendar disposed of as is the Senator from Arizona.

Mr. ASHURST. I believe that.

Mr. CURTIS. I have some bills on the calendar in which I am specially interested.

Mr. ASHURST. I have sat here three days believing that we were to go through the calendar, and I want to know if I was correct. I wondered if I was in error when I absorbed the idea that we were to call the calendar from one end to the other.

Mr. CURTIS. That was the intention, and had not the speech been made yesterday by the Senator from New York [Mr. CALDER] the calendar would have been completed. No doubt we can complete the calendar on Monday. There are only two or three more pages of it left.

Mr. FERNALD. Mr. President, may I ask that the joint resolution be disposed of?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] as modified, which will be stated.

The ASSISTANT SECRETARY. Add a new section to the joint resolution to be known as section 3 and to read as follows:

SEC. 3. In making the survey provided in section 1 of this joint resolution the Chief of Engineers shall take into consideration any and all plans for the development of the water power of Great Falls and the dams and bodies of water made necessary thereby, and shall make no suggestion for an extension of the park system of the District that shall interfere with such water-power development.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INDUSTRIAL CONDITIONS.

Mr. EDGE and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Kansas?

Mr. CURTIS. I rise to present a privileged motion. Of course I am perfectly willing the Senator shall go on to the extent of presenting the unanimous-consent request which he

has prepared, but I rise for the purpose of saying that at the first opportunity I am going to submit a privileged motion to proceed to the consideration of an appropriation bill.

Mr. JONES of Washington. Mr. President, I want to question the statement of the Senator from Kansas that the presentation of an appropriation bill is privileged. It is to be taken up in the same way that any other bill is proceeded with.

Mr. EDGE. As is well known now, the joint resolution which I sponsored has been displaced in order to consider the very interesting joint resolution which has just been passed. I have no objection to that in the slightest degree. However, I do think in all fairness to the business interests of the country, who I think in no uncertain manner have demonstrated their interest——

Mr. LA FOLLETTE. Mr. President, I ask for the regular order. There is no motion before the Senate.

Mr. EDGE. I think I am adhering to the regular order in making a statement at this time.

Mr. LA FOLLETTE. I make the point of order that there is no question before the Senate. There is no bill before the Senate to which the Senator is addressing himself.

Mr. EDGE. I desire to present a unanimous-consent agreement so that it will be before the Senate, and upon which I think I am privileged to speak.

Mr. LA FOLLETTE. Not without unanimous consent.

Mr. OVERMAN. I shall object to the unanimous-consent request.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The proposed unanimous-consent request will be read.

The ASSISTANT SECRETARY. The Senator from New Jersey asks unanimous consent that at not later than 2 o'clock p. m. on the calendar day of Monday, April 24, 1922, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, through the regular parliamentary stages to its final disposition.

Mr. OVERMAN. Mr. President, I rise to a point of order. There is no such joint resolution before the Senate.

The PRESIDING OFFICER. The point of order is overruled. The request is for unanimous consent to vote at a certain date on the joint resolution.

Mr. EDGE. Mr. President, as I understand it, unanimous consent can be asked at any stage of any proceeding. It is now before the Senate.

Mr. OVERMAN. I gave notice that I would object to it, and therefore there is no use to call the roll to secure a quorum. I shall object to it.

Mr. EDGE. Do I understand the Senator from North Carolina to object to a vote on the joint resolution at any time?

Mr. OVERMAN. I do. The joint resolution never came before the Senate properly. It has never had consideration by the committee. It is true it is here by a poll of nine members of the committee, but half of those who signed the report are against it. I shall make a point of order on the ground that the practice of polling committees on an important joint resolution or important bill is out of order. Every bill and every joint resolution should be considered by the committee and not reported by a poll. The practice of polling a committee is all wrong.

Mr. EDGE. The joint resolution has been considered by the committee and reported by the committee in the way in which 90 per cent of all bills and resolutions are reported, as the Senator from North Carolina very well knows.

Mr. OVERMAN. I do not know of an important bill that has ever been reported by a poll of a committee. I know local bills are, and I know confirmations are, but important resolutions and important bills are considered by the committees, and they ought to be considered by the committees. There ought to be no poll of a committee on an important measure, and I shall object to it hereafter.

Mr. EDGE. Now, Mr. President, I wish to give notice, if I may—and then I shall be through—that I, in order that the question may be fully determined before the country, shall ask the Committee on the Judiciary to hold public hearings on the bill which is now before that committee which provides for carrying out many of the important details which are included in the joint resolution.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. CURTIS. I move that the Senate proceed to the consideration of House bill 11065, making appropriations for the Departments of State and Justice.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent to dispense with the formal reading of the bill, that the bill may be read for amendment, and that the committee amendments may be first considered.

The PRESIDING OFFICER. Without objection, the consent asked for by the Senator from Kansas is granted.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 13, to increase the appropriation "for temporary employees in the Department of State" from "$250,000" to "$275,000."

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "State," to insert "to be immediately available," so as to make the paragraph read:

For the exchange of a passenger automobile for official use of the Secretary of State, to be immediately available, $4,500.

The amendment was agreed to.

The next amendment was, on page 4, line 11, after the word "maintenance," to insert "including rent outside the District of Columbia"; and in line 15, after the name "Louisiana," to strike out "$50,000" and insert "$55,000," so as to make the paragraph read:

For salaries and expenses of maintenance, including rent outside the District of Columbia, of passport bureaus at New York City, N. Y.; San Francisco, Calif.; Chicago, Ill.; Seattle, Wash.; and New Orleans, La., $55,000.

The amendment was agreed to.

Mr. KING. Mr. President, I have only just come into the Chamber, and I desire to ask the Senator from Kansas [Mr. CURTIS] in charge of the bill a question. First, directing his attention to page 3 of the bill, I desire to ask what is the necessity for the large list of temporary employees which are there provided for?

Mr. CURTIS. Mr. President, there are 267 of those employees in the Passport Division. As the Senator from Utah will remember, prior to the World War only a few persons going abroad took out passports. Now, no American citizen may go abroad without a passport, and those applying for passports are standing in line in the various places where passports are issued awaiting their turn to have their applications granted. Provision has been made here for 267 extra clerks in order properly to perform that work.

I may add that the income of the passport division has increased until it now amounts to $10,000,000 annually, and the division more than pays its expenses. In view of that fact, your committee thought that the division should be granted these temporary clerks in order to perform the duties of the office as speedily as possible.

Mr. KING. Mr. President, I very much doubt the wisdom of charging Americans such a large sum—now that we have resumed peace relations with foreign countries—for obtaining passports for travel abroad. I think citizens desiring passports, of course, should pay whatever the costs are, but I do not think the Government should derive any revenue therefrom.

Mr. CURTIS. Mr. President, of course, the Senator from Utah knows that in the pending bill we could not change the existing law, for that would be legislation.

Mr. KING. Yes.

Mr. CURTIS. But naturally the Senator from Utah wishes that those who desire passports from the Government to obtain them as soon as possible after filing their applications?

Mr. KING. Undoubtedly.

Mr. CURTIS. Your committee took occasion to investigate the matter, and we found that in many places citizens were standing in line to be waited upon, that condition resulting from the lack of sufficient clerks. The object of this appropriation is to provide for 267 temporary clerks in the Passport Division in order that the work may be kept current.

Mr. KING. In addition to those who are already there?

Mr. CURTIS. Most of the temporary clerks in that division were provided for in the appropriation last year, and if this

appropriation is not now made those clerks will have to be discharged.

Mr. KING. Does the Senator from Kansas think that the large sum here proposed to be appropriated is required?

Mr. CURTIS. The committee investigated the matter very carefully, and we gave them the amount of the estimate; but, as the Senator knows, the work is increasing.

Mr. KING. Did not the other House make a full investigation in order to reach the conclusion to provide the sum which is carried in the bill as it came from the other House?

Mr. CURTIS. The House did so; but I think if the Senator from Utah will take the time to read the House hearings, as the chairman of the subcommittee did, he will find that the House placed the amount too low. The fact is that if the work of this division continues to increase as it did last year—and there are more applications now being filed, as the Senator from Utah no doubt knows—the department will have to come back here for a deficiency appropriation—and we are all anxious to avoid deficiency appropriations—or the clerks will have to be discharged and those who desire passports will be greatly delayed in securing them upon their applications.

Mr. KING. Mr. President, in order that I may not have to return to this matter again, I should like to ask the Senator from Kansas a question with respect to a clause on page 5, under the heading of "Ambassadors and ministers," where $300,000 is appropriated. The Senator will observe the words "Dominican Republic" and also "Haiti" in line 2.

Mr. CURTIS. Yes.

Mr. KING. I should like to ask the Senator whether any appropriation has been made for General Russell?

Mr. CURTIS. My understanding is there has not been; but it is the hope and desire, as I understand, to have a minister appointed, and of course if we have one appointed we shall have to make an appropriation to pay his salary. There is no appropriation in this bill for the officer mentioned by the Senator from Utah.

Mr. KING. Does the Senator from Kansas know how General Russell is paid?

Mr. CURTIS. I do not.

Mr. KING. The Senator will recall that General Russell has been named as an envoy extraordinary and minister plenipotentiary, as I recall, to go to Haiti; and there has been considerable query as to his status and how he is paid for the services which he is rendering there.

Mr. CURTIS. I will frankly state to the Senator from Utah that question was not raised in the committee, and I therefore made no inquiry in reference to it, because I had understood from what I considered a reliable source that it was likely a minister would be appointed to Haiti for the coming year. I judge that General Russell is not paid at all out of the general fund, but that he is simply drawing his salary from the appropriation from which he has been paid heretofore. If, however, he is drawing a salary from the diplomatic appropriations, then of course he does not draw his salary from the Army.

Mr. KING. Coming now to another question, I should like to ask the Senator what, if any, steps have been taken in this bill or in other bills before the committee of which the Senator is a member to avoid the duplication which heretofore has existed and which now exists by reason of the activities of consular officers and officers and employees and agents of the Department of Commerce?

Mr. CURTIS. I am very glad the Senator has asked that question, because there is such a duplication of work, and as chairman of the subcommittee I have made considerable investigation regarding it. I took that question up, as the chairman of the Committee on Appropriations will remember, with the officers of the department, and I am advised data are now being secured and steps are being taken by the joint committee of which the Senator's colleague [Mr. SMOOT] is chairman to correct that duplication through the medium of a bill, which the joint committee expects to report, consolidating various functions of the governmental departments. The senior Senator from Utah advises me that he thinks an arrangement will be brought about which will be satisfactory to the Department of State and the Department of Commerce.

I regret to say that I found considerable duplication of work. I know that the department is doing all it can to get rid of that duplication, but it can not be done until all of this work is put under one department. I brought to the attention of the officers of the State Department the information which I myself had gathered by writing letters and from such other sources as were open to me, and I know that steps are being taken to remedy the situation complained of, and it is hoped that by the time of the next appropriation bill, or long before that such changes will be made as to avoid all duplication in this branch of the service.

Mr. KING. I am very glad to learn that, because it seems to me that we are maintaining two organizations which are bound to come into conflict.

Mr. CURTIS. I should like to state, further, to the Senator that, if the report of the joint committee does not take care of the situation, or if that report should not be adopted, then, if I am chairman of the subcommittee next year, I am going to ask the committee to recommend some legislation, to be offered here on the floor of the Senate, designed to bring an end to that duplication, which, of course, should be ended.

Mr. KING. However, if we pass this bill and the bill which deals with the activities of the Department of Commerce, the evils which exist will be continued for the next fiscal year.

Mr. CURTIS. I doubt the accuracy of that statement, for I think—in fact, I know—that already steps are being taken to eliminate that duplication. I know that from inquiries I have already made, and while it may not all be done away with, I feel confident that it will be done away with to a great extent.

Mr. KING. May I inquire of the Senator whether there was brought to the attention of his committee any complaint as to the paucity of information furnished by the consular agents through the medium of the consular reports which are transmitted from various foreign countries?

Mr. CURTIS. No complaints of that character have been brought to my attention from any source whatever. Had such complaints been brought to the attention of the chairman of the subcommittee or to the attention of the committee, I should have investigated them. I am advised by the chairman of the Committee on Appropriations that no such complaints have been received by the committee.

Mr. KING. I have had a number of complaints relative to the lack of information furnished by our consular representatives.

Mr. CURTIS. If the Senator will forward those complaints to me, it will give me pleasure to bring them to the attention of the State Department and to urge the State Department at once to take steps to remedy the situation to which the Senator refers.

Mr. KING. May I inquire of the Senator whether the attention of the committee was called to the lack of—I was about to say ability, but I will not use that term—the lack of interest exhibited by many of the subordinates in the ambassadorial and ministerial branches of the Government?

Mr. CURTIS. The attention of the committee was not brought to any such complaints; but I have had letters from and have talked with some Americans who have been abroad—and I am sorry a certain Senator is not here, because he spoke to me of the matter—and I find that such complaints of that character as have been made have been due in great measure to the fact that we have not in some of our embassies and other branches of our foreign service a sufficient number of clerks and assistants to perform the duties and to give to visitors the attention which they really require.

Mr. KING. A good many visitors have told me that clerks and subordinates in the offices of ministers show very little interest in Americans, and very much of a disinclination to exhibit any courtesy or to aid them in getting their passports viséed, or to furnish them information with respect to other countries to which they are going.

Mr. CURTIS. As I said a moment ago to the Senator, if he will bring any complaints of that character to my attention, as chairman of the subcommittee, it will give me pleasure to take them up with the State Department.

Mr. KING. I called the attention of some of the State Department officials to some such complaints.

Mr. CURTIS. I shall be glad to cooperate with the Senator in his efforts if he will let me know what they are.

Mr. KING. I shall be glad to communicate with the Senator.

May I inquire of the Senator as to just one further matter? How does the appropriation for the Department of State compare with the appropriations, say, in 1916 and 1917, before we got into the war?

Mr. CURTIS. I have not the data with me, but I should judge that there is a small increase over those years. I may state that we are gradually cutting down the expenditures, and that our appropriation in this bill is some $6,000,000 less than it was for the current fiscal year, which will expire on July 1. I think that shows that the committee and the department are trying to reduce expenditures.

Mr. KING. Of course, during the war it was imperative that the expenditures should be increased.

Mr. CURTIS. They were very greatly increased, yes; and the committee is doing everything it can. I want to say that the subcommittee went into every item in this bill. We did not take anything for granted. We asked questions and asked for an explanation upon every item contained in the bill.

Mr. KING. How do these items compare with the Budget recommendations?

Mr. CURTIS. There is not a single increase over the Budget, and the bill carries a million dollars less than was estimated by the Budget.

Mr. KING. Then the Senate is more economical than the Budget?

Mr. CURTIS. I do not want to put it that way. We thought that in some cases the Budget had estimated amounts which we, from our experience in making appropriations, could afford to reduce; and so we have reduced the appropriations a million dollars below the estimate of the Budget.

Mr. KING. I think the Senator will agree with the view that some of us expressed at the time we passed the Budget law, that if any economies were effected they would have to be effected by the legislative branch of the Government rather than by the executive branch.

Mr. CURTIS. Mr. President, I would hardly say that, because the Budget report was several million dollars below the amount carried last year; and I think the Budget has shown a disposition to reduce appropriations.

Mr. KING. The Senator must know that during the war, in all departments—the War Department, the Navy Department, the State Department, and others—the expenses were very much greater than they would be in normal times.

Mr. CURTIS. The Senator realizes that; but the Senator also realizes that in this passport matter the expenses are bound to be more now than they were before our entering the war.

Mr. KING. That is quite likely; but, generally speaking, the departments of the Government during the war assumed responsibilities and duties and obligations very much larger than those in peace times, and the expectation was that as soon as possible we would get down to pre-war conditions.

Mr. CURTIS. That is true.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, line 1, to increase the salary of the Turkish secretary of embassy to Turkey from "$3,600" to "$5,500."

The amendment was agreed to.

The next amendment was, on page 6, line 7, to increase the salary of the Turkish assistant secretary of embassy to Turkey from "$2,000" to "$4,000."

The amendment was agreed to.

The next amendment was, on page 6, line 8, to increase the total appropriation for salaries of secretaries in the Diplomatic Service from "$403,600" to "$407,500."

The amendment was agreed to.

The next amendment was, on page 6, line 12, to increase the appropriation for employment of necessary clerks at embassies and legations from "$300,000" to "$394,828."

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word "interpreters," to insert "translators"; in line 5, after the word "compensation," to insert "and rent"; and at the end of line 17, after the word "mission," to strike out "$700,000" and to insert "$800,000," so as to make the paragraph read:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, translators, and the compensation and rent of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, including such loss on bills of exchange to officers of the United States Court for China, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized: *Provided*, That no part of this sum appropriated for contingent expenses, foreign missions, shall be expended for salaries or wages of persons not American citizens performing clerical services, whether officially designated as clerks or not, in any foreign mission, $800,000.

Mr. KING. Mr. President, I am not advised as to the reason for such a large appropriation for contingent expenses. It seems to me that $800,000 is rather excessive, in view of the liberal appropriations made in other parts of the bill for embassies and for clerks and for transportation and various incidentals.

Mr. CURTIS. They had $992,000 for this work in 1921. They had $800,000 last year and they estimated $800,000 this year. There has been a great increase in the telegraph bills and other expenses, rents, and messengers. I will state to the Senator that we went over this item article by article, as will be shown by the notes on the margin of the bill, and the committee was unanimous in favor of the increase that is made there.

Mr. SMOOT. I will say to my colleague also that 20 new legations are to be established this year out of this appropriation that were not established in the years past on account of the war.

Mr. KING. Let me say to my colleague that the other provisions of the bill carry appropriations for those legations.

Mr. SMOOT. No; not the general expenses. These cover the general expenses for all of the legations.

Mr. KING. The rent of the legations?

Mr. CURTIS. Rents, telegrams, messengers, and so forth.

Mr. SMOOT. Translators, and so forth, for all legations; and I will say to the Senator that this is much less than it used to be in ordinary times.

Mr. KING. Was evidence brought before the committee showing the reason for increasing the appropriation $100,000 above the amount allowed by the House?

Mr. CURTIS. Yes; there was, as I stated a moment ago. We asked the department to present to us an itemized statement, and we have it here in the notes on the margins of our bills, showing each item asked for, and they total up this $800,000. They had that amount last year and used it. They had $992,000 in 1921.

Mr. SMOOT. I will say to my colleague right here that the reason for the various increases in the bill is that these new legations must be established now, and, of course, in establishing them we have to provide money for their maintenance.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 9, line 5, to increase the appropriation for salaries of consuls general, consuls, and vice consuls from "$1,874,500" to "$1,974,500."

The amendment was agreed to.

The next amendment was, on page 9, line 10, to increase the total appropriation for salaries of the Consular Service from "$1,909,500" to "$2,009,500."

The amendment was agreed to.

The next amendment was, on page 9, line 23, to increase the appropriation for allowance for clerk hire at consulates from "$1,350,000" to "$1,400,000."

The amendment was agreed to.

The next amendment was, on page 10, line 20, to increase the appropriation for contingent expenses, United States consulates, from "$1,100,000" to "$1,200,000."

The amendment was agreed to.

The next amendment was, on page 11, line 2, to increase the appropriation for relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Philippine Islands, and the Virgin Islands, from "$150,000" to "$220,000."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 15, on page 11, the last paragraph read being:

EXPENSES, PASSPORT CONTROL ACT.

For expenses of regulating entry into the United States, in accordance with the provisions of the act approved May 22, 1918, $350,000.

Mr. KING. Mr. President, I should like to inquire about the item of $350,000 for expenses, passport control act, in view of the liberal appropriations made for the Immigration Inspection Service and the liberal appropriation made in this bill for the passport division.

Mr. CURTIS. They had last year $600,000. The department asked the Bureau of the Budget to give them $425,000, and the House gave them $350,000, and after very careful consideration the Senate committee left the appropriation at the amount put in by the House. That, if the Senator will notice, is $250,000 less than they had this year, and it is some $75,000 less than the estimate. The committee took that into consideration. That is why they reduced the appropriation, but we thought it was cut just as much as it could be this year.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 11, line 24, after the word "Statutes," to strike out "$50,000" and to insert "$65,000," so as to make the paragraph read:

To pay the salaries of ambassadors, ministers, consuls, vice consuls, and other officers of the United States for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes, $65,000.

The amendment was agreed to.

The next amendment was, on page 12, line 10, after the word "absence," to strike out "$275,000" and to insert "$300,000," so as to make the paragraph read:

To pay the itemized and verified statements of the actual and necessary expenses of transportation and subsistence, under such regulations as the Secretary of State may prescribe, of diplomatic and consular officers and clerks in embassies, legations, and consulates and their families and effects in going to and returning from their posts, or of such officers and clerks when traveling under orders of the Secretary of State, but not including any expense incurred in connection with leaves of absence, $300,000.

The amendment was agreed to.

The next amendment was, on page 12, line 18, after the word "Statutes," to strike out "$100,000" and to insert "$400,000," so as to make the paragraph read:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $400,000.

The amendment was agreed to.

The next amendment was, under the subhead "Embassy, legation, and consular buildings and grounds," on page 13, after line 12, to insert:

For expenses of the alteration, repair, and furnishing of the American Embassy building in London, England, located at Nos 13-14 Prince's Gate, including the installation and repair of heating, lighting, and electrical apparatus, and such other items as the Secretary of State shall deem proper, $150,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, in the item for International Boundary Commission, United States and Mexico, on page 14, at the end of line 24, to strike out the proviso in the following words:

Provided, That no part of this sum shall be expended for the salary of a commissioner.

Mr. KING. Mr. President, I should like to inquire the reason for the elimination of the proviso.

Mr. CURTIS. The committee was satisfied that with that amount of money they could appoint a commissioner there. There is no commissioner now. The work is being done by a clerk. Mexico has a commissioner, and a number of complaints are coming up from Texas and from New Mexico and from the border States, and they are all asking for a commissioner. We thought that the department ought to be given authority to appoint a commissioner if they saw fit.

The Senator can realize that with a commissioner on the Mexican side a great deal of damage might result to an American citizen claiming damages for anything that might have occurred when it had to be determined where the river ran at a certain date, for instance; and we must have somebody to protect our interests. This is very strongly urged by the State of Texas. The Representative from that district appeared before the committee and made a strong showing, and the Senator from New Mexico [Mr. BUSSUM] appeared before the committee in person and made a very strong appeal. They asked us to put in $25,000. That was the amount estimated by the department. The House reduced the amount, and the Senate committee accepted the amount put in by the House, but thought the department should be given authority to appoint a commissioner, if necessary.

Mr. KING. Let me inquire of the Senator if this is a permanent commission?

Mr. CURTIS. It is a treaty commission, and will last as long as the Rio Grande River is a boundary between the two countries.

Mr. KING. It adjusts the boundary resulting from the fluctuations of the river?

Mr. CURTIS. It does.

Mr. LODGE. Mr. President, if the Senator will allow me one moment, because the matter has been before our committee a great deal, I think the commission has been in existence something like 50 years or more, and there never will be an end of the matter until we make a new arrangement and run an arbitrary line. The river shifts every year, and they have to make a new arrangement about the bancos, and so forth. It ought to be entirely changed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 15, at the end of line 23, after the word "State," to strike out "$30,000" and to insert "$54,000", so as to read:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500, and commutation to members of the field force while on field duty or actual expenses not exceeding $5 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $54,400.

The amendment was agreed to.

The next amendment was, on page 16, line 16, to strike out "$1,500" and to insert "$2,550," so as to make the paragraph read:

For subscription of the United States as an adhering member of the International Prisons Commission, and the expenses of a commission, including preparation of reports, $2,550.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the word "and," to strike out "that," so as to make the paragraph read:

For printing and binding for the Pan American Union, and the Public Printer is authorized to print an edition of the monthly bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1923, $29,000.

The amendment was agreed to.

The next amendment was, on page 18, line 7, to reduce the appropriation for the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1923 from $19,577 to $8,000.

The amendment was agreed to.

The next amendment was, on page 18, line 15, to reduce the total appropriation for the International Institute of Agriculture at Rome, Italy, from $29,577 to $18,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to strike out:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographers for arbitrators, for three months, at $120 per month, $360; traveling expenses of arbitrators, $4,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $560; in all, $10,320;

For rent of office for joint secretaries, $480;

Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, $5,000 per annum; counsel and joint secretary, who shall also act as disbursing clerk, $3,000 per annum; two counsel, at $2,750 each per annum; one law clerk, $2,340 per annum; two stenographers, at $1,440 each per annum; and messenger, $840 per annum; in all, $26,960;

Expenses, United States agency: Necessary and contingent expenses, $15,000.

And in lieu thereof to insert:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including salary and expenses of the tribunal, and of the agent, counsel, joint secretary, and other assistants, contingent expenses, and personal services and rent in the District of Columbia and elsewhere, to be expended under the direction of the Secretary of State, $72,480.

The amendment was agreed to.

The next amendment was, under the subhead "International Research Council," on page 22, after line 15, to strike out:

To pay the annual share of the United States, as an adhering member of the International Research Council and of the Associated Unions, organized at Brussels, July 18-28, 1919, as follows: International Research Council, $130; International Astronomical Union, $772; International Union of Pure and Applied Chemistry, $290; International Union of Geodesy and Geophysics, $1,338; International Union of Mathematics, $129; in all, $2,659, to be expended under the direction of the Secretary of State.

And in lieu thereof to insert:

To pay the annual share of the United States, as an adhering member of the International Research Council and of the Associated Unions, organized at Brussels, July 18-28, 1919, as follows: International Research Council, $100; International Astronomical Union, $1,200; International Union of Pure and Applied Chemistry, $450; International Union of Geodesy and Geophysics, $2,080; International Union of Mathematics, $100; in all, $4,030, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 24, after line 3, to insert:

INTERNATIONAL TRADE-MARK REGISTRATION BUREAU QUOTA OF UNITED STATES.

For the annual share of the United States for the expenses of the maintenance of the International Trade-Mark Registration Bureau at Habana, including salaries of the director and counselor, assistant director and counselor, clerks, translators, secretary to the director, stenographers and typewriters, messenger, watchmen, and laborers, rent of quarters, stationery and supplies, including the purchase of books, postage, traveling expenses, and the cost of printing the bulletin, $9,000.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the word "appropriation," to strike out "of $275,000," so as to make the paragraph read:

The appropriation for the transportation of diplomatic and consular officers carried elsewhere in this act shall be available for the transportation of the officers of the United States Court for China to the same extent as for the transportation of such diplomatic and consular officers.

The amendment was agreed to.

The next amendment was, on page 25, after line 13, to insert:

REVISION OF CHINESE CUSTOMS TARIFF.

To enable the United States Government to carry out its obligations arising under the treaty relating to the Chinese customs tariff signed February 6, 1922, $47,750, to be immediately available.

Mr. KING. I would like to ask the Senator from Massachusetts just exactly what the modus operandi is for enforcing the treaty?

Mr. LODGE. The appropriation is desired to carry out the terms of the treaty which provides for the establishment of a commission, on which each one of the signatory powers has a member, for the revision of the customs tariffs. It is a treaty obligation.

Mr. KING. I am familiar with the treaty. It seemed to me, from my point of view, an improper treaty, and I voted against it.

Mr. LODGE. We have had a treaty since 1853.

Mr. KING. I was wondering why it required so large an appropriation. The work seems to me to be rather clerical, the assembling of data already available, and amplifying regulations already in existence.

Mr. LODGE. It was hoped that we would be able to take this step toward bringing about the autonomy of China. In the first place, we have to revise the customs tariffs in order to carry out this provision of the treaty:

That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918—

That is, the treaty we ratified a month or more ago—

shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

A revision commission shall meet at Shanghai—

And so forth.

The commission shall be composed of representatives of the powers named and of representatives of any additional powers having governments at present recognized—

And so forth.

This is for that work, which is expected to last a year, and which is very difficult work, indeed. We pay our tariff commissioners a good deal more than that.

Mr. KING. I do not object to a reasonable amount to carry out the terms of the treaty. Though I opposed the treaty, I realize that we are in honor bound to live up to its terms. I believed we were interfering with the fiscal autonomy—indeed, with the sovereign rights—of a friendly nation when we entered into the treaty, and that our course was in contravention of the traditional policy of the United States, which was not to interfere with the territorial integrity or the political independence of a friendly nation.

Mr. LODGE. That is perfectly true, it does interfere with the autonomy of China, and that is a thing we have been interfering with for about 80 years. These treaties exist, and, as the Senator knows, as it was all set out by the Senator from Alabama [Mr. UNDERWOOD], the Chinese did not want to have a return to autonomy immediately, and the best we could do was to give them these increases. Of course, China has the right, as the Senator from Alabama pointed out, to renounce these treaties.

Mr. KING. Yes; I appreciate that fact.

Mr. LODGE. It is not a question as to what is right or what is wrong; it is a question of what is best to be done under these circumstances. As to the appropriation, I know that the estimates have been made as closely as possible. I think the Senator from Kansas probably has the detailed estimates, showing what this appropriation is to be used for. I do not think the work can be done possibly for less.

Mr. KING. I did not rise for the purpose of challenging the making of an appropriation, but merely to inquire as to whether so large an amount is necessary, in view of the fact, as I supposed, that the data are already available.

Mr. LODGE. It is a very complicated and difficult thing to collect data and to settle all the treaties with all the different nations and revise the tariffs.

Mr. KING. I shall ask for no record vote on it.

The amendment was agreed to.

The next amendment was, on page 27, line 18, after the word "pardons," to strike out "$3,600" and to insert "$4,200," so as to read:

Attorney in charge of pardons, $4,200.

The amendment was agreed to.

Mr. LODGE. Mr. President, I had not noticed that we had come to the end of the provisions for the Department of State, and I should like at this point to be allowed to offer one or two amendments.

Mr. CURTIS. Unanimous consent was given that we would complete the bill before any outside amendments were offered. However, if the Senator desires to leave the Chamber, I am perfectly willing that he should offer his amendments now.

Mr. LODGE. No; I do not want to leave the Chamber.

Mr. CURTIS. I prefer to have the bill completed and then to have outside amendments offered.

Mr. LODGE. Of course, I have nothing to do with the Department of Justice appropriations, but I have some amendments that I desire to offer to the diplomatic and consular provisions, and I do not want to be foreclosed.

Mr. KING. I suggest that the Senator offer his amendments now, and then we can vote on them later.

Mr. LODGE. The amendments are all here. I shall offer them when we are ready to dispose of them.

Mr. CURTIS. I would prefer that that course be followed.

Mr. KING. Mr. President, I direct the attention of the committee to an item which appears not to be an amendment of the House text. It provides for six assistant attorneys general. Does that change existing law?

Mr. CURTIS. It is the same number they had last year.

Mr. KING. During the war, and particularly when there was so much complaint about the activity of aliens, because of the vast amount of work which devolved upon the Department of Justice on account of the war, my recollection is that we increased the number of employees of that department. May I inquire of the Senator whether there has been any reduction?

Mr. CURTIS. There is a reduction in this bill in the number of attorneys and as to several other employees, although they state that on account of the claims of various kinds which are pending there is a great deal more work to be done now in that department than there was before.

Mr. KING. Can the Senator state the cost of the Department of Justice now as compared with the cost in 1916?

Mr. CURTIS. I have not those figures at hand. I had no idea that that question would be asked, or I would have had them. I can give the Senator the information later on if he desires to have it.

Mr. KING. My recollection is that the cost now is very much greater than it was.

Mr. CURTIS. That naturally would be the case. The Senator must remember that there are suits pending between the United States and other countries, the crime wave has increased all over the country, and there are many more cases pending.

Mr. SMOOT. Prohibition cases.

Mr. CURTIS. There are cases under the prohibition enforcement laws, cases involving unsettled contracts growing out of the war, and cases under the patent laws. I have here a memorandum of the amount of money recovered by the Government for the departments, and my recollection is that in two or three cases they have recovered amounts, in individual suits and for the Treasury Department, somewhere between $100,000,000 and $200,000,000. That is money already recovered or to be recovered.

Mr. KING. I think the Senator means by that that back taxes have been collected.

Mr. CURTIS. No; it refers to actual recoveries in cases which were brought and where there were contests.

Mr. KING. Growing out of war contracts or growing out of cases where it was alleged taxes had not been paid?

Mr. CURTIS. Growing out of various subjects where there were broken contracts and violations of the law.

Mr. KING. Those arose under the Internal Revenue Bureau of the Government, did they not?

Mr. CURTIS. Out of the Crucible Steel cases, and various other claims. They recovered specifically in one case $8,000,000, in another case $10,000,000, and in another $8,500,000. These were separate cases brought by the Department of Justice, where the money went through the Department of Justice; and then there were controversies which turned into the Treasury between $100,000,000 and $200,000,000, or will, when they are settled.

Mr. KING. I repeat, Mr. President, rather by way of interrogatory than a declaratory statement, that it has been alleged by the Treasury Department that there were cases involving more than $1,000,000,000 of uncollected taxes, some of which cases were contested, and it was reported that the Government of the United States would derive from that source a very large amount, indeed, hundreds of millions of dollars, which would go to meet the supposed deficit which would arise in meeting the obligations of the Government.

Mr. CURTIS. That class of claims is not included in this item. The claims I have referred to were suits which had been brought by the Department of Justice directly for violations of the law, as in the Crucible Steel case, and in other cases. The controversies where there was a recovery of between $100,000,000 and $200,000,000 were suits which came from the Treasury Department. They were not for the nonpayment of taxes, the class mentioned by the Senator from Utah.

Mr. KING. I would be glad to know, if the Senator can advise me, what those cases were which came from the Treasury Department.

Mr. CURTIS. I have not the information as to the cases here. They gave us simply a statement of the total amount, and we were satisfied from the statements made by the Department of Justice that they were doing that work, and that they needed this amount of money, and we gave it to them.

Mr. SMOOT. Mr. President, my colleague speaks of claims on the part of the Government involving a billion dollars. Many of those claims have been settled, but I want to say frankly that of late the Government has been compelled to refund about as much money as we have collected—that is, on account of overtaxation—and I think that the estimate of a billion dollars that would be collected because of false returns is exaggerated. We can not collect that amount——

Mr. KING. I agree with the Senator.

Mr. SMOOT. I do not think many of the Government claims were just. Upon the face of the returns as reported it might tend to show that there was an endeavor to evade taxation, but in a great many of the cases, involving great sums of money, after the investigation had been made and the parties' books examined it has been demonstrated beyond question of doubt that the Government of the United States owed the taxpayer rather than the taxpayer owing the Government.

Mr. KING. I think my colleague is right. I recall that only recently within a deficiency bill there was an item of some twenty-odd million dollars as a refund for taxes which had been improperly collected.

Mr. SMOOT. And there will be for a number of years, I will say to my colleague, appropriations of that character.

Mr. KING. Undoubtedly.

Mr. SMOOT. As to the number of employees in the Department of Justice, I have the statistics for perhaps a year back showing every one of the employees, together with the increases or decreases. In the Department of Justice there have been, with the exception, I think, of two months, gradual decreases in the number of employees, not very many, but all the way from 2 to 20 each month. The work of the department has, in fact, doubled in many cases.

Mr. KING. I am entirely willing to vote for whatever is necessary for the enforcement of all laws. It is often claimed that there is a growing disrespect of law and all proper authority. Without commenting upon these claims I do not hesitate to aver that failure to enforce criminal statutes will ultimately weaken authority and undermine government. With reference to the Attorney General's office, I have upon several occasions mentioned Colonel Goff and the excellent work which he is doing. I think he perceives the importance of enforcing the Sherman law and preventing the oppressive and destructive projects of trusts, monopolies, and combinations in restraint of trade and to stifle competition.

I have felt, however, that the Department of Justice has not accomplished all that it could or should have accomplished in its attacks upon illegal combinations which are treating with contempt the provisions of the Sherman antitrust law. During the war, as was indicated yesterday in the debate upon the so-called Edge joint resolution, many combinations in the industrial field and in business enterprises were formed. We were mobilizing all our strength and resources on the prosecution of the war, and many corporations as well as individuals took advantage of the situation and organized combinations to advance prices and to destroy competition. Conspiracies in restraint of trade were formed and monopolies multiplied. They invaded many lines of business, and ramified all parts of the law.

There were many retail organizations formed, and they exploited the people. Manufacturing concerns were drawn within the vicious circle of confederacies and combinations—all having for their object the maintenance of high prices, the limiting of production, the prevention of competition, and the exploitation of the people. We had the Cement Trust and the lumber combines, and the plumbers' conspiracies and the builders' corrupt agreements, and hundreds of organizations, secret and open, all oppressing and robbing the consuming public. The high prices were in part due to these criminal combinations—the promoters of which should have been prosecuted criminally and sent to the penitentiary. There are combinations to-day which defy the Sherman law.

The Department of Justice should not in its zeal to prosecute small offenders overlook these great malefactors whose acts so disastrously affect the social and economic life of the people. This administration has been in power more than one year. I have felt that it has not been sufficiently earnest in bringing before the criminal courts those who are transgressing the provisions of the Sherman and the Clayton Acts. It has been said that the Sherman law is a dead letter. I deny it. All that is needed is vigorous prosecutors. If the Department of Justice will vigorously enforce the criminal provisions of the law there will be convictions and a speedy revision of the methods of business upon the part of many corporations; and the law of supply and demand will operate more freely to the advantage of the entire country.

As stated, I shall gladly give to the Department of Justice whatever it requires to enforce the laws of Congress. And I particularly desire that it receive such appropriations as will enable it to enforce the Sherman and Clayton Acts. Efforts are being made to nullify these statutes and to give to business a free field to form combinations such as was revealed in the Hardwood Lumber Co. case.

Our economic and industrial system was founded upon the competitive theory. Adam Smith gave to us his great plan, and our people have grown in power and in wealth under the policies established by the fathers of this Republic. If we do not prevent combinations and trusts, then the people will demand the destruction of business enterprises, big and little, which are within confederations. If business is wise, it will not challenge public opinion. There must be freedom in business and the free application of the competitive theory. If not, then an irresistible demand will be made that the Government take charge of business and place it under the authority of Federal commissioners and bureaucrats. It is either freedom of trade, freedom from combinations, or Federal control.

Mr. CURTIS. Mr. President, the Attorney General advised the committee that he has 27 attorneys ready to go to work, and in fact who are already working on that matter now.

Mr. KING. To enforce the Sherman antitrust law?

Mr. CURTIS. Yes.

Mr. KING. I am very glad to know that. I am sure that will be reassuring to the legitimate and honest business interests of the United States. There have been too many cases like the Hardwood Lumber case and the Lumber Companies case from the Northwest, the report of which was recently filed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 27, in line 20, after the numerals "$2,000," to insert "Chief of division of investigation, $4,000."

Mr. KING. May I inquire what the item is?

Mr. CURTIS. That is for an office that had not been filled for four months, and for some reason the House left it out.

The amendment was agreed to.

The next amendment was, on page 28, line 7, under the subtitle "Division of Accounts," after the word "chief," to strike out "$3,000" and insert in lieu thereof "$3,500."

Mr. KING. What is the reason for the increase in this item?

Mr. CURTIS. A showing was made, and the committee was asked to give this chief $3,500. He has as much work to perform as other chiefs, but as the other chiefs are being paid $3,500 the committee thought it best to fix his salary at $3,500 and so bring him in the same class with the others.

Mr. KING. May I inquire whether his duties relate merely to work in the Department of Justice?

Mr. CURTIS. Yes; entirely.

Mr. KING. Is it necessary to have a separate division of accounts there?

Mr. CURTIS. It is. I think he is about the busiest man in the department.

Mr. KING. I think it is a bad time to increase salaries.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 28, line 11, in the total of the items for the office of the Attorney General, to strike out the numerals "$478,110" and insert in lieu thereof "$483,510."

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of Justice," on page 29, line 3, to increase the appropriation for furniture and repairs, including floor coverings, file holders and cases, from "$5,000" to "$6,000."

The amendment was agreed to.

The next amendment was, on page 29, line 16, to increase the appropriation for stationery for the Department of Justice and its several bureaus from "$12,500" to "$15,000."

The amendment was agreed to.

The next amendment was, on page 29, line 22, to strike out "$37,000" and insert "$40,000," so as to make the paragraph read:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car fares not exceeding $300, and other necessaries, directly ordered by the Attorney General, $40,000.

The amendment was agreed to.

The next amendment was, on page 30, line 4, to strike out "$36,000" and insert "$75,000," so as to make the paragraph read:

For rent of buildings and parts of buildings in the District of Columbia, $75,000, if space can not be assigned by the Public Buildings Commission in buildings under the control of that commission.

Mr. FLETCHER. Mr. President, this seems to be a very considerable increase.

Mr. CURTIS. I will ask the Senator from Utah [Mr. SMOOT], who is chairman of the Public Buildings Commission, which has been looking into the matter, to explain that to the Senator from Florida.

Mr. FLETCHER. It seems to be a pretty large increase in the rental.

Mr. SMOOT. Mr. President, I shall be glad to explain it to the Senator from Florida. The Department of Justice made a lease of the building in which they are now located for $36,000 a year for a period of five years, with the privilege of renewing for five years. About six months after the lease was first made there developed an amendment which was desired to be made to the lease by the department, and thereupon they made a new lease a little over five years ago. The making of the new lease, by the change that was made in it, cost them the privilege of the five-year renewal period, because immediately that lease was made they began on the second period of the lease, it being a renewal of the lease. The renewal term expires now on either August 2 or November 2; I have forgotten the exact date.

The owners of the building have ordered the Department of Justice out of the building unless they pay $3 per square foot, which would mean over $300,000 a year instead of $36,000. The Department of Justice appealed to me as chairman of the Building Commission to know what to do, and whether we could place them in some Government building. We have not the room at present to do it. We are in hopes of making a shift so as to move them out of the building soon, however. I told the Department of Justice that we would recommend an appropriation of $75,000 for the rent of the building now occupied by them and no more, and if the owners of the building get any more out of the Government of the United States they will have to bring suit. That would give them a little more than 70 cents a square foot.

I recognize that is a small rent compared to what was paid in the District during the war, but the war is over, and I think we had better begin right now to say that, so far as the Government of the United States is concerned, we are not going to pay war prices for rent in the District of Columbia. I do not know of a better building to start with than the Department of Justice Building, and if the Congress of the United States will support us we are going to follow that plan, and we will pay them no more than $75,000 rent if we are compelled to remain in the building. However, if we can get them out of there, we are going to do so. That in brief is the story.

Mr. FLETCHER. How does that rental compare with the rent of other buildings similarly located?

Mr. SMOOT. It is a lower rent than we are paying in some of the other buildings, I will say to the Senator, but it is not a lower rent than we paid before the war. It is, as a matter of fact, a higher rent than we paid before the war.

Mr. FLETCHER. I was in hopes we might utilize some of the Government buildings elsewhere.

Mr. SMOOT. We have every foot of space in them utilized now.

Mr. FLETCHER. I am referring to some of the temporary buildings.

Mr. SMOOT. The temporary buildings are all filled, and the departments in many of them are complaining most bitterly to the commission that they have not room and that we are crowding them so it is unhealthy for the employees. But I will assure the Senator and the Senate that every foot of space in Government buildings in the District of Columbia is going to be used if it is within the power of the Public Buildings Commission to do so.

Mr. DIAL. Mr. President, if we have not room and do not expect to have room, would it not be cheaper to erect new buildings?

Mr. SMOOT. That would lead us into a long discussion, but if the Senator and I had to pay all the expenses of the Government and run it as a business proposition, I know what the Senator would do, and I know what I would do. I would not pay a dollar of rent in the District of Columbia.

Mr. DIAL. I agree with the Senator from Utah.

Mr. HARRISON. Mr. President, the Senator has said that all the space in the Government buildings is being utilized.

Mr. SMOOT. Yes.

Mr. HARRISON. During the war there were erected a number of not temporary buildings but very permanent buildings in Potomac Park—the Munitions Building and the Navy Building—and I do not know how many thousand square feet of space we have there. Is it not possible to have more of the employees and offices in one room and utilize more space in those buildings?

Mr. SMOOT. I will say to the Senator that it has been the policy of the Government, recommended by the Public Health Service, that each employee shall have 70 feet of space. They say it is unhealthy unless they have that amount of space. We have many bureaus that have not nearly 70 feet of space for each employee. If the Senator were to go down into those buildings now he would find that they are filled with a great many more people than have been occupying them in the past.

Mr. HARRISON. In both the buildings there in Potomac Park?

Mr. SMOOT. In all the buildings. We have moved out of many of the rented buildings all over the city. I know that Senators do not realize the number of buildings that were rented in the District of Columbia, rooms here and rooms there, part of a building here, a floor in this building, half of a building somewhere else. What we are trying to do is to take every one of the Government employees out of rented buildings and put them into Government-owned buildings. Every foot of space in the Government-owned buildings is going to be occupied by Government employees. What we are trying to do now is to make a shift in the different departments of the Government where we can make a thorough investigation and find that they are occupying too much space to take some employees out of one building or section of a building and move them elsewhere. We are in hopes of being able to make sufficient moves so that we can provide for the Department of Justice. That is the largest building we are now renting in the District of Columbia.

Mr. HARRISON. Of course, the Senator is thoroughly familiar with this subject, being chairman of the Public Buildings Commission; but it appears to some of us that such buildings as the two in Potomac Park—which some one has suggested cover 162 acres, although I have no idea as to that—are too large, and that we should crowd more employees together and get rid of some of the rented buildings, or, if that is impossible, that we should construct buildings to take care of the employees of the public service.

Mr. SMOOT. The commission is going to make a full and complete report just as soon as it can get this matter settled permanently and can know what space will be available and what space will be required. When those facts are known we are going to tell Congress how much money we have saved in leases by making these moves and just what space we have got to provide in order to erect new buildings to care for all of the employees in the District of Columbia.

Mr. HARRISON. The rooms in the two buildings in Potomac Park are quite large. If they could be divided up, of course, more space would be available. It is natural that the head

of every another seem to forward quarters.

little bureau should want a big room to himself and room for his stenographer, and all that; but it does me as though we could do more than we are doing reducing to a minimum the necessity of renting

Mr. SMOOT. I will say to the Senator that about a month and a half ago I took General Sherrill and the secretary of our commission down one morning to the Arlington Building. We went into most of the rooms from the basement to the top floor; we took an account of the space. The following day an order was issued requisitioning two complete floors in that building for other employees of the Government. Immediately upon the issuance of that order there was complaint, of course, made that the force there could not vacate the floors; that they did not have space enough; that it was more than they could possibly do; or, in other words, that the other nine floors were not sufficient for the employees of that bureau.

They stated that they could not possibly surrender the space, but the commission immediately told them if they did not have the men who could make the necessary changes the commission would send a man there to see that it was done. Then the question of the strength of the floors came up, whether we could put an additional number of people in the restricted space, together with the files, as it was intended to arrange them. It was claimed that the building had not been constructed with a view of having such an amount of weight upon the floors. Immediately the commission requested the Government architect, Mr. Wetmore, to go there and to go over the building and make an examination of them and report. He did so, and a report was made.

Then the order of the President was issued to transfer all of the agencies of the Public Health Service affecting the war veterans to the Veterans' Bureau, taking with them about 478 employees, as I remember. We are waiting now until that order is put into effect. When that is done, and those employees are transferred, the remainder of the space will be occupied by the employees of some other bureau of the Government. Until that is done, however, we can not make the moves which will be necessary; and I can not say now that we can take care of the employees of the Department of Justice.

Mr. HARRISON. Can the Senator tell approximately what rental the United States Government pays now for buildings in the District of Columbia?

Mr. SMOOT. I think it has been cut down now to about $400,000.

Mr. OVERMAN. It used to be $800,000, did it not?

Mr. SMOOT. Oh, more than that.

Mr. FLETCHER. Can the Senator say whether or not the question of rental for the Department of Justice Building will come under the Ball Rent Act? Would that law apply to that building? In other words, would the rent of that building have to be determined by the Rent Commission?

Mr. SMOOT. I think it would if complaint were made.

Mr. FLETCHER. If the Government should get out, that question could be raised?

Mr. SMOOT. I want to say frankly to the Senator that 70 cents a square foot is a very low rent as compared with other rents paid for office buildings in the District of Columbia.

Mr. DIAL. Mr. President, I am satisfied that the corridors of some of these buildings are so crowded that it is hardly possible to get around them. Instead of enlarging the corridors we might dispense with some of the useless employees. I feel that it is a reflection upon our intelligence to employ so many messengers to guide us to the rooms of the various officials.

Mr. SMOOT. Mr. President, I want to say that some time in the near future there will be established in all of the departments of the Government, in each of the buildings, a central office for messengers, so that whenever anybody in a particular department wants a messenger he will ring a bell for a messenger, and the messenger will be sent to him. The practice will be followed, as it has been in the past, of having a messenger, and sometimes two or three, for every official of the Government.

Mr. DIAL. If the names of the officials were placed on the doors, we could find them without the necessity of having so many escorts.

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 31, line 12, after the word "binding," to strike out "the Attorney General may allot from appropriations applicable to the enforcement of law carried elsewhere in this act under the Department of Justice not to exceed a total of $150,000: *Provided*, That the Attorney General shall report to Congress in connection with the estimates of appropriations for the department for the fiscal year 1924 a detailed statement of such allotments and the purposes for which they are being expended," so as to make the paragraph read:

For the enforcement of the provisions of the national prohibition act of October 28, 1919, including the employment, as authorized by said act, of experts, clerks, and other employees in the District of Columbia or elsewhere, and the purchase of such supplies and equipment as may be deemed necessary by the Attorney General, including also the expense of necessary printing and binding.

The amendment was agreed to.

The next amendment was, on page 32, line 7, after the name "United States," to strike out "the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time," so as to read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice or the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, including not to exceed $3,750 for purchase of one automobile, and including not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General, whose certificate as to the expenditure thereof shall be conclusive on the accounting officers of the Treasury Department; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including not to exceed $250,000 for necessary employees at the seat of government, and including a director of the bureau of investigation at not exceeding $7,500 per annum, to be expended under the direction of the Attorney General, $2,250,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 17, to insert:

For the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time, $75,000.

The amendment was agreed to.

The next amendment was, on page 34, line 4, to increase the appropriation for enforcement of the antitrust laws from "$225,000" to "$300,000."

The amendment was agreed to.

The next amendment was, on page 34, at the end of line 4, to strike out the following:

Provided, however, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or of any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products or associations of farmers who cooperate or organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

And in lieu thereof to insert:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. FLETCHER. Mr. President, reading over rather hastily the amendment beginning on line 5, page 34, striking out two provisos and inserting the provisos which begin in line 15, I can not see any difference in the language except in the first few words.

Mr. CURTIS. If the Senator will permit me, the only difference is that the proviso inserted by the Senate committee is existing law and is in the same language which has been carried in previous appropriation bills, and only applies to the particular section of the bill, whereas the provision which was inserted in the House, and which the Senate committee recommends be stricken out, I think by an inadvertence, was made to apply to the whole bill, which, of course, it should not do. That is the only difference.

Mr. FLETCHER. They are practically the same in substance.

Mr. CURTIS. Yes; except that the amendment recommended by the Senate committee applies only to the immediate section, while the provision embodied in the House bill applies to the entire bill. The Senate committee followed the existing law.

Mr. FLETCHER. The amendment reported by the Senate committee provides "that no part of this money shall be spent," and so forth, and the provision of the House bill reads "that no part of the money appropriated by this act shall be spent."

Mr. CURTIS. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of line 12, page 36, the last clause read being as follows:

Porto Rico: District judge, $7,500.

Mr. FLETCHER. Under the head of "District courts" I do not find any provisions for the judges of the Supreme Court of the District of Columbia. Are they carried in some other bill?

Mr. CURTIS. Yes; they are carried in another bill.

Mr. FLETCHER. They are carried in the District bill, I presume?

Mr. CURTIS. Yes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 36, line 24, before the word "stenographic," to strike out "three" and to insert "five," and on page 37, line 2, to strike out "$59,140" and to insert "$62,340," so as to make the paragraph read:

COURT OF CUSTOMS APPEALS.

Salaries: Presiding judge and four associate judges, at $8,500 each; marshal, $3,000; clerk, $3,500; assistant clerk, $2,000; five stenographic clerks, at $1,660 each; stenographic reporter, $2,500; messenger, $840; in all, $62,340.

The amendment was agreed to.

The next amendment was, on page 37, at the end of line 10, to strike out "$3,965" and to insert "$5,385," and at the end of line 11, to strike out "$10,965" and to insert "$12,385," so as to make the paragraph read:

For rent of necessary quarters in the District of Columbia and elsewhere, $7,000; books and periodicals, including their exchange; stationery, supplies, traveling expenses; heat, light, and power service; drugs, chemicals, cleansers, furniture, and not to exceed $500 for printing and binding; pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $5,385; in all, $12,385.

The amendment was agreed to.

The next amendment was, on page 39, at the beginning of line 17, to strike out "$2,250,000" and to insert "$2,300,000," so as to read:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS.

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the District of Alaska, and hereafter the Attorney General shall pay the office expenses of United States marshals in the District of Alaska from the appropriation, "Salaries, fees, and expenses of United States marshals and their deputies," services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of horse-drawn and motor-driven passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, $2,300,000.

The amendment was agreed to.

The next amendment was, on page 40, line 10, after the word "attorney," to strike out "$900,000" and to insert "$950,000," so as to read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, $950,000.

The amendment was agreed to.

The next amendment was, on page 40, line 20, after the word "compensation," to strike out "$550,000" and to insert "$600,000," and in line 24, after the word "exceeding," to strike out "$3,000" and to insert "$3,500," so as to make the paragraph read:

For regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation, $600,000: *Provided*, That except as otherwise prescribed by law the compensation of such of the assistant district attorneys authorized by section 8 of the act approved May 28, 1896, as the Attorney General may deem necessary may be fixed at not exceeding $3,500 per annum.

The amendment was agreed to.

The next amendment was, on page 41, at the end of line 9, to strike out "$850,000" and to insert "$1,000,000," so as to make the paragraph read:

For assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, including $200,000 for assistant attorneys to enforce the national prohibition act, and including not to exceed $60,000 for clerical help for such assistants, and for payment of foreign counsel employed by the Attorney General in special cases (such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States), $1,000,000, to be available for expenditure in the District of Columbia.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, I desire to call the attention of the Senate to the provision of the bill following the amendment just agreed to and beginning in line 11. That provision reads:

For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, expenses of travel and subsistence, and other expenses of conducting their respective offices, in accordance with the provisions of the act approved February 26, 1919, $1,300,000—

I direct especial attention to the proviso, which reads:

Provided further, That from and after July 1, 1922, office expenses of clerks of United States circuit courts of appeals, also the personal compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business, shall be allowed after authorization and approval by the Attorney General, and shall be paid from this appropriation by the respective United States marshals designated by the Attorney General: *Provided further*, however, That the salaries of clerks of the United States circuit courts of appeals shall not be fixed at a rate in excess of $5,000 per annum. All fees and other moneys of every character and description received by said clerks, by virtue of their offices, shall be paid into the Treasury, as in the case of clerks of United States district courts: *And provided further*, That from and after July 1, 1922, the salary of the clerk of the United States district court for Hawaii shall be fixed in the same manner as salaries of clerks of United States district courts under the act of February 26, 1919.

Mr. President, it occurs to me that the provision I have read deserves some consideration at this stage of the proceedings on the bill. I fear that the committee is not clearly informed with reference to this matter if they acted upon the information which the committee in the House furnished that body when the bill was under consideration there.

I find on page 4982 of the RECORD of April 4, 1922, that Mr. HUSTED made the following remark:

The third item is one in relation to the clerks of the United States circuit courts. The clerks of the United States circuit courts are paid a salary of $4,500 each, but in addition to that the fees of the clerk's office go into their own pockets.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Kansas?

Mr. BROUSSARD. I do.

Mr. CURTIS. The Senate committee was not deceived by that remark in any way whatever. We knew what the law was, and the practice, namely, that the salary was fixed at $4,500, and they were allowed $500 out of the fees collected, so as to make their salaries not to exceed $5,000.

Mr. BROUSSARD. I am glad that the committee knew better, because there was displayed in the House a total lack of knowledge and capacity to consider such a measure.

Going on, Mr. President, it will be found that this speech would go to show that these clerks are putting all the fees into their pockets. Such is not the case. I have here a statement sent me by the clerk in the fifth circuit for the purpose of correcting this misinformation which was given out. This statement shows the excess fees paid into the Treasury of the United States for the past 12 fiscal years. These are the excess fees after all expenses connected with the office have been settled.

In 1910 there was $4,880.53 turned into the Federal Treasury.
In 1911, $2,712.78.
In 1912, $2,761.31.
In 1913, $3,451.44.
In 1914, $1,081.88.
In 1915, $1,318.63.
In 1916, $2,095.02.
In 1917, $2,876.56.
In 1918, $4,026.04.
In 1919, $1,902.41.
In 1920, $2,098.82.
In 1921, $2,890.92.
Making a total of $32,086.34.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. BROUSSARD. Yes.

Mr. FLETCHER. I do not understand that this bill reduces the pay of the clerks of the United States circuit courts of appeals.

Mr. BROUSSARD. No. I will say that my interpretation of the provisions to which I object is that they do not reduce it, but that they fix the same maximum limit of $5,000 and leave it to the Attorney General to fix the salary.

Mr. FLETCHER. Does the Senator propose to amend that in any way?

Mr. BROUSSARD. Not to amend it; but I think that the present law, which places the clerk under the jurisdiction of the circuit judge and really makes him responsible to the judge, should not be removed and then have him placed under the Attorney General, who may fix his salary at any figure not to exceed $5,000.

Mr. OVERMAN. Mr. President, the clerk is now under the circuit judge. He appoints him and has control over him; but the policy of the Government in regard to all these clerkships has been to allow the Attorney General to fix the salaries instead of the fees, and we made the limit $5,000, knowing that the Attorney General would make the salary $5,000, because most of them are getting that now. Some of them do not, but those that make it have been getting $5,000; that is, they get $4,500 salary and $500 additional. As I say, I had a letter the other day from Judge Bryan, as did the Senator from Florida and others, on this same subject. I do not think the Senator can object to allowing the Attorney General to do in this respect that which he does with regard to every other clerk in the courts of the United States, and of course he will fix the salary at $5,000 where they make it.

Mr. BROUSSARD. He will fix it, under this law, at not to exceed $5,000?

Mr. OVERMAN. At not to exceed $5,000.

Mr. FLETCHER. I understood that there was a bill introduced in the House to reduce the salary, and that was perhaps the cause of the complaint.

Mr. OVERMAN. That is right.

Mr. FLETCHER. This bill does not do that.

Mr. OVERMAN. There was a good deal of complaint made in the House. Mistakes were made by the Congressmen who made those statements.

Mr. FLETCHER. I quite agree that those salaries are not too large. The clerk of the circuit court of the State in my county in Florida gets $7,500. I do not see why the clerk of the circuit court of appeals should get less than $5,000.

Mr. BROUSSARD. Mr. President, if the Senators will permit me, I should like, in conclusion, to show just exactly what it costs the United States Government to pay these circuit clerks. For instance, here is a statement showing all of these receipts and the amounts paid into the Federal Treasury:

Nineteen hundred and ten to 1920, inclusive, 11 years at $3,500, $38,500.

Nineteen hundred and twenty-one, one year at $4,500—that was the time when the salary was increased—$4,500.

Total salary paid clerk in 12 years by appropriations of Congress, $43,000.

But there were turned into the Federal Treasury $32,086.34 excess of fees after paying all expenses, including traveling expenses for the clerk and his assistants, and all the help connected with the court; so that in the 12 years this office cost the United States Government $10,903.66, or an average of $909.47 per year. So the statement made in the other House that these clerks are pocketing all of these fees is purely an extravagant and an untruthful statement.

I shall not read the present law, Mr. President, but it is to be found in Thirty-first Statutes at Large, at page 639; and I ask that I may be permitted to insert that part of the statute in connection with my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Provided, That clerks of the United States circuit courts of appeals, annually and within 30 days after the 30th day of June in each year, shall make a return to the Attorney General of the United States of all the fees and emoluments of their offices respectively. Such return shall cover all fees and emoluments earned during the preceding year and also the necessary office expenses for such year, including clerk hire, the compensation of the clerk not to exceed $500 per annum as now provided by law. Such expenses, including clerk hire, shall be certified by the senior circuit judge of the proper circuit and audited and allowed by the proper accounting officers of the Treasury Department. The respective clerks of the circuit courts of appeals, after deducting such expenses and clerk hire, shall at the time of making such returns pay into the Treasury of the United States the balance of such fees and emoluments. In case the amounts claimed for such expenses and clerk hire have not been audited by such accounting officers prior to the time fixed for making such returns and payment, said clerks may retain the sums claimed by them respectively until the audit is made, and in case any sum so claimed and retained is not allowed the amount disallowed shall within 10 days after notice of disallowance be paid into the Treasury of the United States. All laws and parts of laws so far as in conflict with this proviso are hereby repealed.

Mr. BROUSSARD. It will be seen that in addition to the $4,500 fixed by the law the clerk may not receive more than $500 out of the fees of the office, thus fixing his salary at not to exceed $5,000.

Having corrected the misstatements made, I desire to make a point of order against that part of the bill which I first read, beginning on page 16 with the words "*Provided further*."

Mr. SMOOT. Mr. President, I call the attention of the Senator to the fact that a point of order would not lie against that provision. It is a House provision. The Senate did not change the House provision. The only way in which the Senator could do that would be to move to have it stricken from the bill.

Mr. BROUSSARD. This provision was not inserted by the committee, then?

Mr. SMOOT. Not at all; it was a House provision.

Mr. BROUSSARD. Then I move to strike it out.

Mr. SMOOT. Before the Senator does that, let me say that the unanimous-consent agreement was that we should consider all committee amendments first. Then, if the Senator wants to offer the amendment, he can move to strike it out.

Mr. BROUSSARD. Then, at the proper time, I shall offer an amendment to strike out that part which I first read with reference to the fixing of these salaries by the Attorney General.

The PRESIDING OFFICER. The reading of the bill will be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 43, at the end of line 23, to strike out "$80,000" and to insert "$100,000," so as to make the paragraph read:

For supplies, including the exchange of typewriting and adding machines for the United States courts and judicial officers, to be expended under the direction of the Attorney General, $100,000.

The amendment was agreed to.

Mr. KING. Mr. President, I did not know that we had passed the item of $1,000,000 on page 41.

The PRESIDING OFFICER. That amendment was agreed to.

Mr. KING. I will recur to it; and I desire to ask the Senator from Kansas, in view of the very liberal appropriations carried in the bill for attorneys, assistant attorneys, and so forth, what is the necessity for this large sum—"$1,000,000 for assistants to the Attorney General"?

Mr. CURTIS. This is largely for the enforcement of the prohibition act.

Mr. KING. Two hundred thousand dollars of it is for the enforcement of the prohibition act.

Mr. CURTIS. Two hundred thousand dollars of it is for that purpose. Last year they had $850,000, and had to ask for a deficiency appropriation. The year before they had $1,000,000, and they have the attorneys employed now and at work under this provision, and in order to carry on the work they must have these lawyers. If they discharge them, it means that the work will stop. The Senator said a few moments ago that he wanted the cases prosecuted. The only way for them to prosecute the cases is to have these lawyers employed.

Mr. KING. I do not think there are 50 cases under the Sherman antitrust law now pending. I may be wrong, but very few cases have been brought.

Mr. CURTIS. My judgment is, from reading the hearings, that the Senator is mistaken. There are quite a number of cases pending, and more are going to be brought; and the officers of the department told the committee that they wanted to proceed to bring other cases just as fast as possible.

Mr. KING. There are a number of old cases where injunctions have been sought that have dragged along for a number of years; but my recollection is that the new cases brought by this administration to enforce the Sherman antitrust law have been very few, and there have been but a few indictments. When Mr. Untermyer was acting in New York recently, some convictions were secured. Convictions can be obtained, where criminal actions are instituted, if the cases are vigorously prosecuted. If the Department of Justice will get the facts—and act with courage and vigor—there will be no difficulty in obtaining convictions for violations of the Sherman antitrust law. There has been in the past too much of a desire to proceed civilly and to ignore the criminal features of the act.

Mr. CURTIS. They have 27 attorneys who are paid now under this section. Six of these attorneys are especially engaged in New York City in prosecuting violations of the antitrust act; and they have not enough attorneys now on the pay roll, they say, to bring the cases they want to bring, and to enforce the act. There is quite a statement made here showing that they are bringing these cases in the different cities and sections of the country; and the information furnished the committee was that they wanted to proceed and prosecute all these cases where prosecutions should be brought.

Mr. KING. Further back in the bill, the Senator will recall, provisions were made for various assistant district attorneys, and so forth.

Mr. CURTIS. I gave the number employed under that section—27 under that section, on page 34—and there are 31 employed under this provision of the bill.

Mr. KING. Then, as I understand the Senator, this $1,000,000, aside from the $200,000 for assistant attorneys to enforce the national prohibition act, is to be expended in the prosecution of those who have violated the Sherman law?

Mr. CURTIS. The Sherman antitrust law; yes.

Mr. SMOOT. In 1921 we appropriated $1,000,000 for the purpose, and then they came to Congress for a deficiency appropriation in the year 1921, and the following year they thought they would cut it and we agreed to cut it to $600,000, thinking that perhaps there would not be the same amount of work called for. We immediately had to make an appropriation of $250,000 in the first deficiency bill; so the committee decided it would be better to give them now what we know we will have to give them ultimately, rather than to have them come in here with a deficiency bill.

Mr. KING. The Senator has not here the report showing what suits were instituted and what results were obtained by reason of this large appropriation?

Mr. CURTIS. I have not; but I will state to the Senator that the next time I have the bill up I shall bring all those data for the information of the Senator.

Mr. KING. I examined it hastily some months ago, but I have forgotten now the results obtained from these large appropriations. I have heretofore indicated that I was in favor of very liberal appropriations for the enforcement of this law, and if this is needed I shall not oppose the appropriation.

Mr. CURTIS. I do not think there is any question but that it is needed. The subcommittee was unanimous for it, and so was the full committee; and, as I said a few moments ago, the subcommittee examined each of these articles, and cross-questioned the officers of the department, so that we would not make any mistake. Our idea was to keep the amount carried by this bill as low as possible.

Mr. KING. Let me say to the Senator, however, that I think most of the Attorneys General—and I have no particular one in mind—have gotten into the habit of employing special counsel to do some work which ought to be done by the district attorneys and their assistants in the various States. I know in my own State special counsel have been sent to aid in prosecutions who did not know as much about the cases as local counsel, and who made but very slight contribution to the prosecution of the cases. The trouble is that the Department of Justice has drifted into the habit of employing a large number of special counsel, and they go roving throughout the country, giving here and there some aid to the local attorneys in prosecutions in particular States; that is, the district attorneys within the State or within the district who have the ability and are sufficiently familiar with the cases to prosecute them with as much zeal and with certainly as much success as the special counsel who may be designated. I am afraid that we are perpetuating a policy which I think it rather expensive, and certainly not proper, of relieving district attorneys of duties which they should perform and sending special counsel into their districts to perform their duties, although they are competent to discharge the same and are willing to do so.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Secretary will state the next amendment.

The next amendment was, in the item for purchase and rebinding of law books, on page 44, at the end of line 6, to strike out "$20,000" and to insert "$25,000," so as to make the proviso read:

Provided, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be marked plainly, "The property of the United States," $25,000, of which not to exceed 10 per cent, in the discretion of the Attorney General, may be used for the purchase of United States Reports and the Federal Reporter.

The amendment was agreed to.

The next amendment was, on page 47, line 6, under the subhead "Penal institutions," in the items for the Leavenworth (Kans.) Penitentiary, after the word "printer," to insert "blacksmith," and at the end of line 6 to strike out "$3,600" and to insert "$4,800," so as to make the paragraph read:

For foreman, laundryman, tailor, printer, blacksmith, and shoemaker, at $1,200 each when necessary, $4,800.

The amendment was agreed to.

DISMISSALS FROM BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I do not care to interrupt the consideration of the pending bill, but I want to call the attention of the Senate to some statements and ask permission to insert in the RECORD certain newspaper clippings. I shall, then, not occupy the floor longer.

In the desperate effort to find some reason which would justify the President in issuing his Executive order striking from the rolls of the Government certain civil-service employees the Director of the Bureau of Engraving and Printing and twenty-odd chiefs of divisions, we are daily furnished with an "explanation" which is alleged to have been the reason which actuated the President in this indefensible act.

An attorney who represented Mr. Hill, the newly-appointed director, both in his contest to get this office and in his suit with his wife, who is suing him for a divorce, gave out a reason, he said, that affidavits which had been filed were the cause. It was immediately shown that those affidavits dealt with a question which the Secretary of the Treasury had previously investigated, and in connection with which he had approved everything Mr. Wilmeth had done. So that "excuse" failed.

Congressman McFADDEN the other day was credited with a statement in which he is quoted as saying that the President is about to "find" a reason for having taken this action. That is not exactly the language he used, but is in effect what he said. Although I am not at liberty yet to publish the correspondence, but I hope to do so shortly, we all know this much, that the Congressman mentioned was very active, together with several other Congressmen and some Senators, in having the changes made for purely political reasons. I am not falling out with them about it. I presume they wanted patronage for their constituents, needed it to justify their continuation in office, and therefore sought these places. These statements, however, are discredited, as Mr. Davis, the attorney, knew that the statement he fathered was not true when he gave it out, because he knew the investigation had been had and knew of the vindication of these men of the charges.

The editor of the Plate Printer, a publication gotten out here in Washington, next came forward with a "happy" solution a day or two ago, which was published in the Post, which paper, of course, seizes upon every rumor in order to justify the President. The headlines of that article are as follows:

Back bureau change—Expert workmen praise Harding's step, union again says—Shoddy work era at end—Inefficiency sole cause of shake-up, Plate Printer asserts—Nation-wide counterfeiting of United States securities, made possible by inferior product of bureau, will now cease, it is declared—Highest art to be followed—Sure President will correct mistakes.

I ask leave to insert this article as it appears in the Post.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

President Harding's action in changing executive personnel of the Bureau of Engraving and Printing has the approval of the expert workmen employed in the big Government plant on the ground that an improvement was vitally necessary along the lines of efficiency of operation and workmanship. The position of the men was made known yesterday through the Plate Printer, official organ of the Plate Printers' Union, composed of highly skilled workmen employed in the bureau. Poor quality in the money and securities turned out by the bureau under the direction of the discharged executives, making counterfeiting easy, is the reason which the workmen declare made a change necessary. Their statement of position reads:

COUNTERFEITING REQUIRED SHAKE-UP.

"With the country flooded from coast to coast with millions of counterfeit Federal reserve notes, United States notes, Federal reserve currency, national bank notes, silver certificates, war savings stamps, postage stamps, internal-revenue stamps, and all issues of the war bonds and their coupons, drastic action was required to stop it, and drastic action was taken."

The President's statement to the effect that the changes were made "for the good of the service" are upheld by the skilled employees of the bureau, who point out that the printers themselves have frequently complained in the past of the deterioration of standards allowed under the administration of Director Wilmeth and his associates.

"Efficiency" is the one word that explains the action of the President, the plate printers' statement declares, and hints of other motives actuating the administration which have been circulated since the change in executive personnel was announced are not credited by skilled workmen in the bureau.

INSINUATIONS ARE DEPLORED.

Their opinions to what was "back of" the removal order is indicated as follows:

"We deplore the insinuations that have been cast upon the integrity of the deposed officials of the Bureau of Engraving and Printing, as we are confident that their honor is beyond reproach.

"We insist, however, that the greater majority of those removed from the service by President Harding were inefficient and largely responsible for the poor quality of product that has been issued from the Bureau of Engraving and Printing in the past several years. We also believe that one or two mistakes have been made in the general list, and where mistakes have been made they should be rectified, as President Harding has stated that if mistakes have been made they will be corrected. The Plate Printer, however, approves of the change of administration in the Bureau of Engraving and Printing."

IMPROVEMENT IN PRESSES.

Confidence is expressed that the changes in the bureau will result in a great improvement in the quality of the money and securities produced there, and the new director, Louis A. Hill, is praised as a "practical portrait engraver and one of the foremost picture engravers of the country." "He knows what good engraving and plate printing means to the securities of this country, and has announced as his policy the accepting of only the highest style of the engravers and plate printers' art from the engravers and plate printers employed in the bureau."

Officials of the union last night declared that intimations have been received of impending changes in methods in the production of money and securities in the bureau to eliminate the possibilities of counterfeit-

ing, which they ascribe to the introduction of inferior standards during the regime of the discharged officials. Better materials will be used also, the union paper declares, "as soon as the present stock has been used up."

BACK TO FORMER STANDARDS.

Skilled employees of the bureau have frequently complained that some of the methods of printing and engraving that have been installed in the bureau during the past few years have resulted in a very inferior product. They believe the changes made by the Executive order will put the bureau back to its former standards of excellence. "The Bureau of Engraving and Printing was thus restored to the country as an engraving and printing bureau and orders issued to engrave and plate print our Government securities in the future in the highest style of the art," is the way the employees describe the action of the President.

"The shoddy work that has been the source of many a protest from the columns of the Plate Printer will no longer be tolerated and every employee of the bureau will be compelled to render first-class workmanship in every particular."

Mr. CARAWAY. In this article Mr. Coleman, the editor of the Plate Printer, said there was a perfect swamping of all the Government activities—a flooding of this country with counterfeits of Federal reserve notes, of bonds, of thrift stamps; that there was a saturnalia of counterfeiting, due to the inefficiency of the men who had been running the bureau. Of course, everybody, including Mr. Coleman, knew when he made the statement that he was "joking," but he doubtless hoped somebody away from here might accept it.

Mr. Mellon, the Secretary of the Treasury, a man whose stand on this question is exciting the admiration of men who believe in justice and fair play, yesterday said that the statement of Mr. Coleman was untrue and called on Coleman for evidence to sustain his charge. That appeared in Tuesday's Washington Herald. I wish, without objection, to insert that article in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

DENIES NATION FLOODED WITH COUNTERFEITS—SECRETARY MELLON REPLIES TO ASSERTIONS MADE IN PRINTERS' ORGAN—CHALLENGES EDITOR TO PRODUCE PROOF—DIRECTOR ADMITS CHARGES WELL FOUNDED—FORMER CHIEF DISPUTES CLAIM.

[By Arthur Sears Henning.]

Charges that the country is flooded with millions of counterfeit currency notes and Government securities brought the faction now dominating the Bureau of Engraving and Printing into a head-on collision with the Treasury Department yesterday.

Secretary of the Treasury Mellon emphatically denied the assertions, called the authors of the charges sharply to account, and demanded that proof be produced.

In an article lauding Louis A. Hill, the new director, and President Harding for his summary discharge of Director Wilmeth and 29 other employees, the Plate Printer, official organ of the plate printers' union, said:

FLOODED WITH COUNTERFEITS, HE SAYS.

"With the country flooded from coast to coast with millions of counterfeit Federal reserve notes, United States notes, Federal reserve currency, national-bank notes, silver certificates, war-savings stamps, postage stamps, internal-revenue stamps, and all issues of the war bonds and their coupons, drastic action was required to stop it, and decisive action was taken."

After a conference with Assistant Secretary Wadsworth, who has jurisdiction of the Engraving Bureau, and Chief Moran, of the Secret Service, Mr. Mellon issued the following statement:

"In view of the statements made in a publication known as the Plate Printer, which are receiving wide publicity, to the effect that the country is flooded with millions of counterfeit bank notes, bonds, war-savings and other stamps, and war bonds and coupons, the Secretary of the Treasury deems it proper to make public announcement that no such condition exists.

TREASURY ON ALERT.

"No information has come to the Treasury of any overissue or counterfeiting of United States bonds or coupons attached to the same.

"As regards war-savings and other stamps, bank notes, and other forms of currency, attempts are made from time to time to counterfeit the issues or raise the denominations of genuine issues. The Treasury is constantly on the alert to stop such attempts. In substantially every case where efforts have been made on any considerable scale the guilty parties have been apprehended and brought to trial, and their activities ended.

"The Secretary of the Treasury desires to state in the most emphatic terms that the public need have no apprehension as to the genuineness of the Government securities and currency now outstanding."

Secretary Mellon also addressed a letter to Frank J. Coleman, editor of the Plate Printer:

"I request," the letter said, "that you immediately furnish me with any evidence upon which you based the statements referred to. The Treasury will be glad to receive such evidence and will at once investigate it with the greatest care."

MAINTAINS HE HAS PROOFS PRIOR.

Coleman said that he could produce the proof of the charges, but declined to go into details. Director Hill said he knew that the charges were well founded, but to what extent he was unable to say.

"Developments of photomechanical processes have made counterfeiting easy," he said. "The best safeguard against counterfeiting lies in the use of a better grade of ink by the bureau, the use of better paper, and a more rigid inspection of work."

This statement is disputed by George U. Rose, former chief of the engraving division and the immediate superior of Hill, who was discharged by the President at the instance of Hill.

"A photomechanical counterfeit is easily detected," said Rose. "In a photomechanical counterfeit the lines in portraits particularly are blurred. The best safeguard against counterfeiting is in the quality of engraving on the notes and securities turned out by the Government. The assertion that the country is flooded with counterfeits is absolutely untrue."

Mr. CARAWAY. This morning Mr. Coleman has an interview in the local papers stating that his charge about counterfeiting was based on "reports." I presume he intends to say street-corner rumors. He admits he has no evidence to warrant him in having made his charge, and in the face of the demand made upon him by the Secretary of the Treasury to produce his evidence he admits he has no evidence. In other words, it is just a part of a continuous slander that is carried on by certain interests who profited by the shake-up and are trying to satisfy the minds of the public with reference to President Harding's action in the matter.

I am not surprised that they should do it. I am only surprised that they should be so stupid in doing it. It would seem they ought to get together and give out a story that small children could not detect its flagrant insincerity. They change their statements daily. I shall say—but I do so with regret—that since "they" have seen fit, day after day, to slander these men who have been discharged by circulating false rumors, I intend to call attention to the character of some of the men who have profited by this change.

The present director of the bureau, Mr. Hill, is the defendant in a divorce suit in which rather salacious charges are made by his wife, which were published in a local paper the other day. It is charged, among other discreditable things in reference to his conduct toward his family, that he had the brutality to strike his own daughter in the face with his fist.

His assistant was at one time a bookmaker and a gambler in the department; and the wife of the man who took Mr. Ashworth's place, on the day he got his promotion, got an order of the court in a suit for limited divorce she had filed, in which she alleged that he was guilty of statutory offenses and named a corespondent.

These are the men in charge of a great bureau where more than 2,000 white girls, who are subject to their supervision and control, work. These are the men for whom decent citizens are thrown out of employment and disgraced, and these are the men who are constantly busy, they and their paid attorneys and their satellites, conjuring up slanderous stories against the men whom they displaced, trying to account for the discharge of those men, men like Rose, men like Wilmeth, and men like Ashworth.

I am not falling out with them because they got the places. They got the places because they were in position to command influences which persuaded the President to override the law and discharge these other men and give the places to them. But they ought to have the decency, after they have the places, to do what the President is doing, and remain silent. Since they can not give any valid reason why the President should have violated the law to put good men and women, former soldiers and sailors, out of employment to place them in their places, they should copy the President and make no statement. The President has maintained silence. He knows he had no right to remove these men and women to pay a political debt, and he is offering no excuse, but these men and their paid apologists, after they have been the beneficiaries of this illegal order, are conjuring up slanderous, slurring falsehoods to blacken the names of the men and women whom they succeeded, and they should have at least enough sense of decency to cease.

I am calling attention to-day to three of these men's reputations. I do so that the country may know their character when they read their statements. I would like to have the country know also what was the effect of this great "moral" upheaval in the Treasury, in the Bureau of Engraving and Printing. I want the country to know these three men, one dismissed from the service for being a gambler and bookmaker, two of them being sued by their wives on statutory charges and for cruelty and neglect—these three men who are put in charge of more than 2,000 white women, many of them young girls. I do not think any comment is necessary.

Mr. President, I ask leave to print in the RECORD the story which appears this morning in the Washington Post, purporting to be the statement of Mr. Coleman, seeking to justify both men, apologizing for the slanderous statement he made the day before.

There being no objection, the statement referred to was ordered to be printed in the RECORD, as follows:

BASED COUNTERFEIT STORY ON REPORTS—F. J. COLEMAN, MANAGER OF PLATE PRINTER, REPLIES TO LETTER FROM SECRETARY MELLON—ADDED UP WARNING TOTALS—OBTAINED SUM REFERRED TO, HE SAYS, FROM OFFICIAL FIGURES—RECALLS BOLSHEVIK PLOTS.

Secretary Mellon's request for information as to the authority for statements to the effect that the country is "flooded" with millions of dollars' worth of counterfeit Government securities, as charged in the Plate Printer, official organ of the International Steel and Copper Plate Printers' Union of North America, will be complied with, according to Frank J. Coleman, editor and business manager of the publication. Discussing Secretary Mellon's protest against the statements, which

were contained in an editorial praising the administration for its recent changes in the personnel of the Bureau of Engraving and Printing, Mr. Coleman said that bulletins issued by the Treasury Department itself are the basis for his allegation of counterfeiting.

"As the Secretary of the Treasury says," Mr. Coleman declared yesterday, "warnings are sent out from time to time of attempts to counterfeit various issues of Government notes and securities. These warnings are the basis for my statement that the country is flooded with millions of dollars' worth of counterfeit paper. I have simply taken the trouble to compile these warnings, and evidently the Treasury has not thought to do so."

QUOTED REPORTS BY TREASURY.

The detailed information which, Mr. Coleman says, "consists simply of reports and warnings issued by the Treasury Department itself" will be furnished to the Secretary in conformity with his request, it was said. The letter and documents will be mailed this morning.

Mr. Coleman last night said that he is confident that his declaration as to the extent of counterfeiting under the administration of the discharged officials of the Bureau of Engraving and Printing will be sustained. "There is nothing mysterious about it," he said. "We have simply taken the Government warnings at their face value and added up the totals."

There has been a considerable amount of publicity regarding counterfeiting during the past few years, Mr. Coleman added, expressing surprise that there has been any question as to the existence of the condition which he referred to in the Plate Printer. In addition to the warnings issued by the Government authorities, there have been several stories printed in many of the leading newspapers and in the Plate Printer itself during the past few years, he said.

RECALLS BOLSHEVIST PLOTTINGS.

One of the most spectacular exposés of this nature, he said, was that which occurred in January, 1920, when it was discovered that the Bolshevist Government of Russia had planned to flood the United States and other nations with counterfeit currency in an effort to disrupt their financial systems. Numbers of counterfeit $50 and $100 bills were detected in circulation at that time, he said, and evidence in the possession of the Government, according to the published accounts at that time, revealed plans to circulate $200,000,000 in counterfeit currency in the United States, of which an undetermined amount was actually placed in circulation.

The Plate Printer of January 15, 1920, printed the following in reference to the Bolshevist plot:

"In this country alone, it is officially reported, the reds planned to circulate bogus bills of an apparent value of $200,000,000, as well as counterfeit Liberty bonds and war savings stamps. These were to be put into circulation through certain agents of the Russian Soviet Government in this country and through bands of communists and of the Russian Socialist Federation.

WITHHOLDS THE TOTAL SUM.

"Just how much of this counterfeit they have succeeded in getting into this country is not known. Government agents who are working on the case have refused to divulge the results of their investigations. Certain of the bills and notes, however, have been detected by bank tellers and turned over by them to the Secret Service. They are said to be so expertly made that detection is extremely difficult. Their chief fault is that the counterfeiters used heavier paper than that used for genuine United States bills."

While Mr. Coleman said that the figures of his compilations of the amount of counterfeit in circulation, according to Government reports, will bear out his previous assertions, he would not make public the actual totals which will be included in his letter to the head of the Treasury. This information, he said, he would not make public until after the Secretary of the Treasury has had an opportunity to study it.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the Judiciary for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 47, at the end of line 13, to increase the total of the appropriations for the Leavenworth (Kans.) Penitentiary from "$756,600" to "$757,800."

The amendment was agreed to.

The next amendment was, on page 47, at the end of line 17, to strike out "$175,000" and to insert "$200,000," so as to read:

Atlanta (Ga.) Penitentiary: For subsistence, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $200,000.

The amendment was agreed to.

The next amendment was, on page 47, at the end of line 20, to strike out "$110,000" and to insert "$120,000," so as to read:

For clothing, transportation, and traveling expenses, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $120,000.

The amendment was agreed to.

The next amendment was, on page 48, line 3, to strike out "$6,500" and to insert "$7,500," so as to make the paragraph read:

For hospital supplies, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $7,500.

The amendment was agreed to.

The next amendment was, on page 48, line 13, after the word "guards," to strike out "$92,800" and to insert "$97,980"; and at the end of line 18, to strike out "$127,000" and insert "$132,180," so as to read:

For salaries: Warden, $4,000; deputy warden, $2,000; chaplains—one $1,500, one $1,200; chief clerk, $1,800; physician, $1,800; pharmacist and physician's assistant, $1,000; bookkeeper and record clerk, $1,200; stenographer, $900; clerks—one $1,200, one $1,000, four at $900 each; engineer and electrician, $1,500; two assistants, at $1,200 each; steward and storekeeper, $1,200; superintendent of farm and transportation, $1,200; two teamsters, at $600 each; head cook, $1,000; three captains of watch, at $1,500 each; guards, $97,980; in all, $132,180.

The amendment was agreed to.

The next amendment was, on page 48, at the end of line 21, to increase the total of the appropriations for the Atlanta (Ga.) Penitentiary from "$552,500" to "$593,680."

The amendment was agreed to.

The next amendment was, on page 48, at the end of line 26, to strike out "$35,000" and to insert "$41,000," so as to read:

McNeil Island (Wash.) Penitentiary: For subsistence, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., and for supplies for guards, $41,000.

The amendment was agreed to.

The next amendment was, on page 49, at the end of line 3, to strike out "$20,000" and to insert "$26,750," so as to read:

For clothing, transportation, and traveling expenses, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $26,750.

The amendment was agreed to.

The next amendment was, on page 49, at the end of line 9, to strike out "$1,500" and to insert "$3,500," so as to read:

For hospital supplies, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $3,500.

The amendment was agreed to.

The next amendment was, on page 49, at the beginning of line 15, to strike out "$24,000" and to insert "$26,000," and in the same line, after the words "in all," to strike out "$36,800" and to insert "$38,800," so as to read:

For salaries: For warden, $2,000; deputy warden, $1,200; physician, $1,600; steward and cook, $1,000; chief clerk, $1,200; stenographer, $900; captain of watch, $1,500; engineer and electrician, $1,200; superintendent of boats, $1,200; chaplain and teacher, $1,000; guards, $26,000; in all, $38,800.

The amendment was agreed to.

The next amendment was, on page 49, line 19, to increase the total of the appropriations for the McNeil Island (Wash.) Penitentiary from "$143,300" to "$160,050."

The amendment was agreed to.

The next amendment was, on page 51, line 16, to strike out "$1,000,000" and insert "$1,100,000," so as to make the paragraph read:

Support of prisoners: For support of United States prisoners, including necessary clothing and medical aid, discharge gratuities provided by law, and transportation to place of conviction or place of bona fide residence in the United States or such other place within the United States as may be authorized by the Attorney General; support of prisoners becoming insane during imprisonment, and who continue insane after expiration of sentence, who have no friends to whom they can be sent; shipping remains of deceased prisoners to their friends or relatives in the United States and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying and pursuing escaped prisoners and for rewards for their recapture; and not exceeding $2,500 for repairs, betterments, and improvements of United States jails, including sidewalks, $1,100,000.

The amendment was agreed to.

The next amendment was, on page 51, at the end of line 23, to strike out "$11,000" and insert "$12,000," so as to make the paragraph read:

Inspection of prisons and prisoners: For the inspection of United States prisons and prisoners, and for the collection, classification, and preservation of criminal identification records and their exchange with the officials of State and other institutions, including salary of the assistant superintendent of prisons, $2,500; to be expended under the direction of the Attorney General, $12,000.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 1, after the word "Ecuador," insert the word "Egypt."

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 6, in the total appropriation envoys extraordinary and ministers plenipotentiary, strike out "$300,000" and insert "$310,000."

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 9, strike out "Agent and consul general at Cairo, $7,500," and insert:

The President is hereby authorized to appoint as the representative of the United States an envoy extraordinary and minister plenipotentiary to Egypt, who shall receive as compensation the sum of $10,000 per annum, and there is hereby appropriated for the fiscal year 1922 for said salary the sum of $600 in addition to the unexpended balance of the amount already appropriated for salary of an agent and consul general, which amount is also made available for the salary of a minister when appointed.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 18, in the total for ambassadors and ministers, strike out "$583,900," and insert in lieu thereof "$586,600."

The amendment was agreed to.

Mr. CURTIS. I understand that the Senator from Texas [Mr. CULBERSON] desires to offer an amendment, and I will delay offering other amendments which I have until he has offered his amendment.

Mr. CULBERSON. I offer the following amendment.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be stated.

The READING CLERK. On page 12, after line 26, insert:

PAYMENT TO DAISY CRAWFORD CARROLL.

To Daisy Crawford Carroll, widow of B. Harvey Carroll, late consul to Cadiz, Spain, $3,500, one year's salary of her deceased husband, who died while at his post of duty from illness incurred in the Consular Service.

Mr. KING. Mr. President, I ask whether that is the usual procedure?

Mr. CURTIS. It has been the practice to put items of this character in appropriation bills, but the subcommittee and the full committee thought under the new rule it might make the bill subject to that rule, so it was suggested that the amendment be offered on the floor of the Senate. Similar items have been carried in appropriation bills at nearly all sessions. There is another item similar to this from New York.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I now offer the following amendment.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. On page 13, line 1, after "Arbitration," strike out the words "at Brussels, Belgium," so as to make the item read:

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, $4,000.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I desire to offer an amendment along the lines of the amendment adopted just a moment ago. I send the amendment to the desk.

The PRESIDING OFFICER. The Senator from Mississippi offers an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. On page 31, after line 20, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States of America not otherwise appropriated, the sum of $1,000 to the estate of W. L. Dunham, deceased, of Richton, Miss., on account of the death of said Dunham while in the discharge of his duty as a posse man under the Federal prohibition enforcement officer for the southern district of Mississippi.

Mr. HARRISON. Mr. President——

Mr. CURTIS. I wish to make a point of order against the amendment.

Mr. HARRISON. I hope the Senator will not make it until he has heard my explanation.

Mr. CURTIS. I withhold the point of order to hear what the Senator from Mississippi has to say.

Mr. HARRISON. Then I am sure the Senator will not make the point of order. The facts in the case are these: Dunham was a marshal in a little town in Mississippi and was deputized by one of the prohibition officers to assist in arresting some "blind tigers." The "blind tigers" proved to be desperadoes. They were hiding out in the swamps, making their "hooteh," so to speak. These men went there and found them. The "blind tigers" opened fire upon the prohibition officer and the deputized marshal. The marshal was killed and the prohibition officer was killed, and two of the "blind tigers," I think, were killed.

This man Dunham left a wife and nine children. They are absolutely penniless. They have not a nickel in the world, I am informed. It would seem to me, since he was deputized by the agent of the Government—and under the authority of law there is no place else for them to go to get any money—that the Government would be doing a generous act to appropriate $1,000 for his family.

Mr. CURTIS. I judge from the Senator's statement that the man was not an employee of the Government, and therefore would not come under the general law.

Mr. HARRISON. He was deputized by an agent of the Government.

Mr. CURTIS. We have had nothing submitted from the department on the subject. So far as I am personally concerned, while I think that the item is subject to a point of order, I am willing to accept it so far as I can, and take it to conference, and ascertain what the department has to say about it.

Mr. HARRISON. I would be very glad if the Senator would do that.

Mr. CURTIS. I would not want to commit myself to the item unless the department approved it.

Mr. HARRISON. It is a case that will appeal to the sense of justice of any man.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. CALDER. Mr. President, I submit the following amendment, to follow the one introduced by the Senator from Texas [Mr. CULBERSON].

The PRESIDING OFFICER. The Senator from New York offers the following amendment, which the Secretary will report.

The ASSISTANT SECRETARY. After the amendment proposed by Mr. CULBERSON insert:

To Alice Potter, widow of Julian Potter, late consul to Rouen, France, $3,000, one year's salary of her deceased husband, who died as a result of illness incurred in the Consular Service.

The amendment was agreed to.

Mr. NELSON. Mr. President, by direction of the Committee on the Judiciary I move the following amendment.

The PRESIDING OFFICER. The Senator from Minnesota offers an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. Insert, after the salaries of the judges of the Court of Claims, as follows, to wit: In line 14, page 37, strike out the words and figures "chief clerk, $3,500," and insert in lieu thereof the following words and figures: "Chief clerk, $5,000."

Mr. KING. Mr. President, I make a point of order against the amendment offered by the Senator from Minnesota.

Mr. CURTIS. Will the Senator withhold that until the Senator from Minnesota explains the purpose of the amendment?

Mr. KING. Certainly.

Mr. NELSON. Mr. President, I have moved the amendment by direction of the Committee on the Judiciary. The facts in the case are these: Clerks of circuit courts of the United States receive a salary of $4,500 a year, and in addition to that they are allowed fees amounting in all to about $5,000. None of the clerks of the circuit courts have anywhere near the amount of business that is handled by the clerk of the Court of Claims. Most of the clerks of the district or circuit courts get a salary of from $4,000 to $5,000. The clerk of the Court of Claims has more work than any clerk of the circuit court in the country. His calendar will show the amount of business transacted. In addition to that the clerk of the Court of Claims can perform, and is at times required to perform, the duties of a master, to take testimony, reduce it to writing, and make a report thereon to the court.

In order to equalize the pay and put him on a parity with the clerks of the circuit courts and on a parity with most of the clerks of the district courts, the Judiciary Committee have agreed to this amendment and recommend its adoption.

Mr. KING. Mr. President, I am opposed to the amendment as well as to the large salaries which are paid to the clerks of the Federal courts generally. In my own State the clerk of the district (State) court in Salt Lake City has more to do than the clerk of the Federal court. The business in the State court in that district is very much greater than that in the Federal court. The clerk of the State court receives, as I remember, less than $3,000. The clerk of the Federal court receives a larger salary.

Mr. President, there is no reason for marked differences in the rate of compensation paid to clerks of the Federal and State courts. If we should fix the compensation of the clerks of the Federal courts at $2,500, or in the large districts such as New York at $3,500, there would be a hundred applicants from men of standing and probity for every vacancy. The trouble is, Congress has the habit of spending the people's money with lavish hand. We are multiplying the offices and increasing the officeholders in the Government far beyond its needs.

Doubtless what the Senator from Minnesota has said is true, namely, that the present clerk of the court to which the Senator refers does perform many duties. Perhaps his work is more important than that of some of the clerks in other Federal courts.

Mr. NELSON. Mr. President, will the Senator from Utah yield to me?

Mr. KING. Certainly.

Mr. NELSON. I omitted to state that, as a consequence of the war, there are a multitude of war claims that have arisen, and where they are not settled amicably the Senator knows well as a lawyer that they have to go to the Court of Claims. There is only one exception. Where the claim is less than $10,000 the claimant can sue in the district courts; otherwise all these claims have to pour in to the Court of Claims. That court has within the last two years been overwhelmed with business, and it is growing more and more all the time. That entails more work on the clerk of the court, of course. I just wanted to suggest that to the good Senator from Utah.

Mr. KING. Mr. President, it is always distressing for me to disagree with the Senator from Minnesota. He is so delightful and so thoroughly honest and conscientious that when he espouses a cause my courage that I may possess in opposition usually evaporates.

Yet, returning to what I was observing when the Senator interrupted me, it does seem to me that we are culpably extravagant in creating offices and in fixing salaries. The clerk of the Court of Claims to whom the Senator refers is a man of ability and competent to fill positions much more responsible than the one he now occupies. I know his case. I have talked with him, and he has furnished me a statement showing the services which he performs. I know that by reason of war claims the court has been required to perform more work than in pre-war years. However, that fact does not warrant the change in the salary of the clerk.

Mr. President, I believe that the salaries paid to clerks and to marshals are too great. There is a bill now pending to increase the salaries of many of the clerks and marshals. Since I have been in the Senate a number of bills of like character have been before the Committee on the Judiciary; these I have uniformly opposed. I believed that it was not the proper time during the war to begin raising salaries; and, in view of conditions following the war, I felt it was unwise to revise salaries upward. In most positions in private employment salaries and compensations are being reduced from the war levels. There will probably be further reductions in many lines of business. While salaries are coming down in private enterprises, we are increasing salaries and the compensation of Federal employees in many of the departments. In my opinion we should wait until, in the language of President Harding, "normalcy has arrived." I might add, in parentheses, that I hope we shall never return to some of the conditions of normalcy that obtained in the past. I believe in a living wage; I believe that the laborer is worthy of his hire; but I think that it is a mistake to make the salaries in Government service so attractive that there are a hundred or a thousand applicants for every job. Scarcely a day passes that I am not visited by one or more persons who have been separated from the public service asking my influence in their efforts to secure a position in the Federal service. I ought to add that since the Republicans have come into power the Democratic Senators are not bothered as much as they previously were. Apparently it is not felt that the influence of a Democratic Senator with this Republican administration, particularly in view of the great and overpowering devotion of the Republican administration to civil service, is of much advantage.

However, Mr. President, it is a fact that for practically every position under the Government there are a multitude of applicants. Men in many of the positions in Government employ are receiving much higher compensation than they can obtain for like service in private employment. I grant that during the World War, and for a short period thereafter, many experts in various lines of activity were better paid in private employment than in the Government service, but many persons who resigned their positions with the Government because of the promise of higher salaries in private service are now anxious to get back into Government service.

Mr. President, the fact that the Government requires usually only seven hours' work a day for about 10 months in the year and that after a certain number of years of service pensions are granted makes such service exceedingly alluring. If one will make a critical examination of the conditions of service with the Government and then investigate the conditions attending the work of thousands scattered throughout the country who are in private employment they will understand why there are so many seeking positions with the Government. Why should a clerk in a Government position obtain $3,500, whereas for similar employment in many of the States where the work is just as great the compensation is from $2,000 to $2,500? There is no reason for that distinction, but we proceed upon the theory that when a person enters the Federal service he must have a higher salary than is paid in private service or is paid by States or municipalities.

I am reminded of the fact—the suggestion was made sotto voce by my colleague [Mr. SMOOT]—that a classification bill may soon be before us. My understanding is that the classification bill will deal with clerks—indeed, with substantially all employees of the Government.

The passage of such a measure was promised during the closing hours of the last administration, and is also one of the pledges of the present administration. I know that my colleague, who has given attention to the subject, and who is interested in the reform which will be effectuated by the passage of a measure of that kind, will use his influence, as will other Republican Senators, to enact a proper classification law.

Mr. SMOOT. But not in the shape in which the bill has already been reported to the Senate. I am opposed to the so-called Sterling classification bill as presented to the Senate and referred to the Committee on Appropriations. However, I shall express my views in regard to the bill when it comes before the Senate for consideration.

Mr. KING. Of course, when I spoke of the classification bill, I did not have reference particularly to the bill that is now before a Senate committee, but to the subject generally.

Now, why should we begin in this stepladder fashion to adjust and readjust salaries? If we raise the salary of one official it creates a disparity with respect to other salaries and other officials, and the latter will immediately come to Congress and demand that as we have increased the salary of Mr. A, whose work is no more important than theirs, a bill shall be passed increasing their compensation. When these demands are granted and the salaries increased, other demands will be made, and so on ad infinitum. Thus in this stepladder fashion we are proceeding and will continue to act.

The sensible, the rational, and the proper thing to do is to deal with the entire subject in a comprehensive manner in one bill, then we could deal with it justly; but if we proceed in this piecemeal fashion, injustices and inequalities inevitably will result.

So, Mr. President, without detaining the Senate further, and without in any manner depreciating the valuable service of the present clerk of this court, I feel constrained not only to oppose the amendment but to raise the point of order against it, for the reason that it attempts to change existing law, and to effect such change by means of a general appropriation bill; and further, that it is not estimated for by the Budget Bureau.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken, the requirement of clause 2 of Rule XVI having been complied with.

Mr. CURTIS. Mr. President, if the amendment is general legislation, then it is subject to the point of order. The only exception making an item in order is where an amendment not estimated for comes from a standing committee. I can cite, if the Chair desires, an authority upon that question. I am in favor of the amendment, and I very much dislike to make this argument on the point of order, but I do not want the Chair to make a mistake. If the point of order is made against the amendment on the ground that it is general legislation, and the Chair should hold that it is general legislation, then the point is well taken even though the amendment is reported from a standing committee.

Mr. KING. I made that point; that was the first point I suggested, that it is general legislation; and if it is not general legislation, then, I most respectfully submit to the Presiding Officer, we may fix any salary we please, or make any amendment to the general laws of the United States we desire in this general appropriation bill. Of course, this has not been reported by a standing committee.

Mr. OVERMAN. It has been reported by a standing committee.

The VICE PRESIDENT. The Chair understood that it had been so reported, and that that was the point of order made.

It appears from the caption that the amendment was referred to the Committee on the Judiciary in order to be printed on the calendar day, February 10, and on the calendar day, February 27, it was "reported by Mr. NELSON, with amendments, and referred to the Committee on Appropriations." So clause 2 of Rule XVI has been complied with.

Mr. CURTIS. That is true; and that relieves it from the necessity of an estimate. That, however, is all it does relieve it from.

Mr. KING. I respectfully submit it was never designed that an amendment was to be relieved from the rule forbidding general legislation upon an appropriation bill.

The VICE PRESIDENT. The Chair understood the point of order to be that the amendment had not been moved by the direction of a standing committee.

Mr. KING. No.

The VICE PRESIDENT. It has been so moved.

Mr. KING. If the Vice President will pardon me, I first suggested that, or attempted so to do, and then later I suggested an

additional reason, that it was general legislation upon an appropriation bill.

Mr. CURTIS. If the Chair will turn to Gilfry's Precedents, on page 62, he will find a precedent on this question.

Mr. NELSON. Mr. President, it seems to me that the amendment does not propose general legislation. General legislation is that character of legislation which applies generally and deals with more than a single case. The amendment relates merely to one particular official. The amendment was presented, referred to the Judiciary Committee, approved by that committee, reported by it, and referred to the Committee on Appropriations.

Mr. OVERMAN. I suggest to the Senator that it is not general legislation, because legislation on this subject already has been enacted; the salary has been fixed by legislation. Now, another standing committee comes in and reports a provision to increase a salary which has been adopted under general legislation. Therefore the amendment is not subject to the rule.

Mr. WARREN. It is special legislation.

Mr. OVERMAN. It is not a matter of general legislation, because the question has already been legislated upon: the salary has already been fixed by law; and the amendment merely provides an increase in a salary fixed by general legislation.

Mr. KING. Mr. President, the Senator from North Carolina knows a great deal about the rules, but, if I understand him, I respectfully suggest that he is in error. The amendment proposes legislation which seeks to change existing law. It is general, because it applies to an existing law which can not be denominated special, although it may refer to only one clerk. There is an existing statute, a general statute, and this amendment aims to modify such statute. It proposes to change a general law, and by means of a general appropriation bill. There is a general statute defining the duties of this office and defining the compensation which the incumbent shall receive. Now, by this proposed special enactment it is sought to change an existing statute. An existing statute can not be changed by this species of special legislation upon an appropriation bill.

Mr. WARREN. Mr. President, while they are not before me at the moment there are at least two rulings by Vice President Marshall on similar points of order. In the instances that I have in mind he termed the legislation sought to be enacted "special legislation" and not subject to the rule which forbids general legislation on appropriation bills. Under those rulings the amendment would be special legislation and not general legislation.

Mr. OVERMAN. It is not general legislation at all.

Mr. KING. Do I understand the Senator from Wyoming because he denominates this "special" to contend that it is not subject to the point of order?

Mr. WARREN. I am stating that heretofore it has been ruled twice that similar amendments were special and not general legislation.

Mr. KING. Do I understand the Senator, because he labels it "special" and assumes that it is "special," to contend that it is not subject to the point of order?

Mr. WARREN. I am not assuming anything about it, but the fact remains that it is special in that it applies merely to one clerk at one time for one year.

Mr. OVERMAN. And the Vice President has ruled that it is in order.

Mr. KING. I do not concede the Senator's position.

The VICE PRESIDENT. Does the Senator from Kansas find any precedents bearing on this matter?

Mr. CURTIS. I had a note citing a precedent on page 62 of Gilfry's compilation, but in looking at page 62 of the volume I have before me I do not find the decision. I have a note in my book, however, that there is a decision to the effect that if the provision reported from a standing committee is general legislation it is still subject to a point of order.

The VICE PRESIDENT. It seems to the Chair that this comes explicitly within the second section of Rule XVI:

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate—

This is moved by direction of the committee.

Mr. CURTIS. Yes; but that only makes amendments in order by reason of the fact that they have not been estimated for. The clause in regard to general legislation is a separate provision. Of course, if the Chair holds that this is not general legislation, then it is in order; but if it is general legislation no committee can report it out and make it in order. If a committee could do that, the rule in regard to general legislation would be useless, and items of general legislation could be added regardless of the action of the Committee on Appropriations. If this is not general legislation it is in order, but if it is general legislation under the next provision of the rule it is not in order.

Mr. OVERMAN. It can not be general legislation.

Mr. CURTIS. If the Chair will read the next section, he will find that no legislation is in order on an appropriation bill. Why, we can not bring in general legislation on an appropriation bill from the Committee on Appropriations. The Committee on Appropriations can not report legislation on an appropriation bill. Such an item would be subject to a point of order.

Mr. OVERMAN. If that were so we could not report increases of anybody's salary except by statute, which we have done in this very bill. Therefore, I say it is not general legislation; it is special legislation in regard to one man, increasing his salary. It is not general legislation.

Mr. LODGE. Mr. President, on the point of order, as the Senator from Kansas says, the point of order of general legislation can not be gotten rid of by reporting the matter from a committee. Nothing can get rid of that point of order except the fact that it is not general legislation.

It seems to me, under the previous rulings as I remember them, though I have not looked at them lately, that this is special legislation. The confusion arises from the fact—and I have seen it arise again and again in the Senate—that Senators think of the House rule, which is an entirely different one. The House rule is "change of existing law." That is not the rule of the Senate. The rule of the Senate is "general legislation"; and the sole point to be decided here in this question is whether or not the matter is general legislation. Personally, I do not see that it is general legislation.

Mr. KING. Mr. President, I differ from the position of my distinguished friend from Massachusetts. The question of whether a matter is general legislation or special legislation is not to be determined by the smallness or the bigness of the subject or of the appropriation. We have a general statute. Certainly it is general legislation that created this office. It is general legislation which fixed the salary of this office at $3,500. That is general legislation, though it related to only one office and one salary. It does not cease to be general legislation if it deals with the same office or with the salary. If we may in this manner on appropriation bills bring in special or general legislation, whatever it may be labeled, increasing or diminishing salaries, changing existing law, then we open the door to the conversion of appropriation bills into general salamagundi measures dealing with all forms, subjects, and matters. There would be no end to the amendments which might be put upon an appropriation bill. That, I submit, is one of the vices of legislation in the Senate. We have loaded our appropriation bills with all sorts of legislation of the most important character as well as of the most insignificant character, and a person examining an appropriation bill of the Senate will be astounded to find legislation upon almost every conceivable subject with which legislative bodies deal. Whoever dreamed that appropriation bills should deal with the multitude of matters that we have dealt with in our general appropriation bills?

Coming back to this specific matter, a general law was passed creating this office. The general statute fixed the salary of this office. I submit, Mr. President, that that can be changed only by legislation dealing with that or with cognate questions, but we can not upon this appropriation bill change that salary, any more than we could increase the number of clerks and provide for two clerks in this court instead of one.

Only the other day I proposed an amendment to the Agricultural bill diminishing a salary, and the point of order was raised that I was attempting to change the existing law. It was an appropriation bill. The Chair held that if I would limit it for one year—the Senator from Wyoming [Mr. WARREN], as I recall, made that suggestion—it would not be subject to the point of order. So I concede, under that ruling, that if the Senator from Minnesota should offer his amendment so that it would provide only for the current year——

The VICE PRESIDENT. Does the Senator say that this appropriation bill runs for more than one year?

Mr. KING. No; but this is an attempt to change the present statute and make the appropriation, as I read it, for more than one year.

Mr. LODGE. No.

Mr. WARREN. No; only for one year—that is all.

Mr. OVERMAN. Only for one year.

The VICE PRESIDENT. The appropriation is for one year.

Mr. LODGE. The word "hereafter" is not used.

Mr. KING. May the Secretary state the amendment?

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 37, under the heading "Court of Claims," on line 14, it is proposed to change the salary of the chief clerk for the fiscal year ending June 30, 1923, from $3,500 to $5,000.

Mr. KING. Then I should like to inquire of the Senator from Minnesota what would be the salary for the next year? Would it drop back to $3,500?

Mr. OVERMAN. It certainly would.

Mr. NELSON. It would be left that way.

Mr. WARREN. If the Senator will allow me to say so, that same matter has come up already from the House, and in all cases it has been put back to where it was sent to us in the first instance.

Mr. OVERMAN. I call attention to the fact that this is a bill—

> Making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923.

That is what this bill is for. Our next appropriation bill may provide for $4,500, or may not.

Mr. KING. But the Senator knows that the appropriation for the preceding year is always adopted as the basis of the appropriation for the year under consideration, whether it is for compensation or for anything else.

The VICE PRESIDENT. The question is not what may be done hereafter. The question is what is being done now.

Mr. KING. I insist on my point of order, Mr. President.

The VICE PRESIDENT. This appears to be for one year. Under that interpretation the Chair understands that it is the general rule of the Senate that it is special and not general legislation; so the Chair overrules the point of order.

Mr. KING. Of course, while we are dealing with legal matters we are allowed exceptions; but as we are not in court, I can not take an exception to the ruling of the Chair.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. LODGE. Mr. President, I offer an amendment, which I send to the desk, to go on page 13, after line 19.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 13, after line 19, it is proposed to insert the following:

> The appropriation of $300,000 for the fiscal year 1922 for the acquisition of embassy, legation, or consular buildings or grounds at any or all of the following places: Rome, Brussels, Berlin, Christiania, Athens, Belgrade, Bucharest, Prague, Monrovia, Vienna, Budapest, Canton, Hankow, and Amoy, contained in the diplomatic and consular appropriation act approved March 2, 1921, is hereby reappropriated and made available for the same purposes and under the same conditions for the fiscal year 1923, and the commission created to approve such acquisitions is hereby continued for that purpose for the fiscal year 1923, with the same powers and duties.

The PRESIDING OFFICER (Mr. EDGE in the chair). The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. Mr. President, I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 13, after line 21, it is proposed to insert:

> ROME ALLOWANCES TO DIPLOMATIC AND CONSULAR OFFICERS.
>
> To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make certain allowances by way of additional compensation to diplomatic and consular officers and consular assistants and officers of the United States Court for China in order to adjust their official income to the ascertained cost of living at the post to which they may be assigned; $290,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I offer another amendment, which I send to the desk, to be inserted on page 23, after line 22.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 23, after line 22, it is proposed to insert:

> INTERNATIONAL HYDROGRAPHIC BUREAU.
>
> For the second annual contribution of the United States toward the maintenance of the International Hydrographic Bureau, $3,860.

Mr. OVERMAN. Mr. President, I should like to inquire whether or not that is a matter of treaty?

Mr. LODGE. That has been carried in many bills.

Mr. OVERMAN. I know it has. A great many of these appropriations have been carried in bills heretofore.

Mr. LODGE. Yes; but if the Senator will allow me to finish——

Mr. OVERMAN. Yes.

Mr. LODGE. It is an agreement to which we have adhered. It is not a treaty. We adhered to this agreement, and have always been a subscriber to it; and it is a very useful matter, which concerns the navigation and the hydrographic work of the whole world.

Mr. OVERMAN. Do I understand that the United States is a party to an agreement in connection with this matter?

Mr. LODGE. The United States adhered to an agreement of the nations; yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I offer another amendment, to go on page 24, after line 20.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 24, after line 20, it is proposed to insert:

> INTERNATIONAL CONFERENCE ON MARITIME LAW.
>
> For expenses necessary for the representation of the United States at the International Conference on Maritime Law, to be held at Brussels, Belgium, for the purpose of considering draft conventions relating to collisions, salvage, the liability of shipowners, and cognate subjects, $5,000, or so much thereof as may be necessary, to be made immediately available.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. On the same page, after line 20, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Following the amendment just agreed to, insert the following, with the heading:

> FIFTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, SANTIAGO, CHILE.
>
> For the expenses of the United States in participating in the Fifth International Conference of American States, to be held at the city of Santiago, Chile, in 1923, including the compensation of delegates and employees, travel, and subsistence, notwithstanding the provisions of any other act, and such miscellaneous and other expenses as the President shall deem proper, $75,000.

Mr. KING. I wish the Senator would give us a little further information about this appropriation.

Mr. LODGE. Ever since the formation of the Pan American Union we have had at long intervals a Pan American conference of this kind. It is a mere question of policy on the part of the United States to take part in these Pan American conferences. We have never failed to do so hitherto, and in view of our relations with those countries I think it would be very unfortunate to refuse to attend a conference of this kind. This is the fifth annual conference, and we have never failed to attend one of them.

Mr. FLETCHER. The amendment provides for the compensation of delegates and employees. I never understood that delegates were compensated.

Mr. LODGE. It is not intended that any compensation shall be provided for the delegates.

Mr. FLETCHER. I do not understand that there ever has been any compensation provided for delegates.

Mr. LODGE. There is no compensation provided for them. It is simply to pay their expenses.

Mr. FLETCHER. The language of the amendment includes the compensation of delegates.

Mr. LODGE. It was not intended that there should be any compensation paid to the delegates. I think the word "compensation" ought to come out.

Mr. SMOOT. There will be some compensation paid.

Mr. FLETCHER. There may be compensation paid to the employees.

Mr. SMOOT. That is what it is for.

Mr. LODGE. Compensation of employees, but not of delegates.

Mr. SMOOT. I can tell the Senator from Florida about what the detailed costs of it will be.

Mr. FLETCHER. I am not concerned about that, but it struck me that it was not the intention to compensate the delegates.

Mr. LODGE. I am very sure the delegates are not to be compensated.

Mr. CURTIS. The act provides $20 per diem for the delegates.

Mr. LODGE. That is for expenses.

Mr. KING. How many delegates are there and what employees will be required?

Mr. LODGE. That is all given in the statement.

Mr. CURTIS. There are to be eight delegates.

Mr. SMOOT. Twenty-one persons will go, the cost of passage will be $30,000, the hotel expenses will be $15,000, and the per diem is $20.

Mr. KING. What employees are there?

Mr. SMOOT. There are to be 21 persons in the party altogether—8 delegates and 13 employees.

Mr. FLETCHER. I do not know what the practice has been before, but my impression is that delegates have never been compensated. The delegates to the conference at Buenos Aires were not compensated.

Mr. LODGE. I have always understood that there was no compensation paid to delegates.

Mr. FLETCHER. I think the expenses ought to be provided for, as well as the compensation of employees.

Mr. LODGE. I find that this is the form in which it was submitted as an estimate. I did not suppose they received compensation. That can be disposed of in conference.

Mr. CURTIS. I was going to suggest that we strike out the words "delegates and."

Mr. LODGE. Yes; those words can be stricken out.

Mr. CURTIS. That would make it read "including compensation of employees."

Mr. LODGE. I accept that amendment.

The amendment as modified was agreed to.

Mr. LODGE. I offer another amendment, to be inserted on the same page, following the amendment just agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. To follow the amendment last agreed to insert:

COMMISSION OF JURISTS TO CONSIDER AMENDMENT OF LAWS OF WAR.

For one-half year's salary for a representative of the United States on the commission of jurists to consider the amendment of laws of war in accordance with the resolution adopted by the Conference on Limitation of Armament on February 4, 1922, $3,750, to be immediately available.

The amendment was agreed to.

Mr. LODGE. I offer also another amendment, which is simply to carry out an agreement in a resolution adopted unanimously by the conference.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 25, after line 18, insert with a heading:

INQUIRY INTO EXTRATERRITORIALITY IN CHINA.

To enable the United States Government to carry out its obligations arising under resolution No. 4 adopted by the Conference on the Limitation of Armament at the fourth plenary session, December 10, 1921, regarding extraterritoriality in China, including the compensation of delegates or other representatives, clerks, and employees, rent of offices, expenses of transportation, and subsistence, notwithstanding the provisions of any other act, stationery and supplies, telegraph, and such other objects as the President may deem necessary, to be disbursed under the direction of the Secretary of State, $21,000, to be immediately available.

The amendment was agreed to.

Mr. LODGE. I offer one other amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 26, after line 11, insert with a heading:

CLAIMS OF GOVERNMENT OF NORWAY.

To pay, out of humane consideration, without reference to the question of liability therefor, to the Norwegian Government as full indemnity to Trygve Andersen, Sigurd Nilsen, and Arther Rasmussel for hardships and expenses suffered by them as the result of their detention as witnesses to the damage caused the Norwegian vessel *Ingrid* by an explosion at Jersey City, February 1, 1911, $2,200.

The amendment was agreed to.

Mr. SMOOT. I offer an amendment to be inserted on page 24, following line 3.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 24, after line 3, insert with the heading:

WORLD WAR FOREIGN DEBT COMMISSION.

For the expenses of the World War Foreign Debt Commission, to be immediately available, $20,000.

The amendment was agreed to.

Mr. SMOOT. On page 31, line 2, I ask that $83,000 be changed to $86,100. As a reason for that amendment, I wish to say that I have a letter from Hon. Charles D. Lawrence, United States special attorney for the customs division of New York, in which he calls my special attention to this item, and states that if we do not adopt the amendment just offered by me the attorney who has charge of the customs division at New York will be out of a job on July 1 of this year, and they can not get along without him. The amendment is on page 31, line 2, to strike out "$83,000" and in lieu to insert "$86,100."

The amendment was agreed to.

Mr. SMOOT. I am asked by the Secretary of Commerce to offer an amendment, on page 20, line 25, to strike out "$19,000" and insert in lieu thereof "$25,000."

The Budget asked for the $25,000. This work has been under way for a number of years past. It is the United States section of the Inter-American High Commission. They have never had less than $25,000. Their organization is complete, and if they are to get satisfactory results from this work the $25,000 must be provided. If only $19,600 is allowed, the Secretary of Commerce tells me that it will interfere with the organization they have to-day, and the work can not go on as they have intended it to.

Mr. OVERMAN. What line is that?

Mr. SMOOT. Line 25.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 20, line 25, to strike out "$19,600" and in lieu thereof to insert "$25,000."

Mr. OVERMAN. I would like to know what these people have to do. We gave them $19,600. I know very little about it, and before I agree to it I would like to know something more about it. We have consular agents, and we appropriated a large amount of money for them, and now there is some sort of a commission that is asking for an appropriation, the Inter-American High Commission. I do not know how it was established or anything about it.

Mr. SMOOT. It has been established for some time.

Mr. CURTIS. Since 1915.

Mr. FLETCHER. It is commonly called the Latin American Commission.

Mr. OVERMAN. What was the appropriation last year?

Mr. SMOOT. Twenty-five thousand dollars.

Mr. OVERMAN. How much was expended?

Mr. SMOOT. The whole of it.

Mr. OVERMAN. Is the Senator certain there was no unexpended balance?

Mr. SMOOT. There was none whatever.

Mr. OVERMAN. Why did the House cut it down to $19,600?

Mr. SMOOT. For the very reason that they cut a good many of these appropriations down, simply to cut them down.

Mr. OVERMAN. I think the House would not cut down an appropriation like this unless they had some reason for it. I would like to know about this.

Mr. CURTIS. If I may be permitted to state, this is the result of the Pan American Financial Conference held at Washington, D. C., in 1915. The object is to bring together the ministers of finance of the various countries and adopt resolutions, hoping to bring closer financial cooperation between the Republics of the American Continent.

Mr. OVERMAN. Is this the same thing Secretary McAdoo had in session here?

Mr. CURTIS. It is the same thing. They have gathered a lot of data which has not yet been published. They claim they have two experts working in the preparation of it, and that if this appropriation is not made they will have to discharge one of those experts.

Mr. OVERMAN. Why was this not brought to the attention of the committee?

Mr. CURTIS. It was brought to the attention of the subcommittee, and the subcommittee refused to put the amount in. After the subcommittee refused to put the amount in, it was reported to the full committee, and no discussion of it was had there. Then the Secretary of Commerce brought the matter to the attention of the chairman of the subcommittee, and he refused to consider it, because the committee had already taken action. Then it was referred to the Senator from Utah, who is a member of the committee.

Mr. OVERMAN. I object to this kind of legislation. This is a matter which has been before the House of Representatives. They fixed the sum at $19,600. We have an Appropriations Committee, and we have a subcommittee of that committee. The subcommittee went into this thoroughly, examined into it, and refused to increase it, leaving it where the House fixed it. Then the full committee fixed it at $19,600, the amount at which the House fixed it. I do not generally criticize the Senator from Utah, but I can not understand why he should come and ask for this increase after the subcommittee has turned it down, after the full committee has turned it down, and after the House has turned it down, just because Mr. Hoover comes in and asks for the increase.

Mr. SMOOT. The Senator from Utah has a good excuse for doing it. Mr. Hoover called my attention to it, and told me of the organization that they had. By cutting this down we will not save any money in the end, because this work is going to be done. There will not be any economy in having them take a longer time to do it.

Mr. OVERMAN. Mr. Hoover did not come before the committee on this matter.

Mr. CURTIS. I think, in justice to the Secretary, I ought to say that he asked to be heard, and I advised him that the subcommittee had completed its hearings, had reported the bill to the full committee, that the full committee had directed a report, and that there would be no further hearings. I think I ought to say that in justice to the Secretary.

Mr. OVERMAN. I am glad the Senator stated that, because I never saw the Secretary there, and if he wanted an increase he could have been there. The chairman of the committee is very courteous and invites everybody to come who wants to be heard. The Secretary was not heard by the committee, and it has been turned down everywhere, including the House of Representatives. Now the Secretary comes in and asks for this increase through the mouth of the Senator from Utah. It is not right. It is not the way to legislate.

Mr. SMOOT. It is not a question of legislation. It is a question as to whether we want to carry out what we have already instructed the Secretary of Commerce to do. If we do not want him to do it and if we want to cut it out entirely, why not cut it off and be done with it?

Mr. OVERMAN. He has $19,600 with which to do it, and it only requires an expert, as he has said.

Mr. SMOOT. There are a number of cases in this bill of exactly the same kind. The House cut them down and the Senate committee has restored them in order to have the work finished. For instance, there is the case of the boundary between Canada and the United States. The House cut it even lower than it has ever been before; yet the Senate said, after hearing what the commission had to say, that it ought to be raised to $54,000—and why? Because with $54,000 the work can be concluded in a very short period of time.

Mr. OVERMAN. Because we had a hearing and went into the matter.

Mr. SMOOT. Certainly.

Mr. OVERMAN. We have had no hearing on this matter.

Mr. SMOOT. It does not make any difference whether we had a hearing if the facts are now before us.

Mr. OVERMAN. I have not had an opportunity to go into the matter, and the Senator knows that the committee turned the proposition down for some reason. If there is some reason for the item they would have known it and had a hearing. We never had a hearing, we never had the Secretary before us; and I am not going to agree to it unless I see some good reason, and no good reason has yet been stated here.

Mr. SMOOT. The purpose of it was distinctly stated by Mr. Rowe when he appeared before the House committee. He said:

The purpose of that conference was to bring together the ministers of finance of the Republics of the American Continent for the purpose of considering the financial situation that had developed as a result of the outbreak of the European war and the position in which the American Republics were placed financially and commercially as a result of the outbreak of the war. That conference met here and adopted a series of resolutions, the purpose of which was to bring about closer financial cooperation between the Republics of the American Continent.

Mr. TINKHAM. During the war or for all future time?

Mr. ROWE. For all future time, but with a view of bringing about closer relations, especially at that time when the finances of all the Republics had been thrown into a very unfavorable condition by reason of the outbreak of the war. As the discussions proceeded here at Washington it became evident that one of the important things which the conference would have to do would be to make provision for the removal of certain obstacles to international trade in order to secure closer financial and commercial cooperation. The conference found, for instance, a great diversity in commercial legislation, such as laws relating to conditional sales, to bills of lading, to notes and bills of exchange; great diversity in fiscal regulations relating to customs; great diversity in statistical methods and the classification of merchandise in the statistical publications. It also found that one of the real obstacles to closer relations was the fact that there was as yet no valid adequate protection for industrial property rights as between the Republics of the American Continent. All of these matters required not an international agreement so much as changes in domestic legislation. The great disadvantages of all international conferences is that after meeting and adopting resolutions those resolutions are not carried into effect by some, sometimes by none, of the countries participating.

Mr. OVERMAN. That is the reason for the $19,000. Now, will the Senator give me a reason for increasing it to $25,000?

Mr. SMOOT. Because they have the organization and need $25,000.

Mr. OVERMAN. They have $19,000 to carry on the organization, and the Senator has not shown me any reason for increasing it from $19,000 to $25,000.

Mr. SMOOT. In 1915 John Bassett Moore, then the representative of the United States, at the first conference held—and Mr. McAdoo, I think, was the father of the organization—was given $25,000, and they have had $25,000 since, and now Congress is cutting it down just when the work is being brought to a point where we will get some results from it.

Mr. OVERMAN. I never thought it amounted to anything, although Mr. McAdoo instituted the whole proposition and brought these men here. What do we know about it to-day?

Mr. SMOOT. Then cut it out altogether. The Senator ought to vote to strike out the whole proposition.

Mr. OVERMAN. I would do so.

Mr. SMOOT. That is what the Senator ought to do.

Mr. FLETCHER. Mr. President, let me make this suggestion: The International Joint High Commission, afterwards changed to the American High Commission, was organized, I think, by Mr. McAdoo when he was Secretary of the Treasury. The present Secretary of the Treasury is ex-officio chairman. They have done splendid work, and there is no question about that. Some very excellent results have followed from the organization and from their conferences held in Buenos Aires and held in Washington. They have to have a certain number of experts. A great deal of the literature has to be translated from English into Spanish——

Mr. OVERMAN. This is what I thought the $19,000 was for.

Mr. FLETCHER. And from Spanish into English. They are doing very good work and they need some experts. It requires one or two of them to do the detailed routine work in the office. I suggest to the Senator that he let the amendment be agreed to and let the matter go to conference, and unless the House can be satisfied about it they will disagree on it. That would merely put the matter where it could receive further consideration.

Mr. OVERMAN. I would like to knock the whole thing out. These men all travel around and do nothing.

Mr. SMOOT. If that is the fact, then the item should go out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. President, the amendment I am about to offer is not a committee amendment. It is offered because of the fact that the United States marshal for the District of Columbia now is forced to use a horse that is 18 years old, and the expense for maintaining the horse and vehicle is $618 a year. The amendment authorizes the War Department to give the marshal an automobile without any expense to the Government.

The VICE PRESIDENT. The amendment offered by the Senator from Kansas will be stated.

The ASSISTANT SECRETARY. On page 39, after the numerals "$2,300,000," insert a comma and the following:

And the Secretary of War is authorized and directed, if available, to deliver to the office of the United States marshal for the District of Columbia, without payment therefor, one passenger-carrying motor vehicle.

Mr. KING. Mr. President, I do not object to the amendment, provided the Senator adds to it a further provision, and yet I shall not insist upon it. The point I make is this: I think it is unfair to charge the War Department, as we have done, with millions of dollars for the purchase of vehicles and war supplies, and then every once in a while pass a bill taking away from them that property and giving them no credit for it. If they would get credit for this automobile, I would not see any objection to it. Of course, it is a mere matter of bookkeeping, but I think the War Department ought to get credit where we take from them these vehicles.

Mr. CURTIS. I understand the general law provides that they shall be given credit. It is my recollection that there is a general statute to that effect.

Mr. KING. I remember suggesting such a provision.

Mr. CURTIS. If there is not, I have no objection to the Senator offering his amendment.

Mr. KING. The Senator from New York [Mr. WADSWORTH] promised that that should be done, as I understood him, but I do not know whether we have made that provision. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, on page 41, I move to strike out, beginning in line 16 with the words "*Provided further*," down to and including line 11, on page 42.

I will state, in addition to what I have already said, that this language transfers from the circuit judge to the Attorney General the right to fix the compensation of circuit court clerks and their deputies and assistants and transfers from the jurisdiction of the circuit judge to the Attorney General the approval of the expenses of travel, subsistence, and so forth. I think the present law is ample to cover the subject. The circuit judge accompanies the clerk and is more familiar with the expenses incurred than the Attorney General ever could be.

Mr. OVERMAN. Mr. President, I hope the amendment will not be adopted. There has been a fight made for 50 years against the fee system. We were successful about 10 or 12 years ago in abolishing the fee system, which was a scandalous

and outrageous proposition. The Committee on the Judiciary, as the Senator from Minnesota [Mr. NELSON] knows, proposes to allow the Attorney General, who knows more about these things than any other person because the items all come to his office, to pass on all such matters. We allow the Attorney General to fix the salaries of the clerks. Now, we place the same power in his hands as to clerks of the circuit courts of appeals of the United States, providing, however, that the salaries shall not exceed $5,000. They are now getting $4,500 and the judge can allow them to retain $500 of the fees collected, which would give them a total of $5,000. I hope the amendment will not be adopted.

Mr. CURTIS. Mr. President, I join in the statement made by the Senator from North Carolina, and I, too, hope the amendment will be defeated. The object of the provision is to put the clerks of the courts of appeals on exactly the same basis as the clerks of the United States district courts. This will not prevent the judges from fixing the fees and the salaries, but the fees and salaries do not become effective until they are approved by the Attorney General. That is what is required as to the district courts. I think the clerks of the circuit courts of appeals should be treated just the same as are the clerks of the district courts. This does not take anything away from the clerks. It authorizes their fees and salaries to be fixed not to exceed $5,000. Under the existing law they get a $4,500 salary, and they may deduct and retain $500 from the fees collected, thus giving them a total salary of $5,000. I hope the amendment will be defeated.

Mr. NELSON. Mr. President, I desire to explain the matter briefly to the Senator from Louisiana. By the act of February 28, 1919, the Attorney General was authorized to fix the salaries of the clerks of the district courts throughout the entire country within a limit of not less than $2,500 and not to exceed $5,000. Under that provision he has fixed the salaries of many of the clerks in the district courts at $5,000. But lately the Comptroller of the Currency ruled that once he acted under the law and fixed the salary he had exhausted his power and could not make any further change.

Yesterday we passed in the Senate a bill which came from the House, on the recommendation of the Attorney General, which authorized the Attorney General once in four years—not oftener than once in four years—to revise the salaries of the clerks. He can raise or lower them, based on the business done in the particular office and the emoluments and fees there received. This puts the clerks of the circuit courts exactly on a par with the clerks of the district courts, and the present law in respect to the clerks in the district courts has worked exceedingly well.

Mr. BROUSSARD. Mr. President, all I desire to say further is that the present law is not based on the fee system. The present law provides an annual salary of $4,500 and that the clerk may receive out of the fees collected in his office an additional sum of $500, but the total shall not in any case be in excess of $5,000.

In the fifth circuit the result of the operations of the law for the last 12 years was read into the RECORD by me. After paying all the expenses of the office, the salaries of the clerk, deputy clerk and assistant, traveling expenses, subsistence and incidental expenses due to holding court in different localities in that circuit, the cost to the United States Government was a little over $[illegible] per annum. I have heard from a number of prominent law firms in my State and in other States within that circuit, who protest against the methods proposed and who prefer to see the present law continued. They believe the circuit judge could pass upon the expenses incurred and approve them better than the Attorney General here in Washington could pass upon small items, with which the circuit judge is necessarily familiar because the clerk accompanies him, whereas in the way proposed in the bill the Attorney General, who is far distant from that circuit, is supposed to pass upon all those incidental expenses.

I hope that the Senate may agree to strike this provision out of the bill. The present law was recently amended—I think only a couple of years ago—and it seems to be working well.

Mr. KING. May I inquire of the Senator is it his purpose to restore the fee system in part?

Mr. BROUSSARD. No, indeed. The present law carries a salary of $4,500, and, in addition to that, out of the fees collected after other expenses are paid the clerk may receive $500.

Mr. KING. The Senator now is referring to clerks of the circuit courts of appeals?

Mr. BROUSSARD. I am referring to the clerks of the circuit courts of appeals.

Mr. KING. And not the clerks of the district courts?

Mr. BROUSSARD. No.

Mr. KING. And the Senator objects to conferring any authority upon the Attorney General to raise or lower the present statutory compensation?

Mr. BROUSSARD. I object to transferring that authority to the Attorney General.

Mr. KING. From the judge?

Mr. BROUSSARD. I object to transferring the authority from the judge to the Attorney General. I think there is too much of a tendency to centralize everything in the departments at Washington. It might happen that a lawyer, instead of having something done by the clerk, might, in some instances, be compelled to appeal to the Attorney General; in other words, everything is drifting toward the centralization of power here at Washington. The circuit judges have in the past approved such bills, and the present law is not working an injury to anybody. The emoluments are not on the fee system but on a salary basis.

Mr. KING. Mr. President, I should like the Senator from Louisiana to explain to us the reason for this change. If the present system works admirably and satisfactorily, why should there be any change? Are economies to be effectuated, or will greater efficiency result? If not, why the change, unless it is to centralize all power in Washington, as the Senator has said? Of course, that is important, in view of the centralizing tendencies and the consolidation of all governmental activities in Washington.

Mr. BROUSSARD. I can see no reason for it, and that is why I object to it.

Mr. KING. I think the Senator is right, if that is the only reason.

Mr. WALSH of Montana. Mr. President, I think the position taken by the Senator from Louisiana is eminently sound. There is a growing tendency, I observe, to reduce the officers charged with the administration of justice locally to the position of mere clerks, to act in accordance with directions which emanate from the city of Washington. That tendency is observable, and regretably so, in connection with the office of the United States district attorney. That officer is no longer vested with any kind of discretion whatever, but merely carries out instructions which emanate from the Department of Justice here in the city of Washington. He can not turn either one way or the other without asking the consent and moving in accordance with the direction of that department. I do not, understand me, make any complaint about the present administration, because it is a vice that has been growing in the Department of Justice for many, many years.

Mr. CURTIS. Mr. President, I wish to state that I do not construe this provision in that way. I think under this provision the judges will continue to fix the salary and allowances, but their action will not become operative until approved by the Attorney General.

Mr. BROUSSARD. Indirectly, then, the Attorney General will fix the salary.

Mr. OVERMAN. The Senator from Montana [Mr. WALSH] and myself were on the subcommittee, and we agreed upon and reported to the Senate the bill, which is the law to-day, providing that the Attorney General shall fix the salaries of the clerks. What is the difference between that provision and this?

Mr. WALSH of Montana. The Senator from Minnesota [Mr. NELSON] will observe that the provision under discussion does not refer at all to the matter of fixing the salaries of the clerks. I agree that perhaps it was a wise policy to fix limits within which the Attorney General might establish the salaries of the various clerks of the district courts and of the circuit courts of appeals; but I do not agree with the Senator from Kansas [Mr. CURTIS] that this provision does not effect a change in the existing law; nor does it, in my judgment, supplement the existing law.

Mr. CURTIS. I do not want my remarks to be construed that I meant that it would not change existing law. I think it does change existing law, of course, when it requires that the Attorney General shall approve the allowance; but my statement was that the judges of the local courts would fix the fees and the salaries, and then they would not become operative until approved by the Attorney General. Of course, that addition requiring the approval of the Attorney General is a change of existing law.

Mr. WALSH of Montana. Again, I observe, Mr. President, that the provision under consideration does not deal with salaries at all. It merely relates to the fees, office expenses, and traveling expenses. It reads as follows:

Provided further, That from and after July 1, 1922, office expenses of clerks of United States circuit courts of appeals, also the personal

compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business—

I do not know what "personal compensation" means. It certainly does not mean salary, or it would say so. If it is intended that within certain limits the Attorney General shall say what the salary of the clerk shall be, I would be disposed to give my approval to that; but when it comes to his allowing and authorizing office expenses and expenses for travel and clerk hire, and that kind of thing, we are concentrating here in Washington the administration of justice throughout the whole country.

Mr. CURTIS. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Kansas.

Mr. CURTIS. I drew the conclusion I did from the wording of the proviso, which reads:

That the salaries of clerks of the United States circuit courts of appeals shall not be fixed at a rate in excess of $5,000 per annum.

I drew the conclusion from that provision that, as the existing law fixes the salary at $4,500 and allows $500 out of the fees collected, it was intended that the Attorney General should approve not only the salary but what was allowed from fees, but that the total should not exceed $5,000.

Mr. WALSH of Montana. Take the circuit court of appeals for the eighth circuit, which, according to my recollection, sits at St. Paul, St. Louis, and at Denver——

Mr. CURTIS. Mr. President, as there seems to be a misunderstanding concerning the provision, if there is no objection, I am willing that the amendment may be adopted and go to conference. We can then send for the Attorney General and arrange the matter in conference.

Mr. OVERMAN. Let me ask the Senator from Montana if all items of expense, including compensation, traveling expenses, and so forth, do not now go to the Attorney General for his approval? Every court sends its accounts here to the Attorney General to be passed upon. That has been the practice for 50 years.

Mr. WALSH of Montana. I do not know what the practical operation is, but the law provides that these expenses shall be authorized by the judge in case of the clerks of the district courts. The usual plan is for the United States attorney to check over the accounts of the subordinate officers, to submit the matter to the judge, and usually, as a mere matter of form, the judge approves or disapproves as the district attorney recommends. I see no reason for departing from that procedure and putting the obligation upon a central office here under this great Government and calling upon the Attorney General to audit all these accounts for expenses incurred away out in the State of California, for instance.

Mr. OVERMAN. I repeat that for 50 years it has been the practice that all accounts covering the expenses of courts are sent to Washington for audit and investigation. We have had that matter up before our committee.

Mr. BROUSSARD. Mr. President, will the Senator from North Carolina yield to me?

Mr. OVERMAN. Yes.

Mr. BROUSSARD. How would the clerks be paid if their accounts had to be audited here at Washington before payment could be made?

Mr. OVERMAN. I did not say that was the case; I said that every account has to be approved by the judge and then the account is sent here and goes, under the new system, to the Comptroller General upon the approval of the Attorney General.

Mr. BROUSSARD. I think the Senator from North Carolina must be mistaken about that. I do not deny that the accounts are audited, but they are audited after the transaction is completed and settlement has been made. Under this provision, however, a clerk traveling from Denver, say, to some other point in the circuit would have to send his accounts here and have them approved before settlement could be made.

Mr. OVERMAN. The accounts have to go through the Attorney General to the auditor.

Mr. BROUSSARD. How long will that take?

Mr. OVERMAN. The accounts are audited at intervals throughout the year and payment is sent by check from the Treasury after they have been audited. All receipts, as the Senator knows, must go into the Treasury, for no official is allowed to retain Government funds.

Mr. CURTIS. Mr. President, if the Senator from North Carolina will yield, he will be a member of the conference committee, and, if Senators will accept my suggestion, we will send for the Attorney General and ascertain if we can not work this matter out satisfactorily.

Mr. BROUSSARD. But the disposition of the committee is to do exactly what the Attorney General wants in this matter, and I am opposed to that. Why should he be consulted about it?

Mr. CURTIS. This provision was not put in the bill on the suggestion of the Attorney General, but was put in by the House. Neither the Attorney General nor any official for the Attorney General recommended this provision or asked for it before the committee; but, after considering the matter, we thought it best to follow the suggestion of the House.

Mr. BROUSSARD. It appears to me that the Attorney General, in addition to the duties which he already has, could hardly wish to have imposed upon him the duty of examining and checking up, for instance, the price of a railroad ticket from one station to another and then to ascertain how many meals may have been eaten by various clerks and other employees in attendance upon the court.

Mr. CURTIS. I have stated that the Attorney General and the department did not ask for this proposed legislation.

Mr. BROUSSARD. Then, why should we ask him what he wants done about it?

Mr. CURTIS. In order to ascertain the attitude of the department in reference to the provision. I presume the House was influenced by the fact that the clerks of the district courts were treated in this way; I know that had an influence upon our committee; and, after going over the matter, we thought the House provision was better than existing law. There has been much complaint about the fee system.

Mr. BROUSSARD. May I ask the Senator from Kansas if the present law is based on the fee system?

Mr. CURTIS. To the extent of $500 of the compensation allowed, it is; yes. There has been a great deal of complaint about it, as the Senator must know, in view of the action of the House after complete hearings and the remarks of the chairman of the subcommittee of the House which have been read here. I am satisfied that he was mistaken and misconstrued the law, but at the same time it can be appreciated from his remarks that there exists a great deal of agitation about the fee system.

Mr. BROUSSARD. Or misinformation. We are discussing the facts of the situation, and it looks to me to be perfect folly to expect the Attorney General to pass upon the traveling expenses and the subsistence accounts of the clerks and their assistants.

Mr. OVERMAN. How would the clerk ever get his traveling expenses; how would he ever get his per diem unless the Attorney General approved his accounts?

Mr. BROUSSARD. I understand such accounts are approved by the circuit judge.

Mr. OVERMAN. They are approved by the circuit judge, but how is the clerk going ever to get his money? If one dollar of Government money is taken from the Treasury without a warrant the person taking it is guilty of a penitentiary offense. Everything is paid from the Treasury Department here; all fees go into the Treasury. How would the clerk get his money?

Mr. BROUSSARD. I understand that upon the approval of the circuit judge the Treasury pays out the money.

Mr. OVERMAN. Who pays it out—the clerk?

Mr. BROUSSARD. No. It is paid out of the Treasury.

Mr. OVERMAN. It has to be audited by somebody before it is paid out.

Mr. BROUSSARD. When it comes here, approved by the circuit judge, the Attorney General does not have to investigate it. That is what I am talking about—that necessarily there will be delay, because the Attorney General does not know.

Mr. OVERMAN. The judge almost never investigates; he approves.

Mr. BROUSSARD. But he is present, and the Senator will admit that he knows more about the matter than the Attorney General does.

Mr. OVERMAN. He ought to; but everybody knows that it comes here and is audited here, and it has to go not only to the Attorney General but through the comptroller before any man gets his money.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana.

The amendment was agreed to.

Mr. CURTIS. I ask unanimous consent that the Clerks be authorized to correct the totals.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KING. Mr. President, if I may ask the indulgence of the Chair, will the Secretary kindly turn to the amendment which was offered increasing the appropriation for the South American organization that was charged with obtaining certain statistics? The senior Senator from Utah [Mr. SMOOT] offered the amendment, which was accepted. Will the Senator from Kansas accept an amendment that the commission—that is, the American part of the commission—shall conclude its labors at the expiration of the coming fiscal year?

Mr. CURTIS. I am perfectly willing to accept that amendment, but we can not bind another Congress in the next bill. We can put in this provision, of course.

Mr. KING. It looks as though this machine that was set in operation by Mr. Secretary McAdoo is going on forever.

Mr. CURTIS. So far as I am personally concerned, I should like to close out all these commissions.

Mr. KING. I think if we put in that amendment it will have a salutary effect.

Mr. CURTIS. I am perfectly willing.

Mr. KING. Will the Secretary kindly state the amendment that was adopted, so that I can tender an amendment?

The READING CLERK. The amendment is to the paragraph relating to the United States section of the Inter-American High Commission, where "$19,000" was stricken out and "$25,000" inserted.

Mr. KING. Will the Secretary kindly read the section as it is now amended?

The reading clerk read as follows:

To defray the actual and necessary expenses on the part of the United States section of the Inter-American High Commission, $25,000, to be expended under the direction of the Secretary of State.

Mr. KING. Now I move to add the following:

Provided, That said commission shall conclude its labors and submit a final report on or before the 30th day of June, 1923.

Mr. LODGE. Let the amendment be read from the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to add, after the words "Secretary of State" and before the period, the following proviso:

Provided, That said commission shall conclude its labors and submit a final report on or before the 30th day of June, 1923.

Mr. CURTIS. What effect would that have upon their getting their pay from month to month? We would not want to interfere with that. Why not say that the commission shall make its report at the end of the year, or conclude its work before the end of the year?

Mr. KING. I am only interested in having the commission wind up its work and go out of business; we have so many of these commissions.

Mr. CURTIS. Why not strike out the word "provided," and say that the commission shall do this?

Mr. KING. Yes; strike out the word "provided." If it is not right, we can fix it in conference.

Mr. CURTIS. I suggest striking out the word "provided" and inserting the word "and." Then let the amendment be adopted, and we can work it out in conference if necessary.

Mr. KING. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah, as modified.

The amendment, as modified, was agreed to.

Mr. WALSH of Montana. Mr. President, I notice that the bill carries an appropriation to meet the expenses of arbitrating outstanding pecuniary claims between the United States and Great Britain in accordance with the special agreement concluded for that purpose August 18, 1910. I observe that the chairman of the Committee on Foreign Relations is present. I want to inquire if any steps are being taken to adjust claims of American nationals against Great Britain arising out of injury claimed to have been done to American shipping and American cargoes prior to our entry into the war?

Mr. LODGE. The Senator means the general provision about carrying on the pecuniary claims arbitration?

Mr. WALSH of Montana. No; I say, there is a provision here for arbitrating the claims in accordance with the agreement made in 1910.

Mr. LODGE. Yes.

Mr. WALSH of Montana. But I am asking the Senator whether, so far as he knows, any steps are being taken by the State Department looking to the adjustment of claims of our citizens against Great Britain arising out of the acts of Great Britain during the time that we were neutrals in the late World War and before we became participants in it?

Mr. LODGE. I do not think this provision covers any claims except those arising prior to our entry into the war.

Mr. WALSH of Montana. Oh, no; I appreciate that it does not. I ask the Senator if any steps are being taken?

Mr. LODGE. Not to my knowledge.

Mr. WALSH of Montana. I was of the impression that practically all of those matters had been adjusted in some way that was satisfactory to the claimants; but, much to my surprise, I learned recently that nothing had been done toward the settlement and adjustment of a large number of those claims which arose out of alleged interferences with our rights as neutrals, against which the State Department at the time protested very stoutly.

Mr. LODGE. I can only say to the Senator that I have heard nothing in regard to those claims. I do not know just what they amount to. I suppose some of them must be very large, but I have heard of no negotiations for their settlement. I assume, of course, that there will be negotiations.

Mr. WALSH of Montana. I was asked to interpose at one time on behalf of some shippers from Chicago claiming property to the amount of $57,000 which they alleged had been illegally seized, and I have not heard anything about the matter.

Mr. LODGE. These are claims against Great Britain?

Mr. WALSH of Montana. Against Great Britain; but I learned within the last day or two that they have not been able to make any progress whatever toward securing satisfaction. I merely desire to say that, as a matter of course, if our Government does not secure satisfaction for those claimants from Great Britain they will have a just claim against the Government of the United States, which we will eventually be obliged to pay.

Mr. LODGE. I had supposed that those claims were all in the hands of the State Department for arrangement by negotiation or by arbitration.

Mr. WALSH of Montana. I imagined myself that they had practically all been adjusted, but I have learned that that is not the case.

Mr. LODGE. I do not know whether they have been settled or whether anything has been done; but I am very sure that those claims were filed with the State Department.

Mr. WALSH of Montana. Oh, yes.

Mr. LODGE. And I assume that they have been pressed. I know about one claim that has been pressed by the State Department. I do not know that it has been settled, but I know of one of that nature that has been taken up and pressed by the State Department. They may be trying to settle them by negotiation. I can not tell the Senator about that. That is all I know about those claims.

Mr. WALSH of Montana. I may ask for information from the department on that subject.

Mr. LODGE. I know that they have been prosecuted.

Mr. CURTIS. I may state to the Senator that a list of the claimants is given on page 262 of the report, but the nature of the claims is not given; simply the names of the claimants.

Mr. WALSH of Montana. Is that in connection with the item found on page 20?

Mr. LODGE. The Senator from Montana is not asking about those claims.

Mr. CURTIS. The Senator from Massachusetts advises me that they are not the same claims.

Mr. LODGE. No; what is in the bill relates only to claims arising prior to the war.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. I move that the Senate take up for consideration House bill 4, Order of Business 569.

Mr. KING. Let it be stated.

The VICE PRESIDENT. The Senator from New Mexico moves that the Senate proceed to the consideration of House bill 4, the title of which will be stated by the Secretary.

The READING CLERK. A bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaigns; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses.

Mr. KING. Mr. President, I do not think we ought to take up that bill this evening. The hour is late, and I can tell the Senator that he will not get through with it to-night.

Mr. BURSUM. I submit that unless we do take it up there will be very little time to consider this legislation. The tariff bill will come on to-morrow. The bill is very important. It passed the House several months ago and ought to be considered.

Mr. KING. Mr. President, I had intended this afternoon to address myself to the situation in Mexico and devote considerable time to a discussion of the conditions there prevailing, to the Obregon government, to its failure to establish order, protect American lives and American property, and make reparation for the wrongs which have been done to American citizens. I pretermitted entering upon that discussion, which would have consumed considerable time, in order that we might proceed

with the consideration and the conclusion of the bill which has now been passed.

My understanding was that if I would not enter upon that discussion this afternoon, at the conclusion of the consideration of that bill we would take a recess. I sincerely hope that we will not undertake now to take up this bill, because, if so, I shall have to start in on the address which I intended to enter upon some time ago.

I can assure the Senator from New Mexico that he will make nothing by taking up the bill to-night. It will not advance the bill at all. It may retard it.

Mr. BURSUM. There is no need of having any great length of debate on this bill. It is a very simple bill.

Mr. CURTIS. I wonder if we could not agree to have a night session some day next week in order to dispose of these pension bills?

Mr. KING. We will talk of that when we see what we do to-morrow with the tariff bill, and what arrangements are made respecting it. I am sure the Senator will find on this side a desire to accommodate him in every reasonable way.

Mr. CURTIS. Of course, we want these pension bills disposed of. They have been here a long while. Some of them are House bills, and because of the work of the former chairman of the Committee on Pensions in the Committee on Finance they were held in committee. The chairman has reported them out. Many of them are very old, and we would like to get rid of them. I doubt if we could go on with them to-night. If the Senator would consent, we might see if we could not to-morrow agree upon some night this week or next week to take them up and dispose of them.

Mr. KING. I shall be glad to meet to-morrow with the Senator from New Mexico and the Senator from Kansas and see what is done to-morrow with the tariff; and we can then steer our course a little better, when we know what our friends upon the other side are going to do with the tariff bill.

Mr. BURSUM. If there is any way of having an assurance that the bills will be considered, I shall have no objection to waiting until then; but it seemed to me that under the program for consideration of the tariff bill there would be no opportunity to have these bills considered except by unanimous consent.

Mr. KING. I can assure the Senator that they will be considered before the session adjourns.

Mr. BURSUM. During the morning hour it has been habitual with the Senator from Utah to object to the consideration of all these bills. So that there will be no chance to take the bill up during the morning hour.

Mr. KING. I can assure the Senator that his bills will be considered before we adjourn. He need not worry.

Mr. BURSUM. I want to have an arrangement made as to a time to have them considered.

Mr. KING. I will be glad to talk with the Senator to-morrow about it.

The VICE PRESIDENT. The question is on the motion of the Senator from New Mexico, to take up House bill 4.

Mr. KING. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of executive business.

Mr. BURSUM. What became of my motion?

Mr. CURTIS. The Senator from New Mexico can move to-morrow morning that his bill be taken up. I move that the Senate adjourn.

Mr. HEFLIN. I thought we were to have an executive session.

Mr. CURTIS. There are very few matters on the Executive Calendar, and we can have an executive session to-morrow.

ADJOURNMENT.

The VICE PRESIDENT. The Senator from Kansas moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 20, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 19, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord be gracious unto us according to our necessities; have compassion upon our weakness and ignorance, and give us great desire to be Thy children of light and truth. Day by day help us to live well, not because we are going to die but because we are going to live. Deepen our thoughts, inspire our purposes, and bring us into complete harmony with the very best that is in human thought and action. Above all transient things, may we still feel how supremely essential are the truths of the unseen and the eternal. When we separate to-day dismiss us with Thy blessing and go home with us. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEATH OF EX-REPRESENTATIVE LAFEAN.

Mr. BUTLER. Mr. Speaker, I notice by the public prints that a former colleague of ours, Hon. Daniel Lafean, of Pennsylvania, died yesterday. It is thought appropriate by some of us who sat here with him that this statement be made in the RECORD so that the public may know that we have not forgotten him and that our esteem for him still continues.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1059. An act for the relief of J. B. Waterman;

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes;

S. 1026. An act for the relief of Albert E. Magoffin;

S. 249. An act for the relief of certain tribes and nations of Indians in the State of Montana;

S. 250. An act authorizing the Crow Tribe of Indians residing in the State of Montana to submit claims to the Court of Claims;

S. 2281. An act to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover;

S. 3307. An act authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within Springfield Armory Military Reservation, Mass., and for other purposes; and

S. 2014. An act to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 2158. An act to provide for the monthly payment of pensions; and

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota;

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 7234. An act for the relief of Miles Swift; and

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post, No. 3, American Legion, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1059. An act for the relief of J. B. Waterman; to the Committee on Claims.

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes; to the Committee on Military Affairs.

S. 1026. An act for the relief of Albert E. Magoffin; to the Committee on War Claims.

S. 249. An act for the relief of certain tribes and nations of Indians in the State of Montana; to the Committee on Indian Affairs.

S. 250. An act authorizing the Crow Tribe of Indians residing in the State of Montana to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 2281. An act to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover; to the Committee on Claims.

S. 2014. An act to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico; to the Committee on the Public Lands.

S. 3307. An act authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within Springfield Armory Military Reservation, Mass., and for other purposes; to the Committee on Military Affairs.

COMMITTEE ELECTIONS.

Mr. GARNER. Mr. Speaker, I offer a privileged resolution.

The SPEAKER. The gentleman from Texas offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 327.

Resolved, That HARRY ST. GEORGE TUCKER, Member of Congress from the tenth district of Virginia, be, and he is hereby, elected a member of the Committee on Education.

The resolution was agreed to.

Mr. GARNER. Mr. Speaker, I have another privileged resolution.

The SPEAKER. The gentleman from Texas submits another privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 328.

Resolved, That JOHN N. SANDLIN, Member of Congress from the fourth district of Louisiana, be, and he is hereby, elected a member of the Committee on the Census.

The resolution was agreed to.

ADDITIONAL COPIES OF THE TARIFF BILL.

Mr. KIESS. Mr. Speaker, I desire to make a privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a privileged report from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House.

With the following committee amendments:

In line 6, strike out "twenty-seven" and insert in lieu thereof "fifteen."

In line 7, strike out "ten" and insert "five," and in line 8, strike out "fifteen" and insert "eight."

Mr. GARRETT of Tennessee. Mr. Speaker, has it been customary in the past to print in this way as a document the bill as reported to the Senate?

Mr. KIESS. Mr. Speaker, yes; it has been. I hold in my hand a copy of the bill which was printed as a Senate document last summer, and the resolution which has been reported by our committee is in exactly the same form.

Mr. GARRETT of Tennessee. Is it to be printed in bill form?

Mr. KIESS. No; in document form with an index, and the Senate resolution provided for 27,000 copies. The House committee thought that number was excessive and reduced it to 15,000. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. WALSH. Will the gentleman yield?

Mr. KIESS. I will.

Mr. WALSH. None of the amendments provide for the distribution of this document through the folding room, do they?

Mr. KIESS. No, Mr. Speaker. The resolution provides that the copies shall be distributed through the document room, which has been the form heretofore used with reference to tariff bills.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NAVAL APPROPRIATIONS.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to inquire of the gentleman from Michigan [Mr. KELLEY], in charge of the naval appropriation bill, whether it is his purpose to complete the bill to-day? I mean not only to carry it to the previous question, but to have the final vote to-day?

Mr. KELLEY of Michigan. I will say to the gentleman from Tennessee that I do not see any reason why the bill may not be fully disposed of to-day.

Mr. GARRETT of Tennessee. I merely ask that because numerous gentlemen are calling upon me to know whether or not we are going to vote to-day.

Mr. KELLEY of Michigan. I do not see anything in the way of finishing up the bill to-day.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 11228).

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. VARE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. As many as are in favor of the motion of the gentleman from Michigan will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 344, nays 0, not voting 85, as follows:

YEAS—344.

Almon	Davis, Tenn.	Kiddall	Perkins
Andrew, Mass.	Deal	Kirkpatrick	Perlman
Andrews, Nebr.	Denison	Kissel	Petersen
Ansorge	Dickinson	Kline, N. Y.	Porter
Anthony	Dominick	Kline, Pa.	Pringey
Appleby	Dowell	Knight	Purnell
Arents	Drane	Knutson	Quin
Aswell	Dupré	Kopp	Radcliffe
Atkeson	Echols	Kreider	Raker
Bachmann	Elliott	Lanham	Ramseyer
Bankhead	Ellis	Lankford	Rankin
Barbour	Evans	Larsen, Ga.	Ransley
Barkley	Fairfield	Larson, Minn.	Rayburn
Beck	Fenn	Layton	Reber
Beedy	Favrot	Lazaro	Reece
Begg	Fenn	Lea, Calif.	Reed, N. Y.
Bell	Fess	Leatherwood	Reed, W. Va.
Benham	Fisher	Lee, Ga.	Rhodes
Bland	Fitzgerald	Lee, N. Y.	Ricketts
Bixler	Flecti	Lineberger	Riordan
Black	Fordney	Linthicum	Roach
Blakeney	Frear	Little	Robertson
Bland, Ind.	Freeman	Logan	Robsion
Bland, Va.	French	Longen	Rogers
Blanton	Frothingham	Longworth	Rose
Baird	Fuller	Lowrey	Rosenbloom
Bond	Fulmer	Luce	Rouse
Bowers	Funk	Lyon	Rucker
Bowling	Gahn	McArthur	Sanders, Tex.
Box	Gallivan	McClintic	Sandlin
Brennan	Garner	McCormick	Scott, Mich.
Briggs	Garrett, Tenn.	McKenzie	Scott, Tenn.
Britten	Garrett, Tex.	McLaughlin, Mich.	Shaw
Brooks, Ill.	Gensman	McLaughlin, Nebr.	Shreve
Brooks, Pa.	Gernerd	McLaughlin, Pa.	Sinclair
Browne, Wis.	Gilbert	McPherson	Sinnott
Buchanan	Glynn	McSwain	Sisson
Bulwinkle	Goldsborough	MacGregor	Slemp
Burdick	Graham, Ill.	Madden	Smith, Idaho
Burke	Green, Iowa	Magee	Smith, Mich.
Burroughs	Greene, Vt.	Mann	Smithwick
Burtness	Griest	Magee	Speaks
Burton	Griffin	Martin	Sproul
Butler	Hadley	Mead	Steagall
Byrnes, S. C.	Hardy, Colo.	Michener	Stedman
Byrns, Tenn.	Harrison	Miller	Stevenson
Cable	Haugen	Mills	Stephens
Campbell, Kans.	Hawes	Millspaugh	Stevenson
Campbell, Pa.	Hawley	Mondell	Stoll
Cannon	Hayden	Montague	Strong, Kans.
Carew	Hays	Montoya	Strong, Pa.
Carter	Herrick	Moore, Ill.	Sullivan
Chalmers	Hersey	Moore, Ohio	Summers, Wash.
Chandler, N. Y.	Hickey	Moore, Va.	Summers, Tex.
Chandler, Okla.	Hicks	Moores, Ind.	Swank
Chindblom	Hill	Morgan	Swing
Christopherson	Himes	Morin	Tague
Clague	Hoch	Mott	Taylor, Ark.
Clarke, N. Y.	Hogan	Mudd	Taylor, N. J.
Classon	Hooker	Murphy	Temple
Cleary	Huddleston	Nelson, Me.	Ten Eyck
Cockran	Hukriede	Nelson, A. P.	Thomas
Codd	Hull	Nelson, J. M.	Thompson
Cole, Iowa	Humphreys	Newton, Minn.	Tillman
Collier	Husted	Newton, Mo.	Tilson
Collins	Hutchinson	Nolan	Timberlake
Colton	Jacoway	Norton	Tincher
Connally, Tex.	James	O'Connor	Tinkham
Connell	Johnson, Ky.	Ogden	Treadway
Connolly, Pa.	Johnson, Wash.	Oldfield	Tucker
Cooper, Ohio	Jones, Pa.	Oliver	Tyson
Cooper, Wis.	Jones, Tex.	Olpp	Underhill
Coughlin	Kahn	Osborne	Valle
Crago	Kearns	Overstreet	Vare
Cramton	Keller	Padgett	Vestal
Crisp	Kelley, Mich.	Paige	Vinson
Crowther	Kennedy	Park, Ga.	Volk
Cullen	Ketcham	Parker, N. J.	Volstead
Dale	Kiess	Parker, N. Y.	Walsh
Dallinger	Kincheloe	Parks, Ark.	Ward, N. Y.
Darrow	Kindred	Patterson, Mo.	Watson
Davis, Minn.	King	Patterson, N. J.	Watson

Weaver	White, Me.	Wise	Woodyard
Webster	Williamson	Wood, Ind.	Wright
Wheeler	Wilson	Woodruff	Wyant
White, Kans.	Wingo	Woods, Va.	Zihlman

NAYS—0.

NOT VOTING—85.

Ackerman	Hoodylesonts	Lehlbach	Shelton
Anderson	Gorman	Luhring	Siegel
Brand	Gould	McDuffie	Snell
Brown, Tenn.	Graham, Pa.	McFadden	Snyder
Cantrill	Greene, Mass.	Maloney	Stafford
Clark, Fla.	Hammer	Mansfield	Stiness
Cole, Ohio	Hardy, Tex.	Merritt	Sweet
Copley	Hudspeth	Michaelson	Taylor, Colo.
Curry	Ireland	O'Brien	Taylor, Tenn.
Dempsey	Jefferis, Nebr.	Pou	Towner
Doughton	Jeffers, Ala.	Rainey, Ala.	Upshaw
Drewry	Johnson, Miss.	Rainey, Ill.	Voigt
Driver	Johnson, S. Dak.	Reavis	Walters
Dunbar	Kelly, Pa.	Riddick	Ward, N. C.
Dunn	Kendall	Rodenberg	Williams
Dyer	Kitchin	Rossdale	Winslow
Edmonds	Kleczka	Ryan	Wurzbach
Fairchild	Kraus	Sabath	Yates
Fields	Kunz	Sanders, Ind.	Young
Fish	Lampert	Sanders, N. Y.	
Foster	Langley	Schall	
Free	Lawrence	Sears	

So the motion was agreed to.

The following pairs were announced:

Mr. Sanders of Indiana with Mr. Kitchin.

Mr. Lehlbach with Mr. Jeffers of Alabama.

Mr. Graham of Pennsylvania with Mr. Sears.

Mr. Williams with Mr. Driver.

Mr. Walters with Mr. Doughton.

Mr. Merritt with Mr. Brand.

Mr. Johnson of South Dakota with Mr. Hudspeth.

Mr. Dunbar with Mr. Hammer.

Mr. Gorman with Mr. Rainey of Illinois.

Mr. McFadden with Mr. Taylor of Colorado.

Mr. Lawrence with Mr. Clark of Florida.

Mr. Dempsey with Mr. O'Brien.

Mr. Free with Mr. Ward of North Carolina.

Mr. Shelton with Mr. Cantrill.

Mr. Ackerman with Mr. Fields.

Mr. Luhring with Mr. Kunz.

Mr. Lampert with Mr. McDuffie.

Mr. Ireland with Mr. Pou.

Mr. Winslow with Mr. Upshaw.

Mr. Maloney with Mr. Mansfield.

Mr. Young with Mr. Sabath.

Mr. Michaelson with Mr. Drewry.

Mr. Foster with Mr. Johnson of Mississippi.

Mr. Snell with Mr. Hardy of Texas.

Mr. Dunn with Mr. Rainey of Alabama.

Mr. Greene of Massachusetts with Mr. Swank.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

Mr. KELLEY of Michigan. Mr. Chairman, when the Committee of the Whole suspended last night we were discussing an amendment offered by the gentleman from New York [Mr. HICKS]. I am not quite clear whether the gentleman from New York had finished the discussion or not.

Mr. HICKS. I will say to my friend that I would like to add a few words at the conclusion of the discussion. There are several gentleman who have expressed a desire to speak on this matter, one of whom is the gentleman from Texas [Mr. LANHAM].

Mr. KELLEY of Michigan. The amendment of the gentleman from New York is before the committee.

Mr. LANHAM was recognized.

Mr. GARRETT of Tennessee. Will the gentleman from Texas yield for a moment, not to be taken out of his time?

Mr. LANHAM. Certainly.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Michigan, now that there are more Members here than when his statement was made previously, if he will not again advise the House as to his purpose to vote to-day?

Mr. KELLEY of Michigan. I will say that I do not see anything in the situation which would prolong the consideration of the bill beyond to-day. It seems as though we might easily conclude the bill and have a final vote upon it this afternoon. That is my hope and expectation.

Mr. LANHAM. Mr. Chairman and gentlemen of the committee, from the study which I have given to this measure and the corresponding Army appropriation bill, I realize somewhat, I think, the importance of the respective items for aviation, both with reference to the heavier-than-air and the lighter-than-air machines. I have given probably more study to that feature of the question which deals with the lighter-than-air craft. The helium project has been carried on in this country on a 50-50 basis by the Army and the Navy, and consequently the appropriations for it have been made through the appropriation bills for those two services. In the Army appropriation bill which recently passed the House an item was carried of $400,000 for the helium project during the coming fiscal year. In order to carry out the 50-50 plan between the two departments, it would be necessary for a corresponding sum to be carried in the present bill.

I read with a great deal of interest the hearings, and I see by a statement made on page 935 of the hearings that that fact is recognized by the chairman and other members of the subcommittee, and that it is intended that of the total sum specified in the bill the amount of $400,000 shall be used for the helium project to meet and match the $400,000 in the Army appropriation bill. I should like to inquire of the gentleman from Michigan if I am correct?

Mr. KELLEY of Michigan. The gentleman is entirely correct as to the amount included for the helium plant.

Mr. LANHAM. I have seen in the last day or two a statement in the press to the effect that a high naval officer gave the opinion that, owing to the "excessive reduction" of the lump-sum aviation appropriation, the operation of the helium plant would be curtailed as much, if not more, during the next fiscal year as it has been during the present fiscal year.

I do not know what the purpose of those in charge of the administration of the appropriation may be. Realizing the importance of the helium project, if it be true that the lump sum made available will necessitate the curtailment of the operation of the helium plant, I think it most important that the item should be increased, at least by a sufficient sum to take care of that project.

Last year the naval appropriation bill carried an item of $400,000 for the helium project, and the Army bill carried only $250,000. The practical operation was that, instead of having $650,000 available for the operation of the helium plant, when the Army appropriation of $250,000 was exhausted, inasmuch as the two departments worked on a 50-50 basis, the Navy Department went no further, and so the total expenditure was $500,000. If the statement in the press be true, we are going to have the situation reversed, with the smaller sum coming from the Navy, but with the practical operation the same as to the amount available.

Mr. MANN. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. MANN. What assurance would the gentleman have if we increased the lump-sum appropriation that any part of the increase will be used for the helium plant?

Mr. LANHAM. I will say that unless there was some amendment appended providing that it should be expended for the helium project, I do not know that there would be any assurance in fact that the increase would be used for that purpose. I think that if the sum were increased, as requested by the Navy Department for aviation, the whole program would be carried out.

Mr. MANN. It is just as easy to insert an amendment in the pending paragraph providing the $400,000 as to insert a similar amendment if the lump sum was increased.

Mr. LANHAM. I have in mind the offering of an amendment to that effect, inasmuch as that is the position of the chairman of the subcommittee.

Mr. GREEN of Iowa. Mr. Chairman, I rise in opposition to the pro forma amendment. I am opposed to increasing this appropriation, and in fact I am opposed to making any appropriation for the purpose of attempting to use for military purposes these large dirigible balloons. I had something to say on this subject in connection with the Army bill. The gentleman from Texas [Mr. LANHAM], who has just taken his seat, on that particular occasion saw fit to criticize my remarks to some extent, but if he will read in the RECORD what I had to say, and read also what he had to say, he will see that there was no difference whatever between him and myself with reference to the properties of helium gas, although he said at that time that I was very much mistaken about it. If the gentleman will take my remarks as I made them, he will be compelled to admit that every statement of fact that I made was absolutely correct.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. LANHAM. Has the gentleman since that time had the opportunity of hearing the illustrated lecture by General Mitchell with reference to the availability of lighter-than-air aircraft as carriers over heavier-than-air aircraft and the prospective use of helium in that important work?

Mr. GREEN of Iowa. I would say to the gentleman that, due to sickness in my family, I was unable to attend that lecture, which did not relate to the subject of the production of helium, but I have made some considerable study of the subject. I have read a long article that recently appeared in the Scientific American, as perhaps the gentleman has, with reference to helium gas. However, I do not think it is worth while to continue the discussion of whether we will use these big dirigibles, because the House on a former occasion has voted that we would do so. I merely wanted at this time, so far as that matter is concerned, to make my position clear, in order that if I should be in Congress a year or two longer I might, as I believe I will be able to do, at some future time show how useless these great elephants of the air are for military purposes. This, of course, is a matter of opinion, upon which experts differ.

What I rose to call the attention of the committee to at this time is the fact that we have already expended $8,000,000 on helium gas. It can not be made for commercial purposes on account of the great expense connected with it. It is true that it is noninflammable; it has that great advantage for use in dirigible balloons, and they can not be set on fire either by sparks from the engine or by explosive bombs; but the question still arises whether it is worth while for us to continue our expenses until we have expended probably $15,000,000, as we will have to if we carry out this program, for the purpose of filling balloons that will be, as I think, of no use for military purposes after they have been constructed. I am for that reason opposed not only to an enlargement of the appropriation, but I regret that there is any appropriation whatever for this purpose.

Mr. TINCHER. Mr. Chairman, I suppose there is not a Member of Congress who does not appreciate the fact that in the next war, if we have a war, a determining factor in it will be the aircraft of the Nation. I do not believe there is a Member of Congress, although our duties are complex and sometimes are hard to fathom, who does not believe with me that there should be a saving in the obsolete methods and preparations for war, and that that saving should be used in the interest of the national defense in the air. Man has conquered the air to such an extent that if we have another war that war will be decided and won by the nation having the best aircraft.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. LAYTON. Does the gentleman not also recognize, as of equal if not superior importance, synthetical chemistry?

Mr. TINCHER. Certainly, of equal importance, at any rate. What is the situation? Every Member of this Congress arose this morning to find what? To find a statement from the Secretary of the Treasury showing the depleted condition of our Treasury. Read on and what do we further find? We find the Secretary of War over at the Senate demanding an increase in the standing Army, and we came here to find in the galleries, with badges on and on the streets with badges on, the representatives of the navy yards and the Navy Department demanding a larger Navy. So long as these great departments have their representatives demand every dollar that is in the Federal Treasury, we are supposed to turn a deaf ear and be blind to the real way to prepare for national defense for the future. There is not a man here who would not in private conversation say to me that he would gladly take off the Army bill $50,000,000 and that he would like to take off the Navy bill $50,000,000, two great expenditures of this Government, and use it for a real American defense, for real defense for this Nation, in the way that will be used if we ever have another war, in the way that will be effective if we have another war, in the organization of a department that would not permit any nation to excel us in the development of aircraft. [Applause.] But we will not do that; we are in the old rut. We will not have an aircraft department of any importance in this Nation so long as the Secretaries of the War and Navy Departments through their organizations can take from the Federal Treasury every dollar that it is possible for the taxpayers to put into the Treasury. I have no patience with the arguments that have been made on either side of the big and little navy proposition. I believe the men in this House who voted for 67,000 personnel were firmly convinced that that number is sufficient to maintain the treaty Navy, and I am willing to go further and say that I believe the average Member of the House who voted for a larger personnel voted for it upon the theory that it would require that many men in the treaty Navy, but the country through the press has no way in the world of arriving at that conclusion, because a picture has been drawn here through the influence of these departments, that the man who stands for a 67,000 personnel wants to scuttle the Navy and that has been answered by those in favor of that number by saying that the man who stands for an 86,000 personnel is favoring some shipyard, and as confirmation of that to some extent here come the navy yard men this morning with badges on, with the plea to save the navy yards. However, the average Member of Congress does not pay much attention to those things. I wish this House might rise in its dignity as the representatives of the people of this country and, with the letter of the Secretary of the Treasury before us as to the condition of the Treasury, with our own opinions which we have, with the information which we have gained because of the experiments of last summer with reference to the use of aircraft on the Navy, with the information that we have concerning the probabilities of our needing a large standing Army in the near future, do what we all know to be our duty, viz, tell the Secretary of War and the Secretary of the Navy that we are going to think of America first, and that we are going to take from them, which is the place the money is spent, sufficient money to maintain an aircraft division equal to if not in the lead of any nation in the world. That is the way the next war will be decided. There is no more prospect of these battleships that we are going to maintain or the standing Army that we are maintaining now winning the war than there is of the rifle that was used in the Civil War deciding the next war, and we all know it. I want to vote conscientiously for the best national defense possible, but you will all agree with me how hard it is to do that with this clamor that is going on. I say that if this Congress is able before its adjournment to pass a bill consolidating the departments of the Army and the Navy, it will have done a great work for this Nation, because then we will have only one man to fight if we want to get a little money for real progress. [Applause.]

Miss ROBERTSON. Mr. Chairman [applause], my voice is not all for war but for peace. What is the emblem we always have of peace? Peace following Winged Victory. The sacred poet cried, "Oh, that I had the wings of a dove that I might fly away and be at peace." It is always a brooding peace or the gentle flight of the peace dove with her white uplifted wing. We have, too, the winged eagle, watching always, vigilant-eyed, over our homeland. So I come with just a word, only a word, for the wings and eyes of our national defense—the great winged birds of the Air Service, whose vigilance is that we may have peace. Our adventurous young men, in or out of the Army and Navy, are going to push forward into the wonderful realm of the air. Our General Government can do much for peace and for saving life by going forward in the development of knowledge, of safe transit for its messengers of peace through an adequate Air Service. On this one thing let us not fail our country, but through our strong aviation service strengthen the wings of vigilant eagles and gentle doves so that the great winged birds may fly over our country from shore to shore, from north to south, and by their vigilance help keep not only American peace but world peace. [Applause.]

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I have been listening for the past week to the debate on the bill now under consideration and have not expected to say anything, but after the vote of 177 to 130 on Saturday, in favor of increasing the personnel of the Navy from 67,000 to 86,000, I propose to let the people of the seventh district of South Carolina, as well as the committee, know why I voted with the subcommittee, which stood for 67,000 men.

The opponents of the bill, most of them able speakers, have been hashing and rehashing the same old story, "ye must be prepared." The experts say that a Navy with a personnel of 67,000 means war and destruction. This is but the same kind of propaganda being scattered by the Navy officials, naval experts, and practically all newspapers; even the crossroads country papers are carrying cartoons showing the United States with a 67,000-man Navy standing in third place with Great Britain and Japan. The United States Chamber of Commerce, the mouthpiece of big business, true to their calling, are yelling the same kind of propaganda, while big business, as represented by them, has used the big stick over this Republican Congress so successfully that they have removed or cut to the core the surtaxes and the excess-profits taxes. This same Chamber of Commerce is standing up for a sales tax, unmindful of the masses who are almost bankrupt on account of heavy taxation.

I voted for a Republican peace resolution because it was part of the program leading to an association for the purpose of arranging for disarmament; knowing, as I did, of the delay of two or more years after the war on the part of the United States to call together in conference or association the bleeding nations of the world, in order to further show them

that we are a peace-loving people, that we did not enter the war for the purpose of enlarging our territory but for the purpose of putting an end to the spilling of blood, and for the further purpose of showing the world that we of the United States of America would not stand for such uncivilized conduct.

When Secretary Hughes told Great Britain, France, and Japan that we would fix the standing of the Navy of the United States along with that of Great Britain and the others according to their class, he showed clearly that we stand for peace. In doing this he proposed to scrap the finest ships that we now have under construction, which would mean millions of the people's money wasted. These so-called experts, who seem to dictate the wording of all important legislation in Congress and who would break the Treasury for their personal gain, no doubt brought about the building of the large ships and began the large program which, since it is necessary for us to destroy, is helping to break the people and put the country in a bankrupt condition. It is no wonder that the agricultural interests, the laboring people, and legitimate business are saying to-day that Congress is failing to function. I agree with the gentleman from New York [Mr. LONDON], and the American people have agreed, that it would be better for Congress to adjourn. I said in my campaign, and I say it on the floor of this House, that we need less speech making and more business in connection with legislation in Congress. Seventy-five per cent of the Members of this Congress are professional men, who are supposed to be capable of building constructive legislation; but I charge you that too many of you have your ears too close to the ground wires. You are listening to the politician and lobbyist and are not heeding the cries of the poverty-stricken miner, whose family has been deprived of a home, and even of the tents in which they lived; the cries of men, women, and children who are toiling 15 hours in the day that the world might be fed and clothed; the cries from legitimate business, which has been stifled by the premeditated high-handedness on the part of big business, the Money Trust, the Fertilizer Trust, and the Railroad Trust. We have thousands of parasites operating between the producer and the consumer who are sapping the very lifeblood out of them. You know this, and yet you have suggested no remedy to eliminate these wrongs. Banks, merchants, and farmers in the West and South are going daily into bankruptcy, losing their homes and all that they have been toiling for, and in a great many instances that which their forefathers worked for.

If you will look at this bill from any other standpoint than that of "I have a navy yard in my district or my State," or that big business is doing millions of dollars of business in foreign countries and it needs the protection of a large Navy at any price, although, as I stated a few minutes ago, these same big business interests find it necessary to be relieved of paying surtaxes and excess-profits taxes, then you will agree with Mr. KELLEY, the chairman of the subcommittee; my colleague [Mr. BYRNES]; and others who have shown you that this bill will come up to the full standard of the 5-5-3 ratio.

The rest of the world is watching the United States at this time to see if we propose to carry out the plans of the conference. I contend that since we are to be in a continued session that it would be much better to even come a little below the 5-5-3 ratio than to have an excess of 20,000 men. Should we find that we are below this ratio it would be an easy matter to increase the personnel of the Navy at any time. These gentlemen—Mr. KELLEY of Michigan, Mr. BYRNES of South Carolina, and Mr. OLIVER—have given you facts and figures to prove conclusively that the 67,000 personnel will be a gracious plenty to bring our Navy up to the 5-5-3 ratio. This being true, the addition of an excess of 20,000 men will tend to embarrass other nations who so willingly accepted our proposition.

Much has been said about "who are we going to fight?" You had better put it, "Who are we going to let perish?" During the past few months you have voted twenty millions to save starving Russia, you have voted to give Austria the twenty-five millions that she justly owes us in order to keep her from sinking by the roadside. Your experts, that you so much rely on for advice when you wish to pass important legislation, would to-day cancel the eleven billions which are owed to us by our allies, who say that they are unable to pay and that they are nearly bankrupt. Yet if you should want to give a decent cash bonus to the men who bled and died that we might live these same so-called experts and financiers object, saying that it would mean the breaking of the Treasury.

On April 28, 1921, I made a speech on the floor of this House and quoted figures from the Secretary of the Treasury to show where our money goes. I proved to you that 93 per cent of every dollar spent by the Government of the United States was spent for past, present, and future wars, and here you propose to keep it up.

I want to call your attention to the speech of the gentleman from Illinois [Mr. MADDEN], chairman of the Committee on Appropriations, and he is in a position to know what he is talking about—

> If you increase the personnel of the Navy from 67,000 to 86,000, the additional cost, with bills now pending and others that will be pending, you will bring the expense of the Army and Navy at this time to $800,000,000, as against the expense during 1916 of $280,000,000.

We are told further by Mr. MADDEN that with this additional expenditure we will have a deficit of $455,000,000, which means that you not only eat up all revenue coming in from an already tax-burdened people but you will have to increase taxes many millions to pay off the deficit.

I have a letter from a lady in South Carolina stating that at the beginning of the war she and her husband had a home, had money in the bank, and stood well in society, but he felt it his duty to take up arms in defense of his country. He was promoted several times, wounded, and placed in a hospital where, in order to ease his pain, he was given dope until he became a drug addict. To-day he is in the hospital on his own expense, unnoticed and uncared-for by the Government. He has lost his home and his money and his wife is dependent on friends and neighbors for the support of herself and their three children. There are hundreds of such cases and thousands of ex-service men and others out of work. Yet we who have over one-third of the gold of the world, which should be used in developing our national resources and for the education of the people of our Nation, under the control of the influence of these experts and a Republican administration you propose to maintain a large Army and Navy during peace times. To show further how you propose to carry out your destructive plans, which are absolutely against the interests of the masses of people, you are using millions of this money in building skyscrapers for the Federal reserve banks in New York and elsewhere. These same banks, however, in the fall of 1920 put the agricultural interests in statu quo.

Some of you who claim to represent the laboring man, the agricultural interests, the one interest that if made prosperous means prosperity to all other legitimate business, thought when you created the Federal reserve bank system—and it is a great one—when you created the War Finance Corporation and the Interstate Commerce Commission, that you had completed the job. In a great many of these you have wonderful structures and instruments for the welfare of the country, but you need to go a step further and amend these laws so as to have some say-so in the matter as to how they are to function. Do you think it wise to allow seven men to be able to dictate the policies of these great financial institutions so as to make or break any section of the country at will? Do you think it right to give all power to the Interstate Commerce Commission that they, in turn, may allow the railroad owners to not only break down railroading but rob the American shipper at the expense of the producer and consumer? I stand for the extension of the War Finance Corporation, but I challenge the committee in charge of the loaning of this money in the Southern States to show me that even 10 per cent of the loans made to the banks have gone direct to the producer. On the other hand, I am satisfied that I can show you that 90 per cent of all the money borrowed by the various banks in the South have gone to liquidate frozen debts of the banks to their correspondent banks, mostly in New York. I agree with you who are ready to question this statement that by relieving the banks it, to a certain extent, relieves the farmer, but only in the granting of time by renewing his paper with his banker.

Check over the banks in the South who are in a position to carry not only whatever amounts are now owing to them by their customers but who are able to borrow of this War Finance Corporation and lend to the needy farmer and merchant. I charge that you will not find one out of ten doing it.

When my colleague [Mr. BYRNES] introduced last year an amendment to reduce the Army from 175,000 or more to 150,000 we had the same kind of propaganda from the newspapers and from the Members of the House, saying that we were going to destroy the Army. Even the Republican floor leader [Mr. MONDELL] made an extended argument on the floor of the House against any such procedure, and he, or some one of the other Republican Members, said it was a scheme to wreck the Republican Party. We, however, passed the amendment and saved several millions of dollars to the taxpayers. Contrary to Mr. MONDELL's contention and that of the experts, it worked so well that we voted a further reduction of 35,000 the other day.

I am ready to go to the limit in spending the people's money if you will do it along business lines, as you would in your own

private business. The laboring people, the farmers, and the business men are getting tired of promises, and I predict that unless changes are made in the type of legislation passed here you are going to see in this House a different type Representative in the near future. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, when the Conference on the Limitation of Armament concluded its work on the subjects it considered I blistered my palms applauding the steps taken in the direction of disarmament. You did. That conference, however, did not take up the question of limiting the activities of the several Governments with respect to the development of their air service, which is by its limitation a means of defense at home and not of conquest in distant lands or seas. But the most effective weapon of defense, now and hereafter, will be in the air. A $40,000 airplane, manned with three men, carrying ammunition that costs less than $20,000, will be a match for a $40,000,000 battleship manned by 1,100 men and 125 officers, with ammunition that costs hundreds of thousands of dollars. I witnessed bombardments from airplanes 60 miles at sea, and I know how absolutely effective these weapons of defense can be and are. I am amazed, I was amazed last summer, at the inertia of men in high places in the Army and in the Navy whose duty it is to promote the national defense in the air. Instead of helping, they did much to smother every activity, so far as it was possible for them to do so, the development of means of defense in the air. The propaganda from the War Department and from the Navy Department—from the old, fossilized bureaus of those departments—was to the effect that there were no important developments in the achievements of the airmen. It was their contention that the sinking of a battleship with an airplane did not change the old methods by which the Nation must be defended in the future; that we must go on with our enormous battleships, with our great guns on land; that we must pursue the old methods. And the newspapers played into their hands, and the most untruthful statements with respect to what was accomplished and what was really developed were published daily while these experiments were being carried on on the sea and in the air with respect to what can be done by airplanes in the national defense. The secret of it is that you can provide for the national defense with hundreds of thousands of dollars in the air where it takes hundreds of millions of dollars [applause] with great battleships and large armies. You can with a few hundred officers and a few thousand men do the same work for the national defense in the air that it takes thousands of officers and hundreds of thousands of men on ships and in armies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ARENTZ. If the gentleman will yield, I think all Members who went on that trip last summer observed the same condition I did, namely, that instead of the airplanes being permitted to attack at once they were kept waiting for 30 or 45 minutes circling the air, and instead of the ships being 30 or 40 miles from shore they were 75 miles from shore, and everything possible done to make the bombing expedition a failure.

Mr. CAMPBELL of Kansas. Yes. The gentleman from Nevada is correct. The most that could be done to make a failure by those in charge was done. They would not permit the planes to go out and make the attack as they had planned to make it. Their plan of attack was not carried out according to the plan developed by those interested in the development of aviation, but by those interested in the development of large armies and large navies. If those in charge of the air activities last summer had been permitted to make the attack as they had planned it, they would have shown the development of a means of national defense that will make it unnecessary hereafter for any nation to maintain great armies and great navies at the expense of hundreds of millions of dollars.

Mr. McSWAIN. I want to ask my friend if, having that in his mind, he does not think it would be necessary to establish an independent air service?

Mr. CAMPBELL of Kansas. I do.

Mr. McSWAIN. If it is left under either the Army or the Navy, these ultraconservative men will so completely throttle the progress of the work that it will not accomplish its possibilities.

Mr. CAMPBELL of Kansas. Men who have been trained as naval officers in the management of battleships, men who have been trained as cavalrymen and infantrymen, are not the men to aid in the development of the Air Service. Many officers are converted to the value of this service. The men who will develop the Air Service are men who are as enthusiastic to the possibilities of developing that service as are those to-day who are developing the other arms of national defense.

Mr. MANN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. MANN. Are not the officers of the Army and Navy, both, who are in charge of the Air Service in the respective services just as actively interested in the Air Service as anybody else could be?

Mr. CAMPBELL of Kansas. They are; but they do not have the last word. They are subordinates in both the Army and the Navy. That is where the trouble lies.

Mr. MANN. Does the gentleman think it would be in the interest of anything to have an independent air service in control of our ships at sea with a Navy and not under the command of the Navy?

Mr. CAMPBELL of Kansas. The Air Service would coordinate, of course.

Mr. MANN. Maybe the independent air service would be in control of it, then. It is ridiculous to possess an air service that is independent in war.

Mr. McSWAIN. Do not the Army and Navy have to cooperate under one Commander in Chief in time of war?

Mr. CAMPBELL of Kansas. Of course they do. This is true, that when you send men into the air with a well-equipped airplane they are under the control of the pilot, and should be. They should and must do what they think is the proper thing to do.

Mr. LAYTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LAYTON. What is a well-equipped airplane?

Mr. CAMPBELL of Kansas. One that has been thoroughly developed and has a good pilot and a good observer, with all the essentials of a fighting plane.

Mr. LAYTON. All of which is not worth a hill of beans unless they have got something to drop, to explode, and to destroy.

Mr. CAMPBELL of Kansas. Surely.

Mr. LAYTON. And that depends upon synthetical chemistry.

Mr. CAMPBELL of Kansas. Oh, yes. And that does not cost a great deal of money, either; they go prepared with it.

Mr. KNUTSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. KNUTSON. Does the gentleman get the information he is giving to the House to-day from a certain officer of the Air Service who has more ability to break in on the front pages of a newspaper than in anything else?

Mr. CAMPBELL of Kansas. I got my information from experience in the air. I have been 60 miles out at sea in an airplane and I have seen bombs dropped from the plane and hit a target. [Applause.] We dropped six bombs from the airplane on which I happened to be at the time and hit the target four times out of the six.

Mr. KNUTSON. I congratulate the gentleman on his narrow escape.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas have five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Kansas have five minutes more. Is there objection?

There was no objection.

Mr. ARENTZ. I suppose that the gentleman from Minnesota [Mr. KNUTSON] is talking about the man who made the expedition with airplanes 60 or 70 miles from shore and took his chances with his subordinates and taught them the greatest lesson that he could teach them—a man who made a record in France that can not be beaten by anyone. I refer to General Mitchell. [Applause.]

Mr. CAMPBELL of Kansas. I do not think any officer in the late war made a more dashing or exceptional record than General Mitchell. [Applause.] No man to-day stands out more conspicuously as an expert in the line of work in which he is interested and engaged than he. Those who have been trained under his direction are enthusiastic airmen. They will take their lives in their hands any moment and go to the duties to which he directs them.

Mr. KNUTSON. I did not have General Mitchell in mind; and I am very sorry the gentleman from Nevada would connect General Mitchell with what I said.

Mr. CAMPBELL of Kansas. I did not take anybody's propaganda as to what might be done in the air. In company with the gentleman from Massachusetts [Mr. WALSH] we went to Langley Field in the air. We went from Langley Field 60 miles to sea in the air. We dropped bombs on a target at sea. We know what can be done with bombs from airplanes. It is not

a matter of hearsay. It is a matter of experience and observation. And I am in favor of this amendment. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, the amendment offered by the gentleman from New York [Mr. HICKS] will increase, if adopted, the appropriation for maintenance of shore stations and for repairs about $1,000,000. The amount carried in the bill is about $500,000 more than the amount being expended for a similar purpose this year. We went into the matter very thoroughly when the chief of the bureau was before the committee. There was one item of about $500,000 set down as a miscellaneous item. The chief of the bureau was not able to give the committee any information to speak of as to what the $500,000 miscellaneous item was for. Ordinarily miscellaneous items are small items, and the committee did not feel that we would be justified in allowing $500,000 out of an item of $5,000,000 under the head of miscellaneous expenditures unless the bureau chief could give in much greater detail what he intended to do with the $500,000. So we eliminated it entirely.

Mr. MONDELL. Otherwise you gave them what they asked.

Mr. KELLEY of Michigan. Well, not just that. Now, the other reductions made were various smaller reductions at different stations, where the committee did not feel that it was necessary to spend as much money as was spent last year. They asked for more money than was spent last year, and while the committee granted some increases over last year we did not in every instance give quite all that was requested. We could not see any reason why, with the same shore establishments, and with wages for civilian employees being somewhat reduced and expenses for material somewhat reduced, there should be an expenditure in excess of $500,000 over last year, and I am inclined to think that the committee was reasonably generous in the allowance.

Let me say that the committee was in full sympathy with everything in the bill which had for its purpose the putting of aviation into the fleet. We gave them all the men that they asked for for the two carriers that are to go into commission, or rather for the one carrier and one tender. We gave them 500 additional men to go on the battleships when the catapults are completed, and we carry the necessary funds for the construction of the catapults; so that the committee was thoroughly in sympathy with this air development, so far as it is made effective in the fleet, and we did not stint the department in any way in the funds which they asked for for fleet purposes. But we felt that we should make whatever reductions could properly be made in the upkeep of these shore establishments.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. CAMPBELL of Kansas. Was the importance of inspecting planes and having expert mechanics on the shore in connection with these planes brought to the gentleman's attention?

Mr. KELLEY of Michigan. Yes.

Mr. CAMPBELL of Kansas. Was it called to the attention of the gentleman that recent accidents in the Air Service have been largely due to the fact that pilots took their planes into the air without having been properly inspected because of a shortage of men and skilled mechanics to make the inspections?

Mr. KELLEY of Michigan. Well, I rather doubt the accuracy of the statement of my good friend from Kansas as to the cause. The fact may be correct, but I am inclined to think that the Navy Department, with 96,000 men in the Navy, could have properly assigned to aviation such men as were necessary for inspection.

Mr. CAMPBELL of Kansas. But did not.

Mr. KELLEY of Michigan. If they did not do so, of course that is beyond the control of the legislative branch of the Government.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Will the gentleman yield there?

Mr. KELLEY of Michigan. I will yield first to my friend from New York.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HICKS. Mr. Chairman, I want to pay my compliments to the gentleman from Michigan for his very liberal attitude toward aviation. He and I have worked together in regard to this matter, and I am sincere in saying that he is a friend of aviation. In the past he has very kindly consulted me in this matter, and, on the whole, I think his bill is liberal toward aviation. In certain matters we disagree, however. The department asked for more men than he has given. He has given them 2,000 men less than they asked for.

Mr. KELLEY of Michigan. I spoke of that the other day. Perhaps the gentleman was not then on the floor. The chief of the bureau did ask for a greater number from the department itself, but the department never brought to the Committee on Appropriations any such request for men as the Chief of the Bureau of Aviation conveyed to the department.

Mr. HICKS. I think there is a little confusion in regard to what came from the department, but I will not press that matter now because that water has gone over the dam. This last year we spent about $4,500,000 for these shore stations, which was $500,000 less than they were able to get along with, and they had to take that amount from construction account, which means that we curtailed the construction of planes that much. In order to continue on last year's basis it would take $5,000,000, which is the amount provided for, but this will only permit aviation to operate on a very reduced basis. I feel it should operate on a full basis.

It seems now, when we have cut down battleship construction, aviation should go ahead, and in order that it should go ahead we ought to have the additional amount as provided for in my amendment.

Mr. KELLEY of Michigan. This is a department that has been recently organized. The Chief of the Bureau of Aviation has been at the head of the bureau only four or five months, as I recollect, and he had to bring together an organization picked out from the various other bureaus of the Navy, and he was not in a position, because of that fact, to supply the committee with as much information as he, no doubt, will be able to supply at a later date, and we excused some shortcomings as to the information furnished on the ground that he had been connected with the bureau only a short time. But there is this fact to be considered in connection with what the gentleman from New York says: That because this bureau is a new one we have provided that the fund for aviation shall be continued as it was last year, as one fund, so that if we have made any error in supplying an amount too small for one purpose and they have an excess in some other fund, as they had last year, they can use the excess to make up the shortage.

Mr. HICKS. I do not think they had an excess in any item. What they did was absolutely to stop construction of planes by $500,000, and they took that money to make up the deficit in shore stations, a deficit caused by a too heavy reduction in this year's appropriation bill.

Mr. KELLEY of Michigan. Well, the whole question of what they are going to do in aviation down there is still in a rather unsettled state. Their plans are not complete as to what they are going to do with lighter-than-air craft. They do not know how much they are going to spend on that. They do not know whether it is going to be a development which is worth while in war or not—the development of these dirigibles. And so there may be funds carried for that which they will not need. I am inclined to think that altogether we have been very liberal with the department for the upkeep of these shore establishments, and we have been very liberal in making the necessary appropriations to carry the work into the fleet.

Now, I want to call the attention of the gentleman from New York and the House to the further fact that this bill is now some $8,000,000 or $9,000,000 short of what it will be for aviation, because under the rules of the House we are not able to provide anything for new aircraft in this bill. Last year we put into the bill a provision for new aircraft, but it went out on a point of order, the Chair holding that aircraft were ships and that they had to be authorized before they could be appropriated for.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. So this bill, carrying an aircraft item of $7,000,000 or $8,000,000, will have to be augmented further by some $8,000,000 or $9,000,000, so that the total for aircraft will be about $16,000,000.

I want to call attention now briefly to what we are doing for aircraft, taking the Army and Navy together.

Mr. SISSON. Before the gentleman begins to discuss that, will he yield?

Mr. KELLEY of Michigan. I yield to the gentleman from Mississippi.

Mr. SISSON. During the consideration of the Army bill I consulted with the gentleman in reference to the amount of money that the Navy would be willing to appropriate for the production of helium. It was understood at that time that the Navy were to meet the Army in whatever appropriation the Army bill might carry for that purpose. The Army bill carries $400,000. Now, is it understood that $400,000 will be carried in this bill for the production of helium?

Mr. KELLEY of Michigan. The gentleman is entirely right about that.

Mr. SISSON. I am very glad to know that that is understood also in the department, because we had quite an extensive hearing on that subject, and we feel that they can get the maximum result by adding enough to keep the helium plant running 12 months in the year. I do not know that this is quite enough to do that, but it will come very near doing it; and if we can get helium produced in that great quantity, we then will have enough to make our lighter-than-air craft a real adjunct of the Army and Navy in time of war.

In order that this may be properly understood, will the gentleman have any objection to a proviso in this clause providing that $400,000 shall be used for this purpose?

Mr. KELLEY of Michigan. I shall not have the slightest objection to that.

Now, Mr. Chairman, something was said a while ago, or a colloquy took place between the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. CAMPBELL] as to a separate air establishment. Of course, I do not know whether that would be an advisable thing or not, but it has a good many elements about it that appeal to me. It is the way the air service is handled in Great Britain. They have one air establishment. We have an air establishment in the Army and another air establishment in the Navy.

Mr. OLIVER. The gentleman might add also that we have a separate air establishment in the Marine Corps.

Mr. KELLEY of Michigan. We have a separate air establishment in the Marine Corps. We have in the Army about 8,000 enlisted men in aviation, and there are about 8,000 more civilians in aviation in the Army, making a total air force in the Army of about 16,000, exclusive of the officers. We have provided in the bill here before the House about 3,200 enlisted men for naval aviation, and there are about 1,800 civilians, making a total of 5,000 men in aviation in the Navy, exclusive of officers. In the Army and Navy there is an air personnel of 21,000 men, enlisted and civilians, at the present time.

General Mitchell returned from Europe a few days ago and we asked him to come before the committee and give us some information relative to the British establishment. He testified that they have an authorized force in Great Britain of 30,000 men, but that up to the present time they have enlisted only 23,000 men, so that the British establishment of 23,000 men will be fairly comparable with our Army and Navy aviation forces added together. I asked Mr. Mitchell this question:

In the total of enlisted men in the British air force 23,000?

General MITCHELL. Yes; about 23,000, and the total number of officers that they have at the present time is about 2,300.

He then testified that they did not have any civilians to speak of in the British air service; that all the men who were performing air duty in the British air service were enlisted men, so that we have a fairly comparable force in the two countries. I asked General Mitchell this question:

In the assignment of men and officers to the ships of the Navy have you any information as to what ships in the British Navy have aviation upon them and as to the number of officers and men so employed on each ship?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, this is a rather important matter, and I ask for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Then, General Mitchell went on and detailed ship by ship all the British airplane carriers and other craft carrying any air force, and said that the entire number of officers and men afloat in the British Navy was 188 officers and 850 men.

Mr. HICKS. That is, connected with the air service in the British Navy?

Mr. KELLEY of Michigan. Yes; afloat. I said:

That would represent every man and every officer afloat on account of aviation in the British Navy?

General MITCHELL. Yes, sir.

Mr. KELLEY of Michigan. One hundred and eighty-eight officers and 850 men represent every officer and every man afloat that can be chargeable to aviation in the British Navy at the present time?

General MITCHELL. Yes, sir.

Then I asked him this question:

In addition to the number that are carried afloat, is there any other part of the British air service that can be properly charged against the navy?

He said:

Yes; and in that connection you must take into consideration their schools, supply points, etc.

Then I said:

Suppose you give us all the other units of the British air force which may be properly charged against the navy, giving the number of officers and the number of men in each unit.

Then he went down through the entire list of shore stations that are in any way connected with the British Navy, giving the name of the station, the number of men and officers at each station all through the British Empire, and finally gave this figure for such shore establishments—250 officers and 1,197 men. Then I said to General Mitchell:

If you add the 188 officers and the 850 men afloat to the 250 officers and 1,197 men that you have just mentioned, that makes a total for the British air force chargeable to the navy of how many officers and men?

General MITCHELL. Four hundred and thirty-eight officers and 2,047 men.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GRAHAM of Illinois. They have a united air service—the army and the navy have no separate service?

Mr. KELLEY of Michigan. That is right. Then I said:

The royal air force has shops and repair plants at which aircraft and equipment for the air service are kept in repair?

General Mitchell replied:

They have central shops where they keep up the equipment that is on duty with the units.

Then I asked:

Now, what proportion of all the aircraft in the British Royal Air Service assigned afloat and to those shore activities that you have mentioned here would be properly chargeable against the navy?

And General Mitchell said:

Not over one-tenth.

Then I said:

The repair of the equipment which is assigned to the Navy is done on board the mother ships and at those various places where the units are located?

And General Mitchell replied:

Yes, sir; some of it.

Then I asked:

What proportion of the entire repairs for the British Royal Air Service on account of aircraft would be assignable to those repair shops which are operated by the Royal Air Service?

And General Mitchell said again:

About one-tenth.

Then I said:

I do not suppose you know how many men are employed in the central shops that do repair work on aircraft?

And General Mitchell replied that practically all of them come within the 23,000 men. Then I asked:

But do you know what proportion of the entire force is so employed?

And he said:

No, sir; not exactly.

Then I said:

Out of the 23,000 men how many mechanics would be engaged in the repair of airplanes?

And General Mitchell replied:

Well, about one-half.

I said:

That would be about 11,000 men?

And General Mitchell replied:

Yes, sir.

I said:

One-tenth of 11,000 men would be working on airplanes used afloat and at navy shore stations?

General Mitchell replied:

Not that many.

I asked him how many there would be, and he replied:

I should think not over 500 men.

I said:

Five hundred men in the shops would take care of everything in the way of repairs on that portion of the service operated afloat and at the coast stations chargeable to the Navy?

And General Mitchell replied:

Yes, sir.

Then I said:

Counting everything you can think of that is properly assignable to the Navy and considering the coastal supervision which in this country would probably be taken care of by the Army, and then considering a

proper allowance for mechanics to keep that equipment in condition, these 500 extra men, besides the number you have given, you think would be an ample allowance?

And General Mitchell replied:

Yes, sir.

Then I said:

That would make a total of 2,500 men chargeable to the naval air service?

And General Mitchell replied:

That is about the maximum at present in use in England by the Royal Air Force.

And in this connection I want to call the attention of the House to the fact that the Navy Department advised the President that there were 30,000 enlisted men in the British air force and that 10,000 of them were properly chargeable to the navy. Whereas the facts are as testified to by General Mitchell that there are 23,000 men in the entire force and only 2,500 chargeable to the navy.

Mr. HICKS. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. HICKS. The gentleman appreciates the fact that he is speaking of the personnel, whereas my amendment is directed to the operation and maintenance of aircraft. What the gentleman is reading has nothing to do with my amendment, I think he will admit.

Mr. KELLEY of Michigan. No.

Mr. SWING. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. SWING. Does the gentleman say in his statement that the figures he gave included the enlisted men and officers operating the airplane carriers?

Mr. KELLEY of Michigan. Yes; he not only gave the total number but he gave the number of men and officers on each carrier, also the number of men and officers at each station and the name of each station. I will say further that General Mitchell said he had just come back from England, and because of the fact that he had cooperated with the British officials in the war and had been on the most friendly terms with them in France, they said to him, "Go into the offices and get any information you desire; everything is open to you." But remember that the President was advised by the Navy Department that there were 10,000 men in naval aviation in Great Britain, whereas the best information obtainable from the best authority is to the effect that it does not exceed 2,500. They even fooled my good friend from Tennessee [Mr. PADGETT]. [Laughter.]

Mr. OLIVER. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. OLIVER. The gentleman will confirm this statement, that every member of the subcommittee was in full accord and agreement as to the importance of the Naval Air Service, and that we have endeavored to adequately provide for that service at this time. The subcommittee saw where sane and safe economy would be practiced, it was well to do so because the most urgently needed matter in the Air Service is the air-carrying ships, and this Congress will be asked to provide many millions for the purpose of constructing those ships. We only have one now.

Mr. KELLEY of Michigan. Yes; they want forty-eight millions for that purpose. I now yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, I just wanted to say to the gentleman that I am informed by the Chief of the Bureau of Aeronautics that they have taken up those figures given to the committee by General Mitchell, and they say that they have verified the figures that they gave, which I used, and that my figures are absolutely correct. They dispute the accuracy of General Mitchell's statement.

Mr. KELLEY of Michigan. Personally, I am disposed to believe that General Mitchell's information is more reliable. He has just returned from a personal study of aviation in England.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HICKS].

The question was taken; and on a division (demanded by Mr. HICKS) there were—ayes 34, noes 75.

So the amendment was rejected.

Mr. LANHAM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 49, line 10, after the word "Navy" insert: "*Provided*, That the sum of $400,000 of this appropriation shall be expended for maintenance, repair, and operation of helium plants."

Mr. KELLEY of Michigan. Mr. Chairman, while that would be subject to the point of order I have no desire to make it, and I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the word "further" be inserted after the word "provided," in line 19, page 49.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. HERRICK. Mr. Chairman, I offer an amendment, which I sent to the desk last evening, and I ask that it be now reported.

The Clerk read as follows:

Amendment offered by Mr. HERRICK: Page 48, line 21, after the figures "1922," strike out "$400,000" and insert in lieu thereof "$500,000."

Mr. HERRICK. Mr. Chairman, I shall not emulate some of my illustrious colleagues and while away a whole day here talking about a very small matter. I am just going to say a very few words and ask for a vote. There is one thing that I want to call to the attention of the House, connected with the Air Service, about which I have not heard anything in this discussion, and which might be pertinent. That is this: In some of these congressional inspection trips I have eaten with the officers' mess of the Air Service, I have eaten with the officers' mess of the Army service, and I have eaten with the officers' mess of the Navy service. I would say that if I were to make a choice in respect to boarding permanently with any one of them, I would choose the Navy service, because the food served there is better than that served in most of the hotels in Washington. The food served in the Army officers' mess is better than that served in some of the hotels in Washington, but I do consider that the subsistence of the air force, if the sample I had of it is to be taken into account, is grossly inadequate, and I certainly would not want to subsist upon it very long. That is just one little point that I want to bring to your attention. It seems to me that a little bit more money could be spent upon it, because these men are risking their lives every time they leave the ground, and at least we ought to give them decent food if we are going to ask them to do that.

Another little point I want to make is that in all the time that I have been around these different aviation stations the only complaint that I heard is as to the inadequacy of the equipment, the inadequacy of everything all the way down the line. It does seem to me that if we can spend $40,000,000 on a battleship, which an airplane can sink in five minutes or less, we ought to be able to spend a few hundred thousand dollars on the airplanes to do the job with, because we can lose several dozen aeroplanes and not lose the cost of one subchaser, to say nothing of a torpedo boat, or a destroyer, or a cruiser, or a battleship. So far as the loss of life is concerned, when we lose an airplane we lose one or two, while in the loss of a battleship it involves several hundred, at least, and sometimes several thousand at the most.

I am digressing in this discourse more than I had intended, but I want to come to another point, and that is this: I have offered this amendment to provide an additional $100,000 with this thought in mind. By increasing this appropriation $100,000 we might establish an airplane factory and keep down some of the excessive costs that we are paying to the private manufacturers. The gentleman from New York [Mr. HICKS] informs me that we already have a factory, but that it is labeled "experiment station." If that is true, and I have no doubt it is, then this $100,000 would come in very handy in connection with the work of the experiment station.

There is another thing that I want to call to your attention, and that is this matter of increasing the personnel of the Army from 67,000 to 86,000——

A MEMBER. The gentleman means the Navy.

Mr. HERRICK. That is correct. That is a mistake on my part; but we are human, all of us make mistakes, and the man who never made a mistake is dead, if he ever lived. [Laughter.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HERRICK. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HERRICK. Mr. Chairman, I understand there is to be a yea-and-nay vote on the matter of the personnel for the Navy before this bill is finally passed. There will be ample time for all of the Members who have not done so before that vote is taken to read the extension of my remarks, which I placed in

the House yesterday evening, to be found on page 5692. [Laughter.] They may exert a little influence on the vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. HICKS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 49, line 6, after the word "service" strike out the words "for aircraft stations."

Mr. HICKS. Mr. Chairman, the matter is simply to facilitate the part of the bill referred to above, and I think the chairman has no objection to it.

Mr. KELLEY of Michigan. Mr. Chairman, I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

NAVAL ACADEMY.

Pay, Naval Academy: Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $346,500.

Mr. DENISON. Mr. Chairman, I offer the following amendment.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 50, line 14, after the word "librarian" in line 14, strike out "$346,500" and insert in lieu thereof the following: "$421,500, provided that not more than $36,500 shall be paid for masters and instructors in swordsmanship and physical training."

Mr. DENISON. Mr. Chairman, when the bill was under discussion under general debate I asked for and was given 20 minutes to discuss this subject; I afterwards waived the time allowed me on account of the time being short, with a sort of understanding that I could have a little extra time to discuss it when we came to this item in reading the bill, and therefore I ask unanimous consent to have 15 minutes in which to discuss this subject.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Chairman, the amendment I have offered adds $75,000 to this item and makes it $421,500, which brings the appropriation for the civilian instructors at the Naval Academy back to the amount that is carried in the appropriation for the current year. In other words, my amendment simply brings the amount appropriated for civilian instructors at the academy to the amount carried this year and last year also, adding $75,000 to the amount carried in the bill. Now, in order that the committee may better understand this, I will say that the subcommittee have added to this item $36,600, which heretofore was carried in the item just below in the bill, so it is not an increase in expenditure, but a shifting or change of the place where the amount is allowed in the bill. That item covers instruction in swordsmanship and physical training, so that now instead of there being in this bill specific appropriations for instructors in swordsmanship and physical training, and instead of having an itemized appropriation for that purpose, the bill as it is reported by the subcommittee carries a lump-sum appropriation for that purpose of $36,500.

The committee have carried it up and placed it in the lump-sum appropriation for civilian instructors; so that the amendment which I have offered simply increases the appropriation back to where it is this year, with the proviso that not more than $36,500 shall be expended for that particular purpose. Now, I think that that proviso ought to be approved. We are making a lump-sum appropriation for civilian instructors; a great deal of discretion is allowed to the superintendent in expending the money. In training the cadets for their athletic contests a number of coaches and trainers are employed. For years such men have been employed and paid by the Naval Athletic Association, composed of the alumni of the academy. Many naval officers think they ought to be paid from the Public Treasury. I do not think a lump-sum appropriation ought to be turned over to the superintendent so that he can pay them out of that fund if he wants to, and therefore I think this proviso limiting the amount that can be expended for athletic training is proper, and I think the chairman of the subcommittee ought to accept it as being proper.

Now, as to the question of whether or not we want to increase the appropriation back to where it is at this time, namely, $385,000. Gentlemen, I hope this will receive the serious consideration of all the members of the committee. There has now been started by the superintendent a policy of undoing at the academy a great deal of what has been accomplished there in recent years upon the advice of the very best educators of the country. This is but the beginning of a policy of getting rid of all the civilian instructors at the academy and substituting naval officers in their places. The academic board, consisting of 11 heads of departments, including the superintendent, is supposed to decide all questions of policy at the academy. But the superintendent of the academy, Admiral Wilson, came before the subcommittee without having consulted anyone at the academy, without having mentioned it to any of the academic board, without having given anybody the slightest intimation of his intention—as I say, he came before the committee and recommended the immediate removal of 78 civilian instructors and substituting in their places lieutenants and lieutenant commanders of the Navy. Of course, the subcommittee would not stand for anything of that kind, but they yielded to this extent, of decreasing the appropriation for civilian instructors $75,000, which would mean the elimination this year of about 28 or 30 civilian professors.

Think of it, gentlemen. The present corps of civilian professors and instructors has been assembled and selected in accordance with carefully considered plans and after years of investigation. Boards of Visitors, appointed by the President, the Vice President, and the Speaker of the House, have annually visited the academy, studied its needs, observed its operations, and carefully considered this whole question of the personnel of the academic instructors. These Boards of Visitors have included many of the country's most successful educators. Their recommendations have received the approval of former superintendents and of former Secretaries of the Navy. Civilian professors and instructors in nontechnical subjects, such as modern languages, English, mathematics, history, physics, and international law, have become the accepted policy for the academy. But Admiral Wilson, who had not been at the academy in 40 years, except perhaps as a casual visitor, is made superintendent, and, without consulting with anyone, recommends the removal of 78 civilian teachers.

Next year, of course, if the admiral can have his way, there will be a further elimination of the civilian instructors and substitution of naval officers, and the question is now presented to the House whether or not we are going to undo what has been done at the academy; whether we are going to, in my judgment, wreck the academy as an educational institution by the substitution of naval officers as teachers and instructors of the young men we send there.

Mr. MUDD. Is it a fact that the commandant of the Naval Academy, Admiral Wilson, asked the Appropriations Committee to recommend that 78 of these civilian instructors should be dismissed from the academy?

Mr. DENISON. Seventy-five or seventy-eight. I think the hearings show 78.

Mr. MUDD. If the appropriation remains as it is, you state that 25 or 30 of these men must be dismissed?

Mr. DENISON. Yes. In other words, gentlemen, the way they are going to get rid of the civilian instructors is to take away the appropriation, and, of course, their places will have to be filled by naval officers.

Mr. NEWTON of Minnesota. I wish to say that, reading from page 13 of the hearings, Admiral Wilson says the appropriation ought to be cut down to $140,000 or $150,000.

Mr. DENISON. That means the getting rid at one stroke of 75 or 80 of the civilian instructors.

Let me give you the history of this question. In 1913 there was another naval officer who was superintendent of the academy. He had the same Prussian idea that the present superintendent seems to have, of wanting to get rid of everybody there who wore civilian clothes and put naval officers in their places. He did not want to have them around. So he came before the Committee on Appropriations with this same recommendation, and there was a complete hearing in 1913 upon this whole subject. Congress went into it fully, and after a thorough hearing and investigation, turned the proposition down, refused to follow that policy, and inserted in the appropriation bill of that year, 1913, in order to prevent such a policy being carried out, this proviso:

No part of any sum in this act appropriated shall be expended in the pay or allowance of any commissioned officer of the Navy detailed for duty as instructor at the United States Naval Academy to perform duties which were performed by civilian instructors on January 1, 1913.

And that limitation was carried in every appropriation bill for the Naval Academy from 1913 until 1917.

Mr. NEWTON of Minnesota. I notice this statement by Admiral Wilson:

The civilian instructors came into the Naval Academy during the war, when officers were doing other work and could not be obtained.

That statement is not in keeping with the facts, because we had civilian instructors before the war.

Mr. DENISON. Certainly that statement is not in keeping with the facts.

Mr. KELLEY of Michigan. I think, in justice to Admiral Wilson, that his statement is very accurate, that during the war there was such great need for naval officers that they detailed them out of the stations and the academy and wherever they could get them, and supplemented them with civilian instructors.

Mr. NEWTON of Minnesota. He certainly did not speak accurately, to use this language.

Mr. KELLEY of Michigan. As naval officers go, I think he did.

Mr. DENISON. The committee understands, of course, that during the war we increased the number of cadets, and therefore had to increase the number of instructors. This limitation had to be carried in every appropriation bill from 1913 to 1917. In 1917, when we were in war, the committee, of course, left it out, because there was no need for its being there, there being no naval officers to send to the academy, all of them being needed at sea.

Mr. OLIVER. I do not think any member of the subcommittee was in sympathy with Admiral Wilson's recommendation that naval officers be substituted for civilian instructors. The committee felt that perhaps there would be a smaller attendance at the academy next year and some economy could be made on this account. However, if the attendance next year should be as large as it is this year and Members of Congress feel that this appropriation should be increased to retain the civilian instructors now employed at the academy, the committee will not seriously oppose the pending amendment.

Mr. DENISON. I am very glad to hear the gentleman make that statement—there will not be a decrease in the number of cadets this year. If we want to decrease the expenditures of the academy, then Congress ought to provide for a less number of cadets; but while we have such a large number there we must have competent instructors for them, if we keep faith.

Mr. LAYTON. The gentleman has not stated it in explicit language, but I take it for granted that he thinks the civilian instructors are more competent as teachers than men who wear the uniform of the Navy.

Mr. DENISON. I certainly do think so. Gentlemen, it ought to be apparent to anyone. These young men graduate from the academy and they soon go to sea. Very often many of them barely make passing grades. They do not look into their books again, perhaps, until in some future years when they are given orders to go to the academy to teach. They go there absolutely without preparation to instruct.

Mr. BEGG. Is it not a fact that 12 years is the least possible time before a man is ever detailed from outside duty to act as an instructor at the academy?

Mr. DENISON. It is true, as I understand it.

Mr. LAZARO. I would like to call the gentleman's attention to the fact that in Great Britain they rely on civilian instructors in their school.

Mr. OLIVER. The gentleman from Illinois and I were on the Board of Visitors last year, and he will recall that the superintendent of the academy, Admiral Scales, told us that the Bureau of Navigation made the assignment of officer instructors to the academy, and that if such policy was continued the Bureau of Navigation should be required to specially consider the qualifications of officers assigned to the academy in future, with a view of ascertaining their adaptability to teach. We were told that many officers in the past had been assigned who were not well qualified as instructors.

Mr. DENISON. That is true, and Admiral Wilson testified at the hearings on this bill that he had no choice as to who should come there. They are assigned there. There is another thing, gentlemen, that the House should take into consideration in determining the question involved in my amendment. When officers are sent to the academy they only stay two years and then have to go back to sea under the rules. So we will have the ridiculous situation, if this policy is carried out, of practically all the instructors at the academy changing every two years; that would ruin any educational institution. The Naval Academy is the cradle of our Navy. The officers of our future Navy begin there. It is there their careers are largely determined. There ought to be at least some permanency in the teaching force as well as in the policies and traditions of the institution. No educational institution can ever amount to much that is continuously changing its teaching staff every two or three years. Admiral Wilson would have known this if he had been around such an institution in the last 40 years.

Now, the business of teaching young men in a college and helping to give them an education is a serious matter, and we ought to have men at the head of the different departments in the Naval Academy who are trained instructors. We have a corps of fine teachers there, men of college education, men who are trained instructors; and I want to say this, that there can not be found anywhere in the world, in my opinion, a naval academy with a finer set of civilian instructors and professors than those we have at the Naval Academy at Annapolis. At the British naval academy at Dartmouth, England, all of the academic subjects, except technical subjects like navigation, gunnery, ordnance, and perhaps marine engineering, are taught by civilian instructors. In fact, the head master of the British naval academy is a civilian. The same is true of the naval academy of France and of Italy and other European countries, and also of Japan.

Mr. LINTHICUM. What is the gentleman's intention in his amendment?

Mr. DENISON. My amendment will increase the appropriation to an amount sufficient to pay the salaries of all the present civilian instructors. I propose also to insert a provision that would prevent naval officers from being substituted for the civilian teachers.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. REED of West Virginia. When a naval officer is assigned to the faculty, does he go without any increase in emolument or pay?

Mr. DENISON. He goes without any increase in emolument or pay. I am glad the gentleman from West Virginia suggested that. It may occur to some members of the committee that this policy recommended by Admiral Wilson would be in the interest of economy, but I think I can show you that it will not be.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks for five minutes additional. Is there objection?

There was no objection.

Mr. DENISON. Gentlemen, it is not economy to substitute naval officers for civilian professors at the academy. Even if they could do the work as well it would not be economy, because the compensation allowed naval officers is at least a third more than the compensation paid to civilian professors. The compensation of a naval commander with allowances is $5,661 per year, and that of a lieutenant commander is about $4,975 a year; the compensation of a lieutenant varies from $2,400 to $3,360, depending on length of service. These amounts are on the average a third more than the compensation paid to the civilian professors. Civilian professors receive about $4,800; associate professors, $3,700; assistant professors, $3,200; and intructors, $2,800 per year.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. KELLEY of Michigan. Of course when this conference on disarmament was proposed we naturally supposed that there would be some slight reduction in the number of officers and in the amount of expense in the Naval Establishment. But I am beginning to think that possibly that was a great mistake; that it never was intended for that purpose. But I will say to the gentleman this, That while we have the officers, as he says, and must pay them, and there must be given effect to this conference treaty—the treaty growing out of the conference—there has to be a reduction in the establishment, and there will be a great number of officers whose duties will not be urgent, to say the least, and they might be assigned to the academy if they could render to the Government the proper service in that capacity. If, on the other hand, the House thinks that the naval officers should not be assigned, to the extent provided in the bill, to teaching in the academy, that would be a different matter. But so far as the expense is concerned, I think it would be a saving of expense to displace the civilians by the naval officers, because naval officers will have nothing else to do.

Mr. DENISON. I see the point of view. But, gentlemen, we can not take care of all the naval officers from the scrapped ships by sending them down to Annapolis and imposing them on the boys at the Naval Academy. We may go ahead and scrap some of the battleships; we may go ahead and scrap some of the personnel of the Navy; but let us not scrap the Naval Academy by substituting naval officers who have never instructed anybody and who know nothing whatever about the principles of teaching for the staff of highly educated, carefully

trained civilian teachers who have been doing such fine work at the academy in recent years.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BEGG. Is it not also a fact that a naval officer who is assigned as a teacher has never had any academic instruction beyond the second year boy at the Naval Academy, the fellow he is trying to teach, and he had that 12 or 15 years prior to his assignment?

Mr. DENISON. That is true.

I have some telegrams and letters here which I would like to read. They are as follows, the first one being from Benjamin Ide Wheeler, president of the University of California. The second is a letter from Mr. Frank Aydelotte, president of Swarthmore College; the third from Prof. A. N. Talbot, of the University of Illinois. I also insert a quotation from an article by Prof. Arthur Gordon Webster, of Clark University, one of the greatest teachers of the country, and a telegram just received from 35 members of the faculty of De Pauw University, Greencastle, Ind.:

BERKELEY, CALIF., *April 11, 1922.*

Hon. E. E. DENISON,
Washington, D. C.:

Appropriations Committee is making a serious mistake in recommending the displacement of civilian teachers at Naval Academy. Teaching is a profession. The teaching of subjects like history, English, modern languages, and international law presumes special preparation both as to knowledge of the subject and conveying the same. Going back to teaching by naval officers will mean practical annulment of the science of education as developed in the last generation.

BENJAMIN IDE WHEELER, *President.*

SWARTHMORE COLLEGE,
PRESIDENT'S OFFICE,
Swarthmore, Pa., April 11, 1922.

Hon. EDWARD E. DENISON,
House of Representatives, Washington, D. C.

DEAR SIR: I am informed that the naval appropriation bill now being considered by the House of Representatives proposes to replace a large number of civilian instructors in the Naval Academy by naval officers. While I realize that many of the officers in the Navy are excellent teachers, I nevertheless believe that such a policy would be fatal to the present educational efficiency of the institution.

No matter how well qualified for teaching an officer may be, he can in most cases not reach the same excellence as a civilian who makes teaching his life work. I believe it is the policy of the Navy to change men from one position to another every few years, thus making it impossible for them to make the same continuous study of the problem of teaching that can be made by a man who is in it for life.

Furthermore, scholarship and teaching ability are so rare that no institution can be successful which depends upon a certain group for recruiting its force. Denominational colleges find it necessary to go outside their denominations, and in the same way the Navy, if it wants first-class instruction, must, I think, be willing to go outside its ranks to recruit the staff of the Naval Academy.

The academy has a long and distinguished educational record. To put into law a proposal which, like this one, would inevitably destroy its educational prestige would be to earn the condemnation of that vast majority of the citizens of the United States who are interested in education.

Yours respectfully,

FRANK AYDELOTTE.

UNIVERSITY OF ILLINOIS,
Urbana, Ill., April 8, 1922.

Hon. E. E. DENISON,
Member of Congress, Washington, D. C.:

DEAR MR. DENISON: In response to your request of April 11, I wish to present my views on the proposed displacement of civilian instructors with naval officers at the United States Naval Academy.

The two types of instructor at the academy, the naval officer and the civilian-trained instructors, both have important functions.

There are important reasons why such subjects as seamanship, ordnance, navigation, and marine engineering should be directed and taught almost exclusively by officers of the Navy. This arrangement not only brings in men familiar with the practice of the Navy and the latest developments of the sea, but the spirit of the Navy is brought to the academy and instilled into the embryo officer. The officer-teacher as a liaison member between the school and the Navy is a valuable part of the organization.

There are equally important reasons why the teaching of other subjects, such as physics, mathematics, English, and languages, should be done largely by the civilian instructor. Teaching is a profession. To be a good teacher in such subjects requires preliminary training, preparation, and experience. Most of the civilian instructors have been chosen by competition from men who have prepared themselves for teaching as a life work. They have come from a variety of schools and have the best of training. They are scholarly in character. If they do not prove to be good teachers after a short period of probation, they do not remain. There are distinct advantages in having civilian instructors in such branches: 1. They may be expected to bring a broader and deeper training in the subject taught and in related subjects and to have a knowledge of the viewpoints of teachers engaged in similar work in civil institutions and in civil life. They bring with them modern pedagogical ideas. 2. In the technical lines the contact that civilian instructors have had with men trained away from the Naval Academy and their knowledge of the views of technical men in civilian pursuits will give an opportunity for the instructors who are naval officers to discuss and measure the effectiveness and adequacy of the methods and views taught to midshipmen. 3. In any event, care should be taken to avoid too much inbreeding—a condition which all colleges and universities have to be upon the alert to prevent. In judging of the usefulness of the civilian instructor, it should be kept in mind that the Naval Academy is both a vocational school and an educational institution.

In the last few years there have been brought together at the Naval Academy a body of civilian instructors who are as capable, well-trained, and proficient teachers as may be found anywhere. The quality of the instruction in these branches has greatly improved and is of high grade. Without discredit or criticism of the naval officer-teacher, it is apparent that men brought in from the sea, detailed for a brief period to teaching work, may not be expected in general to give the quality of instruction in such branches that will be provided by the trained teacher.

It seems to me, then, that the proposal to replace civilian instructors with naval officers in any large number would be extremely detrimental to the best interests of the midshipmen and the Navy. I feel this is all the more strongly after seeing the gain that has come to the educational standards of the school in recent years through the development of civilian instructors. The combination of civilian instructors in general subjects and of naval officers for naval subjects is an ideal one, and any change would result in serious injury to the effectiveness of the academy instruction.

I shall be glad to give my views in more detail on any part of this matter in case it is wished.

Very truly yours,

A. N. TALBOT.

[Quotation from Scientific Monthly, November, 1920.]

EDUCATION AND LEARNING IN AMERICA.

(By Prof. Arthur Gordon Webster, Clark University.)

Within the last few years I have personally visited both the Naval Academy at Annapolis and the Military Academy at West Point, and during the five years of my membership in that at first much overadvertised and lately too much forgotten institution, the Naval Consulting Board of the United States, I have had the opportunity of meeting many officers of both services. These officers are always extremely agreeable gentlemen, accustomed to the handling of men and thoroughly competent in the ordinary duties of their stations. They are all alike in one thing, however. They have been deprived of the opportunities of a really superior education. Army and Naval officers do not, as a rule, originate ideas, nor do they contribute to the advancement of science, even in their own professions.

During my visit to Annapolis, where I was received with the greatest hospitality by the superintendent, who personally conducted me all over the school; when we came to the physical laboratory, as I am a physicist, I asked some questions of the young instructor in order to show my interest. He regretted that he was unable to answer; excusing himself because he had but recently come. That night at dinner I could not resist asking the superintendent, who told me that he had brought these officers with him, whether he could make a physicist out of any officer. "Oh," he replied, "they had very distinguished records at sea." I had nothing to say, but it occurred to me that no amount of distinction at sea would have made a physicist of me.

In the Army and Navy the theory is that anybody can teach anything if ordered to. Of such a theory, the less said the better. They should have as professors the most distinguished scientific men that the country can afford. They need not necessarily wear chickens on their shoulders. It is high time that the feeling of self-sufficiency which impregnates officers of the regular Military Establishments should be somewhat dissipated. They may as well learn that occasionally a person not in uniform can give them some advice.

GREENCASTLE, IND., *April 11, 1922.*

Representative EVERETT SANDERS,
Washington, D. C.:

The faculty of De Pauw University protests against decreasing appropriation for the Naval Academy, and ask that enough money be appropriated to pay the salaries of all civilian instructors in full for the coming year.

THIRTY-FIVE MEMBERS DE PAUW FACULTY.

Mr. Chairman, I also wish to have read here three letters from prominent educators that were presented in the hearings before the committee in 1913, when this same subject was then under consideration.

HARVARD UNIVERSITY,
Cambridge, Mass., January 5, 1913.

Hon. H. W. ROBERTS,
Committee on Naval Affairs, Washington, D. C.

DEAR SIR: I hope I may win your attention for a matter which is, I think, now before the House Committee on Naval Affairs. In the pending naval appropriation bill the number of junior or $1,800 civilian instructors is reduced from 10 to 4. This is merely the first step in carrying out the stated policy of the present Secretary of the Navy "to reduce the number of civilians at the academy as fast as the number of officers available to replace them permits." (Hearings before Committee on Naval Affairs, p. 1907.) It may be shown that this policy, aside from its possible injustice to civilian instructors, would, if carried out, decidedly lower the standards and efficiency of the academy.

The present civilian instructors are trained teachers, most of them college graduates, several of them scholars and writers of distinction, men who have devoted years to the profession and made it their life work. Their places would be taken by officers who have not such special training or experience, who devote but a limited period—two or three years—to the work, and whose interests are very properly not in the classroom but in their duties as naval officers.

It is not true "that anyone can teach school," least of all in this day of steady specialization and expert training in limited fields. If this change were to take effect, the teaching in such purely academic branches as English, foreign languages, and mathematics would become what it was in years past—antiquated and bungling, below the standard of the average high school.

It is, of course, absolutely essential that midshipmen should be under military discipline, in constant contact with officers and imbued with the splendid ideals of the Navy. But all this is abundantly provided for by the conditions in which they live, their daily drills and technical instruction, and their experience in the summer cruise. There are now over 100 officers engaged in teaching, and not more than 25 civilians. Intercourse with this limited number of university-bred men, instead of doing harm, tends to prevent the narrowing and inbreeding effect of an education wholly removed from ideas other than those of the service.

In the most important naval schools of the world—England, Germany, Italy, France—both advanced and preparatory, the instruction is very largely by civilians. In England there are both "naval" and "professional" staffs, the first composed of officers for discipline and

technical instruction, the second composed of Oxford and Cambridge graduates for instruction in academic subjects. The question with us involves not merely the dismissal of a few instructors; it is a question whether instruction in academic subjects is to be haphazard and perfunctory or in line with the best practice of our colleges and technical schools.

I hope it is not too late for a hearing in the matter, or at least for its consideration by the committee.

Very respectfully yours,

C. H. GRANDGENT,
Professor of Romance Languages.

CAMBRIDGE, MASS., *January 9, 1913.*

MY DEAR SIR: I understand that the naval appropriations bill now before Congress provides fewer salaries for civil instructors at the Naval Academy than formerly, in accordance with the policy advocated by the Secretary of the Navy "to reduce the number of civilians at the academy as fast as the number of officers available to replace them permits."

This policy strikes me as wasteful, and inexpedient on many other grounds; but my present concern is with its sure effect on the academy itself as the school for our naval officers. From the point of view of an educational administrator nothing could be worse than teaching English and other modern languages and the applied sciences through young naval officers who know nothing about teaching and serve as so-called teachers for very short terms in the intervals of sea service. In the technical subjects young naval officers can make pretty good instructors; and the rapid replacement of the teachers of technical subjects at the academy is not very disadvantageous, because experience at sea keeps a naval officer tolerably fresh in the technical subjects. To employ that kind of teacher for the academic subjects is highly inexpedient. Indeed, there is nothing to be said for it. To begin with, it makes it sure that the whole teaching staff of the academy will consist of graduates of the academy. West Point and Annapolis have already suffered severely from the amount of breeding in-and-in there indulged in. This present proposal would aggravate the difficulty at Annapolis very much.

One would have supposed that the Secretary of the Navy, in the present scarcity of commissioned officers, would be reluctant to detail more officers for service at the academy. To effect economies can not be the motive of the Secretary, for the salaries of the civil instructors are lower than those of lieutenants in the Navy. The academy is the worst possible place in the whole Navy administration to make inexpedient economies, for the investment of the country in the thorough education of naval officers is the best and most durable investment the country makes on behalf of the Navy.

I believe that you are a member of the House Naval Committee. May I beg you to bring this letter to the knowledge of your colleagues in that committee?

Very truly yours,

CHARLES W. ELIOT.

Hon. ERNEST W. ROBERTS.

GEORGE PEABODY COLLEGE FOR TEACHERS,
OFFICE OF THE PRESIDENT,
Nashville, Tenn., January 3, 1913.

Hon. L. M. PADGETT,
Member of Congress, Washington, D. C.

MY DEAR MR. PADGETT: I have learned with a great deal of distress that there is an extraordinary and impracticable proposition coming up soon before the committee of which you are chairman. It looks toward the ultimate elimination of civilian professors at the Naval Academy.

Now, I do not wish to take up your time by arguing this matter, but as the head of a great teachers' college devoting its entire energies to the study of problems of education and with what experience I have, it is my duty, and I hasten to make it my privilege, to protest against any such unwise and hasty legislation.

It is the judgment of educators over the country (and it is they who have practical knowledge about such matters) that to limit the selection of the teaching staff of an institution to a ridiculous minority of the teaching profession would practically guarantee the decadence of efficient instruction in the Naval Academy or in any other institution. If military tactics alone are to be taught at the academy the proposition might be practicable, but it is no guaranty of inherent ability or acquired fitness as a teacher of any of the academic subjects to say of a gentleman that he has had military discipline.

It is well known among educators that the instruction given at Annapolis now is below college grade. I earnestly beg, therefore, that your committee do nothing more to lower the standard of work.

Yours sincerely,

BRUCE R. PAYNE, *President.*

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, may I have two minutes more? Then I will close, and will not ask for any more time.

Mr. KELLEY of Michigan. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DENISON. You will note that the telegram from the 35 members of the faculty of Depauw University in Indiana was addressed to Congressman EVERETT SANDERS of Indiana; Congressman SANDERS being away sick, he asked me to present it to the House. You will also notice they say that in their judgment it would be very injurious to the Naval Academy to decrease the appropriation for civilian instructors. If you talk to Naval Academy boys, any of them—just pick them up on the street indiscriminately and talk with them—they will tell you that the naval officer instructors at the Academy are more or less of a joke. They do not instruct the boys. They simply assign them problems and give an order to "man the boards." That is the phrase they use, "man the boards," and the boys go to the blackboard and write down their answers to the problems or questions, whatever they may be, even if they are questions in history or in geography, or in any other subject of that kind. The officers do not ask the boys to stand and give their answers. They must go to the board, "man the board" as the expression is, and write their answers, and when the recitation hour is up the boys have to leave; then when the instructor has time he grades the work to suit himself by looking in the back of the book and finding what the answer is. In other words, when a naval officer is teaching, he simply acts as a sort of referee between the boys and the textbook. He does not explain, he does not instruct. He is hardly ever prepared to instruct. So the recitations under such instructors is nothing more than a sort of continuing examination or test, instead of teaching or instructing.

Let us keep the trained civilian teachers at the Academy.

Mr. KELLEY of Michigan and Mr. RAKER rose.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. KELLEY of Michigan. I desire to be recognized as chairman of the committee.

The CHAIRMAN. In opposition to the amendment?

Mr. KELLEY of Michigan. Yes.

Mr. RAKER. I am in opposition to the amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Chairman, the committee listened with a great deal of interest to Admiral Wilson, of the Naval Academy, and we were impressed with the fact that Admiral Wilson showed a disposition to cooperate with the committee to the very best of his ability in the matter of making economies where they could be effected reasonably.

There are at the academy 133 officers who are now teaching and 115 civilian instructors and specialists, making a total of 248 members of the faculty of that fine institution. The admiral thought that it would do no injury to the academy if the number of civilians were reduced by about 78 and their places filled by officers. The committee did not view that suggestion with entire favor for two reasons: First, because we felt that in the case of teachers, if such a reduction as that were to be made without the teachers having a little more notice than they would have between the time that this bill would become a law and the 1st of July, the time would be too short. Teachers must find employment at a certain season of the year or they are apt not to be employed at all, differing in that respect from mechanics and others who, when they lose a position in one place, may find it in another. So we felt that the notice of dismissal would not be adequate. Some of these teachers have contracts for five years. Many of them are married men, with homes at the academy. To cut them off on such short notice seemed rather drastic. So we made a reduction in the amount only to the extent of reducing the number of professors and instructors by about 28 instead of 78, as recommended by the head of the academy. We thought that the superintendent of the academy could probably find 28 young men instructors, probably not married, who had been there but a short time, who would be able to find positions elsewhere without much difficulty, and that there would be no great hardship in making that much of a reduction.

Now, of course, if the House does not desire to have the number of civilian instructors decreased, the amendment offered by the gentleman from Illinois [Mr. DENISON] ought to prevail. Personally I do not know about it. In my younger days I was in the school business to some extent, and my inclination rather leads me to the belief that perhaps a half-and-half proposition is about right—half officers and half civilians. At the same time I realize that Admiral Wilson is a magnificent officer, that he is one of the finest men in the Navy, that he is giving great satisfaction and great service at the academy, and I was impressed by his views. Besides, he was one officer who appeared before the committee who seemed to consider the fact that it might be advisable to save a dollar to the taxpayers of the country wherever possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I ask that the gentleman from Michigan may have five minutes additional time. I want to ask him some questions.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Michigan [Mr. KELLEY] be extended five minutes. Is there objection?

There was no objection.

Mr. BUTLER. Will the gentleman answer me some questions? Is he of the same opinion that I am, that we should graduate all these young men who are now attending the academy?

Mr. KELLEY of Michigan. Yes; my opinion is, Mr. Chairman, that the boys who have made their plans and who have entered the academy should not be disturbed; that they should be permitted to finish their courses, no matter what classes they may be in, and those who are not needed by the Government on graduation should go into civil life. That is no hardship. It is, of course, a disappointment, but you will realize that the Government has taken these fine boys and put them into the academy, given them magnificent training without expense to themselves or their parents, and if it turns them out into civil life where they will be able to make good, the Government will not have done the boys any harm, but, on the contrary, will have bestowed great benefits.

Mr. BUTLER. No; it will have done them good. Now, my friend, we are so thoroughly in accord about this thing as we are about many other things; let us reason together a little. I am thinking of these young men who will be required to go into civil life. In view of the action of the committee, which was three or four to one, I am assuming that many of these young men will have to go into civil life. Now, is not the gentleman of the opinion that we should retain these civil instructors at this time? These classes are very large, and the teachers should not be reduced in number. In 1927, when these classes are likely to be reduced in number, it may be advisable, when all the young men who graduate from the academy will be taken into the service, to let military instructors take the place of civil instructors; but until that time it would seem to me that we should continue these civilian instructors. These young men should be taught something besides gunfire and gun pointing and navigation. They should be instructed in a way that will prepare them for the work of civil life. I do not desire, however, to oppose my friend from Michigan.

Mr. KELLEY of Michigan. I have such a great affection for the gentleman from Pennsylvania, having served under him for a number of years on the Committee on Naval Affairs, and know that his heart is always in the right place as well as his head, that if he says that this amendment ought to prevail, I will withdraw the slight opposition I have already expressed to it. [Applause.]

Mr. BUTLER. Mr. Chairman, I am grateful to my friend from Michigan, but I do not understand the amendment. I ask the gentleman whether it would not be a good thing to retain these civilian instructors until all the boys who are now in the Academy are graduated? Then, in 1927, when the classes are so reduced in number that all those who graduate will go into the service, the substitution may be made.

Mr. KELLEY of Michigan. Of course this adds about $75,000——

Mr. BUTLER. I do not know what it will be.

Mr. KELLEY of Michigan (continuing). But when we add $40,000,000 to this bill without batting an eye we can properly do this without much difficulty.

Mr. BUTLER. I suppose so, but I am only appealing to my friend, because I think his views are like mine.

Mr. MANN. May I ask somebody two questions? [Laughter.]

Mr. KELLEY of Michigan. The gentleman may ask me one and the gentleman from Pennsylvania the other.

Mr. MANN. First, I would like to know if the naval officers are incompetent to give instruction.

Mr. BUTLER. No; but I fear that perhaps they would not give the same attention to the young men in some particular branches that the civilians would.

Mr. MANN. What have we got over 160 of them there for now; has there any complaint been made?

Mr. BUTLER. I have not heard of any.

Mr. MANN. We have a surplus of naval officers with nothing to do, and they are competent to teach, therefore we hire somebody else to do the work.

Mr. FRENCH. Mr. Chairman, I am in accord with much that has been said upon the advisability of retaining at the Naval Academy civilian professors and instructors in approximately the ratio they have been retained heretofore. Generally speaking, those who make teaching their business are better fitted to teach than are those whose business or profession is in another line entirely. Again, the gentleman from Pennsylvania [Mr. BUTLER] has pointed out the probability that many of the students at the academy who will graduate during each of the next several years will not be commissioned in the Navy but will enter upon careers in private life. The observation that he has made that these men should have teachers at the academy who will be comparable to the teachers in colleges and universities rather than specialists in naval branches is well taken.

There is another feature of this question to which I desire to direct the attention of the House.

From 1913 to 1916 the ratio of civilian professors and instructors to officer professors was as 27 to 73—that is, 27 per cent was civilian. But with the beginning of the World War officers were called to active service and their places were largely taken by civilian professors, so that beginning with 1917 and continuing till now the civilian personnel on the faculty list has been nearly one-half. It was 48 per cent from 1917 to 1921, and is 48 per cent to-day.

To build up an adequate and able corps of civilian professors and instructors, at the beginning of the war colleges and universities throughout the country were combed of such of their faculty as would go to the academy. Naturally the question arose as to whether or not the tenure of service there would make it worth while for professors to accept academy positions. The department issued a circular which I have in my hand, in which there was this statement on page 5 pertaining to the appointment of civilians, which must be regarded as a condition of employment.

The paragraph pertaining to appointment as instructors and professors reads as follows:

3. (a) That appointment as instructor be annual; to all higher grades appointments be for five years, if service is satisfactory.

This language was included again in a letter from the superintendent of the academy dated June 21, 1920, and addressed to the Secretary of the Navy. The letter of June 21, 1920, is referred to as reference "C" in letter of the Chief of the Bureau of Navigation, dated July 1, 1920, and addressed to the Superintendent of the Naval Academy. This latter letter is included by reference in the notice of appointment to the several professors, associate professors, and instructors employed at the academy.

I checked up with the Navy Department to see how many of these professors and assistant or associate professors at the academy would be eliminated by the expiration of the current fiscal year, and I found that, apart from the instructors, there is not one. I have here a list of the professors, associate professors, assistant professors, and instructors, and aside from the instructors there is not one whose contract expires prior to June 30, 1924. The contracts for the others expire in 1925 and in 1926. We did not think we ought to cause the department to vitiate these contracts and wipe them out.

I do not believe that any college or university would terminate the period of service of its professors employed on the basis of such representations as I have indicated in the manner that has been urged upon our committee and suggested by Members of the Congress. I do not believe that those who have urged this course have grasped the situation, and that they have realized the injustice that would be done professors at the academy by having, what amounts to, their contracts of employment annulled.

Mr. DENISON. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. DENISON. For the gentleman's information I want to state that Admiral Wilson has issued an order countermanding the order which the gentleman has read and providing that any instructor may be dismissed by him or, in other words, he has wiped away all that has been done heretofore, and he now claims the right to discharge any professor on giving immediate notice.

Mr. FRENCH. I think the gentleman will find that even now it requires six months' notice. I have read the new order and have a copy of it here.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. WILLIAMSON. Is it not a fact that civilian instructors are more efficient than the officers, because all of the education that the officers receive is what they have received there?

Mr. FRENCH. Outside of the special naval branches my personal judgment is that the man who follows the business of teaching is better equipped, generally speaking, than those who by reason of assignment to shore duty are detailed to the academy to teach. I think, generally speaking, that is correct. They usually have training beyond that offered at the academy.

Mr. MANN. In the administration of the naval schools where there is real work, do they hire civilian teachers or take naval officers?

Mr. FRENCH. I understand they take naval officers in special branches.

Mr. MANN. They specialize in all kinds of branches, but they get the best teachers from the naval officers.

Mr. FRENCH. At the Naval War College doubtless that is correct, but at the academy for even the postgraduate work I understand they employ civilian lecturers largely.

Mr. RAKER. Mr. Chairman, this is one opportunity to reduce expenses and get efficiency. Two-thirds of these civilian instructors, if not all of them, ought to be released from service and naval officer instructors put in charge. That has been demonstrated by the experience of the officers and by the Naval Academy; but evidently somebody wants a job. Many of these men went in during the war, and they want to hang on. That is about all. It is to give these men a job and prevent the naval boys having the best instructors they should have, and they are the naval officers. As a matter of fact, if you would investigate you would find out that the first year these boys are in school they never see a naval officer or instructor in the classrooms. Just think of that. You are sending them there for a purpose. Outside of the naval instructors, the civilian instructors, I am advised by those who have been there, give them their lessons and then put the result on the board, and the boys leave the room, and then the civilian instructor goes and marks the boys' standing from what appears on the board; and those are the instructions that the civilian instructors are giving. I was advised by one of the high officers yesterday on this question. He has been there and he knows what he is talking about. The entire result here shows that these civilian instructors are not needed; that we ought to have naval officer instructors. These men must have been in high school or have had a collegiate education or must pass a certain examination before they can go to the Navy. They then spend four years there. Then from 2 to 4 or 6 or 8 or 10 years are spent in actual service of the Navy, in all its instructions and practical work. They come back ripe and experienced men for the purpose of educating young men to become officers, to become proficient in the very things for which the Navy is established. Go down here to the school that they have been maintaining at Fortress Monroe, one of the best educational institutions in the world to-day, and they are all naval officers. That is what we ought to have here at the Naval Academy.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. CONNALLY of Texas. Does the gentleman from California think, for instance, that a man who has had only four years in the Naval Academy would be regarded as a great authority on mathematics, we will say; and is not mathematics the very heart of the basis of all navigation?

Mr. RAKER. I would not give the snap of my finger for the best mathematician on earth if you had him in the Navy and he did not know how to put the cartridge into the gun and use it when it was necessary, or how to sail the ship, and so forth. That tests whether or not he is a mathematician, and that is the reason they give them those instructions after they get their schooling. They send them out on these various cruises. They become not only educated men in all that relates to the Navy mathematics, but they become experienced men in handling ships and doing things; and what you want of these officers and these men is that they may be able to handle the ships and the men and all that pertains to a fighting Navy. I shall insert what Admiral Wilson said before the committee (hearings, pp. 610 to 615). This is in accord with what I have said. Admiral Wilson's statement and the questions and answers on this subject of civilian instructors are as follows:

REDUCTION OF INSTRUCTORS.

Admiral WILSON. You asked me a short while ago about the ability to change this appropriation, and I feel it could be cut to a very large extent without interfering with the interests of the Naval Academy. I would not advocate all officer instructors at the Naval Academy any more than I would advocate all civilian instructors. We need some of both to balance the work, but the proportion at the present time, about equal in number, does not, in my opinion, combine efficiency and economy. For this reason, and also because of the probable reduction in the number of appointments to the Naval Academy, I suggest, in accordance with your question to me, that the sum for "Pay of professors and others, Naval Academy," etc., be reduced at least one-half of the estimate. This would be a step toward bringing the proportion of officer instructors to civilian instructors back to what obtained before the war, and I believe such a step would not be hurtful to Naval Academy interests.

USE OF NAVAL INSTRUCTORS IN PLACE OF CIVILIAN.

There is much to be said in favor of using naval officers as instructors at the Naval Academy. In many ways the Navy is an excellent normal school. The routine duties required of naval officers involve a good deal of teaching. Success in the naval profession depends in a considerable degree upon the development of capacity to teach. The advance of naval science, with its attendant processes of change and improvement, demands mental alertness both to grasp new ideas and to instruct subordinates in them. We have a shifting enlisted personnel, and there are always recruits to be taught new duties and to be instructed in the operation of complicated machinery.

Officers themselves frequently do not appreciate the extent to which their naval experience fits them to become instructors at the Naval Academy. It has not been uncommon for a young lieutenant, on his first tour of shore duty at Annapolis, to be assigned to teach a subject from a new textbook quite different from any he had studied when a midshipman. An officer so placed alongside professors who have devoted years to specializing in the subject is at first inclined to deprecate his ability to teach. He is indeed confronted with obstacles, but, in accordance with his naval training, he bends his energy to overcome them. Then he usually discovers that the difficulties had been somewhat exaggerated in his own mind, and that he had not appreciated the extent to which experience afloat had fitted him to become an instructor of midshipmen.

An important advantage that a naval officer has over a civilian in teaching is that, by virtue of rank and experience, he is in a more favorable position to present incentives for midshipmen to learn well the subject matter set before them. Even in nontechnical subjects the value of an essential point can often be illustrated by some apt allusion to service life. Whether the subject is physics, history, or naval science, midshipmen feel that illustrations and explanations of officers are backed by experience with ships and men. As I see it, success in teaching hinges to a great extent on ability to inspire midshipmen with ambition to learn, and I believe that officer instructors have a knack for doing this.

The mission of the Naval Academy is not to produce intellectuals or scholars but intelligent naval officers, with healthy minds in healthy bodies. Moral, mental, and physical training go hand in hand. The intellectual side is not neglected, but character building is given particular stress. Discipline and drill are so interwoven with the academic work as to be part and parcel of it. Here again the experienced officer has the advantage over the civilian instructor. The officer knows the service, realizes that the midshipmen of to-day will be his brother officers of to-morrow, and therefore contributes to Naval Academy work an understanding, cooperative effort which can be paralleled by few civilian instructors.

The criticism has been made that "it is a pathetic sight afforded by the officer instructor who burns the midnight oil to keep one day ahead of the lesson which his class is to recite." The inference to be drawn from this is not quite fair. Granted that, for his first year at least, the officer instructor does have to study his lessons with diligence, does it necessarily follow that his teaching is of inferior quality? The textbook lessons assigned are plenty long enough and contain all that the average midshipman can be expected to absorb with thoroughness. I have heard it said that the officer who has to study along with his class is likely to concentrate on the lesson assigned and make full use of his experience and judgment to drive into the heads of the midshipmen the essential points in the lesson, whereas the professional teacher, being much more familiar with the subject, is likely to underestimate the difficulties with which the student has to contend and, instead of clearing them up, may easily be led to elaboration, introducing complexities which leave the student impressed with the superior knowledge of his teacher, but more confused than ever as to what the lesson is about. It is not unnatural that enthusiasm in a subject should sometimes lead a teacher to go over the heads of his pupils. I do not wish to undervalue the stimulation afforded by learned exposition from a scholar, but I wish to make the point that this is not always an unmixed good, and that the less exhaustive knowledge of his officer instructor is not always an unmixed evil.

It has also been said that we are old-fashioned in our methods at the Naval Academy. In some respects this is frankly admitted. It does not mean, however, that our minds are closed to new ideas. We are constantly on the lookout for new ideas, and adopt them when we are convinced that they are good. But we believe that the country is proud of the high standing the Naval Academy has attained as an educational institution, and we do not propose to kick down prematurely the ladder by which the academy has mounted to this enviable position. For example, the method of teaching called the "direct method" aims to supply knowledge in a sort of predigested form, which can be assimilated by the pupil without effort. We do not use this method to any great extent at the Naval Academy. I believe in the old-fashioned way—"We learn by doing"—and our embryo officers will continue to fit themselves for future tasks by doing a lot of "hard digging" during their four years at Annapolis. We try to give the incentive, point the way, and help them over the hard spots, but conscientious work on their part is required to reach the goal.

NUMBER OF INSTRUCTORS—CIVILIAN AND NAVAL.

Mr. KELLEY. How many professors and instructors have you altogether at the academy?

Admiral WILSON. We have 118 civilian instructors and about the same number of officer instructors.

Mr. KELLEY. What do you think should be the right proportion?

Admiral WILSON. Before the war we had about three officer instructors to one civilian instructor. I think that if this appropriation were cut to about $150,000 or $140,000 from the amount it is to-day, we at the Naval Academy could have the best of what we have now and have ample civilian instructors to keep the balance; that the Naval Academy would not suffer in the least, and that the total number of officer instructors and civilian instructors would be reduced.

Mr. KELLEY. That would mean you would have to let about 50 civilian instructors go at the end of the year?

Admiral WILSON. No, sir; I think we would have to let about 78 go.

Mr. KELLEY. I was just thinking of the possible moral obligation involved in letting so many go at once.

ADVISABILITY OF REDUCING NUMBER OF CIVILIAN INSTRUCTORS.

Admiral WILSON. The civil instructors came into the Naval Academy during the war when officers were doing other work and could not be obtained, and I think, as we are after economy combined with efficiency, that we could save a quarter of a million dollars right there. I do not think it would hurt the efficiency.

Mr. KELLEY. And you do not think it would be an injustice at all? You think there is plenty of time left so that these people could get positions elsewhere? I was just thinking whether or not there would be ample notice of the change in policy.

Admiral WILSON. Of course, my personal feelings would be entirely with the professors and instructors at the Naval Academy. I would not want to see any of them lose their jobs, because they are all good men; but I was speaking strictly as the Superintendent of the Naval Academy in coming before you, who are appropriating money for the Naval Establishment. It is my thought that a quarter of a million dollars could be saved.

Mr. KELLEY. By using about the same number of officers in place of these 78 civilian instructors?

Admiral WILSON. Yes, sir. It is very probable that we would require less officers to take the places of the professors who go out.

Mr. FRENCH. That would be caused by the diminution in enrollment?

Admiral WILSON. No, sir; it would be because the officers at the Naval Academy can be utilized to more advantage than the professors; they can teach more than one subject if necessary, and they can be utilized in the drills.

Mr. FUNCHEON. What period of contract have the professors there now? Are they employed from year to year?

Admiral WILSON. Some time ago they were given appointments that stated that they were appointed for a certain length of time, but I understand that is governed entirely by the appropriation of Congress.

Mr. BYRNS. You think you would have no trouble in getting officers who would make good instructors?

Admiral WILSON. No, sir. Just now, when we are thinking about keeping our officer personnel until we know there is going to be no more trouble, it would be a very profitable way to use their services.

Mr. BYRNS. I think so, too, if you have no doubt about securing competent men; but a good officer may not be a good instructor.

Admiral WILSON. Mr. Byrnes, we have very little choice about who shall come to the Naval Academy as instructors. If he is an officer in the Navy and his services are available, he is sent to us, and I have not first pick of the men in the Navy who come to the Naval Academy as instructors.

Mr. BYRNES. Who does select them?

Admiral WILSON. When the Bureau of Navigation finds officers becoming available on account of detachment from sea duty, they send their names to me. I pass on them, and I pick any one, unless he has something in his make-up which I know personally would not fit him to be associated with the midshipmen.

Mr. BYRNES. You will no doubt agree that it is not every man who has received an education that possesses the gift of imparting knowledge to others.

Admiral WILSON. Yes, sir; at the Naval Academy we have to agree to that to a large extent—that any man who is a commissioned officer and who has gone through the Naval Academy is good material to bring back to teach the midshipmen. Although he may not be the best teacher compared with some civilian instructor, in the end he delivers as much education to the midshipmen as one who is just trained in scholastic work, because there are more things than teaching him his lesson that the officer has to teach a midshipman.

Mr. KELLEY. It has been my understanding that these civilian instructors were employed through an oral contract, or some sort of understanding, that they should remain five years if they were satisfactory.

Admiral WILSON. Well, sir, I do not look upon that as a contract in any way. I look upon it like this, that you say to him if he behaves himself and delivers the proper efficiency there will be no reason to disturb him for a certain length of time. Of course, I realize that their number of officers is in accordance with the appropriations by Congress.

Mr. FUNCHEON. What would be the decrease on the basis of the less number of midshipmen you will probably have next year?

Admiral WILSON. I do not think there will be any marked decrease in the number of midshipmen, because probably the same number will come in; but I think there will be a moderate decrease due to the fact that we must be less kind-hearted in carrying those who are not entirely efficient. In the past we have been asked by numerous persons to give this man another show and give that man another show, but now that it is the wish of Congress to cut us down at the Naval Academy, I do not think we will have as many requests along that line.

Mr. KELLEY. About how many of these civilian professors would probably leave, anyhow?

Admiral WILSON. I doubt if any would leave, sir.

Mr. KELLEY. It is your opinion, Admiral, that the academy would not suffer at all if the percentage of officer instructors was increased, and the only element that enters into that at all would be whether or not a little more notice might not properly be given to the civilian instructors to get out of the positions?

Admiral WILSON. Yes, sir.

Mr. KELLEY. Mr. Secretary, I should like to have your opinion as to the recommendation of Admiral Wilson to reduce the number of civilian instructors by from 33⅓ per cent to 50 per cent and to replace them with officers at the academy for the coming year?

Secretary DENBY. I would approve that suggestion, Mr. Chairman.

Mr. FRENCH. In the event of the reduction of the number of cadets in the academy, what ratio would the reduction of the members of the faculty bear to the reduction of the students; that is, would it bear the same ratio or some other ratio?

Secretary DENBY. I understood there would not be any reduction.

Mr. FRENCH. I do not know. I am simply asking that question, putting it in a hypothetical way, as to the great force should be.

Admiral WILSON. Yes, sir; it would be about the same, except that it would be gradual, due to the fact that the entering class has one line of subjects to learn and that the older classes have more technical subjects which require officers entirely to teach.

Mr. FUNCHEON. And probably in the more advanced lines one officer or teacher would not have as many pupils?

Admiral WILSON. No, sir. I think the number of pupils to each instructor would be about the same. It averages anywhere from 12 to 14, according to the number of instructors.

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IMPORT ATTACHED BY REDUCING NUMBER OF CIVILIAN INSTRUCTORS.

Mr. KELLEY. Do you know, Admiral, how many of the civilian professors at the academy are married men?

Admiral WILSON. I think the majority of them.

Mr. KELLEY. You do not know offhand, I suppose, whether they own houses in Annapolis?

Admiral WILSON. I think most of them to be retained would be those who have families and homes. That is, those who at the academy contribute to the academy other than their teaching. We have instructors who help in athletics, who help in the entertainments, who help in our Naval Academy work. They give themselves to other work besides their regular required routine work, and naturally these men would be the ones that the academy would want to keep, and also the academy would give attention to the length of service.

Mr. KELLEY. You could administer this in such a way that those who have homes there, if they were to be let go, would have a little longer time to get ready for the change?

Admiral WILSON. Yes, sir. It is the desire of mine not to hurt anybody.

Mr. KELLEY. If you carry out this policy you can reduce the amount from $385,000 to what?

Admiral WILSON. One hundred and fifty thousand dollars, I said.

Mr. KELLEY. Instead of $385,000?

Admiral WILSON. Yes, sir.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon this amendment and all amendments thereto close in 15 minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, in view of the fact that it is now nearly 3 o'clock and that we have read but two pages of the bill to-day and are not through with them, and that there are 15 pages remaining to be read, is it still the idea of the gentleman from Michigan that we have to stay here and have a roll call vote to-night?

Mr. KELLEY of Michigan. A number of gentlemen seem to want to speak on this proposition. I am trying to bring it to a head as quickly as possible. I think the suggestion of the gentleman from Illinois is timely, if we expect to finish the bill to-night.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TEMPLE. Mr. Chairman, I should like to say just a few words about this question of civilian instruction. I notice in the testimony of Admiral Wilson in the hearings before the committee that he said:

We have 118 civilian instructors and about the same number of officer instructors.

The figures given by the gentleman from Michigan, as usual, differ from those given by the naval officers. The gentleman from Michigan said they had 103 officers and 115 civilians. The difference in this case is not very great. When the reduction in the appropriation was proposed the gentleman from Michigan asked Admiral Wilson the following question:

That would mean that you would have to let about 50 civilian instructors go at the end of the war?

Admiral Wilson replied that it would mean that they would have to let about 78 go.

The question later came up as to the qualifications of the officers who would act as substitutes for these civilian teachers, and I quote now from the hearings:

Mr. BYRNS. You think you would have no trouble in getting officers who would make good instructors?

Admiral WILSON. No, sir. Just now, when we are thinking about keeping our officer personnel until we know there is going to be no more trouble, it would be a very profitable way to use their services.

Mr. BYRNS. I think so, too, if you have no doubt about securing competent men; but a good officer may not be a good instructor.

Admiral WILSON. Mr. Byrnes, we have very little choice about who shall come to the Naval Academy as instructors. If he is an officer in the Navy and his services are available, he is sent to us, and I have not first pick of the men in the Navy who come to the Naval Academy as instructors.

Mr. BYRNES. Who does select them?

Admiral WILSON. When the Bureau of Navigation finds officers becoming available on account of detachment from sea duty, they send their names to me. I pass on them and I pick any one, unless he has something in his make-up which I know personally would not fit him to be associated with the midshipmen.

Mr. Chairman, it may be that there are to be found among the naval officers men who have a knack for teaching, but certainly if it is necessary to train men for the profession of a naval officer it is also necessary to train men for the profession of a teacher. [Applause.] The question was asked a little while ago whether the civilian instruction would be superior to the officer instruction, whether the officers would be competent to teach. You may as well ask whether the civilian command of a warship would be as competent as the command of the officers who were trained for that purpose. [Applause.] Either there is nothing in training at all or the men trained for a profession are superior to the men who have not that training.

As to the statement made by the gentleman from California [Mr. RAKER] with regard to the methods of civilian instruction, he has completely reversed the facts—not that he intended to do so.

The fact is that it is the officer's teaching that he is describing——

Mr. RAKER. Will the gentleman yield?

Mr. TEMPLE. The gentleman has made his statement, let me make mine. The officer issues orders to man the blackboard; the men are put to work at the blackboard, and when they have finished they stand at attention until they are dismissed. If there is a blunder the instructor takes it into consideration in grading the pupil, but frequently calls no attention to it and does not correct it nor make it an opportunity for instruction.

I do not mean to say that this is the uniform method pursued by naval officers who are on the teaching force at Annapolis, but my attention has been called to it more than once or twice

by midshipmen who are deprived in this fashion of the effective instruction they are entitled to at the Naval Academy. We must have teachers, not merely men in authority, who will command their pupils to learn.

I am interested in this question of teaching. [Applause.] We ought to give the men in the Naval Academy the best education we can give them. [Applause.] Officers are needed for the instruction of the men in technical subjects in the academy, and the civilian instructors are needed to teach certain other courses—modern languages, mathematics, history, international law, and subjects they have specialized in not only as students of those subjects but also in the art of training men and communicating to them knowledge of the subjects in which the instructors have specialized.

Mr. McSWAIN. Does the gentleman recall a few years ago that Dr. Charles W. Eliott criticised the pedagogic practice at West Point for the same reason that it was a sort of psychological inbreeding of——

Mr. TEMPLE. West Point has always lacked the civilian training element, but they turn out good men, provided they have had the proper foundation before they go there. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. Mr. Chairman, last year I was on the Board of Visitors at Annapolis, but I did not see any civilian instructors there. I have not seen any since. None of them has asked me to interfere on behalf of the civilian instructors, but on the Board of Visitors at that time were Dr. Benjamin Ide Wheeler, of California; Prof. Irving Fisher, of Yale; Dr. Kenneth Sills, of Bowdoin College, Maine; Doctor Talbert, of Illinois; and Doctor Riddick, of North Carolina. I talked to them about it. They said that the weak point of Annapolis was instruction in the classroom. I had naturally a great deal of respect for their opinion. They were men eminent in their profession. When this matter came up I took occasion to write to them, and I am going to ask consent to print their letters in the RECORD. I wrote to Doctor Alderman, of the University of Virginia, for a number of years on the Board of Visitors, and they all agree that it was a very great mistake to reduce the number of civilian instructors at this academy. Personally I think it would be of very great advantage if we would reduce the number of naval officers there who are there as instructors. We send a boy there at great expense to the Government and with a great expense of time to him. If he does not have competent and efficient instruction during the session—the first year, the second year, the third year, or the fourth year—he fails in his examinations. Many boys fail after being there two or three years, fail when they would not have failed if they had had the instruction of efficient, trained, competent, educated civilian instructors. For that reason it occurs to me it would be a most unwise thing to embark upon this policy at the suggestion of Admiral Wilson.

He is a very capable man in his line, but that is not his line. I am advised that it is his opinion and the opinion of others high in authority in the Navy that they should get rid of all civilian instructors, because, as a very distinguished naval man said, he did not want any civilian instructors "snooping" around Annapolis. So, in my opinion, it would be advantageous to the boys, and I personally think it would be very advantageous, if the head master at that school were a civilian; I think it would be a very good object lesson to the boys to have daily occular demonstrations of the fact while they are there that the civil in this good country is above the military. [Applause.] I feel it would be a good thing for him to have a thorough education during the four years of his training before he goes into the Navy, and I do not agree with the statement of Admiral Wilson in the hearings, that what we want at Annapolis is to train men to be officers and not scholars. If that be true, there is no occasion to waste money at Annapolis, but simply certify the boys in from the high schools, certify them onto ships without wasting time at Annapolis in their education. They can there get the technical training that the officers can give, and which alone they can give.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following are the letters referred to:

BOWDOIN COLLEGE,
OFFICE OF THE PRESIDENT,
Brunswick, Me., April 8, 1922.

Hon. B. G. HUMPHREYS,
House of Representatives, Washington.

MY DEAR MR. HUMPHREYS: I received last Saturday afternoon your telegram asking me my opinion of the proposition to replace civilian instructors at Annapolis with naval officers. As it happens, I expect to be in Washington on Thursday and Friday of this week—April 6 and 7—and shall endeavor to see you then and talk the whole matter over. In the meantime, however, I am perfectly willing to go on record to this extent:

For five years, from 1917 to 1921, inclusive, I was a member of the Board of Visitors to the Naval Academy. The board, or that part of it that was composed of college men, was unanimous, I think, in believing that the weakest thing in the academy was the teaching in the classroom. If the naval authorities intend to confer the degree of B. S. on the graduates of the Naval Academy hereafter, it is vitally important that the course there should be the equivalent of that given by our best civilian engineering schools, and I do not see how this can be done unless in certain departments expert civilian instructors are employed. Furthermore, I believe that in assigning the naval officers to the academy for instructional purposes the department should be much more careful than it has been in the past about assigning men who have some qualifications as teachers. Undoubtedly there are in the Navy a certain number of officers who have the gift of teaching and who would do very well in classroom; but only such men should be assigned for that important duty.

In the emergency now before the Navy Department, under which it may be necessary to train a number of men who will never become naval officers, it seems to me all the more necessary to see to it that the teaching is equal to that of the best institutions of collegiate or university rank in the country. Of course, the academy exists primarily to train naval officers, but the morale is so good there that discipline will not break down if civilian instructors are employed much more generally in the classroom. No fair-minded man can visit the academy without being aware that the methods in many of the departments are antiquated and not nearly so effective as they ought to be. Personally, I hope very much that Congress will further use the number of civilian instructors there rather than eliminate them.

Very truly yours,

KENNETH C. M. SILLS, *President.*

NORTH CAROLINA STATE COLLEGE OF
AGRICULTURE AND ENGINEERING,
CHANCELLOR'S OFFICE,
West Raleigh, April 11, 1922.

Hon. B. G. HUMPHREYS, M. C.,
Washington, D. C.

MY DEAR MR. HUMPHREYS: I have received your letter of April 7, and must confess that I am somewhat surprised at the turn matters seem to be taking at the Naval Academy. I was, as you perhaps know, on the Board of Visitors for two years, and I think the unanimous opinion of the members was that the employment of civilian instructors should be encouraged to an even greater extent perhaps than at present.

Personally, I believe that in those departments which are not purely technical there should be a large percentage of civilian instructors, whose profession is teaching and who are interested in this work and who will stay at the academy long enough to acquire the experience necessary to make them really proficient. I firmly believe that if these civilian instructors are dispensed with, and the entire teaching force of the academy should consist of men detailed from the Navy for a few years whose principal interest is not teaching, that the standards of the academy would be very much lowered and that as an educational institution it would not be on a par with the other colleges of our country. I should hate very much to see the policy suggested in your letter adopted.

With best wishes,
Sincerely yours,

W. C. RIVSTON, *President.*

UNIVERSITY OF VIRGINIA,
OFFICE OF THE PRESIDENT,
Charlottesville, April 10, 1922.

Hon. BENJAMIN G. HUMPHREYS,
House of Representatives, Washington, D. C.

MY DEAR MR. HUMPHREYS: I am glad to have your letter of the 7th instant. My own judgment is entirely against the proposed policy to reduce and finally replace civilian instructors at Annapolis with officers from the Navy assigned to the academy as instructors. In the fields of English, history, and the modern languages, at least, this policy would be destructive of good teaching and of real scholarship, and would, I think, tend to lower the whole educational status of those subjects in the scheme of instruction at the Naval Academy. I understand that the Naval Academy is a very technical institution, existing not to make scholars but technical men known as naval officers, but they have great responsibilities. They need some knowledge of the language and history and literature of their own and other countries to enable them to represent this country with propriety and power and to do their duty in the largest possible way. Doubtless money could be saved by the proceed, because it is a penny-wise and pound foolish policy, in my judgment. I served for four years, I think, upon the Board of Visitors of the Naval Academy as its chairman. I do not pretend to have knowledge of the technicalised subjects there taught, and do not doubt that they are taught splendidly—certainly with devotion and skill—by officers of the Navy. The best teaching I saw, however, was that done by the civilian instructors, and it would be a sad day, I believe, for the institution, which all of us honor and respect, if the teaching power and scholarly spirit of the civilian instructors should be removed from its life.

Faithfully yours,

EDWIN A. ALDERMAN,
President.

Mr. NEWTON of Minnesota. Mr. Chairman, I shall support the amendment permitting the retention of the present force of civilian instructors. One year ago it was my privilege to serve upon the Board of Visitors to the Naval Academy. We spent some three or four days there. I have always been a great admirer of the school at Annapolis, and my admiration in the school was greatly increased by reason of my service on the board. It is truly a great school and I do not believe it has its equal anywhere. The success of the school is due in part to the excellent naval officers who are detailed for duty there and in part to the very fine work performed by the civilian instructors. There are something like 248 instructors of all kinds, of which about 132 are naval officers and 116 are civilians. The course of study is four years. A considerable portion of

the work during the first two years is of the kind that one would receive in the better colleges in the country. This instruction is largely under the charge of civilians. They are skilled teachers and professors who instruct in history, languages, mathematics, literature, international law, and other subjects in keeping with a cultural or academic course in college. The appropriation provided for would necessitate a reduction in the staff of civilian instructors. They would be replaced by naval officers. In other words, naval officers would be placed there to instruct in these cultural subjects.

Mr. Chairman, this would be a mistake, and a great mistake. The hearings disclose that the Superintendent of the Academy, Admiral Wilson, recommended dropping 78 of these civilian instructors, which is over 50 per cent of the number engaged. It seems to be pretty fairly understood that the reason for this is not to cut down expenses but to do away eventually with civilian instruction and have all of this done by naval officers. I think this would be a mistake. The committee thought it would be a mistake, for it turned down this request of the superintendent. It has been suggested by the proponents of the bill that we will need fewer instructors this next year. However, there is no legislation as yet cutting down the number of midshipmen at the Naval Academy. Certainly, then, with an enrollment of from 2,250 to 2,400 midshipmen for the next year, we ought not seriously to consider cutting down the teaching force.

If it be maintained that these civilian instructors would be replaced by naval officers, I want to say that I do not believe that it is possible to get naval officers competent enough to fill the position of civilian instructor. A man may be a most excellent naval officer and yet make a very poor teacher. The hearings of the committee disclose the difficulties that the Superintendent of the Academy has had heretofore in getting competent naval officers to teach these academic and cultural subjects.

The whole proposition to me seems to arise out of a desire upon the part of some one in the Navy Department to eventually get rid of civilian educators.

I do not know whether it is true or not, but it is said the request was made this year that the Board of Visitors, instead of having five civilian educators from different universities, should have five business men; that the Superintendent of the Academy did not care to have skilled educators on the Board of Visitors. I am wondering if the gentleman from Michigan can bear out that statement? Possibly the gentleman from Illinois [Mr. DENISON] can.

Mr. DENISON. I can bear it out. There was not a single educator placed on the Board of Visitors this year.

Mr. NEWTON of Minnesota. It seems to me that that is just simply evidence of what a lot of us have been feeling here, that instead of the Superintendent of the Academy doing this on the ground of economy, he is taking advantage of the desire of the committee to economize to put forth a policy that is wholly at variance with the former policy of Congress.

Mr. KELLEY of Michigan. I will say to my good friend from Minnesota that I think the desire of the Superintendent of the Academy was to utilize men on the Government pay roll when they were competent and all right for this purpose. I would be very far from criticizing any officer of the Government who pursues that course.

Mr. NEWTON of Minnesota. The Superintendent of the Academy said he had but little free choice; that they gave him men eligible for shore duty and he had to take what was given him; that he had a limited selection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, is there any time remaining of the time originally fixed? I think the gentleman from Maryland [Mr. MUSE] did not use all of his time.

The CHAIRMAN. All time has expired. The question is on agreeing to the amendment.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent for five minutes.

Mr. KELLEY of Michigan. Mr. Chairman, I have been very generous, and we want to finish this afternoon. Of course, I would be glad to accommodate my friend from Maryland——

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to proceed for five minutes.

Mr. KELLEY of Michigan. Will the gentleman wait until the next paragraph is read?

Mr. LINTHICUM. If the gentleman wants to object——

Mr. KELLEY of Michigan. I do not object; but I think I ought to do so.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Maryland [Mr. LINTHICUM]? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I dislike to take up any time of the committee this afternoon on the amendment, but I feel that, being from the State of Maryland and living within 25 miles of the Naval Academy, I am not imposing upon the House by saying a few words. I have known the academy all my life. It is located in the county of which I am a native, and I feel very deeply interested in it. I feel that if we remove these civilian instructors it is bound to be a very severe blow to the Naval Academy. Certainly we do not want to take any chances with the education at the Naval Academy when we have limited the Navy under the disarmament conference.

Mr. KELLEY of Michigan. We have not limited it——

Mr. LINTHICUM. I know the press said that the gentleman from Michigan [Mr. KELLEY] was a little peeved because we increased the personnel the other day. We have limited to 18 battleships, and if the gentleman is talking about the increase of the number of the personnel to 86,000 men, then I can only say many of us deem it essential if we want to keep up the 5-5-3 ratio.

As for the Naval Academy, these men are trained instructors and have been performing this service for some time. No naval officer can become an instructor until he has seen 12 years of sea duty, or other duty away from the academy. Certainly the gentleman from Michigan, the chairman of the subcommittee, who was a school-teacher, as he intimated this morning, knows that when you take a man away from his studies 12 years and put him back to teach, he can not do it. He has forgotten a considerable part of the work in that time. I happen to have taught, myself, at one time, and I know well that it requires constant study and work to teach a lot of men who are highly proficient, like these academy boys are.

I sincerely hope this committee will not refuse to continue these civilian instructors. The amount is not large, and the question is a very important one, and not only is the present amendment important, but, I think, as the gentleman from Illinois [Mr. DENISON] intimated a while ago, it is equally as important to follow this up with another amendment, so that they can not be dismissed, because this amendment in itself will not keep them from being dismissed if the Superintendent of the Academy wishes to do so. And I shall also favor the amendment which prohibits dismissal of teachers from the academy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON].

Mr. CRISP. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 50, line 14, insert a new paragraph, as follows:

"No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922."

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the amendment. The hearings before the committee show that before the war the ratio of civilian instructors to naval officers instructing at the academy was one civilian instructor to three naval officers. The reason why the naval-officer personnel was reduced was because of their need in active service. I wish to call the attention of the membership of the House to a comparison of the instructors at the Military Academy to that at the Naval Academy if this amendment is adopted. At the Military Academy all the instructors except four are officers of the Army, and the civilian instructors give instruction solely in languages. The argument advanced here to-day is that the character of instruction given to our military officers in the past has not been as efficient as it might have been under civilian instructors. But again we find the old, old rule that when once a civilian gets connected with the Government teat it is very hard to separate him. He will certainly find advocates on the floor who will advance arguments that the policy that has been in force in the instructing of Army cadets and naval midshipmen from the foundation of these institutions has been wrong, and that in order to give employment to civilians the new policy should be continued.

I am not in favor of this amendment that has just been proposed, that will keep out of the academy naval officers who may be usefully employed there. You have appropriated a sufficient amount of money to engage civilian instructors, and I think it

should be left to the superintendent of the academy, who is the responsible accounting head for the efficient administration of that institution and the character of the instruction that is to be given, to determine whether the men to be employed there shall be officers or civilian instructors. I think it is going pretty far when we as a legislative body seek to set up our judgment against the judgment of the Superintendent of the Naval Academy as to who shall be the instructing force while he is in charge of the academy. I hope this amendment will be rejected.

Mr. KELLEY of Michigan. Mr. Chairman, I am inclined to think that the gentleman from Wisconsin [Mr. STAFFORD] is right about this. The gentleman from Illinois [Mr. DENISON] undertakes through his amendment to direct the Secretary of the Navy and the superintendent of the academy not to employ a naval officer, even though there should be a vacancy in the force of civilian instructors. I am quite sure that the House will not be justified in going that far.

Mr. FESS. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman from Ohio.

Mr. FESS. Under the amendment that we have just passed is there any guaranty against the dismissal of the civilian professors and instructors?

Mr. KELLEY of Michigan. I presume there is no guaranty, but I am satisfied that the Secretary of the Navy and the Superintendent of the Naval Academy will realize from what has taken place here that it is the intention of Congress that the civilian and officer teaching personnel shall be about evenly balanced, and I do not believe there will be any abuse along that line. It might be very important that an officer be designated for service where there is now a civilian instructor, and I think legislation to prevent that would not be wise. I do not think we ought to adopt this amendment.

Mr. REED of New York. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman from New York.

Mr. REED of New York. Who has the selection of these civilian teachers provided the amendment of the gentleman from Illinois [Mr. DENISON] is adopted?

Mr. KELLEY of Michigan. The head of the Bureau of Navigation has complete control of all the officer personnel, and he assigns them to ships, to stations, or wherever in his judgment they can be most useful. Now, of course, it has been said that he does not always select wisely in sending officers as teachers to the Naval Academy; but the superintendent of the academy is a very brilliant and able administrator, and he will be very quick to discover any officer who is a misfit. I think we can leave the matter very properly with the Secretary of the Navy and the superintendent of the academy.

Mr. VAILE. The gentleman is willing to trust the naval expert who is now at the head of the academy and the Secretary of the Navy? [Laughter.]

Mr. KELLEY of Michigan. I am willing to trust the Secretary of the Navy in all matters when we are in accord. [Laughter.]

Mr. DENISON. Mr. Chairman and gentlemen, the amendment which we have just adopted will not accomplish the purpose desired unless we follow it with this amendment. This whole question came before Congress in 1913, and the Congress at that time—including, I think, my friend from Michigan [Mr. KELLEY]—supported the idea and put it into the bill. Every year after that we put this same provision in the bill in order to carry out the will of Congress. It is not a direction. It is a limitation; that is all. No doubt we did it with the approval of my friend from Michigan. In 1914 we adopted the same language, and in 1915 and 1916 and 1917, and it would have been there to-day if it had not been for the fact that when we got into war in 1917 there was no need to put it in, because there were no surplus naval officers to send there. That was the reason why it was left out of the appropriation bills of 1917 and subsequent years. Now, gentlemen, I think I know what I am talking about. If you want to accomplish the purpose we are trying to accomplish, we must put this provision in the bill. I know what the superintendent of the academy intends to do. He intends to carry out that policy of getting rid of all civilian instructors if he can, and it is for Congress to say whether he shall do it or not.

We may as well face the issue squarely and settle it again as we settled it in 1913. Shall we maintain the Naval Academy as an educational institution of merit and high standing, or shall we allow it to be made into a mere naval training station? If the superintendent is allowed to displace the civilian professors and instructors with naval officers, we should let the country know it, and then when we appoint young men to the academy we should tell them and their parents that we are not sending the boys to a school for higher education but to a mere naval training school. Let us adopt this amendment and save the Naval Academy.

Mr. LAZARO. Will the gentleman permit me to read the language inserted in the act of 1913?

Mr. DENISON. I will be glad to have the gentleman do it.

Mr. LAZARO (reading):

That no part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as an instructor at the United States Naval Academy to perform duties which were performed by civilian instructors on January 1, 1913.

Mr. DENISON. That is the same language carried every year for five years from 1913, and is the language carried in the amendment I have proposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON].

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 85 ayes and 58 noes.

So the amendment was agreed to.

The Clerk read as follows:

Assistant librarian, $2,500; cataloguer, $1,860; two shelf assistants, at $1,400 each; secretary of the Naval Academy, $3,000; clerks—2 at $2,100 each, 2 at $1,900 each, 2 at $1,800 each, 9 at $1,600 each, 4 at $1,400 each, 23 at $1,300 each, 1 at $1,200 each; repair man or seamstress, $1,000; surveyor, $1,700; services of choirmaster and organist at chapel, $1,700; captain of the watch, $1,600; second captain of the watch, $1,500; 20 watchmen, at $1,400 each; 5 telephone switchboard operators, at $840 each; mail messenger, $1,200; in all, $184,900.

Mr. DUPRÉ. Mr. Chairman, I move to strike out the last word. In my mail this morning I received a letter from an old and dear friend of mine in New Orleans, and it contained a passage which I want to read to the committee. The letter was in no sense propagandist, such as had been so savagely reprobated by the gentleman from Michigan on yesterday and previously. The letter is entirely personal and covered a great many subjects besides this particular matter. But I thought it would be well to bring the matter to the attention of the committee at this time, so apt is it. I may say that the writer of the letter is a trained lawyer, an honored judge, and is in no sense a jingo. I have of course deleted names, but probably some Members may understand whom he refers to. I notice the gentleman from Michigan smiles. Probably he recognizes himself. [Laughter.] This is what this gentleman writes to me:

I see by to-day's dispatches that the Navy wreckers were defeated in the House. Such exhibitions as * * * have been given make me at times despair of popular government and despair of the Republic. The late war showed that a Navy must be first or nowhere. An inferior Navy must go into port or go to the bottom.

Unless we are willing to tax ourselves and have a Navy that can keep the seas, not be sent to the bottom and not be driven into port, we should be logical enough to abolish the Navy and save the millions which would be worse than foolishly spent on a second-class Navy.

If you need a pole 40 feet long to knock down the persimmon, you should buy yourself a 40-foot pole or none at all. The money spent on a 20-foot pole is worse than wasted.

For one I shall be very glad to wait the long roll call with which the gentleman from Michigan has been menacing us so long, and I shall be very glad to register my views on the subject which my constituent has better expressed than I could. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I am very glad that the distinguished gentleman from Louisiana [Mr. DUPRÉ] has spoken. It appears that people have widely different views as to what the Conference on the Limitation of Armament was for. People who live up at Squantum, near the historic city of Boston, where they built destroyers during the war, think that the purpose of the Conference on the Limitation of Armament was to continue the building of destroyers in Squantum, although we have 200 destroyers now more than are necessary.

Mr. DUPRÉ. Will the gentleman yield?

Mr. KELLEY of Michigan. Not yet. I will come to the gentleman in a minute. [Laughter.]

Mr. DUPRÉ. I will be right here. [Laughter.]

Mr. KELLEY of Michigan. Then we come along down the line to Charleston, W. Va., where there is a great armor-plate factory. They have an idea that the Conference on the Limitation of Armament was for the purpose of continuing the manufacture of armor plate, although the vessels on which that armor plate was to be used are not to be built.

Then we come to the Washington Navy Yard, and people in Washington apparently have the idea that the purpose of the conference—unless it was for the purpose of giving them an opportunity to raise rents in the city—was for the purpose of allowing the men down in the Washington Gun Factory to complete the guns that were to be placed on these great monsters of

the deep, the 16-inch guns that are never to fire a shot. They have the idea that the purpose of the Conference for the Limitation of Armament was to complete the manufacture of these guns, whether we ever needed to use them on a battleship or not.

Then we go on down the coast and we come to the city of Charleston, S. C., where they have a navy yard there up in the country somewhere. [Laughter.] Somebody has said that every naval vessel that goes up the river to the navy yard at Charleston, S. C., must be preceded by a dredge. Whether that is true or not I do not know, but the gentleman from South Carolina the other day insisted with all his might and main that his idea of the Conference for the Limitation of Armament was at least to keep the navy yard there in operation and the dredge working full blast.

Mr. LONGWORTH. Did the gentleman have an opportunity to visit Ohio? [Laughter.]

Mr. KELLEY of Michigan. The gentleman from Ohio held out valiantly against the League of Nations, but has fallen an easy victim to the league of navy yards. [Laughter.]

Now, let me go on. I am really very much indebted to my friend from Louisiana [Mr. DUPRÉ], who has given me this opportunity to lay this situation calmly before the House. We have come now to the great historic State of Louisiana. Down at New Orleans they had a navy yard once, but it is now closed up, and apparently the idea of our distinguished friend from New Orleans as to the purpose of the Conference on the Limitation of Armament is to open up defunct navy yards and to breathe a new breath of life into deceased war plants. Then we cross the mountains over to the Pacific coast and we start with Los Angeles. Over there their idea of the Conference on the Limitation of Armament seems to be to make two navy yards grow where only one grew before. [Laughter.]

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. LINEBERGER. I will say to the gentleman that there is not a navy yard within 500 miles of Los Angeles.

Mr. KELLEY of Michigan. Yes; and as long as I have anything to do about it there will not be, either. [Laughter.]

Mr. LINEBERGER. If the prestige of the gentleman continues to shrink in naval matters during the next year as it has in the last week, I am afraid that he will not have anything to say about it. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Oh, let me have five minutes more in which to finish the picture.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent that he have five minutes additional time.

Mr. KELLEY of Michigan. I thank the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OSBORNE. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. I did stir up Los Angeles, did I not? [Laughter.]

Mr. OSBORNE. I want to ask the gentleman if he ever heard of a navy yard being proposed at Los Angeles? I never did.

Mr. KELLEY of Michigan. My friend is only juggling with terms. They have been demanding a submarine base at Los Angeles ever since I have known anything about things here. The naval officers have recommended a submarine base there.

Mr. OSBORNE. But the gentleman spoke of a navy yard.

Mr. KELLEY of Michigan. Oh, ho! Have navy yards become so obnoxious that gentlemen now seek to call them by some other name? [Laughter.]

Mr. OSBORNE. Will the gentleman yield for another observation?

Mr. KELLEY of Michigan. Surely; though I would prefer not to be interrupted until I have finished the picture.

Mr. OSBORNE. Will the gentleman from Michigan let me ask him a question? I do not interrupt very often.

Mr. KELLEY of Michigan. Certainly.

Mr. OSBORNE. When the gentleman makes a palpable misstatement in regard to a matter in which I am interested, I think he ought to give me an opportunity of showing where he is wrong.

Mr. KELLEY of Michigan. If I have spoken lightly of Los Angeles, it is not because I do not greatly admire its able Representatives on this floor.

Mr. OSBORNE. But the gentleman got five minutes just now, and he knows very well that this submarine base is not in any sense a navy yard.

Mr. KELLEY of Michigan. It has the same intentions, so far as the Treasury goes. [Laughter.]

Mr. OSBORNE. It has not the uses of a navy yard.

Mr. KELLEY of Michigan. Of course, a submarine base is only a navy yard for the repair of submarines.

Mr. OSBORNE. And, further, the gentleman tries now to make it appear that there is some matter of selfishness involved in this.

Mr. KELLEY of Michigan. Oh, perish the thought! [Laughter.] It is nothing but pure, unadulterated love of country—nothing else! [Laughter.]

Mr. OSBORNE. The gentleman knows that I have not as good a voice as he has nor an eloquence equal to his.

Mr. KELLEY of Michigan. Well, give us the facts. That might help some.

Mr. OSBORNE. The gentleman knows that the city of Los Angeles has offered the United States Government a tract of land there worth $4,000,000.

Mr. KELLEY of Michigan. She had better keep it.

Mr. OSBORNE. Is not that so?

Mr. KELLEY of Michigan. I do not know how much it is worth to Los Angeles. I know it is not worth a copper to the Government of the United States for a naval base.

Mr. OSBORNE. That is where the gentleman and I differ, and I have got just as much right to my opinion as he has to his.

Mr. KELLEY of Michigan. I can not yield to the gentleman any more.

Mr. OSBORNE. The gentleman has yielded enough. That is all I wanted to say.

Mr. KELLEY of Michigan. I thank the gentleman. I am glad to have him permit me to go on. Down at San Diego they have a magnificent harbor, a harbor large enough to hold all the ships of the United States Navy, a magnificent location, and yet they want another base for the submarines at Los Angeles. They can not repair them down at San Diego, and they want another one up at Los Angeles, 80 miles away, and the war experts have said, and have put it in the hearings, that if we ever do build a submarine base at Los Angeles, it will be good only in time of peace; that we would have to get away from there in the event of war.

Mr. LONGWORTH. Mr. Chairman, will the gentleman advise us as to where the President of the United States wants a navy yard?

Mr. KELLEY of Michigan. I will say to my friend that the President of the United States is abundantly able to take care of himself; but the President of the United States——

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KELLEY of Michigan. May I have five minutes more to run along up the coast a little farther?

Mr. DUPRÉ. And then will the gentleman yield to me?

Mr. KNUTSON. Mr. Chairman, I give notice now that after the gentleman has had five minutes I shall object to any more extensions.

Mr. KELLEY of Michigan. Sure, the gentleman will object. I know he is not enjoying himself.

Mr. KNUTSON. Mr. Chairman, I feel that the galleries have been amply entertained for one afternoon.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. I now want to pass by Los Angeles to San Francisco, the great city of the Golden Gate.

Ah, they have been trying to get a navy yard at San Francisco, lo, these many months, and they have——

Mr. LINEBERGER. San Francisco or Mare Island?

Mr. KELLEY of Michigan. Just a moment. They are asking for an appropriation for a new navy yard at San Francisco to cost the Government $80,000,000, and that is San Francisco's idea of the meaning of a Conference on the Limitation of Armament. [Applause.] And that in spite of the fact that we have a great naval station at which some of our greatest battleships have been built at Mare Island, only 28 miles away, and upon which we have spent $40,000,000.

Now, I yield to my friend from Louisiana——

Mr. BANKHEAD. Is the gentleman going on up the coast to our friend MCARTHUR?

Mr. KELLEY of Michigan. I suppose I should.

Mr. DUPRÉ. I want to say——

Mr. KELLEY of Michigan. Yes. My friend MCARTHUR comes from the great State of Oregon, and up there at the mouth of the Columbia River——

Mr. DUPRÉ. Is this an omnibus bill of indictment?

Mr. KELLEY of Michigan. They are getting ready up there on the Columbia River for another naval station. They have the land already bought, have they not, Mr. BUTLER? And of what use is a conference on the limitation of armament unless it hatches out a navy yard or two in Oregon? [Laughter.]

Mr. BUTLER. They have got something up there. [Laughter.]

Mr. KELLEY of Michigan. And so it turns out that we were after all wholly mistaken as to the objects of the conference. It never was intended to lift the burdens of armament from the backs of humanity but to keep all our navy yards going on the Atlantic, resurrect defunct navy yards on the Gulf, and build new navy yards on the Pacific. [Laughter and continued applause.]

Mr. DUPRÉ. I understood the gentleman to yield to me. I want to say to the gentleman who has yet so kindly failed to yield to me that I had no idea the effect of my friend calling him a naval wrecker would make him writhe so much, but that is what he is doing, and he is the man my friend wrote about. [Laughter.]

The Clerk read as follows:

Department of buildings and grounds: One messenger to superintendent, $1,001.60; necessary building attendants, $145,436.40; in all, $146,438.

Mr. VAILE. Mr. Chairman, I move to strike out the last word.

Mr. MCARTHUR. Has the gentleman navy yards in Colorado?

Mr. VAILE. Well, not right in Colorado, but there are a lot of navy yards that belong to Colorado, and that is what I want to talk about.

Mr. Chairman, we have had so many compliments paid just a minute ago to all of the navy yards that I want to get my town into this league. I come from a city and a congressional district which is 1 mile above the level of the sea and fifteen hundred miles away from the sea. Our navy yards, if you please, are scattered on both coasts of the country, from Massachusetts to California [applause], wherever ships have been built from the days of the Revolution to the days of the World War, for the protection of the trust handed down to us by our ancestors. We are told that the country is safe because it is protected by the sea. So it is; just so long as we have an adequate Navy upon the sea and no longer. My inland State of Colorado is just as safe from invasion as Massachusetts or California, and no safer. Now, those navy yards belong to us of Colorado, because they belong to the whole country, just as Paul Jones and Decatur and Farragut and Dewey belong to the whole country. We of the mountains are proud of our ships—our ships, I say—and of our men who make them and of our towns where they are made and of our men who stand behind the guns. Colorado can supply only its share of the latter, but it does supply those. We do not build ships in my town; we do not make the armor plate that covers them. We do build a lot of the men who sail them and who on their decks have defended the whole of this country, that belongs to all of us.

Now, I have risen to protest most solemnly against the imputation which has been running through this debate for the last week that the majority of my colleagues are actuated by selfish, local, sectional motives. [Applause.] Is it possible that 177 men in the House of Representatives, representing, as the advocates of a second-class navy would make it appear, 177 navy yards—is it possible that all of these 177 men are actuated by a spirit of narrow, local sectionalism? Are the only Simon-pure patriots in this House—the only men inspired by an ideal of national duty—the 130 who on Saturday followed the lead of the chairman of the subcommittee in charge of this bill? No; Mr. Chairman, all the advocates of adequate national defense, all the advocates of a navy as large as is provided by the treaty for the limitation of armament, do not live in navy-yard districts, but as to my colleagues who do live in the splendid cities which have built the ships for our defense, I refuse to believe that they are less patriotic on that account.

We are asked by the advocates of a small navy to undo the magnificent work of a Republican President and a Republican Secretary of State by disregarding their advice and repudiating their leadership, by fixing our Navy personnel at a figure which the President tells us would put the United States far below the ratio of 5-5-3 provided by that treaty, the outstanding achievement of the age.

And the gentleman from Michigan [Mr. KELLEY] has the assurance to ask how we men of the Middle West and the Mountain States will justify our action to our constituents. Let me say to the gentleman that my constituents do not take the narrow, sectional view which he so generously imputes to all who disagree with him. The action of the Members with whom I stand is its own ample and abundant justification.

There will be no criticism in my district of a vote to keep the Navy of the United States as large as the navy of Japan. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, during this debate I certainly have not reflected in any way upon the motives of gentlemen who advocate 86,000 instead of 67,000 men. I know that, just like the gentleman who has preceded me, they may be absolutely sincere in their advocacy of the larger figure, for the reason that they have been informed that this bill provides a Navy equal to Japan's and smaller than Great Britain's. But this is not true, and when he returns to the Middle West I want the people there to be under no misunderstanding of the facts in this case. The facts are that the bill provides for the ships the Navy wishes to keep in commission, the same number of men that the experts of the Navy had on those ships on January 1 of this year.

The facts are that with 67,000 men they can keep in commission sufficient ships to maintain our ratio under the treaty, and I have heretofore demonstrated that we will have more men than Japan will.

Now, as to Great Britain, I have on my desk there the official record of the debates in the House of Commons upon the naval estimates, and the statement of the Secretary of the Admiralty accompanying the naval estimates which have been adopted and are now the law of Great Britain. They show that Great Britain, without waiting for our action, has made reductions that will make them have in commission a fleet smaller than ours. I read from the official statement of the Secretary of the Admiralty that among the proposed economies are:

(a) The scrapping of 12 capital ships, in addition to the 8 recently sold for breaking up, and the maintenance of only 18 in full commission (as compared with 38 in March, 1914).

My friend from Colorado doubtless reached his conclusion, as did the President, from information furnished by the department that Great Britain is maintaining 18 capital ships. But the official record shows they are to keep in full commission only 15, while this peace-loving Nation will under this bill or the proposed amendment keep in commission 18.

Now, as to submarines, the Secretary of the Admiralty informed the Commons:

The number of submarines in full commission will also be reduced from 46 to 40, 6 submarines on the China station being kept in reserve.

With the 67,000 men provided in this bill we propose to keep in commission 84 submarines, just 44 more than Great Britain will have.

Now, as to destroyers; let me read:

One of the destroyer flotillas belonging to the Atlantic Fleet was, for financial reasons, reduced to two-fifths complement last year. In view of the urgent need of economy, another flotilla will now be similarly reduced.

The total number of destroyers in full complement with the Atlantic Fleet is thus brought down to 40, the smallest number which can provide for the vital part played by destroyers in all modern fleet exercises and for the training of officers and men.

Twenty-three destroyers of the local defense flotillas, now on a reduced complement, will also be reduced to reserve.

So that with the Atlantic Fleet Great Britain will keep in commission only 40 destroyers. With the Mediterranean Fleet, only half the size of the Atlantic Fleet, certainly they will not keep in commission much more than 20, and the United States under this bill will keep in commission 103. [Applause.]

You have been told that having reduced the number of ships it is essential they should be fully manned in order to equal Great Britain, because Great Britain will maintain war complements, or at least the complements they have had the last few years. Listen to this official statement:

The Admiralty have come to the conclusion that the improved international situation now makes it possible to reduce in peace the complements of the ships of the Atlantic Fleet below the establishment laid down as the result of war experience. The average reduction effected, in the case of capital ships, will be 15.7 per cent.

All of which goes to show that the English are a serious people. They have taken seriously the armament conference and the four-power pact and believe that faith could be placed in the good intentions of the signers, and especially in America.

While to-day we have 98,000 men in the Navy alone, Great Britain, according to the official Record of the Commons, has directed a reduction of the personnel to 98,000 men, including marines and officers, naval officers, and officers and men of the coast guard. The Admiralty states that if the men in these various services in the United States are added to the total suggested by the committee of 67,000, it will make the personnel of the two nations approximately equal. They are correct. If you add to our 67,000 the 19,500 marines and 1,000 marine officers and the approximately 6,000 naval officers and approximately 4,000 officers and men of the Coast Guard, you have 91,100, making the total for the United States 98,100. I am satisfied that we should add our 2,500 midshipmen, because

I think they are included in the English figures; but I include only those items as to which there can be no dispute. If we increase to 86,000 we are going to have in the service, comparable to Great Britain, just 20,000 more men than they have.

Gentlemen may say that information as to the Navy of Great Britain should come from the experts of our Navy Department, but it takes no naval expert to read the law of Great Britain, and the figures I give are taken from the English naval estimates, which have been adopted and are now the law, and there is no higher evidence.

Now, let me say something to those who believe in the limitation of armament. The President says he felt compelled to accept the conclusion of the naval experts. The naval experts want disarmament just as much as you want this House abolished. If we never limit armament until they of their own accord agree to it, it will never be limited.

Now, as to the result of this conference. On December 1 last the Secretary of the Treasury submitted an estimate of naval expenditures for the fiscal year 1923 based upon the appropriations recommended and the unexpended balances available, and he said they would total $482,000,000.

That was before the conference. On April 14 he wrote Senator McCUMBER the letter made public this morning, in which he states that after consultation with the departments he submits revised estimates, and he estimates the naval expenditures for the next year at $460,000,000 or only $22,000,000 less than he estimated before the conference.

Since he wrote that letter the House, in Committee of the Whole, has added 10,000 men to the bill. If it remains, it will add about forty millions to the bill, and it will mean that instead of there being any decrease there will be an actual increase in the naval expenditures during the next year, and I want the people to know that that is the result of the armament conference for which the people prayed and which your party promised would result in decreased naval expenditures. [Applause.]

Mr. FRENCH. Mr. Chairman, I want to follow the thought a little further that was suggested by the gentleman from South Carolina [Mr. BYRNES] and indicate what is going on at this time in the British House of Commons. If you will read the papers from London you will find the same kind of debate is going on there that is going on here, and the same kind of arguments are being advanced.

One group is urging a large navy for Great Britain; another group is urging that while the 5-5-3 ratio shall be maintained, Great Britain shall keep well within the boundaries that would be possible under the treaty. This group is urging a striking reduction of the enlisted personnel of the British Navy and a striking reduction of the appropriations for next year.

I told you a week ago to-day that the head of the British Admiralty, Lord Lee, had recently made a supplemental report touching the navy for next year, scaling down the personnel of the British Navy 20,000 men and the appropriation by £21,000,000. I find in the London Times of March 17 last the report of the discussion in the House of Commons, that was participated in by a number of members, and among the number Mr. Amery, the financial secretary to the Admiralty.

In this discussion Mr. Amery said that the policy of the country since the armistice had been one of drastic reduction of naval armament. And further on in referring to the particular program for Great Britain he declared that—

the naval staff had agreed on a reduction of the peace complements of the capital ships by nearly 10 per cent.

This statement confirms the statement of the gentleman from South Carolina [Mr. BYRNES]; 16 per cent is practically one-sixth. In other words, the Naval Staff of Great Britain is recommending that 15 and not 18 capital ships be kept in full commission, or else that the personnel upon the ships be scaled down 16 per cent.

Mr. VAILE. Will the gentleman yield?

Mr. FRENCH. I will yield later, if I have the time.

Mr. Chairman, I contend that in the shaping of this bill the Congress should follow such a policy as will make it easy for other nations to reduce their naval appropriations to the minimum. Under the Limitation of Armament Conference agreement there is no limitation as to the number of submarines we may build. Yet does anyone doubt that if we were to engage in the wholesale building of submarines, Great Britain and Japan would follow suit and justify their course by pointing to the activities of the United States? And what I have said as to submarines may be said as to other craft, not specifically limited in the terms of the agreement.

In this same paper, the London Times, for March 17 last, I find the report of the speech of Col. A. Burgoyne, a member from Kensington, in the House of Commons. The name "Burgoyne" is reminiscent of Revolutionary history. Colonel Burgoyne believes that great good must result from the armaments conference. In his speech he declared that the value of what had been done at Washington could not be summed up merely in pounds, shillings, and pence—

it was the most remarkable episode in our naval history. * * * * wiping away any possibility of competitive building in the future.

Further on Colonel Burgoyne said:

The submarine was the most offensive weapon for the purpose of murder and the least effective for attacking warcraft.

And then he declared that there is need for additional agreements to prevent recrudescence of competitive preparations for sea warfare, and he urged the Government, with that end in view, to try to persuade other powers to come into another conference on similar lines to that held at Washington.

Gentlemen, I again repeat, the greatest value of the armaments conference is not limited to money, but is found in the directing of the thought of the people of the participating nations and of the world along lines of peace. I do not believe that an enlisted personnel of 86,000 men vitiates the limitation of armaments agreement, but, on the other hand, I do believe that every man you add in addition to 67,000 provided for by the committee is an unnecessary addition, and to that extent makes more difficult the activities of members of the British Parliament and the Japanese Diet in urging moderation in the maintenance of their naval strength.

WHAT WILL THE ADDED 19,000 PERSONNEL COST?

Now, let me refer by way of review to what the additional 19,000 men you propose to add to the Navy will cost. Numerous Members have asked me that question during the debate upon this bill. I told you Saturday that in my judgment the 19,000 men would add an additional cost of from $57,000,000 to $75,000,000. Already by your amendments you have added approximately $19,000,000, but I want to tell you frankly that the amount you have added will not meet the situation, and you must not delude yourselves into thinking that it will. The $19,000,000 added will provide for pay and for provisions for the most part, but this amount will not take care of the appropriation that will be necessary as additional pay; it will not take care of transportation and enlistment; it will not take care of added hospital expense; it will not take care of additional fuel and additional repair work made necessary by the additional ships upon which these men will be placed.

You will soon vote upon the amendment adding to the bill 10,000 men. If that amendment shall prevail, then either you must add more money or the Senate will add the money, and the bill will be brought back here and you will be told that you made it necessary for the Senate to add the money because you added men. You can not hug the sweet delusion that you can increase the personnel of the Navy and not increase the cost; you can not dodge the issue by refusing to vote the money here if you add the men.

When the committee reported this bill to the House it carried, in round numbers, $283,000,000; that figure is approximately $190,000,000 under what was appropriated last year. If you add this amendment to the bill, you will raise thereby, in my judgment, the Navy bill to approximately $300,000,000. Do you want to do it? Are you willing to assume this responsibility?

If gentlemen would maintain an efficient Navy, they must provide officers and they must provide men, but if they would cut down the expense they must economize where it will count the most and hurt the least. The division of pay cost of enlisted men on our ships with the pay cost of officers is as 77 to 23. That is, of the pay cost 77 per cent is for the enlisted men. I am not a prophet, but I know the demand for the strictest economy, and if you insist on pushing through the program of piling up men on your battle craft the people of this country will be disappointed in the cost of their Navy. Do not be surprised if public sentiment will demand sweeping reductions—reductions even further than your committee has proposed, and that will not be satisfied until the number of men shall be cut down and the number of officers as well. Gentlemen, that would be a most serious mistake. Let me urge you not to invite it.

I want to say just one word in conclusion. In 1916 the cost of our Navy in round figures was $147,000,000. To-day we have a larger and a better Navy and expenses are higher generally. But granted all this, in the face of the results of the Limitation of Armament Conference, in the face of world conditions by which the United States is vastly stronger than in 1916, in view of the further fact that the lesser number of men with the lesser appropriations called for, as submitted by your committee, will maintain the part of the United States in the 5-5-3

agreement, I submit that the bill that your committee has brought in should be sustained.

Mr. REED of New York. Mr. Chairman, I have been interested in this debate. The arguments made on both sides of the issue have been ably presented. There has been a line of criticism against the officers of the Navy, however, in which I do not concur. There have been times in the past when the American people thrilled at the mention of the American Navy and of American naval officers.

It was not many years ago when people throughout this country were speculating as to the strength of a certain flotilla on the high seas after we had declared war against Spain. Along the coast, on the Pacific and on the Atlantic, men were wondering what might happen if that Spanish flotilla should happen to enter some one of our harbors and start a bombardment. And then you will recall that after a time our Navy searched out the Spanish fleet—located it down in Santiago Harbor. You will also recall that on that occasion a young man went to his superior officer, the officer in command, and said that he knew how they could bottle up the Spanish fleet in the harbor of Santiago. The superior officer said to the young man, "How?"

"Why," he said, "seven men could sail an old boat into the neck of the entrance to the harbor, sink it, and in that way lock up the fleet." The officer replied, "It would be murder to ask seven men to take that boat into the channel under the direct fire of the Spanish guns." The young man said, "If you call for volunteers it will not be murder." So one evening without any band playing, when the boys were far from home, the order was sent out to the 11 American battleships to lower their small boats and bring seven volunteers to the flagship *New York*, to take the old boat, the *Merrimac*, into the channel and sink it. How many men do you think responded to that call to lay down their lives for their country? Not seven men, but 970 of America's best boys crowded into the small boats and rowed over to the flagship *New York*.

Whence came that fine spirit? It was inspired by the high order of leadership in the Navy. The people of this country were thrilled at this manifestation of American spirit, inspired in no small degree by the splendid leadership of the officers in the Navy. Again, the American people were stirred to a high pitch of enthusiasm when they learned that our American fleet had rounded Cape Horn, breaking the world's record for speed and arriving at Manila Harbor long before the enemy had reason to suspect its presence. On this occasion it was not only the men who manned the ships above deck but the firemen working far below the water line, stripped to the waist, heaving in tons of coal, hour after hour, that made this record possible.

I believe that every man in the American Navy, from the officer on the bridge to the man below the water line, has the respect and admiration of the American people. I believe it is time that criticism of the officers of our Navy should cease. [Applause.] We did not criticize them during the war. The officers of the Navy and the personnel of the ships made a record of achievement and heroism during the World War which does not warrant the unrestrained criticism we have heard on the floor of this House during this debate. It may be well for us to recall that our Navy kept the path across the ocean so free from enemy warcraft that only one transport carrying our soldiers was sunk. The officers and men of our Navy are responsible for this splendid record, in which we all share a common pride. We did not question the accuracy of their statements then with reference to the needs of the Navy, which they maintained at the highest point of efficiency, and I believe that we can trust them now.

There has been frequent reference made during this debate to the Limitation of Armament Conference recently held in this city, at which Secretary Charles E. Hughes acted as spokesman for the United States. I want to say to you men that you may not be quite so well acquainted with Secretary Charles E. Hughes as we are up in New York State. We know that when he goes before a court he goes prepared with all the facts. I believe that when President Harding, Secretary of State Hughes, Secretary of the Navy Denby, and Assistant Secretary Theodore Roosevelt appeared before the experts of the world at the Limitation of Armament Conference they were quite as well prepared with reference to the facts in this case as any group of men in this House. [Applause.] And I for one propose to follow the leadership of President Harding, Secretary Hughes, Secretary Denby, and Secretary Roosevelt with respect to the required personnel necessary to maintain the treaty ratio, rather than follow the leadership of the subcommittee, in so far as the facts in this case are concerned. [Applause and cries of "Vote!"]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FUEL, MARINE CORPS.

For heat, light, and commutation thereof for the authorized allowance of quarters for officers and enlisted men, and other buildings and grounds pertaining to the Marine Corps; fuel, electricity, and oil for cooking, power, and other purposes; and rations to officers; $450,000.

Mr. OSBORNE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. OSBORNE. Mr. Chairman, in the face of the eloquence of the distinguished chairman of the committee [Mr. KELLEY of Michigan], I did not say all I should have said when I was on the floor before. I dislike to say anything unpleasant of or to the distinguished chairman of the committee. He is of such an amiable character that I would not say a word that would hurt his feelings, or that would in any way impinge upon him, unless it was absolutely necessary to do so in order to keep within the bounds of truth. [Laughter.]

Mr. Chairman, reference was made at that time to what the city of Los Angeles has done or has not done, and as to the reasons, as to whether they were selfish or otherwise. I want to say that on page 323 of the hearings before the committee will be found what testimony was taken before the committee on this subject. The distinguished chairman [Mr. KELLEY of Michigan] stated that this port would have to be abandoned in time of war, this proposed submarine base. I have looked over the hearings, where Admiral Coontz and other distinguished naval officers testified, and the distinguished chairman is the only one who made any such reference. The others refuted that statement, as you will find by looking over the hearings. The fact is that the city of Los Angeles, prior to the war, had completed a magnificent wharf in the harbor there, at a cost of a million dollars or more, and that wharf was turned over to the Government for a submarine base, and it has been used by the Government without cost from that date until this.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. OSBORNE. Certainly.

Mr. LINEBERGER. Did not the city of Los Angeles pay for that wharf herself?

Mr. OSBORNE. To be sure.

Mr. LAYTON. Has not the Pacific coast the right to be defended the same as the Atlantic coast?

Mr. OSBORNE. I think the question carries its own answer. It surely should.

Now I read from what Admiral Coontz says here in reply to Mr. KELLEY. He says one particular reason is that when you get outside of San Pedro you can dive in deep water inside of 20 or 30 minutes, whereas at the other ports it would be two or three hours before they would get on proper grounds.

Mr. Chairman, I ask unanimous consent to extend my remarks by printing pages 323 and 324 of the hearing, and I will take no further time.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The extract from the hearing referred to is as follows:

SAN PEDRO SUBMARINE BASE.

Mr. KELLEY. We have no submarine base at San Pedro, have we?
Captain DAY. Yes, sir.
Mr. KELLEY. But it is one we do not own?
Captain DAY. Yes.
Admiral COONTZ. It is a free base.
Secretary DENBY. Did we do much building there?
Captain DAY. No; it is an adaptation of what was there on the pier; they had a great big freight shed and a big two-story building on the end of the pier.
Secretary DENBY. And it did not cost very much to convert it?
Captain DAY. Not much.
Secretary DENBY. But we do not own it?
Captain DAY. No, sir.
Mr. KELLEY. How much have you spent at San Pedro, Mr. Reed?
Mr. REED. $100,000 for improvements.
Mr. KELLEY. How did we get in there?
Admiral COONTZ. We got in there unquestionably during the war.
Mr. KELLEY. It is your intention to keep that up this coming year?
Admiral COONTZ. Yes, sir.
Mr. KELLEY. Why do you not go down to the other place where you have shops?
Admiral COONTZ. The one particular reason is that when you get outside of San Pedro you can dive into deep water inside of 20 or 30 minutes, while at San Diego you know the number of miles you have to go to get out to deep water, so that San Pedro means a great saving in time and everything else. It has been gone into by a number of boards and was gone into by the House and Senate committees a year ago, and they unanimously reported in favor of keeping San Pedro.
Mr. KELLEY. Have you an option on the land?
Admiral COONTZ. We either have an option on the land or they are offering a large amount of land for $1.

Mr. KELLEY. Is it a steep and rocky shore there?

Admiral COONTZ. A part of it is on the beach level and the rest is probably as high as this room, and then there is a level place.

Mr. KELLEY. You will have to grade it?

Admiral COONTZ. No, sir; we will not have to do any grading that I know of.

Mr. KELLEY. There is no harbor there?

Admiral COONTZ. You are inside of the breakwater.

Mr. KELLEY. But it is an artificial harbor?

Admiral COONTZ. Yes, sir.

Mr. KELLEY. I remember somebody's report to the effect that in case of war we would have to move away from there.

Admiral COONTZ. That might be said of New York City—the same thing.

Mr. KELLEY. Well, New York City is pretty well fortified, is it not?

Admiral COONTZ. Yes, sir.

Mr. KELLEY. Do you intend to fortify this place?

Admiral COONTZ. I imagine the War Department does in time.

Mr. KELLEY. You are right out in the open there, and there is no protection for those little boats at all.

Captain DAY. We would not want anything better than to have somebody come in there and try to shoot us up.

Mr. KELLEY. I am only quoting what I remember of a naval officer's report.

Admiral COONTZ. It was considered a satisfactory naval station by the committees of the Senate and the House who went there last year.

Mr. KELLEY. Who was at the head of the board that made that first report?

Admiral COONTZ. The first report was the report of Admiral Helm.

Mr. KELLEY. The Helm report says that you can not stay there in time of war; that you would have to move out and go down to the other place.

Admiral COONTZ. I would not dispute that without looking at the book.

Secretary DENBY. Do you recall it, Commander Hill?

Commander HILL. I do recall it, because I was with Admiral Helm at the time, and the Helm report on San Pedro mentions it as being the best available site for a submarine base.

Mr. KELLEY. In peace time?

Commander HILL. No; at any time.

Mr. KELLEY. It specifically states in just as plain English as can be written that in time of war you would have to move away from San Pedro and go to the other place.

Secretary DENBY. That might refer to the outer harbor.

Commander HILL. Only two battleships can lie behind the breakwater, but the submarine base is at the extreme inner end of the artificial harbor, and I do not know of any place that will ever be smoother in time of storm than that place.

The Clerk read as follows:

In all, for the maintenance of Quartermaster's Department, Marine Corps, $8,992,517; and the money herein specifically appropriated for the maintenance of the Quartermaster's Department, Marine Corps, shall be disbursed and accounted for in accordance with the existing law as maintenance, Quartermaster's Department, Marine Corps; and for that purpose shall constitute one fund.

Total, Marine Corps, exclusive of public works, $24,962,522.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I did not take any time during the general debate on this naval appropriation bill, and I shall be very brief now. I wish to say that I have no sympathy with this continued attack on those Members of this House who do not agree with the views of the subcommittee. Nor can I enthuse at all with this entire battle that has raged here the past week, which I think has been largely in the nature of a manufactured battle. I look upon it as a sham.

I suppose that in every Congress since we have had a Navy there has been a struggle over the building program. All Members who have been here any number of years know that the big fight on the naval bill every time has been over the number of battleships and cruisers—a four-ship program as against a two-ship program, or two new ships against no new ships. But this year, thanks to the results of the great disarmament conference, there was no necessity for a fight over the building program. Hence we have staged here for the benefit of certain persons and the gallery, apparently, and for the confusion of the country generally, a great fight about a difference of twenty thousand and odd men in the Navy.

Mr. VARE. Nineteen thousand.

Mr. JOHNSON of Washington. Yes; 19,000 are the subject of all this fight, whereas our fights in previous years used to be over the construction of great ships, such as the U. S. S. *Tennessee*, which cost, I believe, $42,000,000.

Mr. KELLEY of Michigan. What is the occasion for it all?

Mr. JOHNSON of Washington. That is it. What is the occasion? I have never been for a paper Army. I am not for a paper Navy. I am glad we went into the disarmament conference and limited the number of our ships; but I do hope that whatever ships we have will not be tin-can ships with not enough men on them. [Applause.]

I withdraw the pro forma amendment.

The Clerk read as follows:

INCREASE OF THE NAVY.

The Secretary of the Navy may use interchangeably the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "Increase of the Navy," including any balance then remaining under the appropriation "Increase of the Navy, torpedo boat destroyers," for the prosecution of work on vessels under construction on such date the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the present session; for the conversion into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty, 3 of the battle cruisers the construction of which had been heretofore commenced, when the conversion of such battle cruisers shall have been authorized; for the settlement of contracts on account of vessels already delivered to the Navy Department; for the completion of torpedoes under manufacture on April 8, 1922, not to exceed 400; and for the installation of fire-control instruments on the U. S. S. *Maryland* and on 12 destroyers heretofore constructed, and such balances shall not be available for any other purposes.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Page 62, strike out the paragraph and insert:

"For the prosecution of work on vessels under construction on the date of the approval of this act the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the present session; for the conversion into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty, 2 of the battle cruisers the construction of which had been heretofore commenced, when the conversion of such battle cruisers shall have been authorized; for the settlement of contracts on account of vessels already delivered to the Navy Department; for the completion of torpedoes under manufacture on April 8, 1922, not to exceed 400; and for the installation of fire-control instruments on the U. S. S. *Maryland* and on 12 destroyers heretofore constructed; in all, $46,250,000: *Provided*, That any unexpended balances on June 30, 1922, under appropriations heretofore made on account of 'Increase of the Navy,' including any balance then remaining under the appropriation 'Increase of the Navy, torpedo boat destroyers,' shall be covered into the Treasury."

Mr. BUTLER. Mr. Chairman, I reserve a point of order on that. It seems to me it is legislation. We would like to have a little left for the Naval Affairs Committee if possible.

Mr. BYRNES of South Carolina. I think I can satisfy the gentleman——

Mr. BUTLER. We would like to have a spoonful left. That is a part of the bill that I have just reported.

Mr. BYRNES of South Carolina. I am in accord with the gentleman from Pennsylvania.

Mr. BUTLER. But leave a little for us.

Mr. BYRNES of South Carolina. I am simply seeking to have this bill make an appropriation instead of legislating to authorize appropriations.

Mr. BUTLER. Does the gentleman desire to appropriate in advance of legislation? There is no authority yet to convert these ships.

Mr. BYRNES of South Carolina. This paragraph in the bill makes available for the increase of the Navy $46,250,000. The Navy Department, through Admiral Taylor and Admiral McVay, Chief of Ordnance, advise us that under increase of the Navy they have unexpended balances amounting to $70,000,000 as of the date of the hearing; that of that amount they expected to spend such a sum as will reduce it by July 1 to $46,250,000. Now, this amendment contains the exact language of the section of the bill with the exception that instead of providing that unexpended balances shall be available for the increase of ships, the amount which the Navy Department says will be available, $46,250,000, is appropriated and the unexpended balances are covered into the Treasury.

Mr. McARTHUR. Is the gentleman willing to take the recommendation of the Navy Department in this matter?

Mr. BYRNES of South Carolina. I am not willing to take it if it is desired to provide that the unexpended balances shall be available. I am opposed to that.

Mr. McARTHUR. Will the gentleman take the recommendation of the Navy Department on anything?

Mr. BYRNES of South Carolina. Yes; when I think they are right. But the Navy Department has not recommended this authorization. This is the work of the committee. Instead of legislating to provide that the unexpended balances shall be available for the next fiscal year, I am asking that we appropriate the amount that they say will be available, so that that amount of $46,250,000, and that amount alone, shall be available to be expended, and not an indefinite and uncertain amount represented by the unexpended balances.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. Is that the amount that the Navy Department estimates will be needed for the purposes included in this section?

Mr. BYRNES of South Carolina. Yes; and the amount they say will be available. Now, I know that with that statement my friend from Oregon [Mr. McARTHUR] will accept it, because it is their statement that $46,250,000 will be available and will be the proper amount, and if I am willing to accept the recommendation of the department on this item surely the gentleman from Oregon is not going to oppose it.

Mr. McARTHUR. If the gentleman is willing to accept the figure recommended by the department, I will certainly accept it also.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. On what date will the unexpended balance be covered into the Treasury?

Mr. BYRNES of South Carolina. July 1 of this year by my amendment. They say that on July 1 the sum of $46,250,000 will be available. Therefore why not appropriate that amount, $46,250,000, instead of providing that the unexpended balance shall be made available?

Mr. CHINDBLOM. Might there not be outstanding accounts which have been drawn against the unexpended balance which could not be paid if you cover the unexpended balance into the Treasury?

Mr. BYRNES of South Carolina. To pay any obligations the $46,250,000 would be available. This is only one-third of the amount to be finally spent under this item. They can contract for additional sums and pay out of subsequent appropriations. I am satisfied the Navy Department will be entirely willing to have direct appropriations made.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. STAFFORD. Does not the proposed amendment go further than the authorization carried in the bill, in this, that the gentleman provides for building two aircraft cruisers?

Mr. BYRNES of South Carolina. My amendment is taken from the printed bill—the exact language.

Mr. STAFFORD. In the bill there is an authorization to use this fund when the building of the cruisers has been authorized, and as I heard the gentleman's amendment there was an authorization for the building.

Mr. BYRNES of South Carolina. My amendment is taken from the printed bill. I took the bill as printed and simply provide the appropriation instead of the authority to use unexpended balances.

Mr. BUTLER. It is taken from the legislative bill on the calendar.

Mr. MANN. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MANN. Does not the gentleman's amendment and the provision in the bill both accomplish the same thing in a different way?

Mr. BYRNES of South Carolina. It does.

Mr. MANN. The bill provides for using the balances, and the gentleman's amendment states the amount and makes the appropriation of those balances.

Mr. BYRNES of South Carolina. The same thing is accomplished. The only thing is, I believe, we ought to put this in the bill, so that when we get through the people can know what we have appropriated without asking the Secretary of the Treasury as to the total of the unexpended balances.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MANN. I ask that the gentleman from South Carolina have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I ask the gentleman—it is not his purpose to make the amount of the appropriation bill larger than it is now, but does not the gentleman think it is going to be big enough, anyhow?

Mr. BYRNES of South Carolina. I want the bill to show exactly what the committee appropriates. I want the bill to speak the truth and let the people know what is appropriated. There is no man in this House who will not say that that is correct. The Secretary of the Treasury at the beginning of the session urged Congress to stop legislation appropriating unexpended balances because it makes it more difficult to keep accounts in the Treasury.

It is only to accomplish the same purpose by making plain the amount appropriated by the bill, so that any man can take up the bill and tell you how much is appropriated, instead of having to communicate with the Secretary of the Treasury to find out what the unexpended balance is. Reading the bill, no man can tell what is appropriated. By my amendment he will know what is appropriated.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. GARRETT of Tennessee. My attention was diverted for the moment and I did not clearly catch the reading of the gentleman's amendment. If I understand the amendment proposed by the gentleman, he proposes to deal candidly with the American people and tell them what is appropriated.

Mr. BYRNES of South Carolina. I had no other purpose. The $46,250,000 is made available, and I see no objection to saying so and letting the people know that appropriation is in the bill.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. ANDREWS of Nebraska. Is not the unexpended balance available for contracts between now and June 30?

Mr. BYRNES of South Carolina. Yes; but of the $70,000,000 their contracts are such that they will not use more than twenty or twenty-five millions. That is the statement of the department.

Mr. ANDREWS of Nebraska. They might go on and obligate all that and then use this.

Mr. BANKHEAD. Mr. Chairman, the gentleman from Pennsylvania reserved a point of order against this amendment, and I think we ought to have it disposed of first. I call for the regular order.

The CHAIRMAN. The gentleman from Alabama calls for the regular order. Does the gentleman from Pennsylvania make the point of order?

Mr. BUTLER. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BUTLER. In this amendment it is provided for the construction of vessels, and under the law of the House as found in the rules that belongs to the Committee on Naval Affairs. The gentleman's amendment is taken bodily from the bill now on the calendar reported from the Committee on Naval Affairs. I have not anything further to say. It is for the conversion into aircraft carriers, including the complete equipment of aircraft carriers, and that can not be appropriated for in this bill. It may not be subject to a point of order; I do not know.

Mr. KELLEY of Michigan. I am opposed to the proposition, but I do not think it is subject to a point of order.

The CHAIRMAN. The Chair does not think it is subject to a point of order. The only change between the amendment and the original provision of the bill lies in the fact that the original provision of the bill makes the appropriation of an indefinite unexpended balance in the Treasury, and the amendment makes the appropriation specific in amount. The Chair thinks that the objection is not well taken, and overrules the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, this is the last paragraph of any importance in the bill. If it would not be imposing on the House in any way I would like to have 10 or 15 minutes to explain this particular section and to make a few general observations before the committee rises.

Mr. KING. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan have 15 minutes.

Mr. McARTHUR. Reserving the right to object, which I shall not do, I want to inquire if the gentleman is going to explain the paragraph or make a political speech?

Mr. KING. What is the difference?

Mr. KELLEY of Michigan. I am sure the gentleman does not ask me that seriously.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan may proceed for 15 minutes. Is there objection?

Mr. NEWTON of Minnesota. Reserving the right to object, how much of the 15 minutes is the gentleman going to devote to the paragraph and how much to general observation?

Mr. KELLEY of Michigan. I think the bulk of it will be on the paragraph. Of course, I have not actually allocated the time to each of the two purposes.

Mr. LINEBERGER. Reserving the right to object, is the gentleman going to launch into a tirade and further impugn all those who opposed him in the bill?

Mr. KELLEY of Michigan. If I have been oversevere with the gentleman, I beg the gentleman's pardon. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, after the Conference on the Limitation of Armament had concluded its labors, it became necessary to cancel contracts and stop work on a large number of ships that were under construction, and also to discontinue the manufacture of guns and other equipment which were intended to go on those ships. We had the department come before the committee and we ascertained that there was a balance as of March 1, 1922, in the construction funds of about $71,000,000 out of the appropriations that have heretofore been made on behalf of the program inaugurated in 1916. It was estimated that for the balance of the year, upon the

ships of the Navy that were not to be discontinued but were to be finished, they would expend all of that except about $46,000,000, so that upon the 1st of July next there would be a balance available to go forward with the ships that are to be finished of about $40,000,000. The major part of that money was in the Bureau of Ordnance, being a surplus resulting from stopping work on the 16-inch guns which are not to be built. Therefore we put a provision in the bill making available for the coming year those funds for new construction, for continuing the work upon ships that are to be finished. Of course, that money under the law is a continuing appropriation. It does not need to be reappropriated because it has already been appropriated for any ships authorized in the 1916 building program, the language in the bill making it available for building for the coming year, not only for ordnance but for the building of the ships.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GRAHAM of Illinois. This fact occurred to me as I listened to the gentleman from South Carolina [Mr. BYRNES], that if we appropriate specifically the sum of $46,000,000, it may well be taken by the Navy Department as an expression of congressional opinion that we think that much ought to be expended, whereas if we carry the provision that is in the bill they probably will save some of it.

Mr. KELLEY of Michigan. The gentleman has more faith—yes; that is possible. What I am getting at is this: There is no difference, in fact, between the two propositions, but the amendment presented by Mr. BYRNES is unnecessary and if adopted might lead to the mischief suggested by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. MANN. The proposition presented by the committee provides for the use of the unexpended balance on the date of the approval of the act.

Mr. KELLEY of Michigan. That is correct.

Mr. MANN. It provides that no part of this shall be used for any other purpose.

Mr. KELLEY of Michigan. That is correct.

Mr. MANN. The proposition in the amendment is to make an appropriation which would be available July 1, and between the date of the approval of the act and July 1 any part of this money might be expended in addition to the $46,000,000 that is appropriated.

Mr. KELLEY of Michigan. That is true, and so it is highly desirable, unless we feel extremely prosperous this afternoon, that the amount of money for next year's building program be confined to the unexpended balances. That leaves the situation like this: All charges for cancellation of these contracts with shipbuilding interests, manufacturers of steel and armor plate, and so forth, will have to be settled under a separate bill, which will follow along in due course because of the cancellation of these contracts. In order to draw the line straight across and prevent a general mix-up of cancellation charges and new construction for the coming year we found it advisable to stop all payments at a certain date upon the canceled ships or upon the matériel which was to go upon those canceled ships, and if any payments are made out of the balance of $71,000,000 which is here put down when the cancellation matter goes through they will be reimbursed out of the cancellation fund, and then the chairman of the committee, Mr. MADDEN, will be able to present to the Congress exactly what the cancellation of contracts really has cost us. This keeps the new construction perfectly straight for the coming year. There is therefore no occasion for adopting the amendment of the gentleman from South Carolina.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. If I understand it, this is to provide that these balances that remain unexpended may be used?

Mr. KELLEY of Michigan. Shall be.

Mr. BUTLER. May be used hereafter for such purposes as Congress may direct?

Mr. KELLEY of Michigan. No. The balances are to be used for the construction of those ships which under the treaty may be completed, and any other ships which Congress may authorize to be completed. I know what the gentleman has in mind. The gentleman undoubtedly has in mind these provisions with reference to the airplane carriers.

Mr. BUTLER. Yes.

Mr. KELLEY of Michigan. No part of this money can be expended for the conversion of those two cruisers into airplane carriers until the gentleman's committee reports to the House a bill authorizing the conversion and Congress passes the law.

Mr. BUTLER. Then I read it upside down. I am taking the gentleman's statement.

Mr. KELLEY of Michigan. This bill makes no authorization respecting the carriers but makes certain balances available after authorization.

Mr. BUTLER. In other words, this is preparation in advance of what the Congress may do?

Mr. KELLEY of Michigan. It simply makes available a sum which, if legislation is provided to support it, will be available for that purpose.

Mr. BUTLER. I think this House ought to understand perhaps this money will never be used for that purpose; it may be.

Mr. KELLEY of Michigan. A great many people have lost sight of the fact that we are not through with this building program. A large number of ships are to be finished under the treaty. Many people seem to think that the entire 1916 building program is to be discontinued.

Mr. BUTLER. No; that is true.

Mr. KELLEY of Michigan. If these two cruisers are converted into airplane carriers, and probably they should be, it will cost to complete the ships that are permissible under the treaty and the two cruisers converted into airplane carriers $150,133,000, just to build the ships which the conference has not touched at all. Now, if there is included in this bill a balance of $46,000,000, or such matter, to take care of new construction for next year that will leave to be appropriated hereafter, next year probably, to finish the 10 cruisers and these airplane carriers and other craft a supplemental sum of $104,000,000. That must be added to the naval bill next year, not as a conversion of funds which have been heretofore appropriated, but we must make a new appropriation out of the Treasury next year of $104,000,000 to complete the program.

Mr. BUTLER. Look here, my friend——

Mr. KELLEY of Michigan. Wait a minute, let me finish this up.

Mr. BUTLER. But the gentleman is putting things into my head.

Mr. KELLEY of Michigan. Will my friend let me get this straightened out? Now, then, that brings us up to this very interesting proposition. We have had a Conference on the Limitation of Armament, and where do we stand financially as a result? I have received this afternoon a letter from the Secretary of the Navy—my good friend from Massachusetts [Mr. ROGERS] is not the only person who is entitled to get mail—a letter which I will ask to have printed in the RECORD as a part of my remarks, in answer to a letter which I wrote to him yesterday. The letter which I wrote is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., April 18, 1922.

Hon. EDWIN DENBY,
Secretary of the Navy.

MY DEAR MR. SECRETARY: On Saturday, the 15th instant, the House in Committee of the Whole accepted an amendment to the pending Navy Department and naval service appropriation bill providing for an enlisted force of 80,000 men and 6,000 apprentice seamen, instead of 65,000 enlisted men and 2,000 apprentice seamen, as proposed by the Committee on Appropriations. To-day the bill was further amended to provide subsistence funds for the increased personnel.

Will you kindly supply me with information as to other increases in the bill to correspond with the enlisted force of 86,000 men? Kindly advise me particularly what additions will be needed to the pending bill under appropriations "Engineering," "Construction and repair of vessels," "Ordnance and ordnance stores," "Maintenance, Bureau of Yards and Docks," and "Maintenance, Bureau of Supplies and Accounts," and also under "Transportation and recruiting, Bureau of Navigation," and "Fuel and transportation."

I shall greatly appreciate it if this information can be supplied to me by the opening of Congress to-morrow, Wednesday, the 19th instant.

With kindest regards and best wishes, I am,

Very respectfully yours, P. H. KELLEY.

From the Secretary's letter it appears that in addition——

Mr. McARTHUR. Will the gentleman yield there?

Mr. KELLEY of Michigan. Yes.

Mr. McARTHUR. I think we would all like to hear the letter.

Mr. KELLEY of Michigan. I will read it after making this statement. That in addition to the amount added yesterday, as stated to the House by my good friend from Oregon [Mr. McARTHUR], as amounting to $22,000,000 for food, pay, and clothing——

Mr. McARTHUR. That is the information given for food, clothing, and wages.

Mr. KELLEY of Michigan. Twenty-two million dollars. The gentleman has not later information as to any other sum? [Laughter.] I understood that there was some error. Has the gentleman some correction to make?

Mr. McARTHUR. I have nothing later.

Mr. KELLEY of Michigan. In addition to that, other items have been increased to make the sum total of the increase due to the addition of the 19,000 men as follows: Pay and subsistence, which the gentleman from Oregon included yesterday, $22,000,000. Now, from the Secretary's letter, transportation and recruiting——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman be given five additional minutes.

Mr. KELLEY of Michigan. I think I had better have 10.

Mr. MADDEN. Ten minutes.

Mr. KELLEY of Michigan. Because this is information which I know that the House desires.

[Cries of "Vote!"]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Michigan be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. These increases are for the navy yards, and I am sure gentlemen will want to hear how much the expedition is likely to net. [Applause.]

The CHAIRMAN. The time of the gentleman has been extended for 10 minutes.

Mr. KELLEY of Michigan. Transportation and recruiting, increase of $1,850,000; engineering, $4,781,000; construction and repair, $4,241,000; ordnance and ordnance stores, $1,200,000; maintenance, Bureau of Supplies and Accounts, $600,000; fuel and transportation, $3,894,662; maintenance, Bureau of Yards and Docks, $1,250,000; or a total of $39,816,662, as estimated by the Navy Department as the additions made necessary by the increased personnel of 19,000 men.

Mr. McARTHUR. Is it not true that in the food, clothing, and wages of the men there is an unexpended balance of $4,000,000 that will not be taken out of the appropriation?

Mr. KELLEY of Michigan. Oh, no.

Mr. HICKS. Is it not a fact that my friend made a statement a few days ago that this represented an increase of $70,000,000?

Mr. KELLEY of Michigan. I do not think I put it as high as that, but I would not be at all surprised if the gentleman's figures were nearer correct. [Applause.]

Mr. MADDEN. I made the statement that it would run to $60,000,000, and I stand by my statement.

Mr. KELLEY of Michigan. I will ask the gentleman from Massachusetts [Mr. ROGERS] if he has had any figures from the Secretary of the Navy as to any of these items?

Mr. ROGERS. I have seen some figures.

Mr. KELLEY of Michigan. Have you had any yourself?

Mr. ROGERS. I have seen the figures.

Mr. KELLEY of Michigan. Are they more or less than these?

Mr. ROGERS. They are very much less. Is the gentleman going to read the letter from Secretary Denby to the House?

Mr. KELLEY of Michigan. Indeed, I am.

Mr. ROGERS. Instead of starting in with figures that mislead the House, I suggest the gentleman read the Denby letter in full.

Mr. KELLEY of Michigan. But the gentleman from Massachusetts can not get away from my question so easily. He has been in consultation with the Navy Department, lo, these many days.

Mr. ROGERS. Is that a disgrace?

Mr. KELLEY of Michigan. No; indeed. I do not find any fault with it. I am only looking for light on account of it.

Mr. ROGERS. Very well. The gentleman has mentioned it several times.

Mr. KELLEY of Michigan. I understand in a roundabout way—I do not vouch for the truth of it—that figures have been supplied to the gentleman indicating how much these increases are to be, and I ask my friend now how much were the sums given him?

Mr. ROGERS. I have repeatedly had those figures furnished me at my request by department officials. Every one of them is in the Denby letter, I suspect, and I ask the gentleman to read that letter.

Mr. KELLEY of Michigan. Does the gentleman refuse to put into my hands a statement of the figures furnished him by the Navy Department as to these various items?

Mr. ROGERS. I am perfectly willing to tell the gentleman and the House the facts about this thing. I have seen a copy of the letter that the Secretary of the Navy sent to Mr. KELLEY, and I ask that the gentleman read the letter. [Applause.]

[Cries of "Read it!"]

Mr. KELLEY of Michigan. I know how to read it. Let us come down to brass tacks. The gentleman from Massachusetts has undoubtedly in his possession figures furnished him before to-day for these supplemental appropriations, and I ask him now to present them before these are read. Will the gentleman do it in my time?

Mr. ROGERS. How many times must I say to the gentleman that the figures I have from the Navy Department are in the Denby letter?

Mr. KELLEY of Michigan. Let us see. I do not wish to be put in the attitude, of course, of questioning the word of my good friend, the gentleman from Massachusetts.

Mr. ROGERS. I do not think he does.

Mr. KELLEY of Michigan. But I do still say that if the gentleman from Massachusetts has had prepared for him before to-day, before last night, before the receipt of my letter by the Secretary of the Navy—if he has any figures before the receipt of that letter as to what these items ought to be, I think in justice he ought to present those figures to the House. [Applause.] I ask the gentleman now again, in all kindness, has he in his possession any figures prepared by the Navy Department prior to last night as to what these supplemental estimates should be?

Mr. ROGERS. I have some figures that were prepared and are incorporated in that letter. Why this mystery?

Mr. KELLEY of Michigan. Now, then, I will read the letter. But I call the attention of the House——

Mr. LONGWORTH. The time of the gentleman is running.

Mr. KELLEY of Michigan. I know if I have not time enough to finish what I have to say the gentleman from Ohio [Mr. LONGWORTH] will ask to have my time extended.

Mr. LONGWORTH. Provided you read the letter within a reasonable time. [Laughter.]

Mr. DUPRÉ. Get the Clerk to read it. [Laughter.]

Mr. KELLEY of Michigan. Now, then, it says:

Replying to your letter received about 10.30 yesterday evening—

So you see it was pretty late in the evening, later perhaps than the gentleman from Massachusetts had any communication. It is important to read it, because it discloses not an increase of $22,000,000 but $40,000,000, and no one can say whether those estimates will meet the situation or not. I assume that the figures have not been overstated at this stage of the proceedings. [Laughter.] [Cries of "Read it!"]

Gentlemen, this has come to be a great center of correspondence. [Laughter.] I read:

THE SECRETARY OF THE NAVY,
Washington, April 18, 1922.

MY DEAR MR. KELLEY: Replying to your letter received about 10.30 yesterday evening, in which you state that the House, in Committee of the Whole, accepted an amendment to the pending Navy Department and naval service appropriation bill providing for an enlisted force of 80,000 men and 6,000 apprentice seamen, and on Tuesday accepted a further amendment providing subsistence funds for the increased personnel, and requesting that I supply you with information as to other increases in the bill to correspond with an enlisted force of 86,000 men, particularly what additions will be needed to the pending bill under appropriations "Engineering," "Construction and repair of vessels," "Ordnance and ordnance stores," "Maintenance, Bureau of Yards and Docks," "Maintenance, Bureau of Supplies and Accounts," "Transportation and recruiting," "Fuel and transportation," the following is submitted:

The amendments already accepted by the House provide for the pay and subsistence of the personnel. The other expenses connected with personnel are clothing furnished upon first enlistment and recruiting and transportation. As there is a surplus of clothing now in stock in the Navy, no increase in the appropriation bill will be required for clothing. Under transportation and recruiting it is believed that the appropriation should be increased to the $6,000,000 submitted in the Budget.

While the above-referred-to increases in appropriations are the only ones involving personnel, the department is of the opinion that the appropriations recommended by the Committee on Appropriations for the maintenance of the matériel of the Navy are wholly inadequate to maintain its efficiency and to permit it to carry on its duties. This is true whether or not the ships in commission are those covered by the Appropriations Committee's distribution for 67,000 men or the department's proposed distribution for 86,000 men, as shown on page 5551 of the CONGRESSIONAL RECORD of Friday, April 14, 1922, there being practically no difference between the two lists.

It is believed that the additions under the subheads mentioned in your letter should be as follows for the maintenance of the efficiency of the matériel:

Bureau of Engineering, page 25, line 2, from $12,100,000 to $16,881,000, an increase of $4,781,000.

Bureau of Construction and Repair, page 27, line 20, from $14,200,000 to $18,441,000, an increase of $4,241,000.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed until he concludes the reading of the Denby letter.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Michigan may proceed until he has concluded the reading of the letter.

Mr. WINGO. Mr. Chairman, I object to that, and ask unanimous consent that the gentleman from Michigan may have five minutes' additional time.

The CHAIRMAN. The request is made that the gentleman's time be extended five minutes. Is there objection to that request?

There was no objection.

Mr. KELLEY of Michigan. I read further:

Bureau of Ordnance, ordnance and ordnance stores, page 29, line 18, from $9,500,000 to $10,700,000, an increase of $1,200,000.

Bureau of Supplies and Accounts, maintenance, page 38, line 23, from $7,069,260 to $7,669,260, an increase of $600,000.

Fuel and transportation, page 39, line 24, from $16,000,000 to $19,894,662, an increase of $3,894,662.

Bureau of Yards and Docks, maintenance, page 44, line 17, from $5,500,000 to $6,750,000, an increase of $1,250,000.

Sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

Hon. PATRICK H. KELLEY,
House of Representatives, Washington.

He did not foot up the amount, but I have done so. Taking the figures furnished by the department and used by the gentleman from Oregon [Mr. MCARTHUR] yesterday, and not included in the letter signed by the Secretary as $22,000,000, together with these increases as I have given them, it makes $39,816,962 as the estimated increase due to the increase of the enlisted personnel from 67,000 to 86,000 men.

SEVERAL MEMBERS. No!

Mr. KELLEY of Michigan. Who said "no"?

Mr. MONDELL. Does the gentleman anticipate that these will be the only estimates that will be offered on the bill?

Mr. KELLEY of Michigan. Well, the gentleman has been here in Congress longer than I. I wish I could advise him that there would be no other or different estimates submitted.

Mr. MONDELL. I am rather pleased in a way with these estimates. My estimate was $40,000,000. This estimate is almost within $100,000 of my estimate.

Mr. KELLEY of Michigan. That is almost clairvoyancy. [Applause.]

Mr. MCARTHUR. Or a conspiracy. [Laughter.]

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. MILLS. I want to say to the gentleman from Michigan that I was one of those who said "No."

Mr. KELLEY of Michigan. I shall be very much gratified to know why my very able friend from New York said "No."

Mr. MILLS. I said "No" because the Secretary of the Navy in his letter states very clearly that while the first part of his letter refers to expenditures connected with the increase of personnel, the estimates aggregating $19,000,000, more or less referred to in the latter part of his letter, have nothing whatsoever to do with the increase in the personnel.

Mr. KELLEY of Michigan. Then will the gentleman advise me why any increases were made at all?

Mr. MILLS. Well, they are for the maintenance of the matériel of the Navy. He says:

While the above-referred-to increases in appropriations are the only ones involving personnel, the department is of the opinion that the appropriations recommended by the Committee on Appropriations for the maintenance of the matériel of the Navy are wholly inadequate to maintain its efficiency and to permit it to carry on its duties. This is true whether or not the ships in commission are those covered by the Appropriations Committee's distribution for 67,000 men or the department's proposed distribution for 86,000 men.

Mr. KELLEY of Michigan. Oh, the gentleman from New York——

Mr. MILLS. Will the gentleman permit me to complete my statement?

Mr. KELLEY of Michigan. My time is running. I have one or two things more that I want to say.

Mr. BUTLER. I want to ask the gentleman a question.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from Michigan may have five minutes more. Is there objection?

Mr. BUTLER. Do I understand from this letter that these statements are facts?

Mr. KELLEY of Michigan. Just a minute, gentlemen, including the gentleman from New York [Mr. MILLS].

Mr. JOHNSON of Washington. I reserve the right to object, Mr. Chairman.

Mr. Chairman, I withdraw the reservation.

Mr. KELLEY of Michigan. I thank the gentleman very much. The gentleman from New York says these increases are not due to the increased personnel, that the amounts stated in the letter are needed for the treaty Navy. When the department came before the committee did they ask for these amounts for the treaty Navy? Not at all; these sums are modest in comparison. Why, they asked $25,000,000 for fuel. We gave them $16,000,000, and now they want $19,000,000. What did they want the extra $6,000,000 for? If $19,000,000 is sufficient, why did they ask for $25,000,000? The same way all down the line.

I will tell you how we made these items. We took the appropriations for the current year and deducted the expenses incident to repairs and incident to fuel because of the ships that they said they did not need to keep in commission, based upon the actual expenses of repairs and fuel for the first three months of this quarter, simply taking out of the current appropriation the expenses of maintaining the ships which they themselves declared they did not need to keep in commission, and the balance is the amount carried in the bill. Gentlemen will say that the additional amounts are not intended for additional vessels to be kept in commission. That is the heart of this controversy and I do not intend to discuss that any further. This is what I want to call attention to in closing, and if I may have a couple of minutes to state it, then I will conclude and thank the Members of the House. While this has been a most heated debate, I thank you indeed for the kindly and courteous consideration which I have had, and when we get through with this, whatever way it goes, it will be all right. [Applause.]

If you put into this bill the $40,000,000 extra because of the 19,000 additional men, and if it turns out that we will have to pay $75,000,000 for canceling contracts, we will have spent on account of the Navy for the coming year $428,000,000, or $12,000,000 more than it is costing us the current year. Furthermore, if we keep the Navy up to 86,000 men and that same number is continued for 1924 and we go ahead and appropriate the money necessary to finish the ships that are on the ways and are to be completed under the treaty, it will cost us in 1924, $401,000,000, or nearly as much as for 1922. I ask what has become of the conference claims that burdens of armament were to be lifted? Gentlemen, the work of the conference is at stake. We are on the point of turning it into an empty, meaningless performance. Let us not dash the cup from the lips of the world just as it is about to be sipped. [Applause, Members rising.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question being taken, the amendment was rejected.

The Clerk read as follows:

No part of any appropriation made for the naval service shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services, except as herein expressly authorized.

Mr. VARE. Mr. Chairman, I move to strike out the last word. I hope the members of the committee will bear with me just a few minutes. This is the first time I have attempted to talk on the amendment which I offered to the House. I first offered the amendment to increase the personnel of the Navy in the Committee on Appropriations a week ago Saturday, proposing the increase from 67,000 men to 86,000 men.

The naval appropriation bill has been under consideration for 10 days, and during that time we have listened to practically the same arguments which were used in the Appropriations Committee when the bill was there considered.

From the standpoint of expert naval information we have in favor of a small and inefficient Navy the chairman of the appropriations subcommittee [Mr. KELLEY of Michigan] with his expert knowledge, the members of his subcommittee, and the distinguished leader of the House, the gentleman from Wyoming [Mr. MONDELL], whose knowledge of naval matters is not expert.

On the other hand, we have in favor of an adequate Navy, to meet our treaty obligations, the expert testimony of the former chairman of the House Naval Affairs Committee, the gentleman from Tennessee [Mr. PADGETT], as well as many members of the Appropriations and Naval Affairs Committees.

In addition, the amendment providing for a personnel of 86,000 men, which was adopted last Saturday by the Committee of the Whole House by a vote of 177 to 130, has the support of the board of naval experts, Assistant Secretary of the Navy Roosevelt, Secretary of the Navy Denby, Secretary of State Hughes, and President Harding himself.

I do not claim to have any expert knowledge of the Navy. Therefore, with the preponderance of testimony in favor of the larger Navy, I am unwilling to take the responsibility of interfering with the administrative officers of the Government carrying on the great work of the Navy in accordance with our treaty obligations.

It might be well for Members of the House to consider that while every great nation of the world is recognizing the power of this Goverment through President Harding, Members of Congress, of his own party, are taking issue with him, thereby attempting to undermine his policies.

I have heard criticism of the President for his strong and unqualified stand for an adequate Navy. The Nation would feel much better toward our party if the President would take a similar stand on other issues and if we would listen to his advice by adopting such measures as he suggests and urges.

Members of Congress who do not feel they should follow the President are only destroying their own congressional usefulness; for, mark you, the President is much stronger in the eyes of the people than is Congress. Congress would do well to keep up with the President. In this I could say much about congressional leadership.

It was interesting yesterday, during debate, to notice the chagrin and disappointment of the chairman of the subcommittee [Mr. KELLEY of Michigan], as well as that of the majority leader [Mr. MONDELL], because of the failure of the "conference Navy" Members of the House to offer a series of amendments which would have increased the amount of money carried in the bill. They would have condemned us if such amendments had been introduced, and they condemned us because they were not. In other words, Members who failed to carry out the frenzied desires of the gentleman from Wyoming would have been damned if they did, and were damned when they did not.

It is to be regretted that the distinguished Republican leader would so forget his high and exalted position that he would use it for the purpose of ridiculing and belittling the naval officers of the country. I had hoped that having been fairly beaten last Saturday he would have shown bigness of mind and cooperated with Members of the House in completing the bill in accordance with the expressed wish of the Committee of the Whole, when out of 307 Members present a majority of 47 declared for an adequate Navy. I had hoped that the Republican leader would have shown broader vision and have upheld the dignity of his leadership.

I appeal to Members of the House to stand by the vote of the Committee of the Whole fixing the personnel at 86,000, upholding the President and thereby maintaining our foremost position among the nations of the world.

The Clerk completed the reading of the bill.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HOGAN. Mr. Chairman, before that motion is put I ask unanimous consent to extend my remarks in the RECORD by printing the report of a meeting of the shop trades committee of the navy yard at New York.

Mr. KELLEY of Michigan. That is the one I had yesterday.

Mr. HOGAN. Yes; but I would like to have it inserted in the RECORD in full.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The report is as follows:

NAVY YARD,
New York, April 5, 1922.

At a meeting of the shop trades committee at 11 a. m. this date with the commandant the discussion ensued as follows:

I. PRELIMINARY REMARKS BY THE COMMANDANT.

(a) Attention was called to the apparent falling off in the attendance of committeemen and supervisors at the regular monthly meetings. The mutual advantage accruing from this monthly "get together" are considered to be of great value, and it is urged that every effort be made by all concerned to be present at future monthly meetings.

(b) Announcement was made of the recent death of Mr. John Jongberg, member of the yard executive committee, and expressions of sympathy and condolence were voiced.

(c) Where vacancies exist in the regularly constituted shop trade committees steps should be taken toward the election or appointment of new members.

(d) The commandant is pleased to inform the employees that on the occasion of his recent visit to the Navy Department he noticed a marked improvement in the attitude of the department with reference to the navy yard, New York. There is an open recognition of the good work we are doing and the results that we are obtaining, and the several bureaus seem anxious to cooperate with us to the fullest possible extent in the matter of procurement of additional work for the yard.

(e) All yards have recently been called upon by the Navy Department to submit actual costs for the performance of certain specific items of work. In comparing costs submitted by this yard with those submitted by other yards for identical work it would appear that our labor charges are running too high. In other words, that our man-hours on a job are too long. This is something that can be corrected by the individual worker by increasing his output. It is not influenced by overhead or material costs.

(f) We are in receipt of a circular letter written by the department to all navy yards and stations, setting forth the financial status and accomplishments of the several yards. It is a pleasure to report that the standing of this yard is extremely satisfactory, and that in this instance we have nothing to explain or account for. A brief of the letter in question will shortly be published for the information of all employees.

(g) While we have in the past been subject to unfavorable criticism for our high overhead rates, conditions have now resolved themselves so that we are, comparatively speaking, on "easy street," and if your past cooperation in this matter is continued we have nothing to fear for the remainder of this fiscal year. Everything indicates that the navy yards at Boston, Norfolk, and Philadelphia are confronted with the necessity of applying at once a very high overhead rate in an attempt to square their books.

(h) The commandant desires to reaffirm his interest and cooperation in the splendid work that is being done by the yard committees in the matter of arousing public interest not only in the amount of work to be assigned to this yard but also in the maintenance of an adequate and efficient Navy as a whole. To this end invitations have been extended and accepted by the Brooklyn Chamber of Commerce to visit the yard in order to familiarize themselves with existing conditions; moving pictures are to be taken, and the general campaign and increased publicity are gaining headway each day.

(i) An appropriation by Congress of $250,000,000 for the Navy will not suffice; at least $350,000,000 are required if the Navy is to be maintained in a high state of efficiency and readiness for service; the fight will be staged on the floor of Congress and the result thereof will determine in a positive manner whether the Navy as a whole is to be maintained. We must not rest content or cease our efforts on any less substantial assurance that the yard is to be kept open than that which will be embodied in an adequate appropriation for the entire Navy by Congress.

II. REMARKS BY THE MANAGER.

(a) It is a pleasure to announce that increased allotments from all bureaus for the month of April will permit of recalling to active service a large number of men now out on leave without pay status. The public works officer has reported that he has considerable work for laborers, wharfbuilders, masons, hod carriers, and painters, and that the responses to call are not sufficient to fill up numbers required. It is urged that if any employee knows men of these ratings now out of work that they bring this opportunity of securing employment to their attention.

(b) The chairman of the executive committee of the yard employees reported a balance of approximately $300 from contributions recently received for publicity purposes. It was suggested that the accounts, receipts, and expenses be audited and that a statement be prepared for publication so that all who have contributed may know where the money already has been spent.

(c) After an examination of existing civil-service regulations, it has been possible to issue instructions to all divisions, with a view to securing uniformity of procedure, to the effect that hereafter the conduct mark for all men on last call, i. e., discharged for missing six musters, would be 59 per cent. This is the highest mark that can be given in view of the civil-service requirements that such employees shall be regarded as ineligible for reemployment for a period of one year.

(d) Attention was called to the apparent epidemic of "spring fever" now prevalent in the yard, and an appeal was made to resist the inclination to sit down and rest or to congregate on street corners for purposes of discussion. Inactivity of this sort increases our labor costs, handicaps us in comparison with other yards, creates a bad impression, and in extreme cases leaves no alternative but disciplinary action. The manager disclaimed any intent or purpose of inaugurating a driving campaign and desired to leave the matter in the hands of the individual employees, feeling sure that they would respond to an appeal for an honest effort upon their part. In matters of this kind we must all work together.

(e) Announcement was made of the procurement of additional outside work from the Customs Service—the hauling out and repair of five of their motor boats; also the possibility of obtaining an award from the War Department for the construction of an oil and water barge. An effort will be made to obtain authority to submit bids for the reconditioning of the *Agamemnon* and the *Mount Vernon*. Negotiations are under way to have the manufacture and procurement of all Government paints, used by the several departments in this neighborhood, assigned to the navy yard, New York.

(f) Information at hand indicates that the city of Boston has staged a monster demonstration, parade, and mass meeting, to be held on the 8th instant, with a view to arousing public sentiment favorable to the local yard and the Navy. It is highly desirable that similar interest be created in this locality. It is necessary to immediately arouse local interest here in both Brooklyn and New York. Briefly, the proposition resolves itself into the question whether the Navy as a whole is to be maintained in accordance with the 5-5-3 ratio. Information at hand leads us to believe this matter will be fought out on the floor of the lower House within the next few weeks if Congress provides an appropriation equal to the estimates submitted by the Secretary of the Navy, there need be no worry on our part with reference to the continued operation of the New York yard. If, on the other hand, the annual appropriation is cut below the estimates of the Navy Department, then it must follow that several of the navy yards will have to be closed. They may be left technically open, but the amount of work that they will be called upon to do will be performed by a skeletonized organization.

III. THE GENERAL DISCUSSION.

A general discussion followed, touching upon the several details of the publicity campaign that is now being waged in behalf of the Brooklyn Navy Yard. Strong speeches were made by William T. Probert, Sam Wright, John Flemming, Joseph McDonough, and others.

The necessity for an aroused active interest and participation in this campaign upon the part of every employee was strongly emphasized; and it was urged that every man having the interest of the yard at heart seek opportunity to inform his friends in civil life of the conditions actually existing to-day and the threatening conditions that confront us in the immediate future.

In June of 1921 there were 10,000 men employed in the yard; at the present time the number approximates 3,500. With a small appropriation for the next fiscal year it is inevitable that there be a further reduction in the yard force on July 1, 1922.

We must not be discouraged in the seeming indifference of those in civil life. They have their own problems and worries, but it is possible to arouse their interest, and there is every reason to believe that once this interest is aroused and the voice of the people is heard in Washington, an adequate appropriation will be provided.

Assuredly we are not content to let this matter go by default. The people in Boston, Philadelphia, and Norfolk are awakening to the conditions, and the people of Greater New York will be no less responsive once the matter is forcibly brought to their attention.

Appeal is made for a united, a continuing, and an enthusiastic campaign upon the part of every individual attached to or in any way identified with the Brooklyn Navy Yard.

C. T. VOGELGESANG,
Captain United States Navy,
Commandant Navy Yard, New York.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The motion of Mr. KELLEY of Michigan was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. KELLEY of Michigan. I ask for a separate vote on the two amendments relating to the personnel, and if there is no objection, inasmuch as they go together, it might be well to vote on the two amendments together.

Mr. McARTHUR. There are three amendments, the Vare amendment, the Swing amendment, and my amendment.

Mr. KELLEY of Michigan. One in relation to the $6,000, one to the sum of money involved because of the change, and the other as to provisions.

The SPEAKER. If there is no other demand for a separate vote, the Chair will put the other amendments in gross.

The other amendments were agreed to.

Mr. KELLEY of Michigan. Now, Mr. Speaker, I ask unanimous consent that all three amendments be voted on together.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the three amendments specified be voted on together. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, I do not recall that we ever voted on more than one amendment at a time. As I understand, these amendments all stand or fall together. Would it not be satisfactory to have a vote on one amendment and the others abide by it?

Mr. KELLEY of Michigan. In this way we can do it with one roll call, and in the other way it will take three roll calls.

Mr. GARRETT of Tennessee. You can do it in this way with one.

Mr. ROGERS. Reserving the right to object, I have no objection to combining the two personnel amendments, the McArthur amendment and the Vare amendment, but I think the provision amendment should be separated.

Mr. KELLEY of Michigan. Very well, Mr. Speaker, I will modify my request and ask that the two personnel amendments be voted on together, and that they be voted on first.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question now is on the two personnel amendments, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McARTHUR: Page 32, line 10, strike out the figures "$3,772,000" and insert in lieu thereof the figures "$5,981,900."

Page 32, line 15, strike out the figures "$51,882,351" and insert in lieu thereof the figures "$62,108,334."

Page 32, line 16, strike out the figures "$520,520" and insert in lieu thereof "$858,000"; page 32, line 19, strike out the figures "$422,400" and insert in lieu thereof "$1,207,200"; page 32, line 20, strike out the figures "$368,720" and insert in lieu thereof the figures "$447,540"; page 32, line 23, strike out the figures "$93,814,016" and insert in lieu thereof the figures "$107,503,282."

Amendment by Mr. VARE: Page 34, line 7, strike out the figures "2,000" and insert in lieu thereof the figures "6,000," and on page 34, line 8, strike out the figures "67,000" and insert in lieu thereof the figures "86,000," making the paragraph read as follows:

"Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to the provisions of existing law governing discharges, so that the average number of enlisted men, including 6,000 apprentice seamen, shall not exceed 86,000 during the fiscal year 1923."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken.

Mr. KELLEY of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 222, nays 149, answered "present" 2, not voting 56, as follows:

YEAS—222.

Ackerman	Appleby	Barbour	Bixler
Andrew, Mass.	Aswell	Beedy	Blakeney
Ansorge	Bacharach	Benham	Bland, Ind.
Blanton	Freeman	Logan	Ricketts
Bond	Frothingham	Longworth	Riordan
Bowers	Fuller	Luce	Robertson
Brennan	Gallivan	Lubring	Rodenberg
Briggs	Gernerd	McArthur	Rogers
Brooks, Pa.	Gilbert	McCormick	Rose
Bulwinkle	Glynn	McDuffie	Rosdale
Burdick	Goldsborough	McKenzie	Sanders, N. Y.
Burke	Goodykoontz	McLaughlin, Nebr.	Sandlin
Burroughs	Graham, Ill.	McLaughlin, Pa.	Scott, Mich.
Butler	Greene, Mass.	McPherson	Scott, Tenn.
Cable	Greene, Vt.	Magee	Shreve
Campbell, Pa.	Griest	Martin	Sinnott
Carew	Griffin	Mead	Smith, Mich.
Chalmers	Hadley	Miller	Smithwick
Chandler, N. Y.	Harrison	Mills	Snell
Chindblom	Hawes	Montague	Stephens
Clarke, N. Y.	Hawley	Montoya	Strong
Classon	Hayden	Moore, Ill.	Strong, Pa.
Codd	Hays	Moore, Ohio	Sullivan
Cole, Ohio	Hickey	Moores, Ind.	Summers, Wash.
Collier	Hicks	Morgan	Swing
Connell	Hill	Morin	Tague
Connolly, Pa.	Himes	Mott	Taylor, N. J.
Cooper, Ohio	Hogan	Mudd	Temple
Coughlin	Hooker	Nelson, Me.	Ten Eyck
Crago	Hukriede	Newton, Minn.	Thomas
Crisp	Humphreys	Newton, Mo.	Thompson
Crowther	Husted	Nolan	Tilson
Cullen	Hutchinson	Norton	Tinkham
Curry	Johnson, Ky.	O'Connor	Treadway
Dallinger	Johnson, Wash.	Ogden	Underhill
Darrow	Jones, Pa.	Olpp	Vaile
Deal	Kahn	Osborne	Vare
Drane	Kearns	Overstreet	Vestal
Dunn	Kendall	Padgett	Vinson
Dupré	Kennedy	Paige	Volk
Dyer	Kiess	Park, Ga.	Walsh
Edmonds	Kindred	Parker, N. J.	Ward, N. Y.
Elliott	Kirkpatrick	Parker, N. Y.	Watson
Ellis	Kissel	Patterson, Mo.	Weaver
Fairfield	Kline, N. Y.	Patterson, N. J.	Webster
Faust	Kline, Pa.	Perkins	Wheeler
Favrot	Knutson	Perlman	White, Me.
Fenn	Kreider	Peterson	Wilson
Fess	Langley	Porter	Winslow
Fish	Lankford	Pringey	Wurzbach
Fisher	Layton	Purnell	Wyant
Fitzgerald	Lazaro	Radcliffe	Yates
Focht	Lea, Calif.	Raker	Zihlman
Fordney	Lee, N. Y.	Ransley	
Foster	Linthicum	Reavis	
Free	Lineberger	Reber	
		Reed, N. Y.	

NAYS—149.

Almon	Dickinson	Larsen, Ga.	Rosenbloom
Andersen	Dominick	Larson, Minn.	Rouse
Andrews, Nebr.	Dowell	Lawrence	Rucker
Anthony	Echols	Leatherwood	Sanders, Tex.
Arentz	Evans	Lee, Ga.	Shaw
Aikeson	Fenn	Little	Sinclair
Bankhead	French	London	Sisson
Barkley	Fulmer	Lowrey	Slemp
Beck	Funk	Lyon	Speaks
Begg	Gahn	McClintic	Sproul
Bell	Garner	McLaughlin, Mich.	Stafford
Bird	Garrett, Tenn.	McSwain	Steagall
Black	Garrett, Tex.	MacGregor	Stedman
Bohn	Goneman	Madden	Steenerson
Bowling	Green, Iowa	Mann	Stevenson
Box	Hardy, Colo.	Mansfield	Strong, Kans.
Brooks, Ill.	Hardy, Tex.	Mapes	Sumners, Tex.
Browne, Wis.	Haugen	Michener	Swank
Burtness	Herrick	Millspaugh	Taylor, Ark.
Bustos	Hersey	Mondell	Tillman
Byrnes, S. C.	Hock	Moores, Va.	Timberlake
Byrns, Tenn.	Huddleston	Murphy	Tincher.
Campbell, Kans.	Hull	Nelson, A. P.	Towner
Cannon	Jacoway	Nelson, J. M.	Tucker
Carter	James	Ogden	Upshaw
Christopherson	Johnson, S. Dak.	Oldfield	Volpe
Clague	Jones, Tex.	Oliver	Volstead
Clouse	Keller	Parks, Ark.	White, Kans.
Cockran	Kelley, Mich.	Quin	Williamson
Cole, Iowa	Ketcham	Ramseyer	Wingo
Collier	Kinchelos	Rankin	Wise
Collins	King	Rayburn	Wood, Ind.
Connally, Tex.	Kinkaid	Reece	Woodruff
Cooper, Wis.	Kleczka	Reed, W. Va.	Woods, Va.
Cramton	Knight	Rhodes	Wright
Davis, Minn.	Kopp	Riddick	
Davis, Tenn.	Kraus	Roach	
Denison	Lanham	Robsion	

ANSWERED "PRESENT"—2.

Jeffers, Ala.	Stevenson

NOT VOTING—56.

Blanton	Dunbar	Lampert	Sears
Brand	Fairchild	Lehlbach	Shelton
Britten	Fields	McFadden	Siegel
Brown, Tenn.	Gorman	Maloney	Smith, Idaho
Buchanan	Gould	Merritt	Snyder
Cantrill	Graham, Pa.	Michaelson	Sweet
Chandler, Okla.	Hammer	O'Brien	Taylor, Colo.
Clark, Fla.	Hudspeth	Pou	Taylor, Tenn.
Copley	Ireland	Rainey, Ala.	Tyson
Dale	Jefferis, Nebr.	Rainey, Ill.	Walters
Dempsey	Johnson, Miss.	Ryan	Ward, N. C.
Doughton	Kelly, Pa.	Sabath	Williams
Drewry	Kitchin	Sanders, Ind.	Woodyard
Driver	Kunz	Schall	Young

So the amendments were agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. McFadden (for) with Mr. Stevenson (against).

Mr. Fairchild (for) with Mr. Smith of Idaho (against).

Mr. Graham of Pennsylvania (for) with Mr. Brand (against).

Mr. Lehlbach (for) with Mr. Jeffers of Alabama (against).

Mr. Sanders of Indiana (for) with Mr. Driver (against).

Mr. O'Brien (for) with Mr. Lampert (against).

Mr. Dempsey (for) with Mr. Johnson of Mississippi (against).

Mr. Drewry (for) with Mr. Taylor of Tennessee (against).

Mr. Gorman (for) with Mr. Rainey of Alabama (against).

Mr. Merritt (for) with Mr. Sabath (against).

Mr. Sears (for) with Mr. Young (against).

Mr. Snyder (for) with Mr. Kitchin (against).

Mr. Maloney (for) with Mr. Michaelson (against).

Mr. Dunbar (for) with Mr. Hammer (against).

Mr. Brown of Tennessee (for) with Mr. Ward of North Carolina (against).

Mr. Walters (for) with Mr. Doughton (against).

Mr. Gould (for) with Mr. Hudspeth (against).

Mr. Siegel (for) with Mr. Blanton (against).

Mr. Ireland (for) with Mr. Tyson (against).

General pairs:

Mr. Chandler of Oklahoma with Mr. Buchanan.

Mr. Woodyard with Mr. Fields.

Mr. Jefferis of Nebraska with Mr. Kunz.

Mr. Ryan with Mr. Rainey of Illinois.

Mr. Williams with Mr. Clark of Florida.

Mr. Shelton with Mr. Pou.

Mr. Britten with Mr. Cantrill.

Mr. JEFFERS of Alabama. Mr. Speaker, in view of the fact that the gentleman from New Jersey [Mr. LEHLBACH] was not here, and I promised to pair with him in case he was not here, and as he would have voted "aye," I desire to withdraw my vote of "no" and ask to be recorded as "present."

The name of Mr. JEFFERS of Alabama was called, and he answered "present."

The result was announced as above recorded.

The SPEAKER. The question is on the other amendment, which the Clerk will report.

The Clerk read as follows:

Page 37, line 15, strike out the figures "$15,586,862" and insert in lieu thereof "$19,724,928."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GALLIVAN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays on the passage of the bill. A sufficient number have arisen and the yeas and nays are ordered.

The question was taken; and there were—yeas 279, nays 78, answered "present" 3, not voting 69, as follows:

[Roll No. 112.]

YEAS—279.

Ackerman	Chindblom	Fisher	Hoch
Anderson	Christopherson	Fitzgerald	Hogan
Andrew, Mass.	Clarke, N. Y.	Focht	Hooker
Ansorge	Classon	Fordney	Hukriede
Appleby	Codd	Foster	Hull
Aswell	Cole, Ohio	Frear	Humphreys
Atkeson	Collier	Free	Husted
Bacharach	Colton	Freeman	Hutchinson
Barbour	Connally, Tex.	Frothingham	Johnson, Ky.
Beedy	Connell	Fuller	Johnson, S. Dak.
Beham	Connolly, Pa.	Funk	Johnson, Wash.
Bixler	Cooper, Ohio	Gallivan	Jones, Pa.
Black	Coughlin	Gensman	Kahn
Blakeney	Crago	Gernerd	Kearns
Bland, Ind.	Crisp	Gilbert	Kelley, Mich.
Bland, Va.	Crowther	Glynn	Kendall
Boies	Cullen	Goldsborough	Kennedy
Bond	Curry	Goodykoontz	Ketcham
Bowers	Dallinger	Graham, Ill.	Kiess
Brennan	Darrow	Green, Iowa	Kindred
Briggs	Deal	Greene, Mass.	King
Brooks, Ill.	Denison	Greene, Vt.	Kinkaid
Brooks, Pa.	Dickinson	Griest	Kirkpatrick
Bulwinkle.	Dowell	Griffin	Kissel
Burdick	Drane	Hadley	Kleczka
Burke	Dunn	Hardy, Colo.	Kline, N. Y.
Burroughs	Dyer	Harrison	Kline, Pa.
Burtness	Echols	Haugen	Knutson
Butler	Edmonds	Hawes	Kreider
Byrns, Tenn.	Elliott	Hawley	Langley
Cable	Ellis	Hayden	Lankford
Campbell, Kans.	Fairfield	Hays	Larson, Minn.
Campbell, Pa.	Faust	Hersey	Lawrence
Cannon	Favrot	Hickey	Layton
Carew	Fenn	Hicks	Lazaro
Chalmers	Fess	Hill	Lea, Calif.
Chandler, N. Y.	Fish	Himes	Leatherwood
Lee, Ga.	Newton, Minn.	Riordan	Temple
Lee, N. Y.	Newton, Mo.	Roach	Ten Eyck
Lineberger	Nolan	Robertson	Thomas
Linthicum	Norton	Robsion	Thompson
Logan	O'Connor	Rodenberg	Tilson
Longworth	Ogden	Rogers	Timberlake
Luce	Olpp	Rose	Tincher
McArthur	Osborne	Rosenbloom	Tinkham
McCormick	Overstreet	Rosdale	Towner
McDuffie	Padgett	Sanders, N. Y.	Treadway
McKenzie	Paige	Sandlin	Underhill
McLaughlin, Nebr.	Park, Ga.	Scott, Mich.	Upshaw
McLaughlin, Pa.	Parker, N. J.	Scott, Tenn.	Vaile
McPherson	Parker, N. Y.	Shaw	Vare
Madden	Patterson, Mo.	Shreve	Vestal
Magee	Patterson, N. J.	Sinnott	Vinson
Martin	Perkins	Slemp	Volk
Mead	Perlman	Smith, Idaho	Walsh
Michener	Peterson	Smith, Mich.	Ward, N. Y.
Miller	Porter	Smithwick	Watson
Mills	Pringey	Snell	Watson
Mondell	Purnell	Speaks	Weaver
Montague	Radcliffe	Sproul	Webster
Montoya	Raker	Stephens	Wheeler
Moore, Ill.	Ramseyer	Stiness	White, Kans.
Moore, Ohio	Ransley	Stoll	White, Me.
Moores, Ind.	Reber	Strong, Pa.	Wilson
Morgan	Reece	Sullivan	Winslow
Morin	Reed, N. Y.	Summers, Wash.	Wurzbach
Mott	Reed, W. Va.	Swing	Wyant
Mudd	Rhodes	Tague	Yates
Murphy	Ricketts	Taylor, Ark.	Zihlman
Nelson, Me.	Riddick	Taylor, N. J.	

NAYS—78.

Almon	Evans	Lowrey	Sisson
Andrews, Nebr.	French	Lyon	Stafford
Bankhead	Fulmer	McClintic	Steagall
Barkley	Gahn	McLaughlin, Mich.	Stedman
Beck	Garrett, Tenn.	McSwain	Stevenson
Begg	Garrett, Tex.	MacGregor	Sumners, Tex.
Bell	Herrick	Mapes	Swank
Bird	Huddleston	Moore, Va.	Tillman
Bowling	Jacoway	Nelson, A. P.	Tucker
Box	James	Nelson, J. M.	Tyson
Browne, Wis.	Jones, Tex.	Oldfield	Voigt
Byrnes, S. C.	Keller	Oliver	Volstead
Carter	Kincheloe	Parks, Ark.	Wingo
Clague	Knight	Quin	Wise
Collins	Kopp	Rankin	Wood, Ind.
Cooper, Wis.	Kraus	Rayburn	Woodruff
Cramton	Lanham	Rouse	Woods, Va.
Davis, Minn.	Larsen, Ga.	Rucker	Wright
Davis, Tenn.	Little	Sanders, Tex.	
Dominick	London	Sinclair	

ANSWERED "PRESENT"—3.

Cockran	Jeffers, Ala.	Steenerson

NOT VOTING—69.

Anthony	Driver	Lampert	Schall
Arentz	Dunbar	Lehlbach	Sears
Blanton	Dupré	Lubring	Shelton
Brand	Fairchild	McFadden	Siegel
Britten	Fields	Maloney	Snyder
Brown, Tenn.	Garner	Mann	Strong, Kans.
Buchanan	Gorman	Mansfield	Sweet
Burton	Gould	Merritt	Taylor, Colo.
Cantrill	Graham, Pa.	Michaelson	Taylor, Tenn.
Chandler, Okla.	Hammer	Millspaugh	Walters
Clark, Fla.	Hardy, Tex.	O'Brien	Ward, N. C.
Clouse	Hudspeth	Pou	Williams
Cole, Iowa	Ireland	Rainey, Ala.	Williamson
Copley	Jefferis, Nebr.	Rainey, Ill.	Woodyard
Dale	Johnson, Miss.	Reavis	Young
Dempsey	Kelly, Pa.	Ryan	
Doughton	Kitchin	Sabath	
Drewry	Kunz	Sanders, Ind.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Maloney with Mr. Dupré.

Mr. Graham of Pennsylvania with Mr. Brand.

Mr. Lehlbach with Mr. Jeffers of Alabama.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Lampert with Mr. O'Brien.

Mr. Dempsey with Mr. Johnson of Mississippi.

Mr. Taylor of Tennessee with Mr. Drewry.

Mr. Gorman with Mr. Rainey of Alabama.

Mr. Merritt with Mr. Sabath.

Mr. Young with Mr. Sears.

Mr. Snyder with Mr. Kitchin.

Mr. Dunbar with Mr. Hammer.

Mr. Brown of Tennessee with Mr. Ward of North Carolina.

Mr. Walters with Mr. Doughton.

Mr. Gould with Mr. Hudspeth.

Mr. Siegel with Mr. Blanton.

Mr. Ireland with Mr. Buchanan.

Mr. Woodyard with Mr. Fields.

Mr. Jefferis of Nebraska with Mr. Kunz.

Mr. Ryan with Mr. Rainey of Illinois.

Mr. Williams with Mr. Clark of Florida.

Mr. Shelton with Mr. Pou.

Mr. McFadden with Mr. Cantrill.

Mr. Millspaugh with Mr. Garner.

Mr. Chandler of Oklahoma with Mr. Taylor of Colorado.
Mr. Michaelson with Mr. Cockran.
Mr. Stevenson with Mr. Mansfield.
Mr. Luhring with Mr. Hardy of Texas.
Mr. BUCHANAN. Mr. Speaker, I would like to vote.
The SPEAKER. Was the gentleman present and listening when his name was called?
Mr. BUCHANAN. I was not.
The SPEAKER. The gentleman does not bring himself within the rule.
The result of the vote was announced as above recorded.
On motion of Mr. KELLEY of Michigan, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that those who have spoken on the bill may have the privilege of extending their remarks for five days.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
The extension of remarks referred to are here printed in full as follows:
Mr. ROGERS. Mr. Speaker, under leave to extend remarks in the RECORD, I wish to say that over and over again in this debate the gentleman from Michigan has declared that the sole reason for increasing the enlisted personnel is to put into full commission 200 extra destroyers with 100 men on each—a total of 20,000 men. I deny this. I assert that not a single responsible man, in the Navy or out of it, has said that this ought to be done or would be done with 19,000 additional men over the 67,000 carried in the bill.
Mr. KELLEY of Michigan first intimated this, I think, on Tuesday of last week, during the speech of the gentleman from Illinois [Mr. BARTHEN] (pp. 5328 and 5329). He has mentioned it several times since, most recently yesterday (p. 5681).
His fullest treatment of it was last Saturday. In closing the debate on that day he said (p. 5693):

The gentleman from Massachusetts [Mr. ROGERS] let the cat out of the bag a while ago * * *

For some reason the charge that one has let the cat out of the bag carries with it some odium. I do not know why. The act ought to be regarded as humane and commendable. But for some reason it is not so regarded. So I listened, with outward calm, but inward apprehension, to learn what cat I had let out of what bag.
Mr. KELLEY of Michigan continued:

* * * when he condemned as unwise the policy of not keeping all our fighting ships in full commission.

I deny that I said this or anything remotely resembling it. I challenge him to give you his authority for the quotation.
After apparently suggesting that the gentleman from New Jersey [Mr. PARKER] had let another cat out of another bag, Mr. KELLEY of Michigan went on:

At last we have the reason why the 20,000 extra men are demanded. It proves out with almost mathematical precision. We have 200 surplus destroyers and it takes 100 men for each destroyer. So that if we keep them all in commission it will require exactly 20,000 men to man them.

He then referred to the effect on our people if they were told—

that the American Congress has just appropriated $54,000,000 to keep in full commission and ready for instant war 200 ships of war in addition to those permitted under the treaty. * * * Why have our naval officers taken this position? Why do they desire all these surplus warcraft to be kept in commission?

Mr. KELLEY of Michigan closed the debate on the personnel amendments. No one had an opportunity to answer him.
His speech was intended to convey, and did convey, to the Members of the House:
(1) That I advocated the increase of 19,000 in personnel so as to enable us to keep in full commission 200 extra destroyers in addition to the 103 already provided.
(2) That this was also the viewpoint of naval officers generally.
(3) That the pending amendments carried an increase of $54,000,000.
All three statements were absolutely in error. I will not characterize them more harshly. Perhaps within parliamentary limits I could not.
(1) I do not advocate commissioning more than 103 destroyers, and I never said I did.
(2) Neither does the Navy Department. Evidently Mr. KELLEY of Michigan forgot on Saturday what Mr. KELLEY of Michigan had said on Monday. In opening the debate he said (p. 5235):

We allow in this bill all (the destroyers) that the Navy Department asked for to be kept in full commission—103.

(3) The pending amendments—the only ones before the House Saturday—carried something less than $14,000,000 increase. Mr. KELLEY of Michigan was out of the way only $40,000,000. The only amendment since offered as a corollary to the personnel amendment was for food, and amounted to less than $4,000,000.
Happily the House was not, and will not be, misled by the Kelley bugaboo, unfounded and unfair as it undoubtedly was.
Another point about these destroyers. The department asked for 96,000 men. With this force they announced that they would keep in full commission 103 destroyers and no more. Then the President suggested a compromise of 86,000. The Navy Department was asked how it would use this force. It replied through Secretary Denby that it could still keep in full commission the same 103 destroyers. I put in the RECORD of Friday—page 5551—the official statement to this effect, and it was before Mr. KELLEY of Michigan when he made his speech on Saturday from which I have quoted. That same table shows the dream navy of Mr. KELLEY of Michigan, which I had incorporated for convenience. This shows how Mr. KELLEY of Michigan would use 67,000 men and is a little idea of his own and of no other responsible person. Lo and behold! Mr. KELLEY of Michigan would also keep in commission the same 103 destroyers.
Where, on Mr. KELLEY's own showing, is there evidence of inflation in the Navy Department? Mr. KELLEY's mirage Navy would itself have the 103 destroyers. Where, I repeat, does he get this talk of commissioning 200 more destroyers? I can not learn. They seem to be figments of the imagination. Gentlemen of the committee, this is the reddest red herring I have ever seen in this body. Did some one in some foreign embassy start the story? There seems to be no other parent.
I have referred to Mr. KELLEY's statement as to the cost of the personnel amendments of Saturday. He gave it as $54,000,000. Chairman MADDEN, speaking just before him, said (p. 5598):

Do you know, gentlemen, that if your amendment is adopted it will add $60,000,000 to the recommendations of the committee?

Not that it may cost, or ought to cost, but that it "will" cost $60,000,000 extra. Then he went on to say that other bills that might come before the House later would bring the total increase to $170,000,000 or thereabouts. Of course, this last had nothing to do with the question at issue. It was just atmosphere to scare the Members. When Mr. MADDEN said "this amendment will add $60,000,000," he missed the fact by about $46,000,000. Even with the food amendment added he missed the fact by $42,000,000. How can we safely build on such information as all this?
Just a word about the number of fleet vessels which would be in commission under the several plans. While the comparison is not of value, perhaps, it is interesting to note that the Navy Department's use of 86,000 men would keep in full commission fewer vessels by five or six than the Kelley hypothetical Navy. The true comparison is between what the department would do with 67,000 men and with 86,000. The table on page 5551, to which I have referred, shows this clearly, and I commend its careful study to every Member. Eighty-six thousand men mean only about 15 extra vessels in the fleet over those in the fleet with 67,000 men. The figures are 321 and 306, respectively. Surely the Navy shows no evidence of a desire to expand its fleet unwisely or improperly. The principal difference is that 86,000 allows us to maintain our treaty Navy of 18 battleships in full commission. Sixty-seven thousand leaves 5 of the 18 as naval relics "in ordinary" and 73 other vessels in reserve.
In conclusion, I am tired of the incessant attacks on the ability and even the common honesty of the officers of the American Navy. They are not infallible. They may occasionally be in error in judgment or on a question of fact. But I trust their integrity and their patriotism. I believe their purpose to be disinterested. I prefer their judgment, battressed by Harding, Hughes, Denby, and Roosevelt, to that of the men who attack them. I am proud of the American Navy, its officers, and men. I want to keep them nationally sound and efficient. Eighty-six thousand is the minimum of safety. I appeal to every Member, when he votes in the House, to stand by the American Navy, its traditions, and its ideals.
Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill and as a part of my remarks to publish an interview with Frank R. Reed, recently nominated in the eleventh Illinois district, given out in the New York World. It is but a short paragraph.
The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?
Mr. WALSH. I do not think we ought to put interviews into the RECORD. I object.

SPECIAL CANCELING STAMPS.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, presented a conference report on the bill H. R. 10740, authorizing the use of special canceling stamps in certain post offices, which was ordered printed under the rule.

EXTENSION OF REMARKS.

By unanimous consent Mr. COLE of Ohio, Mr. ANDREWS of Nebraska, Mr. RIDDICK, Mr. A. P. NELSON, and Mr. SHAW were granted permission to extend their remarks in the RECORD.

THE PRESIDENT AND CONGRESS.

Mr. RIDDICK. Mr. Speaker, for the third time in the history of America the Republican Party has been called upon to act as a wrecking crew for a national Democratic "smashup."
In 1861 the Republican Party, under Lincoln, came into national authority to find industry prostrate, finances disorganized, and the very perpetuity of the Nation imperiled. Upon Lincoln and his associates fell, as Lincoln said, a task greater than that which devolved even upon Washington. History records the result. The Union preserved, slavery destroyed, the greatest war of all history up to that time financed, the national credit maintained, and the parity of all our currency at last restored until the American dollar was the trade-mark of stability and solidity throughout the world.

REPUBLICAN POLICIES BROUGHT PROSPERITY.

Under the Republican policy of protection to American industries the United States became in the succeeding half century the world's greatest financial power. Let it be remembered that every step taken in the development of the policies which gave to America first place among the nations of the earth in wealth, economic power, and in commercial independence was resisted by Democratic leadership. At the beginning of the Civil War the United States was an agricultural dependency of Europe; after a half century of almost uninterrupted Republican control this Nation was in so strong an economic position that we might at any time close our gates to exports and imports and still exist without serious inconvenience. Such a condition means military and naval as well as economic power. And so it was when the European war began, America was the one nation of the world which was in least fear of isolation. It was the weight of our wealth and industrial and agricultural power that brought the World War to an end and made America, as illustrated in the recent Washington conference, the world's great arbitrating power.

WILSON TARIFF LAW BROUGHT DISTRESS.

Only once during the half century following the inauguration of Lincoln did the Republican Party lose control of the Presidency, the House, and the Senate at one time. This was in 1892 when the party of opposition under Grover Cleveland, denouncing the newly enacted McKinley tariff law as an "infamous" and "damnable" measure designed to oppress the people, gained complete control of Government. The Wilson tariff law was enacted. The very menace of the measure brought panic and prostration to the country while the foundations of protection were being torn out by demagogues and doctrinaires. So came the panic of 1894, with thousands of factories silent, millions of wage earners jobless, with armies of tramps moving over the country, with farm prices so depressed that corn was burned for fuel, with banks, stores, and industries failing, and farms sold by the tens of thousands under the sheriff's hammer.

CONDITIONS CORRECTED UNDER M'KINLEY.

Under such conditions the Republican Party was restored to power under McKinley in 1896. The result, following the enactment of a protective tariff law, was the complete resumption of industry and a period of prosperity the like of which was never before experienced by any nation in history. Again the Republican Party had cleared away the wreckage produced by Democratic mismanagement, and once more had set the feet of the Nation on the highway of prosperity and progress.

WILSONISM AND WASTE.

And now the Republican Party is again charged with the work of national reconstruction. The task allotted is the most difficult in all our national history, for the wreck left by the Democratic Party was more complete than had ever been known before.
When the World War began, in midsummer of 1914, under the operations of the existing Democratic tariff law, there were 3,000,000 men out of work in the industrial centers of the United States. The repeal of the Republican tariff laws and the enactment of the Underwood-Simmons bill resulted exactly as the passage of the Wilson tariff law had 20 years before. In the winter of 1913–14 there were soup kitchens and bread lines in the great cities. Yet the promised reduction in high cost of living had not come. Only the beginning of the European war with its embargo on imports and its great demand for exports saved the country from still greater disaster, and the Democratic Party from overwhelming defeat at the polls in 1914 and 1916.

WILL REQUIRE YEARS TO REPAIR DAMAGE TO NATION.

The Republican Party in its national platform of 1920 did not promise the people a quick return to normal conditions as the result of Republican return to power. There was a too serious realization of the magnitude of the problems to be solved to permit the making of such a pledge.
Never in all history did a political party come to such a heritage of difficulty as that which confronted the Harding administration upon its inauguration.
The interest alone upon the vast national debt, in part a monument to Democratic extravagance and inefficiency, was of itself equal to the entire national expenditures under the last year of Republican national control under Taft. Other fixed charges growing out of the war were as much more. With extravagance running riot, incapacity enthroned in the civil service of the Nation, and with the whole governmental establishment permeated with the spirit of reckless waste, the job of cleaning up the Augean stable was one demanding the strength and persistence of a Hercules.

OPPOSITION PARTY HINDERS EFFORTS FOR RECONSTRUCTION.

While the Republican Party has been steadily engaged in the work of clearing up the débris of this Democratic wreck, the politicians of the opposition have stood along the side lines jeering the workers, and wherever possible have resisted the progress of the work the party in power was trying to accomplish. Despite these obstacles remarkable progress has been made in the tremendous task of reconstruction.
Congress and the Executive have done their full part. No one will claim that the work has been completed. No reasonable person will expect or demand that it should be completed in so short a time. It will take a quarter of a century to repair some of the damage done to the Nation during the past few years. The critics who believe that the Nation can be made as good as new in a few months are unreasonable in their demands.

PRESIDENT AND CONGRESS WORKING TOGETHER.

Definite and constructive steps are being taken in an orderly manner by President Harding and the Republican majority in Congress toward working out a comprehensive national program that will put an end to the ruinous waste, extravagance, and inefficiency in the conduct of public affairs that characterized the Wilson administration and restore conditions of justice, equal opportunity, and prosperity to the American people.
Either in ignorance or maliciously critics have repeatedly said this is a "do-nothing Congress," and that the President and the Congress are not working in harmony to a common purpose. Nothing is further from the truth. As a matter of fact, no Congress in all our history has done more good constructive work in the same length of time, as the following exhibit will clearly demonstrate.
The best test as to whether the Congress has enacted legislation asked by the President and promised by the Republican Party is the record. In the following parallel columns are set forth:

(1) The specific requests for legislation which President Harding made of the Congress in his message opening the special session, April 12, 1921, and in his annual message to the Congress at the opening of its regular session December 6, 1921.
(2) What action Congress took regarding these presidential recommendations; also what other legislation it enacted.

PRESIDENT HARDING'S RECOMMENDATIONS TO THE SPECIAL SESSION OF CONGRESS APRIL 12, 1921.	ACTION OF CONGRESS ON THE PRESIDENT'S RECOMMENDATIONS.
Let me most heartily commend the enactment of legislation providing for the national Budget system.	Bill to provide Budget system and creating Budget Bureau passed both Houses of the Congress and became a law June 10, 1921.
To establish the state of technical peace (with the Central Powers of Europe) without further delay I should approve declaratory resolution by Congress to that effect.	Joint resolution declaring an end to the state of war between the United States and Germany and Austria-Hungary passed both Houses and was signed by the President July 2, 1921.
The urgency for an instant tariff enactment, emergency in character and understood by our people that it is for emergency only, can not be too much emphasized. * * * The maturer revision of our tariff laws should be based on the policy of protection.	Emergency tariff especially designed to protect agricultural interests passed both Houses and became a law May 27, 1921. Fordney tariff bill passed the House of Representatives July 7, 1921.
I invited the services of a voluntary committee to inquire into the administration of the Bureau of War Risk Insurance, the Federal Board for Vocational Educa-	Sweet bill, providing for the consolidation and coordination of all Federal agencies dealing with ex-service men under one head, known as the Veterans' Bureau,

PRESIDENT HARDING'S RECOMMENDATIONS, ETC.—Continued.

tion, and other agencies of the Government in caring for the ex-soldiers, sailors, and marines of the World War. * * * This committee has recommended, and I convey the recommendations to you with cordial approval, that all Government agencies looking to the welfare of the ex-service men should be placed under one directing head. It may be well to make such an official the director general of service to war veterans and place under his direction all hospitalization, vocational training, war insurance, rehabilitation, and all pensions.

It is proper to invite your attention to the importance of the question of radio communication and cables. * * * Active encouragement should be given to the extension of American owned and operated cable and radio services * * * but this should be so far as practicable direct and free from foreign intermediation. * * * Government-owned facilities, wherever possible, without unduly interfering with private enterprise or Government needs, should be made available for general use.

The laws giving Federal aid (to State highway construction) should be amended and strengthened. Congress ought to prescribe conditions to Federal appropriations which will necessitate a consistent program of uniformity which will justify Federal outlay.

I know of no more pressing problem at home than to restrict our national expenditures within the limits of our national income and at the same time measurably lift the burdens of war taxation from the shoulders of the American people. * * * A prompt and thoroughgoing revision of the internal tax laws, made with due regard to the protection of the revenues, is, in my judgment, a requisite to the revival of business activity in this country.

I assume the maternity bill, already strongly approved, will be enacted promptly, thus adding to our manifestation of human interest.

Congress ought to wipe the stain of barbaric lynching from the banners of the free and orderly representative democracy.

We shall hasten the solution and aid effectively in lifting the tax burdens if we strike resolutely at expenditures * * *. Our current expenditures are running at the rate of approximately $5,000,000,000 a year, and the burden is unbearable. There are two agencies to be employed in correction; one is rigid resistance in appropriation, the other is utmost economy in administration. Let us have both.

In addition to the above specific recommendations for particular legislation, President Harding recommended the establishment of a bureau of economics in connection with the Navy Department, and also the creation of a public welfare department.

ACTION OF CONGRESS ON THE PRESIDENT'S RECOMMENDATIONS—Con.

passed both Houses and became a law August 9, 1921.

Bill to give Federal authorities absolute control over all cable landings in the United States passed both Houses and became a law May 27, 1921. A bill to open for public use all radio stations which are now under supervision of the Navy Department passed the House June 27, 1921; passed the Senate February 20, 1922. Bill now in conference committee.

Bill to provide Federal aid for public highways in appropriating $75,000,000 for same passed both Houses and became a law November 9, 1921.

Bill to reduce and equalize public taxes passed both Houses and became a law November 23, 1921. This law lifts $800,000,000 of taxes from the shoulders of the American people during the present year; repeals all taxes on transportation of freight, express, and parcel post; repeals practically all "nuisance" taxes; increases by $500 exemptions of income on all incomes of $5,000 and under, which directly affects 3,000,000 heads of families, who comprise the bulk of the average householders; repeals all excess-profits taxes and decreases surtaxes.

Bill to provide public protection of maternity and infancy and extending Federal aid to States which cooperate with the Federal Government passed both Houses and became a law November 23, 1921. This is known as the "maternity bill."

Dyer antilynching bill, making lynching an offense against the Federal statutes, passed the House of Representatives January 26, 1922.

The Congress followed the advice of the President, offered "rigid resistance in appropriations," and struck resolutely at expenditures, as is evidenced by its reducing over $300,000,000 the amounts requested by various Federal departments, boards, bureaus, and commissions. This saving of a third of a billion dollars in appropriation bills by the Congress was in addition to savings made by the executive departments.

The Congress has taken no action in regard to these two recommendations because it is awaiting the report and recommendations of a commission which is working out a program of reorganization of the various active agencies of the Government. This program, before it is submitted to the Congress, must meet with the approval of President Harding. A major portion of this program has been submitted to the President and his Cabinet for their study, amendment, and final approval.

In addition to the above-enumerated laws, the Congress in special session, which consumed less than six months' actual time, passed a number of other very important laws, among them the agricultural credits act, which amended the War Finance Corporation so that it might make loans to agricultural and live-stock interests, and providing $1,000,000,000 revolving fund for the purpose of making these loans; the farm loan bank act was amended increasing funds available for farm loans in the sum of $25,000,000; a law to regulate grain exchanges and dealing in all "futures" in the grain trade; the packers and stockyards act; the immigration restriction law; amended the Edge Act to facilitate the organization of corporations wishing to engage in foreign trade; the "antibeer" act, which strengthened the enforcement of the Federal amendment providing prohibition; reorganized the Indian Bureau; legislation providing for the reorganization of the Philippine Islands' financial system and providing for an extension of Philippine credit in order to save the islands from bankruptcy as a result of the eight years of government of the islands under the Wilson administration.

PRESIDENT HARDING'S RECOMMENDATIONS TO THE CONGRESS IN HIS ANNUAL MESSAGE, DECEMBER 6, 1921.

There is pending a granting of authority to the administrative branch of the Government for the funding and settlement of our vast foreign loans growing out of our grant of war credits * * *. It will be helpful to ourselves and will improve conditions among our debtors if funding and the settlement of defaulted interest may be negotiated.

Every proper encouragement should be given to the cooperative marketing program.

In addition to the above-specified recommendations, President Harding in his annual message December 6 urged the prompt enactment of a protective tariff; the consideration of an amendment to the Federal Constitution to prevent further issue of nontaxable security; the regulation by law of organized labor and the creation of an industrial tribunal as a medium for the prevention of strikes, lockouts, and boycotts; * * *. At this time President Harding informed Congress that at some future time he would lay before it in detail a program for the maintenance of a merchant marine. He also informed the Congress that later on he would make additional recommendations regarding further reductions in taxes.

President Harding in his message to Congress December 6 also recommended an extension and speeding up of reclamation work to reclaim and put under cultivation arid, swamp, and cut-over lands

ACTION OF THE CONGRESS ON THE PRESIDENT'S RECOMMENDATIONS.

Bill to create a refunding commission to handle foreign debts passed both Houses and became a law February 9, 1922.

Bill authorizing producers of agricultural products to form associations for the purpose of cooperative marketing passed both Houses and became a law February 18, 1922.

The tariff bill has passed the House and has been favorably reported to the Senate by the Senate Finance Committee. A resolution has been introduced for the proposing of an amendment to the United States Constitution to prevent further issue of nontaxable securities. Hearings are being held before a House committee upon this resolution. The President, in conformity with his promise in his annual message, delivered to the Congress a special message upon the subject of the American merchant marine. This message was delivered February 28, 1922. Hearings are already in progress.

The Committee on Irrigation of both the Senate and the House have held hearings on a comprehensive irrigation measure, known as the Smith-McNary bill, which will provide means to carry on this constructive reclamation work. The House committee has favorably reported the bill for passage, and it is now on the calendar.

OUTLINE OF NEW IRRIGATION BILL.

Mr. Speaker, because this measure means so much to the States of the West and because I have had an active part in its consideration and am anxious that every Member of the House may understand it, may I briefly outline its provisions? The Smith-McNary bill provides for agricultural reclamation by contracts executed between the Secretary of the Interior and districts to be organized under State laws for that purpose. Such districts must have authority to issue bonds, which shall be a general charge against all lands in the district and to contract under this act.

The Secretary is authorized to investigate the feasibility of reclaiming lands in such a district, one-half the cost of investigation to be paid in advance by the district, the other half by the United States. The Secretary may contract to construct reclamation works and operate the same as long as necessary to safeguard the interests of the Government, the total cost of construction and operation to be paid by the district. The total cost, including interest and overhead, shall be determined by the Secretary after one season's successful operation, which, with expense of maintenance, shall be paid in not exceeding 40 years, with interest not exceeding 5 per cent.

Before construction commences the size of farms shall be established by the Secretary, not to exceed 160 acres each, of reclaimed land.

Deeded and homesteaded and unentered or unpatented arid and semiarid lands of the United States may be included in the district.

The United States may acquire deeded lands for construction, but not for agricultural purposes. The Secretary may accept and dispose of deeded lands in the district upon terms to be agreed upon with the grantor.

Bonds of a district equal to the proposed expenditure shall be issued and delivered to the United States preceding any expenditure by the Government. The Secretary may require additional issue of bonds if first issue is insufficient or may curtail work. Bonds of district in excess of the cost finally established shall be canceled.

Bonds are to be deposited with Federal Farm Loan Board and sold at public or private sale for not less than par when the Farm Loan Board determines the value of the property of the district subject to the payment of such bonds is twice their par value.

Proceeds of sale of district bonds by the Government shall be applied in satisfaction of the obligations of the district.

So far as practical the services of veterans shall be utilized. They shall have an exclusive right of entry for 60 days.

APPROPRIATIONS.

A national revolving reclamation fund is established.

DEMOCRATIC CHAIRMAN VISITS MONTANA.

Mr. Speaker, in the face of this splendid record being made by this Congress and this administration, the chairman of the Democratic National Committee, Mr. Cordell Hull, recently came up into my State from his home in the South and made a speech in one of the big cities there, in which he complained bitterly that the Republicans had not been able to correct in a single year the damage they had done in eight years. He complained about the disarmament treaty; said the four-power treaty for peace in the Pacific was unwise; and declared that the old Democratic "tariff-for-revenue formula," which has always brought about a depression of prices for farm products and nation-wide hard times, was what the country needed.

WOULD SCRAP THE PRIMARY LAW.

The Montana Democratic leaders who arranged the meeting showed their lack of confidence in the people by presenting a resolution they had prepared for the occasion to do away with the primaries, on the ground that they were "too expensive."

The Democratic national committeeman for Montana, Mr. J. Bruce Kremer, of Butte, Mont., declared that the economic and financial policies of the Wilson administration had brought prosperity to the people. If he meant by "the people" the favorites of the Wilson administration, whose profiteering increased the number of millionaires in the Nation by several thousand during the eight years of the Wilson administration, his statement was correct. They certainly did prosper. But that statement will not be taken seriously by the thousands of farmers of my State and of other Western States who have been brought to the verge of financial ruin by those same economic and financial policies, which restricted their profits and increased the costs of everything they had to purchase, and then denied them credit and deflated the prices of all their products, causing losses among the farmers and live-stock men of the West, which many will never be able to recover from during the rest of their lives.

NO NATIONAL PROSPERITY UNLESS THE FARMER PROSPERS.

President Harding and the Republican Congress have realized that there can be no general prosperity the country over until the farmers of the Nation have a just measure of prosperity. Therefore there has been an unusual amount of legislation recommended and passed in the interest of the farmer. This is not class legislation. It is legislation to benefit the whole country; and the beneficial results are already beginning to be felt the whole country over. Prices for wheat and corn, cattle and hogs, sheep and wool have all been steadily advancing, and prospects are good for the future. On the other hand, freight rates and prices for farm machinery and general living costs are being gradually reduced and approaching normal levels.

TIMES ARE GETTING BETTER.

As the farmers receive better prices they are able to begin making purchases of farm machinery, and lumber, and cement, and clothing, and other merchandise of all kinds, business picks up, the wheels of industry begin to turn, labor is employed more and more extensively, and in turn laborers are able to purchase farm produce and merchandise of all kinds, and thus will we replace the vicious circle of high costs of living and decreasing business, short credits, and hard times with a happy circle of better prices for our farm products, better business, easier credits, more employment, and in the end a full and complete return to prosperity and opportunity for all. That is what the people of the country want, and that is what the Harding administration is bringing to pass. Things do not just happen. They are brought about. These bettering conditions which we all appreciate are the direct result of the adopting and putting into effect sound economic policies. As the weeks and the months go by conditions promise to continue to become better and better.

PRESIDENT HARDING INVITED TO VISIT MONTANA.

The accomplishments of President Harding and his administration have proven a godsend to Montana. The President is very popular there. The people approve his disarmament conference, his personal interest in their welfare and financial condition, his study and understanding of their agriculture and irrigation needs. In July of this year the editors of America will hold a National Editorial Association meeting at the city of Missoula, in the western part of Montana. Side trips will be made to many of our principal cities and to Yellowstone and Glacier National Parks. In behalf of all the people of Montana, I have written the following letter to President Harding, who is a member of that association, urging him to attend that meeting, and in my letter I have stated some pertinent facts about the great State of Montana which are of more than passing interest:

Hon. WARREN G. HARDING,
Washington, D. C.

MY DEAR MR. PRESIDENT: All the people of Montana hope for your attendance at the annual outing of the National Editorial Association to be held in that State in July.

Montana, as you know, was first named for its mountains, but more lately has properly come to be known as the treasure State. A frontiersman once said: "When God made Montana He had so much land and scenery He just piled it up in heaps." No other State has the wealth of scenery, the great diversity of soil and climate, the wide variety of resources that Montana possesses, nor the rich romance of early pioneer life. The explorers and fur traders, the missionaries and Indian fighters, the gold mining camps and the cattle ranches, and even our modern mining feats and electrification of our railroads, and our bonanza farming operations are distinctively of Montana.

Our mountains and lakes outrival Switzerland in grandeur and beauty. Our national parks are the largest and most wonderful in the world. Our river scenes are the most marvelous and enticing in all of outdoors. Our forests are as primeval and unsullied by the hand of civilization as on the day when Columbus set sail in a Spanish galleon in search of a short route to the East. Bears, mountain lions, elk, and deer haunt the dark recesses of these unexplored woods, and game fish in abundance are found in all the numerous lakes and mountain streams.

Your great State of Ohio contains a total of 26,000,000 acres of land. In Montana we have 30,000,000 acres of mountains and forests alone, and 30,000,000 acres of grazing land, and 30,000,000 acres of the finest farming land in America. On this grazing land to-day roam thousands of half wild cattle, bearing their owners' brands, and the cowboy, the chuck wagon, and the picturesque log buildings and corrals of the home ranch of story and moving picture are every-day realities here.

It was formerly believed that Montana was an arid country, unfit for farming, but homeseekers from every State have in recent years migrated there, lured by the prospect of a free Government homestead, and have proven the land to be rich in agricultural possibilities. In some sections of the State these homesteaders have raised wheat, oats, flax, and hay that have excelled in quality and in yield per acre the crops produced on the highest-priced farm land in the East and the Middle West. The wealth of farm crops promises soon to exceed the treasure of mineral and lumber, cattle and sheep, for which the State has long been renowned.

The story of Montana outrivals a modern moving-picture scenario for action, color, variety, scenery, and intensity of interest. For scenery we have our shining mountains, perpetually covered with snow, age-old glaciers, fertile valleys, and rolling plains, all with their distinctive wild animal and plant life. There are the mirror lakes, fringed with evergreens, boiling rivers, and cascades dashing through precipitous banks riding over a thousand feet in height, in close proximity to the modern life of our prosperous cities. Our cast will include the numerous Sioux and the friendly Crow Indians, missionaries, soldiers, and scouts; Plummer and lives, the outlaws, and the vigilantes; gold miners, dance-hall girls, cowboys, and tenderfeet; and the later generation of sturdy and dependable farmers and progressive and prosperous business and professional men of this modern age. For action the wiping out of General Custer's troops and the avenging of the massacre by the frontier American soldiers outrivals any picture ever imagined. All the human passions at their worst and at their best appear through the early period of development of the State, from the turbulent life in the early mining camps, with the hurdy-gurdy dance halls and gambling, shootings, and hangings, hunting the buffalo and breaking wild horses, to the latter-day struggles of the pioneer farmers and pioneer women, real heroines, facing privations, hard labor, and isolation with a cheerful optimism, until we come to the modern towns and cities, with happy homes and all kinds of business activity, and the development of a prosperous farming country.

Montana is rich in Indian lore. As you will pass through the city of Three Forks, Mr. President, where the Missouri, Madison, and Jefferson Rivers converge, you will see from the windows of the train a hotel called the Sacajawea. Sacajawea was a captive Indian girl, called the Bird Woman, for her soft voice. When Lewis and Clark were exploring Montana in the spring of 1806 they employed Sacajawea's husband for a guide, and the Indian bride induced her husband to take her on the journey. Arrived at the three forks of the rivers, the Indian girl recognized the place of her capture years before and was able to lead the exploring party on westward to her native tribe and to make peace with them for the explorers.

Five miles east of Birdtail Rock, in Lewis and Clark County, will be found stone monuments placed at equal distances in the shape of a great V, inclosing several miles of prairie. According to legend, in early days before the Indians learned to use horses they used this as a buffalo trap. It is said they would hide behind the rocks while the buffalo grazed into the trap. Then starting a stampede from behind the Indians would spring forth and add to the terror of the frightened herd and cause it to dash madly toward the apex of the trap, where many of the animals in the front ranks would be pushed over perpen-

dicular cliffs onto great rocks 80 feet below. This slaughter provided hides and meat in abundance. Bones and other remnants of the success of the trap are still in evidence there.

Miles City is to-day the greatest horse market in the State. Its early settlement was greatly hampered by Sitting Bull and his murderous Sioux, who lived in that part of the country.

At Fort Benton are the crumbling remains of the first adobe building to be erected in Montana. This was a fort to protect the fur traders, who established the oldest town in the State at the head of navigation on the Missouri River. The fort was dedicated on Christmas Day, 1850, with music, dancing, and holiday festivities.

The Indians frequented the numerous hot and medicinal springs in the early days, as their "white brothers" now do, for the relief of rheumatism and other troubles. Those most noted in the State are White Sulphur Springs and the Helena Hot Springs, now famous health resorts.

There are six Indian reservations in the State, all interesting and all worthy a visit.

Bannack, Virginia City, and Hell's Hole were the haunts of Plummer and Ives and other of the gentlemanly bandits, who carried on organized robbery and murder until the early miners, in the absence of courts or peace officers, organized the Vigilantes, and brought these outlaws into miners' courts held in the outdoors, where the evidence was summarized, the verdict rendered, and the guilty desperado hanged, all in an afternoon's time.

The city of Helena, the capital of the State, was first called "Last Chance Gulch." The narrow main street, now lined with modern buildings, follows the winding path the miners made in the early days when they built their cabins on either side of the gulch. Millions of dollars of wealth have been taken from the earth in this locality, and even to-day the excavations for buildings are found to be rich in virgin gold. Helena overlooks the Prickly Pear Valley, which has in recent years been changed by irrigation from a sage-brush flat to an oasis of alfalfa ranches. The capital city of the State is very properly called "The Queen of the Mountains."

Missoula, the headquarters for the association meeting, is located in the Bitter Root Valley. This is the garden spot of the State and is noted for the salubrity of its climate and the productivity of its orchards and farms. Flathead Lake, the largest fresh-water lake in the country, aside from the Great Lakes, is located near by. The surrounding mountains and forests are picturesque beyond description. The State University is located at Missoula. One of my acquaintances, a young man attending school there, recently went out in the near-by woods during a two-hour recess between classes and brought in a fine deer.

Lewistown, in the Judith Basin, is located in the geographical center of the State and is also the center of the great wheat-raising section of Montana. Here powerful tractors draw machinery to plow and plant 40 acres a day. During the harvest time combines, pulled by tractors, cut and thresh in one operation literally hundreds of acres of wheat in a day. Billings, the Empire City of the Yellowstone Valley, is the busy business center of the Huntley project territory. This is the most practical and successful of all the many Government irrigation projects. Many believe Great Falls is destined to be our largest city. Here are located power plants and smelters of such tremendous magnitude that they startle the imagination. Within the city limits of Butte are mountains of copper ore. This is one of the largest, most active, and picturesque mining camps in operation in the world to-day.

During recent years Montana has held first place among all the States in the Union in production of gold. Montana has also held first place for silver production and for copper production and also for the number and value of sapphires and precious stones produced. Montana has also during recent years ranked first of all the States in the production of beef cattle, and has stood first in the quantity and value of its wool. For a 10-year period, ending in 1919, Montana holds the highest record of all the States in the largest yield per acre of wheat, oats, rye, potatoes, and hay, according to official records published by the United States Department of Agriculture.

Yellowstone, our largest national park, is marvelous and indescribable. Here are mountains of glass, petrified forests, boiling hot water pouring from the earth, geysers spouting skyward, bubbling, boiling mud pots of colored paint, bears, buffalo, lodges, trails, forests, camps, dashing, motoring over perfect mountain roads, and, in fact, everything to entice the lover of the outdoors. The official entrance to the park is at Gardiner, Mont., marked by an arch dedicated by President Roosevelt in 1903.

Glacier Park is 400 miles distant. In Glacier National Park are more than 15,000 square miles of America's greatest outdoor playground. Nowhere else in the world can one get so close to Nature or find such a varied and exhilarating assortment of Nature's wonders. Dashing over McDonalds Lake, within Glacier Park, an unlettered native exclaimed, from the eloquence of his soul, "Here is where God sat when He made America." For awe-inspiring, soul-stirring scenery the glaciers, the mountains, and the forests of Glacier Park have no equal. From one great mountain within this park the water drains into three oceans.

Connecting these two parks is a 400-mile automobile driveway along the base of the "backbone of the continent," along which one may have a bird's-eye, ever-changing panoramic view of the old Montana and the new. There are primeval forests, snow-capped mountain heights, and cool and shady mountain passes. Along the route are old-time cattle ranches and rich and modern farms. One will see relics of Indian days, old placer mines, where gold was sluiced, and fallen trees for the present-day sawmills. Here modern man has harnessed the streams for irrigation and power. The bull team of yesterday and the high-powered motor car of to-day, the blanket Indian of the reservation and the hum of modern life in the towns and cities on route all add the peculiar romance and interest that are a part of this park-to-park trip.

As you visit our State, Mr. President, we invite your particular attention to our schools. Of these we are justly proud, for the Russell Sage Foundation, after a recent survey of the schools in all the States, pronounced ours the best in America.

Our people will all welcome you cordially, Mr. President, and you will find them the most hospitable folks on earth. No doubt you remember that when Marshal Foch was making his tour across the continent he exclaimed when he reached Montana, "Here I have found the heart of the American people."

And, of course, you will want to meet our soldier boys. As their fathers and mothers went "over the top" so splendidly in every drive for Liberty bonds, for Red Cross work, and for all other war endeavors, so our boys at the front made a record for valor and action in service which the records of the War Department show was unexcelled by the boys of any other State. Fifty-three of our Montana boys wear distinguished-service crosses. For volunteer service and casualties in action they established a record above all other States of like population.

We earnestly want you with us on this occasion, Mr. President, and we promise to do our best to insure you a good time.

"Git down an' come in!"
Could words open wider a heart or a door
Than that greeting of plainsmen in days that are o'er—
"Git down an' come in!"

Sincerely yours,

CARL W. RIDDICK,
Member of Congress, Second Montana District.

LEAVE TO ADDRESS THE HOUSE.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent that on Friday, after the reading of the Journal and disposition of matters on the Speaker's table, I have permission to address the House for 20 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House Friday after the reading of the Journal and disposition of matters on the Speaker's table for 20 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, I do not want to object, yet I have so frequently objected to requests of this sort that I am afraid I must object at this time.

Mr. HUMPHREYS. What is the gentleman going to have up Friday?

Mr. MONDELL. On Friday, if we take up the Private Calendar, the gentleman may have an opportunity. I shall be very glad to be of assistance to him at that time.

Mr. HUMPHREYS. I assume that I would not get time on the Private Calendar. I hope it may be on some other bill.

Mr. MONDELL. The gentleman realizes how embarrassing it is to object to requests of this sort, and yet it is very nearly essential that it shall be done.

Mr. HUMPHREYS. I understand that. I was wondering what bill would probably be before the House on Friday.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, if I may have two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I wish to say that the probability is that we will take up for consideration to-morrow the conference report on the appropriation bill for the independent offices, after which we shall probably go on with the unfinished business, the bill of the gentleman from Indiana [Mr. VESTAL] relative to weights and measures—the container bill.

Mr. WALSH. The basket bill.

Mr. MONDELL. The basket bill; the gentleman from Massachusetts corrects me. Or it might be the box bill. On Friday, Mr. Speaker, we will probably take up the Private Calendar. I want to explain to the House that this change of program—we having intended to take up the legislation from the Naval Committee—is due to sickness in the family of one of the Members, who desires to be here when the naval legislation is taken up.

FISH RESCUE STATION, MISSISSIPPI RIVER.

Mr. GREENE of Massachusetts. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 2393, an act to provide for the establishment on the Mississippi River of a fish rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce, with Senate amendments, and move to agree to the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. WALSH. Mr. Speaker, this is not a privileged matter.

The SPEAKER. It would be privileged ordinarily, to be taken up at any time after the reading of the Journal. The Chair is not so certain that it will be privileged now. The Chair understood that there would be no objection to it.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. GARRETT of Tennessee. This is one of the times in which the Senate—think of it—the Senate has made reductions. Had we not better grip that while we can? [Laughter.]

Mr. GREENE of Massachusetts. There is no objection to it on the part of anybody.

Mr. MONDELL. There is no uncertainty about that.

Mr. GARRETT of Tennessee. That is what the figures indicate, and they did not come from the Navy Department. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Agricultural appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the Agricultural bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Is there objection?

Mr. LANGLEY. Reserving the right to object, Mr. Speaker, is the gentleman certain that the Senate passed the garden-seed amendment, providing for the free seed distribution?

Mr. ANDERSON. They passed it by a margin of one vote, as I understand.

Mr. GARRETT of Tennessee. Do they ask for a conference?

Mr. WALSH. We ask for the conference.

The SPEAKER. The gentleman from Minnesota asks for a conference.

Mr. GARRETT of Tennessee. Has the gentleman conferred with the gentleman from Texas [Mr. BUCHANAN]?

Mr. ANDERSON. We have not.

Mr. GARRETT of Tennessee. Then I shall have to object.

ENROLLED JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; and

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major;

H. R. 7589. An act for the relief of Maj. Ellis B. Miller;

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau; and

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Thursday, April 20, 1922, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUMPHREYS: A bill (H. R. 11362) declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 11363) granting a portion of the rents, royalties, and bonuses received from lands within naval petroleum reserves to the States within the boundaries of which said reserves are located; to the Committee on the Public Lands.

By Mr. LEE of Georgia: A bill (H. R. 11364) for the purchase of a site for a post-office building at Calhoun, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ANDERSON: A bill (H. R. 11365) to authorize the purchase of a site and the erection and completion of a public building thereon at Waseca, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. FISH: Joint resolution (H. J. Res. 308) favoring the establishment in Palestine of the national home for the Jewish people; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Resolution (H. Res. 329) requesting a conference on the amendments of the Senate to H. R. 9103; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of the Legislature of the Commonwealth of Massachusetts urging the Government of the United States of America formally to recognize the present status of the Jewish people in Palestine; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 11366) granting a pension to Eugene Goss; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 11367) granting an increase of pension to Edward P. Wolfe; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 11368) granting a pension to Mollie Bailey; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 11369) for the relief of A. B. Taylor; to the Committee on Claims.

Also, a bill (H. R. 11370) granting an increase of pension to Charles S. Kinman; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 11371) granting a pension to Martha J. Jackson; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 11372) granting a pension to Mary Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11373) granting a pension to William Henry Bush; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11374) granting an increase of pension to Mary F. Stevenson; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 11375) granting an increase of pension to Harry E. Snyder; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 11376) for the relief of B. Jackson; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 11377) granting a pension to Harriet Boyer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5180. By Mr. BECK: Petition relating to filled milk and oleomargarine legislation; to the Committee on Ways and Means.

5181. By Mr. CULLEN: Resolution adopted by the general committee on Army and Navy chaplains of the Federal Council of the Churches of Christ of America concerning chaplain legislation; to the Committee on Military Affairs.

5182. By Mr. ELLIOTT: Petition of Emma Williams and 100 others, of Richmond, Ind., remonstrating against the passage of House bills 4388 and 9753 and Senate bill 1948; to the Committee on the District of Columbia.

5183. By Mr. FREE: Petition of citizens of San Jose, Calif., against Sunday closing legislation; to the Committee on the District of Columbia.

5184. By Mr. GALLIVAN: Petition of Joseph Middleby, jr. (Inc.), of Boston, Mass., protesting against passage of Senate bill 3290; to the Committee on Interstate and Foreign Commerce.

5185. By Mr. HAYS: Petition of F. S. Leatherberry and 40 other citizens, of Douglas County, Mo., protesting against the passage of House bills 4388 and 9753 or Senate bill 1948; to the Committee on the District of Columbia.

5186. By Mr. HICKEY: Petition of sundry citizens of South Bend, Ind., opposing the passage of House bill 9753, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5187. By Mr. KISSEL: Petition of the Broadway Association (Inc.), of New York City, N. Y., relative to the Post Office appropriation bill as amended by the Senate; to the Committee on Appropriations.

5188. By Mr. TAGUE: Petition of East Boston Post, No. 608, Veterans of Foreign Wars, urging the enactment of a bonus bill; to the Committee on Ways and Means.

5189. By Mr. WATSON: Petition for the relief of Mordecai Fizone; to the Committee on Military Affairs.

5190. Also, resolution passed by the Quarterly Meeting of Friends at Wrightstown, Pa., favoring the lowest possible figure for the Army and Navy appropriations in the spirit of the recent disarmament conference; to the Committee on Appropriations.

5191. By Mr. WHITE of Kansas: Petition of congregation of First Presbyterian Church of Lincoln, Kans., asking the passage of House Joint Resolution 131; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 20, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that Thou hast placed us in such a beautiful world, that everything speaks of the hand that made and that is divine. We rejoice that we have the privilege of adding to the beauty of the world by increasing the moral and spiritual forces and emphasizing in our own lives the strength, the moral and spiritual strength, pledged to us through Thine own wonderful grace. Accept of us this morning. Bless our land, our President, and all the interests that we should bear before Thee. We ask in Jesus Christ's name. Amen.

On request of Mr. LODGE and by unanimous consent the reading of the Journal of the proceedings of the legislative day of Tuesday, April 18, 1922, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the amendments of the Senate to the bill (H. R. 2383) to provide for the establishment on the Mississippi River of a fish-rearing station, to be under the direction of the Bureau of Fisheries of the Department of Commerce.

The message also announced that the House had passed a bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 21) providing for printing additional copies of the tariff bill, with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

S. J. Res. 195. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; and

S. J. Res. 199. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by a conference of the National Federation of Construction Industries, at Chicago, Ill., favoring the enactment of legislation to define the operations of cooperative trade associations, the financing of operations for the construction of small homes with the least possible burden to the home builder, and the enactment of legislation taxing incomes derived from State and municipal bonds on the same basis as other incomes, which were referred to the Committee on the Judiciary.

Mr. LODGE. I present a number of resolutions by telegraph expressing sympathy with the establishment of a national home for Jewish people in Palestine in accordance with the terms of the Balfour declaration. I ask that there be printed in the RECORD not the resolutions but simply the list of organizations which I have had appended.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and the list of organizations was ordered to be printed in the RECORD, as follows:

Resolutions of the Congress committee, representing all local Jewish organizations of Youngstown, Ohio, Oscar H. Altschuler, chairman; Youngstown Zionists District, of Youngstown, Ohio, S. Drabkin, chairman; United Orthodox Rabbis of America, of Philadelphia, Pa., Rabbi B. L. Levinthal, president; Rabbi Congregation Bethel Dorchester, of Roxbury, Mass., David M. Shobet; Rabbinical Assembly of the Jewish Theological Seminary of America, of Boston, Mass., Louis M. Epstein, president; the Jews of Newport News, Va., Max Levinson, chairman; Hyman Adler, secretary; Local Lodge Order B'rith Abraham of Newport News, Va., I. Levinson, president; Local Lodge Independent Order B'rith Abraham of Newport News, Va., J. Reyner, president; Hadassah Chapter, of Pittsburgh, Pa., Gertrude Meta, secretary; all of the Jewish ministers of Newport News, Va., Rabbi H. Spoe, Rev. I. Feinberg, Rev. S. Cantor; Congregation Adath Jeshurun, of Newport News, Va., I. Cohen, president; the Young Men's Hebrew Association of New Bedford, Mass., Samuel Hebshick, recording secretary; B'nai B'rith of Salem, Mass., Dr. Charles Aronson, president; Congregation Sons of Jacob, of Salem, Mass., Joseph L. Simon, president; the National Jewish Daily, of New York, N. Y.; Jewish Morning Journal, of New York, N. Y.; Rabbi Hyman Soloman, of Lawrence, Mass.; Congregation Temple Emanuel, of Lawrence, Mass., Joseph Harris, president; Haverhill Jewry, of Haverhill, Mass., Rabbi Hyman M. Tood; the United Synagogue of America, of New York, N. Y., Elias L. Solomon, president; Congregation Beth Hamedrish Hagodol, Congregation Beth Israel, Congregation Beth Hachesed Hacodesh, Congregation Nusach Ari, Congregation Vaad Hakoel, Congregation Anshe Ejpel, Congregation Ezs Chaim, Congregation Knesseth Israel, Congregation Anshe Poland, Congregation Anshe Radizkovitz, Congregation Ein Jacob, Congregation Lights of Israel, Congregation Anshe Sfard, Hyman Goldman, president, of Rochester, N. Y.; Hebrew Mutual Aid Association, M. Mathes, president; Gathering of Israel, Rabbi M. Fuhrman; Love of Peace Society, B. Melefsky; Order of Abraham, Aaron Berkwitz; Zionist Organization, K. Halperin, Rabbi David M. Gross, of Pittsfield, Mass.; Zionist Organization of Bridgeport, Conn., Dr. Samuel Wurtzel, secretary; the Organization of Orthodox Rabbis of America, of New York, N. Y., Rabbi A. Yudelowitz, president; Rabbi Ch. E. Mosesson, secretary; Rabbi Simon Glazer, of Kansas City, Mo.; American Star Lodge, No. 268, Independent Order B'rith Abraham, of Salem, Mass., Gerald Winer, secretary; Taunton Lodge, Independent Order B'rith Abraham, of Taunton, Mass., Hyman Baron, president; Zionist District of North Adams, Mass., Phillip Solomon, president; Congregation Agudath Achim, No. 3, of Taunton, Mass., F. J. Dunn, president; Turo Lodge, Independent Order B'rith Abraham, of Taunton, Mass., W. W. Bile, president; Salem Hebrew Sheltering Society, of Salem, Mass., H. Winer, president; the conference of representatives of Jewish national and central organizations, representing all elements of the Jewish population of America, indorsed by American Jewish Committee (Louis Marshall, president); Union of Orthodox Rabbis (Rabbi M. S. Margolis, president); Independent Order B'rith Sholom (Solomon Kraus, grand master); Independent Order B'rith Abraham (Judge Aaron J. Levy, grand master); Zionist Organization of America (Louis Lipsky, general secretary); Progressive Order of the West; Independent Western Star Order; Independent Order B'rith Sholom of Baltimore; Hadassah (Miss Alice L. Sellsberg, president); Order Sons of Zion (Judge Jacob S. Strahl, grand master); Mizrachi Organization of America (Rabbi Meyer Berlin, president); Jewish Labor Party; Poale Zion of America; Histadruth Ivrith; Zeire Zion of America; United Synagogues of America (Rabbi Elias L. Solomon, president; faculty of Rabbinical College of America; Jewish National Workers' Alliance; Federation of Jewish Farmers of America; Hebrew Sheltering and Immigrant Aid Society (John L. Bernstein, president); Federation of Russian Polish Jews; United Rumanian Jews of America; Federation of Ukrainian Jews; Federation of Bessarabian Jews; Federation of Hungarian Jews; Independent Order Free Sons of Israel; Salem Mizrachi Society, of Salem, Mass., H. Freedman, president; Salem Hebrew Ladies' Aid Society, of Salem, Mass., Rose Shribman, president; Salem Hebrew School, of Salem, Mass.; Max Harpel, treasurer; Salem Keren Hayesod, of Salem, Mass., Sam Alsteed, treasurer; Beth el Synagogue, of Dorchester, Mass., Rabbi David M. Shobet; Congregation B'nai B'rith, of Somerville, Mass., Rabbi S. U. Friedenman; Congregation Sharei Jerusalem, of Boston, Mass., Rabbi Aaron Gorovitz; United Hebrew Orthodox Congregations of Cambridge and Somerville, Mass., Rabbi Henry R. Gold; Blue Hill Avenue Synagogue, of Roxbury, Mass., Rabbi Louis M. Epstein; Crawford Street Synagogue, of Roxbury, Mass., Rabbi B. Boruchoff; Beth Israel and Agudath Achim Synagogues, of Malden, Mass., Rabbi J. Abrams; Temple Ohabbi Sholom, Union Park Street, Boston, Mass., Rabbi H. H. Rubenovitz; Temple Mishkan Tefila, of Roxbury, Mass., Rabbi A. M. Eberschevsky; Erets Israel and Anshei Pelan Synagogues, of Boston, Mass., Rabbi Philip I. Israelite; Orthodox Rabbis of Baltimore, Md.; United Synagogues of Jersey City, N. J., Harry Max, president; the Young Israel, of Dorchester, Mass., Moses Lesser, president; Congregational Bethel, of Dorchester, Mass., Rabbi Joseph Levenson, president; Congregation Beth Hamedrash Hagodol, of Roxbury, Mass., S. J. Golding, president; Junior Council of Temple Bethel, of Dorchester, Mass., Dr. A. Shubow, president; the Commercial Appeal, of Memphis, Tenn.; the Hebrew Athletic Club of Worcester, Mass.; Congregation B'rith Sholem, of Niagara Falls, N. Y.

Mr. LODGE. I also present individual petitions of 248 citizens of Massachusetts, favoring the passage of the joint resolution (S. J. Res. 191) for the establishment in Palestine of a national home for the Jewish people, and also telegrams from the Palestine National League, protesting against the joint resolution, which I move be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE. I also present resolutions adopted at a mass meeting of citizens of Boston, Mass., in the nature of a petition, praying for the establishment of Armenia as an independent State. The resolutions are brief. I ask that they may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

We, citizens of Boston, assembled at Faneuil Hall, on the 16th day of April, 1922, do hereby declare that—

Whereas the Armenians from the beginning of the World War fought on the side of the Allies against the Central Powers and Turkey at a tremendous sacrifice of men and property; and

Whereas the allied powers by the treaty of Sevres recognized them as an ally and solemnly promised independence to Armenia; and

Whereas the President of the United States, Woodrow Wilson, has, at the request of the allied powers, defined the boundaries of the independent Armenia, including the four Armenian Provinces of Van, Bitlis, Erzerum, and Trebizond; and

Whereas at the recent Paris conference the allied foreign ministers have agreed again to subject said Armenian Provinces to the overlordship of Turkey, the execution of which agreement would constitute one of the greatest crimes of history, leading to further massacres, to estrangement of peoples, and ultimately to international war; and

Whereas the United States, as an associated power in the World War and by her important contribution to the victory, has the right and duty to be heard in the settlement of this, one of the most momentous of war issues: Be it

Resolved, That the President of the United States be requested to express to the allied powers American disapproval of this betrayal of the Armenian people, and to demand that the pledges made to the Armenian people be carried out by the establishment of an independent Armenian State; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, to the Secretary of State, to the chairman of the Foreign Relations Committees of both Houses of Congress, to the allied powers, and to the League of Nations.

Adopted unanimously.

CHARLES W. ELIOT, *Chairman.*
ALBERT BUSHNELL HART, *Secretary.*

Mr. KELLOGG presented a memorial of sundry citizens of Fergus Falls, Minn., remonstrating against the passage of a compulsory Sunday observance bill, which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD without the signatures, as follows:

PETITION TO CONGRESS.

To the honorable the Senate and House of Representatives of the United States:

Believing (1) in the separation of church and State;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law enforcing the observance of any religious institution or looking toward a union of church and state or of religion and civil government;

(3) That any such legislation is opposed to the best interests of both church and State; and

(4) That the first step in this direction is a dangerous step and should be opposed by every lover of liberty:

We, the undersigned adult residents of Fergus Falls, State of Minnesota, earnestly petition your honorable body not to pass any compulsory Sunday observance bill which aims to regulate Sunday observance by civil force under penalty for the District of Columbia.

Mr. CAPPER presented memorials of sundry citizens of Oswego, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WADSWORTH presented resolutions adopted by the United Presbytery of Albany at the United Presbyterian Church of Schenectady, and the Presbytery of Syracuse at the First Ward Presbyterian Church of Syracuse, both in the State of New York, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Syracuse at the First Ward Presbyterian Church of Syracuse and the United Presbytery of Albany at the United Presbyterian Church of Schenectady, both in the State of New York, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the United Presbytery of Albany at the United Presbyterian Church of Schenectady, and the Presbytery of Syracuse at the First Ward Presbyterian Church of Syracuse, both in the State of New York, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted by the Presbytery of Sidney at the United Presbyterian Church of Bellefontaine, Ohio, favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Sidney at the United Presbyterian Church of Bellefontaine, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Sidney at the United Presbyterian Church of Bellefontaine, Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from Rabbi Israel Miller Heubath Him Gudath Achem Congregation; the Zionist Organization of Lorain, Sam Barker, president, Isadore Jacoby, secretary; and the Hebrew Benevolent Aid Association, I. Blumenthal, president, N. Zadikoff, secretary, of Lorain; and the Congregation Beth Jacob, by Rabbi E. Peichovitz, M. Beim, president, of Columbus, all in the State of Ohio, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish people, in accordance with the Balfour declaration, which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEWBERRY:

A bill (S. 3489) to continue the Naval Militia as a part of the Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. LADD:

A bill (S. 3490) to continue the district land offices at Minot and Williston, N. Dak.; to the Committee on Public Lands and Surveys.

TARIFF BILL AMENDMENT.

Mr. DIAL submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table, and to be printed.

ALIEN PROPERTY CUSTODIAN.

Mr. KING. Mr. President, I submit a resolution and ask that it may be read and referred to the Committee on the Judiciary.

The resolution (S. Res. 280) was read and referred to the Committee on the Judiciary, as follows:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, which committee is hereby authorized and directed to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, and particularly to investigate the following matters and things: (a) The seizure and appraisal of property; the care of the property seized, whether or not waste has been permitted in relation thereto and the costs and fees allowed paid for such care; (b) the sale and conversion of property by the Alien Property Custodian, whether or not authorized by law; (c) whether such conversions have been by public sale or through private negotiations; (d) whether or not the moneys received by such conversions were adequate and represent the real value of the properties converted; (e) whether or not sales have been made to agents, officials, attorneys, or other persons having fiduciary relations to such property; (f) the sale of patents, trade-marks, and trade names to the so-called Chemical Foundation, a corporation of Delaware, or to any other persons or corporations, and the sale of properties of the Bosch Magneto Co.; (g) and further, to investigate the relations of the Department of Justice to the business and affairs of the Alien Property Custodian, whether there has been any influence or pressure exerted by any Government official or officials, or other person, to prevent criminal or civil proceedings in relation to any of such transaction; and generally to investigate all matters touching the legality, good faith, and necessity of all transactions and conversions affecting the property held in trust by the Alien Property Custodian.

The committee is authorized to send for persons and papers, to administer oaths, and to sit during the session or during any recess of the Senate and at such places as may be deemed advisable. Any subcommittee duly authorised thereto shall have the same powers as are conferred upon said select committee by this resolution.

JAMES W. PETERS.

Mr. BALL submitted the following resolution (S. Res. 281), which (with the accompanying paper) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint James W. Peters a messenger, who shall be paid $20 per month in addition to the $40 per month he is now receiving, to be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate until otherwise provided by law.

WITHDRAWAL OF PAPERS.

On motion of Mr. JONES of Washington it was

Ordered, That the papers referred to the Committee on Printing November 17, 1921, relating to "the status of Government-owned and Government-controlled corporations" be withdrawn.

JAPANESE IMMIGRATION AND COLONIZATION (S. DOC. NO. 188).

Mr. KING. Mr. President, some time ago the senior Senator from California [Mr. JOHNSON] presented and secured an order for printing as a public document a brief prepared by Mr. McClatchy in regard to the Japanese question, entitled "Japanese immigration and colonization." It was printed as a public document. A number of citizens of California have sent to me a very short reply brief to that, and they ask that that also be printed as a public document in justice to their views. I ask unanimous consent that this reply brief be printed as a public document.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the matter referred to by him be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

DISTRIBUTION OF FREE SEEDS.

Mr. McNARY. Mr. President, in the consideration of the annual agricultural appropriation bill some statements were made which reflected upon the care exercised by the Secretary of Agriculture in the selection of seeds for free distribution, and a very eminent Senator made the statement that those seeds did not germinate; that they were purchased in order to add to the coffers of the seedmen. These and other statements which were made I think should be refuted, and the refutation comes from the Secretary of Agriculture in a letter addressed to me under date of April 15, 1922. I ask unanimous consent that the letter of the Secretary of Agriculture may be printed in the RECORD.

Mr. LODGE. Mr. President, I hope that may be done. I made the statement referred to by the Senator from Oregon [Mr. McNARY] in reference to the seeds not germinating. That occurred, however, three or four years ago when I tried the

experiment. I, too, have received a very nice letter from the Secretary of Agriculture in regard to the matter, and I have no doubt that a change has been made in that respect.

Mr. KING. Will the Senator from Massachusetts tell us the result of his experiments?

Mr. LODGE. I did so the other day when the agricultural appropriation bill was under consideration. When I planted those seeds only about one-third of them came up.

The VICE PRESIDENT. Without objection, the letter presented by the Senator from Oregon from the Secretary of Agriculture will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 15, 1922.

Hon. CHARLES L. MCNARY,
United States Senate.

DEAR SENATOR MCNARY: As my attention has been called to the discussion in the Senate on the 13th instant of the congressional seed distribution item in the pending agricultural appropriation bill, it has occurred to me that you may be interested in the methods followed by the department in securing seed of desirable varieties suitable for growth in the various sections of the country and of high purity and viability.

In purchasing seed for this distribution it is the practice of the department to secure quotations on the seeds needed from reputable dealers only. The tenders submitted are opened by the department board of awards and the awards are made to the lowest bidder, with the proviso that the seed shall be of satisfactory appearance, true to varietal name and type, and of the highest commercial germinability. As soon as the shipments of seed arrive at the department warehouse samples are drawn from the bulk and these are carefully examined and tested in our seed laboratory for purity and viability.

The standards of purity and viability which the department has set up for the seed purchased are unusually high, in fact appreciably higher than those generally prevailing in the trade. If any lot of seed delivered to the department does not come up to these standards, it is rejected and returned to the shipper at his expense. It may interest you to know that for the distribution just closed, which included approximately 900,000 pounds of seed, the department found it necessary to reject 94,000 pounds, either because of unsatisfactory purity or because of low germination, or both.

Only seed of thoroughly established varieties of vegetable and annual flowering plants is included in the distribution, and in order that every reasonable precaution may be taken to get seed of desirable sorts, the department conducts annual tests in its trial grounds at the Arlington Farm, Rosslyn, Va. In these trial-ground tests each lot of seed that has been purchased for the congressional seed distribution is tested in comparison with packeted seed of the same varieties obtained from the best commercial sources. These trial-ground tests not only indicate the viability of the seed under garden conditions but also its trueness to variety and type. In addition to the regular trial-ground tests at Arlington Farm, less extensive tests are made at certain of our field stations in other parts of the country, these in a measure to serve as a check on the tests made at Arlington Farm. I am advised that in these field tests for a number of years past it has but rarely occurred that a lot of vegetable or flower seed purchased by the department for this distribution has not proved true to varietal name. With vegetable seeds the number of such cases has not exceeded 1 per cent.

The viability of the species and varieties of the annual flowering plants generally grown in American gardens, which include those comprised in the congressional seed distribution, averages considerably lower than is the case with vegetable seeds, this being an inherent characteristic of the seeds of these flowering plants. This is thoroughly established by accurate tests and well known to the seed trade, but in the case of these flowering-plant seeds, the department trial-ground tests have proved fully equal, and in many cases superior, to the packeted seeds of similar type and variety obtainable in the American market.

In the case of bulbs, of course, it is not possible to make tests other than field tests, and the results of such can not be available at the time the bulbs are distributed. However, the department endeavors to deal only with reliable bulb growers and in its purchases of bulbs withholds a certain percentage of the purchase price until the results of the trial-ground tests are available. This has been found to practically assure the delivery of good flower-producing stocks. A considerable proportion of the bulbs recently distributed have been grown by the department in connection with its effort to develop an American bulb industry, and these in general have proved very satisfactory.

The methods of buying and testing seeds and bulbs outlined above have been practiced by the department for several years and have been so thoroughly tested in practice that the evidence of the high quality of the seeds and bulbs which the department provides for this distribution is very convincing. There can, I think, be no question that they are superior to the best average quality of the standard varieties offered for sale by the leading seedsmen of the country.

While in any extensive seed-handling activity there is always a possibility of an occasional error, the department is believed to be exercising every reasonable precaution and making every effort practicable to insure the high quality of the seeds and bulbs included in the congressional seed distribution.

Very truly yours, HENRY WALLACE, *Secretary.*

SPECIAL CANCELING STAMPS.

Mr. TOWNSEND. Mr. President, I submit a conference report on House bill 10740. The House has agreed to the Senate amendments, and I ask for the consideration of the report.

The report was read, considered, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

CHAS. E. TOWNSEND,
THOMAS STERLING,
DAVID I. WALSH,
Managers on the part of the Senate.

H. STEENERSON,
W. W. GRIEST,
THOS. M. BELL,
Managers on the part of the House.

HOUSE BILL REFERRED.

The bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRINTING OF TARIFF BILL.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to Senate Concurrent Resolution 21, providing for printing additional copies of the tariff bill, which were, in line 6, to strike out "27,000" and insert "15,000"; in line 6, to strike out "10,000" and insert "5,000"; and in line 7, to strike out "15,000" and insert "8,000."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

THE TARIFF.

The VICE PRESIDENT. Morning business is closed.

Mr. KING. I ask that the Senate proceed to the consideration of the calendar.

Mr. McCUMBER obtained the floor.

Mr. CURTIS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Kansas.

Mr. CURTIS. I have not yet had time to talk with the Senator from North Dakota about it, but I promised upon yesterday to request that we go on with the calendar until 2 o'clock to-day. I ask the Senator from North Dakota if he has objection to that course? If he has, I shall not press it.

Mr. McCUMBER. I hope we shall not go on with the calendar to-day.

Mr. CURTIS. The Senator desires to go on with the tariff bill?

Mr. McCUMBER. Yes; notice was given that we would proceed with the bill to-day, and I hope we can do so.

The VICE PRESIDENT. The Senator from North Dakota has the floor.

Mr. McCUMBER. I move that House bill 7456, the tariff bill, be laid before the Senate.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Simmons
Ball	Gooding	Nelson	Smoot
Brandegee	Harris	Newberry	Sterling
Broussard	Heflin	Nicholson	Sutherland
Curtis	Johnson	Norbeck	Swanson
Capper	Jones, N. Mex.	Norris	Townsend
Caraway	Jones, Wash.	Oddie	Wadsworth
Colt	Kellogg	Overman	Walsh, Mass.
Culberson	Kendrick	Page	Warren
Curtis	Keyes	Phipps	Watson, Ga.
Dial	King	Pittman	Watson, Ind.
du Pont	Ladd	Poindexter	Weller
Ernst	La Follette	Ransdell	Willis
Fernald	Lenroot	Reed	
Frelinghuysen	Lodge	Robinson	
Gerry	McCumber	Sheppard	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is detained on account of illness in his family. I ask that this announcement may stand for the day.

Mr. WILLIS. I desire to announce that the senior Senator from Florida [Mr. FLETCHER] is detained on business of the Senate.

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present.

Mr. McCUMBER. Mr. President, I now renew my motion that the tariff bill may be laid before the Senate for consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industry of the United States, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. McCUMBER. Mr. President, before proceeding with the consideration of the tariff bill in detail I think it appropriate to comment very briefly upon its general purposes and the conditions which are sought to be met by its provisions.

Mr. President, never before in times of peace have such difficult and such serious problems confronted the country, its industries, and its whole social fabric as those which challenge its attention to-day. Never before have the Ways and Means Committee of the House and the Finance Committee of the Senate had presented to them such a difficult task as that involved in the making of this tariff bill. We have been often advised, and the advice is well founded, that of all times in our history this is the very worst time to formulate and put into effect a new tariff measure; but, Mr. President, it is equally true that of all times in the history of the country this is the time in which a protective tariff is most needed to sustain our American industries and our millions of people dependent upon them. The condition demands action, and, no matter how difficult the problem or how slender the hope of enacting a law that will exactly square with every requirement in these most abnormal times, Congress must meet the task with a patriotic determination to enact a tariff law that will at least guide us into the haven of normal prosperity.

Heretofore we have had comparatively little difficulty in applying as the standard of measurement in fixing our rates the difference between the domestic and foreign costs of production. These differences for the most part have been reasonably stable and certain; but since the 11th day of November, 1918, we have lived in a new world. Old landmarks have been swept away; old guides have become misleading.

During the first three years of the World War the principal source of supply for the Allied Governments was the United States. We took advantage of that war condition, and for three years preceding our entry into the conflict this country enormously enriched itself at the expense of the struggling nations of Europe.

This accelerated progress in the accumulation of wealth brought with it a vastly higher standard of wages and vastly increased earnings of capital. The American appetite for both had become so intensified that when we entered the conflict in 1917 the impetus already gained sent us forward into the field of still higher wages and still more enormous capital returns, which continued to mount skyward for nearly two years after the armistice had been signed and the war was over.

But, Mr. President, there came, as there must come, an end to all such mad flights and resulting extravagances. The manufacturer's cost, his increased overhead expenses, the tremendous rise in freight rates, soon brought the prices of our mills and factories up to a point beyond the reach of the consuming public, and a quick and decisive reaction began in the last quarter of 1920. This reaction was aggravated by the sharp decline in the price of agricultural products. The farmers of the country could no longer purchase liberally manufactured products. The millions of clerks, teachers, professional and vocational men and women—those whose earnings had not increased on a parity with the average earnings of organized labor—found themselves unable to continue their purchases of manufactured products. We all found the bottom of our purse at about the same time.

Under normal conditions Europe had been able to absorb most of our surplus of agricultural products at such purchasing prices as gave us some slight profit; but ruined, bankrupt, tax-burdened Europe could no longer absorb this surplus, and agriculture suffered more of a decline than any other industry. The other industries rapidly followed.

While on this side of the ocean the cost of production increased until about January, 1921, just the reverse condition was operating in Europe, with the exception of one country. Wages in the vanquished country enormously declined. In other countries, measured by the only stable currency in the world, the American dollar, the spread between American cost of production and foreign cost of production has been growing ever greater and greater. The depreciated currency of the Old World has helped to widen the breach.

The gulf separating the cost of production at home and abroad is now so deep and so wide that tariffs which would be sufficiently high to protect our markets against the countries of cheapest production would amount to an embargo against all the rest of the world. To reconstruct our commercial bridge across this chasm two things must operate at the same time in the United States. First, a protective tariff law that will bring the cost of the foreign product when landed in the United States to more nearly equal the cost of the American product in our markets. Second, such reduction in the cost of production in the United States as will more nearly approach and neutralize the difference in cost between the home and the foreign product.

Mr. President, we have written our tariff law on the basis of both revenue and protection. We believe we have made no rate so low that it will compel the American producer to surrender the American market to the foreign producer, if he exercises proper economy in the manufacture and marketing of his product. On the other hand, we do not believe we have made any rate so high as to prevent reasonable foreign competition.

We have tried to protect the American producer, believing that he is entitled to first consideration in his own home market. We have tried to sustain the standard of laborers' wages in the United States and to maintain their higher standard of living in this country, believing such a policy is for the very best interests of both the producer and the consumer. At the same time we have tried carefully to guard the interests of the great consuming public against any unjust charge for the commodities which make up their daily requirements.

We are, therefore, Mr. President, brought face to face with the problem of protecting the American standard of wages and the American standard of living through the protection of our American markets.

We are now to answer the question whether or not we shall continue the policy of protection to our American industries or surrender that policy. To continue it means a most stringent protective system. To surrender it, in the light of the distress and calamity that would surely befall the country, is unthinkable. No matter how ardent a free trader one may be, I do not believe there is one living in the United States who to-day would dare, if it were in his power, to attempt to put into operation his free-trade philosophy.

I shall not stop now to discuss the advantages of a higher standard of wages, with its consequent higher cost of living, as against a lower wage scale, with consequent lower cost of living. It is sufficient to say that for nearly three-fourths of a century we have been living upon the higher wage and higher standard of living plane, and any sudden reversal of that policy would disrupt our entire industrial life and bring about a most appalling catastrophe to the country.

We all recognize the stock argument so often used by the opponents of protection. They say to the individual producer, "What per cent of the entire product consumed in the United States do you produce?" The witness may answer, "Our concern produces less than one-tenth." The retort then comes, "Then you would tax all of the American people a 30 or 40 per cent higher price that you who produce less than one-tenth of their requirements may live?" And so they can select a thousand different industries in the United States which produce less than 50 per cent of the American consumption, or whose employees constitute less than 50 per cent of the population, and make the same comment. But, Mr. President, if we are to sustain this country as a producing country, as a manufacturing country, we must sustain the many units constituting the whole, even though one standing alone may not seem so important. It takes all the units to make the whole, and we can give the policy of protection to the whole only by giving it to the several units.

Our soil to-day produces more than the American public consumes. The depressed prices of agricultural products are due to our surplus, augmented, of course, by the Old World bankruptcy. By decreasing the number of American consumers of agricultural products you would drive them back to the soil, increase the number of producers and the quantity of the product, and bring agriculture to a worse condition than during these most trying times.

A witness before the Finance Committee—and, by the way, he was a stockman—suggested that the packers of the country ought to conduct the retailing of meats throughout the United States; that with their great organization they could sell the meats which they produce at an enormous saving to the American consumers, and even then make profits sufficient to pay the stock raisers a far better price for their stock. The witness cited the enormous spread between the prices which the packer receives for his product and the prices at which the same product is retailed to the consumer. I ventured to ask him what he would do with the hundreds of thousands, including their employees, of little meat-market men in all the country towns, with the meat dispensers in the cities. He replied that they would have to seek other employment. "Would you send them back into the stock-raising business?" He saw danger there, as anyone would—the danger of converting this vast number of live-stock consumers into producers.

This is true of our agricultural situation throughout the whole country. We are already producing such a surplus that our prices are low, and yet many are preaching a policy of inducing more people to go into the farming business, thereby to decrease the number of consumers and increase the number of producers. What a fallacy! What a short-sighted theory! What the farmer needs is the greatest number of consumers of his product. If he can make the home consumption greater than the home production, even though the deficit does not exceed 1 per cent, then, with a proper tariff wall, he can secure a just price for his product.

For the most part, wheat is a drug on the American market. As stated by President Harding in his address to the Congress, a bumper crop of wheat in the United States often brings in less cash to the farmer than a very much smaller crop. We want more acres of farm land planted to other products. We want to encourage the farmers in this country to sow millions of acres to flax, to hemp, to onions, to beans, and other such products. We, therefore, give good protection to flax. We give encouragement to the production of hemp and beans, and like products. We want to reduce the wheat surplus.

So, Mr. President, the real issue in this tariff bill, and the only legitimate issue, is whether the American market belongs to the American producer or whether it belongs to the foreign producer—whether it shall be turned over to the foreigner, who can produce at a lower cost, or be retained by the American, who must produce at a higher cost—whether we shall continue to pay our laborers a wage very much higher than the average foreign wage or force them into competition with the extremely low-paid labor of the Old World.

This Congress comes from the people pledged to the principle of protection to American manufacturers, to American farmers, and to American laborers. In reporting this bill we have done nothing more than to carry out this pledge. We have done nothing less than this.

I think we can justly say that never before in any tariff bill has the interest of agriculture received such favorable consideration as in the construction of this proposed measure. We have guarded the interest of the farmer as much as it is possible for a tariff bill to yield him protection. He has been underpaid for his labor for many, many years. Agricultural depression has made itself felt throughout the country and has been a big factor in the closing of our manufacturing establishments.

Even if this protection means any increase in the cost of living, the public will be more than compensated, because every dollar of benefit to the agricultural class will be reflected in the increased production of our mills to meet the farmers' increased purchasing power and in increased employment of American labor. But, Mr. President, in my opinion it will not increase the cost of living on the whole one cent. It needs but a glance at the farmer's price and the ultimate consumer's price of agricultural products to show that there is a sufficient spread between them to absorb many times over the little additional benefit which the farmer receives.

To show how deeply American agriculture is concerned with the prosperity of American manufactures and how dependent the one is on the other, I wish to give some figures which are furnished by the 1922 report of Armour & Co. In this report it is stated that the farmer is working for 25 per cent, or thereabouts, of what he made two years ago, while the city man is getting nearly as much, and in many cases as much, as he did during the war; that this has put the farmer at a serious disadvantage as a purchaser, and the industries of the country have suffered accordingly; that while his cattle brought him an average of $11.17 per hundredweight in 1919, he received only $6.74 in 1921, and that this was lower than the pre-war price of 1914; that porkers which brought $14 a hundredweight in the fall of 1920 were worth little more than $7 a year later; that while the total exports of meat products for the first 10 months of 1921 were 11 per cent greater in tonnage than the corresponding period of 1920, they were less in dollar value by 30 per cent, reflecting the inability of Europe, with its adverse rates of money exchange and its generally impoverished condition, to buy American products unless the prices were very low.

But here is the principal matter to which I direct attention: Domestic consumption of meat products, which in 1900 was 185.5 pounds per capita, was but 154.2 pounds per capita in 1920, and considerably less than this, although the figures are not brought down to date, in 1921. Hard times mean lessened consumption of farm products.

The tariff-bill reviewers of the country have had much to say about how this bill compares with the present tariff law and the Payne-Aldrich law. I think it proper to say that the committee gave but casual attention to either of these laws. The whole industrial, commercial, and economic world has changed since these bills were enacted. The committee had to deal with present-day conditions and to rest its conclusions upon those conditions and upon such changes as might be reasonably anticipated. Any comparison with either of these old laws would avail little.

The only question now before the Congress is, Does this proposed law meet the present situation as nearly as it can be met by tariff legislation? It may be that in some instances the rate of duty is as low as the present defunct law. We know that on the whole the rates are very much lower than in the House bill. By imposing duties upon some products which have heretofore been placed upon the free list, and also increasing the duty on some articles which were carrying too low a rate of duty, we have been compelled to increase the compensatory duty on the manufactured article into which the dutiable article enters, and in such cases we may have found it necessary to make rates even higher than the Payne-Aldrich Act. Thus, where we placed a duty on hides, which had been on the free list under the Payne-Aldrich Act, it was necessary to give a compensatory duty on the things made from hides. Otherwise the same hides would come in in the form of manufactured articles and nullify the benefit which we sought to give the cattle raiser by imposing this duty.

Mr. President, I have read with interest the criticisms made of this measure since it was reported to the Senate; and when I read the declaration of some of our manufacturers that the duties in any schedule are so low that their business will be absolutely ruined, and then read the declaration of the importers that the duties in that schedule are so high that their importing business will be absolutely destroyed, I am confirmed in my belief that the rates fixed by the committee are about right.

With the rapid changes going on in the world in the cost of production, in the fluctuation of exchange, in the increase of labor's cost in some cases and decrease in others, any rate which we may now establish as being the proper rate may be found to work an injustice either as against the American manufacturer or the American importer. We have attempted to meet this by a provision permitting the Executive, on a finding of fact that the rates are so high that they amount to an embargo or are unjust or too obstructive to fair competition and fair commerce or so low that our industries are being destroyed, to lower or advance the rates within fixed limits to meet those situations. The President will have to guide him all the data which an industrious Tariff Commission has gathered and is gathering in relation to our foreign commerce. That commission, therefore, will become a forum in which any complaints may be lodged as to the unfairness or the injustice of any rate; and, through the President, we will be able to rectify any injustice that may become pronounced by reason of future fluctuations in market prices.

Mr. President, I think that about 60 per cent of our dutiable imports carry an ad valorem rate and about 40 per cent specific duties.

The bill as it passed the House made the valuation of comparable American articles the basis for levying all ad valorem duties. The Committee on Finance of the Senate most fully and earnestly considered this new departure, and in connection with it also considered the taking as a basis the selling price of the imported article in the United States. There are many arguments that can be urged in favor of the American valuation as the basis of our ad valorem duties. No one who has ever given the subject consideration can fail to note the injustice of the foreign valuation standard of fixing tariffs growing out of the disparity between the cost of production of the same article in the different countries. If an article costs to produce 50 cents in Japan, $1 in Germany, $2 in France, and $3 in Great Britain, and we levy a duty of 20 per cent on the foreign valuation, we charge the Japanese importer for the privilege of entering our markets with his product 10 cents, the German importer 20 cents, the French importer 40 cents, and the British importer 60 cents. Thus we have a range of import duties on practically the same article, of the same intrinsic value, of from 10 to 60 cents, or a difference of 600 per cent. We tried to avoid these discriminations by placing a specific duty wherever it was possible to do so. But inasmuch as 60 per cent at least of our imports are such that it is impossible to levy specific duties, we are forced to continue duties which are discriminatory as between the manufacturers in different countries.

Mr. WATSON of Indiana. Of course, the Senator means by that 60 per cent of the dutiable list, not of our entire imports?

Mr. McCUMBER. Yes; about 60 per cent of the dutiable list. The evidence before the committee, however, shows that for the most part the foreign manufacturer, who produces at a cost considerably below pre-war cost, is selling in this country very close to the American price and reaping enormous profits. If

an article costs 20 cents to manufacture and is shipped from the foreign country to our American market, and the same article costs $1 to produce in this country and place on the market, and both the American manufacturer and the foreign producer sell the same in the American market for $1.10, the American producer has a profit of 10 cents and the foreign producer a profit of 90 cents. The American valuation system would compel the foreign manufacturer to share to some extent these abnormal profits with the Government of the United States for the privilege of using our markets. Therefore, the American valuation—the wholesale selling price in this country—if it could be applied, would, of course, be the fairest and most equitable system. The Government would receive the same amount on a given value, no matter from what country imported. The importers would be treated alike, and exact justice would be done as between the exporting nations.

There is a general impression, which is entirely erroneous, that the adoption of the American valuation would increase the amount of duty. Of course, if we simply apply the same rates under the American valuation system as upon the foreign valuation, that would be the case. But if the American valuation should be adopted the rates imposed would be very much lower, so much lower as to bring about the same equality between the duty that would be obtained under the one rate and that which would be obtained under the other.

While the Committee on Finance considered it best at this time under present abnormal conditions to continue the old system of basing the rate upon the foreign value of the article, it nevertheless, as it established a rate for each item, had its experts make an estimate of what would be an equivalent rate of duty based on the American valuation, so that if Congress should finally adopt that standard we could quickly change the rates to meet the views of Congress.

I shall not repeat here the difficulties which the majority of the committee considered of sufficient importance to induce them to continue the old system of foreign valuation as the basis of our ad valorem rates. They are fully set out on pages 4 to 9, inclusive, of the committee's report. I especially invite the consideration of that portion of the report when we consider the question of the basis of valuation.

Mr. President, in reporting this bill the committee has done all it can do to help the American people to help themselves by proposing such tariff legislation as will give confidence to business and by assuring them an American market to operate in. This proposed legislation will open the way to prosperity in the United States, but it will not unaided bring about this result. The American people must do the rest, and right here I want to say a word to the American manufacturer and the American laborer in our factories. This bill is intended to, and I believe it will, sufficiently protect your market against any excessive foreign invasion, but just remember that your great customer is the American public. Just remember that over 90 per cent of all your products must be consumed in the United States, right here at home.

I think I am clearly within the actual facts when I say that two-thirds of the American people, the breadwinners in the United States, are not receiving an income any greater than their pre-war income. The net earnings of the agricultural class are, on the whole, below the pre-war income. When we deduct the rents, or in lieu of rents the added taxes and cost of up-keep of the homes, of another one-third of our population who are also breadwinners, it will be found that their net income is also below their pre-war income.

These people are all consumers of the products of our American factories. They are their principal customers. They purchase more than nine-tenths of all their products, and when I say that these people can not spend any more than they earn, I think I have sufficiently foreshadowed the necessity on the part of the manufacturers of bringing down the production cost of their commodities to within the purchasing reach of this vast army of American farmers and American wage earners—a reach that can not extend one inch beyond the limit of their earnings.

We have tried to help bridge this gulf between the production cost of manufactured articles and the consumer's ability to buy them by doing what we can to increase the purchasing power of the latter, and it is now up to the manufacturer to do his part to bring his cost down to meet the size of the consumer's pocketbook. With the present high cost of living it would be most unjust to start his economy by forcing a reduction in the wages of his employees. I am not a manufacturer or an employer, but being an American citizen who must buy the articles that result from the capital of one and the labor of the other, and knowing that the principal cause of idle mills and idle men is this disparity between manufacturers' cost of production and consumers' ability to pay, I think I can suggest a course that will do more for our national prosperity than can be accomplished by any kind of law, tariff or otherwise. Let the manufacturer be satisfied with a most meager return upon his investment for a while, then let the employees increase their efficiency to the highest possible degree. It is a healthful sign that this efficiency is being increased, but it is true that it has not yet reached its pre-war standard. Then if the retailer will just follow the manufacturer, the great American public, now hungry for more and better things, will give employment to all to supply its demands and old-time prosperity will again reign throughout the land.

Mr. President, the Actuary of the Treasury Department has not had time to complete in detail his estimate of the revenue which will probably be derived from this bill. As soon as he completes the estimate I shall have it printed in the RECORD. I can say now, however, that it is expected that this bill, if enacted into law as reported by the committee, will yield a revenue, in round numbers, of about $350,000,000.

Mr. President, I ask unanimous consent to dispense with the formal reading of the bill, that the bill may be read for amendment, and that the committee amendments may be first considered. I would avoid the necessity of reading the whole bill unless Senators on the other side of the aisle so desire.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Is there objection to the request of the Senator from North Dakota?

Mr. SIMMONS. Mr. President, ordinarily I would not object to such a request, but I feel that I must do so under the circumstances. I have stated to the Senate heretofore the utter inability of the minority members of the committee to prepare themselves for the consideration of the bill within the time which has elapsed between its presentation and to-day. We have been working, and working very diligently, in order to get ourselves ready in the hope that in readiness we might find facility in the consideration and disposition of the different items in the bill.

I want to say to the Senator from North Dakota that I am not ready to-day to present my views with respect to the bill. I am not ready to-day nor are my associates composing the minority of the committee to begin the discussion of the amendments proposed by the committee to the bill. I assure the majority that as soon as we are ready to do so we shall not obstruct, but shall do everything we can to facilitate the speediest possible final determination of this very important measure.

For these reasons I feel compelled to object to the proposition of the Senator from North Dakota that we shall immediately begin the consideration of amendments to the bill.

I have had to do with tariff bills for the last 21 years in this body. I can not recall an instance where we began the consideration of Senate committee amendments until after there had been weeks of general discussion not only of the bill but of the different schedules of the bill. I am of the opinion, speaking out of my experience in connection with the other tariff bills, that detailed action upon specific amendments will be greatly facilitated by a reasonable general discussion, familiarizing Senators with the contents of the different schedules, and making it unnecessary when the amendments are reached to have the detailed discussion that would otherwise be necessary.

I do not think any time would be lost by a reasonable general discussion, but the proposition here is within an hour after the bill has been taken up for the first time that we shall begin the consideration of the amendments, with absolutely no discussion except the report of the majority of the committee, which I wish to say now is a very meager report, though I do not want to criticise it, and the general discussion of the Senator from North Dakota this morning. The Senator's speech, of course, we all recognize possessed those qualities of force and vigor which characterize all his utterances, but his discussion has been of general principles and not of any of the particular provisions of the bill. Under the circumstances, Mr. President, I shall have to object, and I ask for the reading of the bill.

Mr. McCUMBER. Mr. President, just one moment. Possibly the Senator from North Carolina misunderstood the request which I made. It was that the bill might be read informally and that instead of going through the formal reading of the bill it might be taken up for action on the amendments. That did not mean, of course, that there was any proposition to force a vote upon any amendment before Senators had plenty of time and were ready to vote upon such amendments. It was simply to avoid the long time that would be necessarily taken by the Secretary in the reading of the bill, which, of course, would take all the afternoon, and perhaps very few would follow it or understand it as it would be read. That course seemed to me to be practically a waste of time, and I

thought we could have the formal reading dispensed with and probably go on with the discussion of the bill any time to-day or to-morrow, or a discussion of any amendments that Senators might desire to discuss. I do not expect to call up an amendment and have that amendment voted upon to-day. That would be unfair.

Mr. SIMMONS. I did not understand that the Senator expected amendments would be voted on to-day, but I understand the Senator expected, after the Secretary had devoted a few minutes to reading, that he would take up the first item in the bill which has been amended by the committee, and that we would begin at once the discussion of that specific amendment.

Mr. McCUMBER. Does the Senator object that the formal reading of the bill may be dispensed with?

Mr. SIMMONS. If the bill could go over——

Mr. McCUMBER. Of course, it would take all afternoon for the Secretary to read it, and I dislike to impose that task either upon the Secretary or upon the Senate, because the reading will not be listened to.

Mr. SIMMONS. I have told the Senator very frankly that I am not ready to begin the discussion of the amendments to-day.

Mr. McCUMBER. May there not be others who are ready?

Mr. SIMMONS. I know of no one who desires to speak, and I know of no one who has read the bill sufficiently to enable him to begin its consideration at this particular time.

Mr. SMOOT. I ask the Senator if he will object to the formal reading being dispensed with, with the understanding that we shall begin the reading of the bill now and pass over the amendments, so that we can have the bill read for the record, and consider no amendments until after the bill is read and then refer back to the amendments, beginning with Title I of the bill.

Mr. SIMMONS. What would we do if the bill is to be kept before the Senate after it is read except to begin the consideration of the first amendment, if there is no one ready to speak?

Mr. SMOOT. I should think the Senate could take up the first title of the bill, and the amendments which are in that title. I assure the Senator, will take some time to discuss. That is the chemical schedule. I think there are Senators on both sides who want to discuss that schedule, and we might as well get that back of us. We need not do that until the bill has been read as suggested.

Mr. SIMMONS. I will state to the Senator that the Senator who has been agreed upon to take special charge of that particular schedule advises me that he is not ready now to begin the consideration of the amendments in the schedule.

Mr. JONES of New Mexico. The Senator from North Dakota in his address this morning rather intimated that the question as to whether we should frame the bill on the basis of the American valuation or the foreign valuation would be presented to the Senate. I should like to know whether the Senator wants to present that phase of the bill first or proceed to amendments upon the theory that we are going to have the foreign valuation?

Mr. McCUMBER. The committee reported in favor of the foreign valuation, and the committee, through its chairman, will take that stand all the way through. I do not know that there is anyone in the Senate who will raise the question of the American valuation. The bill came over from the House with the adoption of the American-valuation basis. The Senator has undoubtedly read some of the comments by the chairman of the Committee on Ways and Means of the House, showing a very strong purpose to raise that question. I do not think that it will be raised in the Senate, although I may be in error.

Mr. JONES of New Mexico. I hope the Senator has stated what will be the result. So far as I am concerned I hope no one will insist that we shall take the so-called American-valuation or American-price plan. But the Senator indicated this morning that the committee has prepared a series of rates which would be applicable to the American-price plan, and it occurred to me that if there is anyone who is going to contend seriously for the American-price plan as the basis of the bill, we had better take that question up first and dispose of it before we begin the consideration of the amendments. The amendments proposed are on the basis of the foreign valuation or the foreign price, and if we are even to consider the question of the American-price valuation in fixing the rates we had better dispose of that question now.

Mr. McCUMBER. Let me explain the matter to the Senator so that there may be no misunderstanding. The majority of the committee in framing this bill had under consideration three standards of valuation as the basis of tariff rates: First, that which was contained in the Fordney bill, which based the rates upon the selling price of comparable articles in the United States. Early in the discussion, I think, the committee were unanimous that that was an impossibility; that it could not be carried out. The next suggestion which was presented was the basing of our rates upon the selling price of the foreign article in the American market; but as that required a great deal of thought and discussion it was considered best to fix the rates upon the old system of foreign valuation, and at the same time to have made a comparison between the respective rates under the various standards to ascertain whether some other system could be properly applied, and to consider the administrative features. Therefore, to guide us as to whether in the end we should adopt the one or the other, we had one of our experts convert the foreign-valuation rates into equivalent rates of duty based upon the American selling price of the same article, so that we would have that before us before finally determining which basis we should adopt. After full consideration the majority of the committee thought it was best to formulate the bill and put it through upon the old basis of foreign values; and, of course, we then discarded both of the American-valuation bases. So, unless some Member of the Senate raises the question and discusses it, we shall go ahead and put this bill through the Senate upon the foreign-valuation basis.

Mr. JONES of New Mexico. Does not the Senator believe that it would be advisable, first, to take up that section of the bill which specifies the basis of the valuation and have that question first settled?

Mr. McCUMBER. I should say not. I should say it would not be a good plan to take that question up unless it is raised in the Senate, and I hope it will not be raised. If it is raised in the Senate, of course, we shall have to discuss it pro and con.

Mr. JONES of New Mexico. Why not adopt that section of the bill first? If there is no objection to it, it can be adopted by unanimous consent.

Mr. McCUMBER. I certainly should be very glad to have that done.

Mr. JONES of New Mexico. Suppose the Senator brings that question up now and let us adopt the plan of valuation proposed by the committee without any discussion.

Mr. SIMMONS. Mr. President, the very question which the Senator from New Mexico [Mr. JONES] has raised is inevitably presented by the parliamentary situation which we have without any Senator introducing the question by special amendment. We are considering amendments to the House bill. The House bill provides for the American valuation scheme. The Senate committee proposes to amend that. That situation raises the question, and it can not be escaped. Of course, we may desist from any discussion of it if we wish to, and we may vote on it when the Senate committee amendment to the House bill is offered; but, Mr. President, the situation that exists, in my judgment, makes it imperative that we shall discuss this very question.

The Senator from North Dakota advises us that a majority of the committee have agreed to substitute the foreign for the American valuation principle of the House bill, but he at the same time advises us that the committee had their experts make rates which his committee agreed to or was satisfied with in case the American valuation principle was ultimately agreed upon. It will not be agreed upon, I am sure, in the Senate; but that does not mean that it will not be agreed upon in conference. The House bill contains certain rates based upon the American valuation. Those rates were not satisfactory to a majority of the Finance Committee, and the committee have prepared a schedule of rates based on the American valuation, which, if we are going to have the American valuation, will be satisfactory to them. They are, we will say, lower than the House rates. Now, when the measure gets into conference, how easy it would be, if a deadlock should be created upon the question, for the Senate conferees, opposed by the House conferees, to accept the American valuation, substituting for the House rates the Senate rates; and if the conference report should be presented in that shape——

Mr. WATSON of Indiana rose.

Mr. SIMMONS. Just a moment. If the conferees should agree upon a report carrying the American valuation principle, with a different set of rates from those which are provided in the House bill, then we would be in the position that we could not vote against that principle without voting against everything in the conference report.

The point I make is this: The situation, in my judgment, requires that there should be at least reasonable discussion upon this question with a view of informing the country and with a view of influencing the House of Representatives, if you please, so that there will not be that pressure in the conference to force upon the conferees the House view of this matter.

I do not see how we are going to escape a discussion of that question. I think it would be bad policy for those who believe, as I believe and as the majority members of the Committee on

Finance believe, in the foreign valuation principle as against the American valuation principle to refrain from such a discussion. I think we should buttress our position by an open discussion here in the Senate of the weaknesses and the faults of the American valuation system in order that we may influence, as I have said, opinion upon that question, which opinion will be reflected upon the Members of the House and the conferees, with a view to safeguarding whatever action the Senate may take with reference to the basis of valuation. In other words, Mr. President, it is not sufficient for the Senate to vote down the House proposition upon this question, but the Senate ought to put itself in a position of strength with the country and with the other side of the Capitol upon it.

I do not know what discussion of this question was had in the House. I know that they devote only a few days to the discussion of a tariff bill over there and could not devote more than a few hours to the discussion of this great question. I have not read the House debates, but I assume that the discussion of this question in the House was of the most inadequate and meager character, and that there has not been ample and sufficient discussion of the question before the country, and we ought to have it here. This is the great body which in the last analysis solidifies or strengthens the public opinion of the country upon a question of this character.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield to the Senator from North Dakota.

Mr. McCUMBER. I think the Senator undoubtedly misapprehends the purpose in ascertaining what duty a rate fixed upon the basis of the foreign valuation would impose as compared with a rate fixed on the American valuation basis. What the committee wanted to do was before we reported the bill to the Senate to have some guide in determining what standard of valuation we should follow. After most thorough consideration we adopted the old foreign valuation standard. We have given our reasons at great length in the report why we adopted the old standard instead of changing to the new.

I myself never believe in taking any time in discussing an issue which may never arise, and for that reason I was perfectly willing to accept the suggestion of the Senator from New Mexico [Mr. JONES] that we settle that question unanimously here and have no discussion of it. By so doing we will gain this much—that question will be determined by the unanimous action of the Senate; and I do not see how it will be possible for the conferees on the part of the Senate ever to back down from that position. I still strongly believe that the House will agree to the valuation which we will submit to the House; but if it should not and we get into a deadlock, then there will be time enough to discuss the question upon which we are deadlocked. Nothing can prevent the Senator from discussing it fully, but we may never have to reach that condition, and I do not believe we will reach it. Why, then, the necessity of arguing the question here for days and possibly weeks when all the time will be entirely wasted? Having charge of this bill, I can say to the Senator most candidly that if, after it passes, the conferees on the part of the Senate should ever come back with an American valuation scheme, there will be full and ample opportunity to debate that question and to take the sense of the Senate upon it.

Mr. SIMMONS. I understand that.

Mr. McCUMBER. But inasmuch as I do not believe for one moment that there will be any such change, why take weeks in discussing a matter that may never become an issue?

Mr. SIMMONS. Mr. President, it will not become an issue here in this Chamber, because we all seem to take one view of this question, but it is certainly going to be an issue in the conference. The Senator from North Dakota says the Senate conferees will never yield.

Mr. McCUMBER. I have not stated that.

Mr. SIMMONS. And the chairman of the Ways and Means Committee of the House has said that the House will never yield upon that question.

Mr. McCUMBER. Mr. President, I hope the Senator will not put me in that attitude, for that would be a very discourteous way upon my part of discussing a bill which comes here with a strong vote from the House of Representatives. I stated simply that, with unanimous action on the part of the Senate of the United States in favor of the foreign-valuation plan, I did not see how it will be possible for the conferees to yield that point; but we must go into a conference without any declaration such as I have heard from the other side that we would not reach an agreement. I think we will.

Mr. SIMMONS. Mr. President, I do not know how that may be; but if it shall transpire that there is a deadlock upon this question in conference and that that deadlock is compromised by accepting the prepared rates of the Senate committee instead of the House rates, then the question would arise on the conference report; and upon that question, while we might discuss it, we could not express our views by a negative vote without voting against the whole bill. My theory about this matter is that there ought to be some reasonable discussion of it, because there has been practically none or but little in the House, with a view to avoiding the possibility of a deadlock, with a view to creating a sentiment by enlightening the country and also furnishing information to the House that it probably did not get out of its immediate discussions, which would lead to a condition that would make it impossible for the American valuation to be substituted.

In addition to that, Mr. President, I want to say that you will have to discuss this question, because the principle of American valuation is written in the Senate amendment; not in its general application to the schedules of this bill, but in the powers which you have conferred upon the President of the United States. By your amendment you have delegated to the President of the United States extraordinary powers with reference to this bill. You have provided that the President, under certain conditions, may set aside the foreign valuation with reference to specific articles and specific schedules, and substitute for that basis of valuation the American valuation. Therefore you have by this amendment, indirectly it is true, but nevertheless substantially, brought this question before the body for its discussion in one of your own amendments. In other words, in one of your amendments you have conferred upon the President power to do a thing with reference to specific articles and specific schedules which you say the unanimous sentiment on the other side of the Chamber condemns as a vicious principle upon which rates are to be fixed.

Mr. McCUMBER. Mr. President, will the Senator yield to me for a moment?

Mr. SIMMONS. Yes.

Mr. McCUMBER. I will ask the Senator one more question, and then I shall not bother him any more if he desires to have the bill read. The Senator from Utah [Mr. SMOOT] will be ready to go on in the morning with the discussion of some of the administrative features of the bill, he tells me; and I am going to ask the Senator if he will not consent that the formal reading of the bill be dispensed with, so as to avoid the long reading this afternoon, and then take it up in the morning?

Mr. SIMMONS. The Senator means to lay the bill aside temporarily?

Mr. McCUMBER. Yes; on the understanding that the formal reading will be dispensed with and that it will be laid aside until to-morrow morning.

Mr. SIMMONS. And the Senator will not press for any further consideration to-day unless some Senator is ready to speak?

Mr. McCUMBER. Not to-day.

Mr. LODGE. Mr. President, some of us want to be considered in regard to the dealings with this bill. There is only one reading of the bill to be had. We can have a formal reading and dispose of the third reading in that way, after which the bill is open for amendment and there has to be no further reading, or the third reading can be had by reading the bill for amendment. I think we had better go on with the bill, let it be read, and take its regular course.

Mr. SIMMONS. I rather agree with the Senator, because I think it is a bill that probably the Senate ought to hear read.

Mr. LODGE. Let the bill be read, and then, when it is read, there will be no further reading of the text.

Mr. SIMMONS. That is true.

Mr. LODGE. That is, the third reading of the bill.

Mr. McCUMBER. I am willing that that course shall be followed if the Senator from North Carolina desires it.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

Mr. LODGE. But, Mr. President, before the reading begins, of course, when what is called the formal reading is completed, there is no further reading of the text. Any part of the bill is then open to amendment.

The PRESIDING OFFICER. That is the order. The Chair understands that after the bill has been read the amendments will be proceeded with in order.

Mr. LODGE. Yes; that has been decided before.

The PRESIDING OFFICER. The bill will be read.

The Assistant Secretary proceeded to read the bill; and after having read for some time,

COAST GUARD SUPERINTENDENTS ON THE RETIRED LIST.

Mr. GERRY. I ask unanimous consent to call up for immediate consideration Senate bill 1075, giving permanent rank to district superintendents of the Coast Guard on the retired list.

Mr. SMOOT. Of course, it is understood that if it leads to any discussion it will be withdrawn.

Mr. GERRY. Certainly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 9, after the word "lieutenant," to strike out "commander" and to insert "on that list," so as to make the bill read:

Be it enacted, etc., That a district superintendent, a commissioned officer of the Coast Guard, who has been retired for age, or after having served 40 years in either the Coast Guard or the former Life-Saving Service, or both, while holding temporary rank under the provisions of the naval appropriation act approved July 1, 1918, shall have, on the retired list, the rank, pay, and allowances of a lieutenant on that list.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The reading clerk resumed and concluded the reading of the bill.

WILLIAM COLLIE NABORS.

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of Senate bill No. 1405, for the relief of William Collie Nabors, of Alabama. My colleague [Mr. UNDERWOOD], who is absent on account of illness in his family, is the author of the bill and desires that action be had on it as early as possible. This is a meritorious measure and is favorably reported by the Committee on Claims with the recommendation that the bill be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on line 6, to strike out "$10,000" and insert in lieu thereof "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Collie Nabors the sum of $5,000 for damages suffered by reason of his being struck and seriously injured by a Government motor cycle which was ridden or driven by a regularly enlisted soldier of the United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEFLIN. Mr. President, in connection with this bill I desire to have printed in the RECORD a part of the report of the committee.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Extract from report of the Committee on Claims on the bill (S. 1405), submitted by Mr. BROUSSARD (for Mr. TRAMMELL) February 2, 1922.]

A board of three officers under orders investigated the accident. The said board reported as follows:

"1. That on or about the 9th of March, 1918, between the hours of 7 and 8 p. m., at or near the junction of the Anniston-Jacksonville Pike and the road leading eastward to the area of the One hundred and Thirteenth Infantry, Camp McClellan, Ala., William Collie Nabors, a civilian, resident of Jacksonville, Ala., was struck by a motor cycle, the property of the United States, then being driven by Charles W. Stevens, private, Twenty-ninth Division, Headquarters Troop.

"2. That said William Collie Nabors was then exercising such care as was reasonable under the circumstances.

"3. That said Pvt. Charles W. Stevens was then driving said motor cycle at an excessive rate of speed, the conditions considered, and failed to give any warning of his approach.

"4. That said William Collie Nabors sustained severe injuries about the head and legs, and has been unable to work since said accident, and will be unable to work for some time to come."

PIEDMONT, ALA., November 22, 1921.

Hon. OSCAR W. UNDERWOOD,
Washington, D. C.

DEAR SIR: In regard to Mr. W. C. Nabors's present condition, we find him both mentally and physically unbalanced. He has stages of extreme melancholia and his uncertain temper is a source of great distress and apprehension to his family. On account of these misfortunes he is unable to make a living for his family.

Respectfully,

W. A. KINABREW, M. D.
O. SARGENT, M. D.
JNO. W. VARNEY, M. D.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 21, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 20, 1922.

UNITED STATES MARSHAL.

Jesse D. Moore, of New York, to be United States marshal, eastern district of New York, vice James M. Power, resigned.

POSTMASTERS.

IDAHO.

Andrew Christenson to be postmaster at Lucleda, Idaho. Office became presidential October 1, 1921.

ILLINOIS.

Robert McIntyre to be postmaster at Bellflower, Ill. Office became presidential April 1, 1921.

INDIANA.

Katheryn L. Huckleberry to be postmaster at Whitestown, Ind. Office became presidential April 1, 1921.

Fred Dunn to be postmaster at Windfall, Ind., in place of D. C. Zehner, resigned.

KANSAS.

David E. Hill to be postmaster at Nortonville, Kans., in place of A. F. Hamm. Incumbent's commission expired February 4, 1922.

KENTUCKY.

George R. Holt to be postmaster at Campbellsville, Ky., in place of F. G. Wilson, resigned.

Herbert C. Hall to be postmaster at Hardinsburg, Ky., in place of John O'Reilly, resigned.

MAINE.

Earle R. Hayes to be postmaster at National Soldiers' Home, Me., in place of W. L. Phoenix, deceased.

MARYLAND.

Mary Stevens to be postmaster at Hurlock, Md., in place of W. E. Hurlock. Incumbent's commission expired January 3, 1921.

MASSACHUSETTS.

Walter L. Burt to be postmaster at Canton, Mass., in place of J. J. Haverty. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Otto Rakness to be postmaster at Alpha, Minn. Office became presidential January 1, 1921.

Oliver A. Matson to be postmaster at Kiester, Minn. Office became presidential April 1, 1921.

Anna E. Miller to be postmaster at Keliher, Minn., in place of A. B. Kobe, resigned.

Orville G. Nichols to be postmaster at Mazeppa, Minn., in place of N. P. Seivert, resigned.

MONTANA.

Margaret H. Lehmicke to be postmaster at Bigfork, Mont. Office became presidential April 1, 1921.

John E. Cameron to be postmaster at Bigtimber, Mont., in place of L. C. Bade. Incumbent's commission expired March 8, 1922.

NEW JERSEY.

Elizabeth Transue to be postmaster at Delaware, N. J. Office became presidential April 1, 1921.

Peter A. Greiner, jr., to be postmaster at Woodbridge, N. J., in place of J. E. Harned. Incumbent's commission expired February 19, 1922.

NORTH DAKOTA.

J. Rodney Williams to be postmaster at Hampden, N. Dak. Office became presidential October 1, 1921.

OHIO.

John J. Haines to be postmaster at East Liberty, Ohio. Office became presidential April 1, 1920.

Leo Mutach to be postmaster at Marblehead, Ohio. Office became presidential January 1, 1921.

Fred O. Bates to be postmaster at Bellevue, Ohio, in place of M. J. Callaghan, resigned.

PENNSYLVANIA.

William E. Parsons to be postmaster at Hazel Hurst, Pa. Office became presidential April 1, 1921.

Ralph L. Snyder to be postmaster at New Tripoli, Pa. Office became presidential October 1, 1921.

TEXAS.

Clarence R. Redden to be postmaster at De Leon, Tex., in place of S. R. Haynes. Incumbent's commission expired July 21, 1921.

VIRGINIA.

Wilbur H. Palmer to be postmaster at Greenville, Va. Office became presidential July 1, 1921.

Laurie D. Marshall to be postmaster at Thaxton, Va. Office became presidential October 1, 1921.

David R. Jones to be postmaster at Cambria, Va., in place of J. D. Crenshaw. Incumbent's commission expired July 21, 1921.

William P. Nye, jr., to be postmaster at Radford, Va., in place of H. M. Brown. Incumbent's commission expired January 24, 1922.

WASHINGTON.

Bert L. McCarty to be postmaster at Battle Ground, Wash. Office became presidential October 1, 1920.

Walter W. Shore to be postmaster at Farmington, Wash., in place of W. E. Overholt, resigned.

Elva N. Hamilton to be postmaster at Mansfield, Wash., in place of N. B. Burke. Incumbent's commission expired January 24, 1922.

Millard E. Meloy to be postmaster at Winlock, Wash., in place of G. P. Wall. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Henry J. Altschwager to be postmaster at Columbus, Wis., in place of W. J. Riedner. Incumbent's commission expired January 24, 1922.

Helen Pickett to be postmaster at Spencer, Wis., in place of A. A. Pickett, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1922.

REGISTER OF THE LAND OFFICE.

Dudley S. Valentine to be register of land office, Los Angeles, Calif.

RECEIVER OF PUBLIC MONEYS.

Brainerd B. Smith to be receiver of public moneys, Los Angeles, Calif.

POSTMASTERS.

ALABAMA.

John F. Frazer, Lafayette.

COLORADO.

Harrison E. Thompson, Hot Sulphur Springs.

CONNECTICUT.

William M. Logan, West Cheshire.

FLORIDA.

Dexter R. Milton, Watertown.

ILLINOIS.

James E. Jontry, Chenoa.
Frances Baker, Golconda.
Rola Eubanks, Omaha.
Clara A. Hollow, Trenton.
Russell P. Garrison, Wayne City.

KENTUCKY.

Joseph H. Fortney, East Bernstadt.

MICHIGAN.

Ira N. Dowd, Ontonagon.
George A. Cook, Ypsilanti.

MISSISSIPPI.

John W. Crane, Blue Springs.
Joseph M. Scribner, Derma.
James H. Spence, Grenada.
James S. Niles, Kosciusko.
Sidney M. Jordan, Louisville.

NEW JERSEY.

Eva H. Ketcham, Belvidere.
John Boyd, Greystone Park.

NORTH CAROLINA.

Richard S. White, sr., Elizabethtown.
Otis Banner, Newland.
Alfred A. McDonald, Parkton.

OHIO.

Ray V. Chase, Archbold.
James E. Davis, Belmont.
Addie F. Hosler, Kingston.
Arthur R. Hurd, Lawndale.
Helen E. Sawyer, New Paris.
William M. Freeman, Otway.

OKLAHOMA.

George Rainey, Enid.
John M. Dorchester, Pauls Valley.

PENNSYLVANIA.

Albert S. Leiby, Bath.
Robert S. Bowman, Berwick.
Grant Piper, Petersburg.
Herman Raithel, Smithton.
James A. Stickel, Vandergrift.

TEXAS.

John C. Wood, Big Sandy.
Florence M. Geyser, College Station.
Alfred R. Vernon, Hermleigh.
Robert M. Hazelwood, Leander.
William F. Viereck, Sealy.
Don A. Parkhurst, Tahoka.

VIRGINIA.

Paul E. Haden, Palmyra.
Jessie H. Cox, Washington.
Herbert T. Thomas, Williamsburg.

WASHINGTON.

Helen M. Purvis, Sumner.
Herman L. Leeper, Yakima.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 20, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou ever-blessed God, we are kept in that divine love which makes Thee our Father. O bestow upon us the spirit that discerns Thee with unclouded vision. Hold us closely to the things we know to be right, and let these work mightily against the things that are wrong. In all situations enable us to be temperate, forbearing, and patient. May our laws be so just and so wisely administered that our Nation shall be an example for all humankind. Prosper our land through the diligence and fidelity of all our citizens. Bless all influences that are promoting and tending toward greater unity and cooperation. May Thy kingdom come and Thy will be done in all the earth. For Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. COLE of Iowa. Mr. Speaker, on roll call 112 I am recorded as not voting. I wish to say that on the assurance of the managers of the naval bill I assumed that there would be no second roll call and so left the Chamber on official business. If I had been present I would have voted "yea" on that roll call, and I would like to be so recorded.

THE LATE REPRESENTATIVE JAMES.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the order setting apart Sunday, May 7, for addresses on the life, character, and public service of the late Representative ROBERT A. JAMES, of Virginia, be vacated.

The SPEAKER. The gentleman asks unanimous consent that the order setting apart Sunday, May 7, for memorial addresses on the late Representative JAMES be revoked. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution of the

following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 192. Joint resolution providing for survey of the Potomac River banks and adjacent lands from Washington, D. C., to Great Falls, with a view to possible extension of the District park system.

The message also announced that the Senate had passed with amendments the bill (H. R. 11035) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, in which the concurrence of the House of Representatives was requested.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 192. Joint resolution providing for survey of the Potomac River banks and adjacent lands from Washington, D. C., to Great Falls, with a view to possible extension of the District park system; to the Committee on Public Buildings and Grounds.

BRIDGE ACROSS MISSISSIPPI RIVER, BELTRAMI COUNTY, MINN.

Mr. KNUTSON. Mr. Speaker, I ask to take from the Speaker's table the bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn., and put the same on its final passage. A similar House bill (H. R. 10716) has been favorably reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Minnesota calls up from the Speaker's table S. 3317, a similar House bill having been favorably reported. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the State of Minnesota be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. KNUTSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent the bill H. R. 10716 was laid on the table.

AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Agricultural appropriation bill (H. R. 10730) and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. ANDERSON, Mr. WATSON, and Mr. BUCHANAN.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT (H. REPT. 997).

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the independent offices appropriation bill (H. R. 9981).

The SPEAKER. The gentleman from Indiana calls up a conference report on the independent offices appropriation bill. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment inserted the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General, $7,500; assistants to Comptroller General—4 at $6,000 each; chief clerk, $3,000; chiefs of divisions—7 at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—3 at $2,750 each, 4 at $2,500 each; chiefs of sections—10 at $2,500 each, 13 at $2,250 each, 2 at $2,000 each; assistant chiefs of sections—11 at $2,000 each, 1 at $1,990; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—1 $5,000, 4 at $4,000 each, 4 at $3,600 each, 1 $3,100, 5 at $3,000 each, 1 $2,750; law clerks—1 $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at $1,800 each, 1 $1,600; accountants—1 $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators—1 $4,000, 1 $3,000, 20 at $2,000 each; reviewers—8 at $2,100 each; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 56 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,400; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—1 $1,000, 15 at $840 each; assistant messengers—29 at $720 each; laborers—1 $720, 21 at $660 each; messenger boys—14 at $480 each, 1 $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,293,100.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000, except the following: Six at $25,000 each, two at $20,000 each, and two at $15,000 each."

And the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 28, 29, and 31.

WILL R. WOOD,
EDWARD H. WASON,
T. W. HARRISON,
Managers on the part of the House.
P. B. WARREN,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 21: Appropriates $2,468,451 for the General Accounting Office in the detailed manner proposed by the House, instead of $2,496,101 in a lump sum, as proposed by the Senate. The detailed salaries proposed in the House bill have been reduced in amounts of individual salaries and in number of salaries in the aggregate of $400,000, of which $375,000 is made available for temporary clerks, stenographers, typists, etc., with a salary limitation of $1,800, and $25,000 is added to the appropriation of $150,261 proposed in the House bill for contingent and miscellaneous expenses. The aggregate proposed in the substitute for the House provision is $150 less than the amount carried and is $27,650 less than the amount proposed by the Senate under the lump sum.

On No. 35, relating to salary limitations on Shipping Board and Fleet Corporation funds: Inserts a substitute for the House and Senate provisions, which allows 6 employees at $25,000 each, 2 at $20,000 each, and 2 at $15,000 each, instead of 19 in excess of $11,000, as proposed by the Senate, and 6 between $11,000 and $25,000 each, as proposed by the House.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 28, relating to an appropriation of $1,500,000 for the purchase of land in the city of Washington.

On No. 29, increasing the appropriation for the Tariff Commission from $300,000 to $375,000.

On No. 31, relating to the authority granted the United States Shipping Board to continue to use sums received from the liquidation of assets up to $55,000,000.

WILL R. WOOD,
EDWARD H. WASON,
T. W. HARRISON,
Managers on the part of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. WOOD of Indiana. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Fairchild	Lehlbach	Schall
Ansorge	Fess	Lineberger	Sears
Anthony	Fields	Linthicum	Shelton
Bankhead	Fish	McCormick	Shreve
Bland, Ind.	Focht	Madden	Siegel
Bland, Va.	Foster	Maloney	Sisson
Blanton	Free	Mansfield	Slemp
Bread	Funk	Mead	Small
Brennan	Gorman	Merritt	Snyder
Briggs	Gould	Michaelson	Speaks
Britten	Graham, Pa.	Moore, Va.	Stafford
Brown, Tenn.	Greene, Mass.	Moores, Ind.	Stiness
Browne, Wis.	Hammer	Mudd	Strong, Pa.
Burdick	Hardy, Tex.	Nelson, J. M.	Sullivan
Burke	Hays	O'Brien	Summers, Wash.
Cantrill	Hicks	O'Connor	Sweet
Chindblom	Hogan	Olpp	Taylor, Ark.
Clark, Fla.	Hudspeth	Paige	Taylor, Colo.
Cockran	Hukriede	Patterson, N. J.	Taylor, N. J.
Codd	Hutchinson	Perkins	Taylor, Tenn.
Cole, Ohio	Ireland	Perlman	Upshaw
Connell	Jefferis, Nebr.	Porter	Vare
Connolly, Pa.	Jeffers, Ala.	Pou	Walters
Cooper, Wis.	Johnson, Miss.	Purnell	Ward, N. Y.
Copley	Johnson, S. Dak.	Rainey, Ala.	Ward, N. C.
Davis, Tenn.	Kahn	Rainey, Ill.	Wheeler
Dempsey	Kennedy	Ramsey	White, Me.
Doughton	Kindred	Reavis	Williams
Drewry	Kitchin	Riordan	Wilson
Driver	Knight	Rogers	Yates
Dunbar	Kreider	Rosenbloom	Young
Dyer	Kunz	Ryan	Zihlman
Echols	Langley	Sabath	
Ellis	Lee, Ga.	Sanders, Ind.	

The SPEAKER. Two hundred and ninety-five Members are present; a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

CONFEREES ON AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The Chair announces the following additional Members to the conferees on the agricultural appropriation bill: Mr. MAGEE and Mr. LEE of Georgia. The committee on the part of the House consists of Mr. ANDERSON, Mr. MAGEE, Mr. WATSON, Mr. BUCHANAN, and Mr. LEE of Georgia.

INDEPENDENT OFFICES APPROPRIATION.

Mr. WOOD of Indiana. Mr. Speaker, the conference report has been read. I do not know whether there is any objection to it or not. If there is no objection, I do not care to take the time of the House in explaining what has been done.

Mr. WALSH. Will the gentleman yield?

Mr. WOOD of Indiana. For a question.

Mr. WALSH. In reference to the provision that the conferees have adopted relative to the employment by the Shipping Board, amendment 35, does that cover the employment of attorneys or counsel?

Mr. WOOD of Indiana. It does.

Mr. WALSH. So the Shipping Board under this provision would be prohibited from making a contract with an attorney who would receive anything in excess of $25,000?

Mr. WOOD of Indiana. Yes. I yield to the gentleman from Virginia [Mr. HARRISON] five minutes.

Mr. HARRISON. Mr. Speaker, I signed the conference report containing the provision as to salaries, as a matter of compromise. Under the compromise six employees can receive not exceeding $25,000 a year and four at a less amount. That is considerably less than the amount that is now being paid. I am still opposed to big salaries, but I felt it due to gentlemen on the conference committee, who are experienced men, careful business men, and who desire to protect the Government, to yield to their judgment to that extent in regard to the payment of these salaries. The compromise is within the instructions of the House, and I do not feel that further contention with the Senate would save anything to the Government. In regard to the proposition of giving the $55,000,000 to the Shipping Board without restriction, that comes up as an independent proposition entirely, and I am opposed to that. As to the purchase of real estate, that will be submitted to the House, but I consider that the purchase should be authorized.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, this question of salaries to be paid by the Shipping Board has been discussed many times. I have had the privilege of discussing it a good many times myself. I do not wish to detain the House by further discussion, except to call attention to what the report means. We were told in the newspapers yesterday that the Secretary of the Treasury had informed a committee of the Senate that in the year 1923 there would be a certain deficit of $359,000,000. He expressly said in that statement that he did not take into consideration in presenting these figures the passage of such legislation as the ship subsidy bill and other matters to which he referred. If that legislation passes, I think it very clear, according to the Secretary of the Treasury at this time, that there will be a deficit in 1923 of much more than $400,000,000, and, for my part, I think the gentleman from Illinois [Mr. MADDEN] was conservative in his statement the other day, that in 1923 there will be a deficit of at least $500,000,000.

Mr. EDMONDS. Will the gentleman yield?

Mr. BYRNS of Tennessee. For a question.

Mr. EDMONDS. The ship subsidy will not amount to as much as the present losses by the Shipping Board.

Mr. BYRNS of Tennessee. Even if that be true, the ship subsidy will entail an additional expenditure from the United States Treasury. The Secretary of the Treasury evidently does not agree with the gentleman from Pennsylvania. He took occasion to expressly except the ship subsidy legislation from the statement he made, showing that he expected it to add to Treasury expenses. Now, I merely made that statement by way of preliminary to what I want to say.

Mr. WALSH. Will the gentleman permit me to ask the gentleman from Pennsylvania how he knows that the ship subsidy will not equal the present losses by the Shipping Board?

Mr. BYRNS of Tennessee. I will yield if I can get additional time.

Mr. EDMONDS. Because we know what the ship subsidy will cost, and we know what the present losses of the Shipping Board are.

Mr. WALSH. I have not heard of the ship subsidy being enacted into law.

Mr. EDMONDS. Of course not.

Mr. BYRNS of Tennessee. Now, gentlemen of the House, in view of this immense deficit which the Secretary of the Treasury says under the present legislation will be $359,000,000 for the next year, and the chairman of the Committee on Appropriations says will be $500,000,000, I want to ask Members of this House if they are willing to fix salaries for attorneys for the Shipping Board at a sum which has never been paid to any official by the National Government, except the President of the United States.

Mr. JONES of Texas. Does not this provision remove the salary limit of $11,000 on the 78 lawyers now employed by the Shipping Board, so that if this conference report is adopted they can pay some of them more than $11,000, and yet retain all of them?

Mr. BYRNS of Tennessee. Yes; and that is the reason for making this report.

Mr. CRAMTON. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CRAMTON. Does the gentleman recall whether any letter came to Congress or to any Member of Congress from the Secretary of the Treasury advising an increase of $60,000,000 on the naval bill?

Mr. BYRNS of Tennessee. No.

Mr. CRAMTON. And the Secretary of the Treasury apparently was not consulted about it.

Mr. BYRNS of Tennessee. I am satisfied that the Secretary of the Treasury was not consulted as to the increase in the naval bill yesterday by those who voted for it. They probably knew what would be his reply.

Mr. CROWTHER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CROWTHER. Does the gentleman think that the issuing of the statement yesterday by the Secretary of the Treasury as to the deficit was premeditated, in view of the fact that the House was about to vote on the increase in the Navy?

Mr. BYRNS of Tennessee. No; I would not bring any such charge against the Secretary of the Treasury. He was simply answering inquiries of the Finance Committee of the Senate.

Mr. WYANT. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. WYANT. The gentleman is a member of the committee, is he not?

Mr. BYRNS of Tennessee. Yes.

Mr. WYANT. There are a number of salaries provided for in this bill, some as low as $720. Did the committee take into consideration living conditions in Washington when it fixed these salaries?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask for five minutes more.

Mr. WOOD of Indiana. I yield the gentleman five minutes.

Mr. BYRNS of Tennessee. I am not a member of the subcommittee that prepared this particular bill. The committee does not take into consideration the facts to which the gentleman refers. We were limited in authority by the rules of the House, for these salaries have been fixed by legislation in the past.

Mr. WYANT. Does the gentleman think that any man could live on a salary of $720 a year?

Mr. BYRNS of Tennessee. I think that matter ought to be taken up by a legislative bill and suitable salaries provided.

Mr. WYANT. Does not the gentleman think it ought to be taken up now in connection with these salaries of $25,000 a year?

Mr. BYRNS of Tennessee. I do, and I expected to call attention to the point the gentleman is making. At the present time the Shipping Board is authorized to employ six persons at a sum exceeding $11,000 a year.

They have now, as I understand it, two operators at $35,000 each, whose salaries are fixed by the Shipping Board and not by the Congress, and another one at $30,000 and possibly one at $25,000. Just to show you that big salaries do not always mean efficiency, I call attention to a letter which I received yesterday from a gentleman who wanted to do business with the Shipping Board. He had a lot of lumber that he wanted to ship from Seattle to Balboa, in the Canal Zone. He wrote to the Shipping Board on April 12, and I have a copy of that letter in my hand, asking them to please put in his hands by mail or telegram on or before April 25 the ocean freight rates from the railroad dock at Seattle to the Government docks at Balboa, Canal Zone, and so forth. He received a telegram on April 15 from Boston, Mass., which, by the way, was addressed incorrectly and not to the man who sent the letter, although he received it, as follows:

Ocean rate, carsiding Pacific north coast ports to Baltimore, carload lots, 60 cents hundred pounds.

I cite that simply to show that large salaries, even though they be as high as $35,000 a year, have not brought efficiency to the Shipping Board, and neither will $25,000 paid to some attorney who comes here not so much for the purpose of rendering legal services as to enjoy for himself and his family the social advantages of Washington. You will not get efficiency in the legal department, for which we all hope and which we all want, by that method. You know and I know that we can get attorneys all over this country for $11,000 or less a year who can render efficient service in the Shipping Board in its legal department, and, in view of the contemplated deficiency, in view of the necessity for reducing appropriations, why should we put upon the statute books a provision authorizing the Shipping Board to pay—in fact, actually fixing the salary—men at $25,000, $20,000, and $15,000 a year, as contemplated in this report?

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MILLER. As I understand it, that telegram was asked to fix the rate on a shipment of goods from Seattle to Balboa.

Mr. BYRNS of Tennessee. Yes.

Mr. MILLER. How did it find its way into the legal department?

Mr. BYRNS of Tennessee. Oh, I was not referring to the legal department at that time. I was simply citing this for the purpose of showing that large salaries do not always bring about efficiency and have not brought about efficiency in the Shipping Board.

Mr. MILLER. The answer was sent by the traffic department, was it not?

Mr. BYRNS of Tennessee. I presume so.

Mr. MILLER. And that is where some of these expensive men are?

Mr. BYRNS of Tennessee. Yes. That is where these expensive men are to-day, but now it is proposed not only to have expensive men in the traffic department but to give some of these attorneys who are now on the rolls at $11,000 salaries at the rate of $25,000 and $20,000. Why should we do it? I dare say, and I make the prediction here now, that if this House will vote down this conference report and stand firm in its determination to save the people's money and keep these salaries at not exceeding $11,000, the very same attorneys who are serving there in the Shipping Board to-day will be found there a year from now if the Shipping Board desires to keep them. That was the result a year ago. Gentlemen will remember that we passed a provision that not more than six employees should be paid more than $11,000 a year, and at that time we were met with the proposition that the Shipping Board would go on the rocks if we did any such thing, that they would lose their valuable employees. As a matter of fact, they are there to-day, and they gladly and willingly accepted the reduction in salary to $11,000. I hope the House will vote down this conference report. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, we have had from high authority in the last two or three days estimates as to the probable deficiency in the coming fiscal year. I am sure that both the chairman of the Committee on Appropriations and the Secretary of the Treasury in making their estimates felt that those estimates were at least reasonably accurate in the view of matters as they now stand. I am very much in hopes that it will be proven that both of the estimates that have been referred to are excessive. I realize that if we are to continue to add large sums to our appropriation bills, not only shall we have these deficiencies which have been suggested but possibly even greater ones. I very much hope that no further great additions will be made to our present estimates of the totals of appropriations. While I do not desire at this time to go into the details of the estimates made by either of the gentlemen to whom I have referred, I am of opinion that time will prove that certain of the items included in the sums which make up the deficiencies as estimated by them will not be charges upon the Treasury. We shall, I believe, secure greater revenues from certain sources than have been estimated, and certain sums have been suggested as charges against the Treasury which it will not, in my opinion, be necessary to meet. If I am correct in my views, we shall be able to get through the next fiscal year with a comparatively small deficit. At least I hope that will be the case, and I trust the developments of the future will indicate that I am sound in that belief.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BYRNS of Tennessee. Has the gentleman any inside information with reference to the revenues and expenditures of the next fiscal year that the Secretary of the Treasury and the Treasury Department do not have?

Mr. MONDELL. No. I do not pose as an expert. However, I do not always agree with the experts. The Secretary of the Treasury intended to be accurate and entirely fair in his estimates. We realize, of course, that the Secretary of the Treasury has constantly upon him the duty of advising that outlay be kept within income, and that it is no part of his duty to underestimate probable deficiencies. The estimate made by the chairman of the Committee on Appropriations was one that certainly will prove to be accurate if the House is not careful in its appropriations from now on. I believe, Mr. Speaker, that time will prove that both of these estimates were high.

In regard to these salaries of the Shipping Board, the Government of the United States commands a very great deal of talent of a very high order generally at very low salaries. That is true of this House. There are a great many men here who could earn many times the salary they receive here in private life, giving private business no more time and attention than they do the public business. There is no question about that. In all of the departments of the Government there are many men—there always have been and there always will be—who are giving to the people and the Government their services at much less than those services are worth, measured by the ordinary rewards of private life. That is a very happy and a very fortunate condition for the Government.

That condition, let us hope, will always exist with regard to governmental business. I believe it always will. When the Government embarks upon a great business enterprise quite a different situation is presented. Men for patriotic reasons, out of a desire to render public service, out of a proper legitimate impulse of ambition, render very valuable service at a very small stipend in the ordinary affairs of Government. But if we are to embark on great business enterprises we must expect to have to meet the competition to a certain extent of private employment. We have embarked upon a great shipping enterprise, one of the very largest business enterprises and projects of the world, requiring talent of the highest order and great experience, and outside of the general line of public business. When we seek men to perform for the Government the same class of duties and assume the same class of responsibilities that private enterprise demands, we must to a certain extent meet private competition. I wish it were possible, not in view of possible deficiencies, but out of regard for proper economy in the discharge of public business, we could engage in the shipping business or continue the shipping business, and not be compelled to compete with private enterprise in the matter of salaries, but I do not believe we can. I hope we shall get out of this class of business. I hope we may be able to keep out of purely business enterprises of all sorts, but so far as we are or should be engaged in them we must to a certain extent at least meet the competition in the payment of salaries of private employment and private enterprise. I do not think the salaries provided for are excessive as compared with the compensation men receive in similar employment in private life. Much as I should like to have these sums reduced, I believe so long as we remain in the shipping business we must pay some considerable salaries. I hope the conference report will be adopted.

Mr. APPLEBY. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The time is in the control of the gentleman from Indiana.

Mr. WOOD of Indiana. How much time does the gentleman wish?

Mr. APPLEBY. Five minutes.

Mr. WOOD of Indiana. I yield five minutes to the gentleman.

Mr. APPLEBY. Mr. Speaker and Members of the House, I am opposed to this conference report based on the ground that it is paying too much money and employing too many men. I recall the first bill in the House called for a deficiency of, I think, $40,000,000 or $50,000,000 for the Shipping Board. The chairman of the Committee on Appropriations, as I recall it, told us that this was something left over from the last administration, and this money would probably carry through the deficiency for some time. Since then I think a second deficiency bill was offered and passed by this House. Personally, I believe the Shipping Board is an expensive proposition that sooner or later you are going to pay for very heavily or you are going to get out of that business. I have not much sympathy for hiring half a dozen men, lawyers or otherwise, at salaries of $25,000 a year. I do not think they are worth it. My humble opinion as a layman is that there are too many members of the Shipping Board; in the first place, the responsibility is divided and there are too many employees, and it costs too much to run it under present conditions.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. APPLEBY. I will.

Mr. BYRNS of Tennessee. Mr. Schlesinger, head of the legal department of the Shipping Board, was asked in the hearing what reductions they were making, and I read to the House what he said:

Mr. Chairman, we have been cutting down our expenses as much as we can. For instance, we recently sent a man in our New York office who has cut down all the stenographers in that office. He has cut them down, I think, from $150 to $100 a month. We have cut down all the stenographic force and the messenger force.

The gentleman does not think, as he has indicated, that the saving made by the cutting down of the small salaries of these stenographers ought to be taken and applied to the payment of high-priced attorneys, as proposed in this conference report?

Mr. APPLEBY. No. In other words, if you went through this bill, you would find the people drawing the least money are probably underpaid, and those who get from $10,000, $15,000, and $25,000, in my judgment, are overpaid. It is not only this particular proposition I object to, but it seems to me we have on our hands a liability here that is going to continue month by month, and the question that this House has to determine is whether we are going to cover these deficiencies every time a deficiency bill comes in, or whether we are going to get down to an economical basis of running the Shipping Board.

As I recall it, the other day when the gentleman from Massachusetts [Mr. WALSH] opposed this conference report, the sentiment of the House was overwhelmingly in favor of the reduction of these expenses, and it seems to me there is no time like the present for action. I hope the report will be returned to the conferees for further consideration.

I thank you. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I do not know what explanation the gentleman from Indiana [Mr. WOOD] may give as a reason for reporting the provision in reference to Shipping Board salaries in just this form, but the actual saving in this amendment is not going to be very great. It is true that the conferees have acted within the $25,000 provision. But I recall that when the Shipping Board was first organized under this administration and Mr. Lasker took charge he employed two practical ship operators who were to receive, I think, $35,000, and he brought another ship operator, a Mr. Frye, from the Pacific coast at $25,000 per year. Mr. Frye had formerly been a very efficient employee and director of the Shipping Board during the period of its construction work. He came here from the Pacific coast at $25,000 a year, and rendered service up to recently, I am told, when they increased his salary to $35,000. It is my judgment if they would give that gentleman $25,000 a year they could eliminate the other two ship operators which they have, and that he could run the active ship-operating work of the Emergency Fleet Corporation at this time.

Now, something has been said about this thing being governmental business. It is governmental business. It is a business the Government embarked upon. It was, of course, greatly because of the war, but it is a business in which this Government is engaged and in which, I think, it will be engaged for some years to come, whether the ship subsidy bill becomes a law or does not. It would seem to me that the number of these high-salaried men brought back here by the conferees is too great. We ought not to increase the number of men receiving $25,000 and $20,000 a year as proposed by the conferees. And I venture to state that if the chairman of the Shipping Board would use some of these steel ships and these wooden ships that are tied up in the rivers and lakes and other waters of the country, and use one of them for a year's salary for some of these officers, we would find not only a very good way for getting rid of the ships, but find a good way of paying adequately for the services performed by some of these gentlemen who are to receive high salaries, and the Government would be relieving itself of a lot of these ships it now has on its hands and can not sell, or, if it does sell, will sell at $1,800 apiece to a concern which, under the inspiration and the encouragement of the present Shipping Board, will in the future, I believe, control the shipping interests on the Pacific coast, just as the shipping interests on the Atlantic coast will, under like encouragement on the part of the Shipping Board and its officials, in the future be under the control of another gigantic shipping concern on the Atlantic coast.

Mr. TILSON. Does the gentleman know why it is necessary to have seven heads to a concern of this kind and why Mr. Lasker could not do it alone if the law was changed?

Mr. WALSH. Of course, the law required that there should be seven commissioners, and it fixed their salaries, and we thought when we passed the so-called Jones bill with seven commissioners at $12,000 a year, a salary equal to that of a Cabinet officer, we should solve the problem, and that all the waste, extravagance, and mistakes would cease, but instead of that we have seven commissioners at $12,000 a year each, not one of whom is a practical ship man, but one of whom, the chairman, is a practical advertising man. And he is advertising to his heart's content. And as soon as we can furnish him with subordinates at $25,000 a year the chairman of the Shipping Board will find himself in governmental clover. We should have one practical shipping man on the Shipping Board, and we should have among some of these high-salaried officers men who are willing to accept employment at some sacrifice, just the same as Mr. Powell did when he came down here and organized the Emergency Fleet Corporation.

Mr. WOOD of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Speaker, it was very fine and sweet to hear the Republican leader, the gentleman from Wyoming [Mr. MONDELL], felicitate the membership of this House, or the legal gentlemen who are Members of this House, upon the great sacrifices that were made to serve their country here. I do not know whether, quartered, it is even one part ambition and three parts patriotism. I can not say. I doubt if the lawyers of the country are so prosperous or their fees are so munificent that we could not now, as was insisted only

about two years ago by the gentleman who now reports this conference report, get the best kind of men, men as good as we have, for a much less salary.

The first group of lawyers that I remember to have read about in history were at the close of the day standing idle in the market place. I suppose they were lawyers, although it is not definitely stated in the narrative, because in answer to the question of, "Why stand ye here all the day idle?" they said, "Lord, no man has hired us." And that is true to-day with many of the lawyers, and it must be so. There is no diminution of the crop. They are coming along all the time. Gentlemen, it is a pernicious and indefensible precedent to establish by a vote of Congress these salaries that are out of all reason or justification. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this is a practical proposition. The House passed this bill with a limitation of six employees drawing over $11,000. The Senate provided for 13 employees drawing over $11,000, and for four salaries of $35,000. I think the House conferees have done very well.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MANN. For a question or correction, but not for a speech.

Mr. BYRNS of Tennessee. I think the gentleman is mistaken in the statement he made that the Senate provided for four at $35,000. Their provision was for 13 at sums exceeding $11,000.

Mr. MANN. Yes; but the conferees afterwards agreed, at the insistence of the Senate, on four at $35,000. My statement was substantially correct. The House does not legislate by itself; the Senate is coordinate with us. And after all a conference is a compromise. The conferees have eliminated all salaries over $25,000, and they have provided for 10 at over $11,000; 2 at not over $15,000, I believe; and 2 at not over $20,000, I think; and the other 6 at not over $25,000.

I would be glad if the Shipping Board could be well operated with no salary over $10,000; but I know perfectly well that that will not be done, and you know perfectly well that it will not be done. I would be glad, if I knew the Shipping Board would be well operated, to pay somebody $100,000 if we cut it off somewhere else, although I do not believe in paying any salary to any Government officer over $25,000. But I think in view of what has taken place that the House may well afford to agree to the conference report and to the compromise that has been agreed to by the committee.

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, it has just been stated by the gentleman from Illinois [Mr. MANN], and well stated, that we can not have our own way. If we were the entire legislative body, we could insist upon many things that we do not like to give up, but as it is we have to yield in order to effect a compromise. I am thankful indeed that, under the instructions we received when we were last before you, made on the motion of the gentleman from Illinois [Mr. MANN], this limitation was placed at $25,000. I am frank to say to you that had it not been, we could not have reached an agreement at all. We have done absolutely the best that we can, and one of the best evidences of that fact is in the action of a member of this conference, the gentleman from Virginia [Mr. HARRISON], in signing the conference report. You all know that he was just as violently opposed to these high salaries as anybody, as I was myself, and he is not entirely in sympathy with them as they are now, but he believes with his coconferees that the best has been done that possibly can be done.

Now, I want to call your attention to what we have done, and in what we have done we have acted in accordance with our instructions. The House instructed the conferees not to agree to any provision which proposed the payment of salaries in excess of $25,000. We did not agree to any provision proposing any salary in excess of $25,000. The House bill as passed proposed 6 officers or employees with salaries in excess of $11,000. The Senate bill provided for 13. In this compromise that we propose we have eliminated all salaries of $35,000, and we have limited the number to 10 who may receive a possible salary of $25,000. Of these there will be only 6 that will receive a salary of $25,000, 2 that will receive a salary of $20,000, and 2 at $15,000 each.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. KINCHELOE. I do not think the gentleman intended to state what he did, when he said that 10 should receive $25,000. What you do provide is 6 at $25,000, 2 at $20,000, and 2 at $15,000 each.

Mr. WOOD of Indiana. Yes. I say that only 10 shall receive a salary in excess of $11,000.

Mr. KINCHELOE. I think that is right.

Mr. WOOD of Indiana. Some reflection has been made upon lawyers here. I am not holding any brief for the lawyers. They are worthy of their hire. But it is not the purpose, if the relief be granted, to spend all this money in the employment of lawyers.

I think at most they intend to employ only two additional lawyers—one an admiralty lawyer and the other an expert trial lawyer. They do propose out of this sum, if it is granted, to employ some extraordinarily high-class, efficient men in the specialties in which they are engaged.

The gentleman from Massachusetts [Mr. WALSH] elaborated on the fact that we have a number of commissioners here not one of whom is a practical shipbuilder or knows anything about the shipbuilding business. I suppose that is true, but we have nothing to do with that. We did not alone create the law providing for them. But, gentlemen, we ought to see the necessity of employing somebody who knows something about this business.

Mr. APPLEBY. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. I regret I can not yield.

We are informed that because they did not have a competent insurance man last year they lost $200,000. You know that we are losing money because we have not admiralty lawyers who can cope with the admiralty lawyers on the other side.

Now, this thing is not to be of long duration. We hope that with this coming year the thing will end. They claim that they have an organization there now that is equipped to do this work. They contend that they can not keep that organization unless we provide what they are now asking. I do not want to take the responsibility of disrupting that organization, which at best can only last temporarily. They think that unless they are permitted to keep this organization it will result in untold losses to the Treasury of the United States.

Some complaint has been made about the deficit that may occur at the end of the next fiscal year. It may be the amount estimated by the Secretary of the Treasury of the United States. It may be dependent upon the administration of our fiscal affairs. It may be greater if we disorganize this organization, so that instead of recovering what is justly due us and saving the most that we can out of this mess that loss may be very greatly enhanced. These gentlemen are supposed, at least, to know what they are talking about. They have this thing in charge. Theirs is the responsibility. They come before us with their recommendations, and I confess that in all my experience here I have never heard a fuller report made by any administration or the head of any bureau than has come from this Shipping Board.

Mr. GRIFFIN. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from New York.

Mr. GRIFFIN. As a member of the committee I would like to ask the gentleman will he explain the evolution of this particular section of the bill? The House bill provided for six employees with salaries in excess of $11,000, and the Senate provided for 13 employees in excess of $1,100, but specifically mentioned seven attorneys. In the conference report the attorneys seem to have been lost in the shuffle. I should like to ask the gentleman what understanding there is in regard to the employment of attorneys?

Mr. WOOD of Indiana. I will state to the gentleman the reason why that change was made. It was because, realizing that there must be some compromise, realizing that they must sacrifice beyond the point to which they think they ought to make sacrifices, they consented that the number of lawyers first designated should not be employed, in order that they might have some expert shipping men. There is nobody here who would dare set himself up as being an expert shipping man. They are very scarce, because that is a very peculiar business, and, as I stated here before, they are invited to come from here, there, and yonder for a temporary employment; not that they are receiving a life job, not that they are going to enhance their fortunes under the Government, for, if we are to believe what those who are at the head of governmental affairs are telling us, the Government is trying to get rid of this whole business, and get rid of it as quickly as possible.

Mr. APPLEBY. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from New Jersey.

Mr. APPLEBY. Is my understanding of this report correct, that 10 men are to receive a total of $220,000—6 men at $25,000, 2 men at $20,000, and 2 men at $15,000, making a total of $220,000—which, divided among 10 men, makes an average of $22,000 each? Is that correct?

Mr. WOOD of Indiana. That is correct.

Mr. JONES of Texas. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Texas.

Mr. JONES of Texas. The gentleman referred to the Senate amendment limiting the number to seven attorneys, but in the conference report I do not see any limitation at all. They can employ all of these 10 for attorneys, can they not?

Mr. WOOD of Indiana. I tried to explain a moment ago in answer to the gentleman from New York [Mr. GRIFFIN] that because of the fact that they could not get the entire number they wanted, it was agreed to eliminate the designations, so that they might have some discretion in making selections.

Mr. JONES of Texas. But you leave it so that they can use the whole 10 as attorneys.

Mr. WOOD of Indiana. They are not going to use the whole 10 as attorneys.

Mr. JONES of Texas. They can use any number of them that they want to.

Mr. WOOD of Indiana. Of course they could; but they are not going to do it.

Mr. JONES of Texas. There is nothing to keep them from doing it, is there?

Mr. WOOD of Indiana. Of course there is not; but why should there be? These men have been placed at the head of this institution to run it. They ought to know best how to run it. It is our business to furnish them with the sinews of war, and if they are not careful with reference to the application of those sinews it is for them to answer. They tell us that if we do not disrupt this organization they will pay off these claims and get rid of this thing and collect this money that is coming to us and get out of the business if provision is made to transfer this property to our merchant marine.

Mr. HARRISON. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Virginia.

Mr. HARRISON. I should like to have the gentleman call attention to the fact that if this bill is defeated we shall go back to the present status, where there is no limitation at all on the maximum to be paid to any of these employees. They are paying some of them $35,000 a year now, but they could pay them $50,000 if they chose.

Mr. WOOD of Indiana. The gentleman is absolutely correct. But here is something to which I want to call your attention. The salaries involved are not all that makes it important that this report should be adopted. There are men now in Washington who have been here since the 1st of January to my knowledge trying to get what is due them.

Men have come here repeatedly trying to make settlements of accounts that are just and about which there is little or no dispute; but until this bill is passed these men who are suffering in their business every day have got to continue to suffer. The amount of the difference about which we have been quibbling so much has been lost ten times over during the time that we have been quibbling. Here are men in private business whom we are injuring by this delay, and we ought to have some little regard for them.

Mr. APPLEBY. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from New Jersey.

Mr. APPLEBY. Are the salaries of the members of the Shipping Board included in this limitation of 10 men?

Mr. WOOD of Indiana. They are not.

Mr. APPLEBY. They are outside of that?

Mr. WOOD of Indiana. Yes.

Mr. APPLEBY. Will the gentleman tell the House what salary each member of the Shipping Board is receiving and how many members of the board there are?

Mr. WOOD of Indiana. The number and the salaries paid them are fixed in the bill creating the Shipping Board. There are six at $12,000 each.

Mr. APPLEBY. They get less than these men whose salaries are $25,000?

Mr. WOOD of Indiana. Yes; and if what the gentleman from Massachusetts [Mr. WALSH] says is true—and I suppose it is true—they are paid far too much; but what we want and what we should have is somebody who can bring order out of this chaos, and we have got to pay high-priced men to get them.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. I notice in the report also that Senate amendments 28, 29, and 31 are not agreed to. Can the gentleman give the House any idea whether there is likelihood of an early agreement upon those amendments or is there a deadlock?

Mr. WOOD of Indiana. No; those are matters that have to come back to the House.

Mr. MILLER. That is true, but what is the prospect of an agreement?

Mr. WOOD of Indiana. As far as the conferees are concerned we are not in material disagreement.

Mr. MILLER. I agree with what the gentleman has said, that the quibbling about this matter has occasioned enormous loss to the business interests of the country.

Mr. WOOD of Indiana. There is no doubt about that.

Mr. BURTNESS. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from North Dakota.

Mr. BURTNESS. As a practical proposition the only increase suggested by the conferees above the amount provided by the House bill originally applies to four people only?

Mr. WOOD of Indiana. That is all.

Mr. BURTNESS. Providing that two might get $20,000 and two might get $15,000, because the six were included in the first place, and they might get the maximum?

Mr. WOOD of Indiana. Yes; the gentleman is absolutely correct, it only increases the number by four.

Mr. BURTNESS. And as to the four it does not increase the amount beyond $25,000.

Mr. WOOD of Indiana. No; and, on the other hand, it reduces some to $25,000.

Mr. TINCHER. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. TINCHER. If we agree to the conference report, these salaries will not take effect until July 1.

Mr. WOOD of Indiana. Yes.

Mr. TINCHER. I do not see how the delay which the gentleman speaks of affects the business interests of the country.

Mr. WOOD of Indiana. We have appropriated $50,000,000 for the purpose of compromising the settlement of claims. This bill passed this House more than three months ago, and passed the Senate two months ago. These gentlemen who paid out their good money in good faith have been trying to get their pay, and felt that within a reasonable time after the action of the House and the Senate they would get their pay; but they have not. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. WALSH and Mr. HARRISON) there were 55 ayes and 33 noes.

Mr. WALSH. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Massachusetts makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 140, nays 154, answered "present" 3, not voting 132, as follows:

YEAS—140.

Anderson	Evans	Leatherwood	Robertson
Andrew, Mass.	Fairfield	Lee, N. Y.	Robsion
Ansorge	Faust	Luce	Rogers
Arents	Fenn	Lubring	Rose
Bacharach	Fish	McArthur	Rosenbloom
Barbour	Fitzgerald	McCormick	Sanders, N. Y.
Begg	Focht	McFadden	Shaw
Bixler	Fordney	McPherson	Sinclair
Bond	Frear	Madden	Sinnott
Brooks, Ill.	Freeman	Magee	Slemp
Brooks, Pa.	French	Mann	Smith, Idaho
Burdick	Fuller	Miller	Smith, Mich.
Burtness	Gahn	Mondell	Sproul
Burton	Green, Iowa	Moore, Ill.	Steenerson
Butler	Griest	Moore, Ohio	Stephens
Cable	Griffin	Moores, Ind.	Stiness
Cannon	Hadley	Morin	Swing
Chalmers	Hardy, Colo.	Mott	Temple
Chandler, N. Y.	Harrison	Murphy	Thompson
Chandler, Okla.	Hawes	Nelson, A. P.	Tilson
Chindblom	Hawley	Nelson, Me.	Timberlake
Christopherson	Hickey	Newton, Minn.	Tinkham
Clarke, N. Y.	Hill	Newton, Mo.	Treadway
Clouse	Hogan	Nolan	Underhill
Codd	Johnson, Wash.	Ogden	Vaile
Colton	Jones, Pa.	Osborne	Vestal
Crago	Kearns	Paige	Volstead
Cramton	Kennedy	Parker, N. Y.	Wason
Cullen	Kiess	Peterson	Watson
Curry	King	Pringey	Webster
Darrow	Kirkpatrick	Purnell	White, Me.
Davis, Minn.	Kissel	Reber	Williamson
Dickinson	Kline, N. Y.	Reed, N. Y.	Winslow
Edmonds	Knutson	Reed, W. Va.	Wood, Ind.
Elliott	Larson, Minn.	Ricketts	Wurzbach

NAYS—154.

Almon	Appleby	Beck	Bird
Andrews, Nebr.	Bankhead	Beedy	Black
Anthony	Barkley	Bell	Blakney

Bolen	Garner	Lieblbach	Rose
Bowling	Garrett, Tenn.	Little	Rucker
Box	Garrett, Tex.	London	Sanders, Tex.
Briggs	Gensman	Lowrey	Sandlin
Browne, Wis.	Gerard	Lyon	Scott, Mich.
Buchanan	Gilbert	McClintic	Scott, Tenn.
Butawinkle	Graham, Ill.	McTague	Sisson
Burke	Hangen	Madden	Smithwick
Byrnes, S. C.	Hayden	Montague	Stengall
Byrns, Tenn.	Hays	Mapes	Stedman
Campbell, Kans.	Herrick	Martin	Stevenson
Carew	Hersey	Mead	Stoll
Carter	Hoch	Mechener	Strong, Kans.
Clague	Hooker	Millspaugh	Summers, Tex.
Cole, Iowa	Huddleston	Montague	Swank
Collier	Hutchinson	Nelson, J. M.	Tague
Collins	Kahn	Norton	Ten Eyck
Connally, Tex.	Jacoway	O'Connor	Thomas
Cooper, Ohio	Jeffers	Oldfield	Tillman
Cooper, Wis.	Johnson, Ky.	Oliver	Tincher
Coughlin	Jones, Tex.	Ramseyer	Towner
Crisp	Keller	Padgett	Tucker
Crowther	Kelly, Pa.	Park, Ga.	Tyson
Dallinger	Ketcham	Parks, Ark.	Voigt
Davis, Tenn.	Kincheloe	Patterson, Mo.	Walsh
Deal	Kinkaid	Porter	Weaver
Dominick	Kline, Pa.	Quin	White, Kans.
Dowell	Kopp	Radcliffe	Wilson
Doyle	Kraus	Raker	Winslow
Dupré	Lampert	Ramseyer	Wise
Fairfield	Lanham	Reavis	Woodruff
Fisher	Lankford	Rayburn	Wright
Foster	Larsen, Ga.	Reece	Wyant
Frothingham	Lawrence	Rhodes	Yates
Fulmer	Lazaro	Riordan	
Gallivan	Lea, Calif.	Roach	

ANSWERED "PRESENT"—3.

Aswell	Cockran	Rosdale

NOT VOTING—132.

Ackerman	Fields	Langley	Ryan
Atkeson	Fess	Layton	Sabath
Bentham	Funk	Lee, Ga.	Sanders, Ind.
Bland, Ind.	Glynn	Lehlbach	Schall
Bland, Va.	Gellsborough	Linebergar	Sears
Blanton	Goldsborough	Logan	Shelton
Bowers	Gorman	Longworth	Shreve
Brand	Gould	McKenzie	Siegel
Brennan	Graham, Pa.	McLaughlin, Mich.	Snell
Britten	Greene, Mass.	McLaughlin, Nebr.	Snyder
Brown, Tenn.	Greene, Vt.	McLaughlin, Pa.	Speaks
Burroughs	Hammer	Maloney	Stafford
Campbell, Pa.	Hardy, Tex.	Mansfield	Strong, Pa.
Cantrill	Hicks	Merritt	Sullivan
Clark, Fla.	Hines	Michaelson	Summers, Wash.
Classon	Hudspeth	Mills	Sweet
Cole, Ohio	Humphreys	Montoya	Taylor, Ark.
Connell	Husted	Moore, Va.	Taylor, Colo.
Connolly, Pa.	Hutchinson	Morgan	Taylor, N. J.
Copley	Ireland	Mudd	Taylor, Tenn.
Dale	Jefferis, Nebr.	O'Brien	Upshaw
Dempsey	Jeffers, Ala.	Olpp	Vare
Denison	Johnson, Miss.	Parker, N. J.	Vinson
Doughton	Johnson, S. Dak.	Patterson, N. J.	Volk
Drewry	Kahn	Perlman	Walters
Dupree	Kelley, Mich.	Free	Ward, N. Y.
Dunbar	Kendall	Fess	Ward, N. C.
Dunn	Kindred	Rainey, Ala.	Wheeler
Dyer	Kleczka	Rainey, Ill.	Williams
Edmonds	Kitchin	Ransley	Woods, Va.
Ellis	Knight	Reavis	Woodyard
Fairchild	Kreider	Reddick	Young
Fess	Kunz	Rosenberg	Zihlman

So the conference report was rejected.

The following pairs were announced:

Mr. Johnson of South Dakota with Mr. O'Brien.
Mr. Denison with Mr. Aswell.
Mr. Shelton with Mr. Woods of Virginia.
Mr. Michaelson with Mr. Brand.
Mr. Hines with Mr. Cockran.
Mr. Connolly of Pennsylvania with Mr. Goldsborough.
Mr. Dunn with Mr. Kitchin.
Mr. Ellis with Mr. Lee of Georgia.
Mr. Patterson of New Jersey with Mr. Moore of Virginia.
Mr. Maloney with Mr. Clark of Florida.
Mr. Williams with Mr. Bland of Virginia.
Mr. Olpp with Mr. Fox.
Mr. Greene of Massachusetts with Mr. Sears.
Mr. Ireland with Mr. Campbell of Pennsylvania.
Mr. Dempsey with Mr. Hudspeth.
Mr. Shreve with Mr. Doughton.
Mr. Young with Mr. Johnson of Mississippi.
Mr. McLaughlin of Michigan with Mr. Rainey of Alabama.
Mr. Kendall with Mr. Cantrill.
Mr. Volk with Mr. Blanton.
Mr. Sanders of Indiana with Mr. Drewry.
Mr. Atkeson with Mr. Humphreys.
Mr. Bland of Indiana with Mr. Logan.
Mr. Ackerman with Mr. Mansfield.
Mr. Connell with Mr. Kindred.
Mr. Dunbar with Mr. Hammer.
Mr. Graham of Pennsylvania with Mr. Rainey of Illinois.
Mr. Snell with Mr. Fields.
Mr. Free with Mr. Jeffers of Alabama.
Mr. Brennan with Mr. Kunz.
Mr. Gorman with Mr. Taylor of Arkansas.
Mr. Hutchinson with Mr. Vinson.
Mr. Kahn with Mr. Driver.
Mr. Lehlbach with Mr. Upshaw.
Mr. Merritt with Mr. Sabath.
Mr. Taylor of New Jersey with Mr. Taylor of Colorado.
Mr. Snyder with Mr. Sullivan.
Mr. Walters with Mr. Ward of North Carolina.
Mr. Perlman with Mr. Hardy of Texas.

The result of the vote was announced as above recorded.

The doors were opened.

On motion of Mr. WASON, a motion to reconsider the vote whereby the conference report was rejected was laid on the table.

Mr. WOOD of Indiana. Mr. Speaker, I do not know whether it is necessary to ask for a further conference on this bill or not; but if it is the wish of the House that a further conference should be had, then I think that the two or three matters in disagreement ought to be brought up and we should know the sense of the House on them. It would expedite business if these matters could be taken up and determined at this time. I therefore ask unanimous consent that the matters in disagreement be considered at this time.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). The gentleman from Indiana asks unanimous consent that the matters in disagreement be considered by the House at this time. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, unanimous consent is not required for the consideration of the matters in disagreement.

Mr. MANN. All of the amendments have to be considered.

Mr. MONDELL. The gentleman has a perfect right to call up these matters in disagreement.

The SPEAKER pro tempore. The Chair so understands it. It is a matter of right.

Mr. WOOD of Indiana. Mr. Speaker, before we enter upon the consideration of these matters I move that the House further insist upon its disagreement to amendments of the Senate Nos. 21 and 35.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Speaker, I now call up the amendments in disagreement.

The SPEAKER pro tempore. The Clerk will report Senate amendment No. 28.

The Clerk read as follows:

Page 28, line 24, after line 24, insert:

"The commission in charge of the State, War, and Navy Departments buildings, to wit, the Secretary of State, the Secretary of War, and the Secretary of the Navy, is hereby authorized and directed to acquire by purchase, so far as they may be able so at prices deemed by them to be reasonable and fair, otherwise by condemnation in accordance with the provisions of the act of Congress approved August 30, 1890, providing for a site for the enlargement of the Government Printing Office, the following squares of land for public purposes, to wit, the whole of squares known as numbers east of 87; east of 88; 124; 125; 145; 146; and 147, in the city of Washington, D. C., as officially recorded in the office of the surveyor, District of Columbia. The commission is further authorized to reduce the area to be acquired where by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgment the public interests may require: *Provided*, That if acquired by purchase, the cost of the squares, including expenses incident thereto, shall not exceed the sum of $1,500,000, which sum is hereby authorized and the same is hereby appropriated: *Provided further*, That the squares authorized to be acquired herein shall be under the control of the superintendent of the State, War, and Navy Departments buildings."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 28. I yield 10 minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Speaker, this matter was reported to the House a short time ago and I trust that all are familiar with it. At that time there was doubt in the minds of many Members just what the provision related to. In order that you may all understand, there has been prepared this map, and the part of the map that is indicated in yellow indicates the seven buildings that are on leased land, that are involved in the recommendation of the committee. Gentlemen will notice that the map shows the location of the temporary buildings as being north of B Street, between Eighteenth and Twenty-first Streets NW. South of B are buildings occupied by the Army and the Navy. They were the more permanent of the war structures.

Mr. CANNON. The cement buildings are on the Mall.

Mr. WASON. Those are the semipermanent buildings that were erected during the war and that are now occupied by the Army and the Navy.

Mr. MONDELL. And the ground in question is across the street from the Army and Navy building?

Mr. CANNON. The cement buildings that are permanent and good.

Mr. WASON. Yes. The buildings that are across the street from the Army and Navy buildings on the north side of B Street and extending up practically to New York Avenue are on leased land. During the war the Government took a lease of this area. Those leases expire this year. The leases were drawn differently from the way most business men would draw leases. They provided a rental to the owners which aggregates $52,000 for all of them. At the expiration of the lease the Government must put the land back in the same condition it was in when the lease was executed, or when the Government entered into possession. In order to put these temporary buildings on the land leased it was necessary to destroy some of the old structures, and they were destroyed or taken off and new structures put on. When the lease expires, the lease requires putting that land back in practically the same condition that it was in when the lease was executed and the Government took possession, or we must settle in damages.

Mr. STEPHENS. Can we not renew the lease?

Mr. WASON. They say not. There is no provision for that.

Mr. STEPHENS. We could condemn and take the property.

Mr. WASON. Yes; but the condemnation proceedings, I might say, in the opinion of men who ought to know, would cost more than the option which the Government has on most of that land.

Mr. SMITH of Idaho. Are all of these buildings now occupied by Government offices?

Mr. WASON. Many of them are, though all of them at this moment are not.

Mr. SMITH of Idaho. Has the gentleman any idea of the amount of rent it would take to lease buildings in place of these?

Mr. WASON. I want to come to that a little bit later.

Mr. KEARNS. For what terms did the leases run?

Mr. WASON. The leases were for five years. They will expire this year. To put the lots back in the condition they were in at the time the leases were executed would cost about what the buildings thereon now could be salvaged for. We have had some experience in salvaging temporary buildings during the war, down at Sixth Street. It is estimated that the salvage value of these buildings, if they were wrecked this summer, might possibly yield $75,000 to $80,000, and it is also estimated that the Government would have to pay under these leases to settle with the owners about that much, perhaps a little more, for the damages they have done to the property while in possession. So that the salvage value of the temporary buildings would practically liquidate the damages that the owners could claim at the expiration of the lease.

Mr. BYRNS of Tennessee. Has there ever been any hearing on this proposition by the proper legislative committee of the House, or by any committee of the House?

Mr. WASON. There has been no hearing before a committee of the House.

Mr. BYRNS of Tennessee. Was there a hearing before the Senate committee?

Mr. WASON. I have never seen a copy of one.

Mr. BYRNS of Tennessee. Is it not a fact that they have had no hearings, and that this amendment was put on on the floor of the Senate by a Senator and that we have absolutely no information before any committee of the House or the Senate with reference to the advisability of the proposition?

Mr. WASON. I am not informed as to the procedure in the Senate, but since the matter came to the attention of the conferees we have gone into the matter very carefully in some detail.

Mr. BYRNS of Tennessee. Can the gentleman furnish the House information as to the owners of the land, as to the amount they paid for it, as to the amount of assessment there is on the land at the present time, and the testimony of outside disinterested persons as to its probable and actual value at this time upon the market? I think the House ought to have that information before it votes a million and a half dollars out of the Treasury for some land down there.

Mr. WASON. If the gentleman will let me go on, I will come to that point, and if I do not cover it generally I will be glad to answer so far as my knowledge goes. The proposition comes to the conferees from the Senate, as the gentleman from Tennessee [Mr. BYRNS] stated. There is a Public Building Commission that has to do with the allotment of space for Government activities, and the Senator to whom the gentleman referred is the chairman of that commission. He made the motion in the Senate, as the CONGRESSIONAL RECORD shows. Now, then, here is this land leased with these buildings on it and leases about to expire. A Government official has options on practically all the land generally on the map they have leased, and the average price on those options is $2.20 per square foot. Whether that is high or low is a matter where men can differ, but we have some comparison to make. The United States Government paid $2 per square foot for that lot years ago [indicating]. They paid $2 a square foot for the lot there, where the new Interior Building is, some years ago. Recently the easterly portion of that lot on the north side of New York Avenue has been sold for the Memorial Hall, and the price paid for that is a trifle over $4 per square foot. On all of this down here we have options, or nearly all. I think there is one lot we have not, which brings the average price to $2.20 per square foot.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. WASON. I will.

Mr. GRAHAM of Illinois. When this conference report was up before, the gentleman from Indiana [Mr. WOOD] stated, as I understood him, that some of the options were about to expire, and I know it made quite an influence on my mind at the time, and that if we were going to get any advantage of those options we had better operate pretty quickly. I understood that some were going to expire about the time he was speaking.

Mr. WASON. They did.

Mr. GRAHAM of Illinois. What is the situation about that now?

Mr. WASON. Some of them did expire, and some did not, but let me say to my friend, who is a good lawyer, that if some man had an option and it expired at midnight——

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. WASON. I will ask the gentleman from Indiana for some more time.

Mr. WOOD of Indiana. How much time does the gentleman desire?

Mr. WASON. I will ask for five minutes.

Mr. WOOD of Indiana. I yield the gentleman five minutes additional.

Mr. WASON. If some one is attempting to gouge the Government who owns land right beside somebody who sells his land for $2.20, my friend from Illinois would welcome the opportunity to represent the Government in condemnation proceedings, and that is the situation in several instances. But on most of the options, I think, there will be no difficulty in carrying out, if the authorization is allowed. Now, we have paid already for these temporary buildings over $2,000,000 in construction. The life of them is from 12 to 15 years. They are already being occupied and being used. The heat is put in by the Government from the heating plant in the Army and Navy Building, the wiring is there, the lights are there, the sprinklers are in there to prevent serious fire damage. They are of concrete construction outside, good floors, and many of them are occupied by Government activities.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. WASON. I will.

Mr. FROTHINGHAM. Do I understand there is a clause in the lease whereby the Government claims ownership of these buildings, or would they have to be torn down?

Mr. WASON. They can abandon if they want to. The Government only had the lease upon the land, and of course the lessee can take the buildings off before the leases expire.

Mr. WURZBACH. Will the gentleman yield?

Mr. WASON. I will.

Mr. WURZBACH. Were there any improvements or buildings on any of this leased property at the time the contract went into effect?

Mr. WASON. There were some buildings there, but they have been destroyed and these temporary buildings put in place thereof, and under the lease the owners can oblige the Government to put the structures back in the condition they were when the Government took them under the lease or settle damages.

Mr. WURZBACH. That would be, as a matter of fact, impossible of performance, would it not?

Mr. WASON. The probable thing would be damages.

Mr. WURZBACH. Does the gentleman think the owners of that land would be satisfied to accept the property in the present condition of the buildings on it?

Mr. WASON. That would be impossible, because there are so many owners in fee.

Mr. WURZBACH. Do you think the owners of that land would be willing to accept the buildings on the land?

Mr. WASON. I can answer only for myself. If I owned one lot there with buildings on it, I should say no.

Mr. WURZBACH. You think, then, they would insist upon those buildings being removed or upon payment of damages?

Mr. WASON. If they view the property the same as I do, they would.

Mr. WURZBACH. What is the nature of the improvements that were on this property at the time the Government leased it?

Mr. WASON. I know about one. It was of brick construction and was used as a tenement. It was not in very good condition.

Mr. WURZBACH. Has the gentleman information as to the improvements on the balance of the property?

Mr. WASON. What property?

Mr. WURZBACH. On the different pieces of property?

Mr. WASON. On a large portion of that property there were no improvements at the time the Government took the lease.

Mr. WURZBACH. No improvement at all?

Mr. WASON. No; on some of it there was.

Mr. MANN. Will the gentleman yield?

Mr. WASON. Certainly.

Mr. MANN. I may say that I am in sympathy with the gentleman. Who has supervision of these buildings now?

Mr. WASON. It comes under Colonel Sherrill, acting for the Government.

Mr. MANN. Has any reason been given here why the Government ought to purchase this land, and why the proposition was not made to the legislative end of the Government in the proper way at the proper time for consideration by the proper committee, instead of offering it offhand as a Senate amendment?

Mr. WOOD of Indiana. I will explain to the gentleman from Illinois. There was an independent bill introduced in the Senate.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. WOOD of Indiana. I yield to the gentleman five minutes more.

There was an independent resolution introduced in the Senate for the purpose of doing this thing, because the leases expired, and because of the desire on the part of the committee to get the Government activities to use the space in order to avoid rent. That was the reason they urged upon us as the necessity for passing this bill. And I will say that they are trying to raise now the rental of the Department of Justice Building $300,000 a year.

Mr. MANN. But there was no estimate made for it?

Mr. WOOD of Indiana. No.

Mr. MANN. There was no request for this which came through the ordinary and proper channels, and while I am inclined to think that we ought to buy the land I think somebody somewhere is subject to severe criticism for not bringing this to the attention of Congress in the proper way. Now, having relieved my mind in that way, may I ask the gentleman if these buildings are now all occupied by the Government?

Mr. WASON. Yes.

Mr. MANN. The space is needed by the Government?

Mr. WASON. Yes.

Mr. MANN. And if we abandon these buildings, as I understand, we have got to go out and rent privately owned buildings with equal space?

Mr. WASON. Yes, sir; that is right.

Mr. MANN. And at a considerable and probably more cost than it would be in the course of three or four years to buy this land?

Mr. WASON. It is estimated by a member of the Public Building Commission that the floor space that is available for use in Government activities in these temporary buildings will, if hired of private owners in Washington, be of such an amount that the rentals will equal the $1,500,000 that we can acquire the land for in three years. In other words, it is estimated it will cost $500,000 a year.

Mr. WALSH. Does the gentleman know whether all the floor space is taken and availed of in the Army and Navy Building down near the Lincoln Memorial?

Mr. WASON. I know that the activities occupying them claim that it is all needed, but I think they are going to be crowded into a smaller space if the Committee on Public Buildings and Grounds has its way, and I believe they will.

Mr. BYRNS of Tennessee. Who is responsible for tearing down Government buildings in Seaton Park and making the argument for us now to buy property?

Mr. WASON. What park?

Mr. BYRNS of Tennessee. Seaton Park, on the Mall. Three or four buildings have been torn down there in the last year. Who is responsible for it?

Mr. WASON. Congress is responsible for that.

Mr. MANN. We provided by legislation that they should be torn down.

Mr. WASON. The Committee on Appropriations last year—and the gentleman from Indiana and myself were on the subcommittee—provided that instead of laying out any more money in keeping the buildings so they could be used they should be salvaged at once.

Mr. BYRNS of Tennessee. Is it not true that those buildings were in better condition and far more convenient to the general public than these other buildings?

Mr. WASON. No, sir; it is not.

Mr. BYRNS of Tennessee. And has not the very fact that they have been torn down made it possible to come here now and say that we must buy this property without a hearing and without an opportunity to investigate by the Committee on Public Buildings and Grounds and get the exact facts, and without a hearing on the part of the committee in either branch of Congress, in order to avoid having to rent those buildings?

Mr. WASON. I will say no, because at the time you and I recommended to this House the disposition of those temporary buildings down there on Sixth Street last year, I did not know that these temporary buildings on the north side of B Street were on leased land. But in regard to the condition of the buildings, that is essential. I can say to my colleague candidly that those buildings that were destroyed and were situated between Sixth and Seventh Streets are no comparison to these buildings, either in construction or condition, as they existed when they commenced to salvage those and destroy them.

Mr. BYRNS of Tennessee. The Senator from the State of Utah, if I may be permitted to quote from him, stated in the Senate yesterday, as reported in the newspapers, that there has been a demand made by the owner of the building occupied by the Department of Justice for $300,000 per annum at the expiration of that lease on June 30. The Government now pays $26,000, and the Senate adopted an amendment to the bill providing for an appropriation for the Departments of Justice and State of $75,000 per annum. He was asked what the Government was going to do. He said the Government was going to stay there until the Supreme Court passed upon it.

Now, why can not the Government stay in this property for a few months until we can get information upon this matter and thus be enabled to vote intelligently? I do not know whether, so far as I am personally concerned, I would vote for it or not, if I had all the facts; but I certainly do not want to vote for a proposition involving a million and a half dollars when there has been no hearing by a committee of the House or Senate on the subject and we are not supplied with the information which I think we ought to have before we vote for an appropriation of that kind.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

Mr. WASON. Certainly, for a question.

Mr. PADGETT. Is it not apparent and evident that these buildings will not be in demand from anybody else except the Government? And is it not also true that they are in the off part of the city, out of the business area, and out of the business section, and that the owners of the buildings will be more than glad of an opportunity to renew the leases to the Government if they should expire? Because if the leases expire there will be absolutely no demand, and they will have the property on which they will have to pay taxes, and they will be absolutely glad of the opportunity to lease them.

Mr. WASON. I wish the statement of my friend from Tennessee coincided with the facts. But the facts are exactly the opposite. The owners of the buildings refuse to re-lease.

Mr. PADGETT. Of course, they want to force a sale, and they say now that they will not lease; but if the Government calls their bluff and they have vacant property on their hands and taxes to pay, they will rejoice at the opportunity to release that property.

Mr. WASON. I will say to my friend that I do not know whether they will or not. The gentleman probably knows more about real estate in Washington than I do, but I know that there is a contention here——

Mr. PADGETT. Let the Government call their bluff, and——

Mr. WASON. There is no bluff. All you have to do is to ask the Government to make them live up to the contract entered into with the Government five years ago. It was not such a contract as a few of us who knew about real estate would have signed. We would have drawn the leases different.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. WASON. Yes.

Mr. ROSE. Is it not true that the Government can condemn at any time?

Mr. WASON. Certainly.

Mr. ROSE. Does the gentleman believe that the condemnation proceedings would result in such an enormous expenditure as is now asked for?

Mr. WASON. I do not know what the result of condemnation proceedings would be here. I know that the lawyers who

would have to handle them have plenty of work to do without any additional work.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. WASON. Mr. Speaker, may I have two minutes more?

Mr. WOOD of Indiana. I yield two minutes more.

Mr. WASON. I know that it takes time to go through the necessary steps in condemnation, and I believe that before a jury or before a court, from what I have investigated here, they could easily show that that land is worth more than $2.20 a square foot on the average, in view of the fact that recently that little lot right there [indicating] has been sold for over $4 a square foot. Before the Pan American Building was constructed some years ago the United States Government paid $2 per square foot then.

I have been told by a real estate man who is not interested in this vicinity but who has lived in Washington for a great many years and has owned a great deal of property here, that $2.20 per square foot in his opinion was cheap. I will not tell you his name, but this was his language: "If the Government will not take it, I think I would be willing to go in with you and buy it at that price and hold it for speculation." That was his statement.

Mr. WILLIAMSON. About what is the life of the present building on the property?

Mr. WASON. From 12 to 15 years.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield?

Mr. WASON. Yes.

Mr. RICKETTS. What department of the Government made this lease in the first instance?

Mr. WASON. The War Department.

Mr. RICKETTS. Have you a copy of the leases?

Mr. WASON. I have seen some of them.

Mr. RICKETTS. It is a straight-out lease for five years at a certain sum per year?

Mr. WASON. They are different. They are not written alike.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WASON. Yes.

Mr. GARRETT of Tennessee. Do I understand that this is to be used as an extension of the Government Printing Office?

Mr. WASON. No, indeed.

Mr. GARRETT of Tennessee. That is what was read, or what some gentleman said.

Mr. WASON. No. These are temporary buildings at Eighteenth and B Streets, right across from the Army and Navy buildings.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. WASON. Certainly.

Mr. TILSON. Would it not be practicable and proper to use these buildings for the Department of Justice in case we are unable to secure a reasonable lease of the property now occupied by that department?

Mr. WASON. Yes. It is contemplated that unless the Department of Justice can get satisfactory terms they will move down there. The Alien Property Custodian is going to be put in there. The Agricultural Department, that is scattered all over Washington, will be put in there, and for the rent that we will have to pay private owners we will pay for this land in three years and own it at a fair price.

The SPEAKER. The time of the gentleman from New Hampshire has again expired.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Indiana moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. GARRETT of Tennessee. A division, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks for a division.

The House divided; and there were—ayes 48, noes 21.

Accordingly the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 29: Page 30, line 8, strike out "$300,000" and insert in lieu thereof "$375,000."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede from its disagreement to the amendment and concur in the same with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD of Indiana moves that the House recede from its disagreement to amendment No. 29 and agree to the same with an amendment as follows:

"In lieu of the sum proposed in said amendment insert $325,000."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 31: Page 32, line 22, after the word "ships," strike out the colon and insert: "and (d) $55,000,000 from moneys collected from mortgages, leases, accounts and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets prior to July 1, 1922, less such portion of said $55,000,000 which shall have been collected during the fiscal year 1922 under the provisions of an act entitled 'An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes,' approved March 4, 1921."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur, with the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD of Indiana moves that the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and (d) not to exceed $25,000,000 from moneys collected from mortgages, leases, accounts and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets during the fiscal year 1923."

Mr. BYRNES of South Carolina. Will the gentleman yield me five minutes?

Mr. WOOD of Indiana. I yield to the gentleman five minutes.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I think the House is familiar with this proposition. It has been voted upon, and by an overwhelming vote has been rejected on at least two occasions. The question is whether we are going to change our minds and give to the Shipping Board this additional amount of $25,000,000. Whatever you do, I want at least to put the facts before the House.

The facts are that though early in this session the Committee on Appropriations took the position that it would not report to the House an amount in excess of that which was estimated for by the Budget, in the case of the Shipping Board—of all departments of the Government—the bill as originally reported to the House contained, in addition to the $100,000,000 asked for by the Shipping Board, this legislation making available whatever balance there was on July 1, 1922, out of this total fund of $55,000,000. It was estimated that this balance would be $30,000,000. Now, the only change that is presented to you by the amendment offered by the gentleman from Indiana [Mr. WOOD] is that the Shipping Board will certainly have $25,000,000 instead of $30,000,000, as it would have had if the original provision was agreed to.

Now, let me show you what money the Shipping Board wanted for the next fiscal year. The original request submitted to Congress was for $50,000,000. They then came before the committee and discovered how generous the committee was. Therefore, after they had had the hearing on January 4, they went back and submitted a supplemental estimate which I hold in my hand. In this estimate the Director of the Budget submits a request for $50,000,000 additional for claims, making the total estimate $100,000,000, as against the amount appropriated for the current fiscal year of $75,500,000.

Now, their hearings began on January 3. If, as late as January 7, four days after the hearing began, they asked for only $100,000,000, why will you vote for this provision giving them $25,000,000 more? Some gentlemen say they want it for claims. Not exactly.

Mr. Lasker said he would like to have this $55,000,000 made available during the next fiscal year for the following purposes:

We ask you to simply authorize the $55,000,000 as a continuing appropriation, and we will use only such part as we need in the liquidation of debts, including the payment of the United States mail obligations and the reconditioning of the *Leviathan*, and to generally clean up for general purposes.

"To generally clean up for general purposes." In other words, on general principles they want you to give them $25,000,000 more than they ever estimated for to the Budget Bureau. To this date no estimate has come from the Director of the Budget

for this $25,000,000. Now, why are you going to do it? What is there in the record of the Shipping Board to justify you in giving them $25,000,000 more than they asked the Director of the Budget to recommend? What are you going to have the Bureau of the Budget for if you are going to have the Shipping Board submit supplemental estimates increasing their estimates by $5,000,000 at a shot, and then, after they get that recommendation from the Budget Bureau, come and ask you for $25,000,000 more? Do you know of any other department of the Government that comes to this Congress and asks for $100,000,000, and then after getting the $100,000,000 asks for $25,000,000 more, just for good measure, and gets it?

Let me call your attention to another thing. This bill as it stands provides that the Shipping Board, for the general expenses of the Fleet Corporation for the next fiscal year, shall have: (a) The amount on hand July 1, 1922. You do not know what that will be and I do not know what that will be.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I ask the gentleman to yield me five minutes more.

Mr. WOOD of Indiana. I yield the gentleman five minutes more.

Mr. BYRNES of South Carolina. First, they are authorized to spend the amount on hand July 1, 1922. We do not know what that is, (b) $50,000,000, (c) the amount received during the fiscal year 1923 from the operation of ships, (d) $55,000,000 of the unexpended balances. They get not only that but whatever is received from the operation and whatever amount of money is on hand July 1, and in addition to that my friend from Indiana wants to give them this $25,000,000. Then they have $50,000,000 for claims.

Now, they may say that they need this $25,000,000 for claims. They have $50,000,000 to pay the claims, and I have read the statement of Mr. Lasker that he wants it for general purposes to clean up. They do not need it. Furthermore, if during the year there is any necessity for more money, you know that Congress is going to be in session for some time during the balance of the fiscal year. As the gentleman from Illinois [Mr. MANN] suggested when the matter came up last, is there any reason why they can not come back during this session if they need it and ask for it through the Budget instead of coming directly to Congress?

Mr. WALSH. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. WALSH. Is this money to be used in the settlement of claims?

Mr. BYRNES of South Carolina. That statement has been made on the floor, but the statement of Mr. Lasker is that they want it as "a continuing appropriation, and will use only such part as we need in the liquidation of debts, including the payments of the United States mail obligations and the reconditioning of the *Leviathan*, and to generally clean up for general purposes."

Mr. WALSH. Did not he further elaborate it?

Mr. BYRNES of South Carolina. No; having asked for it, he knew he was going to get it, and that is all that appears in the hearings.

Mr. WALSH. Then it can all be applied to the settlement of claims?

Mr. BYRNES of South Carolina. It can be applied to all purposes. The statement was general enough to leave him so that he could spend it for any purpose—I see no tying of his hands. I know that this was not estimated for through the Budget.

Every dollar they asked for through the Budget has been granted them, and in addition they get the amount on hand July 1 and the amount they get from the operation of the ships. Furthermore, if you do this you serve notice upon the department that after they get all they ask for through the Budget Bureau they can come to Congress and get additional amounts. Even a Congress as generous as this one is can not afford to give it to them.

Mr. DALLINGER. Will the gentleman yield?

Mr. BYRNES of South Carolina. Certainly.

Mr. DALLINGER. Is it not true that, on page 33 of the bill, we have already appropriated $50,000,000, of which $30,000,000 will be immediately available for the payment of claims?

Mr. BYRNES of South Carolina. They asked for $50,000,000 for claims and got it. If they had asked for $100,000,000 they would have got $100,000,000, but fortunately they were mild in their demands.

Mr. SNELL. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SNELL. Has anything new arisen since we voted on this before?

Mr. BYRNES of South Carolina. Nothing except that it appears that we are to have a deficit next year of $480,000,000. My good friend the gentleman from Indiana is ordinarily a watch dog of the Treasury, but when it comes to the Shipping Board, he goes to sea, and he is at sea now. [Laughter.]

Mr. WOOD of Indiana. That is what the Shipping Board is for.

The SPEAKER. The time of the gentleman from South Carolina has again expired.

Mr. WOOD of Indiana. Mr. Speaker, the gentleman from South Carolina does not wish, I am sure, to confuse the minds of the membership with reference to the payment of these claims. The $50,000,000 we appropriated, authorizing the payment of claims, are for the payment of claims that were created prior to the present administration during the war and for war material. They have nothing to do with the present operations of the Shipping Board. That is to say, suppose a man in Michigan furnished a certain number of ships during the continuance of the war under a contract about which there might have been some dispute and that dispute compromised. That is one of the items that would be included in the $50,000,000 appropriation for claims.

Now, the manner in which the money is collected, including the $55,000,000, is for the purpose of paying debts incurred since the war and outstanding indebtedness from the operations of the Shipping Board.

Mr. SNELL. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SNELL. When they made the estimate for the appropriation did not they take into consideration the outside expenses and debts?

Mr. WOOD of Indiana. No. I want to point out the peculiar condition that we are in in reference to the $55,000,000 item. The Jones Act provided that these collections should be paid into the Treasury. Last year we changed the Jones Act and said to the Shipping Board if you are going to have any money to defray the expenses of operation or the paying of debts you owe for operation you will have to collect your own money and apply it. Therefore we authorized them to collect the $50,000,000 and apply it.

Mr. BYRNES of South Carolina. Did not we give them the cash and also give them the authority? This year you gave them the cash, and now they want the authority.

Mr. WOOD of Indiana. No; we are only extending the authority. The gentleman is trying to confuse the minds of the Members on this $50,000,000. The $50,000,000 has nothing to do with the operation or the paying of debts that were created through the operation. Here is the situation we are in: A year ago, or when the bill was passed authorizing the collection of this $55,000,000, they were given the right within the fiscal year of 1922 to collect that $55,000,000. That was before this present board came in. When this board came in they stopped that whole process and commenced taking an inventory of stock and the property on hand and the debts of the Shipping Board, and in consequence there was a great space of time in which they did not collect any money. Up to the last three or four months they only collected six or seven million dollars, and since then they have collected some $15,000,000. Now they want authority to collect the $25,000,000 before the last day of June, 1923.

They are not asking for any more authority, but that the time be extended during the next fiscal year for the collection of this sum. Belgium owes us a large amount of money, and it is a part of their business to collect it. England owes us a large amount of money, and it is the business of the Shipping Board to collect it. Those gentlemen over on the other side of the sea are hoping that this Congress will do what some of you gentlemen are advising shall be done, namely, that the authority of these gentlemen to make these collections may end on the 30th of June.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. There seems to be a misunderstanding. Certainly it is not clear to me. Is it absolutely necessary to do anything as far as their authority to collect this money is concerned?

Mr. WOOD of Indiana. No.

Mr. SNELL. That is what I want to get clear in my mind. If it is necessary to do anything so that they will be allowed to collect the money, we want to do that, but the only question is whether we will give them authority to spend it for the Shipping Board after they collect it.

Mr. WOOD of Indiana. That is what is included in this. It is the same authority that was had last year.

Mr. SNELL. Why does it have anything to do toward the collection then?

Mr. WOOD of Indiana. It is their business to collect the debts. These are debts contracted by these foreign governments, due to the Shipping Board.

Mr. SNELL. We understand that, and we want them to collect those debts, but we do not want to give them authority to expend the money after they have collected it. It seems to me that unless we pass this as the gentleman asks us to they can not collect it.

Mr. WOOD of Indiana. They can collect it if it is collected before the 1st of July.

Mr. SNELL. Why not after the 1st of July?

Mr. WOOD of Indiana. Simply because the authority which you gave them under a rule would expire.

Mr. BYRNES of South Carolina. Oh, does the gentleman from Indiana contend that under the Jones Act there is anything that restricts or prevents them from collecting that money? Is not this the fact, that they are directed to go ahead and collect it, but after July 1, when they do collect it, it goes into the Treasury and is not available for them to spend?

Mr. SNELL. That is the only question that we are discussing.

Mr. BYRNES of South Carolina. My friend from Indiana will not question the correctness of that.

Mr. WOOD of Indiana. Absolutely not, but here is the trouble. Anyone who has had anything to do with collecting indebtedness from a foreign government knows how much trouble there is involved.

Mr. SNELL. But the gentleman is now getting onto another question. We are not discussing that. We want to collect that money, but we do not want to spend it, as I understand it.

Mr. WOOD of Indiana. Mr. Speaker, the gentleman is a business man conducting a business, we would say. He has authority if he collects money within a certain time, due to a certain concern, to apply that money in his own business. Suppose in order to collect that you have to make reductions, because you need the money to run your business.

Mr. SNELL. What authority have they got for making a reduction?

Mr. WOOD of Indiana. They have ample authority. They have a right to compromise. The men who are charged with the administration of the Shipping Board have the right to conduct their business just as the gentleman would conduct his own business, in the absence of fraud.

Mr. BYRNES of South Carolina. Does the gentleman mean to give out the impression that Mr. Lasker, in charge of the Shipping Board, would absolutely sacrifice the interests of this country and consent to a discount rather than have the money go into the Treasury after July 1?

Mr. SNELL. That is the purport of the gentleman's statement.

Mr. WOOD of Indiana. I shall make my own statement, and gentlemen can draw their own conclusions. Here is what Mr. Lasker would do, or might be inclined to do, just as the gentleman would. If you have a given policy, if you have a given amount of work laid down and you have to have a certain amount of money to do that work, and you knew that by making a reduction you could save your employer, the Government of the United States in this case, some money you would do it, because by waiting and going through the dilatory tactics employed it would cost you more. What would be your duty in such a case?

Mr. SNELL. That does not seem to be the question before us.

Mr. WOOD of Indiana. That is the only question.

Mr. SNELL. I maintain the question before us is whether we will give them authority to spend this money after they collect it. Let the gentleman refute that and show us why that is not the question.

Mr. WOOD of Indiana. That is one of the questions.

Mr. SNELL. That is the only one that we are contending about at this time. We all want them to collect the money.

Mr. WOOD of Indiana. If the gentleman wants a little time, I will give it to him; but I will ask him to please let me speak for a little while.

Mr. BYRNS of Tennessee. Mr. Speaker, is it the gentleman's purpose to move the previous question when he concludes?

Mr. WOOD of Indiana. Yes.

Mr. BYRNS of Tennessee. I would like to have about two minutes.

Mr. WOOD of Indiana. Very well; I yield the gentleman two minutes now.

Mr. BYRNS of Tennessee. Mr. Speaker, I simply want this time to keep the record straight. The gentleman from Indiana [Mr. WOOD] made a remark a little while ago to the effect that those who are opposing this proposition are trying to cripple the Shipping Board. Those who are opposing this proposition are acting in accord with Mr. Lasker's own opinion and his own earnest protests to Congress made last July. Gentlemen will remember when this was up before that I read from hearings some very strong statements made by Mr. Lasker on this subject. To make the record complete, I want to read to you a portion of a statement issued by Mr. Lasker to the press on July 18, 1921, when he was new in the business and fresh from the people and the taxpayers. Here is what he had to say about this particular proposition, and he was referring to the $55,000,000 which is carried in the present bill. He says:

> This is a basically wrong thing to do, anyway. Therefore I am going to ask Congress to withdraw that permission and require us to cover into the Treasury all money derived from sales. I do not want to be at the head of a business that is run in any such fashion. If department heads do not have to account for money they use, it is easy enough for them to fool me and fool themselves. It makes for criminal waste and extravagance just as undoubtedly it has in the past.

That was Mr. Lasker in July, 1921. I would like to know what has come over the spirit of his dreams after six or seven months' service on the Shipping Board.

Mr. WOOD of Indiana. I will try to tell the gentleman. Mr. Lasker made the statement the gentleman attributes to him, and he did it immediately or within a few days after taking charge. He was laying down then a business policy to which we will all subscribe. There are a thousand things that happened during the war that make exceptions to general business and the very creation of this Shipping Board is one of them. Mr. Lasker found out that he had gotten himself into something entirely new, the like of which he never before confronted. Let me give you one of the reasons why he thinks this should be extended. He says:

> The Lloyd Royal Belge owes the Shipping Board on our books approximately $12,000,000. We have had the matter of settlement with them under negotiation with the company and with the Belgian ambassador. They offered us some two weeks ago $8,200,000 in settlement of the claim. We offered to take $8,300,000, which we considered a fair amount. Our reason for making this offer is that they threatened us with extended litigation in the courts abroad, which would drag along for years, giving, as a basis for the claim, technicalities which could tie us up indefinitely.
>
> To-day I received a letter from the Lloyd Royal Belge refusing to pay $8,300,000 withdrawing their offer of two weeks ago of $8,200,000, and virtually giving us an ultimatum to immediately accept $6,500,000 or have a lawsuit.
>
> The Royal Belgian Government now is hoping that you gentlemen will take and do the thing here you are attempting to do and thereby give them time to take this thing through the courts.

Mr. BYRNES of South Carolina. How will this affect it one way or the other——

Mr. WOOD of Indiana. It will affect it in this way: If we do not take and extend this time, so far as being able to compromise is concerned——

Mr. BYRNES of South Carolina. What will stop them from compromising? They can wait a year. They can settle in 30 days. That does not——

Mr. WOOD of Indiana. I think the gentleman from South Carolina in conducting a business of his own would exercise authority and use his best judgment in the transaction of that business, and he would not want to come to Congress every time he makes a settlement and get the sanction of Congress.

Mr. BYRNES of South Carolina. This does not require it.

Mr. WOOD of Indiana. That is the whole trouble about this business. This Shipping Board is something entirely new, the like of which we never had to deal with before. It is a business of the Government and we are not recognizing it as such, but simply recognize it as a pure business function which it is not.

Mr. STEPHENS. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. STEPHENS. Has not Mr. Lasker or the Shipping Board authority to settle these claims at any future time? If this amendment is not passed, will it not have the same authority to collect all of this money that is due just the same as if this were passed?

Mr. WOOD of Indiana. Under the Jones bill they have the general authority to transact this general shipping business, but they have not the authority that is given under this amendment; and here is the peculiar thing about this business: The Congress is simply playing a shuttlecock game with this thing. In the Jones bill we make one provision under which this business shall be done, and under the amendment in last year's appropriation bill we make an entirely different provision. They have accepted the last amendment and have proceeded under that until this time, and if you wish and can force them they may collect the whole amount within the next two months, or before the 1st day of July.

Mr. STEPHENS. Can not they collect now, whether we give them the authority to use it after it is collected, or not?

Mr. WOOD of Indiana. Yes.

Mr. STEPHENS. Is not the only question whether they can use this money after it is collected?

Mr. WOOD of Indiana. That is absolutely true.

Mr. STEPHENS. But they can collect, whether we give them that authority or not, and it is the gentleman's idea that they have not got the authority to use this money after it is collected, and therefore they will not make any effort to collect it.

Mr. WOOD of Indiana. No; I do not say that. If we give them the right to collect this money, they will not only use their best judgment in collecting it but also they can use it in their business to advantage.

Mr. STEPHENS. That is the question.

Mr. WOOD of Indiana. Some gentlemen here say that they should come to Congress, and in the main that is a good proposition and should be followed.

But here is a business with ramifications all over the world. They need something to-day that they did not anticipate yesterday, and they are going to need something to-morrow that they had no conception of to-day. Now, they must come to Congress and state whether or not they have spent any of this money. Under the Jones Act they must collect it and put it in the Treasury.

Mr. STEPHENS. The only question is whether they will have authority to use and expend this money as they collect it?

Mr. WOOD of Indiana. That is it.

Mr. STEPHENS. And that has not anything to do with the extension of time, so far as they have authority to collect it?

Mr. WOOD of Indiana. They have authority to collect. It is simply a matter of business expediency and business policy. You gave them this very authority and power. Now, then, you are going to take it away from them right in the middle of its execution. It was the contemplation of Congress that they had the right to collect this money and use it in the operating expenses.

Mr. SNELL. You would not want to leave the impression that the Shipping Board was sacrificing some particular interest in order to get this money collected before the 1st of July in order that they might have it to spend?

Mr. WOOD of Indiana. I do not want to leave that impression, but I want to leave this impression, that if you do not do this thing you are going to encourage the dilatory tactics of gentlemen who are on the other side and who owe us large sums of money.

Mr. SNELL. Just explain how it will be possible to encourage dilatory tactics?

Mr. WOOD of Indiana. It was explained in the letter I have just read you, where they are attempting to make these compromises, and they have told them that unless we accept the amount of money they offer they will extend this thing and drag it through the courts for time immemorial.

Mr. SNELL. What has that to do with the extension of the time? You have not made it clear.

Mr. WOOD of Indiana. I am trying to make it plain. Perhaps I am unfortunate in so doing. I do not know how much money it is going to take for the upkeep of the Shipping Board during the next fiscal year. No man can tell.

Mr. SNELL. I guess that is true.

Mr. WOOD of Indiana. I know that the best guesses they have had in the past have missed it by many, many millions of dollars. I know that if these men had a little bit of surplus money with which to make a just contract, they could save money, rather than letting the man who is going to contract with them know that before we could pay him he must come down to Congress and get a bill through here.

I want to say to you, gentlemen, that by reason of the bad faith practiced by the Government upon men who have contracted with it we have brought ourselves into very great disrepute, these men knowing that they are taking the greatest chances in the world, no matter how good the faith of the man might be who represented the Government, or how much he may believe at the time he made the contract on behalf of the Government that this bill would be paid. Every one of you has constituents now who are appealing to you to help them get the money that has been due them for years and years.

Mr. DOWELL. Will the gentleman yield there?

Mr. WOOD of Indiana. I yield.

Mr. DOWELL. Does the gentleman mean to say that this $25,000,000 is to be used for operating expenses?

Mr. WOOD of Indiana. It is to be used; yes.

Mr. DOWELL. Has not the proper appropriation been made for that purpose?

Mr. WOOD of Indiana. No. We made an appropriation of $50,000,000 for the purpose of covering a deficit in operating expenses, upon the evidence that we had at the time. But they are running behind now at the rate of $4,000,000 a month.

Mr. DOWELL. Originally this was for the purpose of paying claims?

Mr. WOOD of Indiana. No; it was not.

Mr. DOWELL. Now it is for the purpose of operating expenses?

Mr. WOOD of Indiana. No; it is for the purpose of paying debts. Here is what happened: When this $50,000,000 was given it under the old bill they owed debts all over the world. They asked us to give the money. We said, "You go and make the collections and apply them to the extent of $50,000,000."

Mr. DOWELL. Does the gentleman not think the board should come before the committee and show what the expenses are?

Mr. WOOD of Indiana. It is simply a matter of business expediency, and if you think these gentlemen can save more money to the Treasury by doing it that way, than by using their judgment, it is all right. If it was purely a governmental function, I would say all right, but it is a business conducted by the Government and ought to be conducted on business principles.

Mr. BYRNES of South Carolina. I understood the gentleman to say in response to the gentleman from Iowa [Mr. DOWELL] that the $50,000,000 appropriation was not available for the general expenses and administrative purposes, such as reconditioning and repair of ships and other general purposes.

Mr. WOOD of Indiana. Which $50,000,000?

Mr. BYRNES of South Carolina. In subsection (b).

Mr. WOOD of Indiana. The $50,000,000 was based on the theory of the deficit created from month to month; that it would take $50,000,000 in addition to what they might collect in order to cover the deficit.

Mr. BYRNES of South Carolina. Does the gentleman from Indiana agree that the Shipping Board did not ask for $50,000,000 for general expenses of the Shipping Board, and you gave them $50,000,000, and for claims?

Mr. WOOD of Indiana. The gentleman confuses that item with the $50,000,000. The $50,000,000 other than the $50,000,000 for the payment of claims was for the purpose of anticipating a deficit of $50,000,000.

Mr. BYRNES of South Carolina. The gentleman provides this for all purposes?

Mr. DOWELL. Did the gentleman state a moment ago that proper appropriation had not been made for the running expenses of the board, and that this $25,000,000 was to be used in addition to what had already been appropriated for that purpose?

Mr. WOOD of Indiana. I said that if this was expended, whatever was appropriated, could be used for the conduct of the business.

Mr. DOWELL. But you have already allowed $50,000,000 for that purpose?

Mr. WOOD of Indiana. It is purely a question of business policy. Take the proposition made by the gentleman from Tennessee [Mr. BYRNS]. That $50,000,000 is for the purpose of operating and this $25,000,000 for the purpose of operating, and then you would have $75,000,000 for the purpose of operating. Now then, if at the end of the year they have got a surplus, or anything left over, they have got to use it for the payment of claims. I say it is good policy to let them collect this money in a business sort of way and apply it in a business sort of way for the payment of claims, rather than to come here in a tedious way and tie up the money and accomplish no good results.

Mr. EDMONDS. As the matter stands to-day, the $50,000,000 will about cover the operating deficit of the Shipping Board?

Mr. WOOD of Indiana. That is right.

Mr. EDMONDS. They will not need more than that. They are losing now about $4,000,000 a month. But times are getting a little better in the shipping business, and it is possible they will not lose that much money. Now, would it not be well if you were to take this $25,000,000 and apply it in your amendment just to the payment of claims and leave it stand that way? Then there can be no doubt in the minds of Members as to how you want to apply it.

Mr. WOOD of Indiana. I do not care how they apply it, whether in paying debts or in the operation of the business, so as to show a surplus at the end of the year.

Mr. WALSH. Mr. Speaker, will the gentleman from Indiana permit me to submit a parliamentary inquiry to the Chair in his time?

Mr. WOOD of Indiana. Certainly.

Mr. WALSH. If this amendment is voted down, will a motion that the House still further insist on its disagreement be in order?

The SPEAKER. Certainly.

Mr. WOOD of Indiana. Now, gentlemen, I have told you all I want to say to you about this business, and it is for you to determine it. I believe it is the part of good business to continue in the hands of those gentlemen the power to collect this $25,000,000 in the year 1923 and spend it in the best manner possible in the conduct of the affairs of the Shipping Board.

Mr. DOWELL. If they needed this $25,000,000, why did they not present their estimate in the first instance, when they asked for $50,000,000 and you gave it to them?

Mr. WOOD of Indiana. They thought they could collect the entire $55,000,000 before the expiration of the year, but after that time and before the termination of the hearing before the committee they concluded that because of the long delay in completing the inventory that they had to make and other conditions which they could not anticipate they found that up to that time they had collected only $7,000,000, and that unless they made an extraordinary effort they could not collect more than $20,000,000.

Mr. DOWELL. Ought not that to have been provided for at the time?

Mr. WOOD of Indiana. Yes. If a mistake was made, it was made at that time. But that was the policy we adopted then, to encourage them, and they started out along that line of policy and conducted their business in that way. Now, we propose to take and reverse it.

Mr. CLOUSE. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CLOUSE. I wonder if the gentleman can tell us, if he has the facts in his possession, the facts with respect to the amount of money that is likely to be available and left on hand July 1?

Mr. WOOD of Indiana. It is only an estimate or assumption that they will have collected by the 1st of July $20,000,000.

Mr. CLOUSE. And that will be available for defraying the necessary operating expenses?

Mr. WOOD of Indiana. Yes; and I suppose it has all been used in refitting vessels and for other purposes.

Mr. SNELL. Mr. Speaker, the gentleman from Indiana [Mr. WOOD] is just throwing a smoke screen all around this proposition. He wants you to believe that this is a plan to collect debts from foreign debtors and others. If you want to increase the appropriation for the Shipping Board, then adopt the amendment as recommended by the Committee on Appropriations; but if you do not want to appropriate any more money than we have already appropriated, vote down the amendment. I understand that we gave them all that was asked for by the Budget Bureau. If you do not want to appropriate any more money than we have already appropriated, then you want to vote down this proposition. But it has nothing whatever to do with their ability to collect these accounts.

Mr. STEENERSON. Mr. Speaker, I desire to proceed for five minutes.

The SPEAKER. The Chair will recognize the gentleman from Minnesota.

Mr. STEENERSON. Mr. Speaker, I think there is some confusion on the point involved here. It seems to me the reason for that is that originally the law provided for the expenditure of the receipts of the Shipping Board. But that was terminated by the Jones Act, and after that goes into effect the money goes into the Treasury.

Now, it is very analogous—and that is the reason why I took the floor—it is very analogous to the system that governs the Postal Service. The Postal Service, we will say, is in receipt of about a million dollars a day in cash, but the Constitution provides that that money shall go into the Treasury unless it is appropriated by Congress. Now, then, to avoid the difficulty of coming in here for an act of Congress to pay everybody's salary every month, Congress passes a Post Office appropriation bill every year for the next fiscal year, authorizing the money required to be paid out of the postal receipts. That obviates the necessity of stopping the wheels of Government, because the money is appropriated out of the postal receipts instead of out of the Treasury.

Here you say the Shipping Board is in receipt of revenues, but as it is explained here by the gentleman from Indiana [Mr. WOOD], that money will go into the Treasury, and they can not pay their debts with it unless Congress appropriates for each specific item due to the creditor. Of course, that is impossible, and therefore the money will be paid in, but it has to be there in large sums until Congress makes provision for its disposal.

Now, I can not see that there is any danger whatever in adopting the motion of the gentleman from Indiana, because the only difference is that if you do not pass it this money will go into the Treasury and have to wait the pleasure of Congress when it wants to authorize its expenditure, whereas under the provisions of this bill the Shipping Board will not only have authority to collect it, but authority to spend it in their business to pay their audited and honest debts.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. STEPHENS. Would it not be a pretty good idea, then, to appropriate $25,000,000 more for the Shipping Board now, but to let all this money that is collected go into the Treasury, the same as is done in the Postal Service?

Mr. STEENERSON. It does not go into the Treasury in the Postal Service, because before it is collected you passed a bill to pay all expenditures out of the postal revenues. You appropriate a year in advance from that revenue to pay the salaries of postmasters and other salaries before you get the money.

Mr. BEGG. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. BEGG. It is a fact, however, is it not, that we have appropriated for the operating expenses of the Shipping Board all that they asked?

Mr. STEENERSON. I do not know about that.

Mr. BEGG. The records show it.

Mr. STEENERSON. You certainly have not appropriated for the debts they owe. They ought to have authority to pay these out of receipts instead of waiting till the money is in the Treasury and then appropriated by Congress.

Mr. BEGG. We have appropriated all they asked—$100,000,000.

Mr. STEENERSON. I do not so understand it. That was for operating expenses, but there are claims that are undisputed and should also be paid.

Mr. BEGG. Now, if we give them this other $25,000,000 we are simply boosting the ante $25,000,000 more, are we not?

Mr. STEENERSON. No; you are not losing a cent. They are not assumed to pay out anything that they are not obliged to pay, any more than the Post Office Department will pay out anything that it is not required by law to pay. If you should fail to pass the Post Office appropriation bill, the postal receipts would go into the Treasury, and the men working for the Government would get nothing until you made an appropriation to pay them.

Mr. BEGG. Does the gentleman believe the House ought to go on record as appropriating $25,000,000 to allow the Shipping Board to scatter around as they see fit?

Mr. STEENERSON. I believe the House ought to act on business principles. When you engage in a business analogous to the business of the Post Office Department the running expenses and debts must be paid right away, and you should pass a law authorizing that institution to pay those running expenses and debts, as soon as they are incurred, out of the receipts. If you send out an agent to do a commercial business for you, you authorize and expect him to pay the bills honestly incurred out of money coming in, as well as collecting for articles sold. If you can not trust him to keep honest accounts, he is not fit for the job. We must assume the same here.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana [Mr. WOOD] that the House recede and concur in the Senate amendment with an amendment.

The question being taken; on a division (demanded by Mr. WOOD of Indiana) there were—ayes 27, noes 48.

Accordingly the motion was rejected.

Mr. WALSH. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 31.

The SPEAKER. The gentleman from Massachusetts moves that the House further insist on its disagreement to Senate amendment numbered 31.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House request a further conference with the Senate on this bill.

Mr. GARRETT of Tennessee. Does the gentleman offer that as a motion or ask unanimous consent?

Mr. WOOD of Indiana. I offer it as a motion.

Mr. GARRETT of Tennessee. I would like to make a parliamentary inquiry, Mr. Speaker, if I may.

The SPEAKER. The Chair will first put it as a unanimous-consent request. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, if the House should not ask for a further conference, it would then simply be a matter of the Senate accepting the bill, would it not?

Mr. WOOD of Indiana. My understanding is that if a further conference should not be asked by the House, the Senate could request it, and then we would either have to grant their request or refuse it. As we are the latest ones acting upon it, it occurs to me that we ought to be the first ones to make the new move.

Mr. GARRETT of Tennessee. It seems to me the House has expressed itself on these propositions often enough so that the Senate ought to know how the House feels about them, and I do not see the necessity for a further conference. I shall not object, however, if the gentleman desires to take that course.

Mr. MANN. The customary thing is for the House, when it rejects a conference report, to further insist upon its amendments or its disagreements, and ask for a further conference.

Mr. GARRETT of Tennessee. I know that is customary.

Mr. MANN. And that is the courteous thing.

Mr. GARRETT of Tennessee. That is the courteous thing, and I shall not object.

Mr. MANN. It is not a matter that requires unanimous consent.

Mr. GARRETT of Tennessee. The House has expressed itself often enough so that the Senate ought to know how the House feels about it, I think.

Mr. GARNER. How long will it take before some conclusion is reached?

Mr. WOOD of Indiana. That is something I can not tell the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. WOOD]?

Mr. MANN. It is a matter of right to make the motion.

The SPEAKER. It is; but the Chair thought it would save time to put it first as a request for unanimous consent. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. WOOD of Indiana, Mr. WASON, and Mr. HASTINGS.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATIONS.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year 1923, and for other purposes, to disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Departments of State and Justice appropriations bill, disagree to the Senate amendments, and ask for a conference with the Senate. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I assume that the gentleman has conferred with the minority of the subcommittee?

Mr. HUSTED. I have conferred with the gentleman from Kentucky [Mr. JOHNSON], and he is quite agreeable to this course.

The SPEAKER. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. HUSTED, Mr. TINKHAM, and Mr. JOHNSON of Kentucky.

LEAVE TO EXTEND REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the defenses of the Panama Canal.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject of the defenses of the Panama Canal. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. TILSON. Mr. Speaker, the Panama Canal is one great national institution of which the entire country is proud. It was built under the direction of the Army and entirely without scandal or accusations of graft. Under the direction of Army officers, detailed for that purpose, it is now being operated with most gratifying success and with complete satisfaction.

The canal was built more for national defense than for commercial use, but the use of it for commerce, even thus early, has proved to be greater than was anticipated by the most sanguine. It is becoming more and more evident that its use for commercial purposes is destined to increase year by year in the time to come.

It was properly determined that the United States should fortify the canal. This work was begun while the canal was under construction and has since continued. The plans for its fortification were all made prior to the outbreak of the war in Europe, and the armament was projected and constructed on that basis. In naval parlance we speak of pre-Jutland and post-Jutland navies, meaning that the Battle of Jutland marked a very material change in naval armament and construction. The same may be said of the war in Europe in its relation to land armament.

One of the great changes brought about by the war was the increase in the range of artillery by means of increasing the angle of elevation at which the gun is fired. The large guns placed in the fortifications at Panama are all of the pre-war type of carriage construction. For instance, the 14-inch guns on Flamenco Island at the Pacific end of the canal are good guns, but their range is limited because of the fact that they can be elevated only 15 degrees. Likewise the 16-inch gun on Naos Island was almost antiquated before it was finally placed in position. The mortar batteries on Flamenco Island, however, are quite up to date, and in case of attack would probably prove to be about the most effective pieces of ordnance at either end of the canal.

About 12 miles to the northwest of the Pacific end of the canal is Toboga Island. Prior to the last war it was supposed that this island was so far distant that it need not be taken into account in the construction of fortifications. It now seems that in this we were mistaken. With the present range of naval armament it is entirely possible for warships to take advantage of Toboga Island to do great damage to the Pacific end of the canal. With the development of naval aircraft it is also possible for a hostile naval air fleet to make a rendezvous under the protection of Toboga Island, entirely safe from our present guns. I concur with those who contend that Toboga Island should be fortified with modern guns. Bear in mind that Toboga Island is more than 1,000 feet in height. Therefore while it remains unfortified it will serve as a protection to an enemy, whereas, on the other hand, if fortified it will make secure and impregnable the Pacific end of the canal.

In making a careful study of the defenses of the canal attention has been called to several points of possible weakness. One of these is the so-called Cano Saddle, which is on the northeast side of Gatun Lake. Gatun Lake was formed by building a dam across the valley of the Chagres River, just north of where the Trinidad River enters the Chagres. The lake, therefore, occupies these two river valleys and backs up in a number of places almost to the height of land or water divide. Cano Saddle is the most noteworthy of these places. It is about a thousand feet long measured by the shore of the lake and is almost level for the entire distance. At the lowest point it is exactly 87.4 feet above mean sea level on the Atlantic side. The gauge at Gatun on the day I was there last February showed the surface of the lake to be just 87 feet above sea level. This means that if the level of the lake were raised 6 inches the water would overflow through Cano Saddle, as it was originally, and flow down into the Atlantic. A steel barge, reinforced with concrete, has been sunk across the lowest point in the saddle and a loose-earth fill, 20 feet high and about 50 feet thick at the base, has been made throughout the length of the saddle.

So far as making an attack on the canal at this point is concerned, the loose-earth fill may as well be left out of consideration, because it would not be a very large task to dig a ditch through it. In order to injure the canal it would be necessary not only to dig through the loose-earth fill, but also to sink a ditch through the original soil to the depth of at least 20 feet in order to lower the level of the lake below the using point. In the light of modern digging operations it would seem that this might not be a difficult matter, and fears have been entertained for the safety of the canal on this account. In my judgment, however, these fears are not well founded, and for this reason: Surprise would be the only reason that would justify an attack at this point. Being in the jungle, as it is, would aid surprise, but would likewise render difficult the assembling of the necessary personnel and implements for digging the ditch.

The undertaking is made still more difficult by the terrain itself. The saddle is very flat. It would be necessary for the ditch to be excavated for a distance of at least 300 feet in order to run the water out of the lake. The earth is heavy jungle loam, and I am informed is underlaid with decomposed rock at a depth of about 10 feet. Digging a ditch of the size necessary to lower the lake materially under the conditions prevailing at this point would be an operation of such magnitude as to render its accomplishment by surprise well-nigh impossible. It would therefore seem to me that a reasonably careful patrol

of the lake by the garrison on the Canal Zone would be sufficient protection against possible surprise. An attack other than a surprise attack would, of course, be made at a more vulnerable part of the canal, such as the locks or the spillway at Gatun.

It was unfortunate that in the original building of the canal provisions were not made for crossing the canal at a number of places. While construction was going on, waterproof concrete tunnels could have been placed across the canal at a number of places without material additional expense. Unfortunately this was not done, and the question at this time is whether means should be provided now for crossing the canal, even though the cost would be considerable. I believe that it should be done. At the present time there is no way of crossing the canal with heavy transportation except by ferry. For a long time a pontoon bridge was maintained at Pedro Miguel, on which railroad trains crossed the canal. As the canal came to be used more and more, this proved to be such a serious inconvenience that it was discontinued about January 1, 1921. The result is that the Canal Zone itself is divided into two equal halves, and the Republic of Panama is likewise divided into two substantially equal parts.

In my judgment the use of the Canal Zone for homes, for agriculture, for grazing, and for other purposes should be encouraged. More of the supplies used on the zone should be produced there and less should be shipped from the States. The people of the Republic of Panama also should be encouraged to produce as much as possible for their own support as well as for supplying the needs of our employees on the Canal Zone. The construction of means for crossing the canal would be most helpful in this direction.

Whether it would be practicable to tunnel under the canal now, or whether a bridge or bridges would be necessary, I am not prepared to say, but the subject should be taken up and thoroughly considered from every point of view.

Another most important matter, which is not necessarily related to the defense of the canal, but is of the greatest importance to the future use and operation of the canal, is an additional reserve water supply. The difficulty of getting rid of the surplus waters of the Chagres was considered one of the most difficult problems in connection with the construction of the canal from the beginning. This problem has been completely solved. No longer is danger anticipated from the surplus waters of the Chagres, and the day is coming when there will be need for all the water that the river can supply.

At the present time there is a hydroelectric power plant at the Gatun spillway which furnishes power for the entire Canal Zone. During the rainy season there is always an abundance of water for this power plant in addition to the water that is needed for lockage purposes. During the dry season, however, if there should be an unusually large number of lockages, there might prove to be even now a lack of a sufficient supply of water. In order to meet an emergency of this kind, an auxiliary steam power plant has been established at Pedro Miguel. As a matter of economy this steam power plant should, of course, be used just as little as possible.

The entire problem of an ample water supply can be solved by the erection of a dam across the upper Chagres Valley near Alhajuelah, thereby forming an immense reservoir for the impounding of the surplus water that now runs to waste during the rainy season. By so doing the amount of water to be wasted at the Gatun spillway during the height of the rainy season will be greatly diminished and at the same time an ample reserve supply for the dry season will be gathered and maintained.

One advantage of having this reserve supply would be that by erecting a hydroelectric plant at the Alhajuelah Dam an abundance of power could be produced even during the dry season. As the water is drawn from Gatun Lake for the Gatun spillway power plant all of the water used is gone and must be subtracted from the total supply available for lockage purposes. With the reserve reservoir there would be the unusual condition of eating one's cake and having it too. That is, the same water that would be used for generating power at the Alhajuelah Dam would also be used for lockages at Gatun, Pedro Miguel, and Miraflores.

As I now recall, the highest number of ships that have gone through the canal in one day has been 21, and the average number is about 10 per day. The number is increasing and there is every reason to believe that the number will continue to increase indefinitely. It is now generally agreed that an average of two lockages per hour, or 48 per day, would be a comfortable maximum. Long before this maximum is reached, however, a reserve water supply would have to be furnished or the use of the hydroelectric plant at Gatun would have to be discontinued during practically the entire dry season. Therefore, in view of the substantial increase in the use of the canal which everyone confidently expects, it would seem to be the part of wisdom to begin at once to carry out the proposed plan for a reserve supply of water. Everyone should look forward hopefully to the time when the canal will be used to its maximum in carrying commerce for the benefit of mankind, and as a forward-looking people we should be prepared in advance to take care of it. Meanwhile an additional water supply would insure against the expense of operating the auxiliary steam-power plant at Pedro Miguel and would assure an abundant supply of cheap hydroelectric power for an ever-increasing use on the Canal Zone.

BASKETS.

Mr. VESTAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 7102.

Mr. WALSH. Mr. Speaker, a point of order. As I recall the number of that bill, that is the basket bill.

Mr. VESTAL. Yes.

Mr. WALSH. I think the statute of limitations has run against that bill, and that there ought to be a quorum here. Will the gentleman state what the situation is with reference to the general debate?

Mr. VESTAL. General debate has been concluded.

Mr. WALSH. What is the situation now?

Mr. VESTAL. We commence reading the bill from the beginning for amendment.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7102) fixing standards for hampers, round stave baskets, and splint baskets for fruits and vegetables.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk began the reading of the bill.

Mr. STEVENSON. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from South Carolina makes the point that no quorum is present. Evidently there is no quorum present.

Mr. CONNALLY of Texas. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question was taken, and the motion was lost.

The CHAIRMAN. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Driver	Kahn	Morin
Ansorge	Dunbar	Kelley, Mich.	Mott
Anthony	Dunn	Kennedy	Mudd
Atkeson	Echols	Kindred	Nelson, Me.
Beedy	Ellis	Kirkpatrick	Newton, Minn.
Bixler	Fairchild	Kitchin	Newton, Mo.
Blakeney	Fenn	Kleczka	Nolan
Bland, Ind.	Fess	Knight	O'Brien
Blanton	Fields	Kreider	Olpp
Brand	Fish	Kunz	Parker, N. Y.
Brennan	Foster	Lampert	Patterson, N. J.
Briggs	Free	Langley	Perkins
Britten	French	Lee, Ga.	Perlman
Brown, Tenn.	Funk	Lehlbach	Porter
Burroughs	Gallivan	Linthicum	Pou
Butler	Goldsborough	Little	Pringey
Campbell, Pa.	Gorman	Logan	Rainey, Ala.
Cantrill	Gould	Longworth	Rainey, Ill.
Chandler, Okla.	Green, Iowa	Luhring	Ransley
Clark, Fla.	Hammer	McArthur	Reavis
Classon	Hardy, Tex.	McFadden	Reber
Clouse	Haugen	McLaughlin, Nebr.	Riddick
Codd	Hersey	McLaughlin, Pa.	Riordan
Cole, Iowa	Hicks	McSwain	Robertson
Connell	Hines	Maloney	Rodenberg
Connolly, Pa.	Hogan	Mansfield	Rogers
Cooper, Wis.	Hudspeth	Martin	Rosenbloom
Copley	Hutchinson	Merritt	Rossdale
Crowther	Ireland	Michaelson	Rucker
Dale	James	Mills	Ryan
Davis, Minn.	Jefferis, Nebr.	Montague	Sabath
Dempsey	Jeffers, Ala.	Moore, Ill.	Sanders, Ind.
Doughton	Johnson, Miss.	Moore, Va.	Schall
Drewry	Johnson, Wash.	Moores, Ind.	Scott, Mich.

Sears	Sullivan	Towner	Wheeler
Shelton	Summers, Wash.	Treadway	Williams
Shreve	Sweet	Upshaw	Winslow
Sisson	Taggue	Vaile	Woods, Va.
Sleep	Taylor, Ark.	Vare	Yates
Snyder	Taylor, Colo.	Voigt	Young
Sproul	Taylor, N. J.	Volk	Zihlman
Stafford	Taylor, Tenn.	Walters	
Steenerson	Timberlake	Ward, N. Y.	
Strong, Pa.	Tinkham	Ward, N. C.	

The committee rose; and the Speaker having resumed the chair, Mr. TUSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 7102) fixing a standard for hampers and baskets for fruits and vegetables, found itself without a quorum; that he caused the roll to be called and 256 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That the standard round stave baskets for fruits and vegetables shall be the one-half bushel basket, five-eighths bushel basket, 1-bushel basket, 1½-bushel basket, and 2-bushel basket, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(a) The one-half bushel round stave basket shall contain 1,075.21 cubic inches, and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 12½ inches; the average inside depth shall be not less than 5½ inches; the web shall consist of 20 intersecting staves, of such length that they will form the sides and bottom of a basket which shall contain 16 quarts, standard dry measure.

(b) The five-eighths bushel round stave basket shall contain 1,344 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 13½ inches; the average inside depth shall be not less than 10½ inches; the web shall consist of 20 intersecting staves, of such length that they will form the sides and bottom of a basket which shall contain 20 quarts, standard dry measure.

(c) The 1-bushel round stave basket shall contain 2,150.42 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 17 inches; the average inside depth shall be not less than 10½ inches; the web shall consist of 20 intersecting staves, of such length that they will form the sides and bottom of a basket which shall contain 32 quarts, standard dry measure.

Mr. QUIN. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Amend by inserting on page 1, line 5——

Mr. VESTAL. Mr. Chairman, I make the point of order that we have passed section 1.

The CHAIRMAN. The gentleman from Indiana makes the point of order that section 1 has been passed.

Mr. QUIN. I hope the gentleman will reserve his point of order and let me offer this amendment for information, and then go back to section 1 afterwards and consider it. I may not be here when we revert to section 1, as I may be called out. We have another committee at work and I may not be here, as I am engaged in that work. Let the amendment be read, and then one of my colleagues can take care of it when we go back to section 1.

Mr. MANN. Let some one offer it when we go back to section 1.

Mr. VESTAL. I have no objection to the amendment being read for information of the committee.

The CHAIRMAN. Without objection, the Clerk will report the amendment for information.

The Clerk read as follows:

Amend by inserting on page 1, line 5, after the third word, "seven-eighths bushel hamper," and by inserting on page 2, between lines 6 and 7, "(C-1) the standard seven-eighths bushel hamper shall contain 28 quarts, or 1,881⅓ cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 15½ inches; the inside diameter of the bottom shall be 9¾ inches; the inside length of staves shall be 15$\frac{7}{16}$ inches, the inside top hoop shall be set with its upper edge even with the upper ends of the staves; and the bottom shall be set with its lower edge even with the lower ends of the staves."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that on May 16 this committee reported out H. R. 4900, and on June 17 they reported out the pending bill. What is the substantial difference between the two measures? I notice that in H. R. 4900 the title is very similar, and the first two or three sections seem to be identical.

Mr. VESTAL. Yes.

Mr. WALSH. What was the necessity for reporting out two measures?

Mr. VESTAL. There were two or three amendments to the bill—I do not remember just exactly what they are now—which the committee had agreed upon, and rather than put them in the bill as amendments I had the bill rewritten and introduced the bill with the amendments that the committee had agreed on.

Mr. WALSH. So that there would be no committee amendment?

Mr. VESTAL. So that there would be no committee amendments in the bill.

Mr. CONNALLY of Texas. Mr. Chairman, I move to amend, on page 6, line 2, by striking out the words "sixty-three one-hundredths" and inserting in lieu thereof the words "sixty-four one-hundredths."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas: Page 6, line 2, strike out the words "sixty-three one-hundredths" and insert "sixty-four one-hundredths."

Mr. CONNALLY of Texas. Mr. Chairman, I am very much gratified that I have the opportunity to offer this amendment. I believe that in vital legislation of this character we should be very careful to be certain that all parties get full measure. The committee has written this 63/100 cubic inches. I believe that if there is any doubt at all, that the purchaser ought to receive the benefit of the doubt, and I propose to make it 64/100 cubic inches. I know there are some gentlemen who are opposed to this bill. I know that in every legislative body there are always trimmers and dodgers; but I want to serve notice now that in the coming campaign you are going to have to face this issue of whether this bill shall provide 64/100 cubic inches or 63/100 cubic inches.

The Republican Party is pledged to this legislation. It has gone before this country and it has received the mandate of the American people, and Republican campaign workers propose to see to it that this legislation is written into the statute books. [Applause.] It is true that some farmers, some agriculturists throughout the country are concerned about what they are going to get in money for their products—for their wheat, for their hogs, for their cattle—but some gentlemen seem indifferent as to that anxiety. The question with them seems to be, How big shall the basket be? How will it be possible for farmers to market their produce at all unless we provide with some degree of accuracy, unless we standardize these measurements, so that they can carry their produce properly to the market? Why not provide how many potatoes should be in a bushel and prescribe the standard of weights and fineness without the consent of any foreign nation? Of what concern is it to the Congress whether or not international trade shall be improved? Trade with the rest of the world can wait. What we are concerned with is right here at home. The question is, What size shall the hamper be in this Republic of ours? [Applause.] It is true that some countries, some international statesmen, have absolutely missed the point.

They are engaged now over at Genoa, with Lloyd-George representing the British Empire, with the representatives of the Russians and the Germans and the other European countries there, having in a moment of weakness, of error, conceived the idea that the proper matter to adjust is the economic rehabilitation of Europe, the value of coinage, the exchange, the reestablishment of trade and commerce; but what have these paltry questions to do with the matter, when this country is face to face with a great problem like this: How big shall the hamper be? Some people do not seem to properly appraise the importance of this problem. I want to say that it has got to be faced, and it has got to be faced now. We disposed of the naval question only a short time ago. We have adjusted the matter of international disarmament. Why not now solve this question? Let us settle it now. The tariff question can wait for another year in a Senate committee, but an important question like this ought to be settled, and it ought to be settled now. Of course, a great many people are interested in legislation to continue the War Finance Corporation, the bill for agricultural representation on the Federal Reserve Board, and other important and useful measures, but a Republican Congress must pass the basket bill. The people of the Republic are anxiously looking to this Congress for action on this consuming question, and the gentleman from Indiana [Mr. VESTAL] has heard their cry and has revived this old friend of ours.

Mr. QUIN. Mr. Chairman, it is very amusing to this House that this old basket-bill corpse has been dragged up [laughter] after all these weary months. [Laughter.] After all this long sleep, with nothing else to do, the Republican majority are figuring out the difference between sixty-three one-hundredths and sixty-four one-hundredths of an inch in the size of a hamper. Listen, you Republican folks. They have been around here trying to rob the farmer in every conceivable way. You robbed him on this nasty tariff bill you put through this House. You robbed him when you took off the excess-profits tax from the profits of the rich. You robbed him when you took off the income tax and reduced it down, and, by the way, it then took the United States Senate to come in with a mess on that measure. You robbed him when you put the railroad rates on him in the Esch-Cummins bill. And now, after he gets up in the morning at daylight, goes out to his field and works all day,

not stopping except when 12 o'clock comes and the dinner horn is blown, he goes to his house, where his wife has fixed him a little food to eat, and while she is getting it ready she says, "John, go out and cut some wood while you are resting." [Laughter.] Then he goes back to the field and ploughs as long as he can see. These vegetable farmers throughout the South actually build torchlights in their fields and work at night. You are here with this little old mess of a basket bill, allowing one section of the country to have a five-eighths hamper and another one a hamper of a different kind, but you make it a crime for a farmer to ship in truck in a seven-eighths hamper. But with all these things you are figuring around what to do and trying to see that the farmer can not get a square deal in his hamper, after you failed to give him a chance to make a crop, after you failed to give him implements and fertilizers at a decent price, after you fix it so that the tax grabber can go into all of his pockets, after you fix it so that he is going to be robbed if he ships his produce to the consumers of this country, you come along with a specified hamper to further hamper him [laughter] on the kind of hamper that his produce is to be put in before it is shipped. Do you think the farmers of the United States will be very enthusiastic over such legislation as this when on every hand they are being pressed down by the oppressive hand of the commercial fertilizer manufacturer and the railroad magnates that charge him 100 per cent more than they did four years ago on his freight—and remember the farmer is paying seven-tenths of all the freight that is paid, aggregating billions of dollars of freight charges that are collected in the United States by the transportation companies?

The farmer must pay the freight on his equipment and the things necessary to raise his crop; that man must pay the freight on his produce before it reaches the table of the consumer; that is the man you are legislating against by this sort of a bill. Why do not you put up a bill and say that a sack of fertilizer must be of a certain kind, that the sack must be so many inches in diameter, so many inches high, and tied with hickory bark, slippery-elm bark, or twine string? Why do not you say that the plowstock the farmer gets shall be made out of hickory wood, with the grain running crosswise and curved in the middle? [Laughter.] Why do not you say the collar the farmer must put on his mule shall be stuffed with long-staple cotton, that the leather shall be of rhinoceros hide, sewed together with alligators' tails? Why do not you say the farmer shall have all of these discomfitures and miserable things inflicted upon him? This hamper or basket bill is just as unreasonable as the other suggestions. What else do you do?

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. You have done all these things to injure him, and you are still hankering after something else with which to hamstring him. [Applause.]

Mr. VESTAL. Mr. Chairman, we have had 10 minutes of discussion, and I now ask for a vote on the amendment.

The question was taken, and the amendment was rejected.

Mr. QUIN. Division, Mr. Chairman; it is a very important amendment.

The CHAIRMAN. The Chair did not understand the gentleman from Mississippi.

Mr. QUIN. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and one gentlemen are present; a quorum. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, and 24-quart basket, standard dry measure.

(a) The 4-quart splint basket shall contain 268.8 cubic inches and conform to the specifications in one of the two following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 7 inches by 12 inches. The approximate inside dimensions of the bottom at the corners shall be 5¾ inches by 10½ inches. The inside depth at the corners shall be 4 inches.

(2) The inside dimensions of the square-cornered splint basket at the top shall be 6 inches by 12 inches. The inside dimensions of the bottom shall be 5½ inches by 11½ inches. The inside depth at the corners shall be 4 inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 8 inches by 14 inches. The approximate inside dimensions of the bottom at the corners shall be 7 inches by 12 inches. The inside depth of the corners shall be 5 inches.

(2) The approximate inside dimensions of the top across the center shall be 9½ inches by 16½ inches. The approximate inside dimensions of the bottom at the corners shall be 7½ inches by 14½ inches. The inside depth at the corners shall be 4 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 7½ inches by 15½ inches. The inside dimensions of the bottom shall be 7 inches by 14½ inches. The inside depth at the corners shall be 5 inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 9½ inches by 16 inches. The approximate inside dimensions of the bottom at the corners shall be 8¼ inches by 14 inches. The inside depth at the corners shall be 5½ inches.

(2) The approximate inside dimensions of the top across the center shall be 11½ inches by 17½ inches. The approximate inside dimensions of the bottom at the corners shall be 8¾ inches by 14½ inches. The inside depth of the basket at the corners shall be 5 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 8¾ inches by 17½ inches. The inside dimensions of the bottom shall be 8 inches by 16¾ inches. The inside depth at the corners shall be 5¾ inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 10½ inches by 18½ inches. The approximate inside dimensions of the bottom at the corners shall be 8¾ inches by 16 inches. The inside depth at the corners shall be 6¾ inches.

(2) The approximate inside dimensions of the top across the center shall be 11½ inches by 19½ inches. The approximate inside dimensions of the bottom at the corners shall be 8¾ inches by 16½ inches. The inside depth at the corners shall be 6 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 9 inches by 19 inches. The inside dimensions of the bottom shall be 8½ inches by 18 inches. The inside depth at the corners shall be 6¾ inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches, and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 12 inches by 20 inches. The approximate inside dimensions of the bottom at the corners shall be 10 inches by 17½ inches. The inside depth of the basket at the corners shall be 7½ inches.

(2) The approximate inside dimensions of the top across the center shall be 12 inches by 22 inches. The approximate inside dimensions of the bottom at the corners shall be 9 inches by 19 inches. The inside depth of the basket at the corners shall be 7 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 10½ inches by 22½ inches. The inside dimensions of the bottom shall be 9½ inches by 20½ inches. The inside depth of the basket at the corners shall be 7½ inches.

Mr. WINGO and Mr. JONES of Texas rose.

Mr. QUIN. Mr. Chairman, I make the point of no quorum. It seems that we ought to have a quorum here.

The CHAIRMAN. The gentleman from Mississippi makes the point of no quorum. The Chair will count. [After counting.] Eighty-two gentlemen are present; not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Fish	Lyon	Sabath
Ansorge	Focht	McArthur	Sanders, Ind.
Anthony	French	McKenzie	Sanders, N. Y.
Bankhead	Frothingham	McLaughlin, Nebr.	Schall
Beck	Funk	McLaughlin, Pa.	Scott, Mich.
Bell	Gahn	McSwain	Sears
Bixler	Gorman	MacGregor	Shaw
Black	Gould	Magee	Shelton
Blakeney	Graham, Pa.	Maloney	Shreve
Bland, Va.	Hammer	Mansfield	Siegel
Blanton	Hardy, Tex.	Martin	Sisson
Boies	Haugen	Merritt	Sleep
Brand	Hawes	Michaelson	Smithwick
Brennan	Hawley	Mills	Snell
Briggs	Herrick	Montague	Snyder
Britten	Hersey	Montoya	Stafford
Brown, Tenn.	Hicks	Moore, Ill.	Steenerson
Burke	Hill	Moore, Va.	Strong, Pa.
Burroughs	Hogan	Moores, Ind.	Sullivan
Butler	Hudspeth	Morin	Summers, Wash.
Cantrill	Hull	Mott	Sumners, Tex.
Chandler, N. Y.	Husted	Mudd	Sweet
Chandler, Okla.	Hutchinson	Murphy	Tague
Clark, Fla.	Ireland	Nolan	Taylor, Ark.
Classon	James	O'Brien	Taylor, Colo.
Clouse	Jefferis, Nebr.	Oldfield	Taylor, N. J.
Cockran	Jeffers, Ala.	Olpp	Taylor, Tenn.
Codd	Johnson, Miss.	Padgett	Ten Eyck
Cole, Iowa	Johnson, Wash.	Paige	Tincher
Connell	Kahn	Parker, N. J.	Treadway
Connolly, Pa.	Kelley, Mich.	Parker, N. Y.	Underhill
Cooper, Wis.	Kelly, Pa.	Patterson, N. J.	Upshaw
Copley	Kennedy	Perkins	Vaile
Crisp	Kindred	Perlman	Vare
Crowther	Kitchin	Porter	Vinson
Dale	Kleczka	Pou	Voigt
Dallinger	Knight	Pringey	Volk
Davis, Minn.	Kreider	Rainey, Ala.	Walters
Deal	Kunz	Rainey, Ill.	Ward, N. Y.
Dempsey	Lampert	Ramseyer	Ward, N. C.
Doughton	Langley	Ransley	Webster
Drane	Layton	Reavis	Wheeler
Drewry	Lea, Calif.	Reber	Williams
Driver	Lee, Ga.	Riordan	Williamson
Dunbar	Lehlbach	Robertson	Winslow
Echols	Linthicum	Rodenberg	Wise
Fairchild	Little	Rogers	Woods, Va.
Faust	Logan	Rosenbloom	Yates
Fenn	Longworth	Rossdale	Young
Fess	Luce	Rucker	Zihlman
Fields	Luhring	Ryan	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TUSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint

baskets for fruits and vegetables, and for other purposes, and finding itself without a quorum, he had directed the roll to be called, whereupon 226 Members answered to their names—a quorum—and he presented a list of absentees for entry in the Journal.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. WINGO. Mr. Chairman, I had not expected that I would have to expend any energy in explaining and elaborating my views on this bill any more. I have endeavored in the last two or three years in the consideration of this bill to explain to the House my fundamental objection to it. Of course, each time it is changed it presents a new face. But, Mr. Chairman, while I have never had any hopes of defeating this bill, I can at least have the consolation of seeing that the proponents of it have at least confessed some of its wickedness and have cut out some of its glaring inconsistencies.

I see no hope of defeating legislation of this kind, and I say it seriously because in every district throughout the land, as in the case in my district, there are men urging the passage of bills like this and other similar measures, by which they wish the Federal Government to create more Federal agents, establish more Federal regulations, and impose more Federal restrictions. Of course, this is a representative body, Mr. Chairman, and while in one breath they condemn us for keeping our ears to the ground, condemn us for having no more backbone, yet in the next breath they flood us with petitions and with demands that we continually rob the people of the States of the little authority they have left and lodge it in some bureau in Washington.

Mr. Chairman, I speak seriously when I say I think the greatest danger to our free institutions to-day is the tendency of the American people to make a mad rush to Washington and demand that everything be done by the Federal Government. [Applause.]

You are creating new judges, and if you keep up this business you will have a greater number of Federal judges in this land than you have district judges in the State courts. Not long ago I became interested in the conditions existing in my State, and I found, much to my surprise, that to-day, going upon the soil of Arkansas, marching up and down its highways and byways, and nosing into people's smokehouses and their orchards and their vineyards——

Mr. MILLER. And into their stills. [Laughter.]

Mr. WINGO. Yes; and into their stills, the gentleman from Washington says, although they are not so busy with the stills now in the mountain districts as they are in the cities, among the clubs, and other places. But to get back to the proposition, I found Federal agents nosing into our little fruit gardens, even into the flower beds of the little children at the schools. They are going into the bathrooms, into the pantries, into the business houses; they are nosing into the books; and to-day I say in the State of Arkansas there is a greater number of these Federal agents being supported by the taxpayers of America than there are State, county, and municipal officers.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. No; I am serious, and therefore I am not going to follow your "still." The gentleman can not get any relief or sustenance from me along that line. [Laughter.]

If anyone had suggested to the founders of this Government that the day would ever come when in a State like Arkansas—not a great industrial State, but with just a few industrial centers—that the day would ever come when Federal officers and Federal agents would outnumber the State, county, and municipal officers, they would have thrown up their hands in horror.

Mr. Chairman, hardly a day passes that I do not get an inquiry from some anxious constituent of mine wanting to know if Congress has passed a law forbidding this thing or that.

I venture the assertion that my experience is that of other Members of this Congress. This morning I got a letter from an old gentleman who said he had been advised that the Federal Congress had enacted a law making it a Federal offense for a boy to play baseball on Sunday and asking me to advise him if that was true. [Laughter.] Why, even the boys are afraid to play upon the streets of the land for fear they will be nabbed by some Federal officer. Gentlemen, whenever the time arrives that there is throughout this land a resentment against the Federal Government which becomes an overwhelming sentiment, then your Government will be destroyed. People are absolutely in terror. They do not know when they will be hauled down from the mountains or up from the valleys to go before some Federal commissioner to answer to some charge predicated upon some honest act of theirs growing out of the habits and customs of the people for a lifetime or for generations, with no criminal intent, with the purest motives, following their daily customary habits. Yet they are dragged into court.

Why, under this bill, if some farmer dares to practice that economy that we are preaching to everybody and happens to use a basket or a bunch of baskets that he has carried over in the loft year after year in taking his stuff to town and marketing it from door to door in his little wagon, if he happens to use a basket that comes in between these quarts, some Federal agent snooping around will nab him up and take him down to Texarkana or Fort Smith, in my district, and make him plead to a charge that he has attempted to overthrow the liberties of the people by using a basket that does not fit the measurements of Congress. Oh, we talk about experts. Since when did this Congress become an expert on baskets?

Mr. DENISON. Will the gentleman yield?

Mr. WINGO. Let me conclude my thought and then I will yield. Congress recognizes the fact that it does not know anything about this. It recognizes the viciousness of this bill, because it says, "Notwithstanding the fact that we have muddled along here for years and twisted in and twisted out and changed first one specification and another, yet further along we will have a saving clause"; and that saving clause, in effect, is that if Congress makes a fool of itself, if it enacts a bill that stirs up too much resentment, then the Secretary of Agriculture has absolutely the authority to correct it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HERRICK. Will the gentleman yield for a question?

Mr. WINGO. Always.

Mr. HERRICK. How large a basket would be required to put in it all the good that this Congress has done for the common people, and how old would a child have to be in order to be able to carry that basket? [Laughter.]

Mr. WINGO. Mr. Chairman, I can appreciate the inquisitive mind of the gentleman from Oklahoma, a representative of the Republican Party upon this floor, overwhelmingly elected by a great constituency against a distinguished Democrat, and one of the leaders on that side. He is not deceived by the song sung every few days by the Republican leader [Mr. MONDELL], and I have been expecting the gentleman from Wyoming [Mr. MONDELL] before we adjourn to-day to expatiate on the wonderful harmony between the Republican organization in this House and the Chief Executive. [Laughter.] I can understand how the gentleman from Wyoming will answer the question of the gentleman from Oklahoma. I am not going to answer it; but you go to your constituents in November and answer that question. That is what they are going to ask you and every other Republican about your legislation. [Applause and laughter.]

But to get back seriously, gentlemen, turn to the top of page 12, where you seriously say, after we have spent months and months in perfecting this bill, if it proves to be a mockery and a failure—

> the Secretary of Agriculture, whenever he finds it necessary, may, in his regulations, prescribe specifications and tolerances with respect to the strength of the material used, or the dimensions thereof, for such hampers, round stave baskets, splint baskets, or parts thereof, in addition to, differing from, or superseding those set forth in sections 1, 2, and 3 of this act, but not departing from the respective capacities therein prescribed.

Nobody objects to Congress fixing the standard of measure for the bushel, for the quart, or anything else, but the viciousness of this thing is that you undertake to prescribe the material and the shape and the dimensions, even to the fraction of an inch. You absolutely do the humiliating and childish thing, after having done that, of saying, "Well, if we have made a failure of the law, some bureaucrat, some officer may rewrite the law and simply give six months' notice, and that will be sufficient."

Oh, where is the boasted capacity of the Republican Party. I do not blame you; whenever you get on ground like this you are getting into trouble. Gentlemen, I know you are going to pass this, but I want to bring it home to you that day after day you are yielding to clamor, you are continually setting up a Government not of law, not of local law, but you are yielding to these bureau chiefs and Cabinet officers the right to prescribe

and make by executive edict the law of the land. There is not a lawyer in this House that can take this bill and in two hours tell a farmer whether the basket he has in his wagon is a violation of the Federal statute; and you will not be able to do it until the Secretary of Agriculture has made the rules and regulations fixing the tolerances. Of course, there has to be provision for tolerances in this intolerant bill. You have to have some saving grace.

Mr. QUIN. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The gentleman from Mississippi makes the point that no quorum is present. The Chair will count. [After counting.] One hundred Members are present; a quorum.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, and had come to no resolution thereon.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry. Has any order or agreement been entered into whereby unobjected bills on the Private Calendar will be in order to-morrow?

The SPEAKER. There has not.

RECOMMITTING A BILL.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill H. R. 10611, on the Union Calendar, be recommitted to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill H. R. 10611 be recommitted to the Committee on Indian Affairs. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that at the request of the committee?

Mr. SINNOTT. It is a bill that I introduced myself and was inadvertently reported out.

Mr. WALSH. What is it about?

Mr. SINNOTT. It has reference to water-power sites on Indian lands.

Mr. GARRETT of Tennessee. Does the gentleman mean that the committee did not in fact act on it, and that it got on the calendar by error?

Mr. SINNOTT. Yes; it got upon the calendar by error.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. VESTAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Friday, April 21, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

591. A letter from the Secretary of War, transmitting request for the passage of Senate Joint Resolution 90, empowering the director of aircraft production to dispose of assets of the corporation, to impose conditions upon such, and likewise authorizing the postponement of the dissolution of the corporation if the Secretary of War deems it necessary; to the Committee on Military Affairs.

592. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Monongahela River, Pa. (H. Doc. No. 288); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Military Affairs. H. J. Res. 300. A joint resolution authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment, to be held in Riverside, Calif., in May, 1922; without amendment (Rept. No. 913). Referred to the House Calendar.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11347. A bill authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale; without amendment (Rept. No. 914). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11346. A bill authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as the old lighthouse property at Lighthouse Point, in the city of New Haven; without amendment (Rept. No. 915). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 11378) authorizing the use of special canceling stamps in first-class post offices in Oregon and Idaho; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: A bill (H. R. 11379) authorizing and directing the Postmaster General to permit the use of special canceling stamps in the post offices of the first class in the State of Arkansas, bearing the words and figures, "Visit Arkansas State Fair and Exposition, October 4–14, 1922"; to the Committee on the Post Office and Post Roads.

By Mr. PARKS of Arkansas: A bill (H. R. 11380) for the protection of property and the relief of destitute sufferers from floods in the State of Arkansas and other States; to the Committee on Appropriations.

By Mr. MUDD: A bill (H. R. 11381) exempting junior high-school teachers on permanent tenure from the requirement of examination for the position of teacher in the junior high school in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MEAD: A bill (H. R. 11382) to provide study periods for post-office clerks; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 11383) granting a pension to Jennie A. Robinson; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 11384) granting an increase of pension to Harriet Myers; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 11385) granting a pension to Jane C. Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11386) granting a pension to Martha R. Potts; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11387) granting a pension to Adolph G. Reinert; to the Committee on Pensions.

By Mr. KINDRED: A bill (H. R. 11388) for the relief of John Guigel; to the Committee on Claims.

By Mr. MICHENER: A bill (H. R. 11389) for the relief of Robert Guy Robinson; to the Committee on Naval Affairs.

By Mr. REECE: A bill (H. R. 11390) providing for the retirement of W. L. Allen; to the Committee on Reform in the Civil Service.

By Mr. TOWNER: A bill (H. R. 11391) granting a pension to Lottie J. Thomas; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11392) granting a pension to Ernest W. Larson; to the Committee on Pensions.

By Mr. A. P. NELSON: Resolution (H. Res. 330) for the appointment of an additional clerk to the Committee on Accounts; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5192. By the SPEAKER (by request): Resolutions adopted at the National Construction Conference in Chicago April 5 relative to different legislative matters and urging early consideration of them; to the Committee on Ways and Means.

5193. By Mr. CRAGO: Resolution adopted by the Pittsburgh Coal Exchange, of Pittsburgh, Pa., urging the early completion of the slack-water system on the Ohio River; to the Committee on Rivers and Harbors.

5194. By Mr. DRANE: Resolution from Tampa (Fla.) Board of Trade, favoring full complement of officers and enlisted men for the United States Navy; to the Committee on Appropriations.

5195. By Mr. FRENCH: Petitions of citizens of Lewiston and citizens of Kootenai County, Idaho, protesting against en-

actment of H. R. 9753 and other Sunday bills; to the Committee on the District of Columbia.

5196. By Mr. FULLER: Petition of the Bellrose-Standard Silica Co., of Ottawa, Ill., opposing the Capper bill, S. 1150, and the Sweet bill, H. R. 6841; to the Committee on Interstate and Foreign Commerce.

5197. Also, petition of the Chicago section of the Society of American Military Engineers, favoring adequate appropriations for the Army and Navy and opposing unreasonably curtailing the personnel of the armed forces; to the Committee on Appropriations.

5198. By Mr. KIESS: Petition of citizens of Potter County, Pa., protesting against the passage of H. R. 9753; to the Committee on the District of Columbia.

5199. By Mr. KISSEL: Petition of the Central Trades and Labor Council, New York City, N. Y., urging the passage of H. R. 10084; to the Committee on the District of Columbia.

5200. By Mr. MEAD: Petition of George A. Edwards, of East Aurora, N. Y., indorsing the Morgan pension bill; to the Committee on Pensions.

5201. By Mr. MOORE of Ohio: Petition of the Presbytery of Muskingum of United Presbyterian Church at New Concord, Ohio, indorsing H. R. 9753; to the Committee on the District of Columbia.

5202. Also, petition of the Presbytery of Muskingum of United Presbyterian Church at New Concord, Ohio, indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5203. Also, petition of the Presbytery of Muskingum of United Presbyterian Church at New Concord, Ohio, indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5204. By Mr. OSBORNE: Petition of J. B. Baker, 1151 Orange Grove Avenue, Hollywood, Calif., and 113 other residents of Los Angeles County, Calif., protesting against the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

5205. By Mr. SNYDER: Petition of Frank Grizzo and others, against observance of any religious institution as provided by the first amendment to the Constitution; to the Committee on the District of Columbia.

5206. By Mr. STEENERSON: Petition of C. M. Cortiss, Augustus Lewis, and other residents of Fergus Falls, Minn., protesting against proposed compulsory Sunday observance bills for the District of Columbia; to the Committee on the District of Columbia.

5207. By Mr. TEMPLE: Petition of Mercer Presbytery, United Presbyterian Church, New Wilmington, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5208. Also, petition of Mercer Presbytery, United Presbyterian Church, New Wilmington, Pa., in support of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; also Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5209. Also, petition of Beaver Valley Presbytery, United Presbyterian Church, New Brighton, Pa., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; also Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5210. Also, petition of Beaver Valley Presbytery, United Presbyterian Church, New Brighton, Pa., indorsing H. R. 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5211. By Mr. TOWNER: Petition of Mr. Thomas J. Denley, of Jackson, Mich., and 82 other citizens of the State of Michigan, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5212. Also, petition of Mr. B. M. Ransom, of Cincinnati, Ohio, and 94 other citizens of the State of Ohio, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5213. Also, petition of Mrs. E. P. Deming, of Algonquin, Ill., and 132 other citizens of the State of Illinois, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5214. By Mr. WEBSTER: Petition of John S. Gnagy and other residents of Colville, Wash., and vicinity, requesting the passage by Congress of legislation providing for the reestablishment of the Government Grain Corporation; to the Committee on Agriculture.

SENATE.

FRIDAY, *April 21, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANDERSON, Mr. MAGEE, Mr. WASON, Mr. BUCHANAN, and Mr. LEE of Georgia were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HUSTED, Mr. TINKHAM, and Mr. JOHNSON of Kentucky were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 28; that the House receded from its disagreement to the amendment of the Senate numbered 29, and concurred therein with an amendment, in which it requested the concurrence of the Senate; that the House further insisted upon its disagreement to the amendments of the Senate numbered 21, 31, and 35, requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON were appointed managers on the part of the House at the further conference.

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF STATE, 1922 AND 1923 (S. DOC. NO. 189).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State (foreign intercourse), fiscal years 1922 and 1923, for salaries of ambassadors and ministers, $10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MEAT PACKERS IN UNRELATED LINES OF INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to Senate Resolution 211, further information relative to a proposed modification of the consent decree in the meat packers' case, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry.

PROSECUTIONS UNDER ESPIONAGE AND OTHER WAR ACTS (S. DOC. NO. 190).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to Senate Resolution 226, of January 25, 1922, a supplemental statement showing the persons indicted in the northern district of Illinois, whose cases have not been disposed of under the wartime statutes, which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. CURTIS. I ask that the Chair may lay before the Senate the action of the House on House bill 11065.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. WARREN, Mr. LODGE, Mr. OVERMAN, and Mr. HITCHCOCK conferees on the part of the Senate.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. McNARY, Mr. JONES of Washington, and Mr. OVERMAN conferees on the part of the Senate.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes; receding from its disagreement to the amendment of the Senate numbered 28; receding from its disagreement to the amendment of the Senate numbered 29, and concurring therein with an amendment, in which it requested the concurrence of the Senate; insisting upon its disagreement to the amendments of the Senate numbered 21, 31, and 35, and requesting a further conference with the Senate on the disagreeing votes of the two Houses.

Mr. WARREN. I ask that the action of the House on amendment numbered 29 may be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, concurring in the amendment of the Senate numbered 29 with an amendment as follows:

In lieu of the sum proposed in said amendment insert "$325,000."

Mr. WARREN. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

The motion was agreed to.

The VICE PRESIDENT also laid before the Senate the action of the House of Representatives insisting on its disagreement to the amendments of the Senate numbered 21, 31, and 35, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate further insist on its amendments still in disagreement, agree to the request of the House for a further conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate at the further conference.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the Juneau (Alaska) Commercial Association favoring the enactment of legislation to regulate the salmon fisheries of Alaska, which was referred to the Committee on Territories and Insular Possessions.

Mr. JONES of Washington presented a resolution adopted by Neuwaukum Home Grange, No. 622, Patrons of Husbandry, of Enumclaw, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

Mr. TOWNSEND presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 889) further to assure title to lands granted the several States, in place, in aid of public schools, reported it with amendments and submitted a report (No. 610) thereon.

Mr. WATSON of Georgia, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 910) for the relief of Frank Grygia (Rept. No. 611); and

A bill (S. 1723) for the relief of William Hensley (Rept. No. 612).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 449) for the relief of the Cornwell Co., Saginaw, Mich. (Rept. No. 613);

A bill (H. R. 1009) for the relief of H. C. Mullins, his wife, and minor children (Rept. No. 614);

A bill (H. R. 3346) for the relief of the heirs of Oscar Chrysler (Rept. No. 615);

A bill (H. R. 6525) for the relief of the Cortes Oil Co. (Rept. No. 616); and

A bill (H. R. 6686) for the relief of George Ciszek and Anna Ciszek (Rept. No. 617).

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 5775) for the relief of Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn.; and Farmers and Merchants' State Bank, Kenmare, N. Dak., reported it with amendments and submitted a report (No. 618) thereon.

Mr. BROUSSARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 907) for the relief of Ellen B. Walker (Rept. No. 619);

A bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased (Rept. No. 620);

A bill (S. 2584) for the relief of John H. Walker (Rept. No. 621);

A bill (H. R. 6523) for the relief of John Burke, former Treasurer of the United States, for lost bonds without the fault or negligence on the part of said former Treasurer (Rept. No. 622); and

A bill (H. R. 6524) to permit the correction of the general account of John Burke, former Treasurer of the United States (Rept. No. 623).

ENROLLED JOINT RESOLUTIONS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that April 20, 1922, they presented to the President of the United States the following enrolled joint resolutions:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; and

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS:

A bill (S. 3491) to continue the land office at Del Norte, in the State of Colorado, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. DIAL:

A bill (S. 3492) for the relief of Ernest Elmer Hall; to the Committee on Claims.

By Mr. STERLING:

A bill (S. 3493) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

By Mr. McNARY:

A bill (S. 3494) granting a pension to Mary E. Brown; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3495) to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment; and

A bill (S. 3496) providing for notice to the Secretary of the Interior in cases involving the condemnation for public purposes of land included in any Indian allotment; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 3497) granting a pension to Sarah M. McKinnis (with accompanying papers); to the Committee on Pensions.

TARIFF BILL AMENDMENTS.

Mr. LODGE submitted two amendments and Mr. JOHNSON submitted an amendment, intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

AMENDMENT OF BANKRUPTCY LAW.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, which was ordered to lie on the table and to be printed.

AMENDMENT OF WAR DEPARTMENT APPROPRIATION BILL.

Mr. SPENCER submitted an amendment proposing to increase the appropriation for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, from $42,815,661 to $47,815,661, intended to be proposed by him to House bill 10671, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

NAVAL OIL RESERVE LEASES.

Mr. LA FOLLETTE. I submit a resolution, which I ask may be read, and I also ask to have it printed and lie on the table.

The resolution (S. Res. 282) was read, as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate:

(a) A list of all oil leases made by the Department of the Interior within naval oil reserve No. 1 and, separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureau thereon and upon the several claims upon which such leases were based or issued, all in said naval reserves.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

Mr. LA FOLLETTE. In connection with the resolution I ask to have printed in the RECORD a letter which I have just received from former Secretary of the Navy, Hon. Josephus Daniels, in response to one written to him.

There being no objection, the letter was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

RALEIGH, N. C., *April 18, 1922.*

DEAR SENATOR: I am in receipt of your esteemed favor of April 6, stating that the report has been given out that the proposal to receive bids for the oil land of the naval reserve was inaugurated under my administration. I am astounded that any such impression prevails. I devoted many hours while I was in office, and some of them very strenuous ones, in an effort to preserve intact the oil reserve that had been set aside for the Navy. I remember one night toward the end of a session that Mr. Roosevelt and I remained at the Capitol all night long, watching the legislation of closing hours, fearing that some act might be passed that would turn over these invaluable oil reserves to parties who made claim to them without even decent shadow of title.

I, with the Attorney General, fought, contested, and opposed the action of the Land Office in the Honolulu land question, which would have given oil lands worth many millions of dollars to a company which in my judgment had no shadow of right to them. To the very last days of my administration I opposed all the suggestions toward the leasing of these oil reserves set apart by President Taft and President Wilson. During the war there was a hard drive by those who claimed ownership to these lands and the matter was so pressed then that the Navy had to stand in the way of the exploitation of this oil reserve. Even then I opposed the proposal; I felt that this oil had been set apart for the Navy and that exploitations by those who claimed an interest was not necessary to win the war and the day would come when the Navy must depend upon its own oil reserves for a part of its supply.

Ten days before March 4, 1921, I more than once saw the Secretary of the Interior, to whom application had been made to lease the oil, and I presented the Navy's claim and opposition to any lease of these reserves. Secretary Payne refused to approve the applications for leases, and he was very wise and far-seeing in so doing. I never at any time even inferentially agreed to proposals made, but held steadfastly for the whole eight years to the protection of these reserves and holding the oil in the ground for the use of the Navy.

The legislation enacted went farther than I desired, but it was impossible to stand out against it. In my judgment it would be a great wrong to lease these oil reserves. The wisest policy of conservation, as well as the Navy's efficiency in the future, depends largely upon holding these naval oil reserves intact.

If you will apply to the Navy Department, you can obtain letters written by me with reference to these oil lands, and you will see that if anybody suggested that I at any time was willing to make any concession looking toward the leasing of these lands, their statements are not borne out by facts. If you will have your secretary look over my annual reports, you will find that I have touched upon this matter many times, and in one you will find an appendix which will give you several of my references to these oil lands, showing why these reserves ought to be preserved.

You may be interested in knowing that when I first looked into this matter, when the first application was made, I found that the claims on the Navy oil reserves were asked for in the name of parties working in the stock yards in Chicago, who, upon inquiry, declared that they had never made application for the oil lands, and the applications presented bearing their names were in fact signatures that they had made in Chicago, supposing that they were signing a petition for an election. Many of these applications were grossly fraudulent and nearly all of them were made after President Taft set the reserve apart for the use of the Navy.

The hearings before the Public Land Committee of both the House and Senate will give you the story as it came out and will show the position of the Navy Department while I was Secretary of that department.

The persistent attempts to lease these lands began in 1913 and were kept up until my term of office expired. It was a battle during my entire term, and I was happy upon retirement to private life that the Navy Department, aided by Attorney General Gregory and Secretary Payne, blocked the insidious propaganda to exploit these reserves.

In 1913, after conference with the Department of the Interior, the Navy Department decided upon the policy of building all naval ships as oil burners. The experiences of the war demonstrated the wisdom of the course. In my judgment, not one acre of the naval reserve should be leased, and Congress should set a face of flint against the present exploitations.

Sincerely yours,

JOSEPHUS DANIELS.

To Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

MARIA M'ARTHUR.

Mr. CURTIS submitted the following resolution (S. Res. 283), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate for the fiscal year 1921, to Maria McArthur, widow of James McArthur, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ARTICLE BY COL. ROBERT E. OLDS—EUROPE'S DEBTS.

Mr. KELLOGG. I ask unanimous consent to have printed in the RECORD an article by Col. Robert E. Olds, formerly commissioner for Europe of the American Red Cross, on the international situation. I think it will be of value to Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Public Ledger, Sunday, March 12, 1922.]

The following article, by Colonel Olds, analyzing the international debt situation, is based on first-hand observations of the economic conditions in practically every European country. These were made during his direction of the Red Cross activities covering three years up to last summer and during which he dispensed many millions of dollars. He has intimate contacts in nearly every nation and has been received as a sort of special ambassador wherever he has gone.

[By Col. Robert E. Olds, former commissioner in Europe of the American Red Cross.]

PARIS, March 1.—With the calling of the Genoa conference we may fairly say that the pendulum has nearly completed its slow but inevitable swing from the purely political to the economic view of world affairs. The change is momentous. It has taken some time to effect it. One has only to recall the memorial presented to the American Government and to the principal European Governments more than two years ago, declaring that the basic problem was essentially economic and requesting on grounds of "extreme urgency" that an international conference of experts be called to consider it. The subjects of inflation, instability of exchanges, decline of credit, production, taxation, public expenditures, and international debts were all there suggested as matters of imminent concern.

Although the memorial carried an almost unprecedented array of distinguished signatures, among others from the United States, Morgan, Root, Elliott, Warburg, Vanderlip, Hepburn, Reynolds, Hoover, and Hadley; from England, Bryce, Inchape, Cecil, Asquith, Grenfell, Clynes, McKenna, and Leaf, it made little stir. Now, for the first time, the voice of the man of affairs and the student of actual conditions is being heard.

Throughout the political phase the United States played a difficult rôle. It was asked to enter an alliance with France and England and to join the League of Nations. To both of these proposals it finally gave a negative answer. In the economic phase we are faced at once by the exceedingly troublesome and complex question of the allied debts. Whether we like it or not, we stand forth as the greatest creditor Nation of all time, and must admit that it is a position of grave danger to ourselves as well as to others. The future in no small degree depends upon our ability to see clearly and to act wisely on the issue now before us.

CONFUSED BY LINKING OF DEBTS.

The issue calls for accurate definition. The public on both sides of the Atlantic is manifestly being confused by the linking of the allied debts, in turn, with the questions of reparations, European militarism, taxation, public expenditures, the bonus bill, and other more or less relevant matters. Under the circumstances there is much to be said for the idea of isolating the problem of the allied debts and considering it by itself on the merits.

The European Governments owe the United States altogether (with accrued interest) about $11,000,000,000, of which approximately $3,500,000,000 lie against France and $4,500,000,000 against England.

No interest is being paid, and so the staggering liability goes right on piling up. This black cloud, casting its sinister shadow over an entire continent, necessarily tends to promote pessimism and destroy hope. It is coming to be more and more recognized as the dominant fact in the minds of statesmen and in the lives of peoples. Hardly a newspaper in Europe fails to mention it in some connection every day. Statesmen are interviewed and economists are writing books about it. There is undoubtedly a growing conviction that no way out of the present difficulties can be found until the debts to America are somehow eliminated from the problem.

From the European point of view the discussion presents some curious and interesting features of which America should take note. There is, in the first place, the bold but not always profound thinker, of the Wells type, who comes forward with this simple formula: The debts are fantastic; they can not possibly be paid, so why let them block the way? Let us forget this legendary indebtedness and get on with the real business of world reconstruction. More serious writers of the economic school, who have recently reviewed the situation as a whole, find no ready solution, and can by a strange non sequitur leap to the conclusion that the world can be saved only by a cancellation of the loans outright.

Gustav Cassel, the eminent Swedish economist, in his second memorandum prepared for the League of Nations, after a pessimistic survey, suggests cancellation as almost the last hope. Mr. Keynes, the British economist, arrives by a different route at virtually the same destination. He would have the United States and England form a sort of underwriting syndicate to settle the reparations problem by canceling France's debts in return for a proportionate release of the German indemnity.

ADVICE AGAINST PAYMENTS.

Moreover, the bankers and economists seem to be agreed that under present conditions the United States can not afford to exact even the interest payments. It is said that if by any possibility the payments could be met, the results would be distastrous; abnormal payments of this nature would only postpone still further final recovery.

Now, it is quite impossible, in this memorandum, to follow the argument in all its involutions. It is reasonably clear, however, that if we want to work toward a restoration of trade equilibrium, the last thing we ought to do is to make a drive for the collection of these debts. They can not be paid in gold, because the gold is not there. Payment could in no event be made except in goods, and we do not want the goods. The only way we can accept commodities safely is in the normal course of trade. These conclusions appear to be well founded, but the step from them to the sweeping generalization that the allied debts should be at once completely wiped out is by no means so easily taken.

The picture of a torn and distressed Europe, weighed down by an impossible load of debt which keeps her from rising at all, is appalling, but is it quite accurate? On the face of things the load is to-day nothing but an acknowledged liability to be discharged some time in the distant future. There are no penalties to be enforced or mortgages to be foreclosed for default. America holds no security beyond the honorable engagements of the nations concerned. If Europe can not pay presently, she wont, and there will be an end of the matter for the time being. Let us be practical and face the facts. Nobody with practical sense expects the European Governments to come to us with "a pathetic light in their eyes and the cash in their hands." It is scarcely conceivable that any substantial payment, on account of principal at least, can be made within the next 25 years.

Why not look at this business as what it really is—an affair between two generations of men not yet in being. A present discharge would be like a quit claim running from a coming generation of Americans to a coming generation of Europeans. Just how that is going to reconstruct the great devastated region of international trade in the year 1922 and set the present generation in Europe on its feet perhaps some banker-economist—Otto Kahn, for instance—will explain. If it can be made clear to the lay mind, it ought to be made without further delay.

GIVE EUROPE A FIGHTING CHANCE.

After all, is it not the uncertainty alone that is doing the damage? As it stands, the indebtedness is to be compared to a "call loan." Naturally a finance minister in Europe is seriously embarrassed by it, because he can not know what provision, if any, should be made on that account. If the loan is called, France would have to pay or repudiate. With an outstanding account against Germany upon which not a centime has been collected, and an enormous debit to England and America occupying this doubtful status, the situation can not fail to continue desperate.

Suppose our Government said, "We can not go so far as to tear up these obligations, but we can and will come to an understanding with you about the time of payment. We can agree definitely not to demand the principal for X years or the interest for Y years. Tell us what you think you may eventually be able to do, and let us see if we can not make an arrangement." The reply would be probably along these lines: "We appreciate your reluctance to convert a loan of this nature into a gift. If, however, you can grant us X years to work out of our present difficulties without embarrassment from the loans, we shall do the best we can; and we should like to have the privilege of discussing the subject again at the expiration of that period in the light of the facts as they may then appear, it being fully understood that the loans are regarded by both parties as subsisting obligations to be eventually met." It goes without saying that a negotiation of this general nature, approached in the right spirit on both sides, would lead to a definite agreement. To the ordinary observer trying to take a common-sense view and maintain a proper perspective, it is the only way to satisfy public opinion in the United States and at the same time give the European Governments a good fighting chance to pull through.

If the allied debts can be thus removed as a complicating factor in the problem of settling European budgets for the next 25 years, for example, the pressure will be immediately released and plans for reconstruction can go forward. It is hard to see how anything more could be accomplished by outright cancellation. What the European Governments must have is definite assurance that demands which would surely throw them into complete bankruptcy will not be made pending the critical reconstruction period.

ENTITLED TO UNITED STATES VIEW.

Europe is plainly entitled in this connection to a frank disclosure of the American point of view. There is much misunderstanding and some bitterness being engendered by a failure to make full explanations. Absolutely nothing is to be gained by controversial talk about militarism; there is no end to such a discussion. The urgent need is to tell these peoples who owe us so much money exactly what we propose to do, and why.

Now, it should not be hard to state the American case so as to make it understood. The allied powers were waging a war for their existence. After a time we came in with them and began to loan them money in addition to financing our own war operations. In order to get the money we swelled our national debt to a point never before dreamed of. Those familiar with the Liberty loan drives know that the funds produced were not merely loose cash which we did not know what to do with. Thousands of persons had to borrow and mortgage to subscribe. It was a virtual levy upon capital—productive capital. In the form of cash or its equivalent in goods or munitions it went out of the country and has never come back. According to John Stuart Mill, productive capital so diverted is taken from wages and operates as a tax upon the laboring classes.

However that may be, the State remains charged with the interest and must pay the principal of the Liberty bonds when they fall due. The interest charge alone calls for an annual tax of nearly $10 for every man, woman, and child in the United States. These are familiar facts to Americans, but they are not appreciated in Europe. Nor does Europe understand how a public debt of $25,000,000,000 looks to us as a Nation. We have never been committed to the fallacy that a large debt of this character is a blessing. In 1800 we owed $83,000,000; in 1840 we had cut it down to $3,500,000, or 21 cents per capita; after the Civil War it stood at $2,300,000,000; at the beginning of the Spanish War we had paid it down to one-third of that sum; in the spring of 1917 our debt was a trifle over $1,000,000,000; it jumped immediately to $12,000,000,000 and later to $25,000,000,000; last year it worked out to $216 per capita. With this national policy behind him it is no satisfactory answer to the American taxpayer to tell him that France owes fifty billions and England thirty-seven billions. It is too much like asking a man to compare the distance from here to Uranus with that to Arcturus. He knows he doesn't want to have to walk either of those distances.

CHARGE ON POSTERITY.

This revolutionary rise of the national debt entails a heavy charge upon posterity. To us it is bound to appear that we have mortgaged the future beyond all precedent. Moreover, we have not the justification of having created this debt for the purpose of developing resources or making permanent improvements which would inure to the benefit of our successors; and is it not going a little too far to say that we did it to save the national existence? Public morality demands that debts passed on to a new generation shall have some solid justification. Here a distinction may be made between principal and interest. If we forego the interest for the time being that is our own affair, the money belongs to us. With the principal it is obviously quite different, and there we may well pause and ask: "Have we the right?" The future citizen who must redeem the bonds, the proceeds of which were handed over to our allies in the great war (some of these proceeds, it should be remembered, were used to "peg" exchange) can not speak, save through us. We are his trustees. If we cancel the obligations, we are giving away his money, perhaps impoverishing him in the distant future, which may not be so bright after all.

In this matter of public finance one is bound to look beyond the exigencies of the passing moment. Where is this mad career of indebtedness leading us? In 1913 the aggregate public debt of the civilized countries of the world was $42,000,000,000. It is now $354,000,000,000. If debt piled up by the municipalities, as many competent authorities assert, hastened the decline of the Roman Empire by a couple of centuries, may not our civilization be wrecked on this rock also? Public expenditures are, of course, in the same case. Gardiner states that in the first part of the reign of James I the expenditures of the British Government averaged £400,000 per annum. Adam Smith says that in his time (1776) the peace revenue of the country was £10,000,000, which he asserts, with proper management and without contracting a shilling of new debt, ought to be sufficient to carry on the most vigorous war. The ordinary disbursements of the United States Government last year exceeded $5,000,000,000. Europe will surely not blame America if she pauses while there is yet time. Somebody in this topsy-turvy world must try to keep right side up. Whose interest is it that we should all go down together in universal bankruptcy?

PROBLEMS FOR AMERICA.

Those who summon us to save the Old World from economic ruin by an act of amazing but futile altruism should also understand that America does not enjoy any miraculous immunity. In the long run this planetary economic chaos is likely to hit America hardest of all; she has furthest to drop if the crash comes. Already our foreign trade is at the vanishing point. Forty per cent of the clerical force of the country is out of work. Great industrial sections, such as the Pittsburgh district, are said to be operating at 30 per cent of normal capacity. The farmers complain that the 1920 and 1921 crops were marketed at an actual loss. What is the advantage to us from the gold heaped up in our Treasury, when one ounce of that metal buys 201 hours of labor in Germany, 117 hours in France, 97 hours in Japan, and only 17 hours in the United States?

The demand for cancellation manifestly can not be conceded by any American Government. The demand for collection within 25 years, as contemplated by the recent act of Congress, can not be met by the European Governments. The danger is that this deadlock—and it can be nothing else so long as the two extreme views are maintained—will keep the question of the allied debts alive to plague us all for many years to come. The effect upon our trade, as well as upon international relations generally, can not be other than baneful. More than any other single factor, this uncertainty, with its attendant evils of bitter controversy and misunderstanding, is liable to precipitate the final crisis.

There are those who would like to hold the club over Europe. Do they realize what that means? Does any right-minded American citizen, on reflection, want to take on the task of dictating European policies, settling budgets, arranging boundaries, and defining military establishments? America should hesitate long before deciding to go about the world for the next 25 or 50 years carrying a club. It is rather a time for firmness, patience, sympathy, frankness, and, above all, for definite action.

LUTHER B. TURNLEY.

Mr. STERLING. Mr. President, on April 14, at page 5499 of the RECORD, the junior Senator from Arkansas [Mr. CARAWAY] had inserted a letter from Mr. Luther B. Turnley criticising or making charges against the Civil Service Commission in Mr. Turnley's case. I present a letter from the Civil Service

Commission, received this morning, in answer to those charges of Mr. Turnley and in refutation of the charges made. I ask that the letter may be printed in the RECORD.

Mr. CARAWAY. Mr. President, what is the Senator asking to have printed in the RECORD?

Mr. STERLING. A letter from the Civil Service Commission, in answer to a letter of Mr. Turnley, which the Senator from Arkansas put in the RECORD the other day.

Mr. CARAWAY. Let it be read. I have three resolutions sleeping in the Civil Service Committee now, and I would like to know what the chairman of the committee is proposing to put in the RECORD on the subject.

Mr. STERLING. The statement is entirely gratuitous.

Mr. CARAWAY. And it is meant to be entirely gratuitous.

Mr. STERLING. I refer to the statement of the Senator from Arkansas in regard to the Civil Service Committee.

Mr. CARAWAY. I want to know what the Civil Service Committee is doing with the resolutions. If they do not know what they are doing, I intend to know.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

Mr. KING. The Senator from Arkansas asks that the letter may be read.

Mr. CARAWAY. I ask that the letter be read. I want to know what is in the letter.

Mr. STERLING. I have no objection to having it read. I will be glad to have the letter read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., April 20, 1922.

Hon. THOMAS STERLING,
United States Senate.

DEAR SENATOR STERLING: There has just come to my attention the copy of letter quoted on page 5489 of the CONGRESSIONAL RECORD for Friday, April 14, 1922, from Mr. Luther B. Turnley, in which he makes certain charges against the Civil Service Commission. The facts in his case are as follows:

Mr. Turnley, two years ago, entered the clerk examination and attained a rating of 70.40 and was granted military preference. His name was certified in due course to the Interdepartmental Social Hygiene Board, where he was appointed July 23, 1920. As that board was required last July to make a very material reduction in force, it dropped Mr. Turnley, effective June 30, 1921.

As you know, the commission recommended to the President the issuance of a special order creating the reemployment registers, on which were to be entered the names of employees dropped from the service by reason of necessary reduction of force and not for inefficiency, in order that these persons might be considered in their order for certification to vacancies in other Government establishments needing the services of persons having their qualifications. As soon as the general military preference status was passed the commission placed at the head of this reemployment register the names of persons entitled to preference and has certified their names when reached for vacancies in other departments.

It will be observed that Mr. Turnley attained a rating slightly above 70 per cent, and there are the names of a large number of ex-service men ahead of him on the reemployment register and, therefore, first entitled to certification. Mr. Turnley has expressed willingness to accept appointment at the comparatively low salary of $900 plus the bonus, and yet to-day there are 12 preference eligibles on the reemployment register who have attained higher ratings than his who are likewise willing to accept this salary. Under the law, of course, their names must first be certified.

The commission has never advised Mr. Turnley that his name could not be certified until after he had served three years in office, nor has any employee of the commission so informed him. The fact is simply that his name is not within reach among the preference eligibles on the reemployment register because he attained so low a rating in the examination.

There is a clear distinction between being certified from an eligible register and being transferred from one department to another without reference to a person's standing on any eligible list. In a transfer case there is a law of Congress requiring three years' service, and the commission has no power to waive this.

The commission has done its utmost to accord ex-service men every possible consideration and has gone beyond the usual powers inhering in its organization for the purpose of assisting these men in finding employment.

We are addressing you in this matter because as chairman of the Committee on Civil Service, United States Senate, it seems to be a matter within your jurisdiction. We trust you will be able to secure the publication of this letter in the RECORD.

Very sincerely yours,

G. R. WALBS, *Commissioner.*

Mr. CARAWAY. Mr. President, I want to say merely a word in regard to the letter. I put the letter of Mr. Turnley in the RECORD not as a criticism of the Civil Service Commission. If they had read it, they would know there is a law of Congress which provides that no department may drop a soldier or sailor who has been honorably discharged in the reduction of forces if his record in the department is good. It provides a penalty that if the head of the department shall disregard the law he shall be immediately removed from office, and upon conviction fined in a sum not more than $1,000, and he may be imprisoned.

Here are the facts: This former soldier had a place; his record was good, because the letter of the chief of his bureau was put in the RECORD also; but he was dropped in reducing the force, although the law says he should not be dropped.

That is the reason why the letter was put in the RECORD. It had nothing to do with the Civil Service Commission. If the Senator from South Dakota, in his anxiety to answer it without reporting the resolution, had read it, he would have found that the letter was put in the RECORD not to criticize the Civil Service Commission, because it had nothing to do with the dropping of a former service man from his employment, but it was put in the RECORD to show that a department was dropping ex-service men whose records were good, notwithstanding the fact that Congress had said the departments should not do so.

The resolution I introduced was intended to find out why, in disregard of law, the departments were dropping former soldiers and sailors, honorably discharged, who were entitled to keep their places. That is all.

The Civil Service Commission could not prevent, I presume, this department from dropping the man. No reference was made in the statement which I gave touching the Civil Service Commission. I have said about all I care to say about that commission, and I have nothing more to say about it. I am satisfied that the commission is very sensitive in this particular instance. I do say that the department which dropped this man in the reduction of forces did so in violation of law, and a resolution is pending before the Civil Service Committee, which I have no hopes of ever seeing reported, which would demand the reason why these things have been done.

That is all I know. I have no criticism in this particular case of the Civil Service Commission, although I presume it is amply subject to criticism on most grounds.

Mr. STERLING. Mr. President, the Senator from Arkansas [Mr. CARAWAY] may not have intended by the introduction of this letter into the RECORD to have criticized the Civil Service Commission, but the letter itself does severely criticize the Civil Service Commission, and hence the reply of the Civil Service Commission.

With reference to the resolution to which the Senator from Arkansas has more than once referred, in discussing which he has reflected somewhat upon the Civil Service Committee, all I have to say is that that resolution in regard to soldiers and sailors and marines who have been discharged or dropped from the civil service will receive due consideration and a report will be made upon the resolution. The report will probably call the attention of the Senator from Arkansas to some features of the law in regard to the case which have escaped his notice.

The VICE PRESIDENT. The letter which has been read will be referred to the Committee on Civil Service.

PROTECTION OF MISSISSIPPI RIVER LEVEES.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 309) appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission, in which it requested the concurrence of the Senate.

Mr. WARREN. I ask the Chair to lay the joint resolution from the House before the Senate, and that it be read at length.

The joint resolution was read the first time by its title, and the second time at length, as follows:

Be it resolved, etc., That there be appropriated out of any money in the Treasury not otherwise appropriated the sum of $1,000,000 to be immediately available as an emergency fund to be expended by the Mississippi River Commission during the present flood in the Mississippi River for the purpose of preserving, protecting, and repairing the levees under its jurisdiction: *Provided*, That the Secretary of the Treasury shall deduct $1,000,000 from the appropriation that shall first hereafter be made for the use of said Mississippi River Commission under the terms of the flood control act of March 1, 1917, and said $1,000,000 be carried to the surplus fund and covered into the Treasury: *Provided further*, That any unexpended balance of the sum hereby appropriated remaining after the present flood emergency has passed may be expended by the Mississippi River Commission under the authority and subject to the provisions of the said flood control act.

Mr. WARREN. In order to make the record straight I ask that the joint resolution be referred to the Committee on Appropriations.

The VICE PRESIDENT. It will be so referred.

Mr. WARREN. I wish to say that I have consulted with every member of the Committee on Appropriations, and I am authorized to report back the joint resolution favorably without amendment. I ask for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON. Mr. President, for myself and my colleague, the Senator from Arkansas [Mr. CARAWAY], and for other

Senators who represent a very large section of the country at present threatened with disaster from the overflow of the Mississippi River, I desire to express appreciation for the very prompt action taken by the two Houses of Congress to-day in making available the sum of $1,000,000 for use in maintaining the Mississippi River levees and protecting against flood conditions.

The chairman of the Committee on Appropriations [Mr. WARREN], fully appreciating the nature of the emergency, polled the members of the Committee on Appropriations, and every member of that committee very gladly, in view of the circumstances, consented to an immediate report of the joint resolution which has just been passed. The House of Representatives had pursued a similar course. This was very prompt action and it is very gratifying.

Mr. HARRISON. Mr. President, may I add that the Secretary of War also, I understand, and the Chief of the Board of Army Engineers cooperated to the very limit in this matter.

Mr. ROBINSON. I thank the Senator from Mississippi, because I had no intention of omitting mention of the very prompt and efficient manner in which the matter has been handled by the War Department.

Mr. HARRISON. I am sure our people appreciate their efforts.

Mr. ROBINSON. The Secretary of War himself has been very prompt in the matter, and everyone charged with responsibility has been quick to act in anticipation of threatened loss of life and property.

Mr. RANSDELL. Mr. President, may I add one word? I do not wish to have General Dawes, the Director of the Bureau of the Budget, omitted. He has been doing, as everyone has been doing, his utmost in this emergency. They are all entitled to full credit, and I hope it will be given to them. As one of the Representatives from Louisiana, I am delighted at the very prompt action taken by both the House and the Senate. I believe this appropriation will avert a very great disaster and save a very much larger sum than the amount appropriated.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, yesterday there was presented to the Senate the result of months of work by the Finance Committee of the Senate. The minority thought that the senior Senator from North Dakota [Mr. MCCUMBER] in presenting the tariff bill would submit a detailed analysis of its provisions, would point out wherein it differed from existing law as well as from former tariff bills, would analyze the various schedules, and indicate the results claimed by the majority which would follow such changes. It was supposed that he would justify such changes and show their effect upon the industrial and economic life of our country. The Senator's speech was notable because of its omissions and the beautiful complacency which characterized its exposition of tariff and economic questions.

The Senator from North Dakota became beatific in dealing with the corporations and trusts and manufacturing interests, who are so beneficially affected by the bill. His gentle words of admonition as to how they should proceed in business will be as welcome to them as an assessment upon one's holdings and will be as quickly disregarded as the law of supply and demand have been by violators of the Sherman antitrust law. The Senator meant well; he apparently felt that the bill would permit exploitation, but hoped that the selfish interests who will benefit by it will not rob the people too much. The Senator's cure for the evils in our present economic life will be ineffective. He places too much power in the hands of special interests and should know that they will oppressively use it. I was somewhat surprised at the naive faith of the Senator in the claims of those who had appeared before his committee and whose voices no doubt were persuasive in framing the schedules found in the pending measure. I can not understand his supreme and perfect confidence in the interests which have appeared before his committee pleading for extortionate tariff rates. I hope before the bill shall have been passed that the Senator from North Dakota, with his splendid ability, will show us precisely what the bill is, what it proposes to do, and what its effects will be upon the economic and industrial life of the people if it shall become a law.

Mr. President, later on I shall have something to say upon some of the schedules, particularly the chemical and dye schedule, but this morning I propose to address myself to another subject not quite cognate to the measure under consideration.

It would seem that the Senate does not take much interest in this tariff legislation. On the Democratic side we have few Senators this morning, and upon the Republican side the number is not much greater. I wonder, Mr. President, if the Republican majority believe they are going to put the bill through by force of numbers. They have been so in the habit of employing the big stick, or having it employed, that I presume they expect the speedy passage of the bill. Moreover, we are told there has been a marriage between the two important blocs, that the agricultural bloc and the manufacturing bloc are in happy accord. Each, it is assumed, has been rewarded, and has written into the bill the demand which must be met. Thus it is thought the bill will go through the Senate without the slightest difficulty. It is dangerous to have too much power. Defeat and humiliation often follow the triumphant hosts. The Payne-Aldrich tariff bill was the product of selfish greed and unrestrained party power. Should our friends not take warning from the experiences of the past?

Mr. WATSON of Indiana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. KING. I yield.

Mr. WATSON of Indiana. I understand the Senator is going to talk about Mexico.

Mr. KING. Yes.

Mr. WATSON of Indiana. It is a very inconsequential matter and yet one which the Senator saw fit to dignify by a reference in his remarks. I think it worth while to call his attention to the fact that, while there are four Democratic Senators on the floor, there are 20 Republican Senators.

Mr. KING. Let me say to the Senator that four Democrats are worth, perhaps, more than 20 Republicans.

Mr. WATSON of Indiana. I am not going to discuss that intimation, although there are many things that might be said with reference to it. I should, however, like to say to the Senator, not in any controversial spirit, but purely as a statement of fact——

Mr. KING. The Senator knows that I spoke jocularly in my last observation. I appreciate the importance and the learning and the wisdom of my Republican friends, especially my friend from Indiana.

Mr. OVERMAN. Since the suggestion has been made concerning the Senators present, let us have a quorum.

Mr. WATSON of Indiana. The suggestion of the Senator from Utah is complimentary, but I want——

Mr. OVERMAN. I suggest the absence of a quorum, in view of the suggestion which has been made.

Mr. WATSON of Indiana. That is very timely and very appropriate.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lenroot	Reed
Ball	Gerry	Lodge	Robinson
Borah	Glass	McKinley	Sheppard
Bransegee	Gooding	McNary	Shortridge
Broussard	Hale	Moses	Simmons
Bursum	Harris	Myers	Smoot
Calder	Harrison	Nelson	Spencer
Capper	Heflin	Newberry	Sterling
Caraway	Johnson	Nicholson	Sutherland
Colt	Jones, N. Mex.	Norbeck	Townsend
Culberson	Jones, Wash.	Norris	Walsh, Mass.
Cummins	Kellogg	Oddie	Warren
Curtis	Kendrick	Overman	Watson, Ga.
Dial	Keyes	Page	Watson, Ind.
Ernst	King	Phipps	Weller
Fletcher	Ladd	Poindexter	Williams
France	La Follette	Ransdell	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is unavoidably detained on official business.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

CONDITIONS IN MEXICO.

Mr. KING. Mr. President, I approach a discussion of what many call the Mexican problem with profound sympathy for most of the Mexican people. I entertain no antipathy toward Mexico or her people, although I confess to a feeling of just resentment against the military chieftains and corrupt politicians and other elements of the Mexican population who have for years conspired against the welfare of Mexico, and who have worked irreparable harm and injury not only to millions of the Mexican people, but to Americans as well as to citizens of various countries residing in or having property interests within the boundaries of Mexico.

During the eight years in which Mr. Wilson was President the Republican Party denounced his Mexican policy and insisted upon a course which would have inevitably led to war. Many fervid, and, indeed, perfervid, speeches were delivered in this Chamber and in the House of Representatives in which President Wilson was bitterly assailed and his policy of "watchful waiting" denounced in unmeasured terms. Republican orators and leaders often advocated intervention and the sending of military forces into Mexico for the purpose of protecting the lives and property of American citizens. In the presidential campaign of 1916, so aggressive and virulent were the Republican attacks upon the Democratic administration for its failure to intervene in Mexican affairs, that a sharp issue was presented to the country, and the people were called upon to choose whether they indorsed Mr. Wilson's policy of patience and forbearance or the bellicose and military plan advocated by Republicans, which would have involved the United States in a war with the Mexican people. During the campaign Democratic speakers frequently declared that Mr. Wilson had "kept our country out of war," and the Republicans, with that "bunting patriotism" which so often characterizes some Americans, condemned in bitter terms the foreign policies of the administration, and did not hesitate to denominate his Mexican policy as "pusillanimous and cowardly" in the extreme. The Republican jingoists clamored for war with Mexico when some Americans were killed and many were driven out of Mexico and their property destroyed or confiscated. Republican orators, as well as leaders in the Republican Party, insisted upon intervention, and urged that our military forces cross the Rio Grande and compel the Mexican Government to redress the wrongs committed against American citizens.

The present Secretary of the Interior, who was a distinguished and able Senator from New Mexico, upon many occasions criticized the President and denounced the policy of the Democratic administration in dealing with Mexican affairs. I supported President Wilson and opposed intervention, though I believed there was justification for the United States declaring war against Mexico, and feared that if Mexico persisted in her wayward and criminal course war would result. The attitude of the Mexican Government had not only been exasperating, but those in authority seemed to have deliberately sought to provoke the United States to embark upon an aggressive course in vindication of the rights of American citizens and, indeed, the honor of the Nation. But perhaps the great mass of the people of Mexico were not parties to the hostile and belligerent acts of the Mexican Government and the military chieftains and cabal who were in control. Indeed, many of them did not know of the acts of Mexican officials which were provocative of war. I believed that this great Republic could afford to submit to indignities at the hands of an ignorant people and of a weak and incompetent government, though the same acts, if committed by a strong nation, would be regarded as a challenge which should be instantly met. I have thought that we could not apply to Mexico the same standards that should measure the conduct of progressive and highly civilized peoples. The great mass of the people of Mexico are illiterate. They are living in the darkness of past centuries. Millions of them are Indians speaking different languages and bound together by no national spirit.

One who reads the history of Mexico will be filled with compassion for the great bulk of her people. He will feel that neither the church nor the state has done its full duty in their behalf, and that selfish and corrupt politicians and brutal and despotic military chieftains have too often controlled the Republic and have had no concern for the millions of ignorant and unresponsive peons or for the progress and welfare of their country.

The governing class, both in the States and in the Federal Government, have uniformly exploited the people and have, in the main, sacrificed the interests of their country to promote their personal ends and to perpetuate themselves in authority and power. Proclaiming patriotism and national pride and deep devotion to their country, and a high sense of personal honor, the great majority of those who have held positions in Mexico have been either corrupt and dishonest or have intrigued and plotted for place and power. They have not hesitated to plunge their country into civil and internecine war and to rob and plunder the Mexican people as well as the nations of other countries who were seeking to promote the welfare of Mexico and her people.

Ignorant and brutal military chieftains have risen to positions of power through murder, assassination, and brigandage. They have driven from their own country patriotic and enlightened men and women who desired the welfare of their country and were striving to advance it to a firm position among the enlightened and civilized nations of the earth. Even now there are hundreds of thousands of Mexicans living in the United States and in other countries who have been driven from Mexico by the cruel and bloodthirsty officials who have exercised authority, Federal and State. Mexicans of high purpose and pure lives have been brutally murdered by military chieftains and by executive authority because they would not subscribe to revolutionary, unconstitutional, and degrading policies projected by ambitious and wholly unworthy leaders.

When I speak in criticism or condemnation of Mexico, let it be understood that I am not speaking of the great mass of the Mexican people, for whom, as I have said, I have not only sympathy but deep compassion. I grieve when I behold a class of malcontents, of intriguing politicians, of shiftless and shifty and wicked militarists, of quasi intellectuals, prostituting their powers for their own enrichment and for the exploitation of their country and who form groups and confederations warring against one another for the control of the State, with never a thought for the helpless, unfortunate, downtrodden, and oppressed masses upon whose prostrate forms must finally rest the awful consequences of their misdeeds and crimes. Such is Mexico. Such has it been for many years.

President Wilson, with that deep love for humanity which always found expression in his public utterances and in his official acts, believed that a new day was dawning for Mexico. He perceived the great gulf which separated the millions of ignorant persons from the military, professional, and trading and business classes. He perceived that there was an agrarian problem that must be solved if permanent progress was to result. I think he attributed to what have been called the higher classes in Mexico a patriotism and moral integrity which many of them did not possess. I think, perhaps, he attributed to the people generally a higher degree of intelligence and a stronger spirit of nationalism than they possessed. If he erred, it was on the side of mercy and generosity. It was because he abhorred war, particularly with a weak people. His generous and sympathetic course was misconstrued by the Mexican people, and many of them scoffed at his efforts to promote international amity and to advance the interests of the Mexican people.

Cowardly and cruel military, and, indeed, political, leaders sought to inflame the minds of the people against the Americans and our Government. They treated the forbearance and kindness and generosity of the American people and the administration as evidence of cowardice, and so we were regarded with contumely. Hundreds of American nationals who were rightfully in Mexico were murdered, their property confiscated or destroyed, and thousands compelled to flee to escape the persecutions, abuses, indignities, and in many instances death, with which the ignorant and infuriated populace in many districts, led by corrupt politicians and military chieftains, threatened them.

Perhaps Mr. Wilson was disappointed in his efforts to promote amity and peace between this Republic and the Mexican people. Perhaps he felt that the manifold evidences of his sympathy were not appreciated by the Mexican people.

Speaking for myself, I felt that Mexico did not respond to the genuine friendship which was exhibited in her behalf and the patent evidences of the desire of President Wilson and the American people to aid Mexico and her people. I believed that Carranza and his associates and the majority of the Mexican people who made pretensions to enlightenment and civilization exhibited the basest ingratitude toward the administration and the United States, and were guilty of perfidy, if not treachery, in their pro-German attitude and their bitter hostility to the United States when it and Great Britain, and Italy, and France, and other nations were fighting in the interests of civilization and world freedom.

The Republican Party, in the last presidential election, again denounced the policy of the Democratic administration in dealing with Mexico, and promised, if it came into power, to inaugurate a vigorous policy in dealing with Mexico, and, indeed, with all nations. It was declared that Americans would receive redress for the wrongs committed, for losses sustained, and that guaranties for future protection, both of life and property, would be exacted from Mexico. The Republicans have been in power for more than a year. There has been no change in the situation; indeed, conditions in Mexico perhaps are more chaotic and unsatisfactory now than before President Harding was inaugurated. Americans are still being murdered upon Mexican soil, the property of Americans is still being confiscated, and thousands of Americans who have property interests in Mexico are unable to secure redress. Americans who were driven from Mexico are afraid to return.

Many are dying in poverty, though they had large possessions in Mexico when they were expelled from that country. Notes are being written to the Mexican Government by our State

Department and protests are being lodged with the executive authorities in Mexico against the confiscatory acts of the Federal Government of Mexico or by the various States. Obregon refuses to negotiate a treaty, the terms of which, though moderate and just, have been indicated by the Secretary of State. He indicates no purpose to reimburse American nationals for the wrongs and injuries inflicted upon them and to protect them in their personal or property rights within the Republic of Mexico.

Bolshevism is lifting its ugly head in some of the States of the Mexican Republic and some of Obregon's principal advisers are followers of the odious principles of the third internationale. American rights have not been vindicated and we are still in the blind alley which seems to be a cul-de-sac.

Our Republican friends who were so loud in their denunciation of Mr. Wilson, so boisterous in their Americanism and in their affirmation that a vigorous and bellicose policy toward Mexico would be pursued, are saying but little nowadays, but they must perceive how unjust were their aspersions and how partisan their criticisms.

I am not calling attention to their statements for the purpose of denouncing the present administration, but rather to invite their attention to the fact that Mexico has presented, and still does present, a problem complicated and most difficult of solution.

I referred to the fact that thousands of Americans were driven out of Mexico during the closing days of Mr. Taft's administration and during the incumbency of President Wilson. Mr. Henry Lane Wilson, in testifying before the Senate committee in 1920, stated that more than 660 Americans were murdered on Mexican soil and on the border; that it had cost our Government half a billion dollars to support the Carranza government, and he further stated that a million of the best Mexicans had left their own country and taken refuge in the United States; that 300,000 Mexicans had been killed; 100,000 had died from pestilence and starvation, and that during the Presidency of Carranza approximately 30,000 Americans left Mexico, and that the aggregate Americans who had fled from Mexico during the recent revolution amounted to 55,000. Thousands of Americans who were driven out of Mexico arrived in the United States penniless. They have been unable to return to Mexico, where all their possessions were, and thousands now in want are found along the Rio Grande and in Arizona and New Mexico. Nothing is being done to enforce their rights or to secure from Mexico reparations for their great wrongs to which they have been subjected.

Four days ago I received a series of resolutions recently adopted by a large number of persons who had been driven out of Mexico or who had property interests in Mexico. I might add, in passing, that several thousand American citizens went from my State to Mexico, some to engage in mining and stock raising, others to engage in agricultural pursuits. Thousands of acres of land were purchased from the Government and from private individuals, most of which was arid and sterile. These American citizens constructed dams and canals, built homes and towns, erected churches and schoolhouses and mills, and transformed desert wastes into fruitful fields and farms. Many of them had ranches and cattle, horses and sheep, as well as other property, real and personal, in various parts of Mexico. Thousands of them were driven from their homes, their personal property was confiscated, many of their homes destroyed, and a portion of their lands seised and parceled out among Mexicans who were placed in possession of the same. Most of the Americans were driven from Mexico and deprived of their property, and have been living in penury and want since the date of their expulsion. Death has come to some, but neither they nor those who survived have been recompensed to the extent of a single penny for the wrongs and outrages inflicted upon them. Several hundred of these persons returned to Utah, and they recently met and adopted a series of resolutions, a copy of which was forwarded to me and which I present to the Senate. The resolutions are as follows:

Resolutions.

Whereas citizens of the State of Utah prior to 1910 were invited and encouraged by the late President, Porfirio Diaz, and his associates of the Republic of Mexico to colonize and invest capital in the lands, mines, and industries of said country, in accord with the provisions of the treaties between these two countries; and

Whereas hundreds of our citizens accepted said invitations and entered said country and invested their means in the industries thereof, and were very successful under the favorable administration of President Diaz; and

Whereas during the latter part of 1910 a revolution broke out in said country, President Diaz was banished, law and order ceased to be maintained, life and property became insecure, and hate, injury, and outrages to life and property of citizens of the United States, particularly, were inaugurated and acquiesced in by Mexican State and Federal officials, who treated our citizenship with the utmost contempt and committed affronts to us, our flag, and our country with impunity, forcing us out of Mexico with heavy losses of life and property; and

Whereas many of our citizens being thus robbed of all their earthly possessions returned to Utah destitute, discouraged, and dependent upon their former friends and charity for existence, filed claims years ago with the State Department at Washington for redress and damages thus sustained, and others are prepared to file such claims when the same will receive attention: Now, therefore, be it

Resolved by the Association of Utah Claimants Against Mexico, assembled at Salt Lake City, Utah, this 8th day of April, A. D. 1922, That we urge and request the President of the United States, the Secretary of State, and Congress to terminate forthwith the "watchful waiting" policy of the past, and that our rights as citizens of the United States for redress and reimbursement for our said losses according to authentic claims be enforced against said Republic without further delay.

Resolved further, That each member of this association enlist the services of their friends and political parties and candidates in making our present and future Senators and Representatives in Congress acquainted with the outrages committed against us and our rights and property as citizens of the United States by military forces and nationals of Mexico with the knowledge, and, in many cases, the consent of the officials of said Government.

Resolved further, That the president and secretary of this association officially sign and forward to the President of the United States, the Secretary of State, and our Senators and Congressmen copies of these resolutions.

L. C. THORNBURG,
President of the Association of Utah Claimants Against Mexico.
G. M. RICHARDS,
Secretary of said Association.

Mr. WATSON of Indiana. Will it interrupt the Senator if I ask him a question?

Mr. KING. I yield to the Senator.

Mr. WATSON of Indiana. I understand that the Senator intends to speak at some length on the tariff, via Mexico. Does the Senator expect to state later on what course this Government should pursue with reference to Mexico? Does the Senator believe in intervention? Does he believe in the recognition of Obregon? What does he believe in as a means of improving or curing the existing situation?

Mr. KING. The Senator is anticipating.

Mr. WATSON of Indiana. I am asking whether or not later on the Senator intends to address himself to that subject.

Mr. KING. Let me play the part of the Yankee and ask the Senator from Indiana, who is a seasoned statesman, one of the leaders of the Republican Party, what suggestion he made as to redress when Mr. Wilson was in power and when Americans were suffering damages? Did he advocate intervention then?

Mr. WATSON of Indiana. Yes; I did on the stump and elsewhere.

Mr. KING. Does the Senator advocate intervention now?

Mr. WATSON of Indiana. No; because I think it can be cured without it; but I am not making this speech. The Senator is making a speech on conditions in Mexico, and I am trying to find out what remedy he proposes, or whether his speech is just one of general castigation or animadversion on the policy of the present administration without suggesting a remedy for existing evils? Does the Senator believe in intervention; and if so, does he think it should be armed or peaceful? Does he believe in the recognition of Obregon, or what policy does he expect us to pursue in order to protect American lives, American rights, and American property in Mexico?

Mr. KING. My able friend from Indiana is somewhat like the impatient maiden who is unable, after reading the first chapter of a novel, to peruse the entire book, but hastily turns to the concluding chapter to learn the finale. The Senator is unwilling to permit me to develop my theme and state my views after I have presented certain facts which I regard as important, preliminary to the submission of any conclusions.

I shall not, however, as suggested by my friend, pursue the course adopted by him and other Republicans, when they were "castigating," to use his expression, Mr. Wilson and the Democratic administration; I shall not castigate the Republican Party, although the Lord knows they deserve it. Perhaps they need mercy more than they need castigation. Let me say, however, that I shall, before concluding, speak in commendation, in part at least, of the course pursued by the distinguished Secretary of State in dealing with the Mexican situation. While commending generally his Mexican policy, I shall express regret that he has not acted with somewhat greater firmness and insisted upon a settlement of the live questions which now divide the two nations.

The Senator asked me if I favored intervention. I promptly respond that I do not. As I have indicated, I opposed intervention at a time when he favored it. As I understand it, now he is opposed to intervention. In that respect we occupy the same position.

The Senator asked me what remedy I suggest. Later in my remarks I hope to submit some observations as to what policy should now be adopted in dealing with the Mexican problem. But lest the Senator may feel that I am not meeting squarely at the moment his questions, I am willing to state that I sp-

prove of the course of the President in not according recognition to the Obregon régime, and I think that under no circumstances should there be recognition until the plan suggested by Secretary Colby and the present Secretary of State be accepted by Mexico. In other words, I think that accompanying the act of recognition there should be a treaty between the two Republics by the terms of which provision will be made to compensate the families of the more than 700 American citizens who have been killed upon Mexican soil or along the border.

The Senator knows that many of these Americans who were murdered were men of ability and character. Many were mining men—metallurgists and engineers—and others whose earnings were of such a character as to make their lives in a pecuniary sense valuable. Lawyers know that when suits are brought to recover for the death of an individual by reason of the neglect or tort of the defendant the pecuniary value to the family of the deceased is an important issue in the case. Most of these Americans who were murdered left families, who should be compensated for the loss of their husbands, fathers, and protectors.

I repeat there should be as a condition precedent to recognition full provision made for the ascertainment of the damages due to the families of these deceased persons and assurances given of payment of the awards made. There should also be reparation in behalf of the thousands of Americans who have been assaulted or injured in their persons and damages for the loss of property, for which, in international law and in harmony with well-established principles of justice, Mexico would be liable.

It is possible that the Mexican Government is not responsible for all property which was destroyed or stolen, and perhaps it should not be held liable in damages for all Americans who have been killed upon Mexican soil. My contention is, however, that many were killed under such circumstances as that, under well-established principles of international law, the Government of Mexico must be held responsible in damages; and the same is true with respect to much if not all of the property which was expropriated or destroyed.

The hearings before the Senate subcommittee conclusively establish the fact that many of the crimes committed and wrongs perpetrated were with the connivance and, indeed, in many instances, with the consent of the Mexican Government or the executive and military authorities. Moreover, there was back of the military movements in Mexico a strong anti-American spirit and a widespread propaganda conducted by the executive and military commanders against the United States and all Americans within Mexico. Officials of the Government became agitators and inflamed the people against this Republic. There was a general purpose in view by many of the constituted authorities to drive all Americans from Mexico and confiscate their property. Therefore, perhaps the Mexican Government is legally and morally responsible for the wrongs committed against the United States and its citizens.

Mr. WATSON of Indiana. Will the Senator permit another interruption?

Mr. KING. Certainly.

Mr. WATSON of Indiana. Does the Senator know whether any steps have been taken along the lines he suggests?

Mr. KING. My information is that no effective steps have been taken to bring about those results.

Mr. WATSON of Indiana. Suppose demands were made——

Mr. KING. I have not fully answered the Senator's question as to what I would suggest; but I yield.

Mr. WATSON of Indiana. Let me ask this question right on that point: Suppose we make demands on Obregon? The Senator says, and doubtless truly, that many of those outrages were committed with the assent if not with the direct connivance of the Government. Suppose they declined to accede to our demands, or to acknowledge them in any way. Then where would we be? Does the Senator propose that this Government should go on pursuing the present policy?

Mr. KING. No.

Mr. WATSON of Indiana. Then what does the Senator expect the Government to do?

Mr. KING. If the Senator will be patient I will endeavor to answer his questions. But let me complete the other statement. The Senator asked me what course I would pursue, and I attempted to reply and said that reparation should be demanded for those who were killed and for whose death Mexico is responsible. Damages should also be demanded for injuries done to Americans, to their persons and feelings, growing out of assaults and maltreatment as well as imprisonment. The records show that hundreds of American citizens were subjected to great indignities at the hands of Mexican authorities, and under such conditions as clearly establish the responsibility of the Government itself for the torts and wrongs committed.

I suggest further that, contemporaneous with the negotiation of a treaty between the two Governments, and indeed as a part of the treaty, or a proper and necessary supplement thereto, provision should be made to compensate American citizens for the confiscation and destruction of property by them, real and personal, amounting to hundreds of millions of dollars, the responsibility for which is chargeable to the Mexican Government. In other words, I believe that our Government should take immediate steps to obtain redress for the wrongs which have been sustained by American citizens at the hands of the Mexican Government.

I do not, of course, expect Mexico to pay whatever the United States or American citizens demand shall be paid, but our Government should insist that Mexico adopt that course which civilized nations under like conditions would follow. American citizens have been outraged, and it is the duty of their Government to protect them. Mexico, not satisfied with past indignities and spoliations and outrages, is now pursuing a policy of expropriation and destruction of American property. Our Government should demand that Mexico, professing adherence to international law and that spirit of comity which exists among civilized and enlightened nations, should meet her just obligations; that where the damages or obligations are unliquidated, provision should be made by treaty for the erection of proper tribunals to pass upon the claims and demands, and to make awards consistent with justice and recognized principles of international law.

Mr. WATSON of Indiana. I entirely agree with the Senator as to that, but of what value to make demands? Why make a demand on the Mexican Government unless we intend in some way or other to back it up? Why make demands when they have been made over and over again in the years gone by?

Mr. KING. Oh, the Senator is just as impatient in this as he is to get his iniquitous tariff bill passed.

Mr. WATSON of Indiana. I am very anxious about the tariff bill, or else I would not be asking the Senator with reference to something that is about as far away from it as heaven is from the Democratic Party.

Mr. KING. When the Senator speaks of heaven and the Democratic Party in the same breath, he puts them together. They are in the same category because Democracy leads to justice and justice leads to heaven, and if my friend will join the Democratic Party and help it establish the principles of justice, I can assure him of celestial rewards in the great hereafter.

But the Senator will not let me conclude my answer, so I will stop here and attempt to answer that point. The Senator says, "What would you do; would you continue to make demands?"

No. I think our Government would be not only justified, but that it would be its duty to proceed further. It should submit to the Mexican Government such claims and demands as would meet the conscience of civilized nations and be sanctioned by enlightened people everywhere. It should, among other things, ask for the appointment of an international tribunal to pass upon all claims which the nationals of the respective Governments might make, as well as claims which either Government might submit against the other. When such tribunal makes its awards a demand should be made that Mexico meet the same. Our Government should also demand that Mexico cease its confiscatory policy and its assaults upon and assassination of American citizens. If Mexico refused to accede to these requests or demands, then the President should submit the entire matter to Congress. Congress should then authorize the President to appoint an international tribunal, if jurists of ability and character would consent to act, and, if not, then Americans of ability and integrity, to whom would be submitted all claims by the United States and American citizens against Mexico, with authority to make such findings as the facts warrant. If awards are made by such tribunal and it finds that there is liability upon the part of Mexico, then our Government should notify Mexico of such findings and demand that payment be made or steps taken to compensate the claimants conformable to such awards.

If Mexico then refused to make payment or exhibited unwillingness to make any adjustment and stubbornly refused to discharge her international obligations, then it would appear that the only alternative remaining would be for the United States to seize one or more ports and collect import duties, applying the same pro rata upon the liquidation of the awards. If this course were taken, the United States would doubtless hold the ports until Mexico was brought to her senses and was willing to make rectification for her wrongs and meet the just and righteous demands of this Nation.

In my opinion, if our Government announced that it intended pursuing this policy, it would bring about improved conditions and prepare the way for the negotiation of a fair and just treaty, containing full provisions necessary to amicably adjust all controversies existing between the two Governments and their nationals.

I have hastily and imperfectly submitted these statements in reply to my friend, who tells me, sotto voce, that he is compelled to immediately leave the Chamber. Of course, I have only sketched, and that imperfectly, the plan which I think should be pursued, and doubtless I have omitted important conditions and qualifications, or unduly stressed some points which, upon examination of my statements, as they will appear in cold type, I might feel constrained to modify.

Mr. WATSON of Indiana. In other words, in the last analysis—a much abused expression—the Senator favors war on Mexico if he can not get what he wants in any other way.

Mr. KING. I do not want the Senator to put those words into my mouth.

Mr. WATSON of Indiana. Does not that mean war?

Mr. KING. No; I do not think it means war.

Mr. WATSON of Indiana. When we blockade the ports of a nation, and when we scatter our troops along the border of that nation for the purpose of enforcing the collection of revenues, which we intend to keep, is not that war?

Mr. KING. It may or may not be war; that would be for Mexico to determine; but as I said a moment ago, and I am sure the Senator remembers that part of my sentence——

Mr. WATSON of Indiana. Certainly.

Mr. KING. In which I stated that in my opinion if the administration would announce the policy which I indicated there would be improved conditions in Mexico. I believe there would be a reversal of the present policy of confiscation under article 27 of the new constitution, and under the numerous acts of confiscation, passed by Sonora, Chihuahua, Tabasco, Yucatan, and other Mexican States.

Let me say to the Senator that such a policy would receive the indorsement of tens of thousands of Mexicans who are patriotic and loyal to their country and who have been driven from Mexico by the revolutionary governments and by the military dictators and cruel executives who have controlled Mexico since the Diaz régime. These Mexicans of whom I speak desire that the most cordial relations should exist between the United States and their country. They are opposed to the Bolshevik schemes which were adopted by Carranza and which are being enforced by Obregon. They have been opposed to the murder of Americans and to the expropriation of their property. They long for the day to come when Mexicans and Americans and other nationals can live in peace in Mexico and devote their energies to the development of the resources of their country. They believe that wrongs have been done to Americans and to this Republic.

In my opinion the great mass of the Mexican people do not sympathize with the narrow, intolerant, and destructive policy which has guided those who have controlled the destinies of Mexico for a number of years. They and thousands of intellectuals, both in Mexico and beyond her borders, are not in sympathy with the political and economic policy which Obregon's government is executing. We all know that Obregon has not been an unwilling disciple of De la Huerta, who is a member of his cabinet—an important one, I may add—and who was a follower of the Rand school, in New York, and attempted upon his return to Mexico to establish a Bolshevik State in Sonora. Anyone who reads his proclamations and decrees when in authority in Sonora will recognize his Bolshevist propensities. I may add in passing that Obregon placed in his cabinet Calles, who is confessedly a Bolshevist and a follower of Lenin and Trotski.

Another prominent Bolshevist was in Obregon's cabinet, and only recently retired. It is difficult to believe that Mexico will be regenerated if controlled by men of this character. Mexico's regeneration is retarded because so many of her most illustrious citizens, men of merit and ability, have been driven from Mexico. In addition to the tens of thousands of intellectuals who have taken refuge in the United States there are over 475,000 Mexicans living in the United States, many of whom will never return. Within the boundaries of this great Republic they enjoy peace and prosperity and liberty. They have expatriated themselves, and perhaps in time many of them will take upon themselves the responsibilities of American citizenship.

I repeat that it is most unfortunate that so many men of high character and of great ability, lawyers, professors, writers, bankers, statesmen, and men whose learning and scholarship would give them a high place among the most advanced people of the world, have been driven from Mexico by the military chieftains, the cruel and merciless leaders of revolutions, the bigoted, intolerant, and tyrannous executives, who have and still control the Federal and State governments of Mexico. Mexico needs in this great crisis men whose wisdom and statesmanship, if accepted by the people, would place her upon the path of progress and sure advancement. These men of whom I speak, and who have been banished from Mexico, learned in the law, in international questions, in economic and industrial matters, are in France, Spain, South America, and in our land. What a glorious thing it would be for Mexico if an enlightened constitutional government were inaugurated. But it seems as though that is impossible and that petty military chieftains rise to power and men of honor and ability and patriotism are outlawed and driven from their native land.

Mr. President, if we are to judge the future by the past, it may be safely affirmed that Mexico will present for an indefinite period a most serious problem. For nearly 100 years she has taxed the patience and forbearance of this Republic and has been a diplomatic plague which still persists. By the forbearance of the United States Mexico has been given ample opportunity to put her house in order and to assume among the free States of the world that station of equality and independence generally accorded to civilized States. But looking back with the perspective of nearly 100 years, we witness to-day a recurrence of the same old symptoms of anarchy, brigandage, and disregard of municipal and international law which has almost universally characterized Mexican administration, except during the Diaz administration.

Professor Jones, in his work called "Mexico and Its Reconstruction," declares that—

> for more than a half century Mexico has been a country in which civil dissension was seldom absent.

He refers to the—

> contrasts and conflicts arising out of the native elements of the population—

And—

> the lack of communication between the various districts of the country. As a result, from a cultural standpoint, the Republic has been a collection of units rather than a single State; a situation, obviously, which makes a satisfactory solution of Mexican relations difficult in the extreme.

He declares that—

> there must be created within the Republic a government that can establish order, that will respect individual rights, put the great resources of the nation again at the service of those living within its borders, and enable it to contribute its due share to the maintenance of the family of nations.

The true friends of Mexico will wish that a government may be established in Mexico which recognizes the rights of its own nationals as well as the rights of the nationals of other countries, and a government which will respect its treaties and the international usages of civilized and enlightened nations.

I stated that Mexico presented no new problem. Let me invite attention to some historical facts which demonstrate how serious has been that problem to the United States and how patient our Government has been in dealing with the same.

The independence of Mexico was recognized by the United States on January 1, 1825. At that time there was already an accumulation of claims against the Mexican Government for injuries inflicted upon the persons and property of American citizens, for which redress had been sought in vain. Under date of March 20, 1826, Henry Clay, who was then Secretary of State, in a letter addressed to Poinsett, the American minister, instructed him to demand redress for the forcible seizure of the schooner *Fair America*, in the course of which the Secretary said:

> Respect for the authorities of the United States alone forbids my characterizing it by the epithet which belongs to the transaction. I can not doubt that upon a representation which you are now requested to make to the Government of Mexico on behalf of Mr. Wilson, it will promptly order the restoration of his property with a just indemnity for its iniquitous seizure and detention.

The Mexican authorities in those days as to-day were adepts at delays and in the intervention of verbal excuse and circumlocution to avoid responsible consideration of the business in hand.

Thus the American chargé d'affaires, August 5, 1833, reported:

> When a delayed and apparently reluctant answer is wrung from the secretary we are merely told that the disorganized state of the political system precludes the General Government from exercising those powers with which they have been invested by the constitution, and we are admonished to forbear complaints and remonstrances until the restoration of order may enable the executive to discharge its functions and enforce the law; in the meanwhile, however, the interests of foreigners, their persons and property, are exposed to daily violation and outrage by every petty officer either of the general or of the State governments, and often without even a plausible pretext to excuse the delinquency.

The situation described finds a parallel in the relations between the two Republics during the past 25 years, except during the régime of Porfirio Diaz.

In a private letter to President Jackson, under date of September 14, 1827, the American chargé d'affaires said:

Since the present party (Santa Anna and Gomez Farias) came into power I have been able to do nothing. During the last two months I have not even received a reply to the many official notes addressed to the department of foreign affairs on affairs previously before it, as well as on those new cases that are daily occurring; the British minister informed me that he was similarly situated.

Senators will perceive the similarity of conditions then and now. The same difficulties existed in the days of President Jackson. Outrages were committed then; Americans were murdered; property was destroyed; diplomatic notes were written not only by the representatives of America but by representatives of Great Britain and other countries to the Mexican authorities, which dealt with the evils and wrongs then as they have dealt with them during the past 12 years.

During the following year, on June 24, 1834, the Secretary of State addressed the American chargé d'affaires as follows:

The President, dissatisfied with the continual delays which have taken place in adjusting the points at issue between the two governments, directs that you will take an early occasion, after the receipt of this communication, to bring them again before the Mexican Government and to obtain a prompt and definite answer.

The language of this note is somewhat reminiscent of the communications by our State Department addressed to the Mexican authorities during the past 10 or 15 years. Many communications were forwarded to the Mexican Government protesting against the injustices suffered by American citizens and the apparent disinclination of the Mexican Government to afford that protection to life and property which is due from a civilized state. Generally speaking, these communications were answered in diplomatic language, but with evasion and indirection. No sincere desire was exhibited upon the part of the Mexican officials to remove the causes which led our Government to make complaint or to pursue a course which the standards of international usage required of the Mexican Government.

Recurring to the note which I was reading, it proceeds:

You will state that the United States holds the Federal Government of Mexico alone accountable for such injuries to their citizens as merit national interposition; and that the requirement of the minister of foreign affairs in his note to you of the 24th of October last, that the claimants should present their demands in person at the Mexican treasury, is too unreasonable to be submitted to. Indeed, taken in connection with the refusal to examine any of the claims until all shall be submitted, it is tantamount to a denial of justice.

On December 17, 1835, Mr. Powhatan Ellis, the new chargé d'affaires, was appointed by President Jackson. The instructions given him, under date of January 29, 1836, referring to the pending claims, used this language:

Provision for their payment is pertinaciously withheld, and the justice of most of them has not been acknowledged. * * * Though the President is willing to look with indulgent consideration upon the almost incessant commotions in Mexico which, by weakening the authority of the federal government, may have encouraged the perpetration of these acts complained of, and by exhausting its resources have perhaps made it impossible to grant immediate relief to the injured, he thinks that they afford no sufficient apology for refusing or declining thus long to examine the claims.

Mr. President, the situation depicted in these notes must have been a severe trial to the stern and implacable Andrew Jackson, but even he pleaded and appealed to the Mexican people to right the wrongs which they had done and to pursue a course of honor and justice. There is a striking similarity between conditions then and those which still prevail in Mexico, and if one were not optimistic he would declare that it will be a long and tragic course which Mexico must pursue before she can assume an honorable station among the civilized States of the world.

Under date of April 30, 1836, Mr. Ellis, referring to the attitude of the Mexican Government, reported:

They look upon us as either too imbecile or afraid to vindicate our just rights, and hence the continual injuries inflicted upon the persons and property of citizens of the United States. So long, then, as these impressions prevail here I am deprived of the power of rendering but little service to my countrymen * * * I would respectfully suggest the propriety of pursuing a different policy in our intercourse with the Mexican States. They ought to be made to understand that the seizure and confiscation of the property and the imprisonment of the American citizens, without in some instances even the color of law to warrant it, will be arrested by a Government whose uniform policy has been to resist violence and aggression from all foreign power.

Under date of July 29, 1836, the Secretary of State sent another communication to the American chargé d'affaires in regard to an American schooner stranded near Tabasco, in which he said:

If, contrary to the present hope, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that unless redress is afforded without unnecessary delay your further residence in Mexico will be useless. If this state of things shall continue longer, you will give formal notice to the Mexican Government that unless a satisfactory answer shall be given within a fortnight you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States, bringing with you the archives of the legation.

Pursuant to these instructions, Ellis presented the American demands in this language:

The undersigned, therefore, in compliance with instructions from the President of the United States, demands that full reparation be made to all persons who have sustained injury from the several cases now set forth; that all private claims of citizens of the United States on this Government be promptly and properly examined and suitable redress afforded; and that due satisfaction be given for the numerous insults offered to the officers and flag of the United States as heretofore represented.

After the usual delay the Mexican foreign office sent back a meaningless and evasive response. After several weeks waiting, Ellis advised the Mexican foreign office that his longer residence as representative of the Government of the United States in Mexico would be useless. After further vacillation and asking for more time for the examination of claims which had been pending for many years, the Mexican foreign office replied that the Mexican courts were open for the claimants and that the grievances complained of were the subject of diplomatic action.

Senators will perceive that American citizens were subjected to the same indignities in those days as they have been during the administrations of Madero, Carranza, and Obregon. They were imprisoned and despoiled of their property then as they have been during the past 12 years. Protests made by our Government against the wanton and willful conduct of the Mexicans toward American citizens brought no relief and failed to change the policy of the Mexican Government.

Returning to the historical matters which I am presenting, Mr. Ellis, failing to accomplish his object, left the City of Mexico on December 27, 1836, and returned to Washington, where he reported personally to President Jackson.

President Jackson, in his message of December 7, 1835, had taken rather a temperate view of the difficulties in Mexico. He said:

Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a government sufficiently stable is created to justify expectation of redress, ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing Government after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

In his next annual message of December 5, 1836, before the return of Ellis, President Jackson, referring again to the Mexican claims, used this language:

The just and long-standing claims of our citizens * * * are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, though tardily, acknowledged and paid * * * unless the irritating effect of her struggles with Texas should unfortunately make her immediate neighbor Mexico an exception. * * * The ancient complaints of injustice made on behalf of our citizens are disregarded, and new causes of dissatisfaction had arisen, some of them of a character requiring prompt remonstrance and ample and satisfactory redress. I trust, however, by tempering firmness with courtesy and acting with great forbearance upon every incident that has occurred or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

The patient and friendly efforts of President Jackson, to induce Mexico to change her course, were of no avail.

In the following February, as I have already stated, Mr. Ellis returned to the United States and reported the status of our affairs with Mexico to President Jackson, who, on February 6, made it the subject of a special message to Congress, in which he said:

At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that notwithstanding the irritating effect upon her councils of the movements in Texas I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of these claims and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my cooperation in any other course that shall be deemed honorable and proper.

President Jackson was unable to secure redress for the wrongs committed against American citizens. Mexico continued her acts of spoliation and treated with the utmost disdain and contempt the pacific and pleading efforts of our Government to maintain friendly relations.

On May 27, 1837, Martin Van Buren in the meantime having become President of the United States, and it being deemed inadvisable to resume regular diplomatic relations with Mexico, the Secretary of State dispatched a special messenger, Robert Greenhow, to Mexico with instructions to deliver to the minister of foreign affairs a diplomatic package containing a letter from the Secretary and a categorical statement of pending American claims, and to obtain a written acknowledgment of its receipt. In his letter to the minister of foreign affairs of Mexico the Secretary of State said:

The direction of the President of the United States has made it the duty of the undersigned, the Secretary of State of the United States, to address the minister of foreign affairs of the Mexican Republic for the purpose of inviting for the last time the serious attention of the Government of that country to the numerous, various, and long-standing complaints of injuries to the citizens and insults to the officers, flag, and Government of the United States by Mexican authorities, and to make a solemn and final demand of satisfaction for them.

I pause to direct the attention of Senators to the indictment contained in the foregoing communication against the Mexican Government. This strong State paper points out the continued misconduct of the Mexican Government and its insults to the flag and to the Government if the United States. But then, as now, the protests of our Government were unheeded and the outrages and indignities continued.

Recurring again to this subject, in his annual message of December 5, 1837, President Van Buren said:

A sincere believer in the wisdom of the pacific policy by which the United States has always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican Republic and well-known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that Government and in restoring to the intercourse between the two Republics that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply to have found in the recent communications of that Government so little reason to hope that any future reference of mine for the accomplishment of these ends would be successful, although the larger number, and many of them aggravated cases of personal wrongs, have been now for years before the Mexican Government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, had been received from the Mexican minister. * * * On a careful and deliberate examination of their contents, as considering the spirit manifested by the Mexican Government, it has become my painful duty to return the subject as it now stands to Congress, to whom it belongs, to decide upon the time, the mode, and the measure of redress.

It was the view of Congress that any affirmative action by our Government would have to be that of war. Facing this eventuality, a convention was finally signed on September 11, 1838, to settle the American claims by arbitration. Mexico, however, true to her dilatory character, did not ratify this convention and it was necessary to make a new convention in 1840 before the arbitration could proceed. The commissioners of Mexico and the United States could only agree on the amount of $450,000, but the umpire, appointed by the King of Prussia, awarded $2,026,149.68, and it must be remembered that these claims had accrued within the first 10 years after the recognition of the independence of Mexico by the United States.

Senators will note that the award made by the umpire appointed by the King of Prussia embraced but a few claims which had arisen during the first 10 years following the independence of Mexico. The numerous claims arising during nearly two decades, following this 10-year period, were not considered, and Mexico refused to meet these claims or to compensate for the wrongs done by her to American nationals and to the American Government during this period of nearly 20 years.

But the mere liquidation of these claims did not assure their payment by Mexico. It seemed that the only way by which payment could or would be obtained was by the cession of territory. To this effect Mr. Thompson, the American minister to Mexico, wrote Webster, Secretary of State, under date of April 29, 1842:

I believe that this Government would cede to us Texas and the Californias, and I am thoroughly satisfied that that is all we shall ever get for the claims of our merchants on this country. As to Texas, I regard it of very little value compared to California, the richest, the most beautiful, and the most healthy country in the world. Our Atlantic border secures us a commercial ascendancy there, with the acquisition of upper California we should have the same ascendancy on the Pacific. * * * It is a country in which slavery is not necessary, and therefore, if that is made an objection, let there be another compromise. France and England both have their eyes upon it.

Great Britain was approached on this subject, and Lord Ashburton replied that England would make no objection to it. In 1845 John Slidell was appointed minister to Mexico, and in his instructions from Buchanan, Secretary of State, is the following:

Under these circumstances it is the desire of the President that you shall use your best efforts to obtain a cession of that Province from Mexico to the United States. Should you accomplish this object you will render immense service to your country and establish an enviable reputation for yourself. * * * Should you, after consulting the Mexican authorities on the subject, discover a prospect of success the President would not hesitate to give, in addition to the assumption of the just claims of our citizens on Mexico, $25,000,000 for the cession.

In his first annual message to Congress on December 2, 1845, the President reviewed the situation as to Mexican claims and said:

The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterwards choose to assume. But though Mexico can not complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States through a long series of years. Mexico has admitted these injuries but has neglected and refused to repair them. Such was the character of the wrongs and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the 5th of April, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the 6th day of February, 1837, the President of the United States in a message to Congress declared that "the length of time since some of the injuries have been committed, the repeated and unavailing application for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary minister of Mexico, would justify in the eyes of all nations immediate war." * * * Since these proceedings, more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens.

A special agent was sent to Mexico in the summer of 1838 with full authority to make another and final demand for redress. The demand was made; the Mexican Government promised to repair the wrongs of which we complained, and after much delay a treaty of indemnity with that view was concluded between the two powers on the 11th of April, 1839, and was duly ratified by both Governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the Government of Mexico. The commission was organized at Washington on the 25th day of August, 1840. Their time was limited to 18 months, at the expiration of which they had adjudicated and decided claims amounting to $2,026,139.68 in favor of citizens of the United States against the Mexican Government, leaving a large amount of claims undecided. Of the latter the American commissioners had decided in favor of our citizens claims amounting to $928,627.88, which were left unacted on by the umpire authorised by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered and were left undisposed of. The sum of $2,026,139.68 decided by the board was a liquidated and ascertained debt due by Mexico to the claimants and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence, and, in that spirit of liberality and forbearance which has ever marked the policy of the United States toward that Republic, the request was granted, and on the 30th of January, 1843, a new treaty was concluded. By this treaty it was provided that the interest due on the awards in favor of claimants under the convention of the 11th of April, 1839, should be paid on the 30th of April, 1843, and that—

"The principal of the said awards and the interest accruing thereon shall be paid in five years, in equal installments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid."

It was postponed practically five years.

The interest due to the 30th day of April, 1843, and the first three of the twenty installments have been paid. Seventeen of these installments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than $3,000,000, together with other claims for spoliations on the property of our citizens, were subsequently presented to the Mexican Government for payment, and were so far recognized that a treaty providing for their examination and settlement by a joint commission was concluded and signed at Mexico on the 20th day of November, 1843. This treaty was ratified by the United States with certain amendments to which no just exception could have been taken, but it has not yet received the ratification of the Mexican Government. In the meantime, our citizens, who suffered great losses—and some of whom have been reduced from affluence to bankruptcy—are without remedy unless their rights be enforced by their Government. Such a continued and unprovoked series of wrongs could never

have been tolerated by the United States had they been committed by one of the principal nations of Europe. * * * We have, therefore, borne the repeated wrongs she has committed with great patience, in the hope that a returning sense of justice would ultimately guide our councils and that we might, if possible, honorably avoid any hostile collision with her. Without the previous authority of Congress the Executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than to be prepared to repel the threatened aggression on the part of Mexico.

Not only did the succeeding months not bring any adjustment of our difficulties with Mexico, but on May 11, 1846, President Polk in a special message advised Congress that a state of war existed with Mexico because of the aggression of Mexican forces upon American territory and the shedding of American blood in Texas. The President referred to "the long-continued and unredressed wrongs and injuries committed by the Mexican Government on citizens of the United States in their persons and property," as briefly set forth in his annual message of the preceding December.

The President further said:

In communicating to Congress a succinct statement of the injuries which we have suffered from Mexico, and which have been accumulating during a period of more than 20 years, every expression that could tend to inflame the people of Mexico or defeat or delay a pacific result was carefully avoided. An envoy of the United States repaired to Mexico with full powers to adjust every existing difference. But though present on the Mexican soil, by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him or listen to his propositions but after a long-continued series of menaces have at last invaded our territory and shed the blood of our fellow citizens on our own soil. * * * Thus the Government of Mexico, though solemnly pledged by official acts in October last, to receive and accredit an American envoy, violated their plighted faith and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy who came, because they had bound themselves to receive him, nor can it be said that the offer was fruitless from the want of opportunity of discussing it; our envoy was present on their own soil. Nor can it be ascribed to a want of sufficient powers; our envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable; permission was not even given to our envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any reasonable terms of their suggestion; the Mexican Government refused all negotiations and had made no proposition of any kind. * * * The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed, the solemn treaties pledging her good faith for redress have been disregarded. A government either unable or unwilling to enforce the execution of such treaties fails to perform one of its plainest duties. * * * Our commerce with Mexico has been almost annihilated.

It was formerly highly beneficial to both nations, but our merchants have been deterred from prosecuting it by a system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own Government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved. * * * In the meantime we have tried every effort at reconciliation. The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norte. But now, after repeated outrages, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon American soil. She has proclaimed that hostilities have commenced and that the two nations are now at war. As war exists, and notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country. * * * The most energetic and prompt measures and the immediate appearance in arms of a large overpowering force are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination. In making these recommendations I deem it proper to declare that it is my anxious desire not only to terminate hostilities speedily but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment; and in this view I shall be prepared to renew negotiations whenever Mexico shall be ready to receive propositions or to make propositions of her own.

At that time there were outstanding against Mexico liquidated claims in the sum of $2,026,139.68 and unliquidated claims in the sum of $8,491,602, making a total of outstanding claims of $10,517,742.68, together with the interest thereon. These claims had accumulated in the 20 years succeeding the recognition of the independence of Mexico by the United States. The result is well known. Santa Anna, the Mexican President, who had provoked the war, was decisively defeated at Buena Vista by the forces of Gen. Zachary Taylor on February 22 and 23, 1847.

Later General Scott captured the city of Mexico, and the war ended. A treaty of peace was signed at Guadalupe Hidalgo on February 2, 1848, and subsequently ratified by the two Governments. The independence of Texas had been achieved in 1836, and the outstanding dispute as to the Texas boundary was definitely fixed at the Rio Grande. California, independent of the American occupation, had declared its independence of Mexico, and its separation from that country was inevitable without any intervention on the part of the United States. The new boundary of Mexico followed the Rio Grande to the southern boundary of New Mexico near El Paso, thence by the line of the south boundary of New Mexico and the Gila River to its junction with the Colorado and thence westward to the Pacific Ocean. For the cession of New Mexico, barren and unoccupied as it was, and of California, which would have been independent of Mexico without the United States, the United States paid Mexico $15,000,000 in gold—a greater sum than was paid France for the cession of the imperial domain of Louisiana. No money indemnity was exacted from Mexico covering the American cost and losses in the war and as part of the settlement the United States assumed and paid in addition thereto outstanding claims of its own citizens against Mexico for illegal outrages and spoliations in the sum of more than $11,000,000.

The result was that American honor received a tardy vindication by a last resort to force that the principles of American liberty and law, of order and progress, were extended over the Territories of New Mexico and California for the assurance of the wealth of these territories and the welfare of their inhabitants, whether of Mexican or American antecedents. California was admitted into the Union in 1850 and Arizona and New Mexico were admitted into the Union in 1912. It goes without saying that the good people of Mexican antecedents within these States are infinitely better off with respect to their lives, the enjoyment of liberty, and the occupation and use of their lawful possessions than they would be under the present Mexican régime, and that the States of Arizona and New Mexico have a much more satisfactory status from every standpoint as members of the American Union than they could possibly have as members of the Mexican confederation.

Mr. President, in referring to the benefits derived by the inhabitants of these States, now a part of the Union, but which at one time constituted a part of Mexico, I have no intention of conveying the thought that the United States should annex a single foot of Mexico's territory. I have merely stated a fact which is easily demonstrable if one looks at the growth and progress of that great domain now a part of the United States, and which was ceded by Mexico under the terms of the treaty of Guadalupe Hidalgo. In the very nature of things this last domain could not have remained a part of Mexico unless the latter kept pace with the civilization, development, and liberal thought of the nineteenth and twentieth centuries. That great territory was destined to be inhabited by a progressive and civilized people. California has more wealth than all Mexico. Notwithstanding Mexico's failure to discharge her duties as a civilized State and despite the wrongs which she has committed in respect to American citizens, I am opposed to any policy which contemplates the annexation of any Mexican territory. Our Government has no lust for territory. It seeks no conquest. It has no imperialistic ambitions. We will soon withdraw from the Philippine Islands, and that archipelago will be governed by the people who inhabit it and to whom it belongs. And we will not retain control over Santo Domingo or Haiti, but our military occupation will soon terminate, as it should, and the people of those States will be permitted to establish such governments as they desire.

This Republic, more than any other nation, must be the outstanding figure demanding justice for weak peoples and for all races. Because of the wealth and power of the United States, it must scrupulously regard the rights of all peoples and respect the sovereignty and integrity of the lowliest of nations. This Republic must help by sympathy and in every proper way the oppressed in all lands.

It must exhibit the most disinterested friendship in behalf of all people and regard with genuine sympathy the efforts and aspirations of peoples who are struggling for freedom and advancement, nor must we with smug complacency and with contempt and disdain look upon the culture and racial characteristics of other peoples.

I have sometimes thought we have been intolerant of racial differences and have ascribed to ourselves virtues which we may not claim. Mexico has no reason to fear this Republic. All that we desire is that Mexico shall do her duty to her own people and to other nations. We have no desire to interfere with her internal affairs or to superimpose upon her a form of government not desired by the Mexican people. We have a right to demand that she shall pursue a course of justice toward American citizens who have interests in Mexico. We ask no greater rights for American citizens in Mexico than we accord to Mexican citizens who have interests within the United States.

I have no disposition to exploit the distress of Mexico in the 30 years following the Mexican peace until the advent of Porfirio Diaz in 1877. These years were but a recurrence of the revolutions and disorders which had characterized the history of Mexico from the beginning. Dictator after dictator seized political power by violence and in turn himself came to a violent end, so that the history of Mexico from 1810 until 1877 was a history of successions of revolution, disorders, and dictatorships following each other as year succeeded year.

With the accession of Diaz to political power a new era opened for that country. There was continued peace with the United States and all the world. Commerce flourished and expanded. Americans entered the country and built thousands of miles of railroads, opened the forests and the mines, constructed great smelters, built public works, redeemed great plantations from jungle and desert, and by their efforts increased the wealth of Mexico a thousandfold and the welfare of the Mexican people to an unprecedented degree. The mines of Mexico developed by Americans had in many instances been properties that had been abandoned by Spaniards and Mexicans as incapable of profitable operation. They were in all cases private properties, the legal titles of which were obtained from the legal owners and were not dependent since upon concessions or favors from the Mexican Government.

The same is true of the forest and the oil lands upon which Americans developed the great oil production of Mexico. These were all private lands purchased by Americans from the legal owners and with the legitimate use, occupation, development, and exploitation of which the Mexican Government had no right to interfere. The rents, issues, and profits of these lands belonged to their American owners without concession or favor from the Mexican Government. The lands had for centuries been in the possession of Mexican citizens who were unable, because of lack of knowledge, lack of enterprise, and lack of capital, to exploit or develop their potential uses and productiveness. The passing of these lands into the hands of Americans and their consequent development and improvement was a great benefit to Mexico and to the Mexican people. There was nothing illegal or impolitic or detrimental about it. The whole history of Americans in Mexico has been one of benefit to that country. Americans have not impoverished Mexico. There is no Mexican who is the poorer because of the presence or property of Americans in that country.

I call attention later to the fact that thousands of Americans have small landed interests in Mexico. They have converted barren deserts into fruitful fields and thus added to the wealth of Mexico. Thousands of Mexicans have received profitable employment at the hands of Americans at wages much in excess of those formerly paid, or paid by Mexican employers, and it may be truthfully said that where Mexicans have been employed by Americans they have been treated better by their American employers than they were by their Mexican taskmasters. The wages paid in Mexico have steadily risen since the advent of Americans, and particularly since they have become interested in the development of mines, railroads, and other important enterprises. It is quite likely that lands have been acquired from the Government or from Mexican citizens at relatively small prices, but no American has acquired lands that might not have been obtained by others, including Mexicans themselves, under the same conditions and at the same values.

I have referred to the fact that thousands of Mexicans have taken up their residence in the United States, and many have become naturalized citizens. There have been no obstacles interposed to the acquisition by Mexicans of property in the United States. In the States of California, Arizona, New Mexico, and Texas, as well as other Western States, thousands of Mexicans own real estate and other property, and are protected in their enjoyment of the same to the same extent as are Americans. Their rights are vindicated as quickly by the courts as are the rights of American citizens. They rejoice in the blessings of peace and liberty under the flag of this Republic. American citizens desire only the same protection upon Mexican soil as is granted to Mexicans upon American soil.

It was suggested to me this morning, when I remarked that I expected during the day to speak upon conditions in Mexico, that Americans should remain at home and not make investments in other lands.

Well, Mr. President, that would seem to be the policy of our Republican friends, because the tariff bill reported by them and which is now before us seeks to cut off our trade with all nations. The Fordney-McCumber bill is calculated to bring about economic isolation and to commit the American people to the greed and avarice of domestic producers and manufacturers. While boasting of the greatness of America and its importance as a world power, they seek to cripple its influence and to drive its commerce from the seas. The schedules found in the bill range from 150 per cent to 1,000 per cent above the rates found in the Payne-Aldrich law, and Republican orators shudder with fear when the suggestion is made that there is a possibility of the products of other lands being brought to our shores for consumption by the American people.

But let me analyze for a moment this suggestion that Americans should stay at home. If that be a sound principle, it is equally applicable to foreigners and they should not come to the United States or make investments in our country, and if that view is to prevail, then each country should withdraw from all intercourse with all other lands and erect impassable barriers so that there may be no migration or immigration, no imports of commodities, and no exports of surplus products. That would lead to a condition of Nirvanna, sought by East Indians—rest, stagnation, inanimateness. But the world is vibrant with a broad and generous spirit of internationalism. We send our thoughts and our intellectual wealth to other lands and receive in return the intellectual riches produced beyond the seas. We more and more appreciate that we belong to a glorious cosmogony which is bound together by ethical and moral and spiritual ties which in their development bring us closer together industrially and economically and confirm the thought of great teachers and philosophers that humanity is governed by the same laws and united by indestructible ties.

Millions of American citizens were born in other lands, but are now a part of this Republic and have made contributions to the progress and development of our country. Hundreds of millions of foreign capital found investment in the United States, in mines and smelters and railroads and mills and factories and great enterprises which added to the wealth of the Nation and the prosperity of the people. There may be investment without robbery and exploitation. Who shall say that Holland and Belgium and other nations who invested millions in the United States robbed and oppressed the American people?

Americans have invested in Europe more than $7,000,000,000, and European nations owe our Government eleven billions. We therefore are interested in other nations. It ought not to be said that our interest is only that of creditors. Is it to be the policy that Americans may not invest in other lands? Is it morally wrong to trade with China and Japan and the nations of Europe? Is it in contravention of the principles of justice and righteousness that our overflowing wealth should not in part be used to aid in the development of other countries? Is it to be the future policy of this Republic that we will make no investments of capital beyond the limits of the United States?

I concede that there have been many instances in the history of the world where capital has sought undue advantages when invested in impoverished countries. I have no doubt hard bargains have been driven between capitalists and bankrupt Governments, and undoubtedly there are instances where foreigners have sought to interfere with the governments in which they had investments and to instigate internal strife, if not revolution. These things, of course, are to be condemned. They should not be tolerated. They are not in harmony with that true and genuine international spirit which should bind peoples and nations together in amity. There are buccaneers and profiteers within every land, and there are international buccaneers and pirates who attempt to prey upon weak and defenseless peoples. But these odious instances, which are exceptions, must not be regarded as the rule nor the basis for future relations among peoples and nations.

Americans are investing in Canada. They have invested hundreds of millions in Mexico and have holdings in many other countries. If we are to become a great factor in international trade and commerce, we must make capital investments in other countries. Germany's phenomenal growth is due in part to her large investments in other countries. Great Britain has sent her sons into every land and clime, and they have been advance agents of British goods and products.

I am not prepared to indorse a policy that forbids Americans from making investments in other countries, nor am I willing to approve a policy which prohibits foreign investments being made in the United States. Indeed, I would like to see reciprocal investments and treaties entered into which would guarantee private property of nationals from seizure in the event of war between nations. Our country has always contended for the immunity of private property from seizure or confiscation when international conflicts arose. One may be truly nationalistic and devoted to country and yet promote the intimate relations which do and must exist between races and peoples. Devotion to one's family broadens one's sympathies and increases affection and love for humanity. We can be Americans in all that the term implies, loving our country with a devotion that leads to the sacrifice of life itself, and yet feel the spirit of world union and international concord and amity.

Of course, our Government can warn Americans against going to other lands or acquiring property therein, although we might deny its power and authority so to do, and it can refuse to protect them or to vindicate their rights against wanton attacks by other nations. Such a course, however, would be universally regarded as cowardly and unworthy of a self-respecting and independent nation.

The question, may I add at this point, will soon be presented to the Government, and it will have to determine it, whether Americans will be protected in their persons and in their property against wanton and malicious assaults and the expropriating policies of nations in which such Americans have investments or may temporarily reside.

If it is to be the policy not to protect citizens of the United States when they are beyond its shores, and if they are to visit other lands or make investments therein at their peril, then announcement of that policy should be made.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. Before the Senator proceeds along that line of thought, I wish to ask him with reference to the situation in Mexico. He spoke about the rights of our nationals, and so forth. What is the situation to-day? Can the Senator tell me whether or not there are prospects of recognizing the Government of Mexico and how far proceedings have progressed in that direction? What have we to look forward to in that connection? Without violating any confidences or any State secrets or anything of that sort, if the Senator can enlighten us on the subject, I would like for him to do so.

Mr. KING. I was diverted by the suggestion of Americans remaining at home, and I return to a discussion of the Mexican situation. I intended before concluding my remarks to refer to some of the matters involved in the questions propounded by the Senator from Florida.

Replying briefly to his questions, I think I am accurate in my statement when I say that the situation in Mexico to-day is wholly unsatisfactory, not only to the Mexican people but to all foreigners, and particularly those who have interests in Mexico. As I view the situation, conditions have improved, if at all, but little since Obregon seized the reins of power. On the surface at times there seems to be some improvement, but fundamentally conditions are bad, and in my opinion there is no promise of any immediate reforms. There is still brigandage, rapine, and murder and the confiscation of property, both that of Mexicans as well as of foreigners. As I have already said, thousands of the best people of Mexico have sought refuge in the United States and in other countries and dare not return to their homes. Brutal and ignorant soldiers and venal and corrupt politicians control many of the States as well as the Federal Government.

Communists control a number of the States and their influence is powerful in the affairs of the Mexican Government. Poverty and distress exist among the great mass of the people. Disease and pestilence have carried hundreds of thousands to an untimely death. Indeed, it seems as if there is a dark and deadly pall over the entire land. The property of Americans is still being stolen and confiscated. Nothing is being done by the Mexican Government to right the wrongs committed in the past or to make reparations for the hideous crimes and the confiscations which have taken place.

I receive many letters from American citizens inviting attention to the anarchy and brigandage existing in Mexico and to their inability to obtain any redress for the outrages to which they have been subjected. Our own Government seems to be powerless to protect Americans or to secure for them any compensation for the property of which they have been despoiled. Valuable plantations which have been developed by Americans and upon which they have expended large sums have been destroyed, houses and mills have been burned, peaceful Mexican employees have been driven from homes which were built by their American employers, and lands that have been developed have grown up to weeds and underbrush.

A friend of mine advised me by letter, which I received this morning, that he desired to return to Mexico to try and save his real estate, but dared not do so. He spent 18 years in developing this property, and he and his father expended thereon perhaps hundreds of thousands of dollars.

They took wild and sterile lands and converted them into cane fields and producing farms and plantations. They built commodious houses and erected suitable structures for hundreds of employees. They built a schoolhouse and mills and other extensive improvements. They were driven from their lands a number of years ago. Their buildings were burned, their cattle and horses and all personal property were stolen or destroyed, and their fine fields and farms and plantations have reverted to their original state. He was notified by the Government that he must pay immediately $58,000 or the real estate would be confiscated. He was driven out by the Carranza government and he has been afforded no protection by the Obregon government.

Mr. WATSON of Georgia. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I remind the Senator in that connection that because the Greeks in a certain riot attacked the dwelling of one English subject and ransacked the house, destroying the furniture, the British Government compelled the Greek Government to pay that man fourfold, sent warships into the Greek harbor, and would have gone to war if the money had not been paid.

Mr. KING. And the Senator will remember what happened to China. Various nations combined and imposed upon China indemnities and conditions which I think were unjust and too oppressive.

Recently my attention was called to the action of the Mexican Government in ordering the confiscation of 100,000 acres of land upon which Americans had lived and upon which they had placed valuable improvements. Many of the Americans had been driven out of Mexico, but some had returned, and, as I understand, were endeavoring to rebuild their homes and restore the cultivated land to its former productivity. The act of confiscation was an executive order and made no provision for compensation to the owners. The State Department, at my request, made representations to the Mexican Government, and it was finally restored to the owners; but within the past few weeks, I have been advised, another order has been issued which results in the confiscation of a portion of this tract of land.

The hearings conducted by the Senate committee in 1920 show that Americans have sustained damages to their properties in Mexico amounting to at least $500,000,000. Real estate is now being taken under the form of law, but no compensation is awarded to the owners. Industrially perhaps Mexico is in as serious a situation now as ever before, and the illegal and confiscatory decrees, both of States and the Federal Government, are obstacles to the rehabilitation of the country.

Mr. WATSON of Georgia. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. If what the Senator from Utah says is true—and I have no doubt in the world that it is—have we not now at least as strong a cause for war against Mexico as we had against Germany?

Mr. KING. Mr. President, Germany wronged American citizens, but Germany did not do the damage to American property that Mexico has done, nor did she kill as many American citizens as has Mexico. So if the standard be life and property, and those be put in the scale as determining whether there is cause for war, then I am inclined to the view that we have as great cause for war against Mexico as we had against Germany.

Mr. WATSON of Georgia. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I ask the Senator from Utah whether he remembers the "olive-branch" speech which our ambassador, Mr. Gerard, made to the Kaiser's ministers in Berlin on the night of January 28, 1917; and I will also ask him to state, if he can, what causes of war arose after that speech was made?

Mr. KING. Mr. President, I esteem my friend from Georgia, and pay tribute to his historical knowledge. I have some recollection of the speech referred to; but my good friend, I am sure, will pardon me if I do not digress too far from the subject which I am attempting to discuss. Already I have been led into digressions, so that there will be no continuity in my remarks and no concise or logical presentation of matters under discussion.

Mr. FLETCHER. Mr. President, if I may, I desire to ask the Senator from Utah a question. He has referred to certain destruction of property and life in Mexico and he has also referred to the Obregon government. I desire to ask whether or not that destruction has taken place through the operations of irresponsible groups of people here and there——

Mr. KING. No——

Mr. FLETCHER. Or whether all of the destruction to which he refers may be attributed to the Government of Mexico as it exists—in other words, the Obregon government—and whether or not that government is responsible for these things which have happened?

Mr. KING. In 1917, when Carranza was in power, a constitution was adopted which contained provisions authorizing

the expropriation of private property. The constitution has been declared by many to be communistic, or at least to evidence a spirit of Bolshevism upon the part of those who drafted it. Under this constitution, and particularly since Obregon became President, hundreds of thousands of acres of land have been confiscated, not alone by the Federal Government but by a number of the States constituting the Mexican Republic.

As I have heretofore stated, many Mexicans have suffered through the application of this constitution, and their property has been taken from them, as the property of Americans and other aliens have been taken. These acts of spoliation can not be denominated judicial. Indeed, they are forcible seizures and confiscations of privately owned property. Obregon's government has confiscated large areas, and State governments have also seized and disposed of vast tracts of land, the title to which no one could question. Let me say to the Senator that under this constitution Americans and, for that matter, foreigners are denied the right to acquire any property; that is, land, streams, mines, and so forth, within a hundred kilometers of the northern and southern boundaries of Mexico, and within 50 kilometers of the seashore.

It is within these prohibited areas that most of the real property owned by Americans is situated. If the Senator from Florida had acquired by his toil and efforts a tract of land within 62½ miles of the northern boundary of Mexico, or within 31¼ miles of the Gulf of Mexico, or the Gulf of California, he could not, under the provisions of this constitution, transmit it to his children or dispose of it to a citizen of the United States. Indeed, if permitted to sell at all, the sale could be made to a Mexican only.

Mr. FLETCHER. Mr. President, has the Mexican Government manifested no disposition to get away from that harsh and absurd provision of the Mexican constitution?

Mr. KING. As I interpret the actions of the Obregon government, I am compelled to answer in the negative.

Mr. FLETCHER. I had understood that they would probably change that provision of the constitution.

Mr. KING. I think the Senator refers to the interpretation placed upon article 27 of the constitution, which is construed to be retroactive and which deprives persons of property which they lawfully own and the title to which can not be challenged. The Senator will recall that Carranza attempted, under the retroactive provisions of this constitution, to seize the oil lands owned by Americans and others. These lands were acquired in good faith many years ago, and under laws and a constitution which recognized private ownership in lands and a complete and indefeasible title thereto. Our Government has insisted that the constitution should not be given a retroactive interpretation. What will finally be done by the Mexican Government, no one can determine. The courts have held that the constitution was retroactive, but in the Texas case it was decided in favor of the private owner of the property. However, that decision is not final, or at least it constitutes no precedent and may not be relied upon by any owner of property or regarded as any assurance that the validity of his title may not at any moment be assailed.

I repeat, the Mexican Government is constantly seizing private property. In some instances it pretends to divide it among the peons. However, as I am advised, in most instances where they have been placed in possession they have not been satisfied and have evinced no great interest in retaining or holding the lands parceled out to them.

The Senator asked me what the prospects were of recognizing the Government of Mexico and what progress had been made in that direction. I do not think I can give any satisfactory answer to the Senator, but he will recall that Secretary Colby and Secretary Hughes have indicated to Mexico upon what conditions recognition would be accorded the Obregon régime. The suggestions contained in the notes referred to were such as any fair and honest government should promptly accede to. Indeed, many think the conditions named did not sufficiently provide for the protection of Americans or require sufficient assurance that citizens of the United States would be recompensed for the injuries sustained and for which the Mexican Government, upon principles of justice, should be held accountable.

Mr. President, when interrupted by the Senator from Florida I was speaking, by way of digression, of the policy of the Republicans to cut off our trade with other nations. I was combating the thought that Americans should not make investments abroad and that a policy of national isolation should be adopted by this Republic. That view belongs to the Dark Ages and the days of the troglodytes. Our prosperity has resulted from trade and commerce. Great Britain's supremacy for so many centuries grew out of her world commerce, and Germany, when she began to trade with all nations, became a powerful factor in the industrial and financial world.

We have built a mighty fleet that our products may be carried to all lands. Our ships will rot while tied to our wharves if we follow the reactionary policies of those who now control the Republican Party. President Harding is demanding an enormous ship subsidy and we will be asked to appropriate tens of millions of dollars annually from the Treasury to meet the expenses of our merchant marine.

Why build ships and why retain them if we have no commerce? The world is moving forward not backward. Antediluvian policies do not meet the present-day situation, and fossilized leaders in the political arena must give place to men of vision and enterprise, who properly visualize the world's problems and the responsibilities of great nations. We must send argosies to all lands and bring back the treasures of those beyond the seas. Young men of genius and courage will go into other lands. They will seek the oil fields of South America, of Asia, and of far-off lands. They will find markets for our surplus products and be messengers of the American agriculturists and business men and the great industries whose success largely depends upon foreign markets.

Recently we passed a bill permitting the formation of corporations to engage in business in far-off China. It was defended by the able Senator from Iowa [Mr. CUMMINS], as well as other Senators, and the avowed purpose was to enable American business men to secure a fair share of China's trade. It was contended that we were not obtaining our share of the oriental trade and would be unable to unless corporations were formed in which the Chinese could participate.

We must have an outlet for our surplus products. With our inexhaustible resources, particularly those comprising the primary and fundamental products, our prosperity will be arrested unless we can secure a large share of the world's commerce. Shall we penalize Americans who are endeavoring to carry the American flag to the ports of the world? Shall we announce that neither they nor their property will receive governmental protection in foreign lands or upon the high seas? Shall we say to Americans, "You did wrong in building railroads and smelters, mills, and electric plants, and waterworks in Mexico and in turning the streams out upon the deserts and causing the latter to blossom as the rose"? Shall we say to the more than 475,000 Mexicans who are living in the United States, not to speak of the several hundred thousand who are refugees, that they have no right upon American soil and must return to Mexico? Shall we say to Americans who had real and personal property in Mexico of the value of more than $1,000,000,000, as found by the Senate committee, that they must abandon Mexico and their property? Shall we say to the widows and children whose husbands and fathers have been ruthlessly murdered in Mexico that the dead were trespassers and that no reparation can be exacted for their foul and cowardly assassination? These questions, sooner or later, this Government must determine.

Mr. President, I do not want my position misunderstood. I am not advocating or defending the exploitation of any country or the adoption of any imperialistic policy, but I am contending in favor of a broad and liberal international policy which encourages international trade and commerce, which brings the peoples of all nations into closer relations, which not only justifies but approves of legitimate and proper investments being made by the nationals of all countries outside the boundaries of their own States. An American is no less a patriotic American because he builds an electric light plant in Canada or in Mexico, nor does a Mexican lose his citizenship or his right to protection from his Government because he acquires property in the United States or in Guatemala.

I am told that a former Secretary of State declared that Americans should keep out of Mexico and should make no investments therein. If he did, I do not approve of his position. I repeat that the narrow and provincial spirit of the past, which locked persons within their own country, is not the spirit which should guide the nations to-day. Knowledge is bringing the people together; ignorance divides. Our great philosophers and teachers recognized the unity and solidarity of the human race, and the efforts of great statesmen and prophets and leaders should be directed toward world peace and fellowship.

The United States clings to the Monroe doctrine as a national policy. Without discussing the reason for this doctrine or its limits and implications, I most earnestly submit that, in any aspect of the case, it is the duty of the United States to seek the most cordial and friendly relations in dealing with the Latin American Republics. Our Nation should pursue a course that will secure their confidence, respect, and, indeed, affection in all our dealings with them; diplomatic, official, or otherwise. It

should not be forgotten that by reason of propinquity, as well as other reasons, this Nation feels a special interest in the Republics to the south of it.

While this is not germane to the subject under consideration, permit me to say that I have felt that American business men have not cultivated as they might have done the peoples of Latin America, nor have they adopted the wisest course to secure a larger and more enduring trade. Inquiry will confirm the statement so often made by our ministers and consular agents that European business houses have pursued a course in their dealings with South and Central America which has resulted in giving to them much of the trade and commerce arising therein which the United States might have secured.

European business houses, in the development of their foreign trade, have sent representatives to various countries, where they resided for limited or indefinite periods. They thus came into contact with the people and constituted a binding link between them and their own countries. Germans and Britishers and representatives of European countries before the war could be found in large numbers in practically all the Latin-American Republics. They pushed the trade and commerce of their respective countries. They identified themselves to a greater or less degree with the communities to which they went and thus secured for the business enterprises which they represented much of the commerce to which we were entitled and which we could have obtained if we had sought it in a proper and effective manner.

I return to the matter which I was discussing before the last interruption, namely, the interests of Americans in Mexico. At the overthrow of the Diaz government in May, 1911, there were 75,000 Americans resident in that country, not including transients and visitors. There were 2,000 Americans engaged in the railway, 5,000 engaged in mining, 3,000 engaged in other lines of business or residing in the country for reasons of health or diversion. There were 4,000 Americans engaged in agriculture in the American colonies of Chihuahua alone, and perhaps 15,000 more in other parts of Mexico.

There have always been more Mexicans in the United States than Americans in Mexico, but the relatively few Americans in Mexico have exercised an interest in the commerce, industry, and economy of the country of much greater proportions than would be indicated by their numbers. Those who may be interested in the activities of Americans in Mexico and who desire to learn the conditions which have existed in Mexico for a number of years past should acquaint themselves with the report of the subcommittee of the Foreign Relations Committee appointed to investigate conditions in Mexico.

Pursuant to a resolution which I had the honor of offering in the Sixty-sixth Congress, second session, this subcommittee, consisting of Senators Albert B. Fall, of New Mexico, Frank B. Brandegee, of Connecticut, and Marcus A. Smith, of Arizona, was named. The resolution is as follows:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, is authorized and directed to investigate the matter of damages and outrages suffered by citizens of the United States in the Republic of Mexico, including the number of citizens of the United States who have been killed or have suffered personal outrages in Mexico at the time Porfirio Diaz retired from the Presidency of Mexico, outrages, the quantity of damages suffered on account of the destruction, confiscation, and larceny of personal property and the confiscation and deprivation of the use of lands and the destruction of improvements thereon; the number of citizens of the United States residing in Mexico at the time Porfirio Diaz retired from the presidency of Mexico, and the number of citizens of the United States at present residing in Mexico, and the nature and amount of their present holdings and properties in said country; and in general any and all acts of the Government of Mexico and its citizens in derogation of the rights of the United States or of its citizens; and for this purpose to sit at any time or place during the sessions of Congress or during recess and with authority to subpoena such witnesses and documents as may be necessary, and to make a report of its findings in the premises to the Senate; and the said committee shall further investigate and report to the Senate what, if any, measures should be taken to prevent a recurrence of such outrages.

The subcommittee conducted a most thorough and searching examination extending over a number of months. Scores of witnesses, both Mexicans and Americans, were examined, and many documents of importance obtained and made a part of the record. The record consists of more than 3,200 pages of closely printed matter, and was submitted to the Senate, accompanied by the report of the subcommittee, in May, 1920. The facts presented to the committee conclusively establish that Mexico failed in the discharge of her international obligations and robbed and pillaged and murdered American citizens. These pages constitute a strong indictment of Mexico and the Mexican Governments.

The testimony established, and the committee so find, that between 1910 and 1920, 461 Americans were killed in Mexico, and 128 along the border but within the United States. In addition, a large number were wounded and subjected to cruel and brutal treatment. Since that time a number of Americans have been murdered in Mexico. Perhaps the number of Americans who were killed in Mexico during the past 15 years will never be accurately known.

The committee report that the value of all property in Mexico at the outbreak of the Madero revolution exceeded the amount reported by Marion Letcher, American consul at Chihuahua, and which was filed with the State Department. That statement is as follows:

Valuations.

Class.	American.	English.	French.	Mexican.	All other.
Railway stocks	$235,464,000	$81,237,800		$125,440,000	$75,000
Railway bonds	408,925,000	87,680,000	$17,000,000	12,275,000	38,535,380
Bank stocks	7,550,000	8,000,000	31,000,000	21,950,000	3,250,000
Bank deposits	22,700,000			161,903,042	18,880,000
Mines	223,000,000	43,600,000	5,000,000	7,500,000	7,820,000
Smelters	25,500,000			7,200,000	3,000,000
National bonds	52,000,000	67,000,000	60,000,000	21,000,000	
Timberlands	8,100,000	19,500,000		5,600,000	750,000
Ranches	3,150,000	2,700,000		14,000,000	
Farms	950,000	750,000		47,000,000	1,200,000
Live stock	9,000,000			67,450,000	3,800,000
Houses and personal	4,500,000	680,000		127,000,000	3,700,000
Cotton mills		450,000	19,000,000	6,000,000	4,750,000
Soap factories	1,200,000			2,780,000	3,600,000
Tobacco factories			3,238,000	4,712,000	800,000
Breweries	600,000		178,000	2,822,000	1,200,000
Factories	9,600,000	2,780,000		3,250,000	3,000,000
Public utilities	760,000	8,000,000		5,185,000	275,000
Stores:					
Wholesale	2,700,000	110,000	7,000,000	2,800,000	14,270,000
Retail	1,700,000	30,000	680,000	71,235,000	2,175,000
Oil business	15,000,000	10,000,000		650,000	
Rubber industry	15,000,000			4,500,000	3,560,000
Professional	3,600,000	850,000		1,580,000	1,100,000
Insurance	4,000,000			2,000,000	3,600,000
Theaters	20,000			1,575,000	500,000
Hotels	250,000			1,730,000	710,000
Institutions	1,200,000	125,000	350,000	74,000,000	900,000
Total	1,057,770,000	321,302,800	143,446,000	792,187,242	118,535,380

NOTE.—From the testimony taken and other evidence in the possession of the committee, the committee reports that the total amount of American investments in Mexico in 1911 were more nearly $1,500,000,000 than the total set forth in the column above, $1,057,770,000.

The committee report that from the testimony taken, and other evidence which came to them, they find that the total amount of American investments in Mexico in 1911 was approximately $1,500,000,000. However, referring to the above report, the committee state:

The total wealth of Mexico, as it appears in this table, was $2,434,241,422, of which Americans owned $1,057,770,000; English, $321,302,800; and the Mexicans, $793,187,242. The figures given in the table as to British ownership should, from the best information in my possession, be increased from $321,000,000 to at least $800,000,000. The figures for American investment in mines should be increased very largely.

The committee further state that the American investments are in tax-paying and labor-employing operations. An examination of the report will show that millions have been invested in railroads, mines, factories, oil, rubber-producing property, and so forth. Seventy-eight per cent of the mines were owned by the Americans and 72 per cent of the smelters. There were 16,000 miles of railroads (national), in which American and English capital was invested to the extent of about 88 per cent.

The committee further state that that part of Mr. Letcher's report dealing with the American investments in ranches, timberlands, farms, houses, lots, and personal property is incorrect, and say that the testimony before their committee shows that more than 3,000 American families, of an average of five members each, owned their own homes either in colonies or in separate locations and were engaged in agriculture.

They further find that the actual average loss to such families has been $30,000,000, not taking into consideration the value of the land or the houses and other improvements which have not been destroyed.

The committee also find that in addition to the thirty millions lost by the smaller agriculturists who have been driven out of Mexico, and but few of whom have been able to return, the losses to the railroads have been eighty millions through the destruction of rolling stock and injury to the actual corpus of the property.

In addition, the committee find that the nonnational railroads have suffered damage to the extent of $60,000,000, so that it would require one hundred and forty millions to place the 24,000 kilometers of railways in Mexico in the condition in which they were found in 1911.

From the evidence taken by the committee it is apparent that the amount of damages sustained by Americans, which I have said was at least $500,000,000, has greatly increased since

then. It is difficult, and, indeed, impossible at this time, to determine the aggregate, because many of the owners have been unable to return to Mexico and have not been advised of the status of their property.

As I have indicated, many of the great properties of Americans in Mexico have been abandoned under the compulsion of brigands masquerading in the uniform of soldiers of the country and of the various governments, de facto and de jure, which have controlled the Republic. These properties have been overrun by military leaders and their armies, and everything which could be carried away has been appropriated by the Government or its military forces or marauding and thieving Mexicans. A categorical narration of the outrages to which Americans have been subjected would make no impression upon the political authorities of Mexico.

Unfortunately, because of the venality and corruption of many public men, their ears are closed to any appeals for relief, and their sense of morality or justice is so unresponsive that there would seem to be no hope of a favorable response to the appeals for a rectification of these wrongs. Many of the Mexican courts are corrupt and impotent, and afford no protection either to Mexicans or to aliens. Proof of assassination of Mexican officials, or of aliens, excites no indignation and brings no punishment.

Senators are familiar with the callous indifference exhibited by Huerta when it was incontrovertibly established that he caused the assassination of Madero and Suarez, the vice president. It has been repeatedly charged that Carranza was assassinated, pursuant to orders of Obregon. I recall reading some time ago in the La Tribuna, an illustrated Spanish weekly, published in New York, a charge by Emeterio de La Garza that Carranza was assassinated. His letter is almost equivalent to an indictment of Obregon himself. Carranza's daughter charged openly that Obregon was responsible for the murder of her father, and the officer in command of the troops has in effect declared that he was obeying the orders of Obregon. And yet this situation, which should scourge from place and power any person so charged, is regarded indifferently by those in control in Mexico and the groups to which they belong.

Ybanez, who visited Mexico within a recent period, describes Obregon. He is not a lovely figure, and in but a few countries in the world could such a person rule, even for a day.

Secretary Lansing, in a remarkable note dated June 20, 1916, addressed to the Secretary of Foreign Relations of the de facto Government of Mexico, submits an indictment of the then Government of Mexico which shows how little progress had been made from the days when Andrew Jackson and other American Presidents were endeavoring to protect Americans from outrages by Mexican authorities. Mr. Lansing in his note declares that the lives of citizens of the United States have been—

barbarously taken, and the murderers have neither been apprehended nor brought to justice. It would be difficult to find in the annals of the history of Mexico conditions more deplorable than those which have existed there during these recent years of civil war.

He refers to American garrisons which have been attacked at night, and the killing of American soldiers, the robbing of American ranches, the wrecking of trains, and the plundering of American citizens. He refers to the attacks on Brownsville and to other places on American soil, and declares that these attacks on American territory were—

participated in by the supporters of Carranza and that his soldiers took part in looting, burning, and killing.

Secretary Lansing declares that notwithstanding representations made and the promise by the Mexican Government to prevent further wanton attacks, a passenger train was wrecked and persons killed, and that—

the Mexican Government was so far indifferent to the atrocities that the leaders were not only received but protected and encouraged by the Government.

Reference is made to the—

barbarous slaughter of inoffensive Americans, and that the Government of Mexico made no effectual attempt to frustrate hostile designs against Americans.

Reference is also made to the recognition by the United States of the Carranza government, but that, notwithstanding this evidence of its desire for friendly relations—

the Government of the United States has waited in vain for protection for American citizens and for the Mexican Government to discharge international obligations toward citizens of the United States.

The efforts of Mr. Wilson to secure protection for citizens of the United States, who were interested in Mexico, were unavailing. Helpless men and women were killed and American citizens suffered unspeakable indignities. We know the names of more than 600 Americans who have been the victims of murder and hundreds who have been subjected to personal outrages in Mexico by the Mexican authorities or Mexican nationals, besides thousands who were exiled from their homes and possessions and who have suffered poverty and distress untold. Many have gone to their graves without a shroud to cover them, having been robbed of their possessions by the Mexican Government, or as a result of its indifference to its international obligations.

Claims on behalf of individual American citizens for debts, personal outrages, and spoliation in the sum of $65,000,000 have been filed with the State Department, and besides this the damage suffered by railroad, mining, and oil corporations, by stock ranches, coffee, sugar, and rubber plantations, factories, banks, power plants, irrigation systems, and so forth, are estimated at more than $500,000,000.

The Senate committee above referred to reported that the railroads of Mexico had suffered a loss conservatively estimated at $80,000,000 through destruction of railroad stock, the burning of bridges and railroad stations, and the tearing up of sidings and track. The committee states:

Power lines have been cut; power plants destroyed; irrigation works dynamited; canals cut; factories burned; railroad and mining contractors and subcontractors' supplies, tools, stock, and equipment destroyed; banks, trust companies, investment companies, money exchanges, etc., looted of cash and put out of business; brokers, commission men, general agents, wholesale and retail merchants have lost their investments and as well their books of trade, implements of their profession, and their stocks of merchandise, etc. Those who have tended to continue business by going back to their locations when temporary peace appeared to justify their return have been held up and compelled to pay blackmail to every new bandit and tribute to every old one in their community.

An eyewitness, describing the condition in the agricultural colonies in Chihuahua, said:

The stores were broken into and looted of hundreds of thousands of dollars' worth of merchandise. Private homes were treated in the same manner. Live stock was appropriated until almost every available thing was carried away or destroyed. At Colonia Dias the better part of the residences and public buildings were burned.

Senators will recall that in the closing days of Mr. Taft's administration it was suggested that the threatening condition in Mexico justified, if it did not demand, that citizens of the United States depart from Mexico. Following this suggestion, many Americans returned to the United States. They were compelled to abandon their possessions, and upon reaching American soil were wholly without means of support. Appropriations were made by Congress to grant temporary relief and to feed for a limited period many of those who had been driven from Mexico. All personal belongings of those who were compelled to leave were appropriated by Mexican military authorities, or in some instances by guerrilla bands. Houses were burned and destroyed by Mexicans and a determination manifest to not only drive Americans from Mexico but to deprive them of all their property and possessions found therein.

If time permitted I would show the connection between those who committed crimes and offenses against citizens of the United States and the Mexican Government and examine the authorities and the writers in international law in support of the proposition that the Mexican Government is responsible for such offenses and outrages and must respond in damages therefor.

Theodore Roosevelt, in a speech made at Detroit on May 19, 1916, spoke of the indignities suffered by our people in Mexico in these words:

We have tamely submitted to the murder of our men and the rape of our women. We have permitted foreigners to be plundered in Mexico and our own people to be plundered in Mexico; and murder has been added to plunder. Many of our troops have been shot. While we have been nominally at peace with Mexico, the Mexicans have killed more American citizens that the Spaniards have killed in the entire Spanish War. Moreover, when the Spanish War was through, it was through; and Cuba, Porto Rico, and the Philippines were started on a career of peace and prosperity such as had never been known in all their history. But in Mexico, after all the bloodshed, the trouble has only begun, and we are no nearer a solution than we were three years and a quarter ago.

On the 18th of September, 1912, a Mexican general, in threatening death to a small party of Americans at San Jose, declared:

Your President Howard Taft is a vile dog, a low-down coward. Your Nation is rotten. * * * We are going to run all the Americans out of Mexico. We will kill those who do not run before us. The plan of our revolution is simply to run the American dogs out of this country, confiscate their property, and divide it among Mexicans. * * * Mexico is for the Mexicans, and the United States for the gringoes. * * * Now, we are going to kill them or run them out of the country. We have executed their men, we have ravished their women, we have insulted their men and their women in every possible way to force them to take up arms and fight us. They do not fight because they are cowards and afraid of us. Their own Government despises them and abandons them and dares not protect them and orders them to run away and to escape. In Colonia Dublan and all the other American colonies in Chihuahua we have taken all the homes of Americans, killing some of them, and we have outraged their women, seized their

lands and their houses, and all of their other property, and we force them to flee from the country with nothing but the clothes they had on. But they do not wish to fight and run like dogs. We will not let them return. We will kill all who try to return to their lands. We divided their lands and their property among Mexicans and now they have nothing to return to Mexico for. We are going to do the same in Colonia Morelos, Colonia San Jose, and Colonia Oaxaca. We are going to divide all their property among the Mexicans, among those who will swear to kill every gringo that returns here.

And the soldiers shouted in response—

Muera los gringoes (murder the gringoes) and "Chinga."

We have in these words a reflex of the animus of the so-called Mexican revolution, and vile and cowardly and contemptible as these declarations are, they were spoken without shame in Mexico and were winked and indeed condoned and connived at by those in authority in that country. It has been said that one of the purposes of the revolutionary leaders was to drive Americans from Mexico and to confiscate their property. The protection of American property in Mexico was not of the slightest concern to any of the 101 generals who were operating in that country. Plunder and brigandage was their principal passion and occupation, and the incapacity of the country to sustain progressive and unlimited brigandage is the one thing that diminished this wicked business. But the field of the brigands has only been transferred from that of the country to that of the Mexican courts and the chambers of legislation and the offices of executives, and we now have confiscation under the guise of law, as distinguished from the spoliation under the guise of the uniform of the Mexican "generals." It is vain for the Government of Mexico to attempt to evade the responsibility for the damages done by their marauding military commands, because not only did the Government wink at and directly connive at and condone, not to say encourage, such unlawful outrages and larcenies, but the Government, in the so-called constitution of Queretaro, January 31, 1917, has confirmed and attempted to legalize the anti-American program which, as many believe, has been the motive and the mainspring of the murders, arsons, larcenies, spoliations, and outrages to which Americans have been subjected in that country for the last 10 years. The Queretaro constitution was designed to make Carranza dictator of Mexico. He was given power to expel any American from Mexico by his arbitrary order, without hearing and without recourse to law.

Under the Queretaro constitution the Government of Mexico was given the right to expropriate private property without indemnification for reasons which the Government regarded as of public utility. And among these reasons was the division of large landed estates. There is hardly any land owned by Americans in Mexico that is not for sale in whole or in part at reasonable prices and which can not be obtained by honest men without the arbitrary and confiscatory intervention of the Mexican Government. The Queretaro constitution seeks to invest in the Government all metalliferous minerals, mineral deposits, petroleum, coal, and natural gas, as well as of rivers, lakes, and streams. These provisions, I concede, may legally be applied to lands within the public domain of Mexico and may well operate to interdict the alienation by the Government of such species of property within its domain. The mining and oil lands owned by Americans in Mexico, however, have not been acquired from the Government, and it is not believed that any considerable area of mining or oil lands are within the public domain of Mexico. The purpose of this provision was to confiscate the oil measures and the mines which had been discovered and developed by Americans upon their own private lands, and was a part of the anti-American program. The Queretaro constitution provides that only Mexicans may acquire ownership in lands, waters, or their appurtenances or obtain concessions to develop mines or mineral fuel. This also is a parcel of the shortsighted and spiteful anti-American program. It need not be said that there will not be any notable exploitation and development of oil or mining properties if no concessions are to be granted to Americans, especially if it were the rule that no mines or oil properties could be developed without a concession from the Government. In our own country we have been so anxious to have the metalliferous minerals extracted from the veins, lodes, and deposits that we have freely given such minerals to any person who, on the public domain, might discover, locate, and extract them. But metalliferous minerals and deposits of whatsoever nature within the lands of a private owner are an intrinsic part of his property and not subject to any restrictions as to their extraction, separation, use, and sale by the owner.

The foolish policy announced by the Mexican Government of impeding the extraction of minerals from private lands is not only confiscatory and illegal but is contrary to every dictate of sound policy. The Queretaro constitution undertakes to enact that no American shall under any conditions acquire the lands within a hundred kilometers of the American frontier and within 50 kilometers of the seacoast. This is also part of the vindictive anti-American program. The interdicted area comprises the great part of the American-owned lands in Mexico. It is a part of this scheme that Americans shall not be permitted to sell their lands to other Americans and that such lands shall not pass by inheritance or devise to their American heirs.

This is but another example of the anti-American malice which found expression in this impossible socialistic constitution. And this seems to be the only result of the Mexican revolution—the enactment of futile, nugatory, and impolitic decrees against foreigners and the inauguration of impossible and destructive socialistic schemes; and for this we have forborne and suffered upon the theory that revolution was the way of liberty and that there was no other way for a democratic readjustment of Mexican affairs and politics.

But we may have expected as much in view of the fact that Madero was a socialistic zealot, that Carranza was only a captious casuist dominated by anti-American malice and Mexican vanity, and that the other leaders of the revolution were all to a greater or lesser extent affected with the virus and fallacies of a European socialism and bolshevism.

Salvador Alvarado became governor of Yucatan during the days of Carranza. Yucatan at that time was a rich State and her people were prosperous and giving evidence of cultural development. He attempted to convert their State into a soviet government and imposed upon the people a cruel and relentless despotism, such as Lenin and Trotski imposed upon Russia four years ago. Bolshevism has invaded the States of Tobasco, San Luis Potosi, as well as other political subdivisions of Mexico, with most disastrous consequences. Alvarado, Villareal, De la Huerta, Calles, and other communists influence, if they do not control, Obregon and are spreading the poison of their pernicious economic policies throughout the entire Republic. The fallacies and pernicious policies adopted by Obregon and the rulers of Mexico have not only brought Mexico, but great States like Yucatan, Campeche, Puebla, and Sonora, to the verge of economic ruin and poverty.

If time permitted, I would call attention to statements made by Obregon indicating his communistic views and his hatred of America and Americans. He shared with Carranza the latter's pro-German views and his antipathy toward the United States. Senators will remember that Carranza hoped to unite the Central American States and to become an ally, secret or open, of Germany. Testimony offered before the subcommittee of the Senate furnishes interesting information in regard to this conspiracy as well as the uncompromising attitude of Obregon toward the United States.

It has been said by some that Obregon has seen a new light and that he is intent upon leading Mexico back into the comity of civilized States and is resolved that Mexico shall keep her international obligations and progress with firm step and upon sound principles into a position of stability and national self-reliance. I wish that were true. However this may be, we must face the fact that the Obregon government has inherited all the liabilities and responsibilities which had been fastened upon Mexico by the imprudent, improvident, and illegal acts and neglects of his predecessors in the government of that country.

Our business with the Mexican Government is of a great deal more importance than the mere resumption of diplomatic relations. Our Government refrains from the use of force for the protection and vindication of American life and American rights on the theory that Mexico should have liberty of action and responsibility for the events which adversely affect American rights and interests.

And we expect that Mexico shall make indemnification for the damages which have been visited upon our people and their property in that country. It has been said that the United States might easily have occupied Chihuahua and all of northern Mexico down to the latitude of the mouth of the Rio Grande and thus have avoided untold suffering and unspeakable outrages which have been perpetrated almost within sight and in many cases within one or two days' marches of the frontier. And the claim has been made that the United States could thus have protected many thousands of Americans in their lives and peace and in the possession, use, and occupation of their lands, and relieved them of insufferable outrages as well as have vindicated its dignity and commanded the respect of the Mexican people.

However, as I have indicated, I did not advocate such a policy, nor do I now. But Mexico's treatment of citizens of

the United States has not only resulted in the injuries and wrongs to which I have referred but it has imposed upon the United States a very heavy financial burden.

Yesterday I telephoned to the War Department and asked for information as to the cost of maintaining American troops on the Mexican border and in Mexico since 1911. I am in receipt of a communication from Robert C. Davis, Acting Adjutant General, in which he states that—

There are no exact figures available as to these costs, but it is believed that the nearest approximation to such costs can be made by assuming that that part of the expenditures under "Military Establishment, support of the Army and National Guard" for each year, which was devoted to troops on the border, was proportional to the strength of the troops on the border. These figures are as follows:

Then follows a table which I ask to insert in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The table is as follows:

Fiscal year.	Active Army,[1] June 30.	Troops on border on June 30.	Per cent of troops on border.	Expenditures for "Support of the Army and National Guard."	Per cent for troops on border.	Amount for troops on border.
1911	85,300	[2] 19,000	23.7	$100,251,142.44	23.7	$23,759,520
1912	88,000	7,000	8.0	96,677,095.82	8.0	7,734,230
1913	92,000	[3] 16,000	17.4	98,641,530.12	17.4	17,163,630
1914	98,000	[4] 25,000	25.5	109,695,730.94	25.5	26,950,120
1915	106,000	[5] 24,000	22.6	108,732,218.30	22.6	24,121,480
1916	[1] 390,000	[6] 150,000	57.7	116,222,492.49	57.7	67,066,150
1917	[1] 418,000	[6] 125,000	29.9	1,882,601,898.08	29.9	562,924,890
1918				4,209,611,619.35		
1919				5,926,201,274.62		
1920				620,648,766.51		
1921	227,000	15,800	7.0	501,120,687.17	7.0	35,073,450

[1] Includes Regular Army, Philippine Scouts, National Guard in Federal service, reserves on active duty, and emergency officers.
[2] Includes National Guard in Federal service.
[3] Includes National Guard in Federal service and Reserve Corps.
[4] Includes Maneuver Division.
[5] Includes Second Division at Texas City.
[6] Includes Second Division and troops at Vera Cruz, except marines.

Mr. KING. Briefly, the table shows this:

In 1911 we had 19,000 troops on the border, or we had to maintain on the Mexican border 23.7 per cent of all of our Army. The cost was $23,759,520.

In 1912 only 8 per cent of our troops were on the border, and the cost that year, under these figures, was nearly $8,000,000.

In 1913, 17.4 per cent of our troops were on the border, at a cost of more than $17,000,000.

In 1914, 25.5 per cent of all the American troops were on the border, at a cost of $26,950,120.

In 1915, 22.6 per cent of the Army was maintained on the border, at a cost of more than $24,000,000.

In 1916, 57.7 per cent of all the Army of the United States were on the Mexican border, at a cost of $67,066,150.

In 1917, 29.9 per cent of our troops were upon the border, at a cost of $562,924,890.

I have not the figures for 1918, 1919, and 1920; but during 1921, 7 per cent of our Army, or 15,800 troops, were upon the Mexican border, at a cost of $35,078,450. It is somewhat paradoxical that during that period, when we were presumed to be at peace with Mexico, we were compelled to keep 15,800 troops along the international boundary for the protection of the lives and property of Americans. In 1916 we had 150,000 troops on the border. In 1917 we had 125,000 troops on the border. Aside from the years 1918, 1919, and 1920—and I have not the costs for those years—we have expended for the maintenance of military forces along the border $762,798,470.

Mr. President, there is another interesting item here:

No amounts are given for the fiscal years 1918, 1919, and 1920, due to the fact that there are no reliable figures as to what troops were regarded as on border duty. For example, one division which was organized with a view to its use on the border was later diverted to France.

The Acting Adjutant General further states:

The total cost of the expeditionary forces engaged in the punitive expedition under General Pershing was approximately $59,000,000, including regular maintenance, cost of subsistence, and equipment of the troops involved.

The total, as shown in the table above, as the cost for maintenance of troops on the border, not including the years 1918, 1919, and 1920, amounts to $762,798,470. It is quite apparent, if we were furnished the costs for those years the aggregate amount would approximate $1,000,000,000. Thus it appears that to protect our territory from Mexican invasion and to protect American citizens and their property within the confines of the United States our Government has been compelled to maintain thousands of military forces along its southern border, at a cost of approximately $1,000,000,000, for the years 1911 to 1921, inclusive. But there was no protection for citizens of the United States in Mexico, nor was their property therein immune from seizure and confiscation.

Recurring to the Mexican constitution of 1917 and its confiscatory provisions I have been asked upon a number of occasions whether I denied the right of the Mexican people to adopt that or any other constitution which they desired. I have uniformly replied that I believed in the right of peoples to determine the form of government under which they live. It is for them to determine whether they shall have a monarchy, an oligarchy, a communistic form of government, or an enlightened and progressive republic. I concede the right of the Mexican people to frame such organic law as they desire, even though it may be reactionary or communistic, nor has the United States or any other government the right to superimpose upon the Mexican people a government which they do not approve.

The Mexican people, if they wish, may deny the rights of aliens to enter Mexico or to acquire property therein. In my opinion, however, the Mexican people have not legally adopted the 1917 constitution nor do they approve of many of its provisions. Undoubtedly the Bolshevist element of which Carranza and Obregon and De la Huerta and Calles were the representatives approved of the terms of the constitution and hoped thereunder to despoil Americans and other foreigners of their possessions in Mexico.

The intellectuals and the patriotic Mexicans have disapproved of the communistic provisions of the Queretaro constitution, and perhaps millions of the people of Mexico are either unfamiliar with its terms or are so apathetic as a result of years of revolution and oppression that they are indifferent to their situation or the political forms under which they are forced to exist.

I desire to insert into the RECORD at this point an excerpt from an "Essay on the reconstruction of Mexico," which, as I understand, was written by a number of distinguished Mexicans in collaboration, among them being Mr. Manuel Calero, who was secretary of foreign affairs and at one time ambassador to the United States; Mr. Francisco S. Caravajal, who was at one time chief justice of the Federal supreme court; and Mr. Jorge Vera Estanol, at one time secretary of public instruction. The excerpt is from chapter 4 on "The naturalization and civil status of aliens," and is as follows:

Article 27 of the Queretaro constitution embodies the principle that aliens may not own real estate, nor be granted concessions covering waters, mines, and the like, except by the grace of executive authority, after the interested party has made formal waiver of the right to invoke the protection of his government.

While it is true that certain countries do not grant aliens the right to acquire real estate, we are, nevertheless, of the opinion that Mexico should return to the liberal system that prevailed under the constitution of 1857. Having due regard for the cultural and economic situation of our native population, coupled with the facts of its sparseness, it appears advisable to encourage the establishment of foreigners in Mexico. Experience has shown them to be elements of moral progress and factors in the development of public and private wealth.

Provisions fixing the civil capacity of aliens have no place in the political constitution of the Republic. They belong in general statutes, in special laws on naturalization, and in international treaties. In the absence of express treaty stipulations, Mexico must accept, in general terms, the principle of equality of civil capacity of Mexicans and aliens, excepting limitations required by the principle of reciprocity, and such other limitations as arise out of the needs of domestic safety or of insurance against international complications.

With regard to foreign corporations, we believe that the incapacities placed on them by the Queretaro constitution, in provisions similarly incongruous in a constitution, reveal in the framers a mistaken appreciation of the present-day needs of the country. We are not opposed in principle to the establishment of the incapacities in so far as they are confined to the ownership of real property, but at the same time we believe that the legislator should mitigate the severity of his theories when the great interests of the nation so demand. The position in which Mexico now finds herself as the result of the interneciae strife and the condition of the world money market caused by the European war compel the Mexican statesmen to adopt a generous policy which shall attract to the country capital to develop our resources and contribute to the moral and economic betterment of our downtrodden people. In harmony with this policy, it is necessary to return to the former system and to permit foreign companies to enjoy the same rights they enjoyed before the Queretaro constitution as the most practical method of inducing foreign capital to engage in Mexican enterprises. At a later date, when the political equilibrium has been restored, when the methods of government admit of no question as to their probity, when, in a word, we have conquered the confidence abroad which we once enjoyed, the time will have come slowly to force foreign capital to operate in Mexico within the forms of association prescribed by Mexican law; but everything which at the present moment is done in this regard will affect adversely the economic progress of Mexico.

There is no doubt but what the constitution of 1917 never received the approval of but an insignificant fraction of the Mexican people. Carranza before he was controlled by his anti-American animus and by his Bolshevik associates, and before he became military dictator, declared that he intended to restore the constitution of 1857, which, I may add, was a reasonably progressive and liberal organic act. Under it, as well

as by the provisions of laws enacted by the Mexican Federal Congress, real property had been acquired, including all forms of mineral lands, by Mexicans, Americans, and citizens of various countries, and the titles held by the owners were recognized as valid and as granting indefeasible rights to the same.

Senators know that during Diaz's régime the Federal Government of Mexico and the courts recognized the fee simple title under which not only Mexicans but aliens had acquired land, agricultural and mineral.

Foreigners were invited by Diaz to make investments in Mexico and to acquire lands and engage in mining operations. They were guaranteed protection by the constitution and by the law, as well as by proclamations of the President of the Republic. Carranza, in order to secure adherence to his revolutionary movement, contended that the constitution of 1857 had been abrogated and he purposed restoring it. However, when success was achieved he renounced his intention to restore the constitution and the rights of the people and forced upon Mexico the constitution of 1917. By decree of December 12, 1914, he provided that those only could vote upon the question of its adoption who had demonstrated their adhesion to the constitutionalists' cause, meaning, of course, his revolutionary cause.

Speaking of the animus of Carranza and the purpose of his Bolshevist confederates to confiscate the property of Americans, I desire to briefly refer to the testimony of Mr. W. W. Canada, former American consul at Vera Cruz. His statements will be found in the committee's hearings. In substance Mr. Canada stated that at a banquet given to Carranza in October, 1914, Mr. Luis Cabrera, who held a cabinet position under Carranza, stated that they, speaking of the Carranza régime, "were going to drive Americans out and take their property and not allow them to buy any more." The evidence, in my opinion, is conclusive that the communistic element in Mexico prepared and forced upon Mexico the 1917 constitution. Many of its objectionable features are denounced by the patriotic and enlightened elements in Mexico, as well as by thousands of the intelligent Mexicans who had been banished from their country, and its enforcement is condemned by many honorable and patriotic Mexicans who dare to express their views.

In the issue of May 21, 1921, of the El Informador, of Guadalajara, the following statement is made editorially:

> Right at this moment, when the Government, as well as the workingmen, should dedicate all their efforts to reconstruction of what has been destroyed, to repair the damages of the past, and to better general conditions, the Government is trying to disorganize the agricultural industry of the country, dividing the farms in common amongst the villages, which will result in the destruction of cultivation and abandonment of the lands, leaving the real farmers with only an absurdly small plot of land to cultivate in order to allot the lands to those who have never been and never will be farmers. The result of this ridiculous policy is beginning to show its effects in the increased prices of cereals, cattle, etc., and the people are leaving the farms on account of the suspension of work and the paralysis of agriculture. Nobody will lend money on mortgage on these properties, and all of the disillusioned ranchers are preparing to reduce, and in some cases entirely stop, planting for the coming season.
>
> But, as though this did not signify in itself the complete ruin of the country, the tendency to deposit savings in banks of other countries, principally in the United States, is well known, and when they sell their interests or make money, this also goes to American banks. And our ablest men are taking this precaution in order to be able to leave the country where everything is against them and where they have no guarantee.

One of the leading newspapers published in the city of Mexico is the El Universal. Its editor, Mr. Palavicini, has frequently criticized the Obregon government and the Mexican Congress—

> as incompetent, divided against itself, and wasting its time in personalities and petty matters, forgetful of the needs of the nation.

Referring to the radical constitution of 1917, he states:

> The right to property has disappeared in Mexico, and no landowner considers his titles valid. Land is now of no value in Mexico and there is no agricultural credit. If there is no guaranty for the possession of land, what hope is there for hay citizens of this legislation and justice? What incentive is there to work and save? If this is a communist State, then we should amend our laws to conform. The department of agriculture is Mexico's greatest deterrent to amicable foreign relations, and the department of commerce and industry is of the same type.

It is known to everyone that this statement of this distinguished Mexican editor is true; that private property is being confiscated, either under direct constitutional sanction or by taxation, and, indeed, by direct seizure. Many of the States of Mexico have under executive decree or legislative enactments entered upon the seizure and confiscation of private property. Measures have been enacted in an adroit and subtle way intended to facilitate, under the guise of law, the expropriation of private property. Estates of Mexicans are being taken from them and no compensation awarded. Worthless State bonds have been promised in some instances for valuable properties forcibly taken from their owners.

As stated, I concede the right of the Mexican people to adopt such constitution as they may desire, but they have no right to rob, under the guise of law or otherwise, citizens of the United States or nationals of other countries of property which they had lawfully acquired in Mexico. It would be as immoral and illegal to take the property of aliens by force as it would be to take it under the guise of a federal constitution or legislative enactments. Undoubtedly, Mexico has the right to provide that the title to all mineral deposits within lands belonging to the Government shall be reserved and that purchasers shall acquire no right to such deposits. But I deny the right of Mexico, by constitutional provision, legislative enactment, or executive decree, to deprive either Mexicans or aliens of property, either real or personal, which they own. I admit that the Mexican Government would have the right to condemn private property, either of Mexicans or aliens, for public use upon giving just compensation therefor.

Nations may adopt many policies with respect to the acquisition and ownership of property by aliens which are inexpedient and unwise, but upon the question of expediency such nations are to be the exclusive judges. But among civilized peoples governments have no right to confiscate the property of aliens who have acquired the same under treaty rights or under the sanction of international law. Neither the United States nor any State of the Union would have the right to seize or confiscate property owned by Mexicans within the United States, nor would the Federal Government or any State have the right to enact retroactive laws for the purpose of depriving Mexicans of their property rights in this country.

Undoubtedly a nation has the technical right to forbid aliens from entering or residing therein. I am assuming, of course, that no treaty obligation is violated. Such law might be inexpedient and unwise; and a Government has the technical right to expel, in the absence of treaty, any alien from its borders without cause or hearing. But such a course would be not only impolitic but inconsistent with the liberal and enlightened spirit which is obtaining in the world to-day.

Article 33 of the Mexican constitution of 1917 gives to the executive exclusive right to expel forthwith, and without judicial process, any foreigner whose presence he may deem inexpedient. Of course, this is a despotic power to confer upon the chief executive and can not be defended in morals. Under this same constitution only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters, and other appurtenances, or to obtain concessions to develop mines, waters, or mineral fuels in the Republic of Mexico. It is provided, however, that the nation may grant this right to foreigners provided they agree before the department of foreign affairs to be considered Mexicans in respect to such property and not to invoke the protection of their Governments in respect to the same, under penalty of forfeiture. The same article of the constitution contains the provision which I have referred to which prohibits, within a zone of 100 kilometers from the frontiers and 50 kilometers from the seacoast, any foreigner, under any conditions whatever, from acquiring direct ownership of lands and waters. I have conceded the right of Mexico to adopt a constitution containing these oppressive and impolitic provisions, but I have denied her right to give retroactivity to the same.

Much could be said in condemnation of the provision requiring an alien to waive protection at the hands of his own government in order to avail himself of the right to acquire property. Of course, it is obvious that the provisions of the constitution constitute a cloud upon the title of properties owned by Americans. Carranza and other officials have attempted to deprive the owners of oil lands of their holdings, and have insisted that under the provisions of article 27 of the constitution the petroleum deposits belonged to the State. Americans are forbidden to sell their farms or their real estate holdings to any persons other than Mexicans, and the latter have no need to purchase from the owners, because the Federal Government or the States are rapidly confiscating the same. As a matter of fact, the federal constitution and the organic law of the States of the Mexican union are deliberately framed to effectuate the confiscation of foreign investments by taxation or direct seizure or under constitutional sanction or the forms of law.

If time permitted, I should call attention in detail to the provisions of the constitution of 1917, as well as to executive decrees and to State enactments and decrees which fully sustain the statements which I have made. So oppressive has become the conduct of the political authorities of Mexico that not only are aliens being robbed and plundered but, as I have stated, Mexicans as well.

The following protest to the National Congress and to the President of Mexico was sent on April 7, 1921, by a number of Mexican landowners who resided in Jalisco:

AN APPEAL TO PUBLIC OPINION.

> It is not our desire to write at length with regard to the prejudicial effect which this nefarious national agrarian commission is causing to the Nation and to the landowners. Such commissions are nothing more than partisan centers where laws, reason, and justice are mocked.
>
> This atrocious work will be judged by public opinion as soon as the deep and serious damage which has been done is known, and history will in time establish the responsibility. Suffice it to say that in every case it has been a work of destruction and never of construction.
>
> It is useless to contend that the agrarian law at least be correctly applied. Not even this can be obtained, and obstinate authorities, blinded by prejudice, have threatened the social order by attacking it at its foundation and seemingly with a desire to destroy it for their own personal benefit and pleasure.
>
> The local agrarian commission are inventing fantastic plans of taxation, confiscating large and small properties, and sugar, mescal, and orange plantations, which have cost their legitimate owners years of toil and the investment of considerable capital. The Federal tribunals, deaf to all appeals, follow an invariable line of conduct in every case against the landowners. Should the landowner invoke in his behalf the same doctrines which have been applied to the benefit of others, he finds out that these same doctrines are never interpreted in his favor. The authorities only favor those they wish to favor, and to accomplish this end they do not hesitate to override justice and reason.
>
> AGRICULTURAL ASSOCIATION OF JALISCO,
> By A. G. ARCE, *Director*.

Obregon is making frantic efforts to obtain recognition at the hands of this Government. Various persons in the employ of the Mexican Government have been extensively canvassing the United States to develop sentiment favorable to a de jure recognition of the Obregon régime. A former State Senator from Arizona has visited the legislatures of a number of our States and secured the adoption of resolutions asking for recognition. Notwithstanding the character of Obregon, his hatred of our Government and the American people, and his communistic views, it might perhaps be wise to accord recognition to the present Mexican Government, provided certain conditions were complied with.

Secretary Hughes, on the 7th of June last, declared that—

> the fundamental question confronting the United States is the safeguarding of property rights against confiscation.

He stated that—

> Mexico was free to adopt any policy which she pleases with respect to her public lands—

But was—

> not free to destroy, without compensation, valid titles obtained by American citizens under Mexican laws.

The Secretary further declared:

> A confiscatory policy strikes not only at the interests of particular individuals but at the foundations of international intercourse, for it is only on the basis of the security of property validly possessed under the laws existing at the time of its acquisition that commercial transactions between the peoples of two countries and the conduct of activities in helpful cooperation are possible.
>
> This question should not be confused with any matter of personalities or of the recognition of any particular administration. Whenever Mexico is ready to give assurances that she will perform her fundamental obligation in the protection both of persons and of rights of property validly acquired, there will be no obstacles to the most advantageous relations between the two peoples.
>
> This question is vital because of the provisions inserted in the Mexican constitution promulgated in 1917. If these provisions are to be put into effect retroactively the properties of American citizens will be confiscated on a great scale. This would constitute an international wrong of the gravest character and this Government could not submit to its accomplishment. If it be said that this wrong is not intended, and that the constitution of Mexico of 1917 will not be construed to permit, or enforced so as to effect, confiscation, then it is important that this should be made clear by guaranties in proper form. The provisions of the constitution and the executive decrees which have been formulated with confiscatory purposes make it obviously necessary that the purposes of Mexico should be definitely set forth.
>
> Accordingly this Government has proposed a treaty of amity and commerce with Mexico, in which Mexico will agree to safeguard the rights of property which attached before the constitution of 1917 was promulgated. The question, it will be observed, is not one of a particular administration but of the agreement of the nation in proper form, which has become necessary as an international matter because of the provisions of its domestic legislation. If Mexico does not contemplate a confiscatory policy, the Government of the United States can conceive of no possible objection to the treaty.
>
> The proposed treaty also contains the conventional stipulations as to commerce and reciprocal rights in both countries. It also provides for the conclusion of a convention for the settlement of claims for losses of life and property, which, of course, means the prompt establishment of a suitable claims commission in which both countries would be represented, in order to effect a just settlement. There is also a provision for a just settlement of boundary matters.
>
> The question of recognition is a subordinate one; but there will be no difficulty as to this, for if General Obregon is ready to negotiate a proper treaty, it is drawn so as to be negotiated with him, and the making of the treaty in proper form will accomplish the recognition of the Government that makes it. In short, when it appears that there is a government in Mexico willing to bind itself to the discharge of primary international obligations, concurrently with that act its recognition will take place. This Government desires immediate and cordial relations of mutual helpfulness, and simply wishes that the basis of international intercourse should be properly maintained.

Accordingly, on the 27th of May last, Mr. Summerlin, American chargé d'affaires at Mexico City, presented to General Obregon a proposed treaty covering the matters to which reference has been made. The matter is now in the course of negotiations, and it is to be hoped that when the nature of the precise question is fully appreciated the obstacles which have stood in the way of a satisfactory settlement will disappear.

It will be observed that no conditions are suggested by the able Secretary of State which should not be promptly complied with by Obregon if he were animated by a proper spirit and with a desire to observe the principles that should govern nations desiring justice.

Carranza sought recognition, and finally obtained it. We had the right to believe that the generous treatment accorded Mexico by Mr. Wilson would inspire Carranza and those in authority to adopt a policy of justice and fair treatment to American citizens. His course, however, following recognition was reprehensible in the highest degree. He persisted in his bigoted and intolerant and dishonest course and executed his oppressive and confiscatory policies. He was unworthy his high position, and did not deserve either de facto or de jure recognition at the hands of the United States. He treated with scorn and contumely the pacific efforts of our Government to establish cordial relations and to promote international fellowship and good will. There is no assurance that Obregon, if recognition were accorded to his Government, would pursue a different course or make reparations for the wrongs done to citizens of the United States.

There is no promise that American rights will be respected or that protection will be accorded to American citizens. At the present time neither the lives nor the property of citizens of the United States are safe in Mexico, nor is the Obregon government willing, if we are to judge by its refusal to enter into the treaty suggested by Secretary Hughes, to give any guaranties that Mexico will shape its course in harmony with those policies which govern enlightened and civilized nations.

An important question suggests itself in considering the question of recognition of the Obregon government. Senators will remember that several months ago a trade agreement was entered into between Great Britain and the soviet régime at Moscow. Some timbers were sold by the Russian owners before the soviet government was formed, but later a decree of confiscation was entered by the soviet régime and the timber was exported and sold by it in Great Britain. Thereupon the owner instituted proper proceedings to recover the property, and the question arose in the English courts as to whether the trade agreement constituted recognition, and if so, whether the owner could maintain his action. The lower court found for the plaintiff, holding that the soviet régime had not been recognized, and that the owner of the property could therefore recover. Upon appeal the judgment of the lower court was reversed. The appellate court held that the trade agreement was tantamount to a recognition of the soviet régime, and its acts were therefore validated, and its seizure of the property and subsequent sale could not be questioned, and that therefore the vendee obtained a valid title.

The same principle was announced in the case of Oetjen v. Central Leather Co. (246 U. S. 297), wherein it was held that the recognition by the United States of the Carranza government validated the confiscatory acts of Villa when acting as a military commander under the orders of Carranza. Villa had seized the property in question in the State of Coahuila, and upon its being brought into the United States the Mexican owner brought an action in replevin upon the ground that the property had been unlawfully seized and confiscated. The Supreme Court of the United States, in view of the recognition of the Carranza government, felt compelled to deny the plaintiff relief, holding that—

> Recognition by the political department of the United States of a government which originates in revolution or revolt as being the de jure government of the country in which it is established is retroactive in effect, and validates all the actions and conduct of the government so recognized from the commencement of its existence.

Before the United States recognizes the Obregon régime it should canvass the results of such recognition and be entirely satisfied as to the effect of such act upon the confiscatory decrees and proceedings of the Mexican Government. Can this Government afford to ratify these illegal seizures and the countless acts of robbery and spoliation committed by State and National authorities in Mexico? I can not comprehend how we could justify before the bar of public opinion a course which would involve the recognition of Obregon without effective safeguards and conditions which would protect American citizens. In my opinion it would be highly improper for President Harding to give recognition to Obregon until the controversies between the two Governments are adjusted and until

American citizens are fully protected and their rights guaranteed and assured.

We can not afford to be put in the attitude of legalizing the robberies and the acts of pillage committed by the Mexican Government. American citizens, if the Obregon régime were recognized without adequate steps being taken for the protection of their persons and property rights, could with much justice demand that the United States make good to them the losses which they had sustained by reason of the trespasses and robberies committed by the Mexican Government or the political subdivisions of the Mexican Republic.

Under our form of government the States have no right to enter into diplomatic relations with Mexico or seek reparation for the wrongs committed against Americans residing within their borders. It is the duty of the National Government to throw around citizens of the United States its shield of protection and power. American citizenship is not a mere shadow, a tenuous, intangible thing. Citizens owe allegiance to the Government, but the Government owes a duty to protect its citizens. A Roman citizen did not appeal in vain to the Cæsars. Shall the appeals of American citizens to their President and the constituted authorities of their National Government fall upon deaf ears?

I submit that before the Obregon régime or any other government in Mexico is recognized, not only assurances but unequivocal and satisfactory guaranties be given that such government is willing to fulfill its international obligations and is competent to maintain law and order within its own borders.

Writers upon international law point out with great clearness the conditions which may be exacted precedent to either a de facto or de jure recognition of a government.

Mr. Seward, writing to Mr. Foster in 1877, stated that in view of the difficulties on the Rio Grande he should—

wait before recognizing General Diaz as President of Mexico until it shall be assured that his election is approved by the Mexican people and that his administration is possessed of stability to endure and of disposition to comply with the rules of international comity and the obligations of treaties.

As I stated a few moments ago, recognition of Carranza was accorded, and subsequent events demonstrated that perhaps such a course was unwise. Carranza by proclamation declared that the—

constitutionalist government shall afford to foreigners residing in Mexico all the guaranties to which they are entitled by our laws and shall amply protect their lives, their freedom, and the enjoyment of their rights of property.

And his representative, Arredondo, in his note to Secretary Lansing, gave assurances that the Carranza government would afford guaranties to foreigners and would observe its international obligations and protect the lives and property, in accordance with the practice established by civilized nations, of all aliens.

Following these protestations the Carranza government was recognized, but in no respect did it observe its solemn assurances. It failed to pay its international debts or to protect its own citizens or the lives and property of foreigners.

Mr. President, the time is come when there should be a reckoning with Mexico and when Mexico and the Mexican people must be made to understand that restitution and reparation must be made for the murder of Americans and the citizens of other lands, for the ransoms that have been exacted and the kidnaping, torture, and imprisonment of innocent men, for the outrages committed upon women and children, for the arsons and larceny and destruction of property, and for the vicious anti-American policy pursued by the Government.

The fact that the demand that Mexico pay her debts and make restitution and reparation for her offenses and the offenses of her people may be offensive to the Mexican Government and the vanity of those Mexicans who assume to speak for the country, does not invalidate the claim for the rendition of that which is due or afford any reason why our demands may be denied or ignored. Offenses are not to be paid in offenses but by reparation and restitution.

And this is the business that we have presently to settle with Mexico, and it must have precedence over any question of the resumption of diplomatic relations with the Government of that country. We do not question the legality of the present Mexican Government. Prudence, indeed, might dictate that we wait a seemly time until the stability of the Government should be firmly demonstrated, but that is not the reason that we are waiting. We are waiting for an adjustment of American grievances against that country, the confirmation of American rights in that country, a proper indemnification for the damages our people have suffered, and a settlement of all outstanding controversies so that we may look forward to a day of better relations of amity and of peace.

The Republic of Mexico has recently celebrated the hundredth anniversary of its political independence. As I have shown, the United States recognized the new Republic January 1, 1825, and ever since has recognized the existence of Mexico as an independent nation. The real situation is therefore not the failure on the part of the United States to recognize the present Government of Mexico but rather the withholding by the United States of diplomatic relations with the present Obregon government. We all know perfectly well that Obregon is President of Mexico and there will never by any disposition on the part of the United States to question the legality of the Obregon government or interfere with its jurisdiction or powers in Mexico. That is not the question.

The question is one of the resumption of diplomatic relations and for reasons which are to the Government of the United States sufficient, we have not seen fit, or have not regarded it as advantageous or politic, to enter into regular diplomatic relations with the present Government of Mexico. There have been, however, informal exchanges and correspondence which are perhaps tantamount to a de facto recognition of the existence of the present Obregon government and of its authority in Mexico. The impediment to the resumption of diplomatic relations consists of outstanding differences and unsatisfactory conditions which this Government desires to have rectified both as to indemnification for past wrongs and assurances as to the future which this Government regards as imperative to any just resumption of relations and of the continuance of amity and peace with Mexico. There is no desire to impose upon Mexico humiliating conditions or to make unreasonable exactions, but only to apply to the outstanding controversies the principles of international obligation and morality which Mexico herself professes to recognize and respect.

We had ample evidence of the tenacity of Mexico as to the technical forms and niceties of diplomatic correspondence, all of which has been accompanied by a profound disdain of the substantial duties and moral precepts of international law and custom. We have grown tired of deference to diplomatic forms and discussion, and the necessities of the case now require that we get behind these formalities at the substance of the facts and the essence of Mexico's national duty and responsibility under the facts of the existing situation.

The ratification of a treaty of amity with Mexico and including the settlement of all outstanding controversies will constitute a resumption of diplomatic relations and a formal recognition of the Obregon government. This treaty, which is really necessary to the amity and good relations of the United States and Mexico, should as primary and irreducible conditions—

First. Stipulate that the native or natural-born citizens of the respective parties shall enjoy within the territories of the other party the right to acquire and hold without reservation or limitation estates in lands, tenements, and hereditaments, including the natural resources and appurtenances that go with the free tenure of land, with full rights of occupation, use, and enjoyment, together with the rent issues and profits thereof, and including the inalienable rights of inheritance, testamentary devolution, and contractual disposition.

Second. That the title and possession of lands in Mexico which at the resignation of the Diaz government on May 10, 1911, was vested in citizens of the United States, shall be recognized and confirmed notwithstanding any facts in court or in pais which have intervened in the meantime; that in all cases American citizens shall be restored to the possession, use, and occupation of such lands and protected in such rights.

Third. That in cases where lands, tenements, or hereditaments were actually occupied and subjected to profitable use by citizens of the United States at the fall of the Diaz government, or subsequent thereto, and such citizens of the United States had been constrained to leave Mexico or their tenants had abandoned or been expelled from such lands, that the annual use, value, or proper rent for such lands shall be ascertained and that Mexico shall indemnify such citizens of the United States in an amount equal to the use value of the same during the period of dispossession and disuse.

Fourth. That in all cases where buildings, appurtenances, fixtures, or other improvements have been destroyed or damaged the cost of the restoration or reparation for such damages at the present time shall be ascertained and that Mexico shall indemnify such citizens on account of such restorations and reparation.

Fifth. That in all cases where chattels or personal property have been appropriated, carried away, destroyed, or damaged the value of such property or the damages thereto shall be ascertained and that Mexico shall indemnify the owners of the same accordingly.

Sixth. That in all cases where American citizens have suffered death or have been subjected to detention, imprisonment, insult, abuse, batteries, wounds, suffering, or other outrages of a personal nature that Mexico shall make proper and adequate indemnification as well as apology and regret for such wrongs.

Seventh. That citizens of the United States shall be confirmed in all rights, easements, franchises, concessions, liberties, privileges, or other rights of an incorporeal nature with which they were invested at the fall of the Diaz government.

Eighth. That the Government of Mexico shall make expression of its intention of taking adequate measures in the future to prevent a recurrence of the wrongs for which indemnification is provided to be made in the treaty.

Mr. President, I would not have undertaken to discuss this vexed and vexatious question except for the fact that the efforts to secure recognition for Obregon are so persistent, and so many statements are made which I regard as inaccurate, attributing to the Obregon régime a willingness to do justice to our Government and to those who have been wronged at the hands of the Mexican Government. I repeat what I stated at the outset, that Mexico presents a problem—one which is serious and difficult of solution. To speak dogmatically of what should be done may be highly imprudent and unwise. That conditions, as they exist, should continue indefinitely can not be tolerated. If Mexico refuses to make reparation to citizens of the United States and persists in her policy of spoliation and robbery, and denies to Americans protection of their persons, then the United States, by every principle of national honor, must take the necessary steps to protect the lives of its citizens as well as their rights. This is necessary in vindication of its rights and honor as a nation. Undoubtedly there is a sentiment in Mexico that the United States will resent no affront, nor will it interpose to protect its citizens. Mexico must be taught that it may go too far; indeed, that the time has now arrived when it must adopt a course toward the United States and its citizens that is demanded of civilized nations and those States which claim a standing among the enlightened nations of the world.

I am not here to denounce the present administration or to embarrass it in any way in dealing with a question which presents perplexing and difficult angles.

But we have a practical question to deal with, and the time has come to deal with it in a practical way. In my opinion, there should be no recognition of Obregon or any government in Mexico until assurances and guaranties such as I have indicated have been given. I am sure those upon this side of the Chamber will support the administration in any policy that will conform to the standards of international justice and comity and vindicate the rights of American citizens and the honor of this Republic.

ADDRESS OF SENATOR MOSES IN NEW YORK CITY.

Mr. HARRISON. Mr. President, on last evening in the city of New York the distinguished Senator from New Hampshire [Mr. MOSES] made a very important address. I notice from the New York Times of this morning that in introducing the Senator from New Hampshire, George Henry Payne referred to him "as a man whom the country would like to see in the White House." Because of that introduction, and because of the remarks made on that occasion, I think the article appearing in the New York Times of this morning should be read into the RECORD, and I ask that it may be read at the Secretary's desk.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

MOSES DENOUNCES CONGRESS COWARDS—APPEALS TO WOMEN TO "THROW A SCARE" INTO THEM TO AID TAX REFORM—ATTACKS THE FARM BLOC—CALLS THE BONUS "AN OUTRAGE" AND SAYS "NOISY MINORITIES" CONTROL OUR DESTINY—WANTS STATES LET ALONE—ONCE "THE LAND OF THE FREE," AMERICA NOW "THE REGION OF THE REGULATED."

Nothing short of a thorough revision of our system of taxation will enable this country to return to "normalcy" and American business to prosper anew, United States Senator GEORGE H. MOSES, of New Hampshire, told some 300 women who assembled yesterday afternoon at the residence of Mr. and Mrs. Otto H. Kahn, 1100 Fifth Avenue. They had come at the invitation of the committee of American business men. Senator MOSES, a follower of the late Colonel Roosevelt, urged his feminine audience to throw a big scare into Congress in the interest of necessary reform.

Senator MOSES denounced Congress as cowardly. He insisted that far too large a proportion kept their eyes constantly on the ballot box. As a result, Senator MOSES said, this country was now ruled by well-organized, aggressive, and noisy minorities, of which he singled out as the noisiest and consequently most powerful the so-called "farm bloc."

"That bloc, composed of 19 lawyers, 1 editor, 1 well driver, and 1 manufacturer of sewer pipes," Senator MOSES said, "is now, through sheer terrorization of cowardly Members of Congress, able to control the economic destiny of the United States."

CALLS BONUS "AN OUTRAGE."

In pointing his object lesson, Senator MOSES made passing reference to the Republican Senate caucus held in Washington yesterday.

"Every Senator who comes up for reelection this year and attended that caucus voted in favor of the bonus bill, which will saddle more than $4,000,000,000 in taxes on the already overburdened taxpayer," he said. "I was one of the nine Republican Senators voting against that outrage. All these things take place because of the cowardice of men in public life in America at this moment." He then appealed to his women hearers to "throw a scare into as many cowardly Congressmen as have been terrorized by any other group. And I implore you to go out and try it for the good of your country."

The women applauded this appeal with unwonted vigor. Then one woman arose and asked a little timidly:

"Will a frightened Congressman be better than a Congressman who is not frightened?"

"On the contrary," Senator MOSES said in flashing back his answer. "I prefer the other kind. But if we must have the kind we now have in Congress, I would rather have them scared into doing the right than into doing the wrong thing."

Senator MOSES admitted that while he personally had benefited by direct primaries and the election of United States Senators by popular vote, he had reached the conclusion that they did not make for good government.

"It has been said," he remarked, "that a country deserves the sort of government it gets. But when I look on the performances of some of my colleagues and listen to their ravings, I can not help but wonder why my country should have had visited upon it such an awful affliction.

"As a result of the sort of government we have, our statute books are cluttered up with legislation wholly socialistic, and, in my opinion, entirely mischievous in deference to the desires of minorities aggressive enough to make themselves felt and become the masters of legislative bodies.

THE LAND OF THE REGULATED.

"There was a time when this was the land of the free; now it is the region of the regulated," said Senator MOSES. "With Congress meddling in the business of the States more and more, the House of Representatives has become as parochial as the House of Commons ever was. Nothing is left to the initiative or the determination of the individual any longer.

"A man goes to work. The fare he pays on the trolley car is fixed by a commission. When he gets to the factory his hours are fixed by the statute and his wages and the amount of work he is permitted to produce by the even more dictatorial rules of a labor union. If he goes to the movies in the evening, the picture he sees has been censored by a commission whose good taste generally is in doubt. And the chances are he sleeps in a bed made up according to directions in a pamphlet issued by some department of the Federal Government."

Senator MOSES criticized "the so-called dollar-for-dollar system under which the Federal Government contributes one dollar for some State purpose, such as road building, for every dollar raised by the State itself."

"For the building of roads," he continued, "the Federal Government had already spent under this plan some $350,000,000, and $1,250,000,000 more will be spent. This will work special hardships to the taxpayers of New York."

In introducing Senator MOSES, Secretary George Henry Payne had referred to him as a man whom the country would like to see in the White House.

"In regard to that flattering allusion to the future, I must enter a disclaimer," said Senator MOSES in beginning his speech. "I have no hopes and no ambitions. There are too many candidates now. In the Senate alone there are not less than 95 of them. The nomination of Mr. Harding while a Member of the United States Senate has played irreparable havoc with the morale of that body."

Mr. HARRISON. I ask that that article be dedicated to the next Republican campaign textbook.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 300) appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission, and it was subsequently signed by the Vice President.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the tariff bill.

The ASSISTANT SECRETARY. The first amendment of the Committee on Finance——

Mr. KING. Does the Senator from North Dakota wish to proceed with the consideration of the bill at this time? If so, I shall have to make a speech upon another subject.

Mr. HARRISON. Mr. President, the Senator from North Dakota, I am sure, realizes the situation confronting us. The pending tariff bill was reported out of the Committee on Finance only a few days ago, and the minority members of that committee have since been working day and night in order to prepare themselves for the consideration of the bill. The minority members of the committee were not permitted to be in conference with the majority members. There is no desire on the part of any Senator on this side of the aisle unnecessarily to delay the consideration of the bill at all. On the contrary, it is the desire on this side of the Chamber to cooperate with Senators

on the other side of the aisle and to get the bill out of the way as soon as we can, of course, after full and free discussion. The ranking member of the minority of the committee, the Senator from North Carolina [Mr. SIMMONS], is now in his office working with experts and other minority members of the Committee on Finance, as the Senator from North Dakota knows, in order to prepare for the discussion of the bill. Under those circumstances I was wondering if the Senator from North Dakota would not consent to the Senate adjourning over until Monday, in order to give minority Senators further time to prepare for the consideration of the bill? I am sure time will be saved in the consideration of the tariff bill if my suggestion is followed, and that the consideration of the measure will thereby be expedited.

Mr. McCUMBER. Mr. President, I certainly join with the Senator from Mississippi in the desire to facilitate the passage of this bill. I do not wish to do anything or to say anything that would delay discussion. My expectation was that we should proceed with the discussion of the bill to-day and perhaps dispose of some of the committee amendments. If I felt that an adjournment over until Monday would facilitate the passage of the bill, I should gladly agree to that. However, while the able speech made by the Senator from Utah [Mr. KING] was most interesting—and I think he was nearly four and a half hours in delivering that enlightening address—somehow I failed to connect it with the pending tariff bill.

Mr. KING. If the Senator from North Dakota will permit me to interrupt him, I desire to say that if the Senator had been here he would have discovered that about an hour of my address was devoted to a discussion of the effects of the high tariff bill which has been reported to the Senate. I commented upon the purpose of the Republicans to become troglodytes and to cut off all trade with other nations. I called attention to the manifest effects of the bill. I am sorry the Senator was not present, because had he been here he would have found that I was discussing the tariff bill a part of the time.

Mr. McCUMBER. After listening for about two and a half hours to the Senator, I concluded that he was not coming back to the tariff bill at all, and consequently I must have missed the hour's discussion upon the tariff bill to which he refers; but I shall read with pleasure what the Senator said, if I find it in the RECORD to-morrow.

Mr. KING. The Senator will later find it in the RECORD; but, perhaps, not to-morrow morning.

Mr. HARRISON. Of course, if it is desired to consider other business to-morrow—for instance, the calendar—we might take it up for consideration; but will not the Senator from North Dakota withhold the discussion of the tariff bill until Monday? I am informed by the Senators on the subcommittee that in all probability they will be ready on Monday to begin the discussion of the tariff bill.

Mr. McCUMBER. Does the Senator from Mississippi think that, should we adjourn over, we would have a continuous discussion of the tariff bill then until disposed of, or would we spend a great deal of time in the discussion of many questions outside of the tariff?

Mr. HARRISON. There are many questions outside of the tariff which probably would be discussed, but there will be a disposition on this side to try to facilitate the consideration of the tariff bill.

Mr. WILLIAMS. Mr. President, will the Senator from North Dakota pardon me for a moment?

Mr. McCUMBER. Certainly.

Mr. WILLIAMS. If either one of the two theories which seem to rest within the Senator's mind be true it would still follow that we should make time by doing what my colleague [Mr. HARRISON] suggests. If, as the Senator seems to think, some of the Senators on this side are trying to consume time, he must know that they are trying to do so in order that Democratic Senators on the Finance Committee, who are studying and trying to analyze the bill, may be prepared to proceed with the discussion, so that it may be carried on in a continuous manner. If, upon the other hand, it is merely one of those chronic habits of the Senate which has been illustrated of some Senator talking about something which is not before the Senate at the time, that can not be helped either; but if the object is to give minority Senators the time to study and analyze the bill—and frankly I am partially of that opinion myself—it would not be at all helped by other Senators speaking upon something else to-morrow. I am satisfied that by Monday morning it will be possible for the Senators on this side of the Chamber to proceed with the discussion of the bill.

It will be remembered that I requested the senior Democratic Senator upon the committee not to place me upon the subcommittee which is carrying forward this work, because I did not feel well enough to assume the immense amount of intense and quick labor that I saw would be necessary in order to be ready within a reasonable time; and so my place was taken by another Senator, who is now cooperating with the Senator from North Carolina [Mr. SIMMONS].

In all candor, I really think that it would be better all around and less time would be wasted and less time misconsumed, and discussion would begin under better auspices and would proceed upon the bill more continuously, if my colleague's request be acceded to, than if we get into a sort of a bad disposition with one another at the very beginning.

Mr. CURTIS. Mr. President, I hope the Senator from Mississippi will not ask for an adjournment over to-morrow. I promised the other day, in open session, that we would devote some time to the calendar. If the Senator wants to let the matter of the tariff go over until Monday we could take up the calendar under Rule VIII to-morrow by unanimous consent, and probably finish it.

Mr. WILLIAMS. Why could we not take up the calendar for an hour now, and then adjourn immediately after that?

Mr. CURTIS. It is half-past 4 now.

Mr. SMOOT. We shall have to meet to-morrow anyway.

Mr. McCUMBER. Mr. President, I am very much impressed with the expressions of good faith and good purpose to hurry the discussion and final passage of this bill through the Senate. We have been engaged on it in committee for a long time. I will admit; but it required very long and careful consideration. Conditions were so abnormal that we had nothing of the past to guide us to any great extent, and every schedule and every item was fought most bitterly by those having opposing views upon it.

When the Senator from North Carolina made a suggestion for further time the other day, when we reported the bill, his first suggestion was for 10 days. Afterwards some of his colleagues thought that was too short a time, but we accepted that finally as the basis for the time which would be necessary. The Senate committee has had at its disposal two of probably the most thoroughly equipped experts in the country upon tariff matters, and I had hoped very much that we could go on with the bill to-day, but I will accept the suggestion of the Senator from Kansas to dispose of other matters to-morrow and let us all get ready to go right on with the tariff bill on Monday.

Mr. SMOOT. Mr. President, let me suggest to the Senator from North Dakota that I think myself we ought to run through the calendar and clear the calendar of the bills to which there is no objection. I think the calendar ought to be disposed of, as far as possible, before we begin the daily discussion of the tariff bill. Why not have it understood, then, that we will recess to-day until to-morrow, and take up the calendar at that time, and go through with it, and consider bills to which there is no objection?

Mr. LODGE. Do not limit it to that.

Mr. SMOOT. Then, of course, we will not get very far with the consideration of unobjected bills, because if one bill to which there is objection is taken up that will settle it for the day. I do not know whether it is best to limit it or not, but I really think that there are so many bills here to which there is no objection that they ought to be gotten off the calendar.

Mr. KING. May I say that I understand that there will be an effort to take up certain pension bills to-morrow. If that is the desire, they will have to be discussed, and I shall have to be here and discuss them. I prefer that we should take up just the unobjected matters. I want to say further that I expect to discuss the chemical schedule. That is the first schedule, and I am ready to go on this afternoon, but I could not go very far; and if I shall have to be here to-morrow to discuss the pension bills it will not give me the opportunity which I should like to examine the chemical schedule. The Senators of the majority have had the advantage of weeks of study, and have had the assistance of experts. Some of us have had neither.

Mr. CURTIS. Mr. President, I suggest that we agree by unanimous consent to take up the calendar to-morrow, beginning at the first of it and go through the calendar, and dispose of unobjected bills. Then, if there is any time left, I suggest that it be devoted to the consideration of other bills which may be taken up on motion.

Mr. KING. That is all right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

Mr. SIMMONS. Mr. President, I wish to say to the Senator from North Dakota that while his statement made a few moments ago was technically correct—I did consent to the 10

days—before that I had asked for a longer time, and it became evident that I could not get it when I said I would try to content myself with 10 days and do the best I could to get ready.

Mr. McCUMBER. The Senator is correct.

Mr. SIMMONS. And I have been doing that. I do not know what may have been said by the junior Senator from Utah before I came into the Chamber, but I judge from what the Senator from North Dakota has stated that something was said about the facilitation of the consideration of this bill. I want to say again—I said it, I think, yesterday—that I think, so far as this side of the Chamber is concerned—I am sure so far as the minority of the committee is concerned—we have not the slightest disposition to resort to any dilatory tactics whatever in connection with the consideration of this bill. We are anxious that it shall be considered and disposed of as soon and as speedily as possible consistent with a proper discussion of the important questions which it involves. I assure the Senator from North Dakota that I shall cooperate with him fully within those limitations.

Mr. McCUMBER. I thank the Senator. I think we shall have no trouble in speeding up as rapidly as possible.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 22, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 21 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

A. R. Noble, of Anniston, Ala., to be collector of customs for customs collection district No. 19, with headquarters at Mobile, Ala., in place of Joseph H. Lyons.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Wilbur Oscar Manchester, of New York, to be aid, with the relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice A. G. Katz, promoted.

APPOINTMENT IN THE REGULAR ARMY.

GENERAL OFFICER.

Col. Paul Bernard Malone, Infantry, to be brigadier general from April 27, 1922, vice Brig. Gen. Charles Gould Treat, who is to be retired from active service April 26, 1922.

PROMOTIONS IN THE REGULAR ARMY.

To be captains.

First Lieut. Ernest Andrew Thompson, Signal Corps, from February 22, 1922.

First Lieut. William Andrew Gray, Air Service, from February 22, 1922.

First Lieut. Frans Joseph Jonitz, Quartermaster Corps, from February 24, 1922.

First Lieut. William Valery Andrews, Air Service, from February 24, 1922.

First Lieut. George Stetekluh, Quartermaster Corps, from February 25, 1922.

First Lieut. Frank Marion Barrell, Quartermaster Corps, from February 28, 1922.

First Lieut. Stanton Higgins, Cavalry, from February 28, 1922.

First Lieut. Holden Spear, Quartermaster Corps, from February 28, 1922.

First Lieut. Frank Merrill Bartlett, Air Service, from March 2, 1922.

First Lieut. Benson Glenwood Scott, Field Artillery, from March 2, 1922.

First Lieut. Redding Francis Perry, Cavalry, from March 2, 1922.

First Lieut. Walter Arthur Metts, jr., Field Artillery, from March 5, 1922.

First Lieut. Frank Camm, Field Artillery, from March 6, 1922.

First Lieut. Robert Morgan Burrowes, Infantry, from March 7, 1922.

First Lieut. Richard Oscar Bassett, jr., Infantry, from March 9, 1922, subject to examination required by law.

First Lieut. Percy Stuart Lowe, Coast Artillery Corps, from March 12, 1922.

First Lieut. Lewis Alonzo Murray, Corps of Engineers, from March 14, 1922.

First Lieut. Rene Edward deRussy, Coast Artillery Corps, from March 23, 1922.

First Lieut. Marion Gardner Putnam, Air Service, from March 27, 1922.

First Lieut. Clyde Grady, Infantry, from March 29, 1922.

First Lieut. Walter Drake Williams, Air Service, from March 29, 1922.

First Lieut. William Henry Payne, Quartermaster Corps, from April 1, 1922.

First Lieut. Thomas Tilson Conway, Infantry, from April 2, 1922.

First Lieut. Edgar Ambrose Jarman, Infantry, from April 4, 1922.

First Lieut. Regeon Victor Love, Coast Artillery Corps, from April 5, 1922.

First Lieut. Svening Johannes Bang, Cavalry, from April 6, 1922.

First Lieut. Allan Sheldon Willis, Infantry, from April 6, 1922.

POSTMASTERS.

ALABAMA.

Charles E. Brooks to be postmaster at Fort Deposit, Ala., in place of C. E. Brooks. Incumbent's commission expired January 24, 1922.

ARKANSAS.

Carl J. Lauderdale to be postmaster at Stamps, Ark., in place of A. P. Massey, resigned.

CALIFORNIA.

George A. Weishar to be postmaster at Hanford, Calif., in place of F. V. Dewey, resigned.

COLORADO.

Pearle L. Gabbett to be postmaster at Orchard, Colo. Office became presidential January 1, 1921.

CONNECTICUT.

Mary H. Newton to be postmaster at Uncasville, Conn., in place of M. E. Tooker, resigned.

GEORGIA.

Awtrey C. Moore to be postmaster at Powder Springs, Ga. Office became presidential October 1, 1920.

Stevens R. Owen to be postmaster at Gordon, Ga., in place of J. A. Stokes. Incumbent's commission expired February 5, 1922.

Charles H. Travis to be postmaster at Senoia, Ga., in place of B. A. Nolan. Incumbent's commission expired May 2, 1921.

ILLINOIS.

Charles H. Collins to be postmaster at Casey, Ill., in place of Ross Lee. Incumbent's commission expired February 4, 1922.

Charles E. Van Buren to be postmaster at Victoria, Ill., in place of M. B. Sloan. Incumbent's commission expired January 31, 1921.

IOWA.

James V. Frew to be postmaster at Hiteman, Iowa, in place of W. H. Frew. Incumbent's commission expired January 24, 1922.

KANSAS.

John L. Lee to be postmaster at Atlanta, Kans. Office became presidential January 1, 1921.

Francis B. Brungardt to be postmaster at Victoria, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Melvin C. Bray to be postmaster at Hindman, Ky. Office became presidential January 1, 1921.

Grant North to be postmaster at Hustonville, Ky. Office became presidential April 1, 1920.

Allen E. Bell to be postmaster at Moreland, Ky. Office became presidential January 1, 1921.

Phoebe Howard to be postmaster at Salyersville, Ky. Office became presidential January 1, 1921.

Harvey B. Ogden to be postmaster at Worthville, Ky. Office became presidential January 1, 1922.

Marvin L. Whitnell to be postmaster at Murray, Ky., in place of E. C. K. Robertson, removed.

Samuel C. Heiden to be postmaster at Shelbyville, Ky., in place of O. D. Todd. Incumbent's commission expired July 21, 1921.

Henry Hall to be postmaster at Waynesburg, Ky., in place of Cora Singleton, resigned.

MARYLAND.

Charles R. Day to be postmaster at Marion Station, Md., in place of H. A. Lankford, removed.

MASSACHUSETTS.

Helen K. Hoxie to be postmaster at Sunderland, Mass. Office became presidential July 1, 1921.

William F. Searle to be postmaster at Peabody, Mass., in place of D. J. Dullea. Incumbent's commission expired January 24, 1922.

MICHIGAN.

John H. Bochan to be postmaster at Fountain, Mich. Office became presidential April 1, 1921.

MISSOURI.

Jessie F. Huff to be postmaster at Des Arc, Mo. Office became presidential April 1, 1921.

NEW MEXICO.

Ernest A. Hannah to be postmaster at Artesia, N. Mex., in place of G. U. McCrary, resigned.

NEW YORK.

John A. Rapelye to be postmaster at Flushing, N. Y., in place of A. J. Kennedy. Incumbent's commission expired July 21, 1921.

Henry C. Windeknecht to be postmaster at Rensselaer, N. Y., in place of W. I. Williams. Incumbent's commission expired March 22, 1920.

Joseph W. Kratoville to be postmaster at Riverhead, N. Y., in place of O. E. Griswold, resigned.

NORTH DAKOTA.

Martin H. Weber to be postmaster at New Leipzig, N. Dak., in place of A. E. Briggs, resigned.

OHIO.

George S. Lasley to be postmaster at Custar, Ohio. Office became presidential October 1, 1921.

Ruth G. McWilliams to be postmaster at Grand Rapids, Ohio, in place of W. J. Connolly. Incumbent's commission expired March 16, 1921.

Everett F. Funk to be postmaster at Warsaw, Ohio, in place of R. E. Clark, resigned.

OKLAHOMA.

Cosmo Falconer to be postmaster at Cheyenne, Okla., in place of W. P. Madden. Incumbent's commission expired February 4, 1922.

Robert R. Sutton to be postmaster at Claremore, Okla., in place of A. L. Kates. Incumbent's commission expired February 4, 1922.

Hiram H. Snow to be postmaster at Sand Springs, Okla., in place of V. A. Schiefelbusch, resigned.

OREGON.

Ora S. Banister to be postmaster at Paisley, Oreg. Office became presidential January 1, 1922.

PENNSYLVANIA.

Ralph V. Parthemore to be postmaster at High Spire, Pa. Office became presidential October 1, 1920.

William B. Baker to be postmaster at Claysburg, Pa., in place of C. H. Burket. Incumbent's commission expired March 16, 1921.

Zola K. Rotkey to be postmaster at Spangler, Pa., in place of J. B. Esch. Incumbent's commission expired February 5, 1922.

SOUTH DAKOTA.

Susan E. Endicott to be postmaster at Hill City, S. Dak., in place of E. E. Blight; appointee failed to qualify.

TENNESSEE.

Clyde A. Jamison to be postmaster at Millington, Tenn., in place of V. H. Williams, resigned.

Claris E. Akin to be postmaster at Rutherford, Tenn., in place of L. W. Davidson. Incumbent's commission expired August 26, 1920.

TEXAS.

Velma Scott to be postmaster at Graford, Tex. Office became presidential April 1, 1921.

John C. Beever to be postmaster at Perryton, Tex. Office became presidential January 1, 1921.

Herman C. Feist to be postmaster at Rowena, Tex. Office became presidential October 1, 1920.

Joseph D. Powell to be postmaster at Archer City, Tex., in place of H. L. Robertson, deceased.

Wyatt O. Selkirk to be postmaster at Blessing, Tex., in place of J. H. Logan, resigned.

Roy B. Nichols to be postmaster at Houston, Tex., in place of T. W. House. Incumbent's commission expired January 24, 1922.

Thomas B. White to be postmaster at Rogers, Tex., in place of B. T. Gardner. Incumbent's commission expired July 21, 1921.

UTAH.

Claude C. McGee to be postmaster at Lewiston, Utah, in place of J. M. Anderson, deceased.

VERMONT.

William H. Startup to be postmaster at Proctor, Vt., in place of J. L. Welsh, resigned.

VIRGINIA.

Mary P. Moon to be postmaster at Cartersville, Va. Office became presidential October 1, 1920.

WASHINGTON.

Amy E. Ide to be postmaster at Outlook, Wash. Office became presidential October 1, 1920.

WEST VIRGINIA.

Daniel M. Shakley to be postmaster at Hollidays Cove, W. Va. Office became presidential July 1, 1920.

Winnie O. Law to be postmaster at Mount Clare, W. Va. Office became presidential October 1, 1920.

WISCONSIN.

Leslie H. Thayer to be postmaster at Birchwood, Wis. Office became presidential July 1, 1920.

John A. Mathys to be postmaster at Casco, Wis. Office became presidential January 1, 1921.

Oliver R. Weimandy to be postmaster at Cochrane, Wis. Office became presidential July 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 21 (legislative day of April 20), 1922.

POSTMASTERS.

ALABAMA.

James D. Segars, Carbon Hill.

ILLINOIS.

May S. Williams, Hanover.
Herman W. Behrens, Kampsville.
Paul P. Shutt, Paris.
Walter A. Foster, Steward.
John J. Barton, Sublette.

KANSAS.

Robert B. Stevens, Lecompton.

MICHIGAN.

Wynne C. Garvin, Millington.

MINNESOTA.

Alton E. Martin, Woodlake.

NEBRASKA.

Henry J. Steinhausen, Creighton.
Ray H. Surber, Davenport.
Earl R. Lewis, Humphrey.
James B. Scott, Osmond.
James D. Finley, Sargent.

NEW YORK.

May M. Ferry, Edwards.
Arthur H. Wyatt, Huletts Landing.
Raymond C. Green, Sanquoit.

OKLAHOMA.

Guy B. Reece, Braggs.

PENNSYLVANIA.

Elwood S. Rothermel, Fleetwood.
Elwood M. Stover, Kulpsville.
Mabel M. Myer, Ronks.

WASHINGTON.

John L. Harris, Kelso.
William R. Wells, Mount Vernon.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 21, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, we approach Thee not with protest but with willing submission. We do not murmur nor complain, for Thy gracious providences are so manifold. O may they preserve in us the high instinct to live at our best. We beseech Thee to keep the power of our moral resistance unbroken. Bless us each day with the right attitude of mind toward life, with its urgent duties and its countless mercies. Ever keep before us our country's need. May our past be our inspiration, the present the call of opportunity, and in the discharge of every obligation direct us to do the best we know and give the best we have. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. DUNN. Mr. Speaker, I ask unanimous consent that Mr. LEWIS HENRY, who has been elected a Member of the House of Representatives from the thirty-seventh district of New York, be allowed to take the oath of office.

The SPEAKER. The gentleman from New York asks unanimouse consent that Mr. HENRY, recently elected a Member from the State of New York, whose certificate of election has not yet been received by the Clerk, be allowed to take the oath of office. Is there objection?

There was no objection.

Mr. HENRY appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices.

The message also announced that the Senate had agreed to the amendment of the House to Senate Concurrent Resolution 21 providing for printing as a Senate document with an index the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1075. An act giving permanent rank to district superintendents of the Coast Guard on the retired list;

S. 1405. An act for the relief of William Collie Nobors; and

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1075. An act giving permanent rank to district superintendents of the Coast Guard on the retired list; to the Committee on Interstate and Foreign Commerce.

S. 1405. An act for the relief of William Collie Nabors; to the Committee on Claims.

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes; to the Committee on Military Affairs.

CONTESTED-ELECTION CASE—PARRILLO *v.* KUNZ.

The SPEAKER laid before the House a letter from the Clerk of the House transmitting testimony, papers, and documents relating to the contested-election case of Parrillo against Kunz, which was referred to the Committee on Elections No. 1 and ordered to be printed.

CONTESTED-ELECTION CASE—GOLUMBIEWSKI *v.* RAINEY.

The SPEAKER laid before the House a letter from the Clerk of the House transmitting testimony, papers, and documents relating to the contested-election case of Golumbiewski against Rainey, which was referred to the Committee on Elections No. 2 and ordered printed.

MONTHLY PAYMENT OF PENSIONS.

Mr. BLAND of Indiana. Mr. Speaker, I call up the bill (H. R. 2158) to provide for the monthly payment of pensions, with Senate amendments thereto, and move to concur in the Senate amendments.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry. Is not that a bill that should be considered in the Committee of the Whole House on the state of the Union in order to agree to the Senate amendments? Is not that a charge on the Treasury?

The SPEAKER. The rule does not require that every bill which must be considered in Committee of the Whole House on the state of the Union, when it comes back from the Senate with a Senate amendment thereto, must be considered in the Committee of the Whole House on the state of the Union for the consideration of the Senate amendment, unless the Senate amendments require such consideration. The Chair is informed that these amendments do not require such consideration. The Clerk will report the Senate amendments.

The Clerk reported the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

MISSISSIPPI FLOOD DISASTER.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Joint Resolution 309.

Be it resolved, etc., That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be immediately available as an emergency fund to be expended by the Mississippi River Commission during the present flood in the Mississippi River, for the purpose of preserving, protecting, and repairing the levees under its jurisdiction: *Provided*, That the Secretary of the Treasury shall deduct $1,000,000 from the appropriation that shall first hereafter be made for the use of said Mississippi River Commission under the terms of the flood control act of March 1, 1917, said $1,000,000 to be carried to the surplus fund and covered into the Treasury: *And provided*, That any unexpended balance of the sum hereby appropriated, remaining after present flood emergency has passed, may be expended by the Mississippi River Commission under the authority and subject to the provisions of the said flood control act.

Mr. MADDEN. Mr. Speaker, in that connection I ask to have read a letter from the Secretary of War.

The SPEAKER. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 21, 1922.

Hon. M. B. MADDEN,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR CONGRESSMAN: The Mississippi River is in extreme flood, the water being higher at many places than ever known before, and the condition is such that the levees protecting extensive tracts of the States of Illinois, Missouri, Arkansas, Tennessee, Mississippi, and Louisiana are seriously threatened.

The water of the river is above the tops of the levees in some places for 20 miles at a stretch, and it is only by the utmost vigor and watchfulness on the part of the people that these levees are not overtopped or breached. The loss of life and property, should a break in the levees occur, would be incalculable and would amount to a national disaster.

The funds under the control of the Mississippi River Commission have been practically exhausted, and breaks in the levees at various points are certain to occur unless funds are immediately provided to keep up the work now being carried on. It is known that the local levee boards and parties interested have already made as great sacrifice in the fight against the water as they have been able and can not furnish funds longer.

I therefore most urgently recommend the passage of the joint resolution, copy of which is inclosed, which makes immediately available the sum of $1,000,000 from the pending appropriation for the Mississippi River. This amounts to nothing more than an advance of funds for the purpose, and I urge its adoption at the earliest possible moment.

Very respectfully,

JOHN W. WEEKS,
Secretary of War.

Mr. MADDEN. Mr. Speaker, I think it is proper that I should explain the situation. Under the flood control act of 1917 appropriations are authorized to be placed at the disposal of the Mississippi River Commission. The bill for the Military Establishment recently passed by the House carries an appropriation for this purpose amounting to $6,670,000, to be available after the 1st of July next. This resolution provides that out of that $6,670,000, $1,000,000 shall be taken. It may be that the Senate in the consideration of the military bill will deduct the million dollars, but if the Senate should fail to do that, then the power is in the Secretary of the Treasury to take it out of that bill. So that in the consideration of the resolution before us we are not appropriating any money but are

simply making available for immediate use the $1,000,000 which would be at the disposal of the Mississippi River Commission after the 1st of July in any event. I hope the resolution will be passed.

The SPEAKER. Is there objection to its present consideration?

Mr. WALSH. Mr. Speaker, reserving the right to object, is this million dollars that is to be expended to be used for any different work than the $6,570,000 which is carried in the bill?

Mr. MADDEN. Exactly the same.

Mr. WALSH. Are we making any headway in this work on the Mississippi to overcome these annual or biennial floods?

Mr. MADDEN. I understand that great progress is being made, that sooner or later the danger will be obviated by the construction of such levees as are adequate.

Mr. WALSH. Of course, it is apparent that there must be no delay in this, if this money is to be of some use, that it ought to be had to-day.

Mr. MADDEN. There ought not to be any delay.

Mr. WALSH. Mr. Speaker, I have no objection to the consideration of the resolution.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARNER. If progress had not been made in this work, the flood would now cover the entire valley, would it not?

Mr. MADDEN. I have not any doubt about that.

Mr. GARNER. The loss of life and property would be tremendous?

Mr. MADDEN. Yes. Mr. Speaker, I ask for a vote.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the joint resolution was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BILLS ON THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, this being the day set aside for the consideration of bills upon the Private Calendar, I ask unanimous consent that the House take up unobjected bills upon the Private Calendar and consider them in the House as in Committee of the Whole House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that unobjected bills on the Private Calendar be taken up in order in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first bill.

LUKE RATIGAN.

The first business in order on the Private Calendar was the bill (H. R. 2014) for the relief of Luke Ratigan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill. It was objected to once before, and I would like to know something in regard to it.

Mr. KAHN. Mr. Speaker, Luke Ratigan is a man who is 60 years of age at the present time. He was formerly in the revenue service at San Francisco. I want to say frankly that he was a very faithful employee, and one day the commander of the vessel on which he was acting attempted to jump overboard—tried to commit suicide. Luke Ratigan, an oiler on the vessel, jumped and caught him and saved him. They wrestled around the deck for quite a little while. His back was badly strained in the struggle. He had been appointed an oiler only a few weeks before and was acting in that capacity. Then he was put temporarily in the appraiser's building, so as to be able to regain his strength. While he was feeding the furnaces a crazy man came down there, attacked him, and tried to blow up the furnaces. Ratigan held the man until relief could come to him. The man was arrested and sent to the insane asylum. Ratigan had to resign from the higher position of oiler and serve in the lower position of fireman because he had defended the property of the United States. That is all there is in the matter, and I certainly hope the House will allow this bill to pass. It will give him a rating a little higher than he would get otherwise.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Whereas Luke Ratigan, of San Francisco, Calif., was employed in the United States Revenue-Cutter Service as fireman for a period of over 25 years; and

Whereas the said Luke Ratigan, while in the discharge of his duty in said service and in the saving of human life, received physical injuries which compelled him to relinquish the position of a petty officer, to which he had just been promoted, and continue in the said United States Revenue-Cutter Service at the lower rating; and

Whereas by act of Congress approved January 28, 1915, the Revenue-Cutter Service and the Life-Saving Service were combined as the Coast Guard: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place the name of Luke Ratigan on the retired list of petty officers of the Coast Guard with the retired pay and allowances of a petty officer in said Coast Guard.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to place the name of Luke Ratigan on the retired list of the Coast Guard as an oiler, first class, retired, at the rate of pay he would be entitled to receive had he held the rating of oiler, first class, when retired."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

DR. O. H. TITTMANN.

The next business on the Private Calendar was the bill (H. R. 6245) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

EDWARD J. SCHAEFER.

The next business on the Private Calendar was the bill (H. R. 1723) authorizing the payment of compensation to Edward J. Schaefer for the death of Ruth Stone Schaefer through an unlawful shot fired by a soldier in the service of the United States at Camp Alexander, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I objected to this measure before. I do not know whether there are any other facts connected with the incident which have been developed, and unless there are I shall feel constrained again to object.

Mr. MACGREGOR. Mr. Speaker, if the gentleman will permit, I have never had a chance to explain. It seems to me a very meritorious bill.

Mr. WALSH. Well, of course, the gentleman and I have a sharp difference of opinion right there——

Mr. MACGREGOR. Usually.

Mr. WALSH. And I am afraid anything further he might say to elucidate the measure would probably not be very convincing. I suggest that the gentleman make a brief statement, if he desires, and I will reserve the right to object.

Mr. MACGREGOR. Mr. Speaker, in July, 1919, Mr. Schaefer and his wife in an automobile went into Camp Alexander, Va. While they were upon one of the roads of that camp one of the sentries shot at the automobile. The shot went through the back of the automobile and killed Mrs. Schaefer. Now, it appears from the Inspector General's report that this sentry had never fired an Army rifle before in his life. He had never been instructed as to guard duty. Ball ammunition was issued to this sentry instead of guard ammunition. There were no signs posted with reference to the entry of people into this camp. No warning had been given or restrictions made in reference to people going into this camp. These people and many other people had for months before that been going into this camp. It was in time of peace, it was not in time of war, and this sentry, not properly instructed by the officers, without having been properly instructed as to the use of firearms or as to the time to use them, not properly instructed in guard duty, fired the shot which resulted in the death of this woman, a young woman less than 30 years of age, leaving two children, one 6 and one 8 years old. I think that under these circumstances the United States Government, having placed a man on duty at that camp in such a negligent manner, should make reparation to some extent for depriving this man of his wife and those children of their mother.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. MACGREGOR. Certainly.

Mr. MILLER. On what theory of law or otherwise do you ask the United States to make reparation?

Mr. MACGREGOR. My theory is that the Government placed this man there. Of course, there is no legal obligation.

Mr. MILLER. On what theory do you claim the Government should pay for the loss of this very estimable lady, even though the Government did place this man on guard duty?

Mr. MACGREGOR. We do it in many, many other cases. We have done it in the cases of military drivers of trucks running down people in the streets of our cities. We have recompensed them for the injuries received. We have recompensed other governments for the killing of their subjects by men of our Navy. Now, certainly in such a case as this, which is far greater than doing some slight injury to some individual by an automobile truck, we should go to that length in recompensing this family for the loss of the mother and wife.

Mr. SNELL. How long had this man that did the shooting been a member of the United States Army?

Mr. MACGREGOR. I think for two or three months.

Mr. SNELL. He knew nothing whatever about the care——

Mr. MACGREGOR. Never fired an Army rifle before, and never had been instructed.

Mr. BARBOUR. Did the guard warn these people that they could not travel on this particular road?

Mr. MACGREGOR. He claims he called to them; but the fact is that they did not hear any calling or warning to stop.

Mr. BARBOUR. And then he just deliberately shot at them?

Mr. MANN. He shot at the wheel.

Mr. BARBOUR. Shot at the automobile?

Mr. MANN. Yes.

Mr. BARBOUR. He took the chances of hitting the occupants?

Mr. MANN. Surely.

Mr. MACGREGOR. I think there ought to be some recompense to these people. If you will allow, on page 5 of the report of the Inspector General you will see the conclusions:

It is believed that the shooting and killing of Mrs. E. J. Schaefer * * * would probably not have occurred had the military authorities at Camp Alexander exercised due diligence to prevent indiscriminate shooting on the part of the guards and military police, nor is it believed that had guard ammunition been issued Mrs. Schaefer would have met her death.

And he states with reference to this particular sentry:

Though he had never fired any Army rifle, nor been taught the proper use of the same, he was issued ball ammunition and prior to going on post on the tour of guard above referred to loaded his rifle with the same. Private Nichols had been on duty at Camp Alexander two and one-half months before the occurrence of the fatal affair in which he figured. His company commander and his commanding officer both professed ignorance, to a greater or lesser degree, of exactly what instruction he had received in the handling of a rifle. The administration of the Headquarters Company and of Companies H and I, Twelfth Infantry, to which organizations Private Nichols had at various times belonged, appeared to be lax and recruit instruction in preparation for guard duty indifferently prosecuted.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1723) authorizing the payment of compensation to Edward J. Schaefer for the death of Ruth Stone Schaefer through an unlawful shot fired by a soldier in the service of the United States at Camp Alexander, Va.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Edward J. Schaefer the sum of $50,000 as compensation for the death of his wife, Ruth Stone Schaefer, who was unlawfully shot by a soldier in the service of the United States at Camp Alexander, Va., on July 7, 1919.

Also the following committee amendments were read:

In line 6, page 1, strike out "$50,000 as compensation" and insert in lieu thereof "$5,000 in full settlement of damages."

Line 2, page 2, strike out the words "unlawfully" and insert in lieu thereof the word "accidentally."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The title was amended to read as follows: "A bill for the relief of Edward J. Schaefer."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MACGREGOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRED H. GALLUP.

The next business on the Private Calendar was the bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army.

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Fred H. Gallup, formerly a captain of Field Artillery, whose nomination as major of Field Artillery was confirmed by the Senate in June, 1916, a major of Field Artillery, to take rank at the foot of the list of majors of Field Artillery, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of majors of Field Artillery now authorized by law by reason of the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DICKINSON a motion to reconsider the vote by which the bill was passed was laid on the table.

TORAHACHI URATAKE.

The next business on the Private Calendar was the bill (S. 1077) to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MILLER. Mr. Speaker, I shall object to this bill without some explanation. There have been a number of bills that have gone through without explanation, and I shall object to this bill unless there is some explanation by the party who introduced the measure or the committee who made the report. Hearing none, I object.

Mr. MANN. Will the gentleman reserve that for a moment?

Mr. MILLER. If there is any explanation coming.

Mr. MANN. This is a case where there was a Japanese subject killed by the War Department. Of course, the Government has no liability. The practice of the Government has been for a number of years, where Congress would make compensation for the death of an American citizen without admitting liability to the Government, as a matter of grace, on the recommendation of the State Department, to make the appropriation to pay for the death of a foreign citizen. It has been done in a good many cases. I think probably it is the proper thing to do. We obtain the same consideration from foreign Governments for citizens of the United States who are killed under such circumstances abroad.

Mr. BEGG. Will the gentleman permit a question?

Mr. MANN. Yes.

Mr. BEGG. Why is it that S. 1077 is for $5,000 and S. 1078 for $2,000. They seem to be very much alike to me.

Mr. MANN. I presume for the reason that the State Department has recommended $5,000 in one case and $2,000 in another. The gentleman might ask me why a moment ago we passed a bill to pay $5,000 for the death of somebody, when there might be a bill on the calendar to pay $151 for the death of somebody else.

Mr. BEGG. I did not mean that. What are the extenuating circumstances in one case that warrant $5,000 and in the other case only $2,000. It seems to me if they are parallel cases equity would say to give them both $5,000 or both $2,000.

Mr. MANN. The $5,000 is not excessive, and in the other case they ask for only $2,000, and they are satisfied with that amount.

Mr. BEGG. Then I am satisfied.

Mr. MANN. I think it is desirable to do these things graciously. It undoubtedly would be done sooner or later. We have quite a long line of precedents for this thing. It is a matter of friendly intercourse between our Government and foreign governments.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, the explanation of the gentleman from Illinois [Mr. MANN] is not full. I know nothing, and I doubt if any other Member of the House knows, of the circum-

statues under which this citizen of Japan lost his life, whether it was by his own negligence or by what other means, and in the absence of advice on that point I shall take it to be my duty to object.

The SPEAKER. The gentleman from Washington objects. The Clerk will report the next bill.

TATSUJI SAITO.

The next business on the Private Calendar was the bill (S. 1078) to authorize the payment of $2,000 to the Government of Japan for the benefit of the family of Tatsuji Saito, a Japanese subject, killed at Camp Geronimo, Mexico, May 15, 1916.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MILLER. On the same ground, I shall object to this one unless there is a fuller explanation of the circumstances under which this death occurred.

The SPEAKER. The gentleman from Washington objects. The Clerk will report the next bill.

J. W. LA BARE.

The next business on the Private Calendar was the bill (H. R. 4845) for the relief of J. W. La Bare.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, J. W. La Bare, late of Company B, Forty-third Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 23d day of February, 1865: *Provided*, That no bounty, pay, or allowance shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend by inserting after the word "no" in line 10 the word "pension."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: On page 1, line 10, after the word "no" insert the word "pension."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

ALBERT HAMILTON.

The next business on the Private Calendar was the bill (H. R. 5820) to place Albert Hamilton on the retired list of the United States Marine Corps.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place Albert Hamilton, formerly first lieutenant, United States Marine Corps, on the retired list of the Marine Corps, with the rank and retired pay of a first lieutenant of the Marine Corps: *Provided*, That in computing his pay credit shall be given for all his continuous service in the Marine Corps: *Provided further*, That no pay shall accrue prior to the passage of this act.

With a committee amendment as follows:

On page 1, line 10, after the word "act," insert: "*And provided further*, That the retired pay allowed the said Albert Hamilton pursuant to this act shall be in lieu of the pension which he is now receiving."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. TREADWAY. Mr. Speaker, I move to amend the title of the bill just passed so as to read: "On the retired list of the United States Navy," rather than "on the retired list of the Marine Corps."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I move to reconsider the vote whereby the bill was passed, and move to lay that motion on the table.

Mr. MANN. You put it in the title and leave it unchanged in the bill.

Mr. TREADWAY. The Navy Department has made that request in the report.

Mr. MANN. Why put it in the title and not in the bill itself? Why not recite the fact when the bill provides to put the man on the retired list of the Marine Corps? I was wondering why they did not also put it in the bill.

Mr. TREADWAY. The Secretary of the Navy——

Mr. MANN. Oh, that is expert advice. [Laughter.]

Mr. TREADWAY. Then I withdraw my request.

Mr. MADDEN. It was argued the other day that the Marine Corps was not in the Navy. I want to inquire now if it has been changed? [Laughter.]

The SPEAKER. The Clerk will report the next bill.

CORNELIUS DUGAN.

The next business on the Private Calendar was the bill (H. R. 1290) for the relief of Cornelius Dugan.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint Cornelius Dugan, who served with distinction as chief gunner in the United States Navy during the War of the Rebellion, a lieutenant commander in the United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant commander with the retired pay and allowances of that grade.

With a committee amendment as follows:

Strike out all after the enacting clause and insert: "That the President is hereby authorized to advance on the retired list of the Navy, to the rank of lieutenant commander, Cornelius Dugan, who served with credit in the United States Navy during the Civil War and the war with the German Government: *Provided*, That the said Cornelius Dugan shall not in consequence of such advancement be entitled to any increase in the pay which he is now receiving as a retired officer of the Navy."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DARROW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LIEUT. COL. HENRY C. DAVIS.

The next business on the Private Calendar was the bill (H. R. 5210) for the relief of Lieut. Col. Henry C. Davis.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice that at one time the Navy Department recommended that this bill be not passed. I think perhaps it had better go over. I ask that it be passed over.

The SPEAKER. Without objection, this bill will be passed over.

There was no objection.

The SPEAKER. The Clerk will report the next one.

ALVAH B. DOBLE.

The next business on the Private Calendar was the bill (H. R. 5768) to amend and correct the military record of Alvah B. Doble.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, this form of bill is very unusual. Has anybody on the Committee on Military Affairs examined the form?

Mr. MILLER. I have examined the form, and it should be amended after the word "That," in line 3 of the bill, so as to read——

Mr. MANN. And not provide that the Secretary of War is directed to issue an honorable discharge as of that date.

Mr. MILLER. That should be eliminated.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That Alvah B. Doble shall hereafter be held and considered to have been honorably discharged as a private of Company F, Seventh Regiment Maine Volunteer Infantry, as of the date of January 28, 1863; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Alvah B. Doble an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

Mr. MILLER. Mr. Speaker, I move to amend the bill in line 3, after the word "that," by inserting the words "in the construction of the pension laws."

Mr. McKENZIE. Should not the word "administration" be used instead of "construction."

Mr. MILLER. I will accept that amendment.

The SPEAKER. The gentleman from Washington offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLER: In line 3, after the word "that," insert "in the administration of the pension laws."

The amendment was agreed to.

Mr. MILLER. Mr. Speaker, I offer a further amendment, in lines 6, 7, and 8, to strike out the words "and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Alvah B. Doble an honorable discharge as of that date."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Speaker, may I direct the attention of the gentleman from Washington to the language of the proviso? The proviso usually reads that no pay, bounty, or other emoluments shall accrue or become payable prior to the passage of this act.

Mr. MILLER. That is correct.

Mr. WALSH. Will the gentleman accept an amendment to that effect?

Mr. MILLER. I will.

Mr. WALSH. Mr. Speaker, I offer an amendment, in line 9, after the word "no," insert the word "pension," and a comma, and in line 10 strike out the words "by virtue of" and insert "prior to."

The SPEAKER. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 9, after the word "no," insert the word "pension," and in line 10, after the word "payable," strike out the words "by virtue of" and insert in lieu thereof the words "prior to."

Mr. MANN. Aside from the changes made by these amendments, I take it the bill as reported was in very good form. [Laughter.]

Mr. MILLER. I think that as amended it is a perfectly good bill.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. MILLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROBERT RUSSELL.

The next business on the Private Calendar was the bill (H. R. 5791) for the relief of Robert Russell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Robert Russell, a citizen and resident of St. Cloud, Minn., who, without fault on his part, was, on the 16th day of February, A. D. 1920, severely injured by reason of the icy condition of the steps leading to the Federal building, or post-office building, at St. Cloud, Minn., the sum of $1,000, and the sum of $1,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

With the following committee amendment:

On page 1, line 9, strike out the figures "$1,000" and insert in lieu thereof the figures "$218"; and on page 1, line 10, strike out the figures "$1,000" and insert in lieu thereof the figures "$218."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

RUPERTO VILCHE.

The next business on the Private Calendar was the bill (H. R. 5251) for the relief of Ruperto Vilche.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Ruperto Vilche, of Guantanamo City, Cuba, in full compensation for the loss of his daughter, Idelina Vilche, and for injury to his daughter, Ofelia Vilche, the former having been killed and the latter injured by a bullet fired from his rifle by Pvt. Ralph E. Carter, United States Marine Corps, who became suddenly insane while on sentry duty at the marine camp near Guantanamo City, and for all expense incurred by the said Ruperto Vilche in connection with the said death and injury.

With the following committee amendment:

Page 1, line 4, after the word "authorized," insert "and directed," and in line 4 after the word "pay," insert "out of any money in the Treasury not otherwise appropriated."

Mr. MANN. Mr. Speaker, this is to pay a citizen of Cuba for being shot by a soldier of the United States who was in Cuba. I think it is a proper payment. A few moments ago the gentleman from Washington objected to a bill for the payment of a Japanese who was killed by a lot of American soldiers who got drunk in Mexico. I suppose he thinks it is more according to regulations for the soldiers to get drunk and kill some one that it is to be killed by an insane man, but I hope the Japanese will not hold it up against all of us, because he was a Japanese, and the gentleman comes from where they do not like Japanese.

Mr. MILLER. Oh, Mr. Speaker, I did not object on so narrow a ground as the gentleman from Illinois would seem to indicate. I stated in my objection that unless there was some one on the floor who could explain the circumstances of the death I should object. The gentleman from Illinois came forward with nothing to comply with my suggestion. Whether it is a Mexican, a Japanese, or citizen of the United States, or whether it is in Mexico or in Cuba, it makes no difference to me. I simply want to correct the impression that I objected because it was a Japanese who was killed. I asked the gentlemen on the floor of the House if any of them knew any of the circumstances. Now, if the gentleman had stated the facts and circumstances to the membership, I would have had no objection.

Mr. ROGERS. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. ROGERS. I think one of the two Japanese bills—my attention was diverted at the time it was called up—is particularly meritorious. I refer to the bill for the benefit of Torahachi. As to the other I know less and feel very much less interest. I wonder if the gentleman would permit me to say a word as to the Torahachi bill?

Mr. MILLER. I should be very glad to have the gentleman do so.

Mr. ROGERS. This is the situation: Some years ago, I think in 1915—I have not refreshed my memory lately—this Japanese laborer was lying asleep in a cabin near Schofield Barracks, in Honolulu. An American sentry a mile away was at his post. He fancied that there was something suspicious, became, apparently, a little bit excited, and discharged his rifle, which was loaded with ball. That bullet sped on its way into the cottage where the Japanese laborer was lying asleep and killed him. The bill is to provide a sum of money for the widow and, I think, four or five children of the killed Japanese. The Secretary of State now in office and at least two former Secretaries of State have represented in the strongest possible way to the Committee on Foreign Affairs that it would be an extremely gracious and courteous thing for the American Congress to see that some compensation was made.

Mr. MILLER. In answer to the gentleman from Massachusetts, I will say that if he had made that statement prior to my making the objection there would have been no objection on my part. I simply asked for some information concerning the bill.

Mr. MANN. I would like to butt in long enough to apologize to the gentleman from Washington. The fact is that the report does not sufficiently state the facts. I remembered the case, but I could not have told it as well as the gentleman from Massachusetts.

Mr. ROGERS. After the present bill is disposed of, I should like to ask unanimous consent to return to this particular bill.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 300) appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 29 to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments Nos. 21, 31, and 35 to said bill, had agreed to the further conference asked by the House thereon, and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. WARREN, Mr. LODGE, Mr. OVERMAN, and Mr. HITCHCOCK as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCNARY, Mr. JONES of Washington, and Mr. OVERMAN as the conferees on the part of the Senate.

GEORGE W. POSEY.

The next business on the Private Calendar was the bill (H. R. 4884) for the relief of George W. Posey.

The SPEAKER. Is there objection?

Mr. CLARKE of New York. Mr. Speaker, reserving the right to object, I would like to have a little explanation of this bill. No one seems to offer any information, and I object.

Mr. MANN. This is an old soldier——

Mr. CLARKE of New York. Mr. Speaker, I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion against George W. Posey, late of Company A, Twentieth Regiment, and Company B, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, and issue to him an honorable discharge.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of the pension laws George W. Posey, late a private in Company A, Twentieth Regiment, and a private in Company B, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States: *Provided*, That no pension shall accrue prior to this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

W. W. M'GRATH.

The next business on the Private Calendar was the bill (H. R. 2722) for the relief of W. W. McGrath.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, this is a bill for damage to an automobile. I notice that the committee has an amendment, and I would like to ask how it arrived at the sum of $459.50?

Mr. EDMONDS. The department recognized that the damage to the car amounted to $180.50. Doctor McGrath had to employ an automobile, at $3 a day, for 93 days. That would amount to $279, which, added to the $180.50, makes $459.50.

Mr. WALSH. I do not believe the committee ought to report bills giving damages on that basis. He might claim that the automobile he hired could not travel as fast as the one he owned and, therefore, he should receive a little extra compensation.

Mr. EDMONDS. We thought that $3 a day was very reason- compensation for the use of an automobile for a doctor in active practice. We did not think he was out of the way in the amount that he asked.

Mr. WALSH. The gentleman is satisfied that he was deprived of the use of this machine, and that this is not an exorbitant allowance in that section of the country with which to hire one of the products that has made the State of Michigan famous in order to help this doctor out?

Mr. EDMONDS. The committee felt that was fair compensation for the damage that he suffered.

Mr. WALSH. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $930 to W. W. McGrath, in full of all claims he may have against the Government for damages done to his automobile by a United States Army truck on October 21, 1918.

With the following committee amendment:

Line 6, strike out "$930" and insert "$459.50."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, I move to strike out the last word. The War Department has authority to settle this claim up to the sum of $500.

Mr. EDMONDS. They offered to settle the claim upon the basis of the actual damage, $180.50, to the automobile. The doctor refused to accept that because he felt that he should receive proper reimbursement.

Mr. MANN. I understand why he refused.

Mr. EDMONDS. The department could not pay the balance.

Mr. MANN. When we passed the law giving authority to the War Department to settle claims up to $500, and giving to certain other departments the same authority, it was the understanding that the committee on claims would cease to report to the House bills for claims which the War Department was authorized to settle. I do not object to this claim, but I hope the Committee on Claims, after urging Congress to pass legislation to relieve them from looking after these small bills, will not start in to consider all those bills because the War Department will not settle for the amount that the man claims.

Mr. EDMONDS. I hope so, too.

Mr. MANN. And if any more of them come in while I am here I think they shall have to be contested. That would have been the case with this probably, except that I did not want to quarrel with my most estimable colleague [Mr. MCKENZIE].

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES T. FARRILL.

The next business on the Private Calendar was the bill (H. R. 1482) for the relief of James T. Farrill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James T. Farrill, alias James Toy, alias James Butler, who served as a private in Company E, Sixteenth Regiment New York Volunteer Cavalry, and in Company D, Fifth Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization the 1st day of May, 1895.

With the following committee amendment:

Page 2, line 1, strike out the figures "1895" and insert in lieu thereof "1865": *Provided*, That no pension, pay, or bounty shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN B. H. WARING.

The next business on the Private Calendar was the bill (S. 667) for the relief of John B. H. Waring.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore to John B. H. Waring, late a captain in the Medical Corps, the files of which he was deprived, and, by and with the advice and consent of the Senate, appoint him an officer of the Medical Corps in the Army of the United States as of May 5, 1917, with such rank as he would have attained had he not been discharged, and when so appointed he shall be placed on the retired list of the Army.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

EDWARD SHORT.

The next business on the Private Calendar was the bill (H. R. 546) authorizing the Secretary of the Treasury to pay war-risk insurance to the foster parents of Edward Short.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, I should like to have some explanation from some Member of the House. This is rather an unusual bill, and while I hesitate to object to it, I would have to do so unless some explanation was given.

Mr. EDMONDS. Mr. Speaker, Edward Short, after entering the Army took out an insurance policy which is made payable to himself. He was killed in action. Upon investigation it was found that when he was about 15 years old he was found in a barn as a waif by Charles A. Thornton. Mr. Thornton took him, raised him, educated him, and he lived with Mr. Thornton for over 15 years. There appears to be no other heirs to this man Short. He would have come under the Sweet amendment, approved December 24, 1919, which included foster parents, if it had not been for the fact that he did not designate Mr. and Mrs. Thornton as the people to get the money under the policy. As long as there are no other heirs, the committee thought that the money justly belonged to somebody, and, inasmuch as by the placing of the names of Mr. and Mrs. Thornton in the policy they would have gotten the money, the committee felt that it is only fair that it should be paid to them.

Mr. MILLER. In view of the explanation, I withdraw my objection.

Mr. McCORMICK. Mr. Speaker, was this man regularly adopted?

Mr. EDMONDS. No; and the Sweet Act does not require that.

Mr. MANN. He was not legally adopted?

Mr. EDMONDS. No.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles A. Thornton and Elizabeth Thornton, foster parents of Edward Short, formerly a member of Company B, One hundred and thirty-second Regiment United States Infantry, the sum of $10,000 in 36 installments, as provided in the war risk insurance act, and upon the death of the said Charles A. and Elizabeth Thornton the remainder of such sums unpaid be paid to the children of said Charles A. and Elizabeth Thornton.

With the following committee amendments:

Page 1, line 9, strike out the words "thirty-six" and insert in lieu thereof the words "two hundred and forty."

Page 2, line 1, after the word "Thornton," strike out the words "the remainder of such sums unpaid be paid to the children of said Charles A. and Elizabeth Thornton" and insert in lieu thereof the words "all payments shall cease."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

L. A. M'MULLEN.

The next business on the private calendar was the bill (H. R. 1892) for the relief of L. A. McMullen.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to L. A. McMullen, Gardiner, Mont., the sum of $72.75, payment in full to compensate him for clothing lost while engaged as a government employee in fighting forest fires in Yellowstone National Park, September 4, 1919.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BELLS FOR CHURCH IN GLOUCESTER, MASS.

The next business in order on the Private Calendar was the bill (H. R. 5495) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill S. 1610, which is identical with this bill, and that the Senate bill be considered in place of the House bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 1610) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty a certain carillon of 25 bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TREADWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection the House bill will be laid on the table.

There was no objection.

TORAHACHI URATAKE.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 60 (S. 1077), to which the gentleman from Washington [Mr. MILLER] objected a moment ago and as to which I think he has been somewhat enlightened since.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none. The Clerk will report the bill:

An act (S. 1077) to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915.

Mr. MILLER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. ROGERS] explain the facts connected with this claim.

Mr. ROGERS. Mr. Speaker, the facts as I gave them to the House were substantially correct with one exception. I stated previously that the United States soldier became frightened and discharged his musket at some supposed enemy. The fact was that while on night sentry duty he was shifting his rifle from one shoulder to the other and the rifle was accidentally discharged. The bullet went into the heart of this Japanese lying in his hut asleep nearly a mile away. The soldier was court-martialed, was found guilty, and was sentenced to six months' imprisonment at hard labor, which seems to indicate that in view of the military authorities the soldier was negligent. The other facts are exactly as I have stated. There are a widow and four minor children. The War Department has approved the passage of this bill. Three Secretaries of State have approved the passage of the bill, and I have in my possession an elaborate argument in behalf of the measure signed within the last year by Secretary of State Hughes. I think there can be no doubt that the Government owes an obligation in this matter, and that it will be gratifying to the Japanese Government if the Congress of the United States should recognize this obligation in such a way as this.

Mr. MILLER. Mr. Speaker, if the explanation had been rendered, which the gentleman from Massachusetts has so ably made just now, there would have been no objection I think to the taking up of this bill. I simply objected to it in the absence of facts before the House, and I am very glad now to withdraw any objection, as I think it is a meritorious claim and should pass.

The Clerk read as follows:

Be it enacted, etc., That there is authorized to be paid, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor to the Government of Japan, $5,000 for the benefit and consolation of the family

of Torahachi Uratake, a Japanese subject killed on November 25, 1915, at Schofield Barracks, as set forth in the letter from the Acting Secretary of War dated February 19, 1916, and printed as House Document No. 785, Sixty-fourth Congress, first session.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ROSE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES E. CONNORS.

The next business in order on the Private Calendar was the bill (H. R. 7695) for the relief of James E. Connors.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, I would like to hear any facts in connection with this case and will reserve the right to object.

Mr. ROSE. Mr. Speaker, this claim has been before the House on several occasions and I endeavored to acquaint the Members with the facts in the case as they have been developed by the testimony. This bill is for the relief of James E. Connors, a boy a little over 7 years of age, who in October, 1918, in broad daylight, on his way home from school, was attracted by a siren horn blown in the navy yard at Brooklyn, the usual method employed for fire alarm. The boy was standing on the pavement, where he had the right to stand in my opinion, and a truck came out of the navy yard, without any indication of its coming at all, no noise was made of any kind, and when the driver came to the gate he made a sharp turn to the right and the rear right wheel of this big truck ran over this boy's foot and made amputation necessary.

Your committee have agreed upon the sum of $2,500 for the relief of the little fellow, as we are convinced that he can not be charged with negligence. His mother is a poor woman, is unable to maintain herself except by her own labor, and the boy is utterly incapacitated, and will remain so for a period of years. They have no money with which to buy a new leg for the unfortunate boy. We were impressed by the testimony given by the various witnesses summoned by the naval board which investigated the matter. The policeman at the gate says that it was his business to watch pedestrians at the time of the fire, and opened the gates for the large truck and while his back was turned toward the boy the latter was injured by the truck, and was picked up by some spectators and given first aid. Now, it will be found by reading the testimony in the case that the operator of the car was discharged because of inefficiency, and the committee believes, as a matter of right, this claim should be allowed. There is no legal obligation on the part of the Government, of course, to pay this little boy, guilty of no negligence whatsoever, not required to have a guardian with him on his way home from school, and who was injured in the manner I have indicated. The committee reduced the amount from $25,000 to $2,500. We considered in our deliberations the awards made by the compensation laws of the various States, and we concluded that a disability of this kind would be paid likely upon a basis of 45 per cent. And taking it for granted that that boy, if he could have gotten any compensation at all, could have earned $50 a month, on the basis of 45 per cent he would be awarded at that age over $4,000. But, of course, we can not consider the payment to the boy under the compensation law, because we did not have such a law at that time. I am firmly convinced that it is clearly right that we should award this poor boy $2,500 for the suffering that he sustained in that accident, especially when it was no fault of his own, and the further reason that he is crippled for life. And in view of the fact that we have paid $5,000 for the loss of life of a mature man, it is certainly not wrong to pay $2,500 to a boy who was injured under such conditions, and I think that amount is only fair compensation for this accident.

Mr. SMITH of Michigan. How old is he now?

Mr. ROSE. He was less than 8 years old at the time of the accident.

Mr. MILLER. Will the gentleman yield for a couple of short questions?

Mr. ROSE. I gladly yield to the gentleman from Washington.

Mr. MILLER. Was the boy on the sidewalk when he received the injury? Did the truck mount the sidewalk?

Mr. ROSE. He was standing on the sidewalk. There was a curbing to protect the gate, and the boy had his foot out beyond that curbing and turned to look at the truck coming out. The man made a quick turn, and the policeman heard the boy cry and picked him up. He was on his way home from school.

Mr. MILLER. Did the truck mount the sidewalk where the boy was standing, or did the boy get out beyond the curbstone?

Mr. ROSE. I want to say that this stone that I speak of was the stone buffer near the gate. The driver made a quick turn and the wheel ran over the boy's foot.

Mr. MILLER. It was a Government truck?

Mr. ROSE. It was a Government truck, and the driver of it was discharged in less than 30 days.

Mr. HOGAN. Mr. Speaker, I desire to supplement what the gentleman from Pennsylvania has stated, that there was this buffer there, and the truck turned short and knocked the boy down, causing the accident which necessitated the amputation of his leg.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7695) for the relief of James E. Connors.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of James E. Connors the sum of $2,500 in compensation for injuries caused by a Navy automobile, resulting in the amputation of his left foot.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF J. B. WATERMAN.

The next business on the Private Calendar was the bill (H. R. 2742) for the relief of J. B. Waterman.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I would like some explanation of this bill.

Mr. EDMONDS. I would like to ask for the discharge of the committee from further consideration of the bill H. R. 2742, and have substituted in place of it the bill S. 1059.

The SPEAKER. No unanimous consent has been given for the consideration of the bill. The gentleman from Washington asks for an explanation of it.

Mr. MOORE of Ohio. Mr. Speaker, this bill is for the relief of J. B. Waterman, postmaster at Belpre, Ohio. There were several robberies of the post office, and this is for a particular robbery in 1911, when money and stamps to the value of $483.25 were taken. Mr. Waterman was ill at the time. He was the postmaster and, of course, reimbursed the Government after the robbery. The post office was in charge of two clerks, and affidavits that are in the report state that these stamps and money were put in the safe and that the safe was locked when they left the office. When the clerks returned the next morning they found that the stamps and the money were missing. They instituted a search around the building and also made other observations, and they could not find where anyone had entered the building except through the door, likely by the use of a skeleton key. But the safe had been opened and the money and the stamps were missing.

As I have said, Mr. Waterman was ill at the time and absent. This is the report that was given by those who were in charge of the post office and by the village marshal, so far as he knew anything about it. This is in the usual form, I think, of bills to reimburse postmasters under similar circumstances. I should like to say in addition that this bill has twice passed the Senate. During the Sixty-sixth Congress it was introduced by our distinguished President, who was then a Senator from Ohio, and it passed the Senate, and just the other day the bill introduced by Senator WILLIS for the same purpose also passed the Senate, the one that the chairman of the committee asks to have substituted.

Mr. WILLIAMSON. Was this safe locked?

Mr. MOORE of Ohio. That is the testimony of the clerk.

Mr. WILLIAMSON. Was it blown?

Mr. MOORE of Ohio. It was not blown. It was doubtless opened by some one familiar with the opening of safes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MANN. That is the House bill. The gentleman asked unanimous consent to substitute a Senate bill.

Mr. EDMONDS. I ask for the consideration of the bill S. 1059 in lieu of the bill H. R. 2742.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 1059) for the relief of J. B. Waterman.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. B. Waterman, of Belpre, Ohio, the sum of $483.25, being the amount paid the Government by him for that value of stamps and money taken from his custody as postmaster of Belpre, Ohio, by burglars, on February 13, 1911.

Mr. EDMONDS. Mr. Speaker, I would like to offer an amendment to the bill.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Line 4, after the word "directed," add a comma and the following: "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. EDMONDS. Mr. Speaker, I move to lay the House bill of similar tenor on the table.

The motion was agreed to.

The SPEAKER. The Clerk will report the next bill.

PAN AMERICAN PETROLEUM & TRANSPORT CO.

The next business on the Private Calendar was the bill (H. R. 9866) authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, reserving the right to object in conformity with the others, I would like to have some explanation of this bill, and I think the Members of the House would.

Mr. EDMONDS. Mr. Speaker, this is one of the usual bills that the House has passed any number of in connection with collisions. The bill is in the usual form. The Secretary of the Navy says:

As it appears that the naval vessel was responsible for the collision and the resulting damages to the *Doheny*, it is believed that the Pan American Petroleum & Transport Co., the owner of the damaged vessel, is entitled to have its claim passed on by a court of law, and it is respectfully recommended that bill H. R. 9866 receive favorable action.

Mr. MILLER. That is all the committee is trying to do—to put the matter into court, to have it passed on according to law?

Mr. EDMONDS. Yes.

Mr. ROSE. Mr. Speaker, I have thought that right here might be a good time and place to state to the House the policy of the committee on measures of this kind. When any person comes before the committee and asks for the right to bring an action against the United States Government in order to determine the justice of a claim, the subcommittee of which I have the honor to be chairman has made an affirmative report on every request of that kind. We are not familiar with the facts at all. There is nothing given to the committee, but the privilege is asked to bring suit against the Government and have the case taken to the Court of Claims.

I think it is only a matter of right, but they are required, of course, to pursue the course laid down by the laws of our country. I believe that in all of these cases the committee is justified in permitting the claimant to bring his action before the proper tribunal of this Government in order to determine whether or not the claim has any merit, just as a citizen can sue another citizen. We give anybody the right to bring his action. As one who believes the Government ought to come into court with clean hands, I for one am always in favor of allowing claimants to bring suit against the Government when permission to do so is requested under the usual conditions.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ROSE. Yes, sir.

Mr. GARRETT of Tennessee. The gentleman says the committee knew nothing of the facts. I assume, of course, that the committee inquired enough to ascertain that there was some shadow of a claim?

Mr. ROSE. Oh, yes. I would not have the gentleman from Tennessee understand that the committee had not received information from the claimants. They have always stated in their report the reason for asking the amount, and the committee, of course, have considered the reports that are given to them, showing upon what ground the claim is made, and usually we have a report from the department of the Government affected, in which they tell us that the Government in many instances is responsible for the accident. In this particular case we have that information from the proper department of the Government affected, showing that the negligence was on the part of the Government vessel.

Mr. GARRETT of Tennessee. If the gentleman will permit me, I will say that I was sure that the practice the gentleman stated is the practice of the subcommittee, but I feared that his former statement to the country might be construed to mean that when anybody came along and said, "I want to sue the Government," the committee would say, "All right."

Mr. ROSE. I thank the gentleman for mentioning it. I did not intend to convey any impression of that kind. I am sure all the Members of the House know that something must be presented to the committee to warrant a finding, and that we depend largely upon the written opinions of the heads of the various departments of the Government.

The SPEAKER pro tempore (Mr. DOWELL). Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Pan American Petroleum & Transport Co., a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in the city and county of Los Angeles, in the State of California, owner of the oil tank steamer *Edward L. Doheny, Jr.*, for damages caused by collision between said vessel and the torpedo-boat destroyer *Hewley*, a naval vessel belonging to the United States, in the North Atlantic Ocean in the neighborhood of Fenwick Shoal Light Vessel, on or about the 14th day of July, 1918, may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court in admiralty and acting under the rules in admiralty governing said court. In an action in which said Pan American Petroleum & Transport Co. is hereby authorized to commence against the United States for the recovery of said damages. Said court shall have jurisdiction to hear and determine said action and enter its judgment or decree therein for the amount of such damages, if any, as shall be found to be due against the United States in favor of said Pan American Petroleum & Transport Co., or against the Pan American Petroleum & Transport Co. in favor of the United States, upon the same principles and according to the measure of liability prevailing in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of said action shall be given upon or after the commencement of said action to the Attorney General of the United States, as may be provided by order of said court, and it shall be the duty of the Attorney General upon receipt of such notice to cause the United States attorney in such district to appear for and defend the United States in such action: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FIRST NATIONAL BANK OF WALTHILL, NEBR.

The next business on the Private Calendar was the bill (H. R. 8186) for the relief of the First National Bank of Walthill, Thurston County, State of Nebraska.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. EDMONDS. Mr. Speaker, at the request of the gentleman from Nebraska [Mr. EVANS] I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice and take its place on the calendar.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

OWNER OF THE DERRICK "CAPITOL."

The next business on the Private Calendar was the bill (S. 1767) for the relief of the owner of the derrick *Capitol*.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MILLER. Reserving the right to object, Mr. Speaker, I think an explanation should be given of this bill.

Mr. EDMONDS. Mr. Speaker, this is exactly on a par with the other case. The Assistant Secretary of the Navy, Franklin D. Roosevelt, writing to the committee under date of November 6, 1919, states:

The bill (S. 3293)) inclosed with your letter of November 1, 1919, has for its sole purpose the authorization of a suit against the United States on account of damages sustained by the derrick scow *Capitol* while being towed by the United States Navy tug *No. 86*, and it in no sense admits liability on the part of the Government. Without admitting liability of the Government the department is of the opinion that the claimant company is equitably entitled to have its claim adjudicated in a court of competent jurisdiction.

Mr. MILLER. Will the gentleman yield?

Mr. EDMONDS. I yield to the gentleman from Washington.

Mr. MILLER. The title of the bill is different from that of the preceding bill. This is a bill for the relief of the owners. The other was a bill authorizing the bringing of a suit. Should not the title be corrected if the object is the same in both cases?

Mr. EDMONDS. Either form has been used before, and it has seemed to make no difference. That question has never been raised before.

Mr. WALSH. The title is not a part of the bill anyway.

Mr. EDMONDS. The owners are really asking for the right to bring suit. It does not give them any relief unless they get a verdict.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the claim of the owner of the derrick *Capitol*, arising out of collision while in tow of the United States Navy tug No. 80 on April 3, 1919, at Harlem River, N. Y., for and on account of the losses alleged to have been suffered in said collision by the owner of said derrick *Capitol* by reason of damages to said derrick, may be submitted to the United States District Court for the Eastern District of New York under and in compliance with the rules of said court sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said derrick *Capitol* or against the owner of said derrick *Capitol* in favor of the United States, and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

STEAMER "MAYFLOWER."

The next business on the Private Calendar was the bill (H. R. 4365) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I notice that the Navy Department is not willing to admit that there was any liability or responsibility on the part of the Government vessel, the *L-10*, which, I believe, was a submarine. I believe this accident occurred during a dense fog in Boston Harbor or in Nantasket Roads. I should like to ask if the committee are satisfied, from the circumstances as stated by the Navy Department, that there was such negligence or culpability on the part of the parties in charge of this submarine as to make the case one which should be referred to the courts?

Mr. EDMONDS. Mr. Speaker, of course it is impossible for the committee to decide which vessel was at fault where a controversy arises as to how two ships were running at sea. It appears that the Navy Department contend that they were right and the owners of the steamship *Mayflower* contend that they were right. There is no way of having that question adjudicated unless we allow it to go to the court, so that it may be settled conclusively.

The department has not acknowledged responsibility for the collision nor assumed liability for the damages suffered by the *Mayflower* or by any of her passengers, but as the bill H. R. 4365 proposes to refer the claims to a Federal court to be determined, it is respectfully recommended that it be given favorable consideration.

That is the statement in the report. Of course, it is absolutely impossible for the committee to find out which ship was improperly handled in a collision at sea.

Mr. WALSH. Is it the attitude of the committee that if there is responsibility on the part of this submarine for this injury the owners of the steamboat should have the right to go in and have their damages recovered, but that the passengers on that steamboat must suffer whatever injury they received without any recompense?

Mr. EDMONDS. The relationship of the passengers to the collision is entirely different from that of the two boats. The passengers, of course, have their opportunity to collect from the steamer. Whether the steamer could pass that damage along to the Government in event the Government was found to be at fault I do not know.

Mr. WALSH. Does the gentleman state that the passengers can collect from the steamer if the steamer was not at fault?

Mr. EDMONDS. If the steamer was not at fault I presume that the damage would be passed along to the Government.

Mr. WALSH. To the Government?

Mr. EDMONDS. I would presume so. I presume that the court in hearing the case would take up all the facts.

Mr. WALSH. But you have stricken out that part of the bill which provides for the hearing of the claims of the passengers.

Mr. EDMONDS. We do not want the court to hear the claims of the passengers until there is a determination which of the steamers was to blame.

Mr. WALSH. Apparently the Navy Department contends, from its letters signed by the Secretary, that the submarine was not at fault?

Mr. EDMONDS. Yes.

Mr. WALSH. Now, suppose that the district court finds that the submarine was at fault. Is it the gentleman's position that the passengers must then come in and file individual claims?

Mr. EDMONDS. The passengers can not file claims against the Government. They will file claims against their own steamer.

Mr. WALSH. Supposing their own steamer was not at fault, to whom are the passengers to look?

Mr. EDMONDS. I do not know.

Mr. WALSH. That is just what I am emphasizing, that here is a claim against the Government of the United States because some property has been damaged, and you are permitting the owner of the property to go into the United States district court on the theory that a Government officer was negligible, whereas if some passengers were injured in that same accident and by reason of that same negligence those passengers have got to whistle.

Mr. MANN. Surely the gentleman will recall that it never has been the policy of the Government to permit people to sue the Government for personal injuries, and it is not now the policy of the Government and will not be begun with this bill, I take it.

Mr. WALSH. I think that has been changed by legislation.

Mr. MANN. No.

Mr. WALSH. Since we have been operating the Shipping Board.

Mr. MANN. They may sue the Shipping Board. I do not know whether it will come at some time, but it has not come yet. The Government would be at the mercy of friendly juries throughout the country if a man in any locality could sue the Government for $50,000 for personal injuries caused by the negligence of some Government officer.

Mr. WALSH. Of course, the Government is at the mercy of a friendly jury in a case of injury to a steamboat amounting to $11,000 or $12,000.

Mr. MANN. This case may not be heard by a jury. It is an admiralty case.

Mr. ROSE. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Pennsylvania.

Mr. ROSE. Does the gentleman from Massachusetts take the position that the owners of this vessel that was injured should be deprived of the right of bringing their action before a proper tribunal to determine the facts of the case?

Mr. WALSH. No; I am not taking any position.

Mr. ROSE. To go one step further, this committee has not been called upon with respect to any damage done to the passengers.

Mr. WALSH. The committee was called upon because it was contained in the original bill and the committee struck it out.

Mr. ROSE. When it was presented we took the ground, as the chairman has already said, that it might be well to determine whether or not the Government was at fault in this instance before we considered the claims of the passengers.

Mr. WALSH. The gentleman means to let the court determine it?

Mr. ROSE. Yes; for the reason that they did not have the right as individuals to sue the Government; neither does the resident of any State have the right to sue the State government without an act of the legislature. This is the only means provided by which claimants against the Government can have their claims adjusted.

Mr. WALSH. I am in favor of the gentleman's amendment, but I wanted the theory or policy upon which the committee was operating. I predict that if the Government is found at fault this committee will be passing on the claims for injury received in the collision by individuals.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to consider the bill S. 1813 instead of the House bill.

The SPEAKER pro tempore. The gentleman asks unanimous consent to consider the Senate bill instead of the House bill. Is there objection?

Mr. WALSH. Reserving the right to object, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owner of the steamer *Mayflower* rising out of a collision between said steamer and the United States submarine *L-8* in President Roads, Boston Harbor, on the 11th day of August, 1917, for and on account of the losses alleged to have been suffered in said collision by the owner of said steamer *Mayflower* through damage to and detention of said steamer *Mayflower*, may be submitted to the United States court for the district of Massachusetts, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty: *Provided*, That the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania to consider the Senate bill in lieu of the House bill?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, lines 8 and 9, strike out the words "and detention of."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

By unanimous consent, the House bill was laid on the table.

FRANK W. KNIGHT.

The next business on the Private Calendar was the bill (H. R. 8374) for the relief of the estate of Frank W. Knight.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MILLER. Reserving the right to object, I would like to hear from some Member who knows the facts.

Mr. GARRETT of Tennessee. Mr. Speaker, I have the report in my hand, but I am not acquainted with the circumstances. It was reported by the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Speaker, this man, Frank W. Knight, was employed in the Revenue Service. He was ordered to lead a posse to raid a certain still which they knew was being operated at some place in the hills. He lead the posse, and in that raid he was shot, and died from the effects of it. He lived 30 days. He was a high-class man, faithful to the service, and efficient. He died in the discharge of his public duty.

Mr. MILLER. Who shot him, the resisting party?

Mr. COLE of Iowa. Yes. They did not know the particular man who shot him. There were a number of men connected with it. The leader of the resisting party was a notorious man by the name of Harmon, and the presumption was that he was shot by Harmon.

Mr. MANN. They may not have known, but they sent him to the penitentiary for 20 years [laughter] for having killed a man.

Mr. COLE of Iowa. Then they knew. [Laughter.]

Mr. EDMONDS. This is the customary way in which the committee has handled these cases.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the estate of Frank W. Knight, of Cary, Wake County, N. C., the sum of $1,500, on account of the death of said Knight while in the discharge of his duty as posseman under the collector of internal revenue for the eastern district of North Carolina.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman from Pennsylvania—I may be in error about the matter, but I have an impression that in cases of this sort the committee has been allowing more than $1,500.

Mr. EDMONDS. The committee has allowed a year's salary; that has been the custom.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BELL OF THE WRECKED CRUISER "MILWAUKEE."

The next business on the Private Calendar was the bill (S. 1733) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee*.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the president of Milwaukee Press Club, Milwaukee, Wis., for the use of the said press club, the bell of the wrecked cruiser *Milwaukee*, said bell now being in storage at the Mare Island Navy Yard: *Provided*, That no expense shall be incurred by the United States through the delivery of said bell.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DARROW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2004. An act for the relief of Frank Ferrin;

H. R. 927. An act for the relief of Capt. Fred S. Johnston;

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce;

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota;

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 6460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes;

H. R. 7234. An act for the relief of Miles Swift; and

H. R. 3270. An act for the relief of Estella Barnett.

MATTIE ALEXANDER.

The next business on the Private Calendar was the bill H. R. 8845 for the relief of Mattie Alexander.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I think the House is entitled to some statement regarding the merits of this measure.

Mr. BOWLING. Mr. Speaker, this bill provides that the Secretary of the Interior shall issue a patent to Mattie Alexander for the north half of the northeast quarter of fractional section 35, township 17 north, range 14 east, St. Stephens meridian, survey in Alabama. Miss Alexander is about the twelfth or fourteenth person who has had possession of this land in the last 100 years under color of title. There seems to have been an inaccuracy in the early records of the Land Office with respect to this section of land, 35. This fractional section contains less than 640 acres of land by reason of the meandering line of the Alabama River on one side of it, which makes it small. It appears from the statement of the Acting Secretary of the Interior that one entry which referred to this land as fraction A was, in fact, identical with and intended to cover the northeast quarter of the land, although the description "fraction A" was somewhat indefinite. For that reason the department is of opinion that although the record of the Land Office does not show that the northeast quarter was actually patented originally, yet the conflict in interest tends to show that it was the purpose of the Land Office to include and it did include this northeast quarter of the section under the description "fraction A" instead of making it the north-

east of the southeast quarter. The land was first patented in 1819, the year Alabama was admitted into the Union. The first patent carried the whole section. Then the first entryman transferred to a man whose name I do not remember, but the second owner of the land secured the whole section. He then relinquished all of the land except the fractional southeast quarter of it, and returned it to the Government. Of course, that return would have carried the northeast quarter to the Government, but later on, be having specifically reserved the southeast quarter, the Government then issued him a patent to fraction A, the southeast quarter of the land, which he already had.

There was no question about his having owned it, and it is the opinion of the department, as I read from the report—

There is reason, however, to believe that this last-named tract, fractional northeast quarter, was intended to be covered by the credit system certificate and patent of Bonnell above referred to. The acreage given in that certificate and in the patent more closely approximates the area of the east half northwest quarter and the fractional northeast quarter than it does the east half northwest quarter and the southeast quarter. Then, too, there is the conflict as to the southeast quarter, as the entries now stand, and the further fact that there is no entry of record for the fractional northeast quarter.

Then in the communication of Mr. Finney, the Acting Secretary of the Interior, we find the following:

It appearing from the records of the General Land Office that Bonnell received a patent for the SE. ¼, while Cottrell received one for lot A, practically the same land, and that there is no entry for the N. ½ NE. ¼, it was assumed that one of these entries was intended to cover the last described tract, of which Miss Alexander appears to be in possession under color of title, but the proof of title furnished the office was not sufficient to warrant the amendment of either of the entries. Hence the department knows of no reason why the proposed bill should not be enacted into law.

Mr. MILLER. Are there any conflicting rights in this case?

Mr. BOWLING. There are no conflicting rights. I have in my possession an abstract of title which traces it from 1819 to Miss Alexander, and this includes 60.09 acres of land, a part of a tract of land of about 300 acres which she owns. There is no conflict of ownership at all.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Mattie Alexander for the north half of the northeast quarter of fractional section 33, township 17 north, range 14 east, St. Stephens meridian, survey in Alabama.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BOWLING, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH ZITEK.

The next business on the Private Calendar was the bill (H. R. 8448) for the relief of Joseph Zitek.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I think the House is entitled to some explanation of the measure.

Mr. WALSH. Mr. Speaker, I object.

F. E. TAYLOR AND B. C. BROOM.

The next business on the Private Calendar was the bill (H. R. 8767) for the relief of F. E. Taylor and B. C. Broom.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I notice that in this bill the committee carries a small sum for compensation for personal injuries. Upon what theory was the award made?

Mr. UNDERHILL. Mr. Speaker, the theory was based upon the facts in the matter. These two men were injured through no fault of their own. An Army truck, driven by a civilian employee, came down one of the main streets in this town and the chain of the tailboard was hanging loose, with a hook on the end of the chain. It caught in the spokes of the wheels of a buggy that had been pulled up as near the curbing as possible to get out of the way of the truck. The buggy was dragged for some 50 feet, was wrecked, and the horse was injured, and the two men who were in the buggy at the time of the accident were also injured.

Both of these men showed a commendable spirit in not asking for large damages, but for just the amount which would recompense them for their doctors' bills, and nothing for loss of time, except in the case of Mr. Taylor, where the amount asked is about $500. The man's knee was severely injured, his leg was broken, and he was laid up for three months. He asked for $500. The committee thought from the reports received and the investigation that was made that it was a very reasonable amount. The other man asked for $100, and on my recommendation that was reduced to $50, the committee thinking that he had not suffered more than that amount of damages.

Mr. WALSH. How much of this is for damage to the horse and buggy?

Mr. UNDERHILL. Sixty-five dollars.

Mr. WALSH. The horse and buggy were owned by Mr. Taylor?

Mr. UNDERHILL. The horse and buggy were owned by Mr. Taylor.

Mr. WALSH. And this was upon a public highway?

Mr. UNDERHILL. One of the main streets of the town. They could not get further out of the way on account of the curbing.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. E. Taylor the sum of $565 as compensation for personal injuries and damages to horse and buggy sustained by being run into from the rear by a United States Army truck belonging to Company 47, then stationed at Camp Greene, Charlotte, N. C.; and to B. C. Broom the sum of $100 as compensation for personal injuries sustained in the same manner.

With the following committee amendment:

Line 10, strike out "$100" and insert in lieu thereof "$50."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ZAH BARMON.

The next business in order on the Private Calendar was the bill (H. R. 7425) for the relief of Zah Barmon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Zah Barmon, of Spokane, Wash., doing business under the trade name of "Mikes' Trading Store," the sum of $3,625, to reimburse her for said amount of money deposited by her in connection with a bid submitted for certain surplus property advertised for sale by the Surplus Property Division of the War Department and erroneously covered into the Treasury of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBSTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRADLEY SYKES.

The next business in order on the Private Calendar was the bill (H. R. 540) for the relief of Bradley Sykes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, I think we ought to have an explanation of this bill. The last bill was by my colleague, and, of course, it illustrates the teamwork of the Washington delegation.

Mr. MANN. And the gentleman let the last bill pass without even a report from the War Department.

Mr. MILLER. I think that further illustrates the teamwork of the Washington delegation.

Mr. MANN. I notice; the rest of us had better get busy.

Mr. BOX. Mr. Speaker, Bradley Sykes, the party injured in this case, was crossing a Chicago street at a crossing, and as she approached the middle of the street she stopped at or about the middle of the street watching several automobiles moving in the street across her path from the west, when a truck belonging to the Post Office Department and driven by one of its employees, approaching at a very rapid rate from the other direction, struck her as she stood about the middle of the street waiting to proceed, knocked her down, injured, and disabled her for some nine months, causing her to spend a large amount, as shown in the bill, for medical expenses, hospital treatment, and other incidental items. It appears to be a case of very gross negligence on the part of the driver of

the truck and no fault on the part of the claimant. The items constituting the amount of the claim have been gone into carefully by the committee. We are convinced that the claim is just and the amount reasonable.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $2,000 to Bradley Sykes, for injuries sustained as the result of being struck by a Government-owned automobile in Chicago on June 28, 1920.

The committee amendment was read, as follows:

Page 1, line 5, strike out "$2,000" and insert in lieu thereof "$1,727."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORA T. DERING.

The next business in order on the Private Calendar was the bill (H. R. 5068) for the relief of Cora T. Dering.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I think there ought to be some explanation of this bill, as I think the House would like to have it.

Mr. GLYNN. Mr. Speaker, I shall be very happy to inform the gentleman from Washington. This is a case of a man who was sitting in his own house, in his own dining room, when a rifle in the hands of a soldier in the Federal service was discharged and this man, John Dering, was killed. This was on April 7, 1917, just before the declaration of war. This soldier was a member of the National Guard and had been called into the Federal service a day or two before. It was the accidental discharge of a rifle in the hands of a soldier guarding a bridge and, as I say, killed this man who was sitting in his own dining room, and, in accordance with the judgment of the Committee on Claims, I am inclined to believe that even though a man may be a citizen of the United States perhaps he is entitled to as much protection as if he came from Japan or Cuba.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cora T. Dering, of Sullivan County, N. Y., out of any money in the Treasury not otherwise appropriated, for herself and in behalf of her children, the sum of $57.50 per month for a period of 10 years, in full settlement of all claims against the United States for the loss by death of her husband, John Dering, caused by carelessness in the use of a rifle or other firearm issued to Private John T. Kelley, while on duty as guard in the service of the United States at Callicoon, N. Y., on or about the 7th day of April, 1917, said compensation to be payable from and after April 7, 1917: *Provided*, That the said money shall be applied to the support of the widow and the said children during their respective minorities, but if she again marries the entire amount thereafter shall be used by her for the benefit of the minor children, and if the mother dies the money shall be paid the oldest child for the minors.

The committee amendments were read, as follows:

Page 1, line 6, after the word "appropriated," strike out "for herself and in behalf of her children the sum of $57.50 per month for a period of 10 years" and insert in lieu thereof "the sum of $5,000."

Page 2, line 1, after the figures "1917," strike out the remainder of the bill.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

G. C. CALDWELL.

The next business in order on the Private Calendar was the bill (H. R. 7052) for the relief of G. C. Caldwell.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to G. C. Caldwell, out of any sums in the Treasury not otherwise appropriated, the sum of $132.85 for damages to his automobile by an Army truck belonging to the Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULMER a motion to reconsider the vote by which the bill was passed was laid on the table.

ANNE C. SHYMER.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6134) for the relief of the estate of Anne C. Shymer.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, this is a claim for loss of jewelry on the *Lusitania?*

Mr. EDMONDS. It occurred through the sinking of the *Lusitania*.

Mr. MANN. It did not occur through the sinking of the *Lusitania;* that is not the way——

Mr. EDMONDS. The loss occurred in the Consular Service; they are holding jewelry taken off the body of somebody sunk with the *Lusitania*. It is something like the house that Jack built.

Mr. WALSH. Well, as I understand it, this lady was a passenger on the *Lusitania*. She had some very valuable jewels. The steamer was torpedoed and sunk, and when her body was recovered the American consular or diplomatic officer took charge of this jewelry. They endeavored to transmit it by mail, and it was lost, or was lost in transit between one place and another, was it not?

Mr. EDMONDS. It was evidently lost in the consul general's office in London, as near as can be ascertained. It was transmitted by the consul at Cork to the office in London. There is no record of it after leaving the London office.

Mr. COLE of Iowa. There is a record of its having been placed in a sealed pouch of the Consular Service.

Mr. EDMONDS. But no record after that.

Mr. WALSH. It says that the department has no record of having received such a package in the pouch from London.

Mr. COLE of Iowa. The record is they were placed in the pouch.

Mr. WALSH. The American consul at Queenstown, Cork, was instructed by mail to endeavor to trace the package. The list of the jewelry is set out, and they evidently have been unable to verify——

Mr. EDMONDS. I think the gentleman is mistaken there. At the bottom of page 1 of the report you will notice that Leslie E. Reed, the American vice consul at London, wrote to Miss Justice:

At the request of the American consul at Cork, Ireland, the consul general has to-day forwarded to you, in care of the Department of State, a small parcel containing jewelry which formely belonged to Mrs. R. D. Shymer, who, I am informed, was one of the unfortunate *Lusitania* victims.

The record seems to have been lost after leaving the consul general's office in London.

Mr. COLE of Iowa. Yes; it was placed in the sealed pouch.

Mr. MILLER. Will the gentleman from Massachusetts yield so that I may ask the gentleman from Pennsylvania a question?

Mr. WALSH. Certainly.

Mr. MILLER. Who is to be the beneficiary of this legislation?

Mr. EDMONDS. Miss Maibelle Heikus Justice, of New York.

Mr. MILLER. A daughter?

Mr. EDMONDS. A sister.

Mr. MILLER. Now, would she be the heir at law?

Mr. EDMONDS. I presume so.

Mr. MILLER. Are there any children or direct heirs?

Mr. EDMONDS. I do not think so. It is supposed to be given to a legal representative.

Mr. MILLER. What is the amount?

Mr. EDMONDS. We gave $3,900. We arrived at that by a different valuation of the jewelry. The heirs valued the jewelry at the new, higher price. We had the estimate made on the price of the jewelry at the time it was purchased, and we gave them that.

Mr. MILLER. What is the explanation of this property being missing? Is there a thief in the service, or was there an accident?

Mr. EDMONDS. Nobody can tell that. There is no report about it. All that is known is that the consul at Cork, without legal responsibility, as near as I can find out, but with absolute moral responsibility, took possession of these jewels. He put them in a package and sent them to the consul general in London.

Mr. MILLER. Through the mails?

Mr. EDMONDS. I do not know whether it was or not. But the jewelry arrived at London. It is so acknowledged. Appli-

cation was made by Miss Justice for this property, probably after some search by the department. I do not know as to that. Mr. Reed, I think it was, put this package in the mail in a sealed form. Now, we do not know any further than that. It did not arrive on this side.

Mr. MILLER. Will the gentleman yield further for a short question?

Mr. EDMONDS. Surely.

Mr. MILLER. This property was lost in the mails between England and the United States?

Mr. EDMONDS. Probably in the diplomatic pouch.

Mr. MILLER. Is there no system of recovery from the parties transporting the mails?

Mr. EDMONDS. If it was sent in a sealed diplomatic pouch I doubt if anybody would be responsible for it except the Department of State. Surely no foreign government, or even our own Government, could open a diplomatic pouch until it arrived at the Department of State.

The question you gentlemen have to decide is this: There may be a consular regulation requiring a consul to take charge of an American citizen who dies abroad within his jurisdiction. There is a law on the statute books that the consul shall take possession of the effects of a sailor who dies at a foreign port—an American sailor. I say there may be a regulation, but there is no law that I can find that makes us responsible for an accommodation we are doing for somebody in sending their property forward in case of death. However, the United States Government took possession of this property. They forwarded it to the State Department to be forwarded to the heirs. The property has disappeared. It is acknowledged that it has disappeared, and it is now up to the House to decide as to whether they desire to pay the value of the property to heirs of the party who lost it.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6124) for relief of estate of Anne C. Shymer.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the personal representatives, for the next of kin, out of any money in the Treasury not otherwise appropriated, the sum of $12,000, as full compensation for the loss of jewelry, the property of Anne C. Shymer, who was lost in the sinking of the *Lusitania*, which jewelry was transmitted to the State Department in a sealed Government pouch by the consul general at London, and was lost upon its receipt at the department.

Also, the following committee amendments were read:

Line 4, strike out the words "personal representatives, for the next of kin" and insert: "legal representatives of the estate of Anne C. Shymer."

In line 7 strike out "$12,000" and insert in lieu thereof "$3,900."

Line 8, after the word "of," insert "the aforesaid."

Line 10, after the words "State Department," strike out: "in a sealed Government pouch by the consul general at London."

Line 12, strike out "upon its receipt at the department," and insert in lieu thereof "in transit."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ED. E. RICHARDSON CO. (INC.).

The next business on the Private Calendar was the bill (S. 2147) to authorize patent to the Ed. E. Richardson Co. (Inc.) of certain lands.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to patent to the Ed. E. Richardson Co. (Inc.) lot 2, section 26, and lots 2 and 3, section 27, township 18 north, range 10 east, Louisiana meridian, embracing 104.81 acres, upon payment to the Government of $1.25 per acre, lands which they and their grantors have occupied under claim and color of title and open and notorious possession for 20 years: *Provided*, That proper application for the purchase of these lands be filed hereunder in the district land office within six months from the passage of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale is made.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

The next business on the Private Calendar was the bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the exclusive right to use, occupy, and enjoy the possession of all of lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark., is by this act granted to the Leo N. Levi Memorial Hospital Association, a corporation organized under the laws of the State of Arkansas, for the purpose of erecting and maintaining thereon an addition to or extension of its present hospital building, located on adjoining lots, Nos. 3 and 4, in said block 114, in said city of Hot Springs, Ark. The rights and privileges granted under this act shall continue as long as the property is used and occupied for the purposes mentioned in this act, subject, however, to the following conditions and limitations, namely, that unless said Leo N. Levi Memorial Hospital Association shall within five years after the passage of this act erect and equip a suitable and sightly addition to or extension of its present hospital building, or if said Leo N. Levi Memorial Hospital Association shall at any time hereafter use or permit the premises to be used for any other purpose than that herein granted, or if at any time pay wards are maintained in any buildings erected upon the lots hereby granted, then and in either event all the rights, privileges, and powers by this act granted and conferred upon said association shall be forfeited to the United States.

With a committee amendment as follows:

Page 1, line 4, insert, after the word "possession," the words "for hospital purposes."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Arkansas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

JOSEPH ROBICHEAU.

The next business on the Private Calendar was the bill (H. R. 463) granting a patent to Joseph Robicheau.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Joseph Robicheau to the following land: Northwest quarter of the southeast quarter and south half of the southeast quarter section 27, and the northwest quarter of the northeast quarter section 34, township 47 north, range 8 east, Boise meridian, Coeur d'Alene (Idaho) land district.

With a committee amendment as follows:

In line 9, after the colon, insert "*Provided*, That nothing herein contained shall be held to interfere with or defeat any sale heretofore made by the Forest Service of timber upon the land herein granted."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill, as amended, was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROSEN REICHARDT BROKERAGE CO.

The next business on the Private Calendar was the bill (S. 157) for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Rosen Reichardt Brokerage Co., of St. Louis, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $372.24, the same being a refund of duty paid on certain walnuts imported on December 15, 1918, and covered by New York warehouse bond No. 88451.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time; was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

OWNER OF THE STEAM LIGHTER "CORNELIA."

The next business on the Private Calendar was the bill (S. 1814) for the relief of the owner of the steam lighter *Cornelia*.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owner of the steam lighter *Cornelia* rising out of a collision between said steam lighter and the United States destroyer *Bell* in Broad Sound, Boston Harbor, Mass., on the 9th day of August, 1918, for and on account of the losses alleged to have been suffered in said collision by the owner of said steam lighter *Cornelia* by reason of damages to and detention of or the loss of said steam lighter, her boats, engines, boilers, tackle, apparel, furniture, and supplies, may be submitted to the United States Court for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

With a committee amendment, as follows:

Page 1, line 9, strike out the words "and detention of."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

AMERICUS ENFIELD.

The next business on the Private Calendar was the bill (H. R. 10179) for the relief of Americus Enfield.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Americus Enfield, postmaster at Bedford, Pa., in the sum of $41,148.94, due to the United States on account of war-savings stamps and postage stamps which were lost as the result of burglary of said post office on November 7, 1918.

Mr. ROSE. Mr. Speaker, I think it well to bring to the attention of the House a few remarks in connection with this bill. It is for the relief of Americus Enfield, postmaster at Bedford, the county seat of one of the counties I have the honor to represent. I would like to say for the benefit of the membership of the House that I am acquainted with the postmaster and have known him for many years. He is beyond the age of 70 years. He is a man of exceedingly high standing in the community, and so far as I can learn has discharged his duties as postmaster to the satisfaction of the patrons of the office.

Mr. EDMONDS. He is a Democrat?

Mr. ROSE. Yes; I will admit that he is a Democrat and that his commission will expire during the present year. It is altogether likely that he will not be reappointed should an appointment be made while I have the honor of serving the district. Mr. Enfield is too big a man to expect it. Following the burglary a very searching and comprehensive examination was made, and it was plainly shown by the evidence that neither the postmaster nor any of the clerks employed in the office was guilty of negligence. A voluminous report was made to the Postmaster General, a copy of which is attached to the report of the committee, and I suggest that if further information be desired that it can be easily obtained by a perusal of the report mentioned. Under existing law the department is without power to bring relief to Postmaster Enfield, for the reason that the amount involved exceeds the sum of $10,000, and hence it is Mr. Enfield is obliged to ask for relief at the hands of Congress. I am firmly convinced that the claim is meritorious and that the high standing and integrity of Postmaster Enfield have not been questioned. With these few words, I ask for favorable consideration of the bill.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House out of order.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House out of order. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, at the time of the debate on the adjusted compensation bill for the soldiers, commonly called the bonus bill, the prediction was several times made that the result of the passage of the bill would be to depress the value of national securities. Nevertheless the bill passed the House and is likely to soon pass the Senate. In the meantime the market value of United States bonds has been going up every day.

It was also predicted that the passage of the bill would make money rates higher and that the Government would have difficulty in borrowing money as cheaply as before. Since the passage of the bill the Government has marketed its short-time certificates at 3½ per cent, the lowest rate at any time since the European war broke out. This is another dire prediction that has not been fulfilled. The Government has since the war reduced our national obligations three and a half billions of dollars and at the same time the taxes have been greatly lowered. A Government that can do this will have no trouble in finding means to pay the adjusted compensation in 20 years.

Mr. Speaker, the original bonus bill, passed two years ago, provided for the payment of the compensation for the soldiers in cash if desired. Upon its reconsideration, my committee concluded that the Government was not in a position to pay all this compensation in a short time and the committee also had doubts whether this would be the best plan for the soldiers themselves. At the same time the committee realized it was necessary to devise some plan whereby the soldier in need could obtain assistance when necessary. While the Ways and Means Committee was considering this feature of the case my colleague, Mr. HULL, appeared before it and stated that, as the soldiers were to receive what was practically a paid-up endowment insurance policy, if the certificate was given a loan value, with proper restrictions, the difficulties in the situation would be overcome. My recollection is that he was the first to mention this plan, the details of which he left for the committee to work out. The committee accordingly considered this proposition and found it could be worked out satisfactorily. From it there was evolved the bank loan plan which forms so important a feature of the bonus bill, and my colleague is entitled to great credit for having presented it to the committee.

Money is now getting so much easier that many of the banks in the East have more than they can place upon absolutely secure loans like those provided for by this feature of the bill and even in the West, where the banks have been harder pressed, there is no longer any talk that they can not easily furnish the money for their share of these loans. It is not likely that the certificates can be issued much before the beginning of the next year if the bill becomes a law, as it will take several months to organize the proper force to issue these certificates. I predict that by that time most of the banks will be glad to get these loans which have the Government guaranty back of them.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. CHANDLER of New York. I followed very closely the debates in the House on the subject of the soldiers' bonus bill. Nearly all the speeches which referred to the matter prophesied that if the bill finally became a law it would depreciate the Liberty bonds. The mere passage of the bill through the House did not have that effect. The bill has not passed the Senate yet or been signed by the President of the United States. I renew the prediction here that the passage of that bill will depreciate every Liberty bond in the Republic.

Mr. EDMONDS. Mr. Speaker, I ask for the regular order.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

MICHIGAN BOULEVARD BUILDING CO.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, how did the committee arrive at this amount? I notice that they have practically cut it in half.

Mr. MADDEN. I understand that the committee arrived at the amount by deducting a claim made by the owners of the building for 18 months' rent, and allowing them for only 5 months' rent instead of 18 months.

Mr. WALSH. That accounts for the deduction?

Mr. MADDEN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, do pay to the Michigan Boulevard Building Co., a corporation of Chicago, of the State of Illinois, the sum of $18,931.69 in full satisfaction of all claims of the Michigan Boulevard Building Co. growing out of or pertaining to the occupancy of office space in the building of the Michigan Boulevard Building Co., at the southwest corner of Washington Street and Michigan Avenue, in the city of Chicago, by the War Department for Central Department headquarters during the period from December 15, 1917, to November 30, 1918, both inclusive.

With the following committee amendment:

Page 1, line 6, strike out "$36,931.69" and insert "$18,931.69."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

SETH J. HARRIS ET AL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2694) for the relief of Seth J. Harris, Jimmie Lee Martin, Mary Holloman, and William Henry Coleman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, through the United States Employee's Compensation Commission, to pay to the following-named persons the sums designated as compensation for personal injury and death suffered through the explosion of a certain shell fired by the student officers of Fort McPherson, Atlanta, Ga., on the south side of Kennaw Mountain, Cobb County, Ga., on August 8, 1917:

To Jimmie Lee Martin, on account of the death of her husband, Charlie Martin, the sum of $35 per month until her remarriage or death, and $3.50 additional per month for each of her six minor children; and in the event of the remarriage or death of said Jimmie Lee Martin payments on account of said minor children shall be paid to their guardian or guardians until such time as they shall have reached the age of 18 years, respectively.

To Mary Holloman, on account of the death of her husband, James Holloman, the sum of $35 per month until her remarriage or death, and $3.50 additional per month for each of her two minor children; and in the event of the remarriage or death of said Mary Holloman payments on account of said minor children shall be paid to their guardian or guardians until such time as they shall have reached the age of 18 years, respectively.

To William Henry Coleman, for personal injuries, the sum of $300.

With the following committee amendments:

Page 2, line 3, after the word "years" insert "monthly compensation to commence from the date of the accident."

Page 2, line 12, after the word "respectively" insert "monthly compensation to commence from the date of the accident."

Page 2, line 23, after the word "respectively" insert "monthly compensation to commence from the date of the accident."

Mr. MANN. Of course, these bills are somewhat new. I do not know whether this form has been recommended by the Compensation Commission, though I somewhat doubt it. The Compensation Commission is not under the Treasury Department, is it?

Mr. COLE of Iowa. No; it is separate.

Mr. WALSH. It is not under any executive department.

Mr. MANN. Why should we say—

That the Secretary of the Treasury be, and he is hereby, authorized and directed, through the United States Employees' Compensation Commission to pay—

certain money? Why should we not say that the United States Employees' Compensation Commission be directed to pay? Would not that be better? Then I take it that they would pay the money out of the annual appropriation which is made for the payment of compensation.

Mr. COLE of Iowa. This does not come under the Compensation Commission. This happened before the Compensation Commission was created.

Mr. MANN. That is all true.

Mr. COLE of Iowa. We simply want to make it appear that we intend to bring this under the compensation act, and we simply want the Treasury to use this commission as the means of making the payment.

Mr. MANN. It is just as easy to direct the Compensation Commission directly to pay the compensation as it is to go through the circumlocution of saying that the Secretary of the Treasury shall pay through the Compensation Commission.

Mr. UNDERHILL. I do not know that that can be done.

Mr. MANN. I know it can be done if we direct it to be done by law.

Mr. UNDERHILL. Well, it rests with the House to declare what policy they desire to pursue in these bills based on the compensation tables that the committee will bring in from time to time. If the House prefers to have the Compensation Commission pay them directly from its appropriation, it makes little or no difference as far as the committee or the beneficiaries are concerned.

Mr. MANN. Does the gentleman expect we are going to make an appropriation every year for these items? Some years ago we provided for the payment of $1,500 a year to two Army officers and $1,200 to another, and every year we have had to carry those items in the Army appropriation bill, and nearly every year, not every year, for the last 15 or 20 years it has provoked discussion because Members did not know what it meant.

Mr. UNDERHILL. Personally, I think the suggestion of the gentleman from Illinois is a mighty good one, and I would like to see it applied not only to this but to other bills of a similar character on the calendar.

Mr. EDMONDS. These people are not in the employ of the United States Government.

Mr. MANN. I understand that.

Mr. EDMONDS. I think the gentleman is right, that we should say the commissioner is authorized to pay these people, and that would take care of the appropriation in the future.

Mr. WALSH. Will the gentleman yield?

Mr. MANN. Yes.

Mr. WALSH. What is the idea of the committee starting off on this policy of paying damages in monthly payments?

Mr. MANN. It is easy enough to explain in this case. Here are some colored people of the South, probably not very provident, who were killed under very distressing circumstances by men in gun practice. These are the young children. If you paid them a lump-sum appropriation, the chances are that some one would get it away from them inside of six months or a year, and it would be squandered.

Mr. COLE of Iowa. That is the very idea we had in mind.

Mr. WALSH. That is very considerate, of course. There may be white people where payments are made in lump sums and where people get it away from them. If we are going to do that—and it seems to be an anomaly to provide that the Employees' Compensation Commission should now be made the conduit through which payment should go to people who are not employees of the Government, and who are not subject to the rules and regulations of that commission with reference to Government employees to whom payments are made for injuries. If we are going to take over the Employees' Compensation Commission for that purpose, it seems to me it is going to require a lot of additional machinery.

Mr. MANN. I do not think it will require any additional machinery. These children are only to be paid while they are under 18 years of age.

Mr. WALSH. Some of these payments are to keep on until remarriage or death. Here is one payment to a wife.

Mr. MANN. It will not be long before she is remarried.

Mr. WALSH. She probably will not remarry and lose the revenue.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VINSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ANNA M. TOBIN.

The next business on the Private Calendar was the bill S. [illegible].

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, I can not quite see how there is any obligation on the part of the Federal Government to pay for this damage. As I understand it, there was an offer to restore the property to its original condition, which was refused, although that is in dispute in the letter of the executrix of the estate. But why should the Government pay for damages of this sort, evidently inflicted by some men in the militia companies who came from New England?

Mr. BOX. The basis is that the men were in the militia service of the United States; they had access to this private property and were beyond the control of the officers, and it was not in the power of the people to protect it. They were there, and in various ways damaged the property to the extent represented in the bill.

Mr. WALSH. It was a sort of malicious mischief, apparently. Why should not the boys that inflicted the damage bear the burden of it? Why should the Government be responsible?

Mr. BOX. If the claimant is remitted to that, it is equivalent to a denial of relief.

Mr. WALSH. Even granting that, why should she then be permitted to collect from the Federal Government?

Mr. BOX. The theory on which the bill was introduced and, I presume, passed the Senate was that the soldiers were in the employ of the Federal Government, and not being properly controlled, damaged this private property.

Mr. WALSH. I do not think there was much theory on which it passed the Senate. This kind of measure passes the Senate sometimes without theory or anything else.

Mr. BOX. If there was no theory at the other end of the Capitol, on what principle would the gentleman say that these parties ought to bear this loss without fault on their part? The damage was done by our servants—men in our service—who were not controlled so as to prevent depredation on private property. Of course, it was done by soldiers in mass, and we do not know who they were. We have absolutely no recourse if the Government does not protect us. The gentleman can realize that the people who suffered this loss are absolutely without redress and without remedy. There is no protection at all.

Mr. WALSH. That is the reason they are coming to Uncle Sam.

Mr. BOX. Because he caused it.

Mr. WALSH. Oh, he did not cause it. This was not anything that was done in the line of duty by these young men. They broke some windows and wrote upon the wall and otherwise damaged the property. It is not anything that was done in the line of duty. Apparently they were out on a frolic, and because these people do not know who did it and they can not make the individuals compensate them they say, "Well, we will let the Federal Government pay it."

Mr. BOX. We do know that it would not have occurred if the Government had not established a military post there and if the men in the service had not depredated on the property. There are a great many cases, as the gentleman will recognize, in which the individuals are responsible and where the principle is also responsible. It is not contended here that there is absolute legal liability, as the gentleman will recognize.

Mr. WALSH. Mr. Speaker, this does not appeal to me as one of the claims that should be settled by the Federal Government, and therefore I object.

LIZZIE ASKELL.

The next business on the Private Calendar was the bill (H. R. 3034) for the relief of Lizzie Askel.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, let us have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay the sum of $5,000 to Lizzie Askel, widow of Charles Askel, and that the said sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

With the following committee amendments:

Lines 4 and 5, strike out the words "Askel" and and insert in lieu thereof the words "Askell."

Mr. WALSH. Mr. Speaker, reserving the right to object, how was the sum of $5,000 arrived at here?

Mr. UNDERHILL. Mr. Speaker, the committee has tried to devise a uniform system for settling claims for personal damages. We have made some reports where the amount is less than $5,000, but that is because the claimant has drawn the bill for a lesser sum, and the committee did not feel justified in raising the amount. The committee has settled upon $5,000, not that they had any basis for settling on that amount but simply because it is the best thing that they could evolve—$5,000 in case of the death of an adult. We tried to base the amount as far as possible upon the table of rates of the workmen's compensation commissions, but in the State of Oregon had the workmen's compensation table of rates been used the widow of this man would have received at least $7,500. Having placed a limitation of $5,000 in case of death, the committee did not see that they could use that table of rates.

Mr. WALSH. Why is the payment to be made in a lump sum in this instance?

Mr. UNDERHILL. Because the people are fully able and competent to care for the amount invested, so that it may bring in some income, draw upon it for necessities, and, in addition to that, help pay for some land that the man had bought and partially paid for before his death.

Mr. WALSH. Earlier in the day a bill was passed where all those conditions would seemingly apply and the payment was made in the form of an annuity. Of course, if it is put in the form of an annuity and there is no provision for continuing the payment in case of death, sometimes it would not cost the Government so much.

Mr. UNDERHILL. I think the gentleman is mistaken in regard to the conditions being the same. They are not the same in this case as in the previous case. In the previous case it was the judgment of the committee that the Workmen's Compensation Commission would be better able to see that justice was done than if the payment were made in a lump sum. In this instance a lump sum was almost necessary to assist in securing to this widow, in part at least, the support she would have had had her husband lived.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of objection.

Mr. MANN. Mr. Chairman, reserving the right to object, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. MANN. When did the committee adopt the policy of $5,000 in case of death, if the gentleman recalls?

Mr. UNDERHILL. Soon after the first few meetings of the committee that question came before us. We had various bills in the committee asking for sums varying from less than $5,000 to $25,000.

Mr. MANN. The gentleman means in this Congress?

Mr. UNDERHILL. Yes.

Mr. MANN. Within the last year?

Mr. UNDERHILL. Yes; so far as I know.

Mr. MANN. Previously the committee had adopted the policy of paying not to exceed a year's compensation to the beneficiaries of anyone who lost his life.

Mr. UNDERHILL. I think probably the gentleman is right, but he does not go far enough. The year's compensation was laid down in the compensation law of 1908. That compensation law was abrogated by the law of 1916. So that in instances previous to the adoption of the law of 1916 when any case of death occurred we have used the provisions of the compensation law of 1908.

Mr. MANN. Neither compensation law governs the case. The law is not applicable in any case, because if it came within the compensation law it would not be here as a special bill.

Mr. UNDERHILL. That is correct.

Mr. MANN. For a long time after I came here there was nothing paid in any of these cases. Then when they started in to pay these claims they put them in at various amounts, reporting bills which seldom passed for $5,000 or less. The committee then adopted the policy of paying one year's compensation, analogous to the compensation act. However, I am not complaining about the $5,000. I would like to make this suggestion, however. These bills are getting so now that they are presented by ambulance chasers, as we used to call them. Attorneys are interested in most of these bills. They take them on contingent fees, and an attorney can give considerable time to presenting a claim which may be $5,000 if he is to get one-half of it. I think there ought to be a policy adopted by the committee in reporting these bills which would limit the amount of money which can be paid for attorneys' fees.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. UNDERHILL. Mr. Speaker, I do not recall a case that this committee has reported favorably thus far this year where any attorney is interested in any way, shape, or manner.

Mr. MANN. That might all be, but I have several letters from attorneys interested in some of these bills.

Mr. UNDERHILL. Most every one thus far has been presented by the Member from the district in which the deceased lived.

Mr. MANN. I have no doubt of that, but that does not interfere with an attorney being interested.

Mr. EDMONDS. I think the gentleman from Illinois is absolutely right. There are attorneys in some of these claims and in this case he is Mr. William H. Powell, Chamber of Commerce Building, Portland, Oreg. It is only recently that the clerk of the committee and myself have been going over this matter with the idea of making provision for some limited fee.

Mr. MANN. I think that ought to be done. That ought to be the policy of the committee, as I do not think these attorneys ought to be allowed exorbitant fees, and in these cases the person will make most any kind of an arrangement on the basis of a contingent fee.

Mr. ROACH. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. ROACH. I could not hear the conversation, but did I understand the gentleman to state that the Committee on Claims at this session adopted a maximum of $5,000 in a death claim?

Mr. UNDERHILL. Not absolutely $5,000 in all cases, but $5,000 is the maximum.

Mr. ROACH. That is what I say, that is the maximum amount?

Mr. UNDERHILL. That is the maximum amount.

Mr. ROACH. The Committee on Claims have adopted that amount in case of a death without any regard to the earning capacity of the deceased or the relative merits of the claim.

Mr. UNDERHILL. We put all on the same basis.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay the sum of $5,000 to Lizzie Askel, widow of Charles Askel, and that the said sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The committee amendments were read as follows:

Page 1, line 4, strike out "Askel" and insert "Askell"; page 1, line 8, strike out "Askel" and insert "Askell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Lizzie Askell."

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

OWNERS OF THE SCHOONER "HORATIO G. FOSS."

The next business in order on the Private Calendar was the bill (S. 1817) for the relief of the owners of the schooner *Horatio G. Foss.*

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Horatio G. Foss*, arising out of a collision between said schooner and the United States collier *Jupiter* off Winter Quarter Light Vessel on the 18th day of May, 1918, for and on account of the losses alleged to have been suffered in said collision by the owners of said schooner *Horatio G. Foss* by reason of damages to and detention of said schooner, may be submitted to the United States Court for the District of Massachusetts, under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The committee amendment was read, as follows:

Page 1, line 9, strike out the words "and detention of."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

KINEO TRUST CO.

The next business on the Private Calendar was the bill (H. R. 8073) for the relief of the Kineo Trust Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money not otherwise appropriated, to the Kineo Trust Co., of Dover, Me., a banking corporation existing by law, or its assigns, the amount of the principal and interest due it as owner of a lost, unregistered Treasury certificate of indebtedness, No. 6768, for $5,000, series T-19, issued September 15, 1919, due September 15, 1920, bearing interest at the rate of 4½ per cent, upon said bank or its assigns filing in the Treasury of the United States a bond in a penal sum double in amount of the lost Treasury certificate No. 6768 and the interest accrued thereon to the date of its maturity, with sufficient surety or sureties, to be approved by the Secretary of the Treasury with conditions to indemnify and safeguard the United States from any claim upon said Treasury certificate of indebtedness No. 6768, the amount to be so paid, however, not to exceed the amount that would have been paid if the certificate of indebtedness had been presented in the Treasury of the United States, or any authorized agency, at the date of its maturity—

The committee amendment was read as follows:

Page 1, line 4, after the word "pay" strike out all down to and including the word "maturity," page 2, line 12, and insert in lieu thereof the following: "to the Kineo Trust Co., of Dover, Me., a banking corporation existing by law, or its assigns, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 with interest at the rate of 4½ per cent per annum from September 15, 1919, to September 15, 1920, the amount of the principal and interest due it as owner of a United States Treasury certificate of indebtedness of series T-19, No. 6768, dated September 15, 1919, and maturing March 15, 1920, of which the Kineo Trust Co. has established loss from its possession; and shall require the Kineo Trust Co. to furnish to the Secretary of the Treasury a bond in a penal sum of double the principal amount of the lost United States Treasury certificate and the interest accrued on such obligation, with such security or surety as the Secretary of the Treasury may require to indemnify the United States against any loss from any claim that may subsequently be made upon such lost United States Treasury certificate of indebtedness."

The question was taken, and the committee amendment was agreed to.

Mr. EDMONDS. Mr. Speaker, I offer the following amendment, and that is to strike out the comma at the end of line 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: At the end of line 3, page 1, strike out the comma.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FIDELITY & DEPOSIT CO. OF MARYLAND.

The next business in order on the Private Calendar was the bill (S. 2765) for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WATSON. Mr. Speaker, reserving the right to object, I desire to ask the chairman of the committee if there was carelessness on the part of the bank in guarding the bonds? I notice from the report that the bonds were kept in a truck safe on the outside and not returned to the bank vault until night.

Mr. MANN. What did the gentleman say?

Mr. WATSON. I desire to know what carelessness there was on the part of the bank in taking charge of the bonds.

Mr. MANN. I know; but where does the gentleman say they were kept?

Mr. WATSON. According to the report, they were kept in a truck safe during the day outside the main vault, and they were lost between the 26th day of April and the 29th day of April. During the day they were kept outside of the main vault, and I desire to know whether there was carelessness on the part of the bank?

Mr. MANN. Where does the gentleman find that?

Mr. WATSON. Page 3, Exhibit No. 1. There have been a great many claims presented to the Congress since I have been a Member which have shown carelessness on the part of those having money and securities in charge.

Mr. MANN. For instance, suppose they threw them away, the Government owes the money to somebody.

Mr. WATSON. I wanted to inquire as to the carelessness.

Mr. MANN. The Fort Dearborn National Park, in which I have been a great many times, was one of the big banks of Chicago, and where I do not think they ran things carelessly, but——

Mr. WALSH. That statement has nothing to do with this claim. That was with reference to another incident.

Mr. WATSON. But it states the bonds were stolen while on the trucks.

Mr. EDMONDS. I will state that the committee has never gone very closely into the circumstances in regard to the loss of bonds where we have the numbers of the bonds, because the security company is forced to give us a bond for twice the amount of the bonds, and should they turn up they re-collect. If they are lost they are lost, even if it was by carelessness, and I do not think, if the bonds can be identified, we should refuse to give the man who offers to give us twice the security an opportunity to get his money back.

Mr. MANN. This statement is that the trust safe was out in the daytime, where he had to get at it, and was kept in the vault below during the night. Of course, the trust safe is not left open for strangers to walk into.

Mr. WATSON. It was not necessary for these bonds to be outside of the vault during the day. They should have been downstairs in the vault.

Mr. MANN. These bonds held by the bank are on sale, I take it.

Mr. WATSON. I do not know that these bonds were for sale.

Mr. MANN. All bonds owned by banks, I think, are for sale. I do not know. Of course, the bank is not interested in this question at all.

Mr. WATSON. I wanted to get the facts.

Mr. MANN. The bank is out of existence now.

Mr. WATSON. I withdraw my reservation, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2765) for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, after the 15th day of December, 1921, 4½ per cent United States Treasury certificates of indebtedness No. 13387 and 13388 of the denomination of $10,000 each, series TD-1920, dated January 2, 1920, and maturing December 15, 1920, with interest from June 15, 1920, to December 15, 1920, in favor of the Fidelity & Deposit Co. of Maryland without presentation of the certificates, the said certificates of indebtedness having been stolen, lost, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal and interest of the said certificates of indebtedness of the United States of America in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the stolen, lost, or destroyed certificates of indebtedness hereinbefore described.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

LINK-BELT CO., OF PHILADELPHIA, PA.

The next business on the Private Calendar was the bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa.

Be it enacted, etc., That the claim of the Link-Belt Co., of Philadelphia, Pa., a corporation organized under the laws of the State of Pennsylvania, for damages alleged to have been sustained by a certain coal chute under construction by said Link-Belt Co. for the Norfolk & Western Railroad on its coal pier No. 3 at Lamberts Point, in the city of Norfolk, Va., by reason of collision therewith by the U. S. S. *Buttonwoy* on the 1st day of March, 1919, may be submitted to the United States District Court for the Eastern District of Virginia at Norfolk, which court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the legal damages sustained by reason of said collision either for or against the United States, upon the same principles and measure of liability as in like cases in admiralty between private parties.

SEC. 2. That should damages be found to be due from the United States to the Link-Belt Co., the amount of the final decree or decrees therefor shall be paid to those entitled thereto, or their proctors of record, out of any money in the United States Treasury not otherwise appropriated: *Provided*, That appropriate proceedings to determine such damage shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

Also the following committee amendment was read:

Page 2, line 1, after the word "Norfolk," strike out the remainder of line 1 and all down to and including the word "States," in line 19, and insert in lieu thereof the following: "under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

The next business on the Private Calendar was the bill (H. R. 10643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and such soldiers and sailors.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws:

The name of Joseph Holtz, late of Battery B, First Colorado Field Artillery, and pay him a pension at the rate of $17 per month.

The name of Anna E. Herrington, widow of Charles E. Herrington, late of Company C, Tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $2 per month for minor child in lieu of that she is now receiving.

The name of Mary Callaway, widow of Hugh R. Callaway, late of Company F, Second Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Hugh R. Callaway until they reach the age of 16 years.

The name of James H. Stevens, late of Company I, Third Regiment Georgia Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Ferrill, late of Company L, Second Regiment Arkansas Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of George R. Cott, late of Company C, Twenty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Foley, dependent mother of Lawrence A. Foley, alias Lawrence A. Ryan, late of Troop M, Third Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John V. Blum, late of Company H, First Regiment Georgia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Van Name, late of Company G, Second Regiment New Jersey Infantry, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of William D. Warren, late of Company G, First Regiment Territorial United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Peter F. Weasel, late of Company I, Sixteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lillie Guffey, widow of Robert G. Guffey, late of Company I, Thirteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Robert S. Guffey until they reach the age of 16 years.

The name of Mary E. Steepy, widow of William F. Steepy, late of Company C, Fifty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William M. Davis, late of the medical department First Regiment Arizona National Guard Infantry, and pay him a pension at the rate of $17 per month.

The name of John G. Pearson, late of Company B, Thirty-fourth Regiment Michigan Infantry, and pay him a pension at the rate of $15 per month.

The name of Charles B. White, late of Troop B, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of Thomas V. Hunt, late of Company E, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Mary B. Frederick, widow of Henry Frederick, late of Troop E, Seventh Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George B. Allard, late of Company D, Twenty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of William J. Shirley, late of Company A, Fifth Regiment Pennsylvania Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lester B. Greer, late of Company A, Second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert L. Hester, late of Battery A, Georgia Light Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sidney Payne Smith, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James D. Silman, late of Company C, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Israel J. Maserall, late of Troop H, Seventh Regiment United States Cavalry, and United States Navy, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Joseph Watts, late of Troop L, Tenth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Arthur D. Warden, late of Quartermaster Corps, United States Army, and Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Jane Myers, dependent mother of Joseph S. Myers, late fireman, first class, United States torpedo boat *Tingey*, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John N. Day, late second lieutenant Company F, Third Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Carl L. Setchell, late of Company F, Thirteenth Regiment Minnesota Infantry, and pay him a pension at the rate of $15 per month.

The name of Pleasy J. Graham, late of the United States Coast Artillery Corps, unassigned, and pay him a pension at the rate of $40 per month.

The name of Nancy M. Ogiesby, widow of William W. Ogiesby, late captain of Company G, Second Regiment Oregon State Militia, Indian wars, and pay her a pension at the rate of $12 per month.

The name of William W. Rowan, late of Company E, Battalion United States Engineers, and pay him a pension at the rate of $24 per month.

The name of William M. Metzger, late of Capt. W. W. Ogiesby's Company G, Second Regiment Oregon State Militia, and Capt. John L. Sperry's company, Umatilla County Guards, Oregon Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of James Carnes, late of Capt. M. H. Green's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Oscar A. Badder, late of Company I, Thirty-fourth Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Harrison, late of Troop C, Sixth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Oscar Ernst, late of the Eighth Battery United States Field Artillery and of Company K, Twenty-sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Earl B. Durham, late of the Sixty-eighth and Sixty-ninth Companies United States Coast Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Burton, late of Company A, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John S. Cisco, late of Company E, Second Regiment Kentucky National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Capt. L. L. Tackett, late of First Company Parker County Minute Men, Texas State troops participating in the Indian wars, 1865 and 1866, and pay him a pension at the rate of $20 per month.

The name of Catherine A. Long, widow of William F. Long, late of Battery E, Third Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Stella Joplin, widow of Arthur T. Joplin, late of Company A, Nineteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $20 per month, with a continuation of the $2 per month for each of the soldier's minor children until they reach the age of 16 years, in lieu of that she is now receiving.

The name of William E. Heglin, late of Company I, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary A. McKay, widow of Robert McKay, late seaman, United States Navy, and pay her a pension at the rate of $25 per month, with the customary $2 per month additional for minor child until it shall attain the age of 16 years, in lieu of that she is now receiving.

The name of William Adamson, late of Company L, Second Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Robert Farewell, late of Company C, Second Regiment California National Guard Infantry, and pay him a pension at the rate of $20 per month.

The name of Martha C. Davis, dependent mother of Albert E. Dennis, late of Company H, Thirteenth Regiment Minnesota Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles C. Sterling, late of the U. S. S. *Ossippee*, United States Navy, and pay him a pension at the rate of $17 per month.

The name of Willard M. Girton, late private Company D, First Regiment Nebraska Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin C. Maham, late of Twenty-third Battery, United States Field Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen T. Barnes, late of Company L, Fifth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Malvern H. Miller, late of the United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Downs, late of Company I, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcel H. Poirier, late of Troop C, Thirteenth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Inkleberger, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles C. Cooper, late of Company F, First Regiment Arkansas Infantry, and pay him a pension at the rate of $12 per month.

The name of George Eppens, late of Company A, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month.

The name of John Cunniff, dependent father of Thomas Cunniff, late of Company F, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of La Verne Allen Brown, late of Company G, First Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sophia Salyards, mother of Lester Salyards, late of Company C, One hundred and fifty-ninth Regiment Indiana Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John A. Ott, late of Company E, Thirteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month, without recovery of any pension heretofore to him paid.

The name of Thomas McBride, late of Company C, First Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles A. McComb, late of Company G, Twentieth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leslie V. Murrell, late of Company D, Twelfth Regiment Minnesota Infantry, War with Spain, and pay him a pension at the rate of $12 a month.

The name of George H. Higgins, dependent father of George H. Higgins, jr., late of Company F, Second Regiment Massachusetts Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Rudolph Zoch, alias Zack, late of United States Navy, and pay him a pension at the rate of $24 per month.

The name of Jacob Copeland, late of Company F, First Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Williams, late of U. S. S. *Marcellus*, United States Navy, and pay him a pension at the rate of $18 per month.

The name of Herbert L. Lemon, late of Company I, Thirty-third Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John W. Wellver, late of Company K, Thirty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Samuel J. Haslett, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Alfred T. Koopman, late of the United States Navy, and pay him a pension at the rate of $24 per month.

The name of Edward M. Carter, late of Battery A, First Battalion Field Artillery, National Guard of Georgia, in the World War, and pay him a pension at the rate of $12 per month.

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Owens, late of Company D, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Elizabeth H. Burns, dependent mother of Joseph W. Burns, late of Company M, Third Regiment Missouri Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward F. Henderson, late of Company K, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Rutherford H. Bowsher, late of Company K, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Edmund Willis, late of Company G, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $17 per month.

The name of Leander W. Springer, late of Company K, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George H. Netcher, late of United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Annie Estelle Moore, widow of Benjamin F. Moore, late of Company D, Second Regiment Mississippi Infantry, War with Spain, and pay her a pension at the rate of $20 per month and $2 per month additional on account of each of the minor children of said Benjamin F. Moore until they reach the age of 16 years, in lieu of that she is now receiving.

The name of William G. Shotwell, late of Company E, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The name of Harry W. Weston, late of Troop M, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Anna R. Wright, widow of Orlie Wright, late of Company E, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Carrie A. Boggess, widow of Charles L. Boggess, late of the Coast Artillery School Detachment, United States Army, and pay her a pension at the rate of $12 per month, with $2 additional for each minor child of the soldier.

The name of William R. Holt, late of Company H, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank A. Klein, late of Hospital Corps, United States Army, and pay him a pension at the rate of $14 per month.

The name of Jacob Dossenback, late of Companies A and H, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert O. Thomas, late of the United States Marine Corps, and pay him a pension at the rate of $12 per month.

The name of William J. Grimm, late of Company G, First Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Melvin B. Krause, late of Company M, Fourth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George L. Hollis, late of Troop F, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John Ford, late of Company G, Second Regiment New York National Guard Infantry, and pay him a pension at the rate of $10 per month.

The name of Harry M. Isbell, late of Company L, Third Regiment Nebraska Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John F. Harmon, late of Company H, Twenty-ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Scott, late of Company M, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Briney, late of Company I, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per cent in lieu of that he is now receiving.

The name of Willard F. Bradford, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mabel P. Hubbell, widow of John D. Hubbell, late of Troop A, First Regiment United States Volunteer Cavalry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of the soldier's minor children until they shall attain the age of 16 years.

The name of John T. Phillips, late chaplain, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of John P. Prowse, father of Frank O. Prowse, late of Company E, Third Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Margaret C. Miller, mother of Ralph C. Dunlap, late of band, Fortieth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Michael J. Monahan, late of Company L, Fifteenth Regiment, and Company D, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Abel B. Conger, late of Company A, Thirty-first Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary H. Swats, widow of John G. Swats, late of Company L, Fourth Regiment Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John M. Quinlan, late of One hundred and sixth Company, United States Coast Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Alexander, late of Company F, First Regiment Tennessee Infantry, and Company D, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Sarah Christensen, mother of Alfred Christensen, late of Company C, Sixth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ebbin A. Irvin, late of Company G, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Anna Miller, widow of August Miller, alias August Metz, late of Troop B, Fifth Regiment United States Cavalry (North Cheyenne and Sioux campaign), and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The SPEAKER pro tempore (Mr. TILSON in the chair). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following House bills referred to the said committee:

H. R. 2031. Joseph Holtz.
H. R. 2636. Anna E. Herrington.
H. R. 2810. Mary Callaway.
H. R. 2859. James H. Stevens.
H. R. 6591. Charles W. Ferrill.
H. R. 6700. George E. Cott.
H. R. 6978. Mary E. Foley.
H. R. 7220. John V. Blum.
H. R. 7237. William H. Van Name.
H. R. 7248. William D. Warren.
H. R. 7409. Peter F. Weasel.
H. R. 7477. Lillie Guffey.
H. R. 7618. Mary E. Steepy.
H. R. 7813. William M. Davis.
H. R. 7957. John G. Pearson.
H. R. 8012. Charles B. White.
H. R. 8068. Thomas V. Bunt.
H. R. 8154. Mary E. Frederick.
H. R. 8231. George B. Allard.
H. R. 8249. William J. Shirley.
H. R. 8628. Lester H. Greer.
H. R. 8860. Robert L. Hester.
H. R. 8388. Sidney Payne Smith.
H. R. 8429. James D. Silman.
H. R. 8466. Israel J. Maserall.
H. R. 8480. Joseph Watts.
H. R. 8487. Arthur D. Warden.
H. R. 8502. Jane Myers.
H. R. 8518. John N. Day.
H. R. 8530. Carl L. Setchell.
H. R. 8531. Pleasy J. Graham.
H. R. 8534. Nancy M. Ogiesby.
H. R. 8535. William W. Rowan.
H. R. 8537. William M. Metzger.
H. R. 8545. James Carnes.
H. R. 8547. Oscar A. Badder.
H. R. 8559. Charles F. Harrison.
H. R. 8574. Oscar Ernst.
H. R. 8586. Earl B. Durham.
H. R. 8594. Joseph Burton.
H. R. 8595. John S. Cisco.
H. R. 8599. Capt. L. L. Tackett.
H. R. 8609. Catherine A. Long.
H. R. 8619. Stella Joplin.
H. R. 8622. William E. Heglin.
H. R. 8629. Mary A. McKay.
H. R. 8630. William Adamson.
H. R. 8631. Thomas Robert Farewell.
H. R. 8634. Martha C. Davis.
H. R. 8699. Charles C. Sterling.
H. R. 8703. Willard M. Girton.
H. R. 8706. Benjamin C. Maham.
H. R. 8710. Stephen T. Barnes.
H. R. 8735. Malvern H. Miller.
H. R. 8759. William A. Downs.
H. R. 8774. Marcel H. Poirier.
H. R. 8787. Samuel Inkleberger.
H. R. 8802. Charles C. Cooper.
H. R. 8803. George Eppens.
H. R. 8808. John Cunniff.
H. R. 8823. La Verne Allen Brown.
H. R. 8829. Sophia Salyards.
H. R. 8851. John A. Ott.
H. R. 8853. Thomas McBride.
H. R. 8855. Charles A. McComb.
H. R. 8870. Leslie V. Murrell.
H. R. 8872. George H. Higgins.
H. R. 8884. Rudolph Zoch.
H. R. 8895. Jacob Copeland.
H. R. 8913. Benjamin F. Williams.
H. R. 8916. Herbert L. Lemon.
H. R. 8918. John W. Wellver.
H. R. 8934. Samuel J. Haslett.
H. R. 8935. Alfred T. Koopman.
H. R. 8968. Edward M. Carter.
H. R. 9042. John Prater.
H. R. 9078. Lewis Owens.
H. R. 9090. Elizabeth H. Burns.
H. R. 9108. Edward F. Henderson.
H. R. 9139. Rutherford H. Bowsher.
H. R. 9142. Edmund Willis.
H. R. 9144. Leander W. Springer.
H. R. 9150. George H. Netcher.
H. R. 9153. Annie Estelle Moore.
H. R. 9163. William G. Shotwell.
H. R. 9172. Harry W. Weston.
H. R. 9192. Anna R. Wright.
H. R. 9230. Carrie A. Boggess.
H. R. 9244. William R. Holt.
H. R. 9250. Frank A. Klein.
H. R. 9281. Jacob Dossenback.
H. R. 9304. Robert O. Thomas.
H. R. 9353. William J. Grimm.
H. R. 9379. Melvin B. Krause.
H. R. 9398. George L. Hollis.
H. R. 9424. John Ford.
H. R. 9470. Harry M. Isbell.
H. R. 9475. John F. Harmon.
H. R. 9503. James W. Scott.
H. R. 9504. William Briney.
H. R. 9522. Willard F. Bradford.
H. R. 9535. Mabel P. Hubbell.
H. R. 9589. John T. Phillips.
H. R. 9714. John P. Prowse.
H. R. 9729. Margaret C. Miller.
H. R. 9783. Michael J. Monahan.
H. R. 9784. Abel B. Conger.
H. R. 9829. Mary H. Swats.
H. R. 9857. John M. Quinlan.
H. R. 9983. James Alexander.
H. R. 10087. Sarah Christensen.
H. R. 10095. Ebbin A. Irvin.
H. R. 10235. Anna Miller.

ADDIE MAY AULD AND ARCHIE WILLIAM AULD.

The SPEAKER pro tempore. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (S. 518) to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided.

The SPEAKER pro tempore. Is there objection?

Mr. CARTER. Mr. Speaker, I ask that the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 7 of the agreement with the Kansas or Kaw Indians, approved July 1, 1902 (32 Stat. L., 686), setting aside and reserving from allotment 160 acres, including the school and agency buildings, be, and the same is hereby, amended so as to authorize the Secretary of the Interior in his discretion to allot to Addie May Auld and Archie William Auld 150 acres of said reserve, excepting from allotment all school and agency buildings and not exceeding 10 acres of land, the conveyance to the said persons named to be of the same form as to other Kaw allottees: *Provided*, That the allotments of the said land shall be in full settlement of all back annuities and any other claims or rights of said persons as enrolled members of the Kaw Tribe of Indians.

Mr. CARTER. Mr. Speaker, reserving the right to object, I would like to ask some gentleman a question in reference to the bill.

Mr. CHANDLER of Oklahoma. I happen to know something about this bill. What is it that the gentleman from Oklahoma desires to know?

Mr. CARTER. I wanted to know, first, what has become of the land allotted for the farm work? What has become of the school?

Mr. CHANDLER of Oklahoma. The school has been abolished.

Mr. CARTER. Is there still an agency there?

Mr. CHANDLER of Oklahoma. No, sir. This tribe is under a different agency, near there, and that other agency looks after this tribe.

Mr. BURTNESS. Will the gentleman yield for a suggestion?

Mr. CARTER. Yes.

Mr. BURTNESS. The gentleman will notice that if the bill is passed there will be 10 acres retained in connection with the school, which would be sufficient for the school grounds and garden purposes, so that the school could be reestablished if there was any need for it.

Mr. CARTER. But the school has been suspended?

Mr. BURTNESS. Oh, yes.

Mr. CARTER. Now, the other information I wanted to get was how much is to be allotted to each of these?

Mr. BURTNESS. Seventy-five acres each. Each member of the tribe when the land was allotted got something like 400 acres each, and the money was all divided among the other members of the tribe, but these two children were inadvertently left off the roll at the time of the division of the property. This is simply giving them what is left.

Mr. CARTER. The bill does not make quite clear what is to be allotted to each allottee.

Mr. BURTNESS. They are to get 150 acres together.

Mr. CARTER. Is it to be allotted to them jointly?

Mr. BURTNESS. That is the way in which I construe the bill.

Mr. CHANDLER of Oklahoma. I did not draw the bill. It is Senator CURTIS's bill, and I know nothing about what his intentions were about the allottees of the land. It says here "in the discretion of the Secretary of the Interior," so I suppose the Secretary of the Interior will allot it.

Mr. MANN. The Interior Department drew this bill.

Mr. CARTER. It says here—

To authorize the Secretary of the Interior, in his discretion, to allot to Addie May Auld and Archie William Auld 150 acres of said reserve.

I think the language ought to be a little more definite as to what each one shall get.

Mr. CHANDLER of Oklahoma. It is my understanding, after talking with the Indian Bureau, that they propose to divide these 150 acres equally between these two children.

Mr. CARTER. I think it would be much more desirable to have it allotted separately than to have it allotted jointly. I do not see how that could be done.

Mr. CHANDLER of Oklahoma. I think that is what the Secretary of the Interior will do.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That section 7 of the agreement with the Kansas or Kaw Indians, approved July 1, 1902 (32 Stat. L. p. 638), setting aside and reserving from allotment 160 acres, including the school and agency buildings, be, and the same is hereby, amended so as to authorize the Secretary of the Interior in his discretion to allot to Addie May Auld and Archie William Auld 150 acres of said reserve, excepting from allotment all school and agency buildings and not exceeding 10 acres of land, the conveyance to the said persons named to be of the same form as to other Kaw allottees: *Provided*, That the allotments of the said land shall be in full settlement of all back annuities and any other claims or rights of said persons as enrolled members of the Kaw Tribe of Indians.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. BURTNESS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC PARK FOR ESCAMBIA COUNTY, FLA.

The next business on the Private Calendar was the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I should like to ask the gentleman who introduced this measure why the usual provision for the payment of $1.25 an acre is eliminated?

Mr. SMITHWICK. Our people do not think the land is worth that much. It is a bed of sand. The land is located about 15 miles from Pensacola, one of the oldest towns in the United States, yet the land has never been taken up as a homestead. All except about 30 acres of it is covered with water when the tide runs high. There is a precedent for donating this land without compensation.

Mr. WALSH. Is this the tract down there that they are going to use for a boulevard or speedway when it is improved?

Mr. SMITHWICK. They are going to build what is known as the Gulf Beach Highway across it.

Mr. WALSH. Is there going to be an embankment wall along there?

Mr. SMITHWICK. I do not think they will do that.

Mr. WALSH. They are going to protect it in some way so that it will not be under water, are they not?

Mr. SMITHWICK. No; I do not think they will do that. That would be very expensive. What they propose to do is to build the Gulf Beach Highway to go out to the beach, 17 miles from Pensacola, and that highway is going across this particular land. What they want to do with the land is to make a park of it. When the tide gets high, the logs and débris of one kind and another float over portions of it. What they want to do is to maintain this as a park and put up tents on it. They expect to build quite a resort at the terminus of the Gulf Beach Highway.

Mr. WALSH. About how many acres are there in this?

Mr. SMITHWICK. Two hundred and fifty-three and a fraction.

Mr. WALSH. Of course it is very seldom that the Congress gives away land in this way. Does not the gentleman think an amendment ought to be adopted providing for the payment of a nominal sum?

Mr. SMITHWICK. This land will really go to the public. This is for the purpose of building a highway for the public to use. I am satisfied that the land will never be of any use to the Government, for the reason that, as I say, Pensacola is one of the oldest towns in the United States, and this land is there within 15 miles of Pensacola and nobody has ever homesteaded it so far, although it has been open to anybody, and I doubt if anybody ever would homestead it. The timber on it is practically nothing, just a little scrub pine.

Mr. WALSH. If the gentleman will permit, the difficulty is that after the county authorities of Escambia County, Fla., have improved this and made use of it it will be pointed to as a precedent that Congress gave the land to the county without requiring any compensation. People will forget how the land looked at the time the grant was made, and they will come in and say that other lands situated like this should be granted free.

Mr. SMITHWICK. This Congress, as I understand it, has donated to one State over 3,000 acres in the West. I think the bill was introduced by the gentleman from Wyoming [Mr. MONDELL]. The land was donated without compensation.

Mr. MANN. For what?

Mr. SMITHWICK. For park purposes, the same as this.

Mr. MANN. For a municiaplity?

Mr. SMITHWICK. No; to the county, and this is to the county.

Mr. MANN. I should like to ask some member of the Public Lands Committee a question. We have had quite a considerable number of bills of this character at different times, mostly, of course, for lands in the West. My impression is that they almost invariably have provided for the payment of $1.25 an acre for the land. I may be mistaken about that, but I would like to get information from some member of the Committee on Public Lands.

Mr. LARSEN of Georgia. I will say to the gentleman from Illinois that I reported this bill, and I have been on the Committee on Public Lands for some time. We have reported some bills like the one the gentleman has mentioned; but I think it is a fairly well-established principle that where land is of no value for timber, agricultural, or other purposes, and it is proposed to improve it for the public benefit, to authorize the grant of the land without any price.

Mr. MANN. I was rather under the impression that we had established the principle that they must pay something. So far as the particular land here is concerned, it makes no difference, but it makes a great deal of difference as to the demand made for lands, whether you have to pay something for them or get them for nothing.

Mr. LARSEN of Georgia. The rule depends on the purpose for which the land is to be used. Where the land has no value, where it is to be improved at public cost and is to be used by the public, it is a fairly well-established principle to grant the land without cost.

Mr. MANN. Of course, a municipality has no use for any land unless it improves it in some way.

Mr. LARSEN of Georgia. This is not exactly a municipality.

Mr. MANN. A county is no better off than a city, so far as that is concerned.

Mr. LARSEN of Georgia. Perhaps not so well off. As the gentleman from Florida [Mr. SMITHWICK] has said, these lands are subject to overflow. They are situated about 15 miles from Pensacola, a very progressive city, one of the oldest cities in the United States. The fact that the lands have not been homesteaded and are vacant is because they are of no value.

Mr. MANN. Are they of any value for park purposes?

Mr. LARSEN of Georgia. Only in so far as they would permit one to park his car on the highway.

Mr. MANN. It says "for the purpose of a public park." Is the real purpose of the bill to run a highway through the land?

Mr. LARSEN of Georgia. They propose to construct a highway through the land. This is practically at the end of the line, and they want some place where people going down for the purpose of a little outing can park their cars.

Mr. MANN. That is the purpose for which it is intended—the purpose for which Potomac Park is now being used—for parking?

Mr. LARSEN of Georgia. Perhaps; but the Potomac Park is being used for a little more than that, but that is due to its close proximity to the city of Washington. This land is off some distance from the city of Pensacola.

Mr. McCORMICK. Mr. Speaker, being a member of the Committee on the Public Lands, I can say that this bill received the considerate attention of the committee. If the gentleman from Massachusetts [Mr. WALSH] will rustle the leaves of his memory a little he will recall his objection on the floor of the House to what he dubbed "the Senator Mondell park bill," to which he offered an amendment requiring a certain county in the State of Wyoming to pay $1.25 an acre for something like 3,200 acres. The amendment of the gentleman from Massachusetts was not adopted by the House, and so the members of the Committee on the Public Lands rather thought that inasmuch as the leader of the House had enjoyed a favor of that character it might be just as well to reciprocate to the gentleman from Florida [Mr. SMITHWICK], inasmuch as the land, as I understand it, is somewhat like a Florida crocodile—submerged a part of the time, but with the nose of the crocodile, you might say, sticking up out of the ocean. As the gentleman from Florida eloquently brought out before the committee, the purpose of the park was partly to accommodate those who went south to enjoy the peculiar proximity which Florida has to Cuba and the island of Bimini. [Laughter.]

Mr. WALSH. Well, they ought not to encourage that. [Laughter.]

Mr. McCORMICK. If the gentleman does not wish to encourage traffic in that direction, he at least ought to suffer no obstacle to traffic coming north from there.

Mr. WALSH. There can not be any traffic coming north until they go south first for the purpose mentioned. Of course, the people of Florida are not going to use this highway for any such purpose.

Mr. LARSEN of Georgia. There is no purpose or intention on the part of anyone to commercialize this highway, nor will anyone be benefited in that sense of the word. The entire committee was in accord on the proposition that there should be no charge made for this land.

Mr. WALSH. I do not agree with the committee. I think, Mr. Speaker, we ought to impose the usual condition. However, I am not going to object to the consideration of the bill, but I am going to offer an amendment, to let the House vote it down, as they did upon the occasion of the amendment being offered when the bill to which the gentleman from Montana [Mr. McCORMICK] has referred was under consideration. I think perhaps you will vote it down, but I want to follow the long-established custom.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the public lands within the areas hereinafter described be, and the same are hereby, granted and conveyed to Escambia County, Fla., in trust, for the purposes of a public park, reserving, however, to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same, to wit: The north half northeast quarter section 34, township 3 south, range 32 west; south half southwest quarter section 26, township 3 south, range 32 west; lot 3, section 26, township 3 south, range 32 west; lot 1, section 27 south, range 28 west, comprising 253.9 acres, all Tallahassee meridian, within Escambia County, State of Florida; but nothing herein contained shall in anywise affect any claim of title heretofore acquired or asserted to any of the lands herein described.

With a committee amendment as follows:

Section 1, page 2, line 4, after the words "twenty-seven" insert the words "township 3."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WALSH. Mr. Speaker, I offer the following amendment: Page 1, line 3, after the word "described" insert the words "upon the payment of $1.25 per acre."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 3, after the word "described" insert "upon payment of $1.25 per acre."

Mr. WALSH. I do not care to discuss the amendment.

Mr. BURTNESS. Mr. Speaker, I desire to oppose the amendment. The suggestion made by the gentleman from Massachusetts [Mr. WALSH] is the very same suggestion that I made before the Committee on Public Lands at the time the bill was being considered. I am one of those who believe that as a general rule we ought not to establish a precedent of giving land away. But after hearing the evidence that was submitted before the committee I felt that this case was similar to a few other cases that have been reported by the committee in this, that the land was deemed practically worthless for ordinary uses, absolutely worthless for agricultural purposes, and that instead of benefiting this county, if they were compelled to pay for it, it would be a detriment. Because of that fact the committee, after considering this very point, unanimously agreed that this was one of the cases where it was proper to allow the municipality to have the land without paying therefor. In view of that I trust that the proposed amendment will be voted down.

Mr. MANN. The gentleman says it would be a detriment to them. We are not asked to pay them anything for taking it, are we? [Laughter.]

Mr. BURTNESS. No.

Mr. TILSON. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. TILSON. What is meant by conveying it in trust? Does that mean that in case the United States wants it for military or naval purposes that they could not take it?

Mr. BURTNESS. I have not the exact language before me, but the purpose of the bill as reported out of the committee was that it was to be used for public purposes for the county. I do not recall whether it provided for a reverter or not in express words; that was the intent.

Mr. MANN. The words "in trust" do not mean anything one way or the other. It will be just the same whether they are in or out.

Mr. TILSON. Usually when there are pieces of property that are declared surplus and turned over to the public for park purposes there is a proviso that in case they are needed for military purposes they can be taken by the Government for that purpose.

Mr. LARSEN of Georgia. Let me say that this bill was patterned after a bill that conveyed land for park purposes in the State of Wyoming. The words "in trust" were used in that bill. I think, however, it is the intention to be used by this Gulf Beach Highway Co.

Mr. BURTNESS. I want to add that the matter which the gentleman from Connecticut has in mind is covered, I think, by section 2. Whether the words "in trust" in section 1 mean anything or not is a moot question, but the provisions of section 2 amply protect the Government if any attempt should be made to use the property for a purpose other than that intended.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was considered and the amendment was rejected.

The Clerk read the second section of the bill, as follows:

SEC. 2. That the grant herein is made upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the county clerk shall submit to the said Secretary of the Interior a report as to the use made of the land herein granted the county during the preceding period named in such request, showing compliance with the terms and conditions stated in this act; and that in the event of his failure to so report, or in the event of a showing in such report to the Secretary of the Interior that the terms of the grant have not been complied with, the grant shall be held to be forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The following committee amendment was read:

On page 2, line 18, after the word "report" insert the words "or otherwise."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LARSEN of Georgia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE LLOYD MEDITERRANEO SOCIETA ITALIANA DI NAVIGAZIONE.

The next business on the Private Calendar was the bill (H. R. 4622) for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titonia*.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk report the committee amendment in lieu of the original bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Clerk report the amendment in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the claim of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titonia*, arising out of a collision between said steamer and the United States *S. C. 101*, which occurred at the south side of pier No. 2 of the Norfolk & Western Railway Co., Lamberts Point, Va., on July 18, 1910, for and on account of the losses alleged to have been suffered by the owners of said steamer by reasons of damages to said steamer, may be submitted to the United States Court for the Eastern District of Virginia, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. CRAMTON. Mr. Speaker, in view of the fact that today's session is not likely to be long continued, I want to ask unanimous consent to take up out of order the bill S. 3268,

Calendar No. 246, on this calendar. The bill is far down on the calendar and is not likely to be reached to-day. It is urgent that it be passed as soon as possible, as it will make possible the construction of a plant which will give employment to 200 men. I am sure that no one will have any objection to the bill itself.

Mr. WALSH. What kind of a plant does the gentleman refer to? No one knows what the bill is.

Mr. CRAMTON. It is S. 3268, to construe a grant of land made to a railroad company in Michigan some 60 years ago. The land was granted to a company which is using it and will continue to use it; it can not be forfeited as long as the railroad company makes use of the land. Now they want to lease a portion of the land to a concern that is going to put up a cement factory, using some buildings on the land and constructing others.

There is a question as to whether the original grant was broad enough to permit the railroad to make a lease to another party for a cement factory. It seems to me the original grant was broad enough. In any event, the land when granted was paid for and the Government can not declare a forfeiture now, because the land is used by the railroad and will continue to be so used. It is just a question of clearing up the record so that the people will be willing to go ahead and put their money in the construction of this factory and give employment to these men. Naturally, there has been some delay, and because of the urgency of putting it in shape so that they can go ahead with the work I ask that it be taken up out of order, fearing it would not be otherwise reached to-day.

Mr. GARRETT of Tennessee. I shall not object to the gentleman's request, Mr. Speaker, and there may be some good reason for not running a little while longer; but why can we not run until about the usual hour, 5 o'clock?

Mr. CRAMTON. That does not rest with me. Whether I get the bill through now or an hour later would make no difference. It is quite a way down on the calendar, and I fear it will not be reached.

The SPEAKER. It obviously could not be reached to-day in its regular order. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, is hereby authorized and empowered to lease lot No. 1, or any portion thereof, and any buildings thereon, as described in the patent dated March 6, 1859, issued to such railroad company under the provisions of the act entitled "An act granting the right of way over and depot grounds on the military reserve at Fort Gratiot, in the State of Michigan, for railroad purposes," approved February 9, 1859, as amended: *Provided*, That any such lease shall be made subject to the condition in said act that the grant to said railroad company shall cease and determine in the event that such railroad shall be discontinued.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEASING OF CERTAIN RAILROAD LAND, FORT SHERIDAN, ILL.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to take up out of order Calendar No. 234, being H. R. 241, to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois. This relates to the construction of a road adjoining the Fort Sheridan Reservation. Unless the bill can be passed, so that the work can be started soon, it will not be possible to finish the work during the season. I dislike very much to inconvenience any of the Members of the House, but I am afraid that it will be some time before we call this calendar again.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take up out of order the bill H. R. 241. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 241) to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the Chicago, North Shore & Milwaukee Railroad, a railroad corporation organized and existing under and by virtue of the laws of the State of Illinois, its successors and assigns, a perpetual easement, for railroad purposes over and upon the following-described property, being a part of the military reservation of Fort Sheridan and of the public highway adjoining the same, to wit: All that part of the northwest quarter of section 10, township 43 north, range 12 east, of the third principal meridian, described as follows, to wit: Commencing at a point in the north line of said section 10 distant 100 feet easterly of measured at right angles from the easterly line of the right of way of the Chicago & North Western Railroad Co.; thence southeasterly along a line parallel to the easterly line of said right of way 1,513.44 feet to a point of curve; thence southerly along a curved line (convex westerly) having a radius of 11,409.2 feet, a distance of 597.38 feet, to a point of tangent; thence southeasterly along a line tangent to said curved line 355.13 feet to a point of curve; thence southerly along a curved line (convex easterly) having a radius of 11,509.2 feet, a distance of 526.68 feet, to a point in the north line of the south 66 feet of the northwest quarter of said section 10, being the north line of the highway running east and west; thence west along the north line of the highway to the east line of the right of way of the Chicago & North Western Railway Co.; thence northwesterly along the east line of said right of way 2,963.8 feet, more or less, to the said north line of section 10; thence easterly along said north line of section 10 to place of beginning; with full power to locate and construct railroad tracks, sidings, switches, and other appurtenances thereon and to use said property for all purposes appurtenant to its business: *Provided*, That no part of the property hereby granted shall be used for any other than railroad purposes, and that when such property shall cease to be so used it shall revert to the United States of America.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to permit the location, grading, and paving of a public highway 46 feet in width to connect with the public highway known as McKinley Road at the north boundary of the military reservation of Fort Sheridan, and extending thence south to an intersection with the east and west road north of Fort Sheridan station upon, along, and over the following-described property: All that part of the northwest quarter of section 10, township 43 north, range 12, east of the third principal meridian, described as follows, to wit: A strip of land 46 feet in width extending from the north line of section 10 to the north line of the south 66 feet of the northwest quarter of said section 10, being the north line of highway running east and west, the westerly boundary line of said strip being described as follows: Commencing at a point on the north line of section 10, 100 feet easterly of the easterly line of the right of way of the Chicago & North Western Railway Co., measured at right angles thereto; thence southeasterly along a line parallel to said right-of-way line and 100 feet therefrom 1,513.44 feet to a point of curve; thence southerly along a curved line (convex westerly) having a radius of 11,409.2 feet, a distance of 597.38 feet to a point of tangent; thence southeasterly along a line tangent to said curved line 355.13 feet to a point of curve; thence southerly along a curved line (convex easterly) having a radius of 11,509.2 feet, a distance of 526.68 feet to a point in the north line of the south 66 feet of the northwest quarter of said section 10, being the north line of the highway running east and west, to be and become a highway for public travel in perpetuity.

SEC. 3. The grant to the Chicago, North Shore & Milwaukee Railroad, herein above in section 1 authorized, shall be upon the express condition that the said Chicago, North Shore & Milwaukee Railroad shall, at its own expense, construct and build a roadway having a brick surface upon a concrete foundation extending from the north boundary of said reservation to an intersection with the east and west road located on the south line of the northwest quarter of section 10 upon the strip of land hereinbefore in section 2 described, the pavement of which roadway shall be 22 feet in width, and that the said Chicago, North Shore & Milwaukee Railroad shall, at its own expense, construct a wire fence, with wooden posts, along the eastern boundary of said strip from the north end to the south end of said strip of like character to the present boundary fence of said Fort Sheridan Reservation, and the location of the public highway authorized in and by section 2 hereof shall be upon the express condition that the city of Lake Forest shall at all times after the completion thereof maintain the pavement to be constructed by said railroad upon said highway in a good and proper condition at the sole expense of said city of Lake Forest.

With the following committee amendments:

Page 1, line 8, after the word "easement," insert the words "subject to the proviso in section 4 herein."

Mr. STEVENSON. Mr. Speaker, I would like to know if there is any compensation that the Government is to have? This seems to be a very valuable franchise, a perpetual one, and I do not see any provision in the bill for any compensation to the Government at all.

Mr. CHINDBLOM. I should be very glad to go into that at this point.

Mr. STEVENSON. It strikes me as a rather important easement to be granted for nothing.

Mr. CHINDBLOM. At the present time there is a temporary permit granted by the Secretary of War for a strip of land 34 feet in length west of the Fort Sheridan Reservation, which is being occupied by this railroad for the purposes of its right of way. This bill, so far as that strip is concerned, grants only an easement. There is now a temporary right of way.

Mr. STEVENSON. How long does the temporary right of way continue?

Mr. CHINDBLOM. It is a temporary permit, and it is, of course, terminable within the will of the department.

Mr. STEVENSON. It can be revoked any time?

Mr. CHINDBLOM. Yes. With reference to the balance of the land covered by this bill, there are 46 feet to be used for a public highway for the benefit of the general public as well as for the benefit of the Government. The Government needs this highway. At present the only two roads which are available running east of the railroad tracks of the Chicago & North Western Railroad run through the reservation itself, and in going north persons driving must cross two railroad tracks in order to pass the north end of the reservation. This whole matter has been under consideration by the War Department

for a considerable time, and all parties concerned have now reached this agreement.

The railroad company undertakes under this bill to pay the costs for the paving of the road, a pavement 22 feet in width, running for half a mile along the western line of Fort Sheridan Reservation, at a total cost of approximately $30,000.

Mr. STEVENSON. How much land is involved?

Mr. CHINDBLOM. About 3 acres of land are involved. The War Department not only recommends this legislation but urges its passage, as will be found from the report. In a letter signed by John W. Weeks, Secretary of War, I read the following:

The bill as drawn has been reviewed and approved by the local military authorities as well as the railroad company and the city of Lake Forest. For reasons as stated it is urgently recommended that the bill in its present form be enacted into law.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. McCLINTIC. I notice on page 5 where the railroad company is required to construct a wire fence——

Mr. CHINDBLOM. That wire fence will belong to the Government. That is along the western part of the reservation, and we need a fence there very badly.

Mr. McCLINTIC. Inasmuch as this is a perpetual lease, would it be all right to amend that portion of the bill by inserting the words "and maintain," so as to provide that it shall be constructed and maintained?

Mr. CHINDBLOM. If the fence is constructed, we will be in exactly the same position as we are in now. That will be on the land of the Government and will be built along the old fence which is now on the reservation.

This is all in pursuance of agreements which have been made, I have no doubt——

Mr. STEVENSON. I notice another provision which strikes me as rather peculiar, which provides that the city of Lake Forest shall maintain this road.

Mr. CHINDBLOM. Yes, sir.

Mr. STEVENSON. What authority has Congress to impose upon the city the duty of the maintenance of a public highway?

Mr. CHINDBLOM. The city of Lake Forest has passed an ordinance which provides that it will maintain the road. One of the conditions of this perpetual easement is that the city of Lake Forest shall maintain the road.

Mr. STEVENSON. Do I understand that if the city of Lake Forest fails to maintain the road the easement is revoked?

Mr. CHINDBLOM. Absolutely.

Mr. STEVENSON. Suppose it fails to discharge its part of the agreement and the railroad discharges its part, where will they be?

Mr. CHINDBLOM. The tripartite agreement will insure that all terms will be carried out.

Mr. RANKIN. Suppose the railroad should abandon the road and cease to use it as a railroad?

Mr. CHINDBLOM. Then the perpetual easement ceases.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 5, after line 22, insert:

"SEC. 4. That the said conveyance shall be subject to the conditions and reversion hereinbefore provided for, and shall be used for the purposes hereinbefore described only, and shall be subject to the right of the United States at any and all times and in any manner to assume control of, hold, use, and occupy without license, consent, or leave from said corporation any or all of said land for any and all military, naval, or lighthouse purposes, free from any conveyance, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said corporation: *Provided*, That the United States shall not be or become liable for any damages or compensation whatever to the said corporation for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 6, line 12, strike out——

Mr. MANN. Mr. Speaker, I move to strike out the last section.

The motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CHINDBLOM, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORT, SPECIAL CANCELING STAMPS IN CERTAIN POST OFFICES.

Mr. STEENERSON. Mr. Speaker, I call up the conference report on the bill H. R. 10740.

The SPEAKER. The gentleman from Minnesota calls up the conference report, which the Clerk will report.

The Clerk read as follows:

Conference report on H. R. 10740, authorizing the use of special canceling stamps in certain post offices.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

H. STEENERSON,
W. W. GRIEST,
THOS. M. BELL,
Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS STERLING,
DAVID I. WALSH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices submit the following written statement explaining the effect of the action agreed on:

The effect of said action is to restore to the bill the language of the Senate amendments as adopted by the Senate.

H. STEENERSON,
W. W. GRIEST,
THOS. M. BELL,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I think we ought to have some little explanation of this conference report.

Mr. STEENERSON. The conference report is on the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices. The conference report agrees to the Senate amendment which added two post offices at which special canceling stamps could be used.

Mr. WALSH. What is going to happen in the two communities where the two offices are located?

Mr. STEENERSON. Well, one, I think, is in New Hampshire and the other in the State of Washington, at Tacoma. I move the previous question on the adoption of the conference report.

The previous question was ordered.

The question was taken; and the conference report was agreed to.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to take out of order Calendar No. 241, for the relief of John B. Elliott.

Mr. WHITE of Kansas. Mr. Speaker, reserving the right to object, it seems to me we might reach these bills in their regular order. I do not wish to object, but I have a bill on the calendar——

Mr. OSBORNE. It may be probably six weeks or two months before we get to this point again, and I have been waiting for three years——

Mr. MANN. The gentleman could not have been waiting three years because it has not existed that long.

Mr. OSBORNE. Well, it has seemed that long.

Mr. MONDELL. I have no objection, if the House has not, to have this bill taken up, but I want to say to the gentleman and other gentlemen that we hope to reach this calendar again in about two weeks, and when we do I hope we shall take it up as we have to-day, bills not objected to, beginning at the point where we conclude this evening.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARRETT of Tennessee. I understand this particular bill which the gentleman from California desires to call up now is to pay some two months' salary of some sort to a Democrat.

Mr. WHITE of Kansas. Mr. Speaker, I withdraw my objection. [Laughter.]

Mr. GARRETT of Tennessee. I have not any doubt that the Democrat needs the money under this administration, and I hope——

Mr. MONDELL. If the gentleman will yield, is this a Democrat who has been separated from the service?

Mr. GARRETT of Tennessee. Not yet.

Mr. MONDELL. Or about to be?

Mr. GARRETT of Tennessee. I think probably from what I have heard as a matter of rumor maybe he is about to be.

Mr. MONDELL. I think, by all means, he should be paid.

Mr. LAYTON. I object, Mr. Speaker.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

Mr. MONDELL. Mr. Speaker, I wish the gentleman would withhold that until I make a unanimous-consent request.

Mr. MANN. I will withhold it until the gentleman makes the request.

ADJOURNMENT OVER.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Wyoming moves that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3317. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 N., range 32 W., Beltrami County, Minn.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 2158. An act to provide for the monthly payment of pensions.

H. J. Res. 300. Joint resolution appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. COCKRAN (at the request of Mr. GARRETT of Tennessee), indefinitely, on account of important business.

To Mr. WINGO, for five days, on account of business.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p. m.) the House, under its previous order, adjourned until Monday, April 24, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

593. A letter from the Clerk of the House of Representatives, transmitting testimony, papers, and documents in the contested-election case of Dan Parrillo against Stanley H. Kunz, eighth district of Illinois (H. Doc. No. 289); to the Committee on Elections No. 1 and ordered to be printed.

594. A letter from the Clerk of the House of Representatives, transmitting testimony, papers, and documents in the contested-election case of John Golombiewski against John W. Rainey, fourth district of Illinois (H. Doc. No. 290); to the Committee on Elections No. 2 and ordered to be printed.

595. A communication from the President of the United States, transmitting an estimate of appropriation for the United States Veterans' Bureau for the construction of hospital facilities, and provision of medical, surgical, and hospital services and supplies, $17,000,000, to be immediately available, and to remain available until expended (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9793) granting an increase of pension to Richard H. Atkinson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 11393) to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress; to the Committee on the Library.

By Mr. KING: A bill (H. R. 11394) for the erection of a public building at Abingdon, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. RHODES: A bill (H. R. 11395) for repairing levees, protecting property, and for the immediate relief of flood sufferers along the Mississippi River between the mouth of the Ohio and the mouth of the Missouri Rivers; to the Committee on Appropriations.

By Mr. HAUGEN: A bill (H. R. 11396) to regulate foreign commerce in the importation into the United States of the adult honeybee (Apis mellifica); to the Committee on Agriculture.

By Mr. SNELL (by request): A bill (H. R. 11397) to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes; to the Committee on War Claims.

By Mr. PARKS of Arkansas: Joint resolution (H. J. Res. 310) for the relief of sufferers in the flooded district of the Mississippi River, and for other purposes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 11398) granting an increase of pension to Mary J. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11399) granting a pension to Margaret White; to the Committee on Invalid Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 11400) for the relief of the estate of Katherine O'Melia; to the Committee on Claims.

By Mr. IRELAND: A bill (H. R. 11401) granting a pension to Catherine Hinkle; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11402) granting an increase of pension to Elizabeth Stout; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 11403) for the relief of Seth A. Welch; to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 11404) for the relief of Mordecai Fisone; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5215. By Mr. BARBOUR: Petition of the San Francisco Presbytery of the United Presbyterian Church, of Monmouth, Calif., indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5216. Also, petition of the San Francisco Presbytery of the United Presbyterian Church, of Monmouth, Calif., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5217. Also, petition of the San Francisco Presbytery of the United Presbyterian Church, of Monmouth, Calif., indorsing House bill 9753; to the Committee on the District of Columbia.

5218. By Mr. COLTON: Petition of the Association of Utah Claimants against Mexico; to the Committee on Foreign Affairs.

5219. By Mr. CURRY: Memorial of Lodi growers and the Shippers' League, of Lodi, Calif., in favor of House bill 10786, to punish the unlawful breaking of seals of railroad cars containing interstate and foreign shipments with felonious intent; to the Committee on Interstate and Foreign Commerce.

5220. By Mr. FENN: Petition of hundreds of citizens of Hartford, Conn., against passage of House bill 9753, or any other bill for enforced Sunday observance; to the Committee on the District of Columbia.

5221. By Mr. FESS: Petition of the United Presbyterian Church Presbytery, of Sidney, Ohio, indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce and urging its early passage by Congress; to the Committee on the Judiciary.

5222. Also, petition of the United Presbyterian Presbytery, of Sidney, Ohio, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia and urging expedience in its passage; to the Committee on the District of Columbia.

5223. Also, petition of the United Presbyterian Church Presbytery, of Sidney, Ohio, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5224. By Mr. FRENCH: Petition of the Walla Walla Presbytery, of Lewiston, Idaho, indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5225. By Mr. GRAHAM of Illinois: Petition of the Presbytery of Monmouth, Ill., relative to Senate Joint Resolution 31, House Joint Resolution 131, and House bill 9753; to the Committee on the Judiciary.

5226. Also, petition of Mr. E. Sanstrom, of Moline, Ill., and others, relative to Senate bill 1948; to the Committee on the District of Columbia.

5227. By Mr. KING: Petition of A. P. Heidbreder and 18 other members of the Pattern Makers' League of Quincy, Ill., urging passage of House bill 10967, a bill to relieve unemployment, to remove the financial incentive to war, etc.; to the Committee on Naval Affairs.

5228. By Mr. KISSEL: Petition of the Retail Dry Goods Association, of New York City, N. Y., relative to American valuation plan; to the Committee on Ways and Means.

5229. By Mr. LEA of California: Petition of residents of Sonoma County, Calif., protesting against the compulsory Sunday observance bills for the District of Columbia (H. R. 4388 and 9753); to the Committee on the District of Columbia.

5230. By Mr. MAGEE: Petition of the Presbytery of Syracuse, N. Y., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5231. Also, petition of the Presbytery of Syracuse, N. Y., indorsing House bill 9753; to the Committee on the District of Columbia.

5232. Also, petition of the Presbytery of Syracuse, N. Y., indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5233. By Mr. RAKER: Petition of the California Federation of Women's Clubs, Mrs. W. A. Fitzgerald, president, of Berkeley, Calif., indorsing the Sterling-Towner bill; to the Committee on Education.

5234. Also, petition of the Brotherhood of Locomotive Engineers, Feather River Division, No. 800, of Portola, Calif., indorsing House bill 10798 and urging its passage; to the Committee on Interstate and Foreign Commerce.

5235. Also, petition of Alameda District, California Federation of Women's Clubs, indorsing the Johnson bill for the establishment of a forest experiment station in California in connection with the State university; to the Committee on Agriculture.

5236. By Mr. SNYDER: Petitions of North Star Grange, of Cold Brook, N. Y.; East Schuyler Grange, of Frankfort, N. Y.; and Little Falls Grange, of Little Falls, N. Y., favoring equal privileges in grange and land banks which other American banks enjoy; to the Committee on Banking and Currency.

5237. Also, petition of G. A. Mickle, F. G. Harkins, and U. D. Teepell, of Rome, N. Y.; P. F. O'Toole, F. J. Flanagan, and John Manier, of Utica, N. Y., favoring passage of the Chandler bill (H. R. 9198) providing for an increase in pensions for veterans of the War with Spain; to the Committee on Pensions.

5238. By Mr. STRONG of Pennsylvania: Petition of Kittanning (Pa.) Presbytery, indorsing House bill 9753 to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5239. By Mr. TILSON: Petition of the Connecticut Fish and Game Protective Association, urging the passage of House bill 5823; to the Committee on Agriculture.

5240. By Mr. WEBSTER: Resolution recently adopted by the Presbytery of Wenatchee, State of Washington, indorsing Senate joint resolution 31 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5241. Also, resolution recently adopted by the Presbytery of Wenatchee, State of Washington, indorsing House bill 9753 and urging its early consideration and passage by Congress; to the Committee on the District of Columbia.

5242. Also, resolution recently adopted by the Presbytery of Wenatchee, State of Washington, indorsing House joint resolution 131 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 22, 1922.*

(*Legislative day of Thursday, April 20, 1922.*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the amendments of the Senate to the bill (H. R. 2158) to provide for the monthly payment of pensions.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices.

The message further announced that the House had passed without amendment Senate bills of the following titles:

S. 157. An act for the relief of the Rosen Riechardt Brokerage Co. of St. Louis, Mo.;

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 667. An act for the relief of John B. H. Waring;

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee;*

S. 1767. An act for the relief of the owner of the derrick *Capitol;*

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; and

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 1059) for the relief of J. B. Waterman;

A bill (S. 1813) for the relief of the owner of the steamer *Mayflower;*

A bill (S. 1814) for the relief of the owner of the steam lighter *Cornelia;*

A bill (S. 1817) for the relief of the owners of the schooner *Horatio G. Foss;* and

A bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois;

H. R. 463. An act granting a patent to Joseph Robicheau;

H. R. 540. An act for the relief of Bradley Sykes;

H. R. 546. An act authorizing the Secretary of the Treasury to pay war risk insurance to the foster parents of Edward Short;

H. R. 1290. An act for the relief of Cornelius Dugan;

H. R. 1482. An act for the relief of James T. Farrill;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 1892. An act for the relief of L. A. McMullen;

H. R. 2614. An act for the relief of Luke Ratigan;

H. R. 2694. An act for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman;

H. R. 2722. An act for the relief of W. W. McGrath;

H. R. 3034. An act for the relief of Lizzie Askell;

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;*

H. R. 4845. An act for the relief of J. W. La Bare;

H. R. 4894. An act for the relief of George W. Posey;

H. R. 5251. An act for the relief of Ruperto Vilche;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 5766. An act to amend and correct the military record of Alvah B. Doble;

H. R. 5791. An act for the relief of Robert Russell;

H. R. 5829. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.;

H. R. 6134. An act for the relief of estate of Anne C. Shymer;

H. R. 6968. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

H. R. 7052. An act for the relief of G. C. Caldwell;

H. R. 7425. An act for the relief of Zah Barmon;

H. R. 7695. An act for the relief of James B. Connors;

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park;

H. R. 8073. An act for the relief of the Kineo Trust Co.;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 8767. An act for the relief of F. E. Taylor and B. C. Broom;

H. R. 8845. An act for the relief of Mattie Alexander;

H. R. 9886. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;

H. R. 10179. An act for the relief of Americus Enfield; and

H. R. 10643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message also further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3317. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 N., range 32 W., Beltrami County, Minn.;

H. R. 927. An act for the relief of Capt. Fred S. Johnston;

H. R. 2004. An act for the relief of Frank Ferrin;

H. R. 2158. An act to provide for the monthly payment of pensions;

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce;

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 3270. An act for the relief of Estella Barnett;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 7234. An act for the relief of Miles Swift;

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes; and

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota.

NAVAL PETROLEUM RESERVE IN WYOMING (S. DOC. NO. 191).

The VICE PRESIDENT laid before the Senate a joint communication from the Acting Secretary of the Interior and the Secretary of the Navy, transmitting, in response to Senate Resolution 277, information relative to negotiations with private parties for the operation of lands included in Naval Petroleum Reserve No. 3, Wyoming, No. 1, commonly known as the "Teapot Dome," which was ordered to lie on the table and to be printed.

REPORT OF NEAR EAST RELIEF (S. DOC. NO. 192).

Mr. LODGE. I present a report to the Congress of the United States from the Near East Relief, as required by law, which I ask be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present petitions in favor of the joint resolution for the homeland of the Jews in Palestine, and ask that the names of the organizations be printed.

The petitions were referred to the Committee on Foreign Relations, and the list of organizations petitioning was ordered to be printed in the RECORD, as follows:

Chevra Mishnayo Shabor, of New York City, Samuel Thomas Hefsky, president; Congregation Agudat Ahim, David Abrahams, president; Orange-City Lodge, I. O. B. B., Joseph Shurkin, president; Daughters of Israel, Mrs. Sara Pinsky, president; Orange Zion District, Sam Friedlander, president, all in the State of New Jersey; the Organized Jews of Port Arthur, Tex., William Plettman, president; the Zionist Organization of Fargo, N. Dak., Harry Lashkowitz, president; the Jewish Fund Volunteers' Association of Detroit, Mich., F. Slomovitz, president; of the Joint Session of B. N. A. I., Israel Hebrew Ladies Aid Society, the Mizrachi Society, the Y. M. H. A. and the Y. W. H. A., of Steubenville, Ohio; the Young Men's Hebrew Association, of Boston, Newburyport, and Fall River, in the State of Massachusetts; the Independent Order of Brith Abraham, of Fargo, N. Dak.; the Community Hebrew School, the Independent Order of Brith Abraham, the Congregation Beth Israel, the Jewish Library of New Orleans, the Ladies' Auxiliary Chevra Thillim, United Ben Lodge, I. O. B. B., the Hebrew Fraternal Association, Congregation Chevra Thilim, Ladies' Rachael Ben Association, United Brotherlove Association, and the Young Judeah, of New Orleans, La.

Mr. KELLOGG. I present a telegram in the form of a petition, which I ask be printed in the RECORD, together with a list of names, from each of whom I have received a similar telegram or communication in the form of a petition.

There being no objection, the telegram and list of names were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

DULUTH, MINN., *April 19, 1922.*

Hon. FRANK B. KELLOGG,
United States Senate, Washington, D. C.:

I trust and hope that you will use your best endeavors to report favorably the Lodge resolution for a Jewish homeland in Palestine. I believe that the vast majority of Americans, whether Jew or gentile, are strongly in favor of this resolution. Your wonderful record for fairness to all should urge you to work for it.

JOSEPH VERTELNEY,
President Duluth Hebrew Brotherhood.

L. Fox, president Sons of Israel Lodge, Duluth; Kodrivrim Club of Duluth, Duluth; Dr. I. L. Rypins and Dr. Maurice Lefkovitz, St. Paul; Samuel E. Davis, president Young People's League, Duluth; Samuel Lewis, president Independent Order B'nai B'rith, Hibbing; Joseph Vertelney, president Hebrew Brotherhood, Duluth; Sam Kaner, president Adath Israel Synagogue, Duluth; John Salem, Palestine National League, St. Paul; A. I. Mogelson, Duluth; E. Friedman, president B'nai Israel Congregation, Duluth; A. Horwitz, president Tifereth Israel Congregation, Duluth; J. S. Sears, Eveleth; Antonn Leobovic, pastor Holy Family Church, Eveleth; I. C. Smith, pastor Presbyterian Church, Eveleth; P. J. Maloney, pastor St. Patrick's Church, Eveleth; I. B. Aarons, president Duluth Zionist District, Duluth; C. A. Whitman, president First National Bank, Eveleth; Solomon Sax, vice president Eveleth Library, Eveleth; J. Weiner, president Eveleth Zionist District, Eveleth; Abe Goldberg, president Eveleth Lodge, No. 395, Eveleth; Harry Ellis, president Congregation Agudath Achim, Eveleth; Victor E. Essling, mayor, Eveleth; Dr. N. N. Cohen, president Western State Bank, Minneapolis; Sol. Pilgelman, St. Paul; Philip Kleinman, St. Paul Zionist District, St. Paul; Rabbi Philip Kleinman, St. Paul; Rabbi J. B. Hurwitz, St. Paul; Rabbi J. Megerowitz, St. Paul; Rabbi H. Simon, St. Paul; E. H. Hatch, Eveleth; Fr. McKeogh, pastor Italian Catholic Church, Eveleth; Zionist Organization, Chisholm; Rabbi S. Tetlitz, Duluth; Rabbi I. Lebendiger, Duluth; Jewish Ladies' Aid, Chisholm; B'nai Zion Congregation, Chisholm; Rabbi C. David Matt, Minneapolis; Joseph H. Schanfeld, president Adath Yeshurun Congregation, Minneapolis; Leo H. Frinck, American Jewish World, Minneapolis; Max Davis, president Kenneseth Israel Congregation, Minneapolis; Anna Goldvarg, president Young Women's Hebrew Association, Minneapolis; B. Bankman, president Zionist Organizations, Virginia; A. N. Bearman, president Temple Beth El, Minneapolis; Alfred E. Koenig, Council of Americanization, Minneapolis; Rabbi A. M. Heller, Minneapolis; Mrs. Alex Berman, president Ladies' Auxiliary of Talmud Torah, Minneapolis; M. D. Mirvins, Minneapolis; Jesse B. Calmenson, editor American Jewish World, St. Paul; Dr. Myron Sherper, physician, 336 Lowry Building, St. Paul; Harry Rosenthal, wholesale general merchandise, St. Paul; Dr. S. S. Maginer, physician, St. Paul; Milton P. Firestone, lawyer, St. Paul; Gustavus Loevinger, attorney, St. Paul; Moses W. Skorlah, wholesale jobber, St. Paul; Dr. George J. Gordon, physician, Minneapolis; Louis B. Feigelman, jeweler, Minneapolis; Barney Tremblatt, president Bloom Bros. Co., Minneapolis; Dr. I. W. Marcus, editor Saturday Post, Minneapolis.

Mr. MYERS presented a resolution of the Kalispell (Mont.) Kiwanis Club, favoring inclusion of a provision for the reclamation of logged-off land in the McNary reclamation bill, which was referred to the Committee on Irrigation and Reclamation.

Mr. JONES of Washington presented a resolution of East Dalkena Local Grange, No. 30, of Dalkena, Wash., favoring the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented a resolution of East Dalkena Local Grange, No. 30, of Dalkena, Wash., favoring the passage of Senate bill 2694, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

Mr. BORAH presented a resolution adopted by the annual conference of the Indian Valley Cattle and Horse Growers' Association, at Indian Valley, Idaho, favoring retention of the administration of the national forests in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Drummond, St. Anthony, Roxburg, and Squirrel, all in the State of Idaho, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented resolutions adopted by the Oklahoma State Association of Cleaners and Dyers, of Tulsa, Okla., favoring the passage of the so-called Capper-French truth in fabric

bill, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Twenty-fourth Annual Congress, Kansas Daughters of the American Revolution, at Pittsburg, Kans., favoring the enactment of legislation to create a national military park embracing the revolutionary fortifications at Yorktown, Va., which was referred to the Committee on Appropriations.

Mr. HARRIS presented a resolution adopted by group 5, Georgia Bankers' Association, at Cordell, Ga., expressing appreciation for the aid rendered by the Georgia delegation in Congress in securing the passage of the War Finance Corporation act and favoring further extension of such act, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by group 1 of the Georgia bankers, at Tifton, Ga., favoring further extension of the War Finance Corporation act, which was referred to the Committee on Banking and Currency.

Mr. ASHURST presented resolutions adopted by the Chamber of Commerce of Phoenix, Ariz., favoring the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Chamber of Commerce of Phoenix, Ariz., in regular session assembled, respectfully represent that—

"Whereas the world-wide extension of popular Government has placed upon the masses of the people responsibilities never borne by their forefathers; and

"Whereas enlightenment and the development of wise leaders can only be brought about by educational process; and

"Whereas it is evident, from a consideration of conditions now existing in this country as regards illiteracy and the unsatisfactory assimilation of immigrants that methods of handling these problems now in force are inadequate; and

"Whereas a bill is now pending in the Congress of the United States providing for the acceptance of national responsibility for and aid to public education through the appropriation of $100,000,000 to the several States, and the establishing of a Federal department of education: Therefore be it

"*Resolved by the Chamber of Commerce of Phoenix, Ariz.*, That we hereby memorialize Congress to enact into law the Towner-Sterling bill, known as the education bill; be it further

"*Resolved*, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

Passed by the board of directors this 12th day of April, A. D. 1922.

[SEAL.] JOHN A. BARNES,
President.

Attest:
HARRY WELCH,
Secretary.

REPORTS OF COMMITTEES.

Mr. STERLING, from the Committee on Civil Service, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3472) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920 (Rept. No. 624); and

A bill (S. 3488) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920 (Rept. No. 625).

Mr. STERLING, from the Committee on Civil Service, to which was referred the resolution (S. Res. 258) requesting the President to furnish the Senate information concerning appointments by Executive order, reported it with an amendment and submitted a report (No. 628) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4368) for the relief of the owners of the barge *Havana* (Rept. No. 626); and

A bill (H. R. 7272) for the relief of Monroe B. Shealy (Rept. No. 627).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3498) for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3499) to provide credits to secure the successful production and profitable and orderly marketing of agricultural products and live stock in the United States; to the Committee on Banking and Currency.

By Mr. SHORTRIDGE:

A bill (S. 3500) granting an increase of pension to Abigail R. Ellet; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3501) for the relief of the dependent widow and children of Herman Mednick, deceased; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 3502) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation in Nebraska; to the Committee on Indian Affairs.

TARIFF BILL AMENDMENT.

Mr. HALE submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

THE CALENDAR.

Mr. HARRISON. Mr. President, may I ask, before we proceed with the calendar, that the resolution (S. Res. 258) which has just been reported from the Committee on Civil Service by the Senator from South Dakota [Mr. STERLING] may be considered. It calls for certain data and there will be no objection to it at all if we can consider it. There will be no discussion.

Mr. LODGE. If there is no discussion I have no objection, but the Senator must remember we are under a unanimous-consent agreement.

Mr. CURTIS. I suggest that the Senator from Mississippi wait until we get through with the calendar under the unanimous-consent order and then he can call up the resolution.

Mr. HARRISON. Very well.

Mr. CURTIS. Under the unanimous-consent order the calendar is to be called, beginning at the first number, and gone through with, and unobjected bills disposed of. Then if there is any time other business may be taken up on motion.

The VICE PRESIDENT. The Chair does not find any unanimous-consent agreement printed on the calendar.

Mr. ASHURST. The Chair will find it at page 5614 of the RECORD, about the middle of the left-hand column.

Mr. SMOOT. That was the understanding had on yesterday.

The VICE PRESIDENT. The Senate will proceed to the consideration of the calendar.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. KING. I would like to inquire—and if the Chair can not advise me perhaps the Senator from Kansas [Mr. CURTIS] can—whether under the unanimous-consent agreement an objection carries over a bill objected to?

The VICE PRESIDENT. The understanding was that on the first call of the calendar an objection could be raised and the bill would go over, but on the second call bills can be taken up on motion.

Mr. KING. On the first call they can not be taken up on motion?

The VICE PRESIDENT. That is the understanding.

MORGAN MILLER.

Mr. TOWNSEND. Mr. President, there are two claims bills on the calendar which went over at the last call of the calendar at the request of the junior Senator from Utah [Mr. KING]. I think he stated that possibly he might not object when they came up again. It is necessary for me to be away this afternoon, and I ask unanimous consent that those two bills—Senate bill 103 and Senate bill 1245—be called to see if there is objection to them or whether they can be considered under the unanimous-consent agreement.

Mr. KING. I have no objection to the Senator asking to advance them and take them up first, and I shall not object to their consideration. I may ask some questions and may feel constrained to vote against them, but I shall not object to their consideration.

Mr. TOWNSEND. That is what I understood. Therefore I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, the bill (S. 103) for the relief of Morgan Miller.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$6,000" and insert "$3,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Morgan Miller the sum of $3,000 for injuries sustained on February 3, 1920, while standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich., by being struck by a United States mail truck which was running at a rapid rate of speed and without lights, it being 8 o'clock and 10 minutes a. m. and quite dark. Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital

about five days and has been confined to his bed for three months, and it will be eight months before he is able to do any kind of work whatever.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT JUNE.

Mr. TOWNSEND. I now ask that the other bill, Calendar No. 445 (S. 1245), for the relief of Robert June, be considered. It was read and discussed to some extent the other day.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert June, of Detroit, Mich., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $5,000 as compensation to him for injuries sustained in the month of June, 1908, on the Panama Canal, while employed by the Isthmian Canal Commission in the capacity of fireman.

Mr. KING. This is the bill to which the senior Senator from Utah [Mr. SMOOT] called attention the other day?

Mr. TOWNSEND. It is.

Mr. KING. And the Senator from Michigan was to obtain some information, I believe?

Mr. TOWNSEND. The information was whether this case comes under the law or not. The accident occurred before the law referred to was enacted. The man from that time to this has been either in the hospitals of the United States or under medical care. The case was not covered by the employees' liability act.

Mr. KING. Let me say to the Senator that in a number of instances where applications were made for relief and it was proven that the applicants were without the law, a bill was passed simply transferring them to a status under which they could invoke the law. Why should not that be done here?

Mr. TOWNSEND. The reason is, to my mind, very clear. The accident occurred without any fault on the part of the claimant at all. Colonel Goethals stated the facts of the case, and all connected with it say there is no dispute on that proposition at all. The man, after receiving the injury, went to work, thinking he could get along without making any claim, and he did work at times as best he could until he was discharged. Then he went to the hospital shortly after that. He thought, in the first place, that he was getting along all right, but shortly afterwards, as the result of the injury, which nobody disputes, his side became practically useless, involving his knee, ankle, and hip as well. This young man in the employ of the Government is incapacitated for his life's work. The bill is simply to relieve him.

Mr. SMOOT. The question I called attention to is the amount that is appropriated. The law as originally passed provided that an injured employee of the Government on the Panama Canal should receive one year's salary, and we have followed that year in and year out. The pending bill appropriates $5,000 for a man who was injured on the Panama Canal. Does the Senator know what his salary was?

Mr. TOWNSEND. I believe it was $175 a month.

Mr. SMOOT. That would be $2,100 a year. Would it not be the proper thing to amend the bill so as to give the man $2,100?

Mr. TOWNSEND. It does not seem to me that it would be proper at all, for the reason that the man has paid out much more than that amount in hospital bills. I think he paid out more than that at Johns Hopkins alone, where he went. He stayed there for treatment during practically a year and was discharged in this crippled condition. All of the doctors who have testified say that there is no hope of his recovery.

Mr. KING. Mr. President, I should like to ask the Senator how he justifies a proceeding by which we propose to discriminate in favor of persons who sustain injuries at the hands of the Government? Congress in its wisdom has passed a law and has fixed certain standards under which payment shall be made for any injuries received. Everybody who may be injured in the Government service since the passage of that law receives compensation under those standards and under that act. Now, here is a man who was injured prior to the passage of that law——

Mr. TOWNSEND. He was injured a month before that law became operative.

Mr. KING. It would seem to me that he ought to be more than gratified if Congress makes the law retroactive so far as he is concerned and places him in a position where he may receive the same compensation for the same character of injuries as other beneficiaries of the law receive.

Mr. TOWNSEND. If that is the position the Senate shall take, it is all right. I have, however, presented the case on account of its peculiar merits. I do not introduce all the bills which are presented to me; but I look into every case with as much care as possible. This case appealed to me very strongly. This man was of good ability. The Senator from Utah may put himself in this man's place. If the Senator from Utah were an employee of the Government and had suffered an injury as a result of which he became dependent, practically, and his opportunities for earning a living were destroyed through no fault of his, but through the fault of another employee of the Government, it would seem to me that, at least, we ought to make him whole. So in this case I think that we should not only pay Mr. June a year's salary but that we ought to pay his doctor's bills which have been incurred in order that he might regain his health.

Mr. KING. Mr. President, the argument of the Senator from Michigan is the argument which has been urged in every State against the passage of workmen's compensation acts, but the States and the Federal Government, in the exercise, I believe, of sound wisdom, and in the interest of a sound public policy, have considered that it was better to have the workmen's compensation acts prescribe certain standards and to bring everybody within those standards.

I say to the Senator now, with a due appreciation of his position and with the utmost sympathy for this man, that if we break down the standard, if we say now that the act which we have applied to every other man who has been hurt, perhaps just as badly and in some instances worse than this man, shall not apply, if we break the law down for this man, we shall have to break it down for the others; we shall be called upon over and over again to pass special pension bills which would nullify the general act which we have enacted, and which was enacted in the first instance to avoid appeals for the passage of special bills.

I ask the Senator to modify his bill so as to put this man into the same status as other men who have received like injuries. I think that he ought not to claim any greater advantage than anybody else who has been hurt.

Mr. TOWNSEND. All I can say is that the law seems to me to be very unjust in its application to this particular case. I do not care to make any motion; but if the Senator from Utah desires to amend the bill, and that shall be the sense of the Senate, that will be all right.

I do not wish to take up time out of order for the consideration of this bill, but, believing as I do that the amount fixed in the bill is the proper amount, I do not wish to move to reduce it.

Mr. KING. I do not know exactly in what form an amendment to the bill should be proposed.

Mr. SMOOT. The proper motion for my colleague to make would be to move to strike out the "$5,000" which is proposed to be appropriated by the bill and to insert in lieu thereof whatever amount he may think to be proper.

Mr. KING. No, I wish to amend the bill so that the claimant would get the benefits of the workmen's compensation act.

Mr. SMOOT. I think if my colleague should move to amend the bill by inserting "$2,500" he would practically cover the case.

Mr. KING. I think the claimant would receive more if he were brought under the workmen's compensation act; that he would get a certain amount for life——

Mr. TOWNSEND. For life?

Mr. KING. Yes; he would get a certain amount each month for life.

Mr. TOWNSEND. Oh, no. The bill as drawn provides for a lump-sum appropriation of $5,000. If it shall be amended so as to provide a lump sum of $2,500, that would not be sufficient to pay the man's doctors' bills; but if the Senator desires to amend the bill in that way——

Mr. KING. Mr. President, I confess I do not like to move that amendment. I think the claimant ought to be put under the workmen's compensation act; but I will move to strike out "$5,000" and to insert in lieu "$2,500."

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The ASSISTANT SECRETARY. On page 1, line 6, it is moved to strike out "$5,000" and to insert "$2,500."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. KING. Mr. President, I desire to move another amendment to the bill, but I shall have to state it hurriedly, and I am afraid that the amendment which I shall propose will hardly be in proper form. I move, however, to strike out all after the enacting clause of the bill and to insert the following:

That Robert June, of Detroit, Mich.——

Mr. TOWNSEND. I think his home is at Toledo,

Mr. KING. That is immaterial.

That Robert June, of Detroit, Mich., be placed upon the list of those obtaining the benefits of the workmen's compensation act, and that he shall receive the same benefits that are paid under said act to persons receiving like or similar injuries.

That amendment is, of course, inartistically drawn.

Mr. TOWNSEND. I am afraid the Senator's proposed amendment would tend to complicate the matter. Under the motion which the Senator made a few moments ago this man would receive practically one year's compensation, which is substantially the same amount that would be paid, as I understand, under the workmen's compensation act.

Mr. SMOOT. And that is what the law provided shortly after his injury.

Mr. TOWNSEND. Yes; within a month or so after the injury occurred.

Mr. KING. Let me ask the Senator from Michigan if, under the operation of the workmen's compensation act, he would not receive an allowance from month to month during life?

Mr. TOWNSEND. He would not; there is no question about that at all. If that were so I would move to repeal the act. The bill now under consideration is a plain relief bill, similar to hundreds of such bills which have been passed by Congress. The beneficiary under the bill has no status under the law now for any compensation; he does not come under the workmen's compensation act. Under the motion the Senator made a few moments ago he would be granted a lump sum of money to compensate him for the injury.

Mr. KING. Let me ask the Senator why should he not be put under the workmen's compensation act?

Mr. TOWNSEND. I have tried to state that to the Senator as best I could. If I did not know the case so thoroughly I would not so strongly urge the passage of the bill; but to me the case is a most appealing one. Here was a young, active, and promising man, who has been crippled for life, and who has spent almost as much as the bill reported proposes to give him in his attempt to recover his health. If I did not feel that the circumstances so strongly warranted it I would not ask for him special relief at all; I would not come here asking Congress to enact a special bill.

Mr. KING. I made a reply to the Senator a moment ago which I am compelled to make again, that that argument is always made against the adoption of workmen's compensation acts; but experience has demonstrated that in the long run injured persons obtain more by receiving a comparatively small amount under workmen's compensation acts than by resort to litigation, as a result of which some of them may get more, but after dividing with attorneys and paying court expenses, and so on, in the long run it has been demonstrated that injured persons receive less than they do even by having no limit upon the verdicts which juries might render. If we single this case out and give this man special consideration every man who has been injured or is hereafter injured in the Government service who would come within the workmen's compensation act would say, "My injuries are so serious that I do not wish to put myself under the workmen's compensation act; I will get a special bill through; the Senator from Michigan presented a special bill; he was not willing to put an injured employee in whom he was interested under this law. Why should I, with my serious injuries, come under that law?"

Mr. TOWNSEND. I think I know what a majority of the Senate wants in reference to this matter; but I know that it is not fair for me to stand here and occupy the time of the Senate when other measures are waiting to come up, and Senators are anxious to secure consideration for them. So, Mr. President, I ask unanimous consent to reconsider the vote by which the amendment offered by the Senator from Utah [Mr. KING] proposing an appropriation of $2,500 instead of $5,000 was rejected, in order that I may accept the $2,500 amendment.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which the amendment was rejected? The Chair hears none, and the vote is reconsidered. The question now is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The VICE PRESIDENT. The Secretary will state the first bill on the calendar.

A bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment; on page 1, line 7, after the word "exceeding," to strike out "$100,000" and to insert "$50,000," so as to make the bill read:

Be it enacted, etc., That paragraph 20 of section 24 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended to read as follows:

"20. Concurrent with the Court of Claims of all claims not exceeding $50,000 founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided, however*, That nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the late Civil War and commonly known as 'war claims,' or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be effected by this provision: *And provided further*, That no suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made: *Provided*, That the claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

The amendment was agreed to.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS TRANSFERRED TO THE CALENDAR UNDER RULE IX.

Mr. STERLING. Mr. President, in regard to the two bills next following on the calendar, the bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year, and the bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," I desire to say that the subject matter of those two bills is involved in the reclassification bill now pending before the Committee on Appropriations. Therefore those two bills may go over.

Mr. SMOOT. Why should they not be definitely postponed?

Mr. STERLING. I do not like to ask that they be definitely postponed.

Mr. SMOOT. Then, let them go to the calendar under Rule IX, so that they will not come up and go into the record every time the calendar is called.

Mr. STERLING. What will be the effect of that?

Mr. SMOOT. If the bills go over under Rule IX, they may be called up at any time.

Mr. STERLING. Very well. Then, I ask that the two bills to which I have referred may be placed on the calendar under Rule IX.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. SMOOT. I ask that that bill may also be transferred on the calendar to Rule IX.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. BORAH. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. JONES of Washington. I ask that that resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

RURAL HOMES.

The bill (S. 401) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, some time ago the Senator from Oregon [Mr. MCNARY] objected to that bill, as I have done, and it was understood that we were to see the Secretary of the Interior, Mr. Fall. I telephoned the other day to the Interior Department, but the Secretary was about to leave the city. As soon as he returns, the Senator from Oregon and myself will have an interview with him, and we hope to reach some understanding with respect to this measure.

Mr. SMOOT. Mr. President, all I have to say is that Secretary Fall is very much in favor of the bill; he has favorably recommended it, and I can not for the life of me see why there should be objection to it. I think that it will reclaim more land in the United States than any other act which has been presented to the Congress. Of course, however, if there is objection the bill must go over.

Mr. MCNARY. Mr. President, I assume objection has been made by the junior Senator from Utah [Mr. KING] to the present consideration of the bill; but in answer to the senior Senator from Utah [Mr. SMOOT] I wish to remark that this bill does not entirely fit in with the proposed larger scheme of reclamation. While I feel a great and deep interest in the subject, I want to discuss the matter in a practical way with the Secretary of the Interior. The junior Senator from Utah and I, in good faith, arranged to call on the Secretary of the Interior, but he has recently departed from the city. I can assure the senior Senator from Utah that there will be no unusual delay in the consideration of the bill.

BILLS PASSED OVER.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. KING. Let that go over.

Mr. CALDER. Mr. President, will not the Senator permit that bill to be considered now?

Mr. KING. No, Mr. President; I regret that I can not do so. I believe that possibly one additional district ought to be granted to New York; but, as I stated to the Senator from New York the other day, there is no reason why the Secretary of the Treasury and the internal revenue officers should not take from one State a district and create another one in New York. In some of the States there are too many districts now. Secretary McAdoo was willing to reduce the number that then existed and that now exist, notwithstanding the fact that the revenue then collected was more than is collected now or will be collected in the next year or two, if we are to believe the promises of our Republican friends. Now that we are diminishing the revenue, it is proposed to increase the number of revenue districts and necessarily the number of revenue officers. I am opposed to it.

Mr. CALDER. I hesitate to prolong the discussion, but the facts are that a great many more reports are being filed each year and the increasing of these districts tends to facilitate the Government's business, and from the standpoint of the Internal Revenue Department they insist that it would largely increase the amount of revenue collected.

Mr. KING. I think I can convince the Senator——

Mr. LODGE. Objection is made, Mr. President.

Mr. CALDER. Will the Senator permit the bill to be considered now?

Mr. KING. I object to it.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. ASHURST. Let the report be read.

Mr. KING. Mr. President, in frankness I shall have to state to the Senator that I shall object to the consideration of that bill.

Mr. ASHURST. Of course, if my friend is going to object, I do not wish to consume the time of the Senate by having the report read. I presumed that having objected five or six times, he had exhausted his objections.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. POMERENE. I object, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

GEORGE A. ROBERTSON.

The bill (S. 436) for the relief of George A. Robertson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries while in the performance of their duties, and for other purposes," are hereby extended to George A. Robertson for the loss of his right eye while employed by the Department of the Interior in Glacier National Park in the year 1918, and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations, owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Mr. President, I do not see the chairman of the committee, the Senator from Delaware [Mr. BALL], here. I understand that efforts are being made now by the companies to bring about a merger. If that can be done without legislation, it is very desirable. I suggest that the bill be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. KING. The discussion of that bill will take some time. I suggest that it be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF GOVERNMENT CONTRACTORS AND OTHERS.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders, was considered as in Committee of the Whole.

Mr. KING. Has the bill been read, Mr. President?

The VICE PRESIDENT. It was read when reached before on the calendar.

Mr. KING. I should like an explanation of the bill from the Senator from Washington. I reserve the right to object.

Mr. POINDEXTER. Mr. President, in substance this bill simply gives authority to the Secretary of the Navy to settle contracts made during the war. Many of these contracts were interfered with by the Government itself after they had been entered into. At the conclusion of the report of the committee on the bill there is a statement, which the Senator will notice, from the Secretary of the Navy, in which he says:

I am strongly in favor of legislation of this kind, which will do justice to the contractors and still safeguard the interests of the Government. I urge speedy action by the Congress. These claims have been pending for some time, and, with many of the small contractors, their allowance may mean the difference between solvency and insolvency. Our inability to meet all the claims works a hardship that should be removed as soon as may be.

There is a limitation on the bill that nobody who has made as much as 6 per cent on his entire volume of business can have any claim, regardless of any profit that he may be losing by reason of Government orders. It is intended simply within that limitation to relieve contractors from the interference of the Government with the performance of the contracts.

Mr. KING. May I inquire of the Senator what has been done with the numerous claims made by persons having contracts or alleged contracts with the Government for damages because of the breach of the contracts by the Government?

Mr. POINDEXTER. In the case of the War Department, the Post Office Department, public works under the Treasury Department, and rivers and harbors there has been more or less remedial legislation, and many of these claims have been settled; but there has been none so far as the Treasury Department is concerned.

Mr. KING. As I understood, a commission was appointed by the War Department to pass upon the claims presented; and Secretary Weeks sent to the Senate, in response to a resolution which I offered, a letter showing the number of claims which had been presented, the number allowed, the number disallowed, the amounts allowed, and so forth, and the fact that some of the claims had been reopened; and that is what induced the resolution. A commission was appointed, with quasi-judicial powers, to make a thorough investigation into all of those claims, and it did investigate, and paid very large sums and settled very large amounts. Was not some commission appointed in the Navy Department?

Mr. POINDEXTER. No; there was not. That is the great need for this legislation. Of course, it has been delayed by the expectation that there would be a general omnibus legislative bill relating to the Navy, since the division of appropriations from legislative matters in the House of Representatives, and the Senate has been expecting that the bill which has been reported out of the committee in the House would be acted upon and come to the Senate, and there would be an opportunity in connection with that bill to take up such matters as this.

Mr. KING. In view of the length of time that has elapsed since the alleged breach of contract by the Government, does not the Senator think that the matters ought to go to the Court of Claims?

Mr. POINDEXTER. That would simply mean ruin to the smaller contractors. They could not possibly maintain themselves in the Court of Claims and wait the length of time that would be necessary to get an adjudication. It would amount to a denial of justice; and the committee, after careful examination, was of the opinion that there is no danger that the Secretary of the Navy is going to be too liberal with these people. The strictest sort of limitations are placed upon the allowance. The object is to give the head of the department, representing the Government in these matters, the same sort of power to settle a contract that a private individual would have in the case of parties with whom he is dealing.

I hope the Senator will not insist upon his objection, but will allow this measure to go through.

Mr. KING. I ask that the report may be read. It will take a little time, but it will give us further light on the matter.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the report.

The Assistant Secretary read the report (No. 191), submitted by Mr. POINDEXTER on June 29, 1921, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders, having had the same under consideration, report favorably thereon and recommend that the bill do pass with amendments, as follows:

After the word "order," line 2, page 2, strike out the words "or action."

After the word "authority," line 2, page 2, insert the words "not authorized by the contract."

After the word "mentioned," line 3, page 2, change the semicolon to a period and strike out the remainder of section 1.

The bill seeks to provide means for reimbursing contractors under the Navy Department on contracts made between the declaration of war and the signing of the armistice for losses and damage caused by governmental action.

Section 1 covers claims on contracts entered into between April 6, 1917, and November 11, 1918, inclusive, and requires that such claims shall be in writing, verified under oath, and shall be submitted to the Secretary of the Navy within six months from the date of approval of the act.

Section 2 prohibits claimants whose entire volume of business with the Government during the aforesaid period yielded a net profit of not less than 6 per cent from obtaining the relief carried in the bill.

Section 3 authorizes the Secretary of the Navy to obtain data, to make rules and regulations, to summon and examine witnesses, and to procure the books and papers of claimants, in carrying out the duties of the act.

Section 4 authorizes and directs the Secretary of the Navy to decide, find, fix, and determine the sum due any claimant, and also directs that in like cases should it be found that any liquidated damages are due the Government against such claimants the Secretary of the Navy shall so find.

Section 5 appropriates the sum of $25,000 to enable the Secretary of the Navy to carry out the provisions of the bill.

Similar legislation has already been enacted to apply to contracts of the Post Office Department, public-buildings work under the Treasury Department, and rivers and harbors and other War Department contracts. This bill does not seek to legalize informal contracts but only to open the way for the correction of apparent injustices which have arisen under contracts formally entered into and which were not foreseen when the contracts were made.

The measure has the approval of the Acting Secretary of the Navy, and the following is quoted from his letter of June 8, 1921:

"I am strongly in favor of legislation of this kind which will do justice to the contractors and still safeguard the interests of the Government. I urge speedy action by the Congress. These claims have been pending for some time, and, with many of the small contractors, their allowance may mean the difference between solvency and insolvency. Our inability to meet all the claims works a hardship that should be removed as soon as may be."

Mr. KING. I regret that the report does not state more fully what the claims are, the aggregate amount, or the possible liability of the Government. We are asked practically to shoot into the dark. Is this a million or ten million or one hundred million dollars that we are obligating the Government to pay?

Mr. POINDEXTER. It is impossible to tell, of course, what the amount will be, but somewhere in the neighborhood of a million dollars, so far as claims have been filed.

Mr. KING. A million dollars only?

Mr. POINDEXTER. Yes; that is my information. I inquired of the department in regard to that in response to a similar question asked by the Senator on another occasion.

Mr. KING. Do these contracts relate to warships or munitions and supplies, and so forth?

Mr. POINDEXTER. They relate to munitions, supplies, and to the construction of ships, buildings, and various other war activities. It is confined entirely to contracts made during the period of the war.

Mr. KING. Is the Secretary of the Navy authorized to make payment?

Mr. POINDEXTER. The Secretary of the Navy is authorized simply to find the amount due. I assume that an appropriation by Congress would have to be made subsequently to pay any award made by the Secretary of the Navy.

Mr. KING. Is there a provision in the bill that he shall report his findings to Congress, and that Congress then shall pass upon the same?

Mr. POINDEXTER. No; there is no provision to that effect. Of course, it would be absolutely necessary, in applying for appropriations, for his report to be made to Congress.

Mr. KING. Will the Senator agree to an amendment to this effect, that the Secretary of the Navy shall make a full and detailed report of his proceedings under this act to Congress on or before such date as the Senator may suggest?

Mr. POINDEXTER. I have no objection at all to such an amendment.

Mr. KING. I suggest that as an amendment. Probably it should be made a part of section 4.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. KING. Before it is stated, may I inquire of the Senator what time he thinks should be inserted in the amendment?

Mr. POINDEXTER. I would say six months.

Mr. KING. Say, on or before December 1 next?

Mr. POINDEXTER. Yes.

Mr. KING. That will be satisfactory.

Mr. POINDEXTER. May we not have a vote on that amendment?

Mr. KING. Let us make it on or before December 1, 1922.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add, at the end of section 4, the following proviso:

Provided, That the Secretary of the Navy shall make a full and detailed report of his proceedings under this act to Congress on or before December 1, 1922.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the committee amendments in their order.

The amendments of the Committee on Naval Affairs were, on page 2, line 6, after the word "order," to strike out the words "or action"; on page 2, line 6, after the word "authority," to insert the following words "not authorized by the contract"; on page 2, line 7, after the word "mentioned," to strike out the remainder and the rest of the paragraph down to and including line 14, as follows: "and the execution of a final settlement or release by such claimant prior to the approval of this act shall not be a conclusive bar to his relief hereunder if such claimant is otherwise entitled to such relief under this act, but such settlement or release may be considered by the Secretary of the Navy as a circumstance bearing upon the question of the justice and equity of such claim" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to make thorough investigation and determination of the merits of all claims which may be submitted to him in writing, and verified under oath, within six months from the date of approval of this act, for any loss or delay alleged to have been caused to any contractor, subcontractor, or material man in the performance of any contract entered into by any person, firm, corporation, or association with the United States through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive, which loss or delay was caused to such contractor, subcontractor, or material man, by the action of any Government agency by reason of priority orders for material or transportation, commandeering of property or material, or other order of Government authority not authorized by the contract, on or between the dates above mentioned.

SEC. 2. No claimant shall obtain such relief whose entire volume of business with the Government or as a subcontractor or material man upon contracts with the Government during the period aforesaid shall have yielded a net profit of not less than 6 per cent.

SEC. 3. In the performance of the duties of this act, the Secretary of the Navy is authorized to make such rules and regulations, not inconsistent therewith, as may be proper and necessary for the orderly conduct of his duties thereunder, and is hereby authorized to summon witnesses and examine them under oath, acting either in person or through such agencies as he may establish, and to require claimants to exhibit their books and papers, and to obtain from the Secretary of the Treasury income tax and other financial reports, where the same may be pertinent to the question under inquiry.

SEC. 4. The Secretary of the Navy shall decide each claim presented under this act in accordance with the principles of justice and equity with a view of relieving claimants or petitioners hereunder from any loss caused by the action of the Government hereinbefore stated, and if it shall be found that on account of such action of the Government any sum of money shall be due to such claimant, not exceeding a net profit of 6 per cent upon the entire volume of business which such claimant may have had with the Government on account of contracts during the period mentioned, the Secretary of the Navy shall fix and determine the same, and if it shall be found that by reason of any such act of the Government, as stated above, the Government shall have a claim for liquidated damages against any such claimant or petitioner on account of any such contract mentioned in the first section of this act for delay in its performance, which delay shall have been caused by such Government action, the Secretary of the Navy shall so find, and such Government claim for damages on account of such delay shall be canceled and become of no effect.

SEC. 5. The sum of $25,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to enable the Secretary of the Navy to carry out the purposes of this act.

The amendments were agreed to.

Mr. DIAL. I notice that in section 4, line 19, the bill refers to any claim for liquidated damages which the Government may have. I do not know that it would have any claim for liquidated damages. It looks to me as if it should read "unliquidated" damages. At any rate, the Government should have a right to set up a claim either for liquidated or unliquidated damages.

Mr. POINDEXTER. I have no objection to striking out the word "liquidated," if the Senator prefers.

Mr. DIAL. I suggest that the Senator agree to an amendment making it read "liquidated or unliquidated."

Mr. POINDEXTER. I have no objection.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. After the word "liquidated," on page 3, line 19, insert the words "or unliquidated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEBATE UNDER RULE VIII.

Mr. LODGE. Mr. President, I desire to call attention to Rule VIII, under which we are proceeding. That rule provides that each Senator shall be entitled to speak once, and for five minutes only, upon any question. I shall ask for the enforcement of that rule while I am in the Chamber.

BUELL BYRNES.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. Before anyone suggests that this bill shall go over, I want to say that it has been displaced by a bill later reported by the committee, Senate bill 2254. So I ask that this bill be indefinitely postponed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and Senate bill 2170 is indefinitely postponed.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Mr. CAPPER. I ask unanimous consent that we shall go back to Senate bill 2040, which appears on the calendar just before the bill that was acted on a few moments ago. It is a bill which relates to a school census of the District of Columbia and is known also as the compulsory school attendance bill. I have been trying for several weeks to get it before the Senate. There is a great demand from the school authorities here for the prompt consideration of the measure.

Mr. SMOOT. I know the importance of the bill. It is a long measure, and I am quite sure the Senator is aware it could not be passed under the limitation of five minutes on speeches and permitting only one speech by each Senator.

Mr. CAPPER. I do not know of any opposition to the bill.

Mr. SMOOT. There is opposition to it. I suggest that the Senator wait until we get through with the calendar, and then if he wants to move to take it up, under the agreement he can do that; but I would like to have it go over now until that time.

Mr. CAPPER. That is all right, if I can have an understanding to get it up after we conclude the consideration of the bills on the calendar.

Mr. SMOOT. Under the unanimous-consent agreement we are to consider the bills on the calendar to which there is no objection, and after the consideration of those bills has been concluded, any bill may be taken up by the order of the Senate.

Mr. CAPPER. I wish to give notice now that as soon as we get through the calendar I shall ask that this bill be taken up.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. Let me ask the Senator whether he will not consent to that bill being passed over until the joint committee of which the Senator is chairman and I am a member makes its report to the Committee on the District of Columbia?

Mr. CAPPER. This measure has been considered by the Senate District Committee, and I do not think it is a matter the joint school committee has under consideration especially. The House District Committee has already considered the measure, and my understanding is that they have made a favorable report, so that it is really not a part of any program which might be presented by the joint school committee.

Mr. KING. The Senator no doubt knows that the method of appointing the school board in this District is the subject of discussion in the joint committee. Some have suggested that the members of that board be appointed by the President, others by the judges of the Supreme Court, others by the commissioners, and others that they be chosen by an election upon the part of the people. I know it is the subject of discussion in our joint committee, and I am sure we will make a recommendation, I hope unanimously.

Mr. JONES of Washington. I will save time by objecting to the present consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

BILLS, ETC., PASSED OVER.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person when reimported into the United States was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 208) for the relief of William O. Mallahan was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2035) for the relief of William M. Carroll was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2573) to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

The VICE PRESIDENT. That bill has been considered and amended. There is an amendment pending offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. OVERMAN. Let it go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ORIN THORNTON.

The bill (S. 1655) for the relief of Orin Thornton was announced as next in order.

Mr. KING. Let the report be read in that case, Mr. President. I reserve the right to object.

The Assistant Secretary proceeded to read the report submitted by Mr. ROBINSON November 23, 1921.

Mr. OVERMAN. The bill had better go over, Mr. President.

Mr. CARAWAY. I hope the Senator will not object.

Mr. OVERMAN. If the Senator from Arkansas is interested in it, I will withdraw the objection.

Mr. SMOOT. Let the Secretary continue reading the report. If there is nothing in the report other than what we have heard already, I shall object.

The Assistant Secretary resumed and concluded the reading of the report, which is entire as follows:

Mr. ROBINSON, from the Committee on Military Affairs, submitted the following report to accompany S. 1655:

The Committee on Military Affairs, to which was referred the bill (S. 1655) for the relief of Orin Thornton, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment as follows:

At the end of line 8 strike out the period and insert a colon and the following: "*Provided*, That no back pay, bounty, or other allowances shall be considered to have accrued by reason of the passage of this act."

A report from the War Department on the case of Orin Thornton is appended hereto and made a part of this report, as follows:

Case of Orin Thornton, alleged former member of Company A, Third Regiment Arkansas Volunteer Infantry.

The name Orin Thornton has not been found on the rolls on file in this office of Company A, or any other company of the Third Regiment Arkansas Infantry, Civil War. That regiment was also known as the Fourth Regiment Arkansas Cavalry.

A record is found, however, showing that one ——— Thornton was enrolled November 17, 1863, at Benton, Ark., and was mustered into service at that place December 8, 1863, with a detachment, as a private of the Third Arkansas Cavalry, to serve one year, which regiment (or battalion) subsequently became the Fourth Arkansas Cavalry (Fishback's). No later record of this ——— Thornton has been found in this office; hence there appears to be no official record showing whether he rendered any actual military service or whether he died in service, deserted, or was discharged either honorably or dishonorably. The Auditor for the War Department has informed this office that no record is found of any payment made to this man.

It has repeatedly been alleged in communications to this office by one Aren, Oren, or Arin Thornton, Aren E., Oren B., or Arin B. Thornton, that he served as a private in Company A, Fourth Arkansas Cavalry (Fishback's), said to have been previously known as Company A, Third Arkansas Infantry. The latest allegation is that he (as Orin Thornton) was mustered in about November 17, 1863, and was mustered out about March 28, 1864.

Respectfully submitted.

P. C. HARRIS,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
May 19, 1921.

The records of the War Department, as set forth in a letter from The Adjutant General, dated June 4, 1921, to Senator FRELINGHUYSEN, show that two persons named Thornton (one bearing the name of "William R." and the Christian name of the other being omitted) were enrolled November 17, 1863, at Benton, Ark., and were mustered into the service at that place December 8, 1863, as members of Company A, Third Arkansas Infantry, which was later known as the Fourth Arkansas Cavalry (Fishback's). Concerning this command, The Adjutant General in his letter of June 4, 1921, says:

"The above-mentioned Company A was one of the four incomplete companies of said regiment or battalion, which were mustered into the service in the latter part of 1863. Apparently, they were never formally mustered out of service, but it has been ascertained by this department that the duty mustered recruits of the organizations were disbanded March 28, 1864, at Little Rock, Ark. It is held by this department that this disbandment constituted a muster out of service and that the men were mustered out for the reason that their services were no longer required."

It seems conclusive, therefore, that said command was in the service from the date of enrollment, November 17, 1863, until March 28, 1864, when disbandment took place.

Concerning the identity of the Thornton whose Christian name does not appear in said records, this is made clear from affidavits of two of Thornton's former comrades, still surviving, Montgomery O. Campbell, now of Hot Springs, Ark., and Richard A. Wright, of Point Cedar, Ark., both of whom served with Orion Thornton in the command mentioned, Company A, Third Arkansas Infantry, afterwards known as Fourth Arkansas Cavalry (Fishback's).

Mr. SMOOT. The last report of the War Department, I think, justifies favorable action on the bill. I feel that wherever there is a reasonable doubt, we should give the man the benefit of the doubt. There is a reasonable doubt here, and I think it ought to be given to him. I have no objection to the passage of the bill.

Mr. CARAWAY. The captain of his company undertook to make a subsequent return of the men who served with him, and his affidavit is on file with the War Department that this man was on his muster roll, but the sergeant who disbanded them evidently did not know his given name and just omitted it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to add at the end of the bill the following proviso: "*Provided*, That no back pay, bounty, or other allowance shall be considered to have accrued by reason of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Orin Thornton, late of Company A, Third Regiment Arkansas Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of said company and regiment: *Provided*, That no back pay, bounty, or other allowance shall be considered to have accrued by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 726) for the relief of George Emerson was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. KING. Let the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The VICE PRESIDENT. It goes over.

The bill (S. 2328) for the relief of Margaret I. Varnum was announced as next in order.

Mr. KING. I do not find the bill on my file. Let it be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ALBERT HAMILTON.

The bill (S. 548) to place Albert Hamilton on the retired list of the United States Navy was announced as next in order.

Mr. KING. Let the bill go over.

Mr. LODGE. Mr. President——

Mr. KING. I withhold the objection.

Mr. LODGE. I merely wish to state the case briefly before the bill goes over. This officer's health broke down owing to service in Panama and the trouble, of a malarial nature, came back after his return to the United States. The fact was his health broke down entirely, and while he was in a mentally disturbed condition he resigned when he could then have been retired. The report is signed by former Secretary Daniels, and in the report the department said:

> The department is in general opposed to special legislation for the benefit of an individual. It tends to create dissatisfaction and inefficiency in the service by establishing undesirable precedents which may be cited by others in endeavoring to secure like consideration or relief. The evidence in this case, however, would seem to warrant the belief that the disability existed in its primary stages at the time of the officer's resignation, that it originated in the line of duty, and that his separation from the service, precluding his being placed on the retired list, was brought about through no fault of his or of the department. His case being at the time under consideration to determine whether or not a rest and relief from official duties would effect a restoration to health.
>
> As Mr. Hamilton is now receiving a pension of $50 per month from the Government, it would appear that his case is receiving very liberal consideration, yet, in view of all the circumstances, if the Congress should deem the case of sufficient merit to warrant the placing of this man on the retired list of the Navy by special enactment, the department will not interpose objection.

The fact is that the man's health is entirely gone, and he is dependent on what he receives from the Government. It was not through his fault or the department's fault that the opportunity to retire was lost. I think it is only an act of justice to allow him to be retired with the rank of lieutenant, the rank he then held.

Mr. KING. May I inquire of the Senator, if the bill shall pass whether it will not be regarded as a precedent under which numerous applications may be made for similar relief?

Mr. LODGE. Such applications, of course, are made constantly, and each one has to be decided on its merits. We are constantly considering bills of this nature. There are many meritorious cases and good reasons given why officers should be placed on the retired list.

Mr. KING. It seems to me there should be a general law——

Mr. LODGE. I think there is no general law.

Mr. KING. There is a general law providing for retirement.

Mr. LODGE. Oh, yes; for retirement in due course.

Mr. KING. It would seem to me to be a questionable policy to pass special bills providing for retirement.

Mr. LODGE. I do not think it establishes any precedent at all. I think each case should be decided on its individual merits. It establishes no precedent, in my opinion.

Mr. KING. The Senator will observe that there is no very great enthusiasm on the part of the Navy Department in the recommendation. They say the man has been very generously treated by the Government.

Mr. LODGE. They say he has a pension of $50 a month; that he is entirely dependent on that pension, and his health is gone owing to disease contracted in the Tropics. There is no dispute about the facts.

Mr. KING. As the Government seems to be a big eleemosynary institution and everybody comes to it for help, I shall not object.

Mr. OVERMAN. Does the Senator from Massachusetts notice that there should be a change in the title? The title should read, "To place Albert Hamilton on the retired list of the United States Marine Corps," instead of "United States Navy."

Mr. LODGE. The Senator is correct.

The VICE PRESIDENT. That will come after the passage of the bill.

The bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc. That the President of the United States is hereby authorized to place Albert Hamilton, formerly a first lieutenant, United States Marine Corps, on the retired list of the Marine Corps with the rank and retired pay of a first lieutenant of the Marine Corps: *Provided*, That in computing his pay credit shall be given for all his continuous service in the Marine Corps: *Provided further*, That no pay shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to place Albert Hamilton on the retired list of the United States Marine Corps."

BILLS PASSED OVER.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. JONES of Washington. The Senator from New York [Mr. CALDER] is necessarily absent. He asked me if the bill came up in his absence to request that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 140) for the relief of Peter Shell was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2498) to correct the military record of Alonzo C. Shekell was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2493) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JESSE L. CLAY.

The bill (S. 2258) for the relief of Jesse L. Clay was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from Texas [Mr. SHEPPARD], who seems to be sponsor for the bill, the reasons for it, and why, if the man is entitled to relief, he does not seek it under the compensation act?

Mr. SHEPPARD. It is a case which was presented to the Compensation Commission, and that commission, by a divided opinion, decided against the claimant. However, the committee, after giving the case careful investigation, found that his illness was brought to a serious crisis by the accident in question, although not directly produced by it. Under the rules followed by the Compensation Commission, the commission itself held by a divided opinion that relief could not be granted. The committee believed and found that the man had an equitable claim. A similar bill passed the Senate during the last Congress.

Mr. KING. Where we set instrumentalities with full power to deal justly between employees and the Government, I think it is wise to adhere to their ruling, and we ought not, except for most extraordinary reasons, to ignore their proceedings. I object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. SMOOT. May I inquire of the Senator from Kansas if this is a claim for the use of a patent for revetment work in the Mississippi River?

If that is the old claim—and I think it is—I have objection to it, and I shall have to look up the papers in the case.

Mr. CAPPER. I am not informed as to that.

Mr. SMOOT. Let it go over. I think it is the old claim. I went into it very carefully at the last Congress, and I do not think it is a just claim.

Mr. CAPPER. I think the Senator from Minnesota probably knows something about it.

Mr. SMOOT. I am quite sure that this is the old claim; so I ask that it may go over.

The VICE PRESIDENT. Objection being made, the bill will go over.

ALFRED SJOSTROM.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2372) for the relief of Alfred Sjostrom, which had been reported from the Committee on Claims with an amendment in line 6, after the words "sum of," to strike out "$5,000" and to insert "$720," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred Sjostrom the sum of $720 for injuries sustained by him while in the performance of his duties as an employee of the Government at Battle Mountain Sanitarium, Hot Springs, S. Dak., on December 2, 1910, in an accident in which he lost all the fingers of his right hand.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE VESSEL "MARIA ARTAU."

The bill (H. R. 5965) for the relief of the owner of the vessel *Maria Artau* was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

OFFICERS IN SUPPLY CORPS OF THE NAVY.

The bill (S. 2390) to redistribute the number of officers in the several grades of the Supply Corps of the Navy was announced as next in order.

Mr. PITTMAN. Mr. President, on a prior occasion when the bill the title of which has just been stated came up its consideration was objected to by the junior Senator from Utah [Mr. KING]. I placed in his hands at that time a memorandum in regard to the matter, but that memorandum was lost.

Mr. KING. No; the memorandum was taken from my desk.

Mr. PITTMAN. In order that the bill may be understood, I ask that a letter received from Admiral Potter on the subject may be read. The bill simply proposes a redistribution of the officers in the Pay Corps of the Navy, and it has passed the Senate at a previous Congress.

Mr. KING. Reserving the right to object to the consideration of the bill, I shall be glad to hear read the letter which the Senator from Nevada has presented.

The VICE PRESIDENT. The Secretary will read as requested.

The Assistant Secretary read as follows:

> NAVY DEPARTMENT,
> BUREAU OF SUPPLIES AND ACCOUNTS,
> *Washington, D. C., August 1, 1921.*
>
> MY DEAR SENATOR POINDEXTER: Because of the prospect of passage by the House of Representatives within a few days of the bill (H. R. 7864), providing for sundry matters affecting the Naval Establishment, I venture to write you at this time to remind you of the matter of readjusting the ranks in the Supply Corps of the Navy so that instead of 4 out of every 100 officers of the Supply Corps being pay directors with the rank of captain there may be 6 pay directors with the rank of captain, and instead of 8 out of every 100 officers of the Supply Corps being pay inspectors with the rank of commander there may be 12 pay inspectors with the rank of commander.
>
> You will recall that an amendment providing this legislation was offered on the floor by Senator PITTMAN during the consideration of the naval bill for 1922 but did not receive full consideration because of a point of order.
>
> The need for this readjustment continues to be urgent, and as an illustration of its necessity a request has just been received from the Director of the Budget for the detail of four officers of rank and experience—which implies the rank of captain—to assist in the coordination of purchases for the Government and the sales of surplus materials. The Shipping Board is also about to request the detail of two officers of similar rank to assist in the work of that board. These are merely examples of the demands which are constantly arising for the services of officers of rank and experience.
>
> The Secretary of the Navy, the Chief of Naval Operations, and the Chief of the Bureau of Navigation are all in favor of this legislation, and its enactment is of great importance to the efficiency of the Navy. The total additional expense involved is only a little over $25,000 per annum, and because of the provision that after January 1, 1923, the number of officers in the grades of pay directors with the rank of captain and pay inspectors with the rank of commander shall be reduced as vacancies occur, the increased annual expense will gradually decrease and eventually be eliminated.
>
> The legislation recommended at the time the naval bill was under consideration provided that vacancies in the upper grades of the Supply Corps should not be filled after July 1, 1922, until the numbers are reduced to those authorized by the act of August 29, 1916, but because of the failure to have this legislation included in the naval act for 1922 this date has been advanced to January 1, 1923, this being the only change in the legislation as previously recommended.
>
> For your information I inclose copies of the letter of the Secretary of the Navy to the chairman of the Senate Committee on Naval Affairs, dated May 7, 1921, and his letter of July 13, 1921, to the Speaker of the House of Representatives, together with a draft of an amendment which, if enacted, will carry the recommendation of the Secretary of the Navy into effect.
>
> I feel quite sure that a majority, if not all, of the members of the House Committee on Naval Affairs are in favor of this legislation, although there is apparently a desire temporarily to postpone action, and there is reason to believe that if the bill (H. R. 7864) is amended in the Senate so as to carry the legislation relating to the Supply Corps the conferees on the part of the House will probably agree to the amendment.
>
> In view of the foregoing, therefore, I take the liberty of asking that, if possible, you use your good offices in having this legislation added as an amendment to the bill H. R. 7864.
>
> Yours sincerely,
>
> DAVID POTTER,
> *Paymaster General of the Navy.*
>
> Hon. MILES POINDEXTER,
> *Acting Chairman Committee on Naval Affairs,*
> *United States Senate.*

Mr. PITTMAN. Mr. President, I now wish to call attention to the fact that the pending bill does not affect any of the officers of the Pay Corps with the rank of admiral; it affects only those officers in the Pay Corps with the rank of captain and commander. If Senators will make a comparison between the other corps of the Navy and this corps, they will see that the Pay Corps is deficient in those officers. If we take captains, for instance, in the Construction Corps, 8½ per cent of the force are captains; in the Civil Engineering Corps, 5½ per cent are captains; while in the Supply Corps or Pay Corps, 4 per cent are captains.

Now, take commanders. In the Construction Corps, 14 per cent are commanders; in the Civil Engineering Corps, 14 per cent are commanders; while in the Supply Corps—and that is the one with which this bill proposes to deal—8 per cent are commanders. In other words, the ratio that has been established in the Navy for these various officers fails to exist in the Supply or Pay Corps. The object of this bill is to readjust that condition; it is proposed to increase the percentage of captains allotted to that corps from 4 per cent to 6 per cent. It is not proposed to increase the number of officers in the corps, but of the percentage of officers allotted to that corps the number of captains will be increased from 4 to 6 per cent and the number of commanders from 8 per cent to 12 per cent. Then the number of inspectors in the corps will be reduced from 87 per cent to 81 per cent. It is an attempt to readjust the situation in that corps.

The passage of the bill, of course, would result in an addition of about 12 or 13 captains, and an addition of the same number of commanders in that corps, and at the same time in a reduction of about from 30 to 40 in the number of pay inspectors. As a result of this readjustment, the total cost to the Government will be about $25,000 a year. Mind you, this is only temporary, because on the expiration of the terms of these officers there is no reappointment in those positions. It is an attempt to meet a condition which was not taken care of in the naval appropriation bill, as Admiral Potter states. I have before me a letter from the Secretary of the Navy, addressed to the chairman of the Committee on Naval Affairs, very strongly urging that this action be taken.

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry. I should like to inquire of the Chair if we are proceeding under Rule VIII?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Chair understands so.

Mr. McNARY. That rule imposes a limitation on a debate.

Mr. PITTMAN. Of course, under Rule VIII, the Senator has a right to object to the consideration of the bill.

Mr. McNARY. I merely make the point because I understand that there are other measures on the calendar to which there is no objection, which I think ought to be considered. Then, after those bills have been acted upon we can recur to other measures and the Senator will have a perfect right to discuss the bill now under consideration for the remainder of the afternoon.

Mr. PITTMAN. I was merely making an explanation for the benefit of Senators who wanted information concerning the bill before an objection should be interposed. Some Senators object without knowing anything about a measure, while others do not.

Mr. McNARY. I do not understand that any Senator has objected to this bill.

Mr. KING. Mr. President, reserving the right to object, I will say frankly that I have had very serious opposition to the bill.

The PRESIDING OFFICER. The Chair will state that he was in error. The unanimous-consent agreement to proceed with the consideration of the calendar to-day does not refer to Rule VIII at all.

The suggestion for unanimous consent as presented by the Senator from Kansas [Mr. CURTIS] reads as follows:

the calendar and dispose of unobjected bills. Then, if there is any time left, I suggest that it be devoted to the consideration of other bills which may be taken up on motion.

That was agreed to, so that an objection will take the bill over.

Mr. KING. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. KING. Under the construction placed by the Chair upon the agreement, does it permit any debate at all; and if so, the amount of the debate?

The PRESIDING OFFICER. Nothing is said about that at all; it does not prohibit debate, but an objection at any time, of course, will close the consideration of a bill.

Mr. KING. The inquiry I make, if the Chair will pardon me, is, Is there a limitation upon debate?

The PRESIDING OFFICER. The Chair does not think so under the unanimous-consent agreement, but if a Senator objects that limits it, of course.

Mr. PITTMAN. I was not debating the bill, I was merely trying to explain its provisions so as if possible to avoid objection being made.

The PRESIDING OFFICER. It can be debated indefinitely, so long as no Senator objects.

Mr. PITTMAN. I think that I have said all that I care to say about it.

Mr. LODGE. Mr. President, I was very certain that in connection with the agreement to consider the calendar a statement had been made about Rule VIII. I read from the RECORD of yesterday as follows:

Mr. CURTIS. Mr. President, I hope the Senator from Mississippi will not ask for an adjournment over to-morrow. I promised the other day, in open session, that we would devote some time to the calendar. If the Senator wants to let the matter of the tariff go over until Monday we could take up the calendar under Rule VIII to-morrow by unanimous consent, and probably finish it.

He did not put it in his direct request, but I think it was clearly understood that the calendar should be considered under Rule VIII.

The PRESIDING OFFICER. That probably might be understood, but yet it was not provided in the agreement.

Mr. LODGE. I think when the Senator from Kansas made the request it was understood in that way.

The PRESIDING OFFICER. One objection, of course, will take a bill over. An objection can be made at any time. Is there objection to the present consideration of the bill?

Mr. KING. That would mean that five minutes will be allowed to each speaker in opposition or in advocacy of the bill.

Mr. LODGE. Yes.

Mr. KING. I addressed a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Chair begs the Senator's pardon, but he was diverted for a moment.

Mr. KING. Does the Chair, then, construe the unanimous-consent agreement to imply that debate shall be limited to five minutes for any one speaker?

The PRESIDING OFFICER. No; the Chair does not construe it in that way. The consideration of the calendar under Rule VIII refers to the morning hour, but we have had no morning hour to-day, the Senate having met after a recess. The Chair will hold, no matter what his personal opinion may be, that under the language of the agreement the only limit is an objection to the consideration of a bill, which would close it at any time.

Mr. LODGE. I think the Senator from Kansas when he made the request for unanimous consent contemplated that bills would be considered under Rule VIII. I certainly understood that they would be considered under Rule VIII.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. In view of the fact that the Senate committee now has the appropriation bill before it, and there is legislation upon that bill, and the bill involves the personnel of the Navy, and the personnel, of course, is so closely related to the officers that it would determine the number of officers, may I inquire whether the Senator would object to this bill going over, so that the matter may be considered in that bill? I wish the Senator would allow that to be done.

Mr. PITTMAN. I should like to have it considered in that way if it will not be subject to a point of order.

Mr. SMOOT. I will object to it at this time.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2380) for the relief of Henry P. Collins, alias Patrick Collins, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2632) to correct the military record of Martin Cletner was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

The PRESIDING OFFICER. That bill may go over. It can not be disposed of under this order of business.

JOHN H. GATTIS.

The bill (S. 2017) for the relief of John H. Gattis was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on line 4, after the words "sum of," to strike out "$2,000" and insert "$200," and on line 7, after the words "sum of," to strike out "$2,000" and insert "$200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Gattis the sum of $200 in full payment for permanent injury caused by a fall from a ladder while working at the Government Printing Office, and the said sum of $200 is hereby appropriated for such purpose out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 1352) for the relief of Benjamin F. Spates, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 403) for the relief of Louise St. Ges, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, was announced as next in order.

Mr. KING. Let the bill be read.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1948) for the relief of Virgil O. McWhorter was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 942) for the relief of James Johnson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

The PRESIDING OFFICER. That may go over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4) granting relief to soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. KING. Reserving the right to object, let the bill be read.

The reading clerk read the bill.

Mr. KING. Let the bill go over. I have some serious objections to it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1274) for the relief of Maude H. Mosher was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4504) for the relief of Annie M. Lepley was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HUNTER-BROWN CO.

The bill (S. 820) for the relief of the Hunter-Brown Co. was announced as next in order.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

The reading clerk read the report (No. 540), submitted by Mr. ROBINSON March 7, 1922, as follows:

The Committee on Claims, to whom was referred the bill (S. 820) for the relief of the Hunter-Brown Co., having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6, strike out the figures "$2,423.08" and insert in lieu thereof the figures "$1,198.08."

The findings of fact before the board of contract adjustment of the War Department is appended hereto and made a part of this report, as follows:

FINDINGS OF FACT.

1. This claim is presented in accordance with General Order No. 103, War Department, 1918, and is for $1,198.08, under the following circumstances:

2. On or about the 29th day of August, 1918, claimant entered into a formal written contract with the Quartermaster Department, represented by Maj. George M. Alden, for furnishing 20,000 cords of wood in the stick; 128 cubic feet to the cord, not less than 50 per cent hardwood and the balance softwood, in 4-foot lengths not over 10 inches in diameter, as per specifications attached; deliveries to be made in such quantities and at such time as required by the camp quartermaster, Camp Forrest, Ga.; completing deliveries not later than November 1, 1918, at the price of $6.24 per cord f. o. b. Lytle, Ga., a total price of $124,800. Owing to the congestion of freight at Lytle, the railway station of Camp Forrest, the Government extended the time for the completion of deliveries under the contract to December 31, 1918. On November 23, 1918, claimant received a telegram from the Government directing it to suspend deliveries of wood under its contract until further instructions.

3. The claimant made every effort to suspend such deliveries, but 12 carloads of wood, which were in transit at the time of receipt of said message, could not be stopped and in due time arrived at the point of delivery and were refused by the subdepot quartermaster at Camp Forrest, Ga. It remained on the siding there until on or about January 11, 1919, the Central of Georgia Railway Co. hauled same to Chattanooga, Tenn., and there sold it to satisfy the railway company's demand for freight and demurrage. At such sale the claimant bought in said 12 carloads of wood, consisting of 192 cords, and shipped same back to Lytle for Camp Forrest, having paid the freight charges from Lytle to Chattanooga and return and war tax thereon, amounting to $158.31, in addition to the cost of repurchasing the wood, the total expenditures made by the claimant in this connection being as follows:

12 carloads (192 cords) of wood, at $3.50 per cord, including war tax	$692.16
Freight charges, including war tax	158.31
Total	850.47

4. On December 30, 1918, one day prior to the date on which under its contract all deliveries were required to be completed, the Government wrote claimant authorizing it to complete delivery of wood to Camp Forrest under its contract.

5. The record shows that claimant repeatedly and earnestly, but without avail, requested the Government representative at Lytle to accept delivery of the 12 carloads of cordwood while it stood on the

by the Government to proceed with its deliveries under the contract, the Government was fully informed of the charges for demurrage and freight that were accruing against these cars and that additional expense would accrue through reshipment of the wood to Chattanooga and its sale there.

6. The contract contains no cancellation clause nor any agreement whereby the Government was permitted to suspend deliveries unless it be argued that the provision of the contract relating to times of delivery be so construed. That provision calls for deliveries "in such quantities and at such times as will be required by the camp quartermaster, Camp Forrest, Ga." It is further shown by the evidence before the board, however, that it was the intention of the officer who made the contract and who gave the notice of suspension, Maj. George M. Alden, Quartermaster Corps, zone purchasing officer, not merely to temporarily defer deliveries in order to meet the requirements or convenience of the camp quartermaster but to absolutely cancel the contract, because in a letter to the claimant dated December 12, 1918, he says:

"Subject: Cancellation of contract.

* * * * * * *

"Your attention is called to the statement made in paragraph 8 of your affidavit, to the effect that you are holding your organization intact during the term of suspension of your contract. From the time this office has sent you notice of such suspension, namely, November 23, there has been no possibility that you would be allowed to complete this contract. You will therefore disband any organization held together upon that expectation."

That the same officer at the time of such suspension intended to completely cancel and terminate the contract appears also from his letter of December 20, 1918, to claimant, which reads in part as follows:

"Subject: Termination of contract.

* * * * * * *

"You are advised that it is entirely unnecessary for your subcontractors to place in the hands of attorneys their claims against you. If those contractors are not sufficiently patriotic to accept the cash settlement in lieu of delivery of wood, then, of course, they will have to be paid and you will have to file with your claim for losses the amount of money you paid them.

"As to the wood remaining unloaded at Lytle, Ga., that is a matter with which you are not concerned, provided, however, you gave the shippers due notice to cease further deliveries.

"The wood is not Government property and its final disposition should be left to the (sub) contractors. If, however, you eventually have to take the wood, your claim for losses on this will also be considered. The zone board of review fully appreciates your position and is willing to cooperate with you to the limit of its power, and any claim that you make will receive just and fair consideration."

7. The claimant under its written contract with the Government was obligated to deliver these 192 cords of wood, f. o. b. at Lytle, itself absorbing freight and war tax thereon from original point of origin of the wood to Lytle. This freight with its war tax was not paid by the claimant. Owing to the loss of records by the railroad company, it is not practicable to fix the amount of this freight and war tax. But it has been ascertained by the representatives of the Government and of the claimant that the amount of freight, including war-tax charges, aggregating $158.31, which was paid by claimant on returning the wood from Chattanooga to Lytle, was approximately equal to the freight and war tax which should have been but was not paid by claimant for freight and war tax from original point of origin to Lytle. The claimant has indicated its willingness to offset the claim of $158.31 paid by it for freight and war tax from Chattanooga to Lytle against the amount of freight and war tax it was obligated to but did not pay on the original shipment of the 12 carloads from original point of origin to Lytle.

8. It appears from the letter of Major Alden, of the Quartermaster Corps, to the claimant, acknowledging claimant's letter of March 5, 1919, and a letter to this board from R. E. Wright, special representative, claims board, director of purchase, zone supply officer, Atlanta, Ga., dated October 24, 1919, that no settlement of this contract has ever been made between the Government and the claimant, and that while the claimant has been paid the contract price per cord for all wood delivered thereunder to the Government, there still remain to be delivered under the contract about 11 cords, the delivery of which is no longer desired by either party.

DECISION.

1. The act of the Government, on November 25, 1918, in directing the claimant by wire to suspend deliveries of wood under its contract until further instructions, and in subsequently, on December 12, 1918, and December 20, 1918, declaring to claimant that from the date of such suspension there had been no possibility that the claimant would be allowed to complete its contract, and in recognizing the claimant's right to recover for losses sustained by it, and in advising claimant of the course it would take for the recovery from the Government of such losses, is incompatible with the view that such action was taken solely for the purpose of temporarily deferring deliveries to such times as would suit the greater convenience of the camp quartermaster or the necessities of the camp for firewood. It is doubtful from the whole correspondence and discussion of the matter, as shown by the evidence before this board, whether the Government official responsible for the order of suspension could himself give any intelligent reason why or with what intention he gave the order. To hold that the provision of the contract respecting deliveries would cover and warrant the action taken by the Government in this case would place within the power of the camp quartermaster authority to vitiate and render null and void the entire contract. This can not reasonably be considered the intention of the parties.

2. Whatever may have been the camp quartermaster's intention, it is clear in law that any notice given under the clause quoted, either to cease or to resume deliveries, must be reasonable in its requirements. It should give ample time to the contractor to communicate with its various subcontractors in various localities and thence with the laborers cutting wood in the forests at numerous widely separated and more or less inaccessible points where usual modes of communication were not available. Reasonable time was also necessary to enable the contractor to direct and control the obtaining or releasing of cars for loading and shipping from many different and isolated sidings in distant sections of the country on various railroads which were being operated under war-time Government transportation conditions, which both as to the obtaining of cars, having them handled, and diverting them in transit were extraordinarily difficult, uncertain, and unusual.

The notice in this case was telegraphic and took effect immediately, thus giving the contractor no reasonable opportunity to communicate with and stop the forces he had set in motion to fulfill his contract, much less to stop and divert shipments that were already on the road. It is therefore reasonable for the board to conclude that the Government intended by its notice to stop deliveries permanently, as indicated by Major Alden's letter of December 12 above quoted, rather than that it was attempting to exercise reasonable rights as to times and quantities of delivery.

3. In the case of J. W. Parish & Co. v. the United States, decided by the United States Supreme Court April 12, 1920, claimants contracted to furnish ice to the Government in "such quantities as might be needed, and that the ice should be ordered from them (the claimants) from time to time as needed." The order for this ice was suspended, in consequence of which the ice was lost. The court held that "where, in the effort to fulfill an order for a large amount of ice for the use of the Government, which claimants were bound to furnish by their contract, they purchased ice, which was lost by the suspension of the order * * they are entitled to recover the cost of the ice so lost and the expense of the care and attempt to preserve it." (100 U. S., p. 500, Lawyers' Ed., book 25.) This case is in facts and circumstances is in such accord with the case before this board as to warrant its application here.

4. In view of all the evidence before it, the board finds that the act of the Government in directing the claimant to suspend deliveries under its contract and in refusing to receive 12 carloads (182 cords) of wood which were offered for delivery by the claimant at the place and within the time specified in the contract for such deliveries, constituted a breach of the contract by the Government, whereby the claimant sustained damages which have been duly proven before this board.

5. Notwithstanding the foregoing facts, relief can not be given claimant by this board, because it must hold that there has been a substantial completion of the contract by performance. The right of the claimant for damages must be determined by the courts and can not under the law be settled or adjusted by the Secretary of War.

DISPOSITION.

An order of this board denying relief will be entered accordingly.

BOARD OF CONTRACT ADJUSTMENT,
By FRANCIS T. A. JUNKIN,
Lieutenant Colonel, United States Army, Member.

I concur.

JOHN ROSS DELAFIELD,
Colonel, Ordnance Department, Chairman.

A true copy.

In testimony whereof I have hereunto set my hand and affixed the seal of the Board of Contract Adjustment, at Washington, D. C., this 22d day of April, 1920.

WILLARD A. DOERR,
Major, Field Artillery, Recorder.

Attest:

FLOYD G. WHITNEY,
Captain, Ordnance Department.

Mr. ASHURST. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will go over.

PROTECTION OF MIGRATORY BIRDS.

Mr. LODGE. Mr. President, Senate bill 1452 was passed over on my objection. I objected simply because the Senator from Indiana [Mr. NEW] was not here. I have seen the Senator since, though he is not here at this moment, and I should like to have that bill taken up and disposed of. I withdraw my objection.

Mr. KING. That is the bill relating to migratory birds?

Mr. LODGE. It is.

Mr. KING. I object to it.

The PRESIDING OFFICER. Objection is made.

PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE.

The bill (S. 1651) for the relief of Prairie View State Normal and Industrial College was announced as next in order.

Mr. KING. Let that go over.

Mr. SHEPPARD. Will the Senator withhold his objection?

Mr. KING. I withhold my objection temporarily.

Mr. SHEPPARD. This college furnished subsistence and quarters for a certain number of troops, including men of the Medical Corps, during the war at cost, but on account of a technicality their bill could not be allowed in full by the accounting officer. It was found necessary for them to come to Congress for that part of the claim which could not be properly audited on account of the fact that the original voucher in the case was lost. The original voucher covered the entire bill.

A representative of the War Department visited the college in order to settle the matter, but he had no authority to attend to that part of the matter which related to the Medical Corps men. The college representatives made an agreement with him accepting what he offered for that part of the claim over which he had authority, and agreed to cancel the rest, thinking that the Medical Corps authorities would pay the canceled portion.

It developed afterwards that this could not be done, and it is therefore necessary for Congress to make an appropriation for the remainder due. There is no question that the service was rendered, and rendered at actual cost.

Mr. KING. May I ask the Senator if the person who made the contract, whether it was express or implied, had the authority so to do?

Mr. SHEPPARD. It was an express contract, entered into by the representatives of the Army having authority to make it.

Mr. KING. I have no objection.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Prairie View State Normal and Industrial College, Prairie View, Tex., out of any moneys in the Treasury not otherwise appropriated, the sum of $681.42 for meals and quarters furnished enlisted men of the Medical Corps of the Army from October 15 to December 21, 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RURAL HOMES.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. KING. Let that go over.

Mr. McNARY. I was about to make that request.

The PRESIDING OFFICER. The bill will be passed over.

ELLEN B. MONAHAN.

The bill (S. 2846) for the relief of Ellen B. Monahan was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, that is a meritorious bill. The report is full and ought to be conclusive. I ask the Senator if he has had an opportunity to read it. If so, I can not imagine that he would make any objection to the bill.

Mr. KING. I will say to the Senator that I have not had time to read the report. If the Senator will have the report read, I may withdraw my objection.

Mr. SHORTRIDGE. It is too long; I do not want to take the time of the Senate to have the report read.

Mr. KING. I shall be glad to have the Senator state the substance of it. I will withhold my objection for that purpose.

Mr. SHORTRIDGE. I will read the conclusions, which are found on page 7 of the report, as follows:

It is incumbent upon all employers to provide a reasonably safe place for their servants to work, and any negligence in the discharge of this obligation renders the employer liable for resulting injuries in the absence of assumed risk or contributory negligence on the part of the employee.

The room where claimant was directed to work was rendered unsafe by reason of the escaping gas. This danger was not apparent to claimant; therefore she did not assume the risk.

She did nothing to contribute to the cause of her injuries. The negligence of plumbers in leaving the open gas pipe uncapped was not the act of a fellow servant, but clearly a negligence with which the master must be charged.

That claimant suffered serious injuries that clearly impaired her health for a period of about two years, if not permanently, is not denied. That the Government, as her master, is liable is clear.

The time she lost away from her duties without pay is admitted. The expenses incurred by her in efforts to regain her health and strength were reasonable in amount.

She makes no claim for mental or physical pain and suffering. Neither does she make claim for permanent injuries resulting, if there are any.

We therefore approve her claim as presented and recommend the passage of the bill for her relief (S. 2846) without amendment.

The bill is so meritorious that I hope it may be disposed of favorably here and now.

Mr. KING. Let me ask the Senator why the claimant does not seek compensation under the Federal employment act, or, if that was passed after the injuries were received, why we do not place her under that act so that she can get the advantages of it?

Mr. SHORTRIDGE. I understand the facts are such, as to time and circumstance, that it is necessary to pass a special relief bill. I am so advised, and I think that is set forth in this report.

Mr. KING. It seems, from what I can learn, that this accident occurred away back in 1911.

Mr. SHORTRIDGE. Yes; on the 14th day of June, 1911, while she was in the employ of the Government.

Mr. KING. I ask the Senator, who is always so courteous and so generous, to let the bill go over, in order to give me a chance to learn the facts.

Mr. SHORTRIDGE. I will do that, certainly.

Mr. KING. I make the request because, as I see it now, there is no liability. If there is, she ought to come under the Federal employment act and take her chances with other employees of the Government, so that we will not be making fish of one and fowl of the other.

Mr. SHORTRIDGE. I do not wish to make an exception of this case.

Mr. KING. I know the Senator does not. His sense of justice would prevent that.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BRIDGE OVER LITTLE COLORADO RIVER.

The bill (S. 2563) to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,471.25 for payment to the Allied Contractors (Inc.), of Omaha, Nebr., as additional compensation for the construction of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., under contract approved by the Secretary of the Interior on November 10, 1919, funds for said bridge having been appropriated by the acts of March 2, 1917 (39th Stats. L., p. 975), May 25, 1918 (40th Stats. L., p. 570), and June 30, 1919 (41st Stats. L., p. 11), and the cost thereof to the contractors having exceeded the contract price by said sum.

Mr. ASHURST. Some days ago when the calendar was called the Senator from Utah [Mr. KING] objected to this bill for the reason that it was uncertain as to whether the amount expended in constructing this bridge and the amount here appropriated were to be charged to the Indian tribe or treated as a gratuity out of the Treasury. I was unable to assert with positiveness that the money was not a gratuity but a charge on the tribe, although that was my remembrance. I have since refreshed my memory; indeed, I have looked at the act and find that bill, which passed on March 2, 1917, provided:

That the sums are reimbursable to the United States from any fund or funds now or hereafter placed to the credit of the Navajo Indians in Arizona, to remain a charge and a lien upon such lands and funds of such tribe until the sum is repaid to the Government.

I have examined the statute, and that meets the objection of the Senator, I presume.

Mr. KING. May I inquire of the Senator, first, whether they have any lands or funds which are now subject to this lien?

Mr. ASHURST. Not at this time, so far as I know. Lands have not been allotted to the individual Indians on that reservation. That they will have a tribal fund in due course is obvious.

Mr. KING. Does the Senator know whether in the past there have been any funds in the Treasury of the United States available for this tribe for any purpose?

Mr. ASHURST. If my memory serves me correctly, a treaty was concluded with this Indian tribe in 1868, by the terms of which we have since that time paid them annually $100,000 for schools and other sums of money for civilization and support and are bound perpetually so to do.

Mr. KING. Could this be deducted from those funds, or will we be compelled to wait until some other treaty is negotiated?

Mr. ASHURST. My opinion is that before the United States could be reimbursed for this expenditure the Government would be required to wait until timber was sold, which would be a long time, or there were some avails of royalties received on leased lands. In my opinion, the money which is made a charge on their lands will be derived solely from the sale of timber as the avails of leases.

I do not want to take any more time, but I have said this much so that the Senator from Utah may have all the facts before him.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I do not object, if the Senator will consent to one amendment, although I do not think the Government ought to be charged with this. I will state my amendment in a very inartificial manner, if the Secretary will note it. The amendment is as follows:

Provided, That said amounts so advanced shall be a charge upon any fund that may be available now or hereafter.

Mr. ASHURST. I certainly have no objection to that amendment. I think the amendment is a wise amendment, but I suggest that the Senator use the language of the original act, which I have sent to the desk.

Mr. KING. Very well; but I did not have it before me.

Mr. ASHURST. Here it is.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. Add to section 4 the following proviso:

Provided, That said amount shall be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid.

Mr. KING. That is satisfactory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 514) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes, was announced as next in order.

Mr. SPENCER. That bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes, was announced as next in order.

Mr. SPENCER. That bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

ORDER FOR RECESS.

Mr. LODGE. Mr. President, I wish to make a request for unanimous consent, as I shall have to leave the Chamber in a moment. I ask unanimous consent that at the conclusion of the session to-day the Senate shall stand in recess until 12 o'clock Monday.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate, when it shall conclude business to-day, shall take a recess until 12 o'clock Monday. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2130) changing the name of Vernon Street, in the county of Washington, District of Columbia, to U Street was announced as next in order.

Mr. CAPPER. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LASSEN VOLCANIC NATIONAL PARK.

The bill (H. R. 5588) to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916, was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916 (39 Stat. L., p. 442), be, and the same is hereby, repealed.

Mr. KING. The Senator from Washington [Mr. POINDEXTER] is here. I think he is interested in the bill. I would be gratified if he would explain it.

Mr. POINDEXTER. It is a bill that relates entirely to California, a bill in connection with which the Representative from that district appeared before the Senate Committee on Public Lands. There was quite a full hearing and the matter was very thoroughly considered. There is a letter from the Department of the Interior, reading as follows——

Mr. KING. Generally speaking, the object of the bill is to remove the limitation upon expenditures which may be made, so that larger appropriations may be called for and larger expenditures made, for which the Government is chargeable. That is the purpose, is it not?

Mr. POINDEXTER. The letter is addressed to Mr. SINNOTT, chairman of the House committee, and reads as follows:

DEAR MR. SINNOTT: I have your request of July 1, 1921, for a report on H. R. 5588, Sixty-seventh Congress, first session, which is a bill to repeal section 5 of the organic act approved August 9, 1916, to establish the Lassen Volcanic National Park, in the State of California, which places a limitation on future annual appropriations of said park to $5,000 unless previously authorized by law.

Mr. SMOOT. I will state to the Senator that that is the object of the bill.

Mr. POINDEXTER. I had not concluded reading the letter.

Mr. SMOOT. I did not know the Senator was going to read the balance of it. The object of the bill is to remove the limitation of $5,000 expenditure each year on this park.

Mr. POINDEXTER. Yes; that is the object, but I would like to read the concluding paragraph of the letter, which is as follows:

This park is located in northern California and contains, in addition to its chief scenic feature—the only active volcano in the United States proper—innumerable other attractions for the enjoyment and pleasure of the people. The small annual appropriations heretofore made have not permitted active development, administrative or protective work, nor has this been contemplated. The available funds have been expended in their entirety in road construction near the park boundaries. In the past two years great interest in the attractions of this park has been shown by the touring public, it being estimated that the visitors increased from 2,000 in 1920 to 10,000 in 1921. The time is obviously close at hand when active administration of the park must be undertaken in order to provide for the necessary protective and maintenance work, which will require more than the small amount of $5,000 permitted under existing laws.

That is the condition, and the committee thought it absolutely necessary that the limit of $5,000 should be increased subject, of course, to such further limitations as the Committee on Appropriations places upon expenditures from year to year.

The bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT HAMILTON.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 5820) to place Albert Hamilton on the retired list of the United States Marine Corps was read twice by its title.

Mr. LODGE. Mr. President, the Senate has to-day passed an identical bill with that which has just been laid before the Senate. I ask that the Senate take up the House bill and act on it now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place Albert Hamilton, formerly first lieutenant, United States Marine Corps, on the retired list of the Marine Corps, with the rank and retired pay of a first lieutenant of the Marine Corps: *Provided*, That in computing his pay, credit shall be given for all his continuous service in the Marine Corps: *Provided further*, That no pay shall accrue prior to the passage of this act: *And provided further*, That the retired pay allowed the said Albert Hamilton pursuant to this act shall be in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move to reconsider the vote by which the Senate bill 548 was ordered to a third reading and passed this afternoon.

The motion to reconsider was agreed to.

Mr. LODGE. I move that the bill be indefinitely postponed.

The motion was agreed to.

NATIONAL BANKING ASSOCIATIONS.

Mr. CALDER. Mr. President, there is a bill on the calendar, Order of Business No. 606 (S. 3255), to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations.

This is a measure of very great national importance. The bill was reported by me from the Committee on Banking and Currency. I am compelled to leave the city at 3 o'clock, and I ask unanimous consent that we may take up the bill at this time. It proposes to extend the powers of national banks.

Mr. OVERMAN. Mr. President, the bill has never been reported by a committee and has never been considered by a committee. It proposes to extend the corporate powers of national banks and is one of the most important bills on the calendar. It ought to be sent back to the committee and reported from the committee before action on it. I am opposed to having important bills brought before the Senate which have not been even considered by a committee. I raise the point of order that it is improperly on the calendar.

The PRESIDING OFFICER. The point of order will be taken up when the bill is reached. There being objection, the bill will be passed over. The Secretary will report the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 3310) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. SMOOT. The junior Senator from Utah [Mr. KING] was called from the Chamber and asked me to have all pension bills go over, as he objects to their consideration at this time.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3309) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

The PRESIDING OFFICER. At the request of the junior Senator from Utah the bill will be passed over.

The bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes, was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3326) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1282) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

HERBERT LANGLEY.

The bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps, was announced as next in order.

Mr. PAGE. Mr. President, this bill came over from the House and was very carefully examined into by the Committee on Naval Affairs. It simply raises the question whether the man is or is not dead. The record is that the man in this case is a deserter, but upon a very careful examination we find that he is unquestionably dead. The report of the committee reads, in part:

The sole purpose of this bill is to correct the record by eliminating the technical charge of desertion and showing the facts instead.

If there is any objection, I would like to explain the bill further.

The bill was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the charge of desertion upon the service and military records of Herbert Langley, late a private in the One hundred and fifteenth Company, Second Provisional Brigade, United States Marine Corps, and also late of headquarters detachment, Third Regiment, Second Provisional Brigade, United States Marine Corps, shall henceforth be treated and considered as removed, and the Secretary of the Navy is hereby ordered and directed to correct and amend the said service and military record of the said Herbert Langley by entering upon the said service and military record of said Herbert Langley, in appropriate words, the fact that said Herbert Langley died on February 24, 1919, at Santo Domingo City, Dominican Republic, by accident while in the line of duty, and that the charge of desertion was erroneously entered upon said service and military record, and the same shall be hereafter disregarded.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAWAIIAN NATIONAL PARK.

The bill (H. R. 8690) to add a certain tract of land on the island of Hawaii to the Hawaiian National Park was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, was announced as next in order.

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] has asked that this bill should be passed over when reached. The bill will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] asked that this bill also be passed over, which will be done.

AMENDMENT OF JUDICIAL CODE.

The bill (H. R. 9671) to amend section 87 of the Judicial Code was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 87 of the Judicial Code is hereby amended to read as follows:

"SEC. 87. That the State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts.

"Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; at Springfield, on the second Tuesday in May and December; and at New Bedford, on the first Tuesday in August: *Provided*, That suitable rooms and accommodations for holding court at Springfield and New Bedford shall be furnished free of expense to the United States: *And provided further*, That all writs, precepts, and processes shall be returnable to the terms at Boston, and all court papers shall be kept in the clerk's office at Boston, unless otherwise specially ordered by the court, and the terms at Boston shall not be terminated or affected by the terms at Springfield or New Bedford.

"The marshal and the clerk for said district shall each appoint at least one deputy to reside in Springfield and to maintain an office at that place."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECLAMATION IN IRRIGATION DISTRICTS.

The bill (H. R. 4832) to provide for the application of the reclamation law to irrigation districts was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in carrying out the purposes of the act of June 17, 1902 (32 Stat., p. 388), and acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 1, 2, 3, 5, and 6 of the reclamation extension act approved August 13, 1914 (38 Stat., p. 686). The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this act shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid.

SEC. 2. That patents and water-right certificates which shall hereafter be issued under the terms of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (37 Stat. L., p. 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released under this act the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation.

SEC. 3. That upon the execution of any contract between the United States and any irrigation district pursuant to this act the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the act entitled "An act to promote the reclamation of arid lands," approved August 11, 1916: *Provided*, That no map or plan as required by section 3 of the said act need be filed by the irrigation district for approval by the Secretary of the Interior.

Mr. FLETCHER. Mr. President, with regard to this bill there is no report from the committee in my file. I presume it was acted on by the committee and that they reported it favorably, but there is no report in my file. May I inquire if there was any written report made in connection with it?

Mr. McNARY. I will state to the Senator from Florida that no written report was made by the Senate committee on account of the very full report made by the House committee.

Mr. SMOOT. Will the Senator from Oregon explain the bill more fully?

Mr. McNARY. In a word, it is to the advantage of the Federal Government and the entrymen and water users in various irrigation projects. It simply provides a method by which the irrigationists can organize in the districts under the laws of the State and the Government takes the bonds of the district rather than the securities of the individual entrymen. The security is very much better because the Government is dealing with organized irrigation districts rather than the various individual entrymen who take water in the projects. The bill passed the House and was reported on favorably by the Secretary of the Interior and also by the Senate Committee on Reclamation.

Mr. FLETCHER. I have not had time to examine the bill, but it appears to apply exclusively to reclamation by irrigation. I have been in hopes that we might establish rather a national policy on the question of reclamation, which would include not only reclamation by irrigation, but by drainage. I do not know whether the bill might be amended so as to provide for that.

Mr. McNARY. May I state to the Senator from Florida that there is now on the calendar a bill of the character mentioned by him, which is to be brought up during this session; but the pending bill refers to irrigation on Government projects in the West, and nothing could be done to make it applicable to drainage in the South, because that is entirely in private hands and is a matter of private enterprise.

Mr. BORAH. Mr. President, I offer an amendment to the bill, to be inserted as a new paragraph.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment, which will be stated.

The READING CLERK. At the end of the bill it is proposed to insert the following as a new section:

SEC. 4. The lien reserved to the Government of the United States, however, created, for payment to it of construction charges, and charges for operation and maintenance, and all penalties required to be paid under the reclamation act approved June 17, 1902, and acts amendatory thereof or supplementary thereto, shall not be construed to be a lien or incumbrance as contemplated by this act, wherein loans under this act shall be secured by first mortgages on farm lands, to the end that the provisions of said Federal farm loan act shall extend to lands within all Government reclamation projects, without regard to Government liens for payment of said charges, and the provisions of said Federal farm loan act are hereby extended to apply to lands within all Government reclamation projects.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. BORAH. I do not care to discuss the amendment.

Mr. FLETCHER. The Senator's amendment would not require the Federal farm loan banks to take a second mortgage, would it? The law requiring such banks to take only first mortgages would still be in force and effect, would it not, if the amendment proposed by the Senator should be adopted?

Mr. BORAH. Yes.

Mr. SMOOT. I ask that the amendment may again be read.

The PRESIDING OFFICER. The Secretary will again read the amendment.

Mr. BORAH's amendment was again read.

Mr. POMERENE. Mr. President, this amendment refers to some act with which I am not familiar, and I should like the Senator from Idaho briefly to state what would be the effect of the amendment if adopted, so far as farm loan mortgages are concerned.

Mr. BORAH. Mr. President, first permit me to say that this amendment has gone through several stages, but in the form in which it is now presented it was, I think, drawn and approved by the department. There has been no report to the Senate upon this particular amendment, but it was introduced in the House of Representatives as a bill and a report from the department on the House bill was sent in and is now a part of the House proceedings.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I yield.

Mr. McNARY. While the statement made by the Senator from Idaho that there has been no report made from the committee on the proposition involved in the amendment is true, I have in my possession a letter covering the amendment from Judge Lobdell, of the Federal Farm Loan Board, which I should like to have the Secretary read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, March 29, 1922.

Hon. CHAS. L. MCNARY,
United States Senate.

DEAR SENATOR MCNARY: I am to-day in receipt of yours of the 18th instant, inclosing copy of H. R. 4382 as intended to be proposed by Senator BORAH.

I think that the Federal Farm Loan Board would be willing to authorize the Federal land banks to give consideration to applications for loans on lands under reclamation projects if this bill were enacted, though, as I assume you know, each of the land banks operating in irrigated territory maintains its own engineering department and would, of course, exercise the privilege of examining and rejecting any project, notwithstanding it were a Government one, where, in the judgment of its engineer, water supply or construction were insufficient or proper provision had not been made for drainage.

The last proviso of the bill is very essential, and without it loaning in these districts could not be at all undertaken.

Respectfully yours,

CHAS. E. LOBDELL,
Farm Loan Commissioner.

Mr. BORAH. I desire further to state to the Senator from Ohio that the only effect of this amendment, as I understand, is to permit the Federal farm loan banks to make loans if, after examination, they themselves think there is sufficient security. The purpose of the amendment is to remove the inhibition which now exists under the law which practically prevents the Federal land banks from considering loans on irrigation projects.

Mr. POMERENE. I asked the question because I thought from listening to the first reading of the amendment that it might prejudice some of the Federal Farm Loan Board's securities.

Mr. BORAH. No.

Mr. POMERENE. That was what I had in my mind, but if the amendment has not that effect, I am content.

Mr. FLETCHER. I infer that really the purpose is to postpone the Government lien, so far as the security of the Federal land banks are concerned. If that is true, and, of course, if the Government or the banks are protected, I can see no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3220) to amend section 2 of the United States warehouse act approved August 11, 1916, was announced as next in order.

Mr. SMOOT. There is no report on that bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The next two bills will be passed over at the request of the junior Senator from Utah [Mr. KING].

The bills referred to are as follows:

The bill (H. R. 7340) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

The bill (H. R. 6569) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over, Mr. President, as I wish to make a little further examination of it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. SPENCER. I ask that that bill go over. There are some amendments which it is desired to propose when the bill is considered.

The PRESIDING OFFICER (Mr. MOSES in the chair). The bill will go over.

The bill (S. 2371) to further amend an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 3, 1916, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill just stated by title, being the unfinished business, will be passed over.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. OVERMAN. Let that joint resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 7210) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7827) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SUPERINTENDENTS OF NATIONAL CEMETERIES.

The bill (S. 151) to amend sections 4874 and 4875 of the Revised Statutes relating to compensation for superintendents of national cemeteries, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That sections 4874 and 4875 of the Revised Statutes be amended to read as follows:

"SEC. 4874. The superintendents of national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the Regular, Volunteer, or National Army who may have been disabled for active field service in the line of duty.

"SEC. 4875. The superintendents of the national cemeteries shall be assigned to duties by the Secretary of War and shall be divided into three classes, according to the extent and importance of the cemeteries to which they may be respectively assigned, of which 20 shall be in class 1, who shall each receive a compensation of $1,220 per annum; 19 shall be in class 2, who shall each receive $1,200 per annum; and 26 shall be in class 3, who shall each receive $1,080 per annum: *Provided*, That in addition to the superintendents hereinbefore enumerated there shall be a superintendent of the Arlington Cemetery at Arlington, Va., and a superintendent of the National Cemetery at Mexico City, Mexico, who shall each receive a compensation of $1,500 per annum: *Provided further*, That all superintendents shall be furnished with quarters and fuel, and upon honorable discharge or resignation shall receive transportation for themselves and household effects to their respective homes."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT FOR FIRE-FIGHTING EXPENSES IN MONTANA.

The bill (S. 256) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919 was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $26,746.17, which is hereby directed to be paid to the State of Montana on account of money expended by the State in the suppression of forest fires on Government lands during the year 1919.

Mr. KING. Mr. President, I should like to have the Senator from Montana give an explanation of that measure, particularly as to whether the Government, morally or legally, is responsible for the expenditures incurred. I have no doubt the bill contemplates either legal or moral responsibility.

Mr. WALSH of Montana. Mr. President, there is a full report on the bill from the Forestry Service of the Department of Agriculture, and its purpose is fully disclosed here. There was a fire raging in the national forest. The Forestry Service was not available in some way or other, but the State had a forestry service guarding the State lands, and they went out and fought the fire on the forest reserve and extinguished it, and the Forestry Service recognized the justice of reimbursing the State for the expenditures actually incurred. They figured out accurately the acreage which was actually destroyed, and corrected the acreage so that the amount was reduced slightly, just a few hundred dollars, below the figure that was asked by the State.

Mr. POMERENE. Mr. President, what is the amount?

Mr. WALSH of Montana. Twenty-seven thousand dollars.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? If not, the bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYN LUNDQUIST.

The bill (S. 583) for the relief of Lyn Lundquist was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, directed to permit Lyn Lundquist, notwithstanding he has heretofore exhausted his homestead right, to make homestead entry of the west half of the northeast quarter and the east half of the northwest quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, and to give him credit upon his making final proof, showing residence and cultivation as required by law for any improvement he may heretofore have made thereon.

Mr. POMERENE. Mr. President, I note that the bill says, referring to this claimant, "notwithstanding he has heretofore exhausted his homestead right," and so forth, and yet he is to be given additional rights; but there is no report here indicating why that should be done.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Ohio to the fact that according to the calendar there is a report, No. 601.

Mr. POMERENE. I have not seen it. [A pause.] A copy of the report has just been handed to me, but it indicates no reason at all for this. I will say to the Senator from Montana, who reported the bill, that the bill seems to indicate that the claimant has already exhausted his homestead rights, but nevertheless he is given other rights, and so forth; and there is nothing here to indicate why any special favoritism should be shown to him.

Mr. WALSH of Montana. Mr. President, I have no personal interest at all in the bill. It was introduced by the Senator from Idaho [Mr. BORAH], who is not present.

Mr. POMERENE. I ask that it go over.

Mr. WALSH of Montana. Let me say, however, in explanation of it, that the bill was considered by the Committee on Public Lands and Surveys, and I was simply charged with the duty of preparing the substitute which expressed what the Committee on Public Lands and Surveys thought was fair and just to be done in the premises; and that is embodied in the substitute which has been reported.

The claimant went into a very remote section of the State of Idaho at an early day and settled upon this tract of land. It was not available for settlement in some way or other, but he went on and put a large amount of improvements upon the land, my recollection is at the expense of something like $2,500 or $3,000; and the committee thought that the expenditure of that amount of money on the land was sufficient evidence of the perfect good faith of this man in going into this remote and difficult region.

We have provided, however, not that he should have the land at all, but, notwithstanding the fact that he had once exercised his homestead right and his entry had been thus canceled, as he did not make his proof within the period limited by the statute, which was then seven years, we simply waive that requirement and permit him to make a new entry of the land. Then, residing upon the land and cultivating it, he will be entitled to patent to it.

Mr. POMERENE. This gives him how many acres in addition to the usual homestead rights?

Mr. WALSH of Montana. Nothing additional. It simply practically restores his homestead right as to that tract.

Mr. SMOOT. Mr. President, I am sure the Senator from Ohio will not object to the bill, because it is a meritorious bill. In early years this claimant settled, by what is known as a squatter's right, on land on which he had a perfect right to settle. In 1906 the Government of the United States withdrew the land and put it into a forest reserve, before he secured title to it, although he had spent $3,000 on the land itself. He carried out every requirement of the law as to the amount of time he should live upon the land, but when that blanket withdrawal was put over him as well as others in that forest he had not received the title to his land, and therefore he can not get title to that land. As long as he has spent his $3,000, as long as he has lived there, and as long as he has done all that the law required him to do, the least that Congress can do is to give him a chance to take 160 acres of public land to-day, and that is all that the bill does.

Mr. POMERENE. The explanation seems to give him some equitable rights. It does seem to me, however, that the bill is unfortunately phrased.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF BANKRUPTCY LAW.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent that the Senate return to the consideration of the bankruptcy bill, objection to which was made a short time ago.

The PRESIDING OFFICER. The Senator from Montana requests unanimous consent that the Senate return to the consideration of Order of Business 589, Senate bill 2921. Is there objection?

Mr. SPENCER. There is objection. There is an amendment to that bill, which was adopted by the committee of the American Bar Association, which I introduced yesterday. There is a brief filed with that bill, which I have in my office, which I thought I had here. If that amendment appeals to the Senator from Montana, and can be incorporated in the bill, I have no objection to the consideration of the bill; but if it does not, I think the Senator will want to hear the reasons which the American Bar Association advanced.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri to object to the unanimous-consent request.

Mr. SPENCER. Unless the amendment is agreeable to the Senator from Montana; and I have not had time to discuss it with him.

Mr. WALSH of Montana. I want to say to the Senator, by way of explanation, that I know that the greater portion of the amendment introduced by him has had the careful attention of the committee, and, so far as that part is concerned, I thought the Senator might be able to present his reasons why the amendment ought to be adopted and the committee could easily explain the considerations that induced them to reject it, and we might dispose of the matter.

Mr. SPENCER. As I said when I started, the reasons which I really want to present to the Senate are reasons not so much of my own but of the committee of the American Bar Association, and I have not them at hand. It would be very unfair to them for me to repeat merely what I remember of them.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

COMMISSIONING OF MIDSHIPMEN IN THE MARINE CORPS.

The joint resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of midshipmen under certain conditions was announced as next in order.

Mr. KING. Let that go over.

Mr. WALSH of Montana. Mr. President, I trust that no objection will be made to the consideration of the joint resolution.

Mr. KING. Mr. President, the joint resolution was before the Committee on Naval Affairs. At the time it was presented I believe the Senator from Michigan [Mr. NEWBERRY] and the Senator from Virginia [Mr. SWANSON] indicated, and I also indicated, some objection to it. It is fair to say that since that time the Senator from Virginia has represented to me that he had no opposition to the measure, and, indeed, he asked me to give support to it. I told him that with the understanding that I had—that understanding being largely the result of the discussion in the committee, in which the Senator from Virginia participated—I could not consent.

If the facts were different from what I understood them to be, I might have no objection; but I understand that the bill is merely in the interest of one particular person who failed to pass the examination, and it is sought now, because of that failure, to give him a standing to which otherwise he would not be entitled.

Mr. WALSH of Montana. Mr. President, I shall be very glad to state to the Senator the facts as they were disclosed.

Mr. KING. I withhold objection pending the explanation of the Senator.

Mr. WALSH of Montana. I believe that the joint resolution is a very meritorious one and ought to be passed. There is a general statute to the effect that no midshipman or former midshipman of the United States Naval Academy shall be commissioned by appointment in the Marine Corps so that his commission shall precede the date when his class graduated. That is a very proper provision, in view of a practice that had grown up of midshipmen resigning from the Naval Academy, or being dismissed for any reason, and, having some political influence, securing an appointment and a commission in the Marine Corps, or in some of the staff corps of the Navy. It was to prevent that abuse that the statute was provided; but since the enact-

ment of that statute the law has permitted anyone who enlists as a private in the Marine Corps to take the examination eventually in the Marine Corps and get a commission in that way. That law enables any enlisted man in the Marine Corps to take that course and get his commission.

The Senator refers to a particular case. The joint resolution, as a matter of fact, does have application to a particular case just now; but the statute will be general and applicable generally hereafter. If this boy, in particular, who at one time was a midshipman in the Naval Academy, had never been in the Naval Academy, he would be able to take the examination as he did take the examination and be entitled to his commission. He simply sought to be relieved from the operation of that statute and put upon the same footing as any other enlisted man in the Marine Corps. In other words, having endeavored to get a commission under the provisions of one law by going through the Naval Academy, and not succeeding in that way, he enlisted as a private in the Marine Corps, and there prosecuted his studies with such success that he eventually took an examination and became entitled to a commission but for this particular statute, while his fellows who also enlisted in the Marine Corps with him and who took the examination are entitled to get their commissions. So that the existing statute is eminently unfair to him or to any young man who goes into the Naval Academy, and then, finding for some reason or other that he is not able to go through there, is still determined to fit himself for service in this way, and enlists as a private in the Marine Corps, and then fits himself by proper study and that kind of thing, and eventually takes the examination. There is not any reason on earth why he should be penalized, and he is obliged to serve 12 months before he can take the examination.

Mr. KING. It means, then, Mr. President, if I understand the Senator, that a young man may fail at Annapolis, after attempting to obtain his commission there, and go out and enlist as a private and take the examination prescribed by law——

Mr. WALSH of Montana. After he has served a year.

Mr. KING. Which examination perhaps is not as severe as the examination at Annapolis; or is it?

Mr. WALSH of Montana. I could not say as to that; but it is severe enough to warrant the giving of a commission to an enlisted man.

Mr. KING. When he obtains a commission would it be a higher commission than he would have obtained if he had been a diligent student and obtained a commission at Annapolis?

Mr. WALSH of Montana. They all come in as ensigns, as the Senator knows.

Mr. KING. Would it give him a higher rating and a higher place on the list of officers than if he had succeeded in Annapolis?

Mr. WALSH of Montana. His commission would antedate, of course, those of the men who went through in the other way.

Mr. SWANSON. If the Senator will permit me, when I first looked at this joint resolution casually I had an idea that it repealed a law which I favored and which I think was largely instrumental in having passed. There had grown up a method by which people who had failed at the examination at the Naval Academy were immediately put in as officers in the Marine Corps, getting commissions higher than those given the men who were their classmates; but those were cases in which the man did not enlist as a private.

Recently we have tried to encourage young men to enter both the Navy and the Marine Corps as privates and give them the privilege, when they stand certain examinations, of being commissioned as officers. They do that in the Navy now with enlisted men.

There was no intention, when the act was passed, to in any way affect the right of enlisted men who could stand the examination prescribed by the department, showing their qualifications to be commissioned when they had passed the examination. Nobody had an idea it would operate in this way until this case came up.

This is the case of a young man at the Naval Academy who for some reason failed. I do not know the particulars of it, but he was devoted to the service, and instead of trying to get a commission as a marine officer immediately, as heretofore had been done, enlisted as a private. He served as a private for 12 months, as prescribed by law, and then came up and stood an examination as an enlisted man, a private, to get his commission. When the department were preparing to commission him they looked up the statute, which provided that he could not be commissioned until the other men who were classmates of his had been commissioned.

He had served faithfully. The law simply put all enlisted men on an equality. If a man fails at the academy and enlists in the Navy or the Marine Corps he has a chance to get a commission under the law relating to enlisted men. He can not get a commission except under that law. When the matter is brought before the Senate there seems to be a prejudice against him because at one time he attended the academy.

Mr. WALSH of Montana. Let me put the case this way: Let us suppose that there are two young men, one of whom goes to Georgetown University, studies at Georgetown for two years, and then enlists in the Marine Corps. The other boy gets into the Naval Academy at Annapolis. We will suppose that they are chums, that one stays at Annapolis for two years, then quits and enlists in the Navy, and they both take the examination for a commission, and both pass. The boy who came from Georgetown gets his commission and the boy who came from Annapolis and received whatever benefit there is to be obtained from a course in that academy, instead of an ordinary college, can not get a commission. Of course, the Senator can see that that is not right.

Mr. KING. Let me ask either of the Senators whether the boy who was at Annapolis gets precedence over those in his class because he may have passed the examination before they had obtained their commissions?

Mr. SWANSON. If he passes his examination and comes up for his commission, and the examination and commission antedate the graduation of the class he was in, he does get a commission ahead of them, as any other enlisted man would do.

Mr. WALSH of Montana. I am sure the Senator would not want to have it otherwise. If a boy in the Naval Academy quits the Naval Academy and enlists in the Marine Corps, and goes on and takes his examination and reaches a result, by determination upon his part, sooner than the men who remain at the Naval Academy, why should he not have a commission?

Mr. KING. It simply means that if two young men go to the Naval Academy and take the examination, and one passes and the other fails, and the one who fails goes out and takes another examination, after enlisting as a private in the Marine Corps, and passes, he may get a higher rating and be commissioned in advance of the man who did his duty and passed an A1 examination at Annapolis. It is rather paradoxical.

Mr. SWANSON. To encourage men to enlist and get a high order of men in the Marine Corps, we allow men to enlist as privates and under certain conditions receive commissions as officers. First, their record has to be fine, and service as a private in the Marine Corps for 12 months, with all of its privations and hardships, is a pretty stiff test. After they have stood that test as enlisted men, they have then to stand an examination to show their mental qualifications, and any man who can enlist as a private and do that should not be discriminated against, whether he did or did not attend the Naval Academy. This discrimination occurs under a statute passed to get rid of an abuse, and we require them to serve 12 months as enlisted men before they can be commissioned. I think it is a good thing to encourage the men.

Under the old conditions, if a man failed at the Naval Academy he could go and stand an examination at once and get ahead of his class. Under the existing statute he must first enlist as a private and serve 12 months, and then he may obtain his commission.

Mr. KING. I follow the Senator from Virginia in the Naval Affairs Committee because of his superior knowledge. I think I shall follow him now, and I am sure to be right one way or the other, and he is sure to be wrong one time or another.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That any midshipman of the United States Naval Academy who has heretofore failed to graduate therefrom and who shall have served honorably in the Marine Corps for a period of one year, and who has passed satisfactorily the examination for appointment as a commissioned officer of the Marine Corps, may be commissioned prior to the graduation of the class at the Naval Academy of which he was a member.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CORDES.

The bill (S. 3291) for the relief of Henry Cordes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to deduct from the time required of Henry Cordes, of Fort Laramie, Wyo., to perfect title to a new homestead entry the time he spent in residence and cultivation upon homestead entry, Cheyenne, 027226, which was canceled because erroneously allowed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

The bill (S. 2436) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act, was announced as next in order.

Mr. WATSON of Georgia. I object.

Mr. EDGE. If the Senator will withhold his objection for a moment, I will state that the only object of the bill, as I understand it, is to permit these banks to become members of the Federal reserve system, as other institutions are. I think that is all the bill does. At the present time they are outside of the system, and it was thought they would have better supervisory control over them if they were members of the system, just as other banking institutions are. I think that is as far as the bill goes.

Mr. WATSON of Georgia. There does not seem to be any need for haste, and I would like to look into it.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

EXCHANGE OF LANDS IN NEW MEXICO.

The bill (S. 2743) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 6, to strike out the words "or near the" and to insert in lieu thereof "the exterior boundaries of the existing," so as to make the bill read:

Be it enacted, etc., That section 10 of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, be, and the same is hereby, amended, subject to the consent to the terms hereof by the State of New Mexico, by adding the following: "*Provided*, That the Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States title to any land within the exterior boundaries of the existing national forests in the State of New Mexico, title to which is in said State, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of unappropriated ungranted national forest or other Government lands belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and the Secretary of the Interior and acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of the national forest within or near to which they are situated."

Mr. KING. I would like to have the Senator from New Mexico explain the purpose of the bill generally. There is no report here. I do not object to the bill at all.

Mr. BURSUM. The purpose of this act is to authorize the State of New Mexico to make exchanges within the forests of school sections. In order to do that it is necessary to amend the enabling act authorizing New Mexico and Arizona to form a constitution. It will be necessary, unless the bill is passed, for the people of New Mexico to amend the constitution and provide legislation authorizing this exchange.

Mr. POMERENE. The Senator from New Mexico said it authorized them to make exchanges of school lands. Exchanges with whom?

Mr. BURSUM. With the United States, to surrender to the Forest Service school sections within the forests for public lands of equal value outside of the forests.

Mr. POMERENE. Is that to be done under the authority of the Secretary of the Interior?

Mr. BURSUM. It is.

Mr. POMERENE. And subject to his approval?

Mr. BURSUM. Yes; subject to his approval and subject to the approval of the Secretary of Agriculture.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS IN NEW MEXICO.

The bill (S. 3163) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," was announced as next in order.

Mr. SMOOT. I ask that that may go over.

Mr. JONES of New Mexico. Mr. President, I trust the Senator will withhold his objection. The object of this bill is to make available an appropriation which was made over nine years ago for a post-office building at Las Vegas in New Mexico. This legislation becomes necessary because the amount of money appropriated is not sufficient to erect the kind of a building authorized under the previous legislation.

The legislation at present on the statute books provides for the erection of a courthouse and a post office, and the amount of money available is not sufficient for that purpose. The object of the bill is to provide that they may use the money, which has already been appropriated, for the construction of a post office only. The matter has been taken up with the Treasury Department on different occasions, and this bill is recommended by the Treasury Department. At Las Vegas there are two post offices now, and the result is great confusion in the mails. The purpose of the bill is to erect one building to provide for the two communities.

It will reduce the expense of the post offices there and avoid that very great confusion which results from the fact that there are two post offices, one under the name of Las Vegas and one under the name of East Las Vegas. It so happens the post office of East Las Vegas is in the city of Las Vegas and the post office of East Las Vegas is in the town of Las Vegas. I sincerely hope that the Senator will withhold his objection to the consideration of the bill.

Mr. SMOOT. I suppose there is not a State in the Union that is not somewhat in the same condition. I know that in my own State we have authorized appropriations for post-office buildings at Spanish Fork, Eureka, Manti, Ephraim, and I know there are at least half a dozen others that do not come to my mind now. The only way we are ever going to get any relief is to wait until there is an omnibus bill passed. The Senator knows that we put items on appropriation bills time and time again on the floor of the Senate for the same purpose that is contemplated in the pending bill. The House has invariably objected to those items. They say they will not pass a bill of this character until an omnibus bill is presented. Why is there any use of going to the expense of passing these bills in the Senate and sending them to the House when we know the House will not act on them?

Mr. JONES of New Mexico. The situation in this case is a very peculiar one. I do not know of another instance in the history of the United States where conditions are such as they are at this place. We want to consolidate two post offices. The appropriation was made back in 1913 when my predecessor was in office. It was through his action that the appropriation was then made.

Las Vegas is the second largest town in the State of New Mexico. It has no public building whatever, and there are the two post offices rented now, with two postmasters and two sets of clerks. It is more expensive to carry the mail from the railroad station to those offices than it will be under the new régime. For business purposes and business reasons and to facilitate business the bill should be passed. Hundreds of letters every day go to the wrong post office and must be transferred from that post office over to the right one. The situation is almost intolerable.

The appropriation was made back in 1913, and it is only by reason of the fact that during the war all public building work was stopped, and since the war the cost of building has increased so that they could not erect the building according to the original design for the amount of money which was appropriated.

Mr. SMOOT. That is the same reason advanced in all the other cases. I am quite sure the bill will not pass the House, but if it is going to assist the Senator from New Mexico in any way to go to the expense of passing the bill here and sending it over to the House, I shall not object. I am quite sure, I will say to the Senator from New Mexico, that their policy is a fixed policy, and if the future is to be judged by the past, if we can tell from what has been going on in the House for years past, they will not consider the bill.

Mr. JONES of New Mexico. I thank the Senator for withdrawing his objection to the consideration of the bill by the Senate.

Mr. SMOOT. I will say to the Senator that if this bill passes I am quite sure we can then insist upon at least 100 or more similar bills passing, and insist upon the House passing other bills in the same way. The appropriation of $50,000 for erecting a building back in 1912 and 1913, at the very time when authorization for the appropriation was made, perhaps would have erected such a building as is required at this place. Building costs have advanced so that they can not now erect any kind of a building, nor can they erect the building which the

department wants to erect. Therefore, all the appropriations are being held up in all such cases.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 11, to strike out "$115,940.41, and said building shall be so constructed that accommodations for the United States courts and other governmental offices may be provided at a later date at an increase in the limit of cost to be hereafter fixed," and to insert in lieu thereof "$115,940.40," so as to make the bill read:

Be it enacted, etc., That so much of section 16 of the act of Congress approved March 4, 1913 (37 Stat., p. 883), which directed the Secretary of the Treasury to purchase a site, or acquire it by condemnation or otherwise, on land at a convenient point between the incorporated city of East Las Vegas, N. Mex., and the incorporated town of Las Vegas, N. Mex., and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post office, courthouse, and other governmental offices, and so forth, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to cause to be erected, on the site heretofore acquired by the United States for the purpose, a suitable and commodious building, including fireproof vaults, heating and ventilating apparatus, approaches, etc., complete, for the use and accommodation of the post office, at a limit of cost not to exceed $115,940.40.

Mr. JONES of New Mexico. I desire to state that there was an error of 1 cent in the amount of money which it was found necessary to change, and the remainder of the matter which is stricken out by the amendment was considered unnecessary, both by the Committee on Public Buildings and Grounds and by the Treasury Department. I therefore think it advisable to adopt the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. EDGE. Mr. President, I ask unanimous consent to return to Order of Business 609, the bill (S. 2436) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act. The Senator from Georgia [Mr. WATSON] objected to the consideration of the bill, but he has just informed me that after reading the bill he will withdraw the objection.

Mr. WATSON of Georgia. Mr. President, having examined the bill, I have no objection to it, although I am opposed to the entire Federal reserve system.

Mr. KING. I would like to ask the Senator from New Jersey the purpose of the bill?

Mr. EDGE. The purpose of the bill is simply to permit any corporation engaged in the kinds of business described in section 25 of the Federal reserve act to become members of the Federal reserve system, so the Federal reserve system can have much greater supervision over their activities.

Mr. KING. I would like to ask the Senator if existing law prohibits that?

Mr. EDGE. Under existing law there is no way for them to apply for membership and to become members of the Federal reserve system. The pending bill provides an amendment of section 25 (a) of the Federal reserve act, under which corporations engaged in the kinds of business described in that section may make application to the Federal Reserve Board and by the purchase of the necessary stock in a Federal reserve bank become members of the Federal reserve system.

Mr. KING. This is not for the purpose of forcing banks into the Federal reserve system?

Mr. EDGE. Absolutely not. It is entirely voluntary.

Mr. KING. There is nothing here that would be discriminatory against State banks and be used as a club to compel them to join the Federal reserve system?

Mr. EDGE. Absolutely not. It is absolutely voluntary. It simply provides that they can apply for membership, and by the purchase of stock in a Federal Reserve Bank can then become members of the Federal reserve system. It is entirely voluntary.

Mr. KING. The Senator knows there has been a good deal of complaint that there was discrimination against certain banks and an effort made to force all of them into the Federal reserve system willy-nilly.

Mr. EDGE. I will read the Senator the first three lines of the proposed amendment of the act, and he will see that it does not contemplate that—

Any corporation engaged in business of the kinds described in section 25 of this act, and any corporation organized under the provisions of this section, may make application to the Federal Reserve Board—

And so forth.

Mr. GLASS. Mr. President, may I inquire of the Senator from New Jersey whether the provisions of the bill will permit private corporations to become members of the Federal reserve system?

Mr. EDGE. No; it simply provides for that class of banks organized under section 25 (a) of the Federal reserve act, and which are known, if I may remind the Senator, as Edge banks, to become members of the Federal reserve system.

Mr. GLASS. Foreign banking corporations?

Mr. EDGE. Yes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved February 27, 1921, and June 14, 1921, be further amended by striking out that paragraph of said section which reads as follows: "Shareholders in any corporation organized under the provisions of this section shall be liable for the amount of their unpaid stock subscriptions. No such corporation shall become a member of any Federal reserve bank," and by substituting in lieu of said paragraph the following:

"Shareholders in any corporation organized under the provisions of this section shall be liable for the amount of their unpaid stock subscriptions.

"Any corporation engaged in business of the kinds described in section 25 of this act, and any corporation organized under the provisions of this section, may make application to the Federal Reserve Board, under such rules and regulations as said board may prescribe, to subscribe to stock of the Federal reserve bank of the district within which the applying corporation is located in an amount equal to 6 per cent of the paid-up capital and surplus of the applying corporation. The Federal Reserve Board, subject to such conditions as it may prescribe, may, in its discretion, permit the applying corporation to become a stockholder of such Federal reserve bank. All such corporations becoming members of the Federal reserve system shall be subject to the provisions of this act which relate specifically to member banks: *Provided*, That such corporations shall not be subject to examination by examiners of the Comptroller of the Currency under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act, and shall not be subject to any limitations upon the exercise of the power to accept drafts and bills of exchange drawn upon them, except such as are imposed by regulations prescribed by the Federal Reserve Board."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORPORATE POWERS OF ASSOCIATIONS.

The bill (S. 3255) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

HOMESTEAD EXEMPTION.

The joint resolution (H. J. Res. 57) making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof was considered as in Committee of the Whole and was read as follows:

Resolved, etc., That the provisions of section 2296 of the United States Revised Statutes have been and are applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIVERSITY OF ARIZONA.

The bill (S. 2140) to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, in line 4, to strike out "in fee simple" and to insert in lieu thereof "as hereinafter limited," so as to make the sentence read:

That the Secretary of the Interior be, and is hereby, authorized and directed to issue patent as hereinafter limited to the University of Arizona, State of Arizona, of Tucson, Ariz., for the following-described tract of land.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I wish to ask the Senator from Arizona [Mr. ASHURST] if the designation of the university is right? It seems to be a little awkward. It reads "University of Arizona, State of Arizona, of Tucson, Ariz."

Mr. ASHURST. That is the designation on the calendar.

Mr. SMOOT. Yes; "University of Arizona"; but then it reads "State of Arizona, of Tucson, Ariz."

Mr. ASHURST. The Senator is reading from the bill?

Mr. SMOOT. I am reading from the bill.

Mr. ASHURST. The bill read that way when it was considered in the Sixty-sixth Congress and was considered by the Department of the Interior.

Mr. WALSH of Montana. I wish to address an inquiry to the Senator from Utah. The State of Arizona is, of course, an incorporated body. I think the grant should be made to the State of Arizona for the use of the University of Arizona. I think the bill had better go over.

Mr. SMOOT. I think so, too. I will say to the Senator that I never noticed that in the bill and I believe the bill is not properly drawn in that respect. I think we ought to consider it before we pass it. I ask that the bill may go over.

Mr. ASHURST. I am willing that the bill should be recommitted to the Committee on Public Lands and Surveys for correction.

Mr. SMOOT. Oh, no; that can be done on the floor, and there is no necessity for sending it back to the committee. There is no objection to the bill itself.

Mr. ASHURST. Do the Senators who have addressed the Senate believe the grant should be to the State of Arizona for the use and benefit of the State of Arizona?

Mr. SMOOT. Yes.

The VICE PRESIDENT. On objection, the bill will be passed over.

WITHDRAWAL OF MINERAL LAND IN UTAH.

The bill (S. 2460) to amend an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Mines and Mining with an amendment to strike out all after the enacting clause and to insert:

That for the period of 12 months from and after the approval of this act the provisions of section 18a of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stats., p. 437), be, and the same are hereby, extended to land in Utah embraced in the Executive order of withdrawal issued October 4, 1909: *Provided*, That nothing herein shall be construed as otherwise enlarging, continuing, or extending the provisions of the aforesaid section 18a of the act approved February 25, 1920 (41 Stats., p. 437).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat., p. 437), to certain lands in Utah."

TITLE TO SCHOOL LANDS.

The bill (S. 889) further to assure title to lands granted the several States in place, in aid of public schools, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with the following amendments: On page 1, line 9, after the word "listed," insert the words "not exchanged for other lands of the United States"; strike out all of the first proviso, beginning with the word "*Provided*," on page 1, line 12, and ending with the word "office," on page 2, line 6; on page 2, line 7, strike out the word "further"; on page 2, line 9, strike out the second "of"; on page 2, line 10, strike out the words "at all" and insert in lieu thereof the following: "it has attached, nor to deprive any court of jurisdiction it may now have to determine any controversy which may arise touching the title of the State or any of its assignees to any such land"; on page 2, line 11, strike out the word "designated" and insert in lieu thereof the word "granted"; on page 2, line 15, insert, after the word "Office" the following: "in proceedings initiated under the provisions of this act"; on page 2, line 20, after the word "States," insert the following: "and of rights to prospect for, mine, and remove the same in accordance with the provisions of existing laws"; on page 2, line 21, after the word "reservation," insert the following: "except as to metalliferous minerals," so as to make the bill read:

Be it enacted, etc., That where a grant of lands, in place, has heretofore been made or may hereafter be made to any State in aid of public schools the governor of any such State may cause to be listed with the Secretary of the Interior any sections or parts of sections as designated in the grant, and it shall be the duty of the Secretary of the Interior to issue patent to the State in further assurance of title of all tracts thus listed, not exchanged for other lands of the United States, and found to be of the character granted and free from valid, adverse claim at the time when the rights of the State attach: *Provided*, That nothing herein contained shall be so construed as to postpone the time of the attachment of the grant of such lands under the law existent at the time the State's right attached thereto, if it has attached, nor to deprive any court of jurisdiction it may now have to determine any controversy which may arise touching the title of the State or any of its assignees to any such land.

SEC. 2. That in any case wherein lands so granted have been purchased in good faith from any State and hereafter are found by final decree of a Federal court or final judgment of the Secretary of the Interior or Commissioner of the General Land Office in proceedings initiated under the provisions of this act to have been of known mineral character at the time the grant to the State would have otherwise attached, the transferees of the State, mediate or immediate, shall have a right to a confirmatory patent from the United States with reservation of the mineral deposits in the land to the United States, and of rights to prospect for, mine, and remove the same in accordance with the provisions of existing laws, upon payment of $1.25 per acre, or to a patent without such reservation, except as to metalliferous minerals, upon payment of the appraised price of the land as such purchaser may elect: *Provided*, That 50 per cent of all moneys received from sales under the provisions of this act shall be paid by the Secretary of the Treasury, after the expiration of the fiscal year, to the State within the boundaries of which the lands are located, said moneys to be used by such State for the support of public schools therein, and the balance thereof shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902: *Provided further*, That until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this act.

SEC. 3. That hereafter, on approval by the Secretary of the Interior of selections made by any State under grants made by Congress, he shall direct the issuance of patent for the land so selected and approved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WALSH of Montana. Mr. President, before the pending bill passes, I believe that a statement concerning its purposes should be made, inasmuch as the passage of the bill marks somewhat of a departure in the practice in relation to grants which are made to various States for the benefit of schools. If I may be permitted, I shall undertake to state the object of the bill.

All of the States on their admission to the Union have been granted sections 16 and 36 of nonmineral public lands and certain States have been granted four sections. I think the State of Utah was amongst those.

It has always been held that any land which was not known to be mineral at the time the State was admitted into the Union passed to the State under that grant, but if a certain section 16 or section 36 was then known to be mineral it did not pass. No patent is given to a State for its lands in place sections 16 and 36; but whether they were mineral or not at the time the State was admitted into the Union is the determinative question upon which the title of the State depends. That may be brought into question at any time—that is to say, 20 years after the State has been admitted into the Union, during all of which time it has claimed title to sections 16 and 36, and no question has been raised that the land was nonmineral at the time the State was admitted, some one may go upon that land, locate it as mineral land, claiming that it was known to be mineral at the time the State was admitted into the Union—and then the question is tried out in the courts. So the title of one purchasing from the State a portion of either section 16 or section 36 is always more or less clouded by reason of the fact that some one at some time or other may come in and assert that the land was, in fact, mineral at the time the State was admitted into the Union.

Mr. SMOOT. Will the Senator from Montana yield to me?

Mr. WALSH of Montana. I yield.

Mr. SMOOT. The Senator from Montana has made a very clear statement in reference to the matter, and I merely wish to refer to a case of which I am aware which is illustrative of what he has stated. Twenty-two years ago a part of a section in my State was purchased by an individual from the State. Later some one went upon it and claimed that at the time of the admission of Utah to Statehood the land was known to have been mineral. The question immediately arose as to title of the property, and, no matter what the purchaser may have expended upon the land, even though he may have expended upon it his entire means, there still rests a cloud upon his title.

Mr. WALSH of Montana. The purpose of this proposed act is to permit the State to apply to the Secretary of the Interior for a patent to lands granted to it in place sections 16 and 36. It will then be obliged to claim that the lands are nonmineral, and the Secretary of the Interior will institute an inquiry thereupon as to whether or not the land is mineral or was known to be mineral at the time the State was admitted into the Union. If he determines that it was not known to be mineral at that time, but was known to be agricultural, a patent to the State will issue, and that settles the controversy for all time, so anyone thereafter buying from the State will know that he gets a good title to the land. The condition which I have stated has given rise to many unfortunate controversies, which this bill endeavors to prevent in the future.

Mr. SHEPPARD. What is the meaning of the expression "in place"?

Mr. WALSH of Montana. Lands granted to a State are either "in place" or by selection. As I have indicated, place grants are always of sections 16 and 36. Besides that, the State receives grants in bulk for its educational institutions, its State university, its agricultural college, and its college of mines, and so forth; that is, of a certain number of acres of land which it may select throughout the State. Having selected those lands, the Secretary enters upon an inquiry as to whether or not they are mineral, and finding them not to be mineral, patents will be issued to these lands. That is a floating grant, as the Senator will see; it does not attach to any particular lands until the State selects the lands.

The other lands the State does not select at all, but they are already fixed "in place"; that is, sections 16 and 36. We find no difficulty at all, so far as the lands are concerned, which the States are obliged to select, because as to those the States get patent now under the law. It is only as to those lands which are "in place" with respect to which the States do not get title; so that it always remains a matter of doubt as to whether or not the State has title.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

CLAIMS OF CHEROKEE, CREEK, AND SEMINOLE INDIANS.

Mr. OWEN. I ask unanimous consent to recur to Order of Business 545, being the bill (S. 514) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to have the Senator briefly explain the measure.

Mr. OWEN. The bill was carried over on my objection. I now withdraw the objection and have no objection to its passage as it came from the committee.

Mr. OVERMAN. What does the bill provide?

Mr. OWEN. It provides that the Indians named in the bill may go into the Court of Claims and wind up their affairs in connection with certain claims which they have against the Government.

Mr. SMOOT. The compensation of attorneys is limited, is it?

Mr. OWEN. Yes; it is limited both as to percentage and as to the gross amount which may be paid.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 22, after the name "United States," to insert "nor more than $25,000 to be paid by any one nation or tribe," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, examine, consider, and adjudicate any and all claims arising under or growing out of any treaty stipulation or agreement of the United States with the Cherokee, Creek, or Seminole Indian Nations or Tribes, or any act of Congress in relation to Indian affairs which said Cherokee, Creek, or Seminole Indian Nations or Tribes may have against the United States and which claims have not heretofore been determined or adjudicated: *Provided*, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations: *Provided further*, That the suits be instituted within two years from date of approval of this act: *Provided also*, That from decisions of the Court of Claims in said suits appeals may be taken as in other cases to the Supreme Court of the United States: *Provided further, however*, That the provisions of this act shall not be construed to confer jurisdiction upon the court to hear, examine, consider, and adjudicate any balance claimed to be due on the so-called Loyal Creek Claim, or any amount claimed to be due in equitine allotments among members of the Five Civilized Tribes.

The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suits any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

The claim or claims of each of said Indian nations shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. Such petition on the part of any such nation or tribe shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract or contracts with the principal chief or governor of the nation or tribe interested and approved by the Secretary of the Interior. A copy of the petition shall, in each case, be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice, to be designated by him, is hereby directed to appear and defend the interests of the United States in said cases.

Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed in the Court of Claims within two years from the date of approval of this act as provided herein. Upon the final determination of any suit or action instituted under this act the Court of Claims shall decree such amount or amounts as it shall find reasonable to pay the attorney or attorneys employed therein by any of the above-named Indian nations for their services and expenses, and in no case shall the aggregate amounts decreed by said Court of Claims be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per centum of the amount of recovery against the United States, nor more than $25,000 to be paid by any one nation or tribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK GRYGLA.

The bill (S. 910) for the relief of Frank Grygla was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. JONES of New Mexico. Mr. President, I trust the Senator from Utah will withhold his objection.

Mr. KING. I will withhold it in order to hear the explanation the Senator may make.

Mr. JONES of New Mexico. The explanation is simply that Mr. Grygla in his lifetime was improperly suspended, and his salary was not paid during the time of such suspension. No reference was made in the suspension order as to the payment of salary. The matter has been investigated and the Secretary of the Interior reports that Mr. Grygla could have gotten his claim allowed through the Court of Claims, but there would still have to be an appropriation for it. So this means of securing relief was adopted rather than resorting to the Court of Claims and then securing an appropriation.

Mr. KING. Mr. President, let me inquire of the Senator, if I may, when was the employee suspended? Of course, he rendered no service during the time of his suspension?

Mr. JONES of New Mexico. He was, of course, engaged during that time in clearing up the charges which had been made against him. He was not discharged from the service; he was merely suspended from the performance of his duties, and he was engaged in the interim, of course, in bringing about an investigation of the charges. The charges were found to be unfounded, and he was restored to his status in the Government service. The Secretary of the Interior reports that the Court of Claims has allowed such claims as this where cases have been presented to that court. Under the law he is entitled to this amount of money.

Mr. KING. If a man in private employment is suspended, which means, of course, discharged and later hired; if he is discharged because the master feels that he has been inattentive or inefficient, or believes that he has been guilty of some embezzlement or other criminal act, it would not legally, and I do not think morally, entitle him to compensation from the master. If the Federal Government runs the risk of having to pay every person who may be discharged or suspended it seems to me it might deter——

Mr. JONES of New Mexico. I can state to the Senator that it is a common occurrence in the different departments of the United States Government—such cases arise almost daily—for some employee who has been suspended pending investigation to receive his salary right along during the period of suspension.

Another employee, through a failure so to provide in the order, or for some other reason, does not receive pay during the period of suspension; but if he is restored to duty, and the charges prove to be unfounded, then under the law he is entitled to his salary, and the Secretary of the Interior so reports upon this bill.

Mr. KING. Would not the Secretary be authorized to make payment after the man had been exculpated from the charges against him which led to his suspension?

Mr. JONES of New Mexico. He can not, because the appropriation for such purposes lapses at the end of each fiscal year.

Mr. KING. But if the exculpation occurred prior to the lapsing of the appropriation he would have that authority?

Mr. JONES of New Mexico. I can not answer the Senator with assurance.

Mr. KING. It seems to me that it comes down to the question as to whether or not he was an employee of the Government. If not, if the suspension operated to sever his relations with the Government, then it seems to me the Government is not legally liable.

Mr. JONES of New Mexico. I will read to the Senator a paragraph from the report of the Secretary of the Interior:

In view of the fact that Mr. Grygla was fully exonerated after investigation of the charges, of the fact that the Interior Department was not under the law reimburse him for losses incurred by his suspension, and of the further fact that similar claims have been allowed by the Court of Claims (41 C. Cls. R. 514, case No. 27948), I think it proper that relief as proposed in Senate bill 2701 be granted.

That is signed by John Barton Payne, Secretary of the Interior. The bill has been pending in the Committee on Claims for some time, as Senators will observe, and the committee has recently made the report.

Mr. SMOOT. Mr. President, I can not bring myself to believe that a person who is not serving the Government, who is doing no work whatever, should be paid by the Government the salary that he would have drawn if he had continued in the service of the Government. There was some reason why these charges were preferred against that man, and the Government, the employer of the man, thought they were of sufficient importance to suspend him. During that time he could have worked anywhere he wanted to, providing he could have gotten work. The Government received nothing from him. His services were of no use whatever to the Government. Why the Government should be called upon to pay him compensation during the time when he was not serving the Government, I can not see.

Mr. JONES of New Mexico. Mr. President, I can state to the Senator that just that sort of thing is being done every day in the departments of the Government. Where employees are suspended, pending an investigation, in many cases the order specifically provides that the suspension shall not be without pay. In the other cases where they have been suspended and the charges have proven unfounded, upon reinstatement the employee has his claim against the Government.

Mr. SMOOT. Mr. President, this happened 21 years ago. It seems to me that if this man had any just claim against the Government of the United States he would have made that claim long before this; and upon the face of it I shall have to object to the consideration of the bill.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 1723) for the relief of William Hensley was announced as next in order and was read.

Mr. KING. Mr. President, there is no report here. I am going to object to this bill, not because I am not in sympathy with this man if he is entitled to compensation, but because we have a general compensation act to deal with persons who are injured in the employ of the Government; and if we constantly pass special bills we might just as well repeal the general compensation act.

Mr. MOSES. Mr. President, let me ask the Senator a question: The operation of the compensation act is within a certain time limit, is it not? Certain injuries for which claims might be brought here can not be considered by the compensation commission. It is possible that this bill may refer to one of those.

Mr. KING. Let me say to the Senator that in a number of instances where the injury occurred anterior to the time of the passage of the act we have passed bills that gave the claimants the status of persons who were injured similarly after the passage of the act; and if this man is entitled to compensation we ought to give him the benefit of that act.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

THE CORNWELL CO., SAGINAW, MICH.

The bill (H. R. 449) for the relief of the Cornwell Co., Saginaw, Mich., was announced as next in order.

Mr. POMERENE. Mr. President, this bill seems to authorize the repayment of a fine which was assessed, and there is no report on it.

Mr. SMOOT. I have no report on my calendar.

Mr. POMERENE. There is none on my calendar; and until there is some explanation of the bill, I am going to object.

Mr. CAPPER. I ask that the bill go over, because the member of the committee who had charge of it is not present.

Mr. POMERENE. A page has just handed me a copy of the report, which has just come in. There has been no opportunity to go over it, and I still object to consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

H. C. MULLINS AND OTHERS.

The bill (H. R. 1009) for the relief of H. C. Mullins, his wife, and minor children, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. C. Mullins, of Fort Worth, Tex., the sum of $4,522.50, in full compensation for injuries sustained by the said H. C. Mullins, his wife, Ovilla Nelson Mullins, his minor child, Ina Flora Mullins, and for the death by reason of said injuries sustained by his minor child, Leona Pearl Mullins, due to an airplane, owned by the United States Government, while engaged in practice flying in Tarrant County, Tex., on the 26th day of June, A. D. 1918.

Mr. SMOOT. Mr. President, I should like to have some explanation of this bill. Can the Senator from Kansas explain the details of the bill? I have no report on it.

Mr. KING. I think the facts will show that a lieutenant was flying in one of the fields in Texas, being engaged in a sort of practice flight; people gathered there from some distance around to witness the exhibition; and in attempting to rise above the fence which circumscribed the limits of the field, the machine caught against the top of the automobile in which Mr. Mullins and his wife and children were sitting, overturned it, injured all of them quite seriously, and killed one member of the family. It is simply a question as to whether or not the Government of the United States ought to make compensation. There was no carelessness upon the part of the flier. It was one of these very unfortunate circumstances that occur in life.

Mr. CAPPER. The report shows that the War Department investigated the matter pretty carefully, and says that there is merit in the claim. That is all the information that we have. The bill has passed the House.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF OSCAR CHRYSLER.

The bill (H. R. 3346) for the relief of the heirs of Oscar Chrysler was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,400 to Birdseye Knox Chrysler, Laura A. Chrysler, Harriet L. Chrysler, and Frederick Knox Chrysler, widow and minor children of and heirs at law of Oscar Chrysler, late surgeon in charge at the National Soldiers' Home at Milwaukee, Wis., who was killed while in discharge of his official duty on October 29, 1913, without fault or negligence on his part.

Mr. KING. Mr. President, reserving the right to object, I should like an explanation of that bill.

Mr. LENROOT. Mr. President, this is a bill to compensate the heirs of Doctor Chrysler, who was killed while in the discharge of his official duty on October 29, 1913. Doctor Chrysler was chief surgeon of the Milwaukee National Home for Disabled Soldiers. He had been in the service for 21 years at the time of his death. His death occurred through an inspection by him of a sterilizing apparatus which had been put into the home, which had been inspected twice before and found to work satisfactorily, but at this time they put it into real operation; and in some way unknown, apparently through some defect in the apparatus, but what particular defect never has been discovered, an explosion occurred which almost instantly killed Doctor Chrysler. There was a very complete investigation. There was no fault or negligence upon the part of Doctor Chrysler, and apparently the particular defect could not be found that would hold the makers of the appliance for negligence in the making.

Mr. KING. Mr. President, I should like to ask the Senator from Wisconsin, who is a very just man and a good lawyer, what policy he thinks the Government ought to pursue in view of the large number of claims that are presented against the Government for the torts or the negligences or the alleged negligences of the hundreds of thousands of employees of the Government. I do not mean to say that hundreds of thousands are guilty of torts or negligences, but scarcely a day passes that some claim or a good many claims are not filed with some branch of the Government.

It is alleged that some man in the employ of the Government—for instance, somebody driving the mail or some boy riding upon a bicycle, carrying a message from one department to another, runs into some person upon the street and overturns him, and the person is injured, or, as in the case which we have just considered, a flying machine is under the control of some official of the Government, some soldier or person in the Air Service, and the flying machine runs into a house or some person and inflicts injury either upon property or upon person. In view of the fact that there are perhaps a million employees of the Government, and a large number in the Army and in the Navy—and of course the number in the Government service will increase as the years go by—in view of the fact that those persons are bound, no matter how careful they may be, to do some act or be guilty of some omission that results in injury, and some of them by acts of omission and some by acts of negligence, perhaps some of them willful negligence, do injury to other persons—in view of all those facts, I ask the Senator whether we can recognize or ought to recognize the theory that the Govern-

ment is responsible and must pay compensation for all the injuries to person and property?

Mr. LENROOT. Mr. President, of course the Senator's question is not directed to the class of cases covered by this bill.

Mr. KING. No; to the general proposition.

Mr. LENROOT. There is a very clear distinction between the moral obligation upon the part of the Government to make compensation for injuries occurring to its own employees and its own officers and its obligation to make compensation for injuries occurring to a stranger through some act of a Government employee or officer.

I take it the latter is the condition about which the Senator inquires my view. I would say, with reference to that, that I think the Government should occupy exactly the same status occupied by a private employer. If there be any negligence on the part of a Government employee or Government officer which injures a stranger, the Government ought to compensate that third party for the injury sustained, just as a private employer is compelled to do under the law.

Mr. KING. The Senator knows that under the common law, which applies in most of the States, the torts of municipal officers and of county officers do not fix liability upon the municipality or the county.

Mr. LENROOT. No; and there was an old doctrine also of the common law further back that the king can do no wrong, and that each municipality occupies a position of sovereignty. But while that is true in law, it is not true in morals. I think the moral liability of a Government, a State or a municipality, should be as great as that of a private individual or corporation, and, as the Senator knows, in every State in the Union that liability upon the part of a municipality is now established by statute, with certain limitations of damages.

Mr. DIAL. Would it not be going far enough for Congress to refer these cases to a court? We do not look into the cases of accidents sufficiently. I am not speaking of this case especially, but I am embarrassed about a good many of these cases, because I regret to have to object. I want to treat everybody fairly, but whether or not it would be going far enough for us to authorize them to sue is a question which should be inquired into.

Mr. LENROOT. I should think that might well be done in all these cases where the obligation, if there be any, rests on a party outside of the service of the Government; but as to a Government employee, I do not think he should be called upon to sue.

Mr. KING. The Senator knows that Government employees come under the Federal compensation act.

Mr. LENROOT. Most of them do. This particular case does not. But the same rule of compensation is applied in this particular case, though it does not come under it. It is one year's salary.

Mr. KING. It seems to me that with the large number of employees of the Government, and the large number of soldiers, the fact that we have perhaps 200,000 automobiles operated by the Government directly and indirectly, possibly more, unless some policy shall be adopted, we are going to have these claims here by the thousands, and the Government will be called upon to pay millions of dollars.

Mr. LENROOT. The Senator does not think the Government should not assume the same liability that a private corporation under the law would be compelled to assume? Is it fair to make the individual who has been injured suffer alone?

Mr. KING. The Senator knows that none of the States and, so far as I know, none of the counties, at least, account for the torts of their officers, and they do not pay damages unless it is by special act of the legislature. If any of the counties permit suits, it has been provided for recently by statute.

Mr. LENROOT. Certainly. I do not happen to know of a single State that does not provide by statute for damages where, for instance, there is a hole in the sidewalk.

The VICE PRESIDENT. Under Rule VIII the Senator's time has expired.

Mr. SMOOT. I am going to ask the Senator from Wisconsin a question. The doctor in this case was a surgeon in charge at the National Soldiers' Home at Milwaukee, Wis.?

Mr. LENROOT. He was the surgeon in charge. He was not in command of the home.

Mr. SMOOT. He was killed, while in the discharge of his official duties, on October 29, 1913, according to the report. What official duty was he performing when he went to make the examination?

Mr. LENROOT. He was examining a sterilizing apparatus.

Mr. SMOOT. A sterilizing apparatus for whom?

Mr. LENROOT. For the hospital.

Mr. SMOOT. It was in the hospital itself?

Mr. LENROOT. Yes; in the hospital of the home. He was clearly acting in the line of duty, and General Wood so held in his report.

Mr. KING. Why has this case not been presented sooner?

Mr. LENROOT. It has been. I presented it once, and I am afraid it is true of this as of many other cases, that there has been some neglect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN LIBERTY LOAN SUBSCRIBERS.

The bill (H. R. 5775) for the relief of Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn.; and Farmers & Merchants' State Bank, Kenmare, N. Dak., was announced as next in order.

Mr. KING. Let that go over.

Mr. POMERENE. Mr. President, I hope the objection will not be insisted upon. This is for the relief of the subscribers to certain Liberty loans. Under the regulations of the Treasury Department different banks were often made agencies of the Treasury. In certain other instances the committee which solicited these loans were invited to ask them to have the subscribers pay to their own banks. I have special knowledge as to one bank, at Mineral City, Ohio, and I think from the hearings the facts were substantially the same in all the cases.

These subscribers, most of whom were people of very, very modest means, paid on account of their subscriptions to these banks. The banks failed for one reason or another before the bonds were delivered. In the case of the Mineral City Bank, subscriptions were made and paid in aggregating over $25,000. One of the executive officers of the bank got to speculating, and, as I now recall, later on committed suicide as a result of his mental state.

The question simply is, shall these bond subscribers who were subscribing out of the patriotism of their own hearts be made the losers? It does seem to me that the great Government of the United States ought to protect these unfortunate subscribers to the amount of the money that has been paid in. That is the purpose of this bill.

Mr. FLETCHER. May I ask the Senator why it is that the Government is not to be protected in a case like that? It is in the position of having appointed an agent or trustee who has received a lot of money for the Government. If the bank is an agent or trustee, it has received the Government's money. It is not merely a claim by the Government against these banks, but it seems to me that puts them on the basis of an ordinary creditor of the bank. They can insist on this money being paid, or they can prosecute the officers of that bank, and it looks as if the Government ought to be protected.

Mr. POMERENE. What are we to do with the individual losers, who paid their money into these banks?

Mr. FLETCHER. The Government ought to collect that money and pay it.

Mr. POMERENE. But when the only man in the case I have in mind, and to which I have referred, was a man who, because of his criminality, dissipated the funds of the bank and afterwards committed suicide, there is no relief for anybody, and the question is whether the Government shall stand by the acts of its agents in this matter, or let these poor people sustain the loss.

Mr. JONES of Washington. These people did not get the bonds?

Mr. POMERENE. No; they did not. They were only partially paid for.

Mr. JONES of Washington. They did not tender the balance due?

Mr. POMERENE. I can not answer as to that.

Mr. CAPPER. In most cases the banks sold the bonds. They were part of the assets of the bank.

Mr. SMOOT. If they sold the bonds, and the bonds belonged to the Government, then the Government of the United States ought to collect the money obtained for them from the officers of the bank. The bonds belong to the Government of the United States and were partly paid for, the Government having deposited those bonds with them to be sold.

Mr. KING. The Government would have a lien upon everything the bank had.

Mr. SMOOT. There is no doubt but that the Government can collect the money from the officers of those banks.

Mr. POMERENE. If the facts are such as to permit the Government to do it, certainly the Government ought to.

Mr. SMOOT. I agree with the Senator that the good people who subscribed to those bonds should not lose 1 cent, and there is no need of losing 1 cent, because the Government not only

can collect from the officers of the banks what those good people paid and then pay it back to them, but they can collect from them every dollar they got for those bonds.

Mr. POMERENE. That is a matter for the Government to look after later on, and it should not keep these people out of their money. I hope the objection will be withdrawn.

Mr. WALSH of Montana. I notice a provision in the bill to the effect that these people have assigned to the Government any claim they may have against anybody for these bonds. So the Government is subrogated to their rights. But what troubles me about it is, how did these banks become the agents of the United States?

Mr. KING. That is the point; they are not.

Mr. WALSH of Montana. It seems to me they were simply the agents of the purchasers, and that the purchasers there stand upon just exactly the same footing as if they put money into a bank to purchase stock on the exchange.

Mr. POMERENE. Mr. President, I do not know how this matter was conducted in other sections of the country, but I do know that the Treasury Department, through the Federal reserve bank officers, had committees appointed, as we had in my own home city. Those committees divided up the city, made their drives for the subscriptions, and the subscription blanks provided that the money was to be paid into the particular bank where the subscriber did his business, and bonds were sent to those banks to be delivered when they were paid for.

Mr. WALSH of Montana. Then the contention of the Senator is that the banks became the agents of the Government for the purpose of selling the bonds?

Mr. POMERENE. Undoubtedly so. I know, for instance, in making my own subscriptions I several times subscribed through the bank in Canton where I keep my account. The bonds would be delivered at the bank. A part of these subscriptions were paid in installments and a part of them in cash. Whenever they were paid up the bond was delivered. There can not be any question about these various banks being the agents of the Government.

Mr. SMOOT. The matter may have been handled in that way in Ohio, but it was not handled in that way in Utah. For instance, the Provo Commercial and Savings Bank acted for the committee appointed to sell those bonds. They subscribed for the bonds they were asked to subscribe for by their customers. They paid for those bonds. The bank was responsible to the Government for the bonds, and in many, many cases there was a part payment to the bank made upon the bonds, and the interest which the bonds provided would be paid to the bank for carrying the bonds. The bank was entirely responsible. It is more than likely that it was that way in this case. I am not sure about that, however, I will say. That was the practice in vogue in the West.

Mr. POMERENE. If the Senator will permit me, I will read a paragraph from the report, which shows the plan which prevailed. It is as follows:

> The method of securing the applications of these subscribers by the Government was according to the plan followed generally throughout the country. Applications were required to reach the Treasury Department, Federal reserve bank, "or some incorporated bank" before a specified date. Application blanks on Government forms were widely distributed for this purpose, addressed directly to the Secretary of the Treasury. A notice, relating to the third Liberty loan, provided: "It is strongly recommended that subscribers avail themselves of the assistance of their own banks and trust companies, in which case they will, of course, make payment through such institutions." After applications were received by the banks, notice to subscribers to pay was given on mail carried under Government frank and in the name of the "United States Treasury Department," instructing the subscribers to call upon the bank to complete their subscriptions.

That was the general practice which prevailed in my section of the country. This little bank is in a village about 15 miles from my home. I have seen a good many of these people, and in a general way I know how they made their payments to this particular bank. It would be a burning shame if the Government should seize upon any little technicality to deprive of their money people who through patriotic impulses subscribed for bonds and paid their money into the bank, and many of whom could not afford to do so.

Mr. SMOOT. I am not so much interested in the Government paying the money here involved as I am in the Government getting back the money for which the bonds were sold and which was paid into the banks.

Mr. POMERENE. If there is any liability there, I am in entire accord with the Senator.

Mr. FLETCHER. Another point is, have these banks made final settlement? Do we know whether or not there will be other dividends paid to these people? They have reduced the losses somewhat by dividends collected from the banks.

Mr. POMERENE. I have gone hastily over the matter, and I find in connection with one of the banks they say there will be a further dividend. The Senator from Kansas [Mr. CAPPER] was chairman of the committee which had hearings and heard the evidence, and I think he can give further information with reference to the matter.

Mr. FLETCHER. There is one national bank involved, and the others are probably not national banks. In the case of the national banks all their stockholders are liable. It would take some time to wind up their affairs. The receivers are perhaps not yet discharged, and it may be that there will be other dividends coming to these people.

Mr. WALSH of Montana. The Senator from Florida will observe that they are required to assign all claims they have to the Government. The bill provides that the Secretary of the Treasury—

> shall thereupon have power to pay claimant such sum upon the claimant assigning to the said Secretary for the benefit of the United States all interest he may have in any additional sum which may become payable to such claimant from said banks or the receiver thereof on account of his payment for such Liberty bonds.

Mr. FLETCHER. My point is that we do not know what we are appropriating. We may be appropriating the entire amount.

Mr. POMERENE. Oh, no. The matter is referred to the Comptroller General, and he is to make an investigation. We are not appropriating it directly.

Mr. FLETCHER. We are directing the Secretary of the Treasury to pay whatever is ascertained to be due these people.

Mr. POMERENE. That is true; but it is after an investigation by the Comptroller General of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I objected and, at the risk of incurring the displeasure of my good friend from Ohio, I shall persist in my objection.

The VICE PRESIDENT. There is objection, and the bill will be passed over.

Mr. KING. May I have one moment? I would like to say that I am objecting principally because we do not know the facts. It is not clear yet whether the banks were the agents of the individuals who deposited the money in the banks or whether the banks were the agents of the Government. If they were the agents of the individuals, obviously there is no liability on the part of the Government. If the banks were the agents of the Government, of course the Government ought to pay; but the Government, as I recollect the law, would have a lien upon all the assets of the banks, or, at any rate, upon the money which was deposited there, and would have the first claim in payment. In that event undoubtedly the assets of the bank would be sufficient to liquidate any claims of the Government. Then, too, there is the stockholders' liability.

Mr. FLETCHER. And the trust fund.

Mr. KING. Yes. When the facts are a little more clearly presented to us, as well as the amount involved, I have no doubt the Congress will make a just disposition of the matter; but I wish to say to my friend from Ohio that I shall not be willing to vote for this until we know approximately what it is, whether it is $1,000 or $100,000.

Mr. POMERENE. The report shows the amount.

Mr. KING. I have not the report here.

Mr. POMERENE. This statement is found on page 2 of the report:

> The total amount of sums paid to said banks are approximately as follows: North Penn Bank, $165,000; Mineral City Bank, $25,000; Santa Rosa National Bank, $32,000; Robbinsdale State Bank, $21,000; Farmers & Merchants State Bank, $7,000. Dividends already paid have reduced the losses to the subscribers of the Santa Rosa National Bank to $38,000, and of the Robbinsdale State Bank to $19,000. Further dividends to be paid will somewhat reduce the total liability to such bond purchasers, which now does not exceed $254,000, and which sum may now be accepted as the maximum liability under this bill. This sum will be reduced by whatever additional dividends are paid to the subscribers.

Mr. KING. I hope the Senator, before the next calendar day, will get further facts. If not, I shall in the meantime get them myself.

Mr. POMERENE. The Senator from Kansas [Mr. CAPPER] can correct me if I am mistaken, but I think the Treasury Department already has detailed information about the matter. Am I not right about it?

Mr. CAPPER. The Treasury Department has gone into the matter very fully. I think myself, I will say to the Senator from Ohio, that it would be well to let the bill go over for the day, because some other Senators are better informed as to the Pennsylvania case, for instance. I will say that every effort that is possible to be made to recover before appealing to the Government for relief has been made, in my opinion. The committee held hearings, and I regret that the report of the hearings does not seem to be here for the use of Senators. The Senator from Pennsylvania [Mr. PEPPER] I know is particularly well informed as to that case.

The details as to the four banks are quite different in each case. There is not the slightest doubt in my mind but that these are meritorious claims, and I think that there is no Senator who will object to the provision for payment when the facts are presented to him. However, there are four States involved, and if the Senator from Ohio will permit I would suggest that he let the bill go over.

Mr. POMERENE. Objection has been made, and, of course, any Senator has the parliamentary right to do that. I shall try to call up the bill at a very early date.

The VICE PRESIDENT. Objection having been made, the bill will be passed over.

EXECUTIVE AND SUNDRY INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I ask permission to present the conference report on the Executive and sundry independent offices appropriation bill.

The VICE PRESIDENT. The conference report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 21.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General, $7,500; assistants to Comptroller General—4 at $4,000 each; chief clerk, $3,000; chiefs of divisions—7 at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—3 at $2,750 each, 4 at $2,500 each; chiefs of sections—10 at $2,300 each, 12 at $2,250 each, 2 at $2,000 each; assistant chiefs of sections—11 at $2,000 each, 1 at $1,800; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—1 $5,000, 4 at $4,000 each, 4 at $3,000 each, 1 $3,100, 5 at $3,000 each, 1 $2,750; law clerks—1 $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at $1,800 each, 1 $1,600; accountants—1 $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators—1 $4,000, 1 $3,000, 20 at $2,000 each; reviewers—8 at $2,100 each; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 36 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,800; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—1 $1,000, 15 at $840 each; assistant messengers—29 at $720 each; laborers—1 $720, 21 at $660 each; messenger boys—14 at $480 each, 1 $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,293,190.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000 except the following: Six at not to exceed $25,000 each, two at not to exceed $20,000 each, and one at not to exceed $15,000"; and the Senate agree to the same.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.
WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.

Mr. WARREN. I ask that the report may be agreed to.

The report was agreed to.

CORTEZ OIL CO.

The bill (H. R. 6525) for the relief of the Cortez Oil Co. was announced as next in order on the calendar.

Mr. KING. Mr. President, I should like to ask whether this claim has been referred to the Court of Claims, or is this a direct appropriation without reference to the Court of Claims? In the absence of explanation, I must object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

GEORGE CISZEK AND ANNA CISZEK.

The bill (H. R. 6686) for the relief of George Ciszek and Anna Ciszek was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Ciszek and Anna Ciszek the sum of $1,500 for damage done to their dwelling house on July 1, 1919, due to the explosion of the United States Navy dirigible balloon C-3 at a point near Camp Holabird, Md.

Mr. KING. Mr. President, I would like to ask whether the Navy Department has recommended the passage of the bill?

Mr. CAPPER. I will say to the Senator from Utah that the Navy Department very strongly recommends its passage. I call the Senator's attention to the last paragraph on page 2 of the letter from Assistant Secretary Roosevelt, in which he says:

I strongly recommend that the present bill—H. R. 6686—be amended so as to carry an appropriation of $1,500 and passed.

He gives a very clear statement of it, and I think there is no question that it is a meritorious claim.

Mr. KING. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN B. WALKER.

The bill (S. 807) for the relief of Ellen B. Walker was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Ellen B. Walker, of Albuquerque, N. Mex., as full compensation for the death of her husband, Thomas A. Walker, who, while in the employ of the United States Government, in the Bureau of Indian Affairs, lost his life by the collapse of a water-tower structure at Pagosto, N. Mex., on July 17, 1915.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. WALKER.

The bill (S. 2584) for the relief of John H. Walker was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,690.32 to John H. Walker, of Pasadena, Calif., as compensation in full for services rendered by him in the matter of the survey of public lands under contract No. 385, New Mexico.

Mr. KING. Mr. President, may I inquire if there is any report accompanying the bill?

Mr. JONES of New Mexico. There is a report, but I can state briefly just what the facts are. Mr. Walker did some surveying under a contract with the Government and his accounts were not allowed until the appropriation for the work had lapsed. This bill proposes to make a special appropriation for his work. The account has since been allowed by the Interior Department, and the Interior Department asks that the appropriation may be made.

Mr. KING. It is not an appropriation in addition to the regular contract price?

Mr. JONES of New Mexico. It is for the contract price of the work.

Mr. KING. I have no objection to the bill.

Mr. JONES of Washington. I merely want to ask the Senator from New Mexico why it is that under the state of facts which he has recited the department could not send in a supplemental or a deficiency estimate and have the claim taken care of in that way instead of having it possibly come before two or three Congresses before the claim will be finally paid under the method which has been followed. It seems to me, in view of the statement of facts which the Senator has made, the Secretary of the Interior could send down a supplemental or deficiency estimate and the matter could be taken care of in that way.

Mr. JONES of New Mexico. I am inclined to agree with the Senator from Washington, but that has not been done. It did not occur to me to request the department to proceed in that way; that is all.

Mr. JONES of Washington. I suggest to the Senator that he propose that course to the department.

Mr. JONES of New Mexico. I thank the Senator from Washington for the suggestion, and I may yet have to adopt it so far as this claim is concerned. I will look into the Senator's suggestion and see if it is not advisable to get the claim put on a deficiency appropriation bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF DAVID B. LANDIS AND JACOB F. SHEAFFER.

The bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

JOHN BURKE.

The bill (H. R. 6523) for the relief of John Burke, former Treasurer of the United States, for lost bonds without default or negligence on the part of said former Treasurer, was announced as next in order.

Mr. KING. Mr. President, my attention was called to this bill this morning by a Senator who, I think, has some objection to the bill.

Mr. WALSH of Montana. I hope no objection to this bill will be interposed. The situation is rather critical just at the present time. Mr. Burke, it will be remembered, is in some financial difficulties.

Mr. KING. Yes. Let me state to the Senator what I understand the objection to the bill is, namely, that Governor Burke in transferring bonds from one building to another or from one department to another, or, possibly, from one bank to another—I have not inquired into the matter, but I am only stating the situation as the matter was hurriedly detailed to me—failed, it is charged, to exercise reasonable diligence; he did not follow up the transmission of the bonds to ascertain whether or not there was a delivery; he asked for no receipt; and the whole circumstances, it is claimed, indicate negligence upon the part of the proposed beneficiary of this act.

Mr. WALSH of Montana. I have examined with very great care the reports which have been submitted to us in this connection and they all assert—and the assertion seems to be fully sustained by the recital of the facts—that no kind of culpability may be attached to Governor Burke at all in the matter.

Mr. SMOOT. Mr. President, I did not expect the bill to come up to-day, but I have a letter in reference to this matter, calling my attention to the circumstances as, it is claimed, they actually happened. I do not know whether the statement in the letter is correct, but if there was gross negligence on the part of the department, and particularly on the part of Mr. Burke—I do not know that that is the case—I should not want the bill passed upon now.

Mr. WALSH of Montana. The facts are very briefly stated in the report as given by the Secretary of the Treasury. The report of the Senate Committee on Claims states:

In December, 1918, the Peoples National Bank of Hillsboro, Ill., wrote the Reserve Bank of St. Louis, Mo., to forward to the Treasurer of the United States five $1,000 coupon bonds for postal savings securities, and instead of sending bonds to the Treasurer of the United States, the reserve bank sent them to the Secretary of the Treasury. The Treasurer's Office knew nothing about the bonds until a letter was received from the bank of Hillsboro, Ill., about 10 days later, and upon investigation a receipt book in the Secretary's Office showed the signature of a girl in the Treasurer's Office, and a colored messenger claimed to have brought the package to the Treasurer's Office at 4.30 in the evening, just at the time when everyone was going home. The lady in the Treasurer's Office recognized her signature but did not remember the occasion, it being about two weeks later. A thorough search was made for the bonds, but they have not been found.

On July 14, 1920, the First National Bank of Fairmount, N. Dak., sent to the Treasurer of the United States coupon bonds amounting to $2,950 to be exchanged for registered bonds. The Treasurer has nothing to do with registered bonds and in this case the bonds should have been sent to the Secretary of the Treasury, Loans and Currency Division. A record was made of them in the Treasurer's Office and they were sent to the Secretary's Office by messenger, but the records do not show that they ever reached there.

These are the only losses of the kind, and there would have been no loss in either case if the bonds had been sent to the proper office. Congress has always relieved the Treasurer for losses without fault on his part. The losses seem very small when the tremendous volume of business the war brought to the Treasurer's Office is considered.

Attached hereto and made a part of this report are two letters from the Secretary of the Treasury addressed to the Speaker of the House of Representatives, giving the facts in these two cases more in detail.

That is a recital of the facts, which seems to be fully supported by the letter of the Secretary of the Treasury. I think it would be an exceedingly harsh rule to hold the Treasurer liable under such circumstances, and I can not conceive how he would be in any manner culpable. The bonds were sent to the Treasurer's office by the two banks when they should not have been sent there.

Mr. KING. Will there result an entire loss to the Government?

Mr. WALSH of Montana. Apparently so. In one case a letter was received by the Treasury from some one who returned a number of the bonds, including some of these bonds, amounting to about $500 worth, who said he had picked them up on the floor and needed them very much and would keep the remainder in the nature of a loan. So evidently the bonds were stolen either by the messenger or by some one who picked them up on the floor where they were dropped by the messenger. I can not see how, if the facts are here correctly stated, there could be any negligence on the part of the Treasurer.

Mr. KING. I shall make no objection to the present consideration of the bill.

Mr. SMOOT. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6524) to permit the correction of the general account of John Burke, former Treasurer of the United States, was announced as next in order.

Mr. SMOOT. I ask that that bill also may go over.

Mr. WALSH of Montana. That is quite different from the other bill, and I hope the Senator from Utah will not object to its consideration.

Mr. SMOOT. I should like to have that bill also go over, because I desire to make some examination of the letter to which I have referred. I will say to the Senator that I received the letter only day before yesterday.

Mr. WALSH of Montana. Let me remark in this connection that I hope the Senator will make an immediate investigation, I will ask that the bill be taken up some day during the ensuing week in the morning hour unless the calendar is proceeded with again in the meantime.

Mr. SMOOT. Very well.

Mr. WALSH of Montana. The Senator from Utah is aware of the situation in which Governor Burke is at the present time?

Mr. SMOOT. I know Governor Burke very well, and I understand the situation to which the Senator refers.

Mr. WALSH of Montana. These matters are an embarrassment to him in the arrangements which he is desirous of making for the adjustment of his financial affairs, and I hope the Senator will find it possible to consent to the early consideration of the bills.

Mr. SMOOT. I recognize that what the Senator says is true, but really I have not had an opportunity to make an investigation or even answer the letter which I have received. The letter is from a person in the department and recites, in substance, information which the writer contends he possesses. I do not know whether or not there is a word of truth in what he says.

The VICE PRESIDENT. The bill will go over. This completes the calendar. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred as indicated below:

H. R. 463. An act granting a patent to Joseph Robicheau; to the Committee on Patents.

H. R. 546. An act authorizing the Secretary of the Treasury to pay war-risk insurance to the foster parents of Edward Short; to the Committee on Finance.

H. R. 1290. An act for the relief of Cornelius Dugan; to the Committee on Naval Affairs.

H. R. 2614. An act for the relief of Luke Ratigan; to the Committee on Commerce.

H. R. 10643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park; and

H. R. 8845. An act for the relief of Mattie Alexander; to the Committee on Public Lands and Surveys.

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois;

H. R. 1482. An act for the relief of James T. Farrill;

H. R. 4845. An act for the relief of J. W. La Bare;

H. R. 4894. An act for the relief of George W. Posey;

H. R. 5768. An act to amend and correct the military record of Alvah B. Doble; and

H. R. [illegible]. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army; to the Committee on Military Affairs.

H. R. 540. An act for the relief of Bradley Sykes;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 1862. An act for the relief of L. A. McMullen;

H. R. 2694. An act for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman;

H. R. 2722. An act for the relief of W. W. McGrath;

H. R. 3684. An act for the relief of Lizzie Ashell;

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*;

H. R. 5251. An act for the relief of Ruperto Vilche;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 5761. An act for the relief of Robert Russell;

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.;

H. R. 6194. An act for the relief of the estate of Anne C. Shymer;

H. R. 7052. An act for the relief of G. C. Caldwell;

H. R. 7425. An act for the relief of Zab Barmon;

H. R. 7495. An act for the relief of James F. Connors;

H. R. 8073. An act for the relief of the Kinco Trust Co.;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 8767. An act for the relief of F. E. Taylor and B. C. Broom;

H. R. [illegible]. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision; and

H. R. 10179. An act for the relief of American Enfield; to the Committee on Claims.

PENSIONS AND INCREASE OF PENSION.

Mr. BURSUM. I move that the Senate proceed to the consideration of Calendar No. 900, being House bill 4.

Mr. KING. What is the title of the bill, Mr. President?

The VICE PRESIDENT. The Secretary will state the bill by title.

The ASSISTANT SECRETARY. A bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaigns; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses.

Mr. KING. That bill will take some time, and I shall have to ask for a quorum if the Senator is going to insist upon taking it up this afternoon.

Mr. BURSUM. I have no objection to the Senator calling for a quorum, but the Senator from Kansas [Mr. CAPPER] has a bill which I understand he is desirous of having considered, and if that bill may be considered and no objection is offered to it, I shall make no objection to withholding the motion I have made pending the consideration of the bill in which the Senator from Kansas is interested, provided it will not lead to debate.

Mr. KING. I am sure the Senator does not want a call for a quorum this afternoon. It will be impossible to obtain one at this hour.

Mr. BURSUM. Mr. President, that is the attitude of the Senator from Utah every time a pension bill comes up.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Bursum	Jones, N. Mex.	Nelson	Sheppard
Capper	Jones, Wash.	New	Smoot
Dial	Kendrick	Oddie	Spencer
Gooding	King	Overman	Watson, Ga.
Harris	Lodge	Page	
Heflin	Moses	Phipps	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family.

The PRESIDING OFFICER. Twenty-two Senators have answered to their names. There is not a quorum present.

Mr. DIAL. I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair will state that, pursuant to the unanimous consent entered into to-day, when the Senate concludes its business this afternoon it will recess until Monday.

Mr. KING. I move that the Senate stand in recess.

Mr. SHEPPARD. I make the point of order that that can not be done without a quorum.

Mr. LODGE. Oh, yes; a recess may be taken.

The PRESIDING OFFICER. A unanimous-consent agreement has heretofore been made that the Senate shall take a recess at the conclusion of business this afternoon.

Mr. DIAL. I did not know of that order, Mr. President. If I had known of it, I should not have made the motion to adjourn.

Mr. LODGE. The order was made early in the day. It is now half past 4 in the afternoon, and I do not think it is worth while to endeavor to obtain a quorum.

Mr. SHEPPARD. The Senate can not conclude its business without a quorum.

RECESS.

Mr. LODGE. I move that the Senate stand in recess until 12 o'clock noon on Monday.

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement heretofore entered into, the Senate will stand in recess until Monday at 12 o'clock noon.

Thereupon (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until Monday, April 24, 1922, at 12 o'clock meridian.

SENATE.

MONDAY, *April 24, 1922.*

(*Legislative day of Thursday, April 20, 1922.*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Sheppard
Borah	Hale	McKellar	Smoot
Brandegee	Harreld	McNary	Spencer
Broussard	Harris	Moses	Stanley
Bursum	Harrison	New	Sterling
Capper	Heflin	Newberry	Sutherland
Caraway	Johnson	Nicholson	Swanson
Colt	Jones, N. Mex.	Norris	Townsend
Culberson	Jones, Wash.	Oddie	Wadsworth
Cummins	Kellogg	Overman	Walsh, Mass.
Curtis	Kendrick	Page	Walsh, Mont.
Dial	Keyes	Pepper	Warren
du Pont	King	Phipps	Watson, Ga.
Ernst	Ladd	Poindexter	Watson, Ind.
Fletcher	La Follette	Pomerene	Weller
Frelinghuysen	Lodge	Ransdell	Willis
Glass	McCormick	Sawyer	

Mr. STANLEY. I wish to announce that the Senator from Missouri [Mr. REED] is necessarily absent.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained by illness. I ask that this announcement may continue through the day.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. CURTIS. The Senator from Maryland [Mr. FRANCE] is necessarily absent on business of the Senate.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

INVITATION TO VISIT QUANTICO (VA.) MARINE CORPS BASE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, inviting Members of the Senate to visit the Marine Corps base at Quantico, Va., May 5, 1922, which was ordered to lie on the table and to be printed in the RECORD, as follows:

NAVY DEPARTMENT,
Washington, April 20, 1922.

MY DEAR MR. VICE PRESIDENT: You may recall that about a year ago a number of the Senators visited the Marine Corps base at Quantico, Va., and I feel that it would be advisable to again make arrangements for a similar visit on May 5 next. Quantico is the station of the Marine Corps Expeditionary Force, which is held in readiness for active service in an emergency either at home or abroad.

The President has placed the U. S. S. *Mayflower* at the disposal of the Navy Department for this occasion, and that vessel will sail from the navy yard for Quantico at 8 a. m. on the above-mentioned date, and will leave Quantico on the return trip to Washington at about 6 p. m. the same day. Dinner and supper will be provided at Quantico. Those who desire to return to Washington earlier than the return trip of the *Mayflower* may do so by train on the Richmond, Fredericksburg & Potomac Railroad.

I will thank you to extend this invitation to the Members of the Senate, and I would be glad if a large number of them could arrange to make the trip. A ticket will be issued, through the Senate Committee on Naval Affairs, to each Senator desiring to visit Quantico. These tickets should be presented at the navy yard gate and at the gangway of the *Mayflower*.

Trusting that I may have the pleasure of welcoming a large delegation from the Senate, and with my best personal wishes, I am,

Most sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

Hon. CALVIN COOLIDGE,
Vice President of the United States, Washington, D. C.

J. B. WATERMAN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1059) for the relief of J. B. Waterman, which was on page 1, line 4, after the word "directed" to insert the words "out of any money in the Treasury not otherwise appropriated."

Mr. WILLIS. I move that the amendment of the House of Representatives be concurred in.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented resolutions adopted by the Presbytery of Toledo, at Tiffin, and the Presbytery of Xenia, at Columbus, both in the State of Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Presbytery of Toledo, at Tiffin, and the Presbytery of Xenia, at Columbus, both in the State of Ohio, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Toledo at Tiffin, the Presbytery of Xenia at Columbus, and the Presbytery of Lima at Lima, all in the State of Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented a resolution of the Hamilton County Memorial Association, of Cincinnati, Ohio, favoring the maintenance of a strong and efficient Navy, both in vessels and in personnel, which was referred to the Committee on Naval Affairs.

He also presented a resolution of the Kiwanis Club, of Youngstown, Ohio, indorsing the Zionist movement and favoring the passage of the Lodge joint resolution for the establishment in Palestine of the National Home for the Jewish people, which was referred to the Committee on Foreign Relations.

Mr. SPENCER presented a petition of members of the Needlecraft Club, of Kansas City, Mo., praying for the enactment of the Dyer antilynching bill, which was referred to the Committee on the Judiciary.

Mr. LODGE presented resolutions adopted by the executive committee of the American Steamship Owners' Association, favoring the enactment of legislation providing for the acquisition by the Government of the Cape Cod Canal, which were referred to the Committee on Commerce.

He also presented resolutions and telegrams in the nature of petitions from the United Hebrew Orthodox Congregations of Pittsburgh, Pa.; of the Tikwath Jehuda Zion Club, the Kartuz Brezer Congregation, the Yorkville Synagogue, the Jewish Tribune, of New York City; the Jewish Synagogues, the Vaad Hakoholi, the Temple Bethel, and the Young Men's Hebrew Association, of Utica, N. Y.; the Jewish Congregation of Bnai Emunah and the Ohel Congregation, of Tulsa, Okla.; the Zion Land Enterprise, the Congregation Hadrat Israel, the Congregation Agudath, the Palestine Youth Society, the Greater Boston Jewish Congress Committee, and the Young Israel of Greater Boston, all of Boston, Mass.; Jewish citizens of Fall River, Mass., by Rabbi Abraham Lipschitz; the Congregation Anshi and the Congregation Ahabat Shalom, of Lynn, Mass.; the Daughters of the White and Blue, the Tikvas Zion, and the Knights of Judaea, of Detroit, Mich., praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish people, which were referred to the Committee on Foreign Relations.

CAREY SEGREGATION PROJECT IN COLORADO.

Mr. PHIPPS. From the Committee on Irrigation and Reclamation I report back favorably with an amendment the bill (S. 3195) to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11, and to issue patent therefor, and I submit a report (No. 629) thereon. I ask unanimous consent for the present consideration of the bill. If it shall lead to any discussion I will, of course, withdraw the request. The Department of the Interior has reported favorably on the measure. It is simply a matter of authorization.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Irrigation and Reclamation was, on page 1, line 7, after the word "therein" to strike out the proviso in the following words: "*Provided, however,* That the State shall thereafter issue patent only to the individual settlers upon payment to the Mutual Carey Irrigation Co. by such settlers of such sums as, together with the assessments already paid in, shall aggregate a total of $40 per acre, to be expended under the direction of the State land board for extension of irrigation works for said project," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to accept work already performed and the proof submitted under Carey segregation No. 11, State of Colorado, and to issue patent to the State of Colorado for lands embraced therein.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5634) for the relief of Frank William Brown and Clara Bryan Brown (Rept. No. 630);

A bill (H. R. 7923) for the relief of the Canadian Pacific Railway Co. (Rept. No. 631); and

A bill (H. R. 7984) for the relief of James Kelly (Rept. No. 632).

Mr. NELSON, from the Committee on the Judiciary, to which was referred the resolution (S. Res. 249) requesting the Committee on the Judiciary to investigate the power of the President to appoint an ambassador to Haiti without the advice and consent of the Senate, reported it without amendment, and submitted a report (No. 633) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that April 22, 1922, they presented to the President of the United States the enrolled bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 3503) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.; to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 3504) granting an increase of pension to Nancy Heffelfinger (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3505) in reference to the summoning of grand juries in the District of Columbia; to the Committee on the Judiciary.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. Mr. President, I ask unanimous consent to call up Senate Resolution 258 requesting the President to furnish the Senate information concerning appointments by Executive order. There will be no discussion of it.

Mr. SMOOT. I shall not object if it leads to no discussion.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Civil Service with an amendment, in line 3, to strike out the words "setting aside" and to insert in lieu thereof the words "whose appointment is by such order excepted from," so as to make the resolution read:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order since March 4, 1921, whose appointment is by such order excepted from the civil-service rules, and to furnish to the Senate the reasons therefor.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of midshipmen under certain conditions, and it was thereupon signed by the Vice President.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. SMOOT obtained the floor.

Mr. GOODING. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. I yield to the Senator from Idaho.

Mr. GOODING. I wish to present several petitions from various peanut growers. I shall ask that only one petition be read.

Mr. SMOOT. I will ask the Senator from Idaho, if it is going to take very long, to allow me to proceed, as I have an important meeting to attend this afternoon, and I desire to get through my speech in time to attend that meeting.

Mr. GOODING. I think, unless there is objection, it will not take more than a minute or two. If there is objection, I shall withdraw the request.

I present 13 petitions from peanut growers of Virginia, 2 from Florida, 33 from Texas, 22 from Georgia, 7 from North Carolina, 1 from South Carolina, 4 from Tennessee, and 1 from Alabama, praying for a duty on imported peanuts. I ask that only one of the petitions may be read, together with a short letter from Mr. P. D. Bain, president of the United Peanut Associations of America.

Mr. SMOOT. I ask the Senator from Idaho to allow me to proceed now, and after I have finished he can have the letter and petition read.

Mr. GOODING. Very well. I will withhold the request until the Senator from Utah concludes.

Mr. SMOOT. Mr. President, I am not now going to undertake to discuss any of the rates of the pending bill. What I have to say to-day will relate to its administrative features. I think those features of the bill are most important, and I have given considerable time to their consideration and study. I intend now as briefly as possible to present my views upon them.

BASIS OF VALUATION AND THE ELASTIC TARIFF.

The President, speaking in his message of December 6 of tariff legislation, expressed the hope that a way would be found "to make for flexibility and elasticity so that rates may be adjusted to meet unusual and changing conditions which can not be accurately anticipated." At first the full force of this constructive proposal escaped the attention of many. At present an awakening sense of its significance is being reflected in the press and is commanding more and more support for the Senate bill. The elastic tariff proposals not only provide a satisfactory solution of the particular tariff problem now before Congress, but it also suggests a practical basis for a continuing scientific adjustment of the tariff in the future. Once they are understood, I believe, every Member of Congress will welcome legislation which will in part free us from dealing with burdensome details and from the exactions of putting through a general tariff revision in a single bill.

Mr. President, never in the world's history has there been a time when commercial and economic conditions were in so unsettled or unsatisfactory condition. No two countries have identical problems, but all are planning, working, struggling, and hoping for a successful solution of the horrible conditions brought about through the recent World War. Your committee was confronted with the fact that in some cases a fairly protective rate against one country was next to prohibitory against another; but, fortunately, in the great majority of such cases the goods made in such countries are not comparable, and the rates imposed are on a basis of fair protection of American industries under existing conditions. The rates based upon foreign valuation, as reported to the Senate, are much lower relatively than the House rates based upon American valuation. A detailed study of these conditions occupied a great deal of the time of your committee in the consideration of the bill and in the final conclusion as to the proper rates to impose.

I need not enlarge upon the amount of time which it has required to bring this tariff revision to its present stage. Senators know only too well to what extent it has delayed other important legislation. But I may call your attention to the fact that with the progress of invention and the development of American industry, the number and diversity of the articles with which a tariff necessarily deals, increase from one revision to the next. The tariff of 1890, including the free list and omitting all administrative regulations, covers 47 large pages, the act of 1909, 71 pages, and the present tariff act is likely to cover 85 pages of the same size of type. It must be expected that every conscientious revision of the tariff will encroach to a greater extent than the previous one upon the time of the legislative branch. We are already in almost continuous session, and it becomes increasingly necessary for us to delegate to executive and administrative agencies the working out of detailed adjustments. Business interests also will, no doubt, welcome measures which will render less frequent and less violent the upheavals incident to tariff revision and which will accordingly contribute to commercial and industrial stability.

SUMMARY OF PROPOSED MEASURES.

Flexibility in tariff rates is not by any means a new departure in American tariff legislation. In the act of 1909 there was a maximum and minimum provision, the object of which was to protect our foreign commerce against discriminations. In existing law, when it is found that any foreign government grants a bounty on the production of any product, countervailing duties shall be imposed upon such products when imported into the United States. This provision is incorporated in the bill now before the Senate and is strengthened by providing that countervailing duties shall apply not only to bounties granted by governments but also to bounties granted by persons, partnerships, associations, cartels, or corporations. Our antidumping statutes have also been an application of the principle of flexibility in tariff making in order that the tariff might be a means of protecting our industry against unfair competition. Following these precedents and extending them to meet the new conditions which to-day confront us, it is now proposed to authorize the President:

(a) To modify tariff rates either upward or downward within prescribed limits and in accordance with definite rules laid down by Congress, so that the rates may at all times conform to existing conditions.

(b) To change the basis for the assessment of ad valorem duties on selected items from the foreign value to the value of the domestic article in the American market when the foreign value is not a certain basis for the assessment of duties on such items.

(c) To impose penalty duties or prohibit the importation of particular goods for the purpose of preventing unfair methods of competition in the importation of goods.

(d) To impose additional duties on the whole or any part of the imports into the United States from any country which discriminates against our overseas commerce. These additional duties are limited to the amount of the discrimination, but if the discrimination is maintained the importation of the merchandise may be prohibited.

Mr. WATSON of Georgia. Mr. President, before the Senator from Utah leaves the topic which he is now discussing will he allow me to ask him a question?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I should very much prefer, only I will say to the Senator, to conclude my speech, and then I shall answer any question that any Senator may desire to ask.

Mr. WATSON of Georgia. Very well.

Mr. SMOOT. I think the subject which I am discussing is of sufficient importance to be stated and discussed in consecutive order, for until the administrative features of the bill are really understood it seems to me that we had better not discuss the rates which are proposed to be imposed by the bill.

II.

CONSTITUTIONALITY OF THESE PROPOSALS.

Senators will, no doubt, have asked themselves whether or not it is constitutional to grant these powers to the President. Many statutes and decisions bear upon the question whether authority conferred by Congress upon the President to suspend or fix rates of import duties is a delegation of legislative power. Some of the statutes are reviewed in Field v. Clark (143 U. S. 649). This is the leading case upon the subject. The particular law in question in Field v. Clark was section 3 of the tariff act of October 1, 1890, which reads as follows:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever, and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country as follows, namely. (Here follows an enumeration of the articles and duties.)

The power vested in the President was (a) to ascertain whether the laws of a foreign country imposing duties or other exactions were "reciprocally unequal and unreasonable"; (b) to suspend by proclamation the provisions relating to the free introduction of sugar, and so forth; (c) to cause duties to be

levied, collected, and paid at the rates prescribed by the Congress; and (d) to decide the length of time such law could be justly suspended. Mr. Justice Harlan, speaking for the court in the Field case (at p. 694), referring to Locke's appeal (72 Pa. St. 491, 498), said:

The proper distinction the court said was this:

"The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend."

An examination of other statutes and decisions makes it clear, in my judgment, that Congress may authorize and direct the President to increase or decrease rates of duty upon the ascertainment of a state of facts or conditions prescribed by law. The vesting of power in the President to ascertain the existence of prescribed conditions and to predicate duties thereon is within constitutional limitations.

I call attention to the following additional cases sustaining a delegation of power to the President to vary rates of duty:

(1) Congress may delegate power to ascertain facts. (The Aurora, 1813, 7 Cranch 382.).

The act of May 1, 1810, provided that the nonintercourse act of March 1, 1801, was to be revised in case Great Britain or France failed to revoke their edicts. The President was to declare the existence of this fact. This delegation of power was sustained by the Supreme Court.

Union Bridge Co. v. United States (1906) (204 U. S. 364); Hannibal Bridge Co. v. United States (1911) (221 U. S. 194); Rider v. United States (1899) (178 U. S. 251); Monongahela Bridge Co. v. United States (1909) (216 U. S. 177); Intermountain Rate cases (1913) (234 U. S. 475); Atchison, Topeka & Santa Fe Railway Co. v. United States (1911) (191 Fed. 856); Mutual Film Corporation v. Industrial Commission of Ohio (1915) (236 U. S. 230).

The above cases seem to sustain the powers conferred upon the President to ascertain the facts specified in section 315. However, it is submitted that a different question is presented in the delegation of power to prescribe the rate of duty to be imposed. The following paragraph presents the cases in which similar questions were involved:

(2) Congress may delegate power to prescribe the rate of duty to be imposed.

This power differs in nature from the power discussed under paragraph (1), supra, for it is a power to prescribe rules of general future application. Delegations of similar powers have been frequently sustained by the Supreme Court. In fact, it is a fact of no slight importance that the court has never held such a delegation unconstitutional. In sustaining this grant of power the test of the Supreme Court is whether or not a sufficient standard has been established by the law so that the exercise of the power is properly safeguarded. The question is whether the 50 per cent limitation is a sufficient standard. The following cases would seem to uphold the delegation:

Butterfield v. Stranahan (1904), 192 U. S. 470, 493: Congress prohibited the importation of the lowest grades of tea by the act of March 2, 1897, and authorized the Secretary of the Treasury to adopt uniform standards to determine such grades. The act was held constitutional.

American Sugar Refining Co. v. United States (1908), 211 U. S. 155: Congress imposed duties upon sugar in the tariff act of 1897. The Secretary of the Treasury was empowered to issue regulations and prescribe a method of determination. The court held that there was no constitutional question raised.

United States v. Grimaud (1911), 220 U. S. 506: The Secretary of Agriculture was authorized to make regulations for the use of forest reserves, and a violation of any such rule was made punishable by a fine and imprisonment. The constitutionality of the act was sustained.

Wayman v. Southard (1825), 10 Wheat. 1: The grant of power to the Federal courts to make rules was sustained.

Interstate Commerce Commission v. Louisville & Nashville Railroad (227 U. S. 88): The Hepburn Act granting power to the Interstate Commerce Commission to determine "just and reasonable" rates was sustained.

Interstate Commerce Commission v. Goodrich Transit Co. (1912) (224 U. S. 194): The commission was given power to prescribe the manner in which the required annual reports were to be made. The provision was upheld.

United States v. Antikamnia Co. (1913) (231 U. S. 654): The Secretary of the Treasury was given power to make rules and regulations for carrying out the food and drugs act. The act was held constitutional and a regulation of the Secretary was sustained.

III.

The practical value of these elastic tariff provisions should appeal to both Members of Congress and business men. A frequent general revision of tariff schedules is undesirable both from the standpoint of Congress and from the standpoint of trade and industry. Nevertheless it is impossible to frame a law on the basis of conditions to-day which will fit the conditions of a few years hence, or even one year from now, as conditions are changing so rapidly. The near future will bring changes—in some cases radical changes—in economic conditions in the United States and foreign countries which can not now by any means be foreseen. Every report which we receive of industry in Europe, as well as in our own country, confirms the truth of this assertion. We are therefore confronted either with the possibility of another general revision of the tariff law in a short time or with the reduction to legislation of the President's admirable proposals.

IV.

AUTHORIZATION TO THE PRESIDENT TO INCREASE AND DECREASE DUTIES.

In the first place, then, it is proposed to make it the duty of the President to ascertain differences in conditions of competition in trade of such or similar products in the United States and competing foreign countries, which will enable him to find what rates of duty upon imported merchandise will equalize any differences which he may find to exist in favor of foreign producers in marketing such products in the United States. This is the rule which Congress should lay down for the guidance of the President in adjusting tariff rates. At the same time the law provides definite limits within which increases and decreases may be made, namely, not to exceed 50 per cent of the duty fixed in the law. In determining the differences referred to above the President is permitted to take into account comparative prices and wages in this country and abroad and other items in the cost of production of such or similar products in the United States and competing foreign countries. Upon the basis of this information and in accordance with the rule prescribed by Congress, it is proposed to permit the President to change classifications and forms of duties and to increase or decrease any rate of duty in the tariff act so that the will of Congress may be carried out in those cases where economic conditions have changed.

It is the desire of all parties that the tariff shall be equitable to the producer and consumer alike, and that it shall not unnecessarily burden our foreign commerce. But to achieve this result under world conditions existing to-day frequent modifications of rates are necessary. Present conditions can be met in a far better way through administrative action than by legislative enactment. In spite of our care and diligence and in spite of the expert help we have had, we can not claim that this bill, reported by the committee, is perfect. Probably even after it has been passed both by this body and by the House, it will still contain a few rates which will be found as soon as they are applied to be either too high or too low in respect to the conditions in the industries affected and to the related tariff rates. But whether maladjustments in the tariff rates are due to the fallability of the tariff makers or arise through a change in conditions, Congress can not be constantly considering individual cases calling for adjustment. In time it is the accumulation of such cases which force a general revision. Would it not be better to have these cases each handled as it arises and on its merits? There may be, on the one hand, cases where because of unusually severe competition the existing tariff rates are too low and justice to the American producer requires that they be increased; or, on the other hand, cases where the existing tariff rates prove too high and the consumer is entitled to a reduction. Congress should not hesitate to heed the warning of the President against "making our tariffs prohibitive."

I believe some misconception exists concerning the effect of the elastic-tariff provisions on business. The fear has been expressed that they will result in a degree in uncertainty to business. An appreciation, however, of the way in which the elastic tariff will operate should remove doubt upon this point. Changes of rates under it will never be sudden or arbitrary. I feel confident that as soon as these provisions are enacted into law the President will turn their administration to one of the regularly constituted agencies of the Government, probably the Tariff Commission. This agency will establish rules and regulations under which requests for changes in rates and classifications may be filed. In the proceedings which follow interested parties will have ample opportunity to be heard both in the presentation of testimony and in argument. The final decision in every case will rest upon a well-considered record. The mere investigation of cases of possible tariff changes should have no disturbing influence upon industry and trade, but, on the contrary, the adjustment of tariff rates from time to time should have a stabilizing influence and prevent the accumulation of cases which ultimately forces the upheaval of a general tariff revision.

Those who urge that the elastic tariff would result in instability apparently assume that the President would make changes in the tariff which are not justified by the facts. The principle laid down in the bill for the determination of the rates of duty is definite, and limits are fixed within which the rates may be changed either upward or downward. I think it can safely be assumed that the detailed information obtained through investigations by experts will never be so grievously at fault as to lead the President to proclaim changes in tariff rates which would work serious or permanent damage to an American industry.

V.

BASIS OF VALUATION.

The most discussed point in the tariff bill now before the Senate is the basis of valuation.

Mr. JONES of New Mexico. Mr. President, I observe that the Senator is passing from the consideration of sections 315(a) and 316 to a different subject.

Mr. SMOOT. Yes.

Mr. JONES of New Mexico. Is it the desire of the Senator to postpone discussion on the subject which he has just been discussing until he has concluded his entire address?

Mr. SMOOT. It is.

After long consideration the Finance Committee has based all ad valorem rates in this bill on the foreign values of imported merchandise. This decision was reached after long and careful consideration of three plans of valuation:

(1) The value of American products comparable and competitive with the imported article.

(2) The value or wholesale selling price of the imported article in the United States.

(3) The value or wholesale price of the imported article in the country of origin.

The first plan was abandoned early in the discussion, first, because of the limited number of exactly comparable domestic and foreign products; second, the difficulty and probable litigation involved in defining comparability to the satisfaction of importers, domestic manufacturers, and customs officials; and third, the disturbance to business while these difficulties were being adjusted.

To those unfamiliar with our import trade it is often assumed that because imported articles have the same generic name as domestic articles they are similar and competitive; as a matter of fact, however, relatively few products manufactured here and abroad are sufficiently similar to permit of price comparisons. Cotton cloth, chinaware, shoes, watches, and, in fact, most imported articles resemble the American product chiefly in name. The finish of a fabric, the decoration of a vase, or the adjustment of a watch render each article peculiar and unique in its field, and its price has little relation to other supposedly comparable products. In fact, even the trade-mark name on most articles of commerce has almost as much to do with their value as the physical qualities of the goods.

In view of these facts, any duties based on the prices of comparable American articles could be assessed with certainty on relatively few imported commodities.

If duties are based on American valuation, assuming an average margin of profit which might be inadequate for the importer to continue his business without materially advancing his price, the rate becomes higher than actually intended, and if the new price level the importer is forced to is more than his market can stand the duties may easily become prohibitive.

Assuming average landing charges of 10 per cent and average overhead and profit of 25 per cent is an extremely dangerous assumption upon which to base American valuation equivalent rates of duty.

Freight rates vary from a very small percentage to as high as almost the full value of the imported goods. Heavy and bulky commodities carry very high freight rates. Glass, for instance, might carry a freight rate of 40 per cent.

Overhead and profit items vary from a commission of 5 or 6 per cent to sometimes as high as 100 per cent upon landed cost. With these great variations in freight and profits the only rate that would accomplish its purpose would be upon a commodity where the actual freight percentage and the actual overhead and profit conformed, respectively, to the average of 10 and 25 per cent.

An ad valorem rate of 60 per cent, using these averages of 10 per cent for freight and 25 per cent for overhead and profit, can be reduced to an American ad valorem equivalent of 28 per cent, using the following arbitrary formula:

Formula.

	Per cent.
Foreign value	100
Freight, etc	10
Duty at 60 per cent of foreign valuation	60
Landed cost	170
Plus 25 per cent overhead and profit	42½
	212½
American valuation equivalent (60 per cent)	28

Sixty per cent of foreign value (100 per cent) equals 28 per cent of American value (212½ per cent).

In other words, on that basis the 60 per cent of the foreign valuation is equal to 28 per cent of the American valuation.

An actual application of this rate under varying conditions would mean rates, however, upon foreign valuation ranging from 46 per cent to 83 per cent. The following examples demonstrate this:

EXAMPLE NO. 1.

(33⅓ per cent overhead and profit.)

	Per cent.
Foreign value	100
Freight rate	10
Duty, at 28 per cent on American valuation (234 per cent)	65½
Landed cost	175
Plus 33⅓ per cent overhead and profit	58
American valuation	234

EXAMPLE NO. 2.

(50 per cent overhead and profit.)

	Per cent.
Foreign value	100
Freight rate	10
Duty, at 28 per cent on American valuation (285 per cent)	80
Landed cost	190
Plus 50 per cent overhead and profit	95
American valuation	285

EXAMPLE NO. 3.

(33⅓ per cent overhead and profit; freight, 40 per cent.)

	Per cent.
Foreign value	100
Freight, etc	40
Duty, at 28 per cent on American valuation (297 per cent)	83
Landed cost	223
Plus 33⅓ per cent overhead and profit	74
American valuation	297

EXAMPLE NO. 4.

(5 per cent commission.)

	Per cent.
Foreign value	100
Freight, etc	10
Duty, at 28 per cent on American valuation (164 per cent)	46
Landed cost	156
5 per cent commission	8
American valuation	164

Summary of above.

	Freight.	Profit.	American valuation.	Foreign value equivalent rate.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Formula	10	25	212½	60
Example No. 1	10	33⅓	234	65½
Example No. 2	10	50	285	80
Example No. 3	40	33⅓	297	83
Example No. 4	10	5	164	46

Thus it is seen that 28 per cent ad valorem, the American valuation equivalent of 60 per cent on foreign value, would result in American valuations varying from 164 per cent to 297 per cent.

One of the chief objections to adopting the American selling price of the imported article as a basis for the assessment duty lies in the danger of an importer reducing the selling price of any particular article of his line he desires to make closely competitive as against a comparable domestic article manufactured in the United States. This low-priced article is usually referred to by merchants as their "leader," and these "leaders" are usually sold at a very small margin of profit and sometimes under cost, as a bait to the trade for a greater volume of business.

The remaining items of the line are sold at varying profits advancing to the greatest profit that the importer can secure on the higher priced items of his line where the competition is not so great and where the values are not so well known to the trade as the values of the lower priced competitive articles are. American valuation permits the importer to sell his "leader" below the average level upon which the American valuation equivalent rate of duty would necessarily have to be based.

This can be demonstrated as follows: The rate of duty, under foreign valuation, set by Congress on any particular line to measure the difference between foreign and domestic costs would, let us say, be 60 per cent. In changing to the American valuation equivalent rate, if this change is to be made with any effort at accuracy, the average overhead and profit of the importer on this particular line and the average transportation charges should be ascertained. Investigation, let us say, shows

that the average overhead and profit upon landed cost of this particular line is 25 per cent and the average freight 10 per cent. Items of the line are actually sold with profits ranging from 5 per cent low to 25 per cent average and 45 per cent high. The sum of these profits equals 75 per cent and the average would be one-third, or 25 per cent. The following examples demonstrate what would result under American valuation:

Actual overhead and profit, 25 per cent.

Leader (5 per cent).		Average (25 per cent).		High profit (45 per cent).	
	Per cent.		*Per cent.*		*Per cent.*
Foreign value	100	Foreign value	100	Foreign value	100
Freight	10	Freight	10	Freight	10
Duty on American valuation, at 28 per cent	46	Duty on American valuation, at 28 per cent	60	Duty on American valuation, at 28 per cent	75
Landed cost	156	Landed cost	170	Landed cost	185
5 per cent profit	8	25 per cent profit	42½	45 per cent profit	83
Selling price	164	Selling price	212½	Selling price	268

It will be noted from the above examples that the "leader," the article in closest competition with the American manufacturer, is sold at a price expressed in percentage, 164 per cent, materially below the average price level—212½ per cent—which the American valuation equivalent rate of 28 per cent aims at. It will also be noted that the equivalent foreign valuation intended is 60 per cent, but the "leader" is only paying an equivalent foreign value rate of 46 per cent.

The overhead expenses and profits of an importer are always figures in a percentage based on his landed cost. He then adds the amount of such percentage to his cost to reach his selling price. Importer's costs are, first, the price he pays for his merchandise in the foreign market; second, the transportation charges to this country; and third, the amount of duty he has to pay. He must know these three elements of cost before he can add his overhead expenses and profit.

If the duty is to be assessed upon the selling price of the imported article, the element of the amount of duty is lacking and the importer can not ascertain his landed cost until he knows the amount of this duty. Inasmuch as the duty is to be based upon his selling price he is in further difficulty, for he can not ascertain his selling price until he knows his duty.

The importer in this situation is faced with rather an intricate problem in arithmetic. The way out of the difficulty is to take his selling price at 100 per cent. This selling price is necessarily made up of landed cost, duty, and the percentage item of overhead and profit added to landed cost and duty.

The importer knows his landed cost in actual money, but he only knows his duty and overhead and profit items in expressions of percentage.

Let us say duty is 30 per cent of his selling price, and overhead and profit, based on his selling price, is 40 per cent. The sum of these two percentage items is 70 per cent. The difference between 70 per cent and 100 per cent would necessarily equal the amount of his landed cost, a known amount. By dividing this percentage into this amount and multiplying by 100 the importer would then arrive at his selling price.

It can readily be seen that any system of valuation that requires such intricacies of arithmetic, and where the results are entirely dependent on unknown percentage items, would render a tariff entirely at the mercy of foreign shippers and importers in their manipulation of these fluctuating items.

Where duty is figured upon duty, and upon overhead expenses and profits in this country, and where these items necessarily vary to such an enormous extent, the dangers to the American manufacturer and to our revenues must be quite apparent.

No importer will pay duty upon profits and expenses in the United States if it is possible to avoid it. One simple device to avoid such payment would be for the foreign manufacturer to place an agent in the United States. This agent could probably sell in large quantities on a commission basis of 5 or 6 per cent, or he could be an employee of the manufacturer and his selling expenses in the United States absorbed in the overhead expenses of the foreign manufacturer. A simple device of this kind would render many of the rates based on average percentages of freight and profits ridiculous.

Where ad valorem rates of duty are imposed the principal safeguard to the revenue lies in the accuracy of securing true foreign values. Fundamentally no matter what system of value may be adopted, the ad valorem rate is always based upon the original foreign price or cost, either directly or changed into an equivalent.

Adding to such price or cost a lot of shifting and variable items, such as freight, insurance, brokerage fees, cartage, and selling and advertising expenses in the United States, and assessing the equivalent lower rate on such sum, accomplishes nothing. It merely multiplies uncertainties.

The proponents of American valuation advance as an argument in favor of this method of appraisement that American selling prices are more accessible and much more readily secured than prices in foreign countries. Foreign prices are often secured under great difficulties, but other difficulties would arise in determining the correct American selling value that would more than offset the obstacles in the way of securing foreign prices. As a rule, the market places in foreign countries are limited in extent. Foreign prices are secured at their manufacturing source and most foreign products are manufactured in some districts of foreign countries easily accessible. In securing distributing prices in this country the prices in many market places would have to be considered and these prices would differ, depending very much on locality. Factory prices are much more regular and stable than distributing prices.

Imported merchandise in the United States is sold to various trades—the jobbing, the small wholesale, the large wholesale, and the retail trades. The selling price of an importer to any of these trades might be construed by our courts to be a wholesale price, but there would be great variance in these prices, depending upon credits, discounts, quantities, and distance from the various markets, involving greater or larger transportation charges. The American selling price of the same commodity might vary considerably in the markets of the Pacific coast, the Middle West, or the Atlantic seaboard. These variable elements apparent in distributing prices render American selling prices extremely uncertain and unreliable as a definite or a fair and equitable basis upon which to assess ad valorem duties.

The second plan, that of assessing ad valorem duties on the American selling price of the imported articles, was abandoned largely because of the unstable basis for assessing duties growing out of the importers' profits when selling in the American market. In many cases the importers' margin was over 100 per cent of the foreign cost price; therefore, a reasonable duty assessed on a price which includes such a high margin would become inadequately low when importers' margins and, therefore, their prices are reduced under competition to a more normal figure. That is to say, a 25 per cent duty on a $2 price—$1 foreign cost and $1 importers' margin—yields a revenue of 50 cents, but if for one reason or another the importers' margin falls from $1 to 25 cents, the protection is 25 per cent of $1.25, or 31¼ cents, instead of 50 cents, the original protection sought.

This question of margins between the foreign price of an article and the importers' selling price in this country was recognized to be of such importance as to justify extensive investigation. Accordingly, the committee obtained an appropriation to be expended in the study of the customs records in New York and the books of importing and manufacturing firms in the United States for the purpose of determining the price differentials on all important items in the proposed bill which are subject to ad valorem rates.

The details of this investigation are published in the valuation report which is available to all those interested in the subject. As an example, however, of enormous variations in importers' margins for different products in the same schedule a few cases may be cited. The first 10 items of Schedule I in the valuation report show the following importers' margins:

Schedule I.—Chemicals, oils, and paints.

IMPORTERS' MARGINS.

Description of articles:	Per cent.
Lactic acid, technical, 50 per cent	19.8
Lactic acid, technical, 80 per cent	25.9
Formic acid, technical, 90 per cent	27.2
Formic acid, technical, 90 per cent	9.8
Oxalic acid, crystal, technical	19.6
Phosphoric acid, anhydrous, C. P	90
Gallic acid, medicinal, U. S. P	24.4
Atropine sulphate, U. S. P., an alkaloidal salt	19,005
Brucine sulphate, U. S. P., a by-product in the manufacture of strychnine. Brucine sulphate crystals, an alkaloidal salt	122.2
Colchicine, U. S. P., the active principle of colchicine seminee	36

SCHEDULE II.—*Wool, and manufacturers of.*

IMPORTERS' MARGINS.

Description of articles:	Per cent.
Wool tops, 64s, combed in oil	13.2
Wool tops, 64s, combed in oil, Australia	2.8
Worsted tops, 56s, oil combed	3.7
Wool tops, 58s, oil combed	13.1
Wool tops, 60s, combed in oil	15.75
Wool tops, 70s, combed in oil	4.5
Worsted yarn, 2/26s of 56s tops; dry-combed in skeins; knitting yarn	3.38
Ladies' dress goods; all-wool ottomas; width, 40/41 inch; weight per linear yard, 3.60 ounces; warp, 96 ends per inch of 1/41 worsted; weft, 47 picks per inch of 1/41 worsted	12.5
Ladies' dress goods; cashmere henrietta; width, 40 inches; weight per linear yard, 3.18 ounces; warp, 97 ends per inch of 1/40 worsted; weft, 84 picks per inch of 1/62 worsted	37.1

The margins on the chemical products listed here run all the way from 9 per cent on one shipment of formic acid to 122 per cent on brucine sulphate. The margins in the wool schedule, however, run much lower than in chemicals, although the variation is large—from 2.8 per cent on wool tops to 37 per cent on ladies' dress goods.

From these examples it will be seen that there would be a great uncertainty in basing duties on American values which include so great a range of profits as those shown above. Reasonable duties on prices, including 100 per cent importers' margin, may be cut in half if for any reason the margin should fall to a few per cent.

In addition to the high margins of the importer, which may be greatly reduced in the future, especially if duties were levied on importers' selling prices, the price investigation referred to above showed that the ad valorem rates in the House bill were much higher in dollars and cents than they were meant to be. The House bill based the dutiable values, first on the wholesale price of the domestic article comparable to the imported article, and second, in the absence of such comparability, upon a constructive American value of the imported article; but in many, if not a majority of cases, the American prices were determined not by actual investigation but by derivation from the foreign selling price. The formula used was simple and may be illustrated as follows: Assume that a 50 per cent duty on foreign value is found, after due investigation, to be proper. Then for each $1 of foreign cost add a duty of 50 cents. This $1.50 divided into 50 cents (the desired specific protection) equals 33⅓ per cent—the proper duty on the American selling price of the same or comparable article. It will be observed that this calculation allows no profits, expense, nor transportation charges to the importer, a situation which has given rise to the belief that the ad valorem rates in the House bill are higher than necessary for protection.

Mr. KING. And, of course, if my colleague will permit me, if the American valuation should prevail the duties would be greatly increased. Is not that self-evident from the Senator's argument?

Mr. SMOOT. If the House duties prevail they would be higher than the duties on the foreign valuation basis reported by the Senate committee.

After it was determined by an examination of the importers and customs records that the ad valorem rates in the House bill were too high because they made no allowance for importers' margins and transportation charges, and that, on the other hand, rates based on American values which included actual importers' margins would be too low, a medium ground was sought which allowed 25 per cent for importers' margins and 10 per cent transportation and landing charges in the conversion of rates from foreign to American values, or vice versa.

For purposes of illustration a table showing the rates of foreign values ranging in multiples of 5 from 5 to 100 per cent is shown, together with the equivalent duty on American valuation under an assumed profit and overhead to the importer of 25 per cent and landing charges of 10 per cent.

(Basis: Landing charges, 10 per cent; profit and overhead, 25 per cent.)

Foreign selling price, per cent.	Landing charges, per cent.	Duty rate, per cent.	Total landed cost, per cent.	25 per cent profit, per cent.	American selling price, per cent.	Equivalent duty rate, per cent.
100	+10	+5	=115	+28.75	=143.75	3.48
100	+10	+10	=120	+30.00	=150.00	6.67
100	+10	+15	=125	+31.25	=156.25	9.60
100	+10	+20	=130	+32.50	=162.50	12.31
100	+10	+25	=135	+33.75	=168.75	14.82
100	+10	+30	=140	+35.00	=175.00	17.14
100	+10	+35	=145	+36.25	=181.25	19.31
100	+10	+40	=150	+37.50	=187.50	21.34
100	+10	+45	=155	+38.75	=193.75	23.23
100	+10	+50	=160	+40.00	=200.00	25.00
100	+10	+55	=165	+41.25	=206.25	26.67
100	+10	+60	=170	+42.50	=212.50	28.24
100	+10	+65	=175	+43.75	=218.75	29.71
100	+10	+70	=180	+45.00	=225.00	31.11
100	+10	+75	=185	+46.25	=231.25	32.43
100	+10	+80	=190	+47.50	=237.50	33.68
100	+10	+85	=195	+48.75	=243.75	34.87
100	+10	+90	=200	+50.00	=250.00	36.00
100	+10	+95	=205	+51.25	=256.25	37.08
100	+10	+100	=210	+52.50	=262.50	38.10

These calculations are simple and run as follows: If the foreign price is $1, landing charges 10 cents, and the duty 5 cents, the total landed cost is $1.15; 25 per cent on the landed cost is 28¾ cents. This amount added to $1.15 equals $1.43¾, the American selling price of the imported article. This selling price divided into 5 cents, the assumed rate of duty on foreign value, gives 3.48 per cent as the equivalent duty on the American value of the imported article. Proof of this calculation is furnished by taking 3.48 per cent of $1.43¾, which equals 5 cents, the duty sought.

A bill based on American values was drawn on the basis of this calculation, but after due consideration it was abandoned, because of the great divergence of actual importers' profits and expenses from the assumed 25 and 10 per cent. Goods imported on a 5 per cent basis would be inadequately protected when the rate was determined on an assumed 25 per cent margin, but goods imported at 50 per cent margin—as some of them must be to yield a fair profit—would be overburdened by the duty.

The only alternative to this arbitrary way of converting rates based on foreign values into rates on American values is to take the bill item by item and determine a normal price differential between the American and foreign product. Obviously under the present disturbed condition of the industry no such normal difference can be found.

The proposed bill, however, does provide for this method of basing rates on American valuation in that it gives the President power, after due investigation of particular cases, to change the basis of duty from the foreign to the American selling price. Such a change, if any, will not be made suddenly, however, for the law as a whole, to the great disturbance of industry and our customs administration, nor by schedules, nor even by whole paragraphs in some cases, but only for particular commodities or groups of related commodities when it is found, after a detailed investigation, that the American value of such or similar articles is a more certain basis for assessing duties than the foreign value of such articles.

I am convinced of the wisdom of the decision reached by the committee on the subject of valuation. Nothing could be more disturbing to business conditions than a revolutionary change in the basis of valuation. Business conditions to-day are sufficiently unsettled, and it should be our object to retain all factors possible which will contribute to stability.

American valuation has made a peculiar appeal to many people who do not understand it because it carries the label, "American." Naively, many persons have assumed that if it is a choice between something "American" and something "foreign" they, of course, prefer the former. This distinction has nothing whatever to do with the merits of the controversy and should have no weight in the final decision.

If any doubt existed in my mind concerning the undesirability of the wholesale adoption of American valuation it was removed by the so-called Reynolds investigation. This investigation, for which an appropriation of $100,000 was provided, was made by the Treasury Department to assist the Finance Committee in fixing tariff rates in case it was decided to base ad valorem duties on American valuation. The advocates of American valuation expected this investigation to demonstrate beyond doubt the desirability of their proposal. On the contrary, the facts brought out by this investigation demonstrated conclusively the inadvisability of breaking completely with the present practice of valuation in our customs service. It disclosed, as I have pointed out, wide fluctuation in importers' margins. It showed also that the value of imported articles in the American market fluctuated more widely than the value of articles in foreign markets. Manufacturers even who had first favored American valuation now hesitate to accept the Senate rates when converted to the American valuation basis. And well they may, for the Senate rates on foreign valuation offer them greater security than equivalent rates based on American values disclosed in the Reynolds investigation.

VI.

THE DYE EMBARGO.

The bill before the Senate provides—Title III, section 321—that the dye and chemical control act of 1921, approved May 27, 1921, shall continue in force for one year after the date of the passage of this act. It is further provided—section 315d—that the provisions of this embargo act may be extended by the President upon the finding of certain facts after a further period of one year. I regret that I feel called upon to express my disapproval of the continuation of this war measure. It may have had its justification in the period immediately following the armistice, but its incorporation now in a permanent tariff bill seems to me to be a serious departure in commercial policy. Furthermore, it is entirely unnecessary. The coal-tar chemical industries in the United States have grown strong, and those plants which are entitled to survive can do so with the protective rates provided in the bill supplemented by the provisions of the elastic tariff. When that schedule is reached, Mr. President, I shall show what effect those provisions will have. Inevitably certain of the weaker plants will be eliminated in competition with the stronger domestic concerns and the embargo will do little to help them and it will place an unnecessary burden on our large and important dye-consuming industries.

VII.

DUMPING AND OTHER UNFAIR METHODS OF COMPETITION IN IMPORTATION.

Dumping and other unfair methods of competition in importation have been recognized as a menace, particularly under postwar conditions, to American industries. For this reason the bill permits the President to impose additional duties on goods imported into the United States by any person or corporation found guilty of dumping or other unfair methods of competition in importation, and in extreme cases he may prohibit such importations. If any doubt whatever exists as to the effectiveness of the tariff rates and the provisions of the elastic tariff as means to protect the coal-tar dye industries, the addition of this effective unfair competition statute should remove it. We have in this measure an antidumping law with teeth in it—one which will reach all forms of unfair competition in importation. This section (316) not only prohibits dumping in the ordinary accepted meaning of that word; that is, the sale of merchandise in the United States for less than its foreign market value or cost of production; but also bribery, espionage, misrepresentation of goods, full-line forcing, and other similar practices frequently more injurious to trade than price cutting.

The antidumping statute which we enacted as a part of the emergency tariff is not sufficiently broad in its scope nor flexible enough in its administrative provisions. Furthermore, an antidumping statute, I believe, should not be confused with customs administration. It should not, on the one hand, hinder the usual and fair importation of goods; but, on the other, it should prevent effectively those importations which are injuring unfairly American business. The administration of a dumping statute involves primarily a study of the effect upon American industries of foreign trade practices, and when any person is found guilty of any unfair practice tending to injure substantially or destroy an American industry he should be compelled to pay a penalty or be prohibited from bringing goods into the United States until such unfair practices are conclusively discontinued. This is provided for in the Senate bill.

In the economic uncertainty of the present, manufacturers in some lines of merchandise have asked for high tariff rates more because of what they fear than because of what they are experiencing. Such a law as I have suggested would assure American producers that they will not be subjected to unfair competition from countries abroad.

VIII.

ADDITIONAL DUTIES TO PREVENT DISCRIMINATION AGAINST AMERICAN INTERESTS ABROAD.

Finally, the elastic tariff provisions provided effective protection against discriminations for American overseas commerce. The law now in force and the present bill as it passed the House contain no provisions for penalizing discriminations against our exports. Foreign countries may now openly levy higher duties upon our exports than upon the same product when imported from other countries or they may discriminate by their tariff classifications; for instance, giving a separate classification to and levying a higher rate upon cottonseed oil than upon olive, palm, or other competing oils, or by so adjusting their automobile duties that those types of cars which we export are subject to the highest rates. At present the State Department can make diplomatic protests against such discriminations, but is equipped with no weapon against them. We now propose to arm the President with power to penalize them whenever they are found and whether the discrimination lies in the rates, the classifications, the customs regulations, or in the manner in which any of these are administered.

At the same time we do not intend that the United States should play among the nations the part of a man with a chip on his shoulder, and in recognition of the fact that there may arise cases, say, in the administration of quarantine laws, where a special restriction upon American trade may be reasonable, we have empowered the President to take action only against unreasonable discriminations. There are also special relations existing, for instance, between Spain and Portugal, which have the sanction of usage and which on other grounds it would not be reasonable to consider offensive discriminations. The President of the United States, of course, remains the judge of the reasonableness of any discrimination, and the presence in the law of the qualifying word "unreasonable" therefore in no way jeopardizes American interests. The maximum and minimum provision in the tariff act of 1909 was similarly qualified by the word "unduly."

We do not propose to reenact that penalty provision, because it was entirely too rigid. It was the well-known maximum and minimum provision which established maximum duties to be imposed against any country which did not accord to American commerce the same treatment which it accorded to the commerce of other powers. The late Senator Knox, when Secretary of State, administered this provision with the cooperation of the Taft Tariff Board and succeeded in freeing American commerce from many burdens imposed by foreign countries. But he found the provision unwieldy. There was only one penalty, and therefore it was not feasible to apply the statute in every case, just as it would not be feasible to use a rock crusher for cracking nuts. Senator Knox, therefore, in 1911 suggested a revision of the section to give it flexibility. Upon his revision our proposed measure is based. It provides that the President may impose additional duties within certain limits on the whole or any part of the commerce of any foreign nation which refuses to American commerce treatment equivalent to that accorded to other countries.

This provision defines the scope of the President's action on the one hand, but on the other hand it enables him to penalize any offending country by imposing new or additional duties upon those particular products thereof upon which additional duties will be least burdensome to American consumers and most detrimental to the foreign producers or manufacturers. For Congress to attempt to specify in advance the amount of the penalty and the articles to be penalized, regardless of the country, of the kind and amount of the discrimination, appears to us futile and unwise. The measure which we propose will allow the President and his expert advisers to realize the ambition attributed in the opera to the Mikado—

> My purpose all sublime, I shall achieve in time,
> To make the punishment fit the crime,
> The punishment fit the crime.

We propose that the President shall penalize the foreign country only to the extent to which it discriminates against us. But we do not leave him without further powers in case the foreign country should maintain its discriminations or should undertake a tariff war against us. In that case we would authorize the President to go even to the extent of excluding entirely the products of the offending country. If need arose the President might thus employ the full economic strength of the United States. But again the provision is left flexible; the President can use the precise amount of pressure which he and his advisers determine to be most advantageous to the interests of the consumers and producers of the United States.

It will be observed that we have stricken from the bill as it passed the House sections 301, 302, and 303. These sections are based upon principles which we, after mature consideration, have found in conflict with, and far less useful than, those upon which we propose to base American commercial policy. We propose that the United States shall apply one tariff to all countries alike—with the natural exception of Cuba—and shall force all countries to give to American products treatment equal to that which they give to other countries generally. In conflict with this principle of equal treatment sections 301 and 303 of the House bill embody the principle of reciprocity treaties. These sections were based upon provisions of the acts of 1897 and 1913. The provision of the act of 1913 remained a dead letter, but under the act of 1897 a number of reciprocity treaties were negotiated.

The country has had also some experience along the line of reciprocity treaties whose negotiation was not affirmatively authorized by law. But a review of our history shows that these treaties, even when successfully negotiated and ratified, have yielded meager results. One of the most important of these treaties and the only one now in force is our treaty with Cuba. At first glance it might appear that this treaty has greatly stimulated our exports to that island; but when consideration is given to the general growth of our export trade during the period in which the treaty has been in force, and particularly to the development of our exports to the other Caribbean countries, with the additional consideration of the stimulus due to the huge investment of American capital in Cuba, it becomes evident that only a minor part of our increased exports to Cuba can be attributed to the reciprocity treaty.

This comparatively small result has been obtained only by the remission of duties on Cuban sugar to the extent of upward of $50,000,000 during those years in which the Tariff Commission has shown that the benefit of the remission of duties inured to the Cuban grower and not to the American refiner or consumer. And even if it could be shown that the United States has gained or is likely in the future to gain from its reciprocity treaties some net profit above the cost of its concessions, there are other objections to such treaties, objections, so to speak, both external and internal. The concessions granted to one country constitute discriminations against other countries, and while the statesmen of foreign countries generally understand that the American interpretation of the most-favored-nation clause permits these mutual and reciprocal concessions, the

mass of the people either do not understand or consider that our action is none the less an unwarranted discrimination. The negotiation of these treaties, their discussion, and their denunciation are likely to promote ill will rather than good will between the countries concerned, as may be illustrated from our relations with Canada. Friendly as that country is, our commercial relations with her would unquestionably be better had we never had any reciprocity negotiations with her.

Internally reciprocity treaties create difficulties because they lower the rates and disturb the balance established between protected industries. There are, no doubt, exceptions, but normally the concessions which the foreign country is most desirous of obtaining are those which allow successful competition with American industries or those which, because they affect only part of the supply of necessary imports, reduce the revenue of the Government without relieving the American consumer. When these treaties require ratification by the Senate or approval by Congress—and the acts of 1897 and 1913 show the unwillingness of Congress to allow these treaties to come into force without such approval—they open up anew the whole tariff controversy. As an illustration of this, I need but recall to your mind the discussion of the Kasson treaties negotiated under section 4 of the Dingley Act.

Section 302 of the tariff bill as it passed the House of Representatives is not only objectionable from the standpoint of policy, but in addition it will be in practice ineffective. It authorizes the President to impose penalty duties on specific products of a country which imposes duties or other exactions, and so forth, upon "like or similar" products of the United States "which in view of the duties imposed thereupon when imported into the United States he may deem to be higher and reciprocally unequal and unreasonable." Paragraphs 369 and 371 of the House bill contain provisions similar in principle to be applied automatically by the customs authorities to automobiles and motorcycles. Consistency requires that we strike out these provisions.

The purpose of section 302 and of these paragraphs in Title I was not to obtain for the United States treatment in foreign markets equal to that accorded third countries, but to force the lowering of foreign rates which, although applicable to goods imported from all countries, seem to American export interests undesirably high.

There are many reasons why these provisions should be excluded from the bill. In the first place, the levying of half a dozen different tariff rates upon identical products simply because they originate in half a dozen different countries is contrary to our commercial treaties. We have pledged to many countries to levy upon no products of theirs any higher or other duty than that which we levy upon the like product of the most-favored nation. It is true that under the American interpretation of this clause we may grant concessions from the established rates if other countries compensate us by equivalent concessions. But the provisions under discussion do not contemplate any concessions from our established rates, nor do they contemplate necessarily any special concessions to us by any foreign country.

Our lowest rates are to be given to certain countries without their making any concessions and are to be extended to other countries only if the latter reduce their rates, either to us or generally by varying amounts. The enactment of these provisions would therefore be followed immediately by protests from foreign countries. These protests would be armed with precedents from the history not alone of European States but of the United States as well, for the United States has hitherto maintained that such clauses in our treaties prohibited foreign countries from levying, as the result of general legislation, diverse rates of duties—except, of course, as the lowest rates were applied to American products and American ships. The State Department has not changed its views and considers the provisions under discussion clearly contrary to the most-favored-nation clause of our commercial treaties.

This conflict with our treaties should be conclusive against the enactment of these provisions. But I regret to say that even in this body there are men upon whom the treaty obligations of the United States seem to rest but lightly. Their attitude seems to say, "Let us legislate as we please and let the State Department worry about the complications; let all the world accuse us of being treaty breakers so long as our constituents vote for us." For the benefit of these men I shall add five reasons of policy why these provisions should be omitted from the bill.

First of all, section 302 of the House bill could operate only in cases in which we both export to and import from the same country the same or similar articles. That is obviously not the normal course of trade. Exporters have asked us to do something to induce certain South American States to reduce their duties. We should like to do so, but this section is useless for that purpose, since there is nothing which we export to South America which is similar to the products we import from those countries. In our trade with Canada and the industrial countries of Europe there are a few cases in which we both export and import similar articles to and from the same country; but unless the courts will give a very broad construction to the word "similar" the total trade which could possibly be affected by the application of section 302 of the House bill is very restricted. That a measure has a limited field of possible application is not, of course, by itself a strong argument against it; but where the measure is certain to involve us in international difficulties the scope of the measure becomes a weighty argument.

Secondly, even where this section is applicable there is no reason to suppose that it will effect its purpose of reducing the foreign tariff rate. Take, for instance, the case of the duties upon automobiles, in regard to which the House bill made the application of this principle mandatory, though I shall call it rather a method or device than a principle. The manufacturers have asked for a rate of only 25 per cent ad valorem; they do not fear extensive competition in the American market. On the other hand, in 1920 they surmounted a barrier of 35 per cent and sold $44,000,000 worth in Canada alone. Canada is a small country, and this amount represents very serious competition. Do you think that the Canadians are going to lower their protective barrier and expose a market which it may well be argued is already insufficiently protected merely for the sake of trying to invade the market of the country which makes more automobiles than all the rest of the world put together? Similarly, in other cases the application of section 302 would not be likely to result in a reduction of foreign duties on articles which we export in large quantities.

The more we export of the given article the more likely it is that our duty thereon will be low and that section 302 might be applicable; but if a foreign country finds a high duty necessary to protect that industry the more we export of the article the more certain is that country to maintain that protection against us. Needing protection in the home market they surely can not compete in ours. Then why should they expose their own industry merely to obtain a reduction of our tariff rate? It follows that the only case in which it could be reasonably expected that section 302 would be successful in reducing foreign rates is in respect to products of which we import larger quantities than we export. Therefore, the very condition upon which the successful application of the device rests shows its futility—it is a device for promoting our export trade in those products with which we can not supply our own demand.

Another reason for striking out section 302 of the House bill and the similar provisions relating to automobiles and motor cycles is that, in so far as they could be applied, they would discriminate first of all against Canada, Great Britain, and France. These countries are most friendly to us. Germany, on the other hand, would not be affected—except as she would obtain a competitive advantage through the higher duties on other automobiles.

The danger of retaliation is a fourth reason for striking out the measures under discussion. In the defense of the American standard of living we have proposed in this bill many substantial rates of duty, rates higher than those generally found in Canada, Great Britain, Japan, and the countries of continental Europe whose standards of living do not call for such high protection. It would, therefore, not be wise for us to enact this formula for measuring our tariff rates by those of foreign countries without a serious examination of the scope and effect of the retaliation to which we might be exposed should foreign countries adopt the same device.

Finally, we have rejected these provisions of the House bill because we do not believe that the amount of a tariff rate of a foreign country is a proper basis for the determination of our own rate. This is contrary to the fundamental doctrine that no country has a right to object in any way to the tariff rates of another country which, in the exercise of its sovereignty, it considers necessary to impose for revenue or for the purpose of encouraging the development of industry. From the American standpoint, for example, a duty, of say 20 per cent, may be deemed to be sufficient for the production of revenue or for the protection of industry, but a foreign country may wish to impose upon "like or similar" products a higher duty and have very good reason from its standpoint for doing so. Certain countries may very naturally feel that because of the less advanced stage of their industrial development they need relatively higher duties upon certain products, e. g., automobiles, than are imposed by the United States. Nevertheless, this section would authorize the President to impose a penalty duty

upon the foreign country for its "impertinence" in adjudging that its manufacturers need a higher rate of protection than ours.

This country has always affirmed that its rates were based upon the needs of domestic producers and manufacturers and of the public revenue; that these were purely domestic questions and of no concern to any foreign country. As long as we did not discriminate against any country but made the same rates applicable to all, our position has been that no foreign country had any just cause for complaint or any reason for imposing any penalty upon our commerce. For many years our State Department has maintained this position against France, which has insisted that our high rates on wines, laces, and articles of fashion and the fancy trade constituted in themselves unfavorable or discriminatory treatment of French trade. If we should enact section 302, we should be reversing our position, leaving our State Department in the lurch, and giving plausible support to the French claim that our products should be subject to the discriminatory rates of the French maximum tariff simply because our rates, though uniform, happen to be high on some of the most characteristic exports of France.

The Senate bill is drawn with the idea of penalizing any foreign country which discriminates against our commerce, but if that country desires to levy high customs duties either for revenue or for protection, we believe that the United States must recognize its unassailable right to levy such duties, and we should not attempt to penalize it because circumstances require it to give to a certain industry a higher rate of protection than that required in the United States.

In short, Senators, we would base the commercial policy of the United States upon the twin ideas of granting equal treatment to all nations in the market of the United States, and of exacting equal treatment for the commerce of the United States in foreign markets. We do not believe that the United States should pursue a general policy of special bargains and special reciprocity treaties.

Such bargains in the past have not brought the results hoped for, and alike in foreign and domestic politics they cause complications and bickerings. Nor do we believe that we should follow any such policy as that contained in the House bill, namely, the penalizing of foreign countries merely because they maintain certain rates higher than our own. This policy would be contrary to treaty. Its field of operation would be very limited, it would be ineffective within that small field, it would discriminate first of all against the countries which are most friendly, it would expose us to retaliation, and it would be an unwise reversal of the position for which the United States has consistently stood for many years. Both the policy of reciprocity treaties and that of section 302 of the House bill would lead to complicated and contentious international relationships. We stand for a simple, straightforward, friendly policy of equal treatment for all, with no discriminations against any country except as that country has first discriminated against us.

Mr. JONES of New Mexico. Mr. President, I have listened to the remarks of the Senator from Utah [Mr. SMOOT] with more than ordinary interest. He has been discussing some of the very important features of the bill. To these features I have given considerable thought and study, especially to that relating to the American valuation plan, and I wish to say that, in my judgment, the Senator from Utah has discussed that subject in a masterly way. I believe that his discussion demonstrates the inadvisability of the adoption of any such basis for an American tariff. I think his argument is conclusive upon the subject, and I not only heartily concur in his conclusion, but I wish to compliment him upon the magnificent way in which he has handled the subject and the very clear and lucid manner of the discussion.

Having come to the conclusion which the Senator from Utah has reached, and being so deeply convinced of the soundness of that conclusion, I am at a loss to know why the majority of the Senate Finance Committee has, by section 315(b), given to the President of the United States the right to adopt any such basis for a tariff. The majority of the Finance Committee have repudiated that, and have done so in a most vigorous manner, and may I ask the Senator from Utah to advise us why they are willing to repose an authority in the President to do a thing which the Senator has so vigorously condemned?

Mr. SMOOT. Mr. President, I intended to answer that question when a certain title in the bill was taken up and when I discuss the rates, but, succinctly, I will state to the Senator that there are certain items in the bill as to which a hundred per cent duty would not measure the difference between the German cost of producing and the cost of producing in the United States. The only way to protect the industries concerned in those items, which are small in number and small in size, is to give the power to the President which we have given.

If I had a blackboard here in the Senate Chamber I am sure I could convince the Senator from New Mexico that there are goods made in the United States which can not be protected in any other way. I was going to say frankly to the Senator when those schedules were reached just what the conditions are, and state frankly that I expect the President of the United States in those few cases to use the authority granted to him in section 315(b). I could at this moment call the Senator's attention to a few lines of goods. He has had experience enough in making a tariff bill to know what those lines are, and I think when his attention is called to them he will himself admit that 50 per cent or 60 per cent or 100 per cent will not be sufficient to equalize the difference in cost between Germany and this country.

I also want to say frankly to the Senator that that applies only to goods made in Germany, so far as I can call to mind now. I hardly think this is the proper time to discuss it in detail, but I assure the Senator that when those items are reached we will give him the figures, and we will give him the reasons why that action was taken.

I know the Senator is fair enough, if the information convinces him that that is the only way to reach it, to say so frankly to the Senate.

Mr. JONES of New Mexico. I am glad the Senator made that last remark. I am at a loss, however, to conceive of any case where it is necessary to change from the foreign valuation plan to the American valuation plan in order to protect any industry in this country, either reasonably or unreasonably.

It is true that in the investigation of the subject of rates which some manufacturers wanted to have placed upon certain commodities, it developed that those rates would have to be very high in order to give the degree of protection which the manufacturers wanted, but in no case, so far as I can recall, was it suggested that a rate could not be made which would be sufficient. The objection to naming a rate upon the foreign valuation was based solely on the argument that the rate would have to be so high that it would shock the public conscience.

Mr. SMOOT. The Senator does not want to be unjust, I know. The rates were named because of the fact that conditions are changing so rapidly that the President ought to have power to reduce the rates, as well as to increase them, when conditions change.

Mr. JONES of New Mexico. Not at all.

Mr. SMOOT. I think I have been perfectly fair in presenting the whole subject matter, and I intend to be fair in every question that is discussed during the consideration of the bill. I have nothing to conceal. I am perfectly willing to make any statement that I know to be a fact, and therefore I will say to the Senator that that was not the reason, because I know, or I think I know, that as to some of the items I have in mind it will not be many years, and perhaps not two years, before we can name the rates. I want the power of the President to be exercised if it becomes necessary to save them, and then I want him to exercise that power in reducing the rates when necessary.

Mr. JONES of New Mexico. The Senator is evidently confused as to the real purport of my question. It is not a question of rates about which I am seeking light. What I want to know is why the basis of the rate shall be changed. I do not contend, nor do I want any inference to be drawn that I am saying, that the Senator from Utah is unwilling to fix any rate because of the amount of it. I made the remark which I did on account of the testimony of one of the witnesses who appeared before the Committee on Finance.

Mr. SMOOT. I misunderstood the statement of the Senator if he made it then as he makes it now. What the Senator desires to know is why the change in classifications from foreign valuation to American valuation was included within the power given to the President?

Mr. JONES of New Mexico. That is precisely my question.

Mr. SMOOT. I want to be just as frank with the Senator on that matter as I was in the other case. On the basis of foreign valuation, with the items that appear in the bill, the 50 per cent increase would do no good at all. We might as well give the President no power at all as to give him only that power. The spread in certain items is so great between the foreign valuation and the American valuation that the only way we could protect at all by giving the President the power to increase to the extent of 50 per cent would be on the basis of the American valuation. We could not do it on the foreign valuation. We might as well not give him any power, because of the fact that it would not protect on the foreign valuation basis.

Mr. JONES of New Mexico. Then, if I understand the Senator, the purpose in conferring power upon the President to

change the basis of classification is to enable the President to impose a duty which would be beyond 50 per cent of the foreign valuation?

Mr. SMOOT. Absolutely; and I want to say frankly to the Senator that there are cases to which the attention of the Senate will be called when we reach the schedule that will illustrate the situation. There are not many, as I said, there are very few indeed, but I know that no one wants to destroy an industry. I know the Senator does not desire to do so. I think that when we present to the Senate the facts they will convince everyone beyond any doubt that a 50 per cent increase on the foreign valuation would not save those particular industries.

Mr. KING. Mr. President, I desire to remind my colleague that in addition to the valuation which the President has the power to add to the foreign valuation there is the tax imposed by the bill itself, which is no inconsiderable one, in many instances being 50 or 60 or more per cent. So there would be the tax levied by the bill which comes from the Finance Committee plus the foreign valuation tax which might be levied by the President and which in many instances would make a tremendous tax.

Mr. SMOOT. I want my colleague to understand that I know that and I frankly admit it. There is no question about it. We will either have to do it or let these few industries die, and the question is whether we shall let them die or not.

Mr. JONES of New Mexico. Then the effect of that provision of the bill is practically to give to the President of the United States the power to fix tariff rates without limit.

Mr. SMOOT. No; not without limit. There is a limit of 50 per cent on the American valuation.

Mr. JONES of New Mexico. That would be in addition to the rates fixed in the bill.

Mr. SMOOT. It is 50 per cent increase of the rates in the bill on the American valuation.

Mr. OVERMAN. What rule is to be fixed by which the President is to act?

Mr. SMOOT. The rule is laid down in the bill itself. It covers the difference in wages in foreign countries and here and the conditions surrounding the industry not only in this country but in foreign countries. The bill itself specifically states what the rule shall be, and it is laid down in plain words.

Mr. JONES of New Mexico. The Senator in his discussion to-day has called attention to the vast difference between the imposition of a rate on the American price plan and on the foreign cost or valuation plan. It seems to me that a rate of 50 per cent of the American valuation plan added to some of the rates in the bill would practically make the duty without any reasonable limitation whatever.

Mr. SMOOT. It is not 50 per cent additional rate. It is 50 per cent of the rate named in the bill. That is the limit.

Mr. JONES of New Mexico. But after a change in the classification——

Mr. SMOOT. The rate in the bill applies after it is changed into the American valuation plan. The President has the authority to increase that rate 50 per cent. In other words, if it was a 10 per cent rate, it would then be 15 per cent; if it was a 30 per cent rate, it would then be 45 per cent.

Mr. JONES of New Mexico. The Senator has illustrated, I think, just what that means, and I should like to know if I am right about it. He has estimated that ordinarily the transportation charges on foreign commodities to this country are about 10 per cent. He has shown us in a very graphic way the variation in the overhead and profits of the importer, and I think he has figured that those on an average are about 25 per cent. Let us see what the result of it would be. Let us assume an article which sells in the United States at $8 and see the difference between the tariff duty levied under the American valuation plan and the tariff duty levied upon the foreign valuation plan.

An article sells for $8. If the tariff rate is 50 per cent, that would mean a $4 tariff. The Senator allows 25 per cent as the overhead and profit of the importer. That would be another $2. He allows another 10 per cent as the transportation charges, which would be 80 cents. So of the $8 he has taken up $4 of it in duty, he has taken up $2 of it for overhead and profit of the importer, and he has taken up 80 cents for the cost of transportation. In those three items he has taken up $6.80.

Therefore the article which costs only $1.20 in the foreign country must sell for $8 in this market in order to pay the 50 per cent tariff under the American valuation plan. He has $4 of tariff under that plan. But if it were 50 per cent upon the foreign valuation plan he would have only 50 per cent of $1.20, which would be 60 cents. We have there a variation ranging from a 60 per cent tariff upon an article to $4 upon the same article, and that is what is meant by the proposed change from a foreign to an American valuation plan. When anyone talks to me about giving the power to the President to change the duty from 60 cents to $4, I say that for all practical purposes it is an authority without limit.

Mr. SMOOT. I must disagree with the Senator. The statement he has just made is absolutely without foundation, so far as the bill is concerned. If there are 10 per cent landing charges and if there is a 25 per cent profit with a 50 per cent duty on foreign valuation, it would equal a 25 per cent duty on American valuation. It is difficult to visualize by words just how it works out, but if the Senator will follow me, I will endeavor to show him. I ask him to work it out with his pencil, and I believe he will find that I am correct.

The landing charges are 10 per cent. The rate of duty is 50 per cent. If the article is $1, that makes $1.60. Twenty-five per cent profit on $1.60 is 40 cents. That means that the American selling price is $2.

Mr. JONES of New Mexico. The Senator's only criticism upon the illustration which I gave then, I take it to be, that in my figures I put the 25 per cent profit of the importer and his overhead expenses upon the selling price, whereas the Senator would only have that apply upon the landing price plus the duty.

Mr. SMOOT. No; that is not the only difference. Let me carry my illustration to its conclusion. Twenty-five per cent of the landing cost will be 40 cents, which would make the American selling price $2. Twenty-five per cent of $2 is 50 cents. Fifty per cent of $1 is 50 cents. So they are equal in that case. The transfer of an article from the American valuation plan, where the rate of duty is 25 per cent, to the foreign valuation, with 10 per cent landing charges and 25 per cent profit, equals a 50 per cent tariff on foreign valuation. That is all there is to it.

Mr. JONES of New Mexico. The Senator is quite right about that.

Mr. SMOOT. I will take any other figure.

Mr. JONES of New Mexico. But I will ask the Senator to point out the defect in the illustration which I gave, if he can.

Mr. SMOOT. There is no such case as that to which the Senator refers that would ever happen. It is impossible for it to happen. So why take a case and work it backwards upon a basis that can not be figured out? The instances cited are mathematically correct or they are mathematically wrong. If the Senator desires, I will have made for him a chart showing the rate figured both ways, with a 2½ per cent landing charge, a 5 per cent landing charge, a 10 per cent or a 40 per cent landing charge; and the profits beginning with 10 per cent and running on up to 15 per cent, 25 per cent, 30 per cent, 35 per cent, 50 per cent, or even higher, if the Senator desires it.

Mr. JONES of New Mexico. I will say to the Senator that I have such tables myself, and I have gone through them very carefully; but the bill provides that the President may change the basis so that thereafter these duties shall be based upon the American selling price. Now, let us stay with the illustration which I gave. The American selling price, we will say, is $8; the rate of duty is 50 per cent. I will ask the Senator from Utah how much the duty would be in that case?

Mr. SMOOT. In such a case as that the duty would be $4.

Mr. JONES of New Mexico. Then, if the importer charges 25 per cent of the American selling price for his overhead and other expenses, how much would that be?

Mr. SMOOT. The American importer never pays a duty upon the American selling price; that is a thing that is never known; that is a thing he could not do. That is where the Senator from New Mexico is wrong.

Mr. JONES of New Mexico. Well, the Senator speaks with a good deal of assurance, and I hesitate to express any thought differing from his; but some people calculate it one way and some in another. The overhead charges, according to the Senator from Utah himself, vary from 5 per cent to 100 per cent. Instead, then, of saying that the particular importer adds 25 per cent on the American prices of $8, or $2, for his overhead and other expenses—and we might take some other percentage and bring about the same result—suppose the importer charged 50 per cent for his overhead and profit; then that would be equal to about 33⅓ per cent; but, whatever it is, I will ask the Senator, according to his own figures, how much overhead and profit would be allowed to the importer on an article which sells for $8? What does the Senator think the average would be?

Mr. SMOOT. Mr. President, I could not state that until I knew at what price the importer was going to sell the article for in the United States.

Mr. JONES of New Mexico. I stated that the importer was to sell the article for $8.

Mr. SMOOT. Why cite an impossible case? If the cost to the importer of the article delivered in America is $8, and then

he has to add to that price for his overhead and profit, and the American article sells for $8, everybody knows that he could not sell it. So it is not appropriate to bring such a case before the Senate.

Mr. JONES of New Mexico. Then I will figure the matter according to the Senator's own plan. The Senator says that the importer fixes his overhead and profit on the landed cost of the article after the duty is paid; that is the way the Senator figures it. Now, let us figure it in the same way and see how much of a variation there is between these plans.

The duty is $4; the cost of transportation is 10 per cent of the selling price.

Mr. SMOOT. Whose duty is $4? The duty is not being collected on the American valuation.

Mr. JONES of New Mexico. But the Senator's bill is proposing to give the President the right to do that.

Mr. SMOOT. Yes; in certain cases the President could do it under this proposed law.

Mr. JONES of New Mexico. I desire to show the extent of the power which it is proposed to confer upon the President; that it amounts almost to conferring upon him the right to fix the tariff rates without limit, or, anyway, without any reasonable limit.

Mr. SMOOT. Mr. President, the Senator from New Mexico asks me a question in reference to an article which sells in America for $8.

Mr. JONES of New Mexico. I will ask the Senator as to an article selling for $8 in the American market, the tariff on which is 50 per cent of the American selling price, to figure in his own way what was the original cost of the article in the exporting country?

Mr. SMOOT. No living man can tell what the cost of the article was in the foreign country; nobody has ever claimed to be able to do that.

Mr. JONES of New Mexico. How much could it cost? What would be the maximum foreign cost in order to enable the exporter to make his usual profit and pay 50 per cent duty based upon the American selling price?

Mr. SMOOT. Mr. President, if he were to make a profit of 25 per cent and the article sold for $8, which is the American price, the landing cost in this country would be $6.40; 25 per cent on $6.40 would be $1.60, which would make the total $8. The Senator is now trying to figure on a case that is absolutely impossible; it simply can not happen that when the American article sells for $8 the foreign article in competition is going to pay a duty of 50 per cent on the American valuation and allow the importer to pay his overhead and figure any profit. That is preposterous; it can not be done.

Mr. JONES of New Mexico. Now, Mr. President, I will take the Senator's own mathematics for this proposition. So we have, then, on the article which sells for $8 a duty of $4, which must be added to the original foreign price. To that original foreign price must be added the cost of transportation, amounting to 10 per cent. So the result is that if the selling price is $8, $4 of it is duty, and the Senator has just figured out that the overhead and profit of the importer will be $1.60. In the illustration which I previously used it was $2, so that there is a difference of 40 cents.

Mr. SMOOT. I said that if the foreign article was delivered in America for $6.40, and the importer made 25 per cent profit, after figuring his overhead, that would equal $8, the price at which the American sells his article. If there was any greater expense than that, the foreign article could not be sold. I recognize, I think, what the Senator is getting at, and I will admit, as I have heretofore done, that whenever this power is exercised it will be because of the fact that the tariff rate based on foreign valuation will not protect the industry, and therefore the article must be transferred to the American valuation, with the rate attached under the American valuation. In that event, of course, the duties will be exceedingly high. There is no doubt about that; no one is trying to deny it; in fact, I will say to the Senator now that if the duty under the foreign valuation were 60 per cent, which did not give sufficient protection, and the article were transferred to American valuation, and the President exercised all the power which he is authorized to exercise under this bill and increased that 60 per cent duty to one of 90 per cent, under the American valuation that would mean there would be a 900 per cent duty on that article. I do not deny it; there is no question about it. The American people might just as well know it now as at any time, and I do not want Senators to be deceived about it.

I wish to say further that I do not know of any item that would require that to be done. I will modify that and say there are very few such items, and in connection with those items there is the question involved whether the President will want to save the industry in the United States. The items I have in mind are found only in schedule 1 of this bill, and they are merely items which it is thought are vital to our national defense.

So far as this side of the Chamber is concerned we do not want any misunderstanding about this question at all. We know that the power which is authorized to be exercised is given for a certain purpose, and we know that the President of the United States is not going to exercise the full power except in cases where it is absolutely necessary for the protection of our country.

Mr. JONES of New Mexico. Does the Senator want us to understand that he has in mind now some item in this bill the situation with respect to which he believes to be such that the basis of the duty should be changed from the foreign valuation to the American valuation in order to protect a given industry? In other words, is the bill based upon such a flimsy foundation that the Senator can not tell now within the range of 100 per cent or 1,000 per cent whether the duties assessed here are right or not? Does the Senator mean that?

Mr. SMOOT. I have not said that, and the Senator can draw his own conclusions; but I do say to the Senator that I doubt very much whether the toy industry is going to continue in the United States under the rate, based on the foreign valuation, which the bill provides. I feel positive that it can not. I think that I can bring into this Chamber illustrations which will demonstrate that beyond a question of doubt, so that even the Senator will acknowledge it to be true. I believe that I can also bring into the Chamber illustrations of other industries the products of which compete with those made in Germany under conditions which no American laborer would ever tolerate, and God grant they may never be called upon to tolerate them.

Are we going to say that those few industries shall be destroyed? Are we going to say that the millions which have been invested in them must be wiped out because of conditions existing in Germany to-day? So far as I am concerned, I wish to say that I am not going to countenance any such course, and I do not believe the Republican Party is going to do so. We are willing to take whatever censure there may be on the part of the people, but before the discussion is over the American people will know the reason for the action taken. I have no more doubt than that I breathe the breath of life that when the American people know the true situation, when they are advised of the conditions existing, they will prefer to have American labor working and American plants running rather than to offer objections to a high rate of duty.

I am not an embargoist; but I am a protectionist. When I say a "protectionist" I do not mean that I favor protection that borders upon an embargo; I mean that I advocate protection that just equals the difference between conditions incident to manufacturing goods abroad and here. I believe, Mr. President, with the exception of some rates which I personally think are too high, the bill can be defended from one end of the country to the other, and it will be a great deal easier for us to defend the very items that will have of necessity to be transferred from the basis of foreign valuation to the basis of American valuation than it will be some of the other rates based on foreign valuation.

Mr. JONES of New Mexico. Mr. President, so far as the toy industry is concerned, that is a story all its own, and that will be discussed when we reach that schedule. I do not propose to discuss it now; but I do want to say to the Senator that in his prepared speech, to which I listened with so much interest, he called attention to the fact that in this whole tariff schedule there are relatively few comparable articles entering into international trade. That was his statement, and it is a fact. It was demonstrated by the so-called Reynolds report that while we have these foreign articles coming in here, relatively few of them are comparable to American-made goods. It is true that there are some classes of toys which can be made in Germany which are not made in the United States, and I do not believe that there is an American citizen who would ever want to make such toys. They are not comparable to anything produced in the United States. Is the Senator going to put an embargo on them? Is the Senator going to shut out goods which do not compare with the goods produced in the United States?

Mr. SMOOT. No; and I want to say to the Senator that I can fill this Chamber with toys as to which the Senator can not tell to save his soul whether they were made in Germany or whether they were made in America, and I will say that very few comparable goods are made in America and in foreign countries; but there is comparability with toys, and if the Senator wished me to do so I could fill the RECORD with the names of the items. I expected this matter to come up, Mr. President; I knew it would come up here, and I knew that the

Democrats, or at least some of them, would try to make capital out of it; but before the debate is over the American people will know why.

Talk about a protective rate! I have before me just a few of the dyes, with prices, some of them of the most vital importance; others I do not take any stock in at all. There are some that are vital; and those items, as far as I am concerned, are to be protected in this country with a rate, and not with an embargo, and I am willing to say what rate that is, and I will say right now that it can be 900 per cent under the authority of law granted to the President of the United States.

Mr. JONES of New Mexico. That is precisely what I wanted to have appear in the RECORD. I recall one particular class of main dyes, where the American manufacturer said that the reason why he did not want to have a tariff based upon the foreign valuation was because the rate would have to be too high, and I asked him how high it would have to be in order to protect that particular dye, and he said it would have to be 1,000 per cent.

Mr. SMOOT. Oh, I will go the Senator one better than that. There was one of them that said it would have to be 2,000 per cent.

Mr. WATSON of Indiana. And he was right.

Mr. SMOOT. Yes; that is, from the figures he presented.

Mr. WATSON of Indiana. From the figures that we had, he was right.

Mr. JONES of New Mexico. Mr. President, I recall that incident about dyes. We will assume that it applies to toys; that there are some toys made in families in Germany so cheaply that they have an insignificant price when coming to this country. We have a great toy industry in the United States. They make a class of toys that are sold all over this land; and I want to say to the Senator now that of all the toys sold in the United States not over 3 per cent of them are imported toys.

Mr. SMOOT. Mr. President, why have we a toy industry in the United States? We did not have it before the war. It was built up as a war industry, and there never would have been a toy industry in the United States that amounted to a pin if it had not been for the war. Now that we have established that industry are we to protect it, or are we to let it die? The Finance Committee, or a majority of the Finance Committee, thought that it would be wrong to let it die.

Mr. JONES of New Mexico. The Finance Committee evidently thought more than that. They thought that they would not allow any of these foreign toys to come in here, because when they put it within the power of the President to change the basis of this rate, and by that means in some cases, as the Senator says, gave him the right to run the rate up to 900 or 1,000 per cent, they gave the President the right to create an absolute embargo upon such importations.

Mr. SMOOT. For the benefit of the Senator, I want to tell him that I do not think 20 per cent of the toys made in the United States will have to be transferred to the American valuation under the authority given to the President; but why not keep that 20 per cent? We have the industry started here. Why do we want it destroyed? Why do we want to drive the people that are making these toys out on to the street? We have enough unemployed people in the United States now, without driving any more out of a job in order that some poor, half-starved children and women working at their homes all times of night and all times of day may get that pittance of work. Why, Mr. President, it would be better for us to send over the money and feed them—better from a humanitarian standpoint, better from the commercial standpoint—than to allow the trade in this country to be destroyed.

Mr. JONES of New Mexico. Mr. President, the Senator is wide from the effect of doing just what he proposes to be done. That can be illustrated by reference to a particular article. There are pocketknives sold in the 5-cent stores of this country for 5 cents. The rates already provided in this bill are sufficient to prevent those knives from coming into this country at all.

Mr. SMOOT. Then they never will be transferred.

Mr. JONES of New Mexico. It means, then, that no opportunity will be given to any American boy or girl who has only the 5 cents to get a pocketknife, and that is what the Senator would do. He would take from the children of this country those cheap toys which they are able to buy, and tell them to go without. That is what the Senator would do.

Mr. SMOOT. No.

Mr. JONES of New Mexico. I want to know whether the people of this country will tolerate depriving of amusement the poor people of this country with even meager means?

Mr. SMOOT. The Senator is wrong again. The Senator knows from past experience that all we would have to do would be to wait and permit the American industry to be destroyed, and when it was destroyed our friends across the water would make us pay for it, as they did when we did not have any industry. Does the Senator know that the toys that are now offered to destroy the American industry are offered by the German Government at one-quarter of what they were offered for before, when we had no competition? Does the Senator know that the American people paid them then not what they pay the American manufacturer to-day but even higher prices? That is what would happen again if the American industry were to be destroyed.

I am not worried about the 5-cent pocketknives. They will be made in America; they will be sold at the 10-cent store; but while they are being sold there American-made knives are not going to be driven out of the market by some firm over in Germany sending them here for the very purpose of displacing the American product and ruining the industry and the concern that makes them in America.

Mr. JONES of New Mexico. Mr. President, it will appear from an examination of the schedules of this bill that under its terms the knives which I have been talking about will be absolutely kept out of the United States and no American boy can buy a knife for less than 25 cents. There is not a knife produced in the United States which can be sold for less than a quarter; and this bill levies a specific duty of 12 cents apiece upon such knives and an ad valorem duty besides. I do not care to discuss these phases of the bill now, but I want to say that if we have in this country an industry which can not compete with foreign industries under the duties which have been levied in this bill—take the toy industry, for example; the duties levied there are now so high that they will put many of these toys beyond the reach of the American child—if that duty is not sufficient to keep this industry alive, then, I say, for God's sake let it die, and let us get toys from somewhere that the poor children of this country can afford to buy; but no such dire result as that will happen.

The Senator well knows that the American producer of toys is going to produce toys. He can produce certain classes of toys in competition with the world and the toys that are most used in this country. The industry will not be destroyed, and the Senator is only using the old stock argument when he says, "Build up the industry at any cost, and then, after it is built up it will be beneficent enough to let the children have toys at a reasonable price." The duties in this bill are so high that if the industry can not survive under it, I say that it ought not to thrive.

Mr. President, I rose really for the purpose of asking the Senator regarding another phase of this bill which he has been discussing this afternoon. This power conferred upon the President is clothed in very peculiar and I am inclined to think significant language. It is language which I have never seen before in connection with the subject. I want to read it:

> That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President—

Now, mark the language—

> upon investigation of the differences in conditions of competition in trade, in the markets of the United States, of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown—

That the duties fixed in this bill do not equalize the differences in conditions of competition in trade, he then shall have the right to change the duty and increase or withdraw it.

I would like to ask the Senator whether he interprets that language as confining the condition to that to which the Senator referred in his address, and also in this colloquy which has been going on between us. Does the Senator believe that there is any restriction there to competition because of any difference in the mere cost of production? What is meant by "competition in trade"?

Mr. SMOOT. Mr. President, the Senator should know that if an investigation were made, not only the question of wage would be taken into consideration but the question of depreciated currency would no doubt be taken into consideration also. That is one of the great difficulties we have had in making a tariff bill. In every country in the world the conditions existing will be different from those existing in any other country. I think it would have simplified this whole tariff matter if we could have had a provision in the bill equalizing the exchanges of the countries. But it was held by our State Department that such a provision would be violative of our treaties with foreign countries. That would have done away with a great deal of the trouble we have experienced in making this bill, and I have no doubt that will be taken into consideration by the President, or the agencies which may act for the President, in determining whether those conditions are

such as to justify him in transferring an item—not a title, not a paragraph, but an item in a paragraph—or a paragraph itself, from foreign valuation to American valuation.

I wish to say to the Senator that there are also numerous other considerations. I do not think it is wise for me to say here what I was going to say in relation to the unfair practices which are being carried on in the world to-day against the United States.

Mr. JONES of New Mexico. There is a provision in the bill to take care of unfair practices.

Mr. SMOOT. Yes; we have such a provision in the bill, and it has teeth in it, too; but I say that that will be taken into consideration, I have no doubt, in the investigation, and we intend to correct that under the provisions of this bill. But there are some few discriminatory features which it will not be possible to reach even with the provision we have in this bill, drastic as it is, in my opinion, because of the fact that the business is not done between the foreign country and our own country; it is done in a roundabout way.

Mr. JONES of New Mexico. Mr. President, I recall very well listening to a speech by the Senator from Iowa [Mr. CUMMINS], who is now present, defining his position upon the tariff, back in 1913. I was not then a Member of this body, but I listened to the Senator from Iowa, and he defined his position so clearly that it impressed my mind then, and I have carried it with me ever since. What the Senator from Iowa was asking for was that the producers of these commodities, both domestic and foreign, be put upon a competitive basis as to the cost of production. This bill does not say one word about cost of production. It says "competition in trade."

Mr. SMOOT. If the Senator had read on, he would not have made that statement.

Mr. JONES of New Mexico. I have read the whole section several times.

Mr. SMOOT. Let me read paragraph (c) to the Senator, and see if it does not give sufficient reasons for action on the part of the President. It reads:

> (c) That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same; that no proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation; that the President, proceeding as hereinbefore provided for the proclamation of such rates of duties, may, when he shall determine that it is so shown that the competitive advantages have changed or no longer exist which led to such proclamation, accordingly as so shown modify or terminate the same.

Mr. President, the Senator from Iowa could not have expressed it any more clearly than it is expressed in paragraph (c) as the basis of action by the President in making the change.

Mr. JONES of New Mexico. I call the attention of the Senator from Utah to the fact that paragraph (c), which has just been read, is couched in this language, "That in any investigation provided for in this section account may be taken" of the things to which he just referred, but there is absolutely no requirement that they shall be taken into consideration or that they alone shall be considered. The door is left absolutely wide open, so far as the power under section (a) is concerned, through which it is conferred upon the President of the United States. It throws the door wide open. He can take into consideration any element on earth. If he chooses to say that the American producer ought to receive 100 per cent profit, he can take that into consideration. He may be one of those who believes in profiteering, and that if you build up a few rich people in this country you benefit all. That may be; but there is absolutely nothing in this bill which limits the President as to the factors which he shall take into consideration. While he may do these things, there is no obligation that he shall do them, and there is, further, no restriction that he shall not take into consideration any other thing. It leaves the door absolutely wide open.

Mr. SMOOT. So careful were the committee in drafting this provision that they limited the action of the President, and stated that—

> No proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation.

Does the Senator think there is a living man on earth who could be elected President of the United States who would do just what the Senator is suggesting now? The President of the United States can not make these examinations. The President of the United States is not going to listen to the parties interested, and the President of the United States can not issue a proclamation until all the interested parties have had a hearing. That the President of the United States would do the thing pictured by the Senator from New Mexico is beyond belief.

Mr. CUMMINS. I ask the Senator from New Mexico to yield to me, not to indulge in this debate, because I have not yet become sufficiently familiar with the bill to have a mature judgment in regard to some of its provisions, but I desire to present a conference report upon House bill 4810, and to ask that it be printed and lie on the table until the House has acted upon it. It must act first.

[The conference report appears later in the proceedings.]

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from New Mexico yield to the Senator from South Carolina?

Mr. JONES of New Mexico. I yield.

Mr. DIAL. I expect to leave the city in a day or two, and I would like to call up a bill on the calendar and have it passed. It is House bill 7272.

Mr. JONES of New Mexico. I can not yield at this time for that purpose. The Senator from Utah wants to leave the Chamber, and in connection with this other discussion I wanted to call attention at this time to the next subdivision of the section.

The next subsection which has a bearing upon this same subject goes even further than the one which I have just read. It reads as follows:

> That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions—

To which I have referred—

> shall find it thereby shown that an industry in the United States is being or likely to be materially injured—

And so forth.

That language is used.

Mr. SMOOT. Does the Senator want to know why it was used? I think I can tell him very briefly.

Mr. JONES of New Mexico. I would be glad to have the Senator give us his explanation of it.

Mr. SMOOT. Let us take, for instance, a chemical really vital to the defense of the United States. Unless the President were given power to act in a case like that, they could send a shipload of the stuff to this country at once, and that would destroy the business in the United States.

Mr. JONES of New Mexico. Is there not an antidumping provision in the bill and an unfair competition provision?

Mr. SMOOT. It may not be antidumping, and it may not be unfair competition, because they may offer the material to all the countries of the world. To be frank with the Senator, I never expect this power to be used except in a case of that kind, but in such a case the Senator would not object to its use. That is exactly what we had in mind.

Mr. JONES of New Mexico. Such a thing has never happened in the history of the country.

Mr. SMOOT. There have never existed in this country and in other countries conditions such as exist now.

Mr. JONES of New Mexico. But I desire especially to call attention to the fact that where the President concludes that there are differences in conditions in competition in trade which are likely to injure any business he may take action. Injury to what degree? If profits of 100 per cent are reduced to 75 per cent, will you call that an injury? There is no specification of what is a reasonable profit, even. It may be any profit which the President of the United States, in his generous disposition, may see fit to allow to any particular industry, friendly or otherwise.

Mr. SMOOT. Mr. President, any concern that is making over 10 per cent can not be injured by competition in trade.

Mr. JONES of New Mexico. That may be the opinion of the Senator from Utah, but I remember very well when the Senator from Utah stood here and talked until he was almost exhausted trying to convince us that we should not levy a tax upon excess profits, that the manufacturers ought to be permitted to earn all they could get out of their business.

Mr. SMOOT. Mr. President, I deny that statement.

Mr. JONES of New Mexico. If that was not the effect of the Senator's argument, I was unable to interpret it.

Mr. SMOOT. The Senator has made a statement that was never made by me. I did oppose the excess-profits tax being over 32 per cent. I was in favor of an excess-profits tax of 32 per cent, and the Senator will yet live to see the time when he will acknowledge that that position was well taken, and it will be demonstrated beyond the question of a doubt that it would be to the best interests of the United States.

Mr. JONES of New Mexico. The Senator was talking about surtaxes. The Senator wanted surtaxes reduced to 32 per cent, but the Senator contended absolutely against any excess-profits taxes being levied upon the profits of corporations. The RECORD I am sure will bear out the statement which I made and which shows that the Senator himself has been unwilling to say that a 10 per cent profit should be the limit. I ask the Senator now if he is willing to have an amendment placed in this section providing that in considering the profits which anybody shall make, in order to effect an injury, such profits shall not exceed 10 per cent?

Mr. SMOOT. I do not want to take the time of the Senate to get off into another subject. Let us consider the bill now before us. I can answer for whatever I have said in relation to excess profits and any other taxes upon the business of the United States. The question just asked by the Senator is not for the Senator from Utah to decide. It is for the committee to decide, or it is for the Senate to decide. If the Senator wants to offer an amendment, then we can vote upon it, but I do not think there is any necessity at this time to discuss it at all.

Mr. JONES of New Mexico. I did not expect to come to any agreement with the Senator. I asked the question for the purpose of emphasizing the fact that there is at the present time no limit under the language of the bill. That is what I meant to emphasize. The language used confers upon the President of the United States the right to take into consideration a profit of any amount which he may choose to consider, and, if competition reduces the profit below that amount, to consider it an injury to the business and then bring into operation all the drastic provisions of the bill.

Mr. President, I have consumed a good deal more time in this colloquy than I had any thought of doing when I rose to ask a few simple questions. The general subject I expect to discuss at some subsequent time. I merely want to make this concluding statement, that in my humble judgment, whether wise or unwise, constitutional or unconstitutional, under the provisions of the bill, as they are framed, and under those sections we have been talking about this afternoon, the whole power of taxation is practically transferred to the President. I recall the past when we wanted a tariff commission to take the tariff out of politics. What should be done is to get this economic question out of politics, but instead of doing that, instead of bringing to fruition some of the suggestions of years ago, when the Tariff Commission was created, it is now proposed absolutely to turn the engine in the other direction. Instead of getting this thing called "tariff" out of politics, the effort is being made to throw it bodily into the very vortex of politics by conferring upon the President of the United States any such power as is conferred by the section of the bill which we have been discussing.

I expect to discuss the matter at some length at a later time, but I thought at this early stage it might be well enough for the people to understand just what that section contemplates.

Mr. GOODING. Mr. President, I present certain letters from the United Peanut Associations of America, the Enterprise Oil Co., the Southern Tariff Association, and the Southern Fisheries Association, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF SECRETARY,
Norfolk, Va., April 15, 1922.

Senator FRANK R. GOODING,
United States Senate, Washington, D. C.

DEAR SENATOR: Our association has been sending you a lot of petitions asking for tariff on peanuts, and I surely would thank you to present these petitions, as to represent us. * * * I am sure 90 per cent of the farmers and dealers are for protection.

The emergency tariff which passed last May has saved the peanut industry surely a good many millions of dollars. The year before the emergency tariff went into effect there was imported from China mostly in round numbers 252,000,000 pounds of peanuts and peanut oil, but a good many of those peanuts did not go into consumption before the following season, and had effect on the market, but the price of peanuts in Georgia advanced something over 100 per cent and, of course, we know the emergency tariff was responsible and it saved the peanut farmers in the South several millions of dollars.

I really believe the people interested directly and indirectly in raising and handling and manipulating peanuts is from 750,000 to 1,000,000 people and without a protective tariff on peanuts the Southern States will have to abandon raising peanuts, as they can not compete with the pauper labor, and if they do there will be around 1,000,000 people that will have to look to something else for a livelihood.

I surely thank you for what you have done for us and I hope that you will see that we get a tariff, namely, 3 cents on hull goods and 4 cents on shelled goods.

Very truly yours,

P. D. BAIN,
Chairman United Peanut Associations of America.

THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF SECRETARY,
Suffolk, Va., March 7, 1922.

Senator GOODING, *Washington, D. C.*

DEAR SIR: I inclose you copy of a resolution which was passed by the directors of the Peanut Growers' Exchange covering the peanut sections of Virginia and North Carolina. Copies of this resolution have been sent to the Senators from the two States, as well as the Representatives.

In addition, this office is sending out blank petitions for signatures to our members in Georgia, Alabama, South Carolina, Florida, and Texas. These to be sent to yourself, with exception of those from Texas, which we think should go to Senator SHEPPARD, as he is their Senator who is in favor of tariff on farm products. We are also requesting our members to write personal letters to their Senators.

Hope that this work will help you in helping us get peanuts included in the tariff bill to be enacted by Congress.

Yours very truly,

M. M. OSBORN, *Secretary.*

Each district meeting is requested to adopt the following resolution adopted by the board of directors at their meeting March 1:

"Whereas the peanut growers of America can not successfully compete in our own markets with foreign growers of peanuts without a tariff thereon sufficient to cover the difference between the cost of labor abroad and in this country; and

"Whereas the present emergency tariff on peanuts has been of decided benefit to the peanut farmers: Therefore be it

"*Resolved*, That the directors of the Peanut Growers' Exchange (Inc.), representing more than 5,000 farmers in Virginia and North Carolina, appeal to the Representatives and Senators of Virginia and North Carolina to secure such a competitive tariff on peanuts as is now provided for in the pending tariff bill, which is not more than sufficient to cover the difference between the cost of production here and abroad, and that a special appeal be made to the officials of peanut organizations in other peanut-growing States to appeal to their Representatives and Senators in Congress to assist us in securing this much-needed legislation."

THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF THE SECRETARY,
Suffolk, Va., February 16, 1922.

Senator GOODING,
United States Senate, Washington, D. C.

DEAR SIR: We understand that the Finance Committee of the Senate is not going to or has not approved our suggestion for rates on peanuts because we have Democratic Senators who will not vote for the bill.

When we appeared before the Finance Committee we were told that they were going to frame this bill without regard for sectional lines. Of course we will admit that we are handicapped by reason of having Senators from the South who are bound down by political ideas possibly more than for doing good to their people. However, we do not represent the sentiment of the South to-day. And I believe that the Republican Party is missing one of its best opportunities to get in a wedge that will break the solid South, if it fails to give the southern interests a part in the tariff bill. This is your chance to get started in the South.

Another matter. Is the Republican majority going to overlook the fact that we have Senator SHEPPARD, of Texas, Senator RANSDELL, of Louisiana, and the other Senator from that State who will support this tariff bill? Then why not give us protection on peanuts by reason of these three southern Senators if you haven't any other good reason? Then in addition the National Milk Federation has asked for a rate of 4 cents and 4½ cents per pound on vegetable oils, peanut oil at 4½ cents. This is to protect their butter products. Now if you want to keep the oil protected don't you see that if you let peanuts from the Orient come in free of duty that the oil crushers on the west and southern coasts can import these cheap peanuts and produce the oil here in America? That will get their peanut oil in free.

Very truly yours,

M. M. OSBORN, *Secretary.*

SOUTHERN TARIFF ASSOCIATION,
Washington, D. C., January 24, 1922.

Senator F. R. GOODING,
United States Senate, Washington, D. C.

DEAR SENATOR: Mr. M. M. Osborn, secretary of the United Peanut Associations of America, sends me the inclosed letter in which he calls attention to the omission of peanuts in their raw state from the schedule presented to the Senate Finance Committee. If Mr. Osborn's information is correct, I presume this is an oversight.

Yours very truly,

J. A. ARNOLD.

THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF SECRETARY,
Suffolk, Va., January 11, 1922.

Mr. J. A. ARNOLD,
Washington, D. C.

DEAR MR. ARNOLD: In looking over the schedule of rates which the agricultural bloc of the Senate have agreed to support, which was submitted to the Finance Committee a few days ago, I note that peanuts have been omitted.

Senator GOODING presented this schedule and included almost every southern product except peanuts. I am sure that this was an oversight and not intentional, as he included cotton seed at three-fourth cent per pound, and you will remember Mr. Holman asked for a tariff to be placed on vegetable oils and products from which they were made; now this includes peanuts. Soya beans should also be included.

I am sure that you can advise us after seeing Senator GOODING that he will see that peanuts are included, also I think it would be well for him to include soya beans, as if a tariff of 4 cents is placed on soya bean oil, and soya beans are admitted free. Soya beans will be imported. Whereas if a tariff is placed on soya beans you are going to see another crop added to the South—that of soya beans, as the Senator from Louisiana told us.

Let us hear from you as soon as possible.

Yours sincerely,

M. M. OSBORN, *Secretary.*

ENTERPRISE OIL COMPANY,
Enterprise, Ala., March 22, 1922.

Senator GOODING, *Washington, D. C.*

DEAR SIR: As we understand it, you are a member of the so-called agricultural bloc, and in favor of tariffs for the benefit of the farmer, and to ascertain somewhat the sentiment of our people on this vital question the writer circulated yesterday a petition as regards the tariff on peanuts, peanut oils, and other vegetable oils, and in less time than one hour the names as affixed to the petition as per copy inclosed were signed. Without a single exception, every person to whom it was presented for signature signed it without question, our people having studied the question and knowing what they want.

If it were practical and possible to get and present such a petition, think that at least 90 per cent of the people in this Coffee County, Ala., one of the largest peanut-producing sections of the South, would sign same. The writer has no doubt but that this same sentiment as related to peanuts prevail over the entire peanut section, and if you find it possible your influence will be appreciated to have written into the permanent tariff bill the figures as mentioned in the petition herewith inclosed.

Yours very truly,

C. Y. SAWYER.

To honorable Members of the United States Congress:

We, the residents of Enterprise, Ala., interested in the maintenance, development, and prosperity of the South, realizing the extent to which our agricultural interest, directly, and our entire community indirectly, are affected by the practically unrestricted flow of foreign-grown peanuts and other agricultural products, vegetable oils, etc., into our country because of the approximately free-trade conditions existing before the emergency tariff bill was enacted, and fully appreciating that the failure to include peanuts at 4 cents per pound and peanut oil at 5 cents per pound, as well as a like rate on other vegetable oils in the permanent tariff bill, which is to supersede the emergency tariff, will take from the South its one cash crop that has proven a great blessing as substitute crop for cotton in boll-weevil-infested territory, where cotton can not be grown profitably on account of this pest, earnestly request your consideration of this vital matter to the end that you help to secure rates stated above which are not more than sufficient to cover the difference between the cost of production here and abroad.

J. W. Goff, E. W. Nickols, Alto Hutchison, E. L. Murdock, W. E. Peters, Rev. J. O. Colley, G. E. Lasseter, M. Dillon, Jr., Henry Watson, J. M. Donaldson, T. W. Morgan, J. W. Searcy, A. D. Wright, V. O. Warren, J. L. Warren, W. O. Byrd, C. H. Heath, Will Warren, A. M. Owen, Arrie Owen, J. L. Hildreth, J. W. Ryder, P. H. Searcy, C. L. Ellis, M. P. Adams, S. L. Brunson, G. W. Carlisle, H. M. Pippin, J. W. Nickols, L. K. Ogletree, M. H. Bracken, R. C. Fleming, G. M. Heath, G. W. Shiver, R. T. Adams, W. C. Stapleton, Bud Blackmon, F. T. Price, W. J. Mitchell, C. R. Walls, R. A. Miller, S. C. Odom, H. O. Whittle, J. C. Boyette, A. R. Pouncey, Ben W. Clendenen, Jr., J. E. Caldwell, A. M. McIntosh, A. E. McIntosh, J. A. Holloway, J. B. Holloway, O. L. Skipper, W. B. Slawson, John T. Benson, G. W. Boghton, G. W. Jones, J. D. Heath, Q. O. McGee, L. H. Sessions, H. M. Sessions, L. Corbett, W. O. Weems, J. R. Colson, John Stanley, R. B. Martin, Judge J. M. Loftin, K. W. Harrison, J. J. Faulk, M. M. Fault, R. F. Price, W. O. Pittman, Florence Shanks, Jim T. Grimes, R. T. Grimes, C. F. James, H. D. Harrison, J. P. Mitchell, C. H. Windham, H. B. Grimesley, Z. C. Hundley, Dothan, J. W. Marsch, J. A. Brock, J. S. Amos, C. Y. Sawyer, C. S. Sawyer, L. L. Conner, W. E. Conner, M. O. Forehand, T. T. Brooks.

SOUTHERN FISHERIES ASSOCIATION (INC.),
Jacksonville, Fla., January 23, 1922.

Hon. FRANK R. GOODING,
United States Senate, Washington, D. C.

MY DEAR SIR: Our attention has been called to Senate bill 2878, introduced by Senator CAPPER, of Kansas, to allocate the control, administration, and supervision of all functions of the Government, principally affecting agriculture, forestry, and food, to the Department of Agriculture.

We note among the provisions of this bill is one to transfer to the Department of Agriculture the work of the Bureau of Fisheries of the Department of Commerce. The Southern Fisheries Association wish to protest against the transfer of the Bureau of Fisheries from the Department of Commerce to the Department of Agriculture.

It is felt by this association that a transfer at this time would be a grave misfortune to the fish industry. Mr. Hoover has taken a personal interest in the fish industry of the country, and has through conferences and committees commenced a great work to help the industry get on its feet so that it could be in a position to prosper. He has also been of great benefit to the fish industry in the matter of transportation rates and service, and we would dislike very much to see this change made, as we believe that the industry would suffer accordingly.

We respectfully ask that you give this your earnest consideration, and, if you can consistently do so, we will appreciate it if you will allow the Bureau of Fisheries to remain under the Department of Commerce.

Very truly yours,

F. D. FANT, *President.*

Mr. GOODING. I also present petitions of sundry citizens praying for inclusion in the tariff bill of adequate protective duties on peanuts and peanut and other vegetable oils, which I ask may lie on the table. I also request that one of the petitions be printed in the RECORD without the signatures and that the number of signatures on each of the petitions be noted in the RECORD.

The petitions were ordered to lie on the table and noted in the RECORD, and one of the petitions without the names was ordered to be printed in the RECORD, as follows:

To the honorable Members of the United States Congress:

We, the residents of Wakefield, Va., interested in the maintenance, development, and prosperity of the South, realizing the extent to which our agricultural interests directly and our entire community indirectly are affected by the practically unrestricted flow of foreign-grown peanuts and other agricultural products, vegetable oils, etc., into our country because of the approximately free-trade conditions existing before the emergency tariff bill was enacted, and fully appreciating that the failure to include peanuts at 4 cents per pound and peanut oil at 5 cents per pound, as well as a like rate on other vegetable oils in the permanent tariff bill, which is to supersede the emergency tariff, will take from the South its one cash crop that has proven a great blessing as a substitute crop for cotton in boll-weevil-infested sections where cotton can not be profitably produced on account of this pest, earnestly request your consideration of this vital matter to the end that you help to secure rates stated above, which are not more than sufficient to cover the difference between the cost of production here and abroad.

Petitions of 66 citizens of Greensville County; of 22 citizens of Southampton County; of 38 citizens of Franklin County; of 11 citizens of Petersburg; of 25 citizens of Prince George County; of 17 citizens of Bland district, Prince George County; of 18 citizens of Disputanta, Prince George County; of 40 citizens of New Bohemia; of 10 citizens of Wakefield; of 42 citizens of Newsoms, Southampton County; of 27 citizens of Franklin, Southampton County; all in the State of Virginia; petitions of 45 citizens of Malone, Fla.; of 19 citizens of Waverly, Tenn.; of 47 citizens of Benton County, Tenn.; of 18 citizens of Perry County, Tenn.; and of 22 citizens of Decatur County, Tenn.; resolutions adopted at a mass meeting of farmers and business men at Marianna, Jackson County, Fla.; petitions of 19 citizens of Charleston, S. C.; of 48 citizens of Hertford County; of 34 citizens of Tyner, Chowan County; and of 34 citizens of Pendleton, all in the State of North Carolina; petitions of 32 citizens of Adel; of 16 citizens of Bluffton; of 90 citizens of Meigs and Thomas Counties; of 100 citizens of Edison; of 43 citizens of Lumpkin; of 42 citizens of Baldwin County; of 21 citizens of Morris; of 14 citizens of Early County; of 30 citizens of Benevolence; of 91 citizens of Hahira; of 70 citizens of Colquitt; of 34 citizens of Damascus; of 27 citizens of Arlington; of 32 citizens of Decatur County; and of 17 citizens of Pelham, all in the State of Georgia; petitions of 76 citizens of Aubrey; of 185 citizens of Bridgeport; of 104 citizens in the State of Texas; of 35 citizens of Stockdale, Wilson County; of 56 citizens of Comanche, Tex.; of 52 citizens of Gillespie; of 34 citizens of Park Springs; of 57 citizens of Stephenville; of 57 citizens of Boyd; of 115 citizens of Joshua; of 19 citizens of Henderson; of 29 citizens of Hughes Springs; of 76 citizens of Paradise; of 17 citizens of Garner; of 24 citizens of Jack County; of 18 citizens of Palo Pinto County; of 22 citizens of Weatherford; of 61 citizens of Hood County; of 38 citizens of Perrin; of 59 citizens of Santo; and of 57 citizens of Chico, all in the State of Texas.

Mr. KING. Mr. President, I regret that the able Senator from North Carolina [Mr. SIMMONS], the ranking minority member upon the Finance Committee, owing to indisposition, is unable to present at this time for the consideration of the Senate his views upon this bill. He will, however, within the next day or two submit to the Senate and to the country an analysis of the pending measure and conclusive reasons why it should not receive the approval of this body. His acknowledged ability and his thorough acquaintance with tariff legislation will give to his address national importance. He will point out the evil and indefensible features of the bill and demonstrate its disastrous effects upon American commerce.

I am not a member of the Finance Committee, but have been asked by the distinguished Senator from North Carolina and other minority members of the committee to join with them in the consideration of this bill, particularly those paragraphs found in Schedule I, which comprises oils, paints, and chemicals, and to those provisions dealing with dyes and embargoes.

Mr. President, the Senate is entering upon the consideration of a measure of the highest importance to the American people.

The so-called Fordney tariff bill came to the Senate some months ago and has been reported back to this body by the Finance Committee with numerous changes and drastic modifications. Contrary to the wishes of the American people, and under the whip and spur of the predatory interests and trusts and combinations, which have been and will be beneficiaries of tariff exactions, this Republican Congress immediately after the last election began the preparation of a tariff bill. There are reactionaries and "die hards" in the Republican Party who believe that governments exist only for the purpose of enacting tariff laws in the interest of the manufacturers and special interests; and they are utterly unable or unwilling to comprehend the economic and industrial problems of the United States or of the world. Political economy is to them a sealed book, and the limpid streams which bear the argosies of trade and commerce and bring prosperity to peoples and countries strike terror to their provincial souls. It was thought by some that the Republican Party had become liberalized, and many loyal and patriotic Americans were led to believe that the party of

Lincoln was freeing itself from sinister influences which controlled it at the time Theodore Roosevelt, an indurated Republican, denounced his party and led a revolt against its oppressive, reactionary, and Tory policies. Many of the followers of Mr. Roosevelt, who had protested against the mediæval and buccaneering policies of the Republican Party, reentered that organization after the demise of the Progressive Party, hoping that the chastisement which the Republican Party had received had purged it of its reactionary leadership and given it a wider vision and a broader spirit and a nobler attitude toward the social and industrial problems of the hour. But the Progressive forces in the Republican Party have found to their profound dismay that the leopard does not change its spots and that the Republican Party of to-day follows the plans of Quay and Aldrich and Payne and Gardner and other powerful leaders who controlled and still control the Republican Party. These policies seem to be wholly materialistic and are conceived in greed and selfishness and measure patriotism by devotion to what are denominated "business and financial interests."

It is remarkable that so many who seek riches and speedily acquired wealth and are willing, in order to obtain it, to prostitute the powers of the Government, should be so ignorant of the immutable laws of trade, of supply and demand, and of the fundamental principles to which adherence must be given if there shall be genuine and continued individual or national prosperity.

It is true that prohibitive tariffs may bring temporary gains and enrichment, but in this age they react to the disadvantage of the peoples and countries enacting them, and such tariffs become destructive of prosperity, particularly in those countries having the resources of and situated as is the United States. This Republic is the great creditor nation of the world, and it possesses raw materials and primary products almost sufficient to meet the demands of all peoples. Important as its domestic trade is, its foreign trade and commerce will determine to a large degree its industrial development and financial growth and progress. With its inexhaustible supplies of iron and copper and zinc and lead, its limitless agricultural resources, its unmastered productive power, the genius and strength of its people, these and other factors give to the United States world leadership and the basis for material prosperity unparalleled and unapproachable.

"Main Street" politicians and the narrow zealots and bigoted partisans center their vision upon some local industry or some provincial enterprise and close their eyes to the Nation and its interests and to the questions, fundamental and vital, which in the end must be controlling if there shall be national development and growth. The history of progress is the history of trade whether among peoples of a restricted area or of a nation or continent. The nations that have led the world in civilization, in morals, and in true progress have been the nations that carried aloft the banner of trade and commerce.

Intellectuals have broken the crusts of a perverted nationalism and shattered the policies which crystallized the thoughts of people into small and unexpanding forms. They have carried their philosophy and their political economy and their conceptions of justice and of international morality and sympathy, if not union, into other lands. They have removed senseless and cruel barriers and brought peoples and nations into contact, and with the advance of science the world, which seemed at one time to be so big, has grown smaller and the elbows of peoples and nations have touched, and looking into each other's eyes they have discovered their resemblances and have realized that they were akin.

Too many politicians and so-called statesmen dwell in the valley and in the shadow of narrow ravines and gorges that cut their way through man's creations as well as through nature's mighty handiwork. There are some of our so-called statesmen who treat international questions as a thing apart from trade and commerce. They seem to think that a nation has two completely separated divisions, and, indeed, consists of two distinct entities; one being or entity is concerned with purely what is denominated domestic and the other with international questions.

Some of our greatest publicists and world writers have shown that international problems are inseparably connected with local and domestic problems and that many of the clouds that have obscured the international horizon and have resulted in storms and tempests have been occasioned by controversies arising out of, or connected with, domestic or national issues.

Great Britain saw how imperative it was that she should secure raw materials and food supplies from other nations. Her growing population, congested in a limited insular field, was doomed to penury and the nation to decadence if foreign trade could not be secured. She built ships to carry from foreign shores food supplies and raw materials and to send to all ports and to all lands the products of her mills and factories.

It may be true that Great Britain's trade policies have brought about international conflicts. Aside from religious and dynastic wars, I think it can be stated with historical accuracy that most of the other conflicts between nations were the outgrowth of commercial rivalries. There are many who believe that the great World War was, indirectly if not directly, caused by fears upon the part of certain European nations that their foreign trade was in danger. Great Britain regarded a navy as necessary to defend the British Isles and also to protect her commerce upon the high seas. Germany looked upon Great Britain as a commercial rival. She pushed her trade into all lands and became an active competitor of Great Britain as well as other nations in almost every market of the world. The Pan-German element demanded a mighty navy and looked for an opportunity that would enable Germany to acquire foreign territory and to secure what was denominated "a place in the sun."

But because controversies have arisen as a result of international trade there is no ground for the contention that there should be no trade among nations.

There are disputes and controversies among merchants and manufacturers within a city or a county or a State. These controversies are not arguments against business dealings and trade and traffic among the inhabitants of cities and States. As mankind grow in intelligence, and as desires for justice increase, controversies diminish. Municipal law is developed and courts are established and laws are enacted under which contentions are determined and order and justice secured. International law is bringing all nations within its beneficent influence, and international treaties and conventions are destroying causes which have contributed to international strife. Notwithstanding the spirit of perverted nationalism which exists in many quarters and the racial antipathies which still persist, there are unmistakable evidences of a growing spirit of international amity; an international conscience is being developed and the old theory that there is no law to restrain nations is being abandoned under the pervasive spirit of an enlightened and rational internationalism which arraigns before the bar of public opinion and the conscience of civilized nations peoples and nations who defy the spirit of justice and the rights of individuals and states.

The philosophy, the science, the literature, the moral precepts, no matter from whence they come, are the patrimony of all peoples. The seas no longer divide nations. We speak across the waters and hold converse with friend and stranger far out upon the mighty deep. People everywhere are beginning to think internationally and to appreciate how profoundly each nation, whether great or small, is affected by the conditions among peoples, even in the antipodes.

Discontent and revolution in India affect Great Britain and other European nations, and reactions result which affect our industrial condition. With poverty and revolution in India the output of the mills of Great Britain is reduced, and this affects the price of cotton grown upon the plantations of the Southern States of this Republic.

Before the war Russia purchased more than $600,000,000 annually of Germany's products. Germany in turn sought our shores and purchased enormous quantities of copper and other primary products of our country. Owing to Russia's catastrophic condition she can not buy from Germany, and Germany's purchases from America are correspondingly restricted. If Russia were prosperous she would not only purchase from Germany and Germany in turn purchase from America, but if we were buying commodities of which she has an excess, she would take in payment therefor hundreds of millions of our manufactured products. Thus would our foreign trade be expanded, our domestic production increased, and our prosperity enhanced.

Mr. President, there are those in the Republican Party who refuse to see the truth or to follow the pathway of safety and progress, or be guided by the lamp of experience. They exhibit a blind pertinacity that is inconceivable in the light of world conditions and the impressive lessons of the past, which in blazing letters are thrown athwart the pathway of the American people. Professing high patriotism and undiluted Americanism, they seek to convince the people that their prosperity will be promoted by putting into the hands of domestic producers of the commodities and products which comprise the very life and well-being of the people, the unrestricted power to create and maintain monopolies in those commodities, and to fix and perpetuate such price levels as may be dictated by their greed and avarice. They speak volubly of the domestic market, of its colossal proportions, and seek to convince the people that

the foreign market is unimportant; or, at least, if important, is unavailable for America's surplus products, even though an embargo interdicts all foreign imports.

Mr. President, if Europe were prosperous to-day our exports, if they did not reach the high levels of 1919 and 1920, would approximate them, provided that reactionary Republicans were not in control of this Republic. Of course, if they did control and insisted upon the "hermit" policy for which they now contend, then our exports would dwindle, and the tide of American prosperity, which would otherwise exist, would recede.

While a sufficient quantity of gold is required under the monetary systems in the world as a basis for credits and exchange, it may, I think, be safely affirmed that metallic money plays a less important part in the commerce of the world and the prosperity of the world than is usually supposed. Notwithstanding America has the greater part of the gold supply of the world, millions of persons are unemployed, and financial depression has brought paralysis to our industrial and economic life. Our gold does not give us foreign trade, nor does it vitalize our moribund business organism. Exchange of commodities is the life-giving blood that builds the sound tissue of national and international progress.

Wealth is not gold, though gold may constitute a part of a nation's wealth. Wealth consists of the products and commodities created and fashioned by the genius of man. There may be potential wealth, and in that America is fabulously rich. With our great coal measures and our stupendous deposits of copper and zinc and lead, with our forests and fisheries, and other natural resources too numerous to be mentioned, we stand at the gateway of unexampled prosperity. The gate will open and riches will enter if only we are guided by wisdom and the principles of sound economic philosophy, if I may so speak, the infallibility of which have been demonstrated in this and in past ages. The conception that if we possess gold prosperity is inevitable, is archaic; it was the basis of the mercantile system from which the protection theory is derived. Professor McLeod states that—

> Midas was the parent of the mercantile system, and for several centuries every Government in Europe was imbued with his ideas. * * * Midas saw that with treasure in his hand he was wealthy—he could obtain whatever he wanted and could command the services of others. * * * The very same ideas gradually grew up in Europe. Sovereigns saw that their chief power consisted in the treasure they could accumulate. It then became a cardinal point in their policy to encourage the importation of money as much as possible and to prohibit its export. * * * The Spaniards, dazzled with the brilliant prospect of securing the greatest part of the wealth of the world without labor, imagined that the well-being of the country consisted in amassing enormous heaps of gold and silver.

I referred a moment ago to what constituted wealth. Adam Smith says—

> A nation may import to a greater value than it exports for half a century, perhaps, together; the gold and silver which comes into it during all this time may be all immediately sent out of it; its circulating coin may gradually decay, different sorts of paper money being substituted in its place, and even the debts, too, which it contracts in the principal nations with whom it deals may be gradually increasing; and yet its real wealth, the exchangeable value of the annual produce of its lands and labor, may, during the same period, have been increasing in a much greater proportion.

Adam Smith further states:

> It would be too ridiculous to go about seriously to prove that wealth does not consist in money, or in gold or silver, but in what money purchases, and is valuable only for purchasing. Money, no doubt, makes always a part of the national capital; but it has already been shown that it generally makes but a small part, and always the most unprofitable part of it.

I am not attempting to minimize the importance of gold in our fiscal system, or in our international exchanges, but I am emphasizing the fact that it is production and exchange of commodities which, after all, produce wealth. When our foreign commerce was thirteen billions annually, as it was in 1919 and 1920, we enjoyed unexampled prosperity. The more we produce and save the greater is the wealth of the Nation. When the annual product of all the people of the United States was approximately $35,000,000,000 it was all consumed in wages and in the process of production, except approximately $5,000,000,000. This was the residuum which was added to the general stock of the Nation's capital and constituted a part of the Nation's wealth. When the value of the products of our country increased to sixty or sixty-five billions of dollars per annum, then there was a larger surplus which was available for investment and which constituted an accretion to our capital and to the Nation's wealth. But the increase in wealth came from production and savings. A people may produce a large volume of commodities, but the volume will shrink unless there is a market for such products. The increase in individual and national wealth is measured by the volume of trade and commerce. The key which will unlock the door which now imprisons the American people is not a golden key nor an iron or steel key forged by high protectionists. Indeed, the lock can only be turned and the door opened by confidence, and just and liberal policies and the removal of odious measures which are impediments to the flow of just and natural laws. It were well if statesmen would remember these words of Adam Smith:

> Man is generally considered by statesmen and projectors as the material of a sort of political mechanics. Projectors disturb nature in the course of her operations on human affairs, and it requires no more than to leave her alone and give her fair play in the pursuit of her ends that she may establish her own designs. * * * Little else is required to carry a State to the highest degree of affluence from the lowest barbarism but peace, easy taxes, and a tolerable administration of justice, all the rest being brought about by the natural course of things.

Mr. President, the issue before us is not that of protection or free trade. The distinguished chairman of the Finance Committee, in opening the discussion Saturday, referred to free trade, and reactionary Republicans are constantly erecting a "bogey man" labeled "free trade" and exhibiting the grotesque figure throughout the land.

No one upon this side of the Chamber is advocating free trade, and no amendments will be offered by the minority to the pending bill which will call for free trade. The Underwood-Simmons law, which was enacted in 1913, was not a free-trade measure. Republicans denounced it as such and sought to frighten American people by declaring that under that act the mills would close and ruin and disaster would overwhelm the American people. The doleful predictions of Republicans were not verified, and the people soon discovered the disingenuousness, if not the hypocrisy, of Republican protestations. They lost interest in the tariff as an issue and were entirely reconciled to the Underwood tariff law. They did not demand in the 1914 or the 1916 elections, or the 1918 or the 1920 elections, that the Underwood-Simmons tariff law be repealed. American business men who were satisfied with reasonable and fair profits, and who were guided by the principles of justice as well as patriotism, did not demand the repeal of that law or the formulation of the Fordney tariff bill or of this measure which has been reported from the Senate Finance Committee. Politicians and partisan Republicans and selfish and predatory interests, when they found that the Republican Party was so powerful in both branches of Congress, fancied they saw an opportunity to fasten upon the country a tariff law which would legalize monopolies and put it in the power of domestic manufacturers of most of the commodities required by the people to exploit them. They perceived that under the influence of natural laws of trade and commerce readjustments in the economic and industrial world were inevitable, readjustments which would affect the prices of commodities as well as other factors entering into production and consumption. They determined, so far as they could, to secure a monopoly of the home market, to arrest the decline in prices, and prevent the operation of competitive forces.

I do not mean to include in this general statement all of the business interests of the United States. There are thousands and tens of thousands of men of the highest character who are governed by the keenest and most enlightened spirit of justice, who have been and still are unwilling to see the powers of the Government debased, as they will be if this bill passes, though the result thereof might swell their profits and add to their fortunes. The business interests of the United States controlled by men of this character apply in their dealings the highest standards of ethics and broad and enlightened policies. But there are others who are willing to use the taxing power of the Government to further their private ends. They desire tariff rates so high as to constitute an embargo. Not content, they would repeal the Sherman antitrust law and form combinations and trusts which would enable them to destroy domestic competition, and thus prey and fatten upon the consuming public.

The evidence in the Hardwood Lumber Co. case, recently decided by the Supreme Court of the United States, reveals that a large number of lumbermen of a certain section of the United States combined and conspired to destroy competition and to maintain or to increase prices upon their products. I have made considerable investigation, and I assert that there are hundreds, and it has been said by some investigators thousands, of these "price-fixing" or "open-price" organizations who have acted in open violation of the Sherman law and are conspiring against legitimate business for the purpose of increasing prices to the American people.

Mr. President, in my opinion a very large part of the manufacturers who are supporting this bill desire an undue advantage, and are seeking undue, if not inordinate, profits. There are very many business houses and corporations and business concerns who are opposed to this bill, who do not desire the advantages which it would give them, who prefer that busi-

ness be conducted somewhat in harmony with the laws of supply and demand and the legitimate and natural laws of trade and commerce. When I denounce predatory interests and those who are robbing and exploiting the American people I do not, of course, include within that category corporations and individuals and business enterprises of the class just referred to, but I do not hesitate to aver that there are interests, greedy and voracious and oppressive, which are back of this bill and which expect under its provisions to reap enormous profits and to swell their treasures and to add to their colossal fortunes.

I repeat, Mr. President, the issue tendered by this bill is not "free trade" or "tariff for revenue," or a "reasonable tariff"; but the issue is whether certain manufacturing and other interests in the United States shall be permitted to prey upon the people and continue prices at levels inordinately high, or increase them or prevent a decline to such levels as would be fair and just to the American consumer, and in the end conducive to the greatest felicity of the American people.

Confessedly this is not a tariff in the interest of infant industries. It is not a tariff to afford moderate protection to adolescent enterprises. It is not a bill which seeks to place upon a parity with foreign producers the domestic producer because of the supposed higher wages paid to American labor.

Mr. President, I submit that a careful analysis of this iniquitous bill will demonstrate that, regardless of the professed purpose which prompts its enactment, its true object is to give to domestic producers a complete monopoly of the domestic market and to maintain domestic prices at levels so high as to be oppressive to the American people and which, it is hoped, in the end will force world prices to substantially these fixed by the monopolies and combinations in the United States.

Before the consideration of this bill is completed, attention will be challenged to scores of items named in the bill, notwithstanding the fact that there is no foreign competition and there is no prospective foreign competition. There are scores, if not hundreds, of items where the imports have been less than 1 per cent, where the tariff rates have been increased above the Underwood bill from 150 per cent to 400 per cent, 500 per cent, and 1[illegible] per cent. It is patent to every fair-minded man who examines the bill that in its application domestic monopolies will inevitably be created, and it is equally clear that no possible competition is anticipated—even though commodities were left upon or added to the free list—with respect to hundreds of items named in the pending bill.

Mr. President, this bill is protectionism run mad. It is the apothesis of the narrow and restrictive policies which prevailed in medieval times or among nations and peoples who were at war with all other nations and peoples and who believed that intercourse among nations was inconsistent with national honor or growth and development. This bill, Mr. President, is a bad bill. It is, in my opinion, so bad as to call for condemnation by the American people.

There have been tariff bills characterized as wicked and oppressive and vicious and un-American. All these terms, and more, with propriety and with truthfulness, can, in my judgment, be applied to this bill.

Of course, it will pass. The stage is set and sooner or later the curtain will be rung down, the farce or tragedy, whichever it may be denominated, will be ended. It will be signed by the President. It will become a law and the American people—the great army of workers—the victims of this legislation, will then be called upon to pay toll and tribute to the barons and overlords and the rich and the mighty.

The brilliant newspaper men who furnish the American people, and particularly public men who are in Washington, with so much of pleasure and profit by their periodical Gridiron Club banquets, presented on Saturday night one view of the Fordney tariff bill, or at least its journey through Congress. Irving's immortal Rip Van Winkle appeared in the banquet hall in his tatters and rags, awakening from his long slumber. With feeble voice he inquired whether the Fordney tariff bill had been passed. Upon being advised in the negative he retired, declaring that he would slumber on for another period. Mr. President, I am frank to confess that if I had my way Rip Van Winkle would sleep for many years before this bill was enacted into law. I regret the triumphant majority of the Republicans which will enable them to drive it through this body. They will win a victory here, but that victory will presage a defeat when the American people learn of its provisions and behold its operations.

Mr. President, this measure in various forms has been before the House and Senate committees for more than a year, and tentative schedules have been examined and studied, doubtless with the utmost care, by the majority members of the Committee on Ways and Means of the House and the Finance Committee of the Senate, and also by the minority members. However, it must be said that the minority members of the Finance Committee had no voice in the preparation of the bill. The Republican members, after the hearings were closed, excluded the Democratic Senators and for weeks and weeks have been engaged in the preparation of the bill.

When prepared it was promptly submitted to the Senate, the Democratic members having no opportunity afforded them to discuss with their associates upon the committee any of the schedules or any of the provisions of the bill itself. Though I am not a member of the Finance Committee, as I have heretofore stated, I have attempted to acquaint myself with the provisions of this measure, which, as reported, contains 428 printed pages. It covers practically all of the commodities and products that affect the lives and health of the people of our land. It deals with food and clothes and medicines and chemicals and metals and building materials and books; indeed, it covers the Nation, it covers the people. It envelops the people and rests upon the mass and presses upon every part of our social and domestic life. It is unfortunate that our method of preparing tariff bills is so crude and antiquated and results in such injustice and inequalities. So long as predatory interests and selfish and greedy men and corporations can influence legislation, tariff bills will be monuments of wrong and injustice and oppression.

It was hoped by President Roosevelt that a tariff commission would take the tariff question out of politics. When the Democrats created the Tariff Commission it was thought that many of the evils attending tariff legislation of the past would be abated. I am afraid the Tariff Commission has not justified all of the hopes entertained, nor does it possess the confidence which all believers in genuine reform would be glad for it to enjoy. Whenever tariff bills are being framed there are unmistakable evidences of selfishness upon the part of many who seek to have tariff duties laid that will either create a monopoly or diminish competition. The distinguished Senator from Iowa [Mr. CUMMINS] became a national figure when he opposed oppressive tariff rates that were demanded by various interests throughout the country. Senator Dolliver, that brilliant Iowan, in eloquent terms pleaded for more liberal and just policies in tariff legislation, for policies which would not build up monopolies and lead to the oppression of the great agricultural classes as well as the overwhelming majority of the American people. Who does not remember his denunciation of the Payne-Aldrich tariff bill? Since coming to the Chamber this morning I thought of one of his great speeches and asked that the record of the debate upon that legislation be brought to my desk. Permit me to read a few words from one of Senator Dolliver's great speeches. As stated, he had severely arraigned the Republicans for the betrayal of the people and the predatory interests for their greedy selfishness. He stated that he had been—

> charged here and elsewhere with a betrayal of the protective-tariff system, and the humble suggestions which I have felt it incumbent upon me to make have been met with a tone of malice and derision which ought not to intrude upon proceedings such as ours. * * * The efforts I have made to modify some of these schedules, instead of being the efforts of a free-trade enthusiast or an enemy of the tariff system have been those of a consistent protectionist, standing not only by the platform of his party but by the historic standard which the party has interpreted to the legislation of the last 50 years.
>
> What has been the sum of my offense? I asked the Senate to retain the Dingley law upon the cotton schedule and to reject an underhand attempt to raise it, without anybody knowing it. I asked the Senate to open Schedule K, which has for 42 years stood substantially without change upon our statute books, not to destroy its protective efficiency but to equalize its burdens and to distribute its benefits fairly among the manufacturing industries interested in it.

He then refers to Senate leaders, who arrogate—

> to themselves the right to determine the status of those within the ranks of the Republican Party, stood on this floor charging me with "reading Importers' briefs" for the destruction of the protective-tariff system.

He referred to the efforts to drive him out of the party, and declared that—

> It will be a long time before the Senator from Iowa will be read out of the Union or out of the Republican Party by reason of an open and straightforward effort to reduce the duties on the clothing of the American people, which have for more than a generation fattened the men who made them and which at last have been capitalized by the handful of promoters who enjoy their dividends.

He further stated:

> We have seen in this Congress a spectacle that has discouraged my heart, the spectacle of men being compelled to bargain with the authorities which control the Senate for the protection of the interests of their own people.
>
> We have seen the majority obtained here not by an appeal publicly and squarely made to the judgment and conscience of the Senate but by a sort of reciprocity of benefits, all centering in the so-called "citadel of protection."

What a frightful picture of the manner in which the Payne-Aldrich tariff law was enacted.

Both he and the present senior Senator from Iowa [Mr. CUMMINS] led a revolt against the leadership of their party, which was controlled by corporations and trusts and by highly protected interests, who dictated schedules and secured legislation to add to their enormous fortunes. The senior Senator from Iowa was the exponent of what was denominated as the "Iowa idea." He was a gallant leader in the Republican Party against its anachronisms and its effete, selfish, and oppressive policies, which in their reactions were injurious to the economic and industrial life and progress of the people, and destructive of that spirit of fellowship and fraternity which should exist between the United States and other nations of the world. Notwithstanding the appeals of these two able Senators and other liberal statesmen in the Republican Party, the illiberal and reactionary forces were supreme, and the Republican Party turned its back upon the people and became the complacent tool in the hands of special interests, who dictated the policies of that party and thus became the governors of the Republic.

Mr. President, I was a Member of the House of Representatives when the Dingley tariff bill was under consideration. I well remember the lobbyists and the special interests who thronged the capital and the almost unrestricted power which they exercised in the formulation of that bill. It was not written by the American people or to aid the American people. Avarice and greed dictated its schedules, as they dictated the provisions of the Payne-Aldrich tariff bill. Under the Dingley bill huge corporations were developed, gigantic trusts were established, enormous fortunes were made, and certain manufacturing centers increased in wealth and power until they thought that the Government and its taxing power and its great forces existed only to promote their selfish ends. But the Dingley bill was an innocent measure when compared with this Fordney-McCumber bill which is now upon our desks.

Mr. President, a word respecting the manner in which the Senate bill was prepared. After the House passed the Fordney bill and it came to the Senate it was referred to the Finance Committee. Hearings were had, the witnesses in the main being representatives of interests desiring embargoes or tariffs almost, if not quite, prohibitive. The testimony given is not very illuminating and but little data of a credible or fundamental character is submitted.

Generalizations are indulged in. Piteous appeals, in some instances, are submitted for increased tariff duties. But few, if any, facts are submitted upon which the committee could act intelligently in the formulation of tariff schedules. There are hysterical cries about the menace of foreign competition. The specter of a resurrected Germany is thrown upon the screen by the clamorous volunteer witnesses whose interest and expected profits and benefits prompt them to appear. They state nothing of importance about the cost of production, about profits, about the basic facts connected with the industry or enterprise. But little is submitted which would aid in preparing a just and fair tariff bill.

Upon the conclusion of the hearings the Democratic Senators were excluded from the committee room. The Republican members then proceeded to frame the bill. Those Senators who were here during the period when the bill was being incubated by the Republican members saw almost daily the corridors of the Senate Office Building and those adjacent to the Finance Committee room overflowing with men who were representing the interests and who hoped to profit by the tariff bill. They were watching the doors of the committee room, and many entered therein. What they said, what testimony they gave, what views were submitted no Democratic member of the committee has been advised. The minority members were not permitted to hear these witnesses or to know what they stated to the Republican members of the Finance Committee day after day and week after week. Washington was filled with these lobbyists and representatives of protected industries who were seeking opportunities to impress upon the Republican members of the committee their demands for their extortionate tariff rates now found in this bill.

Mr. President, I concede the right of the Republicans, as they are in the majority, to write the tariff bill; that is, I concede the technical right of the majority to frame the measures which are to be brought into the Senate for consideration. I deny, however, the propriety, indeed, I deny the moral right of the majority to frame legislation without consultation with the minority. Under the rules of the Senate committees are organized. The party in control of the Senate has a majority upon every committee, but the committees are arms of the Senate. Bills and resolutions offered are referred to appropriate committees.

A committee consists of Republicans and Democrats, not Republicans alone. Bills referred to the committee are to be considered by the members of the committee, both majority and minority members. The majority members have no right to exclude the minority from the committee room and hear testimony and fashion the legislation without giving the latter an opportunity to hear the testimony, to express their views, and to offer such suggestions as they may desire with reference to the bills or measures to be reported back to the Senate.

But conceding that the majority members of the committee have the right to meet secretly and to exclude the minority and to frame legislation, I deny their right to hear testimony in secret—testimony relating to the measures before them and which in the very nature of things influences them in their action. And the vice of this procedure is emphasized when such testimony is not stenographically reported and no minutes are taken in order that the minority members or the Senate may not know its character. As stated, there were hearings before the committee when the Democrats were permitted to participate. Those hearings have been published and are available to Senators. It is presumed that these published hearings were the basis of the action of the committee, and that the bill reported rests upon the same. Senators who read the bill may desire to know what testimony was offered in support of a given item or paragraph or schedule appearing in the bill. An examination of the printed record will show whether the testimony given warrants the provision of the bill to which the testimony refers. But if testimony is received in secret and not reported, and is not available either to the minority members of the committee or to other Senators, except the majority members of the Committee on Finance who heard it, then not only the minority members, but all Senators who were denied the opportunity to know what the testimony was, are placed at a disadvantage. It is unfair to them. Every Senator is entitled to know what reasons justify, or were regarded as justifying, a particular measure. No testimony should be received in secret by members of any committee where either the majority or the minority are excluded. Such a course subjects the party in control to just criticism and will arouse suspicions upon the part of the public as to the honesty and integrity of Congress. It can not be otherwise.

When it is known that representatives of a powerful chemical company were heard in secret by the majority members of the committee, and their testimony was not taken down, and that the bill when finally reported contained provisions exceedingly favorable to their interests—provisions which give them a monopoly and an embargo—there will be just indignation, and many Americans will feel that the methods employed in legislation are dark and devious, if not corrupt; or, at any rate, such procedure will afford just grounds for suspicions which will tend to undermine the confidence of the people in the legislative branch of the Government.

Mr. President, I desire to briefly refer to the provision of the bill discussed by my colleague [Mr. SMOOT]. In my opinion it is unwise to commit to the Executive the power to raise or lower rates.

Both my colleague and the Senator from North Dakota [Mr. MCCUMBER] support these provisions of the bill. Doubtless they were inclined to do so in order to continue the House provisions calling for the American valuation. I shall not at this time point out what I conceive to be the evils of the House provisions, nor shall I balance the points in favor of and against the two plans with the purpose of determining which is the more objectionable.

The Senate bill sets up a Federal agency to determine and fix tariff duties. The President—and of course that means subordinate officials of the Government, upon whose recommendations the President must rely—is authorized to materially increase the duties laid in the bill. In other words, high as the duties are as fixed in this bill, they may be materially increased by an appeal to the President by those who may affect to be displeased with existing rates.

Mr. President, I am unwilling to commit to executive agencies and commissions the power which this bill seeks to give them. If the President, upon advice of the Tariff Commission, is authorized to increase tariff rates upon the application of beneficiaries of higher duties, then any usefulness the Tariff Commission now has will cease and it will become the football of the special interests and those seeking increased tariff duties. Let me add parenthetically that some have already lost confidence in the Tariff Commission; but under this system its usefulness will be destroyed and it will be regarded as an instrumentality to be employed in increasing the rates fixed in this bill upon the demand of trusts and predatory interests.

Mr. President, under this provision authorizing the President to increase tariff rates the tariff will never be taken out of politics, and no tariff bill will ever settle any schedule or definitely fix rates. Appeals will be made by selfish corporations or individuals for an increase in rates. The law will be regarded as an invitation for persons to make appeals for an increase in rates. Senators know that no matter how high tariff rates may be there will be persistent efforts to secure higher duties. The McKinley bill gave to the country rates that were unprecedented and shocked the American people. High as they were, selfish and greedy persons were soon demanding still higher rates, and a nation-wide propaganda was carried on which culminated in the Dingley bill, which greatly increased duties over the McKinley bill. The Dingley bill was regarded as the ne plus ultra of protectionism. No statesman of standing, when that bill was passed, believed that higher duties would ever be imposed, and yet manufacturing and other interests in the United States soon after began an agitation for a revision of the tariff. Many Republicans insisted that the tariff be revised downward, but the beneficiaries of high tariffs controlled the Republican Party, and by their false appeals secured control of the legislative and executive branches of the Government and the Payne-Aldrich tariff law was enacted. Notwithstanding the disastrous effects of that bill and though it divided the Republican Party, the selfish and greedy zealots who feed and fatten upon protectionism have continued the propaganda for higher rates. And their efforts have found fruition in this iniquitous and oppressive bill which some will call the Fordney-McCumber bill.

Mr. President, under the provision authorizing the President to increase rates the beneficiaries of the tariff system will maintain permanent lobbies at Washington. Witnesses appearing before the Ways and Means Committee and the Finance Committee, and who demand higher duties, will transfer their activities to the executive agencies. The tariff question will not only be projected into but kept in the political arena. The President will constantly be drawn into it. Pressure will be brought upon him and the executive agency which will represent and speak for him.

Let me illustrate. Some manufacturer will represent to the Senators and Congressmen of his State that the rates upon the commodity which he manufactures are too low. He will insist that the matter be called to the attention of the President, to the end that the rates may be increased. He may be a powerful political factor in the State. He may have thousands of employees, and other manufacturing institutions may be interested in the success of his efforts, realizing that if he wins the door of opportunity will be open for them to increase rates upon their products. Accordingly they will join with him in bringing pressure upon the Executive to revise and increase the duties upon the commodity in question. And so political pressure will be brought to change the tariff law, and if the plan wins all other manufacturers or producers of like or of similar commodities will immediately demand that the rates be raised upon their products, and the circle will widen until thousands and tens of thousands of applications will be made for increases. Washington will be the Mecca to which the agents of these interests will direct their footsteps, and the tariff question, instead of being settled, will be transferred from Congress to the President and will be a virulent and cancerous growth, invading more and more the tissue of the entire economic and business life of the Nation.

Mr. President, the senior Senator from Utah in the able address just concluded referred to the importance of stability in tariff rates, or rather showed how important it was that business should know what the tariff rates were, and that when tariff laws were enacted they should continue unimpaired unless impelling reasons called for their modification. It is patent that if tariff laws are to be frequently changed business will be seriously interrupted. Business men desire to know what the law is, what their obligations are, what the tariff duties are, and if they are left in doubt and uncertainty they are restrained from bold and aggressive business activity and from movements which would enlarge their business and make for national development and progress.

Mr. President, if this bill passes in its present form, with the power committed to the President to change tariff rates, I repeat, instability in business will result and tariff schedules and tariff laws will be prepared and enacted by the President and minor executive officials instead of by the Congress, as the Constitution provides.

However, Mr. President, I am told that this bill will pass, no matter what its infirmities or evils or iniquities may be. The "manufacturers' bloc" and the "tariff bloc" and perhaps some other "blocs" are behind it. These are strange and remarkable developments in our parliamentary and legislative experience. In the early days of the Republic parties were formed. Jefferson became the leader of a mighty party which has guided for many years the destinies of this Republic and whose influence has contributed greatly to its phenomenal development. Hamilton and his associates founded a political party which passed away to be succeeded by others. For years the Republican and Democratic parties have been in control of this Republic. The policies of these parties, policies stated in their various platforms, have found expression in national legislation and have determined the international course which our Nation has pursued. Leaders in both parties doubtless have made serious mistakes and both parties have often failed to carry into effect the pledges made to the people; but they have been militant and aggressive political organizations, seeking through the machinery of party organization to control in a political way the Nation as well as the States of the Union. The people have intrusted one or the other of these parties with power, and when placed in position the people have expected that they would, with fidelity, execute the mission given them.

The people understood that the present Republican administration was in control in Congress and that the various committees would report legislation; that the Republican Party, as such, would carry into effect the platform pledges of the party. But a new theory of legislation has been devised, and new forces have arisen which threaten the destruction of the parliamentary system of the past and the plan of Government which has, with all its defects and imperfections, been of incalculable benefit to the American people. We are now to be governed not by parties but by blocs and groups and combinations. We have a "tariff bloc" and a "manufacturers' bloc" and these are to unite to drive through the legislative mazes this most astounding tariff bill.

Mr. President, if we are to be governed by blocs and groups, I repeat, our party system, our parliamentary system, as we now know it, will be destroyed. We will have a farmers' bloc and a bankers' bloc and a manufacturers' bloc and a labor bloc and all sorts of blocs and groups and combinations. There will be intrigues between groups; rings within rings and combinations within combinations and groups within groups, trading and bartering and buying and selling—all these things and more will occur, until disaster will result to the Republic.

Mr. President, we need political parties, and courageous and patriotic men and women must support political parties and carry out political policies. It is true parties may become corrupt, and they sometimes betray their people. Party leaders at times are recreant to their trust and false to their supporters, but in my opinion through political parties the best government will be secured by the people. We are often displeased with our parties. We frequently feel that they have departed from the fundamental principles upon which they rest. If political parties do lose their virtue and cease to function in the interest of good government and for the promotion of the welfare of the people and the preservation of the Republic, then they should be destroyed and other political organizations erected to execute the people's will. In our Government two vigorous, earnest, and honest political parties can meet the legitimate demands of the people. One party will necessarily be more progressive and more liberal than the other. It will be devoted rather to the interest of the masses, to the welfare of the toilers, and to individuals rather than to property. It will speak for the oppressed and seek liberty and justice rather than power and the gaudy trappings of imperialism. One party will attribute to property a sacredness far above that to which it is entitled. It will be inclined to be reactionary, and unresponsive to the great moral and humanizing forces that in the end will control the world.

Of course, I believe the Democratic Party is the party of progress, of liberty, and justice; that its mission was proclaimed by Thomas Jefferson; that its mission is to defend the rights of the individual, preserve the States of the Union, and maintain unimpaired the Constitution of the United States. It would, in my opinion, be most unfortunate if these political parties were destroyed and blocs and groups, racial or religious or industrial, should arise upon their ruins.

Europe has been cursed with blocs. They have overthrown governments, precipitated national and international controversies, and in some instances provoked wars that have desolated nations. There are clerical groups and combinations and federations based upon sectionalism or religious issues or other matters which tend to weaken government and to prevent the adoption of any settled fixed national or international policies.

Since coming into the Chamber to-day I have been handed a letter dated April 19, written by Mr. J. A. Arnold, vice president of what is called the Southern Tariff Association. The letterhead indicates that the association has headquarters, or at least branch headquarters, at the Raleigh Hotel in this city. It denominates itself as "nonpartisan," and at the top of its printed letterheads are the words, "Organized to protect and promote the interests of those engaged in productive pursuits. 'To equalize the cost of production.'"

Many of these national and nonpartisan movements, Mr. President, are exceedingly partisan, but often they are mercilessly selfish, and frequently engage in procuring impolitic, sectional, or class legislation, or defeating sound and merited enactments. May I say in passing that there appear to be scores, if not hundreds, of organizations having permanent headquarters in Washington, which seems to be the mecca to which groups and blocs and those seeking special and class legislation come. Expensive offices are maintained and highly-paid lobbyists are retained.

I do not disparage movements against oppression or unwise and un-American policies or efforts to secure just and constitutional legislation. Many persons come to Washington with truth upon their lips and with a desire to aid in securing legislation promotive of the public welfare or to defeat legislation, projects, and policies that would be injurious to our country and to the American people. It is eminently proper that facts be presented to Congress. Hearings are ordered for the purpose of obtaining facts by which the action of Congress may be determined. In my criticism of reprehensible and sinister influences and organizations and groups and confederations I do not strike at efforts and movements which are promoted by patriotism and by a sincere desire to advance the public weal. It is altogether proper that men and women throughout the land should be alert and vigilant, and when they discover improper or dangerous tendencies or the projection of unwise or sectional or selfish policies they should make known their opposition and present to executive departments and to the legislative branch of the Government, as well as to the public, the dangers and evils to be apprehended and avoided.

This letter to which I refer was sent to a chemical company—one that is profiting by this bill before us. The letter states:

> At the meeting of our schedule committee here on April 12-13 we reiterated our position favoring a dye embargo, and in filing our schedule with the tariff bloc. President Kirby called attention to our North Carolina resolution demanding an embargo on dyes. We are inclosing a copy of the schedule sheet containing the dye reference.
>
> Am also inclosing copy of report of our meeting to our membership.

It is apparent from the letter, as well as from the annexes, that this so-called "Southern Tariff Association" is cooperating with other organizations and seeking confederation with industries and organizations which are to be beneficiaries if the odious schedules found in this bill are enacted into law. The evidences are multiplying of the log rolling, combining and confederating of groups and industries and associations, to secure the enactment of the Fordney bill. This letter indicates that this so-called "nonpartisan" tariff association is willing to combine with the dyestuffs industry and secure the adoption of an un-American policy, to wit, the enactment of an embargo law.

It has been known for some time that interests which have for years profited by high tariffs have been seeking a rapprochement with the agriculturists, and we now behold the "agricultural bloc," and the manufacturers' bloc yoked together. It is an unholy alliance and an unequal yoking to push tariff rates to levels unprecedented.

There is no common ground upon which the special interests who have dictated tariff laws for nearly 50 years and agriculturists can stand, and yet during most of this period the majority of the farmers in the United States have been deceived by the protectionists and have supported their un-American and selfish policies. The agriculturists, with their surplus products selling at prices fixed in the world's market, and the manufacturers and beneficiaries of our tariff laws have grown enormously rich by selling to the domestic consumer, including agricultural populations, their products at price levels inordinately high and maintained by unfair tariff rates. The farmers have sold their wheat and corn and their products not only in the American but in foreign markets too often at prices which brought no returns, but the protected industries have compelled the American consumers to purchase their products not at world prices but at levels which were oppressive to the domestic consumer, and as stated, enormously profitable to the tariff beneficiary. The agricultural interests are still being deceived, and in the language of the street "buncoed" and "fooled," and are being drawn into an alliance with the selfish and predatory interests which in the past have plundered the farmers and the American people and which in the future propose to continue their exploiting activities.

The letter speaks of the "tariff bloc" and "the filing of our schedule with this bloc." If it were not for extraneous evidence, there might be some doubt as to what was meant by the "tariff bloc," but we are not left in doubt because the report accompanying the letter reveals the character and personnel of the bloc, and information which we obtain from time to time has revealed that the tariff bloc consists of distinguished Republican Senators who are not members of the Finance Committee.

I had supposed that the distinguished Senator from South Dakota, the chairman of the Finance Committee, and his able associates, were to determine the form of the bill which was to be submitted to the Senate for consideration. When the House sent the Fordney tariff bill to the Senate it was promptly referred, as by the rules of the Senate required, to the Finance Committee of this body. That committee is composed of 10 Republican and 6 Democratic Senators, who are all able and distinguished Members of this body.

We had supposed that this committee would examine the House bill, weigh carefully its provisions, order hearings, if they thought proper, and after a painstaking and careful examination, because the subject is one of vast importance to the country, they would report back to the Senate a measure which reflected their matured judgment. Perhaps I should qualify that by stating that the Democrats, and doubtless the country, knew that the bill, as reported back, would not express the views of the Democratic Members of the Finance Committee. But it was supposed that if hearings were had Republicans and Democrats would participate and that the views of all members of the committee would be considered in preparing the amended bill for the Senate. And it was thought that the bill when presented would be, if not the composite production of both the majority and minority members of the committee, at least a bill that was prepared by the majority of the Finance Committee and not by outside and external forces and interests.

But it would seem as though the tariff bloc, which has united with the manufacturers' bloc, were dominating—I shall not say controlling—factors.

Accompanying the letter is a report to the membership of this Southern Tariff Association. I invite attention to a few sentences from this remarkable document:

> We were given a special hearing by the Senate tariff bloc and presented to them our memorial and schedules and such changes as desired in the Senate Finance Committee's report.

Why did not this Southern Tariff Association and its Washington lobby go to the Senator from North Dakota and to members of the Senate Finance Committee for changes which they desired? Why seek the so-called tariff bloc? Of course, the reason is obvious. They must have understood that the tariff bloc was sufficiently powerful to dictate schedules, to force its will upon the Finance Committee. Proceeding, the report says:

> Copy of the memorial is first attached and copy of our schedules will appear in the next issue of the Southern Tariff Advocate of May 1. The Senate tariff bloc received us at 10 a. m., Room 126, Senate Building, Senator GOODYEAR, chairman of the bloc, presiding. We were given a satisfactory hearing and feel that we have rendered southern industries a distinct service. We inclose second attached list of 25 Senators present.

Let me add, Mr. President, that none of the Senators upon this list is a member of the Senate Finance Committee. Mr. President, this is an astounding revelation. We find a tariff bloc sitting in state, apparently in the Senate Office Building, receiving representatives of organizations and those who are trying to influence legislation and obtain higher tariff rates.

The report says:

> The Senate tariff bloc received us at 10 a. m.

Of course, this tariff bloc is not holding receptions. What are its functions? From whom does it obtain its authority? Why were interests seeking to promote special legislation for the advantage of groups and organizations appearing before this, I shall not say political but certainly extra, legislative body? May I inquire who appointed this tariff bloc of 25 Senators to receive delegations and to consider their schedules and their suggestions? Were they fashioning legislation? Were they writing the bill which is before us, or preparing the various schedules to be submitted to the Senate Finance Committee upon which the latter should put its seal of approval? Has the Finance Committee abdicated its functions? Has the Senate lost its legislative power and authority and committed it to a tariff bloc? If that be true, let us abolish the Finance Committee and permit these outside and extraneous organizations to take charge of the legislation of the country. No wonder the influence of this legislative body is diminishing.

Mr. President, when the Ways and Means Committee of the House was organized in March, 1920, the lobbyists and representatives of protected interests, like the locusts in ancient

Egypt, settled down upon Washington, and they, uniting with organizations claiming to represent the agriculturists, have exerted every influence possible to secure the passage of tariff legislation which would place the American consumer at the mercy of what Mr. Roosevelt called "the predatory interests" of the country. They have demanded schedules and tariff provisions and tried to squeeze the Finance Committee of the Senate as the strong man would compress the clay within his hands.

We hear that the schedules in this bill are "satisfactory" to the tariff bloc and to the manufacturers' bloc and the manufacturers' representatives and lobbyists. Think of the unction of the Southern Tariff Association:

We were given a satisfactory hearing and feel that we have rendered southern industries a distinct service.

Did they get promises from the tariff bloc? If so, what service did they render? The bill before us reveals what those benefits are. Tariff rates are increased. Hundreds of articles that should be free are placed upon the dutiable list. Upon hundreds, if not thousands, of articles the tariff rates have been increased. The domestic market, instead of being a competitive market, is to be a restricted market, with the manufacturers and the producers of many commodities so intrenched as to compel the payment of prices far beyond the value of the commodities. This remarkable report continues:

We are planning to hold congresses in each of the Southern States and arouse the industrial South to a unanimous expression in favor of a protective tariff, American valuation, and the immediate enactment of the permanent tariff measure. This work to be followed with the organization of congressional districts into working units.

Mr. President, this is a fair warning that these organizations, these tariff associations, these manufacturers' combinations, are to attempt to control the political parties in the South. They are to organize in each congressional district. For what reason? To name Congressmen or force those who are named, at the risk of their opposition, to support embargoes and prohibitive tariffs in behalf of the selfish combinations who would use the taxing power of the Government in an illegal and unconstitutional way, and increase their profits and swell their fortunes. I denounce these schemes and plots as un-American, as destructive of the integrity of political organizations, and as harmful to the Republic and injurious in the highest degree to the people themselves.

It seems, Mr. President, the plan is to use political parties if they may be used; or, if not, to destroy them and to combine tariff blocs, manufacturers' blocs, and other blocs and groups and confederations to control Congress and dictate legislation. The political parties, or at least the Democratic Party, is to be destroyed, and interests, held together by the cohesive power of plunder, are to run the Government. The report further proceeds:

Among those who addressed our meeting were Senator GOODING, chairman of the Senate bloc; Chairman FORDNEY, of the Ways and Means Committee; and Senator HARRELD, of Oklahoma.

I am led to inquire, Why was the distinguished chairman of the Ways and Means Committee present?

The letter to which I referred approves of the American valuation plan. We may speculate, but I do not think we go far astray as to the reason of the presence of the distinguished gentleman. Further reading from the report:

President Kirby addressed the agricultural House bloc in the evening, and was given a warm reception by quite a considerable number of our Congressmen.

There is a memorial, which, I understand, was submitted for the RECORD a few days ago by the Senator from Idaho. It is entitled "Memorial of the Southern Tariff Association," presented to the Senate tariff bloc April 13. It speaks of the downfall of Rome, and then drifts into what amounts to a threat that the enlightened business judgment of the South may be rapidly becoming a political "pronouncement." It does contain a statement which shows an appreciation of the iniquities of past Republican tariff laws:

The farmer protests, as he ought to protest, against having to sell in a free market and buy in a protected mart.

Of course, everybody knows that with the enormous agricultural surplus the American farmer is compelled to, and will be compelled to, sell in the markets of the world, and that tariff laws will prove of no advantage whatever to him. Why should the farmer protest against buying in a "protected mart"? The reason is obvious, but the farmers have had that fact concealed from them. The "protected mart" is the one which enables the manufacturer and the beneficiary of Republican protective legislation to increase prices far above world prices and far beyond the level at which legitimate profits would follow. The memorialists confess that protection means higher prices for the manufacturer and greater burdens for the consumer.

But they are trying to reconcile the farmers of the country to this exploiting policy by promising them an equal opportunity for exploitation. The morality of this proposition evidently satisfies these memorialists.

The Senator sitting near me asks sotto voce the names of the Senators of this historic organization known as the "tariff bloc." In view of the fact that this bill before us will become historic, it is eminently proper that the tariff bloc, who undoubtedly have been so powerful in promoting it and will be so potential in passing it, should be preserved to history, and the names of the organization immortalized, if not canonized. I therefore feel it my sacred duty to have the names entombed in the CONGRESSIONAL RECORD. The Senator sitting at my side [Mr. CARAWAY] suggests that I should say "embalmed" instead of "entombed." The report from which I read contains the following list of Senators present at the hearing given the schedule committee of the Southern Tariff Association by the Senate tariff bloc April 13, 1922, held in room 128, Senate Office Building:

Senators GOODING, Idaho, chairman; MCNARY, Oregon, secretary; ODDIE, Nevada; NICHOLSON, Colorado; JOHNSON, California; HARRELD, Oklahoma; TOWNSEND, Michigan; LADD, North Dakota; NEW, Indiana; POINDEXTER, Washington; SPENCER, Missouri; STERLING, South Dakota; BURSUM, New Mexico; SHORTRIDGE, California; WILLIS, Ohio; NORBECK, South Dakota; CAMERON, Arizona; CUMMINS, Iowa; CURTIS, Kansas; CAPPER, Kansas; STANFIELD, Oregon; JONES, Washington; WARREN, Wyoming; KEYES, New Hampshire; WELLER, Maryland.

I hope that Senators will pardon me for not giving the full names, but I am presenting their names just as they appear in the report.

I see the name of my distinguished friend from South Dakota [Mr. STERLING] who has been regarded as a stalwart in the Republican ranks. His white plume has been seen for a quarter of a century upon every sanguinary battle field where the fight raged between the militant forces of Republicanism and Democracy. It is sad, but it seems as if he has deserted and joined the tariff bloc.

I see the name of my distinguished friend from Iowa, Senator CUMMINS——

Mr. CUMMINS. What is that?

Mr. KING. The report says "CUMMINS, Iowa."

Mr. CUMMINS. I must say, Mr. President, that that disparages the entire communication, because I have not been present at any meeting of this sort nor have I ever been invited to any meeting of the kind.

Mr. KING. Mr. President, I hope there are others who will arise and confess that they have not abandoned the faith and joined the tariff bloc. Now is the time for confessions, and I hope others will come to the front.

Let us discover who are Republicans and who are Democrats, and whether we have any Republican Party or any Democratic Party, and whether this country is to be governed by political parties or by blocs and groups and combinations and organizations—racial, religious, industrial, economic, or what not. If we are to be governed by agricultural blocs and manufacturers' blocs and tariff blocs and groups who organize to secure legislation or to shape the policies of the country, regardless of the welfare of the masses, it is time that we should be so advised. Mr. President, in the language of the street, it is "time for a show-down." Let us know whether the principles upon which this Republic was founded are to be preserved, whether the policies announced by Jefferson are to be followed by Democrats and the policies and principles which sincere and patriotic Republicans of the past have declared are to be the guide of the Republican national party. Let us discover who is to frame legislation. It is time that we should learn whether Senators and Representatives are mere delegates or Representatives in all that that term implies.

At the risk of being charged with repetition, I affirm, Mr. President, that the best interests of our country require the maintenance of vigorous, militant political parties—parties who submit their platforms to the people and who, when triumphant, sincerely and courageously, in the interest of the public, seek to carry them into effect.

Political parties may and do frequently err. They depart from proclaimed principles and are guilty of infidelity to great ideals which they profess. But they have their place in this Republic. While I am contending for political parties and their importance in our political life, I am far from asserting that every person should affiliate with the two great national organizations. Oftentimes both parties may be wrong upon one or many great issues.

Independent forces, guided by lofty ideals and noble resolves, may be necessary to bring them back to the paths of safety and justice. Politicians and those controlling the machinery of political organizations may at times, while preserving the forms and principles of political creeds, lose the spirit which is necessary to carry out the creed and the policy. Political parties may sometimes be shells and whited sepulchers. Such should be pushed into oblivion. But the great political parties of our country in the main represent the political issues and differences among the people, and the battle lines drawn by them have generally called for and have generally brought to the contending forces substantially all of the electorate of the land. Imperfect as our political parties are, they serve a most useful purpose in our political and economic life. Let us not destroy them until something better is offered. In my opinion, bloc government is not a fit substitute for party government.

I have just been handed a statement dealing with the tariff bloc, which was issued by the distinguished Senator from Idaho [Mr. GOODING], which in part is as follows:

As chairman of a committee of 25 Senators who desire an all-American tariff bill passed by Congress before adjournment this summer, I desire to make the following statement on the eve of the reporting of the Fordney-McCumber bill:

The Senate Finance Committee, after months of the most painstaking study and care, has about completed its work on the first all-American tariff bill in our history. This measure will protect agriculture and industry alike, not only in the West and South, but in the East and North. Under the leadership of Chairman MCCUMBER and with the support of my committee I am firmly convinced that the tariff bill when finally enacted will be one which every section of this country will gladly support. As there never has been such a need for a tariff which recognized all sections alike, and as there never has been such a unanimous demand for tariff legislation, I think I can safely say that this Congress will never adjourn until the tariff bill is passed.

This is the sentiment of both the Senate and the House.

Furthermore, those interests which have been camouflaging their opposition to any tariff legislation by attacking the principle of American valuation as a basis for ad valorem duties are, in my opinion, not going to succeed with their anti-American propaganda. This tariff bill when it passes both Houses is going to be all-American in every respect. * * *

The following is a list of Senators who have expressed a willingness to accept the schedules in the new tariff bill proposed by the national farm organizations, including the National Grange, the National Farm Bureau, the National Dairy Association, the National Poultry Association, the National Wool Growers' Association, the American National Live Stock Association, and the Southern Tariff Association:

Senators GOODING, Idaho, chairman; MCNARY, Oregon, secretary; JOHNSON, California; CAPPER, Kansas; NICHOLSON, Colorado, forming the executive committee; and

PHIPPS, Colorado; NORBECK, South Dakota; JONES, New Mexico; POINDEXTER, Washington; STANFIELD, Oregon; SHORTRIDGE, California; ODDIE, Nevada; LADD, North Dakota; BURSUM, New Mexico; CAMERON, Arizona; WARREN, Wyoming; SPENCER, Missouri; WILLIS, Ohio; HARRELD, Oklahoma; NEW, Indiana; WELLER, Maryland; KEYES, New Hampshire; TOWNSEND, Michigan; STERLING, South Dakota; RAWSON, Iowa.

It will be observed that there is a tariff bloc, and the chairman declares that as head of a—

Committee of 25 Senators who desire an all-American tariff bill passed by Congress before adjournment this summer, I desire to make the following statement on the eve of the reporting of the Fordney-McCumber bill.

I observe in this statement a severe condemnation of the proponents of the foreign valuation plan. The tariff bloc seems to think that the American valuation, as a basis for ad valorem duties, is the only proper plan and that any different one is "anti-American." That means, of course, that the tariff bloc wants a prohibitive tariff.

It was shown in the able speech of my distinguished colleague [Senator SMOOT] that the American valuation plan was not only unworkable but was unscientific and indefensible. It would seem that the tariff bloc and the greedy manufacturers are clamoring for rates which will constitute an embargo, that they may maintain such prices upon the domestic products as human selfishness, raised to the "nth" degree, demands. I do not think I am transgressing the rule when I say that the press carries a statement from the chairman of the Ways and Means Committee of the House [Mr. FORDNEY] to the effect that if the American valuation provision is not preserved in the bill Congress will sit until the "snow flies." I think there are others who will say that if it does carry that provision Congress will remain beyond the period when the white mantle covers the earth. The months are short, winter will soon arrive, and the 4th of next March is not far distant.

The tariff bloc, if the Senator from Idaho speaks for them, have reached the peaks of the mountain of protectionism. There are no higher peaks to climb. The expedition which has for months unsuccessfully sought to reach the summit of the Himalayas should obtain the services of the tariff bloc. They seek the heights—the heights of protection, the heights of exaction, the heights of isolation. All hail the tariff bloc, with its foreign valuation scheme, its latitudinous tariff rates, and its vision of an America selfish, self-sufficient, self-centered, and self-contained, withdrawn from the great movements which are drawing the world together in amity and peace!

The able senior Senator from Utah [Mr. SMOOT] and the few other Republican Senators who are opposing the American valuation plan, must rest under the imputation of being anti-American in the judgment of the tariff bloc. May I repeat that our Republican friends, the members of the tariff bloc, may just as well know now as later that we will be here many months before that policy shall be engraved upon this bill.

Permit me to invite attention for a moment to the announcement of the Senator from Idaho. This is most amazing:

The following is a list of Senators who have expressed a willingness to accept the schedules in the new tariff bill proposed by the national farm organizations, including the National Grange, the National Farm Bureau, the National Dairy Association, the National Poultry Association, the National Wool Growers' Association, the American National Live Stock Association, and the Southern Tariff Association.

Then follows the list of Senators above given.

The clear implication of the statement is that these organizations have prepared tariff schedules which appear in this bill. Senators will recall that in Mr. Arnold's letter which I have just referred to the Southern Tariff Association stated that it had "filed a schedule with the tariff bloc, including an embargo on dyes." Apparently these organizations have covered substantially all products and commodities produced in the United States, and their schedules are the ones appearing in "the new tariff bill proposed by the national farm organizations."

May I again inquire who prepared these schedules and fashioned this bill? Was it these organizations referred to by the Senator when he said that the "following list of Senators expressed a willingness to accept the schedules in the new tariff bill proposed" by them? Did they prepare these schedules? There is a dye embargo provision in the bill. Is this part of their plan? Apparently it is, because it is on their schedules. Of course, we know that the dye monopoly, consisting of the E. I. du Pont de Nemours & Co., the National Aniline & Chemical Co., and the Chemical Foundation, and others, prepared it. The dye embargo law, which is now upon the books, was prepared by agents and attorneys of the dye industry, and their handiwork evidently is accepted by these organizations of whom the Senator from Idaho speaks.

Mr. President, the members of this tariff bloc are men of character and ability. I express my profound regret that they feel it is necessary to form blocs in order to secure legislation.

The Senator from Idaho, in his announcement, as well as the distinguished Senator from North Dakota [Mr. MCCUMBER], in his able opening address, stated in substance that this bill would put men "back to work upon the farm and open the factories and bring prosperity." I shall pause long enough to observe that if limited exports will accomplish those results, there is no reason why, since the Republicans have been in power, the results should not have been realized. Our imports for a considerable period of time have been unimportant in a large number of commodities produced in the United States and entering into the lives of the people. Indeed, for 1921 they were less than one-half of the imports in 1920. In 1919 our exports were nearly eight billions, and in 1920 they were in excess of eight billions. In 1921 they were $4,379,000,000, and our imports were $2,250,000,000. The theory of the Senators from North Dakota and Idaho is that the less the imports the greater our domestic prosperity. Manifestly, if there were no imports, then our prosperity should reach the flowering period. Men of that school can not conceive of advantages resulting from trade, or, at any rate, if they perceive any benefits, they are to be derived only by the seller and not by the buyer, and sales and exports can be had without corresponding purchases and imports. If the philosophy of the Senators be sound, then our prosperity should be greater now than it was in 1919 and 1920, because our imports have shrunk from five and a quarter billions to two and a half billions of dollars within a year. There is not always a perfect ratio between exports and imports; and some countries, because of extraneous conditions which I have not time now to examine, may export more than they import and become prosperous. But, generally speaking, the exporting nations are importing nations, and the measure of prosperity is gauged by production and sale, whether the sales be made in the domestic market or in foreign markets.

With diminishing imports as well as exports factories have closed, mills have become silent, mines have ceased to produce, and millions of courageous and efficient men and women have been compelled to join the mighty army of the unemployed. As soon as Europe is in a position to buy our surplus products, both primary and finished products, then we will have returning prosperity. Europe could consume all of our surplus agricultural products, including cotton, as well as copper and many other mineral products which we classify as raw materials, and also finished products. Every country in the world wants American products.

With political stability in Europe, with returning confidence in the permanency or at least stability of European nations, there will be demands for American products which have never

been surpassed, unless during the war, and those demands will increase with returning economic and industrial development throughout the world. China will soon be ready to purchase millions of American products. Manchuria and Siberia will afford markets for American goods. Indeed, the world will seek our shores to buy our products and to contribute to our prosperity and national wealth.

Mr. President, this great tide of wealth and advantage will flow to our shores if we will but pursue a wise and sound economic course. Our greatest prosperity came to us when tariffs were not prohibitive; but now the reactionaries and the unsound political economists who are dictating the financial and economic policies of the Republic, blinded by selfishness and controlled by the demands of trusts and special interests, are determined to interfere with the returning tide of prosperity and to close the door of opportunity to the American people. I repeat, Mr. President, if restricted imports or no imports bring prosperity, why is there not prosperity in the United States to-day? There is more capital, there is more wealth than when Mr. Taft and Mr. Roosevelt were Presidents. Our wealth, I may add, is in great part the result of Democratic administration.

When President Wilson came to the Presidency the wealth of the United States was approximately $187,000,000,000. When he left the White House our national wealth exceeded $300,000,000,000. But our wealth and our capital have not since the Republicans came into power brought us prosperity, and our constantly diminishing imports have not resulted in putting the men upon the farms or opening the mills or reviving the languishing and despairing business of our country.

Mr. President, there can be and will be a certain amount of prosperity and progress if we do not export American products. One hundred and ten millions of people in a rich country such as this is require commodities of tremendous value for their support. We will have in the future, as in the past, an enormous domestic market, and under a most illiberal and restrictive tariff policy there is sure to be enormous production for domestic consumption and a reasonable degree of prosperity.

So the Fordney-McCumber bill, with all of its odious, discriminatory, archaic, and destructive features, will not destroy American production nor kill American demands for food and clothing and the multitudinous commodities essential to life and health.

May I digress, Mr. President, to briefly emphasize the prosperity which came to this Nation and to the American people under the eight years of Mr. Wilson's administration. Measured by every standard that determines the progress and advancement of the people, the history of the world furnishes no parallel to that found in our country during that period. In material wealth we outstrip the world. The value of the property of our country nearly doubled. Our foreign commerce rose from a few billions to thirteen billions of dollars. During that period our country participated in the greatest war of all time, and under the leadership of Woodrow Wilson our resources were mobilized, our armies marshaled, and our flag, carried before millions of gallant American soldiers, saw retreating military forces fall back discomfited, beaten, and routed until finally the enemy laid down his arms. The eight years of Woodrow Wilson were the golden age of this Republic. In the centuries that shall follow that period will be remembered as a most glorious one in the history of this Republic, and the leader of the Nation during that period will be remembered for all time as the noblest figure of his age.

The Republican Party, appreciating the financial depression and the industrial paralysis which their foolish policies have largely brought about, are attempting to find some excuse therefor. They promised the American people a complete reversal in the policies of Mr. Wilson. They came in not to construct but to destroy, not to build but to act as iconoclasts; and blinded by prejudice and passion they have gone about like foolish workmen knocking and seeking to destroy the noble edifice which had been erected by the Democratic Party.

Their policies have brought ruin and disaster to agriculture as well as unparalleled suffering to labor. Indeed, business of all kinds has been caught in the deadly calm that has attended Republican success. Unable to devise constructive policies to advance the interests of our country and of the world, they seized upon the Underwood-Simmons law, under which our prosperity was greatest, as a pretext for the industrial depression in the land. I repeat what I said a few moments ago, if we had a wise and liberal foreign policy and a sane and national domestic policy we would not be in the slough of despond. World conditions inevitably would have caused a recession in our tide of prosperity, but the low levels reached since the Republicans have come into power are to be charged to the unwise policies of the administration.

I am prompted to tell Senators upon the other side of the Chamber that they pledged the country to retrenchment and economy. They promised to promptly separate from the service 40,000 employees in Washington and to materially reduce the taxes; indeed, to get back to a pre-war basis. Revenue legislation enacted during the war because of the enormous demands called for in mobilizing four and one-half millions of our gallant sons for military and naval service was to be promptly replaced by peace-time tax laws. The war ended nearly four years ago, and yet the burdens of taxation have been but inappreciably reduced and our annual expenditures exceed pre-war appropriations four or five hundred per cent.

I notice by this morning's paper that the Secretary of the Treasury, notwithstanding the heavy tax burdens, warns the country that there will be a deficit for the coming fiscal year of $500,000,000. The tax law enacted by the Republicans contains most of the provisions in the war legislation revenue act, provisions which were justified in war, but are to be condemned in peace times. I think inquiry will disclose that even now the deficits resulting from the enormous expenditures made by the Republican Party are met by frequent short-time loans negotiated by the Treasury Department.

Mr. President, the Republicans, with great flourish and glee, announced a Budget system which would prevent deficits, reduce expenditures, and diminish taxes.

Deficits are here, appropriations mounting into the billions continue, and the tax burdens still oppress the people. Distress, poverty, unemployment, discontent—these are the direct and immediate fruits of Republican control of all branches of the Government. The statesmanship of the Republican Party seems to reach the zenith of its perfection and glory in the proposition to enact the Fordney-McCumber tariff bill and to convert the eleven billions of Europe's obligations into long-time bonds, which, in turn, are to be used to meet obligations and as the basis for further extravagant and foolish expenditures.

I venture the opinion, Mr. President, that when we obtain these bonds from debtor nations there will be an orgy of extravagance that has not been witnessed in this Republic at least since the period between 1870 and 1880. Unless safe and wise counsels prevail, the eleven billions owing us from Europe will be a detriment and not a benefit. If these bonds are to become the basis of huge appropriations for all sorts of schemes with the United States guaranteeing their payment, it is easy to perceive that instead of being a benefit or a blessing they will be a positive menace and danger. Unless the American people are aroused there will be schemes to have the United States underwrite these bonds and borrow money to pay bonuses and bounties and to meet all sorts of chimerical and visionary schemes.

Some plan should be devised to utilize these bonds as soon as they are received to meet the outstanding bonds of the United States. By that I do not mean that the holders of our bonds should surrender them for foreign bonds, but legislation should be enacted or some plan devised that will preserve these bonds when obtained to meet the obligations of our Government, or to impress them with a lien for the outstanding obligations of the United States. They must not be left free in the Treasury to be hypothecated or used for further loans or for the extension of credits. They must be used to meet the bonded indebtedness of the Government, and unless this is distinctly understood, I repeat, they will be squandered and there will be a saturnalia of extravagance that will shock the conscience of patriotic Americans.

Several months ago in discussing the question of the bonus I ventured an opinion that whatever bonus was paid to the ex-service men it would not be met by taxation, that the Republicans would dodge that course, the course of honor and of sound public policy, but would utilize foreign bonds for the purpose of raising the funds to meet such bonus. I have not changed my views, although I sincerely hope there will be enough patriotism and statesmanship in the Republican Party to prevent the adoption of such an unsafe and unsound economic, if not political, policy.

I have had letters, Mr. President, demanding that $500,000,000 be immediately expended in the reclamation of swamp lands and cut-over lands and privately owned lands as well as public lands of the West. The letters have stated that the bonds of France or Great Britain could be utilized for this purpose. Others have written suggesting that we spend $1,000,000,000 for the construction of highways throughout the United States, and that we employ a part of the foreign loan for this purpose. Others have written demanding that the Government spend $200,000,000 in completing the Muscle Shoals project and establishing suitable plants for the production of fertilizers for the

agriculturists in the United States. One letter which I received called attention to the St. Lawrence Canal proposition, which will cost several hundreds of millions of dollars, and it was stated that this huge sum could be raised from the sale of the European bonds, providing the United States would underwrite them. And so it goes, Mr. President, and so it will continue to go until the eleven billions are squandered, unless Congress sets itself resolutely against these improvident and dangerous propositions.

Mr. President, repeating somewhat, permit me to state that the Republican Party seems unable to grasp world conditions and international economics. The people are told that if we prevent imports under the provisions of the pending bill the world will nevertheless buy from us whatever surplus of commodities may be produced in the United States. The intimation is made that they can pay for these products in gold. Of course, those who make these suggestions know of their inaccuracy. The world has but little available gold; indeed, too little to establish sound financial systems or inaugurate and maintain wise and safe fiscal policies. The United States has a plethora of gold—more than 60 per cent of the world supply. Europe owes the United States Government and the American people more than sixteen billions of dollars. At present it is unable to pay any part of the principal; indeed, it is unable to pay all interest due upon this stupendous sum. Europe never can pay these obligations except by means of trade and exchange of commodities. As her trade and commerce increase, the credit of European nations will be strengthened. In time the gold reserves of European nations will be strengthened and the paper issues will more nearly approximate gold values. What the world needs to-day is political security, economic rehabilitation, and a proper nationalism, accompanied by deeper and broader world sympathies. In the light of these needs the Republican Party turned against the world and committed the great mass of the American people to the merciless greed of trusts and combinations and gigantic corporations, who control and seek to control the industrial and business life of this Republic.

Mr. President, I suggested the other day to the Senator from North Dakota that this bill reminded me of the peoples known to the past as Troglodytes. Senators will recall that classic authors, such as Strabo and Herodotus, speak of the prehistoric tribes who lived in caves and refused intercourse with other tribes or peoples. Those who dwelt near Mentone, in Italy, and other countries bordering upon the Mediterranean Sea have been described by writers and historians. They lived in seclusion. They sought isolation. Indeed, families living as cave dwellers avoided contact with other families. This bill seeks to make of the people of the United States Troglodytes. We are to refuse contact with other peoples and to forbid their having commercial intercourse with us.

Mr. President, such a bill might have been expected in prehistoric times or during medieval ages, but in this age it is an anachronism. Prof. Clive Day, of Yale, in his admirable work upon commerce states that the isolation of the earlier States of antiquity is their most striking feature.

> Each one lives only unto itself. It rises in civilization and then declines without sharing its gains and losses with other States. * * * The modern world, with its common fund of culture and its community of interests uniting different peoples, could arise from the conditions only after long centuries of struggle. The unity of the Christian faith was needed to confirm the union of peoples in a common civilization.

Mr. President, there are those who proclaim their culture, their advanced ethical standards, their profound belief in a common civilization, and yet they advocate policies that create fissures and cleavages and chasms among peoples and nations which must be bridged and which are provocative of international controversies and contributory to world decadence. Professor Day speaks of the unity of the Christian faith, and implies that it should influence, if not control, the relations of peoples and nations and point the way in commercial and political intercourse.

Christianity seeks to allay racial antipathies and to bring all peoples into one spiritual faith and one noble and all-embracing fellowship. While we proclaim in our churches world solidarity and international brotherhood and devoutly pray for world peace, we forge the thunderbolts of war, promote a narrow and arrogant spirit of nationalism, and seek to erect barriers in trade and commerce and in other fields of international relationship which develop animosities and are calculated to breed international disputes fruitful of wars and rumors of war.

We have condemned China because of her isolation and her disinclination to accept the cultural influences of the world and seek a union with the peoples of the world in a common civilization. In the middle of the last century an American admiral, with fighting ships and smoking cannon, compelled Japan to abandon her seclusive policy and to accept our commodities and to enter into commercial relations with the people of the United States. Japan responded to the spirit of the times and has become a world force. Like the fabled Minerva, she seems to have sprung from the brow of Jove, equipped and competent to play a great part in the affairs of the world. But the troglodytes upon the other side of the aisle and the troglodytes in the Republican Party want us to assume Japan's former position of isolation and seclusion and exclusion, so they offer to us this bill, the prototype of which we must seek in the Dark Ages or in medieval times or among prehistoric peoples.

The Republican Party now seems to affect a profound solicitude for the farmers. This bill is to help the farmers. It is to quench their thirsty souls and lift from their bowed backs their present burdens. But we are not told how this bill will furnish markets for the wheat and the corn and the agricultural products of the American farmer. But the reactionaries say we have given the farmers high rates upon wheat and agricultural products. Doubtless some people will be fooled by this sophistry. But every thinking farmer knows that the prices of his products are fixed in the markets of the world. He produces a surplus and that surplus must find buyers beyond our shores. They will buy all of the surplus products and, indeed, more of the American farmer if they can pay for their purchases with their products, with commodities which the farmers must have and which under this bill they will be compelled to purchase at inequitable and extortionate prices. But, Mr. President, there are many items not produced in the United States upon which enormous tariffs are laid in this bill and which the American people must have and for which they will be compelled to pay higher prices.

Mr. President, this bill is designed to give a monopoly to great corporations and trusts in hundreds, if not thousands, of commodities which the great mass of the people are compelled to have. It is expected by some who perceive the necessity of foreign markets that these trusts and monopolies will make such enormous profits upon their sales to the American people that they will be able to drive from foreign markets many foreign producers. Mr. President, the evidence shows that most of the articles produced in the United States can meet world competition, and our great natural resources, our unlimited supply of raw materials, our superior mechanical appliances, our modern machinery and modern methods, together with the great skill and genius and ability of American experts and technicians and workingmen, will enable the United States to dominate in trade and commerce the world's markets. Much of the talk about the cheap labor of the world is made to deceive the people and as a pretext for demanding the high rates found in this tariff bill. For years, Mr. President, we have sold agricultural implements, sewing machines, and hundreds of articles produced in the United States in foreign markets, competing with all nations.

We have sought quantity production, and in some fields, because of the larger profits in what might be denominated the primary and more important articles of commerce, we have voluntarily left to other nations the production of finer articles—those which in their production require a vast amount of patience and hand labor.

Mr. President, during the past year, notwithstanding our shrinking commerce, we have met all competition, and now that the reservoir of prices in the world is rising we will encounter less difficulty and the competition will be less keen than during the past year. Mr. President, for more than a year the many protected industries have been engaged in a nation-wide propaganda to frighten the American people into believing that Germany was ready to destroy our industries, if not to devour the people. Appeals have been made to the passions and prejudices of the people, and efforts have been made to keep alive the war spirit and the bitterness against Germany which grew out of the war. This position is somewhat paradoxical when we remember the flattery bestowed upon and the insincere and deceptive appeals made to Americans of German birth or descent in the last election to secure their support of Mr. Harding and the Republican ticket.

Senators on both sides of the Chamber know that throughout the land the Republicans and their organizations and campaigners denounced the Versailles treaty as being harsh and severe in its treatment of Germany and her people. Mr. Wilson was criticized because he set his hand to a treaty which, it was contended, was equivalent to forging the chains of industrial servitude upon the German people. Mr. Keyne's book was extensively quoted by Republicans, and the speech of Senator Knox, when he denounced the Versailles treaty because of its

alleged oppression of the German people, was referred to again and again. The purpose seemed to be to inflame those Americans of whom I have spoken against Mr. Wilson and the Democratic Party and to profess a sympathy for Germany and the German people which, it was alleged, was not felt by Mr. Wilson or the Democratic Party. In other words, the Republican Party deliberately sought to deceive millions of our American citizens—men and women who vote and whose votes in many sections determine the result of local and State elections, and in the aggregate, perhaps, of national elections. No more insincere and hypocritical appeal was ever made to a great and intelligent electorate than was made by the Republican Party in 1920.

Yet we all remember that before President Wilson went overseas to join in the Paris conference the leader of the Republicans in the Senate (Mr. LODGE) and other Republican leaders criticised President Wilson and the Democrats and charged that a "soft peace" was to be made with Germany; that Mr. Wilson and the Democrats were too considerate of Germany and proposed to relieve her from reparations which Republican leaders said must be imposed upon her.

The Senator from Massachusetts, in a number of speeches in the Senate, demanded what the terms of the peace should be. He spoke for his party, and those terms were quite as severe as those found in the Versailles treaty. But now, after having by their deception induced millions of German-American citizens to vote the Republican ticket, they turned upon Germany and denounced her as a menace to the prosperity of our country.

The dye manufacturers, and particularly the Chemical Foundation, which is an adjunct of the dye monopoly, have for more than two years been active in their propaganda against Germany and the German people, and some of their agents have assailed as pro-German and as enemies to America any person who attempted to speak the truth concerning the economic and industrial conditions of Germany.

In the hearings before the Senate Finance Committee, when the threat of foreign competition was echoed, Germany seemed to be in the minds of some witnesses.

The able Senator from Indiana [Mr. WATSON], in a speech which he delivered some time ago in defense of an embargo upon dyes, referred to Germany as the great menace to the chemical industries of the United States. And I make the prediction that during these debates the defenders of these iniquitous schedules will, directly or indirectly, hold Germany up to the Senate and to the country as the great danger to returning prosperity and as a reason for these prohibitory tariffs and for un-American policies which find expression in embargo statutes.

Mr. President, I protest against this insincerity and hypocrisy upon the part of the Republican Party. Germany is bankrupt. The greater part of her territory in which were found raw materials—coal and potash and iron—have been taken from her. She has been stripped of her ships and her colonies and burdened with reparations and severe economic conditions which constitute what some contend are insuperable obstacles to her rejuvenation industrially and will bind her to the treadmill of toil and arduous labor for many years, if not decades, to come.

I am not mentioning these things, Mr. President, by way of criticism of the Versailles treaty. Germany provoked the war. The military régime in Germany, in my opinion, was responsible for the war. Germany deluged Europe with blood. She must pay for her transgressions.

But, to develop a sentiment favorable to this bill, many of its proponents are telling the people that Germany has revived and is about to seize the economic control of the world. Germany is the specter that these high protectionists would place over the door of every American to frighten the people into supporting this bill, which seeks to plunder the American people and to enrich corporations and trusts. As stated, most of Germany's raw materials have been taken from her. She is compelled to purchase in the markets of the world raw materials in order to manufacture many of the finished products required for her people or for foreign export.

In order to obtain raw materials she must have gold. This she has to buy in the markets of the world, making enormous sacrifices therefor. She will be compelled to tax her people higher than any other nation in the world. This morning Mr. Walker, one of the financial experts sitting upon the other side of the Chamber, handed me a pamphlet showing the enormous taxes levied upon the German people—income taxes, excess-profits taxes, and property taxes, which in some instances amount to 100 per cent. During the past few months prices have risen in Germany, the increase in some commodities being several hundred per cent. Rents have increased, feed has increased, railroad transportation has increased, wages have shown a remarkable advancement, and everything indicates that prices in Germany will soon equal, if they do not exceed—indeed, in my opinion they will exceed—in many commodities the pre-war levels. So, Mr. President, we must expose this conspiracy upon the part of some of these selfish and greedy cormorants who are attempting to frighten the American people by pointing to Germany as the devouring monster of the world.

Speaking for myself, I feel that the war is over. Germany was our enemy. We defeated her. We should not live in the past but in the present. The spirit of hate, that implacable, vengeful spirit upon which some people feed and fatten, must not be permitted to corrode the soul of this Nation. That is the trouble with the world to-day—the racial antipathies, the hates, and the fears. This Nation should lead the way in sympathy, indeed, in love and in fellowship and in the broad, generous spirit of humanity which the wounds and sorrows of the world are crying for, and which will heal the world and bring to the sorrowing nations that peace for which men and women are longing and praying.

Mr. President, in 1921 the products of the United States were approximately sixty billions of dollars. Germany was able to send us commodities of the value of eighty-eight millions of dollars. She took from us more than we took from her. She bought oil and food and other commodities which she so sorely stood in need of. Her purchases aided the American producers of the commodities which she bought. They profited by Germany's purchases and Germany likewise received benefit. And yet our troglodyte friends point to these limited imports from Germany as justification for the intemperate and odious provisions found in the pending bill.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. I want to ask whether the Senator thinks the hope of the chairman of the committee is justified, by past experience or otherwise, which he expressed in this language on page 5785 of the RECORD:

> We have tried to help bridge this gulf between the production cost of manufactured articles and the consumer's ability to buy them by doing what we can to increase the purchasing power of the latter, and it is now up to the manufacturer to do his part to bring his cost down to meet the size of the consumer's pocketbook.

Did the Senator ever hear of a manufacturer doing that in this country? Is there anything to found such a hope upon in all our past experience? Does not the Senator think that the manufacturer is going to take all that the traffic will bear, and that it is a false foundation to build upon to plead with him to have mercy on the poor consumer if we give him this advantage by the tariff duties which this bill does?

Mr. KING. Mr. President, I was interested in the able speech delivered by the Senator from North Dakota when he submitted this bill to the Senate. I remember that part of his address to which the Senator from Florida refers. I thought then, as I do now, that my friend from North Dakota attributed to the manufacturers of the United States and the beneficiaries of this bill an unselfishness which many of them do not possess, and I felt then, as I do now, that his admonitions that they should be satisfied with a most meager return upon their investments, for a limited time at least, would fall upon deaf ears. Many of these manufacturers at this very time are charging inordinate prices and seeking to bring about a situation that will enable them to swell their profits far beyond what justice and fairness demand. There are trusts and combinations now, and efforts are being made to secure legislation that will permit combinations and organizations to control prices.

Since the decision of the Supreme Court in the Hardwood Lumber case there has been great consternation among hundreds, if not thousands, of the open-price organizations, many of whom constituted conspiracies and combinations denounced by the Sherman antitrust law. Fearing prosecution under it, they have sought, and are seeking, legislation to permit the continuation of criminal organizations. In my opinion, some of these combinations should be proceeded against under the criminal law and their promoters sent to the penitentiary. We have the Cement Trust and the Raisin Trust and the Plumbers Trust and the Building Trust and the Milk Trust and hundreds of combinations which have conspired to keep up prices and destroy competition in order that greater profits might be put into the coffers of such organizations.

Mr. FLETCHER. May I interrupt the Senator again to call his attention to some further observations in this plea of the chairman of the committee? After reporting a measure under which the American people will have to go down in their pockets for something like $4,000,000,000 a year, and not only making it possible but practically assuring that the manufacturer will extort from them from an average of 30 per cent up to 200 per cent, the Senator observes this:

> Let the manufacturer be satisfied with a most meager return upon his investment for a while, then let the employees increase their efficiency to the highest possible degree.

Then he says:

> Then if the retailer will just follow the manufacturer, the great American public, now hungry for more and better things, will give employment to all to supply its demands and old-time prosperity will again reign throughout the land.

Mr. KING. Mr. President, the manufacturer will not, in my opinion, if this bill becomes a law, heed the wise suggestions of the Senator from North Dakota, nor will the retailers. And many of the laboring men will fail to attain that efficiency which is necessary for that prosperity which is so much desired. The Senator from North Dakota, being a just man, thinks that others should be just, and that they should not discriminate and plunder and use laws which may give them power to the disadvantage of the people. But, in my opinion, he is mistaken as to many of those who come within the categories mentioned by him. The Senator is like the prophet of old. His is the voice of one crying in the wilderness, but the selfish interests, while recognizing his sincerity and his desire for the public weal, will attribute to him an unsophistication which will provoke their smiles. While they will regard him as an honest man, they will feel that he is a poor psychologist and that he does not comprehend the heights and depths of this bill.

Mr. President, this bill will aid the trusts and combinations. It will contribute to the destruction of competition and thus lead to the oppression of the people. The senior Senator from Utah [Mr. SMOOT] in his address stated in substance that his party could defend and justify this bill before the American people. My able colleague is a courageous man, and I have no doubt of his sincerity in the statement just referred to, but I respectfully submit that he is mistaken. The challenge which he and other Republicans make will be welcomed by the minority. In my opinion, the American people will not indorse this bill. When they understand its odious features they will denounce it as they did the Payne-Aldrich tariff bill, and they will rebuke the Republican Party for its reactionary policies and its devotion to the interests of the corporations and trusts which are carefully guarded and protected in this bill.

Mr. President, is the Senator from North Dakota willing to adjourn or take a recess at this time?

Mr. McCUMBER. In just a minute. I wish to say a word or two before we take a recess.

Mr. KING. I will say to the Senator that I am not through. I shall suspend for the day, but I have not concluded all that I want to say.

Mr. McCUMBER. If the Senator does not wish to say anything more to-day, I will just take up one or two of his statements, and then we can go into executive session.

Mr. KING. Let me say to the Senator that if the Senator from North Carolina [Mr. SIMMONS] is not ready in the morning to proceed, I shall resume the floor. If he is ready to proceed, when he concludes I shall take the floor, and the Senator can reply to me then, if he prefers, or he can do so now.

Mr. McCUMBER. I will do it now.

Mr. KING. Very well.

Mr. McCUMBER. Mr. President, I have never thought it necessary in any kind of an argument to go down on my knees to any class of people in the United States. I try to be fair in the presentation of a tariff bill, the same as in the presentation of any other bill.

There may be those, even good Republicans, who think that all we have to do is to pass a tariff bill and the American people will immediately jump into the seventh heaven of prosperity. There may those who believe, as does the Senator from Florida [Mr. FLETCHER], that no benefit will inure to the American people from a protective tariff. On those two subjects we may differ. I do not claim that a tariff bill will produce everything that every enthusiastic tariff man or manufacturer may think it will produce.

I never thought for a moment that it was bending the knee to say that $2,000,000,000 would not buy $4,000,000,000 worth of goods. It never occurred to me when I presented the fact that under the present condition of the country, when the agriculturist was not receiving any more money than he did in 1914, and when another third of our population were not receiving any greater number of dollars after paying their rents and taxes than they received in 1914, that they could not pay any more out than they received, and I considered it rather timely to intimate that in order that all of these two-thirds may buy the same quantity of goods the prices of those goods would have to go down to meet their ability to purchase them.

It never occurred to me that I was crying or that I was asking anybody to be merciful. Every man will sell his goods for all he can get for them, but he can not get for them a dollar more than his purchaser has in his pocket to pay for them.

I think the manufacturers in the United States have done exceedingly well since 1920 in reducing the cost of their products. I am not complaining that the retailer has not reduced his prices to the same extent the manufacturer has reduced his. The retailer, purchasing his stock at a higher price, may feel that it is necessary for him to hold up the old prices at least until he gets rid of his old stock, but, in either event, they both will have to be governed by the law of supply and demand, and the law of supply and demand means that the one who purchases must have the money to meet the supply, and if the cost of a supply is twice the size of his pocketbook he can only buy half of that supply.

I thought I was making it clear that it was necessary to reach that condition before we could buy the entire product of the mills or the capacity of the mills. I considered that I was not far out of the way in presenting that condition, which exists to-day in the United States.

I think no Senator has the right to say of me that I am begging of anybody, not even of the Senator from Utah, for any favors. I think he must agree with me that I very properly placed the rule that would govern the opening of our markets; that we had given the American manufacturer and the American laborer an American market; had given him his opportunity or at least a chance in his own market. Then it is up to him to produce at a price at which the American people could purchase all the American mills could produce.

That is not begging and that is not getting down on your knees and asking anybody to be merciful. No principle of mathematics has any mercy in it. It is simply a matter of pure logic as applied to the matter of trade.

I do not think all people who make a success in life are per se wicked. I think we are all a great deal alike. I think we are, nevertheless, governed by the law of supply and demand. We try to prevent the foreigner from importing such an index of goods into the United States as shall so increase the quantity as to drive the price below the cost of American manufacture. We have to keep the mills going and the farms going and people at work. That is the theory on which we are working.

Some may not agree with me in the matter of protection. I am not complaining that they do not. I consider that they are acting honestly. It never occurred to me that they were down on their knees, that they were begging, because their views differed from mine. I do not agree with the Senator from Utah, for instance, that we must trade with a country on even terms, practically, in order that both of us may be prosperous, and that we must always buy where we sell. If the Senator will go back and look over the trade statistics of the commercial intercourse between foreign nations and the United States, he will find that, with the exception of three years, since 1879 the balance of trade has been in favor of the United States. In the case of Great Britain we have sold hundreds of millions, and even as high as nearly $2,000,000,000 more to her than she has sent to the United States. In only one instance during all of that period since 1898 have we had less than three hundred millions of a balance of trade in our favor.

We sell to Great Britain. Of course, she must make the money somewhere else. She may get it from India; she may get it from Africa or South America; but we are not looking for the source of her money. We are hunting for markets, and she will not buy from us unless she can buy at better advantage from us than she can anywhere else. That is all there is to that law of trade.

Let us consider the tariff question as Senators who really believe that there is just as much integrity in the heart and mind of one Senator as in those of another, and that we may differ without having any sinister motives charged to us. I think the principle of protection is better for the industries of this country. I can see a great many arguments which can be made in favor of free trade, but whatever those arguments may have been in times past, I think this would be the worst time in the history of the country for the American people to change the policy of protection to American industries.

Mr. President, I think the Senator who accused me of being a supplicant should not have made that statement. The Senator knows me too well to believe even for a moment that I would approach either an individual or a class in that spirit.

Mr. KING. The Senator from North Dakota knows that heretofore upon the floor of the Senate I have paid tribute to his courage and his lofty patriotism, and I would not for the world impute to him any lack of courage upon any occasion. When I spoke of his supplicatory speech, it was more by way of

general interpretation that some would place upon it, and with some humor, rather than a serious insistence that my friend, who is so courageous here and elsewhere, and whose courage I hope will be rewarded by his nomination for the Senate, because he is so useful, had acted in other than a courageous manner. I am sure he will not attribute to me any desire to challenge his integrity, his courage, his ability, or his high sense of honor.

Mr. McCUMBER. I want to thank the Senator and to say to him that cold print does not always indicate the humor of an expression, and I have to meet it as the cold print would look.

Mr. FLETCHER. Mr. President, I take it, of course, that the Senator did not imagine that by calling attention to his remarks as I did I attributed any sinister motive or any other improper motive to the Senator when he was making that speech. I referred to it because, in the first place, I think it a perfectly frank statement, and one altogether creditable to the Senator. I mentioned it because it seemed to me very largely to answer his argument in favor of this bill. He recognized, as I gathered from that argument, that the bill would make the tariff duties so high that the manufacturers of this country would be limited really in their demands only by the ability of the consumer to pay.

I do not think that is the right standard, and I do not think we ought to put it in the power of the manufacturers to charge for their goods such prices as they might see fit to charge, limited only by the power of the consumer to buy the goods.

The statement is made by the Senator to-day very much in line with that position, as I understand it, that he was appealing to the manufacturer upon the basis that there could be no business done if the power to purchase the goods did not obtain and there would be no goods sold, there would be no goods of the manufacturer taken by the consumer where the consumer did not have the money to pay for the goods. What I am trying to suggest is whether or not it is a wise thing to build a tariff wall so high that the consuming public will be in the power of the manufacturer and we would have to depend upon our appeals to them to deal fairly and justly with their customers.

Mr. McCUMBER. I wish the Senator would leave out the word "appeal."

Mr. FLETCHER. Well, argue to them.

Mr. McCUMBER. I am not appealing to them.

Mr. FLETCHER. I mean appeal, of course, in the broad sense.

Mr. McCUMBER. I am simply stating that $2,000,000,000 will not buy $4,000,000,000 worth of goods.

Mr. FLETCHER. Well, argue to them, then. Ought we to enact a piece of legislation that will work provided the manufactures, for whose benefit the legislation is enacted, will so conduct themselves as to rid themselves of selfishness and greed and enable everybody in the whole country to be considered and dealt with justly. Is it a wise thing to trust them? Are we not depending upon a vain hope if we give the power to those protective interests to impose upon the public to their own advantage and benefit, exclusive of the general good? If we give them the power to do it, are we not depending, as I said, upon a false basis, a basis that we can not safely rest upon at all, to say that we can reason with them, we can argue with them, we can show them how it would be bad policy to indulge their ability to impose upon the public, and thereby we can get along satisfactorily with everyone?

Mr. McCUMBER. Mr. President, let me reply to that suggestion. We are giving them no such opportunity. If there was no competition between manufacturers in the United States, and if then we raised practically an embargo against the importation of products, of course the argument would be in point. But we have both of those factors in the United States. We have our competition for our home markets for the most part between very many manufacturers. We have tried, and I believe that we have succeeded, to write the bill in such a manner as to permit a reasonable amount of competition for imported articles along every line. If I could be shown that, outside of the dyes, as to which the licensing system is continued, the bill will cut off the importation of any class of goods, I would be in favor of an amendment.

But now let us look at the situation, and to which I direct my remarks at all times. The manufacturers in the United States as a class are not making money to-day. They all made it in 1920, some in 1921, but in most instances the profits are very meager in 1922 and in the latter part of 1921. They have been running on a high-wage scale. The wages are perhaps almost double what they were in 1914. The cost of the raw material would average at least 75 per cent higher than in 1914. When we produce with that higher price labor and that higher cost of raw material, we can not reduce down to the old standard, but it is necessary that it come down.

Unless the purchasing price of the agriculturists and the thousands of salaried people and clerks go up, it is necessary for other prices to come down in order to run our mills at their full capacity. There is more profit in running at full capacity than there is at half capacity, even though manufacturers receive almost double price for what they sell. The remarks which I made in the opening were directed along that line, that we might raise the tariff wall to the skies and still it would not enable our farmers to buy any more unless they got more for their products, and we sought to protect them as much as a tariff law can protect. I admit that in some instances the protection can be but little and in some instances it is greater, but I could not ask even the manufacturers to drop down suddenly. Their laborers would not stand for it. They could not do it if they would try to.

But I did suggest that wages and prices must come down gradually until we can get the purchasing public and the producing public on an equality. That was not begging. That was putting the facts just as they are, and in all this I tried to help the American laborer, who is also a purchaser and a consumer, to continue the very best wages that can be paid; the American farmer, who is both a producer and a consumer, to secure just as much as he possibly can secure for his product. I am simply objecting, if the Senator will allow me, to the use of the terms that were used in describing the reasons for which I made that statement.

Mr. FLETCHER. Of course, I did not employ any of those terms and therefore no explanation is due under that head. I want to ask the Senator this question: He said the manufacturers are not making any profit and have not been for some two years past. The Senator does not attribute that to importations. If we concede that the manufacturers of the country are not to-day, and have not been for a year or two past, making profits it is not because of the importations of products from foreign countries. That is a thing we want to effect by the tariff. We want to restrict and limit importations. It is not the incoming of products from foreign countries that is causing manufacturing to languish, as the Senator seems to indicate.

Mr. McCUMBER. I admit that the principal cause at present, up to the present time, is the inability of the great consuming public to pay the prices of products as they are to-day. I am trying to be perfectly fair in that.

Mr. WILLIAMS. Mr. President, in so far as manufactures are languishing in the United States to-day at all—and they are not languishing to any very alarming extent—the cause of it consists not only in the fact that the American consumer has not the purchasing power, but it consists to a very much larger extent in the fact that the foreign consumer has lost his purchasing power.

So far as the farmers of the country are concerned, if we were to divide their present distress into five equal factors, we would find at least four of those factors which contribute to agricultural distress and depression consisting of the inability of Europe and Asia to purchase. That is owing to the fact that even in the present depression of agriculture in the United States the farmer has raised so much more than was sufficient for American consumption that he was compelled to export a price-fixing surplus.

How is the purchasing power of the foreigner to be restored? In the first place, of course, it must be by legislation in foreign countries, in so far as legislation anywhere has anything to do with it, and it has not much to do with it anywhere. But it must be chiefly owing to the fact that the foreigner restores normal conditions of production, transportation, and exchange, and thus recovers a part of his former purchasing power. The moment he recovers a part of his former purchasing power he restores to the American farmer a part of his former selling power, and this recovery of selling power can not be accomplished in any other way.

Now, what is the remedy, in brief and in summary, offered by the Senators of the protective school?

It is to help the foreigner pay what he owes and restore his exchange and trade with the world by cutting off to the utmost extent of our legislative power his capacity to sell to us; in other words, to raise the walls of the tariff to such an extent that at the customhouse we meet his goods with a veto, absolute or suspension.

How can he pay? He has not the money; he has not the credit; he has nothing but his labor; and his labor is represented in the markets of the world by his products, so that he can pay only with his products. Now you are trying to meet

a situation where the American farmer chiefly and the American manufacturer partially are confronted with the lack of a market in Europe and Asia and Africa by denying to the foreigner a right to pay his debts here and to buy his goods here with money procured by selling his products here. Is not that true?

On one hand you are attempting to pass a great ship subsidy bill. It is, by the way, the first time in the history of the country that any man advocating it has dared even to call it a "subsidy"; you are trying to do that with a view of encouraging the foreigner to send his goods to our ports, and on the other hand you are saying to him through your tariff bill, "But if you do get your goods here, if an American merchant marine can bring them here, we will meet them at the port with a customhouse officer who will refuse to let them in or who will hamper their introduction to our market and sale in it by an increased cost."

Mr. President, to use the much-abused word "normalcy"—how are you going to return to "normalcy"? Are you going to do it by isolating the United States not only in its international relations, politically speaking and economically speaking, but by isolating it industrially at the same time? Are you going to say to the world, "We are willing to sell you anything we have; you are not paying us enough; we wish you would pay more; but we are not willing to let you sell us anything that whereby we can help you pay or buy?"

Under the worship of the false goddess Protection—who is really the goddess of protectionism, one of the numerous false goddesses that go with "ism" at the end of their names—we are saying to the world, "We would like to have your trade; we would like to have you pay us the billions of dollars that you owe us; we know you have not the money; we are not willing to credit you, because you have not the securities to render us safe in extending you credit; we know you can not pay except in products; we know that you can not support your labor in peace without revolution unless it is well enough paid; we know that if it is well enough paid its products must sell to a large extent in our markets and in the other solvent markets of the world"; and yet we want to throw a still higher Chinese wall about us, higher than the rates of the Dingley bill, as is confessed by the proponents of the pending measure.

Mr. President, some time ago I said upon the floor that I saw but one way to do what a great many Americans seem to want to do—isolate ourselves—and that was somehow or other to exterminate the populations of the other countries of the world, to get rid of them, and to get rich by swapping jackknives among ourselves. We can not do that. I do not care about the particular items of taxation under this bill; it is the general principle involved about which I am concerned; the utter stupidity, the utter stultification of attempting to carry on a profitable international commerce without permitting the other nations to sell us much of anything by making it too expensive for our suffering consumers to buy much of anything.

Above all things this bill has been chiefly constructed—I will not say with the idea of deluding the farmer; I will not say that, because I know at least one Senator upon the Finance Committee, who is the chairman of the committee, who would not attempt to delude the farmers, who, if he knew it, would not try to fool them, who, if he knew it, would not take any advantage of them; so I will not say that it is constructed with the idea of deluding the farmer; but it is constructed under a self-delusion of benefiting the farmer.

How are you going to benefit a man who can not sell his cotton, and his wheat, and his corn, and his other commodities, because the man who under normal conditions takes the surplus in foreign commerce and buys it can not now buy because he has neither cash nor credit, by saying to him, "We close our markets almost hermetically to your products, to the fruits of your labor, to the only thing in the world with which you can either pay or buy"? Must not my cotton, then, year by year sell for less because its price is fixed by the price of the surplus in the world's market? Must not the wheat of the Senator from North Dakota sell for less and less the longer this condition exists for the same reason, although not in the same degree, and yet for the same reason in kind, to wit, that the price of his wheat depends also to a great extent upon the price of the surplus which he sells abroad?

If you want to raise the price which the foreigner can pay for the surplus you must enable the foreigner to sell something. Where is he going to sell it? Are you going to leave bankrupt Russia, crippled Germany, devastated France, hampered Belgium to restore themselves to normal conditions by selling to one another? Mr. President, that time passed within 251 years after the discovery of America when that could happen. The prosperity of Europe began then to depend upon their colonial and foreign trade, even then there came into being the great transoceanic market for them, and they became at the same time the great market for the people who inhabited the countries which were across seas, and their greatest market became these United States of America and Canada and Australia and other countries of the New World enjoying great prosperity for the masses in comparison with Europe. That condition exists to-day.

Mr. President, if Canada and the United States and South America and Australia were all to unite in a common policy of restricting to the utmost possible degree all importations from Europe into their respective countries, Europe would either starve or go into revolutoin in 12 months' time; her statesmen could not help it.

What does this bill purport to do? It purports to "protect" manufacturer, agriculturist, everybody in the United States. Mr. President, in the first place, no bill is possible for human ingenuity to draft which can protect everybody without at the same time taxing everybody. If you protect me just as much as you do the Senator from North Dakota, and if you protect the wheat of the Senator from North Dakota and my cotton in no higher measure than you protect the products of the manufacturer of Massachusetts, and if you protect the mining properties of the West and of Pennsylvania to exactly the same extent that you protect the textile products of Massachusetts and the agricultural products of North Dakota and of Mississippi, then you have drawn up a bill which results in what? Merely in swapping dollars, minus the cost of administering the law; that is all. If you protect my constituents by the operation of law so that they can get 20 per cent more out of the constituents of the Senator from North Dakota and of the Senator from Massachusetts and of the Senator from Pennsylvania than my constituents could otherwise get out of their constituents, and if you protect their constituents so that they can get out of my constituents 20 per cent more than they could get without the operation of the law, and if you protect everybody else everywhere—the producers of Louisiana sugar, of Florida oranges, and of California lemons—so that they can get 20 per cent more out of all of us than they otherwise could get without any law, you have just given each one of us 20 per cent at the expense of each one of the balance of us, and you have swapped the money from one pocket to another, minus the cost of paying the salaries of the men who administer the law and collect the taxes, and minus the general overhead expenses and the added transportation costs which would necessarily come from the added value or, rather, artificial price of the product in the American market. There is no escape from that conclusion. There is nothing new about it, except that it is new in its application to present conditions.

The other day I noticed—and it was somewhat pathetic to me—that my friend, the Senator from North Dakota, said that his committee had undertaken a most difficult task. Mr. President, that is true. Any man who attempts the impossible has a difficult task. It is impossible in the present abnormal condition of the world, agriculturally, industrially, militarily, and politically, to frame any bill that will not be out of date within 12 months. The wise thing to have done would have been to recognize the fact and to have taken courage in hand and said: "It is beyond the ability of the human intellect to frame any bill at this moment, whether upon a protective theory or upon a tariff-for-revenue theory, that will answer the purpose beyond a year or two." Better let things work themselves out to some sort of stability. You can measure still water, but you can not for the life of you measure a mountain torrent's present capacity so as to be able to say what that capacity will be next week, unless you can control the snows and the rainfall. The stream is moving; it is revolutionizing itself; it is cutting banks; it is going now more swiftly, and now more gently. That is the present condition of the world's trade; and the wise thing to do would be to do nothing until you can at least halfway find out what to do.

PROMOTION OF TRADE IN CHINA—CONFERENCE REPORT (S. DOC. NO. 193).

Mr. CUMMINS submitted the following conference report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment

as follows: In lieu of the matter proposed by the Senate amendment insert the following: "That this act may be cited as the 'China trade act, 1922.'"

DEFINITIONS.

"SEC. 2. When used in this act, unless the context otherwise indicates—

"(a) The term 'person' includes individual, partnership, corporation, and association;

"(b) The term 'China' means (1) China including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign Government, (2) the Crown Colony of Hongkong, and (3) the Province of Macao;

"(c) The terms 'China trade act corporation' and 'corporation' mean a corporation chartered under the provisions of this act;

"(d) The term 'Federal district court' means any Federal district court, the United States Court for China, and the Supreme Court of the District of Columbia;

"(e) The term 'Secretary' means the Secretary of Commerce; and

"(f) The term 'registrar' means the China trade act registrar appointed under section 3.

REGISTRAR.

"SEC. 3. The Secretary is authorized to designate as China trade act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this act shall be administered by him under the supervision of the Secretary; except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable.

ARTICLES OF INCORPORATION.

"SEC. 4. (a) Five or more individuals (hereafter in this act referred to as 'incorporators'), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

"(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

"(1) The name of the proposed China trade act corporation, which shall end with the legend, 'Federal Inc. U. S. A.,' and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

"(2) The location of its principal office, which shall be in the District of Columbia;

"(3) The particular business in which the corporation is to engage;

"(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

"(5) The duration of the corporation, which may be for a period of not more than 25 years, but which may, upon application of the corporation and payment of the incorporation fee, be successively extended by the Secretary for like periods;

"(6) The names and addresses of individuals, a majority of whom are citizens of the United States, and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors; and

"(7) The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and paid in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors.

"(c) A China trade act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business.

CERTIFICATE OF INCORPORATION.

"SEC. 5. The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this act have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of $100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this act, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China trade act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation.

GENERAL POWERS.

"SEC. 6. In addition to the powers granted elsewhere in this act, a China trade act corporation—

"(a) Shall have the right of succession during the existence of the corporation;

"(b) May have a corporate seal and alter it at pleasure;

"(c) May sue and be sued;

"(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

"(e) May make contracts and incur liabilities;

"(f) May acquire and hold real or personal property necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

"(g) May borrow money and issue its notes, coupon, or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and

"(h) May establish such branch offices at such places in China as it deems advisable.

SHARES OF STOCK.

"SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at par value only, and shall be paid for in cash or in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued each share shall be held to be full paid and nonassessable, except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof.

"SEC. 8. No share of stock of a China trade act corporation shall, for the purposes of section 7 or of paragraph (7) of subdivision (b) of section 4, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property.

BY-LAWS.

"SEC. 9. The by-laws may provide—

"(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for, the meetings, annual or special, of the stockholders or directors;

"(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China; and

"(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings.

STOCKHOLDERS' MEETINGS.

"SEC. 10. (a) Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail.

The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

"(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:

"(1) Adoption of the by-laws;

"(2) Amendments to the articles of incorporation or by-laws;

"(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

"(4) Authorization of the voluntary dissolution of the corporation; and

"(5) Authorization of application for the extension of the period of duration of the corporation.

"(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this act.

"(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar.

DIRECTORS.

"SEC. 11. The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China trade act corporation except such as are conferred upon the stockholders by law or by the artices of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable.

REPORTS AND INSPECTION OF RECORDS.

"SEC. 12. (a) For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

"(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this act. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation, and certificates received or issued by the Secretary under the provisions of this act. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed.

DIVIDENDS.

"SEC. 13. Dividends declared by a China trade act corporation shall be derived wholly from the surplus profits of its business.

REVOCATION OF CERTIFICATE OF INCORPORATION.

"SEC. 14. The registrar may, in order to ascertain if the affairs of a China trade act corporation are conducted contrary to any provision of this act, or any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the incorporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China trade act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings, the court may, at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

"SEC. 15. (a) For the efficient administration of the functions vested in the registrar by this act he may require, by subpœna issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within 50 miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The registrar or any officer, employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this section shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

"(b) In the case of failure to comply with any subpœna or in the case of the contumacy of any witness before the registrar, or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

"(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"(d) For the efficient administration of the functions vested in the registrar by this act he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China trade act corporation. Any person who upon demand refuses the registrar or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States.

"SEC. 16. In case of the voluntary dissolution of a China trade act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may in its discretion appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees.

REGULATIONS.

"SEC. 17. (a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this act.

"(b) That the Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary of the registrar to any person in the administration of the provisions of this act. All fees and penalties paid under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

PENALTIES.

"SEC. 18. No stockholder, director, officer, employee, or agent of a China trade act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer,

employee, or agent of a China trade act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement in any form stating the amount of the authorized capital stock without also stating as the amount actually paid in a sum not greater than the amount paid in. Any person violating any provisions of this section shall upon conviction thereof be fined not more than $5,000 or imprisoned not more than 10 years, or both.

"SEC. 19. No individual, partnership, or association, or corporation not incorporated under this act or under a law of the United States, shall engage in business within China under a name in connection with which the legend 'Federal Inc. U. S. A.' is used. Any person violating this section shall upon conviction thereof be fined not more than $1,000 for each violation.

JURISDICTION OF SUITS AGAINST CORPORATION.

"SEC. 20. That the Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by the act entitled 'An act creating a United States Court for China and prescribing the jurisdiction thereof,' approved June 30, 1906, as amended) to which a China trade act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbia, or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

"SEC. 21. Title II of the revenue act of 1921 is amended by adding at the end thereof a new section to read as follows:

'CHINA TRADE ACT CORPORATIONS.

"'SEC. 264. (a) That for the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China trade act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by individual citizens of the United States or China, resident in China, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

"'(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the commissioner (1) the amount which, during the year ending on the date of filing the return, the corporation has distributed as a special dividend to or for the benefit of such individuals as on the last day of the taxable year were citizens of the United States or China, resident in China, and owned shares of stock of the corporation, (2) that such special dividend was, in addition to all other amounts, payable or to be payable to such individuals or for their benefit, by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such individuals in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificate shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such individuals, and that the amount certified has been distributed in accordance with the method so provided.

"'(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

"'(d) As used in this section the term "China" shall have the same meaning as when used in the China trade act, 1922.'

"SEC. 22. Subdivision (b) of section 230 of the revenue act of 1921 is amended to read as follows:

"'(b) For each calendar year thereafter, 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 264.'

"SEC. 23. Subdivision (f) of section 236 of the revenue act of 1921 is amended by adding after the figures '262' the word and figures 'or 264.'

"SEC. 24. Subdivision (c) of section 240 of the revenue act of 1921 is amended by adding at the end thereof a new sentence to read as follows: 'A corporation organized under the China trade act, 1922, shall not be deemed affiliated with any other corporation within the meaning of this section.'

"SEC. 25. That section 2 of the revenue act of 1921 is amended by adding at the end thereof a new paragraph to read as follows:

"'(12) A corporation organized under the China trade act, 1922, shall, for the purposes of this act, be considered a domestic corporation.'

"SEC. 26. Subdivision (b) of section 213 of the revenue act of 1921 is amended by striking out the period at the end of paragraph (12) thereof and inserting in lieu thereof a semicolon, and by adding after paragraph (12) a new paragraph to read as follows:

"'(13) In the case of an individual, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a citizen of China resident therein and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.'

"SEC. 27. Subdivision (a) of section 216, paragraph (6) of subdivision (a) of section 234, and paragraph (3) of subdivision (a) of section 246, of the revenue act of 1921, are amended by inserting in each after the word and figures 'section 262' a comma and the words 'and other than a corporation organized under the China trade act, 1922.'

RESERVATION OF RIGHT TO AMEND.

"SEC. 28. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "An act to authorize the creation of corporations for the purpose of engaging in business within China"; and the Senate agree to the same.

ALBERT B. CUMMINS,
T. J. WALSH,
FRANK B. BRANDEGEE,
Managers on the part of the Senate.

A. J. VOLSTEAD,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

MEMORIAL OF GEN. ULYSSES S. GRANT.

Mr. WADSWORTH submitted the following concurrent resolution (S. Con. Res. 22), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

MEYSER B. SHEALY.

Mr. DIAL. Mr. President, I ask unanimous consent to call up for consideration a bill on the calendar, and if there is any objection to it I will withdraw it. It is House bill 7272.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from South Carolina asks unanimous consent out of order to proceed with the consideration of H. R. 7272, for the relief of Monroe B. Shealy. Is there objection?

Mr. LODGE. Let it be read.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Monroe B. Shealy, out of any money in the Treasury not otherwise appropriated, the sum of $414.66 for damages to his automobile by an Army truck belonging to the Government.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, April 25, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24 (legislative day of April 20), 1922.

UNITED STATES DISTRICT JUDGE.

John Foster Symes, of Colorado, to be United States district judge, district of Colorado, vice Robert E. Lewis, appointed circuit judge. (Mr. Symes is now serving as United States attorney, district of Colorado.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24 (legislative day of April 20), 1922.

PROMOTIONS IN THE ARMY.

William Henry Hay to be brigadier general.
Edmund Wittenmyer to be brigadier general.
Ira Adam Crump to be captain, Ordnance Department.
John Colford Daly to be captain, Cavalry.
John Joseph Campbell to be chaplain, with rank of captain.

POSTMASTERS.

CALIFORNIA.

Etta Thomas, Lost Hills.

GEORGIA.

Martha C. Vinson, Byron.
Jacob L. Roberts, Pinehurst.
Ezekiel E. Sego, Rebecca.

KANSAS.

William S. Smith, Rozel.

MISSOURI.

Anna A. Brown, Bunker.

UTAH.

John A. Israëlsen, Hyrum.
Reid H. Gardner, Lehi.
Victor A. Neilson, Magna.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 24, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we thank Thee that there is nothing that is able to separate us from divine love. We bless Thee that whatever is strong, excellent, or noble in us are the gifts of our God. For the promise and the beauty of the springtime, we give Thee thanks. Help us to be in harmony with all the signs and tokens which it suggests. Bless all instruments of usefulness and may they carry intelligence and justice to all. Stay the things that minister to evil and may they be suppressed and done away. Be gracious to all children and shield them from all enemies; give wisdom and direction to all parents and be the heavenly guest in the households of our land. Through Christ. Amen.

The Journal of the proceedings of Friday, April 21, 1922, was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, filed for printing, under the rule, conference report and accompanying statement on the bill (H. R. 9981) making appropriations for the Executive and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 103. An act for the relief of Morgan Miller;
S. 1245. An act for the relief of Robert June;
S. 496. An act for the relief of George A. Robertson;
S. 32. An act for the relief of contractors and subcontractors and material men who suffered loss by reason of Government orders;
S. 1655. An act for the relief of Orin Thornton;
S. 2372. An act for the relief of Alfred Sjostrom;
S. 2017. An act for the relief of John H. Gattis;
S. 1651. An act for the relief of Prairie View State Normal and Industrial College;
S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;
S. 151. An act to amend sections 4874 and 4875 of the Revised Statutes relating to compensation for superintendents of national cemeteries;
S. 256. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919;
S. 583. An act for the relief of Lyn Lundquist;
S. 2436. An act to amend section 25(a) of the act approved December 23, 1913, known as the Federal reserve act;
S. 3291. An act for the relief of Henry Cordes;
S. 3163. An act to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to athorize the purchase of sites for public buildings, and for other purposes";
S. 514. An act conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes;
S. 907. An act for the relief of Ellen B. Walker;
S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat., p. 437), to certain lands in Utah;
S. 2584. An act for the relief of John H. Walker;
S. 889. An act further to assure title to lands granted the several States, in place, in aid of public schools; and
S. 2743. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government, and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 4882. An act to provide for the application of the reclamation law to irrigation districts.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;
H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaiian National Park;
H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions;
H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;
H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;
H. R. 9671. An act to amend section 87 of the Judicial Code;
H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof;
H. R. 1009. An act for the relief of H. C. Mullins, his wife and minor children;
H. R. 3346. An act for the relief of the heirs of Oscar Chrysler; and
H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 103. An act for the relief of Morgan Miller; to the Committee on Claims.

S. 1245. An act for the relief of Robert June; to the Committee on Claims.

S. 496. An act for the relief of George A. Robertson; to the Committee on Claims.

S. 32. An act for the relief of contractors and subcontractors and material men who suffered loss by reason of Government orders; to the Committee on Naval Affairs.

S. 1655. An act for the relief of Orin Thornton; to the Committee on Military Affairs.

S. 2372. An act for the relief of Alfred Sjostrom; to the Committee on Claims.

S. 2017. An act for the relief of John H. Gattis; to the Committee on Claims.

S. 1651. An act for the relief of Prairie View State Normal and Industrial College; to the Committee on War Claims.

S. 151. An act to amend sections 4874 and 4875 of the Revised Statutes relating to compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

S. 256. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919; to the Committee on Claims.

S. 583. An act for the relief of Lyn Lundquist; to the Committee on the Public Lands.

S. 2498. An act to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

S. 3291. An act for the relief of Henry Cordes; to the Committee on the Public Lands.

S. 3163. An act to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes"; to the Committee on Public Buildings and Grounds.

S. 889. An act further to secure title to lands granted the several States in place in aid of public schools; to the Committee on the Public Lands.

S. 514. An act conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

S. 907. An act for the relief of Ellen B. Walker; to the Committee on Claims.

S. 2584. An act for the relief of John H. Walker; to the Committee on Claims.

S. 2742. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government, and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; to the Committee on the Public Lands.

S. 2493. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat., p. 437), to certain lands in Utah; to the Committee on the Public Lands.

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.; to the Committee on Interstate and Foreign Commerce.

LEAVE TO ADDRESS THE HOUSE.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for 20 minutes. Is there objection?

Mr. CAMPBELL of Kansas. Reserving the right to object, Mr. Speaker, on what subject?

Mr. HUMPHREYS. Porto Rico.

Mr. CAMPBELL of Kansas. On the resolution pending?

Mr. HUMPHREYS. Yes.

Mr. CAMPBELL of Kansas. Oh, that is such a debatable question——

Mr. HUMPHREYS. I wanted to get an opportunity to debate it.

Mr. CAMPBELL of Kansas. The gentleman has already debated it.

Mr. HUMPHREYS. I have some more observations to submit.

Mr. CAMPBELL of Kansas. I do not care to submit mine, and therefore I shall be constrained to object at this time.

The SPEAKER. Objection is heard.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

Mr. DYER. Reserving the right to object, Mr. Speaker, I wanted to inquire if there are not some bills here on which it will be necessary to go into Committee of the Whole House?

Mr. WHEELER. There are probably two.

Mr. DYER. Then, Mr. Speaker, temporarily I object until we get into committee.

The SPEAKER. Objection is made.

EXTENSION OF REMARKS.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the working of the prohibition law.

The SPEAKER. The gentleman from Colorado asks unanimous consent to insert his remarks in the RECORD as indicated. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. To-day the business of the District of Columbia is in order.

Mr. WHEELER. Mr. Speaker, I call up for consideration the bill S. 2616.

CONVEYANCE OF CERTAIN LAND.

The SPEAKER. The gentleman from Illinois calls up the bill S. 2616, which the Clerk will report.

The Clerk read as follows:

A bill (S. 2616) to empower the Commissioners of the District of Columbia to convey certain land.

The SPEAKER. This bill is on the Union Calendar.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman in charge of the District of Columbia Committee what has become of the bill that we had up last District day, on which there has been considerable debate, the bill known as the pawnbrokers' bill?

Mr. WHEELER. I will state to the gentleman that the chairman of the Committee on the District of Columbia is out of the city, and he requested that consideration of that bill be deferred until he returned. There seems to be some opposition to that bill, and so the committee, with that advice and in deference to the chairman, decided not to call it up.

The SPEAKER. Is there objection?

Mr. WALSH. I think this ought to be considered in Committee of the Whole. I object.

Mr. WHEELER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 2616. The question is on agreeing to that motion.

The motion was agreed to.

Mr. WHEELER. Has the gentleman from Kentucky [Mr. GILBERT] any request for time on this bill, S. 2616?

Mr. GILBERT. We would like to have an hour.

Mr. WHEELER. Well, Mr. Speaker, I ask unanimous consent that the time be limited to two hours, one half to be controlled by the gentleman from Kentucky [Mr. GILBERT] and the other half by myself, to be confined to the subject matter of the bill.

Mr. WILLIAMS. I object to that.

Mr. GARRETT of Tennessee. I object to the debate being confined to the bill.

Mr. WHEELER. Well, then, let us modify that request and limit the debate to two hours, half to be controlled by myself and one-half by the gentleman from Kentucky.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the debate be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Kentucky [Mr. GILBERT]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Ohio [Mr. BURTON] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 2616, with Mr. BURTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 2616. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to convey to the owners of the abutting property the land contained in the bed of Seaton Place and in

the bed of 8 Street east of Fourth Street NE., and extending to the line of the Metropolitan branch of the Baltimore & Ohio Railroad Co., in the city of Washington, D. C., upon the payment therefor to the District of Columbia of an amount not less than $1.50 per square foot, the amount so paid to be deposited in the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. WHEELER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. ZIHLMAN].

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes.

Mr. ZIHLMAN. Mr. Chairman, this is a Senate bill, unanimously passed by the Senate, which provides that the Commissioners of the District of Columbia be authorized to convey to the owners of the abutting property the land contained in the bed of Seaton Place and in the bed of 8 Street east of Fourth Street NE.

The subcommittee to which this bill was referred personally inspected this land. They find that it is a triangular piece of property abutting on the Metropolitan branch of the Baltimore & Ohio Railroad Co. The street is now closed by the railroad tracks running into Union Station, and all of the property on both sides of these two small plats of land is owned by the Sanitary Grocery Co., which desires to erect a large warehouse on this square. The Senate amended the bill to provide that the commissioners should not convey the land at less than $1.50 per square foot.

We took up the matter with the assessor's office of the District of Columbia and found that no land has ever been sold in that square for more than $1.40 per square foot; so that the restriction on the District Commissioners to convey this land at $1.50 per square foot is in excess of any price paid in that square. The land that is now lying vacant is shut off by the railroad company's track, and that portion of the land which rested in the bed of what was 8 Street is a small triangular piece, while the small tract in what was the bed of Seaton Place is 50 by 134 feet.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from Michigan.

Mr. CRAMTON. The gentleman referred to sales of adjacent property at $1.40 per square foot.

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. When was the last of those sales made?

Mr. ZIHLMAN. Some of them were made within the last few months.

Mr. CRAMTON. Can the gentleman state the reason why it is proposed to credit this money to the revenues of the District of Columbia rather than to miscellaneous receipts of the Federal Treasury? Is not the land the property of the United States?

Mr. ZIHLMAN. That is a debatable question, I will say to the gentleman. I have no knowledge as to why that language was inserted in the bill. I understand it is the usual language.

Mr. CRAMTON. There are some people in the District who are always protesting because the Federal Government owns half or more of the land in the District. Does not that include the land in the streets? What reason is there, if this sale is to be made, why the money should be turned over to the revenues of the District of Columbia?

Mr. ZIHLMAN. I presume it has been the custom to turn over to the credit of the District of Columbia in the Federal Treasury moneys received from lands of this nature. I have no fixed idea as to that. I have no objection to the gentleman modifying that provision by an amendment if he desires to do so.

Mr. McSWAIN. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from South Carolina.

Mr. McSWAIN. Were there any hearings had on this bill?

Mr. ZIHLMAN. No; the subcommittee inspected the land. There is no one interested that I know of, except the Sanitary Grocery Co., which owns the adjoining property. We took the matter up with the District Commissioners and with the assessor of the District of Columbia.

Mr. McSWAIN. We do not know whether other people would be interested or not if we should give them a chance to become interested.

Mr. ZIHLMAN. I will say to the gentleman that I do not think so.

Mr. McSWAIN. I should like to see this plat. The gentleman refers to this as a small piece of land. The word "small" is a relative term. Two acres would be small in Texas.

Mr. ZIHLMAN. Mr. Chairman, if there are no further questions to be asked, I will yield back the remainder of my time.

Mr. WHEELER. I will ask the gentleman from Kentucky [Mr. GILBERT] to use some of his time now if he desires to do so.

Mr. GILBERT. I yield so much of my hour as may be necessary to the gentleman from Kentucky [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] is recognized.

Mr. DYER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-nine Members present; less than a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Drewry	Kiess	Rhodes
Andrew, Mass.	Driver	Knight	Rossdale
Ansorge	Dunn	Kreider	Ryan
Anthony	Echols	Kunz	Sanders, Ind.
Benham	Ellis	Lampert	Sanders, N. Y.
Bird	Fairfield	Langley	Sears
Butler	Fenn	Lee, N. Y.	Shelton
Bland, Ind.	Fess	Lehlbach	Shreve
Bland, Va.	Fields	Logan	Sinnott
Blanton	Fish	London	Sisson
Bond	Focht	Lyon	Slemp
Bowers	Fordney	McArthur	Smithwick
Brand	Foster	McClintic	Snell
Briggs	Frear	McLaughlin, Nebr.	Snyder
Britten	Goldsborough	McLaughlin, Pa.	Stafford
Brooks, Pa.	Gorman	Maloney	Stiness
Brown, Tenn.	Gould	Mann	Strong, Pa.
Burke	Graham, Pa.	Mansfield	Sullivan
Burroughs	Greene, Mass.	Mead	Sweet
Butler	Griest	Michaelson	Swing
Castrill	Griffin	Montoya	Tague
Chalmers	Hardy, Tex.	Moore, Ohio	Taylor, Ark.
Chandler, N. Y.	Henry	Moore, Va.	Taylor, Colo.
Clark, Fla.	Hickey	Morin	Taylor, N. J.
Classon	Hicks	Mott	Taylor, Tenn.
Cockran	Himes	Mudd	Tinkham
Codd	Hogan	Newton, Mo.	Towner
Cole, Iowa	Hudspeth	O'Brien	Trendway
Cole, Ohio	Husted	O'Connor	Upshaw
Collier	Hutchinson	Olpp	Vare
Connell	Jefferis, Nebr.	Paige	Voigt
Connolly, Pa.	Johnson, Miss.	Perlman	Volk
Copley	Kahn	Petersen	Ward, N. Y.
Crago	Kelley, Mich.	Porter	Wingo
Cullen	Kelly, Pa.	Pringey	Winslow
Darrow	Kennedy	Rainey, Ala.	Wood, Ind.
Deal	Kiess	Rainey, Ill.	Woodyard
Dempsey	Kindred	Reber	Wyant
Doughton	Kirkpatrick	Reed, N. Y.	Yates
Drane	Kitchin	Riddick	

The committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill S. 2616, and finding itself without a quorum, he had ordered the roll to be called, whereupon 271 Members responded to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. JOHNSON of Kentucky. Mr. Chairman, during the last two or three District of Columbia days in the House the time has been spent in discussing what is known as the pawnbrokers' bill. That is on the calendar as unfinished business. Much has been said about it and much misinformation given. A diligent propaganda is at work on one side of this question. I served 14 years on the Committee on the District of Columbia, during 8 years of which I was chairman. I have grown up with this matter; and, feeling that I know the history of it, I deem it best that the House should have the benefit of that history.

Some years back, in 1913, the gentleman from Missouri [Mr. DYER] introduced a bill for the purpose of regulating the loan sharks. That bill was referred to the District Committee; was reported to the House; and, with some amendments, became law. That bill now is the law relative to the lending of money in the District of Columbia, except such as is loaned by bankers, building and loan associations, and perhaps some others.

But one important feature, and the most important feature of this controversy, has never been given to the public. We have in Washington what is known as the Monday Evening Club, the membership of which is composed of some of the best people in the world and some of the ugliest. [Laughter.] That organization has been taken advantage of for the purpose of exploiting and helping along an unsavory scheme. One important fact to be borne in mind is that upon one occasion a man by the name of Exnicios, then a loan shark in the War Department (first hearing, page 76), joined the Monday Evening Club. About the same time a man named William H. Baldwin, then an employee in the Department of Corporations (first hearing, page 46), also joined the Monday Evening Club. Through the management of these two men a man by the name of Hamm, from New York, interested in extending societies all over this country for the lending of money to small borrowers, came to Washington and

appeared before the Monday Evening Club and made a speech. (Second hearing, page 46.)

Accompanying him and also making a speech before the Monday Evening Club was a man whose name has been given in the hearings merely as "Mr. Finley," from Baltimore (second hearing, p. 46). I understand that he was president of a loan association in Baltimore. I said his residence was in the city of Baltimore. I am informed that since he appeared before the Monday Evening Club with Mr. Exnicios and Mr. Baldwin he has been sent to the penitentiary for stealing money from one of these loan societies. I understand that recently he has been released before the expiration of his term. But Mr. Baldwin and Mr. Exnicios are still here. Except for these two men I believe there would be little opposition to this bill.

Who is Mr. Baldwin? My information is that he came first from Ohio with a good reputation; but, after leaving Ohio, he fell into the hands of this bunch of money lenders here in Washington, and is now their main reliance. Who is he? He himself gives his residence as New York (second hearing, p. 44), but spends his time here, not to lower the rate of interest but to raise it. He lives in New York, so he says, where, I understand, the rate of interest is 10 per cent a month; but he appeared before the good people of the Monday Evening Club as seeking to destroy the loan-shark business in Washington, but really for the purpose of increasing rates rather than lowering them. On coming to Washington he passed through the city of Philadelphia, where, I am informed, the rate is 10 per cent a month; but he did not stop there to regulate rates. He passed through Baltimore, where again, I understand, the rate is 10 per cent a month. He passed them unnoticed in his work for humanity, came to Washington, and stopped within a few hundred yards of the Virginia shore, where, again, 10 per cent a month is the legalized rate. But I may say, if I am correctly informed, that at the other end of the bridge no loan has been made by that pawnbroker at exceeding 3 per cent a month. But Mr. Baldwin passes through those cities, and comes within a few hundred yards of the Virginia shore to regulate the rate of interest.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Ohio. The gentleman does not intend to leave the impression that Mr. Baldwin is asking for a bill providing for 10 per cent interest?

Mr. JOHNSON of Kentucky. No; I do not. I intend to leave the impression in the House that Mr. Baldwin seeks to double the rate of 1 per cent a month and to exclude others, thereby destroying competition in lending money to small borrowers.

Mr. Baldwin appeared on two different occasions before the District Committee—in 1913, 1914, or 1915, I forget which was the first time, and again in 1920—when the bill now before the House was being prepared. In answer to questions, he said that his residence was in New York. (Second hearing, p. 42.) He said that he was not a wealthy man, that he had no occupation and no business other than promoting the schemes to which I have just made reference. (Second hearing, p. 42.) When he was before the committee last I noticed that he had a young woman by his side, and that he had a great mass of papers before him. Whenever he wanted a paper that young woman was so familiar with them that she could turn to the papers he had before him and hand him any paper instantly that he wanted. I said to him:

> Mr. Baldwin, you have a great mass of stuff before you, typewritten, and you have a young lady here by your side who is so familiar with them that she can turn to any paper you need and hand it to you in an instant. May I ask you in what capacity she is here with you?

He replied that she was his secretary. I said:

> I hesitate to inquire into your private affairs, but may I ask you how much you pay her?

He said that he paid her $100 a month to help him. (Second hearing, p. 45.) Therefore, we have Mr. Baldwin living in New York, spending his time here lobbying for a bill which will exclude the pawnbrokers from entering into competition with Exnicios's company; not a wealthy man, having no business, no occupation, but employing out of his own pocket at $100 a month a secretary. If any gentleman wishes to know upon what page of the hearings the assertions which I am now making can be found, I hope I have before me sufficient memoranda to enable me to turn to the page and read Mr. Baldwin's testimony and that of others.

The act of 1913 passed and became a law, limiting the rate of interest to 1 per cent a month. Every small lender of money went out of business, every pawnbroker went out of business; but shortly thereafter Mr. Exnicios, who was running the loan-shark business while he was a clerk in the War Department, set up an outside institution, and it is that institution that all these years Mr. Baldwin has been defending and protecting and sending out erroneous propaganda for.

Virginia at one time was called the mother of Presidents. I believe Ohio now challenges the title; but however that may be, the Monday Evening Club is the mother of officials for the District of Columbia. During the administration which preceded the present one very few appointments were made to official positions in the District of Columbia that the appointee did not come out of the Monday Evening Club. The Commissioners for the District of Columbia, corporation counsels for the District—every position nearly that you can name—came out of the Monday Evening Club, and it was to the Monday Evening Club that these gentlemen, with sinister designs upon the public and for selfish purposes, went to obtain influence.

Mr. Baldwin, in giving his testimony, stated that neither he nor anyone associated with him relative to Mr. Exnicios's loan concern was in any way, directly or indirectly, concerned in the loan business, or in the lending of small sums, as I prefer to put it. One of the best women in all the world—Mrs. Hopkins—belongs to the Monday Evening Club; and, to give Baldwin and Exnicios standing in the community, she in some way or somehow was made a member of a so-called "citizens' committee." Mr. Baldwin testified that in no way was he connected with the loan concern, and to bolster up his case he brought this good woman before the committee to file her as an exhibit, or else to have her make statements which perhaps might not be sufficiently inquired into to develop the real situation.

When Mrs. Hopkins testified about Mr. Exnicios she said that he was associated with the Russell Sage Foundation, which lends money all over the country to the smaller loan concerns and they rob the public with it. The Russell Sage Foundation! We know how that great fortune was amassed. Since you all know, and since because of circumstances I decline to say, I shall drop it with that. Mrs. Hopkins in testifying said, "We now have 32 remedial loan associations," and then she seemed to doubt her own statement. She then turned to Mr. Baldwin as if for confirmation; and finally Mr. Baldwin said, "Thirty-four." (First hearing, p. 100). Therefore his statement stands contradicted by as good a woman as lives, and who, in my judgment, has been imposed upon with the other good people of that club to foster and push along this Exnicios scheme. Many of you have received communications from Mr. Baldwin on a stationery across the top of which was either printed or engraved, I remember not, "The Citizens' Association," and those communications have been signed by William H. Baldwin as chairman or president, I forget which, of the "Citizens' Association." Every one of you who has received one of those letters, every one of you who has heard him testify at hearings, every one of you who has seen his articles in the local newspapers, every one of you who has seen reference made to him as "chairman of the Citizens' Association" believed there was such a thing in existence. The cold matter of fact is that there is no such association, there is no such committee, and Mr. Baldwin is the self-constitutor of the thing to which he subscribes himself. (Second hearings, pp. 43, 52–54.) There is no such concern at all. That fraud daily is being practiced upon you and is daily being practiced upon this community.

On the evening when Mr. Exnicios and Mr. Baldwin and Mr. Hamm, from New York, and Mr. Finley, recently of the Maryland Penitentiary, met down here at the Monday Evening Club that club appointed a committee of five persons to look after remedial loans, and in response to the speeches of Mr. Hamm, from New York, and Mr. Finley, recently from the penitentiary, they made Mr. Baldwin the chairman of the committee of "five." Mr. Baldwin himself admits that for a while he sailed before this public as the chairman of that committee of "five" (second hearing, p. 52), but later along he abandoned that and struck out for himself independent of the Monday Evening Club (p. 52), and he appointed a committee of 20 of the reputable citizens of this city with which to surround his own name, in order that the Exnicios concern might be able to continue extortion from this public. Mr. Baldwin admitted that the so-called "citizens' committee" is self-constituted (p. 52). When he had gotten away from his committee of five, as he himself admitted under cross-examination before the committee, he commenced to pick out various and sundry people (second hearing, pp. 52–54). Ambassador White was before the committee, or Mr. Baldwin had Ambassador White before the congressional committee to give tone to his self-constituted committee. When Mr. White was asked how he became a member of the committee he did not know exactly how, but that somebody had said to him that he was to be a member, and next his name was found upon their letter heads and stationery. Then there was Mr. Galliher, president of one of the banks downtown, who was also a member of the committee. He came before the committee at the

request of Mr. Baldwin, but after he had sat in the room and heard the testimony that was being given relative to the matter, to his praise, after a few words in support of a pawnbrokers' bill, he got up and walked out; and as he went out—but this does not appear in the record—he said to somebody that he did not know the exact nature of the matter in controversy, and away he went. Mr. Galliher said, however, that he did not get his appointment from the Monday Evening Club, but that Mr. Baldwin asked him if he would be interested in a proper pawnbrokers' bill. He answered affirmatively, in substance. Then, ipso facto, he became a member of Mr. Baldwin's self-constituted "citizens' committee" (p. 65).

Now, let us get down to a more material thing. Mind you, now, that the District Building was filled with people from the Monday Evening Club—commissioners, attorneys, and many others. When this 1 per cent a month law went into effect all the money sharks closed up. A man by the name of Horning was running a pawnbrokers' shop down at Ninth and D Streets. He said that he could not operate under the 1 per cent a month. He went over to the other end of the Highway Bridge and on Virginia soil set up a pawnbrokers' shop. Then he was a little too far away for the patrons of such institutions to reach him conveniently. Then he advertised that all those who wished to go over to his place for the purpose of transacting business would find an automobile at his old stand at Ninth and D Streets and that this automobile of his would take them across the river free of charge, where they might transact their business and then be returned. A warrant was gotten out for Mr. Horning upon the suggestion of Mr. Baldwin. Horning was arrested, the charge being that he was doing a business in part in the District of Columbia by soliciting; that he used his automobile to send contemplated borrowers across the river that there they might borrow. He was tried for that offense and acquitted. In a little while he was arrested again. Mr. Baldwin was still persistent down at the District Building to get Horning into such legal trouble as he might. While he knew the fact, as I will state presently, that his man Exnicios was charging an illegal rate, he never sought to have Exnicios arrested. But Mr. Horning was arrested a second time and tried and acquitted upon this charge. He had now been tried twice and acquitted.

Then Mr. Baldwin went to one of the assistant corporation counsel whose name appears in the hearings, and then he went to the judge of the court. The judge and the assistant corporation counsel, before a warrant was issued, before an information was filed, agreed together exactly what the judge was to do when the information should have been filed, after the arrest, and when the man was brought to trial. When he was brought to trial, there, upon motion of the assistant corporation counsel, or without motion—I am not sure—the judge quashed the information, so that the man could not have the right of trial by jury, as he had had upon these two former occasions. Then that case was taken to the upper court. The upper court held that the actions of Mr. Horning in running his automobile across the river for the purpose of carrying prospective borrowers was a violation of the law. Then the case came back to the original court. This man Horning was then put upon trial for the third time before a jury. The jury was instructed, and retired. After they had been out some hours and had not reached a verdict, the judge sent for them to come into court. They came, and he insisted that they should find a verdict. They went out again and were gone hours, when he called the jury back and insisted they should find a verdict. Then, after they had been out 11 or 12 hours the court called them back, and again he gave them instructions. I will read you the instructions that he gave the jury which found Horning guilty. Here is what he said to the jury:

> The court of appeals has decided that such course of dealing is a violation of the law. Their decision is binding upon me and upon you alike. It is my duty to be controlled by it. It is your duty under your oaths as jurors to accept as correct and be governed by the exposition of the law which I give you. In a criminal case the court can not peremptorily instruct the jury to find the defendant guilty. If the law permitted it, I would do so in this case. In conclusion—

Says the court—

> I will say to you that a failure by you to bring in a verdict in this case can arise only from a willful and flagrant disregard of the evidence and the law as I have given it to you and a violation of your obligation as jurors.

Then Mr. Davis, counsel for Mr. Horning, interrupted and said:

> I except, if your honor please, to this as a peremptory instruction to the jury to render the verdict, and give notice on that ground that I shall take the usual course as prescribed by statute.

Then the court said (second hearing, p. 275):

> Of course, gentlemen of the jury, I can not tell you in so many words to find the defendant guilty, but what I say amounts to that. The facts proved before you are in accord with the information. The court of appeals has said that that constitutes a violation of the law, and that is all there is to the case.

As a matter of course, Horning was convicted. Now, in the existing law there is a provision which says that if a man has ever been convicted for violating that law that never thereafter shall he be granted a license to do business in the District of Columbia.

There are two bills pending, the present bill, relative to pawnbrokers, and the one sailing under the mimomer of being the "commissioners' bill." But even if it could be called a commissioners' bill, it came from the Monday Evening Club, through the District Building, from the guiding hands of Mr. Exnicios and Mr. Baldwin, alias the "citizens committee," to the commissioners, with the recommendation that the rate be increased. (P. 202). Mr. Baldwin does not want this bill passed, because if it should pass, then Mr. Horning, who was convicted under the instructions I have just read, can not come back into the District of Columbia and do business at the rate provided in the bill.

Mr. ROSE. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. ROSE. I have been very much interested in the details of these several trials of Mr. Horning, and was waiting to see whether his attorney would take exception to the ruling of the court. Was that the end of the case?

Mr. JOHNSON of Kentucky. No; it was not. Mr. Davis, the attorney for Horning, took it to the Supreme Court of the United States.

There, by a divided court, the court said in substance that no wrong had been done the defendant by the instructions, because the information, which in our country we call the "warrant," had set up facts that they thought constituted an offense.

The opinion was rendered by only five of the court. It was dissented from by Mr. Justice White, Mr. Justice Brandeis, and, perhaps, Mr. Justice Holmes, and the other I do not remember. But now, mind you, with this conviction brought about in this way, if Mr. Baldwin's bill should be passed Horning can not come back into the District and do business. This is a selfish movement on the part of Mr. Exnicios and Mr. Baldwin to crowd out of the District of Columbia everybody except Exnicios's concern.

The accountant from the Interstate Commerce Commission, E. R. Leibner, appeared before the committee and testified that one of Exnicios's loans had been presented to him; that he had figured it out, and that it showed a rate of 22 per cent. (P. 37 of first hearing.) Mr. Baldwin testified that according to his figures it was only 16.2 per cent that Exnicios, his protégé, was getting. (Second hearing, p. 48.) Therefore Mr. Baldwin knew that he was upholding a concern that was doing an unlawful business.

During the hearings it was brought out beyond any sort of controversy that Exnicios's concern was doing an unlawful business. I say that even Mr. Baldwin admitted that he was getting 16.2 per cent. Then the discussion was running along lines of why Horning was prosecuted and why Exnicios was not.

A member of the police force, Lieutenant Evans, had had something to do with it theretofore, and he testified. His testimony can be found on page 305 of the second hearings which were had. Without taking the time to read all of Lieutenant Evans's testimony, he testified that he went down to the District Building; that he went to the corporation counsel and told him how Exnicios's concern was violating the law. He went to the assistant corporation counsel and told him how the law was being violated by Exnicios; and he demanded a warrant for Mr. Exnicios's arrest. Then Mr. Stevens, who is now the present corporation counsel, was appealed to for his opinion as to whether Exnicios was doing a lawful or an unlawful business. He pronouncedly said that Mr. Exnicios was doing an unlawful business. But Mr. Stevens was not then corporation counsel. He was merely an assistant, and associated with him was the other assistant corporation counsel, who had arranged with the judge exactly what would be done to Horning before he was ever arrested, before the warrant was ever issued for his arrest. Lieutenant Evans came back to that committee and testified that the authorities there, in the face of that information and in the face of his demand, refused to let a warrant go for the arrest of Exnicios. Beyond any sort of question he was given protection by the authorities in the municipal building. The principal part of his testimony is on page 306 of the hearings to which I just referred.

Can any fair-minded man tell me why those upon whom the execution of the law is imposed should arrest Horning twice for the same offense, and, in addition, arrange for his arrest the third time, and also arrange for his conviction, and when an

officer of the law appeared before them and demanded the arrest of Exnicios, refuse to issue a warrant for his arrest?

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. ROSE. Are these charges of collusion which the gentleman is giving us against this judge and corporation counsel supported by testimony before the committee?

Mr. JOHNSON of Kentucky. Absolutely. (Second hearing, pp. 205-208.)

Mr. ROSE. Well, I have never heard anything to equal it in my life.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. STEPHENS. Is this gentleman still employed in the Army?

Mr. JOHNSON of Kentucky. Lieutenant Evans was not in the Army, he was on the police force.

Mr. STEPHENS. I mean Exnicios.

Mr. JOHNSON of Kentucky. He separated himself from the War Department, or they separated themselves from him. I do not know which; but he is out. Mr. Baldwin, who persecuted Horning and has the other man protected by the highest authorities in the District of Columbia, said on the witness stand that he knew the expenses of the Exnicios concern's salary and office expenses amounted to 12 per cent on their capital stock.

How, in the name of heaven, Mr. Baldwin, can you defend a thing as being within the law when you yourself state that the salaries and expenses of the concern amount to 12 per cent of its capital stock? (First hearing, p. 203.)

But that is not quite all of this unholy affair. Mr. Baldwin testified before the committee that he was familiar with the Exnicios company's affairs, and he knew that it could not make any money. In the face of his own knowledge Exnicios induced this good woman, Mrs. Hopkins, to prevail upon her own sister to put $500 of her savings in Exnicios's concern. (First hearing, pp. 109-111, 206.) In addition to that, he took in a minister of the gospel here in town, who put his money into that concern, so thoroughly had he intrenched himself before the public by associating the good men and the good women around him in this nefarious scheme. (First hearing, p. 120.)

Mr. WARD of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. WARD of North Carolina. It sounds from what the gentleman says as though Mr. Exnicios has got the key to the Augean stables. Does he propose any way to get it out of his hands and get the stables cleaned out?

Mr. JOHNSON of Kentucky. I want to say that the bill introduced by the gentleman from Missouri [Mr. DYER], which was the first loan-shark bill, was intended to get the loan sharks out, and it would have gotten them out even if it had passed without amendment. But I endeavored to see the rate of interest put as low as possible and made a fight in the committee that the bill should not be reported out giving a rate of interest above 1 per cent. They outvoted me in committee, and the bill as finally reported to the House permitted a rate of interest at 2 per cent a month. On the floor, perhaps with some help of mine, the 2 per cent rate was stricken out and the 1 per cent rate put in. Now, as long as the 1 per cent rate prevails every other concern excepting the protected one—Exnicios—is out of business in the District of Columbia; and as long as the other bill stands, Horning having been convicted, he can not come back; and as long as Mr. Baldwin has the pull that he has been exercising Exnicios's concern, which has always been under his protecting wing, will have the business without competition.

Mr. WOODS of Virginia. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Virginia.

Mr. WOODS of Virginia. Has the gentleman looked up the published statements of the assets of the Exnicios concern?

Mr. JOHNSON of Kentucky. Yes; I have.

Mr. WOODS of Virginia. Does it not show that the assets of that concern have quadrupled?

Mr. JOHNSON of Kentucky. Yes. They started out with $62,000, and they now have assets, according to their statement, of about $750,000. After the fight got so warm that it was uncomfortable for Mr. Exnicios and his protectors, Mr. Baldwin and the others down at the District building, he closed up that particular concern and called it by another name. He now calls it some sort of a banking concern. I forget what the name is, but my information is that the same old robbing scheme goes on.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. In what way do they secure business? How do they advertise it? Do they advertise as pawnbrokers?

Mr. JOHNSON of Kentucky. I can not answer the gentleman's question, but I say that if he has followed the columns of the local press, particularly one of them, he will see that every avenue for publicity has been given in favor of Mr. Exnicios's concern. You have seen articles in one of the afternoon papers here time and again in the last few weeks. Every one of those articles except one can be shown to have been written by Mr. Baldwin.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. Who is this Mr. Exnicios?

Mr. JOHNSON of Kentucky. His name is Exnicios; that is all I know.

Mr. COOPER of Wisconsin. Where does he live?

Mr. JOHNSON of Kentucky. I do not know.

Mr. COOPER of Wisconsin. Where does he work?

Mr. JOHNSON of Kentucky. I do not even know his address, but if the gentleman will get the name of his banking institution—and I can get it for him—he will find it, no doubt, in the telephone book.

Mr. COOPER of Wisconsin. Is he the man that the gentleman said was a clerk in one of the departments?

Mr. JOHNSON of Kentucky. He was a clerk in the War Department, and according to the admission of Mr. Baldwin, and I think of Mr. Exnicios himself, was running a loan-shark business while in the War Department (first hearing, p. 76).

Mr. ROSE. I merely want to state, if the gentleman will allow me, that a gentleman by the name of Exnicios is now taking a very prominent part in the prohibition enforcement. I do not know whether it is this man or somebody else.

Mr. JOHNSON of Kentucky. I do not know, but I will venture to make this assertion without fear of contradiction, that if Mr. Exnicios, or Mr. Baldwin either, can associate himself with any number of good people who are on the popular side of any question he will be found knocking at the door for admission.

Mr. COOPER of Wisconsin. I understood the gentleman to say that this man Exnicios is the head of this corporation.

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. He is the president of it?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. He is the president of that $750,000 corporation at this time?

Mr. JOHNSON of Kentucky. That is what they say.

Mr. COOPER of Wisconsin. He is the head of it?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. How can he consistently be in Government employ?

Mr. JOHNSON of Kentucky. But he is not now in Government employ.

Mr. COOPER of Wisconsin. I understood the gentleman to state that he is.

Mr. JOHNSON of Kentucky. No; I stated clearly that he has been separated from the Government service.

Mr. ROSE. I wanted to have that matter cleared up on account of the work that a gentleman by the name of Exnicios is doing in prohibition enforcement in the State of Pennsylvania.

Mr. JOHNSON of Kentucky. In my opinion, he is working every State he possibly can.

Mr. ROSE. I mean the Mr. Exnicios I have in mind.

Mr. TEMPLE. I think it ought to be clearly understood that the Mr. Joseph T. Exnicios in Washington and the Mr. John Exnicios, prohibition-enforcement officer in Pittsburgh, are two different men.

Mr. ROSE. That is what I wanted to have cleared up.

Mr. JOHNSON of Kentucky. I said I did not know anything about that part of it.

Now as to the propaganda you have seen in the papers: This genuinely good woman, Mrs. Hopkins, recently had an article in the paper urging the defeat of this bill and the passage of the other which would put Horning out of business and give the exclusive right for loans here to the Exnicios company.

Mr. UNDERHILL. Does the gentleman contend that Horning ought to come back into the District and do business here?

Mr. JOHNSON of Kentucky. I am not making any contention about that just now. I am telling the history of the

scheme. Horning is better, and does a cleaner business than Exnicios does.

Mr. UNDERHILL. Is there any other feature of the present law that is objectionable to the gentleman, with the exception of the limitation of the rate of interest to 1 per cent a month?

Mr. JOHNSON of Kentucky. How is that?

Mr. UNDERHILL. Are the other provisions of the law——

Mr. JOHNSON of Kentucky. Which law?

Mr. UNDERHILL. The present law, which provides only 1 per cent a month—are any of the other provisions of that law objectionable to the gentleman?

Mr. JOHNSON of Kentucky. No; I think not. Oh, yes; under the present law two violations of the law must be shown in order to convict for "being in the business."

Mr. UNDERHILL. Then why all this fuss? Why can not that bill simply be amended by striking out 1 per cent and inserting 2 per cent and allowing each one to do business?

Mr. JOHNSON of Kentucky. That is just exactly the thing that Exnicios and Baldwin want done. They want to strike out 1 and get 2. They are already getting nearly 2, and if that were done God knows where they would go to; they have been getting 22 under the law now, and then they would get 44 from the way they are doing it.

Mr. UNDERHILL. If the gentleman has all that information, is not the district attorney's office the place to lodge it and put these people out of business?

Mr. JOHNSON of Kentucky. How under the name of high heaven is that going to be done when Lieutenant Evans went down there ready to swear out a warrant and they would not let him do it?

Mr. UNDERHILL. Does the the gentleman imply that that was done with the knowledge and consent of the district attorney?

Mr. JOHNSON of Kentucky. The district attorney has nothing to do with it. The counsel for the District of Columbia, called the corporation counsel, and the assistant corporation counsel are the ones that handle this business. I was about to say that this good woman, Mrs. Hopkins, had been prevailed upon to issue a statement in the paper. Then Mr. Gude issued a statement in the paper as a part of the propaganda. Mr. Gude's name appears in Mr. Baldwin's self-constituted committee—the "citizens' committee"—which is not in existence and never has been. Mr. Baldwin gives the business location of the so-called citizens' committee as at his own private residence here in Washington. As I say, Mr. Gude gave a statement. I know Mr. Gude; he is a flower man. In his part of the propaganda he goes into detailed statements, and he quotes the hearings and gives the pages where such and such things can be found. I believe that I know as well as I am standing here that Mr. Baldwin wrote it. He is a digger. He will dig into archives to find anything that he needs as a lobbyist, and he will search until he finds, if it can be found. Mr. Gude does not say in a newspaper article what he wishes to say; he says it "with flowers." Mr. Gude does not know anything more about this matter or what was in that paper than does the man in the moon.

Another piece of propaganda has been issued by the then corporation counsel defending the bill for which Exnicios and Baldwin stand. He endeavors to defeat the one that has come before the House as a compromise measure from the Committee on the District of Columbia. He, so Lieutenant Evans says, refused to permit Exnicios to be prosecuted. One of the assistant corporation counsel who was in the office when this warrant was applied for and denied also has been helping along in that propaganda.

Mr. MILLSPAUGH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MILLSPAUGH. Just for information, I would like to ask is this Mr. Gude the same Mr. Gude that was a member of the Rent Commission?

Mr. JOHNSON of Kentucky. I think so. And I might say that Mr. Gude is the same man who several years ago came before the Committee on the District of Columbia in behalf of the erection of a bridge across the river from the steel mills to the other side, and who sat on the opposite side of the table from me, and to whom I put a number of questions, and then went out and denied that he had ever been there or had ever seen me.

Mr. REED of West Virginia. Is it not true that this Mr. Gude died a few weeks ago?

Mr. JOHNSON of Kentucky. Not that I know of.

Mr. REED of West Virginia. He kept a flower store.

Mr. JOHNSON of Kentucky. There are two of them.

Mr. REED of West Virginia. One of them died a few weeks ago.

Mr. JOHNSON of Kentucky. I want to say that I did not recall that any Mr. Gude had died or I would not have referred to him. Whether it is this man or not, I plead ignorance as to his death and apologize for having mentioned him if he be dead. But dead or alive there appeared in one of the papers only a few days ago the article which I said I believed was written by Mr. Baldwin.

But to get back to where I was. The propaganda comes from the very people themselves who have kept the hands of the law off Mr. Exnicios and his concern; while he and his lobbyist demand the passage of the other bill and the defeat of this.

This is a pawnbrokers' bill and confined only to pawnbrokers. It provides that for the first $35 the pawnbroker may charge 3 per cent a month and over and above $35 a smaller sum, into all of which it is not now necessary to go.

Let me tell you more about this Exnicios concern. Everybody testifying before the committee stated that there is no possible way where a small sum of money can be borrowed (p. 207, first hearing, and p. 42, second hearing). The average loans of the Exnicios concern run from $60 up to $125 (p. 207). The Exnicios concern would not lend to a negro (p. 109), neither would it lend small amounts. It is in the testimony before the committee that the Exnicios concern up to this time had loaned $585 in $5 sums (p. 207); that it had $200 loans in $10 sums that would amount to $2,000. So out of the $750,000 they have got in this business they have $2,585 invested in $5 and $10 loans. Where is the negro or the white man or anybody else who is in destitution to get a $5 or $10 loan if you do not let the pawnbrokers loan it? If you allow this concern of Exnicios to control the money-lending business, where are they to get small sums? The borrowers of small amounts have been driven to secondhand dealers. Instead of taking a watch or a ring and getting a few dollars on it as their destitution may call for, the poor are compelled to go with furniture to the secondhand dealer and there borrow. One of those whose names appear upon Mr. Baldwin's literature testified that one should be permitted to mortgage his bed (p. 65). And yet the propagandists for this philanthropic (?) concern are insisting that nobody but Exnicios shall do business in the District of Columbia in making small loans.

As my time is about to expire, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The hour of time of the gentleman from Kentucky [Mr. GILBERT] has expired.

Mr. WHEELER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, I do not rise at this time to discuss the pending pawnbrokers' bill, because I am frank to say that I do not know very much about the measure. My purpose in rising at this time is to say a word in behalf of Mr. Baldwin, who has been attacked on this floor by the gentleman from Kentucky who just preceded me. For many years I have known William H. Baldwin. My first recollection of him goes back to the time when as a little chap I attended the Sunday school where he had a large class of boys who would gather around him every Sunday afternoon. His splendid Christian spirit and manhood left an impression upon these boys which I am sure will never be forgotten. For many years he was a prominent business man and manufacturer of eastern Ohio, contributing much to the building and promoting of the great industrial district in which I live and have the honor to represent in Congress at this time. He is now one of the trustees of the Western Reserve University, located in Cleveland, Ohio, and only a short time ago his name was mentioned in connection with the presidency of this splendid institution of education.

Mr. William H. Baldwin is known from one end of the country to the other for his philanthropic work, for the unselfish service that he has rendered for the benefit of mankind. He has spent thousands of dollars of his own money in going from one end of this country to the other trying to better the conditions and to build up communities and make them better places in which men and women can live. I do not know anything about the so-called loan shark bills, but knowing Mr. Baldwin as I do, I want to say to the Members of this House that with my personal knowledge of him, knowing his honesty and fine splendid character, I can not stand by and hear it intimated that he is now in the District of Columbia trying to put through some crooked deal relative to a pawnbrokers' bill which has been reported and is now on the House Calendar.

I believe a little later on the gentleman from Ohio [Mr. BURTON] who now occupies the chair will speak on this question. He knows Mr. Baldwin just about as well as I do, and I am sure that he will concur in what I have said about this man and the wonderful philanthropic and social work that he has carried on throughout the country in the last 20 years.

Mr. WHEELER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I am not acquainted with Mr. Baldwin, Mr. Exnicios, Mrs. Rogers, nor any of these people, but I am acquainted with the testimony offered before the committee regarding this pawnbrokers' bill. Just remember that this is not a loan shark bill, this is a pawnbrokers' bill. One would think that these philanthropists (?) who wish to establish a pawnbrokers' business in the District of Columbia are the benefactors of mankind, to hear them talk, but the particular interest which they displayed before the committee was that 1 per cent a month, 12 per cent a year, is not sufficient return on which to do business, insisting that they wanted 3 per cent a month, or 36 per cent a year, in order to make a dollar.

The gentleman who served so long on the committee, Mr. JOHNSON of Kentucky, when the Dyer bill was introduced, according to his own statements, opposed the 2 per cent which the Dyer bill carried and asked for a reduction to 1 per cent, which the House at that time established, and which is the present law. The law to-day covers every phase of the situation. It covers every requirement that is necessary to carry on and control the pawnbrokers' business. The only thing that everybody seems to be united upon is that 1 per cent a month is not a sufficient return to the pawnbroker to induce him to do business. Any Member of this House who would offer an amendment to the present law replacing the 1 per cent with 2 per cent would accomplish all that is desired in this long bill. Not another thing is necessary, and I say it is my firm conviction that if a pawnbroker can not do business successfully and profitably on 2 per cent a month, we ought not to inflict that philanthropist on the community.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SIEGEL. While the New York Philanthropic Organization in New York charges only 1 per cent a month and has conducted a very successful business there for a number of years, why can it not be done here? What is the difference between their conducting their business in New York and a similar business being conducted in a city like Washington?

Mr. UNDERHILL. Oh, there is hardly a large city in the country to-day that is not blessed with some banking organization, such as the Morris plan, or which does not have credit loan associations carried on by large business organizations, in some instances by wealthy men and in some instances by philanthropic men. It was almost disgusting to have these good people come before the committee and plead for the poor man and then, when you ask them if they had tried to do anything toward forming one of these associations, to hear them say that they had never concerned themselves about the matter.

In the city of Boston the pawnbrokers have been practically driven out of existence, not by legislation but by the establishment of these organizations. There were formerly scores of pawnbrokers in the city of Boston, and I believe now there are less than ten.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. COOPER of Ohio. Can the gentleman from Massachusetts tell us how many there are in the business here in the city of Washington?

Mr. UNDERHILL. According to the testimony offered before the committee, none.

Mr. COOPER of Ohio. Does the gentleman know whether or not Mr. Horning, just over the bridge, is doing a land-office business in the pawnbrokerage business?

Mr. UNDERHILL. It was so stated, and it was also denied.

Mr. COOPER of Ohio. Could the gentleman inform the committee as to just what bill Mr. Baldwin is back of?

Mr. UNDERHILL. I never heard of Mr. Baldwin until this afternoon.

Mr. COOPER of Ohio. I understand that he is back of a bill which has been indorsed by the District Commissioners, by the citizens' committee on remedial loan law, and also by the Washington Chamber of Commerce. They have all gone on record indorsing the bill which I believe Mr. Baldwin favors, which provides for 2 per cent a month.

Mr. UNDERHILL. I shall not deny the gentleman's assertion. I know nothing to the contrary. I take the position that this whole bill, all this discussion, all this time is practically wasted, that one little action on the part of anybody who is enough interested to do it, in the form of an amendment to the present law, substituting 2 per cent for 1 per cent, would accomplish all that is desired and all that is necessary.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. JOHNSON of Kentucky. The gentleman from Ohio [Mr. COOPER] a moment ago, in addressing a question to you, said that this bill behind which Mr. Baldwin stands had been indorsed by the citizens' committee. The gentleman from Ohio evidently was not in the House or did not understand me when I said there is no such committee. It is self-constituted by Mr. Baldwin. He prints false stationery and falsely signs himself, and then—I may be misinformed about it, but I have been told that—when the chamber of commerce or the board of trade or whatever it was that indorsed his so-called commissioners' bill met, there were only 13 members present, and they had been asked to be present by Mr. Baldwin and his associates.

Mr. UNDERHILL. Mr. Chairman, I am not interested or influenced by the citizens' committee or the chamber of commerce or any other organization. I draw my own conclusions. There is so much legislation passed in consequence of what is called "propaganda" that it is a disgrace to our form of government. We no longer legislate on the merits of a bill; we legislate almost entirely upon the amount of pressure which can be brought to bear through legitimate channels for or against various bills.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. TINCHER. Can the gentleman specify legislation that has been passed by Congress in consequence of propaganda?

Mr. UNDERHILL. Yes; the maternity bill and the bonus bill; two of them.

Mr. TINCHER. That is the legislation that the gentleman is ashamed of his associates for passing?

Mr. UNDERHILL. Yes; I am rather ashamed of it.

Mr. WOODS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WOODS of Virginia. There are two classes of loans—one that of the pawnbrokers and the other the small loans?

Mr. UNDERHILL. Yes, sir.

Mr. WOODS of Virginia. Now, is it not the judgment of the gentleman and of the District Committee that for the small loan 1 per cent a month is sufficient, whereas the pawnbroker is hampered by being required to make reports and things, and he does not do business on 1 per cent per month, so that there is no necessity for increasing the rate of interest charged on the small loans, according to the Morris plan and all that? The amendment simply allows the small-loan man to charge more than he is entitled to, whereas on that same rate the pawnbroker can not exist.

Mr. UNDERHILL. I am not in favor of either one of the propositions.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MILLSPAUGH. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. I would be glad to yield if I had the time.

Mr. WHEELER. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. UNDERHILL. I yield to the gentleman from Missouri.

Mr. MILLSPAUGH. The gentleman spoke of the amount of legislation passed here as the result of propaganda. Did he mean to include the rent bill in that?

Mr. UNDERHILL. That has not passed.

Mr. MILLSPAUGH. Oh, yes; twice.

Mr. UNDERHILL. It is awaiting action.

Mr. COOPER of Ohio. The only thought I had in calling the attention of the committee and of the gentleman to the action of the chamber of commerce and the citizens' committee and the District Commissioners in indorsing the 2 per cent bill was this, that the gentleman from Kentucky [Mr. JOHNSON] tried to leave the impression on the minds of the members of the committee that there was no one back of this bill, only Mr. Baldwin and his friend, Mr. Exnicios, whatever the name is.

Mr. UNDERHILL. My impression is that the men behind this bill wanted to go into the pawnbroker's business and wanted to get 3 per cent per month out of the poor people of the community, and I am against it.

Mr. WHEELER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. BURTON. Mr. Chairman and gentlemen, I dislike to take part in personalities, and I think this House gives altogether too much of its time to little things. But I am here to enter a vigorous protest against the attack made upon Mr. Baldwin. If my neighbor's dog had been treated in such a way I would have gone across to defend him.

There is no man who has come out of Ohio who leads a purer life, with higher aims, than W. H. Baldwin. I do not think the breath of scandal or suspicion has ever been raised against him except upon the floor of this House to-day. I can not refrain from raising my voice against using the privilege which Members of the House of Representatives have to make a personal attack of that nature. Mr. Baldwin is at present on a sick bed, hovering between life and death. The last 20 years of his life he has given to philanthropic work. He was the promoter here of a bill which has now been followed by numerous States, requiring the registration of tubercular patients. The doctors at first opposed it, but after its passage here it has become a model in other States. He is the treasurer and actively interested in the Anti-Tubercular League of the United States.

Oh, how touching it is, the appeal that has been made for this martyr, Mr. Horning, who is doing business over in Virginia, where they can charge 10 per cent a month. Let us hear what the Supreme Court of the United States said in regard to Mr. Horning and his business. I read:

> If an essential part of it is done there and a Washington office is used as a collecting center, it does not matter that care is taken to complete every legal transaction on the other side of the Potomac. We can not suppose that it was intended to allow benefits so similar to those coming from business done wholly in the city to be derived from acts done here and yet go free. We are of opinion that upon the undisputed evidence the defendant was guilty of a breach of the law.

That breach of the law was that he put a sign up over his Washington office, inviting applicants for pawnbroker's loans to go over to Virginia, where he could charge any rates.

The appeal is made that there is a provision in the old law that one who has been convicted of a crime or offense under it can not engage in business again. Ordinarily that is a very salutary provision.

Now, let us eliminate Mr. Exnicios, this bogey man who is brought up here. I do not know him. I do know that Mr. Baldwin has stated to me that he has now no connection or association with him, and I believe Mr. Baldwin in that respect. I do not see how Mr. Exnicios could make these illegal loans here in the District, because, as I recall, the penalty for usury is the forfeiture of the whole debt. There may have been an increase in his deposits from $600,000 to $700,000. I do not care about that; but what is all this to-do about? A law was passed here in 1913 providing that on pawnbrokers' loans and on loans of less than $200 the maximum rate of interest allowed should be 1 per cent a month. That law has proven absolutely ineffective. Special rates are allowed for loans of that kind in other jurisdictions. Mr. Reginald Heber Smith, who has given a great deal of study to this subject, has put out pamphlets in which it is stated that the amount that should be charged is 3½ per cent a month. The Sage Foundation favors that rate. I do not believe it. I think 2 per cent is the rate that ought to be adopted here in the District of Columbia. Mr. Baldwin favors a law, and so does everyone in the District with whom I have talked, and so do the District Commissioners, and so do the legal force, and so does the unanimous voice of the newspapers—and I think we will hear from this discussion in the press of the city before many days—favor a law by which the rate of 1 per cent a month, which has proven impracticable, may be raised to 2 per cent a month.

The CHAIRMAN (Mr. MAPES). The time of the gentleman has expired.

Mr. BURTON. I should like five minutes more.

Mr. WHEELER. I yield to the gentleman five minutes more.

Mr. BURTON. The committee, whose bill apparently the gentleman from Kentucky [Mr. JOHNSON] is defending, bring in a bill here recommending 3 per cent for loans of $30 and less, or $35, I have forgotten which, and above that a rate of 2 per cent. That treats only of pawnbrokers' loans. Now, I can not agree with what I think was the spirit of the question of the gentleman from South Carolina that the rate should be less on a loan of $200 or less where there is no security, where a great risk is taken, than where adequate security is taken, as by the pawnbroker. Mr. Baldwin favors a law limiting to 2 per cent loans of these two kinds. The committee has reported in favor of a rate of 3 per cent up to $35, which would include the great majority of the loans made to poor people, and because of that, because of his favoring a 2 per cent rate instead of 3 per cent, this flood of accusation and vituperation is emptied on Mr. Baldwin's devoted head.

I appeal to the justice of this House. How about the other side? In the hearings conducted a few years ago by the committee headed by the gentleman from Tennessee [Mr. GARRETT] it appeared that a slush fund, or whatever you may call it, of $5,000 was raised by Mr. Horning and his associates to defeat any legislation here. They were having a good time, and if they could not do business here they could go over into Virginia, where they could charge 10 per cent a month, as I understand the law to be.

Gentlemen of the committee, when we are discussing a subject, let us cling to cold facts. Let us compare these two measures. Let us seek to eliminate this flood of accusation, which does not have anything to do with it. Propaganda has been circulated, and a very able lawyer engaged at $5,000 or more, it was shown, to defeat this bill which Mr. Baldwin has brought forward, and I am afraid that, unconsciously perhaps, some Members of this House have been influenced by that coterie and that slush fund.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. JOHNSON of Kentucky. Does not the gentleman recall that the $5,000 to which he has just referred was paid to an attorney by the name of Davis?

Mr. BURTON. Yes.

Mr. JOHNSON of Kentucky. Who went before President Taft for the purpose of inducing him to veto the bill, but which the President did not?

Mr. BURTON. I did not understand from the hearing, and I do not think it will so appear, that it was limited to any special purpose. If they could raise $5,000 to get an attorney to go to President Taft for that single purpose, to urge him to veto a bill, it looks as if there were unlimited resources behind them, as if they were raising a great deal of money. Now, this discussion does not come up upon the bill that is before the House at all. It is interjected here. When we come to the so-called pawnbrokers' bill we will discuss it. I believe the Baldwin bill, supported by the District Commissioners, by Mrs. Hopkins, by those who have had the welfare of the people of the District at heart, will meet with your approval. My reason for rising here, Mr. Chairman, is that when reputation, the immortal part of a man is attacked, and attacked unjustly, I am ready to rise in my place to protest. [Applause.] That is all I have to say.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. JOHNSON of Kentucky. The gentleman speaks of interjecting speeches at this particular time relative to this subject. The gentleman himself some two or three weeks ago made a speech upon this subject.

Mr. BURTON. Yes.

Mr. JOHNSON of Kentucky. I wish to ask him who wrote a large part of the matter composing the gentleman's speech, and which went into the RECORD?

Mr. BURTON. I will assure the gentleman most decidely that no speeches go into the RECORD under my name unless they are written by myself. There was a memorial from certain associations in the District which was included, which was clearly shown on the face of the matter itself. The rest of the material was my own. I indulged in some dissertations about the general policy in regard to usury laws and said there were some arguments against them.

Mr. JOHNSON of Kentucky. The memorial to which the gentleman refers was an argument on this subject, was it not?

Mr. BURTON. Certainly.

Mr. JOHNSON of Kentucky. May I ask where the gentleman got it?

Mr. BURTON. It came from Mr. Baldwin.

Mr. WHEELER. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois has 28 minutes remaining.

Mr. WHEELER. I yield to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, a few days ago I saw a telegram from Mr. Barceló, the president of the Porto Rico Senate, addressed to the Resident Commissioner here, Judge FELIX CORDOVA DAVILA, in which he said that the Associated Press carried the information that Gov. E. Mont Reiley was to remain on the job in Porto Rico. In that telegram he said if that be true, the flag of mourning will be raised throughout the island of Porto Rico.

It occurred to me then to look up the record somewhat to see just what happened in 1898 when our troops entered Porto Rico, and I found that on the 28th of July, 1898, Gen. Nelson A. Miles,

major general, commanding the United States Army, issued this proclamation to the people of Porto Rico:

HEADQUARTERS OF THE ARMY,
Ponce, P. R., July 8, 1898.

To the inhabitants of Porto Rico:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the island of Porto Rico. They come bearing the banner of freedom, inspired by a noble purpose, to beat the enemies of our country and yours and to destroy or capture all who are in armed resistance.

I believe the general spoke the truth in that declaration. No soldier in the history of this world, no crusader, ever answered the call of his country inspired by a loftier purpose, or took up the gauge of battle in a more unselfish cause than did the men who came to the colors in 1898. We coveted nothing the Spanish Empire possessed. Her sins were against others, but out of the Caribbean there came a voice of the oppressed calling to us for succor, and though the cry was in an alien tongue, it begged for liberty and we understood and answered it.

Continuing, he said:

They bring you the fostering arm of a Nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence the first effect of this occupation will be the immediate release from your former political relations, and it is hoped a cheerful acceptance of the government of the United States. The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation. We have not come to make war upon the people of a country that for centuries have been oppressed, but, on the contrary, to bring you protection, not only to yourselves, but to your property, to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government. It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major General, Commanding United States Army.

That proclamation was issued by our commanding general some 24 years ago. Now I find in this message from the president of the Porto Rico Senate that they are about to fly the flag of mourning throughout the island. It would be interesting to note just what the conditions were when we landed in Porto Rico and how we were received.

On the 5th of December, 1898, President McKinley, in his message to Congress, said:

At most of the points in the island our troops were enthusiastically welcomed. Protestations of loyalty to the flag and gratitude for deliverly from Spanish rule met our commanders at every stage.

And Richard Harding Davis, who was with the Army, wrote:

The people of Ponce were certainly the most friendly souls in the world. Nothing could surpass their enthusiasm or shake their loyalty. * * *

The natives gave our men freely of everything; and the richer and better class of Porto Ricans opened a Red Cross hospital at their own expense and contributed money, medicines, cots, and doctors for our sick soldiers.

They did not raise the flag of mourning then, they raised the flag of mercy, the flag of brotherly love.

This was the welcome our Army received from the people of Porto Rico. I read further from the McKinley message to show what the conditions were there politically:

The system of civil jurisprudence now adopted by the people of this island is described by competent lawyers who are familiar with it as thoroughly modern and scientific so far as it relates to matters of internal business, trade, production, and social and private right in general.

This was the condition, Mr. Chairman and gentlemen, which obtained in Porto Rico when our invading Army landed.

Further on in this same message he says:

I have not thought it wise to commit the entire government of the island to officers selected by the people, because I doubt whether in habits, training, and experience they are such as to fit them to exercise at once so large a degree of self-government; but it is my judgment and expectation that they will soon arrive at an attainment of experience and wisdom and self-control that will justify conferring upon them a much larger participation in the choice of their insular officers.

Following this good lead, through 20 years Congress did from time to time enlarge the measure of their participation in the government of their island, and in 1917, believing that the judgment and expectation expressed by Mr. McKinley had been realized and that they had attained that experience and wisdom in self-control that would justify conferring upon them a much larger participation in their choice of insular officers, we enacted the Jones law.

During all these years until now the joy with which the Porto Ricans greeted our soldiers as their deliverers has found its full warrant in our experiences together, and, while they naturally, and it may be justly, believing themselves entirely capable of self-government, were sometimes impatient in their years of waiting for local self-government, the ties that bound them to our flag were strengthened and the spirit of Americanism, with all that it means to those who seek for liberty, grew increasingly with the process of the suns.

In commenting in his second inaugural, Mr. McKinley, then speaking of the Spanish War, said:

The result was singularly favorable to the American arms and in the highest degree honorable to the Government. It imposed upon us obligations from which we can not escape and from which it would be dishonorable to seek to escape.

I want to call especial attention to that particular paragraph in Mr. McKinley's message—"it imposed upon us obligations from which we can not escape and from which it would be dishonorable to seek to escape."

The Senate of Porto Rico, speaking the voice of Porto Rico, states to this House that the rights and the liberties that were given to them in the Jones Act, which is the organic act, are being denied to them—are being not only disregarded but are being taken away from them by the unlawful and unwarranted action of the Governor of Porto Rico. They ask us to investigate. They do not ask that we accept their unsupported declaration. They ask us to set up a tribunal before which they can appear and submit the proof; and the only answer we have made to them is that it is a matter for the Executive and not for Congress; that, regardless of these obligations, which Mr. McKinley acknowledged, we will pass the buck to the President.

Mr. Chairman, this is exactly the proceedure that was followed by Pontius Pilate, and I hope that he may be permitted to enjoy the monopoly of the glory and credit which go with that kind of conduct. He said he would wash his hands of his responsibility. Can we wash our hands more successfully of our responsibilities? The President of the United States did not give the rights and guaranties to Porto Rico contained in the organic act.

They were given by the Congress of the United States and they are being denied to these people now, if their charges are correct. What they ask is that a tribunal be set up before which they may appear and submit the proof. We were told the other day by the chairman of the Committee on Rules, who holds this matter in the hollow of his hand, that if the governor should make the request—or, rather, he strongly intimated that—that then an investigation would be had; but neither the governor nor any of his friends has appeared to make that request. The only answer we have from the governor is that all this trouble is caused because when he went there he raised Old Glory and hauled down the flag of Porto Rico. I deny that absolutely. The men who raised our flag in Porto Rico were the men of the Sixteenth Pennsylvania and the men of the Second and Third Wisconsin and their brave comrades, who fought on the battle fields in the hills about Coamo and in the mountain passes around Aibonito in 1898. They are the men who raised the flag in Porto Rico. [Applause.]

And now we see this Governor of Porto Rico, this counterfeit, this vice of governors, dressed in his little brief authority, cutting such fantastic tricks before high heaven as make the angels weep, walking up and down the earth proclaiming to a trembling world, "I did it." [Laughter.] I deny that. The flag which the Governor of Porto Rico has raised is not the Stars and Stripes. He pulled down the flag of Porto Rico in the presence of the people there and denounced it as a "dirty rag," but the only flag that has been raised there since he came that was not there when he arrived is the flag of mourning.

These gentlemen from Porto Rico, these officials, the senate, who alone can speak for Porto Rico, have made their charges against the governor, and have specified wherein he has violated their laws. They have filed their bill of particulars, and our only answer to them is that it will take too much time to make the investigation. We have had time and have investigated everybody else on the face of the green earth. Not only have we had the time, but we have had the money with which to do it. We have investigated the Shipping Board, we have investigated Hog Island, we have investigated Muscle Shoals, we have investigated aircraft production, and all of the infinite varieties of activities in the War Department at the expense of great time and much money, because we thought that somebody perhaps was taking some of our money away from us; but when the charge is made officially to us by our fellow citizens in Porto Rico, not that their money is being taken from them but that their liberties are being taken away, our answer is to them that we have not the time to make the investigation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. WALSH. Is this one of the offices the incumbent of which is liable to be subject to impeachment?

Mr. HUMPHREYS. It is. He is the governor, appointed by and with the advice and consent of the Senate. He is subject to impeachment when upon investigation we find that he is guilty of high crimes and misdemeanors.

Mr. WALSH. He is one trial for impeachment, when you find that out, is he not?

Mr. HUMPHREYS. Oh, no. We will find out, if we make this investigation, whether these charges be true or false.

Mr. WALSH. But impeachment is not usually preceded by an official investigation upon the part of the House. It is usually preceded by an investigation upon the part of somebody who, upon his responsibility, later rises and impeaches the official.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. GARRETT of Tennessee. I think perhaps the gentleman from Massachusetts [Mr. WALSH] is somewhat in error as to the modern practice. My recollection is that before a formal impeachment—that is to say, an impeachment by the Judiciary Committee itself bringing in the articles of impeachment—of a Federal judge in Georgia, there was a somewhat elaborate preliminary investigation made by a subcommittee of the Committee on the Judiciary, and I think the same thing is true in respect to the impeachment of Judge Archbald, from Pennsylvania. Those are two cases I recall in recent times, in which, before the formal articles of impeachment were filed with the House or adopted by the House, there was an extensive preliminary examination.

Mr. HUMPHREYS. That is all we ask for here. My resolution provides that the Committee on Insular Affairs make the investigation. Have we the time? Why, the Committee on Insular Affairs has not had a half dozen meetings since this Congress assembled in December, and there is no prospect that I know of, and I am a member of that committee, of our having any meetings in the future. We have nothing else to do. Why have we not the time to make this investigation to determine if these charges are true or false, so that the House may then proceed intelligently?

Mr. WARD of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. WARD of North Carolina. I understood the gentleman to say that the chairman of the Committee on Rules suggested the asking of an investigation by the governor himself. I ask the gentleman from Mississippi if the conversation between him and the chairman of the Rules Committee indicated to him that the chairman of the Committee on Rules was serious in suggesting that the governor under these circumstances would ever or could be expected to ask for this investigation?

Mr. HUMPHREYS. It was not a private conversation. It was a colloquy on the floor of the House which I had with the chairman of the Committee on Rules the other day. He said it would be impractical to make this investigation now to impeach the governor, because it would take too much time.

Mr. WARD of North Carolina. Has the gentleman information as to facts or policies of the Government or Congress upon which he thinks such an investigation can be seriously made, where the man under charges of that sort would be expected to ask the investigation himself before the Congress could act?

Mr. HUMPHREYS. Mr. Chairman, I have a very strong personal attachment for the gentleman from Kansas [Mr. CAMPBELL], and a very high regard for his ability as a Member. I would not say that what he said was not said seriously. I take it that it was said seriously; but the fact remains that there has been no investigation ordered, and neither the governor nor any of his friends have requested one. As I say, we investigated everybody in this country that we thought probably was taking some of our money, and now the grand jury in Porto Rico have met and after investigation officially suggested that possibly the governor and his auditor and his private secretary, whom he took with him all the way from Kansas City, might be guilty of misappropriation, or at least of the misuse of public funds. Under the system of criminal procedure there the grand jury makes a report to the court, setting forth the facts. That is turned over to the district attorney, and the district attorney frames an indictment. That indictment is then presented to the grand jury, and they indorse upon it either "dismissed" or "a true bill." This grand jury made an investigation and made a full report. For instance, they said that the governor had drawn $5,000 out of the public funds to pay the expenses of the trip to Washington, the expenses of himself and his retinue that he brought with him.

The round trip from here to Porto Rico on the steamer is $180. I do not know whether these facts are true or not. The grand jury, however, charged that he drew out of the public funds this $5,000, and after they began the investigation the governor came before them and said:

I have $2,000 of that money left—

Which he pulled from his pocket and exhibited—

and the reason that I have not made any account of it is because Judge Bonner, the former auditor, has not rendered an itemized statement of his expenses, but as soon as that is done I will make a report.

Judge Bonner said he told the governor to start with that he would not permit his expenses to be paid out of money from the public treasury, because it was an unlawful use of public funds, and that he was not going to render an expense account to him. He said he told the governor that to start with.

When they began to investigate the matter of the use of public funds for his household necessities they found he had drawn unlawfully some $1,500 for that purpose, but the governor sent a check to the treasury to cover that. The check was dated before the grand jury began its investigation, but for some reason it failed to arrive at the treasury until after the investigation had proceeded some days.

Mr. DAVILA. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. DAVILA. The gentleman knows that the Governor of Porto Rico removed the district attorney before the indictment was made ready to be presented to the grand jury?

Mr. HUMPHREYS. Yes; the story of that is, as I am advised, about like this: Under their law, as stated, upon the filing of the report of the grand jury in the nature of an information, the district attorney is required to prepare the indictment.

Before this was done the governor removed the district attorney. His statement is that he removed the district attorney because that officer came to him and asked to be assigned to some other position in the island. This fact is also attested by the attorney general, who was present at the conference. But on the day following this conference the governor wrote the district attorney to proceed with the indictment, and it was not until a day or two after that when the district attorney was preparing the indictment to be delivered to the grand jury that the governor removed him. The district attorney refused to vacate the office, because he claimed that under the law he could not be removed by the governor in this summary way. The governor thereupon sent the police to the district attorney's office and ousted him and took possession of all the papers in the matter which had been turned over to the district attorney by the grand jury.

Those are the facts as they have come to me in the newspapers and through other sources.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HUMPHREYS. Will the gentleman give me five minutes more?

Mr. WHEELER. I am sorry I can not, but I can give the gentleman three minutes.

The CHAIRMAN (Mr. BURTON). The gentleman is recognized for three minutes more.

Mr. HUMPHREYS. The judge of the court, who had just been appointed by the governor, thereupon dismissed the grand jury altogether, although the grand jury protested that they were not yet through with the business. Thus endeth the first chapter; and so the governor and the auditor and the private secretary remain unindicted.

Before I close let me read one more sentence from the last message which William McKinley ever sent the American people. In his second inaugural he said:

The American people, entrenched in freedom at home, take their love for it wherever they go, and they reject as mistaken and unworthy the doctrine that we lose our own liberties by securing the enduring foundations of liberty to others. Our institutions will not deteriorate by extension, and our sense of justice will not abate under tropic suns in distant seas.

God save the mark!

As heretofore, so hereafter will the Nation demonstrate its fitness to administer any new estate which events devolve upon it, and in the fear of God will—

Take occasion by the hand, and make
The bounds of freedom wider yet.

Once again, the cry comes to us out of the Caribbean, but this time the call is not in an alien tongue. It is the call of our fellow citizens. Will we heed it as we did that voice which called in '98?

Gentlemen of this Congress, occasion now stands before you and proffers her hand, to see if our sense of justice has been lost under tropic suns in distant seas. Will you take that hand so proffered or will you say, "Excuse me; we have not time?"

I thank you. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. WHEELER] has six minutes remaining.

Mr. WHEELER. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. RANKIN. Mr. Chairman, I wish to use the five minutes allotted to me to enter a protest, on behalf of the 600,000 ex-service men who are still carrying war risk insurance, against an order, or a statement, issued by the Veterans' Bureau recently, relative to the time in which their insurance policies may be converted.

In a pamphlet recently sent out by the bureau to those who hold these policies this statement is made:

The premium for yearly renewable term insurance increases with the age of the insured, and becomes prohibitive at the older ages. It was necessary, therefore, to provide for conversions into insurance at level premium rates. Provision was made in the original act for the conversion of the yearly renewable term (war-time) insurance into permanent United States Government life insurance at any time within five years after the date of the termination of the war as declared by proclamation of the President of the United States.

In that same article it is stated that—

It will be necessary, therefore, in order to retain life insurance with the United States Government, that the yearly renewable term insurance be converted on or before March 3, 1926, at which time all yearly renewable term insurance will automatically terminate.

I wrote to the Secretary of State to find out just when the war did terminate, according to the President's proclamation, and I have a letter from him including both proclamations, the one issued on November 14, 1921, terminating the war with Germany, and one issued on November 17, 1921, terminating the war with Austria-Hungary. In both of them it is stated that the war "terminated on July 2, 1921," instead of the 3d day of March, 1921. I took this question up with the Veterans' Bureau, and they replied that their ruling was based on the joint resolution of Congress, approved on March 3, 1921, nullifying certain laws, the termination of which was contingent upon the close of the war.

My contention is that that resolution does not cover war-risk insurance, and if it is made to do so it will be merely by a technical construction, thereby depriving these boys who have struggled along and kept up these policies of four or five months they are justly entitled to carry them at the present rate under the law. I do not feel that, as a Member of Congress who knows these facts, I ought to sit quietly by and acquiesce in this order or statement until these policies begin to terminate and the boys begin to raise the question, and then have it said to us that we admitted by our silence that this order was correct, because none of us protested at the time.

I shall introduce a resolution asking that July 2, 1926, be fixed as the date upon which these policies shall terminate unless they are converted into term insurance. A good many of these boys have strained a point to carry these policies up to now. They have gone through this period of depression, and a great many of them will never be able to convert their policies, because when this term lapses or expires then they are going to be forced, in a great many instances, to drop them.

I just wanted to enter my protest here and to say to the House that I expect to introduce a resolution asking that the date of the termination of these policies, or the last day on which they may be converted, be fixed not at March 3, 1926, but at July 2, 1926.

Let us give these boys the full benefit of the law and also the benefit of the doubt. [Applause.]

Mr. Chairman, I yield back the balance of my time and ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman yields back one minute.

Mr. WHEELER. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. MILLSPAUGH].

Mr. MILLSPAUGH. Mr. Chairman, I was a member of the subcommittee which went out to investigate the piece of land with which this bill deals, and found it was a part of a triangular piece of land, at present unoccupied, through which a street formerly ran, but it is now closed by the Metropolitan branch of the Baltimore & Ohio Road, and also a small apex of the triangle at the south, which was formerly a part of S Street. It would be very advisable, indeed, to dispose of this land, and the company to whom it will be sold propose to build a warehouse there, covering the entire tract, and utilizing it in that way instead of leaving it unoccupied, as it is at the present time.

Mr. SISSON. Will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. SISSON. I notice this money is to be paid into the District treasury. How did the District government get the title to this land?

Mr. MILLSPAUGH. An amendment will be offered to put it into miscellaneous receipts.

Mr. SISSON. That will put it into the United States Treasury then?

Mr. MILLSPAUGH. Yes.

The CHAIRMAN. Debate on this bill is exhausted. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to convey to the owners of the abutting property the land contained in the bed of Seaton Place and in the bed of S Street east of Fourth Street NE., and extending to the line of the Metropolitan branch of the Baltimore & Ohio Railroad Co., in the city of Washington, D. C., upon the payment therefor to the District of Columbia of an amount not less than $1.50 per square foot, the amount so paid to be deposited in the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. The gentleman from Missouri [Mr. MILLSPAUGH] stated that this was intended to cover a triangular piece of land, and also the apex of a triangle which is to be conveyed. I think perhaps he inadvertently stated that it was a triangular piece of land when he meant the rectangular piece of land which is now Seaton Place.

Mr. MILLSPAUGH. I intended to say that this sale covered a part of a triangular piece of land.

Mr. WALSH. Who is it expected will purchase this property, and is it to be sold at private sale or is it to be offered to the highest bidder?

Mr. ZIHLMAN. If the gentleman will permit me, it is my impression that under the language of this bill the District Commissioners are authorized to sell it at private sale at a price not less than $1.50 per square foot. They can sell it to the highest bidder if they see fit, or to the purchaser who offers the most money.

Mr. WALSH. But it is confined to the property owners abutting on the land contained in the bed of Seaton Place. The Baltimore & Ohio Railroad is one of the abutters. Who abuts on the other side of Seaton Place?

Mr. ZIHLMAN. The property of the Sanitary Grocery Co.

Mr. WALSH. On each side?

Mr. ZIHLMAN. On each side.

Mr. WALSH. So it must be either the Sanitary Grocery Co. or the Baltimore & Ohio Railroad?

Mr. ZIHLMAN. Yes; Fourth Street being on the other side.

Mr. WALSH. Does the gentleman believe $1.50 a foot is adequate compensation for land in that section—land bordering upon the railroad yard and also upon the public street?

Mr. ZIHLMAN. I will say to the gentleman that the committee took the matter up with the District officials, and the District assessor assures us that $1.50 is a very fair price for the land and is more than any land in the neighborhood has brought at either private or public sale.

Mr. WALSH. How long since there has been a sale there? That would make some difference. Has there been a sale there recently?

Mr. ZIHLMAN. There have been sales there within the past few months. The highest price paid for land in that section of which we can find any record is $1.40 per square foot.

Mr. WALSH. I suppose this land will be conveyed in accordance with the provisions of the District Code, under which the commissioners are authorized to give deeds?

Mr. ZIHLMAN. I presume so. They are authorized to convey to the purchaser, which I suppose they will do in regular form.

Mr. WALSH. What kind of a deed are they going to give—a quitclaim deed?

Mr. ZIHLMAN. I can not answer that. There is no provision in the bill as to that.

Mr. WALSH. I think the District Code has some provision that the District Commissioners in conveying land previously laid out or occupied for street purposes shall do so by means of a quitclaim deed. There is nothing in this bill to indicate that it is to come under the general provisions of the code, but I assume that the commissioners intend so to convey it.

Mr. ZIHLMAN. I presume so.

Mr. WALSH. Did the committee make any inquiry as to that?

Mr. ZIHLMAN. We made no inquiry as to the method by which it was to be conveyed.

Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. ZIHLMAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 1, line 11, after the word "be," strike out the language "deposited in the Treasury of the United States to the credit of the revenues of the District of Columbia" and insert in lieu thereof "be covered into the Treasury of the United States as miscellaneous receipts."

Mr. HOCH. Mr. Chairman, the amendment repeats the word "be."

Mr. ZIHLMAN. It is unnecessary to repeat it. It should be—

covered into the Treasury of the United States as miscellaneous receipts.

The CHAIRMAN. Without objection, the Clerk will make the proper modification. The question is on the adoption of the amendment.

The amendment was agreed to.

On motion of Mr. ZIHLMAN the committee rose; and the Speaker having resumed the chair, Mr. BURROW, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2016) to empower the Commissioners of the District of Columbia to convey certain land, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendment to the final passage.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROMOTION OF TRADE WITH CHINA.

Mr. VOLSTEAD, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, presented the conference report for printing under the rule.

FANNIE ARMINDA CORDELL.

Mr. IRELAND. Mr. Speaker, I call up privileged report from the Committee on Accounts.

The Clerk read as follows:

House Resolution 289.

Resolved, That there be paid, out of the contingent fund of the House, the sum of $900 to Fannie Arminda Cordell, widow of Wayne W. Cordell, late assistant clerk to the Committee on Pensions, by detail from the Bureau of Pensions, pursuant to law, for extra and expert services rendered to said committee from March 4, 1921, until the date of his death, November 22, 1921.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, this is the usual resolution passed for an employee assigned to the Pension Committee from the Pension Department. This amount was due the late Mr. Cordell at the time of his death, but inadvertently the resolution has not been presented either to the committee or to the House. The appointee to the other Pension Committee was paid at that time, but the only recourse we now have is to pay this sum to his widow. He was not technically an employee of the House, so the usual resolution for funeral expenses and six months' salary can hardly be taken into consideration.

The resolution was agreed to.

EVELYN WALTHALL LEE.

Mr. IRELAND. Mr. Speaker, I call up House Resolution 316.

The Clerk read as follows:

House Resolution 316.

Resolved, That there shall be paid, out of the contingent fund of the House, to Evelyn Walthall Lee, widow of Joseph C. Lee, late an employee of the House of Representatives, a sum equal to six months of his compensation as said employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said Joseph C. Lee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STELLA M. WEIGEL.

Mr. IRELAND. Mr. Speaker, I call up House Resolution 320.

The Clerk read the resolution, as follows:

House Resolution 320.

Resolved, That there shall be paid out of the contingent fund of the House to Stella M. Weigel, clerk to the late Hon. Lucian W. Parrish, a Representative in Congress at the time of his death, March 27, 1922, the sum of $266.67, being an amount equal to one month's clerk hire allowance to a Representative in Congress.

The following committee amendment was read:

Line 2, strike out the comma and all the remaining language of the resolution and insert in lieu thereof the following: "the sum of $140, and to Beulah S. Given the sum of $168.66, being the amount received by them per month as clerks to the late Hon. Lucian Parrish, a Representative in Congress."

Mr. IRELAND. The original resolution was drawn in error, and this amendment is to conform with the records of the Clerk's office.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ADDITIONAL CLERK TO COMMITTEE ON ACCOUNTS.

Mr. IRELAND. Mr. Speaker, I call up House Resolution 330.

The Clerk read as follows:

House Resolution 330.

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of $3,000 per annum for the services of an additional clerk to the Committee on Accounts during the remainder of the present Congress, whose duty it shall be to audit vouchers pending before the committee and do such other work as the chairman of the committee may direct.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the resolution.

Mr. IRELAND. Mr. Speaker, the resolution has been made necessary largely due to the additional duties imposed on the committee and that largely due to changes in form of handling the telegraph business of the House. About a year ago we were forced to enter into a different arrangement for handling the messages franked by Members. That work was formerly done by the Western Union, and that threw the work onto the Committee on Accounts. We had no alternative in this unless we very greatly inconvenienced all the Members in their use of the wire for official business. We now have to handle all the audit checking and revising and accounting that was formerly attended to in the local office of the Western Union, and it has accumulated to an extent that it is physically impossible for us to handle it with the present employees. In addition to that the duties of auditing that we have inherited through the Western Union give us further additional work which is impossible to handle with the present force. I do not believe that the appointment should be permanent, and I shall endeavor to extricate ourselves from the difficulty by the end of this Congress, and either relieve this committee of some of the detailed work now inherited, or else make some other arrangement, but it is absolutely necessary at present that some such arrangement be made. My present clerks have not left the office until 7 o'clock for the last three months. I can not further impose upon them and have done much of the work myself.

Mr. WALSH. Mr. Speaker, the explanation is entirely satisfactory, and I withdraw my reservation of an objection.

Mr. IRELAND. I hope the House will not believe me inconsistent in requesting this, because I have opposed the appointment of clerks to some other committees that were not so active.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

REGULATING BANKING BUSINESS IN THE DISTRICT OF COLUMBIA.

Mr. WHEELER. Mr. Speaker, I call up the bill S. 3170, regulating corporations doing a banking business in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That no corporation that is not now engaged in the business of banking in the District of Columbia shall, after the passage of this act, be permitted to enter upon said business in the said District, or to establish branch banks in said District, until after it shall have secured the approval and consent of the Comptroller of the Currency; and each one of the officers of such corporation so offending shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

Mr. WHEELER. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. MILLSPAUGH].

Mr. MILLSPAUGH. Mr. Speaker, the banking situation in the District of Columbia is in a precarious condition. There are in the District at the present time 15 national banks, which, of course, are incorporated under the Federal law. There are 31 so-called State banks, of which number 16 have their charters from the State of Arizona, 3 are organized under the savings bank law of the District, 1 under the Alabama law, 5, I believe, under the Virginia law, and 6 under the West Virginia law. The law here in the District in regard to banking is so loose and so indefinite that a promoter may secure a charter from any State in the Union which will issue him a charter and come into the District and open a bank without asking permission from anyone. The favorite plan seems to be to secure a charter from the State of Arizona, 16 of the banks

having secured charters from that State. There are banks here operating upon a capital stock of $1,000,000 down to $9,000. The law permits a bank to get a charter from Arizona for an authorized capital stock of $1,000,000 and to open up here with a nominal amount of capital stock, a small part of that million dollars, so that this bank now operating under a $9,000 capital, I think, was chartered under an authorized capital of $1,000,000. There are 5 banks trying at the present time to organize and come into the District to do business. There is 1 bank in particular which is promoting its stock upon the basis of a million dollars capital stock, and their plan is to sell their shares at a par value of $10, but on a market value of $15, the proposal being that of the $15, $10 shall be the par value, $2 shall go to the surplus fund, and the other $3 shall be used to pay the expenses of promotion, and out of that fund they propose to furnish the fixtures and promotion expenses. Of course it is necessary for them to offer some consideration to get this $3 out of the $15, so that they state they will furnish the fixtures, but they do not state how much.

There is no State in the Union which will permit a bank from any other State to come in and do business without its first being licensed or without its having permission from the bank commissioner or some such authority. After a bank opens here, under the law the Comptroller of the Currency is authorized to examine the bank. The bank also must make reports to the Comptroller of the Currency, but there is no provision in the law that gives the Comptroller of the Currency any authority to make any restrictions other than to close the bank. He has the authority to close the bank. Up to the present time he has, through his examiners, been able to make recommendations to the board of directors which practically all the banks have complied with, but no one knows when a bank will come in here that will refuse to accede to his wishes along this line of safety. Under the law at present a bank chartered in Arizona may come in here with a million dollars authorized capital, but with $25,000 of paid-up capital, and may loan the whole $25,000 to one man if the bank cares to do so. The fact of the matter is, if the bank has deposits of $200,000 it may loan the whole $200,000 to one man if it wishes to do so, and the only recourse that the comptroller has is to close the bank.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. WALSH. This legislation will not prevent that, will it?

Mr. MILLSPAUGH. Absolutely.

Mr. WALSH. Does the gentleman say that it will prevent banks now organized from doing what the gentleman says can be done?

Mr. MILLSPAUGH. No; it will not do that. May I say to the gentleman that the object of the committee is to pass this bill to prohibit the formation of these fly-by-night banks, until the committee can draft a comprehensive bill for the District along lines that have been followed by the different States in their banking laws.

The purpose of this bill is to keep these other banks, the fly-by-night banks, from organizing here until that can be done. Under the present law in the District if a national bank wants to organize it makes application to the Comptroller of the Currency, and he investigates the standing and the ability of the men who propose to open the banks, and as to whether there is a good chance of their making a success of the business. That is likewise the case in the different States where a State bank seeks to organize. The banking commissioner in the State has the right to investigate the character and the standing of men who desire to open a bank, and whether there is a good chance for their success, and if there is not he may refuse them a charter.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. GARRETT of Tennessee. This bill will prevent any corporations that are not now engaged from proceeding in the future to the organization of a bank, but it will not prevent banks that are now in existence from organizing branches, will it?

Mr. MILLSPAUGH. I think so.

Mr. GARRETT of Tennessee. I call the gentleman's attention to that language very particularly. It seems to me that as it is worded these banks now in existence can still continue to organize branch banks, and it occurs to me that if that be the case, and the situation be as the gentleman describes it, the bill ought to be amended.

Mr. MILLSPAUGH. I see the point that the gentleman makes.

Mr. GILBERT. Mr. Speaker, I would call the gentleman's attention to lines 6 and 7, and I ask if the language there does not cover his objection.

Mr. GARRETT of Tennessee. No. If we leave out what goes before, it reads in this way:

> That no corporation that is not now engaged in the banking business in the District of Columbia shall, after the passage of this act, be permitted * * * to establish branch banks in said District.

In other words, as it is worded, one of these banks now doing business under the laws of Arizona or Alabama, or any other State, can go ahead and organize branch banks if it chooses to do so, unless some amendments preventing it be adopted.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. CRAMTON. Did I understand the gentleman to state, in reply to the gentleman from Massachusetts, in respect to any one of these banks heretofore established under a charter from Arizona or Alabama, that the Comptroller of the Currency has no jurisdiction over the banking methods obtaining in such an institution?

Mr. MILLSPAUGH. He has jurisdiction to this extent: His examiners examine the bank, and the banks are required to make reports to him, but he has no authority to determine the amount that they shall loan to any one party or to impose any of those restrictions that should apply to banks.

Mr. WALSH. Will the gentleman permit an inquiry which I think may elicit an answer to the gentleman's question?

Mr. CRAMTON. Certainly.

Mr. WALSH. Is it not true, however, that with reference to trust companies and State banks the District Commissioners exercise the same supervision over those institutions that the comptroller does over national banks?

Mr. MILLSPAUGH. That is true as to trust companies.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLSPAUGH. Mr. Speaker, I ask for five minutes more.

Mr. WHEELER. Mr. Speaker, I yield five minutes more to the gentleman from Missouri.

Mr. CRAMTON. If the gentleman will yield further, that is the situation as to a trust company; but as to a bank that was organized under some State charter, as was included in the question of the gentleman from Massachusetts [Mr. WALSH], there is no supervision except as the gentleman from Missouri has stated?

Mr. MILLSPAUGH. Absolutely none.

Mr. CRAMTON. Hence the legislation proposed here is at the best only a very limited step. It will simply prevent other institutions coming in here who may possibly conduct their affairs in a very loose fashion, whereas there are already 31 institutions that can now conduct their affairs just as loosely as they may desire to do.

Mr. MILLSPAUGH. I may say in reply to the gentleman that that is true, and that it is the intention of the committee to as quickly as possible draw a comprehensive bank bill that will control the banks that are now in business, a banking bill fashioned along the lines of the best bills that are in force in the different States in the Union. That is our intention. That, however, is a matter that will take some time to accomplish.

Mr. CRAMTON. The gentleman states that as to any one of these 31 institutions now doing business under the present laws there is nothing to prevent its lending all of its available cash to one person?

Mr. MILLSPAUGH. There is nothing except the pressure which the Comptroller of the Currency and the clearing house of the District may bring upon them. Up to this time we have not had much trouble under this law.

Mr. CRAMTON. It seems that a comprehensive bill such as the gentleman refers to is so urgent it is hardly worth our while to fool along with a makeshift law like this, that does not get us anywhere.

Mr. MILLSPAUGH. If the gentleman will allow me to suggest, the barring of any one questionable bank that proposes to enter here would be sufficient reason to pass the bill.

Mr. CRAMTON. The comptroller will be able to close the bank at any time that he thinks it insolvent. On the other hand, while this bill will refer to some one bank that may come in, it does not reach the situation as to 31 banks that are now here.

Mr. MILLSPAUGH. That may be true. But a run on one bank in Washington might produce results that we could not overcome for years.

Mr. EVANS. If you would make the law applicable to national banks apply strictly in the District of Columbia, would you not have solved many of your difficulties? And, if not, why not?

Mr. MILLSPAUGH. I will say, in answer to the gentleman, that the banking law which it is eventually proposed to offer should follow along the lines of the national banking laws, but

it will be impossible to make the national banking laws to apply to State banks in the District without making some exceptions.

Mr. EVANS. You certainly could make it apply to any bank coming in.

Mr. MILLSPAUGH. You mean restrictions?

Mr. EVANS. Restrictions.

Mr. MILLSPAUGH. That is what this bill does. It must have the permission of the Comptroller of the Currency.

Mr. EVANS. But it does not require the bank to operate under the national banking laws?

Mr. MILLSPAUGH. I will say to the gentleman that my impression is there should be no bank from Arizona or any other State allowed to do business in the District of Columbia.

Mr. EVANS. Then, if you would adopt the suggestion, by making the national banking law apply to any new bank or new branch you would accomplish that result, would you not?

Mr. MILLSPAUGH. I did not understand the gentleman.

Mr. EVANS. Suppose you would make the provisions of the national banking law apply to any new bank coming into the District to do business, or to any new branch to be created, you would then cover the present situation?

Mr. MILLSPAUGH. This bill does just that thing. The new bank must get the permission of the Comptroller of the Currency, and that is what this bill does. That is all that it does.

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. WHEELER. Mr. Speaker, I yield five additional minutes to the gentleman from Missouri.

Mr. MILLSPAUGH. In regard to the question of the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Tennessee [Mr. GARRETT], I see your point here, and I am of the opinion that an amendment to correct that situation should be presented.

Mr. GARRETT of Tennessee. I think the gentleman from Kentucky [Mr. GILBERT] has an amendment prepared.

Mr. MILLSPAUGH. I thank you. I think that should be done.

Mr. DOWELL. Agreeing with the gentleman from Michigan [Mr. CRAMTON] that this is a very small item so far as curing the defect suggested by the gentleman from Missouri is concerned, is it not true that in most States there is a very definite banking law that in most respects is quite uniform, and is it not possible for the committee to submit a banking law for the District that will be in accord with the best banking systems in the States, and can it not be done in a very short time? It seems to me, as suggested by the gentleman from Michigan [Mr. CRAMTON], that we are losing a lot of time in trying to enact legislation that may prevent further banks from coming in; but, according to the statement of the gentleman from Missouri, enough evil has already entered to make the situation very dangerous here now, and it ought to be cured by submitting a set of laws that will regulate the conditions as they exist, according to the statement of the gentleman from Missouri [Mr. MILLSPAUGH]. Would the committee not better take their time in submitting a comprehensive bill to the House for enactment at a very early date?

Mr. MILLSPAUGH. In answer to the gentleman, I will say that this bill is an emergency bill, which should be passed at once. It ought to have been passed a month ago.

Mr. DOWELL. I am for this as far as it goes.

Mr. MILLSPAUGH. Wait a moment. In answering you in regard to the other bill, I want to say that there are 48 States with banking laws, and, inasmuch as I have promised to present the bill or to take charge of the framing of it, I want time enough to frame a law out of the experience of the 48 States. And it is my desire to present the bill here afterwards through the committee that will be a model banking law, based on the experience of the 48 States that already have these laws.

I will say to the gentleman that we have a most excellent law in the State of Missouri, but I should hesitate to take that Missouri law and offer it to the District, because it might not be entirely applicable. It is a matter that would take some days to examine and study over and think of before a law of that kind can be drawn, and I should hesitate to say that I could do it in a month or six weeks or two months. And the emergency exists at the present time.

Mr. DOWELL. But the emergency has existed for some time, as I understand. According to the gentleman's own statement, this emergency has existed for some time.

Mr. MILLSPAUGH. I did not know it until quite recently.

Mr. DOWELL. I do not desire to question the gentleman's statement in the matter, but my thought is I am for doing anything that will help restrict this character of banking described by the gentleman from Missouri. My only suggestion was that this condition existing, as stated here, there should be no time lost in curing the situation.

Mr. MILLSPAUGH. May I say to the gentleman that there are some conditions existing here that I would hesitate to state to the gentleman at this time, and I am going to ask him to take my word for a part of it that the emergency exists. I should hate to make it public.

Mr. DOWELL. I shall support the gentleman's proposition.

Mr. PARKER of New Jersey. Mr. Speaker, we have a good national banking law and it is so liberal that I want to ask the gentleman whether in his judgment it would be oppressive simply to enact that within a certain time, probably a year or six months, no bank should do business in the District of Columbia that had not incorporated under the national banking law?

Mr. MILLSPAUGH. I will say to the gentleman that I think there are some provisions in the national banking law that should not apply to the District, and that is the reason I am not offering that at the present time. I want to make a study of it.

Mr. PARKER of New Jersey. Conditions that ought not to apply in the District of Columbia?

Mr. MILLSPAUGH. Yes. I have followed the banking business for 25 years, and I have given the committee the benefit of my judgment.

Mr. PARKER of New Jersey. The gentleman thinks the national banking law is not applicable?

Mr. MILLSPAUGH. Yes.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. WHEELER. I yield to the gentleman three minutes more.

Mr. SUMMERS of Washington. Mr. Speaker, it seems to me the provisions of this bill are very inexact. Would the gentleman object to making it read like this: "Hereafter no corporation shall engage in the banking business in the District of Columbia until after it has secured the approval and consent of the Comptroller of the Treasury"? I think that would cover it and is much more definite.

Mr. MILLSPAUGH. I understand the gentleman from Kentucky is drawing an amendment that will probably cover that situation.

Mr. CRAMTON. I am not sure that I correctly understood the gentleman. The gentleman spoke of one bank chartered under the laws of Arizona with a capital of $1,000,000 and $9,000 paid in. Is that a bank that is coming, or one that is already here?

Mr. MILLSPAUGH. That is already here.

Mr. CRAMTON. Now, the emergency that the gentleman refers to is to keep out some institutions that the 31 banks, or those that are already here, think is about to come in?

Mr. MILLSPAUGH. I did not say that.

Mr. CRAMTON. I understand there is an emergency, and it is to keep out a particular institution which desires to come in?

Mr. MILLSPAUGH. I did not say that.

Mr. CRAMTON. Is not that the situation?

Mr. MILLSPAUGH. There are five organizing at the present time or endeavoring to promote themselves. I have simply mentioned that bank to show what an unfavorable proposition confronts us.

Mr. CRAMTON. For how many years has this present situation prevailed?

Mr. MILLSPAUGH. I could not say; but with 25 years of previous banking back of me, I was astounded when I found that condition.

Mr. CRAMTON. The condition is that for many years past the doors have been wide open, as the gentleman says they are now?

Mr. MILLSPAUGH. That is true.

Mr. CRAMTON. And there are 31 banks that have come in through that wide door and are here, with very defective supervision, and we are to permit them to continue, but we are to shut the door to prevent the competition that wants to come in to meet these 31 banks that are already here?

Mr. MILLSPAUGH. The gentleman does not understand me.

Mr. CRAMTON. I am trying to get information.

Mr. MILLSPAUGH. I do not think the 31 banks that came in here with foreign charters are bad banks at all.

Mr. CRAMTON. I do not want to be understood as stating that, but the authority for supervision over them by the District authorities is defective.

Mr. MILLSPAUGH. The situation was that there was no law under which a bank could incorporate here, so that some very excellent banks got their charters from outside, from the States.

Mr. CRAMTON. I would not want what I have said to be understood as criticism of the management of existing banks; it is, rather, criticism of the law under which they operate.

Mr. MILLSPAUGH. I will say to the gentleman that there are some conditions in regard to this situation which I would hesitate to make public on the floor, conditions which I have investigated; and I feel that, with the experience that I have had in the banking business, I am correct in asking for the enactment of this bill.

Mr. CHINDBLOM. I understand some amendments are to be offered which were under discussion when I was out of the Chamber. Is there to be an amendment offered which will clarify or amplify or modify the words, in line 7, "so offending"? Does the gentleman think that those words in the connection in which they are used would prove ample to make possible a prosecution for a violation of this law? What does that mean by saying "so offending"?

Mr. MILLSPAUGH. Opening a bank here in the District of Columbia without securing the permission of the Comptroller of the Currency.

Mr. CHINDBLOM. Has it any relation to the establishment of branch banks?

Mr. MILLSPAUGH. I think so. But the amendment that is being drawn by the gentleman from Kentucky will cover that feature, I assume.

Mr. CHINDBLOM. I will say this language is altogether too general to make successful a prosecution for a criminal offense.

Mr. MILLSPAUGH. After the amendment of the gentleman is offered, if that is not correct I shall be glad to accept an amendment.

Mr. CHINDBLOM. I have got the information I wanted.

The SPEAKER. The time of the gentleman from Missouri has expired again.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended.

Mr. WALSH. I want to ask a question for information.

The SPEAKER. The gentleman from Missouri still has the floor.

Mr. WHEELER. I have yielded to the gentleman one additional minute.

Mr. DOWELL. Unless further legislation is enacted the question will arise, as suggested by the gentleman from Michigan [Mr. CRAMTON], that it will prevent other banks from coming in, as these banks have already entered. Now, if this is to be a temporary matter, that is another thing; but if it is the intention of the committee to enact this legislation and then not put the law into such shape as to permit every bank to stand on an equality that applies for admission here, then this will be entirely unfair by admitting those already here and preventing others from coming here afterwards unless you correct it.

Mr. MILLSPAUGH. In line 7 there is a provision which permits any bank to come in here when this bill is passed by procuring the permission of the Comptroller of the Currency.

Mr. DOWELL. But there should be a basis on which a bank should enter by complying with a specific statute, as in any one of the States.

Mr. MILLSPAUGH. That is true——

Mr. DOWELL. Without reference to whether anybody wants them in or does not want them to come in.

Mr. MILLSPAUGH. But if we can hold an undesirable situation in leash until we can get the other bill ready, is not that a good thing to do?

Mr. DOWELL. Yes; but suppose the committee does not recommend further legislation? Then they are here to the exclusion of everybody else.

Mr. MILLSPAUGH. Oh, no.

Mr. DOWELL. With those already in having the power to proceed with the character of banking that they are carrying on now.

Mr. MILLSPAUGH. Oh, no.

Mr. WHEELER. I yield three minutes to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Speaker and gentlemen, I have had some experience as a bank director. I am very much surprised to learn that the District of Columbia has not up-to-date banking laws. I think in the District of Columbia there are some of the best banks in the United States. Legislation of this sort is not necessary for the large banks, but what my friend from Missouri [Mr. MILLSPAUGH] is trying to do is to shut out proposed banks which are in the process of organization. If there are banks from some of the States which, as has been stated, have very limited capital and a very limited amount paid in, you certainly do not want any more of them in the Capital City. The question is whether you can make this law retroactive to cover those that are now in; but it seems to me that the Comptroller of the Currency should have the same jurisdiction in Washington as the commissioner of banking and insurance has in Iowa, New Jersey, Ohio, or any other one of the States which are safeguarding the public. That is what this bill proposes to do.

Mr. DOWELL. But should he not have the same power over a bank that has already entered the District under conditions described by the gentleman from Missouri?

Mr. APPLEBY. He should have; but the question is whether you can make a banking law retroactive as to the people already in.

Mr. DOWELL. There is no doubt that we can legislate to compel every bank to comply with certain regulations and laws that we may prescribe, whether it is in here now or whether it is to come in hereafter.

Mr. APPLEBY. But the advantage of this bill which has already passed the Senate, as I understand it, is that it will meet an acute situation here. Why not pass this and then have another law presented later?

Mr. STEVENSON. Will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. STEVENSON. This overlooks one principle that we have been rather careful about. It implies that the banks that are already here can establish all the branches they want to. No bank can come in hereafter without the consent of the comptroller, nor can any bank establish a branch except those banks that are already here. Does not the gentleman think the Comptroller of the Currency ought to be given visitory powers as to all these banks?

Mr. APPLEBY. Yes.

Mr. STEVENSON. And that no bank without his consent should have the right to establish a branch?

Mr. APPLEBY. I understand there will be an amendment offered to that effect.

Mr. WHEELER. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. HAMMER].

Mr. HAMMER. Mr. Speaker, I desire to include in my remarks in 8-point type the speech of my colleague [Mr. POU] as temporary chairman of the Democratic State convention at Raleigh, N. C., on April 20, 1922.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in 8-point type, as indicated. Is there objection?

There was no objection.

Mr. HAMMER. Mr. Speaker, under the leave given me I desire to print the following speech of my colleague, Hon. EDWARD W. POU, delivered at the Democratic State convention at Raleigh, N. C., on Thursday, April 20, 1922:

PROMISE OF DEMOCRACY BASED ON RECORD IN STATE AND NATION.

Mr. Chairman Norwood, ladies, and gentlemen of the convention, 21 years ago last January Charles B. Aycock succeeded Daniel L. Russell as governor. Since then our party has had control of both legislative and executive departments of this State. We are responsible for whatever has been done, and responsible for whatever has been omitted. We will not evade the issue, nor will we hide behind excuses. What we have done the world knows.

We are proud of our record. We challenge our critics to show any land upon which the sun shines with a record of greater achievement during the 21 years our party has had charge of the government of this State. Let us contrast conditions now and then:

The common schools.

	1900	1920
Value of school property	$1,097,654	$24,957,828
Average value of each schoolhouse	156	1,000
Number of log houses	1,180	94
Number of new schoolhouses built since 1900		6,505
Average length of school term in days for white race	79	136
Average monthly salary paid white teacher	$26.78	$99.88
Average monthly salary paid colored teachers	$20.48	$46.35
Total school population	657,999	840,981
Total school enrollment	440,452	691,249
Average daily attendance	206,913	473,553
Number of rural libraries		4,626
Per cent of school population in average daily attendance	31	58
Appropriations State educational institutions, 1900-21:		
Permanent improvements	$8,000	$2,005,000
Maintenance	$45,000	$1,292,300
Per cent illiteracy for State	29.4	13.1
Per cent white	14.6	8.2
Per cent negro	55.8	34.3

HIGHER EDUCATION.

North Carolina College for Woman, at Greensboro: Enrollment for 1900, 490; present enrollment, 984.

The University: Enrollment 1900, 512; present enrollment, 1,662.

State College of Agriculture and Engineering: Enrollment, 1900, 298; present enrollment, 1,234; value of college buildings 1900, $125,000; present value, more than $2,000,000.

Negro Agricultural and Technical College: Enrollment 1900, 235; present enrollment, 426.

Since 1900 Eastern Training School at Greenville, Appalachian Training School at Boone have been established, and the Training School at Cullowhee, if not established since that time, has been greatly enlarged.

CHARITABLE INSTITUTIONS.

In 1900 the State Hospital at Raleigh took care of 424 patients; now it has 1,110.

The State Hospital at Morganton in 1900 had 454 patients; now has 1,061.

State School for the Blind and Deaf, Raleigh, 1900, 269; despite strenuous efforts to enroll every blind child, there are only 301, an increase in 22 years of only 32, despite the great increase in population, a remarkable demonstration of the success of the State's efforts to reduce blindness among children.

ORPHAN ASYLUMS.

In 1900 assistance to the Oxford Orphan Asylum, $10,000; present assistance, $30,000; children in that institution, 1901, 221; in 1922, 381.

Colored Orphanage, at Oxford: Appropriation, 1901, $5,000; appropriation, 1922, $20,000; children in institution, 1901, 78; now, 200.

CONFEDERATE SOLDIERS.

In 1900 there was paid in Confederate pensions $118,276. For 1922 there is appropriated for distribution among them a round million dollars.

In 1900 the appropriation for maintenance of the Soldiers' Home was $10,000; 1921, $60,000.

In 1900 there was no provision to take care of widows of Confederate soldiers. Now the State has established a home for widows of Confederate soldiers at Fayetteville. As we have long ago determined no Confederate soldier should be sent to a county home, so it is now determined that no widow of a Confederate soldier need go to a county home.

BENEVOLENT INSTITUTIONS.

In 1900 the State had provided no place for the treatment of tubercular patients. Now we have the great institution at Sanatorium.

In 1900 there was no institution where deformities in children might be treated and corrected. Now the State gives generous aid to the wonderful orthopedic hospital at Gastonia.

In 1900 there was no place where those threatened with the horrors of hydrophobia could be treated. Now we have an institution in Raleigh that treats these patients for moderate compensation, if able to pay, and, if unable to pay, free.

In 1900 we had no place where the vaccines, serums, and antitoxins so necessary in preventive medicine could be prepared. Now the institution at Raleigh prepares and distributes, at trifling cost to those able to pay and free to those who are not, antitoxins to prevent diphtheria, tetanus or lockjaw, typhoid fever, whooping cough, and smallpox.

In 1900 the State had no institution for the care and training of mental defectives. Now it has the Caswell Training School at Kinston.

DISCIPLINARY INSTITUTIONS.

In 1900 the State had provided no institutions whereby delinquent youths might be disciplined, trained, and reformed. Now it has Samarcand for wayward girls and Stonewall Jackson for boys.

The State's institutions, original and additional, have cost money, but who would close one of them? Not only has the State increased the service rendered along the lines I have described in the last 21 years but it is now at work doubling in size nearly all of its institutions of learning and its charitable institutions as well, so that every person desiring an education may be admitted, and every person unfortunate enough to require it may be admitted into the institutions devoted to this protection.

Heretofore the sad duty has been imposed upon the executive officers of our institutions to select those who were to receive their benefits. Some were admitted; some were refused for lack of room. Hereafter the State has determined that no citizen applying for admission, either to an institution of learning or into a hospital for the unfortunate, shall be denied admittance for lack of room or facilities.

PUBLIC ROADS.

In 1900 the roads were maintained generally by unpaid labor. The old system obtained of "warning out the hands," and requiring of every person between 16 and 50, living in the county, not less than six days' work upon the public roads without pay. A few counties supplemented this with taxes levied either upon the entire county or upon some road districts, and this money was used in working prisoners convicted of petty crimes. In this manner the roads were built and maintained.

It was common criticism and reproach that the work of maintaining the roads was largely imposed upon those who owned neither animal nor vehicle. It was charged with some bitterness that we required men to give six days' free labor that others better off than they might travel our roads with more ease and comfort. Think of the injustice of requiring the farm laborer who owned no vehicle at all to contribute the same amount of work on public roads as the man who owned a dozen vehicles and perhaps twice that number of horses or mules.

If any of this antiquated system remains, it is only in a few isolated cases. The system of compulsory unpaid labor upon the roads is gone and gone forever. Our roads are built and maintained by two methods. The counties, either by a vote of the people or at the request of the people by legislative act, have levied taxes to maintain the county system of roads suitable to each county and meeting the approval of each county. Not a cent of road tax is imposed unless the representative of the people have, in response to popular demand, secured legislative authority for such tax.

We have also a State system of road building, for which no direct tax is imposed upon the people. This system is sustained entirely by tax upon motor-driven vehicles and upon the oils and gasoline consumed by such vehicles. The man who has no such vehicle pays nothing whatever toward the building or upkeep of the State system of roads. The man who has such vehicles saves in repairs and the fuel and lubricating oils used far more than the tax he pays. That is, appropriating a given sum of money for the upkeep and operation of a motor-driven vehicle, the owner can deduct enough from the fund expended to pay the taxes and then traverse probably twice as many miles with the balance remaining over improved roads as he could have for the whole amount of money over unimproved roads.

We have then this remarkable situation. To the great majority of the people the building of the present State system of hard surface highways is costing nothing, and no tax whatever is imposed upon them. The man who has a horse-propelled vehicle, the man without vehicle, uses the hard surface road at will without paying directly or indirectly one single cent. The man who has an auto-propelled vehicle pays his tax out of what he saves by being permitted to travel a hard surface road, and in addition thereto doubles the efficiency of his machine.

Another feature of this work is that the tax is collected almost without cost. The license fees are collected through the secretary of state's office, and the gasoline tax is voluntarily collected without cost by the manufacturer. It is difficult to conceive a more ideal scheme than the State has adopted for the building of a system of hard-surface roads; and it is only fair to say that the Morrison administration, and particularly the State highway commission, presided over by Mr. Frank Page, are now doing a work which will be remembered with pride and gratitude when most of us shall be forgotten.

The road commission is composed of 10 trained business men. These men are devoting their time for nominal pay merely to the great work in hand. They are all, each and every one, entitled to the thanks of the people of the State.

LABOR LAWS.

In 1900 there were few, if any, laws upon our statute books for the protection of labor. Now we have a code of laws intended and designed as far as possible to lessen the dangers of employment; to add to the comfort of the workers; to protect the worker from exploitation and injustice; and to provide convenience and emergency assistance, which benefits both employer and worker. We have laws which protect the North Carolina workman from garnishment by shylocks who would send their doubtful claims to other States when they fear to trust their claims to our own courts.

Every one of these laws tending to the benefit or protection of the workingman was enacted since Governor Aycock was inaugurated in 1901.

PUBLIC HEALTH AND WELFARE WORK.

In 1900 the State had done but little to promote public health and welfare work. The State board of health was struggling manfully, with meager appropriations and comparatively little support from the public, to do its work. The county boards of health considered that their duty required them to

look after the jails, the county home, and, if one existed, the convict camp. If an epidemic of smallpox appeared, the board was active and did what it could with the meager means at its disposal. Beyond this the county boards of health were instrumentalities in name only. What a difference there is now.

We now recognize that the promotion of public health is one of the highest duties of the State. The work done in behalf of public health can not be measured by material standards. We can not compute it in terms of feet or bushels or tons or dollars. But it can be read in the face of our children. Their bright eyes and clear complexion speak louder than words what has been accomplished by sanitation and preventive medicines in the past 20 years. No longer do we fear epidemics of smallpox, diphtheria, or typhoid fever. Malaria is being rapidly reduced, and another generation will practically see its elimination. Other diseases which tended to reduce the vitality and efficiency of our people have been completely eradicated, or rapid progress is being made in that direction.

Likewise in the field of public welfare work. Not only do we have a State superintendent of public welfare, with generous appropriation for welfare work, but each county has its county superintendent, whose duty it is to look after the unfortunate and sometimes forgotten members of society.

DEPARTMENT OF AGRICULTURE.

The department of agriculture has greatly increased its usefulness and has taken under its supervision certain branches of work heretofore unknown to it, such as promoting animal industry, inspection of food, feed, and so forth, and at the same time the tax on fertilizer has been reduced 20 per cent.

EXPENSES OF STATE GOVERNMENT.

The expenses of our State government, like everything else, have increased since 1900. The expense of living, and consequently the expense of everything which living requires, has increased in the past 20 years. Like the individual, the State must pay more than it did then for material and services.

In 1900 the governor's salary was $3,000. The judges were paid $2,700 each, and the State superintendent of public instruction was paid $1,500. These and other salaries have been increased, but not to a point to arouse any just criticism.

TAXATION.

Much has been said about taxes. People forget sometimes that the lowest rate of taxation is in the countries having the lowest development and the highest rate of taxation is in those countries having the highest development. The rate of taxation is in no small sense the barometer which shows the height to which development has reached. In its final analysis taxation is the measure of the cooperative spirit of any State or community. The more the people are willing to put into a common fund, to be used for common and universal development, the higher is that spirit of cooperation and fraternity. Conversely, the smallness of the sum that people are willing to contribute to the common purpose indicates a lower degree of the cooperative and fraternal spirit.

Universally it is admitted that public money wisely and economically expended is the highest form of cooperative development. Many things particularly relating to public health and education can only be done effectively through governmental agencies, and the greater the amount of money which the people are willing to contribute to those purposes the higher is the standard of citizenship of that people. So much as a general principle.

In the application of taxation the purpose should be to equitably lay the burden upon those able to bear it, and to lay the burden in proportion to the ability to carry the same. In former days, favoritism and privilege provided for a very unequal distribution of the burden. The weak and lowly carried an undue proportion. Since 1900 our State has made marked progress toward a scientific and humane tax system. Let us examine it for a moment.

In 1900 the poll tax in many cities reached $6 or $7 per annum, and the man who had nothing but his labor and the burdens of his family was called upon out of this poverty to pay this tax. Now, by constitutional amendment adopted in 1920 the poll tax is limited to $3, including both State and municipal. Article 5, section 1, of our constitution reads:

"The general assembly may levy a capitation tax on every male inhabitant of the State over 21 and under 50 years of age, which said tax shall not exceed $2, and cities and towns may levy a capitation tax which shall not exceed $1. No other capitation tax shall be levied.

In 1900 the taxpayer was allowed as exempt from taxation household and domestic property to the amount of $25. On all above that amount, whether he owed for his property and whether it was encumbered by mortgage or not, he must pay tax. Now he is allowed an exemption of $200. In 1900 the workingman was taxed: If he lived in the city, $5 to $7 poll tax, and all of his property above $25 was likewise taxed. Now his poll tax is limited to $3, and he pays no tax if he does not possess property in excess of $200; and if he be married his wife has a like exemption of $300. The $300 exemption has been criticized as being favoritism and savoring of agrarianism. But the critic forgets that the rich man is allowed this exemption as well as the poor man. It is universal, therefore, and can not be discriminatory. No person need pay on anything except upon the excess over $300.

In 1900 only $1,000 could be deducted from the taxable income, even though the taxpayer might be married and have a house full of children. He was required to list and pay his taxable income all above $1,000, regardless of his situation or condition in life. Now, the married man with five children under 18 years of age has an exemption of $3,000, instead of $1,000, and he need pay tax only upon the excess of his taxable income above $3,000.

The income tax has been severely criticized by some. I will enter into no defense of that system further than to say that the people of this State, after two years of consideration, adopted it in 1920 by a huge majority, and I need only say that almost every civilized country in Christendom has adopted a similar system.

Briefly stated, the principle of that law is to tax the surplus income. If there be no income, there is no tax. If there be an income but no surplus thereof, there is no tax. If there is an income, and after all exemptions shall be deducted there remains a surplus, it is taxable; and as the surplus increases in size, so likewise does the tax, both in amount and percentage. As the ability to pay increases, the amount to be paid also increases.

The wit of man has yet to devise a more equitable tax system than this. It is here to stay. It is righteousness written into the tax law. It will be an important element of all future tax systems, National and State. We neither apologize for nor defend it. We are proud of it and we boast of its enactment. The rights, the welfare, the best interest of the army of wage earners have been carefully safeguarded by the Democratic Party in this State. Whenever the man who has nothing but his labor, the tenant farmer votes against the Democratic Party he strikes at his best friend. He can have but one excuse, and that is ignorance of what the party has done for him. In summing up this history of Democratic achievement since 1900, I quote this from the Manufacturers' Record:

The following facts about North Carolina appear in the current issue of the Manufacturers' Record:

"North Carolina, with over 2,559,000 people, has nearly doubled in population in 40 years, but according to statistics compiled in the Blue Book of Southern Progress, published by the Manufacturers' Record, of Baltimore, the Old North State has made a much greater progress in material advancement. The capital invested in manufactures in that State is over $669,000,000, or three times what it was 10 years ago, and nearly ten times that of 20 years ago. The value of her manufactured products is now about ten times the value of the State's manufactured products in 1900. North Carolina now has about 1,000,000 more cotton spindles than the entire South had 20 years ago, the increase in 20 years in the State being over 350 per cent. The value of the mineral products of the State in 1920 was $7,050,000, nearly double that of 1910 and over five times that of 1900. Last year North Carolina's farm crops were valued at $262,880,000, which is twice the value of her farm crops 10 years ago and over three and one-half times the value of the farm crops of the State 20 years ago. With national bank resources of over $316,000,000, North Carolina's national bank resources nearly equal those of the entire South in 1880, and her total bank deposits are larger by $126,000,000 than the entire bank deposits of the South in 1880. North Carolina is now spending on public schools over $12,000,000, which is nearly thirteen times the expenditure on public education in the State 20 years ago, and about equal to the public-school expenditures of the entire South in 1880. The assessed value of taxable property in North Carolina in 1920 was $3,139,000,000, which is over five times the 1910 values, and over ten times the assessed value of taxable property of the State 20 years ago."

Ladies and gentlemen of the convention, the foregoing statement of the development and progress of our State under Democratic rule since 1900 is a record of which every North Carolinian may forever be proud. Doubtless some mistakes have been made, but it is a record singularly free from extravagance or scandal. All honor to Aycock, Glenn, Kitchin, Craig, Bickett, and Morrison. These names are linked inseparably not only with the redemption of this State but they stand forth also as leaders of progress, of development of the State under modern conditions. Each of these men, the living and the dead as well, engaged in most honorable contest of service to the State. I say now what I believe to be the solemn truth, that no selfish thought or motive ever found lodgment in the minds of any one of these great leaders of progress.

And it is only fair to pay tribute to the general assemblies which made it possible to put into practical operation the respective programs of this roll of Democratic governors. Without the full cooperation of Democratic legislatures these men,

of course, could have done nothing. And yet the men and women of this State will be asked seriously to elect a Republican general assembly in November, and two years hence they will be asked to elect a Republican governor. I say reverently, as I love my State, Almighty God forbid!

Our party in its platform which this convention will adopt can make no better pledge than that of giving to the people of the State a continuance of the Democratic administration of the past. We point with sincere and reverent pride to the great Vance. We point to the records of all our governors and the legislatures which held up their hands, and we say to the men and women voters of the State: "This is our record. We can not do better than promise you a continuance of that record of honest service, keeping step with the development of modern civilization." Will the Republican Party dare make such a promise? Will that party call by name a single Republican governor and promise if elected to give the State just such an administration? Of course not. Their leaders are too wise to make such a promise, for such a promise would invite certain defeat. It is a lamentable truth that the reputation and good name of the State suffered most during Republican or fusion rule. I am not here to speak of 1868, or to talk about negro rule, and yet there is no way to judge the future except by examining the past, and any man or woman in North Carolina who is finding fault with Democratic rule should read the history of Republican or fusion rule and then decide whether any voter who loves the State can afford to risk the experiment of another Republican or fusion general assembly.

Taxes are high, and yet taxes are lower in this State than in any State in the Union, with possibly one or two exceptions. If the taxes of any particular county are deemed to be too high, the voters of that county have the remedy in their own hands. Are assessed valuations too high? If so, the voters of the respective counties have the remedy in their own hands. The policy of the Morrison administration has been, and is now, to leave the determination of these matters to the respective counties.

Is there anyone outside an insane asylum who for one second believes that taxes would be lowered by a Republican general assembly. When the Republicans were in power they certainly did not reduce taxes. And there was scandal everywhere. There was scandal in the capitol. There was scandal in our State institutions. The State was then poor, but the Republican Party stole from the people of the State even in their poverty.

Our people have decided to make North Carolina a better place in which to live. The Morrison administration has announced and is now carrying into practical operation a great program of road building and rural development. A bond issue was, of course, necessary. Great sums will be expended for the benefit of all the people. Would anyone who loves the State be willing to trust the Republican Party to complete any part of this great program? Does not the program itself constitute the best of all reasons for keeping the Republican Party out of power? Does anyone believe the Republican Party in North Carolina has moral courage to resist the temptation which this great program would offer? The men and women who pay the highest taxes ought to be and, I believe, are the very persons who would utterly refuse to try another experiment of Republican rule, and this is not a charge of dishonesty. I make no such charge, but I do say the principles and rules of ordinary good business administration would utterly debar the Republican Party from control over any part of the State's progressive program.

That there are thousands of high-minded men and women in the Republican Party in this State I cheerfully admit, but I make this charge in the light of history. If anything has been overwhelmingly proven, it is that in North Carolina the Republican Party is incompetent to give to the people the kind of administration they have a right to expect and to which they have become accustomed under Democratic rule. Now, I think that is a fair and somewhat moderate statement. It is not personal nor is it abusive. It is, however, a statement of fact. It is the solemn truth, taking into account the history of the Republican Party when it had opportunity to make history. So the issue this year is perfectly clear. The Democratic Party proudly points to the past. The Republican Party will be silent. It has a past to which no Republican speaker ever alludes.

The great development of which I have spoken is by the mandate of the people of the State in charge of Gov. Cameron Morrison. It should be the pleasure, as I believe it is the duty, of every patriotic North Carolinian to hold up the hands of our governor. Every man and woman who loves the State will aid Governor Morrison in carrying forward this program to full measure of success. His duty is plain. That he is doing his full duty as God gives him light to see, that his heart and soul are in the great task, even his political enemies must admit. Even in the face of criticism forward he will go. Even as it was the dream of Aycock that the morning ring of the school bell should link in one unbroken chain the music of the mountain cataract and the song of the sea, so also it is now the dream of Governor Morrison to make North Carolina as fast as practicable independent of any unjust railroad rate or practice by covering the State with a network of hard-surface rural highways. Aycock did not escape criticism, but North Carolina reverses his memory and calls it blessed. The day will come when the people of this State will thank Morrison for his courage in carrying on this splendid work to completion.

Ladies and gentlemen, let us be very frank. Taxes must be levied and collected if people are to enjoy the facilities of progress and civilization. People demand warm, comfortable school buildings. I well remember the schoolroom in which I was taught as a youth. It was provided with an open fireplace at least 6 feet in width. Each school day it was the duty of two boys to keep the fire burning, and I am sure on cold days it required a cord of wood to keep the fire going. We did not even have a stove, and the backs of the hard seats instead of sloping backward to fit the body projected forward so that the boys and girls were forced to sit perfectly straight. When one leaned back he felt the edge of the top of the desk immediately behind cut in under the shoulder blades. The building was at least a century old and the wind whistled through the cracks and loose windowpanes on a cold winter day. To-day in place of that old academy we have a modern steam-heated brick building. Do you imagine there is a single person in our community who would be willing to give up our new building? Of course not. It required thousands of dollars to build and equip it with comfortable desks for the pupils and the money necessary was contributed by the people in the form of taxes. We all remember the muddy roads of our boyhood days. We have not forgotten how the mules and horses strained and how the wagons creaked as a small load was hauled to market. Bad roads are the most expensive institutions any people ever paid for. Where is the man who would be willing to exchange the modern graded, well-drained road or the hard-surface road for the mud roads of our boyhood days? In some places the public road was actually used as a drain for the fields on each side. This is no exaggeration.

Good roads and comfortable school buildings cost money, and no man has any right to complain if the taxes he pays are honestly expended, provided, of course, his property is fairly assessed as to value. Nobody can charge any dishonesty under Democratic rule in this State; nobody can charge extravagance. If taxes are larger in amount than they were in the old days, let no man blame Morrison or the Democratic administration, for the people themselves have demanded better schools and better roads. Are the people getting value? That is the test. North Carolina is to-day ten times richer than the North Carolina of 1900. The State was only a millionaire 22 years ago. To-day she is a billionaire three times over. Those who complain about taxes should not forget that the State is no longer a millionaire, but has become so rich under Democratic rule she is now a billionaire. There should be no complaint if there is no extravagance, and if the citizen has been fairly treated in the assessed value of his property; and if, in his judgment, he has not been fairly treated let him take his case before the board of commissioners of his own county. They have power to correct any injustice. If there is within the borders of this State any man or woman who is opposed to these modern comfortable school buildings, to these modern, well-drained, graded roads, who is opposed to the welfare work the State is doing, who just will not be satisfied because we go forward instead of standing in our tracks, I suppose we will have to let him join the Republican Party, if indeed they will take him, which is exceedingly doubtful.

The State of North Carolina does not now levy a single cent of tax on the property of the State for any State purpose whatsoever. The State is collecting its entire revenues from taxes on inheritance, incomes, franchises, insurance policies, and licenses. From its funds collected from these sources it pays the entire cost of the State educational work, including State colleges and the special work conducted by the superintendent of public instruction, and appropriates the entire equalizing funds of something over $700,000, which is given to the weaker counties in the State to equalize their schools. Every other department of the State government, including all of the special work done throughout the State, is also paid from State funds which are collected from the special sources of State

taxes and not from any tax on the property of the people in the State.

This fact can not be emphasized too much: That at this time the State of North Carolina does not levy or collect one single dollar of tax upon the property for the support of the State government and the great institutions maintained by the State government.

It may be that what I am saying now is in the nature of a repetition of what I have already said, but the practice of the State in not taxing property is so unusual and so remarkable that I think I may be pardoned for such repetition.

There are people in North Carolina who it seems can not realize that the State is not now imposing any ad valorem tax whatever. I venture this assertion, there is not a State in the Union wherein a great program of road building and road improvement is being developed without taking one single cent of tax on property, either real or personal, and I venture the further assertion that there is no State wherein the person without means is so completely exempt from any tax whatever except possibly the $2 poll tax. The Democratic Party is a party of economy. While by law it takes no tax whatever, except the $2 poll tax, from any man or woman unless that man or woman possesses property of the value of $300 it does not exact taxes from those able to pay except for necessary improvements which the people themselves have demanded.

MR. HARDING'S ADMINISTRATION.

One who loves his country must approach the discussion of present national conditions with emotions of deepest chagrin. From the hour of their restoration to control of Congress by the elections of 1918 until now the Republican majority have floundered in confusion and dawdled with pitiful incapacity. It is profoundly regrettable, but, after all, it is not strange when viewed in the light of recent history and the psychology of recent years is considered.

The Republican Party had its inception in 1856, and since that time five Democrats have been elected to the Presidency of the United States. One of them, Andrew Johnson, the Republicans themselves elected under the peculiar conditions of the Civil War, and him they impeached and sought to destroy. From another, Samuel J. Tilden, they stole the election; and three others—Buchanan, Cleveland, and Wilson—they slandered with every vile resource at their command.

Apparently the one whom they have hated most is the one still living. Him they hate and him they have hated from the beginning of his career because of that transcendent ability and impeccable character which have placed him in the foremost ranks of the world's immortals.

Because of envy they hated him in the days of his activity, and even now as he sits in dignified retirement their bitterness goes out toward him and their venom they still continue to spread upon him. It could not be expected that a party which sees red and then goes blind with madness at the very mention of a name would or could approach the solution of grave problems in a spirit of intelligence or of sincere patriotism.

I believe it to be literally true that even to-day certain Republican politicians would rather do some act that would in some way reflect upon the career and fame of Woodrow Wilson than to pass the most beneficent legislation which the human mind can frame.

And that is why the present administration, with more than one-fourth of its time gone, has fallen so far short of public hope and popular expectation. It is only when they have followed the lines laid down by the Wilson administration that they have been able to approximate success in any endeavor. They have tacitly abandoned any hope of successfully appealing to the electorate at this year's election by reason of any achievement of a legislative character along domestic lines and are casting their hopes upon the results of the Limitation of Armament Conference and the treaties there accepted.

Bear in mind, my friends, that for three full years the Republican Party has held absolute control of the legislative branches of the Government. The elections of 1918 gave them a majority of about 40 in the House of Representatives, and by the most shameful debauchery known to the history of America they obtained the nomination and election of a Senator from the State of Michigan which enabled them to organize the Senate, take full control of all the committees, defeat the treaty of Versailles, and check for a time the greatest movement for world peace ever developed and formulated by the faith and genius of man.

I wish you to keep certain history clearly in mind. It is essential as a proper background for a study of present conditions.

After the election of 1918 had returned a Republican majority in the two Houses of Congress, there remained the short session of the Sixty-fifth Congress, which began in December, 1918, and expired by limitation of law on March 4, 1919. It was determined by the Republican leadership that that session should not be permitted to function. It was easy for them to prevent it by parliamentary devices in the Senate. Back of this determination the underlying purpose was to thwart President Wilson in whatever he should do in peace negotiations. His administration had, after a four-year period of domestic achievements unparalled in history, waged the greatest, most successful war in the annals of mankind. The President himself stood then upon a pinnacle, the height of which no man had ever before touched. He was literally the hope of the world.

Conscienceless politicians, marplots, deliberately determined that he should be broken at the wheel; that he should not emerge from the Paris conference successful in peace as he had been in war.

For the accomplishment of this purpose they desired to create a condition that would force the calling together of the Republican Congress before the peace negotiations should be concluded. Accordingly, certain Republican Senators were put forward to conduct a filibuster against the appropriation bills. It was easy to talk these bills to death, and so it was done.

This made necessary the calling of a special session of the new Congress while the President was yet abroad, struggling midst the jealousies and passions and selfish purposes of Europe to bring forth a chart for the everlasting peace of the world.

He met the situation then created with that quiet dignity and decent courtesy which ever marked his course.

A session was called in May, 1919, and to his implacable foes the President addressed a message of such dignity and power as to place it among the greatest of the country's state papers.

He avoided recommendations upon any subject that might be legitimately construed as having a partisan aspect, and outlined a comprehensive program for meeting the conditions which all experience had taught that the reactions following war would inevitably bring. He stated that the railroads must be restored to their owners, and invited prompt passage of legislation essential.

They dallied with it until he had to extend the time originally fixed. It was almost a year before they placed before him the present law, which is in so many respects unsatisfactory, but which had to be taken, or Government operation, with all its burdens, continued.

And then they proceeded to try to make the country believe the Executive was responsible for all the ills of governmental control. He proposed that there should be an immediate readjustment of the internal-revenue taxes which had been passed as a war measure to meet war needs, pointing out the evil effect to be anticipated by the business world until this was done.

The Republican members of the Ways and Means Committee, excluding all the Democratic members, had a few secret meetings and determined that nothing should be done. This, too, they did deliberately and designedly. They scarcely tried to conceal the fact that their motive was to let the burdens continue to the end that blame might face the Executive.

They were looking to the elections of 1920. They hoped to thrive upon popular dissatisfaction and to win upon public unrest. They were not disappointed.

Throughout that entire Congress they persistently and consistently did nothing, or worse than nothing. They said, in substance, "We will not work in harmony with Mr. Wilson even upon a nonpartisan matter. Wait until we have the executive branch. Give us complete power, and we shall then do the great things of government."

As I have said, their appeal was heeded. In 1920 they elected the President. They obtained a majority of 109 in the House and 22 in the Senate. All was given unto them. But with what result?

I repeat. They dare not risk their cause at the polls upon their domestic legislation. They failed to provide against the reactions that follow all wars. They held the United States aloof from the world, with the result that our foreign markets were destroyed, and as against the prosperity of Democratic days we witnessed, with the beginning of Harding's term, a continuation of that depression already begun with the defeat of the treaty.

We saw business failures in every community. We saw labor thrown out of employment, and we saw once again the steam of the charity soup kitchen take the place of the smoke of the factory. Farm products sold even below cost of production. For their sins men and women everywhere in the world have paid in infinite suffering and indescribable sorrow. We

fell from our high estate as a leader of all nations to a point where, literally, we had no real friends among them; and it was perhaps not an extravagant remark by the gentleman who said "but for the fact that so many nations owed us money it was doubtful if our flag would be saluted upon the high seas of the world."

They have demoralized the civil-service system in their hunger for jobs; and the pitiful fact is that they have done it with hypocrisy. When they have desired jobs, instead of frankly saying so and taking them as spoils, they have, by cunning orders, cast aspersions upon faithful employees discharged.

Their disregard of the civil service law in respect to the appointment of postmasters is so open, notorious, and flagrant that we might as well have no civil service law at all. There are many instances in North Carolina where examinations have been held, three eligibles certified, only to be ignored by the Postmaster General and the President.

In the fourth congressional district, in the city of Henderson, an examination was held and three eligibles were certified, all Democrats and men of character and standing. Yet up to this good hour that examination has been ignored and no appointment made.

Even ex-service men, who stood at the top of the list of eligibles certified, have been ignored and a partisan henchman appointed who would carry out the will of the local organization.

It would be infinitely better, more manly, if the administration would frankly announce a purpose to ignore entirely the civil service law. There are in Washington to-day more than a score of men and women, devoted public servants, thrown out of employment, without even the semblance of an excuse. We are told it was done to promote efficiency of the service.

And that is all we have been told. No charge of any kind has been preferred against any one of the Government workers recently dismissed from the service in the city of Washington. Not even one day's notice was given them. Some of them have families, and almost all were dependent upon their salaries for support. To dismiss them in this manner was punishment undeserved and cruel. And the order of the President raises the question whether he himself is obliged to respect and obey the law.

It is very true that the President has always possessed the power of removal, but in 1897 President McKinley established a rule that reasons should be given when a removal was made, with opportunity for the person whose removal was sought to make reply.

On August 24, 1912, Congress embodied this rule substantially in an act which provides—section 6—that "no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal."

It would seem that this administration has deliberately resolved to take care of the faithful, even though it becomes necessary to violate the letter and spirit of the law in order to make places for them.

I do not know whether the American people will tolerate such a crude partisan course or not. At least, it is only fair that they should know the facts.

The policy of the Democratic Party with respect to the ex-service man was and is now not only a policy of justice but of generous justice. We recognize the debt we owe to these men, and the party will not cease its struggle to secure justice and fair treatment for them in generous measure.

NORTH CAROLINA IN CONGRESS UNDER WILSON.

Under the administration of Mr. Wilson the State was represented in so many of the great committees of the House and Senate as to cause considerable comment. In Senate Mr. SIMMONS was chairman of the Finance Committee, while Senator OVERMAN was chairman of the Committee on Rules.

During the Sixty-fifth Congress the State had the chairmanship in the Senate of the Finance Committee, while in the House we had Mr. KITCHIN as chairman of the Ways and Means Committee. There may be a precedent for this, but if so it has never been called to my attention. Not only did our State have these great places, but it was a matter of frequent comment that no chairman of the Senate Finance Committee and no chairman of the House Ways and Means Committee ever knew more about the details, provisions, and hundreds of items of taxation in the bills under their charge than did SIMMONS and KITCHIN. It is only fair to say that our two Senators are now and have been for years national figures, wielding powerful influence for righteous legislation. We had, as everyone knows, Hon. Josephus Daniels as Secretary of the Navy. More than 80 committees or subcommittees of the House and Senate have at one time or another conducted investigations of expenditures under the Wilson administration. The Navy Department under Secretary Daniels was intrusted with the expenditure not only of millions but billions of money which Congress deemed necessary to carry on the war to successful conclusion. From beginning to end not one whisper of scandal has ever touched Josephus Daniels. In our grim determination to win the war as quickly as possible, and thereby save as many American lives as possible, doubtless money was wasted, but during all the investigations of the billions expended be it said to the everlasting honor of the Wilson administration not only was there no outstanding scandal proven but no dishonesty was proven against any high official, and no scandal was developed similar to the scandals proven in the Civil War and the Spanish-American War, which even partisan Republican organs, filled with hate and prejudice, would dare take the risk of printing.

Concerning those who represent the State in the House of Representatives, it may not become me to speak, and yet I can not refrain from saying there is no jealousy amongst us; but, on the contrary, a most generous spirit of cooperation in respect to all measures which, in our judgment, promote the interest of the American people. All of us cherish the hope that Leader KITCHIN will be restored to health and vigor, for while he fights hard he never strikes below the belt, and by his splendid courage he has justly won the affection and respect of his colleagues of both parties in the House.

It should not be forgotten that there was not a break in the prosperity of the Nation until after the final defeat of the Versailles treaty. Moreover, it should not be forgotten that Mr. Wilson had only been in office 17 months when war broke upon the world. And yet when America declared war the great Federal reserve law had been enacted, farm loan banks had been created, and the fairest tariff law in the Nation's history had been enacted. But for the Federal reserve law it is exceedingly doubtful if we could have successfully financed the war. After the war ended and the country was threatened by panic, caused, as many believed, by the policy of the Republican Party, that law saved many individuals and corporations as well from financial ruin. The farm loan system was a companion law. The farmers of America certainly can not forget that Wilson was the first President who clearly saw the necessity for a system in financing agriculture. Up to this date $600,742,000,000 have been loaned to the farmers of America on long time at a low rate of interest; of this huge sum $9,915,700 has been loaned in North Carolina. Many farmers have been helped, but not all who deserve help. A Democratic Congress will pass such legislation as experience may demonstrate to be necessary to make the Wilson Farm Loan Act a national success.

There was Republican opposition to both these laws. Examine the roll calls and you will see just where the opposition was. They are all Democratic laws, recommended by a Democratic President, enacted by a Democratic Congress. Some of the Republicans in power do not scruple to abuse the former President, but you have not heard any suggestion that they intend to repeal either the one or the other of these great constructive legislative acts for financing the people of America. Our Republican friends are fond of talking about a great American merchant marine. Under Democratic rule in ante bellum days the Nation possessed a flourishing merchant marine, which was killed by the policies of the Republican Party after the Civil War. Under President Wilson the greatest merchant marine in the Nation's history was built up. I heard President Harding declare in a message delivered in person, according to a custom revived by Mr. Wilson, that his administration was pledged to provide a great merchant marine; that the pledge must and would be kept. How do you suppose they are going to restore the American flag to the high seas? By a subsidy, of course. They are again building a high tariff wall, and if anything kills a merchant marine a tariff too high certainly does. It is axiomatic that a ship loaded for a foreign port must also return loaded. Otherwise the loss would be too great. So our Republican friends, when they decided to rebuild this high tariff wall knew they could not maintain a merchant marine without the assistance of a subsidy. There is a good deal of grumbling about this proposed subsidy among Republicans. Particularly is that grumbling heard from that farm bloc which President Harding considers so unnecessary in a Nation run by political parties, and which farm bloc is to him so objectionable. Never-

theless, there are enough Republicans still under the influence of the President to pass the subsidy bill. They are going to have a merchant marine if they have to tax the people to make good a loss which is certain so long as the high tariff wall remains.

So against the Federal reserve law, the farm loan act, the Underwood-Simmons tariff law, and other measures during Wilson's period of administration prior to the Great War, you have the do-nothing policy of the Republican administration up to this hour.

THE INIQUITOUS SHIP SUBSIDY BILL.

You have, however, the promise of the President that he is going to build up a great American merchant marine by means of a subsidy, which he hopes will cover the loss of the shipowner if he fails to bring a full return load, because he knows he must scale that high tariff wall in order to get rid of the return load. The American people in November will, of course, decide whether they are willing to be taxed to provide the subsidy which the President has recommended. The bill proposed by the administration authorizes the Shipping Board to sell any or all of the 1,447 steel ships belonging to the United States at their own price, for cash or otherwise, on terms, with or without advertisement, at 2 per cent interest for deferred payments on 15 years' time. A higher bid may be rejected for a lower. There is no restraint or positive rule to prevent favoritism.

A revolving fund of $125,000,000 is set aside from sales and operations of ships which may be loaned at 2 per cent on such terms as the board sees fit to aid in constructing or equipping ships, the only limitations being that two-thirds of the value of the ships built or to be equipped when completed can be loaned.

Owners of vessels can deduct from their net incomes for taxation amounts equal to the net earnings of the vessel, so that the entire income of the vessel is free from taxation, if an amount equal to the taxes remitted is set aside for investment in improvements. This practically frees all shipowners from taxes.

Any person selling a vessel built prior to 1914 is exempt from paying income tax on profits of the sale, giving advantage to speculators who buy ships at $20 a ton and sell for $50 a ton, for instance.

All Army and Navy transport service is to be abandoned, and contracts may be made with private vessel owners for all transportation in time of war or peace, either of persons of property, on 10-year contracts. No contract can be interfered with even by Congress.

Provision is made for owner of every vessel of 1,500 tons or more, subsidies, regardless of speed, of one-half cent per 100 miles for each gross ton. The subsidy increases with the speed of the vessel until the speed reaches 23 knots, when the subsidy is 2.6 cents per ton for 100 miles. Under this law a vessel like the *Leviathan* would earn in subsidies alone more than $1,500,000 a year.

The iniquity of this subsidy is that the Shipping Board may double or cut all the subsidy off if they want to.

No more unjust or unscientific plan for maintaining a merchant marine could be devised. Government subsidy is hateful to the American people. Let Mr. Harding try out his plan and await results. No party can successfully defy the laws of common sense, and no political party, in my humble judgment, will for any long period of time be permitted to tax the people to raise funds to be handed over, practically gratis, to certain shipowners of the Nation.

Ladies and gentlemen, looking backward over the span of years since the summer of 1914, what have we seen? First of all we saw the black cloud of war suddenly gather and the deluge break. We saw the President of this Nation doing all that mortal man could do to maintain perfect neutrality. We heard the criticism and abuse hurled against him because he would not ask Congress to declare war when the *Lusitania* was sunk. At last Germany crossed the dead line. She sank our ships, murdered not only our sailors but noncombatant civilians, men, women, and even helpless children. We then heard the President come before Congress, sum up the crimes committed against us, and conclude his immortal message by declaring, "God helping us, we can do nothing now but go to war."

And then we saw the Nation undergo a second birth. Even as a human soul is born again, so also this Nation was born again unto the cause of righteousness, of generous sacrifice for the good of all mankind. We heard the drums beat and we saw the boys go, and every minute we were praying, "O dear God, if they must go, do let them come back." We did verily believe we were waging war to banish that bloody scourge forever from the world. We heard the news flashed that 12,000 of our marines had turned the Germans back. We heard of the victory of Chateau-Thierry. We heard of the wedge our men had driven through the Argonne. Then the news came that the Hindenburg line had been broken, and forthwith we heard the whine Germany set up begging for peace. The armistice was agreed to. The President was at the pinnacle of world leadership. Men and women throughout America were filled with exaltation of high purpose. More than this, material prosperity undreamed of was seemingly part of our reward for generous service rendered.

And then commenced the happening of a course of events almost as amazing as the splendid march of the Nation upward. The historian of the future will pause in wonder and disgust when he records the details of a political plot concocted to defeat the treaty. Do not forget that Mr. Harding, Mr. Hughes, Mr. Root, Judge Taft, Senator Lodge, Secretary Hoover, and other members of the President's Cabinet were all supporters of the treaty. Some with reservations, others without any reservations at all, and yet the treaty was defeated. You mother, you father, who lost your boy, what balm has been given for your wounded heart? What spiritual compensation have those in power offered to ease that wounded heart? We saw our boys go and heard the promise made, which appeared to have the unanimous indorsement of the American people, that the boys must go to war in order to free the world as far as humanly possible in all the future from that bloody curse.

Who will say that President Wilson did not offer all, even his own life, to keep the faith? The solemn pledge has not been kept by the Republican Party. There are some who can not rid themselves of a feeling that the Republican Party through its hatred for Wilson and in its determination to get back into power by fair or foul means blasted for the time being the hope of mankind for world peace. And, worst of all, the ugly work was done by mobilizing every German sympathizer, every coward masquerading as a conscientious objector, every traitor, under the banner of the Republican Party.

What the future policy of this Nation is to be in world affairs God in heaven only knows. Mr. Harding has not told us. Mr. Hughes has not told us. If they have any fixed world policy, they have not taken the American people into their confidence. The suggestion of the recent conference in Washington did not come from the President or from his Secretary of State. The suggestion came from Congress long before anyone dreamed that Mr. Harding would be President. A Democratic House had written the suggestion in a bill passed by that Democratic House. God grant the work of the conference may be successful. We can only wait and hope.

One word in conclusion. There is a wounded soldier in Washington now, a private citizen, who even in his retirement wields greater influence for good than any living man. What shall I say about this wounded soldier? Perhaps I had best answer in this way. All rational persons believe in Almighty God. Faith in God was the rock of ages which held this Nation steady during the World War. But for this faith untold thousands of men and women would have been driven to madness. Faith in God was the only light in the darkened firmament of the universe. It was the only refuge for the soul, sickened by the horrors of the war. God lives. He is merciful. The soul is immortal and goes back to its God. This faith was the balm of Gilead for the broken heart.

My friends, even as I have faith in a heavenly Father, so also I believe His providence in the supreme crisis in the world's history raised up Woodrow Wilson to lead all nations to a plane of nobler action and to point out to the children of men the pathway which leads to liberty and to universal peace.

Mr. WHEELER. Mr. Speaker, I move the previous question on the bill.

Mr. WALSH. The gentleman agreed to allow an amendment.

Mr. WHEELER. I beg the gentleman's pardon. I withdraw my motion.

Mr. GILBERT. Mr. Speaker, I wish to offer an amendment.

The SPEAKER. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 1, line 6, strike out the word "or" and insert "nor shall any corporation now engaged in the business of banking be permitted."

Mr. WALSH. If the gentleman will permit, that is confined to corporations now engaged in business. It ought to include those now or hereafter engaged in business.

Mr. GILBERT. Those that are now engaged in business are the ones attempted to be covered by the amendment, as the bill itself takes care of future enterprises, I understand.

Mr. WALSH. It does not take care of them with reference to establishing branches. It only takes care of permitting them to enter business here in the future. You say that no corporation not now engaged in the banking business shall be permitted to enter the District of Columbia, nor shall any corporation now engaged in business be permitted to establish

branches. The gentleman will see that unless we make the inhibition apply to those now engaged in business or hereafter engaged in business those that come in hereafter might be permitted to establish branches by plain implication from the reading of the law. If the gentleman will modify his amendment, there certainly can be no question about it.

Mr. GILBERT. As we are all agreed on the purposes of this bill, I will accept the gentleman's amendment.

Mr. WALSH. After the word "now," insert the words "or hereafter."

Mr. GILBERT. Modified by inserting the words "or hereafter."

Mr. DOWELL. How is it possible for a bank hereafter to enter into business under that provision? Will not your language destroy what you are trying to get?

Mr. GILBERT. I thought it was very plain as it was, and I do not think the gentleman's suggestion will have that effect. I do not think it adds anything to it, neither do I think it does any hurt.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "or" and insert in lieu thereof the following: "nor shall any corporation now or hereafter engaged in the business of banking be permitted."

Mr. WALSH. Mr. Speaker, I ask that the Clerk now read the section as it will read if this amendment is agreed to.

The Clerk read as follows:

That no corporation that is not now engaged in the business of banking in the District of Columbia shall, after the passage of this act, be permitted to enter upon said business in the said District, nor shall any corporation now or hereafter engaged in the business of banking be permitted to establish branch banks in said District, until after it shall have secured the approval and consent of the Comptroller of the Currency; and each one of the officers of such corporation so offending shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Virginia, for one day, on account of attending the funeral of a friend.

To Mr. MORIN, indefinitely, on account of death in family.

To Mr. SMITH of Michigan, for 10 days, on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions.

ADJOURNMENT.

Mr. WHEELER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 25, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LARSEN of Georgia: Committee on the Public Lands. H. R. 10517. A bill confirming and validating the title of certain purchasers from the State of Louisiana of certain lands formerly included in the Fort Sabine Military Reservation, in Cameron Parish, La., now abandoned; with amendments (Rept. No. 917). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11405) providing Federal aid in the construction of sea walls, bulkheads, and jetties and other approved devices necessary and proper to protect the inland waterways, navigable rivers, and waterways of the coast of the State of New Jersey, from Sandy Hook to Cape May, from destruction by encroachments of the Atlantic Ocean; to the Committee on Rivers and Harbors.

By Mr. CARTER: A bill (H. R. 11406) to authorize appropriations for the survey, construction, and maintenance of highways on or adjacent to untaxed Indian lands; to the Committee on Indian Affairs.

By Mr. FULLER: A bill (H. R. 11407) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 11408) granting the consent of Congress to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River in said town of Rockton; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11409) granting the consent of Congress to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 11410) to create Federal local option districts, to provide money to pay the expected deficit in the Treasury, to amend the revenue act of 1921, and for other purposes; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 11411) to provide credits to secure the successful production and profitable and orderly marketing of agricultural products and live stock in the United States; to the Committee on Banking and Currency.

By Mr. SHAW: A bill (H. R. 11412) for improvement of the Illinois River and a section of the Mississippi River, removal of locks and dams in the Illinois River, and the control and regulation of the withdrawal of water from Lake Michigan; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11413) for improvement of the Illinois River, Ill., and a section of the Mississippi River, and removal of locks and dams in Illinois River; to the Committee on Rivers and Harbors.

By Mr. VOLSTEAD: A bill (H. R. 11414) to authorize the summoning of a grand jury for the District of Columbia when the exigencies of the public service may require it; to the Committee on the Judiciary.

By Mr. SINCLAIR: A bill (H. R. 11415) to amend the United States grain standards act; to the Committee on Agriculture.

By Mr. CHINDBLOM: A bill (H. R. 11416) to repeal section 1 of the act approved May 19, 1852, as to certain lands affected thereby; to the Committee on the Public Lands.

By Mr. KELLY of Pennsylvania: A bill (H. R. 11417) for the improvement of the Monongahela River; to the Committee on Rivers and Harbors.

By Mr. SMITH of Idaho: A bill (H. R. 11418) to grant to the State of Idaho the use of certain islands in the Snake River for a rifle range for the Idaho National Guard; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNBAR: A bill (H. R. 11419) granting a pension to Mary J. Morgan; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11420) granting an increase of pension to Alice Kingrey; to the Committee on Pensions.

By Mr. KINCHELOE: A bill (H. R. 11421) granting an increase of pension to Johanna Staton; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11422) granting a pension to Agnes E. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11423) granting an increase of pension to Elizabeth Lippert; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 11424) granting an increase of pension to Charles N. Kelley; to the Committee on Pensions.

By Mr. ROACH: A bill (H. R. 11425) granting a pension to Susan A. Sims; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 11426) granting a pension to Mary D. Griffith; to the Committee on Invalid Pensions.

By Mr. LARSON of Minnesota: Joint resolution (H. J. Res. 311) to pay the actual and necessary expenses and compensation of James I. Coffey; Wah-be-zhay-zheence, chief of the

Leech Lake Chippewa Indians in Minnesota; Wah-boose, chief of the White Fish Point Chippewa Indians in Minnesota; and Benjamin Cosgrell, delegates of the Chippewa Indians in the State of Minnesota, in coming to Washington in the interest of said Chippewa Indians; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5243. By the SPEAKER (by request): Resolutions adopted by the Juneau Commercial Association, relating to the regulation of the salmon fisheries of Alaska; to the Committee on the Merchant Marine and Fisheries.

5244. Also (by request), resolution adopted by the Presbytery of Binghamton, N. Y., indorsing Senate joint resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5245. By Mr. ANSORGE: Petition of Metropolitan Chapter, No. 140, Royal Arch Masons, of New York City, urging the passage of the Towner-Sterling educational bill; to the Committee on Education.

5246. By Mr. BARBOUR: Petition of residents of Gustine and Newman, Calif., protesting against House bills 9753 and 4388 or Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5247. Also, petition of residents of Corcoran, Calif., protesting against House bills 9753 and 4388 or Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5248. Also, petition of the council of the city of Modesto, Calif., indorsing House bill 10212; to the Committee on the Judiciary.

5249. By Mr. BROWNE of Wisconsin: Petition of citizens of the eighth congressional district of Wisconsin, protesting against the passage of House bill 9753 or any compulsory Sunday observance bill, such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5250. By Mr. CRAMTON: Resolution of the Michigan State Farm Bureau, of Lansing, Mich., urging that there be no reduction in Federal funds for agricultural extension work; also, letter from the board of directors, Tuscola County Farm Bureau, Caro, Mich., urging the same thing; to the Committee on Appropriations.

5251. By Mr. FROTHINGHAM: Resolution adopted by the council of the Appalachian Mountain Club, opposing the transfer of the administration of the national forests, either in whole or in part, from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5252. By Mr. FULLER: Petition of the Illinois Agricultural Association, protesting against the importation of blackstrap molasses free of duty; to the Committee on Ways and Means.

5253. Also, resolutions of the general committee on Army and Navy chaplains of the Federal Council of the Churches of Christ in America, protesting against any drastic reduction in the number of chaplains for the Army and Navy; to the Committee on Appropriations.

5254. Also, petition of the American Farm Bureau Federation conference for the prevention of grain rust, favoring an appropriation of not less than $500,000 for the eradication of the common barberry bush; to the Committee on Appropriations.

5255. Also, petition of The Wilson Shoe Co., of La Salle, Ill., opposing any tariff duty on hides and shoes; to the Committee on Ways and Means.

5256. By Mr. KAHN: Petition of citizens of Oakland, Calif., against Sunday legislation; to the Committee on the District of Columbia.

5257. By Mr. KISSEL: Petition of Samuel Black, Z. V. Conway, Francis Gough, Miss Jennie N. Lewis, Richard W. Matthews, Robert H. Montgomery, all of New York City, N. Y.; Robert F. Dean, of Mount Vernon, N. Y.; and W. C. Ingalls, of Kingston, N. Y., relative to the emergency tariff act; to the Committee on Ways and Means.

5258. Also, petition of R. F. Carey, John J. Cowley, John Jacobs, and Antoinette E. Searle, all of Brooklyn, N. Y., relative to emergency tariff act; to the Committee on Ways and Means.

5259. By Mr. LAMPERT: Certified copy of resolution adopted by the council of the city of Oshkosh, Wis., giving the voters of Oshkosh, Wis., an opportunity to express their opinion on the question of the amendment of the Volstead Act permitting the manufacture and sale of light wine and beer, together with certified copy of the result of the vote on said question submitted, which is as follows: For such manufacture and sale, 5,310; against, 2,689; to the Committee on the Judiciary.

5260. By Mr. MORIN: Petition of the Pittsburgh Chapter of the Pennsylvania Institute of Certified Public Accountants, favoring bill introduced by Representative EHLMAN creating a board of accountancy in the District of Columbia; to the Committee on the District of Columbia.

5261. By Mr. ROSENBLOOM: Petition of the Presbytery of Wheeling, W. Va., indorsing House bill 9753 to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5262. Also, petition of the Presbytery of Wheeling, W. Va., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5263. Also, petition of the Presbytery of Wheeling, W. Va., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5264. By Mr. ROSSDALE: Resolution adopted by the Women's Republican Club of New York City (twenty-third assembly district), to restore the tube system of transportation of mails in New York City; to the Committee on Appropriations.

5265. Also, resolution adopted by the Woman's Republican Association, State of New York, to reestablish the postal tube service in New York City; to the Committee on Appropriations.

5266. By Mr. SMITH of Michigan: Protest of M. C. Haase and 144 citizens of Eaton Rapids, Mich., protesting against the passage of House bill 9753 or any other Sunday bill, such, for example, as House bill 4388 or Senate bill 1948, providing for the regulation of Sunday observance by civil force under penalty for District of Columbia; to the Committee on the District of Columbia.

5267. Also, petition of the Larrowe Milling Co., in favor of the enactment of the Fordney tariff bill; to the Committee on Ways and Means.

5268. By Mr. SNYDER: Memorial of the officers and standing committee of the Central New York Chapter, Society of Military and Naval Officers of the World War, favoring the adoption of the military policy developed by the War Department as a practical memorial to those who gave their lives to their country; to the Committee on Military Affairs.

5269. By Mr. TAGUE: Resolutions adopted by the Appalachian Mountain Club, 1878, protesting against the transfer from the Department of Agriculture to the Department of the Interior of the administration of national forests; to the Committee on Agriculture.

5270. By Mr. TINKHAM: Resolution adopted by the council of the Appalachian Mountain Club, relative to the proposed transfer of the administration of the national forests; to the Committee on Agriculture.

SENATE.

TUESDAY, *April 25, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McKinley	Ransdell
Ball	Hale	McLean	Sawyer
Borah	Harreld	McNary	Shortridge
Brandegee	Harris	Mason	Smoot
Broussard	Harrison	Myers	Spencer
Bursum	Heflin	Nelson	Stanley
Capper	Johnson	Newberry	Sterling
Caraway	Jones, N. Mex.	Nicholson	Sutherland
Colt	Jones, Wash.	Norbeck	Swanson
Culberson	Kellogg	Norris	Townsend
Cummins	Kendrick	Oddie	Wadsworth
Curtis	Keyes	Overman	Walsh, Mass.
Dial	King	Page	Watson, Ga.
du Pont	Ladd	Pepper	Watson, Ind.
Edge	La Follette	Phipps	Weller
Ernst	Lodge	Pittman	Williams
Fletcher	McCumber	Poindexter	Willis
Frelinghuysen	McKellar	Pomerene	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is necessarily absent. This announcement may stand for the day.

The VICE PRESIDENT. Seventy-one Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed Senate bills of the following titles, each with an amendment, in which it requested the concurrence of the Senate:

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 1009. An act for the relief of H. C. Mullins, his wife and minor children;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler;

H. R. 3588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 3820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek;

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 9671. An act to amend section 87 of the Judicial Code;

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

PETITION.

Mr. LADD presented a resolution of Stevens County District Progressive Grange, No. 5, of Colville, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Naval Affairs, to which was referred the bill (S. 3356) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy, reported it without amendment and submitted a report (No. 634) thereon.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 531) for the relief of Ivy L. Merrill, reported it without amendment and submitted a report (No. 635) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 3508) to regulate foreign commerce in the importation into the United States of the adult honeybee (Apis mellifica); to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 3507) to allow officers and employees of the United States to be commissioned in the Officers' Reserve Corps and to receive pay and allowances when on active duty; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 3508) providing for defendant's attorney fee in certain cases; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 3509) regulating the production of wares which enter into interstate commerce; to the Committee on Education and Labor.

By Mr. McKINLEY:

A bill (S. 3510) granting the consent of Congress to the city of Ottawa and the board of supervisors of the county of La Salle, in the State of Illinois, to construct a bridge across the Fox River; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3511) to provide for the protection and development of the lower Colorado River basin; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 3512) to regulate the rate of interest that may be paid by national banks in certain cases; to the Committee on Banking and Currency.

TARIFF BILL AMENDMENT.

Mr. LADD submitted an amendment, intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

ADJUSTED COMPENSATION FOR EX-SERVICE MEN.

Mr. WALSH of Massachusetts. Mr. President, I request the attention of the chairman of the Finance Committee, the Senator from North Dakota [Mr. McCUMBER]. I wish to call attention to a newspaper article in the Washington Post of this morning, the headlines of which read as follows:

Bonus discussed at secret session. Senators take up various plans with MacNider, of Legion, and other leaders of veterans. Approve bank loan idea. Agreement on final features may be reached at another meeting to-day. (MacNider's statement.)

The news article follows.

Mr. President, I wish to protest vigorously against any committee of the Senate holding secret sessions to hear evidence in regard to legislation in which the whole country is interested, and in which the minority is as keenly interested as the majority. I can understand and appreciate the desire upon the part of the majority of the committee, charged with the responsibility of drafting bills that represented the majority views, to hold secret sessions and to deliberate in secret about the form and character of the bill to be reported, but I can not understand why it is necessary for any committee of this body to hold secret sessions for the purpose of hearing testimony from witnesses upon contemplated legislation. I am informed that yesterday the majority members of the Finance Committee held a meeting at which there were present several witnesses representing the American Legion and possibly others; that testimony was heard; that the press was excluded; that the minority was excluded; and that again this morning witnesses appeared and testimony was taken in the same way before the majority members only.

I want to protest, I repeat, against the practice of hearing evidence from witnesses summoned or invited before a committee without the full committee being present. The minority has some rights, and one of the rights which the minority ought to have is to know all the facts, to know all the evidence that is disclosed upon which legislation is framed and drafted. I think, especially when a bill of this character, in which there is so much public interest, is being heard that the hearing of evidence by the majority members is not the proper course to pursue in a legislative body of this character. I would like to have the chairman of the committee make some explanation for such a policy, and I wish that the minority might be informed whether or not we are to be excluded from hearing all the evidence presented for or against proposed legislation on the various issues which are being presented from time to time for legislation.

I repeat there may be some excuse or justification for secret sessions to draft the provisions of a bill, but when it comes to evidence, we of the minority can not present our views in the Senate properly, we can not argue the technical features of the legislation, unless we have heard all the evidence. We are being put in the position where the minority may hear only a part of the evidence, hear only a part of the arguments, and hear only a portion of the case that is presented upon which the demand for legislation is based. I think it is time for a protest to be registered by the minority against practices of this kind. I would like the chairman of the committee to let us know how long this is going to continue. How long must the minority remain dumb? Are we to tell the people of the country that our functions and duties consist only of attendance here upon the floor and expressing our opinions here or are we going to be permitted to maintain our position as members of the various committees, share all the responsibilities of committee membership, and hear all of the evidence that is presented?

The Senator from Utah [Mr. KING] yesterday called attention to the fact that secret sessions have been held and witnesses were present and heard in the drafting and framing of the tariff bill. I think it will appear before the discussion is over that witnesses were actually heard, and the selfish or disinterested interests of those witnesses, the propositions which they present to a part of the committee, ought to be a matter of public record and ought to be known to the whole committee and the general public. Legislation formed in secret session upon testimony from which either side of the Chamber is excluded can not but have a suspicion attached to it and will certainly fail to merit the full confidence, approval, and support of the American people.

Mr. President, as a member of the minority, I wish to ask how long we are to be debarred from our right to participate in the deliberations of Senate committees in so far as the hear-

ing of testimony is concerned? I think, especially when we are considering a measure of this kind, a measure in which the people of the country are, perhaps, more interested than even in the tariff bill, we should be informed to what extent and for how long the minority are to be excluded from the deliberations of the committees of this legislative body.

Mr. McCUMBER. Mr. President, the junior Senator from Massachusetts [Mr. WALSH] erected a man of straw and then proceeded to knock him to pieces. After he had succeeded in doing that, he asked me if there was any such man. I think he would have saved himself some trouble if he had merely asked the question in the first instance whether or not there had been a meeting of the majority members of the committee and whether or not witnesses had been subpenaed in order to take testimony and whether or not the testimony had been taken. Had he done so, I should have told him that no witnesses had been subpenaed and that no testimony had been taken by any number of Senators.

The Senator, of course, in the matter of the consideration of tariff bills knows what has heretofore been the uniform custom. There has been no testimony taken in reference to the pending tariff bill since we concluded the taking of testimony by the entire committee. Senators, however, have been allowed to come before the members of the committee who were preparing the bill. Senators from both sides of the Chamber have come to consult us in reference to the various schedules of the bill. They were always very welcome to come. The Republican majority of the committee, however, on the question of the policy of protection, in reference to which there is a marked difference between the two parties, have always framed protective tariff bills. The Democrats when they have been in the majority have always framed their tariff for revenue bills after the hearings have been closed: In the framing of the pending bill the Republicans have followed the same rule. If it is desired to expedite business I think the present method is really the best, although very often I should have liked to have been present when the Underwood-Simmons bill was being framed, but I was denied that privilege. On the whole, I think I would have gained nothing, probably, had I been permitted to be present.

In reference to the soldiers' compensation bill, however, I have not considered the condition to be similar. The Senator from Massachusetts understands the differences that exist between the President and some of the members on this side of the Chamber who are in favor of the soldiers' compensation bill; differences growing out of the means by which revenue is to be secured to meet the obligations of that legislation. As chairman of the Committee on Finance, I am ready to consult with those representing the soldiers at any and all times in order to explain to them, as nearly as I can, the differences that arise and to obtain their views. I also may wish to talk the matter over sometimes with two or three other Senators, desiring to have their views as well. However, when we reach the consideration of the bill the Committee on Finance will be called together and we shall discuss all of the matters which are therein involved.

The Senator from Massachusetts undoubtedly consults with persons representing the soldiers of the World War just as I do. Both of us try to get all the information we can before the committee finally meet together and enter upon a consideration of the question.

I do not think it will be necessary to take any additional testimony so far as the cause of the soldiers is concerned. Whether or not it will be necessary to draft a bill which will provide a method of raising revenue is a question which we shall have to consider hereafter; but, if it shall be found necessary to do that, such a measure will have to be framed by the House of Representatives, the Constitution requiring such measures to originate there.

So the Senator from Massachusetts is mistaken if he thinks for a single moment that there has been an attempt to hold a secret session of the committee or of any members of the committee in merely talking the matter over with any of the soldiers. Sometimes I have talked with the soldiers alone; sometimes I have had the Senator from Utah [Mr. SMOOT], who sits to my left, and one or two other Senators to join with me in the discussion of some feature with those who represented the soldiers' view. Such discussions as we have had were preliminary to hearings, if any hearings shall be had, and also for the purpose of securing the viewpoint of those who are interested in the proposed legislation and the obstacles which we must meet and overcome. There has been no stenographer present and no word has been taken down.

Mr. WALSH of Massachusetts. The Senator from North Dakota has suggested that I have erected a man of straw. I desire to ask, Is it not a fact that certain members of the majority of the Committee on Finance met in the Finance Committee room on yesterday?

Mr. McCUMBER. Oh, yes; I think four of us were there present.

Mr. WALSH of Massachusetts. Is it a fact that the head of the American Legion, Mr. MacNider, and a delegation of representatives of the legislative committee of the American Legion met with the Senator from North Dakota and other Senators of the majority party in the committee room?

Mr. McCUMBER. A number of gentlemen met with us.

Mr. WALSH of Massachusetts. Is it not also a fact that there was a discussion, that arguments were made pro and con between members of the committee and the gentlemen representing the American Legion?

Mr. McCUMBER. No; that part of the Senator's statement is a little far-fetched.

Mr. WALSH of Massachusetts. Did those gentlemen make no statements?

Mr. McCUMBER. We talked the matter over generally between us, just as gentlemen sitting at a table will talk matters over.

Mr. WALSH of Massachusetts. Was the press excluded?

Mr. McCUMBER. There was no testimony taken. Nobody made general statements or anything of that character, nor was anyone asked to do so.

Mr. WALSH of Massachusetts. The facts are that some of the members of the committee did meet; that there were present persons who were interested in the legislation; that there was some conversation—they were not there for nothing—and there was some discussion of the bonus bill. I protest against such action on this bill particularly, because it ought not to be a party question; it ought not to be a question that should be made a party issue before the American people.

Mr. WATSON of Indiana. Will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. I should like to have the facts absolutely disclosed, and I should like to know whether or not I have been misinformed by this newspaper article, which is to the effect that there were present in the committee room with the members of the majority party various representatives of the American Legion, who, alone and in private, had a discussion about this bill.

Of course, I am not criticising those present as witnesses. I am objecting to the exclusion of the minority from hearings of the committee.

Mr. McCUMBER. Some of the majority members of the committee were present.

Mr. WATSON of Indiana. Mr. President, two or three days ago there were present in my office several representatives of the American Legion and three or four Senators, and we discussed this question in a general way. Does the Senator from Massachusetts think I ought to have sent out for him to come to my office?

Mr. WALSH of Massachusetts. No, sir; I do not.

Mr. WATSON of Indiana. What difference does it make whether such a meeting is held in my office or held in the office of the Senator from North Dakota?

Mr. WALSH of Massachusetts. I think when such a meeting is held in the committee room and the chairman is present and a number of witnesses who are interested in the legislation appear before any number of members of that committee the whole committee ought to be present. That is my opinion; and I protest, not merely because the Republicans have violated that practice, but I should protest just the same had it been done by Democrats. It seems to me that the practice of having witnesses heard in secret upon matters of legislation will inevitably bring about a distrust of representative government. That is my protest. If the Democrats had done it they would have been just as blamable as are the Republicans. Yesterday Republican members of the Committee on Finance had witnesses present and spent some hours in discussing proposed bonus legislation. I protest, and say that those witnesses ought to have been heard before the whole committee.

Mr. WATSON of Indiana. Mr. President, I fail to catch the viewpoint of the Senator from Massachusetts. On yesterday morning four of us came together——

Mr. WALSH of Massachusetts. I would not make this a political matter. My protest is against any witnesses interested in legislation being heard by any group or any political element of the Senate. I think that the whole committee should have

been present. Because that was not the case, I voice this objection.

Mr. WATSON of Indiana. Four Senators went into the committee room, the Senator from North Dakota [Mr. McCUMBER] having called us up, and we sat there and talked over the question of soldiers' adjusted compensation legislation. There was no hearing; there was no committee meeting, but merely a coming together of Senators. I have had similar gatherings in my office. Does the Senator think that if I call a number of Senators together in my office to talk about a tariff schedule and I have there present some people who may be interested in a given schedule to talk to me about it that I must send for him and ask him to be present? Certainly he does not. What is the difference, whether in the committee room or in my own private office, if four or five of us come together to discuss a tariff schedule or some other question and persons interested in that schedule or in the other question are present? Does the Senator think we are bound to send out and ask for the Democratic minority to be present?

Mr. WALSH of Massachusetts. I think it is a very bad and a very dangerous precedent for the majority of this body to meet in their own committee room and hear witnesses interested in any legislation with no one present representing the Democratic minority. On the Senator's own admission there were four members of the majority, including the chairman of the committee, present at the meeting referred to. I say it is a bad precedent and that such a practice breeds distrust upon the part of our people for our institutions. The only way to safeguard the confidence which the public ought to have in a representative body is to have all discussions in the open, especially when the question of retaining confidence and respect for our laws is involved.

Mr. WATSON of Indiana. Mr. President, I am forced to disagree with the Senator from Massachusetts, as much as I esteem him and as highly as I regard his opinion, as a rule. The majority formulate legislation; they get together and agree on the general provisions, and then they call in the minority members, in accordance with the universal custom, for the purpose of discussing the whole measure. That is precisely what we were undertaking to do, except in a less formal way, with regard to the bonus measure. We simply came together for the purpose of talking it over, and yesterday there were four members of the majority present. I do not know whether other members of the majority were invited to be present or not; I presume they were, but had other business on hand. I do not agree that it is essential that the minority should be brought in every time we want to get together to talk over a schedule of the tariff bill or the provisions of the bonus bill. It is the business of the majority, in the first instance, to formulate the legislation, but, of course, hearings must be had, and the Senator will remember that we had all of the hearings on the tariff bill in the open, for he himself attended most of the committee sessions and was a very valuable member at all of those hearings. The same statement applies, of course, to the preliminary consideration of the proposed bonus bill. The majority get together, discuss it, and undertake to lick it into shape; and then, if hearings are to be had, as a matter of course all the members of the committee will be invited to attend these hearings.

Mr. KING. Mr. President, will the Senator yield?

Mr. WATSON of Indiana. Yes.

Mr. KING. Then, as I understand the Senator's idea of the ethics of legislation, it is that the party in power may hold secret meetings at which witnesses are heard, so long as their testimony is not taken down, may formulate the legislation, and then perfunctorily may invite the minority in and say, "Now we will have some hearings."

Mr. WATSON of Indiana. No. In the first place, the Senator does not discriminate between Senators coming together to discuss a matter and a formal committee hearing. The Senator knows the difference as well as anybody in the world. If a half dozen majority Senators want to get together in a room and talk over some matter affecting tariff or bonus legislation, I think it is the height of folly, with all due respect to my friend, to claim that we have got to send out for some Democrats to come in there to hear the conversation between us. It has not been done, and, with all due respect to everybody, it will not be done.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a moment?

Mr. WATSON of Indiana. Certainly.

Mr. WALSH of Massachusetts. Does not the Senator think there is a distinction in this case, inasmuch as the present bonus bill has never been considered by the committee, but has just come to this body from the House and no hearings have been held? Therefore the conference held was for the purpose of eliciting information of a special character for the benefit of the majority without the minority being present. There has never been a hearing held on the present House bonus bill. This is not a case where, after hearings have been held, the majority go into secret session, but it was the first discussion on the part of the committee of the Senate of a bill that has just come into the Senate and the minority were not invited to be present or given the right to ask questions and to hear what was said upon a pending bill before this body.

Mr. WATSON of Indiana. If the hearings are to be held, the minority will be invited to attend them; but no hearings have been held. There was merely an informal gathering for the purpose of talking over some of the provisions of the proposed measure or some similar measure hereafter to be formulated.

Mr. McCUMBER. Mr. President, I only want to assure the Senator from Massachusetts that I think he and I are not far apart on what ought to be done with reference to this bill; but, as chairman of the committee, a great many people come to see me both on the tariff and on the soldiers' compensation bill. They come to see me every day. I may take them into a private room and talk with them or I may talk with them in the committee room. I shall scarcely refuse to speak with them; and if I meet Mr. Taylor, who is at the head of the legislative committee of the Legion here, I shall still think that I have the right to ask him how he likes the House bill, and, if he has any objections to it, I may go so far as to ask him what his objections are, and I shall not feel that I am called upon to call the committee together before I can have any discussion with him on the subject.

Mr. WALSH of Massachusetts. Mr. President, I think the Senator underestimates the importance of the meeting of yesterday. I have in my hand a bulletin, which was published and distributed, showing the committee meetings that were to be held yesterday. That bulletin reads as follows:

SENATE COMMITTEE MEETINGS, TUESDAY, APRIL 25, 1922.

Appropriations, hearing military appropriation bill, 10.30.
Commerce and Merchant Marine, hearing ship subsidy, 10 o'clock.
Finance, Republican members, representatives of veterans' organizations, 10.30.
Dye-lobby investigation, hearing at Senate Office Building at 10 o'clock.

Does not this bulletin show that an invitation was given out and notice given to the press and public that the Republican members of that committee were to meet for the first time and hear witnesses from veterans' organizations in regard to a piece of legislation that is not partisan, that must not be partisan, that should not have any partisan character?

Mr. McCUMBER. I have stated to the Senator several times that there were no hearings. I shall probably exercise the right to talk about the soldiers' bonus bill with whomever I see fit. I shall probably call to consult with me those whom I feel I can talk the matter over with. I know of no law against it, and I shall continue to follow that course; and when we have our committee hearings I shall ask the good advice of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I thank the Senator; but this bulletin did not fall out of the sky. This notice did not come out of the ground. Somebody wrote it. Somebody gave it to the proper authorities. Somebody published it, and it must have been done with the knowledge of the chairman or the secretary of that committee.

Mr. McCUMBER. Somebody published that there were hearings and that there was testimony taken yesterday, according to the statement of the Senator, but somebody was mistaken.

Mr. WATSON of Indiana. Mr. President, I want to ask the Senator from Massachusetts whether on yesterday morning four or five Democratic Senators were not together in the office of the Senator from Alabama [Mr. UNDERWOOD] with some soldiers, discussing the bonus question, and if the Senator was not one of them?

Mr. WALSH of Massachusetts. Mr. President, I am very glad to inform the Senator. I was present alone in the office of the Senator from Alabama yesterday between 12 and 1 o'clock with some reserve officers of the Aviation Branch of the United States Navy who had been with me attending a hearing on a resolution offered by me, before a committee protesting against the kind of examinations they were given when being inducted into the Regular Army. The bonus was not mentioned. They had no interest in it, and they had no relation whatever to any legislation pending on that question, but retired for conference after a hearing before the Naval Affairs Committee. We went to the committee room of the Senator from Alabama because I have no committee room in this building and the Senator from Alabama very kindly has permitted members of the minority to use it for conferences.

Mr. McCUMBER. Why were we not invited to be present?

Mr. WALSH of Massachusetts. The hearing was held before the Naval Affairs Committee, at which there were present two Republicans, and the whole evidence was discussed and presented to the committee in the open. The naval officers assembled, after the hearing, in the room in question to discuss with me the matter of witnesses and other questions to expedite the hearings before the Naval Committee.

Mr. WATSON of Indiana. Mr. President, I just want to say to the Senator that I am entirely satisfied that they had the hearing, and I am not at all angry at the fact that I was not invited to be present.

Mr. WALSH of Massachusetts. Well, I am provoked that I was not invited to be present at the committee meeting, of which I am a member, namely, the Finance Committee of the Senate.

LANDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2616) to empower the Commissioners of the District of Columbia to convey certain land, which was, on page 1, line 11, to strike out all after "be" down to and including "Columbia" in line 2, page 2, and insert "covered into the Treasury of the United States as miscellaneous receipts."

Mr. BALL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REGULATION OF BANKING IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3170) regulating corporations doing a banking business in the District of Columbia, which was, on page 1, line 6, to strike out "or" and insert "nor shall any corporation now or hereafter engaged in the business of banking be permitted."

Mr. BALL. I move that the Senate concur in the amendment of the House.

Mr. KING. I should like to inquire of the Senator what the amendment is, and how it changes the original bill.

Mr. BALL. The bill itself provides that hereafter no banking institution shall do business in the District of Columbia except under the direction of the Comptroller of the Currency. The amendment takes in the banks that are now doing business, and says that hereafter they shall be placed under the Comptroller of the Currency. It is a very proper amendment.

Mr. JONES of New Mexico. Mr. President, I have noticed some statement in the press to the effect that while no new banks would be permitted in the District of Columbia without permission from the comptroller, any existing bank could establish branches without limit and without such permission. Is that in this bill?

Mr. BALL. The original bill covered that so far as the establishment of any bank in the future was concerned. This amendment will cover in the banks that are doing business now. They will also be placed under the control of the Comptroller of the Currency.

Mr. JONES of New Mexico. But this bill does not limit the number of branches which may be established by any existing bank?

Mr. BALL. Not at all. It merely places the banks that are not now under either the District Commissioners or other authorities under the Comptroller of the Currency.

Mr. JONES of New Mexico. I desire to state that some business people of the District of Columbia have protested against the privilege of existing banks being permitted to establish branch banks ad libitum.

Mr. BALL. This does not affect the establishment of branch banks, except that it provides that those branch banks shall be under the control of the Comptroller of the Currency. They can establish as many as the Comptroller of the Currency sees fit to grant permission to establish.

Mr. JONES of New Mexico. The protests which I have heard have been upon that feature. It is contended that there should be a limitation upon the creation of branch banks, as well as new banks.

Mr. BALL. The bill does not limit branch banks at all. I suppose, as a result of placing it under the Comptroller of the Currency, he might control the number; but at present a certain number of banks in the District of Columbia are under no authority. Anybody can establish a bank here and do business.

Mr. JONES of New Mexico. My judgment is that the bill in that respect is a very salutary one.

Mr. BALL. Very.

Mr. JONES of New Mexico. I think it should go further, however, and limit the establishment of branch banks without some sort of supervision and control of the comptroller.

Mr. BALL. Mr. President, that, of course, is placed under the power of the Comptroller of the Currency by this amendment. The Comptroller of the Currency would have absolute control of all branch banks as well as other banks.

Mr. JONES of New Mexico. Then I received a wrong impression from the Senator's first statement. Do I understand now that under this bill an existing bank can not establish a branch bank without permission of the Comptroller of the Currency?

Mr. BALL. They are under the control of nobody. Anybody could start a bank here before the passage of this bill.

Mr. JONES of New Mexico. But I mean after the passage of this bill.

Mr. BALL. After the passage of this bill they can be started only by the consent of the Comptroller of the Currency.

Mr. JONES of New Mexico. What I am seeking to get information about is this: After the passage of this bill, can an existing bank establish a branch bank without permission of the Comptroller of the Currency?

Mr. BALL. I should say not—absolutely not.

Mr. JONES of New Mexico. That is what I want to know.

Mr. LODGE. The Comptroller of the Currency can control the establishment of branch banks under this bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SUMMONING OF GRAND JURIES IN DISTRICT OF COLUMBIA.

Mr. NELSON. Mr. President, I ask unanimous consent to report back favorably from the Committee on the Judiciary a bill prepared by the Department of Justice; the bill (S. 3505) in reference to the summoning of grand juries in the District of Columbia.

The VICE PRESIDENT. Without objection, the report will be received. The Senator from Minnesota asks unanimous consent for the present consideration of the bill.

Mr. KING. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That whenever the United States attorney for the District of Columbia shall certify in writing to the chief justice of the Supreme Court of said District, or, in his absence, to the senior associate justice of said court, that the exigencies of the public service require it, said chief justice or associate justice may, in his discretion, order a grand jury summoned at such time as he may designate, which jury shall be drawn in the manner now provided by law for the drawing of grand jurors in the District of Columbia.

Mr. KING. I should like to ask the Senator if there is any limitation now upon the power of judges to convene grand juries?

Mr. NELSON. They can only draw them now for the special terms of court. There are five terms of court here—October, December, February, April, and June of each year. Each of them terminates on the second Monday preceding the first Tuesday of the second month thereafter. There is a congestion of the criminal business in this District, and the object of this bill is to allow the court, upon the recommendation of the district attorney, to summon a grand jury. They are to be drawn like other grand juries.

Mr. KING. As I understand, then, under the present law grand juries may be called only at those five terms?

Mr. NELSON. At special terms. This bill authorizes the Attorney General, or the chief justice, or the senior associate justice in his absence, to summon a grand jury.

Mr. KING. It is desired by the district attorney here, is it?

Mr. NELSON. The district attorney here and the Attorney General urge it.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. I ask that the letter of the Attorney General may be inserted in the RECORD at this point. It is very short.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 22, 1922.

Hon. KNUTE NELSON,
United States Senate.

MY DEAR SENATOR: The situation in the District of Columbia is such that it is necessary that a law be enacted authorizing the selection of additional grand juries when necessary. You are no doubt familiar with the situation, but, if not, we shall be glad to give you full data.

I inclose draft of a bill which I think should be introduced in the Senate and House. I am sending a copy to Mr. VOLSTEAD asking him to introduce the bill in the House, and I would like to have you introduce it in the Senate, or have some one else do so, if you approve it. We will support the measure, and I would be glad to have the matter disposed of as soon as possible.

With high esteem, I am,
Very truly yours,

H. M. DAUGHERTY,
Attorney General.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, it was expected that the ranking member of the Committee on Finance [Mr. SIMMONS] would be able to address the Senate to-day. He expected to be here to present his views for the information of the Senate and the country. Owing to his absence, I shall be compelled to continue the discussion of the tariff measure now before us, addressing myself generally to the chemical schedule.

Before proceeding to such discussion, permit me to submit a few words suggested by the statement just made by the Senator from Massachusetts [Mr. WALSH], and also by the statement by my friend from Indiana [Mr. WATSON]. Yesterday I referred to the fact that committees of the Senate under the present régime seemed to be devitalized and that legislation was framed not within but outside of Congress; that blocs and groups and extraneous forces and agencies seemed to be dominant and determining factors in respect to important legislation.

It develops this morning, from the statement made by the junior Senator from Massachusetts, that four members of the majority of the Finance Committee met in the committee rooms, rooms which are supposed to be devoted to committee hearings and are or should be open to all members of the committee, which are for the use of committees, not Republicans alone but Democrats also, and that there appeared before them representatives of the American Legion. It is now claimed that they merely "sat down and talked"; but it sufficiently appears that the matter before them was the bonus bill, the provisions of the measure, the terms that are to be incorporated within it, and, generally, the character of legislation that is to be reported to the Senate upon the subject of adjusted compensation.

Republican Senators say that no testimony was taken. What, then, was the purpose of the meeting? It would be a futile thing to assemble without some purpose. We complain because there was a meeting at which witnesses or persons urging legislation were present. If there are to be secret meetings by the majority, let them have the goodness and the fairness, if witnesses or other persons appear before them, to have taken down stenographically the information which is conveyed, and which becomes the basis, in part at least, of the action of the Republicans.

The Senator from Indiana, if I understood him correctly, took the position that, as Republicans are in the majority, they have the right to formulate legislation, and to call in the minority for their approval or their disapproval; of course, in most cases it will be for their disapproval, because the great majority of the legislation prepared by our Republican friends is not entitled to the approval of the minority or of the American people. But I deny the wisdom or the propriety or the fairness of that procedure in securing legislation. We have committees of the House and Senate. In both branches bills are introduced and referred to the various committees for their consideration and mature judgment. Hearings are often granted or ordered by the committees in order to ascertain the facts and to inform the committees as to the action that should be taken. This testimony is stenographically reported and usually printed. It is for the benefit of the Senate and the public. In this manner the public may know at least some of the reasons back of the laws and actions of Congress.

How does the Senator from Massachusetts, or any other member of the Finance Committee, know what Mr. MacNider or other gentlemen stated yesterday before the majority members of the Finance Committee, statements of fact or of policy which doubtless will influence them in framing legislation dealing with a matter of vital importance to the American people?

Mr. President, I stated yesterday that the bill before us was in part based upon testimony which was given or statements made after the hearings were closed. These statements and this testimony were not for Democrats and were submitted in secret to Republican members of the committee. I am told that Mr. Irenee du Pont, representing one of the most stupendous and colossal organizations the world has ever seen, went before the Republican members of the Finance Committee after the hearings were closed. What he said we do not know. What testimony he gave the Democrats do not know and have no means of finding out. What influence it had in shaping the present bill we can only surmise. The distinguished Senator from North Dakota [Mr. MCCUMBER], who always endeavors to be fair and just, stated upon the floor of the Senate this morning that some Senators appeared before the Republican members of the committee and that the latter were glad to receive them. Of course the Senators who appeared had the right so to do, and doubtless gave reasons for certain rates to be incorporated in the pending bill. But if the Democratic members of the committee could have heard their views it would have aided them in reaching conclusions as to the course to be adopted in dealing with this important legislation. But my information is that not only a few Senators appeared but a considerable number of persons from various parts of the country, who are deeply interested in securing tariff legislation and the adoption of schedules which will greatly affect their business. These interested parties, these witnesses who had intererts to serve, gave testimony and made statements in relation to this bill and the schedules in which they were respectively interested. We do not know what they said, nor can we determine how important their testimony was, or to what extent it influenced, or possibly might, the Republican members of the committee who reported this bill after making perhaps thousands of amendments to the House bill. We can not tell what the form of the bill before would have been except for this secret testimony given in these secret hearings.

Is this the way legislation is to be prepared? Are majorities to meet in secret, and are witnesses to come secretly before them and make statements, statements which never see the light of day, and of which the minority and the country are not advised? Not only are Democratic Members of the Senate left to speculate and guess as to the reasons for certain rates and schedules and provisions contained in this bill, but Republican Senators, not upon the Finance Committee, are left in the same uncertain condition unless their colleagues shall undertake the task of informing them.

The statement of the Senator from Massachusetts [Mr. WALSH] is true; this method of legislation develops suspicion among the people; it undermines their faith in Congress and governmental agencies. It subjects Congress and committees to the charge that their legislation was framed in the dark, in secrecy, and that back of it are sinister and selfish forces and interests. Bills reported from committees when the hearings are not open and when testimony was secured in secret will be, in the minds of the people, tainted and discredited. In my opinion, the course pursued was unwise; this is a dangerous method of legislation; it discredits our parliamentary system; and it will be unfortunate for Congress as well as the Government.

The Republican majority in Congress is evidently of the opinion that the two things which were in the minds of the people when they invested the Republican Party with the administration of the Government were that the country wanted an old-fashioned protective or prohibitive tariff and desired, or at least expected, that the Republican Party would at once appropriate to itself all of the jobs, positions, and patronage covered by the civil service. Protection and patronage seem to be the dominant passion of the party in power. But the victory of the Republican Party was not won upon the tariff issue, nor because the people wanted a new protective or prohibitive tariff, or because the people desired that faithful servants and employees of the Government should be summarily discharged to make place for Republican office hunters and to provide means for the payment of the partisan debts of Republican politicians. It is to be deplored that in the face of the important issues before the country, or rather in the face of the complex problems which affect our public policy, the country, merely because it obtained a change in the administration, was compelled to turn to Republican politicians, who are apparently without judgment or vision or capacity, to meet and solve the questions of policy which demand the attention of Congress, but who, on the other hand, are obsessed with the petty, protective, partisan politics of the Republican Party, which seems to regard archaic and narrow views as the inexorable inheritance of the Republican Party to be treasured as pearls of great price.

Mr. President, the Republican Party has become proud and arrogant by reason of its recent victory. Promising a progressive administration and the execution of policies adapted to new issues and to new world conditions, it surrenders authority to the same old reactionary and antique forces which in the past guided its activities. It seems incapable of meeting the issues of the hour. It offers but one formula—the same which it has proclaimed for half a century—to meet ills, domestic, na-

tional, and international; that is, "prohibitive tariffs and national isolation." It manifests the same traits as are exhibited by narrow and nonprogressive scientists who treat with disdain the new discoveries and the advancing truths of philosophy which batter down the dark and musty prisons and battlements erected in past ages. Religiously we find sightless persons who refuse to be warmed by the new light of the new day and to have the scales of darkness fall from their eyes, that they may be guided by the illuminating truths which the liberation of spiritual forces in the world manifest to those who seek the light. The days of witchcraft and burning at the stake are past. Old systems are passing away and must pass away, if there shall be political and scientific and religious development. I do not disparage, of course, fundamentals. These persist, but fundamentals are the bases upon which we build the structures of the hour and the age. The trouble is that too often we misconceive the fundamentals, the basic things, and confound them with the superficial and the perishable.

There are moral forces which persist in all ages. The mutations of time do not change them. There are basic principles underlying governments and political philosophy and political economy. They are adequate for all time. It is the misapplication of these principles and the failure to comprehend them and all of their implications that lead to the injustices, inequalities, and chaos so often appearing in the governments of men. In every age and in every country there are people of limited vision, of narrow perspective, and of illiberal tendencies. They wrap the mantle of self-complacency about them and desire their country either to be isolated from the world or to dominate the world. Back of such view is greed and selfishness and an utter ignorance of the vibrant forces that animate and control the world. Our country to-day, more than ever, should pursue a liberal policy. More than ever should American people be the first to catch the dawn of the new day and the inspiration of the new age. More than ever must there be contact with the world.

We have sought during the eight years of Democratic administration to be placed in apposition with the world. We built a merchant fleet to carry our products to every port in the world. We have secured cables that will bring us into touch with all lands, and we speak through the air the language of fellowship and fraternalism to most distant lands. It was supposed that we were learning something of the destiny of humanity and of the bond of unity which more and more must bind all peoples together. But we find the Republican Party erecting impediments to trade and commerce and projecting a policy which must inevitably provoke international controversies and promote national selfishness and isolation.

I saw this morning a cartoon illustrating the McCumber-Fordney tariff bill now before us. The great cartoonist visualized the situation. He represents a huge block of granite being lowered by mechanical means. Underneath the block is the prostrate form of the people, upon whom it rests with crushing force. This tariff law will rest upon the American people. It will crush industry. It will prevent the operation of the natural laws of trade and commerce. It will protect trusts and combinations in restraint of trade. It will build up giant monopolies, and behind its formidable ramparts pirates and buccaneers in our domestic markets will exploit the helpless people. I am not exaggerating, Mr. President, when I say that this bill is not only an economic fallacy, but it is an industrial monstrosity. Our Republican friends speak of opening the mills and the mines and bringing prosperity to the agricultural interests of our land. Mr. President, the mills would open and the mines would send forth their mineral wealth and the fields and the farms would yield abundantly for the sustenance of man and prosperity would come to the American people if we would recognize the inexorable laws of trade and of commerce and conform our course to their currents. Because of world depression, which inevitably would gather this Nation within its sweep, we think to correct the world situation by casting further obstacles into the commercial currents of the world.

No truthful person can say that the financial depression in the United States is occasioned by the Underwood tariff law. Under it our imports have been reduced in many of the commodities of life—reduced to negligible quantities, and in many instances reduced to the vanishing point. Indeed, many commodities upon the free list are not imported because of the abundance and cheapness of domestic production, as well as world conditions. Our exports have likewise been materially reduced from the peak reached in 1919 and 1920 under the Democratic administration.

What we need to-day is to expand our exports, and with the expansion of our exports of necessity there will be an increase of imports. If under the Underwood law imports are limited as they are to-day, it is hypocrisy to charge that such limited imports menace our industrial and economic security, and it is conclusive evidence that the purpose is to cut off all imports regardless of the effect upon our exports. It is sheer madness to strike at our foreign trade through the schedules of this absurd, foolish, and altogether reactionary bill.

I repeat, Mr. President, this tariff bill before us is a measure which interrupts the returning tide of business activity, and if we do have a revival in business it will be not because of this tariff bill but in spite of it and its absurd provisions and inequitable and monopolistic and exclusive features.

It is only proper to say that in the last campaign the tariff was not an issue. It is certain that the tariff was not in the minds of the voters when they went to the polls and cast the majority vote for the Republican administration.

If I understood correctly the speech made by the Senator from North Dakota the other day, he indicated that this bill was in response to the demands of his party's platform. I most respectfully dissent from that view.

Our Republican friends over and over again upon the floor of the Senate have ascribed their triumphant victory to the issue presented by the League of Nations; never to the economic question involved in the repeal of the Underwood tariff bill and the enactment of some other tariff measure. Our Republican friends have repeatedly declared that the American people had by "solemn referendum" declared against the League of Nations. They have said that the American people upon that great issue found with the Republican Party. Now they are shifting their position and are attributing their victory at the last election to their promise to enact a high tariff law, a prohibitive tariff law. I deny that that issue was submitted to the American people.

There was no public interest whatever in the tariff question; the people had discovered that their greatest prosperity had been under a tariff law enacted by the Democratic Party. So great was the indifference upon the part of the people to any sort of tariff measure that Republican orators made little or no mention of the subject during the campaign. I was in many of the States during the campaign of 1920 and heard numerous addresses by Republicans. The entire burthen of their remarks was that the League of Nations was an entangling alliance, and that following the advice of Washington and Jefferson, this Republic should not enter it. It was pictured as a huge Frankenstein that would swallow up the Nation and destroy the sovereignty and independence of the United States. There never was a crusade waged with greater vehemence and passion than the fight against the covenant of the League of Nations. I shall not pause to demonstrate the fallacy of the arguments made or point out the misrepresentations made to the people.

I repeat, the tariff was not an issue. The people were not concerned in the subject. They were satisfied with the Underwood tariff law. Under that bill we had attained the greatest prosperity that had ever come to this Nation. Our exports had increased from a few billion dollars annually to $8,000,000,000, and our foreign trade and commerce had reached the colossal sum of $13,000,000,000 in 1919.

In the Republican platform adopted June 8, 1920, it was stated under the significant title "International trade and tariff":

> The uncertain and unsettled condition of international balances, the abnormal economic and trade situation of the world, and the impossibility of forecasting accurately even the near future, preclude the formulation of a definite program to meet conditions a year hence.

There was a glimpse of statesmanship in that declaration, Mr. President.

> But the Republican Party reaffirms its belief in the protective principle and pledges itself to a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market for American labor, agriculture, and industry.

This was a most remarkable declaration and disclosure on the part of the Republican Party. In a temporary lucid interval the platform makers got a glimpse of the light that there was some proper relation between international trade and the tariff, and while their minds were thus illumined they saw clearly that the unsettled and uncertain conditions of international balances and the abnormal economic and trade situation of the world made it inopportune to undertake any tinkering with the tariff at this time. Those platform makers now will see that the formulation of a definite scheme to raise the duties on imports and interdict foreign trade would not meet any response from the American people.

I repeat, Mr. President, that the first part of that platform declaration was a correct conception of the world's condition. How can we draw a proper tariff bill that is to endure for a decade or more with the fluctuating conditions that now exist in the world? The tides of trade and commerce are as undulatory as are the seas when whipped into foam by the storms

and mighty winds. A tariff of 20 per cent ad valorem on one item to-day might be prohibitive in a month or two months from now, or, if protection was desired, a 20 per cent tariff which might afford ample protection to-day would be inadequate in a few months from now.

So, Mr. President, with the world in an abnormal condition, in a condition of flux, the absurdity of trying to draw a tariff bill must be manifest to the most superficial investigator of economics and of industrial questions.

But, Mr. President, our Republican friends, having obtained a temporary glimpse of the truth, the platform makers immediately relapsed into their partisan subconsciousness and reaffirmed their belief in the protective principle of a tariff for the preservation of the home market for American labor, for agriculture, and for industry, and indicate that a revision of the tariff will be made as soon as conditions make it necessary. There was no waiting, however, for conditions to make it necessary.

The new Congress was elected in November, 1920, and did not convene in regular session until December, 1921, more than a year later. But already, in January, 1921, within two months of the election and nearly a year before the regular session of Congress should convene, hearings for the revision of the tariff were inaugurated by the Republican majority of the Ways and Means Committee of the House of Representatives, and those hearings continued intermittently, either by the Ways and Means Committee of the House or the Finance Committee of the Senate, almost down to the very day when the pending bill was reported out of the Senate Committee on Finance on April 10; that is, the 10th day of the present month.

Let us examine this point for a moment. Many of our imports relate to commodities of great importance and constitute about 1 per cent or less of our domestic production. It is contended by the proponents of this bill that the industries of our country are threatened by these negligible imports. To so contend and to insist that the restoration of prosperity is impeded and that our industries are menaced is the height of absurdity. How foolish it is to argue that a domestic product, particularly where it is manufactured in large quantities, will be materially affected, or the industry developing it will be jeopardized by such competition as would result from imports amounting to 1 per cent of such commodity. Such contention taxes the patience of all sensible people.

The very fact that lobbyists and certain manufacturers are here demanding a prohibitive tariff upon commodities where the domestic production is 90 to 99 per cent of all consumption is incontrovertible evidence that they seek a monopoly in the domestic market, and are determined to prevent the lowering of prices to a proper level, and indeed, perhaps to increase them and to make themselves secure from any possible competition, no matter how unimportant it might be. These are the interests and trusts which would impose burdens upon the laborer and the great masses of the people. They would fetter by high prices the workingman, compel him to pay exorbitant prices for food and clothing, and drugs and medicines. They would tax him upon the shoes that he is compelled to purchase out of his slender wage for his wife and children. They would place a tariff-tax gatherer upon the doorstep of every humble home and wring from the people much of their earnings, won by toil and struggle.

For the last 15 months the city of Washington, the Houses of Congress, the committee rooms of the Senate and the House, and the corridors of the office buildings have been literally infested with tariff lobbyists importuning the committees to raise the tariff on practically every article of domestic production, at a time, too, when the interests of the country have had an effectual eight years' embargo against foreign competition incident to the war against Germany and the subsequent crippling of competitive industries in Europe.

The outstanding fact is that at this time, in the fourth year since the conclusion of the war, the balance of trade in favor of our country is relatively greater than before the war. Imports in the great majority of American industries are more than ever balanced by exports of the same commodities, the imports themselves representing but a relatively insignificant proportion of the American consumption, in many cases not amounting to one cent more than the goods are worth. They want to charge the American people, the housewife, the children more for the goods than the goods are worth, and thus increase the burdens upon the consumer, for the purpose of putting additional profits into the already swollen purses and treasuries of the great manufacturing interests and corporations of the United States.

The pending bill should be labeled "A bill to make richer the rich, to give greater power to the corporations and trusts to fasten monopolies upon the American people, and to exploit and rob the consuming public."

As I said, the imports in a great majority of American industries are more than overbalanced by exports of the same commodities, the imports thus representing but a relatively insignificant proportion of the American consumption, in many cases not amounting to 1 per cent.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Utah yield to the Senator from Georgia?

Mr. KING. I yield.

IVY L. MERRILL.

Mr. WATSON of Georgia. I ask unanimous consent for the immediate consideration of the bill (S. 531) for the relief of Ivy L. Merrill, which was reported by me this morning from the Committee on Claims. It is a little claim bill in favor of an Indian woman who was injured in the Government service 13 years ago. The amount is only $500, and the case is perfectly plain.

Mr. SMOOT. Was the bill reported from the committee this morning?

Mr. WATSON of Georgia. Yes; reported from the Committee on Claims, and the report was unanimous.

Mr. SMOOT. What is the character of the claim?

Mr. WATSON of Georgia. I shall be very glad to state it to the Senator. This Indian woman was a cook at one of the Indian schools, the Shawnee Indian school in Oklahoma, and it was her duty to ring the dinner bell. On this particular day she went to ring the bell and it fell, striking her as it fell from the tower, and injured her severely on the shoulder, the arm, and the wrist. She lost a week's time, that much salary perhaps; anyhow she must have suffered considerable pain and the shock must have been great.

The original bill called for $10,000. I am frank to say that after the most careful examination I, still thinking that that was the amount claimed, reported in favor of the payment of $2,500, but I found that the Assistant Secretary of the Interior, after going over all the facts in the case, had on January 15, 1913, recommended the payment of $500. So the Senator from Oklahoma [Mr. OWEN] in introducing the bill in the present Congress changed the amount and made it $500, and the committee have recommended the passage of the bill in that amount, without amendment.

Mr. SMOOT. Was she an employee of the Government?

Mr. WATSON of Georgia. Oh, yes; she was employed by the Government as cook at this Indian school, which is a Government school. She had to go out on the steps outside the kitchen door. The bell was in a tower about 12 feet high. She had to stand on a little platform, 2 or 3 feet high, in order to ring the bell. There had been a fall of sleet and a freeze. The supposition is—in fact, it is almost certain—that the bell had stuck on account of the ice or the sleet. It required extra strength and an extra pull to ring the bell and to unfasten or loosen it from the ice. Evidently the belfry had been badly constructed, a thing which she could not know and for which she was not responsible. The support of the bell gave way; the bell fell; and the wonder is she was not killed, but she was knocked down.

Mr. SMOOT. The bill was favorably reported.

Mr. WATSON of Georgia. Oh, yes; it is reported favorably unanimously, and its passage is recommended by the Assistant Secretary of the Interior.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent for the present consideration of the bill named by him. The bill will be read.

The Assistant Secretary read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ivy L. Merrill, a quarter-blood Pottawatomie Indian, of Pottawatomie County, Okla., the sum of $500, in full compensation for permanent and lasting injuries received, without negligence on her part, while in the employ of the United States Government as a civil-service employee at the Shawnee Indian School in Pottawatomie County, Okla.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill which the Secretary has just read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Myers	Smoot
Borah	Harrison	Newberry	Spencer
Bransford	Heflin	Nicholson	Stanley
Bursum	Jones, N. Mex.	Norbeck	Sutherland
Capper	Jones, Wash.	Norris	Swanson
Caraway	Kellogg	Oddie	Townsend
Curtis	Kendrick	Overman	Walsh, Mass.
Ladd	Keyes	Page	Walsh, Mont.
du Pont	King	Pepper	Warren
Ernst	Lodge	Phipps	Watson, Ga.
Fess	La Follette	Pomerene	Watson, Ind.
Fletcher	Lenroot	Randall	Williams
Gooding	McKinley	Reed	Willis
Hale	McNary	Sheppard	
Harreld	Moses	Shortridge	

Mr. CURTIS. I desire to announce that the senior Senator from Maryland [Mr. FRANCE] is detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the first amendment reported by the Committee on Finance to the bill.

Mr. KING. Mr. President, I desire now to call attention to the chemical schedule, which is one of the most important schedules of the pending bill.

Schedule 1 of the bill, as reported by the committee, covers the duties imposed under the general title of "Chemicals, Oils, and Paints." This schedule consists of 88 paragraphs and imposes duties upon about 500 different items. The schedule is important as covering a wide range of commodities of primary importance, both to the people as consumers and to the industries of the country as the source of their raw materials. An enumeration of a few of the classes of commodities covered by this schedule will disclose the following to be included: Chemicals, medicines, drugs, soaps, oils, paints, varnishes, pigments, fertilizers, perfumery, flavors, edible oils, celluloid, cellulose, tanning materials, dyes, colors, inks, glycerine, starches, dextrine, and flavoring extracts.

It is a fair conclusion, drawn from an examination of the rates imposed, that these rates are designed to be prohibitive in the sense that they are to be prohibitory, and are intended to operate as an effectual embargo against the importation of the commodities embraced within this schedule. The rates can not be warranted from any standpoint of the revenues, because the imports are in many cases negligible, not comprising 1 per cent of the domestic production, and the slight quantity of imports is in most cases counterbalanced many times over by domestic exports of the same commodities.

I will say, in passing, that the record shows that all imports from Germany, not only those covered by the schedule to which I have just referred, Schedule 1, but by all of the schedules, were slightly more than $80,000,000 for the year 1921, against a domestic production which is variously estimated to be from $55,000,000,000 to $65,000,000,000. This little drop of water carried from Germany and thrown into the great reservoir of our domestic production is, according to the apostles of high protectionism to destroy the American market and the American manufacturer and the American laborer, and to bring chaos and ruin to the economic and industrial life of the American people. The suggestion is so preposterous, Mr. President, as to exhaust the patience of sensible and serene persons.

Mr. President, it is astounding to learn of the lengths to which selfish interests will go to secure advantages. A defeated nation, and a people prostrate—with reparations exacted that can only be met, if met at all, by unparalleled sacrifices, and by years, if not decades, of toil, and people who are seeking to bear their burdens and mitigate the hardships and tribulations to which they are subjected—are pointed to as the most serious menace to which our country is exposed, and the devouring monster which lies athwart our economic and industrial path, and which must be destroyed if America is to live.

I denounce this wicked, cruel, and heartless propaganda which has been carried on for months by sordid and monopolistic industrial and business forces in our country. Efforts are being made by these forces to perpetuate war prejudices and to develop and maintain racial prejudices in the United States against the German people. It is a shameful exhibition, and I protest against it and denounce those who seek legislation by such abominable methods.

I shall have more to say about the "German market" and the "German menace" later in the consideration of this bill; but let me add here, that while Lloyd-George and others at the Genoa conference are attempting, I think, in a patriotic way, to resuscitate Europe, to stabilize economic conditions—and that will mean the stabilization of political conditions—while they are trying to help Germany, because Germany, notwithstanding the views of many of the American people, is the key to European production and European revival and the recrudescence of economic activity—while they are attempting to solve these problems which directly affect them as well as the United States—some Americans, with a selfishness and a sordidness that can not be justified, are holding Germany up to the American people as a frightful specter and monster which will destroy our business, our enterprises and devour the American people.

The only effect of the rates imposed in this bill in many cases will be the raising of the prices of the commodities affected in the domestic market, a market in which under present conditions the domestic producers have, speaking generally, exclusive sales, there being no appreciable competition of imported articles. It may be that under the present tariff, which imposes only temperate duties upon a large number of commodities in this schedule, and carries others of these commodities on the free list, the American market prices are influenced, not to say determined, by the ruling prices in the open world market. But this is not to be regarded as an evil, but as the only effectual means of maintaining American prices at a reasonable and dependable level, without which trade is disturbed to the disadvantage of the industries of the country and the consuming public.

As a matter of general policy the endeavor ought to be to permit the industries of the United States the widest possible range for the selection and procurement of the raw materials of the respective trades, particularly in the field of primary chemicals and chemical compounds. In these respects our industries should be permitted to draw their supplies from the ends of the earth, without the interdiction of prohibitive tariffs, licenses, or selective embargoes. Moreover, the matter of the health of the people is of such transcendent importance that the medical profession ought to have the freest selection of drugs, medicines, and medicinal articles which the open market of the world affords. The policy of imposing prohibitive duties upon the importation of drugs, medicines, and medicinal materials is not sound, and is not justified by any consideration of the real advantage of the people and the country. The outstanding fact is that in these great fields our own country is the greatest source of these materials in the world. We are exporters rather than importers in this field. There is hardly a chemical of wide general use and consumption of which we do not produce superabundant quantities, and the surplus of which must find an outlet in the markets of other countries. It must be said that labor is not the primary factor of cost in the production of these materials—and I shall analyze that a little later—and therefore that any argument for a prohibitive tariff, based upon the alleged difference in labor costs at home and abroad, can not be sustained with reference to the items covered by Schedule 1 of the bill.

The aim of the American producer in a large production of standardized products, and in pursuit of this purpose the American producer has been willing to remit to the foreign technicians the development and the production of the more refined and complex chemical compounds of small relative consumption, and for which a wide world market alone warrants the investment of capital for their composition and production.

A few examples of the flagrant and unwarranted increase in the rates on important commodities will indicate that these rates have been written at the suggestion of parties who are only concerned with the increase of their facilities for raising the domestic price to unconscionable levels. In conformity to this scheme the duty on calomel is to be raised to 300 per cent of the present rate; on castor oil the duty is to be raised to 200 per cent of the present rate; on Epsom salts the duty is to be raised to 300 per cent of the present rate; on chloroform the duty is to be raised to 400 per cent of the present rate; on carbolic acid there is to be an embargo; on court-plasters the duty is to be raised to 166 per cent of the present rate; on castile soap the duty is to be raised to 150 per cent of the present rate; on varnishes the duty is to be raised to 150 per cent of the present rate; on citrate of lime the duty is to be raised to 600 per cent of the present rate; on citric acid the duty is to be raised to 200 per cent of the present rate; on licorice root the duty is to be raised to 200 per cent of the present rate; on inks the duty is to be raised to 250 per cent of the present rate; on formaldehyde the duty is to be raised to 200 per cent of the present rate; on collodion the duty is to

be raised to 700 per cent of the present rate; on Rochelle salts the duty is to be raised to 200 per cent of the present rate; on ammonium phosphate the duty is to be raised to 150 per cent of the present rate; on fustic extract the duty is to be raised to 533 per cent of the present rate; on sodium chromate and dichromate the duty is to be raised to 233 per cent of the present rate; and upon sal soda and caustic soda, chemicals of wide general use, produced in this country in excess of our requirements and largely exported, the duty is to be raised to 200 per cent of the present rate.

Think of it, Mr. President! Many of these items come under the designation of drugs and medicines and are important to the health of the people. But we are to increase the burdens of the sick and the afflicted to put money into the coffers of the rich manufacturers and compounders of these prime necessities of life. Chloroform has become a vital thing in medicine in the hospital and operating room. But that must be seized upon by the merciless interests who have dictated the schedules in this bill, and the poor and the suffering must pay tribute to the drug men and the chemical men of the United States and increase their already swollen fortunes. They have already preyed upon the American people, and they now demand that the Republican Party commission them not only to continue their predatory course but to increase their exactions from the people suffering from disease and ailments, and who, to alleviate their sufferings, are compelled to meet their demands.

If there are to be monopolies and protection is to run riot, there certainly ought to be enough humanity upon the part of Congress to resist the demands of those interests which manufacture drugs and medicines. So profitable has the drug business become in the United States that there are thousands of druggists where there should be hundreds, and millions of profits where there should be thousands. Large drug concerns like Powers, Weightman & Rosengarten, and Parke, Davis & Co. have derived enormous profits in their business. I should say, in justice to the last-named company, that so far as I know it has not sought an increase in the present schedules and is not directly and, so far as I know, is not indirectly responsible for the changes proposed in the measure before us.

May I add, parenthetically, that Senators know that the E. I. du Pont de Nemours & Co. manufacture various kinds of drugs and chemicals, as does the Allied Chemical Co. The first-named corporation has $353,000,000 invested in its chemical, dye, and allied corporations. It has other holdings. It has interests in other corporations, which increase its holdings and raise the value of its properties to hundreds of millions of dollars.

May I inquire, Is this the infant industry that is to be protected? Is this huge concern, as well as others of large proportions and with enormous holdings, to be granted practical prohibitive tariffs? If so, may I inquire why?

Indeed, this bill lays an embargo upon many of the products manufactured by these colossal organizations, which already control the domestic market and constitute a monopoly.

The Allied Chemical & Dye Corporation, which is a combination of the Barrett Co., the Semet Solvay Co., the Solvay Process Co., the General Chemical Co., and the National Aniline & Chemical Co., has invested capital of $300,000,000, and it is one of the chief beneficiaries of this chemical schedule. These great organizations with their enormous power come to Congress and demand an embargo upon products which they manufacture and prohibitive tariffs upon other commodities which they manufacture. These "infants" are formidable enough to force legislation through Congress as they did in the dye embargo act.

There was a period in the life of our country when honest believers in tariffs could justify legislation in the interest of "infant industries." It is possible there are still some industries which are jeopardized by foreign competition. But there are few such within the scope of this bill. The infants who cried so loudly for protection are giants; they dominate our industrial life; they control much of our trade and commerce, and in many instances produce more than the domestic market requires and are successfully seeking and finding markets in all parts of the world.

They now admit their adult standing and their huge station, but profess great solicitude for labor. They will always discover a reason (?) for demanding exclusive domestic markets.

This bill, responding to their wishes, taxes the chamber of the sick, the life saving and healing drugs that minister to the children in home and in hospital. It not only taxes, but it raises the prices over the schedules of that unusually condemned tax law—the Payne-Aldrich law. The American people discovered the iniquities in that law and denounced it. What must they say of this bill? Its enormities far exceed those of any tariff law ever enacted in our country.

One of the beneficiaries of this bill is the Union Carbide and Carbon Corporation, a combination of the Union Carbide Co., the Carbon & Chemical Corporation, and over 30 other subsidiaries, with invested capital of $275,000,000——

Mr. OVERMAN. Mr. President, will the Senator let me interrupt him there?

Mr. KING. Yes.

Mr. OVERMAN. On a general average of the items under this chemical schedule, what is the difference between the rates under the Payne-Aldrich bill and the Underwood bill and this bill? Has the Senator a general average of the whole schedule?

Mr. KING. Later, if opportunity affords, I shall show the Senate the tariff on every item in this schedule, more than 300 of them; also what the rates are in the Underwood bill and under the Payne-Aldrich tariff bill; the rates fixed in this bill as it came from the Senate committee. Let me simply say, generally—and I will analyze the schedule before we conclude consideration of the bill—that the rates in this bill are on an average of from 40 per cent to 60 per cent higher than those in the despised and hated Payne-Aldrich tariff bill, a bill which brought the Republican Party to defeat.

But our Republican friends, because of their great majority in both branches, feel that they can "put over" on the American people a bill more infamous than the Payne-Aldrich tariff bill. They can force it through Congress, and doubtless will. Thank God, there is another forum to which we can appeal, another great and final tribunal, which will weigh in the balances the conduct of this Republican administration, and I predict that after so weighing it they will find it wanting.

Let me add, parenthetically, Mr. President, that most of our political battles are fought on economic lines. We may from time to time bring in extraneous questions like the League of Nations, vital and important as they may be, but, after all, our political contests are fought over economic and industrial questions. The next campaign will be waged largely upon the questions of taxation, the abuse of the taxing power, the inequalities and injustices of the Fordney-McCumber tariff law, the interruption of our foreign trade, the extravagance and inefficiency of the Republican administration, and the narrow and provincial foreign policy pursued by the party in power.

But let me return to the carbide company. Later I shall call particular attention to it and the swollen fortunes which have been accumulated by those who are controlling its activities. This corporation desires the power to mulct the farmers and to get control of certain elements and factors which are essential in the manufacture of fertilizers. And the tariff bloc in the Senate—and some belong to the agricultural bloc—think they are getting something out of this bill for the farmers, but they will discover that the manufacturers and the trusts and the combinations of the United States have been too sharp for them. There are many jokers in this bill, Mr. President, which my good friend from Idaho and this tariff bloc, whose names I mentioned yesterday, have not discovered; and when they and the American agriculturists discover that this bill is a fraud upon the agriculturists there will be discontent and indignation which, like a mighty storm, will sweep from power the present administration. The Union Carbide & Carbon Corporation has a capitalization of $275,000,000, and this chemical schedule will put millions of ill-gotten gains, wrung from the pockets of the poor, into the coffers of this gigantic corporation.

There is the Sherwin-Williams Co. which is to be benefited by this bill. Its assets are $42,942,067. Is that an infant industry? It has to do with the paints and the varnishes that go to the farms and homes of the people. When we want building prices to come down, and when we are seeking the adoption of a policy which will enable men and women to secure homes, we are now by this bill making it more difficult for them to do so. We swell the mighty fortunes of the Paint Trust and the Varnish Trust and the other trusts, some of which are ancillary to the Sherwin-Williams Co., with its enormous capital.

The Grasselli Chemical Co. is to be benefited by this bill. It is one of the organizations that has had its representative here for months clamoring for increased rates. Its capital is $40,000,000.

The Mathieson Alkali Works has a capitalization of $12,266,369.

The Monsanto Chemical Works has a capitalization of $10,242,660.

The Merrimac Chemical Co. has a capitalization of $7,825,029.

Let me say, Mr. President, that the figures which I have given are merely the value stated by some of the publications, such as Moody's Manual. What the actual assets are perhaps no one except those who control the companies know.

It is interesting to note the fact that the capital invested in our chemical industry in 1914 exceeded $2,000,000,000. Now, these same organizations, and those which have followed them, have increased their capital to $5,200,000,000. A large part of that increase has resulted during the last two years, when we had the rates of the Underwood law in effect.

It will be noted that under the Underwood law, which has been in force since 1913, the amount invested in the chemical industry has almost doubled. This is persuasive evidence that no menace exists from foreign competition. Many of the commodities found in the chemical schedule are on the free list in the Underwood law. Yet the chemical business has increased, and the profits of the business has been great.

There are numerous other chemicals, dye, and medicinal manufacturers in the country whose invested capital exceeds millions, and runs into the hundreds of millions, and indeed billions, of dollars in the aggregate, detailed information of which is not obtainable, because they had not furnished the data to Moody's Manual or to the great organizations which seek to collate information and data concerning corporations, or to the Department of Commerce, or to the Tariff Commission. I have sought what I thought were the available sources of information to ascertain the capital invested in each of the great chemical plants in the United States, but my efforts have in most instances been futile; neither have I been able to obtain accurate information as to their profits. Data, I should say, is available as to some, and so far as that has been obtained I shall present it to the Senate.

Mr. President, I return now to the point I was discussing a moment ago, when I called attention to a number of items and showed that the increase in this bill was from 150 per cent to more than 600 per cent in the matter of chemicals, drugs, and medicines which the people of the United States must have.

There are also many commodities of wide, general use of which the country produces over 90 per cent of the domestic consumption, and of which large quantities are annually exported which have, without warrant or reason, been removed from the free list and made dutiable under this bill. I wish Senators would think of this; I wish the American people would let this fact sink into their minds with a view to determining what their conduct should be. Just think of it. Here are articles and commodities only 1 per cent of which or less are imported from foreign countries, 99 per cent or more being domestic products, and yet in order to help the domestic producer increase his profits we increase the tariff rates from 150 to 600 per cent.

It is hypocrisy which can not be characterized in temperate language in a parliamentary body to say that it is for the protection of home industry, or to enable the domestic manufacturer to secure proper returns on investment, or to protect labor. In these items to which I refer the exports are greater than the imports, showing that our domestic production exceeds our domestic consumption.

If these corporations and trusts who are urging these extravagant tariffs were accurate students of political economy they would see that in the long run they are going to injure their own country. They may monopolize the domestic market and profit by it and rob the American people, but they will cut off foreign trade and drive the American flag from the seas. It may float from the masthead of war vessels, but this policy of the Republican Party, as exemplified in this bill, will drive from the seven seas the commercial flag of this Republic, and we will become a hermit nationally, economically, industrially, and commercially, and be robbed and plundered by the domestic corporations and trusts which our foolish policy develops.

Talk about reactionism; talk about the atavistic propensities of individuals and races and peoples. This bill is a "throwback" to the Dark Ages, to the periods when men and countries sought isolation, or if contact with others—only for the purpose of plundering them.

Among the articles put on the dutiable list by this bill is common salt, used upon every table in the land, and in the preparation and conservation of foods. Another article is phosphorus, which is an essential ingredient of matches, which everybody uses.

Another is acetic acid, the base of vinegar, and which is used for the preservation of pickles, condiments, relishes, and salad dressings. There is stearic acid, used in the manufacture of candles, necessary for miners and for the poor of our land who live in the more isolated regions of the country.

There is strychnine, an important medicinal product, and also widely used for the extermination of noxious insects and animals. There is oak extract, used in tanning sole leather, the imports of which act only to conserve our own too meager supply.

There is wood alcohol, which is widely used in the arts and of which in 1914 we produced 9,600,000 gallons and of which, for the first nine months of 1921, our export was 900,000 gallons. The imports are so inconsequential they are scarcely noticable, being less than 1 per cent of the domestic consumption. Yet we put a tariff upon wood alcohol and help these trusts and these swollen fortunes.

Soda ash is another article of which we are by far the largest producers in the world, the domestic production for 1920 being 1,238,000 tons, the exports for the first nine months of 1921 being 131,000 tons, the imports for the same period being only 5,800 tons. We export more than we import and our production is so stupendous that when we speak of the imports they are lost sight of because of their inconsequential character.

Soda ash is the most important of our industrial alkalis, as all Senators know. Why put a tariff on that? There is no competition from abroad. We export four or five times as much as we import and our domestic production is nearly fifty to one hundred times more than our imports; but we tax the people of the United States in order to increase the fortunes of these same corporations and others to which I have referred, whose gigantic capital to-day amounts in the aggregate to more than $5,200,000,000.

Soda ash is also used in the glass, soap, wood pulp and paper, caustic soap, dye, and textile industries, and in the manufacture of drugs, enamel ware, and cleansers, and for the softening of water.

Do not Senators see the point? They put a tariff on soda ash. Then they raise the price of soda ash, not because of any competition but because they can. The tariff keeps out any possible competition. Then when they manufacture soap or glass—and high tariff rates are laid on these commodities—higher prices for the soap and the other products are fixed, because there will be taken into account the high tariff on the ash and the tariff on tallow and on the other concomitants entering into the finished product; in this manner they will pyramid the tariff duties, adding one upon another, until the entire burdens will have to be met by the ultimate consumer. No wonder Mr. Procter, the fairy godfather or godmother of a former candidate for the Presidency of the United States, made millions out of a certain brand of soap, which I shall not mention here. I have the testimony of one man—I shall not stop now to read it, though I shall ask to put some of it in the RECORD later in the debate—calling attention to the fact that, instead of needing a tariff upon soap, we are exporting enormous quantities. As I recall the figures, the exports increased from $4,000,000 to $20,000,000 within a short period. We are the greatest consumers as well as the greatest producers of soap in the world. We compete with the world and can drive practically all foreign competitors off the market. There are reasons for our supremacy in this field. The great meat-packing industry yields tallows and fats, which constitute largely the best of our soaps. I wish we could make a soap that could cleanse our consciences as well as our bodies and enable us to see what justice and duty in this hour require in dealing with the American people. As suggested by my friend from Kentucky [Mr. STANLEY], we might use some soap to advantage on this bill. It would require a great many cakes of soap to wash the bill clean.

Another of these important alkalis which is transferred from the free list to the dutiable list is sodium silicate or water glass. Let me add that many of these chemical products which I have been discussing have been on the free list and, notwithstanding they have been on the free list, our production has increased and the importations in many instances have decreased. There has been no competition from abroad. There can be no competition from abroad that is worthy of consideration with respect to many items in this bill. Of course, Mr. President, the chairman of the committee will later on explain these things to our entire satisfaction. I shall listen with greater interest to such explanations.

I was speaking of the domestic production of sodium silicate, which is important in our chemical industry. The domestic production of this alkali exceeds 300,000 tons per annum. Exports for the first nine months of 1920 were nearly 7,000 tons and the imports were 334 tons. Why a tariff? Why raise the tariff wall upon this product when there is no competition? There is only one reason. It is because the big Chemical Trust demands it. I do not want to say, "We know our master's voice," but they have demanded it and they are getting it.

The duty imposed upon this article amounts to about 50 per cent ad valorem. What does it mean? It means an advance in the prices, or, if not an advance in the price, the maintenance of prices at levels so high as to become extortionate and increase the profits of the trust. It is manifest that these rates have

been imposed because interested parties asked that they be imposed, when every consideration of sound policy requires that these alkalis should remain as they are upon the free list. Think of it, on the free list, and yet the imports were only 334 tons and we were exporting nearly 7,000 tons; and yet they say, "Oh, Germany. Germany is about to flood us and inundate the land with her surplus products." Before I get through I shall have something more to say about conditions in Germany. I was bitter against the German military machine during the war, but the war is over.

I deplore this anti-German spirit manifesting itself, I fear, in the Senate, which prompts Senators and others to urge as an excuse for these extortionate rates a German invasion of our markets. I want to see Germany rise from her prostrate position. I want to see the Germans prosper, the English prosper, and the French prosper, and all the nations of the world rejoice in the sunlight of a glorious day, children, as they are, of one common Father who watches over all and even the fall of the sparrow is taken note of by Him.

I want international prosperity, and I want the yoke of servitude, political and economic, lifted from the necks and backs of people, whether they be Americans or Germans, whether white or brown, or yellow or black, so that in the end all people may be brought together in amity and in peace, rejoicing in the common blessings that flow from a Christian civilization and from progressive and enlightened policies. This is not republicanism, but it is theism; it is the political creed, which in the end will dominate the world, because that creed which ultimately will prevail must rest upon the moral law and upon the principles of justice and equity.

But, Mr. President, I have digressed, for which I apologize. A flagrant example of this method of writing tariff rates is in the case of calcium carbide—and I want Senators to recall this—which is removed from the free list and made dutiable at 1 cent per pound. That sounds innocent. As a specific rate that is not very much, the ordinary superficial observer would say. When it is considered that this commodity is sold by the ton, not to say carload, the imposition of a duty on a pound basis is a mere effort at camouflaging the iniquity of the rate imposed. This rate is actually $20 per ton. The principal uses of calcium carbide, as Senators know, are as a fixation agency for nitrogen, with which it forms calcium cyanamid, which has become the leading nitrogenous fertilizer. We are talking a great deal about the fixation of atmosphere and about the Haber process and about cyanamid and about Muscle Shoals. All those questions are related to the question here.

I stated that it becomes the leading nitrogenous fertilizer, and it is used for the making of acetylene gas for illumination and for the welding and cutting of metal. The rate on calcium carbide was undoubtedly dictated by the Union Carbide Co., a corporation which controls about 90 per cent of the domestic production and owns carbide plants at Sault Ste. Marie, Mich.; Niagara Falls, N. Y.; Welland, Ontario, Canada; and another in Norway. Ninety per cent of the domestic production by this trust, whose power extends beyond the United States into Canada and into Norway. The only competitors in the domestic carbide market of the trust referred to are Canadian concerns, some of which are owned by American interests and whose production costs are equal to the production costs of the Union Carbide Co. in its American plants.

The Union Carbide & Carbon Corporation has a capitalization of how much? Can anyone tell me? Perhaps $25,000,000, Senators would say; but it is $275,000,000. Ninety per cent of the production now is controlled by that corporation, and we must feed to this powerful trust the unwilling victims, the agriculturists and others, of the avarice of the trust.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield to the Senator from Kentucky?

Mr. KING. I yield.

Mr. STANLEY. I hesitate to interrupt the very lucid and powerful argument the Senator from Utah is making, but if he will pardon me I will call to mind a little incident.

The Committee on Agriculture, with practical unanimity, as I understand, reported in favor of the completion of the plant at Muscle Shoals. As soon as that was done the makers of these materials and the owners of by-product coke oven, whose capitalization mounts into many billions of dollars, got busy. It was a fight on the part of the Government in an effort to supply the farmer with cheaper fertilizer and a fight on the part of the wealthiest and most powerful corporations, not only in this country but in the world, to keep up the price of the fertilizer. The subsequent offer of Henry Ford has but accentuated that fact. Some day some farmer is going to stumble on the roll call of his bogus friends, who supported him whenever it did not offend the Steel Trust and the Carbide Trust.

Mr. KING. Mr. President, the Senator from Kentucky remembers the siege of Troy; he remembers the wooden horse and the armed soldiers therein, which was moved alongside the walls of Troy, thus enabling the victorious Greeks to conquer their foes. There are wooden horses—and in wooden horses we oftentimes find sinister influences and enemies who ravish and destroy the land—now being carefully placed against the fabric of our social and economic structure. Within this bill are wooden horses which conceal deadly foes, who will assail the best interests of this Republic.

Mr. STANLEY. The ancient Greeks went into Troy concealed in a wooden horse, but the emissaries of greedy corporations slip by the farmer in a load of hay. [Laughter.]

Mr. KING. Mr. President, I sometimes think that much of our lives are devoted to discovering the impositions and the deceits that have been practiced upon us, and sometimes because of the deceits and the intrigues practiced on the people we grow pessimistic and think that humanity is deteriorating and that there is nothing honest or just under the sun. I do not feel that way at all. There are injustices and wrongs, but, thank God, there are millions of men and women who want the truth, who are seeking for the truth. Oftentimes they are deceived and the veneer prevents discovery of the genuine from the counterfeit. This tariff bill is a counterfeit; it is veneered in such a way that many will regard it as a bill in the interest of the American people; but sooner or later the veneer will be worn away and they will discover its hideous deformities and the excrescences which cling to it. Then they will repudiate it, as they repudiated the Payne-Aldrich tariff bill, and the party which sponsored it.

But to return: This corporation—little corporation, with a capitalization of $275,000,000—which through its subsidiary, the Union Carbide Co., has a practical monopoly on domestic calcium carbide, paid out in dividends in the three years 1918, 1919, and 1920, $37,900,000. The Union Carbide Co., in the five years from 1913 to 1918, paid cash dividends of 42 per cent and stock dividends of 92½ per cent on its capital stock. This enormous business has been developed and has reached these unprecedented proportions with calcium carbide on the free list.

The Union Carbide & Carbon Corporation owns the following subsidiary companies: Union Carbide Co., the National Carbon Co. (Inc.), Linde Air Products Co., the Prest-O-Lite Co., Electro-Metallurgical Co., the Oxweld Acetylene Co., Michigan Northern Power Co., the Union Carbide Co. of Canada (Ltd.), Electric Furnace Products Co. (Ltd.), the Oxweld Railroad Service Co., Haynes Stellite Co., Dominion Oxygen Co. (Ltd.), Carbide & Carbon Chemicals Corporation, and 20 other subsidiary companies. This combination also, I assume, dictated the imposition of the rates contained in paragraph 2 of the bill, covering the following items—and I want Senators to listen to these items—acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, at 6 cents per pound and 30 per cent advalorem.

Although this corporation has a tremendous capital and profits, having paid 40 per cent dividends, as I have indicated, and increased its capitalization 92½ per cent, carbide is transferred from the free to the dutiable list and its products taxed now at 6 cents per pound and 30 per cent ad valorem. These commodities are not produced in this country; but, notwithstanding that fact, this combination was also able to dictate that an embargo be placed upon their importation, which was done in the emergency tariff act, which embargo is continued in force by the terms of the pending bill.

The bill, without necessity, and, indeed, without reason, increases the rates on a large number of articles of which for many years the imports have been negligible, amounting to less than 1 per cent of the domestic production. Even under the temperate rates of the Underwood tariff on these commodities there have been practically no importations, and it is altogether likely that putting of these articles on the free list would not result in any notable increase, the market being dominated by the American producer.

In cases where the American production makes the world market—and I assert this, Mr. President, as an axiom in political economy—there is, of course, no legitimate purpose in a prohibitive tariff or of any tariff so far as the protection of the domestic industry is concerned. Some of the articles of which the imports are negligible but upon which the rates of duty have been increased are covered in a table which I have before me.

Mr. President, I ask the indulgence of the Senate for a moment to examine this table.

I submit it as an illustration of some of the iniquities of this bill. Before this debate is over I shall present other tables of like character for the consideration of the Senate. Take, for instance, Mr. President, oleic acid, found in paragraph 1 of Schedule 1 of the bill. The duty under the bill as reported by the Senate committee is 1½ cents per pound. Senators will know that that acid is used very largely in the manufacture of oleomargarine, a butter substitute for the poor. The rate of duty in the Underwood law is 25 per cent ad valorem, which equals, as I figure it, one-half cent per pound; so that the tremendous increase in the rate is apparent. The domestic production for the fiscal year of 1914 was 40,000,000 pounds; the imports in 1914 were only 367,070 pounds. I have been unable to get the imports for the first nine months of 1921, but the quantity is insignificant. I have been able to obtain figures as to the exports, and they have been increasingly large. The domestic production in 1913–14, which covers the year before the World War, was 40,000,000 pounds, and the importations were only 367,000 pounds.

In paragraph 3 of Schedule 1 of the bill reported by the Senate committee the rate of duty on acetone is 25 per cent ad valorem, which is equal, as I figure it, to 2½ cents per pound. Under the Underwood law the rate is 1 cent a pound. Senators will see that the duty is therefore increased from 1 cent a pound to 2½ cents a pound. The domestic production in 1914 was more than 10,425,000 pounds while the imports were only 2,726 pounds, and the imports for the first nine months of 1921—I was able to obtain those figures—were only 54 pounds. That is the terrible competition to which we are subjected by Germany—an importation of 54 pounds! Yet we must swell the tariff from 1 cent a pound under the Underwood law to 2½ cents a pound. Why? Let Senators and the country answer the question.

On chloroform, found in paragraph 17 of Schedule 1 of the bill, the rate fixed by the Senate committee is 8 cents per pound. In the Underwood law the rate is only 2 cents per pound. The domestic production in 1914 was more than 1,338,000 pounds, and the imports were only 2,444 pounds. The imports for nine months of 1921 were 2 pounds.

That is destructive (?) competition, is it not? We are about to be destroyed by Germany and these awful European and Asiatic nations. Why put this high tariff upon chloroform? It is to increase the profits of the drug manufacturers and the trusts that manufacture chloroform.

Paragraph 29 of Schedule 1: Compounds of pyroxilin, unfinished, under this bill carry a duty of 40 cents per pound; under the Underwood bill, 25 per cent ad valorem. The domestic production in 1914 was valued at $8,876,500. The imports in 1914 were less than 1 per cent. There was no importation to speak of; nothing that could be competitive, less than 1 per cent, so that it was impossible to determine quite what they were. The imports for nine months of 1921 were only $35,311, and the exports for nine months were $1,771,299. There we have a domestic production greatly in excess of the domestic market, and we ship abroad and sell nearly $2,000,000 worth, and we import $35,000 worth, and yet we put this enormous tariff upon it! It can not be defended or justified.

Take formaldehyde. Everybody is familiar with the importance of that, not only for sanitation but for other purposes. The tariff duty fixed in this bill is 2 cents a pound. The duty in the Underwood bill was 1 cent a pound. They have raised it 100 per cent. The domestic production was 8,426,247 pounds in 1914, and the imports in 1914 were less than 1 per cent; not only then but during the war. It was not in competition with us then, in the pre-war days and during the war. Let us see what the situation now is. For nine months in 1921 the imports were only 85,789 pounds, and the exports were valued at $275,901, showing again that the domestic production largely exceeds the consumption and that we must find markets abroad, and we did find markets abroad; and yet we put a higher tariff on this article, not because there is foreign competition but to enrich the manufacturers of the product.

Let me take the item of inks, paragraph 41 of this schedule. Under this bill 30 per cent ad valorem is fixed. Under the Underwood bill it was 15 per cent ad valorem. The rate has been doubled. As a matter of fact, inks ought to be on the free list. Everybody uses inks, the poor as well as the rich; but we must double the tariff on inks, and penalize the American people. The domestic production of inks, writing and printing, in 1914 exceeded $16,000,000 in value. The imports for the same year, 1914, both for writing inks and printing inks, were only approximately $32,000. But they say: "Oh, that was in 1914; but think of the terrible menace that Germany now is, with her tremendous chemical activities," which, of course, is a myth, but it is used as a pretext to support unjust and unjustifiable rates. What are the imports? For the nine months of 1921 the entire value of writing inks was $3,096 and printing inks $4,500.

We are all familiar with castor oil. Some of us as boys remember castor oil. It was the family medicine. If we had a cold, castor oil was administered. If we had a fever, castor oil was the remedy. It was a sort of a universal panacea. Castor oil is still of vital importance, not only in a medicinal way but in other ways. The rate of duty under the Senate tariff bill is 3 cents per pound. Under the Underwood bill it was 12 cents per gallon, or approximately 1½ cents per pound. It is increased 100 per cent. What about the production? One would suppose that as an excuse for laying tariff rates a home industry or a new industry was being established, and that it could not thrive without protection; and yet we find that in 1914 the domestic production was 20,423,000 pounds, and the imports 80,000 pounds. The imports for the nine months of 1921 were 120,000 pounds, and there were exports, as I recall, in excess of that amount, but the exact figures I do not carry in my mind.

Plasters, all sorts of porous and other plasters—25 per cent ad valorem is the tax fixed by this bill; under the Underwood bill, 15 per cent ad valorem. The domestic production in 1914 was in excess of $1,000,000, and the imports were $10,929, and the imports for the nine months in 1921 were only $9,754, and there were some exports; so that the imports are less now than they were in 1914, and the production has increased. So in the future those who use porous plasters are compelled to pay an additional tax to the manufacturer, because the manufacturer of this article has been able to secure the legislation which he wants.

Let me discuss briefly paragraph 63 of schedule 1, paints. The duty on paints under that paragraph amounts to 25 per cent ad valorem under this bill, 15 per cent ad valorem under the Underwood bill. The domestic production in 1914 was more than $112,000,000, and the imports were only $500,000, and the imports for the nine months of 1921 were only $155,000. As the imports have diminished, we must raise the rates. As the possible menace of foreign competition vanishes, we must increase the rates, to enrich still further the domestic manufacturer. How can that rate be justified on the paints that are embraced in that paragraph, which are so important in our domestic and economic life?

Take the item found in paragraph 67, chrome yellow—30 per cent ad valorem under this bill, 20 per cent ad valorem under the Underwood bill. That was entirely too high, in my opinion. The production in 1914 was 5,747,317 pounds. The imports were only 3,678 pounds, and the imports for the nine months of 1921 were 28,957 pounds.

It will be seen that this is all a myth about the inundation of foreign products, and particularly from Germany. Let me pause here to state that soon after the war the producers of dyes in the United States, who I have asserted on the floor of the Senate, and I assert again, constitute a monopoly, contributed to a propaganda that Germany had an enormous surplus of dyes, and was about to destroy the dye manufacture in the United States. It was absolutely untrue, and was known to be untrue.

The propaganda intended to mislead the American people and to pave the way for a dye embargo which was later obtained, and the American public had to pay for it and are paying for it now. For dyes the average cost of which before the war was substantially 25 cents per pound we have been paying under this embargo $1.07 and $1.08 per pound. The American people have been robbed, and, of course, the manufacturers of textiles have been compelled to pay more for the dyes than they formerly did, and that has been reflected in the prices of the finished commodities. Ladies who buy their dress goods and men who buy their shirtings are compelled to pay tribute to the dye monopoly, which was powerful enough to force through Congress a dye embargo, and is powerful enough to procure the insertion of extortionate rates in this bill, as will be seen before we conclude discussing it.

Paragraph 68 covers gas black, lampblack, and so forth. Under this bill the rate is 30 per cent ad valorem. It was 15 per cent ad valorem under the Underwood tariff bill. The production in 1914 was $1,464,000, and the imports for that year were only $26,000. The imports for the nine months of 1921 were only $16,425, and our exports were $905,608. We go out and compete in the markets of the world and sell a large proportion of our domestic product in competition with the world, with Germany and Switzerland and England, where these pigments are made. We competed with those nations and sold nearly a million dollars' worth of these pigments in nine months of 1921 and imported only $16,000 worth. Yet

they demand virtually an embargo. How can it be justified? If we were not selling abroad, there would be some greater excuse; but when we can compete with the world, what is the excuse?

Paragraph 69 covers litharge, on which under this bill the tariff is 2½ cents a pound. It was very high under the Underwood bill, 25 per cent ad valorem, or practically 2 cents a pound. That has been increased in this bill from 2 to 2½ cents a pound. And yet in 1914 we produced 75,478,000 pounds and imported only 35,500 pounds. In the nine months of 1921 for which the figures are available our imports were only 100 pounds. Yet we are asked to erect an embargo and tariff walls to protect us against that frightful invasion.

The rate on white lead is 2¾ cents a pound under this bill. White lead is used by the farmers; it constitutes the basis of their paints. It is needed upon the farms, and it is needed in the erection of houses. It is one of the important products of our country, important to the poor as well as to the rich. The rate is fixed at 2½ cents a pound in this bill; it was 2 cents a pound under the Underwood bill, and that was very high, in my opinion. In 1914 we produced nearly 800,000,000 pounds of white lead and we imported only 700,000 pounds. Last year, nine months of 1921, when this great invasion that is to destroy us was coming, we imported 123,116 pounds, but we exported 8,647,947 pounds. Why pay tribute again by this extortionate tariff to this great Chemical Trust, which reaches out and robs the farmer and robs the American people? Yet it goes into the world and competes in the markets of the world and ships abroad tens of thousands and hundreds of thousands of pounds.

On varnishes this bill fixes a tariff of $2.20 per gallon. That is equivalent, as I figure it, to about 35 per cent ad valorem. There is provided a specific tax of 35 cents per gallon, or 35 per cent ad valorem.

Mr. SMOOT. Mr. President, I suppose my colleague does not care about being interrupted, but I thought perhaps wherever we have reduced the Underwood rates, as we have in the case of white lead, which is used by the farmers of the country and so many other people, it ought to be noted in the RECORD. At least let the American people know that we have reduced some of the Underwood tariff rates.

Mr. KING. I will say to my colleague that before I conclude I shall give him and the other Republicans credit for every reduction which they have made in this bill. I am speaking of the schedule I am particularly addressing myself to. I will show the increases, the departures from the Underwood bill, and the transfers from the free list in the Underwood to the tax list in this bill, and I will show wherever there has been a decrease from the rates in the Underwood bill. I can assure my colleague that I want to give him and the Republican Party all the credit they are entitled to. I believe that he is entitled to credit, and has resisted many unjust demands for higher rates. I think I can say, in parenthesis, that if my colleague's views had been followed this bill would not have as many indefensible provisions as now appear.

The domestic production of varnishes for the year 1914 was $33,214,949. What do Senators think the imports were for the same year? They were $55,787, as against $33,000,000. The imports last year, for the nine months for which figures are available, were only $63,000, and we exported, in competition with the world, $2,671,608. Yet we want this enormous tariff.

On potassium iodide this bill lays a duty of 25 cents per pound. The rate in the Underwood bill was 15 cents per pound. The production in 1914 was 521,679 pounds, and the imports were 169 pounds only. The imports for the nine months available of 1921 were only 226 pounds. Yet we are asked to increase the tariff, with only 226 pounds imported.

The next item to which I shall refer is sodium carbonate, or sal soda. Everyone is familiar with the importance of that product. Under the bill a specific rate of one-quarter of a cent per pound is levied, as against one-eighth of a cent under the Underwood bill, or an increase of 100 per cent. The production in 1914 was 106,591 tons. The imports were 80 tons. The imports for the nine months of 1921 available were only 30 tons, and our exports 7,000 tons. That demonstrates, of course, that we had a surplus of production, and we had to find a market. We found it in the world. We imported 80 tons. Many considerations would explain these very small importations, but the deductions to be drawn from these figures are that the surplus was so great that we sought a market abroad and obtained it, found a market for 7,000 tons. Now, we are importuned to pass this bill because the deluge is upon us, and it is necessary to keep back this rising tide which threatens to inundate and destroy our prosperity.

In paragraph 78 a tariff of 1¼ cents a pound is levied on sodium chromate. Three-fourths of a cent per pound was the specific rate of the Underwood bill. We produced in 1914 23,648,000 pounds and we imported 11,146 pounds. There were no imports in 1921, none even threatened, but there were some exports in 1921, the exact amount of which I have been unable to ascertain, because they have not yet been reported. Yet we are asked to raise that rate from three-fourths of a cent per pound to 1¼ cents per pound, or more than 100 per cent; it is 125 per cent, as I hastily figure it in my head.

Now, take sodium hydroxide. Under this bill the rate is a half a cent a pound. Under the Underwood bill the tariff was a specific rate of a quarter of a cent per pound, an increase of a hundred per cent. In 1914 we manufactured 425,078,000 pounds and we imported 668,714 pounds. The imports in the nine months of 1921 were 645,694 pounds and our exports were 26,810,000 pounds. We exported in nine months last year nearly 27,000,000 pounds, finding markets in the world, competing with the world, and imported only 645,000 pounds plus. Of course, our production exceeded 425,000,000 pounds in 1914.

I come now to fustic extract. The tax under this bill is 25 per cent ad valorem. It was three-eighths of a cent per pound under the Underwood bill. In 1914 we produced 4,509,943 pounds. Our imports were only 1,212 pounds. I was unable to obtain the figures of the exports or imports for 1921. They were not available in the Tariff Commission or in the Department of Commerce; at least, I was unable to obtain them.

I will refer briefly to paragraph 37 of this bill, covering flavoring extracts. Twenty-five per cent ad valorem is the rate levied by this bill. Twenty per cent ad valorem was the rate under the Underwood bill. Our production in 1914 was $11,380,423, and our imports were only $4,009. Our imports for the nine months of 1921 were $24,210, and our exports $705,852.

Mr. President, later, at another time, if afforded the opportunity, I shall present to the Senate information with respect to other items in this schedule.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Did the Senator ask permission to have the table printed?

Mr. KING. I would like to have this printed as a part of my remarks.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

Products importations of which in 1914 were 1 per cent or less of domestic production and rates of which in Senate tariff bill are higher than Underwood law.

Paragraph No., Senate bill.	Article.	Rate of duty, Senate tariff bill.	Rate of duty, Underwood law.	Domestic production, 1914.	Imports, 1914.	Imports, 1921 (9 months).	Exports, 1921 (9 months).
1	Oleic acid	1½ cents per pound	25 per cent ad valorem, equals ½ cent per pound.	40,000,000 pounds	367,070 pounds	(1)	[illegible]
3	Acetone	25 per cent ad valorem, equal to 2½ cents per pound.	1 cent per pound	10,425,817 pounds	2,726 pounds	54 pounds	(2)
17	Chloroform	8 cents per pound	2 cents per pound	1,338,954 pounds	2,444 pounds	2 pounds[3]	[illegible]
29	Compounds of pyroxylin (unfinished).	40 cents per pound	25 per cent ad valorem.	$8,876,500	(1)	$35,311	$1,771,299
39	Formaldehyde	2 cents per pound	1 cent per pound	8,426,247 pounds	(4)	85,789 pounds	[illegible]

(1) Statistics not available.
(2) January 1 to July 1, 1920.
(3) Import of unfinished pyroxylin plastics less than ½ per cent of domestic production.
(4) 1921 Tariff Commission Survey—Imports prior to and during war less than 1 per cent domestic consumption.

Products importations of which in 1914 were 1 per cent or less of domestic production and rates of which in Senate tariff bill are higher than Underwood law—Continued.

Paragraph No., Senate bill.	Article.	Rate of duty, Senate tariff bill.	Rate of duty, Underwood law.	Domestic production, 1914.	Imports, 1914.	Imports, 1921 (9 months).	Exports, 1921 (9 months).
45	Inks	30 per cent ad valorem.	15 per cent ad valorem.	Writing inks, $2,500,000; printing inks, $14,300,000.	Writing inks, $21,983; printing inks, $11,156 [1]	Writing inks, $3,096; printing inks, $4,505; all others, $9,179.	$775,127.
56	Castor oil	3 cents per pound	12 cents per gallon (1.5 cents per pound).	20,422,000 pounds	80,000 pounds	128,000 pounds	(2)
62	Plasters	25 per cent ad valorem.	15 per cent ad valorem.	(3)	$10,939	$9,754	(3)
66	Paints	do	do	$112,408,700	$500,000 [1]	$155,000	(3)
67	Chrome yellow	20 per cent ad valorem.	20 per cent ad valorem.	5,747,317 pounds	3,678 pounds	28,957 pounds	(3)
68	Gas black, lampblack, etc.	do	15 per cent ad valorem.	$1,494,080 [4]	$25,000	$16,625	$905,998.
69	Litharge	2½ cents per pound	25 per cent ad valorem (2 cents per pound).	75,478,000 pounds	35,500 pounds	100 pounds	(3)
69	White lead	do	2 cents per pound	285,972,000 pounds	700,000 pounds	123,616 pounds	8,647,947 pounds.
72	Varnishes	$2.20 per gallon and 35 per cent; 35 cents per gallon and 35 per cent; 25 per cent ad valorem.	$1.33 per gallon; 10 per cent ad valorem	$33,214,949	$55,787	$63,000	$2,671,668.
78	Potassium iodide	25 cents per pound	15 cents per pound	521,878 pounds [5]	169 pounds	226 pounds	(3)
78	Sodium carbonate (sal soda)	½ cent per pound	⅛ cent per pound	106,591 tons	80 tons	80 tons	7,000 tons.
78	Sodium chromate and dichromate.	1½ cents per pound	⅞ cent per pound	[illegible] pounds	11,146 pounds	None	(3)
78	Sodium hydroxide	½ cent per pound	⅛ cent per pound	[illegible] pounds	688,714 pounds	645,694 pounds	26,810,068 pounds.
86	Fustic extract	25 per cent ad valorem, equal to 2 cents per pound.	⅛ cent per pound	4,509,943 pounds	1,212 pounds	(1)	(3)
87	Flavoring extracts	35 per cent ad valorem.	20 per cent ad valorem.	$11,380,622	$4,000	$34,210	[illegible]

[1] 1921 Tariff Commission Survey—Imports in 1914 less than one-tenth of 1 per cent domestic production.
[2] Statistics not available.
[3] Domestic production in 1914 at least $1,000,000.
[4] Domestic production in 1918.
[5] Domestic production in 1918.

Mr. KING. Mr. President, it is evident from the data contained in the foregoing tabulation that the imposition of increased rates of duty upon the aforesaid articles will neither appreciably increase the consumption nor expand the market for the domestic manufacturers of these commodities. The only effect of the higher rates will be to increase the price of these commodities in the home market to the detriment of the consuming public and of the industries which use these commodities as necessary materials for the fabrication of their products.

Among these articles upon which are imposed higher rates of duty, inks, castor oil, plasters, paints, varnishes, and flavoring extracts are finished products as far as consumption is concerned and pass to the trade in the form in which the duty is imposed. Of the other products in the table, compounds of peroxylin (unfinished) are used for the manufacture of combs, mirrors, and other toilet articles and for artificial leather and artificial silk; chloroform is used as an anesthetic, solvent, and antiseptic; formaldehyde is widely used as an antiseptic, disinfectant, and preservative and for the manufacture of products used in competition with hard rubber; oleic acid is used in the manufacture of textile soaps, patent leather, and lubricating compounds; acetone is used as a solvent for fats, resins, and gums and in the manufacture of chloroform; gas black and lampblack are used as fillers for rubber and in the manufacture of printing inks, stove polishes, and paints; litharge is used in the manufacture of paints, glass, and pottery and as a drier for oils; chrome yellow and white lead are used as pigments in the preparation of paints; potassium iodide is widely used in medicine and photography; sodium chromate and bichromate are used in the tanning of leather, for textile dyeing and printing, for pickling of brass and for bleaching oils and fats; sodium hydroxide, commonly known as caustic soda, is used in the manufacture of soap, mercerized cotton, cleaners, paper, dyes, and drugs; fustic extract is used in textile and leather dyeing and especially for dyeing cotton goods khaki color, used for soldiers' uniforms; and sodium carbonate, generally known as sal soda, has been previously described as being widely used in the arts.

How important these articles are to the great mass of the people must become obvious when we refer to the uses to which they are put, those uses showing that scarcely a day passes that the simplest citizen in the land, as well as the most powerful one, is not called upon to employ some of the products that are the outgrowth of the use, directly or indirectly, of these commodities.

In the case of the following important commodities, boric acid, of which the imports only amount to 5 per cent of the domestic production, the duty is raised to 200 per cent of the present rate; phosphoric acid, of which the imports only amount to 4 per cent of the domestic production, has been taken from the free list and made dutiable at 2 cents per pound; linseed oil, of which the imports only amount to three-tenths of 1 per cent and the exports amount to 20 per cent of the domestic production, the duty is raised to 262 per cent of the present rate; peppermint oil, of which the imports only amount to 5.5 per cent and the exports amount to 20 per cent of the domestic production, the duty is raised to about 200 per cent of the present rate; zinc oxide, of which the imports only amount to 4.5 per cent and the exports amount to 12 per cent of the domestic production, the duty is raised to 225 per cent of the present rate; potassium chromate and bichromate, of which the imports only amount to 5 per cent of the domestic production, the duty is raised to 225 per cent of the present rate; and sodium sulphide, of which the imports only amount to 6 per cent of the domestic production, the duty is raised 200 per cent of the present rate.

It will bear repetition that the imposition of the higher rates of duty in the pending bill upon the foregoing chemicals, medicinals, and allied products, will not expand the domestic market for these materials because the domestic market is at the present time almost exclusively supplied by the domestic manufactures, the imports, as indicated above, being negligible. It is a matter of some significance that among the principal producers of these chemicals, medicinals, and allied products are: E. I. du Pont de Nemours & Co.; Solvay Process Co. and General Chemical Co., subsidiaries of the Allied Chemical & Dye Corporation; Grasselli Chemical Co.; Sherwin Williams Co.; and Dow Chemical Co. These are the corporations which have been making the contention that no rates of duty would be adequate to protect the domestic dye industry. This contention appears to have been adopted by the majority of the Committee on Finance, because in the report of the committee on the pending bill, the committee states:

> It was found that the rates provided for dyes and coal-tar chemicals (in the House bill) * * * were wholly inadequate to protect the domestic industry. * * * Your committee has reached the conclusion that no rates in American tariff history would be adequate to protect this industry.

I wish I had the time to read the statements of many eminent protectionists and writers to the American Economist, one of the ablest protectionist papers that is published in the United States. That great organ of the protected industries has

demonstrated, as a proposition in Euclid may be demonstrated, the un-American character of the embargo, its destructive and deadly consequences. They have charged that in the end it would prove destructive to the entire fabric of protection, and as a protectionist paper, a fair protectionist paper, it sees a menace to any defensible system of protection—I am making no concessions as to the honesty or defensibility of protection per se—in an embargo bill which discriminates in favor of one class of commodities and keeps out certain commodities in order that the domestic producer may force prices to such levels as his cupidity and avarice may dictate.

It is obvious what the result will be. If we give an embargo to the dye manufacturers, other manufacturers will demand an embargo. If it is good for the dye people to have a complete monopoly, it will be good for the woolen mills to have a complete monopoly and the cotton mills a complete monopoly, until finally the protective system is destroyed and the people have been turned over to be devoured by the monopolies which would be erected.

Let me say right here as a warning to those Republicans and to those protected industries and to those great trusts and corporations, if they do not heed the solemn warning of the able Senator from North Dakota [Mr. MCCUMBER] when he called attention to the high rates in this bill and when he directed attention to what was needed to bring about prosperity, and refuse to reduce prices and maintain combinations and destroy competition, the American people will revolt against such industrial oppression, if not servitude, and in their wrath the business fabric of our country may be destroyed. If we can not preserve the competitive system, the people will turn to a paternalistic or socialistic régime, and every industry controlled or directed by corporations or trusts will be placed in straitjackets, and there will be commissions and Federal agencies and Federal officials to take charge of the business life of the country, and private business will thus be destroyed.

As a friend of honest business and as one who is opposed to bureaucracy, to paternalism, to socialism, and believes that the business man should have a free field for success, unhampered by governmental regulations, I want to warn American manufacturers and corporations and the powerful business interests of this country that if they do not treat the consuming public fairly, if they destroy competition, if they perpetuate trusts and combinations in restraint of trade and to maintain high prices, the American people will rise in their wrath and pull down the temple of their prosperity. Then we will be menaced by socialism or other evils. People laugh when we talk about socialism developing and growing. Socialism will always appear as a supposed antidote to the aggressions of predatory wealth. Treat the great mass of the people fairly and there will be no demand for socialism. They believe in individualism. They want the individual to have a free field and an open and a fair fight in the race for life. That is all the average American wants. But he will rise up in his wrath, and he will tear down these gigantic corporations and trusts if they destroy the opportunity for individual initiative and individual development. So I want to warn the corporations and the trusts and those men who are writing these tariff schedules and who are demanding them that they are sowing to the wind and they will reap the whirlwind.

If the shoe manufacturer charges these extortionate prices, if the Steel Trust makes these enormous prices, if other corporations grow rich and distribute their ill-gotten gains until their stockholders can live in affluence and the workingmen, upon whose bowed backs rest our economic and our social fabric, are required to carry the increased burden, soon or later our economic system will crack with consequences few can visualize. It seems a cruel thing that peoples build only to see destruction. I sometimes think we are like little children, building houses upon the sand.

The waves come and wash them away. Men build mighty nations which rise to power and affluence; often they attain a high stage of civilization. Then evils develop, selfishness controls, liberty is taken from the masses, and decadence sets in. Wealth controls, and the rich and powerful in the end fall with the nation which their folly and their vices have corrupted. The historian tells us of such nations, and we wonder if "history hath but one page."

We think that this Republic is different from other nations. It is. Some think that it has the seeds of immortality. I do not know. I know that this Republic will last only so long as there is back of it the sense of justice and righteousness that after all must be the basis of those enduring and persisting things in life. Nothing can long endure that is unjust. No social organism can long persist that works injustice. No system of philosophy long endures if it is founded wholly upon error.

The theory of gravitation may some day be successfully controverted. Einstein is assailing it. So one by one our systems of philosophy perish; all of which demonstrates, Mr. President, that there are certain eternal verities, and that unless we get down to the bedrock of truth and of justice and of righteousness we are building upon the sands.

If we do not deal justly with the people, if we erect organizations that oppress, if we develop an economic system that works unequally and unfairly, there will be discontent and the seeds of social and political decay.

Mr. President, I am digressing. I return to the schedule.

Adverting now to the excerpt which I read from the majority report, the contention made in that report is not consistent with the representations officially made by these manufacturers to the Ways and Means Committee of the House of Representatives in January, 1916, wherein they stated that duties of 15 per cent ad valorem and 3½ cents per pound on intermediates, and duties of 30 per cent ad valorem and 7½ cents per pound on dyes, were adequate to develop and protect the domestic dye industry, and that these rates would satisfy the demands of the domestic manufacturers of dyes and coal-tar chemicals. In conformity to these representations and with the understanding arrived at by the Ways and Means Committee, the pending bill, as it passed the House, imposed duties of 30 per cent ad valorem and 7 cents per pound on intermediates, and duties of 35 per cent ad valorem and 7 cents per pound on dyes. The bill, as reported by the Finance Committee of the Senate, carries duties of 50 per cent ad valorem and 7 cents per pound on intermediates, and duties of 60 per cent ad valorem and 7 cents per pound on dyes, duties which are practically double the duties imposed by the bill as it passed the House, and which are double the rates asked by the manufacturers in 1916 for intermediates and dyes. Moreover, the manufacturers in 1916 stated that the rates requested would develop and practically perfect the industry within five years, and that thereafter the specific duties would no longer be required.

Mr. President, I may ask later on—I shall not do so now—to put into the RECORD the testimony of these men who went before the committee in 1916 and said that the rates then asked for were all that would be required to develop the dye industry. The dye industry has developed to colossal proportions, but now they not only want the duties to be doubled, but they want an embargo. In addition to that, by an illegal sale of 4,500 patents taken out by Germans and registered in the United States by an illegal confiscatory act, they have taken those so that they can invoke the patents and keep out any competition. Not satisfied, however, with that, they now want an embargo; and not satisfied with that, they want to put, as I shall show later, a provision into this bill that has never found expression in any other tariff bill, a most anomalous thing, to make it a crime to bring in certain products in a certain manner, and confiscation thereupon ensues.

The fact is that in the intervening time the domestic dye industry has expanded its production so that over 91 per cent of the domestic consumption is now supplied by the American manufacturers, and, in addition to that, the exports of dyes for 1920 amounted in value to $25,000,000, or approximately 90 per cent of the value of the domestic production.

The contention that the rates of duty imposed by the bill will not protect the industry can not be sustained. The fact is that these rates will act as an effectual embargo, as far as the bulk of the American consumption is concerned. Not only are these rates without precedent but the bill invests the President with authority to increase by 50 per cent the rates of duty to be imposed upon dyes, intermediates, and other finished coal-tar products, which means that the President may impose duties of 75 per cent ad valorem and 10½ cents per pound on intermediates and duties of 90 per cent ad valorem and 10½ cents per pound on dyes and finished coal-tar products. But this does not represent the limit of the reaching out of the dye manufacturers to prohibit the importation of intermediates, dyes, and coal-tar products. The President is granted authority in the bill to require by proclamation that the ad valorem duties be imposed upon the American market value of the dutiable commodities, which means, of course, that the President may impose duties of 90 per cent ad valorem on dyes and finished coal-tar products based on American valuation. The average American selling price for dyes produced in this country in 1920 was $1.08 per pound. Upon this valuation an ad valorem duty of 90 per cent would amount to $0.972, which, with the addition of a specific duty of 10½ cents, would make the duty per pound come to $1.077, which approximately equals $1.08, the average selling price of the dyes, and is equivalent to an effectual duty of 100 per cent on the American selling price of the dyes. But even under these conditions, if an American manufacturer of

textiles were willing to pay a premium of 100 per cent for some rare or desirable dye, he might import it and thus satisfy his fancy or the need of his business. But this does not meet the demands of the dye combine. It demands an absolute embargo; and accordingly the majority of the committee reports an amendment to the House bill which extends the operation of the embargo enacted in the dye chemical control act approved May 27, 1921, for the period of one year after the approval of the pending bill, and another amendment which invests the President with power to extend the embargo for another year. Mr. President, we have in these provisions the very consummation of monopolistic avarice, exclusion, and domination.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield to the Senator from Mississippi?

Mr. KING. I yield.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	McKellar	Phipps
Brandegee	Heflin	McKinley	Poindexter
Broussard	Johnson	McNary	Ransdell
Bursum	Jones, N. Mex.	Moses	Rawson
Capper	Jones, Wash.	Myers	Sheppard
Caraway	Kellogg	Nelson	Smoot
Curtis	Kendrick	Newberry	Sutherland
Dial	Keyes	Nicholson	Swanson
Edge	King	Norbeck	Townsend
Ernst	Lodge	Norris	Warren
Fletcher	La Follette	Oddie	Watson, Ga.
Glass	Lenroot	Overman	Weller
Gooding	Ledge	Page	Willis
Harris	McCumber	Pepper	

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is absent on business of the Senate.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9810) to authorize the incorporation of companies to promote trade in China.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KINKAID, Mr. SINNOTT, and Mr. HAUGEN were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were subsequently signed by the Vice President:

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 318. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 667. An act for the relief of John B. H. Waring;

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Urutake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee*;

S. 1767. An act for the relief of the owner of the derrick *Capitol*;

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; and

S. 3208. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House on certain amendments of the Senate to House bill 9981.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices.

Mr. WARREN. The situation is such that it can only be handled by getting the bill back to conference. So I move that the Senate still further insist upon the amendments in disagreement, that the House be asked for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate at the further conference.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico obtained the floor.

Mr. HARRISON. Mr. President, will the Senator from New Mexico yield to me for just a moment before he proceeds with his speech?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. JONES of New Mexico. I shall be glad to yield.

Mr. HARRISON. Mr. President, at the beginning of the discussion of this tariff bill it might be well for those who advocate it to know the views of some of the leading agriculturists of the country touching its provisions. I noticed in one of the papers of yesterday, I think, an item which I should like to have read from the desk. Mr. Marsh, who is referred to in the article, is a representative of great farming organizations over the country.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

DECLARES POLICY OF G. O. P. IS "FARMERS BE DAMNED."

The Jones-Green ship subsidy bill, now pending in Congress, will "increase ocean freight rates just as the Esch-Cummins law increased railroad freight rates," Benjamin C. Marsh, director of the Farmers' National Council, declared in a statement yesterday.

"This bill, plus the McCumber tariff bill, will be the last straw to break the farmer's back," Marsh said, "when it is piled on top of the Government's denial of adequate credit to farmers and refusal to enact legislation to stabilize the price of farm products. This combination of measures against the farmers, devised with the approval of the President of the United States, makes it clear that the administration's policy is 'the farmers be damned.'"

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. JONES of New Mexico. If the Senator from Mississippi is through with what he has to say.

Mr. HARRISON. I desire to incorporate another short article in the RECORD. Before I yield to the Senator from Utah, let me say that this statement of Mr. Marsh ought to be a warning to the Senator and his colleagues who propose to vote for the bill.

Now, I yield to the Senator.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. JONES of New Mexico. I yield.

Mr. SMOOT. I just want to say to the Senator from Mississippi that no doubt Mr. Marsh will thank him for putting his statement in the RECORD, because no doubt it will be taken from the RECORD and sent out through the country in order that Mr. Marsh may collect a little money to go on with his propaganda. If the Senator knew Mr. Marsh, I doubt very much whether he would encumber the RECORD with a statement like that.

Mr. HARRISON. That is from one of the leading Republican papers of the country.

Mr. SMOOT. It is not from a Republican paper; it is from Mr. Marsh.

Mr. HARRISON. The statement was printed in a Republican paper——

Mr. SMOOT. Oh, certainly.

Mr. HARRISON. And it quotes Mr. Marsh, and they thought it was a news item. Mr. Marsh is recognized as the representative of a number of farmers' organizations in this country, and I am surprised that the Senator should think that Mr. Marsh would try to advertise himself in any such way.

Mr. President, that statement from Mr. Marsh did not seem to find any welcome on the other side; but the attention of the Senate has already been called to the fact that the other day there was an election for the selection of a nominee in Illinois. A very distinguished member of the present Ways and Means Committee was a candidate for renomination. Running against him was a man by the name of Mr. Frank Reid.

Mr. Reid made his campaign upon certain well-defined issues. Mr. COPLEY, the gentleman I have in mind, being a member of the Ways and Means Committee, naturally espoused the provisions of the Fordney tariff bill, or the "Fordney folly," as I might call it, and no doubt he would be for the "McCumber muddle" if he were a Member of the Senate. After Mr. Reid was nominated by some 5,000 votes over the present member of the Ways and Means Committee he gave out a statement and assigned the reasons why he received this very large majority over the sitting Member of Congress, one who had assisted in drafting a Republican tariff bill. So I want to read, or have read from the desk, a part of the statement of Mr. Frank R. Reid, addressed to the New York World.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

The reading clerk read as follows:

CHICAGO, *April 18.*

To the WORLD:

The Volstead law had nothing to do with my victory. The campaign was waged against the system by which a dozen men of great wealth dominate the action of Congress on matters of tariff and taxation and use their great power to secure legislative protection of their own special interests.

I showed the financial and business interests of the 17 Republican members of the Ways and Means Committee, of which 11, including COPLEY, are millionaires or multimillionaires, and urged the necessity of having a "people's bloc" to oppose this "millionaires' bloc" to return the power of government to the people.

I pledged myself to uphold the policy of progressive, independent men in Congress who believe that the interests of the mass of the people deserve first consideration. I campaigned against the present certificate form of bonus bill in favor of a cash bonus to be paid out of excess-profits tax and surtax or from foreign loans. Condemned COPLEY's action in supporting the repeal of the excess-profits tax and in supporting the reduction of the surtax on incomes; also the action of COPLEY and the Ways and Means Committee on the dye embargo.

FRANK R. REID.

Mr. HARRISON. Mr. Reid was the nominee by some 5,000 majority.

Mr. JONES of New Mexico. Mr. President, I should like to ask the Senator from Mississippi if he has some of the publicity literature of Mr. Reid, showing what the issues in the campaign were?

Mr. HARRISON. I will ask the Secretary to read the matter just following that statement, issued the day after Mr. Reid's nomination, showing what he said in some of his campaign literature.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The reading clerk read as follows:

LIST OF 11 MILLIONAIRES ON GREAT HOUSE COMMITTEE.

Mr. Reid also sent to the World an extract from his campaign literature, in which he said:

"Who are the men who frame the revenue and impost laws of the Nation which vitally affect the interests of every business man who has something to sell or manufacture, every farmer who produces a bushel of grain or a pound of beef or hogs, and every wage earner in the eleventh district?

"The committee is composed of 17 Republicans and 8 Democrats. The Republicans, of course, control the committee under the present administration; in fact, a bare half dozen of the leading Members dominate the proceedings of the committee and determine its action in respect to legislation on taxation, tariff, and other vital subjects."

He gave this list of the 11 rich men:

Chairman JOSEPH W. FORDNEY, Michigan, millionaire lumberman.

NICHOLAS LONGWORTH, Ohio, a millionaire by inheritance, interested in various banking and industrial enterprises, including an interest in dye and chemical companies.

IRA C. COPLEY, Illinois, multimillionaire, controlling gas companies and three newspapers of the eleventh district, interested also in mining and other properties.

LUTHER W. MOTT, New York, wealthy banker, former president of the New York State Bankers' Association.

ISAAC BACHARACH, New Jersey, millionaire real estate broker, first vice president and director of the Second National Bank and also director of Atlantic Safe Deposit & Trust Co., at Atlantic City.

ALLEN T. TREADWAY, Massachusetts, millionaire hotel owner and magnate.

CHARLES B. TIMBERLAKE, Colorado, wealthy banker and stock raiser.

GEORGE M. BOWERS, West Virginia, millionaire banker and orchardist, president of People's Trust Co., Martinsburg, W. Va.

HENRY W. WATSON, Pennsylvania, wealthy retired business man, who made his fortune in various commercial and manufacturing enterprises.

ALANSON B. Houghton, New York, a member during the special session, but recently resigned to become ambassador to Germany, a multimillionaire glass manufacturer.

THOMAS A. CHANDLER, Oklahoma, millionaire oil magnate.

Mr. Reid, who is 44, has figured as counsel in some noted cases. He was retained by the Federal Government in the Standard Oil case and other litigation. He was assistant corporation counsel of Chicago and has served in the legislature.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. JONES of New Mexico. I yield.

Mr. WILLIS. The Senate has just been regaled with an expression of the views of the distinguished and eloquent Senator from Mississippi [Mr. HARRISON] relative to the pending tariff legislation. He has very properly, and within his rights, had read into the RECORD certain matters which he thinks bear upon it. I therefore ask unanimous consent to have incorporated in the RECORD at this point editorials from certain papers—the Albany (Ga.) Herald, the Rocky Mount (N. C.) Telegram, the Galveston (Tex.) News, the Fort Worth Star-Telegram, and the Cincinnati Post. These are editorials setting forth the views of those papers and the views which they think are held by people in that section of our Union relative to the pending tariff bill.

Mr. HARRISON. Does not the Senator want to have them read?

Mr. WILLIS. I do not desire to delay the passage of the bill. I am in favor of the passage of the bill, and therefore do not desire to take the time of the Senate in having long articles read. I want to economize time.

Mr. HARRISON. Does the Senator indorse all that is stated in these editorials?

Mr. WILLIS. I think they are very good reading, and that the Senator from Mississippi will profit much if he will follow the advice therein set forth.

Mr. HARRISON. The Senator is not willing to tell us that he indorses them before he puts them into the RECORD?

Mr. WILLIS. Yes; I indorse them. The substance of the editorials is that the tariff bill ought to be passed at the earliest possible moment, without unnecessary delay, and I cordially agree with that sentiment.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

EDITORIALS OF SOUTHERN PRESS ON SOUTHERN TARIFF ASSOCIATION.

[From the Albany (Ga.) Herald, March 17, 1922.]

It may not be true that "the South favors a high tariff," but it undoubtedly is true that there are few parts of the South in which there are not important interests clamoring for the protection of whatever they happen to sell in competition with foreign producers. It has been pretty clearly demonstrated that "the tariff is a local issue."

—

[From the Rocky Mount (N. C.) Telegram, March 17, 1922.]

The rather pointed question of F. R. Gooding, chairman of the farm bloc in the House, that if the South wanted a protective tariff, that they should vote for it, seemed to reach rather receptive ears down at Houston, Tex., recently when the Southern Tariff Association in convention assembled made it plain that they did by some unanimous votes on the matter. At any rate, what the chairman of the farm bloc wants is votes from southern Congressmen and Senators, and really one can wonder how they could reconcile that appeal with the platform on which most of them were elected. Incidentally it looks as though the South is little different from the rest of the Nation and they want to talk of protection for our goods and nonprotection for the other fellows.

—

[From the Galveston (Tex.) News, March 19, 1922.]

The members of the Southern Tariff Association, made up for the most part of men who were once tariff reformers, show all the zeal and intrepidity of the new convert. In their congress at Fort Worth the other day they "congratulated Congress"—though apparently not the country—"on the passage of the emergency tariff bill," and they also indorsed the "American valuation method of levying duties on imports."

—

[From the Fort Worth Star-Telegram.]

The greatest obstacle which stands in the way of obtaining proper recognition for southern products is the attitude of most of the Democratic Congressmen and Senators on this matter. They are assuming an attitude of opposition to the entire tariff program and apparently are willing to have the Republicans pass a measure favoring special industries and sections at the expense of the South in order to make political capital out of it.

—

OLD ORDER CHANGETH.

[From the Cincinnati (Ohio) Post, February 17, 1922.]

We are at the parting of the ways, politically and economically, in this country. "Old stuff," you say. Possibly, but let's see.

The Southern Tariff Association, composed entirely of Democrats, comes out with a declaration for a tariff twice as high as anything heretofore suggested on agricultural products.

Well, if everybody's for it—Democrats as well as Republicans—why not go ahead? Why delay? Why this talk about "no bill before August and probably none at all?"

Mr. JONES of New Mexico. Mr. President, I am in accord with the expressed wish of the Senator from Ohio, that whatever tariff bill shall be passed should be passed at an early date. I think the sooner the people of this country find out what sort of a bill they are going to have, the better for everybody concerned. In my humble judgment, the sooner the disease comes and the recovery is reached the better it will be for the permanent prosperity of the country. I hope we may begin to vote on some of these items this afternoon.

I do not rise for the purpose of entering into any general discussion of this bill. I believe, however, that the very first item in the bill is typical of the purposes of the bill and that each Senator should thoroughly understand just what is proposed. I think each Senator should understand just what this bill means, and, inasmuch as the first item in the bill is an item taken from the free list and put on the dutiable list, it seems to me that the Senate should understand why this thing is done.

I do not believe the Senate ought to assume that the Committee on Finance would propose to take an item from the free list and put it on the dutiable list unless there were some reason for it. So, Mr. President, I call upon the chairman of the Finance Committee to explain to the Senate why acetic acid is taken off the free list and put upon the dutiable list. If the Senator from North Dakota will kindly furnish us with some information on this subject, I am sure I shall appreciate it, and I hope that all of the Senators will appreciate it, because they will be called upon to vote on each one of those items, and I respectfully request that the chairman of the Finance Committee give the Senate and the country the reason why acetic acid was taken off the free list and put upon the dutiable list. Will the Senator from North Dakota oblige us with some information on that subject?

Mr. McCUMBER. Mr. President, the reason I can give for placing this particular item upon the dutiable list is the reason that permeates the bill throughout; it is to equalize the difference between what is supposed to be, as nearly as we can arrive at it, the cost of production abroad, including the cost of shipment into this country, and the cost of manufacturing in this country. The House itself took this item from the free list. The Senate committee has not amended the provision. Of course, I have not the evidence before me in all the hearings to follow each one of these items, but we believe that the evidence as to this item was such as to justify the committee in agreeing to the House provision, which seeks to place a duty on this article which will be the equivalent of the difference between the cost of production abroad, including the cost of transportation, and the cost of production in the United States.

Mr. JONES of New Mexico. Mr. President, I must confess a surprise at the answer which has been given to us by the chairman of the Finance Committee. I have gone through the House committee hearings; I have gone through the Senate committee hearings, and there is not a word of testimony in the whole record regarding the cost of production of this article either in this country or anywhere else.

That, it seems to me, ought to be an astounding statement to the country. The Senator from North Dakota tells us in a solemn and serious way that they have tried to equalize, by the tariff, the cost of production in this country and the cost of production elsewhere, and here is an item affecting many of the vital interests of this country, about which there is not a line of testimony either in the House hearings or in the Senate hearings.

Mr. SMOOT. The Senator certainly does not want that statement to appear in the RECORD for fear somebody in the future will read his remarks and then find that the statement does not conform to the facts in the case.

Mr. JONES of New Mexico. Mr. President, if my statement does not conform to the facts, I hope the Senator will state what the facts are according to the record. I know there are some statements in the record to the effect that they need this tariff in order to let them keep up this enterprise, but there is not a single line of testimony in the record which shows the cost of production of this article either here or anywhere else.

Mr. SMOOT. Mr. President, I am fearful the Senator has not taken time to read the record.

Mr. JONES of New Mexico. If I am misinformed, of course, I shall be glad to be corrected by the Senator from Utah.

Mr. SMOOT. I know the Senator did not have his attention called to this item, but if the Senator will turn to page 801 of the hearings——

Mr. JONES of New Mexico. I have read page 801.

Mr. SMOOT. He will find that Mr. Hartram, representing the Shawinigan Products Corporation, of New York, testified in quite an extensive way, and beginning on page 804, down to and including 809, there is quite a description of the articles in which acetic acid is used in this country, and the reasons also are given why, in my opinion, there should be a duty imposed.

Mr. JONES of New Mexico. He does give a reason, but he nowhere tells what it costs to produce it, either here or anywhere else.

Mr. SMOOT. That may be the case, Mr. President, so far as the actual production of the acetic acid is concerned; but I simply rose to call the attention of the Senator to the fact that testimony has been given as to this item, and upon that, no doubt, the House based the duty upon acetic acid.

Mr. JONES of New Mexico. Yes, Mr. President, there has been testimony given upon the subject, and I agree again with the Senator from North Dakota [Mr. McCUMBER] that this case is not only typical of all, in many respects, but it is typical in respect to the kind of testimony on which the committee has acted. The kind of testimony which has been produced upon this item, and upon substantially every item in the bill, consists solely of the statements of interested parties as to how much they want. That is the kind of testimony there is in this record.

Mr. SMOOT. The Senator ought to be fair. He ought to say also that the testimony against any duty whatever is also recorded in the hearings, and persons representing that side of the case were heard by the committee on every item about which they asked permission to appear. I recognize that the hearings are too extensive for all Senators to read; that is out of the question; but when the Senator has carefully examined the testimony he will find that in nearly every case interested parties on both sides have been heard.

I recognize that no tariff bill could be framed based only upon testimony either for or against a duty. One exaggerates one side, and the other exaggerates the other. I do not think there was ever a tariff bill taken under consideration by a committee of this body where hearings so extensive were permitted as has been done in connection with this bill. In fact we were criticized severely in the public press, and by Members of Congress as well, for the length of time that was given to the hearings.

Mr. JONES of New Mexico. The committee was kind enough to hear practically everybody who wanted to be heard. There were two classes of people heard, principally those who were interested in getting a tariff upon the importation of the articles. There were comparatively few witnesses who appeared and protested. Some of them appeared and protested vigorously, and upon this very item the only witness who appeared before the Finance Committee of the Senate was a witness who insisted that the item should be kept on the free list.

Mr. HARRISON. Mr. President, may I ask the Senator if he does not think that the reason why they had such long hearings on the part of the committee, and from certain sources from which they wanted to hear, was to find some excuse for perpetrating the bill upon the country?

Mr. JONES of New Mexico. Mr. President, I do not like to question the purposes of other Senators. I can only state what occurred, and the Senate, and I hope the country, will themselves judge as to the purposes behind the bill.

The truth is that the bill could not have been framed on the theory just announced by the Senator from North Dakota, because there was no attempt at any time to obtain evidence as to the cost of the production of the commodities in this country or elsewhere. I make that statement as a general proposition. There may be a few exceptions to it, but I submit that I have no recollection of a single witness bringing before the committee his cost sheets and submitting them to cross-examination.

Mr. SMOOT. No, Mr. President; and that never has been the practice in the making of any tariff bill from the day the first one was made up to the present time. I will say to the Senator, however, that in making the bill there were members and experts of the Tariff Commission with the committee at all times. The price at which the foreign article sold in this market was given to the committee. The price of the domestic article sold in the domestic market was also given. The testimony that they had gathered in the investigations which they had made shows that there was the difference which I have stated. While the hearings may not demonstrate anything as to the cost of this particular item for producing it in the foreign country or in this country, all the evidence that was collected by the Tariff Commission, as well as the evidence collected by the Reynolds investigation, was presented to the committee whenever a rate was to be decided upon.

Mr. JONES of New Mexico. Mr. President, the Senator has made a statement which implies two things; first, that the Tariff Commission furnished some evidence as to the cost of production in this country and abroad. The Tariff Commission itself had no evidence upon that subject.

Mr. SMOOT. I did not say that. I said the Tariff Commission furnished the price at which the foreign article sold in the American market as well as the price at which the product manufactured in America sold in the market alongside of it. It also demonstrated the fact that beginning with the latter part of 1921 the prices of chemicals coming into this country began to drop rapidly. Even for the first nine months of 1921, every report shows that there is not an item in the schedule but what the price involved was then decreasing, and decreasing rapidly.

I do not want to criticize the figures which were presented by my colleague this afternoon as to importations and exportations, but they were unfair from the very fact that he used the year 1914 to show importations.

Mr. JONES of New Mexico. I hope the Senator will not consume time in discussing something that I have had nothing to do with.

Mr. SMOOT. I was only loading up to what I wanted to say to the Senator from New Mexico.

Mr. JONES of New Mexico. Very well.

Mr. SMOOT. I was going to say that it is not fair for a Senator to take the importations of 1914 or the war-time importations, or any importations between that time and 1920, at the close of the war, and then compare them with the nine months of 1921 when the slump in industry came all over the world. Not only did our production in this country fall off more than our exports in many, many cases, in most of them in fact, but our own trade fell off in the United States until it was a mere skeleton of what it had been during the war. Of course, the figures that were presented were absolutely correct, so far as I could follow them and so far as I could remember them, but in order really to get at the position of the committee, in order to criticize the committee, the criticism ought to be based upon a fair statement of the facts.

Now, I will say to the Senator that on the particular item under discussion I have sent for my papers and think I will have them here within a few moments. I will then show the Senator just what the quotations were, what they are to-day, and, I think, the reason why the House made the rate three-quarters of a cent a pound on a certain strength of acetic acid.

Mr. JONES of New Mexico. Does the Senator mean to say that these rates were made up from evidence which is not in the record?

Mr. SMOOT. The information which was given by members of the Tariff Commission, who were sent as experts from that commission, was not recorded; that is, there is no record of it made in our hearings. The Senator knows that has never been done. When the Underwood tariff bill was under consideration a Republican Senator was not allowed to go before the subcommittee even as a witness with relation to the rates. I know I applied in one or two cases for permission to appear before the committee, and I was a member of the Committee on Finance, too. I was told that no one was to appear before the committee unless invited to appear. That is the way we were treated in 1913.

But I will say to the Senator from New Mexico that no Senator and no Congressman has asked the Finance Committee to appear before us unless permission has been promptly granted. We have had Members of the House and we have had Members of the Senate from both sides of the Chamber before the committee, and they have been allowed a hearing upon any item in the bill whenever they have asked for it. It took a great deal of the time of the committee to listen to those statements, too.

Mr. JONES of New Mexico. I am not entering any complaint at this time because I, as a member of the Finance Committee, was not able to get hold of the testimony which was not presented in the record. I am simply endeavoring now by questions to get before the Senate and the country the information on which the majority of the committee finally acted.

Mr. SMOOT. I want to ask the Senator now if he has not had members of the Tariff Commission before him as to the rates in this schedule?

Mr. JONES of New Mexico. I have.

Mr. SMOOT. Certainly, and those statements have not been printed.

Mr. JONES of New Mexico. Certainly not.

Mr. SMOOT. And I do not know anything about what they have told the Senator from New Mexico.

Mr. JONES of New Mexico. They probably told me just what they told the other members of the Committee on Finance.

Mr. SMOOT. Therefore, if they did that, the Senator has the same information that we have.

Mr. JONES of New Mexico. But I should like to know how the other Senators, who are not members of the Finance Committee, and how the country are to know the reasons for the action which the majority of the committee have recommended.

Mr. SMOOT. We expect the Senator from New Mexico to do just what he is doing now—to criticise every rate in the bill. We expect the opposition to do that, and they will do it. I have no objection to that at all. I have no objection to a Senator on this side of the aisle who does not believe in a rate that may be contained in the bill criticizing it. I think the Senator is well within his rights when he says that he thinks there should be no duty upon acetic acid. It is his privilege to say so, of course.

Mr. JONES of New Mexico. If the Senator will pardon me, then we are in this peculiar situation: The majority of the Finance Committee, upon evidence privately disclosed to it, has framed a tariff bill, brings it into the Senate and wants the Senate to vote upon it without a word of explanation, and from the fact that there are only three or four Republican Senators now present in the Chamber, I assume that they expect every Republican Senator simply to appear when the roll is called and ratify what the majority has done in secret session.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. I am not going to ask the Senator how many Democratic Senators are now present, but to clarify one matter with reference to which the Senator has made inquiry, as to printing in the record all the evidence on which the committee may have acted, I wish to make a brief statement.

We ceased taking testimony, as the Senator knows, as a committee. We took no further testimony, but that did not prevent us from reading the commercial summary of cost of production and any other information which we could find. We have the Reynolds report, which the Senator has. That is not printed as a part of the hearings by any means, but it is subject to consideration. We have the monthly summary of the reports of importations and prices.

The Senator asked me a question awhile ago. I can not always turn immediately at a second's notice to give him the figures upon every one of these chemical items, but if he will turn to the report of the monthly summary of our importations and exportations, he will find the cost of acetic acid, at least the latest that we have; that is, the foreign cost here. He will find that for the same kind of acetic acid, which comes in in all characters of strength—but that which is imported, of course, comes in practically 100 per cent pure in condensed form, there is about 2 cents difference between the price at which it is imported and the American manufacturers' price. The latest price given is about 8 cents for the 100 per cent pure, as against 9½ cents for the American article of 80 per cent pure. So I do not think we are very far off in the 2 cents difference.

These were all examined at the time as we passed over the different items in the schedule. We had the monthly summaries before us, the Reynolds report before us, and the report of the Tariff Commission before us, which everyone has, and none of the three did we ever attempt to put in the record because they are already a part of the record.

Mr. JONES of New Mexico. Mr. President, I have listened with a great deal of interest to what the chairman of the Committee on Finance has just told us. He now brings forward some other evidence. I may say that the evidence to which he has referred has been available to the minority members of the committee, and I am quite familiar with it. I want again to call attention to the fact that neither he nor the Senator from Utah [Mr. SMOOT] has presented a line of testimony from any source which bears out the first statement of the chairman of the Finance Committee, that these duties were levied for the purpose of equalizing the cost of production at home and abroad. There is not a line of testimony upon that subject.

The Senator from North Dakota further said that this item was typical of all the other items in the bill. I think he is right about that. The Senator from North Dakota and the Senator from Utah really disclose the basis upon which this bill was founded.

They bring in here the Reynolds report as to prices. There is not a single report as to prices of acetic acid. If the majority of the Finance Committee had any evidence as to the prices of acetic acid in this country or anywhere else, they got it from some source which is not printed in connection with these hearings.

Mr. DIAL. How many manufacturers of that acid are there in this country?

Mr. JONES of New Mexico. I expect to reach that in a little while.

Mr. DIAL. Very well; I do not care to anticipate the Senator's discussion.

Mr. JONES of New Mexico. Mr. President, the replies of the two distinguished Senators, to my mind, reveal the basis which was used by the majority members of the Finance Committee in the preparation of this bill. What is it? The Senator from Utah said that he would send out and get the prices. The Senator from North Dakota has just referred to certain documents whereby prices may be ascertained. In my humble judgment that is all the basis that the majority of the Finance Committee ever had in the preparation of this bill. They simply wanted to ascertain the present prices in the American market and the prices abroad, and then to fix a duty which would give the American producer a monopoly of the American market.

That was done, Mr. President, without any investigation as to the profit which the American producer was making. Is not that an astounding situation to present to the people of this country? Without any regard to whether or not the American producer is still profiteering upon the people, they simply seek by means of this tariff bill not only to protect the American manufacturer with his present prices but in the great majority of cases to give him an absolute monopoly and enable him to increase his prices.

Mr. NORRIS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Nebraska.

Mr. NORRIS. If a tariff were based upon the prices at home and abroad, and those who wanted a tariff here were able in any manner to increase the price, they could, of course, increase the tariff by that operation?

Mr. JONES of New Mexico. The Senator is obviously quite right; it follows as a logical conclusion from the mere statement of the case. Mr. President, in most instances, as I firmly believe from a careful investigation of many of the items of this bill, the Finance Committee not only have put tariff rates in the bill for the purpose of enabling the present producers to sell at present prices but to enable them to increase those prices; and that, in my humble judgment, was the only purpose which the majority members of the Finance Committee had in framing the bill. That is a woeful spectacle, it seems to me; and I wonder how Senators on either side of the Chamber can sit patiently by and permit this thing to be done. They ought to understand each item; they ought to know just what this bill means.

Mr. President, there are some facts disclosed in the record bearing upon this question. It is necessary to reason them out; it is necessary to know the economic effect of the few facts which are presented. I am going to call attention to some of the things which do appear here.

Acetic acid, as I have said, was on the free list in the Underwood-Simmons law. It has now been put upon the dutiable list, but when the Senate is called in session, presumably for the purpose of voting upon the first committee amendment to the pending bill, the chairman of the Finance Committee has not a word to say in explanation of taking the item from the free list and putting it upon the dutiable list. My judgment is that whenever a tax is put upon the American people those who impose the tax ought to be able to justify it. They ought not to assume, or to expect the Senate and the country to assume, that there is a reason for it. That, however, is the woeful spectacle which is presented here to-day. Here is an item that enters into commerce, which enters into the manufacture of various necessaries of life, but not a word is in the printed record, nor have we heard a word from the lips of a single Senator justifying the placing of that tax upon the people.

We are seriously told by the distinguished Senator from Utah that the majority members of the Finance Committee expect the minority members and other Senators, if they hope to secure real light upon this question, to invite into private conversation some so-called expert from the Tariff Commission. I should like to know how that attitude is going to be justified before the people of this country? The majority of the committee come here and ask that a tax be placed upon the people without a word of explanation, and they tell us, if we want any information about it, we will have to go out and hunt it up for ourselves. I submit that whenever a tax is imposed upon the people the burden is upon those who propose it to justify that tax, but there is not a line in this entire record and not a word from the lips of any Senator to justify this item.

Mr. SMOOT. Mr. President, if the Senator does not object——

Mr. JONES of New Mexico. Mr. President, I am going to read, I am sure, from the same book which the Senator from Utah has in his hands before I get through.

Mr. SMOOT. No; I do not think the Senator is going to read from the same book which I have now before me. I wanted to tell the Senator what the Canadian rate is and the condition of the Canadian production of this commodity.

Mr. JONES of New Mexico. I intend to bring out that information.

Mr. SMOOT. I do not care to interrupt the Senator, but I thought he wanted to know the reasons why we retained the duty on the commodity to which he is referring.

Mr. JONES of New Mexico. That leads to something else. The Senator says he thought I wanted to know why the committee imposed the duty. If the Senator can tell us, I will yield to him now.

Mr. SMOOT. I am not asking the Senator to yield.

Mr. JONES of New Mexico. I will gladly yield. If the Senator can give us the information, I hope he will do so.

Mr. SMOOT. It is no favor to me for the Senator to yield. I merely thought, inasmuch as the Senator had asked the question, that I would tell him not only what I have already told him but of the duty which Canada to-day imposes upon acetic acid. The Canadian duty at this time is 25 per cent ad valorem, so that we can not ship a pound of acetic acid into Canada unless that duty is paid upon it on entering Canada.

Furthermore, during the war Canada developed a process of making acetic acid from calcium carbide, the strength of the acid so derived being 100 per cent, while the strongest acid that we can make by any process used in the United States is 80 per cent. Do we want Canada to furnish the American market with acetic acid, or do we want to have a duty of three-fourths of a cent a pound upon it in order to protect it?

I will also say to the Senator, although I do not wish to occupy his time now, that the prices quoted in Germany on acetic acid as compared to the production cost in this country justify the three-fourths of a cent a pound. The answer may not be satisfactory to the Senator, but that is the situation as it exists to-day.

Mr. JONES of New Mexico. Mr. President, I should like the Senator to continue his very enlightening remarks, and particularly to tell us the reasons which led him to believe this duty was justified.

Mr. SMOOT. Mr. President, I think I have already stated a sufficient reason in justification of the duty. To sum up, the reason is that if we want this trade to remain in the United States, as it has in the past, then it will be necessary to impose the duty provided. On the other hand, if we want Canada to take that trade or Germany to take the trade, although Germany has not been a considerable factor so far, then acetic acid should be put on the free list. That is all there is to it. If we do not want our American laboring men to make this commodity in the United States let us put it on the free list; but if we want it to continue to be made here, rather than to be made in foreign countries, leave the three-fourths of a cent a pound duty upon it.

Mr. JONES of New Mexico. The Senator from Utah again wanders from the question. He has told us, however, that Canada imposes a tariff upon importations of these acids.

Mr. NORRIS. Mr. President, may I interrupt the Senator from New Mexico at that point?

Mr. JONES of New Mexico. I am delighted to yield to the Senator.

Mr. NORRIS. I am one of the Senators who are trying to obtain information, and it is immaterial to me whether the Senator from New Mexico or the Senator from Utah answers the question. To my mind, in framing a tariff bill it is extremely important to ascertain the cost of production at home and abroad. I have been one of those who believe in making up that difference by tariff duties. To my mind the prices at which the article is sold in this country and abroad would be proper evidence, but that is merely evidence; it is not conclusive by any means. To my mind the evidence which ought to govern——

Mr. JONES of New Mexico. It is merely a circumstance, if the Senator will permit me.

Mr. NORRIS. It is a circumstance, that is all. We know, however, that prices are controlled and manipulated both here and in other countries, and the evidence, to my mind, which ought to be the predominating factor is the cost of production. I am exceedingly interested in what the Senator from Utah says about Canada, but he still has not told us whether Canada is producing this acid under this new process cheaper than we do, and I should like to know that.

Mr. SMOOT. Mr. President, I do not want to take the time of the Senator from New Mexico now, but I will call the Senator's attention to the matter in my own time.

Mr. NORRIS. All right; I shall be glad to hear the Senator.

Mr. SMOOT. I will give the account of just what happened during the war period in Canada, and the process by which acetic acid is made to-day, how it came about, and why it can be manufactured cheaper under that process than it is manufactured here. The Senator may ask us why we do not have that process.

Mr. NORRIS. Of course I should be glad if we had it, but I know there are a lot of things we do not have that we should like to have. I myself would go a good way to assist the American manufacturer in having that process.

Mr. SMOOT. I will say to the Senator briefly right now, if the Senator from New Mexico will pardon me, that they have a patent on that process.

Mr. NORRIS. Do they have it patented in this country?

Mr. SMOOT. In this country, and in Canada, and in all the countries of the world as far as I know.

Mr. NORRIS. There we get into the law again.

Mr. SMOOT. Now we are getting into the patent law.

Mr. NORRIS. Into the patent law; yes.

Mr. SMOOT. I recognize that in the past the American manufacturer could manufacture acetic acid with the freights in his favor if it were on the free list, although it was established here with just the duty that we have in this bill, three-quarters of a cent a pound, under the Payne-Aldrich bill; but since the development of the manufacture of acetic acid from calcium carbide the cost of producing it has been greatly reduced, and when the Senator gets through I shall put into the Record just exactly what has taken place. There is not any doubt, I will say to the Senator from Nebraska, that if we could use the patent we could make it just as cheaply as it can be made in Canada.

Mr. OVERMAN. Have not we a process by which to make it?

Mr. SMOOT. No; we can not make it, because it is patented.

Mr. NORRIS. The legal effect is that the Canadians have a process of making it that cheapens the product?

Mr. SMOOT. They do.

Mr. NORRIS. And our Government has given them a patent by which they have a monopoly of that process in the United States, and they stick that patent in a pigeonhole and do not manufacture it, as I understand.

Mr. SMOOT. In the United States?

Mr. NORRIS. In the United States. They manufacture it in Canada and ship it in. The tariff law will not remedy that situation, no matter what it may be. That is a situation, however, that has been brought to my attention through patent legislation with which I was connected two or three years ago, that I think it is inexcusable for intelligent people to permit to remain on the statute books. There is an illustration of it. It is only one illustration. There are hundreds of them——

Mr. SMOOT. Thousands of them.

Mr. NORRIS. Yes; thousands of them, it would be fair to say, in which that very thing happens; and yet it is an impossibility to get through Congress now a law that will remedy that situation in the patent business.

A firm gets a patent on the manufacture of acetic acid, let us say—in this case it happens to be foreigners, or perhaps our own citizens, in some cases—and perhaps they already have a monopoly on the manufacture of that acid and it pays them better to put the patent in a pigeonhole and not utilize it; so that the United States Government is in the position of giving to somebody a patent by which we give them by law a monopoly that is used to throttle our own people and make them pay exorbitant prices.

Mr. SMOOT. I want to say to the Senator that when I was chairman of the Patents Committee I introduced into this body a bill requiring all patents to be worked in the United States or else to have the patent forfeited, and I never could get any action on it.

Mr. NORRIS. Of course the Senator could not. I know from my experience that that is so. I beg the pardon of the Senator from New Mexico, because we really are not talking about the tariff bill; but this happens to be something that I investigated and know something about.

Mr. OVERMAN. I should like to know if foreign countries do not do that?

Mr. NORRIS. They do; but let the Senator start out with that proposition and see where he will land. I have been at it, and I am glad to learn that the Senator from Utah has been at it, too. The Senator will not even get to first base. I say that without charging any wrong intent on the part of any Member of the House or of the Senate; but they are interested in other things, and you can not get them to consider a patent proposition. There are very few people in the House or in the Senate, perhaps not more than one or two, who understand the technicalities of the patent law; but any man who has investigated monopoly in this country will come in contact with the patent law, and if you start out to get that kind of a law passed you will have the opposition from the Atlantic to the Pacific and from the Lakes to the Gulf of some of the most powerful combinations that you ever ran up against. You will not be able to see them always, but you will always find them there, and somewhere, somehow, they will be able to block you, and you will never get anywhere.

Mr. SMOOT. Mr. President, if the Senator from New Mexico will pardon me——

Mr. JONES of New Mexico. Briefly.

Mr. SMOOT. Perhaps with this short statement I need not say anything more. In the United States acetic acid is made 80 per cent pure, and that is the highest percentage that can be made by several steps in the process. Even then it is concentrated, and that is an expensive step, to make 100 per cent acetic acid. In Canada, with their new process, they make it 100 per cent pure with the first step, only one process, and that one process is cheaper than our first process under the old plan.

Mr. JONES of New Mexico. Mr. President, the very last statement which the Senator has made is not fortified by anything that appears in this record. I have no doubt that he believes it, and he may have some private information on the subject.

Mr. SMOOT. I can give to the Senator now, if he wants it, the source from which I get it.

Mr. JONES of New Mexico. Let us have it. We want all the light we can get.

Mr. SMOOT. It is from the investigation that was made by the United States Tariff Commission and the report that they made upon it.

Mr. JONES of New Mexico. Can the Senator turn to anything printed by the Tariff Commission which says that acetic acid can be produced in Canada cheaper than the lower grades of acetic acid can be produced in this country?

Mr. SMOOT. If the Senator will get Tariff Information Surveys, 1921, Schedule A, Wood Chemical Industry, A-2, volume 1, on page 28, and read that, he will find a description of the Canadian process.

Mr. JONES of New Mexico. The Senator has it before him, and I will ask him to read it.

Mr. SMOOT. Mr. President, this is a description of the process as I think I have already stated it briefly. It is headed:

ACETIC ACID FROM CALCIUM CARBIDE.

Large war demands for acetone as a solvent for explosives led to the commercial development of a process for making acetic acid from calcium carbide. It was intended to convert the acetic acid produced by this process into acetone, but this proved too expensive, and only acetic acid was produced.

This process was developed at Shawinigan Falls, Quebec, by the Canadian Electro Products Co. Calcium carbide, which is produced at Shawinigan Falls in large quantities, is first treated with water to form acetylene gas, which is then chemically combined with water in the presence of mercury salt as a catalyst to form acetaldehyde. The acetaldehyde is then oxidized to acetic acid. The acid produced is of high purity and concentration, in contrast to that produced from acetate of lime, which requires several distillations to concentrate and purify it.

That is the American process, as the Senator knows.

The original plant, with a capacity of 700 to 800 tons of acetic acid (100 per cent) per month, was destroyed by an explosion in the latter part of 1918. During the war the Canadian firm erected another plant with funds advanced by the United States Government.

This was during the war.

This plant was practically completed at the signing of the armistice, and soon after was put into operation. The disposition of claims of the Canadian firm against the United States Government, amounting to over $1,000,000, has not been announced up to the present time (December, 1920). The Canadian firm, however, controls the patent rights on the process and the necessary water power at Shawinigan Falls, and is alone familiar with the technical details.

The productive capacity of the present plant is about 650 tons per month of 100 per cent acetic acid.

Then it goes on with the information, and if the Senator will turn to this he will see that the price——

Mr. JONES of New Mexico. The Senator has not yet read a statement that I have heard to the effect that the acetic acid produced by that Canadian concern can be produced cheaper than the lower grades of acetic acid mentioned in this bill.

Mr. SMOOT. The Senator from Utah has read now that acetic acid 100 per cent pure is made in Canada by one process, and the Senator from Utah has also read from the Tariff Commission report that in order to make 100 per cent acetic acid in this country it is necessary to have two or three processes. No living man can say that they can make acid by the three processes as cheaply as they can make it by the one process.

Mr. JONES of New Mexico. I have limited my inquiry to the grades below glacial acetic acid, or pure acetic acid, to which the Senator has been referring.

Mr. SMOOT. Mr. President, there is where nearly all of it ultimately ends, in glacial acetic acid, because of the fact that it

has to be purified, and the only reason why they do not make it 100 per cent pure is the fact that it takes the refining process. The Senator knows that if it could be done with one process all they would have to do would be to add water to it and make it any strength they wanted. Nobody is going to ship 28 per cent or 60 per cent acid when he can ship 100 per cent acid, and the freight rate would be no more on the 100 per cent acid than it would be on the 28 per cent acid; in other words, it is paying a rate of freight upon the impurities in the acid that must ultimately come out.

Mr. JONES of New Mexico. Now, I will ask the Senator another question: Is there anything in this testimony which shows that they use the glacial acetic acid for the purpose of diluting it and making a lower grade?

Mr. SMOOT. Mr. President, they do not have to do that. The only reason why a lower grade of acid is made in the United States than in Canada is because of the fact that they have no process here by which they can make the 100 per cent acid. It is just the same as it was when the alizarin dyes were first made to take the place of aniline dyes. When they first made alizarin dyes they could only make them of a certain strength, and then they began making them stronger and stronger, and at last, instead of making a liquid, they made them into a powder, and the powder went directly to the user in all parts of the world, instead of having him pay freight upon the water in the liquid. It is exactly the same as this. Everybody wants the 100 per cent if it can be made by the process. It has to be purified to get it to that degree of strength.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. JONES of New Mexico. I yield.

Mr. NORRIS. To me the humiliating thing about it is that if an American wants to get this acid he must go to Canada to get it, where it will be manufactured by machinery that was paid for by the taxpayers of the United States. Having paid for it and constructed their plant, we likewise gave them a monopoly in America, so that even our own citizens are prohibited from making it here without going to Canada and getting the consent of the beneficiaries of our financial benevolence.

Mr. SMOOT. This rate, Mr. President, would not be necessary, perhaps, in a certain part of the United States because of the freight rate, but Canada is at our door on the north, and calcium carbide is made in Canada on account of the wonderful water power they have in Canada. Calcium carbide is made from lime and coal, and in order to make it they have to have extreme heat, which melts the limestone and burns the coal with it, and the calcium carbide comes as the product of that extreme heat being applied to the limestone mixed with coal. They went to Canada because of the cheap water power to be found there.

In the State of New York, or in other States along the border between the United States and Canada, the Canadians have all the advantage in the world over Americans in making this acetic acid to-day. But in Kansas and the other Middle States, where freight rates will have to be paid on shipments from Canada, if it is made there, they would not need this protection. We have imported very little acetic acid in the past, but there is no doubt, with the new process that is under way now, controlled in Canada, unless we have a duty upon the article, the greater part of this industry, as far as the border States are concerned, as well as the Atlantic Coast States, will have its market taken by Canada.

Mr. NORRIS. I will ask the Senator from New Mexico to yield to me again. He has been very kind, and I have been talking about something else most of the time, but I want to say just a word bearing on this item. The Senator from Utah has just suggested something which brought a thought to my mind.

The Senator has said that if we put this tariff on it will equalize the cost of production. That may be, and I do not know now whether I am going to vote for a tariff on this or to put it on the free list. It depends on what the evidence disclose further on. But I want to suggest to the Senator from Utah that if this process is controlled by a patent, a tariff duty is not going to save it. Nothing in the world could save it with our present patent laws. If some one has a patent he is absolutely the monarch. He can refuse to manufacture it himself and he can refuse to let anybody else manufacture it, and if he does consent to its manufacture he can put any conditions or terms or prices he pleases on the manufacture.

Mr. SMOOT. We have provided rates which will equalize the difference between the cost of manufacture in Canada and that in this country. It is a very cheap article.

Mr. NORRIS. I know that, and perhaps its importance is not so great. I would not have said anything about it if it had not been that it is really illustrative of other things. The point illustrates, for instance, the effect of the patent law on other articles which are much more important than this item. But I want to say to the Senator that if the cyanamid process for the extraction of nitrogen from the air is undertaken by the Government or anyone else at Muscle Shoals there will be as a by-product in that operation immense quantities of calcium carbide.

I do not know whether the Senator from New Mexico is familiar with it or not, but one plant at Muscle Shoals is now complete, and they use there what is known as the cyanamid process. It is as complete as any plant in the world, as up to date as any plant in the world to-day, and it is owned by the Government. Personally, I do not think it is the most modern. I think there are scientists who agree with the proposition that it may be thrown in the discard, but we constructed the plant there at a cost, in round numbers, of about $67,000,000. It is one of the largest and most complete plants. There is nothing superior to it anywhere in the world, as far as the plant itself is concerned, and they will use in the manufacture there, as I remember, 1,200 tons of limestone every day, which is converted into lime, and a large portion of it becomes calcium carbide as a by-product.

But we are met at once with the question of patent rights, private individuals having patents, and we are at their mercy to a great extent in the use of some of these by-products. Oxygen is another element that will be produced in immense quantities, but we can not handle it because somebody has a patent on it.

Mr. JONES of New Mexico. Mr. President, I thank the Senators for their contribution to this discussion. I was just wondering whether it would be advisable for me to proceed this evening. I want to put into the RECORD, as briefly as possible, a statement of some of the facts on the production of this commodity, and I believe that I shall be able to demonstrate that the only effect of this tariff would be to aid in the monopolization of the product in the American market.

I understand the Senator from Mississippi desires to offer and have passed a resolution, and as it is getting near 5 o'clock, our usual time to adjourn or take a recess, I yield that the Senator may offer his resolution.

Mr. HARRISON. Mr. President, I ask unanimous consent that the tariff bill be temporarily laid aside merely for the purpose of allowing me to offer a resolution, and I shall ask for its immediate consideration. I feel that there will be no opposition to it, because it calls for information which every Senator would want.

The resolution calls upon the Tariff Commission to send to the Senate as soon as practicable a report of the facts in the commission's possession, as well as their findings, touching the operation of the rates and the results of the rates which were carried in the emergency tariff act.

We were told, when that emergency tariff bill was passed, that it was the panacea for all agricultural ills, and that it would save the agricultural interests of the country. We knew at the time that it was largely "buncombe," but it has been some time since that bill was passed. The Tariff Commission have investigated the matter, I understand, and have information as to certain facts which the country is entitled to know, and which certainly the Congress is entitled to know.

So, in the wise consideration of this tariff bill, containing schedules where rates in some instances are increased over the rates carried in the emergency tariff act, some where the rates are the same, and some in which the rates have perhaps been reduced, I thought the Senate would go a long ways to get the facts from the Tariff Commission.

I therefore ask that this resolution may be read; that the tariff bill be temporarily laid aside; and that there be immediate consideration of my resolution.

Mr. SMOOT. I object to laying the tariff bill aside, but I have no objection to having the resolution read at this time. To-morrow, if it is deemed wise, the Senator can ask unanimous consent for the consideration of his resolution.

Mr. HARRISON. I will ask to have it read, then, Mr. President.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 284), as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, directed to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operations and results of the rates carried in the emergency tariff act approved May 27, 1921, and as extended by the act approved November 16, 1921.

Mr. HARRISON. Of course, if the Senator from Utah thinks it is better to let the resolution go over until to-morrow, I can not object.

Mr. SMOOT. I would like to have it go over until to-morrow.

The VICE PRESIDENT. The resolution will go over, under the rule.

BUREAU OF INTERNAL REVENUE.

Mr. KING. Mr. President, some time ago I offered a resolution directing an investigation of alleged inefficiency in the administration of the Bureau of Internal Revenue. May I inquire the status of that resolution? Is it still on the table?

The VICE PRESIDENT. The resolution is on the Table Calendar, next to the last entry.

Mr. KING. I shall seek an early opportunity for its consideration. I shall not ask to have it considered to-night.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to, and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Wednesday, April 26, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 25 (legislative day of April 20), 1922.

UNITED STATES ATTORNEY.

Lafayette French, jr., of Minnesota, to be United States attorney, district of Minnesota, vice Alfred Jaques, resigned.

REGISTER OF THE LAND OFFICE.

Fred E. Sisson, of Colorado, to be register of the land office at Pueblo, Colo., vice James F. Drake, deceased.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Henry Edward Finnegan, of New York, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice J. D. Crichton, promoted.

POSTMASTERS.

ALABAMA.

Charles D. Kirfley to be postmaster at Robertsdale, Ala. Office became presidential April 1, 1921.

ARKANSAS.

Lela L. Henderson to be postmaster at Waldron, Ark., in place of H. L. Fuller. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

William L. McLaughlin to be postmaster at Sanger, Calif., in place of J. M. Qualls. Incumbent's commission expired January 24, 1922.

FLORIDA.

Thomas Roden to be postmaster at Fort Pierce, Fla., in place of A. B. Brown, resigned.

GEORGIA.

Beulah L. McCall to be postmaster at Hinesville, Ga. Office became presidential July 1, 1921.

Gussie C. Lyon to be postmaster at Roswell, Ga. Office became presidential April 1, 1920.

ILLINOIS.

Thomas E. Cahill to be postmaster at Lake Bluff, Ill., in place of T. E. Cahill. Incumbent's commission expired March 16, 1921.

James M. Carey to be postmaster at Maywood, Ill., in place of J. R. Pyne. Incumbent's commission expired July 7, 1920.

Clare E. Godfrey to be postmaster at Morris, Ill., in place of J. H. McGrath. Incumbent's commission expired February 4, 1922.

Raymond R. Rowland to be postmaster at Rutland, Ill., in place of J. R. Barclay. Incumbent's commission expired February 4, 1922.

KANSAS.

John Woolman to be postmaster at Simpson, Kans. Office became presidential April 1, 1921.

William Russell to be postmaster at West Mineral, Kans. Office became presidential April 1, 1921.

Frank W. Coleman to be postmaster at Oskaloosa, Kans., in place of W. B. Ford. Incumbent's commission expired February 4, 1922.

KENTUCKY.

James Noble to be postmaster at Quicksand, Ky. Office became presidential April 1, 1921.

George D. Montfort to be postmaster at Campbellsburg, Ky., in place of S. E. Coblin. Incumbent's commission expired December 20, 1920.

Ira W. See to be postmaster at Louisa, Ky., in place of Robert Dixon, resigned.

Willie G. Thornbury to be postmaster at Munfordville, Ky., in place of W. H. Atteberry, resigned.

MAINE.

Willard E. Day to be postmaster at Monmouth, Me., in place of E. A. Prescott. Incumbent's commission expired January 24, 1922.

George O. Carr to be postmaster at Norridgewock, Me., in place of C. N. Staples, resigned.

MICHIGAN.

Floyd B. Gates to be postmaster at Mesick, Mich., in place of F. G. Hamilton. Incumbent's commission expired March 14, 1922.

MINNESOTA.

Archie M. Hayes to be postmaster at McGregor, Minn. Office became presidential July 1, 1921.

Arlie R. Wilder to be postmaster at Amboy, Minn., in place of M. T. Randall. Incumbent's commission expired August 7, 1921.

Charles C. Keller to be postmaster at Cloquet, Minn., in place of E. S. Scheibe, resigned.

MISSISSIPPI.

Charles W. Boen to be postmaster at Wiggins, Miss., in place of W. A. Davis. Appointee declined.

NEBRASKA.

Frank R. Morey to be postmaster at Gurley, Nebr. Office became presidential April 1, 1921.

NEW JERSEY.

Nicholas T. Ballentine to be postmaster at Peapack, N. J. Office became presidential January 1, 1921.

NORTH CAROLINA.

Overton L. Snipes to be postmaster at Woodland, N. C. Office became presidential April 1, 1921.

NORTH DAKOTA.

Grace G. Berkness to be postmaster at Wolford, N. Dak. Office became presidential January 1, 1921.

T. H. Hulbert Casement to be postmaster at Fordville, N. Dak. Office became presidential January 1, 1921.

Benjamin J. Schnedar to be postmaster at Pisek, N. Dak. Office became presidential July 1, 1921.

OKLAHOMA.

Howard Blevins to be postmaster at Avant, Okla., in place of A. E. Howell, resigned.

Anna Lynde to be postmaster at Okarche, Okla., in place of C. J. Woodson. Incumbent's commission expired February 4, 1922.

Asa A. Puckett to be postmaster at Shattuck, Okla., in place of Edward Learnard. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Mary E. Collins to be postmaster at Lopez, Pa. Office became presidential January 1, 1921.

McClean Stock to be postmaster at York, Pa., in place of E. C. Peeling. Incumbent's commission expired August 25, 1918.

TEXAS.

William B. McCrary to be postmaster at Cushing, Tex., in place of W. H. Pitman, resigned.

George A. Young to be postmaster at Hallettsville, Tex., in place of D. A. Paulus. Incumbent's commission expired July 21, 1921.

William A. Crawford to be postmaster at Pampa, Tex., in place of Claudine Barnes, resigned.

VIRGINIA.

Mary C. Lewis to be postmaster at Camp Eustis, Va. Office became presidential April 1, 1922.

WASHINGTON.

Carl J. Gunderson to be postmaster at East Stanwood, Wash., in place of C. J. Gunderson. Incumbent's commission expired January 24, 1922.

Ray E. Simons to be postmaster at Leavenworth, Wash., in place of G. A. Hamilton. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

Clifford S. Musser to be postmaster at Shepherdstown, W. Va., in place of A. S. Lucas. Incumbent's commission expired March 8, 1922.

WISCONSIN.

Arthur C. Bishop to be postmaster at Bloomington, Wis., in place of A. C. Bishop. Incumbent's commission expired September 8, 1921.

William H. Goldthorpe to be postmaster at Cuba, Wis., in place of H. H. Fiedler. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 25 (legislative day of April 20), 1922.

UNITED STATES MARSHALS.

J. H. Fulmer to be United States marshal, district of Nevada.

Jesse D. Moore to be United States marshal, eastern district of New York.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Elliott Burgess Roberts to be aid with relative rank of ensign in the Navy.

POSTMASTERS.

ALABAMA.

Charles E. Brooks, Fort Deposit.

CALIFORNIA.

Clarence A. Dickison, Compton.
Josephine M. Costar, Greenville.
Margaret R. Faber, McKittrick.
Bernard G. Larrecou, Menlo Park.
John R. Chace, San Jose.

COLORADO.

Hugh L. Large, Longmont.
Pearle L. Gabbett, Orchard.

CONNECTICUT.

Mary H. Newton, Uncasville.

IDAHO.

Andrew Christenson, Laclede.

INDIANA.

Chester F. Morris, Parker.
William S. Matthews, North Vernon.
Katheryn L. Huckleberry, Whitestown.
Fred Dunn, Windfall.

KANSAS.

John L. Lee, Atlanta.
David E. Hill, Nortonville.
Francis B. Brungardt, Victoria.

KENTUCKY.

Bud Morgan, Lothair.
Thomas D. Tapp, Springfield.

MAINE.

Earle B. Hayes, National Soldiers' Home.

MASSACHUSETTS.

Walter L. Burt, Canton.
William F. Searle, Peabody.
Helen K. Hoxie, Sunderland.

MICHIGAN.

John H. Boehm, Fountain.

MINNESOTA.

Olney A. Solberg, Brooten.
Otana E. Burtness, Caledonia.
E. Jay Merry, Fairmont.
Emanuel Nyman, Foley.
Anton H. Rishof, Gary.
John L. Beck, Mountain Iron.
Sarah E. Schumacher, Zumbrota.

NEBRASKA.

Ernest E. Goding, Dix.

NEW JERSEY.

Elizabeth Transue, Delaware.
Peter A. Greiner, jr., Woodbridge.

NEW MEXICO.

Ernest A. Hannah, Artesia.

NEW YORK.

John E. Gubb, Batavia.
Everett H. Axtell, Deposit.
Philip I. Brust, Medina.
Sarah M. Taylor, Westbury.

NORTH DAKOTA.

Carl Indergard, Belfield.
Mary B. Engbrecht, Goldenvalley.

OHIO.

Ernest C. Ludwig, Anna.
Fred O. Bates, Bellevue.
George S. Laskey, Custar.
John J. Haines, East Liberty.
Ruth G. McWilliams, Grand Rapids.
James B. Emery, London.
Leo Mutach, Marblehead.
Reinhart W. Kuck, New Bremen.
Everett F. Funk, Warsaw.

SOUTH DAKOTA.

Thomas J. Dolin, Camp Crook.
Arthur H. Siem, Clark.
Jennie Dodge, Egan.

TEXAS.

Joseph D. Powell, Archer City.
Wyatt O. Selkirk, Blessing.
Clarence R. Redden, De Leon.
Velma Scott, Graford.
John C. Beever, Perryton.
Thomas B. White, Rogers.
Herman C. Feist, Rowena.
John W. Osborne, West Columbia.

WASHINGTON.

Richard A. McKellar, Cashmere.
Joseph H. Dean, Castlerock.
Paul W. Thiele, Grandview.
Martha M. Juvenal, Kahlotus.
Jennie A. Smith, Peshastin.
Frederick J. Fleischer, Prescott.

WEST VIRGINIA.

Daniel M. Shakley, Hollidays Cove.
Winnie O. Law, Mount Clare.

WYOMING.

W. Leroy Call, Afton.
Chester A. Lindsley, Yellowstone Park.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 25, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, Thou dost exceeding abundantly for us more than we can ask or think. We know Thee by all the words that bring us joy and confidence. In a world with such partial glimpses and broken lights we give Thee thanks and praise for such rich blessings. These are the greatest, the strongest, and the deepest facts of life. O keep us in close relationship with Thee. Bless the whole great body of citizens, and may our country always be great in intelligence and in love to God and man. For Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 1009. An act for the relief of H. C. Mullins, his wife and minor children;

H. R. 6686. An act for the relief of George Cissek and Anna Cissek;

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;

H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler;

H. R. 9671. An act to amend section 87 of the Judicial Code;

H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee;*

S. 1767. An act for the relief of the owner of the derrick *Capitol;*

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 667. An act for the relief of John B. H. Waring;

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; and

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 22 they had presented to the President for his approval the following bills and joint resolution:

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce;

H. R. 2158. An act to provide for the monthly payment of pensions;

H. R. 2004. An act for the relief of Frank Ferrin;

H. R. 927. An act for the relief of Capt. Fred S. Johnston;

H. R. 3270. An act for the relief of Estella Barnett;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 7234. An act for the relief of Miles Swift;

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.; and

H. J. Res. 309. Joint resolution appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 7272. An act for the relief of Monroe B. Shealy.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to bill of the following title:

S. 1050. An act for the relief of J. B. Waterman.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3195. An act to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11 and to issue patent therefor.

SCRAPPING OF NAVAL VESSELS.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to have read the following resolution, which I send to the desk, for the information of the House, and that it may have its proper reference.

The SPEAKER. The gentleman desires it read instead of introducing it through the basket?

Mr. TUCKER. Yes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the resolution to which he referred may be read. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, to what does this resolution pertain?

Mr. TUCKER. It is in reference to the scrapping bill which is coming up later. The resolution is in a form which has been adopted by this House many times before.

Mr. MONDELL. Mr. Speaker, this is rather an unusual request, and I hope the gentleman will withdraw it for the time being.

Mr. TUCKER. Very well, I shall withdraw it and show it to the gentleman.

PERSONNEL PAY OF ARMY, NAVY, ETC.

Mr. McKENZIE. Mr. Speaker, to-day I expect to file the report of the special committee on the bill (H. R. 10972) to readjust the pay and allowances of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, and I ask unanimous consent that the minority members of that committee may have the remainder of this week in which to file their views.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the minority members may have the remainder of this week in which to file their views on the bill H. R. 10972, the personnel pay bill. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand that this is to be a report on a bill, or does the gentleman expect to report a bill?

Mr. McKENZIE. It is reporting a bill, and accompanying that bill with a report.

The SPEAKER. Is there objection?

There was no objection.

LIBERIAN LOAN.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the minority members of the Committee on Ways and Means may have the remainder of the week in which to file their views on the Liberian loan bill, not to interfere with its consideration, of course, if it be called up.

The SPEAKER. The gentleman from Texas asks unanimous consent that the minority of the Committee on Ways and Means may have the remainder of the week in which to file their views on the Liberian loan bill, not to interfere with the consideration of the bill. Is there objection?

The was no objection.

INDEPENDENT OFFICES—CONFERENCE REPORT.

Mr. WOOD of Indiana. Mr. Speaker, I call up the conference report upon the bill H. R. 9981, the independent offices appropriation bill.

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand that this is the conference report upon the independent offices appropriation bill?

Mr. WOOD of Indiana. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Brand	Codd	Dale
Ansorge	Briggs	Cole, Ohio	Darrow
Anthony	Britten	Connell	Davis, Tenn.
Bixler	Brown, Tenn.	Connolly, Pa.	Deal
Blakeney	Butler	Copley	Dempsey
Bland, Ind.	Chalmers	Crisp	Doughton
Blanton	Clark, Fla.	Cullen	Driver
Bond	Cockran	Curry	Dunlap

Dupré	Kahn	Madden	Slemp
Dyer	Kelley, Mich.	Newton, Mo.	Smithwick
Edmonds	Kelly, Pa.	O'Brien	Snell
Elliott	Kendall	O'Connor	Snyder
Fairchild	Kennedy	Olpp	Speaks
Fairfield	Kindred	Paige	Stafford
Fess	Kissel	Parker	Stephens
Fields	Kleczka	Patterson	Stiness
Fordney	Knight	Pou	Strong, Pa.
Foster	Kraus	Pringey	Sullivan
Freeman	Kunz	Purnell	Summers, Wash.
Gardner	Lampert	Rainey, Ala.	Swoope
Gould	Lee, N. Y.	Rainey, Ill.	Tague
Graham, Pa.	Lehlbach	Ramseyer	Taylor, Ark.
Green, Iowa	Lehlbach	Reber	Taylor, Colo.
Hardy, Tex.	Lewis	Reed, N. Y.	Taylor, N. J.
Hawes	Logan	Riordan	Taylor, Tenn.
Hawley	Longworth	Rodenberg	Tinkham
Hersey	Lyon	Rosenbloom	Towner
Hicks	McArthur	Rucker	Treadway
Hill	McLaughlin, Pa.	Ryan	Upshaw
Hogan	Madden	Sanders, Ind.	Vestal
Hudspeth	Mapes	Sanders, N. Y.	Volk
Hull	Martin	Schall	Ward, N. Y.
Jacoway	Mann	Sears	White, Me.
Jefferis, Nebr.	Merritt	Shelton	Wilson
Johnson, Miss.	Michener	Shreve	Woods, Va.
Johnson, S. Dak.	Moore, Ohio	Simon	Woodyard
Jones, Texas	Morin	Sinclair	

The SPEAKER. On this vote 286 Members have answered to their names. A quorum is present.

Mr. WOOD of Indiana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

INVITATION TO VISIT QUANTICO.

The SPEAKER. The Secretary of the Navy has sent to me a letter extending an invitation to all Members of the House to visit Quantico, the headquarters of the Marine Corps, on May 5, which is next Friday week. The President has placed the *Mayflower* at the disposal of the Navy Department for the day, and it will leave the navy yard wharf at 8 o'clock a. m., and, returning, leave Quantico about 6 p. m. Dinner and supper will be served at Quantico. Members desiring to go will please secure tickets from the House Committee on Naval Affairs.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT.

The SPEAKER. The gentleman from Indiana [Mr. WOOD] is recognized.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the bill H. R. 9981.

The SPEAKER. The gentleman from Indiana calls up the conference report which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General, $7,500; assistants to Comptroller General—4 at $6,000 each; chief clerk, $3,000; chiefs of divisions—7 at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—3 at $2,750 each, 4 at $2,500 each; chiefs of sections—10 at $2,500 each, 13 at $2,250 each, two at $2,000 each; assistant chiefs of sections—11 at $2,000 each, 1 at $1,900; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—1 $5,000, 4 at $4,000 each, 4 at $3,000 each, 1 $3,100, 5 at $3,000 each, 1 $2,750; law clerks—1 $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at 1,800 each, 1 $1,600; accountants—1 $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators—1 $4,000, 1 $3,000, 20 at $2,000 each; reviewers—8 at $2,100 each; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 56 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,400; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—1 $1,000, 15 at $840 each; assistant messengers—20 at $720 each; laborers—1 $720, 21 at $660 each; messenger boys—14 at $480 each, 1 $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,293,190.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000 except the following: Six at not to exceed $25,000 each, two at not to exceed $20,000 each, and one at not to exceed $15,000"; and the Senate agree to the same.

WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 21: Appropriates $2,468,451 for the General Accounting Office in the detailed manner proposed by the House instead of $2,496,101 in a lump sum as proposed by the Senate. The detailed salaries proposed in the House bill have been reduced in amounts of individual salaries, and in number of salaries, in the aggregate of $400,000, of which $375,000 is made available for temporary clerks, stenographers, typists, etc., with a salary limitation of $1,800, and $25,000 is added to the appropriation of $150,261 proposed in the House bill for contingent and miscellaneous expenses. The aggregate proposed in the substitute for the House provision is $150 less than the amount carried and is $27,650 less than the amount proposed by the Senate under the lump sum.

On No. 31: Strikes out the language inserted by the Senate granting authority to the United States Shipping Board to continue to use sums received from the liquidation of assets up to $55,000,000.

On No. 35, relating to salary limitations on Shipping Board and Fleet Corporation funds: Inserts a substitute for the House and Senate provisions, which allows 6 employees at not to exceed $25,000 each, 2 at not to exceed $20,000 each, and 1 at not to exceed $15,000, instead of 13 in excess of $11,000 as proposed by the Senate, and 6 between $11,000 and $25,000 each as proposed by the House.

WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.

Mr. WOOD of Indiana. Mr. Speaker, I desire to state briefly what this conference report is. If it is adopted, it disposes of this bill. The change in the present report as compared with the preference one is as follows:

The Senate has receded from its amendment to the House bill providing that the Shipping Board be authorized to expend $25,000,000 of the $55,000,000 heretofore appropriated during the fiscal year 1923. So that is out of consideration. It also receded with reference to the salaries paid to the officers of the Shipping Board by knocking out a $15,000 position. I desire to state, in order that the membership may know the exact situation, that by reason of the present legislation four $35,000 men that they were authorized heretofore to employ and did employ, and to whom they were paying these salaries of $35,000 each, are eliminated, and these gentlemen, under this act, if it becomes a law, will receive only $25,000 each.

I am confident that we have done the best that can be done. Our work may not be satisfactory to anyone. It is not entirely satisfactory to me, but it is the very best that can be accomplished under the circumstances, and I think we labored as best we knew how, at least, to conform to the ideas of this House. As was stated here the other day by the gentleman from Illinois [Mr. MANN], who was in favor of the conference report then under consideration, conferences and results of conferences are a matter of compromise. If we had this whole thing to do ourselves, it might present quite a different picture, but we must get along with gentlemen on the other side. Their ideas and conclusions are entitled to respectful consideration. Their ideas on this matter differed from ours, but they have yielded much in their demands, and we are yielding but little if this report is adopted. In dollars and cents the amount is negligible, and to quibble further over this report will injure others much more than it will harm the Shipping Board.

I desire to impress upon this body again the fact that we are punishing unintentionally a great number of good citizens of this country who are dependent upon this appropriation for the purpose of getting money long since due them, their claims having been agreed upon and settled. As I cited the other day, I know of one instance where a man has been here from Michigan since early in January, with a complete agreement between himself and the Shipping Board, and yet without any possibility of relief until this appropriation bill has become a law. That is only one case. I expect there are Representatives here from many States that have similar instances in their own districts. Therefore I ask the gentlemen here to be considerate in this matter of all who are concerned.

Mr. BYRNES of South Carolina. I understand that the provisions of this bill make that amount immediately available?

Mr. WOOD of Indiana. Yes: $30,000,000.

Mr. BYRNES of South Carolina. What $30,000,000?

Mr. WOOD of Indiana. There was $50,000,000 appropriated for the settlement of claims, and $30,000,000 of that is made immediately available.

I have stated as briefly and succinctly as I know how the changes that have been made by reason of this conference report, and I submit it, gentlemen, for your consideration.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WOOD of Indiana. I yield.

Mr. MILLER. In the previous conference report made on this same bill there was an item, No. 35, in which there was something about $55,000,000, was there not?

Mr. WOOD of Indiana. I say that the Senate has receded on that proposition, and that is now out of consideration.

Mr. MILLER. Will the gentleman state generally that if this conference report is adopted that for all of these settlements that have been made by the Shipping Board money will be available, so that the Shipping Board can go ahead and confirm those settlements by the payment of money?

Mr. WOOD of Indiana. Up to the amount of $30,000,000. The other $20,000,000 would be available after the 1st day of July.

Mr. MILLER. That will relieve the tie-up, then, so to speak, on all of these?

Mr. WOOD of Indiana. That is correct.

Mr. BYRNS of Tennessee. Will the gentleman yield to me five minutes?

Mr. WOOD of Indiana. I will.

Mr. BYRNS of Tennessee. Mr. Speaker and gentlemen of the House, this matter has been before the House several times, to a large extent upon the same proposition. The question before the House to-day, in so far as this report is concerned, is whether or not the House will specifically authorize salaries of employees in the Shipping Board at $25,000 per annum, which is nearly twice as much as the justices of the Supreme Court receive, more than twice as much as any Cabinet member draws, more than twice as much as the Vice President of the United States and the Speaker of this House draw. This report provides that six employees of the Shipping Board shall receive not exceeding $25,000 a year, two not exceeding $20,000 a year, and one not exceeding $15,000 a year.

Mr. WASON. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. I yield.

Mr. WASON. In the original appropriation bill which passed the House did it not authorize these men at a salary not exceeding $25,000?

Mr. BYRNS of Tennessee. It did not.

Mr. WASON. Will the gentleman look at the original bill?

Mr. BYRNS of Tennessee. I have the original bill in my hand now.

Mr. WASON. Page 34?

Mr. BYRNS of Tennessee. Page 34. It provides that six officers or employees of the Shipping Board may be paid an annual salary or compensation in excess of $11,000. The gentleman is correct as to that. I was mistaken. It does read, "but no compensation or salary shall exceed $25,000."

But this report not only provides that six employees shall not exceed $25,000, but it adds three additional employees, who may receive $20,000 for two of them and $15,000 for one. It was the expectation of the House when this bill was pending and the provision referred to by the gentleman from New Hampshire was adopted that those six employees who might receive over $11,000 each were to be the operating heads, because Mr. Lasker stated that in order to get men to operate the Government ships it was necessary to pay them a salary exceeding $11,000. But, gentlemen, I make the assertion that every debate that has occurred in this House upon these conference reports as they have come back here and the amendment in the Senate as adopted by the Senate and the amendment to the old law reported by the House Committee on Appropriations shows that it is the purpose in making these increases to provide additional salaries for attorneys in the Shipping Board. You can not get away from it. That is exactly what this increase is intended for, and the statement has been made time and again, and the amendment adopted in the Senate shows on its face, that this is its purpose.

Now, the gentleman from Indiana [Mr. WOOD] says we will do a great injustice to certain claimants if we do not pass this report to-day, notwithstanding the fact that the provisions of the bill do not become finally effective until July 1; and the basis of that statement is that this bill contains a provision that $30,000,000 of the $50,000,000 that is appropriated for the payment of claims becomes immediately available. I say if the Shipping Board is more anxious to secure big salaries for attorneys in the Shipping Board than they are to take care of these $30,000,000 of claimants, who, I understand, are pressing at their doors for payment, then it seems that the House, in taking that into consideration, should say to the Shipping Board, "If you are as anxious to pay these claims as you say, then drop these high-priced attorneys."

We all know that we can get attorneys down there for $11,000 and less. Everyone knows that if the Shipping Board desires competent attorneys they can get them for not exceeding $11,000. How is it that the Attorney General of the United States, having claims under his jurisdiction amounting to $500,000,000 and over, involving property now in litigation in every Federal court in the United States, from the Supreme Court down—how is it that he can get competent attorneys for $12,000, and most of them for less?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, may I ask for three minutes more?

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. BYRNS of Tennessee. Gentlemen, this is nothing more or less than an effort, I repeat, to provide salaries for attorneys, some of whom, we know from statements made upon this floor, have come here more for the enjoyment of social advantages in Washington than for the purpose of rendering legal services in the Shipping Board; and I for one am not willing to abandon my convictions on the subject and vote to confirm this report in order to provide these great salaries.

We noticed the other day that there is to be a deficit, according to the statement of the Secretary of the Treasury, of more than $359,000,000, and his statement showed that when you added to the $359,000,000 deficit interest payments of $125,000,000 and the ship subsidy it will run about $500,000,000 next year or more. The Washington Post, which I am sure represents this administration, threw out the intimation, or made the plain statement in effect, that it would be necessary to raise additional taxes to meet that deficit. Are you willing to levy new taxes on an overburdened people in order to pay the big salaries carried in this report? They may amount to but a few thousand dollars in comparison with the great deficit, but I am not willing to vote to increase the salaries in the amount that this report calls for, and I hope the report will be voted down. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Speaker, as I recall, the limitation of $25,000 as a maximum that the Shipping Board could pay in salaries was put into the bill when it first passed the House upon my motion, and since that time we have had this matter up before us under conference reports upon two or three occasions. The situation now is that the Senate has acted upon this conference report, so that a motion to recommit would not be

in order, and we are presented now with the alternatives of voting the conference report up or down.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARRETT of Tennessee. Does the gentleman state that the Senate has acted upon this conference report?

Mr. WALSH. I am so advised. The House asked for the conference the other day, and I am advised that the Senate has agreed to this conference report, and that it was agreed to last Saturday.

Now, I have been opposed, as the membership knows, to the payment of these exorbitant salaries, and I am opposed to it now as a matter of principle. But we are confronted with this situation: The Senate has already agreed to this report. We can not recommit it. We have eliminated another objectionable amendment that was put on in another body, namely, this $55,000,000 amendment, and we have also reduced the number of these high salaries from 13, as originally proposed by the Senate, to 9 in this bill, only 6 of whom can receive $25,000 each. And while my views upon paying exorbitant salaries have not changed, and although I believe it is a bad principle to establish, I can readily understand that having engaged men at $35,000 who are now in the midst of very important work, it will be rather difficult to take and say, "You can not get more than $10,000 hereafter." I understand that these gentlemen who have received $35,000 will complete their work, even though their salary is reduced under the provisions of this bill to $25,000.

Now, I doubt whether, as a matter of fact, the employment of these high-salaried officials in the Shipping Board is going to result ultimately in the saving of very much money, but I understand the motives which prompted the officials down there to seek to secure the best talent available, as they stated, in order to wind up these affairs.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. BYRNES of South Carolina. The gentleman from Massachusetts thinks that the Shipping Board has now nine men receiving salaries over $11,000?

Mr. WALSH. No. I stated that the Senate amendment would permit 13, and that has been reduced to 9 by the provisions of this conference report.

Mr. BYRNES of South Carolina. I referred to the statement of the gentleman that some employees now receiving a salary of $25,000 or $30,000 would have to consent to a reduction.

Mr. WALSH. They have, I think, four employees now receiving $35,000, and when this bill becomes a law on the 1st of July, if those gentlemen continue on the pay roll, they will have to suffer a cut of $10,000 each in their salary.

And so, under the provisions of this compromise, with no opportunity to recommit the report with instructions for further elimination——

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. If the House votes down this report the bill will go back to conference, will it not, and will come up again?

Mr. WALSH. If the House votes down this report its action will be a message to the Senate, requiring them to reconsider their vote and to ask for a further conference.

Mr. BYRNS of Tennessee. That would not be particularly unusual. It has been done in other cases.

Mr. WALSH. Very seldom has that been done.

Mr. BYRNS of Tennessee. I want to ask the gentleman another question. The gentleman refers to the fact that some employees down there under the provisions of the present law are drawing more than $11,000. If the House provision is adopted these particular officials will not be disturbed. In other words, this report provides for only three additional employees over and above those who are now on the salary roll at over $11,000.

Mr. WALSH. It will disturb it to this effect, that there will be only two employees getting up to $20,000, and one, as I recall from the report, who will be permitted to receive in excess of $15,000, and now there is no limitation.

Mr. BYRNS of Tennessee. And six at $25,000.

Mr. WALSH. And six at $25,000. But it is the parliamentary situation, Mr. Speaker, which prompts me reluctantly to agree to support this conference report.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. MILLER. Will the gentleman yield for a question?

Mr. WALSH. My time has expired.

Mr. GARRETT of Tennessee. Will the gentleman from Indiana yield me about three minutes?

Mr. WOOD of Indiana. I yield three minutes to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, the mere fact that a parliamentary situation has arisen, brought about by the Senate acting upon this conference report in advance of action being taken by the House, is, I respectfully submit, no legitimate argument why the House should forego the conviction which it has so vigorously and earnestly expressed heretofore upon this subject. The appropriation bill is in no danger. The proceedings of the Congress have not reached that point where there is any danger of the appropriation bill failing. So that there is no coercion of time even upon the House. The House has heretofore expressed itself upon this proposition in no uncertain terms.

I do not propose to criticize the conferees. They had to deal with the conferees of the other body. We do not know what went on in the conference. I do not say this in criticism, but the conferees have failed to maintain the sentiment of the House as expressed to them on this particular matter. There is ample time to pass this bill and to have the will of the House carried out, and no parliamentary subterfuge ought to prevent the House asserting its continuing belief in that policy which it has so resolutely asserted heretofore. [Applause.]

Mr. BYRNES of South Carolina. Will the gentleman from Indiana yield me five minutes?

Mr. WOOD of Indiana. I yield to the gentleman from South Carolina five minutes.

Mr. BYRNES of South Carolina. Gentlemen of the House, I have only this additional thought to submit: During the war and immediately afterwards the Government was paying high salaries to employees. It was the expressed desire of this House that we should discontinue authorizing these high salaries. This year there has been a demand for economy by the people and a demand for economy by the Members of this House. On three occasions we have gone on record reflecting that demand and have attempted to limit the number of high-salaried employees of the Shipping Board. The gentleman from Massachusetts [Mr. WALSH] says to-day he is of the same opinion still, that not more than six should be paid over $11,000, and the only reason he urges the adoption of the report is that the parliamentary situation makes it impossible for us to exercise our best judgment. The gentleman from Tennessee [Mr. GARRETT] has shown that position is not well taken. One other reason, and one other reason alone, is urged. That is that in this bill $30,000,000 is made immediately available for the payment of claims.

One gentleman on the floor asked if that meant that if this conference report is adopted the Shipping Board can proceed immediately to the payment of claims, and when the gentleman from Indiana [Mr. WOOD] answered yes, immediately his inquisitor was satisfied. But can the Shipping Board say to this House that because you have a constituent who may have a claim that the constituent will not be paid unless you come across and agree to pay high salaries to three additional employees of the Shipping Board? Are you going to be coerced because some claimant may desire immediate payment of his claim? If we do not agree, the House conferees can go back and tell the Senate that until they agree to limit these employees this bill can not go through. Let us tell the Senate that while salaries of men engaged in industry are being reduced we are not going to authorize two additional salaries of $20,000. No great harm will be done if this $30,000,000 is not made immediately available for the payment of these claims. But if the Shipping Board thinks it so essential, let them withdraw their demand for these increased salaries. Do not be coerced into voting against your own convictions, expressed on three occasions, in order to pay the claims of some contractors who are demanding immediate payment from the Shipping Board.

Mr. WOOD of Indiana. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, just a moment, to make clear, if I can, exactly what the situation is.

The House provided that not to exceed six employees of the Shipping Board should receive in excess of $11,000, and that they should not receive more than $25,000. The Senate amended that by providing that not more than 13 should receive in excess of $11,000, so that under the Senate provision 13 of the employees might receive any salary that the Shipping Board saw fit to fix. There was no limit whatever placed by the Senate. Now, we are not dealing with the Shipping Board. We are dealing with a coordinate branch of the Congress. And

while we do not always agree with those gentlemen, we realize that we can not always and altogether have our way about matters. The fact is that the report now presented by the committee does give us essentially the provision as written by the House when the bill was passed. The only difference is a matter of $21,000 in salaries in this particular item.

Mr. WASON. Twenty-two thousand dollars.

Mr. MONDELL. They can now give salaries as high as $20,000 to two men who are not provided for by the House. That is the difference between $11,000 and $20,000, and twice $9,000 are $18,000. They can grant a salary of $15,000 to one man whose salary was limited to $11,000 by the House, and $4,000 and $18,000 make $22,000. The gentleman is correct. It is a difference of $22,000. Gentlemen upon the other side have entirely forgotten that the conferees have insisted, and the Senate has receded in this conference report, upon a matter involving the possible expenditure of $55,000,000.

But still gentlemen quibble over a matter of $22,000 in this bill providing for a great establishment.

Mr. BYRNES of South Carolina. The gentleman does not overlook the fact that the $22,000 is to be divided among three men by way of increase in salaries.

Mr. MONDELL. Oh, yes; I think I stated that was to be divided among three men. The House has had its way in this matter, not only in the matter of salaries but in the vastly more important matter of $55,000,000 which the Senate insisted should be made available. I think under the circumstances the committee is to be congratulated on the agreement they have been able to make with the Senate and that the House should adopt the conference report.

Mr. WOOD of Indiana. Mr. Speaker, I desire to add but one word. This report is absolutely saving money to the Treasury of the United States, as has been clearly stated by the gentleman from Wyoming, when compared with salaries now being paid. If these three men were added, it would make a difference of only $22,000, and I want you to bear in mind that there are four who are now getting $35,000 each. We have limited these by this bill to $25,000 each, so there is the difference between $25,000 and $40,000, and we are making a saving of $15,000.

Mr. BYRNES of South Carolina. Did the gentleman say there were four employees getting $35,000?

Mr. WOOD of Indiana. Yes.

Mr. BYRNES of South Carolina. Were these salaries increased since the bill was in the House for consideration?

Mr. WOOD of Indiana. No; but they were paying it under the old law.

Mr. BYRNES of South Carolina. The gentleman will remember that a list of the employees was submitted to the House at the time the bill was under consideration, and there were no four getting $35,000 at that time.

Mr. WOOD of Indiana. Yes; they had a limitation there.

Mr. BYRNES of South Carolina. There were only two salaries of $35,000, and I want to know if since that time they have increased it to four?

Mr. WOOD of Indiana. No; long before the bill was under consideration; and so there is to be a saving of $15,000, anyway.

Mr. WALSH. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. WALSH. I think the statement was made by some member of the committee, as I recall it, during the original discussion of the bill that there were only two members of the Emergency Fleet Corporation getting $35,000, and one $25,000. That may have been an error, but that statement was made.

Mr. BYRNES of South Carolina. It was never before questioned.

Mr. WOOD of Indiana. I possibly may be mistaken. The hearings on this bill, however, disclose that there are three getting $35,000, Smull, Love, and Frey, and another getting $30,000. So instead of a saving of $18,000 we are saving $10,000. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were 74 ayes and 66 noes.

Mr. BYRNS of Tennessee. Mr. Speaker, I object to the vote on the ground that no quorum is present, and I make the point that no quorum is present.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 143, answered "present" 1, not voting 149, as follows:

YEAS—137.

Andrew, Mass.	Elliott	Knutson	Purnell
Appleby	Evans	Kraus	Ransley
Arentz	Faust	Larson, Minn.	Reed, W. Va.
Atkeson	Fenn	Lineberger	Riddick
Bacharach	Fish	Longworth	Robsion
Begg	Freeman	Luce	Rogers
Bland, Va.	French	Luhring	Ross
Bond	Fuller	McCormick	Siegel
Bowers	Gernerd	McKenzie	Sinnott
Brennan	Glynn	McLaughlin, Mich.	Smith, Idaho
Brooks, Ill.	Graham, Pa.	McLaughlin, Nebr.	Sproul
Brooks, Pa.	Green, Iowa	McPherson	Stevenson
Burroughs	Greene, Mass.	MacGregor	Swing
Burtness	Greene, Vt.	Magee	Temple
Burton	Griest	Merritt	Thompson
Cable	Griffin	Meteer	Timberlake
Campbell, Pa.	Hadley	Miller	Underhill
Cannon	Hardy, Colo.	Mills	Vaile
Chandler, N. Y.	Harrison	Millspaugh	Vare
Chindblom	Hawley	Mondell	Volstead
Christopherson	Henry	Montoya	Walsh
Clague	Herrick	Moore, Ill.	Watres
Classon	Hersey	Moores, Ind.	Wason
Cole, Iowa	Hickey	Morgan	Webster
Colton	Hill	Murphy	White, Me.
Crago	Hukriede	Nelson, Me.	Williams
Cramton	Hutchinson	Nelson, A. P.	Williamson
Curry	Jefferis, Nebr.	Newton, Minn.	Winslow
Dale	Jones, Pa.	Nolan	Wood, Ind.
Dallinger	Kearns	Norton	Wurzbach
Denison	Kiess	Ogden	Wyant
Dickinson	King	Osborne	Young
Dunbar	Kirkpatrick	Parker, N. Y.	
Dunn	Kissel	Patterson, N. J.	
Dyer	Kline, N. Y.	Pringey	

NAYS—143.

Almon	Fitzgerald	Layton	Smith
Andrews, Nebr.	Frear	Lazaro	Rouse
Anthony	Frothingham	Leatherwood	Sabath
Bankhead	Fulmer	Lee, Ga.	Sandlin
Barbour	Funk	Linthicum	Scott, Tenn.
Barkley	Gahn	Little	Shaw
Beck	Gallivan	London	Sinclair
Beedy	Garner	Lowrey	Speaks
Bell	Garrett, Tenn.	McClintic	Stengall
Bird	Garrett, Tex.	McFadde	Stedman
Black	Gensman	McFadden	Stevenson
Bowling	Gilbert	McSwain	Stoll
Box	Goldsborough	Mapes	Strong, Kans.
Briggs	Graham, Ill.	Martin	Summers, Wash.
Browne, Wis.	Hammer	Montague	Sumners, Tex.
Buchanan	Hardy, Tex.	Moore, Va.	Swank
Bulwinkle	Hawes	Nelson, J. M.	Ten Eyck
Burke	Hayden	O'Connor	Thomas
Byrnes, S. C.	Hoch	Oldfield	Tillman
Byrns, Tenn.	Hooker	Oliver	Tincher
Campbell, Kans.	Huddleston	Overstreet	Tucker
Carew	Hull	Padgett	Tyson
Carter	Humphreys	Park, Ga.	Vinson
Collier	Jacoway	Parks, Ark.	Voigt
Collins	Jeffers, Ala.	Patterson, Mo.	Ward, N. C.
Connally, Tex.	Johnson, Ky.	Perkins	Watson
Cooper, Ohio	Jones, Tex.	Pou	Weaver
Cooper, Wis.	Keller	Quin	Wheeler
Coughlin	Ketcham	Ramseyer	White, Kans.
Davis, Tenn.	Kincheloe	Raker	Wilson
Dominick	Kline, Pa.	Ramseyer	Wingo
Dowell	Kopp	Rainey	Woodyard
Drane	Latham	Rathbone	Woods, Va.
Drewry	Lankford	Reece	Wright
Farrar	Larsen, Ga.	Rhodes	Zihlman
Fisher	Lawrence	Richards	

ANSWERED "PRESENT"—1.

Atwell

NOT VOTING—149.

Ackerman	Deal	Kahn	Newton, Mo.
Anderson	Dempsey	Kelley, Mich.	O'Brien
Ansorge	Doughton	Kelly, Pa.	Olpp
Benham	Driver	Kendall	Paige
Birney	Dupré	Kennedy	Parker, N. J.
Blakeney	Echols	Kindred	Perlman
Bland, Ind.	Edmonds	Kinkaid	Petersen
Blanton	Ellis	Kitchin	Porter
Bates	Fairchild	Kleczka	Rainey, Ala.
Bland	Fairfield	Knight	Rainey, Ill.
Britten	Fess	Kreider	Davis
Brown, Tenn.	Fields	Kunz	Reber
Burdick	Focht	Lampert	Reed, N. Y.
Butler	Fordney	Langley	Riordan
Cantrill	Foster	Lea, Calif.	Robertson
Chalmers	Free	Lee, N. Y.	Rodenberg
Chandler, Okla.	Goodykoontz	Lehlbach	Rosenbloom
Clark, Fla.	Gorman	Logan	Rossdale
Clarke, N. Y.	Gould	Lyon	Rucker
Clouse	Haugen	McArthur	Ryan
Cockran	Hays	McLaughlin, Pa.	Sanders, Ind.
Codd	Hicks	Madden	Sanders, N. Y.
Cole, Ohio	Hines	Maloney	Sanders, Tex.
Connell	Hogan	Mann	Schall
Connolly, Pa.	Hudspeth	Mansfield	Scott, Mich.
Copley	Husted	Mead	Sears
Crisp	Ireland	Michaelson	Shelton
Crowther	James	Moore, Ohio	Shreve
Cullen	Johnson, Miss.	Morin	Sisson
Darrow	Johnson, S. Dak.	Mott	Slemp
Davis, Minn.	Johnson, Wash.	Mudd	Smith, Mich.

Smithwick	Sullivan	Tilson	Ward, N. Y.
Snell	Sweet	Tinkham	Woodruff
Snyder	Tague	Towner	Woodyard
Stafford	Taylor, Ark.	Treadway	Yates
Stephens	Taylor, Colo.	Upshaw	
Strong	Taylor, N. J.	Vestal	
Strong, Pa.	Taylor, Tenn.	Volk	

So the conference report was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Cullen (for) with Mr. Knight (against).

Mr. Fairchild (for) with Mr. Driver (against).

Mr. Lee of New York (for) with Mr. Kitchin (against).

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Butler with Mr. Upshaw.

Mr. Sanders of Indiana with Mr. Fields.

Mr. Shreve with Mr. Hudspeth.

Mr. Michaelson with Mr. Dupré.

Mr. Taylor of New Jersey with Mr. Kunz.

Mr. Free with Mr. Doughton.

Mr. Lehlbach with Mr. Aswell.

Miss Robertson with Mr. Logan.

Mr. Lampert with Mr. Sisson.

Mr. Gorman with Mr. Mansfield.

Mr. Ellis with Mr. Sanders of Texas.

Mr. Chandler of Oklahoma with Mr. Lyon.

Mr. Shelton with Mr. Sullivan.

Mr. Kahn with Mr. Taylor of Arkansas.

Mr. Ackerman with Mr. Brand.

Mr. Volk with Mr. Blanton.

Mr. Foster with Mr. Smithwick.

Mr. Reed of New York with Mr. Tague.

Mr. McArthur with Mr. Kindred.

Mr. Davis of Minnesota with Mr. Mead.

Mr. Newton of Missouri with Mr. Johnson of Mississippi.

Mr. Olpp with Mr. Rainey of Alabama.

Mr. Snyder with Mr. Crisp.

Mr. Perlman with Mr. Deal.

Mr. Blakeney with Mr. Cantrill.

Mr. Kendall with Mr. Lea of California.

Mr. Johnson of South Dakota with Mr. O'Brien.

Mr. Maloney with Mr. Sears.

Mr. Snell with Mr. Riordan.

Mr. Stephens with Mr. Taylor of Colorado.

Mr. Storth with Mr. Rucker.

Mr. Hinds with Mr. Clark of Florida.

Mr. Forchey with Mr. Rainey of Illinois.

The result of the vote was announced as above recorded.

APPLICATION OF RECLAMATION LAW TO IRRIGATION DISTRICTS.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4382, to provide for the application of the reclamation law to irrigation districts, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table the bill H. R. 4382, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. KINKAID, Mr. SINNOTT, and Mr. HAYDEN.

PROMOTION OF TRADE IN CHINA—CONFERENCE REPORT.

Mr. VOLSTEAD. Mr. Speaker, I call up the conference report upon the bill H. R. 4810, to authorize the incorporation of companies to promote trade in China, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up a conference report on the bill H. R. 4810, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "That this act may be cited as the 'China trade act, 1922.'"

DEFINITIONS.

"SEC. 2. When used in this act, unless the context otherwise indicates—

"(a) The term 'person' includes individual, partnership, corporation, and association;

"(b) The term 'China' means (1) China including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign government, (2) the Crown Colony of Hongkong, and (3) the Province of Macao;

"(c) The terms 'China trade act corporation' and 'corporation' mean a corporation chartered under the provisions of this act;

"(d) The term 'Federal district court' means any Federal district court, the United States Court for China, and the Supreme Court of the District of Columbia;

"(e) The term 'Secretary' means the Secretary of Commerce; and

"(f) The term 'registrar' means the China trade act registrar appointed under section 3.

REGISTRAR.

"SEC. 3. The Secretary is authorized to designate as China trade act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this act shall be administered by him under the supervision of the Secretary; except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable.

ARTICLES OF INCORPORATION.

"SEC. 4. (a) Five or more individuals (hereinafter in this act referred to as 'incorporators'), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

"(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

"(1) The name of the proposed China trade act corporation, which shall end with the legend, 'Federal Inc. U. S. A.,' and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

"(2) The location of its principal office, which shall be in the District of Columbia;

"(3) The particular business in which the corporation is to engage;

"(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

"(5) The duration of the corporation, which may be for a period of not more than 25 years, but which may, upon application of the corporation and payment of the incorporation fee, be successively extended by the Secretary for like periods;

"(6) The names and addresses of individuals, a majority of whom are citizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors; and

"(7) The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and paid in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors.

"(c) A China trade act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business.

CERTIFICATE OF INCORPORATION.

"SEC. 5. The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this act have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of $100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this act, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the

certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China trade act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation.

GENERAL POWERS.

"SEC. 6. In addition to the powers granted elsewhere in this act, a China trade act corporation—

"(a) Shall have the right of succession during the existence of the corporation;

"(b) May have a corporate seal and alter it at pleasure;

"(c) May sue and be sued;

"(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

"(e) May make contracts and incur liabilities;

"(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

"(g) May borrow money and issue its notes, coupon or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and

"(h) May establish such branch offices at such places in China as it deems advisable.

SHARES OF STOCK.

"SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at par value only, and shall be paid for in cash or in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued each share shall be held to be full paid and nonassessable; except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof.

"SEC. 8. No share of stock of a China trade act corporation shall, for the purposes of section 7 or of paragraph (7) of subdivision (b) of section 4, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property.

BY-LAWS.

"SEC. 9. The by-laws may provide—

"(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for, the meetings, annual or special, as the stockholders or directors;

"(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China; and

"(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer and the manner of their representation at stockholders' meetings.

STOCKHOLDERS' MEETINGS.

"SEC. 10. (a) Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation, and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

"(b) The following questions shall be determined only by the stockholders of a stockholders' meeting:

"(1) Adoption of the by-laws;

"(2) Amendments to the articles of incorporation or by-laws;

"(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

"(4) Authorization of the voluntary dissolution of the corporation; and

"(5) Authorization of application for the extension of the period of duration of the corporation.

"(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the secretary to conform to the requirements of this act.

"(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar.

DIRECTORS.

"SEC. 11. The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China trade act corporation except such as are conferred upon the stockholders by law or by the articles of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable.

REPORTS AND INSPECTION OF RECORDS.

"SEC. 12 (a) For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

"(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this act. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation, and certificates received or issued by the Secretary under the provisions of this act. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed.

DIVIDENDS.

"SEC. 13. Dividends declared by a China trade act corporation shall be derived wholly from the surplus profits of its business.

REVOCATION OF CERTIFICATE OF INCORPORATION.

"SEC. 14. The registrar may, in order to ascertain if the affairs of a China trade act corporation are conducted contrary to any provision of this act, or any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the corporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China trade act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings the court may, at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

"SEC. 15. (a) For the efficient administration of the functions vested in the registrar by this act, he may require, by subpœna issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within 50 miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition

or under his direction, and shall then be subscribed by the deponent. The registrar, or any officer, employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken, under this section, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

"(b) In the case of failure to comply with any subpena or in the case of the contumacy of any witness before the registrar, or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpena and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

"(c) No person shall be excused from so attending and testifying or depositing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpena and under oath, he may so testify, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"(d) For the efficient administration of the functions vested in the registrar by this act he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China trade act corporation. Any person who upon demand refuses the registrar or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States.

"SEC. 16. In case of the voluntary dissolution of a China trade act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may, in its discretion, appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts, necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees.

REGULATIONS.

"SEC. 17. (a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this act.

"(b) That the Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary or the registrar to any person in the administration of the provisions of this act. All fees and penalties paid under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

MISCLEADING.

"SEC. 18. No stockholder, director, officer, employee, or agent of a China trade act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China trade act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement, in any form, stating the amount of the authorized capital stock without also stating as the amount actually paid in, a sum not greater than the amount paid in. Any person violating any provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 10 years, or both.

"SEC. 19. No individual, partnership, or association, or corporation not incorporated under this act or under a law of the United States, shall engage in business within China under a name in connection with which the legend 'Federal Inc. U. S. A.' is used. Any person violating this section shall upon conviction thereof be fined not more than $1,000 for each violation.

JURISDICTION OF SUITS AGAINST CORPORATION.

"SEC. 20. That the Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by the act entitled 'An act creating a United States Court for China and prescribing the jurisdiction thereof,' approved June 30, 1906, as amended) to which a China trade act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbia, or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

"SEC. 21. Title II of the revenue act of 1921 is amended by adding at the end thereof a new section to read as follows:

'CHINA TRADE ACT CORPORATIONS.

"'SEC. 264. (a) That for the purpose only of the tax imposed by section 230 there shall be allowed in the case of a corporation organized under the China trade act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by individual citizens of the United States or China, resident in China, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

"'(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the Commissioner (1) the amount which, during the year ending on the date of filing the return, the corporation has distributed as a special dividend to or for the benefit of such individuals as on the last day of the taxable year were citizens of the United States or China, resident in China, and owned shares of stock of the corporation, (2) that such special dividend was in addition to all other amounts payable or to be payable to such individuals or for their benefit by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such individuals in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock the certificate shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such individuals and that the amount certified has been distributed in accordance with the method so provided.

"'(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

"'(d) As used in this section the term "China" shall have the same meaning as when used in the China trade act, 1922.'

"SEC. 22. Subdivision (b) of section 230 of the revenue act of 1921 is amended to read as follows:

"'(b) For each calendar year thereafter, 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 264.'

"SEC. 23. Subdivision (f) of section 238 of the revenue act of 1921 is amended by adding after the figures '262' the word and figures 'or 264.'

"SEC. 24. Subdivision (c) of section 240 of the revenue act of 1921 is amended by adding at the end thereof a new sentence to read as follows: 'A corporation organized under the China trade act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section.'

"SEC. 25. That section 2 of the revenue act of 1921 is amended by adding at the end thereof a new paragraph to read as follows:

"'(12) A corporation organized under the China trade act, 1922, shall, for the purpose of this act, be considered a domestic corporation.'

"SEC. 26. Subdivision (b) of section 213 of the revenue act of 1921 is amended by striking out the period at the end of paragraph (12) thereof and inserting in lieu thereof a semicolon, and by adding after paragraph (12) a new paragraph to read as follows:

"'(13) In the case of an individual, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a citizen of China, resident therein, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.'

"SEC. 27. Subdivision (a) of section 216, paragraph (6) of subdivision (a) of section 234, and paragraph (3) of subdivision (a) of section 245, of the revenue act of 1921, are amended by inserting in each after the word and figures 'section 262' a comma and the words 'and other than a corporation organized under the China trade act, 1922.'

RESERVATION OF RIGHT TO AMEND.

"SEC. 28. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "An act to authorize the creation of corporations for the purpose of engaging in business within China"; and the Senate agree to the same.

A. J. VOLSTEAD,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

ALBERT B. CUMMINS,
T. J. WALSH,
FRANK B. BRANDEGEE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China submit the following statement in explanation of the effect of the action agreed upon by the conferees and submitted in the accompanying conference report:

The amendment of the Senate strikes out all after the enacting clause in the House bill. The House recedes from its disagreement therewith with an amendment which is a substitute for the Senate amendment. The effect of the substitute amendment is explained under the following headings:

SCOPE OF BUSINESS.

The House bill restricted the scope of the business of a China trade act corporation to business to be conducted wholly within China and carried on with persons in China, except that the corporation might purchase in the United States for transportation to China goods necessary to the establishment and conduct of its business, might issue and sell its stock at places outside of China, and might do business outside of China which was approved by the Secretary of Commerce as necessary to the establishment and conduct of its business in China. The corporation could not engage in the banking business, but could engage in the insurance business.

The Senate amendment places one general limitation upon the scope of business in which a China trade act corporation may engage; namely, that the business must constitute commerce between the people of the United States and the people of China, or be business properly connected therewith or necessary and incidental thereto. In effect the business of a China trade act corporation under the Senate amendment might be held limited to the import and export trade.

The bill as agreed to by the conference committee retains the House provision of restricting the business of a China trade act corporation to business within China and to such other business as is properly connected therewith or necessary and incidental thereto, and further requires that the principal business be such as will, in the opinion of the Secretary of Commerce, aid in developing markets in China for goods produced in the United States. This corporation is prohibited from engaging in either the banking business or the insurance business. Corresponding to the scope of business as agreed upon by the conference committee is the provision restricting the privilege of the use of the legend "Federal Inc., U. S. A." to its use in connection with business in China conducted by a China trade act corporation or by any other corporation created under Federal law.

FEDERAL SUPERVISION.

The House bill placed the supervision of a China trade act corporation and the administration of the act in the hands of the Secretary of Commerce; except that, if the Secretary chooses to have the functions vested in him performed in China instead of the District of Columbia he must do so by delegating the performance of such functions to an agent designated jointly by himself and the Secretary of State. The House bill also contained a further provision that the regulations for the administration of the act were to be jointly prescribed by the Secretary of Commerce and the Secretary of State.

The Senate amendment places this supervision and administration solely in the hands of the Secretary of Commerce. It contains no restrictions as to whether the Secretary of Commerce is to perform the functions vested in him in the District of Columbia or in China through subordinates.

The bill as agreed to by the conferees places the supervision of a China trade act corporation and the administration of the provisions of the act in the hands of the Secretary of Commerce, with the limitation that certain of these functions are to be performed, under the supervision of the Secretary of Commerce, by a registrar located in China and appointed by the Secretary of Commerce, while other of the functions are to be performed in the District of Columbia by the Secretary of Commerce.

In order to facilitate supervision in the District of Columbia by the Secretary, the bill as agreed to by the conferees requires the corporation (1) to be a District of Columbia corporation, (2) to file its articles of incorporation and its application for a certificate of incorporation with the Secretary of Commerce and have the application granted and amendments to the articles approved by the Secretary at his office in Washington, and (3) to have as one of the temporary directors a resident of the District of Columbia. On the other hand, such functions as the valuation of property received by the corporation in exchange for shares of stock is left either to the Secretary of Commerce or the registrar, and revocation proceedings are to be instituted in the United States Court for China by the registrar only. The bill as agreed to by the conferees also requires that copies of the report of the corporation, the certificate of incorporation, and all other certificates and certified copies issued by either the Secretary or the registrar in respect to such matters, for instance, as the value of property of the corporation received in exchange for shares of stock, amendments to the articles of incorporation, by-laws, and the minutes of stockholders' meetings shall be filed and open to inspection in the offices of both the Secretary of Commerce and the registrar.

CAPITAL STOCK.

The House bill provided, and both the Senate amendment and the bill as agreed to by the conferees provided likewise, that an amount equal to 25 per cent of the amount of the capital stock must at the time of the filing of the articles of incorporation have been in good faith subscribed and actually paid in cash or personal or real property. The House bill further provided that all shares of stock shall, when issued, be paid for in cash or personal or real property at not less than their par value, and when issued shall be held to be full paid and shall be nonassessable, whether or not they have been full paid prior to issuance.

The Senate amendment provides, as in the House bill, that the shares of stock shall be issued at par value and may be paid for either in cash or personal or real property. The Senate amendment does not provide, however, that the shares when issued shall be full paid and nonassessable, but provides that the amount of the par value that has been paid shall at all times be indorsed upon the face of the certificate representing the share.

The bill as agreed to by the conferees retains the House provisions that the shares shall be issued at par value only, may be paid for in cash or personal or real property, and shall be, when issued, held full paid and nonassessable. The bill as agreed to by the conferees further places the duty upon the corporation not to issue any share until the amount of the par value thereof has been paid in.

The House bill places no liability upon shareholders except that provided in their subscription contracts after the share has been issued to them.

The Senate amendment provides that the shareholder is liable not only upon his subscription contract, but also that the indorsement of the amount of the par value of the share paid shall not relieve the shareholder from liability to creditors, and, further, does not prevent the stock from being assessable even after the subscription price has been paid in full. The Senate amendment also provides that the shareholders shall be individually liable to the creditors to the amount of the unpaid stock held by them for all debts of the corporation until such time as the whole amount of the capital stock has been paid in.

The bill as agreed to by the conferees, while requiring the full par value of the share to be paid at the time it is issued, does not place any liability, either by way of assessment by the corporation, or liability to the creditors for its debts, upon the shareholder after the issuance of the share.

AMERICAN CONTROL.

The House bill provided that a majority of the voting shares should at all times be owned by citizens of the United States, that a majority of the temporary directors and a majority of the temporary officers shall be citizens of the United States, and that a majority of the permanent directors and a majority of the permanent officers holding the office of president, treasurer, or secretary shall be citizens of the United States resident in China.

The Senate amendment merely provided that a majority of the temporary directors and a majority of the permanent directors shall be citizens of the United States, with no limitation as to residence.

The bill as agreed to by the conferees requires that a majority of the temporary directors shall be citizens of the United States, that at least one of them shall be a resident of the District of Columbia, and that a majority of the permanent directors and a majority of the permanent officers holding the office of president, treasurer, or secretary shall be citizens of the United States resident in China.

SUITS AGAINST THE CORPORATION.

The House bill provided that suits against a China trade act corporation might be brought in the United States Court for China, the judicial district in which the cause of action arose, or the judicial district in which a corporation has an agent and is engaged in doing business. The House bill further provided that any judgment or decree rendered by the court in any suit against a China trade act corporation should, upon the presentation of a certified copy thereof to the United States Court for China or any Federal district court, be enforced by such court.

The Senate amendment has no provision in this respect, the result being that under the Senate amendment suit might be brought against the corporation only in the place whereof it is an inhabitant.

The bill as agreed to by the conferees retains so much of the House provision as provides for suit to be brought against the China trade act corporation in the United States Court for China, the Supreme Court of the District of Columbia, or the Federal district court for the judicial district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

The House bill provided that a China trade act corporation should be totally exempt from the corporation income tax and excess-profits tax unless it derived 5 per cent or more of its gross income from sources within the United States. The exemption was conditioned on the distribution in dividends during the taxable year of at least one-third of the net income of the corporation. The legal effect of the language of the House bill was also to exempt such of the stockholders of the corporation as were United States citizens from normal income tax on dividends received from the corporation. The House bill also provided that a China trade act corporation should be considered a domestic corporation within the meaning of the income tax law, but that it should not be deemed to be affiliated with any other corporation within the meaning of the section of the income tax law providing for consolidated returns of net income.

The Senate amendment provides no exemption from Federal taxation.

The bill as agreed to by the conference committee contains amendments to the income-tax law allowing narrower exemptions than provided in the House bill. It is proposed to allow to a China trade act corporation a credit on its net income of an amount equal to that proportion of its net income from sources within China which its capital stock owned by citizens of the United States or China, resident in China, bears to its entire capital stock. This exemption is, however, allowed only if an amount, equal to the saving in tax, is distributed as a special dividend to such of its stockholders as are citizens of the United States or China and reside in China. Citizens of China, resident therein, are exempted from tax on their dividends, but all other stockholders are subjected to both surtax and normal tax on all their dividends from a China trade act corporation. The provision of the House bill treating these corporations as domestic corporations for the purposes of the income tax law is retained, as well as the provision prohibiting such a corporation from making consolidated returns of net income with other corporations. The conference bill also provides that a China trade act corporation shall not be permitted to avail itself of the privilege allowed other corporations by the revenue act, namely, to credit against its income tax, dollar for dollar, the amount paid to foreign countries as income, war profits, or excess-profits taxes.

A. J. VOLSTEAD,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

Mr. VOLSTEAD. Mr. Speaker, I think it is not necessary to devote a great deal of time to the further discussion of the bill, as the report gives, I hope in a fairly intelligent way the various changes that have been made in the bill in conference. The Senate bill proceeded upon the theory that what was wanted was power to create corporations that would engage simply in foreign commerce, shipping goods from this country to China, and from China back. The object of the legislation was not to do anything of that kind. The object was to create corporations that might do business practically as domestic corporations in China. The business is being developed over in that country in that fashion by foreign nations—by England, Japan, Germany, and other countries. Up to within recent times our people have taken advantage of English charters. Lately, however, the English Government saw fit to change those charters so as to place the control of their corporations entirely with the English subjects. In that fashion they have been able within the last year or so to exclude Americans from participation in a great deal of Chinese trade which otherwise might have been secured.

The bill, as it has been finally agreed upon by the conference committee of the two Houses, practically restores the House bill. The provisions agreed on authorize the creation of corporations for the purpose of doing business in China. The Senate bill struck out the provision contained in the House bill granting tax exemption. We have in conference substituted a provision in lieu of the one that we have in the House bill, exempting to some extent these corporations from taxation. It is absolutely necessary as we look at it, if we are to do business successfully in China, to place the American citizen upon the same plane in that respect as the English, German, French, or Japanese subjects who do business there. They, as I understand it, have exemption from taxes. The bill, as we have agreed upon it, does not give quite as much exemption as was given in the House bill. Through a mistake in an amendment offered and agreed to on the floor of the House, we actually gave more tax exemption than the House intended, more than the bill as we reported it from the Committee on the Judiciary really gave.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. KING. What further taxes are exempted?

Mr. VOLSTEAD. The citizen resident in this country gets no exemption whatever. If he lives here and does business in China, he pays the same tax as though he was incorporated in some other corporation formed in this country; but an American citizen residing in China, or a Chinaman residing in China, gets an exemption to the extent of the Chinese business only. The normal income and surtax upon the dividends, however, have to be paid by the American citizen resident in China or elsewhere; he gets no exemption except of the corporation tax on business done in China. The Chinaman gets an exemption from all taxes if he is a resident of China, but the American citizen resident in China pays the normal income tax.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. GRAHAM of Illinois. What is the necessity for this exemption feature? What is the reason for this?

Mr. VOLSTEAD. The English, Japanese, and other corporations that are foreign to China are granted an exemption, and it is necessary that our citizens, if they are to compete, must get a certain amount of exemption so as to be on a par with them in doing business.

You can not expect Chinamen who are resident in China to pay taxes to the United States. The foreigner who comes over here, for instance the German or the Englishman, does not pay any taxes to Germany or to England when they become residents of this country. The Chinese who live in their own country can not be asked to pay any tax to this country. We must exempt these people, and to some extent exempt residents of the United States who live in China.

Mr. GRAHAM of Illinois. I have been very much opposed to special charters issued by the Federal Government, by acts of Congress. I do not believe that it is a very good policy.

Mr. VOLSTEAD. These are not special charters.

Mr. GRAHAM of Illinois. Why is it deemed desirable to authorize the corporations to be formed in the District of Columbia? Can they be formed under the State laws of the various States?

Mr. VOLSTEAD. They can be formed under the State laws, but here is the difficulty. The Chinese do not know the States nor their laws, but they do know the United States. The United States is looked upon with favor in China, and if they can secure American corporations in which to do business, it is believed, and I believe they are entirely justified in that belief, that it will be a decided advantage in trying to build up commerce between this country and China.

Mr. GRAHAM of Illinois. I am wondering whether it was that or this tax-exemption feature that could not be managed under the State laws.

Mr. VOLSTEAD. That is another very good reason. I think you have to allow Chinamen to be exempt from American taxes in their own home. You can not expect a Chinaman to become interested in the business we are trying to build up in China if he has to pay taxes in this country in addition to paying taxes in his own country.

Mr. LAYTON. How could a Chinaman living in China be taxed by any authority of the United States, anyhow?

Mr. VOLSTEAD. He might be if he becomes a stockholder in an American corporation.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. LONGWORTH in the chair). The gentleman from Minnesota moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

"BLUE-SKY" LEGISLATION.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 327.

Resolved, That upon the adoption of this resolution it shall be in order for the Committee on Interstate and Foreign Commerce to call up for consideration under the general rules of the House H. R. 10598, being a bill to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof. Consideration of the bill not to interfere with bills from the Committee on Appropriations, the Committee on Ways and Means, or conference reports.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution just read makes in order the consideration in the House of what is known as the "blue-sky" bill. It may not be out of place to state that the "blue-sky" bill refers to a bill that prohibits the sale of stocks in spurious companies or companies without assets to the people. Several States have adopted laws of that character.

Mr. DYER. Will the gentleman yield for just a minute?

Mr. CAMPBELL of Kansas. I would prefer that the gentleman let me go on.

Mr. Speaker, 12 years ago the State of Kansas, finding a large number of enterprising gentlemen surveying the sky, and selling large areas of it to prospective buyers, decided to put a stop to that practice. Thereupon the legislation that prevented the sale of stocks in companies of that character that had blue sky to sell was enacted and called "blue-sky" legislation. Up to this time, following the lead of the State of Kansas, 42 other States have adopted similar laws. Much improvement has been made in the character of the legislation, as the States one after another have taken up legislation of this character. It now becomes necessary for the States that have this legislation to be protected from States that are without it. There are still six States in which no laws have been enacted against companies organizing with hundreds of thousands and millions of dollars of capital, but with mere pennies of assets. This bill will prevent the use of the mails and other instrumentalities of interstate commerce in communicating information in respect to or in the carrying of the stock of these companies from one State to another.

Mr. KING. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. KING. I am very much interested in the gentleman's statement as to the "blue sky." It undoubtedly covers, I presume, the blue sky of the United States, but it does not cover the blue sky of Italy, Yugoslavia, and France, and other foreign countries that sell stock in this country now.

Mr. CAMPBELL of Kansas. Many people invest in the blue skies of Italy, and always have. Many are now investing in the blue skies of Yugoslavia, but the legislation now under consideration deals with the United States mails and interstate commerce.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. WALSH. I do not know how careful a study the gentleman has made of this measure, but does it in any way abrogate State laws or affect them in any way?

Mr. CAMPBELL of Kansas. It does not.

Mr. WALSH. They still would be the law and this will not supplant them?

Mr. CAMPBELL of Kansas. On the contrary, this is intended to and is calculated to strengthen the State laws. This is to enable the States to enforce their own laws, such as they have enacted, and it is to prevent interstate commerce in stocks that are prohibited in intrastate commerce.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather move the previous question, after I have yielded some time to the gentleman from Tennessee [Mr. GARRETT], and permit somebody who has studied the details of this bill to answer questions.

Mr. GREENE of Vermont. The inference is that nobody else has studied it?

Mr. CAMPBELL of Kansas. The members of the Committee on Interstate Commerce are thoroughly prepared to answer questions concerning the bill.

Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I think I shall not use all of that time.

This bill came with the unanimous report from the Committee on Interstate and Foreign Commerce, and the question of a special rule for its consideration was presented to the Committee on Rules several weeks—indeed, I think, some months ago—and the Committee on Rules unanimously reported the rule. From my study of the bill, which I confess has been somewhat superficial, it seems to me to be a very important measure and a very meritorious one; at any rate one well worthy of consideration by the House.

I yield back the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10598.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10598.

Mr. WINSLOW. Pending action on that motion, the chairman would ask that we proceed in general debate for three hours, the time to be evenly divided and controlled by the gentleman from Kentucky [Mr. BARKLEY], of the committee, and the chairman of the committee, and the debate be confined to the subject matter of the bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that general debate be limited to three hours on the subject matter of the bill, and that the time be divided equally, one half to be controlled by the gentleman from Kentucky [Mr. BARKLEY] and the other half by himself. Is there objection?

Mr. BARKLEY. Since I had the conversation with the gentleman from Massachusetts as to the time to be allowed for general debate, I have had requests from two or three Members for a short time, but not on the bill. I have had requests for very little time for debate on the bill.

Mr. WINSLOW. Of course, the gentleman realizes that this bill is one upon which the Members may need some information, and it naturally will excite more or less interest as it goes along.

Mr. BARKLEY. I think the gentleman will find that those explanations will be required more during the reading of the bill for amendment than in the general debate. It is rather a technical bill and will provoke interrogatories as the debate proceeds. The only time that I have had requests for so far is for time to be devoted to subjects not limited to this bill. If it is

limited to the bill I will not have requests for the yielding of much time.

Mr. WINSLOW. Will the gentleman promise that the time to be devoted to other subjects will not be unduly prolonged?

Mr. BARKLEY. It will not be more than 30 or 40 minutes.

Mr. WINSLOW. Then I agree.

Mr. WALSH. Is it expected that the House will do any more than conclude the general debate to-day?

Mr. WINSLOW. It would seem that it would not be necessary to do it, so far as I know.

Mr. WALSH. And that the consideration will be continued on Thursday under the five-minute rule?

Mr. WINSLOW. Yes.

The SPEAKER. The gentleman from Massachusetts asks that three hours be the limit for general debate, half to be controlled by himself and one-half to be controlled by the gentleman from Kentucky [Mr. BARKLEY]. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Massachusetts that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. LONGWORTH] will please take the chair.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10589, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10589, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10589) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. ARENTZ. I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That when used in this act the term "person" shall mean and include a natural person, firm, copartnership, association, syndicate, joint-stock company, unincorporated company or organization, common-law trust, or any corporation organized under the laws of the District of Columbia or of any State or Territory of the United States or of any foreign government—

Mr. ARENTZ. Mr. Chairman, I ask unanimous consent to withdraw my objection.

The CHAIRMAN. The objection is withdrawn.

Mr. WINSLOW. Mr. Chairman, I yield 45 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for 45 minutes.

Mr. DENISON. Mr. Chairman, the House has had under consideration for several months the appropriation bills, and it ought to be more or less refreshing to turn for a part of the day to the consideration of a bill that affords an opportunity for real constructive and remedial legislation. Our Congress is, I think, one of the most conservative of all legislative bodies. No reforms ever start here. We usually follow other Governments in progressive legislation, and we act only after other Governments have acted and after we are forced to do so by organized public sentiment.

Now, that has been the case with regard to legislation to prevent the sale of fraudulent and worthless securities. All of the great Governments of the world, except our own, have enacted legislation upon this subject. England passed such legislation as early as 1862. It passed a more comprehensive bill of that kind in 1895, and in 1908 Parliament passed what is known as the consolidated companies act, which regulates the issue and sale of securities in Great Britain. It is a very good measure. In fact, since the passage of that act the people of Great Britain have not been imposed upon by the sale of fraudulent securities as has been the case in the United States. France has also a similar law, as have also Germany and Italy and Belgium and some of the British dominions; and fraudulent security laws have been enacted in at least three of the Provinces of Canada—in Manitoba, Alberta, and Saskatchewan—and other Provinces of Canada are now considering similar laws.

We have what is known as "blue sky" bills in 39 of our States. Kansas, as has been the case with other important questions, blazed the trail for fraudulent securities legislation in the United States by the enactment of the first law in 1911. The banking commissioner of that State discovered that the people of Kansas were being imposed upon by fraudulent flotations, and he began an agitation which resulted in the enactment of the first "blue sky" law, as it is called, in 1911.

Kansas was followed by other States, South Dakota, I believe, and West Virginia, and Michigan and Iowa and other States, until now 39 States have enacted what are called "blue sky" laws. Three other States, namely, New York, Maryland, and New Jersey, have enacted what are called fraud laws, which are not a success, and are not effective to prevent the sale of fraudulent securities. The legislature of the State of Washington passed a bill of this character to prevent the sale of fraudulent securities last year, but the governor of the State vetoed it because he felt it was not what it ought to be. It was too loosely drawn with reference to oil leases or oil stock, and might have allowed the sale of fraudulent oil stocks, and for that reason he vetoed the bill. I am told by the secretary of state of the State of Washington that the next legislature will, in all probability, enact a comprehensive fraudulent securities law. The question is being agitated in other States that have not any legislation of that kind now.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. KNUTSON. I have not had opportunity to study this measure, but I wish to ask the author of the bill what provision is being taken to prevent the formation of legitimate companies that might compete with companies already in operation? I have had in mind a similar case where a company was organized, where the organizers were legitimate business men, and the competitors of the company made it so interesting through the Post Office Department for this company that by process of a lawsuit they put the company out of business.

Mr. DENISON. I will say to the gentleman from Minnesota that this legislation does not deal with the question of the formation of companies, or the issuance of stock, or anything of that kind. That is a question that must be governed by local laws. This legislation, as I will explain in a few moments, deals only with interstate transactions in securities. The question of the organization of corporations and the issuance of stocks, bonds, and so forth, is a question that is, and ought to be, controlled by the local laws of the respective States. Now, the question that arises is whether or not legislation of this kind is needed. Is there any necessity for it?

Gentlemen, I want to give you some information that may be of interest. The complaint that is being made by the officers who are charged with the administration of the different State laws is that their laws are being evaded and violated every day by dishonest and crooked promoters, who are organizing their corporations and sending their stocks and bonds for sale through the United States mails and other agencies of interstate commerce into the different States and selling them contrary to the laws of those States. The States that have blue-sky laws have been very successful in preventing these fraudulent flotations within their borders. They have not prevented all fraud, and no law can be enacted that will absolutely prevent all fraud, but they have controlled it to a large extent, and their laws are working very well, especially those that have been enacted in recent years. But they are being rendered more or less ineffective by reason of the immunities accorded to transactions in interstate commerce, these securities being sent into the States through the agencies of interstate commerce contrary to the laws of those States. During the war we had the War Finance Corporation, and there was a committee known as the Capital Issues Committee that in a general way controlled the issuance of all securities during the period of the war.

We enacted that legislation on the theory that we ought to marshal the credit of the Nation as well as its man power and its finances for war purposes, and so the Capital Issues Committee here in Washington had supervision over the issuance of securities and had a splendid opportunity to observe and study the applications that were made to them for permission to sell their securities. They made a study of this subject, and when they concluded their work and made their final report to the Congress they dealt somewhat with this subject. I want to present their report to the House briefly. I will ask the Clerk to read the part of the report which I have marked. It is illuminating and it shows the necessity for legislation of this kind.

The Clerk read as follows:

The committee desires again to call the attention of Congress to the insistent demand and need for such legislation as will prevent the wholesale distribution of hundreds of millions of worthless or fraudulent stock which is being sold for cash or exchanged for Liberty bonds. The committee, had it continued its activities until the time prescribed in the

act, would not have been able to meet the situation; first, because it was intended as a temporary body only, created for the purpose of conserving money, labor, and capital during the period of the war; and, second, because it had power neither to compel submission to its jurisdiction nor to enforce its findings.

One of the strongest arguments in favor of Federal legislation to check the offering and sale of fraudulent or worthless issues is the magnitude of the traffic. Before the war this traffic amounted to tens of millions of dollars annually, but reports made to the committee from all parts of the country during the past eight months indicate that this traffic has greatly increased during the war, due to high wages and to the further fact millions of people have invested in Liberty bonds. The estimate of $500,000,000 annually devoted to the purchase of such fraudulent or worthless stocks seems to the committee to be the conservative. This sum represents sheer waste and net loss to the people and the Nation not only of dollars but of morals, confidence, and the incentive to save. The Nation's loss can not be measured alone in money values but in terms of those things which make for good citizenship.

Worthless and fraudulent promotions have been reported from all of the 12 Federal reserve districts and from practically every State. One enterprise whose operations were condemned by the committee claimed to have sold its stock in 46 States, and probably there is not a community in the country, large or small, which has not suffered loss.

State regulation of security issues, which has been undertaken in more than half of the States, has been effective only to a limited extent, principally where a company has organized to operate and sell its securities in the State of its creation. But whenever the enterprise has crossed State lines and its securities are sold indiscriminately from ocean to ocean, the State commissions have been powerless, as they can not reach beyond their own boundary lines, and no State system can be devised for complete harmony by which the authorities of the several States may work in unison.

Purveyors of fraudulent and worthless securities do not generally approach the experienced investor, but operate among those who, through lack of experience and failure to consult responsible banking friends, fall easy victims.

In asking for the enactment of a law to protect the interests of the Government and the public investor, the committee calls your attention to the fact that regulation of security issues has long been an established practice among many nations which enjoy highly developed financial systems. This includes the leading countries of Europe as well as the English colonies. In England such regulation has existed in some form since 1860.

In saying that the United States is almost alone among the advanced nations in having no definite means of checking irresponsible forms of finance, the committee is not in ignorance of the work of the Department of Justice and the Post Office Department. Both have been successful in the detection and prosecution of frauds; but in the very nature of that task they do not and can not act until after fraud has been perpetrated. The purpose of new legislation should be to prevent the perpetration of the fraud.

Having in view the inability of the several States to control financial operations beyond their boundaries, it follows that there is but one agency which can check the major part of the traffic in fraudulent and worthless securities, and that agency is the National Government. As long as its powers are not invoked to suppress this traffic, the organization of irresponsible companies, the sale of their securities, and the deception of the public will proceed.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. DENISON. Yes.

Mr. BURTNESS. In glancing over the bill I am not certain as to whether its provisions would apply to the securities of a corporation after it had gone into a certain number of States and obtained there a license and privilege to sell its securities in those States. Would this bill, if enacted into law, prevent the promoters of that organization or the owners of the stock from using the mails in sending their material to States where they had actually gotten their license to operate?

Mr. DENISON. It would not. The provisions of this bill apply only to securities that can not lawfully be sold in the States into which they are sent.

Mr. BURTNESS. It would not apply to States where the company had made its application and been granted the right to issue securities?

Mr. DENISON. Not at all.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAMSEYER. Does this bill undertake to exclude matter from the mail that is not fraudulent, or only fraudulent matter, that is relating to companies organized with little or no capital, which issue a lot of stock and have nothing to sell except blue sky?

Mr. DENISON. Let me explain briefly what the bill does.

Mr. RAMSEYER. I should like to know what the scope of the bill is, and what you are trying to exclude from the mails that the criminal statutes do not already exclude from the mails.

Mr. DENISON. I was coming to that in a moment, but if the gentleman prefers to have me divert now——

Mr. RAMSEYER. I beg the gentleman's pardon. I do not want to break into the continuity of the gentleman's argument, and if he will come to that later, that will be perfectly satisfactory.

Mr. DENISON. I was coming to that, but I will stop here and do it now because I want my friend from Iowa to be perfectly satisfied.

The blue-sky laws of 39 States provide in different forms that before any security may be sold to the people of those respective States the issuing company must qualify the security by appearing before an officer of the State, a commission created by the act, or the secretary of state, or the State bank commissioner, or some other official of the State, and present information concerning the security that they propose to sell to the public. The laws require that they come before the official, present all the facts connected with the corporation, showing their assets and the amount of their liabilities, and so forth, and they must show the State officer that the proposition is free from fraud. Then when they make the showing required by the law of the State they are given permission to sell the securities in that State. In other words, the laws of these States provide in different forms that before the securities may be placed upon the market they must be qualified by showing to the State official that there is no fraud in them.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. DENISON. I want to answer the other question fully first, but I will yield.

Mr. LAYTON. As a matter of fact there is hardly one mining corporation in a thousand as to which you can prove the assets in advance. I remember distinctly that I was offered and I wish I had taken a wad of Tonopah Mining for a few cents a share. It was a gamble. Most mining corporations when they are first chartered are gambles. Nobody under heaven knows what they are going to be worth.

Mr. DENISON. I am not able to give much information on mining propositions. I do know this, that the people of the different States ought to have the right, and they do have the right, to enact such legislation as they think proper to protect their own citizens from fraud in the sale of securities. That is a broad proposition, upon which we all may well stand, that this is a matter with which the States ought to have the right to deal and protect their people as they think best. After a State has enacted a law of that kind it ought to be respected, not only by the people of that particular State but by the people of other States as well.

There has been a growing tendency in late years to centralize legislation and governmental activities here in Washington. We have been gradually encroaching upon fields of legislation that more properly belong to the States. I believe the time has come when we ought to decentralize our government as much as we can; and when practically all of the States have enacted legislation upon a particular subject that is being boldly evaded and violated by use of the mails and other Federal agencies Congress ought to act and cooperate with the States to the extent, at least, of prohibiting the use of its agencies for such unlawful purposes. This bill is intended to see that the people of each State respect the law of the other States.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAMSEYER. Whether the State laws are limited to fraudulent schemes or not, I want to state that if they are fraudulent they can be kept out of the mails now. For fraudulent schemes such companies are being prosecuted now and their stuff excluded from the mail. We have a comprehensive law on the statute book, which has been there for over 25 years, and any scheme intended to defraud or a device to defraud is a violation of the criminal code.

Mr. DENISON. I will explain that to the gentleman directly. We have postal fraud laws, of course. But they will only punish fraud after the fraud has been committed; the purpose of this legislation is to stop the fraud before it is committed.

Mr. RAMSEYER. After the deal has been made; that is all you are doing.

Mr. DENISON. The gentleman has apparently not read the bill.

Mr. LAYTON. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAYTON. You would have arrested the greater part of the mineral development of the United States if you had had this law in operation.

Mr. DENISON. The gentleman takes the position that all mining operations are pure gamble, and that we ought not to interefere with it in any way. I do not agree to that. I think some mining operations are straight and legitimate; and this bill would not interfere with them.

Mr. ARENTZ. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ARENTZ. Gentlemen have all heard of George Graham Rice. He would hire a big office and spend 90 cents for every dollar he took in. These are the men the gentleman is referring to as being legitimate dealers in mining stocks. But there are others who do not do that. I never purchased but two stocks in my life and those were in two corporations I was associated with. I never sold a share of stock in my life.

Mr. DENISON. Now, gentlemen, I will proceed if you will permit me to do so, and complete my statement, and then I will be glad to answer any questions that gentlemen may ask if I can. I would like to get an explanation of the provisions of the bill before the House, because I see that some gentlemen do not understand the bill. The Capital Issues Committee estimated that there are $500,000,000 of the people's money being lost each year through worthless securities. The highest estimate of the revenue that the Government will realize from any tariff law is $500,000,000. Think of it, gentlemen, and it is mostly the poor people whose savings are being invaded and who are losing this $500,000,000 each year through these fraudulent stock flotations. There is a duty resting on us as Representatives of the people to try to stop it if we can. Think what a great thing it will be if we can save to the people any great part of that amount that is being stolen from them by these dishonest piratical promoters. That is what this bill will do. It has teeth in it, and if we can pass it in substantially the form that it is reported we will drive the crooks out of the country or put them in the penitentiary. We can do it, and we ought to do it. Congress has been asleep too long now to this public menace. If we had enacted legislation of this kind four years ago, hundreds of thousands of our people who made heavy sacrifices to buy Liberty bonds would have owned their bonds to-day. As it is they have been induced to sell them or exchange them for worthless blue-sky securities that promised a greater return, but were in fact worth no more than so much blue sky.

The Treasury Department estimates that there had been $400,000,000 worth of Liberty bonds taken from the people after the war by dishonest promoters who went to the people and told them that they could not afford to keep the Government securities which only bore 4¼ per cent interest. They persuaded them that they ought to change them for securities that would yield 15 to 25 and 50 per cent, and, of course, many fell for it. So many Liberty bonds which people had bought until it hurt out of patriotic motives were taken from them and they were given blue-sky securities pure and simple. Congress has never seemed to take any interest in this legislation, although the Treasury Department has time and again urged that something be done to stop it. President Taft recommended to Congress during his administration the enactment of a blue-sky law; President Wilson did the same, and Secretary GLASS appeared before a committee of the House urging it. But, as I said, we are inflicted here sometimes with inertia and have only after long delay been aroused to the necessity of protecting the people from this class of big-business buccaneers.

The State securities commissioners, the officials who are charged with the administration of the security laws of the different States, have reached the conclusion that they are powerless to prevent these fraudulent flotations unless the Federal Government does something to stop the evasion of their laws by use of the mails and other interstate agencies.

Here is the situation: These promoters have learned that they can not go into the States that have blue-sky laws and sell their dishonest stocks and bonds. They have learned that they can not do it without being prosecuted. So they have worked out their schemes by using the mails and the telephones to carry on their nefarious business through the channels of interstate commerce.

They are doing it to the extent of hundreds of millions of dollars each year. They are robbing the people of moderate means, but they do not disturb the banks or business men. They select men and women of moderate means for their victims. Since I introduced this bill many letters have come to me telling of instances where widow women, whose husbands had been killed in railroad accidents and who had collected damages, have been robbed of every dollar they had by these promoters, who send them lurid literature describing their fraudulent offerings in glowing colors and promising fabulous returns.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAMSEYER. Everybody is against these transactions, but the question I want to submit to the gentleman is this: Women who are defrauded out of money and Liberty bonds, is not that done through the men who go to them and sell the stock and not through the mails? My observation has been that these sales are made by persons coming in personal contact with the persons to whom they sell the stock, and such persons can be punished by the State laws, except in a few of the Eastern States which have not seen fit to pass such laws.

The gentleman's bill does not protect the people in the States that have no laws against blue-sky operations. What percentage of these sales is made through the mail or other agencies of interstate commerce and what percentage is made by individual salesmen?

Mr. DENISON. If the gentleman from Iowa expects me to give him the percentage on that, he will be disappointed, because I can not do so. All I know is that the State officials who are charged with the administration of State securities laws tell me that the greater part of these fraudulent transactions is now being done through the mails. Of course, there is an occasional case of a fraudulent sale by persons inside the States, but that is a State matter and the Federal Government is not going to be concerned with that kind of a transaction. However, we can see to it that the Federal agencies—the mails and the other agencies over which the Federal Government has exclusive control—are not improperly used to violate these different State laws.

Mr. RAMSEYER. In 1919 there were a great many stock sales in the Middle West, especially in Iowa. I heard of a great number of them, and in every case I heard of the stock was sold by an individual. I did not hear of any sales being made through the mails or other agencies. Since that time the State has passed a law which prohibits that.

Mr. DENISON. Certainly. The State of Iowa now has a law which prohibits it. Iowa formerly had a securities law, but for some reason that law was held unconstitutional. If my friend from Iowa will consult the official who has charge of the administration of the securities law of that State, he will tell him to what extent the State of Iowa is being imposed on by these dishonest and crooked promoters who are carrying on their sales through the United States mails and other agencies of interstate commerce; and by the way, let me say that the administrative officer of the State of Iowa is very much in favor of this bill and is asking that we enact it as soon as we can in order to protect the people of Iowa from these promoters from other States. I do not believe that there is any State which has been imposed on more than the people of the State of Iowa through the sale of fraudulent stocks. I get that information from one of the Senators of that State and from certain of the members of the delegation of that State in the House.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HILL. Section 7 provides that every sale or contract for sale of any security or securities made or in any manner directly induced by or through any of the acts made unlawful by sections 2 or 3 of this act shall be void at the election of the purchaser. It then goes on to provide for suits in the United States courts. As I understand it, this bill makes it an offense to do certain things with the mail. I would like to have the gentleman discuss this section 7 in the light of whether that does not go beyond any protection of the mails and give rights in the United States courts that do not exist now.

Mr. DENISON. The gentleman has asked that question and I shall answer it now.

Mr. HILL. I do not want to trespass on the order of procedure, but I would like to hear that explanation because it seems to me that is out of the purview of the first two sections.

Mr. DENISON. It is not at all. Let me state briefly what the bill does. It prohibits sending through the mails or through any other agency of interstate commerce any security from a point in one State to a point in another State where it is unlawful to sell that security. It also prohibits the sending through the mails or any other agency of interstate commerce any post card, letter, circular, or prospectus which offers for sale a security when it is sent into a State where that security can not lawfully be sold. In other words, this bill recognizes the right of the States to legislate upon this subject, and it gives to the States the cooperation of the Federal Government to the extent of forbidding the use of its agencies to violate the State laws; and I think the Federal Government ought to do that.

Mr. LAYTON. Right there will the gentleman answer me a question?

Mr. DENISON. If I can.

Mr. LAYTON. If I understand it, the power of exclusion is vested in the sovereignty of the State.

Mr. DENISON. What does the gentleman mean by the power of exclusion?

Mr. LAYTON. The power of excluding transmission through the mail into that State rests simply with that State.

Mr. DENISON. Not at all. The States can not control the United States mails.

Mr. LAYTON. I am not talking about that, but they do this: There is no security that can be sent into the State where the State has not approved of that security.

Mr. DENISON. The gentleman from Delaware is mistaken. That is exactly what is being done to-day, and that is what this legislation seeks to prevent.

Mr. LAYTON. This bill endeavors to prevent that.

Mr. DENISON. Yes.

Mr. LAYTON. Suppose that State tried to exclude something of real value; suppose it arbitrarily attempted to exclude Liberty bonds from that State.

Mr. DENISON. None of the States would do that.

Mr. LAYTON. I am not talking about whether they would or not. Would they have that authority?

Mr. DENISON. They would have that authority, but this bill exempts certain securities from its own provisions, and among them is the security that the gentleman mentions. That is found in a subsequent provision of the bill. If the gentleman from Delaware will examine section 4 of the bill, he will find where securities are classified and certain classes of securities are exempted from the provisions of the bill.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. STEVENSON. Following the question of the gentleman from Maryland, I was myself considering that section.

Mr. DENISON. I have not completed my answer to that question as yet.

Mr. STEVENSON. I shall ask my question while I am on my feet, so that the gentleman can have the benefit of my point of view. Is not the matter of a contract of sale made in a State one of State police regulation? It is determined by the State legislation, as to whether that sale is valid or invalid. In that event, can Congress say that a contract made under certain conditions in a State shall be invalid? That is a question that strikes me about this particular section.

Mr. DENISON. I will answer the gentleman and explain that.

In the first place, we do not deal with any contract made in the State. We are dealing with a transaction in interstate commerce. We are not dealing with any transactions that are intrastate, so that will answer that question. The bill provides penalties; it provides a penalty of a fine and imprisonment for any person who violates its provisions, but in order to better secure its enforcement it provides a double penalty. And it provides in the section referred to by the gentleman from Maryland that if anyone sends a stock through the United States mails into another State and sells it contrary to the law of that State and contrary to the provisions of this act the person who purchases that stock may recover the amount of his purchase price, together with all costs and attorneys' fees, so that the man who violates the law can not profit by his act.

Mr. HILL. May I ask a question about that? Why is not that a matter in which there should be procedure under the State law and not under the Federal law?

Mr. DENISON. Will the gentleman tell me how he could get at the matter in the State courts? This is an interstate transaction under this bill. A man in Texas may sell stock to a man in New Hampshire, but how can the man in New Hampshire get service on the Texas man in the New Hampshire courts?

Mr. HILL. Go to New Hampshire and get after him.

Mr. DENISON. The gentleman must remember that this bill only deals with interstate transactions.

Mr. HILL. Now, section 215 of the Penal Code originally provided that there must have been devised a scheme to defraud and that the mails must be used in pursuance of that scheme. That was found not to be sufficiently broad, and so that section was modified so that anybody having devised any scheme to defraud, and incidentally using the mails, could be prosecuted. That added very largely to the criminal procedure under that section. Now, I would like to know exactly what this bill adds to the existing protection of the mails. It seems to me that sections 2 and 3 deal with protection of the mail, but it seems to me that section 7 goes beyond that and takes up matters which would seem to be normally within the police power of the States.

Mr. DENISON. The gentleman is entirely mistaken. We do not deal with anything that the States can control. It does not deal with any crime that the States can handle, and ought not to do so. This bill only deals with violations of State laws that the State itself can not punish. If a man in Oklahoma, for instance, violates the law of Illinois or Indiana by sending a worthless stock or fraudulent stock through the mails, he is not a refugee from justice. He has not committed any crime in the State of Illinois, and that State has no way of getting him.

Mr. STEVENSON. Will the gentleman yield at that point?

Mr. DENISON. Yes.

Mr. STEVENSON. Has the gentleman looked at the decisions on that question?

Mr. DENISON. I certainly have.

Mr. STEVENSON. I take it that the gentleman has, but I remember a case where a man in the city of Washington here sent some medicine to a young lady in South Carolina, which she took in pursuance of an unlawful purpose, and it killed her. They caught him over here, and they held that he had committed a crime in South Carolina.

Mr. DENISON. These questions have all been looked into by the various attorneys general of the States having "blue-sky laws." And, gentlemen, there are 40 of the States that need this legislation.

Mr. STEVENSON. I am with you on the legislation.

Mr. CONNALLY of Texas. May I be permitted to say that it would depend largely on the decisions of the gentleman's own State of South Carolina in that particular; but is it not a fact that under the common law the sale is supposed to take place in the State where the matter is delivered to the mails or common carrier? If you sell stock from New Hampshire to Texas, in order to get recourse you would have to go to New Hampshire.

Mr. DENISON. There is no question about that. These promoters have learned that they can get around the State laws. The State can not prevent that, and there is only one authority in this country that can stop that class of fraud—that is the Federal Government—and that is the purpose of this legislation.

Mr. MILLSPAUGH. On page 5, subsection (e), it says:

> Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes, and not for pecuniary profit.

I suppose that is an exemption. Under that could not organizations be formed for one of those purposes and not for pecuniary purposes, and soak the public very strong through the mails and still be exempt?

Mr. DENISON. You will hardly find any fraud perpetrated by an organization that is organized for purely charitable or fraternal purposes.

Mr. MILLSPAUGH. Then, on page 6, paragraph (g), it says:

> Any security issued by a State bank, trust company, or savings institution incorporated under the laws and subject to the examination, supervision, and control of any State or of the United States or of any insular possession thereof.

Is it not a fact that one of the biggest oil fakes or oil-stock fakes we have had was issued by a trust company in Texas, a regularly incorporated trust company, under State supervision, and that they soaked almost everybody that was gullible enough to invest?

Mr. DENISON. I will say to the gentleman from Missouri that I was not aware of the fact that the laws of any State permitted a banking institution or trust company to engage in the sinking of oil wells or promotion of oil stock. Now, I assumed that there would be no such unreasonable law as that in the country. There may be. At any rate, practically all the State laws exempt from their provisions security issued by banks and trust companies and financial institutions of that kind, and properly so; and this act, following the precedent set by the different States, makes a similar exemption.

Mr. MILLSPAUGH. This was within the past two years. It was a monumental fake.

Mr. DENISON. I am not in a position to explain that or to answer the gentleman's question, because I was not aware of the fact that any bank had been perpetrating a fraud upon the people by the sale of oil stock.

Mr. MILLSPAUGH. On page 10, subsection (e), it says:

> To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer: *Provided*, That such broker or dealer is actually engaged in buying and selling securities as a business.

Would not that throw the door wide open to an oil broker?

Mr. DENISON. The gentleman misunderstands that. That provision exempts sales to brokers. Now then, this legislation is not intended, gentlemen, to protect brokers and others who are engaged in the business of buying and selling stocks. They do not need the protection. Banks are in the business of judging the value of securities and so are brokers who deal in these securities. They do not need this protection. They are never imposed upon by stock promoters. It is the individual, the average ordinary business man or workingman, who is not in a position to judge of the value of securities, who has not the information at hand, that we ought to protect; and so all the State laws, generally speaking, exempt sales to banks, to insurance companies, and to brokers who are engaged in the business of buying and selling stocks. The reason for the law would not

apply to such persons, and therefore the law itself should not apply to them.

Mr. MILLSPAUGH. Mr. Chairman, will the gentleman yield further?

Mr. DENISON. Yes; but I would rather defer explaining the different exemptions until we come to the reading of the bill under the five-minute rule. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. TUCKER. Mr. Chairman and gentlemen, I do not rise to participate in this debate, but merely to have read a resolution which I offered this morning, to which objection was made.

The CHAIRMAN. The gentleman from Virginia desires to have read a resolution, as indicated. Without objection, the Clerk will read.

The Clerk read as follows:

House Resolution 332, requesting the President of the United States to send the four-power treaty and other papers to the House of Representatives.

Resolved, It being declared by the second section of the second article of the Constitution that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulation on a law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

Resolved, further, That in order to facilitate the deliberations of the House of Representatives on the four-power treaty, which requires the action of Congress for its execution, ratified by the Senate of the United States on February 6, 1922, the President of the United States is requested to send to the House of Representatives a copy of said treaty and such explanatory papers as may be necessary for a proper understanding of the same by the House as may not be incompatible with the public interest.

Mr. TUCKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia yields back the balance of his time, two minutes.

Mr. BARKLEY. Mr. Chairman, I do not desire to take up very much of the time of the House in discussing this measure, but I do desire to give expression to my approval of it, and to give a few of the reasons why I favor it.

The gentleman from Illinois [Mr. DENISON] has already explained some of the provisions of the bill very lucidly. Perhaps he did not reach as many of them as he intended on account of the number of questions which were propounded to him with reference to particular provisions of the bill. I desire to recapitulate one or two of the reasons why the committee felt impelled to report this bill favorably, and why we hope it will be enacted into law.

As has already been suggested, some forty or more States of this Union have adopted laws regulating the sales of securities known as "blue-sky" laws. I do not know how it happens that the other States followed in the leadership of the State of Kansas, or why it is that Kansas first found it necessary to pass such a law unless it be that the people of Kansas had more money to invest in securities or were more gullible than the people of other States. [Laughter.] But be that as it may, Kansas did lead off in legislation of this kind.

Mr. HOCH. The gentleman has at least observed that other States have followed the lead of Kansas.

Mr. BARKLEY. Yes; and I am very glad to follow that leadership, and Kansas, as has been suggested, has its share of "blue sky," and it is entitled to that leadership.

But it is found that under legislation which States can enact separately, requiring that a corporation, before it can offer its securities for sale within the State, must go before their securities commission to obtain consent and approval, or before any person might be permitted to come into that State from the outside and sell securities that may or may not have been approved by the State of origin, many promoters have been able to avoid these provisions both in the State of origin and in the State of destination, because they used the United States mails and the express companies and other agencies of interstate commerce to advertise or correspond concerning a proposed issue of stock which had never been before the commission of the State in which it originated, and, of course, would never go before the commission in the State into which it was proposed to send it. And by that method neither the State where the security originated nor the State to which it is destined having any authority over either the issue or the sale or control of the stock, millions of dollars have been wasted by confiding people, who were persuaded by attractive literature to invest in bogus securities of all kinds. Thus the commercial and financial interests of the country have for a long time been looking toward a remedy for the situation which none of the States could handle, and the remedy that they have agreed upon and that they hope will be effective is the bill which we have reported.

Mr. COLTON. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. COLTON. Let me say that I am in sympathy generally with the purpose of the measure as I understand it, but I do not see why you permit stock exchanges in large cities to be exempt from the provisions of this act. It seems to me that if it is good for small cities it is also a good measure for large cities.

Mr. BARKLEY. That same question gave me a good deal of trouble in the committee, and it was a difficult situation for the committee to adjust; but in the commercial world and in the security world there are certain great stock exchanges which are universally recognized all over the country. There may be others that will come in under the exemption when they can qualify under the terms of this bill; but the committee recognized, and the investment bankers' associations recognized, and the regular bankers' associations recognized, and I think the commercial world recognizes that there are certain stock exchanges in the United States whose requirements are so rigid that if a stock is listed upon them we may assume that that stock is legitimate and not intended for fraudulent purposes; and while the limitation fixed here may exclude some other stock exchanges that are equally legitimate, they have not yet the established character that these exempted have, and have not existed a sufficient length of time to give absolute certainty that the stocks which they handle are absolutely safe. We fixed a limitation that could give confidence to the investing world that any stock that was listed upon any stock exchange that came within the definition of this bill might be regarded as safe without any other restrictions being placed upon it.

Mr. COLTON. I think the gentleman shows by his answer that he appreciates the fact that in some of the smaller stock exchanges there are just as rigid requirements as those in the larger exchanges, and this is the point that is in my mind: May not an exchange be organized in these large cities that may do all the damage that is now being done, and yet be exempted simply because of its being organized in the large city? I think the law ought to apply to all cities, irrespective of their size.

Mr. BARKLEY. No; I do not think so. It may be that in the course of time some of these smaller exchanges, organized in a small way, and just as legitimate and safe as the others, may be able to come within these requirements; but certainly no new exchange that might be organized in a city, that did not come within the provisions of this bill, could have its stock exempted from the provisions of the law.

Mr. COLTON. There is the point, if I may interrupt further. I notice that section 4 begins by saying:

That the provisions of this act shall not apply to any of the following classes of securities:

And then in subsection (f)—

(f) Securities issued, outstanding, distributed, and fully listed upon any organized stock exchange having an established meeting place in a city of over 300,000 population.

I have looked over the law and I can not find where it says that an exchange might not be organized in the future or even now be organized, if it has a regular place of meeting in one of the larger cities, and so far as the provisions of this bill are concerned might operate at will.

Mr. HOCH. The gentleman will observe in line 7, page 6, that the exchange must be one where actual transactions in the purchase and sale of United States bonds, and so forth, must have occurred during each of the preceding 20 years. Under that provision, therefore, a new exchange organized in a city of this size would not be eligible to the exemption provided in this bill.

Mr. COLTON. But after it has been in existence 20 years, irrespective of its methods of business procedure, it may then proceed to operate.

Mr. HOCH. That is theoretically true; but it is hardly probable that a concern intended merely for the purpose of floating fraudulent securities would start in with a 20-year record ahead of it in order to get its securities exempted under this statute.

Mr. COLTON. The gentleman misunderstands me. It may be organized in the beginning for perfectly legitimate purposes, but it has to be in existence only 20 years when it may operate at will, irrespective of the provisions of this bill.

Mr. HOCH. But, as a matter of fact, there are no such exchanges in operation, where Government bonds have been listed upon those exchanges for 20 years.

Mr. COLTON. This does not relate to Government bonds entirely, does it?

Mr. HOCH. Oh, yes; I will read the provision:

Provided, That actual transactions on such organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds or other bonds of any of the classes exempted herein from the provisions of this act.

Mr. BARKLEY. As a matter of fact, the definition there excludes all the exchanges in the United States except three, and that was one of the serious objections urged against that provision by some other exchanges that were just as legitimate and just as safe, perhaps, as these that are included here but that have not that long-established reputation for financial stability and integrity which we felt was necessary in order to entitle a stock exchange to be exempted from the provisions of this bill.

Mr. LAYTON. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Delaware.

Mr. LAYTON. Does this bill affect in any way the sale of securities on the curb?

Mr. BARKLEY. The curb market is not included within the provisions of this exemption.

Mr. LAYTON. I am asking the gentleman what effect it will have upon the sale of securities?

Mr. BARKLEY. It will not have any effect upon the sale of stocks on the curb by men who are purchasing and selling there; but it might affect them if the curb market undertook to sell fraudulent stock by mail or any of the instrumentalities of commerce. It would affect that only in case the sale of that stock was prohibited in the State where the curb market exists and in the State to which it is intended to send the securities.

Mr. DENISON. Will the gentleman from Kentucky allow me to make a statement?

Mr. BARKLEY. I will.

Mr. DENISON. This bill will not affect any stock exchange in the United States, and it is not intended to do so. No stock exchange had anything to do with the framing of this bill. In order to provide for an exemption for the great body of industrial stocks which have been already issued and are outstanding and have been sold and in which companies are no longer interested, we wanted to provide some sort of an exemption of stocks of that kind, and we adopted as a standard the lists on certain national stock exchanges. It will not affect the doing of business with any other stock exchange.

Mr. LAYTON. If the gentleman from Kentucky will pardon me, I am not opposed to the bill. I want to be for any good measure. But I recognize the fact that this is probably the most highly developed mineral country in the world.

I have been a little bit familiar with matters in regard to corporations. It is a fact that there are very few mineral projects that are not developed on the basis of chance. When you think you have discovered a ledge or lode or outcropping it takes money to sink the shaft; it takes money to make the cross-cut, to see how much mineral you have, to see how much it will assay to the ton, and they get the money by selling the stock without knowing that there is anything there at all. It may be an absolute fake as far as the result is concerned, not intended to be so, of course, but there is no certainty as to the value involved.

Mr. ARENTZ. If the gentleman will yield, the gentleman should not use the word fake."

Mr. LAYTON. Well, I withdraw that word.

Mr. ARENTZ. Because it is not a fake if the money is spent in the ground. That is the trouble, not spending money in the ground received from the sale of stock.

Mr. LAYTON. If the gentleman had any of his good money out of his pocket, and nothing to show for it but a hole in the ground he would spell it any way.

Mr. ARENTZ. No one would call it a fake if the money was spent in the ground. Now, if with the permission of the gentleman from Kentucky I may say a word further, there is a transition period in the life of nearly every one of these companies when they can not be listed on the Boston, New York, or Chicago Stock Exchange. During that period the work is being done, not by the financiers of Boston or New York or Chicago but by men like yourself and myself, men and women scattered all over the country who think they are interested in a legitimate enterprise. As soon as the company reaches the point where the ore is developed it gets the attention of men in New York, Boston, and Chicago, who purchase it for perhaps $200,000 or a million dollars, and incorporate it for from one to twenty million, and then the company sells the stock to the public without a question of doubt as to its legitimacy, because it is connected with the money interests of Chicago, New York, and Boston. It seems to me that some care should be given to companies that are in this transition period.

Mr. BARKLEY. I appreciate the gentleman's suggestion, but I want to say to the gentleman from Delaware that this bill will not interefere in the slightest degree with the legitimate development of any mineral industry or prospect in the United States, because this bill does not set up any standard of the Federal Government to determine what is a legitimate security. This bill adopts the laws passed by all the States, each State to deal with the company that wants to do business in that State, so that if there is a certain security or promotion project that can not obtain the permission in Delaware or Texas to organize to sell its stock to the people of Delaware or Texas it can not use the United States mails for the purpose of going somewhere else and writing into those States inducing its people to buy stock.

Mr. LAYTON. Suppose A, B, C, D, and E in the State of Kentucky think they have a good mining proposition somewhere. Do they have to go to your bureau or the authorities in Kentucky to get permission to obtain articles of incorporation for that company before they can incorporate?

Mr. BARKLEY. They have to file articles of incorporation with the secretary of state.

Mr. LAYTON. That will come first.

Mr. BARKLEY. Yes.

Mr. LAYTON Suppose A, B, C, and D go to Maine or Delaware and get articles of incorporation, do they have to be submitted to the State authority in Kentucky before they can get permission to do business?

Mr. BARKLEY. Yes; if a corporation organizes in Maine, if they want to go into Kansas, we will say, they can not do business with Kansas citizens without submitting it in some way to the authorities of Kansas. The trouble is now that they stay in the State of Maine and write letters into Kansas.

Mr. LAYTON. The trouble is this: If a corporation is incorporated in Delaware, before it can do business in 41 States under the blue sky laws they will have to get permission from those 41 States.

Mr. BARKLEY. Yes; they would have to do that, but now they will not go into these States as long as they can stay back in Delaware or Maine and carry on their business through the mail.

Mr. LAYTON. But A, B, C, and D can go to New York and, by arrangement with the curb authorities, can sell that stock through the mails all over the country.

Mr. BARKLEY. Not the curb, because the curb market is not exempted from the provisions of this bill.

Mr. LAYTON. Then you are going to put the curb out of business.

Mr. BARKLEY. No; because the curb market in New York for the last 8 or 10 years has promulgated and established and now is enforcing regulations that are almost as rigid as the New York Stock Exchange or the Chicago Stock Exchange regulations.

Mr. LAYTON. I think the gentleman is right.

Mr. BARKLEY. So that as a matter of fact, if the curb market had existed as long as the law requires this, it might be able to come within this law.

Mr. LAYTON. Still the New York Stock Exchange could put the stock on their list and sell it throughout the country.

Mr. BARKLEY. Under the laws as they exist now, they could, but if it were a security that was prohibited in all of these 41 other States, they could sell it by mail without any power in the State to punish it under present conditions.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SMITH of Idaho. Is it not true that in most of these States those wishing to do business there under this bill must put up a fee of about $1,000 or more in order to sell stock, while under existing law this is not required when offering stock by mail?

Mr. BARKLEY. They have to give some sort of security to the State commissions.

Mr. SMITH of Idaho. I understand that on an average about $1,000 is required, so that a company organized to develop a legitimate mining or oil property must have $40,000 in its treasury to distribute around among the different States in order to be able to sell stock by mail if this bill is enacted.

Mr. BARKLEY. Of course, if you assume that each State requires a deposit of $1,000, and that the company wanted to

send its agents into all of the States, then it would have to put up $1,000 in each State, but that is rather an exaggerated illustration. The trouble is that every company that might apply to some State for permission to do business in the State and might be denied it can go outside of the State as it is now and send literature back into the State without being required to go before the State authorities, and that is where these hundreds of millions of dollars are squandered every year.

Mr. SMITH of Idaho. If this law be enacted, it will practically make it impossible for a company of poor men to develop a mining property even if there is every reason to believe it is a valuable mining property.

Mr. BARKLEY. It will not make it any more difficult than it is now, because now if these 41 States require that deposit they would have to put it up before they could do business in the various States. This does not change that. This provides that if any party on the outside attempts by the use of the mails or the facilities of interstate commerce to sell securities in the States that have denied the right to sell those securities, the transaction is unlawful. Of course, if the State should be able to get them the State could punish them, but if they can not get possession of the individual—and that is the principal difficulty—in the absence of that power the Federal Government may punish by fine or imprisonment or by the right of recovery against any individual or corporation that engages in that sort of a transaction by use of the mails or through any other interstate commerce facility.

Mr. SUMNERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SUMNERS of Washington. A mining engineer writes to me and says:

> I understand that this bill provides that all stocks and bonds shall be handled by bankers, trust companies, or bond houses or stock exchanges in cities of over 500,000 population.

Has this gentleman the right conception of that?

Mr. BARKLEY. No; he has not the right conception at all. This bill does not require that stocks and bonds shall be handled by any particular class of people. These small stock exchanges and brokers can go on just as they have always and handle stocks and securities, but this bill exempts only from the provisions of the law stocks that are handled by banks, which are recognized by banks and by stock exchanges in cities of 500,000. In other words, the stock exchange in New York City or the stock exchange in Chicago or in Boston, the regular recognized stock exchanges, are permitted under this bill to handle such stocks as they are willing to list, without the restrictions provided in the bill, but it has no effect upon the transactions that occur in other stock exchanges, unless you can imagine a stock exchange organized for the sole purpose of defrauding the people, or unless they would permit fraudulent stocks to be sold in States where they are not permitted to be sold, and in that case, I think, the law might cover them.

Mr. SUMNERS of Washington. He further says that the matter of complying with the State laws will entail an expenditure of at least a thousand dollars per State. I do not understand that he means, as the gentleman from Idaho [Mr. SMITH] suggests, that a thousand dollars must be deposited, but that in order to send a representative to a State and satisfy the State authorities the company will be put to an expense of perhaps $1,000. Can the gentleman state anything in regard to that?

Mr. BARKLEY. I do not think there is anything to that. This bill has created a lot of imaginary fears and has erected a lot of purely imaginary barriers in the pathway of legitimate securities. There is nothing like that in the bill. Of course they have to do that now under the various laws. If they send individuals into the States for the purpose of selling securities, they have to comply now with the State laws. This does not increase the requirements of the State laws. It simply withdraws from legitimacy fraudulent securities sent into the State in violation of the State laws.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. ROACH. I favor legislation of this character. While I have not had an opportunity to study the provisions of the bill very closely, I am wondering whether anyone could be convicted for a violation of this law if subsection (c) of section 5, on page 9, is permitted to remain in the bill. That subsection is peculiarly worded to say what. I appreciate that isolated transactions should be protected in writing a bill of this character, but with the manner in which that subsection is written it occurs to me that it will be next to impossible to convict anyone for any offense under this law, unless it was a repeated transaction, either by the principal or the agent, and I would be glad to have the gentleman elucidate that particular subsection.

Mr. BARKLEY. I do not think that subsection raises any difficulty.

Suppose I as an individual own some stock in a corporation and want to sell it to you. It is perfectly legitimate stock. I want to sell it to you, not through any broker but because I want to get the money on it, and I sell it to you as an individual transaction. That would be an isolated case.

Mr. ROACH. That case would be protected?

Mr. BARKLEY. Yes. What is intended to be meant there by a repetition of the transaction is where men may have a series of stocks that they are trying to sell to numbers of individuals. In that case it could not be said to be an isolated case.

Mr. ROACH. Here is an instance, we will say. The gentleman from Illinois says that we desire to nip these fraudulent transactions in the bud, with which I heartily agree. But here is a transaction in which one of these fellows has fraudulent stock that he wants to impose on the public, and they undertake to nip him in the bud, and he has not repeated the transaction. But his stock is grossly fraudulent, and he sells it to the unsuspecting public. After the first sale he makes he is arrested, and he shows that it is the first sale—that it is not a succession of sales. Is not that an isolated case?

Mr. BARKLEY. I think in that sort of a case, if it was found he had made only one sale, if he had in his possession a succession of stocks he intended to sell, this could not be interpreted as being the kind of an isolated case to which the section refers.

Mr. ROACH. These things make it hard to enforce this law, if you have to show all those things. My question is, whether, if it is the first offense, it makes it easy for him to get out.

Mr. BARKLEY. If he has started out on a career of making sales——

Mr. ROACH. He has started on this career, and at the very first transaction the authorities arrest him for the very first sale he makes. This law as it is written now provides that unless that is a part of successive transactions he is not guilty.

Mr. BARKLEY. But the gentleman will remember that the burden of proof is on him to show that it is not a series of successive sales, if he is caught with some stock that he has not been able to sell by reason of being caught in the first transaction.

Mr. ROACH. I am afraid that it renders this law inoperative.

Mr. DENISON. I think I can relieve the gentleman from Missouri from any fear on that account. It is a question that has arisen in States that have enacted this legislation. This is the way they solve it. The evil they intended to forbid is the flotation of fraudulent stock. A corporation issues a series of stocks or bonds that have no merit in them and are fraudulent in themselves, and they undertake to float them by putting them on the public. They will not go into a transaction of that kind unless there is prospect of big gains, and so they arrange to sell a big series of them to the public, and that is the evil this legislation is intended to correct. Now, in order to prevent it, we do not want to inflict an injustice upon men as individuals, and so the States have had to meet the problem by not imposing any injustice upon an individual who had a security at home that he wanted to sell as an individual to another individual. And the only way they have been able to solve it is by providing an exemption and exempting the sale by an individual in an isolated transaction.

Mr. ROACH. That is the only way they have solved it, but there ought to be some other solution.

Mr. DENISON. If the gentleman can suggest another solution, I am sure it would be welcome. All the States that have enacted "blue-sky" legislation have enacted this law.

Mr. ROACH. Unfortunately so, I think.

Mr. DENISON. It is the best thing that experience and study has given us in the preparation of this bill. We have used the very best judgment we have had in the light of experience, and we have exempted these individual or isolated transactions.

Mr. BARKLEY. I think all the gentlemen will recognize the hardship it would be to an individual if he was compelled to go through all the processes to sell one share of stock in any corporation in the United States if we did not provide such an exemption.

Mr. ROACH. This bill is subject to that criticism, and this bill does not provide a relief from one fellow passing a fraud onto another. Suppose the gentleman in the State of Illinois had been sold a block of fraudulent stock of no value and he wanted to pass it on to some gentleman in Missouri, under this provision he could do it without a violation of law.

Mr. DENISON. That is true. And I will say this, that there never has been a law devised or thought out that would absolutely prevent every thing or meet every circumstance. We

have got to do the best we can. And this bill is not intended to prevent these individual cases of fraud. We can not do it. What we are trying to do is to prevent wholesale fraud in the flotation of worthless stock.

Mr. ROACH. Could it not be written in the law that in these isolated cases, which I agree should be exempt, where it was apparently a case of gross fraud and intended as a fraudulent transaction on the face of it, the exemption should not apply?

Mr. DENISON. I would be glad to have the gentleman figure out some appropriate language that would carry out the idea and submit it to me, and I will consider it.

But I will say this, that in the preparation of this bill I was advised by the National Association of State Security Commissioners, the executive officer of that association, that represents all the different States which have this class of laws, and this is the very best language that they could suggest, and it is the language that is found in all the State laws.

Mr. BARKLEY. Is it not true that the number of instances in which isolated individuals could take advantage of the United States mails to sell stocks that they owe to other individuals are infinitesimal?

Mr. DENISON. Yes; they are very small.

Mr. BARKLEY. They do not amount to anything. The fraud upon the public by the use of the mails is by the men who organize for the wholesale flotation and sale of stocks to the public.

Mr. ROACH. If there is any way of bringing those cases together and prosecuting the offenders it would be a different proposition from the prosecution of men in isolated cases here and there where the public has been imposed upon.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. JONES of Texas. Along the same line as that suggested by the gentleman from Missouri [Mr. ROACH], it would seem that this paragraph would place the burden of proof on the prosecution to prove that the defendant was the owner of the stock in the transaction.

Mr. BARKLEY. Under the general language of the bill in section 9 the burden of proof is on the person claiming to be exempt to show that he comes within the exemptions.

Mr. JONES of Texas. I think there should be a provision, if that paragraph remains in the bill, which should provide that the burden of proof should be in that case of an isolated transaction not upon the prosecutor, but upon the defendant.

Mr. DENISON. We have a special provision, section 9, which provides that the burden of proof is upon the person claiming the exemption.

Mr. JONES of Texas. I did not know of that.

Mr. BARKLEY. Of course, under the general law governing the prosecution of a criminal offense that will apply until the offender shows that he is exempt, and then the burden shifts to him.

Mr. JONES of Texas. There is one other thing that I wanted the gentleman to yield to me to ask about, and that is exemption of sales made through a stock exchange. Does the gentleman think that sales of that character should be exempted from the operation of the laws of the different States?

Mr. BARKLEY. We do not exempt them from the operation of the State laws.

Mr. JONES of Texas. You provide for that through the law you propose here.

Mr. BARKLEY. The provision we make here does not have any effect whatever upon the laws of the States.

Mr. JONES of Texas. The laws of the States would not apply unless you made them apply under the provisions of this bill as to transactions under interstate commerce.

Mr. BARKLEY. The only exemptions we make here of stock exchanges are stock exchanges that come under the definition of the exemptions which are already subject to the State laws. We do not at all diminish the amount of State regulation over these stock exchanges.

Mr. JONES of Texas. They are subject to State laws in the State where the main office is located, but they are not subject to the operation of State laws in an outlying section of the country where they undertake to sell these securities.

Mr. BARKLEY. We do not affect that at all.

Mr. JONES of Texas. But you grant them an exemption which you do not grant to others that are subject to the provisions of the bill. In other words, you make it more onerous on the man who operates in a small way than on the man who operates extensively.

Mr. BARKLEY. We had to draw the line somewhere and we had to make an exemption that would include only those exchanges that are recognized generally by the public, by listing all sorts of stocks with them, as being just as safe as a national bank. We could not take in all stock exchanges. We have made the limitation so rigid that others have complained of it.

Mr. JONES of Texas. I am inclined to dissent from the statement of the gentleman that securities that happen to be listed on the stock exchange are as safe as a national bank. If you notice, the quotations have sometimes changed suddenly overnight, even on the listed stocks.

Mr. BARKLEY. We can not prevent that. I did not say the securities were as safe as a national bank.

Mr. JONES of Texas. But you can avoid granting them exemption under State laws.

Mr. BARKLEY. This does not exempt any that are not exempted by State laws.

Mr. JONES of Texas. It is exemption in all the States except in the States where they have their headquarters.

Mr. BARKLEY. The gentleman from Texas understands that there are certain well-established stock exchanges in the United States that everybody recognizes as sound.

Mr. JONES of Texas. But they do not guarantee the securities.

Mr. BARKLEY. Neither does the national banks. You can buy stock through a bank, but it does not guarantee this stock.

Mr. JONES of Texas. But a national bank operates on a different basis.

Mr. STEVENSON. Does a stock exchange sell all over the United States, or simply on the stock exchange?

Mr. BARKLEY. On the stock exchange; but it sells to people all over the country.

Mr. JONES of Texas. They sell all over the country, too.

Mr. COLTON. Am I right in taking this position, however, that the purchasing public, when it purchases through a stock exchange on the three exchanges of Boston, New York, and Chicago, is not required to make any study of the standing of those companies, but if it purchases through any exchange other than the three it does have to make a study as to the requirements?

Mr. BARKLEY. Not at all. There is no difference as to the transactions that will occur hereafter with any stock exchange in the United States from the transactions that occur now with all those stock exchanges. The only difference is that these three are exempted from the provisions of this law because they are so well recognized all over the country as legitimate exchanges, by reason of their character and the length of time they have transacted business, that we did not feel it was necessary to restrict dealing through these particular stock exchanges by reason of danger of fraud on the public.

Mr. COLTON. They are unrestricted except as they are regulated by the States.

Mr. BARKLEY. Simply regulated by the States. New York regulates its own, and Illinois the same.

Mr. COLTON. The gentleman, then, will admit that these three being unrestricted, all the others are restricted.

Mr. JONES of Texas. Of course.

Mr. BARKLEY. Both gentlemen are mistaken. None of the stock exchanges are exempt. But this bill simply exempts stocks listed on certain well-established exchanges whose long existence and record entitle securities listed on them to the presumption of being legitimate.

Mr. MAPES. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Michigan.

Mr. MAPES. Are not some of the Members confusing the stock exchanges with the securities listed upon those stock exchanges?

Mr. BARKLEY. Yes; I think so.

Mr. MAPES. This bill does not exempt any stock exchange. It does not regulate in one way or the other the business of the stock exchange. It simply says that the securities listed upon three stock exchanges in the United States may be sent through the mails and may use other agencies of interstate commerce.

Mr. JONES of Texas. In other words, when a stock is once listed, then it may be sold in any State of the Union without being subject to the laws of that particular State?

Mr. MAPES. Oh, no.

Mr. BARKLEY. Oh, no; the gentleman is mistaken.

Mr. JONES of Texas. In so far as this bill is concerned.

Mr. BARKLEY. In other words, it is not free from the regulations of the particular State.

Mr. JONES of Texas. The State can not regulate it, because it is interstate commerce, and you exempt it from the operations of this bill.

Mr. BARKLEY. If somebody representing the New York Stock Exchange should go down into Texas and try to sell stock there—which, I admit, is not the usual method of selling

stock by anyone connected with the New York Stock Exchange—he would find that he would immediately come under the jurisdiction of the State laws regulating the sale of stocks in that State.

Mr. JONES of Texas. The New York Stock Exchange can use the mails to send its stocks to Texas without being subject to the provisions of this bill. Now, suppose the Sun Oil Co. lists its stock on the New York Stock Exchange. The exchange itself may be subject to the laws of New York, or the Chicago Stock Exchange may be subject to the laws of Illinois, but after the Sun Oil Co. gets its stock once listed, then the Sun Oil Co. can go anywhere in the United States and sell its stock.

Mr. BARKLEY. Not at all.

Mr. JONES of Texas. Without being subject to the restrictions of this bill.

Mr. BARKLEY. Not at all.

Mr. JONES of Texas. Will the gentleman point out where they will be subject to the provisions of this bill when they are listed? What provision of the bill is there which makes them subject to it? If you will read subsection (f), on page 5, you will find that they are specifically exempted on all these issues of stock after they are once listed on the stock exchange.

Mr. BARKLEY. Let us read that and see:

(f) Securities issued, outstanding, distributed, and fully listed upon any organized stock exchange having an established meeting place in a city of over 300,000 population according to the last preceding United States census and providing facilities for the use of its members in the purchase and sale of securities listed by such exchange, and securities senior thereto or evidences of indebtedness guaranteed by companies the common capital stock of which is so listed: *Provided*, That actual transactions on such organized exchange have occurred during each of the preceding 30 years in the purchase and sale of United States bonds or other bonds of any of the classes exempted herein from the provisions of this act: *And provided further*, That such stock exchange requires financial statements to be submitted at the time of such listing and annually thereafter.

The gentleman will observe that this subsection applies to "securities issued, outstanding, distributed, and fully listed."

Mr. JONES of Texas. Now, if you will read in connection therewith the first provisions of section 4, on page 3, you will see—

That the provisions of this act shall not apply to any of the following classes of securities—

And those listed under subsection (f) are the ones referred to.

Mr. DENISON. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Illinois.

Mr. DENISON. I think I can explain to the gentleman from Texas what that means. Most of the exemption provisions of this act provide an exemption for certain classes of securities as they are issued by the issuing companies, but there are a great many securities of great industrial concerns that are already issued and outstanding and distributed and in the hands of the public. They have an established market value which has been gained by trading, actual buying, and selling in public, but the issuing company is no longer interested in them or concerned with them, because it has already sold them and gotten its money. Now, we do provide some method of exempting securities of that kind. Why? Because they are in the hands of third persons, individuals over the country.

Mr. JONES of Texas. I recognize the necessity of some exemptions along that line.

Mr. DENISON. We have exempted securities of that kind which have an established market value gained by actual trading upon the great national stock exchanges of the country. That is what that exemption is confined to—stocks that have already been issued, that have been distributed and are outstanding, stocks in which the issuing companies are no longer interested.

Mr. BARKLEY. And the presumption is that all such stocks have been listed upon stock exchanges whose requirements are so rigid as to give a presumption of honesty and integrity.

Mr. DENISON. Exactly.

Mr. JONES of Texas. Is this provision limited to securities that have already been issued and distributed?

Mr. DENISON. Yes; entirely.

Mr. JONES of Texas. But it can not apply to new issues that are made hereafter?

Mr. DENISON. The gentleman gets the idea exactly. That is the language.

Mr. MAPES. That is the idea.

Mr. DENISON. It refers to securities already issued and outstanding.

Mr. BARKLEY. I think that gentlemen who on first consideration discover provisions of the bill which arouse their fears will reach the conclusion that the measure is designed not only to punish fraud in the sale of bogus stocks and securities but is intended to interfere with legitimate business as little as possible.

Mr. BARKLEY. Mr. Chairman, I have taken more time than I intended. How much time have I occupied?

The CHAIRMAN. The gentleman has consumed 48 minutes.

Mr. BARKLEY. I yield 10 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, there seems to be some misunderstanding about the operation of this proposed law. There are 38 States in the Union with blue sky laws, and the commissioners of these States found that it was impossible to enforce State laws because the salesmen of fraudulent stocks in order to avoid the penalty of a State law would move into another State and use the agency of the mail or express company to do the thing that the State in which they operated prohibited. These blue sky laws are not entirely uniform, but in the main they are the same. The great difficulty of the blue sky law originates from the fact that unless carefully worded it would stop the circulation of millions of dollars of proper stocks and bonds, which would cripple the banking and brokerage business of the entire country. So these State commissioners found there were certain exemptions made in each State of certain forms of securities.

The committee in writing this law, having before it witnesses from the various States, sought to do two things, and only two things. The first was to strengthen the blue sky law, which the various States could not do, and protect them from the outlaw who lives outside of the State; and the next was to permit the free circulation of honest stocks and securities. So this bill will not make a single penalty that is not now upon the statute book of some State. But it does make a penalty for a man from another State who attempts to commit a fraud. The trouble in writing the law was to make the legitimate stock flow easily and freely through the arteries of commerce. These commissioners, acting in conjunction with other witnesses before our committee, investment bankers, associations, and State agencies, have set out in the national law which is now proposed certain exemptions so that legitimate stocks may not be interfered with. Among other exemptions were the stocks that are now listed on the leading stock exchanges of the United States. These leading stock exchanges are in the great cities. It does not mean that stock issued from a smaller city is not a proper and legitimate stock and can circulate, but it does remove from suspicion and interference in interstate transactions 75 or 80 per cent of the legitimate stock in the country. I venture the assertion that there is not a stock exchange in the United States that does not have this large class of securities listed from these three exchanges. That was why this particular exemption was made.

Our committee worked for several weeks trying to define this great volume of legitimate commercial paper in another manner, and we found it impossible to describe it other than by listing in this particular way.

The bill does not say that stock issued from any other State complying with the laws of that State that come under these provisions shall not freely circulate in the mail, but it says that this great class of securities which are not in dispute, that are not attacked by anyone, shall move. I confess that the hearings before the committee will show that I opposed most vigorously the exact language employed here, but our committee was unable to find any other description which would take its place.

It is reported that last year some $500,000,000 in fraudulent stock was sold in the United States, not to banks, not to trust companies, not to brokers, but to ignorant people who did not investigate. Five hundred million dollars in one year was the amount of fraud perpetrated upon the gullible people of the United States. So this law has but two objects—one to make the State laws enforceable, not to add to the penalties of the State laws or to make them more rigorous, but to take from the scoundrel who sells the stock to the unsuspecting public the use of the agencies of the United States Government.

The difficulty came in trying to protect the victims of these people and not to interfere with that great volume of business which was not tainted in any way. To interfere with this great volume of business would check the commercial liquidity of the stocks and bonds of the United States.

This is a technical bill. There is hardly a line in it that has not received close study. The words have been carefully gone over again and again to find out their exact meaning and every shade of meaning, and, after we finish our work, we believe we are doing the two things I have mentioned—strengthening the arm of the States to reach the rascal that defrauds the people of the States and yet leave free for circulation all legitimate stocks and securities. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield 15 minutes to a member of the committee from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I think time will develop that this is one of the pieces of big legislation that this Congress has passed if it becomes a law. I think it is really a measure of superlative merit and one that will rank with the pure food law and other laws of this kind that have been passed. The committee has given it very careful and close consideration. I have been asked by the gentleman from Illinois [Mr. DENISON] to pay some attention to the legal phases of this matter, with the idea that perhaps there might be some doubt in some minds about some of the legal questions in regard to it.

I do not care to weary the House with a long legal argument, but it may be advisable to refer briefly to some of the objections that have been raised by people who have opposed this bill. The bill, it will be noticed, in its first section makes certain definitions. The second section makes it unlawful to transport in interstate commerce certain securities, advertisements, and so forth. The third section makes it unlawful to deposit in the mails the same things. The fourth section exempts certain securities and so does the fifth, and the sixth provides penalties, while the seventh section in general makes void the contracts that were made in violation of this law. The right of the Federal Government to enact this kind of legislation is secured by the constitutional provision in Article I, section 8, giving Congress the right to regulate commerce with foreign nations, and among the several States and with the Indian tribes. From the earliest date our courts and our legislatures, both State and National, have been frequently engaged with the construction of this particular constitutional provision, as to just what it means, how far it goes, and what the particular relations are between the State and the Nation in the matter of commerce. Heretofore the question has always been, How far can the Federal Government go into the regulation of commerce between the States? It has finally come, in my judgment, after looking at the authorities and the laws passed, to the point where the question of commerce between States is not now merely a question of trade between the States but has become a question of intercourse between the States, which may be regulated by the Federal Government under this constitutional clause. It is astonishing to look at the great variety of things which have been held to be interstate commerce by law, and which one on a casual glimpse at the matter would think would not be so. Let me state a few of the acts that have been passed.

The first one is to be found in Third United States Laws, at page 529, and was passed in 1803. It prohibited the importation of slaves into any place where by law of that State importation was forbidden, and provided for suits for damages, and that one-half should go to the informer, and for the confiscation of vessels engaged in such trade.

In the Twenty-sixth Statutes at Large, page 313, the first interstate liquor law was passed. That law prohibited the transportation of liquor from State to State, and provided that all fermented liquors transported into a State for sale shall—and I wish the gentleman would notice the language—

Upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory.

That was as broad as any statute could be made.

In the Twenty-ninth Statutes at Large, page 512, it was made unlawful to deposit with a common carrier for transportation to another State obscene books, and so forth, and the act contained certain remedial provisions.

In the Thirty-fourth Statutes at Large, page 768, the shipment of adulterated foods or drugs from one State to another was prohibited and adequate punishment provided.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STEVENSON. The gentleman is right on a point that I am bothered about in respect to this bill. That is the part that provides that any purchaser of these things may void the contract at his own election. None of the laws to which the gentleman has referred go so far as to say that the druggist who purchased the drugs which were not pure should have the right to rescind the contract. Of course, if it was a fraudulent transaction the State law would take care of the matter, and the State law is the proper law to take care of that.

Mr. DENISON. Mr. Chairman, if the gentleman will permit, an answer to the gentleman from South Carolina is the Clayton antitrust law, which provides civil damages and provides that they may recover treble.

Mr. STEVENSON. But it provides recovery of that as a penalty for violation of a Federal law, to be recovered in the Federal courts.

Mr. GRAHAM of Illinois. In this pure-food law the provision was that any article misbranded or adulterated, within the provisions of the law, when shipped in violation of the act, might be libeled, confiscated, taken away, and destroyed.

Thirty-sixth Statutes at Large, page 825, the Mann Act, prohibits the transportation of women for immoral purposes and provides for the prosecution in any court in any jurisdiction through which the woman passed, and provides a penalty for the keeper of a prostitute who does not report that fact to the Commissioner of Immigration, which was the farthest stretch of the interstate commerce clause of the Constitution that had ever been enacted, and yet it was held to be constitutional.

Twenty-eighth Statutes at Large, page 963, prohibited the deposit of lottery tickets in the mail, and that act put an end to the lottery business in the United States.

In the case of Hoke v. United States (227 U. S. 392), which was the case deciding the Mann Act, the court said:

The power reserved to the States and those conferred on the Nation are adapted to be exercised whether independently or concurrently, to promote the general welfare, material and moral. This is the effect of the decision, and surely if the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women, and more insidiously of girls.

Therefore, we can see by that brief glance at the laws that have been enacted, and I have not mentioned all of them, but some that are typical of the whole, that the field of regulation of interstate commerce extends much further than the original framers, I imagine, intended, and goes so far as to hold that the regulation of interstate commerce mentioned in the Constitution may amount to a prohibition of that commerce. Many of these statutes that have been passed had the effect of a prohibition of a particular traffic. This is more than a regulation, but it has been held to be a regulation under the commerce clause of the Constitution.

It has been claimed that this kind of a law in its exercise of police powers goes too far and transgresses upon the rights of the States, that the States alone have the right to regulate by the police power these various things sought to be inhibited by this bill.

That is not the law, as I understand it. There can be no doubt that the States have power to control the sale of securities of various kinds within their respective borders and may enforce their regulatory provisions by the exercise of such police powers as are necessary. In support of that proposition permit me to call attention to the recent case of Stewart v. Brady (300 Ill. 435). The Legislature of Illinois enacted a blue sky law, very stringent in its terms, providing penalties for a failure to comply with its terms and creating certain classes of exempted securities. The Supreme Court of Illinois, in the Stewart case, held that this was a proper exercise of the police powers of the State. There is no penalty or prohibition created by the bill now under consideration differing in principle from the Illinois statute in question. In Hall v. Geiger-Jones Co. (242 U. S. 539) a similar statute of the State of Ohio was held valid. In Merrick v. Halsey & Co. (242 U. S. 587) a Michigan statute of the same kind was upheld, and in the same volume, page 559, a South Dakota law of the same kind was held constitutional.

In all these cases, in ruling on statutes where exemptions were made, where classes of exempt securities were made as are made in this bill, where contracts were held to be voidable by the statute or made void, where all sorts of penalties were inflicted, the Supreme Court of the United States and the supreme courts of the various States have held distinctly and at length that these were proper powers to be exercised by the various States, and that laws exactly like this constituted a valid exercise of the police powers of the State.

Now we will go a step further. The Supreme Court of the United States has said in very distinct and positive language, in a long line of cases, part of which I shall cite, that the same police powers which any State has the Federal Government has; that the Federal Government in the enforcement of its laws can exercise exactly the same police powers that any State can exercise. It follows, therefore, as a matter of course, that if that is true, these incidental powers that are given by this bill, intended to be conferred on the various courts, the one as to holding a contract to be void, the other as to the infliction of a certain punishment, is a valid exercise of the power of Congress in passing this sort of legislation.

Let me now call attention to some of these decisions:

A government intrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally

depends, must also be intrusted with ample means for their execution. (McCullough v. State of Maryland, 4 Wheat. 316, 408.)

The government which has a right to do an act and has impressed on it the duty of performing that act must, according to the dictates of reason, be allowed to select the means; and those who contend that it may not select any appropriate means, that no particular mode of effecting the object is excepted, take upon themselves the burden of establishing that exception. (416, supra.)

All admit that the Government may legitimately punish any violation of its laws, and yet this is not among the enumerated powers of Congress. (418, supra.)

The right to punish is a right incidental to the power and conducive to its beneficial exercise. (418, supra.)

The principle established by the cases in the simple one, when rid of confusing and distracting considerations, that Congress has power over transportation among the several States; that the power is complete in itself, and that Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise and the means may have the quality of police regulations. (Mann Act, Hoke v. U. S., 227 U. S. 323.)

Mr. Justice Field said:

The power [to regulate interstate commerce] also embraces within its control all the instrumentalities by which that commerce may be carried on, and the means by which it may be aided and encouraged. The subjects, therefore, upon which the power may be exerted are of infinite variety. (Gloucester Ferry v. Pa., 114 U. S. 196, 204.)

Congress may establish police regulations as well as the States, confining their operations to the subjects over which it is given control by the Constitution. * * * Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish and to descend to the most minute directions if it shall be deemed advisable. (215, supra.)

We are now arrived at the inquiry. What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed by the Constitution. (Chief Justice Marshall.)

The power * * * is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. (Gibbons v. Ogden, 9 Wheat. 197, 347.)

In determining the character of the regulations to be adopted, Congress has a large discretion, which is not to be controlled by the courts simply because, in their opinion, such regulations may not be the best or most effective that could be employed. (Lottery case, 188 U. S. 321, 353.)

We think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional. (McCullough v. Maryland, 4 Wheat. 316, 421.)

The Constitution leaves to Congress—

that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional. (Lottery case, 188 U. S. 355.)

The whole subject matter is summarized by Cooley in his Constitutional Limitations as follows:

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions, if it shall be deemed advisable. * * * Congress may establish police regulations, as well as the States. (Cooley's Cons. Lim., p. 856, 7th ed.)

So I think there is no doubt, gentlemen, about the constitutionality of that part of this act which provides the penalties and holds contracts void, because such powers are incidental to the general power which is doubtless in Congress.

Mr. STEVENSON. I have been trying to agree with the gentleman that they are void, because it is declared that the contracts are in violation of the State law.

Mr. GRAHAM of Illinois. I believe you are right. But I believe the Federal Government could make them void, if necessary, to enforce this broad provision.

There is one remaining question, and one only, and that is that it is alleged to be a delegation of power to the States, giving them the power to make regulations which we by this act declare to be unlawful as soon as the States enact them. I have looked into that matter with some care.

Mr. HOCH. Right upon that point, the gentleman has made a study of the legal phase of this, and I want to ask him if he has investigated this particular question here as to whether it is an unlawful delegation of legislative power to provide that a thing which the States some time in the future may declare to be unlawful shall constitute a Federal offense? In sections 3 and 4 we provide that where there are certain things unlawful within a State it shall be now unlawful to do them as a Federal proposition.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WINSLOW. Mr. Chairman, I extend the gentleman's time five minutes.

Mr. HOCH. I shall make my question very brief. I do not want to impose on the gentleman. As I understand it—and I am in sympathy with this proposition—we provide here that if at any time in the future any State makes any particular sale unlawfully, it shall then become unlawful to use the interstate commerce for effecting a sale in that State. The question in my mind is as to whether that amounts to a delegation of legislative power to the States—that is, do we permit the States to determine the nature of a Federal offense to such an extent as it might be held to be an unlawful delegation of legislative power? Has the gentleman investigated that?

Mr. GRAHAM of Illinois. Yes; I have. I have looked at all the cases I can find on that subject, and I have examined all the laws I can find that were ever passed by Congress, although I may have missed some. I have examined them and looked at their language to see whether they included things that might happen in the future. As I have called to your attention, I think these statutes do include things that might thereafter be made violations of law by the statutes of a particular State. For instance, the act heretofore cited prohibiting the importation of slaves into a State. This prohibition was made broad enough to include any State that might thereafter enact such slave-prohibiting legislation.

Mr. HOCH. The offense of bringing a slave into a State is determined in the act of Congress to which the gentleman refers. In this case it is not a question of determining it in a particular number of States. The question is whether we have made the offense so uncertain that we have opened it to the constitutional objection to setting up or providing a delegation of legislative power in effect. Take the Webb-Kenyon Act, to which the gentleman refers, and in that case, as I remember, there was no question of there being in the future an offense which was not an offense at the time of the passage of the act. But in this particular case something may become an offense in the future which is not an offense at the time of the passage of this act.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. STEVENSON. Does not the West Virginia act provide that when you ship liquor into a territory which was then dry, or might thereafter be dry, you commit an offense?

Mr. HOCH. Yes. In that case the offense was the same—shipping liquor into dry territory. I think this is closer than that, because something may in the future be an offense which is not now an offense under this act.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. Can the gentleman give me more time?

Mr. BARKLEY. I will give the gentleman three minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes more.

Mr. GRAHAM of Illinois. In many instances the Congress has enacted laws to assist the various States in the enforcement of their local laws and to prevent inhabitants of other States from, in effect, violating such laws through the instrumentalities of interstate commerce. In recognizing the laws of such States and in protecting the people of such States from interstate commerce in violation of the spirit of the same, the Congress is not delegating to such State any of its legislative functions. The first act of Congress of the kind which I have found was the act of August 7, 1789, which provided that all pilots in bays, and so forth, of the United States should continue to be regulated by the laws of the various States where the pilots were located until further provision should be made by Congress.

Other laws making it unlawful to ship in interstate commerce persons or property where, by the laws of a State, trade in such things was forbidden are as follows:

Third United States Laws, 529, already referred to, which made the shipment of slaves into a State forbidding the importation of slaves by law unlawful.

Twenty-sixth Statutes at Large, 313, where fermented liquors could not be shipped into a State where by the laws of such State such liquor could not be sold.

Thirty-fourth Statutes at Large, 768, which recognized the laws of certain foreign countries in this language:

Provided, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped.

Thirty-ninth Statutes at Large, 1069 (Reed amendment), which contained this language:

That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous,

malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier when addressed or directed to any person, firm, corporation, or association, or other addressee at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors or any of them, respectively.

Fortieth Statutes at Large, 755, the migratory bird treaty law, provided, in part:

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

To the same effect, but as to different subject matter, was the Webb-Kenyon Act.

The bankruptcy law of the United States gives to each bankrupt the exemptions assured him by the laws of the State in which he resides. The act has been attacked on the grounds that it gives to different bankrupts different allowances and hence is not uniform in its operation. The Supreme Court, in holding the act constitutional, said, in part:

It was many times ruled that this provision was not in derogation of the limitation of uniformity because all contracts were made with reference to existing law, and no creditor could recover more from this debtor than the unexempted part of his assets. (Hanover Bank v. Moyses, 186 U. S. 189.)

In conclusion, I want to call attention to a decision in the case of In re Rahrer (140 U. S. 561, 564). The court, in passing on a statute making shipments of intoxicants into States where sale of such liquors was forbidden unlawful, said in part:

In so doing Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States, or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property.

Again, on page 564, this statement is made:

Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction.

In view of the authorities cited I am of opinion there can be no question about the constitutionality of the bill.

Now, finally, I want to make just a few remarks apropos to the suggestion that has been made here by some of the Members, that this act gave a right to certain securities to circulate in certain States. It does not do anything of the kind. This list of exempted securities here does not exempt anything from the operation of State laws. Nothing could go into a State that can not go in now. The only thing that is done by that particular provision in this bill is that we say as regards certain kinds of securities, "We do not legislate." That is all there is to it. The power of the States remains as it always has been, inviolate. The only thing that this bill does is to help States to keep fraudulent securities out of their borders when they are attempting to do it, and it is a very laudable object. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCFADDEN having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had still further insisted upon its amendments in disagreement to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had requested a further conference with the House on the disagreeing votes of the two Houses thereon and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

"BLUE-SKY" LEGISLATION.

The committee resumed its session.

Mr. BARKLEY. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 15 minutes.

Mr. STEVENSON. Mr. Chairman and gentlemen, this bill is one of very considerable importance. The principle enunciated in it is a very proper principle, and while there may be some power conferred that will appear drastic, yet in consideration of the vast frauds that are perpetrated and have been perpetrated for years on the unsuspecting people of this country, I am inclined to think that it is a judicious bill to pass. There may be some amendments that should be adopted.

I wanted to talk for a little bit about taxation this afternoon, and taxation from the standpoint of the Sixty-seventh Congress. We were confronted a few days ago with a statement from the Secretary of the Treasury to the effect that in the fiscal year 1923 we would probably have a deficit of $500,000,000, and it was intimated and it necessarily follows that new legislation in taxation would have to be enacted in order that that deficit may be cared for, because it is inconceivable that this Government in times of profound peace, with the world proclaiming the fact that we are now at peace with all the world and have it nailed down, would sell bonds or borrow money with which to pay its current expenses.

Now, in that matter of taxation which is confronting us, it is a very pertinent question to ask, To whom will be committed the preparation of the proposed taxation in the Sixty-seventh Congress—that part of it which remains? That Congress must make provision if provision is made. I desire to put before this House a discussion made by a very distinguished Republican on that subject, a Republican who hopes to occupy a seat in this House during the Sixty-eighth Congress, although I hope some good Democrat will disappoint him. When this statement was written that gentleman had just been nominated for Congress. He says:

PUT MILLIONAIRE OUT OF CONGRESS—FRANK R. REID TELLS HOW HE DEFEATED COPLEY, HOUSE LEADER, IN PRIMARIES—URGES A "PEOPLE'S BLOC"—WAGED CAMPAIGN AGAINST SWAY OF BIG INTERESTS.

One of the big upsets in the beginning of this year's congressional campaign was the defeat of IRA C. COPLEY, member of the powerful House Ways and Means Committee, in the primaries in the eleventh Illinois district. The World asked Frank R. Reid, the successful Republican opponent, how he accounted for his victory. The reply is below:

CHICAGO, *April 16*.

To the WORLD:

The Volstead law had nothing to do with my victory. The campaign was waged against the system by which a dozen men of great wealth dominate the action of Congress on matters of tariff and taxation and use their great power to secure legislative protection of their own special interests.

I showed the financial and business interests of the 17 Republican members of the Ways and Means Committee, of which 11, including COPLEY, are millionaires or multimillionaires, and urged the necessity of having a "people's bloc" to oppose this "millionaire bloc" to return the power of government to the people.

I pledged myself to uphold the policy of progressive, independent men in Congress who believe that the interests of the mass of the people deserve first consideration. I campaigned against the present certificate form of bonus bill in favor of a cash bonus, to be paid out of excess-profits tax and surtax or from foreign loans. Condemned COPLEY's action in supporting the repeal of the excess-profits tax and in supporting the reduction of the surtax on incomes; also the action of COPLEY and the Ways and Means Committee on the dye embargo.

FRANK R. REID.

That is signed by Frank R. Reid, recently nominated for Congress by the Republicans in the eleventh district of Illinois. To that he appends a sample sheet of his literature upon which he appealed to the unterrified voters of the great State of Illinois. He says:

Who are the men who frame the revenue and import laws of the Nation which vitally affect the interests of every business man who has something to sell or manufacture, every farmer who produces a bushel of grain or a pound of beef or hogs, and every wage earner in the eleventh district?

The committee is composed of 17 Republicans and 8 Democrats. The Republicans, of course, control the committee under the present administration; in fact, a bare half dozen of the leading members dominate the proceedings of the committee and determine its action in respect to legislation on taxation, tariff, and other vital subjects.

He gave this list of the 11 rich men:

Chairman JOSEPH W. FORDNEY, Michigan, millionaire lumberman.

NICHOLAS LONGWORTH, Ohio, a millionaire by inheritance, interested in various banking and industrial enterprises, including an interest in dye and chemical companies.

IRA C. COPLEY, Illinois, multimillionaire, controlling gas companies and three newspapers of the eleventh district, interested also in mining and other properties.

LUTHER W. MOTT, New York, wealthy banker, former president of the New York State Bankers' Association.

ISAAC BACHARACH, New Jersey, millionaire real estate broker, first vice president and director of the Second National Bank and also director of Atlantic Safe Deposit & Trust Co. at Atlantic City.

ALLEN T. TREADWAY, Massachusetts, millionaire hotel owner and magnate.

CHARLES B. THORNBRUGH, Colorado, wealthy banker and stock raiser.

GEORGE M. BOWERS, West Virginia, millionaire banker and orchardist, president of People's Trust Co., Martinsburg, W. Va.

THOMAS W. WARREN, Pennsylvania, wealthy retired business man who made his fortune in various commercial and manufacturing enterprises.

ALANSON B. HOUGHTON, New York, (a Member during the special session but recently resigned to become ambassador to Germany), a multimillionaire glass manufacturer.

And I might pause to say parenthetically that since his departure for Germany he has been succeeded by the distinguished gentleman, Mr. Ogden Mills, of New York, reputed also to be a multimillionaire and said to be exceedingly close to the great banking firm of J. P. Morgan & Co.

THOMAS A. CHAPMAN, Oklahoma, millionaire oil magnate.

That, gentlemen, is not any of my fiction. If it is fiction, it is the fiction of one of the colleagues of gentlemen on the Republican side of the House in the next Congress if they can elect him from the eleventh district of Illinois. I am inclined to believe his testimony——

Mr. TINCHER. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Kansas.

Mr. TINCHER. Do I understand that the gentleman is indorsing or condemning that platform?

Mr. STEVENSON. I am proposing right now to discuss that question. I call this gentleman from Illinois and prove by him that the members of the Ways and Means Committee, which will frame this taxation bill foreshadowed by the Secretary of the Treasury and properly foreshadowed also by the Chief Executive of this Nation, are men who are interested in protecting and taking care of the millionaires of this country and unloading the burden that must be placed somewhere, upon the shoulders of the common people who have small incomes.

Now, gentlemen, there is another thing in connection with that matter that I want to say. I sometimes turn back and look at the Republican platform of two years ago:

We undertake to end operative autocracy and to restore to the people their constitutional Government.

That is one of the promises made by the Republican platform of 1920—one of its important planks. Well, let us see how much that has been done. In fact, I want to say without hesitation that it is a good thing this "blue sky" law was not passed before 1920. The gentlemen told us how many people were defrauded and disillusioned in 1920 and 1921 by selling all sorts of stock and making all sorts of promises as to what they would do. If they had passed this bill before that and made it just a little broader, the Republican Party could have been indicted right now for having flimflammed the people on a promise of decentralizing the Government and reducing taxes and expense. [Applause and laughter.]

Now, what has happened? Let us see what has happened about this autocracy business. Last year we passed a bonus bill through this House. What happened? It went over to the Senate, and the President of the United States, for the first time in the history of the Congress of the United States since its foundation, appeared on the floor of the Senate in a speech against a measure there pending. We have had Presidents who called both Houses together and advised and consulted with them and told them what ought to be done, but there was the spectacle of a President appearing in proper person and making a plea on the floor of the Senate of the United States to sidetrack the bonus bill that had been promised to the boys and by implication had been promised by the President himself.

Well, let us see another thing. He serves notice that this bonus bill which has lately been passed by the House must have a tax attached to it, and preferably a sales tax, which will hang a tag around the neck of every soldier in this country who receives it saying that he is taking money out of the pockets of his neighbors; because whenever a man goes in and buys a dozen cigars and has to pay a sales tax he remembers that he is paying this bonus tax, and he will say, "Yes; I am paying this to that fellow that is loafing around here in a uniform." That is what it will do, and the President told us that this must be done; and the prediction is made very freely that if the bill is passed he will veto it unless it contains that provision. Yet they were promising to end Executive interference in the Government. They made no such provision in the bill by which they gave the railroads six hundred and forty millions.

The President endeavored to control this House on the surtax bill. I am glad to see that Mr. Reid, if he comes here from the eleventh district of Illinois, is going to be in favor of a high surtax and for the excess-profits tax, and we are going to have it, unless the millionaires on the Ways and Means Committee succeed in putting it somewhere else. I will say, by the way, that the distinguished gentleman from New York [Mr. MILLS] who was added to that committee the other day, when the revenue bill was under discussion on the floor of this House last summer, advocated raising the revenues of this Government by placing a tax on what you spend. Therefore, the man who made $1,000 and had to spend it all would have to pay a per cent of everything he made, while the man who made $1,000,000 and spent $50,000 of it would salt down $950,000 and pay taxes only on the $50,000 out of the $1,000,000, or on one-twentieth of what he made. That is the kind of timber they are adding to this committee that is going to frame this new tax bill.

Now, we had up here the other day the bill making appropriations for the Navy. What did we see? Talk about Executive interference! Why, gentlemen, let us see who all did come here. First we had Secretary of State Hughes. Who ever heard of the Secretary of State undertaking to interfere with the appropriations of the Government, and especially for the Army and Navy? Well, it did not look as if the House was going to get across with it, and then they had Secretary Denby, who had some legitimate right to communicate with us on the naval bill. That went along and did not seem to win, and then they called in the President, and to cap it all they called in Hanford MacNider with his demand for a big Navy and a big Army. Well, you say, "That is all right." Yes; it is all right; but it is not all right in the face of your declaration that you are going to stop the Executive from interfering with the liberties and deliberations of the House of Representatives. Ah, that did not succeed, you say. Well, several times he did not succeed, but he pocketed the bonus bill over yonder. He succeeded there for a good while.

He failed on the surtax. We passed another bonus bill without any tax feature in it; but, gentlemen, about three weeks ago Mr. Daugherty, who is a politician, opened the door a bit and gave out an interview and said that we are going to enforce the civil service in a sensible way, which means in a Republican way. Subsequently after the President turned off 38 men down here at the Bureau of Engraving and Printing, when he called the boys over here this time with just a little fleeting smell of pie, he put his proposition across; that is what happened. Now, those are some of the Executive interferences we have had, but what is the latest? We are going to have a tariff—that is one of the promises that we were to have a tariff adjusted to the new conditions subsequent to the war. We have been in session 15 months and no tariff, and now the Senate of the United States has confessed its inability to write one by doing what? By writing one in which it gives the President the right to shift it up or shift it down; he can go 50 per cent up or 50 per cent down, as he sees fit, as I understand the bill; I do not know whether anybody else can or not. He is given the right to shift the tariff one way or the other, according to his discretion, and yet you say you want no autocracy. The gentleman from Illinois, I think, was exactly right. Now, let us see what the great organ says about this. We had an overturn here the other day on the naval appropriation bill, and, by the way, they are trying to raise the Army bill in the Senate and the President is behind it. [Applause.] The Washington Post had this to say relative to the overturn:

From the point of view of those Republicans in Congress who have seen in the exercise by the President of a general party leadership, the only method whereby unity of party action can be accomplished and legislation enacted in consequence of the development of a composite party opinion, yesterday's events in the House were of far more than passing and momentary significance.

WAY SHIFT LEADERSHIP.

Many see in this instance of exercise of party leadership the beginning of a new policy on the part of President Harding. They appreciate the importance of the influence which the President can exert in directing party action on the bonus and tariff legislation now about to demand attention.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WINSLOW. Mr. Chairman, we have succeeded in extending the credit to a preferred class of membership, and I think it highly important we proceed with the bill to protect the people from the blue-sky frauds. For that purpose I yield five minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. McFADDEN. Can the gentleman from Kentucky yield me 10 minutes?

Mr. BARKLEY. I will yield the gentleman five minutes.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I realize, as many of the rest do, the need of some regulation such as is provided in this

bill. I also realize that it is a delicate matter to provide a law of this character. The probabilities are that if such a law as this had been upon the statute books in the early days we would not have had much of the development that this country has had because of the fact that many of the developments when they first originated might have been subject to the provisions of a technical law like this. After they were developed, of course, they became more substantial. Therefore we ought to be very careful in legislation of this kind that we do not destroy initiative.

This measure seems to have much merit, and so far as it goes is desirable. For some reason, however, people who understand the mortgage business in this country have not been considered in the drafting of this bill and have had no opportunity to be heard at the hearings, and it would seem that there had been no study of the mortgage provisions of the bill by these people until after the bill had been reported out of committee.

I now find that this bill is defective from the standpoint of the legitimate mortgage banker in at least three particulars:

First. It seems to completely forbid the sale of investments secured by mortgage on properties not carrying buildings. This would bar several billions of dollars of mortgage financing of the highest grade and acceptable for the insurance companies and other conservative investors of the country.

Second. It forbids the sale of mortgage investments in the form of bonds, requiring that mortgages be sold to a single investor.

Third. It absolutely prohibits the offering of investments on real estate security outside of the confines of the United States. It puts a complete embargo, in other words, on all foreign investments of this character, although leaving the door wide open for every other type of foreign investment. It hardly seems to be the function of a "blue sky" bill to put a complete embargo on any one type of foreign investment, regardless of merit.

I want to point out that the effectiveness of the bill will not be interfered with in the least by the elimination of lines 4, 5, and 6, on page 7 of the bill, or at least the dropping of the words "60 per cent."

Paragraph "d" of section 4 permits bonds and notes to be issued against collateral securities, the full value of said securities, even though the market value thereof may be less than the amount of the notes or bonds issued against same.

I can not understand why there should be a line drawn between the common stock or collateral securities and the securities offered or secured by mortgages on real estate and to the discouragement of the latter.

The Ways and Means Committee to-day are considering a bill to amend the Constitution to repeal the tax-exemption subsidy. This will remove a barrier and will greatly relieve and facilitate the transactions in mortgage loans, and I want to protest against adding another burden equally as bad by such a proposal as I have just referred to.

I desire to show you that great injustice will be done to agriculture, and the financing of the farmers will be made much more difficult if this bill becomes a law in the form in which it has been reported. Equal injustice will be done to borrowers on city property.

The bill is intended to prevent the sale of fraudulent or valueless securities, and makes it unlawful to offer for sale through the mails or to transport through the mails certain securities with some exceptions. Sections 4 and 5 provide that the provisions of the act shall not apply to any of several classes of securities. Among those enumerated are the following described in section (h):

Any bond or notes secured by a first mortgage lien on real estate or leasehold situated in the United States when the entire mortgage, together with all the bonds or notes secured thereby, are sold or offered for sale to a single purchaser or at a single sale. Also, any bonds or notes secured by first mortgage lien upon agricultural lands improved with farm buildings and used and valuable principally for agricultural purposes, or upon city or village real estate or leaseholds in the United States improved with buildings used principally to produce income through rental: *Provided*, That the par value of such bonds and notes does not exceed 60 per cent of the then fair value of the property so mortgaged to secure the same.

Within the last five years, since the graduated-income tax has gone into effect, a great change has taken place in the market for bonds and mortgages. Before heavy Federal surtaxes were imposed on wealthy investors who were formerly purchasers of large issues of bonds and of large mortgages it was comparatively easy to sell in large amounts. It is now almost impossible to sell taxable bonds or mortgages in large amounts, because the wealthy investors buy tax-exempt securities. A farm mortgage for ten, fifteen, or twenty thousand dollars is very difficult to sell, and the same difficulty is encountered in selling the bonds or notes of a mortgage of a similar amount to a single purchaser. In order to secure a ready market it is necessary to split up a $25,000 loan into thousand dollar parts or bonds and to sell one, or, at most, three or four of said bonds or parts to an individual. Individuals buying these portions of smaller value are those who receive small incomes not subject to heavy surtaxes. It is difficult to sell the bonds or notes representing a $5,000 loan to a single customer, and it would be almost impossible to finance large loans if obliged to sell under these restrictions.

The section further provides that in order to be salable the notes must be secured by first-mortgage lien upon agriculture lands improved with farm buildings.

A very large part of the most important farm loans are made upon lands not improved with farm buildings. These lands are cultivated and produce income the same as lands equipped with buildings. The farm-tenant problem is one of the most important that confronts American agriculture to-day. We have 2,454,746 farm tenants in the United States. Great efforts are being made to induce farm tenants to own their own homes. Thousands of tenants while occupying the buildings of rented farms purchase land without buildings, hoping to pay for their land while occupying buildings on the rented farm and later to equip their purchased land with buildings of their own. It would be very detrimental to the "own your own farm" movement if the procuring of such mortgage loans is made more difficult by this provision. In tens of thousands of instances farmers desire to extend their holdings by buying additional land for their own use or for the use of their sons. These additional lands are not usually equipped with buildings. It would be a waste of money in many instances to erect farm buildings on each new tract of land acquired. It is usually desirable to mortgage the newly purchased land. In thousands of cases farmers making loans give several mortgages each on a separate tract instead of one mortgage covering the entire farm. This is done for the purpose of making the loans attractive to small investors. The productive value of the land is the most important consideration in determining its mortgage value. Many companies make no allowance for buildings, and under the Federal farm loan act it is unlawful to allow more than 20 per cent of the insurable value of their buildings in determining the value, and thousands of loans are made by Federal land banks on which there are buildings. It would be unfair to borrowers from private investors to impose these additional restrictions. Without amendment, the bill as now drawn would work a great inconvenience to farmers desiring to purchase additional land.

The same sentence continues as follows:

* * * and used and valuable principally for agricultural purposes,

Congress has made liberal appropriations to aid cattle and sheep men occupying ranches in the West. Grazing lands are not always classified as "agricultural." Until the language of a statute is finally passed upon by the Supreme Court no one can safely interpret its meaning. The Constitution of the United States was amended to provide that Congress might collect taxes on incomes "from whatever source derived." Our present Secretary of State, Charles Evans Hughes, then Governor of New York, addressed a message to the New York Legislature stating that in his opinion the amendment meant what it said.

By an involved and circuitous process of reasoning the majority of lawyers have convinced themselves that the Constitution does not permit the taxation of income from State and municipal bonds. Another amendment to the Constitution is now considered necessary in order to make the words "from whatever source derived" include income from State and municipal bonds. It is never safe to take chances on the meaning of a law. It is best to avoid ambiguity. A great injustice will be done to the cattle industry and the sheep industry unless the words "or grazing" after the word "agriculture" and before the word "purposes" are inserted. Congress ought not to enact laws to discourage cattle raising and sheep raising. The sentence continues:

* * * or upon city or village real estate or leaseholds in the United States improved with buildings used principally to produce income through rental.

This would make it of doubtful legality for a loan agent to offer for sale bonds or notes secured by mortgages upon property occupied by the owners for dwellings and for business purposes, and would defeat the purposes of the "own-your-own-home" campaign that has been so patriotically supported by the American people. This would make it impossible for a merchant or hotel man or mill owner to borrow money on a large store or warehouse or hotel erected for use of the owner. In order to comply with the law the owner would be obliged to organize another company to hold title to the building, from whom it could be rented. This provision is of no value. It

serves no good purpose and it is an inconvenience to honest business, without affording protection to investors. It would appear that this might be amended to make it more clear.

If this bill is to become a law all classes of securities ought to be treated impartially. All should be placed on the same level. There should be no discrimination against mortgages on farms and homes and factories. No criticism is urged now as to exceptions made in favor of other securities, but a comparison shows that unusual and unnecessary impairments have been thrown in the way of the borrower on real estate security.

Paragraph (b) of section 4 permits the sale of commercial paper with no limitations, except as to date and maturity.

Subsections "a" and "b" of paragraph (3), section 4, permit the sale of preferred stock in corporations at par if the net assets are equal to or exceed 125 per cent of the stock then offered for sale. That makes the preferred stock equal to 80 per cent of the value of the property. Such assets are often some form of personal property, machinery, or merchandise liable to depreciation through obsolescence, fire, business competition, or other causes. Real estate is a much more stable security, and a loan of 100 per cent on the cash value of real estate is usually more reliable than 80 per cent on the assets on the average corporation that could qualify under this act.

The profits possible in the sale of real-estate mortgages on honestly appraised property are too small to attract the high pressure stock salesman or the other get-rich-quick artists. Senator Kenyon, of Iowa, stated last year that the people of his State were defrauded of over $200,000,000 in one year. The Senator was probably conservative in his statement. These losses were not incurred through investment in mortgages on farms or city homes.

In the blue-sky law of the State of Illinois, which is extremely drastic, no prohibition is made against the sale of mortgages on land situated in the Dominion of Canada. In the Denison bill, recommended, Canadian securities are on the prohibited list. Canadian land mortgage securities sold in this country compare favorably with first-class mortgages based on real estate situated in the United States. Probably the attention of the committee was not called to the apparent injustice and unfriendliness of this legislation against Canadian securities. While the Canadian Government may not call attention to this action of the congressional Committee on Interstate and Foreign Commerce, in business and financial circles it will be considered a decidedly unfriendly act.

In its present form the bill seriously reflects on real-estate mortgages. They are not given the standing of common stock (see (c), p. 9), which may equal 100 per cent of the value of the property. Farm mortgages by the bill in its present form may be salable only when they do not exceed 60 per cent of the value of the property. This would cause great hardship to parties with small capital desiring to purchase farms or homes.

The restriction on real-estate mortgages is in marked contrast with the provision in paragraph (d) of section 4. The latter permits bonds and notes to be issued against collateral securities to the full par value of the said collateral securities, even though the market value of the collateral securities may be far less than the amount of the notes or bonds issued against them.

On page 13 of the report of the hearings of February 15, 1922, the following appears:

Mr. GRAHAM. In your fourth proviso under this section 4 you state that bonds or notes or other evidence of indebtedness issued by a building corporation may be issued when they are backed by the securities mentioned in this clause, but provided that the collateral securities equal in par value the par value of the bonds, notes, or other evidences of indebtedness so secured.

Now, then, you say:

"If any portion of the collateral securities consists of stock of no par value, then for the purpose of this subdivision such stock shall be deemed to have a par value equal to the price at which such stock was authorized to be issued by the public commission having supervision of the issue of such stock."

That is, I assume, irrespective of the face value at the actual time of pledging. It may have been issued at 25 cents on the dollar, and it may be worth at the time the securities are issued 5 cents on the dollar. Why is that value fixed arbitrarily in that way?

The question of Mr. GRAHAM was not satisfactorily answered.

The general purpose of the bill is to prevent the use of the United States mail and common carriers for the transportation of letters advertising matters and securities in order to make sales in violation of the blue-sky laws of the several States. The intent of the law will be approved by every honest lender and by every honest borrower, but it needs careful revision before it will accomplish the purposes intended. Section 12 of the bill provides an exception to the general rule regarding Federal statutes. Nothing in the act shall be construed to supersede "any law of any State now in force or hereafter enacted to regulate the sale of securities within such State."

Sections 4 and 5 of the bill are intended to render dealers in certain classes of securities immune from the penalties of this act. These sections were prepared by exceedingly able attorneys representing these interests. The reports of the hearings before the committee do not show that any representatives of farm borrowers or city real estate borrowers appeared before the committee to discuss paragraph (h) of section 4, relating to real estate loans. Neither did representatives of real estate mortgage dealers appear. Usually bills relating to bonds and mortgages are considered by the Committee on Banking and Currency. As this bill was referred to the Committee on Interstate and Foreign Commerce because of its effect on commerce between the States, it did not come to the attention of borrowers, investors, and dealers until after it had been reported for passage.

In its present form the section relating to real estate loans will be more of an embargo on legitimate business than a hindrance to fraud.

Members of the Farm Mortgage Bankers' Association and other reputable mortgage bankers produce and sell first mortgages on improved farm lands. Their loan limits are 50 per cent of the appraised cash value of the land. They are not directly interested in city mortgages or second mortgages as commodities of commerce, but they realize the handicap which the Denison bill in its present form will impose on deserving borrowers in city and in country.

If the bill were amended by striking out the two immunity sections 4 and 5 entirely, it would serve its purpose much better than in its present form unless paragraph (h) of section 4 is amended.

Real estate securities are not a prolific source of fraud. The public would be amply protected if paragraph (h), on page 6, was made extremely short and to read as follows:

(h) Any bonds or notes secured by a mortgage lien on real estate or leasehold (other than oil, gas, and mining lands) situated in the United States or in the Dominion of Canada, or any mortgage thereon, when the aggregate face value of such mortgage or bonds or notes (but not including interest notes or coupons) secured thereby does not when issued exceed the fair market cash value of such real estate or leasehold.

Mr. BARKLEY. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LANKFORD] such time as he desires.

Mr. LANKFORD. Mr. Chairman, during the World War the United States began and carried far toward completion a great development at Muscle Shoals at tremendous cost for the great purpose, among others, of obtaining nitrogen from the air for war purposes in time of war and for use in fertilizer in peace times.

Everyone was much in favor of the enterprise during the war. The enterprise would have been pushed to fullest capacity had the war lasted. Work would be immediately renewed should war start again. All agree Muscle Shoals, if finished, would be very valuable in a future war and would probably be worth more than many mighty battleships and millions of trained men, for these are of no value without ammunition. Why has the development stopped so suddenly? The answer must be apparent to everyone. There is a strong combination in and out of Congress which do not want the plant operated by the Government or any private enterprise for the benefit of the agricultural interest. There can not be any other reason. All favored it for war purposes. The opposition arose after the war. The development was suddenly stopped only when it became apparent that nitrogen was soon to be furnished at reduced prices for agricultural purposes. Many are extremely anxious to see the Government let go to wreck the work begun and lose many millions of dollars rather than see the enterprise operated for the farmers. Men in Congress have said on this floor that they would be willing for the work to be finished if assured it would be shut down and not operated for the agricultural interests or if they could be assured it would be sold or leased to some private enterprise to be operated for private gain. Those opposing the development do not want cheaper nitrogen for farmers. They would be glad for Muscle Shoals to be owned and operated by a syndicate which would furnish nitrogen at a high price and which would not at all interfere with those making enormous profits out of the farmers.

They think this would be a stimulant to business. They believe cheap nitrogen and cheap fertilizer would injure their business and the business of their friends. I believe cheap nitrogen would injure those making enormous profits out of the importation of Chilean nitrates and those engaged in dealing in nitrates on a large scale at excessive profits. I want to hurt their unfair business. Cheap nitrates would not hurt the small guano concern which is anxious to furnish fertilizer as

cheaply as possible to the farmers. It would certainly be a godsend to the farmers of the country. I quote from the speech of Hon. EDWARD B. ALMON, of Alabama, before the Military Affairs Committee of the House on March 8, 1922:

Mr. Ford not only offers a very fair price for the nitrate plants, but agrees to keep nitrate plant No. 2 at Muscle Shoals in an up-to-date running condition and available to the Government without cost if it should ever be needed for military purposes and the manufacture of munitions. It is now in a stand-by condition, expensive to guard and maintain. The older it grows the more expensive the maintenance charges will be. With the very best care it would rust out and greatly deteriorate in value. The fixation of atmospheric nitrogen is a comparatively new art, and it will be improved from time to time; and in order for this plant to keep pace with the progress of the art and be an up-to-date going concern in the event of a military emergency it must be operated in peace times.

Besides, the act of Congress making provision for its construction provided that it should be operated in peace times for the manufacture of fertilizer. So the acceptance of the Ford offer preserves this plant as a military plant and at the same time makes provision for its operation by private capital in peace time for the manufacture of fertilizer. The maintenance of the plant by the Ford company, relieving the Government of all expense and keeping it in an up-to-date running condition, is of inestimable value and would save the Government many millions of dollars, besides the advantages to agriculture, the basic industry on which the success and prosperity of every other business depends.

Mr. Ford further agrees to operate nitrate plant No. 2 during the entire period of the lease in its full capacity in the manufacture of commercial fertilizer and sell direct to the farmers at a price not to exceed 8 per cent over the actual cost of production, through a board nominated by the farmers' organizations and appointed by the President.

The present capacity of the plant would produce about 2,000,000 tons of fertilizer, which is about 50 per cent of the amount of fertilizer consumed in normal times. It has been clearly shown that with cheap water power the Ford company can make fertilizer at about one-half of the present price. The Nation's fertilizer bill is now nearly $250,000,000 annually. Suppose, for the sake of argument, that the operation of the Muscle Shoals plant should only result in a 20 per cent reduction in prices. That would amount to $50,000,000 a year saving to the farmers, and this amount for 100 years, out on compound interest—as the opponents of the Ford offer have undertaken to do in claiming what Mr. Ford would make from the Government in compounding interest—would be over $5,000,000,000 saved to the farmers of the country.

No one can possibly calculate the great good which will come to the farming interest of this country and to the entire Nation from a proper development of Muscle Shoals. At Muscle Shoals there is all that is necessary to make its development one of the greatest industrial moves of the South and the Nation. Minerals, water power, transportation, both rail and water, climate, and in fact everything that is necessary to make Muscle Shoals and its development one of the great things in our Nation's life are there.

Let us see that it is developed for the good of all the people and not for the good of the corporate interest. Henry Ford's proposition does not appeal to the monopolistic concerns which desire to either have the Muscle Shoals proposition closed down and "junked" or owned by them. His proposition does appeal to the farmers and those who are suffering because of the high price of nitrogen, which is so essential an ingredient in fertilizer and which is now obtained principally from Chile at an exorbitant and unreasonable price. Muscle Shoals is a mighty project, and should be utilized for the good of the Nation both in time of peace and in time of war.

Muscle Shoals has in its very waters a mighty power for the good of the Republic.

Some time in the dim past, no one now knows when, even before the happening of things remembered by the red man, a strange people gazed upon the mighty tumbling waters of the great river in northern Alabama and wondered at and worshiped with their benighted minds the mighty power of the seething, tumbling, roaring waters and felt in their souls that some mystic power was there at their very feet. These strange people have passed away and left no record except the mighty mound of earth where they worshiped, but the mighty magical power of the falling waters at which they wondered and which they worshiped has lasted through the years and is still there. The Cherokee Indians following these strange first children of the forest gazed at the mighty scene in admiration and amazement, and thought that they read within the rushing waves the force of the jagged lightning and that they heard there in the roar of the cataract the power of the thunder and called the shoals thundering waters. The Cherokees were right, the power of the lightning and the thunder was there and is still there.

After the Cherokees came the white man and their great war chief, Andrew Jackson, who saw and understood as man had never done before the tremendous power of the mighty torrent, and prophesied that a great city would be built upon the bluff overlooking the mighty rapids, and that it would probably become the future capital of the Nation. He saw in the power of the rapidly moving waters a force great enough to make and control the destiny of a mighty people.

Nearly a century later, while this Nation was engaged in a mighty conflict with a powerful combination of foreign foes, our statesmen anxiously sought for a mighty force which would make our victory more assured in time of war and which would marvelously enhance the prosperity of our people in time of peace. The tremendous power sought was found at Muscle Shoals on the Tennessee River, and our entire Nation has been aroused to a realization of the power there ready to be harnessed and used for the good of mankind. The red man and the white man, whether worshiper or warrior, were right when they saw in these mighty waters an unknown, tremendous, mystic power. It was there. It is there now. It was placed there by the Creator in the beginning as a part of the eternal plan. The unknown power worshiped by primitive man who first saw the turbulent stream, the power of the lightning and the thunder seen by the red Cherokee, the force sufficient to shape and control the destiny of a Nation admired by Jackson, and the power mighty enough to make our victory assured in time of war and our prosperity vouchsafed in time of peace as seen by the American people during the World War, are all there. They are all there for the everlasting benefit of our people and for the glory of God, if we will only reach out our hands and possess them and use them for the good of all.

Mr. WINSLOW. Mr. Chairman, I yield eight minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Chairman, on general principles I am in favor of all legislation intended to compel fair and honest dealing on the part of those who engage in business transactions, but it appears to me that the legislation under consideration is of such a character that great injustice may be done honest men who are engaged in the legitimate development of the resources of the country, especially in mining and oil development. The prospector who discovers valuable minerals is generally a poor man and must necessarily look to those who have money to invest, and who are willing to enter a hazardous undertaking with the hope of reaping a large profit, and in order to secure the necessary money to develop the property a company is organized and shares offered for sale to those who are looking for investments of this character. The pending legislation is of a technical character, and I will not undertake to discuss the merits or demerits of the bill, but desire to read to the House letters received from prominent citizens in my State in whose judgment I have great confidence. The following letter is from Hon. Stewart Campbell, inspector of mines, who is naturally in close touch with the mineral development of the State:

THE STATE OF IDAHO,
MINING DEPARTMENT,
Boise, April 5, 1922.

Hon. ADDISON T. SMITH,
Washington, D. C.

DEAR MR. SMITH: H. R. 10598, introduced in the House by Congressman DENISON, of Illinois, and reported favorably from the Committee on Interstate and Foreign Commerce, is one of the most destructive measures ever offered Congress if considered from the standpoint of western development. Our mines, Carey Act projects, irrigation districts, drainage districts, power companies, manufacturing companies, wholesale houses, etc., owe their life and existence to the sale of their securities, either stocks or bonds; and if all of these undertakings had been compelled to pass the "blue sky" laws of the various States, Idaho to-day would be a vast expanse of sagebrush sparsely inhabited and without operating mines or industries; and, further, if this bill becomes a law all future development will stop, particularly mining, as this industry depends entirely on the sale of stocks or bonds for the money necessary to develop the prospect into a mine. It is almost an impossibility for a mining company to pass the "blue sky" laws of the various States, and if able to do so the cost necessary would often exceed the amount the company expects to raise, and this cost is such that the promoter can not meet it, thus making it impossible to finance an undertaking of any kind.

The work of this office is such that I have had occasion to observe the operations of the "blue sky" laws of a number of States and the way this law is administered by them shows it to be impractical, as invariably the issuance of a permit lies in the hands of some banking clerk, or others equally as unqualified to pass on the merits or demerits of a mining venture; and that it is generally the illegitimate promoter who spends the time and money to procure a permit, which he then uses to further his operations, as this permit is recognized as a State indorsement. In fact, I have seen a number of reports made to the administrators of "blue sky" laws after the property had been visited by one of these examiners. The report generally indorses the venture, and the ignorance of the examiner is pitiful. Yet to these must Idaho bow if this bill becomes a law.

Two important questions come to my mind. Why legislate in favor of cities of over 500,000 population, and who is going to police the law? The Department of Justice or the Post Office Department? If the Department of Justice, would it not be a duplication of the work being done by the Post Office Department?

The necessity of a law of this kind is not clear to me unless it is to prevent the use of the mails, express, and telegraphs to defraud. If such is the case, why kill all legitimate promotions to reach a few illegitimate promoters? If this is the intent of the bill, would it not be better to give the Post Office Department a small amount of the appropriation that would be necessary to police this bill, change the postal fraud laws so it will be possible to convict the illegitimate promoter who is now using the mails to defraud yet is able to avoid conviction and continue his operations through cunningly designed literature that is entirely misleading yet within the law? If this is done, and should be, there would be one Federal law that the people of the

United States will have a unanimous respect for, with the reverse being true if H. R. 10598 becomes a law.

Frankly, my opinion is H. R. 10598 should be killed.

Very truly yours,

STEWART CAMPBELL,
Inspector of Mines.

I also desire to submit resolutions adopted by the Ada County Chapter of the Idaho Mining Association:

Whereas the blue sky laws of the various States are not uniform; and

Whereas the administration of the blue sky laws of various States is generally placed in the hands of officials who are not qualified to pass upon the merits or demerits of various business undertakings; and

Whereas experience has shown that the administration of the blue sky laws of various States is coupled with unlawful exaction as a condition precedent to do business; and

Whereas the Denison blue sky bill is rank class legislation; and

Whereas the Denison blue sky bill is the most destructive measure ever offered Congress, in that it will absolutely prevent development of any and all kinds and particularly in the Western States; and

Whereas the Denison blue sky bill is uncalled for paternalism; and

Whereas the Denison blue sky bill will add one more law for which the people of the United States will have no respect; and

Whereas the Denison blue sky bill will jeopardize all mining enterprises; and

Whereas general business enterprises are dependent upon the sale of their securities to a greater extent than the mining industry: Now, therefore, be it

Resolved, That the Ada County Chapter of the Idaho Mining Association respectfully requests that the Idaho congressional delegation use every power within their means to prevent the passage of such malignant legislation; and be it further

Resolved, That the Ada County Chapter of the Idaho Mining Association respectfully requests that the Hon. D. W. Davis, Governor of the State of Idaho; the Boise Chamber of Commerce; and all civic organizations in the State take such action that the citizens of Idaho may realize the danger of this legislation.

J. B. ELDRIDGE,
STEWART CAMPBELL,
FRANK E. JOHNSSEN,
W. H. PADDOCK,
W. H. FRIAR,
JOHN E. LOOK,
JAMES S. BOGART,
Committee.

I have also received the following letter from Hon. Miles Cannon, who is a close student of public affairs:

BOISE, *April 20, 1922.*

Hon. ADDISON T. SMITH,
House of Representatives, Washington, D. C.

DEAR MR. SMITH: Responsive to yours of March 29 relative to H. R. 10598, it is impossible for me to give you an expression as to the merits or demerits of this bill, as I am not a miner and have no idea of the conditions under which stock is sold and mining properties developed. I have no hesitancy in saying to you, however, that I have not talked with a mining man in this State relative to this legislation who has not condemned it in bitter terms. Several meetings have been held denouncing the act as being well intended to destroy the mining industry of the State. You can hear these expressions on any corner of the street wherever you find a mining man, and a large number of attorneys have expressed a similar view.

I want to emphasize, Mr. SMITH, the growing opposition of Federal interference with State industries. We are laboring under a burden of taxation which has reached the limit of our endurance. We are paying the Federal Government now three and a half million dollars per year of money which we seriously need at home. If you were to ask my advice, I would say to devote every hour of your time from now to the end of the session in opposing further Federal interference in State affairs. It is unnecessary to discuss the merits of Federal bills. The great and overpowering fact is that it is necessary for us to preserve our principles of government, which is of far greater importance than the merits or demerits of any bill. The people who produce the wealth and pay the taxes must perform their functions or else our attempt at free government will fail. This is going to be the political trend for the next 10 years. I have heard any number of people say that they will not vote for any man who favors extension of Federal control. These men are men of affairs, whose influence will be felt. This is the very best of my judgment, and you can accept or reject it as you think best.

Very truly yours,

MILES CANNON.

The following letter is from Frank E. Johnsene, a member of the American Institute of Mining and a mining engineer of wide experience, who has brought to the State of Idaho thousands of dollars from eastern investors for the development of the mineral resources of the State:

BOISE, IDAHO, *March 22, 1922.*

Hon. ADDISON T. SMITH,
Washington, D. C.

DEAR CONGRESSMAN: All those with whom I have discussed the Denison bill (H. R. 10598—"blue sky") agree with me that it is devoutly to be hoped you will strongly oppose this amateurish, pernicious measure.

This bill simply tends to entrench stronger than ever the vested interests and to reduce to almost a state of peonage the small operator.

In our business of mining it will mean obliteration of the invaluable prospector and small operator, as no new enterprise could possibly withstand the added cost, for no adequate return, of some $1,000 for qualifying in each one of the numerous States, some $30,000 to $40,000 in all, in order to be in a position to be able to ask for public support. Besides subjecting the prospective shareholder to this added expense, unfair to all concerned, he would be compelled to risk the judging of his property to venal or incompetent officials. This condition will apply to all new industries and, carried to a logical conclusion, no industries could be promoted by other than wealthy people who would not need the new money. There are always accredited experts for the public to consult, men who know their business and whose integrity is unquestionable. Under the Denison scheme the whole country would finally stagnate from lack of new blood.

To-day the alleged "blue sky" laws inflict far more hardship upon honest endeavor than they do good by way of protecting the public from rascality. The good is made to suffer for the bad, a reductio ad absurdum, when the fact is that but a negligibly few people put their all into new ventures of any kind.

Anything more dangerous than to place the control of finance of new projects of a technical character in hands of persons so utterly uninformed, from a practical standpoint, in matters of constructive development as are the bankers as a class would be supremely ridiculous. Useful, undeniably, in their proper sphere, they are invariably singularly obtuse concerning potential values in raw materials; are naturally inclined to want to continue to turn over the gradually wasting old wealth rather than to attempt to visualize the positive economic necessity for continually providing new until the crying necessity for it has slowed down the wheels of progress to the point of impending calamity.

That nation which ceases to speculate dies.

As grown-up men we know that without incurring cheerfully reasonable business risks there can be no such thing as progress.

Respectfully yours,

FRANK E. JOHNSSEN.

Mr. WINSLOW. Mr. Chairman, I yield 12 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, two objections have been raised to this legislation. One is raised by those such as the constituents of the gentleman from Idaho [Mr. SMITH], who think that the provisions of the bill are too stringent; the other by those who think the provisions of the bill are not stringent enough. I belive it would help both classes of objectors if they would keep clearly in mind the purpose and theory of the legislation. It is not really a Federal blue sky law. It is in fact a misnomer to speak of it as such. Its purpose is to make effective the blue sky laws of the different States and to make it harder for those who want to evade the State laws to do so. It does not in itself prevent the sale of any security, and it does not in itself authorize the sale of any security. As has been stated by the gentleman from Illinois [Mr. DENISON], the bill recognizes the right of each State to determine that question for itself. The gentleman from Pennsylvania [Mr. MCFADDEN] a few moments ago said that the bill would prevent the sale of farm mortgages. That is far from the fact. He misapprehends the provisions of the bill. It does not prevent the sale of farm mortgages at all. It simply prohibits in certain cases the use of the mails and other agencies of interstate commerce in selling securities in those States where they can not be sold without the consent of the securities commissions until they have obtained that consent. In those few States where there are no blue sky laws at the present time the mails may be used, and the other agencies of interstate commerce may be used without limit to sell any class of securities, as far as this legislation is concerned. In those States which have blue sky laws the mails can not be used to assist in the sale of securities contrary to their own blue sky laws, except these securities, which are specifically exempted by the bill. The legislation will hurt no one who is doing a legitimate business, and it will not unduly hamper anyone in the conduct of such legitimate business.

The gentleman from Illinois [Mr. DENISON] in his modesty has not claimed the credit which he is entitled to for this particular legislation. He is entitled to great credit for originating it and for the work that he has put in upon this bill, and for the shape in which it is finally presented here on the floor of the House this afternoon.

The bill as now presented has the approval of the National Association of Securities Commissioners, the American Bankers' Association, and the Investment Bankers of America. Representatives of these associations met with Mr. DENISON and worked upon this proposed legislation for a long time, literally for weeks, I believe, putting in long hours every day before it was finally whipped into its present shape. As the bill was originally introduced, it met with the opposition of the representatives of some of these associations, but the bill as now presented has their approval. The president of the National Association of Securities Commissioners is the executive officer of the Michigan Securities Commission, Hon. H. N. Duff, a very efficient and capable official. He has taken great interest in this legislation. After the bill was reported by the committee and placed upon the calendar he wrote me a letter in which he said, among other things:

This bill is one in which this commission has unquestioned interest. The bill is designed to aid the Michigan blue-sky law, so called, in that it prevents fraudulent promoters from using the mails from outside the State into Michigan. It will close up the gap in the control of the sale of the fraudulent securities which Michigan at present has. We think it is absolutely necessary, and that as it stands it is a bill which will help nearly everybody and at the same time hurt nobody whose business is legitimate.

Mr. Chairman, the experience of the securities commission in Michigan has been this: It has refused the sale in Michigan of certain securities which that commission, a very conservative commission, thought ought not to be sold within the State.

The promoters of those same securities have gone over the State line into Ohio, established an office in Toledo, or they have gone over the State line into Indiana and established an office in Indianapolis, or into the State of Illinois and established an

office in Chicago, and before anyone knew it the State was flooded with literature offering for sale the same securities which the Michigan Securities Commission had said could not be sold within the boundaries of the State. It is the purpose of this bill to make it impossible for the promoters of that sort of fraud to operate, or to make it possible to put them in jail if they continue to do that. Upon this point Mr. Duff, in a letter to me written some time ago, said:

This bill is of more importance to the State of Michigan and the blue sky law than many people have any idea of. It would make amenable to the Michigan blue sky law all attempts of promoters outside the State to sell stocks and bonds of a suspicious nature by mail. With the amendments which the last legislature made to our Michigan blue sky law we think we have one of the best laws in the country, and the only hole in our armor plate is the proposition of stocks being sold here by mail from some other States. Many instances of such cases brought to our attention, where farmers and merchants of small towns have fallen for the exaggerated promises of the promoters of oil fields in Texas or sulphur deposits in Louisiana and other industrial work. I recall one case where a farmer and his wife living in Kent were stung $6,000 on a sulphur deposit in Louisiana. We have also had some cases where promoters of stock, which were not of the best type, after disapproval of this commission operated offices in Toledo, Chicago, and Indianapolis, and bombarded Michigan people by mail. Under our State law that the mails belong to the Government and are under interstate commerce we were absolutely helpless, and we have to sit by and see these outside promoters taking money through the mail. It is not only a crime upon our Michigan people but also unfair to Michigan promoters to live up to the letter of the law and take out of the State millions of dollars which should be invested in Michigan industry.

I do not believe that the constituents of the gentleman from Idaho [Mr. SMITH] or that gentlemen from any other State where they have blue-sky legislation, want people to be allowed to sell securities through the mails or otherwise to their people which their own State laws do not allow to be sold when all parties are within the territorial limits of the State. But that is all this bill does. It says no one can sell to the people of Idaho securities in the State of Idaho through the mails or through other agencies of interstate commerce that are not allowed to be sold under the laws of Idaho within the boundaries of that State. The same protection which gentlemen insist upon for the people of their own States they ought to be willing to accord to the people of other States.

Mr. DENISON. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. DENISON. I want to state for the benefit of those who are here that the protest we have just heard through my friend from Idaho, made by a certain organization out there, that they are making the same kind of an objection and the same kind of fight against their own State laws. They are opposing all sorts of laws that are intended to prevent the sale of fraudulent securities. Of course, I do not mean the gentleman from Idaho is doing that, but I mean the men who sent the communication to him are doing it.

Mr. MAPES. Certainly. One of the representatives of the National Association of Security Commissioners, who appeared before the committee in advocacy of the bill, was Mr. Canright, a member of the Wisconsin State Commission. He said of the bill as it was finally reported, referring to the conferences which were had between the representatives of the security commissioners, the investment bankers, and the gentleman from Illinois [Mr. DENISON]:

The bill was much better than we had hoped it would be possible to achieve, and it is with considerable pride and satisfaction after our long hours of work that we were able to get a bill which to both sides seemed to accomplish the object desired and at the same time not place any substantial or serious burden on the development of proper business enterprises.

Mr. Duff, president of the National Association of Securities Commissioners, in a letter to the chairman of the committee, which is printed in the hearings, very well said:

The blue sky law of to-day, safeguarded as it is in most cases by court action and subject to enforcement by State officials who are men of experience, not only does not hurt legitimate business but helps legitimate business. Each and every dollar which the blue sky law saves from the crooked promoter goes into legitimate channels. The Denison bill can do no harm to legitimate business. Legitimate business is not so easily hurt nor is legitimate business attempting anything which it is afraid to tell the public, State officials, or anyone else. The theory of the State blue sky laws is merely "throw your cards upon the table." Legitimate business which is afraid to thus display its hand ceases to be legitimate business and becomes illegitimate business, and as such should be stopped by somebody, be it the Federal Government or the State governments.

And again, speaking of the bill:

It hurts no one but the people it is intended to hurt, the crook who preys upon the widow and the orphan and the aged with alluring promises of great riches and gives them nothing.

In the consideration of the bill under the five-minute rule, Mr. Chairman, it seems to me that it would be well to keep this further thought in mind, which is well brought out in his letter by Mr. Duff, who has the welfare of this legislation very much at heart, when he says:

This is an intricate bill and has been gone over by men who have made a study of the situation for years and have come in contact with the problem it deals with in all its phases. It is not perfect, but it should be put upon the books just as it comes from your committee, and we would respectfully ask that your committee, once it has agreed to report it, stand back of it on the floor of the House and see to it that it goes through without any emasculations or amendments which will destroy its efficacy and injure its effect.

Mr. Chairman, for the purpose of emphasis I repeat that the bill does not in itself purport to prohibit the sale of any security and it does not in itself make legal the sale of any security. Its aim is to make effective the State laws. [Applause.]

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I consider this a splendid piece of legislation, and am very glad to have the privilege of making an argument in behalf of the bill now under consideration. The conditions growing out of the recent war have greatly facilitated the increasing evil connected with the promotion of unsubstantial stocks and securities.

We have in South Carolina—in fact, in practically all of the States—a very satisfactory blue sky law governing the sale of securities, stocks, and bonds. We need, however, further aid in administering the State law by the help of a Federal statute. Those who have charge of administering the State law tell me that there are organized gangs who prey upon the innocent public by selling them fraudulent stock and worthless securities. We have in the United States thousands of concerns represented by professional experts, who in many instances are crooks. These experts are exploiting the unprotected public whose ignorance permits them to accept the terms of such unfair salesmen. These salesmen use all manner of attractive and enticing advertisements and schemes which fool the untrained man into thinking by investing he will greatly improve his financial status. To the trained business man these same schemes seem unthinkable. The men and women who invest in such stock and securities are usually those of small means and have little, if any, experience in dealing in such matters. They risk their little savings with the thought that they will become rich overnight.

I call your attention to a party in my section of the State who received through the mail some very attractive advertising matter in connection with the sale of oil-well stock which promised exceedingly large returns for a small investment. He purchased some of the stock, and in about three months he received a "handsome" dividend, with a statement showing the wonderful progress of the company. They offered him additional stock, stating that they had only a limited amount and that they wished their stockholders to have first choice. He swallowed the hook and line, baited with the "handsome" dividend, making a much larger purchase of the stock. Soon he found that the stock was worthless and lost all the money invested.

During the past few years, when money was plentiful in the Southern States, these expert salesmen with "get-rich-quick" schemes not only worked the city trade but the farmer as well. Folks living in the rural districts, not being in touch with their bankers and business men, were unable to judge the real value of such investments; therefore they were easily made victims by buying these fraudulent and worthless securities. It has been officially estimated that the people of the United States have lost as much as $500,000,000 annually through the sale of deceitful stocks. When one hears of the discovery of a new oil well or a mine in some distant part of the country these salesmen immediately organize, flooding the country with highly colored advertising matter and promising untold returns for investment in their organizations and in the end robbing thousands of innocent victims. The States are powerless, and unless we pass this kind of legislation they have no means of protecting their citizens. On account of the attractive promises many people even exchange their valuable Liberty bonds for these valueless securities.

A few days ago I received a letter from the Hon. John McMahan, commissioner of the insurance department of the State of South Carolina, stating that it is essential that we have such legislation as proposed in this bill in connection with our State law in order to fill the gap in the protection of the people against the sale of fraudulent securities.

I hope, therefore, that the House will pass this bill, so as to give the States the needed assistance in preventing the sale of worthless stocks and thereby putting an end to the robbery of thousands of innocent people.

[By unanimous consent, Mr. MAPES, Mr. BARKLEY, and Mr. DENISON were granted leave to extend their remarks in the RECORD.]

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and Mr. GRAHAM of Illinois having assumed the chair as Speaker pro tempore, Mr. LONGWORTH, Chairman of the Committee of the Whole House on

the state of the Union, reported that that committee had had under consideration the bill H. R. 10698, the "blue-sky" bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. TILSON, by unanimous consent, was granted leave of absence indefinitely, on account of public business.

MOTION TO RECONSIDER.

Mr. JONES of Texas. Mr. Speaker, I desire to enter a motion to reconsider the vote by which House Resolution 320 was passed on yesterday.

The SPEAKER pro tempore. Was the gentleman present at the time the vote was taken?

Mr. JONES of Texas. Yes. I desire to explain in this connection that I simply wanted to enter the motion in order to preserve the status of the matter for a day or two, until the committee has a chance to see whether an error was made or not.

Mr. LONGWORTH. Will the gentleman advise us as to what the resolution is?

Mr. JONES of Texas. It was to provide a month's salary to the secretary of the late Mr. Parrish. A question rose as to how to apportion the amount. The chairman of the committee is out of town, and no member of the committee desired to take the responsibility, and in order to have it pending, I make this motion. I understand to-day is the last day on which a motion to reconsider could be made, and I desire to make it and not have it acted upon now.

The SPEAKER pro tempore. The gentleman from Texas moves to reconsider the vote whereby House Resolution 320 was passed.

Mr. MONDELL. He enters the motion but does not call it up?

Mr. JONES of Texas. Yes; I just enter it.

CHRISTOPHER COLUMBUS MEMORIAL.

Mr. RUCKER. Mr. Speaker, by request I ask unanimous consent to extend my remarks in the RECORD, giving a brief outline of the ceremonies connected with the unveiling of the Columbus statue on the Depot Plaza, and including an address delivered by the Hon. James T. McCleary, at that time a Member of the House.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following is the account referred to:

THE CHRISTOPHER COLUMBUS MEMORIAL.

Mr. RUCKER. Everyone who has a little time to look around the Plaza in front of the Union Station in this city must be struck by the majesty and beauty of the memorial to Christopher Columbus that stands directly in front of the station. I have lately been looking up that fine memorial. The best account of its dedication that I can find is given in the Columbiad, official organ of the Knights of Columbus. In its issue for July, 1912, a copy of which I hold in my hand, the opening article, by Denis A. McCarthy, who at the banquet in the evening of June 8, 1912, read an original poem in honor of the occasion, tells the story of that ceremonial nearly 10 years ago, when the memorial was dedicated. In part it reads as follows:

UNVEILING A MAGNIFICENT SUCCESS.

In the brilliant sunshine of a day whose summer temperature was modified by a delightfully cool and pleasant breeze, the greatest nation in the New World which Columbus discovered in 1492 paid fitting tribute to his memory when amid scenes of splendor and enthusiasm a national memorial to the admiral of the ocean was unveiled in Washington, Saturday, June 8.

The tribute no doubt was tardy; the full and frank recognition by the United States of America of the debt which this Nation and the world owe to the fearless mariner had been a long time withheld (other men of lesser note being honored in the meantime); but the beauty and impressiveness of the memorial to Columbus, and the dignity and brilliancy which marked the unveiling, were such as to make the spectator forget the long years of neglect.

Standing before the majestic monument, or pacing the streets of the Nation's Capital, all ablaze and adutter with flags and bunting and signs of welcome and festivity, one could not but feel proud of the order which bears the name of Columbus; for, were it not for the knights, it is safe to say that this long-deferred act of justice to the name and fame of Christopher Columbus would be still longer deferred, if indeed it would ever be performed at all. They it was who initiated it; they it was who untiringly advocated it; they it was whose clear presentation of the propriety of erecting such a monument won for the project the friendship and adherence of just and thoughtful men of all creeds and classes.

Saturday, June 8, was therefore with excellent reason a Knights of Columbus holiday in Washington. They thronged the city. The hotels were filled with them and their ladies; and shops, buildings, and public places were gay with bannerettes and badges of the members of the order from all over the country. Honoring Columbus, Washington and the Nation honored them also; and it may well be said that for them the Capital City hung its banners on the outer walls; for them receptions and other functions were held; for them, and of them, parades were organized; and for them the night sky was bright with fireworks.

THE STORY OF THE MEMORIAL.

The story of the memorial whose unveiling was the cause of all this festal beauty in Washington, though often told before, has a place here. By an act approved March 4, 1907, Congress appropriated $100,000 for the erection in the Capital City of a suitable memorial to Christopher Columbus, and created a commission, composed of the Secretary of State, the Secretary of War, the chairmen of the House and Senate Committees on the Library of the Fifty-ninth Congress, and the supreme knight of the Knights of Columbus, with authority to select a fitting design and to contract for and superintend the construction of the memorial.

On February 4, 1908, the commission selected as a site for the memorial the plaza in front of the new Union Station. In February, 1909, the commission, after carrying out a program of competition, selected Lorado Taft, of Chicago, as the sculptor, and on March 4, 1910, a contract was entered into with Mr. Taft to furnish the models for the sculptural work, to exercise supervision over its execution in stone, and to superintend its erection.

No picture that we have seen gives an adequate idea of the size, beauty, and impressiveness of the memorial. It is constructed of Georgia marble, and is 66 feet broad, 44 feet deep, and its central pylon or shaft is some 45 feet high. This shaft is crowned with a globe which is supported by four eagles connected by garlands. From the front of this shaft a boat's prow extends into the upper basin of the fountain, for the whole memorial is a monumental fountain. The winged figure of decorative prow symbolizes the spirit of discovery. The prow serves as a pedestal for the statue of Columbus, which is 15 feet in height and carved from a single block of beautiful white marble.

This figure—

Writes the sculptor himself in a description of the memorial—

wrapped in his medieval mantle, stands in a quiet pose with folded arms and steady gaze, expressive of the confidence of the great spirit within.

It is the first object to greet the eye of the stranger entering Washington through the Union Station, and, as President Taft pointed out in his address at the unveiling, it leads the gaze to the dome of the Capitol, which is dedicated to human liberty. The whole memorial is a striking example of a noble thought nobly executed, and everybody in any way connected with the placing in Washington of such a work of art to speak to all future ages of the genius of Columbus may well experience gratification. The Knights of Columbus particularly may point to it as one of the many noble works they have accomplished since their organization.

THE DEDICATION EXERCISES.

The assemblage was called to order by Secretary of State Philander Chase Knox, chairman. He introduced the Right Rev. Monsignor Thomas J. Shahan, rector of the Catholic University, who prayed the Almighty and Eternal Ruler to look down benignly on the work that was that day being accomplished; to let the light of His countenance shine on the multitude of His people gathered at their national center to honor—

the illustrious man who threw open to religion, civilization, and liberty the gates of a new world and made free to mankind the high and broad pathways it since has trodden. Increase in all Thy children the spirit of faith in which Thy chosen agent crossed the unknown seas and braved many perils to make Thee known to far-off peoples that sat in darkness of heart and mind. Arouse in us, O Lord, some measure of sublime courage with which Thy glorious agent ever faced adversity.

When the prayer was ended Mr. Knox introduced Hon. Victor J. Dowling, justice of the Supreme Court of New York, who paid eloquent tribute to the great discoverer, saying at the close that it was fitting that after centuries recognition should be given, sincere if tardy, to Columbus's great services to humanity.

It is the appreciation of his nobility of character—

Said Justice Dowling—

which is leading to the spreading movement to make Columbus Day a holiday, in which 20 States have now joined, and to whose ranks it is hoped that the Nation itself will soon be added.

Representative James T. McCleary, of Minnesota, a member of the original commission which chose the design and site for the memorial, then made a much-applauded address, in which he lauded the virtues of Columbus. (This address in full follows.)

Then followed the most dramatic moment of the ceremony, as the Italian ambassador, Marquis Cusani Confalonieri, made a short address in English, followed by another in his native tongue, and then drew the cords which unveiled the memorial.

It was a stirring moment and one that was marked by enthusiastic applause as the flag which had hidden the figure of Columbus was drawn aside and the majestic statue of the fearless mariner was revealed to the expectant throng. As if in answer to the applause of the people in the stand, immediately the artillery began to thunder forth its salute of 21 guns.

After this salute and the playing of the Star-Spangled Banner by the Marine Band, His Excellency William Howard Taft, President of the United States, was introduced and made an address which was listened to intently and vigorously applauded.

It is true—

Said the President—

that there were other mariners as skilled as Columbus, as brave in exposing themselves to danger as he was, in that heyday of Italian, Spanish, and Portuguese manhood. And the risks they ran, the dangers they encountered and survived arouse in the reader of the present day amazement and profound admiration. But the supreme merit was his to do first that which, until he did it, presented unknown terrors to the adventurer.

From Mr. McCarthy's inspiring account of the dedication I have taken enough to enable the reader to get an idea of the occasion.

I was in Congress at the time and I well remember the day. It was a real pleasure and satisfaction to me, as it was to all Members of both Houses, to vote for the bill providing for the memorial. Its spirit and purpose were generally approved. That great organization, the Knights of Columbus, had made known to the country the meaning of it all.

The address of Hon. James T. McCleary at the dedication is so well worthy of presentation in the CONGRESSIONAL RECORD that I ask unanimous consent to incorporate it in the extension of my remarks. It is as follows:

THE MEANING OF MEMORIALS.

Mr. MCCLEARY. The framers of this program evidently believe in proverbs. In selecting the speakers and arranging the order of the three formal addresses they have illustrated three of these proverbs. "What is well begun is half done," so for the opening address they were fortunate in securing the eminent jurist from New York to whose address we have listened with so much of pleasure and profit. "All's well that ends well," and the occasion is honored by having the closing address made by the foremost citizen of the Republic. With such an opening and such a closing of the formal speaking program, with its success thus assured, it was not necessary for the committee to look far for the one to deliver the middle address. They need only act on the theory, "The ends justify the means."

With the vision of a poet and the skill of an artist, Justice Dowling has pictured for us the career of Christopher Columbus. To that picture it were idle for me to try to add. On the other hand I am not unmindful of the fact that this occasion has certain aspects, some of them international in character, which can most appropriately be presented by the Chief Magistrate of the Nation. My field, therefore, as the representative of the Columbus Memorial Commission, seems in the nature of the case circumscribed to the memorial itself and some of the things that it suggests.

WHAT ONE SEES DEPENDS LARGELY ON WHAT HE IS.

Our first transcontinental railway was completed in 1869. Westward from Omaha and eastward from the Golden Gate the work of construction had for years been pushed. Across the plains and over the mountain passes strong men had long been building the two sections of the road toward each other. Nearer and nearer month by month they came. Finally not far from Ogden the two sections were united, and to mark the wedding of the east and the west a golden spike was driven.

From all parts of the country prominent men journeyed out to the Sierras to witness the crowning act of the epoch-making achievement. Among those assembled on the day appointed for the ceremony were groups of aborigines. These Indians saw the wondrous locomotives which always impress us with awe. They looked on those engines, but marveled not at their mechanism or their power. On the moving palaces that we call railway coaches they gazed with stolid faces. They saw the wires stretching from pole to pole away off into the distance, and they were told that over those lines men hundreds of miles apart could talk as if face to face. Even this wonderful thing evoked from them no sign of surprise.

But there was one performance that seemed to fascinate them, one that called forth from them great grunts of admiration. On it they gazed with eyes and ears and mouths—every avenue of approach to the brain—wide open with appreciation and approval. As they watched it they became tremulous with excitement; every fiber of their bodies seemed to vibrate with enthusiastic admiration. And what was it that called forth such marked evidences of appreciation? It was the way in which the linemen climbed the telegraph poles to fix the wires!

Why did this comparatively unimportant performance command their admiration while the really great things to be seen were unable even to secure their attention? It was because the climbing of the telegraph poles came within the range of their experience and thus came within their power to appreciate. They had climbed trees. They knew the difficulty of tree-climbing even with the aid of bark and branches. Here were bare trees, barkless and branchless, and yet these wonderful white men climbed them with surprising quickness and certainty!

The powerful locomotives, the beautiful coaches, the wonderful electric telegraph—none of these made any impression on the natives. Why? They failed to admire simply because they could not understand. Under such conditions men always and everywhere are prone to do one of two things, either remain wholly unmoved or else be so overwhelmed that they regard the phenomena as supernatural.

A CREDIT TO THE NATION.

Only those who have themselves achieved can intelligently appreciate achievement. Only she who has patiently day after day ran her fingers back and forth over the keyboard can really understand and adequately admire the technique of the pianist. Only those who have participated in the construction of some great work can appreciate constructive achievement at its true worth. Intelligent appreciation of greatness in others argues a measure of greatness in oneself. Monuments to great men are honorable alike to those for whom they are set up and to those who erect them. It is to our own credit as a Nation, therefore, that even though tardily we have erected out of public funds, and are now dedicating with dignified ceremonial, this fine memorial to the world's foremost discoverer, perhaps its greatest secular benefactor.

It is a principle of human nature that what men habitually contemplate they come to resemble. That is the lesson of Hawthorne's story of The Great Stone Face. And every-day observation and experience confirm its truth. Those whose minds habitually dwell on mean and petty things tend to become mean and petty. Those who think often on large and noble things grow day by day in breadth of mind and magnanimity of soul. "As a man thinketh, so is he." And so I extend my hearty congratulations to that great society so numerously represented here to-day on having named their organization after him in whose honor we are now assembled. The very name, Knights of Columbus, is elevating and ennobling. Knights! Columbus! What pictures of chivalry the words conjure up! What courage in the presence of danger! What persistence in the face of discouragement! What kindness to the weak! What generosity to the poor! What sympathy for the suffering! What faith! What constancy! How could a man fail to be bettered by membership in an organization "so conceived and so dedicated?"

It was Italy that gave Columbus to the world. So it seems fitting that this memorial should be unveiled by the distinguished gentleman who as ambassador so worthily represents that great country at this Capital. When in a few minutes now the ambassador shall have performed that pleasant duty it will be found that the memorial is to Christopher Columbus alone. Not a man who accompanied him on his memorable voyage is here remembered. Even Ferdinand and Isabella are honored only by a medallion on the back of the memorial. Is this a just arrangement? To the American people it is more important than may at first appear that the popular answer to this question be right.

The men shared with Columbus the dangers of the deep; should they not here and now be honored with him for the achievement? In a certain sense, yes. But who knows their names? The human mind has limitations. The ability to remember some things depends on the power to forget many things. Only the loftiest mountains can be seen at great distances; the supporting hills at their base soon disappear from view.

COLUMBUS THE CHIEF FIGURE.

Ferdinand and Isabella rendered their own country many and great services, and for those services they are justly honored in the annals of Spain. But the world at large remembers them chiefly as the patrons of Columbus in his fateful enterprise. Their fame is due primarily to his achievement. Their relation to that achievement was such that it seems fitting that their names and faces should appear on this memorial.

And here it seems proper to note that whenever and wherever a great deed for humanity is done, it will usually be found that connected with it in some inspiring and helpful way is a good woman.

Considering now the particular achievement that we are assembled to commemorate, whose brain conceived the enterprise? Whose skill wrought out the details? Whose soul furnished the courage that surmounted all difficulties? Who pushed on when everyone else wished to turn back? Who was the one person for whom there could be no substitute? Who was the one person indispensable to the success of the enterprise? As a matter of inherent justice and the highest equity, whose should be the supreme credit for the result? The world rightfully ascribes to Columbus the chief glory. This memorial is evidence that we concur in the world's opinion. That judgment will never be reversed or recalled.

It would be out of place on this occasion to discuss questions of a partisan character. We have come as one people to pay honor to Columbus. Our hearts are beating in unison with gratitude to our benefactor. The memorial is the tribute of all our people—all sections, all parties, all creeds—to a man who has rendered a service of incalculable value to the entire world. But the very setting up of the memorial to this heroic soul contains a suggestion too vital to the welfare of all our people to be allowed to pass unnoticed here.

In essence, though not in form, the achievement of Columbus is constantly being duplicated.

NEW WORLDS ARE CONSTANTLY BEING DISCOVERED.

Within the lifetime of many in this audience clothing was all handmade. At that time the making of garments was one of the incidents of housekeeping. Few people were able to find in garment making a distinct means of earning a livelihood. Since the invention of the sewing machine the making of clothing has become a great industry, one in which hundreds of thousands of our people find opportunity to earn an honest and useful livelihood. More than that, for every person who a century ago was able to get one new dress or one new suit of clothes a year a hundred can now afford two or more new suits or dresses every year. By inventing the sewing machine Elias Howe opened up a new world to industry, vastly increased opportunity, and placed within the reach of millions of people comforts that but for his invention would have remained wholly unattainable.

One of the honored residents of this Capital City, Alexander Graham Bell, who still moves modestly among us, has opened up another world which but for his invention would have remained closed to mankind. The telephone has made possible a vast number of useful services that without it would be impossible. It has added immensely to the comfort and convenience and safety of the world's teeming millions. The communication of intelligence is the world's greatest civilizer. And for every person formerly employed in transmitting messages hundreds are now so employed. To the wage earner the telephone has opened up a new world of opportunity.

The men on the caravel with Columbus several times threatened to throw him overboard. If they had done so, would they have promoted

or retarded the world's progress? Would they have helped or hurt the great mass of mankind? Suppose that the people of those days in all countries had definitely decided that they would use the power of their governments to prevent men of the type of Columbus from exercising their talents; would they have been wise or unwise? Would it be to the advantage of the mass of our people for our Government to adopt the policy of preventing men from doing the best and the most of which they are capable?

Wonderful as was the nineteenth century, its achievements can be far eclipsed in the twentieth. The man could have thrown Columbus overboard. Progress can be hindered. Shall this great Nation, the flowering century plant of time, promote or retard the opening up of these new worlds waiting to be discovered? Do we really desire progress or do we simply wish to talk about it?

THE SPARTAN SYSTEM.

For a long time ancient Sparta pursued the policy of exposing all puny infants on the hillsides to die. Only those infants could lawfully be nourished that gave promise of growing up into vigorous manhood or womanhood. Under that system Sparta developed a great race and was able to maintain itself in the midst of powerful foes. Since then the world has grown kinder and the Spartan policy of deliberately killing off the weak has been abandoned. But would it not be unspeakably foolish to adopt the opposite policy of deliberately killing off the strong? And who would be the chief sufferers under such a policy? Precisely those whose interest it is profoundly to serve thereby. The weak need the strong more than the strong need the weak.

Among men there are more warm hearts than wise heads. Men differ not so much in their motives as in their methods. Though pain and poverty seem to have been ordained by One infinitely wiser and kinder than we, all of us would like to banish them from the earth. Not everyone knows how to do it, but everyone ought to know how not to do it. The lowly can not be permanently lifted up by pulling down the exalted. The real interest of the many can not be promoted by unjust treatment of the few.

We have met to honor achievement. We pay tribute to-day to the Genoese boy who rose from the deepest obscurity to world-wide, age-enduring fame. He heard the voices of the sea and followed the beckoning waves of the blue Mediterranean. Step by step he solved old ocean's mystery and conquered all its terrors. His achievement enlarged the world for man and gave new glory to the sovereigns who lent him aid. Had he received as his reward an infinitesimal part of what he gave to mankind, he would have been rich beyond the dream of avarice. He would have become rich not by taking from others but by preserving to himself a little of what he created. And it is still a part of the divine law of compensation that in order to do much legitimately for himself a man must do immensely more for others. Exceptions to this rule only go to prove it. If wrongdoing never prospered, no one would ever be tempted to do wrong; if it always prospered, the most virtuous would be sorely tried.

Slowly but surely man is moving upward. Disease and pestilence are being driven from the earth. Before the rising sun of intelligence, ignorance and superstition are vanishing like the mists of the morning. Pain is being mitigated and poverty is being lessened. The average man to-day enjoys comforts and conveniences that a king could not command even a century ago. Perhaps the chief significance of this memorial in its value as evidence that the American people hereby show their recognition and approval of the fact that in the onward and upward march of humanity the many have always been led by the few, and that in the nature of the case this must always be true. This is the meaning of monuments.

Let us here and now as a Nation highly resolve that in the future, as in the past, America shall continue to be the land of opportunity. Let us make it more true rather than less true that in this country the man of one talent and the man of many talents shall each be free to achieve the most and the best of which he is capable, and enjoy the full reward that he has fairly earned. Let us keep wide open for everyone the golden gate of opportunity.

THE IMPORTANCE OF INSTITUTIONS.

The other work this memorial speaks with voiceless eloquence. This Columbus whom we honor has passed from earth. Men, however great, must die. The good work they started would perish with them but for one thing. To insure the carrying on of their work after they have passed away men establish institutions. Before the fateful day on Calvary the Incarnation of Love and Wisdom gathered around Him a body of men to carry on His work. The institution then established has survived the centuries. It still remains blessing and to bless humanity.

One April day in 1865 our country was shocked to hear that the head of the Nation, its best beloved son, had been slain by an assassin. Indignation and anger were felt by every heart. In New York City the editor of a certain newspaper had been saying harsh things about the loved and lost. A crowd gathered and moved toward the building in which this paper was published. The crowd's righteous resentment was to be shown by the demolition of the offending plant. No one can tell what might have happened. But a man appeared on a balcony above the crowd and in a voice that was heard by all he cried, "God reigns, and the Government at Washington still lives." That speech was an inspiration, worthy of the man who a few years later reached the same high station and suffered the same sad fate. Garfield saw that day with the vision of a seer and spoke with the wisdom of a sage. The effect was instantaneous. His words fell like oil upon the troubled waters. The crowd, which was moved by a righteous indignation, but was about to express it in a wrong way, gradually dissolved and the Nation was saved another crime.

Garfield was right. Men die but institutions live. The men who framed our Government have all gone to their reward. But they gave us an institution and a Constitution which for a century and a quarter has served us marvelously well. Our national Constitution has commanded the enthusiastic commendation of the greatest and wisest statesmen of this and other lands. In the words of Gladstone, "The American Constitution is the greatest instrument ever struck off at a given time by the brain and purpose of man." It served well our national purposes when we were a little Nation of thirteen States and four millions of people living along the shores of the Atlantic. It has served us well as we have grown to be the mightiest Nation on the face of the earth, with a hundred millions of people, a Nation that has extended across the continent and covered the islands of the eastern seas. Through all these years it has remained largely unchanged—almost entirely unchanged in its vital principles. That it has been amended shows that it can be amended when the people in their sober judgment think that that is wise.

To the inexperienced all things are possible and most things are easy. Experience shows that there is often a vast difference between promises and performances. Some of the most highly praised mining claims fail to pan out. Whatever in the present agitation is true and wise will remain, the rest will be blown away like chaff in the severe winnowing of public discussion.

I have an abiding faith in the might of right and in the common sense of the common people. We are not always right in the method of carrying out our best impulses, but experience proves that the sober second thought of the American people can be safely trusted.

And now, Mr. President, to you as the Chief Magistrate of the Nation, I have the honor, as a member of the Columbus Memorial Commission, to turn over this memorial. We chose as his site this entrance to the Nation's Capital, this gateway to the District that bears his name. May the Nation preserve the memorial with loving care and may it throughout unnumbered years speak to our people its lessons of sublime faith and unfaltering courage.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 24 they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3195. An act to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11, and to issue patent therefor; to the Committee on the Public Lands.

S. 1087. An act for the relief of H. L. McFarlin; to the Committee on Claims.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 26, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FORDNEY: Committee on Ways and Means. H. J. Res. 270. A joint resolution authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia; without amendment (Rept. No. 624). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLSPAUGH: Committee on the District of Columbia. H. R. 6258. A bill to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; without amendment (Rept. No. 625). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE: Special Committee on Adjustment of Pay, etc. H. R. 10072. A bill to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; without amendment (Rept. No. 626). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER: Committee on Invalid Pensions. H. R. 11427. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 628). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. S. 777. An act for the relief of John M. Green; without amendment (Rept. No. 628). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. S. 1880. An act providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army; without amendment (Rept. No. 629). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. S. 3300. An act granting a pension to Marie Doughty Gorgas; without amendment (Rept. No. 630). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11150) granting a pension to Emil Schmitt, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 11427) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11428) to fix the salaries of the Civil Service Commissioners and of certain employees of the Civil Service Commission; to the Committee on Reform in the Civil Service.

By Mr. GREENE of Massachusetts: A bill (H. R. 11429) authorizing the United States Shipping Board to reimburse builders of wooden ships for losses sustained as the result of the cancellation of contracts and the abandonment of wooden-ship construction; to the Committee on the Merchant Marine and Fisheries.

By Mr. PATTERSON of New Jersey: A bill (H. R. 11430) to provide for the purchase of a site and the erection thereon of a public building at Haddonfield, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 11431) authorizing and directing the Postmaster General to permit the use of special canceling stamps in the post office at Sacramento, Calif., bearing the words and figures "Come to the Days of '49 Celebration. Sacramento, Calif., May 23-29, 1922"; to the Committee on the Post Office and Post Roads.

By Mr. SWING: A bill (H. R. 11449) to provide for the protection and development of the lower Colorado River Basin; to the Committee on Irrigation of Arid Lands.

By Mr. RANKIN: Joint resolution (H. J. Res. 312) amending section 404 of the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. McKENZIE: Resolution (H. Res. 331) for the consideration of House bill 10972; to the Committee on Rules.

By Mr. TUCKER: Resolution (H. Res. 333) requesting the President of the United States to send the four-power treaty and other papers to the House of Representatives; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 11432) for the relief of John H. Barrett and wife; to the Committee on War Claims.

By Mr. FAUST: A bill (H. R. 11433) for the relief of Bruce Bros. Grain Co.; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 11434) granting a pension to Calvin R. White; to the Committee on Pensions.

Also, a bill (H. R. 11435) for the relief of W. F. Morgareidge; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 11436) granting an increase of pension to Fredericka S. Albee; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 11437) granting a pension to Olive Bosworth; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 11438) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; to the Committee on Claims.

By Mr. LEA of California: A bill (H. R. 11439) granting a pension to Olive W. Cox; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 11440) for the relief of Henrietta Greene, E. G. Green, J. B. Howell, Emily C. Vaughn, M. E. Howell, W. G. Howell, and Vivan Howell; to the Committee on War Claims.

By Mr. REBER: A bill (H. R. 11441) for the relief of M. Spector & Co.; to the Committee on Claims.

By Mr. TINCHER: A bill (H. R. 11442) granting a pension to Sophia Wilson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11443) granting a pension to George C. Peterson; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 11444) for the relief of the Powell Grocery Co.; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 11445) granting an increase of pension to Charlotte Wirsing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11446) granting an increase of pension to Grace Olive Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11447) granting an increase of pension to James M. Laird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11448) granting a pension to Margaret Anna Colligan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5271. By the SPEAKER (by request): Resolution of the Presbytery of Nebraska City, Nebr., of the Presbyterian Church in the United States of America, representing 7,466 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5272. Also (by request), resolution of the Presbytery of Wenatchee, Wash., of the Presbyterian Church in the United States of America, representing 1,516 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5273. Also (by request), resolution of the Presbytery of Lansing, Mich., of the Presbyterian Church in the United States of America, representing 3,814 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5274. Also (by request), resolution of the Presbytery of Washington, Pa., of the Presbyterian Church in the United States of America, representing 8,957 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5275. Also (by request), resolution of the Presbytery of Walla Walla, Wash., of the Presbyterian Church in the United States of America, representing 2,681 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5276. Also (by request), resolution of the Presbytery of Columbia, N. Y., of the Presbyterian Church in the United States of America, representing 1,676 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5277. Also (by request) resolution of the Presbytery of Shenango, Pa., of the Presbyterian Church in the United States of America, representing 7,940 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5278. Also (by request) resolution of the Wilmington Conference of the Methodist Episcopal Church, representing 48,522 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5279. By Mr. ANDREW of Massachusetts: Petition of the Appalachian Mountain Club, opposing transfer of administration of national forests from Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5280. Also, petition of the Massachusetts Society, Sons of American Revolution, opposing the proposed erection in Washington on public land of the so-called George Washington Memorial; to the Committee on the Library.

5281. By Mr. BARBOUR: Petition of the Council of the City of Alameda, Calif., indorsing House bill 10212; to the Committee on the Judiciary.

5282. By Mr. COOPER of Wisconsin. Petition of citizens of Beloit, Wis., protesting against the passage of House bill 9753, or any other Sunday bill; to the Committee on the District of Columbia.

5283. By Mr. CURRY: Petition of the City Council of the City of Alameda, Calif., favoring the enactment of House bill 10212, amending the Judicial Code; to the Committee on the Judiciary.

5284. By Mr. DALLINGER: Resolution of the Appalachian Mountain Club, opposing the transfer of the national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5285. By Mr. GRAHAM of Illinois: Petition of the Keithsburg Woman's Club, of Keithsburg, Ill., and others, relative to House bill 5064; to the Committee on Agriculture.

5286. By Mr. HICKEY: Resolution adopted by the Presbytery of Logansport, at South Bend, Ind., April 18, 1922, indorsing House joint resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5287. Also, resolution passed at a meeting of the Presbytery of Logansport, at South Bend, Ind., April 18, 1922, indorsing Senate joint resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5288. Also, resolution passed at a meeting of the Presbytery of Logansport, at South Bend, Ind., April 18, 1922, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5289. By Mr. KISSEL: Petition of the Peoria County Farm Bureau, of Peoria, Ill., of April 8, 1922, also April 10, 1922, relative to the importation of "blackstrap molasses"; to the Committee on Ways and Means.

5290. Also, petition of the Southern Tariff Association, of Washington, D. C., relative to tariff on vegetable oils; to the Committee on Ways and Means.

5291. By Mr. MacGREGOR: Resolution adopted by Grange No. 966, relative to the election of six directors to the Federal land banks; to the Committee on Banking and Currency.

5292. Also, resolution adopted by the corporation counsel of the city of Buffalo, relative to a bill to amend the Judicial Code relating to district and circuit courts; to the Committee on the Judiciary.

5293. By Mr. McLAUGHLIN of Nebraska: Petition of sundry citizens of York County, Nebr., urging revival of the United States Grain Corporation; to the Committee on Agriculture.

5294. By Mr. SINCLAIR: Petition of 300 residents of Marshall, Taylor, Richardton, and other places in North Dakota, urging the revival of the United States Grain Corporation and a stabilized price on wheat and other farm products; to the Committee on Agriculture.

5295. By Mr. THOMPSON: Petition of the Presbytery of Toledo, Synod of Ohio, urging passage of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5296. Also, petition of the Presbytery of Toledo, Synod of Ohio, urging passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5297. Also, petition of the Presbytery of Toledo, Synod of Ohio, urging passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5298. By Mr. ZIHLMAN: Petition of citizens of Washington, D. C., protesting against the passage of any legislation looking to the enforcement of the observance of any religious institution, or of taking any step in the direction of a union of church and state, and particularly petitioning Congress not to pass House bill 9753 or any other Sunday bills such, for example, as House bill 4388 and Senate bill 1948; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *April 26, 1922.*

(*Legislative day of Thursday, April 20, 1922.*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gerry	McCumber	Pomerene
Borah	Glass	McKellar	Ransdell
Brandegee	Gooding	McKinley	Ransdell
Bronssard	Hale	McLean	Sheppard
Calder	Harreld	McNary	Smoot
Capper	Harris	Moses	Stanley
Caraway	Harrison	Myers	Sterling
Colt	Heflin	Nelson	Sutherland
Culberson	Johnson	Newberry	Townsend
Cummins	Jones, N. Mex.	Nicholson	Wadsworth
Curtis	Jones, Wash.	Norbeck	Walsh, Mass.
Dial	Kellogg	Norris	Warren
du Pont	Keyes	Oddie	Watson, Ga.
Edge	King	Overman	Watson, Ind.
Ernst	Lenroot	Page	Willis
Fletcher	La Follette	Phipps	
Frelinghuysen	Lodge	Pittman	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is absent on official business.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is detained on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present.

INTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, inclosing a list of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery, Thursday, April 27, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

SUPPLEMENTAL ESTIMATE, NAVY DEPARTMENT, 1923 (S. DOC. NO. 193).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department, fiscal year 1923, for additional employees, Hydrographic Office, $100,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1009. An act for the relief of J. B. Waterman;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land;

S. 3170. An act regulating corporations doing a banking business in the District of Columbia; and

H. R. 7272. An act for the relief of Monroe B. Sheely.

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions and telegrams in the nature of petitions from the Jewish Ministers' Association of Harlem, N. Y., Rabbi S. Hurwitz, secretary; of the Federation of Hungarian Jews, Samuel Buchler, president, New York City; of the Ladies' Mizrachi Zionists' Organization, of Boston, Mass.; and of the Hadadasah Chapter, the Charleston Hebrew School, the Charleston District Zionist Organization, the South Carolina Jewish Relief Committee, the Beth Israel Congregation, the Society Daughters of Israel, the B'rith Shalom Congregation, in the State of South Carolina, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish people, which were referred to the Committee on Foreign Relations.

Mr. NICHOLSON presented a petition of sundry citizens of Fort Collins, Colo., praying for the enactment of legislation favoring the establishment in Palestine of the National Home for the Jewish people, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Presbytery of Topeka, at Topeka, Kans., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Topeka, at Topeka, Kans., and the Kansas City Presbytery, at Amoret, Mo., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Presbytery of Topeka, at Topeka, Kans., and the Kansas City Presbytery, at Amoret, Mo., favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented resolutions adopted by the Presbytery of Kearney, at Central City, and the Nebraska City Presbytery, at Fairbury, both in the State of Nebraska, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Kearney, at Central City, and the Nebraska City Presbytery, at Fairbury, both in the State of Nebraska, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Kearney, at Central City, and the Nebraska City Presbytery, at Fairbury, both in the State of Nebraska, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented a resolution adopted by the Presbytery of Lansing, at Hastings, Mich., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Lansing, at Hastings, Mich., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Lansing, at Hastings, Mich., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at a meeting of citizens of Ann Arbor, Mich., favoring the enactment of a more stringent immigration law, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. ERNST, from the Committee on the Judiciary, to which was referred the bill (S. 2610) in reference to writs of error, reported it with an amendment and submitted a report (No. 636) thereon.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 7847) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 637); and

A bill (H. R. 8624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 638).

MEMORIAL OF GEN. ULYSSES S. GRANT.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Concurrent Resolution 22, submitted yesterday by Mr. WADSWORTH, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that they presented to the President of the United States enrolled bills of the following titles:

On April 25, 1922:

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as an act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 667. An act for the relief of John B. H. Waring;

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Terahuchi Urutaka, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee*;

S. 1767. An act for the relief of the owner of the derrick *Capitol*;

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; and

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan.

On April 26, 1922:

S. 1009. An act for the relief of J. B. Waterman;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKINLEY (by request):

A bill (S. 3518) to repeal section 1 of the act approved May 10, 1852, as to certain lands; to the Committee on Public Lands and Surveys.

By Mr. LA FOLLETTE:

A bill (S. 3514) granting a pension to Frank Yandes (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3515) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; to the Committee on Claims.

By Mr. PITTMAN:

A bill (S. 3516) to correct the military record of Lieut. Commander Charles O. Maas; to the Committee on Naval Affairs.

By Mr. McKINLEY:

A bill (S. 3517) to appropriate $1,000,000 for the purchase of seed grain and live stock to be supplied to farmers in overflowed areas of the United States; to the Committee on Appropriations.

TARIFF BILL AMENDMENTS.

Mr. McKINLEY submitted two amendments and Mr. KING submitted an amendment intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. HARRISON. Mr. President, on yesterday the junior Senator from Ohio [Mr. WILLIS] had inserted in the RECORD some editorials from certain papers expressing their views about the McCumber tariff bill. I desire to ask unanimous consent that certain editorials from the Republican press touching the tariff bill be inserted in the RECORD, notably from the New York Herald, the New York Globe, the New York Tribune, and the Philadelphia Public Ledger, along with other papers.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The editorials referred to are as follows:

REPUBLICAN PRESS CONDEMNS MCCUMBER-FORDNEY TARIFF BILL.

The Republican and independent press are beginning to make known their views of the Fordney-McCumber tariff bill, and they are far from factoring to Mr. FORDNEY or reassuring to Senator MCCUMBER. Here are some brief extracts:

[From the New York Herald, Republican.]

It rears a tariff wall sky-high all along the line of industry and agriculture. This in itself is bad enough, as it makes for higher living costs in every home in America. But its worst feature is that it completely shuts America out of foreign markets except with our raw materials, notably cotton and copper.

[From the New York Globe, Republican.]

No member of the agriculture bloc in the Senate can be foolish enough to suppose that high duties (on agricultural products) will increase the prices on foodstuffs in a country which, instead of importing, exports them in great volume. * * * When we pass the McCumber tariff, we practically make Europe a present of the $11,000,000,000 she owes us. * * * Whatever reason for high tariff may have existed when we were a debtor States before the war no longer exists when, as the creditor Nation of to-day, we have amassed most of the world's wealth.

[From the New York Tribune, Republican.]

It is something of a shock to learn that the rates of the bill are on the whole higher than those of the Payne-Aldrich law, and particularly that the wool duties are higher than those of the House bill, and higher than those against which the late Senator Dolliver made his memorable attack. If the bill is as described, believers in tariff sanity and reasonableness have need to gird themselves for another battle.

[From the Brooklyn Eagle, Independent.]

When Republicanism fails to satisfy its leading newspaper apologists in the East, it is heading straight for the rocks. The proposed tariff measure is bad in almost every respect. * * * The Republican control of Congress is now steering the party straight for disaster.

[From the Philadelphia Public Ledger, Republican.]

Fifteen months ago the farmer wanted a tariff. Now he is not so sure that he wants it. He is discovering that a tariff on hides means a probable increase in shoe prices. He is afraid he may be swapping dollar bills for thin dimes. As a heavy user of potash, he will fight the proposed rates on it; but can he fight well if he is also the supposed beneficiary of other high rates?

[From the Chicago News, Independent.]

Too many of the changes are in the direction of the old Aldrich tariff of painful memory, and too few of the rates have been revised downward. With American exports steadily declining and a favorable trade balance vanishing, excessive protection is absurd.

Mr. HARRISON. Mr. President, on yesterday I offered a resolution (S. Res. 284) and asked for its immediate consideration, but at the request of the senior Senator from Utah [Mr. SMOOT] it was laid over until this morning. I now ask unanimous consent that the resolution may be laid before the Senate and that the Senate proceed to its consideration. I do not suppose that there can be any opposition to the resolution, as it merely calls on the Tariff Commission to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operation and results of the rates carried in the emer-

gency tariff act approved May 27, 1921, and as extended by the act approved November 10, 1921.

In support of the resolution may I say, Mr. President, that the emergency tariff act has been in operation now very nearly a year. Very high rates were carried on certain articles in the act. Practically the same rates are proposed in the pending tariff measure. Some of the rates in the pending measure are higher, others the same, and others slightly lower. So the Senate, I am sure, would welcome any facts from the Tariff Commission touching the operation of the so-called emergency tariff act and the results which flowed from its operation.

I need not remind the Senate, because it is fresh in the minds of Senators, that the emergency tariff law was put upon us and the country in the hope that it would cure the agricultural ills. So the information might be important at this time and aid us very much in passing upon the rates which are now proposed in the pending bill. I can not see that there can be any objection to it, and I ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent for the immediate consideration of Senate Resolution 284, which will be read for the information of the Senate.

The Assistant Secretary read the resolution submitted yesterday by Mr. HARRISON, as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, directed to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operations and results of the rates carried in the emergency tariff act approved May 27, 1921, and as extended by the act approved November 10, 1921.

The VICE PRESIDENT. Is there objection?

Mr. McCUMBER. I object, Mr. President.

The VICE PRESIDENT. There is objection.

Mr. HARRISON. Mr. President, I serve notice that I shall object to the Senate taking a recess this afternoon, in the hope that there will be a morning hour to-morrow morning, at which time I may ask for the immediate consideration of this resolution.

Mr. McCUMBER. If the Senator from Mississippi desires to have the resolution referred to the Committee on Finance for its consideration, I shall have no objection to its being taken up to-day for that purpose. The resolution was introduced only late on yesterday afternoon, and I have only had my attention called to it a few moments ago. I think, from a very cursory view of the matter, that the committee will undoubtedly wish to ask for some farther and more definite information in relation to it; that it will suggest an amendment to the resolution, and then report it back with such suggested amendment. If the Senator from Mississippi will consent that the resolution may go to the committee, the committee will act on it in a very short time.

Mr. HARRISON. Mr. President, of course, if I thought the resolution would be reported out from the Committee on Finance within a reasonable time, I should have no objection to it being referred to that committee, but we are to begin immediately the consideration of each paragraph of the pending tariff bill. The whip and spur are being applied to this side of the Chamber. We on this side of the aisle expect to facilitate the passage of the bill in every way we can. We know, however, what has happened in relation to certain other measures which have gone to the Finance Committee. The tariff bill rested in that committee peacefully for a long time, the soldiers' bonus bill is still resting there peacefully, and I suppose that decent burial would be the fate of this resolution if it should go to that committee. The resolution is simple; it is direct; it calls for information that should be given to us immediately and not after the tariff bill shall have been passed. So I shall try to have the resolution taken up for consideration to-morrow morning, if I can.

Mr. McCUMBER. Mr. President, observing the desire on the other side of the Chamber, as indicated in the last two days, of facilitating the discussion and passage of the tariff bill, I am willing to cooperate with the Senator from Mississippi in that laudable purpose; but let me say to the Senator, so that he may be reassured and will consent that the resolution may go to the Committee on Finance, that the resolution will be reported within a very reasonable time. I hope the Senator will allow the resolution to follow the usual course, which is, after lying over one day, to permit it to be referred to the appropriate committee, with the assurance that the resolution will be reported to Senate within a very reasonable time.

Mr. HARRISON. Then, will the Senator from North Dakota agree that the paragraphs of the pending tariff bill covering provisions which are similar to those embraced in the emergency tariff law may not be taken up and considered until the Senate has acted upon the resolution in the form in which it is proposed to amend it?

Mr. McCUMBER. No; I do not desire to agree to delay any matter now pending before the Senate. I will simply agree to secure at the earliest practicable moment the information which the Senator from Mississippi seeks to obtain by his resolution, together with some added information which it will be necessary to provide for by an amendment of the resolution.

Mr. HARRISON. Will the Senator from North Dakota agree that within five calendar days the Finance Committee shall report the resolution back to the Senate?

Mr. McCUMBER. I think the resolution will be reported back in less time than that.

Mr. HARRISON. Then, the Senator will certainly agree that the resolution shall be reported to the Senate within five days?

Mr. McCUMBER. I do not wish to make any definite agreement as to what the Committee on Finance will do. I will simply say that I will do everything I can to have the resolution reported back to the Senate before five days shall have elapsed. I do not see the necessity of taking five days for its consideration; but I can not bind the committee in its action. I think the committee will want to make some amendments to the resolution and will want to consult with the Tariff Commission in order to ascertain whether or not they have certain information which we would like to secure. I think, however, that we can report the resolution back within three days.

Mr. HARRISON. With that assurance, Mr. President, I shall have no objection to the resolution being referred to the Committee on Finance.

Mr. McCUMBER. Very well. Then, I move that the resolution be referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Finance.

BUREAU OF INTERNAL REVENUE.

Mr. KING. Mr. President, on yesterday afternoon I called attention to Senate Resolution 270, which is lying upon the table. The resolution provides for an investigation by the Committee on the Judiciary into certain matters under the Bureau of Internal Revenue. I am inclined to think, however, that it would be more appropriate for the Committee on Finance to conduct the investigation, and I now ask that the resolution may be taken from the table and referred to that committee.

In view of the assurance of the Senator from North Dakota [Mr. McCUMBER], the chairman of the Committee on Finance, of prompt action upon the resolution which has been submitted by the Senator from Mississippi [Mr. HARRISON], I bespeak for the resolution which I now ask be referred to his committee the same prompt consideration.

Mr. McCUMBER. Will the Senator inform me what is the nature of his resolution?

Mr. KING. Mr. President, I ask that the Secretary read the latter part of the resolution, without reading the whereases.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read the resolution, as follows:

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, is authorized and directed to investigate the aforesaid matters, and to report to the Senate whether or not it be advisable to make a public record of tax exemption and tax-refund claims which have been decided or which are pending before the Bureau of Internal Revenue, and whether or not it be advisable to establish a court or public tribunal for the handling and allowance of claims for tax exemptions and refunds filed with the Bureau of Internal Revenue; and to recommend effective measures to relieve the Bureau of Internal Revenue from the influence of partisan politics. The committee is authorized to administer oaths, to send for persons and papers, and to employ such clerical and professional assistance as may be necessary, payment therefor to be made out of the contingent fund of the Senate upon the order of the chairman of the committee.

Mr. KING. The resolution contains a preamble which recites, in my opinion, the necessity for the investigation proposed by the resolution. Mr. President, I wish to modify the resolution by striking out the words "the Judiciary" and inserting in lieu thereof the word "Finance," so as to provide that the investigation may be made by "the Committee on Finance." With that modification, I ask the reference of the resolution to the Committee on Finance.

Mr. McCUMBER. I desire to say that of course the resolution of the Senator from Utah covers a very broad field, in which there is much controversy, and the Senator fully understands the amount of work which is imposed upon the Finance Committee at the present time. All that I can say for the Committee on Finance is that it will act upon the Senator's resolution just as soon as it possibly can, considering the very many other matters that are at this time pressing upon its attention.

Mr. KING. I appreciate the situation of the committee and the tremendous amount of work resting upon the chairman of the committee, as well as upon the other members; but the

resolution is very important and relates to an administrative matter which needs attention. Charges are made as to partisanship and that a very demoralized condition exists in the Internal Revenue Bureau; charges are also made that men are being withdrawn from the work of collecting taxes to the consideration of applications for refunds. They seem to be interested in returning money to those who claim to have overpaid, and not sufficiently interested in collecting Federal taxes. The matter is, I think, important, as the Senator suggests, and I hope it may receive as early consideration as possible.

The VICE PRESIDENT. Without objection, the resolution as modified will be referred to the Committee on Finance.

PENSIONS AND ADJUSTED COMPENSATION.

Mr. DIAL. Mr. President, while we are considering the bill to raise revenue I deem it not inappropriate to refer to calendar No. 500, being the bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses.

I confess, Mr. President, that I am at a loss to understand how Members of Congress can continue to pile up expenditures upon the taxpayers of this country. When I contemplate the recklessness with which we seem to turn the Treasury over to all of those who try to bring themselves under pension legislation my mind is appalled at the extravagance with which the funds of the Treasury of the United States are dispensed. It seems to me that the time has come when we, the representatives of the people, should look at this subject in a sane way.

I can understand why it was that following the Civil War certain sections were very liberal so far as the Treasury was concerned and turned it over at the request of claimants, almost without considering what they were giving, when other sections of the country received none of the bounty; but, Mr. President, at this far distant period from the Civil War it seems to me, inasmuch as we are all one people and all pay taxes, that we should all look to the protection of the Treasury in the same manner.

I am not surprised that the soldiers who fought in the great World War are now knocking at the doors of Congress demanding a bonus, when they look back at the history of Congress in connection with legislation for the benefit of soldiers of previous wars. I have never been an alarmist; in fact, I am an optimist; but I must say that if we consider the acts which Congress has passed it is enough to shake the nerves of any man.

I know it is unpopular to talk about business or to say anything kind toward business, because that is out of fashion, and one indulging in a discussion of that kind might be considered to be out of tune with the times; but, Mr. President, unless somebody is left to work, unless some one is encouraged to create industries, there will shortly be nobody left to pay taxes or to give employment to people.

I myself know men in the section of the country where I live, even with the limited means which we have, who are anxious to get out of business, and will do so at the earliest possible opportunity. No one can blame the man who has a dollar for putting it into tax-exempt securities and relieving himself from the burdens of taxation. Of course it is wrong, and he ought not to be encouraged so to invest his money, but we are doing everything in our power to drive people out of business.

Mr. President, the first year I entered the Senate, as I recall, a bill was introduced to increase the pensions of Federal soldiers to the amount of $65,000,000 a year, notwithstanding the fact that we had just emerged from the greatest war the world had ever known, involving the greatest destruction ever recorded in history and resulting in the increase of the debt of the United States Government from about one billion dollars to some twenty-five billion dollars. It seemed to me, amateur as I was, that we, the representatives of the people, should have looked at the matter in a more businesslike and in a saner way; that we should have given greater consideration to the disorganized conditions in which the business of the United States found itself before taking action the chief result of which would be the piling up of taxes.

I do not personally manage much business, but it would be enough to engage the most serious thought of any sane individual in the world if his indebtedness should increase twenty or twenty-five times within 12 months or 2 or 3 years. He certainly would be facing the bankruptcy court, or the sheriff would be pretty close behind him, or he would be making preparations to retire from business if he did not economize. If he intended to meet his honest obligations, if he were a sane man, he would try to curtail expenditures and to see how he could meet his obligations, spend less, work harder, and economize more. That is the principle that I should like to see Congress follow. I believe in success and economy in private life, and I also believe in it in public life. I am not scolding my colleagues; but I can not understand how it is, when men are elected to Congress, that they so far forget the people back home—the taxpayers of this country.

Why, Mr. President, in every paper that we pick up we see column after column, page after page, of people's property advertised for the nonpayment of taxes; but here let a man claim that he was in the Army, that his name is in a roll, and it matters not whether he was within a thousand miles of a battle; it matters not what means he has; it matters not how long he served; we break our necks to give him a pension. We try to run all over one another, and I believe that one party is no better than the other along that line. I am out of tune with either party on the subject. And now, to cap the climax, we propose in this bill to give pensions to the widows and the after-widows, and the dependents of the soldiers of the so-called Boxer uprising.

Mr. President, I am not a soldier, but my recollection is that there was not much fighting in the Boxer uprising, and what excuse can Congress have for giving these designated people a pension? The bill refers to the Boxer uprising, and the war with Spain, and the Philippine insurrection. There were a few shots fired in the war with Spain—a matter of a little picnic.

What are soldiers for if they are not to fight? Why do they join the Army if they are not going to do their duty and protect the United States? Where is the magic, or where is the fear, or where is the reward, except for votes for Members of Congress, which leads them to tax the people for any such cause as this?

I have not looked up the Boxer uprising recently, but I do not think anybody got killed over there on our side. Certainly it was not much of an affair; but when the men who come under this designation get to be 62 years old Congress goes and dumps a pension on them and their dependents, the report says, irrespective of the means of the dependents, because they are needy. Mr. President, how many people in this country are not needy? If these Members would go home and mix with the people, they would certainly hear cries of poverty all over this country. Agriculture has been depressed. Merchandise and everything else has gone down tremendously. Take the principal product in my country. It went down 75 per cent in 12 months, a decline unheard of in history.

Now, let us go back and look at some of these figures. They are startling figures to me. We will go back to the Civil War. I am not fighting the Civil War over, and yet I will say that I have no apologies to make for our part in it. I always did believe we were right, and I continue to believe so. However, it has been a long time since the Civil War. The report of the commissioner here shows that in 1879 there were 242,755 pensioners, receiving a sum of $33,604,428.92. That number increased in 1902, when it reached the peak of 993,446 pensioners, and that year they received an amount of $137,504,267.99; and away on down in 1921 there were still on the roll 566,058 pensioners, receiving $258,715,942.84—a larger amount in money than had ever been paid out in any one year since the Civil War. If the number of pensioners is to decrease and if the amount of pensions is to be increased, how do we ever expect to get relief from taxation?

I desire to insert in the RECORD the figures of expenditures appearing on page 26 of the commissioner's report, referring to the War with Spain and the other wars, showing that at the present time we are paying out in pensions more money than we have ever paid since those wars.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Comparative table of the value of an average pension of the different wars for the last five fiscal years.

	1921	1920	1919	1918	1917
Civil War	$477.74	$368.77	[illegible]	[illegible]	$247.71
War with Spain	164.34	142.01	137.28	185.80	133.81
War of 1812	366.63	324.73	308.57	213.31	171.38
War with Mexico	273.17	240.29	235.43	262.60	221.24
Indian wars	293.71	279.49	265.84	221.78	179.44
Regular Establishment	153.40	140.55	142.67	101.30	[illegible]
World War	224.62	227.63	233.33	223.07	.....
Average for all wars	442.11	330.72	355.76	278.60	202.00

Mr. DIAL. Mr. President, I believe the Senator from Idaho [Mr. BORAH] said the other day that perhaps this last war

would cost the people of the United States something like $75,000,000,000, perhaps a hundred billion dollars. It is well that we can not realize what those figures mean; otherwise I can not see how anyone would muster up courage enough to go along and try to produce and put himself in the position of a taxpayer. The contrast is great with the people in the country, the people at home, the people who work, the people who amount to something. If the Senate will excuse me for a personal reference, I will tell them about a little visit I had the other day in South Carolina, which was so marked with the different spirit that our people show compared to the spirit that we show here. In fact, the whole atmosphere of Washington is to grab something from the Government, to get something for nothing, to get yourself on the pay roll; and we seem to forget our obligations, and try to place everyone on the pay roll who can muster up any kind of an excuse for getting there.

As I was saying, I was in South Carolina the other day. One member of the legislature from my county is a blind man, the only blind member of that body. He has served my county well for the last two years. He announced the other day that he was a candidate again, and I was struck by his announcement. He said he wanted the people to vote for him on his merits and because he had served them to the best of his ability, and he said further in that announcement that he did not want a single vote through sympathy. That is the kind of people we need in this country. That is the kind of spirit that has made this country great.

I went on from the capital of the State to my home town. The next day a poor fellow came into my office. I have known him a long time. He is a hard-working, honest man. He hobbled in, not on one crutch but on two crutches, and yet he performs his daily duties, attends to his business, runs a little farm, and makes a living. He is a man of very limited means. He spoke to me about this legislation in Washington. His eye was clear, Mr. President, and he looked at me and said he thanked God every day of his life that he had never accepted charity from the people, notwithstanding his crippled condition.

We need more of that spirit in this country. After a while we will have practically a dependent population, people who have no more manhood than a sparrow, going around whining, asking for some public pap. We will destroy all of the initiative, we will destroy all of the ambition, we will destroy all of the incentive of the American people that has made this country great since we founded it; and it does seem to me that Senators, people who are big enough to be elected to the United States Senate, ought to stop and remember that there is somebody else in this country besides these people who are forever knocking at the door of the Treasury.

I do not believe it is so much those people who want this legislation as it is some Members of Congress who act in fear, and want to dole money out of the Public Treasury. I do not believe that 5 per cent of the honest people of the United States would approve of this kind of legislation, even in the States where they get a large proportion of it. I do not know how we are going to stop it. I confess that I am alarmed, Mr. President. I have thought that perhaps it would be necessary to amend the Constitution. I have not studied the matter from a legal standpoint, but I do not know now whether we are permitted under the Constitution to make many appropriations and donations that we do make. If we are not, the time has come when some man should rise up in the United States and go to court and get an injunction against it; but if we are allowed to donate to everything that comes along, and if we are not going to have the backbone and the manhood to say "No," then I do believe that the people of this country will rise up and pass a constitutional amendment whereby we will be prohibited from contributing the money of the public in this way, and I would say, "God speed the day."

I have never questioned the stability of the Government of the United States; that thought had never entered my mind until the last few years. When I see the laxity with which we administer our trust, I confess that I am getting a little nervous, and I feel that unless we stop, great disaster will disturb the prosperity of the country.

I have in my hand a most admirable address, delivered by Mr. William D. Melton, a prominent member of the Columbia bar, president of the South Carolina Bar Association, who has recently been elected president of the South Carolina College. I desire to insert as a part of my remarks a few statements from this address of Mr. Melton, found on pages 25 and 26 of this pamphlet. It goes into detail about the different governments of the world, how long they existed, and the reasons for their downfall, and he sounds a warning to the people of the United States. This may be unnecessary, Mr. President, but when I see the lavish expenditures being made by Congress, I feel that those words are timely. I ask that this be printed as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A few years ago Lord Bryce wrote that "the future of the United States during the next half century sometimes presents itself as a struggle between two forces, the one beneficial, the other malign; the one striving to speed the Nation to a port of safety before the time of trial arrives, the other to retard its progress, so that the tempest may be upon it before the port is reached." The writer of a recent magazine writing of the present times says "it is the kind of situation in which former civilizations have gone down." Lord Macauley predicted that the civilization of the United States would be destroyed by lawlessness engendered within her own institutions. Indeed, "the shadows hang heavy on the hills." How long will our country endure? It is for all of us "to take up arms against a sea of troubles and by opposing end them." Even then how long will our civilization last? Other civilizations, ancient and modern, have gone down. How long is left for us? The Chaldean Empire collapsed before Cyrus the Great, who established the Persian Empire. It had not lasted a century. The Persian Empire went down before Alexander the Great, who sighed for more worlds to conquer. It had lasted but two centuries. The empire of Alexander was barely established before his untimely death, whereupon it was divided among his generals. The Roman Empire held her sway for more than five centuries, and then joined the procession of the ages and fell and disintegrated. The empire founded by that interesting and picturesque figure of world history, Peter the Great, lasted less than two and a half centuries. The German Empire, apparently so strong and firm, lasted less than half a century, because it was founded and owed its existence to militarism and the principle that might makes right. The Emperors of Russia, Germany, Austria, and China are dead or in exile. Bourbons, Bonapartes, Romanoffs, Hapsburgs, and Hohenzollerns, former kings, potentates, and princes, bereft of their thrones, principalities, and powers, are wanderers on the face of the earth. Life in all its tragic incompleteness from the thatched roof of the peasant to the palace of the prince has been changed by the mighty cataclysm of war and social revolution, never again to recur to the conditions of former times. The curtain has fallen on a civilization from which it will nevermore be lifted. How long will the great Republic of the United States endure? Who knows? I can only say:

"And the rains descended, and the floods came, and the winds blew and beat upon that house; and it fell not; for it was founded upon a rock."

Mr. DIAL. I also desire to sound a warning against civil pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the concurrent resolution (S. Con. Res. 22) directing the Sergeant at Arms of the Senate and the Sergeant at Arms of the House to purchase a floral wreath to be placed on the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies April 27, 1922.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, yesterday afternoon we were discussing the first item in the bill. Considerable attention was given to it, because it was stated by the chairman of the Finance Committee that the principle upon which the duty was placed on that article permeated the whole bill, that this item is typical; and I think it will be profitable for us to discuss the general subject, using this item merely as an illustration of what the bill means.

On yesterday I called attention to the fact that acetic acid had been taken off the free list and put upon the dutiable list. I thought it advisable that the Senators and the country should know why that thing was done. I therefore asked the chairman of the Finance Committee why it was done. It seemed to me that the taking of an article off the free list, putting it upon the dutiable list, and putting a tax upon it which would tend at least to increase its price to the consumers of the country ought to have some word of explanation. The distinguished Senator from North Dakota [Mr. McCUMBER] undertook to give that explanation, and I read now what he said:

The reason I can give for placing this particular item upon the dutiable list is the reason that permeates this bill throughout.

I desire to call particular attention to that language, that the reason is the same as that which permeates the bill throughout. He continued:

It is to equalize the difference between what is supposed to be, as nearly as we can arrive at it, the cost of production abroad, including the cost of shipment into this country, and the cost of manufacturing in this country.

That statement was evidently designed to reconcile the country to the terms of this bill. If that is the basis upon which the bill is founded I am sure there will be great support for it throughout the country. Much can be said in favor of regulating prices in this country by putting a tariff upon the articles which will bring about an equalization of the cost of production abroad, including transportation, and the cost of production at home.

After the distinguished Senator made that statement I asked him upon what evidence the committee had removed this item from the free list and put it upon the dutiable list. I asked him what the difference was between the cost of production at home and the cost in the foreign markets. The result of the colloquy was the discovery that there was not a scintilla of evidence in this record from beginning to end as to the cost of production either in this country or abroad.

After that had developed the statement was made by the distinguished Senator from North Dakota that they had considered the prices which prevail in this country and the prices which prevail abroad, and that those were the bases of their conclusion. I desire to get his statement as to that in the RECORD at this point. He said:

The Senator asked me a question a while ago. I can not always turn immediately at a second's notice to give him the figures upon every one of these chemical items, but if he will turn to the report of the monthly summary of our importations and exportations he will find the cost of acetic acid, at least the latest that we have; that is, the foreign cost here. He will find that for the same kind of acetic acid, which comes in in all characters of strength—but that which is imported, of course, comes in practically 100 per cent pure in condensed form—there is about 2 cents difference between the price at which it is imported and the American manufacturers' price. The latest price given is about 8 cents for the 100 per cent pure, as against 9¼ cents for the American article of 80 per cent pure. So I do not think we are very far off in the 2 cents difference.

Let us examine the testimony which we have upon that subject. Acetic acid has never been imported into this country except from Canada. The kind which the Senator says comes in is the pure acetic acid, and he says that the price is 8 cents per pound, as against the corresponding price of 9¼ cents in this country, and that therefore a tariff of 2 cents a pound is about right.

I want to call attention not only to the immediate price, about which I shall have some comments to make, but about the great trend of prices during a series of years, and Senators will be very much interested in knowing that the price in Canada during all this time has been very much higher than the price in the United States.

The Tariff Commission has collected these prices, and they appear in the Tariff Commission's Survey A-2, on pages 30 and 31. We find that in this comparison of Canadian prices and the United States prices the figures include only the years 1918, 1919, and 1920, and the other prices are given in a later publication of the Tariff Commission for nine months of 1921.

These prices are given by months for each one of these years. In February, 1918, the 80 per cent acetic acid compound was selling in Canada at 29 cents, and in the United States at 19 cents.

The commercial crude, or 28 per cent pure, was selling in Canada at from 7.85 cents to 8.50 cents, and in this country at from 5.50 cents to 6.50 cents.

I will not read the statistics for all the months. In 1919 the 80 per cent pure was selling in Canada at 21.50 cents, and in the United States at 10 cents.

In 1920 the Canadian price was 18.50 cents, and the American price was 12.65 cents. During the year 1920 the Canadian price was always above the American price.

The Senator's statement was justified by one little item which appears in this abstract of the summary of the tariff information. Here the quantity imported is given, as well as the prices on the actual importations.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. There must be some mistake in the quotations the Senator is reading, or he does not read them as they are intended to be read. I can not imagine that vinegar of a certain strength will sell for 21 cents, made in Canada, and that the same vinegar sell for 10 cents if it is made in the United States. Surely, in presenting his figures, the Senator must be describing vinegar—which is acetic acid—of different strengths.

Mr. JONES of New Mexico. Not at all. They are put in parallel columns by the Tariff Commission, and before I get through I shall undertake to explain the cause of this difference.

Mr. McCUMBER. Let me explain one error the Senator has made. I stated yesterday that we found about 2 cents difference between the foreign price and the American price. If the Senator would take the report of the Tariff Commission, from which he has read, he would find that for the first nine months of 1921 the invoice price of the importations of 100 per cent pure, or practically 99 per cent pure, was 8 cents. If he will take the last statistics upon this subject, he will find that on March 27 glacial acetic acid, which is 99 per cent pure, the same as that which comes in, was selling for 10 cents. So, according to the latest figures we have, the exact difference is 2 cents, and the range of difference in the tariff bill is from three-quarters of a cent up to 2 cents, which is the greatest amount. It is three-quarters of a cent on the lower grade, and runs as high as 2 cents difference on the 99 per cent pure, which practically represents the difference between the invoice price on the other side and the invoice price of the same article in the United States.

Mr. JONES of New Mexico. I have all of that information, and I expected to present it precisely as broadly as the Senator from North Dakota has done.

Mr. SMOOT rose.

Mr. JONES of New Mexico. May I be permitted to proceed just a little further? I would be glad to do so, if the Senator from Utah will permit me.

Mr. SMOOT. I was simply going to state that, as quoted by the Senator, the prices of acetic acid in Canada and in the United States during the year 1918 are correct. If the Senator wants to know why it was, I can tell him in a very few words.

Mr. JONES of New Mexico. I am not now asking for information. I think I know why myself without being told.

Mr. SMOOT. The tariff has nothing whatever to do with the reason. While the Canadians were asking 29 to 33 cents in Canada for 80 per cent acetic acid in February, 1918, they were selling that same identical product in the United States at the same time for about 17 cents. They were dumping it into this country, and that is the reason why there was that difference. I want simply to say that the figures quoted by the Senator are absolutely correct, so far as the price of acetic acid is concerned in the United States and in Canada, but the reason for it I have already stated.

Mr. JONES of New Mexico. I shall discuss the reason for it.

Mr. WATSON of Indiana. In addition to that, if the Senator will permit me, acetic acid coming into this country from Canada comes free. Acetic acid from this or from any country into Canada bears a tariff of 25 per cent on the low grades and 35 per cent on the high grades.

Mr. JONES of New Mexico. I understand that.

Mr. WATSON of Indiana. So while Canada can make it and get into this country, we could not make it and get it into Canada, and therefore they are dumping it into this country. That is the reason for the disparity in prices of this particular product between the two countries.

Mr. JONES of New Mexico. I quite agree that that is true, and I hope to show before I conclude the effect which the tariff will have upon prices of this commodity in the United States if imposed under this bill.

But to proceed, what do we find? In the first place, I believe I will make some statement as to the production in the United States. The production of acetic acid in 1914 was 75,000,000 pounds—I am using the round numbers—and in 1919 it was 47,000,000. By the way, the price of the 47,000,000 pounds in 1919 was about twice the price of the 75,000,000 pounds in 1914. The glacial acetic acid, which is pure acetic acid, manufactured in this country was 5,000,000 pounds.

Now, let us look at the importations and the prices. We find that in 1918 there were imported, and imported from Canada, of course, 297,000 pounds at a price of 28 cents; in 1919 there were 1,850,000 pounds at a price of 12 cents; and in 1920 there were 2,862,000 pounds at a price of 18 cents per pound.

In 1921, for the first nine months of that year, there were imported 28,042 pounds of the value of $2,315, making a price of 8 cents. It is that which the chairman of the Finance Committee tells us has justified the placing of a tariff of 2 cents a pound upon acetic acid, in order to keep out 28,000 pounds of imported acetic acid, as compared with the ordinary production in this country of 75,000,000 pounds. For that purpose he would impose a tax of 2 cents a pound on the entire product.

Mr. McCUMBER. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I gladly yield to the Senator from North Dakota.

Mr. McCUMBER. Has the Senator given the reason for the sudden drop from an importation of 2,862,000 pounds in 1920 to only 28,000 pounds in the first nine months of 1921?

Mr. JONES of New Mexico. I have not given the reason.

Mr. McCUMBER. Does the Senator understand the reason?

Mr. JONES of New Mexico. If the Senator wishes to give the reason, I shall be glad to have it.

Mr. McCUMBER. I wanted to know whether the Senator understood the reason for that drop?

Mr. JONES of New Mexico. If the Senator wishes to present the reason for it, I shall be glad to listen to it.

Mr. McCUMBER. I will simply state that the effect of the emergency tariff law or the dye industry act, which is practically an embargo except through license on synthetic vinegars or acetic acid, has been such as to suddenly shut off all this amount. That is the only reason why it has dropped so suddenly. The Senator will observe that it was increasing from about 500,000 pounds in 1918 to nearly 3,600,000 pounds in 1920, and then it dropped down suddenly to 28,000 pounds, which, as I have explained, was due to the emergency tariff act. Of course, that law may be changed entirely by the pending bill.

Mr. JONES of New Mexico. Will the Senator also point out the provision in the emergency tariff law which caused that to occur?

Mr. McCUMBER. It is section 501(a) of the emergency tariff law.

Mr. JONES of New Mexico. Will the Senator read it? I have not that paragraph before me.

Mr. McCUMBER. It reads as follows:

SEC. 501. (a) That on and after the day following the enactment of this act, for the period of three months, no sodium nitrite, no dyes or dyestuffs, including crudes and intermediates, no product or products derived directly or indirectly from coal tar (including crudes, intermediates, finished or partly finished products, and mixtures and compounds of such coal-tar products), and no synthetic organic drugs or synthetic organic chemicals, shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantities and on reasonable terms as to quality, price, and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after receipt of the merchandise.

That is the portion of the emergency tariff act which has twice been extended without any modification, and as vinegar is made through a synthetic process from carbide it has practically been eliminated except, I presume, certain kinds which have been allowed to come in.

Mr. JONES of New Mexico. I have asked the Senator to give us that information at some length for the purpose of putting emphasis on the situation as it exists. I was going to call attention to it.

Vinegar is made from calcium carbide. I was going to refer to that, and why? Because the Finance Committee in fixing the rate in this schedule use the price of an importation of only 28,000 pounds which came in as a freak. Is not that a woeful spectacle? They do not ascertain the cost of producing the commodity in this country or abroad. They are driven from that position. Then they say that they fix this duty because of the difference in price, and what prices did they take? They took the price of a mere freak transaction which was prohibited by the embargo laws of the country. Under the law which the Senator from North Dakota has read it was an unlawful importation. It must have come in and been sold on the market under very peculiar circumstances. Yet when the Finance Committee undertook to use prices as the basis for putting a tariff upon this great commodity they used the price which is a freak, as I have said, based upon an importation which came in contrary to the embargo laws of the country. What a woeful spectacle we have!

Now, Mr. President, in order to show that this was a freak importation I want to give a few other prices.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. JONES of New Mexico. I yield.

Mr. WALSH of Montana. Before the Senator passes from that I want to inquire if it is a fact that the same procedure was pursued in fixing the rates generally in the bill, namely, to put a tariff on which would bring the foreign price up to the price being asked in the American market without any reference whatever to what it cost to produce it in America?

Mr. JONES of New Mexico. It was absolutely demonstrated on yesterday that as to this entire schedule they had not attempted to obtain information as to the cost of the articles, either here or abroad.

Mr. WALSH of Montana. Do I understand that that position was admitted by the chairman of the Finance Committee?

Mr. JONES of New Mexico. The chairman of the Finance Committee yesterday stated that it was based upon the difference between the cost of production here and abroad, but when he was asked for the evidence upon which the committee acted there was a failure to produce any.

Mr. WALSH of Montana. I inquired about it because there is a widespread feeling in the country that there has been an enormous amount of profiteering, and that prevailing prices include not only the cost of production but an unconscionable profit. If the pending bill means that a tariff is to be imposed upon the importation of a foreign article so that the article will bear the same price in this market as the prevailing domestic price, it would be well to be informed about it.

Mr. JONES of New Mexico. Mr. President, let us see what the actual condition of the market is. I obtained this morning the prices of this commodity as of April, 1922, the present month. I find this to be the situation: For the 28 per cent of acetic acid the Canadian price is 4 cents per pound; the New York price is 2.37 cents per pound. The 80 per cent acetic acid in Canada has a price of 12 cents per pound; the price in New York of the same article, the commercial grade, is 6.8 cents per pound; but the pure grade of that percentage is 8 cents per pound, as against 12 cents per pound in Canada.

The glacial acetic acid, the pure acid, with which we must compete, as the Senator from North Dakota has said, has a price in Canada, f. o. b. Shawinigan Falls, the place where it is manufactured, of 20 cents a pound in barrels and 20½ cents in carboys, and the price in the New York market is 8½ cents a pound.

So, Mr. President, we have this wonderful performance: The majority of the great Finance Committee of the Senate undertakes to convince us that the price of this commodity where it is manufactured and whence it is exported is lower than it is in the United States, and therefore, in order to meet the difference in price, the Committee on Finance proposes to put a duty upon it of about 25 per cent, when the fact is that the price in the country whence this product comes is nearly double—in fact, it is more than double—the price in the United States.

We were told yesterday, with all assurance, and we are again told this morning, that the committee fixed the duty because of that freak importation of 28,000 pounds after the embargo law had been passed.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McCUMBER. Is the Senator from New Mexico certain that one penny's worth of the vinegar was imported after that law went into effect? As a matter of fact, is not the Senator mistaken in that statement? I think he will find that all of the commodity which was imported in the first nine months was imported before the emergency law went into effect.

Mr. JONES of New Mexico. Does the Senator from North Dakota mean to say that the price of that 28,000 pounds, at the time it was imported, was the common, usual price of the imported article?

Mr. McCUMBER. I am not speaking of that; I do not know just what the price of that article was when it was imported. I assume that the import figures show the price at which it was purchased. I assume that the invoice was honest.

Mr. JONES of New Mexico. That is quite true.

Mr. McCUMBER. But this is the point to which I wanted to direct the Senator's attention. He has several times spoken of the importations after the law went into effect as "freak importations." The emergency law went into effect on the 27th day of May, 1921. The figures which are given are for the first nine months of 1921. I think the Senator will find, instead of their being "freak importations," that every one of them was an importation which came into the country prior to the 27th day of May, 1921; and although the figures cover nine months, I think the Senator will find that no importations took place after the law went into effect.

Mr. JONES of New Mexico. Mr. President, let us look at this matter in a really calm and dispassionate way.

Mr. McCUMBER. Certainly, and let us know the facts as they are, without wrong impressions being created by fallacious arguments.

Mr. JONES of New Mexico. That is right. I want the truth, and I hope the Senator will listen to me for just one moment.

The Senator from North Dakota himself called attention to the fact that the importations in 1920 were 2,802,068 pounds. It was the Senator's own conclusion that those importations fell off to 28,000 pounds by reason of the embargo law. If it was not by reason of the embargo law, then I will ask the Senator to state why, during the five months of 1921, when there was no embargo law, the importations fell from 2,802,068 pounds per year to 28,000 pounds, or 1 per cent in five months of the importations for the previous year? The Senator must find some other reason. If the embargo was not the reason, it doubtless was that the price in this country was so low that the Canadian producer could not afford to export it, because the price fell from 12 cents in 1920 to 8 cents in the nine months of 1921. So whichever horn of the dilemma the Senator wishes to take I will ask him if the Finance Committee was justified in

accepting the price of what I still denominate a "freak importation" for the purpose of imposing a tariff upon the 75,000,000 pounds normally produced in this country?

Mr. President, I should like to call attention to the state of this industry, and I shall do so somewhat in detail, because the principle upon which the committee acted regarding this item, using the language of the Senator from North Dakota, permeates this whole bill. It is necessary for us to understand something about the production of this commodity. Acetic acid in the United States is a wood product, which is obtained by heating hardwood. The three products of that process are alcohol, acetate of lime, and charcoal. Alcohol is the most valuable of those products. Wood alcohol has more uses and there is a much more diversified demand for it than for acetic acid. Acetic acid itself, however, is a very valuable chemical in a number of industries.

Now, what happened? What was the situation? Before the war, of the entire production of acetate of lime 40 per cent was exported. Thus it is apparent that we competed with the world. Alcohol is also produced not only in competition with Canada but in competition with the world.

Mr. SMOOT. The Senator knows, of course, that at that time there was no synthetic process known.

Mr. JONES of New Mexico. I am coming to that a little later. The Senator is right about it; but the situation is as I have described. Some Canadians—and, by the way, about 40 per cent of the capital stock of the Canadian company is owned in the United States—discovered a synthetic process of making acetic acid from calcium carbide; but there is no evidence here as to how much it cost to produce the acetic acid by that process, and there is no evidence of how much it cost to produce the glacial acetic acid in this country. So, when Senators undertake to say that there has been developed a patented process for manufacturing synthetic acid and that that process is very much cheaper than production by wood distillation in this country, I say there is not a particle of evidence on which to found the statement.

Mr. SMOOT. Mr. President, common sense tells anybody who knows anything about the production of acetic acid that the synthetic process is cheaper than the process of extracting it from wood. Not only that, but the dust of calcium carbide is used in the synthetic process of making acetic acid, and by that method 100 per cent acetic acid can be made. I know the Senator will agree with me that it can be made cheaper in that way than by extracting it from wood and employing three processes to get it into similar condition.

Mr. JONES of New Mexico. The statement of facts made by the Senator is true. As to his conclusion, however, I am not convinced and I will state why.

Mr. SMOOT. The synthetic process would not be employed if it were not cheaper.

Mr. JONES of New Mexico. In the first place, there is no evidence as to the cost of the calcium carbide. The Senator has stated that the product is made from the dust of calcium carbide, and I think he is right about that, but there is no evidence as to the quantity of that dust which is available, nor is there the slightest evidence as to the cost of production in this country.

As I stated a while ago, the products of the distillation of hardwood are alcohol, acetate of lime, and charcoal. I should like anybody to tell me how it can be said that the acetate of lime costs one amount, the alcohol costs another, and the charcoal another. They are relative terms; and if the price of acetate of lime goes down there is no reason in the world why the producer can not raise the price of his alcohol, and make his entire product profitable, and that is done.

Mr. SMOOT. Mr. President, of course I do not care about getting into a discussion; but the man who makes wood alcohol has to compete with the manufacturer of alcohol by some other process, and I will say to the Senator that there are ways in which alcohol can be made even cheaper than by its extraction from wood. I mean to say that pure alcohol can be made in many ways cheaper than wood alcohol can be made from wood, but, of course, the pure alcohol would have to be denatured or else pay the Government tax. Wood alcohol does not pay the Government tax; and the Senator knows that we thought a few years ago that we were going to run all the automobiles and all the engines in this country by alcohol made from the waste fruits of the country, but we found that it was not really a success.

As to the price of wood alcohol, it can not be raised any higher than the price at which it can be imported into this country. They have better wood facilities and a greater quantity of wood in Canada than we have in this country, so the price can not be raised above the market price. I will say to the Senator also that each process in the extraction of alcohol from wood is a process by itself, and the cost of producing each of the three products named by the Senator can be ascertained just the same as the cost of manufacturing any other article produced in the United States. That has always been the case, and the price at which each article is sold depends entirely upon the cost of the item.

I will state to the Senator that in some cases, where the market will justify it, the principle that he cited could be taken advantage of; but when business is normal and when there is a steady demand for all of the three articles, then it could not be put into operation.

Mr. JONES of New Mexico. Mr. President, that raises the old question about which the Senator from Utah must be an expert. I should like to have anybody tell me what the cost of raising wool is and what the cost of raising the meat of the sheep is. You have the two products coming along together, and no man living can tell what the cost of one is or what the cost of the other is. You can tell the cost of the combined product, but you can not tell the cost of either one in particular; and the price of each one is fixed in accordance with the law of supply and demand.

The Senator says that acetic acid can be produced so much cheaper under this process. I will ask him why it is that the price to-day at the works in Canada is 20 cents a pound and the price in New York is 8½ cents a pound?

Mr. SMOOT. I thought I told the Senator that, but I will tell him again. This is a patented process, and acetic acid is made by this process. The Canadian manufacturers are making the Canadian people pay every dollar that they can. The Canadian manufacturers have a duty of 25 per cent upon every pound of acetic acid that comes into Canada from any other country. Therefore they have that protected market, and they take advantage of it in every way possible; but when they come into the American market, in the past they have come in free, and in order to sell the product in this country they are going to sell it at a lower price than they do at home. The very figures that the Senator submitted to the Senate prove beyond a question of a doubt that that is what they have done in the past, and that is what they are going to do in the future; and the only reason why we ask for protection on acetic acid is from the very fact that we do not propose that Canada shall impose a duty upon acetic acid and then have this market as a dumping ground. That is what she has had, and that is what she would have with free acetic acid. If we do not have this duty, the Canadian plants will run continuously. Canada will control this market. She can sell her product under what it actually costs her to make it, even with the new process, and then make it up on the price she charges for the balance of the product to other parties. Those are the absolute facts of the case, and that is the condition, and that is the only reason why there ought to be a duty upon this item.

Mr. JONES of New Mexico. Mr. President, I thank the Senator from Utah for stating so clearly the next point which I wish to discuss. I know that the statement, coming from the distinguished Senator from Utah, will be accepted as the actual situation, and the inferences which he draws about the tariff in Canada and about the dumping of the commodity in this country will be accepted. So, then, we have this problem to deal with: It is not a question of the actual cost of the commodity in Canada as compared with the cost in this country; it is not a question of prices in Canada as compared with prices in this country; but it is a question of the Canadian producer dumping his product on the American market, and I think the Senator is right.

Mr. SMOOT. That is the question; and not only that, but that is why I prepared as best I could an antidumping provision in this bill, which I designated the other day as one with teeth in it; and I think myself that if this antidumping provision becomes a law and is enforced it will stop a great many of the evils that have existed in the past, not only with acetic acid coming from Canada but with other articles coming from foreign countries as well.

Mr. JONES of New Mexico. Mr. President, there was a very advising witness who appeared before the Ways and Means Committee of the House, a Mr. Stilling, of the Wood Products Co., of Buffalo, N. Y. I will state that the Wood Products Co. produces alcohol, acetate of lime, and charcoal, just the same as all other producers of these wood distillates; and here is what he had to say and the reason he gave for wanting a tariff upon these items. He was talking particularly of alcohol at the time:

Mr. Chairman and gentlemen of the committee, I represent the Wood Products Co., of Buffalo, N. Y., the largest refiners of wood alcohol in the United States. We are not particularly interested in

protection in the common acceptation of this word, because we believe this country is big enough in natural resources and has the technical skill and ability to enable us to compete with any other country having the same labor costs. We are, however, very much interested in any set of laws which will permit Canada, for instance, to maintain high prices in her domestic market and sell her surplus of wood chemicals in this country at prices below those charged at home. I feel that no argument is needed on this point to convince you of the unfairness of such a condition.

Then, after further testimony, he makes this statement:

While it was shipped in September—

He spoke of a shipment of 250,000 gallons of alcohol into New York in the latter part of 1920; and, by the way, I may state that the whole amount shipped in was purchased by Mr. Stilling's company for the purpose of preventing it from being put upon the general market in competition with American-produced alcohol. He was big enough to buy the whole importation of a quarter of a million gallons in order to protect the industry in this country, which demonstrates that the American market is controlled by a few people, and in my judgment this one concern fixes the price in the American market. So sure were they of being able to fix the price that when an importation of a quarter of a million gallons came into the country, this one concern bought it all in order to control the American market.

Mr. Stilling says, speaking of this alcohol:

While it was shipped in September, it did not arrive in Buffalo until the 1st of October. While we have taken this quarter of a million gallons, at the present time they are only running about 40 per cent capacity, and consequently the domestic consumption is able to take care of the output, but when they start up and begin running 100 per cent capacity they will have a surplus of from sixty-five to eighty thousand gallons a month which undoubtedly would have to come over to this side.

That is the alcohol; but even that amount which could come if they were running at capacity would be a small item compared with the American production.

Mr. Green says:

Now, if we propose a countervailing duty—that is, made a general provision similar to what we did with reference to wheat at one time that in case any other country imposes a duty on alcohol exported to that country that same duty should be applied to alcohol imported into this country—would that help any, or would they just take off their duty?

Now comes what they want:

Mr. STILLING. Well, that, of course, is impossible to state. They probably would reduce it because it is higher than they need for their protection, but we are asking just exactly the same duty coming this way that they have on shipments going the other way.

What does that mean? It means, Mr. President, that this tariff which Canada has imposed upon these products enables the Canadian producer to manufacture his product and receive at home such a price as he sees fit to put upon it, and, if he has any surplus, to dump it upon some other country at any price he can get; and that is precisely what these people want when they are asking for this tariff on acetic acid and many others of the items mentioned in this bill.

While they can compete with the world in production, while they do export 40 per cent of acetate of lime, yet they want this tariff, and they want it at the same rate which Canada has put upon it. Canadians use it for the purpose of making their home people pay a high price for the product, and if they have a surplus to enable them to dump it on the rest of the world at a lower price. That is just one of the conditions which will be produced by this bill, and which I condemn.

I do not want to bring about that situation in this country. I do not want, by means of a tariff, to enable a combine to control prices in this country, to make the American consumer pay an exorbitant profit, and enable the trust simply to dump its surplus on the rest of the world. That, avowedly, is the purpose for which these people have applied for the tariff in this bill, with glacial acetic acid selling at 20 cents in Canada at the factory and at 8¼ cents in New York. Imagine that! There is none being imported now, but 8¼ cents a pound is the price the American producer is willing to take for it. That is the New York price. This other concern is charging 20 cents for the same article at the factory in Canada, and now they avowedly want to bring about such a condition in this country as will enable the producers of this commodity to raise the price to the American consumer in the same way that that profiteering concern is doing with the people of Canada. There is not a line of testimony here to show the cost of production in this country or in Canada.

Mr. President, I think I have discussed this item sufficiently, and, as I have said, I have done this because the chairman of the Finance Committee refers to this item as involving the principles which permeate this bill; and that is so. The bill is framed not upon the cost of production; it is framed not upon the difference in prices; it is framed in response to the requests of the interested parties who want to exploit the American people, and the majority of the Finance Committee has acceded to the requests. That, in my humble judgment and in my firm conviction, is the purpose which actuated the framing of this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harreld	McKinley	Sheppard
Brandegee	Harris	McNary	Simmons
Brookhart	Harrison	Moses	Smoot
Calder	Heflin	Nelson	Stanley
Capper	Johnson	Newberry	Sterling
Caraway	Jones, N. Mex.	Nicholson	Sutherland
Culberson	Jones, Wash.	Norbeck	Townsend
Curtis	Kellogg	Norris	Walsh, Mass.
Dial	Kendrick	Oddie	Walsh, Mont.
Edge	Keyes	Overman	Watson, Ga.
Ernst	King	Pepper	Watson, Ind.
Fletcher	Lodge	Phipps	Williams
Frelinghuysen	La Follette	Pittman	Willis
Gerry	Lenroot	Poindexter	
Gooding	McCumber	Reed	
Hale	McKellar	Rawson	

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is absent on business of the Senate.

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum is present.

Mr. SIMMONS. Mr. President, I wish to lay down some general propositions with reference to this bill before I start upon a discussion of its provisions.

1. A careful study of this bill in connection with existing conditions here and abroad make it perfectly clear that it was framed with a view to maintaining present prices and to enable the industries which it protects to further advance these excessively high prices without incurring the risk of foreign competition.

2. It will inevitably lead to higher prices, higher cost of living, and the further monopolization of American industries.

3. In many instances the rates are absolutely prohibitive. Especially is this true with reference to the highly specialized products, and these constitute the bulk of our dutiable imports. It is not difficult to see that the American producers of dutiable commodities protected against foreign competition need only—by recourse to certain well-known devices and expedients—bring about concert of action with respect to production and selling price to enable them to fix and maintain prices as high as the traffic will bear.

4. A comparison of the rates imposed in the bill with those of the Payne-Aldrich bill will show that upon the basis of the prices of products during the two periods, the only basis of a fair comparison of equivalent ad valorems, the proposed rates applied to present import prices average—expressed in terms of equivalent ad valorem are from 40 to 50 per cent higher than the average Payne-Aldrich rates for any year during the life of that act.

5. Whatever may be said—and that proposition will be discussed later—with reference to the volume of our importations during the war period and the aftermath war period, the official statements of imports for the years 1921 and 1922, and especially for the last nine months ending February, 1922, show that they have now reached almost a normal basis and are not excessive, and that, compared with our exports during the same period, they are relatively low.

6. If the reductions thus shown have taken place under the much lower rates of the present law, it must be obvious that the drastic increases of the pending bill will result in reducing to a point where it will be utterly impossible for us, in present international economic conditions, to sell our large exportable surplus of manufactured and agricultural products in foreign markets because of the well-known fact that our foreign customers are now, and for an indefinite period will continue to be, unable to purchase our products except through the process of exchange of merchandise.

7. The two greatest economic problems which confront the American people to-day are (1) the question of foreign markets for our surplus products of the field, factory, and mine, and (2) closely related to the first is the question of unemployment, which already presses hard upon us and which, unless the first problem is wisely solved, will rapidly grow to alarming proportions.

Manifestly the farmer, the manufacturer, and the mine operator can give employment to labor only to the extent to which they can find a market for their products, and therefore unmarketed and undisposed of surplus means unemployment and curtailment of production.

8. The duties imposed upon agricultural products will be mostly inoperative or ineffective either because of (1) practically no importations or (2) such meager importations as could not possibly affect the domestic price or (3) where, on account of our large exportable surplus, the domestic price of the particular article is based upon and fixed by the world selling price.

9. The effective duties upon certain agricultural products, such as wool and sugar, will undoubtedly tend to advance the price of such commodities in the domestic market, just as the effective duties upon manufactured products will undoubtedly tend to advance the domestic price of these products. But the aggregate benefits to the farmer through increases in price will be small, indeed almost inconsequential, as compared with the additional burdens he will have to bear by reason of the increases in the prices, made possible by these higher duties, of the things he must buy and consume in the operation of his business and in supplying his domestic demands.

10. The rule manifestly adopted and followed by the committee in ascertaining the measure of protection which should be accorded a given product or industry in order to effect the measure of protection the bill intends violates every theory or principle of protection heretofore advocated or proclaimed by the champions of protection, including the Republican Party, in this country, and with the superadded rate-making powers conferred upon the President makes tariff-rate fixing almost as much a matter of political and personal patronage as the distribution of the Federal offices.

11. The rates of the bill are based upon the export price of imports as compared with the American selling price, an unstable and constantly fluctuating factor, and to a large extent the prices of imports as found in the report of the Reynolds Investigating Commission are adopted as the basis for this comparison; the American price for making the comparison is predicated upon no definite basis and is largely a game of catch as catch can with all the advantages of the game in favor of the tariff seeker.

12. The Reynolds report is based on prices of foreign merchandise as of August, 1921, mainly the prices of products imported into this country from Germany, the prices of which country seems to have been accepted as the standard. Since August, 1921, eight months ago, the export prices of foreign products have generally increased. In the case of Germany this increase has been very large, indeed in some instances almost phenomenal, so that the increases in prices since the Reynolds report has already thrown the rates ascertained and fixed in the bill as amended out of balance with the principle upon which they were fixed, and, of course, as the processes of international stabilization and adjustment go on they will be still further thrown out of balance.

13. The uprising in 1909 against the excessive rates of the Payne-Aldrich bill, levied upon practically no principle except to satisfy the demands of the beneficiaries of protection, not only forced the Republican Party to adopt and proclaim a fixed rule for measuring the protection to be accorded but brought about the overthrow of that party in 1912. The bill ignores and utterly repudiates this rule of protection measurement.

14. Adoption of this bill with its prohibitive rates based on an uncertain and dangerous principle of measuring differences in competitive conditions here and abroad will mean, in addition to higher prices, higher cost of living and the further monopolization of American industries, also radical reductions in production, unemployment of labor, and the general demoralization and undermining of our past and present economic standards and conditions.

I do not wish to venture into the field of prophecy, but I entertain the firm conviction that if this bill is adopted before another general election the demonstrated effects of these rates will arouse an indignation of more portentous proportions than that which overthrew the Republican Party in 1912, in which election its candidate carried but two States, the little States of Connecticut and Utah.

Mr. President, I have laid down these general propositions as the basis of the discussion to which I propose to proceed as soon as I shall have directed a few general remarks to the opening speech of the senior Senator from North Dakota [Mr. McCUMBER], who is the chairman of the Finance Committee, the majority members of which framed the pending bill.

The Senator from North Dakota [Mr. McCUMBER], who reported this bill for the committee, in his opening speech in support of it, makes bold to warn the country that it should not expect the bill to bring the full measure of prosperity they were probably anticipating. That was indeed a very frank and a very timely warning. In view of the fact that the bill, if adopted, is likely to go into effect only a short time before the election, it was also a wise precaution on the part of the chairman of the committee to warn the country against vain expectations. But the warning of the Senator is in striking contrast with the reiterated assurances of those who have asked these high rates and obtained them. They have confidently predicted and loudly proclaimed that if they were given what they asked and were thus protected against foreign competition, an overwhelming tide of prosperity would at once set in and business would hum as never before. However, in making these predictions of the great prosperity to follow the enactment of the bill, these bounty seekers probably intended no reference to the consumers, but only to the favored few to whom the bill gives what they asked.

If the Senator was addressing to the consumers his warning against entertaining unwarranted expectations, it was most timely and altogether justified; but if he intended his warning for those who, while the bill was in the making, from day to day swarmed about the sacred precincts of the room in which the secret executive sessions of the majority were held, they will doubtless regard his warning as a choice bit of humor, and accept it as a hint or a wink not to be too noisy and not to indulge in too much hilarity over the good things awaiting them, especially not until after the bill has passed the gauntlet of the Congress.

The Senator also offers advice to the fortunate ones upon whom his bill bestows its benefits with wanton prodigality. He advises them to be moderate and content themselves with small profits. Good advice, indeed! But, in view of the fact that the Senator's bill is an invitation to them to take the higher profits which it offers them for the taking, it may be confidently predicted that the very discriminating gentleman to whom this advice and invitation are given and extended will incontinently reject his advice and accept the invitation of his bill.

Taken in connection with the invitation of the bill, the Senator's advice may be construed as a shrewd suggestion to those who are to receive the benefactions provided in it that while they should be thankful to the Republican Party for the blessings they are about to receive, it were wise and prudent to be meek and altogether self-denying until after the bill is passed and the election is over.

Mr. President, I now come to the consideration of the bill proper. The bill is based primarily on three erroneous assumptions of fact:

1. Upon the assumption that present importations are excessive and a menace to the business of the country;

2. The assumption that the home selling price and the export selling price of foreign merchandise are so much lower than the selling price of like or comparable domestic products that greatly higher rates of duty than those of the present law are needed to bring about fair and competitive conditions; and

3. The assumption that the export prices of foreign merchandise as disclosed in the investigations and report of the Reynolds Commission based upon such selling prices in August, 1921, have not changed since that time and are the same to-day as then.

Those are the three bases of this bill, and each one of them is predicated upon a false assumption of the existing facts, as I shall show.

Let me discuss these several propositions in the order mentioned. The first relates to the import situation of to-day and raises the question whether from the protective standpoint present imports are so unduly large as to call for the proposed increases in duties in order to further and sufficiently restrain them.

Undoubtedly importations to this country during the war and the war aftermath period were very great, but our exportations also were not only great but relatively greater, and of course both were much greater than in pre-war times.

But the conditions of 1917, 1918, 1919, and 1920 no longer exist. During the years just mentioned we, together with our allies and adversaries in the world conflict, were seeking markets wherever they could be found throughout the world for our accumulated surpluses and unused war materials, and were selling these surplus goods for whatever price they might bring. This naturally resulted in more or less disturbance in price and economic conditions everywhere. But these accumulations have been practically disposed of; many of them were disposed of a year or eighteen months ago, at which time conditions began to drift back toward normal and have continued to drift in that direction to the present time.

As a result there was a notable falling off in our imports during the year 1921, which recession has continued to a greater or less degree to the present period.

Let me present the facts with respect to our international trade situation during 1921 as compared with 1920—the last year of what may be designated the war aftermath period, the year when, prices having reached their peak, imports having

reached their peak, and exports having reached their peak, recession set in.

In the calendar year 1920 our imports amounted to $5,278,000,000 as against $2,509,000,000 in 1921, showing a falling off in the latter year compared with the former of $2,769,000,000, a reduction of more than one-half. There was also a notable falling off in our exports.

The advocates of further restriction of imports upon the ground that our markets are being flooded with foreign products have laid particular stress upon imports from Europe, especially from Germany, and from Asia, especially China and Japan, and also from North and South America and from Africa.

I have before me the Summary of Foreign and Domestic Commerce of the United States, issued by the Department of Commerce. This official document shows that our imports from all Europe, including Germany, of course, during the year 1921 were only $764,000,000, stated in round numbers, which was $28,000,000 less than our total imports from all Europe in 1910, the first year of the Payne-Aldrich bill; $6,000,000 less than in 1911, the second year of the Payne-Aldrich bill; $136,000,000 less than in 1912, the third year of the Payne-Aldrich bill; and a round $100,000,000 less than in 1913, the last year of the Payne-Aldrich bill; and $24,000,000 less than in 1914, the first year of the Underwood tariff, and $463,000,000 less than in 1920, the last year of what I have described as the war aftermath period.

If the difference in prices during this period measured in dollars be considered the relative drop will be seen to be even greater.

It also shows that our imports from North America, which, of course, includes Canada, were $908,000,000 less in 1921 than in 1920. From South America, $465,000,000 less in 1921 than in 1920.

The advocates of this bill have laid great stress upon the immense volume of imports of cheap goods from China and Japan and have endeavored to create the impression that our markets were being swamped with cheap Asiatic products. This document shows, however, that imports from Asia, including Oceania, in 1920 were $1,476,000,000 and in 1921 only $653,000,000, a falling off during the last 18 months of readjustment of $823,000,000.

It shows that imports from Africa fell from $150,000,000 in 1920 to $40,000,000 in 1921.

These figures taken in connection with our exports tend strongly to confirm the contention that, taking the world at large during the calendar year 1921, our imports reached a practically normal basis, and that our imports from Europe, our best customer, fell in that year below the normal of any year between 1910 and 1914, inclusive.

It may be contended that these enormous drops in our imports in 1921 were due largely to the fall in prices. While that may in a measure account for the slump in 1921 as compared with 1920, the reverse conclusion must be drawn from the fact that our imports from Europe, tested by present prices, are below our imports from that Continent tested by pre-war prices.

As powerfully as these facts confute the contention that our markets are at present being swamped with foreign merchandise, especially from Europe (including Germany) and Asia (including China and Japan), and confirm the statement I have made that imports in 1921 were practically normal and upon a healthy commercial basis, the imports for the eight months ending February, 1922, as compared with the eight months ending February, 1921, furnish even stronger confutation and bring the comparison nearly up to the present time.

The official figures, which I have before me, show that for the eight months ending February, 1921, our imports amounted to $2,737,000,000, and for the eight months ending February, 1922, to $1,629,000,000, or a falling off in eight months of $1,137,000,000, or at the rate of more than a billion and a half a year.

No argument could more conclusively demonstrate the fact than do these figures that the basis upon which the increases in rates in this bill are predicated, namely, a present and dangerous inundation of our markets by a flood of foreign goods, is utterly without foundation.

The official figures I have given would seem to support and establish the contention that under the existing rates present importations are not excessive, but even if it should be conceded, as contended by the advocates of this bill, that present rates are not sufficient to meet all the exigencies of the situation from the protective standpoint, the question arises, Are the unusually and exceptionally high rates of this bill necessary to accomplish that purpose?

In connection with the discussion of this query, it is pertinent to consider to what extent this bill increases present rates. There has been some controversy as to the extent of these increases. It has been stated that they are no higher than the Payne-Aldrich rates, although radically higher than the rates of the present law.

It is estimated that the average equivalent ad valorem of the dutiable articles under the bill is at least somewhere around 45 per cent.

I am advised, I will say in passing, by the Actuary of the Treasury, who has been trying to make this computation, that he has not yet reached a point where he can state with certainty what the increases will be, but from the information I have received from him I am certain that the average ad valorem equivalent rates under this bill are between 45 and 50 per cent—more likely 50 than 45. Forty per cent, I believe, is the rate generally assumed as the one which obtained on an average under the Payne-Aldrich bill, so the present rates are probably 45 to 50 per cent in comparison with 40 per cent—40 per cent under the Payne-Aldrich bill, if you take the estimated ad valorem of the two periods in which these rates are levied.

But in a comparison of averages where duties are partly ad valorem and partly specific ad valoremo have but little significance unless they be taken in connection with the prices prevailing at the time of the application of the two rates, because an average ad valorem equivalent for the purpose of comparison at a given time depends upon the relative selling prices of the merchandise to which the respective rates are applied. For this reason the average ad valorem equivalent of the Payne-Aldrich bill varied from year to year according as prices went up or down, being lower when the prices went up and higher when the prices went down. The same is true with respect to all tariffs, and it is because the controlling factor in the calculation is the specific rates. Therefore, in comparing the rates of this bill with the Payne-Aldrich rates the prices of commodities during the two periods must be taken into consideration.

I think it will not be denied that prices of dutiable commodities are to-day something like 50 per cent higher than they were during the period of the life of the Payne-Aldrich bill. If this estimate be true, the average equivalent ad valorem of the present bill applied to Payne-Aldrich prices of dutiable products would be 50 per cent higher than the average when applied to present-day prices, making the potential rates of the present bill as compared with those of the Payne-Aldrich bill between 60 and 65 per cent as against 40 per cent, if taken only in connection with the rates of the present bill. That is to say, the higher prices which obtain to-day than those which obtained during the Payne-Aldrich tariff of themselves constitute a factor which in the calculation of the ad valorem equivalent, by way of comparison, will amount to an increase of 50 per cent over the Payne-Aldrich rates. I think there can be no doubt that the potential rates of this bill are almost, if not quite, double those of the present law.

A mere statement of the increases proposed in this bill makes it clear that applied to present-day imports they would be practically prohibitive as to dutiable products. That would largely confine our imports to nondutiable products and to a few products, fancy designs and novelties, not made in this country at all or in sufficient quantities to supply the domestic demand.

If these rates should prove prohibitive, and if they are 50 per cent higher than the Payne-Aldrich rates—and they are if prices to-day are 50 per cent higher than they were in the Payne-Aldrich period—I say, if these rates should prove prohibitive, as I have predicted, and to the extent indicated, two things must follow:

(1) The further monopolization of our industries, attended with an enormous increase in prices and the cost of living.

(2) A disastrous reduction in our exports; and just as undue curtailment of imports will tend to industrial monopolization and increased prices and higher living costs so will undue reduction of our exports inevitably tend to a reduction of production and curtailment of employment.

There can be no doubt, I think, about the proposition that an undue or unhealthy restriction of imports, not to say a prohibition of imports, will at this time more than at any time during our history prove most disastrous in its effect upon our export trade. Such a policy might not have seriously affected the sale of our surplus products in foreign markets under conditions that obtained before the war, especially our export trade with our allies in the war. These latter nations are the best customers we have for our exportable surplus.

In pre-war times, when we were a debtor Nation to these countries and when they were abundantly able to buy from us what they needed and pay for it in gold, or gold equivalent, and their currency was at par, such rates as those proposed in this bill would even under those conditions have been a serious matter in their effect upon our trade with them; but in the condition of these countries to-day, with $11,000,000,000 indebtedness to us, with no gold with which to pay us for what they buy unless we freely buy from them, they will of necessity be forced, if we cut off their imports of dutiable products, to limit their purchases of our goods to the amount of our purchases from them of products not produced in this country or of products upon which the bill levies no duty.

It might be that our trusts and monopolies would still flourish and have their inflated profits by restricting their production to the demands of the American market. However that may be, and whatever policy might be adopted by the great captains of industry with respect to this matter, it is certain that if our imports are reduced to a minimum our exports must likewise be reduced to a minimum, and that we will be compelled to reduce our production of all the products which we now largely export or face the ruinous consequences of a glutted market.

Nothing could be more absurd from the standpoint of national welfare than to deliberately and drastically reduce imports from Europe to satisfy the clamor of a few sellers of toys and knives, when our imports from Europe now amount to only $764,000,000, just a little more than the annual interest upon the debt which Europe owes us. So that all that Europe would receive from us in payment of her imports would practically be absorbed by our interest charges against her, leaving her in her present financial condition, with little or nothing with which to liquidate her purchases from us.

In face of the fact that under the present tariff law these imports have, as I have shown, been reduced to such a low level, upon what theory of sanity can we justify doubling present rates and authorizing the President to add 50 per cent to that?

I now proceed to the consideration of the second proposition, namely, the contention made in support of these rates, that the assumed differences between the selling prices here and abroad of dutiable products make these exorbitant increases in duties necessary to protect American business.

Undoubtedly, as a result of the war and war conditions, there were radical changes and fluctuations in the selling prices in all industrial and commercial countries. The changes were invariably upward and were greatly pronounced in 1918, 1919, and 1920. During that period these increases were great and general, but, beginning with 1920, readjustment and stabilization completely changed these conditions and during the year 1921, especially during the last eight months ending February, 1922, export selling prices of imports of foreign merchandise, like imports, reached, approximately at least, pre-war levels.

Mr. President, as a comparison with selling prices of domestic products in this market I wish to have inserted as an appendix to my remarks a table showing the 1921 selling prices of German products compared with those of 1914. It relates to Germany, and it is better that it should be so for the purpose of this argument, because most of the duties in this bill have been based upon the prices of German products, and it has been claimed that German prices were notably below the prices of other European countries. [See Appendix A.]

Let us take hosiery, for instance. In 1914 the German price f. o. b., measured in dollars, was $1.81 per unit for the pre-war period. In 1921 the German price, measured in dollars, was $1.89.

On lace, in 1914, the German price was 35 cents per unit, and in 1921 it was 64 cents, almost double.

On cotton gloves, in 1914, the price was $2.14 in Germany, and in 1921 it was $8. The table is very, very illuminating, and establishes conclusively the contention that the export prices of merchandise imported from Germany and Europe generally, which is the basis taken in this bill as a starting point, have in recent months, and especially in the last 18 months, enormously increased. It would seem to be axiomatic that tariff duties should be levied on the basis of conditions which exist at the time the law is framed and passed, and not the conditions which existed at another time in the past and which have changed.

Surely there is no foundation for this contention with respect to labor costs. We have heard here that we could not compete with Japan and China and Germany because of the excessively low wages paid in those countries. I wish every Senator could have heard the testimony before the committee upon that subject. He would then have fully appreciated the argument I have made. It was stated that German wages were from a fourth to a third of what they were in this country; that the wages in Japan were from a tenth to a sixth of what they were in this country. The fact is that the difference in the price of labor here and abroad is much less to-day than it was before the war, much less than it was when the Aldrich bill was passed, and much less than it was when the Underwood bill was passed.

The facts of the situation show that as labor here has been able, by processes familiar to us all, to protect itself against unreasonable decline in prices, so has labor abroad. In fact, the war brought to labor throughout the world a better understanding of its strength. Under this awakening and inspiration labor has, as never before, been more assertive of its rights of participation in the profits of industry, and the resistance which it has demonstrated abroad to what it regards as undue reductions has resulted in maintaining the approximate equality established during the war. Labor strikes in England, Italy, and many other industrial countries, like labor strikes in our own country, have evidenced this resistance and have demonstrated labor's ability in those countries to protect and maintain the relative international standards which were established during the war, with the result that labor costs in this country and in competing countries, if not quite equal, are much more nearly equal to-day than at any time during the pre-war period.

It is doubtless true that the acutely abnormal conditions for a period after the war were more pronounced in respect to German prices of labor and commodities than as to those of other European countries, and that the disturbing effect was greater and of longer duration. This difference was due to the fact that the German situation was temporarily exceptional. That country had as a result of long and intensive concentration of effort, under the control and direction of the Government, developed a perfect and efficient military and economic organization, working in harmony and concert with each other and directed to two great objectives—one the military and the other the commercial conquest of the world. It was a national dream and obsession. They confidently expected the war to result in the accomplishment of the former objective, and they lost their energies, even during hostilities, to preparation for the latter objective. Working to the same end, they ruthlessly dismantled and destroyed, when possible, the industrial plants and cargo carriers of the Allies, their natural competitors in world trade. In the operation of these various industrial plants, in addition to producing the necessary war material, they sought to accumulate large surplus stocks and provide ample ocean transportation with a view, by quick and expeditious action, to getting possession of the foreign market ahead of their competitors when the war ended.

They failed in their dream of military conquest, but they did not despair of quickly getting on their feet and expeditiously achieving commercial supremacy.

As a result, when the war closed Germany occupied a position of both industrial and commercial advantage over its former competitors except in ocean tonnage. The German people had accumulated a much larger exportable surplus, but their splendid merchant fleet had been scrapped or confiscated by the Allies, and they lacked necessary shipping facilities. In these conditions they did a wonderful thing. After buying, leasing, and chartering tonnage wherever they could get it, by quickly putting their shipyards in operation at full capacity and speed, day and night, they built and assembled in an incredibly short time a reasonably adequate merchant fleet and established regular lines to the main ports of practically all the important countries of the world. At home they inaugurated an effective propaganda cunningly directed to the attainment of their scheme of quick preemption of the world market by temporarily underselling their competitors by drastically reducing their costs of production. Under the impulse of patriotic sentiments there was a ready response to this propaganda. By general concert labor for a time was induced to accept low and inadequate wages and manufacturers to content themselves with small profits, to the end that prices might be reduced to such a minimum as would make possible the wholesale underselling in the world market of which we have heard so much.

But for the stern and effective action of the Allies rendering impotent—except for a brief period—their efforts in this direction, they might have gone far in the accomplishment of this national scheme of commercial conquest and aggrandizement. As it was, they were for a time in a position and they took advantage of it to undersell their competitors, and thus temporarily their exportations grew rapidly and their selling prices at home and abroad were abnormally low, resulting in more or less disturbance of price standards and arousing undue alarm in many competing countries as to the permanency of the situation thus created.

The national conditions and sentiment under which this situation was created in Germany no longer exist. Stocks accumulated during the war and war surpluses have been disposed of. The compelling impulsion of patriotism has abated or subsided. The German laborer is no longer content with underpay nor the manufacturer with low profits—they demand, respectively, full pay and full profits measured by new world

standards; and as a consequence German prices of labor and products have during the past year advanced approximately to world levels and still continue to advance, while the prices of their competitors show recessions. In February of this year German commodity prices advanced 20 per cent, as compared with 28 per cent in March, as shown by the statement of the Federal Reserve Board, issued this month and based on Berlin index numbers, and there is now but little if any appreciable underselling of German products in our markets, and their prices are about the same as those from other foreign industrial countries.

If there existed during the acutely abnormal period of 1918, 1919, and 1920 temporary need for higher duties than those imposed in the present law to further restrict the low-price German importations of those periods from the standpoint of the protectionist, the hard facts of the present international trade situation show that no such need exists to-day, and surely, as I have already said, it will be admitted by all that the levying of tariff duties should be directed not to conditions that have existed and have passed away, but to conditions actually obtaining at the time of their imposition or which were then in reasonable anticipation. To adopt any other rule would be infamous in its effect upon those who have to pay the taxes.

Mr. President, I shall offer as a part of my remarks, without reading, to be printed as an appendix to my speech, the report of the Federal Reserve Board with reference to the radical increases of German prices in recent months.

The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix B.)

Mr. SIMMONS. Mr. President, in further consideration of the second proposition I laid down a few moments ago, namely, that the effect of these excessively high and prohibitive duties by unduly restricting imports would inevitably result in the destruction of our foreign market for our exportable surplus, I think it must be evident that this of all times is an inopportune time for any action on our part which could possibly precipitate such a result. I think we will all agree that the effect of the exclusion or undue restriction of imports of foreign products at this time, especially the products of our allies during the war, who have always been and are yet the best customers for our goods, would now, of all times, be the most inopportune. Such a restriction in pre-war times would not have seriously affected our export business with Europe. Europe was then our creditor. Our annual interest payments to her were large. We were dependent upon her for our ocean transportation, and our payments to her on this account were also large. Her treasuries were full of gold, her currencies at par, and she was able to pay for what she might buy from us.

That situation has completely changed as a result of the war. We paid off our European indebtedness during the war; we now owe her nothing. The former situation is completely reversed, and to-day they owe us more than $11,000,000,000. She will soon begin to pay us annually between five and six hundred million dollars in interest charges. We now have a merchant fleet adequate to our requirements, and we need no longer employ European ships to transport our products to foreign markets. As a result of the war the gold of the world has been drawn to this country. Millions upon millions of it lies idle in American vaults. Europe has not a dollar of gold she can spare. The little she has is not sufficient to maintain her currency parity. In these conditions—and in a large measure they reflect conditions not only in Europe but in the outside world—if by tariff rates we cut off importations from abroad or materially reduce importations below the low and approximately normal levels which I have shown now exist, it is clear it will be impossible for foreign countries, especially our allies in Europe, to continue to buy our products, because largely the only means they now have of paying for them is that of exchange of merchandise.

The argument has been made by many who favor the high protective tariff rates in this bill that Europe can not pay the interest upon the money she now owes us unless we freely buy her goods. Nobody doubts the soundness of this statement so far as I have heard. If it be true that Europe is only able to pay us interest upon her debt through the processes of exchange of merchandise, it is logically and necessarily equally true that Europe can only pay for her purchases of merchandise from us by way of exchange of commodities. It ought to require no elaboration of argument to show that in present conditions if we cease to buy from the outside world, especially Europe, there will be left to them no way to pay for what they buy from us unless we extend them credit or lend them money with which to buy, and to do that in the face of present conditions, especially of our debtors in Europe, would bring disaster in the end both to us as lender and to them as borrower. Now, the corollary of this situation is that if we can not sell our surplus products abroad we must inevitably reduce production, which would mean increased unemployment. Let us briefly analyze that situation. We now produce an enormous exportable surplus. Heretofore we have sold this surplus abroad, and it has been the foundation of our great national prosperity and the marvelous expansion of our industries of factory and field during the last quarter of a century. If we can not sell this surplus abroad we can not sell it at all and it will become worse than worthless. It will cease to be an asset and become a dangerous liability.

In these circumstances—and they undeniably are actualities in the present situation—the excessively high rate of duties now proposed is insanity pure and simple, the insanity of overmastering selfishness and greed; it is a shortsightedness which can only be accounted for by the blinding influence of avarice upon the human mind. If we lose our foreign markets for our exportable surplus, or to the extent to which we lose these markets by the imposition of these drastic tariff restrictions, unemployment of labor must follow, reduction in production, and a stoppage of further expansion in all of our industrial pursuits. This would be inevitable. Obviously, our farmers, our manufacturers, our mine owners, can give employment to labor only to the extent that they can find markets for labor products. Therefore undisposed-of surplus means not only reduced production but reduced employment of labor to that extent. Our vaunted American markets are indeed fine. Our people are great consumers and buyers—in fact, the greatest—but if the American market is to be the only market for American products we must limit domestic production to domestic consumption; otherwise our boasted standards of prices and living will be superseded by the standards of such countries as have in the past followed the policy of commercial isolation, which the high rates of this bill will tend to inaugurate and ultimately establish in this country. China, the home of the oldest civilization in the world, with vast natural resources and a rich soil, with an industrious and intelligent population, has for centuries followed this policy, and poverty and national impotency are and have been the penalty of her folly.

Mr. President, this bill is the outcome of the frenzied outcries of a lot of tariff beneficiaries and bounty seekers who have been thrown into a panic by a purely temporary situation and who in the panic have greatly magnified and exaggerated the facts. If the conditions out of which this clamor grew had been of a permanent character, and if they existed to-day to the extent that they did during the war-aftermath period, there might be some justification for higher rates than those of the present law; but there would be none for the rates proposed in the pending bill; nor could any imaginable conditions growing out of the importation and sale of foreign products in our markets warrant the delegation to the President of the extraordinary powers conferred upon him by the Senate committee amendments over imports, rate classification, and rate bases. If, however, the majority are determined to delegate these plenary powers, unconstitutional, dangerous, and revolutionary as such a grant of power undoubtedly would be, and shall actually do so, the rates of duties of the present law would be sufficient to meet all exceptional conditions existing or apprehended without further increase in rates. In other words, if such an extraordinary power over rates is granted to the President, there would be no necessity for increasing the present rates. On the other hand, if the rates in this bill, in themselves practically prohibitive, are adopted, there could be no justification or excuse for granting these powers to the President.

I now come to one of the most serious aspects of the bill as amended by the Senate committee. The recognition of the principle, specifically written into the bill, as to the basis of ascertaining the measure of tariff protection which should be accorded, is fraught with more danger and possesses greater potentialities of oppression through the exercise of the taxing power than any scheme of legislation ever proposed in this or any other country. The proposition of American valuation is bad both in principle and from the standpoint of public policy, but I fear that more serious consequences will flow from the application of the new principle proposed for determining and fixing the measure of protection which should be accorded. What is that principle?

Everybody knows that the ill-fated Payne-Aldrich law was based upon no fixed rule for measuring the rate of protection to be accorded; indeed, it was framed upon no principle except that of giving what was asked by those to whom the Republican Party was committed by obligations almost as binding as the lien of a mortgage. Rates arrived at in such a way were necessarily unsatisfactory and in many instances oppressive and ruinous. The public sentiment of the country demanded that all tariff rates should be based upon some fixed principle which should take into consideration the interests of the consumer as well as the producer and furnish reasonable safeguards against the imposition of unnecessary and excessive taxes. Under the superb leadership of that master of invective and compelling eloquence, Jonathan Dolliver, an aroused and indignant public sentiment drove the old guard leadership of that day to acquiesce in a definition of the measure of protection which should thereafter be applied in arriving at the tariff duties to be imposed. That definition was deliberately written into the Republican platform of 1912, and from that time up to the advent to power of the present administration it has been proclaimed and lauded by the Republican Party as the true basis of the ascertainment of duties levied upon the protective principle. The rule as thus adopted provided that the rate of duty imposed should be based upon the difference in cost of production here and abroad. If the principle of protection is to obtain, I do not think it can be successfully gainsaid that this formula furnishes the true rule for determining all rates of duty applicable to competitive articles. This bill, as I think I shall be able conclusively to show, not only violates but absolutely ignores and scraps, so to speak, this oft-proclaimed Republican theory of the measure of tariff protection.

In the Senate hearings preliminary to the framing of the bill and which it was supposed were intended to elicit information to enable the majority of the committee in the formulation of the bill properly to apply this Republican formula in the ascertainment of rates the question of the cost of production was tabooed. When the Senator from Wisconsin [Mr. LA FOLLETTE] ventured to make some inquiries with respect to their production costs and profits of certain witnesses representing protected industries, his inquiries were evidently received with more or less surprise, and the answers, almost without exception, disclosed the fact that the witnesses had not prepared themselves with respect to those matters because they did not expect to be called upon to testify upon those points. In many instances promises were made to send in the information later, but I am advised that practically no attention was ever paid to those promises. In short, there was absolutely no effort on the part of the committee to ascertain the cost of production here and abroad, and I do not presume there will be any contention that the duties finally arrived at were intended to measure that difference.

The majority members of the Senate Finance Committee have caused to be printed and circulated among Senators to aid them in the consideration of this bill a book entitled "A Summary of Tariff Information, 1921, relating to House bill 7456." This compilation sets forth the different paragraphs in the House bill in juxtaposition with paragraphs of the acts of 1909 and 1913 dealing with the same subjects, followed by brief statements containing data supposed to be essential in connection with the determination of rates. The summary contains much valuable information with reference to production, exports, imports, and so forth, but as to the cost of production here and abroad that document, prepared to enlighten the Senate, is as silent as the grave. In the report filed by the majority committee and in the meager discussions by majority members of that committee this subject is practically ignored.

Fully aware as I was when I began to study the bill that this principle, which had been so long proclaimed by the Republican Party as the controlling principle in the framing of tariffs, had been ignored, in the beginning of my investigations and study of it I addressed myself diligently to an effort to find out upon what principle the astonishing rates proposed were based. I could not believe they were predicated upon mere guess or upon the demands, however insistent, made by the protected interests for higher rates, but my search was in vain until I reached section 315 (a), which clothes the President with legislative powers such as were never heretofore conferred upon any administrative officer in this country or any other Anglo-Saxon country, and which, if conferred by the Parliament of England upon the King and his ministers, would, under their summary method, result in the instant overthrow of the Government. I do not care to read all of the section, but I will read just enough to illustrate the point I am making:

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in conditions of competition in trade—

Mark the words, Senators, "in trade"—

he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or forms of duty or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in conditions of competition in trade necessary to equalize the same in the markets of the United States; that 30 days after the date of such proclamation or proclamations such changes in classification or in form of duty shall take effect and such increased or decreased duties shall be levied, collected, and paid on such merchandise when imported directly or otherwise from the country of origin into the United States: *Provided*, That until further provided by law the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in this act, or in any amendatory act.

That is declared to put into force and effect the policy of the "Congress by this act intended," and then follows a clear definition of what that policy is, and the President is directed to pursue it in case he shall impose these additional duties.

This section of the bill undoubtedly gives the definition of the principle upon which rates are made, and it is the difference in condition of competition "in trade"—not to equalize differences based on cost of production here and abroad, not to equalize differences based on cost, plus a reasonable profit equally accorded to the domestic producer and the foreign producer, not to equalize differences in intrinsic value at all, but to measure the differences in competition "in trade"; that is, to fix a rate which will bring up the foreigner's price to the price at which the American producer sells his product in the American market, without any reference to what part of the domestic selling price represents production cost and how much of it represents profits, what part of it represents value and what part of it represents water, what part of it is a just return and what part of it is robbery. The President is authorized to bring the foreign price up to that standard.

Mr. STANLEY. Is not that a plenary power to create an embargo?

Mr. SIMMONS. Yes.

The theory of the tariff bill is that however high the selling price of the American article is, however extortionate the profit covered up in that price may be, the price of the foreign article is to be raised so as to make the two articles competitive.

The costs of production are reasonably stable. The prices at which commodities are sold are unstable. They depend much, especially under trust and monopolistic conditions, upon the profit the producer is able to exact and extort.

As a matter of fact, the rates fixed in the bill, in many instances—indeed, in most instances—are far in excess of what is necessary to raise the foreign price up to the domestic selling price and so equalize differences in competition in trade. Under these rates the American producer, especially where domestic competition has been eliminated, as is true of most of the industries, may at once upon the passage of this bill increase his profits by increasing his price without any danger of foreign competition.

As is said, in many instances the rates are too high; but if they are not high enough in a particular case to protect the American manufacturer, the President can raise them high enough to protect him in his present high profits, and if he wants to increase them, the President can come to his relief by increasing his tariff protection against outside competition.

Of course, under such a bill present excessively high prices under which the people are groaning will be maintained and inevitably greatly advanced, so that the people instead of getting a lower cost of living as a result of this legislation will get a higher cost of living, and they will have to continue to pay the present high and unreasonable profits and, in many instances, still higher profits.

Mr. President, undoubtedly informed of these rates, and feeling confident that this bill will be enacted into law, many of the industries of the country are getting ready already to raise their prices, and some of them have already done so.

I want to read a letter which came to me a few days ago, written from the William Penn Hotel, Pittsburgh, April 16, 1922, signed by Mr. Edgar B. Walters, giving his address as Garden City, Long Island, N. Y. He says:

Hon. F. M. SIMMONS,
Washington, D. C.

MY DEAR SENATOR: Pardon me for taking the liberty of addressing you regarding the revised Fordney tariff bill.

I was interested to read your recent statement on this subject, and I wish to relate just a few things that have already happened since your statement, and directly because of the proposed tariff on woolens and clothing.

The American Woolen Co. last Thursday sent notices to the wholesale clothing trade raising their prices from 10 cents to 45 cents per yard. (The Fordney bill proposes to increase the duty from 35 per cent ad valorem plus 43 cents a pound to 55 per cent ad valorem plus 49 cents per pound.) This American Woolen Co. is the one who doubled their capital stock out of war profits (see increase in 1920 from $20,000,000 to $40,000,000 stock dividend), and in 1921, under

the Underwood tariff, earned 81 per cent on this inflated capital. I am informed that the president of this company, Mr. Wood, wrote the woolen goods schedule for the Finance Committee.

Mr. SMOOT. That is a ridiculous statement.

Mr. SIMMONS. Well, I do not know; perhaps the Senator from Utah wrote it.

Mr. SMOOT. I am perfectly willing to say that I had a hand in it; and William M. Wood is not in this country, and that is about as much truth as there is in that letter.

Mr. SIMMONS. Well, Mr. President, the question of who wrote the schedule is merely incidental. I will not go further into that; but does the Senator deny that this company raised its prices from 10 to 45 cents a yard on the Thursday before April 16?

Mr. SMOOT. I do not know as to that. All I say is that, as far as the duties upon wool are concerned, they are even higher to-day than we have them in the pending bill.

Mr. SIMMONS. I do not want to discuss that subject now. I will do so later.

Mr. SMOOT. I did not intend to discuss it.

Mr. SIMMONS. I want to say to the Senator that I care nothing in the world about the statement as to Mr. Wood. I am not reading the letter for that purpose, but I am reading it to get the statement as to the increases in price by the American Woolen Co.

Mr. SMOOT. I never intended to interrupt the Senator. He asked me a question, and I simply answered it.

Mr. SIMMONS. Very well; let it go at that.

Mr. SMOOT. And the letter is not true; that is all.

Mr. SIMMONS. As to Mr. Wood; but does the Senator say it is not true as to raising prices?

Mr. SMOOT. No; but, Mr. President, it is not true about the bill increasing the duty upon wool. I can say that.

Mr. SIMMONS. Mr. President, I want this letter to speak for itself. I shall put the rest of it in the RECORD without reading. It discusses the matter in a very illuminating manner. I wish I had time to read it all, but I have not.

The PRESIDING OFFICER (Mr. LANE in the chair). Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

WILLIAM PENN HOTEL,
Pittsburgh, April 16, 1922.

Hon. F. M. SIMMONS,
Washington, D. C.

MY DEAR SENATOR: Pardon me for taking the liberty of addressing you regarding the revised Fordney tariff bill.

I was interested to read your recent statement on this subject, and I wish to relate just a few things that have already happened since your statement, and directly because of the proposed tariff on woolens and clothing.

The American Woolen Co. last Thursday sent notices to the wholesale clothing trade raising their prices from 10 cents to 45 cents per yard. (The Fordney bill proposes to increase the duty from 35 per cent ad valorem, plus 40 cents per pound, to 85 per cent ad valorem and 40 cents per pound.)

This American Woolen Co. is the one who doubled their capital stock output war profits (see increase in 1920 from twenty to forty millions stock dividend), and in 1921, under the Underwood tariff, earned 81 per cent on this inflated capital. I am informed that the president of this company, Mr Wood, wrote the woolen goods schedule for the Finance Committee.

Further, clothing manufacturers were just preparing to open their lines for the fall 1922 season when the bill was reported out of committee, and upon seeing that the duty was increased from 35 to 85 per cent on ready-made clothing the prices then were raised from $1.00 to $4 per suit from the lines then being made up.

The wholesale clothiers had not at that time published their fall prices, and hence this news did not get in the daily press, as was the case with the woolens, so that the retail clothier who is now beginning to place his orders with the clothing manufacturers is forced to pay from $1.50 to $4 per suit more than he would have paid if this enormous increase in duty had not been proposed.

Clothing should have shown a decline of from $4 to $5.50 per suit from prices obtained a year ago, because the wages of workpeople have been reduced all along the line from the spinning, weaving, etc., down to the clothing cutters and operators. I have been a clothing salesman for 30 years and can vouch for the accuracy of the foregoing.

It does seem to me that the public is entitled to some relief. Surely the American Woolen Co., which was indicted for charging 100 per cent profit during 1919 (but thrown out on a technicality) does not need 85 per cent protection when they show by their published statement that they made huge profits on inflated capital under a lower tariff, and that during one of the worst years of depression in the history of the woolen industry—1921. See their public statement. The public will rise up against such iniquity, as the price of clothing is now so high they can barely buy what is necessary for their comfort.

Yours faithfully,

EDGAR B. WALTERS,
Garden City, Long Island, N. Y.

THE REYNOLDS REPORT.

Mr. SIMMONS. Now, Mr. President, let me discuss for a few minutes the Reynolds report. Mr. President, it is evident that in levying duties under the principle defined and carried in the bill, it is necessary to base them upon the export price of the foreign product and the selling price of the American product with which it competes, either directly or indirectly. The bill has been written in recognition of that fact. If the foreign and domestic article are not comparable, they have extended the principle so as to protect the American article against possible displacement by a noncomparable article.

In levying duties upon this basis it would seem to go without saying that the export selling price of the product at the time of the enactment of the law should furnish the basis, and not the export price some time in the past when price conditions were possibly entirely different, or in the future upon the theory that trade conditions and prices will change. Any other course would seem to be absurd, not to say monstrous.

What are the facts with reference to this important matter? I am advised by experts who assisted the committee in ascertaining the basis for this principle that the Reynolds report finding the export prices of foreign products was in the main accepted by the committee as fixing the price upon which the duties should be ascertained and levied.

The Reynolds report is based upon export selling price of foreign merchandise in August, 1921—eight months ago—and presumably upon the selling price of domestic products at that time; but since that time there have been marked changes in price levels in both foreign and domestic prices. Domestic prices during that period have gone downward; export prices during that period, especially German export prices—and this bill is based largely upon German prices—have been upward. The advance in the case of Germany has been almost sensational, based largely upon the elimination of Government control, regulation and subsidies, together with the fact that German labor is no longer content to work for reduced wages and is demanding wages commensurate with those of other manufacturing countries, while the German manufacturer is no longer content with anything but a fair measure of profit upon the same basis. Whatever the reason for the advance in German export prices, the important question in this connection is, What has been the extent of that advance?

Experts of the committee advise me that a comparison of foreign export prices shows the most decided gain, and that the advance in the German export price has been during that period very, very great.

I have here two statements of the Federal Reserve Board—one issued April 1, 1922, and the other April 7, 1922. The one of April 1 shows that wholesale American prices declined during the month of January 3.7 per cent, and that a further decline of 2.5 per cent occurred in February. On the other hand, the statement of April 7 shows that during the month of February, according to the index table which I attach and which I wish to have attached as an appendix to my remarks, there has been an increase of 20 per cent in the general level of wholesale prices in Germany, and during the month of March an increase of 23.6 per cent.

That I may not misrepresent the board, I will use their language. They say:

According to this index, there has been an increase of 20.7 per cent in the general level of wholesale prices in Germany during the month of March, as compared with an increase of 23.6 during February.

Then they attach the index table, which I shall ask to have printed as an appendix to my remarks. (See Appendix C.)

In further confirmation of these statements I have here a table furnished me by one of the experts of the committee showing that to-day many foreign products, chiefly imports from Europe, are selling in the American market at higher prices than the domestic products. I ask permission to insert this table as an appendix to my remarks. (See Appendix C.)

So that we have in juxtaposition the statement of the Federal Reserve Board showing that during the three months white domestic prices have been declining export prices of German products have been increasing and increasing at phenomenal rates.

This report shows that in August, 1921, when the Reynolds report was made and upon which rates were based, the index number as to German food prices was 214, and that in April of this year the index number had risen to 654, and as to all countries it shows that the index number in August was 160, as compared with 325 for the month of April, 1922.

I am giving these facts showing these changes in domestic prices and foreign export prices since last August—the date when the Reynolds report was made—to show (1) that these rates, and any rates based upon the principle of the bill, are grounded upon an unstable and fluctuating basis; and (2) to show that the changes that have taken place in these prices since the Reynolds report have thrown the rates proposed in the Senate amendments utterly out of balance, and that if justified upon the findings of the Reynolds report as to prices they are not justified and can not be justified upon present prices, and that we have a bill based upon a situation which once existed, but which exists no longer.

This bill is to operate in the future and it should be framed with reference to the present situation so far as that situation in any way affects the rates which will be applied under the principle upon which it is framed.

AGRICULTURE.

Mr. President, I shall now briefly discuss agriculture and the agricultural duties of the bill.

I wish to address myself to the question of the effect of the duties imposed in this bill upon agricultural products and upon the farmer as a consumer of between 40 and 50 per cent of the total American consumption of all products, and particularly of those upon which duties are levied under this bill.

I will endeavor to show that American prosperity for many years has been largely dependent upon our finding markets for our exportable surplus, and as we have expanded our production of agricultural and manufactured products. This dependence has grown greater and greater. Owing to the great expansion brought about by war conditions it is difficult to measure the present degree of dependence of American prosperity upon foreign markets for our surplus.

No part of our population is more dependent upon foreign markets for the sale of their surplus products than the American farmer. It is true we produce a number of farm products which are not exported because the amount is unequal to the American demand, but the production of many of the staple agricultural products in this country is enormously in excess of the domestic demand.

Our exports of cotton heads the list. We produce in normal conditions more than twice as much cotton as we need or can use in this country. If we can not sell abroad that part of our cotton production, that portion of the annual production will become valueless, and the congestion which will follow in the American market will so reduce the price of the half consumed in this country as to make it impossible to continue its production, thus making it absolutely necessary for the farmer to reduce his production one-half or face bankruptcy and ruin.

The same is true in the case of tobacco, while not to as great an extent as in the case of cotton, and, speaking generally, it is true with reference to nearly all our staple food products.

We must export our enormous surplus of food products or curtail the production, else the surplus will swamp the American market and reduce the domestic price below the point of profit.

It is therefore evident that the prosperity of the farmer is dependent upon our export trade, and it is too self-evident to require statement or elaboration that the volume of our exports are directly dependent upon and largely measured by the volume of our imports. It is a truism which nobody disputes, and a truism which even the President of the United States has emphasized—that no nation can expect to sell abroad, even under normal conditions, unless they are willing to buy abroad. This is the basis upon which international trade rests.

If this is true in normal conditions it is doubly true in present conditions.

Before the war we were a debtor Nation. Our chief competitors in trade, Great Britain, France, and Germany, were creditor nations. We then depended upon Europe for ocean transportation, which made us further debtors to them. So that without selling us any great amount our annual indebtedness would in part go toward the payment of their annual purchases of us. Besides, the treasuries of Europe were full of gold and any balance of trade against them could be readily liquidated without embarrassment.

That situation has now completely changed. We paid off our European indebtedness during the war. The pre-war situation is reversed, and they owe us around $11,000,000,000. I am repeating this argument because it applies with more force to agriculture than to any other class of producers. These are conditions existing not only in Europe, but in the outside world, and if in these conditions we cut off, by tariff rates, importations from abroad, or materially reduce importations from the present relatively low level, it will be impossible for these foreign countries to continue to buy our products, because largely the only means they have now of paying for our products is that of exchange of goods.

It is therefore apparent that not only the farmer but every other producer in this country is profoundly interested in doing whatever is necessary to support and safeguard our foreign export trade, and that drastic reduction in imports such as would follow the enactment of this bill would undermine and soon utterly destroy our export trade by depriving our foreign customers of the only remaining means of liquidating their purchases.

But there is another reason why what is proposed in this bill is not in the interest of the American farmer. I grant you that some of the duties imposed in this bill, like those imposed upon sugar and wool, will increase the price of domestic sugar and wool. I grant you that increasing the duty on sugar will increase the price of American-grown sugar—cane or beet—and there are undoubtedly other agricultural products that would likewise be enhanced in selling price by the imposition of these duties, but the great bulk of agricultural products upon which these duties are based would not be affected at all, and for the reasons I have heretofore given. This may be illustrated with the duty of 15 cents per bushel on corn. No duty upon corn can affect the American price of corn because practically none is imported into the country, and we produce more than we need for our own consumption. The amount of corn imported compared to the domestic production would be as one ear to a barrel, and probably not much more than a cupful to a bushel. No duty upon these trifling importations would affect the price of corn.

It is estimated by experts, after thorough investigation and careful calculation, that for every dollar increase the farmer will get as a result of such of these increases as are effective, he will have to pay by reason of the higher duties on other products at least $5—$1 in, $5 out. If that is not swapping dollars for dimes, it is swapping dollars for quarters.

Again, most of the effective duties in this bill when applied to products of universal consumption and use when operative at all are produced by but a relatively small number of farmers, or are only produced by farmers in certain sections and in certain groups. Take sugar and wool, for instance. Sugar and wool are consumed by all the people. Sugar is produced in Louisiana and a few Western States. While wool is produced in a good many States, it is mainly produced in certain sections of the country. The number of farmers producing sugar and wool compared with the total number is small, and yet as the farmers of this country purchase from 40 to 50 per cent of all the products consumed in this country they will have to pay one-half of the additional duty paid on these products plus one-half of the increase in the prices of woolens and refined sugar as a result of the additional and compensatory duties allowed the manufacturers of wool and refiners of sugar in this bill.

It is estimated by experts that the producers of wool stand to gain something like $45,000,000 for their wool, but as a result in the increase in the rates of manufactures of wool the additional amount which all the farmers of the country will have to pay for their clothing and other woolen purchases will be from three to four times as much as the woolgrowers gain, and thus it will be taxing the whole body of American farmers $4 that the relatively few farmers engaged in the production of wool may get $1.

Mr. JONES of New Mexico. Will the Senator permit me to call his attention to the fact that the bill reduces the duty on raw wool from 45 cents per scoured pound to 33 cents, and that the growers of wool in this country are not being additionally benefited by the bill.

Mr. SIMMONS. I think the Senator is mistaken about that.

Let me repeat that it is estimated by experts that the producers of wool stand to gain something like $45,000,000 for their wool, but as a result of the increase in the rates of manufactures of wool the additional amount which all the farmers of the country will have to pay for their clothing and other woolen purchases will be from three to four times as much as the woolgrowers gain. Thus it will be taxing the whole body of the American farmers $4 in order that the relatively few farmers engaged in the production of wool may get an additional dollar, but the woolgrowers who get the additional dollar will also have to pay their part of the resulting increase in the prices of woolens and clothing, and when one calculates that, as I have had experts do—and I am going to give some figures about it without reading them—even the woolgrower, who gets the benefit of the higher rates of duty, which are operative in his case to the full extent of the duty, because we produce only about one-half the amount of wool that we consume in the country, will find that with the additional price which he will have to pay—and I am not now speaking of the general farmer—will have to pay out in his purchases on account of the higher rates given on manufactures of wool and clothing more, and much more, than he will receive.

Mr. JONES of New Mexico. The point I intended to make——

Mr. SIMMONS. If the Senator will pardon me, I would like very much to continue without interruption.

Mr. JONES of New Mexico. But the Senator misinterpreted what I said a moment ago, and said he did not agree with me. I simply want to put myself right. The point I wanted to suggest was that under the bill all of the commodities which the

woolgrower must buy are largely increased, and that the duty upon his product, wool, is decreased by the bill from the present law, and so the woolgrower is being hurt by the bill rather than helped. The argument which the Senator has made, it seems to me, was inaccurate in that respect. The existing law, commonly known as the emergency tariff law, will remain in force if not supplanted by this bill, and that law imposes a duty at the rate of 45 cents per pound on scoured wool, while this bill proposes a duty at the rate of 33 cents per scoured pound.

Mr. SIMMONS. If the Senator could establish his first proposition, I think it might result in our getting some votes from the other side of the aisle, because I think there are Senators on the other side, belonging to that group which we call the agricultural bloc, who are inclined to vote for the bill upon the theory that the rates upon raw wool have been enormously increased and that the increase will result in advancing the prices received by the grower of raw wool in the United States. I think, however, that I now see what the Senator means to say. He means that the present bill, only to a partial extent, carries forward and continues the admittedly excessive increases in the duty on raw wool in the so-called Emergency Tariff act. I at first thought he was speaking with reference to increases in the pending bill as compared with the Underwood Tariff Act. It is the making permanent in this bill of the emergency rates, even though slightly reduced, that I complain of.

Mr. President, the farmers buy from 40 to 50 per cent of all the sugar consumed in this country. The cane and beet sugar growers of Louisiana and a few Western States will get more for their raw sugar if this bill passes, but for every additional dollar they get the great masses of farmers will have to pay from $4 to $5 additional for the sugar they consume.

In passing it might be said that undoubtedly the full rates of duty imposed upon imported sugar is added to the price of the domestic product. The same would be true as to wool. That is because we produce only about half of the amount of sugar and wool that we consume in the United States and import the balance. Where that condition exists the full duty may be, and always is, added to the domestic price, so that the great mass of the farmers will not only pay half of the duty collected by the Government on imports of these two products but they will pay half of the increase in the price of the domestic product because of the duty for the benefit of the relatively few farmers who produce these two raw products.

Mr. President, I ask to incorporate as an appendix to my remarks, without reading, a brief statement showing the amount which would be gained by the farmers from a number of staple products of the farm upon which these duties will be operative and the additional amount the farmer will have to pay on his purchases of products which he does not produce.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Appendix C.)

Mr. SIMMONS. Mr. President, I have tried to consider this bill with fairness and conservatism. I think no Senator on the other side will accuse me of treating it as a partisan or political question. I do not wish to speak harshly of the bill; I have tried not to do so; and yet when I consider the danger to the happiness, the peace, and the prosperity of the people of this country which, I think, lurks in it, I can not withhold a frank expression of my condemnation and of my fears.

I do greatly fear the effect of this bill if it shall be passed. I think if it shall be passed as it is now written we shall never again, certainly not after it shall have had time to demonstrate itself, hear anything more about Republican tariff-made prosperity. It is my deliberate judgment that this bill is fraught with more danger to the American people and to the institutions under which we live than any bill that ever crossed the threshold of this Chamber.

Its first effect will be oppressive to the masses; it will lead to wholesale monopolization of all the products of protected industry; it will lead to those extortions which always follow unhampered monopoly, and we shall in the not distant future, if this legislative policy is adopted and be long continued, have conditions similar to those which existed under the feudalism of the Middle Ages. That will be inevitable. It will eventuate in a fourfold greater concentration and consolidation of the business and the industries of the American Nation.

Mr. President, I hope I love my country; I hope my heart beats sympathetically for my fellow man; and because I love my country, because I sympathize with my fellow man, I am ready now, until this debate is ended, to dedicate every ounce of my strength and my energy to thwart, by fair and open means and fair and honest discussion, the impending calamity.

I have studied this bill thoroughly, and the dangers which lie in it, some on the surface and some hidden, as I have pursued my investigation and study of it, have, I do not exaggerate when I say, appalled and shocked me, as they have shocked the great majority of the American people, who have come to understand what it really means and what it will do if enacted into law. Editors and responsible heads of many of our great national publications, Republican as well as Democratic, testify to and declare its dangers and iniquities.

Mr. President, in this connection I ask leave to incorporate in my remarks at this point a few excerpts from leading metropolitan newspapers, some Republican and independent and some Democratic, expressing their condemnation of the policy and the rates written in this bill, and denouncing it as fraught with untold evils to the American people and to American business.

The PRESIDING OFFICER. Without objection, leave is granted.

The extracts referred to are as follows:

EXCERPTS FROM NEWSPAPER EDITORIALS.

[From the Chicago Daily Tribune, Republican.]

We can guarantee one thing for the new tariff bill just reported by the Senate Finance Committee. Somewhere in its maze of barbed-wire entanglements each intelligent business man, producer, and consumer who attempts to negotiate it will meet a shock. It is one of the longest, most detailed, and most complex tariff bills ever presented to Congress.

On the whole, it is a very high protective tariff. It bears every evidence of having been built according to the ancient methods of allowing or soliciting every special interest in the country to appear before the committee, argue for a high rate of duty to protect its own special commodity, and obtain such a rate regardless of its effect upon the economic organization of the country as a whole.

[From the St. Louis Daily Globe-Democrat, Republican.]

Its protective sufficiency is not to be doubted, but examination of the schedules fails to reveal any assurance that it will permit "fair competition from other countries." We are in sympathy with the principle of protection where protection is needed, but this bill seems to have applied the principle to everything without regard to specific needs, without regard to present world conditions, and without regard to our altered position in relation to the world's trade.

[From the New York Herald, Republican.]

It will give the American consumer a heavy jolt to see how the Senate tariff makers propose to tax his food, as if it were not already costly enough to eat in this country, compared with pre-war prices.

But its worst feature is that it completely shuts America out of foreign markets except in our raw materials, notably cotton and copper.

[From the New York Tribune, Republican.]

"It is something of a shock to learn, if the analysis of the Associated Press is accurate, that the rates of the bill are, on the whole, higher than those of the Payne-Aldrich law," remarks this staunchly Republican paper.

[From the Ohio State Journal, of Columbus, Republican.]

Our agricultural and manufacturing interests need as never before a wide, free foreign market.

[From the Business Farmer of Michigan.]

Of what benefit to the farmer is a 25 per cent duty on a world grain like wheat, of which we produce a large surplus, when he must turn right around and pay a 40 to 80 per cent duty on the majority of things he buys? The duty on sugar is an affront to every American consumer. Michigan is an important sugar beet growing State, but only 10,000 of her 300,000 farmers grew beets. But there and a half million Michigan people are asked to add several million dollars to their sugar bill for the direct benefit of a few hundred sugar-mill stockholders and the very small indirect benefit of the handful of beet growers.

[From the Southland Farmer, of Houston, Tex.]

Written into law this tariff will bring the farming regions of the West and South under still greater bondage to the industrial sections of the East and North. The emergency tariff showed the fallacy of any tariff-helping prices for farm products to any extent worth considering. This tariff will add nothing worth while to returns for the farmer, but will add hundreds of millions to the cost of what he must buy.

The bill is one written by special interests for such interests, with little regard to the plain people of the country, and it takes no prophet to foretell what its enactment will cost the Republican Party responsible for it.

[From the St. Paul Dispatch, independent.]

Ridiculing the idea that it can "work the miracle of protecting industry and agriculture alike—a patent impossibility unless the fundamental laws of economics are repealed at the same time," "What of the great unregarded masses of consumers?"

[From the New York Herald, Republican.]

This bill completely shuts America out of foreign markets, except in our raw materials, notably cotton and copper.

[From the New York Evening Post, independent.]

It will make trouble for the consumer.

[From the New York Globe, independent.]

If we pass the McCumber tariff, or even the Fordney version of it, "we practically make Europe a present of the $11,000,000,000 she owes us." For "she can't pay in gold, and we wouldn't let her if she

could, for it would be ruinous to us to receive it. She can only pay in goods, and against those goods we now propose to erect impossible tariff barriers."

[From the Kansas City Star.]

This bill is a serious economic mistake, the immediate effect of which will be to increase the cost of living. The farmer will find that the protection offered his products "is an illusion" while "the protection on what he has to buy will be real."

[From the Springfield Republican.]

The measure is open to severe attack by those who believe that the price of commodities should not be raised.

[From the Chicago Daily News.]

The Senate should modify it with a liberal hand in obedience to the logic of the world situation and of the just claims of the American consuming public.

[From the Indianapolis News.]

The bill represents an outrageous abuse of the taxing power.

[From the St. Louis Globe-Democrat, Republican.]

The bill as it stands fixes very high rates on all articles that are customarily dutiable and makes dutiable many that have heretofore been admitted free. There is in the schedules little evidence of any discriminating consideration of trade conditions as they relate to the national welfare. The Finance Committee of the Senate, like the Ways and Means Committee of the House, seems to have adopted the easy way of acceding to all class or trade demands and increased everything on the "horizontal" principle.

[From the Journal of Commerce and Commercial Bulletin, independent.]

The public should be fully informed of the true character of the schemes that are hatching for the effective looting of its pocketbook.

[From the St. Louis Daily Globe-Democrat, Republican.]

It will appear that the Senate committee has practically ignored the changed conditions and has legislated upon the basis of the conditions of 20 years ago.

[From the New York Evening Post, April 12, 1922, page 8.]

A TROUBLE-MAKING TARIFF.

"If the bill is as described, believers in tariff sanity and reasonableness have need to gird themselves for another battle." "It will give the American consumer a heavy jolt to see how the Senate tariff makers propose to tax his food." * * *

[From the New York World, April 13, 1922, page 10.]

NOT PARTISAN BUT LUNATIC.

* * * * * * *

This is not a partisan tariff but a lunatic tariff, put together by men who have little understanding of their job or of the world in which they live. Nobody could conceive of William McKinley's doing such a thing. Neither would Nelson Dingley or Nelson W. Aldrich have done it. They were extreme protectionists but they knew that there were limits to the application of the protective principle, and all of them had had experience with popular reactions against tariff extortion.

The leaderless Republicans of the Sixty-seventh Congress do not rise even to the dignity of protection Bourbonism; for while they have learned nothing, they have forgotten everything.

[From the New York World, April 10, 1922, page 10.]

VOTING OUT A TARIFF SUPERMONSTROSITY.

* * * * * * *

Tariff-protectionism even in pre-war days never dared offer so brazen and impudent a measure as this for sweating the American consumer. Coming at a time when world trade conditions prove the American market to be less in need of protection than ever, the monstrosity of it all is the more unspeakable. The reason why committee Senators throw out the plan is that they are thinking of this consumer and his vote.

[From the Baltimore Sun, April 13, 1922, page 10.]

* * * * * * *

This tariff bill represents postwar party madness. It is little more than a decade since the Payne-Aldrich law sent the Republican Party out into the political wilderness. If in a period of peace and normality such a measure aroused popular indignation and blasting resentment, how much more deeply will its resurrection stir the American people in a time of unrest and business depression like the present? Its stupidity as a trade proposition, as a prohibition of commerce, is only equaled by its gross injustice to the average American householder. We strike at our own commerce with one hand and we pick the pocket of the American consumer with the other. What but madness could dictate this suicidal policy on the top of all the troubles the war left behind it?

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[From the Baltimore Sun, April 12, 1922.]

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When exposed to the pitiless light of critical analysis, the composite Fordney-McCumber tariff measure is likely to prove even more of a "tariff of abominations" than was the Payne-Aldrich bill. It is an echo of past Republican glories. Bankers, economists, exporters, importers, all who envisage the United States as a world commercial power, frankly regard the measure as grotesque and impossible. Even its supporters let the economic argument go by default. * * *

[From the New York World, April 13, 1922, page 12.]

A TARIFF THAT SPELLS CALAMITY.

The Senate Finance Committee's new tariff comes into the world with few friends except among the beneficiaries of legalized extortion.

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STATEMENT SUBMITTED BY H. E. MYERS, CHAIRMAN FAIR TARIFF LEAGUE, A PROTECTIONIST ORGANIZATION.

COTTON GOODS.

Of the 16,000,000,000 yards made in the United States, two-thirds are produced as cheaply as in any other country. Notwithstanding this, the Senate rate on cotton cloths averages 45 per cent, in addition to which a new provision, paragraph 905-a, adds 15 per cent to about 60 per cent of all cotton-cloth imports.

The Senate tariff rates permits cotton manufacturers to add about $748,000,000 to their prices, although they are shipping great quantities abroad now at international prices, showing no need of protection whatever on ordinary qualities.

SILKS.

Proposed duties average from 56 per cent up on woven fabrics, many of which are made as cheaply here as anywhere, to 60 per cent on manufactures of silk and 90 per cent on laces and embroideries. There is only 12 to 14 per cent of labor in many silks, crepes, and almost never more than 30 per cent. The difference in cost between the United States and Europe is 15 per cent. The Orient makes no silks of the kind made in the United States. Chinese or Shantung silk is taxed up to 250 per cent, which will double the price to the American consumer.

The present tariff, averaging 42.6 per cent, allows the manufacturers to add $214,000,000 above foreign prices, while the new tariff, averaging 62 per cent, allows them to add $274,000,000, which would be double at retail to the consumer.

RAW WOOL.

This is a protection of about $78,000,000 on a $65,000,000 wool clip, and will cost the consumers of clothing, blankets, etc., about $200,000,000. As the farmers consume one-half of all of our manufactures, this means that the farmers will pay about $100,000,000 more for their woolen goods in order that the sheep growers may get $78,000,000 protection.

WOOLEN GOODS.

The tariff on these runs from 42 per cent on woven fabrics to 90 per cent on laces, and adds $298,000,000 to the manufacturers' prices and twice this to the consumers at retail. It is very much more than can be justified by the principle of "the difference in the cost of production here and abroad."

KNIT GOODS AND HOSIERY.

We make hosiery of all sorts cheaper than anywhere else in the world and ship large quantities abroad. The Senate bill permits these people to charge domestic retailers $240,000,000 more than they would charge for the same goods for export. This would add nearly $500,000,000 to retail prices of hosiery and knit goods.

MEN'S COLLARS AND CUFFS.

The United States has specialized on this production until domestic costs are minimum, and the profits of the industry are great in good times. The Senate gives an average rate of 35 per cent, or $12,000,000, to the industry.

FILES.

These are made by a trust that charges domestic consumers to-day 25 per cent more than their prices on great quantities which they export. Undoubtedly the cost is as low here as anywhere, and yet Congress gives them 44 per cent, and on some sizes 80 per cent, a straight-out gift to the industry of $6,000,000, costing consumers nearly twice this.

An analysis of 29 industries under the proposed Senate rate shows that Congress allows them to add $3,077,000,000 above foreign prices. This is an addition of $1,000,000,000 to the present duties in these 29 industries and at least twice that on the whole tariff.

This will add two or three billion dollars to the cost of living when times get good, and the manufacturers add the tariff to their prices.

THE FARMER.

As farmers buy one-half of our manufactured output, they stand to lose some $2,000,000,000 from excessive prices on their purchases. Against this they have been given the highest rates they cared to ask for on agricultural products. There is, however, no possibility of their getting much advantage from most of their duties, which apply on such commodities as wheat, corn, oats, cotton, etc., of which we export a great surplus at international prices. Only on wool, sugar, citrus fruits, nuts, and a few small crops, upon which imports are considerable, will the farmer be able to add the tariff and increase the cost of living, as the manufacturers will. The farmers will lose $5 under this tariff for every dollar that they gain on their own rates.

Wage earners would be hurt by these rates in two ways. Their wages are being reduced in all industries and these rates would further reduce the purchasing power of their wages at least 15 per cent.

General buying will be decreased, which will lessen employment, to the hurt of the wage earner. Also our exports exceed our imports annually by more than $2,000,000,000, and we will lose the wages that this $2,000,000,000 carried to foreign countries in so far as other nations can stop buying from us and give their trade to other countries.

Mr. SIMMONS. Mr. President, I assume that this bill will be passed, probably pretty much as it has been reported by the majority members of the Committee on Finance. I understand there will be concert of action on the other side of the Chamber, and, of course, that means that Senators on that side can put these rates through if they wish to put them through, and I think they do; but the bill will be passed, Mr. President, not because it meets the judgment of a majority of this body; it will be passed not because the majority of the Senators subscribe to the excessively high rates imposed on products in general use, or to the delegation of the extraordinary powers which are to be given to the Chief Executive; but it will be passed by the majority, nevertheless, because a considerable part of the majority are willing to forego their opposition to what they regard and what in their hearts they know to be

unjust impositions and oppression upon the masses of the people in order to get concessions—concessions which I believe are worthless in many instances—for those in whom they are especially interested.

Mr. President, may I ask in conclusion, why should I, because I may want something in which the people of my State are deeply interested, be willing to impose upon the people not only of my State but of the whole Nation unjust burdens and oppressive and iniquitous taxation? If there is one Senator here who ought to be the friend of agriculture, it is myself, for I have nothing of this world's goods other than the home in which I live, except farms which I try to operate; but why should the friends of agriculture, whose participation in the benefits and gratuities and subsidies of this bill is inconsequential—as to many things only a "gold brick"—why should the friends of agriculture swap away the birthright of the farmers of this country for a mess of pottage?

Mr. President, if the passage of the bill is accomplished it will be the result of what I am loath to call a swap in the parceling out of the manifold subsidies and gratuities carried in this bill; and thus the log-rolling process by which it is claimed the river and harbor bills are passed will be applied in levying taxes upon the people amounting to billions of dollars for the benefit of the special interests, while of all the vast contributions of the people to the protected interests, running into the billions, only the relatively small and pitiable sum of $350,000,000, it is estimated, will find its way into the Public Treasury.

If the bill shall pass, the only hope lies in an appeal from the action of this body to the judgment, conscience, and patriotism of the American people; and that their decision will in that event overrule and set aside the action of the Congress, I have no doubt.

Mr. President, as I believe in an overruling Providence, I confidently believe that, if this bill is passed and becomes a law, so soon as the people have an opportunity to do so they will express their condemnation; and the Republican Party, which in 1912 because of its oppressive tariff taxation was thrown out of power, will for the same reason meet in the ides of November a more disastrous defeat even than that of a decade ago.

I wish to say in conclusion that we want and that there must be full and free discussion of this bill. The people are entitled to demand that of us. They are entitled to know what this bill means and they have the right to demand that their representatives shall understand what the bill means to the American people before they vote upon it. The interest of the people in this bill is of such a character, it is so far-reaching, and so vital that each of us owes it to our constituents to do what he can to make clear what, if it should pass, will be its effects upon the business and the happiness and the general welfare of the American people as a whole, and to this end we must discuss it to the full measure of what is necessary to make its purpose and probable effects clear to the mind, not only of the American people but of their representatives in the two Houses of Congress in the hope that in view of the light that discussion may throw upon it, the menace of its adoption may be averted and this cup of bitterness pass from the lips of the people of this Republic.

Mr. President, I am sure that on this side of the Chamber there will be no resort to dilatory methods or discussion. There is sufficient in the bill that needs exposure without injecting any extraneous matters, but, if it is to be passed, let us see that it is only passed with full understanding of what it implies and means. If it must be passed after we shall have thrown upon it in our discussions all the light that we can to the end that it may be understood by the people and by their representatives who are to act for them in this Chamber, the more quickly it is passed, if, as I said, it must be passed, the better; for the more quickly, in that event, will begin to gather the righteous wrath of an outraged people that will sweep from power in this Government the party responsible for an act of such consummate injustice and folly.

Now, Mr. President, I have tried to consider this bill with fairness and with conservatism. I do not wish to speak harshly of it, and yet when I consider the danger to the happiness, the peace, and the prosperity of the people of this country which lurks in it, I can not withhold a frank expression of my condemnation and of my fears.

It is my deliberate judgment that when you couple the extortionate rates with the proposition to delegate congressional control of the purse strings of the country, this bill is fraught with more danger to the people of the country and the institutions under which we live than any bill which ever crossed the threshhold of this Chamber. Its first effect will be oppressive to the masses. It will lead to the wholesale monopolization of all the protected products of industry. It will lead to the extortions which always follow unhampered monopoly. We shall in the not distant future see here, if this legislative policy is adopted and long continued, conditions similar to those of feudalism in the middle ages. Our great tariff barons and trust magnates will be as strongly entrenched here as were the feudal lords in those days, followed by the general commercial enslavement of the masses.

I hope I love my country; I hope my heart beats sympathetically with my fellow man; and because I love my country and sympathize with my fellows I am ready to dedicate every ounce of strength and energy I have to thwart by fair and open means this impending calamity.

I suppose the bill will be passed—passed not because it meets the judgment of this body; passed not because a majority of Senators subscribe to the excessive rates imposed on certain products of general use, or in the delegation of the extraordinary powers to the Executive, but passed by a majority because a considerable part of that majority are willing to forego their opposition to what they regard as unjust impositions upon the masses in order to get concessions for those in whom they are specially interested.

I also wish to incorporate as an appendix to my remarks certain data with reference to the effect of these duties upon the price of a considerable number of manufactured products.

APPENDIX A.

Imported articles showing relative costs in marks and dollars in 1914 and 1921.

No.	Items.	F. o. b. Germany.				Value of mark, 1914.	Value of mark, 1921.
		1914		1921			
		Marks.	Dollars.	Marks.	Dollars.		
B/409	Carmalt's artery forceps 6½-inch, each	1.60	$0.38	32.70	$6.54	$0.24	$0.016
D/814	Straight scissors, 5-inch, each	.55	.13	15.30	.30	.24	.016
C/1425	Graef's cataract knife, each	.80	.20	17.00	.45	.24	.016
B/4547	Langenbeck's metacarpal saw, each	1.73	.41	46.35	.75	.24	.016
C/15604	Tooth forceps, each	1.90	.45	65.72	1.06	.24	.016
1500	Harmonicas, gross	17.40	4.17	401.50	6.45	.24	.016
	Jointed dolls, 60 centimeters, dozen	21.50	4.92	576.00	9.36	.24	.016
2/0	Toy horses, dozen	5.30	1.21	120.00	2.40	.24	.016
6542	Door locks, dozen	8.80	2.01	175.00	5.00	.238	.016
1196	Pliers, dozen	3.00	.71	108.50	1.74	.238	.016
118	Scissors, 4-inch, dozen	4.80	1.14	131.50	2.10	.238	.016
16	Razors, 5-inch, dozen	19.45	4.63	678.50	8.07	.238	.016
280	Chiffon velvet, meter	4.70	1.12	105.83	1.71	.238	.016
	Cotton gloves, dozen	9.00	2.14	101.00	8.00	.238	.016
187	Laces, meter	1.47	.35	40.00	.64	.238	.016
1000	Hosiery, dozen	7.25	1.81	118.00	1.88	.238	.016

APPENDIX B.

(Federal Reserve Board statement for the press. For release in morning papers, Saturday, April 8, 1922.)

The New York office (50 Broad Street) of the Federal Reserve Board has received a wireless from the American commissioner in Germany, giving the wholesale price index of the Frankfurter Zeitung for April 3, 1922. According to this index there has been an increase of 20.7 per cent in the general level of wholesale prices in Germany during the month of March, as compared with an increase of 23.6 per cent during February. The all-commodities index stands at 5,899 as compared with 100 in the middle of 1914

Wholesale prices index number for Germany.

[Compiled by the Frankfurter Zeitung.]

(Prices January, 1920=100.)

	Foods, etc.	Textiles and leather.	Minerals.	Sundries.	All commodities.
Middle of 1914	11.46	8.75	8.46	12.3	[illegible]
1921.[1]					
April	136	79	115	180	130
May	130	78	112	174	122
June	127	80	108	168	120
July	145	78	115	181	135
August	214	94	117	186	160
September	211	96	128	198	164
October	227	139	151	208	184
November	317	175	210	251	249
December	363	241	284	286	298
1922.					
January	384	341	280	364	317
February	407	356	292	414	339
March	540	370	345	490	435
April	664	334	418	606	526

[1] Not always the first day of the month.

Wholesale prices index number for Germany—Continued.

(Recomputed with middle of 1914 prices=100.)

	Foods, etc.	Textiles and leather.	Minerals.	Sundries.	All commodities.
Middle of 1914	100	100	100	100	100
1921.[1]					
April	1,187	2,107	1,780	1,475	1,461
May	1,181	2,080	1,734	1,390	1,433
June	1,108	1,987	1,667	1,407	1,438
July	1,265	2,107	1,780	1,506	1,517
August	1,867	2,240	1,811	1,525	1,798
September	1,844	[illegible]	1,935	1,582	1,843
October	1,981	3,200	2,337	1,705	2,067
November	2,769	4,612	3,251	2,057	2,791
December	3,159	5,427	5,635	[illegible]418	3,348
1922.					
January	3,351	6,497	4,035	2,980	3,562
February	3,551	6,832	4,520	3,391	3,955
March	4,712	7,200	5,050	4,016	4,888
April	5,707	8,007	6,471	4,957	5,899

[1] Not always the first day of the month.

The Frankfurter Zeitung index is unweighted, and is based upon the prices of 77 commodities. The latest figures are subject to revision. Figures have recently been entirely revised.

(Federal Reserve Board statement for the press. For release in morning papers, Tuesday, March 14, 1922.)

The New York office (50 Broad Street) of the Federal Reserve Board has received a cable message from the General Statistical Bureau of France giving the wholesale and retail price indexes for France for the month of February. Wholesale prices, which declined 3.7 per cent during the month of January, showed a further decrease of 2.5 per cent in February. Retail prices also declined 3.8 per cent during February, as compared with a decrease of 1.2 per cent in January, according to these compilations.

Wholesale price index for France.

[Compiled by General Statistical Bureau of France.]

(Prices 1901–1910=100.)

Month.	Animal foods.	Vegetable foods.	Sugar, coffee, and cocoa.	Foods (20).	Minerals.	Textiles.	Sundries.	Raw materials (25).	All.
1921.									
February	532.9	[illegible]	[illegible]	[illegible]	[illegible]	485.8	462.7	455.3	458.3
March	478.9	[illegible]	508.8	434.0	446.8	434.6	431.7	409.6	415.5
April	497.6	417.8	390.2	450.2	395.6	367.7	407.9	378.3	401.3
May	447.1	414.6	[illegible]	411.8	419.6	[illegible]	[illegible]	[illegible]	[illegible]
June	412.4	441.5	447.8	413.1	413.4	325.8	374.7	[illegible]	375.7
July	415.2	430.4	416.8	424.4	394.1	328.9	377.1	347.5	361.6
August	437.5	404.7	373.5	411.6	[illegible]	375.7	391.2	[illegible]	[illegible]
September	436.8	373.6	412.1	407.3	[illegible]	434.3	407.3	399.7	397.7
October	406.6	[illegible]	425.3	374.0	314.1	436.9	401.0	[illegible]	383.0
November	[illegible]	356.8	343.4	371.7	[illegible]	473.6	398.0	[illegible]	392.0
December	[illegible]	369.0	318.1	351.9	[illegible]	[illegible]	400.9	[illegible]	376.5
1922.									
January	364.1	[illegible]	334.8	349.3	[illegible]	[illegible]	[illegible]	333.3	362.7
February	358.1	345.4	337.1	348.3	[illegible]	404.2	375.6	358.5	364.2

(Recomputed with prices in 1913=100.)

Months.	Animal foods.	Vegetable foods.	Sugar, coffee, and cocoa.	Foods (20).	Minerals.	Textiles.	Sundries.	Raw materials (25).	All.
1921.									
February	452	317	338	378	300	308	422	378	377
March	406	322	367	364	299	375	392	355	360
April	398	349	369	372	281	314	371	328	347
May	379	348	317	356	266	292	355	309	329
June	349	378	338	357	261	278	341	309	325
July	353	364	303	364	253	290	343	301	330
August	371	337	352	355	245	321	356	312	331
September	373	311	389	352	253	388	370	338	344
October	345	305	305	323	262	391	365	338	331
November	331	308	324	321	277	398	362	341	332
December	324	303	300	312	269	375	364	337	326
1922.									
January	309	289	306	302	258	363	350	324	314
February	303	288	318	301	242	345	341	311	308

Retail prices in Paris.

(Prices July, 1914=100.)

1921:	
February	[illegible]
March	358
April	328
May	317
June	312
July	308
1921—Continued.	
August	317
September	330
October	331
November	328
December	323
1922.	
January	318
February	307

The wholesale price index is unweighted and based upon 45 price quotations; the retail on 13 quotations, weighted according to family consumption. The latest figures are subject to revision.

APPENDIX C.

Description.	Selling price foreign article.	Payne-Aldrich.	Underwood.	Senate bill.
Pocketknives	13 per cent above price of domestic.	Specific rates equivalent to 80 per cent.	55 per cent	Compound rates equivalent to 100 per cent.
Surgical instruments.	4 per cent above price of domestic.	45 per cent	20 per cent	Compound rates equivalent to 74 per cent.
Common linen toweling 19 inches wide.	12 per cent under price of domestic.	30 per cent	20 per cent	60 per cent.

Ten per cent advance over the Payne-Aldrich rates brings the selling price of the imported article slightly above the price of the domestic article.

The following imported articles are selling in the United States at a higher price than the comparable domestic articles, noting that the rates of duty in the Senate bill have been materially increased:

Description.	Payne-Aldrich.	Underwood.	Senate bill.
China	60 per cent	55 per cent	70 per cent.
Decorated earthenware	do	40 per cent	50 per cent.
Antifriction balls for use in ball bearings.	45 per cent	20 per cent	10 cents pound and 25 per cent (equals 67 per cent).
Card clothing	45 and 55 cents square foot equals about 28 per cent.	35 per cent	45 per cent.
Fishhooks and fishing tackles	45 per cent	20 per cent	Do.
Metal snap fasteners	50 per cent	15 per cent	35 to 60 per cent.
Willow clothes baskets	35 per cent	20 per cent	45 to 60 per cent.
Furniture of wood	do	do	35 per cent.
Cheese	6 cents pound equals 10 per cent to 15 per cent.	25 per cent	Over 20 cents pound 25 per cent.
Ladies' cotton embroidered handkerchiefs.	60 per cent	60 per cent	70 per cent.
Embroidery cotton	20 per cent	20 per cent	25 to 45 per cent.
Scotch gingham	Specific rates	do	Specific rates; minimum about 45 per cent.
English cloth suiting, etc., over 4 ounces.	44 cents pound, 60 per cent.	35 per cent	49 cents pound, 55 per cent.

The selling prices of the above imported articles in the United States range from 10 to 60 per cent higher than the domestic merchandise.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. PHIPPS. I submit a first conference report on the District of Columbia appropriation bill, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the report.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 8, 9, 10, 15, 16, 17, 20, 23, 25, 26, 27, 30, 33, 39, 43, 44, 45, 46, 47, 48, 49, 51, 58, 65 68, 70, 71, 73, 75, 77, 80, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 94, 95, 99, 100, 102, 103, 106, 107, 108, 109, 110, 111, 112, 118, 120, 122, 123, 124, 126, 127, 129, 132, 133, 135, 136, 138, 140, 143, 145, 146, 147, 148, 151, 153, 159, 160, 166, 177, 180, 181, 184, and 188.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 11, 13, 14, 19, 21, 22, 28, 29, 31, 32, 34, 35, 36, 37, 41, 42, 50, 52, 53, 54, 57, 59, 60, 61, 62, 63, 66, 72, 92, 96, 98, 104, 113, 125, 128, 130, 131, 134, 139, 141, 144, 156, 157, 158, 161, 165, 167, 170, 171, 173, 174, 176, 178, 179, 182, 183, 185, and 189, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "one $2,000, two at $1,500 each"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,070"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$58,120"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "laborer and janitor, $480;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$182,210"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"Southeast Branch Library: For salaries in operating the Southeast Branch Library, $3,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,200 per annum."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That no money appropriated by this act shall be expended in conducting library stations not now in existence, but this limitation shall not apply to public-school buildings and the Southeast Branch Library"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"PROPERTY YARD.

"For alterations and improvements to the old Mott School for use as a property yard, to be immediately available, $2,500: *Provided*, That a wire fence shall be built around the property."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$233,300"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "apartment houses, and large"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$242,750"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the erection of an eight-room addition to the Lovejoy School, $125,000."

And the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-two"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,604,786.36"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Additional amount required for the completion of a station house on the site already acquired at Seventeenth Street and Rhode Island Avenue NE., $20,000"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$75,000"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For repairs to buildings, including the completion of alterations of the old psychopathic hospital building to provide quarters for female nurses and female employees, $10,000"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "supervisor and placing officer, $1,740; investigator and placing officer, $1,500"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$28,140"; and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$5,040"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed, insert "fifty-five"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$81,560"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following: "including not to exceed $500 for repairs to the superintendent's residence"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 1, 78, 79, 86, 101, 114, 115, 116, 142, 155, 163, 164, 175, 186, and 187.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Conferees on the part of the Senate.

C. R. DAVIS,
ROBERT E. EVANS,
BEN JOHNSON,
Conferees on the part of the House.

Mr. PHIPPS. Mr. President, just a word of explanation. The points of disagreement between the conferees are really reduced to two or three items. The greater number of those reported in disagreement must be submitted back to the House under its rule, so that we should have a further conference. I therefore move the adoption of the report, and that the Senate request a further conference on the amendments still in disagreement, and that the Chair appoint the conferees to represent the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

Mr. NORRIS. Mr. President, I desire to make an inquiry of the Senator. An amendment was put on the bill in the Senate, consisting of a bill that had passed the Senate in relation to taxation, and the exemption from taxation of a certain part of the value of real estate that was improved. Is that one of the amendments still in disagreement?

Mr. PHIPPS. That is an amendment still in disagreement; that is to say, it has to go back to the House.

Mr. NELSON. Mr. President, there was a provision in the bill for the purchase of three parks. What has been done with that?

Mr. PHIPPS. That is the other item which is in disagreement. The expression of the Senate was that those park properties should be acquired. The conferees on the part of the Senate are holding out against a recession. We insist that the House conferees shall recede.

Mr. NELSON. One was to buy 80 acres of land out here at $77,000 an acre, was it not?

Mr. PHIPPS. Oh, no; the amount is lower than that, but it is some eighty-odd acres, at a pretty good round price. The House, however, has refused to assent to the desire of the Senate, as expressed in the appropriation bill and by a separate bill which passed the Senate, taking in those park properties. That item is in disagreement.

Mr. KING. Mr. President, I should like to ask the Senator for a statement of the important items that have been agreed upon as reported by the conferees.

Mr. PHIPPS. The ones that were in disagreement that are important are the schools, the streets, the new water plant, and the home for the feeble-minded. I think that about covers the important items that were in disagreement.

Mr. KING. As I understand the Senator, the appropriation for the feeble-minded went through as the bill passed the Senate?

Mr. PHIPPS. Not exactly in terms as it passed the Senate, but the House conferees are recommending that appropriation to the House with an amendment.

Mr. KING. Does the amendment cut down the appropriation?

Mr. PHIPPS. It does reduce the amount of the appropriation by utilizing property already owned by the Government, and reduces the total amount of the authorization by approximately $40,000—I believe $50,000 in total.

The VICE PRESIDENT. The first question is on agreeing to the conference report.

The report was agreed to.

The VICE PRESIDENT. The Senator from Colorado moves that the Senate still further insist upon its amendments in disagreements, and ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. PHIPPS, Mr. JONES of Washington, and Mr. GLASS conferees on the part of the Senate at the further conference.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I do not think I have made the usual request for unanimous consent that the committee amendments be first considered by the Senate, and I make that request at this time.

Mr. KING. I do not want to object to that, and perhaps it is the better way, but may I suggest to the Senator that many of the items as to which amendments have been reported by the Senate committee are so closely connected with items preceding and following, and the discussion of the amendments will relate so closely to other items, it would seem that if amendments are to be tendered to items as to which no amendments have been offered by the committee it might facilitate action upon the bill if we would take up for emendation items as to which no amendment has been offered by the Senate committee.

Mr. McCUMBER. I think amendments will be in order to amendments of the committee, and I think it will facilitate the consideration of the bill if we will follow the usual course of considering the Senate committee amendments first.

Mr. SMOOT. I want to say to my colleague that in every case where a rate depends upon an item in which the rate is changed those changes have been made all through the bill. There is no change made in an item which affects another product cared for in another part of the bill where the committee has not made those changes to compensate for whatever increase or reduction there may be. I think the request made by the Senator from North Dakota is the proper way to proceed, and that has always been done in the case of tariff bills.

Mr. KING. I appreciate that that is the usual proceedure, and I shall not interpose any objection, although let me say that some of the items are so closely related to other items which have not been mentioned by the Senate committee that one could scarcely discuss the Senate committee amendments without crossing the line and discussing some other items in the same paragraph, dealing with some other acid or drug or compound analogous to the one as to which an amendment has been offered by the Senate committee. However, I have no objection to the course suggested by the Senator from North Dakota.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. KING. Does the Senator from North Dakota desire to go on with the bill this evening?

Mr. McCUMBER. I thought that we ought to continue at least until from 5 to half past 5 o'clock in the early stages of the consideration of the bill.

Mr. KING. I am at the service of the Chairman.

Mr. McCUMBER. When the Senator suspends for the day I shall ask for an executive session.

Mr. KING. When I yielded the floor yesterday I had not concluded my general observations upon the Fordney-McCumber bill, which we are now considering. I was about to call attention to a provision in the bill dealing with the embargo on dyes.

Mr. President, the Senate Finance Committee, it would seem, surrendered to the dye monopoly when preparing the provisions of this bill dealing with embargoes, and the provisions are such as were desired by the dye monopoly; its demands were impudent, partisan, and un-American. The committee have brought in an amendment to the House bill which is so extraordinary as to call for consideration. It can not be called a "joker," as that word is so frequently employed in legislation, because its effects are so palpable. The provision referred to is attached to paragraph 26 and provides that it shall be unlawful to import dyes or coal-tar products in any package, case, or container which bears a trade-mark or brand registered by any person domiciled in the United States, and further provides that any such article or package imported into the United States shall be seized and confiscated by process of libel for condemnation according to the practice in admiralty, and the court may require the destruction of such merchandise or the obliteration of the trade-mark or brand it bears. This amendment is added to the bill in the interest of the so-called Chemical Foundation, of which corporation practically all the dye manufacturers of the country are members. The Chemical Foundation pretends to hold and to own all the process patents covering the making of dyes and coal-tar chemicals which were seized by the Alien Property Custodian. Even though the Chemical Foundation be the legal owner of these patents and their related trade-marks and brands, there is certainly no adequate reason to accord the foundation any different legal statuts or remedies than are provided by law for the holder of any patent or the registrant of any trade-mark or brand.

A transaction most extraordinary occurred which involves the dye monopoly and is pertinent to a discussion of the bill which is now before us. I desire to briefly refer to it at this point, but shall elaborate the subject at length when we discuss the provisions of the bill dealing with dyes and the dye

embargo and other provisions found in the bill drawn for the purpose of perpetuating the monopoly and destroying competition in the American market.

Senators will recall that under the provisions of the trading with the enemy act the Alien Property Custodian was authorized to sequester the property of German and Austrian nationals found within the United States. I make no comment upon the wisdom or propriety of that legislation, nor shall I at this time refer to the contention made by many that such procedure was in violation of the treaty of 1828, entered into between the United States and Prussia, and which later on was adopted by the German Government and was in existence when the war between this Republic and Germany was entered upon. The Alien Property Custodian seized the property of the value of hundreds of millions of dollars which belonged to German and Austrian nationals; property which had been invested in the United States in good faith under treaty provisions and in the belief that it was safe and secure.

The Alien Property Custodian seized 4,500 patents owned by German nationals, and many of which cover products and commodities manufactured in the United States as well as commodities imported from Germany. I am now making no complaint as to the act of sequestration or the objects which the United States had in view when the law referred to was enacted. I should add in passing that it was the intention of Congress at the time the law was enacted to return the property seized at the conclusion of the war to the owners of the same. After the seizure of these patents, some of which cover dyes, a corporation was formed known as the Chemical Foundation. This corporation was organized by Government officials connected with the Alien Property Custodian's office, and I think the evidence will show that the Du Pont Corporation and other corporations engaged in the manufacture of dyestuffs were parties openly or secretly to the formation of this corporation. The new corporation was officered by officials of the Government who were connected with the Alien Property Custodian's office, and after they had formed the Chemical Foundation Co. they transferred these 4,500 patents to the new corporation, pretending that the transfer was a bona fide and valid sale. In other words, officials of the Government, after having seized the property, formed a company, put themselves and their friends in control of it, and pretended to sell property worth millions to their creatures for a sum much less than the property was worth. Some of these same officials are still officers of the Chemical Foundation.

When they severed their connection with the Alien Property Custodian's Office they continued to hold their positions in the Chemical Foundation Co., and they now insist that that company is the owner of these patents. Their position is that the German owners of the patents have been deprived of the same and all their interests and property therein by this high-handed and what I regard as illegal proceeding.

As stated, these patents had been recognized by the laws of the United States, as Germany had permitted Americans to take out patents in that country. Indeed, as I am advised, many American patents have been registered, or as we say in common parlance, "taken out" in other countries. Treaty regulations, as well as a spirit of comity and a proper application of broader principles of international law, permit the nationals of various countries to acquire and own property in countries other than the ones to which they owe allegiance, and to take out patents in countries other than their own and to protect them in the use and enjoyment of the same. These mutual and reciprocal treaties and regulations deal with these questions in a broad and proper way. Our Government has always contended for the immunity of private property, and has insisted that Americans should be permitted to own and enjoy property in other lands as we have permitted nationals of other countries to own and enjoy the benefits of their property within our country.

Under these patents industries were built up in the United States—some of them owned by Germans, others by Americans, or by Americans and Germans. As stated, these patents, after being seized by the Alien Property Custodian, were confiscated and transferred for a wholly inadequate consideration to the Chemical Foundation. The value of these patents is variously estimated from ten millions to fifty millions of dollars. I regard the transfer of these patents as violative of the treaty to which I referred and as in contravention of the principles of international law. I think it was a shameful procedure. The price paid was so wholly inadequate as to shock the conscience of any person familiar with the facts. No chancellor, in my judgment, would approve the transaction and would promptly set aside the sale. It is the duty, as I view the case, of the Attorney General to promptly bring suit against the Chemical Foundation to set aside the alleged sale as fraudulent. The transaction can not be defended in morals or find support on any theory that should govern the relations between civilized nations. When the sale is set aside and the property retransferred to the Alien Property Custodian, Congress can make such disposition of it as it sees fit. We are not pirates or brigands, although this transaction would seem to indicate a lack of appreciation of the principles of honor which should exist between nations.

When we come to a discussion of the dye embargo and cognate questions, there will be more said about this transaction.

The patent laws give the owners of patents a monopoly for the manufacture and sale of articles under the patents in this country, and also give registrants of trade-marks and brands the exclusive use of such marks and brands in this country. The courts of equity will protect the exclusive use of such patents, trade-marks, and brands by injunction against the sale of any articles manufactured under such patents or bearing such marks or brands, and courts of law will award adequate compensatory damages in cases where sales of such articles have been made. It is a proposition without precedent that the confiscatory process shall be applied to articles of commerce which are in themselves perfectly sound and wholesome, and the passing of which in commerce may merely violate some private contract or right for which private legal remedies are available and adequate. This amendment would invest the customs officers with judicial powers to pass upon questions of the ownership of patents, trade-marks, and trade brands, and would also compel the Government of the United States to assume burdens for the vindication of mere private claims and rights. This amendment is utterly vicious in principle. It is without warrant or justification and should be excised from the bill, and should not receive the approval of even the most reactionary Senator who sits in this Chamber.

The majority of the committee in the report on the chemicals, oils, and paints schedule has weighed the monopolistic demands and animus of a few favored manufacturers who now have an effectual control of the American market against the interests of the public and the welfare of the industries of the country. It is not a public view, it is not even a proper partisan view, it is a private special and selfish view of fiscal legislation which has dictated and determined the rates reported in this schedule.

Mr. President, the senior Senator from Utah [Mr. SMOOT], during the course of the discussion yesterday, suggested that there should be put into the RECORD a list of the items transferred from the dutiable list of the Underwood law to the nondutiable or free list in the pending bill.

Mr. President, I have prepared such a statement, dealing with the items in schedule 1 of this bill, showing the rates fixed in the Underwood-Simmons law, in the Payne-Aldrich act, and in the House bill as well as in the Senate bill now before us. With reference to the matter suggested by my colleague, I will say that I prepared a table which I have here and shall ask to have inserted as an appendix at the close of my remarks. The headings are as follows: "Name of commodity," "Free under Payne-Aldrich," "Free under Underwood," "Same as Underwood," "Same as Payne-Aldrich," "Higher than Underwood," "Higher than Payne-Aldrich"; in other words, the table shows the items which were free of duty in the Underwood law and in the Payne-Aldrich act, the items in which there is no change from the Payne-Aldrich law, and the items which have been transferred to the free list which were formerly dutiable, as well as the increases in the pending bill above the Payne-Aldrich act.

The VICE PRESIDENT. Without objection, the request will be granted and the table printed as requested.

Mr. KING. Of course, there are several thousand chemicals, medicines, and drugs covered by this schedule, not specifically named therein, but which are included in what are called basket clauses or provisions, so that when I mention only a few hundred items I want it understood that those mentioned or grouped do not include, by name at least, the thousands covered by Schedule 1 of this bill.

Mr. President, I have examined with some care the nondutiable list appearing in the Senate bill, and compared the same with the free list found in the Underwood law. There are 23 commodities dutiable under the Underwood law that have been placed on the free list in the Senate bill. The senior Senator from Utah or the chairman of the committee will correct me if I have made any error in my computations.

Mr. SMOOT. Mr. President, I suppose the Senator went into detail and found that there are many items mentioned in Schedule 1 of this bill that have never been mentioned before in a tariff bill.

Mr. KING. Not many. I have them checked here. For instance, stearic acid, chloracetic acid. I am speaking of chemical Schedule 1. I am dealing with that now.

Mr. SMOOT. That is what I speak of. In dealing with the chemical schedule I have in mind the intermediates are found in paragraph 25. If the Senator will take each of the items found in paragraph 25, all of which are intermediate dyes, he will find that in the administration of the tariff laws in the past many of them have been classed not as intermediates but as dyes themselves, some of them on the free list and some of them dutiable.

It was stated here the other day that it was not known whether anyone could read paragraph 25. I will admit that it is difficult to read unless one is well acquainted with chemicals, but every item mentioned in paragraph 25 is specifically designated and the wording of it is such that one can tell just what state of the finished dye has been reached.

I will say to my colleague that it is pretty difficult to state just how many of those items were treated under the administration feature of the tariff laws, whether under the free list or under the dutiable list. I think the figure the Senator gives on dyes themselves, the finished products, more than likely is correct; in fact, I know that it is nearly so.

Mr. KING. To prepare this table was a task onerous and somewhat difficult. I have tried to be accurate, and if any error is discovered, I shall be glad to be advised. The reports at the disposal of the majority members of the committee are correct, even if my findings are inaccurate.

Mr. SMOOT. It is near enough as to the finished product to need no correction.

Mr. KING. Let me repeat, there are 23 commodities that are dutiable under the Underwood law which have been placed on the free list in the pending tariff bill. I am speaking, of course, of the chemical schedule. The list covers 21 essential oils, not produced in this country to any extent, and which are imported and used primarily for the manufacture of perfumes and cosmetics.

I have not consulted with the distinguished leader in charge of the matter upon this side of the aisle [Mr. SIMMONS], or with the senior Senator from Alabama [Mr. UNDERWOOD], who was so prominent in the preparation of the Underwood law; but I make bold to say that one of the reasons why these oils were even placed upon the dutiable list in the Underwood Act was because they were regarded not as essential but as luxuries. They were used in cosmetics and in articles which, because of their high cost, could be purchased only by the rich.

Mr. SMOOT. I think the Senator would be more accurate in stating that they were put there for revenue purposes.

Mr. KING. Undoubtedly the revenue feature was before the minds of the drafters of the Underwood law. It is known that the act was founded upon the theory of obtaining revenue, but it recognized the industrial situation and laid duties upon many commodities so high as to constitute what Republicans are pleased to denominate "protection." The thought was also in the minds of the drafters of the bill that luxuries should be heavily taxed, and that the commodities so important to the lives and welfare of the people should be free or taxed as lightly as the situation and industrial and economic conditions warranted.

No one could call the bill a free-trade measure. I recall that after the law had been enacted a comparison was instituted between the rates of the Payne-Aldrich law and the rates of the Underwood Act and in the general average of all the rates, and surprise was expressed that the difference between the rates of the two laws was so much less than had generally been supposed. I repeat, the Underwood law sought to raise revenue and lighten the burdens of taxation upon the masses of the people and to secure as much revenue as could be justly and properly obtained from luxuries and from those commodities which, because of their great value, would be purchased by people of wealth only. It seems to me, however, that the pending bill is one to tax the poor, to place burdens upon them, and to lighten the burdens that would rest upon the rich because of their large consumption of luxuries.

It will be observed from the table which I have asked to be inserted in the RECORD as an appendix to my remarks that of the 340 articles there provided for by name, or in the general basket clause of Schedule 1, I was able to make but 311 tariff rate comparisons, because a number of those articles, as was suggested by my colleague, were not upon former schedules.

Of the 311 articles so compared, 139 are provided for in the pending bill at rates of duty higher than the Payne-Aldrich tariff law, 33 are dutiable that were free under the Payne-Aldrich law, and 68 have the same rates of duties as under that law.

It will also be further noted that of the 311 commodities, 225 have been accorded rates of duty higher than in the Underwood law, 39 have been made dutiable that were free under the Underwood law, and 44 have the same rates of duty as under the Underwood law.

Mr. SMOOT. Mr. President, again I think the Senator ought to give the Senate the information that the reason for the increased rates is because all intermediate dyes have now been placed upon the dutiable list. In the Payne-Aldrich law all of them were on the free list. Now, we are transferring them to the dutiable list, with rather a high rate of duty, I will say to my colleague, and, of course, these items have to be increased to compensate for the duty that was placed upon the intermediates.

If my colleague will allow me just a moment, so the Senate may understand what was the attitude in 1909 of the Finance Committee of the Senate, I would like to make a brief statement.

Mr. KING. I yield to my colleague for that purpose.

Mr. SMOOT. In 1909 the Senate Committee on Finance made up its mind to have established in the United States a dye industry. That was the first time that action was ever taken by the Senate placing intermediates upon the free list. The House passed the bill with all intermediates on the free list, as had been the case in every tariff bill passed in the history of the country. The Finance Committee of the Senate, as I said, decided to establish the dye industry in the United States, and the only way that it could be done was to place a duty upon the intermediates. The Senate did that. The bill went to conference and the House would not yield to the action of the Senate and so the intermediates went back on the free list.

I want to say now to all the dye manufacturers of the United States that that is when the mistake was made. We only had a few industries in the United States at that time called dye manufactories, and all they did was to import intermediates and make the dyes in this country. The Finance Committee in 1909 decided to change that policy, but the House would not yield, and we had to give it up. If the policy of the Senate in 1909 had been followed, the United States never would have been found in the condition that we were upon the outbreak of the World War; we could have had an established industry. But no. All that those who were interested in it wanted to do was to mix intermediates and make the dyestuffs from intermediates made in Germany, so we had to yield. That is, in brief, the history of the case.

Mr. KING. Mr. President, just one observation in reply to the suggestion of my colleague as to what should be stated with respect to intermediates. What I have submitted to-day was in response to a suggestion made by him yesterday, and is a very comprehensive statement; but before we get through with the debate I shall go into the matter in further detail.

Mr. SMOOT. I knew that my colleague did not want to have the impression go out that the Finance Committee had increased the rate on the number of dyes mentioned by him without some reason for doing so. The reason is as I stated it. I know that my colleague, if he has given attention to the schedule, as of course he has, found the answer in one sentence, and that is that the intermediates have been now placed upon the dutiable list which were originally on the free list.

Mr. KING. In the tables which I have presented I classed paragraphs 25 and 26 as two items, though they compose more than 112, which is giving to this bill a credit to which it is not entitled; but I shall call attention to that later. Of course, it is obvious that when intermediates, employed as the basis of finished products, are transferred from the free to the dutiable list, there must, under the theory upon which this bill was framed, be corresponding modifications in the schedules containing the finished commodities. But I do not admit that the rates of raw materials and intermediates and finished products, as they are found in this bill, bear any just or rational or logical relationship. Generally speaking, I concede that if, after rates have been fixed in a bill, for finished products, upon the theory of free raw materials or intermediates, and later such intermediates and raw materials are transferred to the dutiable list, there is some reason for increasing the rates upon the finished commodities, providing such rates were reasonable when first accepted and were founded absolutely upon the basis of free raw materials and free intermediates.

My colleague has referred to the dye industry. As I understood my colleague there was an implied criticism of the dye industry, because those engaged in the same apparently did not attempt to produce intermediates here, but imported them from abroad.

Mr. SMOOT. It was intended as a criticism.

Mr. KING. I think probably they are subject to criticism; however, it is known that prior to 1909, and since then until quite recently, not much attention was given to the by-products

of coke ovens. But as these by-products have been developed—and they are the foundation not only of the intermediates but also of the dyes themselves—the necessity for the importation of such intermediates has diminished in most cases.

Mr. SMOOT. That is true as to certain intermediates.

Mr. KING. Yes; it is true as to certain intermediates. So in the early stages of the dye industry, when we had not developed the coke-oven products to the high degree of proficiency and efficiency that we have recently done, there was a little more excuse for importing intermediates than exists at the present time.

APPENDIX.

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill with Underwood-Simmons law and Payne-Aldrich law.

(Cross (X) opposite the name of commodity is placed under the various headings to indicate whether free under Payne-Aldrich law or free under Underwood law, or having same rate of duty in Senate bill as in Underwood law, or having same rate of duty in Senate bill than in Payne-Aldrich law, or having higher rate of duty in Senate bill than in Underwood law, or having higher rate of duty in Senate bill than in Payne-Aldrich law.)

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
1	Acetic acid		X		X		
1	Acetic anhydride					X	X
	Boric acid					X	
	Chloro-acetic acid						
	Citric acid					X	X
	Lactic acid					X	X
	Tannic acid					X	X
	Tartaric acid						
	Arsenic acid	X	X				
	Arsenious acid	X	X				
	Formic acid					X	X
	Gallic acid				X	X	
	Oleic acid		(1)				
	Oxalic acid					X	X
	Phosphoric acid	X	X				
	Pyro-gallic acid			X			
	Stearic acid						
2	Acetaldehyde, etc				X	X	
3	Acetone				X	X	
	Acetone oil				X	X	
	Ethyl methyl ketone						
4	Amyl alcohol					X	X
	Butyl alcohol					X	X
	Propyl alcohol						
	Fusel oil					X	X
	Wood alcohol	X				X	X
	Ethyl alcohol						
5	Chemical salts and compounds, etc				X	X	
6	Aluminum hydroxide					X	X
	Potash alum					X	X
	Ammonia alum					X	X
	Aluminum sulphate					X	X
7	Ammonium carbonate				X	X	
	Ammonium bicarbonate						
	Ammonium chloride					X	X
	Ammonium perchlorate						
7	Ammonium phosphate					X	
	Ammonium sulphate					X	
	Liquid ammonia			X	X		
8	Antimony oxide				X	X	
	Tartar emetic						
	Antimony sulphide					X	X
	Antimony salts					X	X
9	Argols					X	X
	Rochelle salts				X	X	
	Calcium chlorate (crude)			X			
	Cream of tartar				X	X	
10	Copaiba balsam		X				
	Canada balsam		X				
	Peru balsam		X				
	Tolu balsam		X				
	Styrax		X				
	Other balsams		X				
10A	Gum amylon		X				
	Ambergris		X				
	Gum arabic (or senegal)		X				
11	Barium carbonate					X	X
	Barium chloride					X	X
	Barium dioxide				X	X	
	Barium hydroxide						
	Barium nitrate					X	X
12	Brackings, etc., for cleaning and polishing				X	X	
13	Bleaching powder						
14	Caffeine					X	X
	Tea waste	X					
	Compounds of caffeine	X			X		
15	Caesium oxide				X	X	
16	Calomel					X	X
	Corrosive sublimate					X	X
16	Other mercurial preparations					X	X
17	Carbon tetrachloride				X	X	
	Chloroform					X	

[1] No provision.

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill, etc.—Continued.

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
	Tetrachloroethane					X	X
	Trichloroethylene					X	X
16	Chalk				X	X	X
	Putty					X	
	Billiard and tailors' chalk					X	X
18	Salts and compounds of gold, platinum, rhodium, and silver				X	X	
20	Salts and compounds of bismuth					X	X
21	Chemicals, drugs, etc., put up in tablets, pills, etc			X	X		
	Crude chicle			X			
	Refined chicle			X			
24	Litharge hydrate					X	X
	Terpin hydrate					X	X
	Thymol					X	X
	Urea					X	X
	Glycero-phosphoric acid					X	X
	Salts and compounds of glycero-phosphoric acid					X	X
25	Coal tar (intermediate)					X	X
26	Coal-tar dyes, medicinals and other finished coal-tar products					X	X
27	Cobalt oxide					X	
	Cobalt sulphate					X	X
	Cobalt linoleate					X	
	Cobalt salt and compounds					X	X
28	Collodion					X	
	Cellulose esters					X	
	Solutions of pyroxylin					X	
29	Compounds of pyroxylin (unfinished)					X	
	Compounds of pyroxylin (finished) (celluloid)					X	
29a	Compounds of cellulose known as vulcanized or hard fiber						
30	Compounds of casein						
31	Crude drugs advanced in value by grinding, crushing, etc						
32	Aconite	X	X				
	Aloes						
	Asafetida	X	X				
	Cocculus indicus	X	X				
	Ipecac	X	X				
	Jalap	X	X				
	Manna	X	X				
	Marshmallow root, leaves, and flowers	X					
	Mate						
	Pyrethrum flowers						
33	Buchu leaves	X		X			
	Cocoa leaves			X			X
	Gentian	X		X			
	Licorice root	X				X	
	Sarsaparilla root	X		X			
	Helladonna	X	X				
	Digitalis	X	X				
	Henbane	X	X				
	Stramonium	X	X				
33A	Potassium cyanide		X				
	Sodium cyanide						
	Compounds containing cyanide						
34	Ergot	X		X			
35	Di-ethyl sulphate					X	X
	Di-methyl sulphate					X	X
	Ethyl acetate						
	Ethyl chloride						
	Ethyl ether			X			
	All other esters and ethers					X	
36	Extracts for dyeing and tanning:						
	Chestnut		X			X	X
	Cutch					X	X
	Chlorophyll					X	X
	Divi-divi					X	X
	Fustic					X	X
	Hemlock		X				X
	Persian berry					X	X
	Logwood					X	X
	Mangrove		X				X
	Myrobalan					X	X
	Oak		X				X
	Quebracho		X				X
	Sumac					X	X
	Saffron					X	X
	Safflower					X	X
	Saffron cake					X	X
	Valonia					X	X
	Wattle					X	X
	All other extracts					X	X
37	Flavoring extracts				X	X	
	Fruit esters, oils, and essences					X	X
38	Formaldehyde					X	
	Paraformaldehyde					X	
	Hexamethylenetetramine			X			
39	Edible gelatines					X	
	Glue					X	X
	Fish glue					X	X
	Glue size					X	X
	Casein glue			X			
	Agar agar					X	
	Isinglass			X			
	Fish sounds			X			
	Ossein						

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill, etc.—Continued.

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
40	Glycerine (crude)			X	X		
	Glycerine (refined)					X	X
41	Ink and ink powders					X	X
43	Bromine		X				
	Bromine compounds						
44	Lead acetate (white)					X	
	Lead acetate (brown)				X	X	
	Lead nitrate					X	X
	Lead arsenate						
	Lead resinate						
45	Licorice extract					X	
	Citrate lime	X				X	
47	Magnesium carbonate					X	
	Magnesium chloride					X	X
	Epsom salts					X	X
	Calcined magnesia (medicinal)				X	X	
	Calcined magnesia (not medicinal)	X	X				
47A	Manganese borate				X	X	
	Manganese resinate				X	X	
	Manganese sulphate				X	X	
	Other manganese compounds				X	X	
48	Menthol			X			
	Crude camphor	X		X			
	Synthetic camphor				X	X	
49	Cod oil					X	
	Seal oil					X	
	Herring					X	
	Menhaden					X	
	Whale oil					X	
	Sperm oil					X	X
	Other fish oils					X	
	Crude wool grease					X	X
	Adeps lanae			X			X
50	Castor oil					X	
	Linseed oil					X	X
	Hempseed oil					X	X
	Olive oil				X	X	
	Poppy-seed oil					X	X
	Rapeseed oil			X			
50A	Coconut oil (crude)	X	X				
	Coconut oil (refined)					X	X
	Cottonseed oil	X	X				
	Peanut oil					X	X
	Soya-bean oil	X	X				
51	Allsarin assistant, etc					X	
52	Hydrogenated fats and oils						
53	Combinations of oils (except essential)				X	X	
54	Lemon oil	X				X	X
	Orange oil					X	X
	Clove oil				X	X	
	Eucalyptus				X	X	
	Peppermint					X	X
	Patchouli				X	X	
	Sandalwood				X	X	
55	Opium			X			
	Cocaine, and salts of					X	X
	Ecgonine, and salts of					X	X
	Laudanum			X			X
56	Antimony	X		X			
	Castoreum					X	
	Civet	X				X	
	Musk					X	
	Anethol					X	X
	Citral					X	X
	Geraniol					X	X
	Heliotropin					X	X
	Ionone					X	X
56	Rhodinol					X	X
	Safrol					X	X
	Terpineol					X	X
	Vanillin					X	X
57	Perfumery, cosmetics, and toilet preparations					X	
58	Floral waters (nonalcoholic)			X	X		
	Bay rum					X	X
59	Paris green		X				
	London purple		X				
60	Phosphorus		X				
61	Plasters				X	X	
62	Artist's paints and colors					X	X
63	Paints					X	X
64	Baryte (crude ore)					X	X
	Barytes ore (ground)					X	X
	Barium sulphate (blanc fixe)					X	X
	Blue pigments				X	X	
	Ultramarine					X	X
	Bone black, blood char, etc		X				
67	Chrome yellow					X	X
	Chrome green					X	X
	Chrome colors					X	X
65	Gas black					X	X
	Lamp black					X	X
	Other black pigments					X	X
69	Litharge				X	X	
	Orange mineral						
	Red lead					X	X
	White lead				X		
	Other lead pigments					X	X
70	Ochers				X	X	

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill, etc.—Continued.

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
	Sienna				X	X	
	Umbers				X	X	
70	Ochers, siennas, and umbers, washed or ground				X	X	
	Other iron oxide pigments					X	
71	Precipitated sulphate				X		
72	Spirit varnishes					X	X
	All other varnishes				X	X	
73	Vermilion seals containing quicksilver					X	
74	Zinc oxide (dry)					X	X
	Zinc oxide (ground in oil)					X	X
	Lithopone					X	X
75	Potassium chromate				X	X	
	Potassium bichromate				X	X	
	Potassium chlorate					X	
	Potassium perchlorate						
	Red prussiate of potash					X	
	Yellow prussiate of potash				X	X	
	Potassium iodide				X	X	
	Potassium bromide						
	Potassium bicarbonate					X	
	Potassium carbonate	X	X				
	Caustic potash	X	X				
	Potassium nitrate (refined)				X	X	
	Potassium permanganate					X	X
76	Santonin		X				X
77	Castile soap					X	X
	Perfumed toilet soap				X	X	
	Unperfumed toilet soap					X	
	Medicinal soap			X			
	All other soaps			X			
78	Sodium arsenate		X		X		
	Sodium bicarbonate			X			
	Sodium borate (refined)			X			
	Sodium bromide						
	Soda ash		X		X		
	Sal soda					X	X
	Sodium chlorate				X	X	
	Sodium chloride (common table salt)		X				X
	Sodium formate						
	Yellow prussiate soda				X	X	
	Caustic soda				X	X	
	Sodium nitrite					X	X
	Sodium sesquicarbonate				X	X	
	Glaubers salts			X	X		
	Anhydrous sulphate (soda)						
	Sodium sulphide				X	X	
	Sodium silicate		X		X		
	Sodium sulphite				X	X	
	Sodium bisulphite						
	Sodium metabisulphite						
	Sodium thiosulphite				X	X	
79	Sodium hydrosulphite, and compounds of					X	X
80	Potato starch				X	X	
	All other starches				X	X	
81	Dextrine from potato flour					X	X
	British gum					X	
	Strontium carbonate					X	X
	Strontium nitrate					X	X
	Strontium oxide	X	X				
84	Sodium oxide					X	X
	Thorium nitrate					X	X
	Other salts of thorium					X	X
	Cerium nitrate					X	X
	Cerium fluoride					X	X
	Other salts of cerium					X	X
	Gas-mantle crap					X	X
85	Tin bichloride				X	X	
	Tin tetrachloride				X	X	
	Other compounds of tin				X	X	
86	Titanium potassium oxalate					X	X
	All other compounds of titanium					X	X
87	Vanilla beans	X		X			
	Tonka beans	X		X			
88	Zinc chloride					X	X
	Zinc sulphate					X	
	Zinc sulphide					X	X
	Total (340 articles)	33	35	[illegible]	[illegible]	[illegible]	[illegible]

Mr. McCUMBER. Mr. President, I wish to take about three minutes, and then, before the Senate goes into executive session, I will yield to the Senator from Oregon [Mr. McNARY], and also to the Senator from New York [Mr. CALDER], who, I understand, desires to present some matter to the Senate.

Mr. President, during the greater part of yesterday there was much discussion in reference to the character of testimony which was adduced before the Finance Committee and upon which that committee formulated the tariff rates of the pending bill. If one were to give entire credence to the arguments which are presented on the other side of the Chamber, it would appear as though the committee had heard no one except a lot

of vicious manufacturers, who were intent on getting everything they possibly could, and that the poor importer had been given no consideration. It may be that in number more witnesses testified before the committee who represented manufacturers, because there are far more manufacturers who are engaged exclusively in the manufacturing business than there are importers who are engaged exclusively in the importing business. Therefore, it would naturally be expected that there would be more witnesses on behalf of those who desired a tariff on specific articles than there would be of those who were opposed to such a tariff. However, every importing interest was given full consideration. We did not cease taking testimony until those interested on both sides of every subject had been given a full hearing.

Now, just a word to the Senator from Utah [Mr. KING] and to the Senator from New Mexico [Mr. JONES], who have been discussing the pending matter for the past two days. I shall only consider the general sentiment that seemed to be disclosed in all their expressions, and that is that the American manufacturer is generally most dishonest and desires to rob the American people, while the foreign importer is generally a very honest individual, who desires to protect the American people from the exactions of the American manufacturer. Mr. President, I may be mistaken, although I do not think I am, when I say that I believe it will be found that the average American business man and the average American manufacturer are just as patriotic, just as honest, and just as conscientious as is the foreign importer of merchandise into the United States. I think the American manufacturer is just as much interested in the business welfare of the American people as is the foreign producer. I am not claiming anything more for him, but I really think that he has not subjected himself to the general condemnation which has been visited upon him during the past two days.

I will admit that men are all selfish; that the American manufacturer would like to get as high a protection as he possibly can. I will also admit that in the selfishness of his desires the foreign importer would like to import everything into this country as cheaply as he can. We have had those two opposing forces together, and in many instances we have fixed the rates of the bill in conformity to what each of them thought he could still do business under; and in those cases I think we have got the tariff rates very nearly right.

I remember looking through volumes of the Baedecker Guide to American tourists who desired to travel abroad. I was never able to travel abroad, but I have read some of those volumes. In doing so I noted the warnings which were given; and I noted particularly the advice that when one got over the line into certain countries he should always count his change, if he bought anything, in order to see whether or not it was correct. I noticed, however, that the Baedecker Guidebooks never gave that advice to tourists who came to this country in their dealing with the average American business man. We know our own American citizens, and we know that if we purchase an article which costs 63 cents, nine cases out of ten when we hand to the seller a dollar in payment we do not stop to see whether or not he returns to us the even change of 37 cents. We are confident we are going to be dealt with honestly; but I can refer to a number of countries as to which the Baedecker Guidebook advises that we must be careful in our dealings there because their citizens will take advantage of Americans if they can.

Mr. President, I think the American manufacturer has just as high a degree of honesty in his make-up as has the foreign importer who desires to take advantage of our market. I am not claiming any more than that for the American manufacturer; but I do wish Senators would get over the habit of considering every man who comes before the Finance Committee and asks for a tariff rate or protection is dishonest, and that every man who asks for free trade, that his imports may come in without the payment of any duty whatever, should be regarded as a saint.

Mr. JONES of New Mexico and Mr. WILLIAMS addressed the Chair.

Mr. McCUMBER. I yield first to the Senator from New Mexico, who has been on his feet for some time desiring recognition.

Mr. JONES of New Mexico. I merely want to make a brief observation. I have never impugned the veracity or the integrity of a single witness who appeared before the Finance Committee of the Senate or before the Ways and Means Committee of the House. What I have been trying to develop is this: First, that the pending bill is not framed on the basis of the difference in the cost of production here and in the foreign country. That, I think, was conceded on yesterday. To-day, I think, it was conceded that the bill was not framed upon the difference in prices in this country and in foreign countries. Now, we are told that the bill is framed upon the opinion evidence of interested parties. The opinion, of course, may be thoroughly honest, but the Senator from North Dakota now very adroitly seeks another basis for this bill. He puts it upon the opinion evidence of those interested parties.

Mr. McCUMBER. Mr. President, I did not yield for a speech. If the Senator from New Mexico thinks that that is an honest response to my statement, I am compelled to differ from him.

Mr. JONES of New Mexico. Then, may I ask the Senator why he referred to the statements of those witnesses?

Mr. McCUMBER. The Senator from New Mexico has stated that the Senator from North Dakota now admits that this whole bill was based upon a settlement between the importer and the manufacturer, and the Senator from New Mexico knows the Senator from North Dakota has made no such statement. I have stated again and again—the Senator may conscientiously differ from me in that respect—that we have tried to make the tariff rates measure the difference between what we regarded as the cost of production at home and the cost of production elsewhere, where it was possible to obtain that cost of production. In very few instances, however, can we obtain the actual cost of production in a foreign country. Therefore we must assume that the goods are sold in the foreign country for a price which represents the cost of production, plus a reasonable return for the manufacturer. That is the basis on which we have always levied our duties in the past, because it is the only substantial basis which we can get. It is also, I think, equally true—and I believe we can establish the fact in most cases—that the wholesale selling price in the United States represents the cost of production, plus a reasonable return upon the investment and upon the cost of manufacture. We could not in all cases obtain the actual cost of production in the United States, but in many instances we had figures showing exactly what it cost to produce a given article by different manufacturers, and from that evidence and from the information obtained as to conditions abroad we made up our schedules.

Mr. President, there was discussion yesterday in regard to the enormous increases proposed by the pending tariff bill over the rates in the Underwood tariff law. Let us see as to that. Suppose that the Underwood law levies a duty of 1 cent a pound on epsom salts, and that in this bill we should levy a duty of 5 cents a pound. It is true that would be increasing the tariff 400 per cent; but, after all, it is a difference of 4 cents for a whole pound of epsom salts. I remember that the Underwood tariff law carries a duty on rochelle salts of 2½ cents a pound. We increase it, say, to 5 cents a pound. It is true that is an increase of 100 per cent, just doubling the old rate, and yet it is not a heavy duty when we come to consider it. It is merely an increase of 2½ cents a pound on the rate provided under the old tariff law. On some other chemicals the Underwood law may have provided a quarter of a cent a pound, while the pending bill may provide a whole penny a pound. In that case we have raised the duty, of course, 300 per cent; but, after all, the actual duty is only three-quarters of a cent a pound. After all, if we want to get down to what one of these specific duties means, we should take the ad valorem duty; we should see what a pound is sold for, and then ascertain what relation this 1 cent or half a cent or 3 cents or 5 cents bears to the price of the commodity. We will then get something that the average American citizen will understand as affecting the price of that commodity.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I have heard very many arguments upon the floor of the House and the floor of the Senate in favor of American production and American industries and American operations of one description or another, and as a rule I have been able to answer them by saying that it was to the interest of the consumer to consume the thing referred to. The Senator, however, has just referred to epsom salts, and has confessed that this bill contains an increase of 400 per cent on them. I wish to suggest to the Senate and to him that no consumer, however contemptible a consumer may be—and he is, under a Republican régime, the most contemptible human being who can exist; he really ought not to exist at all, because when he tries to buy things cheaply he is disloyal to the Republican Party and to the American Union, according to the doctrine of the Republican Party—I submit to the Senator from North Dakota that no consumer ever takes epsom salts willingly or anxiously or affectionately.

Mr. McCUMBER. Let me say to the Senator that I understood that all of the objection on the other side of the Chamber came from the fact that we had increased the cost of epsom salts.

Mr. WILLIAMS. I understand; but bringing this discussion back to the particular concrete illustration of epsom salts, and leaving the general abstract position of the advantages of free trade and free commercial relations between men in a republic as citizens, and citizens of various governments over the world as God's people everywhere, it does seem to me that the consumer of epsom salts, who does not want epsom salts, as a rule, and would rather not take it, ought not to be punished in this tariff bill. If the Senator wants to punish me for eating candy, that is all right.

Mr. McCUMBER. Let the consumer buy something else then. I think we can supply Senators on the other side with other articles that will be just as effective and possibly just as cheap.

AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 194).

Mr. McNARY. I present the conference report on the Agricultural appropriation bill and ask that it be printed and go over under the rule.

The VICE PRESIDENT. The report will be received, printed, and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10739) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, 12, 17, 19, 27, 28, 29, 43, 44, 46, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 13, 14, 18, 20, 23, 30, 31, 32, 33, 34, 35, 36, 48, 52, and 54; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,425,246"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,908,076"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$582,505"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,080,350"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,527,910"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,097,282"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,562,302"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$954,561"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,277,631"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,381,300"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,585,960"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,769,180"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three persons at a rate not to exceed $6,500 each per annum"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 40, 41, 42, 50, 51, 57, and 58.

CHAS. L. McNARY,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

HUDSON RIVER BRIDGE.

Mr. CALDER. Mr. President, I have here several bridge bills which I desire to report from the Committee on Commerce. The passage of some of them is very much desired, and I shall ask unanimous consent for their present consideration.

Mr. KING. These are unanimous reports, are they?

Mr. CALDER. Yes. The first bill is Senate bill 3401, to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York. I report it back favorably from the Committee on Commerce and submit a report (No. 639) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Bear Mountain Hudson River Bridge Co., a corporation incorporated by act of the Legislature of the State of New York, approved March 31, 1922, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, near the village of Peekskill,

County of Westchester, State of New York, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within three years and completed within seven years from the date of approval hereof.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably Senate bill 3417, authorizing Independence County, Ark., to construct a bridge across the White River at or near Batesville, Ark., and I submit a report (No. 640) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the county of Independence, Ark., is authorized to construct, maintain, and operate a bridge and approaches thereto across White River at a point suitable to the interests of navigation, at or near Batesville, in such county, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGES.

Mr. CALDER. From the Committee on Commerce, I report back favorably without amendment House bill 10240, to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga., and I submit a report (No. 641) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 4, 1921, to be built by J. J. Smith and J. E. McGee, both of Starr, S. C., across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga., are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CALDER. From the Committee on Commerce, I report back favorably without amendment House bill 10407, authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga., and I submit a report (No. 642) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the counties of Jasper, S. C., and Chatham, Ga., be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Savannah, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce, I report back favorably Senate bill 3316, to authorize the State of Minnesota to construct a bridge across the Mississippi River, in or about section 17, township 54 north, range 25 west, Itasca County, Minn., and I submit a report (No. 643) thereon. I ask unanimous consent for the present consideration of the bill. It is unanimously reported and has the approval of the War Department.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the highway bridge built by the authorities of Itasca County, Minn., across the south arm of Pokegama Lake, in or about section 17, township 54 north, range 25 west, in said county and State, is hereby legalized and the consent of Congress is hereby given to its maintenance by said State for the use of the general public: *Provided*, That any changes in said bridge which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the said State.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize a bridge across the south arm of Pokegama Lake, in Itasca County, State of Minnesota."

MARIA M'ARTHUR.

Mr. CALDER. I also have three resolutions from the Committee to Audit and Control the Contingent Expenses giving six months' pay to the families of former employees of the Senate who have died recently. The first is Senate Resolution 283. I report it back favorably from that committee and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was considered by the Senate and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate for the fiscal year 1921, to Maria McArthur, widow of James McArthur, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ROSE CROSSEN.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate Resolution 216 directing the Secretary of the Senate to pay to Rose Crossen, sister of Philip A. Crossen, late a laborer in the employ of the Senate, a sum equal to six months' pay, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was considered by the Senate and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Rose Crossen, sister of Philip A. Crossen, late a laborer in the employ of the Senate in the heating and ventilating department, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

AGNES MALLOY KILMARTIN.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate Resolution 279, to pay to Agnes Malloy Kilmartin a sum equal to six months' compensation of the late Robert C. Kilmartin, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was considered by the Senate and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Agnes Malloy Kilmartin, daughter of Robert C. Kilmartin, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 27, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

Lewis H. Schwaebe, of Los Angeles, Calif., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif., in place of John B. Elliott.

COLLECTOR OF INTERNAL REVENUE.

John F. Jones, of Blacksburg, S. C., to be collector of internal revenue for the district of South Carolina, to fill an existing vacancy.

RECEIVER OF PUBLIC MONEYS.

Miss Amanda I. Frank, of Colorado, to be receiver of public moneys at Sterling, Colo., vice Charles W. Sederburg, resigned.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Arthur Sydney Cowan, Signal Corps, from April 17, 1922.

Lieut. Col. Reginald Edwards McNally, Cavalry, from April 20, 1922.

To be lieutenant colonels.

Maj. William James O'Loughlin, Infantry, from April 17, 1922.

Maj. Herbert Edward Mann, Cavalry, from April 20, 1922.

To be majors.

Capt. Claud Edward Stadtman, Infantry, from April 17, 1922.

Capt. Chauncey Francis Ruoff, Field Artillery, from April 20, 1922.

To be chaplains with the rank of captain.

Chaplain Samuel Eugene Crosby, from April 6, 1922.

Chaplain Charles Wadsworth Ball Hill, from April 6, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Samuel Goode Jones, Cavalry, with rank from January 27, 1918.

Col. Edgar Thomas Conley, Infantry, with rank from July 1, 1920.

Lieut. Col. John Brooke Shuman, Infantry, with rank from July 1, 1920.

Lieut. Col. Wesley Wilson Knox Hamilton, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. James Totten, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. Robert LeRoy Collins, Cavalry, with rank from November 16, 1920.

Lieut. Col. Leo Asa Dewey, Infantry, with rank from April 27, 1921.

Maj. Raymond Sidney Bamberger, Air Service, with rank from July 1, 1920.

Maj. Albert Gilmor, Coast Artillery Corps, with rank from July 1, 1920.

Maj. Thomas Marshall Spaulding, Coast Artillery Corps, with rank from July 1, 1920.

Maj. Daniel Huston Torrey, Infantry, with rank from July 1, 1920.

Maj. Robert Horace Dunlop, Infantry, with rank from July 1, 1920.

Maj. William Clayton Rose, Infantry, with rank from July 1, 1920.

Maj. Livingston Watrous, Infantry, with rank from July 1, 1920.

Maj. Harry Coope, Infantry, with rank from July 1, 1920.

Capt. Jedediah Huntington Hills, Infantry, with rank from September 18, 1917.

Capt. David Andrew Watt, Quartermaster Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

First Lieut. Robert Crane Hendley, Air Service, with rank from November 1, 1921.

POSTMASTERS.

CALIFORNIA.

William F. Hanell to be postmaster at Patterson, Calif., in place of F. S. Harrison. Incumbent's commission expired January 24, 1922.

FLORIDA.

Warren J. Armstrong to be postmaster at Valparaiso, Fla. Office became presidential April 1, 1921.

IDAHO.

George F. Clark to be postmaster at Paul, Idaho. Office became presidential April 1, 1920.

ILLINOIS.

Sidney F. Coffman to be postmaster at Bluford, Ill. Office became presidential April 1, 1921.

Lawrence F. Hake to be postmaster at Hoyleton, Ill. Office became presidential January 1, 1921.

Benjamin F. Welch to be postmaster at Zeigler, Ill., in place of I. A. Foster, resigned.

INDIANA.

Claude B. Thomas to be postmaster at Moores Hill, Ind. Office became presidential January 1, 1921.

Robert M. Waddell to be postmaster at Lagrange, Ind., in place of H. O. Eldridge, resigned.

KENTUCKY.

Yaman Watkins to be postmaster at Clarkson, Ky. Office became presidential January 1, 1921.

Addie Elliott to be postmaster at Glencoe, Ky. Office became presidential April 1, 1921.

Elzie T. Wilson to be postmaster at Sparta, Ky. Office became presidential January 1, 1921.

Charles W. Parrish to be postmaster at Midway, Ky., in place of M. D. Cogar. Incumbent's commission expired February 4, 1922.

MAINE.

Doris A. Day to be postmaster at Corinna, Me., in place of M. P. Hamilton, resigned.

MASSACHUSETTS.

Helen C. Dougherty to be postmaster at Beverly Farms, Mass., in place of L. J. Watson. Incumbent's commission expired January 24, 1922.

MICHIGAN.

Clifford L. Slocum to be postmaster at Addison, Mich., in place of Floyd Sanford. Incumbent's commission expired March 4, 1922.

MINNESOTA.

John B. Smith to be postmaster at Kilkenny, Minn. Office became presidential July 1, 1921.

Gustave A. Krueger to be postmaster at Plummer, Minn. Office became presidential October 1, 1920.

Edward Lende to be postmaster at Appleton, Minn., in place of C. J. Reagan, deceased.

MISSOURI.

Elizabeth E. Letton to be postmaster at Mindenmines, Mo. Office became presidential October 1, 1921.

Andrew S. Swafford to be postmaster at Excelsior Springs, Mo., in place of W. H. Titus. Incumbent's commission expired January 24, 1922.

NEBRASKA.

Cecil E. Mills to be postmaster at Long Pine, Nebr., in place of Ira Lucy. Incumbent's commission expired February 4, 1922.

OKLAHOMA.

Lincoln G. Shoop to be postmaster at Perry, Okla., in place of W. E. Merry. Incumbent's commission expired February 4, 1922.

Ceaf W. Ramsey to be postmaster at Beggs, Okla., in place of D. H. Watson, resigned.

OREGON.

Newton A. Perry to be postmaster at North Portland, Oreg., in place of V. D. Crosby. Incumbent's commission expired January 24, 1922.

John H. Farrar to be postmaster at Salem, Oreg., in place of August Huckestein. Incumbent's commission expired July 21, 1921.

PENNSYLVANIA.

D. Guy Hollinger to be postmaster at Hanover, Pa., in place of E. K. Eichelberger. Incumbent's commission expired February 5, 1922.

Edward N. Dubs to be postmaster at New Hope, Pa., in place of Isaac Scarborough, resigned.

SOUTH CAROLINA.

Henry N. Folk to be postmaster at Bamberg, S. C., in place of A. W. Knight. Incumbent's commission expired July 15, 1920.

TENNESSEE.

Samuel A. Wheeler to be postmaster at Bolivar, Tenn., in place of J. K. Tate. Incumbent's commission expired February 4, 1922.

TEXAS.

Leonard D. Kennedy to be postmaster at Ivan, Tex. Office became presidential October 1, 1921.

William J. Lewis to be postmaster at Itasca, Tex., in place of J. H. Young, resigned.

Comodore V. Varner to be postmaster at Milford, Tex., in place of W. J. Hamlett. Incumbent's commission expired March 8, 1922.

John W. White to be postmaster at Uvalde, Tex., in place of J. W. White. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

Roy A. Browning to be postmaster at Barboursville, W. Va., in place of J. J. Hudkins, removed.

WISCONSIN.

William H. Howard to be postmaster at Altoona, Wis. Office became presidential January 1, 1921.

James C. Taylor to be postmaster at Gilman, Wis. Office became presidential January 1, 1921.

William McMahon to be postmaster at Lancaster, Wis., in place of H. E. McCoy, deceased.

WYOMING.

Elmer W. Ave to be postmaster at Green River, Wyo., in place of W. B. Cooper, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26 (legislative day of April 20), 1922.

UNITED STATES ATTORNEY.

Lafayette French, jr., of Minnesota, to be United States attorney, district of Minnesota.

POSTMASTERS.

KENTUCKY.

George R. Holt, Campbellsville.
Herbert C. Hall, Hardinsburg.
Henry Hall, Waynesburg.

MASSACHUSETTS.

Frank D. Babcock, Haverhill.

OKLAHOMA.

Cosmo Falconer, Cheyenne.
Robert R. Sutton, Claremore.
Hiram H. Snow, Sand Springs.

WASHINGTON.

Amy E. Ide, Outlook.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 26 (legislative day of April 20), 1922.

POSTMASTER.

Fred J. Gilham to be postmaster at Bloomville, in the State of Ohio.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 26, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, again Thou hast given voice to the day, and Thy hand, so mighty and yet so gentle, is upon us. We would respond to Thy claim. Open our minds and hearts to a knowledge of Thyself, for to know Thee is life eternal. This is the gift of the Father, and the light and the glory forever. As life is so often difficult and discipline is hard, open our lives for Thy wisdom and direct them with its nourishment. Thus may they be as treasures held in trust for God and our fellow men and may not the sense of fear or dejection have rule over us. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the Committee on the Library.

STATUE OF ABRAHAM LINCOLN.

Mr. LUCE. Mr. Speaker, on behalf of the Committee on the Library I call up House Joint Resolution 127, to reerect the statue of Abraham Lincoln upon its original site.

The SPEAKER. This joint resolution is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Michigan [Mr. CRAMTON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 127, to reerect the statue of Abraham Lincoln upon its original site, with Mr. CRAMTON in the chair.

Mr. LUCE. Mr. Chairman, debate upon this matter was begun at a previous session. Will the Chair kindly inform me of the situation as to the time?

The CHAIRMAN. The Chair is advised that the affirmative has used 40 minutes. The gentleman from Illinois [Mr. KING] has 20 minutes remaining, and no one has been recognized in opposition.

Mr. GARRETT of Tennessee. Mr. Chairman, may I ask the gentleman from Massachusetts a question?

Mr. LUCE. Certainly.

Mr. GARRETT of Tennessee. Is this a unanimous report from the Committee on the Library?

Mr. LUCE. As far as I know.

Mr. MOORES of Indiana. Mr. Chairman, I am opposed to the resolution.

The CHAIRMAN. The gentleman from Indiana [Mr. MOORES] is recognized in opposition for one hour.

Mr. MOORES of Indiana. Mr. Chairman and gentlemen of the committee, I yield to no man in veneration for the personality, for the character, and for the memory of Abraham Lincoln. I represent a portion of the State of Indiana to which Abraham Lincoln went, as a blue-eyed boy of 7, from the State of Kentucky, and where he spent his youth until he had reached the full stature of manhood, and in the strength of a vigorous maturity left Indiana for the rich prairies of Illinois. It is out of regard for his memory, it is out of respect for Abraham Lincoln that I ask that this resolution do not pass in the form in which it is presented.

Let me give you the story. The statue was erected in 1868 in the middle of D Street, where John Marshall Place, or Four-and-a-Half Street, as it was then called, runs into D Street immediately in front of the courthouse. The statue was built on a mound in the middle of the street. The street at that time was very much wider than it is now. The courthouse had been built flush with the street, leaving a plaza in front of it 250 or 300 feet wide, the center of which was D Street. To the southeast runs Indiana Avenue; branching to the southwest runs Louisiana Avenue, but D Street is the street which the courthouse faces.

About 1871, when Gov. A. R. Shepherd undertook to give Washington up-to-date streets—the streets before that having been all mud except Pennsylvania Avenue, which was cobblestone—it was deemed expedient to narrow D street and to leave a grass plot in front of the courthouse. The statue was not moved. The street was lowered 6 feet. Originally the statue stood on a pedestal 18 feet high. When D Street in front of the courthouse was lowered the pedestal was made 24 feet high. I have illustrations here showing the statue as it stood before it was removed. The narrowing of the street and the putting of the grass plot in front of the courthouse brought the pedestal for the statue into the middle of the sidewalk, and we who remember it at all remember how it stood in the middle of the sidewalk blocking the entrance to the front entrance of the courthouse. For those who do not recall the statue, I have these photographs which were made shortly before its removal. It was removed in contemplation of certain changes in the courthouse. It was not properly taken care of after the removal, a matter which I greatly regret, but fortunately the figure of Lincoln did not suffer from the lack of care.

The statue stood there on a 24-foot pedestal. It was not a beautiful thing to look at. It never was a work of art. It was carved with absolute truth and accuracy by a stonecutter, Lot Flannery, who had the stoneyard right across from the Capitol. It was the only statue that Lot Flannery ever made. He was a man who carved gravestones and put names on them. The pedestal was so high that the features were always distorted to one who was passing, but the statue is not a work of art. Let me explain for a moment. If it were possible to make a plaster cast of me as I am speaking now or of any one of you as you are sitting in your seats, it might be a good likeness. It might be absolutely true to nature. Yet I can fancy that any one of us looking at that plaster-cast portrait would be humiliated and ashamed.

It takes a sculptor who is an artist to make a statue which shall be a work of art, and this statue never was a work of art. It is reasonably and fairly accurate. When it was erected it was put in a part of the town which was then a very desirable residence section. That time has passed. The locality is given over to business and boarding houses. The statue, as I say, was put in the middle of the street. When it was removed it occupied the middle of the sidewalk, blocking the entrance to the courthouse. It ought not to be put back in the

same place. It not only mars the building by contrast, a building which is now a work of art, but the contrast is disagreeable and unpleasant and almost a shock when one thinks of that statue representing Abraham Lincoln. You have only to look at these photographs which I hold in my hand showing the statue as it stood in front of the old courthouse to see that it is not an appropriate place for it. We had a statue of George Washington, not a work of art but not a bad piece of statuary, which stood in front of the Capitol. Many years ago it was removed without a protest from anyone to a better location for it. I think it is now in the National Museum. Anyone of us can see it there. It is worth seeing. It is not a bad portrait of Washington. It is not a work of art. There is an artistic statue of Lincoln, a wonderful piece of artistry in Lincoln Park. There is a very great statue of Lincoln in the Lincoln Memorial. Why should this statue be put in a humiliating situation simply to have it where it formerly stood? Times change, manners change, men change, conditions change. Why should it go back there for a simple sentiment, because it was once put there?

It ought to be taken care of. I have been told by people who knew Lincoln that the statue is absolutely exact as to his features, but it is photographic. That is the objection to it. It does not reveal, as the statue should, the great mind and the great soul that lived in Lincoln's body. It simply represents the physical body of Abraham Lincoln. It is not attractive, and it ought to be put where it can be taken care of. The place is a bad place for the statue because statue and location are not suited to each other.

When Gen. Henry W. Lawton, a native of my State, was killed in battle in the Philippine Islands, the State of Indiana delighted to honor his memory and procured from a great sculptor a statue of General Lawton which is as fine a piece of sculpture as I ever saw. The great monument in the circle in the center of Indianapolis is surrounded by statues of Indiana soldiers and statesmen. At the statehouse are statues of Vice President Hendricks, Col. Richard Owen, and Oliver P. Morton. By common consent this superb statue of that brave soldier, Henry W. Lawton, was placed in a corresponding position to the Lincoln statue, in front of the courthouse, with the result that peddlers of shoe strings, peanut vendors and newspaper vendors, shoeblacks, immigrants from southern Europe surrounded it from morning to night. They obstructed the way in peddling their goods under the magnificent statue of General Lawton.

Representatives from the Grand Army and from the Loyal Legion—I think General Lawton was a member of both—and the societies of the Spanish-American War united in requesting the governor that the statue of General Lawton should be placed in a better location. It was taken away from the courthouse by universal agreement of all the people and placed in a position of prominence in one of the great parks of the city, and no man said nay.

The Lincoln statue ought not to obstruct the way to the courthouse. It ought not to be surrounded in that neighborhood by the class of people who frequent the courthouse—peddlers, loafers, professional jurors, witnesses, and people having business with the various branches of the courthouse. It is no place for a statue like this.

I have an amendment which I propose to offer to this bill, and in making that offer I want to read from a statute we have on the statute books providing for just such emergencies as this. It is not for Congress to decide questions of art, it is not for Congress to decide questions of landscape gardening. We have provided for that adequately and admirably. I read from the statute creating the Commission of Fine Arts:

> A permanent Commission of Fine Arts is hereby created to be composed of seven well-qualified judges of fine arts, who shall be appointed by the President and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States, and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice.

There has been no call for advice by the Library Committee on the Commission of Fine Arts, which has charge of these matters and which has specific charge of the location of statues in the District of Columbia, so far as I know.

Mr. LUCE. Will the gentleman yield?

Mr. MOORES of Indiana. I yield.

Mr. LUCE. I am in complete accord with the purpose of the statute and with the views of the gentleman in regard to the duties and purpose of the Fine Arts Commission. May I ask the gentleman if he does not think the situation may be altered somewhat when the question is the replacing of a statue that had been in existence long before the creation of the Fine Arts Commission?

Mr. MOORES of Indiana. I think the Fine Arts Commission ought to be consulted about all things within its jurisdiction. Conditions have changed vastly since that statue was erected. The street has been lowered and narrowed, and instead of standing as formerly in the center of the street it stood in the center of the sidewalk. It might have been appropriate and undoubtedly was to put the statue there when it was put there, but it ought not to be placed back there. It was taken away because when under the direction of Congress and the Fine Arts Commission in making improvements in the courthouse it became less desirable for the statue to be there than when it was first placed there; it was deemed best to remove the statue to another location.

Mr. LUCE. Will the gentleman yield further?

Mr. MOORES of Indiana. Yes.

Mr. LUCE. The last part of the bill directs that the statue shall be placed upon an appropriate foundation or pedestal in harmony with the statue; that the statue shall be located in the same general position, not necessarily on the precise spot where it was. If it would now be better to have the statue farther to the north, for example, it would, in the minds of the committee, come within the scope of the bill. The jurisdiction of the Fine Arts Commission is usurped only to the extent of determining, without consulting them, that the statue shall go back into the same general location where it was first placed. On that point, possibly, the gentleman may take issue with the judgment of the committee.

Mr. MOORES of Indiana. I understand there is no recommendation from the Commission of Fine Arts, either favorable or adverse, as to restoring the statue. I am not a witness, and I shall not testify as to what members of the commission have told me about the matter, but I am assured they were not consulted, and I am strongly of the belief that no member of the commission would consent that the statue go back into the identical spot where it was formerly situated. I will go that far in the matter. There are other things proposed and movements are on foot, as I have been told. The first which I heard of was a movement of this nature. Those of you who have been in the city of Newark, N. J., at the great square in Broad Street, in front of the courthouse, have seen in the square, fronting the courthouse but at a considerable distance from it, the wonderfully beautiful statue of Lincoln, seated, which, although surrounded by trees in a little park in the center of the city, is so accessible that hardly at any time during a sunny afternoon can you pass it without seeing children playing upon Lincoln's knees. It is almost pathetic to witness how the children of Newark love that statue. It is a beautiful statue; a work of very high art. It is placed in the park adjacent to the courthouse, but with a street between. It is proposed by public-spirited citizens of Washington that a replica shall be made of that statue, and that in Judiciary Park in another portion of the park this replica shall be placed; that a statue of the seated Lincoln, after the manner of the statue in Newark, shall be provided a place in Judiciary Park as much more appropriate.

The second proposition which I have heard is this: As perhaps all of you may not know, President Lincoln was under fire at Fort Stevens, when Confederate troops under General Early surrounded Washington and fired on Fort Stevens. A tablet has been placed at Fort Stevens within the last three or four years, which recites simply the fact that President Lincoln stood there, and that he was under rifle fire from the enemy for quite a while. There is nothing there but the tablet. It is proposed by some people that this statue of Lincoln should be placed in Fort Stevens to commemorate the fact that the President was there under fire. I confess frankly that I am not in favor of that plan, but I do think that some infinitely more appropriate place could be found in Washington than the place immediately in front of the courthouse, in the middle of the sidewalk, blocking the entrance to the front door, as these pictures show.

I am sorry to take the time of the House about a matter of this sort, which ought not to occupy our time. The matter should have been referred at once to the Commission of Fine Arts, and I am very positive that an appropriate position would have been found for this statue and that it would have been well taken care of. I can not think of a less appropriate place for the statue than to return it to where it formerly was. As it is the only portrait statue of Lincoln that there is, as it was made by a man who was careful and accurate, although in no sense a sculptor, it ought to be, I think, somewhere indoors in Washington, where it can be taken care of for all time and pro-

tected against the weather. It is too valuable to lose as a portrait, but it is worse than worthless as a work of art. The amendment which I propose is a very simple one. It provides that the statue shall be reerected under the direction of the Commission of Fine Arts.

Mr. KING. Mr. Chairman, I do not desire to say anything that I said two weeks ago when this matter was under consideration and which was printed in the RECORD. I take it for granted that the Members of the House, as is their custom, are thoroughly familiar with those statements made at that time; but I do desire to present to the House some additional facts which have arisen in connection with the replacement of this statue since the last session of the committee on this subject. I was called upon by Miss Lillian Flannery, daughter of Martin Flannery. There has been great confusion in this House, confusing Martin Flannery with Lot Flannery. They were brothers and had a studio on Massachusetts Avenue. Martin was the man whom the distinguished gentleman from Indiana [Mr. MOORES] is criticizing unwittingly when he says that he was not an artist. Lot was an artist. His niece came to the office after the discussion the other day and she stated that Lot Flannery, who is now a very old man and who lives with them, was a personal friend of President Lincoln; that Lincoln frequently stopped, as was his custom, at the studio of Lot Flannery, on Massachusetts Avenue, and conversed with him, and that frequently they walked about the city together. Lincoln at that time was interested in works of art, and he did associate with this artist and was personally acquainted with him.

Mr. MOORES of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. MOORES of Indiana. Until three or four weeks ago did not the name "Lot Flannery" appear over the door of this marble yard, where they make gravestones, right across the street out here?

Mr. KING. I think his name appears there now. That, of course, is a remnant of the business. He did have a studio there at one time, but he never had anything to do with the monument business at any time in his life. His brother ran the gravestone business, as I said in my speech, which I shall not attempt to repeat. Lot was an artist, and did the work of that concern, so far as statues were concerned.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KING. In a minute, I expect to reach that point—yes; I yield.

Mr. GREENE of Vermont. Oh, if I am interrupting some line of thought, I would rather have the gentleman continue than to express my own.

Mr. KING. I yield to the gentleman, even though he was committing such a dastardly act as that.

Mr. GREENE of Vermont. I wondered whether the committee, in contemplating the possibilities that lie in the aesthetic culture of Washington, had ever given the benefit of its valuable thought to some measure for removing that mass of pottery we have on the front portico of the Capitol? There are all sorts of alleged statues there, and I am sure some of them ought to have come out of a brickyard or a pottery.

Mr. KING. The gentleman will understand that this statue to which I refer is one of pure white marble. I do not know what sort of casts those are in front of the Capitol.

Mr. GREENE of Vermont. It is not so much what they are made of but what they were made for that interests me.

Mr. KING. I could not say, not being an authority on plastic art. Mr. Chairman, it has been stated that Lot Flannery was not an artist. His name may appear over the door of the marble yard. He is not there any more. For many years he lived there. He is an old man, now close onto 90 years of age. Evidently they are selling out the marble yard, and I hope some enterprising financier will erect an apartment house on that old lot, because we all need it. That is made incidentally as a utilitarian suggestion, and nothing else. However, if you will go to the Government Printing Office, in the main entrance hall there you will find a marble bust of Benjamin Franklin, which was created by Lot Flannery, the artist, and his name is upon it. It was a present by the Government printers to the United States Government, to the Printing Department, and was outside of the old building for many years.

Afterwards it was removed to the inside. Now, I leave it to anybody who will examine that bust who knows anything at all about art—and the gentleman from Indiana [Mr. MOORES] is one—to decide that question. A very peculiar question was brought up in this matter, which goes to show that this man was an artist, although the question before the House is not whether he was or was not an artist; the question before the House is whether or not a monument paid for by the people of Washington and put up in a certain spot designated by the Government, supposedly forever, shall be removed. It is a question of sentiment. Now, upon the question of art here are a lot of old letters to which I simply desire to refer——

Mr. MOORES of Indiana. Will the gentleman yield?

Mr. KING. I will.

Mr. MOORES of Indiana. Does the gentleman favor or would he be in favor of keeping that hideous caricature of Du Pont in Du Pont Circle, removed some time ago, but which stood there for about 80 years?

Mr. KING. Well, I never thought it was such a caricature of Du Pont. It certainly brought into the public mind things which the present statue there does not bring up. Admiral du Pont had clothes on him as a statue in the circle.

Mr. LAYTON. Will the gentleman yield?

Mr. KING. I will.

Mr. LAYTON. They have got a fountain there, but I understand there is no water.

Mr. MOORES of Indiana. It will not play.

Mr. KING. It seems that Franklin Simmons—but, by the way, I will say this first: From a newspaper clipping, which I will put in the RECORD, if necessary, it appears that in 1888 Lot Flannery made a bust of Gen. John A. Logan, that was on exhibition in Memorial Hall of the Senate, so-called at that time, for a number of weeks, and which Mrs. John A. Logan purchased for $2,500, as being a very fine bust of Logan. She thought it was such a fine bust of General Logan that when the eminent sculptor, Franklin Simmons, was employed to prepare the monument to stand in Iowa Circle of Gen. John A. Logan he sent a special messenger to Washington to interview Lot Flannery and get his permission to take a plaster cast of the face of the Logan bust that Mrs. Logan owned and took it to Rome, where Mr. Simmons then had a studio, and from that he molded the face that is on the statue in Iowa Circle.

Now, I regard that as pretty good testimony. And the gentleman from Indiana has now conceded that that face of the first statue of Lincoln is absolutely correct and perfect. Well, no credit has ever been given to him, but very fortunately among these old papers was this old memorandum. You see the age of it:

Mr. Flannery, I came to let you know that I have taken a cast from the marble bust of General Logan in Mrs. Logan's house. The marble bust, etc., carved by you. I boxed it up for Mr. Simmons, to be sent to Rome to be used in the execution of the equestrian statue to General Logan to be erected in Iowa Circle in Washington City. Tuesday, December 28, 1893.

This is signed "Antonio Paladina," whoever he was. And there you have it. Therefore one of the finest equestrian statues in the United States has the face of General Logan prepared by this artist, Mr. Flannery, and who carved this statue now in question here to-day. Furthermore, here are a number of letters that prove that he was a prominent and well-known sculptor in his prime. This is a letter written to him in 1898 from the Office of Public Buildings and Grounds:

In reply to your letter of the 22d instant, addressed to Colonel Bromwell, who is now absent from the city, you are informed that as the evidence furnished by you as to your nationality and your capabilities as an artist are satisfactory, you are hereby invited to enter the competition for the statue of Commodore Barry and are at liberty to submit a model if you so desire.

Very respectfully,

CHAS. J. BROMWELL,
Colonel, United States Army,
Executive and Disbursing Officer, Barry Statue Commission.

Now, it seems to me that all this talk that this man was not an artist is considerably incorrect. My witness is Freeman Thorp, and I will pit him against any other witness in this House, particularly as to the correctness of the face of this statue. He now lives in the district of the gentleman from Minnesota [Mr. KNUTSON], but he did live here in the city of Washington. And in this book, "Works of Art in the United States Capital," by Mr. Charles E. Fairman, which is a very valuable work, which I will not have time to read, it shows that the name of Freeman Thorp appears. He is the artist who painted the picture of Lincoln from life that hangs on the left-hand side of the Senate door now. He is the artist who painted the picture that hangs in the corner of the lobby of James G. Blaine. He is the artist who painted the picture of Schuyler Colfax, and he is the artist who painted the picture of David B. Henderson, which hangs just beyond that wall. There is no doubt about his ability to testify in this case. And in addition to that he painted that magnificent picture, one of the best I have ever seen, of "Uncle Joe" CANNON, which now hangs in the Appropriation Committee room of the Capitol. So Freeman Thorp is entitled to speak, and he is the man whom I told you before found this monument on its back in the rubbish behind the old Bureau of Engraving and Printing after they said they had stored it in the cellar of the courthouse. He is the man who examined the face when he first found it, and he is the man who said, among other things:

I do not know who chiseled the head and face, but it was accurately done by some one who studied Lincoln from life, as I did, and was not done from photographs. It is a better likeness of Lincoln than anything in plaster, stone, marble, or bronze that I have seen, and I have seen about all that have been made. Some have been made that are unquestionably great works of art, but the best of them are not accurate likenesses of him. This one is to those who, like myself, knew Lincoln, pleasing to look at because it is accurately modeled, and in its simple truth is in keeping with the unassuming man we loved.

Now, Mr. Chairman, we have no business with this monument. Congress has not anything to do with it. This monument was erected and paid for by the citizens of Washington and the sailors and soldiers and others who were contributing at that time while passing through the city. Congress had no authority over parks at that time. The city councils of the city of Washington did have authority, and they permitted the Washington Monument Association, of which Mr. Crosby Noyes, then the editor of the Star of this city, was president, to erect this monument here in front of the courthouse and to dedicate it. Later on, instead of giving them a deed for this perpetual easement in order that this monument should remain there, what did they do? They did that which is the best evidence of a title to real estate on earth. They put a fence around it. And on the date of March 30, 1869—and I read from a print obtained from the Public Library—the following act was approved:

An act providing for the erection of a fence around the Lincoln Monument.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the mayor be, and hereby is, requested to cooperate with a committee of one from each of said boards, to be appointed by the presidents of said boards, respectively, to procure an appropriate design by the artist for a wrought-iron fence, and to cause said fence to be erected around the Lincoln Monument in front of the city hall; and that the sum of $800, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the general fund to pay the expense of erecting said fence.

So those who have conducted an insidious propaganda against this monument for years, those who, as a matter of fact, fooled the Congress into passing a bill appropriating $2,000 to remove it, and those who finally reached up and used force in taking the statue down, might just as well have conducted their activities in some quiet and pleasant graveyard. Congress is not to blame. I am one man who tries to stand up for Congress. There are enough people criticizing us at all times. But some little clerk from some bureau maybe, possibly assisting the clerk of the Appropriations Committee, when the bill came out with this appropriation, left out the word "Lincoln"—$2,000 for cleaning up the yard down there and removing this statue—that is the way the bill read. And with 55 men in the House at that time nobody inquired into it, because they did not know that it was Abraham Lincoln's statue and the first statue that was ever erected and a statue paid for by other people. Do you think we would have sat here and permitted that thing to get by if we had known it? That is the reason we have to do all this work in putting it back which the gentleman from Indiana complains of.

Mr. STEVENSON. I understand that the reason the gentleman from Indiana objected to this location at that place was that some of the common people frequented that place and witnesses and jurors gathered there. I was of the idea that Mr. Lincoln was very close to the common people.

Mr. KING. I thank the gentleman for that. Lincoln would have rejoiced that those people gathered around a statue there in the plaza of the city. Oh, they say, they are erecting a magnificent one down here by the river. But this was the people's statue, a statue of the masses. Those who pass this statue and see Lincoln's face will never see it in the Lincoln Memorial, as beautiful as it may be. This is for the masses. This is for the people who walk; the other is for the people who have limousines. Thousands of people who come to Washington never have money enough to hire a taxicab that will enable them to get down there and look at it. I am not criticizing. You can not erect, as "Uncle Joe" told me in consideration of this before the committee, too many statues to Abraham Lincoln; but the gentleman from Indiana [Mr. MOORES] is going to offer an amendment to put it in an inclosure. This statue has been 56 years on the outside now and can stand it for a longer time. But he wants to put him in an inclosure, in a museum, and make him a sort of character like a curiosity in an Eden Musee.

Greenough's statue of Washington is in a museum, and perhaps it ought to be. It has peculiar features about it. In that bust they have taken off the clothes of George and have put him in the situation, so far as the clothes are concerned, of a Roman gladiator. As an anatomical statue it was good. You could count his ribs on both sides and other parts of his upper anatomy. That statue ought to be in a museum. It ought to be put into a medical school. I agree with the gentleman on that. But this Lincoln statue is an entirely different proposition. A number of resolutions have been introduced, one to take it to Illinois, one to take it to Wisconsin, and one to take it out to Moline, and others to take it to other places. All those places were suggested. But when it was discovered that this statue was paid for by the citizens of Washington the Library Committee bolstered up strongly the present resolution, and they have always been strong for it, and have been reinforced in their position by a letter from the President asking that on account of sentiment it might be restored to its old position. So far as putting it in the street is concerned, this does not apply to that. The proposition is simply to place it on this site. That is the proposition before the committee.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. KING. I will desist now, on account of another gentleman desiring to address the committee for a few minutes. I thank you, gentlemen, for your attention.

The CHAIRMAN. The gentleman from Indiana [Mr. MOORES] has 35 minutes remaining.

Mr. MOORES of Indiana. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I have not followed in detail the struggle over the reerection of the Lincoln statue in front of the courthouse. I have the same impression about the statue that many other Members have, that it is an injustice to the memory of Abraham Lincoln to put it where it was before, on top of a high shaft in front of the courthouse. I have, on the other hand, the sentimental feeling that we must not put this historic statue in some cellar, where it will be inaccessible to those interested in seeing it. To my mind, there may be a solution found by remembering that there is a square in Washington dedicated to Abraham Lincoln, a square, as most of the members of the committee know, which is located 12 blocks east of the Capitol, at the junction of East Capitol and Twelfth Streets, and where North Carolina Avenue and Massachusetts Avenue also intersect. Lincoln Square is a beautiful square. It has, I think, only one statue there now. That is a statue of Abraham Lincoln himself, a very wonderful statue. But the area is a large one. It is hallowed by the name of Lincoln. It is in a section of the city that never has been considered very much in the matter of works of art. To my way of thinking, it would be a desirable solution if we should direct the placing of this statue there. I do not believe it ought to go in front of the courthouse.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. In a moment. Then I shall be glad to yield. Personally I should be pretty well satisfied with the amendment of the gentleman from Indiana [Mr. MOORES]. But if we can make the eastern section of the city the location of this statue, in view of the fact that the Square of Lincoln is already there, it seems to me we could accomplish a good many things and could avoid many of the pitfalls into which we seem destined to fall as things are now.

Mr. KING. The gentleman speaks of Lincoln Park. Does the gentleman mean this park on the east here?

Mr. ROGERS. Yes; 12 blocks east of the Capitol.

Mr. KING. The gentleman knows, or I presume he does, that there is a Ball statue of Lincoln in that park?

Mr. ROGERS. Yes; I alluded to that when the gentleman's attention was perhaps diverted.

Mr. KING. I beg the gentleman's pardon.

Mr. ROGERS. As to Lincoln Square, I do not see why there should not be two representations of Lincoln placed in that square.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes of his time.

Mr. MOORES of Indiana. Mr. Chairman, I yield three minutes to the gentleman from Delaware [Mr. LAYTON].

The CHAIRMAN. The gentleman from Delaware is recognized for three minutes.

Mr. LAYTON. Mr. Chairman, some time ago my attention was attracted by two declarations concerning a greatly mooted question, which seemed to me of such force and merit as to deserve the widest publicity.

One of these was an address by the ex-president of the largest munitions company in the country, Pierre S. du Pont, formerly president of the E. I. du Pont de Nemours & Co., and the other by Charles M. Schwab, president of the Bethlehem Steel Corporation, one of the largest steel-producing corporations of the United States. My reason for asking—as I shall do—that these

public declarations be printed in the CONGRESSIONAL RECORD is to obtain a larger circulation for statements which will contribute to truth upon a widely misconceived subject, and so enable not only the Members of Congress, but the public, to entertain a just conception where I believe a misconception now rules the public thought.

The statements made in these two articles are so clear and positive that they deserve the acceptance by Congress and the public, if they be true; if untrue, that the opportunity should be given to Congress and to anyone outside of Congress to refute them. In my judgment they are worthy of the careful consideration of all fair-minded men, for justice is the foundation of our national existence. The one supreme danger that threatens the permanency of our institutions is the widespread dissemination of false statements by ignorant people, or deliberately by ambitious demagogues. It seems to be esteemed a mark of high ability by some who aspire to high public regard to seize upon a popular misconception and use it for a demagogical benefit. We will survive as a Nation exactly in proportion to the number of years in which a square deal is given to every national interest, and exactly as we cherish truth, and not prejudice and error. [Applause.]

WAR DOESN'T PAY.

NO MUNITIONS CONCERN CAN LIVE BY WAR ALONE, AND WHEN CONFLICTS DO COME THEY ARE MUCH MORE LIKELY TO BRING SUCH A CORPORATION FINANCIAL RUIN THAN TO PRODUCE A LASTING PROFIT FOR IT.

[By Pierre S. du Pont, chairman E. I. du Pont de Nemours & Co.]

The popular conception of a munitions maker is a sinister individual with a deep hatred for peace and a contempt for the pursuits thereof. He is pictured as doing all in his power to fan the flames of distrust between nations and to delight in the conflicts that ensue, since they create enormous and immediate profits for his corporation.

I called this the popular conception of the munitions maker; in reality it is the popular misconception.

Consider the E. I. du Pont de Nemours & Co., whose history is coincident in point of time with that of the United States. We have furnished a great part of the explosives used in all the wars in which the United States has engaged. Therefore, we feel that our records should show conclusively what war will do for and to a maker of munitions.

No munitions concern can live by war alone. During the 139 years of the existence of the United States as a Nation there were four major conflicts before the World War. They lasted about 10 years in all, or about 7 per cent of the time. How could any independent corporation keep itself alive for 139 years by turning out a product that was only wanted 10 years of the time?

The manufacturer of war materials who was prepared to meet the emergencies of these years was not supported during the intervening time by preparations for the conflicts. Such manufacturers existed through the ownership of factories occupied in making peace-time products. In that way alone could they stabilize their businesses.

Most people, business men included, probably think that war has no dangers for the maker of munitions. The truth is that no one realizes as clearly as do we makers of war necessities the grave financial dangers of modern conflicts. Even for a company as strong and firmly established as our own, it is a gamble whether it can successfully weather the storm.

There is the need for immediate and tremendous expansion: the steady, even flow of peace-time business gives way to a feverish rush for materials and labor. This expansion must be accomplished when there is a demand for money from a thousand sources. You might assume that our factories can turn to the making of war materials without changing their equipment. As a matter of fact, our plants that made powder for commercial purposes could not turn out the explosives used in modern warfare. New plants, then, must be erected; new organizations created when labor is hard to find and not overconscientious.

Wars stop suddenly. The munitions maker finds that his market has vanished overnight. He is left with plants and organizations on his hands that are of little value during peace, and these difficulties are enhanced by the depression that follows conflicts.

Our company has attained its present position not because of, but in spite of, the wars it has helped to fight. To-day we are still busy unsnarling the tangles that resulted from our part in the World War. We are by no means alone in this respect. I could name half a dozen great concerns that turned their energies to war production that are having serious difficulty in pulling through the after-war slump. I could mention a famous automobile company that turned to the production of airplane motors. They came out of the fight without even a factory, and since then they have not built a single car. There is a long list of such industrial casualties left in this country by the Great War.

In war times prices of most materials mount skyward. This is true particularly of foodstuffs, clothing, and many articles that go into the equipment of the fighting man. Manufacturers of such products are given an immense and immediate market at soaring prices. Yet manufacturers of these commodities are not accused of promoting war for the selfish purpose of increasing prices, notwithstanding the fact that the increased demands of war do not require the investment of their capital in special machinery and supplies useless for peaceful pursuits.

Smokeless powder, the chief product of the Du Pont Co. during the war, was the only essential material whose price declined during that period. We believe that is a record. Now, what happened to some of the other necessities? The price of cotton on the farm soared from 6 cents in October, 1914, to approximately 42 cents in July, 1920; the price of wheat on the farm went from 70½ cents in June, 1914, to $2.38½ in June, 1920. Our price on smokeless powder was reduced from 55 cents to 44 cents during the war period.

It is probable that few munitions makers gained much financially from their operations. In the case of the Du Pont Co., taxes paid to the United States Government during the recent war not only absorbed the entire profit of the company on powder sold to our Government, but, in addition, they wiped out all of the profit made on these powders during the preceding 20 years.

WAR FACTORIES ABANDONED.

The great factories of our company that produced powder during the World War were created for their purpose and were abandoned completely when the war ceased. It is true that the United States Government at all times maintained experiments requiring the production of military explosives, but compared to the industrial business of the Du Pont Co. the quantities were small—not more than 5 per cent of total production during recent years.

It is fortunate, indeed, that the United States encouraged the development of munitions through private enterprise in preference to Government control. The nucleí of manufacturing organizations available to the Government in the late war were undoubtedly a determining factor in the final result. Our European allies concede that they would have failed to withstand the preparedness of the German nation had it not been for the assistance of the munition makers of the United States. Without these same munition makers our own Government would have been powerless; in fact, it would never have had an opportunity to lend its assistance to the Allies, who carried the burden in the early war years.

While the Government of the United States showed wisdom in turning over the production of military explosives in small quantities during times of peace to the industrial manufacturers, still greater wisdom has been shown in the promotion of general industrial enterprise, so that the United States was prepared in many lines of manufacture necessary for war purposes.

It has not been many years since our European friends advised that the people of the United States should restrict themselves to the pursuit of agriculture, to which this country is well fitted, leaving Europe to manufacture from the raw materials won from American ground. Our Government wisely turned a deaf ear to those proposals, and, through the levying of tariffs, gave to the United States industries without which the war would not have been won. The production of steel, of many chemicals, and other products was fostered in the early days by protection that met such criticisms, but this protection was a small price to pay for the development of manufactures.

WHERE GERMANY OUTWITTED US.

In one industry Germany contrived to outwit our Government, namely, in the production of dyes, which the German Government recognized as the key to the manufacture of certain military explosives not generally useful to other industry. However, the hand of fate delayed the war sufficiently to enable the manufacturers of the United States to prepare. Had the United States been driven to war a few years earlier there would have been total lack of preparation in a most necessary line of explosives and chemicals. No more cunning plan could be devised than to wrest from the United States the foundation of the manufacture of dyes. In raw materials the United States is not lacking. The skill of its labor and technical men is sufficient, but to establish the dye industry in competition with Germany, enough time must be permitted to work out economically the intricate processes that are required for the successful production of dyes. These latter can be made, in fact have been made, in quality equal to and even excelling the German dyes. But to date economical production through improvement of yield and economical disposition of by-products has not developed sufficiently to enable the industry to withstand unaided the competition of Germany, whose years of unopposed development work give her temporary advantage.

This same question has arisen many times before in the United States, and temporary increase in the prices of productive materials has been opposed by shallow thinkers, but the result of proper protective tariffs has been the employment of many men and women at good wages and the production of manufactured goods of quality and price far more satisfactory than the imported article of earlier years.

In time of war it is not difficult to enlist the capital of the adventurer in war-time pursuits. These adventurers are ready to take advantage of any situation. Their opportunities occur from time to time, not through their own making, and they are disregarded by the public as promoters of war. On the other hand, those industrial manufacturers who, through the production of similar materials, stand ready to help the Nation in the hour of need, are frequently the targets of those who aim to promote discord.

Could anything be more unlikely than that old and well-established industrial corporations should encourage a condition of affairs calling for the gravest financial risk in the preparation of huge quantities of special products in times so uncertain as a period of war? Again, the case of the E. I. du Pont de Nemours & Co. may be cited. At the outbreak of the war we had capital assets of about $80,000,000 and employed about 6,000 men. Our business amounted to about $26,000,000 per annum. Demands of war required the increase of this business to over $300,000,000 per annum, the employment of 68,000 men, and the investment in factories for the production of special military explosives of $220,000,000, equal to 270 per cent of the total assets of the company prior to the war.

The building of these factories and the production of 1,466,000,000 pounds of explosives required the purchase of an enormous quantity of materials in widely fluctuating markets, and in face of possible cessation of hostilities at any moment. Failure to produce on specified time would have entailed most serious consequences. Presence of explosives made the factories particularly liable to successful attack by the enemy, requiring constant guarding at all points. The introduction of thousands of untrained men not only caused grave risk with respect to the quality of product, but through possible carelessness or lack of information, introduced hazards whose consequence might amount to thousands of dollars in a single accident. Witness the war-time destruction of several powder magazines in flares that lasted a fraction of a minute, where the value of material lost amounted as high as $250,000 in one such accident.

I hope that I have made it clear that we makers of munitions who survived the risks to life and capital are not among those anxious to repeat the experiment of war by preventing the establishment of permanent peace. I consider President Harding's move in calling the disarmament conference a long step in the right direction, as it will be held while people still have in mind the physical horrors of warfare and while the nations still are suffering from economic wounds. Sentiment against war has always been strong; added to this sentiment now is the crushing burden of taxation and a disarrangement of all the orderly channels of domestic and international commerce. The conference has an excellent chance to achieve the high aim for which it has been called.

Nothing could contribute more to the ultimate and permanent prosperity and happiness of the world than the conclusion of agreements between the great nations of the world which would eliminate war and the causes of war. And so, let us say to the men gathered in Washington, let it go out from this gathering of men of the steel and iron industry, that we are solidly behind every effort they make which will hasten the coming of the time when war shall be no more. If disarmament inflicts a money loss upon us, the American iron and steel industry will accept it willingly and gladly.

—

[By Charles M. Schwab, chairman Bethlehem Steel Corporation.]

From the beginning to the end of the war our industry furnished for war purposes nearly 50,000,000 tons of steel. The mere figure does not picture to the mind what that means. And yet 50,000,000 tons of steel would build a modern railway ten times around the earth. During the war we talked of a "bridge of ships" across the Atlantic. Fifty million tons of steel put into the hulls of ships would actually build a bridge of ships from the United States to France.

It was truly a war of material and machines as well as of men, and we, of the American iron and steel industry, like to think, not that we won the war, but that we accomplished in full the part that was assigned to us. The demands then made upon our industry not only produced steel; they produced men who were at any time prepared to outdo in personal effort and sacrifice even the former great achievements of their industry.

After war comes peace. Our own great General Grant, after the Civil War, said: "Let us have peace." The Nation is prouder of that prayer than of any warlike utterance he ever made, and that sublime phrase of General Grant's might well be the motto of the world conference now assembled at Washington.

And I would like to take advantage of this occasion to say something which has long been upon my heart, and which at this significant moment it is clearly my duty to say. It was stated at some of the sessions of the recent League of Nations meeting in Geneva, it has often been carelessly suggested in the press, that the flame of war is in great measure kept alive by those interested in the private building of naval ships and the manufacture of munitions of war. I can, of course, speak only for myself, but I believe I know and express the sentiments of others placed in similar positions to mine when I say this:

I am at the head of the largest war-materials manufacturing works in the world. The shipyards of my company build more naval ships than are built in any other yards under one management in the United States. But I have been thrilled beyond expression, as has every good American, by the brilliant and statesmanlike scheme laid before the conference at Washington by Secretary Hughes. The carrying out of that plan may involve great monetary loss in some quarters, but such a thing as financial loss can be of no consideration when compared to the inestimable boon to mankind which would be involved in the realization of that magnificent plan. What red-blooded American would not, indeed, make any sacrifice if the burden of armament could be lifted from the shoulders of humanity. May God speed the day when this noble conception can be realized!

If the armed protection of our country is necessary, the establishment of which I am the head will devote itself with all its energy to providing means for protection of this country's homes and families. But I say to you (from the bottom of my heart that if the statesmen now assembled in Washington under the farsighted leadership of our President and Secretary Hughes should find it possible to bring about disarmament and permanent peace, gladly would I see the war-making machinery of the Bethlehem Steel Corporation sunk to the bottom of the ocean.

Nothing could contribute more to the ultimate and permanent prosperity and happiness of the world than the conclusion of agreements between the great nations of the world which would eliminate war and the causes of war. And so, let us say to the men gathered in Washington, let it go out from this gathering of men of the steel and iron industry, that we are solidly behind every effort they make which will hasten the coming of the time when war shall be no more. If disarmament inflicts a money loss upon us, the American iron and steel industry will accept it willingly and gladly. We will do so not in a spirit of mere idealism and self-sacrifice but in a belief that the greatest permanent material prosperity would be brought about by the concentration of the energies of mankind upon constructive activities; upon means for well-being, and not for the destruction of civilization.

I ask unanimous consent, Mr. Chairman, to print those two addresses as a part of my remarks.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. MOORES of Indiana. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. LOWREY. Mr. Chairman, I have heard a good deal of late about the testimony of experts and of referring matters to experts. I have not always agreed with that idea, but it strikes me that the amendment or the proposition of the gentleman from Indiana [Mr. MOORES] is the sensible thing under present conditions. We are certainly not a group of artists, we Members of Congress, and it seems to me that the Fine Arts Commission is the proper body to handle this proposition, and that we certainly need their advice on this question, on which we are divided, and there is only a handful of us here. I wanted simply to offer a word in favor of that proposition, of that solution of the matter.

Now, the question of the fountain at Dupont Circle does not belong in this discussion, but it has been dragged in. It has been suggested that that fountain is dry, that it has no water in it. I guess that ought to be referred to an expert on that subject. Perhaps I might suggest that my friend from Minnesota [Mr. VOLSTEAD] take that up and consider it with his committee. He is an expert on "water," "drought," and kindred subjects. [Laughter.] But as for this proposition, I shall certainly vote for that amendment, as it seems to me the thing to do is to refer it to the Fine Arts Commission.

Mr. MOORES of Indiana. Mr. Chairman, I yield back the rest of my time.

The CHAIRMAN. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Superintendent of Public Buildings and Grounds of the War Department be, and he is hereby, authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C., upon an appropriate foundation or pedestal in harmony with the statue.

Mr. LUCE. Mr. Chairman, I move to amend the resolution by inserting in line 5, after the word "upon," the words "or near."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 1, line 5, after the word "upon," insert the words "or near."

Mr. LUCE. Mr. Chairman, in view of the ardent championship of this resolution by the gentleman from Illinois [Mr. KING], the Committee on the Library has gladly given to him the hour at its disposal; but perhaps a word should be said as to the attitude of the committee.

I think I reflect the views of its members when I say that we were largely moved by the wave of sentiment aroused among those who joined in giving the statue to the District, as well as by the fact that the House has never passed deliberate judgment on the question of removal. For my own part I inclined to have the resolution reported to the House in order that the will of the House might be definitely ascertained. It will be recollected that the removal of the statue came about through a provision in an appropriation bill which was not brought clearly to the attention of the House.

We as a committee, I think, feel quite incompetent to pass judgment upon the artistic merits of this or any other statue. We feel that the law and the Executive orders relating to the functions of the Commission on Fine Arts were wisely conceived, and that as a rule it is the best practice to leave the decision in these matters to those who have made a lifetime study of them. In this particular instance, however, we were confronted by the problem of what to do with a work of sculpture that had been accepted and set up long before the modern method of handling these things had been devised. It is probably within the bounds of accuracy to say that there are many so-called works of art within the District of Columbia that would not to-day meet with the approval of the connoisseurs. But a few feet away, in Statuary Hall, are various statues that an expert, a connoisseur, a lover of the beautiful could not commend. What shall we do with them? That is a question to which I have found no answer. Possibly if we could reconstruct the city we would in this, as in many other particulars, abandon the judgment of our predecessors and relegate to obscure locations things which to-day offend the eye. For my part I hope these errors will not be repeated.

I trust that the finer and clearer understanding of what is and what is not beautiful may prevail. I have been disturbed at occasional indications that the House has been unwilling to leave decision in such matters to those trained in the subject, and I would here take this opportunity to align myself definitely and squarely on the side of the experts. Specialization, expert training is the order of the day. It is the secret of our progress. It is the spring of all the advancement that we are making in civilization.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. I ask five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LUCE. In view of that fact, I hope the House will not disparage the judgment of those whom we ought to trust in such affairs. I hope as occasion comes, if support is necessary for this commission, it will be given with a free hand. What can more disturb the visitor to Washington who has a sense of the beautiful than the frightful monstrosity—I used my words with care—perpetrated when the War Risk Bureau building was allowed to extend its ugly height above Lafayette Square and so prevent for many years to come the surrounding of that beautiful spot with harmonious structures, the finest products of the architect's genius, which might make the square the most beautiful on all the continent? The mistake was made under the stress of war conditions. There was no time then to consider exigencies other than those of war. So the thing has been

foisted upon us. And we might find other illustrations of the damage that has been wrought to the glory and splendor of this city by failing to follow the advice of those qualified to advise.

In this particular matter if the question were new and those qualified to advise should urge that this statue be placed somewhere else, their opinion might well prevail. In view, however, of the fact that this was the site given to those of the citizens of Washington, who so generously and in such numbers contributed the fund for the erection of the statue, and in view of the further fact that many of them who survive feel they have not been given fair treatment in the consideration of the question, your committee thought it might wisely come before the House for this full opportunity to determine whether the desires of the givers shall be longer controlling or whether, instead, some location shall be found that will meet the approval of the experts whom we have asked to advise us. Evidently, however, the statue ought not to be placed in the identical spot where it once stood, if perchance that be the middle of the sidewalk or in the street. In order that there may be no doubt about the matter, without consultation with the committee and purely upon my own initiative, I recommend an amendment saying that the statue shall be reerected upon "or near" the original site.

Mr. MOORES of Indiana. Now, Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Indiana offers a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. MOORES of Indiana offers the following substitute for the Luce amendment: Page 1, line 8, after the word "Lincoln," strike out the words "upon its original site in front of the courthouse in the city of Washington" and insert in lieu thereof the words "upon some appropriate site to be selected by the Commission of Fine Arts."

Mr. KING. Mr. Chairman, I make a point of order against the amendment of the gentleman from Indiana on the ground that it is not germane and is in violation of Rule XVI, section 7. I desire to be heard upon the matter.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois.

Mr. MOORES of Indiana. If the gentleman will yield to me, I suggest to him that this is offered as a substitute and not as an amendment.

Mr. KING. I do not see what change that makes in the gentleman's position. If as an amendment it is not germane, then as a substitute, which is really nothing but an amendment, it certainly is not in order under this rule. Of course, one never knows the attitude of the Chairman's mind. If one did, he might determine just how far he should go with his argument and how much time he should take. The rule, as is well known to every Member of the House, is that no motion or proposition on a subject different from that under consideration shall be admitted under the color of amendment.

The House joint resolution under consideration authorizes and directs the Superintendent of Public Buildings and Grounds—

to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C.

The motion to amend provides—

upon some appropriate site to be selected by the Commission of Fine Arts.

I make the point of order that the amendment is not germane to the joint resolution, and therefore in violation of Rule XVI, paragraph 7, which I have just quoted. Inasmuch as the subject now under consideration is the reerection of the statue of Abraham Lincoln upon its original site in front of the courthouse, and so forth, it is very apparent that the motion to amend is on a subject most different from the subject under consideration.

Now, Mr. Chairman and gentlemen, the thing to determine, What is the matter under consideration by the committee? It is not the statue under consideration. That is not the question, although at first blush one might say here it is a statue under consideration by this committee. But what is under consideration is a joint resolution reported out of this committee which provides for the reerecting of a statue of Abraham Lincoln upon its original site in front of the courthouse in Washington, in the District of Columbia. There are numerous and diverse and great quantities of decisions to be found in Hinds' Precedents, which I have taken some care to go over and which I have had copied, and if the Chair desires I will be glad to hand to the Chair. They are so voluminous and multitudinous that I will only cite a few of them. It is apparent from these decisions that the gentleman's amendment is far removed from the question under consideration, which is to reerect this statue in front of the courthouse. That, and that alone, is the question under consideration, and I will cite to the Chair a few of the decisions upon this question.

The CHAIRMAN. The Chair will hear the gentleman as to one or two precedents upon which he relies.

Mr. KING. Section 5859, page 444, Hinds' Precedents, part 5: To a proposition relating to the sale of internal-revenue stamps in Porto Rico a proposition relating to posting lists of persons paying special taxes in the United States was held not germane. April 23, 1906, the House was considering a bill to provide for the sale of internal-revenue stamps in Porto Rico.

Mr. HUMPHREYS, of Mississippi, proposed as an amendment that collectors of internal revenue post the names of all persons having paid special taxes within the district. Mr. Hill, of Connecticut, made the point of order that the amendment was not germane. Mr. Littlefield, of Maine, Chairman, sustained the point of order.

Mr. WALSH. Will the gentleman yield?

Mr. KING. I will.

Mr. WALSH. Does the gentleman contend that an amendment would not be in order providing that this statue of Abraham Lincoln should be reerected in the rear of the courthouse?

Mr. KING. I do not think that would be germane. As long as this resolution provides for the reerection of the statue where it was once before on its original site, I do not think it would be germane. It is not the erection of the statue but the reerection in the same place, and applies to a particular subject and nothing else. The gentleman, I suppose, has in mind the Canal case. No doubt he refers to that now. If the gentleman will read that case carefully, he will find that that was a general proposition, after all, and not the canal by a certain route, but a plan to put a canal through from the Atlantic to the Pacific, and under that theory it was a general proposition and not a specific one, and the Presiding Officer held that the amendment of Mr. PARKER of New Jersey prescribing the Panama route was germane to the original bill. But that case is entirely different from this.

Section 5862, page 450, Hinds', part 5: An amendment to repeal the duty on coal was held not to be germane to a proposition to pay for the investigation of a strike among coal miners. On December 3, 1902, the Committee of the Whole was considering a bill to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, when Mr. Gaines, of Tennessee, offered an amendment that all import duties on certain coals be abolished. Mr. CANNON, of Illinois, made the point of order that the amendment was not germane.

Mr. Grosvenor, of Ohio, Chairman, held—

It would be quite as germane to provide a great many other remedies for the causes that may be reported to exist as for the House to assume what the report of that commission will be, and thereupon to proceed by appropriation of money, or by repeal of some existing statutes to provide against the contingencies that may be reported in that measure. The proposition is distinct in every particular from the bill here pending.

The Chair cites:

The paragraph to which this amendment is offered proposes to appropriate money for the building of a mint in the city of Philadelphia. The amendment deals with the general question of the coinage of money. It occurs to the Chair that the amendment is obnoxious to paragraph 7, Rule XVI, because it is not germane to the subject under consideration. (P. 1097, Parliamentary Procedure, Hinds.)

The Chair also cited, page 451:

The policy has been under all circumstances to distinguish and keep separate the provisions of a bill which by no means depend upon each other, or which relate to the same subject matter. But the policy of the House having been to separate and keep distinct the several matters of legislation, the Chair is compelled to sustain the point of order.

In the first session of the Fifty-seventh Congress there was before the House in Committee of the Whole a bill to provide reciprocal trade relations with Cuba. An amendment was offered to form a new section, providing for extending to the people of Cuba an invitation to apply for annexation of that island to the United States. Mr. Payne, of New York, made the point of order that it was not germane, and after argument it was sustained by so distinguished a parliamentarian as the gentleman from New York, Mr. Sherman. (P. 447.)

The Chair held the amendment was not germane.

These are but a few of the decisions sustaining my contention, and I suggest to the Chair the following decisions as being even stronger:

Section 5860, Hinds' Precedents, volume 5: To a bill relating to the tariff between the United States and the Philippines, an amendment declaratory as to the future sovereignty over those islands was held not germane.

Section 5863, Hinds' Precedents, volume 5: To a bill granting land to a railroad, an amendment allowing the importation of railroad iron free of duty is not germane.

Section 5867, Hinds' Precedents, volume 5: A proposition for the annexation of Cuba was held not to be germane to a bill providing for reciprocal trade relations with that country.

Section 5877, Hinds' Precedents, volume 5: To a bill relating to the sale of the public lands, an amendment proposing to give them to settlers was held not to be germane.

Section 5881: The distribution of seed grain to a class of destitute farmers was held not to be germane to the regular congressional seed distribution for the improvement of agriculture.

Section 5884: To a provision for the erection of a building for a mint, an amendment to change the coinage laws was held not to be germane.

Section 5886: To a bill relating to the coinage of silver in the Treasury and its use in redemption of notes issued against it, amendments authorizing the issue of bonds, and also authorizing the giving of notes for deposits of silver, were held not to be germane.

Section 5904: To a proposition to give an extra month's pay to the officers and employees of the House, an amendment to include clerks of Members was held not to be germane.

Decision by the Chairman, Hon. JAMES R. MANN.

Mr. Chairman, I shall be glad to hand these various authorities to the Chair. I do not desire to occupy the time of the committee any further. The question before the committee is this: Shall this statue be reerected in front of the courthouse in the city of Washington? The gentleman would delegate the authority to some commission. An entirely different proposition is involved in delegating the authority of Congress to a commission to erect or place a statue. As the gentleman has himself said, the Fine Arts Commission has nothing to do except to advise. This turns over the power of Congress to the Fine Arts Commission and delegates to them that authority. This may be an argument about a simple statue, but the proposition is an important one and will perhaps become an important precedent. I am satisfied the Chair wants to render such a decision as will, 20 years from now, be quoted by Members of the House just as these other decisions which I have cited to the Chair are quoted now.

Mr. MOORES of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. MOORES of Indiana. The gentleman says that the Congress has no right to delegate the authority to put this statue back. How does the gentleman expect it to be erected—by the individual Members of Congress?

Mr. KING. The resolution provides how it shall be put back.

Mr. MOORES of Indiana. Shall we do it personally?

Mr. KING. I would sooner trust the gentleman to the personal possession of this treasure than I would the Fine Arts Commission, who have been its enemy from start to finish. They have been determined on getting it down and in some way destroying it and doing away with it. The gentleman knows that, and he knows of the insidious propaganda which has been conducted here by the Fine Arts Commission, which resulted in having its appropriation cut down from $10,000 to $6,000, and very justly. I think it ought to be cut down to the zero mark. I have gone into the activities of the Fine Arts Commission somewhat. I have had occasion to pay my respects to the Fine Arts Commission. The head of the Fine Arts Commission never studied art in his life. He never went to an art school. He had had some experience here in Washington in taking down the Greenough statue of Washington. He went on a junketing trip to Europe with 20 or 30 Senators 10 or 15 years ago, at the expense of the Government.

Mr. LUCE. Mr. Chairman, I rise to a point of order.

Mr. KING. But the gentleman from Indiana [Mr. MOORES] has asked me a question.

The CHAIRMAN. The Chair will be glad to have the gentleman confine himself to the point of order.

Mr. KING. Mr. Chairman, there was no objection made when the gentleman from Indiana interrogated me. I was merely answering his question. The gentleman from Massachusetts [Mr. LUCE] is a good friend of mine. We are on the same committee. Confidentially, however, I doubt whether he has not been trying to damn this proposition with faint praise. [Laughter.] However, the gentleman knows the argument before his committee, and the gentleman knows that the committee reported this bill out in good faith, that the President wrote a letter to the gentleman's committee asking that they report it out, and the committee did report it out. There is no occasion for the gentleman to rise on this floor now and belittle a proposition that comes from his own committee. The statue of Abraham Lincoln will take care of itself.

Mr. Chairman, I think I have nothing further to say on the proposition. I have tried to put it plainly. The amendment has no connection or reference to the resolution under consideration.

Mr. MOORES of Indiana. Mr. Chairman, just a word or two. I cite the Chair to section 782 of the Manual, under Rule XXVI, which contains illustrations of germane amendments:

An amendment which is germane, not being "on a subject different from that under consideration," belongs to a class illustrated by the following: To a bill providing for an interoceanic canal by one route, an amendment providing for a different route; to a bill providing for the reorganization of the Army, an amendment providing for the encouragement of marksmanship; to a proposition to create a board of inquiry, an amendment specifying when it shall report; to a bill relating to "oleomargarine and other imitation dairy products," an amendment on the subject of "renovated butter"; to a resolution rescinding an order for final adjournment, an amendment fixing a new date therefor; to a bill amending a general law in several particulars, an amendment providing for the repeal of the whole law.

The main thing in this resolution is the reerection of the statue of Abraham Lincoln. That is what the resolution is for. As it seems to me, the substitute is no less germane than the amendment tendered by the chairman of the committee, to which no objection was made. If we are to carry out the argument of the gentleman from Illinois literally, the provision that it shall be at or near is just as objectionable as the amendment which I offer. You have to take the whole thing together. The gentleman had a right to make a point of order on the amendment offered by the chairman of the committee. He did not make his point of order. He waited until the substitute was offered, and then made the point of order on the substitute. The substitute is in precisely the same class, even on his own theory, as the amendment which the gentleman from Massachusetts offered.

The CHAIRMAN. The title of the pending resolution is:

To reerect the statue of Abraham Lincoln on its original site.

The title well characterizes the resolution. In the text of the resolution it is provided that a certain official is "authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse in the city of Washington." To that language the gentleman from Massachusetts [Mr. LUCE] offered an amendment providing that the same official "be authorized and directed to reerect the statue of Abraham Lincoln upon or near its original site in front of the courthouse in the city of Washington." As a substitute, the gentleman from Indiana [Mr. MOORES] offered to strike out certain language and insert other language so that it would provide that the same official be "authorized and directed to reerect the statue of Abraham Lincoln upon some appropriate site, to be selected by the Commission of Fine Arts."

The gentleman from Illinois makes the point of order that the proposed substitute offered by the gentleman from Indiana is not germane. The great difficulty in passing upon questions of germaneness is the determining of what is the main purpose of the bill under consideration. The resolution that is now before the committee provides for the reerection of the statue of Abraham Lincoln upon its original site.

The motion of the gentleman from Massachusetts proposes to broaden that language so that it would be upon "or near" its original site. If the gentleman from Indiana had deferred his motion until the adoption of the proposed amendment of the gentleman from Massachusetts, then the question of germaneness would have been with reference to the resolution with that amendment—would have been with reference to a resolution providing for erection of the statue "upon or near" the original site. Manifestly the Luce amendment would broaden the resolution. No point of order was made against the amendment proposed by the gentleman from Massachusetts, and while it has not been adopted and that language is not yet embodied in the resolution, the gentleman from Indiana, offering his motion at this time as a substitute for the Luce amendment, the Chair thinks that he is entitled to consider in connection with this point of order the question of germaneness of the Moores substitute to the resolution as it would be modified by the pending Luce amendment. In any event, whether that be true or not, the Chair is impressed that the main idea of the resolution presented is not the erection of the monument upon a certain site but rather the reerection of a statue of Abraham Lincoln.

The word "reerect" does not mean necessarily the erection of a statue in the same spot where it was before. The statue having once been erected and taken down its erection upon any site would be a reerection. The Chair feels that the main purpose of the resolution is not to place the statue upon the same site that it was upon before but that the main purpose of the legislation is the reerection of the statue, and the question of

the place is but a secondary detail. That being the view of the Chair as to the main purpose of the resolution as read from the text of the resolution, the amendment of the gentleman from Indiana is germane, and therefore the Chair overrules the point of order.

Mr. MOORES of Indiana. Mr. Chairman, I wish to speak for one moment on the substitute proposed. We have here a drawing of the courthouse with the statue of Abraham Lincoln on its pedestal occupying the exact center of the sidewalk immediately in front of the main entrance door in the courthouse. It was an actual obstruction, a place not suited for the erection of the statue. My amendment or substitute is simply that the location of the statue when it is reerected should be left to the Fine Arts Commission where it is placed by law.

Mr. KING. Will the gentleman yield?

Mr. MOORES of Indiana. With pleasure.

Mr. KING. I desire to say, Mr. Chairman, as the gentleman has pledged to me, that this drawing which is before the committee was made by Mr. Elliott Woods, Architect of the Capitol, who placed the statue there, and he told me that it would be proper and artistic in that place, with plenty and ample room there, as anybody can see by looking at this simple picture. And it is not out of harmony in the appearance of the courthouse from what it is now. It is not to be erected upon a high pedestal—the gentlemen have seen pictures of the old pedestal—but it is to be placed upon one something like the one under the Daniel Webster Monument and like others in this city.

Mr. WALSH. Will the gentleman yield?

Mr. MOORES of Indiana. I do.

Mr. WALSH. In reference to the statement made by the gentleman from Illinois, does the gentleman know if the Fine Arts Commission is adverse to having this statue reerected, and if they are, is it not likely that they may select a site for it which will be out of the way and in surroundings that will not be considered adequate for this statue by those interested and enthusiastic about having this statue reerected?

Mr. MOORES of Indiana. So far as I know, every member of the Fine Arts Commission is in favor of the reerection of the statue, and every member of the Fine Arts Commission is in favor of the reerection of this portrait statue, and I think without exception, without any breach of confidence, that I may say that without exception there is not a member of the Fine Arts Commission who favors the erection in the place from which it was taken down.

Mr. WALSH. But they are not opposed to having it reerected somewhere and will probably select a site that would be proper for this particular kind of work?

Mr. MOORES of Indiana. I am confident they would.

Mr. KING. Mr. Chairman, I rise in opposition to the amendment largely for the purpose of answering more minutely the question of the gentleman from Massachusetts [Mr. WALSH]. I will say to the gentleman from Massachusetts that the Fine Arts Commission worked continuously for the destruction and tearing down of this monument. That I know personally. In the first place, when they were confronted with the charge of removal they laid it upon the judges. They say that the judges in the courthouse building wanted to erect a statue of some judge out in front of the courthouse and take Lincoln down. They gave another reason to one of the committee that the pedestal was defective, when it appears it is in absolutely perfect condition. And they said at another time that the lawyers demanded the removal of it, and another time they recommended to the committee putting it out here at Fort Stevens, where there is a real estate deal on, amongst the shacks out there and amongst the tin cans, dead cats, rubbish, and the goats. Never was there such animosity exhibited by man to man as that of the Fine Arts Commission toward this monument. If you turn it over to them, it will be in the same position that Julius Cæsar was in the Roman senate house at the time of his assassination. You would not know where you could ever find it again. They promised to put it in the cellar of the courthouse when it was taken down, and instead of that they put it on a rubbish pile down by the river, with the beautiful face exposed to the rain and dust. That was the work of the Fine Arts Commission. I have been down there and talked with them, and they deliberately stated that they were in favor of taking this monument down. And they said, "What are you going to do when they commence to take Farragut down?" I said I would have to fight in my humble way against that. It shows that they think that nothing in this city is artistic but what they themselves have passed upon and said is artistic. And having said it is artistic, therefore it is artistic. (Applause.)

Mr. KLINE of Pennsylvania. If the statue is placed by the curbing, will there be room enough for people to pass on the sidewalk without obstruction?

Mr. KING. The Architect of the Capitol said that there is room enough in which to place it between the sidewalk and the steps of the courthouse.

Mr. KLINE of Pennsylvania. Leaving space enough for the pedestrians?

Mr. KING. Yes.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Indiana [Mr. MOORES].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORES of Indiana. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 15, noes 39.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LUCE).

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LUCE. Division, Mr. Chairman.

The committee divided; and there were—ayes 7, noes 47.

So the amendment was rejected.

Mr. LUCE. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with a favorable recommendation.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration House Joint Resolution 127, had directed him to report the same to the House with the recommendation that it do pass.

Mr. LUCE. Mr. Speaker, I move the previous question on the resolution to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided; and there were—ayes 61, noes 3.

So the resolution was agreed to.

On motion of Mr. LUCE, a motion to reconsider the vote by which the resolution was passed was laid on the table.

FLORAL WREATH FOR MEMORIAL OF GEN. U. S. GRANT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution No. 22 and consider the same.

The SPEAKER. The gentleman from Wyoming calls from the Speaker's table the Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 22.

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADJOURNMENT OVER THURSDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 551. An act for the relief of Ivy L. Merrill; and

S. 3565. An act in reference to the summoning of grand juries in the District of Columbia.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate Concurrent Resolution 22.

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, when the House meets on Friday we will continue the consideration of the "blue sky" bill, so called, and, except for conference reports that may be presented, the probability is that that will be the only legislation we shall consider this week, unless in the meantime it appears that there is some matter of importance that ought to be disposed of.

Mr. GARRETT of Tennessee. Is it probable that we will not have a session on Saturday?

Mr. MONDELL. I am not quite certain that we will conclude the consideration of the blue sky law on Friday. If we do not, I think we should meet on Saturday and conclude the consideration of that measure. But as matters now stand, if the blue sky law is disposed of on Friday, it occurs to me that there will be no very great urgency for a Saturday session.

Mr. DUNBAR. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. DUNBAR. Would the gentleman care to indicate about what time the House may be expected to recess this summer?

Mr. MONDELL. I have frequently expressed the hope that the Congress will adjourn on June 1. [Applause.]

Mr. DUNBAR. Does the gentleman yield again?

Mr. MONDELL. Yes.

Mr. DUNBAR. Does the gentleman anticipate the fulfillment of his hopes?

Mr. MONDELL. Well, I try to be hopeful.

Mr. JOHNSON of Washington. "Hope springs eternal in the human breast."

Mr. MONDELL. It is true that adjournment may be a very few days later than that date, but June 1 is still my date. At any rate, the House program should be disposed before that date.

Mr. DUNBAR. In the event we should not adjourn on June 1, what are the probabilities of recessing for three days at a time during the coming months?

Mr. MONDELL. Well, the House has a considerable amount of rather important business before it. Quite a number of important bills are on the calendar. They will take up the time of the House perhaps for several weeks, after which time it would appear that the business of the House will not be very pressing. I am still hopeful that the consideration of the tariff in the Senate will not take as long as some have anticipated.

The SPEAKER. Has the Committee on the Library any further business?

Mr. LUCE. It has not, Mr. Speaker.

The SPEAKER. The Clerk will call the roll of committees.

The Committee on Printing was called.

CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS.

Mr. KIESS. Mr. Speaker, by direction of the Committee on Printing, I desire to call up Senate Joint Resolution 132.

The SPEAKER. The gentleman from Pennsylvania by direction of the Committee on Printing calls up a resolution, which the Clerk will report by title.

The Clerk read as follows:

Joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications.

The SPEAKER. The bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Michigan [Mr. CRAMTON] will resume the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, with Mr. CRAMTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, having under consideration Senate Resolution 132, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, amended to read as follows:

"That hereafter no journal, magazine, periodical, or similar Government publication shall be published, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such rules and regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisement."

With a committee amendment, striking out on page 1, after lines 6 and 7 and on page 2 all of lines 1, 2, 3, 4, and 5 and inserting in lieu thereof the following:

SEC. 3. That the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary to conduct the ordinary routine business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for official business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but such printing shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government.

Amend the title so as to read: "A joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KIESS] is recognized for one hour.

Mr. KIESS. Mr. Chairman and gentlemen of the House, during the Sixty-fifth Congress the Joint Committee on Printing ascertained that many journals, magazines, periodicals, and other similar publications of semiofficial nature were being issued by the executive departments and other establishments of the Government at an enormous expense to the public. With a view of reducing these expenditures the committee recommended certain legislation in the Sixty-fifth Congress, third session, which is contained in the legislative appropriation act for 1920 (40 Stat. 1270) approved March 1, 1919, as follows:

Provided, That hereafter no journal, magazine, periodical, or other similar publication, shall be printed and issued by any branch or officer of the Government service unless the same shall have been specifically authorized by Congress, but such publications as are now being printed without specific authority from Congress may, in the discretion of the Joint Committee on Printing, be continued until the *close of the next regular session of Congress*, when, if authority for their continuance is not then granted by Congress, they shall not thereafter be printed.

The term "close of the next regular session of Congress" fixed the date as June 5, 1920.

Pursuant to this law, the Joint Committee began a careful examination and investigation of all publications which were then being printed at Government expense and submitted a report of its findings to Congress, which was printed as Senate Document No. 265, Sixty-sixth Congress, second session. Attention is respectfully invited to the following paragraph of this report:

A careful investigation was made of 286 journals, magazines, and periodicals, which the committee ascertained were being published by various branches of the Government service at a cost of approximately $2,500,000 per annum. As a result of this investigation and the regulations adopted by the committee, 111 of these periodicals, which cost approximately $1,200,000 per annum, have been discontinued.

In order to continue this investigation and to bring about further economy in the printing of periodicals, there was inserted in the legislative appropriation bill for the year ending June 30, 1921, the following provision:

SEC. 3. That section 11 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," is hereby amended by striking out the first proviso and inserting the following in lieu thereof: *Provided*, That hereafter no journal, magazine, periodical, or similar Government publication shall be printed, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisements.

This provision did not become a law, however, as the bill was returned to the House of Representatives without the approval of the President, who contended "that this section, which would give the Congressional Joint Committee on Printing power to exercise censorship over the executive departments, is an encroachment on the functions of the Executive and incompatible with good government."

Upon the disapproval of this proposed legislation, there was inserted a provision in the sundry civil act for 1921 (40 Stat. 945) approved June 5, 1920, which extended the life of these publications until the end of the fiscal year 1921. The paragraph reads as follows:

SEC. 4. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds,

until June 30, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

It will be observed that this legislation is an absolute prohibition against the continuance of journals, magazines, periodicals, and similar publications after that date, unless specifically authorized by Congress.

Pursuant to the above act, the joint committee continued to investigate the remaining 155 periodicals that were being printed at Government expense, many of them consisting of newspapers which were being mimeographed or multigraphed in order not to be in conflict with the statute of the Sixty-fifth Congress, which provided that no periodical should be "printed." The sundry civil act approved June 5, 1920, provides that no periodical shall be "issued" by a department or establishment of the Government. This change of the law compelled the discontinuance of many of these publications, including those that were multigraphed or mimeographed.

Some of the executive departments invited attention to the fact that this legislation discontinued some journals, magazines, and periodicals which were deemed absolutely necessary in the transaction of public business. The Joint Committee on Printing, not having power to authorize the continuance of such publications, requested a second extension of time, which was enacted by section 3 of the sundry civil act for 1922 (41 Stat. 1433) approved March 4, 1921, as follows:

SEC. 3. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until December 1, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

During this same session of Congress and in the same law the Committees on Appropriations carried a limitation upon the moneys appropriated to the executive departments for printing and binding which was intended to curtail wasteful printing. The paragraph is as follows:

Money appropriated under the foregoing allotments shall not be expended for printing or binding for any of the executive departments or Government establishments, except such as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive department or Government establishment.

During the closing days of the last session of Congress another effort was made to secure an extension of time until March 1, 1922, but this resolution was not considered in the House and the law specifically prohibiting the issuance of such publications has become fully effective.

On December 1, 1921, when the statute (41 Stat. 1433) discontinuing the printing of periodicals became effective there were approximately 40 of these publications being issued. Some of these are now consolidated and merged with other publications, and of this number probably more than one-half can be discontinued without detriment to the Government service, which will further reduce the cost of printing. When the joint committee first began its investigation of this reckless waste of public money in the printing of periodicals the total number was approximately 206 publications.

From the foregoing facts it will be observed that the Joint Committee on Printing, through its activity in stopping this wasteful practice, eliminated more than 200 nonessential publications which were being printed at Government expense. The annual cost of these publications was estimated at $2,500,000, and taking into consideration the few that now remain, it is fair to assume that more than $2,000,000 a year has been saved the Government.

This certainly is a very good record of economy for the Joint Committee on Printing, and personally I have felt that it would be perfectly proper to place in the hands of the joint committee the power to regulate the different publications.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. KIESS. Not just now.

Senate Joint Resolution 132, which we are now considering, provides that—

Hereafter no journal, magazine, periodical, or similar publication shall be published, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such rules and regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisements.

The resolution passed the Senate in that form and came to the House and was referred to the Committee on Printing. While our committee is a small one, we were not entirely unanimous in reporting this resolution as passed by the Senate, and we have amended the Senate resolution, as shown by our report.

The committee recommends the enactment of the proposed legislation, so that Congress may hold the executive departments and the Director of the Budget, who is charged with the duty of furnishing estimates for printing and binding, strictly responsible for the use of money appropriated for such purposes.

Congress having fixed a specific sum to be expended for printing and binding, the responsibility for the proper administration of this appropriation will rest with the executive branches of the Government, who, under the Budget system, are required to submit all requests for appropriations through the Bureau of the Budget.

The first proviso of this amendment authorizes the printing of not to exceed 2,000 copies of these publications for free distribution. This number is specified for the reason that the printing act of 1895 restricts the number to 1,000 copies. The increased number allowed by this legislation is considered adequate for free distribution by the executive departments.

The second proviso authorizes the Public Printer to print additional copies of any journal, magazine, or periodical which he may require for sale to the general public. The sale price is to be fixed at the cost of printing, plus 10 per cent. This proviso also authorizes the Public Printer to reprint for sale any publication issued by Congress. The Public Printer is now authorized by law to print for sale any publication issued by an executive department, but the Comptroller of the Treasury held some years ago that he did not have authority to reprint congressional publications for sale. Your committee is of the opinion that this authority should be granted, but believes that the privilege should be regulated by the Joint Committee on Printing.

By the act discontinuing the issuance of journals, magazines, and periodicals on December 1, 1921, Congress decreed that it was opposed to the executive departments engaging in the magazine business without specific authority of law. The proposed legislation permits the printing of such journals, magazines, and periodicals as are certified in writing to be necessary in the transaction of public business, provided the department has sufficient funds and the Director of the Budget approves thereof.

I am of the opinion that the enactment of this legislation provides a means whereby the departments may print necessary publications and still keep the expenditures thereof within the appropriations for printing and binding.

Mr. CABLE. I should like to ask the gentleman whether it was the intention of the committee to make all publications subject to the regulations of the joint committee or only such publications as shall exceed the original issue as needed by the executive department?

Mr. KIESS. I do not know that I understand exactly. Does the gentleman mean the number to be printed?

Mr. CABLE. In the last part of your committee amendment, in line 25, page 2, you say:

But such printing shall be subject to regulations by the Joint Committee on Printing.

Does that mean that the head of a department must come to your committee and get authority in the first place to issue any publication?

Mr. KIESS. This was called to my attention just as I came on the floor, and I think it will be necessary to offer an amendment in order to clarify it.

Mr. CABLE. I have an amendment to strike out "printing" and insert "additional copies," so that it will read:

But such additional copies shall be subject to the regulations of the Joint Committee on Printing.

Mr. KIESS. I see no objection to that.

I yield to my colleague on the committee, the gentleman from Washington [Mr. JOHNSON].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McLAUGHLIN of Michigan. Under what order are we proceeding—general debate?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KIESS] has one hour.

Mr. McLAUGHLIN of Michigan. I wish to ask to be recognized later in my own right to speak about this matter.

The CHAIRMAN. The gentleman is opposed to the bill?

Mr. McLAUGHLIN of Michigan. In its present form.

The CHAIRMAN. The gentleman has that right.

Mr. McLAUGHLIN of Michigan. The debate is now going on in the hour of the gentleman from Pennsylvania [Mr. KIESS].

The CHAIRMAN. Yes. The gentleman from Pennsylvania [Mr. KIESS] yields to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen of the House, the members of the Committee on Printing at last are in harmony over this measure, which is designed to restore certain Government publications considered necessary,

which publications fell with the general order that knocked out some 265 Government publications—good, bad, and indifferent, but mostly bad and indifferent. I take it that it never was the intention of this Congress or the preceding Congress to destroy all periodicals and magazines issued by the Government; but the clause that was carried in the sundry civil act for 1922, the third extending clause, forced all of the war-born publications and many others to die on a certain date. Numerous good publications died, including the Journal of Agricultural Research, the Experiment Station Record, the Labor Review, and some others. Now, this particular bill, which is a sort of compromise brought out by the committee and which is, I think, based on a bill that I introduced in an effort to solve the situation, proposes to save the good publications and not to permit the revival of the unnecessary ones. It permits the Secretaries of the departments to say what publications they shall establish, and they say that by certifying to the fact that these are necessary for the carrying on of the business of their departments.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. That is just how this crop of 250 or 300 publications originated.

Mr. JOHNSON of Washington. Not quite.

Mr. WALSH. Well, practically so.

Mr. JOHNSON of Washington. Let us see if I can not make that clear. Heretofore if an appropriation were secured in the Agricultural appropriation bill for some activity of the Government—we will say for the extermination of the boll weevil, although it was never done in that particular case—the item would read:

For the extermination of the boll weevil, for expenditures in and outside of the District of Columbia, including printing—

So many thousand dollars. And then under that authority, "including printing," they would take a very considerable proportion of the appropriation made for the particular purpose and use it for printing a magazine. That is how they sprang up. You will notice here in this particular bill that the authority comes with the approval of the Director of the Bureau of the Budget to use from the appropriations available for printing and binding.

Now, if the Budget officials and the members of Appropriation Committees of Congress are not able to sit on the demand of a bureau chief that he be permitted to print a more or less unnecessary newspaper or a magazine, I doubt if Congress should ask the Joint Committee on Printing to try to do that work.

Mr. WALSH. Why should not the Joint Committee on Printing do that work?

Mr. JOHNSON of Washington. Because the Joint Committee on Printing is composed of three Members of the Senate and three Members of the House, and they have other duties than sitting day in and day out to say thumbs up and thumbs down on a proposed United States Beekeepers' Journal or a suggested Shoemaker's Federal Magazine.

Mr. WALSH. Under the original authority of law it was the duty of the Joint Committee on Printing, and what objection would there be to adding, with the approval of the Director of the Budget and the Joint Committee on Printing in lines 8 and 9?

Mr. JOHNSON of Washington. Before the gentleman seriously proposes such an amendment, let me ask if the gentleman has ever been pursued by bureau chiefs who are themselves pursued by the printing bug?

Mr. WALSH. I know the gentleman from Washington has and thrives on it, and the Joint Committee on Printing has done a great work in eliminating these foolish and silly publications that have been going on.

Mr. JOHNSON of Washington. Let me say to the gentleman that I thought really that I had done a little something for my Government in playing a part that struck down some 250 periodicals and magazines and saved by that act several millions of dollars. But I received a letter a short time ago from a constituent who had read my speech on useless Government publications, and this constituent wrote something like this: "So this is all you have been able to accomplish in Congress, is it?" [Laughter.] So I say to my friend, virtue is its own reward. [Laughter.]

Mr. WALSH. If the gentleman will permit, I did not know that they had any individual as benighted and ignorant as that in the gentleman's district. That constituent evidently has not followed the gentleman's career in Congress, for if he or she had, they would know that he is always doing valuable work not only for his district but for the country. [Applause.] And one of the most valuable was this striking out or eliminating these foolish and silly publications by the Government. It was running wild, and they had no consideration for the taxpayer, Congress, or anybody else.

Mr. JOHNSON of Washington. That is very kind of the gentleman from Massachusetts to say that but perhaps this particular constituent of mine had received his education from "School Life," or some other publication of that kind which thrived here for eight years on the ability to exchange compliments between bureau chiefs as to how great and good they were and how poor the rest of us were.

Mr. WILLIAMSON. If the gentleman will yield, it seems to me that under the language of the committee amendment the Government is not sufficiently protected against improper publications and that an amendment of the character suggested by the gentleman from Massachusetts would not only be a safeguard but would carry out the intention of those who have sought to restrict Government printing to the proper official activities of the departments.

Mr. JOHNSON of Washington. This would undertake to put the burden of refusal on the Budget Commission and Appropriations Committee. Because I happen to be a member of the Joint Committee on Printing, why should I be obliged to say that one journal published by the Federal Government is a good thing and another journal published by the Federal Government is a bad thing? How do I know? One might be worthless from my standpoint, but not from the gentleman's viewpoint. Of course, we would both say probably that magazine printing is not truly a Government activity, but we would also agree that we can not now get out of it entirely.

Mr. WILLIAMSON. I think there ought to be some committee in Congress with authority to finally pass upon what publications should be issued by the various departments and bureaus.

Mr. JOHNSON of Washington. Will not the gentleman admit that when Congress goes into the publishing of magazines and newspapers it has gone far afield? And have we got the nerve to stop them all? Or, for instance, should we stop the circulation of the Experimental Station Record?

Mr. WILLIAMSON. No; I would not. I think that is a valuable publication.

Mr. JOHNSON of Washington. From the gentleman's standpoint, and another Member might say the Monthly Labor Review is a more valuable publication. So it is. And so you go clear through the list of Federal publications.

Now, to come back to the text of this bill. I think there is merit in the amendment to be offered by the gentleman from Ohio on page 2, where it says such printing shall be subject to regulation of the joint committee. I think that ought to be tied to the provision beginning in line 18, that the Public Printer shall permit such additional copies thereof, and so forth. That is to say, make that restriction apply to additional copies.

It is also permitted in this part of the bill to reprint certain congressional documents which are out of print and for the reprinting of which there is no authority of law at present.

Mr. Chairman, I think further the bill might be perfected by striking out the beginning of the lines on the first page, lines 3, 4, and 5, which read:

That section 3 of sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, amended to read as follows:

Why not let the bill begin with the words on page 2, line 6, and make this a separate law, a separate act of Congress? With these amendments, which I shall offer at the proper time, I think we may as well go ahead with the bill. If the House thinks it is better to let the Joint Committee on Printing say thumbs up or thumbs down on magazines, then the joint committee will have that work to do; but if that is done, then I suggest that the committee better be enlarged.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. Will it not be somewhat simplified if we provide that they shall go first to the Director of the Budget, and if they get his approval then that they shall go to the Joint Committee on Printing, and the Joint Committee on Printing can then approve or reject? I appreciate that it means quite a little additional work for the gentleman who is on another committee handling very important matters, but does he not think it is well for Congress for a while, at least, to retain some supervision, particularly when there is such a drive on to reestablish a lot of these publications that have been discontinued as a result of the decision of the Joint Committee on Printing?

Mr. JOHNSON of Washington. I agree with that in a way, but we have had some experience. We had these all down, and it was agreed pretty generally that they should stay down until we find a method of bringing them up by some uniform plan.

While a plan was under discussion the Interior Department appropriation bill went through carrying appropriations for two publications—School Life and the Public Park Magazine. That ended the general printing plan. They also sought to carry an appropriation for the Reclamation Magazine, but that went out. Two are now up by law.

Mr. WALSH. For a year.

Mr. JOHNSON of Washington. For a year. It is better in my opinion to allow the Committee on Appropriations, representing a much larger proportion of the House than the Joint Committee on Printing, to say. Right this very day Members from different States have come to me, knowing this bill was about to come up, and have pulled from their pockets some particular Government publication that they think ought to be continued, such as the Good Roads Magazine or some other, and I want to say that unless a man is an expert, is able to say what is good and what is bad, he ought not to be given that discretion. How do I know that the Good Roads Magazine is not a good publication?

Mr. WALSH. The gentleman did know enough about the matter and exercised discretion and judgment very wisely, so that the number was decreased from two hundred and sixty-odd down to about thirty-odd.

Mr. JOHNSON of Washington. Yes; we used a meat ax, and great was the distress thereafter.

Mr. WALSH. If the Joint Committee on Printing were competent to exercise that judgment and save over $2,000,000, it would seem to me that they are competent to pass upon a request from a department seeking to reestablish the printing and publishing of some other magazine. If it gets by the Director of the Budget, it seems to me that the work of the Joint Committee on Printing would be somewhat simplified, and they could require that the bureau chief or the executive head should make out his case with the most convincing evidence before they would give it their approval.

Mr. JOHNSON of Washington. The only trouble is that the case is not made entirely before the Director of the Budget. The case is attempted to be made by asking those interested in this or that magazine all over the United States to write letters to their Members of Congress, and then the Members send them in to the members of this joint committee, and ask that this be done forthwith.

Mr. WALSH. I have not seen the gentleman swept off his feet by any demand of his colleagues or by the demand of people outside. I do not think that requests for reestablishing Government publications would appall him at all.

Mr. JOHNSON of Washington. The gentleman knows that a Government publication is like the proverbial cat, except that it has even more lives than a cat.

Mr. WALSH. And I admit that some of them are not quite so useful as the proverbial cat.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WILLIAMSON. What does the bill contemplate—that the Budget Bureau should first determine what publications shall be allowed to exist; and is it contemplated further that the Committee on Appropriations should take into consideration the recommendations of the Bureau of the Budget with reference to certain publications and make definite appropriations for them?

Mr. JOHNSON of Washington. No. Any publication has first got to have the money with which to print, and in order to get the appropriation from the Budget it must show merit.

Mr. WILLIAMSON. Does it contemplate that the Bureau of the Budget shall recommend that certain publications be continued from year to year?

Mr. JOHNSON of Washington. No; it does not require that. The Secretary can determine what ones he thinks are necessary, and all he has to do is to so certify, and the next thing is to get the money, and when he gets the money he can print them within the limits of this bill.

Mr. WILLIAMSON. I do not know how we could ever keep track of them in that way.

Mr. JOHNSON of Washington. He certifies and then he prints them, and gets what copies he needs for the routine business of his establishment. The Secretary of Agriculture, say, would certify that he needs so many copies of the Experiment Station Record to send to stations throughout the country. That is routine business. He gets them. Then he gets 2,000 copies for free distribution, and that takes care of the magazine and his exchanges. Thereafter all copies printed are sold at 10 per cent above cost. They are all treated alike. Two thousand copies are given for free distribution.

One great trouble with the Government publication of newspapers and magazines and periodicals has been the method of distribution. It is surprising to hear a great hue and cry about the loss of this or that publication, and then on examining the matter to find that it had a circulation of only about 18,000 copies. If we are going to authorize them at all, we should not care about the number of copies, provided people pay for them. We offer them at 10 per cent above cost. In that we have followed the plan of the British Government. The publications of the British Government of all kinds are sold at a price and the price is marked on the publication, printed at the time.

Mr. WILLIAMSON. That would mean that the Reclamation Record could be purchased by the different reclamation projects on a subscription basis.

Mr. JOHNSON of Washington. Yes; and that is the way it was until it legally lost its life.

Mr. STEVENSON. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. WALSH. Mr. Chairman, is the gentleman opposed to the bill?

Mr. STEVENSON. I am.

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, at the proper time I wish to offer some amendments to the resolution. Everyone knows that Government publications have been put out, some of them unnecessary, in quantity unnecessary and improper, and that worthy effort has been made to reduce the number, method of printing, and so forth. The purpose of this bill is commendable, but in my judgment it goes too far. My attention was called to it in the first instance by officials of the Department of Agriculture, who examined the bill and found its provisions much too narrow. It would forbid the printing of important and, as they view it, absolutely necessary publications from that department; and, in addition to that, these officials have advised with the comptroller, who, tentatively at least, gives the construction he will put upon the language of this resolution as drafted and presented here if this shall become the law. I call the attention of the committee to page 1, line 13, where it authorizes and permits the printing of publications which are necessary to "conduct the ordinary routine business required by law of a department, office, or establishment." The comptroller construes that to mean just ordinary office business, and that it would forbid the publication of many of the important and necessary publications of the Department of Agriculture. It is suggested an amendment be adopted which will permit the preparation and issuing of publications in the "proper conduct of the activities of the department," instead of carrying on the routine business of the department. I have an amendment to cover this point, which I will offer at the proper time. And I would suggest another amendment, which seems to be acceptable to the chairman of this committee; that is, to change the words in lines 24 and 25 so as to limit the regulation and control by the joint committee to matters set forth in the second proviso, which is the printing and the distribution of additional copies. There will be no difference of opinion as to the wisdom of that amendment. Now, in my judgment the objections which are urged by the officials of the Department of Agriculture limiting them to routine business would make impossible the publication of many papers and documents of the greatest importance to agriculture.

Mr. KIESS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will yield.

Mr. KIESS. I would like to call the attention of the gentleman from Michigan to the fact that in this language we are merely requoting what is the law now. It is provided in the sundry civil appropriation act of 1922, approved March 4, 1921, that—

> Money appropriated in the foregoing allotments shall not be expended for printing or binding for any executive department or Government establishments except such as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive department or Government establishment.

That is in the present law, and if you take it out of this bill it would not change the existing law.

Mr. McLAUGHLIN of Michigan. In my judgment that word "routine" is too narrow, and as far as the Department of Agriculture is concerned the words ought to be "ordinary activities of the department" because the principal work of the department, its important functions, cover a large number of activities which are not strictly routine business.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. The department carries on scientific investigations. It is closely connected with agricultural colleges and with experiment stations—one in each State. Colleges and stations are carrying on experiments with money

partly furnished by the Federal Government, and they make reports of work they have done, their findings, their discoveries, results of the experiments, and all that.

These matters ought to be published, and the law ought to provide for their prompt publication and general distribution. The number of them available for distribution ought not to be limited as they would be limited by this bill. They are distributed now, and the distribution ought to be permitted—I will yield to the gentleman in just a moment—to county agents, to colleges, and to scientists, and to a very large number of individuals and associations, and so forth, which cooperate with the department in gathering information.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. In the gathering of crop statistics and the making of reports as to markets, and so forth. These matters of information ought to be published, and there should be available for distribution, at least to the persons directly concerned with the collection of the information, copies of the publication that are issued relative to those matters.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will yield.

Mr. WALSH. What business does any executive department engage in that is not routine and ordinary business?

Mr. McLAUGHLIN of Michigan. The Department of Agriculture engages in a lot of business that is not routine, and in the opinion of the comptroller——

Mr. WALSH. Does the gentleman mean to say that the Comptroller of the Treasury has given out the opinion to some Government official in advance of a law to be enacted by the Congress as to what that law would mean if the Congress enacts it?

Mr. McLAUGHLIN of Michigan. I understand this language has been submitted to the comptroller and he has been asked what construction he would put on the word "routine," and he has said that, in his judgment, it would confine the Department of Agriculture within very narrow limits and would forbid the publication of certain of its matters and would limit the number of its publications available for distribution.

Mr. WALSH. Will the gentleman yield for a further inquiry?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WALSH. Will the gentleman now cite some activity of the Department of Agriculture that is not within the classification of their ordinary and routine business?

Mr. McLAUGHLIN of Michigan. Weather reports and crop reports, also the work the department is doing with the agricultural agents throughout the country, receiving reports from them as to results of their work, the results of the work, and the communications of one kind and another by and between the department and experiment stations, colleges, individuals, and societies, which make experiments and investigations. They are not routine work, but they are among its proper and important activities. They are not routine work carried on in the offices of the department.

Mr. WALSH. What is it? Extraordinary work?

Mr. McLAUGHLIN of Michigan. They are not regular; they are irregular. I do not know how to describe it. They are scientific and investigational, and results are published when known and believed to be valuable.

Mr. WALSH. But they have never published these communications with their county agents in pamphlet form such as desired here?

Mr. MAPES. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Michigan.

Mr. MAPES. The existing law, as read by the gentleman from Pennsylvania [Mr. KIESS], is different from the language of this bill. I would call to the attention of my colleague. The present law reads as the gentleman from Pennsylvania reads it, namely, "ordinary and routine business." This amendment of the committee, as it appears in the pending resolution, leaves out the word "and" and makes it ordinary routine business. It changes the whole meaning of the law.

Mr. McLAUGHLIN of Michigan. I have considerable information as to the length to which some departments went, beginning a few years ago and extending throughout the war, sending out papers, pamphlets, and publications of one kind and another, many of which were improper and altogether unnecessary. And the Congress ought to take up that matter and properly limit the preparation and the printing and the circulation of a lot of these things. My only contention now is, in trying to do that they have made this language too narrow and it will interfere with the proper activities of the Department of Agriculture. And my opinion of that is based on the statement of prominent officials of the department who speak of having interviewed the comptroller and having knowledge of the construction he might put on this language.

Mr. JOHNSON of Washington. Will the gentleman yield to me a minute in regard to this construction?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. JOHNSON of Washington. I think the hypothetical ruling of the Comptroller of the Treasury on a piece of legislation about to be considered by Congress is going a little far, and I think if the comptroller did rule that this would prevent the distribution of the weather reports, he made a mistake. If there is anything routine, it is that. It is not contemplated here at all.

I see no objection, if we are going to loosen up on it at all, to putting in that word. Who is to say as to what is the number? From the general plan a large number of agricultural publications will be required and perhaps a small number of some other bureau of the Government.

Mr. McLAUGHLIN of Michigan. Some one does say what publications shall be issued and the number of them. This matter has to be brought to the attention of the Director of the Bureau of the Budget; officials of a department who are asking money must go before the Committee on Appropriations, and what a department proposes to do can not be done until it has the approval of the Director of the Budget and the Committee on Appropriations.

Mr. JOHNSON of Washington. The chairman of the committee has just informed me that the dropping of the word "and" is a typographical error, which was noticed since this debate began. The words "ordinary and routine business" give a clear meaning.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. Mr. Chairman——

The CHAIRMAN. The gentleman from South Carolina is recognized for 45 minutes.

Mr. STEVENSON. Mr. Chairman, this bill as it came to us and as it is before the House, unless the committee amendment is adopted, contemplates that the Printing Committee shall be the censor of all publications from the executive departments. That Printing Committee is made up of legislators, three from the House and three from the Senate. The publications are such as are necessary for the proper conduct of the business of the executive departments. Now, Congress can do one of two things. It can do what is suggested in the bill that causes all of these publications to stop except those specifically authorized by law and pass a law specifically authorizing certain publications to be made and they will be made. Now, if Congress wants to face the issue it can do that. The committee can provide for the publications to be selected and issued on the judgment of somebody in the executive department, or, as was proposed here, by the Joint Committee on Printing. Let us look for a moment at the natural result of that. Here is the Agricultural Department all the time wanting to expand in its publications, occasionally having a necessity for issuing a new kind of a publication. That is the executive. Contemplate the condition that would exist if the House was of one political faith and the Senate of another. What would be the complexion of your Joint Committee on Printing? There would be three Democrats and three Republicans. The Secretary of Agriculture at the present time is a Republican. He is charged with the responsibility of properly running that department, and the present gentleman, and every one I have known there, has been very earnest in the attempt to carry out the necessary, logical, and proper functions of the Department of Agriculture. He proposes to institute a new publication that he conceives to be absolutely necessary for the proper carrying on of the executive department of which he is the head, and it comes up here to be censored by a committee, and three of them say "no" and three of them say "yes"; then where will you land? There would be a deadlock all the time. You destroy the arm of the executive heads of your departments, because the executive head of a department is of the same complexion as the administration, and an administration ought to have the right to say what should be and what should not be published, without having somebody of an opposite political faith put a veto on it.

Mr. CURRY. Does the gentleman think the Department of Agriculture should have the right of propaganda with its publications? Does the gentleman think that if they were all Democrats or all Republicans the Agricultural Department has the right of propaganda in favor of any party or against any party? Or do you think it has the right to do as it does, to propaganda through its publicity bureau for or against legislation before Congress?

Mr. STEVENSON. The "gentleman from South Carolina" has stated no leaning to the proposition proposed by the gentleman from California.

Mr. CURRY. Do you not think we ought to have rules to stop what they are doing? They propose by this bill, which came from the Senate, to put it on the Committee on Printing to undertake to do that, and let it have the odium of having a controversy with a great executive department as to whether it is or is not properly discharging its functions, and charging it with propaganda in this country when it may be proceeding, in fact, from the very best motives to do what it was created to do. You propose to permit the Department of Agriculture itself to determine what is and what is not propaganda, and what is and what is not proper in legislation pending before Congress?

Mr. STEVENSON. I do not propose, so far as I am concerned, to give the Department of Agriculture the right to propagandize if it is improper to do it, but it does seem to me that when you have a Director of the Budget who can say, "Here you are attempting to publish something that is not proper, and I will not approve the expense account for it," you have got a pretty good check on it, and he is a member of the executive branch of the Government.

Mr. CURRY. Yes; but the Department of Agriculture does not submit to the Director of the Budget the manuscript of the stuff they are to publish.

Mr. STEVENSON. Now, I will meet the gentleman from California on this ground: Is he prepared to-day to stand up here and vote that the Department of Agriculture shall publish a magazine and no other, and pass an act specifically authorizing what shall be published, and assume the responsibility that he wants Congress to assume, or that somebody wants the Printing Committee, divided half and half, to assume?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MOORE of Virginia. I entirely agree with the views expressed by the gentleman, and I wish to call his attention to this point: Here is a provision that, under certain conditions, the Department of Agriculture may print journals, magazines, periodicals, and similar publications. Now, under the ejusdem generis rule that lawyers talk about sometimes would not that confine the printing to journals, magazines, and periodicals, and probably preclude the Department of Agriculture from printing any other kind of publications?

Mr. STEVENSON. If the Department of Agriculture puts out anything which on its face could be detected as propaganda, and not a legitimate publication for the legitimate purpose of carrying on the public business of this Government, the Public Printer himself would call attention to it and be a check on it.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. McLAUGHLIN of Michigan. I think the gentleman from South Carolina has lost the point of the remark made by the gentleman from Virginia. The gentleman from Virginia believes the use of the words "journals, magazines, periodicals, and similar publications" would preclude the publication of anything else except journals, magazines, and periodicals.

Mr. STEVENSON. Then it turns upon what the Secretary of Agriculture shall certify is a journal. What is a journal?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MOORE of Virginia. Would it not depend a good deal upon the view of other officials, the Director of the Budget or some other official?

Mr. STEVENSON. The Director of the Budget is the only man who has a check on it.

Mr. MOORE of Virginia. My point is this, that a narrow construction might be applied that would restrict the Department of Agriculture to the publication of magazines, journals, and periodicals.

Mr. STEVENSON. I get the gentleman's point. But he is getting away from the question I was arguing, that Congress has no business to run away from this question and undertake to put it on somebody else, and that is exactly what this resolution as it comes here proposes. The gentleman is criticizing the terms of the amendment which the committee has reported and for which I shall vote when it comes to that; but the first question is, What shall we do with the Senate bill? That bill is simply a proposition to throw the control into a committee which half the time in the history of this Government is controlled by three Members of one political party and three Members of another political party. That gives the power to a minority, perhaps by sitting still, to deprive an executive department of the power to issue what may be necessary. Therefore, I am opposed to that, and I am in favor of amending the bill.

Mr. MOORE of Virginia. Will the gentleman let me interrupt him to state my own position?

Mr. STEVENSON. Yes, sir.

Mr. MOORE of Virginia. I think the Senate provision is entirely unfair, and I think the House proposition is unsatisfactory, because it leads toward undue restriction.

Mr. STEVENSON. If you are willing to provide that certain publications shall be made, and no other, then we shall stop these encroachments upon public printing. The stoppage of these publications was provided for three years ago.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. JOHNSON of Washington. If the gentleman from South Carolina will permit I would like to call the attention of the gentleman from Virginia [Mr. MOORE] to the fact that the House amendment does not lead in the same direction as the provision in the Senate resolution. In the House amendment the only thing the Joint Committee on Printing is to do is to restrict, if necessary, the extra printing, and stop, if necessary, the resale which might come about in the commercializing of Government publications. Everything else is left to the heads of the executive departments. Congress can not, by the very nature of things, just as the gentleman from South Carolina [Mr. STEVENSON] has said, say what is good or what is bad or what is necessary. We intend this resolution to mean, and I think it does mean, journals, magazines, periodicals, and similar publications. We do not attempt to define them. We do not name them. We are not opposed to printing when it is necessary. If the departments can get the money from Congress on the approval of the Budget Commission, they can go ahead with desirable publications as part of the routine business.

Mr. MOORE of Virginia. I think, though, you would run the risk of having it said that such publications are not within the law because they are not similar to magazines, journals, and periodicals.

Mr. JOHNSON of Washington. But you understand that under the printing law the departments still have the right to print statistical matter. Now, it stands to reason that if the Government goes into the collection of information, statistical and otherwise, for the people, the Government must not sit here like a closed bottle and hold it all. It is really a problem, as the gentleman will see. But I agree with the gentleman now speaking [Mr. STEVENSON] that we can not, through a small committee of Congress, undertake to censor the magazines themselves or to designate the particular magazines to be printed.

Mr. STEVENSON. Mr. Chairman, I am glad the gentleman from Washington interrupted me, because I think he knows more about this than anybody else in the House connected with the printing business.

But, now, to come to the proposed amendment. The original bill is indefensible from any point of view, as it seems to me. But coming to the proposed amendment, you have the provision first that the head of the department who issues the circular, or, as the gentleman from Virginia says, the journals, magazines, periodicals, and similar publications, you require him to certify in writing that they are necessary to conduct the ordinary routine business of the department. Now, the gentleman from Michigan [Mr. McLAUGHLIN] seems to be afraid that that will not be broad enough, and so does the gentleman from Virginia [Mr. MOORE]. What we have found has been that they always get clear away from the home base. They have been too broad, and the danger always is that they will construe these things into a license to carry them everywhere. As King Richard said to Friar Tuck, the holy clerk of Copmanhurst, "I will but assign thee three bucks every season, but if that do not prove an apology for thy slaying thirty, I am no Christian knight nor true king." And that is the way with this. This will certainly give them all the license they need. If they do not get it under the head of journal they will get it under the head of magazine, and if they do not get it under the head of magazine certainly they will get it under the head of periodicals, and if they can not come under that they will get it under the head of "some similar publication." If that does not cover enough territory to give discretion to the executive departments, why, I am not in favor of giving them any discretion. If we have to give them the right to publish the Holy Bible down there, while it would be a very good thing and probably be exceedingly enlightening to a great many Members of Congress and to a good many people in the country, I am not in favor of going that far. You can not lay down a specific hard and fast

rule. You have got to give some little room for the working of the joints of the machinery. You can construct the most perfect machine in the world, and make it absolutely complete, but if you gear it so tight that the joints can not work you will break it all to pieces when you start it. The secretary of the department has in the first place to certify what? We suppose that these gentlemen at least have some respect for their reputation for truthfulness. A man who is going to certify to a thing that is going to be sent all over the country is necessarily careful that his certificate bears at least some resemblance to the truth. If he does not, why he is not fit to be Secretary of the Treasury, or Secretary of Agriculture, or secretary of anything else. He must certify that it is necessary—not merely that it is convenient, not merely that it is desirable, but that it is necessary—for the proper conduct of the business of his department. Now, you say you have got a horseback opinion from the Director of the Budget that he is going to construe it so and so. Well, let us see how he construes it when the case comes before him.

I have heard a heap of judges shoot off their mouths when sitting around hotels and at other places when they were off duty about what they would decide on a certain question before the question was brought before them and before the law was laid down. But when they are confronted with the responsibility of deciding that this shall or shall not be done, and hear the authorities on one side and on the other, and hear the reasons on one side or on the other, they frequently change their minds; and I submit that no Director of the Budget would be so arbitrary as to destroy the legitimate usefulness of a department of this Government because forsooth he had a little difference of opinion in his mind as to whether a certain thing was a journal, a periodical, or some similar publication. So it seems to me that it is our duty to do one of two things, either to kill this bill right here and now and then begin legislation which will specifically define what things shall be published by all the departments and put every one of them in a strait-jacket and say, "You can not go any further than this," or else provide this machinery which does give some discretion and not provide for an interminable tie-up here in case we might have a division of political complexion in the two Houses, as you are likely to have half the time.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. The gentleman would not restrict these releases that are handed out by the departments every few days, would he?

Mr. STEVENSON. I think so. Those will get into the papers and be published sufficiently without governmental expense.

Mr. CONNALLY of Texas. There is no way for the department heads to get their views before the public except in that way if you cut off all these publications.

Mr. STEVENSON. If that is what is meant by propaganda, I think they usually get into the newspapers. We have some gentlemen up here in the press gallery who generally take care of that end of the business. I think these publications probably would not cover the releases and the reasons therefor, but the less said about those reasons frequently the better. I do not care to go into that.

So that my attitude upon this bill is that the original bill is entirely wrong, that it would be subversive of the best interests of the Government if passed in that form. The best solution I see of it is to take the amendment which the committee has reported and which I shall vote for if it is offered by the committee. [Applause.]

I reserve the remainder of my time.

Mr. KIESS. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I think the Joint Committee on Printing should be commended for the work it has done in reducing the number of Government publications. Nobody wants to interfere with legitimate activities of any executive department, particularly the Department of Agriculture. Their work reaches not only the active cultivator and tiller of the soil but goes into the homes in the cities as well as in the agricultural regions. But there ought to be some limit and some brake upon the discretion of the people who are to have charge of the particular work for which they desire this printing. If you do not have some brake on it, it will not be but a few months before you have 266 other publications here, printing all sorts of information—that the sun rises in the east and, if it is a sunny day, you can expect it to set in the west. That is typical of some of the information that was being conveyed by these publications.

Mr. STEVENSON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. STEVENSON. As I understand, the gentleman is afraid that this will give too much latitude to the departments?

Mr. WALSH. No; I believe that this ratification should be satisfactory not only to the Director of the Budget but to the Joint Committee on Printing. I believe under the original printing law, in view of the peculiar relations of the Government Printing Office to Congress and to the executive department, that we have vested not only by our rules but by law, by an act of Congress, approved by the Executive, peculiar jurisdiction and powers to the Joint Committee on Printing.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. JOHNSON of Washington. The gentleman will remember that during one of the efforts in the last three or four years to curb excess printing we received a veto from the then President on the ground that we were invading Executive rights.

Mr. WALSH. I recall that.

Mr. JOHNSON of Washington. So we have to avoid that; we do not want to be fighting the executive department.

Mr. WALSH. The Appropriations Committee makes a blanket appropriation for the printing of these departments—the Department of Agriculture, the Department of the Interior, and various departments of the Government. This is an attempt to see that the appropriation shall not be diverted into publishing magazines, bulletins, and periodical publications that are not necessary for the efficient and adequate conduct of its ordinary and routine business. The gentleman from Washington read from some of the publications on the floor. I investigated myself, and the only excuse and justification of it was, to the ordinary legislator, that it permitted somebody to hold a position down there, to give employment to some people who are anxious to extend some particular fad or fancy that had crept into this department.

The Government does acquire a lot of useful information, and they ought to have the means of disseminating it, and if it is necessary to print bulletins and periodicals there ought not to be, and there will not be, under this measure any interference with it; but we ought not to encourage and stimulate a demand to print bulletins and publications such as the gentleman from Washington referred to the other day like the "Housewives' Diary" and the "Civic Diary."

I believe, Mr. Chairman, that the amendment suggested by the gentleman from Washington is a good one, and I believe that the suggestion of the gentleman from Michigan should be added. But I think if we put in after the word "ordinary" the word "and" and also add the words "to conduct the ordinary and routine and official business," that that will give them all the scope they need. I would like to ask the gentleman from Michigan if he does not think an amendment along that line will meet with the suggestion of the Department of Agriculture.

Mr. McLAUGHLIN of Michigan. I think it would be improved by putting in after the word "ordinary" the word "and," and also by adding the other words suggested by the gentleman from Massachusetts, but I think it can all be done better by striking out the word "routine" and putting in "activities."

Mr. WALSH. Of course that is what the department would like to have, I appreciate, but that would, it seems to me, soon result in a lot of printing of publications upon matters which are not of sufficient importance to be dignified by the issuance of a Government publication.

Mr. McLAUGHLIN of Michigan. Amended so as to read "to conduct the ordinary activities." That would not be going outside and taking up fanciful matters. The work of the Department of Agriculture is always described by the word "activities." They are engaged in numerous and manifold activities, and it is hard to describe them by any other words. Certainly the routine would be routine office work and would put them in a strait-jacket and make them pursue a given line. It would not be typical of the work of the Department of Agriculture at all.

Mr. WALSH. I will say to the gentleman that if it is described as ordinary routine official business that will include any legitimate activity that the department might engage in. It could not be an activity unless it is official business, and it would seem to me the amendment along that line would meet the objection and come within the suggestion made by the Department of Agriculture.

Mr. KIESS. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by insert-

ing at the conclusion of my remarks some recent correspondence between the Attorney General of the United States and Maj. W. O. Watts.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD by the inclusion of certain correspondence between the Attorney General and Major Watts. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object, what is the idea of this being inserted in the CONGRESSIONAL RECORD?

Mr. JOHNSON of South Dakota. I will say to the gentleman from Massachusetts that Maj. W. O. Watts apparently was discharged by the Attorney General, as shown by this correspondence, because of the fact that it was alleged that he had delivered some information to me at a time when I was acting as chairman of the Committee on Expenditures in the War Department. I expect to state the facts with reference to it and simply want to put these letters into the RECORD. They are a matter of public record already, and it would be shorter to do it in that way than to read them to the House.

Mr. WALSH. Of course that is out of order to-day on Calendar Wednesday.

Mr. JOHNSON of South Dakota. I recognize the fact that it is out of order, and I ask unanimous consent that as these events occurred because of my activities as chairman of the Committee on Expenditures in the War Department I be permitted to discuss them. I hope the gentleman will not make the point of order.

Mr. WALSH. It is as a result of some activities or investigation that the gentleman himself has made.

Mr. JOHNSON of South Dakota. Oh, certainly, as I shall explain.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, as I understand the request, it was also that the gentleman be allowed to proceed out of order?

The CHAIRMAN. The gentleman's request did not include that. Does the gentleman from South Dakota desire to make such a request?

Mr. JOHNSON of South Dakota. I do not think anyone is going to make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from South Dakota is recognized for five minutes.

Mr. JOHNSON of South Dakota. Mr. Chairman, a few years ago a young man named Maj. W. O. Watts, a very high type of American citizenship, was employed in the War Department in the surplus property division, and there performed very valuable services for the Government. He had enlisted at the beginning of the Spanish-American War and performed meritorious service in that war. Performing the work assigned to him, he discovered what was, I think, shown to the Select Committee on Expenditures in the War Department, of which Mr. GRAHAM of Illinois was the chairman, conclusive evidence that frauds had been perpetrated upon the Government, and he had much difficulty with some officers of the Army with reference to statements he made concerning some of them at that time. Later, and after the Army was being reorganized, I am reliably informed and believe it to be true, that he was offered a commission as major in the Regular service, to be at the head of the emergency list, if he would withdraw his objections to the settlement of many of these claims.

To the credit of that young man, he did not do so, and consequently was discharged from the War Department. At the request of Representative GRAHAM of Illinois and other members of the Select Committee on Expenditures in the War Department, including myself, he was given a position with the Department of Justice. From that time on I have known little of Major Watts, except that I am satisfied he is the man who has done the major part of the work in the harness case, and I believe that case would not have been brought to public attention had it not been for that work; and I am satisfied that the case against the Old Hickory Co., one of the most infamous cases of war graft, would not have been brought to public light had it not been for his work.

In 1919 Congress passed a statute providing that the Secretary of War should submit to the Congress a complete report of the work of the War Department with reference to the disposal of surplus property and other activities. In accordance with that act of Congress the Secretary of War transmitted to the Speaker of the House a complete report. That report would fill an ordinary sized trunk. The Speaker of the House, in accordance with the rules of the House, transmitted that report from the Secretary of War to myself as chairman of the Committee on Expenditures in the War Department. The report was very voluminous. After having been refused by the War Department certain information which I had asked in behalf of myself as chairman of the committee, and in behalf of Representative MADDEN, of Illinois, chairman of the Committee on Appropriations, I began a rather independent investigation of this report. Later, while Major Watts was working for the Department of Justice, it became necessary for him to get some of that information. I am informed, and I believe it to be true, that he could not secure a copy of that report from the War Department.

In any event, Mr. Chairman, he did not receive any such report, and at the request of his superior officer he came to my office in the House Office Building and requested that I turn over to him, to be turned over to the Department of Justice, this report presented by the Secretary of War. As any Member of Congress, chairman of a committee or otherwise, would do, in order to assist the Attorney General in the investigation of war frauds, I turned this report over to him. It was necessary to get a delivery wagon to take it to the Department of Justice. It is still there. Incidentally, I gave Major Watts the benefit of anything there was in the examination of several months which Mr. WOODRUFF, of Michigan, and several other Members of Congress had been conducting. Major Watts naturally asked me my opinion as to certain of these cases, in respect to what the records show. I was very frank to tell him where I thought there had been fraud, and I gave him data for the Department of Justice which I expected later to present to the Committee on Expenditures in the War Department, believing, of course, that a real, thorough investigation by an executive department of the Government is much better than any congressional investigation, which, as the chairman of the Committee on Rules at one time very aptly said, starts nowhere, ends nowhere, and simply leaves a path while it goes by. I gave that information to Major Watts, and in the course of our discussion I asked him what information he had upon these same cases—cases of graft he inquired concerning, cases that I believe ought to be prosecuted by the Attorney General, cases that have been investigated by the audit department of the War Department, which I believe to be very efficient, and in which I believe there are some very honest and capable men, a department which I think ought to have another million dollars of appropriation.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. STEVENSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-six minutes.

Mr. STEVENSON. I yield the gentleman from South Dakota 10 minutes.

Mr. JOHNSON of South Dakota. I do not need that much. I thank the gentleman from Pennsylvania [Mr. KUNZ], but I know his time is exhausted, and that is the reason I did not prefer a request to him. The gentleman has been more than courteous in allowing me this time.

Some time on or about April 16 of this year Mr. A. F. Myers, who is assistant to Colonel Goff, Assistant Attorney General of the United States, requested Major Watts to send certain information. As I have the time I am going to read the letter. This was a verbal request and this is the reply of Major Watts.

Mr. MOORE of Virginia. What is the date?

Mr. JOHNSON of South Dakota. April 17.

DEPARTMENT OF JUSTICE,
April 17, 1922.

MEMORANDUM FOR THE ATTORNEY GENERAL.

1. I am requested verbally by Mr. A. F. Myers, assistant to Colonel Goff, to inform you:

First. Whether I furnished any information to Hon. ROYAL C. JOHNSON, chairman Committee on Expenditures in the War Department, House of Representatives, on which he based his remarks in Congress on April 11 instant, and if so, why this was done; and

Second. Whether I intended any criticism on the Department of Justice for delay.

2. Answering the first question I must report that I did furnish Mr. JOHNSON with some information. In doing this I was actuated in the public interest when I observed in the CONGRESSIONAL RECORD that the War Department had submitted the name of Maj. Lancelot Marmaduke Purcell, Quartermaster Corps, for promotion to the grade of lieutenant colonel. This officer is guilty of crime in the sale of Government property and the adjustment of claims involving the Government in large losses which I caused to be investigated by the War Department and the congressional committee in 1920, and again by the Inspector General in 1921. The proofs were conclusive and warranted a court-martial and prosecution instead of promotion.

3. Answering the second question: In discussing the Purcell-Miller transactions with Mr. JOHNSON the question arose as to why prosecutions had not been instituted. I informed Mr. JOHNSON that copies of my proofs were brought with me to the department upon my employment as special agent July 6, 1921; that I had rendered a preliminary report on December 3, 1921, which was sustained by an attorney of the Department of Justice, and that the case had been referred to another attorney on March 17, 1922, and was still incomplete as to all evidence and awaiting the completion of an analysis by me of the Inspector General's report and some evidence yet to be obtained.

4. Under question by Mr. JOHNSON it became necessary for me to inform him that satisfactory progress on the many war fraud cases had been woefully impeded by lack of a competent organization or any definite plan of operation.

5. Such information as I furnished Mr. JOHNSON was given with the sole view of obtaining corrective and constructive improvements in the interest of the Government, and was therefore regarded by me as being in the real and actual interest of the Department of Justice.

6. In this connection attention is invited to my memorandum of February 18, 1922, to Mr. W. J. Burns, Chief Bureau of Investigation, and memorandum of April 1, 1922, to the Attorney General.

Very respectfully,

W. O. WATTS, *Special Agent.*

The reply came April 24 from Rush L. Holland, Assistant to the Attorney General, which is as follows.

Mr. MOORE of Virginia. What is the date?

Mr. JOHNSON of South Dakota. April 24 of this year. The letter is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 24, 1922.

Mr. W. O. WATTS,
Special Agent, Department of Justice.

SIR: By direction of the Attorney General, you are dismissed from the service of this department, effective immediately upon receipt of this letter.

You are removed for disloyalty to the Department of Justice, inasmuch as you knowingly and willfully violated the rules of the department, which, as you must be aware, constitutes a breach of trust.

Upon application to the disbursing office of this department your salary will be paid up to this time.

Respectfully,

RUSH L. HOLLAND,
Assistant Attorney General.
(For the Attorney General.)

To this Major Watts replied, as follows:

718 NINETEENTH STREET NW.,
Washington, D. C., April 25, 1922.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Receipt is acknowledged of letter dated April 24, 1922, signed by Mr. Rush L. Holland, Assistant to the Attorney General, dismissing me "for disloyalty to the Department of Justice."

You are informed that I accept your characterization of my discharge as a distinct compliment, knowing the facts and circumstances involved, although it is wholly false and unjustifiable. It is particularly gratifying to me to note that you either did not feel warranted or have the moral courage to charge me with "disloyalty" to the Government. This, Mr. Attorney General, you can not do. My loyalty to the Government is well founded and of lifelong standing. I have followed and defended the flag in the Spanish-American War, the Philippine insurrection, and the late World War with honor and distinction, and I have performed every duty that has ever been assigned to me in a loyal and faithful manner; my record for loyalty is well known and unimpeachable.

My conception of loyalty in the highest sense is the defense and protection of the Government's interests under all circumstances and at all hazards. I do not recognize or subscribe to your theory of loyalty to corrupt and autocratic authority now so common in Government bureaus at Washington, which subverts the national welfare and public interests.

If you were at all informed on the departmental affairs of your high office, you must be aware of the outstanding facts that I have devoted more than two years of loyal and faithful efforts to protect the interests of the Government when a combination of certain Government officials and other common crooks have been assaulting and raiding the public Treasury on a scale so gigantic as to be almost unbelievable.

You must be aware that even a private citizen is required by statute to report to the authorities the commission of a felony which comes within his knowledge. A public officer is further bound by oath to uphold the law, and when an agency of the Government ceases to function, it is the letter and the spirit of the law that appeal should be made to some authority of the United States which will be interested and enforce correction. The record is clear and clean cut and will show that organized interests are looting the Government, and no man can charge me with a breach of trust, so far as the interests of the people are concerned. The real issue is: Shall this be a government by Harry M. Daugherty and Abram F. Myers, or a government "of the people, for the people, and by the people?"

Disloyalty is a loathsome word, especially when applied to one who has responded to the call to arms in every crisis which has confronted the country during the past 25 years. You have seen fit in the prosecution of the war graft cases to deprive the Government of the services of men who have served their country in both peace and war and to surround yourself in this great work by men who sought and secured exemption from military service when these crimes were being committed. You are entitled to share with yourself your conceptions of loyalty, and the people can judge whether or not the stigma you have attempted to place upon myself and my children is just.

Tens of thousands of people have sojourned in Washington long enough to know that this country is being strangled by an invisible government, and the fight for righteous government has at last been forced into the open. I call upon every man, woman, and child in America and especially my comrades of recent wars and every 100 per cent American in Congress to join in the cry of "Down with Daugbertyism."

Respectfully,

W. O. WATTS.

In the permission given to extend I have inserted the letter of date April 26, 1922, addressed by Mr. Watts to the Attorney General so that all of this correspondence will be given to the Congress. I want to say at this time I think the Attorney General has been illy advised in taking this action, for I can carry myself back a few years in the time I have been in public life to 1912, when I can well remember a very distinguished citizen in my State, one of the distinguished Democrats by the name of J. W. McCarter, was then Democratic candidate for governor of my State, South Dakota, and I can remember in my relations with him what sometimes happens to all of us who are Members of this House, which we regret, but which sometimes occurs, in that we develop personal animosity as well as political feeling. In fact, the relations between Mr. McCarter and myself were not the most cordial in the world. After the election of President Wilson Mr. McCarter was brought to Washington to act as Assistant Register of the Treasury Department, a position which he held until 1919. In the course of his duties Mr. McCarter secured information which convinced him that there had been an enormous duplication of Government bonds which possibly had been printed by the Bureau of Engraving and Printing and certainly had gone through the office of the Register of the Treasury.

I think Mr. McCarter took the right attitude when he presented the matter first to a distinguished Democratic Senator from my State and very properly presented the matter to the Assistant Secretary of the Treasury. He was very quickly informed at that time by the former administration that nothing was wrong, that there should be no investigation, and that he should keep his mouth shut or lose his position, and Mr. McCarter, who had developed the fact that will later be shown by official documents, that there are probably hundreds of millions of dollars of duplicate bonds in the United States, was discharged from service by his administration for presenting those facts to Members of Congress. I think a man who took that attitude in the former administration was ill-advised in what he had done. I think the Attorney General has been poorly advised by his assistants in this case, and I take it that those in high authority in either case were not informed of the actual facts.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will.

Mr. MOORE of Virginia. Did the gentleman notice a dispatch carried by the Associated Press this morning, in which the Attorney General is quoted as saying, in discussing the Watts incident, "that whatever Congress might think does not worry me a minute"? Has the gentleman seen that?

Mr. JOHNSON of South Dakota. I had not seen it. I do not think it makes very much difference. Sometimes I have thought that the executive departments under a bureaucratic form of government in any administration oftentimes get to this, that they do not care a tinker's continental for what Congress thinks. I will say to the gentleman that I am not so sure but that sometimes under a form of government conducted by bureaus they get to a place where they do not care what the people think. But I want to say that I believe this Watts dismissal ought to be resented by the people of the country and by the Congress.

We are getting to a peculiar situation in our affairs of government if an employee of an executive department can not come to the chairman of a committee of Congress and give information concerning fraud upon the Government without being discharged from the service. And it is not during one administration, as I have shown. It has been done during other administrations. And I feel that eventually this is a sort of thing that the President of the United States, when it is called to his attention, will set right.

Mr. WINGO. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will yield.

Mr. WINGO. I am somewhat interested in the gentleman's statement about the duplicate bonds. Does the gentleman say that a Democrat from his State called the matter to the Senator's attention?

Mr. JOHNSON of South Dakota. I will say that that is all a matter of public record. I took personally all of this data down to the Department of Justice myself early in the year 1921, after we had tried in every way to secure action from the former administration. These letters that were written to Mr. Leffingwell, at that time an Assistant Secretary of the Treasury, are easily procurable. I have them in my files and I will be glad to insert them at this point. Mr. Chairman, I ask unanimous consent to do so, that the House may have exactly the word that was sent by Mr. McCarter, and extend in the RECORD at this place Mr. McCarter's letter to Mr. Leffingwell.

Mr. WALSH. Mr. Chairman, I object.

Mr. WINGO. My question was the date on which this gentleman brought this information to you.

Mr. JOHNSON of South Dakota. The gentleman sent the information to me in its real definite form in the fall of 1920, when I happened to be in my home State.

Mr. WINGO. You did not bring it to the attention of Secretary Mellon?

Mr. JOHNSON of South Dakota. I did not. I brought it to the attention of the Department of Justice, where I think it ought to have gone.

Mr. WINGO. Does the gentleman have information upon which he can pass a conclusion that there are millions of duplicate bonds printed?

Mr. JOHNSON of South Dakota. I will say to the gentleman that I took down seven typewritten sheets, single space, of numbers of duplicate bonds, and some bonds running 100,000 higher than the bonds issued. There is no man who can tell how many were issued.

Mr. WINGO. The gentleman was furnished a list of them. Has not the gentleman conducted an investigation, or anyone for him, to see whether there was any truth in the allegation?

Mr. JOHNSON of South Dakota. I will say to the gentleman I am satisfied there is truth in it, because I remember at one time it was shown conclusively that a colored taxicab driver in Washington was discovered down in front of the New Willard with 31 $1,000 duplicate bonds, and he was discharged from custody in four days. I will say to the gentleman that I submitted a list of seven pages of duplicate bonds.

Mr. WINGO. What did Mr. Mellon say to the gentleman?

Mr. JOHNSON of South Dakota. I have never discussed it with him. The first notice was given to the administration when Mr. Wilson was in power, and Mr. McCarter was compelled to leave the service because he was bringing this to the attention of the administration with which he was affiliated.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. STEVENSON. I will yield one more minute to the gentleman. I want to ask him a question.

Mr. JOHNSON of South Dakota. I yield.

Mr. STEVENSON. Has the gentleman any information as to what the check up that has just been had at the Bureau of Engraving and Printing, with a view to those things, has divulged?

Mr. JOHNSON of South Dakota. I have no information as to that. That has not been a part of my duties. I will say to the gentleman that my investigation, which was of an independent character, and which not only produced some of the facts which no one denied, came from another branch of the Government, and the exact part in detail which individuals have had in this I am not able to tell the gentleman.

Mr. STEVENSON. Has not the gentleman seen the statement purporting to come from Mr. Mellon that the check up has shown that there was absolutely nothing wrong down there?

Mr. JOHNSON of South Dakota. I will say to the gentleman I do not assume any responsibility for any of the statements made by the Secretary of the Treasury or anyone else.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. STEVENSON. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. WINGO. Mr. Chairman, I take it that no Member of Congress would be so reckless of the public welfare as to stifle the facts with reference to any matter that involves the public credit or instruments of the Government in the hands of citizens and banks and trust companies throughout the country. While the present Secretary of the Treasury belongs to a different political party from that to which I belong, I do not believe he is going to tell the country a falsehood, and when he said a few days ago that there was nothing in the statements that were sent broadcast that hundreds of millions of duplicate United States bonds had been issued and which could have nothing but a bad effect on the credit of the United States and bring uneasiness to investors and banks and holders of trust funds that might hold the bonds of the United States—I say that when Secretary Mellon said that these wild, reckless statements were false, I believe that Secretary Mellon spoke with knowledge of the facts and that he would not deny it if it were true, but that the man certainly would take the American people into his confidence and say so if it were true.

These statements are flying around here, and the gentleman from South Dakota [Mr. JOHNSON] repeats them and said he advised somebody a year or two ago. It is not a question of partisanship. If a Democratic administration suppressed it, I would denounce it. The charge is made that both Democratic and Republican Secretaries of the Treasury and heads of the Department of Justice suppressed a knowledge of the existence of hundreds of millions of dollars' worth of duplicate bonds. I would not believe it of a Republican administration any more than I would believe it of a Democratic administration.

If it is true, and you are going to continue to bandy that thing in the public press and in this RECORD here, you owe it to your party and the country to have an immediate investigation. If it be true, let us find out what the numbers and amounts of these bonds are. Let the banks and the holders of these spurious bonds know it. If it is not true, let us allay the suspicion and the uneasiness which must continue as long as disappointed office seekers bandy it around in the public press. The Secretary of the Treasury denies it. That is sufficient as against statements of irresponsible persons. But when a Member of Congress stands on this floor and says that he got this information from a man who ought to know, and incidentally charges the administration with suppressing the facts, that will breed uneasiness throughout the country, and I do not believe the gentleman ought to make the statement unless he can back it up with proof. But if it is true and the executive departments are suppressing the facts, then Congress ought to act swiftly and have an investigation and disclose the truth to the public.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Virginia. If the statements to this effect are bandied about the country continually, does not the gentleman think the Congress owes it to the country to conduct such an investigation as I proposed in a resolution which I introduced a few days ago and which is now sleeping in the Committee on Rules, a resolution relative to the removal of employees from the Bureau of Engraving and Printing?

Mr. WINGO. Yes. I realize that irresponsible people are running around and making statements, and that the Secretary of the Treasury says it is a lie. But here is a Member of Congress who stands up and says a Register of the Treasury furnished information sustaining the charge and that it was suppressed. He admits that he never brought it to the attention of Secretary Mellon, but took it to the Department of Justice. That carries a reflection on Secretary Mellon. He goes to the Department of Justice. This Member says he saw a list of the numbers of these duplicate bonds, and leads us to believe that the charge is true and can be sustained by available proof.

Gentlemen, do not misunderstand me. I want to reiterate the fact that I have confidence in Secretary Mellon telling the truth about it. I think an investigation will show that he did not lie to the people of the country. But I think we owe it to the Treasury and to the people who own the bonds throughout the country; we owe it to them to investigate this matter and set it at rest once for all. Let us find out about the bonds and find out whether or not it is true. If it is not true, let us brand the statements as false and allay the suspense and uneasiness that must affect the minds of the people. [Applause.]

Mr. KIESS. Mr. Chairman, I want to say a word before the bill is read. As a member of the Joint Committee on Printing and of the House Committee on Printing for 10 years, I submit it is not wise for Congress to give up the control it now has over printing. In other words, while it may be advisable to amend this bill as reported by the committee in some way, I do not want to see legislation passed that will take away from the Joint Committee on Printing its control over the Government printing. The fact that the legislation passed in 1919 by an amendment to the sundry civil bill made it possible for the Joint Committee on Printing to reduce the number of unnecessary publications from 206 to less than 40, saving the Government over $2,000,000 a year in printing, is certainly the best proof that the Joint Committee on Printing has been doing good work.

When these publications were stopped by act of Congress on December 1 there was considerable criticism, and many persons appealed to the Joint Committee on Printing, thinking that it was by its action that the publications were arbitrarily discontinued. The fact, of course, remains that it was done by act of Congress, and the Joint Committee on Printing had no power to continue the unauthorized publications beyond that date.

That is the reason why we are coming before Congress with a measure which will provide some means for continuing the publications which, in the judgment of the heads of the departments and of Members of Congress, should be continued. I think it is only fair that this statement should be made, because there has been more or less misunderstanding as to the discontinuance of these publications on December 1. It was due entirely to the act of Congress, and not to the action of the Joint Committee on Printing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved, etc., That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, amended to read as follows:

"That hereafter no journal, magazine, periodical, or similar Government publication shall be published, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such rules and regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisements."

With the following committee amendment:

Strike out all after the word "follows" in line 5, page 1, and insert in lieu thereof the following:

SEC. 3. That the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary to conduct the ordinary routine business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for official business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but such printing shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government.

The CHAIRMAN. The question is on the committee amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I have three perfecting amendments, which I will state to the Members so that they can all be understood together.

Mr. WALSH. Let them be reported first.

Mr. JOHNSON of Washington. I will ask to have the Clerk read them, for information.

Mr. WALSH. Offer them.

Mr. JOHNSON of Washington. They will not all be in order to be offered at once.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

First amendment offered by Mr. JOHNSON of Washington: Page 1, strike out all of lines 3, 4, and 5.

Second amendment offered by Mr. JOHNSON of Washington: Page 2, line 6, strike out the quotation marks and the words "section 3" and insert after the word "that" the word "hereafter."

Third amendment offered by Mr. JOHNSON of Washington: Page 3, line 2, after the word "government," strike out the quotation marks and add a new section as follows:

"SEC. 2. That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, repealed."

Mr. JOHNSON of Washington. Mr. Chairman, I think the three amendments read together will be understood by the Members.

The CHAIRMAN. If the gentleman from Washington will permit, the Chair holds that the first amendment is pending and that the other two were read for information.

Mr. JOHNSON of Washington. I thank the Chairman. That was my intention. I think that if the three are read together it will be clear that the intent is to change this from an amendment to the sundry civil appropriation act for a certain year and to make it an independent act, and then repeal the legislation which was a rider in the appropriation act.

The only other change is on page 2, in line 6, the introduction of the word "hereafter," so that it will read:

That hereafter the head of any executive department—

And so forth. I ask for a vote on the first amendment.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. The first and second amendments make this an independent act of Congress, and do not affect the sundry civil act at all. Later the gentleman strikes out that provision that is in the sundry civil act, so that this will be the independent law.

Mr. JOHNSON of Washington. That is it, exactly.

Mr. WALSH. Dealing with these publications.

Mr. JOHNSON of Washington. And repealing a certain section of the sundry civil act and letting it stand on its own.

I ask for a vote on my first amendment.

The CHAIRMAN. Without objection, the question will now be taken on the first amendment offered by the gentleman from Washington [Mr. JOHNSON], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 1, strike out all of lines 3, 4, and 5.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the second amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, line 6, strike out the quotation marks and the words "section 3," and insert after the word "that" the word "hereafter."

The amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment.

Mr. WALSH. I offer the following amendment:

Page 2, line 24, after the word "such," at the end of the line, insert the word "additional."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 24, after the word "such," at the end of the line, insert the word "additional."

Mr. CABLE. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN. The gentleman from Ohio offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. CABLE for the amendment offered by Mr. WALSH: Page 2, lines 24 and 25, after the word "but," strike out "such printing" and insert the words "the printing of such additional copies."

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that that is an amendment in third degree. This is a committee amendment, and the gentleman from Washington has offered an amendment to the committee amendment. The gentleman from Ohio has offered an amendment by way of a substitute, not to the committee amendment but for the Johnson amendment.

Mr. JOHNSON of Washington. That is not the intention.

Mr. WALSH. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. CABLE. Now, Mr. Chairman, I again offer my amendment.

The CHAIRMAN. The gentleman from Ohio offers his amendment as an amendment to the committee amendment. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 2, line 24, after the word "but," strike out the words "such printing," and insert in lieu thereof the words "the printing of such additional copies."

Mr. KIESS. Mr. Chairman, the committee are very glad to accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CABLE].

The amendment of Mr. CABLE was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 2, line 13, insert the word "properly" as the first word in line 13; page 2, line 18, strike out the words "routine business," and in lieu thereof insert the word "activities"; page 2, line 16, strike out the words "official business" and in lieu thereof insert the words "such official activities."

Mr. WALSH. Will the gentleman from Michigan yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. WALSH. Does the gentleman have any objection in the second part of his amendment, where he strikes out the "routine business" and inserts the word "activities," to inserting after the word "ordinary" the words "and official," so it will read "and official activities"? There are a lot of activities of the department that are not official business and not authorized by law. Let it read "ordinary official activities required by law of such departments."

Mr. McLAUGHLIN of Michigan. I will say in answer to that that I do not think the suggestion of the gentleman from Massachusetts would improve it. Official activities might be construed as limiting the work to the offices of the Department of Agriculture, whereas some activities are going on in a somewhat official way and some in an informal way all over the country; the department is cooperating with a number of individuals and associations, some of them their officials, some of them not their officials, men engaged in investigation and experiment, and when they learn anything of value they report it and the department publishes it throughout the country. I do not know whether to put in the word "official" would limit the department to publishing the results of investigations or not. They are proper activities in the line of proper work of the de-

partment, which, under the enabling act, is to study agriculture and disseminate information in the broadest possible manner.

Mr. WALSH. This applies to other departments than the Department of Agriculture, and you will open the door to them to continue the practice which resulted in their elimination. I am not offering this in any spirit of antagonism to the Department of Agriculture or to hamper their work, but only to indicate that this printing and publication must be of their official work and not permit them to print press releases of social activities of functions such as we have had called to our attention, and not permit the Shipping Board to engage in the publication of ship bulletins at $1 a copy for the benefit of a few shipping folks up in the city of New York.

Mr. JOHNSON of Washington. I would like to suggest that I think the accidental omission of the word "and" in line 13 by the printer has brought about confusion and has caused those interested in the various magazines to offer these amendments. I suggest that we do not go so far afield. If you put in the word "and" where it belongs, you will solve the problem. I think it would be a mistake to put in the word "activities," whereas in the law which governs the Printing Office you have this provision:

Money appropriated under the foregoing allotments shall not be expended for printing or binding for any of the executive departments or other Government establishments, except as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive departments or Government establishments, and except such reports, monographs, bulletins, or other publications as are authorized by law or specifically provided for in appropriations herein.

Now the two should be together.

Mr. ANDERSON. The distinction is named between publications necessary for publication and publications incident to the real activities of the department.

Mr. JOHNSON of Washington. Would not the routine business cover that?

Mr. ANDERSON. Evidently not. It refers to the reports and bulletins which are distinct from the ordinary routine business of the department. It refers to the printing necessary for the business activities as distinct from the ordinary publications.

Mr. JOHNSON of Washington. Let me read the balance of this provision:

All other printing required or deemed necessary or desirable by heads of executive departments or other Government establishments or offices or bureaus thereof shall be done only as Congress shall from time to time authorize.

The whole trouble has been when we use the word "printing" with reference to ledgers and envelopes, the chiefs of the bureaus read it to mean newspapers and other publications. We have gone as far as we can go. I do not like to use the word "activities," because that is the word that came in and we might again have the "Rose garden" of publications up again in every bureau and on every side.

Mr. McLAUGHLIN of Michigan. I am as much opposed as is the gentleman from Washington to issuing unnecessary publications by the Department of Agriculture or any other department of the Government, but the work of the Department of Agriculture is peculiar to itself. Now, in relation to the suggestion made by the gentleman from Massachusetts, I think the language that I offer is far better. I think it is properly protected by the few words that follow: "The ordinary activities required by law of such departments." That would limit them to official activities, and it would not be necessary to put in the word "official." I suggest that the amendment I offer be adopted just as it was offered and not as modified by the suggestion of the gentleman from Massachusetts or the gentleman from Washington.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I have another amendment which I desire to offer. Page 2, line 11, strike out the words "journals, magazines, periodicals, and similar" and insert in lieu thereof the word "such," so that it would read:

for the printing of such publications.

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present. If these agriculturists are going to entirely divert the bill from what was originally intended, I think there should be a quorum present.

Mr. JOHNSON of Washington. Would it not be better to recommit the bill?

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. WALSH. But, Mr. Chairman, I make the point of order that there is no quorum present.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise.

The motion was rejected.

Mr. LONDON. Mr. Chairman, I call for a division on the motion of the gentleman from Washington.

The CHAIRMAN. The gentleman's request comes too late. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.

Mr. WALSH. [Interrupting the count.] Mr. Chairman, I withdraw the point of order that there is no quorum present.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I withdraw the amendment which I offered.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 3, line 2, after the word "government," strike out the quotation marks and add a new section, as follows:

"SEC. 2. That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, repealed."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The amendment was agreed to.

Mr. KIESS. Mr. Chairman, I move that the committee do now rise and report the joint resolution back to the House with the amendments, with the recommendation that the amendments be agreed to and that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 132 and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the resolution as amended be agreed to.

Mr. KIESS. Mr. Speaker, I move the previous question on the resolution and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and agreed to.

The title was amended so as to read: "Joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes."

On motion of Mr. KIESS, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SUTHERLAND (at the request of Mr. CURRY), until June 1, on account of important business.

To Mr. WURZBACH, for 10 days, on account of important business.

To Mr. McFADDEN, for three days, on account of important business.

To Mr. REECE, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7272. An act for the relief of Monroe B. Shealy.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1059. An act for the relief of J. B. Waterman;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 531. An act for the relief of Ivy L. Merrill; to the Committee on Claims.

S. 3505. An act in reference to the summoning of grand juries in the District of Columbia; to the Committee on the Judiciary.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KIESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 5 minutes p. m.), in accordance with the order heretofore adopted, the House adjourned until Friday, April 28, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

596. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a letter relating to certain amounts of appropriations resulting from the suspension or termination of contracts and requesting a further extension of time for settlement thereof (H. Doc. No. 292) was taken from the Speaker's table and referred to the Committees on Appropriations and Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. S. 775. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; with an amendment (Rept. No. 931). Referred to the Committee of the Whole House on the state of the Union.

Mr. BARBOUR: Committee on the Public Lands. H. R. 10767. A bill to exempt from cancellation certain desert-land entries in San Bernardino County, Calif.; without amendment (Rept. No. 932). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHANDLER: Committee on Ways and Means. H. R. 10677. A bill to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue; without amendment (Rept. No. 933). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports and amending sections 225, 226, 227, and 228 of the Judicial Code; to the Committee on the Judiciary.

By Mr. TAYLOR of New Jersey: A bill (H. R. 11451) for the purchase of a site for and the erection of a post-office building at Bloomfield, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. DENISON: A bill (H. R. 11452) to appropriate $1,000,000 for the purchase of seed grain and live stock to be supplied to farmers in overflowed areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. HAMMER: A bill (H. R. 11453) to incorporate the Washington Rapid Transit Co.; to the Committee on the District of Columbia.

By Mr. WEAVER: Resolution (H. Res. 334) relating to pay of E. J. Hill and Marion L. Overby, clerks of the late S. M. Brinson, a Representative in Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 11454) for the relief of W. H. De Long; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 11455) granting a pension to Katie Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11456) granting a pension to Lucina Heath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11457) granting a pension to Laura Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11458) granting a pension to Emma W. Pohlmann; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 11459) granting an increase of pension to Louisa N. Noyes; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 11460) granting a pension to George D. Heiwig; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 11461) for the relief of John Megrath; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 11462) granting an increase of pension to Elizabeth F. Hampton; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 11463) granting an increase of pension to Fredonia Williams; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 11464) granting an increase of pension to Haywood G. Lewis; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11465) granting a pension to Thomas A. Brassfield; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 11466) granting an increase of pension to Mary L. Cornell; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11467) for the relief of F. J. Belcher, jr., trustee for Ed Fletcher; to the Committee on Claims.

Also, a bill (H. R. 11468) granting a pension to Henry H. Rubendall; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 11469) granting an increase of pension to George Gorham; to the Committee on Pensions.

Also, a bill (H. R. 11470) granting an increase of pension to Michael Sullivan; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5299. By Mr. BARBOUR: Petition of residents of Kings and Fresno Counties, Calif., protesting against the enactment of House bills 9758 and 4388 or Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5300. By Mr. CARTER: Resolutions adopted by the Presbytery of McAlester and the Presbytery of Kiamichi, Okla., urging the passage of Senate Joint Resolution 81 and House Joint Resolution 131; to the Committee on the Judiciary.

5301. By Mr. CRAGO: Resolutions adopted by the International Association of Machinists, Lodge No. 159, of Philadelphia, Pa., indorsing House bill 10667; to the Committee on Naval Affairs.

5302. By Mr. FENN: Petition of citizens of New Britain, Conn., by George L. Gans, declaring its sympathy with Zionist aims in Palestine; to the Committee on Foreign Affairs.

5303. By Mr. FULLER: Petition of the Glidden Co., of Chicago, Ill., favoring House bill 10159, to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on Interstate and Foreign Commerce.

5304. Also, petition of E. E. Stevenson, president of the La Salle County (Ill.) Farm Bureau, favoring a tariff duty on blackstrap molasses; to the Committee on Ways and Means.

5305. By Mr. GALLIVAN: petition of Old Colony Division, No. 312, Brotherhood of Locomotive Engineers, urging the passage of House bill 10798; to the Committee on Interstate and Foreign Commerce.

5306. By Mr. KAHN: Resolution adopted by the council of the city of Alameda, Calif., urging the passage of House bill 10212; to the Committee on the Judiciary.

5307. Also, petition of 89 residents of California, urging the passage of the Sterling-Towner educational bill; to the Committee on Education.

5308. By Mr. KELLEY of Michigan: Petition of the Presbytery of Lansing, Mich., favoring legislation for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5309. By Mr. KISSEL: Petition of Lawrence W. Luellen, of New York, N. Y., relative to Senate bill 3410, and urging its passage; to the Committee on Patents.

5310. Also, petition of Pearl & Co., of New York, N. Y., relative to tariff on imported sugars; to the Committee on Ways and Means.

5311. By Mr. MAPES: Petition of George Mattison and others of Grand Rapids, Mich., against the passage of House bill 9753 and similar measures; to the Committee on the District of Columbia.

5312. By Mr. NEWTON of Missouri: Petition signed by 230 citizens of St. Louis, Mo., protesting against the passage of any bills providing for the enforcement of the observance of any religious institution, and so forth; to the Committee on the District of Columbia.

5313. By Mr. RADCLIFFE: Resolution of Board of Commissioners of the city of Bayonne, N. J., indorsing House bill 10202; to the Committee on the Judiciary.

5314. By Mr. RAKER: Resolution No. 477, of the council of the city of Alameda, Calif., indorsing House bill 10212, introduced by Congressman Bacharach; to the Committee on the Judiciary.

5315. Also, petition of the International Brotherhood of Locomotive Engineers, Division No. 415, of Roseville, Calif., indorsing and urging the passage of House bill 6432; also petition of Burnside Post, No. 188, Grand Army of the Republic, Department of California and Nevada, relative to the Morgan bill; to the Committee on Military Affairs.

5316. Also, petition of the Reedley Chamber of Commerce, of Reedley, Calif., indorsing and urging the passage of the soldiers' bonus bill in its present form; to the Committee on Ways and Means.

5317. By Mr. SWING: Petition of various residents of Imperial County, Calif., advocating the passage of the Towner-Sterling bills (H. R. 7 and S. 1252); to the Committee on Education.

5318. By Mr. WOODYARD: Memorial of Huntington Lodge, No. 104, International Association of Machinists, of Huntington, W. Va., favoring the enactment of House bill 10097, by Mr. Hull of Iowa; to the Committee on Naval Affairs.

5319. By Mr. YATES: Petition of the Union League Club of Chicago, protesting against the proposed reduction of the Army and Navy; to the Committee on Appropriations.

SENATE.

THURSDAY, *April 27, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

DEDICATION OF MEMORIAL TO GENERAL GRANT.

Mr. McCUMBER. Mr. President, to-day is the one hundredth anniversary of the birth of General Grant. A great many of the Senators are desirous of joining the exercises in honor of the occasion. I think under the circumstances, even though we are greatly pressed with business, that the Senate ought to take a recess to-day. It is my hope that we can do that in a short time. If Senators desire to have any morning business transacted, we can proceed with that, and then, when we complete our routine business for to-day, I shall move that the Senate take a recess until to-morrow at 12 o'clock.

Mr. KING. Mr. President, may I inquire of the Senator whether anything aside from morning business will be transacted this morning?

Mr. McCUMBER. My expectation is to move for a recess immediately after Senators present such matters as they may have to submit in the way of morning business.

Mr. WATSON of Georgia. Mr. President, coming from the South, as I do, I wish now and here, by unanimous consent, to pay my tribute and that of the South to the memory of the great soldier who at Appomattox refused to accept in surrender the purest of human swords—that of Robert E. Lee. In behalf of the great section whose army of northern Virginia Theodore Roosevelt said was the greatest that ever took the field, I wish to say that we honor General Grant and we love him, because at the surrender he was so kind, so magnanimous, as to say to the ragged and starving Confederate soldiers: "Take your horses home; you will need them in planting your crops."

Had General Grant been President after Mr. Lincoln, we never would have had the agony of reconstruction and the bitterness that followed the Civil War.

I see him on that monument, which is to be unveiled to-day and which I think is one of the sublimest conceptions of the human brain, and I feel like lifting my hat every time I pass it. My heart swells, and I am proud that our reunited country produced this great captain and that his family lived side by side with mine in the old country—his just above the Scotch border and mine just below—and that the clans never had a feud.

We of southern blood and memories bear in mind that, when the administration which followed that of Mr. Lincoln threatened to arrest the paroled Confederate officers, General Grant virtually put his hand on his sword and said to the President, in effect: "You shall not do it. My honor is pledged; I signed those parole."

And the President of the United States dared not violate the pledged word of General Grant.

After the war I see him with a cancer eating out his life. He knew he was doomed, and yet he put his pen to paper and, with that fortitude which marked George Washington and Frederick the Great, I see him writing those immortal "Memoirs" which, it is said, were equaled only by those of Cæsar. Having read them myself and having read Cæsar, I quite agree that the tribute was deserved.

He was a great man, a big-hearted man, a great general whose sword had no poison on it; who conquered, but who, in the very moment of his victory, acknowledged the sincerity of those who fought him and gave them generous terms, forgave them and loved them. He wanted to bring us all back into a brotherly Union, when he said, amid the torment and tempest of passion: "Let us have peace! *Let us have peace!* LET US HAVE PEACE!"

Without irreverence, may I liken his words to those of the Galilean when He spoke to the turbulent waves of the wind-swept sea and commanded: "*Peace, be still!*"

In the one case, as in the other, the danger passed and the waves sank down.

Mr. McCUMBER. Mr. President, it is always a pleasure to receive such evidences of a united country, and to receive from men of the South such a tribute to the great leader of the national forces. I think we can justly say that for many long years there has been no bitterness between any sections of the United States growing out of the Civil War; that we all feel that we have to-day but one flag, but one country, and we honor the great heroes who fought on both sides in that great conflict.

Mr. KING. Mr. President, may I be permitted in behalf of the minority to express their appreciation of the action of the distinguished Senator from North Dakota in moving the recess of the Senate in honor of the one hundredth anniversary of the birth of General Grant? It is altogether fitting that we should pause in the labors of this day and pay tribute to one who made such rich contribution to the cause of a united and enduring Republic. The skies above this Republic are studded with brilliant stars whose brightness will never fade, and whose glory will forever illume the pathway of our Nation. Ulysses S. Grant is in this immortal galaxy. His mighty achievements upon sanguinary battle fields of our country give him enduring fame as a military commander. Students of the strategy of war recognize his mighty genius, and acclaim him not only as a serene, tenacious, and courageous warrior, but as a technician in the art of war, which places him in the front rank of the military heroes of the world.

In the political field he won the highest honors, and in his private life he left a record to guide patriotic Americans who come after him.

Thousands of gallant soldiers who wore the blue and the gray will, on this notable day, recall the genius, the greatness, the patience, the gentleness, the chivalry, and the high and undying service of this great American; there will be no North and no South, but a deep and abiding spirit of unity and nationalism will bind all of our countrymen together. This great American will be regarded with love and affection in every section of our broad land, and held as a part of the rich inheritance of the past which has entered into the lives of the American people, and all will feel that he constitutes forever a part of that patrimony which lifts this Republic to the heights of moral and spiritual power and crowns it with world leadership. This day will bring inspiration and courage to all true Americans, and upon the morrow, with high resolve, they will go forth consecrating themselves and their lives to the preservation of this Republic and the establishment of peace and justice and righteousness in all the world.

PETITIONS.

Mr. WILLIS presented petitions of D. H. Swinton and sundry other citizens of Toledo and Columbus, in the State of Ohio, praying for inclusion in the tariff bill of a duty upon stained and painted glass windows, which were ordered to lie on the table.

ADMISSION OF WILLEM VAN DOORN TO NAVAL ACADEMY.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the joint resolution (S. J. Res. 109) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands, reported it without amendment and submitted a report (No. 644) thereon.

BILL INTRODUCED.

Mr. NORRIS introduced a bill (S. 3518) to promote the sale of pure seeds, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

TARIFF BILL AMENDMENTS.

Mr. BRODSSARD submitted an amendment and Mr. LADD submitted two amendments, intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

RECLAMATION LAW FOR IRRIGATION DISTRICTS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. JONES of Washington, and Mr. SHEPPARD conferees on the part of the Senate.

RECESS.

Mr. McCUMBER. Mr. President, that we may do honor to the name and the services of our great war hero, I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was unanimously agreed to; and the Senate (at 12 o'clock and 12 minutes p. m.) took a recess until to-morrow, Friday, April 28, 1922, at 12 o'clock meridian.

SENATE.

FRIDAY, *April 28, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Heflin	Nelson	Sheppard
Borah	Jones, Wash.	Newberry	Simmons
Bursum	Kendrick	Norbeck	Smoot
Capper	Keyes	Norris	Townsend
Culberson	Ladd	Oddie	Wadsworth
Curtis	La Follette	Overman	Walsh, Mass.
Hale	Lenroot	Page	Walsh, Mont.
Harreld	Lodge	Phipps	Warren
Harris	McCumber	Pittman	
Harrison	McKinley	Poindexter	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. HARRIS. My colleague [Mr. WATSON of Georgia] is absent on account of illness.

The VICE PRESIDENT. Thirty-eight Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Assistant Secretary called the names of the absent Senators.

Mr. McNARY answered to his name when called.

The following Senators entered the Chamber and answered to their names:

Calder	Edge	Frelinghuysen	Sutherland
Colt			

The VICE PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Brandegee	Glass	King	Sterling
Broussard	Gooding	Ransdell	Swanson
Caraway	Ernst	Shortridge	Watson, Ind.
Dillingham	Hitchcock	Spencer	
Gerry	Kellogg	Stanley	

The VICE PRESIDENT. Sixty-two Senators having answered to their names, there is a quorum present.

Mr. McCUMBER. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site, in which it requested the concurrence of the Senate.

PETITIONS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the board of direction, American Society of Civil Engineers, favoring investigation of the pollution of waters by industries and the review of legislation to determine what, if any, laws may be required to remedy the evil, which was referred to the Committee on Commerce.

Mr. LODGE presented resolutions and telegrams in the nature of petitions of the Sisterhood, Temple Emanuel of Lawrence, Mass.; House of Israel Congregation, Simon Cohen, president, Sharon, Pa.; Sharon Zionist Organization, Maurice Schloss, chairman of the executive committee, Sharon, Pa.; Congregation Sharey Tora, Myer Greenblatt, president, Sharon, Pa.; Western Star Lodge, Max Adler, president, Sharon, Pa.; Petatch Pikvoh Congregation and the Ladies' Auxiliary Petatch Pikvoh, of Baltimore, Md.; the Home of Daughters of Jacob of the Bronx, Mrs. A. J. Dworsky, president, of New York City; teachers of Newark Hebrew schools, Chenitz, secretary, of Newark, N. J., praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish People, which were referred to the Committee on Foreign Relations.

Mr. LADD presented resolutions adopted at a meeting of members of Cooperative Marketing Agencies, at Fargo, N. Dak., which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That we, the members of Cooperative Marketing Agencies designed for the purpose of selling farm products with the minimum of expense and maximum return to growers, fully appreciate the service rendered all agricultural interests by the War Finance Corporation under the direction of Eugene Meyer, jr., and further we believe that any agencies created by Congress during this session will not be able to function in time to furnish credit for marketing the crops of 1922: Now, therefore, we respectfully petition that the powers granted the War Finance Corporation be extended for one year or until such time as an agency is developed by the Government of the United States to perform the service now being rendered agricultural interests by the War Finance Corporation.

EQUITY COOPERATIVE EXCHANGE.
NORTH DAKOTA MEMBERS UNITED STATES GRAIN GROWERS.
NORTH DAKOTA WHEAT GROWERS' ASSOCIATION.
NORTHWEST WHEAT GROWERS.
THE FARMER.
DAKOTA FARMER.
FARM, STOCK, AND HOME.
NORTH DAKOTA FARM BUREAU FEDERATION.
NORTH DAKOTA AGRICULTURAL COLLEGE.

Whereas the flax crushers of the country are closing down on account of the flood of foreign oil now coming in under the present tariff of 10 cents a gallon, which is lowering flax prices below cost of production.

Whereas while the Fordney bill places an adequate tariff on linseed oil the time of passage of that act is very indefinite, it is the sense of this meeting that an amendment of the present emergency tariff act making the linseed-oil tariff the same as provided in the Fordney Act be passed without delay, so that farmers in the flax area will be in position to organize the farm operations for 1922.

Mr. TOWNSEND presented a resolution of the International Arbitration Association (incorporated in the State of Michigan), Woodbridge N. Ferris, president, favoring the enactment of legislation providing for a peace conference of the nations for the purpose of establishing an international republic, in accordance with a plan suggested by Homer L. Boyle, of Lansing, Mich., and indorsed by Alex J. Groesbeck, governor of Michigan, and sundry other citizens, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of the Manhattan (Kans.) Rotary Club, praying for the enactment of legislation to control the traffic in narcotic drugs, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Concordia Presbytery, at Manhattan, Kans., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Concordia Presbytery, at Manhattan, Kans., favoring the enactment of

legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Concordia Presbytery, at Manhattan, Kans., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. HARRISON presented the following concurrent resolution of the Legislature of Mississippi, which was referred to the Committee on Commerce:

House Concurrent Resolution 61.

A concurrent resolution memorializing Congress to appoint a special committee to inspect and investigate the conditions in the territory from Brunswick, Miss., to Baton Rouge, La., on the east bank of the Mississippi River, during the prevalence of the present high water.

Whereas the territory from Brunswick, Miss., to Baton Rouge, La., on the east bank of the Mississippi River, is subject to inundation each year from the waters of the Mississippi River; and

Whereas the situation is at present pathetic and distressing and the people in said territory have not in the past been considered in the granting of relief or redress, while other sections on said river are enjoying great benefits by allotments of the appropriations made by Congress; and

Whereas we do not believe that it is the intention of Congress to neglect said territory or to discriminate against the same in its allotments of appropriations for expenditure by the Mississippi River Commission. Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and is hereby, memorialized to appoint a special committee or commission to inspect said territory during the present inundation and to investigate the conditions thereof, whereby proper allotments of the appropriation might be made for the benefit thereof.

Approved by the house of representatives April 3, 1922.
Approved by the senate April 5, 1922.

I, Joseph W. Power, secretary of state of the State of Mississippi, do hereby certify that the within and attached copy of House Concurrent Resolution No. 61 is a true and correct copy of the original resolution as the same appears of record in this office.

Given under my hand and seal of office this the 15th day of April, A. D. 1922.

[SEAL.] JOS. W. POWER,
Secretary of State.

OPERATIONS OF EMERGENCY TARIFF ACT.

Mr. McCUMBER. Mr. President, I ask unanimous consent to report back favorably with an amendment Senate Resolution 284, and, as there will be no debate upon the resolution, I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The Assistant Secretary read the resolution (S. Res. 284), which had been submitted by Mr. HARRISON on the 25th instant, as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, directed to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operations and results of the rates carried in the emergency tariff act approved May 27, 1921, and as extended by the act approved November 18, 1921.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 8, after the word "facts," to strike out the words "and findings."

Mr. HARRISON. Mr. President, I merely desire to express my gratification at the promptness with which the committee have reported this resolution, and, through its chairman, have asked for its immediate consideration. The amendment to the resolution reported by the committee does not, in my opinion, affect it materially at all.

The amendment was agreed to.

The resolution as amended was agreed to.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1548) to provide for the issuing of a patent to Richard Murphy for a certain tract of land in what is known as the Big Pasture of Oklahoma and upon which he has made full payment of purchase price (Rept. No. 645);

A bill (H. R. 70) to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes (Rept. No. 646);

A bill (H. R. 7109) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes (Rept. No. 647);

A bill (H. R. 7598) authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif. (Rept. No. 648);

A bill (H. R. 8675) to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park (Rept. No. 649);

A bill (H. R. 9499) to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands (Rept. No. 650); and

A bill (H. R. 10443) to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States (Rept. No. 651).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3154) for the relief of C. M. Reives (Rept. No. 662); and

A bill (S. 3235) validating certain applications for and entries of public lands (Rept. No. 653).

Mr. POINDEXTER, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3103) to amend section 2294, United States Revised Statutes, relating to homesteads (Rept. No. 654);

A bill (H. R. 5684) to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916 (Rept. No. 655);

A bill (H. R. 6817) to authorize the Secretary of the Interior to issue patent to the State of Michigan, in trust, of a certain described tract of land to be used as a game refuge (Rept. No. 656);

A bill (H. R. 7862) authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La. (Rept. No. 657);

A bill (H. R. 8358) for the relief of Israel Butts (Rept. No. 658);

A bill (H. R. 9495) for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects (Rept. No. 659); and

A bill (H. R. 10461) to add certain lands to the Siskiyou National Forest in Oregon (Rept. No. 660).

Mr. POINDEXTER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7812) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz., reported it with an amendment and submitted a report (No. 661) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3345) changing the name of Keokuk Street in the county of Washington, D. C., to Military Road (Rept. No. 662);

A bill (S. 3448) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co. (Rept. No. 663); and

A bill (S. 3483) to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes (Rept. No. 664).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 2683) to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health, reported it with amendments and submitted a report (No. 665) thereon.

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6323) for the relief of Frank M. Stewart (Rept. No. 666);

A bill (H. R. 8119) for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States (Rept. No. 667); and

A bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes (Rept. No. 668).

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 3123) to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended (Rept. No. 669); and

A bill (H. R. 9275) for the relief of Frances Kelly (Rept. No. 670).

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3332) to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions (Rept. No. 671);

A bill (H. R. 7968) granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes (Rept. No. 672); and

A bill (H. R. 10007) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876 (Rept. No. 673).

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, reported it with an amendment and submitted a report (No. 674) thereon.

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 2467) to provide relief for the victims of the airplane accident at Langin Field, reported it without amendment and submitted a report (No. 675) thereon.

He also, from the same committee, to which was referred the bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga., reported it with amendments and submitted a report (No. 676) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURSUM:

A bill (S. 3519) defining the rights of the Mescalero Apache Indians in the Mescalero Indian Reservation, providing for an allotment of certain lands therein in severalty to the Mescalero Apache Indians, and creating and defining the all-year national park; to the Committee on Indian Affairs.

By Mr. NELSON (by request):

A bill (S. 3520) to amend section 117 of the Judicial Code; to the Committee on the Judiciary.

By Mr. LADD:

A bill (S. 3521) to prohibit the transportation and sale of field seeds in packages not properly branded; to the Committee on Agriculture and Forestry.

By Mr. PITTMAN:

A bill (S. 3522) to extend for six months the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Finance.

TARIFF BILL AMENDMENT.

Mr. LADD submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE.

Mr. SMOOT. House bill No. 463 was referred to the Committee on Patents. The bill relates entirely to public lands, the granting of a patent to Joseph Robicheau. I therefore move that the Committee on Patents be discharged from the further consideration of the bill and that it be referred to the Committee on Public Lands and Surveys.

The motion was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site was read twice by its title and referred to the Committee on the Library.

NAVAL OIL RESERVE LEASES.

Mr. LA FOLLETTE. Mr. President, on the calendar day of April 21 I submitted a resolution (S. Res. 282) calling upon the Secretary of the Interior for information with regard to the naval oil reserves. When I presented that resolution, sir, I asked that it be printed and that it lie upon the table subject to call. I am not able to call it up this morning, as the unfinished business, the tariff bill, is before the Senate; but I want to give notice now that as soon as I am able to call that resolution before the Senate I am going to avail myself of the right of the introducer of every resolution or bill to perfect it before it is submitted to a vote, and I shall make certain changes in it. As I desire to have those changes appear in the RECORD in connection with some remarks which I am going to submit at this time upon the resolution, I send to the Secretary's desk the resolution in the form in which, as I am now advised, I shall submit it to the Senate, and ask that it be read.

The VICE PRESIDENT. The Secretary will read the proposed modification of Senate Resolution 282, heretofore submitted by the Senator from Wisconsin.

The reading clerk read as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate:

(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve No. 1, and, separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued, the name of the lessee, the date of the lease, the area of the leased property, the amount of the rent royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves; be it further

Resolved, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate.

Mr. LA FOLLETTE. Mr. President, I wish to submit some observations upon the resolution in the form in which I have modified it this morning.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. May I inquire of the Senator what was the action of the Senate Committee on Finance as to a duty on petroleum in the tariff bill?

Mr. LA FOLLETTE. As the Senator will see from an examination of the tariff bill, no duty was placed upon the imports of this product.

I desire especially to refer to the condition in which the country finds itself with regard to the reservations of oil lands made for the protection of the Government in supplying oil as the source of motive power for the modern Navy of to-day.

It will be remembered by Senators that some years ago, beginning with the administration of President Taft, it was decided that oil-burning vessels were likely to displace coal-burning vessels in every navy that sought to keep abreast of the advanced policies of naval construction. As soon as that was understood by our Government, the head of the Navy Department sought information as to whether it would be possible, from the public lands owned by the Government, to supply the oil necessary for the vessels of the Navy. He was informed by the Secretary of the Interior of that time, on the authority of the Geological Survey, that there was an abundance of oil on the public domain. It was then determined that there should be a radical change in all naval construction, and that from that time on we should build oil-burning instead of coal-burning vessels.

As the next step in taking care of the public interests a plan was formulated, and urged upon the President, of withdrawing from sale or entry certain oil-producing lands, as indicated by investigations that had been made by the Geological Survey.

Mr. President, as a result of this understanding between the different departments of the Government certain lands known to contain oil were thereupon withdrawn from sale or public entry and were set apart as Government reservations, known as naval oil reservations Nos. 1 and 2, located in California, and No. 3, located in Wyoming.

It must be confessed, to our humiliation and our shame, that private interests, eager to profit out of the exploitation of any natural resource, at once sought to secure a foothold in these oil reserves that the Government had selected and set apart as a source of supply for the Navy. Under various subterfuges private entries were made upon these lands, and contests were raised as to whether the President had a right to make these reservations for the protection of our Navy, and out of these contests there grew up a controversy which developed into what I might say amounted to a national scandal.

The Navy Department tried to protect the naval reserves. Private interests, great oil companies, intruded upon these reserves, questioned the authority of the Government, through

an Executive order by the President, to withdraw them from public entry, and raised technicalities here and there to break down the authority under which the reservations had been made. It is the history of legislation touching this subject that there were men to be found in the Senate of the United States and in the House of Representatives to take the side of the private interests that had invaded these reservations to deprive this Government of the naval reserves that had been thus withdrawn in the public interest.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I yield.

Mr. HARRELD. I am not sure that I am right, but my recollection is that the Executive order which set aside these naval reserves provided that they should be controlled by the Secretary of the Navy. I do remember that I called on the Secretary of the Navy once about some proposed leases, and at that time he told me that he had control of the situation. I would like to ask the Senator from Wisconsin how it comes that the Secretary of the Interior is now vested with authority to make these leases?

Mr. LA FOLLETTE. These naval reserves were under the authority and control of the Secretary of the Navy down to the time when there was a change of administration following the election of 1920.

Some time after the present administration came into control of the Government the public was informed that a movement was on foot to transfer from the Navy Department to the Interior Department the control of the naval oil reserves. The change of policy under the Harding administration goes much further than that. It involves the forests and it involves the coal lands.

I say now, and I sound it as a note of warning to my Republican colleagues, that we can not afford to permit a record to be made here which will parallel the record of Mr. Ballinger, Secretary of the Interior under the Taft administration.

Mr. President, all sorts of looting goes on in a Government as big as ours in spite of anything that can be done to prevent it. The most scandalous gouging of the public by private interests probably occurs during a war period, and the plunderers operate through the War Department. But, sir, in normal peace times the sluiceway for a large part of the corruption to which this Government of ours is subjected is the Department of the Interior. That department has been befouled under all administrations, in greater or less degree, by the corrupting influences which work through it to plunder our great heritage of public lands, of timber, of coal, of iron, of copper, of oil. All of the wealth deposited by the lavish hand of nature in the public domain belongs to the people of this Government, but it is raided by selfish special interests through the Interior Department.

Mr. KING. May I ask the Senator a question for information?

Mr. LA FOLLETTE. I yield.

Mr. KING. I am very much interested in the Senator's statement as to the change of policy with respect to these lands which were reserved for naval oil supplies. Have they been leased to some person connected with the Standard Oil, or one of its subsidiary organizations? Have there been any limitations in the terms of the lease as to the prices which should be charged? Are they to be the same monopolistic prices which now prevail in the United States? What are the terms?

Mr. LA FOLLETTE. I thank the Senator for bringing me back to the subject of my resolution.

Mr. KING. I hope the Senator will pardon me. I thought he was about to conclude, and I wanted an answer to those questions.

Mr. HARRELD. Mr. President, I think I can answer the question of the Senator from Utah. I think this lease has been given to a new organization known as the Mammoth Oil Co.

Mr. LA FOLLETTE. I am coming to that, Mr. President.

Mr. KING. I suggest that the Senator go on with the line he was following.

Mr. LA FOLLETTE. The throwing open of the naval reserves by leasing the lands to oil corporations by this administration came as a distinct shock to the country when it became known a few weeks ago after the transfer of the control of the naval oil reserves to the Interior Department, after they had been handed over by the consent of the Secretary of the Navy to the Secretary of the Interior. Following that the country was startled with the information that practically all the oil in naval reserve No. 1 and naval oil reserve No. 2 in California and naval oil reserve No. 3 in Wyoming had been leased to private interests.

Mr. President, ever watchful of the public interest, the junior Senator from Wyoming [Mr. KENDRICK] was the first Member of this body to call attention in a public way to what had been done. I myself had overlooked it, and I have had for many years (very near to my heart) an interest in this branch of the public service. The junior Senator from Wyoming introduced a resolution, calling the attention of the Senate and the country to the leasing of naval reserve No. 3, located in Wyoming, the richest of all the naval reserves. He first informed the public that this lease had been made without open competitive bidding to some favored party.

The Senator from Wyoming promptly demanded information on the subject. He introduced a resolution and made a brief statement on the floor. That brought the matter to my attention. Subsequently I introduced the resolution to which I am now addressing myself.

Mr. President, the policy of 13 years of conserving underground oil in naval oil reserves has been abandoned. The three great naval reserves have recently become private oil reserves.

Within the present month the last of the reserves, and the richest, No. 3, in Wyoming, has been leased in its entirety to one oil corporation. The only possible justification which can be offered for this action by the Interior Department is the one which they have put forward, namely, that these valuable reserves are being depleted by the drilling of wells on adjoining privately owned lands. I shall presently call the attention of the Senate to the opinions of competent authority upon that subject, but for the moment I wish to consider the phases of this situation which led up to the action of the Interior Department.

I was astounded when I learned that the Navy Department had turned the administration of these naval oil reserves over to the Interior Department. It can be said for the present Secretary of the Interior that he has always frankly declared his position on public questions. As a Member of the Senate, his attitude toward the public domain generally, and the naval oil reserves in particular, was well understood during his service as a Member of this body. Upon every measure that involved the conservation of natural resources upon the public lands Senator Fall, from New Mexico, was the aggressive opponent of the policy of conservation as established under Roosevelt and thereafter maintained as a general policy of administration by his successors. His position, as shown by speech and vote while a Member of this body, makes it very plain that he was opposed to strengthening and extending conservation and in favor of weakening and impairing the policy.

During the long fight over the naval oil reserves, which was the subject of sharp contention from time to time on the floor of the Senate, the present Secretary of the Interior, then a Member of the Senate, was not conspicuous as a guardian of naval oil reserves. Everybody familiar with his record will admit that to be true. He voted and spoke against provisions offered to safeguard these valuable reserves.

In view of this record it seems almost unbelievable that the Secretary of the Navy would be willing to turn over to the Secretary of the Interior the administration of the naval oil reserves. Especially is this true when one remembers the strenuous fight which the Navy Department had with the Interior Department during President Wilson's administration to prevent the very disaster which has now occurred. In this connection it is significant to note that every officer of the Navy who had been specially detailed to investigate the naval reserves and who had become especially well informed as to these naval oil reserves and who supported Secretary Daniels in that contest have since the advent of the present administration been ordered to sea or to other parts of the world for duty. I have been informed upon very high naval authority that these changes in personnel detail were made after the present Secretary of the Interior had begun his campaign to secure the transfer of these naval reserves to the Interior Department. In fact, it was after a very stormy interview with the former custodians of the Navy oil that Mr. Fall, Secretary of the Interior, requested the Navy Department to send more "reasonable" officers to represent the Navy in conference with him. These naval officers, equipped and efficient, who had proven their loyalty to the naval reserve, were ordered elsewhere, and others who had not been specially associated with or interested in the former policy of the Navy were named to take their places.

Without access to the records in this case it is somewhat difficult to get at all the facts, but there is sufficient material available to make it plain that the naval reserves are being sacrificed to private exploitation at the hands of favored interests.

On the 28th day of February there was organized under the laws of Delaware the Mammoth Oil Co., with a capital stock of 1,000,000 shares without nominal or par value. The articles

of incorporation stated, in article 4, that the actual number of shares with which the corporation commenced business should be 10. The incorporators were T. L. Croteau, of Wilmington, Del., who subscribed for eight shares; M. A. Bruce, of Wilmington, Del., who has one share; C. H. Blaske, of the same place, who also subscribed for one share.

The next record which appears in the files of the secretary of state of Delaware is an amendment to the articles of incorporation of the Mammoth Oil Co., which by this time had blossomed out with a vice president and secretary, who filed the amended articles of incorporation with the secretary of state. They are, respectively, G. C. Wahlberg and H. W. Kenwell. The former appears in the directory of directors of New York City as a director of the Sinclair Central American Oil Corporation.

This amendment increased the authorized shares of capital stock of the Mammoth Oil Co. from 1,000,000 to 2,005,000. There were certain other amendments of the articles of incorporation filed at the same time not material to note at this time.

In passing it may be interesting to observe that this capital stock is divided into two classes—A and B—2,000,000 shares being class A and 5,000 shares constituting class B.

The right to elect directors in this corporation is vested exclusively in the holders of class B stock. This virtually gives these 5,000 shares absolute control of the company.

A conservative estimate of the value of naval reserve No. 3 in Wyoming, known as Teapot Dome, is a half billion dollars. Any Senator with paper and pencil can figure out the value of these 5,000 shares of stock.

At the very time when correspondents of the press were being assured by officials of the Interior Department that no lease of the rich naval reserve No. 3 had been made, a certain gentleman, prominent in oil, racing, and administration circles, published an interview in the New York World in which he asserted that the lease had been made and signed.

Mr. KING. That showed that he was swift. He learned to be so in horse racing probably.

Mr. LA FOLLETTE. Yes. He was very rapid; he was somewhat ahead of the announcement of the Interior Department. This gentleman was none other than Harry Sinclair, of the Sinclair Oil Co.

This lease between the Secretary of the Interior, the Secretary of the Navy, and the Mammoth Oil Co. was signed on April 7, 1922. The fact that this lease had actually been made was not officially admitted until April 21, when its existence was acknowledged in the letter of the Acting Secretary of the Interior and the Secretary of the Navy, in response to Senate resolution of April 15, 1922, introduced by the able and diligent junior Senator from Wyoming [Mr. KENDRICK].

During the time between April 7 and 21, when this mystery surrounded the public's business, speculation in Sinclair oil jumped on the New York Exchange in three days' trading over $30,000,000.

Mr. President, if there was a bill before the Senate granting a concession to the Mammoth Oil Co. of naval oil reserve No. 3 in Wyoming, comprising between six and seven thousand acres of the richest oil lands in the United States, worth at least half a billion dollars, the Senate would certainly demand all the facts and details respecting the matter before taking any action upon the bill. It would not accept glittering generalities. It would not be satisfied with the mystery, evasion, and denials that have emanated from the Interior Department for weeks concerning this Mammoth Oil deal. It would not be satisfied with the answers to the resolution of the Senator from Wyoming that duck and dodge the facts in the case. Would not some Members of the Senate want to know who were the real organizers of the Mammoth Oil Co. who were to be favored by the Government with a special privilege in value beyond the dreams of Croesus? Would they not want to know something specific about Mr. Harry F. Sinclair and his associates, to whom it was proposed to transfer this naval oil reserve?

If the lease of No. 3 is as loosely drawn as the one given to other favored companies on the naval reserves in California, copies of which have recently come into my possession, I would want to bring certain provisions of it to the attention of the Senate. In any event the Congress of the United States and the public should have all the facts and information regarding the reversal of a great national policy and the surrender of our naval oil reserves, which may involve the Nation's safety, to say nothing of the question which is raised here of granting to favored individuals public properties worth hundreds of millions of dollars which belong to the people.

I shall confine my remarks to-day to naval reserve No. 3, sometimes called the Teapot Dome, because this is the reserve which has been thrown open to private exploitation most recently. Later on I shall have something to say concerning the department's handling of naval oil reserves 1 and 2 in California.

The only possible defense which the Interior Department can make for leasing the No. 3 reserve is that it is being drained by drilling in the adjoining privately owned Salt Creek field. No other valid reason can be advanced, and some reason of paramount importance for the action taken will have to be proven before the public will accept this reversal of an approved Government policy which has been in force for nearly 13 years.

Mr. HITCHCOCK. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I do.

Mr. HITCHCOCK. The Senator is making some amazing revelations, and I think that most of the Members of the Senate are not aware of that fact. Will he yield to me in order that I may suggest the absence of a quorum?

Mr. LA FOLLETTE. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Borah	Gooding	Lodge	Ransdell
Brandegee	Hale	McKellar	Sheppard
Brookhart	Harreld	McKinley	Shortridge
Bursum	Harris	McNary	Smoot
Calder	Harrison	Nelson	Spencer
Capper	Heflin	Newberry	Stanley
Caraway	Hitchcock	Norbeck	Sterling
Culberson	Jones, Wash.	Norris	Sutherland
Curtis	Kellogg	Oddie	Swanson
Dillingham	Kendrick	Overman	Townsend
Edge	Keyes	Page	Wadsworth
Ernst	King	Phipps	Warren
France	La Follette	Pittman	Watson, Ind.
Glass	Lenroot	Poindexter	

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. LA FOLLETTE. Mr. President, I repeat that the only possible defense which the Interior Department can make for leasing the No. 3 reserve in Wyoming is that it is being drained by drilling in the adjoining privately owned Salt Creek field.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. In just a moment. No other valid reason can be advanced; and some reason of paramount importance for the action taken will have to be advanced and will have to be proven before the public will accept this reversal of an established governmental policy which has been in force for nearly 13 years.

I now yield to the Senator from Oklahoma.

Mr. HARRELD. Mr. President, this report shows that the contracts under which these lands were leased provided for royalties running up to as much as 50 per cent. It also shows that it is claimed that these Government lands are being drained by the operators of the Salt Creek territory. The Salt Creek territory leases provide for only 12½ per cent royalty. Does the Senator's investigation show whether or not the people who got these leases from the Navy Department own any leases in the Salt Creek territory?

Mr. LA FOLLETTE. No, Mr. President. My information is that no drainage of naval oil reservation No. 3 into the Salt Creek field is possible.

Mr. HARRELD. It would seem that if some people are draining this field under leases which provide for 12½ per cent royalty, they certainly would not stop draining it in that way in order to operate under leases under which they would pay 50 per cent royalty.

Mr. LA FOLLETTE. That is perfectly true; and I will ask the Senator from Oklahoma—who, I know, is quite familiar with this whole subject—whether he has any information or knowledge as to the connections of these leases of naval oil reserve No. 3 with the operators in the Salt Creek field?

Mr. HARRELD. No; I am not informed on that subject. I was asking the Senator for information in regard to it. That is a very material question, though.

Mr. LA FOLLETTE. I will inquire of the Senator if he has any indirect information upon that subject, any reports or statements that bear upon it?

Mr. HARRELD. The only interest I have in this matter is that some independent operators claim that they were precluded from being allowed to bid on these leases. That is all the information I have.

Mr. LA FOLLETTE. Mr. President, I am sure the Senator is concerned in this matter not only on account of the independent operators but upon the broad ground of the public interest as well.

Mr. HARRELD. Mr. President——

Mr. LA FOLLETTE. I yield.

Mr. HARRELD. I want to correct my statement. That is not my only interest.

Mr. LA FOLLETTE. I am sure it is not.

Mr. HARRELD. I am interested in this matter for the very same reason that the Senator has expressed.

Mr. LA FOLLETTE. I am certain that must be so, and I am glad to have the Senator say so.

Mr. KENDRICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. I yield to the Senator from Wyoming.

Mr. KENDRICK. As contributing something to the evidence in reference to whether or not the Teapot Dome is being drained, with the Senator's permission I should like to have read a telegram which I have recently received from former Governor Brooks, of Casper, Wyo., who lives in the immediate vicinity of the Dome.

Mr. LA FOLLETTE. I have several telegrams upon that subject, Mr. President, and if the Senator will withhold that until I reach them, I would like to have it offered at that time and in that connection. I think I am approaching the presentation of some testimony upon this question.

Mr. KENDRICK. Very well.

Mr. LA FOLLETTE. The Interior Department has stated, in defense of this leasing of naval oil reserve No. 3, that an "expert of this department" has found that the Teapot Dome was menaced by drainage.

This claim, made by one lone expert of the Interior Department, is contrary to nearly all opinions of geological experts who have heretofore examined and are intimately acquainted with this field.

In order to be possessed of current information, I sent a telegram to Gov. Robert D. Carey, of Wyoming, a Republican, by the way, with whose father I served in the House of Representatives more than a quarter of a century ago. I know the stock. The name Carey carries with it to my mind integrity and honesty and devotion to the public service. The elder Carey, with whom I served in the House, subsequently became the governor of his State, to be succeeded by his son. I read a telegram from Gov. Robert D. Carey, of Wyoming, as follows:

CHEYENNE, WYO., *April 25, 1922.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate:

Reference your inquiry relative Naval Reserve Three: While it is possible agreement may prove beneficial to oil industry in this State, I seriously doubt it, as an increased production may lower prices, causing both State, school, and road funds and United States reclamation fund to suffer accordingly. From such information as I have been able to obtain, I believe there is no chance of the Salt Creek field draining Teapot Dome. Regardless of all other objections to agreement, a great wrong is being done Wyoming to rob it of one of its most valuable natural resources, giving the State nothing in return. Further, the reserve was created to assure the Navy a supply of oil at some future time when oil might not be available from other sources. To use this oil now may mean that at some time this country may be seriously embarrassed in a war for lack of fuel for its Navy. From the standpoint of the Navy, it would appear that the Navy desires this oil in order to be relieved of purchasing oil elsewhere and using naval appropriations for other purposes. No one can justify the bartering away of valuable natural resources, the property of the State and Nation. Maybe there is a possibility that others besides the Mammoth Oil Co. might have made more favorable offers if given an opportunity.

ROBERT D. CAREY, *Governor.*

I also wired Dr. G. B. Morgan, State geologist of Wyoming. His telegram is direct and to the point. It is as follows:

[Western Union telegram.]

CHEYENNE, WYO., *April 25, 1922.*

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.:

No producing wells in neighborhood of Teapot except Salt Creek wells. My opinion is that Teapot and Salt Creek are separate structures and practically no possibility of draining Teapot through Salt Creek wells.

G. B. MORGAN, *State Geologist.*

This is the statement of a scientist in the employ of the State of Wyoming, and I think his testimony should be accepted as disinterested.

A telegram from the Hon. W. A. Blackmore, mayor of Casper, Wyo., which is very close to this reserve, gives very interesting facts. I trust that Senators will listen carefully to this telegram. I read:

[Western Union telegram.]

CASPER, WYO., *April 24, 1922.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate:

The Teapot structure can not be drained by outside wells. The Salt Creek and Teapot Domes are entirely separate. The syncline between contains water—two wells drilled on Salt Creek side proved this. Shannon sand in Teapot carries oil—same sand in Salt Creek carries water. Hence impossibility for outside wells to drain Teapot. These views upheld by geologists who are familiar with actual conditions. Government owns entire Teapot Dome, and I believe it unwise to tap same at this time with 900,000,000 gallons gasoline reserve.

W. A. BLACKMORE, *Mayor.*

I also direct the attention of the Senate to a telegram from Hon. Robert C. Bell, former Special Assistant Attorney General in charge of withdrawn oil lands in Wyoming. He certainly ought to be fully informed as to all matters in controversy regarding Wyoming oil reserve No. 3. In his telegram of April 24 he says:

As former Special Assistant Attorney General in charge of withdrawn oil land matters, Wyoming, I know the situation relative to Teapot structure on naval reserve. To lease this field is positively criminal.

In addition to all the foregoing I had my secretary call Dr. David White, chief geologist of the Geological Survey. In answer to a direct question as to whether or not his office had stated that the Teapot Dome could be drained by contiguous drilling, Doctor White replied:

There is no information in my office upon which I could make any such statement. The only statements which we have are those of interested oil parties. We have considered sending a man to the field to investigate this situation, but have not done so as yet because of our limited appropriations.

Mr. President, now I yield to the Senator from Wyoming to offer as additional testimony the telegram to which he called attention a moment ago.

Mr. KENDRICK. In support of the statement which the Senator has just made, I ask to have read the telegram which I sent to the desk a few moments ago.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read as follows:

CASPER, WYO., *April 19, 1922.*

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.:

Replying to your telegram of the 18th, it is a physical impossibility for wells in the Salt Creek field to drain oil from the Teapot structure. Two wells already drilled struck water in 2,300-foot contour in second wall creek, thus proving conclusively that the saddle between Salt Creek and Teapot Dome contains water. Further proofs show the ridiculousness of any contention that wells in Salt Creek could affect Teapot. Detailed geological proofs of this fact follow by letter. A sharp distinction should be drawn between naval reserves in California that may possibly be drained by offset wells when there is no possibility of such a condition affecting the Teapot Dome in Wyoming.

ROCKY MOUNTAIN OIL & GAS PRODUCERS' ASSOCIATION,
By B. B. BROOKS, *President.*

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Wyoming to state who is the sender of this telegram.

Mr. KENDRICK. Recently, in referring to this subject, I had read into the record a communication from Mr. Brooks, who, as I then stated, was formerly Governor of Wyoming, and one of the ablest governors who ever served the State. He is a very successful business man, and, being a large operator in and producer of oil, and not in any sense a speculator, he is in close contact with the oil industry and is generally considered to be one of the foremost authorities on the subject. He is president of a number of oil companies in the section where he lives, and also, I believe, president of one of the banks of the city of Casper, the largest city in Wyoming. He is probably as well informed on the oil situation in Wyoming as any man not only in the State but in the West.

Mr. LA FOLLETTE. I will ask the Senator from Wyoming if Mr. Brooks is informed not only with regard to the surface situation, the location of wells, and so on, but is he also informed about, and has he made a study of, the geological structure of the oil-bearing formation of that State?

Mr. KENDRICK. On account of Governor Brooks's connection with and investments in oil properties situated in the immediate vicinity of the so-called Teapot Dome and by actual drilling operations carried on to develop the properties, he has acquired not merely knowledge but most detailed information as to the structures of that oil country; in fact, his knowledge, gleaned from drilling operations, is probably surpassed by that of few geologists.

Mr. LA FOLLETTE. I understand the Senator to say that he is a gentleman of the very highest integrity and character?

Mr. KENDRICK. He is one of the most widely and most favorably known men in the State, as well as one of the most highly respected.

Mr. LA FOLLETTE. What are his political affiliations?

Mr. KENDRICK. He is a lifelong Republican, and his record is unassailable.

Mr. HITCHCOCK. Mr. President, I would like to ask the Senator from Wisconsin whether the Interior Department, or whoever it was he quoted, identifies the expert upon whose judgment they based the claim that it would be a loss to the United States to permit operations elsewhere, and that in order to protect this oil it would be necessary to drill for it now? Who is the expert referred to as "an expert in the Interior Department"?

Mr. LA FOLLETTE. He is referred to in a communication which the Secretary addressed to the Senate in response to a resolution which was introduced by the Senator from Wyoming. I have given the language of the department in referring to it just as it is given in the letter, "an expert in the department."

Mr. HITCHCOCK. His identity is not known?

Mr. LA FOLLETTE. It does not appear to be disclosed.

Mr. HITCHCOCK. It is an anonymous authority.

Mr. KENDRICK. Mr. President, will the Senator from Wisconsin permit me to have a letter read in connection with the request for information as to the lease and development of oil fields in the State of Wyoming? The letter is from the author of the telegram just read.

Mr. LA FOLLETTE. If it bears upon the question of the geological structure with respect to drainage, I shall be glad to yield to the Senator to have it read at this point; otherwise I prefer that he offer it a little later.

Mr. KENDRICK. I will take occasion to do that. It has more directly to do with the general effect of the leasing.

Mr. LA FOLLETTE. The excuse that the naval reserve is in danger of depletion by draining into private wells on contiguous lands is as old as the date of its withdrawal. It has ever been the specious plea upon which those desiring to exploit this rich field have based their efforts to secure access to it. But even if the weight of scientific opinion were not against the contention that this field can be drained by outside drilling there is a definite way in which the Government can protect itself against such a ruthless system of pillage. It does not have to surrender to the burglars. The oil in these reserves, under the decision of the Supreme Court of the United States, belongs to the Government. Private interests threaten to draw that oil off by sinking wells on adjoining territory. The policy of the present Secretary of the Interior is to surrender to these pillaging interests.

Mr. President, I do not hold any brief for the Democratic administration. I never had any concessions or any favors or any personal consideration at the hands of the Democratic administration. I have received the same treatment from the bosses of the Democratic Party that I have received from the bosses of the Republican Party. I owe nothing to either side. I pursue my course in public life as I see it in an endeavor to serve the public interests. But the truth compels me to say that when Josephus Daniels was Secretary of the Navy he did not supinely surrender to these oil-grabbing corporations.

Upon this precise point I quote from a recent statement by former Secretary Daniels, made last Saturday while he was in Washington, in which he contradicts the assertion that millions of dollars of naval oil had been lost by drainage while he was the head of the Navy Department. And I assert that what Secretary Daniels said in this statement last Saturday in the city of Washington is sustained by what he did as Secretary of the Navy. I quote:

There never were any wells drilled near our reserves. Several times owners of adjoining lands intimated that they would sink wells close to the naval reserves. I made it plain to them that if this was done the Navy Department would put marines into these fields and sink a well for every one drilled by them. If they attempted to tap our reserves, we would tap theirs. When they learned that we would not be forced by such methods they abandoned their attempts, and we kept our oil. We made it plain that the United States was a larger business concern than any of the oil corporations, and that we would protect the naval reserves that had been set aside by former President Taft.

Contrast the two policies. On the authority of "an expert in the Interior Department," who states that Teapot Dome naval reserve No. 3 is menaced with drainage by an outside private company stealing Uncle Sam's oil underground, Secretary Fall throws up his hands and leases the land to the pirates. Is that service in the public interest? I do not care, Mr. President, for my part, what party label a public servant bears. No eminence of position should protect him from just criticism if he betrays the public interest.

In another interview while he was in Washington former Secretary Daniels said:

Any man who permits the oil reserves of the Navy to be tapped is risking the very national existence of the United States. It is outrageous and wicked. When the present scrapping of naval ships is completed we shall have practically nothing but oil-burning vessels in our fighting line. Without plenty of oil for a future emergency, they will be as useless as painted ships upon a painted ocean.

The reasons given by the present administration for turning over the naval oil reserves in California and Wyoming to great private corporations are childish. They say the Standard Oil Co. has bored wells immediately adjoining our reserve in California and is tapping our oil pools. Is this Government impotent to defend its own property? Should the Navy stand by with its hands folded and let the Standard or anybody else steal our oil?

The same threats were made when I was Secretary of the Navy. We decided that, first of all, we should get out an injunction; if that failed, we decided that every time the Standard or anybody bored a well that might tap our oil we would bore one immediately adjoining which would tap their oil. I got an appropriation from Congress for that purpose.

During the last months of my administration I sent an officer out to the Pacific coast to see what steps were necessary to protect the Navy's oil. I have been out of office so long that I do not remember what he reported. But in any event the security of the United States demands that the future fuel supply of our fighting ships be saved from the greedy hands of private oil corporations.

The suggestion that the oil in the naval reserve pool should be pumped out and stored, so that it may be immediately available in case of emergency, is intended to deceive. Oil is now cheap and plentiful. The Navy can buy all it needs at a fair price. And we have great underground tanks at Yorktown, Va., and San Diego, Calif., where enough surplus oil can be stored for any emergency.

The Navy oil reserves were intended to insure a supply of fuel in years to come, when other fields are near exhaustion. Some experts say the oil supply of the United States will be exhausted within 20 years. Others think it will last longer. Everybody knows the rate of consumption is increasing with extreme rapidity. Certainly in 20 or even 10 years a sufficient oil supply will be hard to get unless we maintain a large reserve. That was exactly the object when President Taft and President Wilson set aside the naval oil reserve tracts in California and Wyoming.

The only way to keep an oil reserve is in the ground. To pump it out now is to waste a great deal and to insure the almost immediate use of it all. Other nations are hunting oil reserves for their navies all over the world. We, with such reserves already provided for, have apparently decided to turn them over to be exploited by private corporations. It is, I repeat, simply outrageous. What is more, the time is likely to come when the people who are responsible for using up the Navy's oil reserve will find that they have endangered the very existence of the United States as an independent Nation.

For several years this fight to protect the naval oil reserves against these hungry exploiters has been waged in and out of Congress. From the beginning it has been much more than a question of oil reserves; it has been a question of national safety.

Ever since the Executive withdrawal of 1909 and the creation of the naval oil reserves there have been many bills introduced in Congress which sought to vitiate the Navy's rights in these lands set aside for the exclusive use and benefit of the Navy.

Mr. President, I digress just for a moment to say that it is inconceivable, to my mind, that Members of the House of Representatives and Members of the Senate would introduce and sponsor bills to take away from this Government the oil necessary to supply its Navy in the future, and to do that in the interest of private oil monopolies, such as the Standard Oil. We have had considerable discussion about "disloyalty" in the United States Senate, in the House of Representatives, and in the country during the last four or five years. Show me something comparable to the betrayal of this Government's interest, the undermining of government itself, the serving of special oil interests against the interest of this Government in the preservation and protection of the oil reserves necessary for a modern Navy.

In the Sixty-fourth Congress the general leasing bill (H. R. 406) was so amended by the Senate Public Lands Committee as to virtually abolish the Navy oil reserves. Fortunately it was defeated, together with the entire bill, and the naval reserves saved.

"In the Sixty-fifth Congress the general leasing bill (S. 2812) provided for the disposition of every acre of the Navy's land in reserve No. 2. In the Sixty-sixth Congress the oil leasing bill, in sections 18 and 18a, contained provisions allowing leases on naval oil reserves. This bill was reported from the Senate Committee on Public Lands. I opposed the sections of this bill dealing with the naval reserves, and offered an amendment to strike out the parts of the bill dealing with the naval oil reserves. From the beginning I have opposed in the Senate legislation seeking to destroy these naval reserves.

On September 8, 1919, when the oil leasing bill was under consideration in the Senate, I said, speaking of the naval oil reserves:

I think that this phase of the question is of such magnitude and is so vital to the position that the Government will occupy as a sea power of the world, that we ought to give special attention to these sections. I am going to ask the Senators present to follow me as I take up the subject.

The bill as drawn will, I believe, destroy the naval reserves set aside for the Navy. This is done by provisions contained in the second paragraph of section 18, aided by succeeding paragraphs of that section. Out of the lands originally withdrawn on or before September 27, 1909, certain areas were set apart to furnish a future supply of oil for the Navy. The reports of the Navy experts of the highest authority, as well as the experience of our own Navy and of the navies of the foreign powers, had established the fact beyond question that naval efficiency, and, therefore, national safety, were dependent

upon the increasing use of oil-burning ships. It is therefore evident that, after a brief moment of time, as the lives of nations are counted, there will not be a sufficient supply of oil in the ground necessary to insure our safety from attack if the existing deposits are to be thrown open to private exploitation without maintaining any reserve for our future naval use. This was the purpose for which the naval oil reserves were set aside. The needs of the Navy require that the oil should be kept in reserve in the ground until future naval necessities require its extraction and use.

I measure my words when I say that what I had fears of then has already transpired. To-day the naval reserves are on the right road to destruction or exhaustion by allowing specially favored private interests to secure leases upon them. They are being scrapped; that is all. Had my amendment to the oil leasing bill of 1919 been accepted, the Interior Department and the Navy Department would have been compelled by law to protect these reserves. Yet I received just eight votes in this body for the amendment which I offered at that time.

On September 27, 1909, in line with the policy of the Navy Department regarding oil-burning ships, a presidential order of withdrawal of oil lands was issued by President Taft. Previously Admiral George Dewey, as president of the General Board of the Navy, had recommended—

that the use of oil fuel both as an auxiliary in large ships and as the sole fuel of destroyers and smaller vessels would be attended with marked advantage. * * * and recommended that in its building programs for the current and proceeding years that vessels be fitted accordingly.

The Taft order of withdrawal, as testified by Director George Otis Smith, was predicated on "the present and future requirements of the American Navy."

On December 6, 1910, the President in his annual message made the following statement:

In September, 1909, I directed that all public oil lands, whether then withdrawn or not, should be withheld for disposition pending congressional action * * * and for the further reason that it seemed desirable to reserve certain fuel-oil deposits for the use of the American Navy. * * *

As not only the largest owner of oil lands but as a prospective large consumer of oil by reason of the increasing use of fuel oil by the Navy the Federal Government is directly concerned both in encouraging rational development and at the same time insuring the longest possible life to the oil supply.

There was some question raised by lawyers as to whether the President had the right to make these oil withdrawals. Thereupon the Pickett Act was passed by Congress, June 25, 1910, giving the President authority by legislative act as an added precaution. On July 2, 1910, the President by Executive order under authority of this act (36 Stat. 847) rewithdrew these lands.

Throughout this entire period the record will show that the Navy Department was in correspondence with the President and the Interior Department urging the necessity of reserves for fuel oil. Finally two petroleum reserves were created by Executive order—No. 1 on September 2, 1912, and No. 2 on December 13, 1912. These were withdrawn by President Taft. Later on President Wilson established, by Executive order of April 30, 1915, naval reserve No. 3, in Wyoming, also known as the Teapot Dome.

In practically every annual report of the Secretary of the Navy there are references to the importance of holding these naval reserves intact for future naval use. For instance, in his report of December 1, 1916, the Secretary of the Navy devotes six pages to the necessity of oil conservation for the Navy.

Likewise on December 9, 1916, the Naval Consulting Board, through Thomas A. Edison, its chairman, declared in an official statement that the national defense would be imperiled if any legislation was enacted which would divert from the Navy any portion of its petroleum fuel reserve.

Hearings before the House and Senate Committees on Public Lands and on Naval Affairs for the past several years show testimony by naval experts support the conclusions of the Edison report.

There are many official reports and statements by experts on the necessity of doing everything possible to keep in the ground intact a supply of fuel oil for the Navy.

My colleague, the late Senator Husting, made a fight against the efforts to destroy these naval reserves, and his minority report as to the naval oil controversy I believe is unanswerable. I quote briefly from this admirable report:

We have entered upon a policy of substituting oil-burning for coal-burning ships. We have entered upon the policy of substituting oil-burning for coal-burning ships, believing it to be essential for the national safety. Other great naval powers have adopted the same policy. It is probable that it will take about 15 years to work out this policy fully, at which time the Navy's needs for oil will reach its maximum. But if we abandon the reserve policy we have only 15 years' supply in sight. The most recent estimates put the total oil reserves of the United States in known fields at 7,629,000,000 barrels and forecast an increase in consumption of 5 per cent per year. At this rate our total oil resources would be exhausted in 16 years but for importations from abroad.

The leasing of the United States government-owned naval oil reserves located in the State of Wyoming to private corporations will come as a distinct shock to the country. The transaction followed close upon the transfer of control of this enormously valuable property from the Navy Department to the Interior Department. Then came the startling information that all the naval reserves, No. 1 and No. 2 in California and No. 3 in Wyoming, had been leased to private parties.

Secretary of the Navy Daniels on February 9, 1916, in testimony before the Senate Committee on Public Lands, said:

I wish to as earnestly as possible impress upon you our conviction, in which not only the Navy Department joins, but the Department of Justice, that this oil land having been set apart for the Navy belongs to the Navy; that this leasing bill would take away from the Government that which in time of peril might change the tide of war; that these gentlemen who have suitable rights should be remanded to the courts or to the regular department of the Government to have their rights tested.

In a letter to the chairman of the Naval Affairs Committee, dated February 17, 1916, Secretary Daniels said:

These reserves were relied upon when the policy of building oil-burning ships was adopted; and now that we have a large and increasing number of ships that depend solely upon oil for fuel it is of the utmost importance that the rights and needs of the Navy be not overlooked in the effort to relieve oil claimants of oil lands. * * * The Navy Department does not desire to produce oil from the naval petroleum reserves at the present time and does not want the oil converted into money at any time, but does want the oil conserved under ground, where it may be stored without cost and free from loss or evaporation until the decreased production and the increased market price renders its production and use desirable.

Assistant Secretary of the Navy Roosevelt, in February, 1916, in an address, said:

If private individuals have valid claims on these lands, they must be adequately compensated for these claims, but they must cease to remove oil from these lands.

Secretary of the Navy Daniels said, in testifying before the Senate Committee on Public Lands, February 9, 1916:

* * * In pursuance of a long and earnest effort to secure oil for the Navy, we are now building all our ships in the Navy to burn oil. The advantages of oil burning over coal is so very great that if there is any policy of practical conservation of oil that can be adopted, I think it is entitled to be put through, especially in view of the plans of preparedness we are now discussing. * * * Every battleship that we build now increases the demand by 90,000 barrels per year. Every destroyer we build increases it by 20,000 barrels. * * * Our country is the greatest oil-producing country in the world, and yet I apprehend if this bill passes—

That is the Phelan bill, which Senators will recall—

before the lives of these ships coded this country will be in the position of having oil ships and no oil except at the very high prices that will prevail. * * *

Whom do Senators and Members of the House of Representatives serve here when they support the policy of depleting and robbing the Government of its oil lands in order to enhance and enrich the oil monopoly? You will find the same Members and the same Senators supporting a policy of naval expansion, large naval building, which means large purchases of oil from private monopoly if these naval oil reserves are surrendered to private interest. Is it possible that Senators and Members of the House of Representatives are stockholders in these private oil companies? I do not know; but I think some explanation ought to be forthcoming for a failure to stand by the interests of this Government as against the interests of Standard Oil and other monopoly oil interests.

I have read from the testimony of Secretary of the Navy Daniels, who during his entire tenure of office resisted the efforts of the oil monopolists of this country to take within their control the last remnants of the public domain reserved for the use of the Navy of the United States.

But, Mr. President, there is a deeper underlying issue involved here than our national safety or the protection of the mere property rights and equities of our Government. It is true that over an unbroken period of more than a decade three Presidents—Roosevelt, Taft, and Wilson—maintained the policy of conservation in respect to the natural resources of the public domain, which has now been repudiated and reversed during the first year of the administration of President Harding. It is true that Admiral George Dewey, as president of the General Board of the Navy, more than a dozen years ago, declared the necessity of an ample oil supply for the Navy, and that Thomas A. Edison, probably the greatest creative technical mind of American history, as chairman of the Naval Consulting Board in 1916, gave his assent to the policy which has now been overthrown. It is true that every competent authority that has written upon the subject in recent years has named oil as the natural resource upon which the industrial and naval strength of the future must depend, and, because of the prodigal waste of our oil resources under the present system of exploitation, that the supply which should have lasted us for a century to come will be exhausted within a brief span of years.

I assert that these propositions are established beyond dispute, and I rely upon unimpeachable authority for that statement. Yet these facts are not the basic fundamental elements involved in this problem after all.

The great issue involved here is whether the Congress of the United States, charged with solemn responsibility under the Constitution as trustees of the public domain, is to take the necessary steps to protect the people of this country from the extension of monopoly control over their natural resources.

The trail of corruption left by the oil monopoly in the pages of American history is not calculated to inspire the confidence of the people in any transaction to which the agents of that monopoly are parties.

Dominated by the Standard Oil Co., the oil monopoly has been the boldest, the most brazen, the most aggressive violator of the law with which any legislative body has ever had to contend. It has forced people all over this country out of business, crushed competition, and driven competitors in many instances to suicide. It has had on its pay rolls the employees of its competitors, who have sold to it the secrets of those competitors.

There are volumes of evidence taken by congressional committees to which I can cite the Senate in support of every statement I make. The oil monopolists have, in a word, corrupted Government servants, ruthlessly seized and exploited the natural resources which Nature gave to man, and systematically robbed the people through extortionate prices. They could not have done that if they did not have servants on this floor and on the floor of the other branch of Congress and in the Cabinets of every administration.

Under the leases which are the subject of the resolutions offered by the Senator from Wyoming and myself, the oil monopolists of the United States have now taken within their grasp the three remaining naval oil reserves of the United States. The great special interests, which are the beneficiaries of these leases, will inevitably withdraw the oil which belongs to the people and sell it back to the Government for its naval vessels at extortionate prices. Not only will oils to the value of hundreds of millions of dollars be lost to the Government, but the oil monopolist will exact his toll whenever the Congress passes an appropriation bill making public money available for the maintenance of the Navy. Moreover, with an increasingly profitable customer, such as the United States Government, bidding against other consumers of oil, the Standard Oil Trust and its allies will find a ready excuse to increase further the already unreasonable prices exacted from the general public.

That is what this conspiracy amounts to, sir. It not only appropriates for private gain the rich natural wealth which the Government holds in trust for the people, but it reaches out and enables the special interests behind this scheme to tighten their grip upon the farmer, the business man, and upon every person who runs a gasoline engine, and upon every family that enjoys the use of an automobile.

I believe I have produced this afternoon the outline of enough evidence to suggest to the minds of Senators that the rights of the Government and the interests of the people are imperiled in these transactions, which involve hundreds of millions of dollars in public property. Congress can not escape its responsibility in this matter. The Ballinger-Pinchot investigation a decade ago, which broke the back of the Taft administration, did not proceed upon more damning evidence that public interests were being violated than is ready at hand at this time bearing upon the leasing of these naval oil reserves.

By that earlier investigation Congress discharged its obligations to the people and set up a precedent, supported by public opinion, which has had a salutary influence upon every administration since then down to the present time.

Congress in the present instance must either call for an investigation which will unearth all the facts, or, by its silence, it must share its responsibility with the executive branch for what has already transpired. There is no escape from that alternative.

The able Senator from Wyoming [Mr. KENDRICK] took the initiative in this matter and by his resolution focused upon it the attention of the public. For that action he deserves the gratitude of the country.

I propose to support and sustain him in the stand he has taken. This is not a partisan question. Men of both parties in the Navy and in the Interior Departments in previous administrations have worked together to preserve the public interests and to protect the rights of the Government in these lands. The resolution I have introduced offers Congress the opportunity to ascertain the truth regarding these leases and to perform its duty to the public.

I propose to press this resolution for prompt passage, and I invite Senators upon both sides of the aisle to examine its provisions, and, if they may conscientiously do so, to give it their support. No matter whom it hits or hurts, let us have the facts. The American people will be satisfied with nothing less.

If I can not have the consent of the chairman of the Committee on Finance to give us time for the consideration of this resolution, the matter is so urgent, Mr. President, that at an early date I shall move to displace the unfinished business and take this resolution up for a long enough time to have it considered and put upon its passage. I shall do that at a very early date.

Mr. POINDEXTER. Mr. President, I have an idea that if the Senator from Wisconsin would ask for the consideration of his resolution and for the adoption of it there would be no objection to its passage at any time it may be brought up; at least, I hope not.

Mr. LA FOLLETTE. If I can have the consent of the chairman of the Committee on Finance, without a roll call, to ask to have the unfinished business temporarily laid aside, I will ask for a vote upon the adoption of the resolution immediately.

Mr. POINDEXTER. If the Senator would ask for unanimous consent, I think he would get it.

Mr. LA FOLLETTE. I ask for unanimous consent now that it may be taken up.

Mr. SMOOT. I really have not read the resolution. I would like to have it go over until to-morrow at least, so that I can read it.

Mr. LA FOLLETTE. All there is of the resolution is that it calls for an investigation with regard to this matter. There are no preambles to the resolution. The Senator can not be ignorant of the fact that we have these reserves. He can not be ignorant of the fact that the public press has carried the announcement of their lease to private interests. I am simply asking for an investigation into the truth of this whole matter.

Mr. SMOOT. I may have no objection to it at all when I have an opportunity to read it, but I really want to have it go over so that I can look into it.

Mr. POINDEXTER. Mr. President, I think that if a request is made for the adoption of the resolution at an early date, it will be adopted.

I may say in connection with the remarks of the Senator from Wisconsin that, of course, it is perfectly obvious that whatever he may say or whatever he may do to preserve the naval oil reserves to the best possible advantage of the Government is in the interest of the public and of the naval service and should have the commendation and support of Congress and of the country.

Listening very carefully to his remarks, it seemed to me that an analysis of the proposition might reduce it to one or two quite simple questions. As he stated, and as has been reported by the department, it is claimed by the department that the oil from naval reserve No. 3 in Wyoming was being drained by private parties through wells sunk on private property adjacent to the boundary of the reserve.

Assuming that that is true, it then appears obvious that it would be necessary for the Government to take some action to protect its reserve of oil under its own land from being drained away by the wells which are alleged to exist upon adjoining property. The Senator from Wisconsin has pointed out the means by which the previous Secretary of the Navy proposed to prevent any such attack upon the Government's interests and the Government reserve of oil during his administration. Those means were the sinking of a Government well for every well sunk by private parties. That might be the proper course to pursue. That might be the best means the Government could adopt to protect its interests under such circumstances as are alleged to exist; but the question remains as to whether it would be advisable for the Government itself to undertake to sink wells by the employment of its own labor, or whether it would be to the advantage of the Government to procure the sinking of these wells, which it is admitted by the authorities cited by the Senator from Wisconsin should be sunk, by some other agency, by contract, on such compensation as might be agreed.

It seems, from the facts presented by the Senator from Wisconsin, that that is the course which the Government has pursued; that instead of sinking wells itself it has procured the sinking of wells by a private corporation, by means of a contract under which the Government is supposed to receive certain compensation in the form of oil, not in its crude form, but converted by a process of partial refinement to the condition of fuel oil, in which shape it can be used by the ships of the Navy, delivered at some reservoirs on the seacoast.

It seems to me there are two questions which ought to be investigated, and which I assume could be investigated under the terms of the resolution proposed by the Senator from Wisconsin, although I have not examined particularly its exact terms. I assume it is broad enough to cover these two questions. One of those questions is, is it a fact that wells are being sunk by private parties upon private property adjacent to the boundary of the naval oil reserve, through which wells an attack is being made upon the naval oil reserve of the country? We ought to know that. I am in favor of the adoption of this resolution for the purpose of ascertaining what the facts are in connection with that question.

When we know what the facts are regarding that matter, and consequently have arrived at the second degree of the solution of the problem, namely, as to what measures should be taken to meet this attack upon Government property, we are confronted by another question which likewise should be investigated, and which I assume could be investigated under the resolution offered by the Senator from Wisconsin.

That is a question which has not been discussed, I believe, as I understood the Senator from Wisconsin to say that he did not undertake to cover this entire subject in his remarks to-day. That is an inquiry into the reasonableness and the propriety of the terms of this contract, or lease, or whatever it may be called, which was made by the Government with a private party for the sinking of these wells.

I think Congress ought to know, and that the country ought to know, whether or not the interests of the public are being protected by the terms of the contract or lease which has been made for the extraction of the oil from the Government reserve, and that will be ascertained, I assume, by this investigation.

So there are two things to be ascertained. In the first place, was it necessary for the Government to sink wells or to have wells sunk upon its reserve in order to meet an attack upon the oil underneath its own property by which it was being drained? In the second place, are the means which have been adopted by the Government for doing that the proper ones, the best ones, to the greatest advantage of the Government, which could be obtained? So I assume that no one would object to the adoption of the resolution inquiring into those matters.

I may say one thing further as to my observation of this matter, in which I have the same interest as has the Senator from Wisconsin and as, I assume, other Senators have. Some time ago my attention was called to the fact that wells were being sunk on private oil lands in California adjacent to one of the naval oil reserves in that State, by which the oil, as seems to be admitted by all experts and by all persons who are familiar with the conditions of oil pools lying partly under one ownership of land and partly under another, was being drained out of the Government reserves. I took occasion at that time to go to the Secretary of the Navy and to urge that expeditious measures be taken for the protection of the Government interests in this vital matter of fuel for an oil-burning navy, and I may say that, whoever may have been responsible for the delay and whatever may have been the causes of it, I was somewhat disappointed at the apparent apathy or lack of diligence, at least, in proceeding to take steps to counteract this taking of the oil from Government reserves in the manner which has been indicated.

Subsequently that was done, but I felt that it was not done expeditiously and was not done diligently, and I would like to have that matter inquired into in connection with the inquiry which will be held if the resolution of the Senator from Wisconsin should be adopted.

Mr. President, I ask unanimous consent, in fairness to the Departments of the Navy and of the Interior, to print at the conclusion of my remarks and immediately next to them a letter, signed by the Acting Secretary of the Interior and the Secretary of the Navy, in reply to the Senate resolution of April 15, 1922, which has been referred to in the debates.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Senate Document No. 191. Sixty-seventh Congress, second session.]

NAVAL PETROLEUM RESERVE NO. 2, WYOMING.

Letter from the Secretary of the Interior and the Secretary of the Navy in response to a Senate resolution of April 15, 1922, transmitting information relative to negotiations with private parties for the operation of lands in naval petroleum reserve No. 2, Wyoming.

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1922.

DEAR MR. PRESIDENT: In response to S. Res. 277, relating to naval petroleum reserve No. 2, Wyoming, commonly known as the Teapot Dome, requesting the Secretary of the Interior and the Secretary of the Navy to inform the Senate, if not incompatible with the public interests, whether negotiations are pending with private parties for the operation of lands included in said reserve, and if so, the names of the parties, the terms and conditions of proposed agreements, and whether opportunity will be given the public for competitive bidding for operation of the lands, or whether it is proposed to award a lease or operating contract or agreement for the entire area to one person, corporation, or association, we have the honor to advise as follows:

For more than a year the Secretary of the Interior and the Secretary of the Navy have had under consideration the handling of the two naval reserves in California and the naval reserve in Wyoming, commonly known as the Teapot Dome, with the idea of working out a policy which would secure the greatest conservation and benefit for the Navy of the oils in such reserves, and secure to the Navy an available storage of fuel oil at convenient points readily accessible wherever and whenever needed, particularly for future needs.

The crude oil in none of these reserves, nor in fact any crude oil, is suitable for use by the Navy as fuel in an unrefined state, and before being available for storage and naval use must be placed in the form of fuel oil. Experts state that the storage of fuel oil in suitable tanks results in practically no loss from evaporation, etc.; certainly not exceeding one-tenth of 1 per cent per annum.

The naval reserves in California have, by drilling and production on privately owned lands adjoining, already been drained to a very large extent, involving a loss to the Government of millions of barrels of oil, and from a careful geologic study recently made by an expert of this department it was found that the Teapot Dome was menaced with a similar drainage danger. The naval reserves in California can be reached through existing pipe lines, and the principal problem there was the exchange of the crude oil for fuel oil in proper and available storage.

With respect to the naval reserve in Wyoming, same was not available for naval use or for exchange of fuel oil to the advantage of the Navy, for the reason that the field lies in the interior and is not connected with pipe lines at any point on the seacoast or with the existing pipe-line systems of the country, while the famous Salt Creek field lies immediately contiguous to the naval reserve (Teapot Dome), and the lands in the Salt Creek field having been leased under the general leasing act, that field was without adequate pipe-line or refinery facilities, and independent producers have been unable to dispose of more than 40 per cent of the possible production of existing wells. Manifestly, therefore, the oils in the naval reserve could not be handled with existing facilities, and after careful consideration of the matter the Secretary of the Interior, with the complete concurrence of the Secretary of the Navy, considered proposals from a number of prominent oil companies and individuals for the development of this reserve, with the accompanying guaranty of the construction of adequate pipe-line facilities connecting the field to Atlantic and Gulf of Mexico points, through connection with existing pipe lines. It was also desired that provision be made for the exchange of crude oil produced for fuel oil for naval purposes in such manner and at such points as might be designated by the Navy. After full consideration of all the offers submitted, a contract was entered into by the Secretary of the Interior and the Secretary of the Navy on April 7, 1922, with the Mammoth Oil Co., a Delaware corporation, H. F. Sinclair, president.

The contract is in the form of a lease covering the entire area of naval reserve No. 3, with graduated royalties running up to 50 per cent, according to the production and specific gravity of the oil. It provides for the drilling of at least 30 wells within a limited time, for the construction of a pipe line from the field to existing pipe lines in Missouri, for the exchange of crude for fuel oils, the latter for naval purposes, and for the delivery of Navy specified fuel oil at points designated by the Navy, from Guantanamo, Cuba, to the northeast corner of the United States. It provides for a line of credit under which, in exchange for the crude oil, ample storage for the fuel oil is to be provided without cash outlay by the Government at any point fixed by the Navy Department along the coast described. It provides that the lessee shall, at such or any other points, at its own expense and without obligation on the part of the Navy, provide gasoline, kerosene, lubricating, and cylinder oil at market prices. It provides prior right of transportation for all governmental oils from not only the Teapot Dome but from the Salt Creek field, even prior to the uses of the pipe line by the lessee. It makes the pipe line when built a common carrier for all Government oils. The pipe line already constructed with which the new pipe line will connect involved a present investment of $15,000,000, and this contract calls for an investment on the part of the lessee of not less than $26,000,000 additional. Furthermore, the contract will bring about immediate competition in the Salt Creek field and will add from 40 to 60 cents per barrel to the present prices of governmental royalty oils, now amounting to more than 5,000 barrels per day. This is secured by an option given the Government to sell royalty oil on basis of midcontinent prices, if and when desired.

The production from the Salt Creek field at present is about 40 per cent of the capacity of existing wells, which will be immediately raised to 100 per cent, yielding to the Government for reclamation, State, and Treasury purposes approximately 12,000 barrels of oil per day, with an added value thereto of from 40 to 60 cents per barrel; or, in other words, that added price over and above the amount which the Government and independent producers are now receiving.

It may be further stated that private claims were being asserted under the mining laws to a number of areas within the naval reserve. Before the contract was approved the Mammoth Oil Co. presented to the Secretary of the Interior deeds to the United States for outstanding claims of title of every character in the reserve.

For further information of the Senate we have to advise that naval reserve No. 2, Wyoming, was created by Executive order of April 30, 1915; that in the act of June 4, 1920 (41 Stat. 813), making appropriations for the naval service, etc., Congress provided:

"That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of the act of Congress approved February 25 1920, etc., to conserve, develop, use, and operate the same, in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof and those from all royalty oil from lands in naval reserves, for the benefit of the United States." * * *

At the suggestion of the Secretary of the Navy, the President of the United States directed the Secretary of the Interior to take over the administration of lands in the naval reserves in consultation and cooperation with the Secretary of the Navy. The Interior Department and the Navy Department have been in close cooperation and have been endeavoring, as they saw it, to carry out the purposes for which these

naval reserves were created, i. e., not the sale of oil for commercial or other purposes but the securing of a reserve of fuel oil for Navy purposes.

Respectfully,

EDWARD C. FINNEY,
Acting Secretary of the Interior.
EDWIN DENBY,
Secretary of the Navy.

The PRESIDENT OF THE SENATE.

Mr. LA FOLLETTE. I will say, Mr. President, that the scope of my resolution will include an investigation of that matter. It will also include an investigation of the opening by the present Secretary of the Interior of the Honolulu case, a case which will very much interest the Senate when it comes to go into it fully, a case which had been decided against the dummy operators who had been used as a basis of making the filings on this Government reserve. The case had been fully investigated and decided against the claimants. But it is a significant fact that when this administration came in the whole matter was reviewed and the Honolulu case reopened, a case which had been decided adversely to the claimants.

Filings had been made on the Government oil reserve, as shown by the undisputed testimony, by Chicago stockyard employees who thought they were signing, and testified that they thought they were signing, a petition with respect to an election, when they were in reality signing a document which was used as a basis for making an entry on that very Government naval oil reserve, and was the basis of the claim of the Honolulu Oil Co. to dispossess the Government of the oil there. That was thoroughly investigated. It was decided by Secretary of the Interior Payne as being without claim of right, and yet when this administration came in and the present Secretary of the Interior got an opportunity, he opened up the whole matter, reversed that decision, and turned those wells over to the Honolulu company.

I have drawn the resolution broad enough to investigate the whole subject. It has got to be investigated. There will be no peace and no quiet here until that is done. I hope that the resolution may be taken up to-morrow at the latest and acted upon.

Mr. McCUMBER. Mr. President, from what I have heard of the argument upon the resolution, I have thought at least that I should favor it, and I would also favor its being taken up and voted upon at such time as might be agreed upon without any prolonged debate. Hence I was a little surprised when the Senator from Wisconsin intimated that unless the chairman of the Committee on Finance was willing to allow the matter to be voted upon he would move to lay aside and displace the unfinished business—the tariff bill.

Mr. President, I think the Senator from Wisconsin and all other Senators will agree with me that, being in charge of the bill, I have at all times tried to be courteous and help Senators in morning business as much as it was possible to do so. Knowing that the tariff bill will take considerable time before the Senate, I think it very proper that from time to time I should yield for such pressing temporary business as may come up in the Senate.

However, I want it to be done, not through a threat but because it is right that it should be done. If I yield to have the Senator's resolution brought before the Senate, I want the Senator to feel that I have done so because I think it ought to be brought up and disposed of in order that we may get speedy action upon the investigation which he proposes, and that I am not doing it through a mere threat that the unfinished business will be temporarily laid aside. I think at least there is enough in what has been said to justify an investigation of the subject, even though I have no personal knowledge except what the Senator from Wisconsin has given us to-day and the few remarks made by the Senator from Washington [Mr. POINDEXTER]. After the Senator from Utah [Mr. SMOOT] has examined into the matter, possibly to-morrow or at any time we can have a vote immediately, I can ask that the unfinished business be temporarily laid aside for the purpose of voting before the Senate.

Mr. LA FOLLETTE. Mr. President, I am not a subscriber to the doctrine that any Senator can "boss" legislation on the floor of the Senate. I know we have built up a system here by which the man who comes in as chairman of the committee which reports a bill is the only one who seems to be solely authorized to determine whether we are to have any consideration of other legislation for such period of time as he chooses to keep that bill before the Senate. The tariff bill will be before the Senate probably for two or three months. It will depend upon whether the Members of the Senate think the action of the Senate on the resolution, which I have asked, is more important than the uninterrupted consideration of the tariff bill, and not upon the consent of any one Senator on the floor. I merely say that in all courtesy and good feeling.

I do not subscribe to the doctrine to which I have referred. I think we have had too much of it here. I believe that if we had a more individual and less partisan responsibility for what takes place on the floor we would have a better service of the public interest than we have now.

Mr. KENDRICK. Mr. President, of course a settlement of the question which the Senator from Wisconsin has just been discussing is more important to the Nation than it is to any locality, but as suggesting its importance in relation to my own State I ask unanimous consent to have printed in the RECORD in the regular type a letter which I have received from ex-Governor Brooks, of Wyoming.

There being no objection, the letter was ordered to be printed in the RECORD, in 8-point type, as follows:

ROCKY MOUNTAIN OIL AND GAS
PRODUCERS' ASSOCIATION,
Casper, Wyo., April 21, 1922.

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.

MY DEAR SENATOR KENDRICK: Your telegram of April 20 stating that you had written President Harding a letter requesting that the independent operators be given a hearing before final action was taken on the Teapot lease is received. In reply I wish to make a few comments on the contract made by the Government for the opening of this naval reserve. Yesterday's Denver Post published an Associated Press dispatch, giving details of this contract upon which I base my comments.

In the first place, I think a very clear distinction should be drawn between the naval oil reserve in California and the one in Wyoming. California is a great resourceful State, and, with its important harbors, derives many direct benefits from the Navy which, of course, is not the case in Wyoming. Our State has no precious minerals—only coal and oil. These, together with our forests and public lands, make up the bulk of our natural resources and, should the Government receive the bulk of the income from our natural resources, we are going to have a hard time to maintain the standard of our public schools, keep up our roads, and run the State as it should be run if people expect to make their homes here.

There is no similarity between the California oils and the oil in Teapot—one is black, the other light; one has an asphalt base and is suitable for fuel oil purposes, the other has a paraffin base, is high in gasoline content, lubricants, and other valuable ingredients, which makes the Teapot oil vastly more valuable than an equal quantity of California oil. One can be used for the Navy fuel oil; the other can not. One is near the ocean, the other in the mountains. In a few years the industries of this mountain section of America will be sadly in need of the products of our light oil right here at home; and at this distance from water transportation we can not take advantage of new discoveries in foreign lands.

The royalties in Teapot range from 12½ to 50 per cent. Now, in the sale of the Salt Creek edge lands at Douglas last year, the royalty was 33⅓ per cent, and the few acres sold brought a bonus of over $2,000,000. This contract completely reverses the former established rule of competitive bidding and fairness in disposing of one of the most valuable oil domes in the world.

I have already seemed to prove that there is no possibility of outside wells draining this Teapot Dome; and this Government drainage argument, which probably applies to California, falls flat here. The fact as stated that the Navy Department buys its gasoline and lubricating oil at market prices is no argument in favor of the Teapot lease, as the Navy, like everyone else, always had this privilege. The pipe line, which is to be built, will follow as a matter of course, but the opening of the Teapot dome has little influence in this, because the pipe line would have been built in any event.

Yesterday's dispatch states that the new scheme will immediately open the Salt Creek field and take all the production therefrom. This, of course, is ridiculous, because the present pipe lines to Salt Creek are carrying oil to full capacity and there is no way on earth to take more oil immediately, as additional pipe lines and trunk lines must first be laid. Neither will it affect present prices, which should be fully as high as the prices in the midcontinent field. This price adjustment will probably follow the investigation being made by the Bureau of Mines.

It is also stated that, through the increased sales of Salt Creek oil, a third competitor may be brought into the field. This sounds like another big joke. It intimates that we now have two competitors, when everyone knows that this Mammoth Co. has a joint parentage in both the Sinclair and Standard Oil Co. In fact, the Standard controls, and to-day openly acknowl-

ceives that it has an absolute monopoly in the production, transportation, refining, and marketing of all Wyoming oils; and instead of increasing competition by this lease, the action of the Government has simply strengthened the Standard Oil Co.'s hold in Wyoming.

* * * We now have a surplus of oil production in Salt Creek on top of the ground amounting to nearly 75,000 barrels per day. It seems incredible that they would try to open up a new pool at this time.

Owing to past action by the Government in handling unowned acreage in the Salt Creek field, we had every reason to believe that wherever additional acreage owned by the Government was disposed of it would be open on a competitive basis; and the Teapot contract seems like a radical departure and hardly fair to our oil industry here. Of course, all this is a very narrow view to take of it, for, above all, it is absolutely unfair and unjust to Wyoming as well as to all this intermountain country.

Very truly yours,

B. B. BROOKS.

WOODROW WILSON FOUNDATION.

Mr. HARRISON. Mr. President, on yesterday the Commissioner of Internal Revenue rendered an opinion in which he said and held that contributions made to the Woodrow Wilson Foundation are not deductible in making income-tax returns. That was quite surprising, I am sure, to all the people who read it, and it is quite humiliating to a great many. A few weeks before he had held that contributions made to the Theodore Roosevelt Memorial Association are deductible in income-tax returns, and shortly thereafter or just prior thereto he made a similar ruling that contributions made to the William McKinley Memorial Association fund are deductible in income-tax returns.

I desire to place in the RECORD the rulings of the commissioner in these three instances, in order that those who may read the RECORD can interpret the demarcation lines upon which the rulings are based. I ask that the rulings, as printed in the New York World of to-day, may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The rulings are as follows:

THE DIFFERENT RULINGS.

The Roosevelt Memorial Association, organized to erect and maintain monumental memorials to perpetuate the memory of Theodore Roosevelt, with an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people, is an educational organization within the provisions of section 231 (6) of the revenue act of 1918, and that contributions thereto are deductible in the manner and to the extent provided in section 214 (A) (11) of the same act.

D. H. BLAIR, *Commissioner.*

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The McKinley Memorial Association, to perpetuate the name and achievements of William McKinley, late President of the United States of America, by erecting and maintaining in the city of Niles, in the State of Ohio, the place of his birth, a monument and memorial building, is exclusively educational and comes within the provisions of section 231 (6) of the revenue act of 1921. Consequently contributions to said fund are deductible in the individual returns of the donors in the manner and to the extent provided in section 214 (A) (11) of said act.

D. H. BLAIR, *Commissioner.*

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The Woodrow Wilson Foundation was created by a committee of 250 representative men and women who have undertaken to endow it with a fund of $1,000,000 or more to be raised by public subscription.

The articles of incorporation provide that the purpose of this foundation is far beyond the thought of a tribute to the former President. While it is that, it is chiefly to perpetuate his ideals of democracy and human freedom, and as such it is to be both an inspiration and a reward to those men whose ambition it is to "enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement."

The foundation will from time to time make awards—by a nationally constituted committee—to the individual or group that has rendered within a specific period meritorious service to democracy, public welfare, liberal thought, or peace through justice.

AMERICAN NOBEL PRIZES.

The fund is to be perpetual; awards are to be made only from the income; a part of the fund is to establish scholarships at some of the higher universities. In brief, America is to have its Nobel prizes.

The statement is made that the purpose of this organization is to avoid conflict with the civil and political thought of any portion of the citizenry of the country, as is often the case when a foundation or fund is organized in recognition of distinguished service of a certain individual, but that the purpose and activities of this foundation are exclusively educational.

Held that the foundation is civic and not educational; consequently contributions thereto are not deductible in the individual returns of donors in the manner provided in section 214 (A) (11) of the revenue act of 1921.

D. H. BLAIR, *Commissioner.*

Mr. HARRISON. Mr. President, personally I can not see any difference, and the American people, irrespective of party affiliation, will not be able to see any in the rulings. It is a difference such as is found between "tweedledum" and "tweedledee." When contributions were sought for the Theodore Roosevelt Memorial Association, as well as the William McKinley Memorial Association, they came from Democrats as well as Republicans. I was delighted a few weeks ago, when I happened to be in the city of St. Paul, to see there before the gorgeous and magnificent capitol of that State the statue of John A. Johnson, a great statesman and ex-governor of Minnesota. I saw inscribed thereon a statement to the effect that the statue had been erected through $1 contributions of 100,000 contributors of that State. It was erected, not through contributions made solely by Democrats, but through contributions made by independents, Republicans, and Democrats alike. The same was true, as I said, as to the Theodore Roosevelt Memorial Association as well as the William McKinley Memorial Association. I have been delighted and I am sure everyone has been delighted to see so many Republicans contribute to the Woodrow Wilson Foundation fund. I noticed not long ago that ex-Postmaster General Will Hays had made quite a liberal and generous contribution. Thousands of others could be named. It is a most worthy, patriotic, and laudable cause. It seeks to preserve to generations yet unborn ideals that make for the general good and peace of mankind.

So, while the decision of Internal Revenue Commissioner Blair that contributions to the other memorial associations to perpetuate the ideals of those great men were deductible in making income-tax returns, and in the instance of the Woodrow Wilson Foundation fund they are not deductible—which was a decision based upon partisanship, which was puerile, which was picayunish, which was little, which was small—I am quite sure that it does not express the opinions and feelings of any Senator on the other side of the Chamber. When it is read and known by Republicans and independents and Democrats all over the country, they will be surprised and disgusted with the ruling.

So, because I believe it does not express the true sentiments of the American people and of the present administration, especially of Republican Senators and Republican Members of the House, in view of the ruling of the Commissioner of Internal Revenue, I am going to introduce a bill which will change the law so that contributions made to the Woodrow Wilson Foundation fund will be deductible in income-tax returns, the same as those made to the McKinley Memorial Association and the Theodore Roosevelt Memorial Association. If in the one case contributions are deductible, then surely there is no reason, either in justice or law, why the same policy should not be pursued in the other case. If Mr. Blair is correct in his ruling, then the law should be changed. It is that that I seek to do, unless this ruling is modified or changed.

The bill (S. 3523) to amend the revenue act of 1921 was read twice by its title and referred to the Committee on Finance.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, on day before yesterday just at the close of the session the chairman of the Finance Committee [Mr. McCUMBER] made some statements which I deem of the greatest importance. During the previous two days I had been endeavoring to obtain from the chairman of the Finance Committee and the senior Senator from Utah [Mr. SMOOT], another active member of the majority of that committee, information as to the basis for the tariff bill. The Senator from North Dakota in his last utterances upon the subject apparently attempted to clarify the situation. I desire to call attention to what he had to say.

He frankly said that there was one basis upon which the bill was prepared. In certain instances he said that the committee had before it the manufacturers in the United States and the importers, and that they furnished the committee very valuable information and aided in adjusting the rates. I read what he said regarding that:

> We have had those two opposing forces together, and in many instances we have fixed the rates of the bill in conformity to what each of them thought he could still do business under.

That in itself is an important statement. There is evidently no scientific foundation for tariff rates upon such a basis as that. We get the importers together; we get manufacturers together; and we let them come to an agreement as to what the rates of duty shall be. That, as I have said, is a decided departure from anything hitherto announced in all tariff legislation; and I should be very much interested in knowing how that is going to appeal to the citizens of this country. The importers bring into the country certain specific commodities; the manufacturers produce certain other articles of the same class. Take cutlery, for instance. There are some classes of cutlery which are imported. There is no comparison between the imported article and the domestic manufactured article. That was made apparent to us by the manufacturers of cutlery who are also importers, and there are a number of them in this country. I suppose in that case, where the manufacturers produced certain lines of cutlery and imported certain other lines, that those manufacturers must have gotten together and agreed upon the rate of duty which should be imposed upon certain lines of cutlery. The same thing may be said of other articles.

That, to my mind, is a matter that deserves very serious consideration. I should like to know, in the individual cases, which one of those parties had the greater influence with the Finance Committee; whether the manufacturer had the greater influence or the importer had the greater influence. Certainly in all cases they did not agree. Just recently I have been talking with gentlemen who are manufacturers and also importers, and they are very much dissatisfied with some of the rates which are fixed in this bill. There, however, is a clearly defined statement of the chairman of the Committee on Finance, that as to certain articles in this bill—how extensive the number we do not know—the importers and the manufacturers got together and agreed as to the rates which should be imposed under the bill; in other words, the Finance Committee surrendered its right, and it is asking the Senate to surrender its right, to fix the tariff rates, to surrender the right to exercise the great power of taxation and impose taxes upon the people of this country simply because interested parties get together and agree upon the rates.

The distinguished Senator admits, however, that the whole bill was not prepared in that way; and while he says that in many instances that occurred, yet he does not advance that as the real foundation for the bill.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. Ordinarily I do not like to interfere with a Senator's address, no matter how unfair he appears to be in that address; but when the Senator from New Mexico again and again makes a statement for which there is no foundation, while I am in the Chamber, I feel that sometimes I must be called upon even in his time to reply to him.

The Senator from North Dakota has never said that any rate which is found in the pending bill was made by the importer and the manufacturer getting together. What the Senator from North Dakota said, or, at least, what he intended to say, was in answer to a statement made by the Senator from New Mexico [Mr. JONES] indicating that the rates were all fixed and based upon testimony that was given by manufacturers. In reply to that, I said, or, at least, intended to say, that in many instances the rates which we fixed agreed with what both the importer and the exporter felt was about right. They did not fix the rates; the Committee on Finance made the rates; but the fact that they agreed, the importers, that they could import under the rates, and the manufacturers that they could still do business in the United States under the rates, caused us to feel that the rates were somewhere near right. We justified ourselves in thinking that we were not far away from the right and that the rates were fairly correct when the importer and the manufacturer agreed that they could do business under the rates.

The Senator from North Dakota has not said at any time or intimated at any time in any way, shape, or manner that any agreement made between the importers and the manufacturers fixed the rates of duty for the Committee on Finance. What the manufacturer agreed was right would naturally have some influence on the committee and what the importer agreed was about right would also naturally have some influence; but in all instances the committee did the best it could in applying a rate which it thought was fair both to the manufacturer and the importer. I am surprised that the Senator from New Mexico should make this studied effort right along in his argument to misinterpret the statements which have been made.

Mr. JONES of New Mexico. Mr. President, I should not have said anything on this subject in the absence of the Senator from North Dakota, because if I am wrong about what I say I am sure he will be glad to correct me. It may be that I stated the proposition in an inverse way, but I should like to know how the Senator from North Dakota interprets the language of the statement which I read a while ago, and, in order to refresh his recollection, I desire to read it again. First, however, I will read a little further from his statement. The Senator did complain that there had been some insinuation that the committee had called before it only the manufacturers. I did not feel that that criticism as to anything I had said was justified, but we will let that go. After reciting that the committee had had not only the manufacturers but the importers before them, the Senator said:

> I will admit that men are all selfish; that the American manufacturer would like to get as high a protection as he possibly can. I will also admit that in the selfishness of his desires the foreign importer would like to import everything into this country as cheaply as he can.

Now, here comes the sentence which I read a while ago:

> We have had those two opposing forces together, and in many instances we have fixed the rates of the bill in conformity to what each of them thought he could still do business under.

Of course, I did not mean to infer that those people signed the report of the majority of the Finance Committee or that they actually wrote it, but when the Senator from North Dakota says that the committee fixed the rates "in conformity to what each of them thought he could still do business under," I should like to know where the difference appears. Is that not, in effect, allowing these people to suggest the rates which the Finance Committee adopted, for the Senator says that they fixed the rates in conformity with the understanding between the importers and the exporters? I therefore respectfully submit the question as to the foundation for my remarks to the judgment of the Senate.

However, as I have said, that is not the most important feature of the statement of the Senator from North Dakota to which I desire to call attention.

The Senator from North Dakota further said:

> I have stated again and again—the Senator may conscientiously differ from me in that respect—that we have tried to make the tariff rates measure the difference between what we regarded as the cost of production at home and the cost of production elsewhere, where it was possible to obtain that cost of production. In very few instances, however, can we obtain the actual cost of production in a foreign country. Therefore, we must assume that the goods are sold in the foreign country for a price which represents the cost of production, plus a reasonable return for the manufacturer. That is the basis on which we have always levied our duties in the past, because it is the only substantial basis which we can get. It is also, I think, equally true—and I believe we can establish the fact in most cases—that the wholesale selling price in the United States represents the cost of production, plus a reasonable return upon the investment and upon the cost of manufacture. We could not in all cases obtain the actual cost of production in the United States, but in many instances we had figures showing exactly what it cost to produce a given article by different manufacturers, and from that evidence and from the information obtained as to conditions abroad we made up our schedules.

Mr. President, that statement is very broad and comprehensive. It lays down the principle upon which the bill is founded, and it also advises us as to the source of information for the application of the principle. What the majority of the committee seek to arrive at is the cost of production abroad and the cost of production in the United States, and to adjust rates in accordance with that difference and thus equalize the costs in such a manner as would bring about an equilibrium or competition in the United States.

That is a very beautiful picture. It is very attractive to many people. It conforms absolutely to many statements of people as to what a tariff bill should do. In order to find out to what extent that principle has been applied to this bill, it will be necessary for us to gain a little further information.

There are many articles coming into the United States of a similar grade, under the same paragraph in this bill, from different countries. The prices vary; and I should like to ask the Senator from North Dakota what prices were taken into consideration in ascertaining the prices in the foreign countries?

The Senator says that the majority of the committee obtained the information as to the cost of production in the foreign countries by knowing the price. They assumed that the price at which the article is sold in the foreign country is the cost of production plus a reasonable profit. We will take some articles that are imported. They come from England, they come from Germany, they come from France. The prices at which those articles are sold in the foreign countries differ very materially; and I should like to know from what country came the prices which were used by the majority of the Finance Committee in framing this bill. Did the Senator take English prices, German prices, French prices, Japanese prices, or from what country did the Senator obtain his prices as to the cost of production abroad? Will the Senator enlighten us on that subject?

Mr. McCUMBER. Certainly. I shall be glad to do so.

Mr. President, the Senator understands the rules of trade well enough to know the impossibility of importations coming in to any great extent from two countries where there is a very material difference in the cost of production in the two countries. In most of those instances the Senator will find that if an article has been coming from Great Britain, and Germany gets into the field on the comparable article and produces and imports at a very low price, lower than the British can manu-

facture and import that article, the importations cease coming in from Great Britain. They come in from Germany. Likewise, if a line of goods which have heretofore come in from Germany at a reasonably low cost are being produced in Japan at a much lower rate of cost, the Japanese will drive the Germans out of the market. So, if the Senator looks over the entire list of importations and finds a certain class of importations coming into this country from Germany in considerable quantities, he will find that the same articles are not coming in from Great Britain in any great quantities, and so of the different countries. Therefore there is not as much difficulty as might appear upon the face of the matter in ascertaining and taking the standard of the valuation.

We look at these articles. Where do they come from? Why, the great bulk of them come from Great Britain or France or Germany or Japan or China, and the trade that one country has the other country has very little of.

There are certain woolen and cotton goods, for instance, that are produced in Great Britain and also in Germany. When we analyze them carefully we find that one is far superior to the other, and while it may go under the same name it will bring a considerably higher price. Therefore Great Britain still imports woolen fabrics into the United States because of their superior quality. Before the war Germany took from Great Britain practically entirely the importation of hosiery, and to a great extent the importation of gloves, and so forth; and instead, then, of going to Great Britain to get the cost price we go to Germany, and we go to India for things that come from India.

Ordinarily, however, two countries do not import comparable articles at the same time. One country drives the other out of the market; and, of course, in many instances here we have had to make the rates such that they will practically exclude entirely the British manufacturer. We base the rate upon the price in the country from which the greatest amount of goods comes.

That is as nearly as I can explain the matter to the Senator. I sometimes have some difficulty in making my explanations, because I think I sometimes find the Senator hardly fair in his reply to what I attempt to make clear.

Mr. JONES of New Mexico. Mr. President, I certainly disclaim any intention to be unfair. The Senator from North Dakota undoubtedly assumes that his judgment upon that subject is not subject to criticism or investigation; but I desire to assure the Senator from North Dakota now that not only have I attempted to be fair in my statements but every time I have made a statement I have called upon the Senator from North Dakota to corroborate what I have said, and to offer any criticism that he might have to make. In all kindness and good will toward the distinguished Senator, I recognize that he is overworked, that his patience may not be all that one would expect on the floor of the Senate in the dealings of one Senator with another, and I shall make allowances for any such condition or frame of mind, and still believe that the Senator from North Dakota does not really intend to go beyond the rules of propriety which should govern in discussions of this sort.

I have not at any time charged that the distinguished Senator from North Dakota was unfair in any of his criticisms of what I have said, and I have accepted all of his castigations in perfectly good humor; and I wish to assure the distinguished Senator, regardless of what he may have to say, that I shall endeavor to preserve my good humor during this discussion.

Coming to what the Senator has just said, I wish to analyze the statements which he has made regarding the duties on these different articles, and to apply in a concrete way what he has said to some of the paragraphs of this bill, and to one of them in particular. I do not want to consume any unnecessary time. We are simply seeking enlightenment upon this subject.

Paragraph 212 of this bill relates to earthenware, which comes in under different designations, and reads as follows:

Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 45 per cent ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for, 50 per cent ad valorem.

Turning to the so-called Reynolds report, which contains the prices of these various articles, which were obtained last fall at the expense of $100,000 for the majority of the Finance Committee, I find that articles embraced in that paragraph come into the United States from England, Holland, Germany, Czechoslovakia, France, and Japan, and a number of articles included under that one schedule come into the United States from every one of those countries.

On looking into the prices, I find that they vary materially for the different countries. Let us take ordinary chinaware, decorated, and so forth, which would come within paragraph 212, which I have just read. That comes from China, from France, from Italy, from Holland, from England, from Germany, from Czechoslovakia, and all comes within the identical paragraph, and precisely the same rate is fixed for each commodity. The Senator knows that there is a vast difference in the cost of these commodities, and he knows that those articles are coming here now from each one of those countries, and it is beside the point, in my judgment, for Senators to say that in framing this bill they fixed on the tariff rate for each article by taking into consideration only the country from which the article was exported in greatest quantity.

I should like to know, in regard to that schedule, how the Senator arrived at his rate. Did he simply ascertain the country whence the largest amount came or did he ascertain the country which was exporting the article at the lowest price? I would like to have the Senator say whether or not some country was selected and the prices ascertained as a basis for the rates levied in this bill. I assume that is so, from what the Senator has just said to us. His argument is that the country which produces at the lowest cost will do the most exporting, and I think that is a sound proposition; but for fear the Senator may claim that I am treating him unfairly again about this matter, I should like to have him confirm once more that position. Is it the statement of the Senator that the Finance Committee selected the country exporting at the lowest price and from the prices in that country fixed the rates under this bill?

Mr. McCUMBER. Mr. President, if the Senator will examine the Reynolds report, which, of course, was before the committee at all times, and will take the earthenware schedule, for instance, he will find that that is being imported from England; that the earthenware carries a certain price; and that it has a certain designation in the trade. He will find that earthenware may be coming from France at a different price or from Czechoslovakia at still a different price, but I think upon a close investigation he will find that the article manufactured in one country differs from the article manufactured in another country. What is true of earthenware is true of chinaware. The articles made in different countries are not exactly the same. We may have an article in the United States comparable to each one of these, but, as a rule, they are not comparable with each other.

In making a designation we follow, for the most part, descriptions which have grown up through a hundred years and more of tariff legislation, modified from time to time to meet a new character of goods. We describe them carefully. We give upon the particular description a rate which we think will be a fair rate applied to that specifically named article.

Of course, we can not designate an article as coming from Germany, or from France, or China, or Japan, or Great Britain. We describe the article. It so happens that, in our descriptions, those that would come under one description are being imported from Germany, those coming under another description from Great Britain, those under still another description possibly from Japan or China, and we apply upon the particular article the rate which we think is proper.

Where it so happens, as I have already stated, that from some countries where the production cost is high the articles can not get in those countries necessarily have to suffer because of that description. It may be true, and undoubtedly is, that in the case of some lines of cutlery, in order to protect against the manufactures in one country, we will put the rate so high that comparable articles can not be imported from Great Britain, for instance, on account of the higher cost. The only rule we have followed is to take the particular article coming in, not only in the greatest quantity but coming in from a country which supplies that particular character of commodity, and put a duty upon it which will measure the difference, as I have suggested, between the cost of production or the selling price in the foreign country and the cost of production or the selling price in the United States.

You can not get a standard that is more specific than that. It has always been the basis of our tariffs. We have had to figure upon the foreign value heretofore, and while that foreign value may not be in exact relation to foreign cost, it is generally so close and so definite that we have regarded it through more than a century as being the safest standard. I can not make it clearer than that.

Mr. JONES of New Mexico. I think the Senator has done the best he could, and I am willing to accept his reply in that spirit.

Mr. HITCHCOCK. Mr. President, will the Senator state at this point how the tariff in the pending bill on earthenware compares with the tariff in existing law?

Mr. JONES of New Mexico. There has been no compilation of that kind of information. I am very sorry that the majority of the committee did not prepare just such a table covering the entire bill. The minority members of the committee have asked the Tariff Commission to prepare a table which will show just that. I think it is highly important, in the consideration of this bill, to have the various rates in front of us, in convenient form, for reference and for comparison.

I can answer the Senator's question as to this particular paragraph, paragraph 212. The bill now under consideration places the duty upon such articles as plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for, at 45 per cent ad valorem; and if painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner the rate is 50 per cent ad valorem.

The rate in the present law is fixed in almost identical language as to description. I will read it, however, because there are some few changes in it, although I do not think it is changed in any essential particular. It is paragraph 79 of the act of 1913, and reads as follows:

79. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; if plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 35 per cent ad valorem.

Under the pending bill it is increased to 45 per cent ad valorem. The next clause is as follows:

If painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 40 per cent ad valorem.

That is the present law, and it is increased to 50 per cent under the pending bill. I believe that the description is identical, although I have had no opportunity to make a definite comparison.

Mr. HITCHCOCK. The plain ware has gone up from 35 to 45 and the decorated ware from 40 to 50. Can the Senator state on what theory that advance has been made?

Mr. JONES of New Mexico. That is what I hope to find out before I conclude the discussion of the subject.

Mr. HITCHCOCK. I notice in the statistics of recent imports that the imports, instead of increasing at the present time, are falling off.

Mr. JONES of New Mexico. I think the Senator is quite right about that, and he is correctly informed on the subject. That is my own information.

The Senator from North Dakota will observe that in this paragraph there are various classes of articles put in the same paragraph and under the same rate of duty. I will ask the Senator if he believes that the prices of all these articles in the foreign countries are the same.

Mr. McCUMBER. Of course, Mr. President, they would not be the same, but where there are ad valorem duties, necessarily, of course, you get the same ratio, no matter what the cost is.

As to the different countries, take, for instance, earthenware. Most of that comes from Great Britain and Holland. The chinaware which is imported into this country comes mostly from Germany, and it verifies what I stated to the Senator a short time ago, that where one country imports in any great quantity the other country ceases to be a competitor. So while Germany has been the great manufacturer of chinaware, Great Britain, which in times gone by furnished practically three-fourths of the chinaware used in the United States, is now exporting scarcely none of it. The rate of duty where it is ad valorem is, of course, according to its value, and where we could not get a description that would possibly cover everything, we followed the rule we were compelled to follow, of putting all the others in an ad valorem basket clause.

Mr. JONES of New Mexico. The Senator understands all about the effect of an ad valorem tax, and the Senator recognizes that the higher the price of the article the greater the tax. In this schedule there is included decorated ware of every description if it is made out of earth. The Senator knows that such ware comes to this country from the different countries which I have named. He knows that the prices of those shipments will vary from a small percentage to a very high percentage.

Mr. McCUMBER. Certainly we must realize that, but how would the Senator meet it? Here is an article of decorated chinaware which may contain a little leaf. Another may contain a large gold band, and it may be profuse in decoration. We can not put any line of demarcation between the thousands of classes. One may cost ten times as much as the other. All we can do is to give the ad valorem duty that we think will be right, and if the one costs ten times as much as the other, of course the duty will be ten times as much. That is the rule which was followed in the Underwood tariff law, and it is followed in this proposed law. It is the only rule which can be applied. The only difference between the two lies in the difference in the rates.

Mr. JONES of New Mexico. Mr. President, I realize the difficulty which anyone would have in putting a tariff upon earthenware, but the point which I was trying to test was the principle which actuated the Finance Committee in fixing these schedules. The Senator from North Dakota has dwelt upon the difficulty and was perfectly justified in doing that, but does that relieve the situation? Does that throw any light upon the preparation of the bill?

The Senator stated in his remarks day before yesterday that the majority members of the Finance Committee undertook to fix a tariff based upon the difference in the cost of production at home and abroad. He also stated that they ascertained the cost of production abroad from the prices at which those articles were sold. It now develops that under the same rates are included a variety of articles coming from different countries, of different costs, of different prices, and we find here one blanket rate for them all. I have dwelt upon this for the purpose of getting light upon the basis upon which the bill is founded. Instead of getting much light from the discussion here, it seems to me that the atmosphere is becoming more dense.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. With pleasure.

Mr. McCUMBER. I would like to ask the Senator how he would levy a rate of duty upon decorated chinaware. I am not asking what rate he would put upon it, but if he were to levy a rate of duty, how would he base that levy? If he would take any other system than that which is in the Underwood law and that which is in the present bill, what method would he adopt?

Mr. JONES of New Mexico. I am sorry that in the deliberations of the majority of the Finance Committee I was not invited to participate in fixing the rates under the bill. It seems to me it comes rather late now, after the bill has been presented to the Senate, to call upon me as a minority member of the Finance Committee to give my views upon the subject.

However, I agree that the Senator and his colleagues in the committee were in much trouble over this matter, and I am willing to accord them the view that they did the best they could from their point of view. What I am trying to get at, however, is the point of view. I am not impugning the motives of anyone. I am willing to accord them the belief that they have done the best they knew how, but I am very anxious and I think the country is anxious to know the view of the majority members of the committee. It seems to me now, when the Senator from North Dakota is calling attention to the very serious difficulties under which he labored, that he got far afield from his general proposition that the bill was framed upon the basis of the difference of cost in production in the United States and the cost abroad.

Mr. McCUMBER. Why does the Senator say that in reference to the decorated chinaware? Suppose we come to the conclusion that it costs to manufacture and put upon the market the undecorated chinaware, say, 40 per cent more in the United States than it does in Germany. Suppose we come to the conclusion that as to the decorated chinaware it costs on the average about 50 per cent more, because of the higher cost of American labor, the higher expense for raw materials, and so forth, to manufacture decorated chinaware in this country over and above what it costs in Germany. Then if we have in that instance selected 50 per cent to be the tariff rate, we have measured the difference, have we not?

We could not base it properly upon any other theory. Of course, we could base it upon the weight, or something else, but that would not be fair. There is only one method of levying duties of that kind and that is the ad valorem method. We can not make it a specific duty. I have stated that I think

the ad valorem duty which we have given approximately measures the difference between the foreign cost and the American cost.

Mr. JONES of New Mexico. The Senator has assumed that the American cost is a fixed and known quantity, and I think that is what he must assume in the preparation of a bill of this sort. He must ascertain the American cost if he attempts in any degree to found the bill upon the principle which he has announced.

But there is included in this one paragraph all grades of plain and decorated earthenware. The cost in this country being fixed, the cost in the foreign country not being the same, varying to an extreme extent in many cases, then it does seem to me that the Senator can no longer say that they had fixed the rate for the purpose of equalizing the difference in cost between this country and the foreign country.

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I am glad to yield to the Senator.

Mr. WATSON of Indiana. There has never been a bill, apparently, formulated in the history of this country that has not had foreign valuations as a basis. Naturally there will be fluctuations in prices in foreign countries and in this country. But the bills have been formulated, as is this bill, on the theory that prices in the United States will be relatively permanent and therefore we can take the American value and on that basis measure the difference in the cost of construction or production between what we produce in this country and what is produced of like character in a foreign country. Values may be shifted, yet there is enough of permanency about it to establish fairly the difference between the cost of production at home and abroad, and by that yardstick measure the duty to be levied on that particular item.

Now, the foreign valuation has been the rule in the formulation of all tariff measures, whether they were protective or otherwise. What amendment does the Senator propose to this paragraph, and if he is not going to propose an amendment to it, why debate it? What is the point, will the Senator permit me to ask him? Does he propose some substitute for this system; and if so, what is it? How would he change this method of ascertaining the valuation abroad and, from the protective standpoint, if he can imagine himself over on that side of the proposition for a while, how else would he go about it to find the difference between the cost of production at home and abroad?

Mr. JONES of New Mexico. Mr. President, I am very glad to answer the Senator, and in my answer I want to call to the attention of the Senator from Indiana some very fundamental principles which ought to govern all legislation.

In the construction of any statute by a court, what does the court do? It first finds out what the situation was before the law was passed. It ascertains the evil which existed, and then it tries to get from the statute the remedy which was proposed. I submit that on this very paragraph the burden is upon the Senator from Indiana, as a member of the majority of the Finance Committee, to tell us what the evil is under the existing law. Why should the existing law be changed? Then it is for him to bring forward a certain and definite remedy for any evil, if such is found.

Look into the trade regarding this particular item or this paragraph upon earthenware. We do not find the American market being swamped with earthenware from foreign countries. We find articles of decorated earthenware from England, from France, from Japan, from Germany, selling in the American market at higher prices than the domestic articles.

Mr. SMOOT. Mr. President, if the Senator really wants to know why the duty is placed in the bill, perhaps I could call his attention to a few reasons. But I do not want to take the Senator's time, because I know he is anxious to speak.

Mr. JONES of New Mexico. I hope to correct the Senator. I am anxious to have all the light upon the bill that I possibly can. If the Senator from Utah can give us any light, I am more than willing and anxious to yield to him.

Mr. SMOOT. I am sure that any light we may be able to give as to this schedule or upon any other schedule will not be satisfactory to the Senator, but I am going to say to the Senator that this is what the Tariff Commission found as to the difference in the making of china between wages in this country and those abroad:

The average labor cost per unit of product in the American vitreous china potteries was very much greater than in American earthenware potteries, owing to the slower processes of manufacture and the difficulty in firing and in manipulating the material in all stages. The American vitreous china labor cost was 73.3 per cent higher than in American earthenware—

This comparison shows the reason for difference in the rate imposed on the two classes of this article—

182.3 per cent higher than in Austrian china, and 314 per cent higher than in German china potteries.

Does the Senator think that the rates we have placed in this bill now afford a protection more than equal to the difference between the cost of labor in producing these goods in the respective countries? The testimony showed beyond a question of doubt that the difference in the labor costs alone between this country and Germany was 314 per cent. Some protection has got to be given or else the industry can not live in America.

The average wage per full-time week of jiggermen (typical skilled workingmen) was $23.87 in American vitreous china potteries, $6.65 in German, and $6.37 in Austrian china potteries.

I could go on and give the Senator the percentages involved in those figures, but they run all the way from 183 per cent to over 400 per cent. I am sure the Senator knows that the only way to meet that difference is by a protective tariff, for it can not be met in any other way. The plan of imposing the duties proposed in this bill is exactly the same as it was in the Payne-Aldrich bill, in the Underwood-Simmons bill, and in every other bill which has been framed from the time our first tariff law was put upon the statute books.

I repeat, the situation can not be met in any other way unless we should enact a tariff for revenue only law, such as Germany has. Germany imposes a duty on earthenware and chinaware, but it is a specific duty and not an ad valorem duty, as German duties are nearly all specific. In other words, a set of imported china which in this country will cost $300 comes in on an ad valorem rate. That same set, if made in this country or any other country and exported to Germany, would pay so much per pound, and that duty at so much per pound would apply to a $300 set of china as it would if it were the commonest set of china selling for only $10. The $300 set of china would not pay nearly as much as would the ordinary $10 set, because the $10 set would weigh more than would the $300 set.

We are not going to frame any kind of a tariff like that in this country, and I do not believe the Senator would ever vote for such a tariff. I think if he had been called in when the majority of the committee were fixing the tariff rates he would have been one of the Senators who if such a proposition as that had been made would have said, "No; it can not be."

Mr. HITCHCOCK. Mr. President, will the Senator from New Mexico permit me to ask the Senator from Utah a question?

Mr. JONES of New Mexico. I am glad to yield to the Senator from Nebraska.

Mr. HITCHCOCK. I should like to know what is the matter with the present rate under the existing law?

Mr. SMOOT. The present rate is not high enough to protect the American industry under conditions existing in the world to-day. That is the reason for the proposed new rate.

Mr. HITCHCOCK. I have been looking at the figures as to our imports of earthenware, and find that they are at a rate now of 10 cents per capita a year; that is, for 100,000,000 people we are only importing about $12,000,000 of earthenware a year. The American people are certainly consuming a great deal more than that, and where are they getting it? They must be getting it from American factories.

Mr. SMOOT. I will frankly say, Mr. President, that these particular rates were put into this bill because of the very fact that the committee saw invoices of these goods coming from Austria and from Germany, which made it apparent that even the rates in the bill will not be protective.

Mr. HITCHCOCK. Is it not a fact, however, that our imports of earthenware are falling off?

Mr. SMOOT. No; they are not falling off, nor will they fall off from now on.

Mr. HITCHCOCK. Let me read the figures to the Senator.

Mr. SMOOT. I say they will not fall off from now on.

Mr. HITCHCOCK. I say that they have been falling off. The last figures which I have been able to get are for the eight months ending with February last, and the figures for the eight months ending with February of this year show imports of $760,000 less than for the eight months ending with February of last year.

Mr. SMOOT. That is not the total of the different classifications.

Mr. HITCHCOCK. It is all that I have been able to find.

Mr. SMOOT. That is only one particular item; but if the Senator will examine the figures as to all the other classifications, then he will see that there has not been such a falling off as he has indicated.

Mr. HITCHCOCK. The publication before me says that the imports of decorated and ornamented, both of which are in one paragraph, are approximately the same for this year as last year, there being a slight falling off, and that the imports of the other kind, meaning the plain, have fallen off about the same amount, $500,000. So that the last statistics we have show that the imports of earthenware are actually falling off, and that for a whole year the imports only amounted to 10 cents per capita for the people of the United States.

Mr. SMOOT. Mr. President, I should like to proceed with the bill, rather than to indulge in general discussion, until we reach some particular schedule which it is desired to discuss. Then, we will put figures into the RECORD, and I am hopeful when that time comes we can have Senators here to listen to what we have to say. That is one reason why so far I have not undertaken to discuss a single solitary schedule of the bill. I have spoken upon the administrative features of the measure, and that is all; but when we reach the schedules I am perfectly willing, so far as I can do so, to give any information to the Senate as to the reason actuating the committee in fixing the rates found in the bill.

Mr. SIMMONS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I was very much interested in one statement made by the Senator from Utah, because it was so wholly inconsistent with all the facts, as I have understood them in connection with the making of this bill and the fixing of its rates. The Senator stated, as I understood him, that the rates in this bill were based upon the difference between the labor and material costs in this country and those abroad. Does the Senator say that is the basis upon which the committee have fixed these rates?

Mr. SMOOT. That is only one of the elements that enter into the rates as they have been fixed, but it is a very material element.

Mr. SIMMONS. Did the Senator's committee make any serious effort to ascertain the present difference between the labor cost here and the labor cost abroad or the present difference between material costs here and similar costs abroad?

Mr. SMOOT. Mr. President, there was hardly a witness who appeared before the committee who did not testify as to the difference between the wage scales of this country and those abroad. I think the Senator attended a good many of the meetings where that happended. I think he was present when this very schedule was under consideration, and when the labor representative who had just come from Germany testified before the committee as to the scale of wages paid in that country.

Mr. SIMMONS. Oh, Mr. President, there was considerable testimony before the committee as to the low wages paid in Germany and Japan, and probably in some other countries, but there was before the committee no testimony of any consequence at all as to the production costs of the various items that are in this bill in other countries as compared with the production costs in this country.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. I will ask the Senator to wait for a moment. The outcry which has led to the rates which have been fixed in this bill has been to the effect that labor in Germany and in Japan and in China were paid very much less than it is here. Everybody knows, Mr. President, that labor does not constitute the whole of the production cost; everybody knows that the efficiency of labor has as much to do with that cost as has the daily wage paid, and the testimony before the committee on this point related entirely and exclusively to the wages paid and not to the wage cost of production.

I undertake to say that there is not a duty in this bill that is imposed upon a finding based upon any adequate testimony as to the difference between the production costs here and abroad.

So far as wages are concerned, they may be low relatively in some countries as compared with wages in the United States; but I make the assertion here and now—and the statistics will abundantly corroborate and support the statement—that the relative cost of labor in Germany, in China, and in Japan to-day is greater than it was before the war, greater than it was when the Payne-Aldrich bill was framed, and greater than it was when the Underwood bill was framed. While wages now may be low relatively, they are not so low as they were at the time those bills were framed and enacted.

However, Mr. President, material costs in countries like Germany and others of our European competitors, which have to import practically all of their essential raw materials from other countries, are enormously higher, relatively, than their material costs were before the war. Yet the committee in all of its deliberations made no effort in the examination of witnesses to get the definite facts upon which they might ascertain with any degree of certainty the difference in the production costs, either of labor or of material, as compared with those costs in this country.

I assert that there is not a particle of foundation for the contention that the rates in this bill were based, or were intended to be based, upon the difference between labor costs or material costs here and abroad. The rates in the bill are fixed upon an entirely different principle, and the bill itself shows that they were ascertained and were fixed upon a different principle.

Mr. SMOOT. Mr. President, I simply repeat that the rates are based upon not one reason but several reasons, and among those reasons is the difference between the wage scale of this country and the wage scales of foreign lands.

The Senator undertakes to inform us that labor is not the only element entering into the cost of making goods. That is a remarkable statement to make. I did not know that there was a soul living on the earth who even thought that it was. But, Mr. President, if the rates that we have in this bill were based only upon labor they would be double and treble what they are, because I say now, taking this bill schedule by schedule, and taking the labor cost of producing cotton goods or any other commodity—laces or silks, or anything that is made upon a power-driven machine—England and Germany and all other countries have the same kind of machines, run by the same kind of power, and one person handles the same number of machines in each country, and the machines run at the same number of revolutions, and the warps are the same, and the filling is the same, and the shuttles run at the same speed, and they can make just as many yards in each of those countries as can be made in the United States upon each machine.

Mr. SIMMONS. And therefore, Mr. President, the English labor cost of cotton goods to-day is as high as the American cost.

Mr. SMOOT. The Senator can not take both sides of the question. He can not say that no rate is needed because of the fact that they do not produce in a foreign country cheaper than we do, and at the same time say that the efficiency of the labor and the ultimate unit value of the labor is higher in the United States than in any other country. It will not work. The Senator must take one horn or the other of the dilemma.

Mr. SIMMONS. I do take one horn of the dilemma. When I referred to the efficiency of labor I was speaking with reference to Japan, China, and Germany, where the committee have said that there was a great difference.

The Senator is speaking now, however, about the production in an Anglo-Saxon country, where during the war the wages of labor rose as high as they were in America, and where, by reason of the determination of the labor of Great Britain to maintain their war prices and standards, just as we have had the same determination on the part of labor in this country, they have been enabled, through their unions and their organizations, to maintain their war prices at as high a level as our own laborers have been able to maintain their war prices, and have been just as effective in their resistance to reductions of those prices as our laborers have been; and to-day the laborers in the great cotton factories of Great Britain are commanding just as high a scale of wages as is paid in the factories of this country. I have not understood that that has been seriously questioned in the committee, but I have understood that in the committee, in the case of Germany and Japan, they have said that there was a vast difference; and I was simply answering the condition that confronted me growing out of my connection and experience and observation with reference to the hearings in this matter.

Mr. SMOOT. The Senator is not going to get out from this discussion by referring simply to England. The Senator from Utah mentioned Germany particularly. When the Senator from North Carolina says that the wage scale in England or in Germany during the war was the same as the wage scale in this country, I want him to consider the matter well and make an investigation, and I think he will correct that statement.

Mr. SIMMONS. I did not say "Germany." I said "Great Britain."

Mr. SMOOT. I will say, then, in England at any time during the war, or to-day, at this very minute. Why, Mr. President, what is England doing against Germany? Is she undertaking to protect her industries against the invasion of Germany and Austria and the Balkan States and Japan by a small duty? No, Mr. President. England says that certain of the goods of those countries shall be embargoed.

Does the Senator know how many of these safeguarding of industry acts have been passed in England since the armistice was signed? Does he know what goods they cover, and does he know that there is not any question of rates, but it is a question of Germany not being permitted to ship the goods into England? Why, England has gone so far as to say that all her key industries, as designated by her legislators, shall be protected not by a rate, but by an embargo.

Never in the history of this world were conditions so unsettled as they are to-day; and I frankly stated here upon the floor of the Senate last Monday that I did not know whether the rates that are carried in this bill would fully protect the industries of this country or not. That is why I wanted to give to the President the power to increase the rates, or, if they are too high, to decrease them. I hope it will not be long before conditions in the world will become normal again. They are far, far from it to-day.

Mr. President, I am not asking for extra-high protection. I want a rate of protection that at least will give American laboring men and American industries a chance to live against their foreign competitors.

Mr. SIMMONS. Mr. President——

Mr. JONES of New Mexico. I yield further.

Mr. SMOOT. I trust the Senator will pardon me for taking the time that I did.

Mr. JONES of New Mexico. I am very glad to get light on this bill from any source.

Mr. SMOOT. I want to say to the Senator that if we can only get down to the items, and Senators want light upon each item, I think it will be given at the time. I apologize to the Senator for being led off by a statement which was made by the Senator from North Carolina.

Mr. SIMMONS. Mr. President, there is only one statement that the Senator has made to which I desire to reply. The Senator says that he wants only adequate protection against our competitors, especially in the European markets, for he was discussing the European markets.

Mr. SMOOT. The German markets.

Mr. SIMMONS. The German markets, the English markets, all the European markets, were under discussion by the Senator. He wants a tariff rate high enough to protect the domestic manufacturer of this country against the products of Europe. He thinks that at this time the rates of the present law are not sufficient for that purpose.

Mr. President, I want to say to the Senator that in the year 1921, under the rates of the present law, which are not half as high as the rates in the bill that we are asked to pass, the total importations from all countries in Europe were less than the total importations from Europe during the first year of the Payne-Aldrich Act; they were less than the importations from Europe during the second year of the Payne-Aldrich Act; they were $138,000,000 less than the imports from Europe during the third year of the Payne-Aldrich Act; and they were a round hundred million dollars less from all the countries of Europe last year under the rates of the present act than they were during the last year of the Payne-Aldrich Act. I am speaking now of calendar years.

In that condition, Mr. President, I say, first, that there is no foundation for the statement of the Senator from Utah that this market place to-day, under the rates of the existing law, is being flooded with European products. There is no foundation for his statement that this market place needs twice the rates of the present law in order to protect itself against European importations; and the conclusive evidence of that is contained in the facts with reference to importations that I have just related.

Mr. SMOOT. Mr. President, I am not going to take the time of the Senate any longer, but what I said was on the basis of the daily statements issued by the United States Treasury, and I think I can depend upon those statements as to the amount of duty that we collect. I do not think any goods come into the country, if they are dutiable, but that the Treasury knows about them, and I do not think there is a cent of duty ever paid but that it is reported; and it is upon those figures that I make my statement.

Mr. SIMMONS. Mr. President, the figures upon which I make my statement are contained in the monthly summary of imports and exports of domestic and foreign merchandise by countries, issued by the United States Bureau of Foreign and Domestic Commerce, in Secretary Hoover's Department of Commerce, and I want to read that statement.

In the calendar year 1920 the imports from all Europe were $1,227,000,000—very high—but in the calendar year 1921 the imports from all Europe had fallen to $764,000,000. During the first year of the Payne-Aldrich Act, according to this official document, imports from all Europe were $799,000,000; the second year, $770,000,000; the third year, $900,000,000; the fourth year, $864,000,000. Each year under the Payne-Aldrich Act, according to this official document, the imports from all the countries of Europe were more than they were during the year 1921, under the rates of the present law.

Mr. SMOOT. Of course, the Senator meant the Underwood Act instead of the Payne-Aldrich Act.

Mr. SIMMONS. No; was not the Payne-Aldrich Act in effect in 1910?

Mr. SMOOT. Oh, yes.

Mr. SIMMONS. And in 1911?

Mr. SMOOT. I misunderstood the Senator.

Mr. SIMMONS. And in 1912 and 1913. Those were the figures that I read, covering the entire four years of the life of the Payne-Aldrich Act; and I say that in each calendar year the imports from Europe are shown by these figures to have been greater than they were in the last calendar year, 1921, from all the countries of Europe.

Mr. SMOOT. Mr. President, if we undertook to base our judgment upon the amount of business that was done in the United States in 1921, and to make rates upon that basis, we would be far afield. Never in the history of the United States has there been such a time of depression, where overstocks have been so great, where merchants were compelled to so great an extent to dispose of all the goods that it was possible to dispose of, and buy none in many, many cases. That is shown in the returns from the Treasury Department. That is why, I will say to the Senator, at the close of business last night there had been received by the Treasury of the United States during this fiscal year up to the present day, compared with the last fiscal year, over $1,000,000,000 less revenue to the Government.

That is why the figures quoted by the Senator here have no reference whatever to the amount of goods which may come into this country when there is a demand for them.

Mr. SIMMONS. Will the Senator permit me?

Mr. SMOOT. In just a moment I will yield. In the figures the Senator quotes, he also does not take into consideration the question as to whether the goods came in free or whether they came in dutiable. His figures took into consideration all goods, whether they came in free or whether they came in dutiable. The United States never objects, and nobody would ever think of objecting, to allowing goods which are upon the free list to come into the United States. What difference would it make if there were a billion dollars more of such imports? There would be no revenue to the Government, no protection whatever to the interests which are demanding protection. But up to April 26, 1922, there was collected a revenue of $277,780,775.36 on dutiable goods. For the year preceding, or for the fiscal year 1921, as compared with 1922, the figures, under the Underwood law, were $252,872,000. The rates applied were exactly the same, because it was under the Underwood law.

Mr. JONES of New Mexico. I am sure the Senator does not want that statement to remain as he has just stated it.

Mr. SMOOT. Yes; I want it to remain.

Mr. JONES of New Mexico. The emergency tariff law went into effect on the 27th of May, 1921, putting wool upon the dutiable list, and increasing the duty upon sugar and a number of other items. So the Senator is not quite accurate in his statement that these goods came in under the same law.

Mr. SMOOT. The emergency tariff bill, as far as sugar is concerned, did affect this figure, and I thank the Senator for calling my attention to it. But, Mr. President, it should be remembered that the first figure I spoke of, the very highest, obtained at a time when business in this country was as low as it ever was in its history, and I trust, aye, I hope, Mr. President, that the bottom has been reached and that there will be a revival of business from now on.

As far as manufactured goods are concerned, that must be, because of the fact that the shelves are all bare. The merchants have sold until their stocks are just as low as they possibly can have them and at the same time maintain their trade and furnish what is absolutely necessary. They have no surplus now to sell as they had in 1921 and 1920. So that all the goods which are used in this country from now on must either be produced by American labor and American institutions or they must be imported into this country.

The bill we have presented to the Senate has in view the production of a great majority of those goods in this country, and, as far as the results which will follow from that bill are concerned, I have no apology to make, and I believe with all my soul that the American people will accept the policy that has been adopted.

I know that if the rates are too high and there should be an embargo the American people would object to it. They would not approve of the action; but under existing conditions in the world to-day the only fear I have is that some of the rates are just low enough to allow the countries of the world producing more cheaply than we to jump the hurdle. I hope not, Mr. President, and I hope that there will be a fair amount of importations into this country, but that the great bulk of the goods used by the American people will be made by American laboring men.

Mr. SIMMONS. Mr. President, instead of confining himself to the issue which had been made between him and myself, the Senator drifts off into other fields. I do not purpose to permit him in that way to escape the results of the figures applied to the issue which I made with him.

The Senator contended that the European imports were so great under the present law that they threatened the markets of this country. I joined issue with him upon that question. I asserted that they were not any greater during the last calendar year, under the present law, than they were during the four years of the operation of the high rates of the Payne-Aldrich law. I asserted, on the contrary, that they were materially less than they were during any year during the life of the Payne-Aldrich Act.

If my statement of those facts is correct, then there is no foundation upon which to rest the contention of the Senator from Utah that, so far as importations from European countries are concerned, they are more threatening now, under the proposed rates, than they were under the Payne-Aldrich rates. If they are no greater under the rates of the pending bill than they were under the Payne-Aldrich rates, then this market is not in danger of being flooded by reason of the lower rates.

Then the fact that the importations have been less under these lower rates than under the higher rates of the Payne-Aldrich law is conclusive evidence that there is no need at this time for an increase in those rates. It is conclusive proof that importations from Europe, at least—and we are talking about Europe only in this controversy—are not a menace to the American market.

The Senator from Utah, seeing the overwhelming force of the figures I presented, taken from the official records of this Government, certified to this Congress and to the country as correct, sought to shift the controversy to another battle ground; but he shall not do it. His only reply to my figures and to my argument was that the prices of to-day were higher than the prices of former times.

Mr. SMOOT. I never made such a statement.

Mr. SIMMONS. The Senator did say, if I understood him correctly, that this situation was accounted for by reason of facts connected with prices.

Mr. SMOOT. No; I never made such a statement as that.

Mr. SIMMONS. I concede that when you are comparing the imports of the present year with the imports of 1920 or 1919 or 1918, or during the pre-war period, when prices were at their peak, then the drop in importations could be largely accounted for, measured in dollars by the fall in prices. Undoubtedly that would be true. But the slump came in 1921. It began in the fall of 1920, and it came with its full force in 1921. We had imports for that year, measured in dollars, of only $764,000,000, and it is those imports, the imports of 1921, after the slump and after the fall in prices, which I compared with the imports under the Payne-Aldrich Act.

The Senator seeks, as I understood him, to escape the force of that by the suggestion of the differences in prices. Mr. President, when you measure imports of one period with those of another for the purpose of comparison, prices do become important. If the prices of the present time in this comparison are higher than they were during the 4 years of the Payne-Aldrich Act, then, measured in dollars in both periods, the amount of the imports of 1921, under present rates, would be enormously less than those during the operation of the Payne-Aldrich Act, because prices to-day are probably from 40 to 50 per cent higher than they were during the life of the Payne-Aldrich Act.

If you measure imports of to-day in dollars and cents—they are only $764,000,000—and if you make allowance for the increase in prices, you will see that the present importations, expressed in dollars, are very much less than they were during the operation of the Payne-Aldrich Act, likewise expressed in dollars.

In other words, the unit of a certain commodity at this time would sell, we will say, for 40 per cent more than it would during the Payne-Aldrich period. So a dollar would buy a smaller quantity of goods to-day than it would during the operation of the Payne-Aldrich Act. Therefore, that does not break the force of the comparison which I made, but even accentuates, to the extent of 40 per cent, the force of the contention I made, and the significance of the figures I gave.

Mr. SMOOT. Mr. President, the Senator built up a straw man and then proceeded to demolish him, because I never said one word about the prices of the goods affecting the volume of importation, nor did I say one word about the prices in 1911, 1912, 1913, when the Payne-Aldrich bill was in force. The Senator's statement was that the higher the price of the goods the more in volume will be the amount; that if the same amount of goods are imported, the higher the price the greater will be the amount in dollars and cents.

Mr. SIMMONS. And the less amount of goods a dollar would buy.

Mr. SMOOT. Oh, yes, of course; but that is not what I said. I said the higher the price of the goods, if the amount of importations come into the country, then the greater will be the value of the importations. No one can deny that. In the fiscal year 1921, up to the 26th day of the present month, the duty collected was $252,000,000. The prices began to decline and have declined rapidly during that time. I agree with the Senator that perhaps they are 25 or 30 per cent less. Notwithstanding the reduction in prices, the importations were greater for this year up to this very moment as compared to the year before. That is all I said.

Mr. SIMMONS. I am not talking about a comparison of imports for 1920 and 1921. I am comparing the imports of 1921 with the imports of 1910, 1911, 1912, and 1913 under the Payne-Aldrich law.

Mr. SMOOT. But I answered the Senator's statement that the rates in the present law were high enough, and that there were no importations to speak of under it and that there were not going to be. I showed the importations not only were increasing in volume but the prices have been decreasing, showing there are a great deal more goods imported than there were before.

Mr. JONES of New Mexico. Mr. President, I am sure that all will recognize that I have been very generous in yielding. However, I am anxious now to proceed. Before returning to the line of my previous discussion, I wish to call attention to what the Senator from Utah has just presented to us.

He told us that during the corresponding period of 1921 the customs revenue was $252,000,000, and that in 1922 the customs revenue was $277,000,000. He therefore insists that this is conclusive proof that the country is being flooded with foreign goods. One trouble with the figures is that the 1922 receipts were after the emergency tariff law went into effect, and a number of articles were made dutiable beginning with May 27, 1921, which were not dutiable during the earlier months of 1921, and which are brought into comparison.

If the Senator wants to take such temporary figures as that, I call attention to a statement upon the same page of the report from which the Senator read and upon the same line.

There we find that during April, 1921, the revenue receipts were $34,933,000. During the month of April, 1922, the revenue receipts have fallen off to $29,578,000, a reduction this part of the month of April of this year as compared with last year of $5,500,000. Of course, the Senator merely overlooked that in reading from the report and taking the annual report for last year for a period of months previous to the passage of the emergency tariff law.

Mr. SMOOT. Oh, no; the Senator from Utah did not overlook it at all.

Mr. JONES of New Mexico. Oh, I thought perhaps he had. I thought if he had not overlooked it he certainly would have given us the benefit of that information.

Mr. SMOOT. No; but the Senator would not want to base any kind of rate upon one particular month's importation.

Mr. JONES of New Mexico. No; and I would not want to do it on any particular period of three months.

Mr. SMOOT. Nor would I; but it is pretty safe to take it upon the basis of a year.

Mr. JONES of New Mexico. But the Senator from Utah dwelt upon the difference of the cost in labor in Germany and in the United States. I do not know what percentage his figures would finally disclose. At any rate, there is an enormous difference, and it is in the daily wage. I agree with the Senator that there is and has been that difference, but I desire to call attention to this fact.

When the Senator talks about a flood of goods coming in from Germany, I call attention to the fact that in 1910 we imported from Germany $169,000,000 worth of goods. During the whole year 1921, the third year after the armistice, we im-

ported from Germany only $96,000,000 worth of goods, less than one-half the amount we imported from Germany in 1914 and almost one-half the amount we imported from Germany in 1910. At some future date I expect to discuss in a consecutive way the situation in Germany, but for the purpose of the discussion now I think it is important to make a few very salient statements.

We are now three and one-half years from the armistice. The total production in Germany to-day is only about 50 per cent of what it was prior to the war. That means that Germany has been unable to gather together the essentials which are necessary to increase her production. It is true that her man power is cheap and that the wage earners are being subsidized. The Government has been selling bread for less than it costs. It has been practically giving rent without cost. It is true that there is very little unemployment in Germany to-day, brought about, however, by the fact that upon the public utilities, supported by Government taxation, there are about four men running upon the railroads of Germany to-day where one was doing it prior to the war, and they are hauling one-half the amount of freight.

It is impossible for Germany to get the necessary materials together. Her coal mines are necessarily restricted in output, and so with various other conditions there. The Senator from Utah talks about this country being flooded with imports from poor and distressed Germany. I say if that is the basis upon which the majority of the Finance Committee founded the bill, it is a foundation of sand and will not bear the pressure of the condemnation of the people of the country.

Mr. President, I have been trying to find out from what country prices were obtained which were used as the basis in ascertaining the difference in cost of production here and abroad. The Senator from North Dakota [Mr. McCUMBER] has not yet told us, but I assume that he indorses what was said by the Senator from Utah, that Germany was the one great country picked out, and that everything there is so much cheaper and so much more greatly depressed that they used the prices from Germany as the basis of the bill. If that be so, I would remind the Senator that those prices have vastly changed. They have changed even since the bill came into the Senate.

I read from a document prepared by the Federal Reserve Board, which came from the New York office, 15 Broad Street, of the Federal Reserve Board, received by wireless, stating the wholesale price index of the Frankfurter Zeitung for April 3, 1922. According to this index, there has been an increase of 20.7 per cent in the general level of wholesale prices in Germany during the month of March, as compared with an increase of 23.6 per cent during February. There we have the whole index of prices during the month of February in Germany increasing 23.6 per cent and in March 20.7 per cent. Is that the basis? Is the bill founded upon that situation?

Mr. SMOOT. Mr. President, does the Senator know how the German mark fluctuated in price during that time?

Mr. JONES of New Mexico. Oh, yes; I do.

Mr. SMOOT. Then, did not the mark fall more than the increase in the regulated prices?

Mr. JONES of New Mexico. It did not. I will tell the Senator that the truth is the mark has risen in that time.

Mr. SMOOT. I have not the figures here, and I do not know. I merely asked the Senator; I thought perhaps he had looked it up. I have not looked it up of late, and I simply asked the Senator whether there has been a change in the value of the mark.

Mr. JONES of New Mexico. I must confess the Senator's statement is rather a surprise to me, because it is usually the case that when the Senator from Utah arises and speaks it is like opening a new page of an encyclopedia.

I can say to the Senator that the price of the mark has not fallen in that time. The great depreciation in the price of the mark was last fall, about October or November. During this period of time the gold exchange price of the mark has been around 0.33 of a cent, and is now about 0.34 or 0.35 of a cent. I think in the last day or two it has gone up, probably to 0.36 of a cent, but the price of the mark during the period to which I have referred has ranged from about 0.32 to 0.40 of a cent or higher.

Now, Mr. President, if all that we have heard here is to be accepted as the foundation for the bill, if we are to take prices in Germany, with labor as estimated as low as the Senator from Utah has stated, if other prices translated into gold values are so low, and if that is the point from which competition is expected, then I say that the bill has failed to meet the situation. If the factors advanced here by the two distinguished Senators are to be accepted as the foundation of the bill and if it is to be expected that the amount of goods from Germany is going to continue to flow into this country and that that flow will be unlimited in amount, then the rates in the pending bill are far too low to protect the American producer.

I wish to say to Senators on the other side of the Chamber that they need not fear any great influx of goods from Germany. As I have stated, with all their ingenuity, with all the natural characteristics of the German citizens to work and produce, they are to-day, three and a half years after the armistice, producing only about one-half what they produced prior to the World War. We have been importing from Germany for the last two years less than half what we were importing prior to the war. Year before last the imports were only $45,000,000; last year they were only $90,000,000. In the one case there was imported one-fourth of what was imported prior to the war, and in the other case only one-half what was being imported prior to the war.

What are we doing in the matter of exports to Germany? In 1910 we exported to Germany $249,000,000 worth of goods; in 1914 we exported $344,000,000 worth; in 1919, immediately following the war, we exported only $8,818,000 worth. During 1920 we exported to Germany $202,000,000 worth of goods, and we received from Germany only $45,000,000 worth of goods. In 1921 we received from Germany, as I have said, $90,000,000 worth of goods, and we sold to Germany $381,000,000 worth of goods.

I will ask how the American exporter is going to be paid for his goods? This country is exporting to Germany to-day more goods than ever in her commercial history, and how can we be paid unless we receive some commodities from Germany in exchange?

We are sending to Germany to-day foodstuffs; we are also sending her manufactured products to a greater extent than ever before; and yet Germany, struggling as she is, was unable under the existing tariff law to export to this country last year one-half of what she exported to us prior to the World War. Does that look as though this country is going to be flooded with goods from Germany? We are trying to build up a tariff wall here which will shut out those meager importations, amounting to only one-half of what they were before the war. When we are selling to Germany at least one-third more than we sold to her prior to the war, are we going to build up this tariff wall and absolutely prevent the exportation of our surplus goods to Germany? That is what this bill means. It was intended to do just that thing. It was intended, Mr. President, not to bring about a competitive condition but, as I shall show later, it was intended, in practical effect, to place an embargo upon importations, to destroy the market abroad for exports from the United States.

I want some of the Senators who come from manufacturing States to realize what this bill means to their States and to their constituencies. In 1920 we exported of manufacturing materials 103,000,000,000 pounds; in 1921 we exported 66,000,000,000 pounds, or 35 per cent less than in the previous year, and the percentage of income was reduced by 49 per cent. We exported in 1920 of manufactures 32,474,000,000 pounds, and last year, 1921, we exported but 23,699,000,000 pounds. We received one-half less for our exports of manufactures last year than we received for the previous year.

The United States has grown to be a great exporter of manufactured products. I want Senators who come from manufacturing States to realize that those who support this bill are not building up a tariff wall here for the purpose only of preventing exports of farm products, but I hope that they will also realize that they are paralyzing the industrial centers of the country as well.

Mr. President, I think we have ascertained that the prices accepted by the majority of the Finance Committee as a basis for this bill were German prices.

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from New Jersey?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. FRELINGHUYSEN. Will the Senator from New Mexico kindly indicate from what authority he quotes the figures which he is giving?

Mr. JONES of New Mexico. I am sure the Senator from New Jersey has received the document from which I am quoting. The story as to how these figures were arrived at is very interesting. The document from which I am now reading was published by the National City Bank, of New York, which is very near the Senator's home. I believe everybody will recognize that it is at least one of the leading financial institutions of this country. That institution has a statistician, whose

name I do not just now recall, but I will tell the Senator what he has done.

Mr. FRELINGHUYSEN. I should like to have the date of the publication.

Mr. JONES of New Mexico. The date of the publication is March, 1922.

The amount of exports is often given only in value, not in pounds, but the statistician by very careful and, I assume, very arduous labor has reduced to pounds as many of these exported articles as possible. He says in this article he was able to reduce to pounds only about 75 per cent of our exports, and so the figures which are given—and I am glad the Senator from New Jersey made the inquiry—only represent 75 per cent of the exports. The document is very interesting.

Mr. LODGE. Mr. President, am I wrong in thinking that the statistician who compiled the figures is Mr. O. P. Austin?

Mr. JONES of New Mexico. The Senator from Massachusetts is quite right; it is Mr. Austin; and I am sure the Senator from Massachusetts regards him very highly as a statistician.

Mr. LODGE. He is a very good man.

Mr. JONES of New Mexico. He is the man who compiled these figures. I may state that the same document contains the imports for the same period of time, divided in the same way. It sets forth the foodstuffs which were imported and exported; it sets forth the various manufacturing materials which were imported and exported, and also the finished manufactured articles. It gives all those figures in pounds and it adds them up. I will now give the totals.

In 1920 of foodstuffs, manufacturing materials, and manufactures we exported 164,748,000,000 pounds, or, rather, that is estimated to be 75 per cent of our exports in 1920. In 1921 we exported 128,143,000,000 pounds of these combined commodities, including foodstuffs, manufacturing materials, and manufactured products. Of that total the finished manufactured products last year amounted to 23,699,000,000 pounds, and the manufacturing materials amounted to 66,893,000,000 pounds, making the total of those two items alone 90,000,000,000 pounds out of the 128,000,000,000 pounds of all commodities, showing, Mr. President, that the export trade of this country in manufacturing materials and finished manufactured products is much greater than the exports of foodstuffs or farm products.

I hope that the manufacturers of this country will realize what this bill means and will appreciate that whenever this tariff wall is built up their export trade is gone. I hope the laboring men in the manufacturing centers of the country will realize what this bill means. It means more unemployment; it means that only a sufficient quantity of goods will be manufactured in this country for domestic purposes; that the export trade will be destroyed; that ninety-odd billion pounds of manufactured goods and materials must be kept at home. I hope the laborers to whom the Senator from Utah made such an appeal awhile ago will realize this situation and not listen longer to the old stock argument that the tariff is made for the benefit of the laboring man. Mr. President, an item after item, covering hundreds of items in this bill, there is imposed a duty upon importation of over 100 per cent of the entire cost of the foreign article.

The labor that enters into the cost of many of those items is small. It is really, in many cases, an unimportant factor, and yet Senators talk about labor. There is no one in all this land who is more sympathetic with those who toil than am I. I am willing to go any length for them; but under the guise of protecting the laboring men of this country I am unwilling to deceive the American people and extort money from them.

Mr. President, I have here several other questions which I should like to ask the Senator from North Dakota, but it is now 5.30, and I am sure that the great quantity of light which the Senator from North Dakota and the Senator from Utah are able to shed upon this subject can not be dispensed this evening; so, if it is compatible with the wishes of the Senator from North Dakota, I shall be glad to defer further discussion until to-morrow.

I ask unanimous consent to have printed in the RECORD the tables to which I have referred, compiled by Mr. Austin, showing for the years 1920 and 1921, respectively, the imports into and the exports from the United States, by weight and value, of foodstuffs, manufacturing materials, and manufactures.

The VICE PRESIDENT. Without objection, it is so ordered.

The tables referred to are as follows:

Weights and value of United States foreign trade, 1920 and 1921.

Showing relative decline in quantities and values in 1921 when compared with 1920, in all important articles in which quantities can be stated.

IMPORTS.

	Million pounds.		Per cent of increase or decrease.	Million dollars.		Per cent of increase or decrease.
	1920	1921		1920	1921	
Foodstuffs						
Sugar	8,096	5,967	−26	1,015	[illegible]	−76
Coffee	1,297	1,341	+3	[illegible]	143	−43
Cocoa	344	305	−11	[illegible]	[illegible]	−57
Tea	90	77	−14	[illegible]	14	−41
Fruits and nuts	4,944	4,069	+3	72	[illegible]	−23
Meats	153	59	−61	[illegible]	7	−63
Fish	101	104	+1	[illegible]	[illegible]	−12
Eggs	[illegible]	13	−37	7	[illegible]	−57
Milk	[illegible]	[illegible]	−62	[illegible]	[illegible]	−66
Butter	21	10	−48	[illegible]	[illegible]	−63
Cheese	43	27	+63	6	[illegible]	+50
Wheat	2,148	1,398	−35	75	[illegible]	−52
Flour	160	192	+20	[illegible]	8	−11
Rice	143	84	−41	14	[illegible]	−78
Spices	81	64	+4	12	[illegible]	−58
Molasses	1,021	[illegible]	−51	[illegible]	[illegible]	−50
Tapioca	[illegible]	55	−47	[illegible]	[illegible]	−66
Vegetables	716	304	−57	[illegible]	[illegible]	−75
Oil cake	229	88	−61	[illegible]	[illegible]	−50
Cattle	[illegible]	102	−51	[illegible]	[illegible]	−77
All other [1]	[illegible]	[illegible]	−70	[illegible]	[illegible]	−66
Total	21,385	16,835	−23	1,780	[illegible]	−64
Manufacturing materials:						
Cotton	[illegible]	[illegible]	−54	[illegible]	[illegible]	−76
Wool	[illegible]	[illegible]	+23	[illegible]	[illegible]	−51
Silk	[illegible]	45	+50	265	[illegible]	−9
Fibers	909	548	−40	80	[illegible]	−57
Hides and skins	510	[illegible]	−32	[illegible]	[illegible]	−72
Rubber	[illegible]	[illegible]	−29	240	70	−69
Gums	142	82	−42	52	[illegible]	−35
Soda nitrate	2,901	[illegible]	−72	[illegible]	[illegible]	−71
Fertilizers	2,499	[illegible]	−72	[illegible]	[illegible]	−76
Flaxseed	1,278	[illegible]	−50	75	[illegible]	−73
Tobacco	82	53	−35	82	[illegible]	−34
Copra	248	224	−10	18	[illegible]	−47
Wood pulp	1,612	1,294	−23	89	[illegible]	−55
China clay	[illegible]	328	−55	[illegible]	[illegible]	−50
Aluminum	[illegible]	31	−22	12	7	−41
Iron ore	[illegible]	707	−75	[illegible]	1	−80
Copper ore	116	103	−12	[illegible]	14	−36
Tin ore	67	31	−54	[illegible]	[illegible]	−68
Coal	2,594	2,581	−1	[illegible]	7	[illegible]
Petroleum	36,522	43,272	+18	[illegible]	[illegible]	+16
All other [1]	[illegible]	[illegible]	−39	[illegible]	[illegible]	−53
Total	57,372	[illegible]	−5	[illegible]	[illegible]	−51
Manufactures:						
Cotton cloth	36	21	−41	[illegible]	29	−44
Cotton yarn	94	49	−47	[illegible]	6	−80
Wool cloth	8	7	−12	[illegible]	14	−30
Wool yarn	4	6	+50	8	7	−12
Silk fabrics	3	4	+33	36	[illegible]	−21
Silk yarn	3	2	−33	11	6	−54
Fiber fabrics	11	8	−27	26	11	−57
Burlaps	560	472	−16	69	41	−53
Jute bags	31	65	+27	[illegible]	4	−50
Paper, printing	1,[illegible]	1,595	+9	[illegible]	70	+14
Creosote oil	120	223	+90	4	[illegible]	+25
Pulpboard	[illegible]	39	−55	3	1	−65
Calcium carbide	83	85	+2	3	3	0
Coconut oil	216	189	−14	[illegible]	15	−34
Palm oil	42	23	−45	5	2	−56
Soya-bean oil	192	16	−85	[illegible]	1	−92
Copper, pigs, etc.	369	248	−33	68	[illegible]	−54
Tin, pigs, etc.	125	54	−57	[illegible]	17	−77
Iron, pigs, etc.	416	99	−76	[illegible]	2	−84
Cigars, etc.	6	2	−66	17	6	−64
All other [1]	1,285	1,[illegible]	+21	[illegible]	41	−63
Total	5,090	4,673	−7	654	[illegible]	−47
Grand total [1]	[illegible]	75,423	−30	4,212	1,835	−56

EXPORTS.

Foodstuffs:						
Wheat and flour	16,979	20,026	+18	[illegible]	[illegible]	[illegible]
Corn and meal	1,164	7,392	+284	[illegible]	96	+182
Oats and meal	478	204	−57	16	5	−68
Rice	[illegible]	[illegible]	+53	37	21	−43
Rye	3,192	1,669	−47	122	44	−63
Barley	[illegible]	1,238	+44	[illegible]	21	−22
Fruits and nuts	571	[illegible]	+32	[illegible]	[illegible]	−4
Meats	1,061	[illegible]	−24	259	[illegible]	−49
Lard and tallow	780	1,116	+43	[illegible]	140	−21
Butter	18	8	−55	10	3	−70
Cheese	16	12	−27	8	[illegible]	−40
Milk	414	[illegible]	−38	[illegible]	[illegible]	−44
Eggs	57	74	+28	14	11	−21
Fish	118	[illegible]	−27	19	10	−47
Sugar	[illegible]	[illegible]	+4	[illegible]	[illegible]	−49

[1] For which weight can be stated.

Weights and values of United States foreign trade, etc.—Continued.

EXPORTS—continued.

	Million pounds.		Per cent of increase or decrease.	Million dollars.		Per cent of increase or decrease.
	1920	1921		1920	1921	
Foodstuffs—Continued.						
Cottonseed oil	115	133	+36	35	24	−31
Oil cake	590	1,207	+104	18	25	+38
Vegetables	420	340	−19	21	11	−47
Cattle	72	167	+131	11	12	+8
Hay	141	114	−17	2	1	−50
All other [1]	356	290	−18	21	13	−38
Total	[illegible]	37,451	+30	1,861	1,253	−32
Manufacturing material:						
Cotton, raw	3,179	[illegible]	+5	1,136	854	−32
Tobacco	[illegible]	[illegible]	+10	[illegible]	[illegible]	−16
Hides and skins	17	[illegible]	+76	6	4	−33
Iron ore	[illegible]	[illegible]	−61	5	2	−66
Iron pigs	405	53	−87	[illegible]	1	−90
Coal	[illegible]	[illegible]	−36	[illegible]	168	−32
Coke	[illegible]	613	−66	[illegible]	3	−70
Petroleum, raw	[illegible]	[illegible]	+10	[illegible]	[illegible]	−31
Paraffin	[illegible]	226	−39	[illegible]	11	−66
Fertilizers	[illegible]	1,643	−31	[illegible]	7	−30
Asphaltum	[illegible]	[illegible]	−12	1	1	[illegible]
Aluminum	[illegible]	2	−76	1	1	−[illegible]
Lead	[illegible]	[illegible]	+35	3	2	−33
Zinc	228	[illegible]	−96	[illegible]	1	−[illegible]
Sulphur	[illegible]	[illegible]	−85	9	5	−44
Soda ash	[illegible]	[illegible]	−70	5	1	−80
Soda, caustic	[illegible]	[illegible]	−77	11	2	−81
Rosin	[illegible]	[illegible]	−14	[illegible]	5	−[illegible]
Turpentine	[illegible]	[illegible]	−1	15	6	−[illegible]
Hops	26	18	−30	17	6	−62
All other [1]	58	[illegible]	−31	15	6	−[illegible]
Total material	[illegible]	60,[illegible]	−35	1,952	[illegible]	−49
Manufactures:						
Automobiles	515	115	−77	212	[illegible]	−79
Locomotives	257	152	−40	[illegible]	34	−37
Cotton cloth	202	133	−34	236	72	−69
Cotton yarn	[illegible]	14	−41	[illegible]	[illegible]	−70
Wool cloth	[illegible]	2	−77	[illegible]	4	−83
Binder twine	[illegible]	[illegible]	+7	[illegible]	[illegible]	.....
Sole leather	22	14	−35	[illegible]	5	−50
Steel rails	1,350	[illegible]	−31	[illegible]	18	−50
Bars and billets	2,[illegible]	[illegible]	−78	75	16	−79
Nails	245	75	−70	[illegible]	5	−70
Sheets and plates	1,156	1,330	−51	115	51	−55
Pipes, iron	[illegible]	892	+11	[illegible]	55	+5
Wire	718	222	−69	41	12	−70
Tin plate	507	[illegible]	−32	[illegible]	17	−57
Copper	624	629	+1	127	85	−33
Petroleum, manufactured	18,[illegible]	16,082	−12	520	[illegible]	−30
Spirits	221	44	−80	[illegible]	3	−55
Tobacco, manufactured	37	35	−30	41	[illegible]	−51
Paper	[illegible]	[illegible]	−56	27	10	−62
Starch	148	258	+74	9	6	−33
All other [1]	2,133	984	−53	[illegible]	64	−46
Total	32,474	23,090	−27	1,[illegible]	800	−50
Grand total	164,745	[illegible]	[illegible]	5,620	3,153	−43

[1] For which weight can be stated.

Mr. McCUMBER. Mr. President, the Senator from New Mexico seems possessed with the determination that he will ascertain the method by which we levied our duty according to what he hopes he has established, and so he has declared again and again that we have made the basis of our ad valorem duties the lowest cost-price country in the world. We have done nothing of the kind, Mr. President. If a line of goods come from Japan, of course, we must make our estimate upon the price of those goods in Japan and the price of similar articles, or articles which they displace, in the United States. If a line of goods come from Germany, we must, of course, take the German price for that particular line of goods as the basis of our tariff. If a line of goods come from Great Britain, or Holland, or France, we must take the prices in Great Britain, Holland, or France. We are not guided by the highest price country or the lowest price country, but we are guided simply by the price of the article in the country from which it is exported. That is the only rule that we possibly could follow in either imposing duties for revenue only or imposing duties for both revenue and protection.

The Senator has made complaint about the balance of trade between the United States and Germany. So far as agricultural and meat products are concerned, Germany does not produce enough for her people. She has to import; and if the Senator will look over the list of the articles that make up the mighty balance of trade against Germany, he will find that they are all agricultural or meat products, agricultural products, of course, including cotton, which is the greatest product, and including tobacco, which is of considerable importance.

Germany sells her goods where she can sell to the best advantage. She buys where she can buy to the best advantage. She buys American agricultural products because she can buy them as cheaply in the United States as she can get them from any other country; and if the Senator will look over the trade of the United States with the world from 1918 to 1919—I have not the 1920 figures, and the 1921 list has not yet been published—he will find that in the case of our trade with Germany, taking only those things which run into the millions, our exports of beef were nearly $8,000,000 in 1918; our exports of hog products were $17,370,000; hams and shoulders, $2,000,000; lard, nearly $14,000,000; milk, about $2,000,000; illuminating oils, nearly $2,000,000; naphtha and other light products of distillation, nearly $2,000,000; tobacco, about $1,057,000; and so on. If, however, the Senator will look over the manufactured articles which Germany purchased from the United States, he will see that they are merely a bagatelle in each case. They amount almost to nothing. The real contest between this country and Germany will be a contest upon manufactured articles.

In 1921, as was stated by the Senator from North Carolina, there was a falling off of imports into the United States from all countries. There was a falling off equally of the things which were produced in the United States in about the same proportion. The hard times in this country made the conditions such that we could not purchase articles either from abroad or at home, and both suffered in relatively the same proportion, so that whether or not there was a decrease in the importations of 1921 as compared with the importations of 1920 seems to me to be of very little concern. It was not a question of tariffs; it was a question of condition of trade and inability to purchase.

We shall probably be selling to Germany a great many agricultural products, because we raise an abundance, and we are compelled very often to sell for very meager profits, and sometimes even at a loss, but the fact that we sell a great many of those agricultural products does not mean that we ought in return to surrender the market of the United States for the manufactured products of any country. We wish to keep both in operation, and as profitably as possible to manufacturer, to labor, and to the ultimate consumer, who is both the laborer and the manufacturer.

Mr. President, I understand that it is desired to have an executive session.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to, and (at 5 o'clock and 43 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 29, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 28 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

A. R. Noble to be collector of customs, customs collection district No. 19, with headquarters at Mobile, Ala.

PROMOTIONS IN THE ARMY.

Paul Bernard Malone to be brigadier general.

John Kramer Miller to be colonel, Adjutant General's Department.

John Edwin Woodward to be colonel, Adjutant General's Department.

William Kelly, jr., to be colonel, Adjutant General's Department.

Alfred James Booth to be lieutenant colonel, Adjutant General's Department.

William Vaulx Carter to be major, Adjutant General's Department.

James Alexander Ulio to be major, Adjutant General's Department.

Michael Joseph O'Brien to be major, Adjutant General's Department.

John Nicholas Smith, jr., to be major, Adjutant General's Department.

Rene Eugene Fralle to be captain, Adjutant General's Department.

PROMOTIONS IN THE NAVY.

IN THE MARINE CORPS.

To be captain.

Thomas R. Shearer.

To be first lieutenants.

William H. Hollingsworth.
Norman E. True.

To be second lieutenants.

Wallace C. Harding.
William W. Davies.
Everett H. Clark.
Augustus W. Cockrell.
Paul F. Jones.
Delbert D. Spangler.
James M. Smith.
Lewis A. Hobn.
Bayard L. Bell.
Vernon E. Megee.
Joseph D. Humphrey.
Orin H. Wheeler.
William H. Doyle.
Harold S. Levis.
Ernest E. Linsert.
Thomas L. Cagle.
James G. Hopper.
Edwin A. Pollock.
John R. Streett.
Cornelius J. Eldridge.
Randolph McC. Pate.
Dudley W. Davis.
Robert S. A. Gladden.
Franklin C. Hall.
John D. Christian.
Beverley S. Roberts.
Lucian C. Whitaker.
William O. Brice.
Francis M. Wulbern.

POSTMASTERS.

DELAWARE.

John S. Dobson, Millsboro.

IOWA.

James V. Frew, Hiteman.

MAINE.

Ralph R. Mathews, Berwick.
Everard J. Gove, Biddeford.
Willard B. Day, Monmouth.
George H. Rounds, Naples.
George O. Carr, Norridgewock.
Osmond S. Waite, North Jay.
Will C. Heldreth, York Beach.

MICHIGAN.

Floyd B. Gates, Mesick.

MINNESOTA.

Patrick W. Moran, Olivia.

NEW YORK.

John A. Rapelye, Flushing.
Henry C. Windeknecht, Rensselaer.
Joseph W. Kratoville, Riverhead.

NORTH DAKOTA.

Edward F. Hamilton, Cavalier.

OREGON.

Orn S. Banister, Paisley.
Hilliard Campbell, Walhalla.

PENNSYLVANIA.

Wharton M. Oswalt, Clarence.
Margaret Pilson, Morton.
Lucille B. Fillinger, Ralston.

TEXAS.

William B. McCrary, Cushing.
George A. Young, Hallettsville.
Roy B. Nichols, Houston.
William A. Crawford, Pampa.
John W. White, Uvalde.

VIRGINIA.

Robert Irby, Appomattox.
David R. Jones, Cambria.
Mary F. Moon, Cartersville.
Claiborne W. Beattie, Chilhowie.
Le Roy Jester, Chincoteague Island.
Wilbur H. Palmer, Greenville.
Frank P. Landon, Hopewell.
Edward M. Blake, Kilmarnock.
William P. Nye, Radford.
Laurie D. Marshall, Thaxton.

WASHINGTON.

Bert L. McCarty, Battle Ground.
Walter W. Shore, Farmington.
Rees B. Williams, Ilwaco.

WISCONSIN.

Joseph Kuchenmeister, Almena.
Stanleigh K. Gaveney, Arcadia.
Frank E. Shults, Baraboo.
Leslie H. Thayer, Birchwood.
John A. Mathys, Casco.
Oliver R. Weisandy, Cochrane.
Henry J. Altschwager, Columbus.
Nels O. Neprud, Coon Valley.
Reginald E. Caves, Dalton.
Ella Barber, Marathon.
Henry A. Elmer, Maribel.
John B. Thelen, National Home.
John E. Wehrman, Prescott.
Alvin E. Hafer, Roberts.
Wilbur S. Wurm, Shullsburg.
Helen Pickett, Spencer.
William R. Homermiller, Tomah.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 28, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whom we live and have our being, we come with a common prayer, feeling the sentiments of gratitude and praise toward the Father of us all. How we bless Thee that we are in the counsels of Thy great heart. Let us welcome Thy providences, and may they bring us to duty with noble strength. Forgive, rebuke, and chasten us. If hasty, impulsive, or too apprehensive, restrain us; if weakened in spirit, strengthen us by grace divine. In all things make us strong in faith, clear in vision, and immovable in our allegiance to every great and vital interest of our beloved country. In the name of Jesus. Amen.

The Journal of the proceedings of Wednesday was read and approved.

CONFERENCE REPORT—DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DAVIS of Minnesota. Mr. Speaker, I submit a conference report on the bill H. R. 10101, the District of Columbia bill, for printing under the rule.

The SPEAKER. The gentleman from Minnesota submits a conference report on the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year 1923, and for other purposes.

The SPEAKER. Ordered printed under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, had insisted upon its amendments numbered 1, 78, 79, 86, 101, 114, 115, 116, 142, 155, 163, 164, 175, 186, and 187, disagreed to by the House of Representatives, had asked a further conference with the House, and had appointed Mr. PHIPPS, Mr. JONES of Washington, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Halleys Ferry and between the counties of Anderson, S. C., and Hart, Ga.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3401. An act to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York;

S. 3417. An act authorizing Independence County, Ark., to construct a bridge across the White River at or near Batesville, Ark.; and

S. 3316. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River in or about section 17, township 54 north, range 25 west, Itasca County, Minn.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees:

S. 3417. An act authorizing Independence County, Ark., to construct a bridge across the White River at or near Batesville, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 3401. An act to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Interstate and Foreign Commerce.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McNARY, Mr. JONES of Washington, and Mr. SHEPPARD as the conferees on the part of the Senate.

EXTENSION OF REMARKS.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in 8-point type a speech on "Ulysses S. Grant as a Soldier," delivered at McKeesport, Pa., on April 27, by my colleague, Hon. HENRY Z. OSBORNE, of California, the only veteran of the Civil War on the Union side sitting as a Member of this House, the only other Civil War veteran in the House being Major STEDMAN, who fought on the Confederate side.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

ULYSSES S. GRANT AS A SOLDIER.

[Address of Hon. HENRY Z. OSBORNE, of California, at a mass meeting at McKeesport, Pa., on the one hundredth anniversary of the birth of General Grant, April 27, 1922.]

Mr. LINEBERGER. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include a speech on "Ulysses S. Grant as a soldier," delivered at McKeesport, Pa., on April 27 by my colleague, Hon. HENRY Z. OSBORNE, of California, the only veteran of the Civil War on the Union side sitting as a Member of the House. Major STEDMAN, the only other Civil War veteran in the House, fought on the Confederate side.

The address is as follows:

Mr. Chairman, comrades of the Grand Army of the Republic, Sons of Veterans, soldiers of the Spanish War, soldiers of the great World War, ladies, and gentlemen: One hundred years ago to-day there was born at the small village of Point Pleasant, Ohio, within 200 miles of where we are now assembled, in a plain and modest American home, a boy child, who became one of the most notable characters in the history of our country, and without question America's greatest and most successful soldier. His life history reads like a romance, and as it is read by the youth of our country it becomes an inspiration to them, however humble may be their circumstances in life, to faithfully perform every duty as it may arise without fear of consequences. That was the keynote of Grant's great character—devotion to and faithful and energetic performance of duty under all circumstances. No danger deterred him, and although he hated war, when war was on he believed in fighting constantly, though to the best advantage, and bringing it to a close. He considered fighting to be the most humane way of waging war and thus shortening the struggle.

GRANT AS A BOY.

In studying the lives of great men it is always interesting to learn something about their boyhood—what indications may have been given of the future man. Grant's boyhood was much like that of any other healthy boy of that time. His father was a tanner, and also a farmer. Grant hated the tannery but was fond of horses. So most of his work was with the horses on the farm. He began hauling wood when 7 or 8 years of age, and from 11 to 17 did most of the ploughing on the farm. He attended the village school at Georgetown, Ohio, regularly, which had but one teacher of all grades. In his "Memoirs" Grant says:

I did not like to work, but I did as much of it, while young, as grown men can be hired to do in these days, and attended school at the same time.

Of his studies he says:

I never saw an algebra or other mathematical work higher than the arithmetic in Georgetown, until after I was appointed to West Point. I then bought a work on algebra in Cincinnati, but, having no teacher, it was Greek to me.

Grant's boyhood adventures as related by himself were nearly all associated with horses, which shows his fondness for these noble animals. Illustrating the straightforwardness and simplicity of his character when a lad 8 or 9 years old, he desired to purchase a neighbor's horse. The owner wanted $25 for the animal and Grant's father had offered $20. He begged his father to permit him to make the purchase even at $25. The father agreed, but cautioned him as to the manner of making the purchase. Young Grant went to the owner and said:

Papa says I may offer you $20 for the colt, but if you won't take that I am to offer $22.50, and if you won't take that to give you $25.

Of course, he got the colt.

All the evidence is that Grant was an ordinary, honest, healthy, American boy, and but for the happy circumstance of his appointment as a cadet to West Point his great character and eminent soldierly qualities would have been lost to the country, and he would have lived and died after an honest but unknown and perhaps commonplace life.

AT WEST POINT AND IN THE MEXICAN WAR.

In 1839, at the age of 17, Grant was appointed to the Military Academy at West Point. He had but little enthusiasm for the appointment, partially because he did not believe that he could pass the entrance examinations, and partly because he had no taste for a military life. He was very good in mathematics, however, and, to his surprise, passed. During the four years' course his standing in his classes was about average—never at the head, and never at the foot, but pretty nearly the latter in one study, French. He was very good in Artillery, Infantry, and Cavalry tactics, and in conduct.

In the latter part of 1843, after graduating, Grant was appointed a second lieutenant in the Fourth Infantry, and reported for duty at Jefferson Barracks, St. Louis. It was here that he met Miss Julia Dent, sister of a classmate at West Point, to whom he was married after the close of the Mexican War, in 1848. In May, 1844, the Fourth Infantry was ordered to Louisiana. In 1845 Texas became a part of the United States, and the Mexican War followed.

Grant did not believe in the justice of the Mexican War. As a soldier, however, he fought with great gallantry, and in such a way as to gain the favorable mention of commanding officers in reports. Although in the Quartermaster Corps he managed frequently to get into the fighting. On one occasion he succeeded in getting a stray or abandoned mountain howitzer into the belfry of a church at the San Cosme Gate in the City of Mexico, with which he relieved a sorely-pressed body of American troops.

The various battles of the Mexican War, in nearly all of which Grant was engaged, made a deep impression upon his mind, as is shown in his "Memoirs." Forty years after, while an invalid at Mount MacGreggor, he describes them most minutely and interestingly. No doubt the lessons he learned then in practical warfare were of great use to him when he was fighting the greater battles of the Civil War. He entered the Mexican War as a brevet second lieutenant and came out as a full first lieutenant. He had great admiration for the soldierly qualities of Gen. Zachary Taylor, who was a plain mannered but vigorous and effective commander. He also admired Gen. Winfield Scott—but in spite of the latter's fondness for "the pomp, pride, and circumstance of glorious war." Grant never cared for these things.

FROM THE MEXICAN WAR TO THE CIVIL WAR.

Returning with his regiment from Mexico in 1848, Grant's first business was to marry Miss Julia Dent. For most of the succeeding four years he was stationed at Sacketts Harbor, N. Y. Then, in 1852, the Fourth Infantry, was ordered to our newly acquired territory on the Pacific coast, California having been admitted as a State in 1850. He left his wife and baby boy, Frederick Dent Grant, who afterwards became a major general, with the Dent family at St. Louis. The Fourth went by way of Panama, and had a distressing experience on the long journey, especially crossing the Isthmus, Grant as the quartermaster performing prodigious labor in meeting difficulties of transporting and provisioning the command, rendered more difficult by an attack of cholera.

Conditions were extremely crude on the Pacific coast at that early period. Grant was stationed at Fort Vancouver on the Columbia River near the present city of Portland, and at Fort Humboldt in northern California. Severed from his family and in a new and undeveloped country, these were two unhappy years for Captain Grant, and in 1854, as the result of a difference with his commander, who at that time was known as "the martinet of the Army," he resigned and returned to the East.

From 1854 to 1861 Grant lived successively near St. Louis and at Galena, Ill. He first tried farming near the Dent home,

and put 140 acres in grain and potatoes. The name of the leased farm was Hardscrabble, which appears to have been appropriate. The crops were small, and the brave soldier was made helpless by an attack of fever and ague. Then he tried the real estate business in St. Louis, but his education and temperament were not adjusted to that occupation. For lack of political influence he was refused appointment as county engineer. His circumstances were now at their lowest ebb, and he was reduced to the extremity of asking his father's assistance to an opportunity to work. The best that could be done was a place as clerk in the little store of his younger brothers at Galena, at $800 per year. While this was a small salary, he was not a very valuable clerk. He could not drive a good bargain or stimulate trade. He had become despondent, silent, and was careless of his personal appearance.

All these untoward conditions and heartbreaking experiences undoubtedly had a profound effect upon Grant's mind and character, and may have had a beneficial and refining effect upon his career, upon the theory that "Blessed are the uses of adversity."

THE BREAKING OUT OF THE WAR.

The attack upon Fort Sumter on the 14th of April, 1861, marked a tremendous change in the life of Ulysses S. Grant. The patriotism of the people was suddenly set in motion like a mighty tidal wave. Galena was like every other community in the Northern States. It had a militia company, armed with flintlock muskets and imperfectly drilled. The company at once commenced to drill, but its captain made rather a mess of it. He called on Captain Grant, the quiet clerk, to show his men how the "regulars" did it. Gen. Charles King in his book, "The True Ulysses S. Grant," says of this episode:

The instant that shy, silent, undoubtedly slouchy store clerk took the sword and his station in their front he straightened up like a young pine, his voice rang out full, firm, and clear. With the ease and assurance of old habit he explained in quick, terse words the movement to be executed and gave the requisite commands. That night in Galena "Cap" Grant was the most-talked-of man in town.

A few nights later he was called on to preside at the first war meeting, at which a company was enlisted from among the young men. Grant declined the captaincy of the company, and in his "Memoirs" adds:

I never went into our leather store after that meeting to put up a package or do other business.

He drilled the company, went with them to Springfield. On this occasion he first met the great war governor of Illinois, Richard Yates. Governor Yates's son, of the same name, who was a small boy then and who has since been governor of Illinois himself and is now a distinguished Member of the House of Representatives, recently told me of this meeting as related to him by his father. Grant was about to return to Galena by an evening train, somewhat discouraged at the prospect of getting back into the Army. The governor was standing at the door of the hotel, and as Grant was passing addressed him as "Captain," and said that he understood that he (Grant) was about to leave the city. He replied that he was.

The governor said that he would be glad if he would remain overnight and call at the executive office the next morning. Grant complied, and the governor asked him to go into the adjutant general's office and render such assistance as he could in mustering in troops. From this moment Grant's career in the war was assured and always in command. In this emergency he knew exactly what to do, and in a short time mustered in several regiments and assisted their officers in drilling some of them. About this time, or to be exact, May 24, 1861, Grant wrote a letter to The Adjutant General of the Army at Washington, tendering his services and making this modest statement:

I would say, in view of my present age and length of service, I feel myself competent to command a regiment if the President, in his judgment, should see fit to intrust one to me.

Grant never received a reply to this letter. After the war it was found in The Adjutant General's office, not regularly filed but in some out-of-the-way place.

Governor Yates, however, appointed Grant colonel of the Twenty-first Illinois Infantry, and shortly afterwards recommended him for brigadier general, to which rank he was appointed by President Lincoln.

GRANT'S WESTERN CAMPAIGNS.

In the summer and fall months of 1861, under command of General Fremont, Grant was operating in southern and southeastern Missouri. Neither the North nor South then knew much about war, and in Missouri they were milling about with no very definite object in view. Grant, while still a colonel, was ordered to move against Col. Thomas Harris at Florida, Mo. In his Memoirs, Grant says that—

As we approached the brow of the hill, from which it was expected we could see Harris's camp and possibly find his men ready to meet us—

He felt considerable trepidation, but did not have the moral courage to stop, and kept right on. Harris, however, had evacuated and was nowhere in sight—

It occurred to me at once that Harris had been as afraid of me as I had been of him. This was a view that I never forgot afterwards. From that event to the close of the war I never experienced trepidation upon confronting an enemy; though I always felt more or less anxiety, I never forgot that he had as much reason to fear my forces as I had his.

Grant's first battle in the Civil War was at Belmont, Mo., opposite Columbus, Ky. The movement was in the nature of a reconnoissance in force, and, after accomplishing the objects in view, the troops were withdrawn by steamers. The Union losses in this battle were 485 in killed, wounded, and missing. For lack of experienced staff officers, Grant did most of the staff work himself, riding from one command to another to give orders and see that they were properly carried out. So engrossed was he in this work that while his troops were being embarked at the close of the battle he became detached, and, riding alone past a cornfield filled with rebel soldiers, the last steamer was backing out as he reached the river. A plank was run out, and he ran his horse down the steep river bank and over the single plank to the deck of the steamer.

Maj. Gen. H. W. Halleck succeeded General Fremont in command at St. Louis, in November, 1861, and Grant's command was at Cairo. Early in January Grant submitted to Halleck a plan for the capture of Fort Henry, on the Tennessee. Halleck refused his permission, declaring that the plan was preposterous. With the cooperation of Flag Officer Foote, in command of the little fleet of gunboats at Cairo, in the latter part of January, he renewed his suggestion to General Halleck, stating that, "if permitted, I could take and hold Fort Henry." On the 1st of February he received instructions, and on the 2d the expedition started. On the 6th of February Fort Henry fell into his hands, with its Confederate commander, General Tighlman, and his staff, stores, and ammunition. There were but 90 prisoners, Tighlman having sent most of his force to Fort Donelson before the surrender. Fort Donelson was but a few miles south of Fort Henry, and on another river, the Cumberland, and was a much more formidable fortification.

Grant moved with the greatest rapidity in marching his army across to Fort Donelson, and in reinforcing his numbers and getting the gunboat fleet into the Cumberland from the Tennessee.

By February 15 he had Fort Donelson thoroughly invested, with the gunboats on the river, and about 20,000 men along a front of about 3 miles, the three divisions being under command of Gens. C. F. Smith, McClernand, and Wallace. The enemy made a gallant effort to break through, but without success. Before daylight, on February 16, General Grant received a communication from Brig. Gen. S. B. Buckner, in command of the Confederates, proposing the appointment of commissioners to arrange terms of capitulation, and to this General Grant made immediate reply in the following terms:

Gen. S. B. BUCKNER,
Confederate Army.

SIR: Yours of this date proposing armistice and appointing commissioners to settle terms of capitulation is just received. No terms except an unconditional and immediate surrender can be accepted. I propose to move immediately upon your works.

I am, sir, very respectfully, your obedient servant,
U. S. GRANT,
Brigadier General.

General Buckner demurred no further, immediately accepted the terms, and surrendered about 15,000 men. This success of General Grant electrified the North and he became at once the object of the Nation's attention. Up to this time, in the first year of the war, the real successes of the Union arms had been few, and the reverses many. Probably at this time very few people in the United States had heard the name Grant, and when there flashed from the West news of the really great victory every lover of the Union was encouraged and the curiosity to learn something about him was universal. He was immediately promoted by President Lincoln to the grade of major general of volunteers. General Halleck, alone in command at St. Louis, still did not believe in General Grant notwithstanding his outstanding victory. Halleck wired to General Hunter, with headquarters in Kansas, congratulating him upon sending reinforcements to assist in securing the fall of Fort Donelson, and also telegraphed to Washington that the victory was due to Gen. C. F. Smith, whom he recommended for immediate promotion. He also issued a similar order thanking Flag Officer Foote and incidentally General Grant and the forces under

their command for the victories on the Tennessee and the Cumberland.

Gen. C. F. Smith was one of the general officers serving under General Grant at this time, and Grant admired him very greatly. He had been his instructor at West Point, and there was a strong personal friendship between them. Halleck's feeling toward Grant is illustrated by an order which he issued on March 4, two weeks after the capture of Donelson in the following terms, regarding an expedition into Tennessee and Mississippi:

You will place Maj. Gen. C. F. Smith in command of the expedition and remain yourself at Fort Henry. Why do you not obey my orders to report strength and positions of your command?

Halleck reported to Washington that Grant had gone to Nashville beyond the limits of his command without his authority and that Grant's army—

was more demoralized by victory than the army at Bull Run had been by defeat.

General McClellan on this information ordered that Grant should be relieved from duty and even authorized his arrest. In his Memoirs Grant says:

Then in less than two weeks after the victory at Donelson the two leading generals in the Army were in correspondence as to what disposition should be made of me, and in less than three weeks I was virtually in arrest and without a command.

On the 13th of March Grant was restored to command, and Halleck wrote to him:

Instead of relieving you I wish you as soon as your new army is in the field to assume immediate command and lead it to new victories.

Immediately commenced the concentration of the various divisions of the Army, which resulted in the battle of Shiloh on April 6 and 7, 1862. This was the greatest battle of the war up to this time. It has always been a disputed point whether the Union Army was surprised by the bringing on of this battle in the immediate presence of the Confederate troops of Albert Sidney Johnson. Whether it was a surprise or not, the Confederates had the undoubted advantage all day of April 6, and at night the Federal forces were pushed back pretty well toward the river, and the losses had been very great. Grant, however, was all the time confident of victory, and on the following day opened the battle with a stiff offensive at many points, forcing the Confederates back. He had a theory in which he had great confidence, which was that the army which took the initiative in the fight had the advantage. That was the policy he pursued at Donelson, and during the battle at Shiloh he recounted the experience at Donelson to General Sherman, and said to Sherman that the same tactics would win at Shiloh. So concerned was the Confederate general, Albert Sidney Johnson, that he led a charge to retake ground, and was shot in the leg and soon died. This undoubtedly confused the Confederate forces, although General Beauregard immediately took command. Before night they had been forced back, and retreated as rapidly as possible to the neighborhood of Corinth, Miss. Thus while the battle of Shiloh was not a complete success for the Union arms it is probable but for Grant's brilliant generalship there would have been a great disaster to the Union arms.

SIEGE OF VICKSBURG.

Notwithstanding the great success that attended General Grant's final efforts in bringing the war to a close, attended by a great many battles in Virginia, it is probable that his fame as a soldier will rest more upon his conduct of the investment or siege of Vicksburg than any other campaign in his career. The difficulties were very great. The winter of 1862 and 1863 was a very rainy one, and the country through which his armies passed were water-soaked and the roads in fearful condition. The expedition went for the most part by steamer from Memphis and landed on the Mississippi side of the river above Vicksburg. Several attempts were made to invest Vicksburg from the north, but they were rendered nugatory as much by natural conditions of swamp and water as by the Confederate defense. After these several failures, Grant conceived the idea of running the gauntlet of the Confederate batteries on the high grounds of Vicksburg with gunboats protected with cotton bales and sandbags and carrying supplies below the city, and by taking his Army overland on the Louisiana or west side of the river to a considerable distance below Vicksburg, then crossing the river to the east side with his army and attacking Vicksburg from the south instead of the north. This was what most soldiers would and did call a desperate venture, but it was successfully carried out. The exertions of the army were almost incredible. The run of the batteries by Admiral Porter's fleet was accomplished with a loss of but one of the gunboats. The ferrying of the army across the Mississippi at Bruinsburg, from the Louisiana to the Mississippi side, which commenced April 30, 1863, was a difficult movement. Once on the east side of the river there were all manner of obstacles to be overcome, several rivers and bayous of considerable size had to be crossed in the face of a courageous and determined enemy. The roads were miserable, and the difficulty of keeping up supplies was so great that the supplies were really not kept up. In 21 days the army had but 5 days' provisions, and whatever else they had had to be supplied from the country through which they were passing. Several severe battles were fought, the most serious of which was that at Champion Hills, which lasted four hours and in which the Union loss was 410 killed, 1,844 wounded, and 187 missing.

In executing this movement Grant also captured the capital city of Mississippi, Jackson, which was being defended by Gen. Joseph Johnston. Jackson was not held, however, and was probably taken in order to discourage Gen. Joe Johnston from attacking Grant on the flank. He immediately turned his army toward Vicksburg, and in a very short time, May 19, had that great fortification invested—just 20 days after crossing the river. Then commenced a siege which lasted until July 4, when the Confederate general, Pemberton, surrendered the fortifications and his entire command. Pemberton endeavored to obtain better terms, but Grant insisted upon his usual terms of "unconditional surrender." Grant did say, however, to Pemberton that—

men who have fought with so much endurance and courage as those now in Vicksburg will always challenge the respect of an adversary, and I can assure you you will be treated with all the respect due to prisoners of war.

Grant permitted all the prisoners to be paroled and took great care that when the paroled prisoners left the city they should be treated with all consideration. He issued the following order:

Paroled prisoners will be sent out of here to-morrow. They will be authorized to cross at the railroad bridge, and move from there to Edwards Ferry, and on by way of Raymond. Instruct the commands to be orderly and quiet as these prisoners pass, to make no offensive remarks, and not to harbor any who fall out of ranks after they have passed.

Without ostentation, Grant entered Vicksburg at the head of his army on July 4, 1863. There were 31,600 prisoners, 172 cannon, and 60,000 muskets.

All professional soldiers regard the Vicksburg campaign as one which all soldiers should study. General Sherman, who was very close to Grant, the most so of any of his associated generals, was so worried over Grant's plan of campaign that he took occasion to caution Grant in regard to its dangers. He did not believe it could be successful. Grant, however, did not change his mind, and Sherman went forward with his part in the campaign with vigor and perfect loyalty. Evidently Halleck was also sure that it would not be successful and had impressed President Lincoln with his views. This is quite certain from the fact of the congratulatory dispatch which President Lincoln sent to Grant after the surrender. This dispatch was as follows:

EXECUTIVE MANSION,
Washington, July 8, 1863.

To Major General GRANT.

MY DEAR GENERAL: I do not remember that you and I ever met personally. I write this now as a grateful acknowledgment for the almost inestimable service you have done the country. I wish to say a word further. When you first reached the vicinity of Vicksburg, I thought you should do what you finally did—march the troops across the neck, run the batteries with the transports, and thus go below; and I never had any faith, except a general hope that you knew better than I that the Yazoo Pass expedition and the like could succeed. When you got below and took Port Gibson, Grand Gulf, and vicinity, I thought you should go down the river and join General Banks; and when you turned northward, east of the Big Black, I feared it was a mistake. I now wish to make a personal acknowledgment that you were right and I was wrong.

Yours very truly,

A. LINCOLN.

THE CHATTANOOGA CAMPAIGN.

The successful ending of the brilliant Vicksburg campaign, coming as it did simultaneously with the great Union victory at Gettysburg, marked the turning point of the war. That does not mean that the hardest fighting was over. Far from it. But the preponderating power of the North with the vast improvement in its quality of military leadership in Grant, Sherman, Meade, Thomas, and Sheridan thenceforth made itself constantly felt.

Grant was ordered to meet Secretary Stanton at Louisville in October, and on the 17th was placed in command of the military division of the Mississippi. Rosecrans was in a bad way at Chattanooga after the battle of Chickamauga and was upon the point of retreating from Chattanooga, which would have been a great disaster to the Union cause. Grant's first act was to relieve Rosecrans and put Thomas in command of the Army of the Cumberland, at the same time ordering Thomas to hold Chattanooga at all hazards. Thomas promptly replied: "We will hold the town 'till we starve." There was a

severe shortage of food, and starvation or surrender seemed inevitable. Grant went to the front and by the 24th succeeded in opening up what was called "the cracker line" and relieved the starving Army.

Then ensued that wonderful campaign about Chattanooga. Grant brought in reenforcements from every direction. Halleck by this time had lost his distrust of Grant and sent in the commands of Hooker and Howard from Virginia, and Sherman came in from Memphis. The campaign culminated in the taking of Missionary Ridge, one of the most picturesque charges of the Civil War, and the Battle of Chattanooga. Grant's handling of the bad situation that he found at Chattanooga was most skillful. Before he entered into the final move he had many of the ablest generals of the war under his immediate command and supporting him, among them Sherman, Thomas, Sheridan, and Hooker. Bragg and Longstreet were in chief command of the Confederates. The battle occurred November 25, 1863. Burnside, who had been badly pressed at Knoxville for some time, was relieved.

On December 8, 1863, Grant received the following congratulatory telegram from President Lincoln:

WASHINGTON, D. C., *December 8, 1863—10.3 a. m.*

Maj. Gen. U. S. GRANT:

Understanding that your lodgment at Knoxville and Chattanooga is now secure, I wish to tender you, and all under your command, my more than thanks, my profoundest gratitude for the skill, courage, and perseverance with which you and they, over so great difficulties, have effected that important object. God bless you all.

A. LINCOLN,
President of the United States.

GRANT GOES TO WASHINGTON.

Grant's headquarters during the winter of 1863–64 were at Nashville. On March 3, 1864, he was ordered to Washington. Congress had restored the grade of lieutenant general on February 26. President Lincoln sent his nomination to the Senate March 1, and it was confirmed the next day. On Grant's arrival at Washington he modestly registered at the Willard Hotel. "U. S. Grant and son, Galena, Ill." On March 9 he went to the White House, and President Lincoln in the presence of his Cabinet presented his commission as lieutenant general in these words:

General Grant, the Nation's appreciation of what you have done, and its reliance upon you for what remains to be done in the existing great struggle, are now presented, with this commission constituting you lieutenant general in the Army of the United States. With this high honor devolves upon you also a corresponding responsibility. As the country herein trusts you, so, under God, it will sustain you. I scarcely need to add that with what I here speak for the Nation goes my own hearty personal concurrence.

To which General Grant replied:

Mr. President, I accept the commission, with gratitude for the high honor conferred. With the aid of the noble armies that have fought in so many fields for our common country, it will be my earnest endeavor not to disappoint your expectations. I feel the full weight of the responsibilities now devolving on me, and I know that if they are met it will be due to those armies and, above all, to the favor of that Providence which leads both nations and men.

Then commenced that marvelous campaign of 1864, the bloodiest and most bitterly contested in our national history. Volumes have been written in description of the many terrible battles and in extolling or criticizing the military skill employed. The limitations of an address will not permit us to recount these battles in detail—the Wilderness, Spottsylvania, Cold Harbor—which battles, though in themselves not distinct victories for the Union arms, were such a strain upon the Confederacy as to greatly contribute to the termination of the war within a few months. Grant's theory was to keep the enemy constantly engaged, first at one point and then at another, and never permit him any rest. To carry out this plan required that the Union armies should be kept up with full forces at all times.

From the time that Grant became lieutenant general in 1864 he was not only conducting the campaign of the Army of the Potomac, through its immediate commander, Maj. Gen. G. G. Meade, but he was giving close attention to the campaign in the West—that of General Thomas in eastern Tennessee—which resulted in the battle and victory at Franklin, the most sanguinary battle of the war considering the number of troops engaged, and in which more general officers lost their lives than were lost in all the World War.

Seven Confederate generals were successively killed in gallantly leading charges against the Union line that extended across a narrow neck of land between two rivers, among them the impetuous Pat Cleburne, of Mississippi. In anxiety to bring on immediate action against Hood, General Grant narrowly escaped doing Thomas a great injustice at this time, the conditions of the lack of cavalry, deluging rains, and a fearful sleet storm rendering it impossible for Thomas to move earlier. Fortunately Thomas was able to move and accomplish a great victory before being relieved by Grant, as was for a few days contemplated.

Sherman also was just starting out on his great "march to the sea," but Grant had unbounded faith in Sherman and gave him a free hand to do just what he pleased. Still he kept closely in touch with Sherman's operations.

THE APPOMATTOX CAMPAIGN.

The proper limitations of an address like this will not permit of even the briefest review of the great closing campaign of the war about Richmond. Grant had a clearly defined plan for compelling the evacuation of Richmond and for defeating or capturing Lee's army when he should attempt to retreat south and effect a junction with Johnston, in the Carolinas, who was being forced northward by Sherman. Phil Sheridan had, by Grant's direction, been placed in command of all the Cavalry and had already swept completely around and south of Lee's army. As Grant had planned, the Confederate government left Richmond April 2, 1865. Lee assembled his army at Amelia Courthouse preparatory to joining Johnston, with a view of crushing Sherman, and made a desperate attempt to carry out that plan. It might easily have been successful had the Federal Army been in command of a less capable and vigorous commander than Grant and his support by such generals as Sheridan. The latter, with his swift and powerful Cavalry, got south of Lee and forced his army to stop in the neighborhood of Appomattox. The situation was such that Lee was surrounded and must either be annihilated in battle or surrender. His army had but little food, most of his supply trains from the south having been destroyed or captured by Grant's troops.

At 5 p. m. of April 7 Grant sent Lee the following note, shifting from his own shoulders the further responsibility of bloodshed:

HEADQUARTERS ARMIES OF THE UNITED STATES,
5 p. m., April 7, 1865.

Gen. R. E. LEE,
Commanding Confederate States Army.

The results of the last week must convince you of the hopelessness of further resistance on the part of the army of northern Virginia in this struggle. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood by asking of you the surrender of that portion of the Confederate States Army known as the army of northern Virginia.

Lee replied the same evening, asking the terms of surrender.

Further letters were exchanged, and on April 9 the two great leaders, with members of their respective staffs, met at the McLean House at Appomattox and completed the arrangements for the surrender.

General Grant will, in my opinion, go down to posterity not alone because of his military successes but also because of his nobility as a man as displayed in his farsighted and generous treatment of General Lee and the armies of the South in the final capitulations; also because of the stand which he took against the wishes of President Andrew Johnson to have General Lee and other military leaders of the South tried for treason. I have frequently observed in speeches made in Congress by southern men that this feature of General Grant's character has apparently made a profound impression upon the South which grows as time advances.

The final result of the negotiations between General Lee and General Grant was contained in the following terms presented by General Grant:

The officers to give their individual paroles not to take up arms against the United States until properly exchanged, and each company or regimental commander to give a like parole for the men of his command. The officers to retain their side arms, private horses, and baggage. This done, each officer and man will be allowed to return to his home, not to be disturbed by the United States authority so long as they observe their paroles and the laws in force where they may reside.

It is to be remembered that at this time his armies were in complete command of the situation, and he might have insisted, had he been so disposed, upon any terms, however humiliating.

In a speech made by the Hon. HATTON W. SUMNERS of Texas in the House of Representatives, April 27, 1920, this distinguished southern man, son of a Confederate soldier, made the following comment:

These terms were made with Lincoln's approval. In addition to these terms, Grant instructed his commissioners designated to receive the surrender of Lee's army to permit the private soldiers to take away the horses to reestablish themselves on the farms, and directed that the hungry men being paroled should receive the rations which Lee requested for them.

During the whole of the negotiations, those who were present tell us, and so does General Grant himself, that Lee was compelled more than once to direct the attention of General Grant to the business which had called them together. On that occasion this rugged man of many battles demonstrated a tender deference and a profound respect and sympathy for General Lee which appeals to the gratitude and to the affectionate regard for Grant of every true southern man; and not only do I feel that gratitude as a southern man but, as a citizen of this Republic who has never felt estranged from it, I realize that General Grant's conduct on that occasion, and especially during the two fate-

ful years which followed, more than anything else has made it possible for the hearts of the southern people to thrill, as now they do, with real vital love for the selfsame flag which waved in final victory that day over Appomattox's bloody fields. The facts permit not a shadow of doubt.

Subsequently President Andrew Johnson was undoubtedly pressed from many quarters to cause trials for treason to be instituted against Gen. Robert E. Lee and other Confederate generals. In the hearings before the Judiciary Committee, House of Representatives, on July 5, 1867, General Grant was called as a witness, and at that time it was divulged that General Grant had stood between the Confederate officers and this desire to bring them to such a trial. General Grant based his opposition to such trials upon the terms that he, representing the United States, had given in the quotation that I have read. In this hearing General Grant testified, among other things, to the following:

I frequently had to intercede for General Lee and other paroled officers on the ground that their parole, so long as they obeyed the laws of the United States, protected them from arrest and trial. The President at that time occupied exactly the reverse ground, viz, that they ought to be tried and punished. He wanted to know when the time would come that they should be punished. I told him not so long as they obeyed the laws and complied with the stipulation. That was the ground I took.

In reading General Grant's Memoirs I was struck by the fact that with characteristic modesty he makes no mention of this very notable incident, which I believe history will determine to have been one of the most noble displays of his great and generous character.

Thus ended the great War between the States. Men of the same race and blood fought against each other. No braver or more effective armies than those of Grant and Lee ever fought against each other in the whole history of the world, and combined I believe they would have constituted the most formidable armed force ever assembled.

Four years from the day that the humble tanner of Galena left his brothers' store to preside at the war meeting, on April 15, 1861, he found himself the acclaimed hero and conqueror, and in another four years he became President of the United States, and he presided over its destinies for eight years. Was there ever more of romance crowded into a single human life?

What constituted Grant's preeminence as a soldier? In what respect did he differ from other great generals of the war? I asked these questions quite recently of "Corporal" James Tanner, widely known and beloved in the Grand Army, one of the most notable men of the Civil War now living, and who, after having both feet carried away by a cannon ball at the second Battle of Bull Run in 1862, celebrated his seventy-eighth birthday on the 4th of this month, at which I had the pleasure of being present. Corporal Tanner was a warm friend of Grant, Sherman, Sheridan, Logan, and other great captains of the Civil War. Tanner informed me that he once asked the same question of General Sherman. The latter smiled and said:

If there were a dozen different plans of a prospective campaign or battle lying on the table, Sheridan and I would study and discuss them a long time. We would bring out their strong features and their weak ones, and probably be quite undecided as to which was preferable. Grant would come along, glance over the different plans, and without a moment's hesitation pick out one and say, "That is the best plan," and immediately proceed to carry it out, without giving a thought to the other plans.

Gen. Charles King, in his interesting book, "The True Ulysses S. Grant," says that one evening before the memorable march to the sea Sherman and Wilson were engaged in a confidential chat, and in speaking of Grant, in his characteristic frank way, Sherman suddenly burst forth as follows:

Wilson, I am a d——d sight smarter man than Grant; I know a great deal more about war, military history, strategy, and grand tactics than he does; I know more about organization, supply and administration, and about everything else than he does; but I'll tell you where he beats me and where he beats the world. He don't care a damn for what the enemy does out of his sight, but it scares me like hell.

Adding further:

He issues his orders and does his level best to carry them out without much reference to what is going on about him, and so far experience seems to have fully justified him.

My own judgment is that Grant's supremacy as a general was due to a rare intuitive knowledge of the military strength or weakness of the situation, upon which knowledge he acted quickly and with absolute confidence. He was not vacillating, but ready to "fight it out on this line if it took all summer." He was invariably aggressive, always anticipating the enemy in attack, as he believed the striking of the first blow to be most important. This he did at Donelson and on the second day at Shiloh.

I do not think that he was indifferent to what "the enemy was doing out of his sight," but that on the other hand he had a pretty shrewd idea of what the enemy was trying to do and that his own movements were frequently for producing a psychological effect upon his opponent. That is shown in his almost invariable practice to strike first, begin the attack, and to that extent disconcert the enemy at the beginning of the battle. He even planned upon what he knew of the personal characteristics of his opponents. General Buckner, after the surrender at Donelson, said to Grant, the two having attended West Point three years with each other, that if he—Buckner—had been in command Grant would not have got up to Donelson as easy as he did.

I told him—

Said Grant in his "Memoirs"—

that if he had been in command I should not have tried in the way I did.

Floyd had been in command, and Grant had little respect for his military sagacity and took a course that he would not have entered upon with Buckner in command.

On July 23, 1885, this great man passed away at Mount McGregor, N. Y. His name and his deeds have passed into history. Without question he stands as the first representative of American military genius. Accompanied by his military successes and abilities were those magnificent traits of character—nobility and integrity of soul that will ever make him in the minds of the American people not only their greatest soldier but one of their noblest citizens. The fact that to-day the North and the South are united in one common country not only by physical and political bonds but by those still more powerful bonds of brotherhood in national ideals in no small degree may be attributed to the moderation and kindness that marked his course toward the revered Lee and his soldiers at Appomattox. The spirit of war and of reprisals was abroad in the land, and it took bold courage to withstand the more radical counsels that at the time were most powerful. The military genius and exalted character of Lee and Jackson had no greater admirer than General Grant. To-day there are none living but are glad that the broad spirit of humanity, brotherhood, and high statesmanship was the controlling motive of the last notable accomplishment of Ulysses S. Grant as a soldier at the field of Appomattox.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on the order of business.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, there have been numerous inquiries as to the business for the balance of the week. I desire to say I do not now anticipate that we shall take up any important legislation other than the so-called blue sky law. If we conclude the consideration of that measure this evening, I shall ask unanimous consent to adjourn until Monday. If, however, we should not conclude to-day, I think we may also consider to-morrow the conference report on the Agricultural appropriation bill.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. LAYTON. When will the river and harbor bill be permitted to come before the House for consideration?

Mr. MONDELL. As soon as gentlemen most interested shall all of them at one time be ready to have it considered. Quite a number of gentlemen interested in that bill expect to be away from the city part of next week, and out of deference to their wishes the bill will not be considered next week, but I hope it may be considered early the following week, providing the gentleman from Delaware may find it convenient to be here. He is here most all the time.

Mr. LAYTON. Well, I do not think the gentleman ought to make that remark about me, because I am always here.

Mr. MONDELL. I just remarked that the gentleman is always here.

Mr. LAYTON. I would like to ask this question: Are the gentlemen who expect to be away next week members of the Rivers and Harbors Committee?

Mr. MONDELL. I think some of them are, and other gentlemen are interested in the bill.

Mr. LAYTON. That may be true. As a matter of fact, I think I speak for the Rivers and Harbors Committee when I say that they have been ready to report and willing to report and anxious to report their bill for some time, and we can not understand why in the midst of piffling stuff transacted by the House a report on a bill by a standing committee can not be considered.

Mr. MONDELL. I will say to my friend the floor leader is not always in a position to say all that he knows with regard to the desires of gentlemen relative to legislation. Nothing has been lost and nothing will be lost on river and harbor improvement by the delay so far as there has been any delay in the consideration of the measure. We are all anxious to have the

bill passed, and we hope that it may be brought up week after next, but I do not think it would be convenient for quite a number of gentlemen interested to have it brought up next week.

Mr. GARNER. It is not the intention, then, of the organization in the House or in the Senate to defeat a bill at this session of Congress, as I understand it?

Mr. MONDELL. It is not. Of course, I am speaking now for the House. But I have no intimation but that the Senate expects to pass the bill promptly.

Mr. LINEBERGER. I understand, then, from the statement of the floor leader, that so far as he is concerned there will be no opposition on the part of the House leadership toward the bringing up of this bill within the next two weeks?

Mr. MONDELL. Not at all. On the contrary, personally I have been anxious to have the bill considered at the earliest possible date.

On Tuesday of next week, Mr. Speaker, we expect to take up the so-called naval bill, sometimes referred to as the "naval scrapping" bill, and following that, Calendar Wednesday will be consumed, in all probability, by the Committee on Printing; Thursday we will take up a bill authorizing the increase of the bonded indebtedness of the Philippine Islands. At present those two bills are the only two measures on the calendar for next week. In addition, however, there will be several conference reports from the Committee on Appropriations.

Mr. GARNER. May I ask the gentleman from Wyoming if I understand him to assure us that the Liberian bill will not be considered next week?

Mr. MONDELL. I do not think it will be considered next week.

"BLUE SKY" LEGISLATION.

Mr. DENISON. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598.

Mr. WALSH. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. WALSH. Has general debate been completed on the bill?

Mr. DENISON. It has; and now we are ready for the reading of the bill.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. DENISON].

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or to be carried, transported, or delivered by any railroad company, express company, or other agency of interstate commerce any security or securities for sale or delivery to any person in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale or delivery to such person, or solicit from such person, subscriptions to or orders for, such security or securities.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois about the phraseology in lines 12 and 14. It says it shall be unlawful for any person to deposit, and in line 12, "or to be carried or delivered by the United States mails." Should not that be "cause to be carried or delivered by the United States mails"?

Mr. DENISON. In answer to the gentleman from Massachusetts, I will state that our intention was that the words "to be carried" follow and are connected with the word "cause" in line 11, reading: "or cause to be deposited with, or to be carried, transported, or delivered by."

Mr. WALSH. But there is a comma in between them. That relates back to the words to the effect that it shall be unlawful for any person.

Mr. DENISON. Will the gentleman yield?

Mr. WALSH. I will.

Mr. DENISON. In other words, ought not the word "or" in line 12 be eliminated as soon as the suggestion of the gentleman from Massachusetts is adopted? Would not the elimination of the word "or" simplify the language?

Mr. WALSH. I think you ought to put the word "cause" in there in both places. It would clarify the language, having it read "or cause to be deposited in or cause to be carried or delivered by the United States mails or deposited with, or cause to be deposited with, or cause to be carried, transported, or delivered."

Mr. DENISON. Well, the gentleman from Massachusetts has the idea of the committee exactly. It is just a mere question of punctuation, I think. If the gentleman from Massachusetts thinks that that would clarify it and better carry out the purpose, I think the committee would have no objection to that amendment if he wishes to offer it.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. WALSH. In line 12, after the first word "or," insert the word "cause," and in line 14, after the first word "or," insert the word "cause."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment by Mr. WALSH: Page 2, line 12, after the first word "or," insert the word "cause," and in line 14 after the first word "or," insert the word "cause."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or to be carried, transmitted, transported, or delivered by any railroad company, express company, telegraph company, telephone company, or other agency of interstate commerce, any letter, message, postal card, circular, or pamphlet intended (1) to tender for sale or delivery, directly or indirectly, any security or securities; or intended (2) to solicit subscriptions to or orders for such security or securities; or intended (3) to procure advertisement for sale of such security or securities in a newspaper or other publication, when in either case such letter, message, postal card, circular, or pamphlet is addressed, sent, directed, or consigned to any person at any place in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale or delivery to such person, or solicit from such person subscriptions to or orders for such security or securities.

Mr. DENISON. Mr. Chairman, the gentleman from Minnesota [Mr. ANDERSON] desires to offer a bill and report. For that purpose, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10598 and had come to no resolution thereon.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON, from the Committee on Appropriations, submitted a conference report on the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, for printing under the rule.

"BLUE SKY" LEGISLATION.

Mr. DENISON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The title was read.

Mr. WALSH. Mr. Chairman, I offer the same amendments as those which were adopted in the previous section to line 25, after the first word "or" insert "cause," on page 2, and on page 3, in line 2, after the first word "or," insert the word "cause."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 25, after the first word "or" insert the word "cause," and on page 3, line 2, after the first word "or" insert the word "cause."

Mr. DENISON. Mr. Chairman, that presents the same language, and the committee has no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois who introduced this bill why it is that in the concluding paragraph of this section they omit the provision that it shall be a violation to procure advertisements for the sale of such security in a newspaper or other publication in a State in which at that time it is unlawful to procure advertisements for sale of such security?

Beginning on line 15 it refers back to the numbered phrases "in which at that time it is unlawful to sell, offer for sale, tender for sale, or delivery to such person, or solicit from such person subscriptions to or orders for such security or securities." Now, you omit the language "in which it is at that time unlawful to procure advertisement for sale of such security or securities in a newspaper or other publication."

Mr. DENISON. The reason, Mr. Chairman, is that the committee did not think it was necessary to put that in, and then we were not aware of any State that had a law of that kind.

Mr. WALSH. Does the gentleman understand that while the State prohibits the sale of these wild-cat securities and the securing of subscriptions for them they permit them to advertise just the same?

Mr. DENISON. None of the States prohibits the selling of securities in that phraseology. I will say to the gentleman that the laws of the States simply prohibit the sale of all securities, except such as may be exempted under the provisions of their acts, until certain provisions of the laws shall have been complied with. Those provisions generally consist of filing certain information with the respective secretaries of state or other officials under the State statutes and procuring permission from them to sell the securities within the States. I am not aware of any State law which prohibits the advertising in newspapers of any class of securities.

Mr. WALSH. Then it would seem to me that if there should be some States—and I am quite sure there are—that not only prohibit the sale of these worthless securities, that not only prohibit the soliciting of subscriptions for them but also prohibit advertising them for sale in the newspapers published in the States—if there be such laws prohibiting such advertisements in newspapers published in the State, why should not a national law be enacted toward cooperating with the States to prevent that, just the same as it is enacted cooperating with them to prevent the sale and soliciting of subscriptions?

Mr. DENISON. Well, Mr. Chairman, I think if the gentleman from Massachusetts will just pause to think for a moment he will see that that would not be necessary, because if the State law prohibited the publication of such advertisement in that State there would be no need for the Federal law to prohibit it.

Mr. WALSH. If the State law prohibits the sale, why should we pass a Federal statute?

Mr. DENISON. This bill is to prevent the violation of the State law within the State by persons living outside of the State and who are unwilling to go into the State.

Mr. WALSH. That is not all that this act is for.

Mr. DENISON. This bill does not prohibit any act which the State itself can punish for. This bill is intended to prohibit violation of State laws from without the State by means of the Federal agencies.

Mr. WALSH. How can your State law punish anybody for using the United States mails for carrying a worthless stock from the northeast corner of the State to the southwest corner?

Mr. DENISON. They can not; neither does this act.

Mr. WALSH. They can not?

Mr. DENISON. No. This act applies only to interstate commerce and not to intrastate commerce, so that this act is intended to prevent the procuring of advertisements in one State by a person in another State where the person could not sell the stock lawfully.

Mr. LONDON. The mailing of a letter within the State will not constitute a crime?

Mr. DENISON. No. To the States, according to the theory of this legislation, must be left the protection of their own citizens from the commission of offenses within their own territory, and the Federal Government ought to limit its activity to prohibiting the violation of State laws by means of the agencies of interstate commerce, which are Federal agencies.

Mr. WALSH. I have a strong suspicion that I have not made myself entirely clear to the gentleman from Illinois. I would like just to read this section with a hop, skip, and jump, if I may, so that the gentleman will see what I have in mind:

That it shall be unlawful * * * for any person * * * to deposit in * * * the United States mails * * * any letter * * * intended——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WALSH (continuing reading):

any letter * * * intended (1) to tender for sale * * * any security or securities; (2) to solicit subscriptions to or orders for such securities; or intended (3) to procure advertisement for sale of such security or securities in a newspaper or other publication * * * at any place in which it is at that time unlawful to sell * * * or solicit from such person subscriptions for such security.

You leave out there the words—

in which it is at that time unlawful to procure advertisements for sale in a newspaper or other publication.

Mr. DENISON. Mr. Chairman, I would state for the benefit of the gentleman from Massachusetts that so far as I am informed—and I have made a pretty careful study of this matter—there are no State laws which prohibit the advertisement of these securities. But the thing we are trying to get at, after all, and to prevent, after all, in this act is the sale of securities. We do not care so much about the details as that we are trying to prevent the sale of securities. We make it unlawful for a person in one State to send a circular or letter or prospectus to another person or to solicit advertisements in that State of a stock which it is unlawful to sell in that State. If we make it unlawful to send from one State to another a letter soliciting the advertisement, I think we will accomplish all that we can accomplish in this act. That has been considered very carefully by the securities officials of all these various States, and it is their judgment that this will accomplish the purpose we are seeking to accomplish.

Mr. WALSH. If it is unlawful under the law of New York, for instance, to sell these worthless securities this act will close the United States mails to a resident of the State of Pennsylvania who desires to send a letter to one of the New York newspapers to have an advertisement put in such paper relative to the sale of such worthless securities?

Mr. DENISON. That is the idea exactly. I think that will accomplish the purpose.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The Clerk will read.

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word. I should move to strike out this whole section, which is the gist of the bill, if I did not think that would come up on the final argument and vote.

I wish to say just a word about this bill. A former chancellor of my State, a most strict and severe man, said to me one day that the legislative crime of the century was the multiplication of crimes; and this is one of those cases. If a man is trying to sell a stock or any securities that it happens to be unlawful to sell in another State—for instance, in the State of New York—although the man, say, in South Carolina does not know anything about the laws of New York, if he sends a letter addressed to a man in the State of New York concerning that stock it renders him liable to a fine of $2,000 or to imprisonment for not more than two years, and for a second offense to a fine of $5,000 or imprisonment for not more than five years, and he is to be tried in a United States court, either in South Carolina or New York.

Mr. DENISON. Will the gentleman yield?

Mr. PARKER of New Jersey. If I am wrong; yes.

Mr. DENISON. Does the gentleman think a man in Pennsylvania ought to violate the New York law any more than a man in New York?

Mr. PARKER of New Jersey. He ought not to violate it if he knows anything about it; but a man in Pennsylvania or South Carolina is not charged with knowledge of the laws of the State of New York. That is one objection.

The second objection is that the United States courts are now overwhelmed with cases arising under the bootlegging laws, where there is the taking of something substantial from one State into another, and their dockets are so overcrowded that they do not see any possibility of trying those cases for years, and they might not be able to try a man within 10 years on an indictment for such a case as this.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. PARKER of New Jersey. I am making points, and I will be glad to yield if the gentleman can contradict that point or anything that I have said about it.

Mr. GRAHAM of Illinois. I want to ask the gentleman a question about his argument on that point.

Mr. PARKER of New Jersey. I am glad to yield to the gentleman.

Mr. GRAHAM of Illinois. I want to ask what right a man has, when he is a resident of another State, to do business in the State of New York except in conformity with the laws of that State? What real right has a man who is not a resident of a State to do business in that State except in conformity with its laws?

Mr. PARKER of New Jersey. I think I have a right to write a letter if I tell the truth.

Mr. GRAHAM of Illinois. What right does a citizen of Pennsylvania have to do business in New York except in compliance with the laws of the State of New York?

Mr. PARKER of New Jersey. I am not saying that this law is unconstitutional. We have had a great many things held constitutional. I am saying that this bill is improvident and that it is tyrannical, because a man can not know all that is going on in another State all the while. None of us can know all the laws of the different States.

One thing more. This interference with business does not always work out in the best way. These "blue sky laws" give State commissioners the right to say "amen," to say "O. K." to one set of securities and to say "You can not deal in them" as to another set of securities. That was the principle adopted by the Paris Bourse. If a security is admitted upon the Paris Bourse it is in a way guaranteed as being the right sort. We do not do that on the New York Stock Exchange or the Chicago Stock Exchange. It is simply a statement that it is a fair security to be dealt in. The result of it was that when the Memphis, El Paso & Pacific Railway Co., whose line ran only across the State of Texas, put $4,000,000 of bonds on the Paris Bourse with fraudulent statements that they were guaranteed by the United States, and that they were backed by land, when the State of Texas had revoked the grant of land, and when that certification was secured by bribing the chief officers of the Paris Bourse with commissions on those securities, the result was that it nearly overthrew the French Government. And when the Panama Canal securities were put on the Paris Bourse in just the same way, it did overthrow two or three administrations of the French Government. We can not trust the business of this country to the certification of any commission to say "You shall or shall not deal in such a security," because the commission can not know about it, and it is not fair to tell people who do know about it that they must go all over the United States—in some small ventures of theirs, we will say oil wells, or whatever the venture may be—and get a permit from each and every State at the cost of paying attorneys, arranging and getting evidence, and all that sort of expense in 48 States, before they can sell any of their stock. I say it is tyrannical and unjust.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. I should like five minutes more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent for an additional five minutes. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I thank the committee. I will not take the whole five minutes.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. PARKER of New Jersey. I am glad to yield to the gentleman from Illinois.

Mr. McKENZIE. Does not the gentleman from New Jersey think that if we enact this law a man will have a greater security and feel much more secure when he buys securities than he now does?

Mr. PARKER of New Jersey. I do not.

Mr. McKENZIE. In other words, will it not put the stamp of approval upon them?

Mr. PARKER of New Jersey. I do not think so. I do not think the stamp of approval of a State board, after a while, when they get to dealing with this business, will amount to very much. I do not think it ought to be asked for anyhow. If a man has property, whether it is shares in a mine that he owns himself or shares of stock that he has bought, he has a right to dispose of it if he tells no lies. Remember, I am not talking constitutional law. I am talking good sense. In this country we are not yet satisfied to become the subjects of police regulation as to all our transactions, whether they be stocks, tangible property, or otherwise. We are not ready to submit ourselves to commissions of all the various States, and when a State happens to pass a law of that sort we are not ready to say that all the powers of the United States shall be used to prevent a man from even sending a letter into such a State, when he has the right to send a letter by mail.

I have spoken on this section. I do not move to strike it out, though it is the gist of the bill, for I foresee that when you get to the particulars you will run into a great many discussions as to those particulars. I object to the principle which multiplies crimes which never can be punished, first, because the United States courts have no time to take care of them; second, because it is an oppression to take a man into those courts; third, because grand juries will not indict a man outside of the State and say that he is certainly to be charged with knowledge of the laws of another State; fourth, because it is a scheme of police regulation such as is foreign to the genius of American institutions, and which I never will stand for.

The Clerk read as follows:

SEC. 4. That the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any Territory or insular possession thereof, or by the District of Columbia, or by any State or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign Government with which the United States is at the time of the sale or offer for sale thereof maintaining diplomatic relations, or by any State, Province, or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued by a national bank or by any Federal land bank or joint-stock land bank or national farm loan association under the provisions of the Federal farm loan act of July 17, 1916, or by the War Finance Corporation, or by any corporation created or acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States: *Provided*, That such corporation shall be subject to supervision or regulation by the Government of the United States.

(d) Any security issued or guaranteed either as to principal, interest, or dividend by a corporation owning or operating a railroad or any other public service utility: *Provided*, That such corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its own securities by a public commission, board, or officer of the Government of the United States, or of any State, Territory, or insular possession thereof, or of the District of Columbia, or of the Dominion of Canada or any Province thereof; also equipment trust certificates or equipment notes or bonds based on chattel mortgages, leases, or agreements for conditional sale of cars, motive power, or other rolling stock mortgaged, leased, or sold to or furnished for the use of or upon a railroad or other public-service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or of any State, or of the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds, or notes; also bonds, notes, or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause 4 described: *Provided*, That the collateral securities equal in par value the par value of the bonds, notes, or other evidences of indebtedness so secured. If any portion of the collateral securities consists of stock of no par value, then for the purpose of this subdivision such stock shall be deemed to have a par value equal to the price at which such stock was authorized to be issued by the public commission having supervision of the issue of such stock.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes, and not for pecuniary profit.

(f) Securities issued, outstanding, distributed, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population according to the last preceding United States census and providing facilities for the use of its members in the purchase and sale of securities listed by such exchange, and securities senior thereto or evidences of indebtedness guaranteed by companies the common capital stock of which is so listed: *Provided*, That actual transactions on such organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds or other bonds of any of the classes exempted herein from the provisions of this act: *And provided further*, That such stock exchange requires financial statements to be submitted at the time of such listing and annually thereafter.

(g) Any security issued by a State bank, trust company, or savings institution incorporated under the laws of and subject to the examination, supervision, and control of any State or of the United States or of any insular possession thereof.

(h) Any bonds or notes secured by a first-mortgage lien on real estate or leasehold situated in the United States, when the entire mortgage, together with all the bonds or notes secured thereby, are sold or offered for sale to a single purchaser or at a single sale. Also, any bonds or notes secured by first-mortgage lien upon agricultural lands improved with farm buildings and used and valuable principally for agricultural purposes or upon city or village real estate or leaseholds in the United States improved with buildings used principally to produce income through rental: *Provided*, That the par value of such bonds and notes does not exceed 60 per cent of the then fair value of the property so mortgaged to secure the same.

(i) Negotiable promissory notes or commercial paper: *Provided*, That such issue of notes or commercial paper mature in no more than 12 months from date of issue and shall be issued within three months after the date of sale.

(j) Securities issued by a corporation, firm, trust, partnership, or association owning a property, business, or industry which has been in continuous operation not less than 5 years, and which has shown during a period of not less than 3 years nor more than 10 years prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges, including the charges upon prior securities not to be retired out of the proceeds of sale, as follows:

(1) In the case of interest-bearing securities not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest-bearing obligations of equal rank.

(2) In the case of preferred stock, not less than one and one-half times the annual dividend on such preferred stock and on all other outstanding stock of equal rank.

(3) In the case of common stock not less than 6 per cent upon all outstanding common stock of equal rank, together with the amount of common stock then offered for sale by the issuer, reckoned upon the price at which such stock is then offered for sale or sold: *Provided*, That such corporation, firm, trust, partnership, or association, after application of the proceeds of the sale of such securities to the liqui-

ness of the issuer, has assets taken at their fair value (not including patents, copyrights, secret processes, and formulæ, good will, trade-marks, trade brands, franchises, and other like intangible property), as follows, namely:

(a) In the case of evidences of indebtedness, assets equal to or exceeding 125 per cent of the par value of such evidences of indebtedness, and all other obligations of equal or prior rank outstanding and not to be retired out of the proceeds of the sale of such securities.

(b) In the case of preferred stock, assets of a value equal to or exceeding 125 per cent of the par value of the aggregate amount of all outstanding preferred stock of equal rank and the stock then offered for sale, after the deduction from such assets of all indebtedness which will be existing and all stock of senior rank which will be outstanding after the application of the proceeds of the preferred stock offered for sale.

(c) In the case of common stock, assets of a value equal to or exceeding 100 per cent of the aggregate of all outstanding common stock of equal rank and the stock then offered for sale, reckoned at the price at which such stock is offered for sale or sold, after the deduction from such assets of all indebtedness which will be existing and all stock of senior rank which will be outstanding after the application of the proceeds of the common stock offered for sale.

Mr. COLTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 24, strike out all of lines 24 and 25, and on page 6, strike out lines 1 to 13, inclusive.

Mr. COLTON. Mr. Chairman, this amendment is offered on the old theory that sauce that is good for the goose is good for the gander. As I understand the provision of this paragraph that I move to strike out, it would exempt securities that are listed upon the stock exchange in cities having a population of over 500,000 people. Now, there is no test made as to the issue of stock; the stock is not required to qualify. It is only required that it be listed on the stock exchange of the larger cities. In other words, if, for instance, it happens to be listed on the stock exchange of the city of Baltimore, so far as this bill shows, it does not come under the provisions of this act, but if it happens to be listed on the stock exchange in Denver or Salt Lake City, or some city of less than 500,000, irrespective of the stringent requirement of those stock exchanges, it comes under the provisions of this act.

Now, by what logic is the stock listed on the larger stock exchanges excluded? If the issue were to qualify—that is, whether the stock is qualified stock—there might be some argument, but to have population alone as the only test seems to me entirely unfair. I am reliably informed that, for instance in my own State, it is estimated that of the stocks sent into that State probably two-thirds come from Chicago, New York, and Boston. And yet for that large percentage of stocks coming into that State from these places the provisions of this act do not apply. There is no supervision made of them, so far as this act is concerned.

Mr. WALSH. Will the gentleman yield?

Mr. COLTON. I will.

Mr. WALSH. Does the gentleman read this subdivision as applying to stocks which shall be issued after the passage of this act?

Mr. COLTON. No; I am not saying that, but if they happen to be listed in Baltimore or other large cities, they do not come under the provisions of this act. If the Baltimore exchange has been selling Government bonds for 20 years, they do not come under the provisions of this act, whereas if the stocks are listed in the capital of my own State, that has just as rigid regulations, as I am reliably informed, as the stock exchanges in the larger cities, they come under the provisions of this act. It seems to me an unjust discrimination in favor of the larger cities against the smaller cities. I grant you if there were some qualifying test as to the issue there would be nothing to my argument, but if the restrictions are as strict and as rigid in the smaller cities as they are in the larger cities, why should the smaller cities come under the provisions of the act and the larger cities be excluded? I am making my argument simply on that proposition. I am in sympathy with the purpose generally of this bill, but I see no consistent reason why it should not be applied to all stocks in other cities in the United States. What is good for Denver or Salt Lake is good for New York, Chicago, and Boston. Our people are just as honest and are seeking to do just as legitimate business.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. COLTON. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. COLTON. In my State we have a stock exchange, and we pride ourselves that it is honest; it is operated by men who are trying to do a legitimate business, and they feel that if they are required to come under the provisions of this act that the stock exchanges of other cities in the Nation ought to come under its provisions.

Further, our blue-sky commission—the Public Securities Commission—will have no way of regulating in any way from one-half to two-thirds of the stock that comes into the State, because they come from the stock exchanges of the large cities.

Mr. BURTNESS. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. BURTNESS. The gentleman's amendment would eliminate this section?

Mr. COLTON. Yes; and let everybody come in under the law on equal terms.

Mr. BURTNESS. Is not the situation practically this: The gentleman referred to the stock exchange of Denver; are not the stocks listed on the stock exchange of Denver, or a large per cent of them, also listed on the stock exchanges of New York and Chicago and Boston, so that those stocks sold in Denver would be exempt from the provision of the law? While if the gentleman's amendment carried, none of those stocks would be exempt?

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. BURTNESS. I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the time of the gentleman from Utah be extended three minutes. Is there objection?

There was no objection.

Mr. COLTON. That is the very point that I am getting at. While I think the gentleman's statement, if I understand him, is true, we have no means at all, even in the future, of regulating this stock that comes into our States from these exchanges, from cities of over 500,000 population. While it is true that a part of our stock would not come under the provisions of the bill if it were listed on the exchanges of the large cities, it would be a minor part. The main point is that there is no way of regulating or at least bringing the stock that is sold upon the exchanges of the larger cities within the provisions of this act, unless this paragraph is stricken out.

Mr. BURTNESS. Of course, the purpose of this law is not to exempt certain cities but to exempt certain stocks that have recognized values, and the only way in which to draw the arbitrary line, I think, as it appeared to the committee, is to exempt certain stocks that are recognized generally throughout the country as having standard values, and it seems to me that the gentleman by his amendment may be jumping from the frying pan into the fire.

Mr. COLTON. No; I think not. It seems to me it is entirely practical, and the gentleman's question would indicate that he thinks it is not possible to qualify the issue of stock. The stock could be qualified, the issue could be qualified, without adopting as an arbitrary standard the size of the city in which the stock is listed.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. LONDON. What is the necessity for this exemption? Any stock that is not fraudulent should be permitted to be sold. Why make an exception in favor of certain stocks enumerated in section 4?

Mr. COLTON. I do not think there ought to be an exception, and I think particularly that the size of the city ought not to determine the basis of the exception.

Mr. LONDON. Does it not look as though this law undertakes to punish petty larceny but permits grand larceny?

Mr. COLTON. That is the way it looks to me.

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. COLTON. Mr. Chairman, under permission granted, I desire to insert as part of my remarks the following excerpt from the hearings on this bill held February 15, 16, 17, 18, and 20, 1922, at pages 85 and 86:

Mr. WEBSTER. Mr. Chairman, throughout the history of this blue-sky legislation in the several States the fundamental stumblingblock has been the protection of the investing public against fraudulent securities upon the one hand, without imposing an undue burden on legitimate business on the other hand. The task has been to steer a course which will accomplish the one purpose without imposing an unnecessary burden as an incident of it. That is what we are up against right now in connection with this feature of the bill.

In the efforts of these gentlemen to accomplish that purpose I have no doubt they are just as anxious not to interfere with legitimate business as we are anxious that they shall not be permitted to do so if they did want to. They can not have any possible motive in wanting to interfere with legitimate business. Such laws in the end would be their own undoing and would pull the temple down on their own heads without having accomplished their purpose, because if they do amount to undue restrictions upon legitimate enterprise the laws will not last very long.

Now, in an effort to give free access to all the means of intercommunication it is very laudable for those gentlemen to say that securities that are recognized in the business world as having integrity and stability because they have been passed upon by institutions of recognized integrity shall be accepted as such. That is a fine effort, but in the application of it we must be careful not to put the seal of congressional approval upon an institution in Chicago, New York, or Boston which to-day may meet with our approval but which to-morrow may not.

This is permanent legislation. Though I understand the task will be difficult, I would rather see the Congress set up some standard of integrity in securities and have some tribunal, some administrative agency, determine the merit of any given security for the protection of the public than to premiumise the integrity of any exchange. I do not care whether it is located in Chicago or where it may be located. It is a dangerous thing for Congress to say now that because Chicago, New York, and Boston are transacting exchange business within the sphere of their activities honestly and upon a safe business basis we are going to put the permanent seal of our approval upon them and say that we know that they are going to continue to do that, and that consequently we will approve in advance what they do hereafter, and at the same time give governmental recognition to such enterprises while denying it to other concerns engaged in the same activities.

Judge Webster has very clearly and forcibly set forth my position.

Mr. SWEET. And who passes upon the question of whether or not a stock exchange outside of the Chicago Stock Exchange meets with these requirements?

Mr. DENISON. Nobody. The blue sky law itself does that. For instance, in Illinois, among other exemptions are the securities which are listed on the New York, Boston, and Chicago stock exchanges. And the Georgia blue sky law, I believe, also lists the same stock exchanges, and says that the stocks that are listed on those stock exchanges will be exempted from the provisions of the State law. Nobody passes upon anything; they just pick out those stock exchanges, and say, "We exempt stocks listed on those exchanges."

Now, inasmuch as these States, certain of them, have specifically recognized the national character of these three stock exchanges and the high standards of their listing, we thought that is the interest of not interfering with these well-known industrial securities—and that is all this provision applies to—we ought to exempt from the provisions of this act, so as to permit free their commerce between the States, so far as the National Government was concerned we ought to exempt such stocks as are listed upon these few stock exchanges that are national in their character and have such well-recognized standards for listing. It seems to me, that there ought not to be any misunderstanding, and I think that if the committee will study the provision of the bill as it was originally drawn they will see that it is not intended to discriminate against any stock exchange. It is simply a recognition of the high standard of these few really national stock exchanges.

Mr. WEBSTER. Mr. DENISON, I follow your line of thought, I think, with perfect clearness. I have not any doubt at all that this provision of the bill was not designed for the purpose of conferring any special favor upon the enumerated exchanges, but I am not at all sure that it will not have the effect of conferring a distinct benefit upon them. If you say that the exchanges in Chicago, New York, and Boston have attained that distinction in that line of enterprise that the Government of the United States is willing to place the solemn approval of its law-making body upon them and to say that their securities shall have free currency throughout all parts of the Nation without further check, or let, or hindrance, do you not by implication say that other exchanges than those do not measure up to that high standard, and consequently their securities shall not have the same free access to commerce that the securities of the three enumerated ones have?

Mr. DENISON. Yes; it will do that.

Mr. WEBSTER. Well, is it fair to discriminate against the exchanges, even though that is not your purpose?

Mr. DENISON. Well, that is because of the essentially recognized fact that they have fixed the standards themselves and the others have not.

Mr. WEBSTER. You do not say that the standard of eligibility to the agencies of interstate shipment shall be the standards of these exchanges. You say that the stock must be actually listed there. You do not make the standard set up by these exchanges the standard by which some tribunal shall determine the goodness or the badness of a given security, but you say the actual fact of listing determines it. Does not that put a premium upon getting your stocks listed in those exchanges, so that they will have a preference?

Mr. DENISON. Mr. Chairman, I appreciate fully the situation of my friend from Utah [Mr. COLTON]. He has been receiving communications, of course, from certain mining interests that feel that this bill might prejudice some of their rights or interests, but he is wholly mistaken. I want to state for him that he has been looking after the interests of the people of his district very carefully. I have consulted with him a number of times about this provision. I know he has been deeply concerned about it. There is nothing in the bill that will be prejudicial to any of the legitimate interests of his district or State.

Briefly, now, about this exemption. As I stated on the last day when this bill was under consideration, we have provided various exemptions in the bill, and what we are seeking to do by this legislation is to make the bill so drastic that we will catch the fraudulent promoter and yet make it so liberal that we will not injure anyone who is engaged in the sale of legitimate securities. Those are the two ideas and purposes we had to try to assemble and express in legislative form.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. To catch the crooked man and not to unduly interfere with or obstruct the man or company that has legitimate securities to market. I would like to make this statement first, and then I shall be glad to yield. The problem before us was to harmonize those two ideas. In sections 2 and 3 we have provided certain prohibitions and in sections 4 and 5 we have provided exemptions which will exempt various classes of securities and transactions which experience and study and observation have shown are reasonably free from fraud or serious loss.

Mr. COLTON. Mr. Chairman, will the gentleman yield now?

Mr. DENISON. Yes.

Mr. COLTON. I appreciate what the gentleman has said, and I think he is perfectly honest; I know he is, in his contention; but is there any guaranty that all of the stock listed on these exchanges is not tainted with fraud?

Mr. DENISON. I will answer the question, but I want first to make a preliminary statement. We have provided in these various exemptions for the exemption of various classes of securities which experience has shown are free from fraud. There is a class of securities which, as I stated the other day, have already been issued or are outstanding and are distributed and in the hands of the public. Those securities are now in the hands of third persons, and the issuing companies are no longer concerned about them. They have sold them, they have gotten their money, and the securities are in the hands of third persons. In drafting this bill we wanted to provide an exemption for securities of that character already issued and outstanding about which the issuing companies are no longer particularly concerned. Millions, billions of dollars are invested in that class of securities; in fact, a large part of our wealth is daily invested in that class of securities, and there is trading in them to the extent of millions of dollars every day on the great markets of the country. We must provide an exemption that will exempt that class of security. In surveying the field and trying to arrive at appropriate language or standards for exempting that class of securities, the best that could be conceived and framed in legislative form is the exemption which is now under discussion. We have exempted the securities that are fully listed on a certain class of stock exchanges.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAYTON. As I said in a former discussion of this bill, I am in thorough sympathy with the purpose of the committee, but there is one thing that bothers me about the matter. What effect will this have upon the exploitation of the mineral resources of the United States? In asking that question I want to follow it by this statement: Everyone knows that whether it be oil or coal or copper or silver or lead or what not, for the most part all stocks are speculative in the beginning.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAYTON. Will this prevent speculative enterprises from being pursued?

Mr. DENISON. Not at all; in fact, the Illinois blue sky law, for instance, provides for the granting of permission to sell speculative stocks, but you have to plainly designate them as speculative, so that nobody will be defrauded.

Mr. LAYTON. In other words, here is what I am trying to get at: Here is an individual who thinks that he has discovered an outcropping of mineral wealth. He wants to determine whether he has gotten anything. He can not get any money except by the sale of stocks, sometimes as low as a cent a share—I have seen it sold as low as that. No rich man or banker will advance him the money, and the only way that he can get the money is to appeal to the speculative element that lies in people generally, and in that way he may be enabled to get together ten or fifteen thousand dollars and sink a shaft. Will this law prevent that development?

Mr. DENISON. I will say this in answer to the gentleman: Thirty-eight States have passed laws to protect their citizens against fraudulent securities. Now, we start with that assumption, and if you sell your stock, such as my friend from Delaware has just described, to anyone in those States, you have to go before the officials of those States and qualify them and get permission to sell them. You have to make a statement of your assets and liabilities and your method of doing business, and how much commission you are paying, and how much money realized from the sale of the stock is going into the enterprise, and make a showing to the State officials that your enterprise is free from fraud; and you ought to make that kind of a showing.

Mr. LAYTON. Will the gentleman yield?

Mr. DENISON. And if you do not do it, you ought not to be permitted to impose your securities upon the people of the country. I yield.

Mr. LAYTON. Some of the most valuable mining properties of the United States did not have a dollar in the treasury when they began; it was purely speculative. They got money for exploration purposes by the issuing of stock on chance.

Mr. DENISON. I will say to the gentleman from Delaware there is no law in any State that I know of that prevents anybody who wants to gamble in stock from doing so, but there are laws which prevent promoters from selling their stocks and other securities to the people without disclosing to them the facts and full information showing that they are free from fraud. Everyone, it seems to me, who wishes to do business in a State ought to respect the fraudulent securities law of that State just the same as any other law. And I think that mining companies ought to do so the same as anyone else. Mining companies should be willing to comply with the laws of other States just as they have to do with respect to the laws of their own State.

Mr. COLTON. If the gentleman will yield again. Unfortunately, I was called out and I am not sure I heard the gentleman's explanation; but I want to be perfectly fair in this matter. As I understand your bill, this paragraph I have moved to strike out would exempt any stock from the provisions of the bill that is listed upon, say, the three national stock exchanges of the United States. Now, as I understand the gentleman, the only test is whether they are listed, irrespective of the merits of the stock at all?

Mr. DENISON. Yes. Now I will explain that to the gentleman. Those who are charged with the administration of the various State securities laws, and there are 39 of them, those securities officials have made a careful study of all the stock exchanges of the country and they know what the requirements are for the listing of securities; they have investigated that and they have found that certain stock exchanges have requirements for listing that are more rigid than the securities laws of most of the States. Take, for example, the New York Stock Exchange——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAYTON. I ask unanimous consent that the gentleman's time be extended five minutes; this is a very important discussion.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LAYTON. Let me ask the gentleman a question, and I will not bother him any more. It is this: As far as that is concerned—the point that the gentleman just mentioned—they will not list anything on the New York Exchange until it has a value?

Mr. DENISON. Certainly.

Mr. LAYTON. An ascertained value.

Mr. DENISON. Certainly.

Mr. LAYTON. What are you going to do with the vast mineral wealth of the United States under such circumstances as that?

Mr. DENISON. The gentleman from Delaware has asked two or three times in regard to that, and I am going to come to that directly if I can. I was discussing this question of the stock exchanges. It has been found, I think, in reference to the New York Stock Exchange, that before a security can be listed on that exchange those offering it have to go before the governing board and make a showing that is as rigid and as exhaustive and as exacting as any of the "blue-sky" laws of any of the States; and because they have found that to be the case there are a number of the different States that exempt stocks which are listed on the New York Stock Exchange.

Mr. COLTON. Well, that is——

Mr. DENISON. Let me state this: In the preparation of this bill I have consulted with the National Association of Securities Commissioners of the country, members of securities commissions of all the 39 different States.

I have been governed largely by their judgment and their observation and their study of this matter. They know which stock exchanges they can afford to accept and which they can not. Now, there are a great number of stock exchanges that are trying to establish rigid requirements for listing, but this matter can only be settled, gentlemen of the committee, through a long course of years and experience. And besides, there are but a few stock exchanges that are national in character and scope. You take the New York Stock Exchange, for instance, and the stock that is fully listed on that exchange is sold every day in open market by actual sales and purchases, and the prices that the stocks bring are published in practically all the metropolitan newspapers in the United States, so that any person who reads the papers can look at his paper every morning and see what the market price is of stocks that are fully listed on the New York Stock Exchanges. There are other stock exchanges in the country that are only local in character. There is no trading on these exchanges that is of national scope, and so we have got to avoid exempting stock exchanges that are more or less local.

Mr. LAYTON. Will the gentleman answer the question I propounded to him? We know about the fact that the stock exchanges do not list anything unless at the time they are listed they have an ascertained value, but how about the chance for speculative exploitation? How does this bill affect those propositions?

Mr. DENISON. This is the way. These new enterprises that are just starting out and have no established value and have not been listed on any of the larger stock exchanges and are not otherwise exempted, the concerns that issue stocks under those circumstances must go before the securities officials of the State in which they wish to sell them and make the showing before those officials that the stock is free from fraud, and get permission to sell them.

Mr. LAYTON. In that State?

Mr. DENISON. Yes.

Mr. LAYTON. Then they will have to send it to 39 States?

Mr. DENISON. They will if they want to do business in 39 States.

Mr. LAYTON. In that way they never will get the money.

Mr. DENISON. Then they ought not to have the money.

Mr. LAYTON. In that case you would rob the American people of billions of wealth.

Mr. DENISON. Does not the gentleman from Delaware think the laws of the different States ought to be respected?

Mr. LAYTON. I am not talking about that.

Mr. DENISON. I am.

Mr. LAYTON. I am talking about the advisability of the passage of this measure so far as the exploitation of natural resources is concerned.

Mr. DENISON. This bill will not interfere in the least. It will stop the flotation of a lot of fraudulent and worthless securities that are put upon the public in the name and under the guise of developing the natural resources. That is what it will do.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. I agree with all of these gentlemen who have lauded the purposes of this proposed legislation, but I regret that after a somewhat careful examination of the bill I have come to the conclusion that it ought not to be enacted into law. The most important thing to the people of the United States is their personal liberty. The mail is the means of communication between men. It is a matter of right to everybody. It is as large a personal right as to carry on conversation with your neighbor.

Mr. EVANS. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. EVANS. Is it a personal right to send obscene matter through the mails?

Mr. STEENERSON. No, sir.

Mr. EVANS. Is it a personal right to commit, through the mails, a fraud that you could not commit outside?

Mr. STEENERSON. I am coming to that. The gentleman's questions show that he is laboring under the same confusion that the author of this bill and those who support it labor under. The object of this bill is to accomplish indirectly something that Congress can not accomplish directly. We have had this kind of legislation before Congress for the last 20 years that I have been a member of the Committee on the Post Office and Post Roads. It is a distinction between those things which can be done and those things which can not be done. I was a member of the subcommittee that examined the witnesses on the so-called Reed amendment when it passed the Post Office Committee. It was an act to exclude from the mails newspapers carrying liquor advertisements into dry States, and I might say that that act is evidently the model of this one. They have a great deal of language in common. That is the original proposition. I think no doubt that the act will be sustained, although it has never been before the Supreme Court. The only part that has been before the Supreme Court is the so-called Reed amendment, which applied the same doctrine to transportation in interstate commerce either by automobile or railroad, and was sustained as a matter of law. But there was at very nearly the same time another bill that was before the Committee on the Post Office and Post Roads, which was debated a great deal, aimed at the newspaper called the Menace. In substance, that bill directed that the Postmaster General should be authorized to refuse permission to carry in the mail any

publication that was issued by a person who had theretofore been guilty of transmitting scurrilous, obscene, or libelous matter through the mails. In other words, he was authorized to refuse the mails to that man in order to punish him for something he had done previously. However, after an exhaustive examination of the authorities, Judge Moon and I both agreed, as did the rest of the committee, to not report the bill. But it led to an inquiry that I think brought out the distinction between what can be done and what can not be done.

Now, the leading case on this subject of the power of Congress to exclude things from the mails is the case in re Jackson, Ninety-sixth United States—the lottery case. That was attacked because they said that Congress was there doing something by indirection which it could not do directly—precisely the point that I will speak of in this case.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairmain, I ask unanimous consent for 10 minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. That lottery act was sustained on the ground that Congress could in this way by indirection prohibit the sale of lottery tickets, because lottery was a matter that was demoralizing to the people, just the same as intoxicating liquors are demoralizing to the people. And as the gentleman from Nebraska [Mr. EVANS] lately suggested, they have, of course, always framed laws against carrying obscene matter in the mail and against carrying matter in furtherance of fraudulent schemes in the mail. Neither is the carrying of advertisements or proposals for the sale of intoxicants or matter injurious to morals or public health. The subject of the prohibited correspondence is for all that found in the bill perfectly honest and proper. Its only fault is that its sale has not been authorized in the State where the letter is to be delivered. Then, again, the proposed law is to apply to some mailers and not to others. If it is a book or a stock exchange, and so forth, it is exempt, but if it is a broker engaged in selling securities the law applies. If it is an individual not so engaged, he is exempt.

Exemption (c):

(c) In an isolated transaction in which any security is sold, offered for sale, subscription, or delivery, by the owner thereof, or by his representative for the owner's account, such sale or offer for sale, subscription, or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

But that is not this kind of legislation. The legislation against the sending of obscene matter through the mail, excluding it from the mail, and the legislation against fraud, is directly within the jurisdiction of Congress. That is not in this case. In this case there is no fraud claimed. You need not allege or prove any fraud, or even any intent to mail a letter for the commission of a fraud. All this law requires is that you prove that a man mailed the letter and that it contained a proposition to sell this stock, which was not licensed in the State. You may be as innocent of any knowledge of what is in that letter as a babe unborn, and yet you are condemned to prison. There may be no fraud at all in the transaction of selling the stock, perhaps, in that State. It is not required. There is no need to prove it. All you need to prove is that that State has prohibited it; that it is unlawful to sell that stock in that State. The stock or security may be perfectly good, but its sale has not been licensed in the State.

There is not an element of fraud in this whole bill. It is simply a naked proposition that because the State has forbidden the sale of this stock, therefore it is illegal to deposit in the mail a sealed letter—the most sacred of all communications, a sealed letter, which is just as sacred as your own home, and as your own pocket, as if it were in your own hand—it is stated in this bill that although there is no fraud or any intention to commit a fraud or to cheat anybody, still there is a crime.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. DENISON. You have a law in Minnesota, for instance, which makes it unlawful to sell these stocks unless permission is given to sell them. All the citizens of your State who sell the stock must have permission to do so. Does the gentleman think that the man just outside the State line should be free to do so when your own citizens are not free to do so?

Mr. STEENERSON. I am not talking about that. I am talking about the matter of personal liberty, of the use of the mail. Upon what ground have you the right to deprive a man of the use of the mail by indirection? On the ground that it is a fraud on somebody? No. There is a close similarity between this and the Fitzgerald bill. It was provided in that bill that because a man had been in the habit theretofore of mailing improper matter, the Post Office Department had the right to forbid him the right to mail proper matter. If it is only an isolated matter of selling stock, a man may sell it, but if he is a broker who has habitually sold it he shall not use the mail. It is the prohibition of the right of a man to use the mail that I am talking about. You forbid one to use the mail and permit another to do so for the same communication.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GRAHAM of Illinois. What right has a man to use the mail except such right as is given him by the law of the land?

Mr. STEENERSON. He has the right under the Constitution to the equal protection of the law.

Mr. GRAHAM of Illinois. Yes. But the mails are something created by law, and the same power that created them can lay restrictions on their use.

Mr. STEENERSON. Well, it can in a certain degree. In the case of Burton *v.* United States, 202, page 344, the Supreme Court said if you prohibit the use of the mail in a case, it must be consistent with the rights of the people reserved in the Constitution; it must be consistent with the right of freedom. You have a right to write somebody and deposit your letter in the mail.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. In a moment. The basis of the distinction, Mr. Chairman, ought to be not that a man is a guilty person or that he follows a certain avocation, but that the kind of matter transmitted in the mail is demoralizing. You can not go to work and say that this man, because he has committed a crime somewhere else, is an outlaw and can not communicate by mail.

This whole question, as you will find if you want to consider it elaborately, was thrashed out from beginning to end in the Pujo money investigation, in what was called the "Money Devil" case. There Mr. Untermeyer filed a long brief claiming the right to exclude the New York Stock Exchange, because of its size, and a certain bank because of its size, from the use of the mail. So this bill permits certain stock exchanges and banks to use the mail and forbids it to others. The mail is denied to one and permitted to another. It is an arbitrary distinction.

Mr. EVANS. If I understand the gentleman, his claim is that this act, if passed, is unconstitutional?

Mr. STEENERSON. It certainly is; and it is not only unconstitutional, but it is unconstitutional in such a way that if it is administered before it is declared unconstitutional it will deprive the people of one of the most sacred rights that the people possess.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. TINCHER. Would the crossing by a letter of a State line make the right any more sacred in a State? A man can not sell these stocks without being authorised by the blue-sky board. If he had the right to go over the State line and write a letter and sell the stock, he ought to have the same right to write it within the State.

Mr. STEENERSON. I am not talking about the right to sell stock. I am talking about the right to enjoy the use of the mail. To say that where one is habitually selling stock and another man has an isolated transaction the one can mail a letter and the other can not, that is an arbitrary distinction based upon no facts. It is simply because you do not like the man. Does anybody claim, notwithstanding the decision of the Supreme Court that the power of Congress over the admissibility of mail matter is almost unlimited, does anybody claim or are you going to say that it is absolute; that because one man had red hair it will be a penitentiary offense for him to drop a letter in the mail, and that because another man is baldheaded he can do so? Are you going to make an arbitrary distinction because of the person? Incidentally I call attention to the fact that I have included myself in one of those classes. [Laughter.] The distinction must be based on the nature of the matter to be carried in the mail and not on the individual sender.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. I should like to have five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STEENERSON. I should like to read an extract from the work of Mr. Lindsay Rogers, of Baltimore, on the postal powers of Congress, in which he points this out, as follows:

Any legislation excluding from the mails must apply directly to the things mailed, not to the persons using the mails. This is a distinction which is evident in the decisions upholding the interstate commerce legislation and which underlies the argument that Congress may exclude commodities manufactured in whole or in part by children. The law would operate directly on these commodities, not on account of their inherent character—which would probably not be different from that of other commodities manufactured by adult labor—but because of the objectionable conditions of production. And by a parity of reasoning Congress could exclude from the mails matter relating to gambling transactions which might be forbidden under the police power of the State, although such matter, on its face, would be harmless. But it is an entirely different proposition absolutely to deny the use of the mails because certain persons have refused to comply with conditions beyond the power of Congress directly to impose which it thinks may result in regulating objectionable practices, although these may be entirely disassociated from the bulk of the matter which has been excluded.

And he refers to these cases that I have referred to, holding that the power of exclusion from the mails, although very extensive, is not unlimited, because it is limited by the constitutional provision that there shall be freedom of the press, that all men shall have the equal protection of the laws. Why, the carrying of first-class mail is a monopoly of the Government. No one else can carry a letter for pay, and if you say that a man's letter shall not be carried in the mail, that man is just about as isolated as if he were put in the penitentiary. This is a very serious matter, because you are trying to impose a penalty on a man, not because he has done anything wrong or attempted to do anything wrong or attempted to defraud anybody, but because you are trying by indirection to enforce the laws of a State. The jurisdiction of this blue-sky proposition is entirely within the power of the States, and Congress has by ample provision protected the mails from all sorts of abuses. We have the most strict and complete code on that subject that can be written. I am reminded that by a certain bill which we discussed here to extend the mail fraud laws recently my friend from Massachusetts sought even to include race-track news published in the papers, to exclude these papers. That is perfectly legitimate if you want to do it, but there is this limit, that when a man is trying to do no wrong, when he has not attempted to demoralize anybody or attempted to defraud anybody, you can not deprive that man of the use of the mail or of the equal protection of the law. He is a taxpayer in the United States and is entitled to the benefits of this Postal Service. The Postal Service existed before the Union was established, and everybody is entitled to that, because it is a public service, and you can not take it away from him unless you are doing it for the benefit of society, because of the injurious effect that otherwise would follow. In this case you have got to stand on your bill. To convict a man under this bill you need not allege or prove any fraud, or even intent to defraud.

You are proposing to make criminal something that has no element of fraud or wrongdoing in it.

Mr. WALSH. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. WALSH. Does the gentleman make any distinction between a letter and a circular or newspaper?

Mr. STEENERSON. There is a distinction. I do not know that it is very vital in this part of my argument.

Mr. WALSH. The gentleman has been referring to a letter all the time. Does the gentleman mean to say that if I write a letter with reference to a matter which is against the law in the State of Minnesota, pertaining to the sale of fraudulent securities, or that if I write a postal card, Congress has no right to pass laws excluding such matter from the mails?

Mr. STEENERSON. I did not say anything of the kind. The gentleman drew an erroneous conclusion, because I emphasized the sacredness of a sealed letter. But that is only incidental to the argument that you are interfering with the most sacred personal rights of the people. It is as much or more within the power of Congress to exclude from the mails newspapers with advertisements or postal cards that are open. That is more within the right of exclusion from the mails.

Mr. WALSH. Then the gentleman does make a distinction between a letter and other classes of mail matter?

Mr. STEENERSON. I make a distinction to this extent, not on principle, but because of the serious consequences that will flow from interfering with personal liberty.

That statute has its sanction in the power of the United States by legislation to designate what may be carried in the mails and what must be excluded therefrom, such designation and exclusion to be, however, consistent with the rights of the people as reserved in the Constitution. (Ex parte Jackson, 96 U. S. 727, 732; in re Rapier, 143 U. S. 110; School of Magnetic Healing v. McNulty, 187 U. S. 94; Public Clearing House v. Coyne, 194 U. S. 497, 508.)

Take and read this bill and observe the distinction between who may use the mail for the purpose described and who may not and you will note that it is merely a difference of individuals or corporations. One may, the other may not, do the same thing.

This measure, if enacted into law, would violate the very cardinal principles of the Constitution.

Mr. GRAHAM of Illinois. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. GRAHAM], a member of the committee, in opposition to the motion to strike out the last word.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen, I have listened with some interest to the argument of the gentleman from Minnesota [Mr. STEENERSON], and I find myself unable to agree with him either in his argument or his conclusion. He proceeds upon the theory that the right to send material in the mails is a right inherent in every citizen, and that he ought not to be restricted in that right unless it is because of something that the gentleman designates as a thing "demoralizing" to the general public. In the first place, Mr. Chairman, I do not understand that every citizen has a right to the unrestricted use of the mails. The right to establish post offices and post roads was given to Congress by the Constitution, and under that provision the mail system of this country was established. The same Congress that laid down the fundamental law for the regulation of the mail service, the same Congress that makes appropriations to carry on that service, has a right to make such reasonable restrictions in the use of the mails as in the wisdom of Congress is desirable.

Mr. STEENERSON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STEENERSON. The gentleman admits that the power of exclusion from the mails must be exercised so as to be consistent with the rights of the citizen as reserved in the Constitution?

Mr. GRAHAM of Illinois. Yes; I admit that. That is fundamental, and what might be called hornbook law. There is no question about that; but the question of what is consistent with the rights of the people is a question to be determined in the discretion of Congress so long as it is reasonable. There can be no question about that proposition.

Mr. STEENERSON. But the Supreme Court says that the power of Congress in that regard is limited.

Mr. GRAHAM of Illinois. The power of Congress is limited by the express language of the Constitution; but the express language of the Constitution gives Congress the right to legislate along proper and legitimate lines. It has been doing it and exercising it from the earliest days of the Republic. The other day I cited a great many authorities here—there were not many Members present at the time—but I cited statute after statute where similar laws have been passed and which were afterwards held constitutional. Congress has full and complete power to regulate the mails of the country, if that is the gentleman's question. Otherwise, why could they exclude circulars advertising lotteries? Why could they exclude circulars advertising lottery tickets or any information about them? Why could they exclude obscene literature? Why, if there is no power, can the Postmaster General by order, as I understand he can, exclude anarchistic literature from the mails or matter that is intended to produce dissension or excite rebellion among the people?

Mr. LAYTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. LAYTON. I do not think there is any question about the constitutional right of Congress to pass the measure, but I wish the gentleman, with his power of analysis and clarity of thought, to answer this question: Would not the passage of this bill years and years and years ago have deprived this country of the splendid development of its mineral resources? I want the gentleman to answer the question I propounded to the gentleman from Illinois [Mr. DENISON], who has not answered the question. The reason I am asking it is that I am somewhat familiar with the granting of charters. I have granted thousands of them. I am not going to say that all of them were good, but I will say that many were most excellent. As I said the other day, when I was secretary of state of the State of Delaware I granted a charter to the Tonopah Mining Co.; that stock was distributed all over the country to many speculative men and women. It was put on the market at 25 cents a share. It was a pure chance when the people who bought it did buy it. That has developed into a splendid corporation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. LAYTON. Now, let me finish this, and I will quit.

Mr. GRAHAM of Illinois. The gentleman from Delaware is troubled a good deal like myself; his terminal facilities are poor. [Laughter.]

Mr. LAYTON. That may be true. This corpocation got their money and went forward with its exploitation, and it developed into one of the finest mining properties in the United States, and to-day is listed as such. It has developed millions of wealth.

Now, I am going to make a further statement—there have been hundreds of such corporations that have obtained money solely in that way, and could not have obtained money in any other way for development purposes.

Mr. GRAHAM of Illinois. This particular section under discussion gave me more trouble than all the rest of the bill put together when before the committee. My first view was that it legitimatized the dealings of the large stock exchanges of the country. Because of my inherent desire not to do anything that might be designated as Wall Street legislation I rather shied at that section. But I investigated, and we took extensive testimony, looked into the thing, and I became convinced that it was all right.

Here is the reason: This excludes the securities of only three exchanges in the country, and they must be exchanges that for 20 years have been doing business. We made some investigation about these three big exchanges as to the rules and regulations, and we found they are more stringent than any blue-sky law of any State in the Union that I have looked at. Here is what this act does: It does not provide that the stock of the mining company to which the gentleman from Delaware referred can not come into Illinois, can not come into Iowa or Nebraska or Delaware, or any other State, but it does say that so far as that stock is concerned that must be left to the particular State to settle for itself. It does say, so far as the stocks listed by the three large stock exchanges are concerned, that such stocks can travel in interstate commerce so far as this act is concerned. That is all that it does. It does not exclude from any State or market any stock issued by any company; it does not make a single exception or restriction except such as the State itself has established by its laws.

Mr. LAYTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; for a question.

Mr. LAYTON. The gentleman will admit that by reason of the stringency of the Stock Exchange of New York the Tonopah Mining Co. in its inciplency could not have been listed.

Mr. GRAHAM of Illinois. I presume that is true.

Mr. LAYTON. They could not get the money for the necessary exploration and do the work to demonstrate its value.

Mr. GRAHAM of Illinois. The mining company mentioned will be in no different condition after this law is enacted than it was before, because exactly the same conditions exist so far as the stocks of such mining companies are concerned.

Mr. WARD of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WARD of North Carolina. I want to ask the gentleman about a constitutional phase of this matter. I am in sympathy with the gentleman's bill and I expect to vote for it. As I understand it, it is to be an enforcement of the various laws of the various States with respect to the sale of securities in those States, and the law which the gentleman seeks to have passed is in itself uniform.

Mr. GRAHAM of Illinois. Yes.

Mr. WARD of North Carolina. In its uniform application to the principle, will it discriminate as between the rights of the citizens of the different States, because of the difference in State laws? If so, is not that a serious constitutional objection?

Mr. GRAHAM of Illinois. Mr. Chairman, that question has been considered many times by the Supreme Court of the United States, and that particular point has been directly passed upon. I call the gentleman's attention to a case in point, In re Rahrer (140 U. S. 561), which the gentleman will find cited in the RECORD of yesterday in my remarks. That point is raised there and it is held by the Supreme Court that the law is uniform, and that it does not delegate any powers of legislation to the States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FRENCH. Mr. Chairman, I rise to support the amendment offered by the gentleman from Utah [Mr. CULLEN]. If his amendment shall prevail, the effect of it will be to wipe out the special privilege conferred upon certain stock exchanges in cities of 500,000 population and over. There is one fundamental objection to the paragraph of the bill that has not heretofore been mentioned that it seems to me ought to be recognized by the House. Under the bill as it reads we are conferring certain rights and privileges upon purely private organizations that ought not to be conferred upon any institution apart from the government of State or Nation. Two or three years ago we considered the bill providing for an embargo on dyestuffs. Gentlemen will remember that when that bill was brought into the House from the Committee on Ways and Means it contained a provision that certain dyestuffs could be imported into the country, notwithstanding the law, providing certain importers in this country recognized the desirability of importing the dyestuffs.

I was one of those on the floor that opposed that provision of the bill, as did others. We did so because it was turning over that which should be a sacred governmental function to private institutions in this country. When the matter was considered fully by the House, the House wiped out that provision of the bill, as gentlemen will remember. It seems to me that we have the same proposition here. You are turning over to a private institution or several of them a function that ought to be a function of government.

There is another objection which I have to the paragraph, and I merely mention it in passing. It has been said that these stock exchanges have been operated for 20 years, that they are operating as high-class business organizations. Granting that to be true, have we any assurance that next year, or 10 years from now, they will be operating in that way? We have not, and yet we propose to turn over to these private concerns that which ought to be alone the function of government.

Again, there is another reason why I oppose the paragraph. We are recognizing certain stock exchanges located in certain large centers which, if recognized, will be given, in my judgment, such a monopoly of business as will work to the great detriment of the outlying sections of the country. Yet these outlying sections furnish the very business with which the large exchanges will be given the privilege of handling.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLTON. Reference has been made here to stock such as Tonopah by the gentleman from Delaware [Mr. LAYTON]. Is it not a fact that the only test is whether or not a stock of that kind or any other kind can get listed on one of these large exchanges? If so, it does not come within the provisions of this act at all.

Mr. FRENCH. Under the language of the pending bill the gentleman has stated the situation correctly. The stock might be sold in violation of every "blue sky" law in the country, save the law of the State where the particular stock exchange might be located.

Mr. DENISON. Mr. Chairman, I ask unanimous consent that all debate upon this subdivision (f) and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Chairman, I desire to reiterate what I have said before, that with the essential purposes of the bill I am in sympathy. I am in sympathy with any legislation that has for its purpose the protection of the people of the country against fraud in any way. My chief concern is whether in flying from one ill, however, we are not flying to others that we know not of. I believe that it is the sentiment of this House, the experience of this House, that if such a law as this had been on the statute books of the United States for the last 75 or 100 years you would have had very little of the development of the mineral resources of the country in such a way as would have made the wonderful difference between what we are and what we would have been. Nobody seems to be willing to look the proposition in the face. My friend from Illinois [Mr. DENISON] did not meet it, and my other friend from Illinois [Mr. GRAHAM] has not met it. What I am trying to get at is this. A purely prospective, honestly legitimate undertaking, a belief and faith in mineral resources in the ground, but which have not been proven, can not get upon any of these stock exchanges.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. LAYTON. In just a moment. That being the case, they can not get any money there.

In the next place, you can not go to the legitimate banking concerns and get money for purely speculative purposes. The consequence is that these various corporations are shut off by this bill. I want to say now that they have brought not only millions but billions in wealth into the pockets of the people of this country. Take the history of Goldfield; take the history of Nevada generally; take the history of all the mining States of this Union and you will find for the most part they used, what? They used the mails in sending out their circulars, believing that they had a good, legitimate proposition, but did not know it. They wanted the money in order to exploit it, to drive their shafts, their crosscuts, and so forth.

Mr. ROACH. Does the gentleman understand that this bill would prevent the sale of that character of stock?

Mr. LAYTON. Yes; and I will come to that in a moment.

Mr. ROACH. I do not so understand it.

Mr. LAYTON. I will show the gentleman how it will. According to the answer of the gentleman from Illinois [Mr. DENISON] he said you could go to the States and by a proper exposition you could get permission to sell the stock in that State; but, then, you would have to go to 39 other States, and in connection with those 39 States you would have to go by agents—you can not go by mail—and so it would cost more money to get capital stock for making the original explorations than would be necessary to carry on the work. These are the facts in the case. In my judgment exploitation and development would be arrested.

Mr. LONDON. Mr. Chairman, the motion made by the gentleman from Utah to strike out subdivision (f) should be adopted. I believe the entire section 4 should be stricken out, as well as the following section. Various States prohibit the sale or distribution of certain stocks within the limits of the State unless certain requirements of the State law have been complied with. In addition to those State laws we are to have a Federal law which is to make it a crime to use the mail or any interstate transportation agency for the evasion of these State laws.

So many stock transactions are exempted from the operations of the law that the law becomes useless. The transactions of stock exchanges of cities with a population of more than 500,000 are not to be subject to this law. These exchanges are legalized gambling institutions. The fact that they are large, the fact that they deal with enormous amounts, the fact they are powerful, does not change their character. They are essentially institutions to encourage gambling on a large scale, and they have been responsible for more wrecked homes, more suicides, more crimes, more bankruptcies, than all the petty gambling houses combined. You make an exception here in favor of a few stock exchanges. You are sanctioning them, you are surrounding them with the glory of a Federal law. The smaller exchanges are to come within the prohibition of the law, but a few big ones are to be held out as infallible. Their stocks are not within the contemplation of this law. Subdivision B of section 4 excepts from the provision of the law securities issued by a foreign government. Some of these foreign securities involve more risk, more hazard and speculation, than any "wildcat" stock that ever came from the oil fields of Oklahoma.

Mr. MACGREGOR. Or any "wildcat State."

Mr. LONDON. Or any "wildcat State." I do not see any object or reason for section 4. Why should any stock transaction be excepted from the operation of the law if the law is a good one, and if the Federal law is to fortify good and reasonable State laws, what is the necessity for section 4 and all these exceptions?

Mr. DENISON. Is the gentleman addressing that question to me?

Mr. LONDON. Yes.

Mr. DENISON. I will state to the gentleman the reason for it. In our effort to prevent the flotation of fraudulent securities Congress does not and ought not to want to obstruct legitimate interstate business in legitimate securities.

Mr. LONDON. But let me say——

Mr. DENISON. Wait a minute. The gentleman asked the question. Now, in order to accomplish that purpose we are exempting from the provisions of this act those classes of securities which experience has shown are not the source of fraud. That is the answer.

Mr. LONDON. This law ratifies the existing State laws, does it not?

Mr. DENISON. This law will lend aid to the Federal Government for the enforcement of the laws of the respective States by forbidding the use of Federal agencies to violate State laws.

Mr. LONDON. State laws now existing or such as may hereafter be enacted?

Mr. DENISON. Exactly.

Mr. LONDON. Both?

Mr. DENISON. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WINSLOW. Mr. Chairman, I raise the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order there is no quorum present. The Chair will count. [After counting.] There is no quorum present. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Fairchild	Kleczka	Rosenbloom
Ansorge	Faust	Knight	Rossdale
Anthony	Fenn	Kopp	Ryan
Appleby	Fess	Kreider	Sabath
Bacharach	Fields	Kunz	Sanders, Ind.
Barbour	Fish	Lehlbach	Sanders, N. Y.
Barkley	Fordney	Logan	Sears
Beedy	Frear	Longworth	Shelton
Begg	Free	Lyon	Shreve
Blakeney	Freeman	McArthur	Siegel
Bland, Va.	Funk	McFadden	Sinclair
Blanton	Gahn	McLaughlin, Nebr.	Slemp
Bond	Gallivan	McLaughlin, Pa.	Smith, Mich.
Brand	Gilbert	Madden	Smithwick
Britten	Girvin	Maloney	Snell
Brown, Tenn.	Goldsborough	Mann	Sproul
Burdick	Gould	Mansfield	Stafford
Burke	Graham, Pa.	Martin	Stephens
Burtness	Greene, Mass.	Mead	Stiness
Butler	Greene, Vt.	Merritt	Strong, Pa.
Campbell, Pa.	Griffin	Michaelson	Sullivan
Cantrill	Hardy, Tex.	Mills	Sweet
Carew	Harrison	Montague	Swing
Chandler, N. Y.	Haugen	Montoyn	Tague
Clark, Fla.	Herrick	Moore, Ohio	Taylor, Ark.
Clarke, N. Y.	Hickey	Moore, Va.	Taylor, Colo.
Classon	Hill	Mudd	Taylor, N. J.
Cockran	Hines	Murphy	Tilson
Codd	Hooker	Nelson, John M.	Tinkham
Cole, Iowa	Hudspeth	Newton, Mo.	Treadway
Cole, Ohio	Hull	Nolan	Underhill
Collier	Husted	Olpp	Upshaw
Connell	Ireland	Osborne	Vare
Connolly, Pa.	James	Parker, N. J.	Voigt
Cooper, Ohio	Jeffers, Ala.	Perlman	Volk
Copley	Johnson, Miss.	Petersen	Walters
Crago	Johnson, S. Dak.	Porter	Ward, N. Y.
Crowther	Johnson, Wash.	Radcliffe	Watson
Cullen	Jones, Pa.	Rainey, Ala.	White, Me.
Darrow	Kahn	Rainey, Ill.	Williams
Deal	Keatts	Ransley	Wilson
Dempsey	Kelly, Pa.	Reavis	Woods, Va.
Dowell	Kendall	Reber	Wright
Drewry	Kennedy	Reece	Wurzbach
Driver	Kiess	Reed, N. Y.	Yates
Eckels	Kindred	Riordan	Young
Edmonds	King	Rodenberg	
Ellis	Kitchin	Rogers	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 10568, finding itself without a quorum, he had caused the roll to be called; that a quorum responded, and he presented therewith a list of the absentees for printing in the Journal and RECORD.

The committee resumed its session.

The CHAIRMAN. The gentleman from Kansas [Mr. HOCH] is recognized.

Mr. HOCH. Mr. Chairman, the question before the committee is an amendment which proposes to strike out paragraph (f), beginning on line 5 of this bill, and I shall direct my remarks, since there are only five minutes' debate remaining, I understand, directly to the question at issue.

It is a peculiar thing that gentlemen who are opposing this measure upon the ground that it is too drastic now propose to strike out parts of this section 4, the result of which will be to make the bill much more drastic. Here is the situation with reference to paragraph (f):

The committee was attempting to prevent, in so far as possible, the flotation of fraudulent stocks and securities without interfering any more than was absolutely necessary with the flotation of legitimate securities, and consequently in section 4 we set up a number of exemptions. What is the meaning of those exemptions? Simply this, that if any securities fall within the classes provided within these exemptions, those who desire to float those securities will not be required by the Federal statute to investigate the various State laws before they can use the agencies of interstate commerce. Under existing conditions there is no restriction whatever to any security which may seek refuge behind the agencies of interstate commerce in the evasion of State laws. These exemptions provided in the first few paragraphs will probably be accepted without question—Government bonds, and things of that sort—

but when we come to the great body of industrials accepted as legitimate, the committee found, upon consultation and conference with the various State boards having these matters in hand, that those State boards themselves did not desire to be bothered with passing upon securities that flow freely in the legitimate market, and so we provided, as most of the State laws provide, that if certain securities meet certain tests they will not need to be submitted to the State boards.

Mr. COLTON. Mr. Chairman——

Mr. HOCH. In just a moment. My five minutes are nearly up. Now then, we thought this, that if we can find some agency which itself has a severe test with reference to these industrial securities, it would be better to accept that agency in the matter of this exemption than to build up an elaborate agency on the part of the Federal Government. It must be remembered that this is not, technically speaking, a Federal "blue-sky" law, but is rather a bill to make effective State "blue-sky" laws. Now then, here are three stock exchanges, the test of which is as rigid, or more rigid, according to the State commissions, than the test prescribed by the States themselves. Obviously it would be a mistake to permit any stock exchange, no matter how obscure, no matter what its history, no matter how unreliable it may be, no matter how easy its requirements may be, to have securities listed upon it to flow freely and have the benefit of this exemption. And so it was a difficult matter. And the committee does not pretend that the test here found is an absolutely perfect test. But it was the only practicable test suggested and urged by the State "blue-sky" commissions. And so in order to not unduly hamper business, we put in this paragraph (f). And yet the gentlemen who oppose this bill upon the ground that it would hamper business would, by striking out paragraph (f), compel every legitimate security now afloat in this country, no matter how long it may have been afloat, no matter how commonly accepted its reliability—would compel every one of those securities to submit to the requirements of all the 39 States. The result would be, that instead of making the laws less restrictive upon business they would vastly increase the restrictions upon business.

Mr. LAYTON. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. LAYTON. As a matter of fact, then, your judgment is that so far as securities are concerned that have been issued that question will be settled by the three stock exchanges? Is that so?

Mr. HOCH. Not at all. I will answer the gentleman. The whole argument of the gentleman has been in opposition to "blue-sky" legislation.

Mr. LAYTON. That is not my argument.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on agreeing to the amendment offered by the gentleman from Utah [Mr. COLTON].

Mr. BOX. Mr. Chairman, may we have that amendment again reported?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. COLTON and Mr. RAKER asked for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 33, noes 66.

So the amendment was rejected.

Mr. COLTON. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill by inserting less than a page taken from the hearings on this case.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: On page 9, after line 8, insert a new paragraph, as follows:

"(d) Any security issued by a corporation owning a property, business, or industry within the State of its incorporation, the issuance and sale of said security having been investigated and approved by the said State."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ARENTZ. Mr. Chairman, I wish to say that I am in sympathy with the proposal of the committee to suppress the sale of fraudulent stock, but I do not wish to bring the consummation of this matter about by stifling the promotion of legitimate enterprises for the development of the natural resources of our country. For instance, if the owner of a small property wishes to do development work or raise money on his property he must either have an agent or go himself to the several States of the United States, at a cost of approximately $1,000 for a permit in each State. The chairman of the committee has stated that it will cost approximately $100, but I doubt that figure. It will cost $1,000 or more, for the following reasons:

A man owning this property, wishing to register his stock, I may say, must either go there in person or have an agent go there. He must spend from two months to six months in bringing the matter before the proper commissions of the States, paying the expenses during this time, and in many cases a representative of the State must go to the property, make an investigation, and report back to the commission; and I leave it to you, gentlemen, if it will not cost more than $1,000 to do this. It would mean, then, that for the 39 States it would cost approximately $39,000 for a man who wishes to raise possibly $15,000 or $20,000 for the development of a small property to bring this property to the point where a sufficient amount of ore would be developed or a well would be carried down to a sufficient depth to justify a man of larger means or a corporation in taking up the property and carrying it on. When it reaches this point this man or this corporation could place it in the hands of a dealer in stocks. On page 10, line 17, the bill provides as follows:

(c) To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer.

He is exempted provided that such broker or dealer is actually buying and selling securities as a business. From actual experience I know that it is just such a dealer who could do this. I could mention several big dealers in New York and Boston and dozens of such men who have the money and have the means to start out with a tremendous big advertising propaganda and bring before the people of the several States their proposition, sell them unlimited shares of fraudulent stock in a property of little, if any, merit; but the small man of small means who has a meritorious property, needing but a few thousand dollars to put his property on a producing basis, would not do this.

There are many such properties in my State of Nevada, properties containing nearly if not all minerals and metals utilized in every human endeavor.

We neither invite or desire fraudulent operators to operate either within our State or to handle shares of stock representing an interest in a Nevada property.

We desire, yes we demand, the right to bring our natural resources to the attention of all the people of the several States. I believe in the man of small means, the owners of small property, and I want him to raise money for his company just as easy as the man of wealth can.

I ask permission to insert in my remarks several letters that I have on this subject.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following are the letters referred to:

BOSTON & ELY CONSOLIDATED MINING CO.,
Ely, Nev., April 17, 1922.

Mr. S. S. ARENTZ,
House of Representatives, Washington, D. C.

DEAR SIR: I note frequent references made to the Denison blue sky bill now before Congress.

* * * * * * *

Those engaged in mining will cooperate with any measure which will prevent the unlimited sale of worthless stocks, worthless from their inception; the companies frequently being organized to acquire leases or options of doubtful value and those connected with same having no intention of spending one dollar in developing the properties thus acquired. These schemes are formed to reap easy money from the innocent. There is another side of this story. Every big mining district started from nothing but surface indications. The prospector found the vein, and in many cases developed commercial ore by hard work and many privations. He is now at the end of his tether and must look somewhere for some one either to furnish capital to provide him with means, machinery, and supplies, or to buy him out. This capital in ninety-nine times out of one hundred is furnished by people of small means, accepting stock for the money furnished, showing him or her to be a partner in the enterprise, a transaction which is legitimate, practical, and businesslike. In other words, they are willing to take a chance. Should the property and its neighbors prove successful, a consolidation takes place, making possible the enormous mining enterprises to which public attention is then directed. Every prominent mining district in the United States will bear evidence to the above.

If it is a fair question, Whose labor, perseverance, and cash was instrumental in forming or finding the nucleus of the many enormous successful mining companies whose management and standing compare with the best business institutions?

Since it is a well-known fact that the big mining companies will not advance a dollar in such an enterprise as described above, and this being the foundation of all of our big mining districts, to whom must the prospector look for aid?

The big mining companies with a big cash reserve will purchase for cash developed mines on a basis of net values in sight (after the little fellow has taken all the risk). What mode of procedure does Mr. Denison suggest to advance a mining enterprise to the above stage excepting through the medium of a stock company?

After finding a man who is interested in mining, it is a rare case where one man will undertake to furnish, single-handed, the entire capital for a mining company.

Moreover, those engaged in the production of ore are the first to expose a mining fraud. They are the first to refuse cash or stock for the use of their names.

After 30 years' experience in mining in many parts of the world, my personal observations are that those who ostensibly mourn the public losses through the sale of stock will usually accept a position with or a commission from a company whose treasury was provided with cash from the sale of stock.

The hazards in mining are ample without having to combat measures which, in operation, would succeed in killing one of the cleanest of all industries—the production of mineral wealth.

Leave well enough alone. If protection of the public is what the Denison bill is aimed at, enforce the laws to be found in every State enacted for this purpose.

A law prohibiting or restricting the sale of stock in companies whose avowed intentions are clear and clean would very effectively terminate an industry which is the backbone of Nevada.

I have the honor to remain,

Respectfully yours,

S. HERBERT WILLIAMS.

NEW YORK, *April 19, 1922.*

Hon. SAMUEL S. ARENTS,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: Permit me to draw your attention to the Denison bill which has been reported favorably by the House Committee on Interstate and Foreign Commerce.

This bill was prepared and presented by a committee of the investment bankers of America, which of course means the investment dealers. None of the stock exchanges in the country were consulted, but the bill carries an exemption for organized exchanges as appears from subdivision 6 of section 4, to the effect that where transactions on an organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds and other exempted bonds are exempted from the provisions of the act. In this manner the New York Stock Exchange is exempted but the New York Curb Exchange, which has only been in operation 12 years, is shut out and so are nearly all of the other exchanges. We contend that a legitimate company, which has been carefully examined by an exchange and listed in accordance with the prescribed listing requirements of such exchange, and especially if such exchange has listing requirements which contain the provisions usually adopted by the various bureaus and commissions in the several States having blue sky laws, that such listing should make it possible for the brokers or promoters of any legitimate enterprise to offer their stock anywhere. If this law goes into effect I do not see how it would be possible for a legitimate Nevada enterprise, having its stock listed either in San Francisco or upon the New York Curb Exchange, which is the great primary market for new securities, to avoid rendering itself subject to the penalties of this legislation.

I do not see why trading in stocks or dealing in securities should become a matter to be regulated as interstate commerce, nor do I see how the Congress can properly pass legislation such as the Denison bill which undertakes to ratify all of the various blue sky laws of the several States now in effect or any other laws or legislation which may be passed in the future. This legislation, in attempting to do away with fraud in the sale of securities, makes no distinction as to the legitimate enterprises, and it seems to shut out all mining development and industrial enterprises except those enumerated.

I have no doubt you have already heard from some of our constituents, but I take the liberty of drawing the matter to your attention because of my great interest in the New York Curb Exchange, and particularly because of my large investments in the State of Nevada.

With kindest regards, I am,

Very truly yours,

FRANKLIN LEONARD, Jr.

[From the Silver State.]

THE DENISON PROPOSAL.

The Denison bill, now before Congress, appears to westerners familiar with the development of mines to parallel the thought of a man cutting off an entire leg to cure the aching of one small toe, for that is about what the Denison bill would do were it to become a law. In an effort to guard against the activities of fraudulent stock promoters, the authors of the Denison bill would likewise prevent sale of legitimate mining securities, even though the report they have succeeded in getting before Congress infers otherwise.

The principal objection against the Denison bill is that it would prohibit the activities of the man of small means in the development of mines. This in itself means practical abandonment of the mining industry, in this State at least, for it is well known that it is always the man with little or no capital who goes into the hills to prospect and find mines. It is only after he has done so that the man of means becomes interested. Certainly, wealthy men seldom, if ever, undertake prospecting trips. With incentive destroyed for the prospector, how are new mines to be found for development when those now being operated are stripped of valuable ores?

Only a very small proportion of mines are found with values in the "grass roots." The rest are developed by large expenditures of money, usually derived from the sale of stock. If a mining man should find what he believed will develop into a valuable mine, under the Denison bill he would have to comply with the laws of 42 States, or as many thereof as he desired to sell stock in. He would be liable under the law, and subject to fine of as much as $5,000 and imprisonment should he fail to so qualify his offering. He would also be liable if any of his literature should be distributed, or if a newspaper carrying his advertisement should go to a subscriber in such a State.

It has been estimated that an expenditure of $5,000 would be necessary to comply with the "blue-sky" laws of 42 States, to say nothing of the endless red tape involved. When it is realized that Colorado, Connecticut, Delaware, Nevada, Pennsylvania, and Washington are the only States without "blue-sky" laws and commissions, all with different sets of rules that must be complied with, and 42 sets of commissioners that must be interviewed personally or interminable correspondence carried on, then the magnitude of the task confronting the small mining operator before he can commence to sell his stock can be seen. Also, where one State will require a complete engineer's report, costing a large sum, another will require something else, equally expensive, to say nothing of the fees collected to maintain the different State "blue-sky" commissions.

The committee report on the Denison bill cites that section 4 provides exemptions from inconveniences created by the bill. It does, but only for securities issued by banks, railroads, etc., and those regularly listed on stock exchanges in cities of 500,000 population or over. During the Divide boom in this State worthless stocks were listed on exchanges, only because a showing was made that the treasuries of the companies contained sufficient money to meet "requirements." But what of the prospector who knows he has a good property but is struggling at all times to keep enough money coming in from the sale of stock to keep the mine operating until on a production basis? To put such requirements before him would be only to have him give up in despair.

People should be protected from fraudulent stock promotions, but knowing how mines are developed in this State, it is easy to see great damage will be done if the Denison bill becomes a law in its present form. It seems unjust to kill an industry as important to Nevada as mining is for the sake of protecting unwary investors. It also seems possible that the end desired can be accomplished in a less drastic manner and in a way that will permit the small mine operator to secure at least a hearing.

A better way would be to pass one Federal law incorporating all good "blue-sky" provisions, abolishing all State commissions having to do with stock sales. Then it would be necessary to comply with only one law and meet requirements of only one set of administrative officers, and the expense might thus be reduced so that ordinary men could develop mines as well as those richer in worldly goods.

Mr. DENISON. Mr. Chairman, the amendment proposed by the gentleman from Nevada [Mr. ARENTS] would nullify the entire act. The proposition he offers is that if a security is qualified for sale in any one State, it may thereby be qualified for sale in all the States. Of course, Congress can not adopt a proposition of that kind.

In the preparation of this bill that proposition was carefully considered. If that proposition were in the bill, then there may be some State that may have a very loose law, or a very loose official to administer the law, and all that any promoter would have to do in order to get absolute immunity all over the United States would be to go into that State and qualify his securities there. Then he would have immunity in all the States. Of course, I assume that after a moment's thought no Member of the House would seriously consider such a proposition as that.

Now, my friend from Nevada [Mr. ARENTS] a moment ago referred to a later exemption in the bill, which is included in the exempted transactions as distinguished from exempted securities. Later in the bill there are certain exempted transactions, and among them are the sales of stocks or securities to a banker or broker. That will be explained when we reach that provision in the bill, but for the present I will say that this legislation is not intended to protect bankers and brokers from fraudulent securities. Their business is to judge of the value of securities, and they are hardly ever imposed upon. What we are trying to do by this legislation is to protect the average man and woman who has not the ability to judge of the value of securities or the facilities for making an investigation to ascertain their value.

We are trying to protect the average citizen from the impositions of these crooked promoters, and therefore we have exempted sales to brokers who are engaged in the business of selling and buying securities, and have exempted sales to bankers and others who are in a position, by reason of the character of their business, to judge of the value of such things.

Mr. ARENTZ. Surely the gentleman does not mean to say that these dealers in stocks that he mentioned are in the least philanthropic.

Mr. DENISON. I think the gentleman misunderstands. We do not exempt sales by them. We exempt sales to them. Whenever they want to sell any securities they have to qualify them the same as anyone else.

Mr. ARENTZ. They can underwrite 500,000 or 1,000,000 shares of stock and sell them as they please.

Mr. WINSLOW. Oh, no; that is incorrect.

Mr. DENISON. If the gentleman will read the bill, I think he will find that he is mistaken.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the committee to the wording of this amendment. This is the exempted class that the gentleman from Nevada is suggesting:

(k) Any security issued by a corporation owning a property, business, or industry within the State of its incorporation, the issue and sale of said securities having been investigated and approved by the said State.

You will notice that it is any security issued by a corporation which owns any property. It does not need to be a security issued on that property, but if the corporation owns any property—a mule or an acre of land or anything else—and also issues some securities, those securities can go anywhere, irrespective of any law to the contrary. Certainly the House does not want any proposition like that.

Mr. ARENTZ. I have such respect for the gentleman from Illinois that I thought he might perfect the amendment if he saw any mistakes in it.

Mr. MACGREGOR. Mr. Chairman, I want to get some information on this bill. It seems to me we are going to a great length in supplying brains to the people of the country. This bill would seem to indicate that we have reached the height of our inventive genius and that there is nothing to be done in the future. It would appear to me that it would put chains upon progress. I do not suppose that the telegraph would be in existence to-day if this legislation had been in existence at the time of the development of the telegraph system, because the people at that time said that Samuel Morse was crazy. I do not suppose we would have had the automobile developed. I believe people said that Mr. Ford was crazy about his machine.

Mr. ANDREWS. He proved that in court.

Mr. MACGREGOR. So there are many things in this country which have come to be almost indispensable which were considered to be crazy ideas by the people of their time. They could not get any capital except by going out and putting stock on the market upon a highly speculative basis, convincing people that they had great possibilities and causing them to put their money in concerns which the general run of people would say were foolish.

Mr. HOCH. Will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Kansas.

Mr. HOCH. The great State of New York has a blue-sky law. Is the gentleman in sympathy with it?

Mr. MACGREGOR. I am not saying anything about whether I am in sympathy with it or not. I am simply talking about this bill. I want to see what ideas the committee have upon this subject, upon the question as to whether we have in this age reached the limit, whether there is nothing further to be accomplished, whether the inventors of the future are to be hampered in bringing into common use in this country things that will be of great benefit to the people.

That is the proposition I want to have elucidated. This seems to be paternalism going wild.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. ARENTS].

The question being taken, the amendment was rejected.

Mr. SUMMERS of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 9, after line 8, insert:

(k) Any security that is legally authorized to be sold or offered for sale within three or more States each having a duly enacted law or laws for the regulation of the sale or disposition of stocks, bonds, or securities therein.

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, this bill specifically exempts from its provisions certain classes of stocks and bonds, and then there is a general exemption of those stocks and bonds that may be listed on the stock exchanges of Chicago, New York, and Boston. Otherwise it becomes necessary in dealing in stocks and bonds through the United States mails for the company offering them for sale to go into the several States and qualify under the laws of those several States, we will say 40 separate States. This would be a long and expensive procedure, possibly costing as much as $1,000 to qualify in each of the 40 States. I am not wishing to weaken the provisions of this measure. In the main I am in full sympathy with the objects of the legislation, but I do not believe that we desire to say to anyone "you can not sell your stock unless you go to one of three cities in the United States and list your stock with that stock exchange." In other words, that is one way in which they could qualify. This amendment provides another way. They could go into three States that have duly enacted legislation for the regulation of the sale of stocks and bonds in those States and qualify in three separate States and thus qualify in all. While one State might enact very loose legislation or have an officer who was very lax in the performance of his duty, we can not reasonably suppose that all the States are going to do that. I believe this would be sufficiently restrictive in its operations if we provided that when they have qualified under the laws of three States then they should have access to the mails. It is one way of getting beyond the necessity of going into one of three cities in the United States now and forevermore, unless the law is amended, before they can operate through the mails.

Mr. RAMSEYER. Mr. Chairman, I wish to make a few observations in a general way. This bill is reported by the Committee on Interstate and Foreign Commerce, one of the greatest, most capable, and hard-working committees of the House. The rule prescribing the jurisdiction of this committee is as follows:

To commerce, life-saving service, and lighthouses, other than appropriations for life-saving service and lighthouses; to the Committee on Interstate and Foreign Commerce.

First, I wish to compliment this great committee in extending its jurisdiction from time to time, so that now it has jurisdiction of every conceivable sort of legislation. In this Congress I recall now four bills which this committee has had considered in the House but one of which had anything to do with interstate or foreign commerce. The first bill reported by this committee—and I wish to say handled it very ably—was the soldiers' legislation. This class of legislation even members of this committee admit has no relation to the purpose for which the committee was organized. Second was the baby bill. Think of it, gentlemen, the Interstate Commerce Committee reported the baby bill. [Laughter.]

The third bill the committee had considered was the railroad refunding bill, and that had some relation to interstate commerce. Now, then, you have another bill pending on the calendar, but not yet considered, regulating divorces in the Panama Canal Zone, also reported by the distinguished gentleman from Illinois, the author of the bill now under consideration. The committee has taken over the jurisdiction of babies, their prenatal and postnatal care, and now you undertake to tell people when and how they can become divorced.

The fourth bill to be considered from your committee and now before the House undertakes to regulate the mails. This bill has 99 per cent to do with the mails, and that provision as to "other agencies of interstate commerce" was put in there to bamboozle the parliamentary clerk in order that the Interstate and Foreign Commerce Committee might have jurisdiction of this legislation.

Now, I happen to be a member of the Committee on Post Offices and Post Roads. I did not know that this bill was pending before the Interstate and Foreign Commerce Committee until some time after the hearings were had. After I learned that this bill was to come up I sent for the hearings, consisting of two volumes. If I misstate anything I wish the members of the committee to correct me.

Now, as I stated before, this bill has 99 per cent to do with the mails—a bill that ought to have been considered and reported out by the Committee on Post Offices and Post Roads. You are undertaking to tell the people what securities can be marketed through the mails or what information can be sent out through the mails without first getting consent of the various States where the securities are to be marketed. Other agencies of interstate commerce are mentioned, but what other agencies of interstate commerce do you use to carry information to the people except the mails? It is almost exclusively a bill to regulate the mail. The hearings on this bill show that the Committee on Interstate and Foreign Commerce did not call before it any official of the Post Office Department, although the Post Office Department will have to administer the law. That department has been administering the fraud and lottery sections ever since they have been passed—30 or 40 years ago. They did not call before that committee anybody from the Treasury Department for assistance to write into the bill what securities should or should not be under the ban of the Federal Government. Although this is a bill intending to regulate interstate commerce, they did not have before it any member or any official of the Interstate Commerce Commission.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks to continue for five minutes more. Is there objection?

There was no objection.

Mr. RAMSEYER. The only persons that did appear before this committee on the provisions of this bill were the distinguished gentleman from Illinois, the author of the bill, Mr. DENISON, who is also a member of that committee, and certain representatives of the National Bankers' Association and Association of Investment Bankers and a few others along that

line. It appears in the hearings that the gentleman from Illinois spent several weeks in Chicago conferring with the bankers there. I do not know whether he conferred with the newspaper men there also, and because of such conference they succeeded in excluding newspapers from this bill. They prohibit letters, circulars, telephone messages, and telegraph messages, and everything of that sort except the newspapers. You can do all the advertising you want to in the newspapers, but you can not send the information by letter, circular, or pamphlet.

Now, coming to the bill as a whole: Although in general debate the gentleman from Illinois [Mr. DENISON] and the gentleman from Kentucky, the ranking Democratic member of the committee, repeatedly referred to the bill as preventing fraud, fraudulent schemes, or bogus schemes, you can read the bill as carefully as you please and you will not find the word "fraud" in it. If all you seek to do is to keep fraudulent schemes out of the mails, we have a statute covering that, passed on the statute books 30 or 40 years ago. If anything is fraudulent, under section 215 of the Criminal Code not only can the person be prosecuted for placing it in the mails but the Postmaster General has the power to deny the use of the mails to persons engaged in such schemes and prevent the delivery of any mail addressed to the company or person engaged in such fraudulent schemes.

He even has the power to prevent the payment of postal money orders to the concerns or persons or corporations or associations that have had the ban placed upon them by the Postmaster General. So this bill is not a bill to prevent fraud in the mails. It is not a bill to keep bogus schemes out of the mails. If this bill had been before the Committee on Post Offices and Post Roads, which is familiar with the Criminal Code, I doubt that it ever would have been reported out. Of course it is popular here. Gentlemen get up and mention blue sky, saying that they are against blue sky, and everybody is for the bill. A kind of mania seizes the House, just as when you have up some question involving in any way prohibition. The drys all vote one way and the wets all vote the other way, as soon as the word is passed along, without understanding what really is comprehended in the legislation at all. I wish the Interstate and Foreign Commerce Committee would limit its activities to subjects with which its members are familiar and over which it has jurisdiction. The people have been clamoring for the last year and a half for relief from high freight rates. [Applause.] You have not done a thing to relieve them, not a thing. The woolgrowers of the country, the farmers of the country, have been demanding legislation from this committee on the truth-in-fabric bill, and you are not doing a thing. Do you intend to do anything?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Chairman, I for one—and I say this not because of any hostility to the members of the Committee on Interstate and Foreign Commerce, because they are all my friends—I for one would like to have a little information from this committee why certain bills before it are not considered. There is a bill pending on the calendar here, reported by the Interstate and Foreign Commerce Committee, the author of which is Mr. SWEET, of my own State, a similar bill having passed the Senate, which if enacted into law will tend to decrease the valuation of railroads and thus decrease the freight rates. That bill is pending on the calendar and was placed on the calendar before this blue sky bill was placed there. I ask the gentlemen who compose that Committee on Interstate and Foreign Commerce—and they need not answer, because to answer might be embarrassing, but I give them the question to have them ponder over it—have you gone to the Committee on Rules and asked for a rule to consider the Sweet bill which is now pending on the calendar of the House? A similar bill has passed the Senate. It is upon the Speaker's desk. All you have to do is to get to the Committee on Rules and ask for a rule to consider that bill. You have other bills pending before your committee. The people have been writing to me about this truth-in-fabric bill. The National Association of Wool Growers has been sending me copies of letters from various members of the committee; the substance of those answers is, "We are so busy." Of course you are busy, but with what kind of business are you busy? You are busy with business that you have no business to consider under the rules of the House.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. ARENTZ. Regarding the truth-in-fabric bill, the objection I have heard to the passage of that bill is that it would take too much time and so many clerks to put the tags on the cloth. I wonder if this committee has ever considered the infinitesimally small amount of work required to do that as compared with what is required to put stamps on perfumes and toilet articles and things of that kind.

Mr. RAMSEYER. The question answers itself. Then this Interstate and Foreign Commerce Committee comes before you with a report and says that this bill has the approval of the Post Office Department, and cites you to a letter printed in the back part of the report. Read that letter carefully. The Post Office Department does not approve this legislation. The Post Office Department has never asked for this legislation, and has no intention of asking for it. The Post Office Department knows, as everyone knows who is familiar with the postal laws, that so far as preventing fraudulent and bogus schemes from going through the mail is concerned, we have now all the laws that we need, and almost daily the Post Office Department or the Postmaster General issues fraud orders or district attorneys around over the country are instructed to bring prosecutions against men who are conducting fraudulent schemes. What are you doing with this bill? You are not preventing frauds. You are simply permitting 48 States of the Union to engage in making postal regulations——

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Except as to about 50 exceptions which you have placed in the bill. You say to the States, we will let you make postal regulations except as to 50 different exceptions that are in the bill. I yield to the gentleman from California.

Mr. RAKER. Can the gentleman draw any distinction between the provisions of this bill, subsection (f), section 4, which gives to the New York Stock Exchange control, and the truth-in-fabric bill, where the New York Stock Exchange is against the matter? Is there something peculiar there?

Mr. RAMSEYER. I know there is something very peculiar. The woolgrowers, the farmers, the consumers of wool, are for this truth-in-fabric bill. Every honest manufacturer is for it. The only persons against the truth-in-fabric bill are the dishonest manufacturers of wool. You hear much about "a farm bloc," a "New England bloc," and other influential blocs. I want to suggest that there is "a ragpickers' bloc," with apparently tremendous influence, somewhere in the country that is preventing this truth-in-fabric bill from coming out, thus protecting the dishonest manufacturers of shoddy and robbing the people of hundreds of millions of dollars more than the blue-sky sharks ever dreamed of. I insist that this great committee should quit wasting its time with bills over which it has no jurisdiction and get busy and report out bills touching transportation and truth in fabric for the relief and protection of the people. [Applause.]

Mr. WINSLOW. Mr. Chairman, I move to strike out the last word. If it were not for the humor of the situation I would not take the time of the members of this committee to make reply to the remarks of an ill-advised speaker. When the gentleman arose and started off with his attack upon the Interstate and Foreign Commerce Committee, a member of the said committee sitting by my side and I in the same breath said, "Give him time and he will wind up with the truth-in-fabric bill." We knew what he was gunning for when he started to attack the work of the committee. It is not, of course, to be expected that, as chairman of the Committee on Interstate and Foreign Commerce, I shall go down the line and answer seriatim a lot of disjointed, disconnected suggestions that have been flippantly made by a man coming here with an ax to grind. The story about the reference of bills to our committee is not a matter of complaint against the committee. Bills are referred to us, and we are working people, soldiers, and we do our duty as it is meted out. That is why we have tackled this bill. It did not confer any great pleasure to the members of the committee to go fussing along with this blue sky law, which was urged upon us as much as by anybody else by many from the gentleman's own State. All the States in the Union which have blue sky legislation came to us and set forth their views. They had been through all this business of inquiry, they had been the ones who, in the first instance, had looked into the needs of these blue sky laws, and they were satisfied that they needed Federal aid. The bill was referred to us as an interstate commerce proposition. It may be—I do not know—that too many bills on various subjects have been referred to that committee, but I do know that the practice is that anything affecting commerce, interstate commerce, does go there, and until the House or somebody other than the members of the committee have said to the contrary, we are going to tackle those bills that come to us in regular order.

Mr. RAMSEYER. Will the gentleman yield?

Mr. WINSLOW. I gave the gentleman his time and let him go on, but I will yield.

Mr. RAMSEYER. I will extend the gentleman's time.

Mr. WINSLOW. Thank you.

Mr. RAMSEYER. I concede this bill came to the gentleman's committee without his asking for it, but the other bills have also come to his committee, and who determines the order in which they shall be considered and reported on the floor of the House?

Mr. WINSLOW. Automatically the committee.

Mr. RAMSEYER. And the committee reported out this bill instead of the transportation bill and the truth-in-fabric bill.

Mr. JONES of Pennsylvania. And it is not for a member of the Committee on the Post Office and Post Roads to determine.

Mr. WINSLOW. Not yet. Now, it will be a pleasant duty and opportunity to stand here and answer these various suggestions that have been made by my friend from Iowa. But, of course, you do not want to hear it, and for obvious reasons I do not want to indulge in it myself; but he has made a specific reference to a Veterans' Bureau bill bearing the name of a colleague of his from Iowa and wants to know why the committee has not tackled that. Why have not we tackled it? Because, in our judgment, we thought best to tackle the ones we have tackled and take care of them. If it were not, my friends, that the gentleman from Iowa [Mr. SWEET], whose name is on that bill, were a candidate for a high political office at the present time, and if it were not that any careless or flippant suggestion of mine in connection with that bill bearing his name might help his campaign or hurt it, I would answer the question. But as matters stand I do not propose to do so; but I do wish to submit, gentlemen, that there is no veterans' legislation which has been neglected. It is time for us to understand, and as long as I have the opportunity I will put it out now, that the mere stamp of veteran legislation on a printed paper does not by any means prove the merit of what is printed on that paper [applause] any more than it is a proof that the veterans themselves or the Veterans' Bureau or any considerable number of people believe in what that legislation may be intended to bring about.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINSLOW. May I have five minutes additional?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. WINSLOW. We come to the railroads——

Mr. MORGAN. Will the gentleman yield?

Mr. WINSLOW. Gladly.

Mr. MORGAN. I take it from the gentleman's statement that it is a measure of protection to the public of the country and in response to a public demand that this legislation be enacted into law. That is the gentleman's statement—that there is a public demand and a measure of protection.

Mr. WINSLOW. I did not mean to say that, and if I did I shall have to apologize and retract it; but I can tell the gentleman what I meant to say, and what I think I did say, was that it was at the behest of the commissioners of the various States, who represented the public of their States. Your committee would have been equally considerate of a request and behest of a larger per cent of the population of the country if they desired to protect the citizens of the United States through consideration of the truth in fabrics bill.

It is not germane, it does not bear on my undertaking to make a reply to the previous speaker; it does not bear upon this bill; but I will tell you what I will subscribe to. If the gentleman will give me any information, backed up by facts, that the great proportion of the people of this country care about the truth in fabrics bill as of primary legislative importance, I will join the gentleman in aiding to bring the bill before the committee for as early consideration as possible.

Mr. MORGAN. Mr. Chairman, I accept the proposition and will furnish the gentleman with the desired information.

Mr. WINSLOW. It will be thankfully received.

Now, gentlemen of the committee, I am making no defense of the Committee on Interstate and Foreign Commerce. I am making no cry in the way of praise or any other suggestion of adulation, but I do express the hope that you will not allow the appeal of a Member, whose head is sore—maybe because some pet of his has been ignored or who may feel a little yellow in spirit because some bill he wants taken up by his committee has been otherwise assigned—to affect your minds in considering the merits of the bill now before us.

We are here because we are designated by the Speaker to attend to this matter, and we want the bill to have its just due. We are not carried away with a notion that we will not live and survive if the bill is not carried. But the bill is here before you, and we want to have it considered on its merits. Let us take care of the gentleman's other worries when they may be brought up later in a regular and orderly manner.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Washington [Mr. SUMMERS]. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I desire to offer an amendment, on page 4, line 13, to strike out the words "shall be" and insert the word "is."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 4, line 13, strike out the words "shall be" and insert in lieu thereof the word "is."

Mr. DENISON. Mr. Chairman, I think that makes a proper correction, and I have no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I have another amendment which I wish to offer. On page 5, line 20, after the word "commission," insert the words "board or officer."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 5, line 20, after the word "commission," insert the words "board or officer."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the provisions of this act shall not apply when such security is transported in connection with, or when such letter, message, postal card, circular, or pamphlet relates exclusively to securities sold or offered for sale, subscription, or delivery in, any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's, or conservator's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy, or at a public sale by auction held at an advertised time and place.

(b) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery, in the ordinary course of business, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

(c) In an isolated transaction in which any security is sold, offered for sale, subscription, or delivery, by the owner thereof, or by his representative for the owner's account, such sale or offer for sale, subscription, or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation of capital stock, bonds, or other securities to its stockholders or other security holders as stock dividend or other distribution out of earnings or surplus; or the issue of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors; or the issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders.

(e) To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer: *Provided*, That such broker or dealer is actually engaged in buying and selling securities as a business.

(f) The transfer or exchange by or on account of one corporation to another corporation of their own securities in connection with a proposed consolidation or merger of such corporations.

Mr. ROACH. Mr. Chairman, I offer the following amendment. On page 9, line 22, strike out all of subsection (c) of section 5.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROACH: Page 9, line 22, strike out all of subsection (c).

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, I am inclined to believe that this legislation is desirable and good legislation. I believe the adoption of this amendment would make it even better than it is now proposed. I appreciate the fact that perhaps there are isolated cases which probably should not come within the general purview of this law. Upon the other hand, I want to call the attention of the committee to the fact that unless we do adopt this amendment we are enacting legislation here that will excuse the violation of this law in many, many instances over the country unless violation of the law is repeated from time to time or is a series of violations of the law. Now, there is a question in my mind

whether we should enact legislation of this character or not. It will be recalled when this bill was up under general debate the gentleman from Illinois [Mr. DENISON], in answer to an interrogation by myself, practically admitted that in these isolated cases, such as, for example, where a citizen of one State had been imposed upon by having had sold to him or her, as the case may be, a block of fraudulent stock, that there was nothing in this law as it is written that would prevent that person thus imposed upon from passing that fraudulent stock on to a citizen of some other State.

If this amendment is adopted, such a situation as that will not be allowed or permitted under the law as it will then be written. While the adoption of this amendment may, as I have said, work a hardship in some few instances, I believe that the administrative officers charged with the duty of the execution of this law can be depended on to exercise good judgment in those cases rather than to permit what to my mind would be a fatal omission in this law by leaving the bill in its present form, which permits a violation of this law in isolated instances.

Take it in my own State, and we have a "blue-sky" law there which prevents and declares fraudulent an offense against our law to deal in and sell certain fraudulent stocks. Now, this law is intended as an aid to that law, by saying to the citizens of other States that you can not transmit any mail to the citizens of Missouri that contains fraudulent stock, or attempt to sell them fraudulent stock by mail. This law now under consideration says that unless they commit a series of offenses of that kind, that unless that transaction upon our part is a repeated transaction, they are not guilty of a violation of any law at all. I do not like that provision of this bill a little bit, because of all the numerous instances in which State laws were violated, when the $500,000 worth of fraudulent and spurious stock was sold over this country, which has been referred to, I have no doubt that in many of those cases they were such as would be termed "isolated cases" within the meaning of this law. In other words, some of the most grossly fraudulent transactions that I ever heard of in my life were what we would call "isolated cases" under the meaning of this law. For instance, I have in mind one particular instance in which fraudulent stock was sold through the mails to an old widow over in Missouri, sold to her by a citizen of an eastern State, and transmitted through the mails, by which she was defrauded out of her property. And that sort of a transaction would not come within the provisions of this law. Surely in the wisdom of Congress some means can be found by which a situation of that kind can be corrected in this bill. I believe the adoption of my amendment will correct just exactly that sort of a situation.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment, and, in doing so, I want to read this statement to the gentleman from a high official of the State of Missouri, the State of which my friend has just spoken. I want to read a paragraph from a letter I received from the securities commissioner, charged with the administration of the "blue-sky" law of the State of Missouri, in reference to this bill. He has considered it with all of its provisions, and he says among other things:

With reference to the actual BILL under discussion, it is my opinion that it is admirably constructed and plainly shows that it is the work and fruitful labor of the mature and reflective effort of sincere public officials and patriotic business and financial experts.

That is the view taken by the gentleman who has charge of the enforcement and administration of the "blue-sky" law of the State of Missouri.

Now, with reference to the proposed amendment——

Mr. RAMSEYER. Will the gentleman yield there for a question?

Mr. DENISON. I am sorry I can not, I will say to the gentleman from Iowa. I have not the time.

Mr. RAMSEYER. What is the date of that letter?

Mr. DENISON. It is dated March 20, 1922.

Mr. ROACH. Allow me to inquire of the gentleman if the chairman of the commission in Missouri had anything to say in reference to this particular section I am seeking to strike out of this BILL?

Mr. DENISON. He did not discuss that particular provision. He had the whole bill before him.

Mr. ROACH. Was that particular provision discussed with the gentleman?

Mr. DENISON. I have not seen him at all. I read from his letter, which was written after he had seen a copy of the bill—the bill which is now pending before the House.

Now, in the provisions of this law we do not want to inflict any injustice or injury upon any individuals. Frequently men have securities of their own—that is, they own them themselves—and want to sell them or offer them for sale to some one in another State. This exemption——

Mr. ROACH. Mr. Chairman, will the gentleman yield right there?

Mr. DENISON. In a moment. This exemption exempts isolated transactions, where the owner of a security himself wants to sell it or offers it for sale. Surely that is a proper exemption in a bill of this kind, because the purpose of this legislation is to prevent the flotation of fraudulent stocks or other securities that are placed out in series through the United States mails to the different States. You must exempt such isolated individual transaction where a person wants to dispose of a security which he himself owns.

Mr. ROACH. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. ROACH. Does not the gentleman admit that if he is the owner of a block of stock that by the laws of the State of Missouri has been declared to be fraudulent it would be an offense against the State laws to sell it in that State, and that the owner of such fraudulent stock should not be allowed to go into the State, by mail or otherwise, and sell that stock?

Mr. DENISON. Occasionally fraudulent stock may be sold in that way.

Mr. ROACH. Why does the gentleman say if a man has a block of fraudulent stock he is to be permitted to pass it on to some other person in a State where the sale of that stock is fraudulent?

Mr. DENISON. While there might be one individual here and there who will sell some security under this individual exemption, if you leave it out there might be thousands of individuals who would want to sell legitimate securities within the State who would be prevented from doing it.

Mr. ROACH. They are the real harmful cases to the interests of the people of this country, those cases of selling isolated shares of stock. That is the trouble.

Mr. DENISON. Individuals who happen to own a security of that kind can not afford to go and should not be required to go before the State commission of any other State and qualify their security.

Mr. ROACH. If it is a fraudulent stock, the owner ought not to be allowed to sell it at all to anybody. He ought to be obliged to keep it himself.

Mr. DENISON. This exempts only isolated transactions, and I think will not result in any serious public harm.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so for the purpose of asking the gentleman from Illinois [Mr. DENISON] a question. What does paragraph (e), on page 10, mean? The section starts off by saying that "the provisions of this act shall not apply in any of the following transactions: "(e) To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer."

I can not quite see the connection between the first paragraph of this section and paragraph (e). That is not a transaction. All these other paragraphs relate to some transaction. The subparagraph relates to an instrumentality of business.

Mr. DENISON. I will read the connection. Section 5 reads as follows:

That the provision of this act shall not apply when such security is transported in connection with, or when such letter, message, postal card, circular, or pamphlet relates exclusively to securities sold or offered for sale, subscription, or delivery in any of the following transactions: * * * (e) To any bank.

"Delivery * * * to any bank."

Mr. WALSH. "Delivery in * * * to any bank"?

Mr. DENISON. "Sale to any bank."

Mr. WALSH. That is not what it says or what it means.

Mr. DENISON. I have read it: "Transported in connection with"——

Mr. WALSH. It says, "Any of the following transactions." Paragraph (e) does not relate to any transaction whatever.

Mr. DENISON. Does the gentleman know of any language that would make it more clear?

Mr. MERRITT. If you will change it to the word "with," you would make it clear.

Mr. WALSH. As the gentleman from Connecticut says, if the first word in subdivision (e) is changed to "with," it would be clear; or it would be clear if you would insert the language there "for sale, subscription, or delivery by or to any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer." I submit to the gentleman for careful consideration the fact that this language

as it is now worded does not make an exception at all, as it seems to me.

Mr. DENISON. The meaning and intention is to exempt, among other transactions, a sale that is made to a bank or savings institution or a trust company or any broker or dealer who is engaged in that business. That is the intention, to exempt transactions of that kind, and I think it would clearly be interpreted as meaning that.

Mr. WALSH. I think it would be interpreted to mean nothing, and it might be one of the most important transactions that you wish to have exempted.

Mr. DENISON. I will state to the gentleman from Massachusetts that if it should be found that that does not carry out the meaning, I shall try and have it corrected later on.

Mr. WALSH. I trust the gentleman will examine this a little more carefully before we complete the bill, and if he finds it needs correcting he will ask leave to return to it.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ROACH].

Mr. GRAHAM of Illinois. Mr. Chairman, may we have it read again?

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 10, line 18, after the word "company," strike out the remaining part of line 18 and all of lines 19 and 20.

Mr. JONES of Texas. Mr. Chairman, this paragraph, in the way in which it is worded, if modified as the gentleman from Massachusetts has suggested, and I think even as it is worded now, would authorize any of these sales of any securities, no matter how fraudulent, to be made to any corporation, or to any broker or to any dealer. They could send out their literature or stock to such agencies, without limit and no matter where located. In other words, no matter how fraudulent a transaction might be, if the corporation or its agents were wise enough to find some local dealer, some local corporation, or some local broker to whom they could sell the securities, the transaction would be perfectly legitimate up to that point. Now, it seems to me that would be allowing the fraudulent companies floating these securities to take the first step toward getting them diffused among the people. Why do you want to authorize a company that is trying to float a fraudulent transaction to send out its securities into every State in the Union and put them into the hands of brokers, dealers, and other people?

Mr. DENISON. Will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Illinois.

Mr. DENISON. If they send them to a broker, the broker himself can not resell them without complying with the State law, and so the public is protected. We are not trying to protect brokers in this bill. We are trying to protect individuals.

Mr. JONES of Texas. Why permit them to be sent, even to brokers? What is the purpose in that? If it is a fraudulent security, why do you want to send it down to where some local people may have confidence in the local broker and buy it from him? Why not stop it at the fountain source? If it is a fraudulent concern that is trying to put out fraudulent stock, why do you say, "It is all right if you can find some gullible little broker in some little community upon whom you can unload that stock and who, in turn, in accordance with your privilege given in a previous section—that isolated transactions shall be exempt—can at least find some one sucker to whom he may sell a big block of these securities if he happens to have the money." Why extend such courtesies to a fraudulent concern?

Mr. DENISON. If the gentleman will permit me to interrupt him, if the broker should do that he would be violating the State law, and would thereby get himself into trouble.

Mr. JONES of Texas. He might go over into another State and do it.

Mr. DENISON. Oh, no.

Mr. JONES of Texas. He could by sending a post card or by sending information and not going himself.

Mr. DENISON. He could not do it under this act.

Mr. JONES of Texas. Let me give you an illustration where he could. Suppose a New York concern should issue a million dollars' worth of fraudulent securities. They send $100,000 of them out into Iowa and sell them to a broker there. This broker sends out a letter or a post card to some one in Missouri and induces that man to buy one issue of that stock. That is an isolated transaction under the definition of this very paragraph, and he could not be held as a violator of the national law, and he could not be held in Missouri because he is not in Missouri. So why allow this exemption? I do not see any good purpose that can be achieved or accomplished by saying to a man or a set of men who are trying to put over a scheme to defraud people, "It is all right; we will authorize and license you to send your securities to the local dealer and get them out over the country, where they will be more accessible to the people." Why throw the veil of respectability over the first step in a scheme to defraud?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. JONES of Texas. I think this is an important proposition, for the reason that there are going to be some violations of this law, as there are of all laws. Now, there is much less likelihood of a violation of the law if the man who is trying to float fraudulent securities is forbidden to move them to any agency of any State that has outlawed them, if he is forbidden to send post cards, messages, or circular letters anywhere, to any broker, to any dealer, or to anyone else whose sole purpose in securing them would be to unload them onto somebody else. So, why permit them to send them there? Surely, if a man is going to violate the law, he can much more easily escape by scattering these securities broadcast in the hands of brokers who may or may not be in collusion with him; or who may or may not be intending to defraud, but who would have the securities in their hands, where they would be next door to the man to whom they would like to sell them. I do not see any purpose that can be accomplished by this provision of the bill, and I do not see why the chairman or any member of the committee should be wedded to a provision that can have no sensible purpose and that will permit at least one step in the carrying out of a fraudulent transaction.

To permit a concern to send securities, known to be fraudulent, to any bank, broker, dealer, or commission man in any or all States of the Union will permit the man who intends to violate this law a measure of protection until he can get all his machinery organized and ready to swoop down on the unsuspecting.

Mr. DENISON. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. DENISON. If my friend from Texas will examine the different State laws, he will find that nearly every one of them has this same provision, and in conference with the various administrative officers of the different States they have all recommended that this provision ought to be in the bill; that we ought to exempt sales to persons of these classes, because we are not trying to protect them. We are trying to protect the men who need protection. The men in this business are never defrauded, and we do not want to apply the law to them if they are not defrauded.

Mr. JONES of Texas. I have known them to be defrauded, and I will state to the gentleman that if we can not improve a little on the State laws we are not making much progress in national legislation. Further, there might be some excuse for exempting them within the State where all the transactions will be subject to State laws; but here is a law that is going to permit them to go over into another State, where no State will have charge of them. When they send post cards or communications into another State, the State from which they are sent of course would not have jurisdiction of them, and the State to which they are sent would not have jurisdiction, and, therefore, regardless of any provision of any State law, the transaction would be legitimate in so far as sending to the broker is concerned; whereas in the States they have complete control of the transaction, so that an entirely different principle would apply. I can see no reason why this amendment should not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JONES].

The question being taken, on a division (demanded by Mr. JONES of Texas) there were—ayes 18, noes 35.

Accordingly the amendment was rejected.

Mr. HOCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 17, before the word "to" insert the words "the sale, transfer, or delivery."

Mr. HOCH. Mr. Chairman, this is simply to take care of the suggestion of the gentleman from Massachusetts.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That any person violating any of the provisions of this act shall, on conviction thereof, be punished by a fine of not more than $2,000 or by imprisonment for not more than two years, or by both such fine and imprisonment; and for any subsequent offense shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or by both such fine and imprisonment.

Mr. LONDON. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman whether the penalty in this bill is in addition to the penalty imposed by the various State laws?

Mr. DENISON. There is no penalty under the State law for violation of this law.

Mr. LONDON. This is intended to supplement the State law, and a person violating the State law is subject to punishment.

Mr. DENISON. A person can be punished by the State for a violation of the State law, but this bill is to punish men for violating the law from outside of the State.

Mr. LONDON. Very well. Now, is the gentleman clear about the question I asked him before, whether mailing a letter within a State constitutes a violation of law?

Mr. DENISON. No; it does not.

Mr. LONDON. Is it not the use of an agency of the mail?

Mr. DENISON. Yes.

Mr. LONDON. Section 3 of this bill provides that it shall be unlawful for any person to deposit in or cause to be deposited in the mail any letter, postal card, and so forth. Is not the very depositing of the letter in a post-office box a violation of this law?

Mr. DENISON. Not at all, because if the gentleman will read the latter part of the section it says "when in either case such letter, message, postal card," and so forth, "is addressed, sent, directed, or consigned to any person at any place in any other State," and so forth.

Mr. LONDON. It is all one sentence.

Mr. DENISON. Yes; all to be read together. This bill only applies to transactions through the mail when a person in one State sends his communication to a person in another State. It does not apply to transactions within the State—the theory being that that is a transaction the State ought to handle, with which the Federal Government should not concern itself.

Mr. LONDON. What is the usual penalty provided by the State?

Mr. DENISON. They vary. I think the State of Massachusetts has a very high fine for a violation of the law of that State. In some other States the penalty is less. We have placed this penalty at a point that we thought would be severe enough to inspire a sound respect for its provisions.

The pro forma amendment was withdrawn.

Mr. McPHERSON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Illinois a question. As I understand, it would be a crime to sell these securities in Oklahoma, say, if they had a law against it.

Mr. DENISON. Yes; if the securities had not been qualified under that law.

Mr. McPHERSON. In Kansas, if there was no law, there would be no crime?

Mr. DENISON. There would be no crime.

Mr. McPHERSON. Does the committee believe and did you investigate the question as to whether or not Congress may make it a crime in one State when the same act committed in another State would be an innocent act?

Mr. DENISON. We do not do that. This bill is based on the theory that the States have and ought to have a right to protect their own citizens in such a way as they think best against the sale of fraudulent securities, and the Federal Government ought to go this far and not permit the use of its agencies to violate the State laws. Now, if a State does not care to protect its own citizens against that class of fraud, the Federal Government will not take upon itself the duty to protect the citizens of that State.

Mr. McPHERSON. I do not think the gentleman quite understood my question. This situation exists: In the transmission of a letter the same stock might be sent in one case, and even though the stock referred to was fraudulent, it would be no offense because there was no local law forbidding it, while in another case if sent in another direction into interstate commerce, the very same letter would be a crime.

Mr. DENISON. Exactly; because in one case it is unlawful and in the other it is not.

Mr. McPHERSON. In other words, the nonexistence or existence of the local law makes it a crime?

Mr. DENISON. Yes; a good instance of such legislation is the Webb-Kenyon law.

Mr. McPHERSON. There was a clear prohibition in that case because of the eighteenth amendment.

Mr. DENISON. Then there is the treaty game law by which we made it unlawful to cause to be transmitted through the agencies of interstate commerce any part of the wild game which had been killed in any State contrary to the law of that State. If it was not killed unlawfully it would not be unlawful to transmit it through interstate commerce. We have followed this precedent in a number of instances. There is nothing novel about this bill or about the theory of it.

Mr. LONDON. Mr. Chairman, will the gentleman from Illinois yield?

Mr. DENISON. Yes; if I have the floor.

Mr. LONDON. This presupposes the knowledge by every citizen of the laws of every State.

Mr. DENISON. It presupposes a knowledge of this law, and when the citizen reads this law and sees that he can not use the United States agencies to send an unlawful stock into another State for sale he will inquire what the law of that State is.

Mr. LONDON. Before he determines whether he can send any particular stock into a State he will have to inquire what the law of that State is.

Mr. DENISON. Exactly; and that is true in the case of putting wild game on the trains to send it from one State to another. It would not be true, of course, in the case of any stock exempted under the provisions of the bill.

Mr. LONDON. I thought the only persons who are charged with the knowledge of all of the laws, as I understand it, are the members of the Supreme Court of the United States.

Mr. DENISON. Well, we must all take notice of the laws of any States in which we wish to do business.

The Clerk read as follows:

SEC. 7. That every sale or contract for sale of any security or securities made or in any manner directly induced by or through any of the acts made unlawful by sections 2 or 3 of this act shall be void at the election of the purchaser; and the person making such sale or contract for sale, and every solicitor, agent, or broker of or for such seller who shall have knowingly performed any act which directly contributed to bring about such sale or contract for sale, and every person who shall have knowingly participated in the benefits or proceeds of such sale or contract for sale, shall be jointly and severally liable to such purchaser, upon tender to the seller or in court of the securities sold or of the contract made, for the full amount paid by such purchaser, together with all taxable court costs and reasonable attorneys' fees in any action brought under this section. Suit to recover such amount may be brought in any State court of competent jurisdiction or any district court of the United States in the district in which the defendants, or either of them, reside or are found, without respect to the amount in controversy: *Provided*, That such suit must be brought within two years from the date of such sale or contract for sale.

Mr. WALSH. Mr. Chairman, I move to strike out, in line 11, page 11, the words "at the election of the purchaser," after the word "void."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 11, line 11, after the word "void," strike out the words "at the election of the purchaser."

Mr. WALSH. Mr. Chairman, this section, in my judgment, from what consideration I have been able to give the bill, is the most doubtful one from the viewpoint of expediency and also from the legal standpoint that there is in the measure. We have provided a punishment for persons utilizing the mail or presumably the telegraph or other instrumentalities of interstate commerce in the sale or disposition of fraudulent stocks or securities. I suppose that this section is in the nature of additional punishment, because it is provided that the sale or contract of sale which was made under the laws of some State shall be void, and it is left to the purchaser to say whether or not it shall be void. I presume the reason for that is that if a man made money out of the transaction he will not want the contract to be void, even though he broke the law in the transaction by using the mails or other instrumentalities of interstate commerce. I do not think we ought to enact a law and then say to the beneficiaries of an illegal act, "If you say so, this contract can stand and be all right," but that the man who employed the instrumentality can be proceeded against and punished by a fine or imprisonment. If the man made some money out of it, it is provided that he may keep his profit and the contract may be all right, and then that the law will take care of the man on the criminal side of the court who violated the law; whereas if the man lost money it is provided that you will punish him for making use of the mails or other instrumentality of interstate commerce, and you will also say because he lost money the contract is void, and the man can

go into the civil side of the United States courts under the provisions of the contract made under the laws of the State.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HOCH. If the gentleman's amendment should prevail, would it not require the purchaser in every case to investigate to ascertain whether the seller had complied with the law?

Mr. WALSH. Since Congress has undertaken this vast program of legislating for the individual and going into fields of legislation that ought to be occupied solely by the States, we seem to have abrogated the maxim, "Let the buyer beware"; and some of these people who are fools enough to buy sections of blue sky ought not to be encouraged by Congress to lay aside all caution, all prudence, simply because we are going to deny the use of the United States mails to them, and the people who are seeking to sell blue sky to them or acres of the ocean.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. DENISON. We are not trying to encourage them to do that, but rather to discourage the other man from selling it to them.

Mr. WALSH. How are you going to discourage them if you are going to let the purchaser who makes any money out of the transaction say that the contract will stand? It will just encourage them to keep on and enter into another contract with the hope of making some money. The only time it will be abrogated or voided is when some of these people lose money, as, of course, they always do when they buy a section of blue sky.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. If the gentleman will yield for another question, of course the gentleman from Massachusetts understands that after all the evil that we are trying to get at is the evil of selling fraudulent stock. If a man gets hold of a stock and it is a profitable investment, he has not been defrauded in any sense, even though technically he may have violated the law.

Mr. VOLSTEAD. Mr. Chairman, may I suggest that this bill covers a lot of transactions that are not fraudulent at all. The ordinary State laws simply require the filing of certain information. Suppose a person fails to file that information properly, and a sale is made innocently, this would allow the purchaser to bring a suit to recover back the purchase price at his option at any time within two years, though the sale was free from fraud or any intentional wrongdoing.

Mr. WALSH. But the gentleman must remember that the sale or contract must be for securities made or in any manner directly induced by or through any of the acts made unlawful by sections 2 or 3 of this act.

Mr. VOLSTEAD. But it is true that this bill makes every act unlawful that is denominated as such by the State law, and a very large number of those acts may be innocent.

Mr. WALSH. This does not apply.

Mr. VOLSTEAD. Oh, surely.

Mr. WALSH. This says "by or through any of the acts made unlawful by sections 2 or 3 of this act."

Mr. VOLSTEAD. Sections 2 and 3 make those acts unlawful because this particular bill adopts the statutes of the States, and in a large number of cases the acts denominated as unlawful by such statutes are innocent of any fraud.

Mr. WALSH. The gentleman is correct. I misunderstood the application he was making. I would like to ask the gentleman from Illinois another question. Having penalized a person who enters into a contract for using the mail in the confirmation of his scheme or plan or contract, which was made under the law of a State, what jurisdiction has Congress then to come in and say that under an act of Congress that contract is void?

Mr. DENISON. Well, I will answer the gentleman. Now, if my friend will read the Clayton Antitrust Act, which covers similar transactions in interstate commerce, he will see it provides that if any person suffered a loss, damage, or injury by reason of the acts forbidden, the person who so suffered loss may recover in a civil suit treble damages, and in preparing this provision we considered similar provisions in a number of Federal acts prohibiting interstate transactions——

Mr. WALSH. The gentleman will remember the Clayton Antitrust Act was a Federal statute that forbids certain transactions by law of the United States. Now, they go in and make a contract under the law of a State and the Federal Congress says that law shall be void if the purchaser or buyer wishes to say so. What authority has Congress to say that in case of a contract made under the law of a State, even though the mail is used in the consummation of that contract and punishment is meted out for the use of those mails, you can go further and say the contract is void? Where do you get jurisdiction over a contract which may in all other respects have complied with the State laws except the use of the United States mails in sending circulars or soliciting for subscriptions for stock?

Mr. DENISON. I want to state this to the gentleman: That the phraseology, if properly interpreted, means that the contract is voidable; that it is void at the option or election of the purchaser. It means it is a voidable contract, but not void absolutely. It is a voidable contract in favor of the purchaser only, and it says that if a person enters into a contract which is brought about or in any manner induced by an act that is prohibited by this law, that it is voidable at the election of the purchaser who has been defrauded.

Mr. WALSH. Now, why should the purchaser be given an election? If they violate the law, if they use interstate commerce instrumentalities in bringing about the negotiations and enter into this contract, why should it be at his election? Why should they be permitted to enter into a contract and the beneficiaries if they benefit say, "No; the contract is all right," and nobody can force him to declare it void, whereas if he suffers monetary loss he can thenacome in say, "No; I will say this contract is void"?

Mr. DENISON. If the gentleman will pause to think for just a moment, he will see that this provision is put in for the benefit of the purchaser only. Subsequent purchasers can not declare it void.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I will ask for three minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Certainly he would not want the man who committed the wrong to have the privilege of declaring it void. We do not want to give that privilege to the wrongdoer, the man who brought about the contract wrongfully, we do not want to give the privilege to him, but we simply extend the privilege to the man who is first imposed on. Then, if he sells the security to a third person, the third person can not recover from the original seller.

Mr. WALSH. And if he has not been imposed upon, just punish the fellow, fine him, and the man will keep the profits; is that the idea?

Mr. DENISON. Well, we are trying to make the law so plain and the penalties so heavy that no one will violate it. Men will not ordinarily violate a law if they know they can not profit by doing so.

Mr. GRAHAM of Illinois. If the gentleman will just yield for this suggestion, I think I can think of a case where it would appear important to have the right of election in the purchaser. Of course, I understand what is in the mind of the gentleman that in this sort of a transaction you may permit a man to take advantage of this sort of thing and thus encourage the violation of the law. But suppose the purchaser innocently spends the money, buys some of this stock, and his money is gone; all chance of recovery is gone, because the seller is outside of the jurisdiction, and then all the purchaser has left is this stock, which by this law is declared void and therefore worthless. He has not only lost his money, but he has lost his stock. Ought there not be some chance to make a recovery of some part of it? In other words, a man who is defrauded ought to have the right to get whole on the transaction, ought he not?

Mr. WALSH. Then the gentleman takes the position that if a man sells stock which at the time of the sale or transaction is subject to the provisions of this act, and the man loses all his money, he should be permitted to wait and see whether this stock may rise in price and whether he may eventually profit in the transaction; and, if so, then he can dispose of all the stock and put the profits in his pocket, or, if not, that he can declare the contract void and sue for the recovery of his money?

Mr. GRAHAM of Illinois. Now, take the ordinary case of fraud. A man is defrauded. A contract in the civil courts is only declared fraudulent or voidable at the request of the person who is defrauded. Ought it not to be the rule in this law?

Mr. WALSH. It would be the rule if my amendment was adopted.

Mr. GRAHAM of Illinois. That would in itself, as a matter of law, make it void and not voidable.

Mr. WALSH. And he could recover.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Massachusetts [Mr. WALSH].

Mr. VOLSTEAD. Mr. Chairman, I would like to call the committee's attention to this situation: The "blue-sky" laws in the States require that certain things shall be done; usually the filing of certain information with a certain officer. If a person in describing the securities that he expects to put upon the market fails to comply with those requirements, he is punished by the State statutes.

Mr. DENISON. I will state to the gentleman that it is the selling of stock without having first complied with the laws.

Mr. VOLSTEAD. The failure to file those particular statements constitutes for all practical purposes the offense. If you sell anything without having filed these statements with the proper officer, you are guilty. Look at the situation: Here is a man in New York who sends to the State of Minnesota some security to be sold there; that stock has not been properly listed in Minnesota; that is, they have not filed the particular descriptions of that stock. There may not be a fraud in fact. A man may send it from New York to Minnesota and sells it in the utmost good faith and receives every dollar that it is worth. That thing may reoccur in a thousand instances. It runs along for a year, and the fellow who bought finds that that stock has depreciated in value. Under this section you give him an absolute right to bring a suit to recover the whole purchase price. It does not depend on actual fraud, because those statutes do not require that there shall be any fraud. It simply requires that there shall be certain facts filed in the State in the office of some commissioner or some officer—facts that the commissioner deems sufficient to show that the securities are bona fide.

Mr. DENISON. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. DENISON. The officials of your State consider it a fraud for a man to undertake to sell stock in that State without complying with the law.

Mr. VOLSTEAD. I do not care what they consider it. I am telling you what the actual facts are under these statutes. You can not make it a fraud by calling it a fraud if it is not a fraud. I am perfectly willing you should draw a statute punishing fraud and give a right to recover in those cases where fraud or misrepresentation induced the purchase, but it seems to me utterly ridiculous to make a person liable for damages where there is in fact no damage, and to give to the purchaser an option to repudiate the contract and punish him, though he may perhaps have been the one who perpetrated a fraud.

Mr. DENISON. Let me remind the gentleman from Minnesota that his own State law gives the man to whom the stock has been sold, under the "blue sky" law of that State, the right to sue and recover his money. Not only that, but nearly every other State that has a "blue sky" law has the same provision. The gentleman has hit upon the very purpose of this provision. It is a deterrent to stop dishonest promoters.

Mr. VOLSTEAD. I have had occasion to examine a great many of those State laws, because, as I said, we had a hearing before the Judiciary Committee on a similar bill, and I know that a great many failures to comply with certain provisions of State statutes are only punished with slight fines.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from Massachusetts [Mr. WALSH].

Mr. TOWNER. Mr. Chairman, I ask for recognition in opposition to the pro forma amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. Chairman, it seems to me that we are misapprehending the question. We are not punishing fraud by this bill. We are punishing a man who does an unlawful thing. Now, that is the reason, the essence and the gist of this proposition. The statement made by the gentleman from Minnesota [Mr. VOLSTEAD] is based upon the idea that we are trying to correct and punish a fraud. But that is not what we are trying to do.

Mr. Chairman, it seems to me that this ought to be clear, that this bill only declares as unlawful and imposes a penalty upon that which a State has declared unlawful. Under this bill a man may do an unlawful thing by even sending, without selling, fraudulent securities of any sort. But if he does sell it, and if the man is fraudulently induced to purchase that which is declared by law to be a worthless thing outlawed by the prohibition and penalties of the law, the victim ought not to be required to wait to see whether it is worth anything or not. The very fact that it is unlawful is sufficient, or ought to be sufficient, for him to have accrue to him immediately the right of recovery. If somebody has sold to him a piece of paper which is unlawful under the law in the State where the purchaser resided, that man then at that time ought to have the right to repudiate it and to bring suit, if necessary, against the man who unlawfully sold him something prohibited by the law. And so it seems to me, that being the case, it answers sufficiently the argument suggested by the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Minnesota [Mr. VOLSTEAD].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. VOLSTEAD and Mr. BARBOUR rose.

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. VOLSTEAD. I want to offer an amendment, on page 12, lines 1 and 2.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. VOLSTEAD. Strike out the words "without respect to the amount in controversy."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 12, line 1, strike out "without respect to the amount in controversy."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. VOLSTEAD. Mr. Chairman, this is a new departure from anything that I know of anywhere in Federal legislation. From the very beginning of this Government we limited the amount that a Federal court could take jurisdiction of. The very first law we passed provided that the amount in controversy must be at least $500. Under existing law it is necessary before a person can go into the Federal court that the amount shall be $3,000. Now, you propose to give to these parties a right to bring an action for, say, $100 in a Federal court.

I think we are all aware that the Federal courts are pretty well congested. It does not seem to be advisable to pass a statute that gives a Federal court jurisdiction in these small cases. I am perfectly willing that the State courts shall be given jurisdiction.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. I do.

Mr. RAMSEYER. Would not this statute prevent the transfer of a suit involving over $3,000, commenced in a State court, to the Federal court, where diversity of citizenship was involved? Under this provision if the amount in suit is $5,000 or $1,000,000, brought by a citizen of one State against a citizen of another State, the defendant can not have the case transferred to the Federal court from the State court of plaintiff's State. Under the existing law defendant could move to have it transferred to the Federal court. This would practically repeal the right which the defendants have now under existing law on account of diverse citizenship.

Mr. VOLSTEAD. I am not prepared to say as to that. But it would give to the Federal court jurisdiction in cases of less than $3,000, which is the limit to-day.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. BARBOUR. I would like to ask a question of the gentleman from Illinois [Mr. DENISON]. I notice that in line 25, on page 11, the jurisdiction of suits brought under section 7 is limited to the United States district court, if brought in a United States district court, "in the district in which the defendants, or either of them, reside." What was the purpose of limiting it to the district in which the defendants reside? This law is intended for the protection of a man who might purchase stock of no value.

Mr. DENISON. I understand you have to go to the district in which the defendant resides in order to get proper service on him.

Mr. BARBOUR. But the district court of that district has jurisdiction and control of the action. Could it not be provided here that the district court of the district in which the plaintiff resides should also have jurisdiction?

Mr. DENISON. I do not think you can drag a defendant from one State to another as a defendant in a civil suit.

Mr. BARBOUR. This is intended to be a protection to the man who has bought fraudulent stock, where a man in New York has sold stock to a man in Missouri, for example. Missouri has been referred to as the residence of the man who might buy this bogus stock. In such case the Missouri man must go to New York and sue in the district court where the defendant resides.

Mr. DENISON. I do not think any other provision would stand the legal test. You can not drag a defendant from one State to another simply because a plaintiff resides in a particular State. I think I am right about that. That is the view of those who advised with me in the preparation of this bill.

Mr. BARBOUR. I would say to the gentleman that I have not looked into the legal phase of it, but in reading this section it occurred to me this would not offer any protection at all to the man who lived at a distance.

Mr. DENISON. That is true, but it is also true of all litigation. If people reside in different States, the plaintiff is obliged to go into a different State where service can be had on the defendant. You can not get service on the defendant outside the district in which he resides in the case of a civil suit.

Mr. BARBOUR. The gentleman thinks this is necessary?

Mr. DENISON. Yes. I think that language should be there.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 11, line 23, strike out the remaining part of line 23, after the word "State," all of lines 24 and 25; and on page 12, line 1 and line 2, down to but not including the proviso, and insert in lieu thereof the following: "or United States court of competent jurisdiction."

Mr. JONES of Texas. Mr. Chairman, the way this measure is worded the person defrauded would be compelled to go into the State or Federal court in the district of the residence of the defendant in order to secure redress. In many of these fraud cases the defendant can not be found. You can sometimes find something—money or property—that belongs to him. I know I have tried several cases brought for the cancellation of notes given for worthless so-called securities, when the defendant was nowhere to be found; I have brought suit and canceled notes and attached money and property in a bank, when the party complained about was in another State or in another district entirely. The way I have drafted my amendment the text will read: "Suit may be brought in any State or United States court of competent jurisdiction." That leaves it under the general law. Then if you can find any money that the man may have to his credit or any property that he may have in one district, even though he may have absconded and run off to escape the law, this would get him, and this would leave all the present machinery of the law available for use, and give to any State or Federal court of competent jurisdiction the right to handle the property.

It seems to me that would be furnishing complete protection, and would accomplish what the committee really intended to do. As the text now reads, if you want to go into the United States court you must go into the district in which the defendants or either of them "reside or are found." Now, suppose a man in a transaction that involves only $500 out in California should be defrauded by mail by somebody in New York. He could not afford to go to New York to sue for $500.

Mr. DENISON. Will the gentleman read his amendment again? I did not hear it.

Mr. JONES of Texas. The amendment will read as follows:

Suit to recover such amount may be brought in any State or United States court of competent jurisdiction.

Then follows the proviso:

Mr. DENISON. The gentleman means State court or United States court.

Mr. JONES of Texas. I started to put it that way. I think this means any State or United States court.

Mr. DENISON. Put the word "court" after "State."

Mr. JONES of Texas. I ask unanimous consent to insert the word "court" after "State," so that it will read "any State court or United States court."

The CHAIRMAN. The gentleman from Texas modifies his amendment. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: On page 11, line 23, after the word "court," strike out the remaining part of line 23 and all of lines 24 and 25, and on page 12, line 1 and line 2 down to but not including the proviso, and insert in lieu thereof "or United States court of competent jurisdiction."

Mr. DENISON. I think that amendment is all right. I have no objection to it.

Mr. RAMSEYER. Mr. Chairman, I wish to be recognized in opposition to the amendment. I doubt whether it is wise to give the plaintiff the right to sue in any State in the United States other than defendant's State or in a State where he can be served by original notice.

Mr. JONES of Texas. Any court of competent jurisdiction.

Mr. RAMSEYER. Defendants have their rights as well as plaintiffs.

Mr. DENISON. This gives them all their rights.

Mr. RAMSEYER. But here is your California citizen, who claims to be defrauded in New York. He files his suit in California, and makes the New York defendant go all the way to California.

Mr. JONES of Texas. You can not do that under the present law. You would not have jurisdiction of the defendant. You have got to obtain jurisdiction of the defendant.

Mr. RAMSEYER. The way your amendment is written, would not that change the existing law?

Mr. JONES of Texas. No.

Mr. RAMSEYER. You can sue the defendant in the plaintiff's State if you get jurisdiction of him—that is, if you can serve process or original notice on him in plaintiff's State, and if the amount involved is below $3,000 you can sue to final judgment, but if the suit is for over $3,000 the defendant has a right to have it transferred to the Federal court. Now, after striking out that clause concerning the amount in controversy by the amendment, which the gentleman from Minnesota [Mr. VOLSTEAD] offered—that is, with respect to the amount in controversy—is not this section as the committee brought it in the law as it is to-day? And if so, why repeat it here?

Mr. NEWTON of Minnesota. If the gentleman will yield there, the gentleman from Texas brought up this situation, where you might not be able to locate the defendant or to find him for service, but you might be able to locate property in the State where the plaintiff resided, thereby getting jurisdiction of the suit, instead of the plaintiff being compelled to bring suit in the place where the defendant resided.

Mr. RAMSEYER. You can bring an action in rem in the State where defendant's property is located. You can attach property.

Mr. JONES of Texas. Not according to the committee provision.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

Mr. McPHERSON. Mr. Chairman, I offer an amendment to strike out all of section 7.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McPHERSON: Page 11, beginning with line 8, strike out all of section 7.

Mr. McPHERSON. Mr. Chairman and gentlemen of the committee, it appears to me that this whole provision of section 7 is so foreign to any power we have that it makes us ridiculous to pass it. We are all familiar with the fact that each State creates local causes of action for local wrongs. Each State in the Union has either adopted the common law or has created a cause of action for fraud or deceit, and provided the damages to be awarded. They have regulated the liability of those who cooperate with the wrongdoers in the perpetration of the fraud. This act undertakes in this situation, growing out of these transactions, to punish the sending of mail matter or telegraph messages to induce a person to make the bargain. Section 7 in no way relates to the wrong we are dealing with, but undertakes to award damages and create a cause of action for the fraud that might be in part or in whole induced by the sending of these messages. In fact, as I understand it, if we pass this act it will be a crime to use the mails, even though the sender did not succeed in making the sale, if he used the mails at all for that purpose, if he sent a letter, and, of course, we have jurisdiction over interstate messages. But we have not any jurisdiction to say that if somebody goes down into Illinois and sells a citizen there some stock by misrepresenting its value, either by mail or orally or otherwise, we have no right to say that not only that person shall be liable in damages, but that he shall be criminally liable. Yet we undertake to say that every person who makes a sale, every solicitor, agent, or broker for the seller who knowingly performs any act which contributes to bring about the sale, shall be liable. We do not even require that these brokers or other persons shall have any knowledge of the fact that the stock is fraudulent, and, as the gentleman from Minnesota has illustrated, it might not be fraudulent, it might not be valueless. As has been stated, the wrong might consist in having failed to comply with the State law, while the stock itself might have value; but the crime would be complete because the State regulations had not been complied with.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. McPHERSON. In a moment. We say that every person who acted as agent or broker for the seller, or who knowingly performed any act which contributed to bring about the sale—that is, introduced the purchaser to the seller, even if he knew that 20 years ago he was a good citizen—and every person

who knowingly participated in the benefits or proceeds of the sale or contract, shall be jointly and severally liable to such purchaser. I say that that would change the rule of law in every State of the Union in actions of fraud. Do you contend that in Congress we can repeal the police regulations or local laws creating legal causes of action?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. McPHERSON. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. McPHERSON. I will.

Mr. GRAHAM of Illinois. Does the gentleman base his objection to the section on the ground that he does not think it within the power of Congress, that it is unconstitutional, or does he base it on the ground that he does not think it wise?

Mr. McPHERSON. I base it on both grounds. I say there is no question in my mind that we have no right to create a cause of action for legal fraud in Illinois or Missouri.

Mr. GRAHAM of Illinois. If I can get some time I will answer that.

Mr. McPHERSON. I have read the gentleman's argument. He refers to the game laws, where the United States punishes persons for transporting game that was unlawfully taken. That thing which we lawfully had the authority over is the transporting of the game. But no case, in my judgment, can be cited where Congress lawfully undertakes to usurp the police powers of a community successfully, or where Congress was held authorized to destroy the local laws of a State regulating and governing local transactions.

Mr. DENISON. Is the gentleman familiar with the Clayton Antitrust Act?

Mr. McPHERSON. I am.

Mr. DENISON. This provision is identical with that, only in the Clayton antitrust law they collect treble damages.

Mr. McPHERSON. Not at all; the act punished in the Clayton Antitrust Act is the conspiracy, combination, or restraint of trade and commerce, and that act was clearly within the jurisdiction of Congress. The loss resulting from the violation of the act, but the violation of the act in this case is the sending of a letter. You undertake to regulate the proceedings and recover damages from the sale of stock. It is not the sale of the stock which the gentleman says he is trying to punish. It is the sending of the means or inducement to make the sale; it is the use of the mails of the country to deceive people into buying the stock that this bill is designed to punish, and to that extent we have authority over it, because we have a right to punish a man for sending through the mails something intending to deceive or defraud somebody.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. DENISON. I ask that the gentleman from Missouri may have two minutes more, as I desire to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Among other things, the Clayton Antitrust Act says:

That it shall be unlawful for any person engaged in commerce in the course of such commerce to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, whether patented or unpatented, for use, consumption, or resale within the United States or any Territory thereof.

That is one of the prohibitions between persons of different States. Now, section 4 of the Clayton Act provides:

That any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

The gentleman from Minnesota said that such a thing never was heard of, but here is the exact provision in the Clayton Antitrust Act. In fact, the provision in this act was taken from the Clayton Antitrust Act.

Mr. McPHERSON. But there is a difference in the two situations. One is a provision for recovering treble damages for doing an act that Congress had a right to forbid and punish, but Congress has no right to forbid or create a cause of action by some one in Illinois deceiving some man in another State as to his loss or injury.

Mr. WALSH. Will the gentleman yield?

Mr. McPHERSON. Yes.

Mr. WALSH. Does the gentleman contend that Congress has no right to forbid the sale of worthless stock in the State of Minnesota?

Mr. McPHERSON. I say no.

Mr. WALSH. Of course, it has not. That is the theory on which this is based.

Mr. VOLSTEAD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 8, after the word "sale," where it occurs the second time, insert "induced by misrepresentation or fraud."

Mr. VOLSTEAD. Mr. Chairman, it seems to me that we ought not to write a statute that arbitrarily directs the recovery of money without reference to whether there was any intentional wrong or not. The purchaser of securities may under this statute recover regardless of anything of the kind. That is not just. I have already pointed out that under any number of State statutes a person would become liable under this section where there is no intention of fraud. I think I understand this bill, though I know that some gentlemen here say I do not. I have had occasion to study this subject as much, perhaps, as the Committee on Interstate and Foreign Commerce. We had hearings on this subject before the Judiciary Committee and had the various State statutes before us. I know that in many instances a person may fail to comply strictly with the law, though he tries to comply, in trying to file the statements required by the State statutes. If he fails to comply in describing his security, he becomes technically guilty under the State laws. In many of those State laws only slight penalties are applied. In this bill the slightest violation is subject to very drastic penalties. It seems to me that when you give the one who does the purchasing of this stock the right to recover in case the stock has been misrepresented to him, or in case there has been fraud, it is as far as we ought to go. What Congress ought to give is relief in case of injustice, and not put a premium to be paid the purchaser on some technical violations of the statutes.

Mr. GRAHAM of Illinois. Mr. Chairman, if the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD] be adopted, it seems to me that it takes away from this act one of its best features. The act is not intended as a Federal blue sky law, as has been many times stated. It is intended to help the States enforce their laws and to help the people of the States when they are trying to protect themselves against a certain class of securities to extend the aid of the Federal Government, so that by means of interstate commerce something shall not be done in that State which could not be done if it were not for the general laws regulating interstate commerce.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. The gentleman is familiar with the various State statutes?

Mr. GRAHAM of Illinois. Somewhat.

Mr. WALSH. Against these offenses? Do they not permit a recovery from the person who sells these worthless securities?

Mr. GRAHAM of Illinois. Yes; most of them do. I have one in my hand now which I intended to cite as an illustration.

Mr. WALSH. If that be so, what jurisdiction has Congress to enact legislation permitting a recovery under these contracts in the United States courts?

Mr. GRAHAM of Illinois. If the gentleman from Massachusetts will not interrupt for a moment I think I can make that plain. Let me call attention to the act of the State of Illinois which I have in my hand, which contains a provision that every sale and contract of sale made in violation of any of the provisions of the act shall be void at the election of the purchaser. It then goes on and gives a right of action just as this bill does. That act was held to be valid and constitutional in a case in the 300 Illinois, in which the whole ground was covered as to whether that was a valid exercise of the police powers of the State. A similar statute in Ohio, a similar statute in Michigan, a similar statute in South Dakota, were all held to be valid exercises of the police power of the State by the Supreme Court of the United States in the 242 United States report. These authorities I have cited in my remarks in yesterday's RECORD. If that is true, then the Supreme Courts, not only of the States but of the United States, have recognized the fact that the States can constitutionally enact that sort of legislation. The same cases and other cases have laid down the general rule, and I have no doubt that it is the law, that what States can do the United States can do in the exercise and enforcement of its laws. Let me read a brief statement from Cooley:

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions, if it shall be deemed advisable. * * * Congress may establish police regulations, as well as the States. (Cooley's Const. Lim., p. 656, 7th ed.)

That is the law so far as the constitutional features of this section are concerned, and there is no doubt that Congress can

enact this kind of legislation and that it is valid and constitutional. The only question is whether it is wise to do so.

Mr. WALSH. Is this a law forbidding the sale of worthless securities in Missouri or any one of the 48 States?

Mr. GRAHAM of Illinois. It is not.

Mr. WALSH. Then, if it is not a law, how can you write a section into the bill punishing the sale in those States or setting aside a contract for the sale?

Mr. GRAHAM of Illinois. Such a provision can be written into the law in exactly the same way that you can write a criminal penalty for its violation. It is an additional provision in the way of police regulation which the Congress is seeking to make for the purpose of enforcing that law. That sort of provision has been made in many Federal laws. Some provide for the confiscation of property and vessels, some for treble damages, as in the Clayton Antitrust Act, and some provide other remedies. In other words, it is a police regulation which we have a right to make if we want to. It is only a question of whether we ought to do it or not.

In my view of the case I think it is a wise provision and will help stamp out this thing. If you simply make it a criminal act you have got to catch the man and punish him, and if you put in the provision by which the man who is defrauded can sue and get his money back it will help enforce this act.

Mr. BURTNESS. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. BURTNESS. Of course, this section does not apply to the sale made locally within the State?

Mr. GRAHAM of Illinois. No; not at all. It is simply an interstate transaction when the security goes into another State.

Mr. BURTNESS. One other question. Of course, as I understand it, the fundamental part of this legislation is that you are giving a person within a State who has bought a fraudulent security in violation of this law the same right as he would have substantially if that sale had been completed within his own State; that is the right he would have under the existing law.

Mr. GRAHAM of Illinois. Substantially so.

Mr. BURTNESS. Coming down to this particular section, it is true, is it not, that this section may give some different and additional rights perhaps in some cases——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. I would ask for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTNESS. My point is this; that if you had followed the theory of this bill to its logical conclusion it seems to me section 7 should have gone to the extent of giving the resident of the State the same right he would have had if the sale had been completed within his State.

Mr. GRAHAM of Illinois. Perhaps so. But the fact that the relief given by this provision and that given by the State laws differ does not create a legal objection to the bill.

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Missouri to strike out the section.

The question was taken, and the Chair announced the "noes" appeared to have it.

On a division (demanded by Mr. WALSH) there were—ayes 18, noes 30.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. That any person or persons violating any of the provisions of sections 2 or 3 of this act may be tried and punished either (1) in the district in which such unlawful matter was deposited or caused to be deposited in the mails of the United States, or was delivered or caused to be delivered to the railroad company, express company, telegraph company, telephone company, or other agency of interstate commerce; or (2) in the district in or to which it was caused to be carried, sent, transmitted, or transported for delivery, according to the direction thereon; or (3) in the district in which it was caused by such person or persons to be delivered to the person or persons to whom it was addressed, sent, or consigned.

Mr. VAILE. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, it seems to me that the argument in favor of this bill is a little inconsistent and is illustrated by the argument just had on the preceding section and which doubtless will be held on this section if there is going to be further argument upon it. This bill is justified on the theory that it is desirable and very meritorious in that we ought to prevent the sales of fraudulent securities. We all agree that that is "a consummation devoutly to be wished." And yet when these very severe penalties are considered, gentlemen rise here and say, "Oh, no; the bill goes beyond that. We are going to do more than punish frauds. We are going to punish acts which are unlawful merely because they are prohibited by the laws of this or that State." The gentleman from Minnesota has called our attention to the fact that under many of these laws the thing is unlawful merely because certain statements have not been filed, an offense certainly not involving any moral wrong at all. My State of Colorado is referred to in the committee's report as one of the few States which has no "blue-sky" law. It is not because the matter has not been very carefully considered in my State by several legislatures. It has been very thoroughly gone over.

It is not because in my State there is any greater disposition than in any other to allow fraudulent transactions, but because there, on account of the nature of a particular business which is extensively carried on in that State, we realize there ought to be a distinction between a business which is fraudulent and one which is merely speculative. Now, every mine was at one time a prospect, though many of them have added millions of dollars to our national wealth. Every mine is yet throughout its entire history largely speculative, even when considerable blocks of ore are in sight. But when the mine was started no man could tell what there was in the ground. The mere discovery of the lode was all they had. And no man can tell when an abundant lode may pinch out entirely. A man locates an oil well in good faith on the evidence of the geologic structure and the history of the vicinity. He locates a mine in the same way. The development of either requires much capital and no man can tell with certainty whether it will be productive. And yet the Government itself encourages that kind of investment.

We recognize claims to mining locations on public lands. We grant title to such claims as the just reward of arduous toil and splendid confidence. We encourage exploration for minerals in order to develop a most important industry. Mining is one of the cleanest businesses in the world. It creates new wealth. It takes away from no man anything which he had. It is a perfectly legitimate and honorable business, even though by its nature it is highly speculative. You are putting into these bills a series of drastic penalties for engaging in acts that involve no moral turpitude, acts that are not in any degree fraudulent, merely because they happen to be forbidden by the laws of some States. Now, it would be impossible for the average mining company, organized in the utmost good faith, to comply with the laws of many States, because those States, having developed different kinds of business on a different theory, require a certain showing of visible assets. Nobody could make a very certain showing of the visible assets of a mine. Yet very few mining enterprises are fraudulent. Many of them may be ill-advised, but the number of actually fraudulent cases is exceedingly small. These corporations are run largely, very often, by poor men. Here is a group of men who form a little corporation, and they have a few friends in the East who are interested with them. Along comes a time when they need $5,000 or $10,000 for further development. They write to their friends in the East and say, "Will you chip in with us? Send us your share," which is $500, perhaps; and they issue stock in return for such advances. If they want to accomplish that after this bill is passed they would either have to comply with the laws of 39 States, filing certain papers and making a showing of visible, definitely ascertained assets, which they could not show, although they are in a business that is honest and legitimate and necessary, or else they would have to comply with the other impossible requirement of being listed on the Boston, New York, or Chicago Stock Exchanges. I think the argument in favor of the bill and in favor of this section is wrong. I appreciate the public spirit and the beneficent purpose of its advocates, but I fear that while they will help to suppress a few frauds they will practically stop the necessary development of thousands of legitimate enterprises which are carried on in the utmost good faith and are none the less meritorious because they are, admittedly, a venture.

It was ventures, it was venturesome courage, which developed our country. Let us find some other way to prevent fraud than by choking this spirit, which is one of our finest national assets.

Mr. LONDON. Mr. Chairman, I move to strike out entire section 8.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 12, beginning on line 5, strike out section 8.

Mr. LONDON. May I ask the chairman of the committee whether there is any precedent in any law for the provisions contained in this section?

Mr. DENISON. This section is taken from the postal laws providing for the punishment of cases of fraud. It is taken literally from present postal laws.

Mr. LONDON. Relating to fraud?

Mr. DENISON. Yes. It was taken after consultation with the Post Office Department.

Mr. LONDON. I distinctly recall that in a case of libel involving one of our New York newspapers the courts held that the defendant could be tried only in the place where the paper was published, not where it was being distributed.

Mr. DENISON. The provisions of the present postal laws have been tested, tried, and found satisfactory, and thus that provision was followed in this act.

Mr. LONDON. I think it is an extremely oppressive provision. Under this section a defendant who may have violated a law not involving any moral turpitude, involving a mere violation of a regulation of a State, may find himself transported from the Pacific coast to the Atlantic coast, or from New York to Texas, to be tried for an offense which is not in itself immoral but which is a statutory offense.

Mr. WALSH. Will the gentleman yield?

Mr. LONDON. I do.

Mr. WALSH. Of course, the gentleman has in mind that the almighty dollar must be protected.

Mr. LONDON. I have not that exactly in mind. My almighty is mightier than the almighty dollar. I think this is an extremely oppressive measure and we should cut it out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Certified copies of the record of, or certificates with respect to, the listing of securities or of striking them from a stock exchange list given under seal by the secretary of such stock exchange under oath, and certified copies or certificates of the approval, nonapproval, termination, or cancellation of the right to sell securities, given under official seal by the securities commission or other proper administrative officer of any State, Territory, District, shall, when properly authenticated, be prima facie evidence, in any court, of the truth of the contents thereof.

Mr. DENISON. Mr. Chairman, the word "Territory" is misspelled. I ask unanimous consent that it be corrected.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: On page 13, line 8, strike out the misspelled word "Territory" and insert the correctly spelled word "Territory."

Mr. DENISON. And also insert the word "or" after "Territory."

The Clerk read as follows:

And also insert, after the word "Territory," the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That within 60 days after this act becomes effective, the Attorney General of the United States shall procure from the various States copies of their laws and regulations relating to the offering for sale and the sale of securities, and thereafter he shall procure copies of any amendments to or changes in the laws and regulations as they occur. Such information, so procured, shall be kept on file in the Department of Justice and shall be compiled, published, and communicated to the various United States attorneys by said department in such form and at such times as the Attorney General may direct. Such compilations shall be furnished any person, upon written application, under such reasonable terms, rules, and regulations as the Attorney General may provide.

Mr. WALSH. Why should not this be the Postmaster General who has this information? This is for violating the postal laws, and the solicitor of the Post Office Department passes on all these questions before they get to the Department of Justice.

Mr. DENISON. Perhaps the gentleman from Massachusetts does not fully realize that the Post Office Department is given no authority whatever in the administration of this act. As the act was originally drafted it contained a mail exclusion provision, and upon consideration by the Committee on Interstate and Foreign Commerce that was excluded. The enforcement of this act was placed entirely in the Department of Justice, and the Postmaster General is given no power whatever in connection with it. The committee did not approve of giving any more power to the Postmaster General in connection with this act.

Mr. WALSH. But the gentleman knows that every infraction of the postal laws is first passed upon by the Post Office Department through the solicitor before it goes over to the Attorney General.

Mr. DENISON. But technically speaking this is no infraction of the postal laws.

Mr. WALSH. That is what you were telling us all along, that you were passing this act so as to make it a violation of the postal laws, and denying to these people the use of the mail. Now you have got past that section, section 7, and another characteristic—and I presume the true characteristic—of the bill makes its appearance. I was wondering, if this is a postal violation law, why should not the Post Office Department pass upon it, as they do upon other violations of the postal laws, before passing it on to the Attorney General?

Mr. DENISON. This bill is for the purpose of preventing the sending through the mails certain things, or sending by express certain things, or by freight, or by telegraph or telephone messages which are intended for certain purposes. The enforcement of the act is placed in the Department of Justice, and I think properly so. This bill does not create a bureau or job or position of any kind, but places its enforcement in the hands of the Attorney General, and I think inasmuch as the enforcement of it is in the Department of Justice and the various district attorneys, the Department of Justice ought to secure this information and furnish it to the district attorneys. If this bill becomes a law, its real value, after all, will depend largely upon the good faith and the ability and the conscientious devotion to duty of the Attorney General and the different United States district attorneys. But, of course, they should be promptly supplied with a compilation of the State laws.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. DENISON. Mr. Chairman, I failed, when we were considering one of the sections, to move to make a slight amendment, which I ask unanimous consent to do now. I ask unanimous consent to return to page 7, subdivision h, for the purpose of offering an amendment which I had agreed with several Members I would offer.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 7 for the purpose of offering an amendment. Is there objection?

Mr. WALSH. Reserving the right to object, what is the amendment?

Mr. DENISON. To change the word "sixty," in line 5, to the word "seventy."

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Illinois will offer his amendment.

Mr. DENISON. It is in line 5, page 7, to change the word "sixty" to the word "seventy."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 7, line 5, strike out the figures "60" and insert in lieu thereof the figures "70."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I move that the committee do now rise and report the bill with the various amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Illinois moves that the committee rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10568) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof, had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENISON. Mr. Speaker, I move the previous question on the bill and all amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DENISON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

MINORITY VIEWS ON ARMY AND NAVY PERSONNEL BILL.

Mr. KRAUS. Mr. Speaker, I ask unanimous consent that the minority of the committee appointed to consider H. R. 10972 have the time for filing their views extended to include Monday next.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the minority of the committee on the Army and Navy personnel bill have their time extended until Monday next to file their views. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House, under the order previously adopted, adjourned until Monday, May 1, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. H. R. 10531. A bill to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes; without amendment (Rept. No. 934). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 11379. A bill authorizing and directing the Postmaster General to permit the use of special canceling stamps in the post offices of the first class in the State of Arkansas, bearing the words and figures "Visit Arkansas State Fair and Exposition, October 4–14, 1922"; with amendments (Rept. No. 938). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 7583. A bill for the relief of Henry Peters; without amendment (Rept. No. 937). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11447) granting an increase of pension to James M. Laird, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 11471) to incorporate the National Society of the Daughters of the Union; to the Committee on the Judiciary.

By Mr. SUMMERS of Washington: A bill (H. R. 11472) authorizing the conferring of brevet rank without additional pay or allowances on certain Regular Army officers who served honorably in the World War; to the Committee on Military Affairs.

By Mr. SHAW: A bill (H. R. 11473) to provide for the control of the floods of the Illinois River and its tributaries, and for other purposes; to the Committee on Flood Control.

By Mr. SNYDER: A bill (H. R. 11474) providing for notice to the Secretary of the Interior in cases involving the condemnation for public purposes of land included in any Indian allotment; to the Committee on Indian Affairs.

Also, a bill (H. R. 11475) to authorize the setting aside of certain tribal lands within the Quinault Indian Reservation, in Washington, for lighthouse purposes; to the Committee on Indian Affairs.

By Mr. TINCHER: A bill (H. R. 11476) to amend the copyright law to permit the United States to enter the International Copyright Union; to the Committee on Patents.

By Mr. LANGLEY: A bill (H. R. 11477) granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of the Big Sandy River in Pike County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. JEFFERIS of Nebraska: A bill (H. R. 11478) to promote the sale of pure seeds; to the Committee on Agriculture.

By Mr. WINSLOW: Joint resolution (H. J. Res. 313) providing for the disposal of articles produced by patients in the United States Veterans' Bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 314) proposing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

By Mr. RHODES: Joint resolution (H. J. Res. 315) appropriating $1,000,000 for the relief of flood sufferers in the States of Missouri, Illinois, Arkansas, Louisiana, and Mississippi, and for other purposes; to the Committee on Appropriations.

By Mr. CURRY: Joint resolution (H. J. Res. 316) authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission; to the Committee on the Territories.

By Mr. THOMPSON: Joint resolution (H. J. Res. 317) authorizing the erection of a monument to General Wayne and Legion at Defiance, Ohio, and markers for fort site, and retaining walls to prevent erosion at confluence of Maumee and Auglaize Rivers; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 11479) granting a pension to Mary N. Dunlap; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 11480) granting an increase of pension to Lucia M. Bartlett; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11481) granting an increase of pension to Albert C. Roach; to the Committee on Pensions.

By Mr. GALLIVAN: A bill (H. R. 11482) granting an increase of pension to Harriet E. Waterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to James S. Davis; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 11484) granting a pension to Elizabeth Sterling; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11485) granting an increase of pension to Eliza Campbell; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11486) granting an increase of pension to Annie McNamara; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 11487) for the relief of the heirs of Simon M. Preston; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11488) granting a pension to Sarah J. Shelby; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5320. By the SPEAKER (by request): Resolutions adopted by the Minnesota State Board of Health, urging the enactment of legislation regulating the importation of narcotic drugs and the sale and distribution thereof; to the Committee on Ways and Means.

5321. By Mr. BIXLER: Resolution by the Presbytery of Erie, Mercer, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5322. Also, resolution adopted by the Presbytery of United Presbyterian Church, of Jamestown, Pa., protesting against polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5323. By Mr. BROOKS of Pennsylvania: Resolution of Gettysburg, Pa., Camp No. 112, Sons of Veterans, favoring a fitting celebration of the sixtieth anniversary of the Battle of Gettysburg; to the Committee on Military Affairs.

5324. By Mr. FROTHINGHAM: Petition of citizens of the fourteenth Massachusetts congressional district, urging prompt passage of the merchant marine act of 1922; to the Committee on the Merchant Marine and Fisheries.

5325. By Mr. HADLEY: Resolution adopted by the Presbytery of Bellingham, Anacortes, Wash., indorsing House bill 9753 and urging its immediate passage; to the Committee on the District of Columbia.

5326. Also, resolution adopted by the Presbytery of Bellingham, Anacortes, Wash., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5327. Also, resolution adopted by the Presbytery of Bellingham, Anacortes, Wash., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5328. Also, resolutions adopted by the Presbytery of United Presbyterian Church, of Albany, Oreg., urging the passage of House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5329. Also, resolution adopted by the Oregon Presbytery of United Presbyterian Church, of Albany, Oreg., urging the passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5330. By Mr. HICKEY: Petition of sundry citizens of South Bend, Ind., opposing the enactment of House bill 9753, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5331. By Mr. KAHN: Resolution passed by Post No. 244, Navy Post of the American Legion, San Francisco, Calif., urging that certain rocks in San Francisco Bay be destroyed; to the Committee on Rivers and Harbors.

5332. By Mr. KISSEL: Petition of the A. M. Davis Co., Boston, Mass., urging an increase in second-class postage; to the Committee on the Post Office and Post Roads.

5333. Also, petition of the Hygeia Antiseptic Tooth-Pick Co., New York, N. Y., relative to the Fordney tariff; to the Committee on Ways and Means.

5334. By Mr. LAMPERT: Resolution by the Common Council of the city of West Allis, Wis., requesting modification of the Volstead Act to provide for the legalizing of the sale and manufacture of light wines and beers and that said sale and manufacture be under Government supervision; to the Committee on the Judiciary.

5335. By Mr. NOLAN: Petition of Mr. John C. Schneider, 363 Scott Street, San Francisco, Calif., and 25 other citizens of San Francisco, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

5336. By Mr. RIDDICK: Petition of citizens of Wilsall, Tampico, Genevieve, Valley County, Hinsdale, Joliet, and Augusta, Mont., urging the passage of the Towner-Sterling bill; to the Committee on Education.

5337. Also, petition of citizens of Valier, Wibaux, and Richey, Mont., opposing the passage of House bill 9753 or any Sunday bill such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5338. Also, petition of farmers of Biem, McCable, Kolin, Comerton, Eight Point, Scobey, Cut Bank, Chester, Geraldine, and other places in Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

5339. Also, petition of citizens of Judith Gap, Oka, Harlowton, Hysham, and Bercail, Mont., expressing disapproval of House bill 9753, or any other Sunday bill, such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5340. Also, petition of farmers of Wendham, Mont., urging revival of the United States Grain Corporation; to the Committee on Agriculture.

5341. By Mr. RIORDAN: Resolution urging the Government of the United States to formally recognize and approve the age-long prayer of the Jewish people for a national home in Palestine; to the Committee on Foreign Affairs.

5342. By Mr. SMITH of Michigan: Petition of 30 citizens of Eaton Rapids, Mich., and 3 other citizens of Michigan, protesting against the passage of House bill 4388, providing for the regulation of Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5343. By Mr. SNYDER: Petition of William J. Gardinier, Mrs. Gogol, Mrs. Draper, Charles Kerasek, and Mrs. Rose Reynolds, of Herkimer, N. Y.; Charles W. Kreitner, Brooklyn, N. Y.; and Edward Bremilier, 510 Main Street, Utica, N. Y., favoring the passage of the Chandler pension bill (H. R. 9193), increasing pensions of volunteers serving in War with Spain or China or Philippine expeditions; to the Committee on Pensions.

5344. By Mr. SWING: Petition of various citizens of Fullerton, Calif., protesting against any compulsory Sunday observance law; to the Committee on the District of Columbia.

5345. By Mr. TEMPLE: Petition of the Presbytery of Beaver, New Brighton, Pa., in support of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; also Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5346. Also, petition of the Presbytery of Beaver, New Brighton, Pa., in support of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5347. Also, petition of Washington Presbytery, Washington, Pa., and Shenango Presbytery, Bessemer, Pa., in support of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5348. Also, petition of Washington Presbytery, Washington, Pa., and Shenango Presbytery, Bessemer, Pa., in support of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; and also, House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5349. Also, petition of the Pittsburgh Association of Overseas Women in support of House bill 7299; to the Committee on the Judiciary.

5350. Also, petition of Painters' Local Union No. 208, Washington, Pa., requesting radical reduction in duty on linseed oil and flaxseed; to the Committee on Ways and Means.

SENATE.

SATURDAY, *April 29, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

NAVAL PETROLEUM RESERVE IN WYOMING (S. DOC. NO. 196).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, in further response to Senate Resolution 277, relating to naval petroleum reserve No. 3, Wyoming No. 1, commonly known as the "Teapot Dome," copy of a contract between the Secretary of the Interior, the Secretary of the Navy, and the Mammoth Oil Co., executed April 7, 1922, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10593) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof, in which it requested the concurrence of the Senate.

FISCAL AFFAIRS OF THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. I ask permission to submit a concurrent resolution and have it read and referred to the Committee on the District of Columbia. The concurrent resolution (S. Con. Res. 23) was read and referred to the Committee on the District of Columbia as follows:

Whereas the people of the District of Columbia have paid into the Treasury of the United States during the last few years nearly $5,000,000 more than they have been required to pay toward the expenses of the District; and

Whereas the use of this money by or on behalf of the District is denied for the reason, among others, that advancements have been made without interest from time to time during the last 50 years by the National Government for the benefit of the District, and that revenues which in equity belong to the United States have gone to the credit of the District; and

Whereas for these reasons and others it is claimed that the District of Columbia, instead of being entitled to a credit of nearly $5,000,000, is in equity indebted to the United States: Now, therefore, for the purpose of ascertaining and determining the amount, if any, to which the District is entitled from the United States, or the amount, if any, which it may owe to the United States, be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created and authorized and directed to ascertain and determine what, if any, indebtedness

there may be owing to the United States from the District of Columbia, or what, if any, indebtedness there may be owing to the District of Columbia from the United States, growing out of transactions or relations existing between them since the passage of the organic act of 1878. The committee in reaching a conclusion shall consider not only legal but equitable claims and obligations, and shall report its conclusions and recommendations to each House of Congress, on or before the first Monday in January, 1923. The committee is authorized to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and expert assistance as may be necessary, and to pay for the same upon vouchers signed by the chairman, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives. The committee is authorized and directed to avail itself of the services of the Bureau of Efficiency and such expert and legal help of the Treasury Department and of the District of Columbia as it may deem practicable so to do.

RELIEF OF CERTAIN PUBLIC LAND PATENTEES IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 10007) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876. It is a local bill relating to some lands in Minnesota and is approved by the department. It will provoke no discussion. It relates purely to a local matter in Minnesota.

Mr. KING. I ask the Senator whether it relates to any Indian lands of the Chippewas or any lands which any of the Chippewa Indians claim?

Mr. NELSON. No; it does not relate to Indian lands. It relates to a resurvey of the lakes which have been drained.

Mr. KING. It is not involved in any claims made by the Indians or any lands taken from the Chippewa Indians?

Mr. NELSON. No; not at all.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell for cash at $1.25 per acre any unsurveyed land which may on resurvey be found to exist in sections 28 and 33, in township 140, range 40 west, fifth principal meridian, in the State of Minnesota, to those persons who in good faith, by themselves and their predecessors in interest, have heretofore acquired, occupied, and improved such lands under the public land laws in accordance with a Government survey made in 1876; and the Secretary of the Interior may in like manner on principles of equity adjust, settle, and confirm by patent the title to any lands in said area heretofore claimed, occupied, and improved under descriptions which on resurvey are found to be erroneous: *Provided*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons, which may have attached to such lands or any part thereof.

SEC. 2. The Secretary of the Interior is authorized to make any rules and regulations necessary to carry out and effect the purpose of this act, and any person or persons claiming any benefits hereof shall make the required payments and perform such other acts as may be necessary or required within the time fixed in the regulations; otherwise any right or advantage claimed under this act shall be forfeited.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Hale	McCumber	Rawson
Brandegee	Harreld	McKellar	Sheppard
Bursum	Harris	McKinley	Simmons
Capper	Harrison	McLean	Smoot
Colt	Heflin	McNary	Spencer
Culberson	Hitchcock	Nelson	Sterling
Curtis	Jones, N. Mex.	Newberry	Sutherland
Dillingham	Jones, Wash.	Nicholson	Swanson
Edge	Kellogg	Norris	Townsend
Ernst	Kendrick	Oddie	Wadsworth
Fernald	Keyes	Overman	Walsh, Mont.
Fletcher	King	Page	Warren
France	Ladd	Phipps	Watson, Ind.
Gerry	La Follette	Pittman	Weller
Glass	Lenroot	Poindexter	Williams
Gooding	Lodge	Ransdell	

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement stand for the day.

Mr. CURTIS. I wish to announce that the junior Senator from Ohio [Mr. WILLIS] is necessarily absent.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented resolutions of the Lapeer County (Mich.) Farm Bureau, protesting against the proposed reduction of the appropriation for maintenance of agricultural extension work in the United States, which were ordered to lie on the table.

Mr. NELSON presented resolutions of the Minnesota State Board of Health, favoring the enactment of legislation to control the traffic in narcotic drugs, which were referred to the Committee on the Judiciary.

Mr. ODDIE presented resolutions adopted by Division No. 158, International Brotherhood of Locomotive Engineers, of Sparks, Nev., favoring the enactment of legislation authorizing the Interstate Commerce Commission to approve or disapprove contracts involving the construction or repair of equipment of railroads engaged in interstate commerce, which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented the following resolutions of the Legislature of Massachusetts, which were referred to the Committee on Finance:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year 1922.

An order urging upon Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War.

Ordered, That whereas, as a result of the World War, a large number of citizens in the Commonwealth who saw active service are to-day suffering from various disabilities incurred in the course of such service; some are physically incapacitated; others are mentally incapacitated; many of the disabilities are of a temporary nature; and

Whereas many of these worthy veterans find themselves to-day without proper care, either because of inadequate means of relief or lack of available infirmary facilities; and

Whereas the crowded condition of the State institutions renders the Commonwealth incapable of supplying the needs of this group of deserving veterans, and their condition therefore presents to the State a serious problem: Therefore be it

Ordered, That the general court urges upon Congress the necessity and importance of acquiring or establishing within the Commonwealth a Government hospital to be devoted to the care, restoration, and relief of disabled veterans; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the Presiding Officers of both branches of Congress and to the Members thereof from this Commonwealth.

In senate adopted April 17, 1922.
In house of representatives adopted, in concurrence, April 18, 1922.
A true copy.
Attest:

P. W. COOK,
Secretary of the Commonwealth.

Mr. LODGE also presented resolutions and telegrams in the nature of petitions of the Ladies' Auxiliary of the Hebrew Free School, Mrs. A. Zelig, president, Haverhill, Mass.; committee, Hebrew Free School, Eli Rosengard, chairman, Haverhill, Mass.; Hebrew Teachers' Union, of New York City, K. Whiteman, secretary; Bronx Committee of the American Jewish Physicians, Dentists, and Pharmacists, Dr. Samuel Boorstein, chairman, New York City; board of directors of the Talmud Torah Associations of New Jersey, S. Nissenbaum, president, Jersey City, N. J., praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the national home for the Jewish people, which were referred to the Committee on Foreign Relations.

Mr. SPENCER presented a resolution adopted by the Kirksville Presbytery, at Green City, Mo., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Kirksville Presbytery, at Green City, Mo., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Kirksville Presbytery, at Green City, Mo., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution unanimously adopted by the Presbytery of St. Louis, at St. Louis, Mo., favoring the enactment of legislation to prohibit sectarian appropriations, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Carnation Club, of Kansas City, Mo., praying for the enactment of the Dyer antilynching bill, which was referred to the Committee on the Judiciary.

THE MUSCLE SHOALS PROJECT.

Mr. HARRIS. Mr. President, at a mass meeting of the people of Georgia, held in Atlanta, Ga., certain resolutions were adopted in regard to Muscle Shoals, which I ask may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolved by the people of Georgia in State mass meeting assembled, on April 28, 1922, That we earnestly indorse the offer of Henry Ford and urge its acceptance by Congress without further delay. The country

has begun to realize that upon water power we must rely for the solutions of the problems of transportation, fuel, heat, and industry. The Ford offer carries into effect the objective sought by Congress in the passage of the national defense act of 1916. It puts the fixation of air nitrogen upon a steady and increasing basis, makes the United States independent in war, and provides the farmer with fertilizers at the lowest possible cost in time of peace. In our opinion there is no other offer comparable to that made by Henry Ford, and further delay would be both unwise and unnecessary.

Resolved further, That in our opinion the failure of Congress to commence work on Muscle Shoals this summer would mean another year's delay to the millions of unemployed and the farmers of the United States, who are demanding that Congress shall at once carry out the original purpose, formerly declared, so as to render the farmers, as well as the United States, independent of Chilean nitrate fields.

Resolved, That we oppose the offer of the Alabama Power Co., as well as the offers made by other corporations or persons, as not being comparable to the offer made by Henry Ford, and not in the interests of the public welfare. We have no disposition to interfere with the rights of Congress to give the offers submitted proper consideration, but in our opinion further delay would only be for the purpose of defeating the only offer which, in our judgment, is comprehensive and liberal for the people of the United States, the offer of Henry Ford.

Resolved, That we urge upon the Senators and Representatives in Congress that they shall act immediately upon this proposition, and that they shall accept for the American people, whom they represent, the offer of Henry Ford, so that this great work shall start in the development of Muscle Shoals without further delay.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 314) for the relief of Forrest R. Black, reported it without amendment and submitted a report (No. 677) thereon.

He also, from the same committee, to which was referred the bill (H. R. 858) for the relief of Alfred P. Beck, reported it with amendments and submitted a report (No. 678) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 3524) to authorize the setting aside of certain tribal lands within the Quinault Indian Reservation, in Washington, for lighthouse purposes; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 3525) for the relief of Alvira E. Poindexter, widow of James N. Poindexter, for losses sustained during the Rogue River Indian outbreak in southern Oregon in 1855; to the Committee on Claims.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President approved and signed the following joint resolutions and acts:

On April 21, 1922:

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

On April 27, 1922:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edward Durfee.

On April 28, 1922:

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

On April 29, 1922:

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 1059. An act for the relief of J. B. Waterman;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee*;

S. 1767. An act for the relief of the owner of the derrick *Capitol*;

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.;

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; and

S. 3317. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River, between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.

On April 29, 1922:

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided.

HOUSE BILL REFERRED.

The bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof, was read twice by its title and referred to the Committee on Interstate Commerce.

ADDRESS BY THE VICE PRESIDENT.

Mr. SWANSON. Mr. President, on Thursday, April 27, the Vice President of the United States delivered a very eloquent and splendid address at the dedication of the monument to General Grant. It is broad in its spirit and generous in its expressions regarding the brave soldiers of that great war. It is a notable contribution to the literature of the country because of its broad, generous, manly spirit. I ask unanimous consent that it may be printed in the RECORD in the regular RECORD type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

At the dedication of the monument to Gen. Ulysses S. Grant, at Washington, Thursday, April 27, at 2.30 o'clock p. m., Vice President Calvin Coolidge spoke as follows:

"The world has always worshipped power. As in their humblest beginnings mankind stood in wonder before the forces of nature, so now in their highest development they stand in reverence before the figure of genius. It is in response to an increasing sentiment of gratitude and patriotism that national action has set apart this day to observe the centennial anniversary of the birth of a great American who was sent into the world endowed with a greatness easy to understand yet difficult to describe, the highest type of intellectual power—simplicity and directness—the highest type of character—fidelity and honesty. He will forever hold the admiration of a people in whom these qualities abide. By the authority of the law of the land, with the approving loyalty of all his fellow countrymen, in the shadow of the dome of the Capitol which his work proved and glorified, fittingly flanked on either side by a group of soldiers in action, looking out toward the monuments of Washington and Lincoln, this statue rises to the memory of Gen. Ulysses Simpson Grant. It is here because a great people responded to a great man.

"Such greatness did not spring into being in a generation. There lay behind it a wide sweep of ancestry representing the blood of those who had set the standard of civilization and borne its burdens for a thousand years. Into his boyhood there came little which was uncommon. He had the ordinary experiences of the son of an average home maintained by a moderately prosperous business.

"He went to West Point not so much with the purpose of becoming a soldier as from a desire to secure an education. He liked horses and rode well. He did not appear brilliant, but he had industry. He worked. He made progress. He had that common sense which overcomes obstacles. As a student he is worthy alike of the careful consideration of the young men of the present day and of those who are intrusted with their training.

"After his graduation he remained in the Army for 11 years, rising to the rank of captain. He served through the Mexican War, part of the time as quartermaster and commissary of his regiment. He demonstrated his personal courage by bearing dispatches on horseback over a course which was under heavy fire. In 1854 he voluntarily retired from the Army, and the Secretary of War, Jefferson Davis, refused to reconsider the acceptance of his resignation. Destiny sent him to private life where he could better feel the rising tide of freedom.

"The next few years he spent as a farmer and a business man. He still worked hard, but he did not prosper, scarcely

making a living. He had little taste for small things; it required an emergency to call forth his powers.

"The great crisis found him in Illinois employed in his father's leather business. 'Whatever may have been my political opinions before,' he declared, 'I have but one sentiment now. That is, we have a Government and laws and a flag and they must all be sustained.' He engaged in recruiting and offered his services to the War Department, but received no reply. He sought an interview with McClellan but was unable to see him. Soon, however, being appointed colonel of the Twenty-first Illinois Regiment by Governor Yates, he took command in a speech of five words: 'Men, go to your quarters.' Within four years he was to be recognized as the greatest soldier in the world.

"His regiment was soon disciplined and he was on the march. During the summer Lincoln commissioned him a brigadier general of volunteers. In the following February he captured Fort Henry and Fort Donelson. This was one of the first important victories and it was received with a wild enthusiasm. Grant was at once made a major general of volunteers. During the remainder of 1862 he fought the somewhat ineffective Battle of Pittsburg Landing. A little later he was placed in command of the Department of Tennessee and was soon making his advance on Vicksburg. This town was surrendered on the morning of the 4th of July, 1863. Within a week the Mississippi River was under Union control. The Nation celebrated the double victories of Gettysburg and Vicksburg. Grant was made major general in the Regular Army.

"The campaign for the year closed with the Battle of Lookout Mountain and the heroic storming of Missionary Ridge, relieving Chattanooga. Here Grant demonstrated his great military genius both of plan and execution.

"The following March he was called to the White House and made lieutenant general of the Armies of the United States. He took command of the Army of the Potomac. Then followed blow on blow from the Wilderness to Appomattox. A campaign of a year brought success and victory. His losses were great, but they had been greater during three years of failure. The sacrifices of life had been larger when the result had been little more than a call for more men than they were now when at last the bands could play 'Home Sweet Home.'

"He immediately hastened to Washington where he was received by the President and the people with those expressions of joy which only the end of a war can bring. His work finished, though the President had invited him to attend the theater, he left the city on that fatal evening of April 14. He mourned the loss of Lincoln, but his first allegiance was to his country. His attitude toward Johnson was all that could be required of a general toward his Commander in Chief, until the President, seeking to embroil him in his own political disputes, charged him with bad faith. Although he had received from him a commission as General of the Armies of the United States, and acted a short time as his Secretary of War, he was thereafter in sympathy with those who sought to impeach the President. While Johnson sank in the public estimation, Grant rose, being unanimously nominated and handsomely elected President of the United States.

"He had little taste for political maneuvers. He found his eight years fell on a time of confusion, both of thought and action. He worked as best he could with the contending elements which made up the Congress. 'I shall have a policy to recommend,' he said, 'but none to enforce against the will of the people.' He secured a settlement with Great Britain for the *Alabama* claims and an apology from Spain for the *Virginius* affair. Although he broke with a well-meaning reform element of his party which supported Horace Greeley, he was triumphantly reelected. One of the important contributions which he made to the public service was his veto of the bill which provided for the inflation of the currency by issuing $400,000,000 in greenbacks. At a time when the political ideals of the country were very low, President Grant held to his own high standard of honorable public service. Through the contested-election case of Hayes and Tilden in 1876, he took a course marked by a high spirit of patriotism. 'No man worthy of the office of President,' he said, 'should be willing to hold it if counted in or placed there by fraud. Either party can afford to be disappointed in the result. The country can not afford to have the result tainted by the suspicion of illegal or false returns.' When the man who knew how to command armies took this position for the enforcement of the law the country stood behind him and peacefully accepted the decision of the electoral commission.

"His closing years were marked with great tragedy. Betrayed by one whom he trusted, he saw his property dissipated and large obligations incurred. A lingering and fatal malady added anguish of the body to the anguish of his soul.

"Never was he greater than in these last days. With high courage, without complaint, on a bed of pain, seeking to retrieve his losses, he was preparing his memoirs. Congress hastened to restore him to the rank and salary of a retired general of the Army. At last his writings were finished. He was still thinking of his country, not as a partisan but as a patriot; not even as the general of the armies he had led, but as an American. 'I have witnessed since my illness,' he wrote, 'just what I have wished to see since the war—harmony and good will between the sections.' While he was thus longing for the peace of his fellow countrymen the great and final peace was bestowed upon him.

"Great as he had been, his armies had been greater still. He had been served by officers of commanding ability. He never appeared to maintain for them anything but the most kindly feeling. The greater their ability, the greater was their attachment to him. But the rank and file were more wonderful still. In intelligence, in bravery, in patriotism, and, during the latter years of the war, in military capacity, no armies had ever surpassed those who fought the battles of the war between the States. Their ranks are thin now, but their spirit is undiminished. At an age when others would have quit the field, they remain still holding positions of commanding authority in the service of their countrymen, the soldiers of Lincoln and of Grant. As they supported him in the field their bronze forms support him here.

"Men are made in no small degree by their adversaries. Grant had great adversaries. They fought with a dash and a tenacity, with a gallantry and an enduring purpose which the world has known in Americans, and in Americans alone. At their head rode Gen. Robert E. Lee, marked with a purity of soul and a high sense of personal honor which no true American would ever stoop to question. No force ever quelled their intrepid spirit. They gave their loyalty voluntarily, or they did not give it at all. It is not so much the greatness of Grant as a soldier, but his greatness as a man; not so much his greatness in war as his greatness in peace, the consideration, the tenderness, the human sympathy which he showed toward them from the day of their submission, leaving to General Lee and his officers their side arms and to their men their own horses and baggage, which appealed to that sentiment of reconciliation which has long since been complete. It was not a humiliation, but an honor to remain under the sovereignty of a flag which was borne by such a commander.

"It was Lincoln who said of Grant: 'I can not spare this man. He fights.' It was Grant himself who said: 'Let us have peace.'

"Our country and the world may well consider the simplicity and directness which marked the greatness of General Grant. In war his object was the destruction of the opposing army. He knew that task was difficult. He knew that the price would be high; yet amid abuse and criticism, amid misunderstanding and jealousy, he did not alter his course. He paid the price. He accomplished the result. He wasted no time in attempting to find some substitute for victory. He held fast to the same principle in time of peace. Around him was the destruction which the war had wrought.

"The economic condition of the country was depressed by a great financial panic. He refused to seek refuge in any fictions. He knew that sound values and a sound economic condition could not be created by law alone, but only through the long and toilsome application of human effort put forth under wise law. He knew that his country could not legislate out its destiny, but must work out its destiny. He laid the foundation of national welfare, on which the Nation has stood unshaken in every time of storm and stress. His policy was simple and direct, and eternally true.

"In the important decisions of his life his fidelity and honesty are equally apparent. He was a soldier of his country. His every action was inspired by loyalty. 'Whatever may be the orders of my superiors and the law,' he wrote, 'I will execute. No man can be efficient as a commander who sets his own notions above the law and those whom he has sworn to obey.' When the conflict between President Johnson and the Congress became so acute that it threatened to result in force of arms, being asked which side he would take, he replied: 'That will depend entirely upon which is the revolutionary party.' He never betrayed a trust and he never deserted a friend. He considered that the true test of a friend was to stand by him when he was in need. When financial misfortunes overtook him, he discharged his obligations from whatever property he and his family could raise.

"Here was a man who lived the great realities of life. As Lincoln could put truth into words, so Grant could put truth into action. How truly he stands out as the great captain of a Republic. There was no artifice about him, no pretense, and no sham. Through and through he was genuine. He represented power.

"A grateful Republic has raised this monument not as a symbol of war, but as a symbol of peace. Not the false security which may come from temporising, from compromise, or from evasion, but that true and enduring tranquillity which is the result of a victorious righteousness. The issues of the world must be met, and met squarely. The forces of evil do not disdain preparation, they are always prepared and always preparing. General Grant gave 15 years of his life to the military service of his country that he might be prepared to respond to a great crisis. The welfare of America, the cause of civilization will forever require the contribution of some part of the life of all our citizens to the natural, the necessary, and the inevitable demand for the defense of the right and the truth. There is no substitute for a militant freedom. The only alternative is submission and slavery.

"The generations shall pass in review before this symbol of a man who gave his service, who made his sacrifice, who endured his suffering for the welfare of humanity. They shall know his good works. They shall look to him with admiration and reverence. They shall be transformed into a like spirit. What he gave, America shall give."

NAVAL OIL RESERVE LEASES.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent for the present consideration of the resolution upon which I addressed the Senate on yesterday, being Senate Resolution 282.

I desire to state that since I submitted the resolution in its original form on the 21st day of April, I have modified it, and I ask that the modified form of the resolution be now laid before the Senate as a substitute for the resolution which I originally presented.

The VICE PRESIDENT. The Senator from Wisconsin asks unanimous consent for the present consideration of Senate Resolution 282, as modified by him. The Secretary will read the resolution, as modified, for the information of the Senate.

The reading clerk read Senate Resolution 282, which had been submitted by Mr. LA FOLLETTE on April 21, as modified, as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate:

(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve No. 1, and, separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications of such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves.

Resolved further, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. SMOOT. I have no objection at all to the immediate consideration of the resolution, but I wish to call the attention of the Senator from Wisconsin to the fact that there is no provision made in the resolution for the expenses of carrying on the investigation provided for therein if such investigation shall prove to be extensive. I will say, however, to the Senator from Wisconsin that if there should develop any necessity for an appropriation for that purpose we can ask for it at the time when that becomes apparent.

Mr. LA FOLLETTE. That had already occurred to me, Mr. President. I should like to have present consideration of the resolution if I can get it.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I do.

Mr. McCUMBER. With the understanding that the consideration of the resolution will not lead to any prolonged debate, I have no objection.

Mr. LA FOLLETTE. I have no desire to extend the debate at all. I am ready for a vote on the resolution at this time.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. POINDEXTER. Mr. President, I suggest to the Senator from Wisconsin that, so long as a report is being called for by the resolution on the general subject of naval oil reserves, the resolution might be made somewhat more comprehensive, and ask for a report at the same time upon the contracts for the drilling of oil wells on naval oil reserves, aside from the question of leasing, and the reasons for such contracts; also for a report on the question of the drilling of oil wells on private property adjacent to the naval oil reserves, the number of such wells, and the date when they were drilled. If the Senator from Wisconsin has no objection, I suggest the addition of a subparagraph to read as follows:

(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to the naval oil reserves.

Mr. LA FOLLETTE. I have no objection to such an amendment, Mr. President.

Mr. POINDEXTER. I offer that amendment to the resolution.

Mr. LA FOLLETTE. Indeed, I am in favor of broadening the scope of the investigation which is proposed by the resolution to include everything that touches the subject and is material to it.

Mr. TOWNSEND. Mr. President, may I ask whether or not the department would have any information that it could submit to the Senate relative to wells drilled on private property?

Mr. POINDEXTER. Undoubtedly the department must have such information, since that is the reason assigned for the drilling of wells on the Government property.

Mr. LA FOLLETTE. If I may be permitted, I will suggest that if the Government is not in the possession of information with respect to that matter, under the resolution, which authorizes the Committee on Public Lands and Surveys to conduct an investigation, the committee would be able to secure such information.

Mr. TOWNSEND. I concede that may be true, but I can understand that possibly the department may have no information relative to such drilling.

Mr. POINDEXTER. Of course, if the department has no information, it will report that fact. I wish to explain the purpose of my amendment. Entirely outside of the question of the leasing of Government land, in California wells were sunk by private parties adjacent to naval oil reserves; and it was obvious that through those wells the Government supply of oil was being drained off. The only way of meeting that contingency that has been suggested was to drill corresponding wells upon Government land in order to draw from this common pool of underground oil at the same time and in a somewhat similar quantity.

Mr. NELSON rose.

Mr. POINDEXTER. Just one second. So the Government did proceed to call for the contracts for the drilling of the wells on the Government property because of the fact that wells were being sunk upon private property. Of course, the Government knew about it; the whole proceeding was based upon that knowledge, and I should like to know just what the circumstances are.

Mr. TOWNSEND. I have no objection to securing any information that can be obtained. I was merely wondering if we were asking for something over which the department had no jurisdiction. I concede, of course, that under the authority given by the resolution to conduct an investigation the committee may look into all of these questions.

Mr. NELSON. Mr. President, I simply rose to state that a report has already been submitted by the department concerning this matter, and that report indicates that the Government has considered the question of the oil being drained from Government lands by operations on adjoining private lands. The Government evidently has that information now, and no doubt a report on the subject can be secured.

Mr. LA FOLLETTE. Mr. President, I ask for a yea-and-nay vote on agreeing to the resolution.

Mr. POINDEXTER. Mr. President, I should like to know whether the amendment has been agreed to.

Mr. LA FOLLETTE. I accept the amendment, and I ask to have it stated at the desk, so that it may be clearly understood.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. In the resolution as modified, on page 2, after line 14, it is proposed to insert:

(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to oil reserves.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the modified resolution as amended, on which question the Senator from Wisconsin has requested the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. KENDRICK (when his name was called). Transferring my general pair with the Senator from Illinois [Mr. McCORMICK] to the Senator from Arizona [Mr. ASHURST], I vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL], which I transfer to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. McKELLAR (when the name of Mr. SHIELDS was called). My colleague [Mr. SHIELDS] is unavoidably detained from the city on business.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. HARRIS (when the name of Mr. WATSON of Georgia was called). I desire to announce that my colleague [Mr. WATSON of Georgia] is absent on account of illness.

The roll call was concluded.

Mr. McKELLAR. I have a pair with the Senator from Indiana [Mr. NEW], which I transfer to the Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Ohio [Mr. WILLIS] and allow my vote to stand.

Mr. HARRIS. I transfer my pair with the junior Senator from New York [Mr. CALDER] to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. COLT. I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. WALSH of Montana (after having voted in the affirmative). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], who, I observe, is absent from the Chamber. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and allow my vote to stand.

Mr. McKINLEY. I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. ERNST (after having voted in the affirmative). I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from California [Mr. SHORTRIDGE] and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 58, nays 0, as follows:

YEAS—58.

Borah	Harreld	McCumber	Sheppard
Bursum	Harris	McKellar	Simmons
Capper	Harrison	McKinley	Smoot
Colt	Heflin	McLean	Spencer
Culberson	Hitchcock	McNary	Sterling
Curtis	Jones, N. Mex.	Nelson	Sutherland
Dillingham	Jones, Wash.	Newberry	Swanson
Ernst	Kellogg	Norris	Townsend
Fernald	Kendrick	Oddie	Wadsworth
Fletcher	Keyes	Overman	Walsh, Mont.
France	King	Page	Watson, Ind.
Gerry	Ladd	Phipps	Weller
Glass	La Follette	Pittman	Williams
Gooding	Lenroot	Poindexter	
Hale	Lodge	Rawson	

NAYS—None.

NOT VOTING—38.

Ashurst	Brandegee	Calder	Caraway
Bell	Broussard	Cameron	Crow
Cummins	Moses	Ransdell	Trammell
Dial	Myers	Reed	Underwood
du Pont	New	Robinson	Walsh, Mass.
Edge	Nicholson	Shields	Warren
Elkins	Norbeck	Shortridge	Watson, Ga.
Frelinghuysen	Owen	Smith	Willis
Johnson	Pepper	Stanfield	
McCormick	Pomerene	Stanley	

So the modified resolution as amended was agreed to.

Mr. HITCHCOCK. Mr. President, while I did not desire to speak before the adoption of this resolution, I want to say a word or two now about it.

It has been a great surprise to me to know that our statutes are in the condition claimed by the Secretary of the Interior. He says, in his reply to the resolution presented by the Senator from Wyoming [Mr. KENDRICK], that an administrative department of the Government is authorized by an item in the naval appropriation bill of 1920 to make a radical change in the policy of conservation which the United States had entered upon many years ago. That was to set aside and reserve certain oil lands for the benefit of the Navy hereafter. I feel that the Senator from Wyoming [Mr. KENDRICK] is entitled to great credit for having brought before the Senate and brought before the country the fact that secretly, without any public discussion, without any information to the Congress of the United States, two departments of this Government have agreed to enter upon a radical change in our policy, and turn over this great resource of oil, which was supposed to be preserved for the use of the Navy, into private exploitation. I hope the committee, when it investigates this question, will not stop at revealing whatever may have been the reason and the motives for the action of the Navy Department and the Interior Department, but will recommend to the Congress of the United States some change in this provision of law which appears to have been incorporated in our statutes in 1920.

Certainly, beginning many years ago, the United States entered upon a policy of conserving these great oil reserves for public use, and it was not intended simply to set them aside for the present use of the Navy. It was intended to set aside these great reserves for the future, when oil becomes scarce, as it inevitably must become scarce at the rate at which it is being used. I was under the impression that that policy of conservation was inaugurated under an act of Congress, and could not be changed except upon consideration by Congress. Yet the Secretary of the Interior, in defending this proceeding in secret by which this great reserve has been turned over to exploitation by private interests, justifies his act by citing the following provision of an appropriation bill passed in 1920. He says:

> For further information of the Senate we have to advise that naval reserve No. 3, Wyoming, was created by Executive order of April 30, 1915; that in the act of June 4, 1920 (41 Stat. 813), making appropriations for the naval service, etc., Congress provided:
>
> "That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of the act of Congress approved February 25, 1920, etc., to conserve, develop, use, and operate the same, in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof and those from all royalty oil from lands in naval reserves, for the benefit of the United States. * * *"

Mr. President, this paragraph, inserted in an appropriation bill, is cited by the Secretary of the Interior as a justification for the transfer of the authority from the Secretary of the Navy to the Secretary of the Interior, and is cited by him as a justification for turning over this great Wyoming oil reserve for private exploitation. I must confess that I did not remember anything about or know anything about that provision in the appropriation bill. The original act certainly contemplated that that oil should be conserved for the future, and that that policy should not be changed except by act of Congress; but this provision was run in here on an appropriation bill in 1920, and apparently the Secretary of the Interior feels that he is justified, whenever he pleases, in using this great public reserve for private exploitation.

I do not know how it is with other Senators, but to me that is a shocking surprise; and if that provision did become part of an appropriation bill it should be changed, and the status should be put back where it was before, so that these great oil reserves shall remain for the public use in the future, and not be frittered away at the present time when oil is so cheap.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield to the Senator.

Mr. BORAH. I am not familiar with the history of that particular provision, but I am fairly familiar with the history of the leasing bill; and, if I may be permitted to say so, that is now transpiring which the opponents of the leasing bill

prophesied would transpire. I only want to say that in my opinion, unless there is a radical change in the entire structure of legislation with reference to these oil fields, and so forth, we shall not be able to protect the public. I am not alone interested in protecting them for the benefit of the Navy, but I am interested in seeing that the people of the United States, as a people who must use oil for a multitude of things, are protected; and in my opinion, unless the leasing bill is radically reconstructed there will not be very much protection to the public.

Mr. HITCHCOCK. That only aggravates the situation. If the leasing bill is so constructed that the oil supply of the United States is likely to be consumed prematurely and rushed into the markets of the world, so that the future will be starved for oil, it is all the more important that what reserves we had preserved for the use of the United States should be left intact and not despoiled. It was all the time an issue, through a large part of the administration of Woodrow Wilson, whether these oil reserves should be retained as reserves for the future, and during that administration Woodrow Wilson stood firm and his administration stood firm against permitting great oil companies to exploit these properties. He stood firm in favor of preserving them as far as possible for what must be the inevitable need of the future; and I am shocked that in this administration two departments of Government should apparently agree secretly, and without any notice to the public, and without any advice to Congress, to throw them open for private exploitation.

I hope, therefore, that the committee, when it considers this matter, will also consider an amendment of the law so that the power which the Secretary of the Interior has asserted he possesses may be taken away from him and that these oil reserves may be permitted to remain intact for the use of the future.

I want to say in conclusion that the Senator from Wyoming [Mr. KENDRICK] is entitled to the greatest credit for having made the discovery that this secret work of a department, secret negotiations with favored oil interests, had been going on for some time and that he brought it to light here in the Senate; and I also feel that the Senator from Wisconsin [Mr. LA FOLLETTE] conferred a distinct benefit upon the people of the United States when he so forcefully brought it to the attention of the country, as he did in his speech delivered here yesterday, that after 13 years of a settled policy of the United States to preserve this great interest for future use two departments of Government should have entered into a secret arrangement with these oil-exploiting companies to deprive the public and deprive the future of the use of this preserve.

Mr. POINDEXTER. Mr. President, may I ask the Senator from Nebraska, to get his views, what substitute policy he would suggest to take the place of the legislation which he condemns?

I am not at all familiar with the preliminary proceedings leading up to this lease of reserve No. 3 in Wyoming. I did have my attention called to the conditions existing on California reserves 1 and 2.

It was asserted by people who were in a position to know and understand the conditions surrounding the California reserves that wells were being sunk along the lines of the Government reserves on private property adjacent thereto, and that as a consequence of that oil was being drained from the Government reserves. The Senator will notice in the report which he just quoted, from the Secretary of the Interior and the Secretary of the Navy, the statement that millions of barrels of oil had been drained out of the Government reserves in that way.

It was for the purpose of having some authority vested somewhere in the Government to meet such an emergency as that that this legislation was passed, with the approval of Secretary of the Navy Daniels, who had indicated a very faithful interest in the conservation of these reserves for the purposes of the Navy. I scarcely see how the Government interests could be protected if, in the face of an emergency of that kind, in case it did exist, we had to wait for a special act of Congress. The whole matter of the administration of this property would be by the cumbersome and slow and inefficient method of action by numerous legislative bodies, instead of action by an executive authority. I would like to have any suggestion from the Senator from Nebraska on that subject.

Mr. HITCHCOCK. Of course, Mr. President, I can not undertake to frame a bill upon the floor. The Senator will readily see I can not do that; but I think there are several answers to his suggestion which must occur to anyone.

In the first place, if there are fields in California such as the Senator suggests, where Navy oil reserves are being drained, that is a subject for consideration and action. There must be some way of protecting the Government. But whether there is or not, no such statement applies to the Wyoming oil fields. The Senator from Wisconsin showed to the Senate yesterday, as I think, conclusively that practically every geological authority, every authority on the formations of Wyoming, and every experienced man acquainted with the oil field in Wyoming has testified that there was no possibility of private interests draining the oil fields which belong to the Navy reserve in Wyoming; that that danger does not exist there and that that excuse does not exist there.

The Senator from Washington suggests that the naval appropriation bill containing that authorization to the Secretary of the Navy was passed with the full approval of Secretary Daniels. Perhaps Secretary Daniels did approve it; I do not know; but I do know this, and I call it to the attention of the Senator from Washington, that all through his administration as Secretary of the Navy, Secretary Daniels stood like a stone wall against any attempt on the part of private interests to exploit the great oil reserves which belonged to the United States, and he stood that way firmly from the beginning to the end, and he received the backing of the President of the United States. That was the settled policy of this Government when the present administration came into office.

I am inclined to think that legislation is quite possible which can open to the Secretary of the Navy, or, if you please, to the Secretary of the Interior, the use of these oil supplies when they are necessary for the Navy; but they are not necessary at the present time. We have enormous stores of oil, and the oil on these reserves is not being taken on the plea that it is necessary at the present time. It is being taken out on the plea, and only on the plea, that some unknown expert, some anonymous authority in the Department of the Interior, has said that the oil in the Wyoming reserve was being drawn out, or was in danger of being drawn out, by private interests. I think the Senator from Wisconsin [Mr. LA FOLLETTE] yesterday demonstrated here that that was not the fact. Those naval reserves of oil can not be drained out by neighboring wells. These leases can not be justified on that ground. Nor can they be justified on the ground that the Navy needs the oil. The Navy does not need the oil at the present time.

Mr. POINDEXTER. Oh, yes; the Navy does need the oil at the present time. It has a large number of oil-burning vessels. But I can readily see that there might be an opinion that, notwithstanding the present need of the Navy for oil, it would be advisable to purchase that oil under conditions existing now and reserve the Government oil for some future time when oil might be scarcer and more expensive. The Navy does need oil. I am not concerned about the question of whether this oil is being taken out for the immediate use of the Navy, or taken out for some other good and sufficient reason.

I want to call the attention of the Senator from Nebraska to the statement made by the Acting Secretary of the Interior and the Secretary of the Navy. That statement says:

> From a careful geological study recently made by an expert of this department, it was found that the Teapot Dome was menaced with a similar drainage danger. The naval reserves in California can be reached through existing pipe lines, but the principal problem there was the exchange of the crude oil for fuel oil in proper and available storage.

The Senator says he has formed the conclusion that the statement made by the Secretary of the Navy and the Acting Secretary of the Interior is not well founded. He says that he thinks the Senator from Wisconsin demonstrated that it was not. I myself do not think it was so demonstrated. I heard very little stated by the Senator from Wisconsin as to what the actual facts were as to the sinking of wells on adjacent property and the draining of oil from the Wyoming reserve; but my mind is entirely open on that subject. I think it ought to be investigated. That was one of the principal reasons why I asked for the adoption of the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE], but I do not think that at the present time we have sufficient information on which to form a conclusion as to whether the assertions made by the Senator from Wisconsin are well founded. But if the statement made by the heads of the two departments is true, assuming that it is true, upon the hypothesis that it is true, it seems to me the legislation which the Senator from Nebraska condemns is very essential to meet such a contingency. At least, the Senator himself admits that he would require time for reflection and for preparation before he could suggest a substitute means of protecting the interests of the Government.

I want to make another suggestion to the Senator from Nebraska. He condemned the transfer of the control of this matter from the Secretary of the Navy to the Secretary of the Interior. It has not been transferred absolutely from the Secretary of the Navy to the Secretary of the Interior. This report is signed by both the Acting Secretary of the Interior,

representing the Secretary, and the Secretary of the Navy, and the report contains this statement:

> At the suggestion of the Secretary of the Navy, the President of the United States directed the Secretary of the Interior to take over the administration of lands in the naval reserves in consultation and cooperation with the Secretary of the Navy. The Interior Department and the Navy Department have been in close cooperation and have been endeavoring, as they saw it, to carry out the purposes for which these naval reserves were created.

So it is a joint rather than a separate control, by the two departments, rather than by one of them.

Mr. HITCHCOCK. Let me stop the Senator there.

Mr. POINDEXTER. Just one word, and then I will yield.

Mr. HITCHCOCK. I have the floor, I advise the Senator.

Mr. POINDEXTER. I beg the Senator's pardon.

Mr. HITCHCOCK. At least, I supposed I had the floor. I will yield in a moment, and then the Senator can speak in his own time.

I want to call attention to this fact: If it is a joint control by the Secretary of the Interior and the Secretary of the Navy, it is one not authorized by law. The very law which has been cited by the Secretary of the Interior provides that it shall be under the control of the Secretary of the Navy, and it has been under the control of the Secretary of the Navy for a good many years for the purpose of conservation.

I want to suggest to the Senator, who is an important member of the committee to which this has been referred, if new legislation is recommended for the purpose of protecting this great interest of the United States, and if the Senator still thinks that the Secretary of the Navy should have some power to make leases under certain conditions, the Secretary at least should be required to do what is required under the leasing bill, to give notice, and have public and open bids, competitive bids, and not transact the matter in secret, and raise the suspicion, at least, that the contracts are made with favored interests. As bad as the leasing bill is said to be, in view of the Senator from Idaho, we at least ought to have that safeguard.

Mr. POINDEXTER. Why does the Senator state that it was done in secret?

Mr. HITCHCOCK. It took a resolution of the Senate to evolve the fact that the contracts were in course of being made. There was no publicity.

Mr. POINDEXTER. The fact that the Senator from Nebraska or even that the Senate did not know about it is no indication that it was done in secret.

Mr. HITCHCOCK. It is every indication. There was no publication in the newspapers, except of the vaguest rumors. Here is a matter involving probably hundreds of millions of dollars of value to the United States. Here is a reversal of the policy we have heretofore adopted, and instead of being done in the open, so that protests could be made, instead of bids being required in the open, so that there could be competition, these contracts are let to favored corporations, in a private and secret way, and the public knows nothing of it until it is a closed transaction.

Mr. POINDEXTER. The Senator is very largely mistaken about that. I take the statement of the Secretary of the Navy and the Secretary of the Interior as true, that they called for offers, and that a large number of offers were received, and that out of all the offers they selected this one.

Mr. HITCHCOCK. That may be, but they called for them secretly. There was no public call.

Mr. POINDEXTER. I disagree with the Senator.

Mr. HITCHCOCK. Will the Senator state what public call was made?

Mr. POINDEXTER. I have personal knowledge of the fact that in the case of the California oil reserves—and I have no reason to think the proceedings in the case of the Wyoming oil reserve was any different—it was known publicly, and a large number of competitive offers were made. My complaint was that too much time was taken up in the consideration of those respective offers. In the meantime, millions of barrels of oil were being drained from the Government reserves.

Mr. HITCHCOCK. Not from the Government reserve in Wyoming, concerning which the greatest scandal exists.

Mr. POINDEXTER. It is stated here that the same condition existed there which existed in connection with the California oil reserves.

Mr. HITCHCOCK. Yes; and it is stated on the strength of an unknown expert, and the Senator from Wisconsin demonstrated here that the chief geologist of the Interior Department had denied he had given any such opinion, and that such opinions were only held by private interests. The Senator from Wisconsin demonstrated that the geologist of Wyoming had declared that there were separate formations there, and that the formations operated by private interests could not by any possibility drain the public formations, and that same opinion was given by men who actually have knowledge of the oil formations in Wyoming, and against that nothing is produced by the Secretary of the Interior except the opinion of an anonymous expert of the department.

Mr. POINDEXTER. If the Senator from Nebraska is correct, of course the Secretary of the Interior and the Secretary of the Navy are wrong, and I am fully as willing to accept the statement of the Secretary of the Navy and of the Secretary of the Interior as conclusive of the facts in the case as I am to accept that of the Senator from Nebraska in a matter that is of such vast consequence to the country as this is. But all those matters can be ascertained, and ought to be ascertained, beyond a doubt, I judge, without a great deal of difficulty.

There is only one more comment I want to make on the question and that is with reference to the statement of the Senator from Nebraska that the policy of the Government has been reversed in regard to the oil reserves, that there has been a revolutionary proceeding in connection with them, that they were intended for the public use for the Navy, that they have instead of that been turned over for private exploitation. Now the Senator has the privilege of placing that interpretation upon what has been done by the department, but others have the same privilege of putting an entirely different construction upon the action of the department, and accepting the statement of the department that they have made this contract in order to carry out the intent and purpose of the act of Congress under which the reserves were established. They give their reasons for it.

We will inquire whether those reasons were sufficient or not, but the statement is made that it was for the purpose of conserving the oil, for the purpose of supplying the Navy, to meet the conditions which threatened the reserves and which would have deprived the Navy of the benefit of the oil in those reserves, that this contract was made and not, as the Senator from Nebraska stated, to turn it over for private exploitation and for private benefit. The intention as stated by the department was that it should be for the public benefit and for the specific use and purpose provided for in the act of Congress.

Mr. NORRIS. Mr. President, as to just how close a well can be drilled to some parcel or piece of land and drain the oil that is under it is a very difficult question and usually an impossible question to decide. I take it that the provisions of the statute which is referred to by my colleague and condemned by him is the identical legislation the passage of which Secretary Daniels said he secured, as stated in his interview quoted yesterday by the Senator from Wisconsin [Mr. LA FOLLETTE]. So if turning our face the one way we condemn this law and then turning around the other way we praise Secretary Daniels to the sky for preserving intact these great oil reserves, we are just a little bit inconsistent, to say the least.

I happen to be somewhat familiar with the work done by Secretary Daniels. I was in entire accord with him. I think he did a good work, but to say, as my colleague has, that we should give the credit all to the Woodrow Wilson administration is going contrary to the facts. I happen to know that there was a great contest on in that administration and that Secretary Daniels represented one side of it. Secretary Daniels did stand firm for the preservation of the oil in these oil reserves. He did everything he could, and he succeeded. I want to render to him all the praise that I think is due him. He acted in good faith. He acted wisely.

But to take the narrow-minded partisan view of it, as my colleague does in discussing anything in an attempt to get a political advantage, and give to the Woodrow Wilson administration all the praise for this national policy is again beside the mark. This is not the policy of Woodrow Wilson. It was a policy that originated before he became President of the United States. To the extent that he carried it out, he is entitled to praise, if any praise is due anyone.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. HARRELD in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. BORAH. I think the Wilson administration is entitled to a great deal of credit for passing the leasing bill, but I think the Woodrow Wilson and all other administrations which had anything to do with it will regret it from this time on. I have no doubt that they acted in good faith, and thought they were conserving the natural resources, but just so long as the leasing law remains upon the statute books we will have recurring from time to time precisely the thing which is now recurring. It will not preserve, I venture to say, the natural resources of the country for the benefit of the public. The illustration which we have before us will demonstrate that. We concede that the

only chance to protect the public now is to preserve these three particular oil wells or ponds, or whatever they may be called. All the rest of them are thrown open to be exploited by the same men who, we are afraid, are going to get a chance to exploit these particular propositions. I do not see any reason why the Navy should have any particular protection over them as against the general public. In other words, if we are going to administer these three particular propositions by the public and through the public, why should we not administer the entire oil field through the public in order that the public may be protected? The people who buy oil get it from the same exploiters.

Mr. KING. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. KING. Mr. President, just in the interest of accuracy, the leasing law which my friend from Idaho condemns, and I think that his appraisement of its infirmities is accurate, was passed while Mr. Wilson was President, but after the Republicans had the control of Congress. The distinguished senior Senator from Utah [Mr. SMOOT], chairman of the Committee on Public Lands, as I recall, reported the bill, and the Republican House and the Republican Senate drove the bill through, and it was signed by the President. In its operations it is proving disappointing to the people. It is leading to charges of favoritism. It promotes scandal. It is an impediment to legitimate and proper development, and in the end there will, in my judgment, be a demand that it shall be effectually modified, if not repealed.

Mr. NORRIS. Mr. President, I care not how anyone stands on the leasing law. It is immaterial to me whether it was passed under a Republican administration or a Democratic administration. In fact, I do not care one iota about any of those things so far as a Republican or Democratic administration is concerned. I would not have taken the floor if there had not been an intimation by my colleague, the senior Senator from Nebraska, that all these evils came about because the present administration had failed to follow the Wilson administration. If the Wilson administration had done what this administration has now done, it would be praised by my colleague for the very act, and the Taft administration, which took the very same view as the Wilson administration, would be condemned. There is no question about that.

I do not care when the Senator from Utah says the law was enacted by the Democratic administration, but in an apologetic way he says there was a Republican administration favoring it, but did not let it through. That does not appeal to me at all. I do not believe it appeals to the American people. All parties and all men and all administrations make mistakes; at least they do if they are human, and I have not yet seen one in my lifetime that has been above that. Sometimes I think they get a little below, but if they are acting in good faith, even though they make mistakes, we can give them credit at least.

The thing which is obnoxious to me is trying to make, even in an indirect way, political capital out of anything of this kind.

I am not condemning the leasing system. I think the Senator from Utah and the Senator from Idaho are wrong. They may be right. So far as this question is concerned, it is absolutely immaterial whether they are right or wrong.

Mr. POINDEXTER. The Senator has observed no doubt that the attitude of several Senators on the other side seems to be that President Wilson being in control of the executive branch of the Government and the Republican Party having a majority in the legislative branch of the Government, as a matter of course all the good things in the leasing act were attributable to President Wilson and all the bad things to the Republican legislative majority.

Mr. NORRIS. Now, Mr. President, I am going to take up Secretary Daniels's idea. As I said, I give him credit for acting in absolute good faith. I agreed with his policy of trying to protect the reserves. I do not agree with the policy that seems to be now in vogue. There may be evidence produced that will convince me. I think I have an open mind. However, I want to call attention to the fact that no one ever heard my colleague condemn anything in a Democrat, and no one ever heard him praise anything that came from a Republican administration, and that is why I have taken the floor.

Secretary Daniels, quoted yesterday by the Senator from Wisconsin [Mr. LA FOLLETTE], used this language:

> There never were any wells drilled near our reserves. Several times owners of adjoining lands intimated that they would sink wells close to the naval reserves. I made it plain to them that if this was done the Navy Department would put marines into these fields and sink a well for every one drilled by them. If they attempted to tap our reserves, we would tap theirs. When they learned that we would not be forced by such methods they abandoned their attempts, and we kept our oil. We made it plain that the United States was a larger business concern than any of the oil corporations, and that we would protect the naval reserves that had been set aside by former President Taft.

Not Woodrow Wilson, but Taft. I do not suppose anyone will charge me with being particularly friendly to Taft, but if there is any credit due give it to him.

Mr. WATSON of Indiana. Mr. President——

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. WATSON of Indiana. Was not the order of President Taft the subject of litigation afterwards?

Mr. NORRIS. It was.

Mr. WATSON of Indiana. Did it not get into the courts?

Mr. NORRIS. It did.

Mr. WATSON of Indiana. Did it not go to the Supreme Court of the United States?

Mr. NORRIS. I do not know whether this order did. Probably not this one, but one of them did go to the Supreme Court.

Mr. WATSON of Indiana. I think it was this very order. That is my recollection of it.

Mr. NORRIS. I remember at the time Secretary Daniels was in charge I was a member of the Committee on Public Lands, and we took a great deal of testimony on the subject of these reserves and this question arose. I am not through reading from Mr. Daniels. I am going to read a little further, but just now I want to call attention to the question that is, in my judgment, involved here and that never can be determined with accuracy. We heard the testimony of the experts—I do not think they were unknown, either, but they were the best we could get from our departments that seem to be looked upon somewhat in derision now by my colleague. They appeared before the committee at that time, and the question arose, if we have a reserve now of a certain tract of land bounded by metes and bounds, how will we prevent the owner of the land just over the line sinking an oil well within 2 or 3 feet or 2 or 3 rods of our land and tapping what will very likely be the oil that is under the lands owned by the Government of the United States in one of these reserves?

Mr. LODGE. Mr. President, I am obliged to leave the Chamber, and I would like to ask the Senator from Nebraska one question before I go.

Mr. NORRIS. I gladly yield.

Mr. LODGE. I entirely agree with what the Senator has said about distributing credit and discredit here and there. President Taft issued the order reserving the California field, and I think President Wilson issued the order for the Wyoming field.

Mr. NORRIS. Yes; he did.

Mr. LODGE. And Secretary Daniels made a stanch fight, as I can testify, against giving up any part of the naval oil reserves. But it is just as well not to overlook the fact, in talking about the complexion of the Senate, that the Senate committee had something to do with stopping the raid on the Californian fields.

Mr. NORRIS. I happened to be a member of the committee myself.

Mr. LODGE. I am speaking of the Committee on Naval Affairs.

Mr. NORRIS. The Committee on Public Lands likewise had something to do with it.

Mr. LODGE. Yes; they had. In distributing credit it will be found that it goes in different directions.

Mr. NORRIS. I am going to throw the bouquet at the Naval Affairs Committee. I do not want to give any to the other committee, because I happen to be a member of that other committee.

Mr. LODGE. I happened to be a member of the Committee on Naval Affairs and saw the fight made. I took some little part in it and tried to keep the reserves for the Navy.

Mr. NORRIS. I did the best I could upon the Committee on Public Lands.

Mr. LODGE. And without the help of the Senate the Secretary of the Navy never could have done it.

Mr. NORRIS. When the Government has a piece of land in the oil fields which it reserves and retains for the use of the Navy, and some person who owns the land right across the line sinks a well—and there is no way to prevent him from doing so if he owns the land—the question arises, How far away from the line will a person be able to sink such a well and yet draw from the oil that is under the Government land? No man has ever stated that definitely and no man claims to know definitely; but the experts do not hesitate to testify concerning that problem, and they did so in the hearing before the committee. I have forgotten the distance which they estimated, but they thought that wells could be sunk within a comparatively short distance without interfering at all with the oil which was under the naval oil reservations. The distance probably varies

in different fields; but we must give to our officials, to the Secretary of the Navy, if he is going to control these reserves of oil, the authority, in my judgment, to drill wells in order to effectuate the purpose desired to be accomplished. It may be that if wells were sunk all around the Wyoming reserve the owners of such wells would not get all of the oil, but they would get very much of the oil, as everybody knows.

Mr. LA FOLLETTE. Mr. President——

Mr. NORRIS. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I wish to take exception to that statement. I put into the RECORD yesterday, perhaps, not conclusive proof, but certainly proof which ought to raise a very strong presumption in the mind of any Senator, that what the Senator from Nebraska states is not possible; that the geological formation which is found in the California field is of a very different character from that in the Wyoming field. I also put into the RECORD telegrams from the State geologist of Wyoming, stating that it was an undrainable formation; that it could not be drained at all.

Moreover, that statement was confirmed by a telegram from the governor of the State; it was also confirmed by a statement from the former governor of the State, Mr. Brooks. It has also been stated to me personally by a number of people who are familiar with that formation that the oil in the Teapot Dome of Wyoming was as safe from outside drainage as though it were in an iron basin.

The same thing is not true of the geological structure of the naval reserve No. 2 in California. There a different kind of soil is found, and the oil there could be drained by wells put upon adjacent territory.

The Senator from Nebraska says to me that I am misquoting him.

Mr. NORRIS. I did not say that for the RECORD. The Senator put that in himself. The Senator, however, is misinterpreting what I said.

Mr. LA FOLLETTE. I understood the Senator from Nebraska to say that in the Wyoming field the oil could be drained by the drilling of wells in adjacent territory.

Mr. NORRIS. I am speaking of any field.

Mr. LA FOLLETTE. The Senator was speaking of the Wyoming field at the time.

Mr. NORRIS. I will tell the Senator what I said.

Mr. LA FOLLETTE. I will not trespass further upon the Senator's time.

Mr. NORRIS. After I shall have made my statement the Senator may again interrupt me, if he wishes.

Mr. LA FOLLETTE. I will take the floor later in my own right.

Mr. NORRIS. I do not object to the Senator's interruption.

I said when drilling is done around a reserve next to the line, though probably the well would not get all of the oil that is in the reserve, it would be bound to get some of it. Does the Senator from Wisconsin claim that around the reserves in Wyoming there is a wall that runs down to the center of the earth, so that if a well is drilled 1 foot from the line the one who drills it will get no oil, and that if the well that he drills is 3 foot inside the line it will get the oil? Such a proposition is perfectly preposterous, Mr. President.

If there is oil on one side of a line, the one who drills a well on the other side will get some of that oil unless right straight down from that line there is a wall which may not be penetrated. I heard experts testify, as I said before the Senator from Wisconsin interrupted me, that the conditions varied in different localities, and that the distance at which oil might be drawn which would apply to one field, perhaps, would not at all apply to another.

But I was coming to the point of Secretary Daniels's assertion that he secured legislation. I judge, but I am not sure about it, that it is the same legislation which my colleague now condemns. I am not defending the act; perhaps it should be amended; indeed, I think it ought to be amended, and it seems to me it would not be a difficult thing to change it in order to meet the situation. Quoting from the speech of the Senator from Wisconsin on yesterday, Secretary Daniels said:

> The reasons given by the present administration for turning over the naval oil reserves in California and Wyoming to great private corporations are childish. They say the Standard Oil Co. has bored wells immediately adjoining our reserve in California and is tapping our oil pools. Is this Government impotent to defend its own property? Would the Navy stand by with its hands folded and let the Standard or anybody else steal our oil?
>
> The same threats were made when I was Secretary of the Navy. We decided that, first of all, we should get out an injunction; if that failed—

And it probably would—

> we decided that every time the Standard or anybody bored a well that might tap our oil we would bore one immediately adjoining which would tap their oil. I got an appropriation from Congress for that purpose.

It seems to me Secretary Daniels is hitting the nail on the head, although my colleague seems to condemn any law that will give the Secretary of the Navy any authority to bore a well for fear that we shall be killing the goose that lays the golden egg. I agree with Secretary Daniels when he says:

> I got an appropriation from Congress for that purpose.

What purpose? So that he could bore wells when the Standard or anybody else bored one in such proximity to the national reserves as involved a danger of robbing the oil pool under the Government's land. That is what he ought to do. In my judgment the particular act on this subject ought to be changed; but we must not take away from the Secretary of the Navy or some other official—and I think this power ought to be in the Secretary of the Navy, probably—the power to meet private parties when they undertake to sink wells which will drain the oil from under our own lands. Secretary Daniels was in favor of such power being given, and he secured an appropriation for that purpose.

The particular provision was in the act of June 4, 1920. It does not follow, Mr. President, that we ought to have an act that is so broad that the Secretary of the Navy can bore wells, or at least lease them, for any other reason than for the preservation of the oil under the Government reservation.

Mr. President, I do not believe any expert will claim that he can tell definitely—he may, of course, have his judgment about it—that by sinking a well in a certain place it will drain a pool in a certain other place. If the pools thousands of feet, perhaps, underground are connected, they may be drained, but a pool several miles away—I think I said a pool half a mile away—may not be drained. The experts, however, know within limitations, or think they do. If we set aside a reservation for oil for our Navy, and make it so large that we go away beyond the limits of the pool which we are covering, so that around on the outside no one may get oil, then, of course, we are absolutely protected; but whenever the man who owns lands adjoining the Government reservation, there being nothing but an invisible line separating the two, and he is able to get the oil, the chances are 999 out of a thousand that he is getting some oil from under the reservation owned by the Government. The only way to even that up is to grant the power which Secretary Daniels sought. It ought to be limited to that, however, so that the Government may preserve the oil under the Government reservations. As Secretary Daniels said in his statement, the very fact that he had the power and was going to sink a well prevented the other fellow from doing it.

It may be, Mr. President, that we will want to sink some wells later on in order to care for the needs of our Navy; I do not know how soon that may be desired; but we are trying to preserve the oil in the earth for the use of the Navy; yet objection is made by the Senator from Idaho that we ought not to make any difference between the Navy and the people generally. It may be that we ought—I sometimes think that we ought—to preserve for the people generally more of the oil that is underneath the earth than we have preserved; but I believe, Mr. President, if it is possible to hold our oil in the ground for the use of the Navy, that it is a wise precautionary measure to preserve it for the Navy. Compared with all the oil fields in the United States, the amount reserved for the Navy is very small. I think we are justified in reserving it; that it was a wise thing when President Taft set aside the two reservations in California, and it was also a wise act for President Wilson to set aside the third reservation in Wyoming. So far as I am concerned, I want to see everything done that can possibly be done to preserve the oil in both fields for the use of our Navy.

Mr. LA FOLLETTE. Mr. President, I do not care to prolong this discussion. I have no sympathy with the efforts of Senators upon either side of the aisle to make political capital out of a resolution which I introduced bearing upon the preservation of the oil on the naval reserves. I think perhaps the truth of history ought to be served by a statement of fact with respect to the enactment of the general leasing bill, which was followed by an amendment as a rider upon the naval appropriation bill bearing upon the same subject.

Two general leasing bills affecting oil, coal, and other natural resources have been reported in recent years. Both of them came from the Committee on Public Lands, of which the Senator from Nebraska [Mr. NORRIS] is and for several years has been a member. Both of them, so far as conserving the oil or the coal was concerned, were bad bills. The one reported when the Senate was controlled by the Democratic Party came before the Senate in the form of a conference report shortly before the expiration of the Sixty-fifth Congress. The attempt was made to jam it through at the end of the session before that Congress adjourned. It was a bad bill, even more harmful to the public interest than the bill passed by the Sixty-sixth Congress, when the Republicans had con-

trol of the Senate. Both of them were bad bills. Neither of them properly guarded the Government's interest in the public oil and coal lands. I claim some part in having defeated the consideration of the bill reported at the close of the Sixty-fifth Congress.

In 1919, the Senate then being Republican, the Public Lands Committee reported out the bill which is now on the statute books as the general oil and coal leasing bill. Almost single-handed and alone, without support on either side of this aisle, I contested the provisions of that bill, which were so liberal as to leasing as to jeopardize these naval reserves.

I offered amendments. I offered one amendment in particular, which would have protected the naval oil reserves, for which I was able to get just eight votes. The bill passed, and Secretary Daniels, opposing it at every step, stated that if that bill passed in the form in which it did pass, with section 18 in it and the other related sections, he had fears that it would destroy the naval oil reserves, and permit them to be turned over to private monopoly.

Following the enactment of that law the Committee on Naval Affairs—the Senate then being Republican—reported out as a rider to the naval appropriation an amendment vesting the Secretary of the Navy with authority to lease the naval oil reservations. Why? Because the contention of the oil vandals was that the only way to save the oil of the Government from being withdrawn from naval reserves 1 and 2—there was no discussion as to naval reserve No. 3 at that time—was to lease, and let the Government get what it could out of it in royalties; that otherwise outside owners of property contiguous to these reserves would be able to deplete them. They never were able to deplete them so long as we had a Secretary of the Navy who was loyal to his Government. Daniels, as Secretary of the Navy, said to these outside pirates: "If you drill wells to withdraw the oil from one of these naval reserves, I will put down, under an appropriation I have received at the hands of Congress, two wells near the line for every one you drill, and withdraw from your property more oil than you can withdraw from the property of the Government." He stopped it.

Mr. President, it needs to be stated, in order to get into the Record something like an approach to the real situation, that neither of these two naval oil reserves of California was wholly in the possession of the Government. When the lands had been segregated by Executive order that was an announcement to the public that the Government had information, through the Geological Survey, that they were valuable oil lands, and the private interests rushed into this territory and made locations in the face of the Executive order reserving the territory.

They came to Congress, after the Executive order had been sustained by the Supreme Court, and said that they had entered these lands under the advice of attorneys, had expended large sums of money in drilling wells, and that therefore the Government ought to recognize their equities and give them the right to hold those wells under leases and go on, although they were within the territory reserved for the Navy by the Government; and they found plenty of Senators and plenty of Members of the House of Representatives to take up their case and fight for them. So that we did not have simply a question of the Secretary of the Navy protecting an entire oil reservation against drilling by people on outside territory, but we had these squatters who had gone into the reservation and who had their wells located within this territory; and the general leasing bill that I referred to proposed to recognize them as having some rights there, instead of sending them, as I contended they should be sent, to the courts to get a judicial determination as to whether they had any rights at all.

Mr. President, that was the situation down to the time when this general oil leasing bill became the law.

Mr. NORRIS. Mr. President——

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. Can the Senator give the date of the final passage of the general leasing bill? I know when it passed the Senate.

Mr. LA FOLLETTE. The second one which I am referring to now, which became a law, was passed in 1919, in September or October. The first bill I defeated by a filibuster.

Mr. NORRIS. The Senator is mistaken. The Senator defeated the conference report.

Mr. LA FOLLETTE. Well, that conference report was a bill.

Mr. NORRIS. I understand that; but it never could get to the stage of a conference report unless the Senate had first passed the bill. I asked about that.

Mr. LA FOLLETTE. It passed the Senate many months before it was reported on as a conference report.

Mr. NORRIS. I know; a whole session before, I think.

Mr. LA FOLLETTE. I can not tell just when. I think it was in the preceding session of the same Congress.

Mr. NORRIS. It was, I think.

Mr. LA FOLLETTE. And it lay in conference for a year or a year and a half between the two Houses, and was brought in here at the close of the Sixty-fifth Congress. At the close of that Congress it was brought in here in the last hours, and attempted to be put through as an emergency proposition.

Now, Mr. President, I want to bring this matter down a step further.

In order to meet the contention of these private interests that the Government reserves would be inevitably depleted, and therefore must be leased, this rider upon the appropriation bill was passed. It clothed the Secretary of the Navy with authority to do the leasing in particular instances where it was necessary for the preservation of the Government's interests. Mr. President, that was a good law so long as it was executed in the public interest.

The authority conferred upon the Secretary under that provision was never abused so long as Daniels was Secretary of the Navy. When the new administration came in, the present Secretary of the Navy consented to the transfer of the naval oil reserves from the Navy Department over to the Interior Department; and instead of using the authority conferred by this provision of law that was passed as a rider on an appropriation bill for the protection of the Government reserves, it was used through the Secretary of the Interior, after the transfer had been made, to lease these reserves—the Secretary of the Navy joining in the lease—to private interests.

Mr. President, this discussion, which has occupied the attention of the Senate since the passage of the resolution, perhaps serves no good purpose. The committee that has charge of the resolution and the investigation under it will, I am sure, go to the bottom of the whole matter, and will ultimately report all the facts to the Senate.

Mr. HARRELD. Mr. President——

Mr. LA FOLLETTE. I want to say just a word about the Wyoming reservation, if the Senator will permit me.

Mr. HARRELD. I merely want to ask the Senator a question.

Mr. LA FOLLETTE. Certainly; I yield.

Mr. HARRELD. Some question has arisen about how the Secretary of the Interior got control of this matter—how it became his prerogative to make these leases. More than a year ago it was called to my attention that leases were being made on the naval reserve in California, and that some had been made by the Secretary of the Interior. I wrote a letter to the President at that time and called attention to the fact that the Secretary of the Interior was making leases covering naval reserves, and asked by what authority of law he did so. I received a letter from the President inclosing the reply of the Secretary of the Interior to my inquiry, and for the benefit of the Senate I am going to read part of the letter of the Secretary of the Interior at that time in reply to my query as to how he had the authority to make these leases. May I do that in the Senator's time?

Mr. LA FOLLETTE. I was about to conclude with a brief reference to reservation No. 3 in Wyoming. If I might just add this, then I will yield to the Senator to read the communication, which I apprehend is somewhat lengthy. I would like just to say this, that all the information I have been able to get is on authority which I think ought to be recognized as competent—geologists of the State of Wyoming and the head of the oil section of the Geological Survey of our own Government. The information from the State authorities is to the effect that the formation there would prevent the drainage of oil from that reservation by the outside world.

Mr. HARRELD. I have reference to the legal authority of the Secretary of the Interior.

Mr. LA FOLLETTE. I understand, but I was speaking with reference to the colloquy I had with the Senator from Nebraska. The authority of our own Geological Survey, which I quoted yesterday, is to the effect that there is no information in the possession of the survey, excepting that of interested parties, that warranted the statement that it was possible to drain the oil from reservation No. 3 by outside drilling, as contended by those who were supporting the leasing of these lands.

I now yield the floor to the Senator from Oklahoma.

Mr. HARRELD. Mr. President, as I stated, I feel there is some information contained in this letter which ought to be laid before the Senate, and for that reason I am going to read it. The letter was written by Secretary Fall, and reads, in part, as follows:

Answering your letter of June 4, 1921, inclosing a communication addressed to you by Senator J. W. HARRELD, of Oklahoma, questioning your authority under Executive order of May 31, 1921, to transfer the

administration of naval petroleum reserves to this department, and citing a provision of the naval appropriation act of June 4, 1920 (41 Stat. 813), as committing this authority to the Secretary of the Navy, I have the honor to advise as follows:

Section 18 of the oil and gas leasing act of February 25, 1920, provides that the Secretary of the Interior may lease producing wells in naval petroleum reserves. It further provides that the President, in his discretion, may permit the drilling of additional wells by the claimant or his successor, or may lease the remainder or any part of a claim upon which producing wells have been drilled. Under this provision of law authority to administer the producing wells is directly vested in the Secretary of the Interior. The right to permit the drilling of additional wells or to lease the remainder of any such claims is vested in the President, who, undoubtedly, may delegate his authority and supervision to the Secretary of the Interior or any other executive agency he desires.

The clause of the naval appropriation act referred to by the Senator relates only to those portions of naval reserves not included in pending claims, patents, or leases, and authorizes the Secretary of the Navy to conserve, develop, use, and operate the same "directly or by contract, lease, or otherwise." This vests broad discretion in the Secretary of the Navy as to the method, the manner, and the agency to be utilized in conservation, development, use, and operation of such lands. He may do it directly, or by contract, by lease, "or otherwise." The Secretary of the Navy requested you to make the administrative arrangement carried into effect by your said order of May 31, 1921, and, in my opinion, under the foregoing provisions of law, the legal authority for the action taken by you is not open to question.

Mr. KING. May I inquire of the Senator whom he is quoting now?

Mr. HARRELD. This communication was sent to me by the President of the United States.

Mr. KING. Is that in response to the Senator's interrogation?

Mr. HARRELD. My communication was one questioning the authority to make the Executive order. The President submitted the matter to the Secretary of the Interior, and this is Secretary Fall's reply to him sustaining the power of the President to make the Executive order. The letter continues:

If any doubt could exist, the provisions of the act of Congress approved May 20, 1918 (40 Stat. 556), commonly known as the Overman Act, authorizing the President to make redistribution of functions among executive agencies, is still in full force and effect, and would furnish authority for the action taken.

The said Overman Act was by its terms to remain in force during the war and for six months after the termination thereof by the proclamation of the treaty of peace, or such earlier time as the President might designate. The joint resolution of March 3, 1921, declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended: *Provided*, That in interpreting any law or treaty containing provisions contingent upon the duration or the date of the termination of the war "the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency."

Mr. President, the letter is rather long, and I would like to have unanimous consent to insert in the RECORD my letter to the President, to which this is a response, and this letter of Secretary Fall replying thereto.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COPY OF SENATOR HARRELD'S LETTER TO PRESIDENT HARDING.

JUNE 2, 1921.

The PRESIDENT,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: During the early part of April I understand that the Navy Department advertised for bids for the drilling of 22 offset wells on naval petroleum reserve No. 1, in Kern County, Calif.

In response to this advertisement one of my constituents duly submitted his bid, which it was advertised to be opened on April 25. The opening of these bids was delayed, I am informed, pending consideration of the transfer of the administration of the naval petroleum reserves to the Interior Department.

I understand that a few days ago an Executive order was issued which transferred the administration of these naval petroleum reserves to the Interior Department subject only to the approval of the Secretary of the Navy in matters of general policy.

I respectfully call your attention to a provision of law which I apprehend was not called to your attention at the time this Executive order was promulgated, being an act approved June 4, 1920, clearly expressing the legislative intent of Congress, and from which I quote as follows:

"*Provided*, That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of an act of Congress approved February 25, 1920, * * * or pending applications for United States patent under any law; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States."

In view of the specific provisions of this act, indicating the legislative intent of Congress, directing the Secretary of the Navy to take possession, conserve, develop, etc., the naval petroleum reserves, I beg to respectfully inquire whether the Executive order hereinbefore referred to is not in contravention of such act of Congress above cited?

Very respectfully,

J. W. HARRELD.

DEPARTMENT OF THE INTERIOR,
Washington.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Answering your letter of June 4, 1921, inclosing a communication addressed to you by Senator J. W. HARRELD, of Oklahoma, questioning your authority under Executive order of May 31, 1921, to transfer the administration of naval petroleum reserves to this department, and citing a provision of the naval appropriation act of June 4, 1920 (41 Stat. 813), as committing this authority to the Secretary of the Navy, I have the honor to advise as follows:

Section 18 of the oil and gas leasing act of February 25, 1920, provides that the Secretary of the Interior may lease producing wells in naval petroleum reserves. It further provides that the President, in his discretion, may permit the drilling of additional wells by the claimant or his successor, or may lease the remainder or any part of a claim upon which producing wells have been drilled. Under this provision of law, authority to administer the producing wells is directly vested in the Secretary of the Interior. The right to permit the drilling of additional wells or to lease the remainder of any such claim is vested in the President, who undoubtedly may delegate his authority and supervision to the Secretary of the Interior or any other executive agency he desires.

The clause of the naval appropriation act referred to by the Senator relates only to those portions of naval reserves not included in pending claims, patents, or leases, and authorizes the Secretary of the Navy to conserve, develop, use, and operate the same "directly or by contract, lease, or otherwise." This vests broad discretion in the Secretary of the Navy as to the method, the manner, and the agency to be utilized in conservation, development, use, and operation of such lands. He may do it directly or by contract, by lease, "or otherwise." The Secretary of the Navy requested you to make the administrative arrangement carried into effect by your said order of May 31, 1921, and, in my opinion, under the foregoing provisions of law, the legal authority for the action taken by you is not open to question. If any doubt could exist, the provisions of the act of Congress approved May 20, 1918 (40 Stat. 556), commonly known as the Overman Act, authorizing the President to make redistribution of functions among executive agencies, is still in full force and effect, and would furnish authority for the action taken.

The said Overman Act was by its terms to remain in force during the war and for six months after the termination thereof by the proclamation of the treaty of peace, or such earlier time as the President might designate. The joint resolution of March 3, 1921, declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended: *Provided*, That in interpreting any law or treaty containing provisions contingent upon the duration or the date of the termination of the war "the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency."

Therefore, the provisions of the Overman Act are, as stated, still in full force and effect and will be until the expiration of six months from and after March 3, 1921, unless the President shall himself fix an earlier date for the termination of the act.

In view of the fact that these naval reserves are surrounded by public lands, the oil and gas deposits of which are directly under the administration of this department, of the fact that the leasing of producing wells in the reserves is directly committed to it, of the fact that the plats, tract books, and other records of title are in the General Land Office, the geological data in the Geological Survey, and the appropriation and machinery for supervising the drilling and production from wells is in the Bureau of Mines, all of this department, the method of administration proposed by your order is patently in the interests of the most expeditious and economic administration; also, by the terms of your order, the Secretary of the Navy is to be consulted and is to cooperate in any general policy relative to the drilling or reserving of lands in such reserves.

In conclusion, therefore, I feel certain that there can be no legal objection to the method of administration established by your order, and it is in addition highly desirable from an administrative standpoint.

Sincerely yours, ALBERT B. FALL, *Secretary.*

Mr. HARRELD. In my judgment, that letter gives information which the Senate should have. I am not upholding the position the Secretary of the Interior took at that time, as I do not know whether he took the right position or not, but it will be the basis for the investigation that is to be conducted, and it gives light on his position at that time, 12 months ago.

I want to say, further, that I had nothing more to do with it until about the 14th of this month, when I began to hear these rumors about the making of these contracts covering this naval proposition, and I started another investigation. I wrote to the Secretary of the Navy and asked him to furnish me the data concerning all contracts which had been made covering the naval reserves since this administration went into power. On April 20 I received a reply from the Secretary of the Navy, in which he said this, in part:

Replying to your inquiry of April 14, wherein you request information concerning the oil leases executed with regard to the naval reserve lands belonging to the Government since March 4, 1921, the following data are submitted:

The Executive order transferring the care, custody, and operation of the naval reserves to the Department of the Interior was signed May 31, 1921, and since that date the Navy Department is not in a position to give the details of leases that may have been executed. However, between the dates March 4, 1921, and May 31, 1921, it appears that two leases became effective, as shown below.

So, for the information of the Senate, I want to say that the Secretary of the Interior justifies the transfer of this authority by the Executive order of the President from the Navy Department to the Interior Department in this correspondence, and I felt that it should be laid before the Senate for its information.

Mr. NORRIS obtained the floor.

Mr. KING. If the Senator from Nebraska desires the leasing act, I have it here, as well as the extension of it, or some provision enlarging it. May I make an inquiry of the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. KING. I would like to inquire of the Senator from Oklahoma what relevancy the Overman Act, so called, has to any procedure taken by the Secretary of the Interior with respect to the matter now under consideration?

Mr. HARRELD. I do not think it has any, but the Secretary quotes it in his reply, and I am simply laying it before the Senate for its information.

Mr. NORRIS. Mr. President, I am not willing that I should be put in a false attitude by the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senator from Wisconsin, after referring to the leasing bills, which came from the Committee on Public Lands as being bad, took particular pains to say that at the time when those bills came out of that committee I was a member of the committee, and there he dropped it. I do not understand the object a Senator may have in coupling me up with the committee and bad legislation which came out of that committee, except to leave the inference that I was in favor of the bad legislation which came out of the committee.

If that be a good argument, let me indulge in it. I do not suppose the Senator from Wisconsin will defend the Esch-Cummins law, for instance; and yet it came from a committee of which he was a member, and at a time when he was a member of it.

I doubt very much whether the Senator from Wisconsin will defend the tariff bill now pending before the Senate; yet it comes from a committee of which he is an honored member and has been for a great many years. I think I would be unfair and unjust to the Senator from Wisconsin if I delivered an address in which I condemned the existing Esch-Cummins law, and then said, "That came from a committee of which the Senator from Wisconsin was a member," and stopped at that.

Mr. President, I could cite some other legislation which has come from the Committee on Interstate Commerce since the Senator from Wisconsin has been a member of it. One measure in particular which passed the Senate, referring to railroads, I thought a vicious piece of legislation, but it was taken up one day by unanimous consent and passed. When the Senator from Wisconsin found it out he made a motion to reconsider it, and had the motion filed before the bill got over to the House of Representatives, I think. A man might devote an entire evening to a discussion of that law and show its evils, and as I looked at it there was not anything in it that was good. Then he could say, "Senator LA FOLLETTE was a member of the committee which reported that bill." If he stopped there and left that impression, the next man who told it might say, "LA FOLLETTE voted for that bill," and the next man who told it might say, "LA FOLLETTE was the author of the bill"; so it would get around like the story of the old black crow.

I was not in favor of that vicious bill which the Senator now says he defeated by a filibuster. I have been unable to get the exact date when it passed the Senate, although I asked the Senator, and he was not able to give the information either. From the clerk who has charge of that matter I have been trying to get the vote. I find that the bill which the Senator defeated by a filibuster was before the Senate on a conference report. There was a roll call on taking up the conference report. There never was a vote on the conference report, of course, because the filibuster defeated it. Congress adjourned on the 4th of March and there never was a vote on it, so the only vote was a vote to take up the conference report.

That was a roll-call vote. I have that roll call here. I find that I voted against taking it up. I was opposed to it. I am on record as opposed to it, although I must confess that I was a member of the Committee on Public Lands at that time. So if that argument be any good, I stand condemned according to my own belief of being in favor of a bad bill.

I find on that occasion that my colleague did not vote with the Senator from Wisconsin and myself. My colleague, who is now so anxious to preserve the rights of all the people by a leasing bill, was—I will not say in favor of it, because the record, so far as I have it here, does not show that. He did not vote at all. He may have been with the Senator from Wisconsin, but at least he was not present to help him by a vote at that time.

I agree that much which has been said here has no direct bearing upon the question. I never would have taken the floor to begin with if it had not been that I thought my colleague left the impression that this was a party matter, that the Democratic Party was always right on the question, when as a matter of fact if he wanted to, if he was so unjust and unreasonable as to make a party matter of it, two-thirds of it at least was Republican and one-third Democratic.

I would not have taken the floor again if it had not been that the remarks of the Senator from Wisconsin in their natural bearing would leave the impression that because I was a member of the Committee on Public Lands I was in favor of the bill. On the general proposition I have always favored a leasing proposition. There are some things in the leasing law that I was very bitterly opposed to, and the record shows that on a roll call I voted against taking it up.

The clerk has just brought me the roll call on the other leasing bill on its final passage, so we have two roll calls now on the leasing propositions. I think a fair construction of the statement of the Senator from Wisconsin would leave the impression upon the reader or hearer that I was in favor of both of them. I have shown already that I voted against one on the only roll call that was had, and now the clerk has handed me the roll call on the passage of the other leasing bill. I find on looking it over that I voted against the passage, as I was satisfied I had done.

In the long hearings that were had on some of the legislation I think the second time I did not participate at all in the committee, but the first time I did. On account of sickness I was unable to attend the hearings on the leasing bill when it was last considered, but I fought it to the best of my ability all the way through. I stood with Secretary Daniels, not because it was Secretary Daniels but because I conscientiously believed he was right. I was opposed to the provisions of the bill which did what the Senator from Idaho now complains about, although I preferred a leasing bill rather than an absolute sale to private parties, and was in favor of a leasing law if I could have had the right kind of a leasing law. In that proposition I was with both the Democratic and the Republican Presidents.

Now, it is interesting again, on this roll call which has just been brought to me, to see how my colleague voted, who is now expressing such awful consternation for fear a Republican Senate might go wrong. Let us see how he voted. On looking it over I find, as on the other roll call, he did not vote at all. So the Senator from Wisconsin at least did not get any assistance from my colleague, who was recorded on this vote as among those "not voting."

Mr. LA FOLLETTE. Mr. President, oftentimes in the stress of debate we are inclined to get a bit personal. I certainly do not want to go on record here as being a critic of the position taken by the Senator from Nebraska [Mr. NORRIS] upon public questions. I have served with him for a great many years. There are very few men whom I have ever known in public life—and I have seen something of the public service in the last 30 years—who I think are more devoted to the public interests than is the Senator from Nebraska [Mr. NORRIS].

We do not all of us fight in the same way. I suppose I would ordinarily be called rather tense in my way of indicating my opposition to measures. I sometimes have felt critical of some of my best friends when I was not able to secure their active support in opposing bad measures or in fighting for good measures which seemed to me to be very vital to the public interests. For my part, I do not always feel that I have discharged my full duty in opposition to bad legislation simply by voting against it, if I am able to do more than that by open and persistent opposition to it in debate. I have many times here resorted to that course in order to protect, as I saw it, the public interest.

When this very bad bill, against which my friend from Nebraska voted, was brought up in the Senate and was, as it seemed to me, almost certain to be passed, I sought personally to get support in order to carry on the debate and insure the defeat of that bad legislation. Combinations had been made, as I believed, which would inevitably result in the legislation passing unless it was debated at such length as to prevent a vote being reached before the end of the then impending adjournment of that Congress. I sought the aid of such Members of the Senate as I thought ought not only to be opposed to it to the extent of voting against it but who ought to lend assistance to opposing it in debate. That is all I care to say upon that proposition, further than to add that I was not able to secure such assistance to defeat the legislation, but it was finally defeated.

The Senator from Nebraska states that I am a member of the Committee on Interstate Commerce, and that the Esch-Cummins law was passed while I was a member of that committee, and that upon that statement alone it might be inferred that I was in favor of that bill. I cite not only the fact that I voted against that bill, but that I spoke against it on the floor. I was the only member of the Committee on Interstate Commerce, composed of some seventeen Senators, who filed a report against it. I thus started my opposition to that legislation—which I believed to be and still believe to be a legislative crime, a most vicious measure—in the committee and continued it for many days throughout the debate upon the floor.

I started in on the floor to oppose it, not knowing that I would receive the support of a single Senator, but I made my opposition to it something more than merely voting against the bill. I was on the floor day after day, speaking against it for the better part of the time that it was before the Senate—for some weeks at least. Fortunately, as the debate developed, opposition to the bill developed. I refer, of course, to the bill as reported first by the Senate committee, the bill known as the Cummins bill, and which was made finally a part of the Esch-Cummins law. As a result of that debate, although I could not get the support of any of my colleagues on the committee to join in a minority report against it, a number of members of the committee finally took part in opposing it before the debate was concluded. When the bill was finally put upon its passage there were 30 votes recorded against it.

It is true, as stated by the Senator from Nebraska, that another bill was reported to the Senate from the Committee on Interstate Commerce which did pass this body and passed it without any opposition. I learned of it, as the Senator from Nebraska has stated, within a few minutes after it passed. It passed when there were but seven Senators on the floor. It had been reported out of the Committee on Interstate Commerce during my absence not only from the committee but from the city of Washington, for following the fight on the Esch-Cummins law I went to the city of Rochester, Minn., for an operation which I had been advised to have performed nearly a year before. That bill was put upon the calendar while I was absent under those circumstances and was passed through the Senate when there were but seven Senators present.

But, Mr. President, I think I made my record on that bill pretty clear, for I not only interposed a motion for reconsideration of the measure, but availed myself of the parliamentary situation in such way that the bill failed of passage. I do not care to say anything more about the matter at this time.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, 19 days ago the pending tariff bill was reported to the Senate. A number of the members of the minority on the Committee on Finance desired further time in which to examine the bill and file a report thereon. Ten days were given for that further consideration. Nine days ago we began the consideration of the bill, spending most of the first day in reading the bill itself. The next day we proceeded with the first item of the first schedule of the bill—acetic acid, which, in common, homely, plain English, is vinegar. We have had that item before us now for eight days, and we still have not passed the vinegar stage.

This morning the Senator from Wisconsin [Mr. LA FOLLETTE] asked unanimous consent that the tariff bill might be temporarily laid aside in order that he might have a vote upon his resolution. He made the request in good faith, I am sure, expecting that there would be no debate on the resolution. I consented to his request, with the reservation that if there were no extended debate upon the matter, and we should merely have a vote, the tariff bill might be temporarily laid aside for that purpose. It took five minutes, Mr. President, to pass the resolution; but since the resolution has been passed there have been two hours and five minutes of discussion of a resolution that had already passed the Senate. While the discussion may be interesting and enlightening on a subject that will again come up, possibly, after an investigation of the matter is over, some six months or a year from now, the discussion has not given us a great deal of enlightenment upon the vinegar item of the pending schedule.

Now, I sincerely hope that we may give our attention to the tariff bill for a while and continue giving attention to it, and take up its items and dispose of them without consuming so much time in the discussion of extraneous matters which have no relation whatever to the bill.

Mr. JONES of New Mexico. Mr. President, I am a little astonished at what the Senator from North Dakota has just said. He complains about the length of time which has been consumed in the discussion, as he said, of the first item of the pending bill, that of acetic acid. I wish to remind the Senator that he himself said the principle upon which the tariff regarding acetic acid had been framed permeated the entire bill; and the Senator knows that during all the time that I have occupied the floor I have been endeavoring to ascertain the principle underlying the bill.

It is true those responsible for the pending bill have shifted from one foundation to another, but that has been done because the first foundation laid down by the Senator from North Dakota did not prove to be firm and sound. That is the reason for this rather extended discussion without voting upon the items in the bill. All Senators should be interested, and I trust are interested, in understanding the basis which underlies the bill. I am sure the country wants to understand it; the people of this Republic want to understand it, because they are the ones who are going to be directly affected by it. I have been trying to develop that thought. We have not proceeded very far. The Senator from North Dakota has on each occasion undertaken to lay down a theory which to the eye is attractive, and which he hopes will be attractive to the people of the country, but I hope to demonstrate—I say hope to demonstrate it, but I rather expect to demonstrate—that this bill is not founded upon the beautiful theory which the Senator from North Dakota has announced to the country. I think I can demonstrate that fact, and I think it is worth while to do so. I do not believe that we should consider amendments to the bill until we can ascertain why the amendments have been proposed.

Mr. President, let us summarize for just a moment. The Senator from North Dakota at first said that this bill was framed for the purpose of equalizing the difference between the cost of production in the United States and in foreign countries. Upon a discussion of that, in the first instance, it was developed that the actual cost of the commodities in this country and abroad was never ascertained. So that theory has been in a way abandoned. But the Senator then followed with the statement that while the committee could not ascertain the cost of the production of commodities abroad, and while they were unable, except in a comparatively few instances, to discover the cost of production in this country, they ascertained the prices abroad and in this country, and assumed that those prices were based upon the cost of production plus a reasonable profit. That is the last statement of the Senator from North Dakota; and I wish to-day to examine that question a little.

As to some of the items in the bill, the Senator has said that the bill was framed in conformity to an agreement between exporters and importers. That eliminates a part of the products covered by this bill from his beautiful theory. When it came to prices, on yesterday it was developed that in many instances the same products covered by the identical paragraph in the bill by the same rate of duty were manufactured in a number of different countries; that the cost of production varied in accordance with the country from which the commodities came; that the commodities themselves varied in an extreme degree as to the cost of production and prices; but yet we find in this bill one rate applicable to this great mass of commodities.

On yesterday I used earthenware as an illustration. Plain earthenware is imported from a number of different countries, and upon all plain earthenware coming from various countries the rate of duty is precisely the same. Mr. President, I should like to know, in view of that condition alone, how it can be said that the rates of duty imposed by the bill are based upon the difference in the cost of production at home and abroad, whether that difference is ascertained by actual investigation or whether the prices alone are used. I say that the statement of the Senator from North Dakota can not be substantiated; it can not be affirmed by the situation as it exists.

The same thing is true regarding decorated earthenware, which comes from various countries of the world. The rates of duty on all decorated earthenware are precisely the same, and so it is with numerous—in fact hundreds of articles in this bill. Moreover, Mr. President, not only the cost of production varies in the different countries from which the goods come, but the cost of transportation from those countries is also a very great item to be taken into consideration.

I may say at this point that the Senator from North Dakota first laid down his proposition that these rates were established to equalize the difference in the cost of production, including the transportation. I wish to remind the Senator of this, which I am sure he knows to be true: Take the case of earthenware, which comes from Germany, which comes from England, which comes from France, which comes from Japan. The difference in the cost of transportation is a very material item. The experts estimate that the cost of transportation of earthenware from Europe is about 10 per cent.

The cost of transportation of earthenware from Japan is 40 per cent. Under one paragraph, including these wares from all these different countries, including these differences in transportation, they lay down one rate and tell us that that rate was framed for the purpose of equalizing the difference in the cost of production and transportation. If that is the theory upon which this bill is founded, if that is what the committee intended to work out, then I say that it has woefully failed. It may develop this beautiful theory; it may try to have the

people of this country believe that it has gone into these questions, that it has studied them carefully, and that it has accomplished nothing more than to equalize the difference in cost of production, including transportation. Upon analysis this bill will not stand; and I want to call the Senator's attention now to the fact that yesterday I only dwelt upon the difference in the cost of production in the different countries. There are other elements entering into that question. There are cases where the export price is different from the selling price at home. In such cases as that, when the Senator from North Dakota was taking prices for the purpose of ascertaining the difference in cost of production and transportation, and in fixing this world level of prices as between the different countries, I should like to ask the Senator which price he took—the home selling price or the export price? Will the Senator from North Dakota please enlighten us on that subject?

I may be able to give the Senator some information. Apparently he does not consider that as material, judging from his refusal to make any reply to my interrogatory. I think the country is interested in knowing that, however, and in this document, entitled "Depreciated Exchange and International Trade," prepared by the Tariff Commission, on page 53, I find a table giving the differences between the prices at home and the export prices of products from Germany.

The Senator has taken these prices, including the prices from Germany as well as the other countries. The Senator from Utah [Mr. SMOOT] yesterday rather referred solely to the situation in Germany as furnishing the reason for the increase of the tariff. The Senator from North Dakota has told us that he has ascertained the cost of production by the prices. Now, I desire to call the attention of the Senator to this statement. The statement is prepared from actual importation prices.

Under the existing law the tariff is imposed upon the price of the foreign commodity, and the price on which the duty is imposed is the home selling price or the exporting price, whichever is higher; so now, under the law, when a shipment of goods is imported, it is necessary for the importer to make a statement under oath as to the home selling price and the export price, and it is from those actual transactions that the Tariff Commission made up this table.

Decorated chinaware: In the case of a shipment of that amounting to 5,141.07 marks at the internal price, the export price was 6,246.5 marks, making a difference of 1,104.83 marks, or a difference of 21 per cent.

Another shipment of chinaware from Germany amounted at the home price to 1,016 marks; the export price was 2,225 marks, a difference of 119 per cent.

In the case of another shipment the home price was 954 marks, the export price 1,414 marks, a difference of 459 marks, or 48 per cent.

Another shipment of china had a price of 448 marks at home, the invoice price was 612 marks, a difference of 164 marks, or 37 per cent.

Another shipment amounted to 263 marks at home, 532 marks for export, a difference of 269 marks, or 102 per cent.

Porcelain: A shipment amounted to 37 marks at home, 84 marks for export, a difference of 46 marks, or 124 per cent.

Another shipment of porcelain: Price at home 802 marks, export price 1,816 marks, a difference of 1,014 marks, or 126 per cent.

A shipment of earthenware: Home price 108 marks, export price 332 marks, a difference of 224 marks, or a difference of 216 per cent.

Another shipment of earthenware: Home price 1,141 marks, export price 3,002 marks, a difference of 1,861 marks, or 163 per cent.

A shipment of locks: Home price 967 marks, export price 1,212 marks, a difference of 245 marks, or 25 per cent.

A shipment of chemicals and laboratory supplies: Home price 70,563 marks, export price 100,364 marks, a difference of 29,801 marks, or 34 per cent.

In sundries, including aluminum ware, pocketknives, dolls, and so forth, there was a difference of .66 per cent.

In one shipment of worsted yarn there was a difference of 174 per cent; in another shipment a difference of 30 per cent; in another shipment a difference of 20 per cent.

Now, I should like to inquire if the Senator from North Dakota can tell us which of these prices was used by the committee as a basis for the tariff upon the items to which I have referred?

Mr. McCUMBER. Mr. President, the Senator seems to be asking questions without any particular object in view. The Senator says that one set of dishes is sold for one price and another set of dishes is sold for another price and a third set is sold for another price, and then he asks me which one of these prices we took. I certainly can not answer that question.

Mr. JONES of New Mexico. No; I will come to that a little later. What I am anxious to know now is this: I have shown that there is a difference between the home selling price and the export price of the same shipment. What I want to know is which set of prices the Senator and his colleagues upon the committee used in ascertaining the difference between the cost of production in Germany and the cost of production in the United States?

Mr. McCUMBER. Mr. President, let me answer the Senator again just as I have answered him some three times before when he asked the identical question. The Senator has made practically the same argument almost in the same words that he made twice before, and I have answered each time that he has closed his argument with a question. In answer to that question I have stated that we have tried to ascertain the cost of production where it was possible in the foreign countries, and where that is not possible, of course, we have then taken the next best standard that could be adopted, the selling price of the article, not for exportation particularly, but the selling price of the article for home consumption in wholesale quantities. That is the basis of all of our tariffs that have been levied in all of the years on an ad valorem basis.

Germany may have a provision whereby she will compel her manufacturers to pay a certain amount for the privilege of exporting, which in effect amounts to an export duty upon the things which are made in Germany and exported. That is a regulation that may be taken away entirely, or it may be continued. We shall have to assume, if we are going to have a protective tariff, that it may be taken away at any time; and if the export duty is removed then it is a question of the competition in the markets of the United States between the foreign product without that export duty and the product that is manufactured in the United States. We have based our duties as nearly as we could upon the only thing that would be competitive, and that is the selling price at home, showing how low they can sell the article, and the selling price in the United States with a reasonable return upon the investment.

I can not make that clearer. That is the basis. That was the basis of the emergency tariff bill. It is the basis of all tariffs in which the duties are levied on an ad valorem basis. All of them have provided that the duties shall be assessed upon the wholesale selling price of the foreign commodities in the foreign markets; not the price at which they may be exported, but the price at which they are sold. We have tried to base our duties upon that and to make them as nearly equal as we can.

Mr. JONES of New Mexico. I thank the Senator for his statement, and I am sure the Senator has answered the question according to his best information, but I am certainly sure that the Senator will not object if I remind him that the duties levied under this bill are to be imposed upon the goods according to the home price or the export price, whichever is the highest.

Mr. McCUMBER. The purpose of that the Senator understands, of course. Where a country does impose an export duty and therefore makes the goods higher priced in the United States, we shall impose a greater duty upon that article. That, I think, is the same also in the case of the emergency tariff law. As I now remember, there is no difference in that respect.

Mr. JONES of New Mexico. I have drawn attention to that for the purpose of developing the fact that there is no certain relation between these prices abroad and the prices upon which the duties are to be levied under this bill, and that those prices to which I have referred furnish no index to the cost of production, and thus does the beautiful theory dwelt upon by the Senator from North Dakota vanish.

I would like to call the attention of the Senator to another thing. Let us suppose that there come to this country five shipments of decorated chinaware from Germany.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. JONES of New Mexico. I yield.

Mr. WATSON of Indiana. Only two or three Senators are paying any attention to this debate, and we might as well have a little conversation about it. One sure way of overcoming all of this is by the adoption of the American valuation plan, of the Fordney variety; that is to say, that they are all brought to a common level of valuation. Would the Senator agree to that? He is complaining about the situation. Would he agree to that one sure remedy?

Mr. JONES of New Mexico. Mr. President, I can not accept the Senator's statement that that is "one sure remedy." On the contrary, I can demonstrate that it is not.

Mr. WATSON of Indiana. Of course, the Senator is entirely mistaken about that, because the American plan of valuation brings them all to one level; but the Senator does not agree to that. He says that is not the remedy. What is his remedy? The Senator has been talking for four or five days about the situation. What is the Senator's remedy for what he says is an evil, which he points out? Will he kindly tell us?

Mr. JONES of New Mexico. I will be glad to answer the Senator. First, as to his statement about the Fordney American valuation plan, that plan fixes the definite amount of the duty on the article, but the difference in the cost of production abroad in the different countries remains the same, and has the same effect. But I do not care to engage in a discussion of the American valuation plan at this time. I expect to do that at some later stage.

Mr. WATSON of Indiana. I am not going into a discussion of that proposition, because it is not imminent; it would not be practical, because it is not here. I merely made that statement to find whether the Senator favored that plan. Then would the Senator favor the plan of placing the valuation on the American wholesale selling price of the foreign article in the American market?

Mr. JONES of New Mexico. That is a modified form of the Fordney plan.

Mr. WATSON of Indiana. Whether modified or not modified, does the Senator favor that plan?

Mr. JONES of New Mexico. That would not in principle alleviate the situation to any greater extent than what the Senator chooses to denominate the Fordney plan.

Mr. WATSON of Indiana. Then I understand the Senator is not for the Fordney plan, and he is not for what we ordinarily denominate the Burgess plan. Is that correct?

Mr. JONES of New Mexico. The Senator is quite right.

Mr. WATSON of Indiana. He is not for either plan, nor is he for the plan of fixing the foreign valuation as the basis of our valuation for tariff purposes. What is the Senator's basis of valuation for tariff purposes?

Mr. JONES of New Mexico. Mr. President, in the first place, I am not framing this bill. In the second place, I desire to refer to an answer which I made to a similar question of the Senator yesterday. He wanted to know what I would do. I told him then, and I desire to repeat, and I trust that not only he but other Senators will realize the importance of the statement, that this is a new tariff bill. There should not be any new bill until there is first ascertained the necessity for a new bill, and it should not be framed unless the ingenuity of the Congress can devise a plan to meet the situation.

The Senator virtually confesses that this bill, as to these things we have been talking about, does not meet the situation. My reply is: Let us not leave the present law until we can assess the remedy with some degree of certainty of the mischief in existing conditions, and then devise a remedy to meet it which will not be disastrous in its consequences.

Mr. WATSON of Indiana. Mr. President, the Senator is attributing language to me that I have not used. He says I make a confession that the measure we propose will not meet the existing situation. No such language has escaped my lips. The Senator wants to continue the existing law. In other words, the Senator is a tariff-for-revenue man, and he is opposed to any bill for protection. That is where he gets in the last analysis. That is true, is it not?

Mr. JONES of New Mexico. No; it is not.

Mr. WATSON of Indiana. What is the Senator for?

Mr. JONES of New Mexico. I will develop that later. It is wholly immaterial——

Mr. WATSON of Indiana. No; it is not immaterial.

Mr. JONES of New Mexico. What my individual view about this measure may be is wholly immaterial. It is a question as to what this bill means, and how it is going to operate. I do not suppose the Senator from Indiana has brought in this great tariff bill because of my views on the subject.

Mr. WATSON of Indiana. No; certainly not. In the first place, I did not know what the Senator's views were, and in the next place I apprehended that, like all members of his party, he was not just quite sure as to what he did believe. Some of them are free traders, some are incidental protectionists, some are for a tariff for revenue only, and some for tariff only for revenue, as two different Democratic platforms have expressed it. While the Democratic platform of 1912 decried protection as a great crime, as unjust, illogical, inequitable, and unconstitutional, it yet stated that because the business of the country was adjusted to it, it should not be at once destroyed, else it might destroy the entire fabric of American industry. Therefore, I would not permit the Senator to frame a tariff bill for me, because I do not know what he believes, and we have never had any way of finding out what he believes.

What I am trying to get at is this: For seven or eight days the Senator has been criticising the bill because of the system of valuation adopted. I am trying to find out whether he is simply finding fault, pointing out errors, holding up flaws, viewing with alarm, or whether he has something really constructive in his mind as a substitute for what we propose. I am satisfied with this situation. It is precisely the basis that has been used for 150 years of American tariff making. It has not been a perfect system, but it is the best that has yet been devised, and while conditions are now somewhat more chaotic in the industrial and financial world than ever before, nevertheless the principle remains the same, and the basis of valuation is just as fixed as in any previous tariff bill; it is just as fixed as in the one to which my friend from North Carolina [Mr. SIMMONS] has his name attached, the Simmons law, or the Underwood-Simmons law, as we ordinarily call it.

So the basis of valuation is the same in principle that we have always had, and the same objection might have been raised, and I imagine that the Senator has read the same objections made by men in the past, made to the McKinley law, made to the Dingley law, made to the Payne-Aldrich law, since I became a Member of Congress. The same objections were made over and over that we had varying values to deal with, owing to the fluctuation of prices, the difference in wages, and the difference in the cost of production, in the countries that sent their goods to us. They are the same old objections. Yet the appraising officers have gone on in a practical way to administer the law, just as they will this, notwithstanding the vastly varying prices and costs of production in the different countries of the world.

I have told the Senator where I stand on the proposition. Where does he stand on the proposition?

Mr. JONES of New Mexico. Mr. President, I call attention to the fact that the Senator says that we are framing this bill upon the same principle on which other bills have been framed for 150 years. I have no war to make upon levying the duties upon the importations of a foreign article based upon its price. That has not been the burden of my objection, but I have been trying to call attention to the fact that the world situation has changed, and now I hope the Senator from Indiana will not take offense when I say that his last remark amounts to a confession that he and his colleagues have not learned anything for the last 150 years; that they are doing now, in this great changed world condition, the same old thing which they have been doing all during the life of the Republican Party.

It does seem to me that what the Senator has said amounts to this further confession, that whenever disturbances arise in the economic situation of the world affecting conditions here in the United States, they have only one remedy, and they study nothing else. In all the realm of medicine they apply only one remedy. They know of but one remedy for the ills which this country bears. They at once, like the patent-medicine doctor, prescribe a dose of Peruna whenever they find anything wrong in the economic condition, and now, in this extraordinary situation, they say to the people of the United States, "Do not take one dose only, but take half a dozen doses at once."

Mr. WATSON of Indiana. I come back to the old question and ask the Senator what he would do, to which I have had no reply.

Mr. JONES of New Mexico. Mr. President, before I get through with this discussion I expect to do so, but evidently the Senator, by insisting upon an answer to that question, admits that he does not know what ought to be done.

Mr. WATSON of Indiana. Oh, yes; I know.

Mr. JONES of New Mexico. He is not trying to defend the bill.

Mr. WATSON of Indiana. Yes; I am going to defend the bill without any equivocation or reservation, and it is entirely susceptible of defense. But I am trying to find out from the Senator what he would do. He is trying to tear down all that we have done, and he offers no substitute in the world. He is against the Fordney plan of valuation; he is against the Burgess plan of valuation; he is against the foreign plan of valuation. What is he for by way of valuation? Does he want to tear down all the customhouses and have absolute free trade with all the world?

Mr. JONES of New Mexico. The Senator is evidently seeking to force a digression.

Mr. WATSON of Indiana. No; it is not a digression. It is the very thing the Senator has been talking about for four or five days.

Mr. JONES of New Mexico. Not at all; and I am not going to be led off into that discussion at this time. I again remind the Senator that there is one thing I would not do. I would not change existing conditions until I knew the change would be beneficial to the country.

The Senator from North Dakota has been complaining about the amount of time consumed. I do not want to leave the proposition I have been discussing. Here are two different kinds of prices——

Mr. McCUMBER. Mr. President, will the Senator yield to me?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. The Senator from North Dakota has not made any complaint about the time that is consumed in a discussion of the tariff bill. A great many general speeches are being made, which are perfectly proper, and might as well be made now as at any other time. What I complain of is taking up other subjects and spending hours and days on them, as we spent to-day more than two hours in discussing a resolution which had already been passed. I am making no objection to the Senator's discussion of the tariff bill.

Mr. JONES of New Mexico. I am very glad to be advised of that.

Mr. McCUMBER. If the Senator will yield further to me for a moment, I ask unanimous consent that when the Senate concludes its business to-day, it shall take a recess until Monday at 12 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? There being no objection, it is so ordered.

Mr. JONES of New Mexico. Mr. President, I think the proposition which I have been discussing is important. The tariff is levied upon the selling price, either export or domestic, whichever is the highest. In Germany the selling price at home is very much less than the export price. The Senator from North Dakota has advised us that the committee used the home selling price. Of course, the duty is not levied upon that price, and therefore the duty can not measure the difference between the cost of production abroad and in the United States. So, it seems to me, that as to the countries where there is a difference between the home selling price and the export price, the bill is not founded upon the general principle of trying to equalize the difference between the cost of production at home and abroad, including transportation.

I desire to call the attention of the Senate to the fact that in the article to which I have referred—and, by the way, all of these transactions occurred in the same month—there were five shipments of decorated chinaware. The difference between the home price and the export price in one shipment was 21 per cent; in another 119 per cent; in another, 48 per cent; in another, 137 per cent; and in another, 102 per cent. I am sure we would all be glad if the Senator from North Dakota would tell how he reconciles those differences during the same month regarding the same commodities coming from the same country at these greatly varied prices. There are those differences in the home prices during the same month, varying from 21 per cent to 137 per cent.

Is that the basis upon which legislation of this sort should be founded, legislation which affects the welfare of every man, woman, and child in the land? It develops from this instance that there is no stable basis upon which legislation can be founded at this time, and so, replying further to the Senator from Indiana, I would not undertake to change existing conditions until there was a reasonable certainty that the change would be better for the country.

Mr. President, I would like to get a little more information from the Senator from North Dakota. Yesterday I gave a statement, coming from officials of our Government, to the effect that in the month of February wages in Germany had advanced 23 per cent, and in the month of March wages advanced another twenty-odd per cent. Now, I should like to inquire of the Senator from North Dakota as of what date did the committee ascertain the prices on which the rates were based? Can the Senator give that information in just a few words, because I do not want to consume time?

Mr. McCUMBER. In three words—the latest obtainable.

Mr. JONES of New Mexico. Well, Mr. President, that is a short answer. The Senator certainly complied with that part of my request. But I desire to state that what we have hitherto been led to believe was the date when the prices of the great run of articles was ascertained was in August of last year. The so-called Reynolds report, which cost the Government of the United States $100,000, was based upon prices obtained in August of last year. If there has been any ascertainment of prices since that date I am inclined to believe that it was not done in a systematic way. It was done, if done since that time, upon very uncertain conditions. The prices have been varying from time to time, from day to day, and we are now left in the dark as to what time and what date the prices were ascertained. The Senator from North Dakota says the latest available date. We do not yet know what that latest available date was. We do not know whether it was last August or some previous time. The Reynolds report, prepared on prices of last August, covered only comparatively few articles. There has never been, so far as I am advised, any attempt by the majority of the Finance Committee to ascertain all of the prices of the various commodities included in the bill. They have been gathered from time to time, such as were gathered, but I submit that they have not ascertained at any time in any systematic way the prices involving all the commodities in the bill.

Mr. McCUMBER. Mr. President, I think the Senator is mistaken in that. I think that we have obtained the prices and the very latest possible prices involved in each one of the items in the bill. The Senator knows that in these fluctuations we not only have our weekly but our monthly summary of foreign commerce of the United States. We have our many trade journals quoting the prices on imports and quoting the prices of the American articles. We have them before us every day, always giving the very latest reports made upon any subject.

I agree with the Senator that the Reynolds report, being based upon the prices of August, 1921, becomes somewhat ancient, but we have not followed that. We could not consult it except to ascertain what the conditions were at that time and then examine the reports which have been made since to get the changes which have been made. Of course, there will be these fluctuations. We are having them to-day under the present tariff law. The duty which will be received to-day upon an importation may be almost doubled to-morrow by reason of the fluctuation in the value of the imported articles, but that is no reason why we should not continue our duties. We shall have to impose duties, no matter whether the price of the commodity goes up or goes down. We have to meet those troubles whether it be upon a tariff for revenue only or whether it be on a tariff for both revenue and protection. I merely wish to say that we did not confine ourselves at all to the statements that were made in the Reynolds tariff report.

Mr. JONES of New Mexico. The committee went to all sources, and I have no doubt that they did the best they could on the theory that they are supposed to adopt.

Mr. McCUMBER. If we have a report from a trade journal showing what two or three days before were the prices of articles which were being imported into New York, does not the Senator have as late and as reliable data as it would be possible to get? We have the invoices, and we know at what prices the goods were purchased.

I believe that, while there may be some fraud in connection with our importations, as a rule our officials obtain very accurate information as to the foreign cost of any article which is imported. We have such information in the reports that come from the customs service almost daily, in the reports that come from the trade journals, and especially in the governmental report published by the Department of Commerce entitled "The Monthly Summary of the Foreign Commerce of the United States."

Mr. JONES of New Mexico. I think the Senator from North Dakota will agree that those prices fluctuate from day to day and from month to month.

Mr. McCUMBER. Of course they fluctuate, and that adds to the difficulty; there is no question about that. I have stated that it was a difficult task on account of the fluctuations; but believing that it is necessary, notwithstanding those fluctuations, to have a protective tariff law upon the statute books, we intend to place one there.

Mr. JONES of New Mexico. Mr. President, that, of course, I believe is the real foundation of the pending bill. I am going to examine the facts regarding some of its schedules a little later; but it seems to me that the Senator from North Dakota has now stated the real object in framing the bill, and that is the idea of protection. Under paragraphs (a) and (b) of section 315 will be found the measure of protection which this bill itself states is the basis upon which these rates are constructed, and that section of the bill does not indicate that the bill is framed upon the basis of equalizing the difference between the cost of production at home and abroad.

Mr. McCUMBER. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McCUMBER. Why does the Senator from New Mexico say that the Senator from North Dakota now states that the purpose of the bill is protection to American industry? Did

not the Senator from North Dakota in opening the debate upon the bill so state?

Mr. JONES of New Mexico. Oh, the Senator from North Dakota has always contended for that.

Mr. McCUMBER. Has not the Senator from North Dakota claimed that all along? Can the Senator from New Mexico see any difference between a declaration that the bill is for the purpose of protecting American industries, as well as raising revenue, and a statement that in providing such protection we have sought to secure as just a measurement as we can of the difference between the cost of production at home and abroad? That leaves us protection. If we merely equalized the cost of production, we should still have protection, because the American manufacturer, being in close contact at all times with the American purchaser, will be able to compete, and more than to compete, with the foreigner if he can meet him upon an even basis in the markets of the United States.

Mr. JONES of New Mexico. Mr. President, I submit that there is a vast difference between protection in order to equalize, and to the extent only of equalizing, the difference in the cost of production at home and abroad and protection as defined in paragraphs (a) and (b) of section 315 of this bill. If the Senator from North Dakota will once admit that the bill does carry protection further than for the purpose of equalizing the difference between the cost of production abroad and at home, including transportation, the discussion of the bill will be very much limited; but so long as he contends that the protection carried in this bill does not extend beyond the difference in the cost of production at home and abroad, it will be incumbent upon us who are at least hoping to advise the people of this country what the bill does mean to continue the discussion, and to develop, if we can, the things which this bill really means.

There is a vast difference, as I have said, between protection undefined and protection limited to the difference in the cost of production. What I am trying to demonstrate is that the protection carried in this bill is quite different from the kind of protection for which the Senator from North Dakota is contending. The Senator from North Dakota knows that it sounds very well to the people of this country to say that the pending bill is framed for the purpose of equalization. If he can ever get the people of the country to believe that he will be happy; but, in my humble judgment, if the people ever do believe that, it will be because they have been deceived.

Mr. President, the Senator says that the duties in this bill are levied in order to equalize the cost of production at home and abroad. I hold in my hand a little summary of the articles in the chemical schedule of the bill only, on which the rates of duty provided in the bill are precisely the same as the rates of duty which were provided under the Payne-Aldrich bill, which was passed in 1909. I will ask the Senator from North Dakota if he believes that there has been any change in the cost of the production of all this array of chemical articles, either in this country or abroad, since 1909?

Mr. McCUMBER. Will the Senator repeat his question?

Mr. JONES of New Mexico. I am sorry to take the time, but I know the Senator from North Dakota must have some light to shed upon this situation. I have here some pages merely giving the items taken from the chemical schedule in the pending bill on which the rates of duty provided in the bill and those provided in the Payne-Aldrich bill of 1909 are identical. If the bill is, as the Senator has said, based upon the difference between the cost of production at home and abroad, I should like to ask him if he and his colleagues on the Committee on Finance ascertained that as to all of this array of items there has been no change in the cost of production, either at home and abroad, since 1909?

Mr. McCUMBER. Certainly, there has been a big change in the cost of production in the United States. In some instances there has also been a higher cost of production in foreign countries; but as to some foreign countries, I think the cost of production is much less. On the whole, however, the cost of production in the United States has vastly increased over that of 1909.

Mr. JONES of New Mexico. Then, it is a very peculiar situation that in the pending bill there is a vast array of articles upon which the duties imposed are at precisely the same rates as under the Payne-Aldrich law.

Mr. McCUMBER. Very well. We saw that we could get along with that duty. I think in some instances the rates in the Payne-Aldrich bill were possibly higher even at that time than was absolutely necessary; perhaps I can say that in a great many instances they were higher than was necessary; but I stated when I opened the debate upon the pending measure that the committee paid very little attention to the rates provided by the Payne-Aldrich law, but paid a great deal of attention to the competitive differences between countries at this time. That is what should guide us rather than the Payne-Aldrich bill rates. It may be that in many instances we have practically the same rates as those provided in the Payne-Aldrich bill, while in some instances the rates in the pending bill are less and in some instances more.

The Senator, however, asked me a question which, if I understood him aright, was whether on the whole the cost of production in the United States had increased. I say positively, yes; it has increased. In many foreign countries such as England the cost of production has also increased; in some instances there has been probably about the same ratio of increase, so that the relation between costs is practically the same as at the time the Payne-Aldrich bill was enacted into law. I can not at present refer to any particular article, but on the whole prices have increased almost throughout the world with the exception probably of Germany, Czechoslovakia, southeastern Europe, and possibly to some extent China and to a less extent Japan.

Mr. SMOOT. Mr. President, will the Senator from New Mexico yield to me?

Mr. JONES of New Mexico. If the Senator will pardon me, I should like to know whether the Senator from North Dakota and his colleagues ascertained that the cost of production in the United States and in the various countries from which chemicals are obtained had increased in the same ratio from 1909 to the present time?

Mr. McCUMBER. I think not as a whole. I do not think it has increased in the same ratio. In the case of Great Britain, however, the chances are that the increase has been about in the same ratio, while in the case of Germany, I think it will be found that it has not increased in the same ratio, and that is true of southeastern Europe in general.

Mr. SMOOT. Mr. President, now will the Senator from New Mexico yield to me for a moment?

Mr. JONES of New Mexico. I believe I would rather not yield just now until I conclude the discussion of this question with the Senator from North Dakota. I think it will be helpful if I should go ahead at this time. I hope the Senator from Utah will pardon me.

Mr. President, I hold in my hand a report of the Tariff Commission entitled "Depreciated Exchange and International Trade." The report was prepared this year, and from it I find that, taking 100 as the index figure for the year 1913, prior to the war, in September, 1921, the index figure has changed not only for the United States but for various countries mentioned. The index figure is made of a certain number, usually a considerable number of commodities produced in a given country, and the average of the prices is taken and compared with a certain date. In the report which I hold in my hand the index price for 1913 was fixed at 100. If in 1913 100 was the index price in the United States for these articles and we follow that down to the present time, we can ascertain the advance or depreciation in prices during the given period. We can also ascertain whether there is a variation in the advance of depreciation in regard to the different countries; and so I find this on an examination of this table:

Taking 100 as the price in 1913—and that is the figure taken for all these countries—I find that in this country in January, 1919, that index price had advanced to 195; in September, 1921, that price had decreased to 148.

In England, taking 100 as the 1913 index price, in January, 1919, that index price was 224; in September of last year it was 176.

In France in January, 1919, the index price was 348; in September, 1921, it was 344.

In Germany in 1913 the index number was 100; in March of 1920 it was 1,615; in September of 1921 it was 1,777.

Mr. President, we know that these prices have varied in the different countries; and notwithstanding that we find in this bill, in this chemical schedule, a vast array of rates of duty which are precisely the same rates which were carried in the Payne-Aldrich bill, framed in 1909. What becomes of the boasted theory, when applied to the facts of this case, that this bill was framed for the purpose of equalizing the difference in the cost of production at home and abroad?

Mr. McCUMBER. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McCUMBER. Will the Senator tell me what he is reading from?

Mr. JONES of New Mexico. I will give the Senator the page.

Mr. McCUMBER. Is it the pamphlet entitled "Depreciated Exchange and International Trade"?

Mr. JONES of New Mexico. I am reading from "Depreciated Exchange and International Trade."

Mr. McCUMBER. The table on page 14?

Mr. JONES of New Mexico. I commenced reading on page 14.

Mr. McCUMBER. Why, Mr. President, that table is a table of the purchasing power, parities, and rates of exchange. It has nothing to do with the prices of commodities in the exchange between countries, but simply shows the purchasing power in the case of the different commodities in the same country. I do not know what the Senator quoted it for.

Mr. JONES of New Mexico. I am sorry the Senator has made that statement. I do not want it to appear to the country that this bill was framed by a Senator who did not know during the time the bill was framed, and does not know even now, the index figures of prices in these countries.

I say to the Senator that if he will only read this document, and inform himself, he will find that the index numbers which I read were the index numbers used for the purpose of ascertaining the parity of purchasing power of money in those countries, but that they are a correct statement of the index prices for those years there is no doubt at all; and it is a woeful situation, it is a pitiable situation, when the chairman of the committee tells us that he has based this bill upon the difference in prices, and now confesses that he does not know what those prices were. If the Senator will only read, on the first page here, just exactly how these figures of purchasing power, parity, and rates of exchange were obtained, he will find out that what I have just said is true, that they used these index figures for the purpose of ascertaining through a mathematical calculation what the parity of purchasing power is; so what I have said as to the index figures is verified by this report itself, coming from the Tariff Commission.

Mr. McCUMBER. Mr. President, I had supposed that the Senator was quoting these figures, and so understood, for the purpose of determining the foreign price and the American price of any commodity upon which we should have based our tariff rates. I can not see even now the relation to this question in the slightest degree of a table designed to show the purchasing power, parities, and rates of exchange on commodities in any other country. The Senator may have quoted the figures for an entirely different purpose than that which I anticipated. My declaration was that in some countries prices had gone up comparatively the same as in our own—the Senator was discussing that subject—that in some countries the prices of commodities had gone down, and that they were not on a comparative basis with the prices in the United States. I assumed that the Senator was discussing that subject, and was attempting to show by this table, when he quoted the German prices, that, as a matter of fact, the prices in Germany had increased rather than decreased. I failed to see the connection, and I fail to see it yet.

Mr. JONES of New Mexico. Mr. President, I am sorry the Senator did not, in the instance, realize the purpose for which I referred to these index numbers, else I am sure that he would not have been led to make the criticism of my citation which he did make. I quite realize that in the examination of these questions we may all get confused at times; and all I care to say further regarding the matter is that the tables which I have given are tables of the index numbers for those different countries, and they show the variation in prices of the index figures of those countries; and alongside of those tables I offer and ask to have inserted as an appendix to my remarks, without reading, the table I have before me, for the purpose of showing this large number of articles taken from the chemical schedule only which are identical with the duties imposed by the Payne-Aldrich Act of 1909; so that if the Finance Committee undertook to frame a bill based upon the difference in the cost of production at home and abroad at the time this bill is to go into effect, it has woefully and miserably failed.

The VICE PRESIDENT. Without objection, the table referred to will be printed in the RECORD.

(See Appendix A.)

Mr. SMOOT. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Utah.

Mr. SMOOT. I understood that the Senator desired to impress the Senate with the index numbers of the different countries as recorded in the report of the Tariff Commission.

Mr. JONES of New Mexico. No; if the Senator will pardon me, I offered those simply for the purpose of showing that changes were made between 1909 and now.

Mr. SMOOT. Yes; but what I want now to call the attention of the Senate to is what the changes would have been if the value of the mark in 1921 upon the basis of the gold standard had been the same as the value of the mark in 1913. In other words, at 100 per cent in 1913 the mark was worth 24 cents, in round numbers. In 1921 it was worth one-third of 1 cent. The index number in 1921 was seventeen times what it was in 1913; but the mark had decreased seventy-two times in value, and therefore the index number of the cost of producing goods in Germany upon a parity of the gold basis of 1913 would have been 7,200 instead of 1,700.

Mr. JONES of New Mexico. Mr. President, at a later date I purpose discussing in detail this question of exchange, including conditions generally in Germany.

Mr. FLETCHER. Mr. President, may I interrupt the Senator there in reference to the value of the mark?

Mr. JONES of New Mexico. I yield to the Senator from Florida.

Mr. FLETCHER. While the gold value of the mark in other countries may be as indicated by the Senator from Utah, in Germany it is actually worth more; its purchasing power is some three times more than it would be in this country, for instance. Is not that true?

Mr. SMOOT. Oh, it is worth more than that, I think, Mr. President. When the paper mark was worth 52 cents in Germany, I asked the leading statistician of Germany, whom I know very well, to let me know what the purchasing power of a gold mark was in Germany at that time, and he told me that in comparison it was worth about 3.54 times the amount upon the items that I named, which were rent, wages paid to employees, and clothing. Those were the three items I asked about, and that was the information I got from the leading statistician of Germany.

Mr. FLETCHER. I think that is quite correct; so that in figuring the cost of production in Germany we must figure it upon that basis, and not upon the basis of the paper mark.

Mr. SMOOT. Of course, if the paper mark was worth one-third of a cent, the gold mark would be worth three and one-half times that much, which would be a little over a cent purchasing power instead of one-third of a cent. Of course, the Senator knows that the paper mark even went below one-third of a cent, and it is true that the purchasing power of the gold mark within Germany for the commodities that I named is worth three times that of the paper mark; but the difference between the paper mark to-day and what it was in 1913, before the war, is seventy-two times.

Mr. JONES of New Mexico. Mr. President, the latter remark made by the Senator from Utah, I am sure, must have been made inadvertently.

Mr. SMOOT. No; it was not.

Mr. JONES of New Mexico. Unless he confines it to gold in foreign markets.

Mr. SMOOT. That was the basis of my statement, and I made the statement on the basis of a comparison between gold to purchase a mark and a paper mark. In other words, if they go out to purchase gold with marks, they have to give 72 marks in paper to get 1 mark in gold.

Mr. JONES of New Mexico. The Senator is right about that; but when we come to this question of the parity of purchasing power, we hear quite a different story. We find that the purchasing power of the mark——

Mr. SMOOT. The paper mark.

Mr. JONES of New Mexico. Of the paper mark, as compared with gold in Germany, has never varied to any such extent as the remarks of the Senator would probably be interpreted to mean. I find on page 16 of this document on "Depreciated Exchange in International Trade" just what this purchasing power parity of German exchange is, and in March, 1920, it was 287.4, compared with 100 in 1913.

Mr. SMOOT. That was in 1920?

Mr. JONES of New Mexico. That was in March, 1920. It has not varied as much as some people would believe. In September it was 196. In other words, the prices in Germany have been rising all the time, reaching such a point that the gold will not purchase in Germany any more than about two times the amount of goods it would have purchased prior to the war.

Mr. SMOOT. I recognize the fact that it is not seventy-two times as much, because when the mark was worth 52 cents it had three and fifty-four hundredths times the amount in purchasing power in Germany that the paper mark converted into gold had. That was in the early part of 1921, when we began the consideration of the tariff bill, when I wrote to find out just exactly what the purchasing power of the paper mark in Germany was, not outside, but in Germany. It was 3.54. So the difference in the purchasing power in Germany between the gold mark and the paper mark would be ascertained by dividing whatever the paper mark is worth compared with the gold mark, which is one seventy-second of what it was in 1913, by 3.54.

Mr. JONES of New Mexico. Mr. President, I do not think it is advisable to consume time upon this subject. The Federal Reserve Board gives us very recent figures upon it.

Mr. SIMMONS. Mr. President, I would like to relate an incident which occurred in the hearings, illustrating exactly what the Senator is referring to.

Mr. JONES of New Mexico. Before we pass to that, I would like to make a statement as to what the most recent figures printed by the Federal Reserve Board show, and, by the way, those figures were incorporated in the remarks of the distinguished Senator from North Carolina [Mr. SIMMONS] the other day. I think we had better refer to those figures and see just what it means at this time. I am sure that the country will be interested in knowing just what is disclosed by that table from the Federal Reserve Board. It is a very interesting table.

In this table it is shown how the prices in marks of these commodities have increased. Taking 100 as the basis on the 1st of July, 1914, before the war, we find that the value of the mark, as expressed in foodstuffs and other commodities, varied. Of foods, and so forth, taking 100 as the basis on the 1st of July, 1914, it varied in this way: In April, 1921, it had increased 1,187, and it has been increasing ever since until in April of this year the price had reached 5,707; in other words, 77 times the price, in marks, in the middle of 1914.

Mr. SMOOT. That is more like it. That is about what I said.

Mr. JONES of New Mexico. Of textiles and leather, the price had increased to 8,907, or eighty-nine times the price in marks in 1914. Measured in gold upon the exchanges of the world to-day, the mark is selling for just about what the Senator from Utah stated, one seventy-second of its value in gold at par, but prices of some commodities have gone up even more than the mark has fallen. Textile and leather prices have gone up eighty-nine times the prices brought in 1914. The prices of minerals have gone up sixty-four times the 1914 prices; the prices of sundries have gone up forty-nine times; the prices of all commodities, on the average, have gone up fifty-nine times. So the purchasing power of the mark in Germany at the present time does not vary very far from its purchasing power prior to the war.

Mr. SMOOT. I could not agree with the Senator on that. I will say this, that it is seventy-two times more to-day, instead of fifty-nine, which he just referred to.

Mr. JONES of New Mexico. Oh, Mr. President——

Mr. SMOOT. Just as when it was eight thousand two hundred times the index price, or eighty-two times the amount. It could not be otherwise.

Mr. JONES of New Mexico. The Senator does not realize just what these figures are.

Mr. SMOOT. The Senator from Utah agrees with the Senator from North Carolina [Mr. SIMMONS] in his figures.

Mr. JONES of New Mexico. I want an understanding of these figures. I have just read them, and if the Senator will listen to them he will find that the figures represent the increases in prices, stated in marks, from July, 1914, up to April of this year, and, in marks, textiles and other commodities have increased from 100 to 8,907, or eighty-nine times the price of leather and textile products in Germany in 1914, which shows that textiles and leather products in Germany are not selling at a depreciated price, represented by marks, or in any other way, more than they were in 1914, but the price in marks of leather and textile products is to-day eighty-nine times what it was in July, 1914, but the mark has depreciated only seventy-two times. It is worth one seventy-second of what it was in 1914 in gold, but these commodities have gone up in price eighty-nine times. This shows how they varied from month to month, and all commodities in Germany, measured in marks, have been climbing and climbing, until the last statement in April of this year showed that the price was practically fifty-nine times what it was in 1914.

Mr. SMOOT. The Senator should not have said "all" commodities. He should have said "all commodities referred to by the Senator from North Carolina." For instance, as to leather and the products of leather, Germany has to pay gold for her skins, and she has to pay the importation cost, and gold in Germany is very high. But when you take the commodities which are made from the raw products produced in Germany, you have quite a different proposition.

Mr. JONES of New Mexico. The Senator, of course, is again right, but his remark is a little disconcerting. In using the words "all commodities," I was, of course, referring to the average.

Mr. SMOOT. It is not the average.

Mr. JONES of New Mexico. It is, and it is so stated here.

Mr. SMOOT. It is the average of the items referred to by the Senator from North Carolina, not the average of all the goods produced in Germany. It is the average of the articles and the prices thereof to which the Senator from North Carolina called attention in his speech, and I think he is right in that respect.

Mr. JONES of New Mexico. All I can do is to read just what this table states. It gives a column of prices of foodstuffs, and so forth, then a column of textiles and leather, then a column of minerals, then a column of sundries, and then a column headed "All commodities."

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. Do we not confuse the real question somewhat by interjecting a consideration of the purchasing power of a medium of exchange in Germany in the purchase of articles produced in Germany? The Government itself, of course, assists the laboring man in many ways. Is not the real question the cost of a commodity, measured by the only standard money there is in the world to-day, the American dollar? The question with us in levying a tariff is what the dollar will buy of products from the manufacturer in Germany, and what that dollar will buy of the same products produced in the United States. Let us be perfectly fair in the matter. As was stated by the Senator from Utah, in those cases in which Germany must import raw material, which has gone up very considerably, in some instances, her costs of production are even more than they were in 1914. In those things generally which she produces in her home country, where the raw material is from the home country, as a rule the production costs are very much lower. There is a little table showing these things upon page 17 of the same pamphlet from which the Senator quoted.

If the Senator will take the German invoice prices in 1914 and 1921, which are reduced to the American dollar standard, he will find aluminum ware tea kettles cost in Germany in 1914 83 cents and in 1921 41 cents, reduced almost one-half. Another style cost 65 cents in 1914 and 37 cents in 1921; another cost 70.9 cents in 1914 and 40.5 cents in 1921. Another one of another class cost 60.8 cents in 1914 and 50.9 cents in 1921, being very close. Then there are two articles here that cost a little more in 1921, such as Berlin kettles, 4 centimeters—I do not know the material, but I suppose they are aluminum—costing 34.5 cents in 1914 and 36.5 cents in 1921. Then we come down to preserving kettles, which were 22.5 cents in 1914 and are now 28.3 cents; another that was 38 cents is now 53 cents, and so on.

On the whole, of course, there has been a considerable reduction, but we must say of the commodities that come into the United States in competition with ours, the price of production there has very materially decreased since 1914, whereas in Great Britain practically all her articles have increased in percentages, I think, comparatively as much, if not more than in the United States.

Mr. JONES of New Mexico. Mr. President, I thank the Senator for making that statement. It illustrates, and I think demonstrates, precisely the thing for which I have been contending. Here we have a vast number of commodities, the larger portion of them coming from Germany, and we find that the rates proposed in the bill are identical with the rates of the Payne-Aldrich schedule prepared in 1909. So I say that if the bill has been framed for the sole purpose of levying duties to equalize the difference in the cost of production in the United States and Germany or the other countries it has miserably failed.

Mr. SMOOT. Mr. President, if the Senator will take the time to examine the items he has placed in the RECORD, where the rates are the same in the pending bill as they were in the Payne-Aldrich bill affecting the first or chemical schedule of the pending measure, he will find that nearly all those rates are exceedingly low reduced into equivalent ad valorem. In fact, if there was any criticism to be made as to rates, I should have thought the Senator from New Mexico would have taken a different schedule than the chemical schedule. I do not want to take the time now, but if the Senator will take the items that he has put into the RECORD and convert the rates into ad valorem duties he will find they are very low ad valorem duties on the average.

There was a reason for that, Mr. President, and perhaps the Senator from New Mexico knows what it was. When the Payne-Aldrich law was enacted in 1909 there was not much of a chemical industry in the United States. The rates imposed in the Payne-Aldrich law under this schedule were perhaps the lowest rates that were in any schedule in the 1909 act. The reason for that was, I will say to the Senator, that there was

no particular effort made in the United States at that time to establish the industry. There was no particular desire on the part of manufacturers in the country to establish it. The rates, therefore, were exceedingly low, taken as a whole, of course, I think, as I said, if the Senator will make the examination which I have suggested, he will find that the lowest rates to be found in the bill are the rates which he is now criticising.

Mr. JONES of New Mexico. Mr. President, I am not at this time trying to demonstrate why these rates are high or low. What I do not want Senators to forget is that the chairman of the Finance Committee has said that the bill was carefully framed for the purpose of levying duties which would as nearly as possible equalize the difference in the cost of production at home and abroad, and he has further said that he has ascertained this difference by using the prices. Now we find that the prices have been varying from year to year and from month to month. Here we have a very large percentage of the items in the chemical schedule where the rate of duty is precisely the same as when the Payne-Aldrich bill was framed in 1909, and it will not do for the Senator from Utah to talk about high or low duties, specific or ad valorem. We have both specific and ad valorem rates here, where the rate of duty fixed in the pending bill is precisely the same as it was under the Payne-Aldrich law.

I desire to give it as my honest impression and my honest judgment, from an examination of the bill, that when the Republican Party came into power they thought they had to do something, it did not know what, to make a higher tariff upon products. When they got to studying conditions they either levied the duties under the old Payne-Aldrich law or in the main increased those duties, and whenever they did not know what else to do they accepted the figures placed in the Payne-Aldrich law, that law which was so obnoxious to the people of the country that they put the Republican Party out of power only a few months after its enactment.

I want the people of the country now to understand that the rates fixed in the pending bill are either the Payne-Aldrich rates or in the main are much higher rates, and they have been fixed here without any rhyme or reason, not for the purpose simply of equalizing the difference in the cost of production at home and abroad, but for the purpose of protection, and protection to the extent of creating a practical embargo upon the importation of commodities.

The purpose as stated in section 315 (a) is not that now contended for by the distinguished Senator from North Dakota. It said, "for the purpose of equalizing the difference in competition in trade," and I do not want that to be forgotten. It declares upon its face what is the purpose of the bill, and it is entirely different from that stated by the Senator from North Dakota. Now listen to this language, which I read from the bill itself:

SEC. 315 (a). That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended—

Here is your declared policy, and I submit that it is not that stated by the Senator from North Dakota. Here it is, proceeding with the language of section 315 (a)—

whenever the President, upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part growth or products of competing foreign countries—

Then he is given authority to increase or diminish rates.

In the next subsection the policy is again stated in still broader language. There the policy is—

differences in conditions of competition in trade, in the markets of the United States, or articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that an industry in the United States is being or likely to be—

Shut off from competition? That is not the language. Listen—

is being or likely to be materially injured by reason of the importation—

And so forth. That is language as broad as commercial imagination may conceive. What is an injury in trade? I submit that there are in this country hundreds, yea thousands, of industries which would consider their trade injured if they did not have a monopoly of the American market. That is what they seek. They seek a monopoly, and if we permit them to go to the President of the United States and tell him how their business is going to be injured, they will appeal to him to help them create a monopoly because otherwise, forsooth, their trade might be injured. It is not confined to existing conditions. It leaves the country in its imagination to fix the rate of duty on this trade that may be injured before it is ever done; and what do some of the concerns in the United States want? They want a monopoly, and when the Senator from North Dakota stands up and tells us that the bill is framed only for the purpose of equalizing the difference in the cost of production here and abroad, I say that his statement is contrary to the declared purpose as stated in the bill itself.

Mr. SIMMONS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from North Carolina.

Mr. SIMMONS. Section 315 (a), which the Senator from New Mexico has just read, authorizes the President under certain circumstances to increase the rates of duty and declares the policy upon which those increases are to be based. The policy declared is what the Senator from New Mexico has stated.

Now, I want to ask the Senator from New Mexico if his argument that that declaration is the policy upon which the bill is framed is not greatly reenforced and strengthened by reason of the fact that it is not to be assumed, it is not thinkable, that the framers of this measure would prescribe one rule by which the President was to be governed in increasing the rates and would prescribe a different rule for fixing the original rates? Does not the Senator catch my point?

Mr. JONES of New Mexico. I do; and of course the statement of the Senator from North Carolina is very pertinent just at this juncture. I think the country must assume that what the Senator has just said is true, because it is inconceivable that this bill should be framed upon one theory, and that the bill itself should authorize the President to reframe the duties on an absolutely different theory.

Mr. SIMMONS. And to increase those same duties on a different basis.

Mr. JONES of New Mexico. And to increase the same duties for a different purpose and in a different way.

Mr. SIMMONS. And especially, Mr. President, the declaration of the rule contained in that section of the bill must necessarily be accepted as the rule which must obtain, and did obtain, in the fixing of the other rates in the bill.

Mr. JONES of New Mexico. Mr. President, it is inconceivable that any other conclusion could be reached, because I can not believe that any Senator of the United States, dealing in such troublous times with a subject which affects every man, woman, and child in this land, should deliberately frame a bill upon a theory which he himself felt to be unsound. Here we have the declaration in the bill that it is the policy of the majority that tariff duties should be levied upon one theory, while the Senator from North Dakota says the committee framed the bill upon another theory.

Mr. SIMMONS. Mr. President, if the Senator will pardon me further, the bill lays down clearly, in the section which the Senator has read, the policy upon which it was framed. The bill tells us what the yardstick was that measured the duties which are imposed in the bill, namely, the difference between the export selling price of foreign merchandise in this market and the domestic selling price of domestic products. That is the rule the framers of the bill have laid down; that is the measure of duty to which they have agreed. Having given us the rule, it is our duty as representatives of the people to see whether the existing facts justify the rates which the committee have proposed under that rule of measurement of the protection which should be accorded a given industry. Having given us, in other words, the rule upon which they measured the rate of duty to which an industry was entitled under the protective principle, we can easily, if we can obtain the facts, determine the question of whether the rate is too high or too low; whether the facts justify the rate; we can test the rate and find out whether it is just to the people and necessary to the industry.

When the Senator from North Dakota says, "We framed some of these duties upon another rule than that laid down in the bill, namely, the difference in the cost of production here and abroad," that prescribes another rule; that applies another yardstick for the purpose of determining the amount of protection to which an industry is entitled in fixing a rate. If that were the rule upon which these rates were based, then we could test the rate by that rule and see whether or not the facts justified the duty imposed upon that rule. Therefore I say that the people are entitled to know and the Senate is entitled to know what the rule is in order that we may by the facts test the rate fixed—measure the rate by that yardstick.

Mr. President, that being so, it becomes exceedingly important, it lies at the very basis of the consideration of these rates, that we should know, and know definitely, right at the outset, what was the rule on which these rates were fixed; what was the measure adopted for determining the protection to which an industry is entitled. Was it the rule stated in the bill, the difference between the export selling cost of foreign

merchandise and the selling price of the domestic article in the American market, or was it the difference between the cost of production here and abroad? Until we know according to which one of those measures the rates were ascertained and fixed, we are unable intelligently to discuss the question of the rates; we are unable to apply the facts of the situation to the rule that the committee have laid down and say whether or not the facts justify the rates.

Mr. President, under those circumstances, I think—and I am not saying this in any controversial spirit—that it is absolutely necessary, if we are to get along with this bill, that the majority members of the Finance Committee should advise us definitely, right now, upon which of these two principles for measuring the rate of protection to which an industry is entitled under the protective principle this bill is to be defended and the Senate is to be asked to pass it. If I am told that it is upon the rule which the bill enunciates, then I will say that it is an easy matter for me, if I can secure the facts as to the export selling price of foreign merchandise and the selling price of the domestic article in the American market, to apply the test and ascertain whether the duties which have been imposed are unreasonable, or whether they are necessary in order to accomplish the purpose and carry out the policy of the bill. On the other hand, if I am told that the majority are going to discard the policy defined in the bill, and are going to ask for the adoption of the rates fixed, upon the idea that they measure the rates by the difference between the cost of production here and abroad, then we will have to scramble around and see if we can obtain the facts as to the cost abroad and the cost in this country, so that we may be able to test the rates given us and determine whether or not upon the facts the rates are justified. There is no way in the world by which we can intelligently discuss this matter until we shall have ascertained the basis and the measure of protection which it is proposed to accord to the industries of this country.

The Republican platform has told us heretofore that the basis of protection was to be the difference between the cost of production here and abroad, and protection in this country has been defended upon that basis.

This bill is a departure, as I undertook to show the other day, and proposes to levy tariff rates upon an entirely different rule, namely, the difference between the selling price here and abroad. I think the testimony before the committee, in the hearings, was all directed to the measure of protection proposed in the bill and defined in the particular section referred to; the testimony was all directed to that end. The information furnished in the book which has been given us as a guide to assist us in determining the fairness and the justice and the sufficiency of the rates proposed is addressed and directed to the theory that the rates were fixed upon the basis of the difference between prices here and abroad, and not the difference between the cost of production here and abroad.

Mr. JONES of New Mexico. And without any relation to profits.

Mr. SIMMONS. And without any relation to profits of the American producer, of course. The whole question, however, has been drawn into a state of confusion by the suggestion on the other side, for the first time made yesterday by the Senator from Utah [Mr. SMOOT], which called forth some little controversy in debate between the Senator and myself. The suggestion was that the rates are not based upon that principle at all, but are based upon the principle of the difference between the cost of production here and abroad; and I say if that is to be the basis instead of the basis defined in the bill, we must have other and different facts in order to test the rates. We have not those facts; the committee did not have them; and I think the majority members of the committee owe it to themselves, they owe it to the Senate, and they owe it to the country, to tell us positively and unequivocally whether they are going to defend the rates in the pending bill upon the principle laid down in the bill, or whether they are going to defend it upon the basis of the difference in the cost of production here and abroad. The people of the country are entitled to know that as well as we are, so that they may themselves apply the test and determine whether or not, in their judgment, the rates are justified. At any rate, Mr. President, it is utterly impossible to consider the rates with any degree of intelligence, or with any degree of justice to ourselves and the country, unless we know upon what rule of measuring the rate of protection to which an industry in this country is entitled this bill is written and is proposed here for enactment into law.

Mr. JONES of New Mexico. Mr. President, in substantiation of the view taken of this bill as just announced by the Senator from North Carolina, a view which I also have taken of the bill, I think it wise in this connection to refer to a table which the Senator from North Carolina appended to his speech the other day. I refer to Appendix C, which gives a large list of commodities of which the selling price in the United States today is higher than the price of the domestic commodity, and this bill increases the tariff upon those articles. In the name of Heaven, I should like to know how, upon the theory of the difference in the cost of production at home and abroad, ascertained by prices, as the Senator from North Dakota says he has done, he can ever ascertain the necessity for increasing the tariff upon commodities which are now selling in this country at a higher price than comparable commodities manufactured here in the United States.

In this connection, Mr. President, I should like to have appended to my remarks Appendix C, which was printed as a part of the remarks of the Senator from North Carolina the other day.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, it is so ordered.

(See Appendix B.)

Mr. JONES of New Mexico. Mr. President, I think that if the country realizes the purpose for which this bill is framed it will not tolerate that such a bill shall ever become the law. I sincerely hope and pray that the people of the United States may study this bill, and that before it ever comes to a vote in the United States Senate the resentment of the people will roll up in such unmistakable terms that it will compel the recommitment of this bill, so that a bill shall be framed upon at least some known basis. The committee says one thing; the bill says another; and here we have the bill itself increasing duties upon imported articles which are selling to-day in great quantities for more than the comparable domestic article. Notwithstanding that, the duty is increased!

Mr. President, I dislike to consume so much time in talking about these things, and putting them in so many different ways, but I am doing it for the purpose of letting the people of this country know the very objectionable way in which this bill was framed.

Not only that, but this bill increases the duty upon articles which are not imported into this country at all, or where the importations are merely nominal. This bill increases the duty upon a vast number of articles where the importations are absolutely negligible or none; and why upon any theory—the difference in cost of production or the difference in competition in trade—should you increase the duties upon such commodities? It can only be done for one purpose, and that is to insure the perpetuation of existing monopolies in this country. Why increase the duty upon commodities which are not imported at all, or are imported in such infinitesimal quantities as not to amount to a drop in the ocean? Can you imagine any purpose? Upon what theory are those duties laid? It can not be done for the purpose of measuring differences in cost of production. It can not be done for the purpose of measuring difference in competition in trade, because there is no competition in trade; but the committee has raised these duties. I submit that no other reason can be advanced than that the majority of the committee is determined to perpetuate existing monopolies in this country and enable them not only to keep up their present prices but to raise them even higher.

Mr. President, I do not care to pursue this subject further at this time; but before concluding I want to return to a matter which I was discussing yesterday late in the afternoon.

Some Senators on the other side of this Chamber became very much interested in this discussion when I referred to the quantity of exports of manufactured products from the United States. I had published as an appendix to my remarks of yesterday a table which was very carefully prepared by the statistician of the National City Bank of New York giving some very, very interesting as well as important facts; and I desire to refer to that table again and to call attention to the importance to the manufacturing industries of this country of our export trade.

Those Senators who listened to me yesterday will recall that the exports from Germany are now only from one-half to one-third what they were prior to the war. I called attention to the fact that the production of all commodities in Germany now was just about one-half what it was prior to the war. I called attention to the further fact that our exports to Germany since the war were just about double what they were prior to the war; that our export trade as a rule had been declining with great rapidity, but that so far as Germany was concerned our exports there were increasing. They amounted last year to nearly $400,000,000.

The imports from Germany were only $90,000,000, and yet it was suggested that it was advisable to shut out even the $90,000,000. I call attention to the importance of this subject because we can not much longer continue to export anything from this country unless we get our pay in an exchange of

commodities, and I want to emphasize the importance of this thing to the manufacturers. I apprehend that it is the common impression throughout the country that only the farmers of this country are interested in exports. They, of course, are vitally interested in exports; but when we realize the enormous quantity and value of manufactured products which are exported, the manufacturers of this country should arise and take notice of where they are going to be driven if this bill becomes law.

I shall refer only to the figures of 1921.

In 1921 the imports of foodstuffs into this country amounted to 16,855,000,000 pounds. The exports of food products in that year were 37,551,000,000 pounds.

Of manufacturing materials imported there were 54,000,000,000 pounds. There were exported 66,000,000,000 pounds.

Of manufactured goods, of all manufactures which could be reduced to pounds, the amount imported last year was only 4,673,000,000 pounds, but the exports were 23,699,000,000 pounds.

Mark those figures. These figures were made up by reducing to pounds all of these commodities which could be reduced to pounds, which comprised about 75 per cent of them; and while the export of all food products was 37,551,000,000 pounds, the export of manufactured products was 23,699,000,000 pounds, and when we come to values the situation becomes more startling.

In 1921 the value of all foodstuffs exported was only $1,283,000,000. The value of manufactured products was practically $3,000,000,000, three-fourths the value of all the exports of food products. When you talk about competition, when you begin to consider the question of protection of industry, and when you look into this bill and find out the industries which are protected, you will observe that this bill is framed primarily for the purpose of increasing the duty upon manufactured products.

Now, let us see where the competition comes in. In 1921, of food products, there were imported into this country 48½ per cent of the amount exported. Of commodities known as manufacturing commodities, materials to become the base materials for manufacture, we imported into this country in 1921 81.8 per cent of the amount we exported. But when it comes to the manufactured article, the manufactured commodity, we imported only 19.7 per cent of the amount we exported.

What reason is there for increasing the duties, in the main, upon manufactured articles at this time? I wish to state, further, without quoting the figures, that the amounts of all of the imports of all these classes are diminishing most rapidly, and in this unsettled condition, when the majority of the Finance Committee can not find any basis upon which to found a bill at this time; when this country is not being injured by any flood of imports; when these foreign countries, who have been our best customers in the past for these commodities, are still struggling under the effects of the war; when their production is not nearly back to normal; when they can not flood this market with goods, when our imports are diminishing, when you can not find any basis or reason for increasing the tariff, I submit to the judgment of the Senate and of the country whether this is the time to bring in a new tariff bill at all.

Mr. President, I understand it is desired, on the part of some Senators, at least, to close a little earlier this afternoon than we did on yesterday, and if it is agreeable to the chairman of the Finance Committee, I shall be glad to suspend at this time.

APPENDIX A.

German internal and export prices, March and April, 1921.

Commodity.	Amount of invoice at German internal price.	Amount of invoice at export price.	Difference.	Percentage increase over internal price.
	Marks.	*Marks.*	*Marks.*	*Per cent.*
Decorated chinaware	5,141.67	6,246.09	1,104.42	21
Do	1,016.69	2,235.53	1,218.44	119
Do	954.16	1,414.16	460.58	48
Do	608.63	832.59	164.16	37
Do	283.27	572.89	289.22	102
Porcelain	37.57	84.20	46.63	124
Do	802.03	1,816.32	1,014.29	126
Earthenware	103.77	328.00	224.23	216
Do	1,141.41	3,031.17	1,889.76	165
Corks	267.50	1,212.70	945.20	25
Chemicals and laboratory supplies	70,093.00	105,594.00	35,501.00	34
Stainless aluminum ware, pocket-knives, foils, etc.	2,734.00	4,617.00	1,883.00	68
Worsted yarn	19,413.30	53,282.22	33,868.92	174
Do	12,671.11	16,065.32	3,794.21	30
Do	14,988.94	25,336.77	3,450.83	20

APPENDIX B.

Description.	Selling price foreign article.	Payne-Aldrich.	Underwood.	Senate bill.
Fence wire	13 per cent above price of domestic.	Specific rates equivalent to 60 per cent.	55 per cent	Compound rates equivalent to 80 per cent.
Surgical instruments.	4 per cent above price of domestic.	45 per cent	20 per cent	Compound rates equivalent to 74 per cent.
Common linen toweling, 19 inches wide.	12 per cent under price of domestic.	50 per cent	30 per cent	60 per cent.

Ten per cent advance over the Payne-Aldrich rates brings the selling price of the imported article slightly above the price of the domestic article.

The following imported articles are selling in the United States at a higher price than the comparable domestic articles, noting that the rates of duty in the Senate bill have been materially increased:

Description.	Payne-Aldrich.	Underwood.	Senate bill.
China	60 per cent	35 per cent	70 per cent.
Decorated earthenware	do	40 per cent	80 per cent.
Antifriction balls for use in ball bearings.	45 per cent	15 per cent	10 cents pound and 35 per cent (equals 47 per cent).
Hard clothing	45 and 55 cents square foot equal about 28 per cent.	35 per cent	45 per cent.
Fishhooks and fishing tackles	45 per cent	20 per cent	Do.
Metal snap fasteners	50 per cent	15 per cent	55 to 60 per cent.
Willow clothes baskets	35 per cent	25 per cent	45 to 60 per cent.
Furniture of wood	do	do	35 per cent.
Cheese	6 cents pound equals 40 per cent to 75 per cent.	25 per cent	Over 30 cents pound, 25 per cent.
Ladies' cotton embroidered handkerchiefs.	60 per cent	60 per cent	70 per cent.
Embroidery cotton	20 per cent	20 per cent	25 to 45 per cent.
Scotch gingham	Specific rates	do	Specific rates; minimum about 43 per cent.
English cloth suiting, etc., over 4 ounces.	44 cents pound, 50 per cent.	35 per cent	49 cents pound, 55 per cent.

The selling prices of the above imported articles in the United States range from 10 to 60 per cent higher than the domestic merchandise.

APPENDIX C.

CHEMICAL SCHEDULE.

Comparison—showing items of 1909 as transferred to H. R. 7456.

H. R. 7456. As Reported to Senate.	Act of 1909. Payne-Aldrich.
SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS.	SCHEDULE A.—CHEMICALS, OILS, AND PAINTS.
Paragraph 1. Acids and acid anhydrides: Acetic acid containing by weight not more than 65 per cent of acetic acid, three-fourths cent per pound; containing by weight more than 65 per cent, 2 cents per pound.	Paragraph 1. Acids: Acetic or pyroligneous acid, not exceeding the specific gravity of one and forty-seven one-thousandths, three-fourths cent per pound; exceeding the specific gravity of one and forty-seven one-thousandths, 2 cents per pound.
Gallic acid, 3 cents per pound. All other acids and acid anhydrides not specially provided for, 25 per cent ad valorem.	Gallic acid, 8 cents per pound. All other acids, not specially provided for, 25 per cent ad valorem.
Par. 2. Acetone, acetone oil, and ethyl methyl ketone, 25 per cent ad valorem.	Par. 2. * * * chemical compounds, * * * not specially provided for, 25 per cent ad valorem.
Par. 3. All chemical elements, all chemical salts and compounds, all medicinal preparations, and all combinations and mixtures of any of the foregoing, obtained naturally or artificially, not specially provided for, 25 per cent ad valorem.	Par. 3. Alkalies, alkaloids, * * * and all combinations of the foregoing, and all chemical compounds, mixtures, and salts, * * * not specially provided for, 25 per cent ad valorem.
Par. 7. Ammonium carbonate and bicarbonate, 7½ cents per pound.	Par. 3. Ammonia, carbonate of, 7½ cents per pound.
Par. 8. Antimony: Oxide, 1½ cents per pound and 25 per cent ad valorem.	Par. 173. * * * antimony, oxide of, 1½ cents per pound and 25 per cent ad valorem.
Par. 9. Cream of tartar, Rochelle salts, or potassium-sodium tartrate, 5 cents per pound.	Par. 6. Cream of tartar and patent tartar, 5 cents per pound.
Par. 12. Blacking, powders, liquids, and creams for cleaning or polishing, not specially provided for, 25 per cent ad valorem: *Provided*, That no preparations containing alcohol shall be classified for duty under this paragraph.	Par. 7. Blacking of all kinds, 25 per cent ad valorem; all creams and preparations for cleaning or polishing boots and shoes, 25 per cent ad valorem.

H. R. 7456—Continued.	Act of 1909—Continued.
Par. 13. Bleaching powder or chlorinated lime, one-fifth cent per pound.	Par. 8. Bleaching powder, or chloride of lime, one-fifth cent per pound.
Par. 14. Caffeine, $1.50 per pound; compounds of caffeine, 25 per cent ad valorem.	Par. 65. * * * all other medicinal preparations, not specially provided for, 25 per cent ad valorem.
Par. 19. Chemical compounds, mixtures, and salts, of which gold, platinum, rhodium, or silver constitutes the element of chief value, 25 per cent ad valorem.	Par. 3. * * * chemical compounds, mixtures, and salts, * * * not specially provided for, 25 per cent ad valorem.
Par. 21. Chemicals, drugs, medicinal and similar substances, whether dutiable or free, when imported in capsules, pills, tablets, lozenges, troches, ampoules, tubes, or similar forms, including powders put up in medicinal doses, shall be dutiable at not less than 25 per cent ad valorem.	Par 65. * * * all other medicinal preparations not specially provided for, 25 per cent ad valorem: *Provided*, That chemicals, drugs, medicinal and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, or similar forms, and intended for medicinal purposes, shall be dutiable at not less than the rate imposed by this section on medicinal preparations.
Par. 37. Flavoring extracts and natural or synthetic fruit flavors, 25 per cent ad valorem.	Par. 3. * * * chemical compounds, mixtures, * * * not specially provided for * * * 25 per cent ad valorem.
Par. 38. Formaldehyde solution or formalin, solid formaldehyde or paraformaldehyde, and hexamethylenetetramine, 25 per cent ad valorem.	Par. 65. * * * medicinal preparations not specially provided for, 25 per cent ad valorem.
Par. 40. Glycerin, crude, 1 cent per pound.	Par. 24. Glycerin, crude, not purified, 1 cent per pound. * * *
Par. 42. Iodine, resublimed, 20 cents per pound.	Par. 27. Iodine, resublimed, 20 cents per pound.
Par. 44. * * * acetate, brown, gray, or yellow, 2 cents per pound.	Par. 58. Acetate, * * * brown, gray, or yellow, 2 cents per pound.
Par. 47. * * * oxide, or calcined magnesia, medicinal, 7 cents per pound.	Par. 31. Magnesia, * * * calcined, medicinal, 7 cents per pound.
Par. 48. * * * camphor, refined or synthetic, 6 cents per pound.	Par. 12. Camphor, refined, and synthetic camphor, 6 cents per pound.
Par. 50. * * * olive oil, weighing with the immediate container less than 44 pounds, 50 cents per gallon. Olive oil, not specially provided for, 40 cents per gallon. Poppy-seed oil, raw, boiled, or oxidized, 2 cents per pound.	Par. 38. Olive oil * * * in bottles, jars, kegs, tins, or other packages, containing less than 5 gallons each, 50 cents per gallon. Olive oil not specially provided for, 40 cents per gallon. Par. 35 * * * poppy-seed oil, raw, boiled, or oxidized, 15 cents gallon of 7½ pounds weight.
Par. 53. Combinations and mixtures of animal, vegetable, or mineral oils or of any of them (except combinations or mixtures containing essential or distilled oils) with or without other substances, and not specially provided for, 25 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.	Par. 2. * * * oils, and combinations of the foregoing * * * 25 per cent ad valorem.
Par. 54. Oils: * * * clove (25 per cent ad valorem); eucalyptus (25 per cent ad valorem); peppermint (25 per cent ad valorem); patchouli (25 per cent ad valorem); sandalwood, and all other essential and distilled oils, not specially provided for, 25 per cent ad valorem: *Provided*, That no article mixed or compounded or containing alcohol shall be classified for duty under this paragraph.	Par. 3. * * * distilled oils, essential oils, * * * not specially provided for, * * * 25 per cent ad valorem.
Par. 55. * * * opium containing less than 8.5 per cent of anhydrous morphine, $6 per pound.	Par. 41. * * * opium containing less than 9 per cent of morphia, $6 per pound.
Par. 57. Perfumery, including cologne and other toilet waters, articles of perfumery whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, tooth soaps, pastes, theatrical grease paints, pomades, powders, and other toilet preparations, all the foregoing, if not containing alcohol, 60 per cent ad valorem.	Par. 67. Same.
Par. 58. Floral or flower waters containing no alcohol, not specially provided for, 20 per cent ad valorem.	Par. 66. Same.
Par. 61. Plasters, healing or curative, of all kinds, and court-plaster, 25 per cent ad valorem.	
Par. 65. Blue pigments and all blues containing iron ferrocyanide or iron ferricyanide, in pulp, dry, or ground in or mixed with oil or water, 8 cents per pound.	Par. 48. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry, or ground in or mixed with oil or water, 8 cents per pound.
Par. 69. Lead pigments: Litharge, 2½ cents per pound; white lead, 2½ cents per pound.	Par. 58. Lead: Litharge, 2½ cents per pound. Par. 53. White lead, 2½ cents per pound.
Par. 70. Ochers, siennas, and umbers, crude or not ground, one-eighth cent per pound.	Par. 47. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, not specially provided for, when crude or not powdered, washed, pulverized, one-eighth cent per pound.
Par. 71. Satin white and precipitated calcium sulphate, one-half cent per pound.	Par. 44. * * * and satin white, or artificial sulphate of lime, one-half cent per pound.
Par. 72. * * * spirit varnishes containing 5 per cent or more of methyl alcohol, 35 cents per gallon and 35 per cent ad valorem.	Par. 51. * * * spirit varnish containing 5 per cent or more of methyl alcohol, 35 cents per gallon and 35 per cent ad valorem.
Par. 73. * * * and all other varnishes, including so-called gold size or japan, not specially provided for, 25 per cent ad valorem.	Par. 51. Varnishes, including so-called gold size or japan, 35 per cent ad valorem.
Par. 75. Potassium: Cromate and dichromate, 2½ cents per pound.	Par. 60. Bichromate and chromate of potash, 2½ cents per pound.
ferrocyanide or yellow prussiate of potash, 4 cents per pound.	Par. 64. * * * yellow prussiate, 4 cents per pound.
Iodide, 25 cents per pound.	Par. 62. Hydriodate, iodide * * * of potash, 25 cents per pound.
nitrate or saltpeter, refined, one-half cent per pound.	Par. 63. Nitrate of potash, or saltpeter, refined, one-half cent per pound.
Provided, That for a period of five years, beginning on the day following the passage of this act, there shall be levied, collected, and paid in addition thereto on all the foregoing a duty of 15 per cent ad valorem.	
Par. 77. * * * Perfumed toilet soap, 30 per cent ad valorem.	Par. 69. * * * fancy or perfumed toilet soaps, 50 per cent ad valorem.
Par. 78. Sodium: Arsenate, 1 cent per pound.	Par. 75. * * * arsenate of soda, 1 cent per pound.
monohydrated, one-fourth cent per pound.	Par. 72. * * * monohydrate * * * of soda, one-fourth cent per pound.
chlorate, 1½ cents per pound.	* * * chlorate of soda, 1½ cents per pound.
chromate and dichromate, 1½ cents per pound.	Par. 71. Bichromate and chromate of soda, 1½ cents per pound.
ferrocyanide or yellow prussiate of soda, 2 cents per pound.	Par. 72. * * * yellow prussiate of soda, 2 cents per pound.
hydroxide or caustic soda, one-half cent per pound.	Hydrate of, or caustic soda, one-half cent per pound.
sesquicarbonate, one-fourth cent per pound.	Par. 72. * * * sesquicarbonate of soda, one-fourth cent per pound.
sulphate, crystallized, of Glauber salt, $1 per ton.	Par. 77. Sulphate of soda * * * $1 per ton.
sulphide, containing not more than 35 per cent of sodium sulphide, three-eighths cent per pound; containing more than 35 per cent, three-fourths cent per pound.	Par. 73. Sulphide of soda, containing not more than 35 per cent of sulphide of soda * * * three-eighths cent per pound; sulphide of soda, concentrated, or containing more than 35 per cent of sulphide of soda, three-fourths cent per pound.
silicate, three-eighths cent per pound.	Par. 76. Silicate of soda * * * three-eighths cent per pound.
thiosulphate, three-eighths cent per pound.	Par. 73. * * * hyposulphite of soda, three-eighths cent per pound.
Par. 80. Starch other than potato not specially provided for, 1 cent per pound.	Par. 290. Same.
Par. 83. Strychnine and salts of, 15 cents per ounce.	Par. 80. Strychnia, or strychnine, and all salts thereof, 15 cents per ounce.
Par. 85. Tin bichloride, tin tetrachloride, and all other chemical compounds, mixtures, and salts, of which tin constitutes the element of chief value, 25 per cent ad valorem.	Par. 3. * * * all chemical compounds, mixtures, and salts, not specially provided for * * * 25 per cent ad valorem.

Mr. McCUMBER. Mr. President, before moving an executive session I desire to take only one moment.

Senators on the other side, with a vehemence closely approaching a state provocative of apoplexy, have been inveighing against the proposition in the bill allowing the President to fix rates within certain circumscribed limits, and it has been asserted, with all the vehemence possible, that that gives the President the authority, and it is the purpose of it, to allow the President to fix a rate that will amount to an embargo; that what these manufacturers want is an embargo, and they expect to get an embargo under the provisions of this bill.

Mr. President, what is the President authorized to investigate? He is authorized to investigate the difference in the matter of competition in the home markets of the United States between an American produced article and a foreign produced article. He is authorized to investigate the condition of this competition. Then what can he do? Can he apply a rate that will amount to an embargo?

Let us glance at the section on page 273, which provides—

That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended whenever the President, upon investigation of the differences in condition of competition in trade—

And so forth. That is what he is to investigate, the differences in the competition in trade, and if he finds that there is

a difference in competition, then what does he do? The bill proceeds:

That the ad valorem rate or rates of duty based upon such American selling price shall be the rate found upon said investigation by the President to be shown by the said differences in conditions of competition of trade in the markets of the United States necessary to equalize the differences so found in said conditions of competition.

He can not impose a rate which will more than equalize the conditions of competition, so as to give the American manufacturer an equal opportunity in the American market with the foreign manufacturer. He is not empowered to go one inch beyond the purpose of equalizing those differences.

That is not an embargo. It can not be construed into an embargo. It is just exactly what it says. The rates may be increased or they may be decreased in order to give the foreign competitor an equal opportunity in the markets of the United States. There is no embargo in that. It can not be tortured into having any purpose of an embargo.

Mr. JONES of New Mexico. Mr. President, in partial response to what the Senator has said and in connection with my previous remarks, I desire to call attention to the fact that the Reynolds Commission, which went out to ascertain the difference in the prices of articles in this country, both domestic and foreign, was unable to find comparable articles in more than about 20 per cent of the cases which they investigated. Where there is no comparable article produced in the United States, I submit you can not levy a tariff based upon the difference between the cost of production at home and abroad, and in only about 20 or 25 per cent of the cases did they find comparable articles, and they were seeking such articles.

Mr. McCUMBER. If there is no instance in which the law can apply, of course the law will not be applied.

EXECUTIVE SESSION.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess, the recess being under the order previously made, until Monday, May 1, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 29 (legislative day of April 20), 1922.

APPRAISER OF MERCHANDISE.

Oscar W. Jackson, of Springfield, Ohio, to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cincinnati, Ohio, in place of Thomas Butterworth.

UNITED STATES DISTRICT JUDGE.

John T. DeBolt, of Hawaii, to be United States district judge, district of Hawaii, vice Horace W. Vaughan, whose term has expired. (Mr. DeBolt is now serving as second judge, first circuit, Territory of Hawaii.)

REGISTER OF THE LAND OFFICE.

Martin Widsten, of Minnesota, to be register of the land office at Crookston, Minn., vice Ole Thompson, resigned.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Leo Clark Wilder, of Vermont, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, in the Coast and Geodetic Survey (by promotion from aid with relative rank of ensign in the Navy), vice L. D. Graham, promoted.

APPOINTMENT IN THE REGULAR ARMY.

Maj. William Augustus Mitchell, Corps of Engineers, to be professor of civil and military engineering at the United States Military Academy, with rank from May 10, 1922, vice Prof. Gustav Joseph Fiebeger, to be retired from active service May 9, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Lutz Wahl, Infantry, with rank from January 6, 1920.

Col. Harrison Hall, Field Artillery, with rank from April 20, 1920.

Col. Julius Theodore Conrad, Cavalry, with rank from July 1, 1920.

Col. Charles Curtis Smith, Infantry, with rank from July 1, 1920.

Lieut. Col. Clarence Browning Smith, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. Paul Trapier Hayne, jr., Cavalry, with rank from July 1, 1920.

Lieut. Col. Horace Fennell Sykes, Infantry, with rank from July 1, 1920.

Lieut. Col. John Anderson Berry, Coast Artillery Corps, with rank from July 28, 1920.

Maj. Thruston Hughes, Coast Artillery Corps, with rank from July 1, 1920.

ORDNANCE DEPARTMENT.

Capt. Gordon Marshall Wells, Coast Artillery Corps, with rank from July 1, 1920.

First Lieut. Beverley St. George Tucker, Infantry, with rank from November 10, 1919.

APPOINTMENT IN THE NAVY.

MARINE CORPS.

Corpl. Horace C. Bushey, Marine Corps, to be a second lieutenant in the Marine Corps for a probationary period of two years from the 11th day of February, 1922.

POSTMASTERS.

ARKANSAS.

James A. Skipper to be postmaster at England, Ark., in place of W. L. Hoover. Incumbent's commission expired July 21, 1920.

William H. Taylor to be postmaster at Van Buren, Ark., in place of A. S. Matlock, removed.

FLORIDA.

Mamie E. Barnes to be postmaster at Plant City, Fla., in place of M. H. Stone, resigned.

GEORGIA.

Esther McCollum to be postmaster at Conyers, Ga., in place of T. D. O'Kelley, deceased.

KANSAS.

Abraham L. Hartzler to be postmaster at Haven, Kans., in place of M. E. Henderson. Incumbent's commission expired February 4, 1922.

KENTUCKY.

Elizabeth Porter to be postmaster at Cleaton, Ky. Office became presidential January 1, 1922.

Fannie Sharp to be postmaster at Sharpsburg, Ky. Office became presidential January 1, 1921.

Alfred Gowling to be postmaster at Newport, Ky., in place of Jacob Roll, resigned.

LOUISIANA.

Samuel Y. Watson to be postmaster at Baton Rouge, La., in place of S. Y. Watson. Incumbent's commission expired January 31, 1922.

MARYLAND.

Samuel E. Hartley to be postmaster at Glenarm, Md. Office became presidential January 1, 1922.

Stewart Rodamar to be postmaster at Grantsville, Md. Office became presidential January 1, 1921.

MASSACHUSETTS.

Clark P. Harding to be postmaster at West Medway, Mass., in place of H. E. Madden, resigned.

MICHIGAN.

William Trebilcock to be postmaster at Ishpeming, Mich., in place of T. J. Dundon, resigned.

MISSISSIPPI.

James S. Andrews to be postmaster at Vosburg, Miss. Office became presidential January 1, 1921.

Edgar D. Chapman to be postmaster at Coffeeville, Miss., in place of R. L. Broadstreet. Incumbent's commission expired January 24, 1922.

George H. Flowers to be postmaster at Kilmichael, Miss., in place of O. E. Brannon. Incumbent's commission expired December 20, 1920.

Fred J. McDonnell to be postmaster at Okolona, Miss., in place of F. J. McDonnell, jr. Incumbent's commission expired July 21, 1921.

Clarence W. Bolton to be postmaster at Pontotoc, Miss., in place of C. W. Bolton. Incumbent's commission expired August 7, 1921.

Frank J. Barlow to be postmaster at Tunica, Miss., in place of Patricia Dougherty, resigned.

MISSOURI.

Walter E. Pearson to be postmaster at Clarksdale, Mo. Office became presidential January 1, 1922.

Ferd D. Lahmeyer to be postmaster at Bland, Mo., in place of J. H. Jackson. Incumbent's commission expired March 2, 1919.

MONTANA.

William D. Tovey to be postmaster at Wisdom, Mont., in place of C. J. Bell, resigned.

NEW JERSEY.

Charles B. Blunt to be postmaster at Bloomfield, N. J., in place of E. F. Higgins. Incumbent's commission expired January 24, 1922.

NEW YORK.

Clarence A. B. Churchill to be postmaster at Ellicottville, N. Y., in place of E. E. O'Rourke. Incumbent's commission expired January 24, 1922.

OKLAHOMA.

Earl Ridenour to be postmaster at Hydro, Okla., in place of C. H. Hatfield. Incumbent's commission expired March 16, 1921.

OREGON.

Carrie N. Parker to be postmaster at Gladstone, Oreg. Office became presidential January 1, 1922.

PENNSYLVANIA.

George W. Brelsford to be postmaster at South Langhorne, Pa. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Harold French to be postmaster at Letcher, S. Dak., in place of E. M. Schmida, declined.

TEXAS.

George H. Fricke to be postmaster at Cat Springs, Tex. Office became presidential July 1, 1921.

Walter W. Appling to be postmaster at Louise, Tex. Office became presidential July 1, 1920.

Anastatia M. Tower to be postmaster at Alice, Tex., in place of H. C. Wood, resigned.

Joe M. Van Houten to be postmaster at Henrietta, Tex., in place of W. H. Cook, resigned.

Walter J. Lindsey to be postmaster at Miles, Tex., in place of W. D. Foster, resigned.

Lee W. Harris to be postmaster at Seymour, Tex., in place of W. H. Miller, resigned.

UTAH.

George A. Murphy to be postmaster at Storrs, Utah. Office became presidential January 1, 1922.

VIRGINIA.

P. Edgar Lineburg to be postmaster at Stephens City, Va., in place of G. A. Samsell, resigned.

WEST VIRGINIA.

John H. Middleton to be postmaster at Elk Garden, W. Va. Office became presidential April 1, 1921.

Charles E. Brazeal to be postmaster at Maybeury, W. Va. Office became presidential January 1, 1921.

Samuel O. Logan to be postmaster at Yukon, W. Va. Office become presidential July 1, 1921.

Jesse H. Petty to be postmaster at Gary, W. Va., in place of M. W. Scott. Incumbent's commission expired April 30, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 29 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

Lewis H. Schwaebe to be collector of customs, customs collection district No. 27, with headquarters at Los Angeles, Calif.

REGISTER OF THE LAND OFFICE.

Fred E. Sisson to be register of the land office at Pueblo, Colo.

RECEIVER OF PUBLIC MONEYS.

Mrs. Amanda I. Franks to be receiver of public moneys at Sterling, Colo.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Henry Edward Finnegan to be aid with relative rank of ensign in the Navy.

PROMOTIONS IN THE ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

To be colonels.

Samuel Goode Jones.
Edgar Thomas Conley.

To be lieutenant colonels.

John Brooke Shuman.
Wesley Wilson Knox Hamilton.
James Totten.
Robert LeRoy Collins.
Leo Asa Dewey.

To be majors.

Raymond Sidney Bamberger.
Albert Gilmer.
Thomas Marshall Spaulding.
Daniel Heston Torrey.
Robert Horace Dunlop.
William Clayton Ross.
Livingston Watrous.
Harry Coope.

To be captains.

Jedediah Huntington Hills.
David Andrews Watt.

FIELD ARTILLERY.

To be first lieutenant.

Robert Crane Hendley.

CHAPLAINS.

To be captains.

Samuel Eugene Crosby.
Charles Wadsworth Ball Hill.

POSTMASTERS.

ALABAMA.

Charles D. Kirtley, Robertsdale.

FLORIDA.

Clayton P. Bishop, Eustis.
David B. Raulerson, Lake City.
Roy S. Hamm, St. Petersburg.
John L. Wall, Summerfield.

IDAHO.

George F. Clark, Paul.

INDIANA.

Robert M. Waddell, Lagrange.
Claude B. Thomas, Moores Hill.

MARYLAND.

William A. Brown, Cecilton.
Robert H. Lancaster, Frostburg.
Susie S. Thompson, Hillsboro.
Mary Stevens, Hurlock.
Charles W. Foxwell, Leonardtown.

MICHIGAN.

Clifford L. Slocum, Addison.

MONTANA.

Arthur T. Ruehrwein, Columbus.

NEW JERSEY.

Nicholas T. Ballentine, Peapack.

NEW YORK.

Louise E. Wells, Stony Brook.

PENNSYLVANIA.

William E. Parsons, Hazel Hurst.
Ralph V. Parthemore, High Spire.

TENNESSEE.

Ollie L. Davis, Gates.
Arthur Hall, Lancing.

TEXAS.

Bessie F. Hefley, Cameron.
William J. Lewis, Itasca.
Leonard D. Kennedy, Ivan.
Comodore V. Varner, Milford.

WEST VIRGINIA.

Clifford S. Musser, Shepherdstown.

WISCONSIN.

Paul W. Schuette, Ableman.
Edward Stackman, Ontario.

SENATE.

MONDAY, *May 1, 1922.*

(Legislative day of Thursday, April 20, 1922.)

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Harrison	McCormick
Ball	Edge	Heflin	McKellar
Borah	Fletcher	Hitchcock	McLean
Borum	Frelinghuysen	Jones, Wash.	McNary
Capper	Gerry	Kendrick	Nelson
Caraway	Glass	Keyes	Newberry
Colt	Gooding	King	Nicholson
Culberson	Hale	La Follette	Norbeck
Cummins	Harreld	Lenroot	Norris
Curtis	Harris	Lodge	Oddie

Overman	Robinson	Sutherland	Warren
Page	Sheppard	Swanson	Watson, Ga.
Phipps	Simmons	Townsend	Watson, Ind.
Poindexter	Smoot	Trammell	Weller
Pomerene	Spencer	Wadsworth	Willis
Ransdell	Sterling	Walsh, Mont.	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present.

REPORT OF BOY SCOUTS OF AMERICA.

The VICE PRESIDENT laid before the Senate a communication from the chief scout executive, Boy Scouts of America, transmitting, pursuant to law, the annual report of the Boy Scouts of America for the year 1921, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by a mass meeting of citizens of Washington, D. C., protesting against proposed changes in the fiscal relations of the District of Columbia, particularly increased assessment valuation on real property, as suggested by the conferees on the 1923 District appropriation bill, and praying that before changes are made in the tax system of the District as to any class of property the citizens of said District be granted an opportunity to be heard by Congress through its committees, which were referred to the Committee on Appropriations.

He also laid before the Senate resolutions adopted by the legislative committee of the 23 allied trades organizations, known as the joint conference board, representing employees at the Bureau of Engraving and Printing, protesting against the proposed increase of the assessment valuation on real property in the District of Columbia, and praying that the commissioners of the said District be given a hearing on the merits of the proposed legislation, which were referred to the Committee on Appropriations.

He also laid before the Senate a communication, in the nature of a memorial, from Local No. 27, National Organization of Master Mates and Pilots of America, of Balboa, Canal Zone, remonstrating against inclusion in the so-called ship subsidy bill of the provisions relative to the Naval Reserve, which was referred to the Committee on Commerce.

Mr. CURTIS presented resolutions adopted by the Progressive Business Club, of Elko County, Nev., favoring the making of an appropriation of $175,000 to establish an Indian school at Elko, Nev., which were referred to the Committee on Indian Affairs.

Mr. KING. I present a resolution adopted by the Commercial Club of the City of Nephi, Utah, calling attention to the fact that an appropriation had been made a number of years ago and land purchased for the construction of a public building at that place, and they ask that something be done by Congress toward the construction of a building. I move the reference of the resolution to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. SPENCER presented petitions of the Auxiliary Club of Pullman Porters and of Edgar Wallace and sundry other citizens, all of Kansas City, Mo., praying for the passage of the Dyer antilynching bill, which were referred to the Committee on the Judiciary.

Mr. WILLIS presented a letter in the nature of a petition from the executive board of the Toledo (Ohio) Council of Churches, praying for the passage of the Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented resolutions of the Ohio Associations of Credit Men, indorsing the Federal reserve system and protesting against the imposition of inequitable taxes on corporations as a detriment to business, and the further issuance of tax-free securities by the Federal Government, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 2753) for the relief of José Lozano, reported it with an amendment and submitted a report (No. 679) thereon.

Mr. DU PONT, from the Committee on Education and Labor, to which was referred the bill (S. 3330) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor, reported it with an amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3526) for the relief of Sylvester P. Hill; to the Committee on Military Affairs.

A bill (S. 3527) granting a pension to John T. Peet;

A bill (S. 3528) granting a pension to Matilda McMurray (with accompanying papers);

A bill (S. 3529) granting a pension to Mary M. Wonsetler (with accompanying papers); and

A bill (S. 3530) granting a pension to Mary J. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3531) to amend section 9 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. ROBINSON:

A bill (S. 3532) for the protection of persons employed on railway baggage cars and railway express cars; to the Committee on Interstate Commerce.

By Mr. WELLER:

A bill (S. 3533) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the National Surety Co.; and

A bill (S. 3534) for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 3535) granting a pension to Clarence W. Failor (with an accompanying paper); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3536) for the relief of the heirs of Nels Rudi; to the Committee on Finance.

By Mr. STERLING:

A bill (S. 3537) granting a pension to Fannie Bonk (with accompanying papers); to the Committee on Pensions.

By Mr. BALL:

A bill (S. 3538) authorizing police matrons to be members of the Metropolitan police force; to the Committee on the District of Columbia.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association, which was, on page 1, line 4, after the word "possession," to insert "for hospital purposes."

Mr. ROBINSON. Mr. President, the amendment does not in any respect change the bill as it passed the Senate. As the bill passed this body it provided for the use and occupation of the lands described in the bill for the construction and operation of an addition to a hospital at Hot Springs, Ark. In my view the adoption of the amendment is entirely unnecessary, and is a mere repetition of provisions already in the bill. There can be no objection to it, and I therefore move that the Senate concur in the House amendment.

The motion was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, I have been interrupted a number of times by adjournments of the Senate or by yielding to other Senators in my preliminary discussion of the chemical schedule. I desire this morning to submit a further analysis of that schedule, and call attention to a number of items therein, particularly as they reveal the great increase in the rates above those laid down in the Payne-Aldrich and in the Underwood-Simmons Acts.

In former tariff acts the chemical schedule has been known as Schedule A. In the pending bill I may remark in passing that the schedules are, for the first time, indicated by number instead of by letter; thus the notorious, not to say odious, "Schedule K" has been changed to Schedule 11, which change was doubtless desired to prevent the public generally from ascribing to any of the schedules in the present bill the antipathy which had been engendered against Schedule K and other schedules of the Payne-Aldrich tariff.

Senators will recall that Schedule K was the one against which Senator Dolliver and other able Republicans, as well as Democrats, leveled their most effective attacks when the Payne-Aldrich bill was under consideration. That schedule became odious and it, with the other indefensible provisions of the bill, brought about the undoing of the Republican Party. No wonder the Republicans are now trying to distract attention from Schedule K and others that received the condemnation of the American people. This they are seeking to accomplish by giving the schedules different names and calling them by numerals instead of letters. Schedule I, the chemical schedule, as well as

Schedule K, will be just as odious, indeed they are just as odoriferous, as if they had other names.

The chemical schedule is not only the first schedule of the bill in numerical order but in many respects it is the first schedule of the bill in importance. The articles covered by the rates in this schedule are articles of primary necessity to the industries of the country. No schedule of the bill is so comprehensive in its scope and in the diversity of the articles covered and in the complex relations of these articles between themselves and to the other industries of the country as is the schedule on chemicals, oils, and paints. Other schedules of the bill are rather narrow and particular and special in their scope. Thus Schedule 2 of the bill covers earthenware and glassware; Schedule 3, metals; Schedule 4, woods; Schedule 5, sugar; Schedule 6, tobacco; Schedule 7, agriculture; Schedule 8, spirits and beverages; Schedule 9, cotton; Schedule 10, flax, hemp, and jute; Schedule 11, wool; Schedule 12, silk; Schedule 13, pulp and paper; and Schedule 14, the last schedule of the bill, covers miscellaneous articles of merchandise and manufacture not covered by other schedules. But none of these schedules is as comprehensive in its scope or affects commodities of more importance than Schedule 1. It may, of course, be said that every material in the world may be referred to in terms of chemistry, and while this schedule excludes the commodities in the other schedules of the bill as far as the imposition of rates is concerned it must be said that the commodities in this schedule have a direct or an indirect relation to all the other schedules of the tariff and especially to all the industries of the country which are obviously concerned with the manufacture and production of the articles covered in the other schedules.

Mr. President, it is a difficult and, indeed, an impossible task to convince Republican Senators of the unwisdom of imposing, as this bill does, such enormous rates upon the primary and fundamental articles employed in commerce and in the industrial life of the Nation. The chemical schedule deals essentially with these primary and fundamental articles. It is obvious that if by laying heavy duties upon them the prices to the American purchasers are thereby increased the burden will be passed on to those who buy such primary products for manufacturing and other purposes, and they in turn must pass on to the ultimate consumer these additional burdens. The prices are pyramided, and they rest finally upon the great consuming public of our land. The chemical schedule is to this bill, as well as to the industrial and business life of the people, what the foundation is to the mighty superstructure erected thereon.

The majority of the commodities covered by the chemical schedule are imperatively required by manufacturers and producers in substantially all the industrial production of the country. The textile trade must have dyes, and whatever burdens are passed on to the textile trade are added to their products, thus increasing the prices ultimately to be paid by the consumer. If we would increase domestic production so far as possible, the fundamental products should be supplied as cheaply as possible. If unjust and extortionate rates are laid upon these primary articles, such an act constitutes an obstacle to business revival and an impediment to increased activity upon the part of the manufacturers and producers of what may be denominated finished products. Our industrial development, then, is largely dependent upon this chemical schedule. If it raises the price foundation to such heights as to prevent the completion of the building, our whole business life will be affected. It is poor economics and it is crude statesmanship to pass a bill of this character—one which has never been duplicated in its inequitable, unjust, and oppressive features by any modern, progressive, and civilized nation. It finds parallel only in medieval ages and in governments whose chief concerns are the extension of imperialism or the preservation of autocratic and despotic government.

This schedule covers by name more than 840 items, not including a long list of coal-tar intermediates, dyes, and other products, which aggregate at least 120 more, as well as thousands of chemical compounds not specifically named but included in general clauses in this bill.

Most of the other items not found within the comprehensive list of the 840, to which I have referred, are found in paragraphs 25 and 26 of this schedule and relate to dyes and intermediates. In order to indicate generally the comprehensive character of this schedule, I will say that these items may be classified under general designations, to which I shall refer.

I appreciate how uninteresting it is to listen to a speech in which figures and long lists of commodities are presented. Nevertheless, a study of these commodities is important in the consideration of a bill of this character, and to the thinking person each item is pregnant with meaning suggestive of benefits or evils to the entire country. This schedule, as I have indicated, embraces a large number of items, not alone those specifically mentioned but those that are embraced in Schedule 1 but not indicated by name. There are what are denominated basket clauses, within which are comprised, unnamed, a large number of commodities covered by a general rate of taxation. In this way the people do not know the far-reaching effects of tariff schedules and the enormous number of items covered thereby. It is no exaggeration to say that this bill covers practically every article, item, subject, or thing which relates to the lives of the people. It touches the person from the time of his birth until he is laid away in his final resting place. It affects his home, his buildings, his clothing, his medicines, his physical, his intellectual, indeed his spiritual, wants. It is a dark and menacing mantle which covers the entire social structure. It is a tax upon substantially everything that we eat and drink and wear.

I said there are hundreds of items referred to in this schedule by name. There are probably six or seven thousand or more embraced within the provisions of this bill and subject to tariff duties, and in substantially every case the rates will be greatly in excess of those in the Payne-Aldrich law.

When we are seeking to get back to normal conditions and to bring price levels to reasonable and fair and just proportions, this iniquitous bill is projected into our economic life, the result of which will be to disarrange the industries of the country and make more difficult the passing from war conditions to the paths of normal peaceful relations. There is bound to be some revival in business despite this oppressive measure, because with our enormous resources it can not be otherwise. But if we may secure these fundamental and primary products without prices so altitudinous as to be obstacles to industrial development, there will not only be a revival in business but the revival will be much sooner, a remarkable growth and permanent improvement and development. But the selfish and greedy are always the first to interpose obstacles to economic reforms and to the dawn of a better day. The greedy, voracious man is not satisfied with small profits and with quick returns. He must have enormous profits, though he robs the public and disturbs the intricate industrial machinery upon whose successful operation the prosperity of the Nation rests.

I desire now to call attention to some of these items which are covered by this schedule and which are important to the lives and to the industries of our country—items upon which the rates have been raised from 50 to 300, 400, 500, and 600 per cent.

I enumerate as follows:

Baking powder and yeasts, which enter into the bread and general cookery; blackings, stains, and dressings, including shoe polishes, stove polishes, etc.; bluing, which is used for the family laundry and the laundry industry; and bone carbon and lampblack used in the refining of sugar.

Let me pause to mention that any tax upon commodities essential for the production of sugar will be reflected in higher prices for sugar. Under this bill all the sugar manufacturers are compelled to pay tribute to the Chemical Trusts, and they will be required to add this unjust tribute to the price named for their product which the ultimate consumer must meet. Bone carbon and lampblack, used by the sugar refineries, are also employed in the manufacture of ink and as filler for rubber compounds and in the manufacture of paints. The agriculturalists must have paints. All who are building houses require paints of various kinds. This bill gives to the Paint Trust and the paint manufacturers higher prices, which are to be passed on to the farmers and the home owners and to the millions of persons who pay hundreds of millions of dollars to the corporations and favored interests who will be benefited to such a great degree by the unjust provisions of this chemical schedule.

Schedule 1 also includes crude chemicals and acids, which are primary articles of manufacture in many industries, and are used to some extent by every industry in the fabrication of finished products. Think of taxing many of these crude chemicals which become the bases of scores and, indeed, hundreds of manufactured products which are fabricated in our country.

This schedule includes cleansing and polishing preparations; drugs, medicines and medicinal materials, which, of course, are second only in importance to the very food which nourishes the people and are of the widest essential and necessary use. How can the Republican Senators defend a schedule that places these enormous burdens upon the great American people? Medicines and drugs are important for the health of the people. These are controlled by the great corporations and trusts, and they are permitted under this bill to swell their

prices to such levels as the most greedy and voracious and conscienceless person or corporation may desire.

It is a favorite saying that corporations have no bodies to be kicked and no soul to be damned. Most of the great industries of the country are owned and controlled by corporations. Certainly some of these trusts in the United States have had no conscience. Those who have demanded these iniquitous schedules furnish convincing proof that their consciences were seared when they asked for the rates found in this bill.

I do not mean that all corporations in the United States are unjust or are oppressive in their dealings with the people. Corporations are necessary in our industrial life and thousands of corporations are controlled by men of the highest character and who seek in their business dealings to apply the principle of the golden rule. Neither do I condemn large corporations or corporations with great capital. Our industrial life seems to lend itself to big enterprises and to corporations with huge capital holdings. It is not bigness that I am criticising. It is the improper use of authority or power. It is the abuse of privileges of which I complain. If there is any excuse for combinations and trusts—and some people think the steel enterprises of the country are such—there can be no justification for permitting trusts and confederations to control the great chemical industries of our country and particularly those that deal with medicines and drugs and commodities which constitute an important a part in the welfare of the great masses of the people.

This bill compels the poor and the rich alike to pay tribute to the chemical industry for the simplest medicine, for those articles which are necessary to heal our wounds and to cure our bodily ills. This bill, in my judgment, presents hundreds of millions to the chemical trusts and combinations annually. The people must pay this stupendous gratuity and bonus to the beneficiaries under this bill.

Continuing, Schedule 1 embraces:

Perfumery and cosmetics, dyestuffs and extracts, which provide the multiplex of colors for the wool, cotton, linen, silk, and other fabrics, for the dyeing of leather and leather goods, wall paper, colored inks, linoleum, carpets, curtains and upholstery, paints and varnishes, and a thousand other articles of necessity or convenience to the people. Explosives used for blasting minerals, coal, and mineral ores from the mines, and natural deposits which furnish the gold and silver, the copper, the iron, the lead, zinc, and metals and minerals, and which blast tunnels for railroads, excavate channels in the rocky beds of rivers for waterways, prepare the bed for the foundations of our great structures, and for hundreds of other uses in the arts and crafts of peace, not to speak of the munitions of war, of ordnance, and projectiles with which wars for the defense of this country are waged and won.

The schedule covers fertilizers, which draw from the riches of the chemical world the mineral salts and organic compounds which vitalize the soil and make it respond in abundant harvests to the toil, the care, of the farmer and husbandman and enable him to supply the food and nourishment of the people and to provide the supply of raw materials of manufacture, as well as to furnish the freight which keep our great railroad systems vibrant with commerce and furnish the cargoes for American ships on the seven seas. Even the flow of money in response to the transactions of trade is a direct result of the stimulus of the fertilizers applied to the fields; in fact, the ultimate income of every man, woman, and child in this country is dependent upon the primary application of fertilizers in agriculture. The chemical schedule also embraces calcium carbide, from which is made illuminating gas and which furnishes the oxy-acetylene flame for the welding of metals, and which will be used for breaking up iron plates, metallic ore, the armor and steel framework of the vessels and battleships which are to be scrapped in the interest of the peace of the world; glue and gelatine, which is the base of all our adhesive materials, from court-plasters to wall papers; grease and tallow, which supply the soap stock, used for the dressing of leather, and for the lubrication of the wheels of commerce and industry; inks for printing and writing, without which the business even of this august body could not proceed; olive oil, for salad dressings, Italian cookery, and medicine; oil cake, for the feeding of dairy cattle; linseed oil, for the making of the paints which cover millions and millions of square yards of painted surfaces on the buildings of the country, and used also in the making of linoleum, patent leather, oilcloth, lithographic inks, soap, and for driers for varnishes; castor oil, used for an essential medicinal material for man and beast and for the lubrication of machinery; cod-liver oil, for the manufacture of medicinal emulsions of particular value to consumptives and sufferers from tuberculosis.

The Republicans who are talking so much about bonuses and about the poor soldiers and the ex-service men would tax the very medicines which the wounded and the disabled are compelled to use and increase the burdens upon the ex-service men and their families, as well as upon the people of the entire country. There is scarcely a medicine for the healing of the wounds or the restoration of health to the sick and the afflicted that is not placed within some category in this bill, and the weak and the sick and the disabled are to be further robbed and plundered by the medicine trust and the other extortionate profiteers under the provisions of this bill. That is the humanity exemplified in the drafting of this bill. Even the poor and the sick and the disabled and the wounded must pay greater tribute to the merciless corporations which manufacture these important commodities.

Included also within this schedule are whale oil and sperm oil, valuable oils for lubrication, soap making, the dressing of leather, and for illumination; wool grease, used for salves, ointments, emulsions, and cosmetics; other fish oils, which have generally the same uses above enumerated and which are valuable articles of commerce; essential oils, which are the essences of fruits, flowers, and herbs, which furnish the natural flavors, perfumes, and medicinal extracts, and oils so essential to the health and pleasure of the people; paints and varnishes; salt, soap, turpentine and resin, and the products of wood distillation, such as acetic acid, acetones, and methyl alcohol, all essential materials for use in the arts and manufactures; cellulose and celluloid compounds, which are used in manufacturing combs, mirrors, toilet articles, toys, artificial leather, and artificial silk.

It is difficult, indeed, to even approximate a complete enumeration of the varied and essential uses to which the materials made dutiable at increased rates in this schedule are put by the industries of the country and the necessities of the people; specifications could be added to specifications respecting the usefulness of these materials, and I have only attempted to indicate in a general way the field of their utility.

I regret, Mr. President, that Senators and the country are unacquainted with this bill and do not know that many hundreds of items found within the schedule, either specifically named or included within general clauses, are assigned higher rates than ever appeared in an American tariff law. I regret that they can not yet appreciate the additional burdens which will be imposed upon the country. May I say by way of parenthesis that after an examination of the hearings before the House and the Senate committees upon this, as well as some other schedules, I discover that in many instances where increases appeared no one is shown to have asked for such increases. I am told that numerous beneficiaries of high tariffs came to Washington and interviewed Senators and did not appear before the committees.

It has already appeared that representatives of corporations went into the committee room, or into the anteroom of the committee room, and made statements which were not taken down, and the nature of which is not known to Senators, other than some Republican Member or members upon the Finance Committee.

But let me inquire, how are we to account for these rates where the record shows that no one appears? Of course, some one asked for these increases. Who were they? Why did they ask? Why did they not appear in the open when Democratic Senators were present in the committee room and were permitted to be present, so that there was opportunity to hear their statements and examine the witnesses? Why were not their statements taken down, so that those who are not members of the committee may be advised as to the reasons, if any there are, for these enormous increases?

Mr. President, the record upon this matter is not clean. We are all familiar with litigation in the courts. When a case is tried, it is tried in the open and the jury decides questions of fact submitted not upon evidence which they hear secretly but upon evidence produced in open court, where both litigants were afforded full opportunity for cross-examination of the witnesses. If a case is tried before the chancellor, he does not receive testimony after the case is closed, except upon motion, with full opportunity for the opposing sides to be heard, nor does he hear arguments unless both contestants are present.

Mr. President, a careful examination of the hearings will not justify the rates laid in this chemical schedule. I challenge any fair-minded man to justify these rates in the light of the facts and in view of the conditions of our country and world conditions. This bill is wrong; it is bad and vicious and harmful to the American people.

Mr. President, in Great Britain there is now a rump organization of the conservatives to which the name is given of the "die hards." The members constituting this organization are the reactionaries, the "standpatters" of the conservative party.

They are opposed to liberal and progressive measures. They are interested more in the House of Lords and in traditions and in the perpetuation of an exploiting capitalistic system than they are in social justice and in liberal and progressive policies. We have "die hards" here. They control the Republican Party. Under the whip and pressure of the trusts and corporations the "die hards" have prepared this bill. This bill will help the trusts, it will profit the great aggregations of wealth. It is a sop to the oppressive and selfish interests who want to run this Government and control the political and industrial life of the American people.

Under this bill, which grants, and in some instances, raises rates so high as to effectively operate as embargoes, our foreign trade will be interrupted and our return to prosperity will be postponed. There seems to be no vision upon the part of the troglodytes, of whom I spoke the other day and who now control the Republican Party. Strabo, Herodotus, Pliny, and other classical historians speak of the troglodytes—cavemen, persons who seek exclusion, isolation, and separation from others. This bill declares for a troglodytian policy. We are to become a nation of troglodytes.

Mr. President, I propose that the name of the Republican Party be changed. As Senators know, at one time the Democrats were known as Republicans, and their party was sometimes known as the Democratic-Republican Party. The Democrats later dropped the name "Republican," and years afterwards it was appropriated by those men who met in Michigan and gathered together the remnants of the Whig and other political organizations. The Republicans under their present leadership are not entitled to the name. They were appropriately dubbed "standpatters" and "reactionaries" in the days of Aldrich and Speaker Reed. The archaic policies then announced have become the present policy of the Republican Party. They are the party of reaction. They are seeking isolation, political and industrial, and, of course, with industrial isolation comes decadence.

So we can with justice and propriety name the party of Harding and Fordney and McCumber "the Troglodyte Party."

It is important at the very outset of this inquiry to get a proper and adequate conception of the magnitude and permanency of the chemical industry of the United States and of allied and cognate industries the products of which are covered by the rates imposed in this schedule. I showed the other day that the chemical industry of the United States had invested in 1914 more than $3,000,000,000, and that now the investment in the chemical industries of the United States, which have been so profitable, exceeds $5,000,000,000. There has been an insidious and widespread propaganda carried on for many months, the purpose of which has been to create the impression that we have had no notable chemical industry in the United States, and that it was necessary to create an industry and to nurse it along with prohibitive tariffs, and some of our protectionist zealots have even advocated and secured an embargo with respect to many items that are found within this schedule.

We all recognize the fact that our country is the wealthiest in the world in its endowment of natural resources, particularly in its endowment of the natural elements and products which come under the head of chemicals and primary chemical materials. There is no country in the world whose natural supply of these materials is comparable to that of the United States. I might add here the fact, with which all Senators are familiar, that with the development of the coal industry in the United States, with the building of our coke ovens and the obtaining of the by-products of the coke ovens, we have placed ourselves in the front rank as the producers of the basic elements of chemical composition and chemical development. No country in the world is comparable to ours. Germany has been deprived of most of her coal by the Versailles treaty. Billions of tons of coal, anthracite and bituminous, are found throughout the United States. It is true that the anthracite coal is limited almost exclusively to the State of Pennsylvania, although Colorado has produced and is capable of producing several millions of tons of anthracite coal, and anthracite coal can also be found in Alaska; but our bituminous measures are inexhaustible. The coal measures found in my State, in Colorado, in Wyoming, in many of the Western States as well as the Eastern States and in the Southern States, can not be paralleled anywhere in the world in extent, in continuity, and in the general average of what might be denominated caloric efficiency. Coal is one of the principal primary products in our chemical production and in our chemical development.

It is to be expected, therefore, that the chemical industry, having as it does an abundance of primary materials of domestic origin to sustain the industry, would have assumed proportions commensurate with the commercial importance of the country; and this, I maintain, is the fact. Every country has its own special industrial methods. The special capacity of the American producer in other branches lies in the field which can be accommodated by a large volume of production of a standardized material, and where the American producer has gone into the production of a particular commodity on a large scale he has not been satisfied merely with acquiring a local market, but has uniformly increased his production to such proportions as have usually required an outlet in foreign markets.

I shall show before I conclude, with respect to scores of the items in this schedule, that we are competing in the markets of the world, that our exports immeasurably exceed our imports; indeed, that in many of these commodities our imports are either 1 per cent or less than 1 per cent.

In Miscellaneous Series No. 82, issued by the Commerce Department, dealing with chemicals and allied products used in the United States, is a list of chemicals imported into the United States in the fiscal year 1913–14 where the imports were less than $100 in value—hundreds of them, literally, Mr. President. I might say that in many of those very items we were exporting to the world large quantities, so that we not only had the domestic market and were suffering no competition from abroad but we were able to export millions of dollars worth of these products in successful competition with the manufacturers of the world; and yet we are now proposing to increase the tariff upon those very articles as to which there was and is no competition.

My distinguished friend, the Senator from North Carolina [Mr. SIMMONS], Saturday afternoon attempted to elicit from the chairman of the Finance Committee the reasons for these rates, the basis upon which these rates were laid. Reference has been made to the Reynolds report. Why, Mr. President, the Reynolds report touches but an inconsiderable number of the items found in this schedule. Mr. Walker, the expert who is aiding the majority members of the committee and sits with them upon the floor, will correct me if I am in error when I state that there are not more than 20 per cent of the commodities in this bill that have comparative prices set forth in the Reynolds report. Mr. Walker nods affirmatively. Then what is the basis of these rates? The Reynolds report was to be the great source of light and the fountain of inspiration to guide us in fixing the rates in this bill; and yet the expert, one of the ablest men we have here to aid Congress and to aid our Republican friends upon the other side, confesses here that not more than 20 per cent of the products found in this bill are embraced in the Reynolds report.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. KING. I do.

Mr. CURTIS. The Reynolds report was intended to cover only ad valorem rates, which amount to only about 20 per cent.

Mr. KING. I think the Senator is right; but the country has been led to believe—I do not say intentionally—by our Republican friends that the Reynolds report was the basis of these rates. Of course, I do not attribute that idea to the Senator from Kansas, who is uniformly fair in the presentation of every subject; but unfortunately the people have gotten the idea that the Reynolds report furnishes the basis for these rates and justifies them, and yet, as is stated now, 20 per cent only of the products contained in the chemical schedule are referred to in this elaborate report for the purpose of obtaining information relative to rates.

I repeat, the Senator from North Carolina [Mr. SIMMONS], the distinguished leader upon this side on the tariff question, attempted to have our Republican friends state the basis of these reports. I shall discuss later on acetic anhydride, for instance, and boric acid, and tannic acid, and citrate of magnesia, and various other compounds and products. What is the basis for the rates upon those items? In the case of a number of them no one asked for an increase. Why were they raised? What is the basis of the increase, in some instances, 150 per cent, and from that up to 600 per cent? Why was it done? Who suggested it? Who are the beneficiaries? The people? No. Who pays the tax? The people—the consumers. The beneficiaries are the great chemical industries and the corporations and organizations that exist in this country to-day.

The American manufacturer has not been especially concerned about making a highly specialized, refined, and complex article of limited consumption, and has not specialized oftentimes in lines of that kind. The American business man, as we see him, ordinarily wants to do big things in a big way. He is not content to sit down and do handwork upon an intricate and complex thing where the consumption is limited,

particularly in this country. He prefers in a large way to engage in the production of the primary things or of the commodities the consumption of which is exceedingly great. We have been content to permit foreign technicians and artisans to work along these special lines, and, it may possibly be said, to excel in some of these lines. There are some industries of a highly special and technical nature for whose production the market is so limited that nothing left for the world market will warrant the investment of capital in these industries, and the American investor has felt that he had better use for his money than to invest in such undertakings. The American business men, as practical men, have put their money in such enterprises as have promised the quickest and most profitable returns.

I am speaking now in a general way.

To illustrate what I mean with respect to unimportant matters, or less important matters, for years we were content to let the Swiss make watches, but now we have undertaken the quantity production of watches, and America makes the only dollar watch in the world, and in quantities which have gone beyond the conception of the watchmakers of the Old World. The Swiss watchmakers, with their infinite capacity for detail and their great technical skill, for years controlled the world market. But the American manufacturer has entered the field and is beating the world. We have let the Irish and the French and the Dutch and the Swiss make fine laces and embroidery, and so long as this industry is confined to handwork we will doubtless let them occupy a dominant position in that field; but even now the making of lace by machinery is expanding, and we shall doubtless in a short time lead the world in the mechanical making of lace.

In 1914 the Bureau of the Census conducted a survey of the manufactures of the United States and published a census of manufactures, showing the production by quantity and value of the industries of the United States.

The Bureau of Foreign and Domestic Commerce has made a critical examination of this census and a careful allocation of the items which come within the chemical and allied industries of the country, or, to speak with more particularity, of the items which come within this Schedule 1 of the bill. The capitulations which were made appear at page 172 of the publication of the Department of Commerce, Miscellaneous Series No. 82, under the title "Chemicals and allied products used in the United States, imports by quantities, values, and countries of origin during the fiscal year 1913-14, and statistics of domestic production." This official publication reports the products of the chemical and allied industries for the calendar year 1914 as of the value of $2,001,684,000. The capital invested in these industries having this product were reported at $3,034,200,000, which brings out the startling fact that one year's production of these industries was two-thirds of the capital invested. The wages paid were reported at $167,494,000, which amounts to but 8½ per cent of the value of the products of the industry for that year.

I wish Senators would take cognizance of those figures. For the fiscal year ending June 30, 1914, the capital invested in the chemical industry in the United States was $3,034,200,000, and for the same fiscal year the value of the domestic production (chemical) amounted to $2,017,794,085.

The wages paid were reported to be but $167,494,000, which amounts to but 8½ per cent of the value of the products of the industry for that year.

These figures are startling and reveal the magnitude of the chemical industry at a time when it was claimed Germany was supreme in the chemical world, that the United States was producing no chemicals and had no chemical industry.

Another significant fact is revealed in these figures. The beneficiaries of high tariffs have always professed great solicitude for labor and have justified their extortionate demands upon the ground that labor must be cared for. Of course, the history of our industrial life shows that too often labor did not receive a just reward. Eight and one half per cent only was paid for the fiscal year referred to, in the chemical industry, to labor. With more than $2,000,000,000 worth of products, labor received but a little more than one hundred and sixty-seven millions. Who were the beneficiaries of these enormous receipts? Labor in part, it is true, but the great fortunes of which we have indubitable evidence, acquired by persons engaged in the chemical industry, show where the profits went.

The cost of materials was reported at $1,280,348,000, from which we may draw the conclusion that the wages paid or labor cost represented but one-eighth as much as the cost of materials. This all indicates such a relatively low ratio of labor cost to total costs as to preclude any argument of the necessity of buying such high duties as are imposed in this schedule upon the pretense that the protection is the wages of the American labor.

For the fiscal year ending June 30, 1914, which was a full month before the outbreak of the World War, the exports and imports of the chemical and allied products covered by this schedule under the Underwood Tariff Act were: Imports, $267,408,785, and exports for the same period $265,010,278, showing on this schedule a practical balancing of imports and exports. (Misc. Doc. No. 82, Bureau of Foreign and Domestic Commerce, p. 13.)

At that time Germany was at the height of her industrial development. Her products were being introduced into all lands, and her supremacy in the chemical field seemed to be unchallenged in any country. Yet in that year our exports of chemicals were substantially the same as our imports. We were able to compete with Germany and all other countries in the markets of the world, and exported to a hundred ports more than $265,000,000 worth of these chemical products. Yet Senators and others who are the defenders of these schedules, when Germany is prostrate and Europe is prostrate and unable to compete as they did compete in the chemical world or otherwise, are demanding prohibitive tariffs. In 1913-14, when Germany was militant and puissant, not only as a military nation but as an industrial nation, we were able to compete with her and to ship abroad and sell in competition with her chemical products exceeding in value $265,000,000.

It should be borne in mind that the foregoing statistics represent the condition of affairs prior to the outbreak of the World War, and this condition was therefore unaffected by the events of the war. The war may be regarded in a certain view as having but transitory effect upon our domestic and foreign commerce. I do not mean to minimize the profound effect the war had upon our commerce during the period of actual hostilities. We had a little more than four years of war, and we have now had nearly four years of peace. We should, of course, address our attention to the condition in the chemical industries to-day, and any legislation should be framed for the present and the future by the fullest examination of the available facts and consideration of the experience of the country, particularly as affecting the relation between fiscal legislation and the industries of the country. The war ended in November, 1918, and I desire now to present the salient facts affecting the chemical and allied industries for the year 1919 and subsequent years.

The value of the products comprehending the items in this schedule produced in the United States in the year 1919 were reported by the Bureau of the Census in the census manufactures for the year 1919 as amounting to $4,968,351,195. The wages paid out on account of this production were reported as $396,512,846, representing 8 per cent of the total value of the product.

The significance of that will be apparent to those who think for a moment. Our Republican friends say that wages now are so much higher; that the cost of labor is so much greater than it was prior to June 30, 1914. Yet when we observe the ratio which wages bore to the products in 1914 and in 1919, the peak of the wages, we find that the ratio is a little less than 8 per cent as against 8½ per cent. In other words, 8 per cent only of this prodigious amount of nearly $5,000,000,000 of products, was the labor cost, whereas in 1914, when the wages were lower, the labor cost was 8½ per cent.

It will be observed that the labor ratio in 1919 was a little less than it was in 1914, which indicates that the ratio of labor costs to total value in this industry has been pretty well stabilized and is uniform at about 8 per cent.

Inasmuch as there has at least been no diminution in the amount of wages paid in the industry, it can not be said that the raising of the rates is necessary in order to stabilize or protect the wage ratio in this industry.

It is also a fact worthy of remark that under the operation of the Underwood law between 1914 and 1919 the production of the chemical and allied industries was increased in value two and one-half times, which ought to be a rather satisfactory condition to concerns engaged in this industry. These concerns apparently have had abundance of money to expend in political propaganda and to impress the country that they require a higher rate of duty on their products, and that the chemical industry was only a withering infant which required special pap protection and patronage from the Government at the expense of the public.

For the calendar year 1919 the imports of chemicals and allied products comprehended within the items of this schedule

amounted to $298,807,438, and the exports for the same period amounted to $828,281,571, which gave us a balance of exports for 1919 of $523,000,000. The imports only amounted to 6 per cent of the domestic production, while the exports were nearly three times the imports. The imports were hardly of sufficient quantity to even have any effect upon domestic prices.

A healthy state in the trade can best be secured by such a temperate rate in the imports as will stabilize prices in the domestic market and bring the prices in the domestic market into some reasonable relation to the prices in the open world market. Without such stabilization commerce is retarded and exchanges fluctuating and uncertain.

Superficial observers will not concede the correctness of the last statements, but they seem to me to be axiomatic. If inordinately high prices are obtained through embargo or high tariffs, imports will be restricted, if not wholly, then to the vanishing point. Cupidity and greed will then have unlicensed authority, and domestic consumers, forced to pay extortionate prices, will reduce, of necessity, their purchases, which will react upon production, and seriously affect the industries and prosperity of the entire country.

Mr. Blaine, as well as Mr. McCUMBER and other eminent Republicans, have admitted that the object of the tariff is to increase domestic prices and that that object is attained. It is conceded that that purpose of this bill is to put prices up to relieve domestic producers of legitimate and proper competition which might result from importations. This bill is to turn the American people over to the tender mercies of the manufacturers and these whose products will be immune from competition.

We have been fighting for lower prices. Republicans during the closing hours of Mr. Wilson's administration complained of high prices and arraigned the Democratic Party because of the extortionate prices which it was claimed consumers were compelled to pay in the domestic market. Now these same Republicans have joined with the profiteers and the trusts and the greedy monopolists and are determined to prevent prices from reaching proper levels or the laws of supply and demand from having proper application. They have surrendered to the predatory interests. The people now, as in the days of oppressors, are the victims of a conspiracy between the standpatters in the Republican Party and the predatory interests in the Republic. This bill is to perpetuate monopolies—things which are odious in the industrial and economic life of the people.

In old times revolutions grew out of monopolies which were granted. The people of France, suffering from injustices resulting from monopolies granted the favorites of the King, were roused to fury and to a bloody revolution. Monopolies were granted for the control of salt as well as hundreds of commodities affecting the lives of the people. They were denied the right to bake bread except in the oven of the one holding the monopolistic right. There were favorites of the monarch who were permitted by grants of authority to plunder the people. We have no Louis the Grand or feudal monarchs to issue charters and monopolistic grants, but we have Republican Congresses to create monopolies and to care for special interests and the favorites of the Government.

I repeat, this bill creates monopolies and will perpetuate monopolies and will permit the oppression of the people as they always have been oppressed when monopolies existed.

Returning to the subject which I was discussing, I will add that no complete information is available as to domestic production in the calendar years 1920 and 1921. It is known, however, that there has been a depression in the domestic trade of our own country and of other countries, which has, of course, reflected itself in the volume of foreign commerce. In 1920 our imports of the items in this schedule amounted to $414,150,477, and our exports $1,035,250,098, which gives us a clear balance of exports of $621,000,000; and the exports amounted to two and one-half times the imports. And notwithstanding the depressed conditions of trade, our balance of exports over imports in this schedule was greater than in 1919.

Mr. President, if Europe, with its so-called cheap labor, if Germany, with her inflation and alleged cheap labor, and the other nations of the world could buy of us chemical products exceeding $1,000,000,000 in value that are embraced within this schedule and could ship to us products of the value of $414,000,000 only, may I inquire what is the justification for the increase in these schedules?

Remember that these exports and imports were under the Underwood-Simmons law, a law which some of our Republican friends denominate a free-trade law, and yet under that act we were able not only to compete with other nations but to go into many of the markets of the world, and in some instances to undersell the foreigner and to dispose of more than a billion dollars' worth of chemical products. Under the Underwood-Simmons law, where many of these items were upon the free list, foreign nations were able to ship into the United States commodities covered by this schedule of the value of but $414,000,000. That, too, Mr. President, was at a time when Germany, in order to pay her reparations, was compelled to bid in the markets of the world for gold, and she reduced, as I am sure my distinguished friends upon the other side of the Chamber will admit, many of her products to a level so low as to deny any possible profit. She did it because she had to have gold. She had to have gold in order to buy primary articles, in order that she might produce the intermediates or the finished products. Notwithstanding her dire extremity, which drove her to sell at those unprofitable levels, we were able to compete in the world with Germany and other nations with respect to chemical products and to sell more than two and one-half times the amount which they sold to us, though, as I have said, many of the articles were upon the free list.

Mr. President, it is short-sighted policy to enact a bill of this kind and thus cut off our trade with other nations. If the chemical industry is to thrive it must have foreign markets. My colleague [Mr. SMOOT], who knows perhaps more about this bill than any other person, will, I think, admit that with our enormous mineral production and with our inexhaustible primary products, many of which are required in the production of chemicals, we occupy a supreme position and can dominate the chemical industry of the world. No nation possesses the resources and the advantages which this Nation does. Germany has but little gold. Most of her potash has been given to France. A large part of her iron deposits have passed to other nations. Italy's primary and fundamental products are limited. The same is true of Great Britain. It is true Great Britain has coal, but she has no iron or copper or mineral wealth. She has no forests and but little agricultural possibilities. Indeed, she must import her raw materials, her intermediates, her primary products. This Nation stands upon the summit of international power. Our domination of the world in a material way can not be challenged. Perhaps in two or three hundred years, when Russia is developed, we may find a worthy rival or, at least, a competitor of no mean strength. The chemical industry of the United States ought not to be limited by the shores of the oceans or by the Canadian and Mexican boundaries. The world lies at the feet of those men in our land who will take advantage of our great resources and utilize and develop them for the good of America and the benefit of the world. I repeat, we must have foreign markets for our chemical industry as well as for our agricultural products. We must have world markets for our wheat, corn, and cotton, and for our copper and hundreds of commodities, both raw and finished, which the world must have and which the waiting people earnestly desire.

Our foreign trade must not only reach the levels of 1919 and 1920 but must exceed those levels. This can be done, but not under this bill nor under the foolish and restrictive policies of the one-sided Republicans or those who see through a glass darkly.

Upon this side of the Chamber we are pleading for a return of prosperity, for policies which will put men to work, develop our international trade and commerce, and expand our foreign markets. We desire a bill that will bring into the Treasury approximately $300,000,000 annually of revenue from tariff duties, and a measure that will encourage domestic production and foreign trade. We are opposing the suicidal policy of placing the domestic production of the United States in the hands of trusts, and of commissioning them to exploit the American people. Upon this side of the Chamber we advocate a policy that will send American products to every land—a policy that will carry the American flag into every port of the world; a policy that will give us a merchant marine and keep the Stars and Stripes upon the sea. We are pleading for a policy of international comity and fellowship, and believe that when we send our products to the people of the world we are drawing them nearer to America and her ideals and bringing all peoples into better relations.

Trade and commerce batter down the prejudices and antipathies that race and distance erect.

In 1921 our imports of items comprehended in this schedule amounted to $258,729,140, and the exports $589,804,601, giving a balance of exports of $331,000,000. The exports for this year maintain the ratio of two and one-half times the imports.

Attempts have been made to frighten the American people with the bugaboo that our markets were about to be inundated with cheap foreign products and that something must be done to cut off importations. In the face of this specter, which has

been presented to affright the people, we had a notable diminution of imports in 1921. Instead of there being an increase in imports, there has been a most remarkable decrease under the so-called free trade Underwood-Simmons law, which is now in operation, modified in respect to some items by the emergency tariff act of 1921. Indeed, the imports for this year were less than they were for the fiscal year ending June 30, 1914, the last pre-war year. With the diminution of imports there has been a diminution of exports, but the ratio of exports of 2½ to 1 has been maintained since 1919. With all of the so-called cheap labor in the world and the inflated currencies of Poland and Germany, and indeed of most of the nations of Europe, we have been able to maintain the ratio just stated. No doubt if we had been able to extend further credits we would have received more of the products of foreign lands, and our exports would have increased so that many of our mills which are now silent would have been active and our mines which are now closed would have been operating.

It is obvious that exports are dependent upon foreign purchases in the American market. Purchases can only be made with credits in favor of the foreign purchasers, and current credits can only be created in favor of foreign purchasers by our imports from abroad. It is certain that every credit created by importations in favor of the foreign exporter to our markets will be expended by him in the purchase for export of American commodities in our markets. One of the certain ways to increase our imports therefore is not unreasonably to inhibit imports, for trade is reciprocal and purchases for export must be balanced by credits created by imports. This is the course in the national trade and exchange, and the controlling principles can not be set aside by arbitrary laws on the part of one country or the other country. Even though our exports have been diminishing, they have, as above stated, maintained a consistent ratio of about two and one-half times the imports since the war. It is a fact also to be noted that our exports in 1921, somewhat diminished as they were, were more than double our largest pre-war exports. What I say in this regard applies exclusively to items covered by Schedule 1 of the pending tariff bill.

Mr. President, we have heard a great deal about the impending danger of imports from Germany, and the statement has been iterated and reiterated that this bill should be framed to exclude German products. It is time that such tenuous and shadowy claims should be dissipated by a consideration of the facts. What are the facts, Mr. President? For the full year 1921 imports from Germany of items covered by the chemical schedule amounted to only $12,211,733. That is the great menace to American industry! Germany was able to sell to us last year, 1921, only $12,000,000 plus worth of goods, and she took in return commodities which were important in the lives of the people.

During the same year our exports to Germany of items in this schedule amounted in value to $29,975,549 only. If the United States had not purchased from Germany chemical products of the value of $12,000,000, Germany could not have purchased from American producers of chemicals products of the value of nearly $30,000,000. In other words, we found a market for $30,000,000 of chemical products in Germany because we were willing to and did receive in part payment therefor chemical products of the value of $12,000,000. The difference between $12,000,000 and $30,000,000 was paid to us largely in other products and perhaps in some credits which were extended to Germany. If we had not found a market for those $30,000,000 worth of chemical products, perhaps some factories would have been shut down and undoubtedly some who had employment would have been placed in the list of the unemployed. In other words, by our trade with Germany we were able to keep factories at work and furnish employment to American workingmen and derive large profits. America profited by these transactions, as did Germany.

I obtained from the Department of Commerce this morning a complete table classifying the items found in the $12,271,733, the value of the imports from Germany, and the $29,975,549, the value of American chemical exports to Germany, during the period mentioned. The first table, which I ask to be inserted at this point as part of my remarks, shows all chemical imports from Germany for the calendar year 1921, the names of the articles, the unit of quantity, as well as the quantity and the value.

The VICE PRESIDENT. Without objection the table will be inserted in the RECORD.

Mr. KING. Here is the table:

United States imports of specified articles from Germany for calendar year 1921.

Articles.	Unit of quantity.	Quantity.	Value.
Chalk:			
Unmanufactured	Tons	30	$573
Ground, precipitated, etc			1,498
Chemicals, drugs, dyes, and medicines:			
Acids (except coal-tar acids)	Pounds	2,491,835	281,086
Medicinal preparations (see also Coal-tar products)	do	743,506	105,353
Calcium acetate, carbide, chloride, of crude and nitrate	do	1,309,915	34,821
Coal-tar products—			
Acids	do	11,289	3,013
Aniline oil	do		
Alizarin and alizarin dyes	do	265,007	398,374
Colors or dyes, n. e. s.	do	1,060,026	1,718,776
Indigo, natural and synthetic	do	3,711	4,670
Medicinal preparations			124,862
All other coal-tar products			397,855
Extracts and decoctions for dyeing (see also coal-tar products).	Pounds	1,191	2,234
Extracts for tanning—			
Quebracho	do		
All other	do	1,880	170
Sulphur or brimstone	Tons		
All other chemicals, drugs, dyes, and medicines			5,105,606
Total chemicals, drugs, dyes, etc			9,262,365
Explosives			17,209
Fertilizers:			
Kainite	Tons	17,570	156,960
Manure salts	do	21,189	281,923
Potash, n. e. s.—			
Muriate of	do	32,144	1,239,737
Sulphate of	do	7,390	367,155
All other	do	5,587	194,877
Total fertilizers	do	83,830	2,220,691
Gelatin, unmanufactured	Pounds	316,982	264,355
Glue and glue size	do	879,607	75,295
Grease and oils, n. e. s.	do	397,702	9,253
Tallow	do		
Oleoils	do	200	36
Paints, colors, and varnishes			574,001
Perfumeries, cosmetics, and toilet preparations			62,338
Oils:			
Animal	Gallons	3,046	1,521
Mineral, refined	do	166,457	32,433
Vegetable oils, expressed			526,037
Vegetable oils, distilled or essential			36,713
Soap:			
Castile	Pounds		
All other	do	10,099	3,760
Tanning materials (see also Chemicals, drugs, etc.)			1,926
Wax:			
Beeswax	Pounds	49,783	10,565
Mineral wax	do	489,756	78,848
Vegetable	do	2,300	370
Starch	do	198,541	10,809

Mr. President, this is the great inundation of German chemicals and allied products comprised within Schedule 1 of this bill which the dye monopoly and the chemical monopolists of the United States are so loudly talking about. They have set on foot a false and intriguing propaganda to deceive the American people as well as Congress and to secure embargoes and prohibitive tariff rates in order that they might be free to continue their exploitation of the American consumers.

Our entire importations from Germany during the calendar year of 1921, as I now recollect, were only $98,000,000. Our domestic production was between fifty-five and sixty-five billions of dollars, and yet this ninety-eight millions of imports from Germany, comprising all merchandise and all commodities, is so enormous, according to this propaganda, as to weigh mightily against our stupendous production of between fifty-five and sixty-five billions of dollars.

Mr. President, I shall not take the time of the Senate to read the next schedule, which shows the exports from the United States to Germany during the calendar year 1921, but it shows the items and their value constituting the table which I heretofore stated of $29,975,549.

The VICE PRESIDENT. There being no objection, the table referred to is ordered to be printed in the RECORD.

The table is as follows:

Exports from the United States to Germany during the calendar year 1921.

Blacking and polishes		$1,194
Chalk, manufactures of		405
Chemicals, etc.:		
Acids	$36,810	
Alcohol, wood	19,479	
Baking powder	1	
Dyes and dyestuffs	20,800	
Extracts for tanning	74,362	
Medicinal and pharmaceutical preparations	142,208	
Petroleum jelly, etc	352,328	
Sulphur	826,227	
Other chemicals		
Total chemicals		$1,464,357
Explosives		4,101
Flavoring extracts and fruit juices		98
Fertilizers		2,184,778
Glue		2,593
Glucose and grape sugar		922,028
Grease		338,523
Mucilage and paste		878
Rosin		669,594
Turpentine, spirits of		594,551
Oil cake		2,939,606
Mineral oil		17,789,852
Vegetable oils:		
Fixed or expressed		882,797
Volatile or essential		43,180
Paints, colors, and varnishes		128,145
Paraffin		308,752
Perfumeries, cosmetics, and all toilet preparations		20
Wax, bees		15
Soap		87,751
Starch		1,648,391
Total exports		29,975,549

Mr. KING. Briefly, let me refer to some of the items. We have sold to Germany, from the schedule under consideration, acids and wood alcohol and baking powder and coal-tar distillates and dyes and dyestuffs—indeed, we shipped dyes and dyestuffs to Germany—medical and pharmaceutical preparations, petroleum jelly, sulphur, lime acetate, and various other chemicals; explosives, flavoring extracts, fruit juices, fertilizers—we sold to Germany fertilizers—glue, glucose, grape sugar, grease, ink, mucilage and paste, resin, turpentine, oil cake, mineral oil, vegetable oils, paints, colors, and varnishes, perfumeries, cosmetics, etc., to the amount which I have just stated. Germany was able to sell us $12,000,000 of these products, and we sold her more than $29,000,000.

The balance of trade, as will be observed from these tables, is in favor of the United States to the extent of $17,764,000 with respect to the items included within this schedule. The entire imports of chemicals and allied products and covered by Schedule 1 for the calendar year 1921 amounted to $258,000,000, of which only $12,000,000 worth were imported from Germany, the imports of chemicals from Germany being less than one-twentieth of the total importations for the last calendar year.

The utter lack of any sense of proportion on the part of the Republican majority in dealing with this schedule is demonstrated by the fact that they would permit one-twentieth of our import trade to be the dominating, indeed, the controlling factor in the determination of a national policy respecting this vital and important schedule, and this is the excuse which the Republican majority brings forward in justification for the imposition of rates which are higher than the unprecedented rates of the Payne-Aldrich tariff. This pretense may satisfy the self-sufficiency and self-centered mentality of the Republican majority, but I predict that it will not satisfy the country.

The inevitable conclusion which we must draw from this survey of the domestic commerce and the foreign trade of the United States is that the American producer in the chemical and allied industries has had a production in excess of the domestic consumption and has had a constant market which has been wider and greater than the domestic market or the market afforded by American consumption, from which it follows that the contention that the increased rates imposed in this bill have been imposed to protect the American producer in the home market is a mere pretense, without shadow, warrant, or justification under the facts which should control the policy of the country on this subject. It is a clear demonstration of the incapacity of the Republican Party to bring to the adjustment and accommodation of this great problem the statesmanship which the country demands, and which alone is adequate to a proper solution, and which alone is sufficient to promote the prosperity of the country and the welfare of the people. The Republican majority has shown itself to be merely a creature of habit, with its mind closed to the light and incapable of accepting the truth or interpreting the statistics which have been compiled by the Tariff Commission and the other official agencies of the Government.

An examination of the rates reported by the committee in this schedule, many of which I desire to say have been increased by the Finance Committee considerably over the rates in the schedule as passed by the House, shows that notwithstanding the utter absence of any necessity or, indeed, of any advantage in raising these rates over the rates in the present tariff, they have been raised to unprecedented levels and, indeed, are the highest rates which have ever been imposed upon the items comprised in this schedule. I have analyzed these I have been able to get comparative data on 310 of them.

Let me add here that in these figures of 240 and 310 I am not including all of the items found in paragraphs 25 and 26, but have called those two paragraphs two items only instead of more than 100, as they actually are. My distinguished colleague [Mr. SMOOT] the other day, when I was speaking, adverted to that fact, and I want to assure him that in the figures which I then gave I treated paragraphs 25 and 26 as two items instead of more than 120 items.

In that statement, when my colleague addressed me, I stated that I had made a comparative analysis of the rates imposed on the items in the chemical schedule by the pending bill and the rates imposed by former laws upon the same items, and that I had found that out of 311 commodities contained in this schedule upon which comparative rate data were available the rates of duty on 225 have been raised above the rates imposed by the present Underwood tariff. My distinguished colleague interrupted me to suggest that many items in Schedule 1 had never before been specified in any tariff act, and later he said what he had in mind in this connection were the coal-tar intermediates specified in paragraph 25. The inference was drawn that the specifications of these additional intermediates by name had been used by myself in obtaining the total of 225 items in the schedule the rates of which have been raised above the rates of the present law. The Senator, out of his rather complete knowledge of the construction of this schedule, ought to have known that the 90 intermediates specified in paragraph 25 had not been counted in making up the 225 items on which the rates had been raised.

The intermediates specified by name in paragraph 25 take one rate of duty. I therefore, in order to be perfectly fair, counted all the ninety-odd items comprised within paragraph 25 as one item under the title of coal-tar intermediates. In the Underwood Act some intermediates are free; others take a duty of 10 per cent ad valorem. In the 1916 dye amendment to the Underwood law intermediates take a duty of 15 per cent ad valorem and 2½ cents per pound. In the pending bill the intermediates are all made dutiable at 50 per cent ad valorem and 7 cents per pound; so I was well within the truth when I included intermediates as a class in the items of the bill upon which the rates had been raised above the rates imposed by the Underwood law. If I had counted all the intermediates separately, and the dyes separately, the coal-tar drugs and medicinals separately, coal-tar photographic chemicals separately, and coal-tar perfumes separately, those upon which the rates of duty had been increased would have swelled my total of 225 commodities to approximately 350 commodities. This would be the result of adding to the 90 coal-tar intermediates, counted as one item in my estimate, the many dyes and medicinals specified in paragraph 26, which were also counted as one item in my estimate. So, Mr. President, in the discussion, in order to be more than fair, I class as two items only these two paragraphs, which include more than 120 items, so that swells the number of items upon which the rates have been increased above, of course, the Underwood tariff and above the Payne-Aldrich tariff. And of course I have not included as I might the hundreds and perhaps thousands of items included within the basket provisions or clauses of the bills.

There were 38 of these items which were carried on the free list in the Payne-Aldrich tariff which have been made dutiable in the pending bill, and I am not including in this number the items in paragraphs 25 and 26, but have counted them only as two items instead of 120, which I think is substantially the total.

There are 36 of those items which were free in the Underwood tariff which have been made dutiable in the pending bill.

There are 135 items in this schedule exclusive of paragraphs 25 and 26, upon which rates have been imposed which are higher than the rates in the Payne-Aldrich tariff. Of course, if I include all the items of paragraphs 25 and 26, upon which the rates have been increased, the number would be very much greater than the figures which I have just given of 135.

There are 233 items in this schedule upon which rates have been imposed which are higher than the rates imposed in the present Underwood law, and in this statement let it be also understood I count the 120 items as 2 in the interest of fairness.

Mr. POMERENE. Mr. President——

Mr. KING. I yield to the Senator from Ohio.

Mr. POMERENE. Possibly the Senator has explained, but I am not certain, as I have been called out repeatedly during his speech. Is the statement which the Senator has just made based upon the foreign-valuation or upon the American-valuation plan which was adopted in the House? The Senator has just stated that the rates to which he referred are higher than

they were under certain other legislation. My question is, Does he base that statement upon the foreign-valuation scheme as contained in the Senate committee bill or on the American-valuation scheme as contained in the bill as it passed the House?

Mr. KING. I have taken up the Senate Committee bill.

Mr. SMOOT. The foreign valuation?

Mr. KING. Yes. Undoubtedly there will be some controversy as to the effect of the Senate bill upon the rates fixed in the House bill; that is to say, there will be disagreement as to whether the Senate bill in the aggregate has increased or lowered the rates laid in the House bill. The House bill contains the American-valuation scheme. The Senate bill provides a different plan but contains provision for greatly increasing the rates fixed in the Senate bill. That will be discussed later, and I have briefly referred to it in former remarks during the debate upon this bill. Generally speaking, I think the rates in the Senate bill are somewhat less than those found in the House bill. If in determining rates the American-valuation plan is applied to the House bill and the so-called foreign-valuation plan applied to the Senate bill.

My colleague, I think, is entitled to credit for opposing the provision for American valuation, and I think he has in many instances opposed the demands for rates which in their operation would amount to a prohibition of imports. For this work I desire to accord him full credit.

Mr. POMERENE. Has the Senator made any estimate as to the average increases on the dutiable articles?

Mr. KING. Yes; I have made some estimates, but I am unwilling to state them at this time, because I am not satisfied as to their accuracy. The task of preparing estimates is so enormous that no one but an expert of years standing can attempt it with any reasonable hope of success. Any figures which I may give would be more or less of a guess, and I am not willing to submit a guess upon so important a matter. I am analyzing this bill and the schedules with a view to determining, as far as I can, just what they mean and what burdens they place upon the people.

Senators will recall that there was a rather animated dispute, even after experts had reported as to the increase of the schedules or rates in the Payne-Aldrich law over the Dingley law, and I have no doubt there will be controversies as to the difference in rates between the House and the Senate bills, and when this bill becomes a law there will be controversies as to how much it increases the average rates of the Underwood law. I am satisfied, however, from investigations which I have made, that both the House and the Senate bills increase the rates above the Underwood law very much.

I called attention the other day to a number of items showing increases of 150 to 600 per cent. The more one studies the bill the greater will his astonishment be at the present impudence of those who have demanded these high rates and the complacency with which many of the demands have been made by the framers of the House and the Senate bills.

Returning, let me repeat, there are 135 items, excluding paragraphs 25 and 26 of the bill, which have approximately 120 items, in this schedule upon which rates have been imposed which are higher than the rates in the Payne-Aldrich tariff.

There are 223 items in this schedule upon which rates have been imposed which are higher than the rates imposed in the Underwood law, not including the 120 items in paragraphs 25 and 26 which relate to dyes and intermediates.

There are 67 items in the schedule upon which rates have been imposed which are the same as are in the Payne-Aldrich tariff.

Out of the 311 items upon which I have found data for comparison, I have found that the present bill raises the rates on 250 of them—excluding always paragraphs 25 and 26, which would make it more than 100 more—and but 44 items in the whole schedule are reported out at the same rates which are at present imposed in the Underwood tariff. It is apparent, if I wanted to be critical, that partisan animus and protectionist passion, rather than good, common sense and temperate judgment, have dictated the formulation of the rates in this schedule.

Let me refer to the following commodities which were on the free list in the Payne-Aldrich Tariff Act of 1909 and are made dutiable in this bill. No one claims the Payne-Aldrich law had very much regard for the free list, but the pending bill in just this one schedule takes many commodities which were on the free list in that law and transfers them to the dutiable list. I give the following names: Arsenic acid, arsenious acid, phosphoric acid, aconite, asafetida, cocculus indicus, ipecac, jalap, manna, marshmallow root, and buchu leaves.

Why buchu leaves and many of these other items were taken from the free list and transferred to the dutiable list is to me unfathomable. They are medicines pure and simple, with a limited quantity of production, indeed some not produced in the United States at all. Buchu leaves are produced only in one country in the world, and yet we take it from the free list, where the Payne-Aldrich tariff places it, and put it upon the dutiable list.

Mr. SMOOT. For revenue.

Mr. KING. My friend suggests for revenue. I will grant we may get a little revenue, but I aver that was not the reason. I continue the list of items:

Gentian, licorice root, sarsaparilla root, belladonna, digitalis, henbane, stramonium, ergot, and citrate of lime.

It will be apparent why they transfer citrate of lime from the free list to the dutiable list. It is to enable certain interests in California to charge for the acid which is produced prices which I state now are wholly indefensible. We will discuss that when we reach that item in the bill. The Senate committee raises, as I recall, the House rates inordinately to meet the demands of the producers of certain deciduous fruits in California.

Mr. POMERENE. Has anybody been denied any increase in tariff if he asked for it?

Mr. KING. As the Senator knows, I am not a member of the committee, but a perusal of the bill will convince most persons that those who wanted anything were generously received. I may add, though, that I know that one or more Senators, Republican Senators—I shall not give names—have attempted, and in many instances succeeded, in stemming the tide which seems irresistible for increased rates, thus preventing greater extortion than would otherwise have resulted. I am sorry there were not more Senators who took a temperate and rational view in laying duties found in this bill.

I continue reading the items to which I was referring.

Calcined magnesia (not medicinal), crude camphor.

Just think of crude camphor being transferred from the free to the dutiable list—camphor, so important in every household and for such a multitude of purposes.

The list continues: Calcined magnesia (not medicinal), crude camphor, coconut oil (crude), cottonseed oil, soya-bean oil, lemon oil, ambergris, civet, potassium carbonate, caustic potash, strontium oxide, vanilla beans, and tonka beans.

I presume that one purpose of imposing a duty upon vanilla beans and tonka beans, which are the source of the natural vanilla flavors, is to compel the people to consume the chemical vanilla, produced by about two manufacturers in the United States, which is used for flavoring beverages, ice cream, and so forth, in imitation of the true vanilla flavor.

Mr. WATSON of Georgia. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. WATSON of Georgia. Perhaps the Senator would like to know, if he does not already know, for he seems to know pretty much all about the subject, that cotton produced in McDuffie County, where I live, within 37 miles of the big mills on the Savannah River, in Augusta, Ga., is manufactured there, shipped to China, and sold in China at a very much less price than they will sell it to us for in the cotton fields where we produce it, almost in sight of the curling smoke that comes from the factory.

Mr. KING. I thank the Senator for that. I did not know it, and I am glad that he made that contribution to my remarks.

Mr. President, what the Senator from Georgia [Mr. WATSON] has just stated illustrates the fact that in the primary production, as well as in finished products, we can surpass the world. American genius, American skill, American knowledge, practical and technical, together with our inexhaustible resources, will enable us to meet and beat the world in practically every field of endeavor and enterprise. I have indicated that as to some articles, of course, which we do not care to go into, like Irish laces and things of hand production that require so much attention and detail without corresponding profit.

The following commodities, which were on the free list in the Underwood Tariff Act of 1913, are made dutiable in this bill:

Acetic acid, arsenic acid, arsenious acid, phosphoric acid, methyl-alcohol, ammonium chloride, ground aconite, ground asafetida, ground cocculus indicus, ground ipecac, ground jalap, ground manna, belladonna, digitalis, henbane, stramonium, potassium cyanide, chestnut extract, hemlock extract, mangrove extract, oak extract, quebracho extract, bromine, calcined magnesia (not medicinal), coconut oil (crude), cotton-seed oil, soya-bean oil, Paris green, London purple, phosphorus, boneblack, blood char, potassium carbonate, caustic potash, santonin, sodium arsenate, soda ash, sodium silicate, sodium chlorids (common table salt), and strontium oxide.

The following commodities have been subjected, in the pending bill, to rates of duty which are higher than the rates imposed by the Underwood Tariff Act of 1913. This long list is significant of the character of the bill and the apparent determination of those who drew it to give enormous profits to the chemical producers of the United States:

Acetic anhydride, boric acid, citric acid, lactic acid, tannic acid, tartaric acid, formic acid, gallic acid, oxalic acid, acetone, acetone oil, ethyl-methyl-ketone, amyl alcohol, butol alcohol, fusel oil, chemical salts and compounds n. o. s. p., aluminum hydroxide, potash alum, ammonia alum, aluminum sulphate, ammonium carbonate, ammonium chloride, ammonium phosphate, ammonium sulphate, antimony-oxide, antimony-sulphide, antimony salts, argols, Rochelle salts, cream of tartar, barium carbonate, barium chloride, barium dioxide, barium nitrate, blacklings for cleaning and polishing, bleaching powder, caffeine, calcium carbide.

We find calcium carbide appearing in many places, either it or products of the great calcium carbide trust, which manufactures calcium carbide. The list continues:

Calomel, corrosive sublimate, other mercurial preparations, carbon tetrachloride, chloroform, terachloroethane, trichloroethylene, chalk, putty, billiard and tailor chalk, salts and compounds of gold, platinum, rhodium, and silver, salts and compounds of bismuth, chlorohydrate, turpinhydrate, thymol urea, glycerophosphoric acid, salts and compounds of glycerophosphoric acid, coal tar (intermediate), coal-tar dyes, medicinals and other finished coal-tar products, cobalt oxide, cobalt sulphate, cobalt linoleate, cobalt salt and compounds n. s. p. f., collodium cellulose, esters, solutions of pyroxylin, compounds of pyroxylin (unfinished), compounds of pyroxylin (finished), licorice root, diethylsulphate, dimethyl sulphate, all other esters and ethers, chestnut extract, cutch extract, chlorophyl, divi-divi, fustic extracts, Persian berry extract, logwood extract, myrobalan extract, sumac extract, saffron extract, saffron flour extract, saffron cake, valonia extract, waddle extract, all other extracts, flavoring extracts, fruit esters, oils and essences, formaldehyde, paraformaldehyde, edible gelatine, glue, fish glue, glue size, and agar agar.

Agar agar is a culture which is used for the development of bacteria, and is important in hospitals in determining the nature of the ailments afflicting patients. In our remarkable progress in chemistry and medicine we utilize cultural development for the purpose of isolating germs and for determining the character of diseases, particularly fevers. Agar agar is very important for the culture of bacteria, and yet the tariff on it is increased. Of course, the people have to suffer to help the chemical interests of the United States.

We also find in the schedule: Glycerine (refined), ink and ink powders, lead acetate (white), lead acetate (brown), lead nitrate, licorice extract, citrate of lime, magnesium carbonate, magnesium chloride, Epsom salts, which seemed to afford the Senator from North Dakota so much amusement the other day. He contended that Epsom salts are unimportant; that the duty on a pound of Epsom salts was not great, and upon a dose much less. The Senator's theory was that a high rate could be so small in its effects if the article affected was taken in small doses that no complaint should be made. Mr. President, it is the little burdens and the small taxes which, when multiplied and pyramided, crush the people. Municipal taxes may be small, but when they are added to the school taxes and the district taxes and the State and Federal taxes they constitute a burden which to the people becomes intolerable. So we tax them a little upon Epsom salts, and a little upon licorice, and a little upon chloroform, and a little upon camphor, and a little upon the thousands of drugs and medicines that enter into the lives of the people and into the hospitals and into the sick room; we tax them a little upon their shoes, a little upon their shirts and a little upon other clothing, a little upon their food, and a little upon everything which they are compelled to buy and to use, and when those littles are added together they become monumental in their greatness and they bow the forms of the American people low under the oppressive burdens which they constitute.

Mr. President, the philosophy of those who drew this bill seems to be that, no matter how high the rate levied may be, if the article or commodity upon which it is laid may be divided and subdivided then it is unimportant. Under this theory a tax of 1,000 per cent upon a pound of salt would not matter, because the individual at each meal used but a few grains of salt. Under this view it is unimportant how high the tax may be upon a gallon of olive oil, because the ordinary user of olive oil consumes but a small quantity at a given time or perhaps during a week or a month. A few thousand per cent tax upon calomel, under this view, is unimportant, because when consumed it is divided into small doses and no individual uses a great quantity within a month or a year. And so a few hundred per cent increase in the rates upon shoes and clothes or any of the commodities used is inconsequential in view of the fact that the poor man buys but one or two or three pairs of shoes during the year and but a limited number of suits and but a few dollars' worth of any one commodity or article.

Mr. President, this view to me is not only sophistical but it is absolutely cynical and brutal. We are to justify these extortionate rates, these frightful burdens laid upon the people, by the plea that the articles which they purchase are few and the tax upon any one article is not very large, and therefore they should bear with patience and equanimity the exactions made by Congress to meet the demands of domestic manufacturers.

Mr. President, these rates, regardless of the name or the quantity or the kind purchased by an individual or by a family during the year in the aggregate, will place billions of dollars of burdens upon the American people. When it is comprehended that our domestic production aggregates approximately $60,000,000,000 at current prices and that the greater part of this enormous sum is consumed by the people themselves, it is manifest that billions will be added by this bill to the prices paid by the great consuming public and that these billions so added in the main will constitute the tribute laid upon the masses of the people by the beneficiaries of this tariff bill.

Mr. President, this bill is so bad, so vicious, that those who cried out against the Payne-Aldrich tariff bill will pray for its restoration.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. If the Senator from Utah will yield to me for that purpose, I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Capper	Johnson	Newberry	Simmons
Culberson	Jones, N. Mex.	Norbeck	Smoot
Cummins	Jones, Wash.	Oddie	Spencer
Edge	Kellogg	Overman	Sterling
Ernst	King	Page	Sutherland
Fletcher	La Follette	Phipps	Swanson
Glass	Lenroot	Pittman	Wadsworth
Harris	Lodge	Pomerene	Warren
Harrison	McKellar	Rawson	Watson, Ga.
Heflin	McNary	Robinson	Willis
Hitchcock	Moses	Sheppard	

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Forty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

The reading clerk called the names of the absent Senators, and Mr. POINDEXTER answered to his name when called.

The following Senators entered the Chamber and answered to their names:

Colt	Curtis	Nicholson

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is that motion debatable?

The PRESIDING OFFICER. The Chair thinks not.

Mr. HARRISON. I desire, then, to propound a parliamentary inquiry to the Presiding Officer.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. It seems that every day in the consideration of this tariff question, which is a very important one, we fail to develop a quorum and we have to go out and arrest absent Senators. The Republicans have a majority of 24. Is it not their business to keep enough Senators here to transact the public business?

Mr. MOSES. Is the Senator pressing for a vote?

The PRESIDING OFFICER. The Chair does not think the Senator from Mississippi has stated a parliamentary inquiry. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

Mr. BROUSSARD, Mr. CARAWAY, Mr. FRELINGHUYSEN, Mr. HALE, Mr. KEYES, and Mr. WALSH of Montana entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. SMOOT. I ask unanimous consent that the order just made be rescinded.

The PRESIDING OFFICER. Without objection, the order will be rescinded. The Chair hears no objection, and it is so ordered.

EXTENSION OF WAR FINANCE CORPORATION.

Mr. PITTMAN. Mr. President, I take this occasion, while the Senator from Utah [Mr. KING] has temporarily absented himself from the Chamber in the midst of his speech, to call attention to a matter which is, I think, of great importance—of equal importance, undoubtedly, with the consideration of the tariff bill now before the Senate.

There are pending before the committees of the Senate and of the House several measures that, in my opinion, are emergency measures. They are undoubtedly of vital importance to the maintenance of the agricultural industry of this country. These bills have been pending before the various committees of the Senate and the House for many months, and the only excuse I can conceive of for the failure of these committees to act upon them and report them to the Senate is the excuse that is given by members of the committee, that the Senators on these committees have been so busily engaged on the Finance Committee and other committees that they have not had the time to give these bills consideration.

I am not questioning those excuses. I am, however, calling attention to the fact that those excuses now cease to exist. The Finance Committee has finished its chief duties. Other committees of the Senate have also finished theirs. The Senators do not consider that they are required to be present in the Senate Chamber during the time that this tariff bill is debated, as is evidenced by the fact that it is almost impossible to obtain a quorum in this Chamber. In fact, just a few minutes ago it was necessary to make an order directing the Sergeant at Arms to bring Senators in forcibly, if necessary. In looking around the Senate at the present time we ascertain that there are probably only 10 or 15 Senators present, which is an exceedingly large number by comparison with other times. Therefore I assume that the members of the Committee on Finance, Banking and Currency, and other committees to which these very vital bills have been referred have time now to consider them and act upon them.

I have here a report in the form of a bulletin from the American Farm Bureau Federation with regard to these measures. They include a farm credits bill, a bill to place a farmer on the Federal Reserve Board, a bill for the purpose of enlarging and extending the functions of the War Finance Corporation, bills dealing with Muscle Shoals, a bill for the removal of the $10,000 limitation on farm land bank loans, a bill entitled "truth in fabrics," bills for the appropriation of money for the continuation of Federal road building, and a bill for a standard container.

In this American Farm Bureau bulletin the history of these bills is discussed and their present status is set out. I find from investigation that this statement is substantially correct, that these bills have been pending before the Congress for months. With regard to most of the bills, there has been no action at all. In some cases, however, hearings have been had and published. I am simply urging that at the present time, when the Senate of the United States is doing nothing, Senators might utilize their leisure time in at least considering in committee some of these measures.

Several bills have been introduced, in most cases in regard to each one of these subjects on which the American Farm Bureau Federation reports. Undoubtedly, all of these bills have the same purpose with regard to the particular matter. I do not believe that the agriculturists of the country are so much interested in which particular bill is reported, or whether any of these particular bills are reported, just so that the committees having charge of them proceed either to report one of these bills or to draft legislation that will meet the emergencies.

Bills have been introduced extending the functions of the War Finance Corporation with regard to lending money or advancing money for agricultural purposes all the way from 6 months to 18 months. Some time ago I had occasion to introduce a bill extending the functions of the War Finance Corporation in the particular I have just mentioned until the 1st day of January, 1923. I desire to state that Mr. Eugene Meyer, jr., the managing director of the War Finance Corporation, while not opposing the extension of the time of functioning of the War Finance Corporation with regard to advancement for agricultural loans, has heretofore reported adversely upon any congressional action in the matter, that course being pursued so that he might more carefully investigate the necessity of the extension of those functions. I have had consultations with him with regard to the matter, and I speak from personal knowledge, and I assume that other Senators have, too. Mr. Meyer, however, has made a complete survey of the agricultural conditions of the country, particularly with regard to the necessity of extending and enlarging the functions of the War Finance Corporation in the matter of advancing money for loans to the agricultural interests.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. I do.

Mr. SMOOT. I thought the chairman of the Finance Committee had already reported the bill extending for a year the life of the War Finance Corporation. I will say that the very day the Senator introduced his joint resolution the Finance Committee met, and the chairman was authorized to report a bill that had been referred to the committee some time before; but it extended the life of the War Finance Corporation a year, instead of six months, as proposed by the Senator's bill. I really thought the bill was on the calendar, but I suppose the chairman felt that he wanted to hold it so that at some time he could report it here and ask unanimous consent for its present consideration. I think that is what he intends to do.

Mr. HARRISON. Mr. President, will the Senator yield for a moment?

Mr. PITTMAN. I yield.

Mr. HARRISON. I understood that the Senate Finance Committee took that action, and that afterwards, at the request of Mr. Meyer, they rescinded that action and held back the bill, and that the bill never has been ordered to be reported since then.

Mr. SMOOT. I will say to the Senator that the bill was ordered reported here, I think, just the very day that the Senator introduced his measure. It is true that the report of the Secretary of the Treasury was not favorable to the bill. While he did not say that he opposed its passage, he did not see that there was any real necessity for its enactment; but, notwithstanding that letter, the Finance Committee instructed the chairman of the committee to report that bill favorably and secure its passage just as soon as possible, and I think I am correct in stating that the chairman is holding the bill with a view of asking for its immediate consideration some morning here in the Senate.

Mr. HARRISON. The reason why I made the statement that I did, if the Senator will permit me, was that a bill was introduced and referred to the Finance Committee to extend the life of the War Finance Corporation, and another bill for the same purpose was introduced and referred to the Agricultural Committee. The Agricultural Committee would have taken immediate action had it not been for the fact that they heard that the Finance Committee had ordered a favorable report on the bill. We learned afterwards, however, that Mr. Meyer, from somewhere out West, had telegraphed asking that the committee take no action until he returned to Washington, and consequently the whole matter is now in abeyance. That is the report that came to us.

Mr. SMOOT. I know Mr. Meyer was in the city before we instructed the chairman to report the bill. The action to which I have referred was taken after Mr. Meyer returned to Washington.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. PITTMAN. I yield.

Mr. McNARY. With reference to the bill which has just been referred to by the Senator from Mississippi, with regard to the War Finance Corporation, I can inform the Senator from Mississippi and the Senator from Nevada that a favorable report on a bill to amend the War Finance Corporation act so as to extend the power of that institution to make advances will be made by the Finance Committee to-day.

Mr. PITTMAN. I do not understand the Senator. Did he say the report had been made to-day?

Mr. McNARY. On the 6th day of December, last year, I introduced a bill to amend the War Finance Corporation act so as to extend its power to make advances for one year; that is, from June of this year until June, 1923. The bill was referred to the Finance Committee. That committee has been engaged for several months in the consideration of the tariff bill. To-day that bill which I introduced will be favorably reported to the Senate and go to the calendar for action in a few days.

Mr. PITTMAN. That is very encouraging. On what date does the Senator say he introduced the bill?

Mr. McNARY. On the 6th day of December, the next day after Congress convened in its regular session last December.

Mr. PITTMAN. And the Finance Committee has been so busy that they will report it out to-day. I am glad of that. In fact, that is the reason I rose, to see whether we could not find out what had happened to these bills. The Senator's bill has not been reported out yet, but it is going to be reported out to-day. I am glad to hear that.

Of course, the Finance Committee has not really been engaged very extensively in any kind of work since the tariff bill was reported out by that committee. I do not know how many meetings they have had since they got through with the tariff bill, but the very fact that they are going to report that bill out is encouraging. I hope the Senator from Oregon will see that they do report it out, if he has any influence with the chairman of the Finance Committee.

The Senator from Oregon says the bill will be reported out to-day and go to the calendar. What I am urging is that the bill do not go to the calendar, because it is very difficult to get a bill off of the calendar. I am urging that unanimous consent be asked for the immediate consideration and passage of the bill.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. In just a moment, when I complete this thought. It seems to me to be a very poor rule for a committee to authorize the chairman to report a bill out and then let him put it in his pocket and keep it there as long as he wants to. But I take the assurance of the Senator from Oregon, who I assume is on the Finance Committee, though I do not know——

Mr. SMOOT. No; he is not.

Mr. PITTMAN. I am mistaken. The Senator from Oregon indicates by shaking his head that he is not on that committee. He undoubtedly has some assurance, however, that the chairman is going to report his bill out to-day; so that will settle that question.

Mr. SMOOT. In justice to the chairman of the Finance Committee, I want to say that he is in favor of the bill and voted for it in the committee. I still think that the statement I made before was his thought, namely, that he wishes to secure early consideration of the bill. I know he intends to seek early action, and in my opinion the only thing that kept him from reporting it last week was the fact that he thought he could get early action on it this week by asking unanimous consent for its consideration.

Mr. PITTMAN. I am glad to hear that, too. Several bills have been passed by unanimous consent since the tariff bill has been before the Senate, and I have no doubt that if the chairman of the Finance Committee could be found, if he would come in right now and ask unanimous consent—and I would be glad to yield to him—the bill could be passed. As a matter of fact, we have no trouble in passing a bill whenever the administration is willing to have it passed. Of course, we realize that the administration has not been willing for this bill to pass until the last few days. But now there is no reason why Congress should not act.

I am going to refer to the consent of the War Finance Corporation that this thing should be done, and that is the reason it is going to be reported to-day.

Mr. SMOOT. Mr. President, I know the Senator wants the history of this correct. The Finance Committee voted to report that bill out when there was no other report before it than that of the Secretary of the Treasury, in which he did not approve of the bill. It made no difference whether the Secretary of the Treasury reported favorably on it or not, a majority of the Republican members of the committee voted to report that bill out, and it would have been reported out whether Mr. Meyer or the Secretary of the Treasury was in favor of it or not.

Mr. PITTMAN. The committee voted to report it out in spite of the Secretary of the Treasury, but it has never been brought into the Senate; so I do not know that it really makes much difference to the farmer whether the committee voted to report it out or not. I know now, however, we are going to get action. I can see it coming, and that is what we all want.

Mr. Eugene Meyer, jr., managing director of the War Finance Corporation, has just released a report to the President of the United States with regard to his survey of the agricultural conditions of the country, and the necessity for legislation as he sees it. I will read his conclusions first. He states:

> In conclusion, I suggest that, pending the enactment of legislation along the lines I have indicated and the establishment of the necessary machinery for its administration, the period during which the War Finance Corporation may make loans be extended until January 1, 1923, and that the corporation be authorized up to that date (1) to make advances upon adequate security to cooperative marketing organizations and live-stock loan companies where it appears that they are unable to obtain adequate financing at reasonable rates through other channels; and (2) to make advances to banking institutions on agricultural and live-stock paper in exceptional cases and where it appears that the public interests will be served by such action.

In submitting these observations and recommendations, I do so in the hope that they may be of some value in considering the question of how best to maintain our agriculture upon a sound basis. This problem lies at the very foundation of our national economic and social policies and every intelligent citizen must have a deep interest in its solution.

So I assume that, with that permission, the chairman of the Committee on Finance can report the bill and ask unanimous consent for its passage, and I know of no opposition in this body sufficiently bold to object.

Mr. Meyer, in his report, in dealing particularly with the live-stock industry, which he seems to think has suffered more than any other agricultural industry, and which needs assistance to a greater extent, has this to say:

> The live-stock industry constitutes one of our great basic activities and involves a turnover of an enormous aggregate amount, but, in my opinion, it has never been properly financed from two points of view.
>
> In the first place, the financing has not been timed to the requirements of the turnover. The business of fattening live stock, which involves a turnover of six months, more or less, can easily be taken care of by existing machinery. But the longer-time requirements of the live-stock breeding industry, involving a turnover of about three years, have been financed through loan companies, which, selling their paper for a maximum of six months, have been compelled to limit their loans to a similar period. A six months' loan to the owner of a breeding herd, with no assurance of extension, is a hardship to the industry and can not fail to exercise a discouraging influence.
>
> In the second place, there is need for a radical revision in the methods of handling the supervision and inspection of live-stock loans. The ability of the industry to obtain adequate financing at reasonable rates inevitably must depend upon the elimination of some of the unnecessary hazards which have characterized the conduct of the business in the past.
>
> FURTHER MACHINERY NEEDED FOR LIVE-STOCK FINANCING.
>
> After a careful study of the whole problem, in the light of the experience of the War Finance Corporation, I recommend the enactment of legislation specifically authorizing the organization of institutions to rediscount the paper of live-stock loan companies. These institutions, of course, should be related to the existing financial structure and made an adjunct thereto; and, as a condition precedent to their functioning, a system for the more adequate supervision and inspection of the live stock which furnishes security for the paper should be devised and put into opertaion. The importance of this matter in any plan for live-stock financing can not be overemphasized.
>
> With such institutions and with a satisfactory system of inspection and supervision, I feel that capital in adequate amounts and upon reasonable terms may be looked for by the stockmen of our vast western country. The new live-stock loan companies may constitute the nucleus upon which the proposed rediscounting organizations can be developed on a sound basis and in a way that would reasonably meet the financial needs of the live-stock industry.
>
> COOPERATIVE MARKETING ORGANIZATIONS.
>
> While the War Finance Corporation during the past year has entered into agreements to lend approximately $83,000,000 to cooperative marketing associations in all parts of the country, to assist them in the orderly marketing of their products, in most cases only a small part of the credit authorized has actually been used, because the local banks have been able to take care of the needs to a greater extent than had been anticipated. This indicates that the cooperative marketing associations, when they are properly organized and soundly managed, are able, for the most part, to obtain the necessary funds from local banking sources. But it is generally agreed that a good deal of the willingness of the banks to finance the cooperatives in their sections has been based upon the ability of the cooperatives to obtain funds from the War Finance Corporation. This has involved, in part, the element of confidence and, in part, the funds themselves; for it is obviously easier for a local bank to furnish funds to a cooperative marketing organization when it knows that the funds can be borrowed from another source and repaid to the bank in case of need. There is, therefore, a feeling among the managers of the marketing cooperatives, and also to a great extent among their banks, that there should be a continuation of the assurance of a market for their paper outside of the local banks. It is recognized that, with improving financial and agricultural conditions, it will be easier for them to obtain funds during the coming season, but, on the other hand, their operations perhaps will be conducted on a more extended scale and, therefore, the aggregate of funds required will be correspondingly greater.
>
> You desired me especially to report upon these organizations. While in the West I had the opportunity of meeting the directors and managers of many of them, and in some cases of visiting their working headquarters and their warehouses. California was the first State to take up cooperative marketing on a large scale in this country, and there it has been carried on in its most highly developed form. In San Francisco I met the representatives of 26 of the leading cooperative marketing associations of the State and was enabled to get the benefit of their experience and views. These California associations, for the most part, are so well established that their banking credit is equal to that of the best privately owned and managed corporations, and although they market products aggregating in value $250,000,000 annually, they have had occasion to avail themselves of the funds of the War Finance Corporation to the extent of only $1,500,000 during the past season. Their operations were financed almost entirely through their usual banking connections.
>
> The more recently organized cooperative marketing associations in Oklahoma, Mississipi, Arkansas, Texas, Arizona, and in the Northwestern States, while not so firmly established as the California associations, appear to be organized upon sound principles and to be properly and capably managed.

In this connection I wish to say that a similar association has just been completed in Nevada. It was evident to those who organized the association that if the right of the War Finance Corporation to advance money through these associations to the agricultural interests terminated on the 1st day of July, they would be unable to function within the short period of time left. Therefore, this organization, as well as the live-stock

associations of Nevada, have joined, I believe, with nearly all the Western States in urging the necessity of extending the functioning of the War Finance Corporation in these particulars.

As Mr. Meyer said, while considerable money has been advanced through the War Finance Corporation, the organization and construction of the local banks through the western country made it difficult, if not impossible, to advance the money through the existing institutions. That has caused delay in the funds reaching the agricultural interests. This plan of organizing associations was devised only a short time ago, and of course would not have an opportunity to get into general operation prior to the 1st day of July.

Mr. Meyer continues:

Prior to the war the distribution of our agricultural products, in so far as our export trade was concerned, was financed in considerable part by European capital. But fluctuating exchange, added to the fact that European countries are no longer on a gold basis or even on a stabilized exchange basis, has prevented a continuation of this practice. We must, therefore, adjust our own financing machinery to meet the new conditions.

Our financial system has apparently been based on the expectation that the farmer would sell his crops as soon as they matured. And the immediate sale of the seasonal product by the farmer contemplated its being carried by middlemen until distributed through manufacturers or retailers. As has been stated so often, the farmer's crop is harvested within a short period and consumed throughout the year. The process of financing should adjust themselves to the natural processes of production and distribution rather than the norm. We have reached the point where the right of the cooperative marketing organizations to carry the products of their members for orderly marketing, until the consumer is ready to take them, must be recognized and the necessary financing machinery provided.

I therefore recommend that the need for the orderly marketing of our agricultural products in a more gradual way and over a longer period of time be frankly recognized; that existing banking laws and regulations be adjusted with this in view; and that a permanent facility be established to make it possible at all times for cooperative marketing organizations to obtain adequate funds for their operations. I recommend also that the powers of the Federal reserve banks be extended to include the purchase in the open markets of eligible paper secured by nonperishable agricultural commodities properly warehoused.

I wish to state in this connection there are several bills pending enlarging the warehouse act, so to speak. I have offered a bill of that kind, which is one among a number, including wool, sugar, strup, and hides within the definition of agricultural products so that these products of agriculture may also be placed in warehouses, be the subject of loans, and there held until the consumer is ready to purchase them.

Mr. Meyer, continuing, said:

Perhaps I should add here that the need of additional financing, not only for the cooperative marketing organizations but for the live-stock industry as well, was indicated in the report to Congress by the Joint Commission of Agricultural Inquiry.

Then follow his conclusions, which I read previously. Mr. Meyer in the fore part of his report states that the agricultural industry is improving and cites a number of instances. He states that the live-stock industry is improving, slowly of course. He states that the condition of moisture throughout the western country has been of great aid to the live-stock industry. Since he made his survey, however, the amount of moisture that fell throughout the Western States in the form of snow and ice and at such an exceedingly late season of the year, has, according to unofficial reports, resulted in the destruction of fully one-half of the lambs born this year in that intermountain country. It has, in addition to that, resulted in the destruction of a very large percentage of the matured sheep.

The raisers of sheep under ordinary conditions might stand this, but everyone realizes that owing to the abnormal market condition brought on by the war, and particularly affecting wool, the sheep raisers of the Intermountain country, where they engage in sheep raising as an exclusive business, have been facing bankruptcy for two years, and in some States, not in Nevada, however, banks have been facing bankruptcy in their attempts to carry the industry.

This statement is only put forward in support of Mr. Meyer's description of the absolute necessity for an additional system of financing of the live-stock industry of the country. I am attempting also to show that there is an emergency for action by the War Finance Corporation. Mr. Meyer's report discloses the fact that an emergency exists for the various kinds of legislation which he recommends in his report and which are embodied in the various bills which are now and for months have been pending in the various committees.

Mr. Meyer in his report refers to the reports made to Congress by the Joint Commission of Agricultural Inquiry as sustaining the position that he is now taking for immediate action on the various legislative matters referred to in his report. That report was made by a very strong representation from this body and from the House of Representatives after a most thorough and careful survey of the agricultural situation in the country. It supports the demand for emergency legislation. It should have induced the Congress to legislate immediately upon the filing of that report with Congress.

But now comes the American Farm Bureau Federation, in its bulletin, to which I have heretofore referred, and deals with the same situation. In its bulletin it is said:

The readjustment in farm prices and values is proceeding so slowly that the need for special financial aid will continue for two or three seasons to come. The aid provided by the War Finance Corporation should not be terminated until a new system of farm credit has been developed sufficiently to take its place. This will require some time even if legislative action is taken immediately. The service rendered by the corporation, while particularly important during the emergency following the war, has, however, met a need which has been growing through a period of years, due to the fact that a general system of financing agriculture has not been properly developed. It would be unfortunate, if not positively disastrous, to remove this aid until permanent aid for this situation has been devised. No great burden would be imposed upon the Government by continuing activities of the corporation for a longer period. In fact, the effect would be the reverse, since the process of readjustment would be more gradual, producers would be reassured, and normal conditions attained with less hardship.

Dealing particularly with the present farm situation, the American Farm Bureau Federation has this to say:

The general condition of agriculture, while showing considerable improvement up to April 1, is still far from satisfactory. As will be seen in the following table, only 1 of the 10 products listed below brings a price that is above the 1913 level in purchasing power.

Then follows a table entitled:

Purchasing power of farm products.
(1913—100 as of February.)

Cotton	$0.84
Corn	.61
Wheat	.99
Hay	.71
Potatoes	1.21
Beef cattle	.57
Swine	.73
Eggs	.87
Butter	.85
Wool	.87

I call particular attention to the item "beef cattle, 57."

The average of all farm products, including the purchasing power of potatoes, which was above par, we find is 83 per cent of their purchasing power in 1913.

The wholesale prices for farm products as compared to other commodity groups for January and February were as follows:

Farm products, January 116, February 126; food, and so forth, 134 in January; in February, 138; cloths and clothing, January 183, February 183; fuel and lighting, January 188, February 283; metals and metal products, January 117, February 115; building materials, January 202, February 202; chemicals, and so forth, January 159, February 159; house-furnishing goods, January 214, February 213; all commodities, January 148, February 151.

PRODUCTION IS BELOW PAR.

The serious depression in agricultural production is obscured by the abnormal price situation. In spite of seasonable conditions justifying a bumper-crop season the last year, we had only two crops up to the average (10-year average, 1910–1919). These were corn and hay. The oat crop was, roughly, 17 per cent below average; cotton, 39 per cent; wheat, about 5 per cent. The January estimate of live stock shows serious shortages, below the 10-year average, in numbers: Horses, 17 per cent below; sheep, 36 per cent; beef cattle, 8 per cent; swine, 11 per cent. At least two of these major industries can be brought back to normal only by unusual extension of credit. These are cotton and sheep.

Mr. President, I have dealt particularly with the report of Mr. Eugene Meyer, jr., and I have quoted from the farm bulletin only with regard to the agricultural situation as bearing upon the passage of the bill, which he urges should be passed immediately; but in the bulletin which I have before me the American Farm Bureau Federation, which, I believe, is the largest association of agriculturists in the country and which is equipped with capable men to survey and report upon and understand the agricultural situation, have gone further and have discussed other measures dealing with farm credits. They have also urged the necessity of the final passage of the legislation insuring the appointment of a farmer on the Federal Reserve Board. They call attention to the fact that the Senate passed a bill so providing months ago, but that it is lying dormant in the committee in the House of Representatives.

The American Farm Bureau Federation also urge the passage of the so-called Dunn bill which is now pending in the House of Representatives providing appropriations to carry out the Federal road act. I wish to say that I am opposed to the Dunn bill, in the first place, because it is unnecessary, and, in the second place, because, in my opinion, it will require amendment.

It is unnecessary because the Senate has already adopted an amendment to the Post Office appropriation bill carrying the necessary appropriations for the maintenance of the Federal road system of the country. That proposed legislation has the

advantage of being embodied in a bill which has passed both branches of Congress and now is in conference. The Dunn bill has not even yet been acted on in the House of Representatives. It is evident that there is great doubt as to whether the Dunn bill could ever become law if at this late day it should pass the House of Representatives and come to the Senate.

Again, while the Dunn bill provides the same appropriation for the maintenance of the Federal road system as is provided in the amendment to the Post Office appropriation bill which has passed the Senate, the Dunn bill carries restrictions which are antagonistic to the interests of a large section of the country. In the first place, it limits the amount of Federal participation in the building of roads. That limitation involves such a small expenditure per mile on the part of the Government that it would be practically impossible on a 50-50 basis to build a substantial Government road in this country. Mind you, under the Federal road law after a road is once built through the participation of the Federal Government with the respective States, from that time on the State is required at its own individual and exclusive expense to maintain forever that road. A makeshift road might be built with the amount of money provided in the Dunn bill, but such a road would have to be practically rebuilt every year of its existence; in other words, by limited appropriations the States would be encouraged to construct roads which they would have to rebuild every year, and that they are not individually able to do.

I am satisfied that when the legislative situation comes to the attention of those who prepared this bulletin they will agree with the Senate in the position it has taken with regard to Federal road legislation as set forth in the amendment to which I have referred which was made and adopted by the Senate to the Post Office appropriation bill, which bill is now pending in conference between the two Houses and will urge the immediate adoption of the conference report on that bill with the Senate amendment in it, instead of the Dunn bill.

Mr. SMOOT. Mr. President, from the Committee on Finance, I ask unanimous consent to report back favorably without amendment the bill (S. 2775) to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921. I also ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah, out of order, submits a report from the Committee on Finance on Senate bill 2775, and asks unanimous consent for the immediate consideration of the bill.

Mr. SIMMONS. Mr. President, I shall not object to the present consideration of the bill; I will agree that the bill may be considered and passed; but when that shall have been done I desire to submit some remarks to the Senate upon the measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the first sentence of section 23 of the War Finance Corporation act, approved April 5, 1918, as amended, is amended to read as follows:

"SEC. 23. That notwithstanding the limitation of section 1, the advances provided for by section 21 and section 22 of this act may be made until July 1, 1923."

SEC. 2. That the last sentence of section 24 of such act, as amended, is amended to read as follows:

"Advances or purchases may be made under this section at any time prior to July 1, 1923."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SIMMONS obtained the floor.

Mr. PITTMAN. Mr. President——

Mr. SIMMONS. I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, I merely wish to congratulate the acting chairman of the Finance Committee for digging up the report and asking for the present consideration of it.

Mr. SIMMONS. Mr. President, I signed the poll which was made of the members of the Finance Committee upon the question of reporting favorably the bill which has just been passed. I did so with the statement and reservation at the time of signing that I would not agree to the report if I thought the passage of the bill continuing the life of the War Finance Corporation would be considered as adequate legislation for this session to meet the necessities of the agricultural and live-stock situation in the country. I was assured by the Senator who presented the bill to me for my signature that, so far as the friends of agriculture on the other side of the Chamber were concerned, the bill would in no way abate their determination and purpose to press for full and adequate legislation.

Mr. President, it is entirely proper, with this reservation of purpose on the part of the Senate, that the life of the War Finance Corporation shall be extended. At the time we revived, in the interests of agricultural credit, the powers which we gave to the War Finance Corporation there was a situation in the country which would brook no delay, which called for immediate action in order to save agriculture from a debacle, but the measure then passed was of a purely temporary character and to an extent a makeshift, designed merely to meet an urgent situation. It has performed its office admirably. It has relieved that situation measurably. But for it, I think this important part of the industrial enterprises of the country would have been in a most deplorable and unfortunate condition; but, Mr. President, the measure is wholly inadequate. It does not give the farmer what he is entitled to. It does not give him what he must have if he is to contend, without serious handicap and serious consequences to the great industry in which they are engaged, with the economic and financial conditions which exist now. The agricultural industry, of course, lies at the very foundation of our industrial and economic structure.

The farmer must have facilities which will afford to him the same degree of credit in the operation of his business that the manufacturer and the merchant now enjoy under the facilities extended to them by the Federal reserve system. I do not think there has ever been established in this world a finer banking system, a finer financial system, so far as our commerce and our industrial requirements go, than the Federal reserve system, properly applied; but that system is adapted only to the requirements of commerce, trade, and of manufacturing. Its very limitations, the very theory upon which it is based—that of dealing only with liquid assets, assets that can be quickly converted into cash—make it unsuited to the farmers' requirements, and suited only to the requirements of those who make quick turnovers in the operation of their business. The farmer makes but one turnover a year. He must therefore have an entirely different system from that provided in the Federal reserve system. It is therefore necessary that he shall have a system of his own, whether or not he shall secure it through amendments to the Federal reserve act—and I think that would be inadvisable, because that would be establishing two bases of operation under one system—in some way he must have just as good facilities for affording him the credit that he requires and that his situation demands as the other industries of our country. Otherwise, he is at a great disadvantage. Otherwise, he is at the mercy of those who wish to prey upon him. Otherwise, he can not protect his product against the exploitation of those who desire to get it at less than it cost to produce it. He must be financially just as independent as the merchant, just as independent as the manufacturer, just as independent as the man engaged in general commerce; and without that equal independence, that equal ability to protect his product against exploitation, he will always be at a ruinous disadvantage, as he has been in the past.

Realizing that, Mr. President, some days ago I introduced in the Senate a bill known as Senate bill 3390, which at my request was referred to the Finance Committee. That bill establishes a completely independent system for financing agriculture and the live-stock industry in the United States, and puts those two great occupations, in my judgment, upon an absolute parity with reference to banking facilities and credit conditions with the balance of the industries of the country.

I had intended, on some early occasion, to go into a detailed statement of how I propose to accomplish that purpose in my bill, but I will not do that now. Instead of doing that, I will say that I had a large number of additional copies of this bill prepared, and I sent it to many of the farm organizations, farm papers, and so forth, and it has received very general discussion, and, so far as I am now advised, very general approval by those in whose interest it is drawn, as well as by others who are willing to do justice to the farmers of the country.

Recently there met in the city of Washington at the same time three great, separate farm organizations. These conventions were called at the same time as a result of a desire to bring about concert of action with reference to many things of great interest to the farmers and stock raisers of the country. After those organizations adjourned, on the same day that they adjourned, I was visited by 10 or 15 representatives of these several organizations at my rooms in the Capitol, and they stated to me that they came as the representatives of these organizations which had just met here. They stated that the bill which I had introduced, S. 3390, together with other bills pending looking to the same general end, had been thoroughly canvassed in the meetings of these organizations, and that as a result of

their discussion and the comparison of their merits as calculated to accomplish the purpose intended and desired by the farmers of the country, practically without exception the bill which I had introduced and had had referred to the Finance Committee had met the enthusiastic approval of those attending the conventions.

I have discussed this bill with quite a number of Senators, and those of them who have taken the trouble to investigate it have expressed their approval. I now have upon my desk an interview which appeared in the News and Observer, of Raleigh, N. C., a daily paper of very large circulation. Its editor is the distinguished ex-Secretary of the Navy, the Hon. Josephus Daniels. Upon the editorial page an interview with Mr. Harvie Jordan, national secretary of the American Cotton Association, appears, and is made the subject of extensive and approving editorial comment. In passing, I may say that for the past 15 or 20 years Mr. Harvie Jordan has been one of the most prominent figures in connection with the subject of agriculture and its promotion and development in the whole South. He has practically given his life to that subject. His judgment is such that he has been by universal assent regarded as a leader in the formulation of legislation and of various and sundry methods of promoting agriculture. His fidelity to the cause can not be called in question. His ability and authority to speak are equally beyond dispute.

I desire now, Mr. President, to ask that the Secretary may read the interview of Mr. Jordan appearing in last Thursday's issue of the Raleigh News and Observer as I have marked it. I want this interview read, because it states more fully than I shall at this time the general purpose and effect of the bill to which I have just referred, S. 3390.

The VICE PRESIDENT. Without objection, the Secretary will read the article.

The reading clerk read as follows:

[From the Raleigh (N. C.) News and Observer, April 27, 1922.]

Mr. Harvie Jordan, national secretary of the American Cotton Association, discussing the need of such legislation as is contained in the Simmons bill, approves it and says:

"In my opinion the most serious economic problems facing the farmers of the cotton-belt States and the balance of the Nation is that of agricultural finance. Gov. W. P. G. Harding, of the Federal Reserve Board, recently interpreted the law of the Federal reserve banking system to the effect that agricultural loans based on farm products as collateral can not be rediscounted for the purpose of holding such products off the market, the inference being that for farmers to borrow money for the purpose of holding cotton or other staple products of the markets is speculation.

"This interpretation of the Federal reserve law means that when staple farm products are ready for market they must be promptly sold, whether markets are stagnant or not. It means an encouragement or enforcement of the dumping method of marketing, which has always carried the penalty of low prices to the growers. The policy now being generally adopted by farmers to market their products slowly and in an orderly manner to regulate supplies to meet the needs only of legitimate consumption will meet a death blow if the law as interpreted by Governor Harding is enforced.

"As a matter of fact, the Federal reserve system was created by Congress to meet the needs of commercial banking for short-time loans of from 30 to 90 days. The farmer's turnover of his crops can not be made during so short a period of time. It requires practically a year in which to plant, cultivate, and harvest a cotton crop, and eight to nine months in which to sell it in an orderly manner. Neither a 90-day nor 6-month's loan will serve the needs of the cotton growers. Livestock growers need a longer period of loans.

"The agricultural industry of the Nation requires a short-term system of finance covering loans from six months to three years, and to be totally divorced from the operations of the Federal reserve banking system of the commercial loans. Such a system has been in operation for many years in all the leading agricultural countries of the world except in the United States. Senator F. M. SIMMONS, of North Carolina, has recently introduced a bill in the Senate entitled 'The agricultural credits act of 1922,' which is broad and comprehensive. The bill provides the creation of the necessary Federal banking machinery that will meet the needs of short-term agricultural finance in the country. The bill provides for making loans direct to cooperative marketing associations, and individual loans to farmers will be negotiated through local banking institutions, which will become members of the Federal short-term agricultural bank.

"The speedy enactment of the Simmons agricultural credits bill is imperative at this time if the farmers are to be properly financed and the agricultural industry of the Nation brought back to a prosperous basis. Farmers require credits to not only plant, cultivate, and harvest their crops, but also to enable them to market such crops in an orderly manner.

"The dumping of farm products on the market means that prices will be regulated and controlled by speculation and the welfare of the producers left in the hands of distributors. This is the most serious institution confronting the agricultural industry of the South, especially as it relates to the future handling and marketing of cotton. Every possible pressure should be brought to bear on Congress to enact this necessary legislation as speedily as it can be done. The farmers are practically without credits and with no well-defined system of finance to meet their needs. National rehabilitation can not be experienced until the purchasing and debt-paying powers of the farmers have been returned to normal. This can not be done until production is reestablished on a satisfactory basis and the price of farm products so marketed as to meet the cost of production plus a reasonable profit to the growers."

Mr. SIMMONS. Mr. President, I have no pride of authorship in connection with this bill. What I want is legislation to meet what I know to be a crying need.

I want to say to the friends of agriculture in this Chamber that I hope that in connection with this effort to get adequate legislation to relieve the agricultural and stock-raising conditions there will be no politics, but that we will act upon every proposition looking to this end upon its merits. So far as the bill I have introduced is concerned, I am perfectly willing to meet with the spokesman of those Senators who especially represent agriculture, or with all of them collectively, and discuss this bill and every other bill which has been introduced looking to the same end and evolve out of them a satisfactory measure to accomplish the purpose which I think we all have in view. I hope that whatever bill we may agree upon as a substitute for these several bills will be introduced as a substitute, and that we will consider and act upon the substitute instead of upon the original bill.

Mr. FLETCHER. Mr. President, it seems to me the bill has been referred to the wrong committee. I have no objection to it going to the Finance Committee, but the Committee on Banking and Currency considered the farm loan act.

Mr. SIMMONS. I was going to discuss that.

Mr. FLETCHER. There are two amendments to that act now before the committee, and there is another bill bearing on this subject, introduced by the Senator from Wisconsin [Mr. LENROOT], which the committee is now considering. It seems to me the bill should have been referred to the Committee on Banking and Currency.

Mr. SIMMONS. With reference to the proposition I have just made, it does not make any difference what committee the bill has been referred to. If we can agree upon a substitute measure which will be satisfactory and which will stand some chance of being passed during this session in the congested condition we have here, then that substitute can be offered and referred for consideration to whatever committee the Senate thinks should have it.

We ought to follow the practical course, and I know perfectly well that in the conditions we have here we are not going to get enacted legislation, even for this vital purpose, to meet this urgent situation, unless we can come together and agree outside of the open sessions of the Senate upon some measure which will be satisfactory to the friends of the purpose of all these kindred bills.

The Finance Committee has had this bill before it now since April 3, nearly a month, and they have not acted upon it. I am not particularly complaining about that. I know that the majority members of the Finance Committee, at least, have been exceedingly busy in connection with the very important and far-reaching legislation which we now have under consideration—the tariff bill—and for that reason probably they have not had sufficient time to consider and report the agricultural credits bill.

There are bills pending before the Banking and Currency Committee looking to the same end, but not as fully accomplishing that end, I think, as this bill (S. 3390) would. Those bills have not received the consideration to which their importance seems to entitle them, because, I suppose, the members of that committee have been very busy; I do not know how that is.

But my purpose in making this statement is to extend here openly an invitation to every Senator who feels the necessity of this kind of legislation, who recognizes the importance of quick action upon it, who feels that it would be a calamity if we did not act during this session, to meet with other Senators in a nonpartisan spirit and consider these various measures which are proposed, to the end that we may, if possible, reach an agreement as to what is necessary to present that, and by the solid front thus presented make it easy to enact the measure during this session of Congress. It can not be done in any other way, and I feel that I am justified in making that proposition and this appeal, because I say to Senators that the action of the War Finance Corporation, although it has met fairly well the situation which has existed during the last year, having at least greatly relieved it, has been a mere ameliorating process and does not reach the heart of the problem which must be solved if agriculture is to come into its own in this country. If this fundamental industry, upon which is based all of our national prosperity, is to be relieved something more is required than an extension of the life of the War Finance Corporation.

I believe, and I think those who have studied the situation and understand it will agree with me, that it will be extremely unfortunate to the farmers and stock raisers of this country, to say the least, if something is not done at this session which will give them more effective relief than the mere continuance of the War Finance Corporation.

Of course, that continuance is better than nothing; but is there any reason why, in our haste to help the manufacturing interests of this country by imposing additional taxes on the

people, we should deny to the farmers the little modicum of time that is necessary to pass this vital legislation?

In my judgment—and I speak out of experience and, I think, knowledge—there is absolutely nothing which can come before this body of greater importance to more people in this country, and which deserves greater consideration from the standpoint of the public welfare, if you please, than legislation to relieve the deplorable and distressful condition of American agriculturists, and while I am not saying it in any spirit of criticism, I believe it would be a crime against this great and deserving portion of our population to neglect, in the interest of any kind of legislation whatsoever—bonus, tariff, or anything, I care not what—this demand coming from 40 per cent of the population of this great country, 40 per cent who are to-day living upon one basis of prices, and that a basis below the cost of production; buying upon another basis of prices, that far above the cost of production, a situation against which they can not relieve themselves or protect themselves unless they are given equality as good banking and credit facilities as are accorded to those who to-day are enjoying, through their ability to protect their prices, prices which are not only compensatory but are upon a high level of profit.

The only way in which we can relieve this situation is by putting the farmer upon a level, a parity, with the others as to his facilities for credit and for financing his business, and as surely as the day follows the night if we will give him that equality of credit and financial facilities he will be able to hold his own in the contest that must go on between the consumer of the product and the producer of the product, between the speculator in the product and the man who creates the product.

These are in the pending tariff bill duties which it is proposed to levy upon agricultural products. They are in large measure a mere counterpart of the emergency tariff rates which were imposed upon the farmer's products. They were imposed upon the ground that he was entitled to an advance and that those duties would enhance the price of the products. Mr. President, that might have been justified, but only justified upon the theory that his prices were below the cost of production; that they were not living prices; that they were bankrupting prices. Legislation might have been justified to raise those prices, but here we are engaged in an effort to raise prices which are now far above the level of the cost of production, the profits upon which at present prices are absolutely fabulous. If we can give time to that sort of legislation, if we can spend weeks and months here for the purpose of increasing the prices of the manufacturers of the country through the tariff, in the name of God why can we not do something here to increase the prices of farm products, now below the cost of production, not by tariff taxes but by giving the farmer the same opportunities under our financial and banking system that we have so graciously extended to the balance of the laborers and producers of the country?

I think that in asking this legislation I am entitled in the name of the farmers to ask it as in the nature of a demand, a demand that they may have justice and equality under the financial system of our Government as well as political equality under the political system of our country.

Mr. President, I hope the importance of this matter will not be overlooked. If the Finance Committee feel that they can not act upon the matter in due time, I am perfectly willing to recall the bill and send it to some other committee, but I do not think that is the way to get results in the matter. I think the way, the only sure and certain way, of getting results, immediate and quick results, is the method I have outlined, and I again ask every friend of agriculture in this body to cooperate, not with me, but to cooperate among themselves in order to frame a bill that will meet the situation. We did that here some time ago. We had a bill introduced to aid agriculture. It met with opposition which might have brought about its defeat, but the friends of the bill got together and agreed upon the substitute, which was speedily passed.

Now, let us do that same thing with reference to this legislation. Let us forget the suggestion that other things are so important that this matter, which is to my mind of paramount importance, shall be overlooked and passed by and the farmer left for perhaps another year to shift as he can under a wholly inadequate system for the relief of the evils which now press upon him and are grinding him and will continue more and more to grind him. Unless he is relieved, we shall witness in the United States in the near future a debacle in our agricultural activities, the disastrous consequences of which can not be measured.

DEFLATION POLICY OF THE FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, I have been very much interested in what the distinguished Senator from North Carolina [Mr. SIMMONS] has said. I agree with him that it is very important to have legislation along the line suggested by him. I want to tell the Senator that the same power which forced the deflation policy upon the country through the Federal Reserve Board will fight the legislation which he suggests.

This is too fruitful a field, Mr. President, for those people to give up without a struggle. The farmers of the United States have been fleeced by them many times before. When we created the Federal reserve banking system we broke for a time the strangle hold of the Wall Street money power, and all was well for a few years. When that merciless power would undertake to drive the price of agricultural products below the cost of production the Federal reserve banks came to the rescue of the farmer, extended him credits, and enabled him to prevent the sacrifice of his products at destructive prices. Under the old Wall Street banking system the speculators would raid the market at the crop-moving time and beat down the price of farm products. The farmer could get neither currency nor credit with which to fight for living prices, and they forced him to sell at low and unremunerative prices—prices that did not even cover the cost of production. Then when the speculators in that way forced farm products out of the hands of the farmer they put the prices up again, and the consumer was robbed.

They robbed with one hand the farmer, the producer, and then turned and with the other hand robbed the American consumer.

Mr. President, prior to the time that Wall Street got control of the Federal Reserve Board money could be borrowed on farm products. Wheat could be held off of the market when the speculators were beating down the price. The cattlemen of the West borrowed money and were enabled to fight those who undertook to cripple and injure the cattle industry. They could get money; they did get money. The cotton producers of the South also succeeded in doing that under the Federal reserve system before Wall Street got its tentacles wrapped about the Federal Reserve Board and held it hard and fast. We provided in the Federal reserve act that agricultural paper was eligible for rediscount for six months, with the right of renewal.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. HEFLIN. I yield.

Mr. FLETCHER. I wish to interrupt the Senator just at this point before he proceeds further along the line he has indicated to suggest in connection with what the Senator from North Carolina [Mr. SIMMONS] said, that when we framed the farm loan act it provided a financial system to meet the needs of agriculture, especially with reference to long-time credit. At that time the commission reported that the subject of short-time credit would be considered later, but did not then consider that matter was so important as providing the capital needs of the farmers through the farm loan act and through a system of long-term paper.

I agree that we must devise some system of short-term credit. I have not examined the Senator's bill very carefully. I read it over and observed that it was referred to the Committee on Finance. I thought that it ought to go to the Committee on Banking and Currency because that committee has handled such legislation heretofore. However, I am convinced that we do need an extension of the system some way, so as to take care of the short-time needs of the farmer; for six months, or something like that.

I offered an amendment to the farm loan act whereby it would be provided that six months' paper, with farm loan bonds attached as collateral, should be eligible for rediscount in the Federal reserve banks. That would afford an unlimited market for farm loan bonds and in that way supply additional funds needed by the farmers of the country. The Farm Loan Board, however, took the position that there was some question whether the public would absorb any greater quantity or greater volume of farm loan bonds than they had been offering. The amendment I proposed would supply that need of a broader and unlimited market for farm loan bonds.

That matter is pending and, as the Senator from Alabama has indicated, the course of the Federal Reserve Board is to oppose that species of legislation. They consider that a note with a farm loan bond attached as collateral is not liquid security or liquid paper such as is contemplated by the Federal reserve act. I can not see why a farm loan bond at par attached to a six months' note is not just as good as a note taken for the purchase of a horse when before the paper is due the horse may die. That sort of paper is considered perfectly good now and is eligible for rediscount, but the board has said that if it has attached to it a farm loan bond as collateral it is not liquid and therefore not eligible for rediscount.

But there is another feature in connection with this agricultural matter which I draw to the Senator's attention for just a moment, although it is perhaps somewhat foreign to his line of thought. It is having a destructive effect on agriculture and a very discouraging effect. I refer to excessive freight rates, the high freight and express rates obtaining throughout the country, especially the express rates.

I have in my desk here account sales by perhaps a dozen vegetable growers in Florida in which they show conclusively that the producer is taxed on the average about one-half of the gross proceeds of his product in express charges; that is to say, if he ships so many cases of eggplant and his returns are, say, $80, $40 of that amount goes to the express company. That is about the average deducted from the various account sales, nearly one-half of the price paid for the product in the market being taken out by the express company alone. That, of course, is for transportation. That does not include boxing, crating, hauling to the depot, and so forth. That situation ought to be corrected. It is too burdensome. We ship out of Florida over 250,000 carloads of fruit and vegetables, and taxed in this way it is an enormous burden. It is having a more discouraging effect than almost anything that can be imagined.

In that connection I wish to ask permission to insert in the RECORD a clipping from the Washington Star, headlined "Demand for drop in freight rates. Secretary Wallace sees railway concessions or increase in farmers' prices." It is a sort of résumé of an address delivered by the Secretary of Agriculture before the New York Academy of Political Sciences on the 28th of April. It is not very long, and I would like to have it inserted in the RECORD at this point because it stresses some very important features regarding the situation, and especially the need of reduction of freight rates.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

DEMAND FOR DROP IN FREIGHT RATES—SECRETARY WALLACE SEES RAILWAY CONCESSION OR INCREASE IN FARMERS' PRICES.

[By the Associated Press.]

NEW YORK, April 28.—Unless there is a quick reduction in railroad freight rates to "about pre-war levels," or the prices of agricultural products increase sufficiently to equal the rate advance, there will be "profound readjustments" in agricultural production, involving readjustments in industry as well, Secretary Wallace, of the Agricultural Department, declared in an address to-day before the New York Academy of Political Sciences. The "blighting effect" upon agriculture of the present increased level of freight rates, the Secretary said, "can hardly be comprehended."

SUMMARY OF CONCLUSIONS.

What he regarded as the probable effects if present rates were continued "for any length of time" were summarized by Secretary Wallace as follows:

"First, to favor the farmers of South America and Australia at the expense of our own farmers, and all the more so because of the substantial decrease in ocean rates.

"Second, to keep prices of farm products in the large surplus producing States at figures lower than are justified by the investment in land and equipment and cost of production.

"Third, prolong the period of dissatisfaction among farmers and encourage advocates of economic fallacies of all sorts.

"Fourth, improve the position of eastern truck and fruit growers, but add considerably to the cost of milk and dairy products because of the advanced prices of hay and coarse grains necessarily shipped in from the West.

"Fifth, gradually shift industrial enterprises westward, nearer the surplus food-producing territory.

"Sixth, promote sectional rather than national spirit and make more and more difficult large national policies with respect to international affairs."

FREIGHT RATES TAX ON FARMER.

"Present freight rates impose a tax on the farmer of the surplus producing States," Mr. Wallace said, "which must inevitably reduce shipments of coarse grains and hay to the East and which already is causing the fruit and truck growers of the far West and Southwest to turn to water transportation and the wheat growers of the West to use the shorter haul to water for export grains." He cited figures showing that wheat exports passing through Gulf ports had increased from 24 per cent of the total in 1913 to 59 per cent in 1921.

"I am not making a special plea for the farmer as against the railroads. They must work in harmony and understanding. The important point I am trying to make is this, that this Nation has been built up by a system of low railroad rates designed to encourage the movement of our surplus agricultural crops long distances to manufacturing, industrial, and business centers, with a corresponding return haul of manufactured products, and that a sudden reversal of this theory of rate making results in great economic injustice, and if persisted in will keep us in a state of confusion and agricultural and business unsettledness for a long time.

SEES HOPEFUL SIGN.

"The most hopeful sign of the present time is the apparent recognition of the railroad management that our present high rates can not be continued without disaster to the railroads themselves, and that rates must come down to a point not far, if any, above the pre-war levels."

Mr. HEFLIN. Mr. President, I thank the Senator from Florida for the valuable suggestions which he has made. I think it would be a good idea if the Senator from Florida and the Senator from North Carolina were to get together and endeavor to reach an agreement as to what would be the best measure for providing a farm banking system which would answer the needs of the farmer.

As I said a moment ago, before Wall Street secured control of the Federal Reserve Board the farmers borrowed money through the Federal reserve system. There was no complaint in the South in 1918 about getting money to hold cotton against the bear gamblers of Wall Street; we had no trouble about getting money in 1919; neither had the grain growers or the cattlemen of the West. It was not, I repeat, until the deflation policy, which was born in Wall Street, had been adopted by the Federal Reserve Board and took hold of the throats of the farmers of the country that there was hatched up the excuse that the Federal reserve system was not suitable to the needs of the farmer. Well, the law speaks for itself and says that agricultural paper is eligible for rediscount at Federal reserve banks. Mr. President, if I had been in control of the Federal Reserve Board and had wrought the ruin which it has wrought upon the business of two great sections of this country I, too, would say, I suppose, that I had discovered the system was not an adequate one for farm operations. I had rather put the onus on some one else than to confess that I had been responsible for the destruction of property values by the billions of dollars; that I had been responsible for driving men, women, and children penniless from their farms; that I had been responsible, even, for conditions that drove men to take their own lives.

However, Mr. President, if the Federal Reserve Board is to now construe the law to mean that it has not the power and authority to grant accommodations to the farming interests of the United States—which is indeed a late discovery—then we must accept that construction, I presume. I do not know of any power that is going to make the board act to the contrary. This Congress has not—will not do it. The Federal Reserve Board that worked so well and admirably from 1914 to 1920 has fallen under the strange and mystic spell of those who owned and operated the old banking system, hated and despised by honest men and women all over the country.

Mr. President, we were compelled to pass the War Finance Corporation act last year because the Federal Reserve Board failed and refused to meet the credit and currency needs of the agricultural business of the United States. If the Federal Reserve Board had functioned in 1920 and 1921 as it did for four or five years prior to that time, it would have provided every dollar needed for agricultural purposes. We would not have had to pass the War Finance Corporation act. But that board boldly and flatly refused to do as it had done before, perform the functions for which it was created. It permitted the rediscount rate to be raised to 7 per cent, and when we passed the War Finance Corporation bill fixing a lower rate of interest around 5 per cent we forced the Federal reserve rediscount rate down to 4½ or 5 per cent.

What caused them to lower the rate? Walloping them over the head with a club by the War Finance Corporation did it. I helped to pass the War Finance Corporation bill and had a hand in forcing down the rediscount rate of the Federal Reserve Board.

Mr. President, I wish now to comment for a moment upon the suggestion made by the Senator from Florida. He reminds us, in the light of Governor Harding's new position, that while cotton and wheat are not now eligible for loans at a Federal reserve bank, a horse is.

Mr. President, the farmers of the West and those who represent them here will agree with me that wheat may be put into an elevator and preserved, and that there is no danger of spoiling if it is properly cared for, while there is danger of the horse dying in an hour, as the Senator from Florida has said.

One may take a bale of cotton and put it in a dry place; he may put it in a bonded warehouse, and it affords the best security in the world. It may be preserved for 1 year, for 10 years, for 50 years, and longer, and it will then be good to spin. No insect pest can harm it after it has been ginned and baled; no insect ever then attacks it; and yet the ruling is that cotton for holding purposes is not good for collateral now at the Federal reserve banks, but that a horse is as good as gold. Those who produce cotton, the wherewithal to clothe the world, are turned down, but the one who owns a horse can get money on his paper with that horse as collateral.

Mr. President, the Senator from North Carolina has told the truth to this body about the deplorable condition of the farmers of the country. It may be surprising to some of the Senators from the North and West to learn that the plowmules which our farmers of the South bought from their people and for which they paid $250 and $300 apiece are now selling for $20 and $30 and $50. The Senator from Georgia [Mr. WATSON] called our attention the other day to an instance in Atlanta, Ga., where mules had been sold down there under a forced sale for $12 a head.

This is a serious situation to the farmers of the country, Senators. When I look back the picture comes to my mind of the prosperity that existed in 1919. The farmers of the South were prosperous; the farmers of the West were prosperous; everybody had employment, and the country at large enjoyed a large measure of prosperity, but in three short years all of that prosperity has been swept away, and last year, I believe it was, the State of Texas, the greatest cotton-producing State in the Union, by an act of its legislature suspended the payment of taxes by the farmers of that State.

Mr. President, there is something radically wrong when one group of people under a government has such control over the finances of the country, over the very lifeblood which circulates through the body of business, that they can strike down business and absolutely paralyze industry in a few weeks, as they have done in the instance to which I have referred.

I am heartily in favor of passing whatever law may be necessary to meet the needs of the farmers of the country.

The money changers have gotten hold of the governing board of the great banking system which we created, as the Senator from North Carolina has said, the greatest banking system ever devised by the genius of man. What are we to do? We are to drive them out of control just, as I said before, Christ drove the money changers out of the Temple of Jerusalem. Certain changes must be made in the law.

Mr. President, it is a sad sight to me to see men once prosperous and happy standing about despondent, weary of distressing conditions that exist, and looking in vain for deliverance from such conditions. I know farmers who were getting along fairly well two and a half or three years ago who are now dispossessed of their farms; their property has been swept away under mortgages given when the dollar was inflated. The dollar was deflated and they were compelled to pay with a deflated dollar debts incurred under an inflated dollar. So they are stricken down; they are robbed, and the country is in a deplorable condition.

Mr. President, why not compel the Federal Reserve Board to restore to circulation the money which it has in the vaults of the Federal reserve banks? I had a talk to-day with the governor of the Federal Reserve Bank of Atlanta, Mr. Wellborn. He said to me, "We have more money than we know what to do with." Yet, Mr. President, distress prevailing within 30 miles of Atlanta, and not only in Georgia but in my State and in the other Southern States, as it is all through the West.

Money is piled up in the Federal reserve banks; those banks gathered it in under the deflation policy when agriculture fell down; when industry was tied up and 7,000,000 men were driven out of employment. They now say, "We have more money than we have ever had; we have more than we know what to do with." I asked the gentleman to whom I have referred, "Why do you not loan it out?" He replied, "Nobody seems to want it." Think of that! Nobody wants it! Mr. President, if I had control of the purse strings of these banks for a while I could lend in ten or fifteen days a billion dollars and more to the farmers of the South and West on good security, better security, in fact, than is back of a great deal of the money which is loaned in New York on speculative collateral.

If a farmer produces grain to feed the world and you tell him at the bank that you will not help him to get a good price when he comes to the market place and he tells you he will quit raising grain, what is the proposition that confronts you? You are confronted with the proposition that the people are going to starve because you have such a financial system that he who produces the wherewith to feed the world must starve in the process; and no just government will stand for such a policy.

What happened when this deflation policy came on? You tied up cotton and the price commenced to go down, and we came to this board and asked if they were going to let us have money with which to fight this battle against the speculator, and they said they could not let us have it for speculative purposes. What is a speculative purpose? If I have cotton and the price of it is 30 cents a pound, and they beat it down to 25, and I say: "I have got to get 30 cents in order to get the cost of production plus a profit," and I want to borrow money in order to fight the man who is trying to take it away from me, they say it is for speculative purposes; and that board turned its back upon the farmers of the South and refused to let them have money during that trying and terrible ordeal, and what happened?

They drove this cotton out of the hands of the producers, and the foreigners bought it at a low price, and the producers here were impoverished. That is what happened.

Mr. President, I want now to bring to the attention of the Senate another thing—the article read by the Secretary from the newspaper in North Carolina from W. P. G. Harding, stating that he had construed the law to mean that you could not borrow money for the purpose of holding farm products. I know that we used to borrow it, as I said, but he has placed a new construction upon the law. Mr. President, he can not escape, nor can the board escape, the fact that there was a conspiracy to rob the South, to drive this cotton out of the hands of the producers of the South; and I want to invite the attention of the Senator from Arkansas [Mr. ROBINSON] and the Senator from North Carolina [Mr. SIMMONS] and others to this statement: The progressive interest or rediscount rate was employed only at the Atlanta bank, the Dallas bank, the Kansas City bank, and the St. Louis bank. Did you know that, Senators? Does not this fact clearly show that there was a distinct understanding that money was not to be furnished to the cotton producers to enable them to hold their cotton for a profitable price?

The progressive rate was not invoked against a single bank outside of the agricultural South and a part of the West.

Why was it that right in the midst of the battle, at the height of the cotton-moving season, the South had the progressive rate applied to her when she was fighting the gamblers of Wall Street, trying to hold cotton so that she could obtain the cost of production plus a profit? Why was it that Gov. W. P. G. Harding and his board applied the progressive interest rate to the Atlanta Bank, the Dallas Bank, the Kansas City Bank, and the St. Louis Bank, the banks located in the heart of the farming section of the country? Why was that? Those are the only 4 banks out of the 12 to which they applied the progressive rediscount rate; and I assert again that they charged one little bank in my State the progressive rate from 7 up to 87½ per cent. The bank was crying out: "Give us a little more. We will come out if you will help us to fight through. We have got to have it." The board said: "All right; you can have it. You pay 35 per cent," and on up to 50, 60, 70, 85, 87½ per cent.

It reminded me of the struggling swimmer in the ocean who swam up to a lifeboat, and a vicious pirate had a sharp ax in his hand, and when the swimmer reached up and caught his hand on the lifeboat in the effort to save his life, the pirate, with only three others in the boat, chopped off his four fingers. Then he held on with his thumb, and the pirate chopped off his thumb.

Then the swimmer reached up the other hand and the pirate chopped the four fingers off that hand, and then he chopped off the thumb, and down the swimmer went and drowned in the sea. That is what the Federal Reserve Board did to us in the South.

Farmers who obtained 40 cents a pound for cotton in 1919 were coming into the market place in 1920 with cotton that cost 30 cents a pound to produce. The speculators beat the price down below the cost of production, and the farmer reached up his hand and said, "Let us get on the lifeboat; save us; we are sinking; you can do it"; and they commenced the chopping process and chopped off their hands, and the cotton producers drowned in the sea of financial disaster.

Mr. SIMMONS. Mr. President, the Senator has just described one of the organized financial drives against one of the great staple products of this country. It is not an unusual performance. Those drives are common. Their objective is to get the crop for less than it is worth.

Mr. HEFLIN. And then to sell it at a high price.

Mr. SIMMONS. The success of such a drive is made possible by the fact that the farmer, having no adequate facilities of credit and finance, is not able to protect himself against the wolves who make it.

Mr. HEFLIN. Absolutely. I am agreeing with the Senator. Since the Federal Reserve Board has ruled that it has no authority to grant these loans, we must legislate to meet that condition; but I have been showing that they did meet it before, and the Senator from North Carolina has been compelled by subsequent developments to meet a condition that is deplorable, indeed. There is no difference between us, Mr. President. The Senator is right. They make these drives every time the farmer gets ready to sell his crop, whether it is grain or cotton, and when he starts to the market they commence to beat down the price. Why? So that they can buy it at a low figure; and then, when they get it and he has parted with it, they put up the price. Why? So that they can make money by the millions. That is why. It is wrong for a government to permit such a thing to be done. That is where my complaint lies.

Mr. President, I was just about to say that the best way to prevent crime by the wholesale in this Government is to denounce both the crime and the criminal. If you let a man get away with a big deal and steal like that which they perpetrated against the South and West in 1920 and 1921, they will do it again, and trust to their shrewd ingenuity to get away with it.

The condemnation of the deflation crime of '20 must be made so often and so strong that such a crime will never be undertaken again.

BUREAU OF ENGRAVING AND PRINTING.

Mr. STERLING. From the Committee on Civil Service I report adversely Senate Resolution 209, authorizing the appointment of a committee to report the facts and reasons relative to the removal by order of the President of responsible officials of the Bureau of Engraving and Printing, and I submit a report (No. 680) thereon. I ask that the resolution be placed on the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

DISCHARGE OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. STERLING. I also report back adversely from the Committee on Civil Service the resolution (S. Res. 271) requesting the President to inform Congress as to alleged demotion, dropping, and discharge of honorably discharged sailors and soldiers from the service since March 1, 1921, and I submit a report (No. 681) thereon. I ask that the resolution be placed on the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The Secretary will state the first amendment of the Committee on Finance.

The ASSISTANT SECRETARY. On page 2, line 6, after the word "containing," insert the words "by weight," so as to read:

Acetic acid containing by weight not more than 65 per cent of acetic acid, three-fourths of 1 cent per pound.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McCUMBER. I ask unanimous consent at this time that when the Senate closes to-day's session it recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. I desire to say that probably after to-morrow I shall ask that we recess over until 11 o'clock, but I felt that inasmuch as Senators probably had made different arrangements for to-morrow morning I would not make the request to apply to to-morrow.

Mr. KING. May I inquire of the Senator how long he desires to have the session continue this afternoon? I think I shall conclude my general observations in perhaps half an hour, and then we will be ready to proceed with the first item, acetic acid, followed by acetic anhydride, and take up the items consecutively, as the Senator desires.

Mr. McCUMBER. Does the Senator think he can get through in about half an hour?

Mr. KING. I prefer to proceed to-morrow morning, and I shall get through in half an hour with the general statement.

Mr. McCUMBER. Could not the Senator finish to-night?

Mr. KING. I will do whatever the Senator from North Dakota desires.

Mr. McCUMBER. I do not want to impose on the Senator, but——

Mr. McNARY. If the Senator from Utah does not desire to go forward to-night, I hope to get unanimous consent to bring up the conference report on the Agricultural appropriation bill.

Mr. KING. May I suggest to the Senator from North Dakota that it will facilitate matters if that is done, although I am ready to proceed to-night if the Senator desires.

Mr. McCUMBER. I want again to call attention to the fact that this is the eleventh day we have had the bill under discussion, and I was in hopes at least to be able to indicate to the country that we had made some progress; that we could probably adopt the first amendment, simply adding the two words "by weight." I would be glad if the Senator would allow us to vote upon that amendment at the present time.

Mr. KING. Mr. President, I would be very glad to gratify the Senator, but I can not, because I am going to discuss acetic acid, and I intend to move that it be put upon the free list. I think I can offer an amendment to the amendment of the committee which adds the words "by weight," the effect of which amendment to the amendment would be to restore acetic acid to the free list.

Mr. McCUMBER. Does the Senator think he can have that ready so that we can have a vote to-morrow on the acetic acid item?

Mr. KING. I shall be ready to proceed with the discussion of it as soon as I complete my general statement. My discussion, I hope, will not be long, and then we can take a vote.

Mr. WILLIS. The Senator from Oregon [Mr. McNARY] advises me that he does not look for any extended discussion of the conference report. Why not let the Senator from Utah finish his general statement to-night, and we shall gain half an hour.

Mr. KING. Why not permit the Senator from Oregon to present the conference report?

Mr. WILLIS. We can do both. I want to hear the Senator's speech. I have heard much of it to-day, and I would like to hear the rest of it this evening.

Mr. KING. Of course, the Senator from Ohio does not mean what he says.

Mr. WILLIS. The Senator from Ohio does mean what he says. He has listened with great delight to the Senator to-day, and he is in the mood now, and would like to hear the rest of the Senator's speech.

Mr. McCUMBER. I shall not object to taking a recess as soon as the Senator from Oregon gets action on his conference report. I ask that the tariff bill be temporarily laid aside for the purpose of taking up the conference report mentioned by the Senator from Oregon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. McNARY. I ask unanimous consent that the conference report on the disagreeing votes of the two Houses on House bill 10739, the Agriculture Department appropriation bill, be taken from the table.

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10739) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, 12, 17, 19, 27, 28, 29, 42, 44, 46, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 13, 14, 18, 20, 22, 30, 31, 32, 33, 34, 35, 36, 48, 52, and 54, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,425,246"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,968,076"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$582,505"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,030,350"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,527,910"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,097,282"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,562,302"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$954,561"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,277,631"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,381,300"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,585,960"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$290,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,769,180"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three persons at a rate not to exceed $6,500 each per annum"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 40, 41, 42, 50, 51, 57, and 58.

CHAS L. McNARY,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. KING. May I inquire of the Senator whether that is a final disposition of the conference report?

Mr. McNARY. I may state that the conferees of the House and Senate agreed on every item, particularly those with reference to appropriations. The disagreements are only where there was language employed which went out in the House on a point of order but was reinserted in the Senate, and it has to go back for confirmation to the floor of the House. That is required by reason of the House rules. It does not involve any disputed question so far as the conferees are concerned; it is only a matter of form in order to comply with the rule of the House.

I move that the Senate still further insist upon its amendments still in disagreement, request a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. McNARY, Mr. JONES of Washington, and Mr. OVERMAN conferees on the part of the Senate at the further conference.

THE TARIFF.

Mr. McCUMBER. I ask that the tariff bill be again laid before the Senate as the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess, the recess being, under the order previously made, until to-morrow, Tuesday, May 2, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 1, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, for a day so rare which gives us to feel that we are of the household of God, we give Thee thanks. Vouchsafe unto us the interpreting light of Thy spirit, from which spring the best things in human thought and conduct. Strengthen us in the exercise of all noble aspirations. Grant Thy peace to all hearts and give relief to any who may be weary. Give guidance to the study of all things that make for happiness and prosperity and continue to look with divine favor upon our fair land. Through Christ. Amen.

The Journal of the proceedings of Friday last was read and approved.

EXTENSION OF REMARKS.

Mr. APPLEBY. Mr. Speaker, I ask unanimous consent to extend in the RECORD, in 8-point type, some remarks I made at the dinner of the Ocean County Republican Club, at Lakewood, N. J., on April 27, 1922.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend in the RECORD, in 8-point type, his remarks made at the Ocean County Republican Club, Lakewood, N. J. Is there objection?

There was no objection.

REMARKS OF HON. T. FRANK APPLEBY AT THE DINNER OF THE OCEAN COUNTY REPUBLICAN CLUB AT LAKEWOOD, N. J., APRIL 27, 1922.

The Republican Party has always been recognized as the constructive political party of this country. It has ever been on the offensive, seldom on the defensive. But at the present time so many attacks on Congress are being broadcasted by the Democratic Party that I, as your Representative in Congress, feel constrained to accept the challenge of our opponents who claim that the present Congress has done nothing. The representatives of the Republican Party this fall will present to the voters of this and other congressional districts a record of achievements not only of constructive legislation but rehabilitation of economic and financial conditions that can be measured only by the magnitude of the obstacles it was necessary to surmount before a return to national normality could be brought about.

TWELVE MONTHS OF REBUILDING.

President Harding was inducted into office a little over one year ago, and the Sixty-seventh Congress took up its duties about the same time. Since the signing of the armistice, a little more than two years previous, the former administration had been drifting in the midst of war problems. These problems were hard enough when the war ended, but they became worse and worse as time passed and neglect continued. The Republican Party was confronted with the responsibility of adjusting matters. This Congress took up the work and set itself to the task of not only reducing the enormous governmental expenditures but bringing about a business rehabilitation through the conducting of the Government business in a businesslike manner. Even in this short time it has paid off billions of dollars of debts that were piled up during the war period, provided for other obligations of a short-term character, arranged for the refunding of other debts, and at the same time reduced taxes to as great an extent as possible in accordance with promises made.

PROMISES TO TAXPAYERS REDEEMED.

As an evidence of this reconstruction we may note the rapid rise in the value of Liberty bonds during the past year, which is one of the many indications of returning prosperity.

The rise in these securities in the last 12 months amounts to approximately $2,000,000,000. Among the benefits accruing to the people from the revision of the income tax law by this Congress may be mentioned the increased exemption for married men from $2,000 to $2,500, which affects favorably 60 per cent of the income taxpayers; nuisance taxes have been remitted as well as taxes on athletic goods of all kinds, being a direct benefit to all of our schools and educational institutions; transportation taxes, both freight and passenger, removed; excess-profits taxes removed; surtaxes have been reduced; and small exemption granted on matured building and loan stock.

The enactment of the Budget system, which was vetoed by President Wilson, has exercised a wholesome influence in the limitation of public expenditures, and was a necessary step in the policy of putting more business into Government to which our party is pledged.

VITAL LEGISLATION ENACTED.

Congress very quickly passed the emergency tariff act, which is acting as a stay against the flood of cheaply manufactured European products.

A permanent tariff bill, with the American valuation plan, has passed the House and is now pending in the Senate. Extreme care has been taken in the framing of the measure, and when the bill becomes a law Republican capacity and statesmanship will again vindicate itself and justify the people's verdict.

The soldier's compensation act, commonly called the bonus bill, recently passed the House and will shortly be acted upon by the Senate.

The Veterans' Bureau act, creating the bureau for the care of wounded and disabled veterans of the World War, and which is now being operated at a cost of some $400,000,000 annually, is affording relief to these deserving veterans.

The immigration restriction act amending the immigration laws was passed limiting the annual immigration to 3 per cent in any one year as applied to the various foreign populations as represented in the United States.

The Volstead Act has been amended, which should bring about a better enforcement of the prohibition laws. Regardless of what one may think of national prohibition, there should be no serious difference of opinion among patriotic people as to the importance of enforcing laws, especially laws imbedded in the Constitution. And just here I want to call the attention of the so-called "wets" to the fact that prohibition is not the only issue in the coming campaign.

The Army and Navy appropriation bills have both passed the House, and in each branch the appropriation has been materially reduced. The Navy bill in particular carries out the ideas and thought of the Limitation of Armament Conference called by President Harding. And I might add that the United States Senate has the distinction of being the first interested body to ratify the seven treaties of the armament conference. The Army and Navy bills as vetoed by President Wilson were enacted into law this year and carried appropriations of $000,000,000 less than the amount recommended by Secretaries Baker and Daniels. Secretary Weeks reports a saving of $40,000,000 in one year in his department.

The War Finance Corporation has been revived, and has proven a great assistance to the agriculture interests of the country.

The Federal highways act has been passed, carrying with it an appropriation of $65,000,000 for the coming fiscal year.

The maternity bill, pledged by the Republican Party in the last campaign and advocated almost unanimously by the recently enfranchised women of the land, has been enacted into law.

The antilynching bill has passed the House and is now pending in the Senate.

NEW LEGISLATION OF INTEREST TO NEW JERSEY.

The rivers and harbors bill has been reported to the House and is now on the House Calendar for action. One of the most important items of this bill authorized by the Rivers and Harbors Committee calls for a 30-foot channel starting from Sandy Hook and extending to South and Perth Amboy via Arthur Kill, and thence to upper New York Bay. The bill also authorizes surveys for Double Creek and West Creek, Ocean County.

You will pardon my mentioning some of the bills which I have introduced, which when enacted into law should be of the greatest benefit to this district, such as the oil-pollution bill, of which Senator FRELINGHUYSEN has introduced a similar bill in the Senate, making illegal this evil which is destroying the bathing and fishing; and the joint resolution calling for an international conference on the oil-pollution evil, which was favorably reported to the House by the Committee on Foreign Affairs yesterday, which agreement, if entered into, would stop the dumping of this refuse oil on the high seas. The Barnegat Light legislation has not been completed, but Senator FRELINGHUYSEN is cooperating with me in this matter and we are using our best efforts to secure relief for this historic light. I have secured an appropriation for additional aids to navigation in Raritan River and Bay, which when the new lights are installed will give these waters a 24-hour transportation service. My latest bill, introduced this week, provides for Federal aid to supplement State and municipal aid in the protection of the beaches of the New Jersey coast.

APPROPRIATIONS CUT BY BILLIONS.

With this summary of new legislation, one naturally inquires as to its relation to the promised reduction of the operating expenses of the Government. In reply I would say that I am reliably informed that the cost of running this Government for the current fiscal year will be approximately $3,947,000,000, which will be $1,600,000,000 less than the current expenses of last year. I also want to call your attention to the fact that the rates of discount of the Federal reserve banks are now 4½ per cent for commercial loans, very considerably less than one year ago.

BUSINESS GAINS IN EVERY DEPARTMENT.

Business generally shows an improvement. The building permits of 154 cities of the United States for the month of March, 1922, as compared with this same date last year, shows a gain of 96 per cent. Both freight tonnage and industrial employment is on the increase. What is particularly needed at this time is a little more confidence in our ability to carry on enterprises. We must remember that for the present, at least, our international trade, while important, must of necessity be curtailed until conditions in European countries become more stable. We should remember that legislation, neither State nor National, will cure all the ills of business and commerce. We may not and probably will not be able to complete the program laid out by the administration at this session of Congress, but we have already done much of it, and we will present such a record of real achievement to the people this fall that they will confirm the verdict of the last election.

Thus I have given you in part the constructive program of the Republican Party in Congress for the past year. Personally I have endeavored to give to the high office to which you elected me my best efforts, not only in constant attendance but in offering bills to the House providing for constructive legislation. Our party will go before the voters of the country upon the record of the entire Congress, both Senate and House. Our endeavors have been to cooperate with President Harding in carrying out a program of national reconstruction. You and I have abiding faith in the future of America, and believe in the restoration of and the continuation of prosperity. The achievements of the first year of the Harding administration have been partially enumerated and with which we gladly go to the country for the people's verdict. The American people are fundamentally just, and in their aggregate and ultimate decision they are right, and upon their verdict we rest our case.

RELIEF OF CERTAIN PERSONS EMPLOYED IN POSTAL SERVICE.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to strike from the Union Calendar House Joint Resolution 113, for the relief of certain persons employed in the Postal Service. It does not belong there; it is a part of a law that was passed last year.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to strike from the Union Calendar House Joint Resolution 113, to relieve certain persons employed in the Postal Service, and that the bill be laid on the table. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 10007) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Halleys Ferry and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 26 they had presented to the President of the United States, for his approval, the following bills:

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices;

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;

H. R. 8890. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 9671. An act to amend section 87 of the Judicial Code;

H. R. 1000. An act for the relief of H. C. Mullins, his wife, and minor children;

H. R. 6686. An act for the relief of George Cissek and Anna Cissek;

H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof;

H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler; and

H. R. 7272. An act for the relief of Monroe B. Shealy.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day the Calendar for Unanimous Consent is in order, and the Clerk will report the first bill.

LAKE GEORGE, YAZOO COUNTY, MISS.

The first bill on the Calendar for Unanimous Consent was the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice and remain on the calendar.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bill be passed without prejudice and remain on the calendar. Is there objection?

There was no objection.

INDIANS OF THE MESCALERO RESERVATION, N. MEX.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 6294) promoting civilization and self-support among the Indians of the Mescalero Reservation in New Mexico.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire of the gentleman having the bill in charge whether this sum of $250,000 should be available for all time, or whether there should not be some time limit placed on its expenditure?

Mr. MONTOYA. Mr. Speaker, the gentleman from Missouri [Mr. ROACH] has charge of the bill. He is not here, and I ask that it be passed over without prejudice.

The SPEAKER. The gentleman from New Mexico asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

AMENDING SECTIONS 5549 AND 5550 OF THE REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

Mr. CRISP. I was about to ask that, Mr. Speaker; my colleague, Judge BRAND, is very much interested in it, and he is in the hospital.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

TO VALIDATE CERTAIN DEEDS EXECUTED BY THE FIVE CIVILIZED TRIBES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 11054) to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I think some explanation should be given to the House before the objection stage is passed as to the need of this measure.

Mr. McCORMICK. I did not understand the gentleman's objection.

Mr. STAFFORD. It is rather an important bill, and I think some explanation should be made as to the need of it before the objection stage is passed.

Mr. McCORMICK. I am glad to give the gentleman a short statement. It is made necessary because under several acts of Congress the Indians of the Five Civilized Tribes of Oklahoma were authorized to alienate their land under certain conditions, and they have in a good many instances done it by specific authorization of the Secretary of the Interior, as provided by law. A part of the land they have alienated is located in Tulsa, Okla., and some cloud has been cast on the title of valuable real estate in Tulsa and other parts of Oklahoma by virtue of the fact that certain of the Indians who heretofore alienated their land, with the consent of the Secretary of the Interior, are now seeking to have the conveyance set aside. It is provided in the bill that wherever the conveyances have been made through fraud or duress this bill shall not apply to defeat the purposes of such litigation. This bill is for the purpose of quieting title and preventing litigation, which, in the opinion of the committee and the Secretary of the Interior, would be useless and unjust at this time.

Mr. STAFFORD. Do I understand the gentleman to hold that the claimants who are seeking to set aside the conveyances of this land have already received full compensation by reason of a prior conveyance?

Mr. McCORMICK. It is the opinion of the committee after hearings that full compensation has been received by all these claimants who are now seeking to recover. I may say that among these claimants are two or three who are endeavoring to disturb settled rights in the city of Tulsa, to the disadvantage of that city and all the people of that region, and in an inequitable manner.

Mr. STAFFORD. What is the reason for seeking congressional aid when the claimants have the courts to resort to for protection, like any other owner of land?

Mr. McCORMICK. The purpose of seeking congressional aid in that where full value has been given Congress ought not to permit litigation to come in after a series of years where the rights have been vested under certain acts of Congress and with the approval of the Secretary of the Interior—Congress should not sit by and allow such rights to be litigated in the courts for years.

Mr. STAFFORD. The claimants are seeking to take advantage of technicalities which are really not in good faith?

Mr. McCORMICK. In so far as these claimants can set up that they alienated their property under duress or fraud of any character the present act does not apply. Congress allows them to go ahead and litigate their cases, but if nothing of that character is set up the Congress absolutely forecloses the bringing of these apparently inequitable suits after this lapse of time.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

Mr. EVANS. Mr. Speaker, reserving the right to object, I want to ask the gentleman another question. Will this act affect the question of heirship, where there is disputed heirship? To make myself clear, when the act was first passed the rules under which heirs were declared were very liberal. Since then, many times cases where there has been a declaration of heirship have been set aside and subsequent heirs have been discovered who were lawful heirs. Will a case of that kind be affected by this act?

Mr. McCORMICK. Of course, the gentleman will understand that where there is an alienation in the first place, the right of the heirs is foreclosed so far as holding under the one who alienates is concerned. This bill does not affect the right of any heir who can prove that the land was originally alienated through fraud or duress.

Mr. EVANS. Suppose a case of mistake.

Mr. CHANDLER of Oklahoma. This will not affect that.

Mr. McCORMICK. In cases of mistake there is the usual equitable remedy. If it can be proved that a substantial mistake has been made I am certain that heirs can come in.

Mr. CARTER. Mr. Speaker, reserving the right to object, is not the purpose of this bill really curative legislation to take care of cases where the courts had decided some deeds to be invalid?

Mr. McCORMICK. The only litigation I know of that would be affected by this bill, that is now pending, is litigation that has gone to the Supreme Court of Oklahoma, where certain claim-

ants received a favorable verdict in the lower court, but which verdict has been reversed by the Supreme Court of Oklahoma. One or two of them now propose carrying their cases to the Supreme Court of the United States to the entire unsettling of realty and business conditions in the city of Tulsa, Okla.

Mr. CARTER. Let us take, for instance, this case. Prior to April 26, 1906, the Secretary of the Interior was authorized to remove restrictions on Indians whom he thought competent, or to grant what is known as a qualified removal of restriction, authorizing the sale of these allotted lands under supervision of the department. That proceeded for a while, and the Secretary found that in some cases advantage was being taken of the allottee, because the purchaser of this particular tract of land or the prospective purchasers had an agent here in Washington who immediately wired them when the restrictions were removed. As they were the only men who knew the restrictions had been removed, they would be the only purchasers. Because of no competition the land would naturally bring less. In order to prevent that the Secretary inaugurated a plan of removing restrictions 30 days in advance; that is to say, he would issue an order to take effect 30 days after its issue. If Johnny Jones applied for a removal of restrictions and they were removed on April 10, 1905, say, the removal did not become valid until May 10, 1905.

On April 26, 1906, an act was passed which prevented the Secretary from removing these restrictions and left that power solely in the hands of Congress. Prior to April 26, 1906, within 30 days of that time, the Secretary had issued several of these orders which made the actual removal of restrictions take place after the passage of the act of April 26, 1906. Those cases have gone to the court, and the court has decided that since the actual removal of restrictions was to take place after the act of April 26, 1906, was passed, although the order was issued before, the deeds did not come within the act and were invalid. It is true that the purchasers paid, perhaps, the full price for all those lands, and they ought to be protected, but it is furthermore true that in some cases since that time valid deeds have been given for these same lands by allottees to other innocent purchasers. There ought to be some protection, it seems to me, afforded those later purchasers, who are bona fide purchasers.

Mr. McCORMICK. Of course, the gentleman will not contend that any of these lands have been alienated without the consent of the Secretary of the Interior.

Mr. CARTER. Perhaps I did not make myself clear.

Mr. McCORMICK. All of these alienations have taken place with the consent of the Secretary.

Mr. CARTER. No; the Secretary had nothing to do with it. By the act of May 27, 1908, Congress removed the restrictions on about 9,000,000 acres of these lands, and allottees have since that time transferred these lands without consulting the Secretary.

Mr. McCORMICK. The gentleman does not contend that these Indians have not received full price for the value of the land as it was sold at that time, for the purpose of this objection.

Mr. CARTER. I know of no case where the Indian did not. The only fault I find with the bill is this, that in a case where one of those deeds was held invalid, if some innocent purchaser has since come in and bought the land and procured a valid deed for it, there ought to be some protection given to him.

Mr. McCORMICK. On the other hand, the gentleman will understand that there have been several transfers of property that were in the first place alienated by the Indian allottee. There has been a variety of transactions, extending to transfers, perhaps, to the third and fourth degree in the city of Tulsa, Okla.

Mr. CARTER. Yes.

Mr. McCORMICK. And these transactions will likewise be seriously disturbed. It was the opinion of the committee that it would serve public interest and operate to the quieting of business conditions in the city of Tulsa, and other parts of Oklahoma, if this remedial legislation were enacted, especially as it never has been contended that the Secretary of the Interior did not give his consent to the original alienation.

Mr. CARTER. There is no doubt about the Secretary's action. The difficulty is that the courts have held the Secretary's action unauthorized by law. The gentleman has one thing in mind, and he is not discussing the matter I brought up. The matter he has in mind is the town-site cases, and the matter I have in mind, which comes under the same act, is the case where a man sold his land and that deed has been declared invalid by the Supreme Court of the United States. The man received an adequate price for his land; I do not contend that he did not. The purchaser at that time gave an adequate price, but he did not receive a valid deed. The courts held it to be invalid, and that allottee, the Indian, has since sold that land and given a valid deed to the land to some other purchaser. Where does he come in?

Mr. McCORMICK. Of course this legislation, the gentleman will understand, operates to validate the first alienation. In other words——

Mr. CARTER. That is what I am speaking of. Suppose——

Mr. McCORMICK. Is not that the transfer which we would seek to validate rather than a subsequent one?

Mr. CARTER. The gentleman means validate?

Mr. McCORMICK. Yes.

Mr. CARTER. That is true; but suppose the court held that the transfer was invalid, and after the courts had already passed upon it and it had become res adjudicata, then along comes another man and in good faith purchases that land—pays as much or more—is not he entitled to some protection?

Mr. McCORMICK. The gentleman has not in mind any specific cases passed on by the Supreme Court——

Mr. CARTER. Yes, I have. Where the Indian received adequate pay for his land, and where there was no fraud or duress, that deed ought to be declared valid unless subsequent to that time a valid deed has been given to some other purchaser.

Mr. McCORMICK. The gentleman has not in mind any subsequent deed, has he, that has been made after the first alienation?

Mr. CARTER. I know it would be possible.

Mr. McCORMICK. It would not be possible if this legislation were enacted.

Mr. CARTER. Not hereafter.

Mr. McCORMICK. We are trying to remedy that situation by this legislation.

Mr. CARTER. I am speaking of deeds already executed under subsequent acts, such as the act of May 27, 1908.

Mr. McCORMICK. Of course, the gentleman understands deeds are recorded, and this would not permit of the practice of a man alienating his land twice.

Mr. CARTER. If the court holds the old deed is invalid, not on the vendor's account but on the account of the fellow who purchased the land innocently and who purchased it after the court had held the other deed was invalid, I think that ought to be taken into consideration.

Mr. McCORMICK. If there are any cases where the Supreme Court or the court of last resort has finally held the deeds invalid and the property rights existing by virtue of the subsequent deeds have been adjudicated by the court, this bill has not for its purpose the disturbing of any adjudication by such court of last resort.

Mr. CARTER. Let me read what it says:

That any conveyance of allotted or inherited Indian lands by any member of the Five Civilized Tribes, or his or her heirs, which may have been heretofore approved by the Secretary of the Interior, or any order heretofore issued by the Secretary of the Interior authorising the removal of restrictions from lands belonging to such Indians under and in accordance with or purporting to be under and in accordance with the acts which are named.

Mr. McCORMICK. Of course, the gentleman has raised a very nice legal point. It is my contention that where the question of alienation has been decided by the court of last resort that establishes a vested interest which could not be possibly affected by an act of Congress.

Mr. CARTER. I think the gentleman is correct about that; but still it would appear that this bill undertakes to do that very thing.

Mr. McCORMICK. The bill, in so far as it undertakes to do that, and certainly such language could not be read into the bill, would be absolutely unconstitutional. It would not be operative at all.

Mr. CARTER. Perhaps the gentleman from Oklahoma [Mr. CHANDLER] can give us some light on this. He is familiar with it. What I wanted to know is, what becomes of the fellow who makes the second purchase under this bill, a valid purchase of lands in cases where the courts have declared the first deeds invalid?

Mr. CHANDLER of Oklahoma. Since talking with the gentleman from Oklahoma [Mr. CARTER] this morning I had a talk by phone with the Assistant Commissioner of Indian Affairs, Mr. Meritt, and he advises me that the bill takes care of that very situation; that it does not affect those already adjudicated by the court; that they have gone over this bill very thoroughly, and the matter which the gentleman complains of is taken care of in this bill. For your information I wish to say that I drew a bill which I introduced, and it was referred to the Department of the Interior. They objected to it because they claimed it did not take care of the situation that the gentleman speaks of.

I wrote another bill, and I introduced that, and they still complained of it. I went to the Interior Department, and after a number of conferences they corrected the bill and drew this particular one, so as to take care of the situation complained of, and they say that this will not apply to the cases the gentleman mentions.

Mr. CARTER. I am glad to have that assurance. I shall not object to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11054) to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes.

Be it enacted, etc., That any conveyance of allotted or inherited Indian lands by any member of the Five Civilized Tribes, or his or her heirs, which may have been heretofore approved by the Secretary of the Interior, or any order heretofore issued by the Secretary of the Interior authorizing the removal of restrictions from lands belonging to such Indians under and in accordance with, or purporting to be under and in accordance with, the acts of March 1, 1907 (31 Stat. L. p. 883), June 30, 1902 (32 Stat. L. p. 502), March 3, 1903 (32 Stat. L. p. 996), April 21, 1904 (33 Stat. L. p. 204), April 26, 1906 (34 Stat. L. p. 145), June 21, 1906 (34 Stat. L. p. 373), and May 27, 1908 (35 Stat. L. p. 312), or under any of said acts be, and the same are hereby, confirmed, approved, and declared valid from the date of such conveyance or order: *Provided*, That nothing in this act shall be construed to confirm, approve, validate, or affect any conveyance, order, or action procured through fraud or duress.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CHANDLER of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEAD ENTRIES ON DIMINISHED COLVILLE INDIAN RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2440) extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2440) extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation.

Be it enacted, etc., That the period provided by law for the filing of homestead entries upon the lands of the south half of the Diminished Colville Indian Reservation in the State of Washington, as provided in the act of Congress approved March 22, 1906, be, and is hereby, extended for a period of five years from and after the 4th day of September, 1921.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPORT OF CONDITION OF NATIONAL BANKS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 8996) to amend paragraph 440, section 5211, act June 3, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask what has occurred that seemed to make it necessary to lessen the number of examinations of banking institutions under the jurisdiction of the Comptroller of the Currency?

Mr. LAWRENCE. Mr. Speaker, so far as I know, nothing in particular has occurred, but the call for five examinations a year we consider absolutely unnecessary, and so does the comptroller. Most of the State banks and trust companies have only two statements a year to make, and the national banks also have two examinations a year, and three statements are provided for in this bill; also as many additional statements as the Comptroller of the Currency may see fit to call for.

Mr. WALSH. Well, they have been operating under this law for a great many years, and it has worked satisfactorily, has it not?

Mr. LAWRENCE. Yes.

Mr. McFADDEN. Will the gentleman permit an interruption?

Mr. LAWRENCE. Yes.

Mr. McFADDEN. To further elucidate what the gentleman has already said in regard to that, I would say that under the present system of examination of the banks there has been a considerable charge. The directors of the banks are now directed to appoint committees to audit their books semiannually, and certified accountants are called in to do this work. And the two examinations called for by the comptroller are continuing, and the additional work which the compilation of these various reports, now that there are so many minute details to be cared for in the office of the Comptroller of the Currency, requires an unusual amount of labor and work to continue, work which is practically useless.

Mr. WALSH. That excuse might serve for eliminating all examinations. Because somebody gets tired going over columns of figures and poring over reports down here in the comptroller's office it should not be very persuasive as to why we should reduce or eliminate the examinations. This is for the protection of the public interests, as I understand it.

Mr. McFADDEN. I will say to the gentleman in that connection that the public interests are being cared for when you consider first that two examinations by national-bank examiners are made annually, and under the present procedure of the past administration, when six annual reports were made out by banks and published, and in addition the examination and reports by directors twice a year, certainly cares in an elaborate way for the public interests.

There is no reason why a bank should continue to make those elaborate reports every two months in addition to all the other examinations which are made. It is a burden not only on the bank itself but is an additional expense to the banks as well, as in the work of the comptroller's office.

Mr. LAWRENCE. And perhaps will result in an increase in the comptroller's office unless something is done along this line.

Mr. WALSH. If we lessen their duties, they will need more help. That is the experience in most departments. However, I withdraw my reservation.

Mr. STAFFORD. Mr. Speaker, I renew the reservation. I have always considered that the published reports that are issued from time to time are valuable to the public. I remember that when Comptroller of the Currency John Skelton Williams was in office he did burden the banks with requirements for additional information. Whether or not it was of value I do not know. It is not obligatory upon the present comptroller to continue the call for the varied information if it is not desired. I have read the report very carefully, and there is nothing in it that convinces me that this is for the benefit of the public. It may result in not requiring so many clerks here in the comptroller's office, but what of the public? The public should know from time to time as to the condition of their banks. The public does not survey these compiled returns from the Comptroller of the Currency. What objection is there to calling upon the banks at least five times a year for a report of the condition of their financial affairs?

Mr. McFADDEN. I will say to the gentleman that this was very carefully considered by the Federal Reserve Board and the Comptroller of the Currency. And there is nothing in this law to prevent the comptroller from asking for additional reports.

Mr. STAFFORD. Nothing to prevent the comptroller from asking a bank for additional reports, but as soon as the comptroller should ask a bank for a special report, as under existing law, and which is continued in this bill, it would cast suspicion as to the safety of the bank.

Mr. LAWRENCE. The comptroller can call for five of these regular statements per annum, if he wants to, under this act.

Mr. STAFFORD. But the practice has been that he has called for only five.

Mr. LAWRENCE. The practice has been that he is calling——

Mr. STAFFORD. I do not see wherein there can be any objection from sound banks making a full disclosure as to their financial stability, and have it advertised in the papers, so that the citizens of the community may know the condition of the banks.

Mr. McFADDEN. There is no attempt, I will say to the gentleman, on the part of the banks to avoid giving the public all the information it should have concerning the condition of the banks. The banks outside of this do furnish the public with the results of examinations by committees frequently and by the reports of certified accountants.

Mr. STAFFORD. The only reports that the banks furnish to the public are those which from time to time are furnished to the Comptroller of the Currency. They are posted in the banks and given broadcast circulation.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WINGO. I think the gentleman has possibly overlooked this, that very rarely has there ever been anything in the way of the general reports that all banks make that disclosed any fraud in banks that subsequently failed. Generally what has been discovered has been from special examinations and special reports. Now, if you have three general reports for all the banks of the United States in a year, which are published in the papers of the communities where the banks are located, that apprises the depositors in a general way and in a specific and detailed way as to what the bank officials claim is their condition. But the real protection to the depositor and the stockholder is that examination which is conducted in the nature of a special examination, when the examiner drops in without the bookkeepers knowing anything about it, and takes charge of the books. My observation has been that the public reports are not worth a continental, except to gum up the files of the comptroller's office and possibly to advertise the banks.

Mr. STAFFORD. That argument should have been made to the last Comptroller of the Currency, who increased the number of reports from five to six.

Mr. WINGO. This does not cover that proposition. The practice that you refer to ought to cause you to support this bill. The real objection is that the banks are put to the expense and trouble of making so many unnecessary reports. I do not think that we ought to compel the banks to make any reports except such as are really necessary to the office of the Comptroller of the Currency and the public concerning their affairs, and if there is anything in the published report showing that that published report is false or colored in any way, then the comptroller may call for a special report in detail, or he will put a bank examiner on the train without the bank having any notice and have him walk into the bank in the morning and take charge and make an investigation. They frequently do that. My observation as a bank director and as a member of the Committee on Banking and Currency is that the minute examination that is entered upon and conducted without notice is the only real protection that the stockholders and the depositors have, and these other examinations just lead to a lot of useless piling up of records. I think two reports would be sufficient, with authority to the comptroller's office to go in at all times and make a special examination.

Mr. McFADDEN. I hope the gentleman from Wisconsin will not object to the present consideration of this bill.

Mr. STAFFORD. The burden of the gentleman's argument for passing this bill is to relieve the Comptroller of the Currency of the clerical burden of compiling all these reports.

Mr. McFADDEN. They are clearly unnecessary, as has been stated.

Mr. STAFFORD. What burden is it upon the local banks to prepare two more reports in a year? I know from actual experience and observation that these reports are of value to the depositor. They wish to know the condition of the banks. They wish to know how much money they have received as an aid from the Federal Reserve Board and the like, and a sound bank has no objection to raise against the publication of these reports. The public is entitled to know. Now, you propose to cut them down from six to three. That is going pretty fast.

Mr. APPLEBY. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. APPLEBY. The real argument in favor of this bill is, the greater the time allowed the greater the probability of safety; that is, if you have three instead of five examinations, the bank officials will not know when the examiners are coming.

Mr. STAFFORD. It is in the discretion of the comptroller to call for these reports at any time, and he calls for them so that the banks may be taken unawares, when the banks have not the opportunity to cover up their affairs. Cutting down the number of examinations from six to three is going altogether too fast if you are going to consider the interests of the public. Of course, if you consider only the banks you can do away with examinations entirely, and rest upon the examination of the special examiners. I object, Mr. Speaker.

The SPEAKER. Objection is made. The Clerk will report the next one.

SUCCESSION TO CORPORATE POWERS OF BANKING ASSOCIATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9327) to amend section 5198, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. LONDON. I object, Mr. Speaker.

The SPEAKER. Objection is made. The Clerk will report the next bill.

EXTENSION OF UNITED STATES BOTANIC GARDEN.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 298) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, in the absence of my colleague, Mr. LUCE, I will say he is very much interested in this matter, and he is unavoidably detained. I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that this resolution be passed over without prejudice. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, this resolution is a matter of some importance, for this reason: The Botanic Garden is crowded for room, not only on account of the removal of the bothouses but——

Mr. WALSH. If the gentleman does not care to have it passed over without prejudice——

Mr. LANGLEY. I wanted to ask the gentleman if he felt compelled to object to this?

Mr. WALSH. I would, for this reason: I know that this matter is rather important, but my colleague particularly asked me if I would do this, and asked to have it passed without prejudice.

Mr. LANGLEY. And he is absent.

Mr. WALSH. He has one or two matters with reference to this, and it is going to the committee of which he is a member, and I feel that perhaps it is a reasonable request for him to make.

Mr. LANGLEY. I understand the gentleman's position; but this matter has been pending a month. It was passed over two weeks ago. The plants from the Botanic Garden are being moved out of the grounds where they are constructing the Gallinger Hospital, and there is no room to locate these plants permanently. There is no objection to this proposition so far as I know. Colonel Sherrill, who is in charge of public buildings and grounds, and the Senate Library Committee and the House Library Committee, the District Commissioners, the District engineer, and everybody concerned, as far as I know, have agreed that this is a proper measure to be enacted. The Senate passed it unanimously more than a month ago, and there is that urgency existing. I can say to the gentleman that personally I have remained over here and changed some engagements that I had in order to be here to-day with the understanding that it would be taken up. I spoke to the Speaker about it, and understand his embarrassment in the matter. Of course, if the Speaker can not recognize me to move to suspend the rules, and if the gentleman from Massachusetts [Mr. WALSH] makes the objection which he promised his colleague to make, I am helpless in the matter.

Mr. WALSH. I stated to my colleague that I would ask to have the matter passed without prejudice.

Mr. LANGLEY. The trouble is I am afraid I can not be here two weeks from now, and I am very anxious to be here when the matter is considered.

Mr. STAFFORD. Mr. Speaker, what is the urgency of considering this matter to-day or even a month hence? Twelve years ago the transfer of the Botanic Garden from its present site out to Rock Creek Park was favored. The bill passed the House, but it met with the violent opposition of one Senator, who was more responsible than anyone else for blocking its transfer.

Mr. LANGLEY. That involved the purchase of private property, did it not?

Mr. STAFFORD. No; it did not, as I recall.

Mr. LANGLEY. It involved the removal of the Botanic Garden from its present site.

Mr. STAFFORD. I understand the gentleman from Massachusetts [Mr. LUCE] has given very careful consideration to the proposed change of the site of the Botanic Garden. Everyone who has studied the question realizes that this is not the proper site for a permanent Botanic Garden if we are to have a real Botanic Garden.

Mr. LANGLEY. I do not think the gentleman is correct. I for one do not agree with his statement.

Mr. STAFFORD. I am accepting the statement of the gentleman from Massachusetts [Mr. LUCE] as a member of the Committee on the Library, which has had hearings on the question of the proposed location of the new Botanic Garden. I understand the gentleman from Massachusetts is only asking that the bill be passed over without prejudice. What is the urgent need of taking the bill up to-day?

Mr. MONDELL. Mr. Speaker, I think it is rather urgent, because, among other things, the folks in charge of the Botanic Garden now have some pecan trees that have been presented to them which they desire to transplant. They desire to do some work on this ground, and it is rather important that we should transfer the jurisdiction. My own thought is that this does not settle the question of a botanic garden. If we are to have a botanic garden really worthy of the name, it must be transferred eventually to some very considerable area of land, because a proper botanic garden can not very well be maintained within the boundaries of the city.

Mr. LANGLEY. Will the gentleman yield?

Mr. MONDELL. In just a moment. In the meantime these lands are now an eyesore. They are covered with débris. They are a storage and dumping ground. Nothing can be done to improve the existing conditions there until some legislation is had. I think Congress is under obligations to make some small expenditure there, and the only expenditure made will be such as is provided for by the Committee on Appropriations, of which the gentleman is a member, and I am sure he will see to it there are no improper or extravagant expenditures made.

Mr. STAFFORD. I have heard that persuasive appeal in times past when authorizations were asked here, but after the authorizations were made the Committee on Appropriations came in with the full amount, because I am a very minor and feeble member of the committee.

Mr. MONDELL. Personally I do not look upon this as the settlement of the question of a permanent Botanic Garden. It is a question of whether or no we shall somewhat improve and render tolerable the appearance and conditions of some areas adjacent to the Capitol, between the Capitol and the river, or whether we shall allow them to remain in their present state indefinitely, without any purpose as to their improvement or beautification. Whatever may ultimately be done with these areas, whatever the ultimate disposition may be, it occurs to me that for the time being they should be under the supervision of the Superintendent of the Botanic Garden, with the idea of cleaning them up somewhat, removing some of the rubbish at least, grassing them, planting some trees, doing those things and only those things which the Committee on Appropriations may provide for. That is all that can be done. It is wholly under the jurisdiction of the committee, and these lands ought not to be allowed to continue as an eyesore and nuisance right here under the shadow of the dome of the Capitol. This is the only present disposition we can make of them.

Mr. LANGLEY. The location of the Meade Memorial and the room taken by the Grant Memorial necessitates the removal of a lot of valuable plants and trees and things of that sort. The construction of the Gallinger Hospital necessitates the immediate removal of a number of plants and trees that the director has in those grounds. He is terribly crowded for space, and the Commissioners of the District of Columbia, the War Department, Colonel Sherrill, in charge of public buildings and grounds, are in favor of it, and also the Senate Committee on the Library; I did not know but what the entire House Committee on the Library was in favor of it until the gentleman from Massachusetts [Mr. LUCE] indicated through his colleague [Mr. WALSH].

Mr. WALSH. Would the gentleman have any objection if I asked that this be passed over and return to it later?

Mr. LANGLEY. No.

Mr. WALSH. Mr. Speaker, I understand my colleague is expected to be here later, and I ask unanimous consent that it be temporarily passed over and return to it later.

Mr. LANGLEY. That arrangement is satisfactory to me.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RIGHT OF WAY THROUGH GOVERNMENT PROPERTY.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 6313) authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey to the county of Skagit, Wash., a right of way for a public highway, not more than 50 feet wide, through the property of the United States in Skagit County, Wash., used as a fish-cultural station and hatchery: *Provided*, That such conveyance of right of way shall not be construed as affecting the right or title of the United States in said property or as in violation of any stipulation or condition in the conveyance of the same to the United States, and on the further condition that the land or right of way authorized to be conveyed hereunder shall be constructed and maintained as a highway free of any expense to the United States, and all work thereon shall be such as not to interfere with the operations and efficiency of said fish-cultural station, and in a manner satisfactory to the Secretary of Commerce: *Provided further*, That the right is hereby reserved to alter, amend, or repeal the provisions of this act.

With the following committee amendment:

On page 1, line 7, after the word "hatchery," insert the following: "Such right of way being more particularly described as follows: All that portion of the northeast quarter of the southeast quarter of section 15, township 35 north, range 7 east of the Willamette meridian, lying and being within lines 25 feet on each side of the following described center line, to wit: Beginning at a point on the east and west center line of said section 15, south 88° 59' west, 730 feet, more or less, west of the east quarter corner of the above-said section 15, township 35 north, range 7 east, Willamette meridian; thence south 88° 59' west along the east and west center line of the above said section 15, 75 feet; thence south 57° 49' west, 840 feet; thence south 88° 0.07' west, 250 feet, more or less, to the west line of the northwest quarter of the northeast quarter of the southeast quarter of said section 15, township 35 north, range 7 east, Willamette meridian, containing seventy-one one-hundredths acres, more or less.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I notice that there is a clause providing that it shall not be construed as affecting the right of the United States in said property if it is in violation of any stipulation or condition in the conveyance of the same to the United States. When the Government received the deed to this property, was it of a restrictive character, so that it was limited to a certain use?

Mr. HADLEY. I will say that I never investigated the title of the United States. The text of this bill, barring the amendment and excepting the local designation, is that of a bill passed by Congress several years ago, I think in 1917. It was submitted to me by the Bureau of Fisheries when I took the matter up with them as to the necessity for the legislation as a form by way of precedent which had been employed in the State of Tennessee. I merely adopted that text and applied it to the local situation.

Mr. STAFFORD. Mr. Speaker, I withdraw the pro forma amendment.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HADLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TOMBIGBEE RIVER.

The next business on the Calendar for Unanimous Consent was the bill H. R. 4898, a bill to declare the Tombigbee River nonnavigable from its source to its intersection with the boundary line between the counties of Itawamba and Monroe.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, I notice that the gentleman who reported the bill is not here, and I notice also that the War Department reports unfavorably on the bill. I wonder if the gentleman would object to having the matter passed over without prejudice?

Mr. RANKIN. I have no particular objection. The gentleman from Mississippi [Mr. JOHNSON], who reported the bill, is not here at present, but I think I can explain away all the objections that the War Department has offered.

Mr. WALSH. Possibly. The War Department states that it does not know why the legislation is necessary unless it is to dispense with the necessity of coming to the Chief of Engineers and having the plans approved by him. It would seem that this stream, of which we have heard considerable in the past of its great beauty—and I think it is an important stream in that section of the country—ought not to be made an exception of as far as construction is concerned.

Mr. RANKIN. The object of this legislation is to enable the people who own the land along this stream to organize a drainage district, float bonds, and cut a canal so as to drain their lands and put them in cultivation. The War Department seems to be under the impression that we want to build bridges across the river. Nothing of the kind; we could get permission to build the bridges, but it is practically impossible to organize a drainage district, float bonds, and do this drainage work as

long as the river is technically navigable. That is all it is now, that part near its source.

Mr. WALSH. If the gentleman will permit, if legislation was secured permitting this contemplated work to be done with the approval of the Chief of Engineers, that would still preserve the navigability of the river for other purposes, and it would seem to me to be of sufficient indication of Federal approval to assist in the flotation of the bonds and other securities.

Mr. RANKIN. Evidently the gentleman is not familiar with the routine that is necessary to go through in order to organize a drainage district.

Mr. WALSH. No; I am not.

Mr. RANKIN. If that were practical, we would be more than glad to do it, but if this legislation, or some similar legislation, is not put into effect the river will never be drained in that way.

In the first place, it is a very hard matter to get all of the people who own land along a stream to go into one of these drainage districts, and after you have gone through that and have thrashed it all out and have got them in the notion of going through with it you have still to sell the bonds, and they must be sent to a bonding house and examined and approved by an attorney, who must be assured from the record that there will be no hitch whatever in completing the project. Now, you can not have that assurance so long as an Army engineer has the right to come in and dictate or control the construction of the canal. The gentleman will see from the report there that the river is at low water from three-tenths of a foot to a foot and a half deep, and that there are 70 gravel bars along that part of the stream covered by this bill.

Mr. WALSH. Will this in any way affect or interfere with the use of that part of the river for which we have heretofore made appropriations in the river and harbor act?

Mr. RANKIN. The only use that has been made of that part of the river in recent years is to float timber down it. This will not interfere with that.

Mr. WALSH. Mr. Speaker, in view of the statement of the gentleman and the information that he has given, he being very familiar with the project, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Tombigbee River from its source to its intersection with the boundary line between the counties of Itawamba and Monroe, in the State of Mississippi, is hereby declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. With reference to the phraseology of the bill in line 6 I notice the language "not a navigable water." Is that the language used in the act relating to navigable waters?

Mr. RANKIN. I am not sure as to that. I think my original bill stated it "not a navigable stream." Possibly that amendment was made by the committee.

Mr. WALSH. I think if it read "is not navigable water of the United States" it would be preferable. Has the gentleman any objection to striking out the article "a" before the word "navigable."

Mr. RANKIN. I have not.

Mr. WALSH. Then, Mr. Speaker, I offer that as an amendment.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 1, line 6, before the word "navigable," strike out the article "a."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RANKIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF RURAL POST ROADS.

Mr. DUNN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11131) to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes, which I send to the desk.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Driver	Lee, N. Y.	Ryan
Bacharach	Edmonds	Linthicum	Sabath
Bankhead	Ellis	Longworth	Sanders, Ind.
Barbour	Fairchild	Lyon	Sanders, N. Y.
Beck	Fields	McArthur	Schall
Beedy	Fish	McSwain	Sears
Benham	Focht	Madden	Shelton
Blakeney	Fordney	Maloney	Shreve
Bland, Ind.	Freeman	Mann	Siegel
Blanton	Gallivan	Martin	Slemp
Bowers	Gilbert	Mead	Smith, Mich.
Brand	Glynn	Michaelson	Smithwick
Brennan	Goldsborough	Mills	Snell
Britten	Gould	Montague	Stedman
Brooks, Ill.	Graham, Pa.	Moore, Ill.	Stephens
Brooks, Pa.	Greene, Mass.	Moore, Ohio	Stevenson
Brown, Tenn.	Hardy, Tex.	Morin	Strong, Kans.
Browne, Wis.	Hogan	Mott	Strong, Pa.
Burke	Hooker	Mudd	Sullivan
Butler	Hudspeth	Murphy	Sweet
Campbell, Pa.	Humphreys	Nelson, Me.	Tague
Carew	Hunter	Nelson, J. M.	Taylor, Ark.
Chandler, N. Y.	Hutchinson	Newton, Minn.	Taylor, Colo.
Clark, Fla.	Ireland	O'Brien	Temple
Classon	Jeffers, Ala.	Olpp	Tilson
Cockran	Johnson, Miss.	Osborne	Treadway
Codd	Johnson, S. Dak.	Parker, N. Y.	Underhill
Cole, Ohio	Kahn	Perkins	Upshaw
Collins	Kearns	Petersen	Vare
Cantrill	Kelley, Mich.	Porter	Vestal
Connolly, Pa.	Kelly, Pa.	Pringey	Ward, N. Y.
Copley	Kendall	Purnell	Watson
Coughlin	Kennedy	Rainey, Ala.	Williams
Crago	Kiess	Ramsey	Wilson
Cramton	Kindred	Reber	Winslow
Crowther	Kinkin	Reece	Wurzbach
Cullen	Knight	Reed, N. Y.	Wyant
Darrow	Kraus	Riddick	Yates
Davis, Minn.	Kreider	Riordan	
Davis, Tenn.	Kunz	Rogers	
Dempsey	Lampert	Rosenbloom	
Drane	Lee, Ga.	Rossdale	

Two hundred and sixty-six Members have answered to their names; a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved June 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such act:

The sum of $65,000,000 for the fiscal year ending June 30, 1923.

The sum of $75,000,000 for the fiscal year ending June 30, 1924.

SEC. 2. That for the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended, in accordance with the provisions of said section 23: The sum of $6,500,000 for the fiscal year ending June 30, 1924.

SEC. 3. That for the purposes of this act and of the acts heretofore making appropriations to aid the States in the construction of rural post roads the term "bridges" includes railroad grade separations, whether by means of overhead or underpass crossings.

SEC. 4. That if any State, for a period of one year from the date the Secretary of Agriculture approves or has heretofore approved a road project, shall fail to put under contract such road project, the Secretary of Agriculture may require the said State to submit one or more projects to replace the said project; and if the said State shall fail to submit such other projects within the time set by the Secretary of Agriculture for the State to act, the Secretary of Agriculture may order the sum of money allotted to the said road project returned to the general road fund, and he shall then reapportion said sum of money among all the States as provided by the Federal highway act and all amendments thereto.

SEC. 5. That section 5 of the act entitled "An act to provide appropriations for the Post Office Department, and for other purposes," approved February 28, 1919, is hereby amended to read as follows:

"That the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, is hereby amended to provide that the term 'rural post roads,' as used in section 2 of said act, shall be construed to mean any public road, a major portion of which is now used, or can be used, or forms a connecting link not to exceed 10 miles in length of any road or roads now or hereafter used for the transportation of United States mails, excluding every street and road in a

place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart: *Provided*, That section 6 of said act be further amended so that payments which the Secretary of Agriculture shall make from sums appropriated under the provisions of this act or any act amendatory thereof or supplemental thereto for the fiscal year ending June 30, 1923, shall not exceed $12,500 per mile, exclusive of the cost of bridges of more than 20 feet of clear span: *Provided further*, That the payments which the Secretary shall make from sums appropriated under the provisions of this act or any act amendatory thereof or supplemental thereto, after the fiscal year ending June 30, 1923, shall not exceed $10,000 per mile, exclusive of the cost of bridges of more than 20 feet of clear span: *Provided further*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled "An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"" approved November 9, 1921."

SEC. 6. That section 24 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,'" approved November 9, 1921, is amended to read as follows: "That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit."

SEC. 7. That if any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal highway act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal highway act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal highway act or acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed $10,000, or by both fine and imprisonment within said limits.

SEC. 8. That if any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 9. That all acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. HAYDEN. Mr. Speaker, I demand a second.

Mr. BEGG. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Ohio opposed to the bill?

Mr. BEGG. I am.

The SPEAKER. The Chair has conferred with both gentlemen. The Chair understands that the gentleman from Ohio is opposed to the whole bill in principle, and that the gentleman from Arizona is opposed to a portion of the bill. The Chair will recognize the gentleman from Ohio.

Mr. DUNN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is entitled to 20 minutes and the gentleman from Ohio to 20 minutes.

Mr. DUNN. Mr. Speaker, since about last December there have been introduced in the Good Roads Committee about 29 bills carrying different amounts on account of proposed road appropriation. Those bills carried amounts from $500,000,000 to $250,000,000, varying in amounts as written. Finally, after a conference with the committee and with several others who were much interested in the road question, it was finally decided to hold a series of meetings and hearings, and on March 3 we commenced a series of hearings which lasted until March 30. In the meantime there was a variety of amendments offered to the bill, and finally we decided that it was impossible to pass a five-year program with $100,000,000 a year for each year, and after considerable debate it was decided to lower the limit to three years' appropriation, if possible, and not to exceed a gross amount of $150,000,000 for the three years. I will say that in all of the bills which were introduced and referred to the Roads Committee there was no question of reducing the Government participation. There was found to be quite an insistent demand that the proposed amount of Federal aid appropriation be liberally cut and reduced to the former amount carried in the organic bill, which was $10,000 per mile. For quite a time we considered putting the amount at $15,000 per mile and again to $12,500 per mile for the three years. Then we decided that a two-year program was all that we should pass at this time, and we sought to make the amount $12,500 per mile for the two years' program. We finally decided on $12,500 per mile for the first year of the two-year program and $10,000 per mile thereafter. Now, as a matter of fact, with the reduction of expense in road construction and the fact that $12,500 per mile, if met with 50 per cent from the States, or rather 100 per cent of that amount from the States, it would provide a total of $25,000 per mile for completed construction. This bill does not seek to interfere with the money already in the hands of the Agricultural Department, some $180,000,000, and for 1923 and 1924 these rates would remain in force if this bill is passed by the House.

Mr. BARKLEY. Will the gentleman yield?

Mr. DUNN. I will.

Mr. BARKLEY. As to this $180,000,000, which the gentleman says is now available, that is not in such condition that it can be distributed and apportioned among the States, is it?

Mr. DUNN. No; it has been allotted, as it is called.

Mr. BARKLEY. But some of the States have not used their allotment, and it is still available for those States?

Mr. DUNN. I suppose they can use that on the $20,000 a mile basis.

Mr. BARKLEY. Can the gentleman inform the House what average amount has been expended during the last two or three years per mile in building Federal-aided roads?

Mr. DUNN. I understand the average is $20,000 per mile.

Mr. BARKLEY. What is the average per mile of expenditure to build hard-surface roads?

Mr. DUNN. It varies in different States. The gentleman means cement roads?

Mr. BARKLEY. Yes; concrete and cement outside the ordinary gravel road that is built.

Mr. DUNN. I have heard some have been reconstructed at $27,000 a mile, and that others reach as high as $62,000 a mile for entirely new construction.

Mr. LAYTON. And some as high as $80,000 a mile.

Mr. BARKLEY. Does the average of $20,000 consist of all the roads that are built by Federal aid in the United States, including those built of gravel or loose stone and those built with cement or concrete?

Mr. DUNN. No; I think not. I do not understand that is the case. I think it is a better class of roads, or certain percentage of the roads, which are called Federal-aid roads.

Mr. BARKLEY. Does this limitation which the committee has made in this bill for per mile of road construction meet with the approval of the Road Department here in the Department of Agriculture?

Mr. DUNN. I can not say definitely, but I think it does.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. DUNN. I have not much time at my disposal.

Mr. SUMMERS of Washington. The bituminous concrete is $31,400, and for the Portland cement concrete it is $36,075 on an average all over the country.

Mr. PADGETT. Will the gentleman yield just for a moment?

Mr. DUNN. Just for one question.

Mr. PADGETT. Section 1, page 1, line 6, you will notice the act is referred to as approved June 11, 1916, and in section 5 the same act is quoted as being approved July 11, 1916, in line 11, page 3. I want to ask if that is not a misprint, and if the gentleman should not correct it by unanimous consent before putting the bill on its passage?

And June 11, 1916, I understand, is the correct date. And in line 11, section 5, page 3, it says the same act "approved July 11, 1916."

Mr. DUNN. "July" should be "June"?

Mr. PADGETT. Had you not better ask unanimous consent to make that June 11, 1916, before you put the bill on its passage?

Mr. DUNN. Mr. Speaker, I ask unanimous consent to make the correction. The word "July," in line 11, page 3, should be changed to "June."

The SPEAKER pro tempore (Mr. WALSH in the chair). Pending the motion for suspending the rules and passing the bill, the gentleman from New York [Mr. DUNN] asks unanimous consent that, on page 3, the word "July," in line 11, be changed to "June." Is there objection? [After a pause.] The Chair hears none.

Mr. KINCHELOE. I understood the gentleman to say that the hearings developed that the average cost in the construction of these roads has been about $20,000 a mile. What I wanted to ask the gentleman is, Was it the judgment of the committee after the hearings that material and labor had so decreased now that the same character of roads could be built at an average of $12,500 per mile for the year 1923?

Mr. DUNN. I merely wish to say in presenting this bill that we handled that matter very thoroughly, and, of course, the remedy and responsibility rests with the House. This is the only bill we thought it was wise to offer at this time.

Mr. KINCHELOE. I was wondering how the committee arrived at this amount.

Mr. DENISON. May I ask one question in respect to the bill?

Mr. DUNN. Yes.

Mr. DENISON. This limitation of $10,000 a mile will result in the Government contributing different amounts in the different States for the construction of roads, will it not? In other words, in one State the Government will contribute, perhaps, half the cost of the roads, whereas in other States it will not contribute more than one-third?

Mr. DUNN. According to the character of the roads.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BEGG] is recognized for 20 minutes.

Mr. BEGG. Mr. Speaker and gentlemen of the House, I want to say that in my judgment this bill is at least 100 per cent better than the previous bill that permitted the Federal Government to give $20,000 a mile for highway construction. If the bill were to cut from $12,500 and $10,000 for the years 1923 and 1924 to about $5,000 and $4,000 for Federal assistance for highway construction it would not be nearly so obnoxious as it is at the present time.

Mr. LANGLEY. Obnoxious to whom?

Mr. BEGG. The gentleman asks, obnoxious to whom? I will say obnoxious to the people who are required to pay the Federal taxes, and that is almost everyone in the gentleman's State as well as all other States. [Applause.]

Mr. LANGLEY. Will the gentleman yield?

Mr. BEGG. I can not yield until I get through, and then I will yield to anybody who wants to ask me a question.

In other words, I can not refrain from calling attention to the direction and tendency of legislation at the present time. You are asking the Federal Government to assume control and responsibility for everything, and then howling about the autocracy of government. Under the present road law you have made the Secretary of Agriculture an autocrat. He decides where you build a road, how wide it is to be, of what kind of material, and unless you subvert the wishes of the State to the autocracy of the Federal highway department, he has the authority under this bill to tax your State and take your money and build roads in other States. There never was a more autocratic power conferred on a Federal official; not even the President has the same power to nullify and stultify the wishes of a State. You talk of home rule and the right of the people to decide whether or not they are to be taxed. This bill nullifies that guaranty of the Constitution. The constitution of my State—Ohio—says that not even the State legislative body—which is certainly nearer to the people than the United States Congress—not even they can levy a tax for the purpose of building roads without first submitting the proposition to the people to be taxed. Yet by this law you tax the people of my State, already overburdened, and then say to them that unless they turn around and tax themselves twice as much more for their own help and twice as much more than that for some other State they will not even get the taxes collected by you for the purpose of building roads.

I hope I am wrong in my conclusions, but the only ultimate end I can see to that principle of government, if established in the national legislative body, is that there will be a revolt of the taxpayers in this country against the terrible burdens you are laying on them, always under some deceptive guise. You have already asked the Federal Government to assume the responsibility for the health of the American people, and the most ardent advocates of that program have gone so far as to state in printed matter that it was the duty of the United States to provide every one of its citizens with a hospital bed and doctor. This I deny. I not only deny it but call your attention to the fact that that is removing from the individual the responsibility for his own welfare, and such an act is on a par with the doctrine of Lenin and Trotski. It is paternalistic to the nth degree. It is revolting to the doctrines of the Constitution of the United States.

We have already surrendered 90 per cent of the police powers of the State to the Federal Government, and have nationalized our local police force. We have nationalized our transportation system. There are those—and the members are legion—who would have us nationalize our educational system. Now, according to the power of reasoning given me, if we are to nationalize the highways, the railroads, the education, the health, and the police, it is only a very short step to nationalize industry, and the sad part about the whole story is that every time the Federal Government has undertaken to nationalize any of these their usefulness has been curtailed, their efficiency lessened, and the cost to the consumer increased, and if we continue to go in the same direction in a legislative way as we have in the past 10 years for the next 10 or 20 years, I warn you men in this House that you will have destroyed the principles of a representative government and established an autocracy in every department.

Every activity of the human being will be supervised and controlled and regulated by some functionary in the Government called a bureau chief. As it is to-day it is hard to find a group or a community relying on their own ingenuity and inventive genius for solving the problems affecting their locality; but on the contrary, they are all getting up petitions and appealing to Congress to pass some law to do for them that which they should do for themselves.

This tendency breeds unrest, dissatisfaction, agitation, and discontent. And let me say that no nation ever existed after a majority of its people became dissatisfied with its workings. A few serious debates by men unafraid might have a sobering influence. Mob psychology seems to be the controlling factor in much of our legislation.

Mr. Speaker, I do not want to be classed as a pessimist, because I am not. I believe in our form of government and in the American people and their good sense, but I fear the price we will ultimately have to pay for our thoughtless folly. In the early days when a political unit like the State or county wanted a road, how did they get it? They taxed themselves and built it. If the neighboring State or neighboring county chose to ride in mud, that was their own business, but to-day the people in a county or State have no control over the kind of a road to be built, or where it will be built under Federal construction, but must abide by the decision of some politician appointed to the position by whomsoever happens to be the President.

Mr. LAYTON. Will the gentleman yield?

Mr. BEGG. I am sorry that I can not yield now.

Mr. MONDELL. Will the gentleman yield?

Mr. BEGG. I can not yield. I would like to yield to the floor leader, but I can not.

Time will not permit a discussion of that particular trend of affairs, and I want to get down to the fundamental principles. The only difference between the United States of America and other Governments of civilized people in the past thousand years has been that the people everywhere lived for the Government, while in the United States, a country which has produced progress, the Government existed for the benefit of the people, and responsibility has rested squarely on the shoulders of every man as to his own welfare. When men began to live in groups, the responsibility rested upon the group. But we have been getting away from that every time we have passed a law. And I want to say again that unless we begin to vote our convictions in this House and buck up our courage, I hate to think of what will happen in the next 25 years.

There has never been a government fall since the dawn of history that did not fall because of oppressive taxation. I read in the New York Times last week an excoriation of the Senate in its consideration of the bonus bill, and they pointed their finger to Rome and to Greece and to other ancient countries, and then added, "Remember, men, there was a Boston tea party once held over the question of taxation."

I want to ask you men if you have any notion of the amount of taxes now on the American people? When you figure your Federal tax, your State tax, your municipal and city tax, you find that about half of the income of a man has gone into the support of his Government, and the worst part is he does not get his money's worth. If I had my way, if I were powerful enough to do it, I would pass an amendment to the Constitution taking away the right of Congress to levy a direct tax on the States in all times save war times. That would stop some of this wild stampede to spend money raised by taxation to pay the salaries of the great army of Government supervisors and regulators of human activities, which are none of the Government's responsibility or business.

The Treasury Department says that the United States Government under Republican administration faces a deficit of half a billion or more dollars. This bill will carry, directly and indirectly, an appropriation of almost half a billion dollars more, because the fact that we do not appropriate it here does not keep the States from being compelled to appropriate it, because we put a penalty clause in here to compel them to do it, and the States now, the farms in this country, are bonded for nearly a billion dollars for highways that you have already built. I want to ask you again, where are you going to stop?

Now, I want to give you a few figures of what it is going to cost my State under this bill. I put some figures in the RECORD a while ago on the other bill, which I think will furnish interesting reading. Of course, if you come from a State that gets its road taxes from outside its soil or its industries, you may form one opinion, but if a man comes from a great taxpaying State I surmise he would be in the same position that I am.

I question the statement that Federal roads can be built for $20,000 a mile in face of the bids submitted for Ohio roads up to May 27, 1921. I find that the average cost of the monobrick road per mile was $58,238; that the average cost per mile of the bituminous slag was $74,354; of the sheet asphalt, $21,115; and of the bituminous concrete, $47,223. It is my judgment that there has not been a mile of brick or concrete road built in Ohio under Federal jurisdiction since the year 1914 for any such figure as $20,000 per mile. The following table will show the average cost per mile of the different kinds of roads in Ohio for 1919 and 1920:

Kind of road.	Average cost in 1919.	Average cost in 1920.
Waterbound macadam	$13,241.20	$20,728.75
Bituminous macadam	20,313.92	33,130.90
Concrete	32,194.83	47,450.90
Brick	41,835.05	59,012.16

Now, inasmuch as most of the Federal highways in Ohio are built of brick and concrete, one can readily see that if the same were true throughout the United States this $140,000,000 would amount to an additional tax burden of about $400,000,000 that would have to be assessed by the States in order to get the $140,000,000 of Federal money, making a total of over half a billion dollars this bill really levies in taxation either directly or indirectly.

Mr. LAYTON. What width are the roads?

Mr. BEGG. I do not know what width. I think it is a 16-foot road.

Mr. LAYTON. It will cost $80,000 a mile in my State.

Mr. BEGG. Right now in Ohio the whole road-building program has been suspended waiting for Washington to act, to determine whether the highway commissioner, who is the Secretary of Agriculture, shall refuse to O. K. the roads they want to build in Ohio. I ask you, Is there anything in the Constitution of the United States that says it is according to republican principles laid by those men who framed this Constitution that says we ought to take the right away from the people back home to decide whether or not they will have a brick highway of 14 or 18 or 20 foot width, or whatever it may be?

Now, I want to came back to the figures. Supposing we could build a mile of Federal highway for $25,000. That is the contract price. I do not care what the material is. I am going to show you what it will cost Ohio and the other big tax-paying States in the Union; that is, under the supposition that every State will get a mile of road. If every State gets a mile and the contractors bid $25,000 a mile, here is what it will cost Ohio: The contract price is $25,000. The amount that the State government will receive under this bill from the Federal Government is $12,500, one-fourteenth of which came from the State itself; one-fourteenth is $900. How do I figure that? Why, I subtract the amount that Ohio pays herself into that Federal-aid fund, or $900, that comes back to her, and that makes the Ohio State aid per mile $11,600, but all the other 47 States each get $12,500 per mile, or a total of forty-seven times $12,500, which is $587,500. Ohio pays one-fourteenth of that, or $41,968, which must be added to her cost of $25,000 contract price, less $11,600 Federal aid, which makes Ohio's $25,000 road cost $55,368, but the taxpayers only get a $25,000 road.

Suppose we take the actual figures of road cost in Ohio instead of theoretical figures of $25,000 per mile. Let us take $40,000, which is a fair average, and suppose that Ohio would pay to the contractors $40,000 for a mile of Federal highway. The State of Ohio would receive $11,600 from the Federal Government, none of which comes from the taxpayers; but in order to get that $11,600 Federal aid the State is compelled to levy a tax of $41,968 on its citizens in order to assist the various other States in their road-building program. Now, if you will subtract the $11,600 from the $40,000 supposed cost, the road would cost Ohio $28,400; but in order to be fair you must add to that $28,400 the $41,968 which must be given away in order to get the $11,600, and you will find that every mile of $40,000 Federal highway built in Ohio costs the taxpayers of that State $70,368, or almost twice as much as it should.

If my colleagues in Congress believe in that kind of a principle, and unjust discrimination and taxation should be fastened on the American people at this time, when everybody is crying out against the enormous Federal taxes, of course they will indicate that belief by voting for a continuation of this proposition. I want some of my colleagues who vote to tax the Ohio citizen $70,368 for a $40,000 road to explain to me their mathematics. It is no justification to say that Ohio gets five or six million dollars a year for harbor facilities, and it is no justification to say that Ohio has to pay her share of the Army and Navy, and that Ohio has her share of the soldiers, because every State in the Union has its soldier pensions; and to those States which do not get any appropriation for harbor facilities it can be said that almost every one of them have had some kind of a reclamation scheme that has cost the Government more money than all the harbor development in Ohio. The statement made on the floor that Ohio got back all the money she paid into the Federal Treasury only serves to illustrate the carelessness with which some men make statements, as the actual figures compiled will show that the citizenship of Ohio does not get back 20 cents on the dollar. I would have no complaint to make if every State in the Union bore the same burden of taxation, but I do think it unfair to tax the citizenship of my State to build roads that are not needed for a military necessity or an economic development in some other Commonwealth than Ohio. You may call that position provincial if you will, but so long as reduction of the taxes is the prime interest of everybody and the aim of every man in public life I shall continue to try to get a dollar's worth of service for my people for every dollar I vote to put on them in the way of taxation.

Now let us look at New York and see what it costs her to build a $25,000 per mile road under Federal construction. By the same process of reasoning as was used in the case of Ohio, New York would get $9,400 from the Federal Government for her $25,000 mile of road, leaving the amount to be raised by local taxation at $15,600; but to get the $9,400 New York would have to tax her people $146,875 to give away to the other States in the Union for their $25,000 road, making New York's mile of road actually cost her taxpayers $162,475.

Suppose that the mile of road that New York builds costs $40,000 instead of $25,000. From $40,000 subtract the $9,400 Federal aid; that leaves $30,600. Add that to the amount she has to give away, $146,875, and you have the cost of the $40,000 mile of highway in New York at $177,475. I do not believe the taxpayers of the State of New York are willing to have their citizenship taxed at the rate of $177,475 per mile for a $40,000 mile of road in the face of the strenuous efforts that Governor Miller has made in the past two years to relieve the tax burden of the already oppressed people. I say again, of course, if there were any military or economic necessity for this the citizens of New York would respond without a murmur, but in times of peace and under the burdens resulting from a great war, I think they are justified in crying out against this added burden. The United States now has a debt of approximately $25,000,000,000. New York's share alone is around $6,000,000,000, which must be raised by taxation.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. BEGG. I am sorry I can not.

Mr. DUNN. Has the gentleman considered how much they will save in the expense of the 47 different States by paying a less proportion?

Mr. BEGG. I have done that. I congratulate the chairman of the committee on this bill. It is 100 per cent better than the $20,000 a mile.

Let us take up the State of Pennsylvania. I do not know whether there are any Pennsylvanians here or not. I do not see them at this moment, although there are some scattered around.

Mr. ROSE. Here is one.

Mr. BEGG. Yes; you, Mr. ROSE, under this bill will pay $79,160 a mile for every mile of highway you build under Federal aid in this bill, and you will get only a $25,000 a mile road, but if you build a $40,000 per mile road it will cost your taxpayers $94,160 per mile.

Take Illinois. Every mile of $25,000 road you build in your State will cost your taxpayers $66,910 a mile, and if you build a $40,000 per mile road it will cost your taxpayers $81,910 per mile.

In Michigan a $25,000 mile road will cost the taxpayers $48,529, but if they build a $40,000 per mile road it will cost them $63,529 per mile.

In Massachusetts a $25,000 mile road costs the people of that State under Federal control $45,840, and a $40,000 mile road will cost $60,940.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has consumed 15 minutes.

Mr. BEGG. Just one minute more and then I will close. I simply call your attention to the fact that the Navy this year is going to cost practically the same as last year. The Army is putting out a propaganda to make it cost as much as it did last year. The soldiers will cost more next year and for the next five years than they have in the past, and that runs to half a billion dollars, and there is not a man in Congress who can make it any less. All these funds are on the constant increase. And yet we have the courage to come in here and put, directly and indirectly, another taxation of nearly half a billion dollars on the already overburdened taxpayers. [Applause.]

Mr. DUNN. I yield three minutes to the gentleman from Ohio [Mr. CABLE]. [Applause.]

Mr. CABLE. Mr. Speaker and gentlemen of the House, the improvement of highways is for the general good of all. Federal aid not only stimulates the construction of the system of highways upon which it can be apportioned—that is, upon not to exceed 7 per cent of the total highway mileage of the State—but also causes and induces construction of good roads on the other 93 per cent of the highway mileage of each State. My good friend and colleague from Ohio [Mr. BEGG] voted against the last road bill. He, no doubt, intends to vote against this one. The Federal act of June 11, 1916, determines the method of apportioning Federal-aid money among the various States, yet since I have been here in the House my colleague has never offered one constructive suggestion on this feature of the law so as to change the method of apportionment. The Federal aid road act became a law on June 11, 1916. As a direct result 17 States, that had not established sufficiently equipped and adequate highway departments to obtain the benefits of the act, promptly did so. One year after the passage of the Federal act more constructive legislation was placed upon the State statute books than had ever before been enacted in a similar period in the history of the country. It is estimated that during the present fiscal year almost three times as much money will be expended in the construction and repair of public highways than was expended the year the Federal law was enacted, chiefly by reason of the impetus given to road construction under the Federal act.

The road-building business in the United States is the greatest construction enterprise in the whole world. During the present fiscal year it is estimated that $600,000,000 will be expended in the construction and repair of public roads. Of this amount 14 per cent will constitute the Federal Government's portion, while the balance will be raised by State and local taxes and assessments. The size of this great enterprise is best illustrated by the fact that in the years 1879 to 1883, inclusive, occurred the greatest development of our railway systems, when 40,000 miles of system were built, at a cost of $800,000,000.

The method of apportioning Federal aid money among the States is provided by law. My friend, so far as I know, has never suggested the introduction of a bill or an amendment offered on the floor of this House any different method of procedure. Not only is the expenditure of this money limited to the 7 per cent of the total highway mileage of the State, but under the present bill not more than $12,500 may be expended on any one mile of construction, exclusive of the cost of bridges, of not more than 20 feet of clear span, for the next fiscal year, and thereafter the amount is limited to $10,000 per mile, exclusive of such bridges. The money is apportioned by law in the following manner:

One-third in the ratio which the area of the State bears to the total area of all the States;

One-third in the ratio which the population of the State bears to the total population of all States, as shown by the last available Federal census; and

One-third in the ratio which the mileage of rural delivery routes and star routes in each State bear to the total mileage of rural delivery routes and star routes in all States at the close of the next proceeding fiscal year, as shown by the certificate of the Postmaster General.

The percentage of allotment, together with the amount of Federal aid apportioned to the various States from the year 1917 to the year 1922, is as follows:

OCTOBER 24, 1921.

Federal aid apportionment.

PERCENTAGE OF ALLOTMENT.

Alabama	2. 124335956
Arizona	1. 440384875
Arkansas	1. 713068287
California	3. 366972747
Colorado	1. 834086418
Connecticut	.657837988
Delaware	.500000000
Florida	1. 312753083
Georgia	3. 732249886
Idaho	1. 283468969
Illinois	4. 439358731
Indiana	2. 678776620
Iowa	2. 875723405
Kansas	2. 874014806
Kentucky	1. 938022103
Louisiana	1. 363404644
Maine	.950046513
Maryland	.876073862
Massachusetts	1. 499044154
Michigan	3. 076283657
Minnesota	2. 904064375
Mississippi	1. 770811921
Missouri	3. 347868206
Montana	2. 115399415
Nebraska	2. 162310425
Nevada	1. 303845154
New Hampshire	.500000000
New Jersey	1. 289396167
New Mexico	1. 627108844
New York	5. 054971581
North Carolina	2. 337550630
North Dakota	1. 592771864
Ohio	3. 860518350
Oklahoma	2. 396361628
Oregon	1. 617318161
Pennsylvania	4. 648142175
Rhode Island	.500000000
South Carolina	1. 451264746
South Dakota	1. 648578206
Tennessee	2. 253254339
Texas	6. 051517834
Utah	1. 161596169
Vermont	.500000000
Virginia	1. 992244071
Washington	1. 509346092
West Virginia	1. 097244127
Wisconsin	2. 591201175
Wyoming	1. 278109577

APPORTIONED FISCAL YEARS 1917 TO 1922, INCLUSIVE.

Alabama	$7,329,973
Arizona	4,824,633
Arkansas	3,874,072
California	10,846,453
Colorado	6,121,240
Connecticut	2,170,222
Delaware	813,280
Florida	4,036,988
Georgia	9,405,336
Idaho	4,298,926
Illinois	15,270,348
Indiana	9,374,148
Iowa	10,042,216
Kansas	9,997,591
Kentucky	6,787,243
Louisiana	4,739,514
Maine	3,341,124
Maryland	3,031,378
Massachusetts	5,148,741
Michigan	10,210,828
Minnesota	9,938,980
Mississippi	6,246,449
Missouri	11,770,204
Montana	7,045,713
Nebraska	7,447,951
Nevada	4,480,713
New Hampshire	1,508,714
New Jersey	4,208,170
New Mexico	3,379,618
New York	17,385,250
North Carolina	7,980,025
North Dakota	5,387,202
Ohio	13,025,952
Oklahoma	8,090,585
Oregon	5,314,842
Pennsylvania	16,031,559
Rhode Island	1,606,791
South Carolina	5,047,855
South Dakota	5,656,945
Tennessee	7,875,830
Texas	20,525,577
Utah	3,966,624
Vermont	1,607,729
Virginia	6,906,559
Washington	5,075,385
West Virginia	3,724,864
Wisconsin	8,899,097
Wyoming	4,313,176
Total	339,875,000

The State, through its highway department, selects or designates the system of not more than 7 per cent of its highway mileage upon which Federal aid is apportioned, not to exceed three-sevenths of which shall be known as a primary system, and the balance—four-sevenths of the 7 per cent—what I might call "farm-to-market" roads.

The money that will be appropriated in this road bill for the next fiscal year would equal a tax of not to exceed 62 cents for each person in the United States for the entire fiscal year, beginning July 1, 1922, and ending June 30, 1923. Efficient rural mail service, better and quicker transportation of farm products to market, schools of easy access to the pupils, all are expedited by good roads. Progress and prosperity are found where transportation is best and easiest. It is worth the 62 cents a year to the people in Ohio and the other States to have the best of transportation facilities in the country.

However, it is not necessary to levy such a tax for the purpose of obtaining Federal aid for good roads. The manufacturers' excise tax, levied and collected this last year upon automobiles, trucks, motor cycles, tires, parts, and accessories is sufficient to take care of next year's Federal aid appropriation and have $50,000,000 to spare. This does not include the Federal tax upon passenger automobiles for hire.

The Federal aid money being expended this fiscal year amounts to 14 per cent of the total sum used in the construction and repair of highways. The expenditure of the other 86 per cent is stimulated and encouraged by the 14 per cent. Many good roads would not otherwise be built or repaired but for this Federal encouragement.

My colleague [Mr. BEGG] contends that the States having the heavy taxpayers do not receive their just proportion of Federal aid money. To the wealthy and to those who are raising the issue in their behalf, I would remind them that a good road improvement may be of a local nature, and at the same time be an integral part of a national system of highways that benefit all. In the great debate of 1830 in the United States Senate, Daniel Webster replied to Senator Hayne, of South Carolina, on the question, "What interest has South Carolina in a canal in Ohio?"

"If a canal appears to me to be of national importance or national magnitude," said Webster, "the power of the Government extends to the encouragement of works of that description.

"I look upon a road over the Allegheny, a canal around the falls of the Ohio, or a canal or railway from the Atlantic to the western waters as being objects large and extensive enough to be fairly said to be for the common benefit."

I also direct your attention to that great leader, Abraham Lincoln, when he rose in the House of Representatives in reply to the President's veto message against internal improvement by Federal aid:

If the Nation refuses to make improvements of the more general kind because their benefits may be somewhat local, a State may for the same reason refuse to make any improvement of a local nature because its benefits may be somewhat general. A State may well say to the Nation, "If you will do nothing for me, I will do nothing for you."

The State of Ohio receives the same percentage of Federal-aid money for roads as her basic products from the farm, forest, and mine compare to the entire production of all the States. My friend, who has just spoken against Federal aid for good roads, has failed to cite the source of the figures he used. The Secretary of Agriculture has prepared two statements showing the Federal revenues for the last fiscal year ended June 30, 1921, from the various States and the Federal expenditures so far as can be allocated to these various States. The money allotted to the various States does not equal the amount received, for the reason that our appropriation bills for the executive department of our Government, including huge Army and Navy appropriations, as well as the appropriations for the judicial and legislative branches of our Government, can not be said to be expended in any one State but throughout the United States for the benefit of all, and therefore the allocation being for all must be on a basis of population. The State of Ohio is only exceeded in population by New York, Pennsylvania, and Illinois, and therefore it must stand fourth in the benefits received from these various appropriations. These two charts or records show that the taxpayers of Ohio pay into the Federal Treasury 5.815 percentage of the total revenues of the Government, and in return received from such tax money 5.563 of the money allotted to the various States. It should be noted that Ohio stands first in the amount of pension money paid out by the Federal Government and expended within the State, even exceeding the State of New York, with twice the population, by more than $4,000,000. She stands fourth in the amount of money expended by the Post Office Department within the State, and sixth in the amount of money expended for rivers and harbors; and also sixth in the total amount of money that is specifically allocated and expended within the State. These two charts are as follows:

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
February 28, 1922.

Federal revenues for fiscal year ending June 30, 1921.

STATE.	Internal revenues.	Postal receipts.	Customs. revenues.	Miscellaneous receipts.[1]	Total receipts.	Per cent of total.
Alabama	$15,136,956.52	$3,441,548.48	$67,097.05	$17,856.23	$21,857,458.58	0.408
Arizona	4,252,688.57	979,700.54	121,273.81	759,354.95	6,112,917.97	.114
Arkansas	10,577,815.80	2,989,882.42	81,794.42	184,331.09	13,833,824.73	.258
California	180,808,864.61	19,634,488.20	9,272,061.34	7,914,483.34	216,627,924.49	4.041
Colorado	34,314,459.72	4,645,519.38	205,277.52	545,208.21	39,711,464.83	.737
Connecticut	72,597,425.64	6,020,143.56	963,429.84	293,075.00	79,924,074.04	1.495
Delaware	11,810,148.12	798,334.23	9,332.19	35,000.00	12,652,814.54	.235
Florida	16,529,725.86	3,586,421.64	1,725,873.21	32,018.24	21,874,038.95	.407
Georgia	37,194,120.91	6,375,567.68	2,225,494.21	5,642.30	45,800,825.60	.853
Idaho	4,632,986.07	1,244,129.91	32,519.22	460,570.69	6,350,205.89	.119
Illinois	387,042,898.96	53,267,061.24	10,600,655.51	12,610.78	450,921,226.49	8.395
Indiana	77,726,889.56	10,112,459.10	666,023.01		88,504,871.67	1.648
Iowa	37,696,274.59	9,700,555.44	95,590.72		47,501,420.75	.884
Kansas	39,115,567.07	5,885,058.09	305,002.25	6,227.09	45,211,855.40	.843
Kentucky	50,729,086.43	4,704,334.16	159,308.85		55,692,729.44	1.037
Louisiana	40,122,735.68	4,262,211.04	9,750,356.04	24,832.13	54,159,944.89	1.009
Maine	17,954,975.71	2,003,685.78	149,885.59	3,209.00	21,300,758.28	.396
Maryland	71,201,856.28	5,674,810.38	2,203,585.93		79,079,252.59	1.472
Massachusetts	268,120,664.51	19,726,502.71	14,192,280.56		292,039,447.78	5.437
Michigan	271,641,898.68	13,892,361.28	1,896,443.49	15,735.60	287,446,996.23	5.351
Minnesota	77,339,432.46	11,971,092.10	903,088.10	118,163.97	90,331,776.63	1.682
Mississippi	9,019,114.09	2,373,149.04	17,691.68	15,479.15	11,425,434.96	.213
Missouri	126,100,492.17	19,832,025.69	1,600,000.00	4,915.55	147,537,434.41	2.747
Montana	5,460,127.47	2,074,495.52	30,000.00	663,412.41	8,827,735.40	.165
Nebraska	24,081,870.76	5,699,161.99	506,785.30	20,564.84	30,128,382.89	.561
Nevada	1,194,845.20	404,931.83	10,000.00	104,925.68	1,714,673.15	.031
New Hampshire	10,305,771.27	1,632,160.77	167,605.25	22,158.65	12,127,697.93	.226
New Jersey	142,350,410.05	10,495,841.52	227,680.25	94,605.94	153,048,546.77	2.850
New Mexico	1,758,617.55	915,176.61	50,000.00	380,347.35	3,105,196.51	.057
New York	1,122,200,182.17	79,864,443.63	207,772,455.64		1,409,327,083.94	26.239
North Carolina	124,457,194.42	4,338,404.73	3,404,654.33	30,804.93	132,225,058.31	2.462
North Dakota	3,048,277.28	2,013,723.54	55,794.00	79,298.03	5,197,092.79	.095
Ohio	268,723,095.20	28,259,222.99	1,919,993.67	60,000.00	314,962,311.86	5.864
Oklahoma	27,707,691.51	5,050,688.94	77,287.92	20,615,271.77	53,450,940.14	.995
Oregon	28,188,548.16	3,705,660.13	484,212.27	969,306.81	33,347,730.36	.621
Pennsylvania	488,408,823.33	26,150,436.74	23,840,738.43		546,399,798.50	10.173
Rhode Island	41,233,383.18	2,119,496.59	459,711.49		43,805,590.26	.816
South Carolina	28,539,604.51	2,298,014.24	31,407.60	586.60	30,869,512.95	.575
South Dakota	5,261,573.29	2,684,338.99	36,000.00	491,994.90	7,673,915.18	.143
Tennessee	34,402,179.96	5,465,268.03	37,738.63	21,765.32	40,066,951.94	.746
Texas	78,162,997.47	13,131,333.81	2,527,632.35	663,000.00	94,484,363.63	1.759
Utah	10,624,234.53	1,711,869.79	14,257.32	287,490.45	12,737,852.09	.237
Vermont	6,338,621.23	1,294,346.52	634,388.06		8,267,335.81	.154
Virginia	62,094,000.45	6,000,209.53	1,689,689.12	22,198.90	69,770,159.01	1.299
Washington	38,376,269.53	5,995,201.97	4,128,633.31	464,088.23	46,973,693.02	.875
West Virginia	41,935,457.88	3,523,968.43	(3)	734,441.80	46,193,868.09	.860
Wisconsin	73,594,268.50	9,747,906.86	602,425.09	747,522.58	84,692,120.03	1.576
Wyoming	3,268,859.93	784,860.64	(4)	4,984,061.88	8,137,782.45	.151
District of Columbia	18,834,968.99	1,661,760.30	174,881.16	16,641,432.85	39,413,044.21	.734
Total	4,557,421,873.37	449,720,813.05	308,904,603.15	57,693,251.32	5,371,250,741.89	(2)

[1] Includes receipts from War and Treasury Departments for sales from Interior Department for sales of public and Indian lands, fees and commissions of land office, and receipts under mineral leasing act of Feb. 25, 1920, from national parks, reclamation, and Indians; from Department of Agriculture on account of forests.

[2] Included in Pennsylvania.

[3] Included in Nebraska.

[4] This figure, exclusive of postal receipts, amounts to $4,921,520,928.84, or 86 per cent of total ordinary receipts of the Government, which were $5,584,517,045.23.

Federal expenditures within the several States during the fiscal year ending June 30, 1921.

State.	Rural post and national forest roads.[1]	Pensions.[2]	Post Office Department.[3]	Public buildings.[4]	Rivers and harbors.[5]	National parks[6] and land office.[7]
Alabama	$739,387.27	$907,264.10	$3,500,571.45	$200,551.43	$109,888.76	
Arizona	1,143,781.87	371,122.72	379,433.89	69.38		$180,753.97
Arkansas	864,450.04	2,049,118.79	2,463,413.44	10,519.50	389,989.67	224,709.37
California	1,725,133.31	10,608,739.00	6,319,535.94	108,568.06	5,209,558.83	348,163.22
Colorado	1,410,134.09	2,577,818.40	1,984,175.35	5,496.84		129,805.05
Connecticut	82,982.34	3,056,456.36	2,304,451.41	4,535.30	301,503.27	
Delaware	194,081.34	635,313.40	438,943.88	5,371.94	125,448.39	
Florida	357,258.43	1,639,426.90	1,040,083.80	180.88	441,439.85	806.98
Georgia	3,153,497.02	890,935.82	4,939,231.33	17,314.82	558,755.02	
Idaho	1,716,925.37	666,573.30	979,214.67	1,190.00		59,684.79
Illinois	4,672,736.46	18,271,867.63	15,030,376.73	11,963.90	413,440.16	
Indiana	741,769.23	15,849,926.68	6,783,981.79	11,440.80	2,588,150.30	
Iowa	1,573,586.62	8,711,563.60	7,077,627.01	2,912.94	146,351.58	
Kansas	1,397,587.46	10,494,027.60	5,701,113.02	85,786.91		
Kentucky	944,547.99	6,413,098.86	3,521,657.53	2,074.72	556,240.19	
Louisiana	1,436,890.43	1,385,805.92	1,895,092.30	61,420.94	6,018,207.09	
Maine	325,981.54	4,212,310.02	2,017,057.34	5,847.35	468.30	20,490.95
Maryland	793,326.75	3,243,754.82	2,646,407.97	165,767.00	358,200.41	
Massachusetts	735,064.27	10,375,941.36	7,647,782.37	160,646.38	346,507.00	
Michigan	576,359.05	10,981,157.60	9,057,397.05	39,180.84	1,232,119.06	
Minnesota	3,346,483.09	4,142,791.54	6,534,289.28	3,398.13	518,533.16	
Mississippi	750,419.33	958,871.96	2,705,240.11		4,409,250.49	
Missouri	754,499.00	13,594,701.86	8,490,835.66	38,649.30	289,693.11	
Montana	1,919,349.50	713,258.90	1,102,584.89	2,731.25	96.38	265,922.30
Nebraska	1,435,194.04	4,304,952.00	3,779,371.80	15,851.44	80,000.00	32,555.87
Nevada	599,084.85	123,405.20	154,546.15	25,612.69		57,170.30
New Hampshire	469,658.84	2,136,735.36	1,145,630.27	296.98		
New Jersey	458,821.55	5,978,344.80	4,564,684.48	897.06	222,354.90	
New Mexico	939,075.34	592,349.76	446,223.52	43,584.15		75,715.30
New York	169,424.96	22,167,410.00	21,715,098.71	1,693,738.67	4,339,071.49	
North Carolina	2,860,903.32	906,285.66	4,094,790.51	30,810.24	960,082.79	
North Dakota	594,019.47	2,312,06	2,990,238.81	143.50		
Ohio	1,649,711.33	28,542,580.33	11,913,508.92	28,212.81	2,602,137.51	
Oklahoma	670,636.57	3,392,244.00	3,896,169.76	78,033.51		8,212.45
Oregon	2,097,337.77	2,333,748.36	1,669,995.70	20,280.33	188,581.79	86,594.88
Pennsylvania	2,824,914.19	24,549,658.25	14,730,191.00	98,046.78	3,345,972.44	
Rhode Island	236,885.39	1,285,785.10	823,227.70	78,983.49	253,113.46	
South Carolina	985,012.31	471,228.86	2,480,684.41	154,339.19	536,782.92	
South Dakota	781,586.46	1,637,188.92	2,045,865.37	27,012.83	80,000.00	12,949.77
Tennessee	439,846.43	4,962,898.12	4,636,084.61	67,898.85	928,509.25	
Texas	3,164,836.18	2,731,390.36	7,600,987.30	94,116.78	622,928.68	
Utah	618,288.36	628,270.83	670,684.46	11,352.00		108,617.21
Vermont	139,051.63	2,030,717.38	1,139,968.74			
Virginia	756,540.98	1,743,683.90	4,332,887.34	137,346.49	791,600.77	
Washington	2,742,637.33	3,345,127.00	2,608,557.12	1,187.60	280,923.19	119,737.23
West Virginia	825,982.43	3,326,025.62	2,236,847.34	3,897.32		
Wisconsin	1,176,235.26	5,704,365.86	6,101,983.92	22,421.53	170,909.90	
Wyoming	1,312,445.03	336,853.22	385,080.45	1,861.96		394,091.83
Total	59,337,941.60	254,309,881.96	209,417,911.67	3,622,155.60	38,773,205.88	2,149,617.47

State.	Reclamation.[8]	Indian Service.[9]	Interest payments on bonds.[10]	War[11] and Navy[12] Departments.	Miscellaneous.[13]	Total.[14]	Percentage of total.
Alabama	$58,793.44	$1,003,877.44			$2,453,711.51	$8,001,519.32	0.477
Arizona					305,460.36	4,041,343.26	.241
Arkansas		$781,189.25			1,093,984.03	8,457,698.66	.505
California	57,192.51	308,258.39	40,353,753.21	$37,151,753.66	6,423,331.93	98,649,002.75	5.879
Colorado	262,855.78			1,844,355.39	3,423,618.04	11,595,339.11	.691
Connecticut				1,578,024.51	1,183,835.77	8,601,076.38	.513
Delaware				2,248.86	285,030.79	1,685,415.33	.100
Florida				5,100,451.13	584,431.51	9,753,431.51	.581
Georgia			10,011,065.13	887,937.74	2,471,152.05	22,947,538.94	1.368
Idaho	1,383,079.05	56,739.43			398,102.46	5,138,411.27	.306
Illinois			91,408,686.17	10,305,328.98	6,350,174.27	146,464,594.27	8.729
Indiana					2,261,622.61	28,258,891.31	1.684
Iowa		74,129.44			1,599,397.46	19,173,548.56	1.143
Kansas		231,589.09		140,977.15	1,493,235.24	19,604,767.34	1.168
Kentucky			5,966,132.39		1,585,685.91	18,989,559.59	1.131
Louisiana			6,562,042.05	2,394,428.47	1,840,547.15	21,454,454.44	1.280
Maine				585,963.61	337,164.04	7,218,739.86	.430
Maryland			11,475,197.08	11,081,931.57	1,907,091.86	31,663,867.48	1.887
Massachusetts			94,945,998.49	10,166,938.57	9,367,557.23	102,488,595.74	6.108
Michigan		126,511.51	10,388,717.13	50,856.22	3,154,698.83	33,771,850.10	2.013
Minnesota		439,514.65	15,375,628.55	49,874.96	3,783,774.87	34,213,188.43	2.039
Mississippi		43,554.63		783,551.71	1,971,415.03	11,398,302.35	.691
Missouri			40,490,569.66		2,967,978.75	85,967,858.24	3.938
Montana	577,418.34	1,011,224.19	290,757.53		588,530.72	6,494,901.50	.387
Nebraska	910,431.07	157,612.04	2,723,539.85		590,533.16	13,900,033.27	.828
Nevada	208,737.93	94,141.60			70,980.54	1,391,642.19	.078
New Hampshire				4,983,876.05	381,308.28	9,081,084.74	.541
New Jersey				4,294,546.14	1,503,779.94	17,012,840.81	1.014
New Mexico	1,163,730.28	505,971.52			700,227.28	4,505,867.13	.268
New York		12,262.45	290,419,128.28	29,964,782.28	14,615,871.27	385,036,801.47	22.947
North Carolina		37,749.51		275,266.81	1,259,301.71	10,657,471.59	.635
North Dakota	68,161.28	385,052.90			425,405.62	4,339,304.64	.258
Ohio			48,926,380.85	85,302.42	4,164,850.75	93,333,984.93	5.562
Oklahoma		26,554,690.61			838,451.79	34,428,468.89	2.055
Oregon	458,012.45	228,799.83	4,211,928.73		1,426,053.91	12,716,238.78	.758
Pennsylvania			91,285,935.24	20,801,828.14	11,282,983.19	165,590,530.32	85.099
Rhode Island				5,891,646.44	770,282.09	12,332,143.28	.735
South Carolina				6,362,033.01	582,408.78	9,563,970.48	.571
South Dakota	169,780.25	2,375,797.17		225,464.38	681,717.69	8,015,372.74	.478
Tennessee			1,739,342.31	79,568.81	2,000,167.87	14,874,530.28	.886
Texas			9,053,739.51	455,092.78	3,447,400.64	27,701,505.32	1.656
Utah	82,688.88	555,433.09	2,238,872.72		837,892.20	5,754,048.64	.343
Vermont					117,131.57	3,416,984.52	.204
Virginia			10,399,025.88	34,681,728.65	873,137.86	54,009,143.90	3.222
Washington	494,170.10	665,668.61	6,278,875.77	7,681,555.70	1,694,320.67	25,543,198.21	1.522

[For footnotes see page 6151.]

Federal expenditures within the several States during the fiscal year ending June 30, 1921—Continued.

State.	Reclamation.	Indian Service.	Interest payments on bonds.	War and Navy Departments.	Miscellaneous.	Total.	Percentage of total.
West Virginia				[15] $3,170,823.13	$485,744.35	$15,168,000.19	.903
Wisconsin	$333,688.17			31,267.51	2,071,403.71	16,289,122.33	.969
Wyoming					109,536.00	3,758,545.10	.224
Total	6,701,637.58	35,784,432.06	763,169,400.79	197,089,505.08	166,584,807.75	1,677,939,679.39	100.000

[1] Amounts spent for construction under sections 3 and 9, the 10 per cent fund, and F. F. R. C.

[2] From p. 21, Exhibit 12, of report of Commissioner of Pensions in Vol. II, in Annual Reports of the Department of the Interior, 1921.

[3] From Annual Report of Postmaster General for fiscal year ending June 30, 1921, pp. 204-205, showing expenditures for compensation of postmasters and for City and Rural Delivery Services.

[4] From combined statement of receipts and disbursements, balances, etc., of United States during fiscal year ending June 30, 1921, pp. 63-73 (referred to hereafter as combined statement).

[5] From pp. 116-127; combined statement. Includes only funds allocated to States.

[6] $1,148,985.78 from pp. 156-157, combined statement.

[7] Total $1,000,931.69 from report of Commissioner of General Land Office in Annual Reports of Department of Interior, 1921, p. 95, "expenditures * * * in connection with 'Surveying activities,' and from p. 160 of combined statement, under 'Special funds.'"

[8] From annual report of Reclamation Service in Vol. I of Annual Reports of Department of Interior, p. 60, Table 10, "Total expenditures" less "Collections and transfers."

[9] From combined statement, pp. 163-169. Includes only funds which were allocated among States.

[10] Annual Report of Register of Treasury for fiscal year ending June 30, 1921, p. 71, Table 31.

[11] Total, $5,476,997.74. Includes only those items shown as allocated to States from combined statement, pp. 92-116.

[12] Annual Report of Paymaster General of Navy for fiscal year 1921, statements 8 and 9.

[13] Includes expenses of internal-revenue collection from p. 176 of Annual Report of Commissioner of Internal Revenue for fiscal year ending June 30, 1921; total, $13,617,332.94; and expenditures of Federal Board for Vocational Education from their report for fiscal year 1921. Expenditures totaling $91,300,012 were shown only by districts from which the amounts spent in the State were estimated on the basis of number of trainees in each State. Expenditures of independent treasuries, mints, and assay offices, from combined statement, pp. 60-63, total, $1,638,472.91.

[14] The total ordinary disbursements of United States (excluding public debt and Postal Service) were $4,468,713,498.10 (p. 237 combined statement). The items shown here are all that could be allocated to States from available information.

[15] Includes $23,851,446.68 proceeds of Indian labor (p 173, combined statement). Doubtful whether all should be allotted to Oklahoma, but treated as both a receipt from and a payment to Oklahoma.

In order to determine whether a State receives its just proportion of money from the Federal Government, it is necessary to consider all the benefits that it receives, not only money for Federal aid of roads but also for pensions, internal improvements, waterways, as well as the benefits per capita of those national activities that are paid for by the Federal Government and used for the benefit of all. Ohio stands fourth in population. The citizens of Ohio can, therefore, be said to receive the fourth greatest benefits of any State of the Union in the expenditure of all money that can not be allocated to the various States.

The farmers of our country favor Federal appropriation to aid and stimulate the construction of good roads. At the national agricultural conference held in this city a resolution was passed on January 27, 1922, approving appropriation of Federal aid for road building, which said resolution is, in part, as follows:

> We approve the action of Congress in continuing Federal aid for the building of interstate, postal, and farm to market highways under the Department of Agriculture, and making appropriations therefor. We believe this policy to be equitable and constructive. We urge Congress to continue this policy for a definite period so that the States may plan adequate cooperation.

The American Farm Bureau Federation at its third annual meeting, held at Atlanta November 21 to 23 last year, went on record as favoring the principles of Federal aid in highway construction and the cooperation between the States and the Federal Government. The American Association of State Highway Officials at their meeting held December 28, 1921, at Omaha, Nebr., passed a resolution highly indorsing the action of Congress in adopting a policy of Federal aid for highways to be applied to a different system of highways as provided in the Federal highway act.

Transportation aids civilization. The country with the best system is the most prosperous and successful. Good highways are a means of better schools and higher standards of living; they are the lines of commerce. Industry and development abound where transportation is the best. It is not only the production of goods that has made our Nation great, but the facility in the exchange between the various parts of the country.

Mr. DUNN. I yield two minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION. Mr. Speaker, I strongly favor this bill carrying $140,000,000 for Federal aid in the construction of roads.

Some days ago the Senate passed a bill carrying $115,000,000 of Federal aid for roads for the next two years, beginning July 1, 1922. Some of the members of our Road Committee in the House and others urged our committee to agree to the Senate bill, but a number of the members of the Road Committee, including myself, felt that $115,000,000 for the next two years was not enough. We made a fight for $140,000,000, and a majority of our committee agreed to this increase, and we were able to get a favorable report to the House for this amount, so the bill now under consideration carries $140,000,000 for road aid instead of $115,000,000, as provided in the Senate bill. The Department of Roads here, as well as the representatives of the various road departments of the various States of the Union, advised us that $140,000,000 will take care of the road program for the next two years.

HEAVY PENALTIES FOR FRAUD.

If this bill becomes a law, the Federal Government will have provided something like $500,000,000 altogether to aid in the construction of roads. The States, counties, and other taxing districts have put up, and will put up, even a larger sum to match this Federal aid. Road building is one of the very great enterprises of the Nation, and it will continue to increase, both in importance and in the amount of money spent. Our people everywhere want good roads. They do not object to paying taxes for good roads if the money is honestly expended and they get a dollar's worth of value for every dollar of tax money expended.

There has been a great deal of fraud in connection with the building of public roads. Millions of dollars have been wasted or stolen. Frauds have been committed in many ways, in the making of false statements as to the character and quantity of material used, or as to the amount of labor and cost thereof. Up to this time the Federal Government has provided no law to punish grafters and other rogues for frauds committed in connection with the expenditure of Federal funds in the construction of roads. This bill provides a penalty in the way of a fine not to exceed $10,000, or imprisonment not to exceed five years, or for both fine and imprisonment in the discretion of the court and jury for any fraud committed by any officer or agent of the Federal Government, any officer or agent of the State or county government, or any officer or agent of any person, firm, or corporation in connection with the construction of any road where Federal funds are used. If any of these officers or agents make any false statement in the submission of maps, plans, or specifications or contracts, or in any claim or claims or charges for work, or in the kind or quality of materials used, or in the quantity of materials, or labor, or the cost thereof, they will be subject to indictment and prosecution in the Federal court. I consider this an important and forward step in our great road-building program. The taxpayers' money must be protected. The road money must go into roads and not into the pockets of grafters.

UNDERPASS AND OVERPASS CROSSINGS.

The Federal road department has adopted a rule, as I understand, that they will not approve for Federal aid any main-line road to cross a main-line railroad at grade; that is, hereafter all of the main-line public roads built with Federal aid must either cross under or cross above main-line railroads. Travel has become so great on these main-line roads that this is necessary for the protection of human life, so they say.

Too many people are being killed at railroad crossings where the road crosses at grade. Under the present Federal-aid road law the Federal Government can contribute to the building of bridges on Federal-aid roads, but it can not contribute to building the underpasses at railroad crossings. In our own State of

Kentucky there will be a great number of underpasses and overpasses on these Federal-aid roads. This is true as to every other State. These underpasses or overpasses will cost as much as a bridge in many instances. If this bill becomes a law it will permit the Federal Government to put up one-half of the cost of these underpasses and overpasses on Federal-aid roads, just the same as it does now for the construction of bridges on a Federal-aid road. I think this a very important provision of this bill and should be adopted.

LOSS OF LIFE, CAUSED BY WAR.

The World War cost in money and in destruction of property $328,000,000,000. About 9,000,000 men were killed and over 18,000,000 were wounded. Of these 1,000,000 or more have died since the war ended. Other millions were so badly wounded as to take them from the productive industries of the world and make them a charge upon their respective governments and the public. We lost hundreds of thousands of men on the battle field and by disease. The war cost us about $40,000,000,000. We still owe about $24,000,000,000 of this sum. We must pay every year about $1,000,000,000 interest on this debt. We are paying about $500,000,000 annually for compensation and insurance for the World War soldiers and their dependents. Perhaps we have not reached the peak in this expense, and it will continue at this sum or more for the next 20 years, and we will not see the end of it for the next 50 years.

The Civil War has been over nearly 60 years, but we paid last year something like $250,000,000 for pensions to the Civil War veterans and their dependents, and we did not have half as many men in the Civil War as we did in the World War. There are quite a number of Mexican War veterans and their dependents who are still on the pension roll, and quite a number of the widows and dependent children of the War of 1812 are still on the pension rolls. I am not complaining because we are paying pensions to these veterans and their dependents, but on the other hand, I have always supported measures for their relief and benefit. I am merely calling attention to these matters to show some of the evil effects and far-reaching effects of war.

Nearly ninety cents out of every dollar of the people's tax money is used to pay for wars that we have already had and making preparation for future wars. We use a little more than ten cents of every dollar of taxes to pay the great army of civil employees of the Government, pay for roads, education, agriculture, home economics, industrial training, and public health. The American people are wanting less of preparation for war and more preparation for peace. They want more good roads, good schools, good health, good farms, better industrial conditions, and better homes.

This body and the Senate passed a resolution concurring in the calling of the disarmament conference. It was held. The leading nations met with us, and we agreed to greatly reduce our naval armaments and agree to declare "A naval building holiday" for 10 years. The Senate has adopted the treaties made by the disarmament conference, and we feel confident that the other nations represented at this conference will likewise approve these treaties. All of the leading countries of the world are bankrupt. We have made these treaties of peace. There certainly now is no danger of war for many years to come. Anyhow, we have about 4,000,000 trained men in the United States who are veterans of the World War. We have a well trained and well organized National Guard of over 130,000 men.

I am one of those who voted to reduce our standing Army to about 122,000 men. In this way we can save the American taxpayers nearly $100,000,000 each year on the Army. I am one who also voted to reduce the Navy as provided in the disarmament treaty. I voted to provide every dollar to maintain the Navy as set forth in that treaty, but not a dollar more. This would save to the American taxpayers something like $200,000,000 per year. There is no reason why we should not save something like $250,000,000 to $300,000,000 per year on the Army and Navy, as compared with our expenditures heretofore on the Army and Navy. I know that some urge that we are in danger of being destroyed by some other nation. The history of the world is that no great nation was ever destroyed by forces without. A great nation is always destroyed by the forces within. This Republic will never be destroyed except through evil and sinister forces within our own borders. It means more for the real defense and perpetuity of this Nation to use more of our money in the development of a great system of highways; in the building up of our schools, farms, homes, and in making a righteous and patriotic citizenship, than it does to impose heavy taxes on our people for the construction of a great Navy and maintaining a large standing Army.

GREAT SYSTEM OF FEDERAL HIGHWAYS.

Under the bill that the Congress passed last year, and which I had the honor to have charge of in the House, and which became a law in November, 1921, there is provided a great system of interstate and intercounty highways embracing nearly 200,000 miles of Federal-aid roads. This system will penetrate every county of the Nation. Nearly 70,000 miles of this system has been built or is now under construction. When it is completed it will be one of the greatest factors in national defense that this country has ever provided. A first-class battleship now costs about $40,000,000. This sum put up for Federal aid and matched by a like sum from State aid would build 4,000 miles of pike road, at $20,000 per mile.

Four thousand miles of pike road would cover the system of highways laid out for the whole State of Kentucky by the Kentucky Legislature in March, 1920. These 4,000 miles of pike road would last for many years and would be of incalculable benefit, while the $40,000,000 battleship becomes obsolete, out of date, and worthless within a few years. We are astounded when we stop to consider the fact that if we had spent the $40,000,000,000 for roads instead of war, the Federal Government could have built 1,000,000 miles of pike road and paid $40,000 per mile. Kentucky would have received more than 20,000 miles of pike road at $40,000 per mile. This sum would have built a $40,000 per mile pike road on every main line and every crossroad in the United States. While I favor an adequate Navy and an adequate Army, yet I am insisting to-day and shall continue to insist upon building more roads, more schools, and less battleships. It is time for men to begin to think of the time spoken of by Isaiah the prophet, when swords shall be beaten into plowshares and spears into pruning hooks and nation shall not make war against nation any more. I am not a pacifist, but I do contend that all thoughtful men must realize the futility of war, and we must begin to think in terms of peace. President Harding has well said that great problems can be settled more justly and equitably around the conference table than in the hate and strife of the battle field.

PEACE AND PROGRESS POLICY.

At the beginning of this year there were more than 10,000,000 motor vehicles in this country and about 1,500,000 of these were motor trucks. About half of these motor vehicles are in the hands of the farmers of this country. The motor-truck transportation business is growing by leaps and bounds. In the year 1921 more than 6,000,000 head of cattle, hogs, sheep, and so forth, were transferred by trucks. Every other commodity is being transported by trucks. These are bringing the farmer and other producers of the country in quick connection with the consumer. This means progress and prosperity. I know of nothing we can do to promote the general prosperity of the country more than by encouraging the construction of good roads. Good roads must penetrate every section of the Union. Federal aid for roads must be considered an accepted policy of our Government. While there may be some few people in this country like the gentleman from Ohio [Mr. BEGG] who still project themselves in the way of progress, yet this great country of ours is marching on in the direction of a great highway system. [Applause.] I do not insist upon great width for the highways through the rural sections. It is of more interest to the people of this country to have a good, hard-surfaced road of moderate width all the way than to have a road 18 or 20 feet wide only half of the way. I think this is a good bill, and we should pass it and carry forward the road policy of this country. [Applause.]

Mr. HAWES. Will the gentleman yield?

Mr. ROBSION. I yield to the gentleman from Missouri.

Mr. HAWES. Is this bill in this form approved by the Federal highway department or State highway department of any State in the Union?

Mr. ROBSION. I certainly think it is.

Mr. BEGG. Mr. Speaker, I yield the remainder of my time to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arizona asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Speaker, it may be ungracious to say, but I had made up my mind to vote against the passage of this bill until I heard the speech of the gentleman from Ohio [Mr. BEGG], who has just yielded the remainder of his time to me. [Laughter.] If his State has been as badly imposed upon by the rest of the country as the gentleman would have us believe, it is a great wonder that Ohio has not seceded from the Union.

I totally disagree with the gentleman from Ohio on principle. In 1916 I voted for the original act to provide that the United States shall aid the States in the construction of roads. I have voted for all appropriations to carry out that act, each one of which the gentleman has opposed since he became a Member of this body. I have supported the various bills that have been passed amending and improving the original law, but I hesitated about voting for this measure which, I am convinced, has some reactionary and dangerous features, but I do not want to be recorded as opposed to any and all appropriations for Federal aid as is the gentleman from Ohio.

My first objection is to section 1 of the bill, in that it does not authorize appropriations for more than two years, and that the limit of $65,000,000 for the next fiscal year and $75,000,000 for the following fiscal year are too low. The State highway departments should know for at least three years in advance just what may be expected in the way of Federal aid, so that they may make their plans accordingly. In many instances the funds to match the sums allotted from the Federal Treasury must be raised by State or county bond issues, and before such bonds are voted the citizens and taxpayers interested should be fully advised as to the contribution which will be made on behalf of the United States. Most of the State legislatures meet but once every two years, and the same information should be available in order that the State road appropriations may be intelligently made. It is for these reasons that the American Association of State Highway Officials have indorsed the bill introduced by the gentleman from Michigan [Mr. WOODRUFF] providing for a five-year program of Federal aid to the extent of $100,000,000 each year.

It has been generally understood that Congress would appropriate $100,000,000 each year to aid the States in the construction of roads. That is a modest sum for a Government all the activities and expenditures of which will require at least three billions annually for many years to come. It represents less than a dollar per capita, which can not be considered a heavy Federal tax in support of better means of transportation. At the rate of $100,000,000 a year it will take 10 years to complete the 7 per cent system of primary highways provided for in the Federal highway act approved last November. To reduce the annual appropriations to $75,000,000 and less, as provided in this bill, simply means that the American people must wait at least 15 years before the interstate and intercounty system of highways is completed. Do you believe that those who sent you here to represent them are willing to wait 15 years for the completion of a road system which proposes nothing more than to connect the county seats in each State? And remember also that when this work is done that not more than one-third of this road mileage will consist of paved roadway.

In 1910 there were about 500,000 automobiles in the entire United States. To-day there are over 10,000,000 registered motor vehicles in this country, valued at $8,790,000,000. In 1910 the expenditures for all highway purposes were only $120,000,000. Last year the total road expenditure was $600,000,000, of which the Federal Government contributed but 14 per cent. These figures clearly demonstrate why there is such a tremendous demand for good roads, and conclusively prove that the building of roadbeds is lagging far in the rear of the rolling stock ready to use these ways of travel. The report on this bill admits that some States will be compelled to curtail their building programs by reason of these reduced Federal appropriations, and do so at a time when the need for improved highways is greater than ever before.

The only excuse given for this cut in the sums to be appropriated is the present industrial depression. If the money expended for Federal aid was wasted, I would concede that this argument was sound. Instead of being wasted it is invested in a business enterprise that pays dividends every day in the year—the business of transportation which benefits all of our citizens. The only way for business to resume activity is to start productive work wherever practicable. The worst possible policy for Congress to pursue in this situation is to reduce the appropriation for public works. There are millions of men out of employment to-day who would welcome an opportunity to engage in highway construction. Instead of giving way to a feeling of panic this Congress should proclaim its faith in the future of the United States of America by increasing instead of diminishing the appropriations for good roads.

The last Republican national platform, adopted at Chicago in June, 1920, contains this plank:

> We favor liberal appropriations, in cooperation with the States, for the construction of highways, which will bring about a reduction in transportation costs, better marketing of farm products, improvement in rural postal delivery, as well as meet the needs of military defense.

That platform was adopted almost two years after the war was over and ought to mean what it says: "We favor liberal appropriations." Does that mean that the amount to be appropriated should be less than the sum provided by Congress for that very year, which was $100,000,000? Can it be possible that those who are in charge of this bill are afraid to let the Republican majority in this House carry out this solemn pledge made in their party platform? Were they fearful that a motion to increase these appropriations to $100,000,000 annually might prevail? Was that the reason why this bill is called up for consideration under suspension of the rules, so that no amendment of any kind or character could be offered or considered?

I also object to the reduction of the amount to be expended for forest roads and trails to $6,500,000 for the fiscal year ending June 30, 1924. It should be the fixed policy of Congress to appropriate $1 for this purpose for every $10 that is made available for Federal aid generally. If the forest lands belonging to the United States could be taxed by the States and counties as other privately owned property is taxed to build roads the Federal Government would be required to pay at least $14,500,000 a year toward highway improvements in the States where the forest reserves are located. It is unfair to reduce the appropriation for this purpose for any year to less than half that amount. To do so also violates another plank in the Republican platform, which reads:

> In determining the proportion of Federal aid for road construction among the States, the sums lost in taxation to the respective States by the setting apart of large portions of their area as forest reservations should be considered as a controlling factor.

My strongest objection is to section 5 of the bill, which reduces the Federal-aid payments to $12,500 per mile during the next fiscal year and to $10,000 per mile thereafter. At present the United States may contribute as much as $20,000 a mile toward road construction by the States, which is none too much, where permanent highways are to be built, or where the route adopted is in a mountainous country. Last week the Miami-Superior highway in Arizona, 20¼ miles in length, was opened to travel. The total cost of this road through the Final Mountains was $887,960, or at the rate of $43,856 per mile. There are a number of roads in my State that have cost from $75,000 to $100,000 per mile, which does not include paving.

I have some figures here taken from the April issue of the Highway Engineer and Contractor which clearly demonstrates the menace of this proposed reduction in the limit of Federal-aid payments:

> Average costs per square yard of various types of paving for country roads have recently been issued by the Bureau of Public Roads. The figures cover 68,000,000 square yards of paving constructed with Federal aid in all parts of the United States during the period 1916–1921. The costs per square yard are as follows: Sand-clay, $0.18; gravel, $0.46; plain and surface treated macadam, $0.95; bituminous macadam, $2.10; bituminous concrete, $2.50; plain cement concrete, $2.57; reenforced cement concrete, $2.74; and brick, $4.10. These figures cover only the cost of the paving; they do not include the cost of grading; and it must not be assumed that roads of the several types can be constructed in any locality at the figures given.

It will be observed that these figures are based upon a five-year average, and do not represent the high peak of construction costs during the war. For an 18-foot pavement, allowing nothing for right of way, grading, drainage, or other expenses, the following table shows the average cost of providing a hard road surface to meet the requirements of modern traffic conditions:

> $2.10 per square yard equals $22,176 per mile.
> $2.50 per square yard equals $26,400 per mile.
> $2.57 per square yard equals $27,139.20 per mile.
> $2.74 per square yard equals $28,934.40 per mile.
> $4.10 per square yard equals $43,296 per mile.

I venture to say without fear of contradiction that neither the Department of Agriculture nor any State highway department recommended this reduction to $10,000 a mile, which, as I have demonstrated, will not cover one-half of the cost of the average 18-foot hard-surfaced road. The only result will be that the State authorities will be compelled to give preference to the construction of long roads of a cheap type over level country. Permanent roads will not be built and mountain roads will be delayed indefinitely. The gentleman from Virginia [Mr. MOORE] has just handed me this telegram from his State highway commissioner, who is also chairman of the executive committee of the Association of State Highway Officials, which shows that this limitation is proposed against the advice of those who know the most about road building in the United States:

> RICHMOND, VA., *April 28, 1922.*
>
> Hon. R. WALTON MOORE,
> *Washington, D. C.:*
>
> Limit of $10,000 set by new Federal bill would seriously affect highway construction in this State. I believe that it would be a mistake to change the present law.
>
> Q. R. COLEMAN.

Certainly it will be a mistake to reduce the limit of Federal participation as here proposed. The chief reason why I am going to vote for this measure is because I hope and believe that the bill will be amended in the Senate so that the full amount of $100,000,000 will be appropriated each year and that the limitation will be raised to $20,000 per mile. With that confident expectation I shall vote for the bill.

Mr. DUNN. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, it is difficult to discuss this question in three minutes. I believe the bill is entitled to the support of all Members who believe in the road policy which we adopted several years ago. There are some people in the country who do not believe it was wise to begin or to continue Federal contributions to the building of public highways. But those people are in the very small minority. In the main our people approve and are pledged to the policy we are proposing to carry forward in this bill. The bill does not make as large an authorization as some gentlemen would like, but it makes a very liberal authorization, considering the state of finances. I think the committee arrived at a very fair compromise amid the divergent opinions on that subject. There is some objection to the provision of this bill, section 5, which restores the policy adopted by the first good-roads bill limiting the Federal aid to $10,000 a mile, beginning with the fiscal year 1923. But so far as the majority of the States are concerned, I think it is proper to return to the original policy. The amendment increasing the Federal participation was made for and on behalf of the State of New York. At that time practically all of the State delegations objected, or at least there was some objection to it, although now we have come to a time when costs are much lower than they were immediately following the war, and we may very well return to the original policy of participation by the Federal Government to the extent of $10,000 per mile, and I believe the authorization here is in a sufficient amount to carry on the work. [Applause.]

The SPEAKER. All time has expired.

Mr. MONDELL. Mr. Speaker, I am told that on page 1 of the bill, line 6, the word June should be July. I am also told that a modification was made on page 3 instead of page 1. Is that true?

The SPEAKER. The modification was made on page 3.

Mr. MONDELL. The correction should have been made on page 1, and not page 3. On page 3 it is correct.

Mr. WALSH. Mr. Speaker, I call for the regular order.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and on a division (demanded by Mr. BEGG) there were 129 ayes and 23 noes.

Mr. BEGG. Mr. Speaker, I object on the ground that no quorum is present, and I make the point of order that no quorum is present.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 31, answered "present" 1, not voting 158, as follows:

YEAS—240.

Almon	Cantrill	Favrot	Herrick
Anderson	Carter	Fess	Hersey
Anthony	Chalmers	Fish	Hickey
Aswell	Chandler, Okla.	Fisher	Hill
Atkeson	Christopherson	Fitzgerald	Hines
Bankhead	Clague	Foster	Hoch
Barbour	Clarke, N. Y.	Free	Huddleston
Beedy	Classon	French	Hukriede
Bell	Cole, Iowa	Fuller	Hull
Benham	Cole, Ohio	Fulmer	Jacoway
Bird	Collier	Funk	James
Bixler	Connally, Tex.	Garrett, Tenn.	Johnson, Ky.
Black	Cooper, Ohio	Garrett, Tex.	Johnson, Wash.
Bland, Ind.	Cooper, Wis.	Gensman	Jones, Pa.
Bland, Va.	Crisp	Gernerd	Jones, Tex.
Boies	Crowther	Goodykoontz	Keller
Bond	Curry	Gorman	Ketcham
Bowling	Dale	Graham, Ill.	Kincheloe
Box	Dallas, Minn.	Green, Iowa	King
Brennan	Bell	Greene, Vt.	Kirkpatrick
Browne, Wis.	Dickson	Griest	Kissel
Buchanan	Dickinson	Goodall	Kleczka
Bulwinkle	Dominick	Hadley	Kline, N. Y.
Burdick	Doughton	Hammer	Kline, Pa.
Burroughs	Dowell	Hardy, Colo.	Lampert
Bushman	Drewry	Hardy, Tex.	Langley
Burton	Dunbar	Harrison	Lankford
Byrnes, S. C.	Dunn	Hawes	Larsen, Ga.
Byrns, Tenn.	Dupré	Hawley	Larson, Minn.
Cable	Echols	Haugen	Lawrence
Campbell, Kans.	Elliott	Hayes	Lazaro
Canson	Fairfield	Henry	

Lehlbach	Nolan	Rainey	Towner
Linebarger	Norton	Rucker	Tucker
Little	O'Connor	Sandlin, Tex.	Tyson
Longworth	Ogden	Sandlin, La.	Vaile
Loudenslager	Oldfield	Scott, Mich.	Vinson
Lowrey	Oliver	Scott, Tenn.	Volk
Luhring	Overstreet	Shaw	Volk
McClintic	Padgett	Sinclair	Volstead
McCormick	Paige	Sinnott	Walters
McDuffie	Park, Ga.	Sisson	Ward, N. C.
McFadden	Patterson, Mo.	Smith, Idaho	Watson
McKenzie	Patterson, N. J.	Speaks	Weaver
McLaughlin, Mich.	Pou	Sproul	Webster
McLaughlin, Pa.	Purnell	Steagall	Wheeler
McPherson	Quin	Stephens	White, Kans.
Madden	Ralney, Ill.	Stoll	White, Me.
Magee	Baker	Strong, Kans.	Williams
Mapes	Ramseyer	Summers, Wash.	Williamson
Merritt	Raskin	Swank	Winge
Michener	Rayburn	Swing	Winslow
Miller	Reavis	Taylor, N. J.	Wise
Millspaugh	Reed, W. Va.	Taylor, Tenn.	Wood, Ind.
Mondell	Rhodes	Ten Eyck	Woodruff
Montoya	Ricketts	Thomas	Woods, Va.
Moore, Va.	Roach	Thompson	Woodyard.
Morgan	Robertson	Tillman	Wright
Nelson, Me.	Robsion	Timberlake	Young
Nelson, A. P.	Rose	Tincher	Zihlman

NAYS—31.

Ackerman	Dyer	Layton	Newton, Mo.
Andrew, Mass.	Fiesel	Lee, Calif.	Parker, N. J.
Andrews, Nebr.	Fenn	Leatherwood	Radcliffe
Aspley	Fluker	Luce	Snyder
Arents	Frothingham	McLaughlin, Nebr.	Stafford
Begg	Jefferis, Nebr.	MacGregor	Tinkham
Colton	Kinkaid	Moll	Walsh
Dallinger	Kopp	Nelson, J. M.	

ANSWERED "PRESENT"—1.

Moores, Ind.

NOT VOTING—158.

Ansorge	Fields	Lee, N. Y.	Rossdale
Bacharach	Focht	Linthicum	Ryan
Barbour	Fordney	Longworth	Sabath
Beck	Freeman	Lyon	Sanders, Ind.
Blakeney	Gahn	McArthur	Sanders, N. Y.
Blanton	Gallivan	Madden	Schall
Bowers	Garner	Maloney	Sears
Brand	Gilbert	Mann	Shelton
Britten	Glynn	Mansfield	Shreve
Brooks, Ill.	Goldsborough	Martin	Siegel
Brooks, Pa.	Gould	Mead	Slemp
Brown, Tenn.	Graham, Pa.	Michaelson	Smith, Mich.
Burke	Greene, Mass.	Mills	Smithwick
Butler	Hagen	Montague	Snell
Campbell, Pa.	Hicks	Moore, Ill.	Steenerson
Carew	Hogan	Moore, Ohio	Stephens
Chandler, N. Y.	Hooker	Martin	Stevenson
Chindblom	Humphreys	Mudd	Stiness
Clark, Fla.	Husted	Murphy	Strong, Pa.
Clarson	Hutchinson	Newton, Minn.	Sullivan
Cockran	Ireland	O'Brien	Summers, Tex.
Codd	Jeffers, Ala.	Olpp	Sweet
Collins	Johnson, Miss.	Osborne	Tague
Connell	Johnson, S. Dak.	Parker, N. Y.	Taylor, Ark.
Connolly, Pa.	Kahn	Parks, Ark.	Taylor, Colo.
Copley	Kearns	Peeking	Temple
Coughlin	Kelley, Mich.	Peterson	Tilson
Crago	Kelly, Pa.	Porter	Treadway
Cramton	Kendall	Pringey	Underhill
Cullen	Kennedy	Ralney, Ala.	Upshaw
Darrow	Kiess	Ransley	Vare
Davis, Tenn.	Kindred	Reber	Vestal
Dempsey	Kitchin	Reece	Ward, N. Y.
Denise	Knight	Reed, N. Y.	Watson
Driver	Knutson	Riddick	Wilson
Edmonds	Kraus	Riordan	Wurzbach
Elliott	Kreider	Rodenberg	Wyant
Elsin	Kunz	Rogers	Yates
Evans	Kunz	Rosenbloom	
Fairchild	Lee, Ga.		

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Chindblom and Mr. Briggs (for) with Mr. Greene of Massachusetts (against).

Mr. Stevenson and Mr. Driver (for) with Mr. Moores of Indiana (against).

Until further notice:

Mr. Madden with Mr. Cullen.

Mr. Treadway with Mr. Cockran.

Mr. Moore of Ohio with Mr. O'Brien.

Mr. Foster with Mr. Tague.

Mr. Longworth with Mr. Brand.

Mr. Reed of New York with Mr. Montague.

Mr. Snell with Mr. Collins.

Mr. McArthur with Mr. Sumners of Texas.

Mr. Bacharach with Mr. Wilson.

Mr. Brooks of Illinois with Mr. Kindred.

Mr. Knight with Mr. Gilbert.

Mr. Stephens with Mr. Sears.

Mr. Kendall with Mr. Parks of Arkansas.

Mr. Smith of Michigan with Mr. Carew.

Mr. Brooks of Pennsylvania with Mr. Davis of Tennessee.

Mr. Shelton with Mr. Hooker.

Mr. Lee of New York with Mr. Kitchin.

Mr. Johnson of South Dakota with Mr. Linthicum.

Mr. Kiess with Mr. Sullivan.

Mr. Michaelson with Mr. Garner.

Mr. Strong of Pennsylvania with Mr. Drane.

Mr. Butler with Mr. Riordan.

Mr. Vare with Mr. Sabath.

Mr. Kahn with Mr. Hudspeth.

Mr. Olpp with Mr. Johnson of Mississippi.

Mr. Shreve with Mr. Taylor of Colorado.

Mr. Graham of Pennsylvania with Mr. Smithwick.

Mr. Perlman with Mr. Fields.

Mr. Connell with Mr. Gallivan.

Mr. Osborne with Mr. Humphreys.

Mr. Tilson with Mr. Jeffers of Alabama.

Mr. Sanders of Indiana with Mr. Kunz.

Mr. Kreider with Mr. Upshaw.

Mr. Blakeney with Mr. Lee of Georgia.

Mr. Burke with Mr. Martin.

Mr. Hogan with Mr. Lyon.

Mr. Coughlin with Mr. Mansfield.

Mr. Ellis with Mr. Clark of Florida.

Mr. Wurzbach with Mr. Blanton.

Mr. Maloney with Mr. Stedman.

Mr. Hutchinson with Mr. Taylor of Arkansas.

Mr. Connolly of Pennsylvania with Mr. Mead.

Mr. Knutson with Mr. Rainey of Alabama.

Mr. Reece with Mr. Goldsborough.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

EXTENSION OF UNITED STATES BOTANIC GARDEN.

Mr. LANGLEY. Mr. Speaker, a while ago House Joint Resolution 298, authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden, was under consideration. The matter was passed over at the request of the gentleman from Massachusetts [Mr. WALSH] because his colleague [Mr. LUCE], who is interested in the matter, was temporarily absent. I ask that that matter be taken up now.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk reported the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation should be made of this important resolution before the objection stage is passed, and I call upon my genial and lovable friend from Kentucky [Mr. LANGLEY] to give us an explanation.

Mr. LUCE. Mr. Speaker, I desire to oppose the bill.

The SPEAKER. The gentleman will have that opportunity if the bill comes up in its regular course. If there is no objection, there will be opportunity to discuss the bill. The Chair understands the gentleman from Wisconsin reserves the right to object.

Mr. STAFFORD. I do.

Mr. LANGLEY. Mr. Speaker, the gentleman from Wisconsin [Mr. STAFFORD] requests some explanation of this measure.

Mr. WALSH. Mr. Speaker, is this past the objection stage?

The SPEAKER. It is not. The gentleman from Wisconsin reserves the right to object and desires some explanation of the bill.

Mr. WALSH. If there is going to be objection, what is the use of sitting here and listening to the explanation?

Mr. LANGLEY. I will say to my friend that the gentleman from Massachusetts [Mr. LUCE], his colleague, desires to speak in opposition to the bill, but informs me that he does not desire to object to its being reported. That is entirely satisfactory to him.

Mr. CHALMERS. Mr. Speaker, I ask for the regular order.

Mr. LANGLEY. Mr. Speaker, I have made an explanation of the bill earlier in the day and——

The SPEAKER. The gentleman from Ohio demands the regular order. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. LANGLEY. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 186, of which this is an exact copy.

The SPEAKER. The gentleman from Kentucky moves to suspend the rules and pass the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 186) authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

Resolved, etc., That the Chief of Engineers, United States Army, is hereby authorized and directed to transfer to the jurisdiction of the Joint Committee on the Library the following United States reservations for use in connection with the Botanic Garden: Nos. 6–A, 6–B, 6–C, 6–D, 6–E, 6–F, 6–G, 6–H, 6–I, 6–K, 6–L, 6–M, 6–N, 6–O, 6–P, 6–Q, 6–S, 292, and 293, all of which lie along the site of the old James Creek Canal, from Maryland Avenue to P Street SW., Washington, in the District of Columbia.

Passed the Senate March 21, 1922.

The SPEAKER. Is a second demanded?

Mr. LUCE. Mr. Speaker, I demand a second.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky is entitled to 20 minutes and the gentleman from Massachusetts to 20 minutes.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Fordney	Little	Rosenbloom
Bacharach	Free	Longworth	Rossdale
Barbour	Freeman	Lyon	Rucker
Barkley	Funk	McArthur	Ryan
Beck	Gallivan	McClintic	Sabath
Benham	Garner	McKenzie	Sanders, Ind.
Blakeney	Gilbert	McLaughlin, Nebr.	Sanders, N. Y.
Blanton	Glynn	Madden	Schall
Bowers	Goldsborough	Maloney	Sears
Brand	Gould	Mann	Shaw
Britten	Graham, Pa.	Mansfield	Shelton
Brooks, Ill.	Greene, Mass.	Martin	Shreve
Brooks, Pa.	Hangen	Mead	Siegel
Brown, Tenn.	Hawley	Michaelson	Smith, Mich.
Burke	Hersey	Mills	Smithwick
Burton	Hicks	Millspaugh	Snell
Butler	Hogan	Montague	Snyder
Campbell, Pa.	Hooker	Moore, Ill.	Stedman
Cantrill	Hudspeth	Moore, Ohio	Stephens
Carew	Humphreys	Morin	Stevenson
Chandler, N. Y.	Husted	Mudd	Stiness
Clark, Fla.	Hutchinson	Murphy	Strong, Pa.
Clarke, N. Y.	Ireland	Nelson, J. M.	Sullivan
Classon	Jeffers, Ala.	Nolan	Sweet
Cockran	Johnson, Miss.	O'Brien	Tague
Codd	Johnson, S. Dak.	Oliver	Taylor, Ark.
Collins	Kahn	Olpp	Taylor, Colo.
Connell	Kearns	Osborne	Temple
Connolly, Pa.	Kelley, Mich.	Parker, N. Y.	Tilson
Copley	Kelly, Pa.	Parks, Ark.	Treadway
Coughlin	Kendall	Perlman	Tyson
Cramton	Kennedy	Perlman	Underhill
Cullen	Kiess	Petersen	Upshaw
Darrow	Kindred	Porter	Vare
Davis, Tenn.	Kitchin	Pou	Vestal
Dempsey	Kline, Pa.	Pringey	Ward, N. Y.
Denise	Knight	Rainey, Ala.	Ward, N. C.
Drane	Knutson	Ransley	Watson
Driver	Kraus	Reavis	Williams
Echols	Kreider	Reber	Wilson
Edmonds	Kunz	Reece	Wise
Ellis	Lampert	Reed, N. Y.	Wurzbach
Fairchild	Leatherwood	Riddick	Wyant
Fenn	Lee, Ga.	Riordan	Yates
Fields	Lee, N. Y.	Rodenberg	
Focht	Linthicum	Rogers	

The SPEAKER. Two hundred and forty-eight Members have answered to their names; a quorum is present.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 268.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to present a conference report on the disagreeing votes of the two Houses on House Joint Resolution 268, for printing under the rule.

The SPEAKER. The Clerk will report the joint resolution by title.

The Clerk read as follows:

House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921.

The SPEAKER. Ordered printed under the rule.

BOTANIC GARDEN.

The SPEAKER. The question before the House is suspending the rules on the motion of the gentleman from Kentucky. The gentleman from Kentucky is recognized for 20 minutes and the gentleman from Massachusetts for 20 minutes.

Mr. LANGLEY. Mr. Speaker, will the Speaker kindly notify me when I have used seven minutes? Mr. Speaker, perhaps I had better begin this brief explanation by stating that this map runs from north to south. Here is the present Botanic Garden. The need for action—as I said earlier in the day and which I will repeat for the information of those gentlemen who were not in the Chamber then—arises from the fact that the Meade Memorial, in the northwest corner of the garden, has taken 100 square feet, which is now covered with rose bushes and other valuable plants and shrubbery. The Grant Memorial has taken a large space over at this end of the Botanic Garden facing the Capitol. Director Hess has been using grounds surrounding the Gallinger Hospital as a sort of nursery, and he has a lot of shrubbery and things of that sort there, which must be moved immediately because of the improvement work that is now in progress on that institution, and they have notified him that he must move immediately. In addition to that fact the Botanic Garden——

Mr. JONES of Texas. Will the gentleman yield?

Mr. LANGLEY. In a moment. The Botanic Garden is very much overcrowded for space, in addition to the situation I have referred to——

Mr. JONES of Texas. Now, it is not the purpose in enlarging this to make room for more monuments down there, is it?

Mr. LANGLEY. I certainly hope that it is not. That matter, of course, rests with the Congress and with the commission that may be appointed to pass upon it. That is not the idea of the committee reporting the resolution, however.

Mr. JONES of Texas. They would not put any more monuments there without getting the approval of the Congress?

Mr. LANGLEY. They could not do so.

Mr. CRISP. If the gentleman will permit, is this land to be incorporated in this park now the property of the United States?

Mr. LANGLEY. I was coming to that. All of this land here included in these yellow diagrams is owned by the Government of the United States, and is under the War Department. Most of it is unoccupied now, and it is very fine soil.

Some portions of it here—for instance, out Maryland Avenue—are occupied by the government of the District of Columbia. Two other blocks along here somewhere [indicating] are covered by débris of various sorts, which has been deposited there by the District government, which has been using those particular sections as a sort of dumping ground.

Mr. MILLER. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. MILLER. Has the gentleman made an estimate of the probable cost of making the land of which he is now speaking suitable for Botanic Garden purposes, or is it in that condition now?

Mr. LANGLEY. Most of it is practically ready now for utilization for that purpose. This bill does not propose to buy a single foot of land. It merely proposes that it be placed under the supervision of the Joint Committee on the Library and its use by the Director of the Botanic Garden, subject to the control of that committee.

Mr. RAMSEYER. For what purpose is that land now being used?

Mr. LANGLEY. Most of it is not being used for any purpose.

Mr. RAMSEYER. It is just lying idle?

Mr. LANGLEY. Some of it is occupied by the District government, and the Commissioners of the District have agreed that they can not easily move off of the portions which they occupy. There is a space here occupied by the District government for stables which they propose to abandon, and which buildings can by a nominal cost be converted into greenhouses.

Mr. RAKER. Will the gentleman put his pointer as to wherein N Street is? There is a dumping ground now where they pick up the sewage and put it on a boat?

Mr. LANGLEY. I think so.

Mr. RAKER. Why did not the committee take these blocks that are on farther south than 6-R?

Mr. LANGLEY. Because that is as far as James Creek Canal has been filled up. The balance of the canal bed is in its original condition—filled with water.

Mr. RAKER. I know; but there are at least 10 blocks from N Street on south to the river?

Mr. LANGLEY. This is P Street.

Mr. RAKER. From N Street on south, clear on down to the point to east of the War College, is one of the finest tracts of land in the city of Washington to-day that is unimproved.

Mr. LANGLEY. That is not the James Creek Canal bed. The gentleman has a wrong impression about that. Some portion of this property, I wish to say to the House, is really an eyesore to the city of Washington. Within three or four blocks of this Capitol Building there is refuse of various sorts, loose brick and stone, broken wagon wheels, and various things of that kind, and it is a habitation, they tell me—I do not know personally—for dope vendors, bootleggers, and other leggers [laughter] and this——

Mr. STAFFORD. The gentleman does not mean to say that there are moonshiners in the District of Columbia?

Mr. LANGLEY. The gentleman from Wisconsin is from a wet city and I am from a dry State, and he ought to know better than I do.

Mr. STAFFORD. I acknowledge myself to be a "wet."

Mr. LANGLEY. Well, I do not. [Laughter.] I never admit anything. The result of this legislation will be to move all of that unsightly——

The SPEAKER. The gentleman has occupied seven minutes.

Mr. LANGLEY. I will take two or three minutes more.

Mr. LUCE. Will the gentleman explain to the House what is the need of this legislation from a legal point of view? The land is now in the control of the District of Columbia, is it not?

Mr. LANGLEY. Part of it is under the control of the District, by authority of the War Department, but it is, of course, Government property, and Colonel Sherrill and all other officers directly interested—the Commissioners of the District, the Chief of Engineers, and everybody else who has had anything to do with this matter—state that it would require action of Congress to make it other than a temporary improvement.

Mr. WOOD of Indiana. It is under the control of the War Department, all of it.

Mr. LUCE. The War Department?

Mr. WOOD of Indiana. Yes.

Mr. LUCE. Why does the District of Columbia use this strip through here for its stable?

Mr. WOOD of Indiana. By permission of the War Department.

Mr. LUCE. And this could be used for temporary purposes without legislation?

Mr. LANGLEY. I do not know how long is could be used.

Mr. LUCE. It could be used temporarily.

Mr. LANGLEY. The original proposition was that it be used temporarily, but the officers who have directly to do with this matter said that this action by Congress is necessary.

Mr. LUCE. One other question. Does the gentleman wish the House to understand that there is at present on this strip which it is proposed to turn over a single dwelling house?

Mr. LANGLEY. There is certainly no private dwelling house there privately owned. There may be some squatters on it.

Mr. LUCE. The gentleman's suggestion that this would aid in getting rid of anything disreputable or unsightly was not quite pertinent, then?

Mr. LANGLEY. I think it was pertinent, because, as I have explained, several blocks of this property were covered all over with refuse.

Mr. LUCE. Is there any structure at all on the Government property from the railroad down, any kind of an edifice—factories, or anything else?

Mr. LANGLEY. Yes. I saw yesterday a good many covered wagons and things in which law violations could be concealed.

Mr. LUCE. The gentleman's eyesight differs from mine.

Mr. LANGLEY. Yes; because I am younger than the gentleman from Massachusetts. [Laughter.]

Mr. Speaker, that is about all I care to say.

Mr. GRAHAM of Illinois. Tell us something about the size of that strip.

Mr. LANGLEY. I thank the gentleman for making the suggestion. I had overlooked that. I have a list here which gives it. The entire area, included in these yellow marks here, is 15.093 acres. I have here somewhere an estimate of the number of square yards and the number of square feet and the number of square inches, that I intended to give to the gentleman from Wisconsin if he wanted it, as he wanted more specific information two weeks ago. There are 94,678,832 square inches, 657,478 square feet, and 73,053 square yards. I talked with some of the officials about getting the number of cubic inches of rich, productive soil, and ascertained that that was impracticable. [Laughter.] There is no question in my mind about the advisability of the adoption of this resolution. It will not

only relieve the congestion in the Botanic Garden but at the same time the improvement will fit into the parking system of Washington, and it will beautify a section of the city that has been sadly neglected heretofore.

Mr. STAFFORD. Will the gentleman yield?

Mr. LANGLEY. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used 12 minutes.

Mr. STAFFORD. Will the gentleman state how wide the tract is?

Mr. LANGLEY. Two hundred feet to the inch.

Mr. STAFFORD. That is very definite, about as definite as the gentleman can give me.

Mr. LANGLEY. It is definite enough, it seems to me, for all practical purposes. I think everybody understands all the essential facts.

The SPEAKER. The gentleman from Massachusetts [Mr. LUCE] is recognized.

Mr. LUCE. Mr. Speaker, by statute the Committee on the Library has the somewhat unique duty of control of the Botanic Garden. For that reason the general subject of the Botanic Garden has been before the committee, I imagine, for many years; I refer particularly to the change in its location. We had about two years ago an exceptionally illuminating and instructive hearing that gave at least one member of the committee such a vital interest in the matter that he has taken no small number of hours in attempting to reach a conclusion in his own mind as to what ought to be done.

When it became necessary to make preparations for dedicating the Grant Memorial, the superintendent of the garden came before the committee and pointed out that by taking down the iron fence much valuable shrubbery would be endangered. We already knew that his palm houses were too small, and in view of these two things the Joint Committee on the Library very readily and cheerfully authorized the superintendent of the garden, for whom we have a high regard and whose work we would help all we can, to take a stretch of land from the Botanic Garden down as far as the railroad along Canal Street. It is perhaps 40 or 50 feet wide, now covered by ugly stables, hardly deserving the name of stables, that might be supplanted usefully by greenhouses. It is cut by several streets, as everyone here who lives in Congress Hall knows very well. It is unsuited to any park purpose other than possibly a parkway. It would for the most part be unfit for anything botanical except greenhouses, and for that or any other practicable purpose we very gladly said Mr. Hess might use the property.

Somewhat to the astonishment of some of us, there appeared not long afterwards in one of the Washington papers a long and highly colored story to the effect that there was unanimous consent in Congress to creating a wonderful botanic garden down in the tin-can district between the railroad and the river, the filled-in district.

The ground for this story I do not know. The Committee on the Library had never had any such proposition laid before it, and was unable therefore to give any view on it, and it was a little disconcerting to find that the newspaper writer said that the proposition had the hearty and unanimous support of the whole Committee on the Library, which had never heard anything about it, at least in any meeting of the committee.

Mr. LANGLEY. Mr. Speaker, will my friend yield to me?

Mr. LUCE. Certainly.

Mr. LANGLEY. Speaking about the newspaper article being disconcerting, I have in days gone by been myself disconcerted by newspaper stories; but I have since then recovered from that susceptibility, and I am sure my worthy and distinguished and learned friend from Massachusetts will not blame me for anything colored that appears in the papers. [Laughter.]

Mr. LUCE. My wonder was increased when I discovered in the report accompanying this bill that in it is quoted a recommendation from the Superintendent of Public Buildings and Grounds which covered precisely that which the Committee on the Library had in mind, and that alone. The superintendent was present at the meeting of the Committee on the Library, and it was our agreement, and I should be delighted now to see the Congress decide, to transfer this strip from here to the railroad [indicating on map] to Mr. Hess. But the Committee on Public Buildings and Grounds, while quoting this recommendation of the superintendent, uses it as the basis of a bill to transfer all this tract on the other side of the railroad, which was so elaborately described by the newspaper man as the site of the future Botanic Garden.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CAMPBELL of Kansas. What legal or other objection is there to this bill transferring the land beyond the railroad on down to the river?

Mr. LUCE. I know of no legal objection, and I am in the singular position of having no serious personal objection to its transfer for the purpose for which it logically and properly might be used. But the public has been told with great enthusiasm that this is to be used for another purpose; and if it is to be used for another purpose I strenuously and earnestly remonstrate, and that is why I take the floor now, and hope that we may provide, if there is a parliamentary way of doing it, that this dream shall not be carried out until Congress has decided that it is desirable.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. LUCE. In a moment. This land down beyond the railroad might be usefully employed as forcing grounds, as bedding places, and for the productive purposes of a flower garden—that is, for the growing of flowers, plants, and shrubs. It can not be made a thing of beauty. It can not be made a place that anybody will visit. It will have none of the attractiveness of a botanic garden, but can be used simply for raising the shrubs, plants, and flowers which the superintendent of the garden distributes, I presume, through the parks of the District, the hospital grounds, and other places, and from which to a delightful degree the Members of the House themselves benefit.

Mr. LANGLEY. Mr. Speaker, if the gentleman will yield, I will say to the gentleman that I think that is what the Director of the Botanic Garden and others agreeing to the proposition have in mind. Some of this land may be used as an arboretum, whatever that is. I have heard them mention that. I am not myself an expert on the subject.

I will say to the gentleman that the reason for including in this resolution more territory than the Director of the Botanic Garden mentioned when he was before your committee was that when Colonel Sherrill, in charge of public buildings and grounds, and representatives of both the Senate and House Library Committees and others went over it they said, "There is some more land, Mr. Hess," and one of the District Commissioners said, "You can use that also"; and they drew this resolution as it was unanimously passed by the Senate, and it is now introduced in the House, and it turns over to the Joint Committee on the Library, of which the distinguished gentleman is a very active and influential member, the authority to do whatever he and his associates care to do with that land.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. WALSH. Referring to the statement of the gentleman from Kentucky [Mr. LANGLEY], in any event all that is accomplished by this resolution is to turn over that property to the jurisdiction of the Committee on the Library, of which my colleague is a member, and in future that committee can recommend and control the use that is made of this tract?

Mr. LUCE. Absolutely; and if the gentleman stopped at that point there would be no objection whatever. But my friend from Kentucky [Mr. LANGLEY] lets the cat out of the bag when he uses the word "arboretum." By the use of the word "arboretum" he supplements and enforces the newspaper story, which is based on the theory that this is to be an arboretum, a most preposterous proposition. An arboretum is a place where great trees are grown. An arboretum ought to have a capacity of several hundred acres. A thousand or 2,000 acres would be none too small for an arboretum.

Mr. LANGLEY. Will my friend yield again?

Mr. LUCE. Does the gentleman desire to withdraw the word "arboretum"?

Mr. LANGLEY. I desire to say that I heard the word "arboretum" used in the discussion of this question, and the gentleman from Massachusetts knows much better than I do what it means. I do not see any reason why we could not grow trees down there if we wanted to; but again let me call attention to the fact that the committee of which the gentleman is a distinguished and powerful member will have control of that entire thing, and if you found that an arboretum might do some damage down there you might veto the arboretum and not let it be put down there. [Laughter.]

Mr. LUCE. The gentleman from Massachusetts happens to be acquainted with the word "arboretum," because one of the beauty spots in the suburbs of Boston is the Arnold Arboretum, perhaps the first and certainly the best of its kind in the country, a large area of land devoted to the raising of trees and a great help to botanists and to the students of arboriculture. Now, the danger here is that it might be thought, from what has been said on the floor and from what has been said in the press, that Congress by this bill had given its sanction to the use of

this land for such a purpose as that. The danger of growing trees upon this ground is that it would totally upset any permanent plan for the improvement of this whole district sought of the Capitol extending to the river. Most of it is land privately owned and must in time be bought. It is intersected by streets that have been leveled up, and in between the trees are sink holes that are on the original level of the meadows. It will take, I venture to prophesy, not less than $1,000,000 to buy and improve that property for public purposes, perhaps a good deal more.

Mr. RAKER. Will the gentleman yield for a question?

Mr. LUCE. Yes.

Mr. RAKER. Is it not a fact that on this street, from about M on down to the river, about eight blocks, there is to-day the finest row of trees in or about the city of Washington?

Mr. LANGLEY. Absolutely true.

Mr. LUCE. It is a row of very beautiful trees, and doubtless they will be preserved in any reconstruction of the area down there. The gentleman refers to the trees on First Street, does he not?

Mr. RAKER. Yes.

Mr. LUCE. Now, First Street runs away over here, several hundred feet.

Mr. RAKER. Over beyond here is the Navy property?

Mr. LUCE. Yes.

Mr. RAKER. I will ask the gentleman if it is not a fact that the two beauty spots of Washington, where more people go than to any other place in Washington, are the War College and around the Speedway, which have been improved as this would be improved?

Mr. LUCE. Yes.

Mr. RAKER. Then why not improve this property?

Mr. LUCE. I will support that proposition with both hands if the gentleman and the House will join me. But this is not that proposition. This is a proposition to take a narrow strip, with no certainty that the remaining land will be taken, and with the possibility, as the gentleman suggests, that trees will be planted which will become great, and in time will interfere with the laying out of this region. Until there is a permanent decision as to the location of the Botanic Garden I doubt whether you ought to put this land beyond the railroad in the hands of the Committee on the Library. In common with most other people, I am not going to object to an accession of power. If you desire to give more power to the Committee on the Library, I, as a single member of it, will attempt to exercise that power as best I can to the public advantage. But I want to get it in the RECORD here now that at least one Member of this House does not contemplate that any action to be taken to-day shall bind the House to this as a permanent location for the Botanic Garden.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. If this is transferred to the gentleman's committee, it does not impose any liability on the committee or the House to make an arboretum or anything else out of it. As a matter of fact, you can simply exercise your discretion and good judgment, can you not?

Mr. LUCE. Absolutely, but this statement in the Washington paper was reprinted in a paper in my own city, and I presume elsewhere, and it announced that the Committee on the Library and the Committee on Public Buildings and Grounds and the Committee on Appropriations and everybody else had agreed that this was the site for the Botanic Garden; and I did not want somebody to rise in the Seventy-eighth or the Ninety-fifth Congress and say that we were unanimously of the opinion that such a thing should be done and that we took this action with that intention.

Mr. GRAHAM of Illinois. If the gentleman from Massachusetts will bear with me, I have observed that what the Washington papers have expressed as the opinion of Congress is usually just exactly the opposite from the opinion of Congress.

Mr. RAKER. Will the gentleman yield to me for one more question?

Mr. LUCE. Yes.

Mr. RAKER. I will ask the gentleman again if it is not true that this row of trees running along here on First Street from M Street to the river is not considered by everybody the finest row of trees in Washington or within hundreds of miles of Washington?

Mr. LANGLEY. That is right.

Mr. RAKER. Now, if we improve this territory down to this point, it is a shame that the Government does not take that property and improve it as it ought to.

Mr. LUCE. I agree with the gentleman on that. I will say that farther down on First Street there are now dwelling houses, between First Street and the canal, and that the canal property is evidently separated from First Street by private property, which in my judgment ought to be taken at the earliest possible moment.

Mr. CURRY. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CURRY. If the gentleman from Massachusetts does not think this is a proper place to develop a botanic garden, where does he think is the proper place?

Mr. LUCE. That would embark me on a controversy that would take much more than 20 minutes to finish.

Mr. CURRY. Is the gentleman's opposition based upon a proposition of some other place where he would like to have the Botanic Garden?

Mr. LUCE. No; not as to the spot. I have examined Mount Hamilton, and I think it would be a blunder if the Government did not add Mount Hamilton to the park system, but I have great doubts of its being the best place for a botanic garden. I think the gentleman must realize that if some petty picayune 20 or 30 acre spot was taken now for a botanic garden it would decrease very much the chance of later getting a proper space to serve as a botanic garden. A botanic garden is more than a place to grow pretty flowers and pretty shrubs. It is to serve as an important center of study by scientific men from all over the land, and for that purpose the site ought to be carefully selected by experts.

Mr. CURRY. Is not this to add to the development of the Botanic Garden?

Mr. LUCE. It is, and if I can get it squarely set forth by any action of this House to-day that it is not the intention of Congress that this shall be a permanent location for the national activities in botanical research, but that the question of a permanent location shall be left open for future consideration, I shall not repine at the outcome. Now, Mr. Speaker, in the few minutes I have left I would like to say a word about the Botanic Garden controversy. I understand that there has been much acrimony in the discussion of the matter. I have no personal choice or preference.

I do not know who owns Mount Hamilton. No man has ever come to me in connection with Mount Hamilton, but after it was brought to the attention of the committee two years ago I went out there alone in order that I might not be biased by the comments of any interested person, and I spent a delightful afternoon examining that tract. If any gentleman here who is as fond of walking as I am will take an afternoon and go out there, I am sure he will find no more attractive spot in the neighborhood of the Capital for a pleasant stroll and enjoyment of the beauties of nature.

The trouble with Rock Creek Park—and I have done my share in walking there, too—is that those who planned it omitted providing enough paths for pedestrians. All you gentlemen who own automobiles—and I hope you all do—get your pleasure by riding through it, but such as enjoy walking and go out there will find it unsuited for men who prefer to walk rather than to ride. It can never be a playground for the masses of the people of Washington. It is too hilly; there is not enough level land. While it is possible at reasonable prices to secure for all time for the use of the people places for playgrounds, recreation spots, beauty spots that everybody can enjoy, it strikes me as a lamentable lack of foresight not so to do. Could I have my way, as soon as we get out of this period when we must look at every dollar two or three times before we spend it, I would gladly see all the available tracts of land acquired for that purpose. I would like to see Mount Hamilton taken for the park system, but let the site of the Botanic Garden await the decision of those qualified to advise.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I can not claim to have given an intimate study of these questions that my distinguished friend from Massachusetts has given. My judgment on the matter is made, I am very frank to say, largely from the advice and suggestion of the superintendent of the Botanic Garden himself. I have confidence in his knowledge of his business and have been quite willing to be guided by his suggestions. So far as Mount Hamilton is concerned, I have seen that, but from what I have seen, that which is called soil would have to be pulverized and manured to make bricks even. [Laughter.] It does not appear to me to be suited to a botanic garden or for general botanic purposes such as has been described by the gentleman from Massachusetts. In this I am fortified also by the statement of the superintendent of the

Botanic Garden. It seems to me that this spot, which I have been over, is suitable for the purposes described by the gentleman from Massachusetts; whether it is suitable for an arboretum I do not pretend to know. It does seem to me to be a most excellent temporary solution, if it be no more than temporary, of this problem in which most of us are interested in having solved, and I hope that the resolution will be passed.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, I can not see why there should be any objection to the transfer of this property from the War Department to the Committee on the Library for the purpose of relieving the congested condition of the Botanic Garden.

What may be the future with reference to a botanic garden the future must determine. I for one am violently opposed to this land proposition to unload Mount Hamilton upon this Nation at an initial cost of $400,000. [Applause.] It would take twice $400,000 to blast the rocks in order to find a place level enough in which to set a hen. [Laughter.]

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FISHER. Does the adoption of this resolution mean the complete abandonment of the plan which has been suggested whereby there will be a new Botanic Garden, an elaborate one, purchased by the Government in some other section of the city?

Mr. WOOD of Indiana. No; it does not mean anything of the kind. It means that it will afford an outlet to save what the Government has paid hundreds of thousands of dollars to get, in the way of a collection, from going to waste, so that those valuable shrubs and plants may be kept growing until such time as a site may be selected. I am glad to hear the gentleman from Massachusetts [Mr. LUCE] express himself as he has, and I know that he is not a party to the plan of some gentlemen to absolutely destroy this beauty spot down here at the foot of the hill, in order that they may force the purchase immediately somewhere of some other piece of ground, of Mount Hamilton, preferably, for a Botanic Garden. That is the crux of this whole business. There are thousands and thousands of dollars worth of plants out here at the Gallinger Hospital that must be taken care of. The congested condition down here at the Botanic Garden because of the encroachment of the Grant Memorial, which never should have been placed there, and because of the placing of the memorial to Meade, which never should have been placed there, makes it all the more necessary why there should be some outlet to take care of those shrubs. There can be no possible reasonable objection to this. It will afford relief without cost to the Government, and at the same time it will tend to beautify that portion of the town which has been sadly neglected. There are a few, for which I am thankful, that feel that anything that may tend in the least to give permanency to the present Botanical Garden, that will approve this measure of relief; but let us take care of the beauty spot we now have, that has been more than a hundred years in the building, rather than to despoil it at the behest of those who are actuated solely by the mercenary spirit, all too prevalent in this city and country to-day.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, there are two reasons that I think are quite clear why we ought to have immediate action on this resolution. I do not enter into the controversy respecting Mount Hamilton. While I have not been committed to that proposition, I am of opinion that in the light of the past 50 years of growth of this Capital City, the immediate future ought to be looked after, so far as the park system is concerned, for it must greatly develop in the next 50 years. However, I eliminate that entirely. I am not committed to the proposition at all, and I do not know that I would vote for the purchase of Mount Hamilton now if that question were up. I know that I would not vote for it upon such information I now have for a botanic garden; I would be inclined to vote against it for that purpose. I do not know what I would do on the matter of developing the park system, beyond my desire to insure against unwise omissions to take advantage of our opportunities for a wonderful city in the future. The two things I have in mind are, first, the utilitarian side so as to utilize this Government land which is now without any particular use to the country, and is much of an eyesore. It could be made of particular value by the extension of the Botanic Garden, which, in the present quarters, is seriously hampered. This plan will relieve the congestion down here in the garden, where can be found a wonderful treasure in botany. I greatly regretted the statement made on the floor of the House the other day about the value of the collection in the Botanic Garden. There is a collection there which has been gathered in the last hundred years and it would be absolutely impossible to replace it should it be destroyed.

Mr. LANGLEY. One hundred and three years have elapsed since it was started.

Mr. FESS. There is no possibility, either so far as physical accomplishment or price is concerned, or so far as time is concerned, if it were destroyed, whereby it can be replaced. So far as the value of this collection is concerned, I leave that to those who see a particular value in the botanical richness of such a collection in the Capital City. That ought not to be destroyed; it ought to be protected as a treasure not possible to replace.

Those in charge fully recognize what the garden means, and have thus far been able to resist what appears to be a wanton attitude toward it. But the present situation demands an expansion which some Members interpret to mean a removal. The latter can not be done without loss, while the former can be easily accomplished. That is the purpose of this resolution.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. RAKER. Who is responsible for permitting the fence to be cut down as it was around the Botanic Garden?

Mr. FESS. Congress authorized that to be done, conditioned upon the consent of the superintendent of the garden, who came to the Joint Committee on the Library and gave his consent in order to arrange for the dedication of the Grant Memorial. We finally agreed that it ought to be done, inasmuch as the monument was built there. I think it was a mistake to put the monument there, but since that is not the question there was nothing really left for us to do but to remove the fence.

Mr. LANGLEY. There was a unanimous agreement by the gentlemen, in addition to the Library Committee, which I referred to a while ago, if Mr. Hess would withdraw his objection, and the fence was removed two weeks ago, and I think the Congress ought to live up to its part.

Mr. FESS. I personally deplore seeing the fence removed. However, that is done.

Another reason for this resolution is to convert a most unsightly portion of the Capital City near the Capitol into a part of the park system by removing shacks and extending the garden in time to the river. Whatever be the final plans of the Botanic Garden, this resolution transferring this land from the jurisdiction of the War Department to that of the Joint Library Committee will not prevent a complete plan later on in case the Congress decides otherwise.

The immediate approach to the Capitol from the depot, as well as surroundings in other directions, is not designed to impress the visitor. I hope to see the time when the Capitol will take on the beauty commensurate with its importance in the world. This is only one of many steps leading to it.

The SPEAKER. The time of the gentleman from Ohio has expired. All time has expired. The question is on the motion of the gentleman from Kentucky to suspend the rules and pass Senate Joint Resolution 186.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the joint resolution was passed.

By unanimous consent a similar House joint resolution (H. J. Res. 298) was laid on the table.

EXTENSION OF REMARKS.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent that all Members of the House have 10 days in which to extend their own remarks in the RECORD on the road bill which was passed this afternoon.

The SPEAKER. The gentleman from California asks unanimous consent that all Members of the House have 10 days in which to extend their own remarks in the RECORD on the road bill. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I think that is a rather long time. The ordinary time is five days.

Mr. LEA of California. Mr. Speaker, I modify the request to make it five days.

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. LEA of California. Mr. Speaker, I have heretofore supported the various measures providing Federal aid for road

construction. I secured the privilege of extending my remarks to place in the RECORD my reasons for voting against the pending bill.

This bill contains over five pages of provisions proposed to be made a part of our Federal road law. It authorizes the eventual appropriation of over $145,000,000, reduces the limit per mile that may be spent by the Federal Government on road construction, and contains other provisions of more or less importance.

It was presented to the House under a method of procedure which practically denied debate, left no reason for debate, and absolutely denied Members an opportunity of offering amendments to improve the bill.

I voted against this bill as a protest against such methods of legislation. I voted against it because, in my judgment, it places an unreasonable, impractical, and unwise limitation on the proportionate amount of Federal participation in road construction. I voted against this bill, mentally assured that its defeat would furnish the House an opportunity of passing another bill providing for an equal amount of funds, unhampered by what I believe to be an objectionable limitation.

LEGISLATIVE SHACKLES.

By the adoption of special rules, and by suspending the rules, and thus preventing proper consideration and prohibiting the right of amendment of important bills, the House has made a common practice of what is justified only by unusual and exceptional conditions. The motive and effect of these methods of procedure is to deny the Members of the House the opportunity of exercising their discretion on legislative matters. Such methods of procedure are the means by which a small committee or a dominating few, who are able to control procedure, shackle the House and render it impotent to translate its will into legislation. The number of instances in which the House in a similar way has abdicated its function can be indefinitely multiplied from our records during recent years.

Such methods of procedure are becoming an offense against popular government and reflect upon the initiative and courage of Members of Congress.

In the case of this particular bill, the chairman of the committee having the bill in charge moved to suspend the rules and pass the bill. This meant that 435 Members of the House were limited to 40 minutes' debate—20 minutes for and 20 minutes against the bill. It meant every Member was denied the right or opportunity to offer any amendment; that the bill must be passed or defeated exactly as it was presented, without crossing a "t" or dotting an "i." Thereupon the chairman stated, "This is the only bill we thought it was wise to offer at this time." In other words, the House was informed, in effect, that it could take that bill without change or get nothing.

Unquestionably an overwhelming majority of the House desired to authorize this road appropriation. By a similar majority, I believe, the House was against the limitation proposed. Under ordinary methods of procedure we would have had the opportunity of a separate vote on the question of limiting the Federal expenditure per mile. Then the bill as finally passed would have represented the majority will of the House in all its provisions. But under the procedure followed in this case, many Members who voted for the bill were unwillingly forced to vote for this unwise and impractical limitation upon the use of the funds.

Claiming to be the most popular branch of the greatest of legislative bodies, we unprotestingly again submitted to a practice which deprives our Members of their discretionary functions and yields the power of the House to a committee or a dominating few who happen to be in position to control our procedure. Is the domination of legislation by a few the product of their self-appropriated power or is it a supine concession from the membership of the House? The clear design of such methods is to refuse the Members of the House the exercise of their own discretion. Without the exercise of that discretion and our own judgment, what justifies our existence as legislators? Is our surrender of our functions on the assumption of the greater wisdom and virtue of the few that initiate and control such procedure? Shall we accept the right to exercise our legislative functions as a privilege extended or withheld at the will of a dominating few or shall we reclaim the rights that have been lost only by our own self-forfeiture? Such methods can not be justified or explained on any theory that is credible to the Members of the House.

MILEAGE LIMITATION.

Twenty thousand dollars per mile is the present limit on Federal expenditures for road construction. This bill, if enacted, would fix the limit for the coming fiscal year at $12,500, exclusive of bridges more than 20 feet, and thereafter at $10,000 per mile, except certain additional amounts granted a few public-land States.

The Federal aid road act passed in 1916 naturally and wisely recognized that the only logical basis for apportionment of Federal and State funds in joint road building must be upon a basis of the cost thereof. Any other standard of apportioning State and Federal responsibility is arbitrary, unequal, and therefore unjust in its application.

The Government should have nothing to do with building anything but good roads. Sometimes a good road costs $10,000 per mile, sometimes $20,000, and for equally good reasons sometimes it costs $30,000 or $40,000 or more. Outside of the right of way which the State provides, the cost of a road is dependent upon labor costs, the amount and character of excavations, the difficulty and expense of drainage, the amount and cost of grading, the cost of providing a proper foundation dependent upon the variability of soils, rainfall, freezing, drainage, and other conditions. The cost of surfacing a road likewise varies, not only according to the kind of the surface selected, but also on account of the variety of conditions as to transportation, availability of materials, and other essentials at different localities. To say that we shall expend an amount not to exceed $10,000 per mile means that we will sometimes pay 50 per cent, sometimes 40, sometimes 30, and sometimes 25 per cent of the cost. Such an arbitrary limitation ignores the cost of construction, the amount of traffic served, the character of the traffic, whether light or heavy, and the need, the value, and the usefulness of the road.

It would be about as logical to say that the Government will not spend its money for building a bridge over 50 feet, although the stream requires a 100-foot bridge, or to limit the concrete surface of a road to 4 inches when the traffic requires 8.

Innumerable instances can be named where the States have constructed roads costing much more than $20,000 per mile, and where it would not have been economy to construct roads at less cost. In reference to such roads the attitude of the Government would in effect be, "We will pay 50 per cent of the cost of constructing an inferior road, but if you want to construct a really good road, such as the traffic and building conditions require, then we will pay only a less proportion of the cost." It is not logical to say that we will cooperate liberally where the burden is light and to a much lesser degree where the burden is heavy.

A good road is dependent upon a properly selected route, proper grades and curves, drainage, foundation, and surface. A road upon a properly selected route, pursuing a natural line of travel, is the most enduring improvement on the earth made by man. Everything else built by his hands wastes away, but a properly selected route of a highway will be used by the human race as long as the world endures. It is utter folly to build expensive roads without proper drainage, moderate grades and curves.

One of the fundamental principles of Federal-aid road construction has been to encourage good roads. The participation of the Government would scarcely be justified on any other theory. Yet the tendency of this limitation is to encourage the States to build roads of a more or less temporary and doubtful character, rather than good, enduring types. The general tendency of the State is to slight rather than to overexpend money on substantial roads. The States need no encouragement in superficial road building or in continuing a policy that too long has been wasteful.

The present limitation prohibiting Federal participation above $20,000 per mile limits the equal participation of the Federal Government principally where construction costs are unusual or abnormal. The proposed reduction of this limit to $10,000 per mile will prohibit the equal Federal participation in practically all roads of a really high-class type. It will prohibit the equal Federal participation in many projects such as the States are now commonly constructing.

California now has 13 Federal-aid road projects, in which the estimated cost per mile runs from $30,000 to $43,000. No money is being wasted in building these roads. Those high costs are necessary on account of expensive construction or on account of the high-type road that must be built to accommodate the traffic. The final adoption of this limitation will seriously interfere with State plans as to such roads and will handicap and discourage high-class construction.

There is no extravagance in building roads well. There is no occasion for the Federal Government to place restraints against superior road construction. The waste that we may fear is from the construction of inferior roads. The unwise administration of road funds, incompetent engineers, and unfortunate selection of materials are common sources of waste in

road cost. But these mistakes occur as to the cheaper roads as well as the more expensive ones. This limitation places no restraint on that kind of extravagance.

On the 31st day of March, this year, $340,000,000 of Federal-aid funds had been apportioned since the act of 1916 became a law. These funds have been apportioned to over 37,000 miles of roads located in the various States. Eleven thousand miles of these roads have been constructed. Plans, specifications, and estimates have been made for 18,000 miles, and other projects aggregating 5,000 miles have been approved.

Of these funds over $10,800,000 have been apportioned to California, covering a total mileage of 757 miles. Of these roads 160 miles have been completed. Agreements have been executed for an additional 452 miles. Plans are complete for 73 miles and projects have been adopted for 71 miles.

The average cost per mile of the completed roads in California has been as follows: Graded and drained roads, $14,300; bituminous concrete, $17,300; concrete, $24,200. Bituminous roads under construction in California are costing an average of $21,400 and concrete roads $27,200 per mile.

The State of California has practically accepted the road with a concrete foundation as its most practical road on main lines of traffic. As the Federal-aid share of such roads has been $13,600 per mile, the effect of this bill after June 30, 1923, if enacted, would be to change the relative percentages of the costs now being borne by the Federal and State Governments, with a result that the State would bear an expense of $17,200 per mile while the Federal Government would carry an expense of $10,000 per mile.

On the graded and drained roads, bituminous concrete roads, and the gravel roads the Government would bear a full 50 per cent of the cost, but on the superior-class roads, found most practical, the Federal Government would pay only 37 per cent of the cost and the State would pay 63 per cent. The greatest difficulty this limitation would present would not be as to the average road, but as to particular roads where construction costs are necessarily and properly higher than the average road.

There is no more economy in the cheaper road than in the more expensive concrete road. The need for the concrete road is just as great. Equal economy and necessity exist for its construction as for the cheaper road. When the total amount of funds to be supplied by the Government is not determined or limited by the amount spent per mile there is no economy or logic in arbitrarily placing this limitation that will handicap the State in an efficient, economic, and businesslike handling of its road-construction problems.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Botanic Garden.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks under unanimous consent referred to, on the road bill, are here printed in full as follows:

Mr. HAWES. Mr. Speaker, Federal aid for a highway system is recognized in our Constitution, and from the time of President Washington to President Harding it has met the approval of our Chief Executives.

Congress commenced its assistance in 1812, and made direct appropriations within a few years after that time of over $500,000, and spent money on roads running from $7,000 to $13,000 a mile.

The importance of the subject to-day, due to the introduction of the motor vehicle, which both uses and destroys roads, is understood when we know that there were 10,250,000 licenses for motor vehicles issued in 1922; that the new investment in these motor vehicles in 1921 reached the enormous sum of $8,322,000,000; that it is estimated that 6,000,000 cattle were hauled in trucks from the farm to the packer in 1921.

In the last 10 years the United States and the States invested $2,526,000,000 in good roads.

The Democratic national platform and the Republican national platform both called for liberal appropriations for Federal aid.

Both President Wilson and President Harding have given their unqualified approval to this Federal participation.

The church, the school, the farmer, and every class of our citizens are deeply and vitally interested.

Acting upon the invitation of the United States Government, 48 States have created State highway commissions, have enacted State laws to comply with the Federal provision; the subject has occupied many sessions of the legislatures in many States, including in numerous States special sessions of the legislatures called for this specific purpose.

Most of the States complied with the Federal aid provision on the 50-50 or matched dollar basis, and they have adjusted themselves to the Federal provisions only after long educational work, much discussion, and great difficulties.

Any change, therefore, in the Federal law means increased difficulties, uncertainties, and vexations for each of the 48 States.

I doubt very much whether the members of the Roads Committee of the House understand the complex nature of Federal aid, and that in every change they make they cause embarrassments and trouble for not only the State commissions but the legislatures of the various States.

About one year ago the committee brought in a roads bill under a suspension of the rules allowing but 40 minutes' debate, 20 minutes to those favorable to the bill and 20 minutes to those opposing. No opportunity for amendment was provided, so that the will of the committee must prevail in the House, or any hope for amendment must be expected from the Senate.

Again, on last Monday the committee reported another bill to the House cutting the appropriation from $100,000,000 to $65,000,000 and making certain radical changes, and the House under this rule was not permitted to discuss or suggest amendments.

Representatives of the 48 States were denied the privilege of expressing the will of their States. Twenty minutes of this time was divided by the chairman of the committee into a general discussion of the bill. Answers to questions propounded on the floor of the House could not be given in the time limited, nor could amendments be made.

A Member from Ohio occupied 15 minutes in opposition to the whole theory of Federal aid. He did not discuss the provisions of the bill but frankly stated his opposition to it in any form, and but five minutes was permitted the gentleman from Arizona to even touch upon the subject of a possible amendment.

The rule by committee was never better illustrated than in this case. The doctrine of "take it or leave it as we decide" was never more strongly emphasized.

It is a denial of the right of petition, a denial of the right of discussion, in effect a denial of the right of representation for the committee to proceed along this line.

If all the functions of the House in the matter of amendments are to be transferred to the Senate and the House compelled to vote yea or nay on a matter of this magnitude, then the power of the House is destroyed and representation is denied.

Earnest men and women in every State in the Union have State road organizations, county road organizations, and township road organizations; they are fighting the battle of good roads everywhere; and yet 430 Representatives of these 48 States in Congress are denied the right to discuss, or even to present, the petitions and memorials for their State on the floor of the House, for the purpose of expressing the will of these good people and of the officials of the various States.

The fact that in every congressional district the Democratic platform has been violated, the Republican platform has been violated, and the recommendations of both Wilson and Harding ignored by a committee which refuses the right of discussion to the House, will necessarily become a campaign issue in the fall election. This would be most unfortunate, because there should be no partisan politics in the matter of good roads or the building of highways.

But if year after year a small committee is to decide absolutely the policy of the House, prevent amendment, and prohibit discussion it raises a national issue of importance.

The committee evidently does not understand that when they change the Federal law it may require changes in many State laws.

Whole systems of roads—as in my State, which contemplates the building of 6,000 miles—will have their machinery thrown out of gear and the legislative system disrupted.

When the expenditures of this Congress are criticized and its failure to retrench are discussed, the cutting off of $35,000,000 for roads will be an item which will be compared adversely with the failure to save in other directions.

I desire to enter my protest against any future discussion of the road problems of the Federal Government in a 40-minute discussion. It simply can not be done intelligently.

The issue as presented by the proponents of the bill made it impossible to vote against it without creating the impression that the vote was against Federal aid in any form, so that many Members were forced to vote aye when, if given an opportunity to have discussed proposed amendments, they would have voted nay. I find myself amongst this class.

Disagreeing with the amendments proposed by the committee, and desiring to effect a change which I am sure would have

met with the approval of the majority of the House, I was constrained against my better judgment and wishes to vote for the bill as presented.

I personally know, however, that a number of Members who voted with the small minority of 31 would, upon the general subject being properly presented, have voted aye.

The bill has passed the House, but the poor privilege of discussion is afforded only after its passage. I desire to direct the attention of the Senate, or of the conferees in case there is a disagreement between the House and the Senate, to a very unfortunate change made in the established law by this bill.

Every intelligent roadman understands the simple proposition that a road must be built for the load it is to carry. A road which carries 50,000 automobiles a day must be of a different width, thickness, and form of construction from one which carries 5 automobiles a day. The question of freight tonnage and passenger traffic controls the kind and character of the road which must be built near the denser centers of population.

The cheapest form of road must at all times consider the use for which the road is built. As the road extends back to the farm, 50 or 75 miles away, and as its use decreases, the cost and form of its construction change. But if 5 miles of any road leading from a farm to a market is not properly built and of a substantial character, then the road, so far as transporting the products of the farm to the market is concerned, is useless.

The present law permits the use of $20,000 a mile of Federal money when equally matched by State money.

Section 5 of this bill reduces this limitation to $10,000 per mile in 1924 and thereafter.

Many States have laid out their entire systems connecting the farms with the cities, and have considered the use of the road in the matter of density of population.

Some of these roads can not be built for $20,000 a mile, and road work in many States must stop until the legislatures of the States change the laws and the rules of the various highway commissions are changed.

The question of the expenditure per mile on roads should be one for scientific men employed in the Federal Highways Bureau and the scientific men employed by the various State commissions. It is for the high-class engineer to determine the cost of a road and the type of a road.

This cutting down, therefore, and placing a limitation of $10,000 a mile will work very injuriously, if not disastrously, in many States of the Union.

The following telegram was received by me from the State highway engineer of the Missouri commission:

JEFFERSON CITY, MO., April 28, 1922.

Hon. HARRY B. HAWES,
House of Representatives, Washington, D. C.:

Reducing Federal participation from $20,000 to $10,000 per mile will hamper road building program in Missouri. High-type roads can not be constructed for $20,000 per mile, and reduction of Federal participation would invite serious criticism of roads constructed that will cost more than double Federal participation. This contemplated action in Congress would mean that available Federal aid would have to be applied on a much larger mileage of roads, thereby increasing the overhead charges for both State and Federal departments. Would strongly urge that you do everything in your power to prevent this becoming a law, as it would greatly retard the building of high-type roads. Will take matter up with commission at meeting to be held in Jefferson City tomorrow, April 29.

A. W. GRAHAM.

Followed later by a communication in the form of a resolution reading as follows:

The following resolution was presented to the commission, and upon motion of Mr. Matthews, seconded by Mr. Connett, the resolution was adopted:

"Whereas the Missouri State Highway Commission has been informed that the Federal Congress has pending before it a bill reducing the Federal aid appropriated to the various States, fixing the maximum cost at $10,000 per mile instead of $20,000 per mile, as the law is at the present time. Therefore be it

Resolved by this commission, 'That the Members of Congress from Missouri be requested to oppose this particular section of the road bill, and to urge the passage of a law which will continue the Federal aid payments at the rate of $20,000 per mile as heretofore: Be it further

"*Resolved*, That the secretary be requested to forward copies of this resolution to each Member of Congress from Missouri."

I communicated with the Bureau of Public Roads, from whom I received the following letter, with inclosures, which are here inserted:

Hon. HARRY B. HAWES,
House of Representatives.

DEAR MR. HAWES: In response to your request for information as to the cost of highway construction of the higher types, I take pleasure in inclosing three tables.

The first of these, a "Summary of mileage and average cost per mile of bituminous concrete, Portland cement concrete, and brick pavements completed, and final payments made under the terms of the Federal aid act," is arranged by States to show the average cost of these pavements per mile by States.

The second table, the "Estimated cost per mile of bituminous macadam, bituminous concrete, concrete, and brick highways placed under agreement during the calendar years 1917 to 1921," shows the cost of these pavements during the past five years and indicates the general trend of prices. The amount of new work let this year is hardly sufficient to justify a positive statement as to what the 1922 averages will be, but enough new work has been let to indicate that this year's prices are somewhat less than in last year's. It should be remarked, however, that during the past two years there has been a decided tendency to increase the width and thickness of these types of pavement and that, as a result, the total cost per mile has not fallen off as rapidly as would otherwise have been expected.

The third table inclosed shows the mileage and cost by States and by types of all pavements under construction and completed on December 31 last. From this table such information as you may desire on pavement costs in any particular State may be secured.

Should you find this information inadequate for the purposes that you have in hand, I shall be pleased to supply any additional data that you may have occasion to use.

Very truly yours,

THOMAS MACDONALD.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
March 31, 1922.

Summary of mileage and average cost per mile of bituminous concrete, Portland cement concrete, and brick pavements completed, and final payments made under the terms of the Federal aid act.

[Arranged by States.]

States.	Bituminous concrete.		Portland cement concrete.		Brick.	
	Miles.	Average cost per mile.	Miles.	Average cost per mile.	Miles.	Average cost per mile.
Alabama	23.6	$45,300				
Arizona	1.1	63,900	38.2	$60,160		
Arkansas	131.1	31,300				
California	21.4	17,300	74.2	28,200		
Colorado			60.4	37,000		
Connecticut			5.3	23,700		
Delaware			21.0	43,100	6.2	$108,250
Georgia	2.5	34,400	71.2	33,100	0.4	37,600
Idaho	24.5	41,500	7.0	43,000		
Illinois	8.1	19,700	382.7	33,100	3.6	37,300
Indiana	12.0	41,250	61.1	35,700		
Iowa			93.1	45,900	21.2	63,000
Kansas			53.7	45,400	29.9	49,125
Kentucky			10.0	26,100		
Louisiana	5.7	27,600				
Maine			4.7	34,000		
Maryland	3.9	29,650	97.7	33,175		
Massachusetts	4.5	14,300	8.0	35,000		
Michigan	6.3	31,100	50.8	30,000		
Minnesota	18.3	39,950	59.2	37,300		
Mississippi			2.6	38,400		
Missouri	2.0	36,275	37.1	39,625	1.7	38,200
Montana			31.8	41,900		
Nebraska			7.4	38,850	7.5	41,100
Nevada			22.2	45,000		
New Hampshire	20.3	18,000				
New Jersey	2.6	43,400	63.4	45,300		
New Mexico			11.7	24,700		
New York			21.2	38,600		
North Carolina	20.1	37,500	18.0	31,900		
North Dakota			9	72,100		
Ohio	32.7	37,300	144.0	35,550	123.1	42,700
Oklahoma	19.2	45,300	6.7	38,600	.4	25,600
Oregon	25.0	35,000	23.0	34,900		
Pennsylvania	41.4	38,150	216.0	45,400	18.2	43,700
Rhode Island	21.0	39,700	2.3	48,725		
South Carolina	8.3	29,510	23.5	33,950	.2	24,500
South Dakota						
Tennessee	7.4	38,000				
Texas	8.9	36,100	40.1	38,600		
Utah	.4	66,500	1.4	35,700		
Vermont			1.4	32,100		
Virginia			32.2	29,100		
Washington			117.1	34,000		
West Virginia	5.5	22,700	28.9	30,600	10.3	39,300
Wisconsin			199.7	32,725		
Wyoming	1.3	14,800	6.3	28,350		
Totals and general averages	511.5	31,400	2,104.5	38,075	286	46,675

Estimated cost per mile of bituminous macadam, bituminous concrete, concrete, and brick highways placed under agreement during the calendar years 1917 to 1921.

	1917	1918	1919	1920	1921
Bituminous macadam	$22,300	$21,900	$27,350	$31,113	$28,445
Bituminous concrete	19,040	26,145	27,475	32,700	35,400
Concrete	25,300	27,480	34,915	42,740	42,755
Brick	36,250	47,970	44,210	54,315	53,010

The committee had before it Thomas H. MacDonald, Chief of the Bureau of Public Roads, an expert of the highest attainment, who has supplemented years of service as the chief highway engineer of the State of Iowa by the experience acquired

during many years' service with the United States Government. He is, under the Secretary of Agriculture, the chief administrative officer of Federal aid for the United States Government. I can not find in the hearings any recommendation for this change made by Mr. MacDonald, nor can I find any evidence that the committee took any testimony regarding the advisability of such change.

W. C. Markham, legislative representative of the American Association of State Highway Engineers, who represents 48 State highway departments, a man of high attainment, great experience, and authorized to speak for the highway departments of 48 States, never approved the change and never recommended it.

It was not recommended by the National Agricultural Conference; it was not recommended by the American Farm Bureau Federation; it was not recommended by the American Association of State Highway Officials; it was not recommended by the American Automobile Association, which represents the owners of over 10,000,000 machines, which pay into the State treasuries of the 48 States 95 per cent of the money that has been spent on good roads by the States.

In view of these facts, how the committee could have recommended such change is beyond my comprehension. No reasons were set out; no testimony was taken, no arguments advanced, and not one witness called before the committee approved of the change.

I believe I can state without fear of contradiction that the leading men on both sides of the House did not indorse this amendment.

If the petitions and remonstrances of States are to be denied, if road legislation is to be put through under a gag rule, if the testimony of State and Federal experts is to be eliminated and the right of discussion to be prohibited, then the function of amendment and revision must be transferred to the Senate—a most humiliating expedient.

I hope that when the chairman of the Committee on Roads brings in another bill for discussion in this House, if he feels that he has not sufficient influence with the Committee on Rules to give ample time for a fair, frank discussion of a bill that calls for the expenditure of $75,000,000, that he will at least make the attempt in the future to secure a reasonable latitude for debate and amendment and not present a bill in the future which chokes discussion and prohibits change.

The extension of remarks under unanimous consent referred to, on the road bill, are here printed in full as follows:

Mr. ATKESON. Mr. Speaker, the bill under consideration provides for Federal aid in building and maintaining rural post roads throughout the country for the fiscal years ending June 30, 1923, and June 30, 1924. The Committee on Roads had hearings and heard much testimony. When the bill was considered in executive session the time and amount was thoroughly threshed out in the light of the testimony. In view of the fact that not much road was builded during the last several years on account of the high cost of labor and material; that considerable allotments had not been taken up or paid out because approved projects had not been completed; and results brought about by the late war, the committee concluded that a two-year provision, instead of three, would be the part of wisdom and could not result in harm to any program of building in any State.

They also concluded that as much money is still available for allotments in many of the States that a smaller appropriation for the two years would be abundant for all practical purposes during said time. Director McDonald based his testimony on $50,000,000 for the year 1923; and it was understood that these figures met with the approval of President Harding and the Bureau of Roads under the Secretary of Agriculture. But in view of the conclusion of the committee to make the appropriation for two years instead of three, it finally concluded to report the bill for $65,000,000 for the fiscal year ending June 30, 1923, and $75,000,000 for the fiscal year ending 1924. In addition it provides for forest roads and trails the sum of $8,500,000, to be available until expended in accordance with section 23 of the Federal highway act, approved November 9, 1921.

In order to prevent allotments to projects approved being tied up indefinitely, section 4 of the bill provides that if the work is not contracted and in course of construction within one year after approval and allotment the Secretary of Agriculture "may require the said State to submit one or more projects to replace the said project." This is a new feature of the law and will undoubtedly result in settling many unfortunate contentions, and will make the money once allotted available again, on other projects where work is proceeding or may be contracted.

After much discussion in the committee the amount of Federal aid per mile, "exclusive of bridges of more than 20 feet clear span," was fixed at $12,500 after June 30, 1923, and $10,000 per mile after that fiscal year. The feeling was that these sums would be sufficient and abundant to keep all road projects going until the end of the fiscal year 1924; and by that time, or before, the Congress will have an opportunity to review results and obtain data as to costs of construction, and so forth, and can then make such provisions as the facts demand or warrant. It will be up to the several highway commissions to show Congress what it has done and what it costs to do it. By that time the people—the taxpayers—will demand a showdown at the hands of those directing the construction of our highways in order that they may see they are getting the worth of their money.

By section 7 some new teeth have been put into the law, and I am sure this is a wholesome feature of the law. This is a good bill, and if too conservative it should be attributed to the desire of the committee to move in harmony with the condition of the National Treasury and the general readjustments in the business affairs of the country. If the committee has erred it is in the right direction, and if time shows it in error, its errors may readily be corrected by any subsequent Congress and before any possible harm can come to the continuous building of good roads.

I do not think there is any disposition on the part of Congress to reverse the policy of Federal aid for post roads established in 1916. Good roads is one of the demands of the people, and they are willing to pay for them; but they want every dollar judiciously expended and every mile of road they can get for the money.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on soldier relief legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Botanic Garden.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on pensions for soldiers and my work in connection with that.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. MACGREGOR. Mr. Speaker, the greatest gratification in being a Member of Congress is the opportunity to be of service to the men who in times of our country's need have willingly doffed civilian attire and donned the uniform of Uncle Sam to fight and die, if need be, that the glory of the flag might be maintained. The obligation of the country can never be paid in money, but the Nation should exercise the greatest diligence to the end that none of those who served should suffer the distress of poverty.

The ranks of the veterans of the Civil War are rapidly thinning. Those who remain and their widows should receive loving care. The effects of exposure, malaria, and so forth, are apparent in many of the boys of the Spanish War. Thousands of them have become more or less incapacitated prematurely by reason of the hardships that they endured. We did well to pass the act of June 5, 1920. It was a fair thing to do. It was also proper that the men in the Regular service should not be forgotten. They rendered service for small compensation. The pay never measured up to the dangers.

It has been my privilege and pleasure to aid many of the men of our various wars or their widows and children in securing what our Government desired that they should have. It is fair to say that the Pension Bureau has always shown a desire to carry out the wishes of Congress in the administration of the pension laws. The work is tremendous, staggering in detail and responsibility. It seeks to do justice and rarely fails.

With the consent of the House I desire to place in the RECORD a statement of pension cases in which I have been of some measure of service during the time that I have been a Member of Congress.

Pension claims completed.

Ackerman, Charles F., 494 Madison Street, Buffalo, N. Y., Company F, Sixty-fifth Regiment	$24.00
Allen, R. H., 129 West Avenue, Buffalo, N. Y., Fifteenth United States Infantry (Regular), Fourth United States Volunteer Immunes; increase	24.00
Bauss, Anton J., 837 Jefferson Avenue, Buffalo, N. Y., Company D, Sixty-fifth Infantry	15.00
Boyer, Isreal, 27 Pawnee Parkway, Buffalo, N. Y., Company G, One hundred and forty-first Infantry, Civil War; increase	72.00
Burdict, Orrin C., Markeen Hotel, Buffalo, N. Y., Company H, Twenty-seventh Connecticut; increase	72.00

Bradley, Arza J., 192 Chester Street, Buffalo, N. Y., Company F, Ninth Infantry $12.00
Barrows, Amelia C., 17 Levey Avenue, Buffalo, N. Y., widow Myron J. Barrows, Company A, First New York Artillery 36.00
Blaney, Charles H., 20 Brooklyn Avenue, Buffalo, N. Y., United States Navy 18.00
Bruce, Fred J., 103 Schuele Street, Buffalo, N. Y., Company H, Two hundred and second Infantry 18.00
Bruring, William, Ebenezer, N. Y., Company D, Seventy-second New York Infantry; increase 72.00
Blair, Anna C., Colden, N. Y., widow George T. Blair, Company A, Two hundred and second Infantry; also infant son 14.00
Backer, Emeline C., Elmira, N. Y., widow Elmer R. Backer, Company A, Two hundred and seventh Pennsylvania Infantry 30.00
Benson, Sophia M., Lancaster, N. Y., widow Myron K. Benson, Company F, One hundred and forty-first Regiment Illinois Infantry, reimbursement of pension and burial expenses 87.50
Beach, Leo, 370 Breckenridge Street, Buffalo, N. Y., Company E, Sixty-fifth Infantry 30.00
Burkert, Charles B., 2035 Fillmore Avenue, Buffalo, N. Y., Company B, Two hundred and second Infantry 18.00
Buxton, Luther H., 996 Ellicott Street, Buffalo, N. Y., Company E, Forty-second Infantry 15.00
Biller, Conrad, 103 Weber Street, Buffalo, N. Y., United States Navy 15.00
Burkard, August, 29 Spiess Street, Buffalo, N. Y., Company F, Third New York Infantry 15.00
Bauer, Jacob F., Jr., 581 Masten Street, Buffalo, N. Y., Company E, Two hundred and second Infantry 12.00
Blake, William H., 104 Holland Place, Lancaster, N. Y., Company G, Thirteenth United States Infantry 12.00
Cole, George T., 305 Niagara Street, Buffalo, N. Y., Company A, Ninth United States Infantry 18.00
Coureen, Winfield F., 38 Lester Street, Buffalo, N. Y., Company M, Fourteenth United States Infantry 12.00
Casey, Emma M., widow Daniel Casey, Companies A and D, Thirteenth United States Infantry, 589 West Avenue, Buffalo, N. Y. 12.00
Churchill, Susan E., widow C. T. Churchill, Akron, N. Y.; increase 30.00
Cielinski, Michael, 102 Swinburne Street, Buffalo, N. Y., Company C, Thirteenth United States Infantry 12.00
Cullinan, George J., Soldiers and Sailors' Home, Bath, N. Y., Company G, Two hundred and second New York Infantry 18.00
Carl, Caroline M., widow of Hugo Carl, Company F, Two hundred and second New York Infantry, 966 Walden Avenue, Buffalo, N. Y., for self and three children 18.00
Connor, Christina, widow Walter J. Connor, Company H, Third New York Infantry, 408 Elm Street, Buffalo, N. Y. 12.00
Colle, Blair A., widow Isaac W. Colle, United States Navy, Niagara Falls, N. Y. 30.00
Cook, William, blind son of Fred Cook, Eighth New York Heavy Artillery, Company I, Mill Grove, N. Y.; special act 20.00
Cole, Maria T., widow William F. Cole, Company B, Fifty-first New York Infantry, Town Line, N. Y. 30.00
Camp, Edward, United States Soldiers' Home, Washington, D. C., Company H, Fifth New York Infantry 50.00
Campbell, Lucy E., widow William J. Campbell, Company A, Second New York Volunteer Infantry, 370 Hudson Street, Buffalo, N. Y. 12.00
Dodds, Samuel D., 31 Briggs Avenue, Buffalo, N. Y., Company K, Thirty-fifth United States Volunteer Infantry 12.00
Dietrick, Laura, widow Lyman A. Dietrick, Company A, One hundred and fortieth Infantry, 148 Cottage Street, Buffalo, N. Y. 30.00
Daege, Charles F., 61 Mendota Avenue, Buffalo, N. Y., Company F, Sixty-fifth Infantry 24.00
Decker, Benjamin H., 187 Laurel Street, Buffalo, N. Y., Company H, Sixty-fifth Infantry 18.00
Denny, George H., 230 Maryland Street, Buffalo, N. Y., Company D, Fifth United States Infantry 12.00
Durr, Catherine, widow Lawrence Durr, Companies H and F, Twenty-first New York Cavalry, 69 Grape Street, Buffalo, N. Y. 30.00
Danser, Clarissa A., widow Julius A. Carmer, Company F, New York Heavy Artillery, Williamsville, N. Y. 25.00
Dorr, Lawrence, 61 Gedhardt Street, Buffalo, N. Y., Companies H and F, Twenty-first New York Cavalry 72.00
Day, Frederick, 23 Glen Street, Buffalo, N. Y., United States Navy 30.00
Dubmeier, Joseph J., 656 Goodyear Avenue, Buffalo, N. Y., Company C, Two hundred and second Infantry 18.00
Dietl, Peter F., 197 Grant Street, Buffalo, N. Y., Company K, Thirty-sixth United States Volunteer Infantry 12.00
Davis, Amanda E., widow Ira G. Davis, Sixth Company, First Battalion, New York Sharpshooters, 127 College Street, Buffalo, N. Y.; accrued pension and monthly 30.00
Doerr, Jacob, 30 Eaton Street, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry 15.00
Demuns, Gustave, 95 Kehr Street, Buffalo, N. Y., Company H, Thirteenth United States Infantry 30.00
Eibers, Frederick F., 1145 East Delevan Avenue, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry 12.00
Egloff, Mary, widow Conrad Egloff, United States Navy, 30 Hoffman Place, Buffalo, N. Y. 25.00
Englehardt, Max E., 290 Peckham Street, Buffalo, N. Y., Hospital Corps, United States Army; increase 17.00
Ernst, Agnes L., widow Joseph Ernst, Company I, Seventeenth Infantry, United States Army, 128 Edna Place, Buffalo, N. Y.; special act 25.00
Fleit, William A., 42 Ferguson Avenue, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 12.00
Also increase to 30.00
Fidinger, John, Clarence, N. Y., Company H, New York Heavy Artillery; increase 72.00
Fest, Louisa, widow William P. Fest, Company I, Forty-first New York Infantry, 243 Breckenridge Street, Buffalo, N. Y. 30.00
Fromm, George J., 130 Kingsley Street, Buffalo, N. Y., Company D, Two hundred and second New York Infantry 15.00
Gerner, William, 76 East Eagle Street, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry 12.00
Gifford, Mary F., widow of James A. Gifford, Company G, Fourteenth New York Infantry, 486 Woodlawn Avenue, Buffalo, N. Y. Accrued pension and monthly 30.00
Galvin, Harry C., 1439 Michigan Avenue, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry $12.00
Gruss, Charles P., 53 Leslie Street, Buffalo, N. Y., Company A, Two hundred and second New York Infantry 18.00
Gerts, Sophia, widow of William C. Gerts, jr., Company G, Sixty-fifth New York Infantry, 910 Northland Avenue, Buffalo, N. Y.; widow's pension $12 per month and $2 each for four minor children 30.00
Grohn, Mary, mother of Thomas Hill, Company I, Thirteenth United States Infantry, 106 Edison Street, Buffalo, N. Y. 12.00
Gensler, Frederick G., 304 Peach Street, Buffalo, N. Y., Company I, Two hundred and second New York Infantry; increase 18.00
Gassman, Henry F., 252 High Street, Buffalo, N. Y., Company D, Two hundred and second New York Infantry 15.00
Hemerle, John C., 856 Jefferson Avenue, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry 12.00
Humbert, Mary, widow of Christian Humbert, Twenty-seventh Battery New York Light Artillery, Getsville, N. Y. 30.00
Hewitt, Margaret, dependent child of William H. Hewitt, Company H, Third New York Infantry, Angola, N. Y.; special act 20.00
Hill, John, 959 Front Avenue, Buffalo, N. Y., Company D, Thirteenth United States Infantry 24.00
Heintzelman, Maitland, 92 Masten Street, Buffalo, N. Y., Company A, Ninth United States Infantry 12.00
Hoover, Henry A, 94 Victoria Avenue, Buffalo, N. Y., Thirteenth United States Infantry; increase 72.00
Howard, Harry D., 49 Union Street, Buffalo, N. Y., Company B, Twenty-sixth United States Colored Infantry; increase 12.00
Hermann, Gustave, 12 Herman Street, Rochester, N. Y., Company H, Sixth Ohio Infantry 12.00
Haentges, Minnie, widow of Nicholas Haentges, Company G, Two hundred and second New York Infantry, 39 Sunnyside Avenue, Buffalo, N. Y. 12.00
Heitzegel, William, 179 Carolina Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 12.00
Holst, Henry A., 211 Clinton Street, Buffalo, N. Y., Company L, Eighth United States Infantry 24.00
Hartsberg, William J., 975 Michigan Avenue, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry 12.00
Hausmann, John, Williamsville, N. Y., Twenty-seventh Independent Battery New York Light Artillery; increase 72.00
Hilton, Charles E., 290 Mulberry Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 24.00
Hewitt, George M., 453 Plymouth Avenue, Buffalo, N. Y., Company A, Two hundred and second New York Infantry 12.00
Humbert, Jacob F., Clarence, N. Y., Company G, One hundredth New York Infantry; increase 72.00
Hartl, Christopher, 54 Spruce Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 12.00
Hettrick, Louis F., 217 Locust Street, Buffalo, N. Y., Company L, Forty-seventh United States Volunteer Infantry; increase 18.00
Hofmeister, Charles, 35 Wyoming Avenue, Buffalo, N. Y., Company C, Thirteenth Pennsylvania Infantry 12.00
Haffner, Julius, 33 Wohlers Avenue, Buffalo, N. Y., Battery F, Fifth United States Artillery; increase 24.00
Haas, Edward W., 161 Zenner Street, Buffalo, N. Y., Company F, Two hundred and second New York Infantry 12.00
Hanley, Winifred C., 666 Woodlawn Avenue, Buffalo, N. Y., widow Thomas J. Hanley, Company C, Second United States Artillery 12.00
Hefner, Joseph A., 30 Milnor Street, Buffalo, N. Y., Company H, 202 New York Infantry 12.00
Harvey, Frank M., 500 Fargo Avenue, Buffalo, N. Y., Company K, Two hundred and third New York Infantry 12.00
Jordan, Lee H., 419 Ellicott Street, Buffalo, N. Y., Company H, Sixth Ohio Infantry 30.00
Jacobs, Patrick, 801 Prospect Avenue, Buffalo, N. Y., Company H, Two hundred and second New York Infantry; increase 18.00
Korn, William, 2004 South Grand Avenue, Los Angeles, Calif., band, Two hundred and second Infantry 12.00
Klink, Albert H., 328 Guilford Street, Buffalo, N. Y., Company L, Tenth United States Infantry 12.00
Kean, John, 163 Fargo Avenue, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 24.00
Keller, Mary A., widow Louis Keller, Company L, First United States Artillery, 455 Normal Avenue, Buffalo, N. Y.; increase 30.00
Kidder, Mary, widow James H. Kidder, Company M, Ninth New York Heavy Artillery, Crittenden, N. Y. 30.00
Kite, William G., 179 West Utica Street, Buffalo, N. Y., Troop G, Second United States Cavalry 12.00
Klein, Albert, 382 Genesee Street, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry. Increase 24.00
Kreuzer, Frank X. J., 767 Jefferson Street, Buffalo, N. Y., Hospital Corps, United States Army; increase 18.00
Keenan, Margaret, widow Edward Keenan, United States Navy, 408 Adams Street, Buffalo, N. Y. 12.00
Kropp, John, 105 Grey Street, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry; increase 12.00
Kuhn, Alfred, 21 Rosedale Street, Buffalo, N. Y., hospital steward, Two hundred and second New York Infantry 12.00
Kimberle, John J., 852 Goodyear Avenue, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry 15.00
Lusky, Theodore J., 138 William Street, Buffalo, N. Y., United States Marine Corps 15.00
Lapp, Frederick, 743 Walden Avenue, Buffalo, N. Y., Company D, Thirteenth New York Infantry; increase 72.00
Langwith, John, Stanton H., Rural Free Delivery, Buffalo, N. Y., Company A, Two hundred and second New York Infantry 12.00
Lineman, John, 66 Montana Avenue, Buffalo, N. Y., Company K, Thirty-fourth United States Volunteer Infantry 12.00
Leaycraft, George H., 96 Orange Street, Buffalo, N. Y., Company L, First New York Infantry; special act 12.00
Larsen, Ole L., 11 Ash Street, Buffalo, N. Y., Company L, First United States Infantry; increase 18.00
Lange, Anna, widow August Lange, Company K, Twenty-sixth New York Infantry, Lasalle, N. Y. 30.00
Lange, Charles H., 143 Johnson Street, Buffalo, N. Y., Company A, Sixty-fifth New York Infantry 12.00

Lavery, William J., 167 Kingsley Street, Buffalo, N. Y., Company E, Fifth United States Infantry $12.00
McDonough, Seymour, Soldiers and Sailors' Home, Bath, N. Y., Company H, Sixty-fifth New York Infantry 30.00
McKeown, Millie, widow Robert McKeown, Company E, Eighteenth Michigan Infantry, 164 Glenwood Avenue, Buffalo, N. Y.; special act 30.00
McCarthy, James, 197 East Utica Street, Buffalo, N. Y., Company F, Twenty-first New York Infantry; increase 72.00
Mclaswell, Alice, widow Charles McDowell, Company M, Fifteenth New York Infantry, 22 Hauf Street, Buffalo, N. Y. 30.00
McGlenn, William L., 142 Walnut Street, Buffalo, N. Y., Company F, Two hundred and second New York Infantry 18.00
MacNair, George, 405 Koons Avenue, Buffalo, N. Y., Company C, First United States Infantry 15.00
Metzger, John W., 53 Poplar Avenue, Buffalo, N. Y., Hospital Corps, United States Army; increase 12.00
Melton, Frank, 171 Woodward Avenue, Buffalo, N. Y., Company B, Twenty-first Iowa Infantry 18.00
Maeder, Charles A., 55 Galveston Place, Buffalo, N. Y., Company E, Sixty-fifth New York Infantry 18.00
Mueller, Frank, 664 Jefferson Street, Buffalo, N. Y., Company F, Fifth United States Infantry 20.00
Mooney, Catherine, widow of Hugh Mooney, Company I, One hundred and fifty-fifth New York Infantry, 84 Albany Street, Buffalo, N. Y. 30.00
Montgomery, Arthur S., 284 Ontario Street, Buffalo, N. Y., United States Navy 12.00
Miller, Henry A., 250 Fox Street, Buffalo, N. Y., Company H, Twenty-first United States Infantry; increase 18.00
Miller, Joseph H., 621 Fourth Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry; increase 24.00
Miles, Frederick T., 45 Cherry Street, Buffalo, N. Y., Troop G, Sixth United States Cavalry 12.00
Meyer, Michael, 78 High Street, Buffalo, N. Y., Company D, Two hundred and second New York Infantry 12.00
Meltzer, Herman C., 141 Genesee Street, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry 12.00
Metzler, Charles A., 21 Newman Place, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry; increase 12.00
Mumm, Joseph R., 581 East Amherst Street, Buffalo, N. Y., Twenty-fourth Company, Coast Artillery; increase 18.00
Morgan, Jacob A., 43 Tremaine Avenue, Kenmore, N. Y., Company D, Sixty-fifth New York Infantry 30.00
Mooney, Arthur J., 248 Herkimer Street, Buffalo, N. Y., Company A, Tenth United States Infantry 15.00
Mitchell, George H., 22 Sycamore Street, Buffalo, N. Y., Company C, Twenty-first United States Infantry 18.00
Marcha, George, Gardenville, N. Y., Company K, Thirteenth United States Infantry 12.00
Munsert, Albert W., 236 East Delevan Avenue, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry 15.00
Mikesell, George M., 55 Burch Avenue, Buffalo, N. Y., United States Navy 15.00
Meisner, Barbara B., widow of Anthony Vilbert, Company C, Forty-ninth New York Infantry, 1454 Genesee Street, Buffalo, N. Y. 30.00
Newman, Albert J., 325 Breckenridge Street, Buffalo, N. Y., Company L, Two hundred and second New York Infantry 12.00
Nooey, Carolina, widow Seth Nooey, Company K, Eighty-second Ohio Infantry, 128 North Park Avenue, Buffalo, N. Y. 30.00
Oakes, William A., 705 Sycamore Street, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry; increase 12.00
Olskey, Otto J., children of (Marie Scott, guardian), Hospital Corps, United States Army, Darien Center, N. Y. 12.00
Olday, William, 190 Stevens Street, Buffalo, N. Y., Company H, Eleventh United States Infantry 15.00
O'Neil, Ellen, widow James O'Neil, Company B, Fourteenth United States Infantry, 190 West Ferry Street, Buffalo, N. Y. 12.00
Polen, Harriet, widow Franklin Polen, Company M, Thirty-sixth United States Infantry, 891 Delaware Avenue, Buffalo, N. Y. 12.00
Powell, John, 374 Woodward Avenue, Buffalo, N. Y., chief musician, Sixty-fifth New York Infantry 12.00
Pilkey, Addison, 33 Briscoe Avenue, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 15.00
Prins, Albert, 368 Bissell Avenue, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 18.00
Quick, George J., 89 Schofield Street, Buffalo, N. Y., Company B, Third Illinois Infantry 12.00
Quarles, Nellie, widow James T. Quarles, Company L, Twenty-fifth United States Infantry, 141 Clinton Street, Buffalo, N. Y. 12.00
Quenan, Herbert, 474 East Eagle Street, Buffalo, N. Y., Company A, Tenth United States Infantry 18.00
Reichhold, John J., 791 Genesee Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 18.00
Redman, Frank, 1071 Sycamore Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry 30.00
Redman, Maryanne, widow Frank Redman, Company G, Two hundred and Second New York Infantry, 199 Stanislaus Street, Buffalo, N. Y. 12.00
Rosebrook, Arthur, 514 Niagara Street, Buffalo, N. Y., Company L, Fourteenth United States Infantry 12.00
Reed, George E., 288 Purdy Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry; increase 12.00
Rung, Henry F., Clarence, N. Y., Company M, Twenty-first United States Infantry 15.00
Rattke, Frederick, 178 Grey Street, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry 12.00
Roeder, Anthony, 11 Spruce Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry 18.00
Roberts, William J., 25 Lowell Place, Buffalo, N. Y., Twenty-sixth Battery United States Field Artillery 12.00
Robison, Noble, 284 Franklin Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry 18.00
Swart, Elmer E., 80 Riley Street, Buffalo, N. Y., Company H, Third New York Infantry 18.00
Spechardt, William, 118 Oberlin Street, Buffalo, N. Y., United States Navy; special act increase 30.00
Later secured increase to 72.00
Smith, Silas W., East Aurora, N. Y., Company D, Two hundred and second New York Infantry 12.00

Slattery, Thomas, 227 Washburn Street, Lockport, N. Y., Company F, Third New York Infantry $12.00
Steele, Charles H., 258 East Genesee Street, Buffalo, N. Y., Company A, Forty-first United States 12.00
Schreiber, Rose, widow of August Schreiber, Company E, Nineteenth United States Army, 1539 Genesee Street, Buffalo, N. Y. 12.00
Schuck, John H., 881 Niagara Street, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry 18.00
Schultz, John, 36 Fox Street, Buffalo, N. Y., Company D, Second New York Cavalry; increase 72.00
Sims, Charles F., 130 Parkdale Avenue, Buffalo, N. Y., Company H, Tenth United States Infantry 12.00
Sibylski, Steve, 49 Waverly Street, Forks, N. Y., Company I, Twenty-sixth United States Infantry 12.00
Stucke, Samuel, 832 Monroe Street, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 12.00
Seeley, Mary, widow of Richard Seeley, Company G, Two hundred and second New York Infantry, 86 Ernest Avenue, Buffalo, N. Y. 12.00
Schutt, Louis, 1289 Genesee Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry 12.00
Sydow, Otto, 166 Best Street, Buffalo, N. Y., Company C, Thirteenth United States Infantry 17.00
Stout, Fred A., 14 Mark Street, Buffalo, N. Y., Company B, Twenty-fifth United States Infantry 24.00
Sager, Edward, 124 Zenner Street, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry 15.00
Tackman, Louis B., 572 Sycamore Street, Buffalo, N. Y., Company H, Sixt-fifth New York Infantry 15.00
Trumeter, Harry H., 528 Goodyear Avenue, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 12.00
Trebby, Allen A., 127 Newfield Street, Buffalo, N. Y., Company H, United States Infantry 12.00
Thomas, Joseph, 140, Fougeron Street, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 12.00
Theet, Henry, 91 Chappel Avenue, Forks, N. Y., Company G, Thirteenth United States Infantry 12.00
Templeton, Mary H., widow of Dexter F. Templeton, Company A, Twenty-ninth United States Infantry 30.00
Vesper, Hugo J., 456 Dodge Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 18.00
Vanlievan, Sarah, widow of Charles Vanlievan, Company H, One hundred and sixteenth New York Infantry, Ebenezer, N. Y. 30.00
Vanderbosch, Laurence, 506 Wilson Street, Buffalo, N. Y., Company G, One hundred and seventy-ninth New York Infantry; increase 72.00
Vogel, Anna, widow of John Vogel, Company C, One hundred and eighty-seventh New York Infantry, 65 Ivy Street, Buffalo, N. Y. 30.00
Valentine, Mary, widow of William Valentine, Company H, First United States Infantry, 126 Kehr Street, Buffalo, N. Y. 12.00
Von Renner, Otto, 27 Celtic Place, Buffalo, N. Y., Company G, Thirty-first Michigan Infantry 18.00
Wright, Huston, 693 Elm Street, Buffalo, N. Y., Company B, First United States Infantry 24.00
Welkum, Fredericka, widow of Charles F. Welkum, Company G, Fifth United States Cavalry, 148 Goodell Street, Buffalo, N. Y. 12.00
Warner, Carrie, widow of John Warner, Battery B, Third Coast Artillery, United States Army, 320 East North Street, Buffalo, N. Y.; special act 12.00
Waldman, Emile, Soldiers' Home, Hampton, Va., band, Thirteenth United States Infantry 18.00
Weis, Adam, 781 Best Street, Buffalo, N. Y., band, Sixty-fifth New York Infantry 15.00
Weidner, Max, 163 Johnson Street, Buffalo, N. Y., Company M, Sixty-fifth New York Infantry 50.00
Wright, William E., 552 East Eagle Street, Buffalo, N. Y., Company C, Two hundred and third New York Infantry:
Original 12.50
Increase 15.00
White, William, Company E, Eighteenth United States Infantry, minor children of, Christ Fraenknecht, guardian, 110 Rose Street, Buffalo, N. Y. 12.00
Westfall, William J., 314 Ontario Street, Buffalo, N. Y., Company H, 202 New York Infantry 12.00
Zelss, Oswald O., 41 Burch Avenue, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 12.00

Special acts passed and pending in Senate.

Boize, Lavina, widow of Charles E. Boize, 227 Crowley Avenue, Buffalo, N. Y., Company A, Thirteenth New York Infantry $21
Briggs, Alvin E., 944 South Park Avenue, Buffalo, N. Y., Company B, Third New York Field Artillery 24
Devereux, Hester A., widow of Hugh J. Devereux, Company K, First New York Mounted Rifles 40
Domras, Gustave, 95 Kehr Street, Buffalo, N. Y., Company H, Thirteenth United States Infantry 40
Earl, Agnes, widow of Wesley C. Earl, acting assistant surgeon, United States Army, 374 Richmond Avenue, Buffalo, N. Y. 30
Feldman, Harry W., 448 Woodlawn Avenue, Buffalo, N. Y., United States Navy 24
Freeborn, Jennie M., widow of Montraville M. Freeborn, 196 Lancaster Avenue, Buffalo, N. Y., Company L, Fourth Pennsylvania Cavalry 30
Hurlburt, Arthur S., Fairport, N. Y., Company E, Second United States Marine Corps 12
Hill, Julia, widow of John W. Hill, 241 Sycamore Street, Buffalo, N. Y., Company I, Eighth United States Colored Infantry 30
Lee, Loisa, widow of James Lee, Weedsport, N. Y., Company L, Eighth New York Cavalry:
Until death of son 50
Son to receive pension after death of widow 20
Leibrich, Julia, widow of John Leibrich, 110 East North Street, Buffalo, N. Y., Company G, One hundred and Eighty-seventh New York Infantry 30
Klein, Frank, 806 Glenwood Avenue, Buffalo, N. Y., Hospital Corps, United States Army 24
Keller, Margaret, widow of George Keller, 452 Spring Street, Buffalo, N. Y., Company G, One hundred and thirty-second New York Cavalry 30

McIntyre, Emma M., widow of Ezra McIntyre, 14 Fargo Avenue, Buffalo, N. Y., Company E, Fourteenth New York Infantry..... $30
Netcher, George, United States Naval Home, Philadelphia, Pa., United States Navy..... 12
Spencer, Eliza, widow of William Spencer, 15 Mark Street, Buffalo, N. Y., Company K, Twentieth United States Colored Infantry.... 30

Pension claims pending.

Adelsheim, Joseph, 163 Cedar Street, Buffalo, N. Y., Company I, Sixth United States Infantry.
Ahrens, Louis, 28 Peach Street, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry.
Butler, Benjamin, 329 Fillmore Avenue, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry.
Biesinger, Annie, widow Edward J. Biesinger, 299 East Genesee Street, Buffalo, N. Y., Twenty-first United States Infantry.
Brecker, Joseph M., 304 Sprenger Avenue, Buffalo, N. Y., United States Navy.
Beirafeld, John, 219 Hampshire Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry.
Bauld, John S., father of Hercules W. Bauld, 24 Peach Street, Buffalo, N. Y., United States Navy.
Baldwin, James H., 95 Johnson Park, Buffalo, N. Y., Company B, Two hundred and second New York Infantry.
Boyd, Ida, widow of Edward Boyd, Batavia, N. Y., Company B, Tenth New York Heavy Artillery.
Boller, John M., Lancaster, N. Y., Company B, Thirteenth United States Infantry.
Bohn, James F., 721 Tonawanda Street, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry.
Barrett, Stanton E., 200 Stevens Avenue, Buffalo, N. Y., Company K, Two hundred and second New York Infantry.
Bauer, Adam P., 101 Lemon Street, Buffalo, N. Y., Company H, Sixth New York Infantry et al.
Coppernall, Maria M., widow of Andrew Coppernall, 95 Glenwood Avenue, Buffalo, N. Y., Company E, Twenty-seventh New York Infantry.
Clifford, Charles Edward, 939 West Ferry Street, Buffalo, N. Y., United States Navy.
Connell, Edward, 911 Jefferson Avenue, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry.
Corbett, Henry, 110 Gold Street, Buffalo, N. Y., Company L, First United States Infantry.
Costello, Edward, 114 Tenth Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Dourty, John J., 250 Prospect Avenue, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
De Forest, Francis E., 322 West Ferry Street, Buffalo, N. Y., Company E, Signal Corps, United States Army.
Diehl, Amelia C., widow of John F. Diehl, 901 Seventh Street, Buffalo, N. Y., Company A, One hundredth New York Infantry.
Drose, Louis H., 45 East Market Street, Buffalo, N. Y., Company A, Fourth United States Infantry.
Deneke, John, 82 Sattler Avenue, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Duck, Matthew, 148 Bissell Avenue, Buffalo, N. Y., Company C, Thirteenth United States Infantry.
Diehl, Peter F., 197 Grant Street, Buffalo, N. Y., Company K, Thirty-ninth United States Infantry; further increase.
Eastner, Caroline, widow of Jacob Eastner, 694 Northumberland Avenue, Buffalo, N. Y.; further increase.
Elsman, Franklin J., 137 Kingsley Street, Buffalo, N. Y., Battery A, Third Field Artillery.
Eckert, John G., 115 Montana Avenue, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry.
Feeley, Patrick, 104 Tennyson Avenue, Buffalo, N. Y., Company I, Fourteenth United States Infantry.
Finsterwald, Henry, 41 Lonsdale Place, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry.
Fuchs, Frank, 3302 Fillmore Avenue, Buffalo, N. Y., Second United States Infantry.
Gillett, Dana C., Elba, N. Y., Company B, Two hundred and second New York Infantry.
Gebhard, Louis, 84 Lloyd Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry.
Gasper, Elisabeth, 231 Emslie Street, Buffalo, N. Y., widow of Frederick Weber, Company E, One hundred and sixteenth New York Infantry.
Gordon, Charles P., 38 Argus Street, Buffalo, N. Y., Company G, Thirteenth Pennsylvania Infantry.
Graber, William H., 426 Porter Avenue, Buffalo, N. Y., United States Navy.
Griffo, Frank, Gardenville, N. Y., United States Navy.
Hallenbeck, Sarah R., widow of Barnett Hallenbeck, 490 Pearl Street, Buffalo, N. Y., Company D, One hundred and twentieth New York Infantry.
Hoch, George, 87 Peach Street, Buffalo, N. Y., Company M, Fifth United States Cavalry.
Hoover, George, 292 University Avenue, Buffalo, N. Y., Company H, Ninth Pennsylvania Infantry.
Hemerle, John C., 956 Jefferson Avenue, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry; further increase.
Heimat, Ferdinand, 924 Jefferson Avenue, Buffalo, N. Y., Company K, United States Cavalry.
Jennings, Bryan T., 74 Gatchell Street, Buffalo, N. Y., United States Navy.
Jantz, Robert L., 81 Florida Street, Buffalo, N. Y., Company L, Two hundred and second New York Infantry.
Jaeger, David, 111 Walden Avenue, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry.
Karaszewski, Frank, 63 C Street, Buffalo, N. Y., United States Navy.
Kirchman, Frank J., general delivery, Buffalo, N. Y., Troop F, Third United States Cavalry.
Louys, Edward R., 75 West Chippewa Street, Buffalo, N. Y.
Lapp, Eugene R., 42 Broadway, Depew, N. Y., Company D, Sixty-fifth New York Infantry.
Lovel, Clement, 96 East Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry.
Leubard, Frank, 322 Moerle Street, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry.
Lee, John R., 115 Waverly Street, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Levine, Fred C., 48 Bissell Avenue, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry.
Lansky, Theodore J., 138 William Street, United States Marine Corps; further increase.
McArthur, Eleanore M., widow of James N. McArthur, 10 Glendale Place, Buffalo, N. Y., Fourth United States Heavy Artillery.
Miller, Michael, 64 Walden Avenue, Buffalo, N. Y., Company —, Sixty-fifth New York Infantry.
Matheis, Eva A., widow of Frederick J. Matheis, Company M, Sixty-fifth New York Infantry, 532 Genesee Street, Buffalo, N. Y.
Millington, Samuel F., 5 East Woodlawn Avenue, Buffalo, N. Y., Company B, Fourth United States Infantry, and Company B, Two hundred and eleventh United States Infantry.
Merkling, Emilie, widow of John Merkling, Company G, Twenty-second United States Infantry, 533 North Oak Street, Buffalo, N. Y.
Merical, Leonard, 213 Westminster Street, Buffalo, N. Y., Company F, Twelfth United States Infantry.
Mitchell, Mark, Buffalo, N. Y., Company G, Seventy-fourth New York Infantry.
Miller, August, 31 May Street, Buffalo, N. Y., Company L, Third Nebraska Infantry.
Marggraf, Paul, Clarence Center, N. Y., Company L, Two hundred and second New York Infantry.
Niederhauser, Fred, 190 Victoria Avenue, Buffalo, N. Y., Company A, Thirteenth United States Infantry.
Nussbaum, George, 82 Zenner Street, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry.
Perrin, William L., 341 East Eagle Street, Buffalo, N. Y., United States Navy.
Quenan, Herbert, 474 East Eagle Street, Buffalo, N. Y., Company A, Tenth United States Infantry; increase.
Rockefeller, Lovead L., 92 Parkdale Avenue, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Rau, Frank G., Forks, New York, Company C, Sixty-fifth New York Infantry.
Riehe, Richard, 182 East Ferry Street, Buffalo, N. Y., Company L, Twelfth New York Cavalry.
Roderick, Clara, widow of William C. Roderick, Company C, Sixty-fifth New York Infantry, 80 Marshall Street, Buffalo, N. Y.
Robinson, Arthur A., 861 Niagara Street, Buffalo, N. Y., Company G, Fifth Maryland.
Reed, George E., 288 Purdy Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry; further increase.
Rosenbach, Charles F., 330 Woodlawn Avenue, Buffalo, N. Y., Sixty-fifth New York Infantry.
Salow, George, 1626 Genesee Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Schenk, Fred, 58 South Elmwood Avenue, Buffalo, N. Y., Company G, Two hundred and second New York Infantry.
Sanders, George, 430 Pearl Street, Buffalo, N. Y., Company G, Thirteenth United States Infantry.
Stewart, Fred L., 59 Lyth Avenue, Buffalo, N. Y., Battery K, Fourth Heavy Artillery.
Shear, Viola, widow of Edgar Shear, Company I, Sixty-first New York Infantry, South Wales, N. Y.
Snook, Mertha M., widow of George W. Snook, Company B, Two hundred and second New York Infantry, 147 South Division Street, Buffalo, N. Y.
Snook, Simeon, 30 Prospect Avenue, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry.
Stewart, Robert Joseph, Buffalo, N. Y., United States Navy.
Sparfield, Frederick H., 20 Colton Drive, Buffalo, N. Y., Sixty-fifth New York Infantry.
Schaffner, Samuel, 370 French Street, Buffalo, N. Y., Company F, Tenth United States Infantry.
Schick, Henry, 79 Texas Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Seen, Abraham S., 27 Ferguson Street, Buffalo, N. Y., Company I, Twenty-eighth United States Infantry.
Scheib, John, 620 Broadway, Buffalo, N. Y., United States Navy.
Savage, George, 311 Spring Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Schoen, Frances, widow of Frank J. Schoen, Hospital Corps, United States Army, 62 Fisher Street, Buffalo, N. Y.
Tarrant, Allan A., 118 Albany Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry.
Thompson, William, 47 East Bennett Street, Buffalo, N. Y.
Volrath, George H., Lake View, N. Y., Company G, Thirteenth United States Infantry.
Vetter, William C., 592 Goodyear Avenue, Buffalo, N. Y., Company C, Two hundred and second New York Infantry.
Wiemann, Joseph L., 640 East Utica Street, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Woodward, Mary, widow of Wells R. Woodward, United States Navy, 232 Sycamore Street, Buffalo, N. Y.
Wahl, Edward J. G., 284 Boat Street, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry.
Wood, Bert, 229 Hampshire Street, Buffalo, N. Y., United States Navy.

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered in Chicago on the 21st by Hugh Cooper, engineer, of New York City, on the St. Lawrence waterway.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print in the RECORD an address by Hugh Cooper on the St. Lawrence waterway. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on a matter of procedure.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, owing to illness in the family of the gentleman from Pennsylvania, chairman of the Committee on Naval Affairs [Mr. BUTLER], he will not be here to-morrow to call up the so-called "scrapping bill," and instead the House will consider the bill (H. R. 10442) to authorize an increase

in the indebtedness of the Philippine Islands. If that bill is disposed of at a sufficiently early hour, we may take up for consideration one of the bills from the Committee on Banking and Currency objected to to-day, possibly the bill providing for perpetual charters for national banks. On Calendar Wednesday the ordinary calendar business will be taken up, the Committee on Printing having the call.

TRANSFER OF FORT HALE, CONN.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 11347) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to lands and buildings thereon known as Fort Hale.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND of Indiana. Mr. Speaker, reserving the right to object, I have no special objection to considering the bill in Committee of the Whole House on the state of the Union, but should not like to have it considered in the House.

The SPEAKER. The House will remember that the Chair ruled a year ago that when unanimous consent was given to the consideration of a bill which is on the Union Calendar, unless there was such an objection as has been made by the gentleman from Indiana, the consent was given to the consideration of the bill and also to its consideration in the House as in Committee of the Whole House on the state of the Union, and of course any Member has the right to demand a separation and demand that it be considered in the Committee of the Whole House on the state of the Union, and the gentleman from Indiana now makes that request. The Chair states it so as to have it understood that if consent is given it is to be considered in the Committee of the Whole House on the state of the Union and not in the House. Is there objection?

Mr. MONDELL. Mr. Speaker, I do not know I shall object. I do not know that I should object or ought to object to a request of this sort, but I doubt very greatly the wisdom of considering unanimous-consent bills in the way suggested. If we shall establish the policy of going into the Committee of the Whole House on the state of the Union for the consideration of bills on the Unanimous Consent Calendar, I am afraid we shall not get along very well or very far with the legislation on that calendar. It is a matter for the House to determine whether or not we are to go on following the rule and policy that we have followed for many years in this regard or depart therefrom. If we depart from it in the matter of one bill, gentlemen have a perfect right to insist we shall depart from it in the matter of every bill that is brought up for consideration on the Unanimous Consent Calendar.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I will yield.

Mr. GARRETT of Tennessee. My recollection is that until the last Congress the practice which now prevails did not prevail; that until the last Congress, prior to that, on unanimous consent days where a bill was reported the Speaker would ask if there was objection, and if no objection to a Union Calendar bill the House, as I recall, went automatically into the Committee of the Whole House, unless the gentleman in charge asked unanimous consent that it be considered in the House as in Committee of the Whole House on the State of the Union with regard to each individual bill. At the beginning of the last Congress the Speaker, I think very properly, announced——

Mr. MONDELL. I can recall of few cases where we have gone into the Committee of the Whole House for the consideration of bills on the Unanimous Consent Calendar.

Mr. GARRETT of Tennessee. That is my recollection, and the Speaker at the beginning of the last Congress, very early in the beginning of the last Congress, I think very wisely, announced that he would regard a consent given to consider a bill on the Unanimous Consent Calendar, even though it be a Union Calendar bill, as consent to consider it in the House as in Committee of the Whole House, and prior to that, I think, consent was given in each individual case.

Mr. MONDELL. All I care to say is that if the House desires to establish the precedent of going into the Committee of the Whole on bills on the Unanimous Consent Calendar it is perfectly agreeable to me.

Mr. CAMPBELL of Kansas. If the gentleman will permit, the custom has been in former Congresses and until the present Speaker announced the rule that the Speaker would say after unanimous consent was agreed to, "This bill is on the Union Calendar." Then a gentleman interested in the bill would ask unanimous consent that it be considered in the House as in the Committee of the Whole. It took two requests to accomplish what is now accomplished by one request.

Mr. MONDELL. Mr. Speaker, it is true that the right to demand that we go into Committee of the Whole exists, but I recall very few cases where we have considered measures on the Unanimous Consent Calendar in the Committee of the Whole. That can be done. We have not been doing it. We have been getting along very nicely with the Unanimous Consent Calendar. But if gentlemen believe it is wise to establish that precedent I have no objection whatever.

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana [Mr. BLAND] if his request that it be considered in the Committee of the Whole House on the state of the Union is based upon some opposition to this bill?

Mr. BLAND of Indiana. Yes; I have some opposition to the bill, but I shall not confine my remarks entirely to the bill.

Mr. GREENE of Vermont. In order to save argument as to what we should do about it, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

TRANSFER OF PROPERTY AT LIGHTHOUSE POINT, CONN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11346) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as the old lighthouse property at Lighthouse Point, in the city of New Haven.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice. I understand that the Secretary of War was erroneously informed as to the facts stated in the report, and I wish to have that report confirmed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that the bill H. R. 11347 hold its place on the calendar for the same reason.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LOAN OF COTS TO G. A. R. OF CALIFORNIA AND NEVADA.

The next business on the Calendar for Unanimous Consent was the House Joint Resolution 300 authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment to be held in Riverside, Calif., in May, 1922.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire whether the gentleman introducing this bill or the gentleman reporting it can inform the House whether we have ever loaned the use of Army supplies in the way of tents to other than the National Grand Army of the Republic or the United Confederate Veterans?

Mr. SWING. The Committee on Military Affairs has reported favorably three bills to the House of this kind, and the House passed last May the bill of the gentleman from Ohio [Mr. CABLE] granting this privilege to the Grand Army of the Republic of the State of Ohio.

Mr. STAFFORD. Did that bill become a law?

Mr. SWING. I do not know that it did.

Mr. STAFFORD. I believe when the bill passed the House the encampment had already been held.

Mr. SWING. No; I think not.

Mr. STAFFORD. I am prompted to ask that question by the very positive objection made by the Secretary of War to this character of legislation. I assume the gentleman is very fully acquainted with it. I would like to read it for the consideration of the House. It says:

> Since July of last year I have consistently declined to authorize the loan of supplies or equipment or to concur in or recommend the passage of acts authorizing loans.

I do not recall a bill to which the Secretary of War has so positively expressed his objections.

Mr. SWING. The situation is this, if I may state it. The articles that are desired are stored at the edge of the city limits of Riverside. They are not in use, but they were stored there on the close down of the camp at March Field, which was used during the war for aviation purposes. The property sought to be used is within 2½ miles of the place where they expect to use it, and the bill provides that all expenses shall be de-

frayed by the Grand Army of the Republic, and, in addition to that, that they shall put up a bond to return them in as good a condition as they were to start with.

Mr. STAFFORD. I am aware of that. The Secretary of War sets forth the claim that they would not be in the same condition after usage. But if the House has passed a similar bill, I will not press any objection.

The SPEAKER. Is there objection?

Mr. GREENE of Vermont. Reserving the right to object, it seems to me, if I may be permitted, that there have been precedents established during a good many years in Congress about this thing. There is a general statute that provides for the loaning of tents and canvas, the shelter, to these various patriotic organizations composed of veterans of former wars. That has been the law for quite a number of years. There is no general objection to it, because there is not that degree of wear and tear in the handling of canvas for shelter as there is in the intimate use of bedding and bedclothes, cots, and that sort of thing.

They are movable, and they are handled through the day, and it is obvious to all who have had experience in outdoor life that the wear and tear is more. So it has been the policy for years to limit under the general law the loaning of these things to the loaning of the shelter which the Government has in use in various ways, and which can stand long outdoor exposure from time to time without any particular difficulty.

Mr. SWING. May I make this observation: First, I have, at the suggestion of Mr. MILLER, who reports the bill, an amendment to eliminate mattresses, on the suggestion which he made that they might be soiled and would be difficult to clean. The cots and blankets will not be used out of doors, but they have public halls in which they will be used. The city of Riverside is one of the prettiest little cities in southern California, with a population of about 15,000, and the hotel accommodations are not adequate for as large a crowd as is expected. They would expect to place these cots indoors.

Mr. BLAND of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Will the gentleman from Vermont withhold his objection for a moment?

Mr. GREENE of Vermont. Certainly.

Mr. BLAND of Indiana. I understand that the other branch of Congress did not pass any bill that provides for the loan of blankets and pillows, but it does permit bills to go through for cots and tents. So it occurs that if it calls for bedding or pillows to be loaned the bill will not have a chance to go through the other body. I have no objection to the bill. I think we ought to loan them.

Mr. SWING. Mr. Speaker, I intend to take out the word "mattresses."

Mr. GREENE of Vermont. The question in my mind is even back of all that. Of course, the use of these supplies means inspection and examination each time after they are used, because they deteriorate. But if we start in to loan that part of the paraphernalia of military supplies where are we going to end?

Mr. SWING. The answer to that is this: The precedent has been established for some time past of making an exception of these two organizations, the Grand Army of the Republic and the Confederate Veterans' Association of the South. Their members are decreasing in number, as you know, each year; each year there are fewer and fewer of them. They meet only once a year. It will do the bedding good to take it out and air it once a year and have it shaken up and cleaned and put back, and it will last longer than it otherwise would.

Mr. GREENE of Vermont. Yes. Every time you use a pound of butter you improve it. [Laughter.] That is very susceptible of demonstration. If you will consult the law you will find that other organizations beyond those of the Civil War, the Grand Army of the Republic and the Confederate Veterans' Association, have been included in these loans. The Spanish-American War Veterans have been included. This is not simply a remote precedent that is clouded down by a golden sentiment, a fond something that will disappear in time. We have now 4,000,000 ex-soldiers of the World War, and we will be asked to allow for them the things that you are now asking to have.

Mr. SWING. By a letter from the Secretary of War to the Speaker on June 22 he stated that because of the reasons I have stated, the diminishing number of members in these two organizations, he had no objection to loaning to the Grand Army of the Republic and the Confederate Veterans' Association the cots and blankets for their annual encampments.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. BEGG. Is this loan of these things to be made to the Grand Army of the Republic direct, or will they be loaned only in their name, and turned over to private persons to be put in halls and public buildings, and then let them charge hotel rates for sleeping quarters?

Mr. SWING. No. They are to be loaned to the executive committee of the Grand Army of the Republic. The cots and blankets are to be put up in the city halls and used by the veterans without charge.

Mr. GREENE of Vermont. Would the gentleman be willing to follow that up with a similar loan to every other patriotic organization that might ask for it?

Mr. SWING. The practice of the Secretary of War has been to limit it to the Grand Army of the Republic and the Confederate Veterans' Association.

Mr. GREENE of Vermont. We are the legislative body. The executive department can not do anything unless we consent to it. Does the gentleman think it advisable so to dispose of the property of the War Department that every patriotic organization can come in and get what it wants, and in that way save expense to itself?

Mr. SWING. These occasions come along infrequently, not oftener than once a year. This request comes from a place where the goods are now kept in storage and not in use. I think the wear on them is so infinitesimal, so incapable of being estimated, that it is negligible, because if it could be estimated it would be paid for.

Mr. GREENE of Vermont. Has the gentleman ever been in one of these camps?

Mr. SWING. Yes; I have been in camp.

Mr. GREENE of Vermont. Have you cleaned up afterwards?

Mr. SWING. I have policed my share of the camp.

Mr. GREENE of Vermont. We have this same argument every time. We come out at the same hole we go in at. The Senate does its duty eventually. I think we ought to do our duty here.

Mr. SWING. I do not think this request should be refused unless there is some valid objection to it, and none has yet been offered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan to the executive committee of the Grand Army of the Republic, at Riverside, Calif., having in charge the arrangements for the State encampment of said order, to be held in Riverside, Calif., in May, 1922, such blankets, mattresses, and cots as may be required at said meeting: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said executive committee at Riverside, Calif., at such time prior to the date of such meeting as may be agreed upon by the Secretary of War and the chairman of said executive committee: *Provided further*, That the Secretary of War shall, before delivering such property, take from the said chairman of said executive committee a good and sufficient bond for the safe return of said property in good order and condition, the whole transaction to be without expense to the Government of the United States of America.

Mr. SWING. Mr. Speaker, I desire to offer two amendments.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. SWING: Page 1, line 8, strike out the word "mattresses," and also strike out of the title of the resolution the word "mattresses."

Mr. WINGO. Mr. Speaker, I would like to be heard on the amendment.

The SPEAKER pro tempore. The Chair would state that the amendment to the title is not in order at this time.

Mr. SWING. Then, Mr. Speaker, I offer the first part of it.

The SPEAKER pro tempore. The question is on agreeing to the amendment. The gentleman from Arkansas is recognized.

Mr. WINGO. Mr. Speaker, I appreciate the fact that the gentleman from California [Mr. SWING] feels impelled to offer that amendment to facilitate the passage of the bill. Personally I am opposed to the adoption of the amendment.

These old men are very few. We have thousands of mattresses and blankets stored away in Army camps all over the country. Suppose these old veterans at their encampment do happen to destroy a few of these mattresses. It will be a very small sum. If we withhold this privilege from them the United States Government will benefit very little, because the people who are capable of buying these mattresses and blankets will not get the benefit of them.

Down at Camp Pike in my State a New York concern offered, I think, $400,000 for all the supplies at Camp Pike. Anyone who offered a bid had to put up $100,000. The War Department refused to let men bid on the blankets and other things separately. It refused to let one of my constituents who was

prepared to make good by proper bond bid on the supplies separately, and after protests from one of the Senators from my State the Secretary of War refused to approve the bid of this New York concern. One of my Senators protested against the low sum. The governor of the State said, "Why, the State will buy them for $100,000 more than that." But a few days ago the press reports called attention to the fact that the same New York company showed up the other day and claimed they had bought under a separate bid all the blankets at Camp Pike. Yet I had been told no divided bids would be permitted. If one of my constituents had been given a chance at the blankets and shoes, two important things, he would have handled them under an arrangement that would have brought the Government several hundred thousand dollars more than they were offered. So I say under your present policy of making it impossible for anybody except those having large capital to bid on these supplies the United States Government is not going to get much out of them.

These blankets and these mattresses and these tents are going. Look at what you got for some of your tents recently. A mere song. The man who bought them sold them out in job lots for many, many times more than the Government got. And now you quibble about these old veterans spoiling a few cheap mattresses. Let the other end of the Capitol kill these bills if they want to. Why, Mr. Speaker, in my veins flows the blood of one who followed the fortunes of Lee, in the saddle behind that wizard of cavalry, Nathan Buford Forrest; and as a son of the South I want to say to you that so far as we are concerned these old veterans of the Union Army can have these blankets and mattresses and welcome. Suppose they do soil or destroy a few of them. Let them have both mattresses and blankets and be comfortable. [Applause.] Why quibble about a little cost of renovation? There are only a few of these old men left. In handling a matter like this, gentlemen, you can not afford to quibble over cold business details. You gentlemen of the North have been fair to the Confederates by loaning them tents for their encampments. You have made a rule that you will let these tents go both to the G. A. R. and to the Confederate veterans. That was a proper thing to do, and I as a son of the South appreciate it. Nobody can accuse me of playing politics in what I am saying now, because these men can not vote for me; they do not live in my district; but I want to say to you that when I see these old men on both sides tottering along, when I realize that in a few more years they will be in their graves, it kind of makes me resentful to hear gentlemen quibble over the fact that maybe they will soil a few mattresses or lose a few blankets. God bless them, let them have every blanket and mattress we have got stored down there on the edge of that city, and if they do not get them back it is all right with me. If those old fellows take home a blanket apiece it will be all right so far as I am concerned. [Applause.]

Mr. GREENE of Vermont. Mr. Speaker, I rise in support of the amendment. I do not intend to make one of these traditional North and South speeches or to open any beautiful flasks of mellow sentiment or anything of that kind, because we are not here for that purpose. We are here to do business and we are here as the custodians of Federal property. It is a cold matter of responsibility in a fiduciary capacity absolutely. Whatever may be our personal inclinations toward the fine old soldiers of the North or the South, that is a personal matter and not a governmental one.

I think it only fair to direct the attention of the committee to the fact that there is a statute which long ago settled the policy of this thing, which was devised for the express purpose of heading off any tumult of oratory or exuberance of rhetoric that may take place every time some patriotic organization wants to borrow some tents. So the supplying of tents is limited to specified patriotic organizations. Everybody agreed to that, and it works automatically. Every now and then somebody presents a bill which, like this one, contains an exception to the provisions of the general statute, and that exception, it seems to me, should be tested out not by our sentiment, not by the question as to whether we would deny these fine old soldiers some personal comfort or some reasonable privilege, but by the question as to the policy of the administration of the Government with regard to it and with regard to other men who make like requests based upon that very incident which they will take as a precedent.

It is true that the soldiers of 1861 are almost completely retired from their activities and that the probability is that there will be very little demand for these supplies from them or their fellows; but there are still in middle life the soldiers of the War with Spain who, however comparatively limited in numbers, are themselves followed to-day by very young men, the 4,000,000 veterans of the World War, who, God bless them, we hope to have with us for the next 75 years.

This is a question of continuing policy, not a matter of beautiful sentiment that we can hook onto something that happened 60 years ago.

Mr. BEGG. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. BEGG. I would like to have the gentleman's opinion from a practical standpoint. If we are going to make this loan at all, should we not loan the mattresses as well as the cots?

Mr. GREENE of Vermont. I do not think so.

Mr. BEGG. Nobody would certainly expect one of these old veterans to sleep on a bare cot.

Mr. GREENE of Vermont. I do not think they will go there to lie on bare cots. I do not think anybody intends they shall.

Mr. BEGG. Then why the bill?

Mr. GREENE of Vermont. Because it is easier to provide bedding than it is the cot to hold it up.

Mr. BEGG. I am not so sure about that. Is it easier to provide a mattress for a bed than it is to provide a little $1.50 cot?

Mr. GREENE of Vermont. I do not know that I am altogether qualified to pass upon that question of housekeeping.

Mr. BEGG. If the gentleman will think a moment he will realize that a mattress costs more than a cot.

Mr. GREENE of Vermont. Perhaps it does; but the men who attend these encampments, the few hours that they do sleep, are not very particular whether they sleep on a mattress or not.

Mr. BEGG. I do not believe the gentleman will find that the men who are going to attend this encampment are in a physical condition which will enable them to be as careless of their personal comfort as that.

Mr. GREENE of Vermont. They are the same old boys that they used to be, and when they go to these encampments they go to have a good time.

Now, it seems to me it is only a question of the practical viewpoint whether we are going to adopt a continuing policy which means that the War Department property will be scattered from Harlem to breakfast, to use parliamentary language, every summer each year for the next 75 years that we will be having requests from the 4,000,000 soldiers of the World War. No one can pretend that there is not a destructive waste in the employment of such intimate paraphernalia as bedding.

Mr. WINGO. Will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. WINGO. How much per mattress did the last sale of Army supplies bring?

Mr. GREENE of Vermont. I do not know, and, moreover, that is beside the question. It has a little vague, but still an appreciable reference to campaign material.

Mr. WINGO. I am not talking about campaign material.

Mr. GREENE of Vermont. Neither am I, and that is the reason I avoid the subject.

Mr. WINGO. I am talking about the facts.

Mr. GREENE of Vermont. So am I, and therefore keep away from campaign material.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BEGG) there were—13 ayes and 16 noes.

So the amendment was rejected.

Mr. SWING. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 8, after the word "meeting," strike out the semicolon and insert a comma and the words "but not to exceed 500 of each."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SWING a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

RESTORING LANDS IN LOUISIANA TO PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5224) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the State of Louisiana not needed for naval purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. LARSEN of Georgia. Mr. Speaker, reserving the right to object, I reported the bill from the Public Lands Committee. The author of the bill is the gentleman from Louisiana [Mr. MARTIN], who is home on account of the serious condition brought about by the existence of the flood. He communicated with me last week and asked me if I would look after this mat-

ter. He says it is a matter of great importance to the people of his section and that it is urgent. I would appreciate it, and I am sure the gentleman from Louisiana would appreciate it more than I can express, if the gentleman from Wisconsin would permit the bill to be disposed of.

Mr. STAFFORD. I have examined the bill and report, and there are certain features that I wish to examine more in detail.

Mr. LARSEN of Georgia. It might be that I or some other member of the Public Lands Committee could enlighten the gentleman.

Mr. STAFFORD. The bill will come up under the regular order two weeks from to-day. These people have been in possession of the land for more than a quarter of a century.

Mr. LARSEN of Georgia. It is to perfect the title and raise money which is very badly needed.

Mr. LAYTON. Will the gentleman yield?

Mr. STAFFORD. Yes; if I have the floor.

Mr. LAYTON. I am not interested in this bill, but it raises a question of law or principle connected with a matter in which I am interested. Do I understand that as a matter of fact Congress has the right to restore Government property, real estate, to the rightful owners when the Government ceases to have use for it?

Mr. STAFFORD. The Government has the right at any time to cede its property.

Mr. LAYTON. The reason I ask is that I am a member of a committee where that question has been brought up, and it was stated that there was no way to get back to a State or a county real estate which the Government had ceded to it except by a public sale to the highest bidder.

Mr. STAFFORD. There is a general law which provides for the sale of parcels of land in the case which the gentleman instances. But, of course, Congress can repeal, amend, or qualify the law.

Mr. LAYTON. I am only asking this for future reference to get it into the RECORD.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHEELER, for 4 days, on account of important business.

To Mr. MONTAGUE, for 2 days, on account of death of a relative.

To Mr. BARBOUR, for 7 days, on account of important business.

To Mr. STEVENSON, for to-day, on account of sickness.

To Mr. ATKESON, for 30 days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. KINDRED was given leave to withdraw from the files of the Committee on Military Affairs certificate of Joseph J. Donnelly, deceased, Sixty-sixth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 2, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

597. Under clause 2 of Rule XXIV, a letter from the chief scout executive of the Boy Scouts of America, transmitting copy of the Twelfth Annual Report of the Boy Scouts of America (H. Doc. No. 296), was taken from the Speaker's table, referred to the Committee on Education, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10496. A bill to provide for the free transmission through the mails of certain publications for the blind; with an amendment (Rept. No. 939). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. H. R. 11265. A bill to authorize the maintenance of a bridge constructed across the Pend Oreille River at the town of Usk, in the State of Washington; without amendment (Rept. No. 940). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 11244. A bill authorizing the construction of a bridge across White River, in the State of Arkansas; with amendments (Rept. No. 941). Referred to the House Calendar.

Mr. MICHENER: Committee on the Judiciary. S. 1911. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; without amendment (Rept. No. 942). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD: Committee on the Judiciary. S. 3505. An act in reference to the summoning of grand juries in the District of Columbia; with amendments (Rept. No. 943). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 10330. A bill to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin; with amendments (Rept. No. 944). Referred to the House Calendar.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 297. A joint resolution authorizing and requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast; with amendments (Rept. No. 950). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XVII,

Mr. EDMONDS: Committee on Claims. H. R. 6177. A bill for the relief of the owner of the fishing smack *Mary S. Dolbow*; without amendment (Rept. No. 946). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 966. A bill for the relief of the Tacoma Tug & Barge Co.; without amendment (Rept. No. 947). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 1945. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; without amendment (Rept. No. 948). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 6929. A bill for the relief of Horace E. Walker; with an amendment (Rept. No. 949). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11409) granting an increase of pension to George Gorham; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

An act (S. 2563) to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.; Committee on Interstate and Foreign Commerce discharged and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 11489) to authorize the enlargement, extension, and remodeling of the Federal building at Lockport, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11490) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces; to the Committee on the Judiciary.

By Mr. WEBSTER: A bill (H. R. 11491) to continue the land office at Waterville, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. STRONG of Kansas: A bill (H. R. 11492) providing for the transfer or sale of Army and Navy equipment to the Boy Scouts of America; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 11493) to amend the War Finance Corporation act, approved May 5, 1918, and the act amendatory of the same, approved August 24, 1921, by extending for one year the powers and authority of the War Finance Corporation; to the Committee on Banking and Currency.

By Mr. VINSON: A bill (H. R. 11494) to amend the Federal farm loan act so that actual farmers may borrow money for indebtedness due by them when not incurred for agricultural purposes; to the Committee on Banking and Currency.

By Mr. WARD of New York: Resolution (H. Res. 385) for the immediate consideration of Senate Joint Resolution 12, authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 18,902 tons of sugar imported from the Argentine Republic; to the Committee on Rules.

By Mr. CLARKE of New York: Resolution (H. Res. 386) for the immediate consideration of Senate Joint Resolution 79, authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic; to the Committee on Rules.

By Mr. SMITH of Idaho: A joint resolution (H. J. Res. 318) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased; to the Committee on Naval Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of Colorado, urging recognition by the United States of America of the Republic of Mexico; to the Committee on Foreign Affairs.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. FROTHINGHAM: Memorial of the Legislature of the State of Massachusetts, urging upon Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 11495) granting an increase of pension to Laura C. Wible; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 11496) granting a pension to Ezra Poquette; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11497) granting a pension to Mary J. Toomey; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 11498) for the relief of Joseph Benaglia; to the Committee on Claims.

Also, a bill (H. R. 11499) for the relief of Frank J. Dwyer; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 11500) granting an increase of pension to A. C. Rhinehart; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 11501) granting a pension to Reese Tunks; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 11502) granting an increase of pension to Emma C. Weinhold; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 11503) granting a pension to Emma Weast; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 11504) granting a pension to Lottie L. Tripp; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 11505) granting a pension to Fred Rife; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11506) granting a pension to Mary E. Catterson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11507) granting a pension to Ella M. Foll; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 11508) for the relief of Joseph and John Marconi; to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 11509) to correct the military record of John C. Berry; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5351. By the SPEAKER (by request): Resolutions adopted by the International Brotherhood of Firemen and Oilers, Local No. 148, Northampton, Mass., urging the amendment of the prohibition laws to allow light wines and beer; to the Committee on the Judiciary.

5352. Also (by request), resolutions passed at a public meeting of Washington citizens adopted April 30, 1922, at the Central High School stadium, vigorously protesting against the proposed change in the fiscal relations, as submitted by the conferees on the District appropriation bill; to the Committee on Appropriations.

5353. Also (by request), resolutions adopted by the Presbytery of Muncie, Muncie, Ind., indorsing House bill 9758, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5354. Also (by request), resolutions adopted by the Presbytery of Muncie, at the city of Muncie, Ind., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5355. Also (by request), resolutions adopted by the Presbytery of Muncie, at the city of Muncie, Ind., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5356. Also (by request), resolutions adopted by the Presbytery of Muncie, at the city of Muncie, Ind., indorsing the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159, and urging its immediate passage; to the Committee on the Judiciary.

5357. Also (by request), petition of citizens and residents of the United States of Russian extraction, urging Congress to order the seizure of all funds belonging to the Russian people and now in the hands of the former Russian ambassador, Boris Bakhmetieff, for the purpose of using them for relief of the Russian famine victims; to the Committee on Foreign Affairs.

5358. By Mr. ANSORGE: Petition of Washington Heights Palestine Foundation fund committee, New York, urging support of resolutions for the ratification of the establishment of a Jewish State in Palestine; to the Committee on Foreign Affairs.

5359. Also, petition of Congregation Ahavath Israel, New York City, urging support of resolutions for the ratification of the establishment of a Jewish State in Palestine; to the Committee on Foreign Affairs.

5360. By Mr. COOPER of Wisconsin: Resolution adopted at a mass meeting of citizens of Boston, Mass., demanding establishment of an independent Armenian State; to the Committee on Foreign Affairs.

5361. By Mr. FRENCH: Petition of H. J. Frizelle and others, of Idaho, protesting against the passage of House bill 9758; to the Committee on the District of Columbia.

5362. Also, petition of the Presbytery of Boise, Idaho, indorsing House bill 9758; to the Committee on the District of Columbia.

5363. By Mr. GALLIVAN: Petition of Carrol J. Swan, commander Boston Chapter, Military Order of the World War, urging passage of Wadsworth-McKenzie Army-Navy pay bill; to the Committee on Readjustment of Pay, etc.

5364. Also, petition of Joseph DeVoto, 50 Winthrop Street, Roxbury, Mass., and William A. Roche, 720 Morton Street, Dorchester, Mass., urging early passage of the Bursum bill, S. 1585; to the Committee on Military Affairs.

5365. By Mr. HOCH: Resolutions adopted by the Kansas City Presbytery, indorsing House bill 9758, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5366. Also, resolutions adopted by the Kansas City Presbytery, urging the passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous marriages in the United States; to the Committee on the Judiciary.

5367. By Mr. KAHN: Petition of Santa Barbara County Farm Bureau, commending the California delegation in Congress for their stand on certain legislation; to the Committee on Rules.

5368. By Mr. KING: Petition of M. Stamm and other merchants, of Galesburg, Ill., opposing a tariff on hides; to the Committee on Ways and Means.

5369. By Mr. KISSEL: Petition of Miss Ella C. Patterson, New York City, N. Y., relative to the duty on sugar; to the Committee on Ways and Means.

5370. Also, petition of Miss Edna P. Luce, Bayonne, N. J., relative to the duty on sugar; to the Committee on Ways and Means.

5371. By Mr. KNUTSON: Petition of residents of Minnesota, protesting against House bill 9753, a bill to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5372. By Mr. MEAD: Resolutions adopted by the Corporation Council of the city of Buffalo, relative to a bill to amend the Judicial Code; to the Committee on the Judiciary.

5373. Also, petition of C. J. Irwin, merchandise broker, of Buffalo, urging the passage of House Joint Resolution 284; to the Committee on Agriculture.

5374. Also, petition of A. Krauss & Co., relative to the duty on hides as proposed in the Fordney tariff bill; to the Committee on Ways and Means.

5375. By Mr. NEWTON of Missouri: Petition of the Presbytery of St. Louis, Mo., praying for the passage of House Joint Resolution 159, prohibiting sectarian appropriations; to the Committee on the Judiciary.

5376. By Mr. RAKER: Petition of Mrs. May Crocker, federation secretary, Lodi Women's Club, Lodi, Calif., indorsing the Barbour bill and urging its passage; to the Committee on the Public Lands.

5377. Also, petition of Francis C. Sloter, of Berkeley, Calif., indorsing the Bursum bill and urging its passage; to the Committee on Military Affairs.

5378. Also, petition of the Salesmen's Association of the American Chemical Industry, New York City, urging adoption of the tariff schedules based on American valuation; to the Committee on Ways and Means.

5379. By Mr. ROSE: Petition of the Presbytery of Huntingdon, Pa., indorsing House bill 9753, for Sabbath observance in the District of Columbia; to the Committee on the District of Columbia.

5380. Also, petition of the Presbytery of Huntingdon, Pa., indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5381. Also, petition of Johnstown Lodge No. 923, Independent Order of B'nai B'rith, favoring and approving the resolution presented in the two Houses relative to the attitude of the United States Government expressed in the resolution in favor of the Jewish home land; to the Committee on Foreign Affairs.

5382. By Mr. STRONG of Pennsylvania: Petition of Blairsville (Pa.) Presbytery, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5383. Also, petition of the Presbytery of Blairsville, Blairsville, Pa., and the Presbytery of Clarion, Punxsutawney, Pa., indorsing House Joint Resolution 131; also petition of the Presbytery of Blairsville, Blairsville, Pa., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5384. By Mr. SWING: Petition of various citizens of Fullerton, Calif., protesting against House Bill 9753, providing for compulsory Sunday observation; to the Committee on the District of Columbia.

5385. By Mr. TINKHAM: Resolutions adopted by the National Guard Association of Massachusetts, relative to the size of the Army, Navy, etc.; to the Committee on Appropriations.

5386. By Mr. TOWNER: Petition of 175 members of the Syrian community of New York City, urging Congress to pass the Towner-Sterling educational bill; to the Committee on Education.

5387. By Mr. WEBSTER: Petition of 464 residents of Spokane, Wash., opposing the passage by Congress of H. R. 9753, H. R. 4388, or S. 1948, bills now pending which relate to proposed changes in the Sunday observance laws of the District of Columbia; to the Committee on the District of Columbia.

5388. Also, petition of various residents of Greenacres, Liberty Lake, Pullman, and Spokane, Wash., opposing the passage by Congress of H. R. 9753, H. R. 4388, or S. 1948, bills now pending which relate to proposed changes in the Sunday observance laws of the District of Columbia; to the Committee on the District of Columbia.

5389. By Mr. WYANT: Resolutions adopted by the United Presbyterian Presbytery of Westmoreland County, Pa., at Trafford, Pa., indorsing House bill 9753 to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5390. Also, resolutions adopted by the United Presbyterian Presbytery of Westmoreland County, of Trafford, Pa., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5391. Also, resolutions adopted by the Presbytery of Westmoreland County, United Presbyterian Denomination of Trafford, Pa., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5392. By Mr. YOUNG: Petition of Forrest Daniel and others, of Sykeston, N. Dak., protesting against any law prohibiting secular labor on any stated day of the week; to the Committee on the District of Columbia.

SENATE.

TUESDAY, *May 2, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Smoot
Ball	Hale	McKellar	Spencer
Brandegee	Harreld	McLean	Stanley
Broussard	Harris	McNary	Sterling
Bursum	Harrison	Moses	Sutherland
Calder	Heflin	Nelson	Swanson
Capper	Hitchcock	Newberry	Townsend
Caraway	Johnson	Nicholson	Trammell
Colt	Jones, N. Mex.	Norbeck	Underwood
Culberson	Jones, Wash.	Norris	Wadsworth
Cummins	Kellogg	Oddie	Walsh, Mass.
Curtis	Kendrick	Overman	Walsh, Mont.
du Pont	Keyes	Page	Warren
Edge	King	Phipps	Watson, Ga.
Fletcher	La Follette	Poindexter	Watson, Ind.
Frelinghuysen	Lenroot	Pomerene	Williams
Gerry	Lodge	Sheppard	Willis
Glass	McCormick	Simmons	

Mr. JONES of Washington. I wish to announce that the Senator from Kentucky [Mr. EARSE] is detained on official business.

The PRESIDENT pro tempore. Seventy-one Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill and a joint resolution of the following titles:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; and

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 4898. An act to declare the Tombigbee River nonnavigable from its source to its intersection with the boundary line between the counties of Itawamba and Monroe;

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.;

H. R. 11054. An act to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes;

H. R. 11131. An act to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes;

H. J. Res. 300. Joint resolution authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment to be held in Riverside, Calif., in May, 1922; and

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed enrolled bills of the following titles, and they were subsequently signed by the Vice President:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Halleys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

PETITIONS AND MEMORIALS.

Mr. SPENCER presented a resolution adopted by the Central Missouri Conference, Methodist Episcopal Church, at St. Joseph, Mo., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Central Missouri Conference, Methodist Episcopal Church, at St. Joseph, Mo., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Central Missouri Conference, Methodist Episcopal Church, at St. Joseph, Mo., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry employees of the Treasury custodial service of Bridgeport, Hartford, Meriden, Stamford, and Willimantic, all in the State of Connecticut, praying for the passage of House bill 8928, providing certain salary increases for employees of the custodial service, which were referred to the Committee on Appropriations.

He also presented a memorial of the Employers' Association of New Haven County, New Haven, Conn., remonstrating against the enactment of legislation authorizing the Interstate Commerce Commission to approve or disapprove contracts involving the construction or repair of equipment of railroads engaged in interstate commerce, which was referred to the Committee on Interstate Commerce.

He also presented the petition of M. H. Ludlum, of Bridgeport, Conn., praying that payment of Austria's debt to the United States be deferred for a period of 20 years, which was referred to the Committee on Foreign Relations.

He also presented a memorial of members of Harry W. Congdon Post, No. 11, American Legion, of Bridgeport, Conn., remonstrating against the proposed discontinuance of the Bridgeport office of the United States Veterans' Bureau, which was referred to the Committee on Finance.

He also presented resolutions and telegrams in the nature of petitions of the Congregation Ohaves Sholom, M. Swirsky, president; Convention of the Jewish Organizations of New Haven; the Jewish Community of Hartford; members of the Emanuel Synagogue, of Hartford; and sundry citizens of Hartford, New Britain, and New Haven, all in the State of Connecticut, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for Jewish people in accordance with the Balfour declaration, which were referred to the Committee on Foreign Relations.

Mr. WILLIS presented resolutions adopted at a mass meeting of citizens of Cleveland, Ohio, favoring the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for Jewish people in accordance with the Balfour declaration, which was referred to the Committee on Foreign Relations.

He also presented the petition of David Ruby and sundry other citizens of Marietta, Ohio, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for Jewish people, which was referred to the Committee on Foreign Relations.

Mr. NORBECK presented memorials of sundry citizens of Mobridge, Mound City, Java, Eureka, Bowdle, Tolstoy, Watertown, Huron, Madison, Winfred, and Junius, all in the State of South Dakota, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3040) to amend section 266, chapter 11, of the Judicial Code, reported it with an amendment and submitted a report (No. 682) thereon.

Mr. BROUSSARD, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies, reported it with an amendment and submitted a report (No. 683) thereon.

Mr. BURSUM, from the Committee on Pensions, to which was referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 8261) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 684); and

A bill (H. R. 8874) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 685).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 3539) to amend section 6 of the act of November 23, 1921 (Public, No. 96, 67th Cong.); to the Committee on Indian Affairs.

By Mr. BURSUM:

A bill (S. 3540) fixing the fees of the examining surgeons in the Bureau of Pensions; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3541) to establish the Wonderland National Park in the State of South Dakota; to the Committee on Public Lands and Surveys.

A bill (S. 3542) granting an increase of pension to Carl W. Carlson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 3543) granting a pension to Mary R. Cooney; to the Committee on Pensions.

AMENDMENT TO SENATE RIVER AND HARBOR BILL.

Mr. STANLEY submitted an amendment providing for the improvement of Canoe Creek, Henderson County, Ky., at its juncture with the Ohio River with a view of dredging and establishing a harbor of refuge, intended to be proposed by him to the bill (S. 3017) authorizing appropriations for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

COCONINO AND TUSAYAN NATIONAL FORESTS, ARIZ.

Mr. ASHURST. I ask unanimous consent that the bill (H. R. 7812) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz., be taken from the calendar and recommitted to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION OF MISSISSIPPI RIVER LEVEES.

Mr. WARREN. I ask that House Joint Resolution 319, just received from the House, be laid before the Senate and read at length and referred to the Committee on Appropriations.

The joint resolution (H. J. Res. 319) making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries, and outlets not under jurisdiction of the Mississippi River Commission was read the first time by its title, the second time at length, and referred to the Committee on Appropriations, as follows:

Resolved, etc., That a sum not to exceed $200,000 from funds heretofore appropriated for improvement of rivers and harbors and which remain in the Treasury unexpended because the works or projects for which the same were appropriated have been completed or have been recommended for abandonment, is hereby made available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers for the purpose of protecting life and property by preserving and maintaining during the present flood emergency the levees not under Government control on the Mississippi River, its tributaries and outlets.

Mr. WARREN. I am instructed by the Committee on Appropriations to report the joint resolution back favorably, without amendment, and to ask for its immediate consideration and passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONTINUANCE OF GOVERNMENT PUBLICATIONS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, which were to strike out all after the resolving clause and to insert:

That hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary properly to conduct the ordinary activities required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for such official activities, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the superintendent of documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government.

Sec. 2. That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, repealed.

And to amend the title so as to read: "Joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes."

Mr. MOSES. I move that the Senate disagree to the amendments of the House, request a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. MOSES, Mr. CAPPER, and Mr. FLETCHER conferees on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 4888. An act to declare the Tombigbee River nonnavigable from its source to its intersection with the boundary line between the counties of Itawamba and Monroe; and

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.; to the Committee on Commerce.

H. R. 11054. An act to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

H. R. 11131. An act to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes; to the Committee on Post Offices and Post Roads.

H. J. Res. 300. Joint resolution authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment to be held in Riverside, Calif., in May, 1922; to the Committee on Military Affairs.

HEIRS OF NELS RUDI.

Mr. WALSH of Montana. Mr. President, on yesterday I introduced the bill (S. 3536) for the relief of the heirs of Nels Rudi, which was referred to the Committee on Finance. As the bill relates in a way to the war-risk insurance act, I think it should go to the Committee on Pensions. I ask that the Committee on Finance be discharged from the further consideration of the bill and that it be referred to the Committee on Pensions.

Mr. SMOOT. I did not hear what bill the Senator referred to.

Mr. WALSH of Montana. Senate bill 3536 introduced by me on yesterday. It is not on the calendar. It was introduced yesterday and went to the Committee on Finance. I asked that it go to the Committee on Pensions, but apparently my request was not heard at the Secretary's desk. The bill presents a rather remarkable situation of affairs.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Committee on Finance be discharged from the further consideration of Senate bill 3536 and that it be referred to the Committee on Pensions. Is there objection?

Mr. SMOOT. Yes. Mr. President. I first want to know what the bill is.

Mr. WALSH of Montana. As I said, the bill presents a rather remarkable condition of affairs. Three brothers by the name of Rudi, residing in Rosebud County, Mont., held a family conference about the time war was declared. One of them was married and the other two were bachelors. They concluded that the two bachelors ought to go to war, which they did. Each of them took out life insurance under the war risk insurance act in favor of the brother who remained at home. One of them was killed in action, the insurance then going to his surviving brothers. The other brother contracted pneumonia and died, his insurance going to his surviving brother who had remained at home. That brother then took the "flu" and died, leaving his wife and an infant son, who would inherit whatever estate he had. However, the Veterans' Bureau holds that the monthly payment of the insurance under existing law goes to the parents of the surviving brother living in Norway instead of to the widow and son. This bill provides that the monthly payments made hereafter shall go to the heirs at law instead of to the parents in Norway.

Mr. SMOOT. I think the bill was properly referred. The bill creating the Veterans' Bureau was considered by the Finance Committee.

Mr. WALSH of Montana. If there is any insistence at all, I shall not ask for a change of reference.

Mr. SMOOT. I repeat that I think the bill was properly referred, Mr. President.

Mr. WALSH of Montana. I do not think so.

The PRESIDENT pro tempore. Is there objection to discharging the Committee on Finance from the consideration of the bill and referring it to the Committee on Pensions?

Mr. SMOOT. Yes; Mr. President, I object.

DISMISSAL OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. CARAWAY. Mr. President, in view of the interest displayed by some Senators to be the first to meet the caravan bringing the petition for the soldiers' bonus to the Capitol, and therefore to have their names first recorded as favoring a soldiers' bonus, I am prompted to refer to three resolutions which I introduced some weeks ago attempting to protect some of these very soldiers in their right to work for the Government. Those three resolutions were referred to the Committee on Civil Service, at the request of the chairman of that committee. I knew then, as every other Senator knew, that those resolutions were being sent to their grave. The two most important of those resolutions came out of that committee on yesterday with adverse reports. The committee has done well what it was predicted it would do—that it would strangle those resolutions. It has done what the administration wanted it to do. It has protected from inquiry the indefensible act upon the part of the President when he arbitrarily said in the face of the law dismissed honorably discharged soldiers and sailors from the classified service. It has protected this administration against having to account to the Senate for its willful disregard of the law and its inhumane treatment of the ex-service men of the country. I am not surprised that it did it. No one expected it to do anything else.

However, there is a time coming, Mr. President, when this administration, high and mighty as it feels itself to be, will have to account to its superior—the American people. It seems but fitting, therefore, that I shall briefly refer to the fact that this week will bring to us the fifth anniversary of the enactment of the so-called selective draft act. There are here Senators who five years ago this week made this Chamber ring with their eloquence, who, to hear them say it, only regretted that age made it impossible for them to don the uniform and carry a gun at the front. They expressed their envy of the young men whom they were sending to the battle front and some of them to their death under the selective draft act, regretting that the boys were to go and that they were to stay. They foretold with what great honors and respect this country would receive the soldiers in the years to come, and how, after they had saved civilization at the peril of their lives, the Nation, through all future years, would express to them their gratitude.

If those same Senators now, after five short years, reflect the sentiment of this country, they reflect a sorry picture, indeed, for they appear to believe that the country in five years has forgotten all of its debt of gratitude, as Senators have forgotten all their fervid oratory and are willing for political preferment to protect the administration which is depriving honest and honorably discharged soldiers and sailors from the right to earn an honest livelihood. I say if they reflect the sentiment of this country it is a poor public sentiment, indeed; but I deny it, Mr. President; they do not. They simply reflect the sentiment of this administration, and the administration reflects the sentiment of Wall Street. It does not reflect the sentiment of the homes and the firesides throughout this country. This administration reflects the sentiment that enabled a man to buy a seat in this body and keep it. It reflects the sentiment that corruptionists have greater rights than do honest people. It reflects the sentiment, Mr. President, that made the President of these United States come before the Senate and make the majority Members of it recommit the soldiers' bonus legislation, when only four votes had been recorded against it at the time it was made the unfinished business of the Senate; but I deny, Mr. President, that that reflects the honest sentiment of the American people.

Of course, when that is said, the Republican Senators answer back that they represent an administration that received a majority of 7,000,000 votes. But those 7,000,000 votes, Mr. President, were cast by men who took the Republican candidates at their face value and who believed what the candidates said. The voters who cast the 7,000,000 votes which gave the Republican Party that majority have been walking the streets for seven months now, looking for a job in order to earn an honest living, and they are not going to repeat their blunder of 1920. The Senators who are so anxious to reflect the will of the present administration and subvert their own opinions and destroy the right of honorably discharged soldiers and sailors to earn an honest living under the Government will find out when the people speak that they represent nothing but a repudiated administration.

This administration, Mr. President, has accomplished some things; whether they be laudable or not the people will determine. As I have said, it has accomplished the throttling of legislation offered to pay adjusted compensation to soldiers and sailors of the last Great War; it has to its credit the seating of a Senator who bought his seat in the Senate; it has given to its credit the denial to a minister who was designated to offer a public prayer at the opening of the so-called Limitation of Armament Conference the right to use the name of Jesus Christ in his prayer.

Oh, Mr. President, it has achieved something else. A member of the present Cabinet, selected, so far as I know, for one single accomplishment, received the biggest fee that I ever knew anybody to obtain for securing a pardon for a convicted criminal. I speak of the Attorney General. I am informed that he received $25,000 to get Mr. Morse out of the penitentiary under a plea that he was afflicted with tuberculosis; and now it becomes his painful duty to put him back in the penitentiary for again swindling the Government, unless some reason can be found to believe that the gentleman has again contracted a dangerous malady. The Attorney General got $25,000 for that achievement, I am told, and wanted more, and when he did not get it he was given a seat in the Cabinet for what he had accomplished. The President who appointed him has that to his credit—good or bad, I will let the American people say.

Recently, Mr. President, a number of children—misguided it may be, unwise it may be, but believing, from the newspaper stories, the President had a heart, that he was sympathetic—came here on a weary crusade, asking that there be pardoned, not some rich criminal who had defrauded the Government out of millions of dollars and who was able to pay munificent fees to have somebody lobby for his pardon, but little children of humble parents, the fathers of two of them being ministers of the gospel—good or bad, I do not know—came here to see the President and on their little bended knees to ask him to pardon their fathers. They were not able to hire lawyers, Mr. President; and what happened? They were refused an audience with the President of these United States. If they had been able, I presume, to have paid $25,000 for a lawyer, such as Mr. Daugherty was before he came to Washington—a specialist in getting pardons for rich criminals—they would have had a hearing; but, having nothing but the hope of mercy in their little hearts and nothing to clothe them but their tattered rags, they were denied a hearing.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. Mr. President, I am amazed at the statement of the Senator from Arkansas. Were it not that I have such great faith in his integrity and in his careful manner of investigation, I should doubt the accuracy of that charge even against the Attorney General.

Mr. WATSON of Indiana. Mr. President, will the Senator permit an interruption?

Mr. CARAWAY. I have the floor and will permit an interruption, although I do not intend to lose the floor?

Mr. STANLEY. If the Senator from Indiana will permit me, I shall be through in about a minute.

Mr. WATSON of Indiana. Certainly.

Mr. STANLEY. I was going to say that, as an American citizen, I hope that ugly and revolting thing did not happen. In the State of Kentucky, for instance, it is a serious offense to accept a fee for a service of that character. Whether it is penalized by the State of Arkansas I do not know; but the pardon attorney, the man who prostitutes his political influence to delude an executive for a filthy retainer deserves little consideration. I do not care to comment on that; I merely want to ask the Senator if his State penalizes such unprofessional conduct, as do so many States of the Union?

Mr. CARAWAY. Mr. President, I am proud to say that the kind of lawyers we license to practice in my State do not have to be penalized to prevent them from doing a thing like that.

Mr. WATSON of Indiana. Mr. President, will the Senator pardon an interruption?

Mr. CARAWAY. I will.

Mr. WATSON of Indiana. We did not hear over on this side what it was that the Senator said about the Attorney General. Will he kindly repeat it?

Mr. CARAWAY. I know the Senator did not hear it, because all the Senators over there got busy in order not to hear what was being said. I said that I understood that the greatest achievement of the Attorney General was that he got a pardon for a criminal, and got a fee of $25,000 for doing it.

Mr. WATSON of Indiana. Does the Senator mean since he became Attorney General?

Mr. CARAWAY. Oh, no.

Mr. WATSON of Indiana. May I further question the Senator?

Mr. CARAWAY. Yes, sir.

Mr. WATSON of Indiana. To what case does the Senator refer?

Mr. CARAWAY. The Morse case.

Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?

Mr. CARAWAY. I charged that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.

Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?

Mr. CARAWAY. Does the Senator from Indiana say that it is not true?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. On the Senator's own personal knowledge?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. That Mr. Daugherty did not represent Morse?

Mr. WATSON. I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.

Mr. CARAWAY. Did he indirectly represent him?

Mr. WATSON of Indiana. No.

Mr. CARAWAY. Why did the Senator say, then, that he did not directly represent him?

Mr. WATSON of Indiana. I meant by that that my understanding of the situation is that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

Mr. CARAWAY. How does the Senator know that?

Mr. WATSON of Indiana. I know it from the language of the Attorney General.

Mr. CARAWAY. Did he tell the Senator that he did not?

Mr. WATSON of Indiana. He did.

Mr. CARAWAY. That he never got a cent for it?

Mr. WATSON of Indiana. Not for that.

Mr. CARAWAY. For what did he get his fee, then?

Mr. WATSON of Indiana. He did not get any fee from Morse.

Mr. CARAWAY. Why does the Senator say, "Not for that"? Why does the Senator juggle with language? Why does he not say that he did or did not get a cent?

Mr. WATSON of Indiana. That is the thing that the Senator is charging here. I say that for that he did not get a fee.

Mr. CARAWAY. For what did he get his fee?

Mr. WATSON of Indiana. I do not know whether he ever got a fee from Morse for another purpose or not.

Mr. CARAWAY. I did not think the Senator knew.

Mr. WATSON of Indiana. But I do know that what the Senator says here is not true.

Mr. CARAWAY. What is that?

Mr. WATSON of Indiana. Of course, I am not charging——

Mr. CARAWAY. What is it that the Senator says he knows is not true?

Mr. WATSON of Indiana. I am not charging that the Senator said anything he knew not to be true, of course.

Mr. CARAWAY. Oh, well, then, let the Senator be a little bit plain about his language.

Mr. WATSON of Indiana. I am charging that Mr. Daugherty did not get a fee from Mr. Morse for getting him out of the penitentiary or helping to get him out of the penitentiary.

Mr. CARAWAY. For what did he get his fee?

Mr. WATSON of Indiana. I do not know whether he ever got a fee or not.

Mr. CARAWAY. Oh, well, if the Senator does not know, how does he know that he did not get it for that?

Mr. WATSON of Indiana. I do not know whether he ever got a fee from Morse for some other purpose or not.

Mr. CARAWAY. If that is all the information the Senator has——

Mr. WATSON of Indiana. No; I have information on this matter that the Senator is talking about, and that is what he is charging.

Mr. CARAWAY. I ask the Senator then, what he did get his fee for?

Mr. WATSON of Indiana. So far as I know, he never got any fee.

Mr. CARAWAY. Does the Senator know that he did not get any?

Mr. WATSON of Indiana. I know that he did not get any fee from Morse for getting him out of the penitentiary or helping to get him out.

Mr. CARAWAY. Did he get any fee at all from Morse?

Mr. WATSON of Indiana. He may have gotten one 10 years ago. I do not know anything about that. Whether he was ever Morse's attorney or not is a different proposition. As to that I do not know, but I know that in this instance he got nothing.

Mr. CARAWAY. When did the Senator discuss this matter with the Attorney General?

Mr. WATSON of Indiana. On various occasions.

Mr. CARAWAY. How came the Senator to discuss it with the Attorney General?

Mr. WATSON of Indiana. Because I had heard the rumor.

Mr. CARAWAY. Did the Senator believe it?

Mr. WATSON of Indiana. The rumor?

Mr. CARAWAY. Yes.

Mr. WATSON of Indiana. I did not.

Mr. CARAWAY. Then why did the Senator go to the Attorney General with it, if he did not believe it?

Mr. WATSON of Indiana. Because I am the kind of a man that if any one of my friends is involved in any trouble I go and talk to my friend about it.

Mr. CARAWAY. And the Attorney General told the Senator it was not true?

Mr. WATSON of Indiana. It was not true.

Mr. CARAWAY. Did the Senator then ask him what he did get the fee for?

Mr. WATSON of Indiana. I never asked him about any fee, of course, because he said he did not get any.

Mr. CARAWAY. Let me ask the Senator whether this was the truth, then—that he tried to get that fee, and it was so large that the prisoner would not pay it?

Mr. WATSON of Indiana. Oh, no; nothing of that kind, of course.

Mr. CARAWAY. All right.

Mr. WATSON of Indiana. But let me ask the Senator a question. Suppose that Mr. Daugherty did get a fee for representing Mr. Morse. He was a private citizen. He was a practicing lawyer out in Columbus. Suppose that he did take the employment to help get this man out of the penitentiary—was there anything wrong in that?

Mr. CARAWAY. Yes, sir; it was so absolutely wrong that, in my judgment, an attorney who accepts a fee to influence an administration to grant a pardon ought to be stricken from the rolls.

Mr. MOSES. Mr. President, may I ask the Senator a question?

Mr. CARAWAY. Yes, sir.

Mr. MOSES. Taking fees from Mr. Morse at any time is a reprehensible thing, is it?

Mr. CARAWAY. The Senator from New Hampshire is just as nearly correct with his information on that point as he is on anything else. We were not discussing that. I said that if he took a fee to influence an administration to pardon Mr. Morse it was wrong.

Mr. MOSES. Now, I ask the Senator if taking a fee from Mr. Morse to influence an administration to do something else would be wrong?

Mr. CARAWAY. I do not know what the question of the Senator from New Hampshire may imply.

Mr. MOSES. I will state to the Senator, if he will wait. I understand that Mr. William G. McAdoo has taken very large fees from Mr. Morse for appearing before boards and commissions and members of the Government under the previous administration in connection with the very contracts for which the Attorney General has now indicted Mr. Morse.

Mr. CARAWAY. Well, maybe he did.

Mr. MOSES. That is not a matter of rumor; that is a matter of public record.

Mr. CARAWAY. I am glad to know it. I do not know whether the thing he did was right or wrong. I will say to the Senator from New Hampshire, however, that if a man assumes the rôle of a lobbyist and conceals his interest in order to influence the administration either to get a contract or to get a pardon, he falls without the pale, and I do not think he is entitled to any consideration for so doing.

Mr. MOSES. When Mr. McAdoo is running for the Presidency the Senator from Arkansas can give his opinions more at length about that.

Mr. CARAWAY. I shall be very much pleased to do that; but I should like the evidence of what the actual transaction is before I am asked to pass upon it. I have nothing but the rather vague statement of the Senator.

Mr. MOSES. The Senator did not ask for any evidence about Mr. Daugherty when he took a rumor and stated it on the floor, and then went on to testify as if it were a fact proven.

Mr. CARAWAY. Yes, sir; and so far as I know yet, it is true.

Mr. MOSES. And, if I may add, the Senator is constantly doing that, Mr. President—putting words into the mouths of other people, and taking newspaper stories and rumors here in connection with this debate which has been going on on his part now for some weeks in connection with trivial affairs and constantly distorting the subject.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. Just a minute; let me answer my very good-natured friend from New Hampshire, who can not make an assertion without growing angry about it. Let me say that any statement I have made here about what has transpired I have fortunately been able to prove. I can not get an investigation to get the sworn testimony, because the majority of the Committee on Civil Service will not let me have the investigation; but I shall not waste time quibbling with the two Senators—one from Indiana and one from New Hampshire—who are so anxious to defend the administration, right or wrong.

Mr. WATSON of Indiana. Mr. President, let me ask the Senator a question. The Senator, as I understand, is talking about the ethics of the legal profession.

Mr. CARAWAY. Yes.

Mr. WATSON of Indiana. Did the Senator ever accept a fee to help get a man pardoned after he had been convicted?

Mr. CARAWAY. No; I did not.

Mr. WATSON of Indiana. Never, at any time?

Mr. CARAWAY. Never, at any time, directly or indirectly; and I never will.

Mr. WATSON of Indiana. Mr. President, I must say that my record as a practicing attorney has not been the same as that of the Senator.

Mr. CARAWAY. I am glad of that.

Mr. WATSON of Indiana. I have taken fees for the purpose of trying to get men out of the penitentiary after having been convicted, after I had made investigations and had come to the conclusion that mistakes had been made. I have taken fees in cases of that kind. There was nothing reprehensible about it, nothing contrary to the practice of the profession in its highest ethics; and I imagine that most of the lawyers over on the other side and most of the lawyers over here have done the same thing, with an approving conscience, I may say.

Mr. CARAWAY. I am glad to know that the conscience of the Senator from Indiana will approve anything he does.

Mr. WATSON of Indiana. I do approve that sort of thing. If, after investigation——

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I yield now to the Senator from Kentucky. The Senator from Indiana can plead guilty later on.

Mr. WATSON of Indiana. Let me finish my sentence, please.

Mr. CARAWAY. All right.

Mr. WATSON of Indiana. If, after investigation by an attorney, he comes to the conclusion that a man has been wrongly convicted, or that there were mitigating circumstances that were not submitted to the jury, and, knowing that, he comes to the conclusion that a man should be pardoned, it is perfectly

legitimate, from my viewpoint, for him to take employment to have him released from prison.

Mr. CARAWAY. Mr. President, I concede that if the Senator from Indiana feels that when he was in court he did not properly represent his client, then maybe his duty would extend to appealing to the Executive for mercy. That is a question about which I am not going to express any opinion.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I will yield to the Senator from Kentucky in just one minute; but what is curious about it is, if the Senator from Indiana thinks it is such a laudable thing to do, why he rose in so much haste to defend the Attorney General from the charge of having done that.

Mr. WATSON of Indiana. Because it was not true that the Attorney General had done it, according to my understanding.

Mr. CARAWAY. Just a minute, Mr. President. I have the floor, and I am perfectly willing to hear the Senator from Indiana in a minute.

Mr. WATSON of Indiana. I thank the Senator.

Mr. CARAWAY. The Senator thought so much of the rumor that the Attorney General had accepted a fee to secure the pardon of Morse and felt that it was doing the Attorney General such a grave injustice, that, as a friend of the Attorney General, he rushed down to his office to make inquiry if he was guilty of this offense and then came back rather heatedly to deny that he ever did it. That is not quite in keeping with the Senator's declaration that it was perfectly honorable for him to do it. If it was, why did the Senator ask him about it at all?

Mr. WATSON of Indiana. Now will the Senator yield?

Mr. CARAWAY. I will; yes.

Mr. WATSON of Indiana. Of course, my friend from Arkansas exaggerates the situation, as usual.

Mr. CARAWAY. No; just wait a minute, now. Where is the exaggeration?

Mr. WATSON of Indiana. In the statement that I "rushed down" to the Attorney General, as if I hurried down and had a conversation or consultation with the Attorney General about that particular matter.

Mr. CARAWAY. Oh, I guess the Senator took his limousine.

Mr. WATSON of Indiana. The Attorney General and I are very good personal friends, and have been for a quarter of a century. We come together very often socially, of which fact I am very proud; and in one of those contacts on one of those occasions I told him that I had heard that rumor, and asked him about it. That is all there was to it. My understanding is, and that is what I rose to say, that no fee was paid and none received for that purpose, but that if Mr. Daugherty, before he was Attorney General, had made an investigation and concluded that it was a legitimate employment, he had a right to take it, and that in taking it he violated none of the ethics of the profession.

Furthermore, let me say——

Mr. CARAWAY. I yield to the Senator, but I want part of the day.

Mr. WATSON of Indiana. I was brought to my feet very largely because I understood the Senator from Kentucky [Mr. STANLEY] to say that the Senator from Arkansas had charged that a fee had been taken by Mr Daugherty since he became Attorney General.

Mr. CARAWAY. Oh, no.

Mr. STANLEY. No.

Mr. CARAWAY. What strikes me as strange—I shall merely talk about it, and not criticize it—is that the Senator from Indiana thinks that it is entirely honorable and entirely professional to take a fee to procure a pardon, and yet when he heard a rumor that the Attorney General, before he was appointed, had done that he rushed—strike out the word "rushed"—he went down to see him and asked him if this "heinous" story that was going the rounds was true. I shall leave the Attorney General and his other self, the Senator from Indiana, to adjust their little differences about that when they talk it over again at their next social meeting.

Mr. President, I was somewhat diverted from what I had intended to say when I was talking about the President, who, as rumor says—and I presume I must label it "rumor" in order to meet the censorship of my genial friend from New Hampshire—was just setting out to a game of golf, and therefore had no time to see these little folks. They had nothing but time, Mr. President, and therefore they were willing to wait until the President should have finished his amusements and come back to his place of business, but they were denied an opportunity to see him, and, wandering around in this presumably Christian city on Sunday, they chanced upon a church—a Baptist church—and wanted to go in because services were being held. The usher, I am informed, asked them in, but the policemen, I presume acting under orders of the people in authority, denied them the right to go in. The President of the United States was in the church worshiping, and these poor little outcasts were told that they must not go in. They were finally taken into some room and heard a lecture on being good to animals, when they had come thousands of miles, some of them, with a prayer on their little lips, to ask the President to be good to their fathers.

The fathers of these little fellows were convicted of violations of the espionage act. What the offenses were particularly I do not know. I do not know that the fathers ought to have been pardoned, but I do know that unless Jesus Christ was wrong the children ought to have been received, because somewhere in His Book he said, "Suffer little children to come unto me, and forbid them not, for of such is the kingdom of heaven." But, of course, the present President has revised the text, so that a prayer must have stricken from it the name of Jesus Christ, and children are not to enter church if the President is there.

I would like to give you the life history of a few of these little fellows. One of them comes from within 15 miles of where I live. I knew his father well. He was about as inoffensive a man as I ever knew. He belonged to the ne'er-do-well class, and that is about all that could be said against him. He had conscientious scruples against wearing his country's uniform in time of war. He thought the Bible meant what it said when it commanded "Thou shalt not kill," and he would not go. He has a boy whose names is James. I read from the News:

> James is 12. His mother died a year after his father, J. M. Danley, a tenant farmer living near Paragould, Ark., was sent to prison for violation of the espionage act. He went to live with another family and until he joined the child crusaders worked in the cotton fields from 10 to 12 hours a day. His sisters—May, 18, and Irene, 15—are with other families and also work in the fields. His youngest sister, Elva, 4, is with May.

He came more than a thousand miles, from a little, humble home, Mr. President, to ask the great President of these United States to grant his father a pardon. He was refused an audience with the President. Then he tried to go to church, and he was refused admission to church because the President of the United States was there.

Here is another little fellow——

Mr. SUTHERLAND. May I interrupt the Senator?

Mr. CARAWAY. I yield.

Mr. SUTHERLAND. During the term of former President Wilson I had exactly the same experience these children are reported to have had. Upon two different occasions I went to the church which President Wilson attended and was unable to gain admittance to the church because the church was filled, and the ushers would not allow anyone else to go in. It is eminently unfair to draw the inference that just because the President was in the church on the occasion to which the Senator refers, he was to be in seclusion, and that these children or anyone else should not be allowed to go in. The Senator knows very well that any church attended by a President is filled during any service he may attend, and many people who desire to do so can not get in because the church is crowded.

Mr. CARAWAY. Let me ask the Senator from West Virginia if he knows what the circumstances were attending this?

Mr. SUTHERLAND. I was not present upon this occasion, but I was present on similar occasions when President Wilson was at church.

Mr. CARAWAY. But, Mr. President, these were children, and there was nothing suspicious about their conduct. However, a newspaper reporter who sits in the Senate press gallery, and who was present on that occasion, told me this morning that other people went in; that the usher was willing that these children should go in, but the police kept them out. I do not suppose that was exactly the experience the Senator from West Virginia had when he tried to go to church one time.

I started to read this little story about Helen Keller Hicks. It is as follows:

> Three-year-old Helen was born after her daddy, William Maddison Hicks, went to prison.
>
> He is a grandson of Alias Hicks, who founded the Hicksite order of the Friends Church, and has never seen his little girl, except when at Leavenworth on the prison movie screen was flashed a picture of children parading. Among them was his little girl bearing a banner which read, "I have never seen my daddy."
>
> Now he teaches in prison; and the courses he gives are credited toward a degree in Kansas State University. But, as he gets no money for the work, his wife and three children—Robert, 10; Rose, 8; and Helen—have been driven from their home at Guthrie, Okla., by poverty.

These are two. There are others, but I will not cumber the RECORD by reading them.

I want to pause here long enough to say that I believe the present President is the most gracious man in manner I ever

know. It is a delight to see him; and if he ever missed an opportunity to have his picture taken, except with these little children, I never heard of it. He is a kindly man, apparently. Yesterday morning, which was the day after these little children were not permitted to go to church, and two days after he had refused to see them, the President and his secretary, George Christian, had their pictures taken bidding good-by to Bernard S. McMahan, director of the caravan of Shriners, who will lead the delegates from Washington across the continent by automobile to the meeting in San Francisco.

On the same morning—yesterday—the President had his picture taken with officers of the Women's Overseas League, "who visited Harding." I beg your pardon. I do not believe his picture was in that group. I was so accustomed to seeing his picture in every one of them that I just said that without noticing, but his picture does not seem to be in it.

I may say, Mr. President, that the President, according to a local newspaper, has been generous with his time; and here is a list of the people he recently took time to see:

American National Bankers' Association.
Associated Advertising Clubs of America.
National Maritime League.
United States Cotton Association.
Motion Picture Producers' Association.
Ophthamologists' Association.
Daughters of American Revolution.
American Press Association.

He has had time to see David Wark Griffith, Lillian Gish and Dorothy Gish, Freckles Barry, Babe Ruth, and the tallest man in the world, whose name nobody remembers; the midgets, Lillian Russell, and many others. He had time to see all those, Mr. President, but when a lot of little children, weary with thousands of miles of traveling, and with hope in their hearts, because they had read these rumors about the President being full of mercy, came to see him, they were denied an opportunity of seeing him. It may be that is the thing the President ought to have done; I do not know.

But, Mr. President, I rose to talk about the committee refusing any investigation as to the facts, or even asking the President to make a statement as to why former soldiers and sailors were unlawfully denied the right to work for the Government they had risked their lives to defend; but before I refer to that, if there is no objection, I want leave to insert a newspaper account of these children going to church, about which the Senator from West Virginia [Mr. SUTHERLAND] seemed to be doubtful. The reporter who wrote this seems to have been present on that occasion, and this is his story of it.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

LITTLE CRUSADERS KEPT FROM CHURCH—REFUSED ADMITTANCE TO CALVARY BAPTIST, WHERE HARDING WAS WORSHIPING—GIRL IN JUVENILE ROOM—PRESIDENT AND USHERS REPLAIN EDIFICE WAS FILLED WHEN CHILDREN ARRIVE.

WASHINGTON, April 30 (Special).—Members of the "Children's Crusade" appealing for the release of political prisoners, were prevented by policemen from attending services to-day at the Calvary Baptist Church, where President Harding was worshiping. Fire regulations, according to the police, did not permit the admittance of any additional persons, the church being crowded at the late hour when the 27 children arrived.

The children were accompanied by Frank P. O'Hare and Mrs. W. B. Hough, who has a son serving sentence for alleged violation of the espionage law. They arrived at 11.15 o'clock, 15 minutes after the time when reservations not taken are thrown open to the public. They walked up to the front door and were met by a policeman, who stopped them until an usher from the church came out. According to Mr. O'Hare, the usher at first agreed to take charge of the children, but was prevented by the policeman, who asserted that they should remain outside.

"IT'S A CHURCH, ISN'T IT?"

"If you want to see the President, why don't you go to the White House?" Mr. O'Hare quoted a policeman as saying.

"This is a church, isn't it?" he said. "They don't want to see the President, they want to see God."

Mr. O'Hare denied the children were taken to the Calvary Baptist Church because "he President belongs to that congregation. He said they planned to be here for some time and intended to worship each Sabbath, making the rounds of all the denominations represented in the delegation of children and wives of political prisoners.

Upon suggestion of a church attendant the children were taken to a side entrance, where they went into a separate room, where juvenile services were being held.

OTHERS ENTERED JUST AHEAD.

Mr. O'Hare said he went to the side entrance in order to prevent an outbreak among the children at the front of the church. He said he saw 10 or 15 persons enter the front door just before the children arrived, but added that they might have been the last admissible before the church was pronounced filled.

Mrs. Hough said policemen held out their hands to cut off entrance from the church as the children and their supervisors turned off of the front sidewalk toward the church door.

"When we got into the juvenile section I just sat down and cried," said Mrs. Hough. "I'll have to admit it. I realized we were not getting into the main part of the church. I didn't know but that it was an excuse. I cried because I thought the children had been barred out."

Mr. CARAWAY. Mr. President, there is a gentleman by the name of John H. Bartlett. I never heard of him until he got to be president of the Civil Service Commission. That is nothing against him, however, and I do not utter that with that idea, because there are many great men from New Hampshire I never heard of until quite recently.

Mr. Bartlett was so effective as president of the Civil Service Commission, and made the distribution of pie so easy, that he was promoted to be the appointive officer who hands out most patronage under any administration. He is the First Assistant Postmaster General. There was a meeting here of the Civil Service League to protest against this administration's assault upon the civil service. Mr. Bartlett was not invited, but knowing that he would be justly criticized he thrust himself upon the meeting, and, as I understand from those present, took most of the time and entered a denial before the charge could be made. He elected to say that he was about the only real friend the civil service had ever had. He concluded his tirade against the people who did not agree with him, and in defense of handling the post offices, with this statement:

It should be needless to state that the first, second, and third class postmasters are not under civil service now and never have been. They have never acquired a civil-service status. Such Executive orders as have been made with reference to them have been merely a delegation by the President to the Civil Service Commission of the duty of examining them and making up a list for the President to select from. The President is not even obliged to select from these lists when they are thus made up. The power of appointing these presidential postmasters is with the President and the Senate. He has the right to change this order any minute he chooses. It is merely a means of selection. To speak of General Work's desire to vacate the present Executive order with reference to presidential postmasters as tending to undermine the civil-service system is illogical and irrelevant. They are not a part of the civil-service system at all.

I do not think Mr. Bartlett knows it, because I do not think he has ever known anything about the civil service except to point the way to give a job to a deserving Republican, but most everybody in the service has been covered into this service under an Executive order. Most of the so-called civil service is the result of Executive order. The offices are brought under the civil service, and until some President shall vacate those orders they will remain under the civil service.

I realize that where the President is given the constitutional power to make an appointment Congress can not take it from him. Everybody knows that, and Mr. Bartlett need not have wasted his time telling us that. Everybody knows that in appointing postmasters the President does not have to select from the list that is presented by the Civil Service Commission. Most people know that he is going to make the list suit him, and if it does not suit him he does not select from it until it has been made to do so.

I have a report here from which I am going to read extracts, and then I shall ask to include it, if I may, which says that—

Out of 2,508 appointments of postmasters in which there was any choice the highest man was appointed in 1,104 instances, or fewer than 44 per cent, while the second or third man was appointed in 1,424 instances, or more than 56 per cent. Investigation showed in virtually every instance, it is said, that the appointment of the lower man was influenced by politics.

"It is an essential absurdity to have competitive examinations for the purpose of eliminating spoils and still to admit patronage by the Congressmen," the report says.

Illustrations are given in the report to show how Congressmen are influenced by political considerations in recommending appointments. In this connection Representative JOHN JACOB ROGERS, of the fifth Massachusetts district, is said to have written a letter to Capt. Frederick C. Dean, who was highest on the list, and who, after eight years of post-office work, had sacrificed his chance of advancement by going to the front in the war, explaining why a lower man on the eligible list, Sam Highley, had been appointed on Mr. ROGERS's recommendation. Mr. ROGERS is quoted as having written as follows:

"He has been my principal Woburn representative in each of my five congressional contests. He has always been in charge of my nomination papers in Woburn and has been the man to whom I have always turned first in every campaign. Thus I feel under unusual obligations to Sam, who has never in nine years asked for anything for himself."

Mr. STERLING. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. STERLING. Will not the Senator be so good as to insert in the RECORD all of Mr. Bartlett's speech?

Mr. CARAWAY. I will turn it over to the Senator from South Dakota.

Mr. STERLING. He has read from a newspaper report of what was said by Mr. Bartlett.

Mr. CARAWAY. I shall turn it over to the Senator from South Dakota and let him put it in the RECORD.

Mr. STERLING. I will ask to have it inserted if the Senator does not.

Mr. CARAWAY. Or I can do it myself if the Senator prefers. I read on from the article:

United States Senator JAMES W. WADSWORTH, Jr., of New York, is quoted as having written concerning the appointment of a postmaster at Long Eddy, N. Y., that he always relied upon the advice of the Congressman who, it is presumed, seeks the advice of the leading local Republicans and the Republican county committee.

Senator FRANK B. WILLIS, of Ohio, is quoted as follows in a letter said to have been written to Miss Katherine Riley, of Bellefontaine, explaining why women are not appointed postmasters:

"Because we believe in party, not personal, government, we have asked the successful candidate to secure the indorsement of the Republican committee, which is the body upon which the party must depend for its work back home. As time goes on, more and more women will be considered and appointed, but just now it is most natural that more men should be, for they have longer done political work which deserves reward.

"There seems to be in this a Republican echo of Mr. Bryan's letter"—

I want to be fair and read it all—

"to an official in Santo Domingo urging places for 'deserving Democrats.'" the report comments. "The only possible advantage of this system is that in some cases 'it keeps the dunces out.' In other respects it is as bad as avowedly spoils appointments."

I ask permission to put the entire article in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

CIVIL-SERVICE RULE REVISION IS SOUGHT—NATIONAL LEAGUE REPORT WANTS HIGHEST ON ELIGIBLE LISTS APPOINTED—POLITICS AND POSTMASTERS—MAJORITY OF 2,508 APPOINTMENTS WERE "SECOND AND THIRD MEN," COMMITTEE SAYS.

Asserting that politics is the dominating influence in the appointment of postmasters, William Dudley Foulke, Walter H. Buck, Lewis H. Van Dusen, and Henry M. Waite, of the National Civil Service Reform League's committee on appointment of presidential postmasters, made public yesterday a report urging the adoption of a rule to require the appointment of the highest person on the eligible list, instead of any one of the first three.

The report says that out of 2,508 appointments of postmasters in which there was any choice the highest man was appointed in 1,104 instances, or fewer than 44 per cent, while the second or third man was appointed in 1,424 instances, or more than 56 per cent. Investigation showed in virtually every instance, it is said, that the appointment of the lower man was influenced by politics.

"It is an essential absurdity to have competitive examinations for the purpose of eliminating spoils and still to admit patronage by the Congressmen," the report says.

Illustrations are given in the report to show how Congressmen are influenced by political considerations in recommending appointments. In this connection, Representative JOHN JACOB ROGERS, of the fifth Massachusetts district, is said to have written a letter to Capt. Frederick C. Dean, who was highest on the list and who, after eight years of post-office work, had sacrificed his chance of advancement by going to the front in the war, explaining why a lower man on the eligible list, Sam Highley, had been appointed on Mr. ROGERS's recommendation. Mr. ROGERS is quoted as having written as follows:

"He has been my principal Woburn representative in each of my five congressional contests. He has always been in charge of my nomination papers in Woburn and has been the man to whom I have always turned first in every campaign. Thus I feel under unusual obligations to Sam, who has never in nine years asked for anything for himself."

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"There seems to be in this a Republican echo of Mr. Bryan's letter to an official in Santo Domingo urging places for 'deserving Democrats,'" the report comments. "The only possible advantage of this system is that in some cases it 'keeps the dunces out.' In other respects it is as bad as avowedly spoils appointments."

Mr. CARAWAY. Since this administration came into power I have never known yet the Post to be misinformed about what was going to happen where the administration had the power to make it happen. If the administration had not made up its mind to do it, I take it that if it was stated in the Post, it would not take such action as would make the Post appear in error. Therefore I clip from the Post of this morning an item entitled:

Adverse report made in civil-service probe. Caraway resolutions sought inquiry on alleged illegal dismissals.

The article calls attention to adverse reports on two resolutions and then continues:

A third resolution offered by the Arkansas Senator, which is yet to be reported, calls upon the President to supply full information regarding the dismissals, including reasons why the employees were given no opportunity to reply to charges against them. The committee will pass upon this at its next meeting and an adverse report also is predicted.

The Post can not be wrong about it, and the adverse report will come along. I am just as confident of that as I shall be when I see it in the RECORD that it has been made, because the Post knows what the administration and the friends and adherents of the administration are going to do.

Mr. President, I wish to ask unanimous consent to call up now one of the resolutions adversely reported yesterday. I want first to have the resolution S. Res. 271 (Report No. 681) called up, and I ask for its immediate consideration if there is no objection.

Mr. SMOOT. There is objection. We have had one hour of this debate now and I want to proceed with the tariff bill.

The VICE PRESIDENT. There is objection.

Mr. CARAWAY. If the Senator wants to make a speech I shall be glad to let him have the floor.

Mr. SMOOT. No; the Senator from Utah can get along without making speeches and taking up the time of the Senate like it has been taken up this morning.

Mr. CARAWAY. And it is so kind of the Senator from Utah to tell us that that I am under everlasting obligation, because I had the fortune to sit here pretty nearly half a day at one time and hear the Senator make a speech on the sales tax, and I think when he got through he had convinced himself that he was right.

Mr. SMOOT. I hope the Senator from Arkansas does the same thing to-day.

Mr. CARAWAY. That is true, and I do not ever expect to convince the senior Senator from Utah because he and I never have agreed, and I am sure when I agree with him I will be retired from public life.

Now, Mr. President, I wish to refer to the resolution (S. Res. 271) which was reported adversely yesterday. I ask unanimous consent to call that up and have a vote on it. While the bonus matter is pending I would like to see how many friends of the soldiers there really are in the Senate.

Mr. SMOOT. Mr. President, for the same reason I object.

The VICE PRESIDENT. There is objection.

Mr. HARRISON. Mr. President, this resolution asks for information from the President about discharged soldiers. Did I understand that there was objection to its being considered?

Mr. STERLING. I understand the Senator from Utah [Mr. SMOOT] objected, but I did not object, I will say to the Senator from Mississippi, so far as I am concerned.

Mr. HARRISON. The Senator from Utah was tied up in the Committee on Finance when this matter was before the Senate, and he, perhaps, did not know about the discussion when the matter was presented, and does not know that at that time a unanimous-consent request was made for its immediate consideration. We thought it should have been considered immediately. The charge was made that the soldiers in the service were being demoted and discharged contrary to law when their record was good, and we merely sought by this resolution information from the President as to the names of the parties and the reasons therefor, a most simple request.

But I think the reason, as then expressed, why the Senator from South Dakota wanted it to go to the committee was because there were some facts that he said he desired to ascertain. The committee has made an unfavorable report on the resolution. Certainly there is some sentiment here in the Senate, some feeling left for the soldiers of the late war. Whether you are going to give them a bonus or not is not concerned in this question. I am for it; but certainly we should take care to see that the law, so far as these men are concerned, is respected and that their rights under the law are guaranteed. If they are being discharged and being demoted contrary to law, the country is entitled to know it and the Senate is entitled to the facts.

It seems to me it is the least thing we can do for these men to ascertain whether or not the law is being violated with respect to their demotions and their discharges. The resolution was a simple one, but the committee has made an unfavorable report on it and there has been no reason assigned for it except that there was a decision rendered in the courts of the District of Columbia in 1915 about it, which, by the way, in my opinion, does not touch or meet the proposition at all. It seems to me we should act on the resolution, either indorsing the committee's action, which is unfavorable, or repudiating it.

Mr. STERLING. I am glad to have the Senator from Mississippi indicate that he has read at least that much of the report, anyway.

Mr. HARRISON. I did, thinking and hoping I would find some reason for the committee's action.

Mr. STERLING. The citation of the authority there is, I think, absolutely decisive of this question. The committee therefore made the report that the resolution be not passed. There is no law on the statute books now pertaining to the in-

quiry, according to the decision of the Court of Appeals of the District of Columbia.

With reference to the other resolution, let me say——

Mr. HARRISON. Let us finish this one first, if the Senator will permit.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state the inquiry.

Mr. SMOOT. I simply want to say to the Senator from Mississippi in the first place, and then I will state the inquiry, that the Senator knows there is an adverse report on the resolution. He knows it can not pass without discussion. As the Senator having charge of the tariff bill under consideration, I am not willing that the time of the Senate shall be taken now in the consideration of any legislation which is going to lead to lengthy discussion, and it is for that reason that I object. I object to the consideration of the resolution and ask that the regular order be taken up.

Mr. HARRISON. Then the Senator would delay this matter for anywhere from two to four months, because, as the Senator knows, the tariff bill will be discussed that long, at least?

Mr. SMOOT. The Senator will do so if the same tactics are going to be continued in the future that have been employed in the past. If the Democratic Party desires to defeat the tariff bill, of course the united party on that side of the Chamber can postpone action for months; but I want to say now, so far as I am concerned, that the time has arrived when we will begin our sessions earlier in the morning and sit later in the evening, and, if necessary, we will hold night sessions. We are going to see just exactly what object there is in the discussion, and when we find it out of course we will know how to act.

Mr. HARRISON. I am very glad to hear the Senator say that. It is the first time I have seen any indication that this Congress is going to attempt to do business. I will say to the Senator that if he keeps some of his Members here on that side of the aisle he will have to use a crowbar and lasso, because they have not stayed here up to this time to listen to the discussion.

Mr. SMOOT. Be that as it may, I am quite sure that from now on we are going to keep a quorum and we are going to have the tariff bill considered. We are not going to allow other measures to displace it in any way, if we have votes enough in the Senate to prevent it.

Mr. HARRISON. In view of what the Senator has said—and I take it he is speaking for his party—I understand it is his position that he will oppose during the discussion of the tariff bill, and until it has passed the Senate, the taking up of any other matter that will lead to discussion.

Mr. SMOOT. Yes; to a long discussion. I shall oppose it until the tariff bill passes, unless a vote of the Senate directs otherwise.

Mr. HARRISON. Of course, the Senator would except appropriation bills?

Mr. SMOOT. Of course, we all recognize that the appropriation bills have to be passed within a limited time.

Mr. HARRISON. We are agreed on that. Does not the Senator except the adjusted compensation or bonus bill?

Mr. SMOOT. That is for the Senate to say. So far as the Senator from Utah is concerned——

Mr. HARRISON. The Senator has spoken with authority on the other proposition. How does he speak on this question?

Mr. SMOOT. I will speak on this matter exactly as I spoke upon the other. So far as the Senator from Utah is concerned, that shall not interfere with the passage of the tariff bill; but if a majority of the Senate says that it shall, just as I stated before upon any other matter of legislation, if the Senate says that it shall, the Senator from Utah can not prevent it.

Mr. HARRISON. Then, that means that the adjusted-compensation legislation, except by a majority vote of the Senate, will not be taken up until after the tariff bill has been disposed of?

Mr. SMOOT. I do not say that it will not be. If I were going to express my own opinion, it is that the majority of the Senate will vote to take up the adjusted-compensation bill to displace the tariff bill now pending before the Senate. That is my opinion.

Mr. HARRISON. I said unless a majority voted to take the bonus bill up the Senator from Utah would object to it being taken up until the tariff bill shall have been disposed of.

Mr. SMOOT. Unless a majority of the Senate decides that the soldiers' bonus bill shall be taken up, I shall object to its consideration until the tariff bill is disposed of.

Mr. HARRISON. Yes.

Mr. President, the Senator from Utah has, of course, called for the regular order, but that does not preclude me from speaking on the resolution. As I was going to say, it does seem to me that it is not asking very much to request the adoption of the resolution which the committee of the Senator from South Dakota [Mr. STERLING] has reported unfavorably asking the President to give us the information which is sought in the resolution, to wit, the names of the ex-soldiers in the service whose records are good who have been demoted or discharged.

The preamble of the resolution reads:

Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary.

That is the proviso of the law. The Senator from South Dakota in his report was kind enough to include that proviso in the law which was passed August 23, 1912, and which reads:

Provided, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated "good" shall be discharged or dropped or reduced in rank or salary.

That is the law; and in view of that the Senator from Arkansas [Mr. CARAWAY] offered his resolution merely calling on the President of the United States—

if not incompatible with the public interest, to inform Congress:

(a) Whether honorably discharged sailors and soldiers whose records were good have been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921.

By the unfavorable report of the committee it is practically stated that Republican Senators do not desire to request the President to send to the Senate information as to the honorably discharged soldiers and sailors whose records were good who had been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921.

The second clause of the resolution reads:

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion.

By the unfavorable report of the committee on the resolution they say they do not desire that information.

The third clause of the resolution reads:

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

The committee refuse to ask the President to give to Congress that information. Why? It is, I am bound to assume, first, because honorably discharged soldiers and sailors have been discharged and demoted in the public service when their records were good; that their names can be given by the hundreds; that it is the practice in the departments to discharge them without respect to law; and yet the committee try to smother that fact and to protect the President from sending the names of such soldiers to the Senate. Why? Ostensibly because the report cites some decision which was rendered by a court in the District of Columbia in 1915 to the effect that that law was interwoven with some other provisions of the law and did not apply.

I care nothing about it, so far as my desire to see the resolution passed is concerned, whether or not there was any such law in 1912. I want for my information, and I am sure there are other Senators here who desire for their information, to know whether or not, irrespective of the law, former soldiers and sailors whose records are good have been discharged from the departments or demoted. I want to know, irrespective of the law, if soldiers who served their country in time of war and whose ratings are good are being demoted and discharged and others are taking their places. That is the object of the proponent of this resolution; and yet the committee, in order to smother the resolution and withhold the facts as to whether honorably discharged soldiers and sailors whose records are good are being demoted and dismissed, refuse to give the Senate an opportunity to pass upon the action of the departments.

I say to Senators on the other side of the Chamber they had better watch their step. Whether they pass the adjusted compensation bill or not, they ought to see that honorably discharged soldiers and sailors whose records are good are at least treated fairly in the public service. I think that is all I desire to say as to that matter; but, as one Member of the Senate, I do not propose to wait two, three, or four months until the tariff bill is out of the way until action is taken on this resolution in order to ascertain whether or not the Senate indorses the action of the committee in unfavorably reporting the resolution.

If Senators would stay here in their seats and debate the tariff bill in order that after full and candid discussion we might express ourselves by our votes, we would get through with the bill in a little while; but here, day after day, I think I might say minute after minute, there are generally only four or five Senators on the other side in their seats.

Those on this side of the Chamber who desire to discuss the bill and point out its weaknesses and the viewpoint of the minority, can not, of course, argue with Senators on the other side of the aisle and show them the right way, because they refuse to sit and listen. I assume the reason why Senators on the other side do not stay here is because they are afraid the arguments will overpower them; that their conscience will melt under the argument, and they will be forced to flee from the mandate of the administration and vote with us for the reduction of the high rates of duty proposed in the bill.

Oh, if the American people knew how they are being imposed upon through the enactment of such indefensible and outrageous provisions as are proposed in this bill; if they knew how you are being voted by proxy, without knowledge or investigation of the subject matter, you would hear from them. But unfortunately they do not know all that is going on here.

I say let us stay here and transact the public business. The Senator from North Dakota [Mr. MCCUMBER] stays here; he sits in the Chamber and is trying to drive the bill through, but he does not get any help. On the other side of the Chamber now there is but one member of the Finance Committee of the Senate—I see the Senator from West Virginia shaking his head—I apologize to him—but including him, there are only two Senators on the other side of the Chamber out of—I will ask how many Republican Members there are on that committee?

Mr. MOSES. Ten.

Mr. HARRISON. Only 2 out of 10. The Republican Senators have been grabbing everything, and I thought perhaps they had 14 Senators on the Committee on Finance out of the distribution; but out of 10 Republican members of the Finance Committee there are only 2 who are now sitting on the other side of the aisle paying attention to the consideration of the this bill.

It is useless for us to discuss the provisions; we can not convince Senators on the other side when they will not listen. I appeal to the Senator from North Dakota to use the power of his position to keep Members on his side of the aisle in the Chamber so that they may study and discuss the bill, and when the time comes to vote may be able to vote intelligently.

Mr. STERLING. Mr. President, I am not going to occupy the time of the Senate at any length. I wish to observe, in the first place, however, that the remarks of the Senator from Mississippi, it occurs to me, have somewhat of a partisan bias. I have heard the Senator from Mississippi before, and it seems to me that his remarks have often taken on that coloring.

Mr. HARRISON. There is and there can be no partisanship in this matter.

Mr. STERLING. The Senator imagines, perhaps, that he is sworing one against the Republican side of the Chamber; he is desirous of showing to the country that he now has found something in the policy of this side of the Chamber to criticize.

Mr. President, as I listened to the Senator from Mississippi I wondered if in his heart he has that tremendous interest in the ex-soldiers and sailors which he seems now to disclose in his remarks upon the resolution or in his reference to the bonus bill.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. STERLING. I yield.

Mr. HARRISON. With reference to the Senator's suggestion as to partisanship, let me say that there is not any partisanship in my remarks. If I were selfishly inclined I should desire, indeed, I would pray, that the Senator and his colleagues might follow the same path which they are now treading, because it is the path that will lead them to destruction. I am trying to help them; I am trying to advise with them, so that they may extricate themselves from the position in which they have placed themselves.

Mr. STERLING. Oh, well, we thank the Senator for his very good intentions toward this side of the Chamber, but I can assure him that I think we will be able to get along, and that when it comes not to the mere making of a political or a partisan speech, but when it comes to the transaction of business, the Republican Members of the Senate will be here to attend to that business.

Mr. President, speaking now in regard to the resolution, the proviso to which the Senator has referred is the sole basis for the resolution. The proviso is found in the act approved August 23, 1912, the purpose of that act being to authorize the Civil Service Commission to establish a system of efficiency ratings throughout the executive departments of the Government. At the end of the section in which such provision is made there occurs the particular proviso relating to soldiers, which is as follows:

Provided, That in the event of reductions being made in the force in any of the executive departments, no honorably discharged soldier or sailor whose record in said department is rated "good" shall be discharged or dropped, or reduced in rank or salary.

Mr. President, it may be seen at a glance, I think, how sweeping that provision is on its face. Literally construed, as it might be construed at any time by the head of a department, an ex-soldier or sailor would be kept on the pay roll and nominally in the service of the Government without a single thing for him to do. The very case which has been decided and which is cited in the committee report was a case where a navy-yard employee, who had formerly been in the service of the United States as a soldier, was discharged because there was no work for him to do. The Court of Appeals of the District of Columbia in that case took the position that the proviso relating to discharged soldiers and sailors in the Government service was a part, an inseparable part, of the whole section, and that since the Civil Service Commission had not, in pursuance of the law, established a system of efficiency ratings, the proviso was altogether inoperative. Since the resolution of the Senator from Arkansas was based wholly and solely upon that proviso the committee having the matter under consideration decided that there was no operative law to which the resolution would apply, and hence reported it with the recommendation that it be not adopted. That is the sole reason for making such report.

The suggestion has been made that the committee acted conformably to the will of the President, or that somebody had been in conference with the President in regard to these various resolutions which were submitted to the Committee on Civil Service. As chairman of that committee, I can say that I have never conferred with the President with regard to a single resolution so referred, and I have not known what his mind is in regard to these resolutions. In reporting two of the resolutions adversely on yesterday I had in mind the fact that there is a third resolution submitted by the Senator from Arkansas still under consideration by the committee, the subject matter of which is the same as one of the resolutions which we reported adversely on yesterday. That resolution called for the appointment of a select committee, but, as I have said, the resolution now under consideration by the committee covers the same subject matter. Then why go to the trouble, and to the expense, I may say, of having a select committee appointed to conduct hearings when the whole subject matter is before the Civil Service Committee itself in the shape of a pending resolution?

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me for a moment?

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. The complaint that I have heard made against the discharge of soldiers from the public service has been to this effect—that when it became necessary to reduce the number of employees in many of the departments of the Government veterans were discharged in the same manner as other employees; that no preference was extended to veterans in order that they might be retained at work. Most of these complaints about dismissal of veterans such as the one the Senator mentioned, who was discharged from the navy yard, were not because there was a reduction in the number of employees but because when that reduction came veterans were not given preference and retained in the service. I should like to ask the Senator if that feature of the complaint was called to the attention of his committee?

Mr. STERLING. No; that feature of the complaint was not especially called to the attention of the committee. The committee took the resolution as it was, which was based on the proviso to which I have called attention, and which I have quoted. There are other provisions of the statutes giving preference to soldiers and sailors and to widows of soldiers and sailors. Those statutes are not affected by this report in any way whatever. The Senator will note the peculiar language of the proviso. They are not to be discharged at all while their rating is good. That is practically the language of the proviso, which would mean this—and would mean it, probably, in the minds of many heads of departments—that even though there were no work to do, no service that the soldier could perform and render a consideration to the Government, yet he would have to be retained on the rolls.

Mr. HARRISON. Mr. President, may I ask the Senator a question? I have not studied the case cited in the report, the case of Persing against Daniels. The Senator has. This was the case of an employee of the Navy Department, a former soldier, was it not?

Mr. STERLING. An employee of the Navy Department, who brought mandamus for the purpose of being restored to his place.

Mr. HARRISON. Did they have an efficiency board in that department at that time?

Mr. STERLING. I do not think they had.

Mr. HARRISON. Then it was because of the fact that there was no efficiency board to rate him, good, bad, or otherwise?

Mr. STERLING. No efficiency board. The act itself provided that the Civil Service Commission should establish a system of efficiency ratings in all the departments, which was not done, and has not been done to the present day.

Mr. HARRISON. I thought perhaps at that time there was no efficiency board. There is an efficiency board now in the Navy?

Mr. STERLING. There is an Efficiency Bureau, but it has not established efficiency ratings throughout the several departments of the Government.

Mr. HARRISON. There is an efficiency board in the Agricultural Department, say, and in the Post Office Department, and in the Department of Commerce, and in the Department of Labor?

Mr. STERLING. Oh, I presume so; created by the heads of departments.

Mr. HARRISON. Yes; at their instance, of course. That is to carry out the law that there shall be an efficiency rating, so that persons in the employ of the Government shall be rated either good or bad.

Mr. STERLING. But I will say to the Senator from Mississippi that those efficiency boards are not within the contemplation of the statute to which I have called attention.

Mr. HARRISON. That is purely a technical objection.

Mr. STERLING. No; it is not a technical objection. It is a fact, and a very material objection.

Mr. HARRISON. At any rate, you can see in the ratings whether an employee is good or bad or what his mark is according to that efficiency board, whether it was appointed at the instance of the Civil Service Commission or at the instance of the head of the particular department under which he is working.

Mr. STERLING. Mr. President, just one word in regard to the charge which has been reiterated again and again with reference to discharged soldiers and sailors and their dismissal from the service or their demotion in the service. It would appear from the statements made by Senators on the other side of the Chamber that this administration, in a way, "had it in" for honorably discharged soldiers, the men who rendered service to the Government during time of war. Can anything be more absurd or preposterous than that? I have heard it repeated so often that I have grown altogether weary of it. No administration that has any regard for its own future, aside from the dictates of humanity and of patriotism, would discharge without just and lawful cause those who had served their country in the hour of danger, as our soldiers and sailors have done, and who afterwards come into the civil service of the Government in the several executive departments.

Mr. President, in the interest of fairness and after hearing the remarks of the Senator from Arkansas [Mr. CARAWAY], I ask to have printed at the end of my remarks an address made by Hon. John H. Bartlett, former president of the Civil Service Commission, now First Assistant Postmaster General, before the mass meeting of the National Civil Service Reform League on Thursday evening, April 27.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Without objection, that order will be made.

The matter referred to is as follows:

Address of John H. Bartlett, First Assistant Postmaster General and former president of the United States Civil Service Commission, before a mass meeting of the National Civil Service Reform League at Washington, D. C., Thursday evening, April 27, 1922.

Believing that the cause of civil service is being harmed by the misinformation of those who should be its friends, knowing that my attitude toward civil service is being misrepresented by those whom I had supposed to be its friends, being wholly unwilling to yield to "anyone jot or tittle" of interest and friendship for the cause of civil service when properly administered and kept within proper bounds, and in order that our own postal employees may not be disturbed in mind, they being 60 per cent of all under civil service, I am venturing on my personal account, and not representing the administration, to beg my way into this meeting, which was staged and advertised as opposed to the ideas of civil service which I have advocated and still do advocate. There may be legitimate difference of opinion with reference to the scope of civil service, but I challenge any man who claims to be more interested in the welfare of those who serve under civil service than I am or more interested that civil service shall better serve the country. If any man questions my sincerity in this, I challenge him to a show-down; and in this, although without authority, I am sure I may include the administration, because in everything tending to upbuild civil service the administration has been squarely behind it, has inaugurated reforms of far-reaching importance with reference to civil service which have never been attempted in any prior administration, and has in no instance violated any civil service law.

In the call of this meeting, which was signed by William D. Foulke, of Indiana, as acting president of the United States Civil Service Reform League, he admitting himself to be an "independent" in politics, certain alleged facts are set forth, with the conclusion that "if they are allowed to continue the civil-service system will be undermined and uprooted and we shall return to the deplorable spoils method of the past."

In this narration of items of alarm imperiling civil service I have the distinction of being one. With reference to me it says: "Mr. John H. Bartlett, who for a short time was civil service commissioner, appointed by President Harding, and who is now First Assistant Postmaster General, has made a public statement, distributed as a part of the Post Office Department's publicity, advocating a restriction of the merit system to the lower places of the service only, thus excluding those places promotion to which is the great incentive to efficiency among countless employees of the Government."

This so grossly misrepresents my interview that the good faith of the quoter is in question. What I did say, which, I think, clearly defined my position, and which I now stand upon, is as follows: "It is exceedingly difficult to draw the line where civil service should stop its attempt to reach the higher officials, but it would seem to be reasonably sound doctrine that in a Government by the people, when a new administration comes in with a fresh mandate from the people to carry out certain policies, it should have the privilege—in fact, a perfectly free hand—to select all those higher officials to whom must be intrusted administrative policies and executive discretion. If it can not have this power, the will of the people will be defeated."

If such a sentiment as this is a cause for alarm, then it is time an alarm is sounded against those extremists who would throttle the will of the people.

I hold no brief for any of the others against whom the call for this meeting makes accusations and on account of whom the extraordinary statement is made that civil service is imperiled, but I know positively that none of them is correctly represented in this notice, and that no one of them has any idea of disturbing the fundamental principles of civil service.

It seems a little suggestive of politics that a political "independent" from Indiana should, on the eve of a great primary in that State, attack the splendid Senator who is seeking a renomination.

Mr. Foulke's "straw man" document begins with this statement: "There appears to be a dangerous organized effort on the part of various Members of Congress and others high in Government places to weaken, cripple, and perhaps finally destroy the present competitive system in the civil service of our country.

Such an accusation smacks of politics, particularly when the accuser is an "independent," and the eight gentlemen accused as leaders of the organized effort are all Republicans.

Assuming (it be charitable) that there is no politics in it, such an assertion can be accounted for only as the jealous imaginations of one who has become obsessed with only one idea and has fallen out of touch with Washington.

This meeting, whether called on a false alarm or for political motives or for the most honest motives, can not help being fruitful of good. We should discuss in a very friendly manner the real serious considerations which will tend to improve civil service and also to aid the Government. However zealous we may be of civil service the welfare of our country is of greatest importance. Those who can not see any evils connected with civil service are as blind as those who can see no good in it.

I wish to invite your attention at the beginning of our discussion to certain very fundamental principles of government, because I am arriving at my principle which guides me in my viewpoint of civil service by taking the broader vision of what will best serve the welfare of all the people; in other words, the welfare of our country. We must never lose sight of this one controlling, dominating fact, that a people's government is greater than any individual in it, or any group of individuals in it. This has been illustrated in all our history. Only recently we have seen thousands of our heroic young men and women not merely giving up their positions but also their sacred lives in order that their country might be preserved. Even if we are under civil service ourselves the braver and nobler thing is to ask what is best for our country, for in the long run what is best for the country will be best for us all. Our country is founded on the great principle that the will of the people shall govern. We are a great democracy and the machinery of our Government must always be so set up and so constructed that it will run true to the principle that the will of the people must be carried out. If popular government means anything, it means that there shall be submitted to the people at election time the great issues and the lesser issues concerning their Government. These issues are not idle things; they are of tremendous importance to the Republic; indeed, they are of vital concern to the very existence of the Nation. They concern the morals of the Nation; they concern all of the many lesser matters and principles with which government deals.

Whenever an administration comes into power, whatever its politics, it is the verdict of the people that the things for which it has stood shall be carried into effect as far as possible and as promptly as possible. The faithful fulfillment of these mandates of the people must be held up as the foremost objective of any administration. The machinery of government, the instrumentalities, and even the personnel by means of which these mandates of the people must be carried out must always be subordinated to the great tasks to be performed.

Now, right here at this point of reasoning is the beginning of the diverging lines between the two schools of thought with reference to civil service. One school seems to go on the principle that civil service, when it reaches its highest goal, may include everyone below the President. I say this advisedly, because I have heard grandiloquent civil service speakers proclaim the day when Cabinet officers shall be under civil service. If Cabinet officers, the same logic would also include the President.

One has only to ponder upon this for a moment to set himself thinking that it is absolutely necessary somewhere to draw the line, for if all the officers of the Government, from the President down through to the messenger boy, should come under legal civil service, all of them holding office for life, we would then have something worse than a monarchy, worse than a kingdom—it would be a monarchy and bureaucracy combined. It would then be a machine government instead of a people's government.

I know this is an extreme view, and I am setting it up for your thought simply to emphasize the fact that there must be drawn a line where civil service shall end and that that line must be drawn on some principle. I have never heard the ardent extremist on civil service ever suggest that any line should be drawn anywhere, and I am only pointing out to them that they are tending toward an impossible conclusion and a conclusion which would defeat the fundamental principle of self-government upon which our country was founded. What has brought me into this controversy is that I have suggested that their constantly reaching for higher and higher administrative offices

and never suggesting where they propose to stop is a dangerous tendency; it is a thing which is inducing lovers of popular government to strike back at them; it is the thing, and the only thing, which, if pursued, will defeat civil service, for if we have to decide between civil service and popular government we cast our lot on the side of popular government.

Those who think with me believe, as I stated in my first interview, that positions having to do directly with the formulation of administrative policies and executive discretion must be within the control of the President, whom the people have sent to Washington to carry out those policies. They must be changeable, as the people's will is changeable, in order that the people's will may be carried out. When I say the people's will I, of course, mean a majority of the people. You will see, therefore, that I am drawing the line where civil service should end with those officers who have very little or nothing to do with the formation of administrative policies and the things which vitally concern the formation of those policies and their execution. This is drawing the line of a principle. If the extremists on civil service are drawing any line on any principle, I am not informed of it.

Discussing the necessity of the high administrative offices being under the immediate control of the President unrestricted by civil service law, in order that the will of the people may be carried out, it may be well to reflect for a moment upon the tendency of a bureaucracy. Those constituting a bureaucracy, and by that I mean such persons as constitute the permanent and unchanging organization of government, are inclined in the course of years to settle into a kind of mass formation of common interest and stereotyped methods and look with distrust and disfavor on the orders and policies of the new heads of departments who are elected by the people. In other words, they get away from the people too far. Bureaucracy is prone to thinking that government is a perfected science and that they alone possess the key to that science.

Then again, we must look at the truth as it is and understand that when an administration goes out and its policies have been repudiated by the people, if the high administrative officers of that administration remain in they are called upon suddenly to change their mode of thinking, their policies, their interest, and their enthusiasm to opposite policies. It is not to be expected that they can be enthusiastic for one administration for one thing and with the next administration equally enthusiastic for the opposite thing. Suppose war is declared with pacifists in the offices, for instance. It is not to be expected that they can be perfectly loyal to one administration and its policies and principles and then in a night change to the same degree of loyalty to the opponents of that administration and the opposite principles and policies. In this I am referring to the high administrative officers upon whom any President must rely upon to make sure that his policies are carried into effect. If they are all under civil service you are asking an impossible thing of them. They can not change their loyalty and enthusiasm in that way and they ought not to do so. A man will do better service for his country if he is in the thing which he is doing. It is in the interests of the whole people that the high administrative officers should be selected at will from those who are enthusiastically for the particular policies and principles to which the people have given their support. Suppose a drive is made on national disloyalty, when Socialists and weak men are in these positions.

Permanency in service of high administration officials defeats the popular will. It becomes frozen administration. Confident that they can not be removed, its members become defiant of the popular will and sneerful of new administrators who come with messages direct from the people. One or two new men come in at the head of a great machine of 5,000 permanent employees, the highest of whom are administrative officers who, during the preceding administration, have been intrusted with administrative policies and perhaps have come to believe in them. At once they are asked to change to carry out new policies. Some of them do not believe in these new policies, perhaps. The head of the department knows they do not believe in them, but nevertheless he has to ask them to help him carry them out. In fact, he has to rely almost wholly upon them to carry them out. They are so situated and so skilled in governmental machinery that they can, if they choose, almost wholly dominate the situation. They can control him easier than he can control them, when he has so little assistance as now.

It is more or less of an open secret that whenever a new department head comes into office there takes place a sort of undefinable contest to determine whether his ideas shall be put into effect or whether the high administrative officers and cunning men of that department will control him. My idea is that such a man coming with fresh instructions from the people, being placed in charge of thousands of organized public servants, needs a larger number of immediate associates of high administrative qualities to assist him, and to see to it that his policies and ideas are carried out by that great organization. Such a new head of a great organization, all of whose members are protected by civil service, finds himself with very ineffective power of discipline over the organization because all his subordinates, including the appointment officers, are under civil service and have a mutual interest to stand together as against his discipline. It does not matter what political party the civil service employee belongs to if he is not intrusted with high administrative authority. If such a head feels that he is being circumvented and undertakes to make removals, for the most righteous purpose, he encounters an organized attack, such a one as lies, I fear, behind this meeting here to-night. If he finds his plans blocked at every turn by advice that is "inexpedient," by unreasonable delays, and by indifference, he is helpless. He simply must have a larger number of administrative men around him and in whom he has implicit confidence to see to it that nothing is "put over on him." As it is, he finds himself working up hill all the time. His only remedy, his only avenue of peace is to fall into the same old way of doing it that it has been done for 30 years, and yet he has been sent there to do certain new things which the public demand of him. If he tries to cut some red tape which the people want cut, he finds no one in all his organization who knows how to use the scissors to do it. Red tape has become an exact science and those who are skilled in that science do not propose to give up their means of livelihood.

There is no way to prefer charges against such subordinates, who may perhaps be doing nothing that can be detected and set forth as a ground for charges. They simply do not believe in the things which the new head believes in and they simply do not know how to carry out such policies. It is like a great contractor who has been building wood houses for years and has built up an organization of that kind. He finally decides that he will begin building brick and stone houses; he calls his superintendents together and they tell him it can not be done. They tell him he will fail if he does it. They predict all manner of evil. He finally calls in a half dozen brick and stone superintendents that he has picked up from other sources and asks their opinion. They tell him it is the most up-to-date proposition, and that there is big money in it. What does he do? What ought he to do? Should he keep the superintendents who say it can not be done, or should he get a new set of superintendents who know they can do it?

I fear many of us do not realize how rapidly our country has grown and how much business there is to do. It is not the same Washington that it was in the days of Cleveland, Mr. Foulke. The President himself can consider only the very broadest policies in the broadest way. His Cabinet officers and independent heads are so jammed with work and appointments that they are physically able to consider their vital administrative problems only in a very general way. They, in turn, must delegate administrative discretion and execution to those immediately under them, and again the delegation must go on for several steps. In fact, the real vital matters of administration in most cases have to be studied out and formulated by those a few steps removed from even a Cabinet officer. The Cabinet officer needs more than the one or two noncivil service assistants which he now has. He needs several who believe as he does, who believe in him, and who are enthusiastic for his success, and these can not well be under civil service, because no man can serve two masters.

I do not say that any individual now under civil service in Washington or elsewhere should lose his civil-service status by my theory. I believe in justice to all employees. But whatever be the rearrangement necessary to carry these principles into effect, it should be done. It does not involve greater expense to the Government, because I believe a Cabinet officer or a head of any other department, if allowed to surround himself as I have stated, would be able to save all along down the line where he is not now able to do.

It is argued that the higher up the positions under civil service go the greater the inducement not only to enter the service but to continue in the service. There is some force in this argument and it is not inconsistent with my ideas. If civil service stopped where administrative officers begin there would be no reason why a Cabinet officer could not select anyone under him in civil service to fill any of his administrative positions, provided he could find such a person whom he desired. He would naturally look over his organization to see if he could find such a person. In case he found such an employee whom he could promote to a high administrative position not under civil service there should be some provision whereby such employee would retain his civil-service status and be permitted to go back to some civil-service position in case some other Cabinet officer in some other administration with new policies did not feel that he could best serve the demand of those new policies. This would leave every inducement for distinguished service in order that one might be selected for the high administrative positions. The only difference is it would not compel a Cabinet officer by civil-service seniority to take some one against his judgment. In other words, I would permit an administration to select its high administrative officers from a hundred millions of people rather than to compel it by law to select from only a half million people who are under civil service.

When the people vote a change in administration they mean a change in "administration," not simply a change in the President. An administration must embrace the high administrative officers. Moreover, everyone knows that new blood brought into any great business is helpful, that without the ability to bring in new blood and new talent from time to time any great business will gradually contract, grow narrow, and become inefficient. The extreme civil-service view would not permit a President to bring to Washington any new blood. He would come with his trunk and platform, and the organization prepared for him by civil service would tell him what to do.

The whole difference between my ideas and those of the civil service extremists, as I understand it, is that they claim that the only officials who should be called "administrative officers," and who should not be under civil service, are Cabinet officers and perhaps one or two assistants, and some of the extremists do not even concede this; while I believe that these are not enough, as our Government has at length grown and developed, to make certain that the President's policies are carried out and to discipline and reform the great body of civil-service employees under him.

I believe it can be shown that there are many civil-service employees, through themselves or their friends, who are adding fuel to this fire now calculated to attack this administration. Some of the present employees of the Government are so partisan and so friendly to the last administration that they do not want this administration to be a success. I refer to this merely to illustrate the point that a President, in order to succeed, must be surrounded by enthusiastic believers in him and in his policies.

A few observations, which may sound political, are rather compulsory. The position of Postmaster General Work is attacked in the call for this meeting and unjustly so. The committee representing this league who called upon him consisted of Mr. Foulke, who claims to be independent in politics, and another gentleman who said frankly that he was a Democrat, and a third gentleman who did not volunteer his politics. While Mr. Foulke is acting president, I heard Mr. Dana, the president of the league, criticise President Harding in his speech in Detroit last autumn, and I am told he is a Democrat.

There is absolutely no cause for alarm on the part of the great body of civil-service workers who do their work well—none whatever. It is unfair and unkind to them to advertise this bogy scare, which has no foundation in fact. The affairs of government would be absolutely clogged without a rational civil service law and a Civil Service Commission. It is a necessity of Government. This present alarm is an apparition, a phantom, a scare put up in order that a few now under civil service who ought to be put out may hide behind it. It is the villain's plea who, dodging behind his wife, cries out, "Don't strike a woman."

Now, we should all be fair with our President. I ought to tell you how very ready he has been to back up the Civil Service Commission and encourage it in taking many advance steps during the past year. As head of the Civil Service Commission I had every reason to know of the sympathetic attitude of the President toward civil service. One of the most important and far-reaching movements in civil service in its history has been to make it possible to rate applicants for civil service positions on something "plus" scholarship. The commission advocated the policy of investigating the character and personal fitness of applicants and to average their rating in these things in with their scholastic ratings in order that a more practical and businesslike result might be obtained. The President not only enthusiastically supported us in this, but by a special message recommended that Congress appropriate $40,000 in order that this work might be begun, and such appropriation has been made. It is the first step of its kind in the

history of the country. It is a part of the program to put more business into the Government.

In addition to this, there has been going on for some time in the council of civil service, in cooperation with the Bureau of the Budget, a study of the personnel problem of the Government looking to a permanent board and better personal management. The President has interested himself in this.

For the first time in the entire history of the country, we now have inaugurated a system of welfare work among the employees. This was begun in the Post Office Department, where more than one-half of the Federal civil service employees may be found, and Mr. Dennison, a business man working for practically nothing, was indorsed by the President and General Hays to come here to inaugurate this great work. He has already organized some 500 welfare councils in the country and is gradually establishing better working conditions, better health conditions, and, in short, humanizing the Postal System. There are still to be accomplished a vast number and a vast amount of tasks in order that the civil service of the Government may be perfected and the workers of the Government placed on a better footing. There are many things to be corrected; there are many injustices going on constantly. There are many reforms within the service itself in the handling of the employees and in doing justice to them which would be a great advance step and highly beneficial to the Government. There is now a lack of personnel correlation between the different departments. There is a lack of system. There is no uniformity of method in which the personnel is handled and created. There is need of a work which should call for a master personnel man who is able to do for the personnel of the Government in the line of coordinating and correlating a task similar to that done by General Dawes in relation to purchases and finances.

Personal spites, personal affections, and petty jealousies among the personnel of the Government work more harm and injustice to the ordinary civil service man and woman than politics have ever done. Along these lines lies a great work of correction.

These problems of internal upbuilding in the civil-service system are the most pressing and most important of all.

I must say that since I have been associated with civil service I have seen very little interest on the part of the league in these very important questions. They have seemed to me to be interested almost wholly in grasping every possible office and putting it under civil service.

They have been so eager to get higher and higher officials under the cover of civil service that I have assumed they have no idea of stopping short of the President. I have certainly expected some of them to advocate covering in Senators, judges, and Congressmen.

It was said in the call for this meeting that I favored restricting civil service to the lower places of the service, presumably meaning the low-paid employees. This is not my position, because I believe that everyone from the President down is rather poorly paid, and if I adopted that as my position I would have everyone under civil service, which is the very thing against which I contend. There are officials now under civil service who are paid $6,000 per year, while the assistants to Cabinet officers, including myself, being administrative officers not under civil service, are paid only $5,000 per year. I fail to see what inducement to stay in the service it would be to permit one of these $6,000 men to accept my position at $5,000. The Director of the Bureau of Engraving and Printing receives $6,000 per year and is under civil service; the Supervising Architect of the Government receives $6,000 per year; and there are still several others receiving $6,000 and many $5,000, all under civil service. But to be sure that I is not misunderstood, I again say that the line between civil service and administrative officials should not be drawn on salary but on the principle which I have set forth.

Perhaps I should say, in answer to an implied if not a direct charge to the contrary, that during the eight months that I was with the Civil Service Commission neither the President nor any Cabinet officer violated any civil service law.

When the preceding administration of the Post Office Department came into power all of the fourth-class post offices and postmasters of the country, being the small post offices, were under civil service. They had been placed under civil service by preceding Presidents, and so far as appears were generally doing their work acceptably. The Post Office Department was certainly in as good condition at the beginning of the preceding administration as at the end. Let me call attention to what happened, merely to effect the impression which certain persons are trying to make upon the country that this administration is against the civil service: President Wilson, coming into office with these 38,000 post offices and postmasters under civil service, forthwith, by Executive order and at one pell swoop, ordered all these postmasters removed from civil service and ordered the Civil Service Commission to hold examinations in all of the 38,000 places to fill the vacancies. This was done, and as a result about 14,000 of the civil-service postmasters, who were then doing good work, lost their jobs and 14,000 Democrats took their places. This administration thus far has allowed them to remain. It would seem to have been fair that if on these examinations a postmaster who was already under civil service and serving the country faithfully passed the examination as "No. 1" he should be given the office; but this was not the case. It does not appear what Mr. Foulke did at that time by way of protest.

It should be needless to state that the first, second, and third class postmasters are not under civil service now, and never have been. They have never acquired a civil-service status. Such Executive orders as have been made with reference to them have been merely a delegation by the President to the Civil Service Commission of the duty of examining them and making up a list for the President to select from. The President is not even obliged to select from these lists when they are thus made up. The power of appointing these presidential postmasters is with the President and the Senate. He has the right to change this order at any minute he chooses. It is merely a means of selection. To speak of General Work's desire to vacate the present Executive order with reference to presidential postmasters as tending to undermine the civil-service system is illogical and irrelevant. They are not a part of the civil-service system at all.

Now, it is urged against my contention that a President's hands are too much tied by having the high administrative positions placed under civil service that the President, even now, when they are under civil service, has the power to take them out from under civil service whenever he desires. This is technically true to a large extent, but it is not a practical proposition. The President can not be put in a position of having to be called upon every time a Cabinet officer finds himself improperly hampered and interfered with by high administrative officers being under civil service. The practical operation heads up with the Cabinet officer and he does not have the power to remove positions from civil service by Executive order. What I contend for is a complete and definite understanding which shall be adopted and established as a policy, accepted by all, that certain well-defined administrative offices ought not to be and shall not be under civil service. This would put a stop to the contest.

Here lies the good to come from this meeting. The public will find out from this meeting what the power of a President is, and furthermore they will see wherein it is right and necessary to exercise that power. Since Cabinet officers do not have this power to remove positions from civil service and since the President can not be troubled with a multiplicity of details involved in getting him to exercise his power, it follows as a practical matter that the President's policies and the Cabinet officer's policies are in unsympathetic hands. As I said before, the President himself can not give the time to these problems and should not be asked to do so, and, therefore, a system should be devised which does not require him to do so. He has the legal right, as he did in the case of the Bureau of Engraving and Printing, to remove offices and officers from civil service when he deems it for the public good. He did not then, and has not in his administration, violated a single civil-service law. He can lawfully put in or take out a person from civil service without giving any reasons therefor if he deems it for the public good. He is not obliged to give the notice to discharged employees required of all other removing officers because he is given the right under the fundamental civil-service law to make any exceptions to that law which he sees fit. I am speaking only of the law and the President's power in a general way. I have no knowledge of the situation in the particular case in the Bureau of Engraving and Printing, and am only answering the charges that he has violated the law.

In conclusion, I urge all friends of civil service to get behind the movement to perfect the personnel system of the Government in such a manner as shall be most just and satisfactory to the employees and at the same time most efficient and beneficial to the Government, and help build up and perfect the work of the Civil Service Commission as the great acting personnel agency of the Government. And particularly I urge the adoption of a policy wherein every administration without the restraint or restriction of any civil-service law may bring to the aid of its policies from all the people, including the civil service, all those higher officials who are directly concerned in the formulation of administrative policies and essential to insure that these policies be carried into effect, because it is only in this way that the expressed will of the people as to policies and issues will be most certain of fulfillment.

Mr. HARRISON. Mr. President, before the Senator takes his seat may I ask him a question? I just want to get this matter clear. I judge from the report that this unfavorable report is dictated because of the decision in the case of Persing against Daniels.

Mr. STERLING. Largely.

Mr. HARRISON. It was not because of any objection that the committee had to getting information from the President as to whether there had been any demotions or discharges of disabled soldiers? That is right, is it not?

Mr. STERLING. The Senator is substantially correct.

Mr. HARRISON. Then if we should eliminate the "whereas" it would cure the defect that the Senator has pointed out; and I feel sure from what the Senator has said that the committee would have no objection to the resolution in that form. Certainly, I can see no reason why anyone should have objection if the resolution should read then, leaving out the "whereas"—

Resolved, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress:

(a) Whether honorably discharged sailors and soldiers, whose records were good, have been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

The Senator would have no objection to the resolution in those words. I take it?

Mr. STERLING. Mr. President, the preamble is not the resolution. The resolution, aside from the preamble, plainly indicates that it is based on the proviso to section 4 of the act of August 23, 1912. That runs all through the resolution, and the committee reported not on the preamble alone—that indicates, of course, a purpose—but the resolution itself, aside from the preamble, indicates its purpose, and uses the language of the proviso to which I referred, and which, I say, under the decision of the court of appeals of this District, is inoperative.

Mr. HARRISON. Then the Senator has objections to the resolution which he did not state in his first speech? He is opposed, then, to the President being asked by the Senate to transmit to the Senate the names of discharged sailors and soldiers, whose records are good, who have been discharged or dismissed from the public service?

Mr. STERLING. I am opposed to it, Mr. President, as I say, because it is based on this resolution, and because the inquiry in a general way, without having a basis in law for its being made, would serve no useful purpose.

Mr. HARRISON. Mr. President, I ask unanimous consent to offer the resolution with the "whereas" stricken out, and I will ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STERLING. Mr. President, I object.

Mr. HARRISON. I should like to have it read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The reading clerk read as follows:

Resolved, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress:

(a) Whether honorably discharged sailors and soldiers whose records were good have been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

The PRESIDING OFFICER. Is there objection to the resolution being received?

Mr. STERLING. I object. The Senator from Utah, when on the floor, objected to the consideration of either of these two resolutions or reports on the resolutions to-day.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of New Mexico. Mr. President, I have not heretofore said anything regarding the way in which the ex-service men have been treated in connection with the matter of appointments. I have realized that as a matter of law the administration had a legal right to make such appointments as the President may think best.

The other day—I think, on Friday or Saturday of last week—I saw an editorial in one of the local papers extolling this administration for favoritism which had been shown to the ex-service men in connection with the appointments to postmasterships throughout the country. I have received from time to time information regarding various appointees who have been preferred over the ex-service men. The President issued an order, dated October 14, 1921, which went out to the country as showing an intention, I take it, on the part of the President to favor the ex-service men. That order provided that in civil-service examinations the ex-service men should be credited with five points on their examination papers. That order was very peculiarly worded, and kept the promise of the President well within the bounds of the law; nevertheless it created the impression throughout the country that the ex-service men would be given preference in these appointments. As a result of that the ex-service men, regardless of politics, applied for appointment to different positions, especially postmasterships; and, where their ratings would justify it, it seems to me they have reasonably expected to receive the appointments.

I merely want to state the facts. I have before me correspondence regarding two positions in New Mexico. In one case the ex-service man had been postmaster. He had been reappointed to the position just prior to the expiration of the last Congress; but the Senate, following out its general policy—I mean, as then controlled by the present majority party—decided not to confirm any such nominations, and so the appointment went over.

Later, in pursuance of the order for an examination to be held, that postmaster, an ex-service man, took the civil-service examination and he received a rating of 96.4 per cent. The next highest applicant received a rating of 82.53 per cent. The second man was not an ex-service man. Some time previously he had been postmaster at that same place, but objections had been made to the way in which he had conducted his office. A vigorous protest came in from the patrons of the office against his appointment, not only on account of his rating and the fact that he was not an ex-service man but because in his previous incumbency his services had not been satisfactory. Notwithstanding that situation, this second man, who had received a rating of only 82.53, received the appointment as against an ex-service man who had been conducting satisfactorily the work of this particular office and had a civil-service rating of 96.4 per cent.

Another case is that of the widow of an ex-service man. She applied for appointment as postmaster, and apparently, according to the information which I have, had the indorsement of practically all of the people of the community. In the civil-service examination her rating was 91.63 per cent. The rating of the next highest applicant was 82.2 per cent. The second applicant was a man, and he received the appointment.

So it seems to me that the spirit in which the country believed the President had entered his order of October, 1921, must result in a disappointment. If politics is to be removed, or if the ex-service men are to receive any consideration in appointments to office; if the women of the country, the widows of ex-service men, are to be given any consideration, it seems to me that it should have been done in the two cases which I have mentioned. In each case, both appealing to the consideration of the country, the applicant who was not appointed had the approval of the patrons of the office and had a much higher rating under the examination given by the Civil Service Commission. I do not believe it is right for the newspapers of the country to refer to the fact, and rather take consolation in the thought, that the administration is doing something in a preferential way for the ex-service men of the country or for their widows. If those in authority want to make politics out of this thing, they have a perfect right to do so under the law; but if they are going to do that, why should not the proposition be stated openly, so that the ex-service men of the country may understand all the time that they are not going to receive any preference from this administration?

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Stanley
Ball	Hale	Nelson	Sterling
Borah	Harris	Newberry	Sutherland
Brandegee	Harrison	Nicholson	Swanson
Broussard	Heflin	Norris	Townsend
Bursum	Johnson	Oddie	Trammell
Calder	Jones, N. Mex.	Overman	Underwood
Capper	Jones, Wash.	Page	Wadsworth
Caraway	Kellogg	Phipps	Walsh, Mass.
Culberson	Kendrick	Pittman	Walsh, Mont.
Cummins	Keyes	Poindexter	Warren
Curtis	King	Pomerene	Watson, Ga.
Dillingham	La Follette	Ransdell	Willis
Edge	Lenroot	Robinson	
Fletcher	Lodge	Sheppard	
Frelinghuysen	McKellar	Smoot	

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum is present.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 319) making available funds for preserving and protecting in the present flood emergency the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission, and it was thereupon signed by the Vice President.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, before proceeding with the item to which I was alluding yesterday when I yielded the floor, I want to call attention to a letter, one of a multitude which I am daily receiving, with respect to this bill and what it means and what its effect will be upon the public. This does not relate to the item which we will vote upon, I hope, to-day, but it is germane to the bill before the Senate, and for that reason I desire to read a portion of it to the Senate. The writer says:

> In my personal opinion it is quite apparent to anyone familiar with the industry that the chemical manufacturers are not aiming for a tariff as a protective measure, but are taking advantage of this unusual opportunity to have put in force a schedule of rates that will put an end to all foreign competition and in turn assure them of another extended period of unprecedented profit making as during the war.

Mr. President, I have charged, and I charge again, with respect to this chemical schedule, one which affects practically every industry and manufacturing concern of the country, because the articles are of a fundamental or primary character and constitute the bases of thousands of finished products, that this chemical schedule has been drawn in the interest of the chemical producers of the United States, in order that they may perpetuate monopolies which they have organized and extort from the people hundreds of millions of dollars annually, as they did during the progress of the war.

In the discussion of these schedules, Mr. President, I shall point to articles where the manufacturers in the United States charged our own Government and the people during the war 2,000 and 3,000 and 4,000 per cent above the pre-war prices. There was absolutely no limit to their greed and their cupidity and their avarice. They would rob and plunder their own Government as they would rob and did rob the American people, and many of the chemical manufacturers in the United States are seeking by this bill to perpetuate their power and opportunity to plunder the American people in the future as they plundered them during the war.

Here is corroboration from a man who is engaged in production, and who writes me, as many are writing me, denouncing the infamy of this bill, which comes here with the O. K. of some of the majority members of the Finance Committee on it. It comes, too, with the O. K. of the "tariff bloc," and those who appeared before the tariff bloc indicated their approval of this chemical schedule, including the dye embargo. I resume the reading:

> If the proposed rates go through, they will achieve their purpose.

That is, as the writer says, these chemical manufacturers will have "another extended period of unprecedented profit making as during the war," because it will destroy all foreign competition. The writer further says:

For it will be impossible for any business such as the one we are engaged in to think of competing against such prohibitive rates. My specific purpose in writing is to call your attention to the proposed 15 cents per ounce duty on strychnine, inasmuch as strychnine is a commodity which is purchased in large quantities by constituents of your State and of many other States in the United States. It is the only poison which has been found suitable for the extermination of gophers, jack rabbits, and rodents of various characters which are such a great menace to agriculture in the Western States. It is impossible for us to obtain figures as to the quantities consumed by the various States in combating rodents, but it is safe to state that four-fifths of the entire amount of strychnine produced is used by the farmer for the purpose described.

Four-fifths of the strychnine brought in the United States or produced in the United States is consumed by the agricultural classes, and yet the Chemical Trust, which has dictated these schedules, proposes to make the farmer pay tribute to it as by these schedules determined.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the Chair). Does the Senator from Utah yield to the Senator from New Jersey?

Mr. KING. I yield.

Mr. FRELINGHUYSEN. Will the Senator kindly indicate by whom the letter was written?

Mr. KING. I am not at liberty to give the gentleman's name. It is written by a manufacturer of medicines in the United States.

Mr. FRELINGHUYSEN. Does he ask the Senator to withhold his name?

Mr. KING. Oh, no.

Mr. FRELINGHUYSEN. It seems to me the name of the author ought to be included in the RECORD if the Senator can give it.

Mr. KING. I would not feel at liberty to put it in the RECORD without the writer's consent. The Senator from New Jersey might do so, but I would not.

Mr. FRELINGHUYSEN. I only have this object: I am anxious that the rates shall be just and fair to American industries so far as possible, but when a statement of that character is made and the letter quoted as an authority given I think it is due to the Senate and those who are defending these schedules that the author's name be included.

Mr. KING. I hope the Senator will give to the Senate the names of the men who went into the committee room after the hearings were closed, and who were in the corridors around the committee room for weeks after the hearings were closed, and who were constantly being communicated with by members of the Finance Committee, as well as what they said, especially Mr. du Pont and others interested in Schedule 1 of this bill.

Mr. FRELINGHUYSEN. I do not know what the motive of the Senator is in making that statement. There is no secrecy regarding the men who were asked to give the committee information. When they were invited to attend both sides in the controversy were invited. There were no star-chamber proceedings and nothing anyone desires to conceal. I think the Senator is very unfair in his assumption that there were any methods which could be criticized. The committee asked questions of everyone who had information to give. So far as I am personally concerned, I see in the requests that were made nothing that was improper, and no influence was exercised, as the Senator suggests or intimates.

Mr. KING. Mr. President, I have said before and I repeat now without any desire to be offensive or critical of my good friend from New Jersey, a member of the Finance Committee, that in my opinion, after the hearings were closed at which the minority members were permitted to be present, the committee had no right to hear testimony either for or against any schedule unless the minority members were present or were invited to be present. I charge that the committee received Mr. du Pont, who was interested in the dye monopoly, and talked with representatives of the Carbide Trust and others after the hearings were closed; and no Democratic members were permitted to be present.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from New Jersey?

Mr. KING. Let me finish my statement, and then I shall be glad to yield.

Democratic members of the committee were not present and were not advised of the entrance into the committee room of persons who were seeking benefits under this bill or of the consultations of the committee with representatives of these companies, the name of one of whom I have mentioned, and there were others.

I now yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I appreciate the Senator's courtesy very much. He has criticized the committee. Of course, the chairman of the committee is not at the moment here to make answer to the charge of unfairness. I simply want to say, so far as Mr. du Pont is concerned, or anyone else who appeared before the committee at the request of the chairman or other members of the committee, that not only was Mr. du Pont heard, but Mr. Metz, who was opposed to the embargo and opposed to the dye schedule. There was no favoritism.

I do not think the information we were seeking with regard to the manufacturing processes and conditions of dyes and chemicals and other information was in any way improper information. It was information the committee desired and had a right to have, and the chairman of the committee had a right to invite those men. There was no secrecy about it, and no effort at secrecy. The Senator could have been present had he so desired, and, therefore, I think the Senator is not only unfair but unjust in intimating that there was any collusion of any kind whatsoever.

Mr. KING. The Senator has heard my statement, and whatever implications and deductions are warrantable from it may be drawn. I deny that there was any statement that there was collusion. I did not even use the word "unfair." The Senator used it three times.

What I did say was that in my opinion after the hearings were closed, hearings where the various interests had the right to appear and present their respective views, after the doors were closed against the Democratic Senators in order that the majority might proceed to the consideration of the bill in executive session for the purpose of formulating the schedules—and there is no complaint in regard to that matter—I say, in my opinion, it was not right for the committee to open up the hearings again and hear witnesses either for or against any schedule without giving the minority members a right to be present and hear what was said and to cross-examine witnesses if they so desired.

I want to say in good faith to my friend from New Jersey, who is an able man and a good man and who wants to be a fair man, and aside from questions where his interests are involved I know he is a fair man——

Mr. FRELINGHUYSEN. The Senator damns with faint praise.

Mr. KING. No; I do not intend to damn the Senator. His conduct will do that or save him. Nothing I might say would save or damn him.

I want to say to the Senator as man to man, if I may use the language of the street, that, reposing confidence in the able Senator from North Dakota [Mr. McCUMBER], whose long service entitles him to the confidence of the people and of the country, and in my distinguished friend the senior Senator from Utah [Mr. SMOOT], and other Members upon that side of the Chamber, as well as Members upon this side, the Senate selected them to constitute this great committee, the Committee on Finance of the Senate, which deals with our revenue legislation, with tariff laws, and with a multitude of important measures, perhaps the most important committee in our legislative body. We select members of the Judiciary Committee, lawyers of distinction and ability, that they may pass upon important questions which are committed to their care. When the Committee on the Judiciary report back there is no politics in their report. They sit and listen to testimony for and against measures which are submitted, and when they have heard the testimony they formulate bills and report them back to the Senate.

Mr. McCUMBER. Mr. President——

Mr. KING. May I conclude what I was about to state, and then I shall be very glad to yield to my friend from North Dakota.

The Committee on Finance had referred to it a tariff bill known as the Fordney bill. They elected, as they had the right to do, to have hearings and announced to the country that they were going to have hearings. Men came and spoke for and against many of the schedules in the Fordney bill. The hearings were closed. During the hearings, when the committee was functioning as a committee, Democrats were present. When the hearings were closed it ceased to function as a committee and it became then a partisan part of the committee. I am not complaining; I am merely stating what the fact is. That partisan part of the committee, the Republicans, said they were going into executive session for the purpose of considering

the evidence which had been received and preparing a bill to report back to the Senate. They closed the doors and the Democrats were excluded.

Later on, indeed, almost immediately, when I am sure members of the committee wanted to go on with the consideration of the bill and did not want any more testimony, and certainly did not want it in secret, representatives of special interests came here, Mr. du Pont among them, representatives of the Carbide Trust, and others whose names I shall place in the record before I conclude this discussion—every one that I can obtain. They came to Washington and haunted the corridors of the Senate Office Building and camped in front of the door of the committee room day after day and week after week, and some of them went into the committee room and made their statements.

The Democrats do not know what was said. Undoubtedly their testimony had some influence upon the committee. I would not be so blind as to say that their testimony did not influence the committee. When I say it influenced the committee I am saying nothing improper. All testimony is bound to influence those who hear it, whether it is a judicial body or legislative body. The extent of the influence will vary with the importance of the testimony, with the knowledge of the witness, and with the interest which he exhibits. But undoubtedly the persons who testified before the Republican members of the committee had some influence, much or little.

They went into the room for the purpose of exerting influence. They went in there for the purpose of securing something. They went in there for the purpose of trying to have something in the schedule of the bill conform to their views, their wishes, and their interests. I say the Democrats do not know what that testimony was. We have not the advantage of it. We do not know what they said. We do not know what influence it had upon the members of the committee.

After they had concluded the bill was reported.

The complaint I make is not that further testimony was taken, not that further hearings were granted, but that when the doors were opened for more testimony that the minority members of the committee were not notified. It is just like a matter in court. Frequently the case closes, the testimony is ended. Counsel for one side or the other discovers that some testimony was omitted or newly discovered evidence has been brought to his attention, or some new authorities have been found that were not presented in the argument. He thereupon serves notice upon the other side that on a certain day he will apply to the court to reopen the case and offer additional testimony upon a particular branch of the case, or he will move the court to permit him to submit certain authorities to the court and to further argue the case. Opposing counsel, being thus advised, go to the courtroom and then have their say. The court, if it is in the interest of justice, will reopen the case for the purpose of receiving additional testimony or authorities or to hear further arguments by counsel. There is nothing improper in that course. So I submit, Mr. President, in this case that if new testimony was to be taken, if additional witnesses were to be heard, the proper way would have been to advise the minority, so that they could be present in order that they might be informed as to the character of the testimony.

Now, I desire to show the dilemma—and I use a very soft phrase—in which Senators who are not members of this committee are put. I am not a member of the committee; I want to know what has been said before that committee as a basis for the schedules in this bill; I asked for all the testimony taken before the committee in relation to the chemical schedule, and was furnished these two volumes [indicating]. There is further testimony bearing upon other schedules, some of which I have carefully read. From the testimony which I have before me bearing upon the chemical schedule and applying it to the rates, I try to determine whether or not the rates are fair. After the hearings were closed, witnesses went into the committee room and testified, but their testimony is not here. What did they say? What influence did it have upon the rates as finally determined? I do not know. All the testimony I have is what is before me, but Republican Senators who are members of the Finance Committee have other facts or are presumed to possess them. They may be right in their position as to this schedule; I may be wrong in my opposition to it; but, based upon the facts here presented, I think I am right. Republican Senators may be in possession of some cogent arguments, of persuasive testimony which was given after the hearings were closed, to which I have no access, to which my friend the Senator from Ohio [Mr. POMERENE] has no access; so we are compelled to make up our judgments from extraneous information and from the testimony which we have before us. That is the thing of which I complain. I now yield to my friend the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I thank the junior Senator from Utah for giving me an opportunity at this time to explain away a misapprehension under which the Senator seems to labor and under which others, possibly, may labor as to what occurred in the committee room when the majority of the committee had the tariff bill under consideration, after having closed the testimony. I think we followed the rule which has always been followed; that, while the majority frames the tariff bill, it, nevertheless, allows any Senator, either Republican or Democrat, to come before the committee. In a certain sense some one may say that that is a hearing; but it must be remembered that the Finance Committee is a committee of the Senate, and being a committee of the Senate any Member of the Senate has, in my opinion, the right to appear before it. That has been the rule which I have always understood has been generally followed. That was not for the purpose of obtaining further testimony; it was not for the purpose of opening up a second hearing or anything of that character; but we allowed Senators to come before the committee and, without argument, to state plainly any grounds of dissatisfaction, and that was the end of the matter.

Mr. KING. Let me interrupt the Senator right there to say that I have made no criticism, although I feel I might justly do so, about Senators appearing before the committee. I was not alluding to Senators appearing before the committee.

Mr. McCUMBER. I intend to make a further explanation to the Senator. I think I can also explain the other matter to which the Senator alludes, and I do not think he will find very much fault, at least with the rule which the committee adopted.

Mr. SMOOT. Mr. President, will the Senator from North Dakota allow me to amplify his statement in one particular?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the senior Senator from Utah?

Mr. McCUMBER. I yield to the Senator.

Mr. SMOOT. Mr. President, in the consideration of the Democratic tariff bill in 1913 even a Senator was not allowed to appear before the subcommittees which were framing the bill. No minority member of the committee at that time had anything to say, one way or the other, about fixing the rates, unless, perhaps, it may have been said upon the floor of the Senate. I asked permission to appear before a number of the subcommittees, and I was told that it would be against the rules; that no one would be allowed to appear before the committee or the subcommittee while the bill was being framed unless invited. We have not gone that far in the framing of the pending measure.

There never has been a tariff bill written, as the Senator from North Dakota has stated, but that it has been framed by the party in power, and the party in power has invited people to appear before it in order to obtain information which they thought they could give. I will say to the junior Senator from Utah that the Committee on Finance this year has gone further than any committee has ever previously gone in the matter of hearing Senators and Representatives, for, as the Senator from North Dakota has stated, there has not been a Senator or Representative who ever made a request to appear before the committee who was not allowed to do so.

Mr. McCUMBER. Mr. President, the junior Senator from Utah may think that it would have been better not to go even so far as the senior Senator from Utah has stated the committee did go in the matter of hearing Senators and Representatives; but remember that Senators are coming before me every day as chairman of the committee. They wish to consult with me about this rate and that rate. Those Senators are from both the Democratic and the Republican sides of the Chamber. They see me and they see other Senators. We had no way of bringing them before the committee. After the close of the hearings, as I remember, the only occasion when the committee permitted anyone to come before the majority of the committee, who were framing the bill, was in a situation like this: Take the case of a Senator who is trying to explain something relative to a three-adjustment watch or a four-adjustment watch, who is not familiar with the technical details of such adjustments, and he says, "There is a man who has been talking to me about these adjustments. Will you allow him to explain the technical meaning for me, because I really can not explain what these adjustments mean?" Our reply has been, "You may bring him in for that purpose only—to explain some technical question." However, if the witness should begin to talk about what the rates ought to be, the chairman of the committee or some other member would say, "The testimony is closed; we are not here now to rediscuss the question of the rates; we are here now in order that you may answer these

technical questions, because your Senator or Representative has asked permission for you to explain that which he says he is unable, because of lack of technical knowledge, to explain."

Perhaps such instances occurred in connection with the chemical schedule and also in connection with the textile schedule, as to which Senators on the committee might not thoroughly understand some technical term, what the jacquard process really meant, or something of that kind, and desired some explanation of a technical question. In such a case Senators brought in those who could speak for them; but in each instance we regarded it as the Senator himself explaining a technical question.

I do not think that did any harm. There were no further hearings; nothing was even taken down; no stenographer was present; but there explanations were made of technical chemical matters which we could not understand, or of some detail involved in the manufacture of textiles, or something of that character. The committee was extremely careful that we should not go into arguments for or against a rate in addition to any arguments which may have already been heard.

Possibly some individual may have started to break over that line and try to make a case, but I do not think there was ever an instance when his attention was not called to the fact that the committee had closed its hearings and would not hear further testimony for or against any specific rate.

I admit that possibly it might have been just as well if individuals had not come in for the purpose indicated, but a Senator had a right to make an explanation. He could go out and consult some one in the anteroom in order to obtain the information and try to explain the matter himself, but possibly, a Senator not having the fundamental knowledge, it would take very much less time for some person who had the technical knowledge to explain the matter before the committee. I repeat there were no further hearings upon the merits of any schedule.

I hope the Senator will accept that as a full and a fair explanation. He may say that the expert knowledge of the persons referred to might have had some influence here or there, but I do not think it did.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. KING. I yield to the Senator from Ohio for that purpose.

Mr. POMERENE. Of course, when Senators came before the committee with expert knowledge they were admitted, because the committee thought they would shed light upon the particular subject in the mind of the committee.

Mr. McCUMBER. Not shed light upon the merits of this or that rate, but to explain some technical term.

Mr. POMERENE. The Senator knows my regard for him, and I did not mean that in an offensive way; but evidently the subcommittee, including the chairman, felt that they ought to receive information. It might or it might not have influence with him or with the subcommittee. We are all prone to error, and it may be the statement would just fit into a place where additional information was needed.

The junior Senator from Utah and myself come from States which are to a large extent manufacturing States, particularly my own State. My views do not entirely coincide with those of the chairman of the committee on many of these subjects, but the information which the Senator obtained may or may not have had weight with him, and it may or may not have had weight with me. I realize that it is a very difficult thing to draw the line; but it seems to me no matter what the experience has been in the past that there ought to be some memorandum made of such statements. It would be just as easy for a Senator or Representative who appeared before the majority members of the committee to submit his information in the form of a letter or a brief. Then there would be a record of it. I have such high regard for the members of the committee that I would not for the world have anything that I may have said here be construed as a reflection upon their personal integrity. I do not mean that at all.

Mr. McCUMBER. Let me say to the Senator right there that there might be cases in which a clearer understanding of what some technical term meant would tend to so clarify the situation as to make us favor or oppose a given proposition. I will admit that, but the Senator must remember that almost the entire tariff bill is highly technical, not only as to the chemical schedule but other schedules as well, so much so, in fact, that when the Democrats formulate their tariff bills they have the aid of experts from the department. In 1913, when the Democrats drafted their bill, they called in experts; they had a half dozen or a dozen all of the time. We did the same. In some instances we might not have had the aid of an expert from the department—and most of the experts came from the Tariff Commission—to give us information on a certain point, or some item may have been brought up out of order, in which event a Senator may have asked that someone else explain a technical matter, just as the experts from the department would furnish explanations as to other questions, but in such case no suggestion was ever ventured as to what the tariff rate ought to be or ought not to be.

Mr. POMERENE. Mr. President, that is touching on another phase of the question.

Mr. McCUMBER. It is exactly the same phase.

Mr. POMERENE. No; I beg the Senator's pardon. I am not complaining about experts advising the committee concerning the technical features of the bill. Of course, that is the reason why we have experts in the department. Of course, that is what we have men in the departments here for, and both sides of the Chamber have been wont to call them in for advice. There is not anything wrong about that at all.

What I am referring to is the man who is representing some special interest, it may be his own; and I say without fear of successful contradiction that in nine cases out of ten the men who came before the committee here and asked for special rates were there for a wholly selfish purpose, and not because they had any interest in the country at large. That is the difficulty.

Mr. McCUMBER. Undoubtedly. Of course, both exporters and importers would be there for their own interest; but those are not the men that were called in, as a rule. They might be out there. The person who wanted an especially high duty upon watches, for instance, might be present, and yet he might have the technical knowledge to explain to the committee what a three-adjustment movement would mean. He has not by explaining that given us any testimony concerning rates; and, as I say, I took great care that no one called in for the purposes I have mentioned should transgress the rule and go into the matter of determining tariff rates, and so forth. I will admit that sometimes a witness, because he had the interest of which the Senator speaks, would attempt to transgress that rule, and we would try quietly and respectfully to inform him that that was not our purpose.

Mr. KING. Mr. President, I am not complaining, as indicated by the Senator from Ohio, about the employment of experts, the obtaining of information from the Tariff Commission, or technical skill in the drafting of the very complicated schedules which we find in this complicated bill. That is highly proper. That was not what I alluded to. The hearings closed, and I was trying to find the exact day when they were closed, before the Senate Finance Committee. Can the distinguished chairman of the Finance Committee advise me when the formal hearings were closed?

Mr. McCUMBER. I think it is in the report—January 9, I am informed.

Mr. SMOOT. January 9.

Mr. POMERENE. I think that is correct.

Mr. KING. My recollection was that it was early in January.

I repeat, the hearings before the Finance Committee closed January 9. Why did they close? The public understood, the minority members understood, and the Senate understood that the hearings were closed to enable the majority members of the Finance Committee to go into executive session to frame the bill. I am not complaining about that. They had the technical right to frame the bill upon any theory they pleased, and to adopt any schedule they pleased; but, notwithstanding the public understood that the hearings were closed, and the various witnesses who had testified and who had hovered for months about the committee rooms understood that the hearings were closed, and Mr. du Pont and the Carbide Trust and other concerns knew that the hearings were closed, yet these same witnesses and representatives of trusts and corporations and beneficiaries of these tariff schedules lingered here in Washington. Why? Why did they not go home where they belonged? They had come here to enlighten the committee, and doubtless did enlighten the committee, as we have in these two volumes their testimony upon the chemical schedule. Why did they stay here? The committee was in executive session. The Democrats were excluded from the room; and I am making no complaint of that, let me repeat. They stayed here for some purpose, Mr. President. What was the purpose? I leave it for Senators and the public to determine what the purpose was.

As bearing upon the question of the purpose, as throwing some light upon the object of their protracted stay in Washington, we find them day after day and week after week and month after month haunting the corridors of the Senate Office Building, where the majority members of the Committee on Finance were in executive session. Now, why were they here?

Why were they in Washington? If they were in Washington, why were they in the building where the committee meets? And why in the corridors and in the anterooms of the Committee on Finance?

I recall going to the committee room for the purpose of obtaining copies of the testimony, and I could scarcely effect an entrance into the anterooms and scarcely get along the corridors at times, because of these representatives of the predatory interests and of the beneficiaries of these high-tariff schedules. They were there in the anterooms and in the corridors. What were they there for? Some of them went into the committee room, and when they went in there doubtless they talked; they said something. Of course, I am making no imputation whatever as to the integrity of the members of the committee, because they are men of the highest character, and I have no doubt that whatever they did they conceived to be eminently proper. I am merely calling attention to the fact that whatever the witnesses did say, whether it was much or little, was said for some purpose, and I think we are entitled to know what they said. There ought to have been a stenographic report of it. My good friend the Senator from North Dakota said that there were no minutes, that there was no stenographic report. That is what I am complaining about. When they invited them in after the hearings were closed they ought to have invited the Democrats to be present, or, if they did not invite the Democrats to be present, then I respectfully submit that there should have been a stenographic report of the statements which were made.

My friend said that they came to give the committee advice upon technical subjects. Everybody knows that Mr. Irenée du Pont is not a technician in dye production. Mr. Morris Boucher, of the dye monopoly, is an expert. Doctor Herty claims to be an expert upon dyes, and others claim to be, and some are. If it was expert testimony that Mr. Irenée du Pont went in there to give his visit was futile.

That was evidenced from his testimony before the House committee when the dye embargo bill was first reported. He went in there and brutally stated that they wanted an embargo, and, as I recall, he made a similar statement before the Senate committee. At any rate, in one of the hearings he said: "Senator Penrose asked us what we wanted, and I said to him, 'We want these high-tariff rates, and then we want an embargo, and then we want the Sherman antitrust law suspended as to the dye interests, so that in the event that its terms shall be transgressed and violated we will not be prosecuted for maintaining a monopoly.'" He was very frank about it. He was before the committee, as were other gentlemen interested in this bill.

Mr. President, I leave that matter now. The fact is that these representatives of big business were in the corridors and in the anteroom and in the committee room. I shall put into the RECORD before this debate is concluded the names of perhaps 60 of them that were there for weeks and months after the hearings were closed. I feel sure that they did not influence to the prejudice of the country the distinguished Senator from North Dakota [Mr. McCUMBER] or my friend from Utah [Mr. SMOOT] or other members of the committee, but I think the fact that they were there and are still here in itself is rather unfortunate, because deductions and conclusions and speculations and surmises are bound to follow therefrom.

Mr. President, I was reading this letter from a person engaged in the chemical business in the United States. Let me repeat. He states that the rates in this bill are so high that they will in effect permit the chemical industry to charge the enormous prices that were imposed during the war. He was discussing strychnine. He said:

> We do not know of any logical reason as to why the American manufacturers of strychnine insist upon a 15 cents per ounce duty.
>
> Fifteen cents per ounce!
>
> Strychnine is an alkaloid extracted from nux vomica. Nux vomica comes from India, and, strange as it may seem, it is laid down in New York at a slightly lower price than in Germany, Switzerland, or England. The freight rate to continental ports of Europe figures about one-eighth of a cent per pound higher than to New York. The work of extracting strychnine from nux vomica is done almost entirely by machinery. Labor enters very little into the cost of production.

I showed yesterday, Mr. President, from the figures which at great labor I had extracted from multitudinous reports, that the labor costs before the war, with respect to the items in the chemical schedule, were only 8½ per cent, and that now they are only 8 per cent, so that alleged high price of labor can not be honestly urged as a reason for these high rates. Labor gets only 8 per cent of the selling price of these commodities. Before the war labor received 8½ per cent, but now only 8 per cent. So when they urge high labor costs as an excuse for

these stupendous rates they are trying to deceive the American Senate and the American people.

Strychnine has been on the free list since 1914. Nux vomica has been free of duty in the last three tariffs. Strychnine is a commodity which has been manufactured for years by four very large chemical manufacturers of this country. The following figures of importation of nux vomica against the importation of strychnine will show that the American manufacturers are not in need of protection. You will please note that the importation of strychnine is not embargoed, and yet the quantities imported since the war are comparatively small, whilst the importations of the last three years of nux vomica represent the highest on record.

Of course, what they want is to get nux vomica as cheaply as possible, and then a tariff on the finished product, on strychnine, so as to compel the American consumer to pay tribute to this branch of the Chemical Trust.

I read further from this letter:

Importations of nux vomica.

	Pounds.
1909	1,696,957
1910	3,758,662
1911	4,330,402
1912	2,427,187
1913	2,306,785
1914	1,891,072
1915	2,245,338
1916	4,355,984
1917	2,445,984
1918	2,739,814
1919	4,545,710
1920	4,470,323
1921	3,190,255

Importations of strychnine and salts.

	Ounces.
1909	1,475
* * * * * * *	*
1921	29,020

The following States are all big consumers of strychnine:

Arizona, California, Colorado, Kansas, North Dakota, South Dakota, Idaho, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming.

* * * * * * * * * * * *

If the proposed 15 cents per ounce duty goes into effect it will practically put an end to all foreign competition which now acts as a curb to the price aspirations of domestic manufacturers. The result obviously will be that the western farmer will eventually pay considerably higher prices for strychnine, which is so essential in safeguarding his agricultural pursuit against the continual menace of rodents.

I commend this letter to the chairman of the tariff bloc [Mr. GOODING] and to my friend from Kansas [Mr. CAPPER], the chairman of the agricultural bloc. Of course, when we consider tariff legislation now we do not appeal to the Finance Committee, the Senator from North Dakota [Mr. McCUMBER], or my friend from Utah [Mr. SMOOT]. It is the "tariff bloc" and the "agricultural bloc" and the "manufacturers' bloc." So I say to the Senator from Kansas, who honors us with his presence, that his bloc is going to suffer. The farmers whom they claim to have taken under their protective wing by this bill—to which they have given their O. K.—are to be robbed and plundered by the Chemical Trust which demands this extortionate tariff upon strychnine, four-fifths of which is used by the farmers of the United States.

I suppose, Mr. President, that kissing goes by favor, and there have been kissing matches all around by these beneficiaries of the tariff bloc and the agricultural bloc and the manufacturers' bloc, and they have come to a perfect and happy accord.

Perhaps all our efforts here for the purpose of placing before the people just exactly what these rates are will be futile, but I say to the Senator from Kansas that we are going to get them to the public if it takes all summer. They are going to know what the rates are upon the items in this bill, and what the rates mean, and who are to be the beneficiaries of this deformed measure, and who will suffer as a result of its provisions. General Grant said he would fight it out on the line which he then held "if it took all summer." We are going to fight this out on this line if it takes all summer.

Mr. President, when I yielded the floor yesterday I was stating the articles on which the rates were higher than under the Underwood law. I had called attention to the changes made by the Underwood law in the Payne-Aldrich Act, and the increased rates shown in the pending bill. I also called attention to articles, giving their names, on which the rates have been increased over the Underwood law, and to other phases of the bill. I read a large number of names, and had reached the product calcined magnesia (medicinal). I will go on with that list. It includes:

> Manganese borate, manganese resinate, manganese sulphate, other manganese compounds, synthetic camphor, cod oil, seal oil, herring oil, menhaden oil, whale oil, sperm oil, other fish oils, crude wool grease, castor oil, linseed oil, hempseed oil, olive oil, poppy-seed oil, coconut oil (refined), peanut oil, alizarin assistant, combinations of oils except essential, lemon oil, orange oil, clove oil, eucalyptus oil, peppermint oil, patchouli oil, sandalwood oil, cocaine and salts of cocaine, ecgonine and salts of, castoreum, civet, musk, anethol, citral, geraniol, heliotropin,

lonone, rhodinol, safrol, terpineol, vanillin; perfumery, cosmetics, and toilet preparations; bay rum, plasters, artists' paints and colors, paints, barytes (crude ore), barytes ore (ground), barium sulphate, blue pigments, ultramarine, chrome yellow, chrome green, chrome colors, gas black, lampblack, other black pigments, litharge, red lead, white lead, other lead pigments, ochers, siennas, umbers; ochers, siennas, and umbers, washed or ground; other iron-oxide pigments, spirit varnishes, all other varnishes, vermilion red containing quicksilver, zinc oxide (dry), zinc oxide (ground in oil), lithopone, potassium chromate, potassium bichromate, potassium chlorate, red prussiate of potash, yellow prussiate of potash, potassium iodide, potassium bicarbonate, potassium nitrate (refined), potassium permanganate, castile soap, perfumed toilet soap, superfumed toilet soap, sal soda, sodium chlorate, yellow prussiate of soda, caustic soda, sodium nitrate, sodium sesquicarbonate, sodium sulphide, sodium sulphite, sodium thiosulphite, sodium hydrosulphite and compounds, potato starch, all other starches, dextrin from potato flour, British gum, strontium carbonate, strontium nitrate, sodium oxide, thorium nitrate, other salts of thorium, cerium nitrate, cerium fluoride, other salts of cerium, gas-mantle scrap, tin bichloride, tin tetrachloride, other compounds of tin, titanium potassium oxylate, all other compounds of titanium, zinc chloride, zinc sulphate, and zinc sulphide.

Mr. President, in the bill now before us the following commodities are subjected to the same rates which were imposed by the Payne-Aldrich Tariff Act of 1909. I have shown certain articles the rates on which have been raised above those of the Payne-Aldrich law, and those the rates on which were raised above duties levied by the Underwood law; those which have been taken from the free list in the Underwood Act and transferred to the dutiable list, and the general items in which there have been transfers, the number being slight, from the dutiable list in the Underwood law to the free list, as shown by the McCumber-Fordney bill. The following commodities are subjected in the bill now before us to the same rates which were imposed by the Payne-Aldrich Tariff Act of 1909:

Acetic acid, gallic acid, acetone, acetone oil, ethyl methyl ketone, chemical salts and compounds, ammonium carbonate, liquid ammonia, rochelle salts, cream of tartar, barium dioxide, blacklugs for cleaning and polishing, compounds of caffeine, calcium carbide, carbon tetrachloride, putty; salts and compounds of gold, platinum, rhodium, and silver; chemicals, drugs, etc., put up in tablets, pills, etc.; flavoring extracts, glycerin (crude), lead acetate (brown), calcined magnesia (medicinal), manganese borate, manganese resinate, manganese sulphate; other manganese compounds; synthetic camphor; olive oil, combinations of oils, except essential, clove oil, eucalyptus oil, patchouli oil, sandalwood oil, floral waters, plasters, blue pigments, litharge, white lead, ochers, siennas, umbers; ochers, siennas, and umbers, washed or ground; precipitated sulphate, all other varnishes, potassium chromate, potassium bichromate, yellow prussiate of potash, potassium iodide, potassium nitrate (refined), perfumed toilet soap, sodium arsenate, soda ash, sodium chlorate, yellow prussiate of soda, caustic soda, sodium sesquicarbonate, Glauber salts, sodium sulphide, sodium silicate, sodium thiosulphite, potato starch, all other starches, tin bichloride, tin tetrachloride, and other compounds of tin.

The following commodities are subjected to rates in the pending bill which are higher than the rates imposed by the Payne-Aldrich Tariff Act of 1909.

I am not giving now, of course, the various items in paragraphs 25 and 26, which number approximately 110, nor the unnamed thousands found within basket clauses. The first item is acetic anhydride. That will be one of the items we will vote upon this afternoon, I hope.

The next is citric acid. There is a story to be told about that item, and the enormous increase in the rate as shown in this bill. Then there are lactic acid, tartaric acid, formic acid, oxalic acid, amyl alcohol, buthyl alcohol, fusel oil, wood alcohol.

I wish I had time to pause to comment upon these various items. Think of increasing the tax on wood alcohol, which is so important in our industrial life at the present time. Yet, Mr. President, one may go through this list item by item and he will find that with respect to the majority of them those which particularly affect the welfare of the people, the industrial and economic life of the people, the rates have been increased to limits which, it seems to me, the avarice and cupidity of men could scarcely conceive of.

It would look as though this bill not only sought to give a grip to the Chemical Trust upon these products, but to permit them to offer impediments to the industrial development of the Nation along other lines which are dependent upon these chemical products for their expansion and success. You can not construct a house without a foundation. You can not build up a manufacturing system without chemicals. The chemical schedule is the foundation of our industrial life, and if there is any schedule in the bill which calls for low rates and for a liberal extension of the free list it should be the chemical schedule.

I repeat, I am not here, nor is any Senator on this side of the Chamber, advocating free trade. I am advocating the industrial and economic development of our country. I am pleading for the laboring man, for the growth of our manufacturing enterprises, for greater industrial growth and progress, not for less. I am pleading for the extension of our trade and our commerce. I am pleading for the American flag to be put on every sea, and for our products to be carried to every port. I am protesting against this narrow and bigoted and "die-hard" theory of protectionism which has run mad, and which finds expression in many of the cruel, harsh, and greedy schedules of this bill.

We will have factories when we can have products necessary for their operation; but if we offer obstacles to the acquisition of such products, to that degree we are interposing impediments to the economic and industrial development of our country; and when we place obstacles in the way of industrial development then we are preventing the building of factories and the operation of those already built, which will result in turning men into the streets for lack of employment. Men will go from the category of the unemployed to the position of contented employees when our industries function as they should and develop as they should along just and rational lines.

I return to the reading of the schedule, showing the higher rates imposed by the bill over the odious, the malodorous Payne-Aldrich tariff, which had been damned by public opinion, and buried, as we hoped, beyond any possible power of resurrection; but it was resurrected, regalvanized, and made more hideous and oppressive by the pending bill:

Aluminum hydroxide, potash alum, ammonia alum, aluminum sulphate, ammonium chloride, antimony sulphide, antimony salts, argols, barium carbonate, barium chloride, barium nitrate, caffeine, calomel, corrosive sublimate, other mercurial preparations; tetrachloroethane, trichloroethylene, chalk, billiard and tailor's chalk, salts and compounds of bismuth.

Bismuth, so important in our pharmaceutical tabulations. The tariff upon bismuth, that enters into the homes of the sick of the land, is raised above the rate provided in the Payne-Aldrich Act.

Chloral hydrate, turpin hydrate, thymol, urea, glycerophosphoric acid, salts and compounds of glycerophosphoric acid; coal-tar intermediates; coal-tar dyes, medicinals, and other finished coal-tar products—

Always medicines, always drugs and medicinal compounds. The manufacturers of the drugs and of the medicines are taken care of in the bill. The people will pay for it.—

Cobalt sulphate, cobalt salts and compounds, coca leaves, diethyl sulphate, dimethyl sulphate, chestnut extract, cutch extract, chlorophyll extract, divi-divi extract, fustic extract, hemlock extract, Persian berry extract; logwood, mangrove, oak extract, quebracho extract, sumac extract, saffron extract, safflower, saffron cake, valonia extract, wattle extract, all other extracts; fruit esters, oils, and essences; glue, fish glue, glue size, glycerin refined, ink and ink powders, lead nitrate, magnesium chloride, Epsom salts, sperm oil, crude wool grease, adeps lanæ, linseed oil, hempseed oil, poppy-seed oil, coconut oil refined, peanut oil, lemon oil, orange oil, peppermint oil, cocaine and salts of cocaine, ecgonine and salts of ecgonine, laudanum, anethol, citral, geraniol, heliotropin, ionone, rhodinol, safrol, terpineol, vanillin, bay rum, artists' paints and colors, paints—

Artists' paints and colors! The artists are to pay. Young boys and girls who are taking lessons in painting must pay more, of course. They must pay tribute to some of these corporations which have a capital stock of $300,000,000 and more. They are such poor little infant industries that the boys and girls who want to study painting must pay tribute to them.

Barytes (crude ore), barytes ore (ground), barium sulphate, ultramarine, chrome yellow, chrome green, chrome colors, gas black, lampblack, other black pigments, red lead, other lead pigments, spirit varnishes, vermilion reds containing quicksilver; zinc oxide (dry), zinc oxide ground in oil, lithopone, potassium permanganate, santonin, castile soap, sal soda, sodium chloride (common table salt).

We even have to pay a tariff tribute upon salt.

Sodium nitrite, sodium hydrosulphite and compounds, dextrin from potato flour, strontium carbonate, strontium nitrate, sodium oxide, sodium nitrate, other salts of sodium, cerium nitrate, cerium chloride, other salts of cerium, gas-mantle scrap, titanium potassium oxalate, other compounds of titanium, zinc chloride, and zinc sulphide.

The following commodities are the only ones reported, as I read the bill, in the chemical schedule which bear the same rates as imposed in the Underwood Tariff Act of 1913:

Pyrogallic acid, liquid ammonia, calcium tartrate (crude), copaiba balsam, Canada balsam, Peru balsam, tolu balsam, styrax, other balsams, gum amber, araboroid, gum arabic or senegal, tea waste, compounds of caffeine; chemicals, drugs, etc., put up in tablets, etc., crude chicle, refined chicle, crude drugs advanced in value by grinding, crushing, etc., buchu leaves, coca leaves, gentian, sarsaparilla roots, ergot, ethyl ether, glycerin (crude), menthol, crude camphor, adeps lanæ, rapeseed oil, opium, laudanum, ambergris, floral waters, medicinal soap, all other soaps, sodium bicarbonate, sodium borate (refined), Glaubers' salts, vanilla beans, and tonka beans.

Mr. President, I regret that interruptions and adjournments have prevented a more systematic presentation of this matter. I have been compelled to yield the floor upon a number of occasions and several days have intervened in the discussion of matters referred to, so that my observations will appear somewhat disconnected and possibly discursive.

Mr. President, I have completed the general analysis of the chemical schedule somewhat as I desire, although there have been interruptions and digressions which will show discontinuity in the analysis.

Before proceeding to the first item, acetic acid, in the chemical schedule which has been amended by the Senate Finance Committee, and upon which I hope we shall have a vote to-day——

Mr. SMOOT. Mr. President, I want to say to my colleague that there is no change in acetic acid, and that committee amendments are to be considered first.

Mr. KING. What I had reference to was "acetic acid containing by weight not more than 65 per cent of acetic acid, three-fourths of 1 cent per pound." There is a change made in the House bill by the Senate committee, not in the rate but as indicated in the words just quoted.

Mr. SMOOT. That is true.

Mr. KING. By adding the words "by weight."

Mr. SMOOT. That is true.

Mr. KING. That is a proper amendment, and I shall offer no objection to it, and will pro forma, when I submit a few observations, agree to the amendment. I think the amendment is in the interest of clarity and definiteness. But before adopting the amendment I wish to take a few moments to discuss acetic acid, because it is the base of some of the other commodities which are found in this schedule.

The tariff upon acetic acid, if it is desired at all, is desired by the Carbide Trust. I have gone through the record carefully to find out who asked for a tariff on acetic acid. I repeat, if there are interests seeking rates on carbide and acetic acid they are connected with the Carbide Trust and its subsidiary organizations.

Mr. SMOOT. Mr. President. I rather think my colleague is mistaken there. Carbide is manufactured in Canada, and they wanted it admitted free, of course, and demanded that it be admitted free. They were the ones who desired it free. The wood-alcohol people, who have an industry in the United States, desired to have protection upon it against the Carbide Trust of Canada.

Mr. KING. Mr. President, I think my distinguished colleague is in error. The United States Carbide & Carbon Corporation I denominate a trust. It has a capitalization, on the basis of 6 per cent, of more than $257,000,000. It controls 83½ per cent of the calcium carbide trade in the United States. Next to the United States Steel Corporation, and probably the Du Pont organization, it is one of the largest in the United States, if not in the world.

Mr. SMOOT. My colleague must know that they do not make one pound of acetic acid.

Mr. KING. I understand they do not make acetic acid. I agree with my distinguished friend in that. They want a tariff, and why? I will show to my friend and to other Senators before we get through that there are a large number of items in this bill where there is not a pound of the product made in the United States, and yet duties are levied under the bill. Some one wants a tariff. I ask again, Why? Paragraph 2 of the bill contains "acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, 6 cents per pound and 30 per cent ad valorem," and as I understand the facts, none of these products is manufactured in the United States.

Mr. SMOOT. The Senator is mistaken there, because the very carbide people of whom he speaks manufacture a great many of those items.

Mr. KING. I think the evidence will show that the commodities in paragraph 2, if they are made in the United States at all, have been produced but recently, and that the Carbide Trust is seeking this tariff rate in order that it may, if it cares to, engage in the enterprise and, of course, keep out any competition and thus subject the American consumer to extortionate prices.

Mr. SMOOT. Why, Mr. President, the whole chemical schedule has grown out of war conditions. As to most of the items which the Senator has been criticizing, not a pound was made in the United States before the war, not a single pound; yet during the war and because of the war they developed into industries in this country.

Of course, Mr. President, some of the rates in the chemical schedule are higher than they were before the war, because previous to that time they were imposed simply for revenue purposes; they were not imposed for any other purpose.

Mr. KING. Does my colleague refer to the rates which are found in the pending bill?

Mr. SMOOT. No; I do not refer to the rates which are contained in this bill; I refer to those which were imposed in previous tariff laws. Mr. President, I can begin with the items in the first schedule, as to which my colleague has complained that the rates are higher than those which are imposed by the present law, and show that there is a reason for every one of those increases. That reason is that if we are going to establish and maintain these industries in this country—for they were started during the period of the war and for war purposes—it will be necessary for us to increase the rates and to make them protective rates rather than revenue rates, as was the case in the Payne-Aldrich law and also in the Underwood-Simmons law.

Mr. JONES of New Mexico. Mr. President——

Mr. KING. I merely desire to say one word further and then I will yield to the Senator from New Mexico.

Mr. SMOOT. As the items are reached in the bill, of course, I shall be willing to discuss them and show why the rates were increased or why they were decreased from the rates found in the bill as it came from the other House. There is, however, a good reason for each one of these increases, I will say to my colleague. It becomes a question of policy, and that question of policy is whether we shall manufacture these goods in the United States or whether they shall be imported here, as they were before the war. There is no question but that they will be imported here as they were before the war unless the protection shall be given to them which we propose to give in this bill. If we do not do that, the laboring man will have no chance at all to make those goods in this country, and there will be a great many more than at present who will be unemployed throughout the United States.

As to all other schedules in this bill, so far as the items themselves are concerned, outside of paragraphs 25 and 26—that is, as to the intermediates and the dyestuffs in the chemical schedule—the rates found in the bill may be justified without a question with, perhaps, three or four exceptions, as to which I myself feel the rates are exceedingly high.

Mr. KING. Mr. President, I regret that my colleague has planted himself among the embattled hosts of the "die-hards." I had hoped that he had become more liberal in his views respecting tariff rates. My colleague, Mr. President, if I understood him correctly, states that nearly all the items in this schedule were the result of the World War. I submit that my friend, if he goes through the schedule, will find that he is in error.

Mr. SMOOT. My colleague must have misunderstood me. I said that as to the rates which have been increased over and above those of the Payne-Aldrich law in nearly every case the increase has been the outgrowth of the war. I did not say that rates on common, ordinary sulphur black and many other items found in this schedule are the outgrowth of the war, but I did say that wherever there is a rate which has been increased above the rate in the Payne-Aldrich law there is a good reason for such action. The reason will generally be found to be that the growth of the industry was due to the war and that its development was brought about because of the fact that an article not theretofore produced in this country became absolutely necessary during the war.

When I refer to paragraphs 25 and 26, the junior Senator from Utah knows that they cover many different products which are found in this schedule. The Senator will also notice that the rates on some of the items in this schedule have been reduced, some of them more than one-half below the figures of the present law, but I have tried, so far as I could do so, to give absolute protection to new industries which I felt ought to be maintained in the United States by according to them such protective tariff rates as, after the most careful consideration, I decided in my own mind were absolutely necessary. That, however, Mr. President, does not apply to many of the items which are found in this bill, as I have already said; but when it comes to the maintenance of an industry in the United States which I am convinced in my very soul it is necessary to maintain, I am not going to hesitate a moment to vote to provide the necessary duty, particularly when it is an industry of importance such as some of the industries which have been established and which are absolutely necessary if we should again become involved in war.

Mr. JONES of New Mexico. Mr. President——

Mr. KING. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I was going to comment on the statement of the senior Senator from Utah [Mr. SMOOT] very much as the present occupant of the floor, the junior Senator from Utah [Mr. KING], has done. From what study I have made of this bill—and I may say that it is more than a casual study—I have found many instances which do not support the general statement which has been made by the senior Senator from Utah. I was glad to have him, however, modify his general statement and concede that as to many items

in the bill his general statement would not apply. I merely wish to observe that from my study of the bill the exceptions will come from just the opposite side of the question.

Mr. SMOOT. In order that there may be no misunderstanding, Mr. President, about the matter, let me take the very first item which the junior Senator from Utah [Mr. KING] has criticized; that is, acetic anhydride. The House of Representatives provided a protective rate of 8 cents, which the Senate committee cut to 5 cents a pound. In the Payne-Aldrich bill on acetic anhydride the duty was 2½ cents a pound; in the Underwood-Simmons law it was 2½ cents a pound. Why did the committee raise that rate 100 per cent; and is that increase actually necessary? I wish more Senators were present, for I think I could convince every Senator that it is absolutely necessary for that article to be protected by a duty of at least 5 cents a pound if we are going to continue to manufacture it in this country. It was never made here previously to the war; up to that time there was no such industry in the United States; and I need not remind the Senate how we suffered during the war because of that fact.

I am not going to take the time of the junior Senator from Utah now, but when that item is reached in the bill, and before the vote is taken upon it, I want to occupy a few moments to tell the Senate why that rate was increased and how necessary that commodity became to us during the war, when we were deprived of importations of it from foreign countries and had to depend on what we could produce in the United States. We were absolutely unprepared in every way.

I am positive that the American people under the circumstances are never going to object to the rate provided by the bill on this commodity; but I know that it devolves upon the committee or some member of the committee to explain it. When it is explained, all the speeches in the world claiming that this duty constitutes 100 per cent increase over the rate in the Payne-Aldrich bill will amount to nothing, because under the Payne-Aldrich bill the rate which was imposed was not for protection, for we did not make any of the commodity in this country at that time; its manufacture was unknown in America; and the 2½-cent rate was merely put on for revenue purposes and for nothing more nor less. So, when the Underwood-Simmons bill was enacted, exactly the same rate was imposed as was imposed by the Republicans in the Payne-Aldrich bill; and a rate of 2½ cents a pound was put on it. What for? For protection? No; but for revenue. Since the war the manufacture of acetic anhydride has become an industry of the United States; we are making over 1,250,000 pounds of it every year; and after full hearings we thought that a rate of 5 cents a pound should be imposed. The House, after full hearings, imposed a duty of 8 cents a pound on the commodity, but your committee figured just as closely as could be figured upon the testimony, weighing the arguments both for and against the rate, and came to the conclusion that a duty of 5 cents a pound would be sufficient; so they cut the rate from 8 cents to 5 cents.

Mr. KING. Mr. President, this is a digression from what I was about to consider. My colleague has emphasized so much the last item, acetic anhydride, that I am tempted to briefly call attention to the hearings. As I understood the last statement made by my colleague, it was to the effect that the committee had weighed the testimony for and against and had reached the conclusion that the rate of 5 cents per pound, or 100 per cent increase, is justifiable. I have gone through the record, I think very carefully, and the only testimony that I can find relative to acetic anhydride is on page 21 of the general hearings of the tariff revision before the Committee on Ways and Means. Let me read what is said. I read from the brief of the Dow Chemical Co. of Midland, Mich., as follows:

Paragraph 2. Acetic anhydride: Present rate, 2½ cents per pound; suggested rate, 10 cents per pound, based on 100 per cent strength.

Acetic anhydride is used in the manufacture of acetyl salicylic acid (aspirin)—

That is aspirin, which is so important in medicine—

also in the manufacture of cellulose acetate, a noninflammable substance used in moving picture films, and as a "dope" or varnish for airplane wings. The present duty of 2½ cents per pound has been in effect since 1909.

Senators should bear in mind that the extract I am reading is from the brief of a chemical company which is a very large concern and has been in existence for at least 30 years. It is an interested party and seeks benefits at the hands of Congress. I do not assert that during that entire period it has been engaged in the manufacture of acetic anhydride; indeed, it is stated in the beginning of the brief that—

The Dow Chemical Co. has been manufacturing bromine and bromides for 30 years, and chlorine and chlorine compounds for nearly 25 years. The plant started on a small scale and has increased its capacity from time to time.

I recall that it states with respect to one or more commodities it has competed with Germany, but I shall not refer to that at the present time. I recur to the extract dealing with acetic anhydride:

The present duty of 2½ cents per pound has been in effect since 1909, but did not result in the firm establishment of an acetic anhydride industry in this country—

I will return to that sentence in a moment.

The war made its manufacture here imperative, and sufficient production was achieved to supply all needs of the country. During the war the Government price was 85 cents per pound for 85 per cent strength. The market price at present is about 45 cents per pound. Its importance in the production of "dope" and in the manufacture of aspirin should warrant ample protection being given to this industry, new in the United States, in order that these products may continue to be manufactured in this country rather than imported.

So far as I have discovered that is the only testimony before the committee.

Mr. SMOOT. Mr. President, I know that there is not anything in this record of the history of this particular item; but Dow, I think, is the manager of the Midland Chemical Co. In 1908 and 1909, about the time these people started to make this product in the United States for the first time, Mr. Dow bought up a great deal of this product from Germany and shipped it into this country. They were dumping it into this country at the time for the very purpose of stopping any manufacturing of this article in the United States. He bought a great quantity of the German product and then reshipped it back into Germany, and it broke the German market.

Mr. KING. I think the Senator is in error. If he will pardon me, I will call his attention to just what the Dow Co. said:

The Dow Co. continued exporting bromides.

Mr. SMOOT. That was the bromide which was made from this article, which is the basis of it.

Mr. KING. He was speaking of bromides, not acetic anhydride.

Mr. SMOOT. I know it; but, I say, it is the basis; and at that particular time, after that was done, an agreement was reached between the Michigan people and the German people upon the question of bromides. A great many of these chemicals are related to one another, and anything that affects one affects the others, and unless one has studied the matter very carefully he hardly knows what effect a rate upon one of them would have upon 30, 40, 50, or 100 others. If this Chamber were a schoolroom, I know that we could get a chart and follow them clear through in every step from the raw material down to the last refined product; but I will say that I feel quite sure that the rates that I have spoken of on these items that have been created since the war can be justified without a question of a doubt.

Mr. KING. Mr. President, in view of my colleague's statement, I want to call attention to what the brief says. It may be, as my colleague says, that there is some relation between bromides and acetic anhydride, but I doubt it.

Mr. JONES of New Mexico. Mr. President, I call the Senator's attention to the report of the Tariff Commission as to that. I find in that report this statement:

Acetic anhydride, a colorless liquid with a strong acetic odor, is derived from acetic acid by the removal of water.

Mr. KING. "Anhydride" means the expulsion of the water.

Mr. JONES of New Mexico. Yes; the elimination of the water from the acetic acid.

Mr. KING. That is not a bromide.

Mr. JONES of New Mexico. Not at all.

Mr. KING. And what the statement submitted by the Dow Chemical Co. referred to was German competition in bromides and not acetic anhydride. This is the record:

The Dow Co. continued exporting bromides, and some time after the visit of the Germans consignments of bromides were landed in New York—

That, I suppose, is what my colleague was referring to—

and distributed at 15 cents per pound, the price in Germany being approximately 49 cents per pound, and the import duty 25 per cent ad valorem. The price in the United States at that time was about 30 cents per pound. Many jobbers stocked up on the German bromides, the Germans selling all they could at 19 cents per pound, and then reducing to 14 cents, to 12 cents, and the lowest offer being at 11 cents. This extended over a period of about three and three-fourths years, and the Dow Co. in the meantime had entirely ceased selling bromides in the United States, but continued to sell moderate amounts abroad, and during the last year of that period sold more bromides in Germany than the Germans sold in the United States, and it netted to Dow Co. very much more than the American price.

So that this competition from Germany, and the unfair practices of the German manufacturers and vendors, proved to be broad enough upon the waters so far as the Dow Chemical Co. was concerned, and augmented their exports and increased their profits.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. JONES of New Mexico. I desire to call attention to the summary of the Tariff Commission's report regarding the production of acetic anhydrite. It is stated here:

Acetic anhydrite is made by treating anhydrous sodium acetate with phosphorus chloride or sulphur chloride. Prior to the war little, if any, was made in this country. The war demand for airplane "dopes" and the expiration of the patents on aspirin caused a great stimulus to the industry. The production in 1919 (preliminary figures) was 1,213,200 pounds, valued at $378,000.

That is the present production.

Imports prior to 1915 were from Germany—

That is when the patent on aspirin expired—

and amounted to about 1,200,000 pounds in 1910 and 1911. They declined to about 300,000 pounds in 1913 and during the war were negligible. There have been no imports from 1919 to September 30, 1921, inclusive.

Mr. KING. Exactly.

Mr. JONES of New Mexico. Showing that since the war and after the expiration of the patent the production of this commodity has continued, and there were no importations of it from 1919 to September, 1921, which was the last date of this compilation of information.

Mr. SMOOT. Mr. President, does the Senator know the reason why there was no importation?

Mr. JONES of New Mexico. I take it that they are producing plenty of it in this country now.

Mr. SMOOT. No; the embargo says that they can not import it here. That is the reason why there has been no importation since 1919.

Mr. JONES of New Mexico. The Senator may possibly be right about that. I do not know.

Mr. SMOOT. I am quite sure I am right, Mr. President.

Mr. KING. The embargo was not put into effect in 1919.

Mr. SMOOT. The emergency tariff bill extended that embargo and the embargo is in force to-day, and as long as they can make aspirin in this country they will not allow any of it to come in from any other country.

Mr. JONES of New Mexico. What provision of the embargo act includes this item?

Mr. SMOOT. I have a copy of it here, and I will send it to the Senator, and if he will read Title V of the tariff act he will find the extension of the life of the embargo.

Mr. JONES of New Mexico. But I did not understand that that embargo included acetic anhydride.

Mr. SMOOT. It includes all of these chemicals, Mr. President.

Mr. JONES of New Mexico. Oh, no; not at all.

Mr. SMOOT. It includes every organic chemical.

Mr. JONES of New Mexico. Oh, no.

Mr. SMOOT. The Senator says, "Oh, no," but I can read it.

Mr. JONES of New Mexico. At least, I do not so understand. Of course I may be mistaken about it.

Mr. SMOOT. Mr. President, there is not a synthetic organic chemical made to which the embargo does not apply, and I think it so specifically states in Title V.

Mr. JONES of New Mexico. But acetic anhydride is not a synthetic chemical, as I understand.

Mr. SMOOT. Aspirin is, and that is what we were talking about; and so is acetic acid, as far as that is concerned.

Mr. JONES of New Mexico. Acetic acid is made by both processes; that is quite true; but acetic anhydride is made simply by taking the water out of the acetic acid, and is not included in the embargo act, if I have correctly understood it.

Mr. SMOOT. The Senator is mistaken. It is included in the embargo act, as he will see if he will look under Title V.

Mr. JONES of New Mexico. I understand that the Senator from Utah is possessed of a great deal of information; but he admitted a while ago that he was speaking in general terms, and I should like to have him point out specifically the provision in the embargo act which includes acetic anhydride.

Mr. SMOOT. It includes every synthetic organic chemical, and acetic anhydride is a synthetic chemical, and has been so held by the Government of the United States. There have been no importations into the United States since the first embargo act was passed, and there will not be as long as that embargo is in force, and that is why there have been no importations into this country.

Mr. KING. Mr. President, if what the senior Senator from Utah says is correct, then I charge that the embargo bill which was driven through the Senate was not only an outrage that calls for the condemnation of every patriotic American but it was a shameful fraud perpetrated upon the Senate, upon the House, and upon the country. Under the guise of protecting the dye industry, and against the judgment of many Republicans of national standing and of high standing in this body, a majority of the majority party in the House and Senate drove through the dye embargo, claiming that it was necessary to save the dye industry, which was essential to the national defense. The able Senator from Pennsylvania, Mr. Knox, whose demise is so much deplored, standing at his desk, made a brief speech in favor of the dye embargo, and contended that its maintenance was essential to the perpetuity of the dye industry, and that this industry was necessary in defense of the country. I stated then that Senators were hiding behind the ramparts of our soldiers in fighting for the dye embargo; that it was unnecessary, and that an embargo was in the interest of a powerful monopoly. I charge it now. It was a wrong and a patent fraud upon the people.

Now, my distinguished colleague says that the embargo went farther and extended to all synthetic organic chemical compounds, and includes acetic acid and acetic anhydride and aspirin as one of the products of acetic anhydride.

I shall not stop to analyze that statement, but I repeat what I said a moment ago—that if the embargo is so comprehensive, then a fraud was perpetrated upon the Senate and upon the American public. I believe that not all of the Senators and I think not a majority of them when they voted for the emergency tariff bill, including the dye embargo, understood that the embargo provision was to act as a prohibition of the importation of all the products which seem to be embraced within the category referred to by my distinguished colleague.

Mr. SMOOT. This is what the law says:

And no synthetic organic drugs or synthetic organic chemicals shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantity and on reasonable terms as to quality, price, and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after the receipt of the merchandise.

The Senator knows, of course, that I voted against it.

Mr. KING. I know that; the Senator and I were in accord on that measure.

Mr. SMOOT. There is no question but what acetic anhydride is a synthetically produced chemical, and they could not hold otherwise in the department than that it is, under the provision of the law I just read.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield.

Mr. JONES of New Mexico. The language of the statute uses just the general expression "no synthetic organic drugs or synthetic organic chemicals." I do not understand that acetic anhydride is a synthetic drug or chemical. The crude product made in this country is made from distillation of hardwood. From that you get three products. You get alcohol, you get acetate of lime, and you get charcoal. Acetate of lime is the crude material from which is produced acetic acid, and from the acetic acid the water is taken, and that produces acetic anhydride.

Mr. SMOOT. That is the bold statement that is made here, but there is another acid necessary in order to make acetic acid into acetic anhydride.

Mr. JONES of New Mexico. Acetic acid is now made by a synthetic process at Shawinigan Falls, in Canada, and that is the only place where acetic acid is made by the synthetic process; but the acetic anhydride is not made by a synthetic process, as I understand the term. Acetic acid, the product from which the acetic anhydride is derived, is made by both processes, acetic acid by the synthetic process in Shawinigan Falls, and acetic acid made from acetate of lime through wood distillation.

Mr. SMOOT. I want to say to the Senator that if he will ask the Tariff Commission they will tell him that acetic anhydride is produced by a synthetic process. It is not a question of just taking out the water, as the Senator said. The acetic anhydride is made from acetic acid, as the Senator said. There is no doubt about that. But another acid is necessary in order to transfer the acetic acid into acetic anhydride, and therefore it becomes a synthetic process. That is why the department classifies it as a synthetic chemical, and it is prohibited from coming into this country under the law.

Mr. JONES of New Mexico. I should like to call the Senator's attention to another provision of that statute. I will read it again:

That on and after the day following the enactment of this act for a period of three months no sodium nitrate, no dyes or dyestuffs, including crudes and intermediates, no product or products derived di-

rectly or indirectly from coal tar, including crudes, intermediates, finished or partly finished products, mixtures, and compounds of such coal-tar products, synthetic organic drugs or synthetic organic chemicals, shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantity and on reasonable terms as to quality, price, and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after the receipt of the merchandise.

I call attention to the fact that that section of the act could not have applied in this case unless there was a lack of that commodity in the United States. Therefore, at the time of the passage of this act there was being produced in this country sufficient acetic anhydride to meet all demands, and it was not made by any synthetic process.

Mr. SMOOT. I will state to the Senator that if he will ask any of the tariff experts or if he will call up the Treasury Department on the telephone they will tell him it is a synthetic chemical and made by a synthetic process. The very reason the embargo applied was because of the fact that at the time of the passage of the act containing the embargo provision we were making enough in this country to supply the demands of America.

Mr. JONES of New Mexico. Referring to another phase of the situation, the information which we have is that none of it was produced in this country because of a patent on the process, and that patent has expired.

Mr. SMOOT. There was no patent on this process, but there was a patent as to aspirin.

Mr. JONES of New Mexico. I refer to the production of aspirin.

Mr. SMOOT. The Senator's statement is correct as to that.

Mr. JONES of New Mexico. In the production of that article this product is used, and that was a patented process, and that is the reason why there was no production in this country beforehand. I suppose the senior Senator from Utah will make inquiry as to why this duty is imposed in this amount, even though its importation at this time is prohibited by the embargo act. But I should really like to know whether there is a ruling of the department that this acetic anhydride is the result of a synthetic process.

Mr. SMOOT. The Senator can find out in five minutes by going to the phone and calling up the Treasury Department.

Mr. JONES of New Mexico. I supposed the Senator from Utah would have the information at hand.

Mr. SMOOT. I have it at hand, and I will say to the Senator that there is no question but that it is the ruling of the Treasury Department that it is a synthetic chemical and is embargoed from coming into the United States. That is the reason there is no importation.

Mr. KING. Mr. President, if the Treasury Department makes that ruling with respect to the article under discussion, acetic anhydride, made as a product from the distillation of wood, they are violating the law. I affirm the accuracy of what the Senator from New Mexico has stated.

Mr. SMOOT. Mr. President, the Senator is wrong in inferring that it is a direct product from the distillation of wood. It is not a product of the distillation of wood. Acetic acid is; but another chemical is needed in order to make acetic anhydride, and therefore it becomes a synthetic process, and I think the decision of the Treasury Department is absolutely correct. If it were made from a distillation of wood, then my colleague would be correct and the Senator from New Mexico would be correct; but it is not. It is made by the addition of another chemical to acetic acid, and therefore it becomes a synthetic process.

Mr. KING. I have been diverted, and I intend to get back to the Dow brief before I get through. But I repeat what I was stating when the senior Senator from Utah last addressed the Chair. Acetic anhydride when not made as it is made in Canada, by a sort of electric process and from carbide, but made as it is made by the Dow Chemical Co., does not come within the category of a synthetic chemical product, so as to be entitled to the benefits of the injunction imposed by the emergency tariff law.

Mr. SMOOT. Acetic anhydride is not made from calcium carbide.

Mr. KING. I did not say it was.

Mr. SMOOT. It can not be made in that way.

Mr. KING. I did not say it was made that way in the United States. I said, in effect, that if it were made from calcium carbide, then there might be merit in the contention made by my colleague, but to repeat, reading from the tariff summary, what the Senator from New Mexico read a moment ago:

Acetic anhydride, a colorless liquid with a strong acetic odor, is derived from acetic acid by the removal of water.

It is used in the manufacture of acetyl salicylic acid (aspirin) and cellulose acetate.

Acetic anhydride is made by treating anhydrous sodium acetate with phosphorous chloride or sulphur chloride.

The Dow Chemical Co. make it, and make it, as I understand, from a distillation of wood; but when we reach this item there may be further discussion upon this matter.

I was calling attention to the brief submitted by the Dow Chemical Co. of Michigan. The brief refers to the competition from Germany with respect to bromides, not acetic acid or acetic anhydride.

Referring to the suggestion of my colleague that we telephone the Treasury Department, I left the Chamber for a moment and had the Treasury Department called, and this message has just been handed to me:

The dye and chemical control section of the Treasury Department have never ruled on acetic anhydride. It has not been embargoed under the provision covering synthetic organic chemicals in the emergency tariff act.

So my colleague, or the Treasury Department, one or the other, is wrong.

Mr. SMOOT. I do not know how that question was put to the Treasury Department. I say that I can go to the Treasury Department and ask for a decision as to whether that is a synthetic chemical or not, and I know they will say it is a synthetic chemical. It may be true that no one has ever asked that it be ruled upon, but I say now that any chemical manufacturer knows that it is a synthetic process. Perhaps no request for a ruling has ever been made of the Treasury of the United States. That does not mean that it is not a synthetic chemical. That message says that a ruling has never been made, but anybody in the United States who makes it knows that it is a synthetic process and falls under the embargo.

Mr. KING. My distinguished colleague said in his answer to the Senator from New Mexico, and in his general discussion, as I understood him, that the Treasury Department had ruled upon it, and that the reason why there were no importations was because acetic anhydride was covered by the embargo.

Mr. SMOOT. This is the statement I made, that if they would ask the Treasury Department as to whether this was a synthetic chemical or not I am sure they would say that it is, and that the reason why there had been no importations of it into the United States was because of the embargo. I feel just as sure as I live that that is right. The Dow Co. of Michigan do not make any distillation of wood. They buy acetic acid and put in the other acid in order to make it into acetic anhydride. That very process makes it a synthetic product. It is not made from the distillation of wood, in the first place. It is made into acetic acid first, and from that it is made into acetic anhydride.

Mr. KING. My colleague stated that one reason why there were no importations was because acetic anhydride came within the terms of the embargo.

Mr. SMOOT. And I say so again.

Mr. KING. If that be correct, then doubtless there must have been some effort to import it and there must have been some ruling.

Mr. SMOOT. Not necessarily, because of the very fact that every manufacturer knows that it is a synthetic product. Why should they bring up a question upon which they know the ruling would be against them?

Mr. KING. There has been no ruling, as I am advised by the department. If there has been no ruling, of course, I can not say what the Treasury Department might do, and prophecy would be of no utility. It is dangerous to predict as to what appears to be matters of certitude. The law is supposed to be a fixed science, and yet we are unsafe in hazarding opinions as to what the decision of a court will be. I do not know what the decision of the Treasury Department will be if it has not already ruled, and the matter should be submitted for its determination. But I do say this, that if the Treasury Department should rule that acetic anhydride, which is or may be the product of wood distillation, was a synthetic organic chemical product which came within the terms of the emergency tariff act, in my humble opinion their decision would be wrong.

Of course, what my judgment may be upon the matter is wholly immaterial. I am not a chemist. It would be the height of vanity for me to stand here and claim that I know all about these chemical compounds. I do not. I have only a general and, indeed, limited knowledge. I have tried to study the schedule under consideration and to reach the sources of information bearing upon the various products. I seek only the truth and the facts to enable me to exercise an honest, intelligent, just, and righteous judgment upon these important questions. I have no interest other than that. I have no client to service. I have no one whom I wish to please. My own conscience and my own judgment are the only guide that I have or will have in the consideration of this schedule, or any question which comes before this body. I shall respect the opinion and judgment of others, and seek all possible light, but when action is to be taken I must act upon my own responsibility. I shall vote upon this and upon all schedules as I see the light and as I understand the truth.

Mr. SMOOT. Mr. President, does my colleague hold that camphor is a synthetically produced article?

Mr. KING. When we come to camphor I may discuss that question.

Mr. SMOOT. I only want to make a comparison. I do not think anyone will say that that has not been ruled by the Treasury Department as a synthetic chemical, and the embargo absolutely is against it and was against it, I will say to my colleague, when we were exporting hundreds of thousands of pounds of it. Now, synthetic camphor is made from what? It is made from the extract of turpentine coming from a tree. That turpentine is not a synthetic chemical any more than acetic acid is, but when it is made into camphor it is done by a synthetic process, and it is embargoed, just the same as acetic anhydride is made from the extract of a wood, first into acetic acid, and acetic acid is then made into acetic anhydride. That is a synthetic process and it is a synthetic chemical. One is from wood and the other is from turpentine.

Mr. KING. Mr. President, we have had the views of the senior Senator from Utah. I have expressed what I understand to be the attitude of the Treasury Department. I have with some temerity suggested that in my opinion it was never intended by the Senate that the emergency tariff law which we passed was going to operate to enable the Chemical Trust and the dye monopoly of the United States to inhibit the introduction into the United States of all these items which, as I understand my distinguished friend, are subject to the terms of the embargo.

I can only repeat that if the embargo act means what my able and distinguished colleague says it means, it emphasizes—I was about to say and I hope it is not unparliamentary—its damnable iniquity. Under the guise of helping the du Pont corporation and other corporations engaged in making dyes, we passed what all thought to be a "dye embargo act." Now we are to understand that it has been extended in its operations and has been interpreted or will be interpreted by the Treasury Department to inhibit the importation of camphor and all sorts of medicines and drugs and compounds, such as acetic acid and camphor and hundreds of others that will readily suggest themselves to the minds of Senators. My friend may be right. It may be so interpreted.

I can only repeat, and I want to emphasize it, that if it is so interpreted, then it proves how greatly the Senate was imposed upon, how the country was imposed upon, and it shows the necessity for scrutinizing every word and comma and paragraph in the pending bill. There may be jokers and dangers lurking in each paragraph. Mr. President, when this bill becomes a law the American people will be bound and gagged and dragged behind the chariot of corporations, and trusts, and combines, and dye monopolies which are trying to strangle competition and to plunder the American people.

We will find in the galleries now representatives of some of these trusts and combines and the dye monopoly. We will find them in the corridors. They will be found in the city waiting for the passage of this bill to prey upon the American people. We are going to drive them out if we can and expose the evils of this bill which is now before us.

Now, Mr. President, I am going to finish the Dow statement "if it takes all summer." The position was taken by my colleague that there were such enormous importations of acetic acid that it practically destroyed the industry in the United States. I was calling attention to the Dow Co.'s brief on page 21 of the hearings. There is not a word about competition in the manufacture of acetic anhydride; the competition relates to bromides; there was competition from Germany in bromide, not in acetic anhydride. I read from the brief:

The Dow Chemical Co. has been manufacturing bromine and bromides for 30 years, and chlorine and chlorine compounds for nearly 25 years. The plant started on a small scale and has increased its capacity from time to time.

I venture the assertion, if we had all the facts, that there has not been a single dollar of new capital put into the corporation for years, but the expansion has been the result of the profits which have been made. As to that I make no positive statement, nor am I complaining.

About the year 1905 the production of bromides in this country was in excess of the consumption.

They were able to compete with Germany and the production was greater than the consumption. Of course, they had to seek markets in the world, all of which shows that the American chemist and the American manufacturer and the American men of genius can meet most world competition. They do not have to play the baby act as some now are, who are crying and whining for embargoes and prohibitory tariffs so as to prevent any possible foreign competition in order that they may have control of the domestic market and be in a position to exploit the American people.

I continue reading from the Dow brief:

About the year 1905 the production of bromides in this country was in excess of the consumption and we made some shipments of bromides to England. This act incurred the displeasure of the German producers, who dispatched an agent to this country.

Then comes what my colleague referred to, and then follows this statement:

The Dow Co. continued exporting bromides, and some time after the visit of the German consignments of bromides were landed in New York and distributed at 15 cents per pound, the price in Germany being approximately 49 cents per pound and the import duty 25 per cent ad valorem. The price in the United States at that time was about 20 cents per pound. Many jobbers stocked up on the German bromides, the Germans selling all they could at 15 cents per pound, and then reducing to 14 cents, to 13 cents, and the lowest offer being at 11 cents. This extended over a period of about three and three-fourths years, and the Dow Co. in the meantime had entirely ceased selling bromides in the United States, but continued to sell moderate amounts abroad, and during the last year of that period sold more bromides in Germany than the Germans sold in the United States, and it netted to Dow Co. very much more than the American price.

So, as I said a moment ago, before these colloquies occurred it was like bread cast upon the water. They profited by the German invasion of the domestic market.

The only thing that prevented the Dow Co. from being eliminated from the bromide business was the high tariff, which handicapped the Germans to such an extent that they ultimately gave up the fight.

The Dow Co. increased in size and gradually took up the manufacture of other products, including various insecticides, chloroform, and carbon tetrachloride. A few years before the beginning of the war research and development work was started for producing magnesium compounds and a plant installed, which was nearing completion when the war broke out. We were thus able to produce Epsom salts and magnesium chloride in large quantities. A change was made in the design of the electrolytic cells producing chlorine, so that caustic soda was also made, and a large plant was built to furnish this product on a commercial basis.

I pass to acetic anhydride, which I read a few moments ago, and in which it was said that—

acetic anhydride is used in the manufacture of acetyl salicylic acid (aspirin); also in the manufacture of cellulose acetate, a noninflammable substance used in moving-picture films, and as a "dope" or varnish for airplane wings.

The present duty, as stated in the Dow brief, is 2½ cents a pound.

The Senator from New Mexico [Mr. JONES] called attention a few moments ago to the fact that in 1918, which was before the war, before the embargo act, when Germany was supposed to be omnipotent and regnant in the chemical field of the world, the production in the United States had assumed considerable proportions.

Mr. President, that is all I find in the hearings about acetic anhydride. I recall that the American Carbide and Carbon Trust, with its more than $250,000,000 capital, did not appear in the hearings at the outset, but later on, as I recall, they filed a statement by way of reply to the Dow brief from which I have been reading.

I was calling attention, Mr. President, to this Carbide Trust because, I respectfully submit, the facts will demonstrate before we get through with this debate that the Carbide Trust, directly or indirectly, is back of the demand for a tariff upon acetic anhydride and acetic acid and synthetic or other products that have been or may in the future be produced by this great organization and its subsidiary companies.

I referred a moment ago to paragraph 2 of this schedule. Undoubtedly it is the Carbide Trust that is back of the demand for a tariff upon the articles mentioned in paragraph 2. We shall discuss them when they are reached; permit me to call attention to the Carbide Trust for a moment, so that we may have a proper background and get the proper atmosphere.

The Union Carbide & Carbon Corporation has a large number of subsidiary corporations with interlocking directorates. One of its subsidiaries, the Union Carbide Co., was organized in 1898 with a capital of $14,000,000, all common shares with a par value of $100. The dividends which have been reported—

I do not know whether or not they comprise all the dividends—were: In 1905, 8 per cent cash; in 1906, 5½ per cent cash; in 1907, 6 per cent cash; in 1908, 6 per cent cash and a 40 per cent stock dividend; in 1909, 6 per cent cash; in 1910, 6 per cent cash; in 1911, 8 per cent cash; in 1912, 10 per cent cash; in 1913, 10 per cent cash and 12½ per cent in common stock of the Oxweld Acetylene Co.; in 1914, 10 per cent cash and a 40 per cent stock dividend; in 1915, 8 per cent cash; in 1916, 8 per cent cash and again a 40 per cent stock dividend—an 80 per cent stock dividend in the two years besides the enormous cash dividend—in 1917, 8 per cent cash; and in 1918, 8 per cent cash.

In 1912 the stockholders of record were given the right to subscribe at par to 10 per cent of their holdings, or $1,089,780. The capital stock by various processes which I shall not pause to discuss, was enormously increased.

In 1918 the Union Carbide Co. was absorbed by the Union Carbide & Carbon Corporation.

I have examined Moody's Manual and I also have here the Directory of Directors in the City of New York, 1919–20, which seems to be an accepted authority. Moody's Manual shows that in 1920—this information is from the industrial section of that manual—that the Union Carbide & Carbon Corporation and affiliated concerns had the enormous capital of which I have spoken. These are the officers of this great corporation and some of its subsidiaries: Myron T. Herrick, of Ohio, is chairman of the board and a director. He is also a director of the National Carbon Co., one of the subsidiaries. George O. Knapp is president and director, and also vice president of the Electro-Metallurgical Co.

Recurring to Mr. Herrick, he is also chairman of the board of directors of Bonbright & Co.; a director of the Cleveland Hardware Co.; vice president and director of the Degnon Contracting Co.; a director of the Degnon Realty & Terminal Improvement Co.; a director of the Erie Railroad Co.; a director of Herrick-Parmelee Co.; a director of the National Surety Co.; a director of the New York Life Insurance Co.; of the Society for Savings, Cleveland, he is president and trustee; and of the Union Carbide & Carbon Corporation he is chairman of the board of directors, as I have indicated.

Mr. Knapp—and I read from the Directory of Directors—George O. Knapp, 30 East Forty-second Street, Kings County Lighting Co., director; Lake George Real Estate Co., director; Memphis Consolidated Gas & Electric Co., director; Union Carbide Co., president and director.

Reading further from the Directory of Directors, Edgar F. Price, vice president and general manager of Union Carbide Co., 30 East Forty-second Street, New York; Electric Furnace Products Co. (Ltd.), president and director; Electro-Metallurgical Co., president and director; Michigan Northern Power Co., president and director; Northern Industrial Power Co., president and director; Northern Terminal Railways, president and director; Union Carbide Co. of Canada (Ltd.), president and director. He is likewise, as stated, vice president of the Union Carbide & Carbon Corporation and president and director of the National Carbon Co., director of the Prest-O-Lite Co. I think that comprises all of the information as to him which I have collated.

Mr. M. J. Carney, vice president of the Union Carbide & Carbon Corporation, 30 Forty-second Street, New York; Gamewell Fire Alarm & Telegraph Co., director; National Carbon Co. (Inc.), director; Oxweld Acetylene Co., president and director; Oxweld Railroad Service Co., president and director; Prest-O-Lite Co. (Inc.), president and director.

Nicholas F. Brady is director of the Union Carbide Co., and is also president and trustee of the New York Edison Co.; director of the Anaconda Copper Co.; director of the Argus Co.; director of the Astoria Light, Heat & Power Co.; director of the Atlantic & Gulf Petroleum Co.; director of the Broadway Subway & Home Borough Car Advertising Co.; president of the Brooklyn Edison Co. and chairman of the board of directors; director of the Brooklyn Heights Railroad Co.; director of the Brooklyn, Queens County & Suburban Railroad Co.; chairman of the board of directors of the Brooklyn Rapid Transit Co.; director of the Central New York Power Co. I will not read further. There must be 10 or 15 or more companies with which he is affiliated, found on page 83 of the Directory of Directors in the City of New York, 1919–20.

Cornelius K. G. Billings, 30 East Forty-second Street, New York City, director Kings County Lighting Co.; director of the Union Carbide & Carbon Corporation; director of the Union Carbide Co., which, of course, is one of the affiliated organizations or subordinates of the huge company which has absorbed so many other organizations.

I have here, Mr. President, the names of all directors of this corporation and its subsidiaries and the various other positions which they occupy in the financial and industrial world. In order not to show any invidious distinction I will put in the RECORD the names without giving all the positions which they occupy.

Mr. J. J. Ricks is vice president of the parent company, the Union Carbide & Carbon Corporation. He is also director of the subsidiary Union Carbide Co., which has been swallowed up; director of the National Carbon Co., the Electro-Metallurgical Co., vice president and director of the Michigan Northern Power Co.

Mr. Giles W. Mead is vice president and treasurer of the parent organization, and vice president and director of the Union Carbide Co.; vice president and director of the National Carbon Co.; vice president and director of the Linde Air Products Co.; director Prest-O-Lite Co.; director of the Electro-Metallurgical Co., and director of the Michigan Northern Power Co.

I will merely state the remainder of the names, without giving all of their associations:

Charles A. Coffin, New York; G. W. Davidson, New York; F. C. Walcot, New York; Walton Ferguson, New York; James Parmelee, Cleveland; James A. Allison, Indianapolis; Andrew Squire, Cleveland; E. S. Whitney, P. A. Rose, W. M. Beard, W. F. Barrett, B. O'Shea, F. A. Wilson, and W. J. Knapp.

The subsidiary companies that have been absorbed by this parent company are, as I recall them, Union Carbide Co., National Carbon Co., Electro-Metallurgical Co., Prest-O-Lite Co., Oxweld Acetylene Co., Linde Air Products Co., and Oxweld Railroad Service Corporation. All of those companies, I should state, the parent company does not wholly own; that is, it controls some of them, and it owns some; and it controls the Michigan Northern Power Co., the Union Carbide Co. of Canada (Ltd.), the Electric Furnace Products Co. (Ltd.), the Oxweld Railroad Service Co., the Haynes Stellite Co., and the Dominion Oxygen Co. (Ltd.).

So, Mr. President, this Union Carbide & Carbon Co., with its more than $230,000,000 of capital, and with its subsidiary organizations, in my opinion is not in a very advantageous position to appear here demanding these extortionate tariff rates; and yet it is directly and indirectly to be benefited by this bill, and directly and indirectly benefited by this enormous increase in the tariff rates fixed upon acetic acid, and in the end upon acetic anhydride.

Mr. President, I am willing at this time that a vote shall be taken upon the first amendment to the bill.

The VICE PRESIDENT. The first amendment has been agreed to.

Mr. KING. Very well.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 2, line 7, after the word "containing," it is proposed to insert the words "by weight."

Mr. KING. I do not ask for a record vote.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 2, line 8, after the words "acetic anhydride," to strike out "8" and insert "5," so as to read:

Acetic anhydride, 5 cents per pound.

Mr. GERRY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Broussard	Jones, Wash.	Oddie	Stanley
Calder	Kellogg	Overman	Sterling
Caraway	Keyes	Page	Townsend
Curtis	King	Phipps	Trammell
Fletcher	La Follette	Pittman	Underwood
Gerry	Lenroot	Poindexter	Wadsworth
Glass	Lodge	Robinson	Warren
Harris	McCumber	Sheppard	Watson, Ga.
Heflin	McNary	Simmons	Willis
Hitchcock	Moses	Smoot	
Jones, N. Mex.	Newberry	Spencer	

The VICE PRESIDENT. Forty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Ball	Gooding	Myers	Swanson
Bursum	Hale	Nicholson	Walsh, Mont.
Capper	Harreld	Norbeck	Watson, Ind.
Cummins	Harrison	Pomerene	
Dillingham	Kendrick	Ransdell	
Frelinghuysen	McKellar	Sutherland	

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

Mr. KING. Mr. President, I move to amend the amendment offered by the committee by striking out the figure "5" and inserting in lieu thereof the figures "2½," so that it will read:

Acetic anhydride, 2½ cents per pound.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 9, it is proposed to amend the committee amendment by striking out "5" and inserting "2½."

Mr. KING. Mr. President, just a few words.

This commodity is obtained from anhydrous sodium acetate, which is obtained from acetic acid. Acetic anhydride is used in the manufacture of aspirin, which, as Senators know, is a widely known medicinal preparation used for the treatment of colds, influenza, and pneumonia. It is also used in the manufacture of cellulose acetate, which during the war was employed for covering the wings of airplanes.

I know that Republican Senators are going to vote for the committee recommendations, and that any argument would be wholly unavailing; but I want them to know what they are voting for.

Acetic anhydride of 85 per cent strength was selling on the 10th of April at from 37 to 55 cents per pound. The pre-war price quoted was 15 cents per pound. The domestic trust has maintained these high prices, and during the war it imposed varying prices, reaching as high as $2 per pound, until the Government fixed the price at 85 cents a pound. From 13 to 15 cents prior to the war was the wholesale price, and now we have these enormous prices—37 to 55 cents a pound—for 85 per cent pure.

The tariff rates in the Senate bill are fixed at 5 cents per pound, 100 per cent more than the rates fixed in the infamous Payne-Aldrich Tariff Act—100 per cent more, with an industry established, with prices now 300 per cent or more above pre-war prices—and yet the Republican Finance Committee proposes to increase the tariff rates 100 per cent.

Mr. President, nothing more need be said. It is proposed by this bill that the people be turned over to be plundered by the chemical trusts and by other combinations which are oppressing and seek opportunity to continue their oppression of the American people.

I am ready for a vote.

Mr. McCUMBER. Mr. President, before voting I also desire to have not only the Republican side but the Democratic side understand exactly what the committee has done.

As the House sent the bill to the Senate it provided 8 cents per pound on this product. The Senate committee cut it from 8 cents to 5 cents per pound. The present price is about 37 cents per pound. Five cents, therefore, is the equivalent of a 14 per cent ad valorem duty, which I think we must all admit is a low duty.

The importation of this article was stopped by the dye control. The present wholesale price, as I have stated, is 37 cents. The duty will be 5 cents a pound, the equivalent of 14 per cent on the basis of 37 cents per pound.

Mr. KING. The Senator speaks of 8 cents as being the House rate. Of course, that was based upon the American valuation plan?

Mr. McCUMBER. No; this is a specific duty. Let us see what the importations were and what they are likely to be and see if 14 per cent ad valorem duty is an excessive duty. The production in the United States in 1919, the last year for which we have figures, was 1,213,200 pounds, valued at $578,600, or 48 cents per pound.

In 1910, with a 2½-cent per pound rate, which was the rate in the Underwood law, 1,200,000 pounds were imported. There was more imported than was produced in the entire United States in 1919. That was valued at $248,000, or 19 cents per pound.

In 1911, at a 2½-cent per pound rate, 1,200,000 pounds were imported, valued at $219,000, or 19 cents per pound.

So, Mr. President, we see that such importations of this commodity as came in under the old tariff law would undoubtedly drive everything out of the market at the present prices. It is true that the prices of all commodities are very much higher than they were in 1914, and therefore, in order to have a protective tariff, the rate must be somewhat higher than in 1914, but with the rate we have placed upon it, the equivalent of 14 per cent ad valorem, we thought that the American manufacturer will have about an even chance in the American market.

Mr. SMOOT. Mr. President, I want to say to the Senator from North Dakota that in 1914 and 1913, before the war, we manufactured none of this chemical in the United States. The industry was entirely built up by the war. The rate in the Payne-Aldrich law was 2½ cents a pound, and that was a revenue measure. The Underwood-Simmons law contained exactly the same rate. We did not make it in this country. In order to make it here, as a war product entirely, we would have to have a rate of at least 5 cents a pound.

Mr. FLETCHER. Mr. President, the statistics show that whereas the importations were 1,200,000 pounds in 1910 and in 1911, they declined to about 300,000 pounds in 1913, and during the war they were negligible. They actually declined in 1913 to 300,000 pounds, when the rate was 2½ cents a pound.

Mr. SMOOT. There was a reason for that. The decline in the consumption of acetic anhydride was due to the abandonment of the manufacture of cellulose acetate for photographic purposes during that year. That is why the importation fell off. There are no importations now, because there is an embargo against it. They do not allow it to come in.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

Mr. JONES of New Mexico. I desire to ask the Senator from North Dakota if he has any information as to the amount of the profit which is being made by the manufacturers of acetic anhydride at the price which he has quoted?

Mr. McCUMBER. Mr. President, I have no definite information, of course, as to what profit is being made. The only evidence we have before the committee at the present time is that they are making practically no profit under present conditions. This, as the Senator from Utah [Mr. SMOOT] has stated, is an industry that was created during the war. We had no manufactures of acetic anhydride until it was protected under the war legislation and afterwards under the embargo. Now, we are producing all we need for our home consumption, and, while I have not the figures right before me now, I think that we are paying about one-fifth of what we paid during the war for this commodity. There has been a great reduction in all these chemicals since the embargo was placed against the importation of them.

Mr. JONES of New Mexico. Mr. President, I am not going to consume any length of time, as we will vote in just a minute, I hope, but I want to make this observation: Acetic anhydride is used in the making of aspirin, a medicine which is known to everybody. It was not manufactured in this country prior to the war because it was a patented process. The patent expired, but it did not expire before the war, so that aspirin could be made in this country. Therefore we have no statistics at all as to the cost of the manufacture of aspirin now in this country or in any other country. There is not a word of evidence as to the cost of production. It may be a very cheap, simple process, for all I know. There is nothing in the way of evidence in this case on one side or the other. We have not even been furnished with the prices of aspirin in Germany, where it was made prior to the war under the patented process, so far as I am advised, and all in the world we have is the fact that aspirin is now kept out of this country by reason of the embargo act, and that the present price in the United States is 37½ cents per pound. We know nothing about the profit which is made, except the very general statement which the Senator from North Dakota has just made, that these companies, producing a variety of articles, are not making money; and we do not know where that statement comes from.

Mr. KING. Mr. President, with respect to this particular item, the only testimony in the record is found on page 21 of the hearings before the House Committee on Ways and Means. We find a brief submitted by the Dow Chemical Co., and there is in it just one paragraph relating to this particular product. There is not a single word in the brief to the effect that they are not making profits. So, when the Senator from North Dakota says the business is unprofitable, I submit there is not a thing in the record to justify that statement.

Mr. JONES of New Mexico. The testimony to which the junior Senator from Utah has just referred was taken in the House hearings, I believe. In the Senate hearings the words "acetic anhydride" were not mentioned in the testimony from one end of the record to the other. In the so-called Reynolds report as to prices, and so on, no prices were obtained as to acetic anhydride.

Mr. SMOOT. I will say while the Senator is present that there is nothing in the Reynolds report referring to any specific duty in the bill. It referred only to ad valorem duties. The only reason why those people did not come before the Senate committee was that the House gave them 8 cents a pound, and they were perfectly satisfied with that, but we cut it from 8 cents to 5.

Mr. JONES of New Mexico. That, I think, is a very flimsy reason for the action of the Senate committee. The House, without any evidence before it upon which to base a rate, raised the duty from 2½ cents to 8 cents, and when the bill came into the Senate Finance Committee, without taking any other testimony, they arbitrarily reduced it to 5 cents, I suppose just on the general principle that the House rate was too high. There is no rhyme or reason in connection with this action of the Senate Finance Committee.

Mr. KING. Mr. President, I ask to have inserted in the RECORD what I think is a complete refutation of the arguments in favor of the rate submitted by the committee, the report found in one of the Tariff Information Surveys issued by the Tariff Commission under the head of "Acetic anhydride." It comprises two and a fraction pages. There is a vast amount of information as to the entire subject in it, and I ask that it be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ACETIC ANHYDRIDE

[Paragraph 2, act of 1913, 2½ cents per pound.]

GENERAL INFORMATION.

Description and uses: Acetic anhydride, acetyl oxide, acetic oxide, or so-called "anhydrous acetic acid," is a chemical compound derived from acetic acid by the removal of water. It has the chemical formula ($(CH_3CO)_2O$). Acetic anhydride is a colorless liquid which has a strong acetic odor. It has a specific gravity of 1.08 and boils at about 138° C. The vapors of acetic anhydride have an irritating effect on the eyes which causes a copious flow of tears. Acetic anhydride is corrosive in its action on the skin and should be handled with care.

A good grade of acetic anhydride should be water-white, should contain no chlorides, should not destroy the color of permanganate, and should leave a nonweighable residue on evaporation. The commercial grade contains about 96 per cent of acetic anhydride, the remaining percentage being chiefly acetic acid.

Acetic anhydride combines with water to form acetic acid. This combination proceeds very slowly in the cold but is greatly hastened by warming. The vapors of acetic anhydride have a very destructive action on most of the metals.

It is used chiefly in the manufacture of acetyl salicylic acid (aspirin) and cellulose acetate. It also has minor uses in organic analysis and synthesis.

SALE OF SODIUM.

Raw materials: Acetic anhydride on an industrial scale is manufactured from an alkali acetate, usually sodium acetate, as the basic raw material. Phosphorous chloride or sulphur chloride are also used in the process of manufacture. (See report on sulphur chloride.) It is usually produced in conjunction with other chlorine products or by manufacturers of pharmaceutical chemicals such as acetyl salicylic acid (aspirin).

Process of manufacture: Acetic anhydride on a commercial scale is made by the action of sulphur chloride on fused sodium acetate. The sodium acetate as usually purchased on the market contains water of crystallization. The sodium acetate is, therefore, thoroughly dried, usually by fusing. The fused sodium acetate is then ground to a powder and subjected to the action of the phosphorous chloride or sulphur chloride in an iron retort. The sodium acetate is converted into acetic anhydride, which is then distilled out of the retort, usually under a vacuum. The crude acetic anhydride is then redistilled, usually in a glass-enameled still, the distillate coming over between the temperatures of 130° and 140°, being taken as acetic anhydride.

Phosphorous chloride is used in the above process instead of the sulphur chloride when a very pure product is desired. However, phosphorous chloride is a more expensive reagent than the sulphur chloride. There are many patents on the manufacture of acetic anhydride, but the above is the general method of manufacture in the United States.

Acetic anhydride is produced at Midland, Mich.; Charleston, W. Va.; Carteret, N. J.; and St. Louis, Mo. At St. Louis it is manufactured as the raw material for pharmaceutical chemicals, while at the other plants it is manufactured as one of several chlorine products.

History of the industry: Prior to the war the acetic anhydride used in this country was imported from Germany. It was then used for the manufacture of cellulose acetate for photographic purposes. The imports amounted to something over 1,000,000 pounds annually. During the fiscal year 1912 the imports of acetic anhydride dropped to one-fifth the amount imported prior to that year. The Journal of Industrial and Engineering Chemistry, 1913, page 311, contains the following comment on the situation:

"This sharp decline in the consumption of acetic anhydride is probably due to abandonment of the manufacture of cellulose acetate for photographic purposes."

Since the outbreak of the European war the imports of acetic anhydride have been practically negligible. At the same time there has been a new demand created for acetic anhydride, namely, for the manufacture of airplane "dopes." Acetic anhydride enters into the manufacture of airplane dopes in the manufacture of cellulose acetate, which is then dissolved in a suitable solvent, such as amylacetate, to form a varnish or "dope" for protecting airplane wings. This has resulted in the establishment of plants for the manufacture of acetic anhydride in this country. In addition with the expiration of the patents on the manufacture of "aspirin" other firms have entered the production of this article, which requires acetic anhydride as one of the raw materials. This has caused a corresponding increase in the demand for acetic anhydride.

Owing to these increased demands for acetic anhydride and the fact that manufacturers in this country were inexperienced in its manufacture, acetic anhydride has been quoted at price of $1.90 to $2 per pound. Since January, 1918, the price has declined, slightly due to the increased production and the effect of the Government fixing the price at 85 cents per pound for a product containing 85 per cent acetic anhydride.

Acetic anhydride—imports for consumption—revenue.

Fiscal years.	Rates of duty.	Quantities.	Values.	Duties collected.	Value per unit of quantity.	Actual and computed ad valorem rate.
		Pounds.				*Per cent.*
1910	2½ cents per pound.	1,296,309	$249,103	$32,363	$0.193	13.03
1911	do	1,170,485	218,676	[illegible]	.187	13.38
1912	do	254,977	44,069	6,374	.173	14.46
1913	do	[illegible]	51,622	7,741	.167	14.99
1914	do	150,892	[illegible]	3,772	.154	16.23
1915	do	3,[illegible]	1,019	91	.279	8.90
1916	do	18,177	10,013	454	.551	4.54
1917	do	[illegible]	7,485	[illegible]	.[illegible]	3.03
1918	do	13,112	16,433	328	1.253	1.99
1919	do	10,[illegible]	14,780	274	1.350	1.85
Calendar year:						
1918	do	15,[illegible]	27,801	491	1.405	1.78
1919	do	(1)				
1920[2]	do	(3)				

[1] Not listed. [2] Jan. 1 to July 1, 1920. [3] Listed, but no imports.

Prices of acetic anhydride,[1] wholesale spot, New York market.

[Metallurgical and Chemical Engineering.]

Month.	1916	1917	1918	1919	1920
January			$1.80-$1.90	$1.60-$1.85	$[illegible]-$[illegible]
February			1.35- 1.50	.90- 1.00	.80- .85
March			1.35- 1.50	.90- 1.00	.80- .85
April			1.35- 1.50	.65- .70	.65- .65
May			1.35- 1.50	.55- .60	.65- .75
June			1.50- 1.60	.55- .60	.65- .75
July			1.50- 1.60	.55- .60	.65- .75
August			1.60- 1.85	.55- .60	.65- .75
September		$1.90-$2.00	1.60- 1.85	.55- .60	.65- .75
October		1.90- 2.00	1.60- 1.85	.55- .60	.65- .75
November		1.90- 2.00	1.60- 1.85	.60- .65	.65- .75
December		1.90- 2.00	1.60- 1.85	.60- .65	.65- .75

[1] On Dec. 24, 1917, price of acetic anhydride (85 per cent) was fixed by the Government at 85 cents per pound, which was effective until Jan. 1, 1919.

Acetic anhydride—Rates of duty.

Act of— Year.	Act of— Par.	Tariff classification or description.	Rates of duty, specific and ad valorem.
1861	12	Acid, acetic, * * * exceeding the specific gravity of 1.047.[1]	10 cents per pound.
1890	1	Acetic * * * acid, * * * exceeding the specific gravity of 1.047.	4 cents per pound.
1894	1	Acetic * * * acid	20 per cent ad valorem.
1897	1	Acids: Acetic * * * acid, * * * exceeding the specific gravity of 1.047.	2 cents per pound.
1909	1	* * * : acetic anhydride	2½ cents per pound.
1913	2	Acetic anhydride	Do.

[1] Acetic anhydride has a specific gravity in excess of 1.047.

COURT AND TREASURY DECISIONS.

Acetic acid anhydride, while not chemically an acid, was held to come within the provision for acetic acid in the act of 1897. (Lueders v. United States, T. D. 26460, reversing G. A. 5051 (T. D. 23426); followed in G. A. 6101 (T. D. 26590); T. D. 26548.)

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee reducing the rate from 5 cents to 2½ cents.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll:

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "no."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. In his absence, being unable to obtain a transfer, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON], which I transfer to the Senator from Tennessee [Mr. SHIELDS], and vote "yea."

The roll call was concluded.

Mr. HARRIS. I have a pair with the junior Senator from New York [Mr. CALDER]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. PHIPPS. I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. McKELLAR (after having voted in the affirmative). I have a general pair with the senior Senator from Indiana [Mr. NEW]. In his absence, being unable to obtain a transfer, I withdraw my vote. If I were permitted to vote, I would vote "yea."

Mr. JONES of New Mexico (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. WATSON of Georgia (after having voted in the affirmative). Since I voted I have learned that the senior Senator from Tennessee [Mr. SHIELDS] has a general pair with the Senator from Maine [Mr. HALE]. Therefore I am compelled to withdraw my vote.

Mr. TRAMMELL. I have a pair with the senior Senator from Rhode Island [Mr. COLT]. Being unable to obtain a transfer, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. CARAWAY (after having voted in the affirmative). I have a general pair with the junior Senator from Illinois [Mr. McKINLEY]. He is absent and I am unable to obtain a transfer. I therefore withdraw my vote.

Mr. MYERS. Mr. President, has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN]. I am unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. ERELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. EDGE]. He is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Ashurst	Hitchcock	Pomerene	Walsh, Mass.
Fletcher	Jones, N. Mex.	Robinson	Walsh, Mont.
Gerry	King	Sheppard	Williams
Glass	La Follette	Simmons	
Harrison	Overman	Swanson	
Heflin	Pittman	Underwood	

NAYS—37.

Ball	Harreld	Nelson	Sterling
Broussard	Jones, Wash.	Newberry	Sutherland
Bursum	Kellogg	Nicholson	Townsend
Capper	Kendrick	Oddie	Wadsworth
Cummins	Keyes	Page	Warren
Curtis	Lenroot	Phipps	Watson, Ind.
Dillingham	Lodge	Poindexter	Willis
Frelinghuysen	McCumber	Rawson	
Gooding	McNary	Smoot	
Hale	Moses	Spencer	

NOT VOTING—38.

Borah	Edge	McKinley	Shields
Brandegee	Elkins	McLean	Shortridge
Calder	Ernst	Myers	Smith
Cameron	Fernald	New	Stanfield
Caraway	France	Norbeck	Stanley
Colt	Harris	Norris	Trammell
Crow	Johnson	Owen	Watson, Ga.
Culberson	Ladd	Pepper	Weller
Dial	McCormick	Ransdell	
du Pont	McKellar	Reed	

So Mr. KING's amendment to the committee amendment was rejected.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRIS (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the senior Senator from Indiana [Mr. NEW]. In his absence I withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I am unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement as to my pair, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WARREN (when his name was called). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WARREN. I have a pair with the junior Senator from North Carolina, which I transfer to the Senator from Maryland [Mr. WELLER], and vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as to my pair, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I was requested to announce the necessary absence of the Senator from Connecticut [Mr. McLEAN]. If present, he would vote "yea."

Mr. CARAWAY. I have a pair with the junior Senator from Illinois [Mr. McKINLEY]. I am unable to obtain a transfer, and therefore withhold my vote.

Mr. HARRISON. I have a pair with the junior Senator from West Virginia [Mr. ELKINS]. In his absence I withhold my vote.

Mr. JONES of New Mexico. I have a pair with the Senator from Maine [Mr. FERNALD], and withhold my vote.

Mr. ERELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. EDGE], who is paired with the Senator from Oklahoma [Mr. OWEN]. If my colleague were present he would vote "yea."

The result was announced—yeas 47, nays 2, as follows:

YEAS—47.

Ashurst	Hale	Nelson	Spencer
Ball	Heflin	Newberry	Sterling
Broussard	Jones, Wash.	Nicholson	Sutherland
Bursum	Kellogg	Oddie	Swanson
Capper	Kendrick	Page	Townsend
Cummins	Keyes	Phipps	Wadsworth
Curtis	La Follette	Poindexter	Walsh, Mass.
Dillingham	Lenroot	Pomerene	Walsh, Mont.
Fletcher	Lodge	Robinson	Warren
Frelinghuysen	McCumber	Sheppard	Watson, Ind.
Glass	McNary	Simmons	Willis
Gooding	Moses	Smoot	

NAYS—2.

King Williams

NOT VOTING—47.

Borah	Ernst	McKellar	Rawson
Brandegee	Fernald	McKinley	Reed
Calder	France	McLean	Shields
Cameron	Gerry	Myers	Shortridge
Caraway	Harreld	New	Smith
Colt	Harris	Norbeck	Stanfield
Crow	Harrison	Norris	Stanley
Culberson	Hitchcock	Overman	Trammell
Dial	Johnson	Owen	Underwood
du Pont	Jones, N. Mex.	Pepper	Watson, Ga.
Edge	Ladd	Pittman	Weller
Elkins	McCormick	Ransdell	

So the committee amendment was agreed to.

The next amendment was, on page 2, Schedule 1—Chemicals, oils, and paints, paragraph 1, line 9, before the word "cents," to strike out "2" and insert "1½," so as to read:

Boric acid, 1½ cents per pound.

RECESS TO 11 O'CLOCK TO-MORROW.

Mr. KING. Mr. President, I desire to ask the Senator from North Dakota if we might not now take a recess until the time which he suggested to-morrow? I understand that to-morrow it is the Senator's desire that the Senate shall meet at 11 o'clock.

Mr. McCUMBER. If the Senator from Utah will yield to me, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until to-morrow at 11 o'clock a. m.

Mr. JONES of New Mexico. Mr. President, I do not like to object to the Senate meeting at the hour of 11 o'clock; I am perfectly willing to go ahead in any reasonable way; but I think we are progressing in a very satisfactory manner. Some of us, at least, have to do a good deal of study of the pending measure outside of the hours that are taken up in the sessions of the Senate. So I object to fixing the hour of meeting at 11 o'clock. I am willing that the Senate shall meet at the hour of 12 o'clock.

The VICE PRESIDENT. There is objection to the request of the Senator from North Dakota.

Mr. McCUMBER. Then I move that when the Senate concludes its session to-day it take a recess until 11 o'clock to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota.

The motion was agreed to.

PETITION FOR PASSAGE OF SOLDIERS' BONUS ACT.

Mr. McCUMBER. Mr. President, it is desired that there shall be a short executive session, but before moving an executive session I ask unanimous consent to present the first page or leaf of a petition containing 1,072,000 names. This is a petition in favor of the passage of the soldiers' compensation bill. The entire petition containing 1,072,000 names is merely the first installment of the petition. The number of signers will probably swell to ten or fifteen millions before the signatures cease. I present the petition at this time and ask that it be referred to the Committee on Finance.

Mr. FLETCHER. Should not the body of the petition, without the names, be printed in the RECORD? The petition is not very long, is it?

Mr. McCUMBER. I assume that the body of the petition will be printed in the RECORD.

Mr. FLETCHER. I think it should be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

PETITION FOR SOLDIERS' BONUS AND SALES TAX.

We respectfully petition Congress to pass the soldiers' bonus act without further delay, and also to levy a sales tax to obtain the money to pay the bonus.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 208) extending the operation of the immigration act of May 19, 1921.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10720) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 40, 41, 42, 50, and 57 to the said bill; and that the House receded from its disagreement to the amendments of the Senate numbered 51 and 58, and concurred therein each with an amendment, in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 25 minutes p. m.), under the order previously entered, the Senate took a recess until to-morrow, Wednesday, May 3, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 2 (legislative day of April 20), 1922.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Ephraim Geoffrey Peyton, Infantry, from April 26, 1922.

Lieut. Col. William Lewis Reed, Infantry, from April 28, 1922.

To be lieutenant colonels.

Maj. Orlando Gray Palmer, Cavalry, from April 26, 1922.

Maj. Francis Augustus Ruggles, Field Artillery, from April 28, 1922.

To be majors.

Capt. Erwin Cobla West Davis, Field Artillery, from April 26, 1922.

Capt. Clarence Ralph Huebner, Infantry, from April 28, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

[illegible]

Capt. Howard J. Houghland, Infantry, with rank from June 15, 1917.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

Lieut. Col. Richard M. Cutts to be a colonel in the Marine Corps from the 2d day of May, 1922.

Capt. Harry G. Bartlett to be a major in the Marine Corps from the 4th day of June, 1920.

Second Lieut. Frank P. Snow to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

POSTMASTERS.

ALABAMA.

John S. Amos to be postmaster at Enterprise, Ala., in place of M. P. Henderson. Incumbent's commission expired January 24, 1922.

ARKANSAS.

Guy H. Langley to be postmaster at Menetta, Ark., in place of A. G. Blankenship, removed.

CALIFORNIA.

Edna J. Keeran to be postmaster at Princeton, Calif. Office became presidential October 1, 1920.

FLORIDA.

James L. Pagillo to be postmaster at Port Orange, Fla. Office became presidential April 1, 1921.

Boyd C. Foxworthy to be postmaster at Fort Myers, Fla., in place of C. T. Summerlin, resigned.

Herbert W. Fuller to be postmaster at New Smyrna, Fla., in place of G. W. Brown, resigned.

GEORGIA.

Forrest L. Dyar to be postmaster at Calhoun, Ga., in place of B. M. Harlan, resigned.

IDAHO.

Rose J. Hamncher to be postmaster at Spirit Lake, Idaho, in place of Anna McMahon, resigned.

ILLINOIS.

Louis Opp to be postmaster at Belleville, Ill., in place of P. H. Sopp. Incumbent's commission expired February 4, 1922.

Lillie M. Diver to be postmaster at Dallas City, Ill., in place of Claude Shaffner. Incumbent's commission expired August 17, 1921.

William W. Austin to be postmaster at Effingham, Ill., in place of D. L. Wright. Incumbent's commission expired February 4, 1922.

Henry P. Harris to be postmaster at Monticello, Ill., in place of C. E. Moffitt, resigned.

Warren E. Wright to be postmaster at Murrayville, Ill., in place of J. H. Fuller, resigned.

INDIANA.

Josiah J. Hostetler to be postmaster at Shipshewana, Ind. Office became presidential January 1, 1921.

KANSAS.

Ella J. Starr to be postmaster at Scott City, Kans., in place of E. H. Epperson. Incumbent's commission expired February 4, 1922.

KENTUCKY.

Clarence Neighbors to be postmaster at Bowling Green, Ky., in place of W. C. Morris, resigned.

LOUISIANA.

Mattie B. Peyton to be postmaster at Keatchie, La. Office became presidential April 1, 1921.

Cecilia Block to be postmaster at Sellers, La. Office became presidential April 1, 1921.

Leroy P. Fulmer to be postmaster at Homer, La., in place of Willie Harris, resigned.

MICHIGAN.

Herman A. Ehman to be postmaster at Beulah, Mich., in place of Ward Reynolds, declined.

Eugene E. Hubbard to be postmaster at Hudsonville, Mich., in place of G. M. Hubbard, resigned.

MISSISSIPPI.

Herbert O. Roberts to be postmaster at Holly Springs, Miss., in place of C. E. McAlexander. Incumbent's commission expired July 21, 1921.

NEBRASKA.

Bertha J. Widener to be postmaster at Kennard, Nebr. Office became presidential April 1, 1921.

NEW JERSEY.

Melvin H. Roberson to be postmaster at Annandale, N. J. Office became presidential January 1, 1921.

NEW MEXICO.

Morgan P. Harvey to be postmaster at Clayton, N. Mex., in place of S. S. Pace. Incumbent's commission expired January 24, 1922.

NEW YORK.

Susie E. Garrison to be postmaster at Wingdale, N. Y. Office became presidential July 1, 1920.

NORTH DAKOTA.

Nellie Ribb to be postmaster at Donnybrook, N. Dak., in place of Sophie Sherman. Incumbent's commission expired January 24, 1922.

OKLAHOMA.

Joseph G. Chappelear to be postmaster at Gotebo, Okla., in place of C. E. Howe, resigned.

Bert A. Hawley to be postmaster at Leedey, Okla., in place of G. M. Massingale. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Martin D. Hunter to be postmaster at Stony Creek Mills, Pa. Office became presidential January 1, 1922.

SOUTH CAROLINA.

Harry A. Rich to be postmaster at Blackville, S. C., in place of B. J. Hammet, deceased.

SOUTH DAKOTA.

Jessie Norton to be postmaster at Armour, S. Dak., in place of William Moore. Incumbent's commission expired January 31, 1922.

TEXAS.

William F. Hofmann to be postmaster at Carrollton, Tex. Office became presidential October 1, 1921.

Sidney B. Smith to be postmaster at Gorman, Tex., in place of E. E. Layton, resigned.

VIRGINIA.

W. Ingles Harnsberger to be postmaster at Grottoes, Va. Office became presidential July 1, 1920.

William E. Hudson to be postmaster at Monroe, Va. Office became presidential April 1, 1921.

William G. O'Brien to be postmaster at Tazewell, Va., in place of A. B. Buchanan, resigned.

WEST VIRGINIA.

Mary M. Brown to be postmaster at Albright, W. Va. Office became presidential January 1, 1921.

Daniel O. North to be postmaster at Coketon, W. Va. Office became presidential January 1, 1922.

Shirley H. Mitchell to be postmaster at Elizabeth, W. Va., in place of H. T. Baumgarner, resigned.

WISCONSIN.

Charles L. Bingham to be postmaster at College Camp, Wis. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2 (legislative day of April 20), 1922.

POSTMASTERS.

CALIFORNIA.

George A. Weishar, Hanford.

KANSAS.

Frank W. Coleman, Oskaloosa.
John Woolman, Simpson.
William Russell, West Mineral.

MINNESOTA.

Nels E. Hawkinson, Grove City.
Edward J. Bahe, Hancock.

OREGON.

John H. Farrar, Salem.

SOUTH DAKOTA.

Susan E. Endicott, Hill City.

TEXAS.

Claude P. Ellis, Spearman.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 2, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The testimonies of the Lord are true and righteousness altogether. Abundant art Thou in wisdom and wonderful in compassion! O become to us the first and the last; be our earth and the sun in our sky. Breathe upon us and may Thy touch stir our natures into the sweetest harmonies. May ideal truth, purity, and honor grow brighter and clearer to us. Direct our President and all associated with him in authority. Be pleased, dear Lord, to give us understanding that we may always perceive the truth and the way of duty. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MISSISSIPPI FLOOD SUFFERERS.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Joint resolution (H. J. Res. 310) making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

Resolved, etc., That a sum not to exceed $200,000, from funds heretofore appropriated for improvement of rivers and harbors and which remain in the Treasury unexpended because the works or projects for which the same were appropriated have been completed or have been recommended for abandonment, is hereby made available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers for the purpose of protecting life and property by preserving and maintaining during the present flood emergency the levees not under Government control on the Mississippi River, its tributaries and outlets.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like the gentleman to make some statement as to the necessity for this, as we have already appropriated $1,000,000 for that work.

Mr. MADDEN. Mr. Speaker, a few days ago the Committee on Appropriations was called on by the Secretary of War to authorize the immediate use of $1,000,000 by the Mississippi River Commission in protecting the levees along the river. Under the act creating the Mississippi River Commission the commission has jurisdiction over certain works only. It appears that the breaks along the levees of the Mississippi River have occasioned a serious situation along the Red River and the Atchafalaya and other streams in that section already at flood stage, and if the flood is permitted to continue without some measure of relief it is indicated that the destruction of thousands of acres of land already under cultivation with growing crops, with the possible destruction of all of the homes, and the probable loss of life of a great many people will result. The Chief of Engineers was before the Committee on Appropriations this morning and indicated that this $200,000 proposed in the pending resolution would undoubtedly meet the situation during the present emergency, and that unless it is granted in all likelihood, as I have already pointed out, there will be great suffering, tremendous loss of property, the destruction of crops that are already in and growing, and no one knows how far the trouble may go. It seemed to the committee, from the facts presented, that this is a case requiring immediate consideration on the part of Congress, and we come to the House because we believe the emergency is very great and because we realize that out of the money already advanced to the Mississippi River Commission no part can be used to meet the present emergency.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GRAHAM of Illinois. Apropos to that matter, my attention has been called to the matter of some districts in my congressional district, where the people have been fighting for weeks to keep the water out of their districts, and where by constant efforts and large expenditures of money they have been able thus far to save their levees and to keep the lands within the levees from being inundated. I am now informed, however, that it is stated to them by the Mississippi River Commission that no part of the million dollars which we have already appropriated is available to help them defray any part of this expense, the moneys which they have expended. This is in districts where the Government has jurisdiction and where the Government has charge of the levees. It does seem to me that the aid ought to be extended not only to districts which have been inundated but as well to districts that by expenditures of large sums of money have been able temporarily at least to save their property. I wondered if the chairman of the committee had that matter under consideration.

Mr. MADDEN. Yes. My understanding is that the $200,000 now proposed to be appropriated would cover such cases as my colleague indicates.

Mr. GRAHAM of Illinois. What is the million dollars to be used for? Is it not to be used in the protection of these districts?

Mr. MADDEN. It is to be used for flood control on the Mississippi River levees within the restrictions of the act granting authority to the Mississippi River Commission. Under that act they would have no right to grant relief, and this $200,000 now proposed is for work outside of the scope of that act.

Mr. GRAHAM of Illinois. Let me see if I have this correct. The original flood control act provided that the Government might aid in the building of levees for flood control, and appropriated or authorized the appropriation of a large sum of money extending over a series of years for the purpose of aiding in the building of levees. Can not the million dollars that we have provided be used in protecting those levees?

Mr. MADDEN. Only in cases where the people whose property may be affected contribute one-third of the cost, and this emergency is so great that they are not able to meet that situation, and this proposed appropriation covers the case to which my colleague now calls attention.

Mr. GRAHAM of Illinois. In the case to which I now call attention particularly, the one district in which about 25,000 acres are involved, the people have contributed and they are working with the Mississippi River Commission, and the Government has complete jurisdiction. Yet the commission holds, as I am informed by telegraph, that they can not spend any of that money in helping to protect that dike.

Mr. MADDEN. They can not spend any money anywhere except where contributions are made in compliance with the law, and it is because of the fact that they can not spend the money that we find the necessity for this additional appropriation.

Mr. GRAHAM of Illinois. I am in favor of this. I think this ought to be done and much more, knowing as I do, from word received from there, the extreme necessities of the case. No one can conceive the situation along the Mississippi River who has not some intimate personal knowledge of it. It is terrible down there, but I do think the money we have made available, not only the $200,000 proposed now to be appropriated but the $1,000,000 already appropriated, ought to be available to help those people fight that flood.

Mr. MADDEN. You would have to change the law creating the Mississippi River Commission.

Mr. GRAHAM of Illinois. This is only in case where the Government has authorized and the landowners have done their part which the law requires.

Mr. MADDEN. No; this money will be used along tributaries when the commission has no authority under the flood control act.

Mr. DENISON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. DENISON. I think, in answer to the question raised by my colleague [Mr. GRAHAM], the Mississippi River Commission has always construed the flood control act to limit the expenditures under that act to the construction of levees, for the enlargement of levees already constructed, and they have always construed that they have no authority to expend that appropriation for the work of protecting the levees. Now I would like to ask my colleague, the chairman of the committee, I did not understand where he stated awhile ago that this money was to be used?

Mr. MADDEN. Used on any tributary of the Mississippi River.

Mr. DUPRÉ. The Federal control act never went beyond the Mississippi River itself to its tributaries.

Mr. MADDEN. It includes a few miles in one of the rivers in Arkansas and six or eight of the Ohio.

Mr. DUPRÉ. It did not include the tributaries, and that is the point.

Mr. LAYTON. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. LAYTON. I have no doubt there is great devastation in the Mississippi River Valley, but the gentleman recognizes, I presume, the fact that measures of this character will sooner or later include all suffering of damages from floods, fires, pestilence, and famine of all sorts and description.

Mr. MADDEN. I do not think so.

Mr. LAYTON. Logically it must.

Mr. MADDEN. There is no part of this money to be used to feed any people. It is just for the protection of property and the saving of the situation with reference to the present overflow.

Mr. LAYTON. I beg the gentleman's pardon. I understood that part of this was to go for food.

Mr. MADDEN. No; not a cent.

Mr. WALSH. Mr. Speaker, I would like to ask the gentleman from Illinois if it is not a fact that this money will be expended largely to strengthen and reinforce levees heretofore constructed by private capital which are threatened and also to replace and restore levees heretofore constructed by private capital which have been swept away?

Mr. MADDEN. I think there is only one place where there is a break.

Mr. WALSH. By private capital I mean levee districts, or counties.

Mr. MADDEN. That is true.

Mr. WALSH. Now, then, if this money were expended in that way, of course it necessarily can only result in a temporary construction.

Mr. MADDEN. There would not be any construction. Here is what would happen: The water is up around the top of the levees, and in one case there has been a break. There, of course, the pressure has already taken place. The break can not be repaired, but a further widening can be prevented and the chances of further breaks lessened by piling sandbags on the crest of the levees and filling in the interstices with sand or soil and in that way reinforce and strengthen the existing levees. It is hoped that within a few days the waters will recede and it will be only a temporary situation, but it may be a very serious emergency if we do not meet the temporary situation.

Mr. WALSH. Yes; but whatever is done will be temporary?

Mr. MADDEN. It will be.

Mr. WALSH. Now, I have had the privilege of seeing a telegram sent by one Engineer officer which described the situation of a lot of these levees and states that they are of very flimsy construction, and also states that those people who have built the levees are not required to come under the specification established by the Government and are not expected to do so. Now, it seems to me that unless these levees on the tributaries are so constructed in accordance with Government specifications and requirements we are liable to have a recurrence of this situation the next time flood conditions prevail there.

Mr. MADDEN. There would not be any trouble now if there had not been a break in the levee on the Mississippi River.

Mr. WALSH. Trouble always follows an "if," usually follows an "if," and what I would like to know is, Why should not the Mississippi River Flood Commission be given jurisdiction over these levees upon the tributaries which are now so flimsily built that they will not be able to withstand the water pressure when we have a recurrence of flood conditions?

Mr. MADDEN. I hope they will be one of these days as the result of this emergency.

Mr. ASWELL. Will the gentleman yield?

Mr. WALSH. I would like to ask one further question, and then I will yield. Why did not the gentleman report making the million dollars already appropriated available for this instead of asking for $200,000 additional?

Mr. MADDEN. Well, I would say to the gentleman that I had no idea there would be any such emergency.

Mr. WALSH. I mean, instead of this resolution, why was not that made available for this purpose, instead of taking $200,000 of unexpended funds and diverting it to work upon levees over which the Government apparently has had no supervision or control heretofore?

Mr. MADDEN. I am frank to say that that would have been a solution if the amount were adequate.

Mr. DENISON. Under the law the Mississippi River Commission can not expend any of it——

Mr. WALSH. Sometimes Congress has the right to change a law. The Appropriations Committee could make the appropriation available for other purposes. The Appropriations Committee has supervision over appropriations.

Mr. DENISON. The Appropriations Committee intended to devote that $1,000,000 otherwise.

Mr. WALSH. I am glad the gentleman is so familiar with the intentions of the Appropriations Committee. The gentlemen from Illinois [Mr. MADDEN], the chairman of the committee, does not so state.

Mr. ASWELL. I merely wanted to state that the levees were built long before the flood-control act was enacted. Therefore the money that has been expended was by local taxation. That is the reason they were not built according to the specifications of the Board of Engineers.

Mr. MADDEN. Mr. Speaker, I think this is an unusual situation, and I think the recommendation of the Committee on Appropriations is rather unusual, but the emergency is so great that we really ought to do it.

Mr. WALSH. The emergency was great when we appropriated the $1,000,000. It makes that available for this purpose, and otherwise it would be returned to the Treasury. Does the gentleman have any information which leads him to believe that this will be ample to cope with this situation if we give him $200,000 more?

Mr. MADDEN. The Chief of Engineers says it must necessarily be more or less of a guess. They have made the best guess they could from the reports of the Engineer officers on the ground. They have had daily communication with those officers. They are already doing everything they can to prevent disaster,

and they say $200,000 will do the work. Of course, I can not tell.

Mr. WALSH. Does not the gentleman think it might be a wise precaution to amend this resolution by also making available from the $1,000,000 already appropriated such portion as the Chief of Engineers or the Mississippi River Flood Commission might deem necessary for this same work in addition to the $200,000?

Mr. MADDEN. I hope that will not be done, because I believe we ought not to go any further than this resolution provides.

Mr. WALSH. All right.

Mr. HICKS. Will the gentleman yield to a question for information?

Mr. MADDEN. I will.

Mr. HICKS. On what part of the river is it intended to spend this money?

Mr. MADDEN. It is intended to spend it on any tributary of the Mississippi River where the danger of overflow exists.

Mr. HICKS. Where the sandbags are put?

Mr. MADDEN. They are putting sandbags on the top of the levees where the water has reached a high stage and where it is likely to go over the top of the levee. They have sent 4,000,000 sandbags down to these places.

Mr. HICKS. All along the river?

Mr. MADDEN. Just where the flood has reached the crest of the levee, and this will prevent the danger and meet the situation, I believe. I certainly think it is very important, one of the most important things we could do, and I hope the House will consent to the consideration of the resolution.

The SPEAKER. Is there objection?

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. McLAUGHLIN of Michigan. Is this work that is to be done work that has heretofore been done by the Federal Government?

Mr. MADDEN. This work is to be done in cases where, as I have just said, the water has reached the top of the levee and threatens to break through.

Mr. McLAUGHLIN of Michigan. Is it at places where the Government has heretofore constructed levees and which is considered Government work?

Mr. MADDEN. That is considered Government work, in that an emergency exists which the Government only is in a position to cope with, the emergency being caused through a break in the levees which had been constructed by the Government.

Mr. McLAUGHLIN of Michigan. By the Government?

Mr. MADDEN. Yes.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. MADDEN. Mr. Speaker, I should like to ask unanimous consent to print a letter of the President, one from the Director of the Budget, and one from the Secretary of War, in connection with this resolution.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a letter from the President, a letter from the Director of the Budget, and a letter from the Secretary of War in connection with this subject. Is there objection?

Mr. WALSH. Reserving the right to object, are they about this emergency?

Mr. MADDEN. Yes.

Mr. WALSH. Will the gentleman from Louisiana also have printed that telegram which he showed me? Has he any objection to doing that?

Mr. ASWELL. I have no objection to it.

Mr. WALSH. In connection with the insertion of the gentleman from Illinois.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following are the letters and the telegram referred to:

THE WHITE HOUSE,
Washington, May 1, 1922.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: I have the honor to transmit herewith a letter from the Secretary of War addressed to you, requesting the passage of a joint resolution for the preservation and repair of levees not under the jurisdiction of the Mississippi River Commission.

This request has my approval, and prompt action thereon is recommended.

Respectfully, WARREN G. HARDING.

WAR DEPARTMENT,
Washington, May 1, 1922.

Hon. M. B. MADDEN,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR CONGRESSMAN: I must again present to you the flood situation on the Mississippi River. Since my letter to you of April 21 a break in the levees has occurred in the vicinity of Vidalia, La., and the overflow through this break is seriously aggravating the flood condition in the lower Red River and the Atchafalaya River. As a consequence large areas in the State of Louisiana are seriously menaced.

The appropriation of $1,000,000 made by a recent joint resolution of Congress for the protection and repair of levees, under the jurisdiction of the Mississippi River Commission, is limited by its express terms to those levees under the jurisdiction of that commission. The levees on the Red and Atchafalaya Rivers are not under the jurisdiction of the commission, and the funds appropriated are therefore not applicable to the work urgently necessary. From the information before the department it is clear that the local levee districts concerned can no longer furnish funds necessary to meet the situation. This action merely places the Government in the position of protecting the people of the threatened area against great disaster when local authorities are unable to continue the struggle. The General Government has rendered assistance to afflicted people of various sections of the country before now, and there are ample precedents for the action recommended.

I therefore most urgently recommend the passage of a joint resolution, a copy of which I inclose, which makes immediately available the sum of $200,000 for the work in question.

Sincerely yours, JOHN W. WEEKS,
Secretary of War.

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, May 1, 1922.

The PRESIDENT.

SIR: I have the honor to transmit herewith for your consideration two letters from the Secretary of War, one addressed to the chairman of the Committee on Appropriations, House of Representatives, and the other addressed to the chairman of the Committee on Appropriations, United States Senate, requesting the immediate passage of a joint resolution making available the sum of $200,000 for preserving and protecting the levees on the Red and Atchafalaya Rivers, which can not be cared for under the appropriation of $1,000,000 recently made by joint resolution, because of the limitation that that sum should be expended only upon levees under the jurisdiction of the Mississippi River Commission.

Approval of the request of the Secretary of War is recommended, and two letters for your signature are inclosed addressed also to the chairman of the Committee on Appropriations, House of Representatives, and chairman of the Committee on Appropriations, United States Senate, transmitting the letters of the Secretary of War.

Very respectfully, CHARLES G. DAWES,
Director of the Bureau of the Budget.

[Western Union telegram.]

ST. LOUIS, MO., *April 27, 1922.*

CHIEF OF ENGINEERS,
Washington, D. C.:

Jurisdiction is not a geographical term. The flood control act gives us certain limits within which we may assume jurisdiction, and it also provides for turning over jurisdiction of completed levees to levee boards. We do not have jurisdiction within the fixed limit until we assume it, and jurisdiction ceases within those limits when we complete a district and turn it over to the local officials for maintenance. Between Cairo and Rock Island there are many miles of levees which have never come under our jurisdiction, and some miles which have passed out of our jurisdiction finished and turned over to local boards. When we assume jurisdiction, we assume a certain degree of responsibility. Levee boards are never forced, only invited, to come under our jurisdiction. Some prefer to build their own flimsy levees at their own expense rather than adopt our methods and sections with Government aid. We know their levees will not stand a serious flood, and we hold they are beyond our jurisdiction and responsibility. Again, some districts will have several lines back to the hills paralleling creeks, and we assume no jurisdiction over that work. We are protecting from the Mississippi only, and our work would be complete if we built across the mouths of these creeks. They accept our aid to build against the Mississippi, and they do the work often with a flimsy section. These are and must be out of our jurisdiction. If all the levees within the geographical limits of the flood control act were under our jurisdiction, we would be responsible for a high-water fight to protect a man's home if he had thrown a bank around it, and we could never end our work and turn jurisdiction over to local interests, according to the expressed intent of the flood control act. We must not admit that we are responsible for all levees within the limits fixed by the act, and we can not admit it and carry out the terms of the act. Money is furnished us to protect our levees. It is not fair to us or to the people we are protecting to put it into protection of levees where we have had no say as to their construction, section, grade, or specifications. As I said yesterday, I believe it contrary to the terms of the appropriation and the most dangerous thing that can be done. I believe it is taking money belonging to one party and spending it to help another.

POTTS.

TRIP TO QUANTICO.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, every Member of the House has probably received in this morning's mail a communication with reference to a trip on Friday to Quantico, Va., the headquarters of the Marine Corps, and on behalf of the Naval Affairs Committee of the House, I desire to speak in reference to this trip. About a year ago a similar one was planned and consummated.

and some 250 Members availed themselves of the opportunity of going. The trip this year will be of a similar character. There will be opportunity to visit the flying field and take flights in aircraft. There will be a mimic battle staged, where trench warfare can be observed without danger of being wounded. Opportunity will be afforded to inspect the schools, the rifle range, and all the activities which make the corps the wonderful organization it is. The *Mayflower*, kindly placed at our disposal by President Harding, will leave on Friday morning from the navy yard here at 8 o'clock. She will leave Quantico on the return trip at 6 o'clock, arriving in Washington about 9 or 9.30. While there we will be the guests of the Marine Corps, and every Member of Congress will be entertained by the officers and the men and will have dinner and supper in the mess of the corps. Owing to the very limited accommodations on the *Mayflower*, it is impossible to extend this invitation to others than Members. The invitation can not be extended to the family of Members, much to the regret of the Marine Corps. It is earnestly hoped that all those who are interested in the Marine Corps and desire to see the splendid work being done there under the direction of General Butler and his staff and under the supervision of General Lejeune, commandant of the corps, will avail themselves of this opportunity and will be at the *Mayflower* at 8 o'clock Friday morning. The trip will not only be pleasant but interesting and instructive as well.

Mr. DYER. Will the gentleman yield?

Mr. HICKS. I yield.

Mr. DYER. Where will the House meet that day, at Quantico, or will we have a session here?

Mr. HICKS. The most influential section will be at Quantico.

Mr. DYER. Will the gentleman state to the House whether or not we will have a session on that day?

Mr. HICKS. I will have to refer that to the gentleman from Wyoming [Mr. MONDELL].

Mr. DYER. We can not leave without the consent of the gentleman from Wyoming.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments still in disagreement numbered 40, 41, 42, 50, 51, 57, and 58, had requested a further conference with the House, and had appointed Mr. McNARY, Mr. JONES of Washington, and Mr. OVERMAN as the conferees on the part of the Senate at the further conference.

The message also announced that the Senate had concurred in the amendment of the House to the bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 132) to provide for the continuation of certain Government publications, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOSES, Mr. CAPPER, and Mr. FLETCHER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2775. An act to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921.

The message also announced that the Senate had passed without amendment the joint resolution of the following title:

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2775. An act to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Banking and Currency.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

EXTENSION OF IMMIGRATION ACT—CONFERENCE REPORT.

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report on House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921.

The SPEAKER. The gentleman from Washington calls up the conference report on House Joint Resolution 268, which the Clerk will report.

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1924"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 2. That clause (7) of subdivision (a) of section 2 of such act of May 19, 1921, is amended to read as follows: '(7) aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands.'"

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. That such act of May 19, 1921, is amended by adding at the end thereof a new section to read as follows:

"'SEC. 6. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien not admissible under the terms of this act or regulations made thereunder, and if it appears to the satisfaction of the Secretary of Labor that any alien has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine. Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.'"

And the Senate agree to the same.

ALBERT JOHNSON,
WILLIAM N. VAILE,
JOHN E. RAKER,
Managers on the part of the House.

LEBARON B. COLT,
WM. P. DILLINGHAM,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, submit the following statement in explanation of the effect of the action agreed upon by the conferees and submitted in the accompanying conference report:

On amendment No. 1: The House extended the operation of the 3 per cent law until June 30, 1923. The Senate amendment further extended the operation of the 3 per cent law until June 30, 1924, "unless otherwise repealed." The House recedes with an amendment striking out the words "unless otherwise repealed."

On amendment No. 2: The 3 per cent law exempted from its operation aliens who have resided continuously for at least one year immediately preceding the time of their admission to the United States in countries of the Western Hemisphere and adjacent islands. The Senate amendment added to the House resolution a section amending this provision of the 3 per cent law so as to make the period of residence five years instead of one year. The House recedes with an amendment making clerical changes.

On amendment No. 3: This amendment adds to the joint resolution a section making it unlawful for any transportation company other than railway lines entering the United States from foreign contiguous territory to bring to the United States any alien in excess of the quota, and provided that for every alien so brought the company should pay a fine of $200 and in addition a sum equal to the passage money paid by the alien for his transportation from the initial point of departure to this country. The amendment as written permitted no discretion in the Secretary of Labor in the imposition of the fine. The House recedes with an amendment making clerical changes and also providing that the fine may be remitted or refunded if it appears to the satisfaction of the Secretary of Labor, the burden of proof being upon the steamship companies, that the inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, the transportation company or the owner, master, agent, or consignee of the vessel prior to the departure of the vessel from the last seaport in the foreign country.

ALBERT JOHNSON,
WILLIAM N. VAILE,
JOHN E. RAKER,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the report. I would like to get some information. I will reserve it if the gentleman from Washington desires to make a statement.

Mr. JOHNSON of Washington. Mr. Speaker, the three amendments made by the Senate to the resolution extending the 3 per cent restriction act are in turn amended by the House conferees, and the meaning of the amendments as amended is apparent. The first one changes the House proposition to make the extension of the 3 per cent act two years instead of one year; that is to say, the Senate makes it two years, for the reason that if the one-year extension only prevailed it might be possible that there would not be such control of immigration.

Mr. REED of West Virginia. Mr. Speaker, will the gentleman yield a moment in order that I might submit a unanimous-consent request?

The SPEAKER. Does the gentleman from Washington yield?

Mr. JOHNSON of Washington. Certainly; I yield.

Mr. REED of West Virginia. I ask unanimous consent, Mr. Speaker, that the usual permission be extended, for this week only, to the Committee on the District of Columbia to hold sessions during the sessions of Congress.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the Committee on the District of Columbia may sit during the sessions of the House for this week. Is there objection?

Mr. NEWTON of Minnesota. Reserving the right to object, is it the intention of the gentleman to hold hearings on the extension of the Hall Rent Act?

Mr. REED of West Virginia. Yes. A great many landlords and tenants desire to be heard, and otherwise the committee can not hear them as expeditiously as we would like.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. The first amendment extends the time for the operation of the 3 per cent resolution for an additional year over that proposed by the House.

The second amendment takes care of admissions through contiguous territory and makes the period of required residence in Mexico, Cuba, and Canada five years instead of one; and the third amendment is the amendment offered by the Senate placing a penalty on the steamship companies for violation of the quota law. That amendment is added, as offered by the Senate, as section 3 to the resolution, whereas in the opinion of the conferees it should have been an amendment to the section attached to the original act of last year. The Senate amendment provided that if it should appear to the satisfaction of the Secretary of Labor that any alien otherwise inadmissible had been brought to the United States under this act the transportation company, other than the railroad or the owner, master, agent, or consignee of the vessel, should pay to the collector a fine of $200, and in addition the transportation of the alien so brought and found to be inadmissible on account of the quota act.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. In a moment.

When that was adopted in the other body it was thought that there would be adopted a permit system by which the alien would only start to the United States with a permit. The permit provision, however, was not offered or adopted, and hence it left this resolution reading so that arbitrarily, willy-nilly, for every alien brought in excess of the quota there should be this fine attached without leeway or modification of any kind, and without following the penalty provisions of the old immigration act which still prevails. Therefore the conferees have made certain changes, but have undertaken to follow the words of the Senate amendment, to the effect that such fine may not be remitted or refunded—I quote the new words—"unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to him, and that it could not have been ascertained by the exercise of reasonable diligence" by the person, or the transportation company, or the owner, master, agent, or consignee of the vessel prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States; that is to say, it was not considered by the managers desirable to enact an extension of a 3 per cent act and carry with it an amendment to the act itself that would go into effect immediately upon the extension resolution becoming a law with provisions quite so drastic.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WHITE of Maine. I think it is quite clear what the gentleman purposes to do, but you say here it shall be unlawful for any person, including any transportation company other than railway lines, to bring to the United States any alien not admissible under the terms of this act. You do not say "bring to the United States for entry into the United States," but "bring to the United States any alien." That language by itself, it seems to me, is broad enough to prohibit, for instance, an American ship sailing from a foreign port to a port of the United States to have among its crew a foreigner not admissible under this act to the United States, or it would prohibit a British ship or any foreign ship from coming to this coast with a member of its crew not admissible under the terms of this act.

Mr. JOHNSON of Washington. No. It is perfectly clear. It is under the terms of this act, meaning the quota restriction act. That act has been in effect a year, and instead of that act applying the quota percentage restriction to alien seamen here as seamen, the seamen's act has prevailed all the time with respect to the foreigners among the crews of all the ships that come to our ports. Persons arriving as seamen have their full rights under the La Follette Act and can leave the ship, even those classed among the inadmissibles, including Chinese.

Mr. WHITE of Maine. But it is prohibited to bring in any aliens. That is broad enough of itself to prevent an alien, being a member of the crew, from coming to this coast.

Mr. JOHNSON of Washington. Does the gentleman want to fill up this country with Lascars and Chinese by the sailor route?

Mr. WHITE of Maine. I was not finding any fault. I was asking whether it would prevent that.

Mr. JOHNSON of Washington. I think not. We have followed literally the language of section 9 of the immigration act of 1917.

Mr. RAKER. Mr. Speaker, are we still on the point of order?

Mr. JOHNSON of Washington. The point of order has been reserved but not made.

Mr. RAKER. When the gentleman gets through with the point of order I should like to have about 20 minutes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to my colleague from Illinois.

Mr. CHINDBLOM. What is the amount of the fine to be paid by a transportation company bringing an inadmissible alien into the United States?

Mr. JOHNSON of Washington. Two hundred dollars, under the present law.

Mr. CHINDBLOM. Is it not $200 and an additional sum equaling the amount of passage paid by the alien?

Mr. JOHNSON of Washington. Yes; under certain circumstances.

Mr. CHINDBLOM. All right. If that is so, how are you going to enforce the provision in the last part of the proposed new section reading as follows:

Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to and could not have been ascertained by the exercise of reasonable diligence by such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.

Does that mean that the $200 may be remitted to the transportation company and also that the amount collected from the alien on account of his passage may be returned to the transportation company?

Mr. JOHNSON of Washington. I will explain. That follows the plan, method, and words of the present law. All persons denied admission under the old law do not receive the return passage, but only in cases when the steamship company might have known that the person was inadmissible—that is, insane or afflicted with this or that disease, or unable to read, or for any of the nonadmissible classes—in which case, under the old law, the alien is returned and the passage money is returned. It will operate the same under this, which applies to the quota law.

Mr. CHINDBLOM. This amendment is intended to cover people brought over in excess of the quota.

Mr. JOHNSON of Washington. Yes. Hereafter when the steamship companies have brought them over with the knowledge that the quota was exhausted the fine will lie and the refund will take place. Where they are brought over without that knowledge—and there is sometimes excuse for that under the 3 per cent act itself, where there are certain exceptions which can not be ascertained until they arrive at this port—the fine will not lie.

Mr. CHINDBLOM. And the alien will not get the money?

Mr. JOHNSON of Washington. The gentleman is correct.

Mr. CHINDBLOM. I think it ought to be made clear that the fine includes not only the $200 but the return of the passage money.

Mr. JOHNSON of Washington. I think there will be little difficulty. Of course, we do not care to encourage aliens throughout the world to make the attempt to get into the United States in excess of the quota with the knowledge that if they fail to gain admission in each and every case the steamship company must make them whole. Neither do we desire to permit the steamship companies to be continually making the experiment at the expense of the alien. Now, I will ask if the amendments have been explained sufficiently to the gentleman from Massachusetts [Mr. WALSH]?

Mr. WALSH. Of course, the resolution as it passed the House or Senate is not available, and I should like to ask the gentleman from Washington if the other sections of this resolution also amended the act of 1921.

Mr. JOHNSON of Washington. The act of May 19, 1921. As this joint resolution passed the House it simply provided—

That the operation of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, is extended to and including June 30, 1923.

Mr. WALSH. Now, the Senate amendment and the House resolution did not amend section 3 of the act of 1921.

Mr. JOHNSON of Washington. The Senate amendment undertook to amend the act by offering section 3 to the resolution.

Mr. WALSH. Yes.

Mr. JOHNSON of Washington. Whereas the intention was to offer the matter appearing in Senate section 3 as section 6 of the law.

Mr. WALSH. The Senate amendment was section 3 of the joint resolution. It did not attempt to amend any provision of the act of 1921.

Mr. JOHNSON of Washington. It was intended, however, to do that very thing.

Mr. VAILE. That was its effect?

Mr. JOHNSON of Washington. That was its effect.

Mr. WALSH. It might have been its effect and it might have been entirely otherwise. As I understand now, the only matter added is the last sentence in the conference report.

Mr. JOHNSON of Washington. Practically.

Mr. WALSH. Providing that such fine shall not be remitted or refunded unless it appears, and so forth.

Mr. JOHNSON of Washington. Beginning at the word "unless" is the new matter. In addition there is a slight verbal change about the middle of the amendment.

Mr. VAILE. After the word "act," about the fifth line down.

Mr. WALSH. That was not in the Senate amendment, was it?

Mr. JOHNSON of Washington. Yes; it was. Let me read the Senate amendment to the gentleman. The Senate amendment was labeled section 3, and read as follows:

SEC. 3. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States, either from a foreign country or any insular possession of the United States, any alien not admissible by virtue of the terms of this act, or otherwise in violation of any rule or regulation not inconsistent with this act, prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, and if it shall appear to the satisfaction of the Secretary of Labor that any alien, not admissible because of the terms of this act, has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, and such fine shall not be remitted or refunded—

And so forth.

That is the Senate amendment.

Mr. WALSH. As printed in the RECORD the final clause of the Senate amendment reads—

Provided, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

Mr. JOHNSON of Washington. That is here. I did not read that part of it. That is in the amendment.

Mr. WALSH. So that the new part is the last sentence of this amendment printed in italics in the report?

Mr. JOHNSON of Washington. Yes.

Mr. VAILE. That is correct.

Mr. WALSH. But making it amend section 6 of the immigration act.

Mr. JOHNSON of Washington. There is no section 6 of the present act. The Senate amendment was labeled section 3 of the resolution, whereas it is intended to be a new section of the act of May 19, 1919.

Mr. WALSH. Mr. Speaker, Joint Resolution 268 was an extension of the operation of the immigration act of May 19, 1921. It went to the Senate and the Senate put on three amendments. They amended it by making the time two years, and then included a class to which it was applicable by amending section 2 of the act of May 19, 1921. Then the Senate put on a further amendment, section 3 of the resolution, which did not in any way amend the act of May 19, 1921. It was just section 3 of the resolution.

The SPEAKER. Does the gentleman mean that it did not practically, or did not in verbiage, or both?

Mr. WALSH. I mean in verbiage and in effect, because the operation of the act of May 19, 1921, was extended one year. The Senate put on an amendment which from its reading was to be permanent law, the verbiage of which did not refer to that act and did not necessarily affect the operation of the act.

Mr. JOHNSON of Washington. The Senate amendment section 3 says:

Any alien not admissible by virtue of the terms of this act—

Meaning the act which it is proposed to extend, the act of May 19, 1921.

Mr. WALSH. No; that would mean by virtue of this act, which is the Joint Resolution No. 268. It seems to me, Mr. Speaker, that the conferees have injected new matter by proposing this as an amendment to the act by adding a new section to the act of May 19, 1921.

The SPEAKER. It seems to the Chair that the question is whether section 6 is really germane to the Senate amendment,

and the Chair will have to examine the Senate amendment. The Chair will hear the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Speaker, I yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, there are three amendments. To the first there is no question. The third amendment is adding section 3 of this resolution as a new section to the act of May 19, 1921. The amendment of the Senate says that the fine shall not be remitted or refunded. That is the last part of the Senate amendment. That provided a positive and direct inhibition against the Secretary of Labor refunding any of the fines. Now, the provision that the conferees agreed to is as follows:

Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.

There can be no remitting of the fine. There shall be no remission of the fine except in incidental cases, where the Secretary of Labor, after full hearing, claims that the steamship company had no knowledge or information of the inadmissibility of the aliens. So it is not extending the provisions of the Senate amendment, but it is a simple reduction by allowing a slight discretion in the Secretary of Labor to dispense with the fine if the facts come within the provisions of the law. So we feel that we come clearly within the jurisdiction of the conferees in passing on the Senate amendment.

The SPEAKER. The Chair overrules the point of order.

Mr. JOHNSON of Washington. Mr. Speaker, I yield 10 minutes to the gentleman from California.

Mr. RAKER. Mr. Speaker and gentlemen of the House, the second amendment agreed upon by the conferees is what the entire committee of the House, since the bill was passed and since we observed the workings, stood for, and they are glad the Senate placed it on the bill. It becomes effective the moment the bill is signed by the President and will prevent a great many people who are not otherwise admissible coming from Canada, Mexico, and Cuba, who have been colonizing for the last six months for the purpose of coming into the United States under paragraph 7 of subdivision a of section 2 of the original act. It requires a five years' residence immediately preceding the entry. It is wholesome and will exclude a great number of undesirable and improper people who ought not to come to the United States. The third amendment provided a penalty clause. I have been urging this provision, in substance, for the past year. It should have been in the original 3 per cent act. Under the present immigration law there is a mandatory provision against a steamship company that brings people to the United States trying to land those who are inflicted with certain contagious diseases. The Secretary of Labor, when he finds they are thus affected, fines the steamship company $200 and also the amount of passage. Under another provision of the general immigration law the Secretary has some discretion. This provision here would have stopped the rush that occurred last June when something over 11,000 inadmissible aliens were brought to the United States by the steamship companies, and on the ground of humanity and the difficulty in sending them back they were temporarily admitted and taken out of the quota for the following months, which were eventually taken out of the year's quota. But notwithstanding they were warned and after the discussion by the House and the Senate and the public as to what the Secretary of Labor and his assistants would do, there is now admitted to the United States, which the steamship companies can not help knowing, some 2,500 immigrants that the company has been fined for and their passage money returned and the immigrants sent back at the expense of the company.

They are trying to get in on the ground that they came to America, and that therefore we should leave them here. This bill will fine the steamship companies $200 for each inadmissible immigrant brought here and will in addition compel the steamship company to return to the immigrant his passage money paid for coming over here, and in addition the steamship company will have to return the immigrant to his home at the company's own cost and expense. There is one slight exception, and possibly it can do no hurt and it may do good. After the steamship has left, say, Antwerp and has landed at Havre or Southampton, before she has embarked again under her final journey to the United States, if she finds that she has on board inadmissible aliens she must return them to the country whence they came or be fined $200, together with the other penalties imposed; but if the steamship leaves the last foreign port of embarkation and the agent, the owner, or the master has made due and diligent inquiry and reasonably ascertained that the quota has not been exhausted, and that they are carrying no inadmissible aliens, then when the steamship lines reach the port of Boston or New York or Philadelphia, San Francisco, or some other port and it turns out that the alien is inadmissible by reason of the quota having been exhausted, and after examination by the Secretary of Labor he finds as a fact beyond reasonable doubt that the steamship company, agent, owners, or otherwise had no knowledge of the inadmissibility of the aliens before they—the vessel—left the last foreign port, in that event the Secretary of Labor may remit the fine but still compel the company to refund the passage money and return the alien to the foreign country at the steamship's own cost and expense. The last proviso applies to the $200 fine only. The department will have no discretion as to the passage or ticket and the cost of returning. The steamship companies will in all cases have to bear this when they present an inadmissible alien under this act or this amendment. This will give the steamship companies warning that they are no longer to race across the ocean, as they have been doing since last May, for the purpose of seeing who can put his nose to the wharf the quickest and thereby land his human cargo in order to make money, irrespective of what becomes of the alien. The steamship company will be fined $200 for each inadmissible alien brought here and will be required to pay back to the alien the money that he spent for his passage and take him back clear to the point whence he started without charge. There is the one exception, and thus they must show want of knowledge. That will be a sufficient lesson and a sufficient law whereby there will be no more racing on the ocean for the purpose of entering under the wire first to land immigrants into the United States. I believe this law will work in a humane way, and will give proper notice to these steamship companies. [Applause.]

(By unanimous consent leave was granted to Mr. RAKER to extend his remarks in the RECORD.)

Mr. JOHNSON of Washington. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, of course this is emergency legislation. We heard that emphatically expressed here when we passed the original 3 per cent quota law. We anticipated that before the law would be in effect a year's time we would have before us for consideration further permanent immigration legislation, if needed. Despite the fact that there has been a tremendous drop in immigration, we find that the Commissioner of Immigration at Ellis Island, when his attention is directed to the fact that functioning at Ellis Island is rather slow, replies as follows:

I bring to your attention that owing to the small appropriation furnished by Congress for the enforcement of the law at this port, enforced furloughs have resulted, the personnel has been reduced one-quarter and the station is barely able to function along any lines with any degree of efficiency.

Writing to another Member of the House, he says:

You are probably aware that the enforced furloughs in the employees of this station, which have reduced the personnel one-quarter, have made it absolutely impossible to dispose of cases of detained aliens as speedily as before the reduction of the force. In fairness to all concerned the various ships are being handled in the order of their arrival as far as possible.

Mr. Speaker, regardless of whether we believe in a 3 per cent quota law or not, it is about time that Congress made a sufficient appropriation to handle the work at Ellis Island properly and efficiently. I do not think it is very fair to take these employees who have been in the Government service for as high as 20 years and furlough them for one month or two months without pay. These men are entitled to better consideration at our hands. They are compelled very often to work seven days a week, and yet on account of the lack of appropriation they are laid off—some for one month and some for two months—without pay. There is very little immigration coming into this country, and yet the force has been so reduced at Ellis Island that some immigrants arriving here are compelled to wait for a week aboard ship in order to be examined.

I hold in my hand a speech delivered by the chairman of the Committee on Immigration of the United States Senate, and he calls particular attention to the fact—

that the immigration from northern and western Europe is of a permanent character, while the immigration from southern and eastern Europe is of a temporary character; and, second, that the immigration movement from southern and eastern Europe is offset by the departures, or home-returning movement, of this group of aliens.

He further says:

Instead of conditions following the Great War producing, as many predicted, an increasing flow of immigration from these countries, these conditions have tended to check immigration.

There is no legitimate, logical reason for extending this 3 per cent law, with all of its inhumanities and barbarities, which

have been so often brought home to the attention of Congress. We all know that under the 3 per cent quota law no student can come to the United States when the quota of his country is reached, but we also know that the number of students who can come in from Japan and China under this law is unlimited, because the 3 per cent quota law does not apply to Japan under any conditions.

There is no reason, if this 3 per cent quota law is to be amended, why provision should not have been made for students to come into this country, and in that way help to build up our commercial trade and international relations. No discretion of any kind is given to the Secretary of Labor in the cases where the visés were granted a long time ago, and despite the fact that we made $5,000,000 profits on immigration visés and head taxes last year, the conditions to which I have repeatedly called the attention of the House on this floor are allowed to continue.

I read the article which the Secretary of Labor has seen fit to insert in the Review of Reviews for the month of May. He discusses the 3 per cent quota law, and he is compelled to admit that he finds a number of cases where he is unable to do even-handed justice. I heard the gentleman from California [Mr RAKER] a few moments ago talk about the steamship companies. What concerns me more is the treatment of the alien on board the ship, what effect his arrival is going to have so far as this country is concerned, and the treatment afforded to him when he does arrive. There is no reason that I know of why these steamship companies should not be required in each and every case to return the arriving immigrant to the other side if he is not admissable here, if he has once received a visé.

These steamship companies make a profit on the transportation of the immigrant. They are familiar with the law. They know before he boards the ship as to whether he can possibly be admitted, with the exception of the quota law. Now, as far as the quota law is concerned, it is practically a physical impossibility for any steamship company or any alien to know whether he can or can not be admitted, because the aliens are coming via Canada, via Mexico, coming from all over the world by rail or other steamship lines. This law is not based on residence, but on country of nativity.

Mr. VAILE. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. VAILE. If it is impossible for either the steamship company or the alien to know whether the quota has been exhausted, would the gentleman have the steamship company be required to pay back the cost of the transportation in those cases where the steamship company is blameless?

Mr. SIEGEL. The steamship company is in a better position to know than the alien is.

Mr. VAILE. But the gentleman has stated that the steamship company might not know.

Mr. SIEGEL. It might not know; that is true.

Mr. VAILE. Should it be required to pay back the money?

Mr. SIEGEL. They are in this position: They are making a profit on these immigrants and there is no fair reason why the immigrant should be returned at the expense of the Government and his transportation money returned to him

Mr. VAILE. He is returned at the expense of the steamship company now, and will be under this legislation. What the gentleman referred to is the matter of refunding the passage money paid for coming.

Mr. SIEGEL. I am referring to the refund also. I am not looking to the question of a steamship profit or lack of profit. I am looking to a fair deal to the immigrant who has disposed of his all to come here. If the gentleman had been at Ellis Island during the past two weeks, he would have seen this type of case where a mother was sent back Saturday a week ago. She was born in Russia. Her orphan grandchild was born in Poland. The son has been in the service, but the child having been born in Poland, both were ordered returned and both were sent back. Now, the steamship company should have known that both of those could not possibly be admitted under our decisions here.

Mr. VAILE. And in that case, under the terms of this legislation, the money would be refunded if they had been known to have exercised reasonable diligence.

Mr. SIEGEL. The contention will be under this provision, and I am not opposing the provision as it is because I am not here defending the steamship company of any kind or description. Now, the mother of this soldier boy is admissible, but the grandchild is not admissible. But I am trying to point out that we have not alleviated the grievances created by this quota law or relieved it of the suffering caused by its enactment.

We still make the question of admission not a matter of residence but a matter of nativity. Now, take the Brest-Litovsk cases which have arisen during the past year. The department should not make a report which rules one time one way and another time another way. When in grave doubt, the visés having been issued by our consuls and the fees of $10 in each case collected, the immigrants should properly be given the benefit of the doubt. The United States District Court of New York has ruled that when a minister is in this country he has a right to send for his wife and minor children, regardless of the quota law.

Has the department followed that decision? No; it declines to do so. I feel, Mr. Speaker, that decisions of our courts should be respected until reversed by a higher court.

Mr. Speaker, the few Members on the floor of this House have heard this immigration debate now for the third time inside of one year. Has not the time arrived when we should very calmly, considerately consider what the immigration now coming to this country consists of, namely, women and children who are either joining parents or going to the father and husband? Annually during the past few years on or about May 1 various articles appear in the newspapers to the effect that recent immigrants are about to commit outrages on the 1st day of May. The usual announcements were made this year. May 1 passed away quietly and peacefully. Let us once more return to normal thinking and judge men and women, whether native or foreign born, by their real worth, character, and reputation. Let us give credit where it is due. Let us eliminate any idea which is being spread far and wide throughout the United States which tends in any way to create dissensions amongst our people on account of race, creed, color, or religion. These United States have been made greater and bigger through the efforts of all the peoples of the earth who have come here. Let us teach the immigrant what America stands for and what real, true American citizenship requires. Then if we are to have a new immigration law, let us base one on justice to ourselves and to those who may desire to come, not forgetting our traditions of old.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced the ayes appeared to have it.

On a division (demanded by Mr. LONDON) there were—ayes 62, noes 9.

Mr. LONDON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. There is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—ayes 258, nays 26, not voting 146, as follows:

AYES—258.

Ackerman	Cole, Ohio	Gernerd	Lampert
Almon	Collier	Goldsborough	Lanham
Anderson	Colton	Goodykoontz	Larson, Minn.
Andrew, Mass.	Connally, Tex.	Graham, Ill.	Lawrence
Andrews, Nebr.	Cooper, Ohio	Green, Iowa	Layton
Anthony	Cooper, Wis.	Greene, Vt.	Lazaro
Appleby	Crisp	Griest	Lea, Calif.
Arentz	Crowther	Hadley	Leatherwood
Atwell	Curry	Hammer	Lineberger
Bankhead	Dallinger	Hardy, Colo.	Linthicum
Barkley	Davis, Minn.	Haugen	Little
Beedy	Davis, Tenn.	Hawley	Logan
Begg	Deal	Hayden	Lowrey
Bell	Denison	Hays	Lubring
Benham	Dickinson	Hersey	McClintic
Bird	Dominick	Hickey	McCormick
Black	Doughton	Hicks	McFadden
Bland, Ind.	Dowell	Hinds	McKenzie
Bland, Va.	Drewry	Hoch	McLaughlin, Mich.
Boies	Dunbar	Hogan	McLaughlin, Nebr.
Bowling	Dunn	Houghton	McLaughlin, Pa.
Box	Dupré	Hukriede	McPherson
Brennan	Dyer	Jacoway	McSwain
Briggs	Echols	James	Magee
Buchanan	Elliott	Johnson, Ky.	Mapes
Bulwinkle	Evans	Johnson, Miss.	Merritt
Butrworth	Fairfield	Johnson, Wash.	Michener
Burtness	Faust	Jones, Pa.	Miller
Burton	Fess	Jones, Tex.	Millspaugh
Byrnes, S. C.	Fish	Keller	Mondell
Byrns, Tenn.	Fisher	Kelley, Mich.	Montoya
Cable	Fordney	Ketcham	Moore, Ohio
Campbell, Kans.	Foster	Kincheloe	Moore, Va.
Cannon	Frear	King	Moores, Ind.
Carter	French	Kinkaid	Morgan
Chandler, Okla.	Frothingham	Kirkpatrick	Morin
Chindblom	Fuller	Kissel	Mott
Christopherson	Fulmer	Kline, N. Y.	Murphy
Clague	Funk	Kline, Pa.	Nelson, A. P.
Clarke, N. Y.	Garrett, Tenn.	Knutson	Nelson, J. M.
Clouse	Garrett, Tex.	Kopp	Nelson, Me.
Cole, Iowa	Gensman	Kraus	Newton, Minn.

Newton, Mo.	Rayburn	Sproul	Voigt
Nolan	Reed, W. Va.	Steagall	Volstead
Norton	Rhodes	Steenerson	Walters
O'Connor	Ricketts	Stevenson	Ward, N. Y.
Ogden	Riddick	Stoll	Watson
Oldfield	Robsion	Strong, Kans.	Weaver
Oliver	Rose	Summers, Wash.	Webster
Overstreet	Rosenbloom	Sumners, Tex.	White, Kans.
Padgett	Rouse	Swank	White, Me.
Park, Ga.	Rucker	Swing	Williams
Parker, N. J.	Sanders, Tex.	Taylor, Ark.	Williamson
Parks, Ark.	Sandlin	Taylor, N. J.	Wingo
Patterson, Mo.	Schall	Taylor, Tenn.	Winslow
Patterson, N. J.	Scott, Mich.	Thomas	Wise
Perkins	Scott, Tenn.	Thompson	Woodruff
Pou	Shaw	Tillman	Woods, Va.
Pringey	Sinclair	Timberlake	Wright
Purnell	Sinnott	Tincher	Yates
Quin	Slemp	Towner	Young
Radcliffe	Smith, Idaho	Tucker	Zihlman
Raker	Snell	Tyson	
Ramseyer	Snyder	Vaile	
Rankin		Vinson	

NAYS—26.

Bond	Gallivan	MacGregor	Ten Eyck
Bugdick	Graham, Pa.	Perlman	Tinkham
Cullen	Griffin	Rainey, Ill.	Vare
Favrot	Hawes	Riordan	Volk
Fenn	Hill	Rosdale	Walsh
Freeman	Lehlbach	Siegel	
Gahn	London	Stafford	

NOT VOTING—146.

Ansorge	Driver	Knight	Robertson
Atkeson	Edmonds	Kreider	Rodenberg
Bacharach	Ellis	Kunz	Rogers
Barbour	Fairchild	Langley	Ryan
Beck	Fields	Lankford	Sabath
Bixler	Fitzgerald	Larsen, Ga.	Sanders, Ind.
Blakeney	Focht	Lee, Ga.	Sanders, N. Y.
Blanton	Free	Lee, N. Y.	Sears
Bowers	Garner	Longworth	Shelton
Brand	Gilbert	Luce	Shreve
Britten	Glynn	Lyon	Sisson
Brooks, Ill.	Gorman	McArthur	Smith, Mich.
Brooks, Pa.	Gould	McDuffie	Smithwick
Brown, Tenn.	Greene, Mass.	Madden	Speaks
Browne, Wis.	Hardy, Tex.	Maloney	Stedman
Burke	Harrison	Mann	Stephens
Butler	Henry	Mansfield	Stiness
Campbell, Pa.	Herrick	Martin	Strong, Pa.
Cantrill	Hooker	Mead	Sullivan
Carew	Hudspeth	Michaelson	Sweet
Chalmers	Hull	Mills	Tague
Chandler, N. Y.	Humphreys	Montague	Taylor, Colo.
Clarke, Fla.	Husted	Moore, Ill.	Temple
Classon	Hutchinson	Mudd	Tilson
Cockran	Ireland	O'Brien	Treadway
Codd	Jefferis, Nebr.	Olpp	Underhill
Collins	Jeffers, Ala.	Osborne	Upshaw
Connell	Johnson, S. Dak.	Paige	Vestal
Connolly, Pa.	Kahn	Parker, N. Y.	Ward, N. C.
Copley	Kearns	Petersen	Wheeler
Coughlin	Kelly, Pa.	Porter	Wilson
Crago	Kendall	Rainey, Ala.	Wood, Ind.
Cramton	Kennedy	Ransley	Woodyard
Dale	Kiess	Reavis	Wurzbach
Darrow	Kindred	Reber	Wyant
Dempsey	Kitchin	Reece	
Drane	Kleczka	Reed, N. Y.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cantrill (for) with Mr. Sullivan (against).

Mr. Shreve (for) with Mr. Sabath (against).

Mr. Fields (for) with Mr. Ansorge (against).

Mr. Atkeson (for) with Mr. Tague (against).

Mr. Hutchinson (for) with Mr. Carew (against).

Mr. Butler (for) with Mr. Kindred (against).

Until further notice:

Mr. Strong of Pennsylvania with Mr. Mead.

Mr. Longworth with Mr. Brand.

Mr. Sanders of Indiana with Mr. McDuffie.

Mr. Treadway with Mr. Cockran.

Mr. Greene of Massachusetts with Mr. Sears.

Mr. Kahn with Mr. Wilson.

Mr. Wood of Indiana with Mr. Lee of Georgia.

Mr. Reed of New York with Mr. Hooker.

Mr. Free with Mr. Collins.

Mr. Bacharach with Mr. Smithwick.

Mr. Michaelson with Mr. Driver.

Mr. Olpp with Mr. Humphreys.

Mr. Brown of Tennessee with Mr. Kunz.

Mr. Lee of New York with Mr. Larsen of Georgia.

Mr. Reber with Mr. Ward of North Carolina.

Mr. Paige with Mr. O'Brien.

Mr. Kendall with Mr. Drane.

Mr. Coughlin with Mr. Montague.

Mr. Gorman with Mr. Taylor of Colorado.

Mr. Osborne with Mr. Martin.

Mr. Brooks of Pennsylvania with Mr. Campbell of Pennsylvania.

Mr. Dempsey with Mr. Garner.

Mr. Krieder with Mr. Kitchin.

Mr. Shelton with Mr. Hudspeth.

Mr. Maloney with Mr. Sisson.

Mr. Kless with Mr. Clark of Florida.

Mr. Connell with Mr. Mansfield.

Mr. Johnson of South Dakota with Mr. Gilbert.

Mr. Burke with Mr. Stedman.

Mr. McArthur with Mr. Rainey of Alabama.

Mr. Stephens with Mr. Harrison.

Mr. Wurzbach with Mr. Blanton.

Mr. Wheeler with Mr. Upshaw.

Mr. Reece with Mr. Hardy of Texas.

Mr. Blakeney with Mr. Jeffers of Alabama.

Mr. Ellis with Mr. Langford.

Mr. Smith of Michigan with Mr. Lyon.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this conference report.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the conference report. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. ANDERSON. Mr. Speaker, I call up the conference report on the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, 12, 17, 19, 27, 28, 29, 43, 44, 46, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 13, 14, 18, 20, 23, 30, 31, 32, 33, 34, 35, 36, 48, 52, and 54, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,425,246"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,968,076"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$582,505"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,030,350"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,527,910"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,097,282"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,562,302"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$15,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$954,561"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,277,631"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,381,300"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,585,960"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,769,180"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three persons at a rate not to exceed $6,500 each per annum"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 40, 41, 42, 50, 51, 57, and 58.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: Appropriates $181,866, as proposed by the Senate, instead of $165,066, as proposed by the House, for rent of buildings in the District of Columbia.

On Nos. 2 and 3: Appropriates $2,877,800, as proposed by the Senate, instead of $2,878,800, as proposed by the House, for the investigation and eradication of tuberculosis in animals, and makes $2,027,600, as proposed by the Senate, instead of $1,728,800, as proposed by the House, available for the payment of indemnities, and inserts the language proposed by the Senate making $300,000 immediately available for the payment of indemnities.

On No. 4: Appropriates $112,000, as proposed by the House, instead of $118,900, as proposed by the Senate, for the expenses of scientific investigations in diseases of animals at the experiment station at Bethesda, Md.

On Nos. 5 and 6: Corrects the totals for the Bureau of Animal Industry.

On No. 7: Appropriates $92,935, as proposed by the Senate, instead of $87,935, as proposed by the House, for the investigation of diseases of orchard and other fruits.

On No. 8: Appropriates $200,000, instead of $250,000 as proposed by the Senate and $175,000 as proposed by the House, for the eradication or control of the white-pine blister rust.

On No. 9: Appropriates $39,820, as proposed by the House, instead of $45,820, as proposed by the Senate, for the investigation of plants yielding drugs, spices, etc.

On Nos. 10 and 11: Appropriates $582,505, instead of $732,505 as proposed by the Senate and $379,705 as proposed by the House, for the investigation and improvement of cereals and the study and control of cereal diseases, and makes $350,000, instead of $500,000 as proposed by the Senate and $147,200 as proposed by the House, available for the eradication of barberry bushes.

On No. 12: Appropriates $20,000, as proposed by the House, instead of $25,000, as proposed by the Senate, for the investigation, improvement, etc., of pecans, almonds, and other nuts.

On Nos. 13 and 14: Appropriates $121,700, as proposed by the Senate, instead of $114,200, as proposed by the House, for the investigation and improvement of methods of growing, handling, harvesting, storage, and marketing of fruits, and makes the appropriation available, as proposed by the Senate, for investigation of vegetables during the processes of marketing and storage.

On Nos. 15 and 16: Corrects the totals for the Bureau of Plant Industry.

On Nos. 17 and 18: Strikes out the language inserted by the Senate making the appropriation for forest products investigations available for testing grasses, and inserts the language proposed by the Senate providing that $15,000 of that appropriation shall be used for the investigation of flax straw as a source of supply for the manufacture of pulp and paper.

On No. 19: Strikes out the language proposed by the Senate appropriating $12,000 for personal services in the District of Columbia, made necessary by the requirements of the Federal water power act.

On No. 20: Appropriates $425,000, as proposed by the Senate, instead of $400,000, as proposed by the House, for the construction and maintenance of roads, trails, bridges, etc., in the national forests.

On Nos. 21 and 22: Corrects the totals for the Forest Service.

On No. 23: Appropriates $75,400, as proposed by the Senate, instead of $70,400, as proposed by the House, for investigations relating to the application of chemistry to agriculture and for biological investigations of food and drug products.

On No. 24: Appropriates $15,000 instead of $20,000, as proposed by the Senate, and $10,000, as proposed by the House, for the investigation of methods for the manufacture of sweet sirups.

On Nos. 25 and 26: Corrects the totals for the Bureau of Chemistry.

On No. 27: Appropriates $168,200, as proposed by the House, instead of $178,200, as proposed by the Senate, for the investigation of soils.

On Nos. 28 and 29: Corrects the totals for the Bureau of Soils.

On No. 30: Appropriates $178,500, as proposed by the Senate, instead of $168,500, as proposed by the House, for the investigation of insects affecting deciduous fruits, etc.

On Nos. 31 and 32: Appropriates $71,500, as proposed by the Senate, instead of $64,000, as proposed by the House, for the investigation of insects affecting citrus and other tropical plants, and makes $10,000, as proposed by the Senate, instead of $5,000, as proposed by the House, immediately available for investigation of the camphor scale.

On No. 33: Corrects the total for general expenses, Bureau of Entomology.

On Nos. 34 and 35: Appropriates $200,000, as proposed by the Senate, instead of $275,000, as proposed by the House, for the prevention of the spread of the European corn borer, and corrects the total for the Bureau of Entomology.

On No. 36: Corrects the language in the statutory salary roll for the Bureau of Biological Survey.

On No. 37: Appropriates $1,900,000, instead of $1,500,000, as proposed by the Senate, and $1,000,000, as proposed by the House, for cooperative agricultural extension work.

On Nos. 38 and 39: Corrects the totals for the States Relations Service.

On No. 43: Strikes out the language proposed by the Senate appropriating $10,000 for the study of standardization of farm machinery.

On No. 44: Appropriates $471,200, as proposed by the House, instead of $477,200, as proposed by the Senate, for marketing and distribution of farm products.

On Nos. 45, 46, and 47: Appropriates $390,000, instead of $405,000, as proposed by the Senate, and $357,400, as proposed by the House, for crop and live-stock estimates, and restores the language stricken out by the Senate.

On No. 48: Appropriates $405,000, as proposed by the Senate, instead of $385,000, as proposed by the House, for the market news service.

On No. 49: Corrects the total for general expenses, Bureau of Agricultural Economics.

On No. 52: Corrects the language in the statutory salary roll of the Federal Horticultural Board.

On No. 53: Appropriates $450,000 instead of $575,000 as proposed by the Senate and $50,000 as proposed by the House for the acquisition of additional forest lands at headwaters of navigable streams.

On No. 54: Strikes out, as proposed by the Senate, the language authorizing the Secretary of Agriculture to sell the experimental farm located at New Iberia, La.

On No. 55: Appropriates $13,000 as proposed by the House instead of $15,000 as proposed by the Senate for the eradication of the Pariatoria date scale.

On No. 56, relating to salary limitations in the appropriation for the enforcement of the packers' and stockyards act: Inserts a substitute for the House and Senate provisions which allows three persons at a rate not to exceed $6,500 each per annum, instead of one person at a rate of $6,500 per annum as proposed by the House and three persons at that rate as proposed by the Senate.

The committee of conference did not agree upon the following amendments of the Senate:

On Nos. 40, 41, and 42: Relating to the expenditure of $175,000 out of the administrative fund provided by the Federal-aid road act for the investigation of the chemical and physical character of road material.

On Nos. 50 and 51: Relating to the use of moneys received from the sale of condemned cotton standards for the purchase of other cotton for such use.

On No. 57: Relating to maximum salaries of scientific investigators in the Department of Agriculture.

On No. 58: Total of the bill.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

Mr. ANDERSON. Mr. Speaker, the Senate added to the bill as it passed the House $1,684,000, in round numbers. As a result of the conference the bill is increased by $1,081,940. Unless there are questions on the conference report, I move its adoption.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first of the amendments in disagreement.

The Clerk read as follows:

Amendment No. 40: Page 61, line 17, after the figures "$175,000," insert: "payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended."

Mr. ANDERSON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 41: Page 62, line 10, strike out "$542,120" and insert in lieu thereof, "$367,120."

Mr. ANDERSON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and concur in the same.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 42: Page 63, line 20, strike out the figures "$658,320" and insert in lieu thereof "$483,320."

Mr. ANDERSON. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 50: Page 68, line 15, after the word "act," strike out the figures "$175,000" and insert in lieu thereof "$146,540," and the following: "*Provided*, That any moneys received from or in connection with the sale of cotton purchased for the preparation of practical forms of the official cotton standards and condemned as unsuitable for such use may be expended by the Secretary of Agriculture during the fiscal year ending June 30, 1923, for the purchase of other cotton for such use."

Mr. ANDERSON. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 51: Page 70, line 6, strike out the figures "$3,532,043" and insert in lieu thereof "$3,587,183."

Mr. ANDERSON. Mr. Speaker, I move to recede and concur with an amendment. In lieu of the sum proposed, insert "$3,556,183."

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to recede and concur with the following amendment: Strike out the figures "$3,587,183" and insert in lieu thereof "$3,556,183."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 57: Page 83, line 19, insert:

"MAXIMUM SALARIES.

"During the fiscal year 1923 the maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the general appropriation of the Department of Agriculture, shall not exceed at the rate of $6,000 per annum: *Provided*, That for the fiscal year 1923 no salary shall be paid under this paragraph at a rate per annum in excess of $5,000 except the following: Not more than eight in excess of $5,000 but not in excess of $5,500 each, and not more than three in excess of $5,500 each."

Mr. ANDERSON. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. KINCHELOE. Mr. Speaker, I have not the provision of the original bill as reported from the committee here in the House. Is this exactly the same as the provision of that bill?

Mr. ANDERSON. It is, with the exception that the amendment as proposed by the provision as reported by the House committee was permanent law, while this is restricted to the next fiscal year.

Mr. KINCHELOE. This just provides for this coming fiscal year? But the same number was allowed and the same maximum salary was fixed?

Mr. ANDERSON. Yes.

Mr. KINCHELOE. That is, 11 in all, 8 of them drawing a maximum salary of $5,000 a year and not in excess of $5,500, and 3 in excess of $5,500?

Mr. ANDERSON. That is correct.

Mr. HAUGEN. Mr. Speaker, may we have the amendment read again?

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. BUCHANAN. Will the gentleman from Minnesota yield to me five minutes?

Mr. ANDERSON. Certainly.

Mr. BUCHANAN. Mr. Speaker, I have no objection to the Federal Government paying to the scientific investigators of the Agricultural Department such salary as will command the best talent to be had. It is very important that the employees of the Agricultural Department who determine questions as to the identity of insects that prey upon the agricultural production of this country should be the best type of scientific men that the Government can procure. Because, take it, for instance, in the Bureau of Entomology; if they make a mistake in determining the identity of the pink boll worm or the cause of the black rust on wheat or the pine blister, and we, relying upon their judgment, make appropriations to the extent of hundreds of thousands and even millions of dollars. The States, also relying upon their judgment, make like appropriations. So if we have at the head of these bureaus in the Agricultural Department incompetent men, we will throw away probably millions of dollars in backing their judgment.

But, Mr. Speaker and gentlemen of the House, notwithstanding these convictions that I entertain along that line, I think the language in this paragraph is far too broad in its scope and I think it includes too many within its view. Now, listen:

During the fiscal year 1923 the maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the general appropriation of the Department of Agriculture—

Any part of scientific work. Why, a man who went out into the field to collect insects to send to the bureau for the purpose of being tested and determined could be termed a scientific investigator. A man who went out into a vast wheat section and proposed to identify and mark the barberry bushes could be termed a scientific investigator and receive this salary.

What I want is verbiage in this bill that will command and compel the employment at an equitable salary of men who are equipped to determine correctly these questions, and such men only. As the law now stands, the limit of salary is $4,500 in the exact verbiage that this bill contains, and I understand the classification bill contains the same verbiage. If we adopt the verbiage in this bill, it will be incorporated in the permanent law, and some day we will find out that some Secretary of Agriculture will abuse or trespass upon the discretion herein reposed in him. I make no reflection upon the present Secretary. He may live up to the letter and the spirit of the law in every respect—and I have no doubt but that he will—but with the various duties which the Secretary of Agriculture is called upon to perform he can not be expected to give his personal attention to this matter any more than to other branches of the work. We may wake up some day to find subordinates in the Department of Agriculture are drawing these high salaries under the claim that they are "other employees engaged in scientific work." I would like to see it so fixed that the real scientific men get the salary they deserve, and even if that salary is $12,000 instead of $6,500 it should be placed high enough to command the best talent in the land. [Applause.]

The SPEAKER. The Chair is informed by the Clerk that there is a misprint in the copy that is at the desk here. On page 83, line 23, the figures are "$6,000" instead of "$6,500."

Mr. ANDERSON. The official copy is correct.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STAFFORD. Do I understand that the maximum salary, as carried in the official report of the action of the Senate, is $6,500 instead of $6,000?

Mr. ANDERSON. The gentleman is correct.

Mr. STAFFORD. I have a copy of the amendment to the bill, as passed the Senate, which is "$6,000."

Mr. ANDERSON. That is incorrect, I will say to the gentleman.

Mr. STAFFORD. How many, then, will receive the salary of $6,500 under this amendment?

Mr. ANDERSON. That will not change the limitation at all. There are three.

Mr. STAFFORD. Can the gentleman inform the House as to who are intended to receive these maximum salaries and these other increases?

Mr. ANDERSON. I can not give the gentleman the personnel. As a matter of fact, there probably will not be more than one.

Mr. STAFFORD. I recall the fact that some time ago a bill was called up on the Unanimous-Consent Calendar, from the Committee on Agriculture, favoring the permanent increase of salaries of some of the bureau chiefs in the Department of Agriculture. Was the maximum in that bill $6,500 or $6,000?

Mr. KINCHELOE. Six thousand five hundred dollars.

Mr. STAFFORD. I have sent for a copy of the bill, but I have not received it as yet. I was in sympathy with the purposes of the bill. Does this carry out the intendment of that bill?

Mr. KINCHELOE. If the gentleman will read the testimony of the Secretary of Agriculture when he appeared before the committee, he will see that he makes a very interesting statement and gives salient reasons why his department is handicapped by losing men in other fields.

Mr. STAFFORD. I now have a copy of the bill—H. R. 10819—reported from the Committee on Agriculture, providing for the increase of salaries of scientific investigators or employees engaged in scientific work. I do not find in the bill any salary as high as $8,500. I fear the gentleman from Kentucky [Mr. KINCHELOE] is in error when he says that the bill favors the maximum of $6,500.

Mr. KINCHELOE. My recollection was not clear about that; but what I had in mind was the statement of the Secretary of Agriculture before the committee.

Mr. STAFFORD. If the gentleman will permit, so that the RECORD may show what the Committee on Agriculture decided should be the advances in salaries, I wish to read——

Mr. HAUGEN. The salaries there were fixed as suggested by the Department of Agriculture. That was satisfactory to the department.

Mr. STAFFORD. Now, you are going $500 beyond the recommendation of the Secretary of Agriculture. When this bill was under consideration and until the Speaker asked whether there was not a misprint in the bill, I was under the impression that the maximum salary was $6,000 instead of $6,500. Let me read into the RECORD what was recommended by the Secretary of Agriculture.

Mr. HAUGEN. That was based on the statements of the representatives of the Secretary of Agriculture. They were satisfied with the salaries fixed in this bill.

Mr. STAFFORD. This bill that I refer to, H. R. 10819, provides—

That the maximum salaries per annum of the following number of scientific investigators or employees engaged in scientific work, paid from the general appropriations of the Department of Agriculture, shall not exceed as follows:

Not more than seven in excess of $4,500 but not in excess of $5,000 each.

Not more than five in excess of $5,000 but not in excess of $5,500 each.

Not more than three in excess of $5,500 but not in excess of $6,000 each, and in no case shall the salary of any exceed $6,000.

I suppose it was intended that these three, who, under the pending amendment, are to receive $6,500 were, under the bill reported by the Committee on Agriculture, to receive $6,000. Would the gentleman have any objection to have an amendment carrying out the intendment of the legislative committee of the House, so as to make the maximum $6,000?

Mr. ANDERSON. Of course, the whole matter is before the House. So far as I am concerned, I do not think $6,500 is too high, and I make that statement after having made some investigation of the salaries paid in the university in the gentleman's own State; for instance, the salaries paid in the University of Michigan and salaries paid in universities and colleges all over the land, where the salaries of professors are very much higher than those proposed here.

Mr. STAFFORD. I do not wish to launch into a comparison between the salaries paid to professors in educational institutions, where their tenure is uncertain, and salaries paid to bureau chiefs in Washington, where their tenure is for life with a pensionable status.

Mr. KINCHELOE. Not all of them are for life.

Mr. STAFFORD. We know that any person who takes employment under the Government is there for life if he wishes to remain, but college professors have an entirely different status. I grant that so far as professors' salaries are concerned they may be $6,500, $7,000, or $10,000, but the gentleman will agree that we have to consider what we are paying to the heads of other bureaus, and I do not recall our paying higher than $6,000 to the head of any bureau. I was in sympathy with the bill reported from the Committee on Agriculture, because I recognize the necessity of these men receiving higher salaries than those which they are now receiving, but I think it is bad policy to go ahead and increase them up to $6,500, which is $500 more than we are paying any bureau head in the employ of the Government. Our First Assistant Postmaster General gets only $6,000.

Mr. ANDERSON. Mr. Speaker, I ask for a vote.

Mr. STAFFORD. I ask for a division of the question, and my purpose is to offer an amendment to the pending amendment.

The SPEAKER. The gentleman demands a division of the question. That is in order. The question is first on the motion that the House recede from its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The question is on concurring in the Senate amendment.

Mr. STAFFORD. Mr. Speaker, I wish to offer an amendment in line 23, to substitute the figures "$6,000" for the figures "$6,500."

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STAFFORD moves to amend the committee amendment by striking out "$6,500" and inserting in lieu thereof "$6,000."

Mr. STAFFORD. Will the gentleman yield me just a few minutes?

Mr. ANDERSON. The gentleman has had 10 minutes already, but I will yield to him 5 minutes if he wants it.

Mr. STAFFORD. I do not ask for any further time.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The SPEAKER. The question is on concurring in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment numbered 53: Page 84, line 4, strike out the figures "$25,092,232" and insert in lieu thereof "$37,377,073."

Mr. ANDERSON. I move to recede and concur with an amendment; in lieu of the sum proposed to insert "$36,774,173."

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to recede and concur in amendment 53 with an amendment, as follows: In lieu of the sum proposed insert "$36,774,173."

Mr. ANDERSON. Mr. Speaker, I yield to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, failures among the farmers reached a crisis about 15 months before such crisis was reached in the stock exchange of New York. It usually takes a certain number of months for a depression to reflect from the producer of raw material to the brokerage concern. The result, however, has never failed to follow.

Only those closely associated with the farming of the country were early advised of the approaching collapse of agriculture. High prices brought about excessive inflation, and during the year 1919 it was freely predicted that a turn in the tide was coming. With this thought in mind and with the hope that an acute crisis could be avoided, I introduced on October 13, 1919, House Resolution 332, calling for a conference of agricultural interests. In February of 1920 a hearing was had on such resolution before the Committee on Agriculture, but interest and influence were lacking to bring about a favorable report. This was the first legislative suggestion to call a nation-wide conference to consider the condition of agriculture and propose remedies for such condition.

With the more acute agricultural depression came more persistent demands that Congress make some effort to bring about desired relief. All farm organizations began the study of the farmers' problem, various remedial measures were suggested. This concentration of effort has brought about more constructive agricultural legislation in the Sixty-seventh Congress than in any other Congress in the history of our country. Every man in Congress interested in the cause has contributed his share. Whether we call the Members of this House active in such movement the farmers' group or the "agricultural bloc" is beside the question.

They are no different from a "Navy group" or a "tariff bloc." They have put forth their best efforts to meet a critical situation, and in part have been successful. As a member of such group or "bloc," I desire to emphatically affirm that the whole purpose of such movement has been to bring about a consideration of a distressing problem by those in power. The charge that a third or independent party movement is proposed is unfounded. The whole movement has been prompted by necessity and for the purpose of requiring such legislation to be included in the program to be given consideration.

EMERGENCY TARIFF.

Foremost of the remedial legislation suggested was the emergency tariff. No unprejudiced person can carefully study its workings without admitting its benefits. Before its enactment an average of one and one-half millions of bushels of corn was coming in at our ports every month. Now there is practically none. Canadian wheat was stored on our borders. Now it is seeking other markets. Wool buyers were refusing to make an offer for wool. Now the market is stabilized and advancing. Every woolgrowers' and producers' association in the United States admits that the emergency tariff saved the wool industry. Frozen mutton and meats were offered on our markets. Now home meats are being consumed. A tariff is a necessity on materials of which we produce a surplus, for the reason that it protects us from the oversupply in other countries and makes for a stabilized home market.

Wallace's Farmer, in editorial comment, says:

There are many things to be said for a self-sufficing United States such as the tariff bill apparently contemplates. As a result of trading less with foreign countries we shall be less likely to get mixed up in European and Asiatic politics, and if we do get into trouble we shall be more able to take care of ourselves because of having developed a well-rounded industrial and agricultural life at home, a life less likely to be interfered with by blockades.

The economic condition of our agricultural industry is more involved in the tariff legislation than in any other, passed or pending.

GRAIN FUTURES ACT.

After a carefully laid foundation in the Sixty-sixth Congress, brought about by the depressed market for grains produced by the farmers of the Middle West, among the first bills introduced in the Sixty-seventh Congress were measures seeking to regulate the boards of trade, known as the grain futures bill. For more than 30 years Congress has been making some effort to reach an agreement on legislation covering the grain marketing. It has never been successful until the Sixty-seventh Congress enacted the bill now a law. This has been tested in the Federal courts and found constitutional, and the best information I can procure from grain men themselves is to the effect that many abuses in the present marketing system are being eradicated and that they are pleased that these abuses have come within the provisions of the law and need no longer be coped with in the grain exchanges.

COOPERATIVE MARKETING ACT.

In connection, the Sixty-seventh Congress has also passed the cooperative marketing act, which permits various organizations producing raw materials to cooperate in the marketing of their grain. The truth is that the farmers heretofore have acted independently of each other in marketing their produce, each selling regardless of time, price, or conditions, and many of them being compelled to sell by reason of financial obligations. It is the hope that under the cooperative marketing privilege given in this law they may unite in financing each other and that the marketing of crops can be distributed over 12 months of the year, instead of being sold in three months of the year, to be manipulated by commission firms for the other nine months of each year. I predict that in three years' time the grain marketing in this country will be on a stable basis under these regulations and that the farmers will be satisfied with the marketing privileges granted to them thereunder.

PACKERS' LICENSING ACT.

In the same Congress the packers' licensing bill was favorably reported by the Committee on Agriculture and became a law. This law has just been sustained by the Supreme Court of the United States. Those best informed admit that the regulations provided under this act are eradicating many of the abuses of the former packer-controlled live-stock marketing system in existence. The privilege granted the Secretary of Agriculture is not drastic, but the peculiar abuses imposed upon the live-stock producer have been minimized, and that manipulation is prevented, and the live-stock raiser is again encouraged and is looking forward to a hopeful future.

WAR FINANCE CORPORATION.

In connection with the legislation referred to, we found that the agricultural interests were stranded for want of financing. Even though the deflation brought upon the agricultural interests by the Federal reserve system was required, in order to make the financial system of the agricultural States secure, it was entirely too rapid, and forced a depression in prices that brought a financial crisis in agricultural States. No one denies that the expansion in finances was too great, but they do contend that the deflation was too rapid, and should have been spread over a term of years, rather than a period of months. In order to relieve the situation the War Finance Corporation was revived, and through its channels approximately $25,000,000 has been placed at the disposal of the farming interests in Iowa alone. Many say that this assistance did not extend to the individual agricultural producer. Indirectly it did extend to the producer, for the reason that many banks would have been compelled to force liquidation of their loan accounts had not the War Finance Corporation come in and relieved them of their excess loans. This has materially benefited the farmers of Iowa.

RATE OF INTEREST ON AGRICULTURAL LOANS.

It was also found that the loaning system provided by the Government was unable to function by reason of the slack demand for the bonds issued either by the Federal land banks or the joint-stock land banks. In order to stimulate the sale of these bonds, an amendment to the law was passed permitting the bonds to be sold at a rate of an additional one-half of 1 per cent. With this assistance, the bonds of these banks have been floated, and many loans have been made to the farmers of Iowa and other States, which have materially assisted them in refinancing their losses and covering them over a period of years. The loans made since these systems began to function approximate $629,000,000.

SURTAX RATE ON INCOMES.

It is my contention that the influence of the agricultural interests acted in behalf of the good of the common people in concentrating its efforts in favor of the 50 per cent surtax rate on

increase in lieu of the 32 per cent surtax rate as proposed. A careful analysis of the law as enacted shows that we reduced the taxes paid by everyone having income between $6,000 and $69,000, and not until the income exceeds $86,000 does the tax as provided in the Senate amendment, which became the law, exceed the tax as proposed in the bill as passed by the House. The action thereby relieved 657,000 taxpayers of a portion of their tax burdens, while if the 32 per cent surtax rate had been adopted relief would have been offered to only 11,000 persons of a portion of their tax burdens.

Unfounded is the charge that the tax law is unfair. We have reduced the surtax rate on the average income. It was the contention of those favoring the higher surtax rate that this relief would materially assist so many more people, that the reinvestment in industries would be even greater than though the 32 per cent surtax rate was fixed.

It is to be noted that nearly all of the advocates of the lower surtax rate were also advocates of the sales tax, and if the surtax rate as fixed in the lower rate proposed failed to produce the necessary revenue the alternative would be to levy a sales tax and thus spread the tax further among those least able to pay.

MATERNITY ACT.

Attention is called to the fact that the maternity bill, having for its purpose the general welfare of the common people of the country, is now a law. This was of intense interest to the motherhood of the country, openly advocated by all prominent women's organizations in every State, and a decisive step toward accomplishing some of the things that the progressive women of our country are demanding in behalf of our people.

COMMODITY FINANCING.

Plans for the future in behalf of agriculture are concrete and under way. There is unity of policy among the various organizations interested. They agree upon certain fundamental measures and encourage their enactment by Congress. These interests have a perfect right to insist that they shall be given a hearing equal with other interests in this country. It is their contention that they have not been given equal consideration.

It is proposed to ask a reorganization of the farm credits system in this country. This is to be accomplished by a commodity financing plan, which has been carefully worked out and is now pending before the Committee on Banking and Currency. This proposed legislation will provide a method by which those having raw products can store the same under some form of warehousing and secure sufficient advances thereon to assist in financing their needs until the proper time for sale of the product. This will apply to grain, live stock, and so forth.

Our financial system has been formulated around commercial and industrial banking interests, without the inclusion of agricultural production as a purpose. Short-time securities are usually maturing at a time most embarrassing to a producer of raw materials, and an elastic system along this line is now being formulated.

AGRICULTURE REPRESENTED ON FEDERAL RESERVE BOARD.

Agriculture also asks that it be included in the various industries represented in the Federal Reserve Board. The raw products of agriculture last year amounted to over $21,000,000,000, the largest of any one industry in the country. And yet our Federal Reserve Board as now constituted represents entirely the industrial and commercial banking interests of the country. This is the reason why they are led to make orders and suggest policies that react first and hardest against the producer of raw materials. If a member representative of agriculture may be placed on this board, he will be able to present the cause of agriculture and see that it is given fair consideration in the policies of the board.

TAX-EXEMPT SECURITIES.

Another feature of the program for the welfare of agriculture has taken definite form in a resolution introduced by Congressman GREEN of Iowa, for an amendment to the Constitution which will practically result in the stopping of further issuance of tax-exempt securities by the Federal or State Governments. This legislation has received encouragement, and the resolution is now pending in the House, with the expectation that it will be favorably acted upon in the near future.

TRANSPORTATION SYSTEM.

The future program of agriculture is also interested in the reformation of our transportation system. The complaint against high freight rates is entirely justified. The only recourse of the producing Middle West is to in every way encourage water transportation in order that the Middle West may have some form of water competition with the present railway transportation. This will reflect in general freight-rate reductions throughout that section. A promise is now being made that with the revival of transportation freight rates will be reduced. This reduction must come on raw materials, and it is the purpose to carefully work out a systematic plan by which influence can be brought to bear to readjust the whole transportation system in keeping with the demands of agriculture.

ADDITIONAL INTERESTING LEGISLATION.

The "truth-in-fabric" bill is of interest to all persons who produce wool, and to all persons who wear clothing. This bill is being opposed by the manufacturer of woolen clothes because it will prevent his using shoddy wool when he should use real wool. It is being favored by the producers of wool, and by those who believe that no hardship is imposed upon any manufacturer when he is compelled to say to the public "this garment contains certain materials woven into cloth."

The "standard container" bill is trying to protect the public by refusing to permit men to sell a basket of peaches containing seven-eighths of a bushel for a full bushel, when the baskets are so nearly the same size that it can not be detected by the eye.

The "filled-milk" bill, if enacted into law, will prohibit the sale of milk from which the butter fat has been removed and for which vegetable oil has been substituted as an article of food. This proposed legislation protects not only the milk producer but also the consumer of the product. It is proposed for the general welfare and protection of the buying public, and is not promoted purely for the selfish interests of the producer.

IMPORTANCE OF THE "AGRICULTURAL BLOC."

Prosperity for the farmer depends directly upon great masses of nonagricultural people consuming his product. Everyone of these measures is as much for the protection of the consumer as for the producer. The purpose is to eliminate expense between the producer and the consumer, and decrease the cost accordingly. With the reduction in the spread between the producer and the consumer benefit will inure to both.

This movement in behalf of agriculture is not a selfish one. Farmers are seeking a method to better their living conditions, to better their community life, their school life, and their citizenship. Any movement that seeks to bring about these better conditions should be encouraged, rather than criticized, and if the "agricultural bloc" in Congress shall carry out its program to stabilize food production, economize transportation, minimize market machinery, liberalize commodity financing, equalize export demands, and harmonize the different sections of the country accordingly, its influence and action will inure to the benefit of our entire citizenship.

Mr. ANDERSON. I yield 20 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Mr. Speaker and colleagues, one month of the great coal strike has passed into history with no immediate prospects of the contending forces getting together in settlement. It is estimated that there are 650,000 striking coal miners in the country to-day, and very few of them are temporarily employed in any other capacity. It is true that the pinch from want of fuel has not been severely felt as yet, but the time is fast approaching when our splendid industrial progress will be crippled to a marked degree. The American public waits for necessity to drive it into activity. Very little interest was shown prior to April 1, while the two great contending forces in the mining industry were drifting to an inevitable strike with all its damaging, blighting influences. During the last month a tremendous amount of economic waste has taken place. One-twelfth of the year for many thousands of men has been lost forever. The Republic's greatness and usefulness has been impaired and weakened. Its wealth and commercial prestige must inevitably suffer. How long it is to continue no one can say.

The Committee on Labor in the House of Representatives, beginning before the 1st of April, have been making every effort possible to bring about an adjustment of the differences between the miners' organization and operators' organization, but it has been without successful termination. Our labor has been helpful, I am sure, in clearing up many points of misunderstanding of which the country is now informed, and in obtaining a great amount of information which is to prove of great value in the solution of the problem which we all hope will come in the near future.

On the 17th of March I spoke from this floor on the possibilities and probabilities of the strike occurring. I called attention then to the agreement of the operators of the central competitive field with the United Mine Workers' officials to meet prior to the 1st day of April, 1922, for the purpose of arriving at

a biennial agreement and thus avoid the necessity of a shutdown of the mines. This agreement was entered into by the operators and miners with the consent and approval and at the solicitation of the Government, and it has been regarded that the agreement was virtually underwritten by the United States Government.

In conformity with this agreement the miners evidenced a willingness, and even great anxiety, to meet the operators in accordance with their long-standing custom and thus avoid the necessity of a strike. It was known then that the operators of southern Ohio and western Pennsylvania were not willing to meet, but fully intended to breach their agreement. It was my understanding at the time that the operators of Illinois, Indiana, and other portions of Ohio in the central competitive field were anxious and willing to meet; in fact, I have been informed and I have since ascertained that I was correctly informed, that the Indiana operators had in good faith made an effort to get ready for the conference, but found that southern Ohio and western Pennsylvania were obstinately refusing to meet the other members in the central competitive field for the purpose of fixing a basic wage scale. President Harding on more than one occasion showed that he was not unmindful of the fact that the mining industry was about to be paralyzed by a great Nation-wide strike, and he expressed his disapproval at the obstinate attitude on the part of some in refusing to carry out the agreement. Secretary Davis had "gone the limit" in trying to get the contending forces together. He found that the miners were willing and anxious to meet in accordance with their doctrine of collective bargaining, but that certain operator groups were immovable in their determination to bring the present crisis upon the country. Many causes may be assigned for the open breach of faith and open defiance to public and official opinion on the part of the operators. It was contended by the two objecting groups that they could not under the wage scale existing compete with the nonunion operators in contiguous territory. I do not believe this to be the real reason for their refusal to meet. If this was the real reason they would have met the miners in accordance with their agreement, proposed a reduction, declared their inability to compete, and adjourned the meeting, leaving themselves in a better strategical position. Some of them had openly stated before the Labor Committee that they would not meet with the central competitive field operators as in the years gone, for the reason that changed conditions made the basic wage-scale fixing by the old competitive field no longer practicable. Your Committee on Labor felt that there was hope of getting some of them together to fix a basic wage scale.

President John L. Lewis came before the committee, laid his cards squarely on the table and made a plain, definite proposition, and showed in his attitude a disposition to meet the operators in a spirit of fairness and conciliation. True enough, he made demands which he himself probably realized his organization could not hope to obtain in a conference at this time with the operators' organization. His attitude to anyone who has studied his testimony would clearly indicate that his proposal was made for the purpose of bargain making and, necessarily, in accordance with the history of such affairs, his organization would be required to recede from a part of its demands. He frankly stated that he would recommend to his policy committee that if any representative tonnage of the central competitive field would be willing to meet his organization that they should meet for the purpose of fixing a basic wage scale.

The central competitive field represents 200,000,000 tons. Illinois has a tonnage of 90,000,000 and Indiana 30,000,000 tons.

The Committee on Labor, knowing that Indiana and Illinois operators had evidenced a willingness to meet, believed that Illinois, Indiana, and a portion of Ohio could be persuaded to meet the miners. Accordingly we wired the officials of these operator groups, stating the attitude of Mr. Lewis and asking them if they would be willing to meet on April 10 in Washington. The Pittsburgh Vein Operators' Association, of Ohio, replied in substance that they did not consider it to the best interests of the district which they represented to meet in this manner. George M. Jones, president of the Ohio Collieries Co., wired in substance that he was afraid to meet them, fearing he would be prosecuted by the Federal authorities. Indiana Bituminous Coal Operators' Association answered that they were willing to meet the miners in interstate conference of central competitive field as previously constituted but not otherwise, but that they would meet the miners of Indiana. The Pittsburgh Coal Producing Association wired that it had definitely and finally determined that they would not again participate in a so-called competitive field conference. The southern Ohio coal operators at once declined to meet with the old competitive field arrangement, and expressed a fear of prosecution by the Federal authorities. Illinois Coal Operators' Association, having heard of the attitude of the other groups, replied that since the others had refused to meet in the conference, it left Illinois by itself, and that a meeting with the Union Mine Workers of America as a whole would not be practicable. Thus, for first one reason and another, they have all refused to meet the miners to make an agreement.

Before our committee some operators expressed themselves as having no fear of Federal prosecution. Others continued to use the fear of Federal prosecution as an excuse to hide their real reasons for failure to meet.

During the hearings Attorney General Harry M. Daugherty, having been informed by me of the contention of the operators, addressed to me a letter, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 26, 1922.

Hon. OSCAR E. BLAND, M. C.

MY DEAR MR. BLAND: I have your letter of this date making inquiry of me as to the attitude of the Department of Justice with respect to a conference between the operators and miners of the central competitive field.

I beg to advise you that indictments were found in the Indiana Federal court against a large number of operators and a large number of miners for things charged to have been done at meetings where conferences similar to those now proposed took place. These indictments were found prior to the time of my assuming the office of Attorney General of the United States. Some of those indicted were residents of States other than the State of Indiana. In practically all of the States outside of Indiana defendants resisted removal proceedings, and these removal proceedings are still pending.

While the Department of Justice has not been officially asked by anybody to state the position of the department in regard to these indictments or in regard to seeking other indictments in case such a meeting as has been under discussion recently should be held, I have, in public statements and private conversations, very frankly stated that considering the agreement two years ago between the miners and operators in this particular field, and, it may be said, the Government's participating in that agreement, that a meeting should be held prior to the 21st day of March, 1922. I felt it the duty of the operators and miners to hold such a meeting. Both sides have known all along (informally) that it was my judgment that a meeting should be held, because of the peculiar situation with reference to the meeting which had previously been held, which provided upon adjournment for a subsequent meeting, and to which agreement the Government was more or less a party.

Now, having taken that position, is it likely that the Department of Justice would undertake a prosecution against men for doing a thing which it advised under the circumstances should be done? Nobody connected with this department has made any statement to the effect that a prosecution would be undertaken if a meeting such as was contemplated by the resolution providing for the same were to be held. The question as to fear of the Government's action was never, to my knowledge, raised until the recent refusal of the operators to hold such a meeting. To my knowledge the question was not raised when the operators some months ago were willing, at least, if they did not urge, that a meeting should be held, at which time, as I am advised, the miners refused or gave reasons why they could not meet.

I believe I have given you the facts as they exist, and I believe they will not be contradicted.

Very truly yours,

H. M. DAUGHERTY,
Attorney General.

In our hearings we have heard nothing more having the resemblance to sincerity about the fear of the law. P. H. Penna, secretary of the Indiana Bituminous Coal Operators' Association and the real spokesman of the operators of the central competitive field, and the champion and defender, as well as one of the most influential originators of the Central Competitive Field Association, took the position before our committee that he was unwilling to meet with Illinois and eastern Ohio. He begged the committee not to require him to explain his reasons. The committee felt that the Illinois and Indiana operators were not in accord, and that there was no hope of getting them together in line with the proposition of Mr. Lewis. It has been the contention of the operators who appeared before our committee, and who employ union labor, that it was necessary for them to break away from the competitive field contract practice and divide up into State or district units and deal directly with the men of those units. Up to this point there has been no indication on the part of the United Mine Workers of America that they are willing to adopt this method in order that an agreement may be reached.

The committee's inquiries has covered practically every phase of the coal-mining industry. With our limited powers and facilities we have attempted to gather all needful information, but find that very little accurate, useful, and detailed information can be obtained from any source, and such as has been obtained is necessarily given in exaggerated form, depending somewhat on the interests of the informants. The Geological Survey, the Department of Labor statistics, the Federal Trade Commission, the Interstate Commerce Commission, the United Mine Workers' statistician, the statistical department of the National Coal Association, and various other agencies and individuals have been called upon to give facts with reference to the cost of coal production, distribution, and

sale, together with wages, labor, and living conditions in the coal-mining industry.

We have inquired about profits and losses, illegal combinations, and coal profiteering. At the outset we were met with the remarkable statement of facts that no Government fact-finding agency was able to give any information on more than 2,500 mines out of the possible 11,000, and that for the most part the information was restricted to two or three hundred mines. Governmental agencies, in their attempts to gain information, with a few minor exceptions, were required to take and did take such information only as the operators through their various associations wished to disclose. Even the Federal Trade Commission, which the country believed had full power to obtain facts, were met with a restraining order against inquiring into the production of coal in the States. On more than one occasion operators brazenly refused to give the labor committee the cost of production or the selling price of coal at their mines.

It was shown that coal in 1920 and 1921 had been selling at the mine f. o. b. at prices ranging from $2.25 to $12 per ton. Some of the mines where the high and outrageous prices were demanded and obtained were owned by those who refused to give information on cost production. The National Coal Association, through its vice president, Mr. Morrow, came forward with its padded report, stating that their compilations of the cost of coal production showed that it averaged $2.94 per ton and that the labor cost per ton was $1.992. Upon being questioned as to details of labor cost, no information could be obtained to show what the cost was in the better class of mines. It was admitted that in arriving at the average many "fly-by-night" mines, which operated only when there was an excessive demand for coal, were included in the compilations of production cost. I make this statement advisedly—there is no agency in this Government to-day that has the informatoin, or that can obtain it, as to what it cost during the last year for a well-equipped, efficient coal mine to produce a ton of coal. The Government not only does not have it, but the right to obtain it is denied them by the coal producer. He says it is an unwarranted interference with his private business.

Gentlemen of the House, coal is the life of the business of the country. Without cheap fuel available at all times we are handicapped in our economic growth.

So much depends upon coal that it is quasi public in character, and our citizenship is fast realizing that until we solve the coal problem our national greatness is woefully handicapped.

I will tell you why the operator does not want to give the price it costs him to produce a ton of coal, and he may camouflage all he wants to to keep from giving the true reason, but this is the reason: At times when the pinch comes, and the public must have coal, he demands an exorbitant price for it, and he does not want the country to know what it costs him to produce it, because he realizes that in many instances the public would feel outraged, and that some retaliatory measures would be resorted to. It is hoped by those who are thinking the deepest on this great national problem that we may eventually find a remedy for the evils in the coal industry, and that it may be stabilized so that we may have a steady production at all seasons during the year, and when competition will reign and cheap fuel may be had with a good fair profit to the operator and a good wage and steady work for the employee. You will ask what are the bad conditions that prevail to-day in the coal business and what are the remedies? I can answer the first question with probably as much certainty as anyone, considering the limited facts obtainable. The second question is the great problem to be worked out after all the facts have been obtained. I have some notions as to what may be done to help solve the problem. I do not claim to be able to point out a sure remedy for this economic ailment, but I believe that I have some suggestions that will be helpful.

In the first place, gentlemen, the coal business is overdeveloped. There are one-third too many mines and one-third too many miners. Some operators make the statement that this condition insures competition and insures stability and a reasonable price for fuel. Not at all. On the contrary, we find ourselves in the position where the public must give a profit to the unprofitable mine and pay wages to the miner who works but one-third of the time. The real trouble of the business is that the coal industry is seasonable. In the fall and winter there is an unusual demand for coal. This may be said to be the fault of the public, and in that lies one of our problems.

Everybody wants coal at once. The price goes up. Men go out to the mouth of the mines and bid against each other to get the output of the mine. Seriously, now, gentlemen, can you blame the operator for selling to the man who offers him the most? Does not the farmer do it? Does not almost everybody else who has anything to sell do the same thing? It is just at this time that the fellow with the unprofitable mine, with the thin coal vein, with the slate band, with the mine which can not be operated except at an abnormal expense, comes to the front and sells his coal at the inflated price. His miner only works one-third of the time during the year, and if he is paid $7.50 per day he only earns about $75 per month. Could he live and support his family on less? The operators say that the remedy is to reduce this fellow's wages. I say that as long as the mine is there with the hope of employment, the miner will continue to stay there and the country can not see him suffer.

If the more efficiently managed and cheaper operated mines could operate throughout the year like other manufacturing institutions, it would not be necessary for the unprofitable mine to operate. With steadier work a cheaper wage per day might be possible. That means cheaper production cost per ton. So long as we have seasonable production we will have overdevelopment and overemployment at the coal mines, and when the pinch comes the public will have to pay for the overdevelopment.

How are you going to cure the overdevelopment problem? A careful, scientific study of the problem, after full, scientifically gathered and prepared data is obtained, will find the solution for the problem. I believe the bringing about of summer production of coal will go further toward solving the problem than anything that has been suggested. You immediately ask how are you going to bring about summer production of coal? First, by making a summer freight rate on coal. We have the power to do that under existing law. Second, the railroads consume one-third of the coal produced in the United States. Require the railroads to store their coal during the summer, and encourage the public to do as much of it as possible. If the railroads would store their coal during the summer the car-shortage question would be largely settled, and the inevitable scramble and profiteering at the approach of winter would not be so noticeable.

Mr. DENISON. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. DENISON. On what principle does the gentleman think he could make the railroads buy their coal in the summer time?

Mr. BLAND of Indiana. Through the Interstate Commerce Commission.

Mr. DENISON. Under what existing law?

Mr. BLAND of Indiana. On the theory that they can not operate if they can not get the coal. If that is not the law, it ought to be, and I believe will be.

Mr. DENISON. Does the gentleman think that the Government could compel the railroads to buy steel or box cars?

Mr. BLAND of Indiana. I think the power of the Government would go that far. In the regulation of interstate commerce the Government has the right to go that far, and surely they would have the right to require them to buy not only cheap fuel but available fuel.

Mr. LAYTON. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. LAYTON. Does the gentleman think the Federal Government has a right to take twenty billion of the people's wealth and do what they please with it?

Mr. BLAND of Indiana. They are doing it. But that is water over the wheel. This country is big enough, and the State lines are obliterated to the extent that no longer will they tolerate the doctrine that local interests can interfere with the general welfare of the Republic.

Mr. LAYTON. I am not talking about the matter of State lines, but the bolshevistic government taking private wealth without remuneration.

Mr. BLAND of Indiana. The gentleman from Delaware will find that these Bolsheviists are asking the Government of the United States $16 a ton for Navy coal, and as a Member of Congress he ought to get up on his toes and howl for cheaper fuel for the Navy rather than about the interference with private business.

You hear much talk by the operators against coal storage and summer production. Why? Because they want the pinch to come when they can pinch the consumer, and no man that has studied this problem can arrive at any other conclusion, if he has the fairness and the courage to express himself. Mr. Penna said that the coal was stored by nature in the ground, and that in the ground where nature put it was the best place to store it. The trouble of his theory is that the public can not get to the storage bin until after the strikes and contentions between the operator and miner have been settled and the profiteers have had their chance. Not alone is the exorbitant

price demanded by the operator when the cold-weather pinch comes a nightmare of the poor consumer, but he is robbed and plundered by selling agencies, coal brokers, and middlemen before it gets to the retail dealer, and then the retail dealer proceeds to nail the lid upon the consumer's coffin.

Mr. Morrow, vice president of the National Coal Association, said that he was paying $15 per ton for coal in Washington City. A fellow by the name of Ritter, according to the testimony before a coal investigating committee of the Senate, started out to sell to the consumer here at considerably reduced prices. The retailers' organization, in the shadow of the Department of Justice, told him in no uncertain terms that his underselling the retailers' organization was unfair, and that he would have to raise the price or they would put him out of business. And they did put him out of business. He found that he could not buy any coal to sell his customers because they had tightened down upon the producer of the coal, who in turn refused to sell to him. I wonder if this is evidence of an illegal combination in restraint of trade? It is a brazen, open violation of the law in the Nation's Capital affecting the health, comfort, and the very lives of its citizenship. True, this is probably no worse than conditions that maintain in the food markets of this and many other cities, but if you will add the retail holdup to the very perplexing coal production problem you can understand why the coal consuming public has about reached the limit of its patience.

Certain operators would make the public believe—and they are the greatest propagandists in America to-day—that all the ills of the coal industry should be laid upon the back of the man who digs the coal. They must know that this is unfair, and if you will go with me into the mining fields, with which I am acquainted, I can show you in many places the hovel of the coal miner, where he sits to-day with his poorly clad, pinched-faced family, brooding over the unkindness of fate. It is true that some among them, who have the most favored working conditions under the existing wage scale, at times earn a wage that is fairly compensatory and which is adequate to raise his standard of living high among the working people. But as a class they are not prosperous. In the central competitive field he gets $1.08 for mining a ton of coal. He must from this pay considerable for powder, light, pick sharpening, and so forth. He can mine 10 tons of coal per day, but more often he does not have the opportunity of mining 10 tons per day, and he often does not have but two or three days work per week.

Mr. Morrow said that the cheapness of coal did not increase its consumption in the United States to any marked degree. Would cutting down the miners wage 40 per cent and reducing the earnings of the man who gets $800 per year to $480 cheapen the production cost of coal more than 45 cents per ton? The average profit per ton to the operator during 1920 in 51 mines investigated by the Federal Trade Commission and taken from the operators' own statement was between $2 and $2.50 per ton. Of course the more favored mines, the more efficiently managed mines, made a far greater profit than this.

When coal sells retail for $12 a ton what kind of a heart has the interested party who clamors for taking off the 45 cents from the poor devil who goes down into the dark chasms of the earth, imperils his life and health in order that we may have light and fuel? Every mail brings to my office highly colored, beautifully decorated, attractive-looking propaganda purporting to tell the facts about the coal question. Millions of dollars are being spent to educate the public that the whole trouble of the coal-mining industry lies in the unbent spirit of the man who refuses to give up a part of the pittance he is now receiving. The operator says he can not compete with the nonunion operator. For the sake of argument let us suppose that at the end of a long and devastating strike the operators of union mines could beat down the wages of their men to the level of the wages paid in the mines of their nonunion competitors. Does it not occur to you that the nonunion mine owner would soon announce a new wage scale below the new scale agreed upon between the union mine and the organized mine workers? Would there be any end to it; and what, in the meantime, would happen to the unfortunate fellow whose toil and risk makes it possible for us to have fuel? Do any of you want the welfare of 750,000 American citizens to depend upon the generosity of employers engaged in trying to cut each other's throats at the expense of the men who do the work and at the expense of their unfortunate families?

The United States Steel Corporation owns 1,000,000 acres of coal land. The railroad companies own millions more, and are operating them in many instances. Are we to believe that these steel companies and railroad companies are idly watching these days go by while the stout-hearted pick wielder sits in his cabin door waiting for the opening of the mine? These powerful organizations, in my judgment, are wasting millions trying to teach an exasperated public that their hands are clean, that their hearts are pure, that their methods are good, that they are philanthropists, and all that stands between the public and the solution of the fuel problem is the horny-handed fellows that get $1.08 per ton for mining it. And there are those among you who have been led into this way of thinking. Some of you approach the question with prejudice against union labor because of certain misconduct on the part of certain union men.

I do not attempt to palliate or excuse, but, on the contrary, I mercilessly condemn lawlessness, unnecessary trouble making, and agitation in industry, and I do not care whether it hits the union or the nonunion man. The attempt that is being made today by powerful and selfish organizations to break up the organizations of laboring men, with which they have protected themselves and their families for a generation, will not succeed.

Most of those who have openly fought unionism have not the courage to go before the public and show that their present attempts are made in that direction, because they realize that the United Mine Workers of America, not only during the war but during its existence, has been the stabilizing influence that has kept down Bolsheviks and extreme radicalism in the mining industry and by keeping the men working in the coal mines when otherwise there would have been industrial chaos.

If this fight is to be fought out to a finish it means that the doctrine of Judge Gerry—the open shop, the abolition of the union in our mines of the United States—shall maintain, or that the recognition of the existing miners' organization and a contract shall eventually result. Does any sensible, thinking man believe that this country can wait to see the mines throughout the whole country nonunionized? Does not it appeal to you as being essential to the immediate needs of the country that labor and capital in the coal-mining industry, in substantially their present organized form, shall speedily get together and proceed to administer to the wants of the country, whose general welfare is paramount to the interests of all? [Applause.]

I believe this administration is going to be helpful when the time arrives when it believes it can be effective. I have that confidence in the men at the head of our Government. I said before, and I say now, however, that if the miners had broken their agreement that the heavy hand of the law would have been upon their backs before now, at least the threat of it. The Government is not going to be helpful if it equivocates as to whether it is going to prosecute the participants in a wage-scale conference which would probably result in an agreement between the contending forces. The Attorney General should clarify some statements that he, according to the press, is reported to have made since writing me the letter to which I have referred. These statements have been calculated to bolster up false reasons for refusing to confer.

I believe in trying to stop the fire before the house is burned down. Surely the bitterness and strife and heat engendered with the coming weeks will not aid in a peaceful solution of what, in my judgment, is the greatest industrial crisis we have faced in a generation.

I have offered as a substitute for H. R. 11022 the bill which reads as follows:

A bill (H. R. 11022) to establish a commission to inquire into labor conditions in the coal industry.

Be it enacted, etc., That when used in this act—

(a) The term "person" means individual, partnership, corporation, or association; and

(b) The term "coal" means anthracite, bituminous, and other coal, lignite, coke, and culm, whether in place, extracted, or banked.

SEC. 2. (a) That there is hereby established a governmental agency to be known as the "coal investigation agency," and to be composed of 10 members, as follows:

(1) The Director of the Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of the Census, and the Commissioner of Labor Statistics; and

(2) Six members to be appointed by the President, by and with the advice and consent of the Senate, two of whom shall represent the coal mine operators; two of whom shall represent the employees of such operators; and two of whom shall represent the public.

(b) Any vacancy in the office of an appointed member of the coal investigation agency shall be filled in the same manner as the original appointment. The appointed members shall each receive a salary of $6,000 a year. The members ex officio shall receive no additional salary for their services as members.

(c) The coal investigation agency shall cease to exist two years after the passage of this act.

SEC. 3. That for the purpose of providing information for the Congress as a basis for legislation to settle industrial disputes in and prevent the overdevelopment of the coal industry, to stabilize and to levy taxes in respect to such industry, and to regulate commerce in coal among the several States and with foreign nations, the coal investigation agency is authorized and directed to require and obtain from any person such data, information, and reports as it deems desirable for such purpose, including among other matters data, information, and reports as to the supply, production, distribution, storage, and consumption of coal and its grading and economic utilization, as to the relations between operators of coal mines and washeries and their employees, with particular reference to wages, hours of labor, and working conditions, and as to the ownership and physical value of coal lands

and of such property of operators or owners as is of use in the operation of coal mines or washeries.

Sec. 4. That the coal investigation agency shall make such reports to the Congress and to the President from time to time as it deems advisable, and shall make to the Congress and to the President a final report not later than two years after the passage of this act. All data or information obtained by the coal investigation agency shall not be made public except in such reports to the Congress and to the President, or in compliance with the subpoena or order of a court of competent jurisdiction. Such reports shall not contain any such data or information which would disclose the trade secrets of any person. Any officer or employee of the coal investigation agency who shall make public any data or information in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than $5,000 or imprisoned for not more than one year, or both.

Sec. 5. (a) That for the efficient administration of the functions vested in the coal investigation agency by this act the agency may require by subpoena, issued and signed by the chairman, the attendance of any witness and the production of any book, paper, document, or other evidence at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any member of the coal investigation agency may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this act shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In case of failure to comply with any subpoena or in case of the contumacy of any witness before the coal investigation agency, the agency may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpoena and to give evidence touching the matter in question. Any failure to obey such order may be punished by the court as a contempt thereof.

(c) No person shall be excused from so attending and testifying and depositing, or from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 6. That for the efficient administration of the functions vested in the coal investigation agency by this act, any member, officer, or employee thereof, duly authorized in writing by the agency, shall, at all reasonable times, for the purpose of examination, have access to and right to copy any book, account, record, paper, or correspondence relating to any matter which the coal investigation agency is authorized by this act to investigate.

Sec. 7. That every officer or employee of the United States, whenever requested by the coal investigation agency, shall supply it with any data or information pertaining to any investigation by the agency which may be contained in the records of the office of such officer or employee.

Sec. 8. (a) That no person shall ship or receive from shipment in commerce among the several States or with foreign nations any coal during such time during the existence of the coal investigation agency as such person wilfully fails to make any report required by the coal investigation agency, fails to comply with any subpoena issued by the agency, refuses to testify or answer any lawful inquiry made in any hearing before the agency, or refuses any duly authorized officer or employee of the agency right of access or copy, or hinders, obstructs, or resists him in the exercise of such right. No person shall wilfully make to any report required by the coal investigation agency any statement which is false in any material particular.

(b) Any person who violates subdivision (a) shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) In construing and enforcing the provisions of this act the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such individual, partnership, corporation, or association as well as of such person.

Sec. 9. That for the efficient administration of the provisions of this act the coal investigation agency may make such regulations as it deems necessary.

Sec. 10. (a) That the coal investigation agency may appoint, remove, and fix the compensation of such employees, and make such expenditures, including salaries, traveling expenses, per diem rates of allowance in lieu of subsistence, and uniforms free, as are necessary for the efficient administration of the functions vested in the agency by this act, and as may be provided for by the Congress from time to time. All the expenses of the coal investigation agency shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the agency.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $_____, or so much thereof as may be necessary, to be available until expended by the coal investigation agency, in the District of Columbia or elsewhere, for defraying the expenses of the maintenance and establishment of the agency, including the payment of salaries.

If this bill passes the agency appointed by the President will be able to get facts and information like those possessed by other great nations. It will be able to know what it costs us to produce coal, and what it ought to be sold for. It will be able to apply correct principles in our attempts to aid industry and to solve industrial disputes. This bill has teeth in it, and the profiteer who expects to sell his coal at a profit of $3 or $4 per ton, and at the same time quack about the 45 cents per ton he wants to take away from the miner, is going to oppose its passage.

I expect the railroad owned coal mining concerns and the steel companies engaged in the coal business, and the operator who does not want to see the coal business stabilized and put upon a fair and honest footing to fight the bill. The country is being flooded with propaganda, newspapers are being importuned to say that there is no necessity for such legislation and that we have sufficient agencies already. They know that we have not adequate agencies for gathering information, and they know that they can defy these agencies under existing law. This bill will make the miners' organizations open their books; it will make them show what they spend their money for; it will require them to show clean hands, and at the same time it will delve into the coffers of the fellows that are prosecuting claims against the Government at this hour for coal at $16 per ton sold for the use of the Navy. Every man familiar with fact gathering connected with the Government service to-day realizes the importance and extreme necessity of this kind of legislation, and their voices have been as one in advocacy of the passage of this law.

The editor of the New York Herald wrote a two-column editorial, and probably a great many more which I have not seen, on the subject pointing out the necessity for this kind of relief. The Chicago Tribune, one of the greatest newspapers in the country, contained the following editorial on April 20, 1922:

HOPE FOR COAL SETTLEMENT.

The House Committee on Labor is considering establishment of a commission of 10 members to obtain information upon which a permanent settlement of the problem of the coal industry may be based. That is a practical move in the right direction. Every day brings us nearer to a crisis in the coal strike, with the probability of a makeshift agreement which will mean another strike in a year or two years, with continued mismanagement of coal production and distribution, and consequent unnecessary burdens upon domestic consumers and all industry.

The time to take action to avoid such a makeshift settlement is now, while we still have coal above ground for our needs. The House committee is on the right track. It should hurry its action to put through the necessary bill.

We are inclined to believe the commission which it advocates is too large. It would be better if the ex officio membership for which it provides were reduced to two instead of four, and if the members to be appointed by the President were reduced in number to one representative of the operators and one of the miners, with two for the public. That would provide men with the necessary knowledge and prejudice to ask such searching questions in any inquiry as would bring out all necessary facts, and at the same time would give the public a representation which would assure that the findings be clear and just to all. Also the smaller commission would be less unwieldly, and probably more efficient for that reason.

But these are minor points. What we need is the fact finding agency. The Bland bill provides for it. That bill should be reported out at once. There is nothing before Congress of more immediate importance. It may be amended, but its main provisions should be adopted speedily and some constructive action thus taken to settle the coal trouble once for all before they hurl back our rising tide of prosperity.

The country is becoming aroused to the necessity of putting the coal business on an efficient, practical basis. They are looking to Congress to be helpful in doing so, and they know that they can not do it upon padded facts, upon misstatements, upon prejudicial information, and without a full knowledge of all matters pertaining to the industry. This bill will deny interstate commerce to the coal producer who refuses to give the information requested concerning the coal situation. It will be contested in the courts, and in the line of recent decisions, as well as those that have maintained for a hundred years, the Federal Government will not be denied this authority.

Has the Federal Government the right to go into the States to obtain facts concerning coal for its Navy? Has the Federal Government the right to inquire into the cost of production and the selling price of coal in the States in order to aid it in its constitutional right to levy taxes within the States? The denial of the constitutional power to existing governmental agencies to inquire into the coal production cost has been largely upon the principle that the agency seeking the information was created for the purpose of curing improper practices in interstate commerce. The coal problem is not a local problem. It is not a State problem. It is one of the gravest problems of nationalism, and the commerce and industry of the Nation is threatened. Its interstate commerce depends almost wholly upon coal supply. To admit that the Government of the fathers has no authority to protect itself against misinformation, against misleading reports when it undertakes to solve the problems that belong to it, is to admit the futility of the Federation of the States. [Applause.]

Mr. ANDERSON. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, I ask unanimous consent to speak out of order for 10 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to speak out of order for 10 minutes. Is there objection?

There was no objection.

Mr. LONDON. Mr. Speaker, following up the argument of the gentleman from Indiana [Mr. BLAND], who has introduced a resolution providing for the appointment of a commission, I wish to point out the utter hopelessness of the situation. There is nothing more illustrative of the anarchy and chaos of individual ownership of public resources than the coal situation.

We have probably 10,000 mines and some 2,000 owners. They employ 700,000 workers and employ them irregularly. During the last 30 years the average number of days of employment was 214, so that the public was on a strike against the miners more than 90 days each year. When the public is not on a strike against the miners and when the miners are not on a strike, the coal operators and the host of parasites, the middlemen between the worker in the mine and the consumer, are on strike against the whole world.

There is a great deal of talk about the high rates of wages paid to the miners, but, as you all know, the breadwinner is not interested in the rate of wages or percentages or statistics; he is interested in his total earning capacity. Judged by the number of days the miner was actually employed, his earning capacity during his best season was not sufficient to maintain a proper standard of living. The condition is deplorable, and there is no relief in sight. These 2,000 greedy proprietors of the soil of America, without any ethical code to guide them, without any moral law to animate them, without any patriotic purpose—during the crisis of the Nation, during the Great War, they exploited the people and the Government mercilessly—these 2,000 men are in control of an industry upon the proper conduct of which depends the prosperity of the entire country.

It was testified by one of the leaders of the miners of Pennsylvania that their average earnings last year did not exceed the sum of $746.

Mr. ANDREWS of Nebraska. Mr. Speaker, will the gentleman yield for a short question?

Mr. LONDON. Yes.

Mr. ANDREWS of Nebraska. If these miners are idle one-third of their time and yet produce adequate quantities for the year, does not that fact argue that a large number of them might well seek employment elsewhere; and if so, why not?

Mr. LONDON. There is not any doubt that a large number of them might seek employment elsewhere, but there are at the present time 5,000,000 men out of employment in other industries, and the remedy that the gentleman offers is a poor remedy, so far as the mining industry is concerned.

To come back to the subject of total earnings as distinguished from wage rates: In the Pittsburgh district, according to Mr. Lewis, the president of the United Mine Workers of America, the average daily wage rate during 1921 was $6.30, but the average earnings for the year were approximately $763 per man. The explanation is rather simple—they only worked 123 days during that year. In Ohio they worked 118 days, in Indiana 159 days, in western Kentucky 130 days, and in West Virginia about 80 days.

The industry is not seasonal, as was claimed by the gentleman from Indiana [Mr. BLAND], in the sense that its functioning depends on the season of the year. Take, for instance, the building industry or the canning industry. They can be operated only during certain seasons of the year. It is because of the lack of method, the lack of order in the coal industry, that the men are idle during long periods. That it is not a season industry has been testified by experts, who show that between March and October the number of working days is not less than between October and March, so that they can, if they desire, keep their men employed irrespective of the changes of the seasons. Only 12 per cent of the coal produced goes to the individual householder. It is claimed that the demands of the householder, changing with the season of the year, are responsible for the irregularity of employment. This fluctuation can affect only 12 per cent of the coal production.

The whimsical requirements of the domestic consumer can not explain why the miners have been losing one-third of the working time during the last 30 years, and why during the last year the number of working days was on the average 121. Since the armistice the number of hours worked each week did not exceed 30—one of the demands of the miners is the 30-hour week. While the miner was working 121 days he was expected to hold himself ready all the time and to manage to live the full year on the earnings of 121 days.

The saddest part of the situation is that, with the exception of the union's proposition to limit the working week to 30 hours, no suggestion has come from any operator or from any other source for the regularization of employment. The best intentioned employers shrug their shoulders when confronted with the question. As to the others, the presence of a large number of unemployed is just what they desire—it helps to keep the workers down, it furnishes an ever-ready army of strike-breakers, it increases the difficulties of the union, it supplies ready material for spies and gunmen, it cheapens labor. One should not expect the enemy of organized labor to come forward with any real cure for irregular employment.

There is only one influence in the industry which approaches its difficulties from a comprehensive national viewpoint, and that is the United Mine Workers of America.

The union has been the only stabilizing factor in the industry. Contrary to the generally prevailing opinion, it has been averting industrial disputes. If it has failed to obtain for the miner all he is entitled to, it has at least established certain minimum standards. It is responsible for almost all legislation providing for the safety of mine and miner. Through a system of collective agreements with large bodies of operators it has minimized the evil of unrestrained competition between owner and owner at the expense of the worker. It has helped to demonstrate that the law of supply and demand in its application to human beings can be modified by the supply of intelligent and organized workers instead of the brutalized victims of the non-union fields.

Unable to offer any resistance, not permitted to organize, compelled in spite of all legal prohibitions to buy at the company stores, intimidated, spied upon, the nonunion miner has been reduced to a mere living coal-digging machine.

The coal operators are not nationally organized, or, in any event, they have no national policy. In the central competitive field, embracing the States of Ohio, Indiana, Illinois, and part of Pennsylvania, the coal operators have had collective agreements with the union since 1898, and their agreement has served as a basis for other districts where the union has been recognized.

The operators who formerly participated in the collective agreements in the central competitive fields refuse to renew the contract which expired on the 31st of March of this year. Individual operators and individual associations of operators in some States are offering to enter into collective agreements with the union. But while there is on the surface no national agreement among the coal operators they have all one demand. It is a very insistent one, and that is a demand that wages be reduced.

The impossible conditions prevailing in the nonunion fields, which fortunately for the miner produces but a small portion of the total national output, is the standard which the operators want the union to be guided by. The lowest condition is to become the rule for the entire industry.

In this fight the employers are supported by every open-shop element and by all plutocratic interests, who seek to take advantage of the industrial depression to crush organized labor.

Among the largest owners in the bituminous coal fields is the Steel Trust, whose "benevolent attitude" toward labor is by this time generally known.

The coal operators have successfully resisted every effort of the public to get at the facts in the coal situation. It is still a mystery why the ton of coal which costs $1.75 to produce should cost $15 to the consumer. Without a national outlook, with an eye solely for immediate profit, the coal operator has no regard for either the present or the future interests of the country.

It is hard to see how a nation can intrust its basic industry, the foundation of all other industries, into such hands.

The failure of the administration to exercise sufficient pressure upon the coal magnates to reach an understanding with the miners can not be explained away. Just now the public does not feel the pressure of the strike. The endurance of the miners may prove much stronger than their enemies anticipate. The miners have become accustomed to privation. They realize that under present conditions their union is the only thing that stands between them and slavery. Their earnings are so low that they can not be lower. Between starving while working and starving while striking they may prefer to strike on.

Nor is organized labor in general blind to the situation. The intelligent workers throughout the country instinctively feel that the onslaught upon the miners is intended as a general attack upon the organized workers.

The contest is sure to be a protracted one. The very misery of the miners, their very poverty, their very helplessness, may prove to be the greatest source of their strength.

Can the Government, can Congress, remain indifferent to the struggle? Must we wait until everybody is exhausted? Why not act?

Should the operators fail to reach an agreement with the miners, the Government should declare the mines to be vested with a public interest and place them under its control until a permanent policy is determined upon.

It is apparent that it is unsafe for the people of the United States to permit its greatest natural resource to be wasted, mismanaged, and exploited by a crowd of profit seekers. The irregularity of employment, the overdevelopment of the industry, the high prices forced upon the consumer, the army of useless middlemen, the criminal waste of natural and human resources, the menace to democracy by the prevalence of indus-

trial absolutism in the nonunion fields make it imperative that a permanent solution for the industry be found.

The coal mines should be brought under the control of the Nation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ANDERSON. Mr. Speaker, I yield now to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker, yesterday morning I received a telegram from my colleague [Mr. KNIGHT] asking me to pair him against the road bill. This I forgot to do, and I make this statement now so that it will appear in the RECORD.

The SPEAKER. The question is on the motion of the gentleman from Minnesota, that the House recede and concur with an amendment.

The motion was agreed to.

DISTRICT APPROPRIATION BILL—CONFERENCE REPORT.

Mr. DAVIS of Minnesota. Mr. Speaker, I call up the conference report upon the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. The gentleman from Minnesota calls up a conference report upon the District appropriation bill. The Clerk will report the conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 8, 9, 10, 15, 16, 17, 20, 23, 25, 26, 27, 30, 33, 39, 43, 44, 45, 46, 47, 48, 49, 51, 58, 65, 68, 70, 71, 73, 75, 77, 80, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 94, 95, 99, 100, 102, 103, 105, 107, 108, 109, 110, 111, 112, 118, 120, 122, 123, 124, 126, 127, 129, 132, 133, 135, 136, 138, 140, 143, 145, 146, 147, 148, 151, 153, 159, 160, 166, 177, 180, 181, 184, and 188.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 11, 13, 14, 19, 21, 22, 28, 29, 31, 32, 34, 35, 36, 37, 41, 42, 50, 52, 53, 54, 57, 59, 60, 61, 62, 63, 66, 72, 92, 96, 98, 104, 113, 125, 128, 130, 131, 134, 139, 141, 144, 150, 157, 158, 161, 165, 167, 170, 171, 173, 174, 176, 178, 179, 182, 183, 185, and 189, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "one $2,000, two at $1,500 each"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,070"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$58,120"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "laborer and janitor, $480"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$182,210"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "Southeast Branch Library: For salaries in operating the Southeast Branch Library, $3,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,200 per annum"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "*Provided*, That no money appropriated by this act shall be expended in conducting library stations not now in existence, but this limitation shall not apply to public-school buildings and the Southeast Branch Library"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PROPERTY YARD.

"For alterations and improvements to the old Mott School for use as a property yard, to be immediately available, $2,500: *Provided*, That a wire fence shall be built around the property."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$233,500"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "apartment houses, and large"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "2,250"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$242,750"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "For the erection of an eight-room addition to the Lovejoy School, $125,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-two"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,694,786.36"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Additional amount required for the completion of a station house on the site already acquired at Seventeenth Street and Rhode Island Avenue NE., $20,000."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs to buildings, including the completion of alterations of the old psychopathic hospital building to provide quarters for female nurses and female employees, $10,000."

And the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor and placing officer, $1,740; investigator and placing officer, $1,500"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendent as follows: In lieu of the sum proposed insert "$28,140"; and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,040"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-five"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$81,560"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Including not to exceed $500 for repairs to the superintendent's residence"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 1, 78, 79, 86, 101, 114, 115, 116, 142, 155, 163, 164, 175, 186, and 187.

C. R. DAVIS,
ROBERT E. EVANS,
BEN JOHNSON,
Managers on the part of the House.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 2, 3, 4, 5, 6, and 7, relating to the executive office: Appropriates for two additional assistant inspectors of buildings at $1,500 each, instead of four at $2,000 each, as proposed by the Senate, and strikes out an additional clerk at $1,140 proposed by the Senate for the building inspection division; appropriates for an additional assistant inspector of plumbing at $1,550, as proposed by the Senate; strikes out the position of sewer tapper at $1,000, as proposed by the Senate; and strikes out the increase from $2,000 to $3,000 proposed by the Senate in the appropriation for temporary laborers and assistant inspectors of plumbing.

On Nos. 8 and 9, relating to the care of the District Building: Appropriates for three assistant engineers at $1,200 each, as proposed by the House, instead of four at $1,200 each, as proposed by the Senate.

On Nos. 10, 11, and 12, relating to the assessor's office: Appropriates for three clerks at $1,400 each, as proposed by the House, instead of four at that salary, as proposed by the Senate; and appropriates for three clerks at $1,200 each, as proposed by the Senate, instead of two at that salary, as proposed by the House.

On Nos. 13 and 14, relating to the license bureau: Appropriates $1,500 for temporary clerk hire, as proposed by the Senate.

On Nos. 15 and 16, relating to the collector's office: Appropriates for two bailiffs at $1,200 each, as proposed by the House, instead of three at that salary, as proposed by the Senate.

On No. 17: Strikes out the appropriation of $500, inserted by the Senate, for additional pay to a clerk in the sinking-fund office under the control of the Treasurer of the United States.

On Nos. 18 and 19: Appropriates $480 for a "laborer and janitor" in the coroner's office, instead of a "hostler and janitor" at that salary, as proposed by the Senate.

On No. 20: Strikes out the change in designation proposed by the Senate for the office of the superintendent of weights, measures, and markets.

On Nos. 21, 22, 23, and 24, relating to the Engineer Commissioner's office: Appropriates for two inspectors at $1,400 each, as proposed by the Senate, instead of one at $1,400, as proposed by the House, and strikes out the janitor at $720, inserted by the Senate.

On No. 25: Strikes out the change in designation, proposed by the Senate, for mechanics at the Central Garage.

On Nos. 26 and 27, relating to municipal architect's office: Strikes out the appropriation, inserted by the Senate, for six bosses at $1,200 each.

On Nos. 28, 29, and 30, relating to the Public Utilities Commission: Appropriates $4,000 for the executive secretary, as proposed by the Senate, instead of $3,500, as proposed by the House, and strikes out the language inserted by the Senate for the employment of expert services and the purchase and maintenance of an automobile.

On Nos. 31 and 32: Appropriates $600, as proposed by the Senate, for temporary clerk hire in the department of insurance.

On No. 33: Appropriates $7,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for temporary services and field-party expenses for the surveyor's office.

On Nos. 34, 35, and 36, relating to the Minimum Wage Board: Appropriates $2,500 for the salary of the secretary, as proposed by the Senate, instead of $2,400, as proposed by the House; and appropriates $2,500, as proposed by the Senate, for clerical, contingent, and miscellaneous expenses, instead of $1,600, as proposed by the House.

On Nos. 37, 38, 39, 40, 41, 42, 43, and 44, relating to the Public Library: Appropriates $3,500 for salaries for the Southeast Branch, instead of $5,000, as proposed by the Senate, and limits the maximum salary to $1,200, instead of $1,500, as proposed by the Senate; appropriates $3,000, as proposed by the House, instead of $3,500, as proposed by the Senate, for substitutes and special and temporary service; restores the limitation, stricken out by the Senate, which prohibits the expenditure of any money in conducting library stations not now in existence, modified so as to exclude from such limitation the appropriation for the Southeast Branch Library; appropriates $17,500, as proposed by the Senate, instead of $12,500, as proposed by the House, for books, periodicals, and newspapers; appropriates $12,500, as proposed by the House, instead of $11,000, as proposed by the Senate, for maintenance and repairs; and strikes out the appropriation of $3,000 for repairs, improvements, and equipment, proposed by the Senate.

On Nos. 45 and 46: Appropriates $45,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for miscellaneous contingent expenses, and strikes out the language inserted by the Senate making such appropriation available for the sinking-fund office.

On No. 47: Strikes out the language inserted by the Senate providing for personal services in connection with the maintenance, care, and repair of motor vehicles owned by the District of Columbia.

On No. 48: Appropriates $12,500, as proposed by the House, instead of $15,000, as proposed by the Senate, for postage.

On No. 49: Authorizes a total of $7,000, as proposed by the House, to be expended from other appropriations for street car and bus fares, instead of $8,000, as proposed by the Senate.

On No. 50: Appropriates $8,000, as proposed by the Senate, instead of $6,000, as proposed by the House, for advertising.

On Nos. 51 and 52: Strikes out the change in designation proposed by the Senate for the office of superintendent of weights, measures, and markets, and appropriates $300, as proposed by the Senate, instead of $100, as proposed by the House, for the purchase of commodities and for personal serv-

ices in connection with the investigation and detection of sales of short weights and measures.

On No. 53: Appropriates $7,500, as proposed by the Senate, instead of $5,000, as proposed by the House, for the employment service.

On No. 54: Appropriates $500, as proposed by the Senate, for the erection of tablets to mark historical places.

On No. 55: Appropriates $2,500 instead of $3,500, as proposed by the Senate, to make the old Mott School available for use as a property yard and directs that a wire fence be built around the property.

On No. 56: Appropriates $250,000 instead of $225,000, as proposed by the House, and $285,000, as proposed by the Senate, for assessment and permit work.

On No. 57: Appropriates $50,000, as proposed by the Senate, for paving roadways under the permit system.

On Nos. 58, 59, 60, 61, 62, 63, and 64, relating to street improvements: Strikes out the appropriation of $45,000, proposed by the Senate, for paving the west side of Connecticut Avenue from Ingomar Street to Chevy Chase Circle, and appropriates for the following streets at the amounts inserted by the Senate: East Capitol Street from Fifteenth to Eighteenth Street, $37,000; Rhode Island Avenue NE., Twelfth to Sixteenth Street, $45,000; Twelfth Street NE., Michigan Avenue to Upshur Street, $17,200; Randolph Street NW., Thirteenth to Fourteenth, $10,700; Twenty-eighth Street NW., Woodley Road to Cathedral Avenue, $10,000.

On No. 65: Appropriates $35,000 for grading streets, alleys, and roads, as proposed by the House, instead of $50,000, as proposed by the Senate.

On Nos. 66 and 67: Appropriates $460,000 for repairs of streets, avenues, and alleys instead of $431,250, as proposed by the House, and $500,000, as proposed by the Senate, and authorizes the purchase of a motor truck at not to exceed $2,000, as proposed by the Senate.

On No. 68: Appropriates $15,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for sidewalks and curbs around public reservations and around municipal and United States buildings.

On No. 69: Appropriates $225,000, instead of $200,000, as proposed by the House, and $250,000, as proposed by the Senate, for repairs to suburban roads.

On Nos. 70 and 71: Appropriates $27,500, as proposed by the House, instead of $30,000, as proposed by the Senate, for construction and repair of bridges, and strikes out the authority proposed by the Senate for the purchase of a special motor vehicle.

On No. 72: Appropriates $125,000, as proposed by the Senate, instead of $120,000, as proposed by the House, for main and pipe sewers and receiving basins.

On No. 73: Appropriates $125,000, as proposed by the House, instead of $150,000, as proposed by the Senate for suburban sewers.

On No. 74: Appropriates $375,000, instead of $350,000, as proposed by the House and $400,000 as proposed by the Senate, for street cleaning.

On Nos. 75 and 76: Restores the language stricken out by the Senate providing for the purchase and maintenance of a dead-animal wagon and prohibiting the letting of a contract for the collection of dead animals, and provides that the appropriation for disposal of refuse shall not be available for collecting ashes or miscellaneous refuse from apartment houses and large boarding houses.

On No. 77: Restores the title in the House bill on the appropriation for trees and parking.

On No. 80: Restores the language stricken out by the Senate making appropriations for the playgrounds department payable wholly from the revenues of the District of Columbia.

On No. 81: Appropriates $2,250 instead of $2,000 as proposed by the House and $2,500 as proposed by the Senate for the board for condemnation of insanitary buildings.

On No. 82: Strikes out the language inserted by the Senate specifically including the Highway Bridge in the phraseology of the appropriation for street lighting.

On No. 83: Strikes out the word "responsible" inserted by the Senate in the language providing for the letting of contracts for street lamps and fixtures.

On Nos. 84 and 85: Strikes out the appropriation of $4,000 proposed by the Senate for the salary of a business manager for the public schools.

On No. 87: Strikes out the paragraph inserted by the Senate permitting employees of the Federal Government to be employed as teachers of night schools and vacation schools, when the combined rate of compensation from both sources would exceed $2,000 per annum.

On No. 88: Appropriates $36,500 for annuities for retired teachers as proposed by the House instead of $40,500 as proposed by the Senate.

On Nos. 89, 90, 91, 92, 93, 94, 95, 96, and 97, relating to janitors and care of school buildings and grounds: Appropriates for 4 assistant engineers, at $1,000 each, as proposed by the House, instead of 5, as provided by the Senate; appropriates for 23 janitors, at $1,000 each, as proposed by the House, instead of 28, as proposed by the Senate; appropriates for 71 janitors, at $720 each, as proposed by the House, instead of 69, as proposed by the Senate; appropriates for 7 assistant janitors, at $900 each, as proposed by the Senate, instead of 6 as proposed by the House; appropriates for 9 firemen, at $720 each, as proposed by the House, instead of 10, as proposed by the Senate; appropriates for 4 coal passers, at $600 each, as proposed by the House, instead of 5, as proposed by the Senate; appropriates for 5 night watchmen, at $720 each, as proposed by the House, instead of 6, as proposed by the Senate; appropriates for 113 laborers, at $720 each, as proposed by the Senate, instead of 10 skilled laborers, at $720 each and 98 laborers, at $720 each, as proposed by the House.

On No. 98: Appropriates $250,000, as proposed by the Senate, instead of $200,000, as proposed by the House, for repairs and improvements to school buildings and grounds.

On Nos. 99 and 100: Appropriates $101,760, as proposed by the House, instead of $125,000, as proposed by the Senate, for furniture and equipment for new school buildings and new additions to school buildings.

On Nos. 102 and 103, relating to community center department: Restores the language stricken out by the Senate making the appropriation payable wholly out of the revenues of the District of Columbia, and provides, as proposed by the House, that the salaries of janitors shall be included within the 60 per cent limitation on salaries.

On No. 104: Provides that, in addition to children of Army and Navy officers, the children of other employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition, as proposed by the Senate.

On No. 105: Strikes out the paragraph inserted by the Senate providing that the double salary law shall not apply from July 1 to September 15, 1921, to public-school teachers of the District of Columbia when employed in any branch of the Federal Government.

On No. 106: Appropriates $125,000 instead of $140,000, as proposed by the Senate, for an eight-room addition to the Lovejoy School and strikes out authority for the purchase of additional land.

On No. 107: Strikes out the appropriation of $140,000 inserted by the Senate for additional land and an eight-room addition to the Phillips School.

On No. 108: Strikes out the appropriation of $25,000 inserted by the Senate for a new site for a school building to take the place of the Tenley School.

On Nos. 109 and 110: Strikes out the increases in the limit of cost proposed by the Senate for two junior high schools.

On No. 111: Strikes out the language proposed by the Senate making the unexpended balance of the appropriation for the site for a school building in the Ingleside section available toward the construction of the building.

On No. 112: Restores the language stricken out by the Senate relative to the method of letting contracts for buildings appropriated for in the bill.

On No. 113: Appropriates $50,000, as proposed by the Senate, for additional land adjoining the Dunbar High School.

On Nos. 117, 118, 119, 120, and 121, relating to Metropolitan police: Appropriates for 42 privates at $1,460 each, instead of 17, as proposed by the House, and 92, as proposed by the Senate; provides a motor-vehicle allowance of $480 to one inspector, as proposed by the House, instead of $312 each to two inspectors, as proposed by the Senate; appropriates $5,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for additional motor vehicles; and appropriates $20,000, as proposed by the Senate, as an additional amount for the erection of a station house modified so as to specifically designate the location of the structure.

On Nos. 122, 123, 124, 125, 126, 127, and 128, relating to the fire department: Appropriates for 12 privates at $1,460 each, as proposed by the House, instead of 25, as proposed by the Senate; appropriates $12,000 for hose, as proposed by the House, instead of $15,000, as proposed by the Senate; appropriates $2,000, as proposed by the Senate, instead of $1,500, as proposed by the House, for repairs to the fire boat and makes the appropriation immediately available, as proposed by the Senate; appropriates for one motor-driven combination chemical and hose

wagon at $8,150, as proposed by the House, instead of two, as proposed by the Senate; appropriates $12,500 for one motor-driven pumping engine, as proposed by the House, instead of two, as proposed by the Senate; and appropriates $5,000, as proposed by the Senate for repairs and alterations to the engine house on D Street NW. between Twelfth and Thirteenth Streets.

On Nos. 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138, relating to the health department: Appropriates $6,000, as proposed by the House, instead of $7,000, as proposed by the Senate, for maintenance of the disinfecting service; appropriates $2,000, as proposed by the Senate, instead of $1,000, as proposed by the House, for the enforcement of laws relating to the drainage of lots and the abatement of nuisances; appropriates $200, as proposed by the Senate, instead of $100, as proposed by the House, for special services in connection with the detection of the adulteration of drugs and foods; appropriates $750, as proposed by the House, instead of $1,500, as proposed by the Senate, for maintenance of the chemical laboratory; strikes out the appropriation of $3,000, proposed by the Senate, for repairs to the contagious-disease ward at Garfield Hospital; appropriates $12,500, as proposed by the House, instead of $13,500, as proposed by the Senate, for the maintenance of dispensaries, and strikes out authority to use the appropriation for payment of rent and limits the appropriation to the treatment of indigent persons, as proposed by the Senate; appropriates $18,000 instead of $15,000, as proposed by the House, and $20,000, as proposed by the Senate, for the treatment of children under a contract with the Child Welfare Society of the District of Columbia; and strikes out the appropriation of $3,000, proposed by the Senate, to aid persons of moderate means who are suffering from tuberculosis.

On No. 139: Appropriates $10,000, as proposed by the Senate, instead of $9,000, as proposed by the House, for the compensation of jurors of the police court.

On No. 140: Restores the language stricken out by the Senate providing that none of the money appropriated in the bill shall be available for jurors' fees unless the actual cost of the trial jury shall be taxed as part of the costs and paid by the unsuccessful litigant.

On No. 141: Appropriates $6,500, as proposed by the Senate, instead of $5,500, as proposed by the House, for expenses in connection with writs of lunacy.

On No. 143: Appropriates $3,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for use as an emergency fund, and strikes out the language inserted by the Senate making the fund available in all cases of emergency in the discretion of the commissioners.

On No. 144: Appropriates $60,000, as proposed by the Senate, instead of $55,000, as proposed by the House, for fees of jurors in the supreme court.

On No. 145: Appropriates $5,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for the care of contract patients in the Eastern Dispensary.

On No. 146: Restores the language stricken out by the Senate covering the surplus revenues of the Columbia Hospital into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportion as the appropriations for the hospital are paid from the Treasury of the United States and the revenues of the District of Columbia.

On No. 147: Strikes out the paragraph inserted by the Senate providing for the admission of pay patients to the Tuberculosis Hospital.

On Nos. 148, 149, 150, and 151, relating to the Gallinger Municipal Hospital: Restores the paragraph stricken out by the Senate limiting the number of persons who may be employed during the fiscal year and fixing the maximum salary for all classes of service; appropriates $75,000 for maintenance instead of $45,000, as proposed by House, and $90,000, as proposed by the Senate; appropriates $10,000, as proposed by the Senate, for alterations to the old hospital building to make it available for quarters for female employees; and strikes out the paragraph inserted by the Senate authorizing the admission of pay patients to the hospital.

On Nos. 152, 153, and 154, relating to the Board of Children's Guardians: Appropriates for one supervisor and placing officer at $1,740, and one investigator and placing officer at $1,500, instead of two supervisors at $1,740 each and two investigators at $1,500 each, as proposed by the Senate, and strikes out the appropriation of $1,200, inserted by the Senate, for a stenographer.

On Nos. 156 and 157, relating to the Industrial Home School: Appropriates $22,500, as proposed by the Senate, instead of $25,000, as proposed by the House, for maintenance, and appropriates $3,000, as proposed by the Senate, for repairs and improvements, instead of $5,000, as proposed by the House.

On Nos. 158 and 159, relating to the Home for the Aged and Infirm: Makes the appropriation for maintenance available for the upkeep of a motor vehicle and appropriates $6,000, as proposed by the House, instead of $7,500, as proposed by the Senate, for an ice-making and refrigeration plant.

On Nos. 160, 161, and 162, relating to the municipal lodging house: Strikes out the appropriation for a night watchman and appropriates $3,000 for maintenance, as proposed by the Senate, instead of $2,000, as proposed by the House.

On Nos. 165 and 166: Appropriates $850,000 for support of indigent insane, as proposed by the House, instead of $900,000, as proposed by the Senate, and changes the heading from "Hospital for the Insane" to "St. Elizabeths Hospital," as proposed by the Senate.

On Nos. 167, 168, 169, 170, 171, 172, 173, 174, 176, 177, 178, 179, 180, 181, 182, 183, 184, and 185, relating to buildings and grounds in and around Washington: Appropriates $800 for contingent expenses, as proposed by the Senate, instead of $700, as proposed by the House; appropriates for 55 privates of park police at $1,360 each, instead of 53, as proposed by the House, and 61, as proposed by the Senate; appropriates $3,500, as proposed by the Senate, instead of $3,000, as proposed by the House, for laying cement and other walks; appropriates $10,000, as proposed by the Senate, instead of $7,000, as proposed by the House, for broken-stone road coverings for parks; limits the amount of the appropriation for Rock Creek Park which may be expended for repairs to the superintendent's residence to $500; appropriates $30,000 for West Potomac Park, as proposed by the Senate, instead of $25,000, as proposed by the House; appropriates $35,000, as proposed by the Senate, for East Potomac Park, instead of $30,000, as proposed by the House; appropriates $15,000, as proposed by the Senate, for placing and maintaining portions of the parks for outdoor sports, instead of $10,000, as proposed by the House; appropriates $50,000, as proposed by the House, instead of $65,000, as proposed by the Senate, to provide for the increased cost of park maintenance; appropriates $2,500, as proposed by the Senate, instead of $2,000, as proposed by the House for care of the center parking of Pennsylvania Avenue SE.; appropriates $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House for the Tidal Basin bathing beach; appropriates $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for a bathing beach and bathhouse for the colored population: appropriates $2,000, as proposed by the House, instead of $2,500, as proposed by the Senate for repairs to the statue of General Washington in Washington Circle; strikes out, as proposed by the Senate, the appropriation of $20,000 for continuing the construction of a sea wall at the foot of New Hampshire Avenue; appropriates $1,000, as proposed by the Senate, for care of Mount Vernon Park; strikes out the appropriation of $2,500, proposed by the Senate, for operating the pumps at the fountain in Dupont Circle; and appropriates $6,000 for heating buildings and greenhouses, as proposed by the Senate, instead of $4,500, as proposed by the House.

On No. 188: Appropriates $30,000, as proposed by the House, instead of $40,000, as proposed by the Senate, for installing water meters.

On No. 189: Includes passenger-carrying and other motor vehicles in the list of articles which the commissioners shall purchase from surplus material of the United States, as proposed by the Senate.

The committee of conference have not agreed to the following amendments of the Senate.

On No. 1: Relating to the proportion of appropriations to be paid from the Treasury of the United States and the revenues of the District of Columbia and related fiscal questions.

On Nos. 78 and 79: Appropriating $50,000 for additional land for the playground department.

On No. 86: Relating to the appropriation for teachers in the night schools.

On No. 101: Appropriating $2,400 for equipping additional school grounds for play purposes.

On No. 114: Appropriating $50,000 for additional land at the Armstrong Manual Training School.

On No. 115: Authorizing an addition to the Armstrong Manual Training School, to cost not to exceed $500,000, and appropriating $100,000 to commence the work.

On No. 116: Authorizing the preparation of plans for an addition to the Western High School.

On No. 142: Providing that the interest and sinking fund on the funded debt shall be payable one half by the United States and one half by the District of Columbia.

On No. 155: Providing a site and buildings for a home and school for feeble-minded persons.

On No. 163: Appropriating $5,000 to aid the National Library for the Blind.

On No. 164: Appropriating $1,500 to aid the Columbia Polytechnic Institute.

On No. 175: Appropriating $5,000 for a tourist camp in East Potomac Park.

On No. 186: Providing for the acquisition of jurisdiction over three areas for park purposes, to cost not to exceed $1,024,300, and appropriating $300,000 for said purpose.

On No. 187: Providing for an increased water supply for the District of Columbia.

C. R. DAVIS,
ROBERT E. EVANS,
BEN JOHNSON,
Managers on the part of the House.

Mr. MOORE of Virginia. Mr. Speaker, I reserve all points of order on the conference report. I might explain that I do this only with a view to an amendment which I understand will be offered.

The SPEAKER. The gentleman will state his point of order.

Mr. MOORE of Virginia. It has reference to an amendment which is to be offered, as I understand it, in a few minutes, but I wish to reserve points of order to amendment No. 1, which has just been printed.

Mr. DAVIS of Minnesota. But that is not involved in this matter at present.

The SPEAKER. This is the proper time for the gentleman to reserve points of order on the conference report.

Mr. STAFFORD. Mr. Speaker, I believe the gentleman from Virginia is under a misapprehension in respect to the legislative situation. He does not lose any right whatsoever so far as making a point of order to an amendment is concerned that may be offered in the future. No amendment has as yet been offered.

Mr. MOORE of Virginia. I will say that I am in the hands of the Speaker as to that. The Speaker thoroughly understands why I reserve the point of order.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

Mr. DAVIS of Minnesota. Mr. Speaker, will the gentleman say what his point of order is?

Mr. MOORE of Virginia. I am advised that it is necessary for me to make the reservation.

The SPEAKER. As the Chair understands it, the gentleman wishes to make a point of order to an amendment that is not in the conference report.

Mr. MOORE of Virginia. I want to reserve the right to make the point of order.

The SPEAKER. The gentleman will have that right when the amendment comes up.

Mr. DAVIS of Minnesota. Mr. Speaker, I shall very briefly give a summary of the present condition of this bill. The amount of the bill as it passed the House originally was $20,207,739.80. The amount of the bill as it passed the Senate was $23,055,923.80. The net amount added by the Senate was $3,558,144. That is the largest amount in my experience that was ever added to a District of Columbia appropriation bill since I have been a Member of the House. The House conferees in conference with the Senate conferees have receded, as per the conference report, on $655,430. In addition to that, I expect to bring back to the House amounts involved in Senate amendments for action by the House, the adoption of which the House managers will recommend to the House. Where an amendment is placed on by the Senate, even though we concur in it, if it is subject to a point of order, I for one believe in following the rule strictly, and therefore we have brought back a lot of matters which we expect to have the House accept.

Mr. GRAHAM of Illinois. Will the gentleman yield for a question?

Mr. DAVIS of Minnesota. I will.

Mr. GRAHAM of Illinois. Will the gentleman tell the House whether these three new parks to be acquired——

Mr. DAVIS of Minnesota. I will get to those parks, sir, in just a few moments.

Mr. GRAHAM of Illinois. I will be patient if the gentleman will tell us about them.

Mr. DAVIS of Minnesota. I will say for the gentleman's benefit now that we have not agreed upon the parks.

Mr. GRAHAM of Illinois. I congratulate the committee.

Mr. DAVIS of Minnesota. But that is not part of our conference report. I am simply now talking about the conference report proper. The following amounts we expect to offer and will offer and recommend that the House adopt the same, amendments by the Senate which we could not consistently under the rules agree to and put into the general conference report: Playgrounds, amounting to $25,000; school playgrounds equipment, $2,400; Armstrong School, $50,000; Armstrong School addition, $100,000; Home for Feeble-minded, $100,000; Library for the Blind, $5,000; Columbia Polytechnic Institute, $1,800; water supply, $1,500,000.

I will say that the conferees have agreed upon these things, but under the rules I deemed it my duty to bring them back here and ask the House, if it wants to do so, to vote for them. So that makes a total of $2,436,830 that the House had virtually receded from; amendments were put upon it by the Senate, and the Senate thus far receded from $748,814. I do not know whether we have been liberal or not, but I think we have. If we accept this $1,781,400, which I believe the House will, then the Senate will recede upon some small matters here, playgrounds, night schools, home for feeble-minded, library for the blind, amounting to $67,590, or a total recession of $816,314, while the House has already virtually receded on $2,436,830. Now, we have two items here the conferees have absolutely disagreed on. One of those is tourist camp, Potomac Park, $5,000, and the other is the item just spoken of by the gentleman from Illinois, jurisdiction over park areas, $300,000. There is an absolute disagreement on that. For the benefit of gentlemen I will say it is my understanding that while there is a million and some thousand dollars sought by the Senate amendment for those parks, yet it is worded so that only $300,000 is to be appropriated now in order to give the Superintendent of the Public Buildings and Grounds jurisdiction over them for park purposes. That is why the amount here is only $300,000. These items I have already suggested, the items we have produced and bring before the House and ask the House consent to them; but the first thing is to agree, if you will, upon what is called the conference report proper, the matters I have now read you. Does any gentleman wish to ask any question or desire to make a few remarks? I am perfectly willing he should; if not, I shall move the adoption of the conference report.

Mr. STAFFORD. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. STAFFORD. Was any amendment in controversy involving the increase of appropriations for the improvement of streets of the District?

Mr. DAVIS of Minnesota. There has been, and we have agreed upon it fully, a compromise with the Senate committee in all respects on streets.

Mr. STAFFORD. What is the additional amount agreed upon for street improvements?

Mr. DAVIS of Minnesota. Quite a sum.

Mr. STAFFORD. I think there is great need for some additional appropriation to improve the streets of the District, and that is why I make the inquiry.

Mr. DAVIS of Minnesota. We have added $119,900 besides what it is thought proper for paving—in fact, we have added Ingomar Street to Chevy Chase Circle, $4,500—I can give the numbers.

Mr. STAFFORD. I just wish to have the general amount.

Mr. DAVIS of Minnesota. Next, $37,000, $45,000, $17,200; in all this new addition amounts to $119,900. We gave everything they asked in the Senate except one street.

Mr. LINTHICUM. Mr. Speaker, I desire to ask if this is the proper time to offer an amendment to 187?

The SPEAKER. That will come later.

Mr. LANHAM. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. LANHAM. Is there anything in this report that places a restriction upon the work to be done in the night schools?

Mr. DAVIS of Minnesota. Not in the report; but I shall offer an amendment. That is one of the items we brought back and will be voted upon after we adopt the regular conference report.

Mr. LANHAM. That will be brought before the House?

Mr. DAVIS of Minnesota. That will be brought before the House.

Mr. DENISON. Will the gentleman from Minnesota yield?

Mr. DAVIS of Minnesota. Yes.

Mr. DENISON. The gentleman mentions some item for improved water supply. Is that one of the items that is going to be brought back?

Mr. DAVIS of Minnesota. Yes, sir. That is a matter on which we are going to spend $8,700,000, and we have appropriated in this bill, if the House will consent to it, which I think it will, $1,500,000, besides an authorization for about another $1,500,000, in addition to the other $200,000 which they have already. In fact, we have made it perfectly satisfactory, I think, on the water proposition for the present. Of course, we in the House are just as much interested in a good water supply for this District as any of the conferees of the Senate.

Mr. DENISON. The Senate put it in the bill.

Mr. DAVIS of Minnesota. Because we could not. And we have modified the language a little bit and allowed everything they wanted.

Mr. DENISON. Is the gentleman from Minnesota going to make a statement about it in detail?

Mr. DAVIS of Minnesota. There will be a full statement concerning it, probably by the gentleman from Nebraska [Mr. EVANS], who has made a great study of the proposition.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk proceeded to read amendment No. 1.

Mr. MOORE of Virginia. Mr. Speaker, may I make a suggestion to my friend from Minnesota?

Mr. DAVIS of Minnesota. Yes, sir.

Mr. MOORE of Virginia. As I understand, the gentleman is now about to offer the amendment that I referred to awhile ago. Therefore, I would like to take the liberty of making this suggestion to him. And that is that that amendment, which is one of the most important matters to be considered, perhaps the most important matter from the point of view of the people of the District of Columbia, be laid aside until further amendments, that are less in dispute, are taken up. We have a thin House here now. There are a good many matters that I understand are to be considered in addition to this particular matter, and in view of the fact that the amendment has not been printed, and no real opportunity given for anybody to scrutinize it, I think the suggestion is a reasonable one.

Mr. DAVIS of Minnesota. I think that amendment has been printed two or three days.

Mr. DENISON. I will state that I have been trying for an hour to get one, but could not.

Mr. DAVIS of Minnesota. They have been here all the time.

Mr. MOORE of Virginia. I will inform the gentleman that several Members are in the same situation as the gentleman who has just said that he has been trying to get a copy of the amendment. They have been unable to do so. Here is an amendment that proposes to change in a material way the entire fiscal system of the District. It seems to me that there is no reason why it should not be laid over without prejudice.

Mr. DAVIS of Minnesota. If it was a matter on the merits of the amendment, I would not object. But now I demand the regular order, so that the point of order will be made if it is going to be made, and then we will know whether or not we want to go any further.

Mr. MOORE of Virginia. There is great difficulty in anybody discussing a point of order who has not read the amendment.

Mr. DAVIS of Minnesota. If the gentleman had read the papers he would have found out all about it.

Mr. GARRETT of Tennessee. The impression the papers have left us as to the amendment that is now proposed is that it is included in the conference report.

Mr. LINTHICUM. Mr. Speaker, it seems to me a matter of importance, and I make the point of order that there is no quorum present.

Mr. GARRETT of Tennessee. Let us see first.

Mr. LINTHICUM. I reserve it.

Mr. GARRETT of Tennessee. I would like to know what the gentleman's point is. The amendment has not been read yet.

The SPEAKER. The gentleman from Virginia [Mr. MOORE] asks unanimous consent that this amendment be taken up after the other amendments are considered. If you take it up for one purpose, you take it up for all.

Mr. DAVIS of Minnesota. I insist on the regular order in this respect. I am willing to pass it over if I know what the gentleman's point of order consists of. The amendment has not been read yet.

The SPEAKER. As soon as the amendment is read it is up for consideration. Then it will be too late to let it go over.

Mr. GARRETT of Tennessee. Mr. Speaker, it seems to me it could be reported, the point of order reserved, and he could agree to its going over.

The SPEAKER. It will make the trouble of reading it again later. The Chair will suggest, if he understands the gentleman from Minnesota [Mr. DAVIS], that perhaps it might be arranged that the amendment should be taken up with a point of order pending, and if the point of order should be overruled then on its merits it should go over. There is no need of a large attendance to consider the point of order.

Mr. MOORE of Virginia. Let me modify my suggestion. Let this amendment be laid over until to-morrow morning, to be taken up then as soon as the House meets. It is now 10 minutes after 3 o'clock, and probably the House will adjourn at 5 o'clock or near that hour, and it seems to me it is only fair that opportunity should be given gentlemen who wish to discuss the point of order to examine this question. I am not an obstructionist. I have never made the point of no quorum or tried to delay business in any way at all, and I think that my friend ought to accede to my suggestion.

Mr. DAVIS of Minnesota. I will say that I want the point of order determined, if you are going to make one, before I go further on these various amendments.

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

Mr. DAVIS of Minnesota. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Fitzgerald	Lee, N. Y.	Rosenbloom
Ansorge	Focht	Longworth	Rosedale
Atkeson	Freeman	Lyon	Ryan
Bacharach	Funk	McArthur	Sabath
Barbour	Garner	McClintic	Sanders, Ind.
Berk	Garrett, Tex.	McLaughlin, Nebr.	Sanders, N. Y.
Benham	Gilbert	McPherson	Scott, Tenn.
Bixler	Gorman	Madden	Sears
Blakeney	Gould	Maloney	Shelton
Bland, Ind.	Green, Iowa	Mann	Shreve
Blanton	Grieve	Mansfield	Sisson
Bowers	Hammer	Martin	Slemp
Brand	Hawley	Mead	Smith, Mich.
Britten	Hays	Michaelson	Smithwick
Brooks, Ill.	Hill	Mills	Speaks
Brooks, Pa.	Hogan	Montague	Sproul
Brown, Tenn.	Hooker	Montoya	Stedman
Burke	Hudspeth	Moore, Ill.	Steenerson
Butler	Hukriede	Mott	Stephens
Campbell, Pa.	Hull	Mudd	Stiness
Cantrill	Humphreys	Nelson, J. M.	Strong, Pa.
Carew	Husted	Newton, Minn.	Sullivan
Chandler, N. Y.	Hutchinson	Newton, Mo.	Sweet
Clark, Fla.	Ireland	Nolan	Tague
Classon	James	O'Brien	Taylor, Colo.
Clouse	Jeffers, Ala.	Ogden	Thomas
Cockran	Johnson, S. Dak.	Olpp	Tilson
Codd	Johnson, Wash.	Osborne	Tincher
Collier	Kahn	Paige	Treadway
Collins	Kearns	Parker, N. Y.	Underhill
Connell	Keller	Patterson, Mo.	Upshaw
Cooper, Ohio	Kelly, Pa.	Patterson, N. J.	Vare
Copley	Kendall	Petersen	Vestal
Coughlin	Kennedy	Porter	Voigt
Crago	Kindred	Rainey, Ala.	Ward, N. Y.
Cramton	Kitchin	Ransley	Ward, N. C.
Darrow	Kleczka	Reavis	Wheeler
Davis, Tenn.	Knight	Reber	Williams
Dempsey	Kopp	Reece	Wilson
Drane	Kreider	Reed, N. Y.	Winslow
Driver	Kunz	Reed, W. Va.	Wood, Ind.
Dunn	Lampert	Riddick	Woodruff
Ellis	Lankford	Riordan	Woodyard
Fairchild	Lazaro	Robertson	Wurzbach
Fields	Leatherwood	Rodenberg	Wyant
Fish	Lee, Ga.	Rogers	

The SPEAKER. Two hundred and forty-seven Members have answered to their names. A quorum is present.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Massachusetts moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Senate amendment No. 1: Strike out lines 3 to 9, inclusive, on page 1, and lines 1 to 12, inclusive, on page 2, reading as follows:

"That 40 per cent of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and 60 per cent out of the revenues of the District of Columbia, for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, only, namely:

"If the estimated net revenues of the District of Columbia for the fiscal year ending June 30, 1923, are not sufficient to meet the proportion of the appropriations for that fiscal year charged against such revenues by this and all other acts, or which may be estimated to be charged against such revenues by acts that may be approved during such fiscal year, the Commissioners of the District of Columbia shall increase the rates of taxation on real estate and tangible personal property sufficiently to make up the difference: *Provided, however*, That such rates of taxation shall in no event be less than 1½ per cent nor more than 2 per cent."

And insert:

"That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States.

"For the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues derived from this source shall be covered into the Treasury of the United States as miscellaneous revenue.

"Until otherwise provided by law the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 per hundred, and other taxes shall be as now provided.

"The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenue shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States in addition to the estimates sub-

mitted for the next fiscal year is hereby authorized, and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

"In fixing the value of improvements on any lot or tract of real estate for the purposes of taxation the first $2,000 of value thereof shall be exempt, and shall not be taken into consideration in fixing such value."

Mr. DAVIS of Minnesota. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to recede from the disagreement of the House to the Senate amendment and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following:

"That, annually from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of three-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to go upon a cash-paying basis by the end of the fiscal year 1927; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money; and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it; and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out; and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made; and that from and after June 30, 1922, any and all revenues derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States; and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per cent of the full value of the ground as a ground rent, and the remainder shall be divided between them in the same proportion that each contributed to said improvements; and for such purposes the assessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same; and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto; and that if, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expenses chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do; and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as 'Miscellaneous receipts,' but the revenues from the property known as Center Market shall not be so collected; and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia.

"That all acts or parts of acts in conflict with any provision of this act are hereby repealed to the extent of such conflict but no further.

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1922, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely:"

Mr. MOORE of Virginia. Mr. Speaker, I make a point of order against the amendment just reported. The point of order is directed against the entire amendment and every part of it. I base the point of order on the ground, first, that if the amendment should be adopted, it will be placing legislation upon an appropriation bill; and, second, that the amendment is not germane; that it is not germane to the Senate amendment which it proposes to amend.

Mr. Speaker, I regret that some one more familiar with parliamentary practice has not made the point of order, and I regret also that the matter has been brought up unexpectedly, so that I am not able to develop more fully the views which I entertain.

Now, on the question of germaneness, it seems to be well settled that two subjects are not necessarily germane to each other because they are related, and in the light of that principle it seems to me that the second contention is certainly well founded.

The Senate amendment is very simple in character. So far as the matter we are now considering is concerned, I think I may say that it is limited to provisions that the general expenses of the District shall be paid out of the Treasury; that taxes in the District shall be fair and reasonable, and that certain tax rates shall prevail until otherwise provided. The amendment offered by the gentleman from Minnesota [Mr. DAVIS] goes very far beyond that, and really creates for the District a new fiscal system in practically all of the features of a fiscal system.

We know what the law is at the present time. Let us see how the law is changed and proposed to be changed by this amendment. I shall not attempt to enumerate all of the changes that the amendment contemplates. For example, at this time the tax on intangibles I believe is three-tenths of 1 per cent. This amendment makes it one-half of 1 per cent. This amendment looks to a new division between the Government and the District, varying from the present law, of revenues derived from certain sources. This amendment contains a provision which, so far as I know, is completely new, with respect to the payment of ground rents to the Government by the District of Columbia. At present the law provides that taxation shall be based upon two-thirds of the value of real estate. This amendment provides that the basis hereafter shall be the full market value.

Now, those are simply examples of the changes in the law that are suggested. They are not only changes in existing law and therefore unauthorized, but in addition, it seems to me, unless the theory of germaneness can be stretched to an indefinite limit, they violate the requirement as to germaneness. There is not, to illustrate, anything in the ground-rent provision that relates to the general expenses to be paid out of the Treasury, or to the fairness and reasonableness of taxes, or that certain rates shall obtain unless otherwise provided. The same remark, I think, can be made with respect to the contemplated division of revenues derived from certain sources. The same thing can be said relative to the valuation which is to be used as the basis of assessment. As to the tax on intangibles, so far as germaneness is concerned, I might not make a similar observation, but it is certainly new legislation.

But, Mr. Speaker, the most important proposition contained in this amendment is that in addition to all taxes necessary to meet general expenses, and independent of the obligation that all taxes shall be fair and reasonable, and also quite independent of the provision that certain rates shall be in effect until they are superseded by other rates, is a very remarkable proposition, which is not only new legislation, but, as it seems to me, is entirely foreign to the Senate amendment. General expenses may be paid without reference to the proposition that I am about to allude to; without reference to that proposition taxes may be fair and reasonable, and without reference to that proposition assessed valuation of real estate is to be the full market value. This proposition is what? Nakedly stated, it is a proposition that for five fiscal years, beginning in 1923 and ending in 1927, there shall be paid to the Federal Treasury annually by the District of Columbia what will amount to approximately $3,000,000, or a total of approximately $15,000,000. The reason assigned for putting that proposition in the amendment is that the District of Columbia may "get upon a cash-paying basis by the end of the fiscal year 1927." That

has no relation to providing for and paying general expenses, which is in the Senate amendment, nor does it relate to the other features of the Senate amendment. Being now legislation and not germane to the Senate amendment, I do not see upon what ground it can be justified. The idea of its proponents is that now the District of Columbia receives from the Government of the United States advances, for the reason that the tax bills in the District are not paid until May of the fiscal year, which is toward the close of the fiscal year, and that is wrong. I say that by way of explanation. But whether the proposition meets with our approval or disapproval on its merits, the cold fact stands out that something never in the mind of the Senate is proposed here, that something is proposed which is not designed to take care of any of the objects that the Senate had in mind when it legislated or attempted to legislate.

Mr. HICKS. Will the gentleman yield?

Mr. MOORE of Virginia. In a minute. Now how can that be justified? It is, of course, a departure from the present law. The statute approved February 14, 1904, is the statute that I alluded to a moment ago, when I said that the taxpayers of the District of Columbia are permitted to pay their taxes as late as May of the fiscal year. That law is ignored. It is wiped out. Then that being done, the taxpayers of the District are told that in addition to paying any fund necessary to cover general expenses or any fund derived from the imposition of fair and reasonable taxes, they must plus that by the payment of nearly $3,000,000 a year simply for the purpose of placing the District of Columbia in the future upon a certain basis. Why, Mr. Speaker, if that can be done, where is the line to be drawn? What is to prevent compelling the people of the District to pay $5,000,000 a year or $10,000,000 a year or $20,000,000 a year for five years to go at any remote ultimate result of any character? That would be the exercise of a destructive power not in conformity to the rules but in defiance of the rules.

Now, Mr. Speaker, I have said this much in order to indicate my views to my friend, the gentleman from Minnesota [Mr. DAVIS], who is so extremely anxious that his amendment shall be forthwith disposed of—an amendment he never dreamed of offering when this bill was originally before the House, and that did not enter into the consideration of this bill in the Senate. Having made this brief statement, and realizing that the burden is upon the proponents of the amendment to show that it is within the rules under which we operate, I respectfully submit that this is a case of jurisdiction being exceeded and that the point of order should be sustained.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from New York [Mr. HICKS]?

Mr. MOORE of Virginia. I do.

Mr. HICKS. I think the gentleman, in his last sentence, has covered the point that I wished to make. I wished to ask him, Would not an additional point of order lie in that the conferees had exceeded their jurisdiction, in that this amendment was not in dispute between the conferees?

Mr. MOORE of Virginia. I think what I first said included that—by implication, at least.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CHINDBLOM. I wish to ask the gentleman whether the point which he has raised covers this question, that on page 5 of the amendment it is proposed that the tax-collecting agency of the District of Columbia shall also hereafter collect for the United States any revenues which by the act become the sole property of the United States—in other words, creating a new agency for the collection of taxes for the United States themselves?

Mr. MOORE of Virginia. That is another objectionable feature. I said at the outset that I desired to call attention to only a few of the specific provisions in this amendment that seemed to me to be open to objection. It reeks with objectionable provisions.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is the opinion not only of the conferees upon the part of the House but of the conferees upon the part of the Senate that the language of this bill is in strict compliance with the rules of the House. The gentleman from Virginia [Mr. MOORE] in stating his point of order has emphasized two points—first, that this amendment is legislation upon an appropriation bill, and, next, that the conferees have exceeded their authority. I take it for granted that the Speaker, without argument, will dismiss the first of these contentions for the reason that we are back before the House for the purpose of legislating on an appropriation bill and for no other purpose. The question next arises, Have the conferees exceeded their authority?

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The Senate has acted upon this conference report, as I understand it?

Mr. JOHNSON of Kentucky. I so understand.

Mr. GARRETT of Tennessee. Has the Senate adopted this particular amendment that is proposed by the gentleman from Minnesota?

Mr. JOHNSON of Kentucky. It is impossible under the rules for the Senate to consider this proposition until after the House has sent it to them. It has to be approved by the House before it can go to the Senate.

Mr. GARRETT of Tennessee. Oh, not at all.

The SPEAKER. The Chair will state that the Senate has acted on the conference report and has further insisted on its amendment.

Mr. GARRETT of Tennessee. It has further insisted?

Mr. JOHNSON of Kentucky. It has further insisted on its amendment. We now are considering an amendment to the Senate amendment. I invite the attention of the Chair to line 16 of page 2 of the bill, which reads as follows:

For the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable.

I ask the Chair if that states a rate of taxation? What tax that is merely fair and reasonable can be levied or collected under that language? When the tax collector goes to the holder of property whose property has been given in for taxation and says, I come to you for "a fair and reasonable tax" on your property, the owner, if willing to pay any tax, might be not under that language fix the rate for himself; and then when the tax collector would go to another taxpayer and say to him, I have come to collect "a fair and reasonable tax," may not that taxpayer say that still another rate is "fair and reasonable"? Out of a hundred thousand taxpayers in the District of Columbia under that language there could be as many different rates of taxation. Consequently there must be a fixed rate, and that rate, under this language, when fixed must be within the range of being fair and reasonable. How does this amendment undertake to arrive at a rate that is "fair and reasonable"? The amendment lays down a rule for the purpose of arriving at a rate that is "fair and reasonable." First, the Commissioners of the District of Columbia shall estimate and Congress shall appropriate for their needs, and then a "fair and reasonable" rate is to be fixed by the commissioners that will produce that amount.

Mr. DENISON. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. DENISON. The Senate amendment provides for a rate that is fair and reasonable, and that means fair and reasonable under existing law. The conferees have changed that by fixing a rate under a changed law.

Mr. JOHNSON of Kentucky. That is exactly what is proposed to be done.

Mr. DENISON. But that is not contemplated in the Senate amendment.

Mr. JOHNSON of Kentucky. It is not to be presumed that the Senate amendment would not say the rate should in the future be fair and reasonable if the present rate already is fair and reasonable. Therefore, the Senate made a change of rates permissible.

Mr. DENISON. The question of what a fair and reasonable rate would be would depend on the purpose for which the tax is to be collected. The Senate amendment contemplated a fair and reasonable rate for the purpose authorized under the present existing law. The conference agreement would be a rate for an entirely different purpose, changing the fiscal system in the District and putting it on a cash basis. If the gentleman from Kentucky is right, they could have included in this a proposition to immediately retire all the bonds of the District.

Mr. DAVIS of Minnesota. They are already retired.

Mr. JOHNSON of Kentucky. I can not yield further to the gentleman for an argument, but if he wishes to ask any questions I shall be glad to answer them.

The gentleman from Illinois has taken a fallacious position. He contends that we can not change the law; that this amendment can not be adopted by the House because it is in conflict with the present law. I contend that we are here for the purpose of changing existing law; otherwise this amendment would not have been offered as it is. When this bill was before the House the House could not put the amendment on it, because it was then contrary to the rules of the House; but the Senate can and has put on an amendment in conflict with the rules of the House; and now that that amendment is properly before the House the House is free to perfect it by amendment. That is just what is being undertaken, and to do so is now within the rules of the House, but was not before.

Mr. MAPES. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. MAPES. Of course, the Senate amendment proposes to change existing law in that it takes away the restrictions of the commissioners in making the estimates and exempts from taxation improvements on real estate to the extent of $2,000.

Mr. JOHNSON of Kentucky. Yes; the Senate amendment is a change of existing law. Now, the House conferees have come back with an amendment to the Senate amendment, and all that is necessary is that the amendments shall be germane to the Senate amendmentr. As I just said, we are now seeking to amend the Senate amendments, one of which reads as follows:

That for the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable.

As I was saying when interrupted, under this language the commissioners are to send in their estimates, and those estimates when they come from the Budget to the committee, and the committee brings in a bill and Congress then fixes the amount of the expenditure, to provide for a rate which merely shall be "fair and reasonable" accomplishes nothing unless provision also be made to have a fixed rate. A rate which is fair one year might be unfair the next; but if a "fair and reasonable rate" of taxation be actually fixed by the commissioners, as the amendment provides, so as to raise the amount Congress appropriates for, then you have a rate that can be both fixed and fair.

While I think of it, the gentleman from Virginia has just stated that this amendment raises the taxable value from two-thirds to three-thirds. He says that the law is that real estate and tangible personal property shall be taxed only on two-thirds of its true value. I challenge that statement. There is no need to bring a lot of books here. The Speaker's parliamentarian can turn to the law of 1902, I believe it is, and find that that law says that property shall not be valued for taxation at "less than two-thirds." The assessor now has the right to value property at three-thirds; and consequently this amendment does not change existing law in that respect. The amendment says that it shall be valued at three-thirds—just exactly what the assessor of the District may do now without changing the law. The amendment is merely directory as to present law.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. WALSH. Does the gentleman contend that in a disagreement between the two Houses upon a matter purporting to fix the specific rate of taxation it is germane to provide that the Commissioners of the District shall not be restricted in submitting estimates of the needs of the District, but they shall as near as may be bring them within the probable aggregate of the fixed proportionate appropriation to be paid by the United States in the District of Columbia?

Mr. JOHNSON of Kentucky. I do so contend when——

Mr. WALSH. What has that to do with the tax rate of the District?

Mr. JOHNSON of Kentucky. I can tell the gentleman what the latter has to do with being germane, but I can not tell him what it has to do with the tax rate of the District. Here is what the Senate amendment says:

The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenue shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States in addition to the estimates submitted for the next fiscal year is hereby authorized, and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

The exact language of the Senate amendment relating to the estimates is not used in the pending amendment, but no language is used in this amendment which is not in thorough accord with that provision put on by the Senate.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DENISON. Do I understand the gentleman to take the position that the two propositions are the same, viz, the present law that the property shall be valued at not less than two-thirds of its value for purposes of taxation, and the proposition now before the House that it shall be valued at its complete value?

Mr. JOHNSON of Kentucky. Yes; you correctly understand me.

Mr. DENISON. Is not that a change of law?

Mr. JOHNSON of Kentucky. It may or may not be a change of law. The question is seemingly close; but no matter whether it is or not, the original law was that property should be assessed for taxation at its real value; but they got to assessing property so low here that Congress put on an amendment to an appropriation bill saying that thereafter it should not be assessed at less than two-thirds of its value, thereby not repealing the law that it should be assessed at its full value. That was done to jack up the assessor so that he would not continue to value it below two-thirds. The assessor has construed wrongfully that language to mean that he can not assess it "above" two-thirds, and he has so testified before the Committee on the District of Columbia. He really contended that the law which said that property for taxation should not be valued at "less" than two-thirds meant that it should not be valued "more" than two-thirds; but that construction can not be accepted by anybody who will stop to think. So that this proposition here, that property shall be valued at three-thirds, is not in conflict with the law which says that the assessors shall not assess it below two-thirds.

In addition to that, what matters it to the taxpayers when the commissioners are to levy a rate of taxation for, say, raising $20,000,000, whether that tax rate applies to the two-thirds valuation or to the three-thirds? If the assessor applies it to the two-thirds, then the rate must be larger in order to raise $20,000,000 than if the tax rate be applied to the three-thirds. In the latter case the rate would necessarily be smaller in order to raise the $20,000,000. I insist that there is no conflict between the law as it now stands and the provision in the pending amendment.

But when you speak of a rate of taxation that shall be "fair and reasonable," you can not possibly separate that from a value. A fair and reasonable rate and a value are positively inseparable propositions if a revenue is to be derived—so inseparable that you can not consider one without at the same time considering the other. If you are to levy a fair rate of tax upon anything, God knows there must be a value fixed upon which to levy it. Value can not be left untouched.

Mr. Speaker, if I may be permitted to repeat, the law at present is not that property for assessment shall be assessed at two-thirds of its value, but it is as plain as the nose on a man's face that it shall not be assessed at less than that. If the law be, and it is, that the assessors may go to that, the true value, why should not this directory provision be in full compliance with and be germane to a proposition to levy a fair and reasonable rate on a value not disturbed by the proposed amendment?

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DENISON. I want to ask the gentleman a question which I think will be pertinent to the point of order. The present law provides for the payment of taxes in the District at a certain time during the year, and there is no existing law providing for putting the District of Columbia on a cash basis, is there?

Mr. JOHNSON of Kentucky. The law fixes the time when taxes shall be paid. But let me tell the gentleman something about that. I doubt not that that date was fixed advisedly by some smart draftsman in order that the District of Columbia might stand overdrawn in the Treasury of the United States during 11 months out of every 12.

Mr. DENISON. Regardless of the purpose for which it has been fixed, it is a fact that it has been fixed.

Mr. JOHNSON of Kentucky. And this amendment does not propose to change it.

Mr. DENISON. Does not this amendment propose to put the District on a cash basis?

Mr. JOHNSON of Kentucky. Find in this amendment, if you can, anything which changes the date when taxes shall be paid. There is not a word or a letter in it which says when the taxes shall be paid. That law is left to stand just as it is.

Mr. DENISON. Does not the gentleman think it is changing existing law to provide for collecting enough taxes over a series of years, more than are needed for current needs, in order to put the District on a cash basis?

Mr. JOHNSON of Kentucky. The gentleman talks about putting the District on such a basis as will enable it to pay current expenses. The District is not to-day, nor has it been any other day in the past, except a few days in each year, able to pay current expenses. Call up the auditor for the District of Columbia at this moment and ask him to tell you how many million dollars the District is overdrawn this hour in the Treasury.

Mr. DENISON. Is not the provision in this amendment for putting the District on a cash basis, through a series of years, until 1927, either adopting a new law or changing existing law?

Mr. JOHNSON of Kentucky. It is doing neither——

Mr. DENISON. There is where I think I shall have to differ with the gentleman.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from Illinois has just propounded a question as to whether or

not collecting sufficient taxes to meet the District of Columbia's needs is not changing existing law. The existing law is that the District of Columbia shall collect money enough to pay her expenses. Every municipality in the world except this collects this year that with which it shall pay current expenses during next year; but the District of Columbia collects nothing this year with which to pay her expenses next year. During the last month of the fiscal year the District of Columbia collects money enough not to pay current expenses but to pay past expenses, those that have been paid out of the Federal Treasury by making overdrafts on the Federal Treasury, for which no interest is paid to the Federal Government by the District of Columbia on account of these overdrafts.

It has been suggested that because this amendment changes the rate of taxation on intangible personal property that that change makes this amendment subject to a point of order; and there I believe I can interpose the suggestion that if this amendment repealed all taxes on intangible personal property there would have been no serious opposition to this bill. In the organic act of 1878 a tax of $1.50 was placed on intangible personal property, such as stocks, bonds, and mortgages. After some years had run the lobby here got the law changed so that intangible personal property was relieved entirely from all taxation. Then, a few years ago, Congress put upon intangible personal property a tax of 4 mills. In a little while, even before the tax had been collected under that law, the lobby, beating at these doors all the while, got that reduced to 3 mills. The conferees, by the proposed amendment, have raised that tax from 3 mills to 5 mills. That is the very proposition that has raised so much opposition against this amendment. Now, the question arose, Is it germane by this amendment to increase the tax on intangible personal property? Again resort is had to the language used by the Senate, that the tax shall be fair and reasonable, notwithstanding that in lines 23 and 24 we find that the Senate amendment says "and other taxes shall be as now provided." There we have the Senate dealing with other taxes than those on real estate, and so forth. The Senate by that amendment opened up the question as to all other taxes. If the Senate had said nothing about "other taxes," then this amendment might not be germane to those particular taxes; but they have opened up the question by saying that "other taxes" shall be the same, and the conferees by the pending amendment say that they shall not be the same.

Mr. WINGO. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield.

Mr. WINGO. I want to see if I follow the gentleman, because I have not read the Senate amendment. The Senate amendment undertook to revise and change both the assessment and the taxing rate, and is it the gentleman's contention that they, having uncovered the whole subject, your proposal to increase from the 3 to 5 mills is germane?

Mr. JOHNSON of Kentucky. That is it. The Senate by opening up the subject of "other taxes" justifies the House under its rules to treat of "other taxes." Mr. Speaker, the Senate by using the language that taxation shall be "fair and reasonable" threw the doors wide open as to tax on real estate and tangible property values, and the amendment as to "other taxes" does the same thing as to "other taxes." There is no way of getting away from that. I repeat, if I may, that when they say by that language that "other taxes" shall remain the same, they go into the subject; they throw wide open the doors to an amendment to their language; and the pending amendment says, and says germanely, that "other taxes" shall not be the same. The Senate asserts the affirmative. This amendment merely substitutes the negative for that affirmative. The Senate in asserting the affirmative adhere to 3 mills. This amendment negatives that and says the rate shall not be the same, but that it shall be 5 mills.

Now, Mr. Speaker, in lines 21, 22, 23, and 24, page 2, we find the following:

Until otherwise provided by law, the rate of taxation in this District of Columbia on tangible personal property and real estate shall be $1.75 a hundred, and other taxes shall be as now provided.

I have just addressed myself to the last few words of that sentence, which relate to intangible personal property.

I wish now to address myself to the language which says that the rate until otherwise ordered shall be $1.75 a hundred. I ask the Speaker to read it carefully. Who says that by that language the $1.75 is not to be the rate upon three-thirds? That language says that until otherwise provided by law the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 per hundred, not $1.75 on two-thirds of a hundred. Therefore, when the pending amendment says that the property shall be listed for taxation at three-thirds of its value then the amendment is in thorough accord and in keeping with the declaration upon the part of the Senate which says the rate shall be until otherwise ordered by Congress $1.75 on a hundred—not $1.75 on two-thirds of a hundred.

Mr. DENISON. Will the gentleman yield there?

Mr. JOHNSON of Kentucky. Yes.

Mr. DENISON. Of course, when this provision says $1.75 per hundred, that means per hundred under existing law, and existing law provides for an assessed valuation as distinguished from actual valuation.

Mr. JOHNSON of Kentucky. Why of existing law? Where is it?

Mr. DENISON. Does not the present law provide for an assessed valuation of two-thirds its value or, at least, not less than two-thirds of its value?

Mr. JOHNSON of Kentucky. Yes; in order to jack the assessor up, it says he shall assess property at not less than two-thirds of its value; bear in mind, please, the Senate amendment now says that the tax rate shall be $1.75 on a hundred, and not on two-thirds of a hundred. The language of the Senate amendment is plain on this proposition.

Mr. DENISON. It says on a hundred, and that means a hundred of assessed valuation.

Mr. JOHNSON of Kentucky. Then why did they put in any amendment at all?

Mr. DENISON. That is the law of every State, so far as that is concerned.

Mr. JOHNSON of Kentucky. We are not dealing with the laws of States. We are dealing with the language the Senate has sent over and which we are proposing to embody in a fitting place in the proposed amendment.

The SPEAKER. The Chair would state that he thinks it unnecessary for the gentleman from Illinois [Mr. DENISON] to pursue his inquiry.

Mr. DENISON. I was wanting to set the gentleman from Kentucky right, if I could, on that proposition.

Mr. JOHNSON of Kentucky. Mr. Speaker, when the Senate opens up the proposition for a tax upon property to meet its requirements then this House has a perfect right to deal with both rates and values, because without both neither is worth while. What are the expenses of the District? The expenses of the District to be paid by tax levy upon property consist not merely in the paying of past debts, but the expenses of the District must be paid by a tax levied, according to every law that has been written upon the subject, to meet its current expenses, and that law will be found in the organic act—that the tax is for the purpose of meeting current expenses. Current expenses are not alone those which they have not paid—and to-day they stand with millions of dollars of their debts unpaid—but it is to meet their expenses as they incur them.

Knowing, Mr. Speaker, that others desire to follow me to demonstrate other points than the ones upon which I have touched, I shall conclude for the present.

Mr. TOWNER. Mr. Speaker, I desire to make one suggestion. I do not know whether the Speaker has had an opportunity to examine this carefully or not, but I think we all admit that the question is a close one, and I am quite sure the Speaker will give it the careful consideration he always gives to propositions that come before him.

Mr. Speaker, it is very easy to determine what are the matters of difference between the House and the Senate. We only have to examine one paragraph on page 1, and the paragraph on page 2 that connects with it, and then to examine a very short substitute that was adopted by the Senate. That constitutes, Mr. Speaker, the matter in dispute between the House and the Senate. I think we all might admit everything that the gentleman from Kentucky [Mr. JOHNSON] has said and still be in very serious doubt as to whether or not this did not contain matter that was not in dispute between the House and the Senate. And when the Speaker examines this matter, I call his attention to the language on page 4 of the amendment, commencing on line 5. The language is:

And that from and after June 30, 1922, any and all revenues derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States.

There is certainly a determination, a legislative determination, which is by the terms of this amendment declared to be property of the United States. It occurs to me that that provision could not by any possibility be considered as a matter that is in dispute between the House and the Senate.

And that is not all. Following that is found this language:

And that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall

first be used to pay the United States 3 per centum of the full value of the ground as a ground rent, and the remainder shall be divided between them.

And so forth. In other words, this is a provision, not for revenues and not for taxes but for the disposition of rentals of property that might have belonged to the United States. Certainly that can not be considered as a tax or revenue question. Certainly that is not a matter that was in dispute between the Senate and the House. Then I want to——

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. JOHNSON of Kentucky. I rose for the purpose of interrupting the gentleman relative to the first subsection of the amendment, and that is that when the District of Columbia owns neither wholly nor in part, as between itself and the United States, any property, that the revenues derived therefrom should go into the Federal Treasury.

Now, I contend, Mr. Speaker, that that does not change existing law. It changes existing practice. When the Government of the United States owns a piece of property and the District of Columbia wrongfully appropriates revenues from it, as in many instances it has done, that is a diversion of Federal money to District purposes, and I contend that this is not a change of law but it is to stop a practice.

Mr. TOWNER. Mr. Speaker, that really has nothing to do with the proposition involved. I am only calling the attention of the Speaker to this proposition, that to determine by a legislative enactment the ownership of property is not a matter that was in dispute between the House and the Senate, and if it is not such a matter, then it can not be brought in in this way, when we are considering the report of the conferees. Neither can the disposition of rentals from property be considered as a matter of dispute between the House and Senate.

Now, let us go over further and see a further provision on page 5 of the amendment, line 13:

And that the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as "miscellaneous receipts," but the revenues from the property known as Center Market shall not be so collected.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield there for a moment?

Mr. TOWNER. Wait just a moment; then I will yield. So that by the terms of this act, this law—because it is to be a law—prescribes that the tax collector for the District of Columbia shall collect the rentals that may be due the United States, and shall pay that money into the Treasury of the United States.

Now, I assume the gentleman would say that that is in accordance with existing law. I do not know whether it is or not, but it was not in this bill, and it was not in dispute between the House and the Senate, because they have nothing to do with anything except questions of taxation, not with regard to determining the ownership of property, not with regard to determining who is entitled to the rentals of property, and not in regard to the creation of an agency for collecting the revenues of the Government and placing them in the Treasury of the United States. It can not be said by any stretch of imagination that these were matters of dispute, when the matters of dispute referred only to taxation and the disposition of it. That seems to me to be a very serious question.

Mr. JOHNSON of Kentucky. If the gentleman will permit an interruption, I wish to invite his attention and that of the Chair to lines 13 and 14 on page 2 of the bill. I will read them to the Chair, so that the Chair can get them with undivided attention. I read:

That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States——

Mr. TOWNER. I yield the floor, unless the gentleman desires to ask a question.

Mr. JOHNSON of Kentucky. I hope the gentleman is not yielding the floor, because I ask leave to interrupt him.

Mr. TOWNER. No. I understood the gentleman desired to make a statement, not to ask a question. I am perfectly willing to yield to the gentleman to ask a question.

Mr. JOHNSON of Kentucky. I do not desire to ask a question, but I did desire to say a word about a feature which he was then discussing and, as I think, arguing from false premises.

Mr. TOWNER. I shall be glad to hear the gentleman.

Mr. JOHNSON of Kentucky. The gentleman from Iowa just laid much emphasis upon the provision that the revenues belonging to the United States should be collected by the same officers as those who collect the revenues for the District. They are doing that very thing to-day. It is no change of law.

Under the law and under the practice in vogue the same officers who collect the revenues for the District of Columbia are collecting some revenues for the United States. There are many revenues which the tax collector for the District of Columbia collects go 60 per cent to the District of Columbia and the remaining 40 per cent to the United States. A collector of taxes for the District of Columbia might overlook the collection of moneys going to the United States and say that he was not charged with the collection of that part that went to the United States. This amendment makes it plain that he is only to continue to collect that part of a revenue which goes to the United States as well as that part which goes to the District.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Minnesota if he has any idea of concluding this matter this evening?

Mr. DAVIS of Minnesota. No; I do not think there is any danger of concluding it to-night; I was thinking of rising about 5 o'clock.

The SPEAKER. The Chair was hoping that the arguments might be completed so that the Chair would have overnight to deliberate upon it.

Mr. MAPES. Mr. Speaker, I would like to submit this thought: Some gentlemen who have argued this question, and particularly the gentleman from Iowa, I think, have confused the real issue. Of course, if this was a question of power or jurisdiction of the conferees, even without the recent amendment to the rules, the conferees would be limited to the points in dispute between the two Houses, and would have to make their report within those limitations, but it seems to me that this is not a question of the jurisdiction of the conferees at all. To be sure, the gentleman from Minnesota [Mr. DAVIS] offered this amendment, but he offered it not as a conferee but as a Member of the House after the conference report had been adopted, and I submit that any other Member of the House might have offered it, and any Member of the House is at liberty to offer an amendment to the proposition that the gentleman from Minnesota has offered. So that the question for the Speaker to decide is not a question as to the power of the conferees but is a question as to the germaneness of the amendment offered by the gentleman from Minnesota [Mr. DAVIS] to the amendment put on by the Senate. Whether or not the conferees would have the right to agree to it without action by the House I submit is immaterial.

Mr. STAFFORD. Will the gentleman yield?

Mr. MAPES. I will.

Mr. STAFFORD. Then, in determining the question of germaneness, is the Speaker to consider only the Senate amendment, or is he to consider as being germane the original House amendment to which the Senate amendment is a substitute? The amendment pending covers matters included in the original House provision that are not included in the Senate amendment. We ought to proceed on a clear basis as to what is before the House. Is it the Senate amendment now being considered, and are the rules of germaneness to be limited solely to matters within the provision of the Senate amendment? If that is the position taken by the gentleman from Michigan, then, of course, the proposed amendment offered by the gentleman from Minnesota is out of order, because it includes provisions not covered by the Senate amendment.

Mr. MAPES. I will say to the gentleman from Wisconsin that while I have not given special consideration to that question, it would seem to me that both the House and Senate propositions should be taken into consideration. I want to ask the gentleman from Wisconsin if he will point out a specific provision in the amendment that is not germane to the Senate proposition?

Mr. STAFFORD. The 40-60 per cent proposition is not germane. It is germane to the original House proposition.

Mr. WALSH. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. WALSH. I would like to ask, is not this analogous to the situation which would arise if this first section relating to taxation was all there was to the bill and the Senate had struck out all after the enacting clause and inserted the provision?

Mr. MAPES. Yes; I think it comes before the House and must be considered as a legislative proposition and not as a question as to whether it is in order on an appropriation bill at all.

Mr. WALSH. It is not confined to the power of the conferees; it is solely a question of germaneness.

Mr. STAFFORD. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. STAFFORD. I would like to ask if the gentleman contends that the conferees in arriving at matters in dispute have less power than the House in passing on the germaneness in

trying to reach an agreement on matters in dispute? The amendment is in disagreement at the present time. What is the position of the gentleman? That the House has greater powers than the conferees or the conferees greater powers than the House?

Mr. MAPES. The House has greater powers than the conferees.

Mr. STAFFORD. Where is there any such rule giving the conferees less power than the House?

Mr. MAPES. The rules of the House provide that the conferees are confined within the limits of matters in dispute between the two Houses.

Mr. WALSH. And the rules also provide that on certain amendments the conferees can not agree but must bring the matter back to the House for a separate vote.

Mr. MAPES. Certainly. I did not rise, Mr. Speaker, to discuss the matter generally. I only wanted to present this single thought to the Chair.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MAPES. I will.

Mr. GARRETT of Tennessee. Here is the peculiar situation about this. That which we are now considering, to wit, the amendment offered by the gentleman from Minnesota [Mr. DAVIS] is not a part of the conference report at all.

Mr. MAPES. Not at all.

Mr. GARRETT of Tennessee. If it were a part of the conference report there would be no question about it. It presents an entirely new question, so far as my recollection goes, and that is whether the conferees can seize upon a Senate amendment and add to it every item of legislation that they choose to add, and thus make it in order.

Mr. MAPES. Not whether the conferees can do it, but whether the House itself can do it.

Mr. WALSH. Yes.

Mr. GARRETT of Tennessee. What I meant was whether they can do it without it being subject to a point of order.

Mr. WALSH. If the gentleman from Minnesota [Mr. DAVIS] had yielded the floor this amendment might have been offered by anybody who was not a conferee or a member of the Committee on Appropriations, if he had gotten recognition from the Chair.

Mr. GARRETT of Tennessee. Certainly. That would not have made any difference in the parliamentary situation.

Mr. WALSH. No; certainly not.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MAPES. Certainly.

Mr. CONNALLY of Texas. I understood the gentleman from Wisconsin to say to the gentleman from Michigan a moment ago that all that was before the House was the Senate amendment.

Mr. STAFFORD. Oh, no. I was asking a question.

Mr. CONNALLY of Texas. Is not the proposition before the House not only the Senate amendment, but the original House proposition which the Senate proposed to strike out? Does not that bring both before the House?

Mr. STAFFORD. My contention is that we have to consider it the same as though it were a House bill that was sent over to the Senate, containing only the matter stricken out in the Senate and the substitute inserted by the Senate, and sent back to the House and then to conference.

Mr. CONNALLY of Texas. That brings the whole question before the House.

Mr. STAFFORD. The House disagreed to the Senate amendment and sent it to conference. No other action has been taken upon it. It is now before the House for consideration. I think this is a matter of such importance that it should go over until to-morrow, and I suggest to the gentleman from Minnesota that he move that the House adjourn.

Mr. DAVIS of Minnesota. I want to yield five minutes to the gentleman from California [Mr. LINEBERGER].

The SPEAKER. The Chair will suggest that the gentleman has no time to yield. This is a debate addressed to the Chair.

Mr. LINEBERGER. Then I ask unanimous consent to address the House for five minutes.

The SPEAKER. Does the gentleman desire to discuss the point of order?

Mr. LINEBERGER. I do not.

Mr. GARRETT of Tennessee. I hope the gentleman will defer that.

The SPEAKER. The Chair will suggest that, of course, this debate on the point of order is addressed to the Chair and not to the House, and that the Chair controls the time. Now, if the House is disposed not to finish the discussion of the point of order to-night, then the gentleman from California may submit his request for unanimous consent.

Mr. DAVIS of Minnesota. I do not think it is possible to close the discussion on the point of order to-night, because there are two or three gentlemen who want to take three-quarters of an hour each. The discussion of the matter has hardly begun.

The SPEAKER. The Chair will suggest that the Chair not only has control of the Members to be recognized but of the amount of time to be occupied.

Mr. DAVIS of Minnesota. The gentleman from Nebraska [Mr. EVANS] wishes to be heard.

The SPEAKER. The Chair thinks it is impossible for the discussion on the point of order to be finished to-night, and so he will submit the request of the gentleman. The gentleman from California asks unanimous consent to address the House for five minutes. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, upon what subject does the gentleman from California desire to address the House?

Mr. LINEBERGER. I will say to the gentleman that this is a matter which is in no sense political. I assure the gentleman that it is a matter that I believe will be of general interest not only to the House but to the country. I do not often ask time for things of this kind, and if the gentleman is not satisfied——

Mr. GARRETT of Tennessee. That does not give me any information, but I have never objected to such a request.

Mr. LINEBERGER. I desire to address the House on the subject of a certain petition which was delivered to-day on the steps of the Capitol.

Mr. GARRETT of Tennessee. The gentleman has taken his position on that question. He is in full accord with it.

Mr. LINEBERGER. Yes; I have always been for adjusted compensation and voted for the bill in the House, but I have some points that I would like to bring before the House regarding the petition presented to certain Members of Congress on the steps of the Capitol to-day.

Mr. WINGO. Reserving the right to object, I should like to ask the gentleman if this was delivered to the Attorney General or to the President or to the Secretary of the Treasury?

Mr. LINEBERGER. It was not.

Mr. WINGO. To whom was it delivered?

Mr. LINEBERGER. I think the gentleman knows what I am driving at. It has not been delivered to any one of the parties mentioned, so far as I know.

Mr. WINGO. I thought the gentleman said that a petition had been delivered to-day.

Mr. LINEBERGER. Yes; a petition has been delivered to a delegation on the steps of the Capitol.

Mr. WINGO. Delivered to whom?

Mr. LINEBERGER. I propose to discuss some of the forces back of its procurement and presentation.

Mr. WINGO. Oh, the gentleman wants to talk about the bonus? I am for the bonus, and I shall be delighted to hear what the gentleman has to say.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LINEBERGER. Mr. Speaker and Members of the House, after having consumed five minutes in an effort to obtain five minutes time, I hope I shall be able to complete what I have to say in less than five minutes.

Between three and a half and four years ago the fate of civilization was hanging in the balance. Thousands upon thousands of the flower of American manhood were giving up their lives on the gory fields of France, while some 2,000,000 more were preparing for the great ordeal in the training camps on this side of the water. At the moment when the very life of the Nation was at stake a certain string of newspapers, whose slimy trail of pro-Germanism and traitorous utterances made them infamous from the Atlantic to the Pacific and from the Gulf to the Canadian border, and the name of whose editor and owner was anathema to all true and loyal American hearts, whether in uniform or out of it, were carrying on the nefarious work of opposing the war and obstructing the path to victory.

To-day at high noon, in the very shadow of the dome of the Capitol, this shrine of American institutions, under the guise of serving those who only four short years ago they would have destroyed, comes this string of nameless un-American sheets bearing a petition purporting to carry 1,000,000 signatures of ex-soldiers, calling on Congress to pass the soldiers' adjusted compensation measure without further delay. Agreed, and all hail to the brave men who hoped thereby to accelerate the cause to which they are devoted, and in the righteousness of which I am a firm believer. But, Mr. Speaker, there is another picture which flashes across my mind's eye, and I say all shame to those

who would commercialize or politicalize patriotism—and I am not thinking of the gallant soldiers or ex-service men who served their country so unselfishly. The fact that such a pageant was sponsored by a certain string of newspapers of questionable war record, if the dictum of the American people be worth anything, causes me to recall the observation of a soldier bystander who wore a silver service button, the emblem of his sacrifice, who, seeing the name of the owner of these papers on the truck which brought the petition, drew away, and said as he did so, "The active participation of these newspapers and their owner in this matter is a travesty on patriotism, and I can not remain to view the sickening spectacle."

Mr. Speaker, those were my sentiments as I saw that scene enacted in front of the Capitol of the United States. [Applause.]

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the business in order on to-morrow, Calendar Wednesday, be dispensed with, and I do that in order that we may go on with the consideration of the District of Columbia appropriation bill conference report.

The SPEAKER. Is there objection?

Mr. WINGO. Reserving the right to object, the gentleman does not expect the District bill will take up all day to-morrow, does he?

Mr. MADDEN. I think it will.

Mr. DAVIS of Minnesota. Calendar Wednesday business might follow if we get through with it.

Mr. GARRETT of Tennessee. Is the gentleman advised as to what will follow if we get through with the conference report?

The SPEAKER. The Philippine bill is in order.

Mr. GARRETT of Tennessee. There is to be a meeting of the Committee on Rules to-morrow morning. Of course, we innocent bystanders over here do not know much about what is going on.

Mr. WALSH. I move to strike out the word "innocent."

Mr. GARRETT of Tennessee. Is anything likely to come from the Committee on Rules that will displace this particular bill?

Mr. MADDEN. To-morrow?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. I think not. I am not advised at all. I am very anxious that this District bill should be disposed of. There will be nothing from the Committee on Rules. I understand from the gentleman from Ohio [Mr. FESS], to-morrow.

Mr. GARRETT of Tennessee. Of course, the gentleman from Ohio has been away for several days. There is to be a meeting to-morrow; at least, that is what I have been told.

Mr. FESS. The committee meets to-morrow.

Mr. GARRETT of Tennessee. Is it likely to bring in a rule that will interfere with the gentleman from Minnesota proceeding with this business?

Mr. FESS. It will not.

Mr. WINGO. I would like to ask the gentleman from Ohio if it is not true that the gentleman expects three rules to come in from that meeting to-morrow to follow this bill?

Mr. WALSH. Rule of three.

Mr. WINGO. No; they never fall into the rule of three on that side.

Mr. FESS. The report will not interfere with this.

Mr. GRAHAM of Illinois. I would like to know whether the Philippine bill is to follow this conference report?

Mr. MADDEN. I am not able to answer that question.

Mr. GRAHAM of Illinois. But I would like to know.

Mr. MADDEN. I am not advised. I am asking this unanimous consent on my own responsibility, without knowing what the program is, because I am interested in disposing of this bill.

The SPEAKER. The Chair will state that he does not know what committee comes up to-morrow.

Mr. MADDEN. The Committee on Printing.

Mr. GARRETT of Tennessee. Mr. Speaker, there has been a somewhat humorous discussion, but I do not see any objection whatever to dispensing with the business of Calendar Wednesday to-morrow and we innocent bystanders will have to take care of ourselves the best we can on Thursday.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the business of Calendar Wednesday to-morrow be dispensed with. Is there objection?

Mr. WINGO. Mr. Speaker, I would like an answer to my question, and I am serious in this. Is there not contemplated the bringing in of three bills, or a rule covering three bills, to follow the Philippine matter if we get through to-morrow?

Mr. MADDEN. I must confess I do not know what the Committee on Rules is going to do, because I have been so busy in the Committee on Appropriations.

Mr. WINGO. That is my information, and I want to lay my plans accordingly, because I am interested in those three bills.

Mr. MADDEN. I am not able to answer.

Mr. WINGO. Will the gentleman from Ohio? There are some gentlemen not very well disposed who I would like to advise to be here if the bills are coming up, and if not I shall advise them that there is no probability of the bills coming up.

Mr. FESS. The Committee on Rules will act to-morrow on the bills the gentleman has in mind, but I do not understand that they will be presented at once.

Mr. WINGO. That is the point I am getting at. I am not quarreling with the gentleman. Personally I would like to expedite the consideration of them, if they are to be considered, because I want to get away myself.

Mr. FESS. I do not understand they are going to displace any of the regular appropriations.

Mr. WINGO. The gentleman thinks probably it will be Thursday before those matters come up?

Mr. GARRETT of Tennessee. The minority butting in once more, reserving the right to object, may I ask the gentleman from Ohio whether the Johnson-Woodruff resolution will probably be called up by the Rules Committee to-morrow?

Mr. FESS. The gentleman from Ohio can not answer that.

Mr. WALSH. Mr. Speaker, reserving the right to object, does not the gentleman from Illinois think it would be better to transfer Calendar Wednesday to the following day rather than dispense with it altogether this week?

Mr. MADDEN. I would not want to assume the responsibility of making the program for the floor leader.

Mr. STAFFORD. If the gentleman will permit, as I understand it was the intention of the floor leader to have Calendar Wednesday go ahead, and he has his program mapped out for Friday, and in view of the large number who will be absent from the Chamber who are going to Quantico, I think the suggestion of the gentleman from Massachusetts a very good one, and that is to take up the Calendar Wednesday business on Thursday.

Mr. MADDEN. I will modify my request to that extent, Mr. Speaker, if it is permissible.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Calendar Wednesday business of to-morrow be postponed to Thursday.

Mr. GARRETT of Tennessee. Mr. Speaker, I believe if the gentleman from Iowa [Mr. TOWNER] were present, that in view of the situation which exists in the Philippine Islands objection would be made.

Mr. MADDEN. Is the gentleman going to object?

Mr. STAFFORD. After a talk this morning with the floor leader I understand the Philippine bill is to be brought up for consideration on Friday so far as debate is concerned. Otherwise I would not have interposed and made the suggestion to the gentleman from Illinois [Mr. MADDEN].

Mr. GARRETT of Tennessee. I do not like to have the program changed so much. When will the ruling come on this bill, then?

Mr. DAVIS of Minnesota. The first thing; as soon as possible in the morning.

Mr. GARRETT of Tennessee. The gentleman makes that request in behalf of the organization on that side?

Mr. MADDEN. I do. I assume that responsibility.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Wednesday, May 3, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

598. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1922, and subsequent years, for investigation and prosecution of war frauds, $500,000 (H. Doc. No. 298), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FAIRFIELD: Committee on Reform in the Civil Service. H. R. 11212. A bill to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; with amendments (Rept. No. 952). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on Reform in the Civil Service. H. R. 11407. A bill to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; without amendment (Rept. No. 953). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. J. Res. 313. A joint resolution providing for the disposal of articles produced by patients in the United States Veterans' Bureau; without amendment (Rept. No. 954). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 11397. A bill to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes; with amendments (Rept. No. 951). Referred to the Committee of the Whole House.

Mr. CURRY: Committee on the Territories. H. J. Res. 316. A joint resolution authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission; without amendment (Rept. No. 955). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANSORGE: A bill (H. R. 11510) proposing a national referendum on beers and light wines at the elections for Members of the House of Representatives to be held in the year 1922; to the Committee on the Judiciary.

By Mr. BLACK: A bill (H. R. 11511) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

By Mr. MONDELL: A bill (H. R. 11512) authorizing and directing the Postmaster General to permit the use of special canceling stamp in the post office at Cheyenne, Wyo.; to the Committee on the Post Office and Post Roads.

By Mr. HUSTED: A bill (H. R. 11513) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 11514) to establish the Wonderland National Park in the State of South Dakota; to the Committee on the Public Lands.

By Mr. OLDFIELD: A bill (H. R. 11515) providing for the purchase of certain inventions, designs, and methods of aircraft, aircraft parts, and aviation technique of Edwin Fairfax Naulty and Leslie Fairfax Naulty, of New York; to the Committee on Appropriations.

By Mr. BOIES: A bill (H. R. 11516) to amend section 24 of the Judicial Code; to the Committee on the Judiciary.

By Mr. YOUNG: A bill (H. R. 11517) to amend the War Finance Corporation act by extending the time during which advances may be made or notes, drafts, bills of exchange, or other securities may be purchased by the War Finance Corporation; to the Committee on Banking and Currency.

By Mr. GREENE of Massachusetts: A bill (H. R. 11518) to provide and adjust penalties for violation of various navigation laws, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANSORGE: Joint resolution (H. J. Res. 320) proposing an amendment to the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 321) proposing an amendment to the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McFADDEN: Resolution (H. Res. 337) for the immediate consideration of H. R. 9527; to the Committee on Rules.

Also, resolution (H. Res. 338) for the immediate consideration of H. R. 8996; to the Committee on Rules.

Also, resolution (H. Res. 339) for the immediate consideration of S. 2263; to the Committee on Rules.

By Mr. WINSLOW: Resolution (H. Res. 340) for the immediate consideration of H. R. 6043; to the Committee on Rules.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 11519) granting a pension to Albert E. Breedlove; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 11520) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 11521) granting a pension to Olive W. Myrick; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 11522) for the relief of the Tilghman Canning Co.; to the Committee on War Claims.

Also, a bill (H. R. 11523) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.; to the Committee on War Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 11524) granting an increase of pension to Ada J. B. Schwatka; to the Committee on Pensions.

By Mr. LINEBERGER: A bill (H. R. 11525) granting a pension to Emma W. Mitchell; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 11526) granting a pension to Susan Devore; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11527) granting a pension to George A. Webster; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11528) to allow credits in the accounts of certain disbursing officers of the Army of the United States; to the Committee on War Claims.

By Mr. TILLMAN: A bill (H. R. 11529) granting a pension to Andrew J. Gouge; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 11530) granting an increase of pension to Raymond P. Snow; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5393. By the SPEAKER (by request): Resolutions adopted by the Presbytery of North River, at Newburgh, N. Y., indorsing House Joint Resolution 131, prohibiting polygamy in the United States; to the Committee on the Judiciary.

5394. Also (by request), resolutions adopted by the Presbytery of North River, Newburgh, N. Y., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5395. Also (by request), resolutions adopted by the Presbytery of North River, Newburgh, N. Y., indorsing Senate Joint Resolution 31, for uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5396. By Mr. COLE of Iowa: Resolutions passed by the Waukon Presbytery, meeting at Steamboat Rock, Iowa, George E. Reibert, presiding officer, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia and urging its early consideration and passage; to the Committee on the District of Columbia.

5397. Also, resolutions adopted by the Waukon Presbytery, meeting at Steamboat Rock, Iowa, George E. Reibert, presiding officer, indorsing Senate Joint Resolution 31, for a constitutional amendment to promote uniform laws on the subject of marriage and divorce and asking early consideration of the same; to the Committee on the Judiciary.

5388. By Mr. CONNOLLY of Pennsylvania: Petition of employees of George Boyle & Co., manufacturers of upholstery goods and draperies, of Philadelphia, Pa., favoring the enactment of a new tariff law based on American valuation; to the Committee on Ways and Means.

5389. By Mr. CULLEN: Resolution adopted at a meeting of the Shoe Manufacturers' Board of Trade of New York (Inc.), relative to certain sections of the proposed tariff bill; to the Committee on Ways and Means.

5390. By Mr. DALLINGER: Resolution of the house of representatives, Commonwealth of Massachusetts, urging a Government hospital to be devoted to the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

5391. By Mr. FAUST: Petition of the Central Missouri Conference, of St. Joseph, Mo., for constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5392. Also, petition of the Central Missouri Conference, of St. Joseph, Mo., for the passage of Senate Joint Resolution 31; to the Committee on the Judiciary.

5393. Also, petition of the Central Missouri Conference, of St. Joseph, Mo., for the passage of H. R. 9753; to the Committee on the District of Columbia.

5394. By Mr. FULLER: Petition of the Western Glass Co., of Streator, Ill., favoring increased tariff on rough rolled glass; to the Committee on Ways and Means.

5395. Also, resolutions of Local No. 203, International Hod Carriers Building and Common Laborers Union of America, of Peru, Ill., favoring amendment of the prohibition enforcement act to permit the manufacture and sale of pure beers and light wines; to the Committee on the Judiciary.

5396. By Mr. KISSEL: Petition of Marks Arnheim (Inc.), New York City, N. Y., relative to the proposed tariff on wool and woolens; to the Committee on Ways and Means.

5397. Also, petition of Mrs. Edwin M. Miller, of Mount Vernon, N. Y.; T. P. Kehoe, of Syracuse, N. Y.; and W. H. Callahan, of New York City, N. Y., relative to the proposed tariff on Cuban sugar; to the Committee on Ways and Means.

5398. By Mr. MERRITT: Petition of sundry citizens of Danbury, in the State of Connecticut, favoring the establishment of a national home in Palestine for the Jews; to the Committee on Foreign Affairs.

5399. By Mr. SINCLAIR: Petition of the Association of Commerce, Minot, N. Dak., protesting against the repeal of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

5400. Also, petition of H. N. Kins and 33 others, of De Sart, Scranton, and Pierce, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5401. Also, petition of Charles E. Grasser and 63 others, of Epping, Williston, and other places in North Dakota, protesting against the passage of H. R. 9753 and other Sunday bills; to the Committee on the District of Columbia.

5402. By Mr. SNYDER: Petition of Henry Voigt, jr., and Charles D. Read, Herkimer, N. Y.; Dr. J. A. Courtemanche, Hampton, Va.; Richard Rae, Utica, N. Y.; and Mr. H. L. Hadcock, Ilion, N. Y., favoring the passage of the Chandler pension bill (H. R. 9100) to increase the pensions of volunteers serving in the war with Spain or China or Philippine expeditions; to the Committee on Pensions.

5403. By Mr. SMITH of Idaho: Resolution adopted by Idaho Presbytery, Boise, Idaho, indorsing H. R. 9753, to secure Sunday as a day of rest for the District of Columbia; to the Committee on the District of Columbia.

5404. Also, resolution adopted by Kendall Presbytery, Idaho Falls, Idaho, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5405. Also, resolution adopted by Idaho Presbytery, Boise, Idaho, indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5406. Also, resolution adopted by Kendall Presbytery, Idaho Falls, Idaho, indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5407. Also, petition of Idaho Presbytery, Boise, Idaho, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5408. By Mr. STRONG of Pennsylvania: Petition of Kittanning (Pa.) Presbytery, indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5409. By Mr. TAGUE: Resolutions adopted by the National Guard Association of Massachusetts, concerning an adequate national defense program, readjustment of Army officers' pay, and the Bursum bill, so called (S. 1565); to the Committee on Military Affairs.

5410. By Mr. VOLK: Petition of 1,087,000 residents of the United States, asking Congress to pass the soldiers' bonus act without delay and also to levy a sales tax to obtain the money to pay the bonus; to the Committee on Ways and Means.

5411. By Mr. YOUNG: Petition of the Association of Commerce, Minot, N. Dak., protesting against the repeal of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 3, 1922.*

(*Legislative day of Thursday, April 20, 1922.*)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Simmons
Ball	Harreld	Moses	Smoot
Borah	Harris	Myers	Spencer
Brandegee	Harrison	Nelson	Sterling
Broussard	Heflin	Newberry	Sutherland
Bursum	Hitchcock	Nicholson	Swanson
Calder	Johnson	Norbeck	Townsend
Capper	Jones, N. Mex.	Norris	Trammell
Caraway	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Overman	Wadsworth
Cummins	Kendrick	Page	Walsh, Mass.
Curtis	King	Phipps	Warren
Dial	La Follette	Pittman	Watson, Ga.
du Pont	Lenroot	Reed	Watson, Ind.
Fletcher	Lodge	Pomerene	Weller
Frelinghuysen	McCormick	Rawson	Willis
Gerry	McCumber	Robinson	
Glass	McKellar	Sheppard	
Gooding	McLean	Shortridge	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is detained on official business.

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1923 (S. DOC. NO. 197).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1923, for Children's School, Fort Leavenworth, Kans., $10,800, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by the Mid-City Citizens' Association, of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia as being detrimental to the already acute housing situation in and the future development of the Capital City, which were referred to the Committee on Appropriations.

He also laid before the Senate resolutions adopted by the Stanton Park Citizens' Association, of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia and favoring the hearing of those vitally interested, which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Real Estate Board of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia, particularly in view of the disastrous effect such legislation might have on the already acute rental and housing situation in the said District, and favoring delay as to any change in the fiscal relations until such time as the matter can be thoroughly considered and all parties afforded a hearing, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a petition of sundry citizens of Stevens County, Kans., favoring the passage of the Dyer anti-lynching bill, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented resolutions of the Cuyahoga County Council, American Legion, of Cleveland, Ohio, favoring the policy of decentralization in the handling of the work of the United States Veterans' Bureau for the adjustment of compensation and vocational education, which were referred to the Committee on Finance.

He also presented the petitions of Harry Watson and sundry other citizens of Toledo and J. W. Pfeifier and sundry other citizens of Ottawa, all in the State of Ohio, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which were ordered to lie on the table.

Mr. LODGE. I present resolutions of the National Guard Association of Massachusetts, which I ask may be referred to the Committee on Appropriations and printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION OF MASSACHUSETTS,
Boston, Mass., April 27, 1922.

Senator HENRY CABOT LODGE,
The Senate of the United States, Washington, D. C.

HONORED SIR: We wish to call to your attention the following resolutions adopted at the meeting of this association held in Boston on Friday, April 21, 1922:

Whereas there has never been a situation in international affairs when this country needed to look more sharply to its means of defense than at present. If these means of defense are stricken from the hands of the Nation, it will be through the perverse activities of those Members of Congress into whose hands the destinies of the Nation are committed by the people; Be it therefore

Resolved, That the National Guard Association of Massachusetts, representing 10,000 active and past officers with the enlisted personnel of the Massachusetts National Guard, at its meeting Friday, April 21, 1922, protests against the reduction of the Regular Army below 150,000 enlisted men; the Navy below 100,000 enlisted men; and the Marine Corps below the present standard of 21,000 enlisted men, with the necessary officers personnel thereto; it is

Resolved, That the recommendations of the Militia Bureau, with the money allowances for arming, equipping, and training the National Guard, be adopted by Congress in order that the work of building up this line of defense shall go steadily onward. That no reduction of the amounts named by the Militia Bureau for the various branches of the National Guard be made. We demand, for the preservation of peace and prosperity of the Nation, that the Naval and Military Affairs Committee of both the Senate and House recommend and work for the maintenance of the Army and Navy, National Guard, and Reserves, as outlined in the national defense act of June 4, 1920.

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of War, the Secretary of the Navy, the Senate and House Committees on Naval and Military Affairs, and each Member of Congress from Massachusetts.

Whereas Report No. 758, House of Representatives, Sixty-seventh Congress, second session, on readjustment of pay of the Army, is a discrimination against the active officers of the National Guard: Therefore be it

Resolved, That the Massachusetts National Guard Association at its regular meeting Friday, April 21, 1922, request that section 14, which reads:

"That officers of the National Guard receiving Federal pay, except for armory drill, shall receive the allowances for officers of the Regular service as provided in sections 5 and 6," be amended, if the report is adopted, to read:

"National Guard officers on temporary duty under orders of the War Department, including attendance at armory drill, shall be paid:

	Per day.
Colonel	$12.78
Lieutenant colonel	11.39
Major	10.67
Captain	8.67
First lieutenant	7.22
Second lieutenant	5.89

for such days as actually on duty under orders of the War Department at camps of military instruction and for the prescribed number of armory drills for which pay is allowed."

Resolved, That a copy of this resolution be sent to the Secretary of War and each Member of Congress from Massachusetts.

Whereas that in justice and equity to the officers of the National Guard or Organized Militia who have entered or may hereafter enter the Regular Army: It is

Resolved, That the Massachusetts National Guard Association at its regular meeting, Friday, April 21, 1922, urge the adoption of Senate bill 2803, which provides—

"That all persons who have entered or may hereafter enter the Regular Army as commissioned officers shall be entitled to compute their prior service in the National Guard or Organized Militia whether in State or Federal service for longevity pay and retirement."

Resolved, That copies of this resolution be sent to the Secretary of War, the Senate and House Committees on Military Affairs, and each Member of Congress from Massachusetts.

Whereas the selective service act under which the American Army during the recent World War was organized provided for an American Army and for the same treatment for all its members; and

Whereas orders were issued abolishing the use of the letters "N. G." and "R" on the collar ornaments and other evidences of different component parts in the one American Army; and

Whereas reserve officers of the Navy and Marine Corps and provisional officers of the Army were recognized as members of their respective branches and National Guard officers and reserve officers of the Army are not so recognized in the matter of retirement for disability; and

Whereas the Bursum bill, so called, United States Senate 1565, having passed the Senate provides for placing the National Guard and reserve officers on the same basis as their regular conferees in this respect, thus carrying into effect the intent of the country for the same treatment for all members of the one American Army: Now, therefore, be it

Resolved, That the National Guard Association of Massachusetts in regular meeting assembled on Friday, April 21, 1922, at Boston, Mass., heartily indorses this bill and urges upon the Members of Congress from Massachusetts the adoption of this bill at the present session of Congress; and be it further

Resolved, That the secretary of this organization be instructed to send a copy of this resolution to the Massachusetts Members of the House of Representatives in Congress and all members are urged to write their respective Congressmen in its behalf.

NATIONAL GUARD ASSOCIATION OF MASSACHUSETTS,
L. P. SAWIN, *Secretary.*

Mr. LODGE presented resolutions adopted by a convention of delegates from Jewish organizations of Arverne, Edgemere, Far Rockaway, Rockaway Park, and Rockaway Beach, Jacob Rosenberg, chairman; South Brooklyn, Bay Ridge, Bensonhurst, and Coney Island, Samuel Polstein, chairman; Brownsville, East New York, and Central New York, Bernhard Block, chairman; Williamsburgh, Greenpoint, and Ridgewood, Rabbi I. Inselbuch, chairman; Staten Island, Max Levy, chairman; Bronx, Dr. Simon Hirshdansky, chairman; Harlem and Washington Heights, Rabbi A. M. Kaplan, chairman; Manhattan district between Twenty-third and One hundred and tenth Streets, Joseph Polstein, chairman; Manhattan district between Houston and Twenty-third Streets, Leo Wolfson, chairman; lower east side of the Manhattan district, Jacob Weinberger, secretary; all of New York City, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the national home for the Jewish people, which were ordered to lie on the table.

Mr. NICHOLSON presented a resolution adopted by the Chamber of Commerce of Grand Junction, Colo., favoring the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution of the Senate of Colorado, which was referred to the Committee on Foreign Relations, as follows:

Senate Resolution 2.

Whereas for many years a condition of revolution, with attendant loss of life and property, has existed in our neighboring Republic of Mexico; and

Whereas there has finally been elected to the Presidency of the Mexican Republic a man who promises to be the true savior of his country, the most honorable Gen. Alvaro Obregon; and

Whereas President Obregon, himself a man of the people, enjoys the entire respect, confidence, and enthusiastic backing of all classes in his country; and

Whereas a new era of peace, prosperity, and friendly relationship has been brought about by His Excellency President Obregon; and

Whereas it is most fitting and appropriate that the great State of Colorado should join her sister States in a formal expression of friendship for the people of our sister Republic and of commendation and confidence in President Obregon: Now, therefore, be it

Resolved by the Senate of the State of Colorado, That it declare itself to be most pleased with the election of and administration by President Obregon and takes pleasure in congratulating the people of Mexico upon the new era of peace, prosperity, and friendly relationship which has been established; and be it further

Resolved, That we believe that the best interests of all concerned demande the prompt recognition of the Republic of Mexico by the Government of the United States; and be it further

Resolved, That the secretary of the senate is directed to forward copies of this resolution to the President of the United States, to the President of the United States Senate, and the Speaker of the United States House of Representatives, and to each of Colorado's Senators and Representatives in Congress; and be it further

Resolved, That the secretary of the senate is directed to forward to President Obregon a copy of this resolution.

EARL COOLEY,
President of the Senate.

Attest:

N. N. MCLEAN,
Secretary of the Senate.

Mr. NICHOLSON also presented a joint resolution of the Legislature of Colorado, which was referred to the Committee on Finance, as follows:

Senate Joint Resolution 4.

Be it resolved by the Senate of the Twenty-third General Assembly of the State of Colorado (the House concurring), That we regret and deplore the delay in the United States Senate in passing the adjusted compensation bill for service men of the World War; and be it further

Resolved, That copies of this resolution be forwarded to the Senators from the State of Colorado and to the President of the United States.

EARL COOLEY,
President of the Senate.

Attest:

N. N. MCLEAN,
Secretary of the Senate.

Mr. NICHOLSON also presented a joint resolution of the Legislature of Colorado, which was referred to the Committee on Irrigation and Reclamation, as follows:

Joint Resolution 3.

Whereas the Secretary of the Interior, Albert B. Fall, has ordered the removal of the office of the United States Reclamation Service from Denver to Washington, D. C., to take effect July 1, 1922; and

Whereas the General Assembly of the State of Colorado is convinced that the service can be more economically and satisfactorily performed from a headquarters located in the West, and that Denver is the logical center of the great irrigation projects either constructed, under construction, or contemplated: Therefore be it

Resolved by the General Assembly of the State of Colorado, That the honorable Secretary of the Interior be requested to suspend said order until full investigation may be had.

EARL COOLEY,
President of the Senate.

Attest:

N. N. MCLEAN,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. JONES of Washington, from the Committee on the District of Columbia, to which was referred the concurrent resolution (S. Con. Res. 23) creating a joint committee to determine the indebtedness of the United States to the District of Columbia or of the District of Columbia to the United States, growing out of relations existing since the organic act of 1878, reported it without amendment, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 651) for the relief of Ethel Williams, reported it without amendment and submitted a report (No. 686) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4356) for the relief of Arthur J. Burdick (Rept. No. 687); and

A bill (H. R. 8773) for the relief of Mrs. E. H. Jackson (Rept. No. 688).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces; to the Committee on the Judiciary.

By Mr. NICHOLSON:

A bill (S. 3545) to correct the military record of John B. Smith; to the Committee on Military Affairs.

By Mr. CULBERSON:

A bill (S. 3546) to extend the benefits of the employers' liability act of September 7, 1916, to Alton Harwell (with accompanying papers); to the Committee on Claims.

RESTRICTION OF IMMIGRATION—CONFERENCE REPORT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. J. Res. 268), extending the operation of the immigration act of May 19, 1921.

Mr. COLT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1924"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 2. That clause (7) of subdivision (a) of section 2 of such act of May 19, 1921, is amended to read as follows: '(7) aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands.'"

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. That such act of May 19, 1921, is amended by adding at the end thereof a new section to read as follows:

"'SEC. 6. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien not admissible under the terms of this act or regulations made thereunder, and if it appears to the satisfaction of the Secretary of Labor that any alien has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine. Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.'"

LEBARON B. COLT,
WM. P. DILLINGHAM,
WILLIAM H. KING,
Managers on the part of the Senate.

ALBERT JOHNSON,
WILLIAM N. VAILE,
JOHN E. RAKER,
Managers on the part of the House.

Mr. COLT. In connection with the report I would like to say that there were three Senate amendments to the joint resolution as it came over from the House. The first of the three amendments adopted by the Senate was that making the extension two years instead of one year, as provided by the House. That amendment was agreed to by the House. The second of these amendments was that requiring five years' residence of aliens in contiguous territory, like Canada and Mexico, instead of one year's residence, as provided in the present law, before aliens may obtain admission into the United States. That amendment was also agreed to by the House. The third amendment penalizes the steamship companies for bringing in aliens in excess of quota, and that amendment was also agreed to by the House, with a change which permits the Secretary of Labor to remit the fine in cases where he is satisfied that the steamship company had no knowledge that it was bringing in aliens in excess of quota and could not with reasonable diligence have acquired such knowledge.

Therefore, I move the adoption of the conference report. I may say that it is quite necessary that this extension should go into effect promptly; in other words, that the measure should be adopted in order to give sufficient time before it goes into effect for the Department of Labor to send out notices.

Mr. HARRISON. Mr. President, I desire to ask the Senator from Rhode Island a question. As I understand, the Senate adopted three amendments, as the Senator has stated, and two of those amendments, namely, the extension from one year to two years and the proposition of aliens in contiguous territory being compelled to remain there five years before they enter the United States were concurred in by the House.

Mr. COLT. That is true.

Mr. HARRISON. The only change was in the third amendment adopted by the Senate, the penalty provision for steamship companies that bring into the United States aliens more than the allotted quota and was made in conference. The change was merely to give to the Secretary of Labor the discretion of allowing in certain instances the penalty to be removed or not to be imposed on the steamship companies where it was shown by the steamship companies to the Secretary of Labor that they had a good excuse for bringing the

aliens in, that they could not by reasonable diligence have ascertained that the quota had been exceeded. Is that correct?

Mr. COLT. That they did not know and with reasonable diligence could not have known that they were bringing in aliens in excess of the quota. They must show that to the satisfaction of the Secretary of Labor. The Senator has stated it correctly.

Mr. HARRISON. I have just read the debate on the conference report in the House, and there is one phase of it that particularly appeals to me for this modified amendment, in that this penalty attaches to the steamship companies at the same time the law goes into effect, namely, June 30 of this year, and that there might be instances where they had brought in aliens over the quota.

Mr. COLT. I understand the law goes into effect at once, being an amendment.

Mr. HARRISON. Upon the signing thereof by the President.

Mr. COLT. As to the penalizing of the steamship companies and also the five-year provision as to aliens coming in from contiguous territory.

Mr. HARRISON. May I say to the Senator that if I did not have so much confidence in the present Commissioner of Immigration, the man who now holds that high position, I would not feel as I do about the matter. I believe he is one of the most efficient and capable men in the Government service to-day. I think he understands immigration questions better than any man in the United States to-day and is rendering great service. I believe that his inclination is in favor of restricting immigration. If some other character of individual occupied the position, I should be opposed to the modification of the Senate amendment.

Mr. COLT. I entirely agree with the Senator from Mississippi.

Mr. HARRISON. I can understand how excuses may be presented to the Department of Labor or to the Commissioner of Immigration in such a way as to lead to the nullification of the law; but, as I have previously stated, I have so much confidence in the individual who is now the commissioner that I do not believe he will permit that to be done. So much good will be accomplished by this amendment to the present law, particularly in connection with the provision against aliens moving to this country from contiguous territory for a period of five years, and the penalty which will attach to steamship companies for violation of the law, that I shall vote for the adoption of the conference report.

Mr. HEFLIN. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield to the Senator from Alabama.

Mr. HEFLIN. I wish to ask the Senator from Mississippi, if the fines are remitted and the steamship companies do not have to pay the penalty for bringing over a number of immigrants in excess of the quota provided for in the law, what becomes of the number of immigrants in excess of that quota who may be brought over by the steamship companies?

Mr. HARRISON. I am taking it for granted that the immigration authorities are not going to permit any excess number of immigrants to come in.

Mr. COLT. Mr. President, if I may be permitted to answer the question of the Senator from Alabama [Mr. HEFLIN], I desire to say that under the present law any number of immigrants who come in in excess of the quota are deported.

Mr. HEFLIN. Then this amendment to the law simply makes it easier for the steamship companies to violate the immigration law, because they can bring immigrants here, accept the fare for transporting them across the sea, and then take the chance of avoiding the penalty. This amendment, it seems to me, makes it easier for them to get around the law. I said when the amendment was under consideration in the Senate that there always seemed to be a loophole provided through which they could get around the law and make it easier for the steamship companies to violate the spirit of the law and continue to bring undesirables into this country. It seems to me that the conference report provision will afford an opportunity for them to do that very thing again.

I think, Mr. President, that the fines imposed on the steamship companies for the violation of the immigration law ought to be very heavy, and they ought not to be permitted to say that they could not find out whether they were bringing in a number of immigrants in excess of the quota, for the steamship company which has a proper regard for this country will know the facts. There is but one way to make them have a proper regard for the immigration law, and that is by putting heavy penalties on them for violating it. I have known in times past of instances where steamship companies would bring in immigrants by the shipload without regard to their fitness for citizenship in the United States. They brought them here purely and wholly for the purpose of making money out of the traffic. We make it easier for the steamship companies to load their ships down with undesirable immigrants and bring them here if on their arrival on this side there is provided a loophole through which they may pass and avoid the penalty.

So I feel, Mr. President, that we are following the same old beaten track, and that immigrants of the character of those who have come into this country and poisoned the very life of it for years will still have an opportunity to come in under the very proposition which is presented here to-day.

Mr. HARRISON. I desire to say to the Senator from Alabama that, without question, there is a loophole in this proposed legislation for the steamship company to get around the law. The conference report contains a modification of the amendment that was placed in the bill by the Senate; but before the Senate adopted that amendment there was no penalty whatever attached to the steamship companies. According to the conference report the only way for a steamship company to get around the law is under the provision that—

Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to and could not have been ascertained by the exercise of reasonable diligence by—

And so forth.

Of course, that is a modification of the penalty. That provision has been incorporated in the Senate amendment; but it is so much better than the law before the Senate amendment was adopted that I hesitate to oppose the conference report, in which there is so much good.

Mr. HEFLIN. There is no doubt about the legislation that we enacted on this subject being very much better than the old law, and I want to safeguard its provisions. If this amendment is accepted, who will be here to dispute the statement of the steamship company when he appears on this side of the water and says, "I used every precaution possible"? Who will be here to dispute his statement? Therefore the powers that be here say, "Very well, we will excuse the act," and the steamship agent goes back and takes the chance over and over again. It looks to me as though it is letting down the bars to allow immigrants to enter the United States, just as was the case before.

We can not be too particular about this matter. Those who make money out of the business of bringing foreigners by the thousands into our country have got to be closely watched and heavily penalized every time they violate our immigration laws.

Mr. COLT. Mr. President, I wish to say that the steamship company has got to prove the facts. There might be cases where the steamship companies would be entirely blameless; but in all such cases we must depend upon the Department of Labor and the Commissioner of Immigration not to waive the penalty unless the facts in extenuation are clearly shown and proved.

We might imagine a case where a steamer started from Naples on Monday, the officials of the line having competent information that they were bringing in immigrants within the quota. Another steamship starts on Wednesday. The first steamship is a slower one or is detained at sea, and the immigrants on the steamship which started last, if you please, fill the quota, so that those coming on the first but slower steamship would be in excess of the quota by a considerable number. There are certainly cases arising in which it would be absolutely unjust to make the proposed law mandatory, and it therefore follows that there should be some discretion on the part of the Department of Labor to waive the penalty in cases in which it is shown the steamship companies are innocent. It was along that line that the House conferees insisted that the provision should not be made absolutely mandatory, and, therefore, we consented to the modification.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. COLT. I yield.

Mr. ROBINSON. What method is pursued of enabling an immigrant seeking to come into the United States or a steamship company ready to transport him to determine whether he comes within the quota?

Mr. COLT. Under the act the Department of Labor is called upon to furnish information as to the quotas.

Mr. ROBINSON. There is no requirement in the law or in the regulations of the department to the effect that before sailing an immigrant must have authority to sail.

Mr. COLT. I think not.

Mr. ROBINSON. Then, it must be apparent to everyone that under some circumstances it will be physically impossible either for the immigrant or for the steamship company to know with absolute certainty that the immigrant comes within the quota. Therefore, why should not the relaxation of the rule apply to

the immigrant as well as to the steamship company? Why should the immigrant who in good faith is seeking to conform to the provisions of the law limiting immigration be penalized or be deported and at the same time the steamship company which transports him be relieved from penalty? Why should not the department have express authority to admit in excess of the quota under circumstances which show the immigrant is not to blame?

Mr. COLT. The Senator is suggesting another exception.

Mr. ROBINSON. I am.

Mr. HITCHCOCK. Mr. President, let me ask the Senator if it is not a fact that the consuls general of the United States in the respective countries are authorized to issue only a limited number of visés for a particular period; that the steamship company will not accept any immigrant who has not had his passport properly viséed, and that those visés are divided throughout the year?

Mr. ROBINSON. That is a very intelligent procedure; but if that is the case, how does it happen that we had more than 2,000 persons, whom the Department of Labor properly admitted temporarily last year, in excess of the quotas of the various nationalities? The method suggested by the Senator from Nebraska is a very intelligent method, and some practice of that kind will finally have to be adopted if the quota limitation shall be made effective. It can be accomplished in no other way. It is manifestly oppressive to permit persons who desire to come into the United States to secure passage and make the trip with the hope that they will arrive ahead of other immigrants who are competing with them for an opportunity of entering, only to find when they have arrived that they are a little too late.

Mr. HITCHCOCK. It is not an easy matter, considering the area of country covered, but I know, as a matter of fact, the method referred to is pursued. A proposed immigrant, say, in Poland, applies at Warsaw for a visé of his passport. The consul there tells him, "I can not visé that passport now; come back in July or August," and he gives him a number. When that time arrives the prospective immigrant again applies at the consul's office, and, if the consul finds that the quota has not yet been reached, he visés the passport, to be used not before a certain date. I think the Government has undertaken to provide in a way a protection against the limit being overrun, and I have never understood how it was overrun, except that there may be a number of different consuls visèing passports in the same territory.

Mr. COLT. That is the reason why we want to have the law passed now, so that proper information may be conveyed.

Mr. President, I ask for the adoption of the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report submitted by the Senator from Rhode Island.

The report was agreed to.

POST OFFICE APPOINTMENTS.

Mr. WILLIS. Mr. President, yesterday morning the Senator from Arkansas [Mr. CARAWAY] saw fit to place in the RECORD a statement from some publication, the name of the publication not being given, in which occurs the following language:

> Senator FRANK B. WILLIS, of Ohio, is quoted as follows in a letter said to have been written to Miss Katherine Riley, of Bellefontaine, explaining why women are not appointed postmasters.

The Senator from Ohio was not explaining anything of the kind, because women are being appointed postmasters.

I know the Senator from Arkansas wants to be fair, and I, therefore, ask permission to print all of the letter, only a part of which was quoted in the RECORD; also a letter from the Civil Service Commission bearing on the same subject, and likewise the report of the Civil Service Commission relative to the particular post-office appointment referred to. An examination of the document will show that the facts are contrary to the charges which have been made here. The appointment in that case was that of a soldier. The lowest man on the list was appointed; but he was appointed on the recommendation of the Representative from that district because he was an ex-service man. That this appointment was in entire harmony with the usual policy of the administration is shown by the following news item from a local paper:

> 600 EX-SERVICE MEN NAMED POSTMASTERS UNDER HARDING ORDER.
>
> How the Government is taking care of the one-time service men became known yesterday in the announcement of the Post Office Department that 600 veterans of the World War had been appointed to be postmasters since President Harding issued his Executive order May 10.
>
> Postmaster General Work, commenting on the announcement, said this is a remarkable record, particularly because the veterans had had no previous post-office experience and a large number of them no business experience of any kind.

I ask unanimous consent that the letters and document to which I have referred may be printed in the RECORD.

Mr. ROBINSON. Mr. President, may I inquire of the Senator from Ohio what is the case he refers to? I am not familiar with it.

Mr. WILLIS. The case of the appointment of a postmaster at Franklin, Ohio. The Senator's colleague read from some publication—I did not learn what it was—in which was quoted a portion of a letter written by me. I am asking leave to print all of the letter, the letter from the Civil Service Commission, and the report from the Civil Service Commission.

Mr. ROBINSON. I am not familiar with the subject matter which the Senator was discussing. I observe that my colleague, the junior Senator from Arkansas [Mr. CARAWAY], is not in the Chamber.

Mr. WILLIS. I think the Senator's colleague would not object, because this is simply printing all of the letter, a portion of which he quoted.

Mr. ROBINSON. Of course, it is eminently proper that the entire letter should be published.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

MARCH 24, 1922.

Miss CATHERINE RILEY,
Bellefontaine, Ohio.

DEAR MISS RILEY: I am in receipt of your letter of March 22, and note your question, "Why may not women be appointed postmaster now, when expectancy exists?"

My answer is that they can be and are. We have named quite a number this week, at least one woman being appointed by the President in Ohio. Congressmen all over Ohio are naming women as postmasters. But the first requisite is that they attain rating of the Civil Service Commission on the eligible list of three; with this rating no one but the commission has anything to do. I most certainly have never attempted to influence them and, so far as I know, no Congressman has attempted such an unwarranted action. I think it would do more harm than good if anyone did attempt to influence ratings.

Then, because we believe in party, not personal, government, we have asked the successful candidate to secure the indorsement of the Republican county committee, which is the body upon which the party must depend for its work back home. My experience with those committees has been that they aim to deal fairly with women candidates, although, of course, they can not indorse every woman who aspires. As time goes on more and more women will be considered and appointed, but just now it is natural that more men should be, for they have much longer done political work which deserves reward.

I trust these explanations will appeal to you as just. I shall be glad to send you information from the Civil Service Commission as soon as it makes reply to the letter which, I regret, was wrongfully inclosed.

Yours very truly,

FRANK B. WILLIS.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 27, 1922.

Miss CATHERINE RILEY,
119 West Sandusky Avenue, Bellefontaine, Ohio.

MADAM: The commission is in receipt of a letter from Senator F. B. WILLIS in which he requests that you be furnished with the ratings attained by you in the examination for postmaster at Franklin, Ohio.

Your attention is invited to the Executive order of May 10, 1921, under which this examination was held, which reads in part as follows: "The said commission shall certify the results thereof to the Postmaster General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill said vacancy." In view of the fact that the commission is doing its utmost with its limited force to expedite the rating of the papers resulting from the large number of postmaster examinations, it is not practicable or economical to give numerical ratings except to those from among whom selection must be made under the Executive order referred to above.

Under date of February 7, 1922, the commission certified to the Post Office Department the names of the highest three qualified eligibles in the examination for postmaster at Franklin, among whom it appears you were not included. Since you were not found to be among those from whom selection must be made, you were not assigned a numerical rating in the examination.

The result of this examination does not reflect upon your ability or character, neither does it necessarily indicate that you are not qualified to be postmaster at Franklin. It merely means that in the competition under the rules it was decided that the rating of three other candidates was higher than yours.

By direction of the commission.

Very respectfully, ——— ———, *Secretary.*

MEMORANDUM AS TO PRESIDENTIAL POSTMASTER EXAMINATION OF OCTOBER 14, 1921, FOR FRANKLIN, OHIO; SALARY, $2,500.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., April 18, 1922.

In the record of proceedings before the special committee of the Senate conducting an investigation of the United States Civil Service Commission appear references to a letter signed by Catherine Riley, applicant for postmaster at Franklin, Ohio, in which the writer expresses dissatisfaction with the action of the Civil Service Commission in failing to include her name among those certified as eligible for postmaster at Franklin.

The examination for postmaster at Franklin resulted as follows:

	Business experience and fitness.	General average.
		Per cent.
Arthur L. McCarthy	[illegible]	[illegible]
Donald D. Thirkield	[illegible]	[illegible]
John R. Miller	[illegible]	[illegible]

[1] Includes 5 per cent preference.

Applicants Henry E. Libecap and Catherine Riley were not assigned numerical ratings because it did not appear that their names could be placed among those from whom selection must be made under the Executive order of May 10, 1921.

As an aid to a thorough understanding of the reasons which controlled the commission in its treatment of this case, it will be helpful in the beginning to briefly recount the business training and experience of the three highest applicants, Messrs. McCarthy, Thirkield, and Miller, together with the claims of Miss Catherine Riley. The statements as hereinafter summarized are taken substantially as presented in their applications, subjected only to the omission of unnecessary details.

ARTHUR L. M'CARTHY, AGE 53.

Education, common school.

Business experience: 1888–1913, employed by tablet and writing paper companies as superintendent of ruling department; salary, $15 to $19.50 per week. 1913 to date of examination, postmaster at Franklin; chairman of local Red Cross during the war; president of the Franklin Club during the war; present chairman of the Franklin Men's Club; member of the board of managers and board of trustees of the Miami Valley Chautauqua; members of Boy Scout commissioners; secretary of home-service section Red Cross until 1921; member of all war activities during World War.

The testimony regarding this applicant is exceptionally favorable. The vouchers are, with one possible exception, in entire accord in expressing their commendation. It is made apparent that during his years of service as postmaster and in his participation in public-spirited movements Mr. McCarthy has demonstrated those qualities which identify a popular and efficient public servant. The applicant is very generally referred to by those who testify as the best postmaster Franklin has ever had. There is not a single objection registered against him on any ground, and upon review the rating of 85 assigned to Mr. McCarthy on the subject of business training and experience, if at all open to criticism, might be regarded as somewhat conservative.

DONALD D. THIRKIELD, AGE 30.

Education, common school; three years high school.

Business experience: 1909–1912, clerk and cashier in department store owned by father; had charge of all books, cash credits, and collection for more than one year of this time. April, 1912, to October, 1912, in lumber camp in California. January, 1913, to November, 1913, cashier of gas and electric company. Had charge of all books and cash, handled complaints and met all customers at office window. October, 1913, to July, 1916, several positions as clerk and salesman in Chicago. July, 1916, to March, 1918, salesman in department store owned by father. March, 1918, to February, 1921, bookkeeper and office manager, later secretary-treasurer of electric company; as sales manager increased sales from $27,000 a year to over $80,000 a year; beginning salary, $1,200 per year; salary at time of leaving, $2,500; owned part interest in company; from 20 to 52 employees supervised; did hiring and firing. February, 1921, to date of examination no regular employment. Doing occasional bookkeeping and clerical work.

This applicant shows considerable business experience of a kind calculated to develop a capacity for the duties of postmaster. He has had executive experience and is evidently accustomed to employing and supervising men. He appears to have actively participated within more recent years in the management and direction of responsible business affairs. Moreover, the testimony concerning Mr. Thirkield, while perhaps not so universally approving in its tone as that regarding Mr. McCarthy, is nevertheless decidedly favorable. He is in every case credited with good habits and excellent local standing. It very clearly appears that he is a man of an unusually pleasing personality, possessing the quality of dealing tactfully and agreeably with those among whom he lives.

JOHN R. MILLER, AGE 28.

Education, common school and four years high school.

Business experience: 1914–1917, deputy county treasurer of Warren County, Ohio; $400 salary annually by the office; $65 per month; 1917 (four months), bookkeeper and clerk in bank; $60 per month; no supervision; June, 1917, to March, 1919, United States Marine Corps; March, 1919, to present date, employed with father on farm.

Mr. Miller is an ex-service man, having served nearly two years in the Marine Corps in the recent war; and, under direction of the President, credit is given for such service in World War toward establishing eligibility for a position as presidential postmaster. The reason given for this direction is that service in the war interrupted the careers of those who entered it, and they should not be penalized in consideration for a postmastership by reason of such military service. After considering the experience had by Mr. Miller for three years as deputy county treasurer of Warren County, Ohio, and his experience as a bookkeeper and clerk in the bank, with the experience following the war in connection with the management of a large farm, together with favorable testimony concerning Mr. Miller's personal characteristics and ability, the examiners and the commissioners reached decision that he was entitled to a rating of 65 per cent in the subject of business experience and fitness, which, with the five-point bonus added for military service, gave him the general eligible average of 71.80.

MISS CATHERINE RILEY, AGE 52.

Education: Common school, high-school graduate, one year normal university, six months' bookkeeping course.

Business experience: 1886–1896, school-teacher; 1896–1900, postmaster at Franklin, Ohio; third-class office; salary, $1,700 per annum; two clerks in office. 1902–1904, clerk in dry goods and millinery store; salary, $80 per month; 1906–1908, bookkeeper for manufacturing plant; salary, $50 per month. In 1917 (length of time not indicated), "in munition plant of Piatt Iron Works Co., Dayton, Ohio; had charge of 25 or 30 women, giving the necessary supplies and allowing no loafing other than in the rest room." 1917–1918 (about six months), selling tickets in electric railroad ticket office; salary $85 a month; 1919 to date of examination, school-teacher; salary in 1921, $100 per month.

For eligibility for the position of presidential postmaster it is required that the candidate must show not only the possession of certain qualifications and abilities tending to fit him for the administrative and executive duties of the position, but also ability to meet and deal with the public satisfactorily. The commission has before it confidential testimony secured from 20 leading citizens and business men of Franklin qualified to speak from a city-wide viewpoint concerning the different candidates for postmaster, and a very considerable number of them either omit any reference to Miss Riley or state that she is not qualified by personality and temperament to serve as postmaster at Franklin. There is no charge whatsoever against her character; it is simply that she has not demonstrated, in the judgment of these business men, ability to meet and deal with the public satisfactorily. For this reason the commission did not feel that it could properly place her name among those of the highest three eligibles for consideration by the department and the President for appointment as postmaster at Franklin.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. FLETCHER. Mr. President, I desire to submit some observations on the pending bill with special reference to 29 important industries insistent on protection, showing the cost of such protection to consumers, and the Government revenue derived from it.

In considering this subject we may logically deal with it first from the political standpoint, and then, with increased emphasis, from the economic standpoint.

It is presumable that the party platforms would be kept in view in framing a tariff bill.

The Republican platform of 1916, after indorsing in the fullest sense the policy of tariff protection, said:

> We favor the creation of a tariff commission with complete power to gather and compile information for the use of Congress in all matters relating to the tariff.

The Democratic platform of 1916 said:

> We reaffirm our belief in the doctrine of a tariff for the purpose of providing sufficient revenue for the operation of the Government economically administered.

The platform declared in favor of establishing—

> A nonpartisan tariff commission to make impartial and thorough study of every economic fact that may throw light either upon our past or upon our future fiscal policy with regard to the imposition of taxes on imports or with regard to the changed and changing conditions under which our trade is carried on. We * * * declare ourselves in sympathy with the principle and purpose of shaping legislation within that field in accordance with clearly established facts rather than in accordance with the demands of selfish interests or upon information provided largely, if not exclusively, by them.

Accordingly, a Democratic Congress passed the law, and a Democratic President approved it, creating the Tariff Commission, being the act for that purpose of September 8, 1916. The record discloses no extensive participation in the public hearings on the pending bill by the members of this Tariff Commission. On the other hand, many, many pages, bewildering in extent and detail, give evidence that "selfish interests" were heard without denial and without limit. That their demands did not fall upon unheeding ears, and their clamor did not reach unwilling listeners, the various schedules in this bill, as reported, will indicate.

The Democratic platform of 1920 says:

> We reaffirm the traditional policy of the Democratic Party in favor of a tariff for revenue only, and we confirm the policy of basing tariff revisions upon the intelligent research of a nonpartisan commission rather than upon the demands of selfish interests temporarily held in abeyance.

We recall how proponents of this bill during the Democratic administration were given to casting slurs upon and belittling the Tariff Commission. It is not surprising that they should give first place in considering this bill to the parties immediately concerned as beneficiaries under it.

It will be noted in all references to this commission that Democratic declarations have referred to it as a "nonpartisan commission." It should, of course, justify that description if the purpose of its creation and its usefulness are to be preserved.

The Republican platform of 1920, under the heading "International trade and tariff," says:

> The uncertain and unsettled condition of international balances, the abnormal economic and trade situation of the world, and the impossibility of forecasting accurately even the near future preclude the formulation of a definite program to meet conditions a year hence. But the Republican Party reaffirms its belief in the protective principle and pledges itself to a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market for American labor, agriculture, and industry.

This language suggests the inquiry at the outset: Has the condition of "international balances" become certain and settled? Has the "economic and trade situation of the world" become normal? If not, is it not premature to undertake the "formulation of a definite program"? Is it at this time, when conditions are still unsettled and changing from day to day here and abroad, in many respects material to a fixed policy, "necessary for the preservation of the home market for American labor, agriculture, and industry" that there should be right now a "revision of the tariff"?

It need not be dwelt upon, but we know what the disturbed situation in regarding exchange, how incomplete is the recovery from the world upheaval, in foreign countries particularly, and how dangerous it is to speculate upon the eventual productive or purchasing power of those with whom we would trade.

Surely the proponents of this measure do not propose to confine their vision to the "home market" alone. In view of the fact that we produce a large surplus of agricultural products, for which we must find foreign markets, and because our manufacturing industries can not flourish without an outlet for their goods beyond our borders it must be short-sighted beyond excuse, unreasonably provincial, a ruinous policy, that would ignore or spurn the foreign market. We should preserve as far as possible the "home market" and at the same time we should welcome those who would come to us for the things they need and who must come to us or go hungry and unclothed. Not only so, but we should not make it impossible for them to obtain the things we have in excess of the "home-market" demand.

We have a tariff law. No permanent tariff legislation should be enacted at this time, in view of home and world conditions. Perhaps I should not use the word "permanent," because, although this bill in some form will pass, it will last only until the Democratic Party again comes into power, and that means that it will not be "permanent." It is urged now as though we had no tariff law. We have an established Tariff Commission functioning in good order. We have the tariff act of 1913, which, by reason of the war and its consequences, has had no chance to prove its full value and efficacy. It is, however, in operation, and is serving its purpose of producing revenue without causing or inviting the formation of intolerable trusts and combinations, and without imposing unconscionable burdens on the people such as will result from the operation of the pending measure when enacted.

The baseless fear of "dumping" brought on a sort of hysteria among manufacturers, and we needlessly, as we now know, passed an "antidumping" law. The act of 1913 affords incidental protection and yields revenue, probably not less than this measure will produce. Why not continue it as it is until an equilibrium is reached and experience has shown that there is need of modifications?

REPRISAL RETALIATION.

We are told that we must impose a tariff that will equalize the cost of production at home and abroad; that there is danger of flooding the "home market" with goods which have been produced at less cost than our people can produce them. Germany is often instanced as promising competition which we can not meet. Hence we propose by this bill to impose a duty on dolls and toys of 70 per cent of value, while knives, scissors, surgical instruments, and aluminum ware must pay around 60 per cent or more. A tariff of 50 per cent is levied on the value of jewelry. Watches and clocks must pay 50 per cent.

I have before me the Manufacturers' News, of April 27, 1922, which gives a very graphic account of the situation in Germany. Among other things, it says:

During this past year rentals have increased from 40 per cent to 70 per cent. Postal rates have increased over 400 per cent, railroad rates have increased 900 per cent, and foodstuffs have increased from 150 per cent to 250 per cent. There has also been an increase in the cost of clothing, and all other necessities to a much greater extent than is indicated by the figures given above. All these are increases over the prices that prevailed previous to January, 1921, and which were then considerably higher than pre-war prices in the first three items mentioned and from 1,000 per cent to 1,500 per cent in the latter items.

These increases in necessities have already resulted in almost a 150 per cent increase in wages during the past year, and as rents make a further advance, which they eventually will do to a parity with the prices of other necessities, and prices of foodstuffs go up because of the lack of those subsidies that are paid at present and which the Government must eventually abandon, a further increase in wages will have to be paid to enable the wage earner to live and these wages will, of necessity, be comparable to those paid in other countries, regardless of the rate of exchange in marks.

A large proportion of the raw materials used in Germany must be imported by her manufacturers from outside countries at world market prices and the domestic raw materials are only procurable at lower prices because of the lower wages of the producers at the present time. As wages increase, these domestic raw materials will also gradually reach world market prices.

While in all countries where the exchange is normal or almost so, wages and prices are stationary or showing improvement by going down, in Germany, on the contrary, wages and prices are constantly increasing. Last November when the mark went to over 300 to the dollar, prices of all commodities jumped to a very considerable extent and the demand for increased wages was very general. In December, however, when the mark improved to 150 for the dollar, prices did not depreciate any, instead, they continued to increase. Since this last increase in the value of the mark it has again fallen to a little over 200 per dollar, but at the time this was written it was showing some improvement, which may continue through the coming summer. Should it happen that this improvement carries the mark where it stood last July, the price advantage that German manufacturers have enjoyed would be wiped out.

With raw materials at world market prices, railroad and postal rates raised to a point where no Government subsidies will be necessary for the maintenance of those enterprises, and wages increased so that the wage earner can meet the higher cost of living, it is only a question of time when the German manufacturers' productive costs will increase to such an extent that they will reach a normal basis in comparison to those prevailing in other countries. Then, it is only reasonable to suppose, his selling prices will have to be raised in conformity with these productive costs and one dollar's worth of German products will cost a dollar's worth of marks, or as near that equivalent as prevailed during the years previous to 1914. Thus Germany's underselling power will be cut.

Plainly this apprehension of German competition is unfounded and is, ignorantly or purposely, exaggerated. Many of these schedules are directed against Germany, and yet you expect to sell Germany goods, will not accept her mark, and you know she has not the gold with which to buy.

Your position is indefensible, which, however, is the common one throughout this bill. For instance, you impose a duty of 30 cents a bushel on wheat in order to slap Canada in the face, the best foreign market we have, and our next-door neighbor, whereas the price of wheat is fixed in Liverpool and the duty helps the grower not one cent. The same is true as to corn, on which you place a duty of 15 cents a bushel.

You place a duty of 2 cents a pound on hides, and on manufactures of leather not otherwise provided for 40 per cent ad valorem, and on most of the manufactures a great deal more. For instance, men's leather gloves must pay $5 per dozen, and the manufacturer gets the benefit of that tax, which consumers must pay twice over.

In the case of wheat, corn, and hides you hope to deceive the farmer, whom you do not in any wise help but you penalize him in millions of dollars by the real duty on the manufactured goods he must have, which is doubled when it is passed on to him as a consumer's tax. Perhaps he can do without gloves, but furniture he must have, and you tax that 60 per cent of value. There are other things he must have which I will speak of later.

Let me refer to what Mr. Miles said in his statement before the committee, page 5296, part 58. I shall have occasion a little later to refer to Mr. Miles and his very important testimony before the committee. Representing the Fair Tariff League, of which he is president, he said:

The Fair Tariff League includes in its membership representatives of 1,500,000 farmers.

We believe that the farmer, for both moral and economic reasons, must insist that protective rates be moderate both on manufactures and on his own products.

The farmer sells, of necessity, at the lowest prices in the world, being export or world prices. He buys in the dearest market in the world. He sells his wheat in Liverpool at about 50 cents per bushel net and at the same price in the United States. If he could buy his supplies in Europe, many of them under normal conditions would cost him one-third less than in American stores, where imported articles average 50 per cent higher in price than in European stores, because of our tariff. Consequently he too often finds his meager return of 50 cents per bushel depreciated in purchasing power to about 50 cents in this country.

Representing, as he does, 50 per cent of our consuming power, he loses on his purchases $2,000,000,000, or one-half of the $4,000,000,000 of the surcharge in domestic prices due to overprotection. He is in no condition to lose this $2,000,000,000. Strange, indeed, if his leaders permit it to continue in consideration of excessive rates on farm products which for the most part the farmer can not realize on because not even Providence can make our tariff increase export prices.

NATIONAL HOME FOR JEWISH PEOPLE IN PALESTINE.

Mr. LODGE. I report back unanimously from the Committee on Foreign Relations, with amendments, the joint resolution (S. J. Res. 191) favoring the establishment in Palestine of the national home for the Jewish people. I shall be very glad to have immediate consideration of it. I certainly shall not keep it before the Senate if there is to be any debate.

Mr. ROBINSON. Let it be read.

The joint resolution was read, and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole.

The amendments were, in line 4, after the words "Jewish people," to strike out the words "in accordance with the provisions contained in the declaration of the British Government of November 2, 1917, known as the Balfour declaration"; in line 9, before the word "non-Jewish," to strike out the word "existing"; and in line 10, after the word "Palestine," to strike out the words "or the rights and political status enjoyed by Jews in any other country," so as to make the joint resolution read:

Resolved, etc., That the United States of America favors the establishment in Palestine of the national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF.

Mr. FLETCHER. I was very glad to yield for the purpose of having that business attended to, which I regard as very appropriate and commendable.

I submit an editorial from the Florida Times-Union of April 28, 1922, entitled "Deceiving the farmers." I ask leave to have it inserted without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DECEIVING THE FARMERS.

[From Florida Times-Union, April 28, 1922.]

The tariff bill introduced a few days ago could not be passed without the consent of Senators representing the classes it will rob. As a class the farmers will be the chief sufferers, but members of the agricultural bloc have been brought to support the bill by alleged concessions to farmers that will do them no good whatever.

An emergency tariff bill was passed about a year ago purporting to give protection to agricultural products. Did it cause any increase in values of the products on which duties were imposed? As a matter of fact, the products on which duties were imposed declined for a considerable time after the tariff went into effect, and the decline was not stopped until a great shortage in the wheat crop was discovered.

Of course, the price of farm products did not decline because duties were imposed on them, but they declined despite the fact that duties were imposed, and the duty did not interfere in the slightest with their decline. The farmers of this country had for sale more wheat, more corn, more meat animals, more potatoes—in fact, more of nearly every agricultural product than were needed in this country, and they were numbered by the millions and were competing with each other. The result was that the prices of these products were lower in the United States than anywhere else in the Northern Hemisphere. The tariff could not add to the price at which they were sold in foreign countries, and if they were sold lower at home than abroad, as was the case, the tariff had no effect on the prices received at home.

The United States also manufactures more iron and steel products than the American people need, and yet these products bring a higher price in this country than they do anywhere else. Why is this? It is because the iron and steel manufacturers are comparatively few and can combine, and do combine. They charge what the tariff allows them in this country and ship their surplus and sell it for whatever they can get beyond the tariff wall. They are enabled to sell the foreigner cheap products because they are permitted by the tariff to charge the American people excessive prices, thus making Americans help to pay for what the foreigner buys.

More clothing is made in this country than the people buy, but the price paid for it in this country is almost twice as high as abroad. It is because the manufacturers, few in number, can combine and do combine to extort excessive prices from the people.

The passage of this bill will strengthen every trust in the United States, and if the public are reluctant to buy at the prices they will charge they will close down factories and throw workmen out of employment in order to restrict the product to what the people will buy at extravagant prices.

Mr. FLETCHER. With reference to our trade with Canada, this brief editorial from the Tampa Tribune of April 28, 1922, is as applicable to this tariff bill now pending as to the emergency tariff act. It is as follows:

A COSTLY WALL—FOR THE UNITED STATES.

[From Tampa Tribune, April 28, 1922.]

When the fathers made the Constitution they were careful to forbid the imposition of a tax upon exports. They couldn't foresee that the zeal of the tariff makers would bring about all the evils of an export tax without affording the Government the revenue.

The people of Canada like to do business with the people of the United States. The result of their recent election was, in part, an expression of their desire for closer trade relations. But on this side they find the "emergency tariff" wall erected against them and they are forced to turn away.

The effect has been a restriction, not only upon the imports from Canada, which, of course, the tariff advocates desired, but a much greater restriction upon our exports to Canada, which can not but result in great loss to every interest of the United States. The calculation of an accurate observer recently made shows that "for every dollar of American trade lost by Canada through the operation of the American high tariff the United States has lost up to date and stands to lose in the future two dollars of Canadian trade." The loss in American exports to Canada is nearly $400,000,000.

And the damage is not that merely of the present. The trade driven away is seeking other markets and establishing connections which bid fair to be permanent. It is a heavy price to pay for a very doubtful measure of protection.

It is most regrettable that in this uncalled for way we adopt a policy which will result in unnecessarily restricting our trade with our good neighbor and friend to the disadvantage and hurt of both of us.

There are numerous other absurd and inconsistent features in the bill.

One of those would be ludicrous if the matter were not so serious. In the frank statement of the chairman of the committee when laying the bill before us, he said, "It will not alone bring a revival of business; there must be a reduction of costs to within the reach of the consumer's pocketbook before there can be a return to old-time prosperity."

You may call up the spirits, but will they come?

If this legislation does not increase prices, it surely will disappoint its framers. Its actual and intended effect, as is the case with all protective tariff legislation, is to increase prices, where different and competitive conditions would exist without such tariff. Otherwise there would be no point to it. The reason for it would be absurd. What basis can there be, then, for the expression that there "must be a reduction in costs."

An increase in costs is the whole idea of the tariff. The tariff is a tax which the consumer must pay, and it is added to the cost of the article he buys where it affords protection as this bill permits. It is intended to keep away from the consumer commodities which sell at a lower price than the tariff makers want. It is to permit the special privilege interests to set a price on their goods and with a tariff protect them from goods that would cost less. The Republican idea is not so much to provide revenue as it is to protect for higher prices, and that produces monopoly, and to say that prosperity will not come from it is not only an admission of its futility but rather adds to the injury suffered by the people who must pay the bill.

It will of course not aid but retard prosperity. Living costs instead of falling will rise. The people who have endured much must expect to endure more. How patiently remains to be seen. The cost of protection to consumers and the Government revenue derived should be considered in connection with this bill.

Confining discussion to some of the important schedules of the bill and some of the items in common use, I wish to submit a table showing the cost of protection to consumer and the Government revenue derived for the calendar year 1919, the cost to consumer and revenue collected for the fiscal year 1914 under the Payne-Aldrich law, and the revenue collected for the calendar year 1920. This table covers 29 industries, embracing those who are crying loudest for protection.

It will be noted that under the Underwood-Simmons law, covering the calendar year 1919, the cost to consumer is invariably greater than for the year 1914. This is because of the unusual high prices prevailing, due to postwar conditions. It will also be noted that the cost to consumer is just double the protection allowed to manufacturers. This holds good in every industry with the exception of sugar, it being assumed, of course, that the domestic manufacturer avails himself of full tariff protection.

In other words, the consumer is paying twice what the Government is supposed to get by reason of the protective tariff. Under the column "Revenue collected" the figures shown represent the amount of revenue collected that actually went into the Treasury. It will be interesting to note that the totals show that so far as these 29 industries are concerned the protection allowed to domestic manufacturers was $2,663,000,000; the cost to consumer, assuming that the full tariff allowance was used, was $4,741,000,000, while the revenue actually collected was but $53,200,000. That illustrates the operation of the tariff bill if it is enacted into law. The articles which are mentioned in the table cover wool, manufactures of; cotton, manufactures of; silk; cutlery and edge tools; lead, ore bullion, pig, manufactures of; aluminum ware; chocolate and cocoa; collars and cuffs; corsets; umbrellas and canes; wires, wirework, rope, and so forth; glassware, including plate and window glass; oilcloth and linoleum; paints and varnishes; asbestos, manufactured; furs; clocks and watches; glucose and grape sugar; starch; hosiery and knit goods; earthen, stone, and china ware; gloves, leather; files; buttons; automobiles; toys and games; carpets and rugs; men's shirts; hardware.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Florida yield to the Senator from Nebraska?

Mr. FLETCHER. I yield.

Mr. HITCHCOCK. I understand the Senator has said that the customs tax on these articles within one year paid into the United States Treasury was only $53,000,000.

Mr. FLETCHER. That is correct.

Mr. HITCHCOCK. How does the Senator figure that the cost to the consumer was greater than that?

Mr. FLETCHER. The figures show that the protection allowed to consumers and manufacturers in this schedule on these articles or commodities amounted to $2,663,000,000. The experience and information of the experts and those who have knowledge of the subject is that the amount is practically doubled when it reaches the consumer, and that the consumer had to pay, if the manufacturers took advantage of the whole tariff allowed them, $4,741,000,000.

Mr. HITCHCOCK. The Senator reaches that by computing the percentage of tariff on each particular article and doubling it as the profit put on by the manufacturer?

Mr. FLETCHER. Yes; practically double. The table is furnished me by experts from the committee, and, of course, I must rely upon it. It is practically a duplicate of the table furnished by Mr. Miles in part 28, page 5268, of the hearings before the Finance Committee. I omit in this table the first column which I find in the Miles table, under the head of "Tariff allowance to manufacturers," and give simply the cost to consumer if the tariff allowance is used and the revenue collected in each instance as to 1914 and 1919.

One of the most interesting witnesses before the Finance Committee, and one of the, if not the, fairest, was Mr. H. E. Miles, and I want to call more particular attention to his statement. Mr. Miles, as I have stated, is president of the Fair Tariff League. He said in his statement:

The Fair Tariff League is composed wholly of protectionists, manufacturers, representatives of 1,500,000 farmers and wage earners, women's associations, merchants, and others. We believe absolutely in our American institutions, in the vigor and strength of our people, and as protectionists we believe that every American industry that is worth while should have the utmost fair consideration of Congress.

We are thoroughly opposed to excessive rates, knowing them to be tremendously injurious to the national interest. We find many industries operating under excessive tariff rates that are no more "protection" than burglary is honest work. This is the judgment, as nearly as I know, of the majority of the manufacturers of the United States, only a few of whose press Congress for excessive rates that let them overcharge the American people.

Mr. Miles said that he himself is a lifelong manufacturer at Racine, Wis.; a manufacturer and merchant for 25 years, making wagons and carriages, and then agricultural implements, owning and managing one of the four largest carriage factories in the country, four retail houses, and six or eight wholesale houses. This statement, therefore, comes from a manufacturer, a protectionist, who represents in his association or league the idea of protection. I submit it is entitled to very considerable weight.

Mr. McLEAN. Mr. President, I did not hear the Senator very well. I would like to ask from whom he is quoting?

Mr. FLETCHER. Mr. H. E. Miles, chairman of the Fair Tariff League, of Racine, Wis.

Mr. McLEAN. I assume the Senator from Florida does not believe in a protective tariff and I will say to him that Mr. Miles likewise does not. Though he claims possibly to believe in a protective tariff, he insists that the present law—that is, the Underwood Act—is a protective tariff, whereas the sponsors for that act, especially the then chairman of the Committee on Finance [Mr. SIMMONS] frankly announced when the bill was passed that it was not a protective tariff and that the theory to equalize the difference in the cost here and abroad was repudiated by the committee. Mr. Miles, I think, at one time was in business. He is not in business now and has not been for years. Whether he failed in business or not I do not know, but any manufacturer who adheres to his view in this country will soon fail in business.

Mr. FLETCHER. With regard to the present law I am quite prepared to agree with Mr. Miles that there is at least incidental protection in it and such as ought to be sufficient to satisfy the reasonably exacting producers and manufacturers.

Mr. McLEAN. If there is incidental protection, no credit is due for that fact to the committee because the committee frankly stated that they did not intend the act to be a protective measure.

Mr. FLETCHER. Of course, it was not framed upon the idea of it being protective tariff legislation. It was framed with the idea of producing the greatest amount of revenue with the least burden upon the people.

Mr. McLEAN. Does the Senator from Florida believe in a protective tariff?

Mr. FLETCHER. I do not. I do not claim that; but I am speaking with reference to the legislation to which the Senator is referring and which he said Mr. Miles mentioned.

Mr. McLEAN. If the Senator will look up the history of the gentleman he is quoting, he will find that whilst he said he believes in a protective tariff he represents a lot of free traders at this time.

Mr. FLETCHER. I of course must be governed by what Mr. Miles himself stated before the committee as to himself, his business, his relatives, his views, and I do not find anything in the record that in any wise contradicts him. I submit that his statement is eminently reasonable and fair, and he gives facts to support his contention. He evidently understands the subject; he expresses himself clearly and admirably and frankly.

This table, which is, as I said, practically what Mr. Miles furnished to the committee, I ask to have incorporated in the record at this point.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent to have incorporated as a portion of his remarks the table which he has described. In the absence of objection that order will be made.

The table referred to is as follows:

The cost of protection to consumers and Government revenue derived.

[Millions of dollars.]

Articles.	Payne law, 1914 (fiscal).[1]		Underwood law, 1920 (calendar).			Revenue collected, 1920 (calendar).
	Cost to consumer if tariff allowance used.	Revenue collected (per cent).	Tariff allowance to manufacturers.	Cost to consumer if tariff allowance used.	Revenue collected (per cent).	
Wool, manufactures of[2]	280	16.5	265	535	2.9	3.6
Cotton, manufactures of[2]	492	27.1	557	1,114	15.6	32.4
Silk[2]	170	14.1	214	428	20.3	23
Cutlery and edge tools	20	1.3	18	36	.2	.9
Lead, ore bullion, pig, manufactures of	178	.6	40	89	.4	1.0
Aluminum ware	12	.2	13	26	.005	.2
Chocolate and cocoa	14	.1	11	22	.03	.08
Collars and cuffs	14	.02	11	22	.02	.04
Corsets	20	.03	22	44	.01	.03
Umbrellas and canes	8	.8	6	12	.02	.06
Wire, wirework, rope, etc	70	.3	35	70	.1	.2
Glassware, including plate and window glass	140	2.8	100	200	.6	2
Oilcloth and linoleums	16	.6	17	34	.04	.4
Paints and varnishes	69	.4	36	72	.1	.4
Asbestos, manufactured	2	.06	4	8	.05	.1
Furs	30	1.6	56	112	1.5	1.9
Clocks and watches	19	1.2	17	34	3.4	4.1
Glucose and grape sugar	22	.009	17	34	.0065	.....
Starch	10	.2	6	12	.03	.....
Hosiery and knit goods	216	2.8	192	384	.6	2.2
Earthen, stone, and china ware	130	5.6	94	188	3.4	5.2
Gloves, leather	14	2.3	6	12	.5	2
Files	4	.03	4	8	.04	.03
Buttons	14	.5	13	26	.6	.6
Automobiles	345	.5	780	975	.1	.7
Toys and games	8	2.2	12	24	1.0	3.4
Carpets and rugs	33	2.5	40	80	1.4	4.5
Men's shirts	64	(3)	53	106	(3)	(3)
Hardware	46	(3)	24	48	(3)	(3)
Total (29 industries)	2,467	80.6	2,662	4,741	68.2	95

[1] The Payne law was operative only July 1–October 3 of this fiscal year ending June 30, 1914. Its rates are applied to the entire year, being the only census year showing production since 1909.

[2] Woven fabrics (except carpets and wearing apparel), felt goods, lace, and all manufactures of these materials.

[3] Woven fabrics (except carpets, handkerchiefs, and wearing apparel), pile fabrics, cloths, tapestries, lace, and other manufactures known as cotton small wares.

[4] Woven fabrics (except handkerchiefs and wearing apparel), lace, embroideries, and all manufactures thereof.

[5] Not shown.

Mr. FLETCHER. Mr. President, I want to call attention to what Mr. Miles submitted by way of comment upon these various articles and the duties upon them and the revenue derived from them without perhaps taking up all of them, because that would require rather more time than I would feel justified in consuming. I do, however, want to refer to what he has said regarding the principal items. At page 5245, for instance, he took up the first one, wool and manufactures thereof. Mr. Miles there said:

In 1919 labor got 15.6 per cent of the factory selling price, and yet the tariff was 31.6 per cent, or twice the total wage, except that these wage percentages are averages and include some simple processes. The wage percentage on cloth is about 20 per cent of the factory selling price.

He is dealing here with the proposition about making the tariff such as to equalize the cost of production at home and abroad, and showing that as to these articles the duties are so high that the tariff more than covers the total wage cost in their production. Not merely the difference between the wage cost abroad and here, but the total wage cost is more than covered by the duties imposed.

Remember that these rates apply on the foreigner's cost of material, labor, and overhead, plus his profit, and that material is half the total cost of production.

Present tariff rates are so high that very little is imported, and domestic makers can and do put their prices where they choose in good times. Investigation in one of the great department stores of the country failed to find a single yard of woolen dress goods from abroad. All the fabrics, plaids, blue serge, etc., for women's dresses were domestic products. Their buyer was just back from Europe without making purchases, because prices there, plus the duty, were prohibitive.

To illustrate, a certain piece of men's wool suiting, costing $1.71 in England, costs $2.89 duty paid in New York. The price of a duplicate American product is $2.85, not because of American costs, as we are compelled to believe, but because the tariff permits of this high price. Under the proposed American valuation clause the duty hereafter would be on the $2.85 price, which would bring the imported cloth up to $3.40, when the domestic goods might advance to $3.25, which would be the basis for the next importation, and so on.

I do not wish to indulge in any discussion of the proposal to base the duties on the American valuation plan, because that has not been adopted by the committee reporting the pending bill. However, Mr. Miles further says:

An authority on woolen goods tells us that the average farmer and wage earner is clad in winter in a cotton worsted suit that is 40 per cent cotton, 30 per cent shoddy, and 30 per cent wool; in underwear that is 80 per cent cotton; and a rag-shoddy overcoat. We know that this was substantially true before the war, and will be true again. The advancing price of wool puts a great premium on this adulteration. At best the wool tariff only makes doctors' bills for the farmer; not a cent of profit, as we will show.

The specific duty on these mixed goods is 45 cents per pound on the basis that they are all wool. We submit that this is grossly unfair. It gives the manufacturer two-thirds of the weight duty in many cases, sometimes more, which duty is intended for the farmer only. Blanket manufacturers are insisting that blankets of all cotton with a little shoddy be assessed as if all wool.

Discussing this matter further, he says:

In the normal pre-war year 1914 our woolen manufacturers had 94.5 per cent of all domestic business, imports being only 5.5 per cent. In 1919 they had 99.1 per cent of all domestic business. In 1920 they had 97.4 per cent, and imports were in the nature of novelties either in design or quality.

When they ask for greater restrictions on imports, higher duty, and a congressional sanction to further raise their prices it is time to question whether this country belongs to the people who constitute it or to the manufacturers.

Figuring on the basis of the Tariff Commission's statement, that domestic prices tend to at least equal the foreign price plus the duty, it is fairly estimated that the tariff protection granted the wool manufacturers—not including makers of carpets and wearing apparel—in 1914 was $192,000,000 above foreign prices; in 1919, $214,000,000, while the Fordney bill would give them $240,000,000, with all these amounts doubled at retail to the consumer.

This is his view based on his experience, observation, and study of this question, that the amount which the tariff makes possible for the benefit of the manufacturer is doubled by the time the goods reach the consumer. Reading further:

Against these enormous sums the Government collected from customs duties on imports of these woolen goods only $2,900,000 in 1919 and $8,600,000 in 1920.

The consumers had to pay $214,000,000 in 1919 and the Government received in revenue only $2,900,000. Now, Mr. Miles says:

These enormous sums to manufacturers, with relatively no return to the Government, were voted on the supposition that they protected the most efficient wage earners in the world, who got only 20 per cent of the factory sales price. The difference in the wage cost per yard produced here and abroad is, of course, only a fraction of the total American wage cost.

The principle of protection is expressed in the declaration of the Republican Party in 1908 that each duty shall measure only "the difference in the cost of production here and abroad," figured with reasonable liberality. It seems impossible that Congress will continue the present charge on woolen goods against the consuming public of over half a billion dollars per year in the face of these figures, and do so only upon the general and interested statements of the would-be beneficiaries, who could easily submit their cost books, and withhold costs only because their submission would enormously reduce their tariff privileges.

Passing on, for instance, to cutlery and edge tools, in which the people are greatly interested, Mr. Miles says:

Some domestic cutlery manufacturers say we are the cheapest makers in the world of common table and kitchen cutlery.

One manufacturer of cutlery goods says Germany produces more cheaply. The special provision against the unusual German situation is doubtless needed here.

A good English 6-inch butcher knife costs $2.13 per dozen at the English factory, and $2.37 in New York, duty paid. A better made knife is sold by two American makers for $1.50, which indicates a low production cost and a wage cost of very few cents per knife. The Fordney duty on these would be twice the American manufacturer's selling price. We exported of table cutlery only in the first nine months of 1921, $1,082,662, or three times as much as our entire imports of all kinds of cutlery taken together, being $312,000, of which $205,475 came from Germany. There has been a considerable decline in both imports and exports of cutlery in the last three months. We exported 48.9 per cent of all domestic production of table cutlery in 1919, and in 1920 71 per cent of 1919 production.

Speaking with reference to edge tools and miscellaneous cutlery, he says:

In edge tools and miscellaneous cutlery exports far exceed imports. Our shears (usually 5 inches or more in length, with blank handles) are both the best and cheapest in the world, and have no competitors in any market. Protection is needed on high-grade cutlery, fine scissors, penknives, and like goods.

With reference to files, Mr. Miles says:

Files: Ordinary sizes and kinds made so cheaply here that our makers freely export them, sending 25.2 per cent of the entire production of 1919 abroad, and a still greater amount in 1920, while imports were only 1.8 per cent in 1914 with its normal pre-war conditions, and 0.4 per cent in 1920. These imports were especially fine and small patterns which our people do not like to make. In 1914 the wages in the file industry were only 28 per cent of the selling price, and yet the Payne duties were 56.1 per cent. In 1919 wages were 30.2 per cent and the tariff 25 per cent.

Investigation indicates a single ownership of many factories operating under separate names; price agreements for many years, or at least closely related prices.

In 1908 under the 55 per cent protection of the Payne law the file people charged 60 per cent more for domestic use than they charged foreigners. To-day they are exporting at 20 per cent under domestic prices. The large volume of their exports and their special discount thereon indicate the need of no protection on standard sizes.

After giving the file makers control of the domestic market to the possible cost to the consumer of $8,000,000 in 1919 the Government collected in duties only $10,000, and $80,000 in 1920.

At page 5256 of this document Mr. Miles discusses aluminum, with reference to which he says:

Aluminum is made substantially as cheaply here as abroad. The domestic production is controlled by a single corporation, which charges 24 cents per pound for the refined metal as against a price of 15 cents per pound made in England at the same cost. The American corporation began business with almost no capital. It has accumulated $70,000,000. The elements of cost are, in order of their importance, freight, material, fuel, and labor. The wage cost of refining is very little. The trust is said to make it unpleasant for Americans who buy the English metal at 15 cents instead of the American metal at 24 cents. The trust wants 5 cents per pound protection.

With reference to aluminum ware, he further says:

Aluminum ware: Production increased from $19,600,000 in 1914 to $75,000,000 in 1919, the increase being mostly in prices, imports virtually embargoed, being 0.03 per cent in 1919 and 1.1 per cent in 1920. The protection given the industry in 1914 was 20.4 per cent, or $6,000,000, and in 1919, $13,000,000, against a total wage of $15,773,254, or 21 per cent of the factory prices of the product, while the House bill would make the protection $22,000,000. Imports virtually embargoed, customs receipts being $200,000 in 1920.

I am quite sure the Senate committee bill does not lower the duty which is carried in the House bill on aluminum ware. I find the duty in paragraph 374 on aluminum ware, and so forth, is 5 cents per pound. The Finance Committee of the Senate makes no change in the provisions of the House bill in reference to that article. Ware that is made of aluminum is very important to the people of this country, and the industry should not be put into the hands of a trust or a combination to such an extent that the people will be taxed an exorbitant rate while the Government will not receive any appreciable benefit from the tax.

Take, for instance, collars and cuffs, paragraph 918 of the bill. Let us see what that duty is. Those articles might be classified as necessities. Under the bill as it came from the House the provision is:

Shirt collars and cuffs, of cotton, not specially provided for, 25 cents per dozen pieces and 12½ per cent ad valorem.

The Finance Committee of the Senate proposes to change that by striking out "25" and inserting "35," and striking out "12½" and inserting "15," so that the duty would be 35 cents per dozen pieces as to shirt collars and cuffs of cotton and 15 per cent ad valorem in addition; so that they propose to raise the duty. Now, let us see what Mr. Miles says about that item, on page 5253 of Document No. 58.

Mr. HITCHCOCK. Mr. President, before the Senator leaves the aluminum schedule, let me ask him is not the tariff under the present law 2 cents a pound?

Mr. FLETCHER. That is my recollection.

Mr. HITCHCOCK. I have just turned to it, and I find that it is. Is it not a fact that under this tariff the aluminum industry has been very prosperous and a number of great fortunes have been made out of it?

Mr. FLETCHER. That is unquestionably true, according to the statement of Mr. Miles, and I know nothing to the contrary. He says:

The American corporation began business with almost no capital and that it has accumulated $70,000,000.

And he refers to it as if it were already a trust; and, of course, if these high duties go on the wall will be built so high that it is inevitable that the whole production will be controlled by this organization.

Mr. UNDERWOOD. Mr. President, I will state to the Senator that at the time the present tariff law was written—the law of 1913—very exhaustive hearings were given on the subject of aluminum. It was gone into by the committee very thoroughly. It was an article on which some revenue could be raised; and there is no doubt in the world that the present rate, established then, was an adequate rate as long as they were willing to have any competition at all. It seems clear to me that the raise in this bill to 5 cents can be for no other purpose than to shut off foreign competition entirely. It will have only that effect.

Mr. FLETCHER. I thank the Senator for his reference to the subject and for the information which he gives us. I have not any question but that this rate will eliminate practically all revenue and put these people in a position that will give them an absolute monopoly as to prices. It looks that way, very clearly.

Mr. UNDERWOOD. Some of the basic patents in this industry have expired, my information is, since the present tariff

law was written, and of course on the basic patent that would give an opportunity for competition; but, as a rule, these basic patents are supplemented by patents that are added from time to time that make it very difficult for one to go into the industry, even where the basic patent has expired. The result is that they practically have a monopoly now, with no competition except foreign competition.

Mr. FLETCHER. I take it that the Senator regards this proposed increase in the duty as indefensible under those circumstances.

Mr. UNDERWOOD. Undoubtedly.

Mr. FLETCHER. It occurs to me so.

Going on further with this matter of collars and cuffs, Mr. Miles says:

These collars formerly retailed at 2 for 25 cents, now 20 cents each, made of two thicknesses of ordinary cotton costing 19 cents a yard and 16 cents a few months ago.

Then he produces a sample and observes:

The price of the cotton in the same here as in Europe. There is almost no waste in the cutting. The face of the collar used to be made wrong side out and then turned and a second line of stitching run around. Now brass clamps so hold the unsewn pieces of cloth together that the needle zips around once, and all is done. There is nowhere in the world any cheaper production.

These collars can be bought from English factories for $1.20 a dozen, but the English goods would cost $2.10 here duty paid. This lets the American manufacturer charge what he will up to $2.10 per dozen wholesale. He does charge $1.60. He pays 70 cents a dozen for cutting, sewing, and ironing, or slightly under 6 cents per collar.

The labor in the collar and cuff industry was 24.2 per cent in 1914 and 15.6 per cent in 1919.

That is the total labor cost—not merely the difference between the foreign and domestic cost but the total labor cost.

The present tariff gives 30 per cent protection, or twice the wage in the industry, and the House bill would add 50 per cent to that duty. The protection given the industry in 1914 was $7,000,000, in 1919, $11,000,000, and the Fordney bill would make it $17,000,000. All these amounts would be about doubled to the consumer. Testimony before the House committee indicated great profits in the industry. Against these huge sums the Government collected the petty total of $25,000 in 1919 and $40,000 in 1920.

Think of that duty on collars and cuffs, the protection cost to the consumers being $11,000,000 and the Government getting out of it a revenue of $40,000 in 1920!

I find nothing at all to contradict these statements, and Mr. Miles goes into such detail about the matter and is so positive and clear about the facts that I can not question in any way what he says, or argue with him about it. He makes it perfectly plain; and in view of these facts it is ridiculous, it is absurd to insist upon these duties.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. FLETCHER. In just one minute. As I believe I read from paragraph 918 of the bill as now reported to the Senate, shirt collars and cuffs of cotton, not specially provided for, bear a duty of 35 cents per dozen pieces and 15 per cent ad valorem on top of that.

I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I merely wanted to state that after Mr. Miles gave that testimony before the Finance Committee no one appeared to contradict his statement, and so far as this record shows, if I am correctly informed about it and sufficiently familiar with it, there is absolutely nothing in the entire record taken either by the House Ways and Means Committee or by the Finance Committee of the Senate to contradict in any way the statement made by Mr. Miles, as the Senator has been referring to it.

Mr. FLETCHER. I am obliged to the Senator for making that statement. I know he has been a most diligent and energetic member of the Finance Committee. I am not a member of the committee at all, but I have tried to read the hearings and keep up as best I could with the matter. I have not been able to find anything contradicting Mr. Miles, and I am glad to be assured by the Senator from New Mexico that his statement here stands undisputed in this record.

Mr. HITCHCOCK. Mr. President, it would seem from this big advance in the tariff on a very productive article, collars, that this is where the consumer "gets it in the neck." [Laughter.]

Mr. FLETCHER. That may depend a little bit on the kind of collar, but I have no doubt that that is, figuratively speaking, the case. He gets it in the ribs as well as in the neck. He gets it in his stomach, on his back, in all his vitals under this bill.

Mr. JONES of New Mexico. Mr. President, I think I may state further that of all the witnesses who came before the Finance Committee to explain any of the schedules regarding this bill, Mr. Miles, in my judgment, has by far more facts and more detailed information regarding the general bill and the especial matters to which he referred than any other witness who appeared before the committee. I do not think I ever talked with anybody who seemed to have more detailed facts regarding the tariff and its operation, not only now but in the past, than Mr. Miles. He himself is also a manufacturer and has been for years, and it has been his business for some years to make a special study of tariff legislation, and I do not know of anyone who is better able to give information on this subject than Mr. Miles, to whom the Senator from Florida is now referring.

Mr. FLETCHER. Mr. President, the Senator confirms the impression which I obtained in reading over very carefully, more than once, Mr. Miles's very forceful statement. He talks like a man who knows what he is talking about. I think he is absolutely sincere, he means to be thoroughly fair and reasonable, and he presents the matter in a very clear and able way.

The next article on this list to which I was referring is corsets. I pretend to know very little about that subject, and I shall not take a great deal of time in considering it; but perhaps it would be in order to give Mr. Miles's statement regarding it, as this refers to what I understand to be a very useful if not an absolutely necessary article, and a great many people in this country are deeply interested in it. He says, at page 5265, under the head of "Corsets":

Production, $75,537,000 in 1919. Imports, one-tenth of 1 per cent in pre-war, 1914, and two one-hundredths of 1 per cent in 1920. The industry evidently has complete control of the domestic market under the present duty of 30 to 60 per cent, with a wage cost of 17.3 per cent, or, say, half of the duty. The industry is closely organized, in few hands, and produces at low costs.

Protection given in 1919, $53,000,000; this amount to be doubled at retail if the manufacturers use their protection, as they easily may.

I might add, as they undoubtedly will. Think of that, proposing to continue a duty of 30 to 60 per cent on corsets, when the total wage cost is only 17.3 per cent, and when the importations in 1920 were only two-tenths of 1 per cent. As the Senator from Nebraska suggests, this is where the consumer gets squeezed. That may depend also on the character of the article; but they get "trimmed" up, anyhow. The proposal in this bill, Mr. President, to tax the consumers of this article in this country over $50,000,000 a year, in order to keep out all importations and give the manufacturers a monopoly of the home market, is certainly without any excuse or justification whatsoever.

I turn now to the next item, umbrellas and canes, very useful articles; umbrellas, particularly, are almost necessary. Mr. Miles make reference to them at page 5265 of this document, No. 58 of the hearings. He says:

Umbrellas, parasols, canes, sticks, etc.: Production in 1914, $14,000,000; in 1919, $25,307,000. Imports negligible, being 1.6 per cent in 1914 and 0.8 in 1920. Wage per cent in 1914, 15.7 per cent, and in 1919, 13.2 per cent, against which the present tariff averages 34.4 per cent on umbrellas and parasols and 30 per cent on canes and sticks. Protection given in 1919, $6,000,000, which doubles at retail.

Think of that, not merely the difference between the cost of production abroad and at home but the total wage cost in this industry in 1919 was only 13.2 per cent, and yet the tariff averages 34.4 per cent. The tariff is nearly double the total wage cost in this industry. The importations are practically nil, amounting in 1920 to only 0.8 per cent, so that already the manufacturers have the home market. There are no importations. They need no protection, and imposing these duties simply enables them to raise their prices to the home consumers.

The next item is wire, wirework, and rope. Those are very important articles. Wire is used very extensively in the building of fences and for other construction purposes. The price has gone up almost beyond reach. Wood is fast disappearing. Timber is gradually passing beyond the reach of people who would build fences, and they are resorting to the use of wire for that purpose. Farmers, country people as well as city people, are more than ever using this very necessary article. It is fair to say that barbed wire, plain or galvanized, is still carried on the free list. I refer to paragraph 317 of this bill (H. R. 7456), where the duty is one-half of 1 cent per pound. Let us see how that subject is treated.

On page 5261 of this pamphlet Mr. Miles has this to say about wire:

Wire, wire rope, and wirework: Production in 1914, $82,000,000; in 1919, $162,000,000. Exports in 1914, 16.3 per cent, and in 1919 and 1920, 32 per cent, while imports were negligible, being 1.2 per cent; in 1914, 0.6 per cent. Protection given the industry, $35,000,000, costing consumers $70,000,000 in 1920, with customs receipts $200,000. As all ordinary steel is made as cheaply here as anywhere, undoubtedly the tariff is used against the consumer. For over 30 years our steel people have shipped abroad at far less than domestic prices, while usually holding domestic prices to foreign prices plus the duty, and often plus ocean freight.

Think of that. People everywhere engaged in agriculture, engaged in raising chickens, or what not, absolutely need this article. It is proposed to make it cost them millions of dollars, without any comparative benefit to the Government whatever.

Mr. Miles says the protection given the industry was $35,000,000, costing the consumers seventy million in 1920, and the customs receipts amounted to only $200,000.

With reference to glassware, including plate and window glass, at page 5254 of this pamphlet, Mr. Miles says:

Glassware, including plate and window glass, glass cutting, mirrors, and optical goods: Production in 1914, $168,000,000, rising in 1919 to $385,000,000. We produce plate glass in this country as cheaply as anywhere in the world, coal being a large factor, and cheaper here than elsewhere, and still more economically where we use natural gas, as in some plants. We produced 70,000,000 square feet of plate glass in 1921 and imported only 3,000,000 square feet, the latter being of superior quality that we do not care to produce, for fine mirrors, etc. The plate-glass tariff has been one of the worst in our history. It is virtually a trust.

In the Dingley days it secured rates running from 50 to 150 per cent, whereupon it doubled many of its prices against domestic consumers and warned its customers that they must not buy abroad even these rates which could be brought in to advantage after the trust had increased its prices.

I asked a plate-glass merchant about this. He said, "Yes; I got one of those notices, and it took me several days to answer it. But I saw I would lose my business unless I yielded, so I sent the promise and a memorandum of the orders I had already abroad, with a promise not to order any more."

It said the trust later advised customers to order ahead liberally, as prices were going up. They so ordered, and then, instead of raising prices, they were cut 35 per cent.

What an example of "American" valuation we would have had here had it been in effect.

Common window glass and the like is made very cheaply in this country, and the freight itself is a considerable protection from abroad:

Then he proceeded to discuss pressed glass and other kinds of glass, and stated:

One of the biggest manufacturers in America told me in 1908, when we were before the Payne committee, that he had a wholesale house in London that cost him $10,000 a year; that he sold pressed glass precisely like American goods and added the cost of his London house to his American prices. When the McKinley tariff was being written this gentleman and some of his competitors recommended that pressed glass be put upon the free list. But it came out in the law 65 per cent protected, and in such uncertain language that the makers themselves were bothered to find out what the rate was.

Some optical goods are coming in from Germany under depreciated currency at a very low price, quite destructive, apparently, of our production.

The extent to which domestic producers dominate the home markets is shown by imports in 1920 of only 2.2 per cent of all kinds of glass put together, while exports were 6 per cent, or $30,086,000.

The total wages paid in the glassware industry are only 28.8 per cent of the selling price, while the present duty averaged 35.2 per cent, and the House bill would double or treble these duties.

The industry was given protection to the extent of $100,000,000 in 1919, which would become $200,000,000 at retail, against which the Government collected in duties only $660,000, and $2,000,000 in 1920.

The House bill would greatly increase this sum.

I need not dwell upon that item further. We might pass to another one which is also important, oilcloth and linoleum. At page 5258 Mr. Miles discusses that. I will read very briefly from his statement, as follows:

Oilcloth and linoleum: Prices to-day of imported and domestic products indicate that little duty is needed. At present exchange the British factories' price inlaid linoleums, landed in New York, duty and all expenses paid, at $1.20 net for No. 4 gauge, $1.63 for No. 2 gauge, and $1.83 for No. 0 gauge, the present duty being 35 per cent.

Domestic inlaid linoleum of substantially the same quality is priced by one leading factory at $1.23 for No. 1 gauge, and by another factory $1.31 for No. 1 gauge.

The price of No. 4 gauge at the English mill to-day is $1.30, as against $1.23 for an American product at an American mill.

British costs are said to be two and one-half to three times the pre-war level, a competent day laborer getting $5.50 per week in 1914 now getting $13.75 commonly throughout England. Machine repairing costs three to four times more than pre-war. Ocean freights are more that doubled.

Prices in the United States were doubled over pre-war in 1918–1920.

So that this theory about wages going down in other countries does not hold good in some, at least, of the principal industries.

Paragraph 1018 carries the item "linoleum, including corticine and cork carpet," on which the House fixed a rate of 28 per cent ad valorem, and on floor oilcloth 20 per cent ad valorem. The Senate committee proposes to change these figures so that linoleum, including corticine and cork carpet, shall carry a duty of 35 per cent ad valorem, and floor oilcloth shall carry a duty of 25 per cent ad valorem.

Nearly every citizen is interested in paints and varnishes. Mr. Miles's statement in connection with paints and varnishes is most interesting. At page 5257 of the hearings he said:

Paints and varnishes: Production increased from $146,000,000 in 1914 to $351,000,000 in 1919, being largely an increase in prices only. Exports in 1920, $28,000,000, with imports only $3,200,000, or 0.9 per cent. The per cent of wages in the industry is only 6.9 per cent of the price of the product. With the wage so small, there can be substantially no difference in cost of production here and abroad. The present tariff is 11.4 per cent, giving the industry, in 1919, $38,000,000 protection and costing consumers, if used up to $72,000,000, against which customs receipts were $100,000 in 1919 and $400,000 in 1920.

I operated a paint factory for 15 years to supply my carriage factory. There was so little labor in it that I never stopped to figure it. The percentage of wages in the paint and varnish industry is, all told, 6.9 per cent. Protection is 11.4 per cent. They did not care enough about any protection to pay their respects to either tariff committee of Congress.

Asking for nothing, the paint and varnish people were surprised to find the House bill giving them 25 per cent, and American valuation further increasing this to from 50 to 60 per cent. A little like the soap people, who said they didn't mind particularly, but would be content to have 5 per cent, so the House bill gave them 20 per cent American valuation.

Senator LA FOLLETTE. They were just carried in on the flood?

Mr. MILES. Just carried in on the flood; but not hurt like the cottonseed oil makers who recently begged Congress to take their protection against foreign vegetable oils away; that it is ruining them. Rather like the automobile people who asked for 20 per cent, and made no objection when asked if less would do. The House bill made it 30 per cent American valuation, which means 45 per cent.

Linseed oil: If this is going to be highly protected now, the paint people will have to have some protection on paint products taking linseed. You know of the oil joker in the linseed proposal, whereby the crusher gets a drawback on the flaxseed cake, so that the net to the farmer is 1½ cents per bushel less under the new bill than the old, and the net to the crusher is 600 per cent more than he gets now.

Senator LA FOLLETTE. That is helping to prosper agriculture?

Mr. MILES. There must be exceptions, you see, Senator, like this Linseed Trust of seven companies. Standard Oil domination, says Moody in "The Trusts." It has always been a child of the tariff except for the Underwood law. Under the Dingley law it had 50 per cent protection, with only 3 per cent of its selling price going to labor. With Congress thus preventing importations, the trust charged American consumers, according to the census of 1905, $27,677,153 for that year's product, and exported at international prices $203,712, against imports of $5,712, paying $2,850 duty. The House bill returns to about that situation, but less openly. It gives 25 cents duty per bushel on flaxseed, with about one-fourth of the duty returned on the flaxseed cake exported and made from imported seed, although flaxseed generally is free. This makes the flaxseed duty net 18.5 cents, instead of the present 20 cents, while the duty on the oil at 2.5 cents per pound equals 45 cents per bushel of seed and nets the crusher 26 cents above the flaxseed duty, on an operation as simple as brewing tea, with a labor cost to-day of only 2.5 per cent of the crusher's selling price.

That is the observation of a man who has been actually engaged in the industry and the figures are unquestioned, so far as I can find.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Will the Senator from Florida yield to me for a few moments?

Mr. FLETCHER. I yield to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, yesterday I had occasion to repeat what I thought was a pretty well-founded rumor with reference to the Attorney General's connection with the pardoning of Morse. The Senator from Indiana [Mr. WATSON] entered as a denial what lawyers call a negative pregnant. He denied specifically that the Attorney General had accepted directly a "fee" to procure Morse's pardon, but did not deny what was in effect the charge that the Attorney General was interested in procuring the pardon for Morse and had been paid for it. I do not know what the facts are. I know the denial of the Senator from Indiana left room for the supposition that there was a connection between the Attorney General and Morse in the matter of the pardon.

The Attorney General this morning is quoted in the papers as saying that he ought to have a place on the floor of the House and Senate so that he might "answer irresponsible people." If he answered all the people who charge him with offenses, more or less grave, he would be the busiest member of the Cabinet. Two members of his own party in the House recently charged him with offenses and, if they meant what they said, they intended, unless he should act, to move to have him impeached and removed from office. He immediately got busy, I presume, to avoid action upon their part. Whether he was afraid or suddenly had waked up to his duty I do not know and I do not care.

He said in conclusion that he did not have time to talk politics. I did not know that he had anything else to do. He has "fired," as I understand, all the honest inspectors in his department who had called his attention to the swindlers of the Government that he did not want to prosecute. If any of them are left, I do not know their names. He has put back into office the physician who helped, on a fraudulent plea, to get a pardon for Morse, and if there is any other duty that is incumbent upon him I have not heard of it, and he has manifested no disposition to perform any other duties.

But before I go further I would like to say to the Attorney General now that I waive all immunities, personal and otherwise, for what I said about him yesterday. I waive every immunity that I may have as to what I shall say about him to-day, and if he can not be accorded the floor I shall be glad to see him anywhere at any time under any circumstances that suit the Attorney General. All immunities are waived as to what I say or have said or shall say.

This morning a man whom I never knew, but whom I have seen, came, I take it, from the Attorney General. He came rushing—if the Senator from Indiana will allow me to use that word without getting into a colloquy with him—into my office and introduced himself, and by way of recommendation assured me that some woman in my State had been so misguided as to have married him. He thought it was a title of nobility, and

I think myself she conferred great credit on him when she did it. But that is the only recommendation he had—that he had married some lady from my State. He wanted immediately to take on himself blame, but I rather think he thought it was a credit, for having obtained the Morse pardon. His name is T. B. Felder. He said he used to live in Atlanta, Ga. Mr. President, I want to ask the Senator from Georgia [Mr. WATSON] if he knows the gentleman?

Mr. WATSON of Georgia. Mr. President, for the last 40 years I have known Thomas B. Felder well, and I have known him to be a crook. I know him to have been a professional lobbyist of the whisky ring, opposing every one of the temperance laws that I was advocating and other temperance people were advocating in Georgia. He combated us at every step. We had to close the barrooms over his protest; and he never ceased to be a lobbyist in Georgia until the attack made upon him by myself and by others destroyed his usefulness as a lobbyist. Then he left the State and went to New York.

I would not say this here if I had not said it to his face, in a State convention in Atlanta. I denounced him to his face in that convention, and he turned about as white as a piece of paper and did not open his mouth. I am asserting a fact in saying that he was not a lawyer, but a lobbyist; not an honest man, but a knave; not a witness whom anybody would believe, but a man who, in the State of Georgia would be impeached if offered as a witness on the trial of a case by men of the highest standing and character, who would say that from their general knowledge of his character they would not believe him on oath.

Mr. CARAWAY. By the way, is he the same T. B. Felder who was indicted in South Carolina?

Mr. WATSON of Georgia. He is the same man.

Mr. CARAWAY. That is the kind of man that somebody sent, and I presume because he came to me as a witness for the Attorney General he was sent to me by the Attorney General to assume the responsibility, whatever it may be, of deluding the President into pardoning Morse. I think myself he is very likely a very worthy representative of the man whose offenses he wanted to assume.

I have in my hand a letter written by a man of unimpeachable character, a man who has been honored by appointment under an Attorney General at one time, a man whose name unfortunately, because of his relation to the Government, I can not give, though I should not object to showing it to some serious-minded Senator who wants to see it. I want to read two or three sentences from his letter. He knew Morse well, and he knows the man who helped to make out the fraudulent certificate that Morse was dying of Bright's disease. He knows all the circumstances, and the Attorney General knew them, and the Attorney General—whether he had some connection with it or not I shall leave others to say—immediately put this man Fowler back into the office of physician at the penitentiary at Atlanta, so that if Mr. Morse goes back he will be on hand to make him another certificate.

He knew all the circumstances, and before this controversy came up at all he happened to have written a Senator about the matter. Here is what he said:

> The Attorney General is going to put Doctor Fowler in charge of the hospital—
>
> That is, at the Federal penitentiary.
>
> He was former physician to the institution and resigned under fire of an investigation in 1911—that referred to the Morse pardon—
>
> Now, mark you, Mr. President—
>
> He was Morse's physician, while Tom Felder represented him in Atlanta, the present Attorney General being his leading counsel.

That is not an idle rumor; and if the Attorney General wants an investigation in order to ascertain what his connection was with reference to this matter, I shall be very glad to help him find the evidence. I do not mind the little, cheap sneer of a man like the Attorney General; that does not worry me at all. He is going back to the obscurity from which he came as soon as the people have an opportunity to vote in another national election. Everybody knows what his reputation was, because reputation is made up of what people say. I presume nobody else enjoys that close intimacy with him which the Senator from Indiana enjoys; they have social times together and talk over all these rumors that are circulated against him; but if the Senator from Indiana is to run to the Attorney General with all the rumors he hears affecting the reputation of the Attorney General he is going to be the busiest man in this body.

The Attorney General has not said anything as to the truth of the charge made against him. He has not denied it. I want the Attorney General now to say, either himself or have some of his friends say for him, positively whether he did have any connections with Morse, and just what those connections were. He owes it to himself, and he owes it to his friend from Indiana, who so valiantly rushed to his rescue, to tell the country just what his connection with this matter was, and to turn over to the country all the correspondence that may be in existence touching it. He owes that to the country, and I hope he may find it convenient to make a full statement. He must do it.

I never saw the Attorney General; I never had any curiosity to see him. I used to be prosecuting attorney, and I think I saw as many people of that kind as I cared to see. I have no interest in seeing him. I have no prejudice against him and no love for him. I never saw him, as I have stated; I never had any acquaintance with him, and I never expect to have. I wish to repeat, however—and this is all I am going to say about it, and then I shall be through with the matter, so far as discussing it on the floor is concerned—that I shall and do waive and have waived every immunity which I have or may have in connection with this matter, legal, personal, and every other kind; and the Attorney General may, without being accorded the privilege of the floor, have all the opportunity of a discussion with me at any time that he desires it.

Mr. WILLIS. Mr. President, I had not thought to make any observations relative to this matter, because I do not have any personal knowledge of the subject which has been discussed by the Senator from Arkansas. I know nothing at all of the relationship of the present Attorney General to the Morse case other than the information I obtained from the statement, a portion of which I heard yesterday from the lips of the Senator from Indiana [Mr. WATSON], who is entirely competent to take care of himself. But as one who has known the Attorney General for a good many years, I rise simply to say that nobody who knows Harry M. Daugherty, who knows the character of the man, will in any way impugn his integrity, his ability, his courage, or his honesty. I say that not as his close political associate, for it has been my very great misfortune at times to differ with him as to policies and individual preferences; I have known him as fair foe as well as loyal friend.

I know something of the fierce light of Ohio political contests that beats pitilessly on every participant in party warfare. I know something of the enmities, particularly in the capital city of my State, where this man for a quarter of a century has been an active, aggressive, successful practicing lawyer; and I want to say to my friend from Arkansas—and I say it in perfect good humor—that, knowing the enemies of Mr. Daugherty as I know them, if there had been any flaw in his armor it would have been found long since. He has been the subject of attack as he is now the subject of attack. The man who engages in political contests such as we have rather commonly out in the Buckeye State must expect not only warm friendships but bitter enmities. The Attorney General has his full share of stalwart friends and of bitter enemies.

I know nothing about the details of this matter, and therefore I shall say nothing concerning them. All I desire to say is that, knowing this man as I do, I have absolute and unqualified confidence in his integrity and his honor. If anybody thinks there is anything wrong with the conduct of his office, in my judgment he will find the Attorney General will welcome the most searching investigation, because he is not only a man of honor but a man of courage; nobody can ever question that. This much I want to say in behalf of my friend, who, I think, has been unjustly assaulted in this matter.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Florida further yield to the Senator from Arkansas?

Mr. CARAWAY. I will occupy only a moment.

Mr. FLETCHER. I yield.

Mr. CARAWAY. I have no objection to the Senator from Ohio defending his own. He says that the Attorney General has some very bitter enemies in Ohio. I presume he means that he ought not to have any, because he stands sponsor for the Attorney General's good conduct, and I presume he wants to be understood as implying that those who fall out with the Attorney General are themselves bad people. No other inference would comport with his statement. That, however, is a row for Ohio; I have no interest in it, one way or the other. Until Ohio does better than it did in 1920, politically, I do not think it is going to concern the white people of this country—I take that back; I was trying to be facetious; but that, perhaps, is not in good taste.

I do not know the Attorney General. He may be all that the Senator from Ohio thinks he is. If Felder is the kind of an agent the Attorney General chooses—and I presume he is, because he started his conversation with me by saying he wanted to defend the Attorney General, and I presume he came with

the Attorney General's sanction and at his request—all I have to say is the Attorney General is at liberty to choose his own friends, and I am not hurt that I do not fall within that charmed circle.

THE TARIFF.

Mr. FLETCHER. Mr. President, continuing the discussion of this table, embracing articles produced by 29 important industries of the country, I will now refer to asbestos and note what Mr. Miles has to say regarding that important commodity. He says:

> As is other textiles, the raw material represents one-half the cost of the finished product. Asbestos costs the same the world over, 75 per cent of it coming from the mines of Canada; therefore no tariff consideration should be given the 50 per cent of cost representing raw material, but the other items only—labor, overhead, and profit—and any tariff on the finished product is equivalent to twice that amount on these differentials of labor, overhead, and profit. The protection now given is 17.3 per cent, being equivalent to 34.6 per cent of the total labor—

Not the difference between the labor cost here and abroad as to commodities manufactured out of asbestos, but on the total labor cost a protection is given equivalent to 34.6 per cent of the labor cost, overhead, and profit.

> The protection now given is 17.3 per cent, being equivalent to 34.6 per cent of the total labor, overhead, and profit of the foreign manufacturer and over twice the total average American wage cost. The total labor in converting asbestos into cloth is about 11.5 per cent in the United States, and into sheeting 14.2 per cent, and tape 21.5 per cent. This wage per cent is now, partly because a single operator controls several of the automatic looms on which the work is done.

I presume the word "now" should be "low," so as to read:

> This wage per cent is low, partly because a single operator controls several of the automatic looms on which the work is done.

Of course, the American valuation plan having been abandoned, we must turn to the bill as it comes to us from the Finance Committee, and we find this item under "Sundries," Schedule 14, paragraph 1401. There is a long list of details which I will not trouble to read, fixing various percentages and describing various manufactures; but coming down to the close of the paragraph the following provision appears in the bill:

> all other manufactures of asbestos, or of which asbestos is the component material of chief value, not specially provided for, 20 per cent ad valorem: *Provided*, That none of the foregoing rates of duty shall exceed 40 per cent ad valorem in the case of mantle threads or woven fabrics, 30 per cent ad valorem in the case of yarn, and 25 per cent ad valorem in the case of any other article specified in this paragraph.

So that the bill now before us would seem to provide that the duty is to be from 20 to 25 per cent on these articles manufactured from asbestos and referred to in Mr. Miles's statement. Under that statement there can be no question whatever that that duty is wholly unwarranted and that its effect is simply to increase the price of these articles to the consumer without producing revenue for the Government and without being called for by any principle upon which the tariff is built, difference between the cost of labor abroad and here, or any other principle.

The next item to which we might refer is clocks and watches, very useful articles to the people generally, and Mr. Miles discusses those articles on page 5260 of his statement. I shall not read it all, and I might begin this statement with a declaration of his position on the subject of the tariff, which he gives at this hearing. At page 5260 of part 58 he says:

> As to the tariff, it only concerns us that Congress shall cease to support and aid high prices. It is horrible for Congress to put the tariff wall so high that the public can not get relief from abroad and must pay any prices domestic manufacturers and merchants charge. Ninety days from now, or whenever the public buys freely again, prices will go up largely because of the tariff.

I submit that is sound and the conclusion is logical.

With reference specifically to watches he says:

> Our ability to sell good, dependable watches at international prices was demonstrated years ago by heavy shipments of Waltham, Elgin, and other watches abroad at 60 per cent to 75 per cent below their prices to American consumers, due entirely to the enslavement of American buyers to American price-fixing watchmakers by the Dingley tariff.
>
> The total wages in the watch industry are 39.6 per cent of the factory selling price, while the tariff is 27.8 per cent.
>
> The protection given clocks and watches in 1919 was $17,000,000, against which the Government collected on imports $3,400,000. There are considerable importations from Germany, as in other lines, due to depreciated currency. There has always been considerable importation of extra cheap clocks from Germany and Switzerland, attractive but poor timepieces. Imports of clocks and watches have run from 12.5 per cent in 1914 to 19.4 per cent in 1920, with exports in 1914 and 1919 of 8 per cent of domestic production.

Passing on to another item, omitting glucose, grape sugar, starch, hosiery, and knit goods, we come to earthen stone and china ware. Paragraph 212 of the bill proposes a duty of 45 per cent ad valorem on these items; if painted or colored or any work is done on them, 50 per cent ad valorem.

Mr. Miles says with regard to these articles at page 5252 of this pamphlet:

> Domestic producers controlled 93.7 per cent of the American market in 1914 and 97.5 per cent in 1919, when imports were only 2½ per cent of domestic production. In 1920 imports were 3.8 per cent of domestic consumption. Imports are noncompetitive, being novelties in design or quality, English, French, and Japanese wares of superior taste or quality. The American breakfast table is less tasteful and pleasing to the eye than it ought to be, because of the influence of the almost prohibitive tariffs on many things for a generation past.

On the subject of wages in this industry he says:

> In 1914, pre-war, the total wages paid in the industry was 41.1 per cent of the factory selling price, while the tariff averaged 58.2 per cent, or 142 per cent of the total wage. In 1919 the wages paid were 37 per cent of the factory selling price, while the tariff averaged 47 per cent of the selling price, or 127 per cent of the total wages paid. * * *
>
> The protection given this industry amounted to $65,000,000 in 1914 and $94,000,000 in 1919, while the Fordney rates would give them $108,000,000, which this industry says is the least it can prosper under. All these figures would be doubled on reaching the consumer at retail. Against these great sums the Government collected in duties $5,600,000 in 1914, $3,400,000 in 1919, and $5,200,000 in 1920.

Here it is proposed to impose a duty of 45 per cent ad valorem, and where the ware is painted or treated in any way 50 per cent ad valorem. The total wage cost in the industry is only about 40 per cent. This high tariff, of course, simply enables the manufacturers here to charge the consumer these high prices, and at the same time the duties are not justifiably revenue producing.

On the subject of gloves Mr. Miles has to say, at pages 5280 and 5281 of this document:

> The United States may be called the bare-handed Nation. Its Republican Congresses have required its male population to go without gloves. Standing at the entrance to the House of Representatives, I sometimes wonder if any of its Members wear gloves. My newest pair is two years old, and inquiry seldom finds a man with a newer pair. Few self-respecting men would pay the prices of recent years, though cold and soiled hands are an uncomfortable and unhealthy alternative. Why not make cleanliness and health a consideration in the next glove schedule. One had to go to Europe in pre-war days, where gloves were half our prices, to learn how comfortable they are.
>
> Factory prices of gloves advanced from $8.15 per dozen pairs in 1914 to $24 during the war; another quality from $18 to $44; another that was $12.25 in 1914 was $23 in September, 1921. These prices were about doubled to consumers.
>
> To most women gloves are by custom about as necessary as stockings. To the Payne Republicans, however, stockings were luxuries, being dutiable at 72 per cent, though made as cheaply here as anywhere, while leather gloves were then averaging 45 per cent. The Fordney bill rates stockings about 75 per cent and leather gloves 80 per cent.
>
> * * * * * * * * * * * *
>
> The protection given the industry in the fiscal year 1914, Payne law, was $7,000,000; in 1919, $6,000,000. The Fordney bill would make this $15,000,000. These amounts would be doubled at retail.
>
> The glove tax is an especial burden to the army of men and women office workers who must have hands both clean and warm upon entering their work places. Most glove schedules have been determined by political manipulation rather than essential facts.

So that now it is proposed to levy a duty of something like $5 a dozen on leather gloves. It is little short of cruel treatment of the American people to impose any such duty on that article, so much in use by all.

I pass over the subjects of buttons, automobiles, toys and games, carpets and rugs—another great industry—and men's shirts, and come to hardware. With reference to that, Mr. Miles, at page 5265 of this pamphlet, has this very pertinent comment to make:

> Hardware: Production in 1914, $73,000,000, and in 1919, $145,000,000. Exports in 1914 and in 1919 were 8 per cent, rising in 1920 to 12 per cent. Wages, 28 per cent of the manufacturer's selling price, with the tariff 20 per cent. For many years certain hardware has been exported at less than domestic prices. Under the Payne tariff screws were exported at one-half the domestic price; files 40 per cent off, now 20 per cent off. A pipe fitter's tool is now exported at 45 per cent off the domestic price. We make many types of medium hardware of high quality as cheaply as anywhere in the world, barring the passing situation in Germany. Mr. Sargeant, founder of the Sargeant Hardware Co., said some 20 years ago:
>
> "I have no difficulty in exporting those of my products that carry the greatest amount of the highest paid American labor. I have difficulty in exporting products that carry either little labor or cheap labor."
>
> Bolts, nuts, washers: Production in 1914, $23,403,000, rising to $91,655,000 in 1919. Made in automatic machines, a single operator feeding long rods into a group of them, from each of which finished bolts come so fast one can not easily distinguish one bolt from another. Duty now averages 10.5 per cent, which prevents importations, which were 0.1 per cent in 1914 and 0.07 per cent in 1920, against exports of 7 per cent in 1914 and 5.4 per cent in 1920. The present duty is small, meaning only about $7,000,000 to the producers and twice that to consumers.

But it is wholly unnecessary.

With reference to brass, bronze, and copper manufactures, Mr. Miles says:

> Our genius for automatic and semiautomatic machinery is fully evidenced in this industry. The Fordney rates are higher than the Payne, which averaged 35 to 42 per cent. This industry is substantially twin sister to steel, iron, and hardware.

He continued discussing steel and iron, as follows:

What reason can be given for duties on steel and iron? We have the greatest ore deposits and production in the world, minimum cost, maximum efficiency; large exports in all lines, imports entirely negligible, principally as ballast to the Pacific coast from Europe, made possible by our heavy transcontinental freight rates. Shall all America be taxed $150,000,000 per year to keep California from these small imports and to convenience a $3,000,000,000 industry?

Then he sets out a table in this statement, and concludes under that head with this statement:

Friends of industry say these small duties steady prices. Without them "vexatious quotations from abroad" would unsettle buyers, who, after all, could not afford to purchase abroad. This tariff means hundreds of millions of dollars on our total consumption in this "iron age," pyramiding from ore to rails, skyscrapers, implements, penknives, razors, and scissors. The question of protection is not involved, as our costs of production are minimum.

That is on the whole steel and iron schedule. Referring to tinware, at page 8264, Mr. Miles said:

In the five years, 1902–1906, the wage cost of converting the black steel sheets into tin plate was, per box of 100 pounds, 19 cents, or 6 per cent of total factory cost. The steel sheets then cost $2.04; tin, per box of product, 63 cents; flux, fuel, and supplies, 11 cents; incidentals, 7 cents; general expense and depreciation, 14 cents. Total per box, $3.18. Nowadays can it cost less. The present duty of 15 per cent means some $12,000,000 to the makers, if added to prices, as it can be readily, and fully proves that to consumers with the tinware manufacturers' profits added, then the wholesalers, and then the retailers—an entirely unnecessary and wicked total of $24,000,000.

This comes from a protectionist, a manufacturer, a representative of great organizations, and a great many people who are consumers, and I presume he is a Republican also. On this subject of tinware he said:

With tin free and their other raw material, steel sheets, produced very cheaply in this country and exported in huge quantities, the tinware makers are, nevertheless, given 20 per cent protection.

With a protection of 20 per cent and a total wage cost of 19 per cent, it is proposed to continue disregarding totally the question of the difference between the wage cost abroad and that in this country, more than covering the total wage cost by these exorbitant duties. He continued:

Production in 1914, $82,000,000, and in 1919, $234,000,000. The present duty of 20 per cent virtually embargoes imports, which were 0.2 per cent in 1914 and 0.37 in 1920, and presumably nowadays. Exports are not separately shown and probably only about 1.5 per cent.

* * * * * * *

If the tinware makers used all their tariff allowance of 45 per cent in 1914, it netted them $25,000,000, less what they probably passed back to the tin-plate makers, who then had 55 per cent protection. This 45 per cent to tinware makers in 1914, if used, cost consumers on their tinware $50,000,000, against which the Government collected on imported tinware $60,000.

Mr. Miles had a word to say in behalf of the farmers, on pages 8246 and 8247, in part 58, of the hearings before the Finance Committee. I will not dwell further on that. My recollection is that I have heretofore mentioned it.

I do want, however, to especially call attention to what he said on the subject of the cost of protection, at page 8267 of this document, as follows:

When Congress fixes any percentage of duty it assumes that this percentage should be added to foreign prices to bring them up to our domestic prices based upon domestic costs. That is, if the duty is 20 per cent the domestic price may be, if the manufacturers so elect, 120 per cent of the foreign price, and domestic consumers must pay the prices so made. Says Mr. Fordney: "Whatever duty you put on it is for the purpose of bringing the foreign value [price] up to our value."

How the chairman of the Committee on Ways and Means can have any hope that there will be a reduction in prices, or may be, under this bill, is beyond my comprehension. The purpose of the bill will be defeated if that happens, but it will not happen. It is a vain hope to expect these manufacturers, for whose benefit these duties are imposed, to surrender and give up those benefits in the interest of the consumers of the country. This statement shows the purpose and the theory upon which a protective tariff is built. Mr. Miles continued:

On this basis the amounts voted by Congress for use of domestic manufacturers at their discretion, without check or control, is shown for 29 industries on the chart here presented.

That is practically the table which I submitted and which has been included in the record, appearing on page 8268 of this pamphlet. Mr. Miles said further:

The amount collected by the Government in duties on these products is also shown. The Government collects in thousands of dollars and makes consumers liable in millions. In short, the Government collected $1 for each $100 it made the consumer liable for. The tariff used to provide one-third of the Federal revenue; now only 8 per cent. It never meant so little to the Government nor so much to the consumer.

These manufacturers never showed their cost books nor gave any proof of their needs. They simply talked to committees of Congress in loose and general and often disingenuous terms. They now ask for great increases in their rates, to cost the public additional billions.

As retail prices on highly manufactured articles—excepting such large or conveniently handled articles as automobiles—are double the manufacturers' prices—due to their passing through several hands from the manufacturer to the consumer—these great grants of protection to industries cost the consumer up to a possible $2,467,000,000 in 1914 and $4,741,000,000 in 1919, as here shown. As these industries yield only about 30 per cent of all customs revenue the total cost of carelessly granted duties is very large when those not here listed are allowed for. The industries were voted sums equal to the war expenses under which we groan; the Government went elsewhere for its sustenance. The products of these few industries cost the consumers an average of $40 in 1914 and $104 in 1919. The per cent of the product going to labor in 1914 was 20.3 per cent. In 1919 it was only 16.9 per cent.

He was referring to these industries mentioned in the list which I have heretofore incorporated in the record. He continued:

In the old days of sharp competition manufacturers added only the part of the tariff necessary for fair profits. Competition would not let them add more. Competition was the protector of the consumer, just as the tariff protected the manufacturer. In time manufacturers learned by consolidations and price agreements to add all of the tariff and to work Congress for more. McKinley failed to see the danger. He was father to more trusts than Abraham had children. Count the trusts incorporated under the McKinley tariff and note their relation to the McKinley tariff rates—their excessive capitalization and high prices. The tables on pages 8239–8240 tell part of the story.

I wish very much that this pamphlet, No. 58 of the hearings before the Finance Committee, could be in the hands of every citizen of this country. I have perhaps wearied the Senate with too many references to it to-day in connection with these observations, but I want to get as much of it as I can, that which applies especially to these vital industries, in the minds of those who are to vote on this bill, and also to the people of the country, who have finally to pass upon its wisdom.

There is just one other subject to which I wish to refer, and then I will conclude. Hearings have been going on for five weeks, every day during that time except one Saturday, before a joint committee composed of members of the Merchant Marine and Fisheries Committee of the House and the Commerce Committee of the Senate. They have been hearing what those who favored the bill for the establishment of an American merchant marine, commonly known as the subsidy bill, have to offer in support of it.

There is no argument needed here or anywhere else to show that we ought to have an adequate American merchant marine. We ought to have ships American owned and American operated for the benefit of American commerce, sufficient to carry from 50 to 60 per cent of our overseas commerce. I say there is no need to offer any argument in support of that proposition, because I think it is pretty well conceded all over the country that that would be a most desirable thing. There is no argument against it. The only question is how to get it. How can we create and establish this adequate American merchant marine that all our people, particularly after our experience in the war, fully realize ought to be created and established?

The proposal is that the Government shall pay out a certain amount for direct subsidies to American ships and that various other subventions and indirect subsidies shall be provided. I shall not go into the details of the bill; that is another story, and we shall have to talk about that later. I am simply mentioning this to show that we are seriously considering going into the Treasury of the United States to the extent of from $30,000,000 to $100,000,000 a year in order to create and establish a merchant marine under our flag to carry our products to all the parts of the world and bring to us the things we need.

The question arises if we are going to raise a tariff wall here so high that to a very great extent the products of other countries will be shut out, is it worth while to tax the people $30,000,000 or $100,000,000 a year to build ships simply to move our products to other markets, ships which will have to come back in ballast? Can we ever build an American merchant marine on any such basis as that? Is it possible for any nation to build a merchant marine when the ships must go empty across the ocean, or return empty even though the ships go loaded down with our products?

We can not expect to load them with our products very long unless we are going to take the products of other countries in exchange, because people with whom we trade have not the gold with which to buy our goods. They can only buy them with their goods. What is the use of going on here to devise a plan to build up a merchant marine if we are going to build up a tariff wall that will so restrict and limit importations as to make it impossible successfully or profitably to operate such a merchant marine?

I refer once again to Mr. Miles's statement at page 8231 as bearing on that point, where he said:

If you build this tariff wall high, you shut the foreigners out and at the same time you shut us all in and make the general consuming public the victims of circumstances and the domestic manufacturers.

That is the whole story. We can not afford to tax our people to build up a merchant marine if we are going to pass laws that will oblige those ships to return to us empty.

Mr. President, I apologize for going into this matter in such a tedious way, but it is very important, and the facts which I have attempted to present ought to have some weight, it seems to me, in passing upon the merits of the bill.

Mr. BROUSSARD obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Sheppard
Ball	Gooding	McLean	Simmons
Borah	Hale	McNary	Smoot
Broussard	Harris	Moses	Spencer
Bursum	Harrison	Myers	Sterling
Calder	Heflin	Nelson	Sutherland
Capper	Hitchcock	Newberry	Swanson
Caraway	Johnson	Norbeck	Townsend
Colt	Jones, N. Mex.	Norris	Underwood
Culberson	Jones, Wash.	Oddie	Wadsworth
Cummins	Kellogg	Overman	Walsh, Mass.
Curtis	Kendrick	Page	Warren
Dial	King	Pepper	Watson, Ga.
Dillingham	La Follette	Phipps	Weller
Ernst	Lenroot	Pittman	Williams
Fletcher	Lodge	Poindexter	Willis
France	McCormick	Rawson	
Frelinghuysen	McCumber	Robinson	

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

Mr. BROUSSARD. Mr. President, I wish to take up at this time for discussion one of the schedules which will come up a little later on. In order to submit the facts to the Senate I desire now to take up for consideration the rice schedule.

Mr. President, the domestic rice industry on a large scale is decidedly a new one. By consulting the annual yearbooks of the Department of Agriculture we find that as late as 1895 rice was not grown in sufficient quantity in this country to receive any mention. The rapid strides made by this industry can best be illustrated by calling attention to the fact that in discussing "The Combined Yield of Ten Principal Crops," the Secretary of Agriculture, on November 15, 1920, takes up the rice industry as the third one for discussion and consideration; and in the treatment of the rice industry mentions the fact that the crop of 1920 amounted to 54,000,000 bushels.

In order to show to what extent the rice industry was developed previous to the depreciation of farm values and farm products subsequent to the war I desire to insert here an excerpt from the Monthly Reporter, United States Department of Agriculture, for December, 1920, which shows the acreage of rice in the United States for 1920 by States, and the yield per acre of each State for that year, to wit:

State.	Acreage, 1920.	Yield per acre, 1920.	Production, 1920.
		Bushels.	*Bushels.*
North Carolina	400	25.0	10,000
South Carolina	4,100	25.0	102,500
Georgia	1,100	20.4	22,400
Florida	3,000	24.0	72,000
Missouri	500	30.0	15,000
Alabama	500	31.0	15,500
Mississippi	3,000	31.0	93,000
Louisiana	700,000	36.0	25,200,000
Texas	281,000	34.0	9,554,000
Arkansas	181,400	44.0	7,981,600
California[1]	162,000	60.0	9,720,000
United States	1,337,000	40.2	53,064,000

[1] Figures include only 45 per cent crop of California.

It will be noticed that out of a total production for 1920 of 53,064,000 bushels, Louisiana produced 25,200,000 bushels and had under cultivation in rice 700,000 acres of land. This table shows that in 1920 there was a total of 1,337,000 acres cultivated in rice in this country.

It is quite true, Mr. President, that the rate on rice in effect for that year was the Underwood-Simmons tariff rate, which is the same proposed under the Finance Committee amendment. But the demand for foodstuffs during the World War had removed all the injurious effects of a low tariff rate; the price of all foodstuffs had so increased in the war period between 1914 and 1918 and extending to 1919 that the production of rice, as well as of other agricultural products, had been stimulated, with the result that the 1920 crop was the largest rice crop ever produced in the United States. But 1920 saw smashed prices for all agricultural products, which could find no market at all or had to be sacrificed at a price much less than the cost of production. The rice producers were forced to sell at a loss of $1 per bushel less than the cost of production. It was found that rice from the Orient would flood the American market, unless a higher tariff rate were adopted, because the Underwood-Simmons rate, which is the rate proposed under the Finance Committee amendment, was too low. Consequently, when the emergency tariff bill was adopted, on May 27, 1921, the rate on rice was doubled and was fixed at nearly the identical rate as that passed by the House in House bill 7456, the pending tariff bill. And that is nearly the identical rate which I ask the Senate now to adopt. The rate under the amendment proposed by me is certainly not too high, because under it there were imported in 1921, notwithstanding the large surplus of rice in this country, hundreds of millions of pounds of rice, as I shall show later; and I shall show, moreover, that it is less than any tariff rate on rice adopted by Democratic as well as Republican Congresses in the past, with the single exception of the Underwood-Simmons bill, which, as I have said, is the same rate as that now proposed by the Finance Committee.

Mr. President, the total farm value basis on December 1, 1918, 1919, and 1920, of rice is shown by the same monthly report above quoted.

Mr. President, I shall not take the trouble to read the table, but ask that it may be inserted in the RECORD as a part of my remarks without being read. I shall content myself with referring merely to the totals given.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Rice crop of the United States, 1918–1920.

[From the Monthly Crop Reporter, United States Department of Agriculture.]

State.	Price per bushel Dec. 1 (cents).			Total farm value, basis Dec. 1 price for December, 1920.			Value per acre, basis Dec. 1 price.		
	1920	1919	1918	1920	1919	1918	1920	1919	1918
North Carolina	167	275	290	$17,000	$28,000	$29,000	$41.75	$67.10	$40.00
South Carolina	290	300	195	296,000	270,000	303,000	72.30	73.20	44.85
Georgia	225	275	175	85,000	80,000	84,000	76.40	66.00	45.50
Florida	175	263	140	126,000	126,000	41,000	42.00	63.12	33.66
Missouri	131	240	190	33,000	35,000	45,000	65.50	91.20	81.00
Alabama	290	270	150	46,000	43,000	22,000	93.00	71.20	37.50
Mississippi	200	190	150	186,000	182,000	104,000	62.00	55.10	34.50
Louisiana	140	271	195	27,720,000	33,420,000	22,573,000	39.60	95.39	56.16
Texas	125	280	197	11,942,000	19,594,000	15,445,000	42.50	89.83	55.04
Arkansas	131	240	180	11,645,000	15,521,000	11,597,000	64.19	105.60	58.23
California	121	267	180	11,761,000	24,831,000	13,938,000	72.60	160.20	124.43
United States	118.9	266.8	191.8	63,837,000	114,152,000	74,042,000	47.75	104.35	66.19

Mr. BROUSSARD. It will be seen from the above figures that the average value of rice on December 1, 1920, was $1.189 per bushel. But in 1921, before the enactment of the emergency tariff bill, rice was selling at 50 cents per bushel. The total farm value of rice on December 1, 1920, was $63,837,000. The bottom had dropped out of farm products at that time and necessarily affected values, for the same table shows that at the peak of prices in the previous year, on the corresponding date, December 1, 1919, the value per bushel of rice was $2.688, while the total farm value of rice was $114,152,000. The farm value of rice on the 700,000 acres of land cultivated in rice in Louisiana alone was $53,420,000.

It is interesting, Mr. President, to note that the rice crop produced in 1919 on 1,091,800 acres was valued at $114,152,000, while the rice crop of 1920 produced on 1,337,000 acres was valued at only $63,837,000. The figures are more interesting when we consider that the Department of Agriculture placed a value for the crop of 1920 at $1.18, while little of it was sold in 1920, and in 1921, before the enactment of the emergency tariff act, could sell for only 50 cents per bushel. This illustrates the utter collapse at the time of markets for farm products.

So far as the rice industry is concerned it was one of the industries saved by the emergency tariff bill. It has not recovered any of its enormous losses of 1920, but the measure has saved the industry by saving the rice farmer from incurring subsequent losses, which would have destroyed him. The farmer needs to-day, and will need in the future, the same rate which the emergency tariff act gives him. It will be readily seen, therefore, that the rice industry is a very important one and that its development has been phenomenal since, as previously stated; previous to 1895 the Annual Year Book of the Department of Agriculture did not find the rice culture of sufficient importance to mention rice as an agricultural industry.

It is rather difficult to obtain figures showing final difference of the cost of production in this country and in the Orient. I may refer to some of the items and compare the cost in order to impress the great necessity for protecting American labor and American investment. For instance, in Louisiana Bulletin No.

172, issued in September, 1920, the average cost per acre of irrigation for the crops of 1910–1918 in the Southern States is shown to be $6. The United States Department of Agriculture ascertained that the cost reached $10 in 1920. Comparing this cost per acre for irrigation to that in the Orient, as given in the book published by Dr. F. H. King, formerly professor of physics at the University of Wisconsin and former chief of Division of Soil Survey, United States Department of Agriculture, we see the great disparity. The cost per acre there of irrigation is shown to be from 75 to 90 cents per acre for the season.

Doctor King has recently investigated thoroughly the agricultural conditions in Japan, Korea, and China and explains how, due to cheapness of labor, it is not found profitable in those countries to irrigate the land by means of modern pumps operated by machinery. He shows that the coolie labor in China gets $8.60 (American money) per year, with board and lodging, and we know that this labor is fed entirely on rice, of which so much is cultivated in the Orient that our total American production is less than 1 per cent of their production. Chinese labor, therefore, is necessarily very cheap. The irrigating pumps in the Orient are operated by man power. The devices for the various pumps have been invented thousands of years ago. To illustrate as to the cost of labor, Doctor King shows that in China the rice seed is considered so valuable, when compared to the cost of labor, that it is sprouted in beds and then transplanted by hand. The cost per acre for transplanting the young rice plants average "nearly 21 cents." The work of transplanting, irrigating, and harvesting is done by men, women, and children. In Louisiana Bulletin No. 172, above referred to, the average cost itemized for producing 1 acre of rice in the years 1917–18 was $31.95 per acre, the increase being due to increase of wages in the latter part of that period. For the year 1910 the cost per acre had been $27.20, while for the year 1920 the cost had increased so enormously that it was conservatively estimated at $60 per acre. Mr. President, I desire to insert here the table showing the itemized estimated cost of the production of 1 acre of rice, as printed in Louisiana Bulletin No. 172, obtained at the United States Department of Agriculture. I ask that the table may be inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Itemized estimated cost of production of 1 acre of rice.

	1917-18	1919
Plowing	$1.40	$1.20
Disking	2.68	2.13
Harrowing	.90	.28
Pulverizing	.54	.38
Drilling	.60	.20
Fertilizer	2.00	1.40
Seeds	2.50	1.66
Weeds and red rice	1.00	.75
Levees and maintenance	.50	.40
Cutting roads	.20	.13
Harvesting	2.48	2.25
Threshing	3.00	3.00
Hauling	1.00	1.00
Warehouse and insurance	1.00	1.00
Water rent	6.00	6.00
Shop and tools	.30	.30
One-half automobile expense	.50	.40
Telephone	.07	.07
Insurance	1.30	1.30
Fencing	.10	.08
Taxes	.62	.50
Interest on investments	3.00	3.00
Total	31.95	27.20

Mr. BROUSSARD. Doctor King further refers to what he considers one of the most important farms in China—that of Mrs. Wu. He reports that she employs seven men at the rate of $24 (Mexican) for five months' work, which is the time devoted to the rice crop, furnishing their meals; and he states:

The cash outlay for the seven men was equivalent to $14.45 of our currency per month.

So that we are informed by Doctor King, whose figures are not challenged and whose reputation is well established in this country, that the rice farmer may employ coolie labor at the rate of $2.06 per month if labor is only wanted for a period to grow and harvest one rice crop; while if it is desired to employ coolie labor per year, the cost is $8.60.

Doctor King states that some of the farms in China produce two rice crops per year; but in China, Korea, and Japan all other rice lands produce each year one other staple crop beside rice. I have visited China, Japan, and the Philippine Islands. In China and Japan much of the lands have been in cultivation for 3,000 or 4,000 years. These must be fertilized, and for that reason the water must be drained off the land to permit the application of the fertilizer, which consists mostly of mud from the rivers, and human manure. But in case the land is more recently brought into cultivation, as I have seen in the Philippines, the cost of irrigation and weeding is avoided by keeping the same water in the field; the plants being set in the water in rows by hand at a cost of 21 cents per acre or less.

Of course, any American who would expect American labor and capital to compete with this class of labor can not have at heart the welfare of American citizens. Our farmers are expected to read newspapers and magazines in order to exercise intelligently their rights of suffrage. They are expected to attend church and to dress decently, to educate their children, and to properly clothe and feed them; and it is impossible for our farmer to compete with a farmer of the Orient, of whom Doctor King states it is estimated that his wardrobe, once procured, could be maintained with an annual expenditure of $2.25 of our currency. This amount would be sufficient to maintain both repairs and renewals. These comments refer to the farmer; but I have already shown that the coolie laborer works for a wage of $8.60 per year, with board and lodging, and we may assume the character and type of the coolie laborer's wardrobe if we take into consideration the obligation which, as the father of a family, he must discharge toward his wife and children. The economic conditions in the Orient are such that mothers and children of tender age are forced to assist in earning their own living; their food consisting entirely of a rice ration, which is the cheapest food in Japan, Korea, and China.

The production of rice in this country requires unusual equipment and considerable plant investment. Special implements, requiring six to eight large mules, or tractors, are needed. These implements are very costly and require handling by skilled experts, and for the best results the highest degree of intelligence in the laborer is essential. The irrigation plants consist of the most modern engines and pumps, and in most instances cost thousands of dollars. The reaper and binder and thresher are likewise expensive equipments, all of which demand the most careful handling by trained hand and mind. It will be seen, therefore, Mr. President, that this industry depends upon the energy and the production of other industries in this country, and that it encourages—and further developments will in turn assist to encourage—those engaged in the raising of horses and mules, in the manufacture of implements and machinery, in the manufacture of sacks and bags, and in the lumber and fuel trade and other industries, all of which are bought in the American market by the rice farmer.

Mr. President, I take from the Summary of Tariff Information, 1921, page 695, the following statement:

Compared with the enormous crops and exports of the Orient, the domestic production is insignificant. However, with the exception of certain kinds imported to meet special requirements, the American output supplies substantially the entire domestic demand, and permits an export of over 400,000,000 pounds.

This statement, unless explained, would leave a wrong impression, as the period referred to is not mentioned. It can be made to cover the last two years, which are abnormal years, although the figures are too large. We all remember how, due to the demand for foodstuffs, all production of foodstuffs increased, and how then the market broke. This was the cause of low values for agricultural products, which necessarily affected the price of rice and the demand for rice in this country.

Due to the large amount of rice on hand for which there was no demand in this country, the surplus was offered at a very low price to any domestic or foreign buyer, and I know of many instances where large quantities of rice were exported from this country as a gift to starving people in Europe. In one shipment of which I have personal knowledge 5,000 tons were donated to the starving Armenians. There were other donations, while other large quantities were sold at very low prices, as low as $1 per bushel in the year 1920, and in January, 1921, rice had reached the low price of 50 cents per bushel. Like the western farmer who refused to buy coal and burned his corn crop as fuel, the rice farmer tried in every way to get the surplus on hand out of the way before the next crop came in. But the statement that we produce enough rice to export 400,000,000 pounds per year is not accurate, in that it applies only to the last couple of years, when conditions were extremely abnormal. Even then the table which I shall read to you shows that it is an exaggeration for these two years. This statement, beyond controversy, is proven by the following statistics taken from the Monthly Summary of Foreign Commerce, which I ask may be printed at this stage in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The totals of imports and exports for each year have been added by fiscal years and show the following result:

	Pounds.
1921:	
Exportation	440,855,298
Importation	96,804,612
Surplus exportation over importation	344,050,686
1920:	
Exportation	483,385,259
Importation	179,921,961
Surplus exportation over importation	303,463,298
1919:	
Importation	363,726,263
Exportation	193,128,000
Surplus importation over exportation	170,598,263
1918:	
Importation	456,068,608
Exportation	196,373,268
Surplus importation over exportation	259,695,340
1917:	
Importation	216,048,858
Exportation	181,372,310
Surplus importation over exportation	34,676,548
1916:	
Importation	264,324,005
Exportation	121,967,465
Surplus importation over exportation	142,356,540
1915:	
Importation	277,191,472
Exportation	77,480,065
Surplus importation over exportation	199,711,407
1914:	
Importation	290,194,917
Exportation	22,414,326
Surplus importation over exportation	267,780,591
1913:	
Importation	222,103,547
Exportation	38,195,490
Surplus importation over exportation	183,908,057
1912:	
Importation	190,063,331
Exportation	39,446,571
Surplus importation over exportation	150,616,760
1911:	
Importation	208,774,795
Exportation	30,063,361
Surplus importation over exportation	178,711,434
1910:	
Importation	225,400,545
Exportation	26,799,188
Surplus importation over exportation	198,601,357
1909:	
Importation	222,900,422
Exportation	20,511,429
Surplus importation over exportation	202,388,993
1908:	
Importation	212,783,892
Exportation	28,444,415
Surplus importation over exportation	184,338,977
1907:	
Importation	209,603,180
Exportation	30,174,371
Surplus importation over exportation	179,428,809
1906:	
Importation	166,549,957
Exportation	38,142,103
Surplus importation over exportation	128,407,854
1905:	
Exportation	113,282,760
Importation	106,483,515
Surplus exportation over importation	6,799,245
1904:	
Importation	154,221,772
Exportation	29,121,763
Surplus importation over exportation	125,100,009
1903:	
Importation	169,656,284
Exportation	19,751,448
Surplus importation over exportation	149,904,836
1902:	
Importation	157,658,894
Exportation	29,591,274
Surplus importation over exportation	128,067,620
1901:	
Importation	117,119,710
Exportation	25,527,846
Surplus importation over exportation	91,971,864
1900:	
Importation	116,679,891
Exportation	41,066,517
Surplus importation over exportation	75,613,374
1899:	
Importation	204,177,293
Exportation	15,334,589
Surplus importation over exportation	188,842,704
1898:	
Importation	190,285,315
Exportation	6,200,987
Surplus importation over exportation	184,084,328
1897:	
Importation	197,816,134
Exportation	3,905,734
Surplus importation over exportation	193,910,400
1896:	
Importation	146,724,607
Exportation	15,031,554
Surplus importation over exportation	131,693,053
1895:	
Importation	219,564,320
Exportation	1,573,336
Surplus importation over exportation	217,990,984

Mr. BROUSSARD. This table gives the figures for the last 27 years. I wish particularly to call attention to the fact that for the year 1921 we exported 440,855,000 pounds, and imported 96,000,000 pounds, a surplus of exportations over importations of 344,000,000 pounds. So it was in 1920, when we exported 483,000,000 pounds, and imported 179,000,000 pounds, which was a surplus of exportations over importations of 303,000,000 pounds. That, however, is the last year in which this occurred; for we find that beginning with the year 1919, and going back to the year 1895, we imported amounts largely in excess of the exportations. I shall take a few of the years which I have inserted in the RECORD in this table in order to show that my statement is absolutely true.

For instance, in 1918 the surplus of importations over exportations was 259,695,340 pounds; and so it is, taking them at random, in other years.

In 1914 the surplus of importations over exportations amounted to 267,780,591 pounds.

In 1913 the surplus of importations over exportations was 183,000,000 pounds plus.

In 1910 it was 198,000,000 pounds plus.

In 1909 the excess of importations over exportations was 202,000,000 pounds plus.

So it is, Mr. President, that this entire table goes to contradict the statement which was inserted in the summary of the tariff information to show that we produce more rice than this country needs, because the fact is that the average excess of importations of rice into this country supplies fully one-third of the consumption in this country.

The above figures, Mr. President, which have been carefully compiled by the Department of Agriculture, show that only during the last two years have the exportations exceeded the importations of rice. The exportations of previous years were far below the importations. These last two were unusual years, as everyone will admit, and may not be taken as a basis for any conclusions in the face of figures showing a contrary condition for all previous years. The fact that any rice is normally exported at all is largely due to the fact that the American consumer insists upon buying the very best quality of food. The cracked or broken rice is just as nutritious and just as white as the whole grain, but before and when cooked does not look so well. In this country even the average man likes to buy food of the very best quality, and although it may be explained to the consumer that this rice was broken by ma-

chinery which threshes and mills the grain, and is just as valuable for food purposes as the rice which is whole, he will not take the broken rice. Our competitors, the peoples living in the Orient, the people of Cuba, Mexico, Hawaii, and other people to whom the exportations are made, will sooner buy the broken grain at a cheaper price than buy the whole grain at a greater price. They are not so exacting as the American trade. The result is that although there is demand for more rice than we produce we still have a certain quantity of rice which finds no market here, especially since prohibition, since which the demand for brewers' rice has been discontinued, and it is for that reason that we export the less valuable quality of rice and balance our account by importing an equal amount of good rice as that exported plus such a quantity as the domestic market requires.

It must likewise be taken into consideration, Mr. President, that the years selected for the statement that we had a surplus of 400,000,000 pounds for exportation were for a period subsequent to the going into effect of the prohibition laws, and that this fact, which destroyed the domestic market for brewers' rice, forced the exportation of that portion of our production which was manufactured into beer. The records furnished by the Tariff Commission to the Finance Committee for the year 1916 show that 141,219,292 pounds were used by the breweries of this country. Prohibition necessarily had the effect of increasing the amount of rice exportations, because there is no demand in this country for this rice since the breweries are no longer in operation; and the rice industry, like other agricultural products, having on hand more rice of all kinds than the demand at home required, it was perfectly natural that every effort should have been made by the rice people for the years 1920 and 1921 to increase exportation and thereby remove from the American market such a large surplus as we had on hand in 1920, which surplus would have depressed the price of rice in subsequent years unless sold at any price in some other than the domestic market.

It is also a fact that some of the exportations in very many instances include rice which was imported into this country and which, finding no market because of its inferior quality, due to its lack of intrinsic food value or due to having been broken in the manufacture, must be exported to such a market as will consume that particular quality, and in that sense some of our exportations, in many years a large portion of it, are imports reexported.

The great importance of the rice industry is clearly shown by the production of that article of food in this country as shown in the table last quoted. The total domestic production in 1898 is shown to have been 96,986,400 pounds. It will be noticed that the total production for each year has been a progressive increase until in 1920, the last year reported by the Department of Agriculture, it reached a total of 1,491,944,444 pounds. I may add at this time that the production of California is reported only to the extent of 45 per cent for that year, which would also increase this total. I venture to say that no other industry, agricultural or manufacturing, can show a like rapid and steady increase. The growth is healthy, and if encouraged will soon meet all the demands of the country under normal conditions. Therefore let us encourage it, because it shows signs of soon being able to take care of itself.

The amendment which I have offered to H. R. 7456 reads as follows:

(On pages 104 and 105 strike out entire paragraph 728 and insert the following:

PAR. 728. Paddy or rough rice, 1 cent per pound; brown rice (hulls removed), 1½ cents per pound; milled rice (bran removed), 2 cents per pound; broken rice and rice meal, flour, polish, and bran, one-half of 1 cent per pound.

It will be noted, Mr. President, that this amendment is identically the same as paragraph 728 enacted by the House of Representatives, with the exception that I have omitted the following:

All the foregoing not specially provided for.

But for the objectionable words, I should have been content to have moved, at the proper time, to disagree to the Senate amendment, which motion, if successful, would restore the House rate with the objectionable words, and the move to strike out the objectionable words, which course I way yet adopt. But, Mr. President, this amendment serves the purpose for a discussion of the merits of restoring the House rate. The words omitted in my amendment, Mr. President, are very objectionable in view of the fact that it was intended as a saving clause to paragraph 1643 of the same bill intended to permit the importation, free of duty, of cleaned rice for use in the manufacture of canned foods. The emergency tariff bill enacted on May 27, 1921, placed the following rates on rice:

Rice, cleaned, 2 cents per pound, except rice cleaned for use in the manufacture of canned foods, on which the rate of duty shall be 1 cent per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, 1½ cents per pound; rice dust and rice meal and rice broken which will pass through a No. 12 wire sieve of the kind prescribed by the Secretary of the Treasury, one-fourth of 1 cent per pound; paddy, or rough rice having the outer hull on, three-fourths of 1 cent per pound.

In order that we may discuss with intelligence the question of the tariff rate, I wish to read to you the tabulation of the different rates under various tariff acts, under Democratic and Republican administrations, beginning with the tariff bill adopted June 30, 1864, down to and including the emergency tariff now in operation, as well as the rate proposed by me under my amendment, which is as follows:

Bills.	Paddy, or rough rice.	Brown rice (hulls removed).	Milled or cleaned rice.	Broken rice, flour, etc.
H. R. 7456	1 cent	1½ cents	2 cents	½ of 1 cent.
Emergency	¾ of 1 cent	1½ cents	2½ cents	½ of 1 cent.
Senate amendment	¾ of 1 cent	¾ of 1 cent	1 cent	Do.
Underwood bill	do	do	do	Do.
Payne-Aldrich bill	¾ of 1 cent	1½ cents	2 cents	Do.
McKinley bill	do	do	do	Do.
Wilson-Gorman bill	do	⅝ of 1 cent	1½ cents	Do.
Tariff act, Oct. 1, 1890	do	1½ cents	2 cents	1½ cents.
Tariff act, Mar. 3, 1883	1½ cents	1½ cents	2½ cents	20 per cent ad valorem.
Tariff act, June 30, 1864	1½ cents	2 cents	2½ cents	
Hirsemann amendment	1 cent	1½ cents	2 cents	½ of 1 cent.

Mr. President, a comparison of the rates under the classification provided for imposing duties on rice will show that the Senate amendment fixes the identical rate carried under the Underwood bill, which is the tariff act of 1913. There is no previous bill which fixed a duty on rice as low as the Underwood bill, as it will be noticed that the Wilson-Gorman Act of 1894 fixed a duty twice as high on paddy, or rough rice, than did the Underwood bill, and that while the Underwood bill carried a duty of five-eighths of 1 cent on brown rice, with hulls removed, the Wilson-Gorman Act fixed a duty of eight-tenths of 1 cent per pound. And so with the milled or cleaned rice, the Underwood bill fixed a duty of 1 cent per pound while the Wilson-Gorman Act fixed a duty of 1½ cents. Every one of the other tariff acts fixed a duty considerably over the rate proposed by House bill 7456 for cleaned rice, and in two of the acts, that of 1883 and 1864, the rate on cleaned rice was 2½ and 2½ cents, respectively. The Underwood bill has demonstrated that it affords inadequate protection to the agricultural interests of this country, and the Republican administration and the Republican Party, pledged to a protective tariff rate, can not afford to reenact the Underwood rice rates when their record shows that in the past they have stood for a higher rate than that asked in my amendment, and when it is further considered that the rates proposed by the Finance Committee are much lower than those carried by the Wilson-Gorman Act of 1894.

We have had but a short experience, so far as rice is concerned, with the Underwood bill, because the World War had the effect of suspending all rates. It operated, however, 10 months before the beginning of the war, and we are told in the Summary of Tariff Information, 1921, page 695, that "imports of cleaned table rice in 1914, following the reduction of the duty from 2 cents to 1 cent per pound, were 73,744,997 pounds, about four times those of the preceding year."

It will be seen, Mr. President, that if the rate is now again lowered from the 2-cent rate of the emergency tariff on cleaned rice and graduated downward to the proposed 1-cent rate graduated downward, that even under pre-war normal conditions we would soon be put out of business. But these are not pre-war normal conditions which confront the American agriculturist to-day. We may hope to settle down after a while to a stable condition, but no one expects to see the pre-war normal conditions return, even after the rest of the world becomes stable. We are now and for a long time will be the only people who can pay cash in gold for goods or products. Therefore the world is looking to this market, and consequently we are constantly in danger of having our manufacturers and agriculturists undersold, aye, even at a price far below the cost of production. That condition will last for several years to come. During these unsettled world conditions we should first assure the domestic market to the American producer. But even those who oppose giving the advantage to the American producer would hardly object to allowing such a rate on rice as I propose, because it is even less than the average rate of previous tariff bills, except the two Democratic bills. It would be beyond

understanding that this act should fix a rate below that of the Democratic tariff law known as the Wilson-Gorman Act.

I wish to say, Mr. President, that I hope the Finance Committee, through its chairman, will see the justice of the claim which I am presenting to the Senate, and will agree with me that the Senate should disagree to the committee amendment or accept my amendment, because it carries an equitable claim to which so many of my constituents feel they are justly entitled. The bill has been criticised on the ground that its rates are far higher than any previously enacted into law. The contention is without foundation as to many articles which have come under my observation. Certainly the duty on rice is ridiculously low, and I appeal to the Finance Committee and to the Senate to do justice to the American rice grower.

I ask leave to have printed as a part of my remarks the table which I send to the desk.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

Year.	Production.[1]	Imports.[2]	Total imports.	Exports.[3]	Total exports.
	Pounds.		*Pounds.*		*Pounds.*
1885	108,865,440	Hawaii 5,744,087 Duty 136,157,324 Rice flour, etc. 78,262,909	219,564,220	Rice 794,286 Rice bran, etc. 1,490,040	2,284,326
1891	96,886,900	Hawaii 4,354,500 Duty 77,835,854 Rice flour, etc. 68,534,273	146,724,607	Rice 1,368,878 Rice bran, etc. 13,984,676	15,351,554
1897	116,301,700	Hawaii 5,881,660 Duty 128,058,320 Rice flour, etc. 63,876,294	197,816,134	Rice 387,268 Rice bran, etc. 2,518,466	2,905,734
1898	136,900,730	Hawaii 4,414,300 Duty 136,396,330 Rice flour, etc. 63,474,685	199,285,315	Rice 637,146 Rice bran, etc. 4,663,801	5,300,947
1899	214,278,380	Hawaii 2,585,600 Duty 131,741,428 Rice flour, etc. 56,340,267 Hawaii 808,100	204,177,395	Rice 852,704 Rice bran, etc. 14,491,985	15,344,689
1900	253,139,200	Duty 91,052,323 Rice flour, etc. 25,624,466 Rice flour, etc. 42,001,649	158,679,891	Rice 22,847,009 Rice bran, etc. 28,119,428	41,966,317
1901	268,616,300	Duty 74,388,081 Rice flour, etc. 81,364,118	117,189,710	Rice 1,078,936 Rice bran, etc. 26,448,968	28,527,646
1902	312,281,900	Duty 73,624,776 Rice flour, etc. 91,533,374	165,158,594	Rice 615,668 Rice bran, etc. 28,994,205	29,591,874
1903	350,750,000	Duty 78,517,310 Rice flour, etc. 78,308,615	156,825,925	Rice 532,766 Rice bran, etc. 19,218,683	19,751,449
1904	336,691,000	Duty 73,328,147 Duty 43,426,508	134,221,772	Rice 2,190,418 Rice bran, etc. 28,541,345	30,731,763
1905	377,021,947	Rice flour, etc. 65,973,026 Duty 38,668,701	109,489,315	Rice 34,962,930 Rice bran, etc. 76,419,787	111,382,718
1906	403,072,222	Rice flour, etc. 100,070,166 Duty 71,387,151	109,140,967	Rice 3,980,773 Rice bran, etc. 24,172,331	28,153,103
1907	380,800,000	Rice flour, etc. 138,316,026 Duty 67,619,262	209,603,180	Rice 2,445,004 Rice bran, etc. 27,731,373	30,176,377
1908	398,643,000	Rice flour, etc. 135,564,190 Duty 68,780,442	212,753,302	Rice 3,395,017 Rice bran, etc. 26,348,168	29,443,615
1909	408,626,000	Rice flour, etc. 134,119,980 Duty 82,663,962	202,080,422	Rice 9,944,984 Rice bran, etc. 7,049,607	16,944,591
1910	439,495,700	Rice flour, etc. 142,798,393 Duty 76,657,074	235,460,845	Rice 16,720,591 Rice bran, etc. 15,575,271	32,295,862
1911	637,084,556	Rice flour, etc. 132,116,821 Rice flour, etc. 116,676,853	208,774,786	Rice 26,797,535 Rice bran, etc. 22,603,034	49,400,569
1912	695,944,444	Uncleaned and paddy 48,479,254 Cleaned 25,098,414 Rice flour, etc. 137,608,742	180,985,331	Rice 24,801,280 Rice bran, etc. 14,209,777	39,011,057
1913	715,111,111	Uncleaned and paddy 51,779,336 Cleaned 32,715,479 Rice flour, etc. 139,905,988	222,100,547	Rice 18,236,334 Rice bran, etc. 4,191,032	22,416,366
1914	686,816,667	Uncleaned and paddy 54,794,651 Cleaned 95,325,994 Rice flour, etc. 74,831,212	220,194,917	Rice 25,448,635 Rice bran, etc. 2,041,490	77,490,035
1915	894,982,337	Uncleaned and paddy 90,241,834 Cleaned 112,118,326 Rice flour, etc. 85,628,767	277,191,473	Rice 120,985,278 Rice bran, etc. 1,272,263	121,957,465
1916	1,136,027,778	Uncleaned and paddy 87,671,332 Cleaned 121,023,936 Rice flour, etc. 37,739,024	204,234,005	Rice 120,371,590 Rice bran, etc. 799	121,372,389
1917	994,972,222	Uncleaned and paddy 80,895,786 Cleaned 92,453,021 Rice flour, etc. 48,064,650	216,045,456	Rice 196,963,268	196,963,268
1918	1,072,388,889	Uncleaned and paddy 62,317,754 Cleaned 145,870,204 Rice flour, etc. 33,521,809	243,659,768	do 193,128,691	193,128,691
1919	1,188,611,111	Uncleaned and paddy 49,688,672 Cleaned 190,205,782 Rice flour, etc. 1,365,198	363,728,263	do 453,385,229	453,385,229
1920	[4] 1,491,944,444	Uncleaned and paddy 22,447,197 Cleaned 156,217,256 Rice flour, etc. 1,427,458	179,926,961	do 445,755,395	445,755,395
1921		Uncleaned and paddy 34,267,922 Cleaned 62,109,032 Rice flour, etc. 595,095	96,904,612	do 440,855,995	440,855,995
1922 (8 months ending Feb. 28, 1922)		Uncleaned and paddy 5,178,576 Cleaned 86,409,285	32,172,947	do 354,280,435	354,280,435

[1] Statistical Abstract of United States, 1920, Bureau of Foreign and Domestic Commerce, Department of Commerce, p. 800.
[2] Statistical Abstract of United States, Bureau of Foreign and Domestic Commerce, Department of Commerce, for years 1895 to 1918, both inclusive. Later years from Monthly Summary of Foreign Commerce.
[3] Statistical Abstract of United States Bureau of Foreign and Domestic Commerce, Department of Commerce, for years 1895 to 1918, both inclusive. Later years from Monthly Summary.
[4] Figures include only about 45 per cent of California crop.

Mr. BROUSSARD. Mr. President, I desired to furnish this information at this time because there are contained statistics and tables in the summary and in the House hearings which deal almost exclusively with the years 1919 and 1920. Those are absolutely abnormal; they are not borne out by the results of any previous year's experience.

Perhaps I have injected this argument at an inopportune time, but it was for the purpose of getting these figures into the RECORD, and appealing to Senators that they may verify them with the documents to which they refer, so as to bear out the statement in time and before the schedule is actually taken up.

Mr. ROBINSON. Mr. President, I shall avail myself of this opportunity to submit some remarks in connection with the subject just discussed by the Senator from Louisiana [Mr. BROUSSARD], namely, the proposed tariff rates on rice carried in the pending bill. The amendment which the Senator from Louisiana has indicated a purpose to present is substantially

in conformity with existing law. Under the so-called emergency act the rates provided are as follows:

Cleaned or table rice, 2 cents per pound; uncleaned or rice free of the outer hull and still having the inner cuticle on, 1¼ cents per pound; paddy, or rice having the outer hull on, 1 cent per pound; rice flour, rice meal, and rice broken which will pass through a No. 12 wire sieve, one-half cent per pound.

So far as I know there is no convincing information in the record of the proceedings, either of the Committee on Ways and Means of the House of Representatives or of the Finance Committee of the Senate, which justifies the committee amendment reported by the Senate Finance Committee. No complaint has been submitted to either House of Congress respecting the existing rates. They are believed to be fair and satisfactory, although there are some who think that the rates on certain kinds of rice should be increased.

As a cereal of national importance it can not be said that rice takes a prominent place. In five States it is cultivated extensively, and so far as my information extends it is not cultivated elsewhere in the United States. Those States are Arkansas, Louisiana, Mississippi, Texas, and California. There is some production of rice in Georgia and South Carolina.

In the year 1920 there were in cultivation in Arkansas about 181,400 acres, the average yield per acre being 42 bushels, the total production amounting to 9,889,000 bushels. The average price per bushel December 1 is quoted at $1.31. This statement of average price is in my opinion excessive. The total farm value estimated as of December 1 was alleged to be $11,645,000. The crop value per acre was $64.19.

In Louisiana the acreage was 700,000, the yield per acre 36 bushels, the production 25,200,000 bushels, the price per bushel $1.10, the total farm value of rice produced was $27,720,000, the value per acre $39.60.

In the State of Mississippi the production was quite small, the acreage being limited in 1920 to about 3,000 acres, the yield 31 bushels per acre, the production 93,000 bushels, the average price $2 per bushel, the farm value $186,000, and the value per acre, basis of December 1 last, $62.

In the State of Texas it is said that there were cultivated 281,000 acres, with an average yield of 34 bushels per acre, a total production of 9,554,000 bushels, the price per bushel $1.25, the total farm value of the rice crop that year in Texas being $11,942,000 and the value per acre being $42.70.

I have before me a table showing the acreage, the average yield per acre, the total production, and total farm values for the years 1909 to 1920, inclusive. Later I shall ask leave to insert that table in the RECORD with other facts, but now I wish to point out that from 1909 the total acreage cultivated in rice in the United States increased approximately 100 per cent up to the year 1920, inclusive. There was unquestionably a very great decline in the acreage during the year 1921. My information is that only about 900,000 acres was cultivated during that year.

The cost of production per acre for the years 1917 and 1918 has been investigated by the Department of Agriculture and is compared with the cost of production in 1910, all of which is contained in the hearings on general tariff revision, part 3, tariff information, 1921, page 1719.

The cost of production increased in 1921 to about twice what it was in the year 1917. It is estimated by the Department of Agriculture to have been about $60 per acre for the year 1920. This is more than twice the cost in 1910, 1917, and 1918.

I have also a table showing the importations of clean rice for the various years by months, and I will insert that in the RECORD also for the purpose of showing the effect of the tariff under various laws on importations. The rates carried in the bill as reported by the Committee on Finance are those of the Underwood Tariff Act. It is singular to me that the Finance Committee, having heretofore approved of an emergency tariff bill and secured its passage, would report an amendment to this bill cutting in two the duties on this important product with no reason assigned in the record for that action and with no one urging that course. I think it will be found upon investigation to have been a mistake on the part of the committee and that the amendment proposed by the committee is not justified.

The cultivation of rice in the United States as a farm industry is peculiar and distinct from the production of nearly every other crop. It was about 1895 when rice began to be produced under the present system of irrigation in States outside of the State of Louisiana. It was found that lands productive of rice were unsuitable for the cultivation of almost any other agricultural product. Prairie lands, for instance, in the State of Arkansas, which were formerly of merely nominal value, by reason of their use in the cultivation of rice have increased from approximately $2 to $5 an acre to between $50 and $100 per acre. That increase, in my judgment, has been entirely due to the use of those lands in the production of rice.

The American rice crop is not of sufficient quantity to affect the price of rice in the international trade, and the price of American rice is dependent upon and fluctuates with the price of foreign rice in the world market. It is estimated by the Arkansas Rice Growers' Cooperative Association that there now exists in foreign countries an available supply of foreign rice which may be exported to the United States amounting to more than 117,000,000 bags of 100 pounds each. This amount is approximately nine times the total annual production of the United States.

Oriental rice, rice grown in China and Japan, is produced in the same manner and by the same methods which were applied hundreds of years ago. All of the labor that pertains not only to its production but to the harvesting of the crop in those countries is performed by hand. In the United States the labor that is applied to the production and harvesting of rice is in a very important sense highly skilled labor and very high priced. Unquestionably if the principle of protection in any degree is to be applied to raw materials, if it is to be imposed on any agricultural product, it should be applied to rice. Every argument which may be urged in support of a tariff on wheat or other cereals applies with equal or greater force to the rice product.

It is very difficult to obtain the necessary accurate information for a reliable comparison between the cost of producing rice in the United States and the cost of producing rice in China and Japan and other oriental countries. A casual investigation of the subject would indicate that the labor cost in the United States is from 8 to 10 times the labor cost in the oriental countries. The rice product of this country is unquestionably a better product than that to be obtained from the oriental countries.

While the rice crop is not of great national importance, it is undoubtedly of particular interest to the States in which it is grown. The United States has increased production of rice by 100 per cent during the last 10 or 12 years, and there exists in this country now approximately 3,000,000 acres of land not in cultivation for any purpose which is adapted to growing rice. If the industry is continued this area will within a few years in all probability be cultivated for that purpose.

When the Underwood tariff law was enacted, carrying a reduction below the rates in the Payne-Aldrich law, and below the rates carried in the Wilson Act, importations of rice were very greatly increased. The table which I will print in the RECORD shows the increase which occurred in importations. The American rice acreage is undoubtedly too small materially to affect the price of foreign rice, but on the other hand, the price of American rice fluctuates with the price of foreign rice.

Under the circumstances there is no justification whatever in a bill materially advancing the rates on manufactured products, a bill presented as designed to protect American agriculture, for this amendment which reduces the prevailing rates on rice, and I apprehend that before the debates have concluded that this view will be expressed by the Senate.

Mr. President, I now ask leave to insert in the RECORD a brief, incorporating the tables and other material facts relating to this subject, submitted by the Arkansas Rice Growers' Cooperative Association.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

To the chairman and members of the Ways and Means Committee, Washington, D. C.

GENTLEMEN: The rice growers, land owners, operators of irrigation plants, and the millers and distributors of rice in the States of Louisiana, Texas, and Arkansas, and all others either directly or indirectly interested in the rice industry, or affected by its success or failure, request and urge you to include in the new permanent tariff bill a schedule providing the House rates on rice.

The tariff rates which are proposed and which are thought necessary to safeguard the rice industry of the United States are as follows, and you are respectfully urged to include these rates in the approved rice schedule:

TABLE I.

	Cents per pound.
Cleaned (or table rice)	2
Uncleaned (or rice free of the outer hull and still having the inner cuticle on)	1¼
Paddy (or rice having the outer hull on)	1
Rice flour, rice meal, and broken rice which will pass through a No. 12 sieve	½

As a cereal of national importance rice does not take rank with wheat or corn, but in the three States mentioned it is of prime importance. The acreage devoted to the production of rice, and consequently the total production, has, with few exceptions, constantly increased since the year 1909, as will be shown in Table II below. It will be noted in this table that the production has more than doubled

during the past seven years; that the 1919 crop had a farm value of more than a hundred million dollars, and that during the year 1918 and 1920 more than one million acres have been planted to rice, and in 1921 the acreage was approximately 900,000 acres.

TABLE II.

Year.	Acreage.	Average yield per acre.	Production.	Total farm value.
		Bushels.	*Bushels.*	*Dollars.*
1909	720,275	33.8	24,368,000	19,341,000
1910	722,800	33.9	24,510,000	16,624,000
1911	696,300	33.9	23,584,000	18,274,000
1912	722,800	34.7	25,054,000	23,423,000
1913	827,100	31.1	25,744,000	22,090,000
1914	835,530	34.1	28,649,000	21,849,000
1915	802,600	36.1	28,947,000	26,312,000
1916	888,300	47.0	40,702,000	36,187,000
1917	964,100	37.8	36,278,000	68,707,000
1918	1,112,770	38.3	40,424,000	77,474,000
1919	1,089,800	37.7	41,059,000	109,613,000
1920 [1]	1,341,163	39.7	53,269,777	63,284,495

[1] Rice Millers' Association estimate of December 20, 1920.

NOTE.—The United States Government estimates the cost of producing an acre of rice during 1920 at $60. At this rate, compared to the present farm value as shown in Table II, the loss to the producer amounts to approximately $17,185,295, to deliver the rough rice to the mills.

In October, 1913, the Underwood law became effective; and on the first full business month—November—after this law became effective, and after sufficient time had elapsed so that changed business conditions could become noticeable, it was perceived that an enormous increase in the importation of rice resulted. Table III gives the importation of cleaned rice by months from November, 1912, to October, 1914, inclusive, and also gives the percentage increase in importation under the low Underwood tariff law, as compared with that of the same months of the preceding year under the higher Payne-Aldrich Act. Your attention is called to the enormous increase in importations up to and including August, 1914. During the months of September and October, 1914, the commerce of the world was greatly disrupted and shipping was at practically a standstill, due to the advent of World War hostilities. However, the Pacific Ocean was open for commerce during this time, and the increase in rice importations from neutrals during these months showed a perceptible increase over the importations during the same months in 1913.

The Underwood tariff act, effective October, 1913, provided a protection of only 1 cent per pound on cleaned rice, which is one-half the amount of the Payne-Aldrich Tariff Act. The increase in importation of cleaned rice is here shown to be practically wholly due to the decrease in the tariff protection, because over the period shown in Table III there was an actual decrease, approximating 5 per cent, in the importation of broken rice, rice meal, etc., the tariff on which had not been changed by the Underwood bill. For uncleaned rice, including paddy, there was a reduction from three-quarters of 1 cent per pound to three-eighths of 1 cent per pound in the tariff protection. There is normally but little business in this character of rice, but nevertheless this decrease in the tariff protection showed an increase of 5 per cent in the yearly importation following October, 1913, over the importation of the preceding 12 months. Your attention is called in this connection back to Table II, wherein the acreage planted is shown to have decreased from 827,100 in 1913, to 693,530 in 1914, a decrease of 16.3 per cent. This decrease in acreage can, in a large manner, be attributed directly to the unwillingness of the rice planters to embark upon farming operations for the production of a crop which they were admirably suited to produce, but from the sale of which they had no assurance of securing a living price because of the wholesale dumping of cheap foreign rice into our home markets, particularly Porto Rico. The war period again came to the rescue of the rice industry, greater production of all foodstuffs was urged by the Government, and it was certain that the producers of rice in Asia would not be able or inclined to put their wares on the American market during the war period.

TABLE III.—*Importation of clean rice.*

Under Payne-Aldrich tariff bill (rate 2 cents).[1]		Under Underwood tariff bill (rate 1 cent).[1]		Increased importation due to smaller tariff rate, in per cent.	
1912.	*Pounds.*	1913.	*Pounds.*		
November	1,870,649	November	7,935,854		324.22
December	1,574,184	December	14,100,321		795.72
1913		1914.			157.40
January	3,260,347	January	8,392,280		155.10
February	3,062,964	February	9,343,096		205.77
March	3,637,952	March	12,251,719		118.21
April	5,767,268	April	12,630,095		474.39
May	2,019,536	May	11,600,039		120.18
June	2,170,557	June	9,133,273		286.73
July	3,019,047	July	7,818,203		201.00
August	1,741,130	August	6,826,468		
	27,753,684		100,034,308	Average	260.44
September	3,308,828	September	3,370,667		5.04
October	3,128,321	October	3,855,002		23.23
12-month period	34,190,833		107,259,977	Average	214.03

[1] Rate on whole grain grade of completely milled rice.

The American rice crop is not of sufficient size to materially affect the price of rice in the international trade, hence the price of American rice is dependent upon and fluctuates with the price of foreign rices in the world's market.

Without considering the vast acreage in China, on which no reliable data can be secured, the United States has less than 1 per cent of the world's acreage, hence in the international rice trade our voice is extremely faint. If we do not have sufficient protection we will not only have to meet foreign rice in foreign markets but the competition will very likely be keen in our own home markets and in the markets of our insular possessions and at prices dictated by the Asiatic exporters.

There is at the present time in sight in foreign countries a known available supply of rice which constitutes an exportable surplus of 117,214,536 bags—100 pounds each—of cleaned rice. This amount is roughly nine times the total production in the United States.

The majority of the rice in the international rice trade originates in south Asia, including India (Burma), Siam, and Saigon, principally, and to a lesser extent Japan, Formosa, Korea, Spain, Italy, and Brazil. The prices, according to the latest quotations, are: Rangoon, grade No. 2, $2.68; Saigon, grade No. 1, $2.60; Siam, grade No. 1, garden variety, $3.45, delivered in Europe. These same rices may be shipped at the present rates of freight and on the same basic prices to San Francisco for $2.75, $2.40, and $3.07, respectively, and to New York or New Orleans for $3.20, $2.85, and $3.52, respectively. The prices quoted are on the regular commercial grades, with the insurance and freight paid to destination, and the prices are quoted on the basis of 100 pounds. It is true that our American rice is of better quality, but this advantage, when expressed in dollars and cents, amounts to only about three-quarters of a cent per pound. Including the present very meager tariff protection, rice from India can be sold at present prices for $3.75 per 100 pounds delivered, with duty paid, and would very likely be purchased by the consumer at this figure whenever the rice produced in the United States sells for as low as $5.75 to $6 delivered in New York. The freight cost for bringing rice from Hongkong to San Francisco is 8 cents less per hundred pounds than the freight rate on American rice grown at Crowley, La., and shipped by rail to New Orleans and by water to New York. It will be seen that when the price of American rice f. o. b. the southern mills reaches the 5-cent basis for "fancy" grade we may naturally expect competition from the Asiatic rices in New York and the adjacent territory.

The price of rice in Porto Rico is one of the most important factors governing its purchase by the natives, who are not connoisseurs of high-grade rice but buy it in large quantities only for its food value, therefore purchasing it at the cheapest possible price. The difference in value of three-quarters of 1 cent per pound, before mentioned as expressing the difference in quality between our rice and the Asiatic products, would not be sufficient inducement for the Porto Rican laborer to buy American rice. At the earliest moment after the price difference between the American cleaned rice delivered and the Asiatic rice delivered in Porto Rico exceeds 1 cent per pound—the proposed tariff protection—we will expect keen competition and underselling in Porto Rico. This is a good and dependable market for 10 per cent to 15 per cent of our production, or, roughly, 1,200,000 to 1,400,000 pockets.

There is another item of interest in connection with this question, and that is a comparison in the cost of production under the American methods and under foreign methods. It is true that in the United States machinery is used extensively in rice production, and comparatively large areas are handled by few men, while in the Orient a single man is able to successfully handle but a few acres. Our labor expense, of course, is in many instances as much as from fifty to one hundred times as great as theirs. Furthermore, the price of machinery and the cost of its upkeep have been materially increased during this era of high prices. The United States Government has just completed a survey of a large number of average rice farms in the State of Texas, and though the final results have not been officially given out, published preliminary reports state that it cost approximately $60 per acre to produce rice in 1920. With this information as a basis and with an average yield of 36 bushels—5-year average United States—per acre, the cost of 100 pounds of cleaned rice is shown to be $6 plus 50 cents, which is considered to be a fair price for milling, yields $6.50 per 100 pounds of cleaned rice when no insurance, transportation, or freight charges, selling charges, storage, etc., are included. Compare this price with the present price of foreign rices, and it is easy to see that there is a real and strong possibility that this country will likely be flooded with the cheap foreign rices. Reliable information as to the cost of production in foreign countries is found to be practically unobtainable even from governmental sources, but it is well known how rice is produced in these countries. In the first place, the family system of production is in vogue. Each family operates on small areas, nurtures by hand practically every square foot of soil, and produces the maximum possible rice crop. These orientals have as their main purpose the production of food for the family producing the rice. In years of poor crops their extremely careful and painstaking methods are found in many cases to stand between the planter and starvation, because even under adverse circumstances they generally produce sufficient for their home needs. With favorable growing and harvesting seasons, it is only natural that a surplus will be produced. Each family, farming its own plot and producing its own home requirements of rice, finds in favorable years that it has a surplus which it can not profitably use, hence it is sold for export. This surplus is gathered, a few bags at a time, by hundreds of traders who operate on flatboats in the rivers, and who buy this surplus rice from the producers. In exchange, articles of clothing, trinkets, inexpensive luxuries, and other commodities of commerce are given, thus still further lowering the price at which the trader secures the rice. These traders move their numerous small purchases through many channels to the great ports of export, where together they ultimately amount to enormous quantities. Since it is not needed in the countries where it is produced, it is offered for export, and the price at which it is offered very often bears but little relation to the cost of its production. For this reason it is very probable that if the actual cost of production of the rice which is now being offered for export at such low prices from the ports of Singapore, Karachi, Port Arthur, Bombay, Madras, Bangkok, and Calcutta were actually known, it would be considerably higher than the prices being quoted to-day by the exporters.

The ocean freight rates, which during the war period were extremely high, have been coming down at a rapid rate until at the present time rice may be transported at practically the pre-war basis of freight, and in some instances for even less.

In summarizing the arguments set forth in this brief it may be mentioned: (1) That though the rice crop of Louisiana, Texas, and Arkansas is of small importance nationally, it is of great importance to these particular States of the Union; (2) that the United States has increased its rice production considerably, and there is good reason to believe that with the proper economic consideration, encouragement, and sympathy it will continue to increase and become one of our great national crops; (3) that when the Underwood tariff bill, carrying a

considerable reduction in the tariff rates on rice, became effective there was an immediate and enormous increase in the importations of cleaned rice, but with a decrease in importation of those rices which did not have the tariff rates decreased; (4) that the American rice acreage and production is too small to materially affect the price of foreign rice, but that, on the contrary, the price of the American rice fluctuates with that of its Asiatic competitor; (5) that the rice at the present time from India, Siam, and Saigon, where there is practically an unlimited supply and an enormous exportable surplus available for the international rice trade, may be to-day laid down in the ports of San Francisco, New York and New Orleans at a price, including cost, freight, and insurance, which the Government has shown is about one-half that of the actual cost price of rice produced in Louisiana, Texas, and Arkansas; (6) that, regardless of production costs in the United States as compared with those costs in the Orient, the American rice producer must market his product in competition with the enormous quantities of this rice which constitutes an exportable surplus, and which is offered in the world's markets at a price which bears but little relation to the production cost in Asia.

An influx of Asiatic rice into the United States and into its insular possessions at prices lower than the American producer can possibly afford to offer it for is not only possible at this time and at any other time when the crops in the Orient are large, but this condition is also extremely probable. The rice producers and millers are taxing themselves in raise a fund for advertising purposes in an effort to help themselves and to popularize the consumption of American rice in America. They desire and expect your sympathetic consideration and request at your hands a proper adjustment of the tariff rates which will be favorable to their best business interests and a protection to the infant rice industry in this country. They request this tariff protection to assure them that America will not be used as a dumping ground for cheap foreign rices, and they are willing to assume all responsibility of placing the rice industry in the forefront of American agricultural interests.

There is still another point which should be given your careful consideration, since it has a bearing upon the food-producing ability of our Nation. There are at this time thousands of good citizens whose livelihood and employment depends primarily upon the success or failure of the rice industry, and also there are thousands and millions of dollars now invested in the many phases of the rice business which very properly expects your consideration. In 1920 there were 1,341,000 acres, in round numbers, planted to rice in the United States. This acreage was largely in the States of Louisiana, Texas, Arkansas, and California. There is, however, as much or more land of a similar type in these States mentioned and an additional acreage of over 2,000,000 acres in the other States bordering on the Gulf of Mexico. It has been estimated that there are now approximately 3,000,000 additional acres of land in the United States suitable for rice production, but which at the present time is unused for any agricultural purpose. It hardly appears necessary to call your attention to the fact that rice is largely produced on land of little value for other agricultural crops, much of it being raised in the great marshes where but few plants thrive except marsh grass. These large areas can all be easily made to produce enormous crops of rice, which is one of the best foods that nature affords, without the expenditure of a single cent of the Government's money for the building of dams or for other reclamation projects. However, without most advanced modern methods rice can not be produced in the United States profitably when thrown in direct competition with that produced in Asia with Hindu, Siamese, and Korean coolie labor, and without some chance of success private enterprise and capital will not take up this reclamation work. The Government now has an opportunity to offer a tariff protection to one of its infant agricultural crops, to lend its influence toward the development of these large areas of land largely unsuited to other crops, to foster the best business interests of thousands of its good citizens who only ask for an opportunity to "make good." By failing to act at this time, and thereby failing to protect the rice industry by adopting and approving an adequate protective tariff as proposed in this brief, there is a strong likelihood that the rice industry will decrease in importance and large areas of fertile land now productive will be turned back to pasture and marsh grass.

Respectfully submitted.

ARKANSAS RICE GROWERS' COOPERATIVE ASSOCIATION,
By CHAS. G. MILLER, *Vice President.*

Mr. CARAWAY. Mr. President, when the so-called emergency tariff bill came before the House dealing with agricultural products I was a Member of the House and voted for the bill. I thought some benefits came from certain schedules, and from other schedules there were disappointments. I do know, however, that the benefits to the rice industry were marked.

I live in the edge of the territory mentioned as the Arkansas rice fields. I knew it before rice was grown there. The lands were practically without value and most of them could have been bought at from $1.25 to $2.50 an acre. They were grazing lands of an inferior character. With the discovery, however, that rice of a superior quality could be grown on those lands they became among the most valuable lands of the State, ranging in value anywhere from $25 to $150 an acre. Prosperous towns and cities grew up in that territory, their future wholly depending upon the rice industry. Those lands are not well adapted for the growth of other agricultural products. The soil is shallow and is underlaid by what is known as a "hardpan," that holds water, so that the rice may be irrigated, and when the rice is ripened the water may be entirely drained off and the rice harvested. There are seven or eight counties in my State whose very life, industrially speaking, depends upon this industry.

The industry will thrive under the rates which were fixed in the original emergency tariff act, but it will perish if the rates which are now proposed in the pending bill shall be adopted. So the Republican members of the Committee on Finance ought to have the courage to do one of two things: They ought to strike out every particle of protection, and let those who are engaged in the rice industry know that they are to be destroyed, or else they ought to restore the rate under which it is apparent that the industry may thrive.

I am persuaded, Mr. President, that the committee will not follow the first suggestion but will follow the other suggestion. In other words, it is idle to offer a certain protection which does not protect but which simply prolongs the life of an industry and lets it die by degrees. If it is intended to protect it, give it the protection under which it may live. I hope, therefore, the committee will restore the rates on rice that were provided in the original emergency tariff act.

Mr. SMOOT. Mr. President, I merely wish to make a brief statement in reference to the duty on rice. I could not state the case as to the necessity of a duty on rice any better than it has been stated this afternoon by Senators who have already spoken. I entirely agree with them. I think it is absolutely necessary that there should be a duty on rice in order that the industry may be maintained in this country. So far as I am personally concerned, those Senators shall have that duty if my vote can give it. I am a protectionist not for any particular section of the country but for every part of the country. I hope that as to some of the other items, which are just as vital to other sections of the country as is the rice industry to the South, the Senators from that section will follow out the thought which has been expressed by them this afternoon.

Mr. ROBINSON. Mr. President, the remark of the Senator from Utah indicates, perhaps, the reason why the Finance Committee, without evidence and without suggestion from any source, reported an amendment taking away the protection from the rice industry and reducing the tariff duty on rice to a purely revenue basis or to even a lower basis.

Mr. SMOOT. Mr. President, in order that the Senator from Arkansas may not be mistaken, I desire to say that the testimony which was taken before the Committee on Finance was to the effect that rice is raised in the South in an entirely different manner from that which obtains in any other country. It was stated that the machinery which is used for its production and the way in which the seed are planted are entirely different from the methods employed in China and Japan.

I wish to say further that some testimony showed that, so far as concerned the duty which was necessary to afford protection to rice, the rate proposed by the committee is sufficient. I, however, do not believe it is; but I do not want any misunderstanding about the matter. I speak only for myself and not for the committee; but I do not think any such charge as that intimated by the Senator from Arkansas should be made against the committee on the floor of the Senate.

Mr. ROBINSON. Mr. President, there is not any reliable evidence in the record upon which to base the rates on rice which the Committee on Finance have reported. I have read the hearings in the House of Representatives and in the Senate, so far as I have been able to secure them—and, I presume, they are available—and all of the evidence supports the present rates on rice, with the exception that a suggestion has been made for a modification of the rate on a certain kind of rice which is used in the manufacture of canned foods; but that kind of rice, I understand, it is claimed does not come in competition with American-grown rice, for American-grown rice is not used for canning purposes.

In reference to the statement of the Senator from Utah [Mr. SMOOT]—and I thank him for it—so far as it relates to the fairness of the rate on rice proposed by the amendment of the Senator from Louisiana [Mr. BROUSSARD], it is perfectly manifest, not only to the Senator from Utah but to other Senators, that if a tariff measure is to be based upon the protective principle, if the principle of protection is to apply to agricultural products, those products which are grown in a section of country where public men usually do not advocate the principle of protection ought not to be penalized and discriminated against; that the protection ought to be applied generally and fairly; and I understand that to be the position of the Senator from Utah.

Mr. BROUSSARD. Mr. President, I may say that I was led to take up the subject of the duty on rice at this time because of the conclusions which might be reached from the statements in the Summary of Tariff Information, which, without pretending to give any statistics for any special year, made the broad statement that in this country we produced enough rice for domestic consumption, and also had a surplus of 400,000,000 pounds for exportation. That, however, applied only to two years. That was the statement which I believed it was necessary to clear up in order to show conclusively the necessity for a tariff duty which would protect us. The statement that we normally made 400,000,000 pounds more than we needed might have been an excuse for the committee to have come to some other conclusion.

Mr. HARRISON. Mr. President, few provisions of this bill are more important than the one which has just been discussed. I look on the other side of the Chamber and I see one Republican Senator present, and then I notice that one who belongs on the other side has strolled on this side. The Senator from Nevada [Mr. PITTMAN] is prepared to make a very important speech on an important question. It does seem to me, and I am sure it would seem to the country if they knew the conditions, that the majority Members should stay here so that they may discuss intelligently the questions involved in the tariff bill, or at least sit and listen so that they may come to some intelligent conclusion. So I make the point of no quorum.

Mr. SMOOT. The Senator ought to apply his remarks to both sides of the Chamber.

Mr. HARRISON. On this side there are at least a dozen Senators present.

Mr. SMOOT. Frequently during the day there has not been more than one Senator present upon the Democratic side.

Mr. HARRISON. I withhold the suggestion until I state that on this side of the Chamber there are present the Senator from Alabama [Mr. UNDERWOOD], the Senator from North Carolina [Mr. OVERMAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Texas [Mr. SHEPPARD], the Senator from Georgia [Mr. WATSON], the Senator from Louisiana [Mr. BROUSSARD], the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Arkansas [Mr. CARAWAY], the Senator from Ohio [Mr. POMERENE]. I will not take up more time in the enumeration. I make the point of no quorum.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	Nelson	Sterling
Brandegee	Hitchcock	Newberry	Sutherland
Broussard	Jones, N. Mex.	Nicholson	Swanson
Calder	Jones, Wash.	Norbeck	Townsend
Capper	Kellogg	Oddie	Underwood
Caraway	Kendrick	Overman	Wadsworth
Colt	King	Page	Walsh, Mass.
Curtis	La Follette	Pepper	Walsh, Mont.
Dillingham	Lenroot	Phipps	Warren
du Pont	Lodge	Pittman	Watson, Ga.
Fletcher	McCormick	Poindexter	Watson, Ind.
Frelinghuysen	McCumber	Pomerene	Weller
Gerry	McKellar	Robinson	Willis
Glass	McLean	Sheppard	
Hale	McNary	Smoot	
Harris	Moses	Spencer	

Mr. NORBECK. I desire to announce that the Senator from Nebraska [Mr. NORRIS] is absent on business of the Senate.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. PITTMAN. Mr. President, there is an amendment proposed by the Committee on Finance of the Senate known as paragraph 33 (a). It reads as follows:

Cyanide: Potassium cyanide, sodium cyanide, all cyanide salts and cyanide mixtures, combinations, and compounds containing cyanide, not specially provided for, 10 per cent ad valorem.

I will state, in the first place, that this is a comparatively new product. It is a new solvent. When I say "new," I mean that it has been in use probably only 10 or 15 years. It has a very great bearing upon the profits not only of the gold and silver mining industry, as is generally supposed, but upon the citrus-fruit industry of the country. It is also a compound that has been found quite economical in the hardening of steel in a cheaper process than other steel-hardening processes. It is also a compound that is used almost exclusively in fumigation and by the various health departments in the destruction of vermin, rats, and disease-carrying animals and insects. That is the use of it. In the mining of gold and silver it is absolutely essential in an economic use. In the protection of the citrus-fruit trees of the country it has no substitute.

Mr. President, what is the purpose of the Senate Committee on Finance? It is to reverse the action of the House of Representatives, which left cyanide on the free list, and place it on the dutiable list. What is accomplished by it? Nothing is accomplished in the way of raising revenue. Who is protected by it? Only one corporation in the United States is protected by it—only one concern. It has no other purpose or effect than the sustaining of a monopoly in the manufacture and distribution of that product in the United States.

The hearings disclose, without contradiction or doubt, that there is but one concern in the United States that manufactures cyanide, and that concern at the time the war commenced was a German-controlled concern. When the war commenced it was controlled by the German cyanide monopoly, the only manufacturer of cyanide in Germany; and when we were about to go into the war this concern over here had a few extra shares transferred from the German subjects to some of the American-German citizens, so as to keep it out of the hands of the Alien Property Custodian. Notwithstanding that, the former Alien Property Custodian found that the sale was fraudulent, and the present Alien Property Custodian demanded possession of that property on the ground that it was controlled by aliens.

There was a dispute as to the transfer of a small part of this stock. That dispute has been settled by the Alien Property Custodian being represented on the board of directors, so that the concern may run; but the fact remains that there is but one manufacturer of cyanide in this country, and that is the Roessler & Hasslacher Chemical Co. and its subsidiary companies. That is not all. There is but one distributor of German cyanide in this country, and that is the same concern—the Roessler & Hasslacher Chemical Co.

Mr. SHEPPARD. Mr. President, will the Senator tell us where it is located?

Mr. PITTMAN. The Roessler & Hasslacher Chemical Co. has its offices in New York City. Its subsidiary plants are located at Perth Amboy, N. J., and at Niagara Falls, N. Y.

In the testimony of the representative of the Roessler & Hasslacher Chemical Co. we find the direct admission that individuals and corporations in this country other than Roessler & Hasslacher had been refused the right to purchase German cyanide, because, as the admission says, the Roessler & Hasslacher Chemical Co. are the sole and exclusive agents of the German concern in this country.

What is the result? You can not buy cyanide from Germany, because they refer you to their American agent, the Roessler & Hasslacher Chemical Co., and you can not buy it from any other manufacturer in the country because there is no other manufacturer in the country than the Roessler & Hasslacher Chemical Co. There never has been an attempt by anyone before the committee to show that those are not the exact facts. No one will now deny them.

What do you want to do? You have no competition within your country for this product that is absolutely essential to the citrus fruit industry as well as in mining. What do you want to do? You want to prevent any outside competition. That is what you are trying to do.

When did the outside competition arise? Mind you, the outside competition with this company arose only in this year. Up until now there was not any competition. Why? Because, as the testimony in this matter shows, there were only four producers of cyanide in the world that amounted to anything. They were the German concern, the Roessler & Hasslacher Chemical Co. in the United States, one big English concern, and a little bit of a concern in Czechoslovakia which never has amounted to anything. What does the evidence further disclose? It discloses the fact that the English concern and the German concern and the Roessler & Hasslacher Chemical Co. organized a subsidiary company at Niagara Falls and Perth Amboy to make cyanide, and they divided the stock three ways. What does the evidence here further show? It shows that this English concern never has tried to sell cyanide in the United States, and it shows that the German concern never has tried to sell cyanide in South Africa. It discloses absolutely that they divided the world between them as far as this product is concerned.

When this monopoly in the United States came back in their supplemental brief to answer these charges of monopoly they did not attempt to do it except to say, "Our patents have run out." Yes; their original patents ran out, but they have subsidiary patents that are protecting them. What did this agent of the Roessler & Hasslacher Chemical Co. testify to with regard to the efforts of the United States Government to make cyanide? He said they only had a process by a gentleman by the name of Professor Bucher, and his concern knew the process would not work, and it did not work, and the plant which was built in West Virginia shut down because they did not have the right kind of process.

Why did not the United States Government use the process used by the Roessler & Hasslacher Chemical Co. if their patent had run out? They could not use it. While the fundamental, original patents had run out the supplemental patents, which were essential to the carrying out of that process, had not run out, and they know it.

What are the profits of this concern in the United States? I want to read them to the Senate. They run up to as high as 900 per cent per annum. These people are talking about protecting a home industry.

I refer now to the hearings at page 4824. This statement as to the profits comes from the report of the Alien Property Custodian, and if it has ever been denied by the Roessler & Hasslacher Chemical Co. I can not find their denial.

During 1912 it earned 15½ per cent on its capital stock; 18 per cent in 1913; 34.7 per cent in 1914; 60 per cent in 1915; 75.7 per cent in 1916. It paid dividends out of profits to the extent of 16 per cent in 1912; 18 per cent in 1913; 25 per cent in 1914; 50 per cent in 1915; and 50 per cent in 1916.

The Niagara Electric Chemical Co. is a subsidiary of that company, organized solely for the purpose of making one of the essential ingredients of cyanide, and in which the English company and the German company each own a third. During 1912 it earned 852 per cent on its capital stock; 700 per cent during 1913; 894 per cent during 1914; 1,100 per cent during 1915; and 1,162 per cent during 1916. It paid dividends of 850 per cent in 1912; 700 per cent in 1913; 900 per cent in 1914; 1,100 per cent in 1915; and 1,000 per cent in 1916.

The Perth Amboy Chemical Works is another one of its subsidiaries, and we will hear from New Jersey on that subject later. This concern was also organized as a subsidiary company of the Roessler & Hasslacher Co. to exclusively engage in manufacturing cyanides.

Mr. POMERENE. Mr. President, is this one of the industries for which they wanted the benefit of the American valuation plan?

Mr. PITTMAN. This is one of them. I think they asked for 33⅓ per cent ad valorem on the American valuation basis. I will read further. This is the other subsidiary company, the Perth Amboy Chemical Works. It earned during 1913 profits to the amount of 16.5 per cent on its capital stock, 42.9 per cent in 1914, 92.8 per cent in 1915, 90.6 per cent in 1916. It paid dividends of 16 per cent in 1913, 24 per cent in 1914, 75 per cent in 1915, and 100 per cent in 1916. That certainly looks as if that company ought to have some protection.

Mr. HITCHCOCK. Is that an infant industry?

Mr. PITTMAN. It is an infant industry.

Mr. HITCHCOCK. What will it pay when it gets to be an adult?

Mr. PITTMAN. I should say that when that gets to be an adult, under the protection proposed, which protection will exclude the only possible competitor which has arisen, the Cyanamid Co. at Niagara Falls, on the Canadian side, which is made up of American citizens but is operating over there because the water power is a little cheaper, because over there the water power is not monopolized to the extent it is on this side—when this child gets to be an adult, under this protection there is no reason at all why the officers of these companies may not expect to treble the profits in the next three years.

Mr. HITCHCOCK. Instead of getting back their capital every year they will get their capital back every four months.

Mr. PITTMAN. There is no reason why they should not, because they can then charge whatever the citrus fruit growers and the miners of this country can afford to pay.

Mr. POMERENE. Mr. President, what is the tariff rate provided for in the pending bill?

Mr. PITTMAN. Ten per cent ad valorem.

Mr. POMERENE. What amount of revenue would that give to the Government?

Mr. PITTMAN. We will get down to the revenue presently. It would not give any to the Government, because the consumption of cyanide in this country was 15,000,000 pounds in 1914, and the consumption of cyanide in this country at the present time is less than 20,000,000 pounds, and the Roessler & Hasslacher Chemical Co. say that they are now supplying 17,000,000 pounds of that, and that when they are given this duty they will be prepared to supply the whole American demand.

The German monopoly will not attempt to compete, because it is a part of the American concern.

It never has competed with it during the 10 or 15 years the American concern has had the monopoly.

Mr. CALDER. Mr. President, I just came in the Chamber, and I hope the Senator will pardon me for interrupting him, but is not this cyanide used somewhat in the mining of gold?

Mr. PITTMAN. I just stated that it is essential to the economic mining of gold and silver; but that is not all. As a matter of fact, there is more of it used in the protection of the citrous fruits of the country than is used in gold and silver mining.

Mr. CALDER. Does the Senator think that this 10 per cent rate would raise the havoc he has just referred to?

Mr. PITTMAN. It is absolutely certain, for the simple reason that this company can cut prices on the Cyanimid Co. of Niagara, Ontario, until they put them out of business, and when they have put them out of business they can run the price up to anything they please. How can they put them out of business? They are the exclusive agents of the whole German production. There is no question but that Germany can produce cyanide at pretty near half what it costs us to produce it in this country.

Mr. CALDER. Will not that drive out of business the concern to which the Senator is referring?

Mr. PITTMAN. It may drive them out of business, but that concern to-day is meeting that competition to this extent, that it is making its contracts with the miners and citrous fruit growers of this country, and has already entered into contracts with many of them for 25 years, but at a price at which they can not make it if you put this additional tax on them when they come into this country in competition with the Roessler & Hasslacher Chemical Co.

Let us see about the revenue—where we will get the revenue. The Roessler & Hasslacher Chemical Co. are now supplying 17,000,000 out of probably 20,000,000 pounds. There is only 3,000,000 to come in. Is not that right? It can not come in here except through that same concern, because they have a contract as the exclusive agents. As a matter of fact, it is the same concern, exactly the same concern.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. PITTMAN. I yield.

Mr. FRELINGHUYSEN. Where is the location of the American Cyanamid Co.?

Mr. PITTMAN. It is at Niagara Falls, Canada.

Mr. FRELINGHUYSEN. It is a Canadian company, is it not?

Mr. PITTMAN. It is a Maine company.

Mr. FRELINGHUYSEN. Is it not located in Canada?

Mr. PITTMAN. I said that at first.

Mr. FRELINGHUYSEN. Does it not employ Canadian labor?

Mr. PITTMAN. I said that; but it is not controlled by foreigners. It is controlled by citizens of the United States who were forced out of the United States by reason of the power trust in this country. They are paying just as high wages over there as are paid on this side, just the same wages. There is no difference at all between the cost on the other side and that on this side, except that put on artificially by the power trust on this side.

Mr. FRELINGHUYSEN. I presume the Senator knows that the New Jersey industry is American owned, does he not?

Mr. PITTMAN. I know that the New Jersey industry is controlled by the Roessler & Hasslacher Chemical Co.

Mr. FRELINGHUYSEN. It is controlled by American stockholders entirely.

Mr. PITTMAN. If you want to call that concern an American concern, yes.

Mr. FRELINGHUYSEN. I do, if it is controlled by American stockholders who are American born, too.

Mr. PITTMAN. That could be so, but the history of this thing is this, that Roessler and Hasslacher came across to this country from Germany as the agents of the German cyanide concern. They started their concern as the agents of the German company, and the German concern had control of it until a few days before we entered the war. Then the German company transferred just enough stock to these naturalized Americans to put the control in the hands of Americans, and the question now is at issue as to whether that sale was done just for the purpose of concealing the real ownership. The Alien Property Custodian is acting on such contention. But the fact remains that there is not any competition between the German concern and the American concern; not a bit. Whenever it is more profitable to sell the cyanide from the American end of it, they sell it that way; and whenever it is more profitable to sell the German stuff through them as agents, they sell it that way, and the evidence shows it. The evidence shows that they could make 6 cents more a pound by selling some of the German stuff, and therefore instead of making it they took the German stuff and sold it as agents.

Mr. FRELINGHUYSEN. Then the question is, Whether we shall protect an American industry, employing American labor, or shall we put this product on the free list and allow it to be imported, at the expense of American labor?

Mr. SMOOT. By the same people.

Mr. FRELINGHUYSEN. And by the same people.

Mr. PITTMAN. That is the question, I will admit for argument. According to the testimony of the Roessler & Hasslacher Chemical Co. agent, they and their subsidiaries employ 250 men in the cyanide industry. Those are the 250 you are going to protect, and we know there are over 50,000 people directly employed in the industries which are using this stuff. How about that? But competition can not put out of business con-

cerns that make the enormous profits that these companies admit they make.

Mr. FRELINGHUYSEN. That is quite true of any of these articles.

Mr. PITTMAN. We know another thing—at least, the Senator knows it himself—that nearly half of the gold mines of this country are shut down because gold has a fixed price, and the steel, the lumber, the powder, the machinery, the fuel, and everything that they use in getting gold out of a ton of ore has gone up two or three times in price. And when they shut down there are thousands of miners thrown out of work, who are idle to-day. What do you want to do? You want to add 10 per cent of the cost of production in these gold mines, which have no way of passing it onto anybody else, as you can pass on a duty on other things that have no fixed price. They have to pay it and take it out of their profits, if there are any.

It has to be figured as a permanent cost of mining, because they can not add it to the selling price of the gold. You want to throw out of work 20,000 men engaged in mining under the excuse that you are doing the whole thing to help 250 men. You are willing to place a burden on fruit raisers under the excuse that it is necessary to help 250 men. It is the most absurd argument.

Mr. FRELINGHUYSEN. The Senator exaggerates. The 10 per cent ad valorem is a very small added cost to the process. It will not throw that number of men out of employment. Furthermore, he loses sight of another very important factor that in connection with this American industry, manufacturing 15,000,000 pounds of cyanide of potassium, the American manufacturers of caustic soda, if this industry is destroyed, will lose the market for 15,000,000 pounds of that product, because it is a component part. The ammonium manufacturers will have to find a market for 6,000,000 pounds of their product, while 7,000,000 pounds of American-burned charcoal will be lost to its producers. I have letters here protesting against the taking off of this duty and asking that it be made 33 per cent, from the wood products people, who furnish the charcoal products for the manufacture of this cyanide of potassium.

The effect is far-reaching. I think we have to look at this from the standpoint of the entire American industry and not only the standpoint of the users—the mines of the West. Under the Payne-Aldrich law there was a duty of 12½ per cent. It was reduced in conference from 25 per cent to 12½ per cent, and it practically destroyed and did destroy the industry in this country, but during the war it was built up again and it was very necessary from the standpoint of national protection. The product was used and utilized as a war product, and it was built up through this factory with German capital that came here and is now Americanized.

But the question is whether we are going to protect that industry and have an American industry, or whether we are going to give Germany and Canada a monopoly. That is the question. Of course, if the Senator wants that he can move to put the item on the free list, but I think it is an unwise policy. I believe in protecting the American industry.

Mr. PITTMAN. The Senator does not believe in protecting the gold and silver mining industries, in obtaining at a reasonable rate an essential of those industries. He does not believe in protecting the electro factories in this country in obtaining reasonably one of the essentials of their industry. He does not believe in protecting the men who are engaged in certain characters of steel hardening. He does not believe in protecting the fruit growers. In other words, the situation is this——

Mr. FRELINGHUYSEN. Mr. President, I beg to——

Mr. PITTMAN. Just a moment, please. There is but one concern in this country, with its subsidiary, manufacturing this article. Is not that a fact?

Mr. FRELINGHUYSEN. Does the Senator contend that no other concern can manufacture it under proper protection?

Mr. PITTMAN. There was protection on this product until it was taken off in the Underwood-Simmons tariff law of 1913, and during the seven years it was under the high protective tariff of the Payne-Aldrich law no other concern could build up in this country, and never did.

Mr. FRELINGHUYSEN. They never made any of it. The Roessler & Hasslacher Chemical Co. did not make the product. They imported it.

Mr. PITTMAN. But they were supplying cyanide. They did supply cyanide, did they not?

Mr. FRELINGHUYSEN. Yes; they imported it; yes.

Mr. PITTMAN. No; they manufactured it, too.

Mr. FRELINGHUYSEN. I think not.

Mr. PITTMAN. They said that they built up the manufacture of cyanide of potassium under the Payne-Aldrich law.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. CALDER. Will the Senator tell me whether the added cost of the entire production of a ton of ore is increased more than 2 cents by this added duty?

Mr. PITTMAN. Does the Senator know how cyanide works?

Mr. CALDER. No; I do not know; but my information is that it adds about 2 cents to the entire cost of producing a ton of ore.

Mr. PITTMAN. Of course, that is problematical. It is not used exactly in the same amount in the reduction of different ores. It is used in varying quantities, depending upon the material to which it is applied. I think the amount they would probably use in our section of the country—because I do not know about any other section—would probably run at 10 or 15 cents a ton of ore.

Mr. CALDER. My information is that it was less than 2 cents, and that 2 cents a ton would not tend to stop the mining of it.

Mr. PITTMAN. No; it does not always stop the mining of it, but it does do this. First, let us discuss what may stop mining. It would not affect the mining one particle in my section of the mining country, although it would unjustly take thousands of dollars out of the pockets of miners and give it to a monopoly. It would simply add so much taxes to the output, and that is all. The producers could not pass it on in the sale of their gold and silver, because they get only so much for their gold and silver. They do not sell it to somebody else like shoes might be sold. They would have to pay that tax themselves and could not pass it on. It would cost the people in my vicinity $150,000 or $200,000 for the purpose of giving it to the Roessler & Hasslacher Chemical Co.

But in California, on the mother lode, where the ore runs about $6 a ton in gold, every penny counts, every cent means something. The mines sometimes run along for months right on the margin of whether they will pay or not pay, just on the edge. When we start to figure 5 or 10 cents a ton on this item and 5 or 10 cents a ton on that item, the first thing we know we have 50 cents a ton, composed of items neither one of which amount to much but in the aggregate they do, and the mine closes down.

They are now trying to open up the great Comstock lode in Nevada, that great lode which produced $645,000,000. They worked it down until now there are great bodies of ore which run between $5.50 and $7 a ton in silver. It takes a lot of cyanide for silver. There is now a Colorado syndicate undertaking to spend $4,000,000 to put up works for that low-grade ore, and that sum must be expended before they can make a cent. The margin of profit estimated by their engineers on that proposition is about 50 cents a ton. Every cent that is added to the cost here and there is jeopardizing the great industry which is just starting up.

It is not that alone. I am not basing my argument so much on that. I am basing it upon the fact that this duty is not even in keeping with the Republican policy and principles as I understand them. I do not believe there is a Senator on the Republican side who will assert that he would use a protective tariff for the purpose of perpetuating a monopoly in this country.

The agents of the Roessler & Hasslacher Chemical Co. before the Finance Committee complained that the House of Representatives had gone back on the Republican doctrine. They complained that the Republicans in the House had gone back on their protection policy. Why? Because the House almost unanimously refused to grant them any duty on cyanide. The Ways and Means Committee of the House almost unanimously refused to grant them any duty on cyanide. Why? Because the Ways and Means Committee of the House of Representatives and the Members of that body were absolutely convinced from the evidence that this is a monopoly; that there is no competition with it from Germany or from England; and that the only competition at all is a new company, the American Cyanamid Co., with headquarters at Niagara Falls, Ontario, and that it is the purpose and the object of this American monopoly, under the name of the Roessler & Hasslacher Chemical Co., to do everything in their power to exclude this competition.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. PITTMAN. I yield.

Mr. McCUMBER. As the Senator undoubtedly knows, there was considerable difference of opinion in the committee not only as to what duties should be accorded to the product but also as to whether any duty should be imposed upon it. The committee decided on a 10 per cent ad valorem duty.

But the Senator from Nevada has just made a statement which I think perhaps needs some consideration in the deter-

mination of whether or not a duty shall be given. The Senator said that the American company is a monopoly and that practically all the cyanide is manufactured by this monopoly. What the Senator said is true. That is the case. Canada also has but one manufacturing plant, and that is also a monopoly. In Germany, under their cartel system, they have practically a monopoly; all of the little companies are combined into one, which operates under a single head.

Therefore we have a monopoly in Germany, a monopoly in Canada, and a monopoly in the United States. There is no question that if every one of those three was left entirely alone to fix the prices, we would undoubtedly pay rather heavily for our cyanide. There is competition between the Canadian monopoly and the American monopoly, and also some competition between the German cartel or monopoly and the American monopoly.

The Senator will remember that when we got into trouble and needed this cyanide or sodium cyanide very badly, the price went up from about 10 cents, I think, to practically $2 per pound. That shows the situation we would be in whenever we were not producing it in the United States. Is there not some danger that if we do not protect the home industry, even though we have but one manufacturer, as against another manufacturer in Canada and another manufacturer in Germany, and if we put the American entirely out of business, that the other two may easily combine and fix our prices? Is it not best, if we can do it, to maintain an industry in the United States even though it costs on the basis of what may perhaps in the near future be the equivalent of an ad valorem duty of 1½ cents a pound, and if it comes down to 10 cents a pound, the old price, it would be simply 1 cent a pound? I would like to hear the Senator upon that single proposition of whether or not it is not best, even at a little heavier expense, to maintain an American plant in the United States, even though it is a monopoly, as we all agree that it is.

Mr. WILLIS. Mr. President——

Mr. PITTMAN. Let me answer the Senator from North Dakota.

Mr. WILLIS. I want to ask the Senator from North Dakota a question.

Mr. PITTMAN. I prefer to answer the Senator myself and then the Senator from Ohio can ask him a question.

Mr. WILLIS. Very well.

Mr. PITTMAN. The Senator from North Dakota stated several hypothetical questions, one whether it is not a good idea to maintain an industry in this country which demonstrated that it was necessary in case of war. I may answer, in the first place, that the American Cyanamid Co., which is a Maine corporation and which is made up of American citizens and which simply has its works across the river there in Ontario at Niagara Falls, because power is cheaper there, not only was more patriotic and more of an American concern than the Roessler & Hasslacher Chemical Co. during the war, but that the cyanamid company did turn over the entire product of its works in Canada as directed by the various departments of the United States Government, and made such material with that plant as this Government demanded for war purposes.

Mr. McCUMBER. That was because we were in a common cause and united at that time.

Mr. PITTMAN. Undoubtedly. The plant which the Roessler & Hasslacher Chemical Co. is trying to run out of business, mind you, is that chemical company which has its plant across the river from them and which is made up of American citizens.

That is what they are trying to run out of business. They are not trying to run out the German concern. They were sent over here by the German people. They were sent here to organize an agency in this country and they did organize an agency. As I said a moment ago, the Alien Property Custodian reported that at the time we got ready to go into the Great War the control of the stock of this Roessler & Hasslacher Chemical Co. was owned by enemies in Germany, and they still own it, according to the stand of the Alien Property Custodian. The German people, with their majority stockholding in the American company, do not care whether the product which is sold here is manufactured here or manufactured in Germany. They are willing that it shall be manufactured where they can make the most money out of it; and that is but natural. If a duty is placed on it here, and it can be sold to the limit of that duty, they will let it be manufactured here, as they have done in the past. Under the duty of the Payne-Aldrich tariff law before the commodity was put on the free list by the Democratic tariff law in 1913, how much do Senators suppose was then shipped from Germany? Not much, as Senators will see if they examine the statistics. Why? They got the benefit of the duty without paying the duty is the reason, of course. We all know that.

I will answer the Senator directly and say that this duty is not essential at all—and I do not believe he thinks it is—in order to keep the Roessler & Hasslacher Chemical Co. going in this country. I think that the profits of that institution, as shown by the report of the Alien Property Custodian, and as shown in the hearings of the committee, and never denied by the Roessler & Hasslacher Co., prove that they could sell the material for about half what they are now selling it for.

Mr. McCUMBER. Will the Senator from Nevada yield to me for another suggestion on that point?

Mr. PITTMAN. Yes, sir.

Mr. McCUMBER. Of course, the testimony on behalf of the American company taken before the committee shows that they need a rate which is equivalent to 30 per cent.

Mr. PITTMAN. I know that they wanted 33⅓ per cent.

Mr. McCUMBER. But here is a telegram which I received only the other day—of course, it comes from an interested source and due allowance may be made for that—and this is the way it reads:

NEW YORK, N. Y., *April 19, 1922.*

Hon. PORTER J. McCUMBER,
United States Senator, Washington, D. C.:

An American dye manufacturer has just purchased several carloads of Canadian cyanide at a price 5 cents below American cost to manufacture. Why discriminate by protecting one essential industry with an embargo while another is given a paltry 10 per cent? Our original request for 33⅓ per cent should be granted.

THE ROESSLER & HASSLACHER CHEMICAL CO.
P. SAMUEL RIONDY.

If what they state is true, does not the Senator from Nevada think that they ought to have some protection, inasmuch as the other company, having the cheaper power, can manufacture somewhat cheaper?

Now, I agree with the Senator from Nevada in that I want competition; and if the duty which we allow should seriously interfere with honest competition in that commodity, I should not be in favor of it. Their statement, however, is right up to date that the Canadian company are furnishing this commodity at about 5 cents a pound less than their actual cost of production.

Mr. PITTMAN. But there has been submitted to the Committee on Finance no evidence which I have seen to sustain that statement, and I have read all of the evidence. Now, in a telegram sent by an interested party it is stated that a Canadian company is selling the product for 5 cents lower than the American company can possibly manufacture it. I say I do not believe it, and I base the statement upon the evidence taken before the Committee on Finance. The profits which were admittedly made by this concern do not indicate that they were ever running close to the wall when they were selling this product at 21 cents a pound. Even during the World War they never sold it any higher than 30 cents a pound; and during all that time they were making enormous profits—from 50 to 100 per cent on their capital.

If they are held down to the profits to which they are entitled I think their earnings alone will disclose the fact that they can make and sell the product for 10 cents a pound instead of asking 20 cents a pound.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. I yield.

Mr. SMOOT. Mr. President, so far as my State is concerned, of course, the people of Utah are very much interested in getting cyanide just as cheaply as they can possibly get it, and my action has been with a view to bringing that about as nearly, in my judgment, as I thought it could properly be brought about.

The Senator from Nevada speaks of the profits made by this company; but the Senator must know that those profits are not made on cyanide. This company manufactures all sorts of chemical compounds, the manufacture of cyanide is a very small part of their business, and the only reason why I support a 10 per cent duty on cyanide is because I think it is best for every user of cyanide in the United States.

I will state to the Senator frankly why I am of that opinion. The Roessler & Hasslacher Co. are, in my judgment, nothing more than the agents of the German cartel. The cartel has never sold cyanide in this country except through that agency either before the World War or since. That company has the entire agency for all the cyanide which is shipped into this country from Germany.

Mr. PITTMAN. I misunderstood the Senator. I thought he said that they did not have an exclusive agency.

Mr. SMOOT. I said they did have it.

Mr. PITTMAN. Very well. But these subsidiary companies are not engaged in any other business than manufacturing cyanide and its compounds.

Mr. SMOOT. Mr. President, just as surely as we live, this is what is going to happen if we put cyanide upon the free list: So far as the manufacture of cyanide in this country by the Roessler & Hasslacher Co. is concerned, it is going to cease, for they can make greater profits by buying cyanide in Germany and selling it in this country than they can if it is put on the free list, and selling it in competition with Canada.

I am as sure as that I live that that will be what they will do; they will import it into this country, and they tell me that is what they will do under the 10 per cent duty.

Mr. PITTMAN. Of course they will. The only reason they want the 10 per cent duty is to put the Cyanamid Co. out of business.

Mr. SMOOT. They do not want to put themselves out of business if they think they can make cyanide; but if they are going to ship it here from Germany and control the price and destroy the industry in America and kill the industry in Canada—and I rather think they can from the figures shown and the prices submitted—then I want them to pay for bringing it here, because if they destroy the industry in America and if they destroy the industry in Canada they will not only advance the price 10 per cent when that is accomplished, but they will advance it 33⅓ or 40 or 50 or 100 per cent, and we will have to pay that price.

I am perfectly willing to give these people a chance and to say to them, "You shall have an opportunity to manufacture the commodity in this country; but we are not going to give you any more protection than 10 per cent, although we will give you that." If they can produce cyanide in this country as cheaply with the 10 per cent added as it can be produced in Germany, that will allow it then to be made in the United States; otherwise it will be made in Germany and the industry here will not survive. The manufacture of this particular commodity is only a small part of their business. They are making chemicals of all kinds, and during the war they made untold profits, unconscionable profits, which amounted to robbery, if you please; indeed, that is the only way the prices which they charged and obtained may be designated.

Mr. President, I want, if I can, to have competition in this country with Germany and with Canada, and I think the only way we can bring that about and for the domestic industry to live is to provide a 10 per cent duty. If we do not do that, Germany in a very little while will control this market and then our gold miners and our citrus-fruit producers will pay the penalty.

Mr. PITTMAN. The Senator wants to have this concern in operation in case we need them again as we needed them in time of war?

Mr. SMOOT. I want them to operate.

Mr. PITTMAN. And he wants the same bunch of robbers who robbed us before to continue their operations?

Mr. SMOOT. Not at all. They will have to compete with the Canadian manufacturers to the north, because the manager of the Canadian company when he was in my office—I think he was the manager of the company; if not, he was an officer of the company—told me they could make the commodity for less in Canada than it could be made in the United States, and not only that but they have a better process than that employed in the United States by reason of a patent under which they can make cyanide cheaper than it is being made here.

Mr. PITTMAN. Do I understand that the Senator wants to impose a tariff against improved processes?

Mr. SMOOT. Oh, well, Mr. President, that often happens.

Mr. PITTMAN. It does?

Mr. SMOOT. Yes; it often happens.

Mr. PITTMAN. Because manufacturers in foreign countries have better and cheaper processes, the Senator wants to prevent the American people from getting the benefit, not of natural conditions, but of genius and initiative?

Mr. SMOOT. Mr. President, the Canadian producers have a patented process for the manufacture of acetic acid, so that the United States can not compete with them in the making of that commodity. That process, of course, is patented in the United States and in all other countries of the world, and can not be used by us.

Mr. PITTMAN. Therefore we are not going to have the benefit of inventions in Canada, is that it?

Mr. SMOOT. That is exactly it; there can be no question about it at all.

Mr. PITTMAN. I knew that the Senator favored a duty to protect the American producer against cheaper foreign labor, but I did not know that he favored a duty for the purpose of protecting American industry against ingenuity and genius and the more economical production by virtue of such genius. Is that the idea?

Mr. SMOOT. If we are going to maintain the American industry it is necessary to do that; that is the only way it can be done, with the exception of a method which we have tried time and again to have adopted without success, namely, a provision compelling any firm or individual, foreign or resident in the United States, taking out a patent in the United States to use the patented process in the United States. We can not, however, it seems, secure the passage of such a law through Congress.

Mr. PITTMAN. I expect that the next Finance Committee will be holding hearings to determine whether the Canadian is a better business man than the American, and I assume that if the testimony shows that the Canadian is the better business man, the committee will conclude that a duty of 10 per cent should be levied in order to make up the difference in business ability.

Mr. SMOOT. I thought the Senator from Nevada was discussing the matter in a serious vein and from a business point of view. I did not think that he was going into the realm of speculation and discuss something which is so foreign to any thought we on this side have had that we imagined no one would even give any time to its consideration.

Mr. PITTMAN. I have never had as much to do with business concerns as has the Senator from Utah, but I have learned much about them from the hearings. I know that the Roessler & Hasslacher Co. has been silent with regard to the facts bearing upon their costs of production of cyanide. I know that company and its subsidiaries have made enormous profits at the prices for which they were selling cyanide. There is no proof that they require protection, and the circumstances are against them.

Mr. WILLIS. Mr. President, will the Senator permit me to ask the Senator from Utah a question?

Mr. PITTMAN. Yes.

Mr. WILLIS. I am not particularly interested in the merits of different monopolies. The Senator from North Dakota has said, parenthetically, that there is an American monopoly, a monopoly in Canada, and one in Germany. What I want to know is what is there in the nature of this business that will necessarily make this concern a monopoly if we adopt the proposal of a 10 per cent ad valorem duty? Why is it going to be a monopoly in this country? Has this concern the control of a patent? Why can not other concerns enter the business?

Mr. SMOOT. They can, Mr. President; but there is only a limited demand for this article in the United States.

Mr. WILLIS. There is no reason why this duty is going to create or maintain a monopoly in this country.

Mr. SMOOT. There is a monopoly in this country to-day, and there is a monopoly in Canada.

Mr. WILLIS. I understand that, but there is nothing in the duty that will continue a monopoly, necessarily.

Mr. SMOOT. Not at all. Any American citizen or any other citizen has a perfect right to establish an industry for the manufacture of cyanide.

Mr. WILLIS. The Senator from Nevada suggests that the profits ran up to 600 per cent or 900 per cent, and if they are that high there will be a number of concerns entering into it.

Mr. SMOOT. There is an explanation for that. Their profits were not on cyanide. Their profits were more than all the cyanide they made put together, every dollar of it, if it was given to them.

Mr. PITTMAN. Show me that in the hearings.

Mr. SMOOT. I do not know that it is in the hearings, because we did not bring it out in the hearings.

Mr. PITTMAN. Oh, you did not? Why not?

Mr. SMOOT. I did not know it until afterwards.

Mr. PITTMAN. I would rather have the evidence on that subject.

Mr. SMOOT. I know the Senator would.

Mr. PITTMAN. I will say that there is no evidence before the committee to that effect.

Mr. SMOOT. There is evidence before the members of the committee, Mr. President. There is no doubt about it at all.

Mr. PITTMAN. I am not talking about the private conversations between the representatives of the Roessler & Hasslacher Chemical Co. and individual Senators; but I say that in the hearings there is no evidence in support of that statement, and I defy the Senator to point it out.

Mr. POMERENE. Mr. President——

Mr. PITTMAN. I yield to the Senator from Ohio.

Mr. POMERENE. I just want to ask this question: Of course I understand that, generally speaking, when it comes to the framing of a tariff bill so American can do anything in competition with a foreigner. That is the patent fact; but I should like to know what the evidence is which demonstrates that cyanide can be made so much cheaper in these other countries than it can be made in this country, particularly in view of these profits. My knees almost smote together when I heard the Senator from New York say that this company that had been making six or seven or eight or nine hundred per cent might go to the wall in the event that we did not impose this tariff; and I should like to know just what the evidence is as to the cost of production in these other countries as compared with the cost in this country, if there is any. Of course I understand what the claim is, that we can not do anything at all in this country compared with the others.

Mr. SMOOT. No; the Senator should not say that. I get my information as to the process that is used in Canada being superior to that used in the United States from members of our own Tariff Commission. That is where I get my evidence from.

Mr. POMERENE. I should like to know what the evidence is. Here is the assertion. I should like to know the evidence. I should like to know the details of it, if we can get them.

Mr. SMOOT. The only evidence is this: After an investigation by experts of the Tariff Commission, they report that to be a fact.

Mr. JONES of New Mexico. Mr. President——

Mr. PITTMAN. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. As bearing upon this question of the necessity for information——

Mr. POMERENE. We do not need that in making a tariff bill.

Mr. JONES of New Mexico. Apparently it has not been so considered; but a statement has been made here regarding the difference in the cost of production of acetic acid here and in Canada, and the Senator from Utah has referred to that as illustrating the conditions which obtain in the cyanide industry. There is no evidence in the record regarding the cost of either of these products. The Senator from Utah has referred to acetic acid, and, as I say, there was no evidence upon the subject; but I am in receipt of a telegram from the Shawinigan Products Co., of Shawinigan Falls, regarding acetic acid, and here is what it says:

Reference acetic acid, our London office advises Sherwin-Williams offering 80 per cent acid at 30 cents per pound c. i. f. London. Best price we able to make, 42 per pound. Can not explain this except their cost of manufacture less than ours.

There, at least, is a concrete statement.

Mr. SMOOT. Mr. President, that may be one strength of acid and the American product may be another. The Senator knows that he has asked the representatives of the Tariff Commission what the process of manufacturing acetic acid in Canada is, and that is 100 per cent. That is the strength they make it there—100 per cent.

Mr. JONES of New Mexico. Yes; I understand that.

Mr. SMOOT. And we begin with ours about 40 per cent.

Mr. JONES of New Mexico. Yes; lower than that.

Mr. SMOOT. Thirty-two per cent, I think.

Mr. JONES of New Mexico. No; 28 per cent is the lowest I have seen.

Mr. SMOOT. It may be even as low as 28; and then every process from that up, in order to get it into glacial acetic acid, constitutes added cost in the making of it.

Mr. JONES of New Mexico. But the Senator was making all sorts of statements the other day as to why this Shawinigan Falls concern could make any kind of acetic acid cheaper than it could be made in the United States.

Mr. SMOOT. Why, they make only one kind. The Senator from Utah did not make any such statement as that.

Mr. JONES of New Mexico. The Senator from Utah contended that they could put a little water in it and then they would have a lower grade.

Mr. SMOOT. Yes; but the Senator from Utah said that nobody was a big enough fool to do that—to pay freight on water, and reduce the strength of his product, when whoever bought it had to take the water out of it. I knew that even the people up in Canada would not do that, and that is what I said.

Mr. JONES of New Mexico. I just want to observe that the evidence here surrounding all these items is either absolutely unreliable or absolutely lacking. There is nothing in the nature of definite evidence regarding the cost of production of a single item in this schedule or in this bill. Neither committee in the House or in the Senate called anybody before it to ascertain the actual cost of production of any one of these articles either here or anywhere else.

Mr. SMOOT. Did the Senator say that the Canadian people could not make this product for less than 42 cents per pound?

Mr. JONES of New Mexico. That is what this telegram says. They say that the American Sherwin-Williams Co. quote a price of 30 cents per pound c. i. f. London for 80 per cent acetic acid, and this concern wires that it can not sell it there at less than 40 cents.

Mr. SMOOT. Mr. President, I have here the paper issued called Drug and Chemical Markets, giving daily quotations; and in the issue of April 26, 1922, the price of glacial acetic acid by the barrel of 100 pounds is given as 8½ cents. I can buy 100 pounds of it, 100 per cent pure, for 8½ cents a pound.

Mr. McCUMBER. Mr. President, if the Senator will just allow me to make a suggestion, inasmuch as we got through with acetic acid I hope we will not go back every day to this vinegar item. If we continue such a long argument on it, I am afraid that we will pickle the whole tariff bill with this vinegar discussion.

Mr. POMERENE. That would be a good thing.

Mr. McCUMBER. My purpose, however, was to answer the question asked by the Senator from Ohio as to what accounted for the difference in the cost of production on the Canadian side and on the American side. The evidence before the committee is, first, that the use of the hydroelectric power which is used on both sides by the Canadians at one-half the price that the Americans have to pay for their power gives them a very material advantage in the cost; secondly, that the Canadians are not compelled to pay any income tax upon the income derived from the manufacture of this product, as I understand the testimony, which to a certain extent amounts to a bonus for its production. That is the principal difference that accounts for the cheaper production on the Canadian side. They also have a patent on a certain process of manufacture, which gives them a certain advantage. I do not think there is any question but that it costs considerably more on the American side. Whether or not this 10 per cent just exactly measures that difference in cost, I can not say positively, but I think it is very near it.

Mr. POMERENE. As it appealed to me, it seemed to me that there could not be very much difference, either in the cost of the raw materials or in the cost of the labor, between the Canadian plants and the United States plants.

Mr. McCUMBER. I think the cost of the labor is about the same, and undoubtedly the cost of the material is about the same; but the patented process which they have, taken in connection with the fact that their hydroelectric power costs them only about half as much and that they are freed from certain taxes with relation to it gives them a very considerable advantage in the manufacture.

Mr. JONES of New Mexico. Mr. President, I desire to observe that the recent use of the lash by the Senator from North Dakota is hardly in keeping with his general spirit of urbanity and fairness. Moreover, to undertake to use the lash and then prevent anyone from making any reply is certainly beside the usual characteristics of the Senator from North Dakota. I regret that as this discussion proceeds he should step aside from the urbanity and fairness which is usually found in his procedure. I desire to state that the reason why I mentioned acetic acid at all was because the Senator from Utah referred to it; and if the Senator from North Dakota will observe what is going on, he should use his lash at the place where the trouble starts.

Mr. McCUMBER. I will ask the Senator from Utah if he will kindly accept the amendment.

Mr. SMOOT. Yes, I will; and, really, the lash has not hurt me at all. I referred to the patent on acetic acid. I did not refer to the rate on acetic acid, or the price of it.

The Senator from Nevada defied me to produce any testimony here showing the profits of this company—not only the profits of this company in the United States, but its profits in comparison with other companies. I do not want to take the time of the Senator——

Mr. PITTMAN. Oh, I want the Senator to. Go right ahead. If the Senator has found anything there that will enlighten the Senate, let him get it out.

Mr. SMOOT. In answer to the charge that was made here and read by the Senator as to the profits that were made during the war, this is the testimony that was presented to the committee——

Mr. PITTMAN. On what page?

Mr. SMOOT. On page 4847 of the hearings:

The Roessler & Hasslacher Chemical Co. has been in existence since 1889 and the Niagara Electro Chemical Co. since 1895, and each year a part of the earnings of said companies was used in the earlier enlargement and improvement of their manufacturing plants, so that in 1919 the invested assets of said companies were far in excess of the original capitalization.

On April 30, 1919, the combined capital stock authorized and outstanding of the Roessler & Hasslacher Chemical Co. and its subsidiaries amounted to $1,500,000, while the total assets on that date amounted to about $8,000,000, no part of which was represented by licenses, patents, or good will.

The balance sheet of the American Cyanamid Co. as of June 30, 1918, shows the authorized capital stock to be $18,000,000, of which $14,588,500 was issued. The balance sheet of said company as of June 30, 1918, gave the total assets as $17,600,135.97, the two principal items of which are $5,523,129.05 for licenses, patents, and capitalization expenses and $4,865,141.30 investments in subsidiary companies.

The total gross sales of the Roessler & Hasslacher Chemical Co. and its subsidiaries for the four months ending April 30, 1919, aggregated $6,898,038.17, while the total gross income for the same period amounted to $7,093,896.75. The aggregate net income of said three companies for said period was $430,351.87. (From condensed consolidated statement of income and expenditures prepared by the Alien Property Custodian and printed as part of a notice of sale of the German-owned stock of the aforesaid company.)

That is the statement that was made by the Alien Property Custodian.

In order that your committee may draw its own conclusion and make its own comparison of the earnings of the Roessler & Hasslacher Chemical Co. with that of the American Cyanamid Co., we beg to submit the following figures from the report of the president of the American Cyanamid Co. on behalf of the board of directors, dated August, 1919. This report shows that the gross sales of said company for the full year ending June 30, 1918, amounted to $9,194,668.15; that the total gross income for said period was $8,702,276.40; and the net income derived therefrom amounted to $1,661,410.36.

By comparing the foregoing statements it will be seen that on a gross income of approximately $8,700,000 the American Cyanamid Co. had a net income of $1,600,000, while the Roessler & Hasslacher Chemical Co., on a gross income of approximately $7,000,000, had a net income of $430,000 and at a rate of less than one-third of the rate of income of the American Cyanamid Co.

The foregoing figures carry more conviction than all the misleading statements printed or spoken by the American Cyanamid Co. or its representatives.

In view of the fact that the American Cyanamid Co. claims to be patriotically American, we beg to submit for the consideration of your committee the report of its president for the year ending June 30, 1918:

Mr. PITTMAN. Mr. President, what the Senator has offered may satisfy him, and it may satisfy the committee. He has read a statement from the Roessler & Hasslacher Co. stating that in addition to their capital there were a great many other assets which were not included in the capital.

Mr. SMOOT. The gains which have been made from the year 1905 and placed in the business.

Mr. PITTMAN. Undoubtedly.

Mr. SMOOT. The profits of which the Senator was speaking were based on the capital stock, but not the undivided profits, or the profit and loss of the company, which was at that time $8,000,000.

Mr. PITTMAN. Instead of this committee trying to find out, if it occurred to them, the cost of production of a pound of cyanide, they have allowed this company to compare its profits with what they call the American Cyanamid Co., which is its only rival in business and only competitor. I am not interested in knowing which one made the most money, and I am not interested in knowing whether the Roessler & Hasslacher Co. made a little more profit than the Cyanamid Co., or whether the Cyanamid Co. made a little more profit. I am interested in seeing that both of them do not make exorbitant profits, and, as a matter of fact, from the statement read, I am satisfied that both have been making exorbitant profits. I do not think there is any question about it. No doubt the Roessler & Hasslacher Co. has turned its profits into capital so as to defeat the excess-profits tax, but the earnings were reported by our Government and never denied.

Mr. SMOOT. As every other chemical company did during the war.

Mr. PITTMAN. There is no doubt but that when we come to the conclusion that these two concerns have been making exorbitant profits, before we give them any protection to hold up those profits they ought to show just exactly what it costs to make a pound of cyanide. I do not know anything about the cyanide business, but I know you can tell just exactly what it costs a ton to mine gold and silver ore. There is no difficulty about that at all. There would have been no difficulty for these Senators who know so much about business to properly cross-examining the representatives of these two cyanide companies and find out the elements of expense entering into the production of a pound of cyanide; but they have not done it. The Senator from Utah has read a comparative statement, given out by one of the agents of the Roessler & Hasslacher Co., showing that the American Cyanamid Co. made a little more profit than they made. That is the situation. As a matter of fact, it is evident from these hearings that both of these companies have been gouging the American public every time they got a chance to. It is evident there is only one way to bring about competition, and that is to turn these two companies loose on each other, and then we will find out where the profits come from.

There is no doubt at all—and it has been admitted from the very beginning—but that this Roessler & Hasslacher concern is the sole producer of cyanide in this country; that it has the sole agency of the German company; that the English are interested in it and never ship any of the product to this country. It is perfectly evident that there is a combination controlling this industry in the world, and it is not a very big industry at that. It is a tremendous money-making industry, but in the matter of pounds of stuff produced it is almost like diamonds. The total consumption in this country is only 20,000,000 pounds, but the evidence is uncontradicted that this business has been divided up in the world between the English concern, the German concern, and the German-American concern. I do not think anyone doubts that at all.

Mr. SMOOT. The Senator said that he wanted these two companies to get at one another.

Mr. PITTMAN. I do.

Mr. SMOOT. The American company can stop making cyanide and go on with their other chemical industries, and it would leave the German and the Canadian companies monopolizing the business; and as soon as the Canadian company was disposed of, then the German agents would sell the cyanide for whatever they wanted to.

Mr. PITTMAN. While the Cyanamid Co., in my opinion, has a better process—and I only state that from the little I have found in the evidence—while it may get some of its rates a little cheaper, its freight rates are higher. Its freight rates are twice as high, in many instances, as the freight rates paid by the Roessler & Hasslacher Co., because you have to use practically twice as much of the same stuff made by the Cyanamid Co. as of that made by the Roessler & Hasslacher Co. to get the same results. As a matter of fact, there is no evidence whatever to indicate that there is any chance that the Cyanamid Co. will run the Roessler & Hasslacher Co. out of business, and I do not believe there is a Senator here who believes that you could run them out of business, whether you put a tariff on this thing or do not put a tariff on it.

This is the proposition: Some of these Senators have this monopoly operating in their States, and they want to give that monopoly something, and you compromised with them. That is what you did. A number of you Senators who were in favor of putting this product on the free list when they demanded 33⅓ per cent compromised with them on 10 cents, without rhyme or reason, just to help those Senators out and support monopolies in their States which support them in their elections.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. PITTMAN. I yield.

Mr. STERLING. I wish to call attention, if the Senator will permit me, to what I think are the facts in regard to the profits of the Roessler & Hasslacher Co. They are not all derived from one company. There are various companies controlled by the Roessler & Hasslacher Co.

Mr. PITTMAN. There are three.

Mr. STERLING. The company which manufactures the commodity here in issue made a profit of 900 per cent annually for the five years preceding our entrance into the war, according to the statement, in the manufacture of this one particular product.

Mr. SMOOT. Oh, no.

Mr. STERLING. Let me quote from the report of the Alien Property Custodian in that regard.

Mr. SMOOT. They make numerous chemicals at the Perth Amboy Chemical Works.

Mr. STERLING. The Perth Amboy company is a separate and distinct company.

Mr. SMOOT. That is where this product is made.

Mr. STERLING. If the Senator will permit me, I read from the report of the Alien Property Custodian:

The Roessler & Hasslacher Chemical Co. "was a branch of the great Frankfort gold and silver refining company known as the Deutsche Gold & Silber Scheide-Anstalt vormals Roessler, and was organized by Messrs. Roessler and Hasslacher, two old Scheide-Anstalt employees, who came to this country to introduce the goods of the parent house. From the first the German concern and its officers and employees owned about three-fourths of the stock of the American house. * * * In 1895 the Niagara Electro-Chemical Co. was founded to manufacture metallic sodium by means of the electric power available in Niagara Falls. The sodium thus produced was used for the manufacture of cyanide of sodium in this country, a business which immediately became exceedingly profitable. The stock of this company was divided so that one-third of it went to the Scheide-Anstalt, one-third to Roessler & Hasslacher, and one-third to English interests. This company had a capitalization of $100,000, made fabulous profits, and for the five years before our entrance into the war averaged over 900 per cent in dividends annually."

That is the statement. Then he goes on to describe the Perth Amboy Chemical Works, another organization.

Mr. CALDER. Will the Senator tell the Senate who made that statement?

Mr. STERLING. The Alien Property Custodian in his report.

Mr. CALDER. Is that over the signature of the Alien Property Custodian?

Mr. STERLING. I do not see his signature here, but it is in quotations and from his report, which report is published at pages 363 and 364 of the Journal of Industrial and Engineering Chemistry, April 1, 1919, according to a footnote.

Mr. President, if the Senator from Nevada will permit me, I just want to say one word in regard to the combination of those interests. I understand the Senator from Nevada alluded in a general way to the combination. I have here just a little paragraph from a letter which brings this matter pretty nearly up to date. It may have been referred to by some one, but this is a letter from an employee of the Department of Commerce, Mr. Allen G. Goldsmith, Chief of the Western European Division. Writing to the American Cyanamid Co., he said, among other things:

I wish to say that we have endeavored to obtain information on the processes in use here for the production of cyanide, but have been unable to get anything very specific. The production of this product is practically a monopoly in the hands of the Deutsche Gold & Silber Scheide-Anstalt, Frankfurt am Main. This concern is said to control 95 per cent of the grade of cyanide of soda, containing 50 to 51 per cent cyanogen, which is the product most in demand. An inquiry made direct to these manufacturers elicited the reply that any information desired could be gotten from their American representatives, the Roessler & Hasslacher Chemical Co., New York City, 709–717 Sixth Avenue, corner Forty-first Street, box 119, Times Square.

That letter was written March 10, 1922.

Mr. CALDER. Mr. President, will the Senator from Nevada permit me to make a short statement in reply to what the Senator from South Dakota has said?

Mr. PITTMAN. Certainly.

Mr. CALDER. The Senator from South Dakota has read a statement purporting to be part of the report of the Alien Property Custodian. I have in my hand a copy of a letter written January 7, 1922, signed by Thomas W. Miller, Alien Property Custodian. This letter says, in part:

My attention has been called to the statement contained in a brief filed by your opponents—

Referring to this controversy—

purporting to be a quotation from the report of my predecessor, Hon. A. Mitchell Palmer, stating that your company had a capitalization of $100,000, made fabulous profits, and for five years before entrance into the war averaged over 500 per cent in dividends annually. If this statement was made with reference to your corporation, I find it to be absolutely incorrect.

I am advised that the financial affairs of your company were examined by certified public accountants acting in behalf of the Alien Property Custodian, and that their reports show that the dividends earned and paid by your company during the past six years averaged annually about 37½ per cent on the capital of your company, amounting to $1,500,000, and on the basis of its capital and surplus, or invested assets, averaged approximately 12½ per cent per annum for said period.

This letter is signed by Thomas W. Miller, Alien Property Custodian.

Mr. ODDIE. Mr. President, I would like to ask the Senator from New York the date of that letter?

Mr. CALDER. January 7, 1922.

Mr. ODDIE. I ask the Senator if he is not aware of the fact that that letter was withdrawn and another substituted in its place?

Mr. CALDER. No; I have never heard of any other letter.

Mr. ODDIE. I think that is the case.

Mr. CALDER. I would like to have the Senator bring it to the attention of the Senate.

Mr. STERLING. Mr. President, the Senator from Nevada corroborates what I have heard, namely, that the present Alien Property Custodian would have qualified some of the statements he made in that letter.

Mr. CALDER. But I have presented a statement over his own signature.

Mr. PITTMAN. I think he ought to be given a chance to withdraw it anyhow. It is not based on the facts, and I know that he made a mistake, because he is a nice fellow. Mr. Miller failed to speak about the enormous profits of the subsidiary companies which are exclusively engaged in the cyanide business. I do not think anyone raises any question that the Roessler & Hasslacher Chemical Co. are the exclusive agents of the German cyanide manufacturers. I do not think anyone raises that question. In the hearings they admitted that fact. I do not think anyone denies at all that they were sent over here by the German monopoly to establish this business for them and that they actually controlled the whole business up until the time we went into the war. No one denies that and no one denies that the Alien Property Custodian has said that they fraudulently transferred a few shares of stock to the American end of it for the purpose of escaping control by the Alien Property Custodian. Nobody denies that.

Now we are coming down to what is denied. Nobody denies that this is one concern of the kind in the United States that manufactures cyanide. Nobody denies that the cyanide we had in this country, before the Cyanamid Co. was established at Niagara Falls in 1917, came from two sources—either from the German monopoly through the Roessler & Hasslacher Chemical Co. or directly from the Roessler & Hasslacher Chemical Co. In other words, nobody denies that until the Cyanamid Co. came into existence there was but one source of supply in this country, and that was that one German concern and a concern in this country which it controlled. That situation has not changed a particle.

The representatives of the Roessler & Hasslacher Chemical Co. were at the hearings all the time. They heard Mr. Hammitt, representative of the American Cyanamid Co., testify. They broke into his testimony two or three times. They heard him testify as to the distribution of the world business by the English company, the German company, and the German-American company. He did not deny it. He came in and filed a supplemental brief afterwards, and there is no denial in that.

The only fact in dispute in the whole matter is that they say they have to have 33⅓ per cent to exist in this country and that if they do not get it they will be run out of existence by the American Cyanamid Co. No one believed that, or the committee would have given them 33⅓ per cent under this statement. May I ask the Senator from Utah why they do not believe it? On what did he base his figures that 10 per cent ad valorem would save them when they said it would take 33⅓ per cent to save them?

Mr. SMOOT. So far as my figures are concerned they were based on statements made to me by one of the officials of the American Cyanamid Co.

Mr. PITTMAN. What were those figures?

Mr. SMOOT. On the basis that the water power alone made that amount of difference—10 per cent. That is the statement which convinced me, and even that was not sufficient fully so far as I was concerned, but I want this 10 per cent because I do not want Germany absolutely to drive out of existence the industry in the United States and then kill the Canadian people, and then charge us double the amount for the cyanide which we must have.

Mr. PITTMAN. Which would this come the nearest to killing?

Mr. SMOOT. It would come the nearest to killing the American company first.

Mr. PITTMAN. All right. Now, if we put 10 per cent ad valorem against the foreign import, which does it affect most, the Canadian company or the German company?

Mr. SMOOT. Of course, I think myself, speaking offhand, that the German company can sell cheaper than the Canadian company, although the Canadian company has even a better process of manufacturing it than Germany has to-day. Canada now manufactures it from calcium carbide. Germany and America we know manufacture it from metallic sodium. The Senator knows that the preparation to manufacture the metallic sodium is a very difficult problem. We were forced into this proposition. So far as competition between the two is concerned, there is no doubt that Canada could drive us out of business here and I am fearful that Germany in the end will drive Canada out. If they do, may the Lord help the people who have to buy from the one concern that would be represented in the United States, the German manufacturers.

Mr. PITTMAN. The price of labor is lower in Germany than in Canada. The exchange makes a difference, too. There is no doubt that Germany can manufacture cyanide or pretty nearly anything else much cheaper than we can in this country or in Canada. There is no difference in the cost of manufacture in Canada and the United States except the difference in the cost of power. So far as labor and materials are concerned they are the same. The expense of transportation of the Canadian product is twice as great as the American product.

The Senator from Utah is so uneasy for fear the Germans will come in here that he has proposed to put a 10 per cent ad valorem duty on the product. I ask him whether that would tend to keep out the Canadian or the German. He knows that if it keeps out either one it will keep out the Canadian and will not keep out the German. That is what he knows, and so do the Roessler & Hasslacher Chemical Co. know the same thing.

Mr. SMOOT. I know another thing, too, I will say to the Senator.

Mr. PITTMAN. They do not care whether we keep the Germans out or not. Does the Senator think so? Not at all, when they own both institutions.

Mr. SMOOT. That is what I said. I am trying to protect the user of cyanide in the United States from just such a condition. The only way to do it, in my opinion, is to put a low rate of 10 per cent upon it, and I do not know whether even that will do it. If the testimony from the Roessler & Hasslacher Chemical Co. representatives is to be believed, it will not do it. But we are going to take a chance, or the committee has decided to take the chance, that it will do it.

If the manufacture of this product in the United States is destroyed and if we then have Canada and Germany fighting it out, the result in the end will be that Germany will win, and then Germany will make us pay dearly for all that she has lost in driving the Canadian product out.

I could go on and tell the Senator of other items here as to which in the past Germany has done the same thing and in exactly the same way. Take oxalic acid. I suppose the Senator from Alabama [Mr. UNDERWOOD] knows the history of that very well indeed. There are other chemicals I might mention, but I will not take the time now. When we reach them, I may do so.

Mr. POMERENE. Mr. President, with the permission of the Senator from Nevada I want to ask the Senator from Utah a question. The Senator from North Dakota [Mr. MCCUMBER] has indicated that between Canada and the United States there was a difference in the cost of production of cyanide due largely to the difference in the cost of power. This is my question: When the committee fixed this rate of duty were they trying to cover the differential in cost between the United States and Canada or between the United States and Germany?

Mr. SMOOT. Between the United States and Canada. I will say there is one other item which has not been mentioned here to-day that I know of, but there is no doubt that the raw material is right at hand in Canada and it costs less there than it does here and they admit it.

I wish to say to the Senator from Ohio that I am fearful that the 10 per cent ad valorem duty is not going to protect the industry, but it will give these people who are manufacturing it in this country at least a 10 per cent advantage. If they can ever hold their own as against Germany they would rather take that than to have nothing. Just as soon as they can import their product into this country and make more money I know the agents of Germany will import it. There is no doubt about that at all, but if we are going to import under these conditions the Treasury of the United States ought to have the benefit of the 10 per cent.

Mr. ODDIE. Mr. President, I would like to ask the Senator from Utah if any evidence was presented before the committee showing the prices at which the Roessler & Hasslacher Chemical Co. buy power on this side?

Mr. SMOOT. No; I do not remember the exact price, but everybody admitted it was cheaper in Canada than in this country.

Mr. ODDIE. That is, cheaper in Canada than it is as a rule in this country, but has the Roessler & Hasslacher Chemical Co. a special rate covering a long term of years?

Mr. SMOOT. Even the American Cyanamid Co. admitted that their power was cheaper in Canada than in this country, but, of course, there is only one company that manufactures it in the United States; so this statement must be applied to that company.

Mr. ODDIE. Did they state that it was cheaper than the general going price in this country or cheaper than the price which the Roessler & Hasslacher Chemical Co. get?

Mr. SMOOT. The Roessler & Hasslacher price, because they were competing with one another.

Mr. PITTMAN. The 10 per cent duty is not going to affect the introduction of the German product if the Germans at both ends of the line want it to come in. It never has affected it. They imported 5,000,000 pounds of it last year. This same Roessler & Hasslacher Chemical Co. imported 5,000,000 pounds last year, but they did not sell it at any less because they got it for less.

Mr. SMOOT. I do not know as to that, because the price kept dropping all the time.

Mr. PITTMAN. Oh, no. The Senator means the price since the war has dropped, perhaps. Of course, the same concern made 6 cents more by importing it than they did by manufacturing it.

Mr. SMOOT. This is what the Tariff Commission had to say about it. They say that in 1918 there was imported 30,279 pounds, of a value of $12,615, and a unit value of 18 cents. In 1920 they imported 7,590,495 pounds, of a value of $1,091,443, and a unit value of 14 cents.

Then for the nine months of 1921, up to the time the hearings were begun, which was all the report we could get at that time, they imported 6,080,406 pounds, at a value of only $639,000, or a unit value of 10 cents.

Mr. PITTMAN. But who imported that? The Senator knows who imported it.

Mr. SMOOT. No; I could not say, because a great deal of it came from Canada.

Mr. PITTMAN. No. I mean the importation from Germany.

Mr. SMOOT. No; I did not say from Germany. I said those were the total importations. Those were from Canada and from Germany. There is no doubt that imports were coming from Germany, because I agree with the Senator and we all agree that the product handled in this country is handled by the German concern. There is no doubt about that.

Mr. PITTMAN. Very well. What was the price in the United States at the same time there was a price of 10 cents for the imported article?

Mr. SMOOT. In 1921?

Mr. PITTMAN. Yes.

Mr. SMOOT. I think it was 18 cents, as is shown by the testimony.

Mr. PITTMAN. I think it was 21.23 cents.

Mr. SMOOT. I have not looked it up in the testimony, but it was selling around 18 or 20 cents a pound.

Mr. PITTMAN. I am just stating what happened. They imported cyanide from their German parent, affiliated with their own company, on the basis of 10 cents a pound, and they sold it to the American public on the basis of 21.23 cents a pound.

Mr. SMOOT. And if they had had complete control of the market, unless they could make just as much profit by manufacturing it in this country, they would have charged an even higher price. That is what would have happened.

Mr. PITTMAN. They never came down a cent during all the years those relations existed between the German concern and the German-American concern until what? Mind you, now they are complaining that the American Cyanamid Co. is reducing the price by 5 cents a pound, down to 15 cents.

Mr. SMOOT. I shall not complain if they reduce it to 10 cents a pound, if they can.

Mr. PITTMAN. And they will meet that price. In 1914, when we finally placed cyanide on the free list under the Underwood-Simmons law—the House put it on the dutiable list, but the Senate put it on the free list and it stayed there—then the price came down.

Mr. SMOOT. No; I think the price at that time was even higher.

Mr. PITTMAN. No.

Mr. SMOOT. I will see what is shown from the statistics. In 1908 the price was 18 cents; in 1909 in was 18 cents; in 1910 it was 18 cents and also 17½ cents; in 1911 it was 17 cents; in 1912 it was 17 cents; in 1913, up to the time of the World War, it was 17 cents.

Mr. PITTMAN. What was the price in 1914?

Mr. SMOOT. In 1914 the price was 14½ cents. In 1915 it went up to 16 cents. Then during the war, of course, it went out of sight.

Mr. PITTMAN. Now, here is what was said by them about putting it onto the free list; here is their testimony given then. This is what the agent of the Roessler & Hasslacher Chemical Co. said:

The drop in the price of cyanide in 1914 was the result of the removal of the duty under the Underwood Tariff Act.

I remember the circumstances attending that action very well, and I think the Senator from Utah also remembers them. The bill came here from the other House carrying a duty on this article, just as it does now, but the Finance Committee took it off. Then the bill went into conference; old man Hasslacher came down here, and in conference the duty was restored. Then some one went down and got it off again, as the Senator from Utah will remember.

What I am getting at is this: The price dropped down to 14 cents a pound when the duty was removed, and yet the manufacturers made a good living out of it. When they were selling it at 14 cents per pound the record shows that they were making a tremendous profit. The record also discloses the fact that when they were getting cyanide from Germany at 10 cents a pound they were selling it to the American people at 21 cents a pound. The only thing that has ever tended to bring the price down is the Cyanamid Co., the American company doing business on the other side of Niagara Falls, and when it put the

price down 5 cents a pound, which brought it down to 16 cents, 2 cents above what it was in 1914. Roessler & Hasslacher claimed that they would be put out of business, just as they claimed it would put them out of business if we put the article on the free list in 1914. However, we did put it on the free list, but they still made a tremendous profit.

Why on earth is it that Senators will stand here and take the word of these interested money grabbers, these robbers, as the Senator from Utah awhile ago called them?

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. PITTMAN. I yield to the Senator.

Mr. McCUMBER. If I correctly understood the Senator from Nevada, I think he made a statement which is hardly borne out by the record. If I understood him rightly, he said that this company purchased this article at 7 cents per pound and sold it for 21 cents?

Mr. PITTMAN. No; I said they purchased it at 10 cents a pound.

Mr. McCUMBER. The testimony shows in reference to these importations—and those are the late figures—that the price was 14.3 cents, what it cost them from Germany, and that it was sold for 21 cents here as against that 14.3 cents, the German price. It was on that difference between 14.3 cents and 21 cents that they based their claim for the 33⅓ per cent ad valorem duty.

While I am on my feet I wish to make another suggestion.

Mr. PITTMAN. Before the Senator from North Dakota leaves that branch of the subject, I desire to say that I was taking, entirely, what was read from the Tariff Board report.

Mr. McCUMBER. What I stated was the testimony before the Finance Committee.

Mr. PITTMAN. I was merely taking what the Senator from Utah read from the report of the Tariff Board.

Mr. SMOOT. I will say to the Senator that what I gave was the invoice price in Germany at the factory where the article was made.

Mr. PITTMAN. That was the selling price in Germany, f. o. b.

Mr. McCUMBER. The Senator from Nevada asked a question which I think was very pertinent, and that was this: By providing a duty of only 10 per cent ad valorem will we not, if we allow the German manufacturers still to undersell, put the Canadians out of business? I think that would be absolutely true if they were going to sell as cheaply as they could sell; but there is a general error in supposing that because the German manufacturer can manufacture and sell for a third or a quarter less than the American manufacturer can, he thereby will necessarily put the American manufacturer out of business. I do not think he will do it, even though I think the German manufacturer has the power to do it, for this reason: Germany wants gold; she wants all the gold she can get; she wants just as big a profit as she can get; but even if she can produce at 7 or 8 or 9 or 10 cents a pound, and even though she could sell the article in the American market at such a price that she could drive out the American manufacturer in time, what she wants now is the very best possible price that she can get, and she is selling very closely up to the American price.

In the case of some imported articles, as has been suggested, she is even selling higher. At any rate, she is selling for all she can get; and I do not think that the American industry is going to be put out of business immediately by any German concern, even though the duty were so low that it would be in Germany's power to do so. However, we fixed the duty at such rate as we thought would enable the Canadian product to come in, so that there would be fair competition between the Canadian product, the German product, and the American product.

Mr. PITTMAN. There are two phases of this question that interest me. One of them is as to whether or not there will be driven out the only competitor the American company has, and the other is how much the American people will be taxed to protect the company here. So far I have very largely been discussing the question from the standpoint of the effect it will have on competition, but there are other phases of it. I do not know whether or not it is going to drive the cyanamid company out of business. We only have the word of the cyanamid company for that, and it says it will drive them out of business. We only have the word of this other interested company as to how much it costs them to make this commodity. I would not, if I had been on the committee, have taken the word of either one of them, because they are both interested parties.

Mr. McCUMBER. I think the committee made due allowance for exaggerated statements by either or both.

Mr. PITTMAN. Yes; I think the committee did exactly as a jury does when it does not know anything about a subject—it guesses at it and splits the difference.

Mr. SMOOT. How has the Senator found out the cost of production?

Mr. PITTMAN. I have not found out the cost.

Mr. SMOOT. And nobody else can find out the cost except by an examination of their books; and that would be no better, so far as that is concerned, than the evidence which they have given.

Mr. PITTMAN. There is not any question but that an auditor, if put to work, could discover what it costs them to produce the commodity.

Mr. SMOOT. The Senator knows if that had been done in the case of every item in this bill we would not have had a tariff bill for the next 10 years.

Mr. PITTMAN. I want to tell the Senator that I would not make a present to any monopoly in this country, an admitted monopoly, which, during the war, in view of the prices charged, was a robber, as the Senator himself has said, without having evidence to show that it was essential to give them a duty.

Mr. SMOOT. Mr. President, nobody is giving them anything at all; they are not getting what they asked for; they are not getting what they claim they require.

I am not giving anything to them at all; I am advocating a duty in behalf of the man who purchases cyanide in order to give him a chance to enjoy the benefits of competition hereafter, because unless there shall be competition he will pay very dearly for the commodity.

Mr. PITTMAN. I will tell the Senator what he is doing, and he knows it. He is taking money right out of the pocket of every gold and silver miner in his State and handing it over to the Roessler & Hasslacher Chemical Co.; that is what he is doing.

Mr. SMOOT. The Senator is mistaken. I think that every gold producer in my State who uses cyanide, if there was not competition, would pay not 10 per cent but 50 per cent and very likely 100 per cent more for the product if it was shipped into this country and controlled absolutely by Germany.

Mr. PITTMAN. And back in 1913, when the same scare about destroying the American industry was brought forth, and we put cyanide on the free list, every producer of gold and silver in the Senator's State was in favor of it, and that action reduced the price of cyanide to them about 4 cents a pound. It saved his State and it saved my State hundreds of thousands of dollars during the little time the provision was effective, as the Senator remembers very well.

Mr. WADSWORTH. Mr. President, will the Senator yield for a question right at that point?

Mr. PITTMAN. I will; yes.

Mr. WADSWORTH. What was the result of that in 1916 and 1917 and 1918?

Mr. PITTMAN. In 1916, 1917, and 1918, when the war was in progress, the result was that the cyanamid company, the corporation which the other company is now trying to drive out of business, was furnishing its share of the commodity.

Mr. WADSWORTH. I had reference to prices.

Mr. PITTMAN. Prices at that time went out of sight on cyanide, as on everything else.

Mr. WADSWORTH. Not the same as on everything else.

Mr. PITTMAN. They went out of sight.

Mr. WADSWORTH. Of course, they went out of sight because we had no production at all; we had been entirely dependent upon Germany.

Mr. PITTMAN. We had not been entirely dependent upon Germany.

Mr. WADSWORTH. We had been almost dependent upon Germany.

Mr. PITTMAN. Oh, no; we had not been entirely dependent upon Germany.

Mr. WADSWORTH. Well, on Canada and Germany, then.

Mr. PITTMAN. Canada did not produce any at that time.

Mr. WADSWORTH. How much did we produce of the amount that we consumed during the war?

Mr. PITTMAN. Canada did not commence to produce any cyanide, to speak of, until 1917.

Mr. WADSWORTH. The Senator quotes the historical fact that the price was reduced to the consumer of cyanide as the result of putting it on the free list.

Mr. PITTMAN. It was.

Mr. WADSWORTH. That makes a very rosy picture until something happens when one can not get cyanide from a foreign country, and then the consumer pays through the nose.

Mr. PITTMAN. I understand what the Senator means, but the articles produced by many industries at home went up just as high or higher. It was not because we could not get them from abroad so much as that the demand for them increased, and profiteers everywhere took advantage of that condition.

Mr. WADSWORTH. Does not the Senator think that shutting off the supply from abroad was the major factor in increasing the price during the war?

Mr. PITTMAN. The increased demand at home for the Army was the principal factor.

Mr. WADSWORTH. Was it not because of the shutting off of the supply?

Mr. PITTMAN. The reason was that the Government entered the market to buy quickly and in large quantities commodities which in ordinary course the public would have taken years to buy. We can not cite war conditions at all as governing any of these things, but there is no doubt about the fact that when the war commenced about 50 per cent of the normal demand in this country was supplied by this concern through its factories; about 7,500,000 pounds were supplied by the factories of the Roessler & Hasslacher Co. The remainder was imported from Germany through them as agents. They were the sole distributors of it. We had that much of a supply. At the same time a small quantity came here from Canada. It was negligible, however, and did not amount to a great deal, consisting chiefly of high-grade potassium salts used in chemical experiments rather than for industrial purposes. Now, however, they have built up their plant, so they say, during the war until they practically can supply the demand of the United States with cyanide for all purposes.

The question is its cost to the people. Senators who favor the duty on this commodity think that it is necessary to pay them a little more rather than have them driven out of business, on the theory that if they were driven out of business by the cyanamid company, the cyanamid company would have a monopoly and would put up the price.

That is a theory which has reason back of it; but the trouble with the situation is that the committee are allowing them to raise it 10 per cent in value to keep them from being run out of business without knowing that that is necessary. They have not any evidence of it.

Mr. WADSWORTH. Mr. President, does the Senator know that it is unnecessary?

Mr. PITTMAN. No; I do not know that it is unnecessary; but I say that I would not give a monopoly a bunch of money when no necessity for it is shown, especially when it has to be taken out of the pockets of the American people.

Mr. SMOOT. The 10 per cent that is collected will go into the Treasury of the United States.

Mr. PITTMAN. It may if there are any importations; but there will not be any importations, because these people will supply the demand here. You say you are trying to keep the German product out.

Mr. SMOOT. Then, if that is the case, Canada will furnish it, and we want to keep the Canadian production alive.

Mr. PITTMAN. But suppose you kill the Canadian production.

Mr. SMOOT. We are not killing the Canadian production with the 10 per cent, because there is not any question but that it can be produced in Canada at 10 per cent less than it can be produced in this country—no doubt of it at all.

Mr. PITTMAN. There is no evidence of that fact. The trouble about the Senator is that he is constantly making assertions that "there is no doubt about" this or that.

Mr. SMOOT. The Senator from Utah has not made any assertion but that he has proven it in every case by the Tariff Commission.

Mr. PITTMAN. I do not see where the Senator has proven anything.

Mr. SMOOT. Then, if I have not, what is the use of talking to the Senator? Let him go on and get through with his speech.

Mr. PITTMAN. I will do so, too.

Mr. ODDIE. Mr. President, may I ask the Senator's leave to suggest that there may be an error in the report of the Tariff Commission as to the amount of cyanide imported from Canada and from Germany? I think the Senator will find, if he will investigate it, that there is an error.

Mr. PITTMAN. No cyanide at all was imported from Canada prior to 1917.

Mr. SMOOT. Not at all; not a pound of it.

Mr. PITTMAN. All of it that was imported came from this same German concern and went through this same German-American concern here—absolutely all of it—and there was not any competition, and the price was fixed by the Roessler & Hasslacher Co. They fixed the price entirely; and if they can do away with the American Cyanamid Co. they will again fix the price, because there will be no other competition. They will have the same power to fix the price that they had before; but, without regard to whether it will drive the American Cyanamid Co. out of business or not, the fact remains that you have not shown any satisfactory evidence that this 10 per cent ad valorem tax is essential to maintaining the existence of the American company, and the fact remains that one-third of this tax is coming out of the gold and silver miners of the country, and those gold and silver miners are in a peculiar position.

They have a fixed price for their product. They can not pass that on to the public, like the manufacturer of shoes can or like the manufacturer of any other article can. They can not pass it on to the public even like the raisers of wheat can. It goes as a tax against them and stays there. The gold and silver industries of this country have suffered more by reason of war conditions than any other industry. They are practically the only industries that instead of making money during the war have lost money. Their gold and their silver had a fixed price, while the steel and the powder and the labor and the lumber and everything that they used they have bought at war prices. Now, you propose to levy a direct tax of 10 per cent ad valorem on this production and take it out of their pockets and give it over to a monopoly—an admitted monopoly—for fear that something may happen to this poor old monopoly that is making only 40 or 50 per cent on its investment!

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. PITTMAN. I yield.

Mr. FRELINGHUYSEN. Has the Senator any figures as to the approximate increase in cost per ton of ore that 10 per cent ad valorem will impose on the mining industry?

Mr. PITTMAN. I answered that question awhile ago to the Senator from New York.

Mr. FRELINGHUYSEN. I am very sorry. I was out of the Chamber.

Mr. PITTMAN. I do not mean to say that I object to the question; but the amount of cyanide that is used in the reduction of the gold and silver in a ton of ore depends upon the character of the metal. A chemical reaction takes place, and the more metal you have to handle the more cyanogen you have to have. Cyanogen is the active reducing agent of cyanide. Cyanide is just cyanogen mixed up with salt in the proper way. It would vary, we might say, from 3 or 4 cents to 15 cents a ton. I am just making a rough guess at it. I have not estimated it, and I do not think anyone has.

Mr. FRELINGHUYSEN. Does the Senator consider that that is a great tax, a great imposition on the mining industry?

Mr. PITTMAN. Yes; I do, and I will tell the Senator why. As I stated before, there are a great many gold mines where the margin of profit is only a few cents. There are some that have been working at a slight loss right along because probably it would be more expensive to start up again after a shutdown than it would be to stand the loss for a while, and therefore they are running at a slight loss. There are probably seven or eight hundred mines in California and Oregon and places of that kind that are closed down and that would run if there were 30 or 40 cents a ton change in conditions. There is a $4,000,000 project now out on the Comstock lode where the margin is only about 50 cents a ton, and when you add 10 cents a ton here and 10 cents a ton there you are soon gone.

Mr. STERLING. Mr. President, will the Senator from Nevada yield in order that I may give to the Senator from New Jersey some figures from the standpoint of the Homestake Mining Co., of Lead, S. Dak.?

Mr. PITTMAN. I yield.

Mr. STERLING. They say:

> Under normal conditions we mill and treat metallurgically with the aid of cyanide something over 4,000 tons of ore per day. Our consumption of cyanide is about 0.2 pound per ton of ore treated, or approximately 175 tons of sodium cyanide per annum. The proposed duty adds about 1.6 cents per ton to our costs, or $25,000 per year in round numbers.

Mr. PITTMAN. That was when the proposition was to add 33⅓ per cent.

Mr. FRELINGHUYSEN. One and six-tenths cents?

Mr. STERLING. One and six-tenths cents per ton, according to this, or $25,000 a year.

Mr. SMOOT. But, Mr. President, that was on the basis of 33⅓ per cent.

Mr. STERLING. That is what I say; it was on the basis of 33⅓ per cent.

Mr. SMOOT. So it will be a little less than half a cent a ton,

Mr. STERLING. It will amount to about $8,000 a year to that one company, whereas I think there ought not to be a cent additional on account of any tariff.

Mr. FRELINGHUYSEN. Mr. President, if the Senator will bear with me farther, I do not think there is any need of very extended debate upon this question. I think it is simply a question as to whether we are going to protect the industry in this country or turn it back to Germany and Czechoslovakia. That is the situation. This plant is in my State, and I happen to know, and I say on my honor that there is no question of its loyalty. I understand the question has been raised on this floor.

Mr. PITTMAN. Yes; it is raised.

Mr. FRELINGHUYSEN. The whole city of Perth Amboy, where this plant is located, knows of it, and knows of the number of employees employed there; and it is not 250, as the Senator stated, but over 500 in this particular department where they manufacture potassium cyanide.

I have here, from the industries of my State who use their product, letters asking that this plant be protected, because if it is not protected it means that as far as the manufacture of potassium cyanide is concerned they must abolish it, and it will go back to Germany and be imported here, and this country will be at the mercy of the German importers. That is the fact; and not only that, but there are over 15,000,000 pounds of caustic soda used in its manufacture, and we use 20,000,000 pounds of cyanide of potassium each year in our various industries. It is not used by the miners only or the citrus fruit industries only, but it is used in metallurgical work; it is used in all of the development of the jewelry industry; and it affects not only this one plant, but it affects the charcoal plants, it affects the ammonia plants, and I venture to say that it affects more employees than the few miners that the Senator is attempting to defend.

It is a question of principle. We could not manufacture enough cyanide of potassium in this country when the war broke out. We were importing 9,000,000 pounds. We were manufacturing 10,000,000 pounds here. This plant increased its capacity and took care of our war needs and utilized American raw materials, employing American labor; and that industry is here. It is necessary for war needs and war purposes should we go to war again. Now, the question is whether this moderate 10 per cent ad valorem tariff to protect this industry shall be imposed by Congress, or whether we are going to turn this business over to Czechoslovakia and Germany and Canada? That is the question.

Mr. PITTMAN. Mr. President, the agents of the Roessler & Hasslacher Chemical Co. before the Ways and Means Committee stated that there were 250 men employed in this cyanide industry. I assume that they did not testify against their own interest. That is the testimony in the hearings before the House Committee.

Mr. FRELINGHUYSEN. I did not hear the Senator.

Mr. PITTMAN. I say that the agents of the Roessler & Hasslacher Chemical Co. before the Ways and Means Committee of the House, as shown in the hearings, testified that there were 250 men employed in the production of cyanide in this country. I simply accepted that statement.

Mr. FRELINGHUYSEN. I understand that that was so at that time; but I also understand, from the information I get from the Board of Trade of Perth Amboy, that it was increased to 750.

Mr. PITTMAN. In fact, practically all of the facts that I have asserted here to-day have been taken from the testimony of those seeking this bonus in the form of a duty—nearly all of them—and I have failed to find anywhere any evidence backing up the fears of the Senator from New Jersey and the Senator from Utah that this Roessler & Hasslacher Chemical Co. will be driven out of business unless they are granted a duty of 10 per cent ad valorem on cyanide.

I do know this, that the profits of those institutions, the profits of the Roessler & Hasslacher Co. and its subsidiaries indicate clearly that this company and its subsidiaries have made enormous profits out of cyanide at its present price. If they could make enormous profits selling cyanide at the price which they have been selling it, they could sell it a lot cheaper and make a reasonable profit.

There is no evidence to justify the granting of any duty on this article, and the House Ways and Means Committee said in their action that there was no need for this. They gave as much hearing to this as did the Finance Committee of the Senate. The Committee on Ways and Means is composed of men who believe in just as high protective rates as do the members of the Finance Committee. You know that the Ways and Means Committee of the House would have granted them a duty on this if they did not believe that the evidence did not justify it. You know that the House of Representatives, constituted as it is, overwhelmingly of protectionist Republicans, would have granted them a duty on this had there been any excuse to grant them a duty on it.

You know that the Ways and Means Committee of the House, which heard testimony on this at length, and the House of Representatives, found that this was a grasping monopoly which robbed the people of this country during the war, as was said by the Senator from Utah, and is coming in here now, with its German connections, the same as the other was, seeking to have the Congress of the United States take money out of the pockets of the miners and out of the pockets of the citrous-fruit growers of the West and give it to this concern as a bonus. That is all there is to this whole proposition.

Mr. McCUMBER. Before the Senator from Massachusetts moves an executive session, I ask unanimous consent that when the Senate closes its session this calendar day it shall recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ODDIE. Mr. President, just a word before closing, as it is late. I merely want to say that I offered an amendment on April 18 providing for free cyanide. I am heartily in favor of protecting the gold-mining industry and am going into this matter in detail before the vote is taken, not alone from the standpoint from which it has been discussed this afternoon but from that of the world production and the world's need for gold. We in this country are like an ostrich with its head buried in the sand. We do not realize what is going on about us. Because of our surplus of gold we fail to see the real world need and hunger for gold. Before the next year has closed we will have to do something to protect the gold-mining industry and increase the production of gold. It has suffered as no industry has since the war, and I shall discuss the subject from the standpoint of the need for an increased production of gold as well as from the unjust burden being imposed on this industry.

Mr. FRELINGHUYSEN. Mr. President, in reply to the statement of the Senator from Nevada [Mr. PITTMAN] that extortionate prices had been charged for potassium cyanide and sodium cyanide, I wish to insert in the RECORD at this point a table of prices, based upon the prices of sodium cyanide and potassium cyanide for the past 13 years. It shows that the price has been uniform and at a level during that entire period.

Mr. PITTMAN. Let me state that not only was the price uniform during that period but the monopoly was equally uniform.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

No better illustration of the treatment accorded its customers by the Roessler & Hasslacher Chemical Co. can be given than by the following table of prices, in carload lots, charged by it to the mine operators of the United States for the past 13 years:

Year.	Price based on potassium cyanide contents.	Price based on 96/98 per cent sodium cyanide.
	Cents.	*Cents.*
1908	18	22.86
1909	18	23.64
1910	18	24.95
1910	17½	22.41
1911	17	21.93
1912	17	21.93
1913	17	21.93
1914	14½	18.79
1915	16	20.18
1916	.....	23.25
1917	.....	25
1918	.....	30
1918	.....	25
1919	.....	25½
1920	.....	21½

Mr. JONES of New Mexico. On behalf of the Senator from South Carolina [Mr. DIAL], I submit an amendment intended to be proposed by him to the pending bill. I move that it be printed and lie on the table.

The motion was agreed to.

Mr. McCORMICK. I submit three amendments intended to be proposed by me to the pending bill, which I move be printed and lie on the table.

The motion was agreed to.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, numbered 51 and 58 and concurring therein each with an amendment.

Amendment numbered 51. In lieu of the sum proposed by said amendment insert $3,556,183.

Amendment numbered 58. In lieu of the sum proposed by said amendment insert $36,774,173.

Mr. McNARY. I move that the Senate concur in the amendments of the House to amendments numbered 51 and 58.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 55 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, May 4, 1922, at 11 o'clock a. m.

CONVENTIONS WITH AUSTRIA AND HUNGARY.

In executive session this day,

Mr. LODGE, from the Committee on Foreign Relations, reported a resolution, from which the injunction of secrecy was removed, and it was considered by unanimous consent and agreed to, as follows:

IN EXECUTIVE SESSION,
Senate of the United States.

Whereas under the treaties concluded August 24, 1921, and August 29, 1921, with Austria and Hungary, respectively, to establish securely friendly relations between the United States and each of these two foreign nations, the right is secured to the United States to revive, by giving notice to these nations, any bilateral treaty or convention in force between the United States and the former Austro-Hungarian Monarchy prior to the outbreak of the war: Be it

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the giving of notice by the President to Austria and to Hungary, to revive the Extradition Convention, concluded on July 3, 1856, between the United States and the former Austro-Hungarian Monarchy, and to the giving of notice by the President to Hungary to revive the Copyright Convention, concluded on January 30, 1912, between the United States and the former Austro-Hungarian Monarchy to provide between the United States and Hungary reciprocal protection with regard to copyright.

NOMINATION.

Executive nomination received by the Senate May 3 (legislative day of April 20), 1922.

COLLECTOR OF INTERNAL REVENUE.

Nat Goldstein, of St. Louis, Mo., to be collector of internal revenue for the first district of Missouri, in place of George H. Moore, resigned. Mr. John S. Leahy was appointed to this office but has never qualified.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 3 (legislative day of April 20), 1922.

REGISTER OF THE LAND OFFICE.

Martin Widsten to be register of the land office, Crookston, Minn.

COAST AND GEODETIC SURVEY.

Wilbur Oscar Manchester to be aid with the relative rank of ensign in the Navy.

PROMOTION IN THE NAVY.

MARINE CORPS.

Horace C. Busbey to be second lieutenant.

POSTMASTERS.

GEORGIA.

Stevens R. Owen, Gordon.

ILLINOIS.

Robert McIntyre, Bellflower.
Sidney F. Coffman, Bluford.
Charles H. Collins, Casey.
Joseph L. Hosick, Elizabethtown.
Fred J. Bohnenkemper, Germantown.
Mathias A. Greuning, Glenview.
Paul Bieser, Gross Point.
Lawrence F. Hake, Hoyleton.
Thomas B. Cahill, Lake Bluff.
Clare E. Godfrey, Morris.
Raymond R. Rowland, Rutland.
Lucian D. Lyons, St. David.
Charles E. Van Buren, Victoria.
Benjamin F. Welch, Zeigler.

KANSAS.

Abraham L. Hartzler, Haven.

KENTUCKY.

Yaman Watkins, Clarkson.
Elizabeth Porter, Clenton.
Addie Elliott, Glencoe.
Charles W. Parrish, Midway.
Alfred Gowling, Newport.
Fannie Sharp, Sharpsburg.
Elzie T. Wilson, Sparta.

LOUISIANA.

Samuel Y. Watson, Baton Rouge.

MAINE.

Doris A. Day, Corinna.

MASSACHUSETTS.

Helen C. Dougherty, Beverly Farms.
Clark P. Harding, West Medway.

MICHIGAN.

William Trebilcock, Ishpeming.

MINNESOTA.

Otto Rakness, Alpha.
Arlie R. Wilder, Amboy.
Edward Lende, Appleton.
Charles C. Keller, Cloquet.
Anna E. Miller, Kelliher.
Oliver A. Matson, Kiester.
John B. Smith, Kilkenny.
Orville G. Nichols, Mazeppa.
Archie M. Hayes, McGregor.
Elmer O. Haugen, Pelican Rapids.
Gustave A. Krueger, Plummer.

MISSISSIPPI.

Jesse C. Rhodes, Sallis.
William C. Falkner, University.

NEBRASKA.

Cecil E. Mills, Long Pine.

NEW JERSEY.

Charles R. Blunt, Bloomfield.

OHIO.

John P. Grassbaugh, Bigprairie.

OKLAHOMA.

Howard Blevins, Avant.
Ceaf W. Ramsey, Beggs.
Earl Ridenour, Hydro.
Anna Lyncle, Okarche.
Lincoln G. Shoop, Perry.

SOUTH DAKOTA.

Benjamin W. Ryan, Kimball.

TEXAS.

Anastatia M. Tower, Alice.
George H. Fricke, Cat Spring.
Joe M. Van Houten, Henrietta.
Walter W. Appling, Louise.
Walter J. Lindsay, Miles.
Lee W. Harris, Seymour.

VERMONT.

William H. Startup, Proctor.

WASHINGTON.

Millard E. Meloy, Winlock.

WEST VIRGINIA.

Roy A. Browning, Barboursville.
John H. Middleton, Elk Garden.
Jesse H. Petty, Gary.
Charles E. Brazeal, Maybeury.
Samuel O. Logan, Yukon.

WISCONSIN.

William H. Howard, Altoona.
Arthur C. Bishop, Bloomington.
William H. Goldthorpe, Cuba.
Ella Gothompson, Endeavor.
James C. Taylor, Gilman.
William McMahon, Lancaster.
Charles Brown, Montello.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 3, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Father in heaven, we pause at the threshold. We rest in peace because it is not a fearful thing to fall into the hands of God. Our hearts exclaim gratefully that God is love! We have only praise, wonder, and thanksgiving to express. Make us more equal to the tasks of life. Teach us how to apply the standards of duty in their perplexing applications. Let the things that are selfish, proud, and hard lose their power, and may the good, the wise, and humane gather strength. Bless our fellow citizens and always persuade them to be God-fearing and law-abiding. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. WINGO. Mr. Speaker, I may be in error, but as I understood the reading of the Journal it said that the unanimous request to dispense with Calendar Wednesday to-day also provided that Calendar Wednesday business should be in order to-morrow. Is that correct?

The SPEAKER. Yes; that is correct, according to the Chair's recollection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2186. An act granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. When the House adjourned last night there was under consideration the conference report on the District of Columbia appropriation bill. The conference report has been agreed to, and the House was considering the Senate amendments to the District of Columbia appropriation bill.

Mr. DAVIS of Minnesota. The regular business, then, is further discussion, if the Speaker desires, on the point of order?

The SPEAKER. Yes; on the point of order.

Mr. DAVIS of Minnesota. I think that several gentlemen desire to be heard. Do we have to call up the conference report?

The SPEAKER. It is the unfinished business.

Mr. DAVIS of Minnesota. Do we have to formally announce that?

The SPEAKER. No. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10161) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

Mr. EVANS. Mr. Speaker, as I understand the situation——

Mr. JOHNSON of Kentucky. Mr. Speaker, it occurs to me that this matter is of sufficient importance to have at least a fair representation of the Members on the floor of the House, and therefore I make the point of order that no quorum is present.

The SPEAKER. The matter is to be addressed to the Chair. However, the gentleman from Kentucky makes the point of order that there is no quorum present. It is evident that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Davis, Tenn.	Knight	Ryan
Andrew, Mass.	Deal	Kreider	Sabath
Ansorge	Drane	Kunz	Sanders, Ind.
Atkeson	Edmonds	Langley	Sanders, N. Y.
Bacharach	Ellis	Lee, Calif.	Schall
Barbour	Fairchild	Lee, Ga.	Scott, Tenn.
Beck	Fairfield	Lee, N. Y.	Sears
Benham	Fenn	Longworth	Shelton
Bixler	Fess	Lyon	Shreve
Blakeney	Fields	McArthur	Smith, Mich.
Bland, Ind.	Fish	McKenzie	Smithwick
Blanton	Focht	McLaughlin, Pa.	Snell
Boies	Free	Maloney	Snyder
Bowers	French	Mann	Stedman
Brand	Garner	Mansfield	Stephens
Briggs	Garrett, Tenn.	Martin	Stiness
Britten	Gould	Mead	Strong, Pa.
Brooks, Ill.	Greene, Mass.	Merritt	Sullivan
Brooks, Pa.	Hardy, Tex.	Michaelson	Sweet
Brown, Tenn.	Hawes	Montague	Taylor, Ark.
Burdick	Hays	Moore, Ill.	Taylor, Colo.
Burke	Herrick	Mott	Ten Eyck
Burroughs	Hoch	Mudd	Tilson
Butler	Hogan	Nelson, J. M.	Treadway
Campbell, Kans.	Hooker	O'Brien	Underhill
Campbell, Pa.	Huddleston	Olpp	Valle
Cantrill	Hudspeth	Patterson, N. J.	Vare
Carew	Humphreys	Petersen	Vestal
Clark, Fla.	Husted	Porter	Ward, N. Y.
Classon	Ireland	Pou	Ward, N. C.
Cockran	Jefferis, Nebr.	Pringey	Webster
Cole, Ohio	Jeffers, Ala.	Purnell	Wheeler
Connell	Johnson, S. Dak.	Radcliffe	Wilson
Connolly, Pa.	Kahn	Rainey, Ala.	Winslow
Copley	Kearns	Ransley	Wood, Ind.
Coughlin	Kelly, Pa.	Rayburn	Woodruff
Cramton	Kendall	Reber	Woods, Va.
Curry	Kennedy	Reece	Woodyard
Dale	Kindred	Reed, N. Y.	Wurzbach
Dallinger	Kitchin	Riordan	Wyant
Darrow	Klecska	Rodenberg	

The SPEAKER. On this roll call 267 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The unfinished business before the House is the District of Columbia appropriation bill. A point of order was made to the amendment offered by the gentleman from Minnesota [Mr. DAVIS] to Senate amendment numbered 1, and that point of order has been discussed.

The Chair would like to suggest that on a point of order the recognition and the time are entirely in the disposition of the Chair. The gentleman from Minnesota [Mr. DAVIS], chairman of the subcommittee, stated last night that there were two or three gentlemen who wished to occupy about three-quarters of an hour apiece. The Chair would like to state that while he does not desire to cut off discussion, and is glad to hear suggestions, yet the subject has been pretty well laid before the House and before the Chair, so that it is quite clear what the question is, and it does not seem to the Chair that it is necessary for the full discussion of the matter that such an amount of time as that be consumed; but the Chair does not wish to prevent anybody from bringing to his attention anything that has not been brought before the House.

Mr. EVANS. Mr. Speaker, there have been four reasons assigned why this point of order should be sustained. One is that it is not germane; and that, I take it, is the real point to which the Speaker desires the remarks directed.

The SPEAKER. That is the only point on which the Chair cares to hear discussion.

Mr. EVANS. Then I shall pay no attention whatever to the other reasons assigned. If the Chair will bear with me, I would like to review the history of the legislation.

The District appropriation bill as it passed the House contained no legislation, at least none which touched the proposition that is presented by amendment No. 1 or by the amendment presented by the gentleman from Minnesota [Mr. DAVIS]. The bill went to the Senate, and in that body there was attached to it the amendment which, as I construe it, touches the entire fiscal relations of the District of Columbia.

The real question is, as just stated, whether the amendment presented by the gentleman from Minnesota [Mr. DAVIS] is germane to amendment No. 1 attached to the bill by the Senate. In considering that question not only must the amendment presented by the Senate be considered in connection with the amendment presented by the gentleman from Minnesota, but likewise the relation of the amendment presented by the Senate to the bill which is being amended by it; and for that purpose I am intending to call the attention of the Speaker to what is in the act that is amended by the Senate amendment. It is what is called the act of 1878.

The SPEAKER. Will the gentleman please repeat that again?

Mr. WINGO. I will ask for order, Mr. Speaker. We can not hear on this side.

The SPEAKER. The Chair appreciates that Members of the House are not very largely interested in the discussion of the point of order, but it is necessary for the Chair to hear what is said.

Mr. EVANS. I repeat, that in construing the question of germaneness the Chair must not only take into consideration the relation existing between the amendment suggested by the gentleman from Minnesota as touching the amendment to the appropriation bill attached to it by the Senate, but the Chair must also take into consideration the act of Congress which is sought to be amended by the amendment attached by the Senate. For that purpose I wish to call the attention of the Speaker to the matter which is incorporated in the original act of 1878.

The first section of that act has to do with the creation of a corporation; the second, with reference to officers; the third, with reference to powers of officers, the application of the revenues, which includes the 50-50 provision; provision for collection of taxes as they now are, and the limit of taxation. Section 4 has to do with the regulation of the payment of taxes, the settlement of accounts, the payment of interest on bonds, known as the 3.65 bonds. The fifth section relates to repair of streets, water and gas mains, assessments to engineer commissioner; the sixth, to the police board and school trustees; seventh, the sinking fund commission and transfer to the Treasury of the United States. The eighth section relates to the board of health——

The SPEAKER. The Chair does not think it will help the Chair in his decision to know the full contents of that act.

Mr. EVANS. I wish to get this point to the Speaker, that the Senate amendment touches the vital part of that act. If that is conceded, I do not care to go further. If the fiscal relations in that act of Congress are touched by the amendment put in by the Senate, that opens up the whole question. If that is conceded I do not care to go further with reference to that enumeration.

Mr. STAFFORD. Will the gentleman yield?

Mr. EVANS. Yes.

Mr. STAFFORD. Wherein does the Senate amendment affect the act of 1878?

Mr. EVANS. I will get to that later if the gentleman will wait a moment. In section 3916 of Hinds' Precedents you will find a situation quite similar to this.

The SPEAKER. In what volume?

Mr. EVANS. Volume IV. The District appropriation bill was under consideration, and the pending question was electric lighting. In conference they put on an amendment to provide for the conduit system. I am not going to discuss the questions there presented, as the Speaker can take in the full force of that, but I wish to call attention to that decision as we go along.

Now, if I may, I wish to take up the amendment of the Senate. I challenge the Speaker's attention to the first three lines of that amendment:

The general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States.

Those two lines and one word take in everything which has to do with the disbursement of funds for the District of Columbia. That opens up the question so that in an amendment which is germane to it we can provide every method that we desire which meets with the approval of the House for the raising of the fund from which the expenses shall be paid. If not, why not? Suppose we are confined to the proposition as presented by the Senate. Such a ruling deprives the House of the right to express its opinion on the question of the sources from which you will derive your revenue to carry on the District of Columbia. In a number of cases this body has held that it had that right. It would deprive us of that right. Just for a moment examine the general expenses of the District of Columbia that shall be chargeable to and paid out of the Treasury of the United States. The law which it seeks to amend provides that it shall be paid half from the Government and half from the District.

The SPEAKER. The Chair does not need any argument to be convinced that this is a method of paying the expenses of the District.

Mr. EVANS. If that is once conceded, there is nothing to do but to consider the amendment that is offered here by the gentleman from Minnesota, as to whether it grows out of that attached by the Senate. I call attention then to the matter that is on the first page of the amendment. Nothing is on that page but what provides for the source of revenue from which the expenses shall be paid and the proportion in which it shall be paid, the latter question having been raised also by the Senate amendment when it provided that all expenses shall be paid out of the General Treasury and levying a tax of $1.75 to be covered into the Treasury, it in effect provides the relation that exists between the Federal Government and the District of Columbia in the apportionment of the revenue.

Now we come to one of the matters which have been criticized, namely, the creation of the surplus. The first two lines to which I call your attention provides for that surplus, because immediately upon the approval of the bill, should it be passed and go to the President and be approved, at least after the 30th of June next, you have provided a surplus or a source from which your revenue shall come which bears the expenses not only for 1923 but for all future years, and this provision which relates to the accumulation of the surplus is simply another method of producing the source from which the expenses may be paid.

Mr. WINGO. Will the gentleman yield?

Mr. EVANS. Yes.

Mr. WINGO. Wherein does the Senate amendment cover that?

Mr. EVANS. The first two lines, where it says that all expenses shall be paid from the Federal Treasury. It creates a fund from which the expenses as they mature shall be paid.

Mr. WINGO. The point I make is the gentleman argues that there is a provision for the accumulation of a surplus. Nowhere in the Senate amendment can I find a provision that relates to the accumulation of a surplus. It says it shall be paid to the Treasury, but that means a revenue, although perhaps it might result in a surplus. Where is there a provision in the Senate amendment that will change the rate of assessment so as to automatically compel a surplus?

Mr. EVANS. It does not compel a surplus of the District funds; it creates a fund out of which the expenses of the District shall be paid. The surplus is another method of creating a fund out of which the expenses of the District can be paid. It certainly would be conceded that that act says the Federal Government should pay half; that has been done.

When it is said that the entire expenses shall be paid out of the Federal Treasury, they have created by that declaration this surplus, if you wish to call it a surplus, and all the amendment does is to seek to make the District carry its share during the same time. It is to prevent the taxation of the people of the United States residing outside of the District for the benefit of the District of Columbia's personal obligation. It is not a change of law, but requiring them to do what they ought to do under the present law.

Mr. WINGO. Will the gentleman yield?

Mr. EVANS. I will.

Mr. WINGO. I understood the gentleman to contend that because the amendment was germane to the organic act, it was not subject to a point of order, regardless of whether it was germane to this amendment or not.

Mr. EVANS. I very poorly expressed my meaning, or else the gentleman from Arkansas misunderstood me. What I meant to say was that in construing this amendment put on by the Senate with the amendment that is presented by the gentleman from Minnesota we should also have in mind the act which was sought to be amended, in order to determine whether or not we are getting outside of the scope of that which is germane. For instance, when the bankruptcy act was amended they amended, as I recollect it, 16 different sections of the act, which contains 70 sections. Having done that, it went to conference and the amendment of that number of sections was held to open up the whole question.

Now, the point I make is this: As they in the Senate amendment attempted to cover the entire fiscal relations—the collection of taxes and disbursement of taxes—we have done no more in the amendment presented by the gentleman from Minnesota.

Mr. WALSH. Will the gentleman permit an inquiry?

Mr. EVANS. Certainly.

Mr. WALSH. Is there anything in the proposed amendment offered by the gentleman from Minnesota which is incidental

with or properly connected with the duties and powers and policy laid down in the Senate amendment?

Mr. EVANS. It was the intent and it is the opinion of every member of the conference that there is nothing in the amendment presented by the managers on the part of the House that is not germane to some portion of the amendment attached to the bill by the Senate. I have called attention to the reason why I think that the creation of the surplus is germane to the first two lines and one word of the amendment.

I want to take up for a moment now the matter of the rates. The rate in the original act is 1.50. The rate in the present amendment presented by the Senate is 1.75 on certain classes of property. It is true that the original bill was amended in respect to intangible property. We have simply taken charge of or attempted to effect the rates which were either in the original act or as fixed by the amendments to that original act, which, of course, were tied to it, and in changing the rate from three-tenths to five-tenths as to intangible property, there is nothing which is not germane to the original act and the amendments thereto. Consequently we again are not confined to rates on real estate and tangible personal property, even though they but not added to their amendment the words "and other taxes shall be as now provided." When the Senate went into the question of tax rates they opened that entire matter, and that is particularly true when those tax rates provided the fund from which the general expenses of the District are paid.

A question is also raised as to the revenues which are derived from sources other than taxation, and the same principle that applies to tax rates applies to these sources of revenue, because those sources of revenue are created by amendments to the original act. This is true—a portion of that property that is now rented, which belongs to the United States exclusively but which under an act amendatory of this, to which I have called attention, is now paid solely to the District, the United States getting no return whatever; that same provision creates a part of this fund from which the expenses of the District are paid. For that reason it is germane.

Attention has been called to the concluding paragraph of this amendment which precedes the appropriating clause. The limit is taken off the estimates which the commissioners can make. The present law is, in substance, as follows: That the commissioners are restricted to double the amount of the revenues that are derived from taxation in the District. The theory under which that limitation is placed, of course, is that the Federal Government was to pay half and the District government was to pay half, hence their expenditures would be just twice what the amount of the revenue was that should be raised by the District. In this we claim that we have stayed clearly within the rule of germaneness in permitting the District to estimate for just what they desire. If they wish to estimate for $30,000,000 for expenditures, they may do so, of course, coming through the regular channels; but their privilege is not hedged in by any amount; however, after having made their estimates, they may again levy a tax which will produce proportionately the amount with which they are charged. That being next to the last clause of the Senate amendment, we have only kept within the limits prescribed by the rule of germaneness.

Again, they have in their concluding clause of the amendment made certain exemptions to taxation, and in making those exemptions to taxation they have therein opened up the question of taxation as to what properties shall be taxed and at what rate it shall be taxed. Nothing in amendment No. 1 presented by the gentleman from Minnesota, to which I have had my attention called, that is not germane to Senate amendment No. 1. It has to do with the collection and the disbursement of taxes, either with the raising of a fund out of which the District expenses shall be paid the ratio of contribution, or else with the manner in which they shall be disbursed. I can see no way in which legislation can be fairly presented to this House and the action of the House secured upon it if the Senate can put upon a bill an amendment like No. 1 and then restrict the House to simply things between that and nothing, where the House has not offered the legislation and could not, as in this case, it being an appropriation bill.

I wish to call the Speaker's attention to a few citations before I conclude. The first is 5 Hinds', section 5824, which is the amendment to the bankruptcy bill, to which I have called attention. The next is 5 Hinds', section 6424, where there was an amendment which struck out all after the enacting clause and which opened up the entire subject. The one to which I have already called attention, 4 Hinds', section 3916, and one is to be found in 5 Hinds', section 6665.

Mr. GRAHAM of Illinois rose.

The SPEAKER. Does the gentleman desire to sustain or oppose the point of order?

Mr. GRAHAM of Illinois. Mr. Speaker, I think the point of order is good.

The SPEAKER. The Chair will hear the gentleman.

Mr. GRAHAM of Illinois. Mr. Speaker, I find myself in the unpleasant position of being in favor of a proposition in fact, and yet thinking that it is subject to the point of order. I do not intend to weary the Speaker with any long discussion of the matter, but it seems to me that the only question before the Speaker is this: Is the amendment presented by the gentleman from Minnesota germane to the amendment of the Senate, and that no other question is particularly involved in this discussion? I do not believe that in the consideration of this matter the Speaker should consider the text of the bill as it was originally passed by the House, nor do I believe that the other sections of the House bill have any relevancy to this discussion at all, but that the matter gets down to the single issue of whether the matters contained in this proposed amendment are germane to the Senate amendment and the things contained in it. On that proposition we are supported by authority. I have found only one precedent, and that is in 5 Hinds, section 6188. In that case it was said:

> In the consideration of Senate amendments in the House an amendment must be germane to the particular Senate amendment to which it is offered, it not being sufficient that it should be germane to provisions of the bill.

The SPEAKER. The Chair is familiar with that decision.

Mr. GRAHAM of Illinois. There is no decision which I can find anywhere to the contrary. It evidently is the accepted rule that this amendment must be measured by its germaneness to the Senate amendment. On that proposition I can not see, from my consideration of the two amendments, how it can be considered to be germane to the Senate amendment.

The Senate amendment is broad, it is true, but it is only broad in a certain direction. The Senate amendment provides in brief this: It first provides that the general expenses of the District of Columbia shall be paid out of the United States Treasury. It next provides the rate of taxation for 1923 and following years shall be fair and reasonable and paid into the Treasury, and then provides the rate shall be $1.75 per $100. Then appropriations are authorized in an amount equal to the District's surplus; that hereafter there shall be no limit of estimates to Congress, and that $2,000 of the value of any piece of real estate shall be exempt from taxation. Now, what is the idea of that Senate amendment? It is simply this, as I understand it, Mr. Speaker, that all moneys collected here in the District from taxation shall be paid into the Treasury of the United States; that the United States shall pay their bills out of that by appropriation and that the rate of taxation shall be $1.75 per $100. Now, if there is anything else in that Senate provision I have been unable to understand what it is.

Mr. DAVIS of Minnesota. How about the $2,000 exemption?

Mr. GRAHAM of Illinois. They say it is very broad and includes a change of law, but it changes it only in the way of fixing the rate of taxation and having the funds go into the Treasury and be paid out from that source. It does not in any other respect change the machinery by which the taxes shall be collected and it does not do the various other things that are contained in this amendment offered by the gentleman from Minnesota. The amendment offered by the gentleman from Minnesota offers different features which are not contained within the meaning of the Senate amendment. They are these: After July 1, 1922, 60 per cent is to be paid by the District of Columbia and 40 per cent from the Treasury of the United States. Where is there anything in the Senate amendment relative to that proposition? Not a single word appears in the Senate amendment that would give anybody any idea that that was to be the division of the revenues which was to be made, and yet in the House amendment which is sought to be made to the Senate amendment this new idea is incorporated which may be the law of the land or may not, but it is new so far as the Senate amendment is concerned——

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. WALSH. In reference to the gentleman's point that the amendment must be germane to the Senate amendment, does the gentleman see any distinction between considering Senate amendments in the House in due course and considering amendments where the disagreement stage has been reached?

Mr. GRAHAM of Illinois. Well, that presents a somewhat academical question. The question is, as the gentleman appreciates, not on the House bill, because the House bill has passed beyond our action here except in so far as it has been brought before us by some action of the conferees. The thing that is before us is not the House bill or any provision of the House bill; the only thing is this Senate amendment——

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. DAVIS of Minnesota. The gentleman has said that we should not legislate on the different amounts respectively. The Senate amendments had nothing to do with that.

Mr. GRAHAM of Illinois. Yes.

Mr. DAVIS of Minnesota. How will the gentleman construe this, "that the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States"? Is not that the one feature justifying this, and can not we change that?

Mr. GRAHAM of Illinois. That announces a principle——

Mr. DAVIS of Minnesota. It announces a fact.

Mr. GRAHAM of Illinois. It announces this fact, that the money shall be paid into the Treasury and shall be paid out, but it does not indicate——

Mr. DAVIS of Minnesota. It says the United States shall pay it.

Mr. GRAHAM of Illinois. It says it shall be paid out of the Treasury, but it does not say in what proportion, and then in the House amendment you say what proportion shall be established. I do not think you have any right to do that. I think that is a matter of distinct legislation. This was fixed in the law as exists to-day, and it should be fixed by substantive enactment of legislative acts, and I do not think it is a germane amendment to the Senate amendment which contains nothing about that subject at all.

Now, what more does it do? It establishes a fund for a cash basis to be completed by the end of 1927. The gentleman from Nebraska [Mr. EVANS] says that is included in the general broad language of the first two lines of the Senate amendment. I do not so consider it. The Senate amendment provides in the first two lines that all money shall be paid into the Treasury, but where does it say that we shall in addition to the $1.75 a hundred, or any other rate that may be established by an act of Congress, collect a sinking fund which in five years will put this District upon a cash basis?

Mr. EVANS. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. EVANS. Has the House at this time, in the opinion of the gentleman from Illinois, in considering this amendment, authority to change the first two lines and make it that the expenses shall be chargeable one-half to the United States Treasury and one-half to taxes to be collected by the District?

Mr. GRAHAM of Illinois. No; I do not think so. I do not think it would be germane.

Mr. EVANS. Not even that the law that is being amended has exactly that provision in it?

Mr. GRAHAM of Illinois. I do not think that has anything to do with it. First, we can refuse to concur in the Senate amendment and reject, or we can concur in the Senate amendment. In either case we vote it down or vote it up. Then we can concur with an amendment, but the amendment must be germane. It must, Mr. Speaker, be something that is reached in the original amendment. And I contend that there is nothing in this amendment, in the provision that taxes shall be paid into the United States Treasury, that says how we shall divide it and how much the District shall pay and how much the United States shall pay. But the House amendment does that, or purports to do it, and therefore I conclude that it is not germane. Now, I may be faulty in my argument and my views about this matter, but I truly believe, Mr. Speaker——

The SPEAKER. It makes no difference whether it is germane as a House amendment or not.

Mr. GRAHAM of Illinois. Not at all. Under Hinds' Precedents I do not believe it makes any difference.

Mr. WALSH. Will the gentleman yield for a question?

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. Is the gentleman considering this as a proposition to adjust the differences between the two Houses?

Mr. GRAHAM of Illinois. No; I am considering it as an attempt of the House to pass upon this Senate amendment which is before us.

Mr. WALSH. This is a proposition which reaches the disagreement stage. The two Houses are in disagreement.

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. Is not this an effort to adjust those differences by the House receding from its disagreement and submitting an amendment to the Senate amendment?

Mr. GRAHAM of Illinois. This is a parliamentary situation, as I view it: The conferees bring in this Senate amendment for action by the House. It is not an attempt of the House to agree with the Senate or the conferees to agree, but the conferees have brought this amendment in here and say to the House, "What shall we do with it?" That is original action in the House. And when the gentleman from Minnesota [Mr. DAVIS] presents this amendment to the amendment of the Senate, he presents to this House this proposition, and it is a new proposition.

Mr. WALSH. Does the gentleman contend an amendment might be proposed to the Senate amendment striking out all except the first three lines of the Senate amendment and restoring the language of the House proposition?

Mr. GRAHAM of Illinois. Whether that would be a proper action?

Mr. WALSH. Yes.

Mr. GRAHAM of Illinois. I can see no reason why, if it was not subject to a point of order, any motion——

Mr. WALSH. You contend that would be subject to a point of order?

Mr. GRAHAM of Illinois. If you are asking whether that action could be taken, of course the gentleman knows the motion to concur with any amendment would be a proper motion to make. The only question would then be the one that is raised here, whether the amendment would be subject to a point of order.

Mr. WALSH. I am asking the gentleman's opinion, since he stated that the House proposition can be laid aside entirely in considering this question, as to whether the proposed amendment to the Senate brought back provisions of the House amendment on certain lines in the Senate amendment?

Mr. GRAHAM of Illinois. Whether the original House bill would be proper as an amendment to the Senate amendment I have not given any particular consideration to.

Mr. WALSH. It has been done very often.

Mr. GRAHAM of Illinois. It would seem to me it would be proper, and it would seem to me that it would be tantamount to a rejection of the Senate amendment, and I imagine it would not be subject to a point of order. But that has not been done here. Why discuss matters that are not before us? In the case that I have called attention to the point of order was sustained on the ground that the House bill was not before it. The RECORD of yesterday shows that the gentleman from Minnesota [Mr. DAVIS] moved to recede and concur in the Senate amendment with an amendment which he presented, and that is the parliamentary situation, and it is a new situation so far as the House is concerned. Now, I contend that there is not anything in the Senate amendment that provides for the establishment of a sinking fund or that might by any intendment be brought into anything of that kind. That is incorporated in the gentleman's amendment. However that may be, it is a new proposition and can not be properly deduced from the Senate amendment.

Next, there is a commission authorized to fix the rate to produce this sinking fund. Where is there anything in the Senate amendment that authorizes any machinery of that kind? So far as I know it is new. I do not know how the rates are fixed now, but I do know that this House amendment, which is now sought to be incorporated in the Senate amendment, directs the commissioners to fix a rate, which must be subject to their decision and must be sufficient to raise this sinking fund which they provide for. It provides there shall be no advancement by the Treasury of the United States after June 30, 1927. There is nothing on which to base that. It cuts off the advancements which are being made ordinarily.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. JOHNSON of Kentucky. Does the gentleman intend to say that under the existing law the commissioners do not fix the rate of taxation, or do you simply plead ignorance of it?

Mr. GRAHAM of Illinois. I do not say they do not. I do not know what they do. But I do know this, that there is no machinery set up in the Senate amendment for doing that thing. Now, for instance, would the Speaker or anyone else contend that in an act establishing a tax rate by a legislature of a State, or by the Congress of the United States, that it would be a germane amendment to provide for the election of assessors and collectors and to provide the machinery by which they might do it, and to fix automobile licenses, as is mentioned in this House amendment, and do a lot of other things, among them to fix 3 per cent for ground rent?

There is nothing in this Senate amendment except the announcement of a principle that the moneys collected in this District shall be paid into the Treasury, that the debts of the District shall be paid out of the Treasury on warrants, and that the tax rate shall be $1.75 a hundred; and yet the House amendment goes on and provides for all of these things in addition to that. It provides that the District shall pay 3 per cent ground rent on certain buildings.

Is that a mere broadening of the scope of the Senate amendment? No. It is absolutely new legislation, whether it is incorporated in the current law or not. It certainly is not ger-

mane to the Senate amendment. It provides for the opening of certain books by the Treasurer of the United States by July 1, 1922, in which books he shall keep accounts of the disbursements and receipts. It directs the assessor to fix the full value of certain ground upon which ground rent is to be paid to the United States. It makes funds available for next year's use by the authorities. It provides that the District Commissioners shall collect the moneys for the United States. It has a clause relative to the revenues of the Center Market down here, and what shall be done about that, and then ends up by stating that 40 per cent of certain amounts shall be paid by the United States and 60 per cent by the District.

Now, Mr. Speaker, if the Speaker will rule, it seems to me, that these things were germane to the Senate amendment, it broadens the matter beyond all reasonable intendment. The Senate amendment can not be construed as justifying amendatory provisions relative to the machinery for doing these various things, which ought to be carried by legislative bills. In so far as this amendment affects the rate of taxation which the Senate has attempted to fix in its amendment and the principle that the money shall be paid into the Treasury and paid out, it is germane; but I respectfully submit, Mr. Speaker, that otherwise it is not germane and that these matters, which I believe to be proper, perhaps, ought to be brought in here in the way that other such matters should be and are brought in.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. Suppose instead of the amendment actually proposed by the House committee they had brought in Senate amendment No. 1. Suppose that had been brought in. Would it be subject to a point of order?

Mr. GRAHAM of Illinois. It would not be subject to a point of order, as I understand it, but the House would have to take action on it under our revised rules. But this is our amendment which we are trying to incorporate on the Senate amendment, to which it is not germane. And so it seems to me that the point is very narrow, Mr. Speaker, not a broad one, but it gets down simply to that narrow compass of the germaneness of these various provisions to the facts and matters which are stated in the Senate amendment.

Mr. WINGO. Mr. Speaker, there is just one suggestion that I want to make to the Speaker. Something less than two years ago we amended section 2 of Rule XX. Under that we took away from the conferees of the House the right to agree to these legislative riders which the Senate was in the habit of adding onto House appropriation bills, and we said that the conferees should not agree to them unless they be given authority by the House so to do.

Now, Mr. Speaker, I do not care much about the merits of this pending proposition, and I recognize that the Speaker can rule either way with sound logic and good reason. But if you hold that this amendment is in order you make the confusion worse confounded that we sought to eliminate by that change of Rule XX. Why? What was the evil that we wanted to eradicate then? What was the protection we wanted to give to the Members? Before we adopted that amendment the House was compelled to vote yes or no upon substantive legislative propositions which not only had not been considered by a legislative committee of the House and on which it had received no advice and had no opportunity to exercise its matured judgment, but the Members in the hurried examination which they could make on the floor could not in justice to themselves determine whether the provisions containing the riders were sound or not, or whether they should be voted up or voted down. We sought to extricate ourselves from that procedure by making the change I have referred to in the rules.

What do we have here? Not only does the Senate follow the same old procedure, but we ourselves use the check which we sought to erect against that condition as a peg by which the House itself authorizes its conferees or any Member to confront the House with the same bad practice; that is, to compel the voting up or down of a proposition involving the whole tax system of the District of Columbia.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. WINGO. In a moment. I want to be brief.

The Speaker, I think, has caught my thought without my pursuing it further. The House, then, if the Speaker overrules this point of order, finds itself in the position of having increased and added to the evil that it sought to eradicate. It will simply do this, Mr. Speaker: It will make it possible, if you overrule the point of order, that on an annual appropriation bill taking care of the Treasury of the United States and the Federal reserve system, if the Senate sees fit to put on a slight general legislative proposition changing first in a minor detail the reserve requirements of the Federal reserve act, and second, the rediscount provisions of the Federal reserve act, two substantive provisions of the Federal reserve act, then it will be possible for the conferees, Mr. Speaker, to come in here and, on that little provision of the Senate as a peg to move to concur in the Senate amendment with an amendment completely rewriting the Federal reserve act, and you will be compelled to hold it in order. Not only that, but on that same bill, if the Senate saw fit to offer a little amendment as to the collection of customs duties and their distribution, and should change one tariff rate on one schedule and provide, as they do here, that all other customs rates or schedules shall remain as now provided by law, then under the decision of the Speaker to-day, if he holds this amendment to be in order, the conferees of the Committee on Appropriations could come in here and move to concur in the Senate amendment with an amendment which would include a new tariff law outright, because that little provision would be parallel to this case. So I ask the Speaker to hesitate before he holds this amendment germane. There is a broad distinction as to what is germane. It must not simply be related. The amendment not only is not directly germane, but it violates the rule which the House has adopted to try to protect itself against this very same situation. What has resulted, Mr. Speaker? We have already consumed three or four hours discussing this one proposition, and if the House is to vote intelligently upon this one question it must put itself in the attitude of considering the whole taxing system of the District, and in fairness to the Members of the House we ought to have more opportunity than simply the one hour that the gentleman in control of the floor may yield.

I submit that the philosophy of the rule is to protect the Members of the House against hasty action and to enable Members when they vote upon a major proposition to vote after due deliberation, aided by the mature judgment of a committee that has investigated the subject, and after a chance to discuss it fully on the floor; and I think that in making his decision the Speaker ought to look to the purposes of the rule and the objects which the House had in mind in making this rule, not only to expedite its action but to guarantee that its action shall be intelligent and based upon full consideration and matured judgment.

Mr. MOORE of Virginia. May I make a suggestion to the gentleman?

Mr. WINGO. Yes.

Mr. MOORE of Virginia. I suggest that important, unlimited legislation could be enacted at the instance of the conferees without any evidence being presented.

Mr. WINGO. Why, certainly. You could make the three conferees on a House appropriation bill into a legislative committee if they could simply get the Senate to tack on some little provision that would be a peg upon which they could hang their action. Why, they can not accept these riders in the first instance because you can make a point of order against it; but get the Senate to put on a general provision, though short, and they, the conferees, can change the whole legislative proposition and say it is germane.

Mr. EVANS. Mr. Speaker——

The SPEAKER. The Chair is ready to rule. This question has occasioned the Chair considerable difficulty in coming to a decision, for there are very strong arguments on both sides, as has been illustrated to the Members who have listened to the debate.

The Chair appreciates what the gentleman from Arkansas [Mr. WINGO] has just said, that if the Senate puts on a legislative provision it may prevent the legislative committee of the House from considering the proposition, and therefore is not the proper way to have it brought up. But, after all, that can not be prevented. That is still in the control of the House. If the House does not like that method of legislating, it may simply refuse to agree to the Senate amendment. But, after all, the Senate has a right to put on a legislative amendment if it desires, just as the House has that right, and when such a legislative amendment comes over to the House from the Senate the House is obliged to consider it, and it is just as properly before the House as if it had been reported from the House legislative committee.

It seems to the Chair that some of the arguments which have been presented as to the amendment offered by the gentleman from Minnesota [Mr. DAVIS] to the Senate amendment have been a little confused, because it has been referred to as action by the conferees. It is not action by the conferees. It is a motion made by the gentleman from Minnesota [Mr. DAVIS] as a Member of the House. Any other Member of the House might offer the amendment. Of course, the gentleman from Minnesota [Mr. DAVIS], being the chairman of the subcommittee, would have the first right to recognition; but the Senate amendment,

being before the House, is subject to amendment by any Member of the House. There were two grounds stated for this point of order; first, that it was legislation, and, second, that it was not germane. The first point has not been insisted upon, and, of course, could not be, for there is no question that the whole Senate amendment is legislation. It is practically nothing but legislation. In fact, curiously enough, the Senate seems to have been so absorbed by the fact that it was legislation that it forgot to put on the appropriating clause. So that the Senate amendment is clearly legislation, and legislation of a very broad and sweeping character. It entirely changes the system under which taxation and appropriations in the District of Columbia have been made. It has always been on a proportional basis—half and half or some other ratio. This Senate amendment simply says at the outset that all expenses shall be paid out of the Treasury of the United States, and then it goes on to provide the details. That is a radical change, and, of course, it is legislation. Now, the Senate amendment comes before the House as an amendment to the first section of the House appropriation bill and it strikes out all of the House provision, and, therefore, is a substitute. It seems to the Chair that, this being the fact, the precedents cited by the gentleman from Illinois [Mr. GRAHAM] do not apply, and that this being a substitute and the matter being in the stage of disagreement any amendment can be offered which is germane either to this substitute or to the original House proposition, because it would be natural that a substitute should be offered which would bring the two Houses together, which would harmonize the two, which might contain part that was in one and part that was in the other, and yet the part that was in the original House bill might not be at all germane to the Senate amendment. But it seems to the Chair that it could hardly be argued that such an amendment was not germane, because the most natural amendment would be one tending to harmonize the provisions of the House and the provisions of the Senate and containing part of one and part of the other. Therefore, it seems to the Chair that, this being a substitute, anything is germane, and therefore in order, which is germane to either the original House section or to the Senate amendment.

The question remains, Is this amendment offered by the gentleman from Minnesota a germane amendment? The Chair having considered it overnight confesses that he has had considerable difficulty. The gentleman from Illinois [Mr. GRAHAM] has offered suggestions showing that there are provisions in this amendment offered by the gentleman from Minnesota [Mr. DAVIS] which do not directly touch anything detailed in the Senate amendment. But the Chair has come to the conclusion that the Senate amendment is a complete and sweeping revision of existing law. It covers the whole field of relationship between the District and the Government in the affairs of taxation and expenditures. As the gentleman from Nebraska [Mr. EVANS] says, it practically repeals the existing law and establishes a new basis and a new system. In doing that the question arises whether only amendments can be offered which are directly applicable to the specific provisions which are detailed in the Senate amendment, or is the whole field so open that amendments can be offered which, although not specifically mentioned in the Senate amendment, apply to the changes made by the Senate amendment and are incidental to its whole subject and purpose. It seems to the Chair that the amendment of the gentleman from Minnesota contains such provisions only; that they are fairly incidental to the expressed purpose of the Senate amendment, and that the House has a right by amendment to adopt such incidental changes. The Chair therefore rules that the amendment offered by the gentleman from Minnesota is germane and in order.

Mr. WALSH. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Massachusetts asks for a division of the question, and the first question would be on the motion to recede.

Mr. EVANS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. EVANS. If we vote to recede and that should be carried, then will the second question be open to argument before a vote?

The SPEAKER. Certainly; open to argument and amendment. The first question is on the motion to recede.

The question was taken, and the motion was agreed to.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House concur in the Senate amendment with the amendment I have offered.

The SPEAKER. That motion is now pending. The question now is, Will the House concur in the Senate amendment with the amendment offered by the gentleman from Minnesota?

Mr. DENISON. Is not that subject to debate, Mr. Speaker?

The SPEAKER. Certainly.

[Cries of "Vote! Vote!"]

Mr. DAVIS of Minnesota. Mr. Speaker, I will move the previous question.

Mr. WINGO. Mr. Speaker, here are two gentlemen who were given to understand that they should be heard upon this question. I think in fairness the gentleman ought to let the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Virginia [Mr. MOORE] present this matter to the House. It is a matter that involves the whole taxing system of the District.

Mr. DAVIS of Minnesota. Mr. Speaker, I withdraw the motion, and I will yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, I think I can state my position in five minutes. I want to take up just enough time of the House to state for my own personal satisfaction the rule of action that I have decided I will be governed by from now on. Whenever the Senate puts legislative provisions on an appropriation bill sent over by the House, and these legislative provisions are brought back to the House, I will vote against every one of them from now on, I do not care what they are. I think the sooner the House comes to that conclusion the better it will be for the country. Here we have an appropriation bill from a committee that was authorized simply to appropriate the money needed for the District of Columbia, and they have usurped the functions of the Committee on the District of Columbia and brought in a provision changing the entire fiscal system of the District.

I can urge this position without being suspected of having any personal feeling, because I am on a committee that never has had any appropriating power, and none of the jurisdiction of my own committee has been affected in any way by the creation of the large Appropriations Committee. But all of the legislative committees of the House are going to degenerate into purely honorary committees unless the House rises up and protects them in their proper jurisdiction by preventing legislation by the Committee on Appropriations. The sooner the House realizes that and asserts the rights of these committees the better it will be for the House and the country.

I am not talking about the merits of this particular proposition that is now before the House. The gentleman from Kentucky and those associated with him may be right. I do not know; I have not had a chance to consider it; the House has not had a chance to consider it. They have not held any proper hearings. This whole question of the District fiscal system ought to go to the District of Columbia Committee, and let that committee have hearings and let the people of the District have an opportunity to be heard. This legislation reaches into every home in the District, affects every property owner in the District, and now the House of Representatives is called upon to pass upon this important question that will affect every property owner in the District without giving the citizens an opportunity to be heard at all. It is not right; it is not fair; it is not common sense.

The appropriation committee ought to be confined to appropriating the money that is needed for the expenses of the Government and ought not to be given legislative powers. Let us come to some conclusion on this question now and vote down this legislative proposition without regard to its merits and let the District's fiscal system be considered in a proper way.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. NEWTON of Minnesota. Is it not true that every District of Columbia appropriation bill has contained some legislative methods of taxation?

Mr. DENISON. Yes; that is true.

Mr. DAVIS of Minnesota. From 1878 to the present time.

Mr. DENISON. If we are going to keep on doing that and the House wants to do it, then let us abolish the District Committee and put the members of that committee to work on something else where they can work instead of merely gracing a nominal committee, and letting the Appropriation Committee do all of the legislating for the District. That is not only true about the District Committee, but it is true about other committees. The Committee on Appropriations is doing nearly all of the legislating for the House, and it does not conduce to orderly legislation. It is not fair to the rest of the Members of the House, it is not fair to the other important committees, and it is not best for the country for one committee to do all of the legislating for the country. Here are these conferees—and they are all good men; I have no criticism to make of them—who get together in a sort of star-chamber meeting, and they reach a conclusion that will affect every man and woman in the District who owns property. The question of taxation is a

vital question to every man and woman who has anything to be taxed, and I say that the people of the District ought to be given an opportunity to be heard; they have no right to vote and have no chosen representative here. The House itself ought to have an opportunity to study this question carefully after we know the facts. We can not act intelligently on an important question of this kind with only one hour's discussion. If I had not risen when I did, the gentleman from Minnesota would not have given us any time. He was moving the previous question, and we would have had to vote on this matter without any discussion at all. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I wish to congratulate the subcommittee having charge of the District appropriations. The work of this committee began on the 12th day of December last, and they have been in almost continuous session ever since. The problems with which this committee is confronted are intricate and important. They deal with every phase of District life. No more painstaking study has ever been made of important problems than the study made of the problems involved in the pending bill. The chairman of this committee [Mr. DAVIS] has been indefatigable in his work. He has worked night and day, giving of his long and valuable experience in the solution of the problems that have confronted this committee. He has made every sacrifice to reach the proper conclusion. He has always been accessible to the people who have had questions before the committee. He has been unstinting in the time that he has given to the hearings and to those who were affected by the legislation. He deserves the encomiums of the people of the District for the unselfish devotion he has given to the study of the problems affecting their life. He understands the problems of the District better than any other man. He has been modest in his approach to questions affecting the people. He has regarded himself, as the chairman of this committee, as the representative of the Nation's Capital. He has done his work well. He deserves the praise not only of the people of the District of Columbia but of the people of the Nation, and the people of his district ought to be proud to have a man here like him representing them, charged with the great responsibility that he has been called upon to assume. [Applause.] As chairman of the Committee on Appropriations I want to say that my association with Mr. DAVIS has been most pleasant. I have more confidence in his judgment on questions relating to the problems that have come before him for consideration than I have in the judgment of any other man, and I want to thank Mr. DAVIS as chairman of this committee and every member of the committee for the painstaking care and the minuteness with which they have gone into every question relating to this wonderful District, in the development of which we are all interested, and of which we are all so proud. I not only want to thank the chairman of the committee especially for his work, but I want to thank the entire subcommittee, because I know of no five men anywhere who have been as unselfish in their devotion to their work as have these five men under the able leadership of the distinguished gentleman from Minnesota, my colleague, Mr. DAVIS. [Applause.]

Mr. DAVIS of Minnesota. Mr. Speaker, I yield to the gentleman from Maryland [Mr. ZIHLMAN] for five minutes.

Mr. ZIHLMAN. Mr. Speaker, I am not at all surprised that the distinguished chairman of the Committee on Appropriations should pay high compliment to the chairman of the subcommittee having in charge this bill. He might also congratulate the entire committee on the additional power that has been given to the Committee on Appropriations by the ruling of the Speaker. Congress two years ago gave to the Committee on Appropriations the entire power of making appropriations, and it was attempted at that time to reserve to the legislative committees of the House the duties of legislating in matters such as are now before the House.

The proposed amendment of the gentleman from Minnesota is the most far-reaching and drastic proposition that has ever been brought into the Congress on a District appropriation bill. They seek here in an hour's debate to increase the basis of assessment which would result, under the prevailing tax rate, in increasing the taxes of the taxpayers of the District more than $4,000,000. They seek to increase the rate on intangible property two-tenths of 1 per cent. They seek to change the system of collecting rents in the Center Market. They seek to set up a ground rent in the District of Columbia on Federal property.

Mr. DAVIS of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. I have only five minutes.

Mr. DAVIS of Minnesota. If the gentleman wants to make a misstatement of facts, he can do it.

Mr. ZIHLMAN. The Senate amendment is a purely legislative matter. It is contained in a bill that has passed the Senate and is now pending before the Committee on the District of Columbia, the legislative committee of the House having jurisdiction over affairs dealing with the District, and without giving the people of the District an opportunity to be heard, without giving a single taxpayer an opportunity of raising his voice, the conferees come into this House with a proposition that the basis of assessment shall be changed from two-thirds to full value and that the District Commissioners shall fix a rate of taxes not only sufficient to meet the financial needs of the District but that they shall levy a tax rate sufficient to create a surplus and change the system of paying the expenses of the District of Columbia which have been in operation here for half a century. It is small wonder that the chairman of the committee rises here to congratulate his colleagues and to also congratulate himself on the enormous power which has been vested in a few conferees meeting in secret session. I say to you that it is unfair to the legislative committees of the House. It is unfair to the people of the District of Columbia to deliberately attempt here in an hour's debate to raise their taxes fully one-third and to establish an entirely new system of financing the needs of the District of Columbia.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. WALSH. What is the present tax rate of the District?

Mr. ZIHLMAN. It is 7 cents more than is carried in the Senate amendment—$1.82.

Mr. WALSH. Is that $1.82 a hundred?

Mr. ZIHLMAN. One dollar and eighty-two cents on the hundred-dollar valuation. It was $1.90 last year.

Mr. WALSH. Does that mean that the $1.82 applies to three-thirds or to the two-thirds valuation?

Mr. ZIHLMAN. Two-thirds of the value fixed by the Congress many years ago, and if the Congress desires to change that basis of valuation it should be done in deliberation and with full consideration and by giving the people of the District a fair opportunity to be heard. I contend it is unfair to put this enormous burden of taxation on the people of the District without giving representative citizens and taxpayers a chance to be heard on the proposition.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ZIHLMAN. I do.

Mr. NEWTON of Minnesota. Does not this prove that legislation which was favorably acted upon by the House or by the District Committee has gone to the other body and died there, and that necessitated its being reported upon the District appropriation bill?

Mr. ZIHLMAN. No such far-reaching and drastic proposition as this has ever been passed upon by this House or the Senate.

Mr. NEWTON of Minnesota. But is not this the fact, that the 60-40 plan died over in the other body and it is was necessary to be attached to an appropriation bill——

Mr. ZIHLMAN. I will say to the gentleman the 60-40 proposition was submitted in the District appropriation bill of this year and the Senate refused it and adopted a more advanced or more radical proposition on the tax question, in that they sought to increase the percentage that the District government should pay, when they decided that the tax rate should be $1.75, the Federal Government making up the difference between the amount received and the expenses of the District.

Mr. NEWTON of Minnesota. As I understand it, all this committee is doing is to substitute this for the provision of the Senate bill when they refused to go ahead with the 60-40 plan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, a while ago in ruling on the point of order the Speaker correctly said that the pending amendment offered by the gentleman from Minnesota is of a most radical character; that it changes the entire fiscal system of the District of Columbia. Think of that! A complete change of the entire fiscal system of the District of Columbia, affecting nearly 500,000 people, brought in here yesterday for the information of the House, and now to be passed upon after practically no debate at all! Now, I ask how fair-minded men can justify any such course. If I may without disrespect use the term, I would say that it strikes me as positively absurd for the

gentleman from Illinois [Mr. MADDEN] to take the floor and spend nearly five minutes in eulogizing the conferees. What does personal eulogy amount to when we are considering a fiscal situation involving questions of taxation and various other questions of extreme importance? How are we speeded toward a correct conclusion by having certified to us the fact of which we are all aware, that these conferees are very eminent and respectable gentlemen? However high they may stand—and they do stand high—they ask us to do a thing utterly unreasonable, accept what they have resolved upon and propose, without any evidence except their own statements, and without any chance at all for real debate. Now, I have tried to look at this matter as a judge, although I have never been one. I know, however, what the attitude of a judge should be, and, taking a strictly judicial attitude, approving some of the propositions contained in this amendment and disapproving others, I submit that there never was a document of five pages, to be now immediately disposed of, containing more legislation of greater importance and variety than this amendment contains. It is said that the excuse for our action is because the legislative committee on the District of Columbia sends legislation to the Senate and it is buried there. Is that any reason why the House of Representatives should put itself in any such position that it is now about to assume? Does that constitute a reason why the House of Representatives, exercising its power and rising to its dignity, should not find some better method of dealing with the affairs of the District?

Now, I wish to say a little about some of the specific things in this amendment. The amendment, for instance, provides for basing taxes upon the full assessed value. If any of us were sitting around a table on a legislative committee we would, in considering the basis of taxation, inquire whether there should be exemption or mitigation extended to the small property owner; we would consider the question of imposing higher taxes upon the unearned increment of unimproved property. But there has been no such inquiry.

As to the tax on intangibles, I do not object to that.

I do not think an excessive rate is provided by the amendment, but if we were legislating deliberately, as we are not, it would be proposed that we look into the legal rate of interest in the District of Columbia and see whether it is not so high that the man who wishes to borrow money upon his house or desires to negotiate a loan for some other legitimate purpose will be required to pay a rate of 7 per cent interest or more plus the prospective intangible taxes.

In my opinion, the most objectionable feature of the amendment is the provision that requires the District to raise and pay into the Treasury, by a yearly contribution for a period of five years, the very large amount that will be needed to enable the District "to get upon a cash-paying basis by the end of the fiscal year 1927." The theory for this is that while the annual contribution of the District toward the common upkeep is roughly about $14,000,000, this is not available until toward the end of the fiscal year, and meanwhile all payments are made from the Federal Treasury, so that the Government along during the fiscal year really advances $14,000,000, for which the District is bound, and that the only way to remedy the burden to which the Government is thus subjected is to accumulate during the five-year period $14,000,000, which at the end of that period will make possible the payment of the common liabilities from common resources.

The present practice which this theory criticizes and condemns as a hardship upon the Government is sanctioned by an old statute. If there is any real grievance of which the Government is entitled to complain, it should surely not be corrected by forthwith adding to the normal 60 per cent contribution paid by the taxpayers of the District an annual item of perhaps nearly $3,000,000 for five years. It goes without saying that such an addition at any time, and especially at such a time as this, would be a very serious thing. To create a fresh tax liability of such a large amount naturally causes the people of the District a great deal of uneasiness and anxiety. Incidentally, it may be noted that against the proposed five-year $14,000,000 charge this bill gives no credit for a clear balance of $4,646,000, which in the period from June 30, 1916, to June 30, 1920, the District paid into the Federal Treasury over and above the contribution it was called on to make to the total revenue and expenditures. As I understand, the existence of this balance is not only undisputed but has been expressly recognized in communications from the Treasury Department.

If it is inequitable for the Government to make advances as heretofore, it would nevertheless seem likewise wholly inequitable to attempt to correct that condition by exacting from the taxpayers of the District an extraordinary fund of something like $14,000,000. They would fare much better by amending the present law so as to compel the payment of a substantial part of the local taxes, say by November 1, instead of permitting payment to be postponed to the close of the fiscal year. Or they would suffer less by the District being called on to pay the Government a fair rate of interest on the Government advances for the average period during which the Government lays out its funds, which would probably be a period of six months.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Virginia. Can the gentleman from Minnesota yield me five additional minutes?

Mr. DAVIS of Minnesota. No; I can not.

Mr. MOORE of Virginia. The gentleman's courtesy is invariable.

Mr. DAVIS of Minnesota. Absolutely. I will say that my courtesy is equal to that of the gentleman. I have more gentlemen who want to speak here than I have time.

Mr. MOORE of Virginia. May I ask the gentleman if he will not agree by unanimous consent to extend the time of debate?

Mr. DAVIS of Minnesota. I could not; no, sir.

Mr. MOORE of Virginia. The gentleman is very summary.

Mr. DAVIS of Minnesota. I know he is, but the gentleman's speech indicates his generosity, too.

I yield 10 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, the argument has just been made against this procedure, because it gives so much authority to the Committee on Appropriations. I wish the House to remember that much authority has been taken away from the Committee on Appropriations by the present proceedings; that authority has been taken away from the conferees, and has compelled the conferees to come back to the House, not to accept an amendment put upon the bill by the conferees but merely to accept or reject an amendment proposed in the open House. That procedure is different from past procedure, and is much more liberal toward the House than the former practice.

As I have such a short time to discuss the merits of this amendment I shall have to get at it hurriedly, but I do wish to say that at no time since the end of the Shepherd régime in the early seventies has Congress placed so much power in the officers of the District of Columbia as this amendment does. We see in the newspapers that some of the commissioners have said that this amendment will pile untold taxes on the people of the District of Columbia. When they say that they seemingly do not bear in mind that the Commissioners of the District of Columbia themselves, selected from among the people of the District of Columbia, fix their estimates, and that they themselves fix the rate of taxation. What could be more fair?

Only the other day one of the wealthiest and one of the most prominent men in the District of Columbia, a prominent banker, was in my office, and he complained that the taxes were going to be so heavy in the District of Columbia that nobody could stand them. I laid the proposition before him that the Commissioners of the District of Columbia would be economical or extravagant in their estimates just as they chose to be, and then that the Commissioners of the District of Columbia were given the power by Congress to fix the rate of taxation, that they can make it much or make it little. That gentleman said to me, "I came to complain, but there is nothing that is fairer than the proposition which this amendment submits to the people of the District of Columbia, except that the tax on intangible personal property is too high."

It has just been said by the gentleman from Virginia [Mr. MOORE] that if this amendment is adopted it will impose a greater rate of interest upon borrowers. Let me show you that just exactly the reverse of that proposition is true. If a man in the District of Columbia has a mortgage on real estate in the District, and that mortgage is either exempt from taxation entirely or has a small tax upon it, just as is here, then it is more profitable to own the mortgage than it is the real estate. This proposition to increase the taxation upon intangible personal property does not suit me, because it does not go far enough, but it was the best we could get. Then, if under the present rate of 3 mills more than $1,000,000 is raised in the District of Columbia by taxing intangible personal property, under the proposed amendment one million and three-quarters will be raised, and when one million and three-quarters is raised on intangible personal property the amount that must be raised from taxing real estate and tangible personal property is correspondingly reduced.

The commissioners, by the provisions of this amendment, can either make the estimates big or little. Therefore it depends on them whether the tax rate shall be great or small. If they

demand and succeed in getting an extravagant appropriation bill the taxes must be more than if they get an economical bill.

Mr. JOHNSON of Mississippi. May I ask the gentleman how the rate here compares with the rates in the different cities?

Mr. JOHNSON of Kentucky. I will say this to the gentleman, that the House conferees proposed to the Senate conferees in writing that 20 cities be taken; that the Director of the Census Bureau be directed to take 10 cities immediately larger in population than the District of Columbia and 10 cities immediately smaller than the population of the District of Columbia; let the Director of the Census pick the cities and then permit the Director of the Census to gather the taxation that would be paid in each of those 20 cities, and then from that taxation strike an average, and let that rate of taxation apply to the District of Columbia. That was a fair proposition. But because it would make the rate of taxation in the District of Columbia comparably up to that paid by other jurisdictions it was rejected. Then we were forced to cast about for another way. Finally the House conferees yielded to the proposition that the Commissioners of the District of Columbia should make their own estimates and also fix a rate of taxation for the District. I believe in my heart that there is no fair-minded man in the District of Columbia who can complain about it when he comes to understand. There is no avenue in the District of Columbia through which the people of the District can know about their own affairs. The papers here will not fully tell them about their public business. Even this amendment has been distorted. It has been misrepresented. The people have been told that Congress is heaping a burdensome tax upon them. Two distinguished men from private life here in the District of Columbia and a distinguished Army officer, making the third District commissioner, are to fix the rate of taxation for them. The papers say that the tax will be upon three-thirds instead of two-thirds. It must go out from the Nation's Capital that cheating in the way of valuation is not to be recognized. A model is to be established in that respect.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. EVANS].

Mr. EVANS. Mr. Speaker, there has been considerable said in reference to the matter of no hearings having been had on this proposition, and in order that the matter may be thoroughly presented to the House, as I think it ought to be, I wish to state what the facts are with reference to this matter. There have been extended hearings before the District Committee in this body on the question of the fiscal system of the District. Not only is that true, but in the Senate, in the District Committee, they had extended hearings, in both of which the people of the District have been heard.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. EVANS. I yield.

Mr. KING. Have there been any hearings on this amendment now before the House?

Mr. EVANS. I will cover that in a moment.

Not only have they been heard, but bills have been presented in the House and in the Senate. There is pending right at this minute before the District Committee of this House a bill passed by the Senate which has been lying there for two months, and one of the Members who finds fault because there has been no hearing on the question is one of the men who are members of that committee.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. EVANS. Yes.

Mr. KING. Are the people of the District of Columbia to be punished for the shortcomings of the Senate?

Mr. EVANS. The gentleman's question supposes that the House is trying to punish the people in the District of Columbia, which is not supported either by common sense or any facts. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield for a very short piece of history that will add to our information?

Mr. EVANS. I yield to the gentleman.

Mr. JOHNSON of Kentucky. Seven years ago, in 1915, we got just this far with a proposition to change the fiscal relations of the District of Columbia. Then the Senate got some matter on the District bill. Mr. UNDERWOOD, of Alabama, was then the Democratic leader in the House, and the House was Democratic. The very complaint that they had not had a hearing was then brought up. Then Mr. UNDERWOOD offered an amendment by which a special committee was appointed to have a hearing. That special committee held its hearings until after Congress adjourned and long afterwards into the summer, and it was gone over by everybody that wanted to be heard, and thereby wholesome legislation both for the District and the United States was defeated.

Mr. EVANS. With reference to the amendment which has been presented here in the House certain persons high in District affairs were called and were heard. No general hearings have been had, but I challenge your attention to this, that there has not been a single criticism of this amendment which was reported here on the 28th of April by any Member on the floor of the House because it was unjust.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. EVANS. Yes.

Mr. JOHNSON of Mississippi. Is it not a fact that hearings have been held on bills involving the same questions as those contained in the amendment?

Mr. EVANS. Yes.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Wyoming moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Atkeson	Fairfield	Kunz	Sears
Bacharach	Fenn	Langley	Shelton
Barbour	Fields	Lee, Ga.	Shreve
Beck	Fisher	Lee, N. Y.	Smith, Mich.
Benham	Focht	Logan	Smithwick
Bixler	Garner	Longworth	Snyder
Black	Gilbert	McArthur	Speaks
Blakeney	Gould	McKenzie	Sproul
Blanton	Greene, Vt.	Madden	Stedman
Boies	Griest	Maloney	Stephens
Bowers	Griffin	Mann	Stiness
Brand	Haugen	Mansfield	Stoll
Brennan	Hawley	Martin	Strong, Kans.
Britten	Hays	Mead	Strong, Pa.
Brooks, Ill.	Herrick	Merritt	Sullivan
Brooks, Pa.	Hill	Michaelson	Sweet
Brown, Tenn.	Hines	Montoya	Taylor, Ark.
Burdick	Hogan	Moore, Ill.	Taylor, Colo.
Burke	Hudspeth	Mott	Ten Eyck
Butler	Hull	Nolan	Tilson
Campbell, Pa.	Humphreys	O'Connor	Tincher
Carew	Husted	Olpp	Treadway
Clark, Fla.	Ireland	Park, Ga.	Underhill
Classon	Jefferis, Nebr.	Patterson, N. J.	Vestal
Cockran	Jeffers, Ala.	Porter	Walters
Codd	Johnson, S. Dak.	Pou	Ward, N. Y.
Collins	Jones, Tex.	Radcliffe	Ward, N. C.
Connell	Kahn	Rainey, Ala.	Webster
Connolly, Pa.	Kearns	Ransley	Wheeler
Copley	Kelley, Mich.	Rayburn	Wilson
Coughlin	Kelly, Pa.	Reber	Winslow
Cramton	Kendall	Reece	Wise
Crowther	Kennedy	Reed, N. Y.	Wood, Ind.
Dallinger	Kindred	Robertson	Woods, Va.
Dempsey	Kitchin	Rosenbloom	Woodyard
Dunn	Kleczka	Ryan	Wright
Drewry	Knight	Sabath	Wurzbach
Edmonds	Kreider	Sanders, Ind.	Wyant
Ellis		Sanders, N. Y.	Yates

The SPEAKER pro tempore (Mr. STAFFORD). Two hundred and seventy-four Members are present—a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

The gentleman from Minnesota [Mr. DAVIS] has 25 minutes remaining.

Mr. EVANS. Mr. Speaker, was my time all used?

The SPEAKER pro tempore. The Chair is advised that the gentleman's time is exhausted. The gentleman from Minnesota [Mr. DAVIS] has 25 minutes remaining.

Mr. DAVIS of Minnesota. I think the Speaker made a mistake.

The SPEAKER pro tempore. The Chair is advised by the Clerk that 35 minutes have been consumed, so that the gentleman has 25 minutes remaining of the hour.

Mr. DAVIS of Minnesota. Mr. Speaker, I wish the Chair to call my attention to it when I have consumed all but two or three minutes of my time.

Gentlemen of the House, I would like your attention as much as possible. As most of you are aware, I make very few speeches on this floor. In the first few years after I came here—the first 8 or 10—I was talking considerably, but since then I have

been engaged in committee work, and chiefly upon the District of Columbia Committee, so much so that I have been called "the sole alderman of Washington." And I want to say to you now that there are more difficulties, in my judgment, connected with the position I occupy than there are in being the sole alderman of the city of Chicago because of the complications that arise in every way, raising money from all sources and distributing it by half a dozen or a dozen different organizations or commissions.

I began a few years ago to aid and assist the school-teachers of the District. I found that the lower-grade teachers were getting only $500 and $600 a year. I succeeded in about three years or more of effort in getting them so adjusted that the lowest kindergarten and first-grade teacher gets now $1,440, and others in proportion. Was I liberal with the District from this standpoint?

When I began here the policemen were not getting as much salary as they are now receiving. I assisted in getting their salaries raised. The firemen were not getting as much as they now get. I assisted in getting their salaries raised. I aided in getting a platoon system for the firemen, so that instead of working 24 hours a day they have a platoon system. But I want to say that in all the bills that I have helped to engineer and get up, as a member of the subcommittee before I became chairman, and as chairman, this is the most liberal bill that has ever been presented to this Congress for the District and contains the greatest amount, two or three million dollars more than the bill of last year. Inside of 10 years, since I have been on this committee—and I do not want you to lay it up against me—this District of Columbia appropriation bill has about doubled. But be that as it may, we now have in this bill and the bills just preceding it, including the deficiency bill, within 14 months, over $5,000,000 appropriated for new school buildings. Many of them are not yet built. Because they said the schools were crowded I have given them every school building they have asked for except possibly one in the last bill or two. We have improved their streets and roads and given them virtually everything they asked except one in the last year or two.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. DAVIS of Minnesota. Yes.

Mr. LINTHICUM. I should like to ask the gentleman where there is one good road in the District of Columbia anywhere outside of Potomac Park?

Mr. DAVIS of Minnesota. I will say to the gentleman that if they have not got good roads it is not because they have not had the money, but it is because the money has not been spent where it was appropriated for in many instances. There was a little road that goes out into Maryland for which my friend Sidney Mudd got an appropriation.

Mr. LINTHICUM. And he had to fight hard to get it.

Mr. DAVIS of Minnesota. No; he did not. I assented to it. If I had not assented to it he never would have gotten it, and that money which was appropriated for that road has never been spent on that road, only a little part of it.

Mr. MUDD. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. MUDD. The gentleman recalls that an appropriation of $51,000 was obtained for the Bladensburg Road leading to Baltimore city?

Mr. DAVIS of Minnesota. Yes.

Mr. MUDD. And the gentleman recalls very well that not a cent of that money was spent on that road.

Mr. DAVIS of Minnesota. Am I to blame for that?

Mr. MUDD. No.

Mr. LINTHICUM. I should like to know who is to blame?

Mr. DAVIS of Minnesota. I do not wish to make any accusations against the officers in charge of this District.

Mr. LINTHICUM. I know, but the gentleman in charge of the District appropriations ought to know who is to blame.

Mr. DAVIS of Minnesota. I did not spend that money.

Mr. LINTHICUM. The gentleman ought to tell us who is to blame.

Mr. DAVIS of Minnesota. The commissioners or the Engineer commissioner spent the money for that particular thing. I did not.

Now, gentlemen, ever since I have been in the city the papers here have raised a great howl, saying, "We do not have a vote, we do not have anything to say about our taxes, or about our estimates, or about anything. Some of these Congressmen from the western prairies come down here and skimp us," and so forth. We have the right under the Constitution to make their assessments, to fix up their estimates after they present them, and to say what shall be appropriated. We have done what we thought was right.

And now I am going to get down to the real proposition here, this amendment No. 1. What is it? You know the people of the District of Columbia are legislative orphans. They can not vote. They can not have a word to say about their taxation or anything of that kind, not a thing; but this Senate amendment No. 1 for the first time gives them full power to do it. That is what it does. It says to the District Commissioners, "Fix your own estimates, fix your own rate of taxation." Ah, but I hear my friend from Maryland saying, "But you raised the assessment to the full value." True; and why did we do it? Do you want me to tell you why we raised it?

Mr. ZIHLMAN. Will the gentleman yield?

Mr. DAVIS of Minnesota. No. I will tell you why we raised it. It was because I know, and many gentlemen on this floor know, that there have been assessments against the small home owner that were very nearly up to the full value, or at least to the full amount of two-thirds, under the law, while some of these houses of multimillionaires, houses worth half a million or a million dollars apiece, have been assessed at only about one-fifth of their value. We simply put that in here for the purpose of protecting the small house owner instead of the large one.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DAVIS of Minnesota. Just for a question.

Mr. LINTHICUM. Why did you cut out the exemption on page 3 of the bill, the $2,000 exemption on real estate which would have helped the small householder?

Mr. DAVIS of Minnesota. I hate to mention names, but we had as conferees on the part of the Senate Senator PHIPPS, Senator JONES, and Senator GLASS. Ask them if they did not agree to this section. They agreed to it fully, and to-day they are somewhat chagrined at some of the erroneous statements that are being told through the papers concerning their action.

Mr. LINTHICUM. We ought to have held it in there, because that is the only thing that does help the small householder.

Mr. DAVIS of Minnesota. Now, as I say, under the standard law we have a tax rate of 15 mills on real estate and tangible personal property.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. DAVIS of Minnesota. I can not yield.

Mr. ZIHLMAN. The gentleman does not wish to state the tax rate incorrectly. That is not the tax rate.

Mr. DAVIS of Minnesota. All right; if it is not, the gentleman can contradict it in his own time. Fifteen mills has been the tax rate for a great many years. Two or three years ago we raised the limit so they could go between 15 mills and 20 mills if they wanted to, in order to raise a sufficient amount. Last year they raised it to 18 mills, or $1.82 on $100. Now, we did not wish to confine them to that. We simply say that we fix the valuation at par, and we say to the commissioners, "Fix your tax rate at anything you have a mind to. Fix it at 5 mills, 10 mills, 20 mills, anything to raise enough to pay your 60 per cent of the estimates and appropriations that you want made." They can fix it any way they have a mind to, so this full valuation cuts no figure. It is the tax rate to be fixed by the commissioners that counts.

I have told you why we put on the full valuation—to make them put a full valuation on the large property owners as they have on the small property owners. Now, gentlemen, as I have said, this is the largest bill for the District that has been considered since I have been a Member of the House. I think we had hearings before our committee and had the auditor of the District and all the commission and everybody connected with it about two months, and took 1,500 pages of testimony. Then the Senate had hearings, extensive hearings on similar matters, and we have been in conference for about six weeks. The matter has been thoroughly thrashed over. This bill meets the situation exactly regarding school buildings, playgrounds, water, eight or nine million dollars for a new aqueduct, the school for feeble-minded, and everything you need. It is a large bill. The fact is next year if the taxes are not right it will be the fault of the commissioners, because they have enough in this bill, so that next year the bill ought not to be as large in amount as this bill. They have buildings appropriated for that they will not build for two or three years. It is said and published that the taxes will be higher—$3,000,000, they say—which is all nonsense and bosh. But we do tell them to raise a little surplus. I notice one or two men looking at me who think and say that we have already a surplus. How do you know we have? Because somebody told you so. Dig down into it and you will find that there is no surplus. Furthermore, I want to say that since 1878, 44 years, the Government of the United States has advanced each year for 11 months in each year all the money, without any interest, running into hundreds of millions of dol-

ture. This bill continues this advancement for five years more. For instance—take the expenses of the current year—has the District got any money in it? No, sir; the Government of the United States has got it all, and will have it until they collect the taxes about the 1st of June. Then they recompense the Government. In 1923 the Government advances the money again, and they always have done so without any interest.

The interest at 2 per cent on that loan for the 40 years would amount to many millions. Still, talking about the surplus, we wish to put the District on a cash basis, and we give them five years in which to levy a tax and put a little something in the Treasury so that in 1927 they will have at least money enough of their own to pay the 60 per cent of the current expenses as they go along. Is there anything unfair about that? I can not see it.

But here is the great rub: When section 1 was written I suggested to the conferees that the raising of the intangible tax from three-tenths of 1 per cent to five-tenths would cause much trouble. In other words, the man that has come from another State and put millions of dollars worth of bonds and mortgages into the safety deposit vault and paid nothing will now object. The State from which he came probably taxed him from 1 to 2 per cent on intangible property and he can not now wholly escape taxation. When the first intangible law was passed for the District it was 1 per cent, or more, and it ran along that way for a few years, and then the whole thing was abandoned and nothing was collected on intangible property. Three or four years ago, through the efforts of some gentlemen—and I had something to do with it—we decided that the intangible property owners in this city should pay at least a little something on their bonds, stocks, and mortgages—the intangible property—and we put upon it the enormous tax of three-tenths of 1 per cent. Think of it, gentlemen! I know that in Maryland they have the next cheapest tax of any place in the United States. In Virginia they have 5 mills down there. I do not know of any other place where they have a tax as low as that. This District lies between Maryland and Virginia, and we thought at this time we would raise it two-tenths of 1 per cent, and we think that ought to be fair; that men who have these large amounts of mortgages and stocks and bonds, drawing 6 and 8 per cent, should pay one-half of 1 per cent on a dollar and thus help out the poor people who can not afford to pay taxes.

Make the bigger ones pay two-tenths of 1 per cent more, or 5 mills on a dollar of intangible property. That is the reason why we have this item in the bill. It is in the interest of the poor men in Washington instead of the rich ones. Poor men are not coming here except they get up a little association down in the Bureau of Engraving and Printing and get the employees to send me a large volume of what they call facts, which are not facts. I tell you in my experience this is the most just proposition, as far as taxation is concerned, that has ever been known.

Now if hereafter you have to pay an extra tax blame your own commissioners, because they will make the rate of taxation. Congress does not make any rate at all except to raise the tax two-tenths of 1 per cent on intangible property. That is all there is to it. The Senate conferees, when they fully understood this, heartily indorsed it. This amendment originated over there; it did not originate with me. These men who have more brains than I wrote it out very carefully, and I am much obliged to them.

Mr. Speaker, I do not care to talk about the matter any more. Every word that I have said I believe to be true, and much more could be said along this line.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. ZIHLMAN. I wanted to ask the gentleman who drew this amendment No. 1?

Mr. DAVIS of Minnesota. I will not tell the gentleman further than to say that it was drawn by one or two, chiefly; but it is really the combined effort of six men—three Representatives and three United States Senators—and if the gentleman will look at the list of conferees he will know.

Mr. ZIHLMAN. Oh, I understood the gentleman to intimate that it was some one in the District of Columbia who had drawn the amendment.

Mr. DAVIS of Minnesota. No; I did not. The gentleman's hearing is bad.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. CHINDBLOM. Does not the gentleman think that an important piece of legislation of this sort should be considered under the general rules of the House? Does the gentleman believe generally that a large piece of legislation such as this, covering the whole subject of taxation for the District of Columbia, should come in here merely as an amendment on an appropriation bill?

Mr. DAVIS of Minnesota. Does the gentleman understand the rules of the House now?

Mr. CHINDBLOM. Yes.

Mr. DAVIS of Minnesota. Very well; it is because of the rules that we bring it in. I did not make the rules. We could not have considered this on our bill originally. It went over to the Senate, and the Senate put on an amendment, and then under the rules we have a right to bring it here with an amendment, which we have done.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman permit another inquiry?

Mr. DAVIS of Minnesota. Mr. Speaker, I move the previous question on the amendment.

The SPEAKER pro tempore (Mr. STAFFORD). The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Minnesota to concur in the Senate amendment with an amendment.

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 103, noes 24.

Mr. ZIHLMAN. Mr. Speaker, I object to the vote upon the ground that it discloses the absence of a quorum, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Maryland objects to the vote upon the grounds that there is no quorum present, and makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-one Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Minnesota to concur in the Senate amendment with an amendment.

The question was taken; and there were—yeas 200, nays 81, answered "present" 1, not voting 148, as follows:

YEAS—200.

Ackerman	Elliott	Kline, Pa.	Ricketts
Almon	Evans	Knutson	Roach
Anderson	Fess	Kraus	Robertson
Andrew, Mass.	Fisher	Kreider	Robinson
Ansorge	Fordney	Lanham	Rose
Appleby	Frear	Lankford	Rosenbloom
Asweig	Freeman	Larsen, Ga.	Rossdale
Atwell	French	Larson, Minn.	Rowe
Barnhead	Fuller	Lawrence	Rucker
Barkley	Fulmer	Leatherwood	Sanders, Tex.
Beedy	Funk	Lehlbach	Sandlin
Begg	Gahn	Linthicum	Scott, Mich.
Bird	Garrett, Tenn.	Lowrey	Scott, Tenn.
Black	Garrett, Tex.	Luce	Shaw
Bond	Gensman	MacGregor	Siegel
Bowling	Glynn	McDuffie	Sinclair
Box	Goldsborough	McKenzie	Sinnott
Briggs	Goodykoontz	McLaughlin, Mich.	Sisson
Browne, Wis.	Graham, Ill.	Magee	Snell
Buchanan	Green, Iowa	Magee	Somers
Burtness	Greene, Mass.	Mahaffey	Stafford
Byrns, Tenn.	Greene, Vt.	Miller	Steagall
Cable	Griest	Mondell	Stevenson
Cantrill	Hadley	Montoya	Stout
Carter	Hammer	Moore, Ohio	Strong, Kans.
Chalmers	Hardy, Colo.	Murphy	Summers, Wash.
Chandler, Okla.	Haugen	Nelson, Me.	Sumners, Tex.
Christopherson	Hawley	Nelson, A. P.	Swank
Clague	Hayden	Nelson, J. M.	Swing
Clarke, N. Y.	Henry	Newton, Minn.	Taylor, Colo.
Clouse	Herrick	Newton, Mo.	Taylor, N. J.
Cole, Iowa	Hersey	Norton	Taylor, Tenn.
Cole, Ohio	Hoch	Ogden	Thomas
Collier	Huddleston	Oldfield	Thompson
Colton	Humphreys	Oliver	Tillman
Connally, Tex.	Hutchinson	Overstreet	Timberlake
Connell	Jacoway	Padgett	Tinkham
Cooper, Ohio	James	Park, Ga.	Tyson
Cooper, Wis.	Johnson, Ky.	Parker, N. J.	Upshaw
Crisp	Johnson, Miss.	Parks, Ark.	Vaile
Dale	Johnson, S. Dak.	Perkins	Vinson
Davis, Minn.	Johnson, Wash.	Peterson	Voigt
Davis, Tenn.	Jones, Pa.	Pou	Volstead
Dickinson	Jones, Tex.	Pringey	Walsh
Dominick	Kelley, Mich.	Purnell	Walters
Doughton	Ketcham	Quin	Watson
Dowell	Kincheloe	Ramseyer	Williamson
Driver	Kinkaid	Rankin	Wise
Dunbar	Kissel	Reavis	Woodruff
Echols	Kline, N. Y.	Reed, W. Va.	Wright
			Young

NAYS—81.

Andrews, Nebr.	Craig	Favrot	Howe
Bland, Va.	Cullen	Fitzgerald	Hull
Bulwinkle	Curry	Foster	Kahn
Burroughs	Darrow	Fuller	Kiess
Burton	Deal	Frothingham	Hill
Campbell, Kans.	Denison	Gallivan	Husted
Canady	Dupre	Gernerd	Keller
Chandler, N. Y.	Dyer	Gorman	Kunz
Chindblom	Frost	Harrison	King
Kirkpatrick	Mills	Rainey, Ill.	Vare
Kopp	Millspaugh	Raker	Wason
Lampert	Moore, Va.	Rhodes	Weaver
Layton	Morgan	Riordan	White, Me.
Lazaro	Mott	Rodenberg	Williams
Lee, Calif.	Mudd	Rogers	Wingo
Lineberger	O'Brien	Steenerson	Winslow
Linthicum	Osborne	Tague	Yates
Little	Paige	Temple	Zihlman
Logan	Parker, N. Y.	Tinkham	
McPherson	Patterson, Mo.	Towner	
McSwain	Perlman	Tucker	

ANSWERED "PRESENT"—1.

Schall

NOT VOTING—148.

Anthony	Drane	Lee, Ga.	Sabath
Atkeson	Drewry	Lee, N. Y.	Sanders, Ind.
Bacharach	Dunn	Longworth	Sanders, N. Y.
Barbour	Edmonds	Luhring	Sears
Beck	Ellis	Lyon	Shelton
Bell	Fairchild	McArthur	Shreve
Benham	Fairfield	McCormick	Slemp
Bixler	Fenn	McFadden	Smith, Idaho
Blakeney	Fields	McLaughlin, Nebr.	Smith, Mich.
Bland, Ind.	Fish	McLaughlin, Pa.	Smithwick
Blanton	Focht	MacGregor	Snyder
Boies	Garner	Madden	Speaks
Bowers	Gilbert	Maloney	Stedman
Brand	Gould	Mann	Stephens
Brennan	Graham, Pa.	Mansfield	Stiness
Britten	Griffin	Martin	Strong, Pa.
Brooks, Ill.	Hardy, Tex.	Mead	Sullivan
Brooks, Pa.	Hines	Merritt	Sweet
Brown, Tenn.	Hogan	Michaelson	Taylor, Ark.
Burdick	Hooker	Montague	Ten Eyck
Burke	Hudspeth	Moore, Ill.	Tilson
Butler	Hull	Moores, Ind.	Tincher
Byrnes, S. C.	Humphreys	Morin	Treadway
Campbell, Pa.	Ireland	Nolan	Underhill
Carew	Jefferis, Nebr.	O'Connor	Vestal
Clark, Fla.	Jeffers, Ala.	Olpp	Volk
Classon	Kahn	Patterson, N. J.	Ward, N. Y.
Cockran	Kearns	Porter	Ward, N. C.
Codd	Kelly, Pa.	Radcliffe	Webster
Collins	Kendall	Rainey, Ala.	Wheeler
Connolly, Pa.	Kennedy	Ransley	White, Kans.
Copley	Kindred	Rayburn	Wilson
Coughlin	Kitchin	Reber	Wood, Ind.
Cramton	Kleczka	Reece	Woods, Va.
Crowther	Knight	Reed, N. Y.	Woodyard
Dallinger	Kunz	Riddick	Wurzbach
Dempsey	Langley	Ryan	Wyant

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Longworth with Mr. Bell.

Mr. Graham of Pennsylvania with Mr. Garner.

Mr. Kennedy with Mr. Smithwick.

Mr. Coughlin with Mr. Taylor of Arkansas.

Mr. Butler with Mr. Lee of Georgia.

Mr. Boies with Mr. Carew.

Mr. Strong of Pennsylvania with Mr. Byrnes of South Carolina.

Mr. Hogan with Mr. Montague.

Mr. Tincher with Mr. Martin.

Mr. Wood of Indiana with Mr. Woods of Virginia.

Mr. Kearns with Mr. Collins.

Mr. McArthur with Mr. Jeffers of Alabama.

Mr. Dunn with Mr. Kitchin.

Mr. Shelton with Mr. Wilson.

Mr. Brown of Tennessee with Mr. Ten Eyck.

Mr. Wurzbach with Mr. Fields.

Mr. Reed of New York with Mr. Clark of Florida.

Mr. Smith of Michigan with Mr. Brand.

Mr. Blakeney with Mr. Mead.

Mr. Burke with Mr. Sullivan.

Mr. Lee of New York with Mr. Gilbert.

Mr. Connolly of Pennsylvania with Mr. Drane.

Mr. Radcliffe with Mr. Humphreys.

Mr. Stephens with Mr. Ward of North Carolina.

Mr. Reece with Mr. Kindred.

Mr. Anthony with Mr. Sears.

Mr. Olpp with Mr. Drewry.

Mr. Kahn with Mr. Campbell of Pennsylvania.

Mr. Shreve with Mr. O'Conner.

Mr. Ellis with Mr. Rayburn.

Mr. Bacharach with Mr. Sisson.

Mr. Maloney with Mr. Griffin.

Mr. Atkeson with Mr. Hooker.

Mr. Sanders of Indiana with Mr. Kunz.

Mr. Volk with Mr. Sabath.

Mr. Kendall with Mr. Lyon.

Mr. Knight with Mr. Stedman.

Mr. Wheeler with Mr. Hardy of Texas.

Mr. Michaelson with Mr. Barkley.

Mr. Hines with Mr. Hudspeth.

Mr. Brennan with Mr. Rainey of Alabama.

Mr. Luhring with Mr. Blanton.

Mr. Snyder with Mr. Mansfield.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Mr. LINTHICUM. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. Mr. Speaker, the time was so limited in debate that I ask unanimous consent that any Member may have five legislative days in which to extend his remarks on amendment No. 1.

The SPEAKER. The gentleman from Maryland asks unanimous consent that all Members may have five legislative days in which to extend remarks on amendment No. 1. Is there objection?

Mr. WALSH. Mr. Speaker—well, I object.

The SPEAKER. The gentleman from Massachusetts objects. The Clerk will report the next amendment.

The Clerk read as follows:

After line 11 insert: "For the purchase or condemnation of a piece of ground to take the place of Columbia Heights playground, $50,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur, with an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment No. 78, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000."

Mr. WALSH. Mr. Speaker, will the gentleman make some little explanation of this? I think the House is entitled to it.

Mr. DAVIS of Minnesota. Mr. Speaker, this is to provide for the condemnation of a piece of ground to take the place of the Columbia playground. The amount asked for was $50,000, but after mature investigation we found that $25,000 was all that was necessary, and we all agreed to it, the Senate and the House; but I could not agree to it without bringing it back to the House for a vote, because it was subject to a point of order under the rules of the House. The Senate agrees to all this.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 79: Page 32, line 31, strike out "$109,220" and insert "$159,220."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment, this simply being the total. I send the amendment to the Clerk's desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur in amendment No. 79 with an amendment as follows: In lieu of the sum proposed, insert "$134,200."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 80: On page 41 of the bill strike out of line 23 "$75,000" and insert "$90,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur in Senate amendment No. 83 with an amendment as follows: In lieu of the sum proposed, insert the following: "$75,000: *Provided*, That no part of this sum shall be expended on courses of instruction not embraced in the day-school courses and the grades of the first two years of high school."

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman explain something concerning this amendment?

Mr. DAVIS of Minnesota. This amount is fully agreed to between the Senate and the House conferees, and the reason why we did not put it in is simply because it would have been subject to the point of order if we had agreed to it, and we simply bring it back here for a vote under the rules.

Mr. STAFFORD. What is the purpose of the amendment?

Mr. DAVIS. The purpose of the amendment is simply this: They have been spending a good deal of money, and we are willing to give a good deal of money. They have been teaching everybody from 6-year-old children up to people of 50 or more years of age, and we want to limit it to those who want to take the day-school teaching and the first two grades of the high schools.

Mr. STAFFORD. May we have the amendment again reported?

The SPEAKER. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. LANHAM. I would like to ask the gentleman from Minnesota what instruction is now being given in the night schools? What does it include?

Mr. DAVIS of Minnesota. There is no regular instruction. They teach what they want to.

Mr. LANHAM. Does it include four years of high-school work?

Mr. DAVIS of Minnesota. With some of them it does and with some it does not. They want it limited to two years in the high school.

Mr. LANHAM. If it is a good thing to have night schools for these people, why not give them the benefit of four years of high-school work instead of two?

Mr. DAVIS of Minnesota. I can not answer that, except to say that after a long investigation it has been found satisfactory to everybody. Recently there has been a propaganda going around that a few people might be shut out, but the majority of people and pupils are satisfied with this proposition.

Mr. LANHAM. I will say to the gentleman that, regardless of propaganda, my view is this: That if you are going to have night schools for the benefit of the people who can not attend schools in the daytime, and who want after their daily work is over to get an education in order to be of better service to this country, they ought to be given the proper opportunity to do so.

Mr. WALSH. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The question is on the motion to recede.

The question was taken, and the motion was agreed to.

The SPEAKER. The question is on concurring with an amendment.

Mr. WALSH. Mr. Speaker, I move to amend the motion to concur by an amendment to strike out the proviso.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 31, noes 82.

Mr. LINTHICUM. Mr. Speaker, I think the number shows that there is no quorum present, and I make the point that there is no quorum present.

The SPEAKER. The gentleman from Maryland makes the point that there is no quorum present. The Chair will count.

[The Speaker proceeded to count.]

Mr. DAVIS of Minnesota. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman can not do that when the question of no quorum is pending. The Chair is counting. [After counting.] It is clear that there is no quorum present, and the Doorkeeper will close the doors. The Sergeant at Arms will notify the absentees. Those in favor of the motion of the gentleman from Massachusetts will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 140, nays 115, not voting 175, as follows:

YEAS—140.

Almon	Fordney	Lampert	Rich
Andrew, Mass.	Foster	Lanham	Riker
Anderson	Free	Lankford	Rankin
Armstead	Frothingham	Larson, Ga.	Roberts
Beedy	Fulmer	Larson, Minn.	Robsion
Bland, Va.	Gann	Lawrence	Robinson
Bond	Gardner	Layton	Rodenberg
Box	Garrett, Tex.	Lazaro	Rogers
Briggs	Gensman	Lea, Calif.	Rose
Burroughs	Greene, Mass.	Lineberger	Rossdale
Byrnes, S. C.	Greene, Vt.	Linthicum	Rouse
Cable	Hammer	Logan	Sanders, Tex.
Chalmers	Hardy, Colo.	Lowrey	Schall
Chandler, N. Y.	Hardy, Tex.	Luce	Seldomridge
Chandler, Okla.	Harrison	McPherson	Sanders, Ind.
Chindblom	Hayden	Macrum	Summers, Tex.
Clarke, N. Y.	Henry	McLeod	Swank
Cole, Ohio	Hersey	Mills	Swing
Colton	Hickey	Montague	Tague
Connally, Tex.	Hicks	Moore, Ohio	Taylor, Tenn.
Crago	Hill	Moore, Va.	Thompson
Crisp	Hooker	Morgan	Tinkham
Cullen	Huddleston	Moll	Tourner
Curry	Husted	Murphy	Tucker
Dale	Johnson, Miss.	Nelson, Me.	Tyson
Dempsey	Johnson, S. Dak.	Nelson, A. P.	Upshaw
Dowell	Jones, Tex.	O'Connor	Vaile
Dyer	Keller	Ogden	Walsh
Dunbar	Kelley	Osborne	Watson
Dupré	King	Padgett	Watson
Dyer	Kissel	Page	White, Me.
Fairchild	Kline, N. Y.	Parks, Ark.	Winco
Favrot	Kopp	Perlman	Winslow
Fish	Kraus	Peterson	Yates
Fitzgerald	Kreider	Purnell	Zihlman

NAYS—115.

Ackerman	Davis, Minn.	James	Pringey
Anderson	Davis, Tenn.	Johnson, Ky.	Ramseyer
Andrews, Nebr.	Deal	Johnson, Wash.	Rhodes
Anderson	Denison	Jones, Pa.	Riordan
Appleby	Dickinson	Kiess	Robertson
Barkley	Dominick	Kincheloe	Sandlin
Bees	Doughton	Kinkaid	Scott, Mich.
Begg	Echols	Kirkpatrick	Shaw
Bell	Elliott	Kline, Pa.	Sinclair
Bird	Evans	Lehlbach	Sinnott
Black	Fess	McCormick	Snell
Bowling	Fisher	McKiddie	Steenerson
Browne, Wis.	French	McLaughlin, Mich.	Stevenson
Buchanan	Fuller	McLaughlin, Nebr.	Stoll
Bulwinkle	Garrett, Tenn.	Magee	Strong, Kans.
Burdick	Gernerd	Mapes	Summers, Wash.
Burton	Goldsborough	Miller	Taylor, Colo.
Byrns, Tenn.	Goodykoontz	Millspaugh	Taylor, N. J.
Campbell, Kans.	Gorman	Montoya	Temple
Cannon	Graham, Ill.	Nelson, J. M.	Thomas
Cantrill	Graham, Pa.	Norton	Tillman
Carter	Hadley	O'Brien	Timberlake
Christopherson	Haugen	Oldfield	Vinson
Clague	Hawes	Oliver	Voigt
Cole, Iowa	Herrick	Overstreet	Weaver
Collier	Hoch	Parker, N. J.	Williams
Cooper, Ohio	Hull	Parker, N. Y.	Woodruff
Cooper, Wis.	Hutchinson	Perkins	Young
Darrow	Jacoway	Pou	

NOT VOTING—175.

Anthony	Fields	McClintic	Sears
Aswell	Focht	McFadden	Shelton
Atkeson	Frear	McKenzie	Sherwood
Bachmann	Freeman	McLaughlin, Pa.	Siegel
Barbour	Funk	McSwain	Sisson
Benham	Garner	Madden	Slemp
Bixler	Gilbert	Maloney	Smith, Idaho
Blakeney	Glynn	Mann	Smith, Mich.
Bland, Ind.	Gould	Mansfield	Smithwick
Blanton	Green, Iowa	Martin	Snyder
Boies	Griest	Mead	Speaks
Bowers	Griffin	Merritt	Sproul
Brand	Hawley	Michaelson	Stedman
Brennan	Hays	Mondell	Stephens
Britten	Hinds	Moore, Ill.	Stinesp
Brooks, Ill.	Hogan	Moores, Ind.	Strong, Pa.
Brooks, Pa.	Hudspeth	Morin	Sullivan
Brown, Tenn.	Hukriede	Mudd	Sweet
Burdick	Humphreys	Newton, Minn.	Taylor, Ark.
Burke	Ireland	Newton, Mo.	Ten Eyck
Butler	Jefferis, Nebr.	Nolan	Tilson
Campbell, Pa.	Jeffers, Ala.	Olpp	Tincher
Carew	Kahn	Park, Ga.	Treadway
Clark, Fla.	Kearns	Patterson, Mo.	Underhill
Classon	Kelley, Mich.	Patterson, N. J.	Vare
Cleous	Kelly, Pa.	Porter	Vestal
Cockran	Kendall	Radcliffe	Volk
Codd	Kennedy	Rainey, Ala.	Volstead
Collins	Kindred	Rainey, Ill.	Walters
Connell	Kitchin	Ransley	Ward, N. Y.
Connolly, Pa.	Klecka	Rayburn	Ward, N. C.
Copley	Knight	Reavis	Wason
Coughlin	Kunz	Reber	Wheeler
Cramton	Lanham	Reece	White, Kans.
Crowther	Langley	Reed, N. Y.	Williams
Dallinger	Leatherwood	Reed, W. Va.	Wilson
Drane	Lee, Ga.	Riddick	Wise
Drewry	Lee, N. Y.	Rosenbloom	Wood, Ind.
Dunn	Little	Rucker	Woods, Va.
Edmonds	Lonson	Ryan	Woodyard
Ellis	Longworth	Sabath	Wright
Fairfield	Lubring	Sanders, Ind.	Wurzbach
Faust	Lyon	Sanders, N. Y.	Wyant
Fenn	Mapes	Scott, Tenn.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Vare with Mr. Wright.

Mr. Griest with Mr. Garner.

Mr. Newton of Missouri with Mr. Wise.

Mr. Connell with Mr. McClintic.

Mr. Faust with Mr. Rucker.

Mr. Mondell with Mr. Stedman.

Mr. Morin with Mr. Ward of North Carolina.

Mr. Williams with Mr. Park of Georgia.

Mr. Patterson of Missouri with Mr. Aswell.

Mr. Fenn with Mr. London.

Mr. Wyant with Mr. McSwain.

Mr. Bland of Indiana with Mr. Rainey of Illinois.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on agreeing to the amendment without the proviso.

The amendment was agreed to.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. GREEN of Iowa. Mr. Speaker, I present a privileged report from the Committee on Ways and Means on House Joint Resolution 314.

The SPEAKER. The gentleman from Iowa presents a privileged report from the Committee on Ways and Means, which the Clerk will report.

The Clerk read as follows:

Report on House Joint Resolution 314, proposing an amendment to the Constitution of the United States.

The SPEAKER. The Chair refers it to the House Calendar.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 101: For equipment, grading, and improving six additional school yards for the purposes of play of pupils, $2,400.

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and to concur with an amendment.

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment. The Clerk will report the motion of the gentleman from Minnesota.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to Senate amendment numbered 101 and agree to the same with an amendment as follows: After the sum "$2,400" insert the following: "*Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playgrounds department."

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Speaker, the attention of the House has been recently called to the dismissal of former Maj. W. O. Watts from the Department of Justice. Considerable newspaper publicity has also been given to the matter. From these publications it might appear that Major Watts had been unjustly treated. In view of my intimate connection with the matter of Major Watts's employment I feel, in justice, the House should have correct information relative to the matter.

During the work of the Select Committee on Expenditures in the War Department in the Sixty-sixth Congress the committee was given very considerable information which was useful, by Major Watts after his discharge from the Army. Major Watts, a resident of Tennessee, was connected with the Quartermaster Department during the World War, and hence had valuable information of things being inquired of by the committee. For a time he was employed by the committee as an investigator, doing faithful work. He is not a lawyer, and his principal fault is that of not understanding the vast difference between the making of a charge and the preparation of such a charge for a successful prosecution.

When the Sixty-sixth Congress adjourned the work of the select committee ended. From that time any investigation of matters growing out of the conduct of the war, or consequent proceedings, were problems for the Department of Justice. After Attorney General Daugherty had taken his office, being advised that the Department of Justice was taking up certain matters theretofore investigated by the select committee, I recommended to the Attorney General, in a special visit to him, that he employ Major Watts as an investigator in his department, at the same time vouching for him in the most positive terms as a trustworthy, intelligent, and reliable man.

In the Department of Justice Major Watts was given access to all the secret files and correspondence of the department in the matters in which he worked and also was in touch with all information of the Secret Service of the Government in these same matters. His relations with the department were those of a highly confidential nature.

The House can imagine my chagrin and embarrassment when I found that recently Major Watts, being dissatisfied with conditions in the Department of Justice, without consultation with his superiors, absolutely ignoring the ethics of the situation and in gross violation of his trust, had made public a large amount of the information about pending matters in the department which he had obtained by virtue of his access to the confidential information and files I have mentioned. This he did without even tendering his resignation, but persisted in holding his office while thus forgetting the duties imposed upon him and ignoring his superiors. If he would make public a part of the information he had, of course, if he has the notion to do so, he will make public anything else he knows, irrespective of its effect on pending matters in the department.

I arose to state that I approve of the decision of the Attorney General in dismissing him. There was nothing else he could do. [Applause.]

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Michigan?

Mr. GRAHAM of Illinois. Not now. Wait until I get done here.

To retain him was to absolutely destroy the morale of the employees in the most confidential department of the Government, the Department of Justice. There is not a man here who would retain even a stenographer in his office who would, without consent, make public matters occurring within his office. How much less, then, can we justify the violation of faith by one employed where the most vital secrets of our Government are lodged? Having been sponsor for Major Watts in the matter, I want to state publicly now that he has no just cause for complaint at his dismissal—he had it coming to him. [Applause.]

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; I yield.

Mr. WOODRUFF. I want to ask the gentleman if it is not a fact that the information that Major Watts imparted to others was imparted relative to expenditures in the War Department to the Committee on Expenditures in the War Department? And if——

Mr. GRAHAM of Illinois. Wait until I answer it. It does not matter whom it was given to. He gave it while he was an employee of the Department of Justice under oath. He had no business to give it to anybody. It was entirely secret and confidential and sacred.

Mr. WOODRUFF. The gentleman will remember a certain law passed by this Congress which stated that no employee of the Government would be interfered with when he was giving information to Members of Congress relative to public business.

Mr. GRAHAM of Illinois. I do not know of any law of that kind.

Mr. WOODRUFF. I think the gentleman will find it.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. CONNALLY of Texas. Is it the gentleman's position that anybody who tells the truth about the Department of Justice ought to be fired? Is that the gentleman's position? [Applause.]

Mr. GRAHAM of Illinois. It is not my position at all. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for five minutes out of order.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I know Major Watts, but not intimately at all. My acquaintance with him began at the time that he was serving the Graham committee, and particularly the subcommittee on ordnance, of which the gentleman from Illinois [Mr. GRAHAM] is chairman, and of which I was the minority member.

In the reports made upon those matters concerning which Major Watts furnished testimony to the committee I never saw fit to enter into any criticism of him, but I was just struck with this peculiar thought while the gentleman from Illinois [Mr. GRAHAM] was talking: Major Watts was an employee of the War Department. In that capacity he obtained information or what was accepted as information. After he quit the service of the War Department he came into the employment—I presume he was employed—of the Subcommittee on the Investigation of Expenditures in the War Department, and he gave to the chairman of that committee the facts, or alleged facts, which as an employee of the War Department he had obtained. The chairman of the committee accepted and acted upon the information which was thus given in his reports, and I confess that it was just a little bit difficult for me to see where Major Watts is subject to criticism because of information which he gave while an employee of the Department of Justice and is not subject to criticism because of information which he obtained while an employee of the War Department and gave to the gentleman from Illinois [Mr. GRAHAM]. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. DAVIS] that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 114.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent that amendment numbered 115 be taken up before amendment numbered 114, for the following reason: Amend-

ment 115 is for the building of a large schoolhouse, and if that amendment should not be agreed to amendment 114 would be useless, because it applies to the purchase of ground for the building.

The SPEAKER. The gentleman asks unanimous consent that amendment 115 be taken up before amendment 114. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report amendment 115.

The Clerk read as follows:

Amendment No. 115: On page 52, line 8, insert:

"For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of $500,000, which is hereby authorized, $100,000, and the commissioners are authorized to enter into contract or contracts for said addition at a cost not to exceed $500,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate numbered 115 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of $500,000, which is hereby authorized, $100,000, and the commissioners are authorized to enter into a contract for said addition at a cost not to exceed $500,000."

Mr. DAVIS of Minnesota. Mr. Speaker, the only change in the text of the amendment is to strike out the words "or contracts," and limiting it simply to a contract instead of more than one. That is all the amendment amounts to.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. STAFFORD. What objection is there to delegating to the District Commissioners the authority, if they see fit, to enter into more than one contract for the construction of an addition to a manual training school?

Mr. DAVIS of Minnesota. Because the bill provides otherwise in another place.

Mr. JOHNSON of Kentucky. And if the gentleman will permit, the architect for the District of Columbia advises that this be done.

Mr. DAVIS of Minnesota. Yes.

Mr. STAFFORD. But usually in the construction of public buildings the contract is not awarded to one person for the whole job, but to various contractors. Here we are taking away from the District Commissioners the discretion as to the number of contracts and the method of awarding the contracts.

Mr. DAVIS of Minnesota. There is a provision for that in another part of the bill.

Mr. STAFFORD. There is no other provision in the bill before this, is there, relating to the same subject?

Mr. DAVIS of Minnesota. Yes, there is; making it one contract, and that has been agreed to already.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. DAVIS of Minnesota. Now, Mr. Speaker, I ask that amendment 114 be reported.

The SPEAKER. The Clerk will report amendment 114.

The Clerk read as follows:

Amendment numbered 114: On page 52, line 1, insert: For the purchase of land adjoining the Armstrong Manual Training School, $50,000.

Mr. DAVIS of Minnesota. I move to recede and concur. That is for the purchase of land for the building of this schoolhouse for which we have just provided. I yield five minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to speak out of order. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. Mr. Speaker, it is my purpose, on this occasion, to make certain observations in respect to the coal industry in this country, but before proceeding to that subject may I call the attention of the House to the urgent demand for legislation necessary to articulate and coordinate the Interstate Commerce Commission, the Chicago Railway Labor Board, and the Shipping Board? These agencies of government are either working at cross purposes or else not working at all. It is a crying shame that the great industries of this country should be balked and stifled on account of the failure of the governmental agencies to work in harmony. Such agencies should operate in conjunction or else be consolidated.

My attention has been called to certain propaganda, widely circulated and specially directed toward Federal officials, including Members of Congress, in support of the theory of Government ownership of coal mines. It might be well for the House of Representatives to amend its rules and by-laws in order to provide for an additional standing committee, the title of which committee ought to be the "Committee on Propaganda," and the function of which should be the investigation of the sinister dope that by subtle methods is constantly being circulated to influence congressional action.

The particular propaganda to which my attention has been directed is a circular, printed in large type, copy of which was mailed to me. The heading of the circular reads thus: "Some merry gentlemen who have picked our pockets," meaning the coal people. Near the bottom of the circular is the following:

Reprinted from Baltimore News and Baltimore American, April 5, 1922.

The paramount impression sought to be conveyed is that the article was really a news item, or perhaps an editorial, published in the aforesaid papers. In smaller print is cautiously embodied the statement that the matter was an advertisement, in space paid for by a concern styling itself "Baltimore Chapter of the Church League for Industrial Democracy," and that one Bishop Charles D. Williams, of Michigan, was the president, and one Rev. Richard W. Hogue, of Philadelphia, was the executive secretary of the "church league."

Years ago the Louisiana State lottery, in order to give its name and business respectability, induced two gallant ex-Confederate soldiers to permit their names to be used as officials of the lottery. Now it seems that the "Church League for Industrial Democracy," whatever the latter overworked, high-sounding, and nebulous phrase may mean, has induced two ministers of the gospel to sign themselves up as connected with the league.

The matter set forth in the circular is of a slanderous character. Those responsible for the promulgation of it must be Socialists of the most pronounced type. Their utterances are virulent, having a vicious tendency. The authors of the article are calumniators of character. In this article coal operators are described as profiteers, having a disregard for public welfare and human suffering; that these are predatory; that they are running amuck; that their course is marked by want of common humanity, of common decency, and of common sense; that the coal industry is deathly sick with a dangerous disease; that the industry is in ruthless hands; that the people are the victims of coal operators' greed; that the disease is the logical outcome of lack of head and heart, and marks gross mismanagement. The gist of the article—the main objective—is summed up in these words:

Eventually the coal mines must be nationalized. Why not take the first step toward nationalization now?

Socialists are therefore agitating the subject of "nationalization" of coal mines, or, in other words, urging Government ownership of coal lands and coal-mining plants.

The World Geological Congress, which met in Canada just prior to the war, put the United States coal reserve or stock remaining underground, at 3,839,000,000,000 tons, or 52 per cent of the world's total, and the supply of Great Britain as being 190,000,000,000 tons, or less than 3 per cent of the world's total.

The feverish activities of the nations during the period of the war called for the production of an immense volume of coal, and as a result there was stimulated a greatly increased development of coal mines at an enormous expense. The United States having decided to enter the war, Congress, exerting a war power, gave authority to the Executive to take over the railroads and operate them, and also to fix the price of coal, which was done. The price of coal was made uniform to Americans, to the Allies, and to neutrals. The operators were forced to abide by the prices so fixed. The schedules of price, promulgated from time to time by the Government, were very low, and in many cases confiscatory. While those engaged in other industries were allowed to charge according to whatever their own sweet will might dictate, coal men were bound in a strait-jacket.

At the close of the war, and as due to a strike of coal miners in England and Wales, there was a temporary increase of production and demand for American coal, but when the British strike was ended, England not only rapidly recovered her former coal trade but also captured our own coal business in South America, in Central America, and in the West Indies. In addition to this England has been putting down coal—brought as ballast—in our ports on the Atlantic seaboard at

less than $5 per ton, and furthermore, it is true that the cities on the Pacific coast are getting their coal from foreign countries. More than a score of dealers in Seattle, Wash., have been advertising for sale coal brought from Australia.

Having the greatest coal-mine development in the world; with all the men that are needed to work the mines; with the railroads clamoring for business and fully supplied with cars that are idle; with a merchant fleet, which has cost us billions to build—likewise idle and deteriorating and watched or guarded by the Government at great expense—is it any wonder that the people, aggravated by circumstances and vexed with intolerable conditions, are asserting that there is something wrong with respect to the coal industry?

Furthermore, the people who are clamoring most for relief are the coal operators themselves and the miners. For more than a year the mines have not worked much over half time. The losses to the people engaged in the industry have been very great. Operators at the time of the strike were selling at the tipple run-of-mine bituminous coal at prices ranging from $1.25 to $2 per ton. The accuracy of this statement can be verified to the satisfaction of anyone who may be interested to discover the truth of the allegation.

Could the Government take over these vast properties—developed and undeveloped, and of an estimated value of $4,000,000,000—and put coal on the cars at prices cheaper than has been done already by the present owners? I should think that the public has already had its fill of Government operation, as witness the railroad and telegraph performances.

That, due to the necessities of war, there is a greater coal-plant installation and development than the country requires is well known, and that there are perhaps more men, trained for work in and about coal mines, than can, under present conditions, profitably find employment in such work, is equally well known.

If things go on as during the past year there are many coal-mining plants that will sooner or later break down and fail. As regards coal mines—operating under the rule of supply and demand—it will be the case of the survival of the fittest, and the excess of miners, if such there be, will have to engage in other occupations. One is usually attracted to the job that pays the best. The operators and miners that thus may lose out will have to try and console themselves with the thought that their misfortune comes, in part at least, as an incident or as an aftermath of the great World War.

The coal strike has come largely as a result of the almost hopeless and apparently helpless condition of the industry. Many of the operators have been losing money. Every ton of coal mined and sold by these has been getting them deeper into debt. The miners, although being paid apparently high wages for the time actually worked, have found the time when they do work so limited as that they can not live comfortably. The miner, I do not doubt, would have been willing to work for a lower wage if regular employment could have been assured unto him.

If the operators had been able to obtain a reasonable price for the coal on board cars at the mines, in my judgment, the strike would never have been.

If the premises stated be correct, and the conclusions drawn be sound, then why should there be any agitation for Government ownership?

The coal operator and his corps of assistants at the mines are the general average of the American technical and business man. Some of these are men of culture and college education, but many of them were originally coal miners, and proud of it. By brain and brawn these diamonds in the rough have worked themselves up from the bottom to the top, educating themselves in the school of hard knocks. As a class, man for man, as respects industry, business ability, strict integrity, and general resourcefulness they are the equals of any other group or class of business men in America or in the world.

These coal operators and their helpers, the employees, can not justly be criticized for their overdevelopment of coal lands, for such development was a necessary act incident to the prosecution of the war; nor should they be criticized or held responsible for the failure of the other industries to engage in normal operations; nor for neglect of the general consumer to buy coal uniformly throughout the year, and thereby to avoid the intermittent or spasmodic employment of the miner; nor for the high freight rates—the rail-and-water rate from my district in southern West Virginia to New England approximates $8 per ton—nor for the long-delayed action of the Interstate Commerce Commission in respect to a specially reduced rate on export coal; nor for the action of the British Government in subsidizing coal mines and miners and coal-carrying vessels, and the consequent loss to the American coal operator on account of the export trade he has heretofore enjoyed; nor for the conduct of the Shipping Board in tying up the vessels of the merchant marine while the British preyed upon the coal and other industries of the United States; nor for the act, or failure to act, of the Chicago Railway Labor Board.

The coal operators have no control over the several factors enumerated. These factors are the main cause of the demoralization of the coal industry, constituting the elements, acting jointly and severally, that are damming up, oppressing, and crushing the coal industry, bankrupting the operator, bringing suffering to the miner, injuring American prestige abroad, and disgusting the people at home.

Why talk about Government ownership as the remedy? This nostrum, sought to be administered by ignorant socialistic quacks, would be far worse than the disease.

President Harding is a patient man, but there is a maxim to the effect that at times "patience ceases to be a virtue."

Permit me to say in this open public way, but with all candor and in all seriousness, that the Chicago Railway Labor Board, the Interstate Commerce Commission, the Shipping Board of the Emergency Fleet Corporation have utterly failed in the fulfillment of their plain duty to the American people. Oppressive rail and water rates have held back, and, unless corrected, will continue to hold back, trade and industry. Remove the obstruction caused by high rates and the stream of commerce thus released will resume its natural flow.

It may be true that the administration is not responsible for the appointment of a majority of the men constituting the several boards and commissions I have named, but the administration is responsible and will be held accountable for the official performances of these departments of the executive branch of the Government. Sooner or later it may become necessary for the President to wield the big stick, and then, when he is compelled so to do, the people will say:

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

It was boastfully said, that upon completion of the new merchant marine America would be able to compete with European coal in Mediterranean ports.

The American coal operator can load his coal on board cars at a very low price, but he does not have any control over the transportation of that coal to the consumer.

There are some proprietors of coal properties who would gladly surrender their holdings to the Government, being weary of continual attack from those who are least informed about the business; but there are others—more patriotic—who as American citizens believe that Government ownership, or sovietism, as it is practiced in Russia, is not a wise governmental policy, knowing that under our Constitution property rights are secure and that, except in time of war or for a public use, such rights can not be taken or damaged, and then only upon the payment of just compensation to the owner.

The Constitution stands as a bulwark of safety for the protection of all property of whatsoever nature and wheresoever situated, within the jurisdiction of the Government. Politicians may scold, demagogues may lie, Socialists with warped judgment may loudly clamor, anarchists with the jaundiced eye and the red flag may seek to stir up rebellion, but the calm, deliberate judgment of the great majority of the American people stands firm for the Constitution, which protects the right of the citizen to life, liberty, and property. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. DAVIS] that the House recede and concur in the amendment of the Senate.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 116: Page 52, line 10, insert:

"The Commissioners of the District of Columbia are hereby authorized and directed to have plans prepared for an addition to the Western High School, including repairs to the present building, with a view to providing not less than 24 additional classrooms."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur with an amendment as follows: In lieu of the Senate amendment insert the following:

"The Commissioners of the District of Columbia are hereby authorized and directed to have plans prepared by the municipal architect for an addition to the Western High School, including repairs to the present building, with a view to providing not less than 24 additional classrooms."

Mr. DAVIS of Minnesota. I will state, Mr. Speaker, that the only difference is that the words "by the municipal architect" are added.

The SPEAKER. The question is on the motion of the gentleman from Minnesota.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment 142: Page 71, line 7, after the word "debt," insert the following: "payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated, $400,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur with an amendment, as follows: Strike out the matter inserted by the Senate amendment and on page 65 of the bill strike out lines 1 to 5, inclusive.

Mr. WALSH. To that, Mr. Speaker, I reserve a point of order.

Mr. DAVIS of Minnesota. Let me say that this is $400,000 appropriated for interest on the sinking fund. Heretofore we have appropriated $475,000. This year they only wanted $400,000, and while in conference the Treasurer sent us word that we need not appropriate anything because the matter had already been paid. So we are asking to strike out the $400,000 appropriated for the sinking fund.

Mr. WALSH. How can you jump back to page 65 of the bill and strike this out?

Mr. DAVIS of Minnesota. Page 65 of the engrossed bill.

Mr. WALSH. You can not refer to the printed copy in one part and the engrossed copy in another.

Mr. DAVIS of Minnesota. I hold the official bill in my hand.

Mr. WALSH. That is a printed copy; it is not printed in accordance with the engrossed copy.

The SPEAKER. The Chair has the engrossed copy, and lines 1 to 5 of the engrossed bill is the clause in relation to the interest and the sinking fund.

Mr. STAFFORD. Mr. Speaker, may we have that read?

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Interest and sinking fund:

For interest on the sinking fund on the funded debt, $400,000: *Provided*, That no part of this appropriation shall be available for redemption of any bonds above their par value plus accrued interest.

Mr. WALSH. Does the first part of the amendment also refer to the engrossed bill?

Mr. DAVIS of Minnesota. It refers to the Senate amendment.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of the point of order.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment 153: Page 84, line 9, insert the following:

"The Commissioners of the District of Columbia are authorized and directed to acquire a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia or in the State of Maryland or in the State of Virginia, and to erect thereon suitable buildings at a total cost not exceeding $300,000, of which not more than $40,000 shall be expended for a site, and toward said purpose there is appropriated the sum of $125,000; if the land proposed to be acquired is within the District of Columbia and the same can not be acquired by purchase at a price satisfactory to the commissioners, they are authorized to condemn the same under the provisions of chapter 15 of the Code of Law for the District of Columbia. If the land can not be acquired within the District of Columbia, the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected for said site either in the State of Maryland or in the State of Virginia in accordance with the laws of said States, the title of said land is to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate No. 155 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioners of the District of Columbia are authorized and directed to use a site for a home and school for feeble-minded persons, said tract to be located in the District of Columbia on land owned by the District of Columbia and now allotted to the Home for the Aged and Infirm, and to erect thereon suitable buildings at a total cost not exceeding $250,000, and toward said purpose there is hereby appropriated the sum of $100,000, to be immediately available. The persons to be admissible thereto and the proceedings with reference to securing such admission to be in accordance with law."

The SPEAKER. The question is on agreeing to the motion to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 163: Page 90, after line 2, insert:

"National Library for the Blind: For aid and support of the National Library for the Blind, located at 1729 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $5,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500."

The SPEAKER. The question is on the motion of the gentleman from Minnesota to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 164: Page 90, line 8, insert:

"Columbia Polytechnic Institute: To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $1,500."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 175: Page 97, line 4, insert: "For the maintenance of a tourists' camp in East Potomac Park, $5,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 175.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield me some time—five minutes?

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the subcommittee on the preparation of the War Department appropriation bill had occasion to inspect the Arlington Amphitheater in company with the Superintendent of Public Buildings and Grounds, Colonel Sherrill, and on that tour of inspection we were shown the proposed site for a tourists' camp in East Potomac Park. The site in East Potomac Park has been used during the past summer, and I believe the summer before, for automobilists who come to Washington to visit the Capital, as a place where they may store their machines and also have some limited accommodations for staying overnight. Many municipalities are arranging tourists' camps for the benefit of the tourists, where people may store their machines and while stored there make an inspection of the city. Certainly the District of Columbia should have some place where these thousands of tourists coming eastward in ever-increasing numbers may have opportunity to park and lodge their cars and stay overnight. There is provision now made for their accommodation, and all that is provided in this amendment is the sum of $5,000 to maintain, I understand, baths and some shelter. Are we going to take the position here that in the National Capital we shall discourage tourists from coming here at small expense? Are we to say that we shall not provide some place in the public parks where they may house their machines?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. Does the gentleman think that we ought to pay the hotel bills of people who come here in automobiles?

Mr. STAFFORD. But we are not paying their hotel bills. We are not providing for their upkeep. We are providing a place where they may house their machines and stay overnight.

Mr. WALSH. And at a cost of $5,000 for the year.

Mr. STAFFORD. Why, in Wisconsin, and in every State where they have public parks throughout the West, there are provided accommodations for tourists, where they may house their machines. It is in keeping with the spirit of the times that some provision be made for these tourists. Are you going to say that people coming here with automobiles, poor people, are not to be provided some place where they may house their machines? Are you going to compel them to go to garages and compel them to stop at hotels and rooming houses overnight?

Let us keep up with the spirit of the times and recognize the need. We are spending millions of dollars for good roads, and all that this provides is $5,000.

Mr. WALSH. What is it to be used for?

Mr. STAFFORD. As I recall the statement of Colonel Sherrill, it is for the maintenance of a place for the tourists to take a bath and also a tenting place.

Mr. SUMMERS of Washington. The gentlman does not mean the housing of machines?

Mr. STAFFORD. Well, the storing of them.

Mr. SUMMERS of Washington. Camping. The gentleman repeatedly used the term "housing the machines" when he meant the parking of them.

Mr. STAFFORD. The grounds are not used for any other purpose and it only is to cost $5,000. Are we going to say to these persons, because they are poor, that there will be no place on which they can park their machines? That is all.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. I ask for two minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Is it not true that almost every community of every size, at least every progressive community in the country, does this very thing and at some expense?

Mr. STAFFORD. At a larger expense than is provided here. We are inviting tourists; we are providing some place where the tourists can park their cars. That has been done for the past year, and why should it not be continued? We are spending $75,000,000 for good roads. Mr. Speaker, I offer a preferential motion.

Mr. ROSSDALE. I just wanted to know if the gentleman proposed to have a wet or a dry camp?

Mr. STAFFORD. As far as there is provision made for taking a bath it is a wet camp. Mr. Speaker, I offer a preferential motion to recede and concur in the Senate amendment.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman has just stated that money has been provided for the upkeep of this camp. The gentleman is mistaken about that. It may be true, however, that money has been taken from another appropriation to the extent of $1,000 a year and spent for this purpose. It is now proposed to get $5,000 to build kitchens and bathhouses and shelter for the automobiles in one of the most beautiful parks in the city. Upon the roads entering from Maryland and Virginia are public places where all these poor (?) people, to whom the gentleman refers, traveling over the country for pleasure from the north to Florida in the winter and fall, and from Florida back to the northern climates in the summer—there are places where they can camp without disfiguring that beautiful park which has been made at so great an expense. There is no difference in my opinion between providing kitchens and bathhouses and garages, and, as the gentleman from Massachusetts just stated, paying their hotel bills. The chambers of commerce in the various cities have raised the money among the merchants of the town to encourage these tin-can campers in order to sell that upon which they live while they are traveling. But here the proposition is not for the merchants to pay it, but to pay it by placing a tax upon the people who derive no benefit whatever from their coming here.

Mr. STAFFORD. Is it not a fact that for several years past and for the current year these grounds, or grounds tributary thereto, are open to the people of the District for raising garden vegetables?

Mr. JOHNSON of Kentucky. During the time of the war on this newly made ground, which was pumped out of the bed of the river, where 300 acres were made, the people there were given that ground to cultivate so as to raise something upon which to live.

Mr. STAFFORD. And they are doing it now.

Mr. JOHNSON of Kentucky. After the war was over and the soldiers and those disfiguring that place had been put out, some of those old buildings are asked to be left for housing these people, and $5,000 in addition is to be expended for additional accommodations, and it is but the entering of the camel's nose into the tent and God knows where it will stop when it does get started.

Mr. RAKER. Mr. Speaker, I want five minutes.

Mr. DAVIS of Minnesota. I yield.

Mr. RAKER. Mr. Speaker and gentlemen, I imagine that every Member of the House has passed this camp; that he knew it if he has been here 8 or 10 years. He knows the conditions before the road was completed south of the railroad bridge.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present. You can not sandbag the gentleman in charge of the bill.

Mr. RAKER. I do not know as I am sandbagging him. The gentleman yielded to me very courteously.

Mr. WALSH. You intimidated the gentleman. [Laughter.]

Mr. RAKER. I never intimidated a man in my life. [Laughter.]

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Maryland makes the point of no quorum.

Mr. LINTHICUM. I reserve it for five minutes.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks on amendment No. 1.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Now, the District of Columbia and the Government improved that property. We have a beautiful road around it. There is enough room there for golf players and others, many acres. At the upper end, right south of the railroad track, 10 acres can be used without any disfiguration whatever for the people who travel over all parts of the United States in their machines, and they may have some place in Washington where they may stop for one or two or three days. All you have to do is to drive past and see the benefit that comes to them in order to be in favor of it. There are not many progressive towns in the United States to-day of any size but that are paying out of the funds of the town for accommodations for camping grounds. Now, the Government of the United States has a greater interest in this city than any other people in the world. It is our National Capital. People like to drive here in their own machines as well as to come here on trains. They come here from all over the United States. They want some decent place in which to stop. You are appropriating money for the national parks; you are appropriating money for the national forests, for the purpose of providing sanitary conditions for the public that may travel to see those parks and go through the national forests. This is the Capital of the Government of the United States. Give these people a chance to have a sanitary place upon which to camp, to have pure water, to have a chance to build a little fire and cook their meals.

Call them "tin-can" travelers, if you will, but they are of the best people in the world, and they ought to have some opportunity to live in decency while they are stopping in the greatest Capital in the world. It seems to me picayunish, it seems to me it is dealing in peanut propositions, not to authorize the District of Columbia, through its proper authority, the Superintendent of Public Buildings and Grounds, Colonel Sherrill, to properly provide for this. The House should concur in the Senate amendment.

Mr. HICKS. Will the gentleman yield?

Mr. RAKER. Not at present.

The SPEAKER. The time of the gentleman from California has expired.

The question is on the motion of the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. STAFFORD. Division, Mr. Speaker.

The House divided; and there were—ayes 19, noes 16.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 186, page 100, after line 5, insert:

"The jurisdiction of the Rock Creek and Potomac Parkway Commission, as granted in section 22, public buildings act, approved March 4, 1913 (Public, No. 432), is hereby extended to cover the following tracts of land for park purposes, to wit: The tract known as the Klingle Road Valley Park, containing about 17.21 acres, as shown on map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 647 D, the Piney Branch Valley Park, containing about 16.8 acres, as shown on a map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 291, and the Patterson tract, known as parcel 129 (sub 2), containing about 81.76 acres; the commission is further authorized to reduce the area to be acquired in either of said tracts, where, by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgments the public interests may require and the limit hereinafter fixed to be paid for said tracts shall be reduced accordingly: *Provided*, That if acquired by purchase the cost of the respective tracts shall not exceed the following sums: The Klingle Road Valley Park, $186,000; the Piney Branch Valley Park, $237,700; and the Patterson tract, $600,000; and there is hereby appropriated toward the purposes authorized herein the sum of $300,000: *Provided further*, That the tracts authorized to be acquired by this act shall become part of the park system of the District of Columbia and be under control of the Chief of Engineers of the United States Army: *Provided further*, That an agreement of purchase shall be entered into or condemnation proceedings begun with reference to the Patterson tract within one year from the approval of this act."

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 167. Page 102, after line 6, insert:

"INCREASED WATER SUPPLY.

"For increasing the water supply of the city of Washington in accordance with the project B, submitted in Senate Document No. 603, Sixty-sixth Congress, third session, including the purchase of land, $1,500,000, to be immediately available and to be expended in such manner as will afford an increased water supply at the earliest possible date: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,450,000, exclusive of the amount herein appropriated: *Provided further*, That the Secretary of War is authorized to acquire any lands, easements, or rights of way that may be needed in connection with this project; and whenever he deems proceedings to be instituted for the acquirement by condemnation of any such lands, easements, or rights of way the United States, upon the filing of the petition in such proceedings, shall have the right to take immediate possession of said lands, easements, or rights of way, to the extent of the interest to be acquired, and use the same in the prosecution of the said project.

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur from disagreement with Senate amendment No. 167, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For increasing the water supply of the District of Columbia in accordance with project B, submitted in Senate Document No. 603, Sixty-sixth Congress, third session, the estimated cost of which has been revised and placed at $8,738,000, there is hereby authorized an appropriation, including these heretofore made, to be expended under the direction of the Secretary of War, of not to exceed the sum of $3,738,000, which shall include the cost of all land, rights of way, easements, materials, engineering, labor, equipment, service, and all things necessary, to complete said project and to full and complete connection with the present water plant of said District, and its distribution system, and of said sum there is hereby appropriated for said purpose the sum of $1,500,000, to be immediately available, and to be expended in such a manner as will at the earliest possible date provide for the completion of said project. The Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of $1,450,000 in addition to the amount herein appropriated. The Secretary of War is hereby authorized to acquire all necessary land, easements, and rights of way necessary to the construction of said project by purchase or condemnation: *Provided*, That no bid in excess of the estimated cost for that portion of the work or plant covered by the bid shall be accepted, nor shall any contract for any portion of the work, material, or equipment to constitute a part of the plant for which this appropriation is available be valid unless the Chief of Engineers of the United States Army shall have certified thereon that all its terms are within the requirements of this authorization and the revised estimates: *Provided further*, That the Secretary of War shall submit to Congress on the first day of the next regular session a supplemental report on said water system and increase of water supply, showing, among other things, new or proposed construction within said District, connections with the present system of distribution, and revised estimates of cost."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. WALSH, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 8021, first session, Sixty-sixth Congress, no adverse report having been made thereon.

FISCAL AFFAIRS OF THE PHILIPPINE ISLANDS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Resolution 342.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider H. R. 10442, being "A bill to amend an act entitled 'An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands,' approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921." That there shall be not to exceed two hours of general debate on said bill, one-half to be controlled by the gentleman from Iowa [Mr. TOWNER] and one-half by the gentleman from Tennessee [Mr. GARRETT]. At the conclusion of the general debate the bill shall be read for amendment under the ten-minute rule. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill back to the House with the amendments, if any; the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the bill relates to the fiscal condition of the Philippine Islands. I understand that it was unanimously reported by the Committee on Insular Affairs, which committee requested a rule for its consideration. The rule just read is plain in its terms. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. TOWNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10442, in relation to the fiscal affairs of the Philippine Islands.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10442. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10442, with Mr. STAFFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10442, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921.

Be it enacted, etc., That the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as amended by an act entitled "An act to amend an act entitled 'An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands,'" approved July 21, 1921, be further amended as follows:

That the proviso of section 11 of said act as amended be, and the same is hereby, further amended to read as follows:

"*Provided, however*, That the entire indebtedness of the Philippine government created by the authority conferred herein, exclusive of those obligations known as friar land bonds, shall not exceed at any one time 10 per cent of the aggregate tax valuation of its property, nor that of the city of Manila 10 per cent of the aggregate tax valuation of its property, nor that of any Province or municipality a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time. In computing the indebtedness of the Philippine government, bonds not to exceed $10,000,000 in amount, issued by that government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted."

Mr. TOWNER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Iowa moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921, had come to no resolution thereon.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Thursday, May 4, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BOIES: Committee on the Judiciary. H. R. 11516. A bill to amend section 24 of the Judicial Code; without amendment (Rept. No. 958). Referred to the House Calendar.

Mr. PARKER of New York: Committee on Interstate and Foreign Commerce. H. R. 11152. A bill to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; with an amendment (Rept. No. 962). Referred to the House Calendar.

Mr. ROACH: Committee on Indian Affairs. H. R. 6428. A bill for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of

Wisconsin, and for other purposes; with an amendment (Rept. No. 961). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALSH: Committee on the Judiciary. H. R. 11450. A bill to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code; with amendments (Rept. No. 963). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEATHERWOOD: Committee on Indian Affairs. S. 2439. An act for the relief of the West Okanogan irrigation district, in the State of Washington; with an amendment (Rept. No. 964). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 539. An act to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; without amendment (Rept. No. 966). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 11078. A bill for the relief of the Mary Ann Shipping Co.; without amendment (Rept. No. 957). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Claims. H. R. 5475. A bill for the relief of the Standard American Dredging Co.; with amendments (Rept. No. 958). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 8143. A bill for the relief of Fitzcharles Dry Goods Co.; without amendment (Rept. No. 959). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 7662. A bill for the relief of F. R. Messenger; with amendments (Rept. No. 960). Referred to the Committee of the Whole House.

Mr. SINNOTT: Committee on the Public Lands. S. 3291. An act for the relief of Henry Cordes; without amendment (Rept. No. 965). Referred to the Committee of the Whole House.

Mr. FULLER: Committee on Invalid Pensions. H. R. 11533. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 967). Referred to the Committee of the Whole House.

Mr. VAILE: Committee on the Public Lands. H. R. 8244. A bill permitting Frances Mack Mann to purchase certain public lands; with amendments (Rept. No. 968). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KLINE of Pennsylvania: A bill (H. R. 11531) providing that the metal coinage of the United States of America shall bear on the obverse side of all coins in relief the bust of the last deceased President of the United States, supported by a scroll bearing the name of such President, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. MOORE of Virginia: A bill (H. R. 11532) to amend section 14 of the merchant marine act of 1920; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: A bill (H. R. 11533) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House and ordered to be printed.

By Mr. APPLEBY: A bill (H. R. 11534) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. FISH: Joint resolution (H. J. Res. 322) favoring the establishment in Palestine of a national home for the Jewish people; to the Committee on Foreign Affairs.

By Mr. DENISON: A resolution (H. Res. 341) for the immediate consideration of H. R. 11452; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11535) granting a pension to Mary E. O'Reilly; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 11536) for the relief of John H. Rollins; to the Committee on Military Affairs.

By Mr. HUSTED: A bill (H. R. 11537) for the relief of Herbert T. James; to the Committee on Naval Affairs.

By Mr. KISSEL: A bill (H. R. 11538) granting an increase of pension to Anne Brooks; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 11539) granting an increase of pension to Lambert Weiss; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 11540) granting a pension to Martha A. Brigance; to the Committee on Pensions.

By Mr. MALONEY: A bill (H. R. 11541) granting an increase of pension to Josephine Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11542) granting a pension to Margaret F. Roach; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 11543) for the relief of Regine Porges Zimmerman; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 11544) granting a pension to Theodore E. Howell; to the Committee on Pensions.

By Mr. SEARS: A bill (H. R. 11545) for the relief of Warren & Cribbs; to the Committee on War Claims.

By Mr. VINSON: A bill (H. R. 11546) for the relief of W. C. Moye and Nannie Moye; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5422. By the SPEAKER (by request): Resolution adopted at a regular meeting of the Stanton Park Citizens' Association relative to the provisions for taxation carried in the District of Columbia appropriation bill; to the Committee on Appropriations.

5423. Also (by request), resolutions adopted by the Washington Real Estate Board relative to proposed changes in taxation for the District of Columbia; to the Committee on Appropriations.

5424. By Mr. BURTON: Resolution from the Cleveland Post, Society American Military Engineers, favoring the so-called ship subsidy bill, and urging its adoption; to the Committee on the Merchant Marine and Fisheries.

5425. By Mr. CRAMTON: Letter of Robert Folkerts, director St. Clair County Farm Bureau, Port Huron, Mich., urging that no cut be made in the appropriation for agricultural extension work; to the Committee on Appropriations.

5426. Also, resolution of the Lapeer County Farm Bureau, Lapeer, Mich., urging that there be no reduction in the appropriation for agricultural extension work; also, letter from the Huron County Farm Bureau, Bad Axe, Mich., asking the same thing; to the Committee on Appropriations.

5427. Also, letters from Irvin W. Hall, Farm Bureau Local, Croswell, Mich.; John McLellan, Cass City, Mich.; Paul Schroeder, Snover, Mich.; Ruben Bitterling, Snover, Mich.; C. Reid, Farm Bureau Local, Avoca, Mich.; and George Wallace, Carsonville, Mich., protesting against any reduction in the appropriation for agricultural extension work; to the Committee on Appropriations.

5428. Also, petition of Samuel H. Porterfield, Sandusky, Mich., and other residents of the seventh district of Michigan, urging the passage of the Smith-Towner bill; to the Committee on Education.

5429. By Mr. CULLEN: Resolution adopted by the New York Post Office Chauffeurs and Mechanics Union, Local No. 2, relative to certain conditions existing in the New York post office; to the Committee on the Post Office and Post Roads.

5430. By Mr. KISSEL: Petition of A. D. Juilliard & Co. (Inc.), New York City, N. Y., relative to the Fordney-McCumber tariff bill; to the Committee on Ways and Means.

5431. Also, petition of the Appalachian Mountain Club, Horace Van Everen, secretary, Boston, Mass., relative to the transfer of the national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5432. By Mr. PAIGE: Petition of Mrs. Arthur F. Blodgett and 30 others of Southbridge, Mass., opposing House bill 9753, or any Sunday observance bill; to the Committee on the District of Columbia.

5433. Also, petition of Albert F. Pepper and 55 others of Wales, Mass., opposing House bill 9753, or any Sunday observance bill; to the Committee on the District of Columbia.

5434. By Mr. PERKINS: Petition of Presbytery of Newton, sent from Asbury, N. J., indorsing House bill 9753, to secure

Sunday as a day of rest in the District of Columbia, and urging its early consideration and passage by Congress; to the Committee on the District of Columbia.

5435. Also, petition from Ridgefield Park, N. J., opposed to Senate bill 1948, House bills 4388 and 9753, or any bills regulating Sunday, as all such legislation is dangerous and should be opposed by every lover of liberty and conscience and friend of pure and undefiled religion; to the Committee on the District of Columbia.

5436. By Mr. REBER: Resolution adopted by the Lehigh Presbytery, Tamaqua, Pa., indorsing Senate Joint Resolution 31, proposing a constitutional amendment to promote uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5437. Also, resolution adopted by the Lehigh Presbytery, Tamaqua, Pa., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5438. Also, resolution adopted by the Lehigh Presbytery, Tamaqua, Pa., indorsing House bill 9753, to make Sunday a day of rest for the District of Columbia; to the Committee on the District of Columbia.

5439. By Mr. SINNOTT: Petition of Pendleton, Oreg., Presbytery, favoring the passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5440. Also, petition of Pendleton, Oreg., Presbytery, favoring the passage of House Joint Resolution 159, proposing a constitutional amendment to prohibit sectarian appropriations; to the Committee on the Judiciary.

5441. Also, petition of Pendleton, Oreg., Presbytery, favoring the passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy, etc., in the United States; to the Committee on the Judiciary.

5442. Also, petition of Pendleton, Oreg., Presbytery, favoring the passage of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws regarding marriage and divorce; to the Committee on the Judiciary.

5443. By Mr. WYANT: Resolutions adopted by the Butler Presbytery, United Presbyterian Church, at Butler, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5444. Also, resolution adopted by the Butler Presbytery, United Presbyterian Church, at Butler, Pa., indorsing House Joint Resolution 131, prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5445. Also, resolutions adopted by the Presbytery of Butler, United Presbyterian Church at Butler, Pa., indorsing Senate Joint Resolution 31, for uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 4, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKellar	Robinson
Ball	Glass	McLean	Sheppard
Borah	Gooding	McNary	Simmons
Brandegee	Hale	Nassa	Smoot
Bursum	Harreld	Myers	Spencer
Calder	Harris	Nelson	Sterling
Capper	Harrison	Newberry	Sutherland
Caraway	Heflin	Nicholson	Swanson
Culberson	Johnson	Norbeck	Townsend
Curtis	Jones, N. Mex.	Norris	Trammell
Dial	Jones, Wash.	Oddie	Underwood
Dillingham	Kellogg	Overman	Wadsworth
du Pont	Kendrick	Page	Walsh, Mass.
Edge	La Follette	Pepper	Warren
Ernst	Lenroot	Phipps	Watson, Ga.
Fletcher	Lodge	Poindexter	Watson, Ind.
France	McCormick	Pomerene	Weller
Frelinghuysen	McCumber	Rawson	Willis

Mr. SHEPPARD. I wish to announce that the Senator from Montana [Mr. WALSH] is detained on official business.

The VICE PRESIDENT. Seventy-two Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a memorial of the board of governors of the Merchants and Manufacturers' Association (Inc.) of Washington, D. C., remonstrating against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia, as increasing the high cost of living, violating established taxation principles of the American Government, and as being unfair when applied without hearing to citizens not having the franchise and confined to the right of petition, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution of the Federation of Citizens' Associations of the District of Columbia, protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia (in principle), against taxation without representation and the nonhearing of those to be taxed, and also as tending to increase the high cost of living in the District, which was referred to the Committee on Appropriations.

He also laid before the Senate resolutions of the Sixteenth Street Highlands Citizens' Association of Washington, D. C., protesting against the enactment of legislation increasing the valuation of real estate in the District of Columbia, which were referred to the Committee on Appropriations.

Mr. BALL presented a letter in the nature of a memorial from the board of governors of the Mu-so-lit Club (Inc.) of Washington, D. C., remonstrating against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia, as tending to aggravate the already distressing and deplorable housing conditions, and praying for the hearing of those interested in the matter, which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the Mid-City Citizens' Association of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia as being detrimental to the already acute housing situation in and the future development of the Capital City, which were referred to the Committee on Appropriations.

He also presented resolutions of the board of directors of the Washington (D. C.) Chamber of Commerce, protesting against the enactment of legislation increasing the rates of taxation on real estate and intangible property in the District of Columbia, particularly (among other reasons) because of the effect it might have in discouraging home building and investments in mortgages, the added burdens to wage earners and persons of small income, and the added encouragement it might afford to the profiteer and extortioner, which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Conduit Road Citizens' Association (approved by the Federation of Citizens' Associations), protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia and favoring the hearing of those interested in the matter, which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Real Estate Board of Washington, D. C. protesting against the enactment of legislation increasing the assessment valuation on real estate in the District of Columbia, particularly in view of the disastrous effect it might have on the already acute rental and housing situation in the said District and favoring delay as to changes in the fiscal relations until such time as the matter can be thoroughly considered and all parties afforded a hearing, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a petition of sundry citizens of Weir, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Kansas State Dental Association at Kansas City, Mo., favoring the enactment of legislation to reorganize and promote the efficiency of the United States Public Health Service, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the enactment of legislation to control the traffic in narcotics, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 3547) for the relief of Robert G. Hayes; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 3548) authorizing the Secretary of War to donate to the town of Kingsport, Tenn., one German cannon or field-piece; to the Committee on Military Affairs.

By Mr. BALL:

A bill (S. 3549) to tax motor-bus companies and other transportation companies operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CAPPER:

A bill (S. 3550) extending the charter and granting certain special privileges to the National Congress of Mothers and Parent-Teacher Associations, a corporation existing under the laws of the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing that three reserve officers shall be hereafter authorized to be retained on active shore duty in the historical section of the Office of Naval Intelligence, though beyond the age of disenrollment or retirement, intended to be proposed by him to House bill 11228, the naval appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF THE PATENT LAWS.

Mr. STANLEY submitted an amendment intended to be proposed by him to the bill (S. 3410) to amend section 4886 of the Revised Statutes relating to patents, which was referred to the Committee on Patents and ordered to be printed.

TARIFF BILL AMENDMENT.

Mr. POMERENE submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

OWNER OF THE STEAMER "MAYFLOWER."

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1813) for the relief of the owner of the steamer *Mayflower*, which was, on page 1, lines 8 and 9, to strike out the words "and detention of."

Mr. WALSH of Massachusetts. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OWNERS OF THE SCHOONER "HORATIO G. FOSS."

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1817) for the relief of the owners of the schooner *Horatio G. Foss*, which was, on page 1, line 9, to strike out the word "and detention of."

Mr. WALSH of Massachusetts. This is the same amendment which was applied to the other bill. I move that the Senate concur in it.

The motion was agreed to.

OWNER OF THE STEAM LIGHTER "CORNELIA."

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1814) for the relief of the owner of the steam lighter *Cornelia*, which was, on page 1, line 9, to strike out the words "and detention of."

Mr. WALSH of Massachusetts. I move that the Senate concur in the House amendment.

The motion was agreed to.

RECLAMATION IN IRRIGATION DISTRICTS—CONFERENCE REPORT (S. DOC. NO. 198).

Mr. McNARY submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4282) to provide for the application of the reclamation law to irrigation districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following:

"That the term 'first mortgage,' as used in section 12 of the Federal farm loan act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, known as the reclamation law: *Provided*, That such lands are otherwise eligible for loans under the Federal farm loan act: *And provided further*, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes."

And the Senate agree to the same.

CHAS. L. McNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

ADDRESS BY SENATOR POMERENE AT GRANT CENTENARY CELEBRATION.

Mr. MYERS. Mr. President, on the 29th of last month, at the Grant centenary celebration at Georgetown, Ohio, the senior Senator from Ohio [Mr. POMERENE] delivered a very able and eloquent address. It is rich in historical allusion and patriotic utterance. I ask that it be printed in the CONGRESSIONAL RECORD in 8-point type.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

ULYSSES SIMPSON GRANT.

Senator ATLEE POMERENE spoke as follows:

Mr. Chairman, Judge Nichols, members of the Grand Army of the Republic, ladies and gentlemen, we come to Georgetown today to do homage to the great captain of the Civil War. I understand with what pardonable pride the citizens of this good community recite the boyhood deeds of him who rose from comparative obscurity in a few short years to become the great commander of our great armies in suppressing the great rebellion.

BOYHOOD OF GRANT.

General Grant's boyhood days in Georgetown did not differ materially from the youthful days of many Americans in every community in the country. All who knew him or the history of his generation will recognize in him a boy clear of head, pure of heart, and clean of hand. His parents did not permit him to indulge in idleness. He did not fritter away his days. He always was occupied either at school or in his father's tannery or with his team. He was never idle.

His father must have been a very positive character, ambitious for his son's advancement, as any father should be. Full of hope, aye, of confidence, in his future, he determined that his son should have every advantage which his limited means would permit him to give.

Grant the boy does not seem at first to have been ambitious for a military career. In his personal memoirs he tells us that his father had received a letter from Hon. Thomas Morris, United States Senator from Ohio, and after reading it, he said:

"Ulysses, I believe you are going to receive the appointment."

"What appointment," I inquired. "To West Point; I have applied for it." "But I won't go," I said. He said, "He thought I would," and then General Grant adds, quaintly, "I thought so, too, if he did."

Again he tells us that a military life "had no charms" for him, and he did not "have the faintest idea of staying in the Army, even if I should be graduated."

He received his education at the National Military Academy, but his career at West Point can hardly be regarded as a brilliant success if we are to rate him according to prevailing standards. He had an unusually retentive memory. He tells us he "rarely ever read over a lesson the second time during my entire cadetship." He devoted more time to the books in the library than he did to those relating to his course of study. As a result, as he puts it, "I never succeeded in getting squarely at either end of my class in any one study during the four years."

He thought of obtaining a permanent position as a college professor, but he tells us "circumstances always did shape my course different from my plans."

He left the academy "with a good average record as a student and a very high record as a man." It was said of him, "He betrayed no trust, falsified no word, violated no rights, manifested no tyranny, sought no personal aggrandizement, complained of no hardships, displayed no jealousy, oppressed no subordinate, and was ever known for his humanity, sagacity, courage, and honor." High praise this for any man.

His first military service was in the Mexican War. He was then a very young man. He occupied minor positions of responsibility. There is nothing extraordinary in his experience in Mexico, but a careful scrutiny of the history of the Mexican War shows that even in his minor position of lieutenant he always was ready to do and did do his duty.

On one occasion his colonel called for volunteers to get word to General Twiggs, division commander, calling for ammunition and reinforcements. "It is a dangerous job," said Colonel Garland, "and I do not like to order any man to do it. Who will volunteer?" "I will," said Quartermaster Grant promptly, "I have got a horse." "You are just the man to do it," said the colonel. "Keep in the side streets and ride hard." Needless to say, the message was delivered.

While Grant was acting as quartermaster he was always at the front during the fighting. General Longstreet, who served with Grant in Mexico, said of him, "You could not keep Grant out of battle." Again he said, "Grant was everywhere on the field. He was always cool, swift, and unhurried in battle. He was as unconcerned as if it were a hailstorm instead of a storm of bullets. I had occasion to observe his superb courage under fire; so remarkable was his bravery that mention was made of it in the official report, and I heard his colonel say, 'There goes a man of fire.'"

CIVIL LIFE.

Shortly after the close of the Mexican War Grant was sent to the Pacific slope with his regiment. He was separated from family and friends. His record in the far West his most enthusiastic friends can hardly claim to have been creditable. On April 11, 1854, he resigned his position as captain in the United States Army, and apparently his military career had closed. He returned to the East.

Later he located on a small farm which had been given to him by his father-in-law. It was almost entirely, if not quite, virgin soil, covered by a virgin forest.

To use a homely expression, Grant was all but down and out. Almost any other man would have become discouraged and quit. Not so Grant. His clearness of vision and his high resolve enabled him to see his duty to himself, his family, and his country. He cleared the forest. He built his log hut. He plowed and sowed and reaped. He cut firewood and hauled it to St. Louis. He did teaming for his neighbors. Nothing that he found to do was left undone. In this way for a time he maintained himself, his wife, and his growing family.

Later he engaged in the real estate business in St. Louis. He was not fitted for this work. He was not successful in it, and he resigned his position.

Still later, in April, 1860, he went to Galena, Ill., entered his father's leather store, and joined his brothers as salesman.

While in private life he was devotion itself to his wife and children. During all this period he was a great reader, a close student and observer of the passing events which were rapidly drawing the peoples of the North and South into the maelstrom of fratricidal war. He seemed to have a premonition that the fateful struggle was coming.

Hard this life may have seemed to him and his family, as well as to those who knew him, but these experiences were not in vain. They were the crucible in which were melted, purified, and fused together the elements of his manhood. It made him master of himself, and having mastered himself he was fitted to become, and did become, the master and the leader of men. In no period of his life did he develop more than in the time between his resignation and the date when he tendered his services again to his country in the darkest hour of her history.

GRANT IN THE CIVIL WAR.

On May 24, 1861, while at Galena, Ill., Grant wrote to The Adjutant General of the Army at Washington, tendering his services until the close of the war "in such capacity as may be offered." So little was thought of this man that his letter was not even acknowledged.

With that clearness of vision which always characterized Grant, whether in peace or in war, whether in camp or battle, or at the council table, he foresaw the conflict coming. In his judgment it was to decide two question:

First. Has a State the right to secede from the Union?

Second. Shall we tolerate slavery under the Stars and Stripes?

Grant believed, as Webster believed, that the Union was "one and inseparable." Grant believed with the advancing progress of civilization no human being ought to be held in bondage. In both these beliefs he was right—eternally right; and though we accord to those who held different beliefs honesty of conviction, if these same questions were to be presented now to the people, North or South, for decision at the ballot box they would be decided overwhelmingly in the negative.

Grant, in discussing the question of secession, says, in his memoirs:

Doubtless the founders of our Government, the majority of them at least, regarded the confederation of the Colonies as an experiment. Each colony considered itself a separate government; that the confederation was for mutual protection against a foreign foe and the prevention of strife and war among themselves. If there had been a desire on the part of any single State to withdraw from the compact at any time while the number of States was limited to the original 13, I do not suppose there would have been any to contest the right, no matter how much the determination might have been regretted. The problem changed on the ratification of the Constitution by all the Colonies; it changed still more when amendments were added; and if the right of any one State to withdraw continued to exist at all after the ratification of the Constitution, it certainly ceased on the formation of new States, at least so far as the new States themselves were concerned.

Secession, says Grant, "was illogical as well as impracticable. It was revolution." He believed that as man has the inherent right of self-defense, so has a government the right to protect itself against revolution.

But it is purely academic to discuss such problems now. They were settled by the arbitrament of the sword, and out of the Civil War our Union of States was cemented together more closely than ever before.

I have often indulged the thought that if the people of the South before the Civil War had known the people of the North as they know them now, and if the people of the North before the Civil War had known the people of the South as they know them now, there would have been no war. And of this, too, I am perfectly clear: If there had been more Grants in the North and more Lees in the South these questions would have been settled without the shedding of a single drop of blood.

THE EARLY DAYS OF THE CIVIL WAR.

A few days after the firing upon Fort Sumter a meeting of the loyal citizens of Galena, Ill., was held and Captain Grant was made chairman of the meeting. He did not devote his time to grandiloquent talk. He was even then the soldier, the commander. Calling the meeting to order, he said, in substance:

Fellow citizens, this meeting is called to organize a company of volunteers to serve the State of Illinois. * * * Before calling upon you to become volunteers, I wish to state just what will be required of you. First of all, unquestioning obedience to your superior officers. The Army is not a picnicking party, nor is it an excursion. You will have hard fare. You may be obliged to sleep on the ground after long marches in the rain and snow. Many of the orders of your superiors will seem to you unjust, and yet they must be borne. If an injustice is really done you, however, there are courts-martial where your wrongs can be investigated and offenders punished. If you put your name down here it should be in full understanding of what the act means. In conclusion, let me say that so far as I can I will aid the company, and I intend to reenlist in the service myself.

This was the Grant whom the country later learned to know and love. His direct and straightforward statements as chairman of the Galena meeting were characteristic of his every thought and act during the entire period of the war.

The enlisted soldiers offered to make Grant captain of the company. He refused, stating that he thought he could serve the State better at Springfield. He tendered his services to Gov. Richard Yates, but the governor could find nothing for him to do. After some days he determined to go home. Governor Yates, learning of his intention, asked him to remain overnight and call at his office in the morning. Grant was assigned to a desk in the adjutant general's department doing clerical work. Grant was hoping for a command. He returned to Galena almost in despair because he did not receive suitable recognition of his military experience.

Mr. Houghton, the editor of a local paper, wrote concerning him:

We are now in want of just such soldiers as he is, and we hope the Government will invite him to higher command. He is the very soul of honor, and no man breathes who has a more patriotic heart. We want among our young soldiers the influence of the rare leadership of men like Captain Grant.

Grant was a newcomer in Illinois. Public men did not know him. Other men unfitted by training or experience were given positions in the organization of the State troops, but there seemed to be no place for Grant, the West Point cadet.

He went to Cincinnati and tendered his services to Gen. George B. McClellan, then in command of the military district. He met his old comrade, Carr B. White, in Georgetown, a member of the Ohio Legislature, and to him he related the circumstances and his ambition to serve in the Army. Mr. White replied that there ought to be a command for him, and said, "I am going to Columbus and I will see what I can do." In a few days he returned with a commission for Grant as colonel of the Twelfth Ohio, but meanwhile Governor Yates had wired him, asking him to accept the command of the Seventh District Regiment. This position he accepted, and it gave him his opportunity.

His regiment lacked in discipline and was said to be a "little unruly." When asked if he could manage them, his quiet reply was, "I think I can." When presented to his regiment by Colonel Goode, he said, after returning the salute of the adjutant: "A soldier's first duty is to learn to obey his commander. I shall expect my orders to be obeyed as exactly and instantly as if we were on the field of battle."

A little later, while at St. Louis, Grant received a telegram from his friend, Washburne, advising him that the President had appointed him as brigadier general of Volunteers.

In the brief space of time allotted to me it is, of course, impossible to go into all of the details of this wonderful commander's activities.

Grant was the one man above every other commanding officer in the West who seemed to have the military genius to bring order out of chaos, to convert raw recruits into trained veterans, and to inspire them with the bravery of spirit and love of country which was necessary to suppress the rebellion and preserve the Union.

Shortly after he had assumed command he found that the Confederates were marching onto the city of Paducah. On September 6, 1861, he issued this proclamation to its citizens:

I have come among you, not as an enemy but as your friend and fellow citizen, not to injure or annoy you but to respect the rights and defend and enforce the rights of all loyal citizens. An enemy in rebellion against our common Government has taken possession of and planted its guns upon the soil of Kentucky and fired upon our flag. Hickman and Columbus are in his hands; he is moving upon our city. I am here to defend you against this enemy, and to assert and maintain the authority and sovereignty of your Government and mine. I have nothing to do with opinions. I deal only with armed rebellion and its aiders and abettors. You can pursue your usual vocations without fear or hindrance. The strong arm of the Government is here to protect its friends and to punish only its enemies. Whenever it is manifest that you are able to defend yourselves, to maintain the authority of your Government and protect the rights of all its loyal citizens, I shall withdraw the forces under my command from your city.

Lincoln, later seeing this address, said, "The man who can write like that is fitted to command in the West."

He took Belmont. The Confederates held Columbus. In the midst of the fighting one of the Union officers shouted, "My God, we are surrounded." Grant replied, Grant-like, "We cut our way in and we can cut our way out."

He moved with vigor and precision. On February 5 he advanced against Fort Henry. On the day following it fell, and he telegraphed Halleck, "Fort Henry is ours," and added, "I shall take and destroy Fort Donelson on the 8th and return to Fort Henry."

Weather and other conditions, however, prevented his taking Fort Donelson as quickly as he thought, but he moved on to his objective with that persistence and determination which always carried him through every obstacle that came in his way. Generals Floyd, Pillow, and Buckner were in charge for the Confederates. Floyd and Pillow fled. General Buckner thought it useless to continue further fighting. He sent word to Grant, asking for terms of capitulation. Grant replied, "No terms except immediate and unconditional surrender can be accepted. I propose to move immediately upon your works."

Victory was now in the air. The North began to find itself. They had a general who could fight and win. He was little known either to the people of the North or the East. The whole Nation began to inquire, "Who is this man Grant, who fights battles and wins them?"

After Shiloh great pressure was begun to have the President remove Grant from his command in the west. But Lincoln, after full investigation, replied, "I can't spare Grant; he fights."

Shiloh was one of the most terrific battles in the West. An eminent writer, after reviewing this battle, says:

The Battle of Shiloh showed Ulysses Grant to be a commander of a new type. His personal habits in conflict were now apparent to all his staff. He did not shout, vituperate, or rush aimlessly to and fro. He had no vindictiveness. While other officers in the heat of battle swore and uttered ferocious cries, Grant voiced all his commands in plain Anglo-Saxon speech, without oaths or abridgment. His anxiety and intensity of mental action never passed beyond his perfect control. He fought best and thought best when pushed hard.

A man of singular gentleness, he had displayed the faculty which enables a man to consider soldiers en masse, to look over and beyond the destruction of human life in battle to the end for which the battle is fought. Unwilling to harm any living thing himself, he had the resolution to send columns of men into battle calmly and without hesitation. Without this constitution of mind no great commander can succeed.

Perhaps his next greatest achievement was the capture of Vicksburg. He laid siege to the city in the spring of 1863. It was a giant's task. The public began to lose faith in the hero of Donelson and Shiloh. Lincoln declared, "Even Washburne has deserted Grant." Charles A. Dana was sent to the front by the Secretary of War to report on the conditions of the Army. Later Gen. Lorenzo Thomas was sent with an order relieving Grant, if he should find it necessary. Commodore Porter told General Thomas that "if the news got out the boys would tar and feather him." The order was never delivered. The siege continued. He assumed all responsibility. He knew if he failed his reputation would be lost; if he won, it would greatly cripple and discourage the South and correspondingly encourage the North. The siege and the fighting continued. At last, on July 3, a white flag appeared on the Confederate works. The commanding general asked for commissioners to arrange terms of surrender; and again Grant replied, "I have no terms other than unconditional surrender."

After some little negotiation terms were concluded. They were so liberal that they were criticized in the North; but at 10 o'clock on July 4 the besieged "marched out of their entrenchments. With sad faces the men of each regiment stacked their arms, threw down upon them knapsacks, belts, cartridges, and cap pouches, and then tenderly crowned the piles with their faded and riddled colors."

Thus ended the siege of Vicksburg.

Then followed Chattanooga and Missionary Ridge. As Grant rode along the lines he was recognized by the soldiers, and they cried, "Now we know we have a general."

The Assistant Secretary of War sent this message to Washington: "Glory to God, the day is decisively ours. Our men are frantic with joy and enthusiasm, and received Grant as he rode along the lines after the victory with tumultuous shouts."

The next day was Thanksgiving Day and all over the Nation grateful millions of people blessed the name of Grant.

These victories, like the finger of fate, pointed to Grant as the one man in America who ought to command the forces in the East against Lee.

Washburne offered a bill reviving the grade of lieutenant general. In speaking of Grant he said:

He has fought more battles and won more victories than any man living. He has captured more prisoners and taken more guns than any general of modern times.

The President signed the bill and nominated General Grant to be lieutenant general of the armies of the United States. This announcement was received with universal acclaim. The modest Grant on March 4, 1864, wrote to General Sherman, and spoke of the success which had met his efforts, and his place in the public confidence, but he did not take all the credit to himself. With his characteristic generosity of soul, he said:

No one feels more than I how much of this success is due to the skill and energy and the harmonious putting forth of that energy and skill of those whom it has been my good fortune to have occupying a subordinate position under me.

There are many officers to whom these remarks are applicable to a greater or less degree, proportionate to their ability as soldiers; but what I want is to express my thanks to you and McPherson as the men to whom, above all others, I feel indebted for whatever I have had of success. * * * I feel all the gratitude this letter can express, giving it the most flattering construction.

To this letter General Sherman replied, in part:

You do yourself injustice and us too much honor in assigning to us too large a share of the merits which have led to your high advancement. You are Washington's legitimate successor and occupy a place of almost dangerous elevation; but if you can continue, as heretofore, to be yourself, simple, honest, and unpretending, you will enjoy through life the respect and love of friends and the homage of millions of human beings that will award you a large share in securing them and their descendants a government of law and stability. * * *

I believe you are as brave, patriotic, and just as the great prototype Washington, as unselfish, kind-hearted, and honest as a man should be; but your chief characteristic is the simple faith in success you have always manifested, which I can liken to nothing else than the faith a Christian has in a Savior. This faith gave you victory at Shiloh and Vicksburg. Also, when you have completed your last preparations, you go into battle without hesitation, as at Chattanooga—no doubts, no reserves—and I tell you it was this that made us act with confidence.

No one doubts the great and commanding genius and patriotism of General Sherman. His devotion to General Grant, his commanding officer, is almost unparalleled in the history of warfare.

Sherman advised him not to stay in Washington. True, it was the Capital of the Nation, but it seemed to be full of intrigue and of political connivance which since the outbreak of the war had had its effect upon every commanding general who preceded Grant and often jeopardized the movements of the troops in the field.

After Grant had assumed control and had gone West to close up his work there and have a conference with General Sherman and other generals, he returned to the East and pitched his tent in the fields with his armies. He was not given to ostentation and display. He went straight to his headquarters at Culpeper. He announced, "There will be no grand review and no show business."

Grant had work to do. He was commander of all of the forces of the North. "The far-flung" battle line of the northern forces was more than 1,000 miles in length. The Army was, to use Sherman's words, "a unit now in action." He kept his own counsel. The Army of the Potomac was moved with the same untiring vigor and energy, with the same clear intelligence and precision with which he commanded the forces in the West and brought victory to our colors. He was pitted against the greatest military genius in the Southern Confederacy. Neither Grant nor Lee underestimated one another. Greek had met Greek. But Grant was fighting a winning cause—Lee a losing cause.

The Army of the Potomac was well trained, but it had not been well led. Grant removed some officers. He placed others. Lincoln had implicit confidence in him. He did not interfere with Grant's action in the field.

At this time a correspondent writes of him:

Grant is not intoxicated with flattery. * * * I never met with a man of so much simplicity, shyness, and decision. He has lost nothing of his freshness of mind. He avoids Washington and its corrupting allurements. He is essentially a soldier of the camp and field. All his predecessors were ruined by Washington influences. He has established his headquarters 10 miles nearer the enemy than Meade. His tents are almost among the soldiers. That is a western and not a Potomac Army custom. He travels with the simplicity of a second lieutenant, with a small trunk, which he often forgets and goes off without. If Grant fails, then a curse is on this Army. He is a soldier to the core, a genuine commoner, commander of a democratic army from a democratic people. * * * From what I learn of him, he is no more afraid to take the responsibility of a million men than of a single company.

Up until Grant became lieutenant general and took charge of the armies in the field our forces, whether east or west, seemed to act without system, without unity of purpose. The officers in the field were partly responsible for this condition. But the Congress and the War Department at Washington must bear their share of the responsibility. Grant demanded of President Lincoln the assurance that the War Department would cease to command in the field.

On arriving in Washington he made up his mind to say to Lincoln: "I will accept the command of the Armies of the United States, provided I can be free from the interference of the War Department; otherwise I shall be obliged to decline the honor." But this was not necessary. Lincoln knew all too well the defects in his fighting machine.

The President, in presenting him with his commission as lieutenant general, said:

The Nation's appreciation of what you have done and its reliance upon you for what remains to be done in the existing great struggle are now presented with this commission constituting you lieutenant general in the Army of the United States. With this high honor devolves upon you also a corresponding responsibility. As the country herein trusts you, so, under God, it will sustain you. I scarcely need to add that with what I here speak goes my own hearty concurrence.

General Grant replied:

I accept the commission with gratitude for the high honor conferred. With the aid of the noble armies that have fought in so many fields for our common country, it will be my earnest endeavor not to disappoint your expectations. I feel the full weight of the responsibilities now devolving upon me, and I know that if they are met it will be due to those armies and, above all, to the favor of that Providence which leads both nations and men.

Other great generals had preceded him in commanding the Army of the Potomac. Many of them were men of great ability, brave in action, brilliant in achievement, but none of them had to their credit as many or as great victories as Grant had won in the West.

Reserved of manner, plain of dress, and soft of speech, he was not at home in the social whirl of Washington. His place was in the camp or on the battle field. There he was master of men and of measures—quick to conceive and quick to act. Entire battle fields were spread before him like a panorama. He knew what to do and when to do it. To think was to execute. His great brain worked like a Corliss engine.

After Grant's appointment as lieutenant general he returned to Nashville for a conference with Sherman, promising to return to Washington within nine days from the date of his leaving.

Upon his return Lincoln said to him:

I have never professed to be a military man, nor to know how campaigns should be conducted, and never wanted to interfere in them. But procrastination on the part of generals and the pressure of the people at the North, and of Congress, which is always with me, have forced me into issuing a series of military orders. I don't know but they were all wrong, and I'm pretty certain some of them were. All I wanted or ever wanted in some one to take the responsibility and act—and call on me for all assistance needed. I pledge myself to use all the power of government in rendering such assistance.

Grant replied:

I will do the best I can, Mr. President, with the means at hand.

Later Lincoln said in reply to a question:

I don't know General Grant's plans, and I don't want to know them. Thank God, I've got a general at last.

From the hour Grant assumed command of the Army of the Potomac a new spirit had been breathed into it. They knew they had a leader, and they knew that proper leadership was the one essential for complete victory.

The South, too, began to realize that a new man was at the helm. A southern editor gave this warning:

Grant is a determined man, and has a tremendous force under his hand, and we may rest assured that when he is beaten it will be only when the last capacity for fight has been taken out of him and his army. Until this is done our generals, army, and government should brace every nerve, stretch every sinew, force nature, and yield nothing to fatigue.

The South began its preparations for the last and final struggle. All men between 17 and 50 were called. Grant, in referring to this call, said the South was "robbing the cradle and the grave."

Grant was confident of final victory, but he knew the bravery and the spirit of his foe, and he did not underestimate either. In the great Battle of the Wilderness the two armies met in deathlike struggle. It was a long, a bloody battle. No man who survived it on either side, whether officer or private, ever lost his admiration for the courage of his foe.

Grant had supreme confidence in his men as well as his generals. To illustrate: During this terrific battle an excited orderly cried out, "They have broken through. Hancock has given way." Grant replied, "I do not believe it." He knew Hancock.

For days the tide of battle ebbed and flowed. Lee had failed to break the line or check the advance. At one time he was told Grant was retreating. "You are mistaken," Lee replied; "quite mistaken. Grant is not a retreating man."

After three days of fighting, Grant wrote: "The results of the three days' fighting are in our favor. I shall take no backward steps." And later he wrote to General Halleck, "I propose to fight it out on this line if it takes all summer."

The spirit of the men was equaled only by that of the commanding general. A historian tells us that at a critical period in the battle a part of the Union forces began to feel that they were again whipped by Lee. They feared another retreat would be sounded. But the orders were given. The march was forward. The men broke out with this refrain:

Ulysses leads the van!
For we will dare
To follow where
Ulysses leads the van.

After Grant established his headquarters at Culpeper, Virginia became the great battle field of the war. The struggle was gigantic. Not one, but many battles were fought. The slaughter was unparalleled in the history of our warfare. The world shuddered at the fratricidal contest. Union and the freedom of the race were in the balance. Grant knew that the cause must be won or lost in Virginia. Fair-minded men can not say whether the soldiers of the North or of the South fought with the greater valor or under the more brilliant leadership. Determination to win characterized both armies. For a time only the God of battles knew where success would lie. But Lincoln and Grant, their generals and their soldiers, aye, the entire North kept up their courage and did not falter. The superior strength and resources of the North were destined to win.

As I read the history of this struggle, no one battle decided the contest. It was a succession of battles, characterized by masterly generalship and a courageous soldiery. Who, whether he be of the North or of the South, does not recall with pride the heroism in the Wilderness, at Spottsylvania, at Cold Harbor, at Petersburg, at Appomattox, or in many another battle of perhaps less importance, but fought with the same spirit of heroism?

Grant's genius for command seemed to grow as the occasion demanded. True, he did not escape criticism, aye, virulent abuse; but what great man who served his country ever has? The greater his victories and the more battles he won, the more shafts of slander were hurled at him. He must have been stung to the quick, for he was a very sensitive man. But criticism, cruel and unjust as it was, never swerved him from his path of duty. He saw beyond the smoke of battle the glory of the country reunited and human slavery forever wiped out.

As this terrific contest progressed, the critics became more severe in denunciation. They called him "butcher"; and it must be admitted that blood flowed freely on both sides of the battle line. But great battles were never won without bloodshed. Carping critics never fought a battle, much less won a war. Of course they do not shed blood, because they do not fight battles with the sword. They never assault the enemy. They fight their friends from behind, and they fight them from afar off. Their swords are their pens and their tongues. Occasionally some of them are wounded, but they are not wounded in the front while facing and advancing upon the enemy. Their wounds are in their backs while running from danger.

During the fighting in Virginia he said in reply to his critics:

I am commanding an army. The business of an army is to fight. This is war. I am determined to whip out the rebellion. There is no other way. I am pursuing the same policy which I began at Belmont. It is my intention to fight.

Again, after he had been twice unanimously nominated for the Presidency by his party, and after he had been twice elected by overwhelming majorities, during his second inaugural

address he referred with dignity to the abuse which had been heaped upon him in these words:

I did not ask for place or position, and was entirely without influence or the acquaintance of persons of influence. But I was resolved to perform my part in a struggle threatening the very existence of the Union. I performed a conscientious duty without asking promotion or command. Notwithstanding this, throughout the war and from my candidacy for my present position in 1868, I have been the subject of abuse and slander scarcely ever equaled in political history, which yet to-day I feel I can afford to disregard in view of your verdict, which I gratefully accept as my vindication.

No man among our dead, save Washington and Lincoln, has been more greatly vilified than Grant, but like Washington and Lincoln, Grant will live long after his traducers shall have faded from the memory of man.

Grant, like many people of the North, did not believe the war would last long. Neither did the people of the South. Before the actual fighting began Grant thought with Seward the rebellion would be suppressed in 90 days. This must have been the thought of Lincoln himself, because his first call for troops was for 90 days.

The people in the North did not think the South would fight. The people of the South were certain the North would not fight. Orators in the South spoke of the northerners as cowards—claimed that one southern man was equal to five northern men in battle, and if the South would stand up for its rights the North would back down.

Jefferson Davis said in a speech, "He would agree to drink all of the blood spilled south of the Mason and Dixon line if there should be a war." Too bad they did not know one another better. Neither side appreciated the valor, the spirit, the worth of the other.

What a tribute the history of the Civil War is to the fine courage of the people of both North and South! The people of both sections were sprung from the same loins. They were all all-American.

WAS GRANT AN ACCIDENT?

Many who knew Grant in his youth and early manhood before and even during the Civil War had little confidence in his ability or fitness for high command. Some who knew him intimately referred to him as a mere "accident." Such criticisms hurt, but they did not unmake the man.

The God of battles does not choose great commanders of great armies by accident. Accidents are not placed in the niches of the temple of fame. Maybe that occasionally, by some fortuitous combination of circumstances, an inferior man may win where a superior man may lose. Accident may win a battle. It never won a magnificent series of battles. It never won a war. Ulysses Simpson Grant did both.

Accident did not win commendation from his superior officers for bravery on the battle fields of Mexico or for ability as quartermaster.

Accident was not in the saddle at Belmont, or Fort Thomas, or Fort Donelson, or Shiloh, or Vicksburg, or Chattanooga in the west.

Accident did not make Grant commander in chief of the armies in the field. It did not win in the Wilderness or at Spotsylvania or at Petersburg or at Appomattox.

Had he been an accident he could not have had the sustained confidence and the continued loyal devotion of the Shermans, the Sheridans, the McPhersons, and the Meades. Accident did not tie his faithful soldiery to him by hooks of steel.

Accident did not win for him two nominations and two elections to the Presidency of the Republic.

No; Grant was not an accident. He was the one man born from the womb of time to lead our armies to victory and to restore the Union, never again to be dissolved. Like Minerva, he sprung full fledged from the head of Jove. He was born to command. Lincoln discovered him. He won where others failed.

Great as Grant was on the battle field, he was greater at the peace table. Determined and tenacious in conflict, he was magnanimous in victory. Nothing finer appears in all history than his treatment of Lee and his armies at Appomattox. He required all arms, artillery, and public property to be parked and stacked and turned over to the officer appointed by him to receive them. This did not embrace either the side arms of the officers or their private horses or baggage. This done, each officer and man was allowed to return to his home, "not to be disturbed by the United States authorities so long as they observe their parole and the laws in force where they reside."

Lee was surprised at the generosity of Grant's proposal, and added, "this will have a most happy effect upon my army."

What a temptation it would have been to many a general to have demanded terms both exacting and humiliating! Not so with Grant. Now that the war had been won, his one thought was to win the peace.

Later on came Lincoln's assassination and Andrew Johnson's succession to the Presidency. He proposed "to make treason odious." He sought to have Lee and other leading southerners indicted for treason. General Lee appealed to Grant, saying he had learned that he was to be indicted for treason by the grand jury at Norfolk. He adds:

I had supposed that the officers and men of the Army of Northern Virginia were by the terms of the surrender protected by the United States Government from molestation so long as they conformed to its conditions. * * *

Grant wrote to the Secretary of War with firmness and magnanimity:

In my opinion the officers and men paroled at Appomattox Courthouse, and since upon the same terms given to Lee, can not be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith as well as true policy dictates that we should observe the conditions of that convention. Bad faith on the part of the Government or a construction of that convention subjecting the officers to trial for treason would produce a feeling of insecurity in the minds of all paroled officers and men. * * *

He wrote to Lee:

I have forwarded your application for amnesty and pardon to the President with the following indorsement: "Respectfully forwarded, through the Secretary of War, to the President, with the earnest recommendation that this application of Gen. R. E. Lee for amnesty and pardon be granted him."

General Grant was not content with a mere protest. He said to the President, "The people of the North do not wish to inflict torture upon the people of the South."

President Johnson answered, "I will make treason odious. When can these men be tried?"

Grant replied, "Never, never; unless they violate their parole."

Grant was determined that the Government should keep the faith, and he finally won. From this time on his every thought and every act looked to the healing of the wounds of war. He wanted the sections reunited in fact and in spirit as well as in name.

When, after his first nomination as a candidate for the Presidency he wrote his letter of acceptance, this same thought was uppermost in his mind, and after his letter had been completed he added these four words:

Let us have peace.

It was not in his heart after victory to trample the people of the South under the iron heel of war. Rather he looked upon them as wayward brothers, whom he wanted to bring back to the protecting folds of our glorious flag.

How well he succeeded the reestablished Union proclaims to the world for all time. Peace to the ashes of Ohio's greatest son. May we honor ourselves by writing his name large upon the tablets of our memories.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to certain amendments of the Senate, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate; and that the House insist upon its disagreement to the amendment of the Senate numbered 186.

The message also announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KIESS, Mr. JOHNSON of Washington, and Mr. STEVENSON were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed enrolled bills of the following titles, and they were thereupon signed by the Vice President:

S. 2186. An act granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association; and

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876.

GREGORIE SEMENOFF AND BORIS BAKHMETEFF.

Mr. BORAH. Mr. President, I will say to the Senator in charge of the tariff bill [Mr. MCCUMBER] that I shall be as brief as possible, because I do not want to be unnecessarily in the way of the consideration of that bill.

One Gregorie Semenoff has been permitted to enter this country. It has been a little difficult to analyze the influences which enabled him to come into the United States. It is quite apparent to me that the Department of Labor was not anxious to have him come. I think the hearings and the report now printed will disclose that fact. Nevertheless, he was permitted to enter. At this time I do not propose to discuss the question of how he came to be permitted to come into the United States.

Semenoff has been characterized by the officers of the American Army and the American soldiers in Siberia as a bandit, a murderer, one who attacked American soldiers without any cause, and at a time when we were supposed to be on friendly relations, resulting in the death of two and the wounding of a number. All these facts, Mr. President, were well known to the department here and were presented to the officers on the coast who admitted him into this country.

I am going to call attention briefly to some of this testimony which has been taken, as it states the case against Semenoff much more effectively than I could do in my own language.

General Graves, who had charge of the Siberian expedition, so far as the American forces were concerned, in his testimony said:

The next real incident that I had, so far as American troops were concerned, one of Semenoff's generals, on an armored car, on the nights of January 9 and 10 went to Posolskaya, arriving there about 1 o'clock in the morning, and opened fire on a box car loaded with American soldiers, this car being used as quarters for the American soldiers in the performance of their duty guarding the railroad under the railroad agreement. Two American soldiers were killed and one wounded, as I remember the case. The American soldiers got out of the car and punctured the locomotive with rifle bullets, and after the train got about 4 or 5 versts from there it could not go any further, and they succeeded in capturing the general, 5 officers, and 48 men that were on that train.

Further he said:

When we returned from Omsk in the latter part of August, 1919, as we passed through the town of Adrianovka, which is some 100 or 200 miles from the Manchurian line, one of the American railroad service corps men, named McDonald, related to me an incident of Semenoff's murdering. That incident was taken down at the time as given by Lieutenant McDonald. This was taken down by my aid, Captain Hoffman, and I have here that statement as made by Lieutenant McDonald. If there is no objection, I would prefer to read the statement as taken down at the time or I can give it as I remember it.

There he read the statement, which was afterwards incorporated in the record. A part of that statement is as follows:

I had long heard of these big killings that Semenoff was having at different points along the line of the railroad, but I really couldn't believe it. It didn't seem possible that such things could be true, even here in Siberia, so I said to myself that it was just same more Russian lies. One day I went down to Adrianovka. I arrived there the evening of the 18th of August. Lieutenants McNutt and Griggs, of the Russian corps, were there, and they told me of the killing of Bolshevik prisoners. They said that the day they had tramped over a large part of the country a verst or two east of Adrianovka trying to locate the place of the killing, but hadn't found anything. They said that there was a train in the yards with about 400 prisoners in cars and that indications were that there would be a killing in the next day or two.

I knew the stories about Marayievo, and I knew they handled the prisoners rough. One morning I had seen a prison train with two cars filled with women—one box car and regular prison car. As I was going by an old woman looked out between the bars and hailed me. Then she called a young girl up to the window, a sick-looking, red-haired girl, who spoke to me in very good English. I asked her where she was going and she answered, "I only wish I knew." The train pulled out almost immediately, and I could not find out more.

Just the same I found it hard to believe they were as bad as the stories made out. Early next morning, however—that was the 19th—we saw a bunch of Semenoff's soldiers walking in from the east, carrying long-handled shovels. The boys—I mean Lieutenants McNutt and Griggs—said they had seen the same kind of a gang come in previous to other killings.

Shortly afterwards we saw them loading soldiers on the prisoners' train, and taking a machine gun from an armored car that was standing there and putting it on the train. They took 10 carloads—about half—of the prisoners and started east from the yards. They left at 9.50.

It was then I decided to find out what I could about the killing, so I hooked it east after them. About 2 versts out, I finally came in sight of the train (I call it the murder train) standing near a curve of the railway. I kept on, hoping to reach the place, but was stopped by a guard. I was then about a hundred yards from the train, but because of the topography of the country I couldn't see anything of the soldiers or the prisoners. I pretended not to understand Russian when the guard stopped me, but he put a shell into his rifle to assist my understanding. I understood. I knew I was near where the killing had been, but I wasn't quite sure when I walked away whether I'd get one from the guard or not.

I had only been back from the station a few minutes when that train came back empty. It had gone out full. It had been gone just 1 hour and 55 minutes. I noticed they had not brought the machine gun back. By the way, Stepanoff, Semenoff's colonel in charge, just as the first train was leaving, went out and got a rifle for himself. There were Kolchak guards on the train, for they had on British uniforms. The second train was gone 1 hour and 30 minutes and brought the machine gun back with it.

I didn't go out again that day, but the next morning McNutt and Griggs and I, three of us, went out. On the way we met a peasant woman carrying boots and socks and clothing. At the place where the train had been standing the day before, we saw that the ground had marks of a large number of people getting off and moving about. The ground was littered with torn clothing, worn-out puttees, and pieces of all kinds, including a bolshevik ruble note. Just a short distance from the track—about 15 feet—we found one body shot through the lower jaw, left, and through the cheek. Thirty feet farther on we found another body. The weeds and ground near the bodies seemed to indicate struggles. The poor devils had evidently tried to escape. We walked on toward some mounds of fresh earth we saw, and found three large holes, two filled up and covered over, and one only about half filled with just a little covering of earth over the bodies. I picked up several shells at the edge of the third grave, of two different calibers, partly a large caliber, but mostly of a smaller one. There was nothing to indicate what they were or where they were made. A short distance eastward, possibly a hundred yards from the three holes, we found another that had evidently been there much longer. It was filled, but there was such a thin layer of earth on top that dogs or other animals had dragged some of the bodies out. Some had the feet cut off, one had no head, one had the genitals cut off. Of course, dogs might have done it, but didn't look like the work of dogs. At another hole we found just the trunk of a body lying on some fresh earth. It was all black and ugly.

It had been raining for some time, so we turned and went back to Adrianovka. It rained all the next day, but the day after that it cleared up in the afternoon. So at about 5 o'clock I went out with my camera to see if I could not get some pictures for evidence. The other boys didn't come with me; they had had enough. When I got there I found that the bodies had been buried. There were some little boys there digging around after loot, and they told me that the section hands of the railroad had done the burying. The boys showed me where six other bodies had been found on the other side of the tracks—shot evidently when they were trying to escape. It seemed to me that the big killing had been done by lining the prisoners up along the edge of the bank and firing at them catacornered across it. An old peasant woman that lived near by told me that they had to give up getting in their grain because of the stench. I told her they'd better get gas masks and go to it; they might need the grain. But I didn't get any pictures.

That same night Semenoff went through on his way east. There were a number of Japanese on the train and some women. They stopped at Adrianovka and had a celebration—a big banquet. Stepanoff was there. They had music and plenty of booze. Then Semenoff went east to Vladivostok.

This is the statement—

Says General Graves—

of John J. McDonald, lieutenant in the railway service corps at Chita on Monday, September 1, 1919.

Mr. Clark, interrogating General Graves on behalf of Semenoff, asked:

Did you take up with General Semenoff that incident which you mentioned of the slaughter ground, which you have read from that account there, when General Semenoff went through the next day?

General GRAVES. I did not. I would have no dealings with that man that day or any day.

Mr. CLARK. Then, you had no personal knowledge as to the claim that Semenoff was in no way responsible for it?

Colonel GRAVES. I know nothing about it except that it was in his territory.

Mr. CLARK. Who was in supreme command of the eastern republic at that time? Was that under the Kolchak régime?

General GRAVES. Kolchak was at Omsk at that time and it was prior to his being killed.

Mr. CLARK. Who was in supreme command?

General GRAVES. The conditions over there are such that I think rather than answer that definitely, some explanation is necessary. While Kolchak was supposed to be in supreme command, it was generally thought that he was not in a position to control Semenoff, Kalmykoff, or Ivanoff.

Mr. CLARK. In the structure of the governmental system there, de facto or de jure at that time, Kolchak was at the head of the organization, was he not?

General GRAVES. I could not say that Kolchak was at the head of Semenoff. Semenoff at that time had, I think, recognized Kolchak. Part of the time he recognized Kolchak and part of the time he did not.

Again:

Mr. CLARK. As to the incident to which you have referred, of the shooting upon a box car with American soldiers upon it, there was subsequently an investigation made of that, was there not?

General GRAVES. There was.

Mr. CLARK. By whom?

General GRAVES. By Colonel Morrow.

Mr. CLARK. By whom on behalf of the Russians?

General GRAVES. I do not know.

Mr. CLARK. Do you not know that there was an investigation?

General GRAVES. Yes.

Mr. CLARK. Do you know the result of that investigation?

General GRAVES. I do.

Mr. CLARK. What was it?

General GRAVES. So far as we are concerned, nothing.

Mr. CLARK. Do you know what discipline was meted out?

General GRAVES. I do not. My judgment is that nothing was, because Semenoff made no expression of regret to me as the commander of the American forces, and took no action prior to departure of American troops which led me to believe that he was in the least regretful of the incident. As these were men under him, and as I was commander of the American Expeditionary Forces, if he did not approve of it I should have thought he certainly would have expressed regret to the American commander.

I call attention now briefly to the statement of Colonel Morrow, who had command of the American troops. He said:

On the night of January 10 four armored trains had passed through. This was on the night of the 10th of January, 1920. The fifth armored train, the "Destroyer," came through and stopped at Verkhne Udinsk, which was the town which I was in command of. They arrested the station master, robbing him of all of his property, including all the clothing of his wife, broke up the furniture in his house, and took him aboard the "Destroyer." I was informed of this by my provost marshal in the city.

I at once went aboard the "Destroyer" with an interpreter and my aidecamp, and interviewed the general in command of the train, General Bogomolets. He informed me that he had arrested the station master at Verkhne Udinsk, and proposed to kill him. I told General Bogomolets that his train was passing through the American sector on sufferance, and that he could not arrest men in the American sector and execute

them. General Bogomolets replied that he was not responsible to me and would do as he pleased, and that the conversation was at a close. I informed General Bogomolets that the conversation was just beginning, and if he did not release the station master I would forcibly take him away from him with American troops.

After a rather heated argument General Bogomolets released the station master, making the station master sign a statement that he had received back all of his property. He had not received back any of his property. This was about 7 o'clock.

The armored train, "Destroyer," then moved out of Verkhne Udinsk and went to the station Posolskaya, about 60 miles from there.

A lieutenant named Paul Kendall was posted at Posolskaya with a detachment of 38 men. They were sleeping in box cars. The armored train, "Destroyer," moved into Posolskaya and took aboard the Russian Captain Krisko there, moved back from the American box cars, and opened fire. This was between 12 and 1 o'clock at night. It was about 40 or 50 degrees below zero and there was about 8 inches of snow on the ground.

Kendall and his men turned out with hand grenades and rifles and began the battle against the armored train. They threw a hand grenade into the engine, very seriously damaging it, so that it could only move down the track about 5 versts. Here Captain Ramsay closed in on it from the east, and the armored train was captured in the morning.

Mr. STERLING. From whose testimony is the Senator reading?

Mr. BORAH. From the testimony of Colonel Morrow. He continues:

During the fighting that occurred Sergeant Robins was killed, Private Montgomery died later of wounds, and Private Towney was knocked from the armored train when he attempted to board it, and his foot was cut off.

The CHAIRMAN. When were these men killed, with reference to the first attack?

Colonel MORROW. Right in the first fighting.

Continuing, Colonel Morrow says:

General Bogomolets and his officers and men were brought under guard and placed in the guardhouse by my command. I at once notified Ataman Semenoff of the actions of this car, and requested the immediate trial of Bogomolets and his officers. I recited to him the crimes of General Bogomolets and begged him for immediate trial of these officers. I continued to receive from Semenoff evasive telegrams, which would lead nowhere. I was under order with my command to evacuate Siberia immediately. Of this fact I informed Ataman Semenoff.

Further, Colonel Morrow says:

While the men of Bogomolets's train were under my command I caused Lieutenant Colonel Gillem to take their testimony. I propose to read the testimony of Asst. Surg. Michael Morosoff, who was aboard this armored train. This testimony was taken by Lieutenant Colonel Gillem, jr., of the Twenty-seventh Infantry. [Reading:]

"1. Q. How long have you been of the bronevick?—A. Since September, 1919.

"2. Q. Have you got a family?—A. A wife and a child. I was forced to work on the bronevick; I wanted to commit suicide because I couldn't stand the horrors of Semenoff's men.

"3. Q. Did you see any Americans at Station Posolskaya?—A. No; I was asleep at the time. Friends say that the bronevick fired first.

"4. Q. What did the bronevick do after the fighting?—A. The engine couldn't go at full speed, so it backed up slowly about 8 versts and stopped.

"5. Q. Why do the people call the bronevick 'destroyer' not only in name but also in action?

"6. Q. How many executions did you see at station Olovinnaya?—A. Fifteen men and one woman were taken into the car and whipped, then taken to the ice hole and killed one after another. In most cases they were lashed and hit with the bayonets and then thrown in the ice hole half alive. All took place January 1, 1920.

"At the last trip from Chita to Verkhne Udinsk there were killed about 40 men only because they were suspected of helping Bolsheviks.

"At the same expedition one woman was killed after she wouldn't give herself up to the military commandant of the station. All these cases can be verified, as the bodies were never buried.

"All executions were committed by order of the general himself, because it was a punitive expedition.

"The provodnick of the general's car was so badly whipped that he died two days ago.

"The general had mercy for nobody. He was also the only judge.

"Before his service on the bronevick he worked on Station Adrianova, and took part in executions of one group of Bolshevike, 370 men, and small groups of 15 and 20 men.

"Everybody on the bronevick knows very well that the general would continue his executions up to Irkutsk. My opinion that the most men killed were peasants who knew nothing about politics.

"7. Q. Did the men like the service on the bronevick?—A. About six did. The rest were forced to do it. For the least offense people were whipped and killed. One man tried to leave the bronevick at Manchuria. He was caught and whipped. He died two days later.

"MICHAEL MOROSOFF."

Mr. BORAH. On page 19 of the printed record, Colonel Morrow says:

In December General Semenoff sent General Levitsky, with what was known as the Wild Division, to Verkhne Udinsk. That division consisted of about 2,000 Mongolians, mounted on Mongolian ponies and camels, and about 500 Cossacks.

Shortly after his arrival General Levitsky began sending detachments into the Selenga Valley.

This valley, as we were informed, is a large valley, having a population of about 1,000,000, who at that time, according to the statement of Colonel Morrow, were not active either in war activities or political activities. They were a quiet, inoffensive, law-abiding people—the Russian peasantry disturbing no one and taking no side in the conflict.

These detachments committed robbery and plunder and murder and crimes unspeakable. The peasants finally rose up and fought these detachments, defeating some of the smaller detachments.

In January General Levitsky took the field at the head of his forces and made a cavalry raid into the valley of the Selenga. He had no sooner started his raid than two or three applications every day from Russian peasants began to come to the American headquarters, begging for help and assistance against Semenoff's Wild Division. They also brought written petitions. I took down some of their statements, and some I kept. Many of them I lost.

To show the character of the operations of General Levitsky's command, I will read some of these signed statements.

The following is one of the statements addressed to the American forces:

VILLAGE SHERALDAI, *January 8, 1920.*

FRIENDS, AMERICANS: The people implore your help and request you to protect them from Semenoff's Wild Division, who burn villages, bread, and the property of the peasants; who kill old men, women, and children, and who have mercy on no one.

We beg you to help us for the sake of the babies and old men. Have mercy and help us. Upon your arrival, you can be convinced by your own eyes of the true facts, through seeing the remnants and ashes of our homes.

(Signed by 38 peasants.)

Senator STERLING asked Colonel Morrow this question:

I suppose, Colonel, you felt that you were not authorized to give the relief that was asked for?

Colonel MORROW. Not at that time.

Senator STERLING. Your business was to guard the railroad?

Colonel MORROW. My business was to guard the railroad. I did assist the people of that country finally. I was forced to do it. I could not help it. I helped them in every way that it was possible for me to help them, except to take the field myself against General Levitsky.

Another statement read by Colonel Morrow is as follows:

VERKHNE UDINSK, *January 28, 1920.*

On the 10th of January the Wild Division, commanded by General Levitsky, passed through the village of Bobkina, perpetrating there about 15 murders upon the people without arms.

The 18th of January, the former American vice consul at Chita, Mr. Fowler, and Lieutenant Davis, of the American Army; Lieutenant Fuji and Captain Koda, of the Japanese Army; Maj. Doctor Marand and Major De Latier de Jean, of the French Army, went to this very village and were there able to make the following observations:

A dozen corpses, with the hands cut off, were lying heaped up in a pile half destroyed, all the bodies more or less cut up by saber wounds. The greater part bore many wounds made while living by saber blows, particularly on the face and back. All the corpses were burned. Many bore evident traces of having been burned while still living. From this last observation it must be admitted that the greater part, severely wounded only, must have died of asphyxiation, as an inspection of the wounds shows not one was immediately mortal.

After the departure of the criminals the people of the village, attracted by the smoke, were able to recover the corpses before complete burning up, which act has permitted the very precise preceding observations to be made.

About 15 meters from this place, in a large space still stained by blood on the snow, we found the bloody remains of burned hair and a large piece of a scalp, cut by a saber blow.

FOWLER, *United States Vice Consul.*
E. DAVIS, *United States Army.*
FUJI, *Japanese Army.*
KODA, *Japanese Army.*
D. MARAND, *French Army.*
C. DE LATIER DE JEAN, *French Army.*

I read now from an official report to Colonel Morrow by one of his officers:

8. August 19, 1919, at 2 a. m., on this date a train of 52 cars of prisoners arrived at Adrianovka from the west. This train left Chita, (1) with 41 cars, picked up 6 cars at Chita; (2) 1 car at Atamanovka, 1 car at Makavayevo, and 1 car at Karamakaya. We knew there was to be a big killing, as the day previous there had been about 40 or 50 men, prisoners, digging four large holes out in the slaughter yard. These men had been prisoners for some time; that is, we always had from 1 to 4 or 5 cars of prisoners at Adrianovka all the time.

At 9.30 a. m. the yard engine took 20 cars of prisoners to the yard. The cars were covered with soldiers and a machine gun mounted on both ends of the train. Lieutenant McDonald and myself started to walk out to the yards, following the railway line.

Mr. TOWNSEND. What is the Senator reading from?

Mr. BORAH. I am reading from a report of Colonel Morrow.

Mr. STERLING. On what page?

Mr. BORAH. Page 22.

About one-half verst from where the train stopped we were stopped by a guard; we gave him 1,000 rubles and he allowed us to proceed. We soon ran into a stronger guard—three soldiers—who refused to accept money, and we were unable to get closer. We were, however, then within sight of the train and saw them unload the cars, two cars at a time, and start the prisoners over toward the holes. The holes were not within our sight, being located about 300 yards from the track in a small spot almost completely surrounded by hills.

I want it to be borne in mind that these were not prisoners taken in war, taken as a result of conflict or as a result of fighting. They were people who were picked up in different parts of the country—unarmed, helpless, defenseless men, women, and children, old and young. There is nothing in the history of the world equal to the brutality of this man who is now in this country.

Mr. McCUMBER. Mr. President, what excuse was there for this? Why were they being killed? Just out of bloodthirstiness?

Mr. BORAH. The only excuse which a humane person like the Senator or myself could conceive of is that it was just total, unmitigated, indescribable depravity. It would seem, however, that Semenoff had the idea of terrorizing the country so as to bring it completely within his control and domination and estab-

lish himself as the ruler of that particular portion of the country. Whatever the reason was, or whatever reason could be assigned, the fact that it occurred can not be doubted. It is inexplicable. I had not supposed such monsters were left on earth. Indeed, I do not think such depravity is anywhere recorded in ancient or modern history.

The 29 cars, empties, were brought back to Adrianovka at 11.59 a. m. At 1.15 p. m. the other 23 cars were taken out.

They simply hauled these poor people out there like cattle are hauled to a slaughter pit. We have photographs of these scenes. They jammed them and crowded them into the cars like dumb beasts, drove them to the slaughter pit, shot them down, pushed them into these holes which had been dug, and left them there half covered for wild animals to prey upon.

I asked Colonel Stephanoff, about 9.15 a. m., if I might be allowed to go out with him, and he said yes, but not on the first trip, and requested that I wait until the second trip. When the train was ready the second time I got on with him on the platform of a brake car, but after the train started he told me to get off.

He had often told me he would take me out with him, and when he requested I get off this train he said wait until some other time.

He himself took a rifle with him on both these trips. August 19, new-style calendar, is a big Russian holiday. Colonel Stephanoff told me in the evening that he had enjoyed it more so than ever.

I will state in this connection that a car of prisoners generally consisted of from 30 to 35 prisoners, and there were 53 of those cars. [Continuing reading:]

3. August 20. Lieutenant McDonald and myself walked down the track to the "yard."

That is, to the slaughter yard, which was as well known in that country as the slaughter pens of Chicago belonging to the packers are known here.

We found dead bodies scattered along the track for a distance of about half a mile east of the yard, from there clear up to the holes. They were on both sides of the track. From the point where the cars were stopped over to the holes they were the thickest. We took 18 different pictures of what we saw, all except one of which were later destroyed by a Semenoff officer in a photograph shop in Chita. I more correctly should have said confiscated instead of destroyed.

Senator STANLEY. Were those persons, or any of them, people who had been taken in arms against Semenoff's authority?

Colonel MONROW. I do not believe it, from what I knew of the country. [Continuing reading:]

10. August 31, Sunday, at 8.30 a. m., this date, a train of 41 cars of Bolshevik prisoners arrived Adrianovka from west on route east under Kolchak guard. Colonel Stephanoff ordered station master to cut out 10 cars at Adrianovka for him. The guard in charge of train refused to allow this to be done.

There seemed to be a kind of competition among these people about who should participate in the killing. It was an honor which their satanic souls competed for.

There was no excuse for the Kolchak guard, and he was forced to turn over the 10 cars. They were taken out to slaughter yard at 1.15 p. m. and killed. Colonel Stephanoff remarked he had to show the people of Adrianovka that he could execute on Sunday as well as on other days.

* * * * * * *

These murders were not wholly confined to Adrianovka Station, but were carried on over our entire district. Makayeyevo Station, about 30 versts east from Chita, was another well-known place. When I first arrived at Mogzon the people were afraid to hear the names of Makayeyevo and Adrianovka.

I do not want to trespass too long upon the time of the Senate by reading this; but in order to get at least a skeleton of the hideous story into the RECORD I will read a little further.

Mr. Clark asked Colonel Morrow:

Have you never seen the report of Consul General Harris on that?

Colonel MORROW. I have not.

This is in regard to what was supposed to have been a punishment of Ataman Kalmykoff and some of those who were responsible for this killing. Colonel Morrow says:

I have not. Neither would I believe the report if I saw it, to that effect—

That is, to the effect that they had been punished—

All I know is that when I left, after begging and imploring him, and after General Mysnura, his own Russian general, had begged him, to pay those men, and after I had made every effort on earth to get him to try Bogomolets and his officers, when he was in distress and his forces were being driven back I offered to give him a great armored train if he would try and execute those officers. General Janin, commanding the French Army, and myself had General Suzuki, commanding the Thirteenth Division of the Japanese Army, come to Verkhne Udinsk; and we told Suzuki the crimes that Semenoff was committing, and we asked him for the sake of everybody to stop the killings along the railroad, so that the railroads would not be destroyed and so that the Czecho-Slovaks and Americans could evacuate the country.

* * * * * * *

Mr. CLARK. In connection with the raids of which you got reports, which were made in that valley, did you take that report up with the Japanese officers, too?

Colonel MONROW. I did.

Mr. CLARK. Did you get any reports as to what they did about it?

Colonel MONROW. I know what they did. They did nothing.

Mr. CLARK. When were the incidents with regard to those slaughter yards which you have related; in August, 1919, were they not?

Colonel MONROW. The slaughter yards operated at all times. Before I came into the country they were in operation. They continued those operations until after I had left the country. I got reports by the hundreds concerning the slaughter yards at Makayeyevo and Borzya and Dauria and Olovianaya. I get reports from Russian railroad service men and from our own intelligence section.

Mr. CLARK. Did you have any knowledge as to the character of the people who were alleged to have been killed?

Colonel MONROW. The knowledge that I had of the men who were killed there was that they were generally old peasants or railroad employees in the country.

The CHAIRMAN. They were not belligerent forces which had been captured in battle?

Colonel MONROW. Understand the situation of the forces. When the Allies entered Siberia, between August, 1918, and up to November, 1919, the country was swept clear of all the armed Bolshevik forces. The Kolchak army was based on the Volga River in the European region. Kolchak himself had his army. There was a battle line along the Volga River.

Colonel Morrow makes it perfectly clear that there was really no fighting there in that portion of the country where this slaughter was taking place. The Bolshevik forces had been dispersed, if they had ever been there. There was no occasion for anything of this kind because of armed Bolshevists being in the vicinity or undertaking to interfere either with American forces or with Semenoff.

In this connection, Mr. President, I ask leave to read a paragraph or two from an article by Charles H. Smith in the May number of the magazine Asia. Charles H. Smith was the American representative on the Interallied Railway Commission in Siberia, and to that commission was assigned the coordination of all communications in Siberia. On the board with Smith were Russian, British, American, French, Japanese, Chinese, Italian, and Czech representatives. Among those who sat on the committee at different periods were: For Great Britain, Sir Charles Eliot, now ambassador to Japan, W. E. O'Reilly, now minister of Bolivia, and W. G. Hodgson, now trade commissioner to Soviet Russia; for France, M. Bourgois, of the embassy at Tokyo, and M. André, consul at Vladivostok; for Japan, Mr. Matsudaira, secretary general of the Japanese delegation to the recent Washington conference.

In this article Mr. Smith says:

Siberia itself is not Bolshevist nor communist, and it never has been and never will be, unless alien invasion gives the Siberian peasantry no choice except between alien conquerors and their own rulers, even though the latter are Bolshevists.

On page 374 he said:

We Americans, like the other allies, went there with those objects.

That is, to protect the railroad, and for perfectly legitimate purposes. He continued:

We stayed to fight imaginary Bolshevism. We gave our support to counterrevolutionaries like Kolchak instead of bolstering up Russian democracy with all the pillars we could construct out of our wealth and power. We provished the Japanese with their excuse for remaining.

Siberia is not Bolshevist, because it is populated by the descendants of political exiles, by the more adventurous and free-spirited Russians who came out as pioneers, and by the Cossacks, all of them more democratic than the Russians proper. Also the Siberians are not an urban people—there is not an industrial city in all Siberia—and even in European Russia it is only in the cities that there are Bolshevik in any numbers. The Siberians had one ruling motive for their actions. That was to prevent the czarist regime from returning. For that reason they would have none of the numerous dictatorships, directorates, and other mushroom governments that sprang up in 1918 and 1919—Horvath in Harbin, Ostroff in Pogranichnaya, Semenoff at large, and, conspicuously, Kolchak in Omsk, all of whom were reactionaries under an anti-Bolshevist disguise to deceive the Allies. And when the Siberians did for a time support the Bolshevist forces in western Siberia, after the defeat of Kolchak, it was because they knew that they at least would not restore czarism.

Again and again I have heard this from Russian workmen as I have traveled back and forth across Siberia. The Siberians had confidence in the Czechs, who understood them and their democratic aspirations and therefore hated the Kolchak régime, and pathetic trust in the Americans.

* * * * * * *

At this period those two butchers, Ivanoff-Rinoff and Rosanoff, were in the full power of their activity, and on a larger scale Kalmykoff and Semenoff. These men permitted their followers to torture their enemies, to brand them, gouge out their eyes, and whip them to death. Conscription of peasants was declared, but the peasants took to the hills, for they hated the Kolchak régime violently for its outrages. For revenge those who did not escape and the relatives of those who did were taken, tortured, and murdered. I have pictures and records of the bodies of victims, many pictures of corpses lying near to the charred ruins of their homes.

* * * * * * *

The Czechs were the first to show disaffection. They knew the Russian people and their dream of peaceful and democratic rule after their long agony. They knew the bitterness this cruel betrayal would work in them. The Czechs made formal protest, but although it was they who had done the fighting that kept the Bolshevist troops from swarming into Siberia, they were unheard. Some of the allied representatives joined in the protest. The railway committee, seeing the frustration of all its aims, sent telegrams to Kolchak and cablegrams to the home governments. Both were of no avail.

I ask permission to print this entire statement at the close of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BORAH. I now read from the hearings before the committee:

The CHAIRMAN. Now, you were there on the ground all the time and in charge of that territory?

Colonel MONROW. Yes.

The CHAIRMAN. Commanding the American troops. You knew what was going on. You received your reports and talked with your own people, your own officers and men, and others. Who, in your opinion, as you were informed at the time, was responsible for these murders that were being committed in that territory?

Colonel MONROW. General Semenoff.

The CHAIRMAN. Had you any doubt about it at that time?

Colonel MONROW. No; nor had anyone else in all Siberia. It was the common report and the common knowledge of everybody. It was the commonest subject of conversation in that country, and all over it.

I have received some affidavits since the hearings closed from soldiers who were on that expedition, and I read from the sworn statement of John C. Steinel, of Battle Creek, Mich., who said:

Armored trains frequently stopped at our station, but as the Cossacks were supposed to be allies, and other detachments of Americans were on both sides of us, we never considered there was much danger, although we usually took a few precautions against a surprise attack. Midnight, January 9, 1921, the armored train *Destroyer*, commanded by General Rogomilich, arrived from the east at Posolskaya, and Lieutenant Kendall and myself were immediately notified by Sergeant Robbins, who was sergeant of the guard. Orders were issued to awaken the men and hold them in the cars in readiness, and I went over to the station to see if there was anything unusual, because the station agent had informed us early in the evening that there would be no trains coming in that night. Everything appeared to be normal and the train proceeded to take on wood and water.

The station agent was noticed on the train, but, considering the fact that they were supposed to be our allies, we told the men to go back to sleep but be prepared for an emergency. We increased the guard around the cars and at the bridge about a half mile from our box cars, but instructed the men they could go to sleep, as there appeared to be no immediate danger.

At 1 o'clock Sergeant Robbins reported that things looked suspicious, and he was ordered to get the men up immediately and personally to put the engine out of commission if anything started. Lieutenant Kendall and myself immediately prepared to go out, and just as we came out of our car we were met with a burst of machine-gun fire from the Cossacks' armored car, 40 feet away, directly opposite. Our men came out as quickly as possible, most of them having been asleep, and crawled under our cars and proceeded to return the fire, which was directed against the passenger coaches, where ladies were seen, and against the engine, as it seemed hopeless to fire at the armored cars, which had 6-inch concrete walls, loopholes, and turret for their firing.

Sergeant Robbins was killed instantly when he attempted to board the engine, and Corporal Tommie had his heel blown off by a grenade at the same time. They continued firing at us for several minutes from that position, and then moved a few hundred yards east, opening with their 1-pounder and 3-inch field pieces in addition to the machine guns. Our men, deployed under Lieutenant Kendall on the south side of the track, advanced toward the armored train, while I took an automatic-rifle squad of four men on the north side of the track, and for 45 minutes kept up a continual fire. It was 25 below zero, a bright moonlight night, with the snow about knee deep.

In addition to Sergeant Robbins, who was killed instantly, Private Montgomery died in a few hours from a machine-gun wound in the body and Corporal Tommie was wounded by a grenade.

They claimed that it was all a mistake; that they were changing guards and did not know the machine guns were loaded; but all indications pointed to the fact that they were prepared and they had expected to wipe us out and then burn the village, because of some trouble with the station agent. We later found that the station agent had sent a telegram to Chita requesting that an armored train be sent to this station because of some trouble.

The attack was unexpected and unwarranted, as they were supposed to be our allies, and I believe that General Rogomilich, who was on this train and who was in charge of all of Semenoff's armored trains, made a deliberate attempt to wipe out the American detachment, and was acting under orders from his chief, Ataman Semenoff. We were the only American detachment close to the tracks, where the Cossacks could attack with armored train, as others were in barracks away from railroad.

I have also the affidavit of Capt. William F. Gent, which I will ask to have inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Supreme Court, New York County.

John N. Boyle, trustee in bankruptcy of Yourovets Home & Foreign Trade Co. (Inc.), plaintiff, against Gregory Semenoff, defendant.

STATE OF NEW YORK, *County of New York, ss:*

William F. Gent, being duly sworn, deposes and says:

"I am a captain in the United States Army; from August, 1910, until March, 1920, I was in Siberia on duty with the American Expeditionary Forces, and beginning September 22, 1919, until March, 1920, I was intelligence officer in the Twenty-seventh Infantry on duty in the Trans-Baikal region.

"I have read a copy of the affidavit of Gen. William S. Graves, verified the 4th day of April, 1922, and I am familiar with the episode referred to therein, concerning the killing of certain American soldiers. This action occurred on or about the 10th day of January, 1920, at 1 o'clock in the morning, at Posolskaya, which was in the said Trans-Baikal region. On January 14, 1920, Semenoff's men, who had shot upon the American troops, were brought to the regimental headquarters of the Twenty-seventh Infantry at Borzowka; there were 4 officers and 46 men. All of them were interviewed in my office in reference to their acts. They admitted that they were under Semenoff and gave various statements in regard to their activities, which are referred to in the affidavit of Charles H. Smith, concerning the extract from the article by Junius B. Wood. The statements contained therein are true to the best of my knowledge and belief. I have in my possession a personal diary, which I made at the time, and under date of January 14, 1920, I find the following entry:

"'Started examining prisoners to-day; some of the testimony given is horrible—murders, rapes, robberies, and everything imaginable. Most of the men are drafted men and don't like the work, but are forced to do it. They are afraid to run away.'

"Among other things these men told of the following incident: In the month of December, 1919, they captured civilians—consisting of 14 men and 1 woman. They stated that the woman had been outraged by the officers and the men, and thereafter the woman and the 14 men were taken to the river, which was frozen, and were forced to chop a hole in the ice and were then lined up and shot. The bodies were then crammed through the hole in the ice, whether there was life in them or not. The men who told me the foregoing actually took part in the shooting and rape. They stated that the incident occurred at Olovyanaya. Thereafter, I went to said place to verify their statements and saw the hole in the ice which they had described.

"These men also verified reports that we had received concerning the disposition of two trainloads of prisoners which Semenoff's men had captured. The reports were that these were civil prisoners, captured by Semenoff's men. Both of these trains had been moved back and forth along the Siberian railroad sealed. One of the trains contained in the neighborhood of 1,280 persons and the other in the neighborhood of 800 persons. The prisoners were sick with cholera and typhus, and many had died. The train containing about 1,280 was brought to Makayyeyeva. There it was unloaded and all the prisoners were lined up and shot down by machine guns. The other train, containing about 800 prisoners, was brought to Adrianovka and the prisoners were there unloaded and also shot down by machine guns. The soldiers who described this had either taken part in the same or had first-hand information. The former place became generally known as 'The Barrel of Blood' and the latter became generally known as 'The Bucket of Blood.' After receiving this report, I personally went to Adrianovka and verified the statements made to me by the soldiers. I there saw a long trench which was covered with railroad ties. I pulled aside several of these and there saw the bones and clothes of numerous human bodies.

"The foregoing are mere isolated instances which were brought to my attention of the atrocities committed by Semenoff's men—supposedly acting under his orders. He was generally regarded as a mere freebooter bandit, and was thoroughly hated and despised by all the American troops and most of the Russian population because of his abuse of the civilians. By his general attitude he was considered as very antagonistic to Americans and their operations, and did everything possible to obstruct American movements in Siberia.

"WM. F. GENT,
"Captain, Twenty-second Infantry, U. S. A."

Sworn to before me this 5th day of April, 1922.

PAULA GROSS,
Notary Public, New York Co., No. 157, N. Y. Reg. No. 8183.
Commission expires March 30, 1923.

Mr. BORAH. This is a very brief statement with reference to what the record discloses. It would seem that General Semenoff was in complete control of this territory; that he was the supreme authority, so far as the Russian forces were concerned, for that territory at times, although at times he seemed, in a way, to recognize the authority of Kolchak.

During the time that he was in control of this territory a reign of massacre continued such as I know nothing of in all the history of the world. As the hearings disclose, they took one day 58 carloads of prisoners, from 30 to 35 people in a car—people whom they had taken from the different localities and communities not as the result of a fight or a contest or battle but people they had picked up from their homes out of the suburbs or the villages—drove them out to the slaughter pens, as they called them, two different trains running out for that purpose, marched them off the trains, turned the machine guns on them, slaughtered them, and pushed them over into the holes which had been dug, as if they were animals. These facts are narrated by officers and soldiers of the American Army. They are corroborated by the American representative of the Siberian interallied railway commission. They are all but indescribable and unbelievable. But the facts narrated compel us to believe.

There can be very little doubt in the mind of anyone from this record that it was Semenoff's desire to drive the American forces out of that territory. The officers in charge of the American forces entertained little doubt in regard to it. It was, I presume, because the American forces were there really seeking to protect the railroad and were not interested in the kind of a campaign in which Semenoff was interested. They were, in other words, a hindrance to the full execution of his purpose and his murderous schemes, and this attack upon the 10th of January was, from the evidence as it appears to us, a deliberate attack upon what were supposed to be the friendly forces there representing our interests. We had two soldiers killed, others wounded—they were in every sense murdered. Only the vigilance and the courage of our men prevented the entire number at that point from being assassinated. The man who is responsible for it is now our guest in this country.

Mr. President, when Semenoff came to this country among the first gentlemen whom he visited was Boris Bakhmeteff. A subpœna was issued for Bakhmeteff and he refused to respond. The subpœna was answered through the Secretary of State stating that Bakhmeteff was the recognized ambassador of the Russian Government, and that he was therefore protected by virtue of the statute with which we are all familiar and the principle of which no one desires to question.

Early in the spring of 1917 the Imperial Government of Russia fell. It was succeeded by the "new provisional government of Russia," as it was called, which was recognized by our Government April 12, 1917. George Bakhmeteff, the resident imperial ambassador, immediately presented his resigna-

tion to the Secretary of State, Mr. Lansing, and left the embassy. On the 26th of April the minister of foreign affairs of the provisional government, Paul Milukoff, at Petrograd, sent Boris Bakhmeteff as special commissioner to the United States. Boris Bakhmeteff, as such special commissioner designated, with his assistants, arrived in Tokyo about May 20. In the meantime the provisional government had fallen and Kerensky was in control.

On May 15, 1917, the Kerensky government had revoked the orders of Milukoff and authorized Bakhmeteff "to proceed to Washington and await further instructions there." Bakhmeteff at this time was not accredited to this Government as ambassador and had no other instructions from the then existing Russian Government than to proceed to Washington and await instructions. I desire to say here that I have not been able to consult original sources, but I feel sure the facts as I state them are substantially correct.

On June 19, 1917, Bakhmeteff arrived in the city of Washington and at once took possession of the Russian Embassy. July 5 he was formally recognized as ambassador extraordinary and plenipotentiary from Russia to the United States of America.

It is said, Mr. President, upon what seems to be good authority, that Kerensky made no secret of his dislike as to the selection of Bakhmeteff, and was at first disposed to direct his return to Russia, but changed the order and directed him to proceed to Washington to await instructions, and it was in that manner that he arrived. Boris Bakhmeteff, as I understand, had visited America prior to this and was supposed to have been interested in placing some investments here for the Czar. He was, in other words, thought to be too closely associated with the Czarist party to be satisfactory to Kerensky. But he is supposed to have directed him to proceed to Washington for further instructions.

Mr. LODGE. Mr. President, may I ask the Senator, for information, when Bakhmeteff was recognized by our Government as ambassador, did he present credentials? He must have done so, I presume.

Mr. BORAH. I do not speak with absolute accuracy, but I am informed that he never did present any credentials until about the 25th of August, when a question arose in the mind of Mr. McAdoo whether he had not been paying out about enough money until he saw some credentials. Then some correspondence took place between the Secretary of State and the Secretary of the Treasury, and there may be credentials in the office of the Secretary of State dating from about that time. I do not think there were before. I doubt very much if there is now—that is, credentials in the usual form accrediting him as ambassador. There is much doubt upon that question.

Mr. LODGE. I only wanted to ascertain if there had been any credentials presented. I thought there must have been credentials presented at some time.

Mr. BORAH. My opinion is that there are not to-day in the State Department any credentials in proper form accrediting Bakhmeteff to this country. I should be very glad to see them if they are there. All the evidence points to the fact that they finally continued to do business with him upon a cablegram from the Kerensky government that Kerensky recognized him, but no formal accrediting and proper credentials, so far as I have been able to ascertain, and we can only deal with this from the outside, have ever been presented. Of course, not having access to the files, I may be mistaken.

Bakhmeteff was recognized July 5, 1917. On July 6, 1917, he went to the Secretary of the Treasury and got a loan of $35,000,000.

Mr. JOHNSON. Mr. President, will the Senator give those dates again?

Mr. BORAH. On July 5, 1917, Bakhmeteff was recognized as ambassador extraordinary and plenipotentiary from Russia. On July 6, 1917, according to the record as I have seen it——

Mr. LODGE. The very next day?

Mr. BORAH. Yes; the next day he went to the Treasury and secured a loan of $35,000,000. On July 13, 1917, Boris Bakhmeteff again drew upon the Secretary of the Treasury for $10,000,000. On August 25, 1917, the press carried this statement:

> Word from Ambassador Francis has encouraged the State Department in the success of the provisional government and a further loan of $100,000,000 has been made to the new ambassador, Boris Bakhmeteff.

On November 17, nine days after the Kerensky government had fallen, as a matter of fact, Bakhmeteff had secured from this Government loans to the amount of $187,729,750. This all took place between July 6, 1917, and November 17, 1917.

Mr. LODGE. Mr. President, I am very much interested in the figures the Senator is giving. I hope I shall not disturb him by asking a question?

Mr. BORAH. Certainly not.

Mr. LODGE. About that time—I can not give the exact date—there was some bond bill before the Committee on Finance and the then Secretary of the Treasury, Mr. McAdoo, came before the committee. In the course of the discussion on that bill inquiries were made as to this matter of credits and, as I recall it, when he was asked about the Russian credit he said that at that time—and I have not the exact date—he had given a credit of $90,000,000, but that $45,000,000 was retained in order to pay for locomotives contracted for by the Russian Government, and that the other $45,000,000 was in the hands of Bakhmeteff. I know that statement was made in substantially the form in which I have given it, but it now appears that Bakhmeteff had a great deal more than the sum Mr. McAdoo named.

Mr. BORAH. I will say to the Senator that I obtained these facts from an examination of the hearings. There have been two or three hearings in which the facts have been discussed. For instance, in the hearing with reference to the deportation of Martens they were pretty fully gone into. There was a hearing before the House Committee on Foreign Affairs in which the matter was discussed. I may not be absolutely accurate as to all these dates, but I am sufficiently accurate to make substantially true the statement which I am presenting. A date would not be material if there is a discrepancy of a day or two.

In the meantime the Kerensky government had fallen on November 8, 1917. On November 15 Francis, our ambassador, notified the Secretary of State that the Kerensky government had fallen. Kerensky went into exile. His entire structure disappeared. It has never assumed to perform any of the functions of government since. The government which Bakhmeteff assumed to represent ceased to exist completely and absolutely.

Now, Mr. President, I desire to make some observations with reference to the present status of Bakhmeteff, and I do so with entire respect for the Secretary of State, entertaining simply a difference of opinion with reference to the application of the statute.

I can not conceive of a man being an ambassador without a government. Since the 8th day of November, 1917, there has been in existence no government which Mr. Bakhmeteff has assumed to represent. Since that time there has been reared a different government, a structure which calls itself the soviet government, and that government, whatever it may be, is nevertheless the only government which exists in Russia, superseding, as it did, the Kerensky government. It has raised armies and maintained armies and has fought battles. It has been recognized by other governments, has made trade contracts with a number of other governments, and is to-day recognized throughout the world as the government in Russia. I do not mean to say by that that all governments have recognized it in the sense that they have been willing to accept an ambassador, and so forth, but our own officers and our own Government have proceeded upon the theory that the Kerensky government is gone and that the soviet government is there doing business. The soviet government, which succeeded the Kerensky government, is now represented at Genoa in one of the most important international conferences in the history of nations. It is the government of Russia.

How could there be such a thing as an ambassador enjoying the immunities and privileges of an ambassador after his government has disappeared? The privilege of an ambassador, the immunity of an ambassador, belongs and attaches to the office and not the individual. It is the government, not the individual, whose privilege and immunity is covered by the statute.

I could cite for an hour the incidents in which we have recognized the existence of the soviet government. For instance, Mr. Colby, in his letter of August 10, 1920, in one paragraph, said.

> It is not possible for the Government of the United States to recognize the present rulers of Russia as a government with which the relations common to friendly governments can be maintained.

And again:

> In the view of this Government there can not be any common ground upon which it can stand with a power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense. There can be no mutual confidence or trust, no respect even, if pledges are to be given and agreements made with a cynical repudiation of their obligations already in the mind of one of the parties. We can not recognize, hold official relations with, or give friendly receptions to the agents of a government which is determined and bound to conspire against our institutions; whose diplomats will be the agitators of dangerous revolts; whose spokesmen say that they sign agreements with no intention of keeping them.

We recognize the fact that there is a government there so inimical to our conception of what government should be that we have refused to recognize it—nevertheless a government. There it is. We do not like it, but we admit and proceed upon

the theory that the soviet government exists and that the government of Kerensky does not exist. We recognized the former; it is gone. We refuse to recognize the latter, but there it is. To illustrate: Would anyone claim that Kerensky is president or chief ruler of any government anywhere? Yet we have on our hands here an ambassador of that government of which Kerensky was chief head.

Upon page 5 the Secretary of Labor, Mr. Wilson, in a letter to Charles Recht, Esq., counselor at law, 114 West Fortieth Street, New York, recognizes the same state of affairs as is outlined in the Colby letter.

On page 13 the President of the United States, in his address to Congress at the beginning of his administration, said:

> We do not recognize the government of Russia nor tolerate the propaganda which emanates therefrom, but we do not forget the traditions of Russian friendship.

There are any number of instances in which we have proceeded upon the theory that the government which Bakhmeteff was supposed to represent, of which he is the ambassador, if he is an ambassador, has disappeared, and no government which accepts him has taken its place. That condition of affairs has existed for nearly five years. Now, is it possible, Mr. President, that a man may be an ambassador, enjoying the privileges and the immunities of an ambassador, unless he has a government back of him? The rights, the privileges, and the immunities attach to the office and not to the individual. When the government disappears the office disappears. His government has been abolished, as it were, just as if we were to abolish a judgeship, the judge would disappear; he would not be permitted to draw his salary or to perform his functions. Bakhmeteff's government exists no more, and has not existed for five years. Under those circumstances it seems to me that we ought to be entitled to ask Mr. Bakhmeteff to come before the committee.

I am perfectly aware that we are advised through the public prints and through what seem to be inspired articles that we can get Mr. Bakhmeteff's statement through the Secretary of State. In the first place, Mr. President, so far as I am individually concerned, I do not propose to recognize the perfectly fraudulent claim that he is an ambassador. In the second place, that kind of an examination, under the peculiar circumstances which exist in this matter, would be utterly worthless. There are some precedents along this line which I find in Mr. Moore's Digest of International Law. In 1856, as an illustration, a case of homicide occurred in Washington in the presence of the Dutch minister, whose testimony was deemed altogether material for the trial. Inasmuch as he was exempt from the ordinary processes to compel the attendance of witnesses, an application was made by the District attorney, through the Secretary of State, to M. Dubois to appear and testify. The minister having refused, by the unanimous advice of his colleagues, in a note of 11th of May, 1856, to appear as a witness, Mr. Marcy on May 15, 1856, instructed Mr. Belmont, minister of the United States at The Hague, to bring the matter to the attention of the Netherlands Government.

Now, Mr. President, suppose that the situation here was sufficiently serious to impress the mind of the Secretary of State that Mr. Bakhmeteff ought to appear, and that Mr. Bakhmeteff should, upon the advice of his colleagues of the diplomatic corps, refuse to appear, and the Secretary of State desired to do the only thing that he could do, to take the matter up with his government, with what government would he take it up? To what government is Bakhmeteff responsible, and how could he be compelled to comply either with our request or the request of his government? He enjoys the immunities, he enjoys the privileges of an ambassador, and yet he has no government and no one to whom we could make him responsible, even if we desired.

In his note Mr. Marcy said:

> It is not doubted that both by the usage of nations and the laws of the United States, M. Dubois has the legal right to decline to give his testimony; but he is at perfect liberty to exercise his privilege to the extent requested, and by doing so he does not subject himself to the jurisdiction of the country. The circumstances of this case are such as to appeal strongly to the universal sense of justice. In the event of M. Van Hall's suggestion that M. Dubois might give his deposition out of court in the case, you will not omit to state that by our Constitution, in all criminal prosecutions, the accused has the right to be confronted with the witnesses against him, and hence, in order that the testimony should be legal, it must be given before the court.

I have not been able to find out from Mr. Moore's work just what became of this case, but I find in Halleck's International Law this statement:

> In 1856 the United States of America requested the recall of the minister of the Netherlands for having refused to appear before the court in the city of Washington to give his testimony in a criminal cause which was then pending, and in which this minister was a most important witness.

It would seem, therefore, from the facts as given to us in Moore's Digest of International Law and from the quotation from Mr. Halleck's International Law that Mr. Marcy finally requested the recall of the Dutch minister because he refused to testify.

I submit that in the present instance there is no one with whom we may lodge any such request; there is no one with whom we may correspond, to whom we may make a suggestion with reference to the proper conduct of the alleged ambassador of the Russian government here.

Mr. McCUMBER. Mr. President, may I ask the Senator from Idaho a question at that point for information?

Mr. BORAH. I yield.

Mr. McCUMBER. I presume that in the investigation of this matter he may have some information of which I have no knowledge whatever. The question I wish to ask is, Has any government or any body that has assumed to act as a government of the Russian people notified our Government that Bakhmeteff no longer represents the government of Russia?

Mr. BORAH. I do not know definitely. I am of the opinion that fact was brought to the attention of our Government.

Mr. McCUMBER. The facts which the Senator gives and which are within our own knowledge would upon their face indicate, of course, that there is a different government in Russia from that which Bakhmeteff at one time represented. But has that government in any way represented to our Government a statement that Bakhmeteff no longer represents Russia?

Mr. BORAH. Well, Martens came to this country for the purpose of doing something of that kind, but they put him under investigation and deported him. He did make a demand upon Bakhmeteff for the possession of the Russian embassy and for its property; and I will not be positive about it, but he made known the fact to Bakhmeteff and also to the Government here that he assumed to represent the soviet government and desired to be recognized as such representative. Whether he formally presented any credentials I do not know.

Mr. President, it is not an immaterial matter with me that Mr. Bakhmeteff should refuse to appear at this hearing. One of the first men that Semenoff called upon was Bakhmeteff. There have been different reports made as to what occurred, but as those reports are not verified in the sense that I could state them as being absolutely reliable, perhaps it would be better that I should not state them in detail; but sufficient reports have been made to make it exceedingly important for the committee to be informed concerning the facts charged with reference to Bakhmeteff's reception of Semenoff, why he wanted to see him, and what Semenoff's business in this country was. Under the circumstances those questions are of sufficient importance to make it exceedingly interesting for the committee to know about them.

Mr. STERLING. Mr. President, does the Senator know where Bakhmeteff saw Semenoff? Was it here in Washington?

Mr. BORAH. I understand so; but it may have been in New York.

Mr. STERLING. When was it?

Mr. BORAH. It was some time shortly after Semenoff arrived in the country, but the date I can not give. It was, however, before the investigation conducted by the committee took place.

Mr. STERLING. There was no testimony in regard to it in the hearings, was there?

Mr. BORAH. No; there was no testimony with regard to it, but there is no doubt that he saw Bakhmeteff. The only doubt is in regard as to what took place after he saw him, as to what part Bakhmeteff took in this entire affair. For instance, there was published an interview given out by Bakhmeteff to the press. I read afterwards that it was contradicted, but I do not know whether that is true or not. There is no doubt, however, that Semenoff saw Bakhmeteff, consulted with him, counseled with him. As to why he wanted to see him and what he did after he arrived at the Russian Embassy and what comfort he got out of the situation, I do not know. There are only two men who know that. One of them I am seeking to bring before the committee.

There is another phase of this matter, Mr. President, in which I am interested. Mr. Bakhmeteff has received from this Government a loan of $187,000,000. My investigation leads me to the conclusion that no part of that money ever served the Russian people or any Government of the Russian people. I do not believe that any Russian Government or the Russian people ever received the slightest advantage or benefit from that $187,000,000, or any part of it. I am perfectly aware that it is said there was an effort to make purchases and to provide materials which would be utilized for the benefit of the Russian people.

Mr. STERLING. Mr. President, will the Senator permit another question?

Mr. BORAH. Yes.

Mr. STERLING. Does the Senator recall the time when Semenoff was in Washington or was reported to be in Washington?

Mr. BORAH. No; I do not.

Mr. STERLING. I will say to the Senator I do not remember to have heard that he was ever in Washington, and in consultation with Senators in their seats they do not recall that he was ever in Washington.

Mr. BORAH. I can not state what the fact may be as to that, but so far as my view of it is concerned, it is wholly immaterial where Semenoff saw Bakhmeteff; whether Bakhmeteff went to New York or went to San Francisco to meet him.

Mr. STERLING. I understood the Senator to say a while ago in answer to my question that he had seen him in Washington.

Mr. BORAH. I so understand, and I have letters in my possession which state that fact, but I can not assure the Senator that the statement is correct. I undertake to say, however, that there is not a particle of doubt that Semenoff saw Bakhmeteff and talked with him.

Mr. OVERMAN. Mr. President, I should like to ask what Semenoff is doing in this country?

Mr. BORAH. The statement was made that Semenoff was on his way to France; that he was simply passing through this country. I do not believe that to be true. I think he was here for the purpose of raising money to start another movement in Siberia. There was an interview given out at Tokyo that that was his purpose in coming here, and there are a great many things to indicate that that is what he had in mind, until a disturbance was made with reference to his coming. Since that time he has not, of course, pursued his purposes, even if he entertained them in the first instance.

Mr. STERLING. Mr. President, may I be allowed a word there?

Mr. BORAH. Yes.

Mr. STERLING. As I recall the testimony in the case, it showed that he merely made an application for transit through the country, in the first place, and his original application was turned down; permission was refused him; but afterwards the special board of inquiry changed their decision and admitted him for transit across the country, if I remember correctly.

Mr. BORAH. The statement that he was admitted simply for transit is correct, but it amounts to nothing, for the reason that he could stay just as long as he wanted to stay by forfeiting the deposit. It will be recalled that the Commissioner General of Immigration, before the committee, said that a transit permit really amounted to nothing; that the person who was given such permission could remain here indefinitely if he desired to, but that if he remained in the country he would not have returned to him the $8 which, it seems, it is necessary to deposit to secure such a permit.

Mr. OVERMAN. Has Semenoff been ordered deported?

Mr. BORAH. No.

Mr. OVERMAN. He has been arrested, has he not?

Mr. BORAH. He was arrested in a civil case, under a civil judgment for confiscations which he made of some property in Siberia, and the court at Harbin rendered judgment against him. It was under that judgment that he was arrested.

Mr. McCUMBER. If the Senator please, is he in this country now?

Mr. BORAH. He is somewhere about New York.

Mr. McCUMBER. I do not know what the rulings of the Department of Labor should be in the matter, but I assume that the right of transit does not give the right to remain indefinitely in the country.

Mr. BORAH. I am of the opinion, from a letter which I have from the Secretary of Labor, that he is getting a little impatient about Semenoff's long stay, and my opinion is that the Secretary of Labor will take due action in regard to him. That would be my judgment. The testimony is now in the hands of the Secretary of Labor, and I think the record discloses that the Labor Department did not desire Semenoff's coming into this country at all in the first instance. All the facts which I have read here have been on file with the departments from the beginning—General Grave's report, including Colonel Morrow's report, and Smith's report—and these matters were brought to the attention in brief of the immigration officers at the port where Semenoff was admitted; but, for some reason or other, they saw fit to admit him, possibly upon the theory that they believed that he was just passing across the country.

I was going to say, Mr. President, that Mr. Bakhmeteff has secured from this Government in excess of $187,000,000. From the most diligent inquiry I have been able to pursue, I can not find that the Russian people ever received any benefit from that.

Mr. LA FOLLETTE. Mr. President, will the Senator restate the dates within which that amount of money was received by him from this Government?

Mr. BORAH. From the 6th day of July, 1917, to the 17th day of November, 1917.

Mr. POMERENE. Mr. President, may I ask the Senator a question in that connection? It has been stated that with this money that was turned over to Russia certain military supplies were purchased, and that after the downfall of the Kerensky government these military supplies were sold and purchased by our Government.

Mr. BORAH. Part of them were, I think, perhaps all of them; I do not know; but part of them were.

Mr. POMERENE. And that the money for those purchases was paid over to representatives of the Russian Government, when it is stated that the amount of those supplies thus purchased by this Government should have been credited on the debt of Russia to this Government. Has the Senator any information on that subject?

Mr. BORAH. I think the Senator has stated it correctly. I have been unable to understand why, for instance, our Government purchased back these supplies; but we paid the money over to Boris Bakhmeteff.

Mr. POMERENE. I can understand why we might have purchased back those supplies, and done it in a proper way; but I do not understand why we did not get credit for the amount on the money which was due this Government from the Russian Government.

Mr. BORAH. I was going to say that that is the precise proposition about which I should like to have an opportunity of questioning the ex-ambassador. The transaction may be all right. On the face of it, it looks very bad. If it is all right, there is not any reason in the world why he should not come before a committee and state the facts. He is relying upon his immunity and his privilege as an ambassador from a government which he knows does not exist, which of itself, in my mind, brands the entire transaction with a wrongful purpose.

Mr. POMERENE. It seems to me there is another way of getting at that fact, if the Senator desires it. Certainly there must be some one in authority here in this Government who knows whether or not these purchases were made by our Government from the representatives of the Russian Government.

Mr. BORAH. I think there is no doubt about that. That has been shown.

Mr. POMERENE. And it can then be further ascertained whether or not the amount of those purchases was credited on the debt which Russia owed to us.

Mr. BORAH. Those facts could be gathered. I think it will be found that those facts are already gathered; but I want to know what has become of the money which has been in Bakhmeteff's hands since the time we paid it back to him for the purchase of these things.

Mr. President, the statement which I am about to make I wish to make with due consideration.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. LENROOT. Do I understand from the Senator that there has been paid to somebody more than $187,000,000, or whatever it is?

Mr. BORAH. No.

Mr. LENROOT. I understood from the question of the Senator from Ohio that he understood that that sum was paid, and then an additional sum for the repurchase of goods by this Government.

Mr. POMERENE. I was a little preoccupied at the moment and I did not hear the Senator's question.

Mr. LENROOT. I asked the Senator whether he understood that more money was paid to somebody on the Russian loan than the original amount of the loan.

Mr. POMERENE. Oh, no.

Mr. BORAH. No; I do not understand that.

Mr. LENROOT. I understood the Senator to inquire why this money was not credited. He understands that when this Government purchased goods it paid additional cash for them.

Mr. POMERENE. The Senator from Idaho made the statement that loans were made approximating $187,000,000. With that money, as I understood, Russian representatives bought military supplies. Later the Kerensky government fell. They had no need for these supplies in this country, and they could not be transported to Russia under that peculiar situation. It was at that juncture that it is said that the United States Government repurchased from these Russian agents or representatives these military supplies. At that time the Russian Government owed us $187,000,000; and my query is, Why was not the amount of those purchases credited on that loan of $187,000,000?

Mr. LENROOT. That was my question to the Senator from Idaho, and the Senator from Idaho states that he does not think more than an aggregate of about $187,000,000 was paid out. The Senator's question involves $187,000,000 plus whatever sum was paid for the repurchase of the supplies.

Mr. POMERENE. No, no.

Mr. LENROOT. I can not understand it in any other way.

Mr. OVERMAN. Mr. President, were not a great many railroad engines bought for the Russians in this country which, through the Railroad Administration here, were transferred somehow, by purchase or otherwise? I think during the war they bought a number of engines from the Baldwin Co., and they were transferred and were sold here, probably to the railroad director, by the Russian Government. What became of the money I do not know.

Mr. SMOOT. Mr. President, I have not looked it up of late, but this is as I understand the transaction:

In the year 1917 the Government of the United States advanced to the Russian Government $187,000,000 at different periods within six months' time. Those advances were made for the purpose of purchasing goods in the United States, just as the Senator from Ohio says. The purchases were made and the payments for those goods were made to a certain extent out of the $187,000,000 advanced by this Government.

Mr. LA FOLLETTE. How much?

Mr. SMOOT. I do not remember exactly how much the goods that this Government bought back from the Russian Government were; but I think the position that was taken was that after the Government of the United States had loaned this money to the Russian Government whatever goods were purchased with that money belonged to the Russian Government, and in case they sold the goods, if they sold them to the Government of the United States, the Government of the United States had to pay for them. If Russia had sold them to the Baldwin Locomotive Co., the Baldwin Locomotive Co. would have to pay for them; and I understand, Mr. President, that Russia was paid the money, and that was not a part of the $187,000,000 that was loaned. That money went for the purchase of the goods sold by Russia. The goods belonged to Russia, and the money received for those goods was in addition to the $187,000,000 loaned to the Russian Government.

Mr. BORAH. In addition to that, Mr. President, from time to time small sums, I do not know to what extent, have been paid to Bakhmeteff for the purpose of maintaining the embassy here.

Mr. SMOOT. I think I have that amount here.

Mr. BORAH. I was about to say, Mr. President, that since this hearing was begun a number of statements have been made to me as to how this money has been used. A priest of the Greek Church has appeared in my office twice and has made statements in some detail as to certain investments which have been made. He has given the details; he has given the property; he has told where it is, and says that he is perfectly familiar with the facts and is willing to testify in regard to the matter. Other statements have been made along the same line, but not so much in detail.

This is the question which I submit: Is it to the interest of this Government to give Mr. Bakhmeteff his immunity as an ambassador—ambassador of a government which disappeared five years ago—when the question of his relationship in this country to Semenoff, the man who assassinated American soldiers and who murdered right and left, is under investigation? Upon what possible theory shall we throw about him a shelter designed to protect men who in fact represent governments, ambassadors in good faith, maintaining the dignity and the honor of their governments? Under what theory shall we throw that protection about him, when we know that his government no longer exists?

Secondly, I think it is due to those who have to pay the amounts which are loaned to these governments that the real facts concerning the use of this money be known. If this money has been invested in private property in the cities of New York and Chicago, it must be manifest that it is not being utilized in the manner in which this Government designed that it should be at the time it was loaned. It must be manifest that some one has broken faith. It must be perfectly manifest that he is no longer representing or pretending to represent a government as its ambassador, but that he is representing himself and making his investments.

Mr. WATSON of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. BORAH. I yield.

Mr. WATSON of Georgia. No other interpretation can be placed upon the language cautiously and carefully used by the Senator from Idaho than that this pseudo ambassador has appropriated this money to his own use and invested it in property in New York and Chicago and taken the title in his own name.

Mr. BORAH. No; he has not taken it in his own name. He has taken it in the name of a corporation which was organized for the purpose of holding it.

Mr. LA FOLLETTE. Who were the incorporators?

Mr. BORAH. The names of the incorporators I have not on my desk, but I have them in my office, and the name of the company, and the description of the property, and the street where it is located.

Mr. President, I say again that these facts are put out by men who are perfectly responsible. There is just one man who can put the matter in such condition or give such explanation that there can be no longer any question about it. If he is acting in good faith, he will no longer for a moment claim the privilege of this statute. He will not shelter himself behind the privileges and immunities of a statute designed and intended to protect the rights of governments and not individuals.

He will come out from under cover, a false and fraudulent cover, and give the American people and his own people a statement of the true facts in regard to it, and he will explain why he received a man who is now regarded as the monster of the modern world.

Mr. POMERENE. Mr. President, the Senator from Idaho has just made the statement that a corporation was organized, and that this property was in the possession of that corporation, or in its name. Clearly, that corporation must have some books, there must be certain officials, and those officials could be called before the committee, it would seem to me.

Mr. BORAH. They can be; but, Mr. President, I am determined, so far as I am concerned, to go to the source of authority in this matter. There must be some reason for protecting this man with which the public is not yet familiar. The reason may be a perfectly legitimate one, and do credit to those who are relying upon it, but as the facts now appear, Mr. President, the result of protection is to shield one who has not dealt with this Government or with his own government according to the principles of honest dealing.

APPENDIX.

WHAT HAPPENED IN SIBERIA.

(By Charles H. Smith, McAlpin Hotel.)

It was St. Petersburg on that unforgetable Saturday in March, 1917. I was out in the Nevsky Prospekt to see how much excitement there was after the strike that had been called the night before. In the crowd I was brushed against one of my Russian friends of the upper classes and we stopped to chat. "The old régime will fall," he said, and then, pausing to enjoy the obvious effect of his words as registered on my face, "that will end it forever." I thought that he was mad; and so would have thought every other foreigner in Russia that day, and nearly every Russian.

The truth of his words I have seen vindicated by events every day from then until a few months ago, when I returned to America, and everywhere across the endless reaches of Russia from the Gallic quondam capital to its farthest outpost on the Pacific. Seven or eight times since then I have crossed Siberia, and it is with the Siberian reflection of the revolution that I have had most contact. By reason of my work my contact has been necessarily most intimate.

A railroad man by profession, I went to Russia in a private capacity in 1916. When America entered the war I was dissuaded from going to France by Mr. Francis, our ambassador, who told me there would be no lack of opportunity for service in Russia, which only one who knew Russia and its language could do. And a few months later I was appointed American aid to Mr. L. A. Oustrougoff, associate minister of communications, chosen by the Kerensky government as special commissar for the rehabilitation of the Trans-Siberian Railway. Less than a year later, when the allied expeditionary forces arrived in Siberia, I was appointed American representative on the interallied railway committee, to which was assigned the coordination of all communications in Siberia and the restoration of transportation. On the board were Russian, British, American, French, Japanese, Chinese, Italian, and Czech representatives. Among those who sat on the committee at different periods were: For Great Britain, Sir Charles Eliot, now ambassador to Japan; W. H. O'Reilly, now minister to Bolivia; and W. G. Hodgson, now trade commissioner to Soviet Russia; for France, M. Bourgois, of the embassy at Tokyo, and M. André, consul at Vladivostok; for Japan, Mr. Matsudaira, secretary general of the Japanese delegation to the recent Washington conference. I sat throughout as American representative.

The railway is the key to political and economic control of Siberia and also the most valuable developed asset, and therefore the biggest stake in the country. It and its branches are the only fast means of communication. The committee became therefore the clearing house of all military, diplomatic, and political activities of the intervention. Before troop movements could be made, or government supplies or even commercial shipments forwarded, the committee had to be consulted. It was therefore on the inside of the inside of Siberian affairs. Under the committee, it should also be explained, were two boards—the technical board, to supervise operations, and the military transportation board, to coordinate military traffic.

For three years I sat with the committee, reporting directly to the State Department and receiving instructions from the State Department. I went as a railway man and found myself soon with the duties of a diplomat. There I saw not only what my Russian friend had prophesied, but what no man could have prophesied: Siberia, for

decades the continent-wide dungeon of the freest spirits of Russia, became a new arena of international contention, one with the Balkans, the Near East, the African coast, and China, especially China. Both countries have become "problems" out of the same causes—the disturbing influences of a selfish alien interference. They afford a new piece of evidence for Shaw's dictum that history tells us that we never learn anything by what history tells us; while repeating by way of international conferences for the errors we made in China a hundred years ago, we repeat simultaneously the same errors in Siberia. And I am convinced in my own mind that we shall some day see in Siberia, as we are beginning dimly to see in China, that there can be no progress without threat to the peace of the world unless Siberia is free from foreign interference and unhampered in working out its problems.

Nor is the method of solving these problems inconsequential to the future of any country, no matter how distant. Siberia is now remote, sparsely populated, and of small immediate political importance. But it is a great storehouse of raw material, and the world is crying for fuel to feed the fires left dying by the war. Remember that before the war one-ninth of the world's gold production came from Siberia. In Siberia are the largest timber supplies in the world and the biggest fisheries. There are huge, undeveloped fields of coal and oil and minerals. Siberia may also become a world granary, as was European Russia. Monopolistic control of Siberia's resources may well produce another war.

As in Siberia, so in China, the concrete, pressing question is, What shall we do with Japan? In Siberia, also, Japan is the enfant terrible with giant ambitions. In its broadest outlines the present situation in Siberia can be briefly put. The wave of counter-revolution has passed. It will not recur, unless rolled up by the magnetic force of foreign gold, in this case Japanese gold, with French moral contributions. There is at Chita a struggling government, known as the Far Eastern Republic. Whatever may be true of the private economic beliefs of some of the men at the head of it, it is a democratic government. It is not Bolshevist nor communist, because Siberia itself is not Bolshevist nor communist, and it never has been and never will be, unless alien invasion gives the Siberian peasantry no choice except between alien conquerors and their own officers, even though the latter are Bolshevist. And with respect to the competency of the government, I can testify that where its sway is unchallenged there is order. Disorder exists only where there are foreign troops and consequent foreign meddling. The irksomeness of alien regulations to civilian populations, the friction produced by the arrogance of conquering troops, the resultant defiances by the civilians inevitably produce a clash. Sometimes they are intended to have precisely that effect.

The chief obstacle to the consolidation of power by the Chita government and the extension of its sway over all Siberia, is the presence of Japanese troops. The Japanese now have troops in and about Vladivostok, on the coast and on the Chinese Eastern Railway, between Manchuria and the Siberian border. Since Vladivostok is the only important port of entry, as well as the chief commercial distributing point and the railhead, its control by Japan may be likened to a clutch on a single artery somewhere in the human body that can choke off the circulation of blood over the whole body. You have only to consider what would be the results if an alien power held the New York terminus of the New York Central Railroad and the harbor. Also, Japanese control of Vladivostok can and does serve as a breeding place for counter-revolutions, local disturbances, and subtler forms of obstruction. First one Russian hireling, and then another, is bought by bribery, fitted out and sent off either as a frank bandit or as a more ambitious insurrecto by the Japanese. Thus, to be more specific, I should be announce to the world that disorder prevails in Siberia and they must remain to prevent chaos. In 1920, for instance, when the Japanese were forced to evacuate the city of Khabarovsk under allied pressure, they caused it to be noised about that it would be dangerous for residents to remain after they left and offered free passage on their vessels to depart under Japanese protection. Then it was learned by the Chinese merchants in the city and immediately telegraphed to the Chinese consul in Vladivostok that the Japanese had arranged with the leaders of a band of 2,000 Chinese brigands, supplied with Japanese arms, to pillage the city as soon as the Japanese left. This report was confirmed from Russian sources, and the Chita government, which was taking over control, rushed troops to the city and frustrated the plan. But such plans have not always been frustrated.

That affairs have come to this pass is merely the logical sequence of the inexcusable torturing of the original object of the allied intervention into something totally different. The Allies entered Siberia to keep military supplies accumulated in Vladivostok from falling into the hands of German and Austrian prisoners in Siberia and to evacuate the Czech troops who had started across Siberia from eastern Europe in order to get to the western front via the Pacific and America. We Americans, like the other allies, went there with these objects. We stayed to fight imaginary Bolshevism. We gave our support to counter-revolutionaries like Kolchak, instead of blowtorching Russian democracy with all the pillars we could construct out of our wealth and power. We provided the Japanese with their excuse for remaining.

Siberia is not Bolshevist, because it is populated by the descendants of political exiles, by the more adventurous and free-spirited Russians who came out as pioneers, and by the Cossacks, all of them more democratic than the Russians proper. Also, the Siberians are not an urban people—there is not an industrial city in all Siberia—and even in European Russia it is only in the cities that there are Bolsheviki in any numbers. The Siberians had one ruling motive for their actions. That was to prevent the czarist régime from returning. For that reason they would have none of the numerous dictatorships, directorates, and other mushroom governments that sprang up in 1918 and 1919—Horvath in Harbin, Ataman Semenoff at large, and comic-opera Kolchak in Omsk, all of whom were reactionaries under an anti-Bolshevist disguise to deceive the Allies. And when the Siberians did for a time support the Bolshevist forces in western Siberia, after the defeat of Kolchak, it was because they knew that they at least would not restore czarism.

Again and again I have heard this from Russian workmen as I have traveled back and forth across Siberia. The Siberians had confidence in the Czechs—who understood them and their democratic aspirations, and therefore hated the Kolchak régime—and pathetic trust in the Americans. I have had conferences in railway centers with workmen's committees, composed of hostile, cynical men suspicious already of all foreigners. I have outlined what I conceived to be American aims in Siberia and they have seen their suspicions dispelled. I am afraid, however, I did not represent American actions accurately, though I believe I did give American intentions accurately. I told them we wanted to show them American methods of railway operation, because greater efficiency meant more speed and quicker relief to their needy peasants. This policy they welcomed heartily enough, though they did not see it in evidence when the Kolchakists were paralyzing the railway. I remember one committee meeting in Chita, where we had a delicate task, for the atmosphere was none too cordial. Before I had finished the chairman arose, an engineman named Kassehoff, a square-built, bullet-headed chap, and abruptly spoke: "All of you know that I am not much of a man to talk, for I believe in action. I have heard what the Americans have said at Irkutsk and here, and I merely want to tell you that I am for them first, last, and all the time." That was all, and that was enough.

Some months after that, when American troops had been sent out on the Trans-Siberian Railway to guard the line, there were one or two brushes with the Partizans, bands of peasants embittered at the atrocities committed by the Kolchak government and making guerilla attacks all over the country. The American troops had explicit orders to avoid hostilities with the Russians, and a private and unofficial meeting was held between representatives of the Partizans and American field officers. It was an unorthodox and interesting meeting. "We understand your position, and see why you are taking up arms," the Americans said in effect, though in more official phraseology, "but you must understand ours also. Our duty is to guard the railway. We have orders to do that, and we must obey them. So don't attack the railway in our district. If you do, we shall have to protect it by force. Do whatever else you believe to be your duty, but let the railway alone." The Russians acceded to this demand, and did not attack the railway—at least where there were American troops.

Though the Russians could understand our position in regard to the railway, they were pathetically bewildered by our support of Kolchak. "But you are Americans," they said to me again and again. "You have been fighting in the war for democracy. You are the greatest democracy in the world. That is all that Siberia wants—democracy. We only want what you have. Why don't you sympathize with us? Don't you see Kolchak and his kind stand for everything opposed to American ideals?" I never tried to explain the incongruity. I could not explain it to myself. I do not think it can be explained.

To the Kolchak fiasco and the support given it by the Allies may be traced all the evils that subsequently developed. This is not wisdom after the fact. I may say that the majority of those who knew Siberian conditions most intimately and had been longest on the scene and were without preconceived prejudices felt at the time that a mistake was being made, and those of us who were in official positions said so. As American representative on an interallied organization I did say so repeatedly in my official dispatches.

The arrival of the allied troops was the signal for the reactionaries to rouse and prepare to act. I have always supposed they knew they would get foreign support. On November 18, 1918, at any rate, they did act. They overthrew the democratic directorate at Omsk, and Kolchak was proclaimed supreme ruler.

It was not long before the true nature of the Kolchak government revealed itself. It did away at once with all the democratic organs of government, beginning with the Siberian Duma. Then it curbed the zemstvos, clapped censorships on press and speech and every other form of activity, and made arrests innumerable, which were always followed by secret military trials and the disappearance of the prisoners. The old black hundred of Czarist Russia—no, in truth, a worse power—was in the saddle. There was a moderate of law and justice and impersonality in the old capital; here there was unrestrained cruelty—the settling of personal grudges under cover of the law and indiscriminate intimidation.

At this period, those two butchers, Ivanoff-Rinoff and Rozanoff, were in the full power of their activity, and on a larger scale Kalmykoff and Semenoff. These men permitted their followers to torture their enemies, to brand them, gouge out their eyes, and whip them to death. Conscription of peasants was declared, but the peasants took to the hills, for they hated the Kolchak régime violently for its outrages. For revenge, then, we did not escape and the relatives of those who did were taken, tortured, and murdered. I have in my mind a parade of the bodies of victims, many pictures of corpses lying near to the charred ruins of their homes. Undoubtedly such pictures are contained in the official files at Washington, and were there at that time—at the very time when we were working ourselves into a fury over Bolshevist atrocities and acclaiming Kolchak as savior of Russia from the red demon.

The Czechs were the first to show disaffection. They knew the Russian people and their dream of peaceful and democratic rule after their long agony. They knew the bitterness this cruel betrayal would rouse in them. The Czechs made formal protest, but although it was they who had done the fighting that bent the Bolsheviki troops from swarming into Siberia, they were unheard. Some of the allied representatives joined in the protest. The railway committee, seeing the frustration of all its aims, sent telegrams to Kolchak and cablegrams to the home Governments. Both were of no avail. I myself cabled repeatedly to the State Department not only that the Kolchak government was acting in a way subversive of all decent government anywhere but that it was doomed, because it had alienated the population, and existed only by the strength of allied arms behind it.

But not until it was too late was any move made to apply pressure. In the spring of 1919, when the Allies were debating in Paris whether or not to recognize Kolchak, it was already appeased, only four or five months after he had declared himself supreme ruler, that he had so completely repelled the Siberian people that only a miracle or an enormous allied army could save him. To this ironic or tragic pass we had come: First, because of the personality of the highest allied representatives in Siberia; and, second, because of the poisoning of the world's mind with propaganda.

The allied representatives at Omsk were men drawn from the ultra-conservative ranks in their own countries. They naturally agreed with the Russian reactionaries that the only way to bring the Russians back to their senses was to rule them with a military dictatorship and to use measures stern but supposedly just. The allied military commanders reported to their Governments that all was well. General Janin, French commander, a thorough-going pro-interventionist, was outwardly pro-Kolchak. General Knox, British commander, was recognized as creator of the Kolchak government, and the man behind it. The Japanese were intent only on reaping a harvest for themselves and getting military control of the country, no matter at what cost of suffering. General Graves, American commander, possessed but limited authority. He was not to interfere in internal affairs. Besides, the American Government also was, at least half heartedly, supporting the Kolchak government. I have only the highest admiration for the way General Graves discharged his duties. I am sure conditions would have been worse if he had not been there. And I think I can say that if General Graves ever empties his heart of his feelings concerning the American expedition to Siberia and what he saw, what we shall hear will tincture a little with shame our pride in the part we played in the war in Siberia.

Siberia was the largest well from which was drawn the poison that crazed the mind of the world on Russia between 1918 and 1921. The Russian reactionary agents, ignoring the fact that not more than 5 per cent of the Russian people were of Bolshevist tendency, painted allied citizens in Siberia and through them to the allied people at home such picture that the world visualized Russia as a country of raving communists with a bomb in one hand and a firebrand in the other. Those of us who were living in the Siberian part of Russia all this time and hearing of these terrors always in some other city than the one in which we happened to be, saw soon enough what were the sources of the propaganda and the motives for it.

The end of Kolchak's power came quickly. The Siberians rose against him, dispersed such of his troops as had not deserted, overthrew his government, captured him, and put him to death.

Meanwhile the Japanese had already taken advantage of conditions ideally suited to imperialist profiteering in Siberia. Evidence accumulated early to indicate that the Japanese military were backing individual aspirants to Siberian supremacy. When Rozanoff, who had butchered with obscene bestiality, was defeated and had to flee for his life, he was given shelter by the Japanese military command.

The Japanese military were shrewd enough to know that they could never hold so huge an area as Siberia. They determined instead on a policy of holding a few strategic points. To do so they would have to make terms with local chieftains. Rozanoff, Kalmykoff, and Semenoff were their first tools, and the worst of these was Semenoff. Since that time they have had to restrict their scope even more, because the world has begun to look a little too sharply at events in Siberia. They have determined thereon on a policy of holding all the means of ingress into Siberia, and they do hold them. They have Sakhalien, which commands the mouth of the Amur in the north, Vladivostok, the principal port, and Dairen, a China coast port. To those points, which they hold as they do everything else they have obtained in Siberia, by means of their Russian tools, they have had to recede. These points, however, are sufficient to constitute the mastery of Siberia for all practical purposes.

The allied expedition had not been long under way before we realized that it had two aspects: One Russian, and the other Japanese. I can say from my own official experience that the latter was the more difficult and the more troublesome. Everybody knows now that although the Japanese Government and the American Government agreed to send 7,500 troops each into Siberia, Japan in a few months poured in 70,000 or more. From that time forward every allied object met with Japanese obstruction in an indirect, oblique, maddening form. "Cherchez le Japonais" became the rule of action, at least in the interallied railway committee, no matter what happened. The greatest disorders, the most awkward obstacles in the way of the objects of the committee, were always in the territory controlled by one of the Japanese-supported Russian generals, usually Semenoff. It was interesting that when the Allies allotted the stretches of the Trans-Siberian Railway that the forces of each were to guard, the Japanese chose the section under Semenoff's control. And when the Japanese were requested by the committee to compel Semenoff to cease disorganizing traffic on the railway and pillaging towns along the railway they replied that they could not "interfere." Yet when anti-Semenoff Russian forces threatened to enter Semenoff territory they could always stop them. And it was interesting that Semenoff's acts always produced results in harmony with results that the Japanese wanted to accomplish, and that Semenoff's money was always Japanese yen. The Japanese could not interfere and did not attempt to interfere in Russian internal affairs. It was known that a guard of Japanese troops was stationed around Semenoff's house in Chita, and Japanese officers lived in his house. Once during an American official call, made nominally to pay respects, I tried to sound him on his intentions, he said, for he never really has disliked Americans: "Be careful. There are Japanese in the next room. They overhear everything I say and watch everything I do."

There is special American interest in Semenoff now, because at the time of writing he has just been granted permission to enter America. He has become a marked man he has outlived his usefulness to the Japanese.

I first met him in March, 1918, in a modest room in a Harbin hotel. He was then unspoiled, a Cossack captain of medium height and build, with no outstanding physical characteristics. In fact, with a quiet voice and colorless manner he gave little indication of the horrible part he was to play. He told me of his plans of action against the Bolsheviki and his aim to make conditions favorable for a democratic régime. All the Allies were then supporting him, but when he showed his character, all but the Japanese dropped him. Two months later he made another trip to Harbin. He was then drunk with power, and soon he was drunk with the conventional intoxicant. He painted Harbin red—redder than it usually is. From that time he degenerated, officially and personally.

He accumulated wives here and there—among them the famous Mascha, once humble dansense of the Café Palermo, who he gauded with diamonds bought with yen—and the wives and his other habits required money. And the more money and the more power Semenoff got, both through Japan, the drunker with power and wine he became, and the more barbarous. He shot up towns, leaving the dead in his path, and looted them of all valuables, apparently for mere sport. And the Japanese never interfered with his pastimes. I do not suppose they really approved of all his activities, but they allowed him his savagery because he did their political bidding, and he was willing to do their political bidding in exchange for protection while he went on with his atrocities and profited by them. Yet he never really trusted the Japanese, as the incident I have told illustrates. But he needed them. For now and then he overstepped his bounds and had to flee. He never had stomach for fighting; in fact, he was always conspicuous for his remoteness from the region of battle. And when he fled he found it convenient to take refuge in Japanese territory, either in Siberia or on the China coast, where Japan has territory. When he returned from his Japanese asylum he always bought his ruble exchange with Japanese yen.

The most illuminating illustration of Japanese methods was the manner in which they used Semenoff to obstruct the Czech evacuation. It was to protect the Czechs in their evacuation, remember, that the Allies entered Siberia. The Czechs played a heroic part until they were revolted by Kolchak's oppressions. When they found that protest was futile they decided to avail themselves of the permission previously granted them to leave. But Kolchak did not want them to go, for they were his chief support; and the Japanese did not want them to, for if they did then the Japanese themselves would have no reason for staying. So they hired Semenoff to hinder the proposed withdrawal.

Finally the Czechs threatened to force their way through. So serious did the situation become that the interallied committee had to take cognizance of it, and on a French proposal I was authorized by the committee, including the Japanese member, to go to Chita with full power to arrange for the evacuation. On my arrival I found a Japanese-dominated committee acting on the matter—or rather, not acting. I presented my credentials and was told by General Hoshino, the Japanese chairman of the committee, that he had not heard of my appointment. I soon got confirmation from Vladivostok, so the Japanese set out by other means to delay the Czechs.

They resorted to a multitude of petty obstructions. They left locomotives on the main tracks at big stations to hold up Czech trains. They offered excuses that rolling stock and locomotives needed repair. If the Czechs offered to send their own mechanics into the shops, the Japanese replied that they would have to have Japanese workmen, who would soon be there. The Japanese workmen never came.

One night in Chita the Semenoffites blocked all the tracks leading into the city just before the arrival of one of the fighting echelons from the west. The Czechs demanded entry. The Semenoffites refused. Then the Japanese ordered out 800 troops and two pieces of artillery, which they placed outside the station. The Czech commander, not knowing the cause of the delay, came into the city on foot. He took one look and then sent a notification to both the Semenoff officers and the Japanese that at 8 o'clock the next morning he intended to enter. Semenoffites and Japanese both understood. They knew the Czech mettle. They knew that the commander would come in or fight. They withdrew. Naturally, the Japanese did not want to fight. That would be advertising to the world that they were fighting the very men they were in Siberia to protect.

In the meantime the Japanese were busy with their own exclusive enterprises. They sent detachments of troops to all the principal stations along the Chinese Eastern Railway, which the Chinese had been commissioned to guard. The Chinese protested to the Allied Railway Technical Board and to the allied commanders. The Japanese explained to both that the troops were there merely to keep the telegraph line to Chita in repair. They said further that they would make no change in the guarding of the railway, but that anyhow this was a matter for them to settle with the Chinese separately. It must be remembered that the Peking Government at that time was in the hands of Japanese agents. It must also be remembered that the Chinese Eastern Railway is the southeastern loop that connects the trans-Siberian line with the Chinese coast, and therefore commands North Manchuria.

About the same time—the spring of 1919—the Japanese sent troops to Nikolaevsk, on the Amur River, although there had been no agreement with the Allies to do so, and there were no railways to guard within 400 miles. They explained in defense that they had to protect their fisheries in the coastal region around Nikolaevsk. Why the navy could not do this work they never explained. As a matter of fact, they wanted to hold the mouth of the Amur, the great channel of water communication in north Siberia. At Nikolaevsk occurred the massacre of 700 Japanese, in reprisal for which the Japanese have seized the southern island of Sakhalen with its wealth of resources. The Japanese have never brought out the fact that their garrison was in Nikolaevsk without permission or lawful right, nor do they tell what their troops did to the Siberians there before the latter retaliated.

It is necessary to cite, as one more instance of Japanese methods, the first seizure of Vladivostok. On April 4, 1920, the last of the American troops sailed. The other allied troops had already gone. There were left only the Japanese. Three days after the Americans had gone the Japanese seized Vladivostok and then Khabarovsk and Nikolsk. And then they sent dispatches all over the world saying they had been attacked. But on my return a few days later—I had been west with the Czechs—not a bullet mark could be found on the building occupied by the Japanese troops, though the near-by buildings occupied by the Russian military were riddled. So it was wherever there had been fighting. It would seem strange that the Japanese should be attacked simultaneously in three widely separated cities; that all the casualties should be Russian; that the Japanese should be ready to put up signs in Japanese characters with the names of all the stations on the railway between Nikolsk and Vladivostok, and that suddenly troops should be found all along the railway.

What events like these meant to the Russians I can best tell by a concrete case. In Nikolsk there was a Russian school-teacher named Polushkin. He was also secretary of the Railway Club, housed in a building that had been seized by the Japanese military. As secretary he went to the club to get some papers. By several people he was seen entering. He was never seen to come out. He was never seen again. The affair was reported by the Russians to the American railway inspectors in Nikolsk. They asked the Japanese chief of gendarmerie to investigate. He denied that the man had ever come into the building. The affair was then reported to the Interallied Railway Committee, which could find out nothing.

Through this entire period there came reports from our technical board in Harbin of demoralization of the Chinese Eastern Railway by the Japanese. Trains were being stopped, sent back, held for long intervals. Russians were being arrested and executed without trial. Men were beaten. Private residences were searched. Everywhere terror reigned. The Japanese had seized upon the excuse that they had to protect Korea and China from Bolshevism, which the American press swallowed, and then they sent Semenoff, Kalmykoff, and other Russian employees off on sacking expeditions to prove that there was disorder in the country.

The effect on the Siberians can be imagined. They were goaded to fury, the more frantic for being helpless. In constant dread, submitted to every indignity and outrage, they took their revenge, where they could, by boycotting Japanese goods. For, remember, the Japanese brought in thousands of merchants and exploiters as their clutch tightened, and simultaneously they prevented business men of other nationalities from shipping their goods on the railway.

On one occasion the Russian railway workers threatened to strike in protest against the way they were treated by the Japanese. Mr. Matsudaira, the Japanese member of the railway committee, came to me and asked me to intercede, knowing that I spoke Russian and had the confidence of the workers. I went to them and finally disuaded them from striking, on the plea that all would suffer if the railway ceased operations. When I reported my success to Mr. Matsudaira he told me he should like to talk to one of the workmen directly and pressed me to arrange an interview. I asked the head of the switchmen's union if he would talk to Mr. Matsudaira. He consented, and I brought him to my office and called Mr. Matsudaira.

Mr. Matsudaira asked why the Russians were so opposed to the Japanese. "For three reasons," said the Russian; "because of the

undemocratic government of Japan, and because of the brutalities of Japanese intervention, and because of the Japanese treatment of Korea." Mr. Matsudaira admitted that Japan was not a democratic country and that the army was not under the control of the civil government, but he said that Japan would soon be democratic. He made rather a lame explanation of the intervention and was silent on Korea. He then asked the Russian to come to his house. The Russian hesitated a moment and then spoke to me in Russian, which Mr. Matsudaira did not understand. "Should I go?" he asked. I asked him why not. He said he feared that it was a ruse to trap him and that he would be arrested. I explained to Mr. Matsudaira, who looked embarrassed and then wrote out a safe-conduct on his visiting card.

A few days later I met the Russian and asked him how he had fared on his visit. Mr. Matsudaira, he said, had argued with him lengthily and then asked him to go to the Russian workmen and tell them that Japan was all right.

"But you?" I asked.

"No."

"Why not?"

"Because I don't want to be hanged by my own people."

Now I want to make one point clear. I do not think the reprehensible policy of the Japanese military was the expression of the unanimous will of the Japanese. I have had evidence to the contrary. I know, for instance, that, at sessions of the Interallied Railway Commission, Mr. Matsudaira himself frequently squirmed when confronted by the fact that the army had violated his promises. I know that at times he intervened with the military to call them off some outstandingly evil project. I have had one of the foremost publicists speak condemningly to me of the actions of the Japanese military.

Since in Korea, while I was reading in my private car, in which I lived, a Japanese in a colonel's uniform entered. "I will not tell you my name," he said, "for I should be ruined if this were known, but I want to tell you that there are some of us who are ashamed of the conduct of our representatives here and that it does not typify our people. We ought to get out and leave these Russians alone. I can not give you my name, but you may tell your Government what I have said."

Less dramatic but more enlightening and promising was a visit I had from a representative of the Bank of Japan, accompanied by a Japanese foreign office man. They came to protest against the conduct of their own army and asked me to protest also to my Government in the strongest possible terms. I told them I usually did.

Another man of wide financial interests came to me once and said: "We are trying to enlist the help of America. We are trying to abolish in our country the graft that ruined China and Russia, too.

"I can tell you our largest business houses all feel the same way. Our very army officers here are engaged in corruption, besides following a line of conduct which can only make us enemies in Russia. We want you to fight the military all you can." By way of proving his sincerity he told me of definite cases of corrupt deals then under way involving the military clique and certain business firms. I had heard something of these matters before. He confirmed the information I had that certain officers of high rank were helping Japanese business companies with political connections to evade customs duties on commercial shipments into Siberia. Through him also I obtained a hint that commercial shipments were entering the country as Red Cross supplies with the connivance of military officers.

I had later a specific instance of this kind of trickery from an American, who told me of a Russian firm that refused his orders because the Japanese underbid him. He was curious to know how such a thing was possible. The Russian showed him goods that had come in cases marked with the Red Cross stamp.

"Why can't you do this?" the Russian asked.

I should add that I reported this whole matter to Mr. Matsudaira and that he immediately took steps to prevent the dishonest practices of Japanese importers.

Let me say he convinced me just why and how the Siberian question is of practical, immediate importance to Americans. It concerns our commerce now—our legitimate commerce. Just before I left Siberia there arrived in Vladivostok a 12-car shipment of hardware consigned to a Russian importer in the west. When the American agent tried to have the goods shipped he was balked. The Japanese would not give him the cars. One carload left immediately, because that contained a small Japanese order. The remainder of the shipment was held up for two months.

A little later there came a British consignment of cable. It, too, eventually got through, but only after long delay. The Japanese insisted and still insist that no trains shall leave Vladivostok without their permission. How long British and American competitors could hold out under such conditions experience in Dairen, Tsingtao, Port Arthur, and other Japanese-controlled ports proves.

In Siberia, as in China, there is hope in the existence of a class of Japanese who feel as do some of the minority I have cited, but this class, though liberal, is now decidedly in the minority and powerless. It can but slightly mitigate the evils of the nature of the Japanese occupation and of the occupation itself. So long as the Japanese are in Siberia there must be trouble. Until they leave a real Siberian government can not possibly be established. Trumped-up revolutions will be unceasing, and each will bring its loss of life and property. This is the real crime of the Japanese occupation. But I would not seem to lay the crime at Japanese doors exclusively. I have tried to point out that the European allies and America must share the guilt. That is the real tragedy of Siberia.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The next amendment of the Committee on Finance will be stated.

The next amendment was, on page 2, line 9, before the word "cents," to strike out the numeral "2" and insert "1½," so as to read:

Boric acid, 1½ cents per pound.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES of New Mexico. Mr. President, I am a little at a loss to understand why the chairman of the Finance Committee remained silent and would permit this amendment to be adopted without any statement or any information as to why it should be made.

Under the present law this article, boric acid, is taxed three-fourths of a cent a pound. The House, in the bill which it passed, increased that duty to 2 cents per pound. The majority of the Finance Committee fixed the duty at 1½ cents per pound. The item is now reached for a vote, and there is not a word from the Finance Committee regarding it.

In the report which the Finance Committee submitted to the Senate with this bill no reference was made to this item. There is not one word of testimony in the hearings of the Finance Committee regarding it. The item is not even mentioned in all of the hearings taken by the Finance Committee.

I can not imagine how this course is going to be acceptable to the Senate. I can not construe it in any other way than that the Finance Committee expects the Senate to ratify what it proposes, regardless of any information on the subject. If that is what is expected by the majority of the Finance Committee, the country ought to know it now. The country ought to be advised as to what the Senate is expected to do in regard to this great taxation measure, and the underlying reason for imposing the tax upon the consumers of this country.

To me, Mr. President, this can not be viewed in a commendatory light. Is that what we are to be subjected to with regard to every item in this bill? I did not take the floor until after the chairman was practically going to consider this amendment adopted without any objection. The chairman of the Finance Committee made no attempt to give any explanation or any information about it.

Mr. CARAWAY. Mr. President, will the Senator from New Mexico yield to me for a few moments?

Mr. JONES of New Mexico. I yield to the Senator from Arkansas.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, I had hoped not to take any more time in the discussion of matters not relating directly to the bill before the Senate, but I rise now merely to ask that the Attorney General, Mr. Daugherty, come to the rescue of the Senator from Indiana [Mr. WATSON]. I have no doubt but that the Attorney General told the Senator from Indiana that he, the Attorney General, was not connected with the procuring of a pardon for Morse, and received no compensation for services in that matter. I am sure that he told him that, or the Senator from Indiana would not have made the statement Tuesday on the floor. Since there is a question of veracity between the Senator from Indiana and the Attorney General, as I shall show in a minute, I want the Attorney General, if he will not set himself right with the people, at least to set the Senator from Indiana, who came so nobly to his rescue last Tuesday, right before the public. The Senator from Indiana was misled by the Attorney General, and the Attorney General ought to have consideration enough for his friends to come forward and admit that he misled the Senator from Indiana, because after this commutation of Morse was granted, in 1912, by Mr. Taft, the present Chief Justice, before he went out of office by unanimous consent as President, the present Attorney General gave out an interview, published in a local paper in Columbus, Ohio, and it should have been a matter with which the junior Senator from Ohio was familiar yesterday when he spoke, but he has evidently forgotten it. In that interview the Attorney General took credit—I use the word because he seemed to think that credit was what he was entitled to receive—for having procured the pardon of Morse.

Let me read, first, the statements made to Mr. Taft. I know that Chief Justice Taft, who was President, thought he was pardoning a man who was afflicted with a fatal malady. As one Republican Senator told me—though I am not at liberty to give his name—all he had against Morse was that he jumped his bond; that he gave bond that he would die in six months, and is alive yet, and the Senator feels aggrieved. But Taft said in an interview:

In my opinion the prisoner's duration of life will, in all probability, be less than one month if kept in confinement, and in the event of his release under commutation of sentence, it is not probable that he will live as long as six months.

That was in 1912, and it seems that he will go down there to get another certificate that he has a fatal malady from the same doctor who gave him this one. Mr. Daugherty has made that possible by appointing this doctor to the same place he occupied then. Nothing like having your friends in a position where they can prove helpful.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Georgia?

Mr. CARAWAY. I yield.

Mr. WATSON of Georgia. Mr. President, Charles W. Morse himself said that he had only a few days to live, and that all he asked the President to do was to let him die outside of the penitentiary, so that he would not leave the stigma upon his wife and child of having died inside of the penitentiary, unpardoned.

Mr. CARAWAY. He is still alive?

Mr. WATSON of Georgia. It seems so.

Mr. CARAWAY. On the following day after his pardon there appeared in the Columbus Dispatch, with which, I presume, the Senator from Ohio is familiar, an afternoon paper published in Mr. Daugherty's home town, whose representative had, apparently, just interviewed him, a story under the following headlines:

Morse owes his commutation to Harry Daugherty.

That is the present Attorney General. This is in quotation marks, showing that this is what the Attorney General said:

Succeeded after efforts of other attorneys had been of no avail.

The paper said:

Mr. Daugherty convinced the President through the Attorney General (George W. Wickersham) that Mr. Morse has but a few months to live, and the President thereupon commuted the banker's sentence, so he could be released at once.

Here is what Mr. Daugherty said. It is in quotation marks. It quotes Mr. Daugherty thus:

My interest in the case was not as an attorney to get Mr. Morse's freedom but representing a number of certificate holders in a steamship company interested with Mr. Morse. Mr. Morse's attorneys in Atlanta are Anderson, Felder, Boundtree & Wilson, a firm with which our firm has had considerable business, and we became interested through them.

About $2,000,000 is involved in having the affairs of these certificate holders straightened out satisfactorily, and unless they could get the advantage of Mr. Morse's aid—for he is a genius and a wizard—

I understand that was what he was called when he organized the Ice Trust in New York and caused the death of dozens of poor people. I repeat:

And unless they could get the advantage of Mr. Morse's aid—for he is a genius and a wizard—a lot of innocent people would suffer. His health was such that it was necessary to get him in a position to assist us as soon as possible. The President said a year ago when efforts were made to get a pardon for Morse that he would not consider the case again until January 1, 1913, but by that time Morse will be dead.

So I went to Washington and laid the facts before Secretary of War Stimson and before the Attorney General and Judge Hough, the trial judge. Mr. Wickersham was opposed to taking any action whatever the first time I saw him, but the facts were presented to him so completely that he took the matter up, had examinations made by Government physicians, and then laid the matter before the President. The President personally sent a Government physician to make an examination and report to him, then commuted the sentence.

Morse was sent to the penitentiary as the result of a bank war in New York City. There were three or four examinations of his bank, and all reported everything O. K., but still another man was sent to make another examination and he made the report that caused the trouble.

Morse's violation of the law was entirely technical.

That was what Mr. Daugherty said about it. So he should not have misled the Senator from Indiana and have him pledge his word as a Senator that Morse was pardoned without any assistance from Daugherty, because Daugherty entered a plea of guilty in the matter 10 years ago.

But there is another matter to be straightened out, Mr. President. A man came here to see me yesterday, whose graphic picture was painted in the record by the junior Senator from Georgia [Mr. WATSON], and I want to read just a line or two of it to have it fresh in our minds, especially because I am going to read a letter from Mr. Felder, in which he intimates somebody is going to be responsible for anything that is said against his character—and I am going to say something against it—and I want to draw his picture. Here it is as painted by a man who lives in Georgia and who knows him. This is from Senator WATSON of Georgia:

Mr. President, for the last 40 years I have known Thomas B. Felder well, and I have known him to be a crook. I know him to have been a professional lobbyist of the whisky ring, opposing every one of the temperance laws that I was advocating and other temperance people were advocating in Georgia. He combated us at every step. We had to close the barrooms over his protest; and he never ceased to be a lobbyist in Georgia until the attack made upon him by myself and by others destroyed his usefulness as a lobbyist. Then he left the State and went to New York.

I would not say this here if I had not said it to his face in a State convention in Atlanta. I denounced him to his face in that convention, and he turned about as white as a piece of paper and did not open his mouth. I am asserting a fact in saying that he was not a lawyer, but a lobbyist; not an honest man, but a knave; not a witness whom anybody would believe, but a man who, in the State of Georgia, would be impeached if offered as a witness on the trial of a case by men of the highest standing and character, who would say that from their general knowledge of his character they would not believe him on oath.

Mr. Felder intimates in the letter that if anybody says anything about him, trouble is brewing. If so, here is where I kiss good-by to all my dear relatives, I reckon. I would be glad, if Mr. Felder feels so inclined, because I shall not put it in the record, to have him tell what I said to him yesterday when he approached me about this case and made a statement that I knew was not true. He is at liberty and has my permission, and I will take my chances on getting churched for having said it.

But this man wrote me a letter. If I would not let him talk with me, he is going to communicate with me, and I want to read his letter, but will first say this: I am sure that he thinks that if Judas Iscariot had left a kindly mention of the devil in his memoirs the devil would have been in good standing to-day, because he rushes to the defense of the Attorney General, and therefore thinks he washes the Attorney General whiter than snow.

Here is his letter, leaving off the salutation:

It is inconceivable to me that a Senator who fairly represents the people of the great State of Arkansas could under even the temptation of partisan politics assail a distinguished member of the official family of the President of the United States. The statement made by you that Charles W. Morse over at any time or under any circumstances paid Hon. Harry M. Daugherty $25,000 to get him out of the penitentiary is absolutely without any foundation in fact.

How much he did pay he does not say. The amount is not of any consequence. The question is, Did he act for Morse?

At the time Charles W. Morse was serving sentence in the Atlanta Penitentiary I was a member of the Atlanta (Ga.) bar. I was attorney for Fred L. Seeley and his interests, including the Atlanta Georgian. Mr. Seeley was essentially a philanthropist.

I understood eventually he was also something of a skinner and left Georgia for Georgia's good.

He became sentimentally interested in the fate of Charles W. Morse. He employed me to examine fully the case and determine if upon the merits he was entitled to Executive clemency. I reached the conclusion that the penalty was excessive, in view of the fact that the court of appeals had reversed the lower court on several of the counts in the indictment. I was requested to proceed with the case.

Now, here is the interesting part of the letter:

I told my client that the case was a very important one; that my acquaintance in official circles was circumscribed; that I knew an attorney in Columbus, Ohio, with whom I had been associated both personally and professionally—

He is the man whom Felder, whose picture I have just reproduced, says he knew—

I knew an attorney in Columbus, Ohio, with whom I had been associated both personally and professionally, who possessed in an eminent degree not only ability—

I presume he means for this particular kind of work—

but character, which entitled and gave him the confidence and respect of officials who had to do with the case.

That was President Taft and his official family.

He authorized me to employ him. We proceeded with the case.

Now, Mr. President, I say again the Attorney General ought to apologize to the Senator from Indiana [Mr. WATSON] for having misled him, because here is this man stating that he hired him.

Morse was pardoned. I, as leading counsel in the case, directed step by step the policies pursued by and with the advice of my associate—

By and with the advice of his associate, who is the present Attorney General.

If anything irregular was done I am solely responsible. If anything irregular is charged to me by anyone at any time I will take care of that situation.

A tiny little threat.

I dislike to take part in political bickerings and wranglings. I like a calm, placid life.

I should like to recommend him, if he enjoys that kind of a life, that he go back to South Carolina, where he was under indictment and where he might have gotten it. But apparently he did not care for a calm and placid life of that particular kind.

But I have sat mute and listened to the vile and baseless insinuations uttered against this great and good man whom I personally know would not under any temptation so far forget either his manhood or his honor as to do an unethical, much less corrupt, professional act. I feel that even without his consent I must break the silence.

Very truly yours,

THOS. B. FELDER.

Well, Daugherty said he got into the case because he wanted Morse for a witness. Felder says he got into the case because he hired him to help a philanthropist to get Morse out. The Senator from Indiana [Mr. WATSON] said he was not in the case at all.

Now I want to say this, Mr. President, that whether the Attorney General ought to have done this thing as a practicing attorney, I am not passing judgment. In fact, that was only secondary when I came into the controversy. I was merely trying to show how helpless these children were to get a pardon,

because they did not have an attorney, and how successful crooks were in getting pardoned where they were able to hire attorneys, and the Senator from Indiana rushed to the defense of the Attorney General and said that I was wrongfully charging Attorney General Daugherty, and that he had nothing to do with it.

Frankly, I had never investigated it. I had heard it referred to so often and never denied that I presumed it was true, but since the Senator from Indiana saw fit to deny it and so emphatically, and the Attorney General then came out in an interview in which he intended to be insulting and was in a way, although I am not much hurt by it, and since I then was approached by this "good" man from Georgia, Mr. Thomas B. Felder, who was a lobbyist, and I have it on the information of men who are perfectly willing to stand up and tell it at any time that he was not only a lobbyist for the whisky ring but he was a lobbyist of the kind which least commands the respect of anyone—he was a lobbyist against every attempt of the legislature to strike the fetters from the wrists of little children by enacting laws that would relieve children from the burdensome and unjust imposition put upon them of employing them in factories, where they were compelled to work when they should have been in school.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. CARAWAY. I yield.

Mr. WILLIS. I did not hear all of the colloquy between the Senator from Arkansas and the Senator from Indiana, but I read it rather hastily. My recollection is that the Senator from Indiana, who unfortunately is not here at the moment——

Mr. CARAWAY. Oh, before the Senator goes further let me say that I told the Senator from Indiana that I had the matter and was going to bring it up. He had full knowledge of it.

Mr. WILLIS. What I was about to say is that, as I recall the colloquy, the Senator from Indiana did not say Mr. Daugherty had nothing to do with the case, but he did say that Mr. Daugherty did not get $25,000, or any other sum, as a fee in the case. That is the way I recall the colloquy.

Mr. CARAWAY. No; if the Senator will read it some time, he will find that after he qualified his first statement he did state it as I have stated it. The first statement was that Daugherty had nothing to do with it. I want to say now that I do not want to be put in the attitude of criticising the Senator from Indiana, because he was repeating what he was told; and I am not overly criticizing the Attorney General. I am just talking about him. I presume he is a good enough Attorney General for this administration. The President knew all about him before he was appointed, and I am not expecting him to be gotten rid of.

But that is not the idea I have in discussing the matter at all. The defense of the Attorney General was so heated that it left an implication in the minds of some people that I was accusing him of having done something of which he was not guilty. I say to the Senator from Ohio, and I say to the Senator from Indiana and to the Attorney General, that I do not care whether he got $25,000 or 25 cents. I do not care whether the story that has been told this morning is true or not—that Morse never paid him, and therefore that Morse is going to be sent back to the penitentiary; I do not care whether that is true or not. I do not care whether he got a nickel or got $25,000, or whether Morse paid him or promised to pay him and did not pay him. I will say, however, that I rather imagine I shall be able to put in the RECORD some receipts, but I will wait until some more defenses are made, and I will print them a little bit later.

Mr. WILLIS. Mr. President, I know the Senator desires to be accurate. I refer him to page 6726 of the RECORD, which sets forth the colloquy between the Senator from Arkansas and the Senator from Indiana. Down past the middle of the page the Senator from Indiana said:

> I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.

Mr. CARAWAY. What did he say just previous to that?

Mr. WILLIS. Does the Senator desire me to read it to him?

Mr. CARAWAY. No; I just want the Senator to read it for his own information.

Mr. WILLIS. I have read it all.

Mr. CARAWAY. No; the Senator has not read half of the colloquy.

Mr. WILLIS. I have read what precedes that, and what pertains to this matter. Will the Senator from Arkansas refer me to the place in the RECORD where the Senator from Indiana makes a contrary statement?

Mr. CARAWAY. No; but the Senator can read it himself.

Mr. SMOOT. The Senator was asking to have it read. Here is what the Senator from Indiana said:

> Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?
>
> Mr. CARAWAY. I charged that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.
>
> Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?
>
> Mr. CARAWAY. Does the Senator from Indiana say that it is not true?
>
> Mr. WATSON of Indiana. I do.
>
> Mr. CARAWAY. On the Senator's own personal knowledge?
>
> Mr. WATSON of Indiana. I do.

Mr. CARAWAY. Yes, sir. Everybody, including the Senator from Utah [Mr. SMOOT] and the Senator from Ohio [Mr. WILLIS], knew that the Senator from Indiana [Mr. WATSON] intended in that statement to say that Daugherty was not employed in that case.

Mr. SMOOT. The Senator from Utah has not expressed any opinion in reference to the matter; he knows nothing about it; but he simply read what transpired in the Senate between the Senator from Arkansas [Mr. CARAWAY] and the Senator from Indiana [Mr. WATSON].

Mr. CARAWAY. I know. I know what everybody understood that the Senator from Indiana was intending to say—that there was no relation between Daugherty and this man.

Mr. WILLIS. Mr. President——

Mr. SMOOT. He further says that there was.

Mr. CARAWAY. I know he did later; I have stated that two or three times.

Mr. WILLIS. Will the Senator from Arkansas point out any such language in the RECORD that was used by the Senator from Indiana? I know the Senator from Arkansas wants to be fair. Where did the Senator from Indiana say anything such as the Senator from Arkansas now attributes to him?

Mr. CARAWAY. Let me read it to the Senator, laying all heat aside, for I have not any.

Mr. WILLIS. The Senator from Arkansas will find the statement of the Senator from Indiana on page 6175, and I trust he will read it all.

Mr. CARAWAY. When the Senator from Indiana [Mr. WATSON] rose he first said:

> Mr. WATSON of Indiana. We did not hear over on this side what it was that the Senator said about the Attorney General. Will he kindly repeat it?
>
> Mr. CARAWAY. I know the Senator did not hear it, because all the Senators over there got busy in order not to hear what was being said. I said that I understood that the greatest achievement of the Attorney General was that he got a pardon for a criminal, and got a fee of $25,000 for doing it.

The charge was that he got a pardon for a criminal and that incidentally he got a fee of $25,000. The fee, whether he got a nickel or a million dollars, was not important; everybody understood that. The question was whether he got a pardon. That is what the controversy was about. The Senator from Indiana further said:

> Mr. WATSON of Indiana. Does the Senator mean since he became Attorney General?
>
> Mr. CARAWAY. Oh, no.
>
> Mr. WATSON of Indiana. May I further question the Senator?
>
> Mr. CARAWAY. Yes, sir.
>
> Mr. WATSON of Indiana. To what case does the Senator refer?
>
> Mr. CARAWAY. The Morse case.
>
> Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?
>
> Mr. CARAWAY. I charged that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.
>
> Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?
>
> Mr. CARAWAY. Does the Senator from Indiana say that it is not true?
>
> Mr. WATSON of Indiana. I do.

Mr. SMOOT. That related to the fee.

Mr. CARAWAY. That related to the fee. The important question is not what fee he got, and I am not going off on a side issue like that, but did he help get the pardon? That was all I had in view. As I have said before, I was only incidentally criticizing the Attorney General. I had no quarrel with him then, and I have not any now. If I should do the Senator from Indiana an injustice, nobody would be quicker than I to admit it; but I understood the Senator at first to intend to say that the Attorney General had nothing to do with it. He then over and again quibbled about whether he was directly or indirectly employed. That is my understanding from his language. I want to be fair with him, and I will quote further from the RECORD. Afterwards I asked:

> On the Senator's own personal knowledge?
>
> Mr. WATSON of Indiana. I do.
>
> Mr. CARAWAY. That Mr. Daugherty did not represent Morse?
>
> Mr. WATSON. I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.
>
> Mr. CARAWAY. Did he indirectly represent him?
>
> Mr. WATSON of Indiana. No.
>
> Mr. CARAWAY. Why did the Senator say, then, that he did not directly represent him?
>
> Mr. WATSON of Indiana. I meant by that that my understanding of the situation is that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

That is absolutely plain. That is what the Senator from Indiana said. Even the Senator from Utah will bear me out now that he denied that the Attorney General had anything to do with getting Morse out of the penitentiary, did he not?

Mr. SMOOT. I never made any statement that he did not.

Mr. CARAWAY. Then I misunderstood the Senator from Utah. The Senator from Ohio evidently had not read this. I would not want to misrepresent the Senator from Indiana, and I will read it again. The Senator from Indiana said:

> I meant by that that my understanding of the situation is—

And he said he obtained his information from conversations with the Attorney General—

> that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

That was the statement of the Senator from Indiana, was it not? I am sure the Senator from Ohio will bear me out in that.

Mr. WILLIS. I have no doubt the Senator from Arkansas has read correctly.

Mr. CARAWAY. But the Senator from Ohio had overlooked what I have just read.

Mr. WILLIS. I had not overlooked it. I merely want to straighten out the controversy between the Senator from Arkansas and the Senator from Indiana.

Mr. CARAWAY. I thought the Senator from Ohio said that the Attorney General did not have anything to do with it.

Mr. WILLIS. I did not say anything of that kind.

Mr. CARAWAY. I thought the Senator from Ohio said that the Senator from Indiana said—but I will not quote the Senator from Ohio because he said he did not know anything about it.

What I have read was the positive statement of the Senator from Indiana, that the present Attorney General had nothing to do with it, and he said that that statement was based upon a statement made by the Attorney General to him.

The Attorney General, however, gave out an interview in 1917, in which he said that he obtained the pardon; that others had failed, but that he had succeeded. It is true he said in that instance that he wanted to use Mr. Morse as a witness to help straighten out some matters, or rather, to get the advantage of his business genius to help him straighten out some matters before Morse should die in the week or 10 days that he had to live; but now comes the bosom friend of the Attorney General, a man who can not sit still when anything is said against the Attorney General, a man who knows all the facts, a man to whom the honor of the Attorney General is so sacred that if anybody says anything about him he is going to settle with him later—and I am perfectly willing—and says that I was employed, that I got the pardon, advised and assisted by the present Attorney General.

Mr. WILLIS. Mr. President, will the Senator state again to the Senate his opinion of the reputation of the man to whom he has referred by name for truth and veracity? Does he believe him?

Mr. CARAWAY. His reputation is that he was a common liar, but his relations with the Attorney General are so close that he can not stand to hear him mentioned without rushing to his rescue. They are bosom friends, and the Attorney General in his interview said he was his associate. If the Attorney General wants to select that sort of people for his representatives and his associates, both socially and professionally, the Attorney General is entirely at liberty to choose his friends where he will. I do not care as to that; I am not an applicant for a seat in the circle.

Now, I wish to say in conclusion——

Mr. MOSES. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. CARAWAY. Yes, sir.

Mr. MOSES. The Senator has been commenting upon a letter received by him. I did not get the name of the signer. Will the Senator give it?

Mr. CARAWAY. I will, and I will say he could have been mighty useful to the Senator when he was organizing Georgia some years ago. His name is Thomas B. Felder. I will put the letter in the RECORD, so that there may be no question about it.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

MAY 3, 1922.

Hon. T. H. CARAWAY,
United States Senate, Washington, D. C.

DEAR SIR: It is inconceivable to me that a Senator who fairly represents the people of the great State of Arkansas could under even the temptation of partisan politics assail a distinguished member of the official family of the President of the United States. The statement made by you that Charles W. Morse ever at any time or under any circumstances paid Hon. Harry M. Daugherty $25,000 to get him out of the penitentiary is absolutely without any foundation in fact.

At the time Charles W. Morse was serving a sentence in the Atlanta penitentiary I was a member of the Atlanta (Ga.) bar. I was attorney for Fred L. Seeley and his interests, including the Atlanta Georgian. Mr. Seeley was essentially a philanthropist. He became sentimentally interested in the fate of Charles W. Morse. He employed me to examine fully the case and to determine if upon the merits he was entitled to Executive clemency. I reached the conclusion that the penalty was excessive, in view of the fact that the court of appeals had reversed the lower court on several of the counts in the indictment. I was requested to proceed with the case.

I told my client that the case was a very important one; that my acquaintance in official circles was circumscribed; that I knew an attorney in Columbus, Ohio, with whom I had been associated both personally and professionally, who possessed in an eminent degree not only ability but character, which entitled and gave him the confidence and respect of officials who had to do with the case. He authorized me to employ him. We proceeded with the case.

Morse was pardoned. I, as leading counsel in the case, directed step by step the policies pursued by and with the advice of my associate. If anything irregular was done, I am solely responsible. If anything irregular is charged to me by anyone at any time, I will take care of that situation. I dislike to take part in political bickerings and wranglings. I like a calm, placid life, but I have sat mute and listened to the vile and baseless insinuations uttered against this great and good man, whom I personally know would not under any temptation so far forget either his manhood or his honor as to do an unethical, much less corrupt, professional act. I feel that even without his consent I must break the silence.

Very truly yours,

THOS. B. FELDER,
165 Broadway, New York City.

Mr. MOSES. Mr. President, the Senator has a very poor opinion of the writer of the letter, I assume——

Mr. CARAWAY. I have.

Mr. MOSES. Because of his reputation as a common liar and because he has been active in trying to prevent the enactment of child-labor legislation, if I correctly understood the Senator.

Mr. CARAWAY. I said that was to his discredit.

Mr. MOSES. That is to the discredit of any person.

Mr. CARAWAY. Well, I think any lobbyist has a very poor job. A man who goes around lobbying may be an entirely respectable citizen in some sections, but I do not take to him kindly myself.

Mr. MOSES. I will call the Senator's attention to the fact that if the opposition to child-labor legislation is reprehensible, he may gain some very valuable information if he will turn to a roll call in the Senate on the 18th of December, 1918, which is recorded on page 629 of the RECORD. On that roll call 12 votes are recorded in the negative, which may be worthy of his study.

Mr. CARAWAY. Yes; and they will be worthy of the Senator's study.

Mr. MOSES. I was here at the time.

Mr. CARAWAY. I know the Senator was. I voted for the child-labor law myself, but other Members on both sides of the House of Representatives, where I then served, were opposed to it because they thought it was unconstitutional, and unfortunately the Supreme Court agreed with them. They had taken an oath to support the Constitution, and some people feel bound by oaths—others do not.

Mr. MOSES. Mr. President, I may call the attention of the Senator to the fact that the measure to which I have reference was not the child-labor law for which the Senator from Arkansas voted and which the court held unconstitutional.

Mr. CARAWAY. I know nothing about it, then.

Mr. MOSES. I refer to the amendment to impose a special tax upon the products of child labor.

Mr. CARAWAY. That act has not as yet been passed upon by the Supreme Court.

Mr. MOSES. The vote was 50 to 12 in favor of it, and all of the 12 negative votes happened to come from the side of the aisle which the Senator is ornamenting. It may be interesting to him to know that.

Mr. CARAWAY. It might be interesting to know that those on this side of the aisle have been the ones who thought the Constitution ought to be upheld.

Mr. MOSES. Including the fourteenth and fifteenth amendments?

Mr. CARAWAY. I want to ask the Senator from New Hampshire a question. Does he think Felder is a man who ought to be believed?

Mr. MOSES. I do not know him at all; I have taken the Senator's word for it.

Mr. CARAWAY. Do not do that.

Mr. MOSES. I recognize, of course, that the Senator is an authority on such matters, and I take the Senator's word about a constituent from his neighborhood.

Mr. CARAWAY. Well, he used to be in my neighborhood, but his reputation grew so unsavory that he moved up the Senator's way, where the company would be more congenial.

Mr. MOSES. He has not as yet happened to come within the circle of my acquaintance.

Mr. CARAWAY. You will meet him; do not be impatient. [Laughter.]

Mr. President, I started to say—and I hope I shall be able to do so—that I do not care to discuss personal differences. In the controversy that has now grown up concerning the Attorney General it was not my intention to repeat anything except what I understood was of common reputation and undisputed fact. The charge against the Attorney General was not made by me. It had been published over and over again, and, as I have been able to show from the newspapers, the Attorney General admits the charge. He had taken the credit for his performance, whatever it amounted to, long years ago. The mere mention of it, however, met with a storm of protest, as if it were a new charge which I had dragged to light. Since it has been repeated and denied I find that it is true, and have so shown.

Permit me again to express the hope that the Attorney General—and I rather believe he will, for the Senator from Ohio, for whom I have great respect, tells me that Mr. Daugherty is a man without fear and of personal integrity, and therefore I know he does not want to leave his friend the distinguished Senator from Indiana [Mr. WATSON] embarrassed—will make a full statement admitting he had misled the Senator from Indiana, so that the Senator from Indiana, for whom I have the very greatest respect and liking, will not be subjected to criticism for having repeated the statement the Attorney General had made to him.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, recurring to the item of boric acid in the bill, I believe that some reason should be given for the action of the majority of the Senate committee. I observe that the chairman of the committee is not present at this time; but, inasmuch as he and the Senator from Utah were conferring just before the Senator from North Dakota left the Chamber, I presume that the Senator from Utah will be able to give us the information, and if he has any information on the subject I think it should be given.

I therefore ask the Senator from Utah to tell us why the Finance Committee took the action which it did take regarding this item, boric acid.

Mr. SMOOT. Mr. President, I will say to the Senator from New Mexico that the Senator from Utah and the Senator from North Dakota were discussing another subject matter.

The Senator complains because of the fact that in the report of the committee this item was not mentioned, and therefore, he says, the Senate knows nothing about it. I wonder if there ever was a report made by any committee on a tariff bill where there were thousands of amendments that mentioned every item and gave the reason why all the changes were made. The report is long enough as it is; but if the committee had made a report of that kind we would have not one volume but a good many volumes to present in a report. This, however, is an item that can be discussed in a very few words and the reasons given why the Finance Committee of the Senate reduced the rate provided for in the House bill.

Briefly, I will say to the Senator, the reasons are these:

In my opinion we can make boric acid in this country as cheaply as it can be made anywhere in the world. Ninety per cent of all the boric acid that is shipped into the United States comes from Italy, and they can make it about as cheaply—not quite as cheaply, I think—as we can make it in the United States, although at times the cost is about equal, and I think with the depreciated currency to-day they may have a little advantage over the producer in the United States. In normal times they would not have any advantage, and America could hold her own if the product were on the free list. The Payne-Aldrich Act placed a rate of duty of 3 cents a pound on boric acid; the Underwood Act placed a rate of duty of three-fourths of a cent a pound on it. In the latter case it was purely a revenue measure, without a question of doubt. The rate that the Senate has put in here will be purely a revenue measure if this bill is on the statute books a year or two.

I will say to the Senator from New Mexico now that I do not believe the industry would be destroyed at all if boric acid went on the free list, but if we can raise some money in this way by Italy shipping boric acid into this country at certain points where it does not have to be reshipped and where the freight rate enters into the question I think we ought to have this little revenue from it. Frankly, I will say to the Senator that that is what this is, and nothing more nor less.

Mr. JONES of New Mexico. Mr. President, I think the Senate is entitled to this information; but nothing was tendered by any member of the committee before the matter was submitted for a vote, and I can not understand why this duty should have been imposed upon this commodity under all the information which was presented to the Senate Finance Committee.

I do not know yet how the Senator from Utah or the other members of the committee reached the conclusion that this was a mere revenue duty. There is no testimony on the subject, either as to the cost of production in this country or as to the cost of production in Italy.

Mr. SMOOT. I will say to the Senator that the reason is that no producer of the article cared whether the duty was 3 cents or 2 cents, and I do not think they cared whether it was 1½ cents. Nobody was here asking for a reduction or for an increase. Nobody appeared here upon it, and we did not expect anybody to appear.

Mr. JONES of New Mexico. Mr. President, I think I shall show before I conclude that somebody did appear.

Mr. SMOOT. Before the Finance Committee?

Mr. JONES of New Mexico. Not before the Finance Committee, but before the Committee on Ways and Means in the House, all of which hearings have been referred to by the members of the Finance Committee from time to time when they have been seeking some light upon the subject.

Mr. SMOOT. Does the Senator want the Senate to reject the amendment and have the House provision adopted?

Mr. JONES of New Mexico. No, Mr. President; I do not want that. What I do want is to leave the duty upon this item just where the law puts it to-day, because I do not think it can be shown that any just reason has been given for increasing this duty 100 per cent.

Mr. SMOOT. I suppose the Senator refers to the brief of the Italian Chamber of Commerce before the House committee.

Mr. JONES of New Mexico. Yes; I am going to refer to that. I desire now to present some information regarding this subject myself.

This product, boric acid, is a commodity that is used in many ways in the United States. The production of it is quite large, and its use is rather common, and I think I shall read what the Tariff Commission has to say about it.

The first reference to it in the report of the Tariff Commission is that—

> Boracic acid, or boric acid, as it is usually called, is made in the United States from a mineral which occurs abundantly in California. Before the war imports were less than 5 per cent of the American production. Within the last four years a substantial export business has developed.

Further on in the Tariff Commission report the statement is made that—

> Crude borate minerals are mined in the United States, Chile, Turkey, Italy, Peru, Argentina, Bolivia, and Germany. Before the outbreak of the European war the United States produced about one-half of the total world's supply, Chile about one-third, and Turkey about one-tenth. This output of the United States grew rapidly during the war.

Then the report gives the tonnage of this crude borate, beginning with the year 1908 and going down to 1918, showing that the quantity produced increased from 34,430 tons in 1908 to 88,794 tons in 1918.

This industry is controlled by four concerns:

> The Pacific Borax Co., of New York City.
> Charles Pfizer & Co., of New York City.
> The Stauffer Chemical Co., of San Francisco.
> The Thorkildsen-Mather Co., of Chicago.

The information from the Tariff Commission further is that—

> Imports of boric acid have been less than 5 per cent of the domestic production. In 1914 Italy furnished 80 per cent of the imports, 18.5 per cent came from England, and the balance from Germany. Imports of refined borax have been entirely negligible, less than 0.01 per cent of the domestic production.

The imports of boric acid for consumption in the United States from 1909 to 1919 are also given, with the unit value of these imports for consumption. The amount of boric acid imported into the United States in 1909 was 230,968 pounds and in the calendar year 1919 it was 276,795 pounds. The unit value of this product imported in 1909 was only 8 cents a pound, and ranged from 8 to 4 cents for several years, and finally, during the war, it reached 11 cents a pound, and in 1919 it was reduced to 8 cents a pound.

> There are no statistics on exports available. It is, however, known that before the beginning of the European war exports were small and chiefly to the Orient, but that during the war a substantial export business to Europe was developed. The scarcity of ocean shipping has forced the European nations to supply their needs with refined products from the United States rather than with crude borate material from Chile and Turkey.
>
> Although no statistics of production in foreign countries are available, the import and export statistics show that England and France have large manufacturing industries based on imported raw materials. The German statistics do not show the amount of crude materials imported, but do show that imports of borax and boric acid exceed the export of these commodities. Italy exports boric acid made from Italian raw materials, but imports borax.

Mr. President, the price of boric acid in the United States prior to the war was from 7 to 8 cents per pound. The price in Italy, according to the valuation put upon the exports to the United States, was, as I have just stated, around 4 cents per pound, showing that the cost of transportation and the profits which the importers made, and so on, only justified the importation into the United States prior to the war of not exceeding 5 per cent of the American consumption of boric acid, and the American price was kept up to 7 and 8 cents per pound. During the war the price in the United States reached 14 cents per pound. At the present time the price of boric acid ranges from 11½ to 12½ cents per pound, whereas before the war it was from 7 to 8 cents. In other words, the price of that acid now is about 50 per cent or more above the pre-war price. The amount imported was very small, never at any time in excess of 5 per cent of the domestic production.

The only testimony upon this subject was in a brief or communication presented to the Ways and Means Committee from some people in New York City. That letter is most interesting and it makes an appeal for the retention of the present rate of duty on boric acid. It is really a very impressive appeal from one of our allies in the war. It is called "The brief of the Italian Chamber of Commerce in New York," and it reads:

> The Italian Chamber of Commerce in New York is an association of American citizens and business men, incorporated under the laws of the State of New York, representing not only the commercial and industrial class of a community of nearly 4,000,000 of their kinsmen in the United States, of which over half a million are in the city of New York alone, but also the general interests of American firms having trade relations with Italy. This chamber is, therefore, interested in the promotion of commerce and mutual friendly relations between the United States and Italy, as well as in the production and trade of domestic articles and generally in the welfare and prosperity of both countries. It desires to submit to the consideration of your committee in respect to the various sections and schedules of the customs tariff its views and desiderata in connection with their revision, and earnestly hopes that they will receive the attention of your committee. This as Americans we expect, relying upon that spirit of cooperation between the duties of citizenship and the responsibility of legislators that should mark their mutual endeavors to protect and promote the best interests of this country, without forgetting our obligations to those whose pressing needs for help and liberal treatment, enabling them to retrieve, in part at least, their fortunes sacrificed for a just and common cause, we should not be unmindful of on the morrow of battles fought together for the triumph of right and the mutual good. A solidarity of record this, which can not be entirely overlooked, even in such unsentimental work as the framing or revising of a tariff.
>
> The chamber is not unaware of the great difficulties confronting legislators in a tariff revision, particularly now, under such a critical period as that of readjustment from war to peace conditions and after a conflagration of unprecedented magnitude, that has caused the greatest upheaval and strain ever recorded in the economic conditions of practically all nations of the world, and recovery from which can not be, at best, but slow and laborious when the lawmakers intrusted with the serious risk of hastening this recovery are met by an array of most perplexing problems and often left in a quandary of most arduous deliberation. Circumstances like these which, while counseling both conservativeness and prudence in their resolutions, seem at the same time to call more than ever for the sympathy and earnest cooperation of the public in the discharge of their responsible duties.
>
> From the outset this chamber desires to record its conviction, which it confidently believes is shared by your honorable committee, that tariff revision should aim strictly at such purposes as come legitimately within the scope of the tariff, namely, first that of raising revenue by such sober and wise regulation of rates as will secure, with a minimum cost to the Government and the least inconvenience to trade, a satisfactory yield, taking above all good care that the source of revenue be not impaired, since an excessive increase of duty would void this purpose, and next that of offsetting the difference in the cost of production of an article between this and foreign countries. Furthermore, we believe that rather than considering an eventual revision of the tariff to make it serve the purpose of tiding the unavoidable deflation in the prices of commodities, due to the operation of the law of supply and demand in the process of economic readjustment from war to peace conditions, possibility should be afforded between this and foreign nations for entering into such reciprocal agreements regarding their respective commercial relations as would meet with their desires and interests and tend to promote and increase trade between the United States and foreign countries, and thus form an economic cooperation which experience has shown to be of mutual advantage.

Then comes the head "Boric acid, crude and refined borax," and I continue reading from the brief:

> Even under normal conditions the importation of boracic acid of 276 short tons in fiscal year 1914 was a mere trifle against the domestic output of boric products in this country, amounting in that year to 4,292 short tons of boracic acid and 26,501 tons of borax. This is still more true since the war, which has practically eliminated importations, with only 97 short tons to their credit in fiscal year 1918, and 140 and 127 short tons, respectively, in fiscal years 1919 and 1920. Domestic producers are absolute masters of the market, and, notwithstanding their location on the Pacific coast, will easily remain such in future, as transportation through the Panama Canal enables them to land East their output at no higher freights than the imported, while the lower cost of fuel and materials gives them the advantage in an industry where labor has been replaced by machinery to a far greater extent in this country than abroad. There being absolutely no possibility of competition to American industry from the imported product in this line of commodity, this chamber respectfully recommends that the present rates of three-fourths of 1 cent per pound on boracic acid and of one-eighth of 1 cent per pound on refined borax and the exemption of duty for crude borax continue unchanged.

Mr. President, I have read that statement in full for the purpose of showing the attitude in which those people come before the Congress regarding this item of commerce. That is a body representing the business interests in the United States of 4,000,000 people of Italian extraction. They present to us the situation in which the unfortunate countries are following this Great War. They make this appeal, and, so far as I am advised, it is the only article in this entire bill about which a request has been made from that representative association. Evidently it means something to Italy. According to the statement, it can not harm the United States. It will not harm an industry in the United States. The importations have never exceeded 5 per cent. The importations in 1920 were only a few tons.

One hundred and twenty-seven tons is all that has been imported of this boric acid.

The production in this country is over 5,000 tons. It can not affect this industry in the United States, but these people came and presented the situation which affects their country. They are trying to recover from the woeful effects of the recent world-wide conflict, and I want to know whether there is anything in the general situation which would warrant anyone in increasing the duty upon a product where an express appeal is made not to have it increased, and where no satisfactory reason is given for the increase.

The revenue which will be derived from the duty to be levied on this item will be infinitesimal because of the very small quantity which can be imported. The great deposits of the crude material are in the United States, and the process of refining is simple and inexpensive. The commodity is produced by only four corporations in this country. There is no evidence of competition between them. All indications are otherwise. To increase the present duty 100 per cent, as the committee proposes to do, will obstruct the small importations which have been coming in and enable the American producers to maintain present prices, which are 50 per cent above pre-war prices, or more probably enable them to raise still higher the price of the enormous quantity sold to the consumers.

I have here the statement regarding our trade with Italy, and I desire to just call attention to it, and I think it will appear that this country is not in danger of being flooded with commodities from Italy. Our imports from Italy in 1918 amounted to $24,340,000. In 1919 they were $59,060,000. In 1920 they were $75,356,000. In 1921 they were $62,000,000. Certainly that was not a great flood of importations from Italy into the United States, but Italy has been one of our best customers. In 1918 we exported to Italy $492,174,000. In 1919 we exported $442,676,000. In 1920 we exported $371,762,000. In 1921 we exported $215,462,000.

That shows, Mr. President, that while we have been importing from Italy a very small amount, our exports to Italy have been in large amounts. It is true they are diminishing, and the reason they are diminishing must be evident. They are no longer able to buy the commodities from the United States, and that is one of the reasons why this association from New York appealed to the American Congress to permit this duty to

remain as it is, because they wanted to exchange some of their commodities for the commodities of the United States.

To my mind that appeal is a most pitiful one. Unquestionably this item means something to the people of Italy, else that great association, representing business interests in this country and in Italy, representing the welfare of 4,000,000 people of Italian extraction living in the United States, would not feel that it is of such importance that they would come before Congress and ask that the duty remain as it is. Instead of granting that appeal, that prayer, if you please, while the House increased the duty about 175 per cent, the Finance Committee of the Senate feels that it is doing the righteous thing by increasing the duty only 100 per cent. That is the answer which the Senate Finance Committee sends to New York to these people who are pleading for an exchange of commerce between this country and the rest of the world, where the production in the United States will not be injured. There is no claim here that it will be injured. This increase of duty is the only response to that touching appeal which comes to us, echoing the cry from Italy, from those people who turned the tide on the Piave during the World War, who sacrificed their blood and their resources that, jointly with us, there should be brought about the successful conclusion of the war. That is the appeal which they make, and the only answer is that we will increase the duty 100 per cent.

Mr. President, I think it advisable that there be put into the RECORD the other industries which will be affected by slowing up or diminishing importations from Italy. The impression has gone abroad, and it is doubtless quite prevalent in the United States, that the only industries interested in foreign trade are the farming industries of the country. I want that impression to be gotten out of the minds of the people of the country. It is true that our exports of food products are quite large, but the exports of material for manufacture in foreign countries and the exports of manufactured products each are substantially as large as the exports of food products. There is a great variety of manufactured products sent to Italy. I want to call attention to just a few.

We start in with a lot of agricultural implements; brass; breadstuffs. Then come machinery, airplanes, automobiles; cars, freight cars and passenger cars; bicycles, tricycles, and motor cycles; a lot of acids; dyestuffs; coal and coke; copper of different kinds; cotton; earthen, stone, and china ware; electrical machinery; fertilizers; iron and steel products, pig iron, ferromanganese; bar iron; bars and rods of steel; wire rods, billets, ingots of steel; bolts, nuts, rivets, washers; car wheels; chains; cutlery; razors; enameled ware; locks and hinges; hardware, hooks; machinery of different kinds; adding and calculating machines; air-compressing machinery; cash registers and parts of; elevators and elevator machinery; engines and parts of, combustible and otherwise.

Then come other iron and steel products, excavating machinery, lawn mowers, metal-working machinery, machined tools, mining machinery, printing presses, pumps and pumping machinery, sewing machines, shoe machinery, textile machinery, typesetting machines, typewriting machines, woodworking machinery, and various other classes of machinery commodities; leather goods; meat and dairy products; and various other classes of commodities of which a surplus is produced in this country.

Mr. President, as an appendix to my remarks I desire to insert a statement showing the various classes of exports which we send to Italy. It is the latest statement I could obtain regarding those exports. The data have been compiled by the Tariff Commission and show the various items of our exports to Italy during the year 1921 covering this great class of commodities. I desire to have that inserted at the close of my remarks upon this subject.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, it is so ordered.

Mr. SMOOT. Mr. President, in the different items which the Senator mentioned I did not hear him name those which make up the bulk of the amount, because they are nearly all agricultural products, such as wheat and cotton.

Mr. JONES of New Mexico. I have had appended to my remarks the entire list, including both the quantity and the value.

Mr. SMOOT. But the value is generally largely based on agricultural products which they purchase from us.

Mr. JONES of New Mexico. While of course the agricultural products are large, yet I am not so certain about the Senator's statement. Of course they get a great deal of meat products from this country.

Mr. SMOOT. The wheat alone is $91,054,023, and wheat flour is $32,728,716.

Mr. JONES of New Mexico. The list will appear as a part of my remarks. The Senator, however, should not minimize the importance of this trade with Italy, because our principal exports to Italy are products of the farm. But I was calling attention to the fact that the manufacturing interests of the country are as much concerned substantially about the export trade of the country as are the food producers of the country. If the Senator wants to get some information regarding this international trade as a whole as related to the different commodities, I will repeat what I stated in the Senate a few days ago from the list which was published in the CONGRESSIONAL RECORD.

In 1920 the exports of foodstuffs amounted to $1,861,000,000; the exports of manufacturing materials for that same year were $1,852,000,000, and the exports of manufactured products ready for use for that year were $1,807,000,000. There were the three great divisions of the export trade just about equaling each other.

In 1921 the exports of the food products amounted to $1,283,000,000, the exports of manufacturing materials $991,000,000, and the exports of manufactured products $899,000,000. They are just about on a parity so far as the export trade is concerned. That was figured out, as the Senator doubtless remembers, by the statistician for the City National Bank of New York, Mr. Austin.

Mr. SMOOT. Does the Senator say that exports to Italy were that much, or all of our exports?

Mr. JONES of New Mexico. All of our exports, of course.

Mr. SMOOT. I was speaking only of those to Italy.

Mr. JONES of New Mexico. I gave the amount of our exports to Italy, I think, while the Senator was for the moment out of the Chamber. But it should be remembered that exports to Italy—I will call the attention of the Senator to that again—in 1918 were over $462,000,000, while our imports from Italy were only $24,000,000, or only about 5 per cent as much imported as was exported.

Mr. SMOOT. That was on account of shipping facilities.

Mr. JONES of New Mexico. In 1919 our exports to Italy were $442,000,000 and our imports from Italy $59,000,000. In 1920 our exports to Italy were $371,000,000 and our imports only $75,000,000. In 1921 our exports to Italy were reduced to $215,000,000 and our imports were reduced a little also. We only imported $62,000,000 from Italy in 1921.

So, Mr. President, we should encourage this international exchange of commodities, especially where it will not interfere with home production. On the one item which is under consideration it is admitted by everybody that there is no danger of interfering with home production. We have a touching appeal here from the representatives of Italians, naturalized Americans, who yet retain affection for their mother country, and in response to their appeal to allow the tariff on this item to remain where it has been, the Senate committee answers with an increase of 100 per cent, and that in the face of these large exports to Italy and our relatively small imports from Italy. That is the situation and I do not believe the people of this country will tolerate it.

I have here the monthly letter of the Alexander Hamilton Institute, of New York City, giving a review of general business conditions, and I find this statement regarding trade indicators. It refers to the monthly exports of iron and steel. I think the statement gives the March figures, because it is dated April, 1922. I have not the exact date for which the figures are given, but I assume they are for the month of March.

The monthly exports of steel and iron in the corresponding month a year ago amounted to $137,000,000; in the corresponding month six months ago they had been reduced to $27,647,000. In the preceding month, the month preceding that in which the letter was written, the exports of iron and steel were $29,592,000, and in the month covered by the report had been reduced to $15,149,000. The exports of steel and iron have been reduced from $137,000,000 a year ago to $15,000,000 at this time.

The merchandise exports monthly show this situation: That in the corresponding month a year ago they amounted to $486,000,000; six months ago they amounted to $367,000,000; one month ago to $279,000,000, and, according to the last monthly report, they were $250,000,000; while our imports remained substantially the same for each of those months.

For the corresponding month a year ago the exports of merchandise, I repeat, amounted to $480,000,000; six months ago they amounted to $195,000,000; for the preceding month they amounted to $216,000,000; and, according to the latest report, they amounted to $217,000,000.

That shows, Mr. President, the very definite trend of our commerce; it shows that our exports are rapidly diminishing, while our imports are remaining comparatively the same. There

can be but one reason why our exports are diminishing in such degree and why our imports are practically remaining stationary. The reason may be attributed to the fact that after the World War our Government was loaning money abroad—though not a year ago, it is true. Then commercial interests took up the question of extending credits, and did extend credits by the billions of dollars. I have seen the estimate made that private credits extended to the rest of the world by interests and people in the United States amount to about $5,000,000,000. Last year there were floated in this country about three-quarters of a billion dollars of funded securities from foreign countries. Those foreign securities are being put upon the market of the United States every week. Just a few days ago $100,000,000 of Canadian bonds were floated in the American market. In every commercial report is found a statement of bonds issued by nearly every country in South America and by every country in Europe which is entitled to credit.

They have all come to the United States to get credit, and as they secured credit they bought our goods; but notwithstanding the huge offerings of foreign credits here and their absorption by the American people our exports have been gradually diminishing, until this year our exports of merchandise have decreased about 50 per cent—from $486,000,000 in the month a year ago to $251,000,000 in the month last reported. That is what is happening. It is affecting not only the food producers of this country, but it is affecting the manufacturers of the country as well.

When Senators talk about increasing wages and also the products of the manufactories, it can only be as to a certain few which are not affected by the export trade; but if we stop our exports we are going to bring unemployment to the people who labor in the exporting manufactories of the country. That is what is going to happen. The existing condition can not last much longer. Some attention must be paid to the export trade.

I am perfectly willing that full consideration may be given to the support of our domestic industries so far as it may be done, but the Senator from Utah [Mr. SMOOT] and all other Senators must know that the levying of a tariff, whether big or little, does not tend to encourage exports. I agree with the association of Italians in New York that we ought to look at this matter in a spirit of reciprocity; that we ought to aid the restoration of the world, so far as it may be done, if it will not materially injure ourselves. We must build up the foreign market if this country is to be prosperous; but we can not restore prosperity here and at the same time build up a wall around the United States and decline to permit the importation of certain commodities.

Mr. President, I have been very much interested in a recent questionnaire of the National Chamber of Commerce. The National Chamber of Commerce, I presume, is composed of more different business interests in this country than were ever brought together at any other time into one association. Quite frequently that association sends out questionnaires for the purpose of obtaining the opinion of the business men of the United States regarding public questions.

A couple of months ago in the issue of the paper from which I shall now read, the March, 1922, issue of the paper called The Nation's Business, which sets forth what that chamber of commerce did, there were six propositions submitted. I only desire to refer to two of them. One was:

> Reasonable protection for American industries subject to destructive competition from abroad and of benefit to any considerable section of the country.

The next was:

> The principle of maintenance and encouragement of our export trade should be observed in tariff legislation so far as consistent with protection of American industries of benefit to any considerable section of the country and subject to destructive competition from abroad.

That is the first time that that measure of a tariff has been announced, so far as I know. We have heard various other standards put forth for the fixing of tariff rates. The difference between the cost of production at home and abroad has been the one most dwelt upon. It has been the one which has been advanced here during the discussion of the pending bill. That difference in cost has been ascertained by the majority of the Finance Committee, according to my notion, in a very uncertain and precarious fashion; the committee has no definite information on which to proceed; but here is another element added by the members of the National Chamber of Commerce; and that is that a duty should be levied for the purpose of protecting the industries which are threatened with destruction from abroad. That is the standard which the chamber of commerce now presents; and I should like to call attention to the vote upon that. The vote on it was 1,852½ for, and against it but 24½.

Remember that that is the standard for the fixing of the tariff according to the vote of the National Chamber of Commerce. An industry must not only be subject to destructive competition from abroad, but the industry must be a benefit to a considerable section of the country. That is something new in tariff legislation, so far as I know. The National Chamber of Commerce insists that two things shall occur: That the industry shall be a benefit to a considerable section of the country, and that protection shall be used for the purpose of preventing destruction. Why have they added those two new elements? They have done so because they have realized, as I have tried to point out, the absolute necessity of doing something to foster our export trade; to enable the countries of the remainder of the world to purchase the things of which we produce a great surplus. That is what they say in the other question. Mark the standard laid down by the National Chamber of Commerce:

> The principle of maintenance and encouragement of our export trade should be observed in tariff legislation so far as consistent—

With what?

> with protection of American industries of benefit to any considerable section of the country and subject to destructive competition from abroad.

The vote upon that question was 1,804½ for it and only 57½ against it.

The Chamber of Commerce, composed of business interests throughout the country, had vision enough to see this situation. So far as this bill is concerned there does not appear anywhere anything which is calculated even to sustain, much less promote, our foreign commerce.

We have the farmers of the country appealing for a market for their wheat, for their corn, for their meat; we have some of the mining interests of the country appealing for a market for copper, and the manufacturers appealing for a market for machinery and for various other commodities which enter into our export trade. The export trade is diminishing almost every day, and nothing under the sun can help it or even sustain it unless we shall bring about an exchange of commodities. This thing of extending credits indefinitely to the rest of the world can not continue.

Mr. President, as I have said, there is nothing in this bill which tends to promote this trade. There is nothing said in the report anywhere on that subject, but the chairman of the Finance Committee undertook to indicate what he expected would result from the passage of this bill. I want to read just a few words from what he said in his opening speech presenting this bill.

After contending that we should sustain the manufacturing interests of the country, and that we could do it only by a drastic protective tariff, he referred to this surplus of farm products. He did not refer to the surplus of manufactured products, but here is what he had to say:

> Our soil to-day produces more than the American public consumes. The depressed prices of agricultural products are due to our surplus, augmented, of course, by the Old World bankruptcy.

What does that indicate should be done?

> What the farmer needs is the greatest number of consumers of his product. If he can make the home consumption greater than the home production, even though the deficit does not exceed 1 per cent, then, with a proper tariff wall, he can secure a just price for his product.
>
> For the most part, wheat is a drug on the American market. As stated by President Harding in his address to the Congress, a bumper crop of wheat in the United States often brings in less cash to the farmer than a very much smaller crop. We want more acres of farm land planted to other products. We want to encourage the farmers in this country to sow millions of acres to flax, to hemp, to onions, to beans, and other such products. * * * We want to reduce the wheat surplus.

Mr. President, those are the consoling recommendations which come to us from the chairman of the Finance Committee in presenting this bill. What he would do with regard to the surplus of wheat would be simply to compel the farmers of this country to quit producing wheat, and he tells them in a very complacent manner to quit producing wheat until the amount is so reduced that there will not be quite enough for the consumers of this country, to quit producing wheat and go to growing flax. That is what he would do, and that is his only message of condolence to the people of this country—that they must quit growing wheat and go to growing flax. That is his message to the meat raisers of this country—quit raising meat and go to raising flax. That is his message to the copper producers of this country—quit producing copper; go to raising flax. That is his message to all these thousands of employees in the great industries of this country of every kind which produce a surplus—to quit producing their surplus and go to raising flax. That is what he says to the cotton producers of this country: "Do not produce a surplus. Let us build around this great United States a tariff wall. Let us produce only enough of these commodities to satisfy home consumption. Let us isolate ourselves from the rest

of the world. Let our cotton producers stop raising cotton and go to raising flax."

That is the consolation which is brought to us here by the chairman of the Finance Committee. That is what this bill means. Take up that speech, rendered here deliberately, prepared in advance, doubtless every word studied, read in the Chamber, and that is the consolation which this country receives: "If you can not produce copper, raise flax. If you can not find a market for your surplus of anything else, raise flax." My humble judgment is that if this bill becomes a law, instead of these people raising flax they are going to raise—fire and brimstone for the supporters of this bill.

APPENDIX.

Exports to Italy.

	Quantity.		Value.	
	1920	1921	1920	1921
Aircraft:				
Wheels, emery and other			[illegible]	800,800
All other			73,110	22,[illegible]
Agricultural implements:				
Hay rakes and tedders			37,706	16,076
Mowers and reapers			235,805	55,486
Plows and cultivators			365,[illegible]	70,[illegible]
All other			713,[illegible]	[illegible]
Parts of			146,[illegible]	[illegible]
Aluminum:				
Ingot metal and alloys, pounds	[illegible]	[illegible]	187,210	93
All other manufactures of			5,179	[illegible]
Art works: Painting and statuary			179,297	[illegible]
Asbestos:				
Ore and unmanufactured ...tons	90		71,736	
Manufactures of			46,529	17,433
Brass:				
Bars, plates, sheets, etc. ...pounds	100,100	16,[illegible]	20,175	10,404
All other manufactures of			57,775	29,706
Breadstuffs:				
Bread and biscuit...pounds	[illegible]	8,224	30,941	2,[illegible]
Corn...bushels		[illegible]		191,421
Corn meal and corn flour ...barrels	1	2,233	9	10,910
Cereal preparations			25,877	11,767
Rice...pounds	135,474	1,139,668	17,[illegible]	[illegible]
Rye...bushels	2,415,084	1,131,693	4,612,682	2,040,087
Wheat...do	32,110,039	80,942,467	85,368,226	96,118,832
Wheat flour...barrels	1,460,249	26,122	14,115,[illegible]	262,363
All other breadstuffs			1,103	5,366
Cars, automobiles, and other vehicles:				
Automobiles and parts of—				
Commercial—chassis ...number	36	2	57,[illegible]	[illegible]
Passenger—				
Complete cars ...number	286	21	386,923	[illegible]
Chassis...number	[illegible]	4	206,349	4,375
Parts of, not including engines and tires			372,[illegible]	[illegible]
Cars for railways—				
For steam railways, freight and other, number	2,[illegible]		4,[illegible]	
Parts of, except car wheels and axles			822,517	1,991
Bicycles, tricycles, etc			174,[illegible]	16,699
Motorcycles...number	2,281	271	652,460	173,316
All other vehicles and parts of			136,917	[illegible]
Celluloid, and manufactures of			535,[illegible]	[illegible]
Chemicals, drugs, dyes, and medicines:				
Acids			379,965	1,444
Alcohol, wood...gallons	75,[illegible]		35,197	
Coal-tar distillates, n. e. s.—				
Benzol...pounds	4,961,878	[illegible]	357,[illegible]	[illegible]
All other			220,[illegible]	
Dyes and dyestuffs—				
Aniline dyes			583,[illegible]	45,088
Logwood extract			[illegible]	8,723
All other			275,149	[illegible]
Formaldehyde (formalin)			144,[illegible]	26,057
Glycerin...pounds		116,918		17,270
Infants' food			35,753	[illegible]
Lime, acetate of...pounds	3,841,128		73,916	
Medicinal and pharmaceutical preparations			34,053	[illegible]
Petroleum jelly, etc			65,492	18,[illegible]
Potash			198,163	
Roots, herbs, and barks			[illegible]	53,816
Soda—				
Caustic...pounds	21,107,194	7,626,851	[illegible]	[illegible]
Soda ash...do	21,313,[illegible]		[illegible]	
All other salts of			320,114	16,457
All other chemicals			[illegible]	67,812
Chewing gum			28,[illegible]	[illegible]

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Coal and coke:				
Coal—				
Anthracite...tons	4,862	155	[illegible]	31,900
Bituminous...do	2,387,734	1,549,480	21,070,535	11,728,479
Coke...do	730	500	14,400	4,000
Cocoa and chocolate, prepared or manufactured (not including confectionery)			150,797	2,062
Coffee, green...pounds	2,013	[illegible]	880	26,[illegible]
Copper:				
Refined copper in ingots, bars, or other forms...pounds	918,892	[illegible]	[illegible]	2,219,847
Composition metal...do	36,[illegible]		17,271	
Pipes and tubes...do	173,540		85,023	
Plates and sheets...do	150,[illegible]	44,775	51,574	11,123
Wire, except insulated...do	1,221,570	114,472	298,[illegible]	24,437
All other and manufactures of			23,139	149,193
Cotton:				
Unmanufactured—				
Upland and other ...pounds	262,170,131	378,798,767	[illegible]	47,768,283
Linters...pounds	[illegible]	[illegible]	[illegible]	[illegible]
Manufactures of—				
Cloths—				
Unbleached...yards	112,767	139,600	23,415	14,175
Bleached...do	147,754	19,408	37,047	2,266
Mill waste...pounds	2,990,914		[illegible]	
Rags (except paper stock)...pounds	[illegible]		27,051	
Thread, sewing, crochet, etc			10,671	
Wearing apparel—				
Corsets			17,903	
Knit goods (hosiery) ...dozen pairs	243,113	28,050	754,765	[illegible]
All other manufactures of			166,[illegible]	44,519
Dental goods			15,942	1,935
Electrical machinery and appliances (except locomotive):				
Carbons			52,644	138
Dynamos or generators			364,589	133,772
Insulated wire and cables			126,109	107,670
Interior wiring supplies (including fixtures)			23,[illegible]	2,[illegible]
Lamps, incandescent, metal filament...number	[illegible]	11,[illegible]	80,561	4,772
Magnetos, spark plugs, etc			142,[illegible]	2,108
Meters and measuring instruments			101,554	16,[illegible]
Motors			406,366	[illegible]
Rheostats and controllers			25,[illegible]	20,125
Switches and accessories			32,[illegible]	68,180
Telephones			131,791	[illegible]
Transformers			29,[illegible]	[illegible]
All other			1,331,578	[illegible]
Explosives:				
Cartridges, loaded			12,[illegible]	[illegible]
All other			178,[illegible]	[illegible]
Fireworks			[illegible]	77,670
Fibers, vegetable, manufactures of:				
Bags			[illegible]	[illegible]
Twine, binder...pounds			99,773	
All other manufactures of			[illegible]	753
Fish:				
Dried, smoked, or cured—				
Cod, haddock, hake, pollock...pounds	2,778,428	346,714	393,631	27,432
All other...do	[illegible]	[illegible]	30,133	[illegible]
Salmon, canned...do	[illegible]	24,375	31,107	[illegible]
Canned fish, except salmon and shellfish			73,166	16,190
All other fish and fish products			[illegible]	[illegible]
Fruits:				
Apricots, dried...pounds	6,500	39,996	2,536	[illegible]
Prunes, dried...do	[illegible]	372,[illegible]	[illegible]	[illegible]
All other fruits			16,375	7,351
Furs, and fur skins, and manufactures of			[illegible]	7,199
Glass and glassware:				
Bottles, demijohns, carboys, and jars			25,[illegible]	1,073
All other			22,084	84,635
Glucose (corn sirup)...pounds	9,032,222	1,420,105	[illegible]	42,253
Glue, animal...do	[illegible]	645	13,187	213
Gold and silver manufactures, including jewelry			15,[illegible]	[illegible]
Grease:				
Lubricating			[illegible]	96,021
Soap stock and other			473,[illegible]	238,972
Hats, and materials for			[illegible]	[illegible]
Hides and skins (except fur skins) raw:				
Cattle...pounds	115,700	3,609	[illegible]	[illegible]
All other...do	1,[illegible]	[illegible]	[illegible]	150
Household and personal effects			[illegible]	[illegible]
India rubber, manufactures of:				
Shoes...pairs	110,[illegible]	5,[illegible]	104,971	4,557
Druggists' rubber sundries			[illegible]	1,[illegible]

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
India rubber, manufactures of—Continued.				
Tires—				
For automobiles—				
Casings			[illegible]	$24,700
Inner tubes			[illegible]	410
All other			14,735	245
All other manufactures of			91,[illegible]	40,161
Ink, printers' and other			14,728	95
Instruments for scientific purposes			[illegible]	15,039
Iron and steel:				
Pig iron...tons	[illegible]	[illegible]	1,[illegible]	7,200
Scrap and old, for remanufacture...tons	1,726		[illegible]	
Bars, or rods of steel—				
Wire rods...pounds	8,712,844		[illegible]	
All other...do	4,838,367	2,047,865	[illegible]	85,851
Billets, ingots, and blooms of steel...tons	21,100	[illegible]	1,[illegible]	72,273
Bolts, nuts, rivets, and washers...pounds	810,457	[illegible]	[illegible]	450
Car wheels and axles			365,111	
Castings, n. e. s.			24,770	1,101
Chains			[illegible]	7,[illegible]
Cutlery—				
Razors, safety			101,962	[illegible]
Table			31,408	401
All other			14,025	905
Firearms			15,642	5,349
Forgings, n. e. s.			[illegible]	4,971
Hardware—				
Builders'—				
Locks			50,[illegible]	6,317
Hinges and other			[illegible]	13,017
Other hardware			[illegible]	7,760
Hoop, band, and scroll, pounds	[illegible]	64,716	24,058	[illegible]
Machinery, n. e. s.—				
Adding and calculating machines...number	1,[illegible]	[illegible]	[illegible]	[illegible]
Air-compressing machinery			160,211	[illegible]
Cash registers and parts of—				
Cash registers, number	185	169	42,409	41,[illegible]
Parts of			2,542	2,014
Concrete mixers			14,126	84,821
Engines and parts of—				
Internal-combustion engines—				
Gasoline—				
Marine, number	212	179	45,452	[illegible]
Stationary ...number	51	40	15,299	7,498
Traction ...number	51		[illegible]	
Kerosene, traction...number	57	1	47,600	[illegible]
Steam engines, locomotives...number	775		4,184,947	
All other engines			16,[illegible]	3,035
Parts of—				
Boiler tubes			205,174	171,195
All other parts of engines			246,817	[illegible]
Excavating machinery			[illegible]	25
Metal-working machinery—				
Lathes			[illegible]	2,972
Other machine tools			[illegible]	65,151
Sharpening and grinding machines			108,218	11,575
All other metal working			589,078	[illegible]
Mining machinery—				
Oil-well machinery			[illegible]	434
All other mining			16,152	23,182
Printing presses			[illegible]	[illegible]
Pumps and pumping machinery			[illegible]	56,433
Shoe-making machinery			[illegible]	1,250
Sewing machines			110,251	10,593
Shoe machinery			98,542	31,198
Textile machinery			336,014	120,615
Typesetting machines			102,[illegible]	47,[illegible]
Typewriting machines			1,862,254	[illegible]
Woodworking machinery			20,575	5,147
All other machinery and parts of			1,891,397	254,003
Nails and wood screws			[illegible]	19,166
Pipes and fittings—				
Cast...pounds	[illegible]	40,[illegible]	15,417	7,698
Wrought...do	7,588,[illegible]	1,896,[illegible]	484,140	124,625
Rails of steel...tons		1,227		[illegible]
Switches, frogs, splice bars, etc			1,970	16,780
Safes...number	17	8	13,204	1,455
Sheets and plates—				
Galvanized...pounds	[illegible]		[illegible]	
Iron...do	[illegible]	[illegible]	1,409	29,125
Steel—				
Plates...do	82,[illegible]	[illegible]	3,131,[illegible]	1,[illegible]
Sheets...do	5,422,[illegible]	1,825,026	251,648	157,856
Ship and tank plate, punched and shaped...pounds	[illegible]	1,000,400	6,825	34,000

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Iron and steel—Continued.				
Stoves and ranges			[illegible]	817,670
Structural iron and steel ...tons	6,736	14,019	[illegible]	674,951
Tin plates, terne plates, and taggers' tin...pounds	[illegible]	14,[illegible]	1,214,116	1,083,131
Tools, n. e. s.—				
Augers, bits, and drills			76,[illegible]	12,974
Files and rasps			242,675	[illegible]
Saws			42,529	6,025
All other			211,[illegible]	61,357
Wire...pounds	471,255	49,106	32,605	3,[illegible]
All other manufactures of iron and steel			[illegible]	192,021
Leather and manufactures of:				
Carriage, automobile, upholstery			[illegible]	13,[illegible]
Glove			20,870	[illegible]
Patent...square feet	8,149,509	827,316	2,234,415	[illegible]
Sole...pounds	19,497	700	14,[illegible]	904
Upper—				
Calfand kip...square feet	904,994	211,812	[illegible]	148,171
Goat and kid...do	1,882,760	182,757	1,400,551	159,665
Cattle sides—				
Grain and finished splits...square feet	1,205,741	155,072	[illegible]	54,[illegible]
Wax, and rough splits ...pounds	[illegible]		11,[illegible]	
All other upper			[illegible]	40,997
All other leather			332,712	[illegible]
Manufactures of—				
Boots and shoes—				
Children's...pairs	5,[illegible]	[illegible]	[illegible]	[illegible]
Men's...do	[illegible]	12,000	1,107,930	71,280
Women's...do	[illegible]	3,240	[illegible]	10,[illegible]
Leather belting, pounds	[illegible]	1,429	[illegible]	2,345
All other manufactures of			318,[illegible]	20,[illegible]
Leather, imitation			[illegible]	[illegible]
Malt...bushels	[illegible]	413,[illegible]	[illegible]	[illegible]
Meat and dairy products:				
Meat products—				
Beef products—				
Beef, fresh...pounds	211,447		[illegible]	
Beef pickled and other cured ...pounds	430,437		[illegible]	4,[illegible]
Oleo oil...do	386,131		[illegible]	60,047
Tallow...do	[illegible]		[illegible]	19,304
Hog products—				
Bacon...do	23,844,911		3,540,134	1,071,[illegible]
Hams and shoulders, cured...pounds	3,236,225		[illegible]	[illegible]
Lard...do	29,153,676		[illegible]	1,512,[illegible]
Pork, canned...do	[illegible]		5,372	
Pork, pickled...do	27,072		5,225	[illegible]
Lard, compounds, etc. ...pounds	[illegible]		[illegible]	4,798
Sausage—				
Canned...do	49,533		26,445	155
All other...do	[illegible]		74,353	[illegible]
Sausage casings...do	1,007,528		131,620	[illegible]
Stearin from animal fats ...pounds	1,675,[illegible]		441,025	[illegible]
All other meat products			[illegible]	[illegible]
Dairy products—				
Butter...pounds	[illegible]		[illegible]	[illegible]
Cheese...do	[illegible]		121,273	15,173
Milk—				
Condensed (sweetened)...pounds	4,124,096		[illegible]	[illegible]
Evaporated (not sweetened) ...pounds	6,547		[illegible]	[illegible]
Powdered (dried) ...pounds	[illegible]		[illegible]	[illegible]
Metals, metal compositions, n.e.s.:				
Babbitt metal...pounds	[illegible]		[illegible]	5,101
All other and manufactures of			[illegible]	14,615
Musical instruments:				
Pianos...number	[illegible]		[illegible]	[illegible]
All other			5,614	2,242
Naval stores:				
Rosin...barrels	[illegible]		595,684	[illegible]
Tar, turpentine, and pitch ...barrels	4,104		[illegible]	[illegible]
Turpentine, spirits of, gallons			[illegible]	[illegible]
Nickel, manufactures of			[illegible]	2,111
Oilcloth and linoleum			38,191	[illegible]
Oils:				
Animal...gallons	[illegible]		[illegible]	[illegible]
Mineral—				
Crude...do	[illegible]		77,121	
Refined or manufactured—				
Fuel and gas oil, ...gallons	55,460,567		[illegible]	1,845,485
Illuminating...do	29,352,088		[illegible]	2,041,580
Lubricating...do	22,981,182		[illegible]	5,096,237
Naphthas and light products of distillation—				
Gasoline, gallons	12,879,426		[illegible]	1,595,247
All other...do	20,557,778		[illegible]	2,043,411
Residuum...do	1,767,462		[illegible]	

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Oils—Continued.				
Vegetable, fixed or expressed—				
Cocoa butter....pounds..	97,298		$36,371	
Coconut....do....	1,879,937		403,962	37
Corn....do....	2,147,250		455,143	41,044
Cottonseed....do....	22,970,091		5,430,112	2,934,777
Soya bean....do....	26,336,721		5,740,451	[illegible]
All other			229,236	5
Paints, colors, and varnishes:				
Dry colors—				
Lampblack, bone, and lampblack			22,301	8,365
All other			9,628	3,357
Ready mixed paints..gallons..	4,023		12,407	25,705
Varnish....do....	123,755		232,672	[illegible]
Zinc, oxide of....pounds..	2,108,351		187,109	11,353
All other			47,175	[illegible]
Paper:				
Books, maps, music, etc.			54,923	47,362
Carbon paper			29,344	8,014
Playing cards			680	[illegible]
Printing paper, newsprint....pounds..	1,981,886		122,533	
Tissue and toilet paper			20,624	
All other			[illegible]	28,340
Paraffin:				
Unrefined....pounds..	[illegible]		[illegible]	92,378
Refined....do....	38,789,947		3,728,700	2,099,444
Pens, fountain....number..	71,970		[illegible]	28,883
Phonographs, etc.:				
Phonographs, graphophones, etc....number..	76		10,973	52,378
Records and accessories			20,276	1,783
Photographic goods:				
Cameras			69,070	[illegible]
Motion-picture films—				
Not exposed....linear feet..	517,312		[illegible]	6,746
Exposed....do....	1,263,620		78,443	18,918
Other sensitized goods			79,978	1,823
Other apparatus			[illegible]	[illegible]
All other			7,154	[illegible]
Plumbago or graphite:				
Unmanufactured....pounds..	72,068		14,827	183
Manufactures of			48,757	271,155
Seeds, grass:				
Clover....pounds..	412,490		129,675	
All other grass seed....do....	70,560		25,782	[illegible]
Shells			27,698	1,638
Shoe findings			19,472	
Silk, manufactures of:				
Wearing apparel			179,518	7,449
All other			4,911	3,267
Silk, artificial, hosiery, dress fabrics			[illegible]	24,043
Soap:				
Toilet or fancy			47,262	[illegible]
All other....pounds..	2,720,790		[illegible]	4,857
Spirits, distilled: Alcohol (including pure, neutral, or absolute spirits)....proof gallons..	7,467,358		2,496,723	159,035
Starch:				
Cornstarch (except for table use)....pounds..	1,148,440		81,251	[illegible]
All other....do....	[illegible]		[illegible]	3,252
Stearin, vegetable....do....	138,336		25,279	1,160
Sugar and molasses:				
Molasses....gallons..	[illegible]		[illegible]	181,734
Sirup, including maple sirup, ...gallons..	79,984		[illegible]	[illegible]
Sugar, refined, including maple sugar....pounds..	1,[illegible],347		[illegible]	2,914,943
Surgical instruments (not including instruments)			[illegible]	
Suspenders and garters			21,207	[illegible]
Tobacco:				
Unmanufactured—				
Leaf....pounds..	44,109,378		13,097,714	11,287,082
Stems and trimmings, ...pounds..	[illegible]		4,160	
Manufactures of—				
Cigarettes....thousands..	2,095,418		5,541,333	26,240
Cigars and cheroots..do....	[illegible]		1,959,923	[illegible]
Smoking....pounds..	711,337		[illegible]	[illegible]
All other			250,145	[illegible]
Typewriter ribbons			[illegible]	19,732
Vegetables:				
Vegetables, canned			13,706	1,206
All other			[illegible]	2,061
Vulcanized fiber and manufactures of			[illegible]	[illegible]
Wood:				
Timber, sawed, pitch pine (long leaf)....M feet..	5,380		266,985	262,141
All other, unmanufactured			11,522	9,292
Lumber—				
Boards, planks, and scantlings—				
Fir....M feet..	[illegible]		438,441	16,500
Gum....do....	2,127		[illegible]	115,710
Pine, yellow, pitch ....M feet..	2,019		[illegible]	[illegible]
Spruce....do....	5,200		711,480	
All other boards, planks			[illegible]	11,551
All other lumber			[illegible]	[illegible]

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Wood—Continued.				
Lumber—Continued.				
Furniture (not metal)			$21,565	$12,611
Hogsheads and barrels, empty			16,181	5,000
Staves....number..	665,488		77,869	30,227
Wood pulp....tons..	260		[illegible]	
All other manufactures of			[illegible]	[illegible]
Wool:				
Unmanufactured....pounds..	114,906		11,310	
Manufactures of—				
Woolen rags....do....	243,833		41,424	1,200
All other manufactures of			[illegible]	2,472
Zinc:				
Cast in pigs, slabs, etc.—				
Produced from domestic ore....pounds..	1,110,496		114,080	330
Produced from foreign ore....pounds..	[illegible]		9,930	
Zinc, rolled in sheets, strips, etc....pounds..	1,897,305		186,871	[illegible]
Other manufactures of zinc			[illegible]	1,182
Total domestic exports			[illegible]	221,796,591
Total foreign exports			3,751,296	3,756,310
Grand total exports			271,792,274	[illegible]

Mr. SMOOT. May we have a vote on the amendment?

Mr. JONES of New Mexico. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McLean	Sheppard
Ball	Hale	McNary	Shortridge
Borah	Harreld	Moses	Simmons
Brandegee	Harris	Myers	Smoot
Broussard	Harrison	Nelson	Spencer
Bursum	Heflin	Newberry	Stanley
Calder	Hitchcock	Nicholson	Sterling
Capper	Johnson	Norbeck	Sutherland
Caraway	Jones, N. Mex.	Norris	Swanson
Cummins	Jones, Wash.	Oddie	Townsend
Curtis	Kellogg	Overman	Trammell
Dial	Kendrick	Owen	Underwood
Dillingham	King	Page	Wadsworth
Edge	La Follette	Phipps	Walsh, Mass.
Elkins	Lenroot	Pittman	Walsh, Mont.
Frazier	Lodge	Poindexter	Warren
Fletcher	McCormick	Pomerene	Watson, Ga.
France	McCumber	Rawson	Weller
Glass	McKellar	Robinson	Willis

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee.

Mr. JONES of New Mexico. Mr. President, I move to amend the committee amendment on page 2, line 9, by striking out "1½" and inserting "⅞"; and upon that I ask for the yeas and nays.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 2, line 9, in the committee amendment it is proposed to strike out the numerals "1½" and to insert "⅞."

Mr. HITCHCOCK. How will the amendment then read?

The READING CLERK. So that it will read:

Boric acid, three-fourths of 1 cent per pound.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Mexico to the amendment of the committee.

Mr. JONES of New Mexico. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. TRAMMELL (when his name was called). In the absence of my pair, the senior Senator from Rhode Island [Mr. COLT], I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMMON]. Being unable to obtain a transfer, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce that the Senator from Indiana [Mr. WATSON] is paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. McKELLAR (after having voted in the affirmative). I have a general pair with the senior Senator from Indiana [Mr. NEW], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. JONES of New Mexico. I have a general pair with the Senator from Maine [Mr. FERNALD]. I find I can not obtain a transfer of my pair, and I shall therefore be compelled to withhold my vote, which I do. If permitted to vote, I would vote "yea."

Mr. DIAL. I desire to announce that my colleague the senior Senator from South Carolina [Mr. SMITH] is detained by illness. I ask that this announcement may stand for the day.

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. WALSH of Montana (after having voted in the affirmative). The senior Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a pair, is absent from the Chamber. I transfer my pair to the Senator from Rhode Island [Mr. GERRY] and allow my vote to stand.

Mr. EDGE. I desire to announce that my colleague, the senior Senator from New Jersey [Mr. FRELINGHUYSEN] is absent on official business.

The result was announced—yeas 26, nays 47, as follows:

YEAS—26.

Ashurst	Heflin	Overman	Stanley
Caraway	Hitchcock	Owen	Swanson
Dial	King	Pittman	Underwood
Fletcher	La Follette	Pomerene	Walsh, Mass.
Glass	McKellar	Robinson	Walsh, Mont.
Harris	Myers	Sheppard	
Harrison	Norris	Simmons	

NAYS—47.

Ball	Ernst	McCumber	Rawson
Borah	France	McLean	Shortridge
Brandegee	Gooding	McNary	Smoot
Broussard	Hale	Moses	Spencer
Bursum	Harreld	Nelson	Sterling
Calder	Johnson	Newberry	Sutherland
Capper	Jones, Wash.	Nicholson	Townsend
Cummins	Kellogg	Norbeck	Wadsworth
Curtis	Kendrick	Oddie	Warren
Dillingham	Lenroot	Page	Weller
Edge	Lodge	Phipps	Willis
Elkins	McCormick	Poindexter	

NOT VOTING—23.

Cameron	Frelinghuysen	New	Stanfield
Colt	Gerry	Pepper	Trammell
Crow	Jones, N. Mex.	Ransdell	Watson, Ga.
Culberson	Keyes	Reed	Watson, Ind.
du Pont	Ladd	Shields	Williams
Fernald	McKinley	Smith	

So the amendment of Mr. JONES of New Mexico to the amendment of the committee was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment.

The READING CLERK. On page 2, line 10, strike out "12" and insert "18," so as to read:

Citric acid, 18 cents per pound.

Mr. HARRIS. Mr. President, I offer an amendment, and ask that it be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 230, line 6, after the words "provided for," strike out the proviso in the following words:

Provided, That for a period of five years beginning on the day following the passage of this act there shall be levied, collected, and paid, on the actual potash (potassium oxide) content of all the foregoing, a duty of 2½ cents per pound for the first two years; 2 cents per pound for the third year; 1½ cents per pound for the fourth year; and 1 cent per pound for the fifth year: *Provided further*, That thereafter the said potash content shall be free of duty.

Mr. HARRIS. Mr. President, nearly all the potash brought into this country is used in the manufacture of fertilizers, and the duty placed on potash will be paid by the farmers. Those engaged in agriculture have suffered more than any others during the business depression, and it is almost impossible for the farmers to make any profit on their products. It would be a great injustice to tax them on the fertilizers they must buy to raise their crops, and I hope the Senate will pass the amendment I have offered placing potash on the free list.

The VICE PRESIDENT. The amendment submitted by the Senator from Georgia will be printed and lie on the table. The question is on agreeing to the committee amendment.

Mr. KING. Mr. President, I move as an amendment to the committee amendment to strike out the numerals "12," in line 10, page 2, after the words "citric acid," and insert in lieu thereof the numeral "5."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. KING. May I inquire of the Senator from California whether he desires to address the Senate upon this amendment?

Mr. JOHNSON. I want to submit some very brief observations respecting it.

Mr. KING. I yield the floor.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. KING. I supposed the Senator from California desired to address the Senate.

Mr. JOHNSON. What is the desire of the Senator from Utah? He has presented an amendment to the amendment. Does he desire to be heard concerning it?

Mr. KING. I shall speak at some length concerning it, but it would be very gratifying to me if I might have the pleasure of hearing the Senator from California first.

Mr. JOHNSON. I would rather deny the Senator that particular pleasure and listen to him.

Mr. KING. Mr. President, I regret that I have not been advised by the Senator from California, who I assume is the spokesman for the Senate amendment which increases the House rate upon citric acid, what reasons exist for this remarkable advance. In my opinion, the increase from 12 cents per pound to 18 cents per pound is wholly unwarranted and indefensible. I shall ask the Senate to not only not concur in this Senate amendment but support a motion to reduce the rate to 5 cents per pound, which is the rate in the Underwood-Simmons law.

The Finance Committee have asked for 18 cents per pound tariff upon citric acid, the House bill carries 12 cents per pound, the Payne-Aldrich tariff law fixed 7 cents per pound, and, as stated, the Underwood-Simmons law fixes the rate at 5 cents per pound.

Before proceeding to a discussion of citric acid, I desire to read an editorial appearing in to-day's New York Journal of Commerce, a Republican paper of influence and power. I wish all Senators would read the editorials appearing in this ably edited journal upon tariff and cognate questions, because I am sure they would derive benefit and obtain enlightenment, and thus be enabled to vote—shall I say more intelligently, certainly more logically—upon the schedules now before us.

Under the heading "Tariff joker No. 3" the following is stated in the editorial:

In the House form of the pending tariff bill the duty on glue and gelatine was fixed at 20 per cent ad valorem.

The distinguished Senator from Illinois [Mr. MCCORMICK], who is the chairman of the Senate Republican committee, just passed me and made some comment sotto voce about "glue." Unfortunately for his party the Indiana Republicans were not glued sufficiently to the reactionary policies of the Republican Party and therefore voted for Mr. Beveridge.

Mr. ODDIE. Mr. President——

Mr. KING. I yield to the Senator from Nevada.

Mr. ODDIE. I think it might be interesting to the Senator from Utah to make a little calculation of the combined votes of the two Republican candidates and the combined votes of the several Democratic candidates in the election held in Indiana yesterday.

Mr. KING. Mr. President, I am delighted that my friend the Senator from Nevada has projected himself, perhaps indirectly, into a discussion of political conditions in Indiana. His great familiarity with the situation there undoubtedly enables him to speak authoritatively as to the reasons for the small vote in the Democratic primary. If he were familiar with the situation there the Senator would know that there was a bitter contest between our distinguished and greatly esteemed colleague [Mr. NEW] and former Senator Beveridge. Our colleague, as everyone knows, is a warm friend of the President of the United States and undoubtedly represented in that contest the administration; in a sense the administration was on trial and he was the representative of the views and policies of the President and the administration, policies which I have heretofore denominated as reactionary, and which are being defended by the "die-hards" and the "hard-boiled" elements of the party in power with such accretions as it may receive.

Mr. Beveridge is a former Progressive. He followed the flag of Mr. Roosevelt when President Harding and Senator NEW followed the flag of Republican orthodoxy. Presumably Mr.

Beveridge stands for policies adverse, in some respects, at least, to the reactionism of the Republican Party.

The Senator from Nevada must know that when swords are drawn between such antagonists as Senator NEW, a brave, gallant, and chivalrous man, fighting as he did for the reactionaries of his party and for the Republican administration, and Mr. Beveridge, representing the more liberal elements of the Republican Party, and having, of course, his personal following, and the remnants of the Progressives, there would be a battle royal that would bring to the polls the combined strength of the Republican Party as well as the personal following of the two leaders.

Mr. ODDIE. The Senator has undoubtedly noted the statement by Mr. Beveridge in his campaign that he would be a strong supporter of the present administration.

Mr. KING. I remember what the Senator states, and though Mr. Beveridge, according to the press, made statements of a general character about supporting the administration, he proceeded to denounce some of the policies and tendencies of the Republican Party, including the way some Republicans in this Chamber, including the Senator from Nevada as well as the Senator from Indiana [Mr. NEW], voted upon certain questions. The Senator knows what votes I have particularly in mind.

Among the Democrats there was no contest. Former Governor Ralston, whom everybody knew to be a genial, able, chivalrous gentleman, was a candidate in the Democratic primaries for the Senatorship. His nomination was conceded by all. There were two gentlemen who announced their candidacy, but no campaign of any importance was waged and the Democrats, realizing the situation, paid but little attention to the primary. There was nothing in the political contest upon the Democratic side that occasioned organization activity or the bringing to the polls of any number of votes. But let me say to my friend from Nevada to be a little patient and wait until next November; he will then see the invincible Democracy of Indiana with its army of voters who will commission Governor Ralston to occupy a seat after the 4th of March next on this side of the Chamber. The Republican administration will be repudiated there as it is being repudiated throughout the United States.

Mr. McCORMICK. Mr. President——

Mr. KING. I yield to the Senator from Illinois.

Mr. McCORMICK. Will Governor Ralston or the Senator from Utah in the interim between now——

Mr. KING. The Senator is going to ask about the League of Nations?

Mr. McCORMICK. Precisely.

Mr. KING. I knew it.

Mr. McCORMICK. Will Governor Ralston and the Senator declare before November whether or no they wish the United States to subscribe to the covenant of the League of Nations and enter into the integral enforcement of the treaty of Versailles?

Mr. KING. Is that the end of the Senator's question?

Mr. McCORMICK. That is the question the Senator from Illinois has asked.

Mr. KING. I am not in the confidence of Governor Ralston. I am not his political keeper. I can not say what he advocated during the primary campaign or what he will declare for between now and November. One thing I think I can say to the Senator, though, and that is, Governor Ralston will not declare for the four-power treaty which has been provocative of an alliance between Germany and Russia which not only threatens the peace of Europe, but may constitute a menace to the world.

Mr. McCORMICK. Perhaps the Senator will tell us how many of his colleagues who are candidates for reelection are prepared to urge that the United States shall subscribe to the covenant of the League of Nations and the integral enforcement of the treaty of Versailles?

Mr. KING. My colleagues upon this side of the Chamber do not have to advise me of their views as to the League of Nations, and I do not need to ask them. We have perfect freedom upon this side of the Chamber. I have no doubt those who are candidates for reelection upon the other side of the Chamber advise the Senator from Illinois and get his consent as to what to say and how to act in the coming campaign. So I do not know what the Senators on this side of the Chamber who are candidates for reelection will say or do respecting that question, but I will say to the Senator from Illinois that I know they will do this: Those who are candidates for reelection, as sensible, rational, patriotic men, will point to those questions which are the supreme issues of the hour——

Mr. McCORMICK. Mr. President——

Mr. KING. Let me finish, and then I shall be glad to yield.

The supreme issues of the hour, or at least the paramount issues of the hour, relate to internal and domestic problems; and one of such questions, if not the principal one, is the infamous McCumber-Fordney tariff bill which is now before us——

Mr. McCUMBER. Mr. President——

Mr. KING. One moment. Of course, I disassociate my friend from North Dakota from the evils and monstrosities of the bill.

Mr. McCORMICK. The Senator from North Dakota is a little heterodox on the League of Nations. I want to finish this debate uninterrupted by him.

Mr. KING. I should be glad to debate with both Senators, but one at a time.

Mr. McCUMBER. The Senator states that the really dominant issue now is the tariff bill—not the League of Nations, not what has happened in Indiana, but this particular tariff bill. We have now reached the item of citric acid——

Mr. KING. A very sour subject.

Mr. McCUMBER. Will the Senator point out what he thinks is a proper duty upon citric acid?

Mr. KING. I have already stated——

Mr. McCUMBER. That is the real dominant question now.

Mr. KING. I have already stated 5 cents a pound and have moved to amend the bill which is before us.

Mr. McCUMBER. Will the Senator tell us why he thinks the rate should be 5 cents a pound?

Mr. KING. I shall be very happy to do so; but I can not answer both Senators at once.

Mr. McCUMBER. I am asking the Senator to hold to what he considers to be the dominant issue—the pending tariff bill.

Mr. KING. I do not wonder that my good friend from North Dakota wants to lead us away from a discussion which to him and, doubtless, to the reactionaries upon the other side is not very palatable. I stated that one of the dominant issues of the hour was the tariff bill and that it and various domestic questions, in my judgment, would be regarded as the controlling and, indeed, paramount questions before the American people in the coming campaign. If I may be permitted to resume at the point I had reached when interrupted by the Senator from North Dakota, I was stating to the Senator from Illinois [Mr. McCORMICK] that my colleagues who are seeking reelection, as rational, sensible, and patriotic men——

Mr. McCORMICK. Mr. President——

Mr. KING. Let me complete my sentence.

Mr. McCORMICK. The Senator's colleagues are thinking men, but not speaking men. There are beside him candidates for reelection. Will they join their voices to the still small voice of the Senator from Texas [Mr. SHEPPARD] and say that they would have the United States enter the League of Nations and enforce the treaty of Versailles? Come forward, gentlemen! Speak out, gentlemen! Are you for the League of Nations as you were before? Would you not enforce the treaty of Versailles? I do not ask the Senator from Utah. He has announced that he is going to return to the practice of law, but you who are to seek the suffrage of the people in your State next November, are you for or against the League of Nations? Would you or would you not enforce the treaty of Versailles?

Mr. KING. The Senator from Illinois, among his many other virtues, does not have the still small voice. [Laughter.] I will come back to the question which I was stating when twice interrupted by the Senator from Illinois.

I was stating that my colleagues, and they are competent to speak for themselves and will speak before the election in such a manner as may not be satisfactory to the Senator from Illinois, as rational men would address themselves to the supreme issues before the American people.

It has been said by writers who are familiar with our political contests that only one great political question is settled in any one election. I do not affirm the correctness of that position. Indeed, it will bear study and consideration. In my opinion the controlling and paramount questions that will be before the American people in the coming election will relate largely to domestic problems. There are enough of those questions to entitle the Democrats to a victory. The record of our Republican friends in dealing with domestic problems, to say nothing of foreign problems, has been so malodorous and so imperfect that undoubtedly there will be reactions against their party in other States, as there was yesterday in the great State of Indiana.

Now, Mr. President, the Senator from Illinois as an adroit, clever, and capable political leader, schooled in the politics of the State of Illinois and elsewhere, has learned, under the leadership of Theodore Roosevelt and under the leadership of reactionaries whom he is now following, all angles of the issues involved and the best methods of securing results. As an adroit political leader he knows that the American people are turning against the Republican Party upon domestic questions, and he is trying to divert their attention from the mistakes of his own

party, from its palpable blunders, from its wretched administration of the affairs of the Government, and to do so seeks to project into the political arena a question which is not now the paramount or the controlling question before the American people. I congratulate him upon his skill, upon his perspicacity, but I can assure him the Democrats will not follow him as their political leader. We prefer to follow the distinguished Senator from Alabama [Mr. UNDERWOOD] and other great leaders in the Democratic Party who by their experience and devotion to Democratic principles are competent to direct the policies of the Democratic Party.

Mr. MOSES. And, Mr. President, may I add, who helped to frame the four-power pact which the Senator from Utah has just denounced?

Mr. HARRISON. Mr. President——

Mr. KING. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator from Illinois has just returned from a remarkable convention in Illinois in which he was the pilot. He joined forces with Thompson, of Chicago, for the first time in a long time. He wrote the platform. Did he indorse the four-power pact in that convention?

Mr. McCORMICK. The Senator from Mississippi can read the platform. It is very definite. It speaks clearly upon the foreign policy of this administration, upon the League of Nations, and the treaty of Versailles.

Mr. HARRISON. Did it say anything about the four-power pact?

Mr. McCORMICK. It did not.

Now, let me continue, if I may. The junior Senator from Utah [Mr. KING] has charged me with raising the issue of the League of Nations.

Mr. KING. No; I said the Senator was trying to do it.

Mr. McCORMICK. The Senator means to be exact; he always means to be just. It was the former candidate of the Democratic Party, the ex-governor of Ohio, who first proclaimed that the League of Nations was still a political issue in this country; who proposed that the Democratic National Committee should again meet to indorse the proposal that the United States enter the League of Nations. There is no one on this side of the Chamber who raised the issue. There were some of us who thought, as does the Senator from Utah, that one great question may be settled in an election, and we had hoped the question of the League of Nations had been settled. The present President of the United States, speaking for his party, has said that we would have none of the league.

The candidate of the Democracy in the last election has announced, not once but three times, that events were drawing the United States into the League of Nations; that he believed that we must subscribe to the covenant thereof; and that the Democratic National Committee should meet to proclaim that proposition. I ask the leader of the Democratic Party yonder, and the Senators who are to be candidates in the forthcoming campaign, to say "aye" or "no," whether they agree or disagree with ex-Governor Cox upon the question of the League of Nations?

Mr. KING. Mr. President——

Mr. McCORMICK. Is that an unreasonable request? Is it unreasonable to ask that some one other than the Senator from Texas [Mr. SHEPPARD], secure from any division between the parties, or some one other than the Senator from Utah [Mr. KING], who is voluntarily to retire from the Chamber, should answer that question?

Mr. JOHNSON. Mr. President, will the Senator from Utah pardon me? It is only imperative necessity which prompts the inquiry I am about to make.

Mr. KING. I yield to the Senator from California.

Mr. JOHNSON. The Committee on Patents is meeting at present for the consideration of one very important question that is pending before it. There is an impasse between two departments of the Government as to——

Mr. KING. I shall not ask for a vote while the Senator from California is absent from the Chamber.

Mr. JOHNSON. I desire to be present when the Senator from Utah speaks in reference to the duty upon citric acid.

Mr. KING. When citric acid is reached, if the Senator from California is not then present, I shall refrain from discussing that subject and take up another item in the tariff bill.

Mr. JOHNSON. I thank the Senator. I wanted the Senator from Utah to pardon me for being absent during his speech.

Mr. KING. I want the Senator to be present when I speak.

Mr. JOHNSON. I am most anxious to hear the Senator in other regards as well; and I am more sorry than I can tell that I shall miss his rejoinder to the Senator from Illinois [Mr. McCORMICK]; but it is an important matter on which the Committee on Patents are engaged.

Mr. KING. I know the importance of the work which is pending before that committee, and I hope the committee will report a bill that will not permit patentees, when they obtain a monopoly from the Government, to hide their patents and deny their benefits to the people.

Mr. JOHNSON. We are wrestling in the committee with the subject.

Mr. KING. Mr. President, after getting through with Indiana for a moment, and the ex-Governor of Nevada, I come back to my distinguished friend, the Senator from Illinois [Mr. McCORMICK]. However, there is one remark I want to make before proceeding to answer him, and that is that one thing the election in Indiana did was to take "New" out of "Newberry." It accomplished that result. The Newberry question was an issue in that campaign and will be an issue in other States in the coming election. In making that observation, let it be understood that I am speaking with due courtesy of the able junior Senator from Michigan [Mr. NEWBERRY] and without any desire whatever to offend him or to impugn his motives or his character——

Mr. ODDIE rose.

Mr. KING. Let me complete the sentence—but the American people believe that the expenditure of more than $200,000 in the last senatorial primary campaign in the State of Michigan was not consistent with American traditions or consonant with fair and honest elections. They feel that there was nothing that could warrant such a stupendous expenditure.

They believe that in the expenditure of such an enormous fund there must have been, directly or indirectly, corruption somewhere, somehow, and they will visit their displeasure upon the party which indorsed that expenditure, as the Republican Party indorsed it in their vote seating the junior Senator from Michigan, and as they indorsed it in adopting the amendment which was offered by the junior Senator from Ohio [Mr. WILLIS] to the resolution seating him.

I now yield to the Senator from Nevada.

Mr. ODDIE. I should like to ask the Senator from Utah if he does not believe that Henry Ford is anxious that the discussion on the Newberry matter shall continue, for the reason that it sells thousands of automobiles for him?

Mr. KING. Mr. President, I am not interested in what some persons irreverently call "Tin Lizzies," as the Senator from Nevada evidently is. I am not selling Henry Ford's cars. I am not in the confidence of Henry Ford, as evidently the Senator from Nevada is. The Senator from Nevada seems to think that this discussion—and he is to blame for it—will aid Henry Ford in selling cars; the Senator being responsible for the discussion, and it being of benefit to Mr. Ford, it is clear that the Senator from Nevada is the agent of Henry Ford, and is aiding him in the sale of his products.

Mr. President, I want to be frank with the Senator from Illinois [Mr. McCORMICK]. He has asked me—he did so several days ago, and repeated the question to-day—what my views are upon the League of Nations. It is wholly immaterial what my views on that subject are.

I am not of enough importance in the Democratic Party or elsewhere that my views would be controlling, but I frankly say to the Senator from Illinois, speaking for myself and myself alone, that, sooner or later, the United States of America, with proud and triumphant step, and with a desire to serve this Nation and the world, will enter a league of nations, an association of the nations of the world. This it will do—as a progressive, Christian nation—in order that the peace and prosperity of all peoples may be secured. Humanity is marching toward the goal of international amity; peace on earth, good will toward all men, world fellowship—world association—these are not baseless dreams or mere phantasms. The unity of the race and a common civilization are objectives toward which the moral and spiritual leaders of the world will direct humanity's faltering steps. It may be an ideal, but it is one that will never perish; it will persist until it conquers; thus the ideal will culminate in the attainable and in the attained.

The Senator from Illinois stated that the President of the United States, Mr. Harding, had repeatedly declared against the League of Nations. I hope I correctly state what the Senator said. I do not know whether the President of the United States has said that or not.

Mr. McCORMICK. The Senator will recall the address delivered in this Chamber by the President.

Mr. KING. I remember the cryptic utterances of the President of the United States; I remember that he said repeatedly before and during the campaign, in substance, that he was

for an association of nations. I know that in the Senate of the United States Warren G. Harding, when a Senator, voted for the League of Nations with reservations, the chief of which related to article 10 of the league. I am advised, may I say in passing, that the members of the league place the same interpretation upon that article as was given it by Senator Wolcott, of Delaware, and by a number of distinguished Senators upon this side of the Chamber, as well as by able lawyers of the United States when the treaty was before the Senate, namely, that it imposed no legal or moral obligation upon members of the league to go to the aid of any member nation whose its territorial integrity or its political independence was attacked, but that each nation was to determine for itself what its attitude should be in the light of the then existent circumstances.

Mr. McCORMICK rose.

Mr. KING. Does the Senator desire to interrupt me?

Mr. McCORMICK. I was going to say that the President voted for the league with reservations, and doubtless with qualms as well.

Mr. KING. Mr. President, I am not in the confidence of President Harding. If the Senator says he has "qualms," doubtless he speaks with authority. I do not know, however, what he means by "qualms"—whether he is speaking of the President's mental and intellectual organism and faculties or his physical attributes, his physical qualms. The Senator may be a pathologist; he may be able to distinguish between intellectual qualms and physical qualms. I congratulate the Senator upon his knowledge of pathology and therapeutics, as well as his psychological attainments.

Mr. McCORMICK. Mr. President, may I call the attention of the Senator to a strange recurrence?

Mr. KING. I yield.

Mr. McCORMICK. I note that whenever the question of the League of Nations is discussed nearly all of the Senators on the other side of the Chamber from north of the Mason and Dixon's line who are candidates for reelection leave the Chamber.

Mr. KING. Mr. President, the Senator may take what comfort he pleases from the alleged absence of candidates for reelection upon this side of the Chamber. I repeat that, after reading the speeches of President Harding—his preelection speeches, and the speeches which he has made since—no man can say that President Harding is against a world association of nations.

I say to the Senator from Illinois, while the association or League of Nations may not be, and probably will not be, the great question in the coming election it is a live question in the United States; it is a question that will not down; that can not be buried by the sophistry of the Republicans, by their cunning, by their subtlety. It will be here to-day and to-morrow and next year and in the coming years, until, in God's own providence, there will be international fellowship, brought about and effectuated through a world organization and a world association of nations. I am for the League of Nations with proper reservations——

Mr. McCORMICK. Oh!

Mr. KING. Oh. I voted for the League of Nations with reservations, and I voted for it without reservations; and I say now, Mr. President, that the economic collapse of the world, which reacts to the disadvantage of the United States, is attributable largely to the folly of Republican Senators in not ratifying the Versailles treaty, which would have permitted this Nation, entering the league, there to sit down at the world's council, indeed heading that council and wearing the crown of moral, of political, and material primacy.

Mr. McCORMICK. Mr. President, does not the Senator think that if we sat down at the table at Genoa our waistcoat might——

Mr. KING. There would have been no Genoa conference if the United States had gone into the League of Nations.

Mr. McCORMICK. It might not have been necessary. Our pockets might have been frisked before any such conference was held.

Mr. KING. They have been frisked now. Under your policy you have frisked from us since the Republicans have come into power billions of dollars in the depreciation of the value of American products. You have cut off our trade with other nations; you have laid your deadly hands upon other nations and contributed to their demoralization and to their economic ruin, as you have contributed to the economic ruin of the American people. The Republican Party, Mr. President, has been weighed in the balance with respect to its foreign policies, as it is being weighed in the balance now with respect to domestic policies, and it has been found wanting.

Mr. President, I return to the point that I was discussing when the able Senator from Nevada [Mr. OWEN] challenged my attention to the delightful results of the election in Indiana day before yesterday. That election is a sore spot for you Republicans, and it will be much sorer to-morrow and the following day. You have your ears to the ground to-day listening—listening to portentous sounds. Your heads were high day before yesterday. You were to have a vindication in the returns in Indiana. Your heads to-day are bowed, your hearts are sore, your cheeks are blanched, and you are waiting now with trepidation and fear for the idea of November. God help you! You need it.

Mr. McCORMICK. Mr. President, where are those Democratic Senators who were for our subscribing to the League of Nations?

Mr. KING. Mr. President, I have said to the Senator once, and I say again, that Democratic Senators do not have to consult with me as Republican Senators who are candidates for reelection have to consult with the Senator from Illinois, who is the purseholder and the money gatherer, and who will control the elections through the instrumentality of the campaign funds in the various States—I say that with all due respect, of course—legitimate campaign funds.

Mr. McCORMICK. I think the Senator does not mean that.

Mr. KING. Yes; I do, in a sense. Let me explain.

Mr. McCORMICK. Oh, I think not.

Mr. KING. The Senator is chairman of the Republican senatorial campaign committee.

Mr. McCORMICK. He is. The Senator from Montana [Mr. WALSH], who is absent from this debate, is chairman of the Democratic senatorial campaign committee.

Mr. KING. And the Senator from Montana undoubtedly will attempt to collect some money from Democrats to use in the campaign, in a legitimate way, as I expect my distinguished friend from Illinois will do; but the Senator from Illinois knows that one of his duties—and I am not complaining, it is a laudable, it is a proper duty—is to try to obtain needed and proper campaign funds for legitimate use in States where Republican candidates are seeking reelection.

Mr. McCORMICK. The Senator, if I remember his remark, suggested that I would seek to control the course of candidates through the instrumentality of that fund.

Mr. KING. Oh, no.

Mr. McCORMICK. If the Senator said that, I am sure he will want to withdraw the remark.

Mr. KING. The record will show what I said. I did not mean to say that. If my remarks bear that construction, I apologize to my friend, because I would not do him an injustice. What I intended to say, and what I say now, is this:

The Senator from Illinois, because of his ability—and I say that not in flattery, but sincerely—because of his long political experience, because of his knowledge of political affairs in the United States, because of his association with Mr. Roosevelt and the Progressive Party, as well as his association with the reactionary Republican Party, knows political conditions in the United States, and he has been selected because of his superior knowledge as the chairman of the Republican senatorial campaign committee, and as political leader it is his duty to gather such campaign contributions as he can in an honorable way, as I know he will, and that he will expend the funds so collected in the various States where there are candidates for reelection. I have no doubt that the Republican candidates who are candidates for reelection are consulting the Senator now, as they will continue to consult him in the future.

I return to the reading of the interesting editorial, Mr. President, from the Journal of Commerce, of New York:

> In the House form of the pending tariff bill the duty on glue and gelatin was fixed at 20 per cent ad valorem and 1½ cents per pound, while manufactures of glue and gelatin were 25 per cent.
>
> The Senate bill varies the rate from 20 per cent and 7 cents to 20 per cent and 15 cents, while in certain cases the ad valorem rate is as high as 25 per cent.
>
> As to this, careful inquiry shows that these packing-house commodities are simply by-products. They have no "cost of production" as such, but any duty is a clear gift to the makers by enabling them to raise their prices to correspond. Under the old tariff rates our total product of glue, which was $13,733,000 in 1914, rose to $32,132,000 in 1919, while our exports advanced from $289,000 to $2,495,000 in 1920. Imports meanwhile were only $500,000 in 1920. There is no danger whatever of foreign competition, the quantity brought from abroad being, as just shown, negligible. The Senate bill is an absolutely unwarranted advance in the rate.

Mr. President, the Senate bill with respect to these items—and the same is true as to carbide, dyes, and hundreds of others, as will be shown before we get through—is written in the interest of trusts and combinations, which already have raised the price levels until they bear oppressively upon the consuming public. A gratuity, a gift, is bestowed upon the packers and other interests that directly or indirectly control the glue industry of the United States, according to this Republican newspaper.

> Aside from raw material the cost of gelatin is said to be determined by the cost of coal, sulphuric acid, muriatic acid, and peroxide of hydrogen, all of which are cheaper here than in Europe. The Payne tariff permitted domestic producers, it is estimated, to add $3,800,000 to their prices——

And the American people had to pay for it——

> while the present tariff may allow $6,400,000 under the House bill and greater amounts under the varying rates of the Senate draft. Here is a handsome, if surreptitious, gift to producers under the guise of protection based on difference in cost of various grades of the article.

There are many Republican newspapers, as well as many Republicans, in the United States who are voicing their opposition to this bill, pointing to its inequitable features and to the evils which will follow the adoption of these schedules.

I promised the Senator from California not to discuss the item of citric acid until his return to the Chamber; accordingly I shall refer to a subject which is pertinent to the question before us.

It has been repeatedly stated that the high rates of duty provided for the various commodities in Schedule 1 of this bill were necessary to protect the manufacturers of chemicals produced in this country, and the inference was that we had no chemical industry until the war, and that as a new industry it must have what it demands. I believe that some persons listening to the statements of Republicans and to some Republican newspapers would reach the conclusion that the chemical industry was the child or the product of the war; that we had no chemical production in the United States, either direct chemical production or chemical productions of an allied nature or character, prior to 1914.

The fact is, Mr. President, that on the 31st day of June, 1914, we had invested directly and indirectly in chemical production $2,017,000,000 plus, and that the products for that year of chemical industry covered by Schedule 1 of the bill aggregated more than $3,000,000,000; in other words, that the output exceeded the capital in the ratio of 3 to 2. And yet we are appealed to to support this bill because we must have a chemical industry in the United States, and without these prohibitive rates it is impossible. Many of our chemical industries, as a matter of fact, have been in existence for many years.

Some instructive tables and valuable information are found in a publication of the Department of Commerce in 1919 called "Miscellaneous Series, No. 82." It is there shown that the chemicals which we would denominate chemicals per se, measured by that standard—which are found in this bill—if they were put into juxtaposition with the products of the chemical industry, it would appear that they represent less than 2½ per cent of the total value of the commodities provided for in Schedule 1 of this bill.

Mr. President, this pamphlet which I just referred to, on page 8, has the following:

> This publication presents statistics for 5,500 natural and manufactured articles imported into the United States during the fiscal year 1913–14.

Substantially all of those 5,500 articles are embraced within Schedule 1, though most of them are under what are called "basket clauses."

The principal classes of materials considered in this publication are:

> Abrasive materials, asbestos, baking powder, blacking, bronze powders, candles, chalk, chemicals (including acids), clays, coal-tar products (except dyes), drugs, dyeing materials, explosives, fertilizers, gelatin and glue, greases and tallows, gums and resins, inks and ink powders, medicinal preparations, oil cake; oils, animal; oils, mineral; oils, vegetable; oils, essential; petrolatum, pigments, paints, perfumes, cosmetics, and toilet preparations, salt, soaps, sulphur, tanning materials, turpentine and rosin, varnishes and waxes.

Some of the articles are found in the next schedule. They are not all included in this schedule.

I wish there were more Senators here to understand the significance of this statement that of the 5,500 products listed in this publication, only 2,500 were imported in amounts exceeding $100 in value, totaling approximately $268,000,000. The remaining 4,000 products were imported in amounts less than $100, totaling in the aggregate $61,000.

What does that mean, Mr. President? It means that for the fiscal year ending June 30, 1914—that is, before the war, when Germany was reputed to be the dominant and controlling factor in the chemical world—she shipped to the United States but a fraction of the $268,000,000 of all these 5,000 items which are found in this schedule. On the following page of this report it is shown that our exports for the same period covered by this schedule amounted to $265,019,258; so that from all the world, Germany giving but a portion of them, we imported but $267,000,000 plus, and exported $265,000,000 plus, and produced more than $3,000,000,000 of chemical products.

Turning to page 11, we find here the classification of all of the items within the chemical schedule which were imported into the United States for the fiscal year 1913–14, keeping in mind, now, that that was before the war, when Germany was alleged to be supreme. We imported only $2,000,000 plus of acids, $28,000,000 plus of chemicals, $8,000,000 of coal-tar products, except dyes, and, according to the figures of the Norton census, given us also by the Department of Commerce, as I carry them in my head, that amounted to approximately $10,000,000. They are not in this book.

Drugs, flowers, leaves, nuts, and herbs, $7,000,000 plus.

Dyeing and tanning material, $2,000,000 plus.

Extracts for dyeing and tanning, except coal-tar dyes, $2,000,000 plus.

Fertilizers, $28,038,000. I shall show later on that those came from Chile, or most of them.

Gums (including india rubber, crude, valued at $71,219,051), $88,903,829.

Medicinal preparations, dutiable (including menthol, valued at $424,917, imported from British India), $1,289,008.

Oils, animal, $1,000,000 plus.

Oils, vegetable (expressed), $43,000,000 plus.

Oils, essential (distilled), $3,000,000 plus.

Paints, pigments, artists' colors, and varnishes, $2,000,000.

Perfumes, cosmetics, and toilet preparations, $2,000,000.

Sodium nitrate, $7,951,455.

Mr. President, all of these imports—$197,343,535—consisted of crude materials; that is to say, they came into the United States not in the finished and consumable-by-the-public form, and became the basis of American industry, so that the larger part of our imports under this schedule, while Germany was supposed to dominate the chemical world, consisted of crudes, which were used by manufacturing plants, by industries in the United States, thus giving an impetus to our industrial development and employment to thousands, if not tens of thousands, of American workingmen.

Yet our Republican friends, in their midsummer madness—because it will be midsummer before this bill passes—are determined to strike at the very foundations of our industrial prosperity and development. They would cut off the importation of crudes and all finished products. They would in their devotion to trusts and special interests prevent the exportation of American products, and while striking at friendly nations they would at the same time strike at their own country and injure the American consumers. This they would do in order to give a monopoly to the Carbide Trust, the National Chemical Co., the du Pont Co., and other great trusts and combinations, whose names will be mentioned before we conclude the discussion upon this bill. We propose to let the people of the country know, so far as we have the power to do so, that this schedule is drawn for the trusts, in the interest of the trusts, and that the result will be, when this bill becomes a law, the exploitation of the American people.

Only $43,674,163 of manufactured chemical products—that is, products which I have called chemicals per se and are comprised in the figures shown on page 12 of this report (Miscellaneous Series No. 82)—were imported into the United States at the time when Germany was supposed to be supreme and the United States was, according to our Republican friends, supposed to have no chemical industry.

Mr. President, if Germany in 1913–14, with her tremendous wealth, with her technical skill, with her claimed world supremacy in chemical matters, could not send to the United States any greater value of chemicals than that which the records show, how, I ask, can Germany, prostrate, now compete with American industry, which has access to the inexhaustible resources of this great Nation?

I stated the other day that Germany had lost most of her coal, iron, and potash. Germany is now compelled to go into the markets of the world and buy copper and other raw materials in order to make any showing as a manufacturing nation. We have the raw materials to make the products; and still our Republican friends say we must keep out any competition, as Germany and the European nations are about to destroy American industries.

I turn again to this same Miscellaneous Series No. 82 and find the list of the imports of chemicals for the year 1913–14, where each item was valued at less than $100. The names appear, totaling, as I recall, 4,500. One would suppose that many of these items would be placed upon the free list in this bill, because the value of the imports when Germany and the nations of Europe constituted strong industrial nations and were producing chemically and in an industrial way were so inconsequential.

The number so placed in the free list, if my computation was correct, is only 14. Fourteen out of 4,500 items the importation of which was less than $100 have been placed by our Republican friends upon the free list.

But seriously, Mr. President, that there are some items in the schedule which ought to be protected which come within the category of infant industries. Why the necessity of penalizing the American people on thousands of items where there is no necessity and where the American production not only is adequate for the domestic consumption but produces an excess and must find markets abroad?

Mr. President, there are hundreds—indeed, thousands—of items in the bill as to which the imports have been and are less than 1 per cent of the domestic production. There are hundreds and hundreds of items as to which there is no importation at all, and yet our Republican friends have been so friendly with the trusts, so considerate of the chemical combines and interests in the United States, that they have placed duties upon those very items, thus enabling the domestic producers to extort such prices from the American consumers as their greed and avarice may dictate.

Protection has been defended upon the ground that an infant industry needed aid, and that imports of like products produced by the domestic industry would enter into such sharp competition as to destroy the American producer. How can these high rates be defended when there is no competition? Is 1 per cent competition? When there are no imports can it be said that there is competition? Of course, that is absurd. It is an abuse of the taxing power of the Government to lay duties upon foreign commodities when there is no importation, or where the importation of such commodities is less than 1 per cent of the domestic product.

Mr. SIMMONS. I ask the Senator from Utah to yield to me for a few moments.

Mr. KING. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I wish to detain the Senate just a moment. A day or two ago I made some general observations with reference to the War Finance Corporation and certain bills which have been introduced in the Senate, one by myself, providing for larger banking facilities for agriculturists and live-stock raisers in the country than are afforded through the War Finance Corporation.

In the course of my remarks I caused to be read from the desk an interview with Mr. Harvie Jordan, which appeared in the Raleigh News and Observer. In the interview Mr. Jordan stated that the governor of the Federal Reserve Board, Mr. Harding, had made a further ruling against loans to enable farmers and stock raisers to hold their products off the market for the purpose of a more orderly marketing of such products.

I am now in receipt of a letter from Governor Harding, dated May 2, which really was called to my attention only this afternoon, in which he refers to the interview of Mr. Jordan and states that he was incorrectly quoted, that he had made no such ruling, that the board of which he is the head had made no such ruling, and that the board did not hold the opinion with respect to the matter stated in the interview with Mr. Jordan, and requesting that some publicity be given to the denial.

He also discusses in the letter to some extent the question of agricultural credits and clearly indicates that both he himself and the Federal Reserve Board are in favor of some system which will adequately provide credits and banking facilities to farmers and to stock raisers. He also makes it clear that he does not think it would be advisable to attempt to accomplish this through amendments to the Federal reserve act.

The letter, I think, is valuable in itself, and Governor Harding is entitled to have it made public. I shall ask the Secretary to read all of the letter except one paragraph, which the governor makes confidential. I would like very much to have that paragraph read, but by reason of his desire that it shall be treated in confidence I ask that the Secretary eliminate it. I desire to have the letter read, because I think Governor Harding is entitled to have it read and I think the Senate is entitled to know what he says upon this very interesting and very important subject.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, the Secretary will read as requested.

The reading clerk read as follows:

FEDERAL RESERVE BOARD,
Washington, May 2, 1922.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In the course of your remarks which are published on pages 6131 to 6133 of the CONGRESSIONAL RECORD of May 1, 1922, you referred to and caused to be inserted in the RECORD a statement taken from the Raleigh (N. C.) News and Observer of April 27, 1922, by Mr. Harvie Jordan, national secretary of the American Cotton Association. As this statement is untrue in so far as it refers to me, I am taking the liberty of addressing this letter to you.

I have reference to the particular part of the statement which reads as follows:

"* * * Gov. W. P. G. Harding, of the Federal Reserve Board, recently interpreted the law of the Federal reserve banking system to the effect that agricultural loans based on farm products as collateral can not be rediscounted for the purpose of holding such products off the market, the inference being that for farmers to borrow money for the purpose of holding cotton or other staple products off the market is speculation.

"This interpretation of the Federal reserve law means that when staple farm products are ready for market they must be promptly sold, whether markets are stagnant or not. It means an encouragement or enforcement of the dumping method of marketing, which has always carried the penalty of low prices to the growers. The policy now being generally adopted by farmers to market their products slowly and in an orderly manner to regulate supplies to meet the needs only of legitimate consumption will meet a deathblow if the law as interpreted by Governor Harding is enforced."

I desire to say in the first place that I have never attempted to interpret the law or make rulings for the Federal Reserve Board. Every interpretation or ruling is made and adopted by the board as a whole.

In the second place, I wish to point out that the Federal Reserve Board has never interpreted the Federal reserve act in the manner suggested in the statement in question. On the contrary, the Federal Reserve Board in its rulings, and on every appropriate occasion, has taken the position that such holding of agricultural products as is incident to orderly marketing is a legitimate and necessary part of the business of agriculture, and that a loan made to a producer or farmer for the purpose of financing such holding is clearly an agricultural loan which is eligible for rediscount by Federal reserve banks within six months of maturity. Furthermore, the Federal Reserve Board and the Federal reserve banks have recognized that in determining to what extent the holding of agricultural products is incident to orderly marketing the condition of the market for such products, or the market demand, must be taken into consideration, and that renewal loans made necessary by reason of inability to dispose of products at a reasonable figure and in an orderly manner during the period of the original loan may also be eligible. In other words, in direct contradiction of the published statement of Mr. Jordan, the Federal reserve act has been interpreted by the board so as to permit the gradual and orderly marketing of agricultural products as and when there is a demand for them, instead of requiring the farmers to market their products by the so-called "dumping method."

I have read your remarks as published in the CONGRESSIONAL RECORD with much interest and I agree entirely with you, as I am sure the other members of the Federal Reserve Board would also, that there is grave need for additional credit facilities available to agriculture, and that it would be inadvisable to attempt to provide such facilities through amendments to the Federal reserve act. Senator HITCHCOCK, who addressed the Senate after the conclusion of your remarks, inferred that the Federal Reserve Board "will fight" any legislation intended to provide such additional credit facilities. I desire to assure you that such is not the case. You are no doubt familiar with Senate bill 3051, which was recommended by the Joint Commission of Agricultural Inquiry as a means of affording additional credit facilities for agricultural purposes through the enlargement of the powers of the Federal land banks. The chairman of the Senate Committee on Banking and Currency referred this bill to the Federal Reserve Board, and in a letter dated January 26, 1922, the board expressed its approval of the bill in the following terms:

"While the proposed bill deals mainly with the Federal farm-loan system, the administration of which does not, of course, come within the jurisdiction of the Federal Reserve Board, the board is glad of the opportunity to say that the bill has its cordial approval and support. The board believes the bill to be sound and constructive legislation that is well designed to afford much needed relief to agricultural and live-stock interests by adding to their available credit facilities, which at the present time are not adequate for their requirements."

For your information a copy of that letter is inclosed herewith.

The Federal Reserve Board has not had occasion to consider the bill introduced by you, S. 3390, and am not familiar with its detailed provisions.

* * *

In order to correct the erroneous impression that Mr. Jordan's published statement would create, I request you to give the same publicity to this letter that you have given to the article containing that statement.

Yours very truly,

W. P. G. HARDING, *Governor.*

Mr. SIMMONS. Mr. President, I have also received from Governor Harding, attached to the letter which has just been read, a letter written by him, dated January 20, 1922, and addressed to the chairman of the Committee on Banking and Currency, the Hon. GEORGE P. MCLEAN. I think probably it was sent to me with the expectation that it would be presented in connection with the letter which has just been read. For that reason I ask that, without reading, it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE BOARD,
Washington, January 20, 1922.

MY DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter of January 23, 1922, inclosing a copy of Senate bill 3051 and requesting the views of the Federal Reserve Board with regard to it. This is the bill the enactment of which is recommended in the recently published report of the Joint Commission of Agricultural Inquiry. The same bill has also been introduced in the House of Representatives as H. R. 10068.

While the proposed bill deals mainly with the Federal farm loan system, the administration of which does not, of course, come within the jurisdiction of the Federal Reserve Board, the board is glad of the opportunity to say that the bill has its cordial approval and support. The board believes the bill to be sound and constructive legislation that is well designed to afford much needed relief to agricultural and live-stock interests by adding to their available credit facilities, which at the present time are not adequate for their requirements.

The bill proposes to add to the Federal farm loan act a new title, title II, consisting of sections 201 to 209. Subdivision (a) of section 201 provides that each Federal land bank, subject to regulation by the Federal Farm Loan Board, may discount for any bank or live-stock loan company, with the indorsement of such bank or company, any note or other such obligation the proceeds of which have been used for an agricultural purpose or for the raising, breeding, fattening, or marketing of live stock, and may make loans to any cooperative association of producers of staple agricultural products upon the security of warehouse receipts covering such products. Subdivision (b) of section 201 provides for the issuance by Federal land banks of debentures or other such obligations with maturities not in excess of three years secured by discounts or loans made under subdivision (a). Section 204 provides that any Federal reserve bank may discount for a Federal land bank, upon the latter's indorsement, discounts or loans made under section 201 which have a maturity at the time of discount by the Federal reserve bank and in excess of six months, and section 206 provides that any Federal reserve bank may buy and sell the debentures and other obligations of a Federal land bank issued under section 201 to the same extent and subject to the same limitations as those upon which they may buy and sell Federal farm loan bonds. The other sections of the new title provide for the creation of a "farm credits department" in each Federal land bank for the purpose of exercising the powers conferred by the title, and provide that the capital of each such department shall be $1,000,000, to be subscribed by the United States, and contain certain other necessary administrative provisions which are not important for the purposes of this general discussion.

At the present time the Federal farm loan act provides the means for supplying the farmers long-time credits upon the security of first mortgages upon agricultural lands; and under the terms of the Federal reserve act agricultural paper with a maturity not in excess of six months is eligible for rediscount by Federal reserve banks after it has been indorsed and indorsed by a member bank of the Federal reserve system. As pointed out, however, in the report of the Joint Commission of Agricultural Inquiry, there is need for agricultural credits of an intermediate type, running from six months to three years, for production and marketing purposes. The farmers' turnover in the production of crops, including the planting, harvesting, and gradual marketing through orderly processes designed to avoid flooding the market at any one time, normally requires approximately 12 months; and in the live-stock industry the turnover may require as long as three years. Consequently, in order to make it possible for the farmer and live-stock man to liquidate, out of the ultimate proceeds of his agricultural transactions, his indebtedness incurred for production and marketing purposes, it is necessary that such indebtedness be permitted to run for periods ranging from six months to three years, depending upon the particular commodities being produced and marketed.

Loans with such maturities can not be granted in sufficient amounts to meet the needs of agriculture by ordinary banking institutions the liabilities of which are for the most part payable on demand, unless the banks can rely on being able to rediscount the loans in emergencies. The main purpose of the bill under consideration, as the Federal Reserve Board understands it, is to provide proper and adequate facilities for such rediscounts.

Bills have been introduced in Congress within the past year proposing to amend the Federal reserve act so as to make eligible for discount by Federal reserve banks agricultural paper with maturities up to 12 months, instead of 6 months, as the law now provides. The board has expressed its disapproval of these and similar bills, because the enactment of any such bill would materially lessen both the liquidity of the paper held by the Federal reserve banks and the elasticity of the Federal reserve note currency, which is based upon and secured by the paper so held. The bill recommended by the Joint Commission of Agricultural Inquiry avoids this danger, and at the same time offers far more adequate relief to the agricultural interests of the country than could be obtained through the enactment of such an amendment to the Federal reserve act.

The Federal Reserve Board has carefully examined the bill introduced in the Senate as S. 3051, and in the House of Representatives as H. R. 10068, and approves not only the purpose and substance of the bill but also the form and language that have been adopted in drafting it. The board is of the opinion that the bill is admirably designed to accomplish the purposes which its framers have in mind, and that its various provisions are so coordinated as to provide the most efficient machinery for the performance of the new functions of the Federal land banks without in any way interfering with their present activities.

Very truly yours,

W. P. G. HARDING, *Governor.*

Hon. GEORGE P. MCLEAN,
Chairman Committee on Banking and Currency,
United States Senate.

Mr. HEFLIN. Mr. President, I did not hear all of the letter read. A part of it seemed to undertake to make the impression that the governor of the Federal Reserve Board, W. P. G. Harding, desired to aid the farmer and enable him to hold his products for profitable prices.

If that is true; if that is the impression sought to be made, the record of the Federal Reserve Board contradicts the professions which are contained in the letter just read. In 1920 the farmers of the South and West were denied money with which to carry on their business in a profitable manner; the merchants of the South and West, and the bankers of the South and West, were denied money necessary at the crop-moving time to aid the farmers of those sections in obtaining a fair and reasonable price for their products.

I said the other day, and I repeat now, that I do not intend that any statement which may come from the governor of the Federal Reserve Board that is contrary to the facts shall go into the RECORD unchallenged. If I caught the statement correctly, the governor of the Federal Reserve Board believes in permitting farmers to hold their produce until they can obtain a profitable price. Then, I repeat, his record is to the contrary. His conduct speaks louder than any expressions which he may use in writing to this body.

There are not thousands but millions of farmers who have been literally robbed of all they possess because they were denied the money and credit necessary to carry on their business as they were entitled to carry it on.

I said on day before yesterday, Mr. President, that the Federal Reserve Board permitted a progressive interest rate to be applied only to the agricultural sections. I want to add that when authority to invoke that progressive rate was granted it was obtained to some extent under false pretenses. Senators were told and Members of the House of Representatives were told that it was sought for the purpose of preventing big cities from getting more than their share of the money supply; that it was done to prevent speculation on exchanges; that it was done to prevent wild and reckless speculation in the big cities. Of course, those who came from the farming sections of the country thought that that would be a good idea—and it would have been—but when the Federal Reserve Board got the authority, how did they use it? They applied it only to the farming section.

Mr. President, the record bears me out in the statement that the Federal Reserve Board invoked the power in the district served by the Atlanta bank. That is right down in the heart of the cotton-growing region. They invoked it in the district served by the Dallas, Tex., bank, that bank being in the greatest cotton-producing State in the Union. They invoked it at St. Louis and at Kansas City, in the great farming districts served by those two banks. They did not invoke it in Wall Street; and there is where the great bulk of the speculation is carried on.

I repeat that Governor Harding, of the Federal Reserve Board, himself told the Senator from South Carolina [Mr. SMITH] that it was done for the purpose of keeping the big speculative centers from getting money and to provide money in abundance to the farming sections of the country. I do not intend that the Federal Reserve Board shall now come in and seek a whitewash at the end of a miserable record while in their wake lie the wreck and ruin of thousands and millions of American people.

Again, I charge that the Federal Reserve Board head has been the enemy of every movement to aid the farmer. Section 2 of the joint resolution reviving the War Finance Corporation provided that the Federal Reserve Board should use its influence in having money loaned to farmers at the lowest rate of interest in keeping with sound banking. Could anyone object to a proposition of that sort? We were not asking that any wildcat business be permitted but to let the farmers have money at the lowest rate of interest in keeping with sound banking; but the Federal Reserve Board used its "fine Italian hand" to defeat that legislation in the House. Congress revived the War Finance Corporation, but when the joint resolution came out of the House of Representatives section 2 had been stricken from the measure, so that Congress did not even request the Federal Reserve Board to permit money to be loaned to farmers in distress at the lowest rate of interest in keeping with sound banking.

Mr. President, do we all not know that if the Federal Reserve Board had been in favor of section 2 it would have remained in the joint resolution? Certainly it would; but it was stricken out.

The governor of the Federal Reserve Board appeared before the Committee on Agriculture at a joint session. I then was a member of the Agricultural Committee on the part of the other House. He opposed the revival of the War Finance Corporation. We did revive it and it has done good, but he did all he could to keep it from being revived. Did that look like he was a friend to the farmer?

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am very glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I remind the Senator from Alabama that the governor of the Federal Reserve Bank of Atlanta, Ga., told the Senator and myself out in the reception room of the Senate the other day that he had $100,000,000 of idle gold in his bank in that city. I asked him why he did not put it to work. He said it was because nobody wanted to borrow money. I should be glad if the Senator from Alabama would enlarge upon that subject in the course of his remarks.

Mr. HEFLIN. I will remind my friend from Georgia that I touched upon that subject briefly on day before yesterday. I remember the conversation to which the Senator from Georgia has referred. I remarked then that within a radius of 30 miles of Atlanta there were people in distress who wanted money and who would be glad to get it; and that there were not only

people there but there were people in my State and in the other Southern States who would be glad to borrow that money. Can it be that the Federal Reserve Board's deflation policy has hurt and seriously injured so many people that they live in dread and fear of this Federal Reserve Board?

Mr. WATSON of Georgia. Mr. President, will the Senator yield further?

Mr. HEFLIN. Yes; I am glad to yield to the Senator.

Mr. WATSON of Georgia. From all parts of the State of Georgia I have received letters almost every day asking if the Government will not provide some method by which they can borrow money to carry on their business?

Mr. HEFLIN. Mr. President, that is in keeping with the information I have. People are writing me that they can not get money to carry on their business. This year there are farmers in the South and in the West who can not get money to make a crop. Their business is dying upon their hands. Now, I want to know why it is that, although the Federal reserve banks have the money, they say they can not lend it.

Does not that prove what I have charged here for months, that while they were taking this blood money in they were forcing the farmers to dispose of their crops upon the market at destructive prices in order to make them liquidate? Of course it proves that.

Where did the Federal reserve banks get this money. I have said they were compelling the farmers to pay their loans; that the word had gone down the line to call upon them to settle up, and the officers of the Federal Reserve Board denied it; but now they come out and say, "We have more money than we know what to do with." Yet here in the United States, the greatest Government in all the world, with the greatest gold supply of any country upon the earth, with more gold than we know what to do with, there are sixty-odd millions of our people in distress.

Senators, it is a sad picture to look upon. What are we going to do? Who, like Aaron of old, will stretch forth the healing rod to give the land deliverance? I rejoice that the day is not far distant when the head of this board shall pass from the position which he holds and has used to the detriment and injury of millions of American people. His term expires in August.

Mr. President, there has never been a greater crime committed against the public, in my judgment, than that of deflation in 1920. Abraham Lincoln spoke the living truth when he said:

> If you force people to pay with a deflated dollar a debt incurred under an inflated dollar, you are guilty of a crime.

I have heretofore given an illustration of the result of the deflation policy, but I want to repeat it here this afternoon. A farmer in my State who made 10 bales of cotton contracted an indebtedness on it to the extent of $2,000. That 10 bales of cotton would have paid the debt at the time it was incurred, but the price of cotton was beaten down until when the dollar had been deflated the 10 bales paid only $500 of the debt, leaving three-fourths of it still due. At that rate it would take the farmer four years under deflation to make cotton enough to pay a debt incurred under inflation in one year. That is the sort of work that has been done. I am endeavoring to show just what sort of ruin was wrought under that policy. Why did they apply the progressive interest rates to the bank of Atlanta and not apply it to the bank of New York? Why did they apply it to the bank of Dallas and the bank of Atlanta, which serve the great cotton belt of the United States, when they kept their hands off of the bank in New York, in the heart of the gambling district? Let them answer that question.

Mr. President, I have charged here repeatedly, and I charge again, that there was a conspiracy to rob the cotton producers of the United States of the crop of 1920, and they were robbed of it. Here was the farmer coming into the market place in 1920 with a crop of cotton which cost him more than any crop he had ever produced, and here were the gamblers of Wall Street seeking to beat down the price.

The farmer, as he had done in 1918 and 1919, went to the members of the Federal reserve banking system and said, "I want money to hold my cotton back until I can get the cost of production, plus a profit. I got money for this purpose in 1918 and in 1919; I must have it now." But the appeal fell on deaf ears.

The Federal Reserve Board had decreed that the cotton crop of 1920 should be denied the currency and credits necessary to compel a fair price. The Federal reserve banks, under orders from the board, said "no," and they shut the door in the face of the farmer. Then what happened? Cotton went down and down. The farmer came back and said, "We can not sell at this figure; if we do we are ruined; we must have money." He went again to the Federal reserve banks, but under orders from the board the banks said, "If you get it, you will have to pay 15 per cent, or 25 per cent, or 35 per cent," and even 87½ per cent, which was the rate charged in the case of a little bank in my State. What was that doing? That was making it impossible for the farmer to get any money, and when they made it impossible for the farmer to get any money, what happened to him? He stood empty-handed and helpless in the market place, and the gamblers fleeced him and took his crop from him.

Why did they apply the progressive interest rate to the Atlanta, Dallas, St. Louis, and Kansas City Federal Reserve Banks, serving the great agricultural districts, and fail to apply it to Boston, Cleveland, Philadelphia, and New York, and the other four regional banks? Why did they not apply it to the speculating section of New England, one of the great cotton-spinning sections of the country? The spinner could sell all the cotton he wanted on the bear side to beat down the price; he could get all the money he wanted to carry on his speculative transactions; but the farmer of the South could not get it to fight that gambler. They applied the progressive rate to him. They ran it up to 7 per cent first, and he said: "Well, I must have some money." They said: "Do you want to pay 15, 25, 35, 40 per cent?" The farmer, merchant, and banker in the agricultural sections had his business practically destroyed.

There is nothing too strong to say about that criminal conduct. The whole policy grew out of the resolution introduced into this Chamber and passed at the instance of the Senator from Illinois [Mr. McCORMICK]. It opened the way for the deflation policy; and then the Federal Reserve Board, bowing and scraping to the party that it knew would come into power, in order that it might retain its place, carried out the policy.

Why, Mr. President, do you not know that if that board had not been performing entirely in a satisfactory way, the leader from Illinois, the Senator from Illinois [Mr. McCORMICK] would have had every one of its members removed?

Mr. McCORMICK. Mr. President, the Senator flatters me in including me among the world-wide economic causes of the present depression. I am overcome to be classed with reparations and armaments and devastation in northern France as one of the fundamental reasons for the depression throughout the country and the world.

Mr. HEFLIN. Mr. President, the Senator from Illinois can not escape with that sort of an excuse. There was no excuse for the depression that was produced here. We had the money, we had the credit, we had the ability to finance the World War, and this board boasted at that time that we could expand and inflate still more and never endanger the gold reserve at all. We stood through the war, and then, when the wolves of Wall Street commenced to howl for their feast, they got ready to deflate so that they could make not only their millions, their hundreds of millions, but their billions out of the South and West, and they made them. The Senator from Illinois may have been entirely innocent as to the effect that this thing was going to have, but he was unfortunately the instrumentality that opened the way for this long train of misery and ruin that we find in the United States; and W. P. G. Harding, the Federal Reserve Board governor, wrote a letter, in response to the Senator's resolution, promising that they would use every power at their command to carry out the purposes of the deflation resolution, and he certainly kept his promise.

They wrought ruin in the South and in the West. The evidence of that ruin is there to speak for itself, Mr. President. The country is in distress; industries are shut down; 7,000,000 laborers have been turned out of employment; farming operations have been made unprofitable; farmers' farms have been taken from them; dire distress is reigning in the country; and every time we defeat one of the Republican reactionaries the Senator from Illinois gets up here and demands that the League of Nations be made the issue.

Mr. McCORMICK. Every time what happens?

Mr. HEFLIN. Every time we defeat one of the reactionaries, such as my good friend Congressman COPLEY, a clever gentleman, but one of the standpatters of the old school.

Mr. McCORMICK. Mr. President, the Senator forgets that Mr. COPLEY supported Colonel Roosevelt in three successive campaigns, and even left the Republican Party in doing so.

Mr. HEFLIN. Then, Mr. President, if he had stayed out he might have been renominated. He went back to the old lick log and they slaughtered him. He has been a good reactionary for quite a while in the House. Mr. Roosevelt has been gone for some time. Mr. COPLEY is a very wealthy man, and he was going right along with the reactionary program, and he got defeated for renomination a few days ago; and my friend from Illinois came in here and lifted his voice nearly as loud as he did this afternoon and said that we must make the League

of Nations the issue, and on yesterday—he has been quiet now for two or three weeks——

Mr. McCORMICK. That is more than can be said for the Senator from Alabama.

Mr. HEFLIN. Why, I have not said anything in over a month except on day before yesterday, when I was compelled to talk about your deflation policy.

Mr. McCORMICK. And the day before that.

Mr. HEFLIN. Not the day before that.

Mr. McCORMICK. The Senator was out of town, perhaps.

Mr. HEFLIN. I have been right here, but the Senator has been away.

And on yesterday, Mr. President, when our genial friend—and we all are exceedingly fond of Senator NEW—was defeated, a strong administration candidate, the Senator from Illinois comes in, and, louder and stronger than ever before, demands that we make the League of Nations the issue.

Mr. President, I do not blame the Senator. It shows how shrewd and cunning he is. He says: "Why, they are whipping us on the record that we are making here in Congress. Let us make the League of Nations the issue."

Mr. McCORMICK. Mr. President, will the Senator let me interrupt him for a moment?

Mr. HEFLIN. I shall be glad to be interrupted by the Senator because I am anxious to help him out of this amusing predicament in which he finds himself.

Mr. McCORMICK. Will the Senator let me call to his attention the absence from the Chamber of any Democratic Senators from north of the Mason and Dixon line who are candidates for reelection, now that the League of Nations is before the Senate? Perhaps the Senator will ask his colleague [Mr. UNDERWOOD] if he will not join Governor Cox in demanding that the Democratic National Committee reaffirm the Democratic faith that we should subscribe to the covenant of the treaty of Versailles, and integrally enforce the treaty of Versailles.

Mr. UNDERWOOD. Mr. President, if my colleague will yield——

Mr. HEFLIN. I shall be glad to yield to my colleague.

Mr. UNDERWOOD. I feel sorry, very sorry, for my good friend from Illinois. I realize that the issues under which his party friends are meeting defeat are issues that he would gladly get away from, as has been suggested by my colleague. I have heard him refer once or twice to me on this question of the League of Nations.

Mr. McCORMICK. When?

Mr. UNDERWOOD. This afternoon, specifically; but that is all right.

Of course I can not speak for anyone but myself, and I do not intend to speak for anyone but myself; but I will remind the Senator from Illinois that some weeks ago, when I stood in my place in the Senate advocating the ratification of the four-power pact as presented to the Senate by the President of the United States, I said that I did so because the principle involved was the same principle that made me vote for the ratification of the treaty of Versailles and the League of Nations. I said at that time that I had the proud opportunity, when the treaty of Versailles was before the Senate, to make the motion for the unconditional ratification of that treaty. I was proud to do it then, and I have been proud of it ever since. I have believed that one of the great mistakes this Government has made—one of the greatest mistakes that stands to its record in all its history—was the fact that it failed to ratify the treaty of Versailles and take its place among its allies in settling the shattered conditions of Europe, and take its place at the only table at which these questions could be settled, and assist in saving the world from the disordered political conditions of Europe, the disordered financial conditions of Europe, and the disastrous business conditions of Europe that confront the world to-day and have shattered American finance and American business. That is my viewpoint of the matter, and I have no apologies to make for it.

As to the issues in the campaign, men do not make issues. Conditions make great political issues and men fight for them or against them. I want to say to the Senator that I have known of no apology on the part of the Democratic Party for its position in favor of the League of Nations, and I certainly have no desire to make any; but, notwithstanding the desire of the Senator from Illinois to make that the dominant issue in the next campaign, the dominant issue will be the mistakes of his own party in passing a financial bill increasing the burdens of taxation on the American people, failing to relieve the business interests of this country from undue burdens of taxation, and failing to bring down the expenditures of the Government to a point even approximating those that existed before the war.

Of course you have reduced expenditures somewhat. You took charge of this Government, so far as controlling the House of Representatives was concerned, and the purse strings of the Nation, the week that the armistice was signed, and yet we have war expenditures still appropriated for to-day, and taxes must be raised to meet them. How can you expect the American people to think only of the covenant of the League of Nations when you are burdening them with these immense appropriations and failing to reduce the oppressive taxes that rest upon their backs—taxes and burdens of appropriation that have shattered business—when you have woe in the home and poverty in the street?

That is the reason why the Senator can not make the League of Nations the sole issue in the coming campaign. It is because his party on the live issues of the hour, the issues of to-day, has failed to make good before the American people.

Mr. McCORMICK. The Senator considers the League of Nations a dead issue?

Mr. UNDERWOOD. I said the live issues of the hour, which are made by the Senator's party. Of course, the Senator knows, just as I know, that the treaty of Versailles is in the White House, and that there is no chance to make it an issue unless the President of the United States will send it here. He has the power to send it back. He will not send it back, and therefore he prevents any action on the part of this Government with reference to the matter; but even if he sent it back, and if it were ratified now, it would be too late to meet the issue and save the situation, which could have been saved if the treaty had been promptly ratified when it first came before the Senate of the United States.

Mr. McCORMICK. Let me ask the Senator a question to see if I understand him. He agrees, then, with the Senator from Texas [Mr. SHEPPARD] and the former governor of Ohio, that ultimately the United States ought to subscribe to the covenant of the League of Nations?

Mr. UNDERWOOD. I am not speaking as agreeing with anybody; I am expressing my own views on this subject, and I think I have done so clearly. I do not say, and do not contend, that the treaty of Versailles and the covenant of the League of Nations will be the issue in the coming campaign. I have no apologies for my action in regard to that matter, and nothing to take back. I know it will not be the leading and foremost issue, because the mistakes, within the last year and a half, of the Senator's own party so overshadow everything else in the political arena that you could not make anything else the issue before the American people if you tried.

The administration will go to the country on the test as to whether it has made good in its financial and business promises before the people of the United States, and the verdict is bound to be, the verdict is in every mouth and every home and every office to-day, that you have failed to make good.

Mr. McCORMICK. Having failed in that, will the Senator tell me whether or not he believes, with Governor Cox and the Senator from Texas [Mr. SHEPPARD], that ultimately we ought to subscribe to the covenant of the League of Nations?

Mr. SHEPPARD. Ultimately? I say now; I do not say ultimately.

Mr. McCORMICK. The Senator from Alabama is not so hasty.

Mr. UNDERWOOD. I said to the Senator that I voted for the unconditional ratification of the treaty.

Mr. McCORMICK. That was two years ago.

Mr. UNDERWOOD. And I have never apologized for it. I myself think that our proper place to-day would be in the League of Nations. That is my viewpoint. But I say that even if we went in to-day, it would not relieve any of the disaster which came to the world and this country because of the failure of the United States Senate to ratify that treaty.

Mr. McCORMICK. I thank the junior Senator from Alabama [Mr. HEFLIN] for his courtesy in yielding.

Mr. HEFLIN. Mr. President, my colleague has made a very strong and clear statement. Of course, he could not convince the Senator from Illinois. Every time a reactionary is defeated for election to the House or Senate the Senator from Illinois is going to come in and demand the League of Nations as an issue, because he saw his party triumph upon that issue—that is, it had something to do with it, I suppose. But I want to remind the able and distinguished Senator from Illinois, one of the leaders on the other side, that the Senator from Indiana [Mr. NEW], our clever, good friend, who was defeated on Tuesday, voted against the League of Nations. Where is the saving grace in opposition to the League of Nations, that is such a burning issue now, that it could not save the Senator from Indiana on Tuesday?

Mr. McCORMICK. The Senator from Indiana did not vote against the League of Nations.

Mr. HEFLIN. Certainly he voted against the League of Nations issue.

Mr. McCORMICK. No; he did not.

Mr. HEFLIN. Did he vote for it?

Mr. McCORMICK. Mr. Beveridge was against it.

Mr. HEFLIN. Senator NEW, I understand, voted against the League of Nations.

Mr. McCORMICK. No; he did not.

Mr. HEFLIN. Did he vote against the Versailles treaty?

Mr. McCORMICK. He voted to ratify the League of Nations with reservations.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. HEFLIN. I yield to my friend from Mississippi.

Mr. HARRISON. The Senator from Illinois says the Senator from Indiana [Mr. NEW] voted for the League of Nations with reservations.

Mr. McCORMICK. He did.

Mr. HARRISON. There were a good many Senators on the other side who voted that way. Are they still of that opinion, that it should be ratified with reservations?

Mr. McCORMICK. I think not.

Mr. HARRISON. Why does the Senator think not?

Mr. McCORMICK. I think the President, speaking from yonder place, defined the position of the party and of a majority of the Senators on this side. He has twice declared, for himself, and, I think, for the majority of the party, upon that issue.

Mr. HARRISON. The President, when he was a Senator, voted for the League of Nations with reservations.

Mr. McCORMICK. I am speaking of the President as President, not as Senator. I ask the Senator from Alabama to excuse me for having interrupted him.

Mr. HEFLIN. Mr. President, I am glad to yield to the Senator. The Senator is in an awful fix, and I want to help him out of it if I can.

The Senator from Indiana [Mr. NEW] voted against the League of Nations. The Senator from Alabama [Mr. UNDERWOOD] offered it without reservations, and the Senator from Indiana [Mr. NEW] voted against it. That is his record; that is his position upon it.

Mr. McCORMICK. The Senator does not mean that the Senator from Indiana did not vote for it with reservations?

Mr. HEFLIN. I do not remember how he voted on the death-dealing blow, the Lodge reservations, which finally put it to sleep.

Mr. SHEPPARD. He voted for it with the Lodge reservations.

Mr. HEFLIN. Yes; he voted for it with those reservations.

Mr. SHEPPARD. The Lodge reservations cut the heart out of the league.

Mr. UNDERWOOD. If my colleague would like to have the vote that was cast on that occasion, I can give it to him, and he can read it into the RECORD if he wishes.

Mr. HEFLIN. Yes; and the RECORD shows that Senator NEW voted against it.

Mr. SMOOT. I want to say to the Senator, however, that ex-Senator Beveridge, who defeated Senator NEW, was against the League of Nations. He was against it with reservations attached to it, and he opposed it in every possible way.

Mr. HARRISON. Was that an issue out there?

Mr. SMOOT. The Senator from Alabama has brought it up as an issue here.

Mr. HARRISON. I am asking the Senator from Utah if that was an issue between Mr. Beveridge and Mr. NEW?

Mr. SMOOT. I can not say.

Mr. HEFLIN. I never knew of it as an issue out there.

Mr. SMOOT. The Senator mentioned it here, and spoke of Senator NEW being defeated.

Mr. HEFLIN. I knew the Senator from Utah would come to the rescue of the other leader, the Senator from Illinois [Mr. McCORMICK].

Mr. SMOOT. I am not a leader.

Mr. HEFLIN. I think he ought to stay out and let the Senator from Illinois get out the best way he can. As I said before, he started this League of Nations discussion. I think the Senator from Utah [Mr. SMOOT] has all he can do in defending these tariff schedules he has brought in here, which just simply rob the people of this whole country. He is getting off now talking about something else which does not pertain to these people who are having such a hard struggle to live at this time.

Mr. SMOOT. The Senator has made an argument based on the fact that the Senator from Indiana was defeated in the primary in Indiana, and he is seeking to connect the result with the League of Nations. But the man who defeated him was not only opposed to the League of Nations as it was submitted, but he was opposed to the League of Nations with any kind of an amendment, and he would not have anything to do with it in any way, shape, or form.

Mr. HEFLIN. That does not enter into this.

Mr. SMOOT. It did enter into the Senator's argument.

Mr. HEFLIN. I ask the Senator from Illinois, whose opposition to the league is so strong and mighty, why did not the position of Senator NEW save him Tuesday in the primary election?

Mr. SMOOT. Because Mr. Beveridge, who beat him, was stronger against it than Mr. NEW was.

Mr. HEFLIN. But they did not mention the league in the campaign, I understand.

Mr. SMOOT. Then why does the Senator bring it up?

Mr. HEFLIN. Why did it help Mr. Beveridge any if they did not mention it?

Mr. SMOOT. I am not saying it did. The Senator is trying to bring in the question here.

Mr. HEFLIN. I am reminded that the vote in the NEWBERRY case had a great deal to do with it.

Mr. SMOOT. Do not try to dodge the question, which is the League of Nations.

Mr. HEFLIN. I am not dodging. I am giving one of the vital issues to the Senator.

Mr. SMOOT. Do not dodge the question of the League of Nations. That is what we were discussing.

Mr. HEFLIN. The League of Nations—there he goes! He has gone off after the League of Nations, too. We are going to try you upon the vital issues of the hour.

Mr. SMOOT. That is what we want.

Mr. HEFLIN. Upon the domestic concerns of our long-suffering people.

Mr. SMOOT. That is what we would like.

Mr. HEFLIN. We will accommodate the Senator.

Mr. SMOOT. There was nothing in what the Senator from Illinois said that caused me to rise. I was replying to what the Senator from Alabama said.

Mr. HEFLIN. Certainly.

Mr. SMOOT. I never mentioned the League of Nations, with the exception of calling the attention of the Senator from Alabama to the fact that the opposition of the Senator from Indiana to the League of Nations, or his being in favor of it, had nothing whatever to do with his defeat, because of the fact that ex-Senator Beveridge was opposed to the League of Nations in every way.

Mr. HEFLIN. If the league was an issue at all, and if the people were so much aroused over the league and about it, and felt as the Senator from Illinois frequently leads us to believe they feel, would they not have said, "We do not care how Beveridge feels. Senator NEW voted against the thing. We are going to send him back because he did."

Mr. SMOOT. But he voted for it with reservations.

Mr. HEFLIN. He voted just as the Senator from Utah voted. The Senator from Utah voted for it, with reservations, did he not? The Senator from Utah voted against it without reservations, did he not?

Mr. SMOOT. Yes; I voted against it without reservations.

Mr. HEFLIN. Then the Senator voted against the League of Nations.

Mr. SMOOT. Certainly, I did; and I would do it again. But the Senator from Indiana [Mr. NEW] voted for the league with reservations, and ex-Senator Beveridge would not have voted for it even with the reservations.

Mr. MOSES. May I seek a little enlightenment of the Senator from Alabama?

Mr. HEFLIN. I am glad always to enlighten my friend from New Hampshire, because I think he, like the Senator from Illinois, is entitled to a good supply of that material.

Mr. MOSES. The Senator has been referring to recent political events frequently in the course of the afternoon in this language, "Whenever we beat a reactionary." Whom does he mean by "we"? Does he mean that the Democrats beat Senator NEW or Representative COPLEY in a Republican primary?

Mr. HEFLIN. Not at all; but I was speaking about when the administration received a rebuke, when a candidate who is supporting the administration is defeated, and when some man runs in your primary who says that he is opposed to what is going on up here, that he wants to come up here and do this, that, and the other, that is not now being done. When he comes out of the political arena bearing off the laurels of the day, it is repudiation. That is what I am talking about.

Mr. MOSES. Let me ask the Senator, further, if he thinks that Mr. Beveridge and the gentleman who won the nomination from Mr. COPLEY will be antiadministration when they get here?

Mr. HEFLIN. I do not know. Frequently a Republican gets a nomination in the primary and changes his position after he gets here, as my friend from New Hampshire did on the bonus.

Mr. MOSES. I hope they will have the manhood to state their positions.

Mr. HEFLIN. I think they should, and that we should not have to make them acknowledge their positions.

Mr. MOSES. The Senator did not make me state anything. I stated it of my own volition.

Mr. HEFLIN. I remember very well that the Senator did do that voluntarily; that is, the Senator was speaking, and I reminded him of that, and he admitted it.

Mr. MOSES. No; I stated it in the opening sentence of my speech.

Mr. HEFLIN. I believe the Senator is correct about that. If so capable and brave a Senator as my good friend from New Hampshire will tell them one thing in the primary and vote another when he gets here, what may we expect from feeble fellows who happen to get nominated?

Mr. MOSES. In my case, I have always put them on notice.

Mr. HEFLIN. The Senator put them on notice after he had been nominated and got the election, and had his certificate in his pocket.

Mr. MOSES. In ample time so that they would know before the vote was taken.

Mr. HEFLIN. In ample time before the next election.

Mr. MOSES. The Senator is welcome to come up in my State and raise that question.

Mr. HEFLIN. Oh, Mr. President, I am not seeking to get up in the Senator's State and raise that question against him. I want to raise the questions here, in the forum of the people. Let us go out and fight out the issues on which we are battling now, and not let the Senator from Illinois lead us back down under the hill, where the people can not see and hear. We want to fight this domestic issue out on the mountain top.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I yield.

Mr. STANLEY. I take this occasion to remark to the Senator from New Hampshire that the fight to which he refers in Illinois is purely a family affair in the Republican Party. I do not see any special significance in that election to either Democrats or Republicans. The best information I can get is that Brother COPLEY dried up and blew away. I do not know whether the Senator will differ with me in that respect or not.

Mr. MOSES. They are not saying on the other side of the Chamber in respect to that matter that "we defeated the reactionaries."

Mr. STANLEY. I did not shed any tears.

Mr. HEFLIN. Mr. President, the Republican Party this morning when they got that news from Indiana did not know whether to move forward, step back, stand still, or sit down. They reminded me of the country boy who was doing some stunts with hen eggs one night. He had the audience sitting out in front, with these little Japanese lanterns such as they burn on the porch at night. He said: "I am going to do with eggs what you have seen done with white balls frequently. I will keep seven of them going in the air at once." He performed that remarkable stunt, and they sat in wide-eyed astonishment as the little fellow pulled off the stunt. Then he said, laying the eggs all down upon the table, "Now, I am going to do another thing. I am going to pitch one of them into my mouth at arm's length, never striking my teeth or breaking the egg."

Just as he whirled the egg old Uncle Johnny, sitting there holding his whiskers in front of him and chewing his cud, turned his chair over and fell. The boy slipped a cog, his mind being distracted from his business, and he swallowed the egg. A friend rushed to him and said, "Jimmy, shall I send for the doctor?" Jimmy said, "Don't touch me. I don't know what to do. If I move it will break, and if I stand still it will hatch." [Laughter.]

So it is with our Republican friends. They are in an awful predicament, but most of them smile and enjoy it and take it good-naturedly, like my friend the Senator from New Hampshire, but it is going to hurt the Senator from Illinois, and he is not going to be able to survive more than two or three more jolts of this character. Every time the news comes in that one of them has been beaten he walks down the aisle to the altar place in front of the Vice President, whirls viciously toward the Democratic side and says, "I challenge you to make the League of Nations the issue." [Laughter.]

Mr. President, we have issues enough already formed by the present administration upon which to go to the country. I remind the Senator from Illinois and the profiteers who flourish in rank luxuriance to-day with their taxes all taken off. I remind him of the distress wrought by his deflation policy. I remind him of the millions of men yet unemployed. I remind him of the distress to be found in every line of business. I remind him of the unrest that we see all about us, a discontented, unhappy, and yet determined people. Mr. President, they are aroused as they have not been for years. "Weighed in the balance and found wanting." That will be the verdict they will render.

Mr. SMOOT. Mr. President, I wish to take just a moment of the time of the Senate. I have not been very much alarmed at what the junior Senator from Alabama [Mr. HEFLIN] has stated, and has repeated every day or two in this Chamber for weeks past. I am not alarmed over what the issues will be in the coming campaign. I am not alarmed over what is going to happen to the Republican Party for what are denominated the mistakes of the party and this administration. Before the campaign is over the American people will know just exactly the condition in which the Republican Party found the country when they took charge of the administration of the Government.

Talk about burdensome taxes? Of course, they are burdensome. In 1918 I stood at my desk here and told the American people that the taxes for the next quarter of a century would never be less than $3,000,000,000. On retiring from office in what condition did the Democratic Party leave the country? How did they leave it? In what financial condition was the country left in by them? The interest upon our obligations, the amount that is absolutely necessary to take care of the wounded soldiers, and the sinking fund required by a law passed by the last administration, of which law I approved, constitute nearly $2,000,000,000 every year. This amount must be raised by taxation without providing a cent for running expenses of the Government.

The attention of the American people will be called to this. The attention of the American people will be called to the conditions which exist in the world to-day. The American people know, so far as the business of their own country is concerned, that it is generally struggling to make ends meet, and successful concerns making little money on which to pay taxes and necessarily rates of taxation could be reduced but little. Burdensome? Of course the taxes are burdensome, but when the American people know the amount that this administration has saved in cutting down the appropriations which have been so carelessly and wickedly made in the past I think there will be no question as to what the verdict of the American people will be.

I am not alarmed in the least, and, so far as I am concerned, I do not believe it will be the League of Nations that will be the great issue. I believe that the dominating question in the campaign will be the expenditures of public money, and how the money is to be raised to meet the same.

Mr. President, I think if the Democrats will allow the tariff bill to be passed in time that it can operate before the day of election, there is no question as to what the verdict of the people will be. The result will be a revival of business, slowly, I will admit, with the existing tariff law in force much longer. We would have to be looking around for different kinds of taxation, taxes that have never been thought of in the past, to lay upon the backs of the people. The rates in the tariff bill are only such as will fairly protect the American business man, and if they do not protect him I know just what will happen. It will result in exactly what the pending law resulted in before the breaking out of the war. I say now that if it had not been for the war the existing tariff law would never have been on the statute books longer than it was possible for the American people to render a verdict upon it, and the Republican Party to have time to make a new tariff bill. When the war broke out the balance of trade against the United States was increasing rapidly, taking importations and exportations into consideration. I called the attention of the Senate to the fact that, before the breaking out of the war, month after month we were running behind at the rate of $62,000,000 a month. It would not have taken very long until the country would have been in a worse condition than it was in the nineties, and I think that the American people realize it, and that the only thing which saved them was the declaration of war.

Mr. President, so far as the Republican Party is concerned, we are perfectly willing to meet the issue, and I feel confident and assured that the American people before the campaign is over will understand the situation, and I have no fear whatever as to the result.

Mr. McCUMBER. Mr. President, a gentleman sitting in the Chamber yesterday, who is a considerable mathematician, sent me a little note. This note read as follows:

> Listening to these heroic efforts on the part of some Senators to do everything in their power to expedite the consideration and passage of this bill, I have evolved the following algebraic problem to ascertain

at the present rate of progress just when the committee amendments will be disposed of.

Given these facts: The bill has been under consideration for 13 days. Three amendments have been acted upon. There are 2,000 committee amendments reported.

Then, making his calculation, he proceeds:

Not counting Sundays or legal holidays, the last amendment should be agreed to on September 29, 1946.

I think, Mr. President, after listening to the debate to-day he would have to revise his figures and add 30 or 40 more years to the date he gave for final action upon the committee amendments.

Now, Mr. President, ever since I was old enough to read any of the debates of Congress, and I began perhaps in the early seventies to take an interest in them, I have found that whenever a tariff bill was up for consideration which had for its purpose protection to American industries we had the same expression that we have to-day, "monstrosity." We had the same expressions of condemnation and denunciation. They all come back to me through the years, echoing the same sentiments, and connected with them was always the same threat, that the Republican Party was going to be wiped off the face of the earth. Notwithstanding the threats, notwithstanding the adjectives which were used, the Republican Party and the protective policy have held for about five-sixths of the time since 1860.

Now, I do not know whether its life will continue or not. I do know this, however, that braggadocio, blowing what we are going to do or what we would do, is not going to change the minds of the American people very much. If the bill is satisfactory to them, if it will bring about any revival of business, I have no doubt that the American people will continue in power those who have sponsored the bill and this character of legislation. If it fails to produce that result there may be a reversal.

All I know is that the platform of the last Republican national convention declared strongly for the reinstatement of the American protective policy. I know that President Harding was elected by a very great majority. I am not one of those who claim, or will admit, that the principal issue which caused the defeat of the Democratic Party and of Governor Cox was the League of Nations or any other single issue, for in our own platform we came out strongly for an association of nations to preserve the peace of the world. Nothing was said as to how such an association should or should not be constituted. I have no doubt in the world that there was a very strong feeling against Mr. Wilson's League of Nations, and that it did materially affect the result in that election, although I favored the League of Nations, with proper reservations; but there were other questions involved.

I do not think that in the beginning the American people wanted to become involved in the World War, and the cry of those who favored Mr. Wilson's election in 1916 that "he had kept us out of war" had a great deal to do with his return to power at that time. Then we entered the war, and there was something of a revulsion of feeling on the part of a great many of the American people on account of the fact that, having been returned to power on that assumption, the then administration immediately went into war.

There were many other considerations which influenced the election. There were a great many considerations outside of the tariff question and the League of Nations question and the keeping us out of war question which had their due and proper weight in bringing about a change of administration. However, there prevailed throughout the sentiment, "Now that we are out of the war we want to get back to a protective policy."

I believe the American people as a rule are in favor of a protective policy. If any item of the pending bill goes beyond what is reasonably protective, then it should be discussed and be changed if Senators on the other side can convince us we are wrong. Then, let us put the bill through; let us get rid of this tariff legislation and go home and let the American people pass judgment upon whether or not the Republican Party should be retained in power. If we have made a mistake, let us go ahead and at least submit the matter to the judgment of the people after we have put our bill upon the statute books.

I want to get through with this bill. I think it is a disgrace to the American Senate that after a bill has been brought into the body there is no power in the Senate to compel Senators to discuss the bill under consideration, but that any Senator may enter upon the discussion of any question he may see fit to discuss.

The pending bill has not been discussed during the last 14 days one-fifth of the time it has been before the Senate. The discussion has continually branched off on some extraneous business. I hope Senators will consider the bill now and will make it in reality the unfinished business.

If we do not pass the bill in due time, I will tell Senators what is going to happen. They may consume hours and days in discussion and keep that up for a month or two, and then suddenly they will get tired of hearing their own voices; suddenly the Senate itself will demand immediate action, and before we shall have considered more than one-third of the bill Senators will be ready to swallow all the remainder of it in order to get away.

I had rather Senators would discuss every one of the items of the bill and get through with them. I think that is the logical and the only legitimate way to discuss a tariff bill. Mr. President, we can not handle the bill by holding only day sessions if the discussion is to continue for weeks.

Mr. CURTIS rose.

Mr. McCUMBER. I will yield in a moment. I do not want to ask for night sessions. I think if we do our morning work and then meet at 11 o'clock and remain in session until 6 o'clock in the afternoon we shall have done a good, honest day's work, and that we ought to have a little time for rest; but if Senators are going to insist upon discussing every subject on earth except the tariff bill, there is but one method by which we can meet the situation, and that is to insist that we shall have not only day sessions but that we shall also hold night sessions.

Mr. CURTIS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Kansas.

Mr. CURTIS. I rose before the Senator from North Dakota said that he did not care to resort to night sessions to suggest that we hold night sessions beginning on next Monday night. I think a few night sessions would get the bill through.

Mr. McCUMBER. Mr. President, I will say in answer to that suggestion that I think, if we give our attention to the bill, it will not be necessary to hold night sessions at all; and I certainly should not consider it necessary to ask for evening sessions unless such a course seemed imperative in order to make progress with the consideration of the bill.

Mr. HEFLIN. Mr. President——

Mr. McCUMBER. I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I merely wish to say that I have taken up very little time during the discussion of the tariff bill. I spoke for about 20 minutes the other day on a matter of very grave importance to the farmers of the entire United States; and I spoke to-day briefly about a matter which affects the whole American people, and that is the control of the money supply and the credits of the country. If Senators can not speak upon such matters when they are presented for consideration there is no use to wait for two or three weeks and then speak on them.

I wish to say further to the Senator from North Dakota——

Mr. McCUMBER. Let me say that I am making no complaint against the Senator from Alabama. On the contrary, I think the first injection of extraneous matters into the debate this afternoon was from this side of the Chamber. We have, however, nevertheless, discussed nearly all matters except the bill which is nominally under consideration.

I know how deeply the Senator from Alabama is interested in questions affecting the mode of operation of the Federal reserve banks, but inasmuch as the tariff bill is now the real matter before the Senate, I am simply pleading that from now we may proceed with the consideration of that measure.

Mr. HEFLIN. Mr. President, I am in hearty agreement with the Senator about that. I do not think that there is any disposition over here to filibuster at all; certainly there is none on my part. I should like to see the tariff bill passed on within a month's time, and probably that may be done; but I submit that the Senator from North Carolina [Mr. SIMMONS], the Senator from Utah [Mr. KING], and the Senator from New Mexico [Mr. JONES] have been discussing the tariff measure hour after hour and pointing out the provisions of the bill which they think are very objectionable. The American people are entitled to know what is in this bill. They can not pass on it intelligently unless its provisions are explained to them. Here is a bill containing very many items and provisions, and unless it is very thoroughly discussed the people will not know what is in it until after the election. I think the time the Senate has devoted to discussing the measure as it has been discussed by the Senators to whom I have referred is time well spent, for certainly those who represent the people here are entitled to take all the time they think necessary to show Congress and then to the people the obnoxious provisions contained in the bill.

I wish to say for the benefit of the senior Senator from North Dakota that some Republican newspapers in the West have denounced this bill as the worst tariff bill that has ever been submitted to Congress, and many Republicans in the country, I

understand, feel the same way about it. If they do, they are entitled to have the matter fairly and thoroughly discussed.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I agree with him as to that. I want the measure discussed, but the complaint that I am urging is that it has not been discussed; that other subjects have taken nearly all of the time.

Mr. HEFLIN. I differ from my good friend from North Dakota as to that. I have heard the discussion, and it seems to me that two-thirds of the time day after day have been consumed in the discussion of the tariff bill.

Mr. McCUMBER. Oh, no; the Senator is mistaken. I do not think that one hour out of five has been spent in the discussion of the tariff bill.

Mr. HEFLIN. I can not agree with the Senator as to that. I know that it has long been the custom for the Senator having the floor to discuss a pending measure to yield for the transaction of some other business that must be transacted. That has been done, of course, during the discussion of the tariff bill, but I think that this measure has been discussed as consistently, if not more so, than any measure which has been before the body since I have been here.

Mr. McCUMBER. Mr. President, it is my intention to ask the Senate to continue in session until 6 o'clock this evening, but I have some assurance that to-morrow we will really consider the tariff bill. There are Senators who desire to get away. So I ask that when the Senate concludes its business on this calendar day it shall take a recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

NAT GOLDSTEIN.

Mr. HARRISON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, there is a very interesting article in the New York Times of this morning. It is found in the third column on the front page, and I should like to have it read from the Secretary's desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

WASHINGTON, May 3.—President Harding sent to the Senate to-day the nomination of Nat Goldstein to be collector of internal revenue for the first (St. Louis) district of Missouri. In doing so the President laid the foundation for political trouble, for Goldstein is one of two men whose acceptance of money to further the campaign of Frank O. Lowden, then governor of Illinois, for the Republican nomination for President had most to do with losing Lowden this honor.

Some Republican Senators were plainly disconcerted when they learned that Goldstein had been nominated. With the incident of the 1920 campaign in mind, they felt that a party error had been made in this selection.

"Good Lord, can it be true?" exclaimed one Senator when told of the nomination. That the naming of Goldstein will furnish Democrats with some high explosive ammunition goes without saying. In a measure the nomination seems likely to become a second Newberry case, and the expectation is that some Republican Senators will join with the Democrats in opposing confirmation.

The nomination will be referred to the Committee on Finance, the Republican members of which are McCUMBER, SMOOT, LA FOLLETTE, DILLINGHAM, McLEAN, CURTIS, WATSON, CALDER, SUTHERLAND, and FRELINGHUYSEN. Among the Democratic Senators is Senator REED, who is having strong opposition in his effort to be renominated. If he should be named to run again, the Goldstein case will give him a new campaign issue. The other Democratic members of the committee are HITCHCOCK, WILLIAMS, SWANSON, POMERENE, PITTMAN, and SIMMONS.

Called before a Senate committee of investigation on June 2, 1920, Robert E. Moore, of St. Louis, and Goldstein admitted that each had received a check for $2,500 from Jacob Babler, national committeeman from Missouri, before the election of delegates to the Republican National Convention, and that each understood that it was Lowden money. Moore testified that Babler handed him the check "to take it and use it for whatever I (Moore) saw fit," but that he had not used it. The money was still to his credit in a bank, he said, but in view of the unpleasant notoriety which the matter had caused he would return it.

Goldstein, then a circuit court clerk in St. Louis, testified that Babler handed him a check for $2,500; that he had put it to his credit in bank; that his intention was to turn it over to the Lowden organization "when we got into the campaign," if Lowden were nominated, or return the money if Lowden were not nominated. Goldstein said that when the money was given to him he was a candidate for delegate to the national convention, and subsequently was elected without instructions. He added that he "was friendly to Governor Lowden's interests."

Other testimony was to the effect that Louis L. Emmerson, secretary of state of Illinois and Governor Lowden's campaign manager, sent to H. L. Morse, the Lowden campaign manager in Missouri, $32,000 to pay expenses in his attempt to carry Missouri. Morse testified that he gave $17,000 of this amount to Babler "to create Lowden sentiment." All the testimony showed that Governor Lowden had no knowledge of those transactions. He issued a statement in which he repudiated the support of Moore and Goldstein. "My injunctions to Mr. Emmerson were to use no money except for legitimate purposes of the campaign and to make no expenditure that could not be made public," he said.

The whole affair created such a furor that the Republican leaders at the Chicago convention were afraid to throw the presidential nomination to Lowden. Of the leading contestants for the nomination, General Wood, Senator Harding, Senator JOHNSON, and Governor Lowden, the favorite with the leaders was Lowden.

Mr. HARRISON. Mr. President, in view of that statement from that very reputable paper, if there is such a nomination here, there will be a motion made to have the nomination considered in open executive session.

Mr. SPENCER. Mr. President, I do not wish to detain the Senate at this late hour. I was out of the Senate Chamber, in a committee meeting, when the article from some paper was read concerning Mr. Nat Goldstein.

I merely want to say at this time that I have known Mr. Goldstein for 25 years. He is now, and has been for some years, the clerk of the circuit court of the city of St. Louis. He is a man of the highest integrity, a man whom judges and lawyers and business men of the community would vouch for, I am sure, as they have to me, in large numbers. When the time comes I shall be very glad to give to the Senate any information that any Senator may desire to hear about him.

Mr. HARRISON. Mr. President, if the Senator will yield before he takes his seat, let me say that in view of what the Senator has said I am sure he will cooperate with me and others who may desire to have this matter discussed in open executive session, and, when the motion is made to have it discussed in open executive session, that he will vote for it.

Mr. SPENCER. I am inclined to think that nominations had better be discussed, as they always have been, in executive session. I know how often the Senator from Mississippi has desired to have many nominations discussed in open session; but my judgment has rather been with the majority of the Senate, that it is better to conform ourselves to what has been the custom ever since I have been here.

Mr. HARRISON. The Senator would not like to make this an exception to that rule? If this article and these rumors that are current have done Mr. Goldstein so much injury, then he should have a right to have his case discussed in the open. It would seem fair to him that we should do it, so I am sure that the Senator will cooperate with me in making an exception in this instance.

Mr. SPENCER. In other words, the distinguished Senator from Mississippi first makes some charge which he thinks needs an answer, and then, upon the basis of the charge which he himself has made, he says that because of the right of the man himself we ought to have an open executive session to discuss the matter. That does not appeal to me as being a very strong argument.

Mr. HARRISON. I do not make any charge. This article was from the New York Times, and they say that Mr. Goldstein himself said that he got the $2,500 and placed it in the bank to his credit in order to create Lowden sentiment in Missouri.

Mr. SPENCER. I was under the impression that the article was put in at the instance of the Senator from Mississippi.

Mr. HARRISON. Yes; for the information of the Senator, and the Senate, and the country.

PROHIBITION ENFORCEMENT.

Mr. BROUSSARD. Mr. President, I have no disposition to discuss the reasons for the defeat of any candidate in the recent elections, because that has been done before by other Senators. I wish to observe, however, that in my opinion one of the elements which are making it difficult for some people to come back to Congress is the Volstead law, and especially that feature of it which permits a man to invade the sanctity of a home at night without a search warrant.

In order to bear out this statement, I wish now to offer a copy of a joint resolution adopted by the Legislature of the State of Louisiana in the year 1921, addressed to the Vice President and by him referred to me, and ask that it be inserted in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Senate Concurrent Resolution 5.

Whereas the Congress of the United States is at the present time considering a modification of the so-called Volstead Act prohibiting the manufacture and sale of liquors for beverage purposes containing more than one-half of 1 per cent alcohol;

Whereas it is the desire of all that the Volstead Act should be amended and modified so as to permit the sale of light wines and beer in wholesale quantities under proper Government restrictions: Be it

Resolved by the Senate of the State of Louisiana and the House of Representatives concurring, That the Congress of the United States be requested to modify and amend the so-called Volstead Act so as to permit the sale and manufacture of light

wines and beer in wholesale quantities under proper Government restrictions.

HEWITT BOUANCHAUD,
Lieutenant Governor and President of the Senate.
R. P. WALKER,
Speaker of the House of Representatives.

Mr. BROUSSARD. I also wish to offer a letter addressed to me by the Grain Trade Association of the San Francisco Chamber of Commerce, inclosing a copy of a letter to the President of the United States, and making a similar plea. I ask that this be printed in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection it will be so ordered.

The matter referred to is as follows:

GRAIN TRADE ASSOCIATION OF SAN FRANCISCO
CHAMBER OF COMMERCE,
San Francisco, April 10, 1922.

Hon. EDWIN S. BROUSSARD,
United States Senate, Washington, D. C.

DEAR SENATOR BROUSSARD: Inclosed herewith we hand you reprint from the San Francisco Daily Commercial News, dated April 15, from which you will see that 5,044 separate landowners, owning in the aggregate 5,297,821 acres of land, have petitioned our association to use its best efforts to bring about legislation so as to allow the manufacture and sale of light wines and beer.

Yours very truly,
GRAIN TRADE ASSOCIATION OF THE
SAN FRANCISCO CHAMBER OF COMMERCE,
By W. BELKNAP, *Secretary.*

[Reprinted from Daily Commercial News, April 15, 1922.]

GRAIN TRADE ASSOCIATION ADDRESSES LETTER TO PRESIDENT HARDING.

The Grain Trade Association of the San Francisco Chamber of Commerce yesterday sent the following letter to President Harding:

SAN FRANCISCO, *April 14, 1922.*

Hon. WARREN G. HARDING,
Washington, D. C.

DEAR MR. PRESIDENT: We take the liberty of advising you that during the past few weeks we have been requested over the separate signatures of 5,044 landowners, owning in the aggregate 5,297,821 acres land, devoted to all sorts of agriculture, etc., in California, to use our best efforts in helping to bring about an amendment to the Volstead Act, so as to legalize the manufacture and sale of light wines and beer.

Recently the San Francisco Chamber of Commerce, California State convention of organized labor, San Francisco Stock and Bond Exchange, Sacramento Chamber of Commerce, and various other organizations, either voted unanimously, or almost unanimously, in favor of the same amendatory legislation.

Your interest and support of such proposed legislation is therefore respectfully requested by us.

Faithfully yours,
GRAIN TRADE ASSOCIATION OF THE
SAN FRANCISCO CHAMBER OF COMMERCE,
F. A. SOMERS, *Chairman.*
D. BELKNAP, *Secretary.*

Mr. BROUSSARD. I also wish to insert in the RECORD a recent editorial in order to prove the correctness of the predictions we made during the consideration of the antisearch legislation finally adopted by this Congress, that the prohibition agents would invade the homes and disregard the constitutional privileges of citizens. In order to bear out those predictions I offer also, to be printed in 8-point type, an editorial from the Baltimore Sun, reproduced in the Washington Post of April 27, 1922, describing how prohibition agents in the early hours of the morning forced their way into the residence of a citizen of Maryland and shot up the place while the occupant of that residence was sleeping.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

ASK FOR THE WHITE SLAVE.

[From the Baltimore Sun.]

The prohibition authorities at Washington owe it to themselves, as well as to the people of this State, to investigate thoroughly the so-called "raid" of "dry" agents from the Capital against the home of Frank A. Lutz, near Knoxville, Frederick County. Mr. Lutz's version of the affair is that he was aroused from sleep at an early hour of the morning by some one knocking loudly on his front door. When he asked who was there, the answer was the imperative demand, "Let us in." When he refused, one of the men attempted to force an entrance, whereupon Mr. Lutz shot through the door to frighten the intruders off and was answered by a fusillade from the assailants. He then telephoned to a neighbor, Mr. Meyer, and on his arrival the men without began firing into the house again, shattering the glass transom and slightly wounding Mr. Meyer. Mr. Lutz returned their fire and they retreated. He then telephoned the sheriff, who, with two deputies, hurried to the scene. They were admitted and the "raiders" entered the house with them, disclosing themselves as prohibition officers and attempting to search the premises. According to our dispatch it was then revealed that they had no search warrant and were not allowed by the officers to proceed.

If this is an accurate description of what occurred, nothing more lawless or high-handed has been staged by enforcement officers under the present régime. It can not be minimized or overlooked, and if the prohibition authorities do not probe it to the bottom the Department of Justice should take it up. If these "dry" agents made this night attack on the home of a citizen in the country, presumably without protection, and with no legal warrant to justify their attempted invasion, they were as much criminals, to all legal intents and purposes, as if they had been bandits or burglars. They have committed an act of criminal violence and should be punished, not merely reprimanded or discharged.

Mr. BROUSSARD. I wish also to have inserted in the RECORD, in 8-point type, extracts from speeches made yesterday in the city of New York by James Speyer, banker; Samuel Gompers, president of the American Federation of Labor; and James P. Holland, president of the State Federation of Labor of New York, Mr. Holland's speech containing a quotation from a letter written by our good friend the senior Senator from New York [Mr. WADSWORTH]; also an extract from the annual report of Bishop Lawrence, of the Episcopal diocese of Massachusetts, to the diocesan convention on May 3, 1922.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Post of May 4, 1922.]

CAPITAL AND LABOR UNITE AGAINST DRYS—SPEYER, BANKER, AND GOMPERS DEMAND MODIFICATION AT BIG "WET" RALLY—INSIST CONGRESS MUST HEED—"TERRIBLE MISTAKE MADE," SAYS WADSWORTH—MAXIM CALLS DRYS "MERCILESS PRIESTHOOD."

(By the Associated Press.)

NEW YORK, May 3.—Samuel Gompers, president of the American Federation of Labor, speaking to-night to a crowd that jammed Madison Square Garden in a mass meeting called by the New York branch of the Association Against the Prohibition Amendment, declared that labor "must make the fight now, and we will never stop fighting until the rights of the people have been restored to them."

He was cheered by crowds both inside and outside the big pavilion, for those who could not get into the hall heard the various speakers through voice amplifiers. The meeting was largely attended by members of union labor, representatives of more than 30 labor organizations being present. There also were many men prominent in the city's business and financial circles, who occupied places on the stage. A large part of the audience was composed of women.

"I and the federation I represent," Mr. Gompers said, "are in favor of beer and light wines and against any attempt to enforce sumptuary laws aimed at the personal liberties of our people.

LAYS LOWER MORALITY TO DRYS.

"I have always had faith in the future of my country, but with prohibition I am apprehensive of that future. Temperance was the rule of the great mass of organized labor, but the prohibitionists and the so-called Anti-Saloon League have done more to undermine the morality and temperance of the workingman than any other agency I know.

"I have traveled all over the United States before prohibition, including its so-called dry territories, and to-day as I pass through these sections I find more drunkenness than ever before."

"There are no stronger or more powerful supporters of the Volstead Act than the distillers and bootleggers," Mr. Gompers declared to the accompaniment of vociferous applause. "With the Volstead Act and prohibition replaced by a light wine and beer bill the bootleggers would go out of business."

CALLS SPONSORS VIOLATORS.

Mr. Gompers, declaring that there are "no greater violators of the Volstead Act and the prohibition amendment than those who voted for their enactment," brought his talk down to local issues, saying that of New York's 25 Members of the House of Representatives, more than 20 were absent "from their posts of duty" on the day that the eighteenth amendment was voted on.

Labor's dissatisfaction with the liquor laws was also expressed by James P. Holland, president of the State federation of labor, who also spoke.

Mr. Holland declared that if the Representatives in Congress from New York did not listen to the demands of the people, "others will be put in who would."

"The Congressmen of this State," he said, "must listen to the demand of the citizens of New York, who insist on a modification of the Volstead Act."

"I have here a letter from one New York Senator which shows he still believes in the Constitution of the United States—JAMES W. WADSWORTH."

WADSWORTH SEES "TERRIBLE MISTAKE."

Senator WADSWORTH's letter said, in part:

"Frankly, I think we made a terrible mistake when we inserted a sumptuary law of this kind in the Constitution of the United States. This was a fundamental error. Then we made another mistake when we passed an enforcement act so severe in its provisions that it is proving impossible of enforcement."

James Speyer, banker, who opened the meeting, said what he personally disliked more than anything else about the Volstead Act was that "it is fast degenerating into class legislation, favoring the well to do as against the less fortunate ones of our citizens." He was opposed, he said, to any kind of class legislation.

Hudson Maxim, another speaker, said that "the blue-law fanatics of prohibition are a new priesthood, intolerant and merciless."

BISHOP LAWRENCE DEMANDS FREE SPEECH ON PROHIBITION.

BOSTON, May 3.—Bishop William Lawrence, of the Episcopal diocese of Massachusetts, in his annual report to the diocesan convention to-day asked whether it was not time to recognize the right of every citizen who did not believe in constitutional prohibition to say so, and in public.

"Hundreds of thousands of workingmen who found solace and comradeship after the day's work in what they felt to be their innocent glass of beer had it snatched from them," the bishop said, "and thousands of thousands of reputable citizens found their personal liberties and domestic habits broken in upon.

"Surely it is competent for every citizen to speak, work, and do everything consistent with the law to have a law either amended or rescinded."

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess, the recess being, under the order previously made, until to-morrow, Friday, May 5, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4 (legislative day of April 29), 1922.

COAST AND GEODETIC SURVEY.

Leo Clark Wilder to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy.

POSTMASTERS.

ALABAMA.

John S. Amos, Enterprise.
Charlie S. Robbins, Good Water.

FLORIDA.

Boyd C. Foxworthy, Fort Myers.
Herbert W. Fuller, New Smyrna.
Mamie E. Barnes, Plant City.
James L. Pattillo, Fort Orange.

GEORGIA.

Esther McCollum, Conyers.
Beulah L. McCall, Hinesville.
Awtrey C. Moore, Powder Springs.
Gussie C. Lyon, Roswell.

INDIANA.

Josiah J. Hostetler, Shipshewana.

KENTUCKY.

Samuel C. Hedden, Shelbyville.

MICHIGAN.

Herman A. Ehman, Beulah.
Eugene E. Hubbard, Hudsonville.

MISSOURI.

Ferd D. Lehmeyer, Bland.
Walter E. Pearson, Clarksdale.
Andrew S. Swafford, Excelsior Springs.
Elisabeth B. Letton, Mindenmines.

NEW MEXICO.

Morgan P. Harvey, Clayton.

NORTH DAKOTA.

J. Rodney Williams, Hampden.
Martin H. Weber, New Leipzig.
John V. Kuhn, Richardton.

OKLAHOMA.

Joseph G. Chappelear, Gotebo.
Bert A. Hawley, Leedey.

OREGON.

Newton A. Perry, North Portland.

WASHINGTON.

Carl J. Gunderson, East Stanwood.
Ray E. Simons, Leavenworth.

WYOMING.

Elmer W. Ace, Green River.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 4, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Unto Thee, O Lord, do we offer our tribute of praise and thanksgiving. Our trust and our hope are in the infinite mercy and goodness of God. In a world so varied, quivering with uncertainty and veiled with mystery, we are so grateful that we have a Father in heaven and in earth who claims us as his own. The days are so packed with thought and so full of purpose. O set us to our high tasks. Do Thou quicken the living, breathing, budding divinity within us. May the hand that holds the earth, the seas, and the stars in their places direct us and establish our work. In Thy holy name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 132, and to insist on the amendments of the House and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate Joint Resolution 132 and to insist on the House amendments and to agree to the conference asked by the Senate. The Clerk will report the resolution.

The Clerk read the title of Senate Joint Resolution 132, to provide for continuance of certain Government publications.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, has the gentleman from Pennsylvania conferred with the minority member of the Printing Committee about this resolution?

Mr. KIESS. Yes.

Mr. GARRETT of Tennessee. Is it satisfactory?

Mr. KIESS. Absolutely.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. KIESS, Mr. JOHNSON of Washington, and Mr. STEVENSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 191. Joint resolution favoring the establishment in Palestine of the national home for the Jewish people.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amend-

ments of the Senate numbered 51 and 58 to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Halleys Ferry and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 191. Joint resolution favoring the establishment in Palestine of the national home for the Jewish people; to the Committee on Foreign Affairs.

TRIP TO QUANTICO.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, it is with great regret that I have to announce to the Membership of the House that the trip arranged to Quantico for to-morrow has been postponed owing to the condition of the weather. General Lejeune, who is now on the field, reports that the parade ground is a mass of mud, and that the trenches where we were to witness the mimic battle are also a mass of mud, as well as the aviation field, and he feels that the Members would not enjoy the trip if they should take it to-morrow. Therefore, the trip has been postponed, but not canceled, and in a very few days we will make an announcement as to the date when the trip will be made. I wish to make this announcement now, so that no one will go down to-morrow morning expecting to go to Quantico, because the vessel will not be there; but the trip is only postponed.

COMMITTEE ELECTIONS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution electing Members of the House to committees.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 342.

Resolved, That JOHN E. NELSON, Member of Congress from the third district of Maine, be, and he is hereby, elected a member of standing committees of the House, as follows: Labor; Flood Control; and Expenditures in the Department of Commerce.

That Lewis FINERY, Member of Congress from the thirty-seventh district of New York, be, and he is hereby, elected a member of standing committees of the House, as follows: Claims; Insular Affairs; and Expenditures in the Department of Agriculture.

That HENRY A. BALDWIN, Delegate from Hawaii, be, and he is hereby, elected as an additional member of standing committees of the House, as follows: Agriculture; Coinage, Weights, and Measures; Military Affairs; and Territories.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CALLING OF CALENDAR WEDNESDAY.

The SPEAKER. Calendar Wednesday business is in order to-day. The Clerk will call the committees.

The Clerk called the Committee on Printing.

Mr. KIESS. Mr. Speaker, the Committee on Printing has nothing to present.

The Clerk called the Committee on Ways and Means.

NARCOTICS.

Mr. HADLEY. Mr. Speaker, by direction of the Committee on Ways and Means, I call up H. R. 2193, to amend section 6 of an act approved January 17, 1914, entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909."

Mr. WALSH. Mr. Speaker, I desire to make the point of order that this bill was reported as a privileged bill. It affects the revenue, and amends an act pertaining to the revenue, and has a privileged status, and is not in order under the Calendar Wednesday call. I think the gentleman from Washington [Mr. HADLEY] reported the bill from the floor on the 27th of March, and points of order were reserved against it at that time.

The SPEAKER. The Chair will state that he investigated that subject, and was conferred with by members of the Ways and Means Committee as to whether it was privileged or not. Of course, if it is privileged, that committee can call it up some other day. The Chair concludes that it is not privileged; that while, as the gentleman from Massachusetts [Mr. WALSH] says, it relates to the revenue, yet that that is incidental; that the main purpose of the bill is not to raise revenue; and that therefore it is not privileged. Of course, the fact that it was reported from the floor simply indicated what the gentleman reporting it thought at that time.

Mr. WALSH. If the revenue question were only an incidental matter, clearly it would not have been referred to the Committee on Ways and Means. If the principal purpose of the bill was a regulation of commerce, it would have gone where the principal purpose of the bill might seem to indicate.

The SPEAKER. The Committee on Ways and Means reported the Harrison Act. That bill did not come from the Committee on Interstate and Foreign Commerce. If the Chair should hold that the bill is not in order to-day, he would be in an embarrassing position, because the Chair refused to recognize the Committee on Ways and Means to call up the bill as a privileged matter, on the ground that in his opinion it was not privileged, and that the only way in which the committee could bring it up would be either to get a rule or to bring it up on Calendar Wednesday. So the Chair not only by his individual opinion but by his conduct is bound to rule that the bill is in order to-day. Of course, the House can decide differently if it desires to do so. The Chair overrules the point of order.

This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union; and the gentleman from Massachusetts [Mr. WALSH] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. WALSH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 2193) to amend section 6 of an act approved January 17, 1914, entitled "An act to amend an act entitled 'An act to prohibit the importations and use of opium for other than medicinal purposes,' approved February 9, 1909."

Mr. HADLEY. Mr. Chairman, the committee struck out all of the original bill after the enacting clause and proposes an amendment. I ask unanimous consent that the amendment be read in lieu of the original bill.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the committee amendment be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

That sections 1 and 2 of the act entitled "An act to prohibit the importation and the use of opium for other than medicinal purposes," approved February 9, 1909, as amended, are amended to read as follows:

"That when used in this act—

"(a) The term 'narcotic drug' means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

"(b) The term 'United States,' when used in a geographical sense, includes the several States and Territories and the District of Columbia;

"(c) The term 'board' means the Federal narcotics control board established by section 2 of this act; and

"(d) The term 'person' means individual, partnership, corporation, or association.

"SEC. 2. (a) That there is hereby established a board to be known as the 'Federal narcotics control board' and to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. Except as otherwise provided in this act or by other law, the administration of this act is vested in the Department of the Treasury.

"(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction, except that such amounts of crude opium and coca leaves as the board finds to be necessary to provide for medical and legitimate uses only may be imported and brought into the United States or such territory under such regulations as the board shall prescribe. All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

"(c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than $5,000 and imprisoned for not more than 10 years.

"(d) Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall (1), if smoking opium or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity of instituting forfeiture proceedings of any character; or (2), if any other narcotic drug, be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 3075 and 3076 of the Revised Statutes, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections. Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under such sections, or which is summarily forfeited as provided in this subdivision, shall be placed in the custody of the board and in its discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes.

"(e) Any alien who at any time after his entry is convicted under subdivision (c) shall, upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the act of February 5, 1917, entitled 'An act to regulate the immigration of aliens to, and the residence of aliens in, the United States' or provisions of law hereafter enacted which are amendatory of or in substitution for such sections.

"(f) Whenever on trial for a violation of subdivision (c) the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of the jury.

"(g) The master of any vessel or other water craft, or a person in charge of a railroad car or other vehicle, shall not be liable under subdivision (c) if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, water craft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as provided in subdivision (d)."

SEC. 2. That sections 5 and 6 of such act of February 9, 1909, as amended, are amended to read as follows:

"SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States or into any territory under its control or jurisdiction for transportation to another country, or be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or for any other purpose; and except with the approval of the board, no other narcotic drug may be so admitted, transferred, or transshipped.

"SEC. 6. (a) That it shall be unlawful for any person subject to the jurisdiction of the United States Government to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any narcotic drug to any other country: *Provided*, That narcotic drugs (except smoking opium and opium prepared for smoking, the exportation of which is hereby absolutely prohibited) may be exported to a country only which has ratified and become a party to the convention and final protocol between the United States Government and other powers for the suppression of the abuses of opium and other drugs, commonly known as the International Opium Convention of 1912, and then only if (1) such country has instituted and maintains, in conformity with that convention, a system, which the board deems adequate, of permits or licenses for the control of imports of such narcotic drugs; (2) the narcotic drug is consigned to an authorized permittee; and (3) there is furnished to the board proof deemed adequate by it that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

"(b) The Secretary of State shall request all foreign governments to communicate through the diplomatic channels copies of the laws and regulations promulgated in their respective countries which prohibit or regulate the importation and shipment in transit of any narcotic drug and, when received, advise the board thereof.

"(c) The board shall make and publish all proper regulations to carry into effect the authority vested in it by this act."

SEC. 3. That section 8 of such act of February 9, 1909, as amended, is amended to read as follows:

"SEC. 8. (a) That a narcotic drug that is found upon a vessel arriving at a port of the United States or territory under its control or jurisdiction and is not shown upon the vessel's manifest, or that is landed from any such vessel without a permit first obtained from the collector of customs for that purpose, shall be seized, forfeited, and disposed of in the manner provided in subdivision (d) of section 2, and the master of the vessel shall be liable to a penalty equal to the value of the narcotic drug.

"(b) Such penalty shall constitute a lien upon the vessel which may be enforced by proceedings by libel in rem. Clearance of the vessel from a port of the United States may be withheld until the penalty is paid, or until there is deposited with the collector of customs at the port, a bond in a penal sum double the amount of the penalty, with sureties approved by the collector, and conditioned on the payment of the penalty (or so much thereof as is not remitted by the Secretary of the Treasury) and of all costs and other expenses to the Government in proceedings for the recovery of the penalty, in case the master's application for remission of the penalty is denied in whole or in part by the Secretary of the Treasury.

"(c) The provisions of law for the mitigation and remission of penalties and forfeitures incurred for violations of the customs laws shall apply to penalties incurred for a violation of the provisions of this section."

SEC. 4. That such act of February 9, 1909, as amended, is amended by adding at the end thereof a new section to read as follows:

"SEC. 9. That this act may be cited as the 'narcotic drugs import and export act.'"

Amend the title so as to read: "A bill to amend the act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909, as amended."

The CHAIRMAN. The gentleman from Washington is recognized for one hour.

Mr. HADLEY. Mr. Chairman, this legislation contemplates the further amendment of the existing narcotic laws in three principal respects. There are many incidental points, but the three grand divisions, so to speak, under which the provisions of this bill would classify are, first, the provision for further restraint upon the importation of narcotic drugs as defined in the bill; second, upon their exportation; and third, with respect to the in-transit shipments.

In 1909 Congress passed an act prohibiting the importation of smoking opium but permitting the importation of other classes of opium and their preparations and derivatives for medicinal purposes only and providing penalties, but made no restriction upon the exportation of these commodities. In 1912 the international opium convention was held at The Hague, in which we assumed certain obligations with respect to the opium traffic.

That convention having been ratified by this Government in 1913, it was followed in 1914 by further legislation on the part of Congress, putting limitations upon imports and exports and perpetuating in effect the importation provision of the law of 1909. But the restrictions placed on the exports, if intended to bring the Government fully within the terms of the international opium convention, failed in some important particulars. To remedy that failure is one of the main purposes of the bill.

Mr. HILL. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. HILL. Will the gentleman tell us how this differs from the existing narcotic laws—in what essential?

Mr. HADLEY. Under the existing narcotic laws prepared opium may be imported into this country. The proposal now is to limit the importation to crude opium and coca leaves from which cocaine is derived. This country manufactures all and more than it requires of narcotic drugs for domestic medical and legitimate uses, and it is thought desirable on the part of the committee, in view of the character of the commodities and the well-known illicit traffic in the business and the deleterious effects, that we restrict the importation to crude material in furtherance of our obligation to keep the traffic within the legitimate uses, the medical use in particular. That is one of the outstanding features of the bill.

The exports and imports of narcotic drugs are governed by the act of 1909 as amended by the act of January 17, 1914. The exportation may be made under the present law to any country which regulates the entry of narcotic drugs under such regulations as are prescribed by such country, however ineffectual the regulations or the administration of the regulations may be in that country. In fact, the testimony in the hearings held on the subject in the Sixty-sixth Congress tended to disclose an alarming state of facts as to the diversion of exports from this country into China, and the subsequent return of many exports into our own country.

Mr. HILL. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. HILL. The effect of this bill should be to greatly decrease the amount of illicit drugs used and the importation.

Mr. HADLEY. It is hoped that that will be the effect.

Mr. HILL. It has always been difficult to prevent the smuggling of opium in a prepared form.

Mr. LAZARO. Will the gentleman yield?

Mr. HADLEY. I yield to the gentleman.

Mr. LAZARO. Did not the hearings bring out the fact that the use of opium has increased among the addicts?

Mr. HADLEY. Undoubtedly; alarmingly so.

Mr. LAZARO. While we all agree that laws of this kind should be enacted in order to decrease the habit, does not the gentleman think that the National Government and the States should make better provision for the cure of these addicts while we are enforcing these laws?

Mr. HADLEY. That may be true; I have not considered that phase of it, as it was not germane to this legislation.

Mr. LAZARO. I know, but I thought I would bring out the fact at this time. The gentleman is aware of the fact that those who use opium as a rule are the poor people who are unable to take treatment.

Mr. HADLEY. The gentleman in his profession is better acquainted with those facts than am I.

Mr. LAZARO. That is true, and the majority of addicts are poor people. They are unable to secure private treatment, and I bring this point out to encourage the National Government in cooperating with the States to make provision to take care of these charitable cases, so that they may be cured.

Mr. HADLEY. I thank the gentleman for that statement.

Mr. BOND. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. BOND. Did the gentleman find in the hearings that this was a social habit as well as a habit owing to the use of drugs for medicinal purposes?

Mr. HADLEY. The hearings were held in the Sixty-sixth Congress. I am not certain that that point was particularly stressed.

Mr. BOND. Did the gentleman not find that the habit prevails among all classes of people—the wealthy as well as among the poor?

Mr. HADLEY. There was little testimony on that point. There was much testimony upon what we might call the underground peddling of the commodity and the use by addicts through that channel.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. LAZARO. I did not mean to say that there were more poor people using it than wealthy people, although I believe there are, because there are more poor people than wealthy people anyway; but the point I wanted to bring out in that as a rule the people who use opium can not hold their jobs, and as a result they become paupers and they can not pay for the treatment. Therefore, if they continue to use it, and they do, they have to violate the law in order to get it, whereas the wealthy addicts can pay for treatment and get cured and become law-abiding citizens.

Mr. BOND. I think that is a very fair statement.

Mr. LAZARO. And I think the Federal Government and the States ought to work hand in hand so that we can cure these people as we go ahead with the enforcement of the law, because a person in the habit of using opium, unless he is cured, will violate the law.

Mr. HADLEY. Mr. Chairman, if I may now proceed with the feature that I had indicated as one of the outstanding purposes of the law, the regulation of the export trade in particular, I wish to incorporate in the RECORD for the information of the committee a statement included in the report on the bill by a representative who appeared at the hearings on the part of the Department of State. He said:

As the law now stands, it provides that the goods may be exported to countries regulating their entry under such regulations as are prescribed by such country for the importation thereof into said country. Where the country regulates it in any way, whether effectively or not, under this act of Congress I think the officials of the Government would be bound to permit the exportation; yet we know that some countries, while they have regulations and laws on the subject, administer them very loosely, and in order that this illicit traffic might be controlled to a greater extent it was thought that the administrative officials should have greater discretion with respect to the exportation, and if they should find that the regulations of a particular country were not being properly administered, so as to carry out the spirit of The Hague convention, they should be authorized to refuse a permit to export.

Referring to The Hague convention I wish to call attention to a few of the obligations which we assumed as parties to the convention which have not been wholly fulfilled. I shall not refer to others which were fulfilled, I think completely, under the Harrison Narcotic Act and the smoking opium act, neither of which acts are involved here. In passing let me say that this is an amendment of the import and export narcotic drugs act of 1900 as amended by the act of January 17, 1914, and does not touch the Harrison Narcotic Act, the smoking opium act, nor the American pharmacists in China act.

One of the articles of the convention required, in substance, without reading it in detail, that the contracting powers shall enact laws and regulations in such a way as to limit the sale and use of morphine, cocaine, and their respective salts to medical and legitimate uses only, unless they have existing laws already so providing. And that they shall also cooperate among themselves in order to prevent the use of these drugs for any purpose other than a legitimate purpose. Another provision is to the effect that the contracting powers shall use their best efforts to control or cause to be controlled all those who import or export morphine, cocaine, or their respective salts. Another, that they shall proceed to the end that those who manufacture, import, sell, distribute, and export morphine, cocaine, and their respective salts shall be provided with authorization of licenses to carry on these operations or shall make an efficient declaration thereof to the competent authorities. Another provision in article 12 is to the effect that the powers shall use their best efforts to limit the importation of morphine, cocaine, and their respective salts to authorized persons. Further in article 13, to the effect that they shall use their best efforts to adopt or cause to be adopted measures to the end that the exportation of cocaine, morphine, and their respective salts from their countries to the countries of the other contracting powers shall be to those who have received authorizations or permits granted in conformity with the laws or regulations of the importing country.

These provisions have not been adequately met by the terms of existing law. The bill provides in the committee amendment that in the exportation to countries which are parties to the international opium treaty there shall more appear than the mere fact of having become parties to that convention; there shall more appear than the mere fact that the country has also adopted regulations with respect to the exportation. First, it shall further appear that such country has instituted and maintains in conformity with that convention a system which the board deems adequate of permits or licenses for the control of imports of such narcotic drugs. In the second place, it shall further appear that the narcotic drug is consigned to an authorized permittee, and third, that there must be furnished to the board proof deemed adequate by it that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which it is exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

Those provisions will carry out the spirit and purpose and terms of the obligations assumed in these respects under the international opium convention, but until some such legislation is enacted we are in the position of having assumed these obligations and of not having fulfilled them, and, on the contrary, of having permitted exportation in violation of the spirit of the convention; although in fairness to the present situation it should be said that while some six years elapsed after the ratification of that convention before regulations contemplated by the law of 1914 were approved and put in force by the executive departments charged with that duty, the war intervened, and after the war on the 1st day of May, 1920, such regulations were promulgated and given effect. Since then the difficulties which were complained of upon the hearings when the bill was introduced in the preceding Congress and the conditions which existed at that time have been very much minimized, and the regulations have had a very salutary effect.

But it is the view of the committee that a matter of this gravity, involving the obligation of this Government deliberately assumed, should not rest upon administrative regulation alone, but that the policy to be enforced should be given a firmer legal basis and be expressly incorporated in the law of the land. A third purpose to which I briefly alluded is to regulate in-transit shipments and transshipments. In the present law there is a provision which prohibits the transshipments and in-transit shipments of smoking opium. It does not extend to the other drugs which we define in this bill. The drugs covered in the bill under the terms of the definition are opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine, so when the words "narcotic drugs" appear in the bill that is what they embrace. Under the terms of this amendment the in-transit provisions of the present law are extended so as to include all these narcotic drugs but making in-transit shipments of narcotic drugs other than smoking opium subject to the approval of the board. Great Britain has recently enacted regulatory provisions, among others, governing in-transit shipments and shipments from a foreign country can not be made through Canada or by Canadian roads or by British vessels. We are in the unenviable position of leaving our ports open to the unregulated transshipment through our country of commodities marked pharmaceutical in character, thus making us in a measure parties to the illicit use of so much of these transshipped commodities as may find their way illicitly into other countries than the port of destination.

In this connection I submit the following statement from a paragraph of an article by the China Club of Seattle in reference to in-transit shipments. The China Club of Seattle has been thoroughly informed on this entire subject, and is composed of public-spirited men, who have the best interests not only of our own country but of China at heart. They say:

The British conscience has already imposed restrictions whereby the drugs can no longer be shipped in British ships nor carried over British or Canadian rails. Hence the value to manufacturers of the privilege of shipping "in bond" across the American Continent over American railroads. This gives them their easiest path into China. Curiously enough their easiest path to their victims in America is via this same route to the Orient. Thanks to our present Harrison law it is well-nigh impossible to procure the drugs in the United States by any lawful means when wanted for unlawful purposes. There is an army of underworld peddlers, who are sucking the lifeblood out of helpless drug addicts, who are already numbered by millions, and out of other millions who are being systematically trained as future victims. These peddlers can get their stock in trade only from supplies which have first been shipped abroad under our present law and then brought back by smuggling into the very seaports from which they originally went out. That is to say, of every shipment abroad of British or American drugs, half goes to poison China and half comes back to poison America. Every steamer that pushes its way into our ports from the Orient brings its hidden quota. Every train and auto that crosses the line from Canada or Mexico is a potential drug carrier.

The committee amendment carries an amendment to section 8 of the existing law, which arises by virtue of a suggestion of the Treasury Department and a court decision. On appeal to the Circuit Court of Appeals of the Ninth Circuit, in the case of United States against Bischo, it was in effect held that the penalty which the Government sought to impose under section 8 on a vessel which brought in unmanifested opium could not be enforced. It is believed that the committee amendment will avoid

the results of this decision. The amendment places in the section the penalty for failure to manifest the narcotic drug. The Treasury Department asked that this amendment be made. It suggested a number of amendments, and they have been incorporated in the bill. Every suggestion as to amendments made in the letter from the Secretary of the Treasury found in the report has been incorporated in the committee amendment with one exception, and that is in respect to the disposal of opium that has been seized, other than smoking opium, and in an informal conference with representatives of the Treasury Department the provision of the bill in that respect has been approved.

Extensive hearings were held in subcommittee near the end of the last Congress on the subject of this bill. A bill was reported at that time somewhat similar to this. It carried the basic features of this bill, and the principal material amendments which have been added since were those suggested by the Treasury Department upon reference of the bill to the department for report. In this Congress we held no hearings because of the very recent full hearings which had been held upon the subject. But a subcommittee was appointed to consider the bill. It received some communications and briefs, and all that it received it considered in detail. After a thorough and full review of the entire subject, including the recommendations of the Treasury Department, and considering the approval which the bill has of the State Department, in the particulars wherein it is charged with any responsibility, and of the Department of Commerce as well, the committee has recommended this substitute as drawn, in lieu of the original bill, in the form in which it appears and which it now recommends to the House for enactment.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HADLEY. I will yield briefly.

Mr. WILLIAMSON. Does this bill contemplate the seizure of opium without search warrant or must a search warrant be sworn out before seizure can be made?

Mr. HADLEY. The seizure of opium will be had under the provisions of the Revised Statutes of the United States, as in the case of the seizure of any other dutiable articles coming in, and the committee has applied the provisions of certain sections of the Revised Statutes, to which the gentleman can make reference. Those provisions contemplate condemnation. A party who has any right, title, or interest in the article, if it be legitimate, and he desires to show his title, may make claim, after publication on the part of the Government is made, with a view to establishing his right. Meantime, he puts up a bond, the amount of which is forfeited in the case condemnation succeeds.

Mr. WILLIAMSON. That is the information I wanted.

Mr. HADLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman and gentlemen of the committee, I do not know that I will be able to add anything to what the gentleman from Washington [Mr. HADLEY] has said on this bill. It comes from the committee as a unanimous report. As is well known, the Democratic members of the Ways and Means Committee do not oppose good legislation proposed by the committee. We feel this is good legislation. I was not a member of the subcommittee when the hearings were held in 1920 and 1921. The distinguished Democratic member of the committee at that time was the gentleman from Illinois, Mr. Henry T. Rainey, one of the ablest men who ever served in this House. But I have given this bill a good deal of thought and study, and I feel that there ought not to be any votes against it.

The main feature of the bill to me is the fact that we have established a board to control the narcotic traffic in America. That board is composed of the Secretary of the Treasury, the Secretary of State, and the Secretary of Commerce. They keep their hands upon this traffic from the time it comes into this country. It can not legally come into the country unless they say so; narcotics can not get out of the country unless this board says so, and that board is composed of the executive officers of the Government who ought to know and who will know as much as can be known about this traffic.

Now, gentlemen, the main idea, of course, is to prohibit as far as it is humanly possible the illegitimate traffic in narcotic drugs, and in some parts of the country, and especially, it seems, on the Pacific coast, it is a very serious menace. There, it seems, the bootleggers in narcotics are even more prevalent than bootleggers in liquor, and, of course, it is much more detrimental to the health of the people, because it has been said by distinguished gentlemen that when a person has one or two hypodermic shots of these narcotics he almost invariably becomes an addict. Therefore it is a serious question.

Now, the gentleman from South Dakota [Mr. WILLIAMSON], I think it was, asked the gentleman from Washington [Mr. HADLEY] a question just now about the confiscation of these narcotics when they are illegitimately possessed. The Government takes charge and confiscates them, just as they ought to do. However, there are provisions in the bill permitting the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of State—and I know of no greater board that could be established in this country than one composed of those three Secretaries, either under this administration or under future administrations—to have charge of it. I certainly think that those great executive officers ought to be able to control the situation, and it ought to be controlled.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. OLDFIELD. Yes, sir.

Mr. CLARKE of New York. I would like to know whether any figures were produced before your committee showing whether there had been an increase in this surreptitious introduction of drugs into this country since the Volstead Act went into effect?

Mr. OLDFIELD. I will state to the gentleman that if there was it was not when I was present. I was not a member of the subcommittee when the hearings were had. I came in after the 4th of March, 1921. After Mr. Henry T. Rainey, of Illinois, went out. I did not hear the testimony. I have read as much as I have had the opportunity and time to read. I was present at several private hearings when officers representing the Secretary of State and the Secretary of the Treasury and the Secretary of Commerce were present, and I do not think that question was raised. I will say that I would not be surprised if that was true, because I can well imagine that if an addict of the liquor habit could not get liquor he would get narcotics if he could. I stand here in the position of wanting to suppress both illegitimate propositions. I would suppress the one and also suppress the other. I think the gentleman would promptly agree with me. [Applause.]

Now, Mr. Chairman, I yield back the balance of my time.

Mr. HADLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON. Mr. Chairman, opium was known to the ancients and the poppy cultivated for a narcotic long before the Christian era. Half a century, United States has cooperated with other countries to suppress the abuse and sale of opium save for medicinal purposes. It is creditably stated that one named Clendenyn, as late as 1868, was the first white man to smoke opium in the United States. The habit of opium smoking since then has spread to every part of our country. An estimate from official reports indicates that 1,000,000 people, perhaps 4,000,000, within our realm are opium addicts, bringing to themselves physical and mental degeneracy. They are numbered among the rich as well as the poor; those who move in the highest social sphere, and those who play their part in the dark dens of iniquity. The opium habit is easy to acquire. The lost-to-the-world charm holds the novice until he falls a victim to its power. The opium smoker may stop and be cured of the evil without deleterious effect, but the opium eater becomes a lifelong slave to the drug. The enchanting sensation, combined with the weird and fascinating mental delight, where nerves are mesmerized into an ecstacy of physical insensibility and the mind ravished with beautiful and placid memories—no wonder that one in moments of agonizing pain or deep sorrow seeks its bewitching and captivating influences. The addict not only impoverishes his family but becomes a useless citizen, and thus it behooves Congress to enact more effective laws regulating the importation and uses of narcotics, thereby hastening the abatement of the opium habit, which left to its course might place the continuity of our Nation in jeopardy. [Applause.]

The importation of opium greatly increased until 1894, when 726,000 pounds reached our country, far more than needed for the apothecary. The several treaties between the United States and other countries and the act of February 9, 1909, which prohibited its importation and uses except for medical purposes, were not broad enough. Therefore, the act of January 17, 1914, in order to prevent smuggling, attempted to reach all persons on board of any vessel or railroad car to or from the United States having in possession any smoking opium or opium prepared for smoking.

It further provides that it shall be unlawful to export opium, cocaine, or salts, or preparations thereof, to any other country, except under such regulations prescribed by the country admitting the drug. Another act of the same date provided for the regulation of the manufacture of smoking opium within the United States. The act of December 17, 1914, effective March

1, 1915, was far-reaching, but it failed to provide for the illicit use of drugs and no limitation as to the amount sold.

The international opium convention held at The Hague in 1911, represented by all nations of the world, met for the purpose to suppress the abuses of opium. Its proceedings were ratified January 23, 1912. The conference provided for international regulations concerning the abuses of opium and its derivatives.

The measure under consideration provides regulations wherein the law is deficient. It creates a board, to be known as the "Federal narcotic board," to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce, who control the importation of the amount of crude opium and coca leaves for medicinal purposes. Any person importing narcotic drugs contrary to law shall be fined $5,000 and no more than 10 years' imprisonment; that no smoking opium or opium prepared for smoking shall be admitted; that it is unlawful for any person subject to the jurisdiction of the United States to export from the United States any narcotic drug to any country which has ratified and become a party to the convention for the suppression of drugs.

In order to show the effect of the laws passed, the Federal reports indicate that in 1911, 618,889 pounds of opium, containing 9 per cent and over of morphine, were imported, and in 1921 only 101,000 pounds. The exports increased until 1921. In 1912 only 646 pounds of opium were exported, but in 1920, 127,248 pounds, and in 1921 the exports were reduced to 3,480 pounds, and only 258 pounds the six months ended December 31, 1921.

I insert a table showing the importation and exportation of opium from 1911 to 1921, inclusive; also a letter from the Director of the Department of Commerce concerning the same:

Importation and exportation of opium, 1911 to 1921.

Date.	Imports.		Exports.	
	Quantity.	Value.	Quantity.	Value.
Opium containing 9 per cent and over of morphine:	*Pounds.*		*Pounds.*	
1911 (calendar)	613,889	$1,700,188	4	$46
1912 (calendar)	374,661	2,220,421	646	1,138
1913 (calendar)	587,649	2,891,417	1,792	7,572
1914 (calendar)	415,900	1,626,697	1,442	8,883
1915 (calendar)	351,955	1,735,425	41,203	209,445
1916 (calendar)	90,608	448,053	13,181	83,374
1917 (calendar)	324,784	1,698,823	6,787	36,738
1918 (calendar)	168,921	2,472,462	3,241	171,845
1919 (calendar)	730,222	8,220,533	110,422	625,084
1920 (calendar)	211,277	1,331,625	127,248	944,161
1921 (calendar)	101,000	844,979	3,480	13,254
Cocaine, ecgonine, and salts:	*Ounces.*			
1911 (fiscal)	4,031	8,365		
1912 (fiscal)	2,904	8,489		
1913 (fiscal)	3,715	4,835		
1914 (fiscal)	3,280	4,101		
1915 (fiscal)	179	4,22		
1916 (fiscal)	4,275	5,867		
1917 (fiscal)	19,305	38,637		
1918 (fiscal)	4,567	35,350		
June 30, 1918, to Dec. 31, 1918	11,358	59,065		
1919 (calendar)	12,451	78,035		
1920 (calendar)	8,942	37,324		
1921 (calendar)	7,065	18,426		
Coca leaves:	*Pounds.*			
1911 (fiscal)	1,226,711	234,922		
1912 (fiscal)	1,179,580	231,[illegible]		
1913 (fiscal)	1,175,740	159,055		
1914 (fiscal)	711,994	91,834		
1915 (fiscal)	1,048,192	94,520		
1916 (fiscal)	947,577	136,767		
1917 (fiscal)	634,952	90,131		
1918 (fiscal)	1,059,481	179,312		
June 30 to Dec. 31, 1918	600,022	106,858		
1919 (calendar)	795,074	107,437		
1920 (calendar)	624,456	104,044		
1921 (calendar)	104,129	15,320		

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, March 17, 1922.

Hon. HENRY W. WATSON,
House of Representatives, Washington, D. C.

DEAR SIR: Supplementing my letter of March 9 on the subject of narcotics, you will be interested to note that the matter of control in international traffic in narcotics has been aided by the joint regulations agreed upon April 26, 1920, by the Secretaries of State, Treasury, and Commerce (under sec. 6, act approved January 7, 1914). These regulations limit the exportation of opium and cocaine and any salts, derivatives or preparation of either, to those countries which have laws regulating the handling of narcotic drugs. Exportation is permitted only upon proper certification as to the qualifications of the purchaser. Whether or not these regulations have alone been responsible for the decrease in importation of narcotics it is not possible to say, but you will note from the table already furnished you that there has been a notable decrease in exportation during the last year. Opium exports during the whole year 1921 amounted to 3,480 pounds, but only 258 pounds were exported during the last six months of the year. These facts are significant in view of the often-repeated assertion that the United States is in some way to blame for allowing exports of narcotics to reach China.

Very truly yours,

JULIUS KLEIN, *Director.*

That the drug habit has increased since the abolition of alcohol as a beverage is generally denied. The statement, however, of Mr. Bird S. Coler, commissioner of public welfare of New York, calls to the attention of the public that since the eighteenth amendment the number of drug addicts treated in New York hospitals has greatly increased. I insert a statement published by the Associated Press:

DRUG ADDICTS INCREASE IN DRY ERA, SAYS COLER—ALCOHOLISM, LIKEWISE, HE SHOWS MORE PREVALENT BY FIGURES OF BROOKLYN COMMISSIONER.

NEW YORK, March 2 (by the Associated Press).—A tremendous increase in drug addiction in Brooklyn since prohibition became a law was shown in figures given out to-day by Bird S. Coler, commissioner of public welfare. He set the blame primarily upon the dry laws and the manner of their enforcement. Alcoholism also has increased since the eighteenth amendment was adopted, the figures disclosed.

Bootleggers, the commissioner asserted, have worked under semiprotection, inasmuch as Government officials have "at no time been sincere in the enforcement of the law and in treating spirituous liquors as drugs and medicines.

"When the Government," he said, "instead of using legitimate dispensaries of drugs to dispense whisky, gave licenses to former saloon keepers to sell whisky for medicinal purposes the world knew we were not sincere, and the bootleggers got on the job and high society was safe."

The commissioner's figures gave the number of drug addicts discharged from the Kings County Hospital in 1918 as 116, while in 1921 a total of 961 persons were treated. Alcoholism cases grew from 1,145 to 1,168 in the same period.

Commissioner Coler said the only remedy for the spread of drug addiction seemed to him to be modification of the Volstead law to permit use of light wines and beer. He said that for the first few months under prohibition it seemed the millennium had come, as there was an almost perpendicular drop in every kind of dependency, but that "condition began to change as soon as the public decided that the law was not to be obeyed."

And quote therefrom:

The commissioner's figures gave the number of drug addicts discharged from the Kings County hospital in 1918 as 116, while in 1921 a total of 961 persons were treated.

Showing an increase of nearly 900 per cent. Whether or not this increase can be attributed to prohibition, I leave to individual judgment.

A recent statement reveals that in India alone 654,920 acres are under poppy culture, the harvest far in excess of the needs for medical uses. The value of the drug tempts the sinister to smuggle it around the world. The police force of our country can not prevent its illegal entry into the United States, especially from Canada, Mexico, and Cuba. Seven millions of dollars were appropriated last year to enforce the eighteenth amendment, yet this vast amount does not accomplish the purpose. Two hundred thousand dollars is the only fund available to prevent smuggling and other frauds perpetrated against the Government. It becomes Congress so far as laws can provide, to regulate the legitimate importation and exportation of narcotics in order to prevent the increase of addicts and assist other countries to control its use except for medicinal purposes.

I quote from a publication which appeared some days ago in the Washington Star:

GET $50,000 DRUGS—HOLD TWO—OFFICERS BELIEVE PART OF HAUL WAS LOCATED IN BALTIMORE.

BALTIMORE, March 15.—Narcotic drugs estimated to be worth $50,000 were seized, and two arrests of alleged narcotic sellers were made to-day by agents of the narcotic bureau of the Internal Revenue Department and local police. Cimino and Joseph Pappa were placed under arrest.

Most of the drugs were found in the grocery store of Charles Cimino. Federal agents declare that with the arrest of the two men one of the branches of an international narcotic ring was uncovered.

Also one from the Washington Evening Star of April 20, 1922:

$200,000 OPIUM SEIZED.

SAN FRANCISCO, April 20.—A contraband shipment of 14,000 tins of opium and other drugs valued at $200,000 was seized to-day on the China Mail Co. liner *Nanking*. The *Nanking* arrived from the Far East April 16.

The seizure was one of the biggest in the history of the port of San Francisco.

Thousands of pounds of opium are yearly smuggled into the United States, and I am informed by physicians that addicts have no trouble in obtaining narcotic drugs from underground passages.

I hope the bill will be favorably considered in order that it will be more difficult for addicts to obtain narcotics, and thus prevent the spread of drug addiction, not only in the United States, but throughout the world. [Applause.]

Mr. Chairman, I ask unanimous consent to place in the RECORD as part of my remarks the statement of the Commissioner of Internal Revenue covering his observations and the work of the Internal Revenue Bureau on narcotics. It is rather long, but the information therein is of great interest and valuable as a record.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Following is the statement referred to:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, March 23, 1922.

Hon. HENRY W. WATSON,
House of Representatives.

MY DEAR MR. WATSON: Further reference is made to your letter of March 10, 1922, in which you state that you are preparing a bill regulating the importation of opium and its derivatives and desire information concerning the quantities of narcotics smuggled into this country, the number of addicts in the United States and foreign countries, and such detailed information as to which this office may have as will be of value in presenting the bill to the House.

The importation and exportation of opium, cocaine, etc., are primarily governed by the act of February 9, 1909, as amended by an act of January 17, 1914, and the regulations issued thereunder, the administration of which comes within the jurisdiction of customs officers. However, the officers of this bureau in enforcing the provisions of the internal revenue narcotic laws have had occasion to observe the general results obtaining under all the Federal laws designed to control the traffic in narcotic drugs and preparations. In response to your request it therefore seems proper for this office to present to you a statement covering its observations and the work of internal revenue narcotic officers.

The following statistics relative to the enforcement of the Harrison narcotic law are presented for your information.

Statistics relative to the enforcement of the Harrison narcotic law.

NUMBER OF VIOLATIONS OF THE LAW.

Fiscal year.	By unregistered persons.	By registered persons.
1916	1,910	21,844
1917	838	21,931
1918	988	16,107
1919	1,038	26,448
1920	1,905	49,608
1921	2,707	28,496

The number of violations by registered persons reported for each year in the foregoing table includes failures to register and pay special tax within the time prescribed by law.

Violations of the Harrison narcotic law by unregistered and registered persons for the fiscal years 1916 to 1921, inclusive.

NUMBER OF PERSONS ACQUITTED.

Fiscal year.	Unregistered persons.	Registered persons.
1916	165	30
1917	73	29
1918	41	43
1919	[illegible]	19
1920	[illegible]	40
1921	109	10

NUMBER OF CASES COMPROMISED.

Fiscal year.	Unregistered persons.	Registered persons.
1916	29	[illegible]
1917	4	407
1918	99	278
1919	20	493
1920	31	515
1921	14	286

NUMBER OF PERSONS CONVICTED.

Fiscal year.	Unregistered persons.	Registered persons.
1916	[illegible]	82
1917	263	100
1918	306	86
1919	335	247
1920	774	134
1921	1,326	255

NUMBER OF CASES DROPPED.

Fiscal year.	Unregistered persons.	Registered persons.
1916	646	[illegible]
1917	221	20,775
1918	110	14,701
1919	79	[illegible]
1920	104	47,885
1921	[illegible]	37,517

Cases against unregistered persons which are reported dropped were cases in which insufficient evidence was secured in order to obtain convictions. The cases against registered persons reported dropped include those where violation consisted in failure to register and pay special tax within the required time. Such cases are usually considered dropped when the tax and specific penalty have been paid.

Violations of the law by unregistered persons are invariably of criminal character. Cases against registered persons which are not dropped also involve criminal liabilities.

The following are the latest comparative statistics showing by semi-annual periods the number of violations of criminal nature reported by internal-revenue narcotic agents:

Violations.	Periods.	Unregistered.	Registered.
Number of violations reported	July to December, 1920	1,109	[illegible]
	July to December, 1921	2,195	[illegible]
Number of persons acquitted	July to December, 1920	55	6
	July to December, 1921	52	18
Number of cases compromised	July to December, 1920	10	54
	July to December, 1921	8	113
Number of persons convicted	July to December, 1920	394	110
	July to December, 1921	1,109	61
Number of cases dropped	July to December, 1920	179	60
	July to December, 1921	347	92

Six months July to December, 1921:

Total amount of fines	$64,083.00
Total amount of compromises	16,210.25

Total sentences imposed by the courts, 918 years 1 month 10 days.

The following statistics have been secured from the Department of Commerce, compiled originally from information obtained from collectors of customs, showing imports and exports of opium containing 9 per cent and over of morphia:

	Pounds.
Imports of opium containing 9 per cent and over of morphia, by calendar years:	
1918	159,621
1919	730,272
1920	211,360
1921	101,068
Importations of opium containing 9 per cent and over of morphia for the fiscal years ended June 30—	
1918	157,834
1919	845,514
1920	626,976
1921	77,444
Exports of opium containing 9 per cent and over of morphia for the calendar years—	
1918	5,233
1919	110,972
1920	127,128
1921	3,991
Exports of opium containing 9 per cent and over of morphia for the fiscal years ended June 30—	
1918	4,332
1919	10,571
1920	230,268
1921	3,358

The following statistics have been compiled from monthly returns rendered by importers, manufacturers, and wholesale dealers under the Harrison narcotic law, as amended, for the fiscal year 1921:

Imported narcotics withdrawn from customs custody during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	639,043	$6,412.79	641,279
Morphine	307	16.02	1,602
Codeine	132	2.08	208
Heroin	2	1.98	198
Dionin	1	.74	74
Miscellaneous opium	3,783	126.07	12,507
Cocaine	21	122.08	12,208
Coca leaves	4,686,634	46,686.34	4,686,634

Narcotics exported during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	7,829	$211.86	21,156
Morphine	1,346	201.75	80,175
Codeine	157	57.97	5,797
Heroin	[illegible]	2,166.32	214,632
Dionin	20	.46	[illegible]
Miscellaneous opium	237	14.05	1,405
Cocaine	4,765	703.63	[illegible]
Coca leaves	12,137	122.81	12,281

Narcotic drugs and preparations purchased by manufacturers from importers and other manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	315,840	$3,211.51	321,151
Morphine	37,128	2,147.83	214,783
Codeine	22,531	415.01	41,301
Heroin	2,353	1,470.19	147,019
Dionin	[illegible]	16.29	1,629
Miscellaneous opium	703	45.72	4,572
Cocaine	11,691	815.07	31,507
Coca leaves	2,960,982	29,637.80	[illegible]

Manufacturers buy narcotic drugs from importers and from other manufacturers. The above figures reveal the extent of such purchases.

Narcotic drugs and preparations purchased by wholesale dealers from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	175,492	$5,509.32	550,932
Morphine	122,480	18,360.02	1,835,020
Codeine	55,807	2,793.03	273,303
Heroin	10,956	7,006.43	738,843
Dionin	3,469	608.02	60,802
Bimon	3,464	342.93	34,293
Miscellaneous opium	93,158	3,122.04	312,204
Cocaine	435	31.94	3,194

Wholesale dealers, defined by the law as persons selling in original stamped packages, buy their stamped packages from importers and manufacturers and sell to other registered persons of all classes. The foregoing statistics show the quantities of the various classes of narcotic products handled by such dealers.

Narcotic drugs and preparations purchased by retail dealers from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	13,383	$1,038.60	109,860
Morphine	4,080	1,227.55	122,755
Codeine	2,044	[illegible]	[illegible]
Heroin	250	[illegible]	[illegible]
Dionin	26	7.71	771
Miscellaneous opium	18	15.28	1,528
Cocaine	1,498	[illegible]	28,745
Coca leaves	1,986	28.13	2,813

Retail dealers whose activity is limited to the filling of prescriptions may purchase their narcotic supplies from manufacturers or wholesale dealers. The above figures show the quantities secured for this purpose directly from manufacturers.

Narcotic drugs and preparations purchased by practitioners from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	11,395	$1,470.79	147,079
Morphine	11,505	2,301.01	230,101
Codeine	2,240	[illegible]	45,598
Heroin	124	1,482.38	148,238
Dionin	61	18.55	1,855
Miscellaneous opium	69	67.34	4,734
Cocaine	3,426	1,454.06	145,406
Coca leaves	2,532	51.24	5,126

Practitioners, including all physicians, surgeons, dentists, etc., lawfully entitled to dispense or administer narcotic drugs and preparations may also secure their supplies of such from either manufacturers or wholesale dealers. The foregoing statistics indicate the quantities purchased by them directly from manufacturers.

Narcotic drugs and preparations purchased by manufacturers of exempt preparations from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	4,949	$92.24	8,224
Morphine	865	13.66	1,366
Codeine	71	4.27	427
Heroin	12	22.46	2,546
Dionin	2	.03	3

The above figures show the taxable narcotic drugs and preparations purchased directly from manufacturers by manufacturers of nontaxable or so-called exempt preparations for use in their production.

Narcotic drugs and preparations purchased by exempt officials from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	910	$114.34	11,434
Morphine	1[illegible]	205.25	20,525
Codeine	1,047	75.48	7,548
Heroin	18	64.80	6,440
Dionin	3	.40	40
Cocaine	102	5.43	543
Coca leaves	18	.64	64

Officials of the Federal, State, county, municipal governments, etc., who are exempt from registration and special tax under the act purchased the above quantities direct from manufacturers during the year for use in their official business.

The following statement is submitted showing the collections under the Harrison narcotic law since 1916 with the annual cost of its enforcement:

Fiscal year.	Collections under the Harrison narcotic law.	Cost of enforcing the Harrison narcotic law.
1916	$244,897.07	$288,552.32
1917	276,910.58	298,307.69
1918	165,368.93	279,083.32
1919	736,126.79	276,921.53
1920	1,513,912.50	[illegible]
1921	1,175,[illegible].22	[illegible]

You will recall that the Harrison narcotic law was amended by the revenue act of 1918, effective February 25, 1919, imposing additional special taxes upon persons required to register and a stamp tax of 1 cent per ounce upon all taxable narcotic products imported into or produced in the United States and sold. This amendment of the law accounts principally for the increase in collections for the years 1919, 1920, and 1921. The appropriations for the latter two years were also increased to an annual limit of $750,000.

This office is unable to advise you as to the quantity of narcotic drugs smuggled into the United States, but it is certain that the quantity of drugs smuggled within recent years has increased. A few years ago narcotic drugs which came into the possession of the Government through the enforcement of the narcotic laws were largely of domestic manufacture. At the present time a large percentage of the drugs seized have been smuggled into the country. The increase in smuggling has no doubt been caused by the scarcity of domestic products in illegitimate channels. The added control over the production and sale of domestic products obtained through the monthly returns rendered by manufacturers and wholesale dealers under the Harrison narcotic law as amended is chiefly responsible for this scarcity. Through examination of these returns this bureau has been enabled not only to secure complete accountability for all narcotic drugs and preparations imported, manufactured, or sold, but also to keep all purchases made by every person dispensing or dealing therein under close surveillance.

A complete system of abstracting from these returns all purchases has been recently completed in this office with a view to inspection or investigation of all cases where unduly large quantities are being secured. During the past three months 153 investigations of registered retail dealers and physicians have been directed by this office. Of these reports have been received in 21 cases, 16 of which charged violation of the law, 3 involved registered persons who were addicts and agreed to a discontinuance of their narcotic businesses, while only 2 reports showed no violations. The remaining 132 cases have not been investigated to date, due to insufficient field force. The economy of the system afforded is readily recognized. It makes possible inspection and investigation when necessary and avoids it when unnecessary.

Up to the present time the internal revenue narcotic field force has been concerned chiefly with the traffic in narcotics by persons not qualified under the Harrison law. You will note that the number of violations of the law by unregistered persons for the last six months of the past calendar year is practically twice the number of violations reported for the same six months of 1920, and that the number of convictions obtained thereunder during the last six months of the calendar year 1921 was practically three times as great as the number obtained during the same six months of 1920. As above stated, these violations in a large number of cases involved smuggled drugs. In this connection your attention is invited to section 1 of the act of February 9, 1909, as amended by an act of January 17, 1914, which provides in effect that it shall be unlawful to import into the United States opium in any form or any preparations or derivatives thereof except for medicinal purposes under regulations which the Secretary of the Treasury is authorized to prescribe and which were promulgated in T. D. 34221.

Your attention is also invited to section 6 of said act, as amended, which provides in effect that it shall be unlawful to export narcotic drugs, except to countries regulating their entry thereunto, and provides for the promulgation of regulations governing exports by the Secretaries of State, the Treasury, and Commerce. These regulations were promulgated under date of April 26, 1920, and were made effective May 1, 1920 (T. D. 38381). The system thereby established for the control of exportations of narcotic drugs and preparations is in conformity with existing international agreements, exportation now being made only to those countries which have proper laws and regulations governing the importation thereof. You will note a marked decrease in both imports and exports of opium in 1921 as compared with the immediate preceding years. This decrease, in the opinion of this office, is due to the operation of the export regulations and to the effect of the accountability required through the monthly returns to which reference has already been made.

Although it is conceded that the smuggling of narcotic drugs into the United States is a serious menace, it is the opinion of this office that present Federal laws are sufficient under which administrative action may be taken, and is now being taken in so far as possible, looking toward the complete control of the traffic and the elimination of smuggling. It obviously would not prevent smuggling, which is under existing statutes illegal, to enact additional legislation in effect further holding it to be unlawful. It will, of course, be necessary under existing laws or others which may be passed to increase both internal revenue and customs forces in order to eliminate smuggling, illegitimate selling, and illegal exportation of narcotic drugs and preparations. Present customs and internal revenue forces provided for the narcotic work are inadequate. The ultimate result will depend entirely upon the resources made available for this purpose.

With reference to the number of addicts in the United States and foreign countries, you are advised that no authoritative statistics are available showing this number, although the number, as estimated by various observers, has ranged from 200,000 to 4,000,000. This office does not believe that at the present time there are any means available upon which a very accurate estimation could be based. The special committee of investigation appointed by the Secretary of the Treasury, in its report dated April 15, 1919, concluded that at that time the number of addicts in this country probably exceeded 1,000,000.

A copy of the annual report for 1921 has been forwarded to you under separate cover as requested.

It is hoped that the information herein presented may be of assistance to you in considering any proposed legislation relative to the traffic in narcotic drugs.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

Mr. HADLEY. Mr. Chairman, I yield five minutes to the author of the bill, the gentleman from Washington [Mr. MILLER].

The CHAIRMAN. The gentleman from Washington is recognized for five minutes.

Mr. MILLER. Mr. Chairman and gentlemen of the committee, it is not my purpose unduly to detain the House in the consideration of this measure, which I consider to be a very, very important one. I take it that the House is in a mood to vote, and I shall not undertake to delay it. I feel, however, that just a few words from me may be appropriate.

Prior to the International Opium Convention of 1912 the civilized world became alarmed at the spread of the use of narcotics. A convention was called at The Hague in 1911, to which this country was a party, undertaking to devise ways and means by which this peril to our civilization could be averted and humanity saved from it. The leading nations of the earth took part, as every one of them recognized that the remedy could only come through a world-wide movement. In the meantime that great country of China, which was living under a curse from the use of opium by its people, was undertaking to heal itself of this vice.

The other nations, recognizing the fact that they introduced the habit into China and encouraged it for the profit there was in it to them, set about to aid the people of China and incidentally to save themselves. So the International Opium Convention met. This country was a party to it. In so far as it could, that convention made opium prepared for smoking an outlaw of commerce throughout the world. But opium prepared for smoking is not the only narcotic curse of mankind. In late years the use of morphine and cocaine has spread until it is now equally alarming to the civilized world as opium was in its day.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes; I yield to the gentleman from Oklahoma.

Mr. GENSMAN. Realizing the fact that the gentleman from Washington, the author of this bill, is probably one of the best-informed men on this subject, I want to ask the gentleman whether or not in his opinion the provisions of The Hague treaty entered into by the countries represented at The Hague convention are fulfilled in the entire spirit of the treaty—that is to say, so far as is possible for legislation to do? I want to say to the gentleman that I am in full accord with the gentleman's bill, and I appreciate the fact that I have an opportunity to vote on the bill and to vote for it.

Mr. MILLER. It is my judgment that the bill as perfected by the committee, which is now before the House, conforms in rounded measure to the final protocol of The Hague convention. It goes even further. The salutary feature of this bill is the exporting clause.

The bill organizes the Federal narcotic control board, composed of three principal Cabinet officers, under whose supervision the importation and exportation features of the narcotic program are to be enforced. There are ample provisions in the authority of that board for the supply to the medical profession not only of this country but the other countries of the world, but we want it understood that when morphine, cocaine, or opium are exported they shall be for medical use only, and we want to announce to the world that no nation shall have one ounce of American manufactured narcotics except for medical use, and that American law shall follow these drugs to the farthermost points of the earth. [Applause.]

Mr. DYER. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER. I certainly yield to my friend from Missouri.

Mr. DYER. As I understand it, the great trouble about this matter heretofore has been the importation of those drugs into this country not for use here but for the purpose of sending them on to Japan and to China. I attended a conference in Peking two years ago when this very question was up and considered, and the danger was pointed out there at that time that the use of opium in China was largely due to the fact that it was first brought to this country.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HADLEY. Mr. Chairman, I yield the balance of my time to my colleague.

The CHAIRMAN. The gentleman from Washington is recognized for 10 minutes more.

Mr. DYER. The Chinese and others claim over there that they are trying to put an end to this terrible abuse—and the situation has not been entirely remedied in China by any means, although it is much better—claim that opium was coming into this country from European countries and only passed through the United States, and finally reached those who were selling it to the Chinese. Can the gentleman state if, in his judgment, this legislation is enacted into law, it will prevent that?

Mr. MILLER. It will prevent it so far as possible by the laws of this country.

Mr. DYER. The gentleman knows that there are two or three concerns in this country that do or have been doing this very thing. One of them is said to be located in Philadelphia.

Mr. MILLER. I think that condition will be effectively blocked by the enactment of this legislation.

Mr. DYER. If the gentleman's bill will put an end to that surreptitious transfer of this stuff from European countries through the United States to China and Japan for sale in China he will be doing the world one of the greatest benefits that has been done in many years with reference to this matter. The Chinese people are anxious to be rid of the thing which has done them more harm than anything else.

The better element over there—the intelligent element and all those who understand the situation—are doing everything they can to keep these drugs from the class of Chinese who are being imposed upon. I am glad the legislation is here, and I am sure from the gentleman's statement that it will do much good.

Mr. MILLER. As I said, the entire narcotic program from the importation and exportation angles is placed in the hands of the Federal Narcotic Control Board. No narcotic drugs can be exported from this country except to a country that has approved the final protocol of The Hague Convention, commonly known as the International Opium Convention of 1912, and then only where, in the opinion of our Federal Narcotic Control Board, that country has an adequate and efficient system of control which limits the use of these narcotic drugs to medical purposes, and they can not be exported except where there is a shortage in that foreign country for medical uses.

The gentleman from Pennsylvania [Mr. WATSON] has given you some very interesting figures showing the amount of opium and its derivatives, of which morphine is the principal one, that have been exported and imported. The amount is astounding. Whether or not it be true, as stated by some, that the drug habit has increased since we have had national prohibition of liquors, I do not know; but I do know that every man and woman, whether a wet, a dry, or a "don't care," will welcome any law, any regulation, anything which will lessen the drug habit, and, what is more, lessen the number of peddlers and traffickers.

Now, gentlemen, let me point out some of the provisions of this bill. Opium and its principal derivative, morphine, are not the only narcotic drugs which are threatening the world. Cocaine, that violent substance becoming so common in its use as to promise the outclassing of morphine in popularity among the addicts, is manufactured from coca leaves.

The act defines narcotic drugs to be "opium, coca leaves, cocaine, or any salt derivative or preparation of opium, coca leaves, or cocaine." Thus the two principal narcotic drugs now becoming so common in use are placed under the ban. The Federal Narcotics Control Board, composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce, is created. Thus we bring into being in one body three of the great administrative departments of the Government. The stamping out of the illicit traffic is well worthy of the efforts of our highest and best men. This board regulates what amount of crude opium and coca leaves are necessary to be imported in order that enough of the raw material be manufactured into drugs to supply the needs of the medical profession.

This raw material is to be imported under such rules as the board shall prescribe. Thus the amount may be increased or diminished from time to time as the medical necessities require. No imports are permitted except as the board directs. Any person who fraudulently or knowingly imports or brings any of these narcotic drugs into the United States or any Territory under its control or jurisdiction contrary to law or facilitates the unlawful bringing in or who receives, buys, sells, or assists in so doing, knowing the same to have been brought in contrary to law, is subject to a fine of not more than $5,000 and imprisonment not to exceed 10 years. The present penalty is doubled, and carries with it imprisonment in every case of conviction for a length of time not more than 10 years. Right here comes in an important addition to the existing law so far as it relates to aliens. Every alien who is convicted is to be deported as an undesirable citizen at the termination of his imprisonment. This provision I look upon as especially salutary. Now, there

is another important feature in the nature of a rule of evidence which provides that if the defendant is shown to have or to have had possession of the drug such fact shall be sufficient evidence to authorize conviction. In other words, the defendant must prove his possession to be lawful; he can not stand silent and get the benefit of the presumption of innocence. We have had quite enough of these illicit peddlers and traffickers standing with silent tongues in our courts, and we likewise have had quite enough of aliens charged and convicted repeatedly only to resume their detestable business when the prison doors swing open. One thing Mr. Alien must understand and understand now, and that is he must keep out of trafficking in illicit drugs if he expects to remain in the United States. America will not longer burden itself with this miserable class of scalawags and blacklegs.

The bill provides that opium prepared for smoking shall not under any circumstances be received into the United States or into any territory under its control or jurisdiction for the purpose of being transported to another country nor shall this special drug be transferred or transshipped from one vessel to another in American waters. Other narcotic drugs may be so transported or transshipped under such regulations as the board shall establish.

This closes out the transshipment of opium for smoking purposes but permits the board to regulate transshipments of other narcotic drugs which are useful in the medical profession in order that these so-called "medical drugs" may be hastened to any country where emergency exists for medical use.

Now, gentlemen, we come to the export feature of the bill, which was the subject covered in the original bill. As the law now stands Americans can and do export these narcotic drugs, except opium prepared for smoking, to foreign countries, provided those countries have any regulations governing these imported drugs. These regulations of the foreign country may be lax or strict, may be loose, vague, and indefinite, or they may be rigorous and severe. If they have any regulations of whatever character, the present law permits such exportation. To illustrate, Japan has regulations, but under Japanese laws narcotic drugs imported into Japan for transshipment into other countries are not construed as "imports" within either its customs laws or regulations. The results of existing conditions are that vast quantities of narcotics, except smoking opium, are exported from this country into Japan, and from Japan sent on into China or else smuggled back into the United States and peddled to our own people. By this means the people of China are being degraded by the use of these drugs and the business exploited by unscrupulous dealers and traffickers to such a degree as to shock the world. The people of China have long suffered from the habit of smoking opium. Within late years that nation has made one of the most noble efforts in the world's history to shake its people from this vicious and degrading habit. The nation is striving by every means to cleanse itself, but what permanent progress can it make when a trafficker in other drugs, equally loathsome and degrading in their effects, stands ready at hand able to not only supply but to encourage its people in their use? The use of morphine and cocaine is simply taking the place of the old vice of smoking opium. Another angle, if you please: When these drugs arrive in Japan they become instantly the subject of a very profitable traffic back into the United States. God knows this traffic is becoming alarming, and its real basis is the unrestrained imports into Japan and other countries where the regulations are loose and ineffective, making them practically no regulations at all.

Now, gentlemen, give me your attention and I shall attempt to explain how this measure will cure this condition as far as our country is concerned. The bill prohibits any narcotic drug to be exported from this country into any country which has not become a party to and abides by the final protocol of the International Opium Convention of 1912, known as The Hague Convention. But this is not all. This law provides that even if the receiving country is a party to The Hague Convention it must have instituted and must maintain in conformity with that convention a system which our own Federal Narcotics Control Board deems adequate, of permits and licenses for the control of drugs so imported. Thus this board—this American institution created by this act—is to say under what conditions these drugs are to go abroad and what the importing nation is going to do with them; not that these dangerous drugs shall be sent to a country and then that country can do with them as it pleases, but the importing country must satisfy this American board that it has a system of control adequate to absolutely stop the world-wide existing abuse. Nor is this all. Before any narcotic drug can be exported from this country into another the importing country must furnish our American board proof which it deems adequate that the drugs will be used for medicinal purposes only within such country; that they will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

Could any law in any country be better calculated to stop the illicit traffic of narcotic drugs into China and the alarming and detestable smuggling back into our own country and unto our own people?

England and the United States furnish practically the world's supply of narcotic drugs. England, by its dangerous-drugs act of 1920, controls in drastic manner its institutions and its nationals engaged in the manufacture and sale of narcotic drugs. This act will unite the two leading nations of the world in an undertaking to effectually stamp out the nefarious traffic by nationals of countries less interested in the world's progress and welfare. In my judgment this act will accomplish untold benefits not only to our people but to people of other countries as well. It is world wide in its effect.

This act has attracted attention, not only throughout this country but in China, of those interested in the welfare of the Chinese. In this latter connection please permit me to read at least two cablegrams bearing out this statement:

SHANGHAI, CHINA, *February 7, 1922.*

Hon. WESLEY L. JONES, *Senate,*
Hon. JOHN F. MILLER, *House,*
Washington:

We wish to express to you the deep appreciation of the Chinese people for the bill now pending in Congress under your name for the prohibition of the unlawful use of narcotics and to request that you will energetically push the bill through, with a view to the ultimate and complete extinction of the traffic and manufacture.

CHINESE GENERAL CHAMBER OF COMMERCE,
Shanghai.

PEKING, CHINA, *March 11, 1921.*

Congressman JOHN F. MILLER,
Washington, D. C.:

Since Miller-Jones bill dealing with exportation and transportation of opium and derivatives is of greatest importance to China, International Opium Association, Peking, and Peking Missionary Association respectfully urge acceptance by Congress.

The Honolulu Ad Club in a most energetic communication commended the legislation, while in this country hundreds, indeed thousands, of societies and citizens have signified their interest in the measure by expressions of uniform and unbroken approval.

This act has no relation to the Harrison Drug Act. That deals solely with the distribution and prevents the unrestrained dispensing of narcotic drugs to addicts in the United States. It in nowise covers the field of exportation, transshipments, and in-transit shipments, nor does it deal with importation.

In conclusion let me pay my profound respects to my colleague the gentleman from Washington [Mr. HADLEY], the gentleman from Pennsylvania [Mr. WATSON], and the gentleman from Arkansas [Mr. OLDFIELD], the members of the subcommittee of the Ways and Means Committee who with infinite care and singular ability have covered in their research every phase of our import and export laws.

The original bill which dealt with the one subject of remedial export legislation has been broadened, strengthened, and vitalized into a rounded, completed measure well calculated to stand out as one of the most effective, far-reaching constructive acts of its kind in the legislative history of our country.

The CHAIRMAN. There being no Member desiring recognition in opposition to the bill, the Clerk will read the bill for amendment under the rule.

The Clerk read the committee amendment as above set forth.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry with regard to section (e) on page 6, the deportation provision. I notice that it calls for the deportation of violators of this narcotic act as amended under the provisions of sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States" or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

Mr. HADLEY. The construction of that language, as the committee understands it, is that the act of February 5, 1917, would have application until it was subsequently modified by amendatory legislation, and that then in that case the amending legislation would apply.

Mr. JOHNSON of Washington. Would the gentleman object to changing the word "hereafter" in line 16 to "thereafter"?

Mr. HADLEY. That would destroy the purpose and effect of the language as framed. I think the interpretation of the language would not be clear if that word were used. This provides that the deportation shall be in accordance with the provisions of certain sections of the existing law, or in accordance with the provisions of the law hereafter enacted.

Mr. JOHNSON of Washington. So anything that might be enacted hereafter but prior to the enactment of this particular legislation would not be covered and there would be a hiatus if this was enacted hereafter?

Mr. HADLEY. If that situation should arise, that could be taken care of as between the two bills in the course of the legislation.

Mr. JOHNSON of Washington. I shall not press the matter. I would, however, call attention to the fact that it seems to be becoming quite popular to introduce incidental clauses pertaining to immigration matters in bills covering other matters.

Mr. HADLEY. Let me say to my colleague that this provision was prepared and, I think, reported before the partially analogous provision in the immigration bill which the House considered some time ago. This has also been suggested by the Treasury Department.

Mr. JOHNSON of Washington. Of course, I indorse this provision and this attempt to deport certain lines of violators of the narcotic laws of the United States.

Mr. HADLEY. In this case we are dealing with an amendment to an importation and exportation statute, and not dealing with our internal affairs, whereas the gentleman in his bill is dealing both with internal and external questions.

Mr. JOHNSON of Washington. I did not refer to any particular legislation on this subject or to my bill, but I note that matters of immigration and naturalization and deportation are creeping into other legislation. I have reference to the matter of immigration legislation proposed as a side line in the shipping bill, and I desire to call attention that such proposed immigration legislation has been and is still being considered in the Committee on Immigration, and that the Committee on the Merchant Marine can save time probably by studying the printed hearings of the committee which properly has jurisdiction of the subject.

Mr. HADLEY. The gentleman will concede that this is a very important provision in this bill in contemplation of dealing with cases of aliens who have violated our narcotic drugs import laws?

Mr. JOHNSON of Washington. I agree thoroughly with my colleague. I want this provision carried in the bill.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the Committee on Ways and Means, who have had this matter under consideration.

There is a resolution pending before the Committee on Rules asking for an investigation into the administration of the narcotic law. It is claimed by the proponents of that resolution that the administration of the law has entirely departed from the law itself, that regulations have been made that are entirely foreign to the original purposes of the law, and that these regulations control in the administration of the law. Have these matters been called to the attention of the Committee on Ways and Means during the hearings on this bill or at any other time?

Mr. HADLEY. Not in the way that the gentleman states the matter. I did not know that there had been any complaint of that character at all.

Mr. CAMPBELL of Kansas. Three or four physicians called upon me day before yesterday and made a complaint of that character, and the resolution pending, introduced by the gentleman from New York [Mr. VOLK], is to the effect that the law is not being administered under the letter or the spirit of its enactment.

Mr. HADLEY. The regulations under the act of January 17, 1914, which are involved here and are the only ones which would be involved in connection with the pending bill, are set out in the hearings on this bill or the one in the Sixty-sixth Congress which preceded it. These regulations are full and complete. I have never thoroughly analyzed them with respect to their conforming to the authority of the existing law, and the attention of the committee has not been called to any discrepancy.

In a general way, not perhaps in all the details, these regulations lay down a policy with respect to imports and exports of narcotic drugs that we recommend be incorporated by way of permanent law through the enactment of this bill. There is another set of regulations with which I am not familiar, as it was not involved here, being the regulations employed in the administration of the Harrison narcotic act. Possibly those may be the regulations to which the complaint in question applies.

Mr. CAMPBELL of Kansas. The complaint is made that reputable physicians in the practice of their profession are under the constant surveillance of agents of the department. If they administer morphine to a patient with an incurable disease, with a cancer that can not be operated on—if morphine, which is apparently the only relief for that patient, is administered, the physician makes himself liable to a fine or imprisonment.

Mr. HADLEY. May I add this statement: These regulations, if in any way involved in the manner suggested in the last remark of the gentleman from Kansas, would no doubt be the regulations under the Harrison narcotic law, and they relate to the administration of our domestic law in this country, whereas the regulations that we have considered relate to the statute dealing with the importation and exportation of narcotic drugs.

Mr. CAMPBELL of Kansas. You are not dealing with the use of the drug in this country?

Mr. HADLEY. No; otherwise than as connected with the exportation and importation of the drug.

Mr. OSBORNE. Will the gentleman from Washington yield for a question?

Mr. HADLEY. I will.

Mr. OSBORNE. I have not had an opportunity to read the bill, but I want to ask the gentleman whether it makes any provision in regard to the exportation of narcotics?

Mr. HADLEY. It deals thoroughly with that subject.

Mr. OSBORNE. I will say that two years ago, with other Members of the House, I was in China and at Pekin, where a committee of eminent Chinese, Americans, and British waited upon and showed us the evils of the use of opium in China, and the fact was stated by them to be that the importation of opium into China was conducted on a very extensive scale and came usually through Japan; that three or four, perhaps a half dozen, very large wholesale drug firms in the United States were the instruments through which this opium was introduced first into Japan and then into China. I wanted to know whether there was anything in the way of curtailment of that practice?

Mr. HADLEY. It is believed that some of the basic features of the bill will aid in correcting such a situation as the gentleman from California mentions.

Mr. LAYTON. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. LAYTON. As a matter of fact we have been holding the Chinese people unconsciously in our minds in a sort of contempt, not really knowing the cause, while Europe, and possibly the United States, have for the purpose of selfish revenue, selfish profits, been guilty of exporting the narcotic drugs into China. That is the real truth.

Mr. OSBORNE. The statement was made by this committee, and one of them—the chairman—was Admiral Wu, who was here on the disarmament conference, that there were about half a dozen firms in the United States engaged in this business and profiting by it.

Mr. HADLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the committee amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee arose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2198) amending the act prohibiting the importation and use of opium for other than medicinal purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HADLEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 56 ayes and no noes.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. HADLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to the extension of my remarks to include two or three short cablegrams from Hongkong, Shanghai, and other Chinese cities.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks by printing several cablegrams. Is there objection?

There was no objection.

INCREASE IN NUMBER OF INTERNAL-REVENUE COLLECTION DISTRICTS.

Mr. CHANDLER of Oklahoma. Mr. Speaker, on April 26, 1922, I reported the bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue. It was reported under the impression that it was not a privileged bill. It now develops that it is a privileged bill, and I therefore ask unanimous consent to call it up for immediate consideration.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to call up the bill (H. R. 10877) to permit an increase in collection districts. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman states that this is a privileged bill?

Mr. CHANDLER of Oklahoma. It develops that it is.

Mr. GARRETT of Tennessee. Then it ought not to take up the business of Calendar Wednesday, and I object.

Mr. CHANDLER of Oklahoma. Mr. Speaker, by direction of the Committee on Ways and Means I report the bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue.

The SPEAKER. The gentleman from Oklahoma, from the Committee on Ways and Means, reports the bill which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue.

Mr. GARRETT of Tennessee. What is the gentleman doing now?

Mr. CHANDLER of Oklahoma. Reporting a privileged bill.

Mr. GARRETT of Tennessee. The gentleman can not report a privileged bill on Calendar Wednesday.

Mr. WALSH. Under what rule are reports prevented from being made on Calendar Wednesday?

Mr. GARRETT of Tennessee. Under rules which the gentleman we'l understands.

Mr. WALSH. I do not know of any rule that prevents a report bein; made on Calendar Wednesday.

The SPEAKER. The Chair thinks it has often been done, but the question in the Chair's mind is—this bill having been reported not from the floor but through the basket and put on the calendar—whether it is now in control of the committee to report from the floor. The Chair is not sure about that. It is on the Union Calendar, and the question is whether it ought not to be referred back to the Committee on Ways and Means and rereported. The Chair will not volunteer any further suggestions in regard to the matter.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on Appropriations.

The SPEAKER. The Clerk will call the Committee on Ways and Means.

The Clerk called the Committee on Ways and Means.

The SPEAKER. Has the Committee on Ways and Means any further business?

Mr. GARRETT of Tennessee. Mr. Speaker, how does it happen that the Committee on Appropriations was called and then the Committee on Ways and Means is called again?

The SPEAKER. The Chair instructed the Clerk to call the Committee on Ways and Means.

Mr. CHANDLER of Oklahoma. Mr. Speaker, what did the Speaker hold in respect to the bill H. R. 10877?

The SPEAKER. In what particular?

Mr. GREEN of Iowa. As to whether the bill should be rereferred.

The SPEAKER. The Chair volunteered the suggestion, and the Chair is not quite clear as to the condition it is in. The bill was reported by the gentleman through the basket. It has now been concluded, and the Chair thinks correctly, that it is a privileged bill. The question arises whether it is still in the hands of the committee to rereport, inasmuch as it has already been once reported through the basket and is now on the Union Calendar. At first blush the Chair is inclined to believe that the committee would not have the right to rereport it without its first having been referred back to the committee.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Mr. Speaker, would it be in order to request that the bill H. R. 10877 shall be considered as having been reported as a privileged bill and all points of order reserved thereon?

The SPEAKER. Of course, it will be in order to do that by unanimous consent.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is quite clear that there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms was directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Dunn	Kreider	Sabath
Atkeson	Edmonds	Kunz	Sanders, Ind.
Barbour	Ellis	Langley	Sanders, N. Y.
Beck	Fairchild	Lazaro	Sears
Bogg	Fairfield	Leatherwood	Shelton
Benham	Fess	Lee, Ga.	Shreve
Bixler	Fields	Longworth	Smithwick
Bland, Ind.	Fish	Lyon	Snyder
Blanton	Focht	McArthur	Stedman
Boles	Foss	McLaughlin, Pa.	Stephens
Bowers	Freeman	MacGregor	Stevenson
Brand	Frothingham	Maloney	Stiness
Britten	Garner	Mann	Strong, Pa.
Brooks, Ill.	Gilbert	Mansfield	Sullivan
Brooks, Pa.	Glynn	Martin	Sweet
Brown, Tenn.	Goodykoontz	Mead	Taylor, Ark.
Browne, Wis.	Gould	Michaelson	Taylor, Colo.
Burke	Graham, Pa.	Moore, Ill.	Ten Eyck
Butler	Greene, Mass.	Moore, Va.	Tilson
Campbell, Pa.	Greene, Vt.	Moores, Ind.	Treadway
Carew	Hardy, Tex.	Mudd	Underhill
Carter	Hasten	Nelson, J. M.	Vare
Clark, Fla.	Heary	O'Connor	Vestal
Classon	Herrick	Parker, N. J.	Volk
Cockran	Hudspeth	Porter	Walters
Codd	Humphreys	Rainey, Ala.	Ward, N. Y.
Cole, Ohio	Hunted	Ramseyer	Weaver
Collins	Ireland	Reavis	Webster
Connell	Jeffers, Ala.	Reber	Wheeler
Connolly, Pa.	Kearns	Reece	Wilson
Copley	Kelley, Mich.	Reed, N. Y.	Winslow
Coughlin	Kelly, Pa.	Rhodes	Woods, Va.
Crampton	Kendall	Riordan	Woodyard
Curry	Kennedy	Robertson	Wright
Dallinger	Kindred	Rodenberg	Wurzbach
Darrow	Kirkpatrick	Rogers	Wyant
Davis, Minn.	Kitchin	Rosenbloom	Zihlman
Deane	Knight	Rucker	
Drewry	Kraus	Ryan	

The SPEAKER. Two hundred and seventy-six Members have answered to their names; a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. In respect to the report which was made by the gentleman from Oklahoma of the bill H. R. 10877, the Chair stated he was in doubt whether the gentleman had the right to make that report. It seems now to the Chair logically that the bill is not now in the possession of the committee, but the Chair finds an express decision by Mr. Speaker Reed on that point, holding that it can be immediately reported where it has been once reported through the basket. The Chair therefore refers the bill to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

TAX-EXEMPT SECURITIES.

Mr. GREEN of Iowa. Mr. Speaker, I call up House Joint Resolution 314, proposing an amendment to the Constitution of the United States, which I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk proceeded to read the resolution.

Mr. GARRETT of Tennessee (interrupting the reading). Mr. Speaker, I make the point of order that the Committee on Ways and Means has not authorized the gentleman from Iowa or any other gentleman to call up this resolution on Calendar Wednesday.

The SPEAKER. The Chair thinks it is not necessary to call it up on Calendar Wednesday. If the gentleman is authorized to call it up, he can call it up at any time.

Mr. GARRETT of Tennessee. I make the point of order that the committee has not authorized the calling of it up and that it is not privileged.

The SPEAKER. The Chair will ask the gentleman from Iowa whether the committee has authorized him to call this up?

Mr. GREEN of Iowa. Mr. Speaker, I think the gentleman from Tennessee is not advised as to the condition of the record with reference to the report on this resolution. The committee has not only authorized a report by myself, but also authorized me to use all parliamentary means to bring it before the House.

The SPEAKER. The Chair overrules the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, this morning we were advised, and Members generally were advised, that the business from the Ways and Means Committee would be considered to-day, and the business which was to be considered was specifically mentioned, to wit, the narcotic bill and the bill increasing the number of revenue districts. I myself regarded the bill creating the revenue districts as a privileged bill, but I made no point of order on it, and no one on this side made a point of order on it. The point of order was made from the Republican side of the House, and it was sustained. Mr. Speaker, it is a breaking of faith with this side of the House and with the Members who have been advised as to what was coming up to now call up other matters on this day. I submit it to the honor of the Republican side of the House.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. WALSH. An attempt was made to secure unanimous consent to call up the tax-collection district bill and the gentleman from Tennessee objected.

Mr. GARRETT of Tennessee. I did, because if it is privileged it ought not to interfere with Calendar Wednesday business.

The gentleman himself made the point of order that it was privileged, and that point of order was sustained. I did not make the point of order.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House. Is there objection. [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] seems to have fallen into the habit of late on the slightest provocation, or without any provocation at all, I think, of talking about questions of honor. He will have to admit what everyone knows, that there has never been a time in the history of the Congress when the minority has been advised so far in advance or with such great particularity as to what is likely to come before the House as in this Congress. [Applause.] It is true that I said to the gentleman from Tennessee, as is my habit to do, that we expected to bring up two certain bills to-day. My belief was that neither of those two bills were privileged, and I expected that the day would be occupied in the consideration of those bills. A gentleman on this side, without consultation with me or anyone else as far as I know, on his own responsibility raised the question as to the privileged character of one of the bills, and the Chair held it was privileged and therefore could not be considered under the Calendar Wednesday call. Whereupon the gentleman from Tennessee himself prevented the consideration of that bill by opposing a unanimous-consent request for the consideration of the measure. In this state of affairs, in order to hold for this important committee its privilege of Calendar Wednesday, it was necessary to bring up another bill because the gentleman objected to the consideration of one of the two bills we had informed him were to be considered. Now, if there is any question of breaking faith, it certainly does not rest with this side. We have endeavored to do exactly what we proposed to do, what we said to the gentleman we intended to do, but he has personally made it impossible to carry out the program, and he certainly has no ground for complaint if under those circumstances we take up another bill.

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, it is quite true I objected to unanimous consent for the consideration of a bill on Calendar Wednesday which the Speaker had held to be a privileged bill, and I think correctly. The calendar call could not be proceeded with, and other committees could be called, but there has been no notice as to this legislation you are calling up now. You are calling up an amendment to the Constitution of the United States without notice, with no expectation that it was going to come up.

Mr. MONDELL. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. MONDELL. Will the gentleman from Tennessee now object if I again ask unanimous consent to call up and consider the bill to which he has heretofore objected?

Mr. GARRETT of Tennessee. Yes; I will. I reckon that is a frank answer.

Mr. MONDELL. Mr. Speaker, we will go to the limit in endeavoring to carry out our agreement. We will go further than perhaps we are justified in doing in keeping faith absolutely to the letter with gentlemen on that side. There is another bill, the Liberia bill, we should like to call up. We shall not call it up simply because certain gentlemen on that side have promised us a filibuster if we do, so that in one case the gentleman from Tennessee has prevented us from going on with the program, and in the other case other gentlemen on that side have promised a filibuster. Now, Mr. Speaker, I shall try to keep faith with everybody by moving to dispense with Calendar Wednesday business in order that we may take up a bill from the Committee on Ways and Means that the Chair has held is privileged. I am going to do that in order to accommodate the gentleman from Tennessee, notwithstanding the fact that he himself has gotten in the way of the program we had in mind, and other gentlemen on that side have suggested a filibuster if we vary the program somewhat.

Mr. GARRETT of Tennessee. I wonder if the gentleman from Massachusetts [Mr. WALSH] is not willing to share some of that responsibility with me?

Mr. WALSH. I had nothing to do with the gentleman from Oklahoma himself arising and admitting the bill was found to be privileged.

Mr. GARRETT of Tennessee. He yielded to the gentleman's superior intelligence.

Mr. WALSH. The gentleman can not get away with that kind of bribery.

Mr. MONDELL. Mr. Speaker, I move to dispense with further business on the Calendar Wednesday Calendar.

The SPEAKER. The gentleman from Wyoming moves to dispense with further business on the Calendar Wednesday Calendar.

The question was taken, and the Chair announced that in his opinion two-thirds——

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The House again divided; and there were—ayes 113, noes 47.

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the vote, because there is no quorum present.

The SPEAKER. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 84, not voting 163, as follows:

YEAS—183.

Ackerman	Evans	Kline, Pa.	Parker, N. J.
Anderson	Fairfield	Kopp	Parker, N. Y.
Andrew, Mass.	Faust	Kraus	Patterson, Mo.
Andrews, Nebr.	Fenn	Lampert	Patterson, N. J.
Ansorge	Fitzgerald	Larson, Minn.	Perkins
Appleby	Fordney	Lawrence	Petersen
Arents	Frear	Layton	Pringey
Bacharach	French	Lea, Calif.	Purnell
Beedy	Fuller	Lee, N. Y.	Radcliffe
Bird	Funk	Leibach	Ramseyer
Blakeney	Gahn	Lineberger	Reed, W. Va.
Bond	Gernerd	Little	Ricketts
Brennan	Glynn	Luce	Riddick
Burdick	Gorman	Luhring	Roach
Burtness	Graham, Ill.	McCormick	Robertson
Burton	Green, Iowa	McFadden	Robsion
Cable	Greene, Mass.	McLaughlin, Mich	Rose
Campbell, Kans.	Greene, Vt.	McLaughlin, Nebr.	Rossdale
Cannon	Hadley	McPherson	Schall
Chalmers	Hardy, Colo.	Madden	Scott, Tenn.
Chandler, N. Y.	Hawley	Magee	Shaw
Chandler, Okla.	Hays	Mapes	Siegel
Chindblom	Hersey	Merritt	Sinclair
Christopherson	Hickey	Michener	Sinnott
Clague	Hicks	Miller	Slemp
Clarke, N. Y.	Hill	Mills	Smith, Idaho
Clouse	Himes	Milispaugh	Snell
Cole, Iowa	Hoch	Mondell	Speaks
Colton	Hukriede	Montoya	Sproul
Cooper, Ohio	Hull	Moore, Ohio	Stafford
Cooper, Wis.	Hutchinson	Morgan	Steenerson
Crago	Jefferis, Nebr.	Morin	Strong, Kans.
Crowther	Johnson, Wash.	Murphy	Summers, Wash.
Dale	Jones, Pa.	Nelson, Me.	Swing
Dempsey	Keller	Nelson, A. P.	Taylor, N. J.
Denison	Kelley, Mich.	Nelson, J. M.	Taylor, Tenn.
Dickinson	Ketcham	Newton, Minn.	Temple
Dowell	Kiess	Newton, Mo.	Thompson
Dunbar	King	Norton	Timberlake
Dyer	Kinkaid	Ogden	Tinkham
Echols	Kissel	Olpp	Towner
Edmonds	Kleczka	Osborne	Yatle
Elliott	Kline, N. Y.	Paige	Volstead

Walsh	White, Kans.	Williamson	Young
Wason	White, Me.	Wood, Ind.	Zihlman
Watson	Williams	Yates	

NAYS—84.

Almon	Doughton	Lankford	Baker
Bankhead	Driver	Larsen, Ga.	Beshlin
Barkley	Dupré	Lazaro	Bayburn
Bell	Fisher	Logan	Blanton
Black	Fulmer	London	Bowers
Bland, Va.	Gallivan	Lowrey	Sanders, Tex.
Bowling	Garrett, Tenn.	McTague	Sandlin
Box	Garrett, Tex.	McDuffie	Sisson
Burke	Goldsborough	McKiroin	Steagall
Buchanan	Griffin	Madden	Stevenson
Bulwinkle	Hammer	Moore, Va.	Stoll
Byrnes, S. C.	Hardy, Tex.	O'Brien	Sumners, Tex.
Byrns, Tenn.	Hawes	Oldfield	Swank
Campbell	Hayden	Oliver	Tague
Collier	Hooker	Overstreet	Thomas
Connally, Tex.	Huddleston	Padgett	Tillman
Crisp	Jacoway	Park, Ga.	Tyson
Cullen	Johnson, Miss.	Parks, Ark.	Vinson
Davis, Tenn.	Jones, Tex.	Pou	Weaver
Deal	Kincheloe	Quin	Wright
Dominick	Lankam	Rainey, Ill.	Wise

NOT VOTING—163.

Anthony	Dunn	Kunz	Sanders, N. Y.
Aswell	Ellis	Kreider	Scott, Mich.
Atkeson	Fairchild	Kunz	Sears
Barbour	Favrot	Langley	Simmons
Beck	Fess	Lazaro	Shreve
Begg	Fields	Leatherwood	Smith, Mich.
Beshlam	Fish	Lee, Ga.	Smithwick
Bixler	Focht	Longworth	Snyder
Bland, Ind.	Foster	Lyon	Steedman
Blanton	Free	McArthur	Stephens
Bowers	Freeman	McKenzie	Stiness
Brand	Freithingham	McLaughlin, Pa.	Strong, Pa.
Brooks, Ill.	Gahney	MacGregor	Sullivan
Brooks, Pa.	Gensman	Maloney	Sweet
Brown, Tenn.	Gould	Mann	Taylor, Ark.
Browne, Wis.	Graham, Pa.	Mondell	Taylor, Colo.
Burke	Griest	Martin	Ten Eyck
Burroughs	Harrison	Mead	Tilson
Butler	Hogan	Michaelson	Tincher
Campbell, Pa.	Hoey	Moore, Ill.	Treadway
Carew	Hutchin	Moores, Ind.	Tucker
Carter	Hogan	Hull	Underhill
Clark, Fla.	Hudspeth	Nolan	Upshaw
Classon	Humphreys	O'Connor	Vare
Cockran	Hunter	Fairmin	Vestal
Cole	Ireland	Porter	Voigt
Cole, Ohio	James	Rainey, Ala.	Volk
Collins	Jeffers, Ala.	Ranslay	Walters
Connell	Johnson, Ky.	Reavis	Ward, N. Y.
Connolly, Pa.	Johnson, S. Dak.	Reece	Ward, N. C.
Copley	Kahn	Reed, N. Y.	Webster
Coughlin	Kearns	Rhodes	Wheeler
Cramton	Kelly, Pa.	Rodenberg	Winslow
Crosser	Kendall	Rogers	Woodruff
Dallinger	Kennedy	Rosenbloom	Woods, Va.
Darrow	Kindred	Rucker	Woodyard
Davis, Minn.	Kirkpatrick	Ryan	Wurzbach
Denise	Kitchin	Sabath	Wyant
Drewry	Knight	Sanders, Ind.	

So, two-thirds having voted in favor thereof, the motion to dispense with Calendar Wednesday business was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Graham of Pennsylvania and Mr. Treadway (for) with Mr. Cockran (against).

Mr. Free and Mr. Kennedy (for) with Mr. Humphreys (against).

Mr. Browne of Wisconsin and Mr. Vare (for) with Mr. Campbell of Pennsylvania (against).

Mr. Wheeler and Mr. Kearns (for) with Mr. Rainey of Alabama (against).

Mr. Winslow and Mr. Fairchild (for) with Mr. Collins (against).

Mr. Atkeson and Mr. Connell (for) with Mr. Taylor of Arkansas (against).

Mr. Tincher and Mr. Perlman (for) with Mr. Blanton (against).

Mr. Dunn and Mr. Kendall (for) with Mr. Gilbert (against).

Mr. Bowers and Mr. Shreve (for) with Mr. Tucker (against).

Mr. Rodenberg and Mr. Sanders of Indiana (for) with Mr. Brand (against).

Mr. Shelton and Mr. Knutson (for) with Mr. Kunz (against).

Mr. Snyder and Mr. Davis of Minnesota (for) with Mr. Lee of Georgia (against).

Mr. Stephens and Mr. Kreider (for) with Mr. Wilson (against).

Mr. Anthony and Mr. Wurzbach (for) with Mr. Stedman (against).

Mr. McArthur and Mr. Ellis (for) with Mr. Hudspeth (against).

Mr. Griest and Mr. Rhodes (for) with Mr. Garner (against).

Mr. Bland of Indiana and Mr. Reed of New York (for) with Mr. Carter (against).

Mr. Longworth and Mr. Butler (for) with Mr. Mead (against).

Mr. Kahn and Mr. Boies (for) with Kindred (against).

Mr. Smith of Michigan and Mr. Volk (for) with Mr. Sabath (against).

Mr. Begg and Mr. Beber (for) with Mr. Drane (against).

Mr. Michaelson and Mr. Codd (for) with Mr. Harrison (against).

Mr. Frothingham and Mr. Reece (for) with Mr. Carew (against).

Mr. Foster and Mr. Langley (for) with Mr. Clark of Florida (against).

Mr. Cole of Ohio and Mr. Maloney (for) with Mr. Favrot (against).

Mr. Wyant and Mr. Johnson of South Dakota (for) with Mr. Upshaw (against).

Mr. Coughlin and Mr. Strong of Pennsylvania (for) with Mr. Lyon (against).

Mr. Connolly of Pennsylvania and Mr. Rosenbloom (for) with Mr. Aswell (against).

Mr. Mudd and Mr. Knight (for) with Mr. Lazaro (against).

Mr. Fess and Mr. Barbour (for) with Mr. Johnson of Kentucky (against).

Mr. Brown of Tennessee and Mr. Ireland (for) with Mr. Kitchin (against).

Mr. Kirkpatrick and Mr. Porter (for) with Mr. Fields (against).

Mr. Moores of Indiana and Mr. Tilson (for) with Mr. Wright (against).

Mr. Bixler and Mr. Goodykoontz (for) with Mr. Mansfield (against).

Mr. Nolan and Mr. Walters (for) with Mr. Drewry (against).

Mr. Reavis and Mr. Brooks of Pennsylvania (for) with Mr. Jeffers of Alabama (against).

Mr. Freeman and Mr. Burke (for) with Mr. Martin (against).

Mr. Moore of Illinois and Mr. Sweet (for) with Mr. Rucker (against).

Mr. Woodruff and Mr. Vestal (for) with Mr. O'Connor (against).

Mr. Fish and Mr. Brooks of Illinois (for) with Mr. Woods of Virginia (against).

Mr. MacGregor and Mr. Rogers (for) with Mr. Taylor of Colorado (against).

Mr. Woodyard and Mr. Gensman (for) with Mr. Sears (against).

Mr. Burroughs and Mr. Darrow (for) with Mr. Ten Eyck (against).

Mr. Hogan and Mr. Gould (for) with Mr. Smithwick (against).

Mr. Focht and Mr. Stiness (for) with Mr. Ward of North Carolina (against).

Mr. Dallinger and Mr. Scott of Michigan (for) with Mr. Sullivan (against).

The result of the vote was announced as above recorded.

INTERNAL-REVENUE COLLECTION DISTRICTS.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10877, and pending that motion I would like to get an agreement, if possible, with the gentlemen of the minority as to time for general debate.

Mr. COLLIER. How about 40 minutes to a side? I can get along with that.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I ask unanimous consent that debate be limited to 40 minutes on a side, one-half to be controlled by myself and one-half by the gentleman from Mississippi [Mr. COLLIER].

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the debate be limited to 40 minutes on a side, half of the time to be controlled by himself and half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection? [After a pause.] The Chair hears none.

The question is on the motion of the gentleman from Oklahoma that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue.

Be it enacted, etc., That section 3141 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 3141. (a) For the purpose of assessing, levying, and collecting the taxes provided by the internal revenue laws the President may establish convenient collection districts, and for that purpose he may subdivide any State, Territory, or the District of Columbia, or may unite any State, Territory, or the District of Columbia with any State or Territory, and may from time to time alter such districts.

"(b) On and after July 1, 1922, the whole number of collection districts and the whole number of collectors of internal revenue shall not exceed 74."

The CHAIRMAN. The gentleman from Oklahoma [Mr. CHANDLER] is recognized for 40 minutes.

Mr. CHANDLER of Oklahoma. Mr. Chairman and gentlemen of the committee, this is for the purpose of giving authority to the President to establish not to exceed 74 revenue districts in the United States. The necessity for this bill is in order that the revenue department may better function, and it is for the benefit not only of the revenue department but for the taxpayers as well.

Heretofore there have been 64 districts. Up to a few years ago the districts in the United States ranged from 126 to 241. At no time up to 1911 was there collected more than $350,000,000 in internal revenue. Now the collections run something around $3,000,000,000, or have for the last few years. Up until 1911 the number of taxpayers doing business with the Internal Revenue Department never exceeded as many as 600,000 per year. Since then—that is, for the year 1921—the revenue department had business with something like 11,000,000 taxpayers, and in that year they handled something over 20,000,000 transactions. So you gentleman can readily see the necessity for this additional legislation.

Another reason is that in a great many communities the revenue collection offices are very remote from the taxpayers. In some cases, for instance, in the eastern portion of the State of Washington, it is necessary for the taxpayers to go as far as four or five hundred miles in order to transact business with the revenue collector. The returns of less than $5,000 income now are made direct to and audited by the district collector, and he passes finally upon those returns. Hence it is very important that districts be created in proximity to the taxpayers. Take the city of New York, for instance; the business is so great that it is practically impossible for one district to take care of it. At the present time the people of New York living in the Bronx are connected with the Albany district.

Mr. QUIN. Will the gentleman yield there?

Mr. CHANDLER of Oklahoma. Yes, sir.

Mr. QUIN. Where are the districts to be created?

Mr. CHANDLER of Oklahoma. This simply gives the President authority to create them wherever it is necessary to do so. The bill does not create any districts at all.

It is necessary for the citizens of the Bronx to go to Albany to transact business, as it is impossible to take care of them at the customhouse district in Manhattan. It would be a great deal better if they would create a district in the Bronx to take care of the large number of people living in that vicinity, as well as dividing a portion of the district of Manhattan and giving it to the Bronx district.

I am simply mentioning the necessity for it. I do not know that a district will be created in the Bronx or in any other place. This bill does not provide for the creation of any districts, but simply gives the President authority to do so.

Mr. GARRETT of Tennessee. I would like to ask the gentleman a question. I note that the collections, according to an official statement, or what purports to be an official statement, of internal revenue have fallen off $875,000,000 for the first three-quarters of this fiscal year, as compared with the first three-quarters of the former fiscal year. Now, in view of the fact that the existing districts were able to collect all that amount of revenue, much larger than now exists and much larger than will be collected in the next year, what is the real economic necessity for creating these new places?

Mr. CHANDLER of Oklahoma. The gentleman is correct about the falling off of the revenue. That is caused by the general slump in business, but it does not decrease the number of transactions with the revenue department. Again, the business of the preceding years has not been disposed of. In fact, a great many of the income-tax returns and excess-profits returns for the year 1917 have not been disposed of at the present time, and it is necessary to have the machinery with which to take care of this business. The very fact that the settlements have not been made up to the present time has kept probably a billion dollars of revenue out of the hands of the Government. The estimate is made at the present time that they could collect a billion dollars if we had the proper machinery with which to handle it.

Mr. GARRETT of Tennessee. The gentleman probably does not mean for us to understand that has anything to do with the number of revenue collections, as that may be due to a lack of sufficient force in the districts already existing, but how can it possibly be due to the number of revenue districts themselves?

Mr. CHANDLER of Oklahoma. Each district finally audits the greater portion of these income-tax returns. A greater portion of them does not exceed $5,000. And it is necessary for the force in those districts to audit those returns annually. Unless we have the machinery to do that, and unless we have the collection districts established in such a way that the taxpayers can conduct business with various districts, it is impossible to expedite the auditing of those returns.

Mr. GARRETT of Tennessee. But is not that a question of the force in the office?

Mr. CHANDLER of Oklahoma. Not altogether. Frequently it is a question of waiting to get in proximity with the taxpayer himself. He asks that the matter be set on a certain day on which he can come before the revenue department.

Mr. STAFFORD. Is it not a fact that under the practice of the Treasury Department the collectors of the respective districts are vested with full authority to determine the returns, as to the amount of taxes to be paid on those returns, up to $3,000 or less?

Mr. CHANDLER of Oklahoma. Five thousand dollars.

Mr. STAFFORD. And by creating an additional number of collectors the department will be enabled to administer the work more expeditiously for that reason?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. I wonder why.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. CHALMERS. I wanted to ask if the gentleman thinks an increase of 10 more districts would bring these centers within the proximity of the several taxpayers? As I understand it, there are now 64 districts, collection districts, in the United States, and you propose to increase it to 74, adding 10 districts. Do you have two of the States or more in one district?

Mr. CHANDLER of Oklahoma. I do not believe so.

Mr. CHALMERS. That is, Nevada constitutes a district by itself?

Mr. CHANDLER of Oklahoma. Yes.

Mr. CHALMERS. It seems to me the point that the gentleman from Tennessee [Mr. GARRETT] made is good—that by the increase of 10 more districts you can not serve the several taxpayers of the country. You do not claim that, do you, and put a collection district in their immediate neighborhood? So that this is simply increasing the general machinery. You are appointing 10 more collectors——

Mr. LAYTON. New officers——

Mr. CHALMERS. Yes; new officers, carrying salaries of $6,000 or more.

Mr. CHANDLER of Oklahoma. No. No collector receives more than $6,000.

Mr. CHALMERS. Do some of them receive less than that?

Mr. CHANDLER of Oklahoma. Only a limited number receive as much as $6,000.

Mr. CHALMERS. So it seems to me the point that the gentleman from Tennessee makes is good, inasmuch as if you appointed a greater clerical force you could serve your constituents in the district without increasing the overhead.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. BURTNESS. Is it not a fact that there is less need of districts now than there was before because of the lessening of the number of sales taxes and various forms of taxes?

Mr. CHANDLER of Oklahoma. No; because you have more transactions now, and other matters, than you had in the former period.

Mr. BURTNESS. Why so?

Mr. CHANDLER of Oklahoma. Because you will have a greater number of income taxes, whether they made more money or not.

Mr. BURTNESS. Many of the reports have been entirely eliminated with the enactment of the 1921 law; the various sales taxes of different kinds, and the nuisance tax, and so on. That has eliminated a great deal of work.

Mr. CHANDLER of Oklahoma. Some of the merchant taxes have been eliminated; that is true. But other matters take their place.

Mr. BURTNESS. And some of the returns have been eliminated because of the increase of the exemption. That is also correct, is it not?

Mr. CHANDLER of Oklahoma. That is partially correct.

Mr. BURTNESS. Well, some.

Mr. CHANDLER of Oklahoma. Possibly a very few.

Mr. BURTNESS. What is there under the 1921 law that was not there before?

Mr. CHANDLER of Oklahoma. There are more returns this year than last on incomes.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. SNELL. I understood the gentleman to say that the committee had not decided where the collectors were to be located.

Mr. CHANDLER of Oklahoma. No; they have not.

Mr. SNELL. How do you decide?

Mr. CHANDLER of Oklahoma. That will be decided by the Treasury Department.

Mr. SNELL. Have they decided where these districts should go?

Mr. CHANDLER of Oklahoma. I do not think they have decided that.

Mr. SNELL. How, then, can they decide that they need 10?

Mr. CHANDLER of Oklahoma. They probably need more.

Mr. SNELL. This is a very important matter, and I think it should be explained very fully.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

Mr. CHANDLER of Oklahoma. Yes.

Mr. RAKER. I find in this report this statement, and I want to ask the gentleman about it:

> The geographical location of some of the collectors' offices seriously inconveniences the taxpayer because of the distance he is required to travel in order to have his return properly adjusted.

Now, will the gentleman tell the committee what territory was referred to before his committee, where the taxpayers were inconvenienced, as specified in this report?

Mr. CHANDLER of Oklahoma. One place that our attention was called to was the city of Council Bluffs, Iowa. There it was necessary for the citizens to travel over 300 miles to transact business with the collector of their district and numerous other localities which it would be superfluous for me to mention.

Mr. COLLIER. The gentleman will recall though that the witnesses from the Treasury Department, after repeated questioning on the part of the committee, refused to say, except in one or two instances, where these new places would be made. The gentleman recalls that, does he not?

Mr. CHANDLER of Oklahoma. I do; and not only that, but I am of opinion that they did not desire to state where the new districts would be created. The people might think they needed a district at that particular place and it would not be feasible to do it under this law.

Mr. RAKER. Just one more question. Then there was no testimony before the committee as to the particular territory where these districts were to be created?

Mr. CHANDLER of Oklahoma. No, sir.

Mr. RAKER. Did the committee consider the further fact found in the report of A. W. Mellon, Secretary of the Treasury, of date April 18, 1922, that in these 10 districts it would cost at least $300,000 to maintain the personnel of the districts?

Mr. CHANDLER of Oklahoma. Yes; but the Treasury Department felt that the increased collections would more than offset that difference by a great deal.

Mr. LAYTON. Mr. Chairman, will the gentleman yield for a question?

Mr. CHANDLER of Oklahoma. Yes.

Mr. LAYTON. There is an "embarrassment." I am going to make this suggestion, that there will be considerable embarrassment if we keep on creating new offices. [Laughter.]

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. SUMMERS of Washington. Can the gentleman tell us how many employees are now in the offices that are in operation?

Mr. CHANDLER of Oklahoma. As to the district offices, I have not the information.

Mr. SUMMERS of Washington. In any one of the offices?

Mr. CHANDLER of Oklahoma. I think not.

Mr. SUMMERS of Washington. Five hundred thousand dollars divided among 10 offices would be only $50,000 to an office. It certainly would not pay for quarters and support a very large personnel. It seems to me that any office now in operation in the United States probably costs from two to five times the amount that it would be possible for each of these offices to have under this bill.

Mr. CHANDLER of Oklahoma. No. We have now 64 districts, and we do not appropriate nearly that amount to take care of each of those districts.

Mr. SUMMERS of Washington. Do you not appropriate as much as $50,000 for each district?

Mr. CHANDLER of Oklahoma. No, sir.

Mr. SNELL. Will the gentleman yield?

Mr. CHANDLER of Oklahoma. I yield to the gentleman from New York.

Mr. SNELL. How many additional employees will be created for these additional districts?

Mr. CHANDLER of Oklahoma. The Treasury Department did not state specifically. They will certainly need some additional employees according to the best information at hand.

Mr. SNELL. I did not know but the object of this bill was to decrease the number of employees. [Laughter.]

Mr. LAYTON. You do not think for a moment, do you, that a new collection district would be created without having an increased personnel?

Mr. SNELL. I did not know but that was the object of this bill.

Mr. BURTNESS. As I understand the gentleman, the department did not divulge as to where the new offices would be created, but I think before the bill was reported they did divulge the places where there was need of some additional collection districts. Can the gentleman tell us where the facts disclosed at the hearings showed that there was actual need for the creation of additional districts?

Mr. CHANDLER of Oklahoma. New York was one of the places that was called to our attention. It was also stated that in the eastern portion of the State of Washington it is necessary for the taxpayers to go from 300 to 500 miles in order to transact business; but it was not said that new districts would be created in either of these places.

Mr. BURTNESS. I take it that in almost every State there are distances of 300 or 400 miles from the corners of the States to the office of the collector of internal revenue. I know it is so in my State. Yet I do not anticipate that the creation of these new districts will remedy that situation. But I wish to ask in that connection, Is it the contention of the committee that there is a great deal of business that must be transacted in person between the taxpayer and the local internal-revenue office?

Mr. CHANDLER of Oklahoma. There certainly is.

Mr. BURTNESS. What kind of business?

Mr. CHANDLER of Oklahoma. All kinds of appeals and all kinds of transactions where there is any difference between the revenue department and the taxpayers.

Mr. BURTNESS. I have had a number of just such cases, and I live very near to the office, but I have usually done that business by mail.

The CHAIRMAN. The gentleman from Oklahoma has used 20 minutes.

Mr. CHANDLER of Oklahoma. I reserve the remainder of my time.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLIER] is recognized for 40 minutes.

Mr. COLLIER. Mr. Chairman, I have promised to other Members so much of the limited time at my disposal that I will ask the Chair to notify me when I have used five minutes.

Mr. Chairman and gentlemen of the House, there is absolutely no necessity for this legislation. In the first place, there is no necessity for it because, as it was brought out by the questions of the gentleman from Tennessee [Mr. GARRETT] and as every Member of this House knows, the income-tax returns are becoming smaller and smaller, and therefore on account of this great falling off in income-tax collections there is no need at this time for additional collectors. The report states that in 1921 the total number of transactions was in the vicinity of 20,000,000, and it is estimated, as stated in the same majority report, that the total number of transactions in 1922 will be something in excess of 16,000,000 only. But even if the income-tax collections were growing there is no necessity for this law, because under the law as it stands to-day the President of the United States has the power, and he has exercised it frequently within the last three or four years, to alter and change the limits or confines of any collection district in the United States. Acting under that law, within the last two or three years five districts in Kentucky were placed in one collection district; and if it should appear—which I do not for a moment admit—that other collection districts were needed, the Commissioner of Internal Revenue, with the approval of the President, could so alter and change the limits and boundaries of the other districts as to get the new ones without creating the additional expense which this bill seeks to create. This bill seeks to create 10 big offices and a number of small offices which will be incidental.

The gentleman from Oklahoma [Mr. CHANDLER], in response to a question about the salaries, stated that several of these salaries amount to $6,000, and that the others are less, which is correct, as far as I know. There are a number of the 64 collectors who receive $6,000. There is one who receives $4,500. There is one who receives $5,000, and I think all the others get from $5,400 to $5,500 and up to $6,000.

Mr. RAKER. Will the gentleman yield for a question?

Mr. COLLIER. I will yield for a brief question.

Mr. RAKER. The gentleman is a distinguished member of the Committee on Ways and Means. Will he inform the House whether he was present when this bill was considered by the Ways and Means Committee?

Mr. COLLIER. I certainly was present.

Mr. RAKER. Now, what I want to know is whether there was any evidence offered to show what districts needed another collector of internal revenue?

Mr. COLLIER. I am glad the gentleman has brought that out, because I tried to get from the witnesses a statement of where they were going to put these additional districts. The representative of the department said something about New York, that the citizens in the Bronx had to send their returns to Albany. Then he spoke of some other place. I believe the gentleman from Oklahoma [Mr. CHANDLER] stated that there was one out in Iowa; but we could not get anyone to state where these districts would be put in, because they said that it might be embarrassing.

Gentlemen of the House, there is absolutely no need for this legislation, because we do not need these additional offices. But if, on the other hand, the business of the Internal Revenue Department were increasing to such an extent that we should employ more machinery to collect these taxes, I asked the witnesses at the hearing and they never would reply in a manner satisfactory to me; I asked the witnesses, the Treasury officials, if there was more business in any one of these collection districts than that office could expeditiously handle, why was it that the force of that office could not be increased instead of going to the expense of putting in a new collection district, securing headquarters for that district, paying the collector a salary of from $5,500 to $6,000, and the salaries of all the clerks besides which would be needed to operate a new district.

The CHAIRMAN. The gentleman from Mississippi has used five minutes.

Mr. CHANDLER of Oklahoma. I wish to correct the gentleman on the salaries of the collectors.

Mr. COLLIER. I stand corrected, because there are so many I could not state them accurately.

Mr. CHANDLER of Oklahoma. There are eight with a salary of less than $5,000.

Mr. COLLIER. I am obliged to the gentleman, but I think you will find that the average salary is about $5,500.

Mr. GRIFFIN. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. GRIFFIN. If one of these increases is for the Bronx, I will say, coming from the Bronx, which has a population of 800,000, that the Bronx does not want any increase in the present personnel; that they are able to accomplish all their business with a 2-cent postage stamp. [Applause.]

Mr. COLLIER. I would not go so far as that. I want to be perfectly fair; that was only one instance given as an illustration. We could not find out where they wanted these changes, but briefly, in conclusion, the situation is this: There is no need for these additional collectors, because the President has the power to change, alter, define, or limit any one of these collection districts, and if any change is necessary these districts can be merged or cut up or divided under existing law.

Mr. Chairman, I yield eight minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman, I am sorry my friend took two of my minutes. However, I think I can get through in eight minutes. Now, gentlemen, it used to be said by the Republicans that the Democrats always acted a fool at the right time. If you pass this legislation, if you even seriously consider the passage of this legislation, you have got to turn that around and say that the Republicans always act like fools at the proper time. [Laughter.] There is no sense in this legislation, and I believe I can convince you of it. They say that they need 74 instead of 64 collection districts. Why, the Senate agreed to 69 and said that was all that was needed, instead of 74. The scheme is to add new offices, to spend a half million dollars more of the people's money on these officers and employees. That is the situation here. You are not getting as much taxes as you did last year. The papers say taxes will fall off a billion dollars this year. You repealed the excess-profits tax and you do not need anybody to collect the excess profits. You repealed the surtaxes. You lose $90,000,000 there. You lose $450,000,000 of excess-profits tax, making $540,000,000 that you will not have to collect. Why increase the number of collection districts?

Mr. CHANDLER of Oklahoma. Will the gentleman yield?

Mr. OLDFIELD. For a brief question.

Mr. CHANDLER of Oklahoma. The gentleman will not contend that the excess-profits taxes was collected the same as the surtaxes?

Mr. OLDFIELD. We are not going to collect as much tax this year as we did the last year, and less next year, on account of the loss of the excess-profits tax and the high surtaxes. This is only an opportunity to give some one a chance of appointing more officeholders. Every time you appoint a new officeholder you put your foot in your mouth. I notice in the New York Times, in big headlines, as follows:

> HARDING'S WARNING OF LOWDEN AGENT STIRS WASHINGTON—NAT GOLDSTEIN, INVOLVED IN MISSOURI FUND INCIDENT IN 1920, NOMINATED FOR COLLECTOR—SHARP OPPOSITION LIKELY—REPUBLICAN SENATORS ARE DISCONCERTED—DEMOCRATS WILL MAKE CAPITAL OF IT—LOWDEN DEFEAT RECALLED—REVELATION OF USE OF MUCH MONEY BY AGENTS KILLED PRESIDENTIAL CHANCES.
>
> (Special to the New York Times.)
>
> WASHINGTON, May 3.—President Harding sent to the Senate to-day the nomination of Nat Goldstein to be collector of internal revenue for the first (St. Louis) district of Missouri. In doing so the President laid the foundation for political trouble, for Goldstein is one of two men whose acceptance of money to further the campaign of Frank O. Lowden, then Governor of Illinois, for the Republican nomination for President had most to do with losing Lowden this honor.
>
> Some Republican Senators were plainly disconcerted when they learned that Goldstein had been nominated. With the incident of the 1920 campaign in mind, they felt that a party error had been made in this selection.
>
> "Good Lord, can it be true?" exclaimed one Senator when told of the nomination. * * *
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> * * * * * * *
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> Called before a Senate committee of investigation on June 2, 1920, Robert R. Moore, of St. Louis, and Goldstein admitted that each had received a check for $2,500 from Jacob Babler, national committeeman from Missouri, before the election of delegates to the Republican National Convention, and that each understood that it was Lowden money. Moore testified that Babler handed him the check "to take it and use it for whatever I (Moore) saw fit," but that he had not used it. The money was still to his credit in a bank, he said; but in view of the unpleasant notoriety which the matter had caused he would return it.
>
> Goldstein, then a circuit court clerk in St. Louis, testified that Babler handed him a check for $2,500, that he had put it to his credit in bank, that his intention was to turn it over to the Lowden organization "when we got into the campaign" if Lowden were nominated or return the money if Lowden were not nominated. Goldstein said that when the money was given to him he was a candidate for delegate to the national convention, and subsequently was elected without instructions. He added that he "was friendly to Governor Lowden's interests."
>
> Other testimony was to the effect that Louis L. Emmerson, secretary of state of Illinois, and Governor Lowden's campaign manager, sent to R. L. Morse, the Lowden campaign manager in Missouri, $82,000 to pay expenses in his attempt to carry Missouri. Morse testified that he gave $17,000 of this amount to Babler "to create Lowden sentiment." All the testimony showed that Governor Lowden had no knowledge of those transactions. He issued a statement in which he repudiated the support of Moore and Goldstein. "My injunctions to Mr. Emmerson were to use no money except for legitimate purposes of the campaign and to make no expenditure that could not be made public," he said.
>
> The whole affair created such a furore that the Republican leaders at the Chicago convention were afraid to throw the presidential nomination to Lowden. Of the leading contestants for the nomination—General Wood, Senator Harding, Senator Johnson, and Governor Lowden—the favorite with the leaders was Lowden.
>
> When the deadlock came, in the convention and leading men of the party met in a "smoke-filled room" at the Blackstone Hotel "at 2.11 a. m." to endeavor to agree on a compromise candidate, Lowden would have been the choice if it had not been for the transactions involving Moore and Goldstein. The feeling was that Lowden's chances would be injured by continued rehearsal of the Moore-Goldstein incident. So Harding was selected instead.
>
> The selection of Goldstein was due primarily to Senator Spencer.

The more fellows like that you appoint to offices the better it is for us. [Laughter.] So go on and appoint all you want. But, gentlemen, there is no sense in passing this bill. The only illustration the Treasury Department gave was that they needed another district in New York. Why, we asked. Because it is so inconvenient for the people. For whom? People in the Bronx. That is a part of Greater New York. Why is it inconvenient? Because they have to go to Albany. The next question was, Have you not authority under the law to take in the Bronx and let them pay their taxes in the city? They said yes. Well, then, why do you not do it? Well, they said, there were other situations like that. Well, there may be other situations like that, gentlemen, but they have the authority under the law to do all on earth that they need. Secretary Mellon has authority to-day to limit these districts, to extend or narrow the limits.

Now, you need not think that you will hear the last of this if you pass this bill. When you add half a million dollars every year to the burden of the taxpayers in order to appoint a few thousand officeholders, you are not going to hear the last of it. You can do it, of course, and you will do it, but I want you to understand that there is no necessity for the legislation, and

I believe every man who will look into it will realize that taxes are falling off instead of increasing, and you will not need so many men to collect the taxes in the future as you have in the past.

Mr. CHALMERS. Will the gentleman yield?

Mr. OLDFIELD. Yes; briefly.

Mr. CHALMERS. How does the gentleman figure out that the increased cost will be half a million dollars?

Mr. OLDFIELD. Well, some one who appeared before the committee admitted that; I do not know whether it is in the record.

We had these men up here from the Treasury Department, and the suggestion was made, and if anybody can disprove that it will cost $500,000 additional I would like to have him prove it. If there is added 10 collection districts, you know that that means collectors, assistant collectors, office rent, civil-service employees, and every other kind of an employee that you see around the internal revenue office. Hundreds of them in many places, and it will cost probably a million dollars a year instead of $500,000. I do not know, but I know it will cost a great deal of money.

Mr. SANDLIN. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. SANDLIN. I suggest to the gentleman from Ohio [Mr. CHALMERS] that he look at Secretary Mellon's report upon this bill.

Mr. OLDFIELD. Yes.

Mr. SNELL. Can the gentleman tell me how much it costs in the average office at the present time?

Mr. OLDFIELD. I have not that information.

Mr. ANDREWS of Nebraska. Could not this work be accomplished by the employment of expert accountants to handle this business in the offices that now exist?

Mr. OLDFIELD. Certainly. There is no doubt about that.

Mr. ANDREWS of Nebraska. Is it not a question of systematic arrangement of business and seeing to it that everybody does an honest day's work for an honest wage? [Applause.]

Mr. OLDFIELD. I do not think there is any doubt about that either. Whatever inconvenience there is to the taxpayers of America is caused by the department itself, not by anyone else. Of course, you could have one of these officers in every community in America, and that would be of some convenience to some individual taxpayer, but you ought not to do that, and you ought not to add these 10 more, at a cost of half a million or a million dollars a year. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield one minute to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman, what I have to say the Democratic side of the House does not need to pay any attention to. This is a little advice that I am going to give to the Republican side. When you go back and demand to be returned to this House, after putting over an increased number of offices with a decreased amount of Federal taxation—for that is what our slogan is—all I have got to say is that you will have some explaining to do. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, the gentleman from Delaware [Mr. LAYTON] used only one minute. I shall use what little time I have in undertaking to amplify what he said. The gentleman from Delaware is exactly right. The people in all political parties are demanding that the number of offices be decreased rather than increased, and unless some offices are abolished and the number of Government employees reduced there are going to be some officials abolished, as our Republican friends will find out to their chagrin. If I remember correctly, there are now 64 internal-revenue districts in the United States, and this bill proposes to increase the number to 74. As Secretary Mellon states in his own report on the bill, such an increase will involve an additional expenditure of $500,000. Why the increase?

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. ANDREWS of Nebraska. Would it not be helpful to us if Commissioner Blair would tell us exactly what the 1,789 people receiving more than $2,000 a year each in a bureau here in Washington are now doing?

Mr. BLACK. I think that would be a very interesting story, because from the long delay that I have experienced in getting settlements of claims for refunds due to constituents who have asked my assistance, I have wondered myself what they are doing.

Mr. ANDREWS of Nebraska. May I trouble the gentleman once more at that point?

Mr. BLACK. Yes.

Mr. ANDREWS of Nebraska. The commissioner said in a letter to me that they were practically up to date. Again he said that they were 20,000 behind. Then they wrote another letter and admitted that they had made a mistake of 20,000 in the number of claims for refund.

Mr. BLACK. I think that was a very conservative statement. [Laughter.]

Every Member of the House knows that we reached the peak of taxation in 1921 under the revenue act of 1918. It was in that year that the Internal Revenue Department handled what were termed 20,000,000 transactions, and by the term "transaction" was meant the filing of a return, either income-tax return or excess-profits tax return or a sales-tax return, or a payment, or a quarterly payment, of income tax, excess profits, and other taxes. It is estimated for this year there will be something more than 16,000,000 transactions, a decrease of 20 per cent in the routine business of the office from 1921, and yet, after we have passed the peak of taxation, after the department has carried the heaviest load of detailed transactions, it is proposed to increase the number of internal-revenue offices by 10. Gentlemen, you forget that the Republican Party in 1920 promised the people economy in your platform, and not only that, but some of your most vigorous and extravagant orators said, "Put us in power and we will abolish half of the Federal offices." Now that you have been intrusted with power, what are you doing?

Why, you promised the people bread, and now you are giving them a stone by such bills as this and the one you recently passed to increase the number of Federal judges. The people are already concluding that there is too much rattling of the dishes among you Republicans for the fewness of the victuals, and they are going to express their disapproval in no uncertain terms next November.

Mr. McSWAIN. The gentleman thinks that sort of rations would give the people indigestion?

Mr. BLACK. Yes; much worse than indigestion. Two years of Republican administration has given the country a bad case of "stomach ache."

Mr. JOHNSON of Mississippi. Perhaps that is attributable to the fact that they had to swallow a Beveridge yesterday.

Mr. BLACK. Very likely that accounts for it. Anyway, we Democrats will do our best to show these Republicans the remedy, even if they won't take it. I am against this bill and think it should be defeated. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SNELL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-seven Members are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Drewry	Lampert	[illegible]
Atkeson	Dupré	Langley	Shelton
Barbour	[illegible]	Larson, Minn.	Shreve
[illegible]	Ellis	Lee, Ga.	Siegel
Begg	Fairchild	Longworth	Sinclair
Beshlin	Fess	Lyon	Smith, Mich.
Bixler	Fields	McArthur	Smithwick
Blakeney	Fish	McDuffie	Snyder
Bland, Ind.	Focht	McLaughlin, Nebr.	Stedman
Blanton	Frothingham	McLaughlin, Pa.	Steenerson
[illegible]	Funk	MacGregor	Stephens
[illegible]	Garner	Maloney	Stiness
Brand	Gilbert	Mann	Strong, Pa.
Britten	Goodykoontz	Mansfield	Sullivan
Brooks, Ill.	Gorman	Martin	Summers, Wash.
Brooks, Pa.	Gould	Mead	Sweet
Brown, Tenn.	Graham, Pa.	Michaelson	Taylor, Ark.
Browne, Wis.	Griest	Moore, Ill.	Taylor, Colo.
Burke	Hawes	Moore, Ohio	Ten Eyck
Butler	Hawley	Moores, Ind.	Thomas
Campbell, Pa.	Hogan	Mott	Tilson
Cantrill	Hudspeth	Mudd	Tincher
Carew	Hukriede	Newton, Mo.	Treadway
Carter	Humphreys	Paige	Tucker
Clague	Husted	Patterson, Mo.	Underhill
Clark, Fla.	Ireland	Perlman	Vare
Clarke, N. Y.	James	Porter	Vestal
Classon	Jefferis, Nebr.	Rainey, Ala.	Voigt
Cockran	Jeffers, Ala.	Ransley	Volk
Codd	Johnson, S. Dak.	Reavis	Walters
Cole, Ohio	Johnson, Wash.	Reber	Ward, N. Y.
Collins	Kahn	Reece	Webster
Connell	Kearns	Reed, N. Y.	Wheeler
Connolly, Pa.	Kelly, Pa.	Riddick	Williams
Copley	Kendall	Riordan	Wilson
Coughlin	Kennedy	Robertson	Wise
Cramton	Kindred	Rosenbloom	Wood, Ind.
Dallinger	Kirkpatrick	Rucker	Woods, Va.
Darrow	Kitchin	Ryan	Woodyard
Davis, Minn.	Knight	Sabath	Wright
Denison	Knutson	Sanders, Ind.	Wurzbach
Dominick	Kreider	Sanders, N. Y.	Wyant
Drane	Kunz	Scott, Mich.	Zihlman

The committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10677, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 258 Members responded to their names, and he presented the list of the absentees for printing in the RECORD and Journal.

The SPEAKER. The committee will resume its sitting.

The committee resumed its sitting.

Mr. COLLIER. Mr. Chairman, I yield four minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, I am much obliged to the gentleman for having a roll call and getting this audience here. It occurs to me the Republican members of the Ways and Means Committee in bringing this bill out have put themselves in an anomalous situation. [Laughter.] You have a decrease of $1,000,000,000 of actual money that is paid into the Treasury for the fiscal year, as compared to the previous year, according to the estimate of the Secretary of the Treasury, and yet you come forward with a bill, already having in all the United States 64 revenue collectors, to increase the number by 10, making 74, thereby increasing the expense of collecting 16⅓ per cent less money than you had collected heretofore, costing the taxpayers of this country 15⅓ per cent more to collect this smaller sum than it did to collect the larger sum. I want to say, gentlemen of the Republican Party, that you have done some foolish things within the last 18 months. Keep on with this type of legislation and this kind of policy and the people will certainly clean your plow at the election next November. You heard the rumblings out in the State of Indiana yesterday when the right bower of the President, one of the old standpat guard, who had been at the other end of the Capitol upholding the hand of plutocracy, riding roughshod over the people when he got a chance, went down to defeat in the vote in the Republican primary, notwithstanding the administration and all its henchmen, all the appointees, both of the State and National administrations in that State, and all the machinery of the Republican organization were working overtime to renominate the Senator, but the whole bunch was repudiated by Republicans in a primary in the good State of Indiana, so much so that that fact is heralded all over the United States in headlines to-day. It is because of this type of legislation that has disgruntled the people of your own party. You can not come along and feed hungry Republican politicians at an expense to the people by such measures as this and get by with it. Do not you know that the man on the street knows what this bill is for? My friend from Oklahoma [Mr. CHANDLER] could not even tell the districts where these collectors were to be created. Who is it that is going to get these jobs? The hungry, worthy Republicans are to be put in jobs to pull down $5,000 plums a year.

Mr. HILL. Will the gentleman yield?

Mr. QUIN. I have not the time. [Laughter.] And in addition they are renting expensive offices and having a great corps of clerks who have to be paid. If you do this monstrous thing just to give some favorite Republicans jobs, it will cost at least a million dollars a year. Already you have gone out with the legislation you have passed taking the taxes off the rich and putting them on the backs of the poor. Notwithstanding that, you want to put a tax grabber on every man's doorstep. [Laughter.] In my judgment the people ought to pay less taxes in the way of public officials, and here you are increasing the number of the tax collectors for which you have to go down into the pockets of the people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I want to ask unanimous consent that the gentleman may have one minute in order to answer a question.

The CHAIRMAN. The Chair does not recognize the gentleman for that purpose.

Mr. COLLIER. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Chairman, I can not say much in two minutes, but I want to enter my protest against this bill. [Applause.] There is neither sense, reason, nor justice in it. We do not need it. A short time ago we were collecting $6,000,000,000 a year with the present number of collectors. We have reduced the necessity for them by two, and to-day we are collecting about $3,000,000,000 internal revenue taxes. Why do you need 10 more collectors? The passage of this bill will cost a million dollars a year. Why should we put that additional burden on the backs of the American people? There is no necessity for it, not a bit. The bill ought not to be here and never should have been introduced. [Applause.] It ought not to have been reported, and I hope that every man who has the interest of the American people at heart will enter his protest against it when his name is called and will vote against the bill. [Applause.]

Mr. COLLIER. Mr. Chairman, I would like to know how much time the minority has remaining?

The CHAIRMAN. The gentleman from Mississippi has 14 minutes remaining, and the gentleman from Oklahoma has 20 minutes remaining.

Mr. COLLIER. I yield two minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, I appreciate the fact that there are a very few districts in the United States that do need additional machinery, and one of those districts is in my district, but if it is necessary for me to vote 10 additional districts in order to get the condition remedied in that one district I absolutely refuse to do so.

If the gentlemen of the Ways and Means Committee had brought in a bill here and definitely stated, say, one, two, three, or four districts that actually need help, and had presented districts on the conditions that existed there, it would be a fair proposition. But to bring in a blanket bill to create 10 districts at this time, it seems to me, is the most inopportune thing in the world to do. The campaign cry of the Republican Party was decreased taxation. Is it Republican efficiency to create more tax collectors to collect increased taxation? I want to know that. If it is, I do not want any more Republican efficiency. I want some other kind. [Applause.]

As the gentleman from Illinois [Mr. MADDEN] said, during the war these same officers collected three times as much taxes as are necessary to collect at the present time, and, speaking personally, I did not escape, and I do not think there are a great many others who did. I feel it would be the worst kind of legislation for this House to pass this measure at this time, and I hope it will not do so. [Applause.]

Mr. CHANDLER of Oklahoma. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, there are several bills pending in Congress designed to authorize the sale of beer and wine, and there are more than two dozen wet organizations that are making the nomination of candidates pledged to support a beer and wine amendment to the national prohibition act an issue in the primaries. In view of this, it is evident that this question will be an issue in several districts in the coming election.

As a great many false and misleading claims are made by these organizations and their friends, I desire to call attention to why Congress, in passing the national prohibition act, forbade the manufacture and sale of such liquor. When the Sixty-fifth Congress faced the obligation to provide appropriate legislation to carry out the prohibition amendment to the Constitution it had to consider what was sought to be accomplished by that amendment, and what legislation was necessary to carry it out in good faith. The prohibition amendment forbids the manufacture and sale of all intoxicating liquors.

It is a part of the history of this country that for many years a bitter and persistent struggle has been carried on against the liquor traffic. The prohibition amendment was the culmination of that struggle. Before its adoption many States had adopted amendments to their constitutions prohibiting the traffic. These amendments are substantially in the same language as the Federal prohibition amendment. The legislatures in these States, more than 30 in number, passed statutes to carry these amendments into effect. Not one of these statutes permitted the sale of beer or wine that contained more than 1 per cent of alcohol by volume; and with the possible exception of one or two, in which the language of the statutes might possibly be construed to permit the sale of a liquor containing 1 per cent, they all forbade the sale of any beer or wine that contained more than one-half of 1 per cent of alcohol.

In taxing liquor under the license system it has for a great many years been the general, it might almost be said the universal, rule that beer and wine that contained as much as one-half of 1 per cent of alcohol was treated and taxed as intoxicating. The Federal Government had for many years followed the same rule. It taxed and dealt with as intoxicating liquor all beer and wine that contained more than that amount of alcohol. So general and universal had this practice been that no one could have had the slightest doubt as to what was meant by the prohibition amendment when it was adopted. Everybody understood that this amendment prohibited the sale of beer and wine, and it became the duty of Congress to carry out what was the intention of those who proposed and those who ratified the amendment. It meant to Congress, as it meant to the public everywhere, that all liquor that had been treated, taxed, and known as intoxicating liquor should forever be banished.

Those who seek to destroy prohibition recognize that the public can not be persuaded knowingly to restore the saloon or the sale of whisky. They are camouflaging their demands by asking for what they call light beer and wine. No one, so far as I know, has had the courage to openly defend the saloon or the sale of whisky in this House since the amendment was adopted. What is it that these people demand? Is it in fact light beer and wine? Why, no. They are demanding beer that contains 4 per cent of alcohol and wine that contains 14 per cent. Four per cent beer is a stronger beer than that which was usually sold in the licensed saloons and 14 per cent wine covers nearly every wine that was ordinarily drunk.

That this is what is demanded can be abundantly established by reference to the thousands of letters and petitions on file with the Judiciary Committee of the House, where requests of that kind are sent. The ordinary beer sold by the saloons usually contained only from 3 to 3½ per cent of alcohol. So what is asked for is the old beer, which is light only in the sense that a stronger beer was occasionally sold. It is not necessary to argue that this beer was intoxicating. Twelve glasses of it will contain as much alcohol as a beer glass full of whisky. Any number of persons will become intoxicated on much less than half that quantity. Everybody knows that the so-called war beer, which was limited in alcoholic content to 2½ per cent of alcohol by weight, was intoxicating. That contained about the usual amount of alcohol, 3.4 per cent by volume. Two beer glasses of that beer is about equal in alcoholic content to one ordinary glass of whisky.

The smallest percentage of alcohol in beer that anyone has so far proposed is 2.75 per cent of alcohol by volume. To get as much alcohol from drinking this beer as from the ordinary beer sold before prohibition, which contained from 3 to 3½ per cent of alcohol, it would only be necessary to have a glass one-fourth larger.

Dr. De Lancy Carter, president of the American Medical Society for the Study of Alcohol and other Narcotics, stated to the international congress against alcoholism, September, 1920:

> You might compare beer and light wines with spirituous liquors as the local train with a rapid express, both of which reach the ultimate point of the journey at last, although at different rates of speed.

Dr. A Holitscher, of Karlsbad, Germany, said to the congress against alcoholism:

> Some old-fashioned people believe that in encouraging the consumption of beer as a substitute for spirits one contributes to the fight against alcoholism. This notion is erroneous because beer, being an alcoholic liquor, is responsible for a great part of the alcoholism under which the European nations are suffering.

Dr. Harvey Wiley, the eminent food and drug specialist, said:

> When a person gets drunk, the first glass he drinks is just as much responsible for his condition as the last one. Intoxication has a beginning, and that beginning is as much intoxication as the final death struggle of the man who dies from alcoholic intoxication. Every step is essential to the whole journey. The man who doesn't take the first step doesn't do of the last one.

Prohibition has been tried out in a great many villages, cities, counties, and States for more than half a century. At first the prohibition statutes simply made it a crime to sell intoxicating liquor without defining what was meant by the word "intoxicating." These statutes proved a sad disappointment. Only after repeated failures did the friends of prohibition learn that such a law could not be enforced. Then one by one these statutes were amended so as to prohibit by name all liquor, such as beer, wine, whisky, and other known beverages, without reference to the quantity of alcohol they contained. This had been the policy for many years prior to the adoption of the national prohibition amendment. The necessity for this is apparent.

Mr. Justice Brandeis, in speaking for the Supreme Court, said, in regard to this necessity, in Ruppert v. Caffey (251 U. S. 264):

> For the legislation and decisions of the highest courts of nearly all of the States establish that it is deemed impossible to effectively enforce either prohibitory laws or other laws merely regulating the manufacture and sale of intoxicating liquors, if liability or inclusion within the law is made to depend upon the issuable fact whether or not a particular liquor made or sold as a beverage is intoxicating. In other words, it clearly appears that a liquor law, to be capable of effective enforcement, must, in the opinion of the legislatures and courts of the several States, be made to apply either to all liquors of the species enumerated, like beer, ale, or wine, regardless of the presence or degree of alcoholic content; or, if a more general description is used, such as distilled, rectified, spirituous, fermented, malt, or brewed liquors, to all liquors within that general description, regardless of alcoholic content; and to such of these liquors as contain a named percentage of alcohol; and often several such standards are combined so that certain specific and generic liquors are altogether forbidden and such liquors as contain a given percentage of alcohol.

The question of what percentage of alcohol in beer or other liquor makes it intoxicating can not be answered. There is and can be no decision on that subject. The statement in circulation by wet organizations that the Government has admitted or the Supreme Court has held that the beer containing 2¾ per cent of alcohol is not intoxicating is absolutely false and without the slightest foundation. It is a well-known fact that alcoholic liquor does not affect all persons alike. A quantity of liquor that will make a certain person dead drunk may only slightly affect another; and the same person may at one time become intoxicated on drinking a quantity of liquor that under other conditions would not affect him at all. It is this difficulty that has made it necessary, if prohibition is to be effective, to prohibit all liquor that has any intoxicating effect.

If it was possible to increase the alcoholic contents of near beer without giving it an intoxicating effect nothing would be gained by those who now clamor for such increase. The object, and only object, of increasing such contents is to make it intoxicating. Those who demand the increase do not attempt to conceal the fact that they want a beer that has a kick in it; in other words, a beer that has an intoxicating effect. That is the only thing that the near beer lacks, as it is the ordinary beer with the alcohol removed. Whenever any liquor can be sold that is intoxicating in fact—and, as I have said, that is the beer that is demanded—we might as well repeal the amendment.

Experience has demonstrated that when you permit the sale of any particular kind of intoxicating liquor you can not prevent the sale of any other kind. This is what occurs: Under the present law when a person is found in a state of intoxication it is evident that some one has violated the law, and it at once becomes the duty of the officers charged with enforcement to learn where such person obtained his liquor. The community, if its sentiment is favorable to enforcement, will hold the officer responsible and compel action. If, on the other hand, the law allows the sale of a liquor that is in fact intoxicating even if it is only capable of intoxicating a few, the sight of an intoxicated person does not tend to show any law violation. Under such circumstances the officer will pass the intoxicated person by unless he breaks the peace, and the community is in no position to complain. The intoxicating or stimulating effect of alcohol grows less with use.

A larger and larger dose is necessary to satisfy the craving that it creates. Very soon, if the liquor is a light beer, it will not satisfy this craving, but stronger drink will be demanded. The man that sells the beer will see to it that this stronger drink is furnished. That has always been the case and always will be. The sale of beer eventually makes necessary the sale of whisky. The appetite for alcoholic liquor created by the drinking of beer eventually leads to a demand for stronger drinks. It is the sentiment in the community that in the end enforces law. The community is naturally indifferent as to what liquor makes a person drunk, so long as it legalizes the sale of any liquor that does intoxicate, and the officer naturally follows the course of least resistance by doing nothing in such cases. If the sale of beer and wine is permitted, we shall have the saloon with all its evils.

The principal article sold in every saloon was beer. It was the one thing upon which that institution depended and upon which it lived, so much so that saloons were often called beer saloons. It represented over 90 per cent of the volume of the trade. The brewers in many sections owned most of the saloons, furnished the license money, and practically employed those who conducted the business. It is quite freely admitted by the beer and wine advocates that with the sale of beer and wine the saloon would return. To avoid this, knowing that the public is opposed to the saloons, they propose that no beer or wine shall be consumed at the place of sale, but only for consumption in the homes. Those who propose this show how utterly ignorant they assume the public to be of the nature of the traffic. A law such as that would mean that the consumption of these liquors would have to take place beyond any police supervision or control. It would drive the traffic into all sorts of hidden haunts and debauch the home to an extent never possible under the saloon system. To prevent the very thing now proposed statutes were passed in various States to make it illegal to sell liquor for consumption except in a saloon. If the consumption is not to be under any police supervision or control, no effective measure could be taken to prevent the liquor from reaching minors, drunkards, and others, which it has been the policy to protect under our license laws. The sale of liquor for consumption in a saloon has been condemned by the public pretty much everywhere, but what is now proposed would be infinitely worse.

The advocates of the sale of beer and wine are presuming upon the ignorance of the public as to the effect of their proposed policy. But the public is not as easily deceived as they assume. Many years ago Massachusetts tried a prohibitory law under

which beer was permitted to be sold, but it proved such an utter failure that it was repealed after a trial of three years. It was attended with every evil that attends the unrestricted sale of liquor. Not only was beer sold, but so was every other kind of liquor. Michigan adopted prohibition by a majority vote of 68,000. A year later, when this camouflage proposition was presented, it defeated the sale of wine and beer by a majority of 207,000. Ohio adopted prohibition in 1918, and one year later, when a referendum vote was taken on permitting the sale of beer containing 2¾ per cent of alcohol, the majority against it was increased. At the last referendum election in Ohio it adopted an enforcement code which prohibits the sale of beer or wine that contains more than one-half of 1 per cent of alcohol by a majority of 280,000 votes. Similar votes have been recorded in Washington, Oregon, Colorado, and Arizona.

The experience of those who have tried to enforce prohibition laws is the same everywhere. The traffic always has and always will refuse to obey any law that it can break or circumvent. The demand for national prohibition grew out of that fact. It was found to be practically impossible to keep liquor away from a prohibition State so long as it could be manufactured or sold anywhere. The proposition is made in some quarters that each State or congressional district should have the option by a referendum to permit the sale of beer or wine. This can not be done without first changing the Constitution. Even if it was legal, it is indefensible because it would open the breweries and wineries in the localities where such sale might be made, and the liquor would not only be sold there but in other States and localities.

Not only have States found it necessary for the purpose of suppressing this traffic to define as intoxicating all beer that contains more than one-half of 1 per cent of alcohol but many States have forbidden the sale of all beer and all wine regardless of its alcoholic contents. The Ohio Supreme Court, Eighty-third Ohio, page 68, in sustaining such a statute, pointed out the lawlessness of this traffic and used this language:

> The legislature may have heard of Bishop's beer, Friedon beer, and later of near beer, and concluded that the enforcement of the will of the majority should not be defeated by subterfuge or the juggling in percentages of alcohol, and has said that for the purpose of carrying out the intention of the people to prohibit the sale of intoxicating liquors certain beverages shall be legally considered intoxicating, although not so in fact; and malt liquor is one of those so designated. "Near beer" being a malt liquor, the statute pronounces it an intoxicating liquor and made proof of its real intoxicating qualities unnecessary. It is no more protected than "altogether" beer, and the attempt to evade the law by brewing a "near" or "almost" beer is, by section 3, supra, rendered futile.

The Supreme Court of the United States in Crane v. Campbell (245 U. S. 304), speaking of the character of the liquor traffic, said:

> And considering the notorious difficulties always attendant upon efforts to suppress traffic in liquors, we are unable to say that the challenged inhibition of their possession was arbitrary and unreasonable or without relation to the legitimate purpose.

Hon. John F. Kramer, the first Federal Prohibition Commissioner, a man whose experience in dealing with this traffic entitles him to speak with authority on the subject, has said:

> Prohibition of the beverage use of intoxicating liquor is an onward-looking principle. It can not be made entirely effective to-day because of appetites, habits, customs, and passions formed during the existence of the legalized traffic. But coming generations will know little of intoxicating liquors and care less, provided we cease implanting in them appetites and passions for liquor. We all know that beer always has been the beverage which begat in the young the appetite, passion, etc., for intoxicating liquor, and not whisky and alcohol. If we continue to implant these in the young, our work will never cease. We will give up in despair. The eighteenth amendment will be a farce. If we are going to give the present generation anything intoxicating to drink, let it rather be whisky and alcohol. By thus doing we could possibly save the coming generation and ultimately secure prohibition. No one would dare advocate this, although the proposed course would ultimately lead to it.
>
> If we start with 2.75 per cent beer, all the forces at the disposal of the Government, Federal, State, and local, could not regulate and control it. It would be light beer to-day, heavy beer and wine to-morrow, and whisky and alcohol the next day. We would have the intolerable situation of having prohibition in theory but a drunken debauch in practice.

Former President William H. Taft, now Chief Justice of the Supreme Court, said in a communication published in the Chicago Tribune on July 26, 1920:

> I am not in favor of amending the Volstead Act in respect to the amount of permissible alcohol in beverages. I am not in favor of allowing light wines and beer to be sold under the eighteenth amendment. I believe it would defeat the purpose of the amendment. No such distinction as that between wines and beer, on the one hand, and spirituous liquors, on the other, is practicable as a police measure. * * * Any such loophole as light wines and beer would make the amendment a laughing stock.
>
> The argument that a law allowing the sale of beer and wine would enable the Government to collect a large tax is delusive. Most of the States have prohibition laws to-day that could not be repealed; public sentiment in those States would not permit it. Without the consent of the State beer and wine could not be sold, despite anything that Congress could do. Without open sale in the States no substantial tax could be collected.

The following 14 States forbid the sale of beer and wine whether they have any alcohol in them or not: Alabama, Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Kentucky, Michigan, Mississippi, New Mexico, North Carolina, South Dakota, and Washington. That is also true of the Territory of Alaska and the District of Columbia. The following 22 States forbid the sale of any beer or wine that has more than one-half of 1 per cent of alcohol: Delaware, Florida, Georgia, Illinois, Indiana, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming; so do local option laws in Maryland. In Connecticut, Louisiana, Maine, Missouri, New York, Pennsylvania, and Wisconsin the laws provide that the definition in the national prohibition act shall govern. The following States—New Hampshire, South Carolina, and Texas—allow the sale of beer and wine containing 1 per cent of alcohol. California and Maryland are the only States that have no law on the subject.

But aside from the question of revenue the economic value of prohibition is beyond any question. According to official figures England, with a population not half as large as that of the United States, spent last year more than two billion dollars for liquor. Only a comparatively small amount of that was paid for by the rich. Nearly all of that vast sum was a tax on people who could not afford to spend the money. Many rich people are anxious to shift their tax burden back upon the liquor traffic. But for prohibition, State and national, twice or three times that amount would be spent in this country, and spent to create poverty, misery, and debauchery throughout the land. It is surprising that this proposition can be made by people who make any pretense of being law-abiding citizens; and still more surprising that persons can have the effrontery of offering themselves as candidates for election to Congress on a platform pledging themselves to support legislation so clearly in violation of the plain letter of the Constitution. There is not a man in this House who can repeat the absurdity often enough and long enough to even convince himself that beer and wine are not intoxicating. No one pretends that the wine that is asked for is not intoxicating.

The courts take judicial notice that wine is an intoxicating liquor, while beer of the strength proposed would be intoxicating in fact, and any law authorizing its sale would be unconstitutional. The proposal which is now urged is but an invitation to the Representatives of the American people to disregard their country's Constitution. It seeks to have the Members of this House from the States whose laws prohibit the sale of such liquors legislate in direct opposition not only to the Constitution of the United States but also to the will of the people of their own States as expressed in their State statutes. It asks many Members of this body to violate not only the Constitution of the United States but the constitution of their States as well. This insidious propaganda for beer and wine invites disregard of law and is inimical to the peace and good order of society. This is no time to encourage lawlessness. The judges of our country have sounded a timely warning when they said:

> The judicial section of the American Bar Association, venturing to speak for all the judges, wishes to express this warning to the American people: Reverence for law and enforcement of law depend mainly upon the ideals and customs of those who occupy the vantage ground of life in business and society. The people of the United States, by solemn constitutional and statutory enactment, have undertaken to suppress the age-long evil of the liquor traffic. When, for the gratification of their appetites or the promotion of their interests, lawyers, bankers, great merchants and manufacturers, and social leaders, both men and women, disobey and scoff at this law, or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery, and homicide; they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest.

The highest executive officers of the Government join with the judiciary in pointing out the menace of lawlessness.

President Warren G. Harding said on March 24, 1922:

> It is absolutely essential to the maintenance of a secure society and to the attainment of a proper moral plane that the law should be recognized as sacred and supreme. It should have at its back and enlisted in its support every element of the community that realizes the desirability of sound, secure, and stable institutions. Disregard of one statute inevitably must breed a lack of respect for the law in general.

Attorney General Harry M. Daugherty in his address before the American Bar Association said:

> Respect for law is the one essential fact of our civilization. Without it, life, liberty, and property are insecure. The history of civilization has been a continuous struggle for law and order. The only sound position for those who favor respect for law to take is that those

charged with law-enforcement must enforce all the laws and all good citizens must obey all the laws. The Government will endure on the rock of law enforcement or it will perish in the quicksand of lawlessness.

Hon. Guy D. Goff, Assistant to the Attorney General, said at the law enforcement convention, in Washington, in December, 1921:

Prohibition is not the only law which is difficult to enforce.

Any new law which interferes with the so-called personal liberty of the community must pass through the stages of open violation, secret violation, passive enforcement, and then universal observance throughout the land.

The man who can not obey the law, the man who can not fearlessly enforce the law, and with the courage of his convictions bring before our judicial tribunals every disorderly and contemptible crook, no matter how high his rank, has no place in our system.

The Federal Prohibition Commissioner, Roy A. Haynes, who is the head of the prohibition department to enforce national prohibition, said recently, in Philadelphia:

Nothing can affront the American people more than the statement that we can not enforce our laws. In this statement lies the death warrant of the Republic, for this Nation can not endure without reverence for law, without the recognized authority of law.

It is in the last analysis Americanism in conflict with Old World customs and concept; it is democracy against avarice, lawlessness and ownership. The issue divides men not upon the question of their opportunities but upon the question of their loyalty to their country.

Prohibition can not divide the Nation against itself. It has rather ranged the great forces of our Government squarely on one side of a great question, and I am pleased to say that the real forces of American life are lined upon the right side of the question of law enforcement.

The time is here when every man and woman who love their country should support the Constitution and obey the laws enacted to enforce it. All liberty and security rest on law. License to sell beer and wine contained in a prohibition law makes it impossible to enforce. It is as indefensible to vote for such a unenforceable law as it is to vote directly to violate the Constitution. The only defensible position for a Member of Congress is to sustain the law in enforceable form. When he accepts his office, it is made his official duty to sustain the Constitution. He must solemnly promise to do that. There is only one defensible position for a judicial officer, and that is, to construe the law so as to carry out its manifest purpose. There is only one defensible position for the law-abiding citizen, and that is to obey the law and support those in public office who are honestly endeavoring to enforce it.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MILLS].

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I recognize that our Democratic friends, when they are confronted with the proposition of creating new positions, are unable even to think of those new positions except as jobs. They are absolutely unable apparently to grasp business propositions of this kind, where it may be real economy in the long run to decentralize rather than to centralize.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MILLS. I can not. I have only five minutes.

But I want to say here, in view of the remarks that they are so troubled over our record of economy that they think the people may return their party to power next fall, the fact is that we will spend this year $1,000,000,000 less than was spent in the last year of the Democratic administration, and that for the fiscal year 1923 we will spend $2,000,000,000 less than you gentlemen spent when you controlled this Government. [Applause on the Republican side.]

Now, as to the merits of this proposition, I have heard no argument to meet the statement of the Secretary of the Treasury that new districts are needed for efficient administration. He points out to this House that the number of taxpayers has increased from 500,000 or 600,000 to 10,000,000. It must be a matter of common knowledge that you get better tax assessments and more accurate figures as to taxpaying ability through local assessors than you do through a centralized agency.

Mr. RAKER. Will the gentleman yield?

Mr. MILLS. I can not. I have only five minutes.

Why does every State in the Union cling tenaciously to a system of local assessment? Because the local assessor is more familiar with local conditions and with the business of the taxpayers, and the taxpayer prefers to do business directly with some local officer rather than to correspond. I venture to say that, in so far as income-tax collections are concerned, if you could establish a great many more offices than are contemplated in this bill you would collect more money in the end than you expended for the additional service. In England they have a system of local boards that deal directly with their taxpayers, and do not require 300,000 taxpayers, as we do in one internal-revenue collection district in New York, to deal with an office 150 miles away.

Why, gentlemen, when Members of Congress were filing their income-tax returns some two months ago I noticed a gentleman from the Treasury Department came up to the Capitol for the convenience of Members. These gentlemen here wrote the law, a lot of them are lawyers, and yet they asked expert advice to prepare their returns.

But when it comes to the ordinary taxpayer they say, "Let him travel 200 miles to make his return." [Applause.] To-day you have got anywhere, I think, from $1,000,000,000 to $1,500,000,000 of back taxes outstanding—all claims that have to be litigated or settled. In the revenue act of 1921 you gave authority to your tax department to settle back taxes. How are you more likely to get a satisfactory settlement, by mail with the parties hundreds of miles apart, or through a local office that can deal face to face with the taxpayer? I personally am satisfied that this measure is justified from the standpoint of the convenience of the taxpayers alone who to the fullest possible extent should be given an opportunity to deal directly with the Government agent in order to get the benefit of his advice as to doubtful questions, and not be compelled to travel great distances or do business by mail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. May I have one more minute?

Mr. CHANDLER of Oklahoma. I yield one more minute to the gentleman.

Mr. MILLS. From the standpoint of the Government——

Mr. LAYTON. Will the gentleman yield?

Mr. MILLS. I can not.

From the standpoint of the Government the decentralization in this particular case means greater efficiency and a greater opportunity to check up on the taxpaying abilities of those making returns.

Let me point out to you that in the Veterans' Bureau you created 144 local offices to deal with some 300,000 men. Yet here you are satisfied with 64 offices to deal with 10,000,000 men. In the case of the wounded veteran you had a physical injury to pass upon. In this case you have the enormous difficulty which is involved in interpreting as difficult and as complex a law as exists. I want to submit in conclusion, gentlemen, that you simply can not treat this as a proposition simply to create 10 new positions. You have got to treat it from the standpoint of the convenience of 10,000,000 taxpayers, and of Government efficiency in as far as the administration of the law is concerned. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, the Democratic side, of course, feels properly rebuked by the statement of the gentleman from New York [Mr. MILLS]. It is always delightful to be rebuked by gentlemen who maintain the views that the gentleman from New York entertains.

Now, as a matter of fact, no one has suggested here a single reason why it is necessary to create 10 new districts to collect less taxes than have been collected for the last four or five years, and that is the issue here. The functionaness of it, the politics of it, may all be put aside. There has absolutely not been a reason given by any gentleman supporting this bill why it is necessary to create 10 new districts to collect less taxes than have been collected from the several districts in the last few years. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. COLLIER. Mr. Chairman, I yield four minutes to the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The gentleman from Maryland is recognized for four minutes.

Mr. LINTHICUM. Mr. Chairman, I am absolutely opposed to this bill creating 10 additional internal-revenue districts, at a cost to the taxpayers of between $500,000 and $1,000,000. I had understood that this was to be a Congress for economy. But it does seem to me that more offices are being created than can possibly be found necessary under present conditions, and particularly with an overburdened people and a depleted Treasury. We have just created 23 additional Federal judges, and now you propose to add 10 more internal-revenue districts.

Certainly, as the gentleman from Tennessee [Mr. GARRETT] has stated, if we were able to collect the taxes during the peak of taxation we ought to be able to collect them now when they are $8,000,000,000 less than they were formerly.

Mr. LAYTON. The gentleman [Mr. MILLS] who preceded the gentleman from Tennessee [Mr. GARRETT] had this one argument only, and that is, you could collect more money if you had tax collectors closer to the people. If that is a good argument, logically we would have an internal-revenue collector for each of 4,000 counties in the United States.

Mr. LINTHICUM. The conclusion of the gentleman from Delaware is correct and shows the absurdity of this increase. I want to say, in addition, to the gentleman from Delaware that at the beginning the people did not understand how to make out these tax returns, but they are gradually learning and there are fewer of them now who have to be given information, and there is not a city that has a bank in it to-day that has not a man who is expert on these matters and can give the people all the information they want just as well as if they were to go to the internal-revenue office.

The gentleman from Mississippi [Mr. QUIN] has asked the question, Who is to get these places? I want to say I do not know whether one will be given in the vicinity of Baltimore, under the control of the Senators and Representatives of the Republican Party from the State of Maryland, but I do know that the two Republican Senators and the Republican Representatives have asked the President of the United States to give substantial recognition to our negro population in presidential appointments; and I know further that the Senators from New York have indorsed a negro by the name of Andrews as one of the internal-revenue collectors of the Empire State in the city of New York. If we have any splendid places to give out, let us recognize our people who are out of employment to the extent of some five millions.

There is no necessity for this additional number of internal-revenue districts. There is no crying need of it. It is an additional and unwarranted burden upon a people sorely oppressed, who bore the burdens during the war with great fortitude and courage. If the money was collected during all these years of heavy taxes, certainly we do not need these additional collectors at this time of falling receipts and increasing deficiency, and I certainly hope that Congress will adhere to economy. I want to say to you gentlemen on the Republican side that it is not only a reflection on your party if we depart from economy but it is a reflection on the entire Congress, because people do not differ on partisan lines when they are speaking of economy and criticizing the actions and appropriations of this Congress. [Applause.]

Let us rise above mere job hunting and patronage seeking. It is the worst kind of politics and returns to plague the giver. Let us look to economy and rights and welfare of the people. During these dark days of reconstruction simplicity and economy must surely be practiced if we would have our country emerge from its present condition of unemployment. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. COLLIER. Mr. Chairman, I yield the remaining portion of the time allotted to me to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] is recognized for four minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the gentleman from New York [Mr. MILLS] with an air of finality presented what to him were reasons why we should create 10 additional internal-revenue offices and provide for the appointment of 10 new collectors of internal revenue. The gentleman from New York [Mr. MILLS] will be recalled as the gentleman who is very much opposed to taxes on excess profits of corporations making large profits, but he is perfectly willing to levy taxes on those who do not make excess profits to pay excess job holders. The gentleman from New York [Mr. MILLS] is opposed to high surtaxes on very large incomes; but he is perfectly willing that the moderate taxpayers with small incomes should have their taxes increased to create more positions to be filled by Republican campaign workers. Now, it has been demonstrated that during the year 1921 there were 20,000,000 transactions between taxpayers and collectors of internal revenue.

The Secretary of the Treasury says that the number of these transactions will decrease during the coming year from 20,000,000 to 16,000,000. Therefore he needs 10 new collectors of internal revenue? It is admitted that in the past during the war there was collected by the present number of collectors twice the amount of revenue that is being collected now, and the Secretary of the Treasury says that the income for the next fiscal year will be still less than it is now. Therefore he says he needs 10 new collectors of internal revenue.

This morning I found among some old musty papers this document, which some gentlemen may perhaps recall:

We pledge ourselves to a carefully planned readjustment to a peace-time basis and to a policy of rigid economy, to the better coordination of departmental activities, to the elimination of unnecessary officials and employees, and to the raising of the standard of individual efficiency.

This pamphlet is labeled—

PLATFORM OF THE REPUBLICAN PARTY, 1920.

We pledge ourselves to the elimination of unnecessary officials and employees.

Gentlemen, have you forgotten what elimination means? It means to reduce employees, and not to increase them. It means to take off the rolls employees instead of adding new ones.

The Republican Party, like the waiter in the restaurant, has lost its eliminator. [Laughter.]

Now, gentlemen, you Republicans promised and we Democrats promised to cut down taxes. You Republicans promised and we Democrats promised to reduce expenditures. If the Democrats were now in power the country would expect them to redeem their pledge. The Republicans were elected, and are now in power. The country, though it may not expect you to do so, wants you to keep that pledge. Democrats in Congress are outnumbered and outvoted. The Democrats can not reduce taxes because we have not the votes to do so. We can not prevent the Republicans from creating new offices, nor can we force them to reduce public expenditures. We can protest, and we solemnly and earnestly do protest.

The people are already heavily burdened with taxes. Farmers, ranchmen, merchants, business men, and others are hard pressed. Under Republican rule conditions are already distressing. Taxes are high. This Republican Congress should keep its promises. It should reduce Government employees. It should cut and cut deep. Economy, economy, and yet more economy should be the password to every committee room of this Congress.

The bill now before the House creates 10 new internal-revenue districts, with 10 new collectors of internal revenue, forces of clerks and appointees, estimated to cost the people $500,000 annually. It should never pass. It should die here, and it should die now.

As a representative of taxpayers, I challenge this Republican Congress to keep its promise to reduce expenses and to reduce taxes. Does the Republican Party believe that it is keeping that pledge when in the face of falling revenues, in the face of decreased transactions with the Internal Revenue Department, you propose by this bill to increase offices and increase expenditures to the extent of $500,000 a year? What do recent elections show unless they show that the people are dissatisfied with Republican rule?

If you are not deaf, do you not hear the rumblings out in Indiana and Illinois? If you are not blind, do you not see the handwriting yonder on the wall? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHANDLER of Oklahoma. I yield the remainder of my time to the gentleman from Michigan [Mr. FORDNEY].

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] is recognized for 15 minutes. [Applause].

Mr. FORDNEY. Mr. Chairman and gentlemen of the House, the gentleman who just took his seat [Mr. CONNALLY of Texas] said that both the Democratic Party and the Republican Party had agreed to reduce the number of people on the Government pay roll. The Republicans have carried out that promise so far, but the Democrats did not. Before the war there were 400,000 Government employees. At the termination of the last administration there were 1,000,000 Government employees. That is the way the Democratic Party reduced the number of employees in office. Before the war there were 1,950,000 employees on the railroads. When the Government turned the roads back to their owners there were about 3,250,000 railroad employees. That is the way the Democrats reduced employees. Before the war freight was carried in this country by the railroads for seventy-two one-hundredths of a cent per ton-mile.

Now the freight rate is 1¼ cents per ton-mile, or an increase of 85 per cent.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Not just now. I will yield afterwhile. But I want to say to my good friend from Oklahoma in charge of this bill that he and I seem to be in the same fix as a young fellow in church. He dropped asleep. The minister was preaching for converts. He asked all the good people that wanted to go to Heaven to stand up. Everybody in the church but that boy stood up. He was asleep. "Now," said the preacher, "please be seated"; and everybody sat down, and in sitting down somebody bumped the boy who was asleep, and by that time the minister said, "All who want to go to hell stand up." The boy heard the words "stand up" and that was all. He rose up, looked around, rubbed his eyes, and said: "Your Reverence, I don't believe I fully understood the question, but you and I seem to be in a hopeless minority here." [Laughter.]

When Mr. Roper was Commissioner of Internal Revenue he came before the Ways and Means Committee. With him came the Secretary of the Treasury, Mr. McAdoo. They both stated that if we would give them $7,000,000 additional money to employ auditors, they would collect $1,000,000,000 of back taxes due the Government. The House gave them that money. This morning the Assistant Secretary of the Treasury told me that there is yet $1,000,000,000, and possibly a billion and a half dollars, of taxes due and that some of the returns for 1917 have not yet been adjusted.

The gentleman from Illinois, my beloved friend [Mr. MADDEN], who is generally right, but goes wrong sometimes as well as the rest of us do, said there was no necessity for this bill. Gentlemen have stated that it is nonsense, crazy, no sense in it. Well, they took no part in presenting it, and of course they think there is no sense in it.

Gentlemen say the revenues have fallen off and therefore we should get along with less revenue collectors. You forget that there has been no increase in the number of revenue collectors of this country for something like 15 years.

The population of the country is increasing, the number of taxpayers is increasing, and it requires as much time to audit a claim for $500 as it does for $5,000,000. Ninety-five per cent of the back taxes due now are in claims of less than $500 each. The administration, both of the present and the past, gave their attention to the settling of the large claims first and let the minor claims go by.

It has been stated, and I want you to bear it in mind, that in 1911 with the same number of collectors we have to-day there were less than 600,000 claims for tax returns. Now there are 16,000,000 claims, and at that time only one payment a year was made. Now there are four payments a year, and you expect the same collectors of internal revenue to give as prompt service with 60,000,000 reports as against less than 600,000 a short time ago.

Mr. MADDEN. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MADDEN. There must be some mistake about that. There is only one return made in a case in a year. The payment may be divided into quarterly payments, but you only send your check during the other quarters, you do not make a report.

Mr. FORDNEY. Good Lord, man, I received notice a few days ago that my tax report for 1917 was 72 cents short, and they directed me to pay up or the Government would fine me. You forget all this, and our Democratic friends always have said that the appointment to new positions is to give some one a job. That is furthest from the minds of the gentlemen that reported this bill. I suppose you are going to vote it down; that is your privilege, and you can do as you please as far as I am concerned. There is nobody here bound by anybody's say so. I want the right to exercise my own judgment and I yield that privilege to every man here and will not quarrel with you if you do.

But, gentlemen, do you forget that this $1,000,000,000 of back-due taxes is costing the Federal Government $40,000,000 a year in interest? That is 4 per cent. Do you stop to think that while you are spending a few million dollars in creating some new offices in order to expedite the collection of money due this Government you will save one hundred times that much money in interest if you would speedily settle the claims and collect the money into the Treasury of the United States?

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. JOHNSON of Mississippi. Has not the gentleman overlooked the fact that we have recently put on 800 new auditors in the department to look after the very work the gentleman speaks of?

Mr. FORDNEY. No; I was not advised of that. That may be true. If so, it is a wise move. But let me say to you Democrats—and you are a bunch of good fellows—during the early part of 1920 auditors employed by the Democratic Party who looked intelligent, although they were Democrats, were sent to my home town to audit the books of a firm that had made its report on income taxes. The first auditor sent came back with the report that the company's tax returns were correct, but the Government was not satisfied and sent another man to audit those books, and he came back and reported that the company owed the Government an additional $1,100 in taxes. The company appealed to have still another man sent. The third auditor went through the books from top to bottom and reported that the company had overpaid the Government $3,200, and those were Democratic auditors! [Laughter.]

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to address the committee for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, it is seldom that we have the honor of having as a guest of the House one who is soon to be the chief executive of a great neighboring Commonwealth. We have the honor to-day of having with us as a visitor in the gallery, in the company of the distinguished Speaker of this House, General Pedro Nel Ospina, President-elect of the Republic of Colombia. [Applause, the Members rising.] We are all very happy to have him with us, and we wish for him a successful administration of the affairs of our great neighboring Republic. He, I am sure, joins with us in the hope that the friendly relations which have always been maintained between that splendid Republic and ours will continue under his administration and for all the years to come. We wish him and his nation well. [Prolonged applause.]

Mr. CHANDLER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman withhold that for a moment before he makes the motion?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. The general debate has been concluded?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. Why not go ahead and consider this bill under the five-minute rule?

Mr. CHANDLER of Oklahoma. A number of gentlemen were told that the matter would not come to a vote to-night.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. The matter has been very thoroughly discussed, and it seems to me we might very well dispose of it. Why not let us read the bill under the five-minute rule?

Mr. MONDELL. Oh, as a matter of maintaining good faith, which we always try to do, it is important to keep faith with gentlemen who were told that the bill would not be voted on this afternoon.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 103, noes 44.

So the motion was agreed to.

Accordingly the committee rose; and Mr. CAMPBELL of Kansas having assumed the chair as Speaker pro tempore, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10877, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I desire to make an announcement relative to the program. The gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules, will, I understand, to-morrow present a rule sending the so-called judges bill to conference, after which the House will consider the so-called Philippine bill, which is now under consideration as unfinished business. We hope to conclude both of those measures to-morrow.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. May we hope that the bill which has just been under consideration will be further considered to-morrow?

Mr. MONDELL. I fear that we are so busy with other matters that it will not be possible to take the bill up to-morrow. Following our usual custom of meeting the desires of the gentleman from Tennessee, however, we may some day take it up.

Mr. GARRETT of Tennessee. Will the gentleman yield? Is not the gentleman from Wyoming now willing to thank me for trying to help him out of the hole he got into this morning?

Mr. MONDELL. Well, we are progressing very nicely.

CONFERENCE REPORT—APPLICATION OF RECLAMATION LAWS TO IRRIGATION DISTRICTS.

Mr. KINKAID. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KINKAID. To present a conference report for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4382) to provide for the application of the reclamation laws to irrigation districts.

The SPEAKER pro tempore. Ordered to be printed under the rule.

CONFERENCE REPORT—CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS.

Mr. KIESS. Mr. Speaker, I present a conference report for printing.

The SPEAKER pro tempore. The Clerk will report it by title.

The Clerk read as follows:

Senate Joint Resolution 132, to provide for the continuance of certain Government publications.

The SPEAKER pro tempore. Ordered printed under the rule.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. TAYLOR of Tennessee, for 10 days, on account of official business.

Mr. TUCKER, for two days, on account of important business.

EXTENSION OF REMARKS.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill recently under consideration.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks on the bill recently under consideration. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, how recently?

Mr. ANDREWS of Nebraska. Well, just a few moments ago. It is now embalmed; I do not know how much chloroform has been used.

Mr. GARRETT of Tennessee. Is that the bill to create 10 new districts?

Mr. ANDREWS of Nebraska. I think that is the title and purpose of the bill; that is the one.

Mr. GARRETT of Tennessee. The gentleman from New York [Mr. MILLS] agrees that is the title?

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden; and

S. 2440. An act extending the period for homestead entries on the south half of the diminished Colville Indian Reservation.

ADJOURNMENT.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, May 5, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MADDEN: Committee on Appropriations. H. R. 11547. A bill making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau; without amendment (Rept. No. 971). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 11345. A bill authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.; without amendment (Rept. No. 972). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 11074. A bill to authorize Federal farm loans on lands under United States reclamation projects; without amendment (Rept. No. 977). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 1087. An act for the relief of H. L. McFarlin; with an amendment (Rept. No. 973). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2445. An act for the relief of Charles S. Fries; without amendment (Rept. No. 974). Referred to the Committee of the Whole House.

Mr. COLTON: Committee on the Public Lands. H. R. 11855. A bill validating a certain application for and entry of public lands; without amendment (Rept. No. 976). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 11547) making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau; to the Committee of the Whole House on the state of the Union.

By Mr. DUNBAR: A bill (H. R. 11548) to amend the Federal farm loan act, approved July 17, 1916, as amended; to the Committee on Banking and Currency.

By Mr. KAHN: A bill (H. R. 11549) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes; to the Committee on the Public Lands.

By Mr. MORIN: A bill (H. R. 11550) to establish at the United States Military Academy a department of physical training; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 11551) granting a pension to Mary A. Mallory; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11552) appointing James Jones to the grade of warrant officer in the United States Army; to the Committee on Military Affairs.

By Mr. NOLAN: A bill (H. R. 11553) for the relief of Horatio S. Turrell, alias Horatio Seaward; to the Committee on Military Affairs.

By Mr. OGDEN: A bill (H. R. 11554) granting a pension to Jennie L. Church; to the Committee on Invalid Pensions.

By Mr. SCOTT of Tennessee: A bill (H. R. 11555) granting an increase of pension to Walter L. Jewell; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11556) granting a pension to Maria C. Faloon; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11557) granting an increase of pension to Sarah A. Gill; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11558) granting an increase of pension to Alice A. Mangum; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5446. By the SPEAKER (by request): Resolution adopted by the Presbytery of Long Island at a meeting held at West Hampton Beach, N. Y., indorsing Senate Joint Resolution 31, relative to uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5447. Also (by request), resolution adopted by the Sixteenth Street Highlands Citizens' Association, relative to the proposed changes in the plan of taxation introduced in the pending District appropriation bill; to the Committee on Appropriations.

5448. By Mr. ANDREW of Massachusetts: Petition of Merrimac Council, No. 9, Junior Order United American Mechanics, Merrimac, Mass., favoring passage of House bill 10860, recodifying and amending our naturalization laws; to the Committee on Immigration and Naturalization.

5449. By Mr. CRAGO: Resolution adopted by the Pittsburgh District Dairy Council, of Pittsburgh, Pa., urging the passage of the Voigt bill, which proposed an amendment of the pure food and drugs act in order to prevent the interstate shipment of filled milk; to the Committee on Agriculture.

5450. Also, resolution adopted by the Pennsylvania Society of the Colonial Dames of America, indorsing the legislation now pending in Congress which provides for the retirement on retired officers' pay of disabled emergency officers of the Army of the United States who served in the late war; to the Committee on Military Affairs.

5451. By Mr. CULLEN: Resolution adopted by the Scarsdale (N. Y.) Post of the American Legion, relative to the strength of the Army; to the Committee on Appropriations.

5452. Also, resolution adopted by the Scarsdale (N. Y.) Post of the American Legion, relative to the size of the Navy; to the Committee on Appropriations.

5453. Also, resolution adopted by the Mississippi Valley Association, urging the acceptance of the Henry Ford offer for Muscle Shoals; to the Committee on Military Affairs.

5454. Also, resolution adopted by the directors of the Northern West Virginia Coal Operators' Association at Fairmont, W. Va., relative to incorporating the United Mine Workers of America; to the Committee on the Judiciary.

5455. By Mr. GALLIVAN: Petition of National Guard Association of Massachusetts, recommending certain legislation for the benefit of the National Guard; to the Committee on Military Affairs.

5456. By Mr. KINKAID: Resolution adopted by the Kearney Presbytery, Central City, Nebr., April 13, 1922, urging the passage of House bill 9753; to the Committee on the District of Columbia.

5457. Also, resolution adopted by the Kearney Presbytery, Central City, Nebr., April 13, 1922, urging the passage of House Joint Resolution 131; to the Committee on the Judiciary.

5458. Also, resolution adopted by the Kearney Presbytery, Central City, Nebr., April 13, 1922, urging the passage of Senate Joint Resolution 31; to the Committee on the Judiciary.

5459. By Mr. KISSEL: Petition of Charles Broadway Rouss (Inc.), New York City, urging the enactment of the Smith-McNary bill; to the Committee on Irrigation of Arid Lands.

5460. Also, petition of American Automobile Association, Washington, D. C., relative to the Dunn road bill (H. R. 11131); to the Committee on Roads.

5461. By Mr. LAMPERT: Resolution by the common council of the city of Manitowoc, Wis., protesting against the passage of the Michaelson bill (H. R. 9046); to the Committee on Rivers and Harbors.

5462. By Mr. McARTHUR: Petition of George E. Mack and other residents of Oregon, opposing the passage of House bill 9753, or any Sunday bill; to the Committee on the District of Columbia.

5463. By Mr. NEWTON of Minnesota: Petition of Mrs. Andrew Krom and other residents of Minneapolis, Minn., urging Congress not to pass House bill 9753, or any other Sunday bill, such as, for example, House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5464. By Mr. PERKINS: Petition of Presbytery of Newton, sent from Asbury, N. J., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States, and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5465. Also, petition of Presbytery of Newton, sent from Asbury, N. J., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce, and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5466. By Mr. ROSE: Petition of Altoona Chamber of Commerce, disapproving any efforts to unreasonably reduce the personnel of our armed forces, etc.; to the Committee on Military Affairs.

5467. By Mr. RUCKER: Petition of citizens of Green City, Mo., indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5468. Also, petition of citizens of Green City, Mo., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5469. Also, petition of citizens of Green City, Mo., indorsing House bill 9753; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *May 5, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Calder	Curtis	Elkins
Bell	Capper	Dial	Ernst
Broussard	Caraway	Dillingham	Fletcher
Bruneson	Culberson	du Pont	France
Bursum	Cummins	Edge	Frelinghuysen
Gerry	Lenroot	Page	Townsend
Gooding	Lodge	Phipps	Trammell
Hale	McCormick	Poindexter	Underwood
Harreld	McCumber	Ransdell	Wadsworth
Harris	McKellar	Robinson	Walsh, Mass.
Harrison	McLean	Sheppard	Warren
Heflin	McNary	Shortridge	Watson, Ga.
Johnson	Nelson	Simmons	Weller
Jones, Wash.	Newberry	Smoot	Willis
Kendrick	Norris	Sterling	
King	Oddie	Sutherland	
La Follette	Overman	Swanson	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is detained on official business.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained. I ask that this notice may continue through the day.

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a resolution unanimously adopted by the Washington (D. C.) Board of Trade, favoring the continuance of the $240 bonus to Government employees, which was referred to the Committee on Appropriations.

Mr. CAPPER presented a petition of sundry citizens of Kansas City, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented petitions of members of the Board of Managers of the National Congress of Mothers and Parent-Teachers' Associations, praying for the enactment of legislation extending the charter and granting certain special privileges to the corporation under the laws of the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented a resolution of the Chamber of Commerce of Owosso, Mich., favoring the imposition of a tariff duty of at least $2 per hundred pounds on imported Cuban sugar, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Owosso and Bay City, both in the State of Michigan, praying for the imposition of a tariff duty of at least $2 per hundred pounds on imported Cuban sugar, which were ordered to lie on the table.

Mr. SHORTRIDGE presented a letter addressed to the President of the United States by the Grain Trade Association, San Francisco (Calif.) Chamber of Commerce, stating that it was requested by over 5,044 separate owners of agricultural lands in California, aggregating 5,297,821 acres, to use its best efforts to accomplish the enactment of legislation legalizing the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Imperial County, Calif., favoring the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

He also presented resolutions of the men's Bible class, First Baptist Church, of Pomona, Calif., protesting against any measures tending to destroy the effectiveness of the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Vallejo Lodge, No. 550, Benevolent and Protective Order of Elks, of Vallejo, Calif., favoring the enactment of legislation to permit the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Woman's Improvement Club, of Corona, Calif., favoring the enactment of legislation to establish a cooperative experiment station at the University of California, Berkeley, Calif., which was referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented a resolution adopted by the Presbytery of Mahoning, at Lowellville, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Mahoning, at Lowellville, Ohio, favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Mahoning, at Lowellville, Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of

Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Paulding, Ohio, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which was ordered to lie on the table.

CREDIT FACILITIES FOR AGRICULTURE.

Mr. SIMMONS. Mr. President, I am in receipt of a letter from Des Moines, Iowa, dated May 2, 1922, and signed by L. A. Andrew, president of the Iowa Farm Credit Corporation, with reference to the establishment by the Government of adequate credit and banking facilities to meet the requirements and needs of agriculture and the live-stock raisers in the country. The letter is so very interesting that I ask that the Secretary may read it.

The PRESIDENT pro tempore. Without objection, the Secretary will read the communication.

The reading clerk read as follows:

IOWA FARM CREDIT CORPORATION,
Des Moines, Iowa, May 2, 1922.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SIR: We have been much interested in your Senate file 3390, a bill to provide credit facilities for agriculture, and we would like to know the prospects of its becoming a law, as there is great need for such a measure. We notice that three or four bills of this kind have been introduced in Congress the past month, and it is evident that the sentiment is crystallizing quite rapidly that an organization like you propose must be put in force.

The bankers all over the country, particularly in agricultural districts, have found that credit for farmers has not been adequate and could not be furnished for as long a period as the farmer must have to successfully conduct his business. In this State, which claims the honor of being the richest agricultural State in the Union, we have had a very severe time the past 18 months, and most of our troubles have come from trying to finance the farmer entirely through our commercial banks. Our bankers have found that they have had large amounts of good farm paper on which they have not been able to realize at maturity, as farmers had nothing to sell at that time which would pay their notes. Farmers of the Corn Belt must have longer and more credit to conduct their business successfully—credit which will run for from one year to three without causing ruinous liquidation.

In this State we have organized this Iowa Farm Credit Corporation with a capital of $5,000,000, of which the first million is about paid up, so that we have the machinery all ready to take advantage of the measure which you have introduced. Some bankers have raised the plan that this should be financed through the Federal reserve bank. Those who have given the matter much thought realize that it has no place in the Federal reserve system, as that should be kept in very liquid shape to take care of the commercial banking business of the country. It has no place in the Federal land bank system, as that has a field all its own which should not be disturbed with other projects. After giving considerable study to this subject, we are sure that your plan is the best one presented and is very necessary to the success of the country bank and the farmer in financing agriculture.

I would be pleased to be advised as to what you think the prospects are of getting legislation of this kind through at this session. I was talking to our superintendent of banking yesterday, and he agrees with me that such a measure as you propose would be of great help in taking care of long-time credits, which it has been almost impossible for country banks to carry at present.

Respectfully yours,

L. A. ANDREW, *President.*

POTOMAC ELECTRIC POWER CO. RATES.

Mr. JONES of Washington. Mr. President, a few days ago the Senator from Arizona [Mr. ASHURST] presented a statement with reference to the Potomac Electric Power Co. and its rates. Commissioner Keller, of the District of Columbia, has sent me a copy of the letter which he wrote to the Senator from Arizona, with the request that I have it placed in the RECORD. I have conferred with the Senator from Arizona and he is glad to have it printed in the RECORD. I ask unanimous consent that the letter, with the list of cities therein referred to, be printed in the RECORD.

There being no objection, the letter and the list were ordered to be printed in the RECORD as follows:

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA,
April 24, 1922.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: I have read a statement in regard to electric power rates apparently made by you in the Senate on April 19 and reproduced on page 6216 of the CONGRESSIONAL RECORD of that date. I feel sure you will be glad to know the exact facts as to the rates prevailing in the District of Columbia, which are, as you know, based upon the commission's valuation of the Potomac Electric Power Co.'s property used in the public service and not on its capitalization.

This valuation was made by the commission as of December 31, 1916, and amounted to $11,231,170.43 on that date. Many additions to the property have been made since that time, due to the great increase in the use of electricity, so that on December 31, 1921, the valuation, on the commission's basis, was $16,946,245.30. Following the ascertainment of the valuation of 1916, the commission reduced the rates for electric current approximately 20 per cent, the maximum rate of 10 cents per kilowatt-hour for household consumers being reduced to 8 cents. Owing to large increases in the cost of materials and labor incident to the war, it was necessary for the commission, in 1920, to increase these rates one-half cent per kilowatt-hour. Since then, however, two reductions of 5 per cent each have been made by the commission, so that the rates in effect to-day are as shown on the inclosed table.

These rates compare quite favorably with those in effect in other large cities, some of which are shown on the inclosed list.

It is true that the enforcement of the reduced rates established by the commission is prevented by an injunction of the court, pending the final decision of the courts as to the valuation of this company's property. The trial court (the Supreme Court of the District of Columbia) rendered its decision in March, 1920, sustaining the commission in every particular. The Court of Appeals in November, 1921, reversed the trial court upon the grounds that the court below did not exercise its independent judgment as to both law and facts in reviewing the decision of the commission, and that the commission erred in not considering or allowing for, in its estimate of the reproduction cost, an alleged increase in value of the company's property between July 1, 1914, and December 31, 1916, occasioned by the increased costs of labor and material consequent upon the European war. The United States Supreme Court has allowed the commission an appeal from the decision of the court of appeals and a motion to advance the hearing is now pending.

Since the injunction preventing the enforcement of the lower rates fixed by the commission in 1917 was issued by the court the electric light consumers have paid the rates in force prior to that time, but under the orders of the court the company has been compelled to set aside the difference between the two rates to await the final decision of the courts. The amount so impounded amounted to $2,564,496.23 on December 31, 1921, and is increasing at an average monthly rate of over $50,000.

The Potomac Electric Power Co. has earned on the commission's valuation and at the commission's rates for current the following return in the last five years:

	Per cent.
1917	9.45
1918	8.00
1919	7.68
1920	7.82
1921	8.06

I know you have no desire to create an erroneous impression as to the situation in Washington, which, while complicated by the above-described litigation as to the validity of the commission's valuation of the power company's property, yet shows that the Public Utilities Commission has exerted itself to protect the public, while at the same time not infringing the rights of the public utilities.

While exact comparisons are difficult to make so far as the commission knows, there is no place in the United States where steam-generated power is sold much, if at all, more cheaply than it is in Washington, when the cost of coal is taken into consideration.

Respectfully,

C. KELLER, *Chairman.*

Cities over 100,000 population with maximum rate of 8 cents or more.

City.	State.	Maximum rate (cents).	Remarks.
San Francisco	California	8.0	Plus a surcharge of 6 per cent.
Denver	Colorado	8.0	Less 1 cent discount for prompt payment.
Bridgeport	Connecticut	8.5	
New Haven	do	8.5	
Hartford	do	10.0	
Wilmington	Delaware	9.2	Less 5 per cent discount for prompt payment.
Atlanta	Georgia	9.0	Less 10 per cent discount for prompt payment.
Chicago	Illinois	10.0	Less 1 cent discount for prompt payment.
Kansas City	Kansas	11.0	Less 10 per cent discount for prompt payment.
New Orleans	Louisiana	10.1	Less 1 cent discount for prompt payment.
Baltimore	Maryland	8.0	
Boston	Massachusetts	10.92	
Cambridge	do	9.0	
Fall River	do	11.0	Less 5 per cent discount for prompt payment.
Lowell	do	12.0	Less 10 per cent discount for prompt payment.
Springfield	do	10.0	
Worcester	do	9.0	Less 1 cent discount for prompt payment.
Detroit	Michigan	10.0	Less 10 per cent discount for prompt payment.
Minneapolis	Minnesota	10.0	Less 5 per cent discount for prompt payment.
St. Paul	do	11.0	Less 10 per cent discount for prompt payment.
Kansas City	Missouri	9.12	Less 5 per cent discount for prompt payment.
Newark	New Jersey	10.0	
Camden	do	10.0	
Paterson	do	10.0	
Jersey City	do	10.0	
Trenton	do	10.0	
Albany	New York	8.0	
Rochester	do	8.0	
Yonkers	do	10.0	
Akron	Ohio	8.0	
Cincinnati	do	8.5	
Dayton	do	8.0	Less 5 per cent discount for prompt payment.
Erie	Pennsylvania	9.0	Do.
Philadelphia	do	8.0	
Pittsburgh	do	8.0	Less 1 cent discount for prompt payment.
Reading	do	10.0	
Scranton	do	10.0	
Providence	Rhode Island	10.0	
Memphis	Tennessee	10.0	
Nashville	do	11.0	Less 10 per cent discount for prompt payment.
Fort Worth	Texas	8.0	

Cities over 100,000 population with maximum rate of 8 cents or more—Con.

City.	State.	Maximum rate (cents).	Remarks.
Houston	Texas	9.0	Less 10 per cent discount for prompt payment.
San Antonio	do	11.0	Do.
Norfolk	Virginia	10.0	Do.
Richmond	do	10.0	Do.
Milwaukee	Wisconsin	10.0	Less 5 per cent discount for prompt payment.
Washington	District of Columbia.	7.67	

Schedule of rates, Potomac Electric Power Co.

Schedule.	Rates prior to injunction of 1917.	Present rates prescribed by commission.
A.		
First 40 hours' use	10 cents	7.67 cents.
Second 40 hours' use	10 cents	4.95 cents.
Excess of 120 hours' use	5 cents	4.95 cents.
Minimum charge	$1	75 cents.
B.		
First 30 hours' use	10 cents	7.22 cents.
Excess of 30 hours' use	5 cents	4.51 cents.
Minimum charge	$2.50	$2.26.
C.		
First 50 kilowatt hours	10 cents	7.22 cents.
Next 400 kilowatt hours	9 cents	6.32 cents.
Next 500 kilowatt hours	7 cents	5.42 cents.
Next 1,000 kilowatt hours	4 cents	3.61 cents.
Excess of 1,950 kilowatt hours	3 cents	2.71 cents.
Minimum charge	$1	68 cents.
D.		
First 1,200 kilowatt hours	6 cents	5.415 cents.
3,300 to 1,500 kilowatt hours	Flat sum of $192	$173.28.
1,500 to 3,345 kilowatt hours	5½ cents	4.96375 cents.
3,345 to 5,000 kilowatt hours	Flat sum of $250	$225.525.
5,000 to 7,500 kilowatt hours	5 cents	4.5125 cents.
7,500 to 9,625 kilowatt hours	Flat sum of $375	$338.4375.
9,625 to 11,111 kilowatt hours	4½ cents	4.06125 cents.
11,111 to 12,500 kilowatt hours	Flat sum of $500	$451.25.
Excess of 12,500 kilowatt hours	3 cents	2.7075 cents.
Minimum charge	$1.25	$112.8125.
E.		
Fixed charge:		
First 20 kilowatts of demand	$3	$2.7075.
Next 30 kilowatts of demand	$2.50	$2.25625.
Next 50 kilowatts of demand	$2.25	$2.030625.
Excess of 100 kilowatts of demand	$2	$1.805.
Energy charge:		
First 200 kilowatt hours	6 cents	5.415 cents.
Next 300 kilowatt hours	5 cents	4.5125 cents.
Next 1,000 kilowatt hours	4 cents	3.61 cents.
Next 13,000 kilowatt hours	2 cents	2.2575 cents.
Next 25,000 kilowatt hours	1 cent	1.3537½ cents.
Next 150,000 kilowatt hours	0.9 cents	1.2535 cents.
Excess of 188,750 kilowatt hours	0.5 cents	1.17525 cents.
Minimum charge	$60	$54.15.
F.		
First 1,000 kilowatt hours	6 cents	5.415 cents.
Next 500 kilowatt hours	5 cents	4.5125 cents.
Next 500 kilowatt hours	4 cents	3.61 cents.
Excess of 2,000 kilowatt hours	3 cents	2.7075 cents.
Minimum charge	$25	$22.56.
G.		
First 25 hours' use	10 cents	7.22 cents.
Next 25 hours' use	5 cents	4.51 cents.
Excess of 50 hours' use	3 cents	2.71 cents.
Minimum charge	$10	$22.56.
H.		
First 10 kilowatt hours	10 cents	9 cents.
Excess of 10 kilowatt hours	3 cents	3.5 cents.
Minimum charge	$1	75 cents.

REPORT OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3136) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes, reported it with amendments and submitted a report (No. 638) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that May 4, 1922, they had presented to the President of the United States the enrolled bill (S. 2198) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3551) granting an increase of pension to John Auvley; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3552) granting a pension to Mary Dwyer; to the Committee on Pensions.

A bill (S. 3553) for the relief of the family of Lieut. Henry N. Fallon, retired; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 3554) to increase the limit of cost of the post-office building to be erected at Bakersfield, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. ELKINS:

A bill (S. 3555) for the relief of Adah Lee Mapel; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3556) for the relief of W. R. Grace & Co.; to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 2193) to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon subsequently signed by the Vice President:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; and

S. J. Res. 198. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

MAILS ON SHORT LINE RAILROADS OF GEORGIA.

Mr. HARRIS. Mr. President, I am in receipt of a letter from Hon. J. A. J. Henderson, of Orilla, Ga., the president of the Georgia Short Line Railroad Association. There are 39 of those short lines in the State of Georgia, aggregating 3,000 miles of railroad, and the income of many of them the past two years has been less than the expenses. Mr. Henderson and other business men of my State who have developed and held together these short lines in the face of the business depression we are going through have rendered our people a great service. Unless the revenue from the roads increases it will mean a great hardship to the people living on these roads. There is an effort being made to take away from them the pay they are now receiving for carrying the mails. I ask that the letter be placed in the RECORD in order to give the information contained therein.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF GEORGIA SHORT LINE RAILROAD ASSOCIATION,
Atlanta, Ga., May 1, 1922.

Hon. WILLIAM J. HARRIS,
United States Senate, Washington, D. C.

DEAR SIR: The Georgia Short Line Railroad Association, at a meeting held here recently, passed a resolution protesting against the establishment of mail routes which will result in taking away from the railroads of Georgia the transportation of mails, and against changes in existing mail routes so as to allow individuals or bus lines to carry the mail where the service can be performed by the railroads.

There are in Georgia 39 short-line railroads traversing 96 counties of the State and having an aggregate mileage of 2,934 miles, serving a very large percentage of the population of our State.

We are sure that you have kept up with the situation and that you realize that a large number of these railroads are at present facing a serious situation and that if they are not afforded fair, and even generous treatment, that a great number of them will inevitably have to be dismantled. Should this be done, the owners of the railroads would, of course, be heavy losers; but by far the greater loss would fall upon the citizens of the State who are served by the railroads, but not directly financially interested in them. Many towns, and even small cities, are served by the short lines only, and these are the railroads which serve the people of the rural communities where the trunk lines do not care to or can not afford to go.

A number of railroads in this State have already been junked, and others are certain to be if the conditions do not improve.

Recently, and since the public highways have been paved or improved, a very large number of what are commonly called bus lines have sprung into existence, and these lines have entered into active competition with the railroads, and especially the short-line railroads, as carriers of freight and passengers. They charge identically the same rates which the railroads are permitted to charge where they compete with the railroads, and much higher rates where there is no railroad competition. They pay no taxes in the counties through which they operate, although the railroads are required to pay heavy taxes wherever they do business.

We understand that the owners of these bus lines are now making an active effort to secure contracts for the carriage of the mail which is now being carried by the railroads. We do not think that this is fair or right, so long as the railroads furnish convenient and adequate service in this respect.

We ask that you investigate this matter, and if you can consistently do so that you use your efforts to prevent contracts for the carriage of the mails being awarded to the bus lines where adequate service is or can be furnished by the rail carriers.

We would be glad to have a letter from you regarding your attitude in this matter.

Yours very truly,

GEORGIA SHORT LINE RAILROAD ASSOCIATION.
By J. A. J. HENDERSON, *President.*

HOUSE BILL REFERRED.

The bill (H. R. 2193) to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended, was read twice by its title and referred to the Committee on Finance.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, the pending question being on Mr. KING's amendment to the amendment of the Committee on Finance.

The amendment was on page 2, line 10, before the word "cents," to strike out "12" and insert "18," so as to read:

Citric acid, 18 cents per pound.

The amendment to the amendment was to strike out "18" and insert "5," so as to read:

Citric acid, 5 cents per pound.

Mr. UNDERWOOD. Mr. President, before the Senate recessed yesterday afternoon the Senator in charge of the bill, the chairman of the Committee on Finance [Mr. McCUMBER], made a suggestion in reference to the expedition of the business before the Senate. I listened to him with much interest, as I fully realize the situation that confronts him. I know that no man has a more difficult or laborious task than the chairman of the Committee on Finance or the chairman of the Ways and Means Committee, which committees have charge of tariff bills, because each item contained in such bills is a matter of moment; somebody is interested in it; and therefore there is always unusual delay and debate. On the other hand, the chairman of the committee has to be present all the time the bill is under consideration. He is responsible for all the errors that happen in the game and gets but little credit for the good plays. So my sympathy is entirely with the Senator in charge of the pending bill.

In reference to the Senator's suggestion as to expediting the consideration of the bill, let me say that I am sure there is no effort on this side of the Chamber to filibuster or unduly delay the bill. The Senator from North Dakota and his colleagues think there will be a political asset in the passage of the bill. I am sure that they are honest in their belief about it or they would not champion the bill. On the other hand, Senators on this side of the Chamber feel equally certain that there will be a political liability to the party in power if the bill shall be passed, and that no political asset will grow out of the passage of the bill. So it seems that Senators on both sides of the Chamber are perfectly willing to go to the country and face the issue in the country on the bill, and neither side cares for a delay on that account.

However, what I rose to call the attention of the Senator in charge of the bill to is this: I served for a good many years on the Ways and Means Committee of the House of Representatives and know something about handling tariff bills. This bill comes before the Senate in a very unusual attitude. As a rule, in the past, it has required three or four months for the consideration of a tariff bill. I think more than 3,000 amendments have been reported to this bill by the Committee on Finance. If I am not accurate in that statement, I hope the Senator from North Dakota will correct me; but, as I understand, there are upward of 3,000 amendments which have been reported to the bill. Those amendments are material. Most of them either affect the rate of duty at the customhouse or involve legislation that will directly affect the rate of duty. The very fact that the Finance Committee has reported these amendments demonstrates that, in their judgment, they are material. Being material, it is entirely natural that there should be those in the United States who are opposed to the position of the Finance Committee in reporting the amendments, and if they are, it is perfectly natural that they should in a perfectly legitimate way seek some Senator on the floor of the Senate to voice their views and to express their opposition to the amendments.

Mr. SMOOT. Will the Senator yield to me?

Mr. UNDERWOOD. I will.

Mr. SMOOT. Mr. President, as to the number of amendments to the pending bill which have been reported to the Senate by the Committee on Finance, I wish to say to the Senator from Alabama that the great majority of them have been made necessary because of the change of the basis of valuation in the bill.

Mr. UNDERWOOD. I realize that, but that does not change the result. Of course, I realize, while many of the rates in the House bill are not, on their face, as high as those fixed in the Senate committee amendments, yet, on account of the basis of valuation for the determination of the rates in the House bill being the American wholesale valuation instead of the foreign valuation, many of the House rates are really higher than the rates proposed by the Senate committee. I fully realize the truth of what the Senator from Utah states, but that does not change the situation.

Those who do not desire a high protective tariff—and this bill is a high protective measure in most of its rates—naturally will contend that the Senate committee rates should be reduced. They will desire that the House rates be adopted and at the same time that the Senate committee amendment, providing for foreign valuation, also be agreed to. Right or wrong, that is human nature. I am not now discussing the merits of the measure; I am discussing the question which the Senator from North Dakota suggested last night.

Most of the items of amendment reported by the Senate Finance Committee will be more or less contested. Then when, under the unanimous-consent agreement which the Senator in charge of the bill asked for and obtained to act primarily, in the first instance, on the amendments of the committee, the Senate shall dispose of those amendments, there being over 3,000 of them; then, of course, there will be individual amendments offered to the bill, for the bill involves the great industries of America. There will be, of necessity, amendments offered from the other side of the Chamber by individual Senators who may be interested in a particular matter; and undoubtedly amendments will be offered from this side of the Chamber, entirely independent of the Senate committee amendments. Such amendments will be offered in good faith and without any desire to delay the passage of the bill.

Mr. McCUMBER. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. I yield to the Senator.

Mr. McCUMBER. In order that it may not go out that the amendments which have been reported from the Committee on Finance to the Senate amount to 3,000 in number, the exact number, I am informed, is 2,082, and the greater number of those, as has already been suggested by the Senator from Utah [Mr. SMOOT], grow out of the change from an ad valorem rate on the American valuation basis, as is proposed in the bill as it comes from the other House, to an ad valorem rate upon the foreign valuation.

Mr. UNDERWOOD. I realize that. I have just said that.

Mr. KING. If the Senator from Alabama will pardon me, the Senator from North Dakota [Mr. McCUMBER], in the statement which he has just now made, is including a number of items which are all contained in one basket clause?

Mr. McCUMBER. Yes; I was speaking simply of the number of amendments.

Mr. KING. So that if we should segregate the items in the basket clauses the number of amendments would be in excess of that stated by the Senator from North Dakota?

Mr. McCUMBER. In that case the number would not only be in excess of what I have stated, but it would be multiplied several times.

Mr. UNDERWOOD. Undoubtedly. However, whether the amendments be counted according to one method, making the number over 3,000, or counted by the other method, making the number over 2,000, I will assume that the committee amendments number 2,000. I will also assume that the Senate committee amended most of these items because they changed the valuation basis; but that has nothing to do with the discussion. Those who want a lower tariff rate than proposed by the committee will naturally and properly and legitimately contend for that lower rate as against the higher rate.

If the number of amendments aggregates only 2,000, and each amendment is only debated an hour on the average, that would make 2,000 hours of debate, and if the Senate should remain in session from 11 o'clock in the morning until 9 o'clock in the evening, giving 10 hours to a day, which would be about as

long as it would be possible for the Senator in charge of the bill to work the Senate, it would require 200 legislative days to complete the consideration of the amendments. Therefore it is apparent that, without any filibuster, with perfectly good temper on both sides of the Chamber, with a desire on both sides to indulge only in legitimate debate, it is going to be very difficult for the Senator in charge of the bill to get it through this body for a long time to come.

I am not desirous of having night sessions held; of course, none of us is; it is rather a burden on us; but I will say to the Senator that, so far as I am concerned, under the conditions whenever he says that he thinks it is necessary for night sessions to be held, I will be perfectly willing to cooperate with him, because I realize the condition which is facing his bill.

I am opposed to his bill; I hope it will be defeated; I think the passage of his bill will defeat his party in the coming election; but, nevertheless, his party is in power; they are proposing this legislation, and they are entitled, after due consideration, to have an opportunity to vote on it. If, however, the Senator will allow me, I wish to admonish him that he must not fall out with this side of the Chamber if delays occur, because delays are inherent in the body of the bill itself. The amendments proposed by the committee of necessity are going to cause delay, and they will be followed in good faith by individual amendments after the committee amendments shall have been disposed of. So I think, if we are going to dispose of this bill before the summer, the burden will rest on the Senator in charge of the bill to see that extraneous matters do not cease before the Senate. I can not keep them out; I am not in charge of the legislation here. The Senator is in charge of it, and his party is responsible. If he wants a reasonably early consideration of the bill and an opportunity to vote on it before election day comes, he has got to take the burden—and it is an unpleasant burden and the task is a difficult one—on his shoulders, as no one else can, to see that the time of the Senate, except as to such legislation as may come before the body by unanimous consent, is confined to the consideration of the tariff bill.

Mr. McCUMBER. Mr. President, I wish to say to the Senator, if he will allow me, that what he has stated this morning is entirely in line with my suggestion of yesterday. I know that there are a great many amendments reported to the bill, and I know that the time will come when the Senate will want to adjourn. I am anxious that we discuss the amendments and the bill just as long as may be necessary. I tried to admonish Senators yesterday that they ought to quit talking about irrelevant matters. We discussed yesterday and the day before questions which were not before the Senate, and, in a recent instance, about three-quarters of the day was consumed in discussing a subject that had already been voted upon. That was simply taking time that ought to have been given to the consideration of the tariff bill. In the very best of humor and spirit, I have tried to cooperate with Senators upon the other side and upon this side of the Chamber to keep out all extraneous matters, in order that we might give our undivided attention to the tariff bill before us. Of course, there will be other bills of an emergency nature to which we will have to give way, such as appropriation bills and conference reports on appropriation bills, which will come before the Senate. Naturally, to them we will yield, in order that they may be disposed of; but I ask Senators to conform to the suggestion the Senator from Alabama has just made and to meet the expectations of the country that we will dispose as promptly as possible of the tariff bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. McCUMBER. I yield.

Mr. KING. The Senator adverted to the discussion the other day of considerable length dealing with a matter which the Senator says had been disposed of anterior to the discussion. Let me say that the question of leasing the naval oil reserves is important. Frequently extraneous but very important questions arise during the consideration of a bill of paramount importance, and the Senator must not complain if there are occasional diversions in the consideration of the bill now before us.

The Senator from Idaho [Mr. BORAH] yesterday considered that the Semenoff incident and the status of Mr. Bakhmeteff, the reputed ambassador, indeed, probably the de facto if not the de jure ambassador, from Russia, were questions of sufficient importance to bring to the attention of the Senate and the country. Senators have a right to present matters which they regard as worthy of consideration, though the Senator from North Dakota and myself might view them as rather inconsequential. Some persons attribute to current questions an importance which others do not perceive, but the former may be right and the latter wrong. We must therefore exercise the utmost amity and friendliness and cooperation in the disposition of the public business.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. KING. The Senator from North Dakota has the floor.

Mr. HARRISON. The Senator has just taken his seat.

Mr. KING. I yield, then.

Mr. HARRISON. The Senator will recall that yesterday another very important matter was under discussion. Of course, the tariff is an important question, but the question of who is appointed to administer the affairs of the Government is also a very important question to the American people. On yesterday there was read into the record an article, and a speech was made by the Senator from Missouri [Mr. SPENCER], touching the nomination of a Mr. Goldstein, who had taken $2,500 in order to deliver delegates to the last Republican convention and deposited that sum to his credit, and now he is to be rewarded by appointment to an important position in the State of Missouri by this administration. Is not that of sufficient importance to call the attention of the country to, if we are to have that kind of men put upon us here—men who accept money to deliver delegates in a Republican convention?

Mr. KING. That is an important matter and deserves our attention, but the remarks of the Senator bring to my mind another matter which, in my opinion, calls for immediate consideration and action upon the part of the Senate. The matter to which I refer relates to the appointment by the President of the United States of Mr. E. Mont Reily to an important position; and the selection of Mr. Reily, who, in my opinion, is unsuited for the high position for which he was named, seems to support the view that the President too often makes selections for important positions from among those who claim the distinction of being "original Harding men" or were enthusiastic and indeed vociferous supporters of the President for the nomination. Mr. Reily, it is claimed, was one of the "original Missouri Harding men." He was named for the position of Governor of Porto Rico. His appointment by the President, in my opinion, was not welcomed by the Senate, but he was confirmed and immediately entered upon the duties of his office.

His career in Porto Rico has been turbulent, his administration unsatisfactory, and his conduct offensive to the great majority of the bona fide residents of Porto Rico. There have been turmoil and controversies and contentions ever since he reached the island, and there has developed a profound resentment upon the part of the people of Porto Rico, not only against Mr. Reily but it has extended to the administration itself. I might with entire accuracy go further and say that it is producing irritation against the Government itself.

Mr. WILLIS. Mr. President——

Mr. KING. Let me proceed for a moment. In my opinion it will be for the best interests of the people of Porto Rico for Mr. Reily to resign, and if he does not resign, I think the President should name some other person for the position of Governor of Porto Rico.

Some time ago I introduced a bill which is now pending before the Committee on Territories and Insular Possessions, which has for its object the granting to the people of Porto Rico greater political rights and authority. Porto Rico is their home. They were there before the United States took possession of the island, following the War with Spain. We should regard the circumstances under which the flag of the United States was raised over Porto Rico and the island brought within the control and authority of the United States.

The Porto Ricans are an intelligent, progressive, and proud people. Their island belonged to the Kingdom of Spain and was wrested from Spain by force of arms. The conditions under which the people passed from the sovereignty of Spain and under the control of this Government must ever be kept in mind in dealing with Porto Rico and her people. They differ racially from the overwhelming majority of the American people. They have their traditions, their culture, their language, and their laws and institutions. I believe that they sincerely desire the most cordial relations between themselves and the people residing within the States of the Union. They honor and love the flag of this Republic, and I believe that they are proud to be embraced within the territorial possessions of this great Republic. But they feel that they should have something to say concerning their own domestic affairs and the persons who are placed in authority. The people of Porto Rico will love and respect the Constitution of the United States and the institutions of this great Republic if our Government accords to them proper consideration.

I lived in a Territory, and I resented the course of Presidents. They sent men to govern in Territories and to occupy high positions without the slightest regard for the wishes of the people. That should no longer be done; and Territories, particularly where the inhabitants are different in language and in race from those who reside in continental America, should not have imposed upon them as officials persons who are not in sympathy with the people, who are unacquainted with their language, and particularly who are objectionable to the people themselves.

Mr. Reily was not appointed because of his competency or his acquaintance with the island or the people but because of his political and partisan services. Mr. President, the matter of the appointment and retention of Mr. Reily is a live question and one which will recur again and again so long as the President keeps him in the island.

Mr. WILLIS and Mr. McCUMBER addressed the Chair.

Mr. KING. Permit me to yield first to the Senator from Ohio, who rose a moment ago.

Mr. WILLIS. I simply want to direct the Senator's attention to the statement he made touching appointments by the President of the United States. I understood him to say that they were personal partisans of the President, and the Senator referred to the appointment of Governor Reily. I trust he will not forget, in that connection, that the other important governorship filled by the President was filled by the appointment of his chief opponent, Gen. Leonard Wood, as Governor General of the Philippines. That disposes of the Senator's argument that these are appointments of personal partisans.

Mr. KING. The Senator may eulogize the appointment of General Wood. I do not. I do not believe in appointing military men for civil positions of the character referred to. I think it is a mistake to select a man from the Army and intrust him with the civil administration of the affairs of the Philippine Islands, as it was a mistake to send Colonel Russell to Haiti to exercise more or less of political or governmental authority. General Wood is a man of the highest character and integrity, and according to the ideas of many was equipped to discharge the duties of the high office of Chief Executive of the United States; but it is my view that military men are not the best suited to preside over a great Republic such as this is, nor are they the finest appointments for high civil positions among an alien race. Great Britain has found her best colonial governors not in the army but from among her civil lists. Occasionally some military man has the qualities needed to govern an alien people, but I think these cases constitute the exception.

Mr. WILLIS. Mr. President, I think the Senator will admit that it would not take a very high degree of executive ability to exceed that which characterized the predecessor of General Wood as Governor of the Philippines, because if there ever was an administration that set awry and wrecked a government and left it bankrupt, it was the administration of Governor Harrison in the Philippines. Governor Wood has gone there and has brought order out of chaos.

Mr. KING. The Senator will understand I am not disparaging General Wood, whose fine qualities and great patriotism I am happy to pay tribute to. I am speaking generally of the system, not of individuals. In a democracy there is less reason for military governors and military officers for the execution of civil and governmental powers than in a monarchy or in governments which have large colonial possessions. Theoretically we hold no territory in which the rights of the people are not the same as those enjoyed by all Americans who reside under the flag. If there are Territories, they are to be admitted into the Union as sovereign States. That is the theory of this Government. It was never designed that this Republic should hold millions of alien peoples in subjection and deny to them the full privileges of citizenship and the full rights that appertain to citizens of sovereign States. Military government is less defensible with us than it would be with empires or nations who possess colonies and govern millions of subject peoples.

I do not agree with the Senator as to the alleged chaotic condition in the Philippine Islands. There were some fiscal problems and difficulties in the Philippine government. I have no doubt that when we come to a discussion of the Philippine Islands, and the record of Governor Harrison while there, there will be very much to his credit, and if errors have been committed I feel sure that Governor Harrison will be found free from culpability. Under his administration there was progress in the islands. The people developed intellectually and morally. They increased in wealth and greatly added to the prosperity of the archipelago. Indeed, under Governor Harrison's administration the progress of the islands was remarkable.

The people, of course, should not be judged by the same standards as are applied to the Anglo-Saxon race or to those in this Republic, who have had advantages that perhaps have been denied to other peoples of the world. But the record of moral and educational advancement made by the Filipinos entitles them to great credit.

It is time we should redeem our promises and accord to them a government of their own choice, which will be, in my judgment, a republic fashioned after the pattern of this Nation.

Mr. McCUMBER and Mr. WALSH of Massachusetts addressed the Chair.

The PRESIDENT pro tempore. The Chair desires to say at this moment that there is a rule of the Senate which restricts Senators to two speeches on the same legislative day upon the same question, and the present occupant of the Chair will feel it his duty to enforce that rule. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I have felt all along that we could get along without enforcing that rigid rule. I was unable yesterday to connect up the matter of the recognition of Mr. Bakhmeteff as ambassador from Russia and the League of Nations discussion with the citric acid amendment. They seemed to me to have no very close relation, and I can not see that the discussion of the matter of Indiana politics had any very close relation to the citric acid amendment, nor have I been able to realize any close relation of what has been said this morning on these extraneous matters with the citric acid amendment. That is the real question that is before the Senate, and while with the best of good nature and the best of intentions the leader on the other side of the Chamber has indicated his willingness and his desire that the Senator in charge of this bill should hold strictly to the matter under consideration, I had hoped that his good advice would be taken early this morning on the other side of the Chamber and on this side and that I would not be asked to make an objection because a Senator had spoken twice on the same day upon the same subject. I do hope now, however, that we can proceed to the discussion of the amendment that is now before the Senate—namely, the amendment concerning citric acid—and vote upon it.

Mr. SIMMONS. Mr. President, I am persuaded to indulge in a few remarks, because I feel that what has been said by implication means that there has been some intentional injection of extraneous matters, resulting in delay in the consideration of this bill, when, as a matter of fact, nothing in the situation as it has developed up to this time justifies such an imputation.

I know it is true that we have nominally had before the Senate for quite a little while the amendments proposed by the Finance Committee and we have acted upon only two or three of them; but, Mr. President, that is not unusual in connection with tariff bills. I think when the Underwood bill was under consideration in the Senate it was probably nearly three weeks before we began to vote upon amendments at all. That bill was made in the open. Senators knew what it contained some considerable time in advance of its being reported, and as soon as it was reported to the Senate they were ready to enter upon a general discussion such as ordinarily precedes voting upon such great and important measures of legislation. The pending bill, Mr. President, was prepared by the majority members of the committee in secret executive session, and the amendments they adopted, numbering over 2,000, were not known until the morning of the day upon which the bill was reported to the Senate. Senators therefore had had no opportunity to study the bill and prepare themselves for general discussion. As a result, instead of having a general discussion of this bill for two or three or four weeks, as is customary, we had to proceed in a few days to the consideration of specific amendments.

Now it is complained that since we reached the consideration of amendments the time of the Senate has been devoted to general discussion. That may be true, Mr. President, but it was general discussion that was held in abeyance by reason of the fact that this bill was framed in secret.

While other tariff bills have been framed in the open, so that we were ready to debate and discuss them and conclude the general discussion almost immediately upon their presentation to the Senate, in this case we have not been able to do it. For that reason we have reached the amendments at an earlier stage; but, Mr. President, the general discussion will have to proceed.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. Yes.

Mr. WALSH of Massachusetts. I should like to ask the Senator from North Carolina, who is the leader of the minority of the Finance Committee, if the practice of drafting bills in secret has not become prevalent in that committee? I note by the

morning paper that the adjusted compensation bill has been drafted in secret by the majority members, and is to be submitted to the President for his approval, and then, I suppose, to be submitted to the Senate.

Mr. SIMMONS. Mr. President, I do not desire to enter into that line of discussion, although I entirely sympathize with the suggestions made by the Senator. I was only discussing that fact in connection with the circumstance that we were not ready, and could not in the nature of things have been ready, to enter upon the general discussion of this bill immediately upon its presentation. General discussion of bills of this character, Mr. President, is not only inevitable but it is very proper. It helps in reaching an understanding as to the items upon which we are to vote, and that understanding contributes toward the facilitation of action with reference to those items.

It is necessary, if we are to act intelligently in casting our votes, that we should understand the general principles upon which the bill is framed, the object in view, and the effect of the tax impositions upon the people of the country and their business. That we can reach only by general discussion. It is not only highly important, therefore, that we have general discussion, but it is necessary that we should have it. There was no opportunity for general discussion before we entered upon the consideration of the schedules. The Senator who is in charge of this bill, I think, will recognize that it is to be expected, as we proceed, that Senators, as they are prepared to deliver general speeches upon this bill, will do so, and the fact that they do deliver them and that their delivery will consume a considerable length of time ought not to be attributed to any desire or purpose to delay action.

I have assured the Senator, not once but twice, that there was no purpose on this side of the Chamber unnecessarily to prolong discussion or in any way to delay speedy action upon his bill. I have said to him frankly, and I meant it, that if this bill must pass, as soon as we have had time to discuss it sufficiently to inform the people as to its provisions and to inform Senators as to what it means so that they may vote intelligently, we will do nothing to delay action; but, on the other hand, we will cooperate with him in securing just as speedy action as is consistent within these limitations.

It is not the purpose of this side to demand discussion on every item in the bill. It is not our purpose to demand yea and nay votes upon every item in the bill. We do desire, however, that in each schedule certain outstanding items, which illustrate the general scheme of customs taxation as exemplified in that particular schedule, shall be given thorough discussion, in order that we may act intelligently upon the other items in that schedule without the elaborate discussion which we deem necessary with respect to the more important and outstanding items.

So the fact that we have had considerable discussion upon the two or three items upon which we have acted does not at all indicate that we are to have the same character of discussion upon all the items in the schedule we are now considering.

Mr. President, while I agree in the main with the statements of the Senator from Alabama, I must express my dissent from what I may term one suggestion on his part. I can not believe that serious consideration will be given to the suggestion, even though it may be necessary in order to secure as quick action upon this bill as the majority desire, that we resort to the expedient of night sessions. I know we have done that frequently, Mr. President, and I believe in many instances it has worked well; but we have done that where we all felt that night sessions would have to be held for only a few nights, and that as a result of holding a limited number of night sessions we would tide over the difficulties which lay between us and final action. Evening sessions have been resorted to, therefore, simply as an emergency proceeding, to accomplish an act which we all felt ought to be accomplished, and when it involved foregoing our comfort and convenience for only a few nights.

To apply the night-session rule to a bill that is probably going to be here for discussion for three or four months, in my judgment, is unthinkable. It is true that many Senators who are not actively engaged in the discussions and who are not charged with special responsibility with reference to the legislation might stand up under such a strain, but I can not understand how it would be possible for the majority members of the Committee on Finance, as well as the minority members of that committee, who have responsibilities which other Senators do not have in connection with this legislation, after working here all day to remain here night after night during the period that would be necessary to pass the tariff bill.

I will cooperate with the Senator in any way that is consistent with the physical ability of Senators, but that suggestion would involve, in my judgment, a scheme that the physical abilities of Senators who are engaged actively in the consideration of this bill would be unable to stand, and I trust that no such action as that is contemplated. It is not necessary, Mr. President. It never has been resorted to in the consideration of a bill of this kind. I will cooperate with the Senator in every time-saving device he may suggest that is consistent with reasonable debate except that, but I will not agree to that. When we are nearing the end, I shall not object to a few night sessions, but I do not think the suggestion should receive consideration at this stage of the consideration of this bill.

Mr. WALSH of Massachusetts. Mr. President, I understand the Senator from Utah [Mr. KING] desires to take the floor to discuss the pending amendment. While waiting for him, and to save calling the roll, may I ask the Senator from North Dakota whether it is contemplated that a favorable report will be made to the Senate shortly on the soldiers' compensation bill, and whether this tariff legislation will be set aside for a discussion of that bill?

Mr. McCUMBER. Mr. President, I will say that that is the purpose. I want to correct the statement which the Senator made this morning, however, that the majority of the committee had adopted an amended bill. That is not the case. I myself have made a number of suggestions, and in order to have the matter brought before the committee I have prepared an amendment to the bill as it passed the House, and that will be presented not only to Republicans but to Democrats as well, as I want to get something, as I have stated, which will be satisfactory to the Congress, to the Executive, to the American soldiers, and to the public; and to get all those things into one bill may be a little difficult.

Mr. WALSH of Massachusetts. How long does the Senator think it will be before the bill can be reported to the Senate?

Mr. McCUMBER. I hope we shall be able to report it within a week.

Mr. WALSH of Massachusetts. When the bill is reported to the Senate, the Senator proposes to lay aside the tariff bill in order to have that measure considered?

Mr. McCUMBER. Yes. I assume that it will not take more than a day or two at most to dispose of it.

Mr. UNDERWOOD. Mr. President, I wish to ask a question of the Senator from North Dakota. I suppose the Senator thinks he has a majority in the Chamber to pass the soldiers' bonus bill, and probably he has; but I am sure he does not think the bill can be passed without considerable debate. That will be impossible. If the Senator sets the example of laying aside this bill for the consideration of other measures, measures which are contested, I am sure he can not expect much cooperation from other Senators to aid him in securing the early passage of the tariff bill.

That is just what I pointed to a moment ago. Unless the chairman of the committee in charge of this bill expects to put its nose to the wall and hold it there until it is passed, I am sure that he can not expect very much progress, because if a Senator can lay it aside for a bill in which he is interested, of course other Senators will want to lay it aside for bills in which they are interested.

I am not discussing the merits of the soldiers' bonus bill. The Senator knows I am opposed to the bill, as I know he is in favor of it. However, our position in the matter is not material. If the Senator can set the example of laying aside this bill to take up a bill in which he is interested, how does he expect other Members of the Senate not to follow his example?

Mr. McCUMBER. Mr. President, I have said that I suppose there will be important measures, measures we ought to dispose of, which will come up from time to time, for which the tariff bill will be temporarily laid aside. That will necessarily occur. I have not stated that there shall be no business in the Senate with the exception of the tariff bill until that is passed. The Senate itself determines that matter. The chairman of the Committee on Finance does not even determine the question as to whether the compensation bill will come up, but it is a very important measure, and a measure on which the American people want a decision. I think it is the desire of the vast majority of the Senate to take that bill up at some time in the very near future and dispose of it, and not to wait until we can finally dispose of the tariff bill, which the Senator from North Carolina has intimated might take four months. I do not think it will take that long a time; I do not think it will take half that time.

Mr. UNDERWOOD. Mr. President, this is all I want to say to the Senator. I am not in charge of this tariff bill, and, of course, I am opposed to it. I have no desire whatever to delay its consideration. I am willing to cooperate in reaching an early disposition of the bill, but if the chairman of the committee in charge of the tariff bill is going to admit on the floor right in the beginning of the consideration of the bill that he is prepared to lay it aside for other matters which he considers to be of more importance, all I wish to say to him is that when the hot days of July and August come and the tariff bill is still pending here, as it will be if he pursues that course, I do not want him to call in question the action of this side of the Chamber, for, as surely as he pursues that course, we will not pass the tariff bill before the dog days are over.

Mr. McCUMBER. Mr. President, I desire to say that the Senate has charge of all measures before it, and the Senate itself must decide when any measure is of sufficient importance to justify laying aside any bill which is then pending. Undoubtedly the Senate will follow the course it has always pursued when we have a bill before us which we know will take months, and allow that bill to be laid aside for the consideration of important legislation.

I am not so much afraid, let me say to the Senator, of bills coming up and taking time as I am of the discussion of so many matters that have no relation whatever to the business before the Senate. That is where we are killing time. I do not believe when we get down to it that there will be very much trouble between the Senator and myself as to what will be before the Senate.

Mr. UNDERWOOD. The Senator is in favor of laying aside the tariff bill for the consideration of measures in which he is interested, but he is not in favor of other Senators talking about matters in which they are interested.

Mr. McCUMBER. I do not think the Senator is justified in making that statement.

Mr. UNDERWOOD. Of course, the Senator is right in the proposition that the matter is in the last analysis controlled by the Senate, but the Senate on matters of this kind acts through its leader. The Senator in charge of the tariff bill is the leader of the Senate on this question, and his personal attitude toward the bill which he has in charge will govern the situation. If he declares in the beginning that he is prepared to lay aside the tariff bill for the consideration of other measures, he can not take only the measures in which he is interested. Other Senators will be interested in measures which they will want to bring up, and the Senator from North Dakota will demoralize his column before he starts.

The Senator knows that just as well as I do. If the Senator wants to do it, it is his responsibility; let him go ahead and do it; but when the hot days of July and August come I want to tell the Senator right now not to point his finger to this side of the Chamber and charge us with delays on the tariff bill if he proposes to start in the beginning to pursue a course of procedure which will inevitably lead to delay.

Mr. McCUMBER. I have at least 25 or 30 bills in which I am greatly interested, but I am not going to call up any one of them. However, I think that the soldiers' compensation bill will be called up, and it will be called with almost a unanimous vote on the part of the Senate.

Mr. WALSH of Massachusetts. The Senator will have some assistance from this side of the Chamber when that matter comes up.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee.

Mr. KING. Mr. President, the Senator from California [Mr. JOHNSON] has been called from the Chamber. He is very much interested in the item which is now before the Senate for consideration. In his absence I shall ask that it be temporarily passed over, if that meets the view of the Senator from North Dakota.

Mr. McCUMBER. I did not hear the Senator, as there is some confusion in the Chamber.

Mr. KING. The Senator from California [Mr. JOHNSON], as the Senator from North Dakota knows, has been called from the Chamber to take part in the proceedings of the Committee on Patents. He is interested in the item now before the Senate, citric acid, and in his absence I ask that it may be temporarily passed over. When he returns to the Chamber I am willing that we shall return to that item.

Mr. McCUMBER. The Senator from California is ready to return to the Chamber whenever I send word to him that the citric acid amendment is to be taken up. If the Senator desires, however, just to pass it over temporarily, and discuss some other feature of the bill, there is no objection to that course.

Mr. KING. If the Senator from California is ready to come, I would just as soon proceed now with the citric acid item.

Mr. McCUMBER. Very well; I shall send for him.

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arkansas or does he yield the floor?

Mr. KING. I called attention to the fact that the Senator from California is not here, but he has been sent for, and I yield the floor until he comes.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, as soon as the Senator from California [Mr. JOHNSON] comes into the Chamber I shall yield the floor.

I wish to have placed in the RECORD, because they were sent to me I presume with that expectation, a telegram and an open letter dealing with the Attorney General's connection with the Morse case. The telegram is from Mr. Charles W. Morse, the pardoned man; the open letter is from Mr. H. L. Scaife, an investigator, or was, in the Department of Justice, as I understand.

Before I present them, however, I call attention to an interview in the Washington Post of this morning purporting to be an interview with the Attorney General, in the headlines of which it is said:

Cites letters from Taft and Wickersham clearing him in Morse pardon case.

In the interview the Attorney General says the Morse case was threshed out when he, Daugherty, was a candidate for the United States Senate and settled "satisfactorily." I think it was. The way it was settled reminds me of the man in my country who was trying to marry into a good family and was asked concerning a matter that had come up in the church of which he had been a member. He said, "That matter was settled some years ago, and settled 'entirely satisfactorily.'" He was asked how, and said, "Oh, they turned me out." The Morse case was "settled satisfactorily" when Daugherty was a candidate for the Senate, whenever that was, because he was beaten by a tremendous majority for the office. If that is a satisfactory way to Daugherty to settle the question, it seems to have been also settled satisfactorily. The Attorney General has said as much as one could say without admitting that he got the fee and that he ought not to have taken it. He might just as well confess now as later.

He ought, however, as I said yesterday, to admit that he told the Senator from Indiana [Mr. WATSON] that he did not have any connection with the case, in order to relieve from embarrassment the Senator from Indiana. In the presence of myself and another Democratic Senator a Republican Senator told me yesterday that the Attorney General also told him that he had no connection with this case. He ought also to relieve that Senator from any embarrassment in the matter by saying that when he made that statement he was not candid.

Mr. President, in this latest so-called answer the Attorney General says that the real people in interest "have not yet shown their hands or their heads." I do not know to whom he refers. Nobody is the instigator of my conduct in the matter, if he has any reference to me. No one but Felder and Morse have tried to set me right, and they both are bosom friends of the Attorney General. I came into the case, as I explained on yesterday, rather by accident. I was repeating what I understood was a fact, when the Senator from Indiana denied it, and the controversy arose.

Of course, all now know I was correct. The Attorney General, however, now says that if it does not stop he is going to tell the "real facts." I am curious to know what he means by "the real facts." If he means he did not tell the truth when he made a statement of the case to the Senator from Indiana, he need not do so, because all now know he was not telling the "real facts" then. If he did not tell the truth when he made the statement to the newspaper in Ohio in 1912, just after he procured the pardon, he ought to say so. He says he will tell the real facts if he is not let alone. I want him to tell the real facts, whatever they may be. Incidentally, he says he will expose somebody. That is not exactly his language, but it is its intent, and I will put his interview in the RECORD, so that it may speak for itself. I am curious to know whom he is going to expose. Is he going to expose the President for appointing him? Is he going to expose the junior Senator from Ohio [Mr. WILLIS] for defending him? Is he going to expose the Senator from Indiana [Mr. WATSON] for rising in his defense? Is he going to expose T. B. Felder for writing a letter showing that he employed him and that they were close personal and professional friends? Is he going to expose Morse for sending me a telegram this morning offering to explain how it was that the pardon was granted?

Mr. President, the Attorney General now owes it to himself to say what he means when he says that if we keep on fooling with him he will tell the truth about this one matter, and that if he is hectored he will expose somebody. I want now to know what the truth is and whom he is going to expose. We shall wait with some interest for the Attorney General to make the threat good that he will tell the truth about this matter and that he will expose somebody if he is not let alone.

Mr. President, without objection, I wish to insert in the RECORD the interview with the Attorney General.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

ATTORNEY GENERAL ANSWERS CHARGES—CITES LETTERS FROM TAFT AND WICKERSHAM CLEARING HIM IN MORSE PARDON CASE—WARNS WILL BARE ALL FACTS—DECLARES REAL PEOPLE BEHIND ATTACKS ON HIM HAVE NOT SHOWN THEIR HANDS.

[By the Associated Press.]

Declaration was made by Attorney General Daugherty yesterday that should Democratic discussion in the Senate of his connection with the release in 1912 of Charles W. Morse, New York shipbuilder, from Atlanta Federal penitentiary, continue he would make known "the facts." He coupled with this the assertion that "the real people behind this movement, aside from the partisans interested, have not yet shown their hands or their heads."

Shortly after the Attorney General had made his declaration in a formal statement Senator CARAWAY (Democrat), of Arkansas, who has been leading the discussion, renewed his accusations, declaring, despite denials made by Mr. Daugherty's friends since the matter was brought up, Mr. Daugherty at the time of Morse's release "took credit" for obtaining the Executive clemency. The Senator read an interview published in a Columbus (Ohio) newspaper at the time of Morse's pardon, in which Mr. Daugherty, then practicing law in Ohio, was quoted as having said he sought the release of the present shipbuilder so that the financial affairs of a steamship company in which the imprisoned man was interested could be straightened out.

SAYS TAFT ANSWERED CHARGES.

"I will never discuss politics," said Mr. Daugherty in his statement, "but there is little of interest to be said in regard to the article appearing in the newspapers regarding the discussions in the Senate and elsewhere, which constitute an attack upon the administration and naturally an attack upon the Department of Justice. This may be expected from time to time.

"The Morse case of years ago was fully discussed in the newspapers when I was a candidate for United States Senator in Ohio. At that time President Taft and Mr. Wickersham wrote signed letters which immediately stopped discussion and conclusively answered all charges that were made or that ever would be made for any purpose whatsoever. These two letters are in my files and if there is occasion for it I shall send for them and they will be republished.

"The real people behind this movement, aside from the partisans interested, have not yet shown their hands or their heads. Their activities are well known and their purposes are well known. In due time it will all be revealed. The Department of Justice naturally will not be popular with persons who are being brought and will be brought to justice in due course. No activities of the Department of Justice will be inspired or conducted to help any political party. We are not much interested in years ago; that is a thing of the past and was entirely cleared up. What we are now interested in is the Remorse case and others.

"When the facts are fully known we would not expect even the persons now being used for purposes which they do not suspect to ever refer to the matter again."

Mr. CARAWAY. Mr. President, before inserting in the RECORD the telegram from Mr. Morse I wish to say that in 1915 Mr. Justice Siddons was nominated by the President as a justice of the Supreme Court of the District of Columbia. His nomination came to the Senate, but his confirmation was held up by the Republicans on the charge that he had offered to accept a fee to represent a man in prison who wanted a pardon. It was then such a heinous offense that had not Mr. Siddons shown that he had absolutely no knowledge of the matter, and had nothing to do with it, I presume he would have been denied confirmation as a justice of the Supreme Court of the District of Columbia. Now, according to the Senator from Indiana, it is entirely proper for a lawyer to take a fee of that kind, and it does not reflect upon the Attorney General that he had such a reputation for doing those things that a man away down in Georgia, needing an attorney of that kind, went up to Ohio to get him. It is merely curious, Mr. President, how it is no heinous for a Democrat representing a man seeking a pardon to obtain a fee and is so laudable if the man who does the same thing is a Republican. That is not quite all of the Siddons case, but so long as the record is confidential I can not read it.

Now, Mr. President, I wish to insert in the RECORD the telegram from Mr. Morse, who got the pardon, because I rather think I was expected to do it. I think the Attorney General ought to feel grateful for the telegram, because it comes so nobly to his rescue. I take it that Mr. Morse fears he will need the Attorney General again and therefore hastens to his defense, and his defense is ardent.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegram referred to is as follows:

BATH, ME., *May 4, 1922.*

Senator CARAWAY,
United States Senate, Washington, D. C.:

If the press has correctly quoted you, you have been misinformed regarding my physical condition at Atlanta at present time. The commutation accorded me was based wholly on my physical condition as reported to President Taft and General Wickersham by four nurses from Walter Reed Hospital under whose surveillance I was two months at Fort McPherson, and four physicians, I think, from Surgeon General's Office in Washington, whose names I never knew and whom I never heard from, either directly or indirectly, before or since. No physician gave me encouragement of recovery except Dr. Machiafasta, of Rome. Last fall X-rays taken in New York, also Naval Hospital in Washington, showed my left kidney filled with stones, and surgeons wished to operate at once. Being anxious to consult Machiafasta before operation, was on my way to Rome when asked by Department of Justice to return, which I did at once. Have been trying unsuccessfully to secure passports that I may proceed to Rome and consult him.

CHAS. W. MORSE.

Mr. CARAWAY. Mr. President, I also wish to put into the RECORD a letter to Attorney General Daugherty written by Mr. H. L. Scaife. I present this letter without comment other than to say that Mr. Scaife was formerly connected with the Department of Justice, having been one of the inspectors of that department who was relieved of his office because it seems that he wanted to do his duty. And incidentally I understand he is both an intelligent and an honest man.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

5419 FORTY-FIRST STREET NW.,
Washington, D. C., May 5, 1922.

Hon. HARRY M. DAUGHERTY,
Attorney General, Washington, D. C.

DEAR SIR: On April 11 Representative ROY O. WOODRUFF presented to Congress official records showing the failure of the Department of Justice to function in certain whisky frauds and war-graft cases, and that you had ignored a resolution adopted by the House of Representatives nearly two years ago requesting the Attorney General to "institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid." The records show that your assistant, Mr. Abram F. Myers, has announced that the cases which were referred to in this resolution have been closed.

The records will show that various cases which were prepared for trial have lain dormant in your department for months after you had been requested by the chairman of the Select Committee on War Expenditures to ask Congress for any amount of money necessary, if you should need funds to prosecute these cases. You made no request for such funds until after Hon. ROYAL C. JOHNSON offered an amendment to the Department of Justice appropriation bill on April 7, 1922, to appropriate $500,000 for the purpose of carrying on these investigations and prosecutions. It is therefore evident that the request for these funds does not come through your initiative. That you have not been hampered in the cases which have been long since prepared for trial by a lack of funds is shown by the fact that, although you were urged to do so late summer by the chairman of the Select Committee on War Expenditures, you failed to ask for funds, and cases which were audited and prepared for trial at the expense of the War Department were withdrawn from the hands of United States attorneys, not on the initiative of any person connected with the Department of Justice, but because of influences exerted by persons on the outside. I refer particularly to the cases of the Wright-Martin Aircraft Corporation and the Lincoln Motor Co. There were various other cases, such as the Phillips & Stephens case, the American Electro Products Co., the American Bosch Magneto Co., and the Chemical Foundation case, which would now be in the courts but for inaction and the removal or suspension of investigators who were working on the same.

Three weeks ago you were quoted in the press with brief references to the allegations contained in Mr. WOODRUFF'S speech, and promises were held out to the public that you would make a more complete reply. The allegations made by Mr. WOODRUFF were definite and tangible and showed willful delay in the prosecution of these cases. The public still awaits your denial of the specific allegations set out in the record and fortified by documentary evidence. Your request for an appropriation at this late day does not answer the questions which must arise in the mind of every intelligent and honest citizen.

Until there is an assurance that present policies and conditions which exist in the Department of Justice are to be changed further appropriations would be ill-advised and untimely. You still retain on the pay roll in connection with these cases men who have not been in sympathy with a clean-up. In order that the people may know whether or not you intend to clean house before there is placed in your custody further appropriations, I ask that you answer the following among the many questions which must inevitably arise in the minds of persons informed as to conditions in the Department of Justice:

1. Why have there been no civil suits and grand jury investigations in the cases of the Wright-Martin Aircraft Corporation, the American Electro Products Co., the Dayton Wright Co., the American Bosch Magneto Co., the Standard Aircraft Cos., the Chemical Foundation Co., and other cases where audits were made and the evidence was available?

2. Were not the Wright-Martin Aircraft Corporation and the Lincoln Motor Co. cases withdrawn from the hands of United States attorneys at the request of persons in no way connected with the Department of Justice?

3. Is it not a fact that you have personally granted hearings to alleged malefactors of great wealth to determine whether or not their cases are to be handled by the courts, and are similar hearings granted to all classes of citizens?

4. Is it not a fact that the Chemical Foundation Co. case was taken out of the hands of other officials of the Department of Justice and is now being handled solely by the President and yourself?

5. Are the Chemical Foundation Co. and the American Bosch Magneto Co. cases interlocked, and do they involve any of the same personalities? If so, whom?

6. Is it not a fact that a number of investigators have been removed or suspended from time to time by Mr. Bush L. Holland, Assistant Attorney General, after they had filed reports that the Government was being defrauded? Will you deny, Mr. Attorney General, that requests for the removal or suspension of any of these men came from persons outside of the Department of Justice?

7. Is it not a fact that the war fraud cases and investigations are now being handled largely by young men who were within the draft age and obtained exemption from military service? Will you deny, Mr. Attorney General, that some of these young men have stated that it was not the policy of the department to prosecute war fraud cases?

8. Is it not a fact that men connected with the Department of Justice are charged with whisky frauds and are still on the Government's pay roll?

9. Is it not a fact that after Congressmen JOHNSON and WOODRUFF addressed their colleagues in Congress on April 11, 1922, you immediately assigned agents Rocellar H. Gray (colored), James Connelly, H. F. Crawford, and A. C. Raynor, of the Bureau of Investigation, to shadow these Congressmen and myself; and is it not a fact that you brought various agents of the Bureau of Investigation from out of town to Washington and employed them for the same purpose?

10. Is it not a fact that you had two bags of mail belonging to Congressman ROY O. WOODRUFF shadowed, followed, and inspected? Is it not a fact that Agent H. F. Crawford, of the Bureau of Investigation, followed these bags of mail belonging to Congressman WOODRUFF home to the post office in Washington and inspected their contents?

11. Is it not a fact that one of the highest paid agents in the Bureau of Investigation is Rocellar H. Gray, a negro, who has been in your employ for a number of years as a valet and chauffeur for your family, and that this negro was ordered by you to trail these Congressmen and myself? I ask you to affirm or deny that the reports of these agents will show that they were in the House Office Building and that they mention the names of these Congressmen in connection with my own?

12. Is it not a fact that a memorandum was prepared in the Department of Justice urging my arrest; and is it not a fact that you were officially advised that I had committed no violation of law?

13. Is it not a fact that, notwithstanding my clean bill of health, you have turned the machinery of the Department of Justice on me in an effort to discredit me, if possible, notwithstanding the fact that in every particular my record has showed up as clean as a hound's tooth?

14. Is it not a fact that the Bureau of Investigation has been employed for the private use of certain Government officials and in attempts to discredit those who have endeavored to furnish the Department of Justice evidence on which to base prosecutions against influential persons and politicians who have been caught in the meshes of the law?

15. Is it not a fact that Rocellar H. Gray, your negro valet, is now assigned to investigate an alleged robbery of jewelry from persons connected with the British Embassy, instead of turning the case over to the police department?

16. Who is Jess Smith, and what are his functions at the Department of Justice? Is it not true that he has no official position in the Government service, that he has never taken an oath of office, and is it not a fact that he has access to the files of the Department of Justice, that he maintains an office in the department, employing Government stenographers for personal dictation, and that he uses other facilities of the Government which are paid for out of public funds?

You are in a position of great responsibility, and the integrity and dignity of the American Government have been intrusted to your zealous care. A public office is a public trust, and the humblest citizen has the right to call upon you for an account of your stewardship. The allegations contained in the speech of Congressman WOODRUFF are matters of vital concern. If the allegations are true, the machinery of justice is out of gear. If they are not true, they should be denied and an issue framed on any allegation that you are willing to challenge. The speech of Congressman WOODRUFF is now a public document, and if you fail to specifically answer the allegations therein contained, together with the foregoing questions, your failure as a public official is admitted and you should immediately resign your high trust.

Respectfully,

H. L. SCAIFE.

Mr. WILLIS. Mr. President, I have no desire at all to delay the consideration of the important measure, the tariff bill, which is pending before the Senate. I think it ought to be considered constantly and pressed for passage. Therefore I shall take no time to discuss any of the matters alluded to by my friend, the Senator from Arkansas. I do, however, merely wish to say that there are two men who know more about this particular matter, probably, than any other men in the country. One is the gentleman who was the Attorney General of the United States at the time the Morse case was under consideration, and the other is the present distinguished Chief Justice of the United States, who was then the President of the United States.

I have secured from a newspaper man in this city copies of letters, for the authenticity of which I vouch absolutely, one being a letter from the then Attorney General, Mr. Wickersham, and the other a letter from former President, now Chief Justice, Taft. I ask unanimous consent that both letters may be printed in the RECORD without reading.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WILLIS. Certainly.

Mr. KING. I should like to have the letters read, because this question has become quite acute.

Mr. WILLIS. I have no objection to having the letters read. I asked that they be printed in the RECORD because I did not desire to delay the consideration of the pending bill.

Mr. CARAWAY. Mr. President, at the time Mr. Daugherty——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. WILLIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. At the time Mr. Daugherty got those letters from Mr. Taft, Mr. Daugherty was the chairman of the State central committee of Ohio, was he not?

Mr. WILLIS. I do not remember as to that. He was chairman of that committee at different times. Whether he was chairman at that particular time, I do not recall.

Mr. CARAWAY. And Mr. Taft was a candidate for reelection and one T. Roosevelt was crowding him rather closely?

Mr. WILLIS. I think the Senator is mistaken as to the date, but I will look at the letter. I do not think it was written at the time Mr. Taft was a candidate for the Presidency of the United States. His letter is dated November 22, 1915. On that date, of course, Mr. Taft was not a candidate for the Presidency, and had not been a candidate for a number of years.

The PRESIDENT pro tempore. Without objection, the communications will be printed in the RECORD.

Mr. KING. Mr. President, I asked that the letters be read, but I withdraw the request, as I shall read them in the RECORD.

There being no objection, the letters referred to were ordered to be printed in the RECORD, as follows:

NEW HAVEN, CONN., *November 22, 1915.*

Hon. H. M. DAUGHERTY,
Columbus, Ohio.

MY DEAR MR. DAUGHERTY: I have yours of November 17. I write to say that in no way did you influence me in respect to the application for the pardon of Charles Morse. My recollection is that you told me you were counsel for Morse, but that you had declined to present the matter to me. The letter of the Attorney General states the case exactly, and I am glad to confirm what he says in regard to it.

With very best wishes for your future, and with warm appreciation of your kindly support in the past, believe me, my dear Mr. Daugherty,

Sincerely yours,

WM. H. TAFT.

40 WALL STREET,
New York, November 17, 1915.

HARRY M. DAUGHERTY, Esq.,
Columbus, Ohio.

MY DEAR DAUGHERTY: I have your letter of the 15th inst. I am delighted to know that you are a candidate for United States Senator, and that your candidacy stands in such a favorable light. You should have no anxiety whatever from your connection with the Morse case. All that you did in that matter was to bring the subject in a perfectly straightforward way, as an attorney should, before the Attorney General. You made no representations to me, nor, so far as I am aware, to the President, in connection with that case, which deceived us in any respect. As far as I recall, you had nothing to do with the reports of the doctors in charge of Morse, and I do not recall any special insistence on your part with me regarding the matter. A number of different people came to both the President and me very urgently regarding Morse's health, and by the President's direction he was sent to the Government hospital near Atlanta, where he was kept for weeks under the supervision of Army surgeons. Finally, upon their reports, and with the written recommendation of the Surgeon General of the Army, I felt constrained as a matter of humanity to advise the President to pardon him, which was done. It is as far as possible from my thoughts to consider that you played any part in the matter which was not entirely straightforward and honorable.

Very sincerely yours,

GEO. W. WICKERSHAM.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, the item under consideration is citric acid. On that commodity the House bill imposes a duty of 12 cents a pound; the Senate Committee on Finance has increased it to 18 cents a pound. The Underwood-Simmons law imposed a duty of 5 cents a pound and the Payne-Aldrich bill 7 cents a pound. This bill increases the rate above the Payne-Aldrich bill, as will readily be perceived, by nearly 300 per cent. This is only one of the many examples of the enormous increases in rates which are found in this bill over the rates of the discredited and denounced Payne-Aldrich tariff law.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. KING. I yield.

Mr. McCUMBER. I know the Senator does not want to create a wrong inference by his remarks. I will, therefore, call his attention to the fact, which he omitted to state, that under both the Payne-Aldrich and the present law citrate of lime, from which the citric acid is made, was upon the free list, while under the pending bill there is a 6 per cent duty imposed upon the citrate of lime, and, then, allowing 2 pounds of citrate of lime for 1 pound of citric acid, we would have to double that rate, which would be 12 cents. The remaining 6 cents constitutes a differential to cover the difference in the cost of production at home and abroad of citrate of lime.

Mr. KING. Mr. President, I was about to come to citrate of lime, which is dealt with in paragraph 46 of the bill. The Senator's remarks compel me to digress for a moment from the

course which I was pursuing, although I intended to show that we could not fairly deal with citric acid without considering the rate to be placed on citrate of lime. From page 20 in the committee print of the pending bill, paragraph 46, it appears that the duty on citrate of lime adopted by the House was 7 cents a pound, while the Committee on Finance has reduced that to 6 cents a pound. The Senator says that under the Payne-Aldrich Act, as well as under the Underwood-Simmons law, citrate of lime was on the free list.

Mr. McCUMBER. I wish to correct the statement made by me; I was mistaken. Under the Underwood-Simmons law a duty of 1 cent a pound was imposed, while under the Payne-Aldrich bill the commodity was free.

Mr. KING. I thank the Senator. I was in error also. The Underwood law laid a duty of 1 cent per pound. Of course, Mr. President, if there is any relation—and under the theory of tariff bills there is—between citrate of lime and citric acid, then, if the tariff on citrate of lime be increased, then, according to the stepladder, the illogical, and too often unfair and unjust method adopted in the formulation of tariff bills, the duty on the finished product should be greatly augmented. I may add parenthetically that it has become a habit in the framing of tariff bills for the proponents of a tariff rate on the finished product to suggest a rate which is tentatively accepted. Then the proponents of a tariff rate upon the raw material make suggestions and demands, and when they have won their fight and the rate upon the raw material or upon the intermediate has been raised to altitudinous heights, which in the end must become oppressive upon the people, not only to those who purchase the raw material or the intermediate product but also those who use the finished product, then the manufacturer or the purchaser of the raw article returns to the framers of tariff bills and demands higher rates for his commodity, because he will be compelled to pay higher prices for the materials employed in his factory for the fabrication of the commodities which he manufactures. Then those interested in the production of raw materials or intermediates say that the rate which is finally fixed for the manufacturers of the finished product does not bear a proper relationship to the raw material or to the intermediates, and they in turn demand an increase in the rates upon the raw or the intermediate product; and so, Mr. President, by this stepladder process the rates upon the raw materials are further increased. These are transferred, of course, to the intermediates and to the finished products, which, when completed, carry to the ultimate consumer all of the antecedent tariff exactions. The ultimate consumer must pay all these increases, as they are passed on, finally resting upon him with deadly consequences.

We all remember the fabled Atlas of mythology, with bowed back bending beneath the weight of the world. The ultimate consumer is not a fabled Atlas, but he becomes incarnate in the mighty people, the ultimate consumers of the United States, and upon their bowed backs are placed the heavy burdens which result from imprudent or odious laws.

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. KING. I yield.

Mr. McLEAN. I gather from the Senator's declaration that he does not believe in protective tariffs at all.

Mr. KING. Mr. President, the Senator from Connecticut is not a prophet nor the son of a prophet. Though a Yankee, he is not always a good guesser.

The protective tariff, or the principle of protection, is not involved in this bill. This bill is not framed upon any rational protective theory. It is designed to give monopolies to domestic manufacturers and to strangle competition. Its consequences must be the placing of unjust burdens upon the people. Reasonable protection, or fair protection in behalf of infant or struggling industries, is not, I repeat, involved in this bill.

The Senator from Connecticut, with his splendid abilities, is indoctrinated with the most extreme views respecting tariff prohibitions. He believes in erecting tariff walls behind which the domestic industries of the United States will take refuge, and thus, buttressed and protected, they will ride over the prostrate forms of labor and exploit consuming masses of the country. Already many of these industries have grown fabulously rich by their profiteering policies and their imposition upon the public.

Mr. McLEAN. Assuming that this country has grown rich under a protective tariff, does the Senator think that we now ought to bear the burdens of the rest of the world by subjecting our industries to the ruinous competition of the low-cost countries of Europe?

Mr. KING. Mr. President, that is always the cry.

Mr. McLEAN. I will——

Mr. KING. Does the Senator want me to answer his question?

Mr. McLEAN. No; I will save the Senator the necessity of answering it.

Mr. KING. The Senator must not ask questions if he does not want them answered.

Mr. McLEAN. Instead of having the Senator answer that question, I will simply repeat my first question: Is the Senator in favor of a protective tariff?

Mr. KING. I shall briefly reply to the Senator. But he can not ask a question in my time and then dodge it. I desire to answer the first one.

Mr. McLEAN. The Senator can answer both, but I should like to have an answer to the first one first.

Mr. KING. The Senator can not always select the forum in which he wants to contest.

Mr. McLEAN. It would not take the Senator very long to answer my first question.

Mr. KING. Oh, well, the Senator need not grow impatient. It did not take him long to ask it, although he has been drilled for many years in a system of protectionism which, as I view it, binds the people for the benefit of the protected classes. But let us come back to the last question which the Senator asked and which he sought to withdraw.

His question, in effect, was whether I believed in our bearing the burdens of the world, and the assumption was that we would bear the burdens of the world if we did not pass the odious bill which is now before us, and to the framing of which he so powerfully contributed. Doubtless he has pride in his offspring and I can not complain at his attitude toward this bill, nor find fault with the evident pride he exhibits in its form and qualities.

Mr. President, I do not concede that a fair and rational economic policy will involve the destruction of American industry or subject the United States to burdens or produce ruinous competition because of conditions in Europe. The Senator again implies that a proper tariff law prevents all competition from abroad; indeed, that it awards to the domestic producer a complete monopoly. I do not have the time now to enter into a discussion of labor conditions or the cost of labor abroad, or to institute a comparison between labor costs in other lands and those in the United States. A consideration of that question would involve also the question of the superior advantages which the United States has in raw material, in resources, in the intelligence and genius and skill of the American workingman, and a multitude of other questions, all of which are directly related to the question of the cost of production in the United States and the cost of production abroad. I deny that a proper tariff bill is a free-trade measure or that the Democratic Party is supporting a free-trade policy. I deny that a proper economic and tariff policy will place the burdens of the world upon the United States. Indeed, I insist that a rational trade policy and a sensible and statesmanlike tariff law will increase the prosperity of the United States, multiply the manufacturing institutions, add to the capital invested, and furnish employment to the American people at wages which will be remunerative. In other words, Mr. President, I am for a tariff policy and for economic, industrial, and, if I may use the term, "trade policies" which will increase American production and open the markets of the world to the great surplus of commodities which will be inevitable if the United States pursues a wise and rational economic policy.

The Senator, during the debate upon the emergency tariff bill, as I recall his utterances then, insisted that the Underwood-Simmons bill was a free-trade measure. Of course, he was inaccurate. Many of its duties are very high. Indeed, it was charged by some Republicans when it was under consideration that it was but an indifferent reduction below many of the rates of the Payne-Aldrich tariff law. A sufficient answer to the contention of the Senator made at the time referred to and implied in his questions to-day is found in the fact that the Democratic Party never has enacted a free-trade law, and I can assure the Senator that it never will enact a free-trade measure.

The position of the Senator doubtless is that under the Underwood law the American manufacturers are being subjected to ruinous competition and that we are bearing the burdens of the world. Mr. President, our exports exceed our imports, and have done so ever since the Underwood law was enacted. Our enormous exports have been due largely to the fact that we did receive imports. In other words, there was trade between the United States and other nations. We exported the products of which we had a surplus and received in part payment therefor products which we needed and of which our vendees had a surplus.

Since the passage of the Underwood law the wealth of the United States increased from one hundred and eighty-seven billions to more than three hundred billions. It is true that after the Republicans came into power there was a great reduction in the wealth of our country. Under the operation of the Underwood-Simmons law the chemical products of the United States increased from approximately three and one-quarter billions annually to more than five billions and the capital invested increased from more than two billions to more than five billions.

Mr. McLEAN. That was entirely due to the war.

Mr. KING. Of course, the Senator will say it was due to the war. That is always the cry of the Republicans. When prosperity comes under Democratic régime it must not be ascribed to Democratic policies.

Mr. McLEAN. The war virtually repealed the Underwood Act for the time being.

Mr. KING. Mr. President, I repeat that the prosperity of the people of the United States was never greater than under that law. The industrial and manufacturing development of the United States under that law never has been surpassed.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. Yes.

Mr. LENROOT. Will not the Senator tell the Senate in what way the Underwood law was responsible for that prosperity?

Mr. KING. Mr. President, the Underwood bill removed obstacles to our foreign commerce, thus increasing it. This increase added to the national wealth and to the prosperity of the people.

Mr. LENROOT rose.

Mr. KING. Permit me to complete my thought. The Senator with his knowledge of economic matters and historical precedents knows that the great struggle among nations has been to enlarge the field of trade and commerce, not only of individuals but of communities and states and nations. With the breaking down of a narrow and provincial attitude, nations found markets for their products, and thus added to the richness of the nation and the wealth of their people. Prohibitory tariffs, either as the result of law or edicts or military proclamations, stood in the way for centuries of international trade, but when people became more enlightened and perceived the interdependence of communities and states, a broader and more catholic spirit exhibited itself, not only in enlarged travel and interchange of thoughts and views but also in an interchange of commodities.

The Underwood law was in the interest of greater international trade. Trade does not impoverish, it benefits. The more we trade the greater are our products, and as our products are multiplied our factories and plants are increased in number and more people find profitable employment. It is an economic maxim that as we increase our foreign trade we add to the prosperity of our country. Under the Payne-Aldrich law rates were so high as to constitute impediments to the development of our foreign trade. This law was condemned by the progressive and thoughtful people in the Republican Party as well as by Democrats. It was admitted by many Republicans that the rates were dictated by trusts and were calculated to give a monopoly of the domestic market to the American producer. Paralysis in our industrial life was threatened and the evils flowing from this law provoked resentment and discontent and led to the overthrow of the Republican Party.

The Underwood law, taking full cognizance of infant industries, but recognizing the importance of obtaining foreign trade, removed many of the barriers constructed by the Payne-Aldrich law. Thus our foreign market increased, and with this increase greater domestic production resulted. Opening foreign markets for our surplus products was one of the objects of the Underwood law. This it accomplished. Any policy that will increase our foreign trade will add to our prosperity. May I add that the United States with its limitless natural resources and with its inexhaustible supply of primary products, raw and intermediate products, that enter into the industrial and manufacturing activities of the people need fear no competitor in all the world.

Unless it does find foreign markets, its industrial expansion will not keep pace with that of other nations, nor will it play the great part which it should in the world in virtue of the bountiful gifts which have by a merciful Providence been bestowed upon this favored land.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. LENROOT. Does not the Senator admit that the primary object of the Underwood law was to permit dutiable imports to come in more freely than under the Payne-Aldrich law?

Mr. KING. In my opinion one of the chief objects of the Underwood law was revenue. Undoubtedly it was believed that there would be larger imports because the exports would be greatly increased. The country demanded the repeal of the odious Payne-Aldrich law, and the Democrats in repealing that act, of course, were required to enact another in its place. They believed that several hundred millions of dollars should be raised from duties upon imports. They transferred to the free list a large number of important commodities in order that the burdens of the people might be lightened and prices upon necessities of life might be reduced to proper levels. They recognized that a proper tariff measure would stimulate exports, thus increasing production, and that as exports were increased there would be an increase in imports. So I frankly say to the Senator that it was expected that there would be a greater volume of imports.

But in drafting the Underwood law, keeping in mind the question of revenue, there was the thought that in laying duties incidental protection would result, and it was desired that it should in behalf of certain industries. The Democratic Party believes in the development of industries. It recognizes there could be no exports unless we had large domestic production. It recognizes the fact that we have the resources to produce greatly in excess of the needs of the people and that it is imperative that foreign markets be found for the excess production.

The Underwood law, fashioned for the purpose of increasing domestic production, was so framed as to enlarge our foreign exports and greatly increase our foreign trade and commerce. The Democratic Party recognized that the mercantile system is obsolete and that prohibitive tariffs are an anachronism. They accepted the more enlightened views of Adam Smith, a political economist, who perceived the importance of international relations which include international trade and commerce.

The industrial progress of the American people would be seriously retarded if policies should be adopted that would cut off imports. It is a popular cry to talk about producing everything that we consume. Experience demonstrates that civilization advanced as differentiation occurred in the industrial and social lives of the people. When individuals began to trade among themselves they began to prosper, and when communities engaged in trade and commerce their progress and prosperity became manifest. Even the Crusades, which brought many of the uncultured and narrow peoples of western Europe into contact with the Levant, not only broadened their views and advanced their learning, but greatly stimulated their industrial life, and thus brought added prosperity to the people. No community can live alone. If it succeeded it would enter upon the path of decay and intellectual and moral and economic stagnation and death. When the people of a community can find markets beyond their narrow territorial boundaries they diversify their labor, intensify their efforts, increase their production, and thus expand their exports. For their exports they receive in return metallic money, or bills of exchange, or commodities produced by those to whom they sell.

Thus by reciprocal trade and commerce communities and nations grow in wealth.

Mr. LENROOT. Does the Senator contend that the Underwood law did provide that reciprocal trade and commerce?

Mr. KING. Mr. President, any bill which removes obstacles and impediments, particularly those which are irrational and which are aimed against trade and commerce, will bring about reciprocal trade.

Mr. LENROOT. Did it?

Mr. KING. Yes.

Mr. LENROOT. The Senator says it did?

Mr. KING. The trade between the United States and Canada increased under the Underwood law, and the trade between the United States and Great Britain increased under the Underwood law. I grant that after the war was over the imports into the United States may not have borne the same relation to the exports they had borne at other times in the history of the Republic.

Mr. LENROOT. Will not the Senator admit that during the period in which the wealth of the United States increased there were practically no imports from Europe under the Underwood law?

Mr. KING. No; I do not agree with the Senator at all. I speak only from memory, but, as I recollect, our imports in 1919 were approximately between four and five billion dollars,

and our exports were approximately eight billion, so that our total foreign commerce exceeded $12,000,000,000. Certainly that $12,000,000,000 was not all exports. We exported American products of the value of $8,000,000,000, and in 1920 our exports slightly exceeded $8,000,000,000. In 1919 our imports were approximately $4,000,000,000, and in 1920 they were more than five and one-quarter billions of dollars.

The Underwood law was in effect at that time. As I stated, we imported billions of dollars worth of goods, and we exported billions of dollars worth of American products.

Mr. LENROOT. How could the Underwood law have been a factor when those exports were paid for with American money and American credit? Europe is owing for them to-day.

Mr. KING. The question of how they are paid for is not always the consideration. It is not accurate to say that we paid for them all with American credit and American money, because, as I have stated, the imports were from 1913 to 1920, and during the latter year they were in excess of $5,000,000,000.

I repeat that the intimation implied in the suggestion or question of the Senator that all of our exports were paid for by American money and with American credits is not accurate, because the records show we imported during the years between 1914 and 1920 commodities of the value of many billions of dollars. My criticism is that Senators on the other side of the Chamber—the troglodytes who are defending this bill, the die-hards who do not want trade with other nations—are fighting for a bill that will aid in the accomplishment of their purpose. Under the Underwood Act there have been large imports of all classes of commodities; but the inference of the Senator from Wisconsin was that there had been no imports, that though there had been extensive exports, no payments had been made by the purchasers, except as we might denominate credits and money loaned by us as payments.

Mr. LENROOT. Mr. President, I am sure the Senator does not wish to misquote me.

Mr. KING. Indeed I do not.

Mr. LENROOT. I did not say there were no imports. What I did say was this, that during the period when the wealth of the United States increased, we had no imports from Europe, practically speaking.

Mr. KING. With all due respect to the great knowledge of the Senator, I respectfully submit that he is in error. There were imports, and if the Senator will look at the figures of the imports in 1917, 1918, 1919, and 1920 he will discover that the imports aggregated many billions of dollars and that such imports consisted of thousands of commodities for the use and benefit of the American people. Our Republican friends were crying out against any imports, which must mean restricted exports. They want to build a wall around the United States so that other nations may have no access to our shores or bring to us any of their products, though desired by the American people.

I am surprised that the troglodytes upon the other side do not try to exclude the ideas, the literature, the learning, the morals, and the ethics which are found in other lands. We ought to keep out Lady Astor, and Professor Einstein, and H. G. Wells, and Mr. Galsworthy, and Gilbert K. Chesterton, and the scientific men, and the great leaders in thought who constantly seek our shores. Their ideas may be pernicious and conflict with the narrow complacency of some antique Americans.

It has been said, Mr. President, that ideas are the precursors of revolutions and are the iconoclasts that batter down the walls of ignorance and provincialism. Ralph Waldo Emerson speaks of the thinkers—the men of ideas who carry a revolution in their vest pockets. Our friends upon the other side do not want new ideas. They do not want the products of other nations. So they are determined to pass and will pass this tariff bill.

Mr. President, recurring to the question of my friend from Connecticut—I am not going to lose sight of him—I deny that the Democratic Party seeks to place upon the back of the United States the burdens of the world. The mission of the United States, primarily, is to develop the resources of the United States, but in developing the resources of the United States and adding to its riches we are benefiting the world. It is just like the accretions which result to the moral reservoir of the world. Every good deed done, whether by pagan or Christian, then, is an addition to the moral reservoir which supplies the inspiration for the enlightenment of the world.

Our Republican friends seem to think that you can make greater progress materially, intellectually, and morally by isolation. That I deny. The Democratic theory is that while developing your own country you should so shape your legislation that you will aid other peoples and other lands. Indeed, if you seek a selfish policy you not only place obstacles in the pathway of national progress but you offer impediments to international growth and development.

Narrow and selfish policies may promote temporary gains to individuals and nations, but ultimately the advantages are lost and humiliation comes to those who follow a course so illusory. The men and nations who lend, and who accomplish, and who serve, and who attain honor and glory and immortality are the ones who possess sympathy and altruism and broad international concepts. To-day, more than ever, this world needs great leaders—men of vision who can see a unity of purpose in all the activities of men and in the unfolding of humanity.

Returning to the theme suggested by the Senator from Wisconsin, the greater our domestic production the more capital will be required and the greater will be the rewards for labor. We must find markets for our surplus agricultural crops. We have enormous quantities of wheat and corn and cotton and agricultural products which must find purchasers across the seas. Our agricultural products could be increased, as could our mineral products, and no one can measure the potential greatness of this country in its manufacturing possibilities.

The cattle and the sheep men produce more than the domestic market consumes. The great packing plants have shipped abroad their products to the value of billions, and as their exports increased the live-stock industry expanded and the wealth of the Nation was augmented. When Europe could not take the cotton from the South, the people of the Southern States reached the verge of bankruptcy. The Senator from South Carolina [Mr. DIAL] will correct me if I am in error.

Mr. DIAL. The Senator is correct.

Mr. KING. And I think the Senator will corroborate my statement that the greater part of the cotton crop of the South must find a foreign market.

Mr. DIAL. About one-half.

Mr. KING. The Senator knows that if it were not for the foreign markets the South to-day and in the future would be in the bankruptcy court.

Mr. DIAL. We are already about there.

Mr. KING. Mr. President, it is imperative that we extend our foreign trade; and yet we are considering a bill to limit it. Our business men who have any enlightenment and vision are now sending representatives to China, Japan, Australia, and even to the Dutch possessions in the Far East, to Siberia, and to nearly every European country, as well as to South America, for the purpose of finding markets.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. KING. I yield.

Mr. SHORTRIDGE. I desire to ask my friend a question. Of course, I can not insist upon a categorical answer; but does the Senator contend that by surrendering our home market we will gain any foreign market?

Mr. KING. Mr. President, there is no such question involved as the surrender of our home market. That is always the cry of the troglodytes—that we will surrender our home market if we trade with other peoples; or, at least, they contend that we must prohibit any products from foreign countries coming into the United States. There is no proposition to surrender our home market. The Democrats insist upon a policy which will greatly increase domestic production, thus enlarging the home market, and at the same time expanding the foreign or export market. So I answer categorically, Mr. President, that there is no purpose to surrender the home market.

Mr. SHORTRIDGE. Then I ask the Senator this question: Does he think that the producers in Utah of many products, the producers in California of many products, can compete with oriental producers of like products without our imposing what might be called high, but what I would term adequate, tariff protection? In other words, does the Senator favor, to use the phrase which describes accurately the two schools of economics, a free-trade policy in respect to oriental products, or the protective-tariff policy?

Mr. KING. Mr. President, I repeat what I have said before, that there is no question of free trade involved in the discussion of the present tariff bill. The Democrats have not advocated, nor do they now advocate, free trade. We are here fighting an odious bill, which is in the interest of the trusts and oppressive to the American people. The bill which the troglodytes, our "die-hards" in the Senator's party, have placed before us does not in the slightest degree involve the question of reasonable protection for American products which possibly might come into competition with foreign products.

If the Senator's party had reported a bill with even the schedules of the Payne-Aldrich Tariff Act, which divided and destroyed for the time being the Republican Party, some of us on this side of the aisle would not have been criticizing it so vehemently as we have the pending measure. The Senator knows that Republicans denounced the Payne-Aldrich law more bitterly than Democrats have denounced this bill, and the country supported them. Can he wonder that Democrats are denouncing this bill when it is so much worse than the former?

My friend refers to western products, including copper produced in Utah. Our mines have been closed because Germany and other countries who would have purchased our copper were unable to make payment for the same owing to the economic conditions in Europe and the unwise policies of the Republican Party. I desire the adoption of a policy which will enable Germany and other nations to buy copper from Utah and Montana as well as the cotton from the South, the surplus agricultural products of the United States, and the thousands of commodities which we can and do produce in quantities greatly in excess of our domestic needs.

The Senator from California is here to-day with his keen eye upon the items known as citric acid and citrate of lime——

Mr. SHORTRIDGE. And olives.

Mr. KING. Yes; and olives.

Mr. SHORTRIDGE. And almonds, and all citrus fruits, and rice, and long-staple cotton, and beans, and quicksilver.

Mr. KING. The Senator from California, living in a rich State, rich in so many things, in great men——

Mr. SHORTRIDGE. Only excelled by Utah.

Mr. KING. And charming women, and formerly in the fruit of the vine, is here with that delightful selfishness which manifests itself in his demand that California shall have a tariff upon whatever she produces. The Senator—and I say it without any disparagement of his high conception of ethics and morals—is perfectly willing to make the rates so high upon oranges, lemons, olives, almonds, citrate of lime, and citric acid that the millions of American people who are compelled to use them would pay tribute to his State, pay an unjust tax, which would amount to millions annually.

Permit me to say, Mr. President, that I want the people of California to be prosperous. They are now the most prosperous people in the United States, and California is the most prosperous State in the Union to-day. It has potentialities denied to other States. And its future is assured. It is a great State, and looks out upon the Pacific—the guardian of our western shores.

Mr. SHORTRIDGE. Mr. President, the beautiful tribute which my friend pays to California robs me almost of the weapons of warfare. But I wish to say that I would stand and shall stand just as earnestly for the industries of Utah as I am standing for those of California. I would like to ask the Senator his views with regard to the great wool industry and the lead industry of his own State. They need protection, and the Republican Party is willing to give them that protection.

Moreover, if I may interrupt the Senator a moment only, we look ahead. The industries of California may be put out, the industries of Utah may be put out, upon the theory that the consumers of those products will benefit. But we look ahead and, judging by the past, we think we know that when the industries of this country have been put out we not only deprive our people of employment and wages but ultimately, when we shall again become dependent upon the foreigner, we will be in his power, and prices will not be lower than they are under a competitive system in America, with our industries protected by adequate tariff duties. In other words, we are not asking the consumers ultimately to pay more. What we want is to give work and wages to our own people, the Senator's people in Utah and ours in California.

The same doctrine would apply in every State in the Union. Moreover, we can not gain a foreign market for copper, for lead, for any product of America by surrendering, as we shall surrender, our own markets. The American producer can not compete with the cheaply paid labor of the Orient or of Europe.

There are two schools of economics. I have never hesitated to answer categorically that I believe in the doctrine in which Washington believed, in which Andrew Jackson believed, in which all the great Whig statesmen believed, and in which all the great Republican statesmen believed and now believe. Others, for whom I have great intellectual respect, recognizing their abilities, hold to another theory. What I would like the Senator to make answer to, if he cares to do so, is whether he grounds his whole argument upon what has been called the free-trade policy, the Cobden theory, or upon what I call the Washington, the Lincoln, the Garfield, the McKinley, the Harding theory, namely, the American protective theory in the fixing of customs duties and rates. If a man is a free trader he can support his cause as best he may. The people of America recognize those two schools. If the Senator from Utah is a free trader, let us know it. If he is a protective-tariff man I would like to know that.

So I say, begging the Senator's pardon for interrupting so much, because it is not my habit to interrupt Senators when they are making their thoughtful arguments, that the subject comes home to every Senator as it does to every man, woman, and child in America.

I add to what I said a moment ago by saying that I know conditions in my State, and I have a fairly accurate knowledge of conditions in Japan, China, and in the Far East. We have certain interests in California which will perish unless they are adequately protected. I know there are industries in Louisiana which will perish unless they are adequately protected. I think there are industries in Utah which will perish unless they are adequately protected. The bill which we have framed and submitted here undertakes to and will protect those industries of the several States.

Adjectives do not add to argument. Hereafter perhaps, if I shall gain the attention of the Senate, I may reply to the Senator's favorite phrase touching the character of the party to which I am very proud to belong; but I would be very glad if the Senator once for all would take his stand upon one platform or the other. I am familiar with the history of the Democratic Party and of the Republican Party and every other party in America. I know that from the time of Washington down there have been two schools of politics relating to economics. I belong to one school and it may be that the Senator belongs to the other school. Perhaps he can answer these remarks of mine by definitely stating, if he cares to do so, to which school he belongs.

Mr. KING. Mr. President, it is unimportant to which school of economics I belong. I have stated pretty clearly my views during the debates upon this bill. I have repeatedly said there was no question of free trade involved. I am fighting what I believe to be a bad bill, hoping if it can not be defeated that the rates may be reduced. The rates are the highest ever before seen in an American tariff bill. The views of Say, the great French economist, and writers of his time; of Adam Smith, of John Bright, and Cobden and John Stuart Mills; of Henry George and Professor Marshall, are only natural here, as they show the fundamental principles of political economy and point the way to economic and national growth and development.

The question of free trade is not before the Senate, and the Senator from California, with that legal acumen and that skill as a parliamentarian which he possesses, and with the ability which we concede to him, is exactly in the same position as the distinguished Senator from Illinois [Mr. McCORMICK], who is trying to divert attention from the issues before us by injecting the League of Nations into political discussion. The Senator from California is endeavoring to divert attention from the monstrosities of the pending bill by thrusting the specter of free trade into the debate. I assure him we shall not be diverted. I announced the first time I addressed myself to the bill that the question of free trade was not involved in the consideration of this bill.

I am willing to state here and now, so far as I am concerned, that if those having the bill in charge will lower the rates to fair and just and reasonable levels—not to the level of a free-trade bill—it will pass this body with but a few days' debate. But so long as I believe that selfishness and the demand of predatory interests are found—and I use the word without any harshness—upon nearly every page of the bill, and so long as I believe that many of the schedules of the bill are not written in the interest of the American people but in the interest of trusts and combinations and corporations and persons who have always profited and benefited by the prostitution of the taxing power of the Government, I shall oppose it, and I know that others upon this side of the Chamber will do the same.

We are not here asking for free trade. I am willing now, in the light of world conditions, to make liberal concessions in the formulation of a tariff bill to the sentiments of men who honestly feel that certain industries need a modicum of protection.

Mr. SHORTRIDGE. Will the Senator have the goodness to yield for a moment?

The PRESIDING OFFICER (Mr. OWEN in the chair). Does the Senator from Utah yield to the Senator from California?

Mr. KING. I am always happy to yield to my friend from California.

Mr. SHORTRIDGE. Does the Senator from Utah think the duties provided in this bill on sugar, on lead, and on wool, or any of them, are too high?

Mr. KING. Mr. President, my friend can not to-day drag me into a discussion of other items than those which are found in the schedule in which I am particularly interested.

Mr. SHORTRIDGE. Will the Senator promise me to answer my question before we are through with the argument?

Mr. KING. Yes. Let me say to the Senator that I am not a member of the Finance Committee. I have, however, been honored by being requested by the minority leader and minority members of the committee to take some part in the discussion of the chemical schedule, the first schedule of the bill. As I have said, I am not a member of the committee; I have not had the advantage of participating in the deliberations of the committee; and I am confining my feeble efforts now to the schedule at present under discussion. The Senator from California is very much interested in citric acid and citrate of lime, which are involved in this schedule.

Mr. SHORTRIDGE. Certainly.

Mr. KING. I will say to the Senator that when we come to the other schedules, if the distinguished minority leader asks me to make some observations with respect to those schedules I shall be very glad to discuss them, and with the same frankness, I hope, that I am discussing the chemical schedule, or shall discuss any other schedule found in the bill.

The Senator from California knows me sufficiently to pay me, I hope, the tribute that I am not afraid to express my opinions.

Mr. SHORTRIDGE. That is true. So, for the reasons stated, the Senator now does not desire to make answer to the question which I have asked?

Mr. KING. That would mean going into the wool schedule. As the Senator from California knows, there are many complications in determining just exactly what that schedule involves.

Mr. SHORTRIDGE. That is quite true.

Mr. KING. I want to say once and for all to the Senator—and I will digress a moment from what I was discussing for that purpose—that if we give the high rates proposed in the bill upon the finished products, I would support the policy of a reasonable rate upon raw materials; but, pray, do not ask me to leave the pending schedule, because I expected to have spoken only about 10 minutes while the senior Senator from California [Mr. JOHNSON] was absent from the Chamber.

Mr. SHORTRIDGE. Pardon me just one suggestion, and then I shall not disturb the Senator longer.

Mr. KING. I yield to the Senator.

Mr. SHORTRIDGE. Of course, we are all interested in sugar, in lead, and in wool; in my State we are interested in two of those articles at least directly and, of course, in one of them indirectly. As the Senator from Utah proceeds, if it seems prudent or wise to him, I wish he would tell us what he means by "the finished product" and "raw material."

Mr. KING. Mr. President, the first political speech I ever heard was by a distinguished Republican Representative from Michigan, who invaded my State and, I must confess, did a great deal of good for the Republican Party. He spent two hours in pointing out the differences between the finished product and the raw material. Lacking the ability of the distinguished Republican Representative, my friend from California can not expect me in a moment, by way of digression, to point out what are raw materials and what are finished products.

Mr. SHORTRIDGE. The difference between the two is very simple and easily stated.

Mr. KING. The Senator mentioned wool. Wool, I submit, would not be a finished product.

Mr. SHORTRIDGE. The tree standing in the forest is raw material; the ore in the mine is raw material; but they cease to be raw material when human labor is applied to them. That is a sufficient description of raw material or a finished product.

Mr. KING. The Senator may define them as he sees fit, but I may not always accept his definition.

The Senator from California, Mr. President, tries to link his school of protectionism with George Washington. He reminds me of some Americans who are always trying to trace their ancestry back to the *Mayflower* and then beyond the *Mayflower* to some marauding courtier of the King of Great Britain or France or some other country. They are not satisfied with being plain John Jones, son of Richard Jones, farmer or blacksmith, who was born in Portsmouth, N. H., or in Syracuse, N. Y., where my father was born; they are not satisfied with being genuine Americans, so to speak; but they are interested in tracing their ancestry back to medieval ages. So my friend from California wants to trace his brand of protectionism back to Washington. There may be differences of opinion as to what were Washington's views on this subject. Moreover, it would be rather hazardous to say what Washington or Hamilton would do if they were now living and had to deal with the great world problems confronting this country.

Mr. SHORTRIDGE. If the Senator from Utah will pardon me, I desire to say that I trace my personal ancestry only back to Kentucky. There our family tree stands. As to the doctrine of protection, however, if the Senator from Utah will read the second bill which was passed by Congress and signed by Washington, as the Senator will remember, as a patriotic act, on the 4th day of July, 1789, it will be seen that it is a thorough American protective tariff measure. That is the doctrine which has run down through a hundred years. We need not go back further than George Washington, although we could go clear back through three or four centuries and trace that doctrine in different countries, such as England, France, and Germany.

Mr. KING. I can go back to medieval times and find the protectionists then carried their policies so far as to prohibit any importations. Of course, to carry protectionism, as I understand my friend believes in it, to its logical conclusion we must erect a tariff barrier around us as the Chinese wall was erected centuries ago by the Chinese. They wanted to be let alone; they wanted to be a hermit people. My friend is not a hermit; he is a brave and liberal American, and thinks he must pronounce in favor of protectionism because his party has declared for it in the past.

But he is a cosmopolitan. He rejoices in the literature, in the arts, in the great products of brain and of genius that come from Europe and even from the oriental lands. I have no doubt he has a copy of Tagore, the great Indian poet, upon the shelves of his library and rejoices in it. I have no doubt that he has read Max Muller's "What Can India Teach us?" He has welcomed the great springs and fountains of knowledge that perennially pour their limpid floods for the enlightenment and the progress of the world.

The Nazarene came from a far-off land, but His philosophy and His faith will guide and govern the world. Mr. President, many great things in the future will come out of the Orient. More and more, as the acid of knowledge eats away the prejudices of men, we shall see the goodness and greatness, indeed, the divinity, in peoples not of our faith or race.

Mr. SHORTRIDGE. Mr. President, may I interrupt the Senator once more?

Mr. KING. I yield.

Mr. SHORTRIDGE. In reference to the British policy, let me remind the Senator from Utah, as he must recall, that the policy of England down to 1840, during the premiership of Sir Robert Peel, was that of a highly protective tariff; that when Sir Robert Peel yielded to the repeal of the so-called corn laws, he said that he reserved to himself the right to shape his conduct according to the exigencies of the times. To-day England is carrying out the very policy which he foreshadowed, for England to-day is a protective tariff country, shutting out our exports and the exports of other countries. What I mean to express is that we should shape our conduct according to the exigencies of the times, and that in this day we in America can not compete with the cheap labor of Europe or of Asia.

Mr. KING. Mr. President, when Sir Robert Peel yielded before the forces of Cobden and Bright in the contest which they waged—a contest which took on the fervor of a religious crusade—he perceived that the economic views of the past must be modified. Peel and his predecessors had been wedded to the mediaeval school which had refused to accept the views of those who formed the Hanseatic League of Germany, as a result of which the free cities became the standard bearers of trade and commerce; they liberalized Germany and carried the torch of progress and liberty throughout Europe.

Mr. President, every step which has meant the emancipation of humanity from servitude has been taken against the opposition and the implacable hatred of reactionaries. That is true of our own country; it is true of every age of the world. Progress signifies an approach to a common civilization and a world unity.

Christianity itself is the expression of a common faith and a common destiny as the inheritance of man. The future holds the great ocean of unity. Paul speaks of "One God and one faith and one baptism." It will be more than a religious faith or a theological creed. Democracy to-day speaks for a more liberal attitude and broader spirit toward the problems of life, a deeper sympathy for the oppressed of all nations. It demands justice for labor and the application of the principles of justice and righteousness in all of the affairs of men.

Mr. President, I hope these digressions will not be charged to me by my good friend the Senator from North Dakota. The Senator from Connecticut [Mr. McLEAN] interrupted me, as did the Senator from Wisconsin [Mr. LENROOT], and now my distinguished friend from California [Mr. SHORTRIDGE] has engaged me for some time. Doubtless I have not satisfied them. No Democrat could. We will try to satisfy them before this

discussion is over; but of one thing they can rest assured, Mr. President: We shall not permit them, now or at any other time during this debate, to take the position that this bill is merely for the purpose of protecting home industry or to meet the difference in cost of labor here and abroad or that the question in interest is free trade versus protection.

My good friend did not hear a statement which I made the other day when I quoted elaborate figures to show that in the chemical industry, which in part has grown and developed under the Underwood bill, the labor costs were only 8½ per cent of the products; that in 1913–14, before we entered the war, the fiscal year ending the 30th of June, 1914, when Germany was supreme, as Republicans now say, we had more than $2,017,000,000 invested in chemical industries in the United States, with an output of more than $3,251,000,000, and the amount paid for labor was 8½ per cent only. Labor did not get much. In 1920, as I recall, when the output was more than five billions, notwithstanding the high wages which were paid or alleged to have been paid in the United States, 8 per cent only of the value of the products went to labor. So, Mr. President, our Republican friends may talk about labor, but this bill is not for labor but for the interests who have prospered in the past by high and exorbitant tariffs.

My friend speaks about oriental labor. The great majority of the products here do not come in competition with oriental labor. We have been told over and over again that the menace was Germany; and yet, when the facts are fully revealed—and I have tried to portray some of them—we find that that is only a specter which our Republican friends are erecting for the purpose of frightening the American people. Our Republican friends know that the Democratic Party believes in the development of our country. It was Thomas Jefferson who gave us, through his great statesmanship, the Louisiana Purchase. It was the Democratic Party that fought the War of 1812. It was the Democratic Party that stood for the flag upon the sea and for the honor of the newborn Republic. It was Jefferson and his associates who fired the American people until they established this Republic. It was Patrick Henry, in his great speech in the House of Burgesses, who wrote upon the flyleaf of an old law book the "resolves" which in effect affirmed the right of the American people to enjoy all the rights that Britishers enjoyed, including the right of taxation by representation.

Mr. SHORTRIDGE. Mr. President, I do not want the Senator's beautiful sentence to pass without a slight correction. He paid tribute to the genius of Patrick Henry; but Samuel Adams of Massachusetts must not be forgotten.

Mr. KING. No.

Mr. SHORTRIDGE. He is said to have been the father of the Revolution.

Mr. KING. Mr. President, I would not detract from Massachusetts. My grandfather was born there, and I rejoice in its great contributions made by Massachusetts to the glory of this Nation.

Mr. SHORTRIDGE. Is quicksilver within this schedule?

Mr. KING. This is all outside the schedule.

Mr. SHORTRIDGE. Frankly, I do not recall whether quicksilver is mentioned within this schedule or not.

Mr. KING. No; I think not.

Mr. SHORTRIDGE. Before the debate is over, however, I should like also for the Senator to stand with me on the rate which we are asking for quicksilver. I merely observe now that the California producers can not compete with the Spanish or the Italian producers. All our mines are closed. Spain and Italy—the latter country, largely due to the Versailles treaty, having control of the Austrian quicksilver mines—control the quicksilver market of the world. Our mines are closed. We want to open them, and the only possible way in which the Government can help us to open them is by fixing what we claim to be a necessary tariff duty. My theory goes to the point that we want to open those mines—call it selfishness; call it what you will—but we wish to open those mines and give employment to our people; and I hope the Senator will look to that item before we are done and stand with California upon that proposition.

Mr. KING. Mr. President, I can assure my friend that I shall examine the matter, and if I think that California is right I shall be happy to support the hands of her mighty Joshua as he fights for the right.

Mr. President, may I say, tempted by the observation of my friend, that the copper mines of my State have been shut down for a long, long time, not because of competition in the production of copper, but because no buyers could be found. Our industries do not consume it and Germany, who wanted millions of pounds, could not buy. So, if my friend says that the quicksilver production has been restricted because of competition, I can assure him that there are many productions that have been restricted, if not destroyed, because there was no market, either domestic or foreign; and I will say to my friend that there will be more factories closed down, and there will be less mines operated, if the selfish policy of some American manufacturers and trusts shall prevail.

Mr. President, we can open our mines and smelters and mills and bring back prosperity to the farm and send our ships laden with our products to the ports of the world if we will recognize the fact that international trade and commerce means that there must be international exchanges. We can send our ships to foreign ports with our products if we do not require them to return in ballast.

What could California do, rich and powerful and blessed as she is, unless she found a market for her surplus products? In the southern part of California there will be 2,000,000 people within the next 25 years. California, as a whole, will have five millions of people or more within that same period. They are producers. They must find markets. They can not consume all that they produce. My State can not consume all the copper or the wool or sugar which it produces.

Now, I will come back to citric acid and speak for a few moments upon that, and then yield the floor. I started to talk a little about citric acid, and my friend from North Dakota interrupted me to talk about citrate of lime, but his interruption was entirely proper and relevant.

Mr. SHORTRIDGE. Mr. President, I think, as my colleague thinks, that those several items should be considered together, and when the Senator shall have finished with what he is saying I will ask that we pass over that item.

Mr. KING. Until we reach the citrate of lime item?

Mr. SHORTRIDGE. Yes.

Mr. KING. I will say to the Senator that I was going to ask the chairman of the committee, or my distinguished friend from Utah [Mr. SMOOT], that we consider the citrate of lime item, which is in paragraph 46, and the citric acid item, which is in paragraph 1, together, because they are in pari materia.

Mr. SMOOT. I will say to the Senator from California and my colleague that I care not whether we turn now to the consideration of citrate of lime or pass this item over until we reach paragraph 46, in which citrate of lime appears. It is evident that the citrate of lime rate must be first determined before we finally determine the rate upon citric acid, and I think myself it is just as well to pass this over at this time until we reach paragraph 46, or else turn to paragraph 46 now and take up citrate of lime and dispose of that, and then return to this item. Whichever way the Senator from California desires that we follow is perfectly satisfactory to the committee.

Mr. SHORTRIDGE. If it is consistent with the rules, then I suggest that we pass this over until we come to the later item.

Mr. SMOOT. That is perfectly satisfactory to the committee.

Mr. SHORTRIDGE. And that we consider them both together.

Mr. KING. I have no objection. I will not ask for any vote on this—I do not think I ought to—until we consider the two together, because if a duty is laid on citric acid a higher duty must be laid upon citrate of lime, and if we shall conclude to lower the rate on citrate of lime, then, of course, there ought to be a diminution in this duty.

Mr. SMOOT. The Senator from California, I understand, requests that we pass over this item at this time and take it up when we reach citrate of lime, in paragraph 46.

Mr. SHORTRIDGE. Yes; I do.

Mr. KING. That will be agreeable to me, and I will finish my statement a little later.

Mr. SHORTRIDGE. I did not want to interrupt the Senator in his statement now.

Mr. KING. I would rather not go on with it now.

Mr. SMOOT. I ask that this item be passed over temporarily, and that we proceed with the next item.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KING. I have no objection, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Fletcher	Harrison
Ball	Cummins	Frelinghuysen	Heflin
Borah	Curtis	Glass	Hitchcock
Brandegee	Dial	Gooding	Johnson
Broussard	Edge	Hale	Jones, N. Mex.
Bursum	Elkins	Harreld	Jones, Wash.
Calder	Ernst	Harris	Kellogg

Kendrick	McNary	Pittman	Townsend
King	Nelson	Pomerene	Trammell
La Follette	Newberry	Ransdell	Underwood
Lenroot	Norbeck	Rawson	Walsh, Mass.
Lodge	Norris	Sheppard	Warren
McCormick	Oddie	Shortridge	Watson, Ga.
McCumber	Overman	Simmons	Watson, Ind.
McKellar	Page	Smoot	Wolcott
McLean	Phipps	Sutherland	Willis

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum is present.

Mr. HARRISON obtained the floor.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. I yield.

PROPOSED NATURALIZATION AND CITIZENSHIP LEGISLATION.

Mr. SHORTRIDGE. Mr. President, on April 5 I introduced a bill (S. 3408) to provide a uniform rule of naturalization and to amend and codify the laws relating to the acquisition and loss of citizenship; to equalize the citizenship status of men and women; to establish a method for the registration of aliens for their better guidance and protection, and for other purposes. The views of the Secretary of Labor were requested, and I am in receipt of a letter from him. I ask unanimous consent that this letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 1, 1922.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: You have recently requested my views on the matter of naturalization and citizenship legislation which is now pending in the Senate. You have yourself introduced a measure intended to greatly facilitate naturalization and Americanization, as well as to extend educational advantages to aliens. I am glad indeed to have this opportunity to express myself on this subject.

So that you may more readily appreciate my attitude and the keen interest which I take in this matter, I will first say that I was myself an immigrant, arriving here with my mother, four brothers, and a sister from Scotland at the age of 3 years. My father had come to the United States previously and had sent back to Wales passage money to pay for the transportation in steerage of the family which he had left behind him when he sought better things in the New World. My first experience in the land of liberty was trailing along beside my mother vainly endeavoring to find the two featherbeds which had been the pride of the family and which had become lost in the shuffle at the then immigrant station, Castle Garden. To add to the confusion some sharpy had relieved my mother also of what little money she had. Altogether, with the experiences which I had with the family as immigrants and as foreign citizens during the years I worked in the mills with my father and living all my life among aliens and immigrants of many nationalities, gradually working up through the ranks, I can speak sympathetically on the needs of the alien from his viewpoint, as well as with consideration as to serving the best interests of the Republic.

I can see in such legislation only good for the alien himself. As I view it, the legislation under consideration makes it possible for the alien to become not only a good citizen, when he has the right to be a citizen at all, but one fully understanding America and what it stands for, at the same time making it hard, and justly so, for undesirables to get their papers. What opposition has been manifested comes from just two sources. First, the Red, or anarchistic element; and second, the misinformed as to the purposes and intents of the legislation contemplated. Statements have been made in the foreign-language press in an effort to stir up opposition which are exactly contrary to the real facts as to what will occur under the administration of the law.

As an illustration of misinformation, one foreign-language paper recently carried an editorial criticising the contemplated legislation which we are discussing as tending to make the alien discouraged, disgruntled, and inimical to America and its institutions. It takes the attitude that this measure throws into discard the American ideals of tolerance, equality, human kindness, and the spirit of cooperation which were "zealously fostered by such immortal men as Washington, Jefferson, Hamilton, Clay, Lincoln," etc. It does not mention that in Jefferson's administration there was in existence a law which required all aliens to register, but without any intention of giving them any of the advantages contemplated in this bill. If one were to believe the information which this paper gives, a common language and the teaching of principles of government, history, and economics would "retard immeasurably the work of our justly famous 'melting pot.'" It asks the question: "Why not befriend the alien and extend to him a helping hand, as was America's glorious custom in former years?" calling attention to the fact that "the real American way is to make friends, not lose them."

Anyone who had read the bill would recognize that it is specifically designed to encourage the alien, increase his respect for American institutions, uphold American ideals of tolerance, equality, human kindness, and the spirit of cooperation, thus making more efficient our famous "melting pot." It will give every foreign-born citizen a just sense of pride in the possession of his citizenship and a trust in the Government of the United States.

I believe the bill which has just been introduced by you, known as Senate bill 3408, is the real American way to make friends. Summed up the bill provides:

1. A required standard of education for citizenship.

2. Ability to use and understand a common language, making it possible for every citizen to communicate with each other, understand his work and the regulations made for his protection in industry, increase his opportunities for entertainment, and add greatly to his ability to use and enjoy the full advantages of residence in America.

3. Facilities for the naturalization process, eliminating the necessity for furnishing witnesses who have known the alien for five full years. It is estimated that this will save to aliens becoming naturalized between $3,500,000 and $7,000,000 each year.

4. Protection against destitution for himself and family should he become permanently disabled, and for his family should he die and leave dependents unable to care for themselves.

5. Machinery to accomplish the purposes of the act through enrollment and the payment of a small annual fee.

The contemplated new citizenship legislation is essentially a program of education in which every alien enrolls for citizenship training. The desire is first to teach English so that we will be a Nation with a common language; every citizen standing ready to extend hands with every other in ability to understand all matters of general interest and to communicate one with another upon the many subjects which arise in the daily life of every man, woman, and child in the country. No one cause of dissention and international strife in the countries of the Old World has proved more efficient than misunderstanding. These misunderstandings have bred the jealousies, hatreds, and fears which we find everywhere and which have given rise to battles and wars of more or less serious consequences throughout all ages.

We can not change these feelings of national antipathy overnight nor without organized effort. There must be a campaign for better understanding, and the first essential is that the parties be able to communicate with each other.

But that is not the only advantage which accrues from the knowledge of a common language. It actually means dollars and cents to the workman to be able to understand the orders given to him for execution and not follow blindly what some one else may be doing. Many accidents in industry are caused by inability to understand the regulations made for the protection of the workmen.

Many sources of amusement are closed to those who do not understand the national language. Being unable to read our books, our periodicals, and our newspapers the foreign born gets a very limited knowledge of our history and of our institutions. He takes only what some one else who does know enough to see fit pass on to him. The greatest menace to American institutions is ignorance led by selfish education—the man who has to get his information from one who sees fit to give him only such as will serve his selfish interests. The alien should be educated and made to think and argue for himself. He should not be allowed to take for gospel truth those statements made from a soap box by some red leader in his campaign of anarchy. Good citizenship would mean the practical elimination of anarchy and the reduction of labor disturbances to a minimum. By knowing English and being able to read and reason out things for himself, the alien or foreign born would soon learn the relationship existing between capital and labor.

In addition to English, the alien should be taught the several other subjects which treat of our national life—history, government, and economy. These are far from being dry subjects. They can and should be presented in an interesting manner which will remove the tediousness of study and accomplish quicker and better results. I have in mind the application of visual school methods; the taking of films depicting our national and international affairs. The evenings when the citizenship classes get together in community meetings for their education would be social evenings. They would have their moving pictures and instruction first and later perhaps a songfest and a dance.

Also in our campaign for better citizenship through education we should make liberal use of the foreign language and labor press as a medium of publicity and instruction. Carry the English lessons with a thorough treatment in the native tongue alongside of it; carry also, for instance, the story in English that is to be presented at the next class meeting in picture form. Coordinate them so that the man or woman or child in citizenship training classes would look forward to his evening of instruction with anticipation of an evening of amusement and of social intercourse.

I would not in any way restrict the use of foreign languages. To do so would be like taking from the alien one of his best friends. He has his native literature and song; the language of the Old World is the language of his mother, and all remembrances of his mother should be sacred. Let the alien keep this heritage, and even encourage him to keep up his correspondence with the Old World and keep in touch with international affairs. His knowledge will help him as an American and will make America will never suffer by contrast with the land of origin of the immigrant.

It is essential also as a prerequisite of patriotism that one love and honor one's parents—especially is one's respect for one's mother an index to patriotism. In every campaign encourage devotion to mother, and it will almost naturally follow that the alien will love his country and his God.

It is my understanding that your bill will enable the Secretary of Labor, after enrolling all aliens, to appoint a national advisory committee to assist him in making such regulations for carrying on the work of naturalization as would seem to best suit the needs or requirements not only of the United States but of being cooperating with the several nationalities and races represented. The national committee would comprise the leading men in every one of these groups of enrolled persons. They would serve without compensation, to the end that a better understanding and a more efficient working basis for Americanization and naturalization could be worked out. Under the national commission would be local commissions made up in the same way, and, as the Secretary of Labor would be chairman of the national committee, the local naturalization examiner would be the head or chairman of the local commission. These commissions, through the individual members representing each one of the nationalities or races enrolled, would assist in making up the program for education and Americanization in the local communities.

These organizations would work with the local schools, the churches, fraternities, and civic and patriotic bodies. They would outline the programs for education, determining to what extent textbooks, moving pictures, dramas, and other means of education could be best utilized. At present there is no organized program for such work. A number of separate organizations have undertaken it, but they have been without direction. Having once organized it would not be difficult for the different groups of aliens to work out their own associations for promoting singing, drama, and many other forms of self-advancement, furnishing entertainment and recreation as well as instruction.

Singing as a community asset most of these people recognized in the countries from which they came. After coming to the United States this great influence was allowed to die out, and the folk songs of their native countries do not live in the hearts of their children. Drama is getting to be a lost art. It seems to me that in permitting these to fall into disuse we are losing a valuable asset which could be used to great advantage in stimulating patriotism and developing a keener desire for the better things which America affords. Encourage community singing and get the older people together with the youth to sing in their mother tongues the songs which were dear to them in childhood. At the same time teach them the patriotic and folk songs of our country. By awakening enthusiasm for singing and stimulating the bringing back of this European custom, we can more readily teach our own songs—"The Star-Spangled Banner," "America," "The Battle Hymn of the Republic," and even "Yankee Doodle," at some of our other comic songs which we love so well. We do not oppose the foreign language, but we must have in America one common language for all.

The drama is another powerful agency which is fast losing ground. This should not be permitted. There is much talent among the foreign born if it were but used. Let our local commissions seek out this talent and put it to work. Each nationality could stage episodes of national life of their native countries, to be staged for the benefit of others, and let them all combine in staging at least once a year—at the time when the court acts upon final petitions for citizenship—a great drama depicting scenes in American national history. Then organize great testimonial meetings, and let each new citizen get up and tell why he believes in American citizenship, what the United States has done for him, and what he expects to do in return for the privileges which have been granted him.

I can picture to myself the great army of foreign-born banded together through the enrollment system as one great fraternal organization working toward the commendable end of fostering better citizenship and greater respect for American institutions, and in this work of Americanization there is a part for every American citizen individually and through the organizations of the church, fraternal, civic, and patriotic societies, for we should extend to the foreign born every assistance possible to secure the accomplishment of the ends aimed at. All have a duty and a privilege in spreading the gospel of truth about America and its institutions to counteract the radical propaganda of the few who dispense seeds of anarchism and of hate for selfish purposes of their own. My idea of unhappiness is nothing to do. Idleness makes us all happy, and that should be our favorite pastime. When we have nothing else to do let each one of us join in and further this great work. It will make our melting pot far more efficient if we all get out and work together, and that is one of the aims of the legislation contemplated—to get all the organizations possible interested in this one subject, better citizenship.

And let our first thought be tolerance. Tolerance has always been my favorite virtue. In it I see an easier and better way to get along with my neighbors. We will always have, so long as we uphold the traditions of the past, the foreign born with us. Let us look for the virtues and expect not too much from those who have not had the advantages which we have had through our institutions, but rather encourage them to secure an equal, and, if they can, a better education and knowledge than our own.

Another great provision, my dear Senator, that is included in the bill which you have introduced is that which provides for taking care of aliens who become destitute. You know under the present naturalization laws should an alien become a public charge before he has resided here five years he is subject to arrest and deportation to the country from which he came. Think of the tragedy which must follow when the breadwinner, the father of a family of five or six small children, dies and leaves them without means of support. And this you will find is true in most such instances: That the alien who dies and leaves a family in this condition before having been five years in America seldom leaves behind sufficient means to care for the family. The small children also make it impossible for the mother to earn a living for them and they have to be sent back. They have no home on the other side. Perhaps they have lost all communication with their friends, and yet we do not deem it our duty as American citizens to take care of them. One of the provisions of this bill creates a fund from which these people could be taken care of and the family educated. This may seem paternalistic, but when our alien population is banded together under the enrollment system, much as a fraternal order is organized for mutual help in just such contingencies, that stigma is removed and it takes on the essential elements of some of our leading fraternities.

The machinery for carrying on the work which I have outlined, as you have set forth in legislative form, is very simple. All that is necessary is that the alien enroll and pay a small fee, which goes into a fund to be disbursed for the purposes outlined. Not one penny of the fees collected is to go into the coffers of the National Treasury as a tax upon aliens for the purpose of government. It is merely a small charge for education and insurance. Upon enrolling the alien is given a card, and periodically upon this card is entered his record, which will show the progress he has made in his studies and the status of his eligibility for citizenship. Another advantage of the card lies in that it is authentic identification, should the alien ever be in a strange place and find it necessary to prove his identity.

I have before me a table showing the number of foreign born from the various countries of the world, and the percentage of those naturalized. The following table shows the 10 nationalities having the highest percentage of naturalized American citizens among their foreign born:

Country.	Percent naturalized.	Percent unnaturalized.
Wales	74.4	25.5
Germany	73.6	26.4
Luxemburg	73.4	26.6
Denmark	70.5	29.5
Sweden	70.0	30.0
Norway	68.2	31.8
Ireland	66.1	33.9
England	65.4	34.6
Scotland	62.9	37.1
Canada (other than French)	61.7	38.3

The following are five nationalities showing the lowest percentage of naturalization:

Country.	Percent naturalized.	Percent unnaturalized.
Mexico	5.5	94.5
Albania	7.3	92.7
Spain	10.7	89.3
Bulgaria	11.7	88.3
Greece	17.4	82.6

It will be noted that even of the aliens most responsive in taking out their citizenship papers, more than 25 per cent have failed to avail themselves of the privilege. There are many reasons for this, some of them easy to determine, others must be left to conjecture. One of the most important factors in deterring aliens from becoming citizens is their inability to produce qualified witnesses. Under the present law it is required that they produce two or more witnesses, citizens of the United States, who have known them personally for five years. This does not seem to be an unreasonable requirement nor one difficult to comply with. Certainly it is not unreasonable when we consider the value of American citizenship and the protection that should be given it, and yet I know that many men and women whom we would welcome as first-class citizens can not produce those witnesses, and many who do secure citizenship can only procure their witnesses at great expense. The enrollment feature of the new legislation does away with all this requirement of witnesses. There is no getting away from the card record which he carries with him and a copy of which is made a part of the permanent records of the Government. It gives mute testimony in vouching for his eligibility to become one of us who are running and operating this greatest of all Governments. But whatever the causes for nonnaturalization, we can determine them and take steps to remedy any defects in our law or processes.

Some objection has been raised on the ground that the enrollment provision would constitute a system of espionage similar to that which has been practiced by the militaristic governments of some of the countries of Europe. If I or, I believe, any one of the 537 Senators and Representatives thought for an moment that this would develop into an espionage system or savor of the autocratic, monarchistic regime of the broken European governments, the measure would never be considered for a moment, and I for one should use every vestige of power which I possess to defeat such a move if it were made. But this legislation is, I am sure, an honest effort on the part of the Government to cooperate with every private organization and individual in raising the standard of citizenship and making it easier to attain that standard and acquire the privilege. True, as an incident to the working of the law, those aliens of anarchistic blood and selfish motives for aggrandisement would be discovered. We would prevent the extortion of millions of dollars by people now engaged in making out and advising on citizenship matters for aliens unable to understand the process. The immigration law already provides that those aliens in America in violation of law and with motives of overthrow of our Government and institutions shall be deported. But the provisions of the new legislation are not to cry upon the alien in the United States on legitimate business. It is intended to aid him in his search for the better things in life, to give him an opportunity to understand us and give us an opportunity to understand him, so that we may live together with better understanding of each others traits and ambitions, and to make for all a better and safer place to reside.

The Government should not be overpaternalistic; that attitude would be repellant; but it should be helpful, and this is the purpose of the new legislation contemplated. Many have been the utterances of foreign-born citizens against the Government because they did not understand it, and because the Government apparently was willing to do nothing to help him in solving the many problems of life in a strange country. With the facilities offered, and the alien himself paying for them in a small fee, he gets closer to the Government, and its officers are able to help and assist in individual problems. This service and spirit of helpfulness will do more in cementing friendship between our people and Government, and creating respect for law and our other institutions, than any police or Federal regulations which could be devised.

I shall always remember that I was an immigrant, and all the people with whom I became acquainted and worked during my early years were immigrants, and that these immigrants were largely instrumental in developing the coal, steel, tin, and other industries of the country. I shall always keep them in mind. I believe what the immigrant wants in America is not so much sobbing and sighing about him and his condition, but a true, wholesome, and sympathetic understanding of him and his problems, and that he wants only an opportunity to help himself, and that with this opportunity he will develop not only his own interests but those of our Republic.

Cordially yours,

JAMES J. DAVIS.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the amendments of the Senate to House bill 10101, the District of Columbia appropriation bill, which the Secretary will read.

The reading clerk proceeded to read the action of the House.

Mr. SMOOT. Mr. President, this is a very important amendment, changing not only the Senate provision but also the House provision, and there is so much confusion in the Chamber that I could not hear it. I ask that the Clerk may read that amendment from the beginning.

Mr. HARRISON. Mr. President, before that is done——

Mr. SMOOT. Let us have it read.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. POINDEXTER. I would like to inquire if this measure is now before the Senate for consideration and action.

The VICE PRESIDENT. The Chair is just laying it before the Senate for action.

Mr. POINDEXTER. Of course, it is a privileged measure, but I apprehend that it would take considerable time to dispose of it if it involves a readjustment of the fiscal conditions in the District of Columbia.

Mr. SMOOT. That is why I wanted it read over, and at a time when we could hear the Clerk read it. It is an important matter, and I would like to hear what the conferees have agreed upon.

Mr. CURTIS. Mr. President, as I understand it, the conferees did not agree upon anything. This is an amendment agreed to by the House, and it comes to us not as a report from the conference committee but upon a motion to concur in

the amendment put on by the House. It changes existing law. It is of vast importance, and I think it is of so great importance that it ought to go to the committee. I hope the Senator in charge of the bill will not try to put the amendment through in this way. If it came here as a conference report, the amendment would be subject to a point of order. There is no question about that in my mind, because it changes a law which provides for an appropriation for one year to a provision for an appropriation for five years. It seems to me that this matter is so important that the committee ought to pass upon it, and I hope the Senator from Colorado [Mr. PHIPPS] will ask that it be referred to the committee.

Mr. JONES of Washington. I suggest to the Senator from Kansas that the provision put on in the Senate was just about as broad as it could be, and I question very seriously if this proposition, if it came here as a part of the conference report, would be subject to a point of order, because of the broad provision the Senate put on. But, as the Senator has said, it does not come here as a part of a conference report. It comes as an amendment by the House. However, it is no broader than the Senate provision, though a little more in detail.

Mr. NORRIS. Will the Senator from Kansas yield to me for a question?

Mr. CURTIS. I yield the floor.

Mr. NORRIS. Who has the floor, Mr. President?

Mr. HARRISON. I thought I had the floor.

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Mr. NORRIS. Will the Senator from Mississippi yield to me for just a moment?

Mr. HARRISON. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to say to the Senator from Mississippi that I have to leave the Chamber at 2 o'clock to attend a hearing before the Committee on Agriculture and Forestry. I presume this amendment will be voted on and that there will be a roll call, and therefore I want to take just a few minutes to explain what my vote would be and why.

I understand the conferees have yielded on the so-called Jones amendment. That amendment consisted of a bill which had been passed by the Senate. When that bill passed the Senate there was an amendment put on exempting improvements of real property to the amount of $2,000. I understand the Senate conferees have yielded on that proposition.

Mr. JONES of Washington. This does not come as an agreement. There was a disagreement upon amendment No. 1.

Mr. NORRIS. What has become of that amendment?

Mr. JONES of Washington. That amendment is still in disagreement unless we agree to the amendment proposed by the House. That is, the House concurred in the Senate amendment with an amendment.

Mr. NORRIS. And that amendment excludes the exemption?

Mr. JONES of Washington. That amendment does exclude the exemption.

Mr. NORRIS. Then I want to say just a few words, because I presume some time during the afternoon we will vote upon it and there will be a roll call and my vote will be misunderstood. I am going to vote against it. I am going to vote against any conference report which omits that exemption.

I have noticed recently in the papers a great fuss that is being made about this disagreement on something else, but in the argument that is being used by speakers and writers they are continually saying if this thing is put through the poor people are going to have to pay more taxes. These men who, with such large hearts, are looking after the poor, never discuss, except to condemn, the proposition that with the Senate amendment agreed to there would be an exemption for the poor man to the extent of $2,000, or a compromise of that amount, upon his home. That would, of course, necessarily increase the tax on other property.

I have noticed in the discussion which has taken place by members of the chambers of commerce and bankers and other men, almost universally very wealthy men, it has been in the name of the poor and for the purpose of saving the poor man from paying taxes; they want to do so-and-so for the poor man. They never discuss the proposition except for the purpose of condemnation, when the same amendment contained a provision which, if enacted into the law, would exempt from taxation $2,000 of the value of every poor man's homestead in the District of Columbia.

When the negotiations were going on and the House conferees were objecting to that proposition I had a conference with the Senator from Washington [Mr. JONES], one of the Senate conferees. He submitted to me a proposition and asked whether I thought it would be agreeable for them to compromise on that basis and say that this exemption should apply only to the homestead and should be cut down to $1,000. I frankly said that so far as I was concerned, while I would rather have it the other way, I would be perfectly willing to agree to a compromise of that kind.

I have talked personally with at least one member of the House conferees who expressed to me his idea that the House conferees ought to agree to the amendment, that he was in favor of it himself. I can not understand why this terrible fuss in the city of Washington is being made to save the poor man from the payment of some taxes while they are condemning the very amendment that will relieve the poor man from the payment of some of the taxes on his home. Of course, I know why they are doing it. I understand that; but that is not the pretense that is going on. Mass meetings are being held and articles are being written in all the papers telling how we propose to tax the poor, but they make no reference, except to condemn, to the very proposition which will relieve the poor from taxation. I am not to-day going to discuss the merits of the proposition. I discussed it fully when it was originally presented to the Senate. However, so far as my vote is concerned, I am going to vote against anything that does not recognize just that amendment.

Mr. POINDEXTER. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. POINDEXTER. I ask the Senator from Nebraska whether the result, so far as the exemption of $2,000 is concerned, which is aimed at by the people who are making the protest and to which he refers, is not the same that he desires? If the conference report is adopted, the measure he speaks of is defeated. The people to whom he refers as making the fuss, as he expresses it, in the papers and elsewhere, are opposing the conference report, and, consequently, whatever their motives may be, they take the same attitude and look toward the same result that the Senator from Nebraska is seeking.

Mr. NORRIS. I am not finding fault with the man who opposes the amendment and is in favor of the bill as originally offered. He has a perfect right to do that. But I do not want him to sail under false colors. A man can say that the poor people ought to pay more taxes than this bill calls for, but if he believes in that, let him say so. The facts are that both in and out of Congress capital is being made of the proposition that we are going to relieve the poor of some of their burdens. Here is an opportunity to do it.

We have recognized the principle of allowing certain exemptions on personal property. I understand the House conferees used that as an argument why it should not be done as to real property. In fact, it is an argument why it should be done. Everybody knows that the people with the small unit of property ninety times out of ninety-one pay a higher rate of taxation that the man with the big unit. The individual with his little home can not escape. The man with the mansion, while he is taxed more heavily, it is true, is not taxed, as a rule, as nearly on the basis of the actual cash value of his property as is the poor man.

Mr. PHIPPS. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. PHIPPS. Just at that point I desire to call the Senator's attention to the fact that during the consideration of the amendment the conferees had in mind the assessment of property at its full valuation so as to remove any inequality which it is claimed exists under the two-thirds basis in force at the present time, so that the large expensive buildings would be assessed on the basis of their full value and small property at a proportionate rate. There would probably be a reduction on the small house of the homesteader where a valuation of some five or six thousand dollars would be involved.

The conferees also had in mind the fact that an exemption of $1,000 on personal property in the District is comparable to three or four hundred dollars in other cities. It is believed that the report as made and embraced in the amendment now adopted by the House is equitable and does care for the conditions which the small homesteader has to meet. It will work a reduction in his taxation because it will mean a much lower rate than he has paid in the past.

Mr. NORRIS. If the Senator expects to help the poor man by having the full value instead of two-thirds value——

Mr. PHIPPS. We do, because on the full valuation basis the property of greater value will be raised more in proportion than will his.

Mr. NORRIS. I hope it will, but I do not see any assurance that it will. If we want to get at the two-thirds value of a piece of property, we first get the full value and then take two-thirds of it. If we do not take two-thirds of it, we have the full value. I do not see any difference, so far as the comparison between the rich man and the poor man is concerned, as between the old method and the new method.

Mr. PHIPPS. That is true in theory, but not in practice. In fact, it is believed that the assessors, knowing that they are not called upon to return full value, estimate the two-thirds value instead of going through the records and getting the real value.

Mr. NORRIS. If it works that way, I would be very glad if that were true. I do not see how it makes any particular difference myself.

But, Mr. President, the man who is escaping and the man who ought to be taxed is the speculator in real estate, whether in the District of Columbia or any other place. If we give a reasonable exemption from taxation on the improvements, especially the home, we add to the burden of the man who holds vacant property for the purpose of speculation. The effect of it is to increase his taxes, and everybody ought to be willing to do that, even the speculator himself, because he gets his profit out of the toil of the man who has his home and who has no exemption.

Mr. PHIPPS. Mr. President——

Mr. NORRIS. I said in the beginning that I have a committee meeting which is now waiting for me, and I hope the Senator will not interrupt me.

Mr. PHIPPS. I am going to move that the amendment be referred to the Committee on Appropriations.

Mr. NORRIS. Even if the Senator does that, while I am thus far I want to finish. The man with the home, the man who plants a rose, who builds a new step, who puts a new shingle on his house, who sows grass and waters it and cultivates it, who raises flowers, who plants fruit trees, is penalized every time he does anything of that kind, and it is for the benefit of the speculator who is holding property for speculation and who will get larger values for it when he is able to dispose of it. We penalize the man who makes the city beautiful, who makes it more habitable, who makes it more pleasant to live in, and who adds to its civilization and the happiness of its people, by increasing his taxation for every move that he makes. This exemption would give that man some incentive, some inducement to make his home and to build it up. It would give him an exemption that we can well afford to give, particularly when the effect of it will be to drive into use real estate that is now vacant, to drive the speculator to the place where he will have to sell his real estate or improve it.

Mr. PHIPPS. Mr. President, may I suggest, with the permission of the Senator from Mississippi, that I request that consideration of amendment No. 1 go over until we dispose of the others, regarding which I believe there will be no objection. Then I will follow with a motion that amendment No. 1 be referred to the Committee on Appropriations.

Mr. HARRISON. I am very glad to hear the Senator say that he intends to move to refer it to the Committee on Appropriations, but before that motion is presented I desire to make a point of order against the amendment, and I desire to argue that point of order. So I hope the Senator will not insist upon it at this time.

Mr. PHIPPS. As the Senator desires to argue it eventually, he may as well proceed now.

Mr. HARRISON. I have another matter which I think will prove more interesting to the Senator than that right now.

Mr. PHIPPS. Very well.

NAT GOLDSTEIN.

Mr. HARRISON. Mr. President, there was no candidate for the Republican nomination two years ago who was sailing more smoothly toward success, apparently, at the Republican convention——

Mr. PHIPPS. Mr. President——

Mr. HARRISON. Will the Senator wait a moment until I finish the sentence and then I think the Senator will be glad he heard me.

There was no candidate, as I said, sailing more smoothly toward success at the Republican convention than ex-Governor Lowden, of Illinois, and the thing that turned his chances and accomplished his defeat more than anything else was the corrupting of two delegates from the State of Missouri to the Republican convention.

Now I yield to the Senator from Colorado for a question.

Mr. PHIPPS. Mr. President, I ask unanimous consent that amendment No. 1 be referred to the Committee on Appropriations for action.

Mr. HARRISON. I object for the present.

The VICE PRESIDENT. There is objection.

Mr. HARRISON. I desire to read from some of the testimony which was produced at the hearing before the committee investigating corruption in the preconvention campaigns, so that the minds of Senators will be refreshed as to who these delegates were, the amount of money which was raised, and the sources from which the money came, and how it was spent. Before I proceed to read, however, I want to say that I am not taking up the time of the Senate uselessly, because, if the New York Times and the New York World and other papers are to be believed, there has come to the Senate in the nomination for collector of internal revenue at St. Louis, Mo., the name of one of the men who was "bought and paid for" at that time. So I am sure Senators want to know all about this individual from the testimony which was taken before the committee which investigated the matter at that time.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. HARRISON. Not for the present, Mr. President. There appeared before that committee Mr. Moore. His home is St. Louis. He is a deputy clerk under a man named Nat Goldstein, who is the clerk, Mr. Moore working under him as his deputy. These two men were political favorites in the Republican Party and were men of power, not only in their precincts and wards but in their city and in their State. Mr. Moore in appearing before the committee made a statement, from which I shall now quote:

> Who gave you that money?
>
> The Senator from Missouri [Mr. SPENCER] asked him that question. I am sorry the Senator from Missouri is not here. I sent word to him that I would speak on this matter this afternoon, but I think the Senator is out of the city on important business:
>
> Senator SPENCER. Who gave you that money?
> Mr. MOORE. The check was given to me by Mr. Babler.
>
> Mr. Babler was, I think, the national Republican committeeman from Missouri.
>
> Senator SPENCER. What was it to be used for?
> Mr. MOORE. The money was given to me; at that time Mr. Babler said, "Here is a check for $2,500 from Mr. Emmerson"—
>
> Mr. Emmerson was Mr. Lowden's handy man, who had plenty of money to spend at that time in order to get delegates from Missouri—
>
> I asked him what it was for. Mr. Babler said, "Well, you can use the money for the campaign; you can use it for the election of delegates—for whatever purpose you see fit." I had previously told Mr. Babler in Mr. Emmerson's presence that there was no occasion to use a dollar of money for the selection of delegates to any convention that I knew of.
>
> * * * * * * *
>
> Senator SPENCER. Then what was your next conversation in regard to the matter?
>
> Mr. MOORE. That was the only conversation in regard to it. The next I knew of any money, anything about any money, was when Mr. Babler phoned me to come to his office. I went to his office, and he said, "Here is a check for $2,500." I said, "Why, what is this for?" He said, "That is money that Mr. Emmerson sent to you." I told him at that time that I had told Mr. Emmerson that there would be no use for any money.

Mr. Moore, in answer to the question of the junior Senator from Missouri, says:

> Pardon me, I took it; I told Mr. Babler at the time that there was no use for money. This came as much as a surprise to me as to anyone. The money came at that time. Mr. Babler called me into his office, and he said, "Here is this $2,500." I said, "I do not want any $2,500, Jake." He said, "Go ahead. It is all right. Use it in the fall; use it when you want it." That is Mr. Babler's statement.

A little further on Mr. Moore says:

> I would have felt free to use it. It was given to me as custodian; I had charge of the money; and there was no accounting to be made. I was to spend the money as I saw fit. If I saw fit to use it to further Governor Lowden's interests, I was free to do so.
>
> Senator SPENCER. And you did not spend any of it?
> Mr. MOORE. No.
> The CHAIRMAN. Are you a delegate to the national convention?
> Mr. MOORE. I am.
> The CHAIRMAN. When were you elected a delegate?
> Mr. MOORE. February 16, 1920.
>
> * * * * * * *
>
> The CHAIRMAN. Did you talk with Mr. Babler about being a delegate?
> Mr. MOORE. Mr. Babler—I had discussed with him about being a delegate.

A little further along the following occurred:

> Senator REED. Have you told us all that you can think of that took place when you and Mr. Emmerson and Mr. Babler were present at this meeting?
> Mr. MOORE. Yes; with the exception that Mr. Goldstein was present at the time.
> Senator REED. When did he get there, after you came or before?
> Mr. MOORE. Mr. Goldstein, I think, got there after I came.
> Senator REED. Well, did you hear any talk—did Mr. Goldstein take any part in any of the conversation?
> Mr. MOORE. Only in a general way.
> Senator REED. Now, what was the general way that he took part?

Mr. MOORE. In so far that Mr. Babler explained to me that Mr. Emmerson was secretary of state, etc., and that he was managing Governor Lowden's campaign, and that Mr. Emmerson would take care of any expenses that we might be put to, etc.

Then Mr. Goldstein was asked by the chairman:

When did you first talk with Mr. Babler about the campaign; do you remember?

Mr. GOLDSTEIN. No; I just remember when there was any question about it. The first I recall is, as Mr. Moore has told you, when Mr. Babler called me up to his office.

* * * * * * *

The CHAIRMAN. What did you do with the money?

Mr. GOLDSTEIN. Deposited it in the Liberty Bank, where it still remains.

The CHAIRMAN. In a separate fund?

Mr. GOLDSTEIN. No, sir.

The CHAIRMAN. In your own checking account?

Mr. GOLDSTEIN. In my own checking account.

The CHAIRMAN. Do you consider it in the nature of a trust fund?

Mr. GOLDSTEIN. I did. I did not see any reason why it might not just as well be deposited there as some other place.

Senator SPENCER. Has that amount been intact ever since?

Mr. GOLDSTEIN. It has been intact ever since.

The CHAIRMAN. In your own private checking account?

Mr. GOLDSTEIN. Yes.

Senator REED. What you mean to tell us is that you placed $2,500 in the bank and that they credited your personal account?

Mr. GOLDSTEIN. Yes.

Senator REED. And you check on your personal account, which account was made up of this $2,500 and other moneys that you had put in there from time to time?

Mr. GOLDSTEIN. And checked out.

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The CHAIRMAN. When this matter was first presented to you by the reporter of the St. Louis Globe-Democrat, did you not deny receiving any money?

Mr. GOLDSTEIN. I did.

The CHAIRMAN. Why?

Mr. GOLDSTEIN. Just because I knew I had made a mistake. In the first place, I really thought—I knew that it was not intended for my district for Governor Lowden. It could not have been, because there was no excuse for spending a dollar in that district.

And I shall place in the RECORD certain parts of this testimony; but it seems that Goldstein admits taking the $2,500 while he was a delegate to the convention and was for Mr. Lowden. That he deposited the money in the bank and checked on the money just as he did all other funds in the bank; it was mixed with his own account; but he afterwards repented doing so, and said that he had made a mistake. Yet, Mr. President, if the newspapers are to be believed, that same Mr. Goldstein is now honored by the President of the United States with an appointment as collector of internal revenue in the State of Missouri, and that appointment is now here for the Senate to pass on and to say whether or not they will confirm him.

Mr. CARAWAY. Mr. President——

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does not Mr. Goldstein seem to be a pretty good collector?

Mr. HARRISON. He is a splendid collector—like Republicans generally.

Now, it may be asked, What did Moore get in the way of a position? He has not as yet received a position from the present administration, but Moore is Goldstein's deputy, and when Goldstein gets the place of collector of internal revenue naturally there will be an opening created for Mr. Moore and he will step one round higher. He will doubtless be made clerk, with an increased salary.

Mr. President, that is not all of the story. There have been other appointments made by the present administration in other States which perhaps are equally as bad; but I will confine myself in the brief remarks I intend to make to the State of Missouri. In other States, perhaps, the conditions are as bad, if not worse, but in Missouri at that time Lowden money was free, and I shall show before I conclude that Harding money also was plentiful. However, other individuals than Moore and Goldstein received money from the Lowden campaign. They were delegates, perhaps, at that time, or, at any rate, workers in the Republican ranks. Some of these men have also been rewarded.

Sirs, I know this will open your eyes; that you will bow your heads in shame because of the revelation. You did not know that such characters were being appointed to high and responsible positions by the powers that be.

E. L. Morse, who received $32,000 from the Lowden campaign fund at that time and was the paymaster for Missouri, has not yet received a position from this administration. He is a generous man; he has humanitarian instincts. He was kind enough to lend his beautiful home, since this administration came in, at Excelsior Springs, Mo.—I believe that is the name of the place—to the Veterans' Bureau for the hospital service, and the Government is now using it. That was a generous act upon his part. He did not do that because he received $32,000 and spent it in that campaign. He is a little different from others there who did get money, though, and tried to create Lowden sentiment.

Roy T. Davis, who received $500 of the Lowden money, has since been made minister to Costa Rica by this administration.

W. H. Allen was handed money from the same sources and in the same manner that Goldstein and Moore were given money. Allen did not get as much as Goldstein; he only received $400; but Allen to-day is State prohibition agent for the State of Missouri, appointed to that high place by the present administration. It looks as if the only way to get a good position in Missouri from the Republican Party is to have been corrupted by Republican emissaries before the Republican convention.

There is another man out there, W. L. Cole, who did not obtain as much money as Moore and Goldstein received, but he received it in the same way. Five hundred dollars was the amount which he received from the Lowden campaign managers, and at about the same time he got $1,250 from Daugherty, the present Attorney General, who went to Missouri to work for Harding. So he received $1,750 for his part. Those who were particularly interested, however, could never find out just how Cole stood before the convention. Naturally he was neutral between Harding and Lowden because he had received money from both of them.

Lowden's forces said they thought that Cole was with them, and Harding's forces thought that Cole was with them, but I believe finally they agreed that Cole was first for Lowden and as a second choice he was to be for Harding.

Mr. McKELLAR. Mr. President, which one paid him last?

Mr. HARRISON. Harding paid him last, and finally he voted for Harding. The amount was a little larger.

What has Cole received? Cole to-day is a special assistant to the Attorney General, living here in Washington and getting a big salary; so that is the way they do things among certain Republicans out in Missouri.

I want to read, just briefly, because it is interesting, something of the testimony about Mr. Cole. It is very interesting. Mr. Morse was testifying, and the Senator from New Jersey [Mr. EDGE] asked him this question. You will remember that the Senator from New Jersey was asking these questions. He was going deeper into the proposition. He said to Morse:

You started letting them down at the Congress Hotel in Chicago, did you?

Mr. MORSE. Yes, sir; $500 to Mr. Cole, chairman of the Republican State committee.

The CHAIRMAN. Do you know anything about his having received money from Senator Harding's managers?

It was the former Senator from Iowa, Mr. Kenyon, who asked that question, and Mr. Morse said:

I do not want to do Mr. Cole an injustice. We were in the midst of a campaign in the third congressional district for the election of a Congressman, and I gave this money to Mr. Cole, and he told me he was going to use it for the opening up of the headquarters there.

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The CHAIRMAN. Was he working for Governor Lowden?

Mr. MORSE. He was for Governor Lowden; yes.

A little further on:

The CHAIRMAN. Did you know anything about his receiving Harding money, as the testimony here discloses?

Mr. MORSE. Not until after the disclosures at the committee meeting.

Senator REED. Did you suppose at that time he was for Governor Lowden?

Mr. MORSE. Yes.

Senator REED. You have been very active for Mr. Lowden, have you not?

Mr. MORSE. Yes, sir.

Senator REED. And you have a reputation in our State for knowing what is going on in politics.

Mr. MORSE. He never gave any evidence of being otherwise than for Governor Lowden at all of our meetings.

The CHAIRMAN. Was it a surprise to you to know that he had received money from the Harding men?

Mr. MORSE. Yes; I was surprised. I understand that he explained it by saying that he was the second choice.

Senator REED. Well, he got twice as much money from the second choice. Did you ever hear that story about the colored man who was accused of not delivering his vote; and the Republican said to him, "I gave you $5 for your vote, and you did not vote for me." And the colored man said, "Yes, sir; but," he said, "the Democrat gave me $2.50 and I voted for him"; and the Republican asked him, "Why did you do that?" And he said, "Because you Republicans are the most corrupt."

The man that paid the most money was the second choice in this case?

Mr. MORSE. Well, I was not aware of that fact until after this disclosure.

The CHAIRMAN. Is Mr. Cole a delegate to the convention?

Mr. MORSE. He is one of the delegates at large.

Senator REED. What are Mr. Cole's initials?

Mr. MORSE. W. L. Cole.

Mr. President, that is the character of men that are holding high positions in the Federal service to-day at the instance of this administration. Those who received money to influence delegates in Missouri before the last Republican convention are

the ones who now have the high places in that State. Allen is the State prohibition agent, and he received $400. Cole received $500 from Lowden and $1,250 from Daugherty on behalf of Harding. He is now Special Assistant Attorney General of the United States. Roy T. Davis, minister to Costa Rica, appointed by this administration, received $500. Goldstein is the next on the list; and you will be called on to say by your votes whether you will indorse the President's action in sending to the Senate the name of a man who acknowledged taking $2,500, and said afterwards that he had made a mistake.

I serve notice on you now that if there is any way to discuss this nomination in the open it will be discussed in the open. If there is any way for the American people to know how Senators vote upon it, they will know.

It is a pity that men without stain or suspicion can not be found by the present Republican leadership to be appointed to these high places.

I shall not believe, even though your actions indicate the contrary, that good men, free from corruption, apostles of purity in politics, can not be found within the Republican Party to fill these places.

Mr. WATSON of Indiana. Mr. President, my friend from Mississippi [Mr. HARRISON] has already been discussing the nomination in the open, before the committee has reported. This matter is before the committee. The committee has made no report. I think it would have been more in keeping with the proprieties if the Senator had come to the committee and had made his objection to the committee having the subject under consideration.

I knew nothing whatever about this matter, and neither did the other members of the committee, until the nomination came to the committee. The Senator from Missouri [Mr. SPENCER] lives in the city of St. Louis, and on yesterday he made his statement respecting the standing and character of this man. Up to this time the committee has given the matter no consideration. Until the committee has acted and has reported favorably on the nomination, it occurs to me that it is not exactly proper to be discussing the subject on the floor of the Senate, though, of course, I do not desire to criticize my friend unduly; but if the committee shall report favorably, after consideration, and the matter comes here, I presume that, like every other nomination, it will be discussed in accordance with the rules of the Senate. If the committee, after full consideration, shall conclude to report the nomination favorably, my friend from Mississippi may be assured that the members of the committee will have no objection to discussing the matter in the open.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. I ask that the reading of the action of the House of Representatives on the District of Columbia appropriation bill may be concluded.

The reading clerk resumed and concluded the reading of the action of the House of Representatives, which is entire, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES, *May 2, 1922.*

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 114, 164, and 175 to the bill (H. R. 10101) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"That, annually, from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and, that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money; and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it; and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out; and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made; and that from and after June 30, 1922, any and all revenue derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States; and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per cent of the full value of the ground as a ground rent, and the remainder shall be divided between them in the same proportion that each contributed to said improvements, and for such purposes the assessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same; and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto; and that if, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expense chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do; and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as "Miscellaneous receipts," but the revenues from the property known as Center Market shall not be so collected; and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia.

"That all acts or parts of acts in conflict with any provision of this act are hereby repealed to the extent of such conflict but no further.

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1923, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely:"

That the House recede from its disagreement to the amendment of the Senate numbered 78, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment, insert "$25,000."

That the House recede from its disagreement to the amendment of the Senate numbered 79, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment insert: "$134,220."

That the House recede from its disagreement to the amendment of the Senate numbered 86, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment insert "$75,000."

That the House recede from its disagreement to the amendment of the Senate numbered 101, and concur therein with an amendment as follows: After the sum "$2,400" in said amendment insert: "*Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playgrounds department."

That the House recede from its disagreement to the amendment of the Senate numbered 115, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of $500,000, which is hereby authorized, $100,000, and the commissioners are authorized to enter into a contract for said addition at a cost not to exceed $500,000."

That the House recede from its disagreement to the amendment of the Senate numbered 116, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The Commissioners of the District of Columbia are hereby authorized and directed to have plans prepared by the municipal architect for an addition to the Western High School, which plans shall include repairs and alterations to the present building, with a view to providing not less than 24 additional classrooms."

That the House recede from its disagreement to the amendment of the Senate numbered 142, and concur therein with an amendment as follows: Strike out the matter inserted by said amendment, and on page 65 of the bill strike out lines 1 to 5, inclusive.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The Commissioners of the District of Columbia are authorized and directed to use a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia on land owned by the District of Columbia and now allotted to the Home for the Aged and Infirm, and to erect thereon suitable buildings at a total cost not exceeding $250,000, and toward said purpose there is hereby appropriated the sum of $100,000, to be immediately available. The persons to be admissible thereto and the proceedings with reference to securing such admission to be in accordance with law."

That the House recede from its disagreement to the amendment of the Senate numbered 163, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment insert: "$2,500."

That the House recede from its disagreement to the amendment of the Senate numbered 187, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"For increasing the water supply of the District of Columbia in accordance with Project 3, submitted in Senate Document No. 403, Sixty-sixth Congress, third session, the estimated cost of which has been revised and placed at $5,738,000, there is hereby authorized an appropriation, including those heretofore made, to be expended under the direction of the Secretary of War, of not to exceed the sum of $5,738,000, which shall include the cost of all land, rights of way, easements, materials, engineering, labor, equipment, service, and all things necessary to complete said project and its full and complete connection with the present water plant of said District and its distribution system, and of said sum there is hereby appropriated for said purpose the sum of $2,500,000, to be immediately available and to be expended in such a manner as will at the earliest possible date provide for the completion of said project. The Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of $1,400,000 in addition to the amount herein appropriated. The Secretary of War is hereby authorized to acquire all necessary land, easements, and rights of way necessary to the construction of said project by purchase or condemnation: *Provided*, That no bid in excess of the estimated cost for that portion of the work or plant covered by the bid shall be accepted, nor shall any contract for any portion of the work, material, or equipment to constitute a part of the plant for which this appropriation is available be valid unless the Chief of Engineers of the United States Army shall have certified thereon that all its terms are within the requirements of this authorization and the revised estimates: *Provided further*, That the Secretary of War shall submit to Congress on the first day of the next regular session a supplemental report on said water system and increase of water supply showing, among other things, new or proposed construction within said District, connections with the present system of distribution, and revised estimates of cost."

That the House insist upon its disagreement to the amendment of the Senate numbered 186.

Mr. PHIPPS. I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 78, 79, 98, 101, 115, 116, 142, 155, 163, and 187.

Mr. HARRISON. Will not the Senator explain what those amendments are?

Mr. PHIPPS. The Secretary has read the amendments. These are the Senate amendments that the House has accepted with amendments. They have just been recited. I will run over them again briefly.

On the question of playgrounds, where the Senate had authorized $50,000, the House agreed to make it $25,000.

On the question of night schools, the amount remains the same as originally proposed, $75,000.

Mr. HARRISON. May I ask about the $75,000 item? The House originally appropriated $75,000?

Mr. PHIPPS. Yes; it appropriated $75,000. The Senate raised it to $80,000.

Mr. HARRISON. Then the House finally receded from their action?

Mr. PHIPPS. No; the House receded from an amendment to the amendment of the Senate which would have restricted the subjects to be taught to those taught in ordinary school grades and the first two years of high school. This action of the House eliminates that proviso.

The next item is one providing for the purchase of land for the Dunbar High School, which the House has agreed should be acquired.

The next is that relating to the Armstrong Manual Training School. In these cases the House amendments simply modified what the Senate had proposed and what the Senate had voted for.

The sinking fund interest item is the next one which, it was found on investigation, it was unnecessary to provide for this year. Therefore this action will eliminate the item of $400,000 from this year's appropriation bill.

The other items are small, the National Library for the Blind and the Polytechnic for the Blind. The Senate inserted appropriations in the bill. The House agreed to allow a little more than half the amounts suggested by the Senate.

The other item, that relating to the increased water supply, is practically in accord with the Senate amendment, the only difference being the language in connection with the operation of the project for developing an increased supply of water. That covers the list, I believe, and I am now moving that the Senate agree to these items in the form as modified by the House.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

Mr. PHIPPS. That leaves item 186, which is the matter of acquiring the three pieces of property for park uses, which the Senate put into the bill in accordance with the vote of the Senate, authorizing the park commission to take jurisdiction over that property. The House has refused to make any appropriation for those items. Therefore, my motion is that the Senate recede from its amendment numbered 186.

The motion was agreed to.

Mr. PHIPPS. That would leave undisposed of only one item, which is the fiscal item, amendment numbered 1, and on that I want to say a word.

A very misleading impression has gone out among the citizens of the District as to the effect of this proposed amendment. As a matter of fact, it accepts the House basis of the 60-40 division of expenditures, and makes it permanent until changed by legislation.

To go back, under the basic law of 1878, and until 1900, the taxes on property were collected in two installments of 50 per cent each, November 1 and May 1. The act of June 6, 1900, provided that thereafter the taxpayer would not become delinquent until the end of May, which had the result of throwing all collections into the month of May, instead of the payments being made in semiannual installments, as had been the custom, and evidently realizing what that would mean in the fiscal affairs of the District, Congress then authorized the Secretary of the Treasury to make advances from time to time to cover the District's requirements, and reimburse the Treasury out of the tax collections as received by the District.

The result has been that until the District began to accumulate some surplus, in 1916, the Secretary of the Treasury was advancing large amounts of the funds wanted to meet the appropriations, but as late as the year 1921 the amounts advanced were not excessive. Taking the entire year 1921, the advancements amounted to $7,202,000, in round figures, all made before the end of April, after which time the District taxes were coming in, and the Government was repaid. As a matter of fact, $101,000 additional was turned over to the Treasury of the United States and put into the surplus, to which the District claims credit. For the 10 months of the current year, the advances have been larger and amount to about $8,622,000.

If the District, as it claims, has a surplus to its credit of some $5,000,000, which we expect to determine through the means of a bill which has now been reported out by the Committee on the District of Columbia, with that $5,000,000, plus the amount which comes in currently by way of miscellaneous receipts, amounting to $3,000,000 per year, it would only be necessary to go back to the former basis of collecting the taxation in two installments, on November 1 and May 1, in order to enable the District to meet its 60 per cent of the expenditures for the government of the District, as nearly as we can estimate it; or, at the worst, it would mean but a very small additional amount, which would have to be accumulated during the next five years, until the District would be on a cash paying basis.

Mr. BALL. Why would it not be better to find first whether there is to be a surplus, before we make this new provision?

Mr. PHIPPS. Mr. President, the question whether or not a surplus exists has been a matter of discussion and dispute, and it should be determined. To that end, the bill to which I refer has been introduced, and I understand the Committee on the District of Columbia, of which the Senator from Delaware is chairman, has reported favorably upon that measure. I therefore hope that it will come up very promptly for action.

Mr. BALL. I hope the matter will be acted upon immediately by a report from the Committee on Contingent Expenses of the Senate, which provides that the payment of the commission shall be in part from the contingent fund of the Senate and in part from that of the House. But the question is: Why should we make this provision by law? Why not continue the present practice, and let these advancements be made another year, until it is decided whether there is or is not a surplus?

Mr. PHIPPS. This leaves it entirely within the power of the Commissioners of the District to determine what amount it will be necessary to raise by taxation to meet the current needs of the District and supply a surplus, if one is required. It is not obligatory on them to raise any definite amount.

Mr. SMOOT. As I understand it, the bill is not going back to conference at this time.

Mr. PHIPPS. I was just about to say that the only item now unsettled, amendment No. 1, should be referred to the Committee on Appropriations. I move that amendment No. 1 be referred to the Committee on Appropriations.

Mr. HARRISON. Do I understand the Senator to say that the amendment which was adopted by the House was agreed to by the Senate conferees and the House conferees with the thought that it was the best compromise that could be effected?

Mr. PHIPPS. The Senate conferees so expressed themselves before the amendment was taken by the House conferees to the House. That is correct.

Mr. HARRISON. And it was worked out as a compromise matter between the House and the Senate conferees?

Mr. PHIPPS. That is correct.

Mr. HARRISON. Then why was it not included in the conference report and brought here in a formal way, according to the customs and rules of the House and the Senate, for adoption as a conference report?

Mr. PHIPPS. That is the difficulty and that is what we are up against in all cases where we have to meet the rules of the House. The conferees on the part of the House are not permitted to agree to the adoption of certain amendments. They can only agree that they will report them back to the House for action, so that as the conference report was laid before the Senate the Senator will find that amendment numbered 1, as well as many others—those on which we have just had action to-day—while tacitly agreed upon by the conferees, were still in dispute as between the two Houses, and, so far as the conferees were concerned, between the conferees themselves.

Mr. HARRISON. In other words, if the amendment as agreed to by the Senate conferees and the House conferees had been reported in a report to the House, a point of order could have been made and it would have been sustained. Is that the idea of the Senator?

Mr. PHIPPS. I would hesitate to answer that question, because that involves a construction of the House rules.

Mr. HARRISON. I understood the Senator to say that the reason why it was brought here in that way is because the House has a rule that any change in a bill must be brought into the House first and be voted on separately, and it was to evade that rule that this procedure was adopted.

Mr. JONES of Washington. Mr. President, I want simply to say that the House conferees insisted that under their rules they would have to take the matter back to the House. I am not passing upon whether it would have been subject to a point of order or not. That is what the House Members contended—that they would have to take it back to the House. They said they would have to take back to the House all the amendments we had agreed to, because under their rules that was required of them.

Mr. HARRISON. And if that course had not been followed and the amendment had gone in a report to the House, a point of order could have been sustained and probably would have been sustained.

Mr. JONES of Washington. I doubt that very much, but I do not know. I am not passing on that proposition.

Mr. LENROOT. Mr. President, may I say that I think it would have been subject to a point of order in the House only because of the new rule of the House that any legislation incorporated in an appropriation bill by the Senate is not subject to action by the conferees unless first acted upon by the House.

Mr. HARRISON. I understand. The rule was adopted about two years ago. It would be subject to a point of order if it had been brought in in a report, and this procedure was followed to evade that rule.

Mr. SMOOT. Mr. President, it simply means that as to any amendment placed on an appropriation bill the conferees of the House can not act without first taking it back and having a vote of the House upon that particular item. In other words, every Member of the House is a member of the conference on any amendment put on by the Senate.

Mr. HARRISON. I understand, and I think we all agree on the proposition.

Mr. LODGE. I do not think taking it back to the House means that it then may go out on a point of order. It means that they have to take a vote upon it, because it would be out of order if it originated in the House; but a point of order does not lie in the House against a Senate amendment.

Mr. HARRISON. I understand; but the Senator knows, because he had long experience in the House, that if a conference report comes in and contains new matter which is not germane to the House provision or to the Senate amendment, but goes out into a field that is new legislation——

Mr. LODGE. That is the old rule.

Mr. HARRISON. It exceeds the power of the conferees and a point of order operates against it.

Mr. LODGE. Then, after action by the House it goes back to conference. That is not the proceeding here; that is entirely different.

Mr. HARRISON. I understand it is; but they were trying to evade the situation with which they were confronted.

Mr. LODGE. As I understand it from the conferences in which I have taken part, they reserve it for a vote in the House. It is not subject to a point of order in the House, but has to be voted on before they can agree to it.

Mr. PHIPPS. Mr. President, I desire to call attention to the fact that on May 3, the point of order having been made against this very amendment on the preceding day, the Speaker of the House ruled that the matter was germane and the point of order did not lie, that it was proper matter on which the House should have a vote. Thereupon the House voted and agreed to the amendment.

Mr. HARRISON. Yes; he ruled that way after two days' discussion, and in his decision he said it was a very close proposition and had given him a great deal of concern and some worry.

Mr. LENROOT. I would like to suggest to the Senator that the point of order, if it would lie at all, did lie just exactly in the same way when offered as an amendment on the floor as if it had been incorporated in the conference report. They were not evading anything, so far as general parliamentary law was concerned. If the House had originated that amendment it could then have gone back to the conferees, and the conferees would have had full jurisdiction over it.

Mr. HARRISON. I think the Senator is right about the latter proposition, but not the first. I think there is a great deal of difference between the proposition of an amendment being offered on the floor of the House and an amendment coming in as a part of a conference report. I think the Speaker in his decision said so. I know it was argued that way to him.

Mr. LENROOT. The Speaker ruled just the opposite, as the Senator will see if he will examine the record. The Speaker held that the question was identically the same, whether it had been incorporated in the conference report or offered on the floor, so far as being germane was concerned.

Mr. HARRISON. Mr. President, I now make the point of order, in view of what the Senator from Colorado has said, that this is an evasion of the custom of the Senate and the rules of the Senate. The conferees have acted without authority. They have exceeded their jurisdiction. They come in here with an amendment in the form in which this amendment is presented, because they knew, or they should have known, that if they brought it in as a part of the report it would be subject to a point of order because, as I shall try to demonstrate, they have gone far beyond either the Senate amendment or the House amendment in this compromise amendment.

The Senator from Colorado said that he and his colleagues, conferees upon the part of the Senate, helped the House conferees to draft this compromise amendment. It is the outgrowth of the conference. It was born in the conference. So far as the spirit of the case is concerned, this is a conference report.

Mr. President, the Presiding Officer's ruling on this proposition will have great weight and be far-reaching, because a precedent will be established which will be cited in the future. If the Chair should hold against my point of order and the Senate should afterwards follow that ruling, then conferees can go and deal with almost any question and tack it onto a House or Senate amendment. In other words, if the House or the Senate should amend either amendment by placing a provision, for instance, touching the tariff question just in the slightest degree on one article, the other House would have jurisdiction to take up the whole tariff question and write a new tariff bill. If an amendment upon the part of the Senate was added to the House amendment dealing with the Federal reserve system in the slightest, as was suggested by one of my friends, Mr. WILSON, in the House debate yesterday, the conferees could go into conference and repeal the whole Federal reserve system. In other words, it is proposed to place in the hands of three Members representing the Senate and three representing the House the power to write into a bill matters that are not germane to the subject matter and which may be involved and complicated and deserving of full and careful consideration. We will have established a precedent that will constantly rise to haunt us in the future.

Mr. PHIPPS. Mr. President——

Mr. HARRISON. I yield to the Senator from Colorado.

Mr. PHIPPS. I only desire to call attention to the fact that the two important features of amendment No. 1 are the establishment of the 60-40 plan on a permanent basis; that is, until

otherwise changed by legislation. The 60-40 plan was written in the House bill. The permanency feature was written by the Senate in its amendment. The items of detail that have been added to the amendment are of no great importance, but are only those necessary to make the 60-40 plan workable as a permanent law.

Mr. HARRISON. The policy of the Senate, as well as the policy of the House, as expressed recently in changes of rules in the two bodies, has been to take away from the conferees more and more power and to compel them to confine their consideration to the amendments which might come either from the House or the Senate. The Senator from Wisconsin [Mr. LENROOT] cited the late rule passed by the House that before the conferees could agree to new matter or new legislation in a conference report it must first be submitted to and acted upon by the House. In this instance it was sent to the House and acted upon, carrying out the specific instruction according to the rules of the House.

Now, it is different in the Senate. Here was a rule which was adopted in 1918, known as the Curtis rule. The sole intent of that rule was to compel the conferees to consider questions in difference between the House and Senate without bringing in new legislation or unrelated matter. If the Chair will look at the CONGRESSIONAL RECORD giving the debates at the time of the adoption of that rule he will see the purpose of it. Let me read just a brief part of it to show what the desire of the Senate was at that time and the policy that has been pursued since. Mr. Gallinger brought in the rule. That rule is the present rule of the Senate, and the second section of it reads as follows:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

I ask that that discussion, which comprises about a page of the CONGRESSIONAL RECORD, be printed at the close of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARRISON. Without question, if this amendment had been brought here in a report by the conferees it would have been subject to a point of order. There would have been no question about that, I take it. The Senator from Colorado has admitted that the amendment is born out of the minds of the Senate and House conferees; that they entered into it as a compromise. So, if we are going to carry out the spirit of the Senate rule, the same rule should be applied against an amendment which has been adopted by the House, that deals with enlarged matters and matter that is not germane to the question in conference. The Senator from Utah [Mr. SMOOT] shakes his head.

Mr. SMOOT. If the Senator from Utah understood the statement made by the Senator from Mississippi, the Senator from Utah can not agree with the statement in this particular case, because he does not believe it applies. In other words, as I understand the situation it is this: The conferees have made to the Senate not a full report but a partial report, all of the amendments having been agreed to by the Senate with the single exception of the one which is under discussion. The conferees can not now go further. The conferees on the part of the Senate have got to be appointed again before they may act on behalf of the Senate. There is only one of two things to be done. The Senate may appoint its conferees to confer again with the conferees on the part of the House, and agree, if possible, to eliminate or amend the provision so as to bring it within the rules of the House and the Senate, or it may be referred to the committee. Those are the only two things the Senate may now do.

This, I repeat, is only a partial report, and there is only one amendment still in disagreement. There will be no conferees on the part of the Senate to act until the Presiding Officer shall again appoint such conferees.

Mr. HARRISON. I ask the Senator, does he not think that this amendment would have been subject to a point of order under the rules of the Senate if it had come in on a conference report?

Mr. SMOOT. If the report had been a complete report, and if the conferees had asked that the amendment be agreed to by the Senate, I have not any doubt that it would have been subject to a point of order. That, however, is not the case.

Mr. HARRISON. I know it is not the case, and the conferees are trying to avoid that situation by preparing a compromise amendment and putting it in another way. In other words, accomplish their purpose in an evasive way.

Mr. SMOOT. No; I do not think it is an evasion, because the whole question is presented here by the conference committee to the Senate, and it is for the Senate to act. There was only one of two things which the Senate could do, and one of them has been eliminated by the conferees saying that they could not agree to a certain amendment. The only other thing to do, if the Senate is to take action on the matter, is to refer it to the committee. It may lie on the table here forever, if the Senate does not want to act upon it, but if there is to be any further action taken upon the appropriation bill the only way it can be done is to ask that the amendment be referred to the committee.

Mr. HARRISON. Mr. President, the amendment as originally adopted by the other House dealt with this matter as on a 60-40 basis. The Senate, however, adopted a different method and provided the rate of taxation should be $1.75 per $100. Both in the House and in the Senate the provision was confined to real estate and tangible personal property. I suppose there is no difference of opinion about the proposition that the provision originally adopted by the House on the 60-40 basis dealt solely with real estate and tangible personal property, and that the Senate amendment did the same thing; and yet in conference the committee not only deal with the question of tangible personal property but with real estate and with intangible property also, as well as with a great many other questions. Both the House provision and the Senate amendment were designed to raise enough revenue to provide the current expenses of running the District of Columbia; but the conferees go beyond that and provide that the $15,000,000 indebtedness which the District owes shall be wiped out, and that such a rate of taxation shall be levied every year that within five years' time the District of Columbia shall be operating on a cash-paying basis.

Mr. PHIPPS. Mr. President, do I understand the Senator from Mississippi to have made a statement regarding some supposed $15,000,000 that the District of Columbia owes the Government?

Mr. HARRISON. No; I said nothing like that.

Mr. PHIPPS. Then I apologize to the Senator. I did not understand him.

Mr. HARRISON. I said that the House did not deal with the proposition in the original bill, nor did the Senate, but the conferees now, through their amendment, propose to give the right to levy such taxes as will wipe out the indebtedness of the District of Columbia and put the District upon a cash-paying basis by the end of 1927.

Mr. PHIPPS. There is no reference to any indebtedness. There is merely a reference to necessary working capital. As has been stated here—I think I stated it myself very distinctly a few moments ago—the District authorities claim that the Federal Government owes the District $5,000,000. Members of the other House, and, perhaps, some Members of the Senate, claim that the Federal Government owes the District of Columbia nothing. I have stated that a separate bill has been introduced and has been reported out by a committee to determine what the fact is.

Mr. HARRISON. But nothing is said about that in the amendment.

Mr. PHIPPS. Then, why does the Senator from Mississippi bring that in here if it is not in this amendment?

Mr. HARRISON. I will read a portion of the proposed amendment to the Senator. Perhaps he did not draft this part of it and he probably has forgotten it. It provides:

> And that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927.

Mr. PHIPPS. It is all left to the commissioners of the District.

Mr. HARRISON. Under that provision the additional tax will amount to about $3,000,000 per annum.

Mr. PHIPPS. Who said that? The newspapers? There is no basis for that statement.

Mr. HARRISON. The District commissioners say that, do they not? And the general impression is that those figures are correct. Of course, when such an important question is treated

in such a way as has been done, naturally the correct estimate is hard to make as well as difficult to obtain.

Mr. PHIPPS. Oh, no; they have never said that. If the Senator is going to take newspaper reports, and read them on the floor of the Senate, instead of getting information from an authoritative source, he is likely to fall into error.

Mr. HARRISON. I have not alone been reading from newspaper reports.

Mr. PHIPPS. The statements that $3,000,000 of taxation will be added each year, as I have already stated, is absolutely incorrect. On May 1 the District had received from the Federal Treasury $8,000,000 by way of advancement on this year's expenditures. During the present month the District taxes come in, and before the end of May, perhaps, certainly before the end of the first week in June, the District will have repaid every dollar of that advance to the Federal Treasury. That does not take into consideration at all the balance to its credit on July 1, 1921, of some $5,000,000, which figure has been agreed upon as between the auditor for the District and the Treasurer of the United States.

Mr. HARRISON. Under the plan proposed by the Senate, leaving out of consideration the House amendment, when does the Senator think the District would get on a cash-paying basis?

Mr. PHIPPS. That would depend upon the determination of the amount standing to the credit of the District in the Federal Treasury. If, as claimed by the District officials, $5,000,000 at least will be standing to the credit of the District on July 1, 1922, based on the best information I can obtain from the District records, it would not take three years; it would not take two years, and it would not mean more than two or three million dollars at the outside to enable the District to carry currently its fair share, or 60 per cent of the expenses of the District. That statement is based, of course, upon the assumption that there shall be a return to the plan which was in force before the law of June 6, 1900, was passed, which eliminated the collection of taxes for the first half of the year under penalty on November 1. If there shall be a return to the plan of dividing the payment of taxes so that 50 per cent shall be paid on November 1 and 50 per cent on May 1, subject to penalty a month later, the District will get its tax money in season to enable it to meet its obligations or its share of the 60 per cent of the expenses.

Mr. HARRISON. I will ask the Senator not to take into consideration the $5,000,000 which is in dispute between the Federal Government and the District of Columbia, because that has been a matter in controversy for a long time, and the Government has not turned it over to the District.

Mr. PHIPPS. On that basis, my view is that an increase of a million and a quarter dollars a year would be ample to put the District on a cash-paying basis.

Mr. HARRISON. That is, under the plan adopted by the Senate in its amendment in five years the District will be on a cash-paying basis?

Mr. PHIPPS. Provided we should return to the plan in force prior to June 6, 1900, which allowed the District to collect the first half of its taxes in the month of November.

Mr. HARRISON. Was that provided for in the Senate amendment?

Mr. PHIPPS. It was not, for the very reason that the Senator is now objecting to this amendment. The conferees did not feel that they should load it down with legislation to any greater extent than necessary in order to provide a workable plan, taking as the basis the Senate contention for a permanent plan and the House contention for the 60-40 basis of providing the money to meet the expenses of the District. The other provision is only put in as being necessary to make the plan workable and to enable the District to meet its 60 per cent of the obligations incurred.

Mr. HARRISON. The Senator says that the committee did not deal with this plan when the bill was before the Senate for the very reason that it was feared it might constitute legislation, and would therefore be subject to a point of order.

Mr. PHIPPS. I do not think the Senator should put words in my mouth.

Mr. HARRISON. Or that some question might be raised against it.

Mr. PHIPPS. The record will speak for itself. I do not think the Senator has quoted me accurately. My statement was that the House conferees, under the rules of the House, could not accept certain amendments, but had to carry them back to the House for a vote.

The VICE PRESIDENT. The Chair does not understand that the Senator from Mississippi has raised a point of order. The question before the Senate is the motion to refer the amendment of the House of Representatives to the Committee on Appropriations. Does the Senator raise any point of order against that amendment?

Mr. HARRISON. Mr. President, I was going to make a point of order, but I care nothing about the proposition except that it establishes a precedent here which must be followed in the future. I may say to the Senator from Colorado that it may be that I will vote for this plan at some time, but there is a peculiar situation. The Committee on the District of Columbia gave consideration to a plan to raise taxes in the District, which plan the Senate adopted. The District Committee of the House had adopted another plan, and the House had agreed to it. The House has never adopted the Senate plan, nor has the Senate adopted the House plan, and the plan now proposed is one which has not been adopted by either the House or the Senate, but it is absolutely a new proposition that was evolved in the minds——

Mr. PHIPPS. It has now been adopted by the House.

Mr. HARRISON. That was evolved in the minds of six gentlemen—splendid men, able legislators—but certainly the committee should consider this proposition at some time. The Senator is quarreling with me because I say that the conferees should not exceed their authority, and present a provision for an entirely new fiscal policy for the District of Columbia which is different from the policy adopted both by the House and by the Senate. Oh, the Senator says the House has adopted it. They only adopted it yesterday, and apparently every one, with one or two exceptions, apologized for the haste and lack of deliberation in which it was then being done.

Mr. PHIPPS. The question whether the point of order will lie or not may be determined by the Chair. I do not care to discuss the matter at length. The conferees certainly devoted their best effort to securing a workable plan as between the District of Columbia and the Federal Government.

Mr. HARRISON. I have no doubt of that.

Mr. PHIPPS. Having in view the idea of not departing from the wishes of the House and the Senate as expressed in the provision of the House bill and in the amendment of the Senate, if the Senator thinks differently, I do not know what line of action he would have taken had he been named as one of the conferees on the part of the Senate and been compelled to sit day after day in the discussion of the question involved.

Mr. HARRISON. Does the Senator want to know what I would have done?

Mr. PHIPPS. I do not know whether he would have so strictly hewn to the line for fear that he might depart from a provision of the Senate rules and perhaps unthinkingly violate a rule of the Senate by considering something which was not germane to the original proposition.

Mr. HARRISON. If the Senator asks me what I would have done, I will tell him I would have followed the instructions of the Senate.

Mr. PHIPPS. That is what the conferees believe they have done.

Mr. HARRISON. That is what the conferees have not done. I would have stood for the Senate amendment and I would not have exceeded my authority and gone out and increased the taxes of the people of the District, eliminated items which had been agreed to both by the House and the Senate in some instances, and placed in the bill other provisions which had never been considered by the House or by the Senate. I would have taken it for granted that the legislative committee should consider such questions.

They should arrive at a conclusion and then their plan should be fought out; and no three men, simply because they are conferees, should usurp the authority to write a whole fiscal system or fiscal policy for the District of Columbia.

Mr. PHIPPS. I call the Senator's attention to the fact that the motion before the Senate is that this matter be referred back to the committee. I do not see why the Senator should insist that the conferees are trying to "put something over" on the Senate, so to speak. That has not been attempted at any time.

Mr. HARRISON. They are not now, because they have been checked in it.

Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. JONES of Washington. Mr. President——

Mr. HARRISON. I yield to the Senator from Washington.

Mr. JONES of Washington. I just want to say to the Senator that I am not going to argue the matter now, but, as one of the conferees, I am satisfied that even in this informal agreement—of course, technically, it is not before the Senate as an agreement—in the informal agreement I am satisfied that the conferees have not gone outside of the amendments that were put on in the Senate and in the House. The Senator

may not agree with me, but when the time comes I think I can give very substantial reasons for my position that the conferees have not exceeded their authority.

Upon the proposition of the action that was taken, however, I think I have said on the floor of the Senate heretofore that I do not like the situation that confronts the House or the Senate upon conferences in connection with appropriation bills.

We do not have a full and free conference under the system as it is working now. We can not have it. We get into conference, and the House conferees can not agree or disagree to amendments that the Senate puts on properly under its rules, but they have to say to the Senate conferees: "We are in favor of this, but we have to take it back to the House," and we have to report a disagreement.

I do not know how long that is going to continue. I am just as much opposed to it, I think, as the Senator is, and I have been willing myself to try to settle the controversy in some way; but on account of the state of the public business we have been going along with these conferences on appropriation bills and bringing in, just as we have done on this bill, disagreements, and then, after the conference report is accepted, reporting to the Senate what the conferees have actually agreed upon and asking the Senate to agree to it.

That, however, is the situation that confronts us. All I rose to say was simply that as one of the conferees I do not believe that the plan proposed transcends the authority of the Senate conferees if the House conferees had authority to agree to it; but I am not going to argue the matter.

Mr. HARRISON. Mr. President, if estimates are correct, this amendment will increase the taxes in the District of Columbia about $4,000,000 per annum. It increases the rate on intangible property by two-tenths of 1 per cent. Neither the House nor the Senate dealt with the question of intangible property at all.

Mr. JONES of Washington. Oh, yes, Mr. President; the Senate did deal with it.

Mr. HARRISON. How did the Senate deal with it?

Mr. JONES of Washington. The Senate declared that the tax on intangible property should be as it is now.

Mr. HARRISON. Absolutely; and the House did not say anything at all about it, and consequently it was the same as it is now, and the Senate did not change it at all.

Mr. JONES of Washington. No; but the House disagreed to our proposition, and we dealt with it. So far as that is concerned, however, the proposition has passed the House now.

Mr. HARRISON. The Senator will admit that the House did not change the tax on intangible property. The House did not change it at all, did it? They left it as it is under present law?

Mr. JONES of Washington. They did not change the tax on anything.

Mr. HARRISON. That is right. The Senate did not change the tax on intangible property, did it?

Mr. JONES of Washington. No.

Mr. HARRISON. Neither one of them—the House or Senate—changed the tax on intangible property.

Mr. JONES of Washington. But the Senate declared that the taxes of all kinds in the District of Columbia should be fair and reasonable, and that is pretty broad.

Mr. HARRISON. Oh, well! This amendment also changed the manner of collecting rents at the Center Market. Neither the House nor the Senate dealt with that proposition at all. It was not mentioned. This amendment seeks to set up in the District a ground rent for Federal property. Neither the House amendment nor the Senate amendment dealt with that proposition at all. This amendment seeks to change the basis of assessment from not less than two-thirds the value of the property to the market value—a question that did not enter into the House amendment or the Senate amendment. In instance after instance the conferees have gone beyond the amendment that was adopted in the House and the amendment that was adopted in the Senate; but my parliamentary inquiry, Mr. President, is this, because I am glad the proposition is going to the committee. I hope it will be considered fully, and I am sure it will be considered fairly.

This may be all right. I have voted every time, as a Member of the House and as a Member of the Senate, for the 60-40 plan. I have ever believed that the District should bear its just part of the burden of running the Government. I would not favor the District one whit over other localities, of course taking into consideration the fact that the Federal Government should bear its part of running the District; but, Mr. President, I want to be fair with the District. I want to see the people here treated fairly and have an opportunity to be heard. I have always voted against the 50-50 proposition, but I do not believe that this amendment deals fairly with the District under the circumstances. I know that the conferees have prepared it here in a very short time; and just six Members—three of the House and three of the Senate—have considered it. No person in the District, I presume, has been consulted. Indeed, evidently, their judgment was not sought; their appeals or remonstrances not heard.

My parliamentary inquiry, however, is this: Should this matter go to the committee and be reported back, and then be sent to conference, and the conference report come to the Senate, and the conferees still have exceeded their authority, will a point of order then lie, or will the fact that the point of order has not now been made prevent the point of order from then being made?

The VICE PRESIDENT. The Senator is inquiring whether a point of order will lie to action which he says exceeds the authority of the conferees. That question answers itself.

Mr. HARRISON. To be perfectly clear on the proposition, then, I make the point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. HARRISON. My point of order is that the conferees have exceeded their authority; that they have evaded the rules of the Senate by not bringing in this amendment in the form of a report, but in the form that they have; and if this practice should continue, of course, one House could amend an amendment adopted by the other House, and bring in almost any question. That is contrary to the practice as well as the spirit of the Senate rule.

The VICE PRESIDENT. The question before the Senate is the motion to refer this matter to the committee. Does the Senator make a point of order on that?

Mr. HARRISON. I am making the point of order that this amendment has no business here.

The VICE PRESIDENT. The Chair will rule that that point of order is not well taken. This matter comes here as an amendment adopted by the House of Representatives.

Mr. HARRISON. Yes; and my point of order is that the amendment that was presented here by the conferees exceeded their authority and is contrary to the rules of the Senate. I have been frank with the Chair, and I must state to the Presiding Officer that really, if I were presiding, I would overrule the point of order that I have made; but I have made it because I do not want to lose any rights with regard to making the point of order, if desirable, when the final report comes in.

The VICE PRESIDENT. The Chair has just stated that the matter does not come here by any action of the conferees; it comes here as an amendment adopted by the House of Representatives.

Mr. HARRISON. Yes; but the Senator from Colorado says that they prepared it themselves, and they are doing it in order to evade the rule of the Senate that if it should come in as part of a conference report it would be subject to a point of order.

The VICE PRESIDENT. The Chair can not see that it makes any difference who prepared it. It comes here as the action of the House.

Mr. HARRISON. I thought the Chair would rule that way, and I find no fault with his ruling. I just want a ruling.

APPENDIX.

[From the CONGRESSIONAL RECORD, proceedings of the Senate, March 8, 1918.]

AMENDMENT OF THE RULES—CONFERENCE REPORTS.

Mr. GALLINGER. Mr. President, I am directed by the Committee on Rules to submit a report on Senate Resolution 162, which I ask may first be read, and I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the report after it has been read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read as follows:

"The Committee on Rules, to whom was referred Senate Resolution 162, providing for an amendment to Rule XXVII by adding the following paragraph:

"'2. Conferees may not include in their report matters not committed to them by either House, and in case new matter is included, the same shall be subject to a point of order, and, upon such point of order being made by any Senator, if sustained by the presiding officer of the Senate, such new matter shall be ruled out and eliminated from the report: *Provided*, That the elimination of such new matter upon a point of order shall in no way affect the remainder of the conference report'—

having considered the same, beg leave to report a substitute, as follows, and recommend its adoption:

"'2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.'"

Mr. OVERMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution reported by the

committee as a substitute for Senate Resolution 162. I think it appeals to every Senator, inasmuch as now we are beginning with the appropriation bills. If the Senate desires a rule of this kind it ought to be adopted at once. I think the rule explains itself. It gives any Member of the Senate the right to rise to a question of order when new matter not considered by either House is put in a bill or matter has been stricken out.

Mr. STONE. Mr. President, I desire to have the attention of the Senator from North Carolina and the Senator from New Hampshire to ask this question. As I heard the report read, it provides that the conferees shall not be authorized or empowered to change any original text which has been agreed upon by both Houses.

Mr. GALLINGER. That is the——

Mr. STONE. If the Senator will pardon me, I have served on conference committees where a section was under consideration, a part of which—it may be a clause—had been amended by one House or the other and the remainder of the section was left intact. I want to know if it were found in conference that it was necessary to change that part of the section which had been amended by one House, would it then be forbidden to conform the remainder of the section to the change?

Mr. GALLINGER. I think not. I will say to the Senator that that provision is taken from Jefferson's Manual, while the first provision in the resolution is taken from Cleaves's Manual on Conferences and Conference Reports, which was submitted to the Senate by former Senator Allison many years ago. I have been told that the manual prepared by Mr. Cleaves, who was for many years the clerk of the Committee on Appropriations, was adopted by the Senate, but I am not sure about that. However, both the propositions are sound, and they protect the Senate from the abuse with which we have so often been met. I feel sure that it will facilitate the work of the Senate and will prevent controversies that are constantly arising on these points. I hope the resolution will be agreed to.

Mr. CURTIS. Mr. President, I will say to the Senator from New Hampshire that Cleaves's Manual on Conferences and Conference Reports was adopted as the result of the passage of a resolution by the Senate. This amendment to the rules is one which was offered by me, and the amendment reported by the committee is satisfactory. I hope there will be no objection to it, for if adopted it will stop legislation by conferees.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from New Hampshire a question. I am in hearty sympathy with the purpose of this rule, but my recollection, from the reading of the report, is that the original resolution expressly provided that the point of order should be passed upon by the Presiding Officer.

Mr. GALLINGER. Yes.

Mr. JONES of Washington. But the rule as reported from the committee leaves out that express direction. Is there any special reason for that?

Mr. GALLINGER. The objection to confining the decision to the Presiding Officer is that an appeal may be taken, and the question may ultimately be decided by the Senate itself. Of course, it is the duty of the Presiding Officer to make a ruling upon a point of order, but an appeal may be taken, so that the point of order may not be absolutely settled until the appeal is acted upon.

Mr. JONES of Washington. Of course, I understand that; but have we not another rule under which the Presiding Officer could himself submit any point of order to the Senate?

Mr. GALLINGER. Yes.

Mr. JONES of Washington. I think we really ought to require the Presiding Officer to pass upon a point of order which is made, subject of course to appeal to the Senate.

Mr. GALLINGER. Of course I assume that that is what the Presiding Officer is in the chair for, that when a point of order is made he will decide upon it.

Mr. JONES of Washington. But we find very frequently that Presiding Officers in the chair do what they are not supposed to do.

Mr. GALLINGER. I have no objection to inserting those words, but I think it would be supererogation.

Mr. JONES of Washington. Then the Senator from New Hampshire thinks that under the rule reported it would be the duty of the Presiding Officer to pass upon the point of order, subject to the right of appeal?

Mr. GALLINGER. Unquestionably.

Mr. JONES of Washington. I simply want that to appear in the record.

Mr. SMITH of Georgia. Mr. President, I understood the Senator from North Carolina [Mr. OVERMAN] to say that the objectionable matter would be eliminated without affecting the balance of a conference report. As I understand the rule, it is just the reverse, and if the point of order is sustained the report shall be recommitted to the committee of conference.

Mr. OVERMAN. I had not intended to say that.

Mr. GALLINGER. Mr. President, manifestly we can not strike any matter from a conference report. That is a power which belongs to the conference committee. All we can do under our custom is either to reject the report, or, in this case, if the point of order is sustained, to send the report back to the conference committee for their further consideration.

Mr. SMITH of Georgia. Mr. President, I agree with the Senator from New Hampshire, but there were Senators in my neighborhood who understood the chairman of the committee to say that the effect of sustaining the point of order was simply to strike out the objectionable matter and to leave the balance of the matter for action by the Senate.

Mr. OVERMAN. No; I had not intended to say that, though I may have done so inadvertently.

Mr. GALLINGER. The Senator from North Carolina inadvertently made that observation; but that is not the intention of the committee.

Mr. SMITH of Georgia. I thought it was only proper to call the attention of the Senate to the fact that the proposed rule does not assume that authority.

Mr. GALLINGER. It does not.

Mr. SMITH of Georgia. But sends the entire measure back to the committee of conference.

Mr. GALLINGER. That is all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the Committee on Rules was, after line 4, to strike out:

"2. Conferees should not insert in their report matter not committed to them by either House, and in case any new matter is included, the same shall be subject to a point of order, and upon such point of order being made by any Senator, if sustained by the Presiding Officer of the Senate, such new matter shall be ruled out and eliminated from the report, provided that the elimination of such new matter, upon a point of order, shall in no way affect the remainder of the conference report."

And insert:

"2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference."

So as to make the resolution read:

"*Resolved*, That the standing rules of the Senate be, and they hereby are, amended as follows:

"Amend Rule XXVII by adding the following paragraph:

"'2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and, if the point of order is sustained, the report shall be recommitted to the committee of conference.'"

The PRESIDENT pro tempore. The question is on the amendment which has been reported by the Committee on Rules.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. UNDERWOOD. Mr. President, I am in hearty accord with the motion the Senator from Colorado has made to refer this most important matter to the people of the District of Columbia to the committee of the Senate, where they may have hearings, and the people of the District who are interested may have an opportunity to be heard. I suppose that is the purpose of the motion; but the technical form of the motion is that the Senator has moved to refer the amendment. This amendment is a House amendment to a bill. It is now a part of the bill, incorporated by the House. I do not see how the Senator can make a motion to divorce the amendment from the bill.

Mr. PHIPPS. The Senator is probably correct.

Mr. UNDERWOOD. I suppose the Senator means that he moves to refer the bill to the Committee on Appropriations, with instructions to consider this amendment.

Mr. PHIPPS. I should like to perfect my motion in the manner suggested by the Senator from Alabama.

The VICE PRESIDENT. Will the Senator state the motion?

Mr. UNDERWOOD. To refer the District bill to the Committee on Appropriations, with instructions to consider amendment No. 1.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado, as modified.

The motion, as modified, was agreed to.

FISCAL AFFAIRS OF THE DISTRICT OF COLUMBIA.

Mr. CALDER. Mr. President, I ask unanimous consent to report back favorably from the Committee to Audit and Control the Contingent Expenses of the Senate without amendment Senate Concurrent Resolution No. 23, introduced by the Senator from Washington [Mr. JONES], authorizing the appointment of three Senators and three Representatives as a joint committee to inquire and determine what, if any, indebtedness there may be owing to the United States from the District of Columbia, or what, if any, indebtedness there may be owing to the District of Columbia from the United States, growing out of transactions or relations existing between them since the passage of the organic act of 1878. I ask unanimous consent for the present consideration of the concurrent resolution.

Mr. McCUMBER. Mr. President, if there will be no discussion of the matter, I have no objection to its being immediately considered; but if it should evoke discussion I shall have to ask that it go to the calendar.

Mr. JONES of Washington. I will say that various Senators who are interested in the measure have been consulted, and they have no objection to its passage.

The VICE PRESIDENT. The Secretary will read the concurrent resolution.

The Assistant Secretary read Senate Concurrent Resolution 23, submitted by Mr. JONES of Washington on April 29, 1922, as follows:

Whereas the people of the District of Columbia have paid into the Treasury of the United States during the last few years nearly $5,000,000 more than they have been required to pay toward the expenses of the District; and

Whereas the use of this money by or on behalf of the District is denied for the reason, among others, that advancements have been made without interest from time to time during the last 50 years by the National Government for the benefit of the District, and that revenues which in equity belong to the United States have gone to the credit of the District; and

Whereas for these reasons and others it is claimed that the District of Columbia, instead of being entitled to a credit of nearly $5,000,000, is in equity indebted to the United States: Now, therefore, for the purpose of ascertaining and determining the amount, if any, to which the District is entitled from the United States or the amount, if any, which it may owe to the United States, be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created and authorized and directed to ascertain and determine what, if any, indebtedness there may be owing to the United States from the District of Columbia, or what, if any, indebtedness there may be owing to the District of Columbia from the United States, growing out of transactions or relations existing between them since the passage of the organic act of 1878. The committee in reaching a conclusion shall consider not only legal but equitable claims and obligations, and shall report its conclusions and recommendations to each House of Congress, on or before the first Monday in January, 1923. The committee is authorized to send for persons and papers, to administer oaths, and to employ such stenographic, clerical and expert assistance as may be necessary, and to pay for the same upon vouchers signed by the chairman, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives. The committee is authorized and directed to avail itself of the services of the Bureau of Efficiency and such expert and legal help of the Treasury Department and of the District of Columbia as it may deem practicable so to do.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the next amendment of the Committee on Finance.

The ASSISTANT SECRETARY. On page 2, line 11, strike out "1½" and insert "2," so as to read:

Lactic acid, containing by weight of lactic acid less than 20 per cent, 2 cents per pound.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JONES of New Mexico. Mr. President, I must again express my surprise at the failure of the chairman of the Finance Committee, or some member of that committee, to give to the Senate some reason why this amendment is proposed. This amendment increases the duty on a very important article, and no word of explanation is offered. It seems to me that when the committee proposes to increase a tax which has not been discussed in any report or in any speech by any member of the Finance Committee, when no testimony has been taken regarding it, the chairman of the committee should at least give some reason for this increase in the tax.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I gladly yield.

Mr. McCUMBER. I do not know just how many times 10,000 items are covered by this bill. I simply know that if we should attempt to explain just what the operation of the tax would be upon every item that is imported into the United States bearing a rate of duty, we would have an encyclopedia which it would take the Senator years to read. If the Senator will look back in the reports which have been made upon tariff legislation by any of the committees, he will find that no one has ever attempted to take the task in hand of explaining the effect of the tariff rates on everything that is imported into the United States and upon everything that is produced in the United States.

The Senator has before him the testimony which was taken before the committee. The Senator has before him the other public documents, in which we find information to guide us in framing a bill, and if we were to take the time to explain in detail every one of these items, as the Senator seems to think we ought to do, we never could pass the tariff bill.

Mr. JONES of New Mexico. Then may I inquire of the Senator whether he has any secret arrangement with the majority of the Senate as to how they shall vote upon these various items, regardless of any information upon the subject?

Mr. McCUMBER. We are not without information upon the subject. We can take the figures of our experts and our imports for a number of years. We can take the data obtained from the departments as to the amount that is received from the imports during the various years. We can judge what the effect of the importations from foreign sources must be upon the American market, and those facts we have before us at all times.

Mr. JONES of New Mexico. Mr. President, there was not a line of testimony taken, either before the Ways and Means Committee of the House or the Finance Committee of the Senate, regarding this item, and there is no information in any of these documents, which were formally presented by the Tariff Commission, which comes down nearer to this date than the year 1919.

Mr. McCUMBER. If the Senator will turn to page 14 of the Summary of Tariff Information of 1921, he will find considerable information on the subject right there, and there is additional information which can be found in a great many of the public documents. I simply call attention to one. The Senator said there was no information, no record before the committee. This entire volume was before the committee at all times. The daily reports of prices were before the committee all the time it was considering these matters. We have all the information that has been made public upon this item, and the Senator has the same.

Mr. JONES of New Mexico. I will ask the Senator to point out what there is in the book to which he has just referred which he considers as justifying an increase in the duty on this item?

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. JONES of New Mexico. I yield.

Mr. LODGE. I did not mean to take the Senator from the floor. I thought he had concluded.

Mr. JONES of New Mexico. No; I just asked the Senator from North Dakota a question.

Mr. LODGE. I did not mean to say that I entertained any hope that the Senator had concluded his speech, but I thought he had concluded his question.

Mr. JONES of New Mexico. Not at all.

Mr. LODGE. Then, when the Senator has concluded his question, I will try, in my feeble way, to reply to him. There is plenty of information about it, if the Senator cares to have it.

Mr. JONES of New Mexico. Is the Senator from Massachusetts asking that I yield for a question?

Mr. LODGE. No; I do not want to ask the Senator any question. I wanted to answer his. Of course, if he wants to hold the floor and ask questions, that is all right. He gave me the impression that he was after information.

Mr. JONES of New Mexico. I am after information, and if the Senator from Massachusetts can furnish any, I would be glad to hear from him.

Mr. LODGE. I can furnish some information about it.

Mr. JONES of New Mexico. I will be very glad to get it.

Mr. LODGE. I do not want to take the Senator's time. I am prepared to discuss this question when I can get the floor in my own right.

Mr. JONES of New Mexico. If there is anyone who wants to give any information on which this change in the duty on this item is based, I will be glad to get it. The Senator from North Dakota stated, just before the Senator from Massachusetts rose, that he had a book which gave the information, and I asked him to point out what there is in that book on which he feels that the increase of this duty is justified.

Mr. McCUMBER. If the Senator will allow me, I can point it out. I gave the Senator the name of the report and called attention to the page, and the Senator himself can easily see just exactly what that report shows.

I will tell him one thing it shows. It shows that in 1908 we imported only 82,671 pounds of this article, while in the first nine months of 1921 we advanced from the 82,000 pounds of 1908 to 853,545 pounds, as against an entire output in the United States of 1,900,000 pounds. I think that of itself shows the necessity of some kind of protection to the American industry. We thought it was a sufficient showing.

Mr. SMOOT. The Senator could also have given the information that the whole of the importations for the year 1920—not back in 1908, but in 1920—were 134,000 pounds, but in the first nine months of 1921 those importations increased to 854,600 pounds. If the proportion of increase between 1920 and the first nine months of 1921 continued even at the rate of 20 per cent, it would not be long before every pound used in the United States would be imported. That is the reason why the increase was made.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. JONES of New Mexico. I gladly yield.

Mr. LODGE. I will wait until the Senator gets through. I would like to take the floor in my own right, if I could. I can

explain this subject, and what the condition of the industry is, but I do not care to do it by asking questions of the Senator from New Mexico.

Mr. JONES of New Mexico. I do not suppose the Finance Committee fixed the rate of duty on information from the Senator from Massachusetts. Nowhere in the hearings do I find that the Senator from Massachusetts appeared before the Finance Committee.

Mr. LODGE. Mr. President, I should like, if the Senator will allow me a moment, to say that I do not see that it makes any difference whatever whether I appeared before the Finance Committee as a witness or not. This item is before the Senate. I am prepared, when I can get the floor, to discuss it, and I think I know the case. I do not have to go before the Finance Committee in order to get permission to discuss a tariff item.

Mr. JONES of New Mexico. Certainly not; but what I was complaining of, if the Senator will permit me, was the fact that the Finance Committee has come before the Senate now with a proposition to increase this duty, and has furnished no information to the Senate whatever as to the basis for the increase. It has attempted to give no reasons for it.

Mr. LODGE. They have furnished information to the Senate, in my opinion. I do not say they have furnished it to the Senator from New Mexico.

Mr. JONES of New Mexico. I would like to have the Senator advise us how they could furnish the information to the Senate and not furnish it to the Senator from New Mexico.

Mr. LODGE. They furnished a great deal of information in the Summary of Tariff Information, which has been cited.

Mr. JONES of New Mexico. Is the Senator from Massachusetts willing to say that that book contains sufficient information to justify this increase in duty?

Mr. LODGE. In my judgment, it does, and I can show it, and add to the information, possibly, in greater detail. I dislike to take the time. I dislike to waste time as I am wasting it now.

Mr. JONES of New Mexico. I would like to ask the Senator from Massachusetts if he considers that the information which the Senator from North Dakota read from that book is sufficient to justify, in his mind, the increase in this duty?

Mr. LODGE. Yes; I think it is, when it is properly understood.

Mr. JONES of New Mexico. Then I am very glad to know the basis of the preparation of this bill, and that that is sufficient for it. What we have is the bare fact that since the war the importations of this article have increased to some extent. That is all we have, and we are given to understand that the Finance Committee of the Senate in making these recommendations has not considered in the slightest degree the prices prevailing in the United States which would warrant an increase of the rates under existing law.

Are we to be told that the American producers can maintain prices as high as they want, regardless of the cost of production or any other element entering into the question; that they must be protected in the maintenance of their prices, although the prices may be several times higher than they should be in order to cover the cost of production either in the domestic market or abroad? I expect to discuss that matter. I have been able to find a little information, which comes to us in the official documents, which to my mind does not justify the increase in this rate of duty.

Reserving the right to resume the floor——

Mr. WATSON of Indiana. Does the Senator from New Mexico understand that the Senator from Massachusetts said to him that he would give him information if he would afford him the opportunity?

Mr. JONES of New Mexico. I was just going to say that, as a matter of courtesy to the Senator from Massachusetts, if I may do so without yielding the floor for the day on this subject, I should be very glad now to yield the floor, to let the Senator in his own time give the information. But I should like to ask the Presiding Officer if under the rule I would be prohibited from again discussing the question on the present calendar day?

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Chair desires to state that the Senator is speaking against the rule all the time. The rule is that a Senator may speak twice on a subject on the same legislative day, and every time he yields to another Senator for a speech he yields the floor. But that rule has not been enforced; it has not been invoked, and the present occupant of the chair would not feel like invoking it against the Senator from New Mexico.

Mr. JONES of New Mexico. Then I gladly yield to the Senator from Massachusetts.

Mr. WATSON of Indiana. Mr. President, I may be running counter to the wishes of my friend, the chairman of the committee [Mr. McCUMBER], but I want to serve notice that from this time on the rules of the Senate are going to be enforced, not as against the Senator from New Mexico [Mr. JONES] at this time, but they are going to be enforced in regard to Senators speaking more than twice on the same subject on the same day. They are going to be enforced as to all matters that originate here which require unanimous consent for consideration. I shall not give my consent to the consideration of any other proposition until the tariff bill is out of the way.

Nor do I intend that the rules of the Senate shall be violated with regard to miscellaneous, promiscuous speeches. Everybody understands the whole situation. There is a filibuster on here. It has no other object. It has no other purpose. We might pile information hill upon mountain, we might add to it Ossa upon Pelion, but it would not make the slightest difference in the world to our friends upon the other side of the Chamber. No matter how many facts are given, no matter how much information is adduced, my friend from New Mexico would not vote for this item, nor would he give his consent to the passage of this schedule, nor would he vote for the bill. The sole object of all this talk day after day is to filibuster, to postpone, to procrastinate, to delay, to put off the passage of this bill just as near election day as is possible. Everyone understands that, and none of us are being fooled about it for one second.

So far as I am concerned, within the limitations imposed by the rules of the Senate, they shall be enforced, and if I have my way about it our sessions will begin at 11 o'clock in the morning and will run until 11 o'clock at night. We intend to put this bill through in accordance with the rules of the Senate, after legitimate debate has been had. So far as I am concerned, I am not going to be a party to cutting off legitimate debate. Item after item can be legitimately debated, but that item after item has been legitimately debated I deny. Any Senator can stand upon the floor and ask questions.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON of Indiana. I yield to my friend from Georgia.

Mr. WATSON of Georgia. My friend the Senator from Indiana is entirely mistaken. I will tell him this fact, and I know he will take my word for it. When the Senator from North Carolina [Mr. SIMMONS] selected a few of us to help discuss this measure and present our views to the country, almost the first statement that he made was that there was no intention whatever to unduly delay action at all, that there should be no undue discussions, but that he did want to have presented as fully as possible the views of the Senators on this side.

I remind the Senator from Indiana that on yesterday extraneous matter got into the debate and occupied a great deal of time because of the speech of the Senator from Illinois [Mr. McCORMICK]. Another extraneous matter got in because of an attack made upon the Senator from Arkansas [Mr. CARAWAY] by the Attorney General. Those were the only two instances, I think.

Mr. SMOOT. What about the speech of the Senator from Alabama [Mr. HEFLIN]?

Mr. WATSON of Indiana. My friend will remember the discussion this morning of an appointment in St. Louis, and it was all extraneous matter. Not only that, but, with the permission of my good friend from Georgia, we spent six days debating the tariff on vinegar.

Mr. WATSON of Georgia. The junior Senator from Utah [Mr. KING] gave way to the Senator from North Carolina [Mr. SIMMONS] to read a letter from the Governor of the Federal Reserve Board. In that letter the Senator from Alabama [Mr. HEFLIN] was mentioned by name, and the Senator thought, as he had been mentioned by name, that he had a right for a short while to give his views concerning the statement of the Governor of the Federal Reserve Board. Those are the three instances, but I can assure Senators on the other side that there is no concerted action to delay the bill unnecessarily.

Mr. WATSON of Indiana. Of course, I am always willing to accept the word of my friend and namesake from Georgia on almost any proposition. It is not a question as to what the Senator from North Carolina agreed with his colleagues on the other side of the Chamber. They may have entered into an agreement, as he has said, and if they did it in good faith, of course I accept it at par value; but the truth is that there has been delay, and the truth is that there has not been an expression of opinion on the other side as to this proposition.

Why should a Senator come here and read an article taking an hour or an hour and a half on one of the little items of the tariff bill? The information is all here, it has been dug up by the Tariff Commission and has been printed in these reports.

It has been adduced before the committee, page after page, day after day, week after week, and is all printed. The information is here. The facts are here.

If my friend from New Mexico will take the trouble to read the reports of the Tariff Commission and to read the evidence given before the committee, he will find no difficulty in coming to some sane conclusion about the proposition.

Anybody can stand up and ask questions about an item. My friend from Georgia, with his versatile genius, could stand here and ask questions for a whole day about any one of the items. But that is not legitimate debate. It is not honestly seeking information. Such things are done for the purpose of delay and filibuster; nothing else; and, so far as I am concerned, it will not be tolerated in the future if there is any way to prevent it. If the Republican Members who are responsible for legislation and who in a short time must go to the country and answer for their conduct of the affairs of the Government, have in mind to do the things they were elected to do, they will stay here, if necessary, to the extent of physical endurance and pass the bill.

Mr. WATSON of Georgia. I may remind the Senator of another extraneous matter brought in here by the Senator from Idaho [Mr. BORAH] on yesterday. He brought in the Russian matter.

Mr. WATSON of Indiana. I understand that.

Mr. WATSON of Georgia. No other Senator took any time on that proposition. Nobody criticized the Senator from Idaho about it, and nobody has mentioned it until now. I merely mention it to show that the other side of the Senate has done quite as much in that line as this side has done. If the Senator from Georgia could ask questions all day, he certainly has not done it and he will not do it.

Mr. WATSON of Indiana. I thank the Senator. If we could get the same concession from all other Senators on the other side of the Chamber, we would make commendable headway in the passage of this legislation.

Mr. LODGE. Mr. President——

Mr. JONES of New Mexico. Mr. President, I feel that I must——

Mr. LODGE. Mr. President, I had the floor when I yielded to the Senator from Indiana, and the Senator from New Mexico is now about to speak for the fourth time on this one subject.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. If I have the floor, I should like to proceed. I will yield to the Senator if he wishes to ask me a question, of course, but as I have said nothing yet the question is easily asked.

Mr. JONES of New Mexico. I simply want to take exception, in a courteous manner, to what the distinguished Senator from Indiana has just said.

Mr. LODGE. I do not yield for the purpose of having the Senator from New Mexico reply to the Senator from Indiana. That is not asking any question.

Mr. JONES of New Mexico. I shall not further trespass upon the good nature of the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, the manufacture of lactic acid, both technical and edible, is being rapidly destroyed in this country by the German competition. There were four companies, I think probably five—the American Alkali & Acid Co., of Bradford, Pa., which went out of business; the Atlantic Chemical Co., of Mansfield, Mass., which failed; the Avery Chemical Co., of Lowell, Mass., which failed; the Westchester Chemical Co., of Pelham, N. Y., which found it unprofitable and discontinued business; and the same statement was made before the committee by the Du Pont Co., which had a branch which made lactic acid and had given up because it was rendered entirely unprofitable.

I have here a letter from the Bureau of Customs Statistics showing the importations of lactic acid entering the United States during the year 1921 and the month of January, 1922. I will ask to have that printed in the RECORD.

Mr. UNDERWOOD. I will ask the Senator if he will have it read, as I desire to say something on this question myself, and I would like to have the information which he has in hand.

Mr. LODGE. This is simply to show the increase in importations, and I will state the figures. For the year 1921 the figures are as follows, and I will read only the round numbers:

January, 14,000 pounds; February, 23,000 pounds; March, 22,000 pounds; April, 78,000 pounds; May, 20,000 pounds; June, 22,000 pounds; July, 94,000 pounds; August, no transactions; September, 83,000 pounds; October, 100,000 pounds; November, 77,000 pounds; December, 62,000 pounds; a grand total of 603,385 pounds for 1921; and in January, 1922, there were 72,325 pounds.

The companies which I have enumerated and which I think are all the companies, certainly all producing in any quantity, have all gone out of business except one new company, which took over the Avery Chemical Co., of Lowell, and which has made an effort to carry on the business. The last I have heard, they had practically closed down.

The technical lactic acid is used in tanning; the edible lactic is used in certain beverages, also in baking, and it is all made from vegetable materials. The company to which I have referred, as to its returns, says:

In 1919 we exported 970,444 pounds of 44 per cent acid, in 1920 we exported 92,449 pounds of 44 per cent acid, and in 1921 and thus far in 1922 we have exported nothing at all.

Upon investigating we find that the exceedingly low cost of labor (about one-twentieth of our cost) and the extremely depreciated value of the currency, which is now over 2,000 per cent below normal in Germany and other foreign countries of manufacture, make it possible for the foreign manufacturers to produce and sell in this country far below our cost of production and, of course, at a price at which we can not compete. To these facts is also attributable our loss of all of our export business.

We also attach a certified copy of our balance sheet, showing our operations during the first six months of 1921, the last period for which figures are available, showing a loss to our company of $10,709.

Our foreign market has been taken away from us absolutely and our domestic market is rapidly disappearing.

That is the situation. The industry, which reached very considerable proportions during the war, is practically being destroyed, and the question is whether it is worth while to keep that industry in existence.

As this particular company happens to be in my State I naturally take an interest in it. It seems to me if it is a valuable industry that it is worth keeping in existence. If we are left wholly to the tender mercies of the German manufacturers, we shall find the prices rise when they have a complete monopoly of the market.

I have given the figures for the imports. That seems to me to make a sufficient case. Unless Senators are wholly opposed to any protective duties and to the whole protective policy it seems to me to make a very strong case for protection.

I ask that the table to which I referred may be inserted in the RECORD.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
New York, N. Y., February 15, 1922.

Mr. JOHN MURPHY,
Treasurer Wamsutt Chemical Co., Lowell, Mass.

SIR: In compliance with your request of the 7th instant, I submit herewith figures of importations of lactic acid entering consumption of the United States during the year 1921 and January, 1922:

Month.	Quantity.	Value.
1921.	*Pounds.*	
January	14,000	$1,163
February	23,510	1,287
March	22,000	2,139
April	78,000	6,739
May	20,000	1,509
June	22,031	1,570
July	94,059	8,673
August	(1)	(1)
September	82,422	5,961
October	100,533	9,933
November	77,126	5,876
December	62,184	5,898
Grand total	603,385	44,986
1922.		
January	72,325	5,451

[1] No transactions.

It is not possible to furnish you with the names of the importers.

Very truly yours,

J. P. CARROLL,
Chief, Bureau of Customs Statistics.

We hereby certify the above to be a true copy of the original in our possession.

WAMSUTT CHEMICAL CO.,
JOHN H. MURPHY, *Treasurer.*

Mr. LODGE. While it is not a larger industry, it is a valuable industry; and there seems no good reason for its destruction. It was for that reason that I urged upon the committee that they should consider this increase over the House rate.

Mr. UNDERWOOD. Mr. President, I have listened with interest to the argument of the Senator from Massachusetts [Mr. LODGE] in reference to this matter, but I am not sure that he has placed his argument in reference to this particular rate of duty on the right basis. In this case, although an increase has been made in the rate, a protective duty has not been asked

for, and it is a case in which, strange to say, the House adopted the rate in the present law and levied on lactic acid the same tariff duty, so far as rate is concerned, as is provided in the present Democratic statute, which was supposed to be levied on the basis of a competitive tariff.

Mr. President, I do not believe that there is any real necessity for the increase of this rate, but the increase provided by the Senate committee is not a very extreme one. Under the House bill the tax on the lower grades of the material, which contain less than 30 per cent of lactic acid, is 1½ cents a pound and under the present law it is 1½ cents a pound. The bill as reported by the Senate Committee on Finance proposes to increase it by one-half cent a pound.

For the sake of comparison, however, I wish to call the attention of the Senate to the fact that the production in this country in 1919 by American manufacturers amounted to 5,054,500 pounds, valued at $781,500. I quote those figures from the Summary of Tariff Information printed by the Senate committee. From their standpoint, those figures are not subject to dispute, and I have no doubt they are correct. The figures which they give as to the amount of the importations vary from those given by the Senator from Massachusetts. The Summary of Tariff Information, as published by the committee, reports that the quantity of lactic acid imported in 1921 for nine months was 853,000 pounds, in round figures, valued at $29,000. The figures presented by the Senator from Massachusetts, however, show that there were only 603,000 pounds imported for the same year, valued at $44,000.

Mr. President, it is difficult, of course, to ascertain what classes of lactic acid the figures cover; whether they refer to the class of material which contains above 55 per cent of pure acid or whether they refer to that class which contains below 30 per cent of pure acid, on which the rates vary. There is no information contained in this publication as to what the figures refer.

However, the value is governing, as the Senator from Utah [Mr. SMOOT] suggests. According to the value given by the Senate committee, $29,000, assuming that the imports would average the same for the remainder of the year, the value of the imports for last year would be about $36,000, as against a production in this country valued at over $781,000.

Mr. President, by taking a pencil and figuring the percentage it will be seen that, taking $36,000 as the amount of the imports which came in as compared to the American manufacture, the imports amount to about 4½ per cent of the American consumption of this article.

Mr. LODGE. But the Senator has not the American consumption for the last year. Our factories are closed down.

Mr. UNDERWOOD. Undoubtedly; but the Senator from Massachusetts knows that they are not only closing down here, as is shown by the production, but are closing down abroad. This country to-day is in an era of depression—I will not say panic, I will not say stagnation, but of depression—and it has been so for over a year, entirely irrespective of the tariff. That is true. The factories have closed down. Why? Because the leather manufacturers are not making leather here and they are not making leather abroad.

Of course, I am perfectly familiar with the class of testimony which comes before a committee which is considering a tariff bill. I do not challenge the integrity or the character of the witnesses; I do not challenge their veracity; but, after many years of experience, I can say, without the opportunity for anybody to challenge the statement, that when the average man comes before a committee which is considering tariff legislation to testify as to his own business, he comes there to testify with a biased mind.

Mr. SMOOT. And so does the importer.

Mr. UNDERWOOD. And so does the importer, as the Senator from Utah says. That is true. So when you get from the manufacturer testimony to the effect that he can not with profit sell a product and that it should be placed under the protection of a higher tariff duty, without some corroborative testimony it is idle to rest the case there when we know that nobody is doing business or has been doing business during the last year. I think in the last few months conditions have somewhat improved, and I hope they will continue to improve; but I know that great business industries in my State with which I am familiar have been dead not on account of a tariff but because there was no demand for iron and steel products. When I say "dead," of course I mean relatively speaking. There is no market for lactic acid when everybody knows that the tanning concerns of the country have been largely shut down.

Mr. LODGE. That is not the principal use of the acid, as I think the Senator knows. Quite as much is used in connection with beverages and in the making of bread.

Mr. UNDERWOOD. I am sure the Senator is wrong, for there is a vastly greater quantity used in tanning than there is in the making of bread.

Mr. LODGE. I think not.

Mr. UNDERWOOD. I am sure the Senator is mistaken about that.

Mr. LODGE. I think the larger part of the commodity is edible lactic acid.

Mr. UNDERWOOD. I have not the figures before me as to that.

Mr. LODGE. I have them here.

Mr. UNDERWOOD. I think a vast deal of lactic acid, in substance, is required in leather, but when it comes to bread, which goes to the stomach, it takes very little. However, be that as it may, their own figures presented to the Senate show that the imports coming into this country are about 4½ per cent of the domestic production, as shown in the summary printed by the Senate Committee on Finance, and 5 per cent as shown by the figures presented by the Senator from Massachusetts.

Mr. President, I presume that to allow 5 per cent of foreign production to come into the American market to compete with the American producer, according to the theory of the high protectionist, is all wrong. I recall that on one occasion when the Payne-Aldrich tariff bill was under consideration by the Ways and Means Committee the head of a great manufacturing concern in this country was contending for a higher rate on manufactured iron and steel products. He insisted that the rate then existing was not high enough. When he had finished his main testimony, I asked him if he was not selling his products in Canada. He replied, "Yes." I then asked him to what extent, and he answered to the extent of about one-fourth of his production. I asked him if he did not meet competition from English iron and steel articles of the same kind. He said he did. I asked then, if in the Canadian market the English article was not given a rebate on the Canadian tariff of one-third; in other words, if he did not have to pay a tariff one-third higher than his English competitor, and he said he did. Yet he competed with them in the Canadian market. I asked him if he could do that in the Canadian market, why he could not compete with them on the same rate in the American market, where there was no discrimination against him. He said he could, and he would, but it would reduce his price, and that the American manufacturer and the American workingman were entitled to the entire home market. I asked him where would the Government get its revenue from if such a high rate were imposed so that no importations could come in, and he replied that he did not know—the testimony is in the record, and I will not put his name in here, although I can show it to the Senate—but that the Government ought to get its money from some other source than the American manufacturer.

Of course, that is an extreme statement of the case, but it was made by a reputable man. It is, however, often the viewpoint of the high protectionist who comes before committees demanding a certain rate. He does not want to divide anything with the Government, and unless some importations are allowed to come through the tariff wall, the Government gets nothing in revenue and the manufacturer gets it all.

Mr. LODGE. Mr. President——

Mr. UNDERWOOD. I yield, if the Senator desires me to do so.

Mr. LODGE. I do not want to break in on the Senator's argument, but I do want to draw the distinction between the two cases.

In the first place, I think the Senator is wrong about the percentage of the imported material.

Mr. UNDERWOOD. I am quoting the Finance Committee's own statement.

Mr. LODGE. As to the consumption in this country, in the first place, the Senator has not got comparative figures of consumption in this country for the same period.

Mr. UNDERWOOD. Oh, but I will tell the Senator; I am not reading from my own analysis. What I read to the Senator was the Summary of Tariff Information, 1921, relative to the bill H. R. 7456, prepared by the United States Tariff Commission for the use of the Senate Committee on Finance.

Mr. LODGE. I am not questioning that. I repeat, however, that I think the Senator got his percentage wrong.

Mr. SMOOT. Mr. President, I think the Senator did get his percentage of importations wrong.

Mr. UNDERWOOD. Well, now, just let us see. I will make it right. As to the amount of importations, I said that if you took the figures here of $29,000 of importations for nine months in 1921——

Mr. SMOOT. That is not fair.

Mr. UNDERWOOD. Wait a minute, now. The Senator says I am wrong in giving the figures. I said that if you took

$29,000 for 1921, and made that for 12 months instead of 9 months, it would be about $36,000. Now, take 5 per cent. The total amount of American production, as given by your own book——

Mr. LODGE. For what year?

Mr. UNDERWOOD. For 1919.

Mr. LODGE. That was two years ago, when the Senator knows that prosperity was high, and on his own statement it is now very low.

Mr. UNDERWOOD. Well, if you want to compare 1919, in that year the value of the importations was $3,000. I was making the comparison on a high year for importation and a low year for production.

Mr. SMOOT. Mr. President, the Senator makes the mistake in this way—that he compares the value of the property rather than the pounds. It is not fair to take the value of the property and compare two years, when in 1919 the value of it was 36 cents, and in 1921 the value of it was 8 cents.

Mr. UNDERWOOD. Oh, but wait a minute. Hold on. Wait a minute.

Mr. SMOOT. That is four and a half times the price.

Mr. UNDERWOOD. Yes; but if the Senator knows anything about this bill, he knows he is wrong.

Mr. SMOOT. Well——

Mr. UNDERWOOD. Wait a minute; I will tell the Senator. Just a minute ago I said that you had importations here—the Senator was standing at my elbow, and I repeated it in the record—that you had importations in 1920 of 133,000 pounds, and in 1921 of 853,000 pounds. I said that the discrepancy was no doubt in the fact as to the quality, whether it was a high-grade lactic acid or a low-grade lactic acid, and the Senator agreed with me, and said, "Yes; take the value"; and then I turned around and took the value, and now he is prepared to repudiate the value because it does not make his case.

Mr. SMOOT. No, Mr. President; that was about the percentages. If the Senator will take the pounds in 1919, the production in 1919 was 5,054,500 pounds. The importations for the first nine months of 1921 were 853,545 pounds.

Mr. UNDERWOOD. Undoubtedly.

Mr. SMOOT. That is only for nine months. Therefore there would have to be one-quarter added to it. One-quarter of that would be 1,060,000 pounds. One million pounds, in round numbers, is 20 per cent of five million. We can not get around it. That acid came into this country; but if the Senator goes back to 1918 he will find out that that very lactic acid during the war was $2.20 a pound, foreign valuation, not American valuation at all.

Mr. LODGE. You must take valuations and pounds for the same year, of course.

Mr. UNDERWOOD. No; but if the Senators will yield a minute, that is a very amusing argument—an attempt to shift this question.

Mr. SMOOT. There was only 200 pounds of it imported in 1918. All that came into the country in that year was 200 pounds.

Mr. UNDERWOOD. I have no doubt that that is true, with Europe shot to pieces in 1918, when they were not making any and we were making it; but the importations commenced coming the next year. Of course, the proof stands on the face of these figures that the 853,000 pounds imported in nine months in 1921 was a very much lower grade lactic acid than the 133,000 pounds that was imported in 1920, because the unit value of the lactic acid imported in 1920 was 49 cents, nearly half a dollar a pound, and in 1921 it was 8 cents.

Mr. SMOOT. Mr. President, all through this chemical schedule I can point to prices that have declined comparatively as much as that.

Mr. UNDERWOOD. Of course, the Senator can.

Mr. SMOOT. But I say to the Senator that I do not know, and no one else can tell from any Government report, the strength of that acid.

Mr. UNDERWOOD. To be sure; and you bring a bill before the Senate making a material change in the rate of taxation on the American people, and admit that you do not know the critical facts. That is the truth.

Mr. LODGE. Mr. President, when I get a chance I will state to the Senator some facts. I have them here—facts that the Senator has utterly overlooked.

Mr. UNDERWOOD. I listened to the Senator, and I assumed, of course, that he had given me the facts that he had in his possession.

Mr. LODGE. I did not give everything I knew; no.

Mr. UNDERWOOD. But I know this, Mr. President—that this rate of 1½ per cent on lactic acid remained in this bill. It never was over 2 cents that I know of in any Republican tariff—I mean, the basic rate.

Mr. LODGE. This bill proposes 2 cents.

Mr. UNDERWOOD. I know, but I am talking about the basic rate. Of course it raises it from the low grade of lactic acid that is below 30 per cent to a higher rate, and then another higher rate.

Mr. SMOOT. Under the Payne-Aldrich bill it was 2 cents below 40 per cent, and 8 cents above 40 per cent.

Mr. UNDERWOOD. Of course, I am talking about the basic rate. All of the tariff rates go up in accordance with the grade, and there is no use of our arguing it.

Mr. SMOOT. Two cents is more than 1½ cents.

Mr. UNDERWOOD. But, I say, your basic rate was never over 2 cents before, and the basic rate under the present law is 1½ cents, and under the 1½ cents it continued from 1913 on down, before we got into the war. It was never driven out of business. It finally had a production at home here of over 5,000,000 pounds. I think these gentlemen just want a little more graft for their own pockets. It is not serious, because even with this half cent it will not be a protective tariff.

Mr. LODGE. Mr. President——

Mr. UNDERWOOD. It will not be protective very much more than the 1½ cents of revenue tariff that is in the present law. It will not exclude importations, and I am not seriously against it. I do not think it is of vital importance if this is given; but, as I said in the beginning to my friend from Massachusetts, if he had said that this is only a little increase, and not making it a protective, exclusive tariff, we might have stopped the argument in the very beginning.

Mr. LODGE. Mr. President, one thing I want to say is that I hardly think it fair for the Senator to refer to this as "graft." Under this German competition every lactic-acid factory in this country except one has closed, so far as I know. They are certainly not making "graft." If they were making money it would be honest money, but they are not making anything; and when I get an opportunity I will show just how prices are.

Mr. UNDERWOOD. I will yield to the Senator in just a second.

Mr. SMOOT. Mr. President——

Mr. UNDERWOOD. Just let me answer the Senator. When I say "graft," of course I do not mean that in the offensive sense. I mean the graft of the manufacturer who wants the power of the Government used to increase a price in order that he may put it in his pocket. I am not using the word "graft" in the sense that I am charging them with stealing or with any other offense, but I mean the graft of getting something for nothing. That is the kind of graft I mean.

Mr. LODGE. Mr. President, I did not go into the question of prices or the details. To tell the truth, I wanted to shorten the matter as much as I could; but I have here the figures, and I think this is a perfectly honest statement from an honest man, although he happens to be interested in making lactic acid.

Mr. UNDERWOOD. I have no doubt of that. I do not question that.

Mr. LODGE (reading):

> The German imported acid rated at 80 per cent by weight is quoted to-day at 10.80 cents per pound. Add to this the proposed duty—
>
> That is, the House rate—
>
> of 7 cents, and his selling price will be 17.80 cents, which is to be compared with our American producers' price of 17.50 cents. The point I wish to raise is that the margin of 0.30 cent between our home retail price and the imported price under the new tariff is insufficient in view of the practical certainty that the German price will automatically be lowered below our figure and that importations will continue uninterrupted, thereby forcing the abandonment of the lactic-acid production by American industry.
>
> The Senator was quite right about the technical acid. I made a mistake as to that.
>
> We also consider it important that the edible lactic acid should carry a flat duty of 15 cents per pound. The present tariff bill includes the edible under the general headings of lactic acid. It should be referred to specifically, as it is to all intents and purposes a separate article of commerce from the technical lactic acid. It is a form of acid that is certain to be extensively utilized in trade, and it is our expectation and hope that the market for edible lactic can be widely expanded to the advantage of the great mass of the people in this country. In short, the edible lactic industry in this country is in its infancy. Germany is sending in edible lactic acid to-day equivalent to that produced by us, and is selling it at 17.40 cents, as against our lowest price of 25 cents. If we add the 7 cents duty to the 17.40, we still give the Germans 0.60 cent as a differential in their favor. Once again I would like to point out that no one knows how much lower this German imported acid can and will be sold as compared to the present price.
>
> The Wamesit Chemical Co. is closing down its plant to-day, having its tanks filled to overflowing with manufactured lactic acid which we have been unable to sell in any great quantities, largely because of German competition. We are willing to make due allowance for hard times, but it is the German competition which strangles our industry, whether times are good or bad.

> I do not think there is any doubt whatever of the fact that this industry is being extinguished by the German competition. One after another has closed down. I think this is an industry that it is to the interest of the United States to preserve, although it is a small industry, I am quite aware. I do not think the amount asked is unreasonable. We are selling now, as he says, the technical acid slightly below the German price. The German price is lower than ours on the edible lactic. The competition is such that it is destroying the business, and they wish—there is only one concern—a sufficient protection to be enabled to maintain their industry.
>
> That is the whole case; and I beg the Senate's pardon for having taken so much time.

Mr. UNDERWOOD. Mr. President, I do not want to dispute with my friend from Massachusetts, and I am not seriously resisting this proposition. I am trying to explain this bill to the Senate. Explanation did not come from the other side of the Chamber, and I have risen to explain the bill.

The Senator has just said that this information, coming from men in the business whose credibility he guarantees, is to the effect that German importations are coming in at 17 cents per pound and that their lowest price is 25 cents. The present tariff law provides a tax of 1½ cents a pound on this article, the low grade.

Mr. LODGE. The German importations come in at 17 cents, not counting the duty.

Mr. UNDERWOOD. I understood it was 17 cents without the duty. The present duty would make it 18½ cents.

Mr. LODGE. No; the present duty would make it 24.40.

Mr. UNDERWOOD. The present duty is 1½ cents a pound.

Mr. LODGE. This is a different grade.

Mr. UNDERWOOD. The present duty is on all grades.

Mr. LODGE. The duty proposed in the House was 7 cents.

Mr. UNDERWOOD. I am talking about what it is now.

Mr. LODGE. That is correct, under the present law.

Mr. UNDERWOOD. It would add 1½ cents. The highest grade of lactic acid provided in this bill is 55 per cent lactic acid, on which the House bill placed a duty of 5 per cent, which the Senate committee has raised to 9 per cent, raising the rate, according to the Senator's own figures, to 24 cents. His informant says they can not make it for less than 25 cents. I say it is very clear that neither the Senate nor the House accepted the opinion of these gentlemen as to their ability to compete, because even according to their own figures, and if you give them the highest rate provided in this bill, it is still below the cost of production in the United States.

Mr. SIMMONS. The Senator from Alabama is mistaken. The Senator from Massachusetts did not say they could not make it for less than 24 cents; he said they were selling it at 25 cents. I make that distinction, because the Senator will see that what the Senator from Massachusetts has said better illustrates than anything which has been said yet what the provisions of the bill mean.

The Germans are selling at 17 cents, the Senator says, and the American producer is selling for 25 cents; therefore, we must put enough duty on the German product to bring it up to the selling price of the American product, without considering the question whether the American price covers a small profit, which he would be justified in asking the American people to pay, or an enormous profit, which he is not justified in asking the American consumer to pay. The point I make is that the Senator from Massachusetts has demonstrated what I have contended all the while, that this is a bill intended to maintain the present wholesale prices in our American markets.

Mr. UNDERWOOD. Undoubtedly.

Mr. SIMMONS. Here he practically confesses that he wants a duty which will enable the American manufacturer to maintain his present prices without reference to whether those prices involve a moderate and a just profit or an extortionate profit.

Mr. STANLEY. Mr. President——

Mr. UNDERWOOD. I did not intend to yield to the Senator from North Carolina, because I wanted to finish this sentence, and if the Senator from Kentucky will pardon me, I want to carry out my argument.

Of course, the Senator from North Carolina has been speaking to the merits of the bill. I was merely arguing this case on the assertion of my friend from Massachusetts. I know these manufacturers boost their prices, and I have no doubt in the world that the cent and a half provided in the bill would take care of this industry properly; but, even accepting their own figures, the committees did not agree with them, because they put the figures 1 cent lower than the lowest price these manufacturers said they could sell for.

Now I yield to the Senator from Kentucky.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. STANLEY. I did not wish to break into the course of the argument, but I desire to ask unanimous consent for the consideration of a joint resolution, which will require no debate and take up no time whatever.

The Board of Directors of the Smithsonian Institution has just suggested the name of Mr. John A. Roebling as a Regent. It is necessary to have the Senate act upon that matter, and I wish to have action on the joint resolution now.

Mr. WATSON of Indiana. I have served notice that after to-day no unanimous consent of that character shall be given. I will yield to my friend from Kentucky to-day, but ask him not to request unanimous consent to-morrow on any proposition.

Mr. STANLEY. This is just a formal matter. I introduce the joint resolution and ask for its present consideration.

The joint resolution (S. J. Res. 194) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress was read the first time by its title, the second time at length, and considered as in Committee of the Whole, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, be filled by the appointment of John A. Roebling, of Barnstable, N. J.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLAMATION IN IRRIGATION DISTRICTS—CONFERENCE REPORT.

Mr. McNARY. I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 4382.

The VICE PRESIDENT. Is there objection?

There being no objection, the conference report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following:
>
> "That the term 'first mortgage,' as used in section 12 of the Federal farm loan act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, known as the reclamation law: *Provided*, That such lands are otherwise eligible for loans under the Federal farm loan act: *And provided further*, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes."
>
> And the Senate agree to the same.
>
> CHAS. L. McNARY,
> W. L. JONES,
> MORRIS SHEPPARD,
> *Managers on the part of the Senate.*
>
> M. P. KINKAID,
> N. J. SINNOTT,
> CARL HAYDEN,
> *Managers on the part of the House.*

Mr. McNARY. I ask for the adoption of the conference report.

The report was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. ODDIE. Mr. President, I ask unanimous consent that we take up the question of cyanide, which was taken up out of order two days ago.

Mr. SMOOT. The Senator does not expect to get a vote upon the cyanide item to-night?

Mr. ODDIE. No; I do not.

Mr. SMOOT. Instead of asking to have the item under consideration laid aside, the Senator could make his speech upon the item, and there would not have to be any record made of

the pending item being laid aside and the cyanide item taken up.

Mr. McCUMBER. I wish to inquire if we are ready to vote upon the lactic acid item?

Mr. JONES of New Mexico. I desire to make a few remarks on it.

Mr. McCUMBER. All right. Then the Senator from Nevada can proceed.

Mr. ODDIE. Mr. President, two days ago the question of the duty on cyanide was discussed at some length, and I now want to make a few observations in support of the amendment which I introduced on April 18 to restore cyanide to the free list. This item was on the free list in the bill as it came from the House, but was changed by the Finance Committee to an ad valorem duty of 10 per cent. It has been on the free list for some years, and I am asking that it be continued on the free list. In doing this, I maintain that a duty on cyanide violates the principle of protection, which is the basis of tariff legislation.

Because of the unique position of gold in the monetary system and the present critical condition of the gold-mining industry I would like to submit for the consideration of the Senate some important reasons for retaining cyanide on the free list.

When Congress enacted the law establishing gold as the monetary unit, the price of gold automatically became fixed. While the Nation derives the benefits from the adoption of the gold standard, it nevertheless imposes upon the gold-mining industry the heavy burden of Government price fixation. Gold is the only commodity whose price can not respond to the law of supply and demand. Gold is the only commodity upon which a protective tariff can not be levied.

For example, the proposed duty on sugar will enable the sugar producer to readily absorb the proposed duty on potash fertilizer, but there is no means of levying a duty on gold by which the gold producer can absorb a duty, however small, on cyanide, which is as indispensable in the recovery of gold as potash is to the grower of sugar.

It would seem incumbent upon the Government, having arbitrarily fixed the price of gold, to render the largest measure of protection possible to the producers of gold, by imposing no duty upon cyanide. A cyanide duty neither can be absorbed by a tariff on gold nor passed along to the consumer of gold.

The following statement will show the difficulty of attempting to compete with the one company in this country manufacturing cyanide:

PATENT CONTROL BY THE ROESSLER-HASSLACHER CHEMICAL CO. PROHIBITS COMPETITION IN THE MANUFACTURE OF CYANIDE IN THIS COUNTRY.

[Memorandum re monopoly of American manufacture of cyanide by Roessler & Hasslacher Chemical Co.]

1. The Roessler & Hasslacher Chemical Co. is now and always has been the only producer of sodium cyanide in the United States. Ever since sodium cyanide replaced potassium cyanide in the market this company has enjoyed an absolute monopoly, so far as American manufacture is concerned. Sodium cyanide replaced potassium cyanide, except for certain small uses, because sodium cyanide can be produced at less cost per unit of cyanogen.

2. Practically all cyanide now produced in the world is manufactured by the process used by the Roessler & Hasslacher Chemical Co. except the cyanide produced by the American Cyanamid Co. at Niagara Falls, Canada. This Canadian manufacture uses different raw materials, but is dependent upon very cheap water power, which is the reason for its location on the Canadian side of the Niagara River. Therefore so long as the Roessler & Hasslacher Chemical Co. continues its monopoly of the process it will continue to be the only American manufacturer of cyanide.

3. This monopoly was originally based upon patents. The basic patents have expired. Roessler & Hasslacher Chemical Co. have obtained patents upon improvements in the process. Several of these improvement patents, having many years yet to run, are mentioned in the hearings before the Finance Committee at page 4824. Representatives of Roessler & Hasslacher testify that they are not using these improvement patents, but they admit quite frankly that any other company would have a very hard time competing with them. In their brief before the Finance Committee, at page 4844 of the hearings, Roessler & Hasslacher Chemical Co. admits the firmness with which it is intrenched in its monopoly by making the following statement:

"The experience of the United States Government in its attempt to manufacture cyanide under the Bucher process at Saltville, Va., is proof positive of the fact that the construction and operation of a plant for the satisfactory production of cyanide is no small task and can not be accomplished within a short time. The United States Government spent several million dollars in the construction and operation of the Saltville plant, and up to the close of the war had never turned out cyanide in commercial quantities."

Of course, when making this statement Roessler & Hasslacher Chemical Co. did not mean to support the contention of the gold miners that it had a strangle hold upon the business of producing cyanide in the United States. The company intended rather to paint a horrible picture of what would have happened to the United States during the war if it had not been on hand to make the necessary cyanide for the many industries dependent upon this material. But no matter what was the point sought to be proved by this testimony, it certainly establishes the fact, from the admission of the company itself, that it is, and for years will be, in monopolistic control of the manufacture of cyanide and of the American cyanide market in case the production of other countries is excluded by a protective tariff.

This proves that a duty on cyanide would merely intrench the monopoly in a still stronger position, eliminate the only domestic competition that now exists, and expose the consumers of cyanide to all of the ills which accompany monopolistic control, both as to price and terms of contract for delivery.

Mr. President, at this point I ask permission to insert in the RECORD a statement showing the gold production for the years 1915 to 1921.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Gold production, 1915–1921.[1]

Year.	World.	United States.	Per cent United States is world.
1915	$468,724,918	$101,035,700	21.5
1916	444,179,500	99,846,800	22.5
1917	419,422,100	83,750,700	19.9
1918	383,695,552	68,646,700	17.9
1919	365,788,700	60,333,400	16.5
1920	334,937,610	51,180,900	15.3
1921	[2] 320,471,441	49,105,500	15.3

[1] United States Mint Report. [2] London Statist.

Annual declines in gold production, 1915–1921.

Year.	World.	Per cent.	United States.	Per cent.	World, excluding United States.	Per cent.	Per cent United States of world's decline.
1915–16	$24,545,418	5.2	$99,445,400	0.5	$16,103,018	4.4	34.4
1916–17	24,754,400	5.5	8,839,600	8.5	15,914,800	4.5	35.7
1917–18	35,416,548	8.5	15,104,000	18.0	20,712,548	5.5	42.7
1918–19	17,816,735	4.6	8,313,300	12.1	9,503,456	2.6	46.6
1919–20	30,801,185	8.4	9,146,500	15.1	21,654,685	7.1	29.7
1920–21	14,516,169	4.3	2,081,400	4.1	12,434,769	4.6	14.3
Total	148,253,477	31.6	51,990,200	51.4	96,323,277	26.2	35.0

THE CRITICAL CONDITION OF THE GOLD-MINING INDUSTRY OF THE WORLD AND THE UNITED STATES.

Mr. ODDIE. The gold production of the world has declined from $468,724,918 in 1915 to $320,471,441 in 1921, an amount of $148,253,477, or 31.6 per cent.

The gold production of the United States has declined from $101,035,700 in 1915 to $49,105,500 in 1921, an amount of $51,930,200, or 51.4 per cent.

Of the total decline in the gold production of the world, the decline in the production of gold in the United States contributed 35 per cent.

On July 19, 1919, England removed the war embargo on the exportation of gold to the extent of permitting exportation under license. This action enabled the South African and Australian gold producers to sell newly produced gold in London for delivery in New York at $20.67 per fine ounce. The dollars converted into paper pounds sterling at the current rate of exchange provided a paper pound premium to those producers and offset to a considerable degree the diminished purchasing power of the pound sterling in terms of wages and supplies entering into the production of gold in South Africa and Australia.

The paper pound premium fluctuates from day to day with the depreciation of sterling exchange as quoted. From a gold par of about 85 shillings per fine ounce, the paper shilling quotation rose to over 128 shillings, an increase of about 50 per cent in price, but averaged for 1920 and 1921 about 30 per cent. With the recent improvement in sterling exchange the paper pound premium has been reduced to about 10 per cent.

This fact has forced the South African operators to reduce operation costs by substituting native for European labor. The recent strike, which has shut down many of the mines, resulted from this substitution. The operators won the fight, but the reduction of the exchange premium by the improvement of the sterling rate has been so great that many mines will be unable to continue operations.

The following comment from the report of the Low Grade Mines Commission should be an accurate survey of the conditions in South Africa:

A thorough investigation made by the Low Grade Mines Commission in 1920 indicated that when the "price of gold" falls to 100 shillings per ounce, 16 out of 39 operating mines would show losses. At 90 shillings 26 mines and 12,000 white men would be affected. With gold at par 31 mines could not be operated at a profit, affecting 14,400 Europeans.

It may be anticipated that the gold production of the world will be less this year than last, due to the marked reduction of South African production, which is reflected in the recent arrivals of gold in London from that country, as shown in Table I accompanying, entitled "London gold movements."

The reason for the heavier decline in the domestic production of gold whereby this country contributed only 15.3 per cent in 1920 and 1921, as compared with 21.5 per cent in 1915, to the world's production is clearly set forth in the following quotation from the report of President Harding's Conference on Unemployment submitted October 13, 1921:

Gold mining suffers from the excessive cost of supplies and other items, and the value of the gold output being fixed as against material advances in cost has operated to restrict the employment of labor in gold mines.

The American producers of gold have received no assistance as did the South African producers, due to exchange conditions, and have been forced to bear the full burden of inflationary wages and prices. This has forced many mines to suspend operations and fill with water, with the consequent impairment of investments and possible loss of ore reserves through caving.

Legislative aid was requested in behalf of the gold-mining industry to compensate for the increasing costs of production which have prevailed since 1916 and has been denied. This makes it even more necessary that no additional or inequitable burdens, such as a duty on cyanide, be levied against the gold-mining industry at this time.

THE EFFECT OF A CYANIDE DUTY UPON THE PRODUCTION OF GOLD IN THE UNITED STATES.

The Senator from South Dakota [Mr. STERLING] has made a statement before the Finance Committee in opposition to the proposed tariff on cyanide, citing some of the conditions which prevail in the gold-mining industry of South Dakota. However, the conditions which pertain in the State of Nevada with reference to the consumption of cyanide and the dependence of the gold-mining industry upon its use in the recovery of gold will make the tariff on cyanide a still more severe penalty upon the production of gold in that State. From the practical experience I have gained in the operation of gold mines in my State, I can speak with confidence on this subject.

For example, at one of the largest mines in Nevada—the Tonopah-Belmont—in 1916, before the costs of supplies had increased so greatly, the cyanide consumption was 3.52 pounds per ton of ore, costing $0.601. The cyanide cost in this case is 28 per cent of the total milling cost. All supplies purchased by the mill cost $1.318 per ton, including cyanide of $0.601. In other words, the cost of the cyanide represents nearly half of the cost of all the supplies purchased by this large mill.

At the Churchill Milling Co., of Nevada, it was reported in 1916 that the cyanide cost was $0.375 per ton, while all of the supplies consumed in the milling of the ore cost $1.445. The cost of cyanide therefore represented approximately 25 per cent of the total cost of all supplies. The total labor of all kinds in this mill cost $0.857. The cost of cyanide represents 43 per cent of the total labor cost.

Gold production in Nevada has declined from $13,576,000 in 1912 to $3,214,000 in 1921, a decline of 76.3 per cent for the decade. The production of gold in the United States during the same period declined from $93,452,000 in 1912 to $49,105,500 in 1921, or 47.5 per cent. The decline in Nevada, therefore, has been greater than that of the United States generally, which is evidence of the serious effect of the increased cost of cyanide upon the production of gold in my State, which is so largely dependent upon the cyanide process for its recovery.

In many of the properties of the United States the cyanide process is used to recover only a small percentage of the values contained in the ore. Many gold ores yield their major values in the process of amalgamation. This is true of the Homestake Mining Co., whose brief has been filed.

I have here a letter recently received from my State which presents the problem of treating one lot of 1,500,000 tons of tailings, which are to-day lying idle. Figuring cyanide at the present cost, without a duty, these tailings can be treated at a profit of 20 cents a ton. Many unforeseen things can happen which might cut that profit to practically nothing, and I am satisfied that if any duty is levied on cyanide these tailings will not be treated, which will mean the loss of a great deal of money to our State, the loss of employment to many men, and the loss of this newly produced gold which is needed in circulation.

The investments that have been made in the last 20 years in the gold-mining industry, however, have been based upon these additional values which are recovered by the cyanide process. In many cases the tailings which are treated by the cyanide process are extremely low grade, running as low as 80 cents to the ton, and yet the recovery of such small amounts is essential to the profitable operation of many of our important mines. In such cases the increased cost of cyanide resulting from the imposition of a duty may force the abandonment of the cyanide process, which will compel the shutting down of the entire operation.

There is no way that the gold producer can pass this proposed duty on cyanide to the consumer of gold, and therefore it becomes a direct burden upon the cost of production, which the industry is not now prepared to sustain and which will further delay the reopening of many properties which have been forced to shut down during this period of high costs.

I ask permission at this point to insert in the RECORD a statement of the London gold movements.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TABLE I.—*London gold movements.*[1]

[Pounds sterling at exchange par.]

Week ended—	Received at London from—		Exported from London to—		
	South Africa.	India.	United States.	Switzerland.	India.
July 6, 1921	£491,000	£371,000	£1,268,000		
July 13, 1921		193,000	545,000		
July 20, 1921	1,586,000		1,635,000		
July 27, 1921	908,000	581,000	1,082,000		
Aug. 3, 1921	511,000		416,000		
Aug. 10, 1921	765,000	302,000	995,000		
Aug. 17, 1921	782,000	610,000	1,319,000		
Aug. 24, 1921			2,244,000		
Aug. 31, 1921	1,442,000	511,000	1,774,000		
Sept. 7, 1921	646,000		3,000		
Sept. 14, 1921	688,000	765,000	3,387,000		
Sept. 21, 1921	719,000	278,000	660,000		£15,000
Sept. 28, 1921		474,000	981,000		440,000
Oct. 5, 1921	1,537,000				244,000
Oct. 12, 1921	758,000	77,000	1,214,000		272,000
Oct. 19, 1921	774,000	812,000	1,350,000		198,000
Oct. 26, 1921	721,000		329,000		17,000
Nov. 2, 1921	752,000	80,000	1,109,000		
Nov. 9, 1921	691,000		985,000		
Nov. 16, 1921	819,000		715,000		
Nov. 23, 1921	589,000	78,000	604,000		18,000
Nov. 30, 1921	687,000	132,000	1,258,000		25,000
Dec. 7, 1921		47,000	381,000		5,000
Dec. 14, 1921	1,350,000	84,000	1,454,000		18,000
Dec. 21, 1921	935,000		828,500	£8,000	45,000
Dec. 28, 1921			771,000		33,000
Jan. 4, 1922	1,064,000	76,000			
Jan. 11, 1922	682,000		1,166,000	15,000	
Jan. 18, 1922	470,000	46,000	1,277,000	157,000	36,000
Jan. 25, 1922	1,152,000		29,000		42,000
Feb. 1, 1922			776,000	156,000	99,000
Feb. 8, 1922	1,510,000		957,000		46,000
Feb. 15, 1922	519,000		800,000		119,000
Feb. 22, 1922	277,000				107,000
Mar. 1, 1922	71,600				

[1] John Oakwood, Times Annalist, Apr. 3, 1922.

Mr. ODDIE. I ask permission to insert in the RECORD at this point a table showing the imports and exports of gold by months from August, 1921, to March, 1922.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—*United States imports and exports of gold by months, August, 1921, to March, 1922.*[1]

	Total imports.	Total exports.	Net imports.
1921.			
August	$85,219,000	$672,000	$85,867,000
September	66,500,000	2,400,000	64,100,000
October	47,135,000	7,575,000	39,558,000
November	51,937,000	607,000	51,330,000
December	31,685,000	1,950,000	29,735,000
1922			
January	26,571,000	863,000	25,708,000
February	28,701,000	1,722,000	26,979,000
March	23,488,000	566,000	22,922,000

[1] These figures reported by the Bureau of Foreign and Domestic Commerce.

THE MARKED CHANGE IN THE WORLD'S GOLD MOVEMENTS.

Mr. ODDIE. The London arrivals of gold from South Africa show a marked decline from £1,510,000, February 8, 1922, to £71,600, March 1, 1922—Table I. While the amounts of gold exported from London to the United States as recorded in

Table I show that no gold was exported on February 22 and March 1, previous single shipments from London have reached a high point on September 14, 1921, of £3,887,000.

The imports of gold to the United States show a continuous decline from $86,240,000 for August, 1921, to an average of about $30,000,000 for the four months of December, 1921, January, February, and March, 1922.

With the appreciation in sterling exchange South African mines are finding difficulty in maintaining production, which forecasts a decline in the amount of gold which London will receive from its principal source of supply. This also forecasts a decline in the imports of gold into the United States, indicating that the end of the period of heavy gold arrivals in this country is in sight, with a possibility in the not distant future that the gold tide will be going out.

Confronted by this condition, it becomes necessary now to consider the restoration of the gold-mining industry of the United States which is now in so critical a condition. It will take several years to restore normality to the industry, and any burdens, such as the imposition of a duty on cyanide, will materially delay the return of the industry to normal production.

There is little question but that the United States during this period will be losing a large portion of the gold acquired from foreign sources since 1914. It will safeguard our own financial position as a creditor nation if we have a normal production of new gold to compensate for these anticipated gold-reserve losses.

RESTORATION OF WORLD'S NORMAL GOLD PRODUCTION ESSENTIAL ELEMENT IN FINANCIAL RECONSTRUCTION PROGRAM.

Since excessive credit and currency expansion, both here and abroad, have caused the serious condition in the gold-mining industry of the United States and foreign countries, it follows that normal production can not be restored until the credits and currencies of the principal countries of the world are made interconvertible and redeemable in gold.

In addition, therefore, to all the other arguments in favor of a return to the normal functioning of the gold standard in all countries, there is this most potential argument arising from the need to restore normal gold production as a most invigorating element in financial reconstruction.

The Roessler & Hasslacher Co.'s testimony before the committee claims that there are 250 men employed by them in the manufacture of cyanide in this country. The American Cyanamid Co., manufacturing cyanide in Canada, imports all of its raw materials from the United States—coal and coke from Pennsylvania, limerock from Michigan, and salt from New York. The imposition of this tariff, therefore, would terminate the purchase of limerock, coal, coke, and salt in this country by the American Cyanamid Co., used in the manufacture of cyanide for this market, and create unemployment to this extent.

The Bureau of the Census in its report giving the figures for 1920 states that there are over 20,000 miners and millmen engaged in the precious-metal mining industry in this country. The employment of these 20,000 men will be seriously affected by a tariff on cyanide. The precious-metal mining industry, in accordance with a statement of the United States Bureau of the Mint in cooperation with the United States Geological Survey, shows figures of production of precious metals for the year 1921 in 22 States, the Territory of Alaska, and the Philippines, while the operations of the Roessler & Hasslacher Co., producing cyanide, are limited to Niagara Falls, N. Y., and Perth Amboy, N. J.

CANADIAN IMPORTS OF CYANIDE.

Mr. President, the question was raised in the debate on Wednesday, May 3, by myself regarding the report from the Tariff Commission. I stated that I was under the impression that an error had been made.

The Senator from Utah [Mr. SMOOT] expressed concern last if cyanide should remain on the free list the German manufacturer would destroy first the German-American manufacturer, Roessler & Hasslacher Chemical Co., and then the Canadian manufacturer, which is an American-owned company. I called the Senator's attention to the fact that the Tariff Commission's report contained in Summary of Tariff Information at page 1434 was in error. I knew it was in error because it indicates that imports of cyanide while this material has been on the free list have come mostly from Germany. I knew that in recent years these imports have come very largely from the American Cyanamid Co. plant in Canada, which has not shown any signs of being destroyed by German competition. I wrote to the American Cyanamid Co. for a statement of the amount of cyanide imported from their Canadian plant for the years 1919, 1920, and 1921, and I find that in each year the amount of Canadian cyanide imported is in excess of the total imports reported by the Tariff Commission.

The fact is, as I understand the situation, that the Tariff Commission obtains its figures from customs records which are not as carefully compiled for items on the free list as for items that pay duty. I will insert in the RECORD a table showing the Tariff Commission's report of the amount of cyanide imported from all countries and the amount actually imported from Canada.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Imports of cyanide into the United States.

Year.	Tariff Commission report of total imports.	Actual imports from Canada.
	Pounds.	*Pounds.*
1919	5,174,831	7,304,000
1920	7,590,495	13,136,000
1921	[1] 6,459,405	[2] 9,720,000

[1] 9 months. [2] 12 months.

PROFITS OF ROESSLER & HASSLACHER CHEMICAL CO.

Mr. ODDIE. Mr. President, with regard to the profits exacted from the precious metal industries by the Roessler & Hasslacher German-born monopoly, there has been a great deal of effort to confuse the issue. This effort has gone even to the extent of the circulation by this company to Members of the Senate and to others of copies of a letter of the present Alien Property Custodian, dated January 7, 1922. That letter was signed by the Alien Property Custodian—by whom it was actually prepared I would hesitate to say—at a time when negotiations were closing under which the Americanization of the Roessler & Hasslacher Chemical Co. was accomplished, for a period of five years at least, by placing the controlling stock in a voting trust. The letter was prepared for the purpose of being inserted in a brief to be filed by the Roessler & Hasslacher Chemical Co. with the Senate Committee on Finance, but before that brief was filed the Alien Property Custodian reconsidered the matter and had this letter ripped out of the brief and a statement substituted in place of it, so it is not a part of the official hearings.

In preparing this statement he recognized that it was no duty of his to pass upon any issues involved in the tariff question, but merely to make clear to Congress the exact relations between the Alien Property Custodian's office and the company. This is the statement which was substituted for the letter referred to two days ago by the Senator from New York and which I agreed to place in the RECORD. I offer the statement now and ask permission that it be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

[From tariff hearings before Senate Finance Committee, free list, pages 4845–4847.]

WASHINGTON, D. C., *January 20, 1922.*

Memorandum re Roessler & Hasslacher Chemical Co.

Capital stock, authorized and issued, 12,000 shares (par $100). Enemy shares reported by Roessler & Hasslacher Chemical Co., 5,934. Reported by Bureau of Investigation, Alien Property Custodian office, 3,800.

Demand for the shares reported by the Roessler & Hasslacher Chemical Co. was served on April 4, 1918. The certificates were transferred to the name of the custodian and deposited with the Alien Property Custodian depositary. Demands for the 3,800 shares reported by the Bureau of Investigation were served April 7, 1919. Pursuant to each demand certificates for 3,585 shares were turned over to the Alien Property Custodian and deposited with the Columbia Trust Co. as Alien Property Custodian depositary. Certificates for the remaining 215 shares were never turned over to the Alien Property Custodian. Demand for 100 of the 184 shares reported by Speyer & Co. was subsequently withdrawn, and certificates for the 84 shares remaining were afterwards issued in the name of the Alien Property Custodian and deposited with the Bank of Manhattan Co. as Alien Property Custodian depositary. Thus the Alien Property Custodian was in undisputed possession of certificates for 6,018 shares in his name and had physical possession of certificates for 3,585 shares, and, further, had demanded 215 additional shares for which no certificates were surrendered and none issued in the custodian's name.

The determination that the 3,800 shares reported by the bureau of investigation were enemy property was disputed by the corporation and by certain American citizens who had certificates for various portions of this 3,800 block registered in their respective names. The investigation showed that an agreement had been made between the enemy and Frans Roessler for the latter to purchase from the former 3,800 shares of stock, same representing the control of the company. These negotiations were started in 1916 and resulted in the issuance of a certificate of stock for 3,800 shares in the name of Frans Roessler in February, 1917. The custodian's investigators were not satisfied that Frans Roessler had acquired good title to these shares and considered

that the transfer was made in contemplation of war and was but a temporary arrangement. The Roessler & Hasslacher Chemical Co. and Frans Roessler contended that the transfer was a bona fide sale. Frans Roessler and certain American registered owners of this 3,800 block subsequently filed notice of claim and suit under section 9 to recover these shares. These suits were filed in the United States district court of New York and New Jersey. To determine the question of ownership required that the courts issue letters rogatory for the taking of testimony and the examination of the enemy's books in Germany. This the court refused to do, stating, it is said, that the matter could be determined at the end of the war. The matter was in this situation when the present Alien Property Custodian took office. With a view to having the matter determined, it was decided to institute court proceedings under section 17 to require the issuance of new certificates of stock for the disputed 3,800 shares. However, this came to the attention of the attorneys for the corporation, and they secured an injunction restraining the Alien Property Custodian from instituting such suit. At this juncture it was decided to avoid future litigation, and many hearings were had in the matter before the Alien Property Custodian, his general counsel and assistant general counsel, and other members of his staff, as well as outside counsel. The result of these hearings was the release by the Alien Property Custodian of his demands for the 3,800 shares, on the understanding that the same be placed in a voting trust for a period of not less than five years, and the placing of certificates for 6,018 shares, to which the custodian holds undisputed title, by the custodian in said voting trust. This voting trust was executed on October 3, 1921, for a period of five years, the stock pledged therein representing control of the corporation in the hands of the voting trustees to be voted by such trustees. These trustees, five in number, were selected, two by the Alien Property Custodian, two by the Roessler & Hasslacher Chemical Co., and these four selected the fifth. In this manner the control and supervision of a majority of the outstanding shares of the corporation was vested in five American trustees for a period of not less than five years.

PERTH AMBOY CHEMICAL WORKS.

Outstanding capital, 4,000 shares (par $100).
Shares reported by company, 1,960.
Shares reported by Bureau of Investigation, Alien Property Custodian office, 80.

These 80 shares represent a control of the corporation and were treated in the same manner as were the 3,800 shares in the Roessler & Hasslacher Chemical Co.

NIAGARA ELECTRO CHEMICAL CO.

Outstanding capital, 1,000 shares (par $100).
Shares reported by company, 110.
Shares reported by Bureau of Investigation, Alien Property Custodian office, 240.

The custodian demanded but 55 per cent of the outstanding stock of this company and at no time was in a position to control its management. The 240 shares reported by the Bureau of Investigation were treated in the same manner as were the 3,800 shares of the Roessler & Hasslacher Chemical Co.

All of these shares, namely, 3,800 shares Roessler & Hasslacher Chemical Co., 80 shares Perth Amboy Chemical Works, 240 shares Niagara Electro Chemical Co., are to-day in the indisputed possession of their American registered owners, the demands made for such shares by the Alien Property Custodian in 1919 having been marked "satisfied" by reason of the voting trust agreement of October 3, 1921, aforementioned.

The Alien Property Custodian was represented on the board of directors of the Roessler & Hasslacher Chemical Co. by two out of six directors; in the Perth Amboy Chemical Works by two out of seven directors; and had no representative on the board of directors of the Niagara Electro Chemical Co.

Respectfully submitted.

THOMAS W. MILLER,
Alien Property Custodian.

Mr. ODDIE. The statement is illuminating and shows how this Roessler & Hasslacher monopoly was born of German parentage and that undisputed possession of a substantial part of its stock was obtained by the Alien Property Custodian during the war, and a demand made for a sufficient amount of additional stock to constitute a control not only of the Roessler & Hasslacher Chemical Co. but of its subsidiaries engaged in the cyanide business.

The company sought to camouflage its character as a really American company by a very remarkable transaction in accordance with which it was claimed that the control had suddenly passed from Germany to the United States in February, 1917, on the eve of the outbreak of hostilities between this country and Germany. This transfer of control the Alien Property Custodian claimed was not a genuine sale, but was made for the purpose of defrauding the United States Government.

The German-Americans engaged in the management of the company commenced litigation against the Alien Property Custodian, questioning his right to the possession of the control of the company. That litigation, the successful prosecution of which in behalf of the Government would have required the taking of much testimony in Germany, was ultimately compromised by the creation of a voting trust. That voting trust is made up of five men, two of whom were named by the Alien Property Custodian, two by the company, and the fifth by the four. During the existence of this voting trust, of course, the company is in American hands, but what will happen at the expiration of the voting trust five years hence is another question.

Meanwhile the relations of the Roessler & Hasslacher Chemical Co. with its German parent, the Schiede-Anstalt, have been fully reestablished. Over in Germany they have a Fritz Roessler of the Schiede-Anstalt; in the United States they have a Frans Roessler of the Roessler-Hasslacher Chemical Co., and Frans and Fritz are brothers.

I have in my hand, and would like to offer for the RECORD, a photostatic copy of a letter from the United States Department of Commerce, based upon its investigation of cyanide manufacture in Germany. In that letter it is pointed out that the investigations of the Department of Commerce were not successful because whenever they went to the German manufacturer for information they were directly referred to the American representatives of the German manufacturer, the Roessler-Hasslacher Chemical Co.

Mr. President, I ask unanimous consent that the entire letter may be placed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, March 10, 1922.

AMERICAN CYANAMID CO.,
511 Fifth Avenue, New York, N. Y.
(Attention Mr. E. J. Frank, Commercial Research Bureau.)

GENTLEMEN: With further reference to your request of October 14, regarding the production of cyanide in several European countries, I am pleased to furnish you herewith the information which we have received from Mr. Herring, American commercial attaché in Berlin. Extracts from Mr. Herring's letter follow:

"I wish to say that we have endeavored to obtain information on the processes in use here for the production of cyanide, but have been unable to get anything very specific. The production of this product is practically a monopoly in the hands of the Deutsche Gold und Silber Scheideanstalt, Frankfurt am Main. This concern is said to control 95 per cent of the grade of cyanide of soda, containing 50 to 51 per cent cyanogen, which is the product most in demand. An inquiry made direct to these manufacturers elicited the reply that any information desired could be gotten from their American representatives, the Roessler & Hasslacher Chemical Co., New York City, 709–717 Sixth Avenue, corner Forty-first Street, box 119, Times Square.

"In regard to the methods of production, I quote as follows from a letter of a dealer in cyanide of soda:

"'The process usually is simply a mixture of soda crystals, cyanamide, and a particular grade of charcoal which leaves practically no trace of ash. This is electrolytically treated and comes out in the form of cyanide of soda, and the purity depends upon the grade of cyanamide used, the quality of the charcoal, and there seems to be a very great knowledge needed of exactly the electrolytical treatment required to give the desired result. It is certain that very few manufacturers have succeeded in producing the pure article in a commercial way and at a low price, but a very well-known chemist with whom I talked several times about this product maintains that in a properly directed commercial laboratory the cost should not exceed 14 cents per pound, packing included.'

"As regards export, these mostly go to the Netherlands, Baltic States, Far East, and the United States. The export of potassium cyanide and potassium ferricyanide, both yellow and red, for the months of September, October, and November were as follows:

"'September, 2,444 double centners (100 kilograms).
"'October, 4,503 double centners (100 kilograms).
"'November, 1,869 double centners (100 kilograms).'"

Regretting that we are not in a position to give you more complete information in regard to cyanide in Germany, and trusting that the bureau will have the opportunity to be of assistance to you again, I am,

Yours very truly,
ALAN G. GOLDSMITH,
Chief Western European Division.

Mr. ODDIE. Regarding the profits of the Roessler & Hasslacher Chemical Co., it is quite true that the enormous percentages, such as 600 per cent mentioned here in debate two days ago, are profits of subsidiary companies upon their limited capitalization, but the Senate Committee on Finance was unsuccessful in its efforts to extract from the Roessler & Hasslacher Chemical Co. exact information as to the real amount of capital that had been put into these subsidiaries.

It was pointed out by an official of the Roessler & Hasslacher Chemical Co. at these hearings that the Niagara Electro-Chemical Co., one of the subsidiaries, had a capital of but $100,000, whereas its fixed assets were as much as $3,000,000; and the Senator from New Mexico endeavored to ascertain whether the $100,000 was all the money that was actually put into the company by the Roessler & Hasslacher Chemical Co. and whether the remainder of the $3,000,000 was simply the accumulation of profits.

I will read that part of the hearings in which the Senator from New Mexico endeavored without success to obtain this information:

Senator JONES. You say the capital stock of that American company is $100,000?

Mr. RIGNEY. Yes, sir.

Senator JONES. How much capital was actually put into it in the beginning—at the time of its organization?

Mr. RIGNEY. I presume not more than $100,000 at that time, but the Niagara Electro Chemical Co. is simply a subsidiary of the Roessler & Hasslacher Chemical Co., and is only considered as a branch for Roessler & Hasslacher.

Senator JONES. What I am trying to get at is this: How much additional money has been put into it by the parent company, if any?

Mr. RIGNEY. That I would have to get the records for. I could not give you that statement offhand, sir.

Senator JONES. I should like to know whether or not, with that original capital of $100,000, the profits of that concern have built it up to its present state, where its assets amount to $3,000,000.

Mr. RIGNEY. That, I think, could easily be given you, sir. I want to say this, that when this company was organized——

Senator JONES (interposing). Will you furnish that statement, please, for the record?

Mr. BIGNEY. We will furnish you any figures that the committee desire.

Senator JONES. I would like to know the amount of money which has actually been put into that subsidiary company by the parent company.

Mr. BIGNEY. We have no desire to hide anything.

Senator JONES. I am sure of that.

The statement on this subject which Mr. Bigney promised to file, supplying the information we would like to have bearing upon this question of profits, has never been filed, so far as I can ascertain from a complete examination of the records of the Committee on Finance.

Mr. WILLIS. Mr. President, I should like to propound an inquiry to the Senator from Nevada touching the matter to which he referred in his remarks.

Mr. ODDIE. I will be very glad to answer the Senator, if I can.

Mr. WILLIS. I desire to ask the Senator what response he makes to the argument such as I am about to indicate to him. I have before me letters not from the producers of this material but from users of it. There have come to me in the last day or so some 50 letters from such concerns as the Cleveland Tractor Co., of Cleveland, Ohio; the Ohio Foundry & Manufacturing Co., of Steubenville, Ohio; the White Sewing Machine Co., of Cleveland, Ohio; the Robbins & Myers Co., of Springfield, Ohio; the White Motor Co., of Cleveland, Ohio; the De Vilbiss Manufacturing Co., of Toledo, Ohio, and other companies of Ohio. I ask to put the names of the other companies in the RECORD, consisting of probably 50 of the most important manufacturing concerns in the State of Ohio, written apparently on their own motion, and urging that a fair protective duty shall be placed upon cyanide.

The VICE PRESIDENT. Without objection, the names will be printed in the RECORD.

The names referred to are as follows:

The Cleveland Twist Drill Co., Cleveland, Ohio.
The Torbensen Axle Co., Cleveland, Ohio.
The Imperial Underwear Co., Piqua, Ohio.
The Belmont Tumbler Co., Bellaire, Ohio.
The Dayton Forging & Heat Treating Co., Dayton, Ohio.
Organo Chemical Co., Sandusky, Ohio.
The Atlas Bolt & Screw Co., Cleveland, Ohio.
The Russ Manufacturing Co., Cleveland, Ohio.
The C. C. Thompson Pottery Co., East Liverpool, Ohio.
The Eberhard Manufacturing Co., Cleveland, Ohio.
The Cleveland Plating Co., Cleveland, Ohio.
The Vichek Tool Co., Cleveland, Ohio.
The Bishop & Babcock Co., Cleveland, Ohio.
The Scott-Ullman Co., Cleveland, Ohio.
The National Screw & Tack Co., Cleveland, Ohio.
Parish & Bingham Corporation, Cleveland, Ohio.
The Cleveland Welding & Manufacturing Co., Cleveland, Ohio.
The Redex Ignition Co., Cleveland, Ohio.
The Virden Co., Cleveland, Ohio.
The National Acme Co., Cleveland, Ohio.
The Friedman Blair Parber Co., Cleveland, Ohio.
The Knowles, Taylor & Knowles Co., East Liverpool, Ohio.
The Banner Axle Co., Cleveland, Ohio.
The Peck, Stow & Wilcox Co., Cleveland, Ohio.
The Barnes Manufacturing Co., Mansfield, Ohio.
The Fanner Manufacturing Co., Cleveland, Ohio.
The Hocking Glass Co., Lancaster, Ohio.
The Mansfield Vitreous Enameling Co., Mansfield, Ohio.
The Grabler Manufacturing Co., Cleveland, Ohio.
Chicago Handle Bar Co., Shelby, Ohio.
The Morreau Co., Cleveland, Ohio.
United States Glass Co., Tiffin, Ohio.
The Steubenville Pottery Co., Steubenville, Ohio.
The R. S. White Co., Cleveland, Ohio.
The Althof Plating & Polishing Co., Columbus, Ohio.

Mr. WILLIS. I quote the letter of the Barnes Manufacturing Co., as follows:

MANSFIELD, OHIO, *April 27, 1922.*

Senator F. B. WILLIS,
Care of Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We understand the Canadian manufacturers of cyanide are attempting to influence tariff legislation so that cyanide salts may be admitted free of duty.

During the war the manufacture of cyanide was declared an essential industry, and it is certainly essential in time of peace. As this is an important industry, it should receive proper protection, and it would seem to us that 20 per cent would be none too much.

We trust that you will give this matter the necessary attention.

Yours very truly,

THE BARNES MANUFACTURING CO.,
T. E. BARNES,
Secretary and General Manager.

I ask leave to insert in the RECORD two more letters, which are typical of the others.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

STEUBENVILLE, OHIO, *April 21, 1922.*

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

SIR: As an American manufacturer we desire to register our protest against the propaganda of the Canadian manufacturer of cyanide in its attempt to influence tariff legislation so that cyanide salts may be admitted free of duty.

During the war the manufacture of cyanide was declared an essential industry, and is equally essential in time of peace. The future can best be judged by the history of the past; therefore, it is easy to see what will happen to the American consumers of cyanide when the American producer is driven from the market by unrestricted foreign competition.

In order that this industry may be preserved in the United States and the American consumer assured of an uninterrupted supply of a high-grade material, we respectfully request that you support the application of the American manufacturers for a substantial duty on cyanide salts.

Very truly yours,

GILL BROS. CO.,
D. E. BROOKS, *Secretary.*

SANDUSKY, OHIO, *May 2, 1922.*

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

DEAR MR. WILLIS: As consumers of cyanide salts we are very much in favor of a substantial protective duty on that material. We have no interest in the cyanide business, but appreciate the position of the American cyanide manufacturers, and as a regular consumer urge you to favor proper protection.

Yours very truly,

THE HOWE COLOR PRODUCTS CO.,
By C. H. RICHARDSON.

Mr. WILLIS. Mr. President, the question I wish to propound to my friend from Nevada is this: Here is a substance which apparently we are producing in this country economically and in sufficient quantity to supply the market, and numerous consumers of the commodity, including, as I have said, 50 of the greatest manufacturing concerns in my State, which buy this material, are urging that the protective tariff principle shall be applied to it. How does the Senator answer that argument?

Mr. ODDIE. I will state, Mr. President, to my friend from Ohio that only one concern appeared before the Finance Committee and asked for a duty on cyanide, and that it has been carrying on a very extensive propaganda all over the United States. I have seen a number of letters from splendid and responsible concerns in which practically the identical language is used. If the Senator will examine a number of the letters he will see that in many of them the same phrases occur; and I am firmly of the opinion that the request has gone out from the Roessler & Hasslacher Chemical Co. to very many concerns in the United States.

Mr. WILLIS. I am, of course, familiar with the methods which are used to induce the writing of letters, and all that sort of thing, but here is what strikes me as being peculiar: The concerns which write to me—and the Senator recognizes that they are great business concerns—and are known all over the country——

Mr. ODDIE. Undoubtedly they are.

Mr. WILLIS. Can not be influenced by mere child's play; yet they write me and say that this material is being sold at a reasonable price, and that they think the industry is entitled to protection the same as is any other American industry. I care nothing about the Roessler & Hasslacher Chemical Co.; I never heard of them until this question arose; but I am interested in the viewpoint of these concerns in Ohio which are asking for a reasonable protective duty upon this material.

Mr. ODDIE. I will say that I believe the concerns referred to by the Senator from Ohio are reputable and are perfectly honest in their requests; they are perfectly honest also in their belief; but I have studied this matter very carefully, and I think I may venture to say that those who are writing in advocacy of a duty on cyanide, as indicated by the Senator from Ohio, are probably not aware of the fact that cyanide has been on the free list for a number of years. Since 1917 the American Cyanamid Co., an American company, has been operating on the Canadian side and using raw materials produced in America. This company has been furnishing cyanide to this market in competition with the Roessler-Hasslacher Co. I know that last year in my State contracts were made with the American Cyanamid Co. at about 4 cents a pound lower than the Roessler-Hasslacher Co. asked, the latter company having advanced their price very materially from 1920 to 1921. So our people were forced to make contracts with the American company in Canada.

I will state emphatically that the gold-mining industry, which has been suffering so severely since the war, needs free cyanide. A duty on cyanide will mean that many properties will have to go out of business. I am a thorough believer in the principle of protection. The gold-mining industry needs protection as no other industry needs it, because since the war it has had to bear the full burden of high operating costs without any compensating increase in price. Operating costs are still over 50 per cent higher than in 1915 and the industry can neither absorb a duty on cyanide nor pass it along to the consumer.

Mr. President, I should like to say, further, that I have a high regard for my friends, the Senators from New York and from

New Jersey. I admire the splendid fight they have made for this industry located in their respective States, but I ask them to study carefully the facts I have submitted, and I think if they will examine them they will see the question in a somewhat different light and realize its broad significance to the financial reconstruction of the world and its importance as a national issue. I realize also the thorough work which has been done by the Finance Committee in formulating this tariff bill. They have been almost persecuted by details and conflicting interests. I hope that this question will be reconsidered carefully by the committee and the Senate in the light of my presentation. I am sure that free cyanide will not only save the gold-mining industry but invigorate our whole financial structure.

RECESS TO 11 O'CLOCK TO-MORROW.

Mr. McCUMBER. Mr. President, I ask unanimous consent that when the Senate concludes its session to-day it shall take a recess until to-morrow at 11 o'clock a. m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORT OF EUGENE MEYER, JR., ON AGRICULTURAL CONDITIONS.

Mr. CAPPER. Mr. President, I have here the report submitted to the President by Mr. Eugene Meyer, jr., managing director of the War Finance Corporation, on agricultural and live-stock conditions and finance. There is a very great demand for the document, and I ask unanimous consent that it may be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CURTIS. I move the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 35 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Saturday, May 6, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 5 (legislative day of April 20), 1922.

REGISTERS OF THE LAND OFFICE.

Jaffa Miller, of New Mexico, to be register of the land office at Roswell, N. Mex., vice Emmett Patton, resigned.

Hugh E. O'Donnell, of Idaho, to be register of the land office at Lewiston, Idaho, vice Henry Heitfeld, whose term will expire May 13, 1922.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICERS.

Brig. Gen. James Henry McRae to be major general from May 1, 1922, vice Maj. Gen. James William McAndrew, who died April 30, 1922.

Col. Harry Alexander Smith, Infantry, to be brigadier general, vice Brig. Gen. James Henry McRae, to be appointed major general.

POSTMASTERS.

CALIFORNIA.

William E. Edwards to be postmaster at Westmoreland, Calif. Office became presidential October 1, 1921.

COLORADO.

Ethel Niquette to be postmaster at Edgewater, Colo., in place of C. E. Spicer, resigned.

Roswell H. Bancroft to be postmaster at Palisades, Colo., in place of E. J. Bancroft. Incumbent's commission expired April 6, 1922.

FLORIDA.

Charles S. Williams to be postmaster at Key West, Fla., in place of M. B. Darnall, resigned.

ILLINOIS.

James W. Gibson to be postmaster at Murphysboro, Ill., in place of Gus Blair. Incumbent's commission expired January 12, 1918.

IOWA.

Adna Miller to be postmaster at Danville, Iowa. Office became presidential April 1, 1922.

KANSAS.

Patrick H. Lindley to be postmaster at Havana, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Allie H. Gibson to be postmaster at Ghent, Ky. Office became presidential April 1, 1921.

James H. Branstetter to be postmaster at Glasgow, Ky., in place of J. M. Richardson. Incumbent's commission expired February 4, 1922.

MARYLAND.

Ernest G. Willard to be postmaster at Poolesville, Md. Office became presidential July 1, 1921.

MASSACHUSETTS.

Myrtice S. King to be postmaster at Upton, Mass. Office became presidential April 1, 1922.

MINNESOTA.

Anna O. Rokke to be postmaster at Strandquist, Minn. Office became presidential April 1, 1922.

MISSOURI.

Jesse E. Fette to be postmaster at Alma, Mo. Office became presidential April 1, 1922.

NEW JERSEY.

Harry M. Riddle to be postmaster at Asbury, N. J. Office became presidential April 1, 1922.

Joseph G. Endres to be postmaster at Seaside Heights, N. J. Office became presidential January 1, 1922.

NEW YORK.

Anna M. Auch Moedy to be postmaster at Rosendale, N. Y. Office became presidential April 1, 1920.

Andrew Wishart to be postmaster at Setauket, N. Y. Office became presidential January 1, 1921.

NORTH DAKOTA.

George H. Dickey to be postmaster at Esmond, N. Dak., in place of D. J. Drummond. Incumbent's commission expired January 24, 1922.

OHIO.

Elizabeth P. CarSkaden to be postmaster at Castalia, Ohio. Office became presidential January 1, 1922.

Jennie Fickes to be postmaster at Empire, Ohio. Office became presidential April 1, 1922.

William E. Davidson to be postmaster at Kensington, Ohio. Office became presidential April 1, 1922.

OKLAHOMA.

Lester A. Presson to be postmaster at Sulphur, Okla., in place of Frank Emanuel, resigned.

PENNSYLVANIA.

Harvey J. Hertzog to be postmaster at Mertztown, Pa. Office became presidential January 1, 1922.

George S. J. Keen to be postmaster at Wiconisco, Pa. Office became presidential October 1, 1920.

Arthur B. Winter to be postmaster at Jermyn, Pa., in place of M. P. McDermott, resigned.

SOUTH CAROLINA.

Daniel B. Woodward to be postmaster at McCormick, S. C., in place of M. Z. D. Abercrombie, resigned.

Pierce M. Huff to be postmaster at Piedmont, S. C., in place of P. M. Huff. Incumbent's commission expired January 24, 1922.

William B. Aull to be postmaster at Walhalla, S. C., in place of Nevitt Fant. Incumbent's commission expired January 24, 1922.

TENNESSEE.

Hugh B. Nunn to be postmaster at Ripley, Tenn., in place of I. M. Steele, resigned.

Irene M. Chealrs to be postmaster at Spring Hill, Tenn., in place of I. M. Chealrs. Incumbent's commission expired March 1, 1922.

Masie F. Patterson to be postmaster at Woodbury, Tenn., in place of A. B. Cook. Incumbent's commission expired July 25, 1921.

TEXAS.

Norah H. Kelly to be postmaster at Lockhart, Tex., in place of T. H. Brown, resigned.

John F. Davis to be postmaster at Montgomery, Tex., in place of F. M. Bailey. Incumbent's commission expired January 24, 1922.

Robert W. Crosswy to be postmaster at Scurlake, Tex., in place of Peter Tighe. Incumbent's commission expired January 24, 1922.

VIRGINIA.

William D. Austin to be postmaster at Buena Vista, Va., in place of G. E. Cunningham. Incumbent's commission expired January 24, 1922.

WASHINGTON.

Frank G. Sanford to be postmaster at Bucoda, Wash., in place of E. H. Sanford, deceased.

WEST VIRGINIA.

Lairdy B. Lezz to be postmaster at Dorothy, W. Va. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 5 (legislative day of April 20), 1922.

APPRAISERS OF MERCHANDISE.

Oscar W. Jackson to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cincinnati, Ohio.

POSTMASTERS.

ARKANSAS.

George E. Owen, Conway.
Homer H. Goodman, Cotter.
Horace D. Cammack, Crossett.
Adelle Gilbert, Decatur.
Carl G. Nielsen, Dermott.
Rose G. Roberts, Fulton.
Fred H. Price, Gurdon.
Patrick F. Maskell, Hartman.
John Barnes, Leslie.
Bunyan Gilbert, McRae.
James H. Bass, Marvell.
Robert B. Landers, Melbourne.
Jack Grayson, Prescott.
Carl J. Lauderdale, Stamps.
William H. Taylor, Van Buren.
Lela L. Henderson, Waldron.
Charles W. Burford, Wilmar.

CALIFORNIA.

Edna J. Keenan, Princeton.
William L. McLaughlin, Sanger.

KANSAS.

Ella J. Starr, Scott City.

LOUISIANA.

Leroy P. Fulmer, Homer.
Mattie R. Peyton, Keatchie.
Cecilia Block, Sellers.

MISSISSIPPI.

Frank J. Barlow, Tunica.

NEBRASKA.

Bertha J. Wilener, Kenesaw.

NEW JERSEY.

Melvin H. Roberson, Annandale.

NORTH CAROLINA.

Cecil E. Spruill, Creswell.
Charles N. Bodenheimer, Elkins.
Willie W. Seawell, Fuquay Springs.
Cleveland L. Willis, Morehead City.
William R. White, Norlina.
Overton L. Snipes, Woodland.

OHIO.

William F. Hains, Wilmington.

PENNSYLVANIA.

D. Guy Hollinger, Hanover.
Mary E. Collins, Lopez.
Ralph L. Snyder, New Tripoli.
McClean Stork, York.

TENNESSEE.

Florence R. Ballard, Bemis.
Samuel A. Wheeler, Bolivar.
Arthur B. McCay, Copperhill.
Grant L. Landess, Cumberland City.
Columbus L. Parrish, Henderson.
Hilary R. Vaughn, Hendersonville.
Christine M. Meister, Loretto.
Rennie G. Connelly, Lyles.
Clyde A. Jamison, Millington.

TEXAS.

William F. Hofmann, Carrollton.
Sidney B. Smith, Gorman.
Lucy A. Carhart, South San Antonio.

UTAH.

Claude C. McGee, Lewiston.

WEST VIRGINIA.

Daniel O. North, Coketon.
Shirley H. Mitchell, Elizabeth.

WISCONSIN.

Dena Kastein, Waupun.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 5, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thy touch is full of health and Thy heart is full of mercy. They move over the battle fields of life, guiding us along in our silent hurry. We thank Thee for these unbroken providences, which deepen the quiet that flows beneath the turbulent stream of life. O lead us behind the vision of things, setting our lives in a constantly richer soil. Help us more and more to be on earth what we hope to be hereafter. May all our homes be under the curtain of Thy refuge. Let the lights of heaven shine upon them. Bless them with the chair of peace, the cot of ease, the words of wisdom, and with the bonds of undying love. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 11427, an omnibus pension bill, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general pension bill, H. R. 11427, be considered in the House as in the Committee of the Whole. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I would like to make this inquiry of the majority leader. My understanding was that the militia pension bill, which was unanimously reported by our committee some time ago, would be brought up to-day. If it so happens that the situation is such on account of the gentleman's program as floor leader that that can not be done to-day, I would like to inquire of him when we can bring the bill up without interfering with this program. Of course, I realize that there is great responsibility resting on the majority leader, and I do not want to interfere with that in any way, but there are many of us interested in this other bill. The measure has been pending in Congress for many years. The old militia soldiers are rapidly dying, and if we are going to do anything for them I think the time has arrived when it should be done without further delay. The bill is privileged under the rules, but I want cooperation and the help of the gentleman.

Mr. MONDELL. There is a considerable amount of public business that is crowding at this time and should be disposed of immediately. I would very much prefer to take that bill up a little later. It is not necessary to take it up on Friday; in fact, it can not be taken up. It should go to a convenient season a little later on.

Mr. LANGLEY. If I may be permitted further, does the gentleman think we might be able to find room for it some time next week?

Mr. MONDELL. I think that is altogether possible.

Mr. GARRETT of Tennessee. I very much doubt that.

Mr. LANGLEY. I am very glad to hear that assurance from the gentleman from Wyoming. With the understanding that that is likely, I will not press the matter further to-day, and I withdraw the reservation of the right to object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. FULLER]?

There was no objection.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that the formal committee amendments may be submitted en bloc after the reading of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the committee amendments may be submitted en bloc after the reading of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11427) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Thomas Casey, alias Thomas Clancy, late of Company C, Second Regiment Vermont Volunteer Infantry, and Company G, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Carrie A. Chaplin, helpless and dependent daughter of Nathaniel W. Chaplin, late of Company A, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Henry H. Snow, late unassigned, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Sarah J. White, widow of John C. White, late of Company E, Sixth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa C. Coleman, widow of Garrett F. Coleman, late of Company E, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Elizabeth Vonoky, widow of Louis Vonoky, late major, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah J. Pait, widow of Jasper N. Pait, late of Company A, First Regiment Kansas Volunteer Infantry, and Company D, Fifteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Dawson, widow of Moses T. Dawson, late of Company B, Forty-eighth Regiment Ohio Volunteer Infantry, and A Battalion, Forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Napoleon B. Corns, late of Company K, and unassigned, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Georgeanna E. Howard, widow of Charles Howard, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Grace E. Howard, helpless and dependent daughter of said Georgeanna E. and Charles Howard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Georgeanna E. Howard, the name of said Grace E. Howard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Georgeanna E. Howard, through duly appointed guardian or conservator.

The name of William W. Cooper, late of Company E, Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Mary Rexton, widow of Ransom Sexton, late of Company C, Fourth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Richard S. Willis, late of Company A, Seventy-sixth Regiment Enrolled Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Marietta Nichols, widow of Isaac M. Nichols, late of Company E, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hettie Young, widow of Jeremiah Young, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lillian M. Woodard, widow of Charles C. Woodard, late of Company C, Eleventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Lape, widow of William Lape, late of Company G, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Margaret E. Lape, helpless and dependent daughter of said Mary E. and William Lape, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Lape, the name of said Margaret E. Lape shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary E. Lape.

The name of Benjamin Jones, late of Company I, First Regiment United States Reserve Corps, Missouri Volunteer Home Guards, and pay him a pension at the rate of $50 per month.

The name of Lucy Jane Locke, widow of Frederick Locke, late of Company F, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amos C. Tewell, helpless and dependent son of Orlentus B. Tewell, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah Oswald, widow of John C. Oswald, late of Company H, Fifty-third Regiment Pennsylvania Volunteer Militia, and Company C, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Olson, widow of Ole Oleson, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Kate B. Shatzer, helpless and dependent daughter of John M. Baker, late hospital steward, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William J. Barr, late of Company G, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of James H. E. Goest, late of Captain Gilbreath's company, Alabama Volunteer Scouts and Guides, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Wylie, widow of Benjamin Wylie, late unassigned First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

To remove from the pension roll the name of Florence E. Williams, helpless and dependent daughter of Henry D. Williams, late private, Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and discontinue payments of pension to her at the rate of $14 per month, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Williams, former widow of Henry D. Williams, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month: *Provided*, That in the event of the death of Florence E. Williams, helpless and dependent daughter of said Ellen and Henry D. Williams, $20 per month of the pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen Williams, the name of said Florence E. Williams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Ellen Williams.

The name of Tolliver Roberts, late of Samuel D. Nelson's Company E, Green County (Mo.) Home Guards, and Company H, Seventy-second Regiment Enrolled Missouri Militia, and Company M, Seventy-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Amelia O. Buten, widow of Benjamin C. Buten, late of Company A, Third Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Stella D. Johnson, widow of Charles Johnson, late unassigned, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hattie Ousley, widow of Benjamin Ousley, late of Company D, Twenty-seventh Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary B. Means, widow of Drury Means, late of Company G, Twelfth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hannah C. Hayes, widow of Harrison Hayes, late of Companies I and H, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine A. Bartley, widow of Allen Bartley, late of Company F, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Frances A. Sapp, widow of Willis M. Sapp, late of Company C, Fourth Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, either Paul H. Sapp or Joseph F. Sapp, minor sons of said Frances A. Sapp and Willis M. Sapp, $6 per month of the pension herein granted shall cease and determine.

The name of Nancy Mastin, widow of John W. Mastin, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida F. Thoroman, helpless and dependent daughter of Samuel H. Thoroman, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Amelia D. Comstock, widow of Levi H. Comstock, late unassigned, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary Sneider, widow of Lewis Sneider, late of Company F, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Adelia Riter, widow of Wellington Riter, late of Company K, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie Perry, helpless and dependent daughter of Noah H. Perry, late of Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Elizabeth Wright, widow of Jefferson Wright, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Johnson, widow of Soren Johnson, late of Company A, First Battalion Minnesota Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary F. Sullivan, widow of Michael Sullivan, late of Company E, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phoebe Bradfute, widow of Hazlewood A. C. Bradfute, late of Company D, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John A. Beeel, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Mary Josephine Bell, now Beebe, former widow of Orlando Bell, late of Company B, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melvilla McConnell, widow of Thomas McConnell, late of Company I, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura M. Miller, widow of John Miller, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rieseller Everhart, widow of John Everhart, late of Company C, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Letitia W. Savage, widow of James C. Savage, late of Battery G, Second Regiment United States Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Bethena Starkey, widow of George W. Starkey, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Cox, widow of Rufus D. Cox, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma E. Lethco, widow of Henry Lethco, late of Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Yancy, widow of Joseph Yancy, late of Company G, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary B. Thorpe, widow of Joshua Thorpe, late of Twenty-fourth Unattached Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Dabel, helpless and dependent daughter of Fred Dabel, late of Company B, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Ellen E. Hughes, helpless and dependent daughter of Francis Hughes, late of Company G, First Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nancy B. Bruce, widow of William C. Bruce, late of Company E, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James Forsyth Harrison, late of Quartermaster Department, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John A. Brummett, helpless and dependent son of John W. Brummett, late of Company H, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Amy V. Rice, helpless and dependent daughter of John Rice, late of Company B, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mamie E. Boatright, former widow of Wilson C. Etherton, late of Company B, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida R. Bowden, widow of William T. Bowden, late of Company C, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Albert M. Whipple, helpless and dependent son of Charles Whipple, late of Company M, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Mark Cox, late private substitute unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Samuel Bond, late private, Twenty-eighth Regiment Unassigned Maine Volunteer Infantry, and of Battery L, Fourth Regiment United States Volunteer Artillery, and pay him a pension at the rate of $40 per month.

The name of Amelia Froehlz, widow of Andrew Froehlz, alias Gottlieb Keller, late of Fifteenth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Joanna Craig, widow of Lyman Craig, late of Company C, Seventy-second Regiment United States Colored Volunteer Infantry, and Company H, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Leonard, former widow of Otis Leonard, late of Company E, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mattie Watts, widow of Andrew J. Watts, late of Company I, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Addie Pierce, widow of Joshua A. Pierce, late of Company K, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Spencer, widow of William Spencer, alias William Rager, late of Company K, Twentieth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edward Dupler, helpless and dependent son of Reuben Dupler, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Sallie W. Kennamer, widow of Jacob L. Kennamer, late of Captain John B. Kennamer's Alabama Volunteer Scouts and Guides, and pay her a pension at the rate of $30 per month.

The name of Mary A. Holt, former widow of Ira E. Holt, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha A. Denison, widow of Ascal B. Denison, late of Company B, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $30 per month.

The name of Amanda A. Lewis, widow of Andrew J. Lewis, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Page, widow of Jerome B. Page, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ella Ellsworth, widow of Allen Ellsworth, late of Company F, Sixty-eighth Regiment Illinois Volunteer Infantry, and lieutenant, Company I, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The name of Mary K. Wise, widow of Robert Wise, late of Company H, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Bentley, widow of Green S. Bentley, late of Company A, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice F. Parrigin, widow of Joseph Parrigin, late of Company F, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary E. Hulen, widow of Hiram Hulen, late of Companies F and M, Fourth Regiment United States Volunteer Artillery, and Company B, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of R. T. Crews, late scout and guide, and pay him a pension at the rate of $30 per month.

The name of Eliza F. Atkinson, widow of W. J. K. Atkinson, late of Company C, Ninth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clara Blunt, helpless and dependent daughter of James L. Blunt, late of Company B, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Amanda Baker, widow of Alfred Baker, late of Company K, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lora Bell Fasig, widow of Albert Fasig, late of Company G, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles H. Fasig, helpless and dependent son of said Lora Bell and Albert Fasig, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lora Bell Fasig, the name of said Charles H. Fasig shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Lora Bell Fasig, through duly appointed guardian or conservator.

The name of Helen M. Holt, widow of Alexander H. Holt, late of Company G, First Regiment Illinois Volunteer Cavalry, and lieutenant colonel One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth M. Deardoff, widow of Perry H. Deardoff, late of Company F, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Amelia C. Stark, widow of Oscar L. States, late of Company B, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $36 per month: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, Lillian A. States, minor daughter of Amelia C. States and Oscar L. States, $6 per month of the pension herein granted shall cease and determine.

To drop from the pension roll the name of Mary Arthur as guardian of Milleson M. Arthur, minor child of Stephen Arthur, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and discontinue payments of pension to her at the rate of $36 per month as guardian of said minor child, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Arthur as widow of Stephen Arthur, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $36 per month as widow of said soldier: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, Milleson M. Arthur, minor son of Mary Arthur and Stephen Arthur, $6 per month of the pension herein granted shall cease and determine.

The name of Mary Kelly, widow of John Kelly, alias John King, late landsman, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Iola A. Richardson, widow of Jefferson Richardson, late of Twenty-sixth Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Lucinda Vikes, former widow of John H. Trent, late of Company B, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Albert Ullman, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary A. Fisher, former widow of William Chase, late of Company D, Seventy-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Longshore, widow of Archer B. Longshore, late of Company C, Fifth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth Moss, helpless and dependent daughter of Sumera Moss, late of Company B, Ninth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ruth C. Weatherford, helpless and dependent daughter of Charles L. Weatherford, late of Company B, Twenty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mary Shoemaker, widow of Henry Shoemaker, late of Company F, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Spilker, widow of John F. Spilker, late of Company G, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Katie Kenedy, widow of Harrison B. Kenedy, late of Company D, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Francis E. Dunwoody, helpless and dependent daughter of Lorenzo D. Dunwoody, late of Company B, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Joseph F. Rosenberger, helpless and dependent son of Frederick Rosenberger, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Grace K. Wheelwright, widow of Charles Wheelwright, late of Company G, One hundred and thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma C. Eldridge, widow of William McK. Eldridge, late of Company A, Sixteenth Regiment Ohio Volunteer Infantry, and Company G, Twenty-fourth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Shannon, widow of Robert Shannon, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Lawyer, widow of Alexander Lawyer, late of Company F, Seventh Regiment Ohio Volunteer Cavalry, and Company A, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of May Blunt, helpless and dependent daughter of Thomas W. Blunt, late of Company A, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mary E. Kellogg, former widow of Nathaniel Kellogg, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Laura A. Hoyt, widow of George G. Hoyt, late of Company H, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma D. Manson, widow of Ammi Manson, late of Company A, Thirty-first and Thirty-second Regiments Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Poe, widow of James M. Poe, late of Company C, Fifth Regiment Missouri Volunteer State Militia Cavalry, and Company C, Twelfth Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edwin F. Poe, helpless and dependent son of said Elizabeth and James M. Poe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Poe, the name of said Edwin F. Poe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Poe.

The name of Miles S. Sisk, late of Company D, Second Regiment North Carolina Volunteer Mounted Infantry, and Company B, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Mary Ely, widow of Thaddeus Ely, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Cephas Davis, helpless and dependent son of James Davis, late of Company B, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lavina Kerr, widow of William O. Kerr, late of Company K, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

Ehe name of Carrie Keefer, widow of Benjamin F. Keefer, late of Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Melissa J. Wells, widow of William Wells, late of Company E, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Filius, widow of Eustis Filius, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Cook, widow of Andrew J. Cook, late of Company H, Third Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $60 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nancy A. Cook, helpless and dependent daughter of said Mary A. and Andrew J. Cook, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary A. Cook, the name of said Nancy A. Cook shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Cook, through duly appointed guardian or conservator.

The name of Joseph R. Lawson, late of Company J, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Millie A. Scoggin, widow of James O. Scoggin, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet B. Burgess, widow of John W. Burgess, late of Company A, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sabra W. Williams, widow of Abram D. Williams, late of Company K, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lewis C. Allentharp, helpless and dependent son of Joseph P. Allentharp, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Alwilde Dobson, widow of Crawford Dobson, late of Company G, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella J. Crosse, widow of Elliott W. Crosse, late assistant third engineer, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Olive A. Ham, widow of Moses C. Ham, late of Company B, First Regiment Maine Volunteer State Guards, and pay her a pension at the rate of $30 per month.

The name of Jeff Clark, helpless and dependent son of Richard Clark, alias Dick Thurston, late of Company E, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Delphine Darling, widow of Thomas Y. Darling, late of United States Marine Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Miranda A. Vance, widow of John B. Vance, late of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Vaugin, widow of William A. Vaughn, late of Company K, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maggie S. Vaughn, widow of Lorenzo Schweninger, late of Company E, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Smith, widow of William Smith, late of Company C, Second Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $30 per month.

The name of Sarah McEwen, widow of David McEwen, late unassigned Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah M. Cleveland, widow of Alexander B. Cleveland, late of Company H, Fifth Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Darling, widow of Benjamin B. Darling, late of Company G, Sixteenth Regiment Wisconsin Volunteer Infantry, and Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jeremiah Hays, late of Company K, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Carrie B. Billman, widow of Alfred Billman, late of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and Company A, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucretia Davy, widow of William A. Davy, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nellie A. Storrs, widow of Hector W. Storrs, late of Company B, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Adams, widow of Jesse Adams, late of Company I, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Arviline Gilkison, widow of Henry Gilkison, late of Company E, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ora Williams, helpless and dependent daughter of Larkin Williams, late of Company A, Seventeenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Celia L. Johnson, widow of Merrill Johnson, late of Captain Clark's independent cavalry company, Missouri Home Guards, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of George R. Grubaugh, late of Company F, Seventy-second Regiment Enrolled Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna E. Short, widow of John H. Short, late of Company B, Eleventh Regiment, and Company H, Ninth Regiment, Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Flora Johnson, widow of Lyman Johnson, late of Company G, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Marie E. Huff, widow of Henry Huff, late of Company C, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John S. Nixon, helpless and dependent son of William S. Nixon, late of Company I, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah J. McCormick, widow of John McCormick, late of Company E, Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emeline Smith, widow of George W. Smith, late of Company A, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sophy Lilley, widow of Charles Lilley, late of Company H, Eighth Regiment New York Volunteer Heavy Artillery, and Company K, Fourth Regiment New York Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Eliza Laport, widow of William W. Laport, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and Company I, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Rinehart, widow of Simon Rinehart, late of Company H, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella Heminger, helpless and dependent daughter of James M. Heminger, late of Company K, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Etta Rand, widow of Warren S. Rand, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sallie Blevins, helpless and dependent daughter of George Blevins, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Rosanna Moore, widow of Elias G. Moore, late of Company C, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edith L. Howland, widow of Levi Howland, late major, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Ross, widow of William Ross, late of Company H, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catharine Elliott, widow of Enos T. Elliott, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Otimer Elliott, helpless and dependent son of said Catharine and Enos T. Elliott, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Elliott, the name of said Otimer Elliott shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Catharine Elliott, through duly appointed guardian or conservator.

The name of Martha E. Fry, widow of William F. Fry, late of Company G, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Gleich, helpless and dependent daughter of August Gleich, late of Companies A, and K, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Sarah J. Ross, widow of Jacob H. Ross, late of Company C, Fourth Battalion Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lettie W. Smith, widow of Henry Smith, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Kelley, former widow of Benjamin Eidenour, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma D. Veeder, widow of John H. Veeder, late of Company H, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna Cahill, helpless and dependent daughter of John Cahill, late of Company D, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Nellie J. Stanton, widow of Benjamin F. Stanton, late of Company D, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catharine Sollenberger, widow of Seth W. Sollenberger, late of Company K and A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of James G. Carmack, late of Company B, Fourteenth Regiment, and Companies A and L, Sixth Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of Katherine Myers, helpless and dependent daughter of George H. Myers, late of Company G, Fifth Regiment New York Volunteer Infantry, and Company B, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary E. Riley, widow of Martin V. Riley, late of Company K, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maria Hill, widow of Nelson P. Hill, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Downey, widow of John Downey, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amanda Bierly, widow of Jeremiah Bierly, late of Company C, One hundred and sixty-third Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Bushong, widow of Jacob Bushong, late of Company B, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie Market, widow of Vietal Market, late of Company I, Second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Hawkins, widow of Joseph W. Hawkins, late of Company H, Fourteenth Regiment Missouri Volunteer State Militia Cavalry, and Company E, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Roxey Phillips, widow of Travers Phillips, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Britton, widow of Fountain B. P. Britton, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hamilton Wallace, helpless and dependent son of Daniel J. Wallace, late of Company G, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of J. Oscar Rust, helpless and dependent son of John D. Rust, late colonel Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Hester Cobourn, widow of William J. Cobourn, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lura Hines, former widow of James Wingler, late of Company H, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary E. Hollingsworth, widow of Russell B. Hollingsworth, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Emeline Umfleet, widow of Jarvis J. Umfleet, late of Company I, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen Umfleet, helpless and dependent daughter of said Emeline and Jarvis J. Umfleet, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of her father and mother the name of said Ellen Umfleet shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Emeline Umfleet.

The name of Julia E. Good, widow of John Good, late of Ninth Unattached Company, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine O'Leary, widow of Edward O'Leary, late of Company C, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma A. Drake, widow of Henry Drake, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Tillie L. Mitchell, widow of Edwin Mitchell, late of Company D, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Davis, widow of Elwood Davis, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Katharine Falk, widow of Albert Falk, late of Company C, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes Ditter, helpless and dependent daughter of George J. Ditter, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary A. Randy, widow of Henry T. Randy, late of Company H, Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie A. Hosmer, widow of Christopher Hosmer, late of Company G, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy Keen, former widow of Anderson Keen, late of Company B, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Julia M. Keen, helpless and dependent daughter of said Nancy and Anderson Keen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy Keen, the name of said Julia M. Keen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Nancy Keen, through duly appointed guardian or conservator.

The name of Caroline Leasure, widow of William H. Leasure, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Wentz, now Roberts, former widow of Augustus Wentz, late lieutenant colonel Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louella Sevey, former widow of Charles H. Sevey, late of Company K, Eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month, through duly appointed guardian or conservator.

The name of Mary H. Wright, widow of Charles T. Wright, late of Company C, Seventh Battalion, District of Columbia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Nunley, widow of Abner P. Nunley, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lucy A. Nelson, widow of James H. Nelson, late of Company F, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eva F. Hussey, widow of Frank D. Hussey, late of United States Signal Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah A. Dickinson, widow of George W. Dickinson, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan Fleck, widow of Martin L. Fleck, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa E. Treanor, widow of Thomas D. Treanor, late of Company E, Fifteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lety Wilson, widow of David M. Wilson, late of Company C, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Eliza A. Nichols, widow of Amos J. Nichols, late of Company G, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah Spring, former widow of George H. Spring, late of Company C, Seventh Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of John Kent, helpless and dependent son of Gypson Kent, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $20 per month.

The name of Susan J. Murray, widow of Charles R. Murray, late of Company C, Fourth Regiment New Mexico Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Sophia A. Bell, widow of David W. Bell, late of Company A, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie A. Stone, widow of Harvey S. Stone, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Abbie T. Holbrook, widow of Manlius Holbrook, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah B. Stough, widow of Jacob L. Stough, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, and Company A, First Battalion, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances E. Drake, widow of William B. Drake, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, and Company I, Fifteenth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen Donaldson, widow of Richard Donaldson, late of Company A, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Josephine Timerson, widow of Harmon Timerson, late of Company C, One hundred and eleventh Regiment New York Volunteer Infantry, and Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Jacob H. Mertz, late of Company D, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Susan Garland, widow of David Garland, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Martin, widow of Augustus Martin, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie P. Haskell, widow of Joshua Haskell, late of Company B, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary F. McCaw, widow of William John McCaw, late of Company I, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie Cason, widow of Nathan Cason, pensioned as Nathan Casey, late of Company A, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of William F. Critchfield, late of Company H, One hundred and sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Benjamin Trootman, late of Captain Gowan's Company B, Veterans' Battalion, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Kate M. House, widow of Edwin J. House, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Horace T. Farnsworth, late of Company A, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Margaret T. Deaver, widow of George W. Deaver, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of James R. Gray, late unassigned drafted man, third congressional district, Indiana, and pay him a pension at the rate of $30 per month.

The name of Celia Hunt, former widow of Henry Hunt, alias Henry Albon, late of Company G, Fifth Regiment Michigan Volunteer Infantry, and Company D, Tenth Regiment Ohio Cavalry, and pay her a pension at the rate of $30 per month.

The name of Harriet E. Hagan, widow of John Hagan, late of Company I, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Michael Coveny, alias Michael Dowling, late of Company A, Forty-fourth Regiment, and Company G, One hundred and fortieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Fred E. Morrhouse, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Clara C. Thomas, widow of Earl D. Thomas, late sergeant major and brigadier general, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Dean, widow of Augustus Dean, late of Company C, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Minnie McMullen, widow of Gilbert McMullen, late quartermaster, U. S. S. *Silver Cloud*, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Bessie B. Waldo Howland, former widow of William L. Waldo, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Otis C. Mooney, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Jennie B. Cullum, widow of John Cullum, late of Company H, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza D. Brattain, former widow of Andrew C. Brattain, late of Company L, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Henry T. Goodhue, late of Captain Chandler's company, National Guard, New Hampshire Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Rebecca A. Boster, widow of James A. Boster, late of Company A, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank A. Boster, helpless and dependent son of said Rebecca A. and James A. Boster, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rebecca A. Boster the name of said Frank A. Boster shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rebecca A. Boster, through duly appointed guardian or conservator.

The name of Margaret Moore, widow of William S. Moore, late of Company K, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melissa A. Becker, widow of William H. S. Becker, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of William F. Nichols, helpless and dependent son of John Nichols, late of Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving, through duly appointed guardian or conservator.

The name of Sarah T. Hendrick, widow of Pleasant F. Hendrick, late of Company E, Fifty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida M. Benson, former widow of William Brown, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George Hull, alias John Buchanan, late of Company D, Thirty-second Regiment Ohio Volunteer Infantry, and Company A, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $50 per month.

The name of Mary Miller, widow of Emanuel Miller, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara J. Hicks, widow of Owen Hicks, late of Company C, Seventh Regiment, and Company B, Fifth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Morris, widow of Levi B. Morris, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Sansoucie, widow of Adolph Sansoucie, late of Company K, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alonzo S. Newell, late of Company B, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mahala Davis, widow of Samuel Davis, late of Pioneer Corps, First Division, Sixteenth Army Corps, and pay her a pension at the rate of $30 per month.

The name of Martha Ann Cravens, widow of John Cravens, late of Company E, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza Johnson, widow of Charles A. Johnson, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Creighton Bradshaw, helpless and dependent son of Thomas W. Bradshaw, late of Company H, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Martha M. Robb, widow of Elijah C. Robb, late of Company I, Eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret B. Harrington, widow of Charles Harrington, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louise Schenkel, widow of Leonard Schenkel, late of Companies A and B, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Eutsey, widow of Jacob Eutsey, late of Companies B and A, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mollie Cole, widow of Zachariah W. Cole, late of Company D, Eighteenth Regiment Iowa Volunteer Infantry, and Company E, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Patterson, former widow of Noah F. Patterson, late of Company D, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary B. Sage, widow of Nathaniel S. Sage, late of Company F, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Samuel G. Riggs, late of Company G, Forty-fifth Regiment, and Company D, Forty-eighth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Elvira E. Clark, widow of Peter F. Clark, late of Company A, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida B. Sechler, widow of George Sechler, late of Company E, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary A. O'Neil, former widow of William O'Neil, alias William O. Nelson, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Malissa A. Hanes, widow of William A. Hanes, late of Company G, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William S. Tester, helpless and dependent son of Henry W. Tester, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

To drop from the pension roll the name of Franklin C. York, minor child of William F. York, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and discontinue payments of pension to him at the rate of $12 per month, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie C. York, widow of William F. York, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $36 per month: *Provided*, That upon the attainment of the age of 16 years by, or death prior to attainment of the age of 16 years of, Franklin C. York, $6 per month of the pension herein granted shall cease and determine.

The name of Nellie Knight, widow of Edwin S. Knight, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John W. Heller, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Alice K. Foster, helpless and dependent daughter of Peter Kingry, late of Company G, Fifty-third Regiment Ohio Volunteer Infantry, and Company I, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Augusta L. Simpson, widow of Benjamin F. Simpson, late major, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucinda Welch, widow of Messor B. Welch, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Millie Campbell, widow of Henry L. Campbell, late of Company E, Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Josephine P. Whitney, helpless and dependent daughter of Oliver C. Whitney, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Van Vechten, late of Company F, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Agnes Badger, widow of Ransom Badger, late of Companies F and D, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jacob Barger, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Mary Bay, helpless and dependent daughter of George Bay, late of Company K, Eighth Regiment New York Volunteer Cavalry, and Fifth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ida V. Moore, widow of Jacob D. Moore, late of Company E, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and Company K, Fifth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of William J. Eaton, helpless and dependent son of Henry H. Eaton, late of Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah E. Robinson, widow of Calvin Robinson, late of Company B, Twentieth Regiment Ohio Volunteer Infantry, and pay

her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie May Andrews, helpless and dependent daughter of John E. Andrews, late of Company E, Third Regiment Ohio Volunteer Cavalry, and Company G, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Matilda A. Ramions, widow of Joseph Ramions, late of Company C, Second Regiment East Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Crowell, widow of Granville Crowell, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Harriet A. Blagg, widow of William T. Blagg, late of Company K, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph D. Hayes, helpless and dependent son of John Hayes, late of company E, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month.

The name of Phebe J. Burrows, widow of Charles W. Burrows, late of Company C, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henrietta Hyman, former widow of Thomas P. Knowland, late of Company D, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Hampton, widow of John Hampton, late of Company G, Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary A. Penny, widow of Andrew J. Penny, late of Company D, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Hanes, widow of John Hanes, late of Company D, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Joseph H. Hanes, helpless and dependent son of said Sarah E. and John Hanes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Hanes, the name of said Joseph H. Hanes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah E. Hanes.

The name of Sarah E. Spraggins, widow of Alexander W. Spraggins, late of Company B, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company E, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Robert Ashby, helpless and dependent son of John W. Ashby, late of Company I, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Eva E. Parker, widow of Francis Parker, late of Companies B and G, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Perry, widow of Emery Perry, late of Company A, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Maurice Perry, helpless and dependent son of said Mary A. and Emery Perry, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Perry, the name of said Maurice Perry shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Perry, through duly appointed guardian and conservator.

The name of Emily D. Jenkins, widow of George W. Jenkins, late first lieutenant and regimental quartermaster, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Arta P. Beedle, helpless and dependent daughter of Company A, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Angie Caldwell, widow of James H. Caldwell, late of Company G, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Morrison, widow of William H. Morrison, late of Company F, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia Parish, widow of Marion Parish, late of Company G, Thirteenth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Tillie E. Reeves, widow of Orange D. Reeves, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Maurer, widow of Jeremiah Maurer, late of Company B, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Dudley Harlan, helpless and dependent son of George W. Harlan, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mahala E. Fisk, widow of William E. Fisk, late of Company I, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ann E. Kiger, widow of Elias D. Kiger, late of Company M, One hundred and fifteth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Icenogle, widow of William J. Icenogle, late of Company A, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah M. Love, widow of John W. Love, late of Company A, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen J. Cook, widow of Isaac Cook, late of Company D, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mahala J. Stoner, widow of Joseph Stoner, late of Company H, Third Regiment, and Company D, Thirty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennett Pangle, widow of David Pangle, late of Company G, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fannie M. O'Linn, widow of Daniel H. O'Linn, late of Company F, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret V. Bartlett, widow of John Bartlett, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Ward, widow of George F. Ward, late of Company G, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Becker, widow of Jacob Becker, late of Company C, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Gray, widow of Samuel M. Gray, late of Company B, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melinda Davis, helpless and dependent daughter of William H. Davis, late of Company E, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Catherine J. Mock, widow of James M. Mock, late captain of Company F, Twenty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie E. Jackson, widow of Alfred S. Jackson, late of Company H, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eva Shaw, widow of John J. Shaw, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Bertha M. Snow, widow of Alfred Snow, late of Company I, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month, in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Morgan A. Harris, late of Company F, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Annie E. Homan, widow of Alfred W. Homan, late of Company E, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nancy M. Henderson, widow of Richard Henderson, late of Company K, Thirty-Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Tyler, widow of Oliver Tyler, late of Company F, Eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edna McCoanhy, helpless and dependent daughter of Wesley McCoanhy, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Lucinda J. Neighbour, former widow of Levi B. Smith, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Martha J. Corrie, widow of William Corrie, late of Company H, Twelfth Regiment New York Volunteer Infantry, and Company H, Marine United States Volunteers, and pay her a pension at the rate of $30 per month.

The name of Margaret J. Briggs, widow of David Briggs, late of Twelfth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henry C. Ferguson, late of Company F, One hundred and forty-eighth Regiment, and Company K, Eighteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Caroline East, helpless and dependent daughter of Henry East, late of Company F, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Angeline Tait, widow of Lionel R. Tait, late of Company C, Fifth Regiment, and Company D, First Regiment, California Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna E. Kimball, widow of George M. Kimball, late of Company B, Nineteenth Regiment Massachusetts Volunteer Infantry, and Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha G. Waldron, widow of George H. Waldron, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Emily T. Buchanan, widow of James C. Buchanan, late of Company I, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Jones, widow of George W. Jones, late of Company H, Sixty-third Regiment Missouri Volunteer Enrolled Militia, and pay her a pension at the rate of $30 per month.

The name of Julia Van Wicklen Jolley, widow of Uriah Jolley, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Katharyn Labonde, widow of Peter Labonde, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eunice A. Prettyman, widow of Leven T. Prettyman, late of Company A, Eleventh Regiment, and Company E, Tenth Regiment, West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie C. Ronam, former widow of John M. Lemmon, late of Company E, Seventy-second Regiment Ohio Volunteer Infantry,

and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catharine B. Hall, widow of James L. Hall, late of Company K, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriett N. Chatfield, widow of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes May Taylor, widow of Henry P. Taylor, late of Company B, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Denison, widow of Luther L. Denison, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Euphemia Jones, widow of Robert S. Jones, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Gay, widow of Marion Gay, late of Company E, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catherine Tuttle, widow of Ira C. Tuttle, late of Company G, First Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Rice, widow of Jacob Rice, late of Company C, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Anderson, widow of John Anderson, late of Companies F and A, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan M. Worthing, widow of John E. Worthing, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Maggie Lowe, widow of John E. Lowe, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jessie L. Burr, widow of Edwin A. Burr, late of Company B, Nineteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Lundy, widow of Robert Lundy, late of Company A, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia Stegner, widow of Ernest Stegner, late of Company D, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and Company A, Boonville Reserve Corps, Missouri Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

The name of Lodocca F. Wertz, widow of Cornelius Wertz, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Alice McCarty, widow of William McCarty, late of Company H, Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Christina Hoffman, widow of Joseph Hoffman, late of Company I, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cynthia L. Godfrey, widow of James Godfrey, late of Company K, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Delilah R. Mann, widow of Christian H. Mann, late of Company I, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edna Hall, widow of Philip Hall, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Barbara E. Bernard, widow of James T. Bernard, late of Companies H and K, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza Wisher, widow of Jacob H. Wisher, late of Company H, Sixtieth Regiment New York Volunteer Infantry, and Troop A, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucy B. Porter, widow of Myron Porter, late of Company F, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary E. Waddell, widow of Nathan Waddell, late of Company F, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Johanna Staton, widow of James C. Staton, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancie E. Scott, widow of Charles B. Scott, late of Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriet Myers, widow of William Myers, late of Company I, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

Mr. FULLER. Mr. Speaker, I offer the following committee amendments.

The SPEAKER. The gentleman from Illinois offers the following committee amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. FULLER:

Page 22, line 9, strike out the word "Eldridge" and insert in lieu thereof the word "Eldridge."

Page 26, line 20, strike out the word "Alwilde" and insert in lieu thereof the word "Atwilde."

Page 38, strike out the lines 18 to 22, inclusive.

Page 56, line 17, strike out the middle letter "C." in the name of the proposed beneficiary, and insert in lieu thereof the capital letter "O," so that the name will read "Sarah O. Peterson."

Page 69, strike out lines 24 and 25, and on page 70, strike out lines 1 and 2.

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1006. Thomas Casey, alias Thomas Clancy.
H. R. 1674. Carrie A. Chaplin.
H. R. 1806. Henry H. Snow.
H. R. 1873. Sarah J. White.
H. R. 2126. Louisa C. Coleman.
H. R. 3012. Elizabeth Voneky.
H. R. 3811. Sarah J. Pait.
H. R. 4228. Sarah E. Dawson.
H. R. 4060. Napoleon B. Cores.
H. R. 4277. Georgeanna E. Howard.
H. R. 4933. William W. Cooper.
H. R. 5195. Mary Sexton.
H. R. 5555. Richard S. Wilks.
H. R. 5925. Marietta Nichols.
H. R. 6705. Kittie Young.
H. R. 6922. Lillian M. Woodard.
H. R. 6964. Mary E. Lape.
H. R. 8284. Benjamin Jones.
H. R. 7309. Lucy Jane Locke.
H. R. 7325. Amos C. Tyrell.
H. R. 7525. Sarah Oswald.
H. R. 7558. Mary C. Olson.
H. R. 7907. Kate B. Shatzer.
H. R. 7929. William J. Barr.
H. R. 8157. James H. E. Guest.
H. R. 8195. Mary J. Wylie.
H. R. 8230. Ellen Williams.
H. R. 8282. Tollver Roberts.
H. R. 8290. Amelia O. Buten.
H. R. 8424. Stella D. Johnson.
H. R. 8426. Hattie Ousley.
H. R. 8578. Mary B. Means.
H. R. 8602. Hannah C. Hayes.
H. R. 8603. Catherine A. Hartley.
H. R. 8604. Frances A. Sapp.
H. R. 8732. Nancy Mastin.
H. R. 8753. Ida F. Thoroman.
H. R. 8766. Amelia D. Comstock.
H. R. 8868. Mary Sneider.
H. R. 8879. Adelia Riter.
H. R. 8892. Nellie Perry.
H. R. 8979. Elizabeth Wright.
H. R. 8983. Martha Johnson.
H. R. 9037. Mary F. Sullivan.
H. R. 9044. Phoebe Bradfute.
H. R. 9107. John A. Beach.
H. R. 9120. Mary Josephine Bell, now Beebe.
H. R. 9127. Melvilla McConnell.
H. R. 9182. Laura M. Miller.
H. R. 9210. Bisseller Everhart.
H. R. 9271. Letitia W. Savage.
H. R. 9332. Bethena Starkey.
H. R. 9343. Sarah J. Cox.
H. R. 9373. Emma R. Lethco.
H. R. 9387. Mary Yancy.
H. R. 9388. Mary D. Thorpe.
H. R. 9396. Anna Dabel.
H. R. 9437. Ellen F. Hughes.
H. R. 9461. Nancy H. Bruce.
H. R. 9501. James Forsyth Harriman.
H. R. 9502. John A. Brammett.
H. R. 9506. Amy V. Rice.
H. R. 9530. Mamie H. Bostright.
H. R. 9551. Ida R. Bowden.
H. R. 9553. Albert M. Whipple.
H. R. 9562. Mark Cox.
H. R. 9565. Samuel Bond.
H. R. 9612. Amelia Breehla.
H. R. 9613. Joanna Craig.
H. R. 9620. Sarah A. Leonard.
H. R. 9622. Mattie Watts.
H. R. 9661. Addie Pierce.
H. R. 9664. Eliza J. Spencer.
H. R. 9665. Edward Duplen.
H. R. 9676. Sallie W. Kennamer.
H. R. 9678. Mary A. Holt.
H. R. 9681. Martha A. Denison.
H. R. 9696. Amanda A. Lewis.
H. R. 9716. Nancy J. Page.
H. R. 9734. Ella Ellsworth.
H. R. 9737. Mary K. Wise.
H. R. 9738. Margaret E. Bentley.
H. R. 9743. Alice F. Parrigin.
H. R. 9759. Mary E. Hulen.
H. R. 9760. E. T. Crews.
H. R. 9768. Eliza F. Atkinson.
H. R. 9770. Clara Blunt.
H. R. 9796. Amanda Baker.
H. R. 9797. Lora Bell Faeig.
H. R. 9804. Helen M. Holt.
H. R. 9818. Ruth M. Deardoff.
H. R. 9820. Amelia C. States.
H. R. 9828. Mary Arthur.
H. R. 9830. Mary Kelly.
H. R. 9838. Ida A. Richardson.
H. R. 9842. Lucinda Viles.
H. R. 9850. Albert Ullman.
H. R. 9860. Mary A. Fisher.
H. R. 9861. Catharine Longshore.
H. R. 9865. Ruth Moss.
H. R. 9868. Ruth C. Weatherford.
H. R. 9871. Mary Shoemaker.
H. R. 9872. Mary E. Spilker.
H. R. 9875. Katie Kenedy.
H. R. 9877. Frances E. Dunwoody.
H. R. 9878. Joseph F. Rosenberger.
H. R. 9892. Grace K. Wheelwright.
H. R. 9895. Emma C. Eldridge.
H. R. 9896. Mary E. Shannon.
H. R. 9897. Mary A. Lawyer.
H. R. 9899. May Blunt.
H. R. 9902. Mary E. Kellogg.
H. R. 9908. Laura A. Hoyt.
H. R. 9910. Emma D. Manson.
H. R. 9918. Elizabeth Poe.
H. R. 9922. Miles S. Sisk.
H. R. 9929. Mary Ely.
H. R. 9939. Cephas Davis.
H. R. 9940. Lavina Kerr.
H. R. 9942. Carrie Keefer.
H. R. 9945. Melissa J. Wells.
H. R. 9957. Catherine Filius.
H. R. 9960. Mary A. Cook.
H. R. 9966. Joseph R. Lawson.
H. R. 9967. Millie A. Scoggin.
H. R. 9978. Harriet E. Burgess.
H. R. 9978. Sabra W. Williams.
H. R. 9982. Lewis C. Allenthorp.
H. R. 9988. Alwilda Dobson.
H. R. 9991. Ella J. Crosse.
H. R. 10012. Olive A. Ham.
H. R. 10010. Jeff Clark.
H. R. 10018. Delphine Darling.
H. R. 10019. Miranda A. Vance.
H. R. 10020. Elizabeth Vaughn.
H. R. 10038. Maggie S. Vaughn.
H. R. 10040. Catherine Smith.
H. R. 10044. Sarah McKwen.
H. R. 10045. Sarah M. Cleveland.
H. R. 10050. Elizabeth Darling.
H. R. 10064. Jeremiah Hays.
H. R. 10065. Carrie S. Billman.
H. R. 10069. Lucretia Davy.
H. R. 10079. Nellie A. Steers.
H. R. 10080. Elizabeth Adams.
H. R. 10081. Arviline Gilkison.
H. R. 10088. Ora Williams.
H. R. 10085. Celia L. Johnson.
H. R. 10094. George H. Grubaugh.
H. R. 10091. Anna E. Short.
H. R. 10094. Flora Johnson.
H. R. 10100. Maria E. Hoff.
H. R. 10110. John S. Kirton.
H. R. 10114. Sarah J. McCormick.
H. R. 10125. Emeline Smith.
H. R. 10133. Sophy Lilley.
H. R. 10134. Elisa Laport.
H. R. 10137. Mary A. Rinehart.
H. R. 10146. Ella Heminger.
H. R. 10149. Etta Rand.
H. R. 10170. Catharine Elliott.
H. R. 10154. Sallie Blevins.
H. R. 10155. Romanna Moore.
H. R. 10167. Edith L. Howland.
H. R. 10169. Sarah Ross.
H. R. 10171. Martha E. Fry.
H. R. 10198. Mary Gleich.
H. R. 10204. Sarah J. Ross.
H. R. 10219. Lettie W. Smith.
H. R. 10220. Catharine Kelley.
H. R. 10221. Emma D. Veeder.
H. R. 10224. Anna Cahill.
H. R. 10230. Nellie J. Stanton.
H. R. 10250. Mary J. Tibbs.
H. R. 10260. Catharine Sellenberger.
H. R. 10262. James G. Carmack.
H. R. 10278. Katherine Myers.
H. R. 10284. Mary E. Riley.
H. R. 10285. Maria Hill.
H. R. 10286. Mary Devany.
H. R. 10306. Amanda Bierly.
H. R. 10310. Mary Bushong.
H. R. 10312. Minnie Market.
H. R. 10322. Sarah A. Hawkins.
H. R. 10337. Roxey Phillips.
H. R. 10338. Sarah C. Britton.
H. R. 10344. Hamilton Wallace.
H. R. 10347. J. Oscar Rust.
H. R. 10355. Hester Cobson.
H. R. 10356. Lura Hines.
H. R. 10357. Mary E. Hollingsworth.
H. R. 10358. Emeline Emfleet.
H. R. 10360. Julia E. Good.
H. R. 10366. Catherine O'Leary.
H. R. 10380. Emma A. Drake.
H. R. 10381. Tillie L. Mitchell.
H. R. 10382. Mary C. Davis.
H. R. 10383. Katharine Falk.
H. R. 10385. Agnes Ditter.
H. R. 10386. Mary A. Bandy.

H. R. 10387. Minnie A. Houser.
H. R. 10393. Nancy Keen.
H. R. 10395. Caroline Leasure.
H. R. 10397. Rebecca Wentz, now Roberts.
H. R. 10398. Louella Sevey.
H. R. 10401. Mary E. Wright.
H. R. 10402. Margaret E. Sunley.
H. R. 10403. Lucy A. Nelson.
H. R. 10410. Eva F. Hussey.
H. R. 10413. Sarah A. Dickinson.
H. R. 10414. Susan Fleck.
H. R. 10418. Louisa E. Treanor.
H. R. 10421. Lety Wilson.
H. R. 10423. Eliza A. Nichols.
H. R. 10432. Hannah Spring.
H. R. 10435. John Kent.
H. R. 10440. Susan J. Murray.
H. R. 10444. Sophia A. Bell.
H. R. 10445. Abbie A. Stoun.
H. R. 10447. Alice T. Holbrook.
H. R. 10448. Sarah E. Stough.
H. R. 10450. Frances E. Drake.
H. R. 10457. Helen Donaldson.
H. R. 10458. Josephine Timerson.
H. R. 10488. Jacob H. Martin.
H. R. 10489. Susan J. Garland.
H. R. 10500. Mary E. Martin.
H. R. 10508. Abbie P. Haskell.
H. R. 10513. Mary F. McCaw.
H. R. 10522. Annie Canon.
H. R. 10524. William F. Critchfield.
H. R. 10525. Benjamin Troutman.
H. R. 10526. Kate M. House.
H. R. 10527. Horace T. Farnsworth.
H. R. 10528. Margaret T. Deaver.
H. R. 10535. James R. Gray.
H. R. 10536. Celia Hunt.
H. R. 10543. Harriet E. Hagan.
H. R. 10547. Michael Coveny, alias Michael Dowling.
H. R. 10549. Fred E. Morehouse.
H. R. 10550. Clara C. Thomas.
H. R. 10553. Mary F. Dean.
H. R. 10557. Minnie McMullen.
H. R. 10568. Bessie B. Waldo Howland.
H. R. 10575. Ora C. Mooney.
H. R. 10581. Jennie B. Cullum.
H. R. 10584. Eliza D. Brattain.
H. R. 10588. Henry T. Goodhue.
H. R. 10595. Rebecca A. Boster.
H. R. 10604. Margaret Moore.
H. R. 10631. Melissa A. Becker.
H. R. 10639. William F. Nichols.
H. R. 10641. Sarah T. Hendrick.
H. R. 10650. Ida M. Benson.
H. R. 10651. George Hull, alias John Buchanan.
H. R. 10654. Mary Miller.
H. R. 10655. Clara J. Hicks.
H. R. 10656. Martha J. Morris.
H. R. 10658. Mary Sansoucie.
H. R. 10660. Alonso S. Newell.
H. R. 10661. Mahala Davis.
H. R. 10697. Martha Ann Cravens.
H. R. 10706. Eliza Johnson.
H. R. 10708. Creighton Bradshaw.
H. R. 10724. Martha M. Robb.
H. R. 10735. Margaret B. Harrington.
H. R. 10745. Louise Schenkel.
H. R. 10747. Elizabeth Butsey.
H. R. 10748. Mollie Cole.
H. R. 10749. Sarah Patterson.
H. R. 10750. Mary E. Sage.
H. R. 10759. Samuel G. Riggs.
H. R. 10775. Elvira E. Clark.
H. R. 10777. Ida B. Sechler.
H. R. 10778. Mary A. O'Neil.
H. R. 10782. Melissa A. Hanes.
H. R. 10784. William S. Tester.
H. R. 10796. Susie C. York.
H. R. 10797. Nellie Knight.
H. R. 10802. John W. Heller.
H. R. 10804. Alice K. Foster.
H. R. 10808. Augusta L. Simpson.
H. R. 10811. Lucinda Welch.
H. R. 10812. Millie Campbell.
H. R. 10823. Josephine P. Whitney.
H. R. 10829. James Van Vechten.
H. R. 10835. Agnes Badger.
H. R. 10836. Jacob Barger.
H. R. 10843. Mary Bay.
H. R. 10850. Ida V. Moore.
H. R. 10851. William J. Eaton.
H. R. 10853. Sarah E. Robinson.
H. R. 10854. Minnie May Andrews.
H. R. 10858. Matilda A. Runions.
H. R. 10869. Sarah C. Crexwell.
H. R. 10880. Harriet A. Blagg.
H. R. 10888. Joseph D. Hayes.
H. R. 10895. Phebe J. Burrows.
H. R. 10897. Henrietta Hyman.
H. R. 10898. Mary E. Hampton.
H. R. 10905. Mary A. Penny.
H. R. 10927. Sarah E. Hanes.
H. R. 10929. Sarah E. Spraggins.
H. R. 10931. Sarah C. Peterson.
H. R. 10932. Robert Ashby.
H. R. 10938. Eva E. Parker.
H. R. 10948. Mary A. Ferry.
H. R. 10954. Emily D. Jenkins.
H. R. 10955. Arta P. Beedle.
H. R. 10960. Angie Caldwell.
H. R. 10961. Mary J. Morrison.
H. R. 10970. Julia Parish.
H. R. 10984. Tillie R. Reeves.
H. R. 10987. Susan Maurer.
H. R. 10988. Dudley Harlan.
H. R. 10997. Mahala H. Fisk.
H. R. 10999. Ann E. Kiger.
H. R. 11000. Sarah Icenogle.
H. R. 11009. Sarah M. Love.
H. R. 11010. Helen J. Cook.
H. R. 11015. Mahala J. Stoner.
H. R. 11031. Jennett Pangle.
H. R. 11051. Fannie M. O'Linn.
H. R. 11064. Margaret V. Bartlett.
H. R. 11075. Mary E. Ward.
H. R. 11076. Mary Becker.
H. R. 11080. Sarah J. Gray.
H. R. 11082. Malinda Davis.
H. R. 11084. Catherine J. Mock.
H. R. 11085. Carrie E. Jackson.
H. R. 11094. Eva Shaw.
H. R. 11097. Bertha M. Snow.
H. R. 11098. Morgan A. Harris.
H. R. 11099. Annie E. Homan.
H. R. 11102. Nancy M. Henderson.
H. R. 11104. Susan Tyler.
H. R. 11109. Edna McConahy.
H. R. 11114. Lurinda J. Neighbour.
H. R. 11119. Martha J. Corrie.
H. R. 11141. Margaret J. Briggs.
H. R. 11145. Henry C. Ferguson.
H. R. 11146. Caroline Bast.
H. R. 11151. Angeline Tait.
H. R. 11159. Anna B. Kimball.
H. R. 11161. Martha G. Waldron.
H. R. 11163. Emily T. Buchanan.
H. R. 11170. Margaret Jones.
H. R. 11171. Julia Van Wicklen Jolley.
H. R. 11187. Kathryn Labonde.
H. R. 11189. Eunice A. Prettyman.
H. R. 11196. Annie C. Bonam.
H. R. 11200. Catharine B. Hall.
H. R. 11205. Harriett N. Chatfield.
H. R. 11206. Agnes May Taylor.
H. R. 11209. Anna Denison.
H. R. 11223. Euphemia Jones.
H. R. 11226. Mary F. Gay.
H. R. 11241. Catherine Tuttle.
H. R. 11253. Sarah Rice.
H. R. 11257. Mary A. Anderson.
H. R. 11260. Susan M. Worthing.
H. R. 11272. Maggie Lowe.
H. R. 11273. Jessie L. Burr.
H. R. 11274. Sarah E. Landy.
H. R. 11276. Amelia Stegner.
H. R. 11278. Lodesca E. Wertz.
H. R. 11284. Alice McCarty.
H. R. 11285. Christiana Hoffman.
H. R. 11295. Cynthia L. Godfrey.
H. R. 11308. Delilah R. Mann.
H. R. 11312. Edna Hall.
H. R. 11313. Barbara B. Bernard.
H. R. 11320. Eliza Wisher.
H. R. 11328. Lucy E. Porter.
H. R. 11329. Mary B. Waddell.
H. R. 11339. Johanna Staton.
H. R. 11343. Nannie B. Scott.
H. R. 11384. Harriet Myers.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 11533, and ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman calls up the bill H. R. 11533, and asks that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11533) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Charlotte C. Brandau, widow of Gustavus R. Brandau, late surgeon Eleventh Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lois A. Bentz, widow of Lewis Bentz, late of Company F, Tenth Regiment Pennsylvania Reserve Infantry, and Company I, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Ann Hayes, helpless and dependent daughter of James M. Hayes, late of Company F, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Zoria B. McCrary, widow of Joseph S. McCrary, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Andrew J. Gouge, late of Moore's Independent Company, Stone County Missouri Home Guards, and Green's Company F, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Hattie C. Spencer, widow of Thomas D. Spencer, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helena Whitney, widow of Alfred A. Whitney, late of Company F, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Menora Sweetland, former wife of William W. Sweetland, late of Company M, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Horan, widow of Patrick H. Horan, alias Henry Herron, late of Company C, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nancy E. Byous, widow of Dr. H. Byous, late of Company B, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza A. McClellan, widow of John S. McClellan, late of Company B, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Agnew, widow of Erastus St. J. Agnew, late quartermaster sergeant, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucutta A. Duvall, widow of Sherrod W. Duvall, late of Company K, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of John Brantlinger, helpless and dependent son of Andrew J. Brantlinger, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian.

The name of Mary A. Ormsby, widow of John H. Ormsby, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine W. Durst, widow of Michael William Durst, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jane Gentry, widow of Charles Gentry, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month through duly appointed guardian.

The name of Lexie Fuller, widow of Hiram Fuller, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lottie M. Bettis, widow of John C. Bettis, late of Company F, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Cox, helpless and dependent daughter of Daniel Cox, late of Company F, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Sarah Blanton, widow of James Blanton, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Roy S. Davis, helpless and dependent son of Alphonso C. Davis, late of Company G, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian.

The name of Mary Ann Jolly, widow of Joseph Jolly, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta Hull, widow of Henry Hull, late of Company G, One hundred and thirty-sixth Regiment Ohio Volunteer National Guard Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lorinda Sutton, widow of Richard Sutton, late of Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Esther E. Babcock, former widow of Alonzo Clark, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month.

The name of Lizzie E. Fender, widow of Daniel Fender, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helen D. Craig, widow of William S. Craig, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Jane Ritchie, widow of George Ritchie, late of Company H, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Brown, widow of Elias Brown, late of Company E, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rebecca J. Rush, widow of Allen N. Rush, late of Company E, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mollie Bailey, helpless and dependent daughter of Alexander J. Bailey, late of Company A, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary M. Zimmerman, former widow of Nathan Zimmerman, late of Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Stevenson, widow of John Stevenson, late of Company I, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lotia J. Thomas, widow of Noble O. Thomas, late of Company E, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Green, former widow of Jonathan W. Green, late of Company B, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret White, widow of Jasper N. White, alias Joseph N. White, late unassigned, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Stout, widow of John Stout, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary J. Morgan, widow of Samuel Morgan, late of Company H, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes E. Jones, widow of John Jones, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Lippert, widow of George Lippert, late musician, band, Forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Olive W. Cox, widow of John F. Cox, late of Company F, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charlotte Wirsing, widow of James J. Wirsing, late of Company C, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Grace Olive Jones, helpless and dependent daughter of Robert Jones, late of Company B, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Katie Wood, widow of Jasper Wood, late of Company B, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucina Heath, helpless and dependent daughter of George C. Heath, late of Company B, Twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma W. Pohlmann, helpless and dependent daughter of Charles Pohlmann, late of Company E, Seventh Regiment Missouri Volunteer Cavalry, and Company F, Bishop's Battalion, Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Fredonia Williams, widow of Andrew J. Williams, late of Company K, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucia M. Bartlett, widow of John Bartlett, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma Weast, helpless and dependent daughter of George L. Weast, late of Company H, First Regiment Virginia Volunteers, and Company H, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian.

The name of Lottie L. Tripp, widow of Edwin Tripp, late of Company I, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella M. Foll, widow of John W. Foll, late of Company G, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Olive W. Myrick, widow of Lewis A. Myrick, late of Company C, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The SPEAKER pro tempore (Mr. LONGWORTH). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 2571. Charlotte C. Brandau.
H. R. 3421. Lois A. Bentz.
H. R. 3677. Rebecca Ann Hayes.
H. R. 4302. Zoria B. McCrary.
H. R. 4362. Andrew J. Gouge.
H. R. 5780. Hattie C. Spencer.
H. R. 5781. Helena Whitney.
H. R. 5919. Menora Sweetland.
H. R. 8882. Mary J. Horan.
H. R. 9027. Nancy E. Byous.
H. R. 9194. Eliza A. McClellan.
H. R. 9278. Mary C. Agnew.
H. R. 9479. Lucutta A. Duvall.
H. R. 10188. John Brantlinger.
H. R. 10452. Mary A. Ormsby.
H. R. 10634. Catherine W. Durst.
H. R. 10683. Jane Gentry.
H. R. 10806. Lexie Fuller.
H. R. 10882. Lottie M. Bettis.
H. R. 10945. Martha Cox.
H. R. 10996. Sarah Blanton.
H. R. 11032. Roy S. Davis.
H. R. 11100. Mary Ann Jolly.
H. R. 11162. Henrietta Hull.
H. R. 11166. Lorinda Sutton.
H. R. 11182. Esther E. Babcock.
H. R. 11201. Lizzie E. Fender.
H. R. 11239. Helen D. Craig.
H. R. 11256. Anna Jane Ritchie.
H. R. 11258. Lucinda Brown.
H. R. 11356. Rebecca J. Rush.
H. R. 11368. Mollie Bailey.
H. R. 11372. Mary M. Zimmerman.
H. R. 11374. Mary F. Stevenson.
H. R. 11391. Lottie J. Thomas.
H. R. 11398. Mary J. Green.
H. R. 11399. Margaret White.
H. R. 11402. Elizabeth Stout.
H. R. 11419. Mary J. Morgan.
H. R. 11422. Agnes E. Jones.
H. R. 11423. Elizabeth Lippert.
H. R. 11439. Olive W. Cox.
H. R. 11445. Charlotte Wirsing.
H. R. 11446. Grace Olive Jones.
H. R. 11455. Katie Wood.
H. R. 11456. Lucina Heath.
H. R. 11458. Emma W. Pohlmann.
H. R. 11463. Fredonia Williams.
H. R. 11480. Lucia M. Bartlett.
H. R. 11503. Emma Weast.
H. R. 11504. Lottie L. Tripp.
H. R. 11507. Ella M. Foll.
H. R. 11521. Olive W. Myrick.

APPOINTMENT OF JUDGES.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a privileged report from the Committee on Rules which the Clerk will report.

The Clerk read as follows:

House Resolution 329.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move to take from the Speaker's table the bill H. R. 9108, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate, which motion shall be agreed to without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the House passed a bill creating some additional judges. The Senate, in the consideration of the bill, struck out all after the enacting clause and passed a bill of different import. The difference between the provision of the House and the Senate bills is material, but such as is usually worked out in conference between the conferees representing the House and the Senate. It is the desire of the majority members of the Committee on the Judiciary that the bill be sent to conference.

Mr. LARSEN of Georgia. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. LARSEN of Georgia. Several days ago I introduced a resolution asking for the appointment of a committee for the purpose of investigating the Veterans' Bureau——

Mr. CAMPBELL of Kansas. I can not yield now for an interruption of that kind.

Mr. LARSEN of Georgia. I have been trying to get action on that resolution, and desire information as to progress.

Mr. CAMPBELL of Kansas. I did not yield for that purpose.

Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. GARRETT] to be disposed of as he may direct.

Mr. GARRETT of Tennessee. Mr. Speaker, the desire of quite a number of those who have given attention to this bill creating new judges was that it should go to the Committee on the Judiciary and be there considered. As the gentleman from Kansas has stated, the Senate has changed the character of the bill, changed its fundamental character in many respects, and what we had desired was that it should go to the Committee on the Judiciary and be there again considered. When it goes to conference we have no idea what will occur. That is the position, which is not a political position; no politics occurs in regard to a judge's bill, or ought not to.

Mr. LARSEN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. LARSEN of Georgia. I believe the gentleman from Tennessee is a member of the Committee on Rules. I interrupted the chairman of the Committee on Rules a moment ago for the purpose of obtaining information from him regarding the probability of action upon a resolution that I introduced several days ago seeking the appointment of a committee for the purpose of investigating the Veterans' Bureau. Perhaps the gentleman can give some information about it. You are reporting out many rules from that committee, are you not?

Mr. GARRETT of Tennessee. The committee is reporting out a good many, but you do not mean that we Democrats, innocent bystanders, are? [Laughter.]

Mr. LARSEN of Georgia. Several days ago I spoke to the gentleman from Tennessee concerning the resolution, and he said he would do what he could to get action on it. I have also written to the chairman of the committee, but for some reason—the chairman seems so busy—he does not have time to reply to the letters I write. I thought he might have time to answer orally.

Mr. CAMPBELL of Kansas. I took the advice of Seth Thomas. I never answer a letter when I can answer it in person. [Laughter.]

Mr. LARSEN of Georgia. The trouble with the gentleman from Kansas is that he neither answers orally or by writing. [Laughter.] I trust the gentleman from Tennessee can give me some information as to what the probabilities are for receiving action through the committee on the rule.

Mr. GARRETT of Tennessee. The gentleman surely will not hold Democrats responsible for the failure of Republicans to do what he wants done?

Mr. LARSEN of Georgia. I certainly would not.

Mr. MOORE of Virginia. Mr. Speaker, may I interrupt the gentleman?

Mr. GARRETT of Tennessee. Certainly.

Mr. MOORE of Virginia. Some time ago I introduced a resolution proposing an investigation of what I consider a very outrageous transaction, the removal summarily of the responsible chiefs of the Bureau of Engraving and Printing, which would involve an inquiry into the character of the persons who

have been placed in the positions from which the occupants were removed. Subsequently I addressed a very respectful letter to the chairman of the Committee on Rules, asking when the resolution would be considered, to which I have received no reply, either in writing or personally.

My friend from Kansas is in a most Sphinxlike attitude. I believe the Tennyson line says that even the Sphinx becomes vocal when "smitten by the morning sun." But nothing persuades the gentleman from Kansas to become vocal about any resolution which a Democrat introduces. I would like to ask my friend whether he has ever heard the gentleman from Kansas or any of the members of the majority on that committee mention that resolution or mention the very important resolution introduced by the gentleman from Georgia [Mr. LARSEN]?

Mr. GARRETT of Tennessee. I will yield to the gentleman from Kansas. [Laughter.]

Mr. SNELL. He did not ask you to yield to him.

Mr. CAMPBELL of Kansas. I am very grateful to my friend from Tennessee, and I thank him for returning the time, but I have time at my disposal that I shall use later on.

Mr. GARRETT of Tennessee. Well, you will answer the question in your own time?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Now, shall I be the medium for any other inquiries? [Laughter.]

Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SUMNERS of Texas. May I ask the Chair how much time is left from the various matters that have been submitted?

The SPEAKER. The gentleman has 12 minutes.

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, as has been said by the gentleman from Kansas [Mr. CAMPBELL], the bill which comes back to the House is very materially different from the bill which received the indorsement of the Judiciary Committee of the House and was approved by the House. This bill is what I assume may be designated, and properly designated, as an omnibus judgeship bill. It may be said to the credit of the American Congress that in its history there have been very few bills of this sort.

It will not be possible in the brief time at my disposal to discuss in detail the important differences between the Senate bill and the House bill; but, illustrative of the differences, I direct the attention of the House to the fact that with regard to five districts in the United States the legislation which comes from the Senate is entirely different from the legislation which came from the House. Two judgeships provided by the House were stricken out by the Senate and three additional and different judgeships incorporated by the Senate.

When those changes are measured proportionately with reference to this bill they may not seem important, but when Members of the House consider the proposition of dealing primarily and originally with five independent and distinct judicial districts of the United States they must realize that they have a matter before them so important that in the first instance at least the House would not undertake to pass upon it without having in advance the benefit of independent investigation and deliberation on the part of its agent, its Committee on the Judiciary of the House.

If this bill does not go to the Committee on the Judiciary of the House, when you come finally to pass upon the conference report you must do it without the benefit and the persuasive force of a deliberate determination with reference to those five districts on the part of the Committee on the Judiciary of the House.

I have stated already to the gentlemen of the House that this difference that I cite is merely by way of illustration and not by way of discussion of the differences. There are differences which are fundamental between the bill of the House and the bill of the Senate; differences which have to do with the governing of the whole judicial machinery of the United States and in the most important way. But there is another reason, gentlemen of the House. It may be a reason which will present itself to the House as a belated reason perhaps, but I again direct the attention of the House to the fact with regard to this tremendously important bill that the Committee on the Judiciary of the House in presenting this bill to the House was not able to support it by a statement that this bill rested upon an independent investigation by the Committee on the Judiciary of the House or represented its deliberate judgment, based upon a knowledge of the facts.

Now, briefly, this is the history of this legislation: We had heard much with reference to the congested condition in a number of the districts of the United States. That matter had been discussed by Members of the House and discussed informally by members of the Committee on the Judiciary of the House, and as a result of that discussion the matter was taken up by a special committee from the House, a subcommittee of the Judiciary Committee, with the Attorney General. From that time on, save for the very beneficial work of the gentleman from Massachusetts [Mr. WALSH], the chairman of the committee, and perhaps another gentleman or two, the Committee on the Judiciary of the House lost contact with that proposed legislation until it came back in the form of a bill, resting then upon an investigation conducted by a special committee named by the Attorney General of the United States, of which special committee the Chief Justice of the Supreme Court of the United States was the presiding officer.

When that bill had been reported out and came before the House—I say it with due respect to the gentlemen who constitute that committee—there was not one single member of the committee who could call the roll of these districts for which these judges were provided, and state to the House that upon any investigation conducted by the House, or any information which had come to the membership of that committee, it was his solemn judgment based upon a knowledge of the facts that a judge ought to be provided for each of the districts, as provided in the bill. Now, when we consider the debate in the Senate and the debate on the floor of this House we must realize that we are placed in the position of having passed this tremendous bill, dealing with the Federal judiciary, a bill not fashioned by the Members of Congress upon their individual responsibility, based upon their independent knowledge, but a bill based upon an investigation conducted by the Attorney General and the members of the Federal judiciary, providing for the appointment of 23 judges at one time. I believe that is the number. I say that this bill ought to go to the Judiciary Committee of the House. Even though this reason may now be considered by the House, if it will, late in the proceedings on this bill, this House ought to take advantage of the opportunity which this situation presents, and legislate with regard to this important matter in a regular and orderly way. In the Senate it was developed that in the first circuit, with three judges, they were able to dispose of, and did dispose of, only 57 cases in the course of a year. Yet we are providing district judges for that same circuit. When the question was asked on the floor of the Senate, where opportunity is afforded for deliberation, when it was asked there why it was that these judges, who in the course of a year decided only 57 cases, did not relieve these circuit judges for which we were providing district judges, not a man on the floor of the Senate could answer the question. That is merely by way of illustration. That shows how in the dark we are putting this tremendous burden upon the Public Treasury, and how we are putting through this omnibus judgeship bill. There ought never to be an omnibus judgeship bill. If it can be avoided this number of judges ought never to be appointed at one time by a Democratic or a Republican President, or a President of any other political party. You, gentlemen, will remember that in the last session of the last administration some bills were presented to this body providing for some of these districts, and to the Senate one nomination of a Democrat, and every one of those cases was held up—even though the facts showed that beyond a doubt some of them were needed for the discharge of the public business—in order that the appointments might be made by a Republican President. Now, I do not mean to say that a Democratic Congress might not have done the same thing, but if it had done the same thing it would not have been the right thing, and the country ought to rebuke that sort of political traffic in Federal judgeships.

How much more time have I, Mr. Speaker?

The SPEAKER. The gentleman has two minutes remaining.

Mr. DYER. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. Yes.

Mr. DYER. Will the gentleman state to the House whether or not, in his judgment, any places provided in the House bill are unnecessary?

Mr. SUMNERS of Texas. Ah, Mr. Speaker, that is the point that I am trying to make. I do not know, and not a man can stand on the floor of this House and say upon his independent judgment that he does know.

Mr. DYER. If the gentleman will yield——

Mr. WALSH. Will the gentleman yield?

Mr. SUMNERS of Texas. Gentlemen have their own time. I have only two minutes. I just want to make this further

statement. The truth of it is, Mr. Speaker, that the Judiciary Committee of the House are not entirely to blame for this situation. I had the honor, with the distinguished chairman of the Judiciary Committee and the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Missouri [Mr. DYER], of going up to the Attorney General's office. We met the genial Attorney General. He set us down in his nice chairs, and we almost chummed a little bit, and then he sent us on back down here. We thought we were going to be called in about the thing again, but we found out pretty soon that he had taken the whole business and run off with it. Every once in a while I would ask something about it, but it was evident that the Attorney General was doing this whole business. Mr. Speaker, finally we got the bill back, and were advised that we would be told about it, and there we were in the Judiciary Committee room. The way things were fixed up it looked somewhat like the Supreme Court. Of course, we did not have on any robes, but the Attorney General came in down there before us. We were sitting up in that big high place, and he had to address us very deferentially from below. Pretty soon the Chief Justice of the United States himself in his own proper person came before us. Well, of course, we were not robed like members of the Supreme Court. It gave us a sort of insufficiently dressed feeling sitting up there without any robes and the Chief Justice down there telling us about it. He told us we needed these judges. The Attorney General told us we needed them. I am afraid we were just a bit flabbergasted, so we accepted; at least, we were much persuaded by their judgment and a very promiscuous and imposing array of figures furnished—they were somewhat secondhand—by the gentleman from Massachusetts [Mr. WALSH]. We have not had a fair shake at this thing. We Democrats voted against reporting the bill out and also voted against it when it came up for passage here. I believe our Republican colleagues on the committee have sort of recovered now, and if you can get this bill back before the Judiciary Committee of the House, I think we can conduct an investigation and report a bill back that we can support with our own judgment based upon our own investigation. I hope the House will send the bill back to the committee. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, notwithstanding the most persuasive speech of the very able and genial gentleman from Texas [Mr. SUMNERS], I will move the previous question.

Mr. WALSH. Before the gentleman does that will he yield me five minutes?

Mr. CAMPBELL of Kansas. I withhold the motion and yield five minutes to the gentleman from Massachusetts.

Mr. WALSH. Mr. Speaker, I appreciate the courtesy of the gentleman from Kansas in yielding me five minutes, and I think I ought to make just a few statements, lest the very persuasive eloquence of our friend from Texas [Mr. SUMNERS] should sink in and convince people of a few things which I think are not entirely accurate. The fact of the matter is that a number of the judges who are provided for in the House bill had been provided in individual bills which had either been reported and placed upon the calendar or passed upon by the committee and authorized to be reported.

Mr. MONTAGUE. Will the gentleman from Massachusetts yield for an inquiry?

Mr. WALSH. Yes.

Mr. MONTAGUE. How many bills for individual judges have been approved by the Judiciary Committee of the House?

Mr. WALSH. I think there were 12.

Mr. MONTAGUE. As many as that?

Mr. WALSH. I believe so.

Mr. MONTAGUE. Approved or introduced?

Mr. WALSH. Twelve had been heard by the subcommittee.

Mr. MONTAGUE. Perhaps I did not express myself accurately. How many individual bills have been favorably reported by the Judiciary Committee of the House?

Mr. WALSH. I think six had been favorably reported, and five or six, as I recall, had been authorized to be reported and were withheld pending the introduction of the omnibus bill.

Now, I happened to have been charged with the duty of sitting as one of the subcommittee that held hearings on individual bills. I recall the conversation we had at the Attorney General's office, and I am very glad indeed if the call at the office of one of the Cabinet officers created such a deep impression on my friend from Texas, and I wish that more of his side of the House would make these calls, because I think it would be very beneficial to them. I understand that the gentleman from Texas is to be suggested as one of the conferees. I am sure his ideas will not be entirely discarded, and I think that he will find that possibly the conferees who will represent this side of the House will be in accord with them. But the bill was not reported without consideration. Consideration was given in each individual instance in the House bill where additional judges were provided, and it was felt that it was unfair to have poor people charged with crime, without means of providing bail, kept in confinement because they could not have a speedy trial, to which they are entitled under the Constitution.

The bill provides for a designation or transfer or assignment of judges from one district to another in order that all the courts may be able to keep business fairly current.

Mr. SUMNERS of Texas. Will the gentleman indicate what investigation was had as to each judgeship provided for in the bill?

Mr. WALSH. We had hearings, Members presented the condition of business in their districts which were affected, and they presented petitions by the members of the bar. We had a report from the Attorney General, and also information secured by the Attorney General by telegraph from each of the 86 Federal districts. They were all considered by the committee.

Mr. MONTAGUE. Will the gentleman yield?

Mr. WALSH. I will.

Mr. MONTAGUE. To give a concrete instance, does the gentleman recall that these hearings were of the same sort that was accorded to the eastern section of the Commonwealth of Virginia? The Attorney General recommended there should be an additional judge for the eastern district, and the judge for the eastern district reported that there was no necessity for a judge in that district, and that part of the bill was abandoned.

Mr. WALSH. The Attorney General presented no statistics with reference to the eastern district of Virginia.

Mr. MONTAGUE. I think they recommended a judge for that district.

Mr. WALSH. I think the gentleman is in error. He stated that the business in the district was growing in importance and it was the great admiralty section of the east coast; but as between West Virginia and Virginia, if the committee decided to recommend an additional judge, he would recommend the eastern district of Virginia, giving it the preference.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. WALSH. I will.

Mr. SUMNERS of Texas. Is it not a fact that the information before the Judiciary Committee in regard to the condition of the courts was made up largely of figures—the numbers of cases, without any indication as to whether the cases were dead cases, cases that had been long on the docket, or live cases; does not the gentleman remember that when the Chief Justice came before the committee he stated it was not known by him how large a percentage of cases on the docket were dead cases?

Mr. WALSH. I do not recall any such instance. The Chief Justice may have said so; but the information from the Attorney General shows the number of cases begun for the last five years and the number of cases pending in each of these years.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I want to ask the gentleman from Massachusetts a question. The gentleman from Massachusetts said, as I understood him, that there are many poor people in jail who will be relieved by the passage of this bill. Did I understand the gentleman correctly in that regard?

Mr. WALSH. Yes; I will state that in many districts the criminal business is so large and there are so many cases pending that people who are not able to furnish bond are compelled to wait their turn because the judges are not able to hear cases.

Mr. GARRETT of Tennessee. I understood the Attorney General was very much interested in keeping poor people out of jail. [Laughter.]

Mr. WALSH. Poor people?

Mr. GARRETT of Tennessee. Yes. Now, I want to ask the gentleman this question: If there was any particular thing in the discussion at any time about keeping some poor people out of a judgeship, or anything of that sort?

Mr. WALSH. No; not to me. Perhaps the gentleman from Texas may have had some such conversation. I do recall one instance where a certain person was kept out of a judgeship, and I speak only personally when I say that I would have been very glad if the other branch could have confirmed the nomination for judge in the State of Tennessee of a certain distinguished Democrat who I know would have adorned the bench, and I would be glad to see him receive one of the appointments under this bill.

Mr. GARRETT of Tennessee. My understanding is that it was felt that it would be very undesirable to do that, because it was thought that the gentlemen to whom he refers would be needed here to support the present administration. [Laughter.]

Mr. WALSH. The person who got that idea was somewhat bewildered. [Laughter.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 56, noes 34.

So the resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 9103, providing for the appointment of additional district judges for certain courts, and so forth, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to take from the Speaker's table the bill H. R. 9103, disagree to the Senate amendments, and request a conference.

The motion was agreed to.

The Speaker appointed the following conferees: Mr. VOLSTEAD, Mr. WALSH, and Mr. SUMNERS of Texas.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had concurred in the amendments of the House of Representatives to bills of the following titles:

S. 1813. An act for the relief of the owner of the steamer *Mayflower*;

S. 1814. An act for the relief of the owner of the steam lighter *Cornelia*; and

S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss*.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bill of the following titles, when the Speaker signed the same:

H. J. Res. 268. Joint resolution extending the operation of the immigration act of May 19, 1921; and

H. R. 10730. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

FISCAL AFFAIRS OF THE PHILIPPINE ISLANDS.

Mr. TOWNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10442, to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10442, with Mr. STRONG in the chair.

The Clerk reported the title of the bill.

Mr. TOWNER. Mr. Chairman, will the gentleman from Tennessee use some of his time?

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Chairman and gentlemen of the committee, many people who are interested in the immigration problem and believe in restrictive laws have urged that our examination and selection should be made in foreign ports. Steamship lines and opponents of restrictive legislation argue for foreign selection. Their reason for this contention is easily understood, but my main purpose is to explain to those who favor restriction why they can not depend upon such a system. If I am able to state these reasons in their full force I will in so doing explain why those who oppose restriction clamor for something other than rigidly restrictive laws firmly enforced at home.

First, let us understand that the maintenance of embassies and consulates in foreign countries is a matter of diplomatic usage and treaty agreement. We could not maintain an ambassador, a consul, or any kind of an official representative in any foreign country without its agreement. Diplomatic usage sanctions the maintenance of embassies and consulates which promote ends desired by both parties to the arrangement. Their establishment and activities are wholly subject to treaty agreement with foreign powers, or their consent in some form. Their withdrawal may be demanded and enforced by such power at any time.

The scope of the activities of consuls, ministers, and ambassadors is fixed or limited by usage and agreement and can be extended only by such consent. The selection of would-be immigrants is not one of the usual functions performed by consuls or diplomatic representatives. The treaties under which such representatives are maintained do not authorize the establishment or maintenance of immigration stations of any kind, nor the performance of any of their functions, on foreign soil. Neither does diplomatic usage sanction it. These officers and the performance of these functions within the territory of a foreign sovereignty is not possible unless such countries would give their consent.

The motives which prompt them to consent to the establishment and maintenance of consulates and embassies is mutual commercial and diplomatic interest. But this mutuality of interest does not exist as to immigration. Japan, China, England, Spain, Italy, Poland, and other Old World countries usually want a place to which they can send their surplus or undesirable population. Our immigration laws are designed to prevent their unloading this surplus and burdensome population on us. We want to prevent the very thing they want to do. Instead of mutuality of interest there is conflict. Generally speaking, they will not go beyond the limits of diplomatic usage to agree with us upon our establishment upon their soil of agencies by which we can accomplish that which it is their desire to prevent. This is not merely natural and logical; it is actual.

The Immigration Commission created by the act of Congress of February 20, 1907, consisting of nine members, three of whom were appointed by President Roosevelt, three by the Vice President, and three by the Speaker of the House of Representatives, were charged with the duty of making a full investigation of the whole subject of immigration. It was given full authority and provided ample means to travel either in the United States or in any foreign country and otherwise to carry on its investigation. Its membership consisted of such men as Senator Dillingham, Senator Lodge, Senator McLaurin, and Hon. John L. Burnett, Prof. Jeremiah W. Jenks, and other men of legislative experience, great learning, and familiarity with immigration problems and legislation.

Among the questions which it studied and upon which it reported was the one now under discussion. On pages 26 and 27 the commission discussed this problem. I ask to have the Clerk read what it said on the point.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

> It has been strongly urged by immigration officials and other students of the question that the embarkation at foreign ports of persons not admissible to the United States because of their physical condition would be more effectually prevented by a medical inspection by American officers at such ports. This plan was so strongly urged that this Government a few years ago made official inquiry respecting the probable attitude of European Governments toward it. At that time one or two Governments expressed a willingness to permit such an inspection by American officials; others made indefinite replies to the inquiry, while others were positively opposed. No attempt was thereafter made to further the plan. After an investigation by the commission of the situation at all the principal ports of Europe it is clear that even were its consummation possible such an arrangement would not materially improve conditions. * * *
>
> It has been suggested that some system ought to be devised by which intending emigrants could be physically examined as to their admissibility to the United States before leaving their homes for ports of embarkation. While an effective arrangement of that nature would be of great benefit to the many thousands annually who are turned back at foreign ports of embarkation, it is a matter over which our Government has no jurisdiction. (Reports of the Immigration Commission, Vol. I, pp. 26-27, presented December 5, 1910.)

Mr. BOX. The House Committee on Immigration and Naturalization has given much consideration to this subject, continuing its investigation and study from time to time. In its report to the Sixty-seventh Congress (No. 710) accompanying House Joint Resolution No. 268, the following appears, which I desire to have read from the Clerk's desk.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

OBJECTIONS TO EXAMINATIONS OVERSEAS.

> The hearings of the committee have covered all phases of the subject. Considerable time was spent in attempting to develop a plan of examination of immigrants at ports of embarkation, but these efforts were met with a letter from the Secretary of State as follows:

> DEPARTMENT OF STATE,
> *Washington, December 8, 1921.*
>
> MY DEAR MR. JOHNSON: I inclose copy of a memorandum of September 15 from the chargé d'affaires ad interim of Italy, in which he discusses certain bills which have been introduced in Congress providing for the examination in American consulates of aliens desiring to emigrate to the United States.
>
> Informal objections to the proposed legislation have been made by representatives of other countries, and I shall endeavor to keep you informed as to any further objections which may be received by this department from representatives of interested foreign countries.
>
> As this matter touches upon the foreign relations of the United States, I would ask that you be so kind as to keep me informed concerning the progress of the proposed legislation.
>
> I am, my dear Mr. JOHNSON, sincerely yours,
> CHARLES E. HUGHES.
>
> MEMORANDUM FROM ROYAL ITALIAN EMBASSY.
>
> The royal chargé d'affaires for Italy presents his compliments to his excellency the Secretary of State and has the honor of bringing the following to his attention:
>
> During the special session of this Congress there have been presented bills—one in the Senate and two in the House of Representatives—by the terms of which, among other provisions, it is proposed to have United States medical and immigration officials in the United States consulates, or elsewhere, to exercise functions not purely informative in character but of direct action in the medical examination and definite selection of the emigrants, connecting such functions with that of the granting of the consular visé to passports.
>
> Such action, even if exercised in the interior of the consulate offices, would go beyond the usual consular functions recognized by treaties and pertaining, as it does, to interests connected with emigration whose regulation is reserved to the sovereignty of each State could not be considered as conforming with either treaty or law on emigration in Italy.
>
> It is true that this is a matter relating merely to proposed legislation; nevertheless, the intense desire to avoid later any possible motive for discussion between our two countries inspires the friendly intention of the present recommendation, especially since it has been stated to the Secretary of State that the Italian Government would be most willing to meet the wishes of the United States in conforming the action of its emigratory services so as to satisfy the reasonable requirements of the American regulations if both can be made the subject of a specific agreement beforehand, as already suggested.
>
> The embassy would certainly have hesitated to approach the Secretary of State on this matter were it not that the Secretary of Labor, in recommending the above-quoted bills according to public press statements, had not made it felt that the measures before Congress probably expressed views not contradictory to those entertained by the United States Government, whereupon any assurance on the subject, if possible, on the part of the Department of State, so that in time it be forwarded to the Italian Government, would be highly appreciated by the Italian Embassy.
>
> WASHINGTON, D. C., *September 15, 1921.*

The committee in this connection was reminded that the Immigration Commission of Congress, after exhaustive investigation, dropped the matter of inspection at foreign ports. (See p. 26, vol. 1, Abstracts and Reports of the Immigration Commission, 1911.)

Mr. BOX. It will be noted that Mr. Secretary Hughes, in the second paragraph of his letter to Chairman JOHNSON, informs him that "informal objections to the proposed legislation have been made by other countries," which is in line with the statement made by the Immigration Commission in the quotation given above. It must not be understood that Italy is the only country making these objections. The country which does not make them is an exception.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. JOHNSON of Washington. If the gentleman will permit me to say so, as chairman of the present House Committee on Immigration and Naturalization I congratulate the membership on the work the gentleman from Texas has done on the committee and the study which he has given to this particular phase of the matter. I would suggest that he do not omit from his present discussion the fact that other Governments are at this time making protests quite similar to the one that he has just read from the Italian Government, against proposed provisions in the so-called shipping bill, clauses of which would authorize investigation overseas. I am told that these present protests against that new legislation, now being considered before another committee, are much stronger than have been made heretofore.

Mr. BOX. I thank the gentleman for his suggestion, because it helps to present the problem which I want the House to see.

Mr. CONNALLY of Texas. And, Mr. Chairman, if the gentleman will permit, in that connection I would say that, as I recall now our hearings on the passport control bill, it developed that practically all of the foreign countries objected to the setting up in their countries of agencies for the investigation and examination of immigrants.

Mr. BOX. I thank the gentleman from Texas [Mr. CONNALLY]. The viewpoint of these people on our immigration policies is very different from ours.

America is the last country where there is room and opportunity. They nearly all want to get rid of their surplus population. That is and has been the cause of trouble. We have the land to which they want to come. Nations and races have struggled for a place in which to exist and enlarge since before the years covered by human history. We are trying to maintain a place here for us and our children to which the crowded-out, hungry, unhappy millions of the Old World are struggling to come. Our right to guard it must not be impaired. That would be perilous. It would be ruinous. If we make treaties at all we will have to make them on terms satisfactory to the people who want to unload their surplus population on America. The regulation and control of this world-wide movement toward America must be retained unimpaired by Congress.

I invite special attention to the polite, diplomatic phraseology used by the representatives of the Italian Government in which it says that the Government of Italy would be "most willing to meet the wishes of the United States in conforming the action of its emigratory services so as to satisfy the reasonable requirements of the American regulations if both can be made the subject of a specific agreement beforehand, as already suggested." Note the requirement that our regulations must be made the subject of a specific agreement with Italy beforehand. This makes it plain that any effort to bargain with foreign powers about foreign inspection and selection, if inaugurated, would at once place them in a position to claim a voice in the making of our immigration regulations. That is the very thing that America must not do. That is the very thing that the friends of restriction do not want. Even the opponents of restriction certainly would not favor the adoption of a policy by which we surrendered our right to deal with the subject in our own way. The right once lost would be hard to regain. The permanent loss of that right would be an irreparable calamity to America.

Very definite conclusions necessarily follow the existence of this situation. Since we can not maintain such agencies in foreign countries without their consent, and such consent has not been and probably can not be obtained, it is vain to depend upon foreign examinations.

If possible and desirable, such examinations would be impracticable because of the expense and other administrative difficulties attendant upon an effort to maintain immigration stations or an immigration inspection force at all the sources of immigration. The immigrants come from 10,000 places—throughout Mexico, Canada, and beyond, for myriads come from those countries and through them. Can we maintain immigration stations or agencies at the door of every would-be immigrant? Such a plan would be like the effort of a farmer, whose field was surrounded by an open range, trying to build inclosures around the live stock on all the range to avoid maintaining a fence around his own field. From Japan, China, India, much of Asia, much of Africa, and from all of Europe men are coming to Mexico and Canada for the purpose of gaining access to the United States. Where would you establish your stations and guard lines against them? At their homes? At a thousand places in Mexico and Canada?

Immigrants come to America on irregular and tramp ships from all the ports of the world. This, and their coming through Canada and Mexico, would force us to maintain our seaport and land frontier stations and to turn back many from them. Establishing foreign stations would merely add a great system of distant stations without eliminating home stations or avoiding the necessity of rejecting great numbers of immigrants at them. If foreign countries would permit it, which we have found they will not do, the plan is impossible. Of course, the only place for our stations and guards is at our own ports and on our own frontiers.

It is urged that if prospective immigrants were inspected and selected abroad, they would be protected from the hardship resulting from their selling their effects and breaking themselves loose from their homes and sources of livelihood, expecting to be admitted to the United States only to find themselves denied admission and be thrown adrift penniless, friendless, and far from home. Unless the stations were located, at prohibitive cost, in hundreds of places, the prospective immigrants could not be selected near their present homes. The establishment of immigration stations in a few great cities on the coasts in Europe, Asia, and Africa would not meet this difficulty. These seaports are hundreds of miles from the present homes of most of the immigrants and in countries foreign and strange to them. They would have to go in families hundreds of miles, often across national boundaries, necessitating passports, and a great part of the travel, expense, and difficulty which they now meet.

The average immigrant can not, without selling all, carry his family from the center of Europe to the seacoast for examination. If he could, he would not know how long it would require him to return to his home with his family to sell out and return to the immigration station on the coast. The uncertainty, delay,

expense, and other difficulties of such a course would forbid its adoption by the immigrant, who usually has little or nothing. He sells all, and even under the proposed plan would sell all and break up completely, before leaving his old home to go to the place of inspection and embarkation. The risk and loss of this breaking up would have to be incurred under any system except one that sent the inspector to the prospective immigrant at or near his present home, which is manifestly impossible.

The steamship companies, relatives, and other opponents of restriction are all talking much of regulating immigration by treaty agreements. I have shown that this plan of foreign inspection depends upon treaty agreements. I suspect that their agitation for foreign inspection is prompted by the desire to have the control of immigration away from Congress and give it to the treaty-making power. It is certain that the adoption of the system of foreign inspection would have that very effect. Treaties establishing such a system, if made at all, could be made only upon such conditions as were satisfactory to foreign Governments, so that the whole system of immigration control would pass to the treaty-making power. Treaties made on the subject would become the supreme law of the land. Immigration regulation would pass to the President as the treaty-making power, subject to the ratification or the rejection of the Senate. The House would lose all voice in this question of the greatest importance to the people, who are most directly and truly represented in the House, and whose desires on this subject they have so much more frequently and truly voiced.

I have stated other vital reasons why we must never let the control of immigration become a matter of treaty making. For that involves the surrender by us of our present sole right and power to regulate it. Confessedly, we now have this right and power regardless of the wishes of foreign countries. When immigration control is passed to the treaty-making power we will have surrendered this right and consented that we must consult foreign countries in fixing our immigration regulations. Foreign countries such as Germany, Japan, Italy, Poland, and Spain want to unload their unfortunate, starving surplus population on America. When through the surrender of our sovereign right to control it we agree to make it subject to the approval of foreign countries, they get the right to reject our plan for dealing with it. We will thereby become helpless to prevent their hungry and wretched millions from coming to America at will. Our complete and overwhelming ruin would follow inevitably and soon.

Moreover, our experience as to the attitude of our Presidents toward this problem should warn us of the great danger of passing absolute or chief control of it to him.

The President's constant contact with delicate and difficult questions of our foreign relations and the necessity of maintaining cordial diplomatic relations with foreign countries expose him and his advisers and agencies to the constant tendency toward too great liberality in immigration regulations.

Our own people now almost uniformly confess that we have in the past been liberal to the point of ruinous looseness in our immigration policies, but even such restrictive measures as have been adopted in the past have nearly all been enacted in the face of Executive opposition. Nearly every step forward in the policy of restriction has been taken by overstepping the President's veto of restrictive laws.

In 1879 President Hayes vetoed the first Chinese-exclusion act (2 1. C. R. 580). In 1882 President Arthur vetoed an act suspending Chinese immigration for a period of 20 years (2 1. C. R. 581). On March 3, 1897, President Cleveland vetoed an immigration act excluding illiterates (2 1. C. R. 578). President Taft vetoed an immigration bill in 1913 containing a restriction against the admission of illiterates (p. 101, Rec., special sess., 50th Cong.). In 1917 President Wilson vetoed an act excluding illiterates, but Congress passed it over his veto.

In 1868 the Burlingame treaty between the United States and China declared it to be the inalienable right of men to migrate and emigrate at will. California had then been, for 15 years, alarmed and in trouble on account of the coming of great numbers of Chinese. The California Legislature had passed laws in efforts to protect the State. Pacific coast cities had passed ordinances for the same purpose. Congress itself, in 1862, had taken note of the degradation and slavery of Chinese coolie laborers, and had forbidden American ships to transport them. This was seven years before the Burlingame treaty was made by the President and ratified by the Senate, declaring the right of such people to migrate to the United States to be "inalienable." So aptly did the treaty-making power deal with the problem in that instance.

Conditions in California and on the Pacific coast were then and soon afterwards so bad that, in 1872, California was pleading with Congress for the exclusion of the Chinese; that is, for the deprivation of the "inalienable right" of Chinese to come to America in tens or even hundreds of millions.

A congressional committee was sent to California, where it found conditions very bad. In 1879 Congress passed what was practically a Chinese exclusion act and undertook to abrogate the obnoxious sections of the Burlingame treaty of 1868.

Here another unfortunate incident to immigration regulation by treaty developed.

President Hayes vetoed the exclusion act, giving as one reason his contention that Congress had no right to abrogate a treaty. His action illustrated the fact that the President can nullify an exclusion act of Congress passed by any majority less than two-thirds, and that Congress has no power to relieve the country of a treaty so dangerous as was that one by any majority less than two-thirds of both branches. President Hayes claimed that Congress had no power to abrogate a treaty at all.

The President can make such a treaty with the approval of two-thirds of one branch of Congress.

A new treaty was made by the United States and China in 1880, in which China succeeded in limiting the freedom of the United States to deal with Chinese immigration in its own way. This treaty stipulated that the United States might limit or suspend the coming of laborers only and prohibited the United States to forbid general Chinese immigration.

In 1880 Congress passed an act suspending Chinese immigration for 20 years. President Arthur vetoed the act, chiefly on the ground that a 20-year suspension of Chinese immigration was not "reasonable" within the meaning of that term in the clause of our treaty with China permitting the United States to limit or suspend the coming of laborers in such a manner and to such extent as "shall be reasonable."

It was soon found that this immigration treaty was unwise, and the United States asked China to agree to its abrogation. She objected and delayed until Congress passed a drastic Chinese exclusion law, from which the President withheld his approval until he became convinced that China would not enter a new treaty abrogating the treaty of 1880, of which the United States was now anxious to be rid.

President Roosevelt made an agreement, which he insisted on having treated as valid and binding, as being supreme law, without even consulting the Senate about it. He called it a "treaty."

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BOX. I will.

Mr. MOORE of Virginia. Is there, or is there not, some embarrassment at this time due to the fact that an agreement exists between this country and another nation in respect to immigration, and is not that a fact that has impeded the committee in bringing in permanent legislation on this subject?

Mr. BOX. I will answer the gentleman first by saying it presents a very knotty problem which will nevertheless have to be solved.

Mr. JOHNSON of Washington. Will the gentleman allow me to answer?

Mr. BOX. Let me dispose of this and then I will be glad to yield. I doubt, if I may be permitted to say so, whether the gentleman's agreement made by President Roosevelt, to which the gentleman evidently refers, has any force or has ever had any force that America ought to recognize. To say that the President can by some secret understanding hidden in his bosom or by some written memorandum hidden in the archives of the Department of State, never submitted to the Senate, establish a law, a supreme law of the land binding on the legislatures of States, binding on this body and the whole country would be most extraordinary. That is the construction given to the gentleman's agreement. President Roosevelt, who made it, based his action on the facts as he saw them then. He would unquestionably say now that it did not work properly. I ask that in my time a statement by President Roosevelt in his memoirs on this subject be read by the Clerk.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

ROOSEVELT ON THE GENTLEMEN'S AGREEMENT.

After a good deal of discussion, we came to an entirely satisfactory conclusion. The obnoxious school legislation was abandoned, and I secured an arrangement with Japan under which the Japanese themselves prevented any emigration to our country of their laboring people, it being distinctly understood that if there was such emigration the United States would at once pass an exclusion law. It was, of course, infinitely better that the Japanese should stop their own people from coming rather than we should have to stop them, but it was necessary for us to hold this power in reserve.

* * * * * * *

Unfortunately, after I left office, a most mistaken and ill-advised policy was pursued toward Japan, combining irritation and inefficiency, which culminated in a treaty under which we surrendered this important and necessary right. It was alleged in excuse that the treaty provided for its own abrogation; but, of course, it is infinitely better to have a treaty under which the power to exercise a necessary right is explicitly retained rather than a treaty so drawn that recourse must be had to the extreme step of abrogating it if it ever becomes necessary to exercise the right in question. (Theodore Roosevelt; An Autobiography, p. 414.)

Mr. BOX. The facts are now plain that the Japanese did settle in mass in California, and the California people know it, and we can say as much as we please about their not being there; but the things we can proclaim in this House do not change the facts as they exist, and the capable, hard-headed people of California know the facts. So they have come. He said that if these terms were not met that the country would be free to legislate on the subject and that it would be our duty to do it. He said himself that the terms on which the President met the situation and on which California relied and acted have been changed by subsequent treaty made by President Taft in 1911. The original agreement was evidently different from the arrangement now in force, because it was said to be designed to prevent exactly what has occurred. I quote from President Roosevelt's letter to Speaker Stanley of the lower house of the California Legislature under date of February 8, 1909. (Autobiography, pp. 416-417.) Note that President Roosevelt called this a "treaty":

I trust there will be no misunderstanding of the Federal Government's attitude. We are zealously endeavoring to guard the interests of California and of the entire West in accordance with the desires of our western people. By friendly agreement with Japan we are now carrying out a policy which, while meeting the interests and desires of the Pacific slope, is yet compatible not merely with mutual self-respect, but with mutual esteem and admiration between the Americans and the Japanese.

The Japanese Government is loyally and in good faith doing its part to carry out this policy precisely as the American Government is doing. The policy aims at mutuality of obligation and harmony.

In accordance with it the purpose is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study, and the like, shall have the freest access from one country to the other, and shall be sure of the best treatment, but that there shall be no settlement en masse by the people of either country in the other.

During the last six months under this policy more Japanese have left the country than have come in, and the total number in the United States has diminished by over 2,000. These figures are absolutely accurate, and need not be impeached. In other words, if the present policy is consistently followed, and works as well in the future as it is now working all difficulties and causes for friction will disappear, while at the same time each nation will retain its self-respect and the good will of the other.

But such a bill as this school bill accomplishes literally nothing whatever in the line of the object aimed at, and gives just cause for irritation; while in addition the United States Government would be obliged immediately to take action in the Federal courts to test such legislation, as we hold it to be clearly a violation of the treaty.

On this point I refer you to the numerous decisions of the United States Supreme Court in regard to State laws which violate treaty obligations of the United States. The legislation would accomplish nothing beneficial and would certainly cause some mischief, and might cause very grave mischief. In short, the policy of the administration is to combine the maximum of efficiency in achieving the real object which the people of the Pacific slope have at heart with the minimum friction and trouble, while misguided men who advocate such action as this against which I protest are following a policy which combines the very minimum of efficiency with the maximum of insult, and which, while totally failing to achieve any real result for good, yet might accomplish an infinity of harm.

If in the next year or two the action of the Federal Government fails to achieve what it is now achieving, then through the further action of the President and Congress it can be made entirely efficient.

I am sure that the sound judgment of the people of California will support you, Mr. Speaker, in your efforts. Let me repeat, that at present we are actually doing the very thing which the people of California wish to be done, and to upset the arrangement under which this is being done can do no good and may do harm. If in the next year or two the figures of immigration prove that the arrangement which has worked so successfully during the last six months is no longer working successfully, then there would be good ground for grievance and for the reversal by the National Government of its policy. But at present the policy is working well, and until it works badly it would be a grave misfortune to change it; and when changed, it can only be changed effectually by the National Government.

THEODORE ROOSEVELT.

The conditions which President Roosevelt said would furnish good ground for a different course if they should thereafter come into existence have arisen, and his expectation that the "United States would at once pass an exclusion law" in such event has been disappointed.

The plain truth is, California and the Western States are now getting a bad deal, just as they once before got the worst of it because of complicating agreements in treaties with foreign powers who are bent on placing the children of their races where Americans want theirs to live.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I yield the gentleman five minutes more time.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. BOX. This is the result of the operation of the treaty-making power in dealing with this problem. There are other instances; in one case during President Johnson's administration a treaty was made with China which solemnly recited that the people of one nation had an inalienable right to move into any other nation when they saw proper. That applied to 400,000,000 Chinese.

I now call attention to a new proposition, which is made in the interest of the Shipping Board, or of the people who are to buy our ships from the Shipping Board and be subsidized in their operation. It is solemnly proposed in that bill to give the Shipping Board a voice in our immigration policy, when its only possible interest would be to enable it, or the subsidized private purchasers of ships, to get financial returns from the handling of immigration. I have no objection to American ships handling their share of such immigration as comes to the United States. I hope the volume of that business will not be large. I do not want to put the United States, nor any agency belonging to it, where it will be tempted to increase its financial returns by increasing the volume of immigration.

Managers of the Shipping Board apparently know nothing about shipping. The shipping bill which they are sponsoring proves that they know nothing about our immigration laws. The pending shipping bill contains a provision that they can do certain things in handling immigrants "anything in the immigration law of the United States to the contrary notwithstanding." It gives the United States Shipping Board, whose only interest is in financial returns from handling immigrants, a voice in making of the rules and regulations governing immigration, some of which may be made "anything in the immigration law of the United States to the contrary notwithstanding."

Immigration legislation should be handled by Congress, through the agency of its appropriate committees, and by itself. It will be dangerous, indeed, to turn over this important subject to a committee not familiar with its difficult details and to the Shipping Board and others, whose knowledge of the subject is superficial and whose interests are divergent from the great public interest to be served by proper immigration legislation.

The statement just made by the gentleman from Washington [Mr. JOHNSON] to the effect that the provisions of the shipping bill relating to immigration have provoked emphatic protests from foreign Governments is not surprising. Orderly legislation can be obtained and the best public interest promoted by having immigration legislation reported by the proper committee. The policies behind it should be prompted by the public interest, and not by the financial gains of Shipping Board vessels or of subsidized American shipping.

Mr. Chairman, I insist that Congress must retain unimpaired its full power to deal with this great problem. It must not be admitted that foreign powers have any right to a voice in dealing with it through a policy of treaty making. Foreign inspection necessarily involves that idea. This great question must not be, wholly or partly, passed to the Shipping Board or to subsidized American vessels to be handled for the purpose of money-making. The present and future welfare of American men and women, of this and future generations, must be the supreme consideration in the mind of all who deal with it. Congress must not lose its supreme control over it. [Applause.]

Mr. TOWNER. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, the biennial battle for political control of the House of Representatives is rapidly getting under way if we may judge by the strong political flavor noticeable in debates on the floor or by banquet utterances of leaders of the respective major parties. I realize fully the desperate situation of the minority in settling upon an issue that will create more than passing interest in the country, but I particularly protest against two utterances of Democratic leaders made recently seeking to fasten the blame for the economic depression of the past two years upon the Republican Party. The first was made by the distinguished minority leader in the course of a bitter attack on the majority in the minority report on the adjusted compensation bill. Said he:

Incapable of dealing with the economic situation, they—the Republicans—have directly brought upon the American people the worst depression that ever came upon them.

The second was made by the chairman of the Democratic National Committee at a dinner given in his honor recently by the women members of his organization. Said he:

When the Democrats went out in 1920 we left 100 per cent employment at high wages, farmers thriving with wheat bringing high prices, commerce flourishing, and prosperity on all sides.

These are serious charges, indeed, and coming from such outstanding and responsible leaders of the minority should be fairly met and answered. Naturally, three questions arise in attempting to ascertain where the truth in this whole matter lies:

1. When did the depression begin?
2. To what extent did it go?
3. Where does the blame really lie?

Addressing ourselves to the first of these questions, attention is invited to the price situation in the early months of 1920. From late January to early May there was a general increase in commodity prices. Corn at Chicago averaged $1.47 in January and advanced to $1.98 in May. Wheat advanced from $2.63 in January to $2.97 in May. Cotton maintained its level at $0.40. Cotton yarn advanced from $0.72 to $0.76 per pound. Copper was fairly steady. Beginning with May disquieting reports began to be spread as to the deflation policies to be put into operation by the Federal Reserve Board and the downward slide in prices began to get under way. Corn, which had averaged $1.98 in May, declined to $1.53 in August, and this proved to be but a beginning of the later and more disastrous price drop in this great crop. Cotton dropped from $0.403 in May to $0.338 in August. Wheat dropped from $2.97 in May to $2.47 in August. Wool, which averaged $1.16 in May, dropped to $0.87 in August. Various other commodities such as hides, cotton yarns, and leather barely held their own; in fact, shaded off in price slightly.

It may fairly be said, in view of these facts, that the depression deplored by the distinguished Democratic leaders began in May, 1920, 10 months before the administrative functions of the Government were assumed by the Republicans. The second question, to what extent did the depression go, is exceedingly interesting. I have prepared a diagram (see p. 6413) which shows this matter clearly, and also indicates with equal clearness in which administration most of it occurred. The inspiration for this diagram comes from a poster recently distributed to Members of Congress, entitled "The tragedy of artificial 'deflation,'" which was compiled from official sources by Hon. John Skelton Williams, former Comptroller of the Currency, whose authority, I take it, will not be disputed by the minority because of his holding so prominent a place in the official family of former President Wilson.

Mr. Williams selected 16 commodities for the purpose of his argument. He carried his comparisons from the beginning of the period of deflation, in May, 1920, down to August, 1921. His figures were secured from the Federal Reserve Bulletin, a monthly publication issued by the Federal Reserve Board. This publication carries tables of various kinds of interest to the business world. The particular one used in preparing this diagram is "The average monthly wholesale prices of commodities." For the purposes of comparison I have carried the figures in Mr. Williams's chart down to January, 1922. This, it will be observed, will afford a 10-month period in each administration, which, in my opinion, makes the comparison a fair one. Corn, it will be observed, was quoted at $1.98 in May, 1920. It reached $0.61 in March, 1921, and dropped to the lowest point in the whole 20-month period in October, 1921, when it reached $0.46. It will readily be observed, therefore, that 90 per cent of the depression in corn occurred before the expiration of the term of President Wilson, while 9 per cent plus took place after the Republicans assumed power. A slight increase had taken place in the price of corn before January, 1922. Cotton is exceedingly interesting. In May, 1920, the price on middling New Orleans was $0.403. It reached its low point, curiously enough, in March, 1921, when the quotation was $0.11 per pound. In January, 1922, this price had advanced to $0.165. In terms of percentage, therefore, 100 per cent of the deflation in cotton occurred during the Democratic administration, while an 18 per cent increase, using the same basis of reckoning, has occurred during the Republican administration. Sugar was quoted at $0.2247 in May, 1920. In March, 1921, it had reached $0.078, and finally touched its low point in January, 1922, the price at that time being $0.048. The percentage of deflation in sugar was, therefore, 83 per cent under Democratic administration and 16 per cent under Republican. No. 2 red wheat was quoted at $2.97 in Chicago in May, 1920. It reached $1.67 in March, 1921, and struck its lowest level for the 20-month period in January, 1922. The percentage of deflation for the respective administrations was 73 per cent Democratic and 27 per cent Republican.

Chicago cattle were quoted at $12.60 in May, 1920. They dropped to $9.56 by March, 1921, and reached their low level, at $8.15, in January, 1922. The percentage of deflation here is 68 per cent for the Democratic administration and 32 per cent for the Republican. Hides, packers' heavy native steers, which were quoted at $0.35 in May, 1920, dropped to $0.11 in March, 1921. They reached their low point in April, 1921, which was $0.10, when they advanced to $0.165 in January, 1922. In terms of percentage, therefore, 96 per cent of the deflation in hides occurred during Democratic administration and 4 per cent under Republican administration. An increase of 26 per cent occurred during Republican administration, after the low point was reached. Light hogs sold for $14.75 in Chicago in May, 1920. They were quoted at $10.30 in March, 1921, having gone down to $9.66 in the preceding December. They reached their low point of $6.86 in November of 1921, from which they advanced to $8.15 in January, 1922. In terms of percentage 56 per cent of the deflation in this commodity occurred during the Democratic administration and 43 per cent during the Republican administration. The advance registered under the Republican administration from the low point reached in November is 16 per cent. Ohio grades of wool were quoted at $1.16 in May, 1920. This price dropped to $0.52 in March, 1921, and to the low point of $0.47 in August, 1921. They were quoted at $0.58 in January, 1922. Ninety-three per cent of the deflation occurred during the Democratic administration and 7 per cent during the Republican administration. Using the same basis of reckoning, the recovery under Republican administration is 16 per cent.

The New York price on yellow-pine flooring in May, 1920, was $160 per thousand. The quotation in March of 1921 was $95 and that of January, 1922, was $95.50, while the low point was reached in October of 1921, when the quotation was $90 per thousand. The deflation here in terms of percentage was 98 per cent under the Democratic administration and 7 per cent under the Republican administration. The advance in price from the low point upon the same basis of calculation is 7 per cent. Cotton yarns, Boston, were quoted at $0.76 in May, 1920, $0.24 in March, 1921, and $0.23 in April of 1921, when they reached their low point. In January of 1922 they were quoted at $0.325. In terms of percentage the deflation was 98 per cent during the Democratic administration and 2 per cent during the Republican administration, while the advance in price from the low point amounts to 18 per cent. Sole hemlock leather was quoted at $0.57 in Chicago in May, 1920, reached $0.37 in March, 1921, and $0.34 in August, 1921, at which price it has remained constant to the end of the 20-month period. Eighty-seven per cent of the deflation took place during the Democratic administration and 13 per cent during the Republican administration. Bessemer steel billets were quoted at $80 per ton at Pittsburgh in May, 1920. They dropped to $38.40 in March, 1921, and reached their lowest level, at $28, in January, 1922. Sixty-seven per cent of the deflation in this commodity took place under the Democratic administration and 32 per cent under the Republican administration. Copper was quoted at $0.19 per pound in New York in May, 1920. It dropped to $0.122 in March, 1921, and reached its low point of $0.117 in August, 1921. The price in January, 1922, was $0.135. Ninety-three per cent of the deflation, therefore, occurred during the Democratic administration and 7 per cent during the Republican administration. Since the low point was reached in this commodity an increase of 24 per cent of the total deflation has taken place. Lead was quoted at $0.085 in May, 1920. Its low point was reached in March, 1921, when the quotation was $0.04. An increase to $0.047 occurred up to January, 1922. One hundred per cent of the deflation here is marked against the Democratic administration, while an increase of 17 per cent has been registered since the Republicans have been in power. Petroleum was quoted at $6.10 in May, 1920. It dropped to $3 in March, 1921, reached its low point in August, 1921, when the quotation was $2.25. The price in January, 1922, was $3.30. The percentage of deflation was 80 per cent for the Democratic administration and 19 per cent for the Republican administration, while the advance in price since August, 1921, is 24 per cent of the total deflation.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. KETCHAM. I can not yield.

Pig iron, one of the most representative commodities, was quoted at $43.25 at the furnace in May, 1920. It dropped to $24.20 in March, 1921, and reached its low point at $18.15 in January, 1922. The deflation here is 75 per cent for the Democratic administration and 24 per cent for the Republican administration.

While the comparative prices have been limited to those reported for January, 1922, in order to cover comparable periods of time in the Republican and Democratic administrations it may be of interest to the committee to know the commodity prices for March, 1922, which are the latest procurable

Diagram representing comparative deflation and increase in various commodities from May, 1920, to January, 1922.

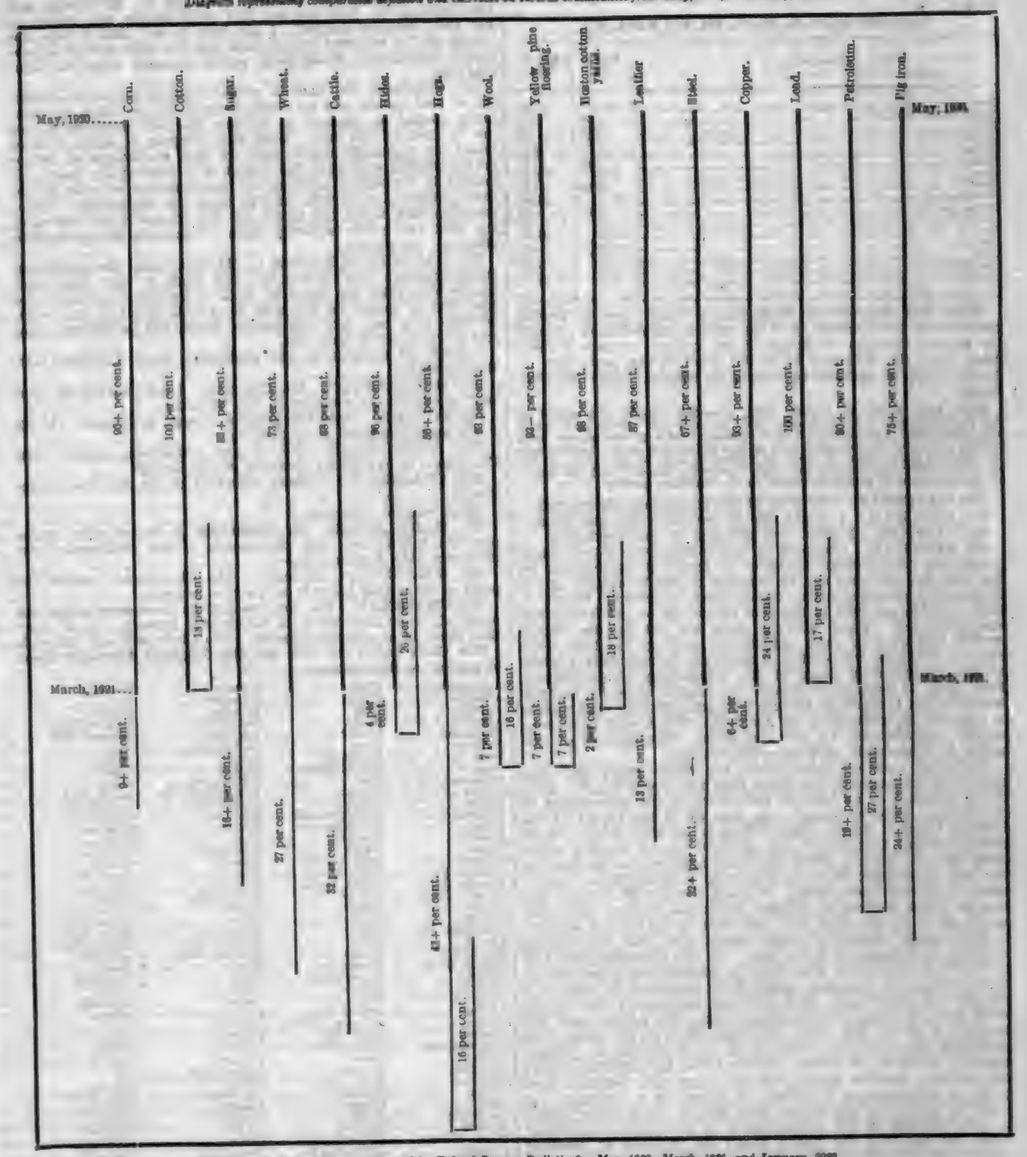

Prices on certain commodities as quoted in Federal Reserve Bulletin for May, 1920, March, 1921, and January, 1922.

	Corn.	Cotton.	Sugar.	Wheat.	Cattle.	Hides.	Hogs.	Wool.	Yellow-pine flooring.	Cotton yarns.	Leather.	Steel.	Copper.	Lead.	Petroleum.	Pig iron.
May, 1920	$1.98	$0.403	$0.2247	$2.97	$12.60	$0.35	$14.75	$1.16	$160.00	$0.76	$0.57	$80.00	$0.19	$0.085	$6.10	$43.25
March, 1921	.61	.11	.078	1.67	9.56	.11	10.30	.52	95.00	.24	.37	38.40	.122	.04	3.00	24.20
January, 1922	.47	.165	.048	1.190	8.15	.165	8.15	.58	95.50	.325	.34	28.00	.135	.047	3.30	18.15

from the Federal Reserve Bulletin. I also include prices for 1913:

Commodity prices for March, 1922, and March, 1913.

Commodity.	March, 1922.	March, 1913.
Corn	[illegible]	[illegible]
Cotton (New Orleans)	[illegible]	.12
Sugar	[illegible]	.042
Wheat	1.356	.87
Cattle	8.73	8.50
Hides	[illegible]	.18
Hogs	10.58	8.43
Wool	.7373	.47
Pine flooring	95.50	46.50
Cotton yarns	.33	.23
Leather	.35	.28
Steel	28.00	28.78
Copper	.127	.15
Lead	.047	.044
Petroleum	[illegible]	[illegible]
Pig iron	[illegible]	16.70

While this diagram and these figures would seem to answer conclusively the question as to the extent that deflation affected the general business conditions of the country, perhaps a statement from Mr. Williams as to the effect in one particular industry—that of agriculture—would be helpful. Says Mr. Williams:

From May, 1920, to August, 1921, covering exactly the period of the appalling and unprecedented drop in prices of agricultural products, the actual "contraction" or "deflation" of regional reserve bank credits amounted to the huge sum of $1,410,000,000, and coincidentally the country from ocean to ocean and from Canada to the Gulf and the Mexican border experienced the most "crushing losses" and the greatest annihilation of property values in the Nation's history.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KETCHAM. I would like to have five minutes more.

Mr. TOWNER. I yield five minutes to the gentleman.

Mr. KETCHAM. Grouping all the commodities together and calculating the average deflation in terms of percentage, we find that 84½ per cent can be charged to the 10 months of the Democratic administration immediately preceding March 4, 1921, and 15½ per cent to the first 10 months of the Republican administration. These are the facts set out by the record, worked out with so much painstaking care by the Hon. John Skelton Williams, who certainly could not be rightfully accused of any prejudice in favor of the Republican administration. They seem to completely answer the charge made by the two distinguished Democratic leaders who are evidently undertaking to mislead the great body of American voters, who have been almost overwhelmed by the disastrous consequences of the action of Democratic administrative officials.

The third question—where does the blame really lie?—has been fully answered in the facts thus far presented, but additional emphasis is at hand in the record of the proceedings of the Federal Reserve Board. On page 57 of the report of the Federal Reserve Board, dated February 16, 1921, which report covers the full Democratic year of 1920, will be found a statement that in January, 1920, the board approved an increase in the rate of discount on loans secured by Liberty bonds, Victory notes, and trade acceptances. Toward the end of January the rate on paper secured by Liberty bonds and Victory notes was advanced to 5½ per cent, and the rates on all classes of commercial paper, including trade acceptances and agricultural and live-stock paper, to 6 per cent. On the following page will be found the statement that rates on commercial paper and on agricultural and live-stock paper were advanced in June to 7 per cent by four banks, and the trade acceptance rate to the same level by three of the same banks, the fourth bank advancing it to 6½ per cent. On page 59 will be found this increased discount rate referred to as a means of "credit control," which is, of course, another name for deflation. That the Federal Reserve Board did not start this deflation program in ignorance of its effects is shown by a statement on page 11, in which the board says that it "has never failed to take account of the consequences of its discount policies." Thus, we see that the board began its increase of discount rates early in 1920, and had raised the discount rates on commercial, agricultural, and live-stock paper to 6½ or 7 per cent in June of that year.

It should be borne in mind that this action was taken by the Federal Reserve Board, the chairman of which was Hon. CARTER GLASS, Secretary of the Treasury, and the members, appointees of President Wilson.

Former Secretary of the Treasury McAdoo, commenting on the action of the Federal Reserve Board which led to the drastic deflation, is reported to have said, "One of the slogans of the last campaign was deflation. We got it. Everybody has been getting it. You can not play with finance and expect to get away without paying. I am here to say that it was the wrong sort of national affairs, and that the right sort of Democratic intelligence would have saved immense sums of financial loss."

Mr. Chairman, the lines of political battle should be drawn up on real issues, and no vindictiveness, vituperation, or volubility should be allowed to obscure the real situation as we are to face it this fall. With this purpose in mind, I have based my argument almost entirely upon statements of Democratic officials and upon the report of a Democratic board. I believe it completely answers the unwarranted attacks of the distinguished Democratic leaders upon the Republican administration and places the blame for the economic depression of the past two years squarely upon Democratic administrative officials. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from Michigan [Mr. KETCHAM] has made it very clear that figures can take the place of hunger, and that persons who just live by eating do not need to trouble about it any more, because they can take the figures which the gentleman gives and work it out in that way.

I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. LONDON. Does the gentleman want a quorum? If so, I will make the point of no quorum.

Mr. HUDDLESTON. No. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I do not often make partisan references. But the speech of the gentleman from Michigan [Mr. KETCHAM]——

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fess	Kunz	Rossdale
Ansorge	Fields	Lampert	Ryan
Appleby	Fish	Langley	Sabath
Atkeson	Focht	Lea, Calif.	Sanders, Ind.
Bankhead	Foster	Lee, Ga.	Sanders, N. Y.
Barbour	Free	Linthicum	Sears
Beck	Freeman	Lyon	Shreve
Begg	Frothingham	McArthur	Siegel
Benham	Funk	McCormick	Sisson
Bixler	Garner	McLaughlin, Pa.	Smith, Mich.
Black	Gilbert	MacGregor	Smithwick
Blanton	Goldsborough	Madden	Snyder
Boies	Goodykoontz	Maloney	Steenerson
Bowers	Gorman	Mann	Stephens
Brand	Gould	Mansfield	Stevenson
Britten	Graham, Ill.	Martin	Stiness
Brooks, Ill.	Graham, Pa.	Mead	Strong, Pa.
Brooks, Pa.	Green, Iowa	Merritt	Sullivan
Brown, Tenn.	Greene, Vt.	Michaelson	Sweet
Burke	Hawes	Miller	Taylor, Ark.
Butler	Hawley	Mills	Taylor, Colo.
Campbell, Pa.	Henry	Moore, Ill.	Taylor, N. J.
Carew	Hicks	Moores, Ind.	Taylor, Tenn.
Clark, Fla.	Hogan	Newton, Minn.	Ten Eyck
Clarke, N. Y.	Hudspeth	Nolan	Tilson
Classon	Humphreys	Olpp	Treadway
Cockran	Hunsted	Osborne	Tucker
Cole	Ireland	Paige	Underhill
Collier	Jeffers, Ala.	Parker, N. Y.	Upshaw
Collins	Johnson, S. Dak.	Perlman	Vare
Connell	Jones, Pa.	Petersen	Vestal
Connolly, Pa.	Jones, Tex.	Porter	Vinson
Copley	Kahn	Pringey	Voigt
Coughlin	Kearns	Rainey, Ala.	Volk
Cramton	Kelly, Pa.	Rainey, Ill.	Walters
Cullen	Kendall	Ramseyer	Ward, N. Y.
Dale	Kennedy	Ransley	Williams
Dallinger	Kiess	Reavis	Wilson
Darrow	Kindred	Reber	Winslow
Davis, Minn.	Kinkaid	Reers	Wood, Ind.
Dempsey	Kirkpatrick	Reed, N. Y.	Woods, Va.
Dominick	Kitchin	Riddick	Woodyard
Drane	Kleczka	Riordan	Wurzbach
Drewry	Kline, N. Y.	Robertson	Wyant
Ellis	Knight	Rodenberg	Zihlman
Fairchild	Kopp	Rogers	
Fenn	Kreider	Rosenbloom	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the

people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921, and finding itself without a quorum, he had caused the roll to be called, whereupon 242 Members answered to their names, and he submitted a list of the names of the absentees for printing in the Journal.

The committee resumed its session.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] is recognized for 19 minutes remaining.

Mr. HUDDLESTON. Mr. Chairman, partisan controversy is distasteful to me. I do not usually make partisan references in my speeches. But the speech of the gentleman from Michigan [Mr. KETCHAM] reminds me of a striking dissimilarity between the recent Democratic administration and the present Republican administration.

The country is now in the throes of the greatest coal strike in its history. The way in which the present administration has confronted that situation is in the sharpest contrast with the spirit of the Wilson administration under similar circumstances. We had a threatened coal strike in the fall of 1919. All the powers of the administration were brought into play to prevent the strike. Some of the things which were done I do not approve. I approve the action of President Wilson in inviting the contending forces into a conference and the pressure which was brought to bear to bring that meeting about. I approve of the influences which were then put afoot to induce an amicable settlement. The same spirit characterized the operators then that inspires them now. They successfully resisted efforts of the administration for an amicable settlement. The strike was called. Steps were taken by the Government to throttle it, which, in my judgment, were un-American, and I might well say unconstitutional. But, after all, the influence of the administration was subsequently brought to bear for a peaceable settlement. So that in March, 1920, an agreement was made between the mine workers and the operators; a harmonious agreement covering the period up to April 1, 1922. And under that agreement there was peace. No man, whether he approves the policy of the Wilson administration or not, can say that the administration was not earnestly and sincerely devoting itself to the prevention of the strike, which then would have been what this strike is now proving to be, but little short of a national disaster.

The dark tragedy of the miners' strike is now in its second phase. The supply of coal above ground is greatly reduced and in some sections will soon be exhausted. The operators are growing anxious for developments; not that they are yet suffering in any way, but because they are irritated by the miners' show of courage and endurance. The slender savings of the workers are much depleted. Hunger is already knocking at the door of thousands of homes. The great, dull, stupid public is waking somewhat from its indifference and begins to express its sense of injury and grievance. A universal tension is appearing and the time is not distant when may be heard the rumblings which may mark the threat of storm and disaster.

The stage for the strike has been set for months. It has long been obvious to those informed in industrial matters that the coal operators have been seeking an opportunity to "go to the mat" with the miners' organization. As a backwash from the war has come a resurgence of the old reactionary and illiberal feeling of the employer class toward those who labor with their hands. With it has come an intense class consciousness and the determination upon the part of the employers to stand together in behalf of what the employer calls his "right to run his own business as he chooses." Having made tremendous sacrifices to strike down Prussianism in world politics, our soldiers have returned to find the spirit of Prussianism dominating American industry. Democracy, victorious overseas, has been defeated at home.

PART OF "OPEN SHOP MOVEMENT."

The "open shop movement" is the deceitful name given by its propagandists to the conspiracy to break down and destroy all labor organizations. It seeks to drive men who work for wages into submission to industrial conditions which will soon mark the workers as belonging to a social order which shall have no rights which will interfere with the profits and development of industry. The spirit of this movement is that of the old times of lordly baron and humble serf. It does not belong to this age but to the era of Wat Tyler and John Ball.

The purpose of the coal operators to destroy the miners' organization is merely an aspect of the "open shop movement." This fact is universally recognized by the classes supporting the "open shop." They stand like one man behind the operators. Whatever influence they have is thrown on the operators' side. Whatever they may do toward shaping a public opinion hostile to the mine workers, that they are doing. Their parasites of politicians, lawyers, and so forth, are strident. Their servile press is backing them. Their tools in public office are watching for their opportunity. Always lustily decrying class consciousness, the affiliated "open shoppers" show an intense class consciousness. They thereby produce a workers' class consciousness, the very thing that their selfish interests prompt them to prevent.

The solidarity of the employers and their affiliations is so obvious that it is being noted by the wage earners, and is operating toward producing a similar solidarity among the working classes. In a recent editorial in the organ of the American Federation of Labor, referring to the strike, it was said: "All labor is in the fight with the miners to the last, and to victory." Soon the situation will be recognized by all organized laborers.

But labor is always at a disadvantage in such matters, for vast numbers are unorganized and remain uninformed as to the issues, and the vast unclassified masses, whose interests after all are identical with those of the wage earners, are frequently misled by the propaganda and deceitful slogans of their own oppressors.

ISSUES OF THE STRIKE.

Technically speaking, the coal "strike" is not a strike at all. The miners, through their chosen agents, made a working contract with their employers. The contract expired by its terms on April 1. For months prior to that time the miners sought to get the operators to enter into a new contract, but the latter declined even to discuss the matter. When April 1 arrived, the miners' contract of employment having terminated, they stopped work. The operators having been chiefly instrumental in bringing it about, the suspension of work partakes more of the nature of a lockout than a strike.

The working contract which expired on April 1 carried a provision under which it was agreed that, prior to that time, the operators and miners should meet and negotiate a new contract. However, the operators refused to perform this clause of their agreement. From time to time the miners invited the operators to meet with them. The operators either declined or ignored the invitation. It has been evident for months that they had no intention of keeping their agreement. Therefore, placing the blame for the strike, it is clear that the operators are guilty.

The issue between the miners and the operators is not one of wages or working conditions. This is shown by the refusal of the operators to meet with the miners or to discuss such matters. The miners did not want a strike. They realized that, because of the depression, they were at a great disadvantage. Their strike resources were slender. They would have made any reasonable concessions. The chief thing that the miners want is work, steady work, not a mere desultory employment. They want work every day instead of an average of about 125 days per year as at present.

But the operators are not interested in details of wages and working conditions. They want to destroy the union. The charge that the operators are aiming at the destruction of the miners' organization is proven: First, by their refusal to negotiate touching wages and conditions; second, by the unanimous support which they are receiving from the "open shoppers," such support obviously having a union-hating basis; third, by the propaganda issued by the operators which is aimed at union practices, such as the "check-off," and is almost wholly devoted to trying to show the miners' union to be an oppressive, dictatorial, and even lawless organization.

The coal strike is the first great battle of the "open shop" campaign. If the employers win with it to-day, the battle will move to the railroad yards to-morrow and thence to the mills and shops, and so on and on as the "open shoppers" may meet with success, until every labor union in America is crushed and destroyed.

CENTRAL COMPETITIVE FIELD.

What is known as the central competitive field is composed of the bituminous mines of Ohio, Indiana, Illinois, and one district in Pennsylvania. The working contract, which ended on April 1, covered this field and fixed the wages and working conditions for all mines.

Coal from this field includes the greater part of the entire bituminous production of the United States, and the mine operatives comprise probably three-fourths of the membership of the United Mine Workers. Coal produced in this field comes into sharp competition. Therefore wages and conditions at one mine affect the ability of that mine to compete with other mines in the field. It therefore becomes necessary that the op-

erators should produce coal under fairly equal conditions in order to find a market for their product.

The operators' plea that they can not afford to make a new contract with the miners' organization because such a contract will render them unable to compete with the nonunion West Virginia and Pennsylvania districts discloses at once their purpose to destroy the organization. They wish to place the central competitive field upon the same basis of wages and conditions as the nonunion districts. On the other hand, it is to the interest of the mine workers to include the entire field in a single working agreement, for if separate agreements are made in the various mining districts, each district may be played off against the other, just as the nonunion West Virginia districts are played against the unionized central competitive field. This principle is recognized by the operators. One of their leaders, by way of explaining the miners' object, recently said:

> Settlement by States or districts would lessen the effect of their strike weapon, which they do not intend to allow under any circumstances.

WORKERS NEVER WANT TO STRIKE.

Of course the reference to strike is pure "bunk." Miners never want to strike. A strike always costs them more in sufferings and deprivation than it can possibly cost the operator. At its best it costs the miner his time, a segment of his limited period of earning usefulness, a part of his life lost beyond recall. At its worst the strike costs him food and shelter for his family, perhaps even the very lives of himself, his wife, and his little ones. Miners never want a strike for its own sake. It is entered upon even as would be a dangerous surgical operation. A strike is war and may be justified only upon the same ground as other wars, that it is necessary in defense of liberty. Miners strike merely to show that there is a limit to what they will endure, a point beyond which they will not be driven. They strike as a punishment to their employers and in order to show them that they will not submit to oppression even though resistance shall cost them everything. Strikes are conceived of as only in part beneficial to the strikers. In the large way they are for the benefit of all labor and are based upon an outraged class consciousness.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 16 minutes.

Mr. GARRETT of Tennessee. I yield 10 minutes more to the gentleman from Alabama.

Mr. HUDDLESTON. The desire of the operator to deal with the mine workers by separate districts means that the operator intends to play off his district against his competing district—means that he wishes to place his employees in competition for employment in his service with the workers of other districts. This desire of the operator is based upon the same principle as the opposition of the "open shoppers" to all labor unions. The real consideration back of it all is to enable the employer to force separate individual workers into competition with each other in seeking to serve him, so that employment may go to the worker who will accept the smallest return. The philosophy of the "open shoppers" is to get the greatest possible amount of labor for the least possible return. That is the ultimate aim and end of their efforts.

That this end is actually achieved is illustrated by a comparison between mine workers' earnings in union and nonunion districts. I refer to the article "Wages and hours of labor in bituminous coal mining," in the Department of Labor publication, Monthly Labor Review for April, 1922, which shows the average tonnage worker's hourly earnings in the Alabama nonunion district as 46 cents per hour, while the average of $1.06 per hour is earned in the union districts of Illinois, Indiana, and Ohio.

SUPERIORITY OF COLLECTIVE BARGAINING.

If there were as many employers as workers they might meet upon terms of rough equality, it being borne in mind that the need of the worker to sell his labor is always more pressing than is the occasion of the employer to buy. But apart from this inequality, if workers and employers were equal in number there would be little reason for labor unions. But to the extent that employers are fewer in number as compared with workers, the necessity for organization and solidarity among the workers increases.

In a simple state of industry the employer worked alongside of his hired man. Each knew the other and his problems. There were bonds of sympathy between them and a certain rough justice obtained. The worker could bargain on some sort of fair terms for the sale of his labor. When they disagreed, the worker went to some neighbor's shop and there secured employment from a man whom he knew. There was competition among employers in hiring to a similar degree that the workers were forced to compete in seeking jobs.

The Steel Corporation employs roughly an average of probably 175,000 men. The management of this great concern is in a small group of men. They sit around a table in a banking house and there decide what the wages of their employees shall be. The execution of their decision is probably in the hands of one man. This great interest, with its vast wealth and consequent economic social and political power, is directed by a single head. In its labor aspect it is as though its 175,000 employees had organized into perfect solidarity and submitted themselves absolutely to the direction of a single leader. The manager of this great interest gives his orders, thousands of subordinates respond and devote their energies to carrying out his will. The manager never saw the worker. Perhaps he never even saw the mill, yet he gives the word which determines what house the worker and his family shall live in, what clothes they shall wear, what food they shall eat, indeed whether they shall have shelter, clothes and food at all. Upon his word may depend the fate of thousands of men, women, and children, what shall be their present, what hope of the future they may dare entertain, indeed whether they shall live or die. There is no bargaining either collective or individual; there is only the ukase of an industrial czar.

It is for this power, for the opportunity for autocratic rule over other men, that the antiunionist operators are battling. It is against this dread might of autocracy that the ragged and half-starved mine workers are struggling.

MINERS COULD NOT GIVE UP THEIR UNION.

The mine workers did not want the strike. They had all to lose and nothing to gain. But the operators demanded of them the one thing that they could not afford to give up. They could starve on, they could wear rags, they could live in tents, they might, if need be, tramp the highways and sleep in fence corners, depending upon charity—they might endure all temporarily.

They might not have bread temporarily, but their organization they could not surrender—that would have been a permanent loss. They have been years building it. It has been the shield of their defense. It has protected them from oppression. It has brought fairer wages and better conditions. Thousands who were not members of the union have been benefited. To give it up meant to lose all. It meant a slip back into conditions which remain an awful tradition.

For miners have always been an oppressed class of workers, always poorly paid, always exploited, always the victims of heartlessness and rapacity. Recruited in the main from the alien born, the illiterate, the unfortunate, and the poor, always there has been a surplus of labor. The surplus has been created deliberately by the operators. They have overmanned the industry for their own purposes. There is never enough work for all. Even under the best union conditions, favoritism in the distribution of cars and desirable places to work and other similar matters may be practiced to reward the operator's tools. In districts where the law permits company stores, the miner buys his family supplies from the operator. Usually he rents his dwelling from him. All this, as a rule, means big profits. The more families in the mining camp the more trade for the company store and the more dwellings to be occupied and at a higher rent. There is always a surplus of mine labor whenever the operator can contrive to bring it about. It means more profit to the operator, but not cheaper coal to the consumer.

PROLOGUE SPOKEN BY SECRETARY OF COMMERCE.

The tragedy of the strike moves on. Its prologue was spoken by the Secretary of Commerce on January 20 last. The stage was then set. The operators had expressed their determination not to negotiate a new contract. The Secretary then announced that the administration did not purpose to try to do anything to avert the strike. I was shocked by the complacency which characterized his statement. It was amazing in its implication that the administration regarded with indifference the prospect of this great labor controversy. I was bewildered. I wondered if Mr. Hoover and the advisors of the administration visualized what might be the outcome. I was shocked to realize what a possibly awful price the administration was willing for the Nation to pay for the operators' success in destroying the miners' organization. I lifted my faint voice in a plea that the President might intervene, that he might use the influence of his great office with the powerful interests affiliated with the operators to induce them to negotiate with the workers and to endeavor to make a new contract.

But the pleas of those who sought to avert the struggle were ignored. No real effort was made to stop the strike. The Secretary of Labor gestured in the direction of the central competitive field. But he had no program. The influence of the administration was not behind him. His passes in the air had no effect unless it might be to cause the credulous to believe that the administration deplored the strike. Over against the gestures of the Secretary of Labor were heard the rumblings of the Attorney General talking of "the preservation of order." The miners knew what the Attorney General meant in so far as he meant anything. His threat was not against operators' gunmen nor coal and iron police nor deputies nor the other private armies kept by the operators. It was not against those who would deny to the miners and their friends their constitutional rights of free speech and of assemblage. It was intended to intimidate the miners.

WAGERED UPON OPERATORS TO WIN.

The administration has wagered upon the operators to win, that the miners will not hold out long, that industry will not be seriously disturbed, that the folly and obstinacy of the operators will not greatly harm themselves. But what if the operators do not win? What if the strike goes on and on until industry is quenched and transportation halts for lack of fuel? What if the miners hold out too long? Will the administration continue hands off? Oh, no doubt the operators will be glad enough to have the Government intervene then. Efforts will be made to drag in governmental agencies to their rescue. The courts will be prostituted to miner-baiting. Will the administration use the military for their intimidation?

The tragedy of the strike moves in its second act. What will be its climax? The great, stupid public is awakening. Probably it may soon realize its peril. Will it continue to allow the great coal-mining industry—one of the chiefest in public importance, one upon which depends the very economic life of the Nation—to be manipulated, played with, and arbitrarily directed by weak and foolish men who have shown themselves incapable of performing the trust? Or will the public assert its neglected interest in this vital industry to the end that those who control it shall be made to respond to the general public welfare?

The mine workers may lose the strike, their organization may be destroyed, they may be forced to seek other callings, their sacrifices and their sufferings may gain nothing for themselves, yet they will have won a victory if as the result of the strike the public has been made to learn its lesson—if out of their sufferings and defeat there shall come a solution of the question presented in the coal-mining industry. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. TOWNER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I desire to continue the coal strike discussion. We have, as I pointed out two days ago, in the bituminous industry nearly 10,000 mines owned by about 2,000 operators competing among themselves in exploiting the workers and the Nation. Bad as conditions are in those mines where they had collective agreements heretofore, conditions are altogether impossible in the nonunion fields. There the worker is deprived of all human rights. There we have in effect a feudal system, except that the coal lord is not a nobleman, is not a knight leading his hosts into honorable battle and defending his vassals against oppression, but is a mere exploiter, a moneybag, with gold as his only god, his only religion. It is almost impossible to believe if what one reads is going on in West Virginia is true that West Virginia is in the United States. What distresses me is the utter lack of intelligence with which supposedly intelligent men treat this question. Here you are, 435 Members of the House of Representatives, legislating for the common good of 105,000,000 people. The time when legislating consisted in laying down moral principles is gone. All our legislation is industrial in character. We either promote business or interfere with business. Protection and free trade are economic questions. Subsidies to shipping industries are economic problems. The coal question is an economic question, a bread and butter question for the Nation, for the people. What remedy has been proposed either on the Democratic side or the Republican side to deal with the strike in the coal industry? If you were to-day to begin framing a Constitution of the United States for the present and for future generations, would you, with the experience that you have to-day, permit the coal industry to become the property of private individuals?

Would you permit an unintelligent, selfish, greedy, petty crowd of money makers to control the greatest natural resource we possess? That is what they are—mere money makers. They are incapable even of giving employment. If they make no profits, as they claim, then they are incompetent even as business men. They can not in any event be intrusted with the national wealth of the United States.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CAMPBELL of Kansas. Would the gentleman rather turn it over to Lenin and Trotski than to leave it in the United States, as it is to-day?

Mr. LONDON. I would turn it over to a man with an idea rather than to a fellow whose only desire is to make money. The man with an idea may be wrong, but as long as he is inspired by an ideal to serve humanity he will ultimately adopt the right methods, while if he is only animated by the desire to make money—and your coal dealers and owners have shown that during the war, during the world crisis, their only desire was to rob the people and the Government of the United States—if the man is moved, I say, only by a desire to make money, then nothing but disaster can follow. During the war you established a Fuel Administration because you did not trust those rascals and you wanted to control them. I refuse to trust them in time of peace.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. GARRETT of Tennessee. If a fellow got busy with an idea and did not give us any coal, then what would we do?

Mr. LONDON. If a fellow got busy with an idea and did not give you any coal, you would not get anywhere; but the man who has an idea, the man whose mind works, the man who applies himself to solve the problems of to-day in the light of modern principles, is bound to get you somewhere. You Democrats offer no remedy. You content yourselves with criticizing the Republicans. You know who they are; you should know that you can not expect anything from them. The Republican Party is a plutocratic soviet. The leaders of it know what they want. The difference between the Republicans and the Democrats is that the Republicans know what they want and the Democrats do not. [Laughter.]

Mr. GARRETT of Tennessee. Yet I heard the gentleman announce a few weeks ago that he was a super-Republican.

Mr. LONDON. A super-Republican or a super-Democrat—both. The Democratic instincts are all right, but they have no intelligence. [Laughter.]

My position is that the Democrats are incompetent for good, and the other fellows are competent for evil only. The Republican side is the conscious organized force of the money power to destroy every vestige of democracy in the United States. That is what the Republicans are. The only trouble they have is how to conceal from the people the truth. So far as the Democrats are concerned, they mean well, but they do not know how to go about it and they are afraid to think. They go to Thomas Jefferson's grave to find what Thomas Jefferson said about 1922, whereas Thomas Jefferson trusted that a Democrat in 1922 would have some ideas of his own, and he did not advise them what to do in 1922. [Laughter and applause.] So we find such an able, such a brilliant, such a brave and really genuine Democrat as HUDDLESTON of Alabama bringing forth as his only remedy that we have a conference.

The wolf and the sheep will meet in conference. Wall Street and Lazarus will meet in conference. They will confer, and they will negotiate, and the wolf will say to the sheep, "I want to eat you up"; and what will the poor sheep do? It will bleat.

Mr. HUDDLESTON. If the gentleman will permit, I desire to say that my remedy is not so meager as the gentleman ascribes to me. I have other remedies.

Mr. LONDON. Now, as to the remedy——

Mr. CAMPBELL of Kansas. What is it?

Mr. LONDON. The remedy is national control of the mining industry. The remedy is to bring the bituminous mines, which underlie a territory embracing 450,000 square miles of the soil of the United States—to bring them under the control of the collective agency known as the Government of the United States. We are the trustees of the American people——

Mr. CAMPBELL of Kansas. They have nationalized their coal mines in Russia. How does the gentleman like the situation there?

Mr. LONDON. What a silly comparison. [Laughter.] I do not like to use strong language, but any man who tries to compare those two countries, the United States, the greatest experiment in democracy, with 400 years of democratic institutions behind it, on the one hand, and unfortunate Russia, with a thousand years of Czardom, struggling from revolution to

revolution toward the light—any man who compares those two things is hopeless.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GARRETT of Texas. I yield the gentleman three minutes.

Mr. CAMPBELL of Kansas. Did not we become the great country to which the gentleman pays a tribute by doing exactly what the people of the United States are doing under the Constitution?

Mr. LONDON. The difficulty with the gentleman from Kansas is that he attributes the glory and greatness of the United States in the past to the fact that he is living to-day. He does not know what an impediment he is to the future progress of the United States. [Laughter.] That is all.

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. GARRETT of Texas. I yield the remainder of my time to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, some very important questions arise from time to time as to the relative rights of transportation lines and as to whether or not the public can be best served by one line or by a different line. These questions arise as the country develops and new methods of transportation are brought about. The railroads during the past half century have provided the most important rapid method of transportation, and communities, towns, and even great cities owe their phenomenal growth to the railroads. Our Nation owes much of its development to the extension of railroads to every nook and corner of our country.

The short lines of railroads have brought about a most splendid development of the sections of the country where they have been extended. This is especially true in sections of the country where railroads are easily built and where many have been built. This condition exists along the Atlantic coastal plain. A great development in south Georgia is the result of the building of short lines of railroads and of their operation, and I look with great alarm upon the general tendency of railroad legislation, which means the destruction of the short lines in Georgia and elsewhere. The junking of short lines of railroads means a tremendous loss to the sections traversed by the roads so destroyed. Congress and the country should do everything reasonably possible in behalf of the short-line railroads.

Hon. J. A. J. Henderson, of Ocilla, Ga., president of the Georgia Short Line Railroad Association, has devoted much of his useful time to the building of railroads, and through his service to his people in this way he has helped very much in the building of numerous most splendid communities, thriving towns, and cities. His most splendid efforts have benefited many of his fellow citizens, and his State generally, and will live long into the future. Mr. Henderson is devoted to the development of short-line railroads and to their success, and is a close student of all questions concerning them. Any suggestion made by him is worthy of the most careful consideration by the country and the Congress. I am just in receipt of a letter from Mr. Henderson discussing a most important question which I wish to submit for the careful consideration of all, and which letter is as follows:

ATLANTA, GA., *May 1, 1922.*

Hon. W. C. LANKFORD,
House of Representatives, Washington, D. C.

DEAR SIR: The Georgia Short Line Railroad Association, at a meeting held here recently, passed a resolution protesting against the establishment of mail routes which will result in taking away from the railroads of Georgia the transportation of mails, and against changes in existing mail routes so as to allow individuals or bus lines to carry the mail where the service can be performed by the railroads.

There are in Georgia 39 short-line railroads, traversing 96 counties of the State and having an aggregate mileage of 2,934 miles, serving a very large percentage of the population of our State.

We are sure that you have kept up with the situation and that you realize that a large number of these railroads are at present facing a serious situation, and that if they are not accorded fair and even generous treatment that a great number of them will inevitably have to be dismantled. Should this be done the owners of the railroads would, of course, be heavy losers, but by far the greater loss would fall upon the citizens of the State who are served by the railroads but not directly financially interested in them. Many towns, and even small cities, are served by the short lines only, and these are the railroads which serve the people of the rural communities whose the trunk lines do not care to, or can not afford to, go.

A number of railroads in this State have already been junked, and others are certain to be if the conditions do not improve.

Recently, and since the public highways have been paved or improved, a very large number of what are commonly called bus lines have sprung into existence, and these lines have entered into active competition with the railroads, and especially the short line railroads, as carriers of freight and passengers. They charge identically the same rates which the railroads are permitted to charge where they compete with the railroads, and much higher rates where there is no railroad competition. They pay no taxes in the counties through which they operate, although the railroads are required to pay heavy taxes wherever they do business.

We understand that the owners of these bus lines are now making an active effort to secure contracts for the carriage of the mail which is now being carried by the railroads. We do not think that this is fair or right, so long as the railroads furnish convenient and adequate service in this respect.

We ask that you investigate this matter, and if you can consistently do so that you use your efforts to prevent contracts for the carriage of the mails being awarded to the bus lines where adequate service is, or can be, furnished by the rail carriers.

We would be glad to have a letter from you regarding your attitude in this matter.

Yours very truly,

GEORGIA SHORT LINE RAILROAD ASSOCIATION,
By J. A. J. HENDERSON, President.

Mr. TOWNER. Mr. Chairman, this bill provides for an extension of the limit of indebtedness of the Philippine Islands from the present limit of $30,000,000 to a limit of 10 per cent on the assessed valuation of the islands, which would mean an increase to about $75,000,000.

In stating the reasons for this request, it may be of advantage to the committee if I state something generally with regard to the present conditions of affairs in the Philippine Islands.

The Filipinos are, as a rule, exceptionally intelligent and eager to learn. They have made unprecedented progress during the short period of American control. Their support and enthusiasm in building up their public-school system is remarkable. They are naturally an orderly and law-abiding people, and easily adjust themselves to existing conditions. They are for the most part frugal and industrious. At the commencement of American occupancy economically the islanders were poor. Some idea of their progress may be given by some figures:

A postal savings bank was started in 1907. In 1913 it had 40,000 depositors and $1,240,000 in deposits. In 1920 it had 107,900 depositors and $8,827,000 in deposits.

The business of the islands was estimated at $290,000,000 in 1907. In 1920 it was $863,000,000.

The resources of commercial banks were $15,000,000 in 1906 and are now $215,000,000.

Two-thirds of the business of the Philippines is with the United States. In 1920 they sent to this country, measured in value, sugar, $49,619,260; hemp, $35,862,000; coconut oil, $23,268,000; tobacco, $19,927,000; embroideries, $7,811,000; copra, $3,716,870.

Our sales of American products in the Philippines in 1913 was $52,975,000; in 1920, $90,880,000. The total trade with the United States in 1920 was $197,508,000.

In 1915 the revenues of the Philippine Government were $13,905,000; in 1920 they were $43,500,000.

The total assessed value of property in the islands is now about $740,000,000.

The population of the islands is about 11,000,000. There are about 3,000 islands in the archipelago, with a total area of 115,026 square miles. Only about 10 per cent of the land is under cultivation.

The natural resources of the Philippine Islands are great and are largely undeveloped. It is doubtful if anywhere else in the world is to be found a like wealth of undeveloped resources.

Coming now to a consideration of their financial condition and the necessity for the present legislation, we find that the first bonded indebtedness incurred by the Philippine Government was for the purchase of the friar lands in the amount of $7,000,000. This is secured by provisions for repayment by sale of the lands. By the organic act of 1916, the limit of the public debt, exclusive of the friar land bonds, was fixed at $15,000,000. It is proposed by this bill to increase the limit to 10 per cent of the assessed valuation of the property, which would place the limit at about $74,000,000.

The justification for this legislation may be briefly explained. The Philippines, as did the United States, prospered greatly commercially during the late war. There was general employment of labor and wages were higher than ever before. Prices of all the principal products were also higher than ever before. Every project seemed to succeed, and general prosperity prevailed all over the islands. Following the war for a time these conditions continued, but the reaction came there, as it did here, and indeed all over the world. Depression came. The prices of their products rapidly fell. In many instances there, as here, the prices at which they were compelled to sell their products were below the cost of production. Laborers were discharged and many enterprises were abandoned.

These conditions still largely exist. There is some improvement, and if their finances can be placed on a safe and sound basis there is an early prospect of a return to normal prosperous conditions.

An encouraging sign is that notwithstanding the depression and uncertain financial status there is a remarkable state of

hopefulness among the people. They are in an optimistic mood. Everybody seems to think the depression but temporary, and that plenty of work, high prices, and better conditions will follow.

Unfortunately, during the period of prosperity the government embarked in business. It bought a railway, built sugar centrals, invested in coal mines, and financed other commercial enterprises.

The Philippine National Bank was established and was made the financial branch and arm of the government. A law was passed making it the government depository and compelling all provincial and municipal governments to deposit their funds in it. The sinking funds, and reserves for the security of the currency, and the proceeds of bonds issued for public works were all deposited in the bank. These funds were used to purchase and finance the government's business enterprises, and much was loaned for uncertain enterprises without adequate security.

When the depression set in the bank became insolvent. It owes the insular government about $45,000,000. It has an outstanding paper currency of over $16,000,000, with nothing to redeem it with. Its securities can not be disposed of, and the property financed or owned can not be sold except at great sacrifice.

When something of these conditions became known a general panic of an extremely disastrous character seemed inevitable. The peso was depreciated in value 17 per cent. An appeal was made for help, and banking experts were sent from the United States to take charge of the bank. This probably arrested the panic. As an immediate necessity and to prevent further depreciation of the currency the experts advised an extension of credit from fifteen to thirty millions. It was thought then that perhaps an early liquidation of some of the bank's assets might be secured and that the extension then granted might be sufficient. The extension granted did greatly strengthen and stabilize the situation. But when Governor General Wood, with his financial advisers and the banking experts he called to his assistance, had made a careful and complete examination of the general financial situation of the government as well as the bank it was found a much larger extension of the limit of indebtedness must be granted in order to liquidate or save the bank and to place the government's finances on a sound basis. The leaders of the Filipino people were called into counsel, and when fully apprised of the situation agreed that it demanded a complete reorganization of Philippine finances. This reorganization required the passage by the Philippine Legislature of several bills which were prepared, agreed upon, and passed almost without opposition. A concurrent resolution was adopted, as follows:

FIFTH PHILIPPINE LEGISLATURE,
Special session of 1922.

Begun and held at the city of Manila on Monday, the 13th day of February, 1922.

Concurrent resolution 36, urging upon the President and Congress of the United States the advisability of increasing the debt limit of the Islands in order to make it possible to issue bonds for certain purposes.

Whereas it is essential to the welfare of the government of the Philippine Islands that its currency system be placed on a firm basis, and to that end that there shall now be established and hereafter maintained a treasury certificate fund which shall at all times equal 100 per cent of the face amount of outstanding treasury certificates in circulation, and in addition thereto a gold-standard fund, which at the minimum shall amount to 15 per cent of all outstanding government currency, whether coin or treasury certificates; and

Whereas it is also advisable that certain sums advanced to the government by the Government of the United States be reimbursed and that certain other current obligations of the Philippine government be discharged; and

Whereas it is also essential to the welfare of the government that certain funds heretofore created under Act No. 2906, of Manila port improvements, etc., and Act No. 2940, for irrigation systems and other public works of a permanent character, be made available for the purposes described therein; and

Whereas for all the objects above described the following sums will be needed:

	Pesos.
(1) For the treasury certificate fund, approximately	36,500,000
(2) For the gold-standard fund, approximately	10,000,000
(3) To reimburse the United States Government, etc.	10,500,000
(4) For Manila port improvements, etc.	12,000,000
(5) For irrigation systems, etc.	20,000,000
Total	89,000,000

Whereas the Congress of the United States, by act approved August 29, 1916, as amended, has provided that the entire indebtedness of the Philippine government, exclusive of so-called friar land bonds and other secured obligations, shall not exceed at any one time the sum of 60,000,000 pesos; and

Whereas with the issue of bonds in the sum of 10,000,000 pesos, authorized by act of the legislature No. 2999, approved February 2, 1922, such indebtedness will amount to 60,000,000 pesos: Now, therefore, be it

Resolved by the House of Representatives (the Philippine Senate concurring), That the advisability of immediately increasing the debt limit of the Islands from 60,000,000 pesos to 150,000,000 pesos, so that bonds may be issued to provide funds for the above purposes, in the order stated, should be, and the same hereby is, urged upon the President and the Congress of the United States.

Adopted February 17, 1922.

FRANCISCO ENCAR,
President pro tempore of the Senate.
SERGIO OSMEÑA,
Speaker of the House of Representatives.

Finally adopted by the senate on February 17, 1922.

F. M. GUTIERREZ,
Secretary of the Senate.

This resolution, which originated in the house of representatives, was finally adopted by the same on February 18, 1922.

RAFAEL VILLANUEVA,
Secretary of the House of Representatives.

Approved.

LEONARD WOOD,
Governor General.

Acts were also passed making it obligatory to deposit all insular revenues in the insular treasury instead of the Philippine National Bank; providing a 100 per cent reserve against outstanding government paper currency and a gold reserve of 15 per cent for outstanding silver and paper currency; restoring reserves and sinking funds and avails of bonds issued for public works and municipalities.

This and other legislation has been carefully worked out with the cooperation of all those interested. It must not be understood that there is any considerable opposition on the part of the Filipino people to this reorganization plan. Their leaders are lending it their most hearty cooperation and giving it their entire approval.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARRETT of Tennessee. It is true, is it not, that during the Harrison administration precisely this same thing in principle was recommended and in part adopted?

Mr. TOWNER. The reorganization of the affairs of the government?

Mr. GARRETT of Tennessee. Yes.

Mr. TOWNER. In part it has been considered necessary for some time. I do not know to what extent Governor Harrison recommended reorganization, but a full realization of its necessity has not been brought to light until within the year.

I believe we all are anxious to avoid any partisan issue arising in the consideration of this question. As long as we have assumed control over the limit of their indebtedness we are responsible for what is done. Our action should be governed solely by what is best for the islands. If at their officially expressed request we should refuse what is reasonable and what is necessary and disaster should follow, it would clearly be our fault and not theirs. On the controverted question of independence it will be necessary and best from either viewpoint that this legislation be enacted. If independence be granted them speedily it will be for their manifest advantage that their finances be placed on a sound foundation. If they are to remain in some relation with the United States for a long, indefinite period the same is true. From either standpoint panic and financial chaos would be disastrous and a permanent injury to the islands.

Mr. MAPES. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MAPES. Does not your bill provide for an unusually heavy indebtedness? Is not 10 per cent of the aggregate tax valuation more than the limit placed upon most of the municipalities of the United States?

Mr. TOWNER. I think not. I think many of the States have the same limit we have placed upon the Philippine Islands.

Mr. MAPES. Ten per cent of the valuation?

Mr. TOWNER. Yes; of the assessed valuation.

Mr. MAPES. Are not municipalities limited to less than that as a rule?

Mr. TOWNER. My information is that many municipalities have the same limitation—10 per cent. Under this law all municipalities in the Philippines have a 7 per cent limit except Manila, to which we have extended the limit to 10 per cent.

Mr. WILLIAMSON. I observe that under the bill the friar land bonds are not to be considered as part of the indebtedness authorized. Has the gentleman any information as to what per cent of the assessed valuation of the property in the Philippines the friar land bonds would amount to?

Mr. TOWNER. Only a very small per cent, I think. The gentleman will remember that when we took possession of the Philippine Islands we purchased the friar lands from their owners and turned them over to the Philippine Government, to be sold by them to the people for farms and homes. These bonds were issued for the purchase price of the lands, and as they are sold the amount received is applied to the payment of the bonds. The amount received from the sale of these bonds will much more than pay for the indebtedness.

Mr. WILLIAMSON. So, as a matter of fact, no assessment will be required in order to pay for these bonds?

Mr. TOWNER. No. Those bonds ought not to be considered as part of the national indebtedness.

Mr. WILLIAMSON. What provision, if any, is there for the retirement of the proposed increase of the bonded indebtedness of the islands?

Mr. TOWNER. In the legislation passed by the Philippine Legislature the most careful provision is made for a sinking fund and for the preservation of the reserves.

Governor General Wood called the legislature in special session to consider the bills that were to carry into effect this reconstruction arrangement and they were all promptly passed. The one which amends the existing law, with complete guaranties for the protection of the reserves and currency, and which establishes a gold standard fund with which to maintain the parity of the Philippine silver and paper peso with the gold standard peso; of establishing a treasury certificate fund to redeem the treasury certificates; and to provide for the issue of bonds for those purposes, has been passed, subject not only to the approval of the Governor General, but also subject to the approval of the President of the United States.

When Congress has acted and the President has approved this legislation the Philippines will have as well devised and carefully guarded a system of governmental finance as can be found anywhere in the world.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield for a further question?

Mr. TOWNER. Certainly.

Mr. WILLIAMSON. To what extent is the Philippine currency now depreciated, and will the sale of additional bonds provided for materially help to bring such currency back to par?

Mr. TOWNER. The currency was at one time at about 17 per cent discount. After the passage of the first extension act the discount was reduced to 6 per cent. Upon putting into operation these laws it will be at par and as good as any money in the world.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield there?

Mr. TOWNER. Yes.

Mr. EDMONDS. Was this depreciation over there the result of the mismanagement of the Philippine bank?

Mr. TOWNER. Certainly; that was one of the causes.

Mr. EDMONDS. Was any of it dishonest?

Mr. TOWNER. Yes; part of it was dishonest. A branch of the bank was established at Shanghai and large losses occurred there because of dishonest practices. The managers of other branches and the president of the principal bank at Manila were prosecuted and convicted for dishonest practices.

Mr. EDMONDS. Who were they? Were they political factors in the Philippines?

Mr. TOWNER. I know the names of very few of them, and do not know whether they were political factors or not.

Mr. EDMONDS. Were they Filipinos or Americans?

Mr. TOWNER. Most of them were Filipinos, as I am informed.

Mr. WILLIAMSON. Can the gentleman give us the approximate amount of the loss sustained by the Philippine Government as a result of the mismanagement of the bank?

Mr. TOWNER. At present the loss is about 89,000,000 pesos, or about $45,000,000, as reported by Governor General Wood; but payments are being made from time to time by the bank to the government. The property and security held by the bank can not now be disposed of at its cost or value. It will probably take years to realize on the bank's assets, which are certainly not available now, and eventually when disposed of there will be a considerable loss. How much, it would be impossible now to estimate.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MAPES. The report says the limit of indebtedness has already been raised from $15,000,000 to $30,000,000?

Mr. TOWNER. Yes.

Mr. MAPES. What would be the limit if this bill were passed?

Mr. TOWNER. Probably $73,000,000 or $74,000,000.

Mr. MAPES. More than twice the present limit?

Mr. TOWNER. Yes.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. JOHNSON of Mississippi. My information is that the managers of the bank were Americans.

Mr. TOWNER. I understand they were mostly, at least, Filipinos.

Mr. JOHNSON of Mississippi. I think that is very material.

Mr. DE VEYRA. The manager was Mr. Miller, an American.

Mr. TOWNER. The manager of the branch established at Shanghai was an American, a Mr. Miller. The president of the central bank at Manila, General Concepcion, was a Filipino. The managers of other branch banks were Filipinos. Seven or eight have already been tried and convicted, including both Miller and Concepcion.

Mr. EDMONDS. I would like to ask the gentleman further whether there was any connection between the political affairs of the Philippine Islands and the losses of these banks?

Mr. TOWNER. I could not answer.

Mr. EDMONDS. The gentleman does not know that?

Mr. TOWNER. I do not know that.

Mr. EDMONDS. The government was not responsible for this loss on the part of the bank?

Mr. TOWNER. The bank was; but, of course, the government owned 90 per cent of the stock of the bank.

Mr. EDMONDS. And in that case it would be responsible for 90 per cent of the loss.

Mr. TOWNER. Mr. Chairman, the Committee on Insular Affairs have gone into all these matters very carefully before reporting this bill. We had extended hearings. We had before us General McIntyre, Chief of the Bureau of Insular Affairs, who has had intimate knowledge of the financial affairs of the islands for years. We had before us Mr. Herrick, of Boston, a very able lawyer, whose practice has been largely confined to banking and financial matters.

At the request of the Secretary of War he went to the Philippines while in the Far East and advised with and assisted in arranging the details of this reconstruction program. Mr. Herrick was of great assistance to the committee in arriving at a knowledge of the true conditions now existing in the Philippines and as to the necessity for this legislation. All sources of information were sought. The detailed statements and reports of Governor General Wood were before the committee. The committee became convinced that the proposed action was not only wise but necessary.

In a cablegram sent by Governor General Wood, of date April 1, he said:

> Strongly urge you to ask Congress to fix limit indebtedness in the Philippine Islands as it is now fixed for Porto Rico as quickly as possible. Am embarrassed by inability to take advantage of bonds for Manila port works and irrigation works, which were started under approval of former debt limit, and sale of bonds which, due to policy of previous administration, were diverted to currency reserves. Work has been stopped on many necessary public improvements, and others carried on in restricted manner from general fund, which is now overdrawn approximately 10,000,000 pesos, due principally to inability to recover deposits in national bank. Several important irrigation projects nearing completion should be finished during present dry season. Otherwise great loss and damage will be incurred by coming rainy season. Impossible to proceed with other essential approved projects, contracts for which should be made immediately or work will be delayed one year more. Sanitary and other humanitarian work seriously curtailed and impaired. Action of Congress along lines recommended in my telegram of December 19, as modified by your suggestion giving Islands same status as Porto Rico, will enable me to carry on necessary public works and place government on sound financial basis by the end of this year and restore credit and confidence both here and abroad. Without such action untold harm will be done, and the possibility of restoring satisfactory conditions, financial and otherwise, will be greatly endangered.

Throughout all these negotiations and arrangements in the preparation of the necessary legislation the leadership, skill, and tact displayed by Governor General Wood have been conspicuous. He has rendered a great service to the Philippines as well as to the United States in thus averting what might have been a catastrophe seriously injuring the Filipinos and greatly discrediting the Americans. We are jointly, perhaps primarily, responsible, and can not avoid discredit if we do not now do our part as promptly and as thoroughly as the Filipinos have done theirs.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WILLIAMSON. Is it the purpose of the present government of the Philippines to continue this bank in which the government owns 90 per cent of the stock?

Mr. TOWNER. The future of the bank can not be determined now. It would not be wise to attempt to wind up its affairs at present. To attempt to realize by forced sale on the assets would occasion great losses. It seems to be the general thought that it will be best to continue its existence at least for a time, until some advantageous disposition of its assets can be made or some method of reorganization agreed upon. If it is continued under its present management, it is safe and its future can be worked out later to the best advantage of all concerned. The funds of the government will no longer be deposited in the bank, as under the new legislation they are required to be deposited and kept in the insular treasury, so they are safe. I think we need not have any

particular apprehension regarding the future, so far as the bank is concerned.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The gentleman from Tennessee [Mr. GARRETT] has five minutes remaining, which he has left in charge of the gentleman from Virginia [Mr. MOORE].

Mr. TOWNER. Will the gentleman yield to me two minutes? I want to make one closing statement.

Mr. MOORE of Virginia. Yes.

Mr. WILLIAMSON. The bank is now under the management of Americans?

Mr. TOWNER. Yes. Gentlemen of the committee, everyone who has gone into this question at all carefully approves this legislation. It is not only important, it is essential and absolutely necessary.

The limitation now asked is a reasonable one, especially so for a growing country with a great wealth of undeveloped resources. The Philippines have unlimited iron, unlimited timber, coal in almost every important island, great fisheries, vegetable oils without end, hemp such as is found nowhere else in the world, sugar to an undefined limit, great production and still greater possibilities of tobacco—all the riches of the Tropics and many of the products of the Temperate Zones are theirs. Seventy-one per cent of the land is still public land and subject to settlement and development. Governor General Wood, who knows the islands as well or better than any other American, says the Philippines can easily sustain a population of from fifty to sixty millions of people. To such a people and for such a land a 10 per cent limit of indebtedness is perfectly safe. Since we have assumed the responsibility of limiting their indebtedness, we should be sure that the limit we place does not hinder or prevent the development of their resources and the prosperity of their people. So I believe there ought not to be any hesitancy on the part of the committee in making a favorable recommendation nor on the part of the House in passing the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOORE of Virginia. Mr. Chairman, I yield to the Resident Commissioner from the Philippines [Mr. DE VEYRA] such time as he desires.

Mr. DE VEYRA. Mr. Chairman, I ask unanimous consent to insert in the RECORD an illuminating comment made by Professor Kalaw, of our Philippine University, on the veto power exercised by Governor Wood. I consider it a very educational document, which ought to be called to the attention of Members of the House.

The CHAIRMAN. The gentleman from the Philippine Islands asked unanimous consent to extend his remarks in the RECORD by printing the address indicated. Is there objection?

There was no objection.

VETOES BY GENERAL WOOD ARE DEATHBLOW TO PHILIPPINE AUTONOMY.

Mr. DE VEYRA. Mr. Chairman, Philippine autonomy is threatened by the promiscuous use of vetoes by General Wood, and in this connection I desire to insert in the RECORD an article by Maximo M. Kalaw, dean, College of Liberal Arts, University of the Philippines, as printed in The Philippines Herald on March 19, 1922.

The article is as follows:

[From The Philippines Herald, Mar. 19, 1922.]

GOVERNOR WOOD'S VETOES A DEATHBLOW TO PHILIPPINE AUTONOMY.

(By Maximo M. Kalaw, dean, College of Liberal Arts, University of the Philippines.)

The present government of the Philippines is no longer the government of two years ago. The same law governs us, but in practice and in its workings an entirely different machinery now obtains. One of the factors which has changed the government from an autonomous to an almost autocratic one is the use of the veto power recently exercised by the Governor General in disapproving no less than 16 bills. It certainly is contrary to the spirit of the Jones law.

The Jones law, in the words of its preamble, confers upon the people of the Philippine Islands as large a control of their domestic affairs as can be given them without in the meantime impairing the exercise of the rights of sovereignty by the people of the United States. It creates an entirely Philippinized legislature, leaving in the hands of the Filipinos ample legislative powers. Quoting the author of the bill himself, the late Representative Jones, the act "practically confers all legislative powers upon that people, thus giving to them the control of their domestic affairs in all essential particulars."

The Governor General, on the other hand, is given a limited power to veto legislation, and recently he has exercised this power in vetoing 16 bills. It is evident from their titles that most, if not all, the bills vetoed are of purely local interest. They do not impair the exercise of American sovereignty. The Governor General himself recognizes this fact in his explanations. Nobody doubts that he has good intentions.

DID WOOD EXCEED AUTHORITY?

It is not our purpose to discuss the merits of the bills vetoed. Nor do we for a second doubt the motives of the Governor General. In the exercise of his veto power the Governor General has really two capacities. When he vetoes a bill which he believes may impair the exercise of the rights of American sovereignty, he is exercising that power as the representative of the American Government in the Islands; but if he vetoes a bill of purely domestic concern, he is considering himself a part of the legislative machine. It is evident that the recent vetoes are made in a capacity as legislator. Now, the question arises, How far should the Governor General, as a matter of policy, exercise his veto power in matters of purely local interest? Should he consider himself at all a part of the legislative machine?

We may at the outset safely assume that the veto provision in the Jones Act is an imitation of the presidential veto in America. The original purpose of the presidential veto was not to make of the President a part of the legislative branch. On the contrary, the framers of the American Constitution were so enamored with the theory of the division of powers that they would not have dared have the Executive actively participate in legislation. The veto provision was included "for the sake of protecting the Constitution, and, in particular, the Executive, from congressional encroachments." (Bryce, American Commonwealth, p. 50.) Consequently, the veto power was not intended to be often exercised, and in the early history of America it was very sparsely used. Washington used the veto only twice. It was never used by John Adams, Jefferson, J. Q. Adams, or Van Buren, who served full terms, or by W. H. Harrison, Taylor, Fillmore, or Garfield. In signing bills Presidents have sometimes indicated objections, which Congress has afterwards remedied by supplementary legislation.

HISTORY OF THE VETO.

The use of the veto as an active part of legislation is of but recent date. It took place only after the transformation of the Presidency from a nonrepresentative institution into a representative one. It should be remembered that the framers of the American Constitution did not intend to make the President elected by the people. He was to be elected by a nonpartisan body of men—the electors, the chosen few. The extensive use of the veto was begun by Jackson when he asserted that the Congress was not as amenable to the people as the President, for the President "is the direct representative of the people elected by the people and is responsible to them." From that time on the veto power exercised by the American Executive has been sanctioned by public opinion.

The presidential veto has succeeded because, quoting Bryce, "the President, being an elective and not a hereditary magistrate, is responsible to the people, and has the weight of the people behind him." The veto as an institution has always failed or has become obsolete whenever it is exercised by an authority not responsible to the people. The King of England, ever since the time of Queen Anne, more than 200 years ago, has never exercised it, although theoretically he has still this power. The only probable occasion in which he may veto acts passed by Parliament is when he is so advised by his responsible ministry. This will happen only when the Cabinet is at odds with Parliament. But we do not want to bring an analogy between England and the Philippines.

England is an independent country and her Parliament is a sovereign body. An analogy is closer between the Philippines and an English self-governing colony. In English self-governing colonies the governor represents the sovereignty of the metropolis, England. He has, like our own governor, veto power in legislation. Quoting the rules and regulations issued by the colonial office on legislative councils and assemblies in English self-governing colonies, "in every colony the governor has authority either to give or to withhold his assent to laws passed by the other branches or members of the legislature, and until that assent is given no such law is valid or binding." The colonial legislature, like our own legislature, is limited by the charter, equivalent to our Jones Act.

The extent of the autonomy granted the English self-governing colonies and that given the Filipinos under the preamble of the Jones Act is strangely similar; in English self-governing colonies the rule is that, in all matters of local concern, the local authorities should be given a free hand, and in matters of imparital concern the metropolis, represented by the governor, should act. In the Philippines the purpose is to give the Filipinos as large a control of their domestic affairs as will not impair the exercise of American sovereignty. In pursuance of the English principle, an English governor has refrained from vetoing legislation of purely local concern. Yet it must not be supposed that he is not often tempted to use his veto power when he sees faulty legislation. The mode of correcting legislation in an English colony is different. Says Todd: "Since the concession of responsible colonies of Great Britain, as well as formerly, the Imperial Government, while seldom resorting to the extreme measure of disallowing colonial acts, has repeatedly pointed out, in dispatches from the secretary of state for the colonies to the governor of the colony, errors, defects, or omissions in colonial laws, which required to be remedied by further legislation, and has cautioned the colonial government as to the spirit in which certain exceptional powers, granted by a colonial act, which had been approved by the Imperial Government, should be made use of, so as to avoid abuse or oppression. In this way the paternal oversight of Her Majesty's Government has frequently been exercised for the benefit of the colonies without encroachment."

VETO SHOULD BE USED ONLY TO PROTECT AMERICAN SOVEREIGNTY.

We venture to suggest that our Governor General is not justified, as a matter of policy, to use his veto as an active instrument of legislation. It is the purpose of the Jones Act to give complete legislative power to the Filipino people in their domestic affairs. The Governor's veto is intended to be used only on extraordinary occasions, when the rights of American sovereignty are at stake. To use it as the President of the United States uses his veto power is tantamount to making the Governor General a veritable autocrat. It must be remembered that the President's present influence on American legislation is primarily due to his veto power. In fact, his recognized leadership has been brought about mainly through the exercise of that power. "The President," says Woodrow Wilson, "is no greater than his prerogative of veto makes him." But the success of his exercise of that power has been made possible only by his popular representation; he is the people's national representative. His veto is indirectly the people's own veto. The case of our Governor General is different. He represents external control, foreign to and not representative of the people. Unless advised by responsible Filipino counselors or by an overwhelming Filipino public opinion, his veto can not be said to be the people's veto. Consequently it should be very sparsely used. It would be more fitting for him to adhere to the practice of the early American Presidents who used that power only to protect the Executive and the Constitution from congressional encroachments. Such a practice would be entirely in consonance with the purpose of the Jones Act and totally in accord with the modern exercise of the veto by an executive irresponsible to the people.

The foregoing considerations were undoubtedly the reasons why Governor General Harrison did not often exercise his veto power.

Throughout the five years of his rule under the Jones law he vetoed only five bills. During his first year he vetoed three which were of a domestic nature, but the leaders made such a fight that afterwards he realized the necessity of refraining from vetoing domestic bills. In 1921, just before he left, he vetoed two bills, one providing for compulsory education for children in the mountain Province and the other for the investment of sinking funds of friar lands estates, the bonds of which are held by American investors. It thus appears that Governor General Harrison tried to confine himself to the spirit of the Jones law.

VIOLATION OF SPIRIT OF JONES LAW.

The recent vetoing of the 16 bills by Governor General Wood is decidedly a violation of the spirit of the Jones law. He can not convince us that worse laws have been recently passed than two or three years ago. Some of the 16 laws vetoed carry splendid ideas, as he himself admits, like the laws creating cities. There may be one or two faulty parts, which may be corrected by subsequent legislation.

Our legislature, on the other hand, would do well to have more care in drafting and passing bills. It is often hard to resist the temptations of individual members in favor of local, petty, nonnational legislation. The 48 American legislatures found it so; hence the people got tired of them and began tying their hands. Many States limited the sessions of the legislature to do the least evil. Others limited their functions to certain subjects specified in the Constitution. Still others welcomed the veto of the governor, because the governor represents national interests and sentiments better. Everywhere there seems to be a distrust in legislatures, except in the Philippines, for the simple reason that in the Philippines our legislators are the only elective officials and they represent the national aspirations. This is the more reason why it is absolutely necessary that the proper procedure and care in framing legislative programs should be adopted to avoid the passage of bad laws.

PRINCIPLE OF AUTONOMY DEAR TO FILIPINOS.

But the principle which the Filipinos above all things fight for is autonomy. If the governor does not see his way clear to sign bills without approving every line of them, surely the Jones law should be changed. We believe that he is sincere, but mistakes the spirit of the Jones law; and if he is not in principle against autonomy but simply believes that the Jones law places upon him the responsibility of one-man government, then he should be the first one to recommend for a change. Certainly the present situation can not be tolerated, and with the frequent rate of the governor's vetoing of bills our autonomy becomes nothing but a shadow, because in matters pertaining to the executive departments he is also a one-man ruler. A great many of the old practices, whereby each secretary is given sufficient freedom of action, is also abolished.

ABUSE OF VETO MAY CAUSE REACTION IN PUBLIC SENTIMENT.

Nothing but the embers of the old autonomy now remain. Many of the practices and understandings which form the warp and woof of our past autonomous government are now gone. We have been forced to take backward steps, and unless something extraordinary is done in Washington, we fear a reaction by the people. That is why it has always appeared to the writer that the fight on leadership was a fight over a shadow, with the substance gone. There was plenty of ground to fight in the time of Harrison's administration, but with this new order of things what is left to our representatives is not worthy of the tremendous upheaval the leadership fight has produced. What is needed, if Governor Wood believes that the Jones law gives him powers which he must perforce exercise, is a change of the organic law, with independence, if possible; without independence, if we must.

The present situation can not long remain without arousing the tremendous opposition of the people.

Mr. MOORE of Virginia. Mr. Chairman, I shall support this bill, and it will doubtless be generally supported by the Members upon this side. I had hoped that my friend, the chairman of the Committee on Insular Affairs [Mr. TOWNER], would by this time have found an opportunity to deal with the question which is so much broader than the question presented by this bill, the question of granting to the people of the Philippine Islands their independence. I recall the fact that six years ago a Virginia Representative, William A. Jones, a stainless gentleman and a very able statesman, threw his intellect and soul into the effort to have a declaration made by Congress, which was made almost unanimously, that when a stable government is established in the Philippines the people of those islands shall be granted their independence.

Mr. TOWNER. If the gentleman will allow me, an opportunity will be given for discussing that matter very soon and doubtless it will be discussed at that time.

Mr. MOORE of Virginia. What time does my friend fix for that?

Mr. TOWNER. Within a month. The commission will be here about the 1st of June.

Mr. MOORE of Virginia. The declaration to which I have referred was made in 1916. Two years before that declaration was made a great American, Mr. Roosevelt, stated his strong desire that, because of the circumstances he detailed, the Filipinos should be given their independence. He said, "The Philippines, from a military standpoint, are a source of weakness to us." I have no doubt that he was considering, first, the possibility of being involved in war with some other power, and then another possibility which we trust will never materialize. As to the latter possibility his thought was perhaps in line with the thought of Edmund Burke, who said of a condition which we all remember, "We should reflect how we are going to govern a people who think they ought to be free and think they are not."

The dream of Philippine independence that was expressed in the Jones Act of 1916 now seems to be fading away, and instead of the prospect of that dream being soon fulfilled we find, unfortunately, that there appears to be a sentiment growing in the opposite direction. Yet I believe the evidence fairly shows that what the Jones law anticipated has occurred and that the Filipinos are now entitled to expect a realization of the promise that we made to them six years ago. The best testimony seems to be to that effect. We have all of us received lately recent books containing a discussion of the subject by Burton Harrison and Charles Edward Russell, which is to that effect.

Every bill of this character tends to strengthen the adverse influences, because every such bill when enacted assures a further investment in the Philippine Islands by those who will thus acquire a motive to resist the policy advocated by Mr. Jones, by Roosevelt, and by Mr. Wilson, who during the last Congress, I believe, on two occasions sent a message to Congress urging that the promise of 1916 be performed. I have great confidence in my friend the chairman of the committee. I am glad of his assurance, and I earnestly trust that the result of the investigation which he forecasts will be that the United States should say to these people, "You have a government that justifies and warrants you in calling upon this Government to surrender the control which it now exercises over you." [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired. All time has expired.

Mr. KING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. KING. Mr. Chairman, in support of H. R. 293, a bill to provide for the independence of the Philippine Islands, introduced by me in the House on April 11, 1921, and now before the Committee on Insular Affairs, I desire to insert an article on "The Philippines: Independent or vassal?", written by Charles Edward Russell and published in the Nation on April 28, 1922.

The article is as follows:

NEWS FROM THE PHILIPPINES.

The Herald, a daily newspaper of Manila, owned and conducted by Filipinos, printed a cartoon in which Governor General Wood was depicted as about to stab with a dagger labeled "veto" a lady labeled "P. I. (Philippine Island) Autonomy." The American colony resented this, deeming it seditious and libelous. Prosecution was threatened. The editor apologized. The incident closed. Give yourselves no concern about it, good people in America. It was but the extravagance of a few hot-headed, misguided youths. All is still well with us in our island dominions.

Thus the dispatches allaying uneasiness and seeking to renew our pleasant belief that aside from a few noisy politicians the Filipinos are blissfully content with their dependent State. Unfortunately the blithesome spirit that seems to animate these dispatch writers is unwarranted. Not all goes well with us in the Philippines. The incident of the cartoon was not a negligible outburst of youth. It was a symptom of a condition, profound and disquieting. Other such symptoms have protruded for our noting. As a rule we have chosen to ignore them. Still other manifestations will follow of the same order. If we choose we can ignore them also. But what we are likely to meet if we press upon that path promises nothing for optimism.

"The Emperor of the French 'walked his own wild road whither that led him,' observes McCarthy, describing the exploits in Mexico of Napoleon III. In spite of so many warnings, so many solemn facts that pointed him backward, Sedan and ruin were the ending of that road. We might profitably remember that there are moral no less than physical and imperial Sedans. After all our professions of altruism and the better ideals, what shall be our position before the world when we come to the pass of retaining only by superior brute force and the pointed rifles an unwilling nation that shall thrust into our faces meanwhile the dishonor of broken covenants and pledges travestied for the lust of profits and territory?

Toward some such disaster the signs now point us as plainly as those Louis Napoleon disregarded. Yet it is to be assumed that if we progress along a wild road of our own we walk more blindly than deliberately. Very likely the Nation has never considered with attention what is going on in the Philippines; very likely it has had little chance for such considering. As to this judge for yourselves:

The people of the Philippines received with deep resentment the news of the findings of the Wood-Forbes mission. The substance of that report consists, in plain terms, of reasons discovered why we should disregard our promise and should keep the Islands. When this fact was understood by the natives, only the swift and skillful efforts of their leaders prevented a popular demonstration that would have left the people of the United States in no uncertainty as to the real temper of the Islanders. Of this menacing situation the regular news channels carried not a word. To this day the masses of Americans have no reason to doubt that the Filipinos acquiesced graciously in the unfavorable verdicts of the Wood-Forbes report. The facts as to the popular resentment and its meaning reached Washington in a cable dispatch to the Philippine Commissioners. When because of its grave significance this was offered to the news bureaus none of them would handle it. Yet it was more important to the American people than any news the bureaus sent out that day.

Thus, intentionally or unintentionally, most of the information from the Philippines comes to us filtered, censored, or distorted. A few days ago one of the most reputable newspapers published a special cable dispatch from Manila about the delegation the Philippine Legislature is

about to send to Washington to protest against the Wood-Forbes report and to ask for independence. This dispatch observed sneeringly that the delegation was to be composed of politicians only; that in spite of the bankrupt condition of the country great sums of money were to be spent for its luxurious transport and accommodations; that the people had no interest in the mission and none in independence. It would be hard to say which of these assertions was the hardiest adventure in error. We may judge of all by searching as a sample the allegation of Philippine bankruptcy. There is no such thing. The country is rich, resourceful, prosperous. Taxes there are among the lowest in the world. In 1919 they were less than 6 per cent per capita as against 21.41 per cent in the United States and 33.08 per cent in Canada. There is no real shortage of public revenues, and if there were it could easily be remedied by an almost imperceptible increase in taxation and without borrowing a dollar.

The assertion that only politicians desire independence is perilous stuff to be circulating in this country. It is untrue and viciously misleading. These people have a background of 350 years of struggle for liberty. They have their historic heroes of that struggle dear to them as Winkelried to the Swiss and Emmet to the Irish. They have their records of brave deeds, wonderful sacrifices, during revolutions. American history, taught in their schools for 22 years, has fortified and deepened the lessons of their own. They have set their hearts upon freedom and nationality. They will never be satisfied with anything else. We may, if we please, shoot them into submission. We can not kill their aspirations. For all our guns and all our troops they will be henceforth our most reluctant subjects.

Even the Wood-Forbes mission, unfriendly to independence, recorded the evidences it found everywhere, except in the Moro country, of this assured conviction. It was evidence not needed. Since 1916 the Government has been in the hands chiefly of a legislature elected by the people. At every session it has demanded independence and appropriated the people's money to get it. At each succeeding election the legislators that have done the most for independence have won the largest popular votes. No opposition has appeared anywhere to separation; the only criticism of the party in power has been for not doing enough for it.

It is true that the franchise is not universal. As yet women do not vote, and the male suffrage has some moderate limitations for literacy and tax paying. But at the last general election 635,000 votes were cast, and of those that did not vote it is impossible that any considerable number was opposed to independence.

If, then, we believe in popular mandates, here is one from which we have no escape, for it is flawless and final.

Against this is flaunted the terrible Moro, pictured as furious against separation and devoted to American rule. Viewed impartially the portraiture has never been convincing to me. When I was in the Moro country I could never detect that the general feeling about independence was different from that in the northern provinces, and I have letters from representative Moros assuring me that it is not. At Zamboanga in the beautiful public square they were building a monument to Rizal as handsome as any other in the country; in all ways they seemed to have for his memory no less of reverence than their northern fellow countrymen. Rizal is the national hero of the independence cause; hence I am obliged to regard this fact as more significant than any off-hand statements.

But even if it is true that leading Moros are opposed to independence we are to remember that in a total population of 10,500,000 all the Moros number fewer than 400,000. Of these, many live on distant islands or in remote regions so that their views on the subject have never been learned, and nobody can speak with authority about them. Most important fact of all, the Moros are not racially different from the other Filipinos. We are likely to think they are from what we read about them, but they are not. They are all Filipinos together. The only differences among them are religious. The Moros are Mohammedans (after a modified style of Islam), and most of the rest are Christians; 9,463,751 Christians against 886,999 non-Christians of all varieties—Mohammedans, pagans, Buddhists. It appears, then, that the prominence given to the ideas of the Moros on this subject is fictitious. By no possibility can they number more than 4 per cent of the population, and it would make no difference if they were all antiseparatists.

Of a piece with this is the stress laid on the supposed financial difficulties of the islanders. It is proposed to have Congress raise the debt limit that a new issue of bonds may relieve the stringency—$25,000,000 worth. No country, judged by its resources, is less in need of such help. Yet when the governor general vetoes 16 bills, most of them appropriating money, the fact is used to illustrate the poverty into which the native Government has plunged the country. Plainly, they are unfitted to govern themselves; look at the mess they have made of their finances. One of the vetoed bills happens to be for the benefit of the University of the Philippines, a native institution with more than 4,000 students and an excellent record. This fact is not exploited in the United States, but to the native mind has a certain peculiar sting. The university has long been a target for attack by the American colony, because it trains young men and women not to manual labor but to intellectual pursuits. Here, then, is the same mingling of race hatred and caste prejudice that we have shown so plainly in our dealings with Haiti and Santo Domingo. In the view of the average American in the Philippines the office of the Filipino is menial. The university has thus become to both sides a symbol of combat. It was this blow at the plexus of their ambitions that incited the Filipinos to the "veto" cartoon and will probably incite them to still other reprisals.

One phase of the contest Americans at home will easily understand if they will look beneath the arguments urged against independence. Nothing could be simpler. Under American rule Philippine products are admitted to the United States duty free, with the result that a large trade has been developed in Philippine staples. With independence American tariff duties would be effective against all these, and American capital invested in them would suffer loss. And what are these staples? Tobacco, sugar, hemp, lumber, vegetable oil. And to what doors do these investments lead? To the greatest and most powerful financial interests in America. And how far off are the interests that induced us to intervene in Haiti? Not a block. Should not this open all eyes?

Of two other facts in our relations with these people we can now be reasonably sure: First, the agitation for independence will grow until we can no longer ignore or belittle it; second, if that crisis shall require the armed forces of the United States again to confront a people struggling to be free, it will be no excursion in pleasure. An ill country is this for white men to fight in.

Before long we shall have to come to some definite decision as to these issues. The Filipinos are no fools, but people of swift and alert reasoning powers. They know well enough that all discussion in this country as to whether they are fitted for self-government, whether they govern well, whether the Moros think this or that, is idle and irrelevant. By the act of August 29, 1916, the United States pledged itself to grant independence to the Philippine Islands "as soon as a stable government can be established therein." Of any other condition, not a word, not a syllable, not a hint. For more than five years the people of the Philippines have conducted a government that rests upon their own mandate. Has it been stable? Upon this question and this alone the whole controversy must be judged. Apply to the government thus established and conducted any test of stability known to international practice. Apply the definitions given by President McKinley, by Mr. Root when he was Secretary of State, and note the result.

President McKinley said a stable government was "one capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own."

Mr. Root said it was one "elected by the suffrages of its people and supported by them, capable of maintaining order and of fulfilling its international obligations."

Judged by these standards, no more stable government has existed anywhere in these five years.

As to security of life and property, but for the shame involved, I should urge comparison of Philippine conditions with the homicide record of Chicago, 141 in six months, with New York undergoing a crime wave, with conditions in any great American city.

The Filipinos have fulfilled their part of the contract. We must fulfill ours or violate it, and that in short order.

But if for the sake of profits and imperial ambition we purpose to keep the Philippines, contract or no contract, why not say so frankly and prepare to turn to the world's derision whatsoever of brazen brow we can manage? To pretend that we are keeping them for the glory of God and the welfare of the Filipino soul is the style of nauseous hypocrisy at which a disillusioned world now heaves the gorge. Of this pious cocking of one eye to heaven while the other busily scans the balance sheet it has had enough with overmeasure. In such exploits of the commercial Tartuffe it recognizes now the very root and essence of the cause of war—if we care about that. And if our professed aversion to war concerns only war with peoples of our own complexion and we have no objection to bringing it upon brown, yellow, and black men, why not be candid enough to acknowledge that likewise?

The Clerk read the bill for amendment, as follows:

Be it enacted, etc., That the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act entitled "An act to amend an act entitled 'An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands,'" approved July 21, 1921, be further amended as follows:

That the proviso of section 11 of said act as amended be, and the same is hereby, further amended to read as follows:

"*Provided, however*, That the entire indebtedness of the Philippine Government created by the authority conferred herein, exclusive of those obligations known as friar land bonds, shall not exceed at any one time 10 per cent of the aggregate tax valuation of its property, nor that of the city of Manila 10 per cent of the aggregate tax valuation of its property, nor that of any Province or municipality a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time. In computing the indebtedness of the Philippine Government, bonds not to exceed $10,000,000 in amount, issued by that government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted."

Mr. TOWNER. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that it be agreed to.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921, and had directed him to report it back with the recommendation that it do pass.

Mr. TOWNER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HOSPITAL CONSTRUCTION—UNITED STATES VETERANS' BUREAU.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11547, for the construction of additional hospital facilities for the United States Veterans' Bureau.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill H. R. 11547. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 11547, making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TEWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11547) making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau.

Be it enacted, etc., That for carrying out the provisions of the act entitled "An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau," approved April 20, 1922, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $12,000,000, and in addition to this amount the Director of the United States Veterans' Bureau, subject to the approval of the President, may incur obligations for the purposes herein set forth not to exceed in the aggregate $5,000,000.

Mr. MADDEN. Mr. Chairman, Congress passed an act, which was approved April 20, 1922, authorizing an expenditure of $17,000,000 for additions and hospitalization facilities now at the disposal of the veterans of all the previous wars. In the consideration of the appropriation bill which is now pending it was ascertained that to-day we have 8,464 general and surgical cases that are being treated under the present hospital facilities; neuropsychiatric cases, 9,104; tuberculosis cases, 11,499; making a total of 29,067. The number of cases in each class expected to be reached in 1926, which is said by those who have experience to be the period of the peak, is as follows: General cases, 7,000, so that there will be a reduced number; neuropsychiatric cases, 15,000, an increase over the number we have now; and tuberculosis cases, 13,000; making a total of 35,000.

Congress authorized 14 months ago the expenditure of $18,000,000 to provide facilities for the care of sick and wounded soldiers. There is $9,161,000 of that $18,000,000 unexpended. That does not mean that the money is not obligated, because contracts have been let which will consume the entire amount. But there is $9,161,000 unexpended. For the period of the last 14 months progress that should have been made in the preparation of facilities for the care of these men has not been made. It is said by the Director of the Veterans' Bureau that if this appropriation should be made he will at once begin the preparation of plans under which contracts will be let, and that within 12 months from the time the appropriation becomes available he will have every facility to meet the needs of the soldiers, and that he will make much more rapid progress in the future than has been made in the past.

The provision for facilities to be placed at the disposal of the wounded veterans under the $18,000,000 appropriation has been under the jurisdiction of a board. That board seems not to have made the progress which it should have made, and hence it is we are short of facilities, particularly for neuropsychiatric and tuberculosis cases. We have all the facilities and more than we need for general and surgical cases.

There are many facilities now at the disposal of the Government which are in temporary buildings—some of them old, ordinary cantonment buildings in a bad condition; inconvenient, old wooden buildings under the jurisdiction of the Marine Hospital Service. Others are in contract hospitals, many uninviting, and in many such cases the men are not able to get the treatment which the Government wishes to give to them. There are a great many men being cared for in the Naval and Army hospitals. They do not like to go to the Army and Naval hospitals, as the director of the bureau says, because the discipline in these hospitals is more rigid than in the hospitals under the jurisdiction of the Public Health Service. They object to the discipline. The part of the discipline they object to is that which requires them to scrub or polish the floor. They think they are there as patients and not as employees of the Navy, and the director of the bureau thinks that they are justified in that objection. So, while we have many beds vacant in Naval and Army hospitals, it is impossible to get the men to go to these places. Hence the necessity for new and better facilities for their care.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. I understand that the bill appropriates $17,000,000.

Mr. MADDEN. The bill appropriates $12,000,000 now and authorizes that contracts may be let for the entire $17,000,000.

Mr. COOPER of Wisconsin. That is what I wanted to ask. What is the $5,000,000 for? Is that for the construction of new hospitals?

Mr. MADDEN. The whole $17,000,000 is for the construction of new hospitals, but the director of the bureau says that he will not be able to use more than $12,000,000 of it during the next fiscal year.

Mr. COOPER of Wisconsin. Is no portion of the $17,000,000 to be expended, or can it not be expended for the purchase of hospitals already in existence?

Mr. MADDEN. Let me read what the law provides:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein.

Mr. COOPER of Wisconsin. The word "purchase" answers what I had in mind. It allows him to purchase a hospital.

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. What is the $5,000,000 specifically appropriated for? How do you divide it up into $12,000,000 and $5,000,000?

Mr. MADDEN. We do not divide it up. We simply authorize the whole $17,000,000, except that we give them only $12,000,000 of cash at this time and $5,000,000 contract authorization.

Mr. COOPER of Wisconsin. Then he can do as he pleases with the $12,000,000?

Mr. MADDEN. He can do as he pleases with the $17,000,000.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CHINDBLOM. I presume $12,000,000 would be available until expended?

Mr. MADDEN. Oh, yes.

Mr. CHINDBLOM. And it is expected that the $12,000,000 will cover all of the expenditures during the next fiscal year?

Mr. MADDEN. We are so advised by the director of the bureau.

Mr. CHINDBLOM. Then the director does not expect to have all of these hospitals finished within the course of the year, as he told us?

Mr. MADDEN. Yes; he expects to have them all finished within the course of a year, but he will not be required to make all of the payments within the year. He expects to have them all completed, and he says definitely that he will have them completed.

Mr. CHINDBLOM. Does the gentleman know how he proposes to proceed, whether he is going to establish an architectual department of his own or let contracts for architectual work, or get that done by the other departments of the Government?

Mr. MADDEN. We have his word to this effect on that question. We definitely have his reply to a question asked by me. We were very anxious that he should not under any circumstances establish a new construction division of the Government, and we wanted to know whether he was going to use the facilities the Government already has or was going to establish a new construction bureau. He promised us positively that he would use the facilities which the Government now has, use them all if it was necessary, through which they will be able to make plans, both in the Army and in the Navy and in the Treasury Department, and to the extent that he can use them, expedite the work. He proposes to use them without putting an additional man on the pay roll anywhere.

Mr. CHINDBLOM. Does he propose to let any of the work of the preparation of plans and specifications and supervision of construction to outside architects?

Mr. MADDEN. None at all.

Mr. CHINDBLOM. I will say to the gentleman if that had been made clear before the Committee on Public Buildings and Grounds we would have saved some time in the consideration of the bill.

Mr. MADDEN. We have his absolute pledge that no part of this money will be used to create any new organization within the Government, and that all of the work to be done, not only as to making plans and specifications, but superintending the work of construction and making the contracts, will be done by the agencies already in existence.

Mr. CHINDBLOM. I am glad the Committee on Appropriations got better assurance than the Committee on Public Buildings and Grounds could get on those points.

Mr. MADDEN. If we had not had that assurance, we would have written it into the bill.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LOWREY. The gentleman says there is room, quite a good deal, in the Army and the Navy hospitals.

Mr. MADDEN. Yes.

Mr. LOWREY. Since we are now cutting down the Army and the Navy, it seems to me that some of those hospitals might be turned to this purpose without enforcing the discipline of which they complain. Has there been any discussion of that?

Mr. MADDEN. That has not been taken up by our committee, but we suggested that we would like very much to take the present facilities and utilize them to the fullest possible extent. We have been assured by the Director of the Veterans' Bureau that it is not possible to use the facilities to a greater extent than they are now being used, and he also says that 13,000 of the beds now available in the hospitals owned by the Government will probably have to be relinquished for the reasons:

(a) Marine hospitals which will probably have to be vacated to make room for beneficiaries of the United States Public Health Service, now hospitalized by the United States Veterans' Bureau.

(b) Leased hospitals which will probably have to be given up upon the expiration of the lease, and hospitals of temporary wooden construction, which in time will have to be evacuated. We have 13,000 beds available that by the time the proposed buildings are completed will probably have to be given up in any case, and hence the necessity for early, immediate, and expeditious action on the work under the bill now proposed.

Mr. LOWREY. My idea is this: Suppose there are three Army and Navy hospitals and that there are patients enough to fill only two of them. If you can not use them, why not temporarily turn over one of them to the Veterans' Bureau and fill the other two?

Mr. MADDEN. There is one more thing that may be said in connection with this, and that is that in many cases where vacant beds exist they are not so located as to be available without compelling the patient to travel from one end of the country to the other.

Vacant beds are not always what they seem, because they are not where they can be used, and while we have a number of vacant beds in a number of places they are so scattered they are really not available.

Mr. LOWREY. And evidently it would not do to transport them an unreasonable distance.

Mr. MADDEN. It looks as if something must be done and be done quickly to meet the present needs.

Mr. STAFFORD. If the gentleman will permit, during the consideration of the War Department appropriation bill the Army officer in charge of appropriations for Army hospitals testified that there was then and have been for more than a year past 1,200 beds available.

The gentleman has stated one of the reasons why the veterans do not care to go into these Army hospitals is because they are obliged to do charwomen's service, like scrubbing the floor. I wish to inquire whether the committee considered the removal of that objection so as to save money by providing that war veterans in an Army hospital should be relieved of charwomen's service so there would not be any excuse for not being sent to the Army hospitals?

Mr. MADDEN. The Committee on Appropriations not having legislative jurisdiction did not feel that it had the right to report legislation granting that relief; but I think, however, that the act under which the appropriation is contemplated is sufficiently broad to enable the President of the United States to issue any order that he may think proper to issue. I believe we ought not to invade the President's jurisdiction inasmuch as it is set out definitely and clearly in the act itself.

Mr. EDMONDS. I would like to ask the gentleman why the third district seems to be neglected in this matter?

Mr. MADDEN. I will say to the gentleman that I have nothing to do with the fixing of the districts nor had we anything to do with making the table indicating where the buildings are to be constructed.

Mr. EDMONDS. Who did fix them?

Mr. MADDEN. They are fixed by the President and the Director of the Veterans' Bureau, and it is a matter of information which they gave to us.

Mr. EDMONDS. Does the gentleman think the third district is more healthy than the eighth district, which the gentleman represents?

Mr. MADDEN. I have not the faintest idea. I have no more idea where they were to go than the man in the moon. We simply bring to you the information which was given to us by those who are charged with the responsibility of adjusting and locating these buildings and construction.

Mr. EDMONDS. The gentleman would not like to state that the third district is more healthy than the eighth?

Mr. MADDEN. I would not think it is. I do not know anything about the districts. I do not know what district I am located in.

Mr. EDMONDS. In the eighth.

Mr. SUMMERS of Washington. Can the gentleman tell us if it is the policy, where the Government owns ample ground and a well located hospital already established, and additional hospitals are needed in that district, whether these grounds will be utilized or whether new hospitals will be built?

Mr. MADDEN. My understanding from the Director of the Veterans' Bureau is that he has already practically decided upon the location of the hospitals; that every one except one, as far as I am able to say, is to be erected on ground owned by the Government of the United States or on ground to be donated by private individuals, but whether he wants to enlarge existing facilities I do not know, but I should judge not from what he says.

Mr. SUMMERS of Washington. Well, for instance, on ample ground where a hospital is already established, would it be considered advisable that the facilities be distributed or be kept somewhat concentrated in the center of the district?

Mr. MADDEN. I judge from what the Director of the Veterans' Bureau says that he will endeavor to distribute the hospital facilities at the most convenient points, and not to concentrate them in some given place.

Mr. SUMMERS of Washington. That is what I wanted to know, if the Government already owns the site and a hospital is in the center of the district——

Mr. MADDEN. The director says he is going to erect the buildings on Government lands wherever they are owned, except in one case.

Mr. JOHNSON of Washington. The authority is in the President and the Director of the Veterans' Bureau?

Mr. MADDEN. Yes.

Mr. JOHNSON of Washington. And they will locate them where they think best.

Mr. STAFFORD. The gentleman from Pennsylvania [Mr. EDMONDS] asked a question of the gentleman about the eighth district getting a larger amount——

Mr. MADDEN. He did not say that. He asked if it was more healthy.

Mr. STAFFORD. The fact is, as the gentleman knows, that as far as Wisconsin and Michigan are concerned they had more casualties in the service than any other district. That means the Director of the Veterans' Bureau would provide additional hospitals?

Mr. MADDEN. I do not think he will locate any building except where he believes the necessity is the greatest.

I think I have said all I care to say concerning the bill.

Mr. BYRNS of Tennessee. I will say to the gentleman from Illinois that I have requests from this side for 45 minutes, of which I would like to have 20 minutes myself.

Mr. MADDEN. I will yield all the time I have to the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

Mr. MADDEN. Mr. Chairman, I yield the balance of my time.

Mr. BYRNS of Tennessee. Mr. Chairman, there is no objection from any member of the committee, or, I am sure, from any Member of the House, to this bill as reported from the Committee on Appropriations. The committee in presenting this bill has simply carried out the mandate of the House and of the Congress expressed the other day in authorizing the construction of additional hospitals in the sum of $17,000,000 for the disabled veterans of the World War. As explained by the gentleman from Illinois, this bill provides for $12,000,000 in cash and gives to the Director of the Veterans' Bureau full authority to contract for the construction of hospitals to the full extent of $17,000,000, by and with the approval of the President. It does not appropriate the entire $17,000,000 in cash at this time because the Director of the Veterans' Bureau stated that $12,000,000 would be ample for present purposes.

There should never be any hesitancy or delay in providing ample appropriations for the disabled soldier. He is entitled to the very best care and treatment that a grateful Government and country can give him. He freely and patriotically offered his life in behalf of his country, and now that he is disabled as a result of wounds or disease incurred by reason of his service,

it should never be permitted to be said that his country was either ungrateful or unmindful of his sacrifices and that it failed to provide for him the very best hospital accommodations and treatment and proper compensation. The American people desire that they be given the very best care and treatment possible, and their Representatives in Congress will, I am quite sure, vote every dollar that is necessary for that purpose without regard to cost. The Director of the Veterans' Bureau states that it is his purpose to begin the construction of these hospitals without delay and that they will be ready for occupancy within nine months after the contracts are let. Only about one-half of the previous hospital appropriation of $18,000,000 has been expended up to this time, the remaining hospitals being now under way.

Colonel Forbes, who has been given direct charge of this appropriation, assures the committee that greater speed will be made under this appropriation. He very fully appreciates the importance of speedy action and is anxious, of course, to see that the disabled veteran is provided with proper hospitalization and that every consideration is given to his comfort. I am glad to give my hearty support to this bill, and I am happy to believe that when the hospitals now under way are completed, and those here authorized are provided, that there will be full and ample accommodations provided for every disabled veteran of the war. If not it is quite certain that additional appropriations will be forthcoming.

I regret personally that this bill was called up at this time without previous notice, because there is no particular urgency for its passage to-day. It could have been passed on Monday or Tuesday, or on to-morrow, without the slightest detriment to the service. In fact, I had understood that it would not be called up for several days, and only yesterday the majority leader stated that there would be only two measures which would be called up to-day. And I want now to protest as earnestly as I can against this calling up of bills without at least consulting or, rather, indicating or giving notice to minority Members that bills will be called up. It so happened when the unanimous consent was requested for the consideration of this bill that I had just left the Chamber for a moment.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. And I had no knowledge of the fact that it was to be called up at this time, and I think I was entitled to the courtesy of being notified that this request was to be made.

Mr. MADDEN. I had not any idea myself that we were going to get to it until I saw there was likely to be an opening this afternoon, and the House is likely not to meet to-morrow, and I assume all responsibility for anything that has been done, without any intention whatever, as I am sure the gentleman from Tennessee knows, of ignoring anybody.

Mr. BYRNS of Tennessee. I am quite sure of it, and I certainly acquit the gentleman from Illinois of any intention to ignore any minority member of the committee. But I simply have stated what I have for the future, because there are a number of Members who have spoken to me with reference to getting time on this particular bill. And I am put in a rather embarrassing position by the fact that this bill was called up without previous notice to me, so that I could have notified those gentlemen and attempted to secure for them the right to discuss some matters they wanted to present when this bill was taken up. And I have said what I have said more by way of defense of myself and of explanation to them than for any other reason.

As I have stated, there is absolutely no objection to this bill. We are all for it, and of course it will pass without any objection upon the part of any Member of the House. I want to take advantage of the latitude allowed under general debate to discuss for a very few minutes another subject.

On April 14 the Secretary of the Treasury in a letter to the Finance Committee of the Senate stated that a deficit at the end of the present fiscal year would only be avoided by the postponement of certain railroad obligations until the fiscal year 1923, and that by such postponement there would be a surplus on June 30 of about $47,000,000. If these payments were not postponed the deficit would amount to about $153,000,000. In the same letter he stated that next year the deficit in the Treasury would amount to $484,000,000, which includes $125,000,000 accumulated interest on war savings certificates. This is a stupendous sum. It is nearly as much as was required to pay the entire annual expenses of the Government a little over 20 years ago. The Secretary makes it plain that in figuring this deficit his estimate is based on the estimates of expenditures which appear in the Budget submitted last December. He did not include, therefore, charges on the Treasury for 1923 which have been imposed by act of Congress and otherwise since the December Budget was submitted, or those which are prospective and which will probably be later imposed. His statement did not include $15,000,000 extra appropriation for rivers and harbors; $65,000,000 for the construction of roads; $17,000,000 for additional hospitals; $77,000,000 as the initial payment on soldiers' compensation, which it is stated will go into effect January 1, and the $5,000,000 which it is proposed to loan to Liberia. Neither did it include the $50,000,000 which is proposed for a ship subsidy or the extra appropriation which the administration proposes for the Navy and which it has been estimated will amount to $60,000,000. Nor does it include something like $35,000,000 for the payment of a bonus to civilian employees next year, which Republican leaders tell us will be passed if the reclassification bill is not passed prior to July 1. When these figures are added it will be seen that the deficit next year will amount to at least $758,000,000, and it should be said that certain legislation now pending such as increases in the Army, increased pay of officers, and other legislation which we are told it is proposed to pass will still further increase this deficit. The question naturally arises where the revenues to take care of this deficit are to come from.

In transmitting the estimates for the pending appropriations the President failed to comply, or to even make an attempt to comply, with the plain, positive provisions of the Budget law. Section 203 of that law authorizes the transmission to Congress of supplemental or deficiency estimates, and subdivision B of that section reads as follows:

> Whenever such supplemental or deficiency estimates reach an aggregate which if they had been contained in the Budget would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation.

Subdivision (a) of section 202 reads as follows:

> If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditures in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendation to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

The President has wholly ignored this express provision of the statute which made it his plain duty to give Congress the information and recommendations referred to. This particular estimate adds to the stupendous deficit with which our Treasury will be faced next year, but there is not a line of suggestion or recommendation as to what steps Congress shall take to meet it. It is true the Washington Post, the recognized mouthpiece of the administration, has stated that it is understood that some kind of additional taxes will have to be levied upon the people to take care of this deficit, and we can probably accept this as an expression of the views of the President, but the point I am making is that the President should have given this information to Congress when he sent forward this estimate. Are we to understand by his silence that it is intended to permit this immense deficit to drag along until after the election in November, with no effort to make proper provision for it, and that when Congress assembles in December these additional taxes will be imposed? We are told by recognized authority that this deficit will surely occur. The people know that the money must be raised to meet the obligations of the Government. And let me say to my Republican friends that the people will not be deceived, for they will easily see through the ill-conceived purpose in deferring the levying of these additional taxes until after the election in November.

I submit that this is an astounding record for the second year of Republican administration, and in face of the repeated declarations and promises that economies would be instituted and that taxes would be reduced.

The Republican administration and this Congress has claimed entire credit for the enactment of the Budget law, in spite of the plain fact that it was repeatedly urged by the last administration and was voted for by all the Democrats in Congress. But let me say that little credit can be claimed for its enactment by those responsible for its administration if they ignore its plain, positive provisions, as has been done in the present instance.

It will be recalled that last December, when the President transmitted the annual Budget estimates, he forecasted a deficit of over $167,000,000 for the next fiscal year. At that time he failed to submit recommendations as to how it should be taken care of, except to say that it could be easily absorbed by the economies to be effected by the administration and by Congress. It would now appear that in less than six months these so-called economies have served to increase the Treasury deficit for the next year from $167,000,000 to over $758,000,000.

Early in this year the President, with blind confidence, but I am sure with the best of faith, accepted the figures of the Director of the Budget, whose chief business it seems has been to publish to the people how much money the administration is going to save, announced in most general terms that $136,000,000 had been saved in the first six months of the present fiscal year. This statement was published broadcast over the country, and coming as it did from the President, it was, of course, given the fullest credence. On February 9 I introduced a resolution asking the President to specify just where these savings had been made. The resolution was forwarded for reply, but no answer was made. After a period of several weeks, I took occasion on the floor of the House to call attention to the failure to give Congress and the people this information, and I said at the time that it was quite evident that such savings had not been made or that the information would have been promptly forthcoming. On the very next day the Washington Post published, under big headlines, a letter from the President to the Director of the Budget, directing him to forward this information at once. But from that good day to this nothing has been heard from it. I repeat that there is only one inference that can be drawn, for if these savings had been actually made, the figures were undoubtedly on the records of the Bureau of the Budget and could have been forwarded within 24 hours or less, and every reasonable man knows that the administration would have hastened to verify the facts which had been promptly challenged.

Savings by the administration can only consist of funds which have not been expended out of the appropriations previously made by Congress for governmental purposes during the fiscal year. And now the Secretary of the Treasury positively confirms the suspicion that these alleged savings were not made by his statement that a deficit can only be avoided during this year by carrying over into the next fiscal year governmental obligations amounting to some two hundred millions of dollars. By this method he tells us there will be a surplus in the Treasury of $47,000,000 on July 1; and I dare say when that time comes Republican newspapers will have much to say about it, but the people will not forget just how that surplus was brought about.

I have stated that the figures show that with the obligations incurred since the December estimates were submitted by acts of Congress and otherwise, and taking into consideration prospective obligations, those which I understand are to be put through before this Congress adjourns, there will be a deficit, taking the figures of the Secretary of the Treasury as a basis, of over $758,000,000 for the next fiscal year.

Mr. DUNBAR. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. DUNBAR. Does that deficit of $700,000,000 include next year the payment of the amount we owe the railroads?

Mr. BYRNS of Tennessee. Yes; it includes it.

Mr. DUNBAR. And which is estimated we should have paid this year?

Mr. BYRNS of Tennessee. Yes; it includes that; and the Secretary of the Treasury was particular in the letter to which I have referred to say that it is an express governmental obligation and must be taken care of next year as a governmental obligation.

Mr. McSWAIN. Does the gentleman take into consideration the fact that the Attorney General some weeks ago gave out an interview that there would be obligations imposed on the Government in the way of judgments or claims arising out of war contracts that must be paid in the next 12 months of something like a billion dollars?

Mr. BYRNS of Tennessee. I will say to the gentleman I have not taken that into consideration.

Mr. McSWAIN. The gentleman remembers that he gave that out?

Mr. BYRNS of Tennessee. I remember some statement of the kind, but not the exact figures. And any obligation of that sort, or any claim of that kind, which becomes a charge against the Government in 1923 must be added to the figures given by the Secretary of the Treasury and those which I have just given.

Mr. DAVIS of Tennessee. The gentleman, of course, is aware that the $50,000,000 appropriation for the payment of claims against the Shipping Board does not include such claims as are pending in the Court of Claims, admiralty courts, and so forth, aggregating about $200,000,000, and for which additional appropriations will have to be made.

Mr. BYRNS of Tennessee. The gentleman is correct, and, of course, appropriations necessary to pay those claims adjudicated during the next fiscal year must be added to the figures which I gave as the deficit that will undoubtedly occur, according to the statement of the Secretary of the Treasury himself. And Mr. Lasker, of the Shipping Board, has stated, I believe, that he hopes to close up all of these claims during the next year.

Now, I have referred to this for the purpose, in the first place, of showing just to what extent Congress is creating obligations which the people must take care of, and how little is being done toward making proper provision to meet this deficit next year. We have got to greatly reduce expenditures or raise taxes. The Washington Post was clearly correct, because everybody knows that you can not pay debts without the revenues, and there is only one way that the Government can get the revenues, and that is by taking them out of the pockets of the taxpayers of this country.

Is it the intention to say as little as possible and to do nothing until next December, when, after the election, Congress will be called upon to pass additional tax legislation and increase the taxes which the people were told in the fall of 1920 were going to be reduced? What steps will Congress take? Will it raise taxes or will it issue bonds and make loans to cover this deficit?

That is just the point which I wish to emphasize again, that the Budget law by its plain provisions made it the duty of the President of the United States in a situation of this kind to inform Congress and the people and submit a recommendation as to what steps should be taken to meet the deficit which everyone admits will exist. And that is just what has not been done in this particular instance. I think the people are entitled to know, and certainly Congress is entitled to the benefit of any recommendations that the Chief Executive may have to make with reference to the manner in which we shall take care of this great deficit, which may amount to a billion dollars, as has been demonstrated, before the close of the next fiscal year if something is not done. And I want to say that will inevitably result, unless Congress shall put its foot down on the creation of new offices like the 22 Federal judgeships which are about to be created and the creation of 10 additional revenue collectors at an annual expense of over $500,000, and the increasing of salaries, as has been proposed, and as was actually done in an appropriation bill here the other day, when some 11 men who are bureau chiefs or who hold less responsible positions were given salaries ranging from $5,000 to $6,000.

It is a serious situation, a very serious situation, because while the people are now burdened with debt they are actually confronted with a deficit next year which is practically as much as the amount that was required to run the Government of the United States for all its purposes, civil and military, in the year 1916, only six years ago, under a Democratic administration, and certainly this should be given attention by Congress and by the Executive of the Nation. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. DUNBAR].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. DUNBAR. Mr. Chairman, the Secretary of the Treasury in his various interviews and estimates leads Members of Congress and the country into an error, in that he is always predicting a deficit in our revenue and does not call to our attention on what he bases his estimate. So unless his report is investigated and an accounting made of the amount of reduction of public debt due to purchase and cancellation of Government bonds, and charged to operating expenses, one will be misled. The Secretary of the Treasury, in compliance with provisions of law, comes into possession of Government bonds, which are canceled and whatever the amount of bonds so canceled, notwithstanding it results in a reduction of Government debt, all is charged in the ordinary operating expenses.

I remember a year ago he predicted that the deficit in the United States Treasury at the end of the fiscal year 1921 would be something like $400,000,000 or $500,000,000, and instead of there being one dollar of deficiency there was a surplus of over $500,000,000. It is predicted that this year or next we shall have another deficit. I claim that there is nothing to justify the statement of the Secretary of the Treasury that there will be a deficit, either this year or next.

I have in my hand the daily statement of the United States Treasury under date of April 29, 1922, which covers the governmental operations for 10 months during this fiscal year, and in those 10 months the excess of the ordinary receipts over ordinary expenditures is $600,000,000.

Mr. BYRNS of Tennessee. Mr. Chairman, will my friend yield to a question?

Mr. DUNBAR. I will.

Mr. BYRNS of Tennessee. The gentleman stated a moment ago that the Secretary of the Treasury had not given information as to just how this deficit will occur. Has the gentleman

read the letter which was sent to the Senate Committee on Finance by the Secretary of the Treasury?

Mr. DUNBAR. I will tell you what the Secretary of the Treasury overlooked.

Mr. BYRNS of Tennessee. I wanted to know if the gentleman had read that letter?

Mr. DUNBAR. I have not.

Mr. BYRNS of Tennessee. If the gentleman will get a printed copy of that letter as published on the Senate side and read it he will find four or five pages of figures in which the Secretary of the Treasury goes very fully into the whole matter and gives specifically, figure by figure, just how that deficit will occur.

Mr. DUNBAR. I will tell you what you will find in his letter, because it has occurred in every report. He has included in his ordinary expenditures all money paid into the sinking fund, all of the bonds that are canceled which are received for estate taxes, all of the cancellation of bonds that are received from Europe, all of the cancellation of bonds due to receipts from the Federal reserve bank. During the fiscal year 1921 there was counted as ordinary expenditures the money provided for the purchase and cancellation of more than $422,000,000 worth of bonds. In 1922 there will be canceled something like $400,000,000 worth of Government bonds. In the Treasury statement of April 29 there appears at one place that to date the excess of ordinary receipts over our expenditures and the public-debt expenditures amount to $247,000,000. Then there appears in ordinary expenditures $362,000,000 that have been used for the purpose of redeeming bonds. Both of these items make our ordinary receipts in excess of ordinary expenses for the 10 months of this fiscal year $609,000,000. So that the Secretary of the Treasury, when he makes an estimate of ordinary expenditures for a given year, always estimates in those expenditures all of the money that goes to the sinking fund and money that is used to cancel about $400,000,000 worth of our indebtedness.

The gentleman says that next year we will have a deficit of $600,000,000 or $700,000,000, because next year we will have to pay the money that we owe to the railroads. I want to say that at the beginning of this fiscal year we owed the railroads something like $500,000,000. We do not owe them now more than half of that amount, due to the fact that securities owned by the railroads and held by the Treasury have been sold and used in liquidation of the Government's indebtedness to the railroads.

Mr. MADDEN. The gentleman means securities owned by the railroads held by the Government.

Mr. DUNBAR. I mean securities owned by the railroads, but put up with the Government as collateral, and these securities have been sold and used to liquidate the Government indebtedness to the railroads. Now, we will owe to the railroads next year about $200,000,000. In the estimate of the Secretary of the Treasury for next year he estimates as ordinary expenditures the cancellation of $370,000,000 worth of bonds. So that while that $700,000,000 may be estimated as a deficit, an allowance must be made for $370,000,000 worth of bonds which are to be canceled. Next year there will be expended for our railroad debt but $200,000,000.

So, according to the Secretary's method of estimating, if our deficit does not amount to more than $700,000,000 there will be no deficit. The Secretary of the Treasury fails to take the public into his confidence and call their attention to the items upon which he bases his figures. Payment due the railroads ought not to be counted in next year's business, because we owe the money now, and according to the figures that we have here we will go through this year and we will have a surplus at the end of the year of nearly $500,000,000. If we paid our railroad debt we would have cash in our Treasury at the end of the fiscal year of $300,000,000. So that if the railroads were paid the amount this year which we ought to pay them it would simply reduce the amount of cash in the Treasury, and next year, even admitting the gentleman's figures to be true, we being relieved of payment to railroads, our revenues, with cash in the Treasury, would meet our expenditures, and there would be no deficit in the finances of the Government.

Mr. BYRNS of Tennessee. How does the gentleman account for the statement made by the President, even assuming now that he is correct and that the Secretary of the Treasury is entirely wrong in his statement? How does the gentleman reconcile the statement he has just made with the statement made by the President of the United States last December, when he said at that time that there would be a deficit of over $167,000,000?

Mr. DUNBAR. Does the gentleman mean for the coming fiscal year?

Mr. BYRNS of Tennessee. Yes. Was the gentleman speaking of this year?

Mr. DUNBAR. No; I was speaking of 1923.

Mr. BYRNS of Tennessee. Well, I was speaking of 1923.

Mr. DUNBAR. The deficit of $167,000,000 which he estimated provided for a reduction of the public debt amounting to $370,000,000. Including that, there was an estimate of a deficit of $167,000,000. But we will not now have to pay the railroads the $400,000,000 of indebtedness which some time back it was thought we would have to pay them during the coming fiscal year, because the securities of the railroads which the Government held as collateral have been sold, and those have been applied to a reduction of the debt which we owe to the railroads.

Mr. BYRNS of Tennessee. The Secretary of the Treasury is one of the greatest business men in the country, and I am sure the gentleman will agree to that. The Secretary is widely——

Mr. DUNBAR. I do not know how widely he is quoted or how good a business man he is. He presumes sometimes on our ignorance, and he presumes on our ignorance when he reduces the public debt $400,000,000 and has it in as ordinary expenditures.

Mr. BYRNS of Tennessee. The gentleman does not mean to intimate that the Secretary of the Treasury has not acted in entire good faith?

Mr. DUNBAR. I think the Secretary of the Treasury has acted in entire good faith, but he thinks by scaring us and sounding an alarm that perhaps he will cause us to be more economical, more cautious, and proceed more within our income and thereby obtain better results.

Mr. BYRNS of Tennessee. In other words, the gentleman takes this position that the Secretary of the Treasury is not only justified but has actually been guilty of misrepresenting to Congress for the purpose of insuring that Congress proceed economically?

Mr. DUNBAR. No; he is not chargeable with misrepresentation, because if you will look in his estimates submitted to Congress in December, 1921, you will find that for the fiscal year 1923, when he estimated a deficit of $167,000,000, the sinking fund will receive $283,000,000. You will find in the estimates that the purchase of Liberty bonds from Europe amounts to $30,000,000, which are to be canceled and charged to ordinary operating expenses. You will find in the estimates the redemption of bonds and notes from estate taxes amounting to $25,000,000, which bonds are to be canceled and charged to ordinary operating expenses. If you will look into the estimates of the Secretary of the Treasury you will find that the retirement from the Federal reserve bank franchise tax receipts amount to $30,000,000, which bonds will be canceled. If you will look in the estimates, you will find he has provided for the cancellation of $369,333,800 worth of bonds next year, and then, according to his estimate as made at that time, there would be a deficit of $167,000,000. You will be misled unless you know all items contained in the estimates.

Mr. BYRNES of South Carolina. If the gentleman believes that there is going to be a surplus, is he in favor of reducing the taxes or of declaring a dividend?

Mr. DUNBAR. We have already reduced the taxes.

Mr. BYRNES of South Carolina. If you have a surplus, are you in favor of declaring a dividend?

Mr. DUNBAR. It has been anticipated in the reduction of taxes to the amount of $900,000,000. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Chairman and gentlemen, this hospital situation has been the subject of much discussion, and there has developed considerable misapprehension. When I discussed the bill, authorizing the appropriation of $17,000,000, of which this present bill is the sequel carrying out that authorization, I printed in my remarks a summary of the hospital situation in the United States.

Ninety-five hospitals in the United States under the Veterans' Bureau have a total of 27,588 available beds. There are in these 95 hospitals 21,667 patients, which would show on the face of it that there are 5,921 surplus beds; that is, beds unoccupied. Why, then, is there any necessity for the building of these additional hospitals? If the 95 hospitals under the jurisdiction of the Veterans' Board have over 5,000 empty beds, what is the necessity for this bill?

Mr. MADDEN. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. MADDEN. The director of the bureau says——

Mr. GRIFFIN. I thought the gentleman wanted to ask a question. If he wants to anticipate, I will say that I asked the question in order to answer it myself. The answer is that the hospitals are so situated and of such character that it is impossible to satisfy the demands of the men or meet the conditions of their ailments. For instance, where the ex-service patient declines to accept hospitalization at a place remote from his home and there are no Government hospital accommodations in his neighborhood, an effort is made by the Veterans' Bureau to place him in a hospital in his vicinity under a contract with its management. In that way veterans of the World War to the number of 9,107 have been assigned to these so-called contract hospitals, and on January 31, 1922, they were distributed as follows: Tuberculosis patients 2,893, neuropsychiatric patients 4,236, and general and surgical 1,978.

CONTRACT HOSPITALS.

Therein lies the basis of the complaints which have been hurled against the Veterans' Bureau and against Congress that there are 9,000 soldiers of the last war who are distributed about the country in contract hospitals. For the care of these men the Government is paying out all the way from $3 to $5.50. In Saranac, where tuberculosis patients are assigned, the Government is paying $3 to $5.50 daily aside from their medical attention.

While it is regrettable that the Government has not the facilities to handle the hospitalization of patients in every case at points convenient to their homes, it is only fair to state that it had to meet conditions which could hardly have been anticipated. The number of surplus beds shows that the Government has the hospital facilities. The trouble is that those facilities are not distributed to the best advantage. It was to cure this defect that we passed the bill on March 30 authorizing an appropriation of $17,000,000 to enable the Director of the Veterans' Bureau to provide new hospitals to meet the situation. The bill before us is the result, and when it is signed by the President it will put $17,000,000 at the disposition of the Veterans' Bureau to build hospitals and sanitoria wherever needed.

THE PROBLEM OF LOCATION.

In deciding that question he has to confront a very difficult problem, chiefly in the location of the tuberculosis hospitals. While the experts say that that dread disease may be successfully treated near the sea, as well as in mountain districts, it is the consensus of opinion among the sufferers—often supported by their family medical advisers—that a high and dry situation is the more effectual. The experts may be right, but, however that may be, there is a deeply rooted conviction among those most vitally interested, namely the patients themselves, that they can obtain the surest relief by securing treatment in a high and dry climate. The psychological effect of this state of mind can not and should not be neglected. There is no sense in compelling a patient to combat his own prejudices as well as his physical and mental ailments. It is to be hoped, therefore, that the Director of the Veterans' Bureau, in the allocation of the hospitals to be built under this appropriation, will respect this attitude of the patients. The experts say that, for the treatment of tuberculosis, fresh air, pure food, rest, and proper medical supervision are the four vital prerequisites. The patients, and also frequently their doctors, say that the air should not only be fresh but dry. This is the bone of contention. The patients may in other ways have wet leanings, but in the matter of air they are "extra" dry.

New York City has put the expert view to the test by establishing a tuberculosis hospital at Sea View, Staten Island, overlooking New York Bay. It was started in 1905 to provide a place for recoverable cases who were averse to being treated a long way from their homes, out of reach of their families. It was recognized that the family tie was an important factor in promoting the peace of mind of the patient—itself one of the main prerequisites to recovery. The hospital has been treating tuberculosis cases since 1913, and, I am informed, has accomplished very satisfactory results.

SEA VIEW HOSPITAL.

When the Fox Hills Hospital was abandoned by the Veterans' Bureau, its patients, upward of 500, were distributed around to various institutions. Where the patients were averse to being sent to the West for treatment, an effort was made to find accommodations for them in the vicinity of New York, and 128 ex-service patients were sent to Sea View Hospital.

Since these men have been there I have received many complaints, mostly from friends of the ex-service men, and have read criticisms of the institution and of its management in the public press.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. LANGLEY. The gentleman from New York was formerly a member of the committee which reported the bill authorizing this appropriation?

Mr. GRIFFIN. Yes.

Mr. LANGLEY. The gentleman may be going to bring this point out, but I suggest that some of the hearings took place before the gentleman changed his committee assignment, and they indicated that most of the so-called surplus beds were not suited for the treatment of tubercular and neuropsychiatric patients.

Mr. GRIFFIN. I think I said that. I merely asked the question in order to emphasize the answer.

Mr. LANGLEY. As I understand the gentleman's attitude, he is opposed to contract hospitals?

Mr. GRIFFIN. Not at all. There is no way of handling the situation except to assign the men to the contract hospitals, and I am coming now to the Sea View Hospital in New York City, against which there have been hurled some very virulent and unjust criticisms. I received letters from former soldiers and their friends stating that the Sea View Hospital was a pauper hospital; that the food was cooked and served by tubercular patients; that the canteen of the hospital was operated by the superintendent for the benefit of himself personally; and that altogether the living conditions were unwholesome and unsuitable.

Last week I felt it to be my duty to examine the basis of these complaints and I made a personal visit to the institution. This is what I found: Upon an elevation, 400 feet above the sea level, the highest point, I am informed, on the Atlantic coast—I beheld an aggregation of the most magnificent structures that were ever designed anywhere in the world for the treatment of the ills of humanity. The buildings are gracefully spaced in a tract of 367 acres, with ample drives, walks, and shady groves.

I went down there expecting to behold a ramshackle structure, with perhaps a series of wooden dormitories unsuitable for the proper care of the sufferers. Instead, to my surprise, when the auto drove up to the entrance I thought for a moment that I was at the portal of some palatial hotel. The grounds are tastefully embellished, with an eye to beauty as well as to utility. There are pagodas and corridors, ample flowers and foliage, and the eight large ward structures reach out in a semicircle over a quarter of a mile in extent, so that every room in every ward of each of the structures is open to the sunlight all day long for the whole period during which the sun shines. I found the wards, halls, and corridors clean and orderly; the kitchen sanitary and in first-rate condition. There are four doctors, I was informed, assigned to the building devoted to the ex-service men. There are five wards in each structure, and each ward has three women nurses. I found the men apparently contented, with a few exceptions.

The tubercular patients are segregated in building No. 8, and each building of the series is separated from every other. Of the 128 patients in the War Veteran Building, perhaps 60 are ambulant; that is, able to walk around. For the ambulant patients there is also in process of preparation 12 splendid pavilions, the last word in the medical profession for the treatment of tuberculosis.

COMPLAINTS UNFOUNDED.

I am satisfied that many of the complaints and charges to which I refer were made without a personal examination of the institution. I believe it to be my duty to put on the record what my personal examination disclosed. My report may appear to be rosy, but I have the maps and pictures here, and I think they will bear out my statements—at least as to the magnitude, the generosity, and the scientific knowledge with which the establishment was planned.

The city of New York has spent $5,000,000 upon this undertaking. Perhaps size and expenditure are not so important to dwell upon, in view of the fact that there are only 128 patients of the Veterans' Bureau in the entire establishment. One of the criticisms, which I have just mentioned, is that the Veterans' Bureau patients are assigned to a pauper institution. This is unjust. The Sea View Hospital is not a pauper institution. A large number of the patients pay for their board and medical attention. The institution is free to those who can not afford to pay, but those who can afford to pay make compensation to the city for their keep. The only plausible basis for the charge is that on the westerly half of the tract—so far away from the hospital that I could see no sign of it—there is a home farm for the aged. There is no possible way for the patients of the hospital to come in contact with inmates of the poor farm, unless they go deliberately outside the bounds of their own establishment looking for something to worry about. But what they can not do their meddlesome friends can do, and having discovered the poor farm hidden away in the woods,

they have dragged it out from its seclusion and have given the soldier boys the idea that the atmosphere is polluted by the contamination of paupers right under their very noses.

I found the food plentiful, wholesome, and well cooked. It is not touched by any patient except the one who eats it. The evening meal on the day I visited the hospital consisted of roast beef, potatoes, bread and butter, cold slaw, tea, milk, and apples. There was no stinting of the portions.

There is a liaison officer assigned to the institution by the Veterans' Bureau—a Dr. R. W. C. Francis—a genial, kindly man who seems to have the interest of the soldier patients foremost in his mind. He inspects the kitchens before each meal, tastes the food prepared to satisfy himself of its proper character and preparation, and is at all times ready to listen to complaints and to see that the soldier patients are treated generously. That is what he is there for—that is the meaning of the term "liaison officer." The Veterans' Bureau pays the city for the treatment of the soldier patients, and Doctor Francis is assigned to the institution to see that they are treated kindly and properly.

There is a canteen attached to the institution. One of the complaints was that it was run by Doctor Kremer, the superintendent, for his own profit. The fact is, it is run by a board of officers, and the profits go toward the purchase of vocational educational supplies, moving pictures, and other comforts and conveniences for the patients.

Another complaint was with respect to leaves of absence or furloughs. The men and their families forget that they are patients under treatment. A very vital part of their treatment is rest, regular hours, and proper diet. If long or frequent leaves were permitted there would be a disturbance of their regular mode of life which would inevitably retard their recovery. A gentle discipline and regularity of living are just as essential to the welfare of the men as they are to the effective management of the institution.

The effectiveness of the treatment is shown by the results. In 1921 there were treated 2,414 patients; of these, 27 were completely cured and 732 were discharged on the road to recovery.

Of course, it is no pleasant lot in life for a young American to find himself an inmate of any institution where his liberties are curtailed, even though the restraints are established for his own ultimate good. But to make discipline bearable there are vocational studies provided—a commercial course, consisting of shorthand, typewriting, arithmetic, algebra, geometry, penmanship, French, commercial art, and mechanical drawing. In addition to this, instructions are given in lamp-shade painting, cabinetmaking, weaving, basket work, dyeing, toy making, metal work, bookbinding, and so forth. Those who do not want to study or work can read to their heart's content. There is a library of 3,200 volumes. Moving pictures are provided twice a week and a vaudeville show is given twice a month in addition to concerts and minstrel shows. On the whole the institution seems to be making a sincere effort to accomplish its purpose, and is entitled to support and encouragement instead of condemnation.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I shall not detain the committee, and I merely desire to have unanimous consent to revise and extend my remarks in the RECORD pertinent to this bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I desire to commend the committee for presenting this bill appropriating $17,000,000 for the erection of additional hospital facilities for ex-service men. It seems to me that if there is one duty that rests upon us more heavily than all others it is the duty to care for the disabled and the wounded soldiers of the World War. I believe that the Government should provide its own hospitals for the treatment of its veteran patients. While I am sure there are many private hospitals throughout the country in which good treatment could be secured, yet I am of opinion that the best results can only be obtained in Government institutions. Under private and independent management the Government can not in all cases fix the responsibility for the treatment of its soldier patients as it can in hospitals directly managed by those appointed by and under the control of the Government.

It has been said that republics are ungrateful. I trust that that charge shall never be justly and truly made by the wounded or disabled veterans of America against the Government and people for whom they fought. All that stands between this Government and destruction are the lives of those who are willing to serve it and are willing to fight for it.

There are now approximately 9,000 veterans being treated in private hospitals at Government expense. I am glad that the Veterans' Bureau intends to use the money appropriated in this bill to provide Government facilities to care for those 9,000 men. The Government must build and maintain hospitals large enough and numerous enough to treat every disabled or wounded soldier within the broad borders of this Republic. So far Congress has always placed at the disposal of the Veterans' Bureau all the money necessary for allowances, compensation, insurance, hospitalization, vocational training, and other activities of the Veterans' Bureau.

If there is a single disabled or wounded veteran anywhere who has not received what is due him by a grateful country it is not the fault of Congress. If fault there be, it belongs to those whom Congress has directed to execute the law and to whom has been given all the money which has been necessary to carry on the noble and splendid work of relief to the disabled defenders of America.

It is interesting to refer to a statement issued to-day concerning expenditures for Veterans' Bureau purposes.

The expenditures to April 1, 1922, specified, are as follows:

Military and naval family allowances	$298,815,000
Military and naval compensation	557,150,000
Insurance	23,000,000
Administration	53,896,880
Hospitalization	224,720,402
Hospital construction	47,095,000
Vocational training	469,123,370
Disposition of remains	33,473,782
Bonus allowance	248,682,200
Payments to beneficiaries of Army men and officers	10,495,000
Total	1,996,260,634

In addition to the above Congress has already appropriated for the fiscal year 1923 $406,088,842 for the above purposes, and it is probable that this sum will be increased. It is estimated that $500,000,000, or a half billion dollars, each year will be necessary for these purposes.

The number of former service men receiving vocational training is 108,200.

Other figures on wounded and disabled men are as follows:

Approximately 30,000 are now in hospitals.
The total number wounded is 208,528.
The total number discharged for disability is 251,916.
The Government is paying compensation on 50,420 death claims and 156,539 disability cases.
The amount paid last month for this compensation was $10,340,000.
The Government is paying insurance on 134,550 death claims and 6,299 disability claims.
The amount paid in war-risk term insurance last month was $8,454,069.17.
The commuted value of war-risk term insurance allowed by the Government is $1,326,985,835.70.

Whatever amount may be required to properly care for the wounded, disabled, and their dependents will be cheerfully provided by the American people.

Of the greatest importance, however, is the establishment of hospitals under the direct supervision of the Government in which the soldier and sailor can receive the finest possible medical and surgical attention and every comfort and convenience. In such a hospital, under Government control, the veteran may complain to his Representatives and Senators against the conduct of that institution or as to any mistreatment. Again I congratulate the House on its opportunity to enact this bill, and I trust that the Veterans' Bureau will be prompt to utilize these appropriations in providing hospital facilities which Congress has made it possible to provide, and I trust that it may be a little more diligent in this respect than it has been in some other of its activities. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we have heard quite a bit this afternoon in regard to the very important question of Treasury deficits—suggested, probable, and improbable. I do not think anyone can say definitely or with assurance at this time just what the condition of affairs may be in regard to our revenues and expenditures for the present fiscal year, certainly not for the coming fiscal year. It is quite proper from their standpoint that the Treasury, in estimating the condition of their balances, shall charge up all of the outgo, whatever the purpose of expenditure may be; but in making up balances of income and outgo fairly, we should not charge up against current revenues large sums expended on war obligations and to reduce the sum total of the public debt. So far as the current expenditures are concerned—that is, expenditures for purposes necessary to the maintenance of the Government and its establishment this year as compared with current revenues—there will be quite a considerable favorable balance; and that,

in my opinion, is likely to be the case for the coming fiscal year unless we shall assume obligations not assumed up to this time.

The overhang of the war has been greater and has continued longer than we anticipated. It is not fair to charge it against the current revenues. At this distance from the days of war the people should not be expected to pay out of current revenues on the war debt and the war obligations, except to the extent necessary to meet interest charges and the obligations of sinking-fund arrangements. From that viewpoint and on the basis of that policy our Treasury is in a most excellent condition. I want to thank the gentleman from Indiana [Mr. DUNBAR] for the very valuable contribution he made to the facts with regard to the situation.

Mr. Chairman, with regard to the bill before us, I am sure we are all glad to have the opportunity of making abundant provision—and it seems to me that it is abundant provision—for the care of the disabled veterans of the World War. The country has been very generous in its treatment of these men. It should be; it should continue to be. And these hospitals should be erected and extended until we shall have sufficient beds in Government-owned hospitals to meet the need of the injured and incapacitated men of the late war.

Having read with some care the statement made before the committee by the Director of the Veterans' Bureau and officials of that bureau and the statement contained in the report of the committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. May I have two minutes more?

Mr. MADDEN. I yield two minutes more to the gentleman.

Mr. MONDELL. I am reminded that we should remember that these estimates of the place of expenditure are wholly tentative. My opinion is that it will be found that the expenditures should be and will be made in somewhat different proportion as to districts than indicated by the suggestion made to the committee.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MADDEN. These are not suggestions. They are only information that we obtained, and we put it into the report for the information of the House.

Mr. MONDELL. I am not criticising it at all.

Mr. MADDEN. I am sure about that; but I want to say to the gentleman that they are not suggestions, and it is simply carried in the report as a matter of information.

Mr. MONDELL. I am told they embody, in a general way, the views of the officials of the bureau—that is, the medical staff of the bureau—at this time as to the probable distribution of the funds. It strikes me as altogether likely that after the matter has been further considered and the plans have been approved by the President, the distribution may be somewhat different than suggested in the testimony given to the committee. At any rate, Mr. Chairman, we are hopeful that the money will be wisely expended and the hospitals started and completed at an early date. That is all-important. The construction of hospitals under the appropriations last made for these purposes has been scandalously slow, and if the Veterans' Bureau can carry on these building operations with good judgment, promptness, and economy they will have made a most enviable record. I hope they will make such a record.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Texas makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, this bill reported by this committee is for the purpose of carrying out the law passed some time ago known as the Langley law. In other words, the first bill we passed carried $18,500,000, and of that amount perhaps 50 per cent is not yet expended, and this $17,000,000 is to supplement that amount of money, which makes available for this and the coming fiscal year $35,500,000 for hospitals to care for disabled soldiers. I think the committee acted wisely in making available at this time only $12,000,000 of the $17,000,000, because the authorities felt that that is all they could use within the next and current fiscal year. But in order that there might be no embarrassment about it the committee authorized contracts to be made to the full limit of $17,000,000.

Mr. Chairman, there is one thing that is noticeable to me in the House and in the Senate, as well as throughout the entire country, and that is that whatever objection there may be on the part of the citizenship of the Nation or the individual Member of Congress or of the Senate as to a bonus bill to pay able-bodied soldiers, I do not know of a single Member of the House or a Member of the Senate, nor have I heard a word of objection from the citizenship of America, objecting to taking care of the lame and halt and blind and those that have received any sort of injury by virtue of their military service. I am willing to go the limit to care for those that are crippled or who have suffered physical ailments by reason of their service in the Army here or in France.

It shows a splendid attitude on the part of the people of America and on the part of their Representatives toward those who were willing to serve their country and who by virtue of that service were injured. I think that is the highest test of real good citizenship on the part of our people when the man that served his country or attempted to serve his country and lost an eye or a limb or his health finds such a unanimous vote among all the people of America to care for the boys disabled by service in war and when they all answer, "You have served your country and by doing it you have lost some of that ability which you had to care for yourself in the battle of life; we will now step in and supplement your energies and efforts because you have been impaired in your earning capacity by serving us." It is fair, it is just, it is right; and in that there is no difference of opinion. There is no political division along this line. It is absolutely nonpolitical, and nonsectional, and nonsectarian. Everybody in America wants to do the right thing for the lame, the wounded, and the injured soldier. [Applause.] As a member of this subcommittee I was glad to help make up and report this bill and trust that it will pass just as we reported it.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The gentleman from Oklahoma is recognized for one minute.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by ex-Governor Haskell, of Oklahoma, before the Oklahoma Society in New York.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. CARTER. Mr. Speaker, under leave given me to print, I submit herewith the address to the Oklahoma Society of New York, made by ex-Gov. Charles N. Haskell, which was done at the request of Hon. Scott Ferris. Mr. Haskell said:

Near 90 years have passed since the sages in our American Congress met and solved the question as to the immediate future of the Five Civilized Tribes of American Indians. Then the Cherokees, Creeks, Choctaws, Chickasaws, and the Seminoles inhabited their various reservations in the Southeastern States, adhering to their choice of community ownership and community mode of life. These had become objectionable to the surrounding white settlers, and demand was made upon Congress to negotiate with the Five Civilized Tribes to the end that these reservations might be obtained for settlement by white people and by communities in harmony with the white man's idea of land ownership and government.

SECTION ONCE CALLED REMOTE.

Looking about to effect a new treaty with the Five Civilized Tribes, Congress looked to the uninhabited region of the extreme Southwest. Then the Red River was the border line between the Empire of Mexico and our own Republic. Then the Empire of Mexico extended northward almost to the mouth of the Columbia River, and our own Pacific coast line was little more than 500 miles extent. The present State of Kansas and all States to the north and west thereof did not exist and their areas were but the home of the wild Indian and the wild coyote. Denver, Kansas City, Omaha, St. Paul, and numerous other now prosperous cities were unknown to the map of our country. The area from southwest Missouri and western Arkansas to the Mexican boundary line was practically uninhabited except for roving bands of wild Indians. And in view of the present populous, refined, and developed condition of that area to-day it may be remarkable and hardly complimentary to the foresight of the sages of 1833 when we find the most notable statesmen of our American Congress approving the contemplated adjustment of territorial difficulties with the Five Civilized Tribes wherein they say, "This area is so remote from the habitation of civilized people that in giving it over to the Five Civilized Tribes it will remove them so far away as to avoid any controversies in the future between them and any white neighbors."

Thus it was done, and the great Indian Territory, covering approximately 70,000 square miles, for the purpose of both home creation and Government policy, was ceded to the Five Civilized Tribes. They became its inhabitants, established their homes, established their government, and during the succeeding fifty odd years made such

progress in education, in religious endeavor, in home building, and local government as to do credit to the people of any country.

BEGINNING OF CIVILIZATION.

But this was the beginning of civilization in this area, and by 1889 the prophecies of congressional sages before quoted had been most emphatically refuted. Contrary to that prophecy, in little more than 50 years the tribes became completely surrounded by well-organized, prosperous, and populous States. The Empire of Mexico had been compelled to withdraw its border lines, leaving room for the Empire of Peace on the south, and this extended the United States direct to the Pacific, whereon our coast line had been extended more than 1,000 miles.

And again Congress was confronting the old controversy; that is, shall there exist in this country a government within a government and civilized but nonetheless people of such distinct difference as to make harmony of action impossible? The Five Civilized Tribes, removed from the South Atlantic States to this new country still maintained their community policies, community ownership of lands, and distinct form of government. The end of this condition was in sight. Our country had no more remote and uninhabited areas to offer in exchange. Dismembering these independent governments, shaping the policies of their people to harmonize with the general policies of the United States, first the sparsely settled areas of the western part of the Indian Territory were acquired from the Five Civilized Tribes by Congress and opened to settlement. The Territory of Oklahoma was formed and these lands released to the Government by the Five Civilized Tribes were made subject to settlement.

This may be termed the beginning of the creation of a new Commonwealth and affording opportunity for home building by people of our country.

THE DAY OF AWAKENING.

This brings us to the beautiful April morning 33 years ago, when the Great Creator may be said to have finished his part of the work and presented it to humanity as man's opportunity to enjoy and develop God's bountiful blessings. This was the day of transformation. The sun rising in all its glory, lighting the way over boundless prairie more beautiful by the verdure of spring. Countless seasons had come and gone thereof to this with the waving grass and flowers bloom kissed by the morning sun, an invitation to the hand of industry and the ambition of all who would build for themselves, their children, and their children's children, habitations of comfort and happiness. But it was reserved for this pastoralne spring morning to announce that the moment had arrived when God's benevolence should become man's opportunity. Thousands were in line waiting, the signal was given, and from that moment to this we must account for our own stewardship.

Until 1907 the dismembered Indian Territory continued a separate governmental existence, the western area as organized Oklahoma Territory, and the eastern area remained as the home of the governments and the people of the Five Civilized Tribes.

Then November 16, 1907, the final elimination of the governments and policies of the Five Civilized Tribes. They then became citizens of the United States and their areas became a part of the United States, subject to our uniform plan of government. The two Territories were united and the proclamation of the President proclaimed the forty-sixth State of the American Union, the State of Oklahoma; the "baby State," so called, for all last admitted States are baby States. But babyhood came into the American Union as a State without a precedent. By special federal census of that time the new State showed a population of 1,411,000 people, more than four times the population of any other new State ever coming from territorial government to statehood, and although forty-sixth in number that morning, it ranked as the twenty-third State in population; the seventeenth State, according to Federal statistics, in wealth production; the ninth State in railroad mileage operated within its borders; the fifth State in cotton production; the eighth State in wheat and corn production; the second State in oil production.

SOME OF THE PROBLEMS.

With this important standing in population and commerce the new State of Oklahoma was embarrassed from the fact that all of the Indian Territory area was without municipal, county, or district organization, and with the advent of the new State there was also the advent of 45 new counties whose organization began with the organization of State government. With the immense population and the immense property interests there was corresponding immensity of controversy by strong interests all seeking to get the best of constitutional provision and governmental policy. There was the usual demand for education and eleemosynary institutions, but in the face of all of these conditions the new State was blessed with a population the overwhelming majority of whom were for the welfare of Oklahoma first and above all other considerations. For one, I remember with deep gratitude and sincere affection that love for their new State made our people patriots before they were partisans, and by this harmony of action and almost universal cooperation the strenuous work of State organization was made easy and results were produced at such an economic cost as to stand almost without precedent on any hand.

But government, we are reminded by past observations, will be what the people make it, and we must be mindful of the fact that domestic comfort and domestic happiness are based largely upon the results of government. If our government is oppressive, you can easily count the days when individual and family life will become but a sullen, dissatisfied, and disorganized condition. We hope to see Oklahoma become from year to year a State of great consequence, great prosperity, and great happiness.

STATES OUR COMMUNITY.

But States of this Union can not pursue distinctly different policies nor enjoy distinctly different results. There is that community of interest among all our States that makes harmony of action indispensable. One State can not long enjoy comfort and happiness when other States are denied these blessings. But while we thank the Great Creator for the opportunities by Him provided to make this, the so-called land of liberty, and home of the free, at the same time the home of plenty and the home of happiness, from that point we must take upon ourselves the responsibility for government that will avail our people of these opportunities. We do not need to look into the future for plans of government. Our forefathers of policy. The teachings of our noted and revered men of the past are a sufficient guide for the present if we are mindful of what they have said. If this land of ours is in fact to be longer styled the land of liberty, let us realize that a minimum of centralized government and a maximum of local self-government must be the basis. We must realize that individual respect for the laws and governmental policies of our country is absolutely essential to the development of individual patriotic sentiment and love of country in the minds and the hearts of our people. That happiness can not abide in any land where man oppression so depletes the home production as to deprive that home of reasonable provision for comfortable maintenance. With these three propositions before every citizen of our United States we may as well calmly and intelligently analyze our present policies and conditions and the results thereof.

Of the invasion of individual rights and the sacred privilege of local self-government, President Washington warned us: "For this, though it may in one instance be the extreme of good, is the original weapon by which free governments are destroyed."

RESPECT TO TERRITORY.

Quoting our Abraham Lincoln, he said: "To maintain inviolate the right of the States to order and control under the Constitution their own affairs by their own judgment exclusively, such maintenance is essential for the preservation of the balance of power on which our institutions rest."

Fellow citizens, do we realize that in recent years by our own voluntary vote and act we have so completely surrendered the affairs of government into the hands of the theorist and the dreamer, whose good intentions have not been blessed by the guiding hand of practical experience; that such declarations of patriotic and manlike leaders as Washington and Lincoln have been forgotten and their policies so completely subordinated that our recollection of them, if they be but a dream of years ago; that the terms "inherent right of the citizen," "individual privilege of the citizen," "local self-government by the local people," are things of yesterday not countenanced nor enjoyed to-day? That legislative activity has completely eliminated the sacred, inherent right of the individual, and centralized government completely restricts and overwhelms local self-government?

For a time the judiciary of our country was the bulwark of defense against these invasions. And let us not be blind to the fact that to-day the judiciary is constantly yielding its solemn privileges and duty to legislative invasion, and the rights of the individuals and the community that were sacred yesterday are forgotten and denied to-day. And this restrictive policy brings with it attendant extravagance in government and evil in administration.

62,000 SPIES IN UNITED STATES PAY.

Less than a quarter of a century ago, in the greater enjoyment of individual rights and of local self-government, our Federal authorities found it necessary to have upon the pay roll of the Federal Government fewer than 200 sleuths and special agents and inspectors to aid in the enforcement of Federal laws. Will any one defend the policy of the Federal Government which to-day employs more than 62,000 inspectors, sleuths, and inquisitorial agents to dog the footsteps of him who should be, in the exercise of his constitutional rights, enjoying the hitherto dignity and freedom of an honest American citizen? Such policy is an invasion of the inherent rights of the American citizen, of the rights of the local people to self-government, and of the rights of the country to limit its taxation to public necessity.

We regret that limited time on this occasion does not permit us to go into greater detail. We are but adding our voice to the note of warning that others are sounding throughout the land. In the exercise of individual business sense no argument is required to sustain the assertion that prosperity and comfort can not result from the reckless expenditure of two dollars where but one is earned. Apply this, if you like, to private life or to public affairs and the rule is equally true. Yet our country has blindly and recklessly hewled along until $8,000,000,000 will not meet the demands the taxing authorities will make in the year 1922 on the wealth-producing class of our country. From the districts up to the State authorities, inclusive, approximately one-half this enormous expenditure will be required. The federal authorities will exact as much more, and it matters not by what ingenious device this sum may be levied—whether by direct taxation or other demand, it matters not—it must all come from the producing element of our people. Against this enormous demand the entire crop products of the United States, which, in fact, is our great wealth-producing resource, will not provide this amount; indeed, we would find a deficiency of more than $1,000,000,000.

AN ORGY OF EXTRAVAGANCE.

What brought about this wild orgy of extravagance? Let us not be partisans when the needs of our country call for patriots. All political parties that have participated in the affairs of government for the last 30 years have their own share in the responsibility for this unfortunate condition. We recall the occasional warning by those who had the courage to cry out against the pork-barrel policy of legislative conduct—that is, the assembling of votes to enact legislative propositions, whether in the State legislature or the Federal Congress, wherein mutual aid was the result of mutual voting.

Unmindful of the sacred right of the taxpayer to have the demands for revenue limited to actual necessity, the pork-barrel policy aimed to build personal popularity and perpetual tenure of office for those participating therein. But the evil has been split all political parties have their share in the disastrous results, and all political parties owe it to the sacred rights of our people and the future glory of our country to right these wrongs and return to a policy of economic government so well within the ordinary capacity of our people that mortgages will not be the only possible opportunity for prosperity. Indeed, it is a condition and not a theory that confronts us.

But the other day I heard a substantial, honorable citizen speak of recent service as a grand juror, saying: "We, the grand jury, decided as a policy not to indict those charged with violation of certain of our sumptuary Federal laws, excepting only those charged with a certain class of offenses."

Fellow citizens, do you realize the meaning of this statement? Simply this: The grand jury, feeling the extreme impropriety of the law enacted by Congress, had taken it unto themselves to be the lawmaker as well as the law enforcer.

A DANGER TO THE REPUBLIC.

There is the most imminent danger in the enactment of laws, whether they be to restrict individual conduct and limit inherent rights, or whether they be to bankrupt the taxpayer by enacting more revenue than he can earn, or whether they be to collect these revenues by such extravagantly expensive and inquisitorial methods—they all make for a condition of the public mind destructive of love for the country. These only produce can be a general disrespect for law destructive of patriotic sentiment. Nor should we deceive ourselves nor fail to sleep the thoughtful and conscientious citizens who, too, in time, will join in

general condemnation of the policy to centralize government, disregard inherent rights of individuals, and bankrupt our country. And the day is not in the dim distance when popular clamor will demand these essential reforms.

These evils exist. Why delay return to the policies of government contemplated by our Constitution and to economic government that recognizes that home building and home furnishing is a more sacred demand upon the fruits of industry than unwarranted extravagance in the government of the District, State, or Nation?

But these reforms are not automatic. They may not be realized without popular demand. Nor may we depend upon those who have brought about these conditions to effect these reforms for us. I appeal to every citizen in the State of Oklahoma, as well as to those who are sojourning in this distant city, to disregard every selfish political sentiment and unite their efforts in solid phalanx and with unwavering determination to effectuate a complete return to the just recognition of inherent rights of the individual and complete return to local self-government wherein the community may express its wishes for local administration as distinctly, if desired, in the different localities as the climate of Florida may be distinct from the climate of Minnesota. Recognising that the will of the governed should not be overcome by majorities entertaining different views, but inhabiting vastly different localities with different needs and different desires; recalling the language of Senator Sherman, of Ohio, when he said, on the subject of specie payment: "The way to resume is to resume." And I say, with like determination, in the wild governmental extravagances, that the way to retrench, by the eternals, is to retrench, and begin retrenching the instant you find retrenchment necessary to the comfort, yes, to the life and living now apparent throughout the land.

WOULD LIMIT EXPENDITURES.

Our official agencies having the power to disburse public funds and declare appropriations to that end have no more right than the weakest citizen to incur obligations that are beyond the earning power of our people to pay. Limits must be fixed beyond which appropriations shall not pass, and when these principles on the three subjects heretofore outlined have been established and recognition enforced, you may then expect to hear with fervor and the deepest reverence again being proclaimed throughout our land: This is the land of the free, the cradle of liberty, where individual rights are respected—government of the people and by the people recognized in every separate State of the Union—and where he who toils may surely and safely expect to reserve for himself and his family for their comfort and happiness a fair share of the fruits of his industry.

The CHAIRMAN. The Clerk will read.

The bill was again read.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill with favorable recommendation to the House.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise and report the bill with favorable recommendation to the House. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11547) making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau, had directed him to report the same back with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON of New Jersey, for one week, on account of important business.

ADJOURNMENT OVER UNTIL MONDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until Monday, May 8, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

590. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination and survey of Neuse and Trent Rivers, N. C., with a view to securing a channel depth of 12 feet in Neuse River up to New Bern; thence a depth of 12 feet in Trent River up to Polloksville and 8 feet up to Trenton (H. Doc. No. 290), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McFADDEN: Committee on Banking and Currency. S. 2775. An act to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An Act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; with an amendment (Rept. No. 981). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND of Indiana: Committee on Labor. H. R. 11022. A bill to establish a commission to inquire into labor conditions in the coal industry; with an amendment (Rept. No. 984). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11452. A bill to appropriate $1,000,000 for the purchase of seed grain and live stock to be supplied to farmers in overflowed areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; with amendments (Rept. No. 987). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 11528. A bill to allow credits in the accounts of certain disbursing officers of the Army of the United States; with an amendment (Rept. No. 980). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 8553. A bill for the relief of D. V. Bussie; with an amendment (Rept. No. 983). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 7322. A bill for the relief of John F. Homen; with an amendment (Rept. No. 985). Referred to the Committee of the Whole House.

Mr. REED of New York: Committee on War Claims. H. R. 9944. A bill for the relief of Vincent L. Keating; with an amendment (Rept. No. 986). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 11545) for the relief of Warren & Cribbs, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 11559) to authorize the addition of certain lands to the Sawtooth National Forest; to the Committee on the Public Lands.

By Mr. LANHAM: A bill (H. R. 11560) to provide for the establishment in the State of Texas of a subsidiary fish-cultural station to the San Marcos, Tex., fisheries station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORE of Ohio: A bill (H. R. 11561) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLINTIC: A bill (H. R. 11562) extending the operation of the immigration act of May 19, 1921, and amending section 2 and section 12 of the act of February 5, 1917, regulating immigration of aliens, aliens to, and residence of aliens in the United States; to the Committee on Immigration and Naturalization.

By Mr. VOLSTEAD: A bill (H. R. 11563) to amend paragraph 24 of section 24 of the Judicial Code, as amended December 21, 1911; to the Committee on the Judiciary.

By Mr. CLOUSE: A bill (H. R. 11564) authorizing the erection of a public building in the city of Watertown, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. MILLS: A bill (H. R. 11565) to amend the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921; to the Committee on Foreign Affairs.

By Mr. MILLSPAUGH: A bill (H. R. 11566) appropriating $50,000 to the Gregory Drainage District, in Lewis and Clark Counties, Mo., for losses sustained by flood; to the Committee on Appropriations.

By Mr. EDMONDS: A bill (H. R. 11567) to amend the act of February 13, 1893, entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property"; to the Committee on the Merchant Marine and Fisheries.

By Mr. COLTON: A bill (H. R. 11568) to provide for the erection of a public building at Price, Utah; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRIGGS: A bill (H. R. 11569) for the relief of the United Dredging Co.; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 11570) authorizing the Secretary of War to donate to St. Johns Military Academy, Delafield, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 11571) for the relief of the Clyde Steamship Co., of New York, N. Y.; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 11572) to entitle Edward C. Scovel and Mary C. Scovel to receive the benefits of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Indian Affairs.

By Mr. McPHERSON: A bill (H. R. 11573) for the relief of Jacob Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 11574) granting an increase of pension to Rhoda A. Savage; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 11575) granting an increase of pension to Mrs. L. R. Standley; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 11576) granting a pension to Jennie J. Dickey; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11577) granting a pension to Elmira Parisoeur; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5470. By Mr. ANDREW of Massachusetts: Petition adopted by Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, favoring personnel of 86,000 enlisted men for the Navy; to the Committee on Naval Affairs.

5471. Also, petition of Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, favoring enlisted strength of 150,00 enlisted men for United States Army; to the Committee on Military Affairs.

5472. By Mr. COOPER, of Ohio: Memorial of the Presbytery of Mahoning Presbyterian Church, indorsing Senate Joint Resolution 21, authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5473. Also, memorial of the Presbytery of Mahoning, Presbyterian Church, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5474. Also, memorial of the Presbytery of Mahoning, Presbyterian Church, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5475. By Mr. GENSMAN: Petitions of 37 residents of Jefferson County, Okla., protesting against the enactment of House bills 9753, 4388, and Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5476. By Mr. KISSEL: Petition of the Grain Trade Association of San Francisco Chamber of Commerce, San Francisco, Calif., for light wines and beer; to the Committee on the Judiciary.

5477. Also, petition of the United Mine Workers Journal, Washington, D. C., relative to certain publications on the subject of labor; to the Committee on Labor.

5478. By Mr. MEAD: Petition of Bommer Bros., Brooklyn, N. Y., urging support of the Jones-Miller narcotic bill; to the Committee on Ways and Means.

5479. Also, resolutions adopted by the Salesman's Association of the American Chemical Industry, New York City, urging the adoption of the tariff schedules based on American valuation; to the Committee on Ways and Means.

5480. Also, petition of the Gonzeo Co., of New York City, opposing the increase of 60 per cent in the tariff on Cuban sugar; to the Committee on Ways and Means.

5481. Also, petition of the Civil Service Forum, New York, urging the passage of S. 2262 and H. R. 9756, to increase the salary of customs laborers to not more than $1,200 per annum; to the Committee on Ways and Means.

5482. By Mr. BAKER: Petition of Paul Rieger & Co., of San Francisco, Calif., protesting against the continuation of the dye and chemical control act as far as it relates to the handling of perfume materials; to the Committee on Ways and Means.

5483. Also, petition of the California Federation of Women's Clubs, by Mrs. William A. Fitzgerald, president, indorsing the minimum estimate of $90,000 for the conduct and maintenance of hostess houses, in the Army appropriation bill; and petition of the California State Automobile Association, by C. C. Cottrell, San Francisco, Calif., urging additional appropriations for Federal aid for forest roads; to the Committee on Appropriations.

5484. Also, petition of Mare Island Local, American National Association of Supervisors, Vallejo, Calif., urging support of House bills 10907 and 11212; to the Committee on Reform in the Civil Service.

5485. By Mr. SMITH of Michigan: Petition of 13 residents of Eaton Rapids, Mich., protesting against the passage of House bill 4388 providing for the regulation of Sunday observance by civil force under penalty for District of Columbia; to the Committee on the District of Columbia.

5486. By Mr. SNYDER: Petition of F. W. Cristman, Charles J. Hartigan, Herkimer, N. Y.; Claude Temple, G. Minch, Humphrey Griffith, E. G. Ireland, A. W. Pickard, and F. A. Schump, Utica, N. Y., favoring the passage of the Chandler pension bill (H. R. 9198) increasing the pensions of volunteers serving in the war with Spain or China or Philippine expeditions; to the Committee on Pensions.

5487. By Mr. TAGUE: Resolution adopted by the Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, for the maintenance of the United States Navy on the 5-5-3 ratio with Great Britain and Japan, respectively; to the Committee on Naval Affairs.

5488. Also, resolution adopted by the Massachusetts Commandery of the Military and Naval Order of the Spanish-American War, protesting against the reduction of the numerical strength of the United States Army below 150,000 men; to the Committee on Military Affairs.

SENATE.

SATURDAY, *May 6, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McCormick	Robinson
Ball	Gerry	McCumber	Sheppard
Borah	Glass	McKellar	Simmons
Brandegee	Gooding	McKinley	Smoot
Broussard	Hale	McLean	Spencer
Bursum	Harreld	McNary	Stanley
Calder	Harris	Moses	Sutherland
Capper	Harrison	Nelson	Swanson
Caraway	Heflin	Newberry	Townsend
Culberson	Hitchcock	Nicholson	Trammell
Cummins	Johnson	Norris	Underwood
Curtis	Jones, N. Mex.	Oddie	Walsh, Mass.
Dial	Jones, Wash.	Overman	Warren
Dillingham	Kellogg	Page	Watson, Ga.
du Pont	Kendrick	Phipps	Watson, Ind.
Frazier	King	Poindexter	Willis
Fletcher	Lodge	Pomerene	

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present.

MR. BORIS BAKHMETEFF, RUSSIAN AMBASSADOR (S. DOC. NO. 206).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, transmitting, for the consideration of the Senate, a statement received by the State Department from Mr. Boris Bakhmeteff, the Russian ambassador, in regard to transactions recently brought into question in debate in the Senate, which will be printed and lie on the table.

Mr. BORAH. Mr. President, during the discussion upon Thursday of the Semenoff and Bakhmeteff matters two questions were asked concerning which I did not have definite information at that time.

The first was whether Semenoff was in the city of Washington. The opinion seemed to prevail that he was not here, but was only in New York; that is to say, went directly to New York from the West. I find, after consulting the papers here, that he was in Washington three days. The Washington Star and Times of Washington of April 1 and April 3, local news, disclose the fact he was here Saturday, April 1, 1922. They announce the arrival of General Semenoff in Washington. The Sunday Times of April 2, 1922, tells us that he was at the Russian Embassy, and went from there to the State Department on April 1, 1922, where he was received by the officials of the Russian division. This local news item statement, however, says that he did not see Secretary Hughes, but only the representatives of the State Department in the Russian division. Semenoff, after being here some three days, went to New York upon April 4, and was there arrested when he stepped off the train.

The second question which was asked was whether or not our Government had ever been notified by the soviet government of Russia with reference to Bakhmeteff, and whether or not they had ever been notified that he was no longer ambassador for that government or for any government in Russia. On December 19, 1917, it appears from the press notices, both in this country and abroad, that "the soviet government of Russia notifies Mr. Lansing that it has dismissed Boris Bakhmeteff from its service, and that he is at this time a refugee and no longer representative of Russia." I understand this notice was delivered to Mr. Francis, and by Mr. Francis formally transmitted to our State Department.

The PRESIDENT pro tempore. The Chair is advised that the Secretary of State requested that the communication just laid before the Senate should be read. If there be no objection, the Secretary will read the communication from the Secretary of State.

The reading clerk read as follows:

DEPARTMENT OF STATE,
Washington, May 6, 1922.

The VICE PRESIDENT,
United States Senate.

MY DEAR MR. VICE PRESIDENT: I have received from Mr. Boris Bakhmeteff, the Russian ambassador, the following statement in regard to the transactions which, it is understood, have recently been brought into question in debate in the Senate:

"The United States Treasury advanced to the provisional government of Russia the sum of $187,729,750. Most of that money was spent by the government before its fall. Following the overthrow of the government, an arrangement was entered into with the Department of State and the Treasury by which the remainder of funds derived from the United States credits, as well as all other available funds on Russian Government accounts in this country, irrespective of their source or previous destination, were segregated into a special liquidation fund. The purpose of this fund was to liquidate Russian liabilities in the United States. Disbursements of this fund were made with the consent of and in cooperation with the United States Treasury. Complete accounts were rendered to the last penny of the disbursement of this fund. It may not be out of place to recall that the Senator who led the discussion was a member of a Senate committee which on April 14, 1920, rendered a report to the Senate on Russian propaganda, which report reads, in part, as follows:

"'The Department of State furnished full documentary evidence dealing with the disposition of moneys which had been advanced to earlier Russian governments from the Treasury of the United States and with which purchases of war and industrial materials had been made in this country. In this connection Martens, in his testimony, had given the committee to understand that a misappropriation of American money had taken place. His testimony on this point, however, was of a most cursory and hearsay nature; and the documents furnished by the State Department and contained in the record provide a complete accounting for all these moneys and materials purchased therewith. From these documents it appears, also, that the maintenance of the recognized Russian Embassy in this country and the carrying on of its related activities are provided for by funds accruing from a loan privately negotiated in this country and in England.'

"In the Senate discussion it was asserted that the Russian people have never received any benefit from any part of this money. The funds were used for the benefit of the Russian people, to maintain the honor and the dignity of the Russian nation by discharging obligations which Russia had incurred to citizens of the United States. As the report of the Senate committee states, no money was used for the maintenance of the Russian Embassy.

"In the course of the discussion in the Senate it was remarked that money paid for the purchase of materials from the Russian Provisional Government were not credited to the Russian account with the United States. Such moneys were deposited in the liquidation fund, the expenditure of which was under the control of the Treasury Department.

"It was intimated, if not charged, that if improperly used money derived from United States credits even to the extent of purchasing real estate and of fraudulently taking title in the name of a corporation, the Treasury controlled the distribution of funds and naturally would not allow such disbursement. Not only did I not acquire real estate in the city of New York or in the city of Chicago with United States funds but I never acquired any real estate in any city with any funds, neither in my own name or in the name of any corporation or under any guise whatsoever.

"The reference made to a Greek priest leads me to guess that the matter is probably connected with the Russian Orthodox Church in North America. As it is well known, Russian Church affairs in the United States have been in a deplorable condition since the Bolshevist revolution. Various factions existed within it. Charges and counter-charges were made. Appropriations which in the past came from the Russian Holy Synod having been discontinued, the material condition slided into a state where church properties were in danger of being lost and the dignity of the church molested.

"To protect church properties from foreclosure and from loss a private corporation known as the 'Russian Church Relief Corporation' was organized by a group of Russian individuals devoted to church affairs. The papers of the corporation were duly filed in public offices. No financial assistance, however, was given to the corporation from American or any other liquidation funds. In its efforts to conserve church property the corporation acquired and became the holder of certain real estate. The corporation, I am informed, is being conducted solely for the benefit of the Russian Church and for the sole object of conserving its material interests in this country.

"There is also another corporation organized for charitable and humanitarian purposes which is known as the 'Russian Aid Society.' The papers of the society are also filed in public offices. The purpose of the society is to assist Russians who have been left stranded in this country and who find themselves in dire want. I am informed that this corporation holds part of its fund invested in real estate. No financial assistance has been obtained by the Russian Aid Society which in any way derives from United States Treasury funds.

"I have no interest whatsoever in the stock or in the real estate of these corporations. They are entirely private bodies.

"During the discussion much was said about General Semenoff and, unless I misread, an effort was made to make it appear that I am responsible for him in this country, that I sympathize with his activities and plans, and that in some way or other I am associated with him and have given him assistance. Such statements are gratuitous. The State Department knows that I have had no connection with General Semenoff and am not associated with him in any way. As a matter of fact, I knew nothing of his intended visit to this country. I never and know nothing of Semenoff's plans. It is true that Semenoff called on me. Practically every Russian, other than those who favor the restoration of the old régime or are in sympathy with the Bolsheviks, calls at the embassy when they visit Washington. I communicated to the Department of State the circumstances under which I received Semenoff and of the valuable information I obtained from him with respect to conditions in the Far East.

"In the course of the discussion the question was raised of my willingness to state facts. As I have on many occasions indicated to the department, I am only too glad to give all possible information relating to my activities which the department might ask me for. I have nothing to conceal. Moreover, in so far as the use of funds is concerned, most detailed and full accounting is on file with the Treasury Department."

I have the honor to remain, my dear Mr. Vice President,

Very sincerely yours,

CHARLES E. HUGHES.

Mr. BORAH. Mr. President, I merely desire to say a word at this time. It does appear now that Mr. Bakhmeteff received $187,000,000, speaking in round figures. That is plain and quite beyond debate. I have examined and reexamined the so-called report which purports to account for this $187,000,000. I have examined the report in connection with people who understand figures and accounting better than I do. I am, however, wholly unable to understand what has become of at least $78,000,000 of that money. The letter which has just been read at the Secretary's desk makes no explanation of that matter at all; that is, it gives us no details. I will take this matter up later.

It would appear that, through some modus operandi and the establishment of what is called a "liquidation account," a part of this money at least was used in settling claims against the Russian Government; but those claims, if they existed, existed against a government which had disappeared. It is very difficult to understand how Bakhmeteff could adjust those claims. That is precisely what I want to get details about, details we have never been permitted to have.

However, this fact is true, Mr. President. If Bakhmeteff could adjust the claims of individuals, he could adjust the claim of the Government of the United States. If he had the power to adjust claims against the pseudo government which he had assumed to represent, there would have been no difficulty at the time that the Government of the United States was purchasing back the property which he had purchased with the money loaned in adjusting that matter.

I take it, Mr. President, that this matter could be made much plainer, more explicit, and more satisfactory to everybody if Mr. Bakhmeteff, instead of communicating to the State Department, were to appear before a committee of the Senate and permit himself to be cross-examined.

Secondly, Mr. Bakhmeteff says he knows nothing about Mr. Semenoff; that he did not know that he was even going to visit this country, and knows nothing about his plans, and so forth. It does appear, however, that Semenoff visited him and that Bakhmeteff acquired some very valuable information about conditions in the Far East. In view of the murderous activities of Semenoff in the Far East, of his attack upon American soldiers, of his murder of helpless citizens, of his establishing and maintaining a slaughter pen, it would be more interesting and more satisfactory and more conclusive

if Mr. Bakhmeteff would appear before a committee and inform them just what the conversation was between this pseudo ambassador and the murderer from Siberia.

It is not satisfactory, in my judgment, to anyone other than one who is willing to surrender his views to the dictation of a bureau or to accept the unsworn statement of the party interested to have a man write a letter under such circumstances and say that his associations with this Mongolian monster were accidental and had no significance whatever. It is easy to write letters, but a man of spirit, a man of a keen sense of honor would no longer seek the shield of an extinct government but would be glad to submit to the most searching investigation. I will recur to this matter later.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER. Mr. President, I ask leave to have printed in the RECORD, in the ordinary RECORD type, a petition of citizens of Columbia Heights who are members of the Columbia Heights Citizens' Association of the District of Columbia, asking that they have a hearing before the fiscal system of the District of Columbia is changed.

There being no objection, the petition was referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

A PETITION OF THE CITIZENS OF WASHINGTON, D. C.

To the President of the Senate:

Your petitioners, members of the Columbia Heights Citizens' Association, citizens of the United States and a committee duly authorized to represent the association, do hereby present for the consideration of your honorable body the following petition, adopted by the said Columbia Heights Citizens' Association at its regular monthly meeting, held at the parish hall of St. Stephen's Church, on Tuesday, May 2, 1922.

In common with all good citizens and taxpayers of the District of Columbia, the Columbia Heights Citizens' Association joins with its sister civic organizations in earnestly protesting against the action of the committee of conference on the District of Columbia appropriation bill (H. R. 10101) in changing the standard of assessments on real estate in said District from two-thirds to the full valuation of said real estate.

The Columbia Heights Citizens' Association further protests against the increase of taxation on intangible property from 3 to 5 mills, believing that said increase will result in the withdrawal of much of said intangible property from the District, thereby decreasing the receipts from said tax to a very appreciable extent.

That the Columbia Heights Citizens' Association hereby enters its protest to the action of said joint committee of conference of the District appropriation bill in introducing new and novel changes in the fiscal relationship between the Federal Government and the District of Columbia that will work a distinct hardship upon the taxpayers and citizens of the District of Columbia if enacted into law.

And the Columbia Heights Citizens' Association further solemnly protests against the adoption of the conference report on the District of Columbia appropriation bill, carrying, as it does, a radical change in the fiscal relations between the Federal Government and the District of Columbia, and prays that the commissioners and representative citizens may be granted a hearing on the revolutionary changes proposed by the conferees on said District of Columbia appropriation bill to the end that out of said hearing may come a more just and equitable arrangement of taxation than contemplated in said amendment to said District of Columbia appropriation bill.

And your petitioners will ever pray.

GEO. A. WARD, *Chairman.*
E. C. SNYDER.
MARY WRIGHT JOHNSON.
W. B. TODD.
CHARLES C. LANCASTER.
J. CLINTON HIATT.

Mr. POINDEXTER presented petitions, numerously signed, by employees of sundry shingle and lumber companies in the State of Washington, praying for inclusion in the tariff bill of at least a 50-cent duty on shingles, which were ordered to lie on the table.

He also presented resolutions adopted by the Central Labor Councils of Centralia and Everett, both in the State of Washington, favoring the nationalization of coal mines, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Presbytery of Spokane, at Wilbur, Wash., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Spokane, at Wilbur, Wash., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Spokane, at Wilbur, Wash., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Stevens County (Wash.) Pomona Grange, No. 17, Patrons of Husbandry, favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Northwest Mining Association of Spokane, Wash., protesting against the removal of cyanide from the free list in the pending tariff bill, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions, numerously signed, by sundry citizens of Alma, St. Louis, and Holland, all in the State of Michigan, praying for inclusion in the pending tariff bill of a duty of $2 per hundred pounds on Cuban sugar, which were ordered to lie on the table.

Mr. HARRIS presented a resolution of the transportation committee of the Macon (Ga.) Chamber of Commerce, favoring the enactment of legislation to restore to State transportation tribunals authority to deal exclusively with rates, rules, and regulations as to intrastate transportation, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the board of directors Savannah (Ga.) Cotton Exchange (together with other Savannah civic and business organizations), favoring preservation of the identity of the Seaboard Air Line Railway in any consolidation that may be effected through the Interstate Commerce Commission in accordance with law, so as to make that railway a nucleus of such proposed consolidation, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 5385) for the relief of Henry T. Hill, reported it without amendment and submitted a report (No. 690) thereon.

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, reported it without amendment and submitted a report (No. 691) thereon.

THE TARIFF—VIEWS OF THE MINORITY (S. REPT. 695, PT. 2).

Mr. SIMMONS. From the Committee on Finance I submit the views of the minority to accompany House bill 7456, the pending tariff bill. I ask that the same number of copies of the views of the minority may be printed as were printed of the majority report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3557) to amend certain sections of the Compiled Laws of Alaska relating to criminal prosecutions for violation of the laws relating to license taxes; and

A bill (S. 3558) to amend paragraph 24 of section 24 of the Judicial Code, as amended December 21, 1911; to the Committee on the Judiciary.

By Mr. HALE (for Mr. FERNALD):

A bill (S. 3559) granting a pension to Benjamin S. Rollins (with accompanying papers); to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 3560) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. Clarence Centenial Sichel, deceased; to the Committee on Finance.

A bill (S. 3561) fixing the rank upon retirement of officers serving in the Spanish-American War, the Philippine insurrection, or the Boxer rebellion, and the recent war with Germany; and

A bill (S. 3562) to provide for the return from Europe of motor-propelled vehicles and other equipment used by the American forces in Germany for distribution to the State highway departments, and for other purposes; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 3563) to provide credit facilities for the preservation and development of the live-stock industry of the United States; to extend and stabilize the market for United States bonds and other securities; to extend the powers of the Federal Farm Loan Board created by the farm loan act; to provide fiscal agents for the United States and for the War Finance Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. PHIPPS:

A bill (S. 3564) to create the White House police force, and for other purposes; to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. VOLSTEAD, Mr. WALSH, and Mr. SUMNERS of Texas managers of the conference on the part of the House.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 10442. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921;

H. R. 11427. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 11533. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11547. An act making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 10730. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes; and

H. J. Res. 263. Joint resolution extending the operation of the immigration act of May 19, 1921.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title, and referred as indicated below:

H. R. 10442. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921; to the Committee on Territories and Insular Possessions.

H. R. 11427. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11533. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Pensions.

H. R. 11547. An act making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau; to the Committee on Appropriations.

ADDITIONAL DISTRICT JUDGES.

The PRESIDING OFFICER (Mr. STERLING in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CUMMINS. I move that the Senate insist upon its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. CUMMINS, Mr. STERLING, and Mr. OVERMAN conferees on the part of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes; the pending question being on the amendment of the Committee on Finance, on page 2, line 12, before the word "cents," to strike out "1½" and insert "2," so as to read:

Lactic acid, containing by weight of lactic acid less than 80 per cent, 2 cents per pound.

Mr. JONES of New Mexico. Mr. President, yesterday afternoon we had a very interesting discussion regarding the rate of duty which the committee recommends shall be placed upon importations of lactic acid. It was very interesting in connection with the previous discussions of this bill. In the consideration of the first item in the bill I inquired of the chairman of the Committee on Finance as to the basis on which the duties proposed by this bill were made. He informed us that the basis was the difference between the cost of production in the United States and the cost of production in the foreign country plus the transportation charges. It developed that, according to his theory, no attempt actually had been made to ascertain the difference in such costs, but as to that particular item he took the selling price in this country and the selling price of the commodity in the foreign country, and he assumed from that that the domestic selling price represented the cost of production plus a reasonable profit. He also made a like assumption regarding the foreign selling price, and therefore he was able to arrive at the rate which should be imposed in order to equalize the cost of production in this country and the foreign cost plus transportation.

I thought that was a violent assumption and gave some reasons for my belief. Later on in the discussion of the next item in the bill the Senator from Utah said that the duty in that instance was levied for revenue purposes. No information was given as to why the particular rate should have been imposed for revenue purposes. We had no information from him or from the chairman of the Finance Committee as to the domestic production, the prices of the domestic article in this country or the prices abroad, and no information to show why the duty should be increased in order to raise revenue. We had a pitiful appeal from an association of naturalized Italians, who were directly interested in the importation of that particular commodity, protesting against any increase of duty, because it was their belief that the importation under the existing duty was relatively insignificant and that the imposition of a higher duty would prohibit importations. They wanted to exchange acid for food.

Yesterday the item of lactic acid came up for consideration. The matter was about to be submitted to a vote without a word of information from any member of the Finance Committee. I finally rose and inquired of the chairman of the Finance Committee the basis on which this item of taxation was levied. He referred to the fact that the importations during the first nine months of 1921 had increased somewhat above the importations of 1920, and he said that that was sufficient information to justify this increase in the rate of duty.

I think it well for us to understand the present law regarding this item, the action of the House in the bill as passed by it, and the changes which were made by the Finance Committee.

This article, lactic acid, is manufactured in various strengths, ranging from 22 per cent in weight of lactic acid to 80 per cent. The duty under the previous law, the Payne-Aldrich law, was as follows:

Lactic acid containing not over 40 per cent by weight of actual lactic acid, 2 cents per pound; containing over 40 per cent by weight of actual lactic acid, 3 cents per pound.

Under the present law, the Underwood-Simmons law, there is only one duty upon all grades—lactic acid, 1½ cents per pound.

The House, in the bill now under consideration, imposed a duty as follows:

Lactic acid, containing by weight of lactic acid less than 80 per cent, 1½ cents per pound—

The Senate Finance Committee proposes to increase that to 2 cents per pound—

30 per cent or more and less than 55 per cent, 3 cents per pound—

The Senate committee proposes to increase that to 4 cents per pound—

and 55 per cent or more, 5 cents per pound.

The Senate committee proposes to increase that from 5 to 9 cents per pound.

The bill as passed by the House, and as reported by the Finance Committee of the Senate, contains this further provision:

Provided, That any lactic-acid anhydride present shall be determined as lactic acid and included as such: *And provided further*, That the duty on lactic acid shall not be less than 25 per cent ad valorem.

It will be observed that that is a very marked increase above the Payne-Aldrich law. There the highest rate on any acid containing above 40 per cent of actual lactic acid was 3 cents per pound; on acid containing less than 40 per cent of actual lactic acid under the Payne-Aldrich law it was 2 cents per pound; making the tariff on a rating of only two classes of lactic acid. Now, the Finance Committee of the Senate increases every one of those grades. On acid containing 30 per cent or under it is increased to 2 cents per pound by the Senate committee.

The House had it 1½ cents on acid containing less than 55 per cent, the Senate committee makes it 4 cents per pound, and on acid containing 55 per cent or more the Senate committee makes it 9 cents per pound—three times the highest rate fixed by the Payne-Aldrich Act, 300 per cent increase over the Payne-Aldrich Act, and 600 per cent increase over the existing law on lactic acid.

Mr. President, I tried to ascertain the reason for this extraordinary increase in duty. The only information which I obtained from the chairman of the committee was that there had been an actual increase in importations. I want to be certain that there shall be no misunderstanding about it, and I shall therefore read just what he said. I had been interrogating him, wanting to know why this increase was made. He referred me to this book which I have here, furnished by the Tariff Commission. I had read everything in that book regarding this subject, and therefore I requested the Senator from North Dakota to point out what there was in that book which would justify this increase, and so the Senator very generously replied:

I will tell him one thing it shows. It shows that in 1908 we imported only 32,671 pounds of this article, while in the first nine months of 1921 we advanced from the 32,000 pounds of 1908 to 853,545 pounds, as against an entire output in the United States of 1,900,000 pounds. I think that of itself shows the necessity of some kind of protection to the American industry. We thought it was a sufficient showing.

I want to repeat that:

We thought it was a sufficient showing.

Mr. President, bearing in mind that the chairman of the Finance Committee laid down as his basis in his first utterance regarding this bill that the duty should be levied so as to equalize the cost of production in the United States and in the foreign country, and assuming that he has not varied from that fundamental proposition, I could not help but wonder what kind of a mental operation it required to evolve those facts from the mere statement which I have read—the mere fact that from 1908 to 1921 the importations had increased from 32,000 pounds to eight hundred and odd thousand pounds. From that fact alone, through some mental process which I can not understand, the Senator from North Dakota says that he is able to determine the cost of production at home and the cost of production abroad.

That is his mental attitude. When he made that statement I felt that so far as my attempt to understand such reasoning was concerned I was in a very hopeless dilemma; but, to my great surprise, another Senator rose during the discussion and said that he thought that information was all that was necessary. That was the distinguished Senator from Massachusetts [Mr. LODGE], who for many years was a member of the Finance Committee. He said he thought that that solitary fact was a sufficient basis on which to make these increases; that by it they could determine not only the cost of production at home and abroad but it would enable them to ascertain the exact rates which should be imposed; that by that sole fact they thought it was advisable to increase the rate on acid containing 30 per cent or less of this material from 1½ cents per pound, as fixed by the House, to 2 cents per pound. Upon the next grade of acid they were enabled to increase the rate 33⅓ per cent above the House rate. Upon the next grade of acid they were able to increase the rate nearly 100 per cent above the House rate.

Mr. President, during the time that I have been considering this tariff legislation I must confess that I found nothing in all of the information which would lead me to believe that I could ever reach the point where, from such information as that, I would be able to arrive at a definite conclusion as to a just rate, a difference of a few cents a pound, on lactic acid. My amazement was still greater when the distinguished Senator from Massachusetts gave it as his opinion also that from that information he would arrive at exactly the same result arrived at by the committee. I was very much discouraged. With only such information as that, I did not believe I could ever come to understand this bill.

Not only that, Mr. President, but that information itself was not presented to the Senate. No statement was made to the Senate regarding even those facts, and so they expected the Senate to reason about like this: That the Finance Committee has fixed a definite rate; it has increased these duties by a large percentage; therefore the Members of the Senate must reason backward from that; that, from the mere fact that the Senate Finance Committee recommends these increases in duty, the Senators are able to assume that those mere figures represent the difference between the cost of production in the United States and the cost of production abroad.

Again, I want to say that that is a method of reasoning which I am unable to follow. I confess that I never believed I was so stupid that I could not understand something about how to fix tariff rates, especially when it was said that these rates should be fixed on the difference between the cost of production in the United States and the cost of production abroad; but I could not follow that. It occurred to me that these two distinguished Senators perhaps could make a greater record and a more sensational record for their families if they would pursue the vocation of necromancers, or some other psychic vocation. They have ability to read something out of cold facts which apparently nobody else can get. Or they might become paleontologists. I think they would have a great career in that field of inquiry. If they can ascertain all this from the one fact to which I have called attention, I am certain that if they should discover some fossil, no matter how small, part of an extinct animal, they would be able to construct a wonderful reproduction.

They have evidently exercised some such power in fixing these rates. From the mere ascertainment that the importations of this commodity have increased from 1908 down to the present time, they would ascertain all essential facts, and not only that, Mr. President, but in spite of the facts that these importations do not disclose the quality of the acid imported, they are able to fix rates for the different degrees of purity of the product. My information is that you can not tell, from any of these official reports, what grades of acid are imported, but it is a fact that there is only one grade imported, and that is 80 per cent purity. That statement is verified by the so-called Reynolds report. It was undertaken in that investigation to ascertain the prices of the domestic article and the foreign price, and only one grade of the imported article could be found in this country. That was the article with 80 per cent degree of purity.

From that information which the Finance Committee had—that only one grade of this acid was imported, the 80 per cent grade—they were able to determine that the duty upon the acid of 30 per cent purity or less should be increased from 1½ cents to 2 cents per pound. They were likewise able to increase the duty on lactic acid containing less than 55 per cent of lactic acid from 3 to 4 cents per pound; and on that containing above 55 per cent to 9 cents a pound, from the present rate of 1½ cents a pound. I must confess that such mental acumen is beyond me. I almost felt like resigning my position on the committee; it was a hopeless situation. But finally something very significant occurred. As I have said, there was no evidence in the hearings either before the Committee on Ways and Means of the House or before the Finance Committee of the Senate as to value or as to cost of production. The Senator from North Dakota [Mr. MCCUMBER] had reasoned from the bare facts which I have related. The Senator from Massachusetts had agreed with him that that was sufficient. But soon afterwards something very significant occurred. The Senator from Alabama [Mr. UNDERWOOD] began discussing this question. The Senator from Massachusetts [Mr. LODGE] felt that he would have to say something more. While I was trying to interrogate the Senator from North Dakota, the Senator from Massachusetts was trying all the time to get the floor in order to tell us

that he had information in abundance which would satisfy everybody. He finally got the floor, and all that he produced at that time were the figures showing the importations month by month for the last 14 months. That is all he produced.

Finally the Senator from Alabama entered into the discussion, and the Senator from Massachusetts concluded that he would have to say something more than he had said. He evidently realized that a mistake had been made in basing these rates of duty upon that meager information. So he came forward with the fact that certain concerns up in Massachusetts were going broke, and that that statement was made before the committee by the Du Pont Co., which had a branch which made lactic acid, and had given up because it was rendered entirely unprofitable.

Further along the Senator from Massachusetts himself said, speaking of this industry:

While it is not a larger industry, it is a valuable industry; and there seems no good reason for its destruction. It was for that reason that I urged upon the committee that they should consider this increase over the House rate.

Mr. President, we were thus advised that the statement of the Senator from North Dakota that this mere difference in the importations was all that had been presented was not quite accurate. It was all that they had in the RECORD, but in some quiet corner the Du Pont Co. goes before the Finance Committee of the Senate and pleads for a higher duty upon this commodity. The Senator from Massachusetts in some quiet corner does the same.

Mr. President, I want to know if the people of this country are willing that a tariff bill shall be manufactured in any such fashion. There is no testimony of that sort in the record, and except for a colloquy the Senate and the country would never have known the reason for these large increases in taxes upon this commodity.

Mr. President, finally the Senator from Massachusetts felt that it was necessary that his statements be corroborated. So he read a part of a letter which he held in his hand. He did not state the person from whom he received that letter; he did not give its date; and I think he owes it to the Senate and to the country to put into the record the entire letter. He read from it to some extent, and we can only judge what the whole letter contained.

Mr. LODGE. Mr. President, if the Senator will allow me—I just came into the Chamber—it was by the merest accident that I did not mention the writer's name. The writer was Mr. Robert F. Marden, of Lowell, who, I may state, was one of the directors of the company.

Mr. JONES of New Mexico. What company?

Mr. LODGE. I mentioned the name of the company over and over again. It was the Wamesit Chemical Co.

Mr. JONES of New Mexico. The Senator read the name of the Wamesit Chemical Co. in reading from the letter.

Mr. LODGE. Yes; I thought I mentioned that.

Mr. JONES of New Mexico. That is the only place it is mentioned directly. Here is what we find in the extract from that letter. I wish we might have the entire letter in the record, and if the Senator from Massachusetts, while he has his attention directed to it now, will put the entire letter in the record, I shall appreciate it very much.

Mr. LODGE. I will gladly put in all of the letter that relates to this question. The writer is a gentleman whom I have known for a great many years and there is some entirely personal matter in the letter, as I remember. I have another letter here from the treasurer, Mr. Murphy, and I think perhaps I might as well print that, too.

Mr. JONES of New Mexico. I would like to have those letters appended at the close of my remarks as an appendix.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Without objection, it is so ordered.

Mr. JONES of New Mexico. Mr. President, I read this much from what the Senator read yesterday:

The German imported acid rated at 80 per cent by weight quoted to-day at 10.80 cents per pound. Add to this the proposed duty of 7 cents, and his selling price will be 17.80 cents, which is to be compared with our American producers' price of 70.50 cents.

There is nothing in the bill as it came from the House or from the Finance Committee regarding this 7-cent rate. I do not know where that 7 cents came from. Evidently it must have been from some letter written before the bill passed the House. It does not appear in the hearings of the Ways and Means Committee of the House. It appears nowhere else that I know of, and this is the first time I have heard of a rate by either body of 7 cents, but evidently the writer was trying to suggest what the rate shall be, because he further said:

The point I wish to raise is that the margin of 0.30 cent between our home retail price and the imported price under the new tariff is insufficient in view of the practical certainty that the German price will automatically be lowered below our figure and that importations will continue uninterrupted.

Mr. President, that includes what I believe to be one vicious feature of the bill. That manufacturer merely quoted his price. He did not tell how much profit he was making. He merely quoted the price.

Mr. LODGE. He is making so much profit that the mill is closed down, and he will have to dismantle and sell it unless some relief is given. That is the profit he is making. He lost $10,000 in the last six months.

Mr. JONES of New Mexico. Yes; I was going to call attention to that.

Mr. LODGE. Men who are making abnormal profits very seldom close down their factories.

Mr. JONES of New Mexico. The Senator is quite right, and I expect to dwell a little on these reasons. It appears further on that the reason why he is not making any more acid is because his vats are full and there is no market for it at any price. The tanning industry of the country is closed down also.

Mr. LODGE. Yes; the Senator from Alabama [Mr. UNDERWOOD] pointed that out yesterday.

Mr. JONES of New Mexico. That is why he can not sell, but he does not say what it costs him to produce the article. He is holding up his price yet, and he wants a tariff which will enable him to maintain that price, which doubtless is a war price and has been practically the same for some time, when business shall resume. He said that with a duty of 7 cents per pound the foreign article would be selling higher than his price, but what did the Finance Committee of the Senate do? They raised it to 9 cents. The House put it at 5 cents. The Finance Committee of the Senate raises it to 9 cents, and on that single statement of an interested party.

He proceeds further:

We also consider it important that the edible lactic acid should carry a flat duty of 15 cents per pound. The present tariff bill includes the edible under the general headings of lactic acid. It should be referred to specifically, as it is to all intents and purposes a separate article of commerce from the technical lactic acid. It is a form of acid that is certain to be extensively utilized in trade, and it is our expectation and hope that the market for edible lactic can be widely expanded to the advantage of the great mass of the people in this country. In short, the edible lactic industry in this country is in its infancy. Germany is sending in edible lactic acid to-day equivalent to that produced by us, and is selling it at 17.40 cents, as against our lowest price of 26 cents. If we add the 7 cents duty to the 17.40, we still give the Germans 0.60 cent as a differential in their favor. Once again I would like to point out that no one knows how much lower the German imported acid can and will be sold at compared to the present price.

The Wamesit Chemical Co. is closing down its plant to-day, having its tanks filled to overflowing with manufactured lactic acid which we have been unable to sell in any great quantities, largely because of German competition. We are willing to make due allowance for hard times, but it is the German competition which strangles our industry, whether times are good or bad.

Mr. President, in the Reynolds report, as I said, it is stated that no lactic acid under 80 per cent purity was found in this country There is no quotation of an American article of the same grade as the imported article. Here is what the Reynolds report said:

Selling price of foreign article in the United States, 12 cents.
Selling price of domestic article, reported as comparable, 17.6 cents.

I have here a letter addressed to the Senator from North Carolina [Mr. SIMMONS], the ranking minority member of the Finance Committee, in which this statement is made under date of April 21, 1922:

We wish to make a protest against the extravagant increase in duty on lactic acid to 9 cents a pound on lactic of the strength of 55 per cent and above as being both unreasonable and unfair. Lactic acid of the strength above 55 per cent by weight is not manufactured in the United States, and therefore no protection is necessary. If we could obtain 80 per cent lactic acid in this country we would not have any occasion to import it. We do not claim that lactic acid is not produced in this country, but we do claim that lactic acid of the high concentration that we import, 80 per cent by weight, is not produced here.

Our customers of 80 per cent edible lactic acid require that it be of the very highest concentration possible and as free of water as can be obtained. As such an article is not produced here we are obliged to import it for the consumers, and when we do import it we do not compete with any domestic manufacturer, for the reason that no domestic manufacturer produces lactic acid of such high strength as 80 per cent. We claim that the increase from 1½ cents a pound to 9 cents is unfair.

That is from C. M. Armstrong & Co., of New York City.

Mr. President, there is some other information in the record, not in the hearings but in the report of the Tariff Commission, which bears upon the subject. I do not believe that such other evidence warrants an increase of the present duty. It becomes necessary, therefore, to make some little statement regarding the matter.

Lactic acid is that acid which is found in buttermilk or sour milk. The industry had its birth in the United States. Lactic acid is to-day divided into two general grades, one called technical, the other edible. The so-called technical grade is likewise divided into different degrees of strength, varying from 22 per cent up to 66 per cent. That acid is used principally in the tanning industry. It has other uses, however, but the consumption of it in the country depends principally, of course, upon the prosperity of the tanning industry. That industry likewise is at a low ebb; and what I can not quite understand is how the Senator from Massachusetts [Mr. LODGE], who is intensely interested in the tanning industry, should be willing to have such an enormous duty imposed upon lactic acid. That is more than I can understand. At the last session of Congress he was not willing to have even a small duty imposed upon hides, but now, apparently, he is perfectly willing to have the duty on lactic acid, one of the materials that go into the tanning industry of his State, increased in the higher grades by 600 per cent.

The Tariff Commission has made quite a study of this subject, and tells us about the different grades of the technical acid and its uses, and also about the uses of edible lactic acid. The commission informs us that this industry began in 1881, and that this country was the only place in the world where any lactic acid was produced at that time. The industry was commenced in Germany along about 1894 or 1895. Until 1897 there was no duty on this acid at all. The industry had its beginning without any duty; it prospered without any duty. We are also told by the Tariff Commission that prior to the war the industry had built up a large export trade; that it was competing with the world.

We are further told that this commodity is produced in this country principally from the unmarketable corn. It may be produced also from potatoes, and in Germany it is produced entirely from potatoes. The Tariff Commission itself tells us that this country is at no disadvantage with Germany so far as the raw material is concerned.

We are likewise told that this acid must be transported in glass containers. It is produced in Germany from potatoes; and I wonder what the situation in Germany is to-day regarding the raw material. I do not know; the committee does not know; and the Tariff Commission does not report; but the general impression at least has gone abroad that Germany to-day has other uses for all of her potatoes than the making of lactic acid.

The Tariff Commission, however, has done a thing in this case which it has seldom done in any of its surveys of any industry. It has made the statement that this country is at no disadvantage with the remainder of the world so far as the raw material is concerned; and there is not a line of testimony in the entire record, there has been no showing made on the floor of the Senate or elsewhere, which gives us any information as to the labor cost so far as the processes of manufacture are concerned.

So it seems to me, Mr. President, that the Finance Committee has not acted in this case upon any record evidence which will warrant the proposed extraordinary increase in the rate of duty. There was no hearing before the Ways and Means Committee of the House; there was no hearing before the Finance Committee of the Senate; but it does appear in the CONGRESSIONAL RECORD of yesterday that a representative of the Du Pont Co. went at least to some members of the Finance Committee and told them what it wanted. It also appears that the senior Senator from Massachusetts [Mr. LODGE] likewise went before that committee and told them what he wanted. It is upon such secret, star-chamber proceedings that this rate is built up and increased upon the higher grade of acid from 1½ cents a pound to 9 cents a pound.

If that is the process by which this bill has been built up, the people of the country ought to know it and Senators ought to know it, and when they shall know it they will not take it for granted, as they have assumed to do so far, that the mere recommendation of the majority of the Finance Committee of the Senate is all that they require in order to justify them in voting for the enormous increases in rates contained in the pending bill.

Mr. President, lactic acid is now coming into use for edible purposes. It is also used for medicinal purposes. We have been told that its use prolongs life and that we should all drink a lot of buttermilk in order to consume lactic acid. It is said that it not only prolongs life and prevents autointoxication but it promotes cheerfulness. Yesterday the Senator from North Dakota [Mr. MCCUMBER] was very much perturbed because I asked him a question or two about the duty on this commodity. I obtained information from him only after I had been somewhat insistent, and then the Senator from Indiana [Mr. WATSON] rose and lectured all of us on this side, alleging that we were engaged in a filibuster, simply because we were trying to ask a few questions, and he was determined that he would shut off all inquiry regarding these items. The Senator from Massachusetts [Mr. LODGE] had a very significant expression on his face, an expression which sometimes may be noticed there in what I may perhaps call his more caustic moods. He did not want to be disturbed about it; he did not like questions about it. Mr. President, if ever there was a demonstration that lactic acid should be made cheaper it occurred at that time on the floor of the Senate. Lactic acid ought to be kept in abundance around the Senate Chamber. The Senator from North Dakota ought to consume a lot of it and likewise the Senator from Massachusetts. Any Senator who can tell what rates of duty ought to be put upon a commodity simply because the importations have increased somewhat during the last 15 years ought never to die; he is invaluable to the Senate; his life should be prolonged. The Senator from Massachusetts is blessed, as is the Senator from North Dakota, with such powers; his psychic development in such that he likewise can perform such feats of mental or spiritual legerdemain. He ought to consume lactic acid, as should also the Senator from Indiana [Mr. WATSON], who gave us such a scolding yesterday. It is true he is laboring under peculiar circumstances, for doubtless he has heard the "New-s" from Indiana; but he ought not to get mad about that; he ought to consume lactic acid in order to clear up his liver, to make him better natured and to help us consider this tariff bill, as it should be considered, in the interest of the great mass of the people.

APPENDIX.

WAMSUTT CHEMICAL CO.,
Lowell, Mass., March 30, 1922.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: With further reference to a higher tariff on lactic acid, I would like to suggest that, subject at all times to your judgment, we make an effort to have the proposed schedule revised upward with respect to paragraph 1 of Schedule 1, where it refers to lactic acid "and 55 per cent or more."

In our opinion the above rate of duty should be amended so as to carry a duty of 10 cents per pound.

It is a matter of record, already on file with you, that there has been in past 12 months importations of lactic acid from Germany in total sufficient to supply a large proportion of the industrial needs in this country. The prices at which this imported German acid is sold are always slightly lower than any price at which the American producers of lactic acid can afford to sell. It is our firm belief that when forced by the proposed tariff rate of 7 cents either to lower prices or cease competition the German producer will lower his price, and we further believe that he can easily do so.

The German imported acid rated as 80 per cent by weight is quoted to-day at 10.80 cents per pound. Add to this the proposed duty of 7 cents and his selling price will be 17.80 cents, which is to be compared with our American producers' price of 17.50 cents. The point I wish to raise is that the margin of 0.30 cent between our home retail price and the imported price under the new tariff is insufficient, in view of the practical certainty that the German price will automatically be lowered below our figure and that importations will continue uninterrupted, thereby forcing the abandonment of the lactic-acid production by American industry.

We also consider it important that the edible lactic acid should carry a flat duty of 15 cents per pound. The present tariff bill includes the edible under the general headings of lactic acid. It should be referred to specifically, as it is to be all intents and purposes a separate article of commerce from the technical lactic acid. It is a form of acid that is certain to be extensively utilized in trade, and it is our expectation and hope that the market for edible lactic can be widely expanded to the advantage of the great mass of the people in this country. In short, the edible lactic industry in this country is in its infancy. Germany is sending in edible lactic acid to-day equivalent to that produced by us and is selling it at 17.40 cents, as against our lowest price of 25 cents. If we add the 7 cents duty to the 17.40, we still give the Germans 0.60 cent as a differential in their favor. Once again I would like to point out that no one knows how much lower this German imported acid can and will be sold as compared to the present price.

What we are anxious to secure in the new tariff bill is a reasonable margin of safety. I think that in the lower strengths the latest figures can be considered probably adequate, but the higher strengths need at least the 10-cent duty which we are asking. The great proportion of the imported German lactic acid consists of the high percentage strengths. The percentages are reduced after the high-strength acid reaches this country. Therefore it is most important to provide the really protecting tariff duty on the strength from 55 per cent upward. It is also important, but we do not consider it so vital, to protect the edible acid by high duty.

The Wamsutt Chemical Co. is closing down its plant to-day, having its tanks filled to overflowing with manufactured lactic acid which we have been unable to sell in any great quantities, largely because of German competition. We are willing to make due allowance for hard times, but it is the German competition which strangles our industry, whether times are good or bad.

It is not my desire nor that of my associates to seek to procure an unreasonable tariff protection, but we feel strongly that we are entitled to a sufficient protective duty, because we are not only an enterprise serving private industries, but, on the other hand, engaged in a line of vital importance to this Government in the event of war. We do not believe that we should be compelled to abandon and dismantle a valuable productive enterprise, which will be, however, the

ultimate fate of the Wamsutt Chemical Co. unless we have relief as outlined above. The figures we have asked for are, to our mind, the minimum protection that should be given us.

* * * * * * * * *

With many thanks and kindest regards, I remain,
Sincerely yours.

ROBERT F. MARDEN,
For Wamsutt Chemical Co.

WAMSUTT CHEMICAL CO.,
(SUCCESSORS TO AVERY CHEMICAL CO.),
Lowell, Mass., February 16, 1922.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: At the suggestion of Congressman JOHN JACOB ROGERS, I beg to submit for your consideration facts relative to lactic acid in connection with the preparation of the schedule in the proposed new tariff bill.

The Wamsutt Chemical Co., a Massachusetts corporation, are at present equipped to manufacture not only all the technical and all the edible lactic acid consumed in this country, but also a considerable further quantity available for export.

The Wamsutt Chemical Co. succeeded the Avery Chemical Co., who were the original manufacturers of the world of lactic acid, and for many years, up to the time that the Avery Chemical Co. went into the hands of a receiver, they were the largest manufacturers of lactic acid in the world. All of their equipment, thoroughly modernized and available for immediate use, now belongs to the Wamsutt Chemical Co.

For some time the output of our lactic acid has been restricted by the comparatively small amount of acid we could sell. We are now operating not over 20 per cent of our capacity owing to the competition of foreign acid in this market, which we find, upon careful investigation, is steadily increasing and becoming keener.

We attach a certified copy of a letter dated New York, February 15, 1922, from Mr. J. F. Carroll, Chief, Bureau Customs Statistics, Treasury Department, United States Customs Service, New York, N. Y., showing figures of importations of lactic acid entering consumption of the United States during the year 1921 and January, 1922, which we would call to your careful attention. An analysis of these figures shows:

Period.	Quantity in pounds.	Total value in dollars.	Average value per pound in cents.
1921.			
First 6 months	185,944	14,578	7.83
Last 6 months	417,441	30,435	7.28
Average per month:			
First 6 months	30,991	2,430	.....
Last 6 months	69,574	5,058	.....
1922.			
January	72,325	5,451	7.50

The above figures show a steady increase in the quantity and value of the lactic acid imported. In spite of the fact that there were no importations during August, 1921, the importations during the last six months of 1921 were more than double in quantity, value, and monthly average the importations for the first six months of 1921, and the importations during January, 1922, exceeded in both quantity and value the average monthly importations for the previous six months.

While there are no statistics, so far as we can learn, to show how much edible or technical lactic acid was imported, or the concentration, we learn that nearly all of the acid imported has been 80 per cent lactic acid, and that both edible and technical lactic acid have been imported in considerable volume. The edible is much more valuable than the technical. The prices shown above are per pound of everything imported and therefore indicate the low prices at which it is possible to import foreign acid. At this writing 22 barrels of imported 80 per cent lactic acid, edible, are being offered in New York at 22 cents per pound, ex store New York; i. e., United States duty paid.

Twenty-two cents a pound for 80 per cent equals 14⅔ cents a pound for 50 per cent, or 7½ cents a pound for 25 per cent; 50 per cent and 25 per cent are the usual strengths in this country, and which we have sold in quantity at 30 cents and 15 cents per pound, respectively.

In 1919 we exported 970,444 pounds of 44 per cent acid at an average price of 10 cents per pound f. a. a. New York.

In 1920 we exported 92,449 pounds of 44 per cent acid at an average price of 10 cents per pound f. a. a. New York.

In 1921, and thus far in 1922, we exported nothing at all.

Upon investigating we find that the exceedingly low cost of labor (about one-twentieth of our cost) and the extremely depreciated value of the currency (which is now over 2,000 per cent below normal value) in foreign countries of manufacture make it possible for the foreign manufacturers to produce and sell in this country far below our cost of production, and, of course, at a price at which we can not compete. To these facts is also attributable our loss of all of our export business. We also attach a certified copy of our balance sheet covering our operations during the last six months of 1921, the last period for which figures are available, showing a loss to our company of $10,709.96.

Our foreign market has been taken away from us absolutely and our domestic market is rapidly disappearing. To enable us to continue manufacturing an article the manufacture of which was started in the United States 37 years ago, we must have adequate protection in the shape of duty; specifically, we wish to have amended the proposed tariff schedule as it is printed in the bill on page 2 as follows:

Substitute 5 cents for 1½ cents on line 8.
Substitute 10 cents for 2 cents on line 10.
Substitute 15 cents for 5 cents on line 10.
Add a clause providing a duty of 25 cents per pound on edible lactic acid.

With these amendments we feel that American manufacture of lactic acid in existing plants can be conducted without constant fear of competition from foreign importations, and, at the same time, without giving lactic acid undue protection. In short, in order to continue the operation of our plant, it is necessary to increase the protective tariff on lactic acid as suggested above.

The following-named companies, which have in the past manufactured considerable quantities of lactic acid in the United States at the places named, have stopped manufacturing, and will not resume for the reasons stated:

American Alkali & Acid Co., Bradford, Pa.: Found it unprofitable.
Atlantic Chemical Co., Mansfield, Mass.: Failed.
Avery Chemical Co., Lowell, Mass.: Failed and plant purchased by Wamsutt Chemical Co.
Westchester Chemical Co., Pelham, N. Y.: Found it unprofitable and have discontinued business.

We serve several manufacturers in New England; some are small consumers; others are quite large consumers. Due to our ability to effect immediate and prompt deliveries of high-quality acid, to convenience, established business relations, and friendships, we have held the bulk of the business in our immediate vicinity, and these users particularly would suffer if we were forced to discontinue and leave the market to the mercy of the foreign manufacturers, who would undoubtedly not be slow to take advantage of the situation and raise prices.

We have discussed the importation of lactic acid from time to time with Congressman ROGERS, and, if you wish, I have no doubt he will gladly explain the circumstances against which we have been fighting. Mr. Carroll's letter attached shows the large volume of importations of foreign lactic acid during 1921 and January, 1922, which have come in despite the fact that lactic acid should not have been permitted to enter except when a license was granted by the Chief of the Dye and Chemical Section, Department of the Treasury, covering such importation. Some importations were made without licenses. The importers resort to various subterfuges to get lactic acid into the country. While they have been succeeding in this, we have been piling up manufactured lactic acid in our tanks and meeting with constantly increasing difficulty in finding a market. I am sure you will appreciate our situation.

In summary, we can produce both edible and technical lactic acid in the volume and of the qualities required by consumers in the United States, and sell same at reasonable prices consistent with the prices which prevailed before the war plus the extra cost of production due to higher cost of labor, coal, raw materials, repairs, etc. We can not compete with the importer of foreign lactic acid unless we have a safe margin of protection in the tariff.

I realize that this is a technical matter in its detail and that it can not be adequately discussed by letter. I am prepared, however, if you desire, to furnish you with any data you may wish or to be in Washington for conference on the subject at your pleasure.

Thanking you in advance for any assistance which you may be able to consistently render in the interest of an old-established Massachusetts industry, furnishing employment to Massachusetts labor, I remain,

Very respectfully yours, JOHN H. MURPHY,
Treasurer.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on the amendment reported by the committee.

Mr. ASHURST. Mr. President, I rise to address the Senate upon the subject of further hospitalization of ex-service men.

Mr. MCCUMBER. Mr. President, I have not been informed whether unanimous consent has been given to the Senator from Arizona for some purpose. I could not quite understand what the Senator said. Is the Senator asking to digress from the consideration of the pending bill?

Mr. ASHURST. I avail myself of this opportunity to discuss the necessity for the expansion and enlargement of hospital facilities in Phoenix and Tucson, Ariz.

Mr. MCCUMBER. Mr. President, of course I can not attempt to govern the Senator's desire in the matter or influence him. I am very anxious to have Senators talk to the pending bill while it is under consideration. I admit that it is impossible for a Senator in charge of a bill to insist that other Senators shall consider that bill and that bill only, because the range of discussion is so broad that a Senator may speak on almost anything that he desires; but I desire to call the Senator's attention to the fact that we spent, I think, some six days on acetic acid—vinegar—and we have now got down to sour milk, and we have not even decided that proposition as yet.

Mr. ASHURST. I am sure that I am correct when, in appraising the Senator's remarks, I do not think he means to intimate that I am attempting, or would attempt, to delay this or any other bill. I have been here some years and there is no one on either side who can truthfully say that I have ever taken part in a discussion except when I thought I could throw some light upon a subject.

Mr. WALSH of Montana. Mr. President, with the permission of the Senator, I give notice that on the convening of the Senate on Monday, May 8, or as soon as the measure is before the Senate, I shall address it on the subject of the constitutionality of section 315 of the pending bill and subsequent sections, embracing the so-called elastic provisions of the same, and I assure the Senator from North Dakota that I shall confine myself to that subject.

HOSPITALIZATION IN ARIZONA OF EX-SERVICE MEN.

Mr. ASHURST. Mr. President, the subject of which I shall speak is as vital as any other subject that challenges the attention of the Senate. It is a subject upon which I have spoken many times.

I now read a telegram which I have just received. It is from the executive committee of the Association of Allied Service Organizations. It is dated Phoenix, Ariz., May 6, 1922:

Senator HENRY F. ASHURST,
Washington, D. C.:

The Association of Allied Service Organizations, composed of the American Legion, Women's Auxiliary of the American Legion, the Society of the Forty Men and Eight Horses, Veterans of Foreign Wars of the United States, Auxiliary of Veterans of Foreign Wars of the United States, Military Order of the Cootie, and the Disabled American Veterans of the World War, earnestly request that a veterans' hospital be located in Phoenix under allotment for district No. 12 included in bill appropriating $17,000,000, reported May 4.

This is urgently needed to relieve congestion and suffering among disabled men in immediate vicinity of Phoenix. Present hospital facilities here pitifully inadequate. Numbers of disabled men from all over the country entitled to hospitalization are arriving here in spite of closing of contract hospitals. The care of many of these men is falling upon local service organizations and private individuals.

(Signed) EXECUTIVE COMMITTEE, ASSOCIATION OF ALLIED SERVICE ORGANIZATIONS.

On the 15th of October of last year I received a telegram from the Governor of Arizona, as follows:

PHOENIX, ARIZ., *October 17, 1921.*

Senator HENRY F. ASHURST,
Washington, D. C.:

Director Forbes of Veterans' Bureau has submitted report to President strongly urging immediate action to meet present emergency arising from needs of hundreds of disabled former service men who, with approach of winter, are pouring into Arizona, where facilities for their care are very inadequate. He recommends immediate completion of Whipple building program through letting of contracts, it being obvious that under system now in effect winter will be well over before any of the buildings now under construction will be ready for occupancy. Maj. Louis T. Hyatt, manager Veterans' Bureau, twelfth district, is now in Washington, and I therefore urge that Arizona congressional delegation take prompt action, conferring with Major Grant and Director Forbes and calling on the President, bringing strongly to his attention the desperate situation in which these men find themselves and pointing out necessity for immediate action along following lines: Speeding up of construction program at Whipple, establishment of vocational-training center at Prescott, acquirement of additional hospital facilities at Phoenix, and construction of cottages at Tucson to accommodate approximately 300 more patients. The need is very real, and I urgently bespeak your hearty cooperation.

THOMAS E. CAMPBELL,
Governor.

The soldier suffering from tuberculosis shares in that feeling prevalent throughout the United States that the balmy climates of Phoenix and Tucson, Ariz., are eligible places for the treatment of tuberculosis, and although the Veterans' Bureau has discouraged the soldiers suffering from tuberculosis from going into southern Arizona, the soldiers suffering from this baneful disease share in that general feeling of which most of our citizens partake, to wit, that climates and altitudes like the climate and altitude of Phoenix and Tucson are indeed and have been proved to be places which promote the recovery of those persons afflicted with tuberculosis.

Immediately upon the receipt of the telegram last October from the governor of Arizona—and the governor is a gentleman of excellent judgment—I visited the Director of the Veterans' Bureau, who said to me: "The governor has not overemphasized the situation." I then induced the governor and the editor of one of the leading journals to come here, and the Arizona delegation, with the governor, interviewed the Director of the Veterans' Bureau.

The director was once of opinion that hospital facilities at Tucson and Phoenix should be enlarged, but later he changed his opinion and stated that his medical advisers had informed him that no further expansions of hospitals should take place at Phoenix or Tucson.

I would make myself ridiculous if I attempted to put into the scales and have weighed my mere opinion respecting the proper treatment of tuberculosis in juxtaposition with the opinion of physicians, yet I am not without observation respecting the treatment of this disease. There is a psychology about the treatment of tuberculosis; there is about it an imponderable. It defies the usual rules; it perplexes the ingenuity of the ablest physicians. Within the diseased segments of the lungs of a human being afflicted with tuberculosis there is taking place a struggle, a battle on the part of the healthy corpuscles to overcome and eradicate the diseased corpuscles. The disease is curable in its primary or first stages; if a person afflicted with this disease is given pleasing environment where he will have a serene mind, cheerful surroundings, and freedom from homesickness, so that his digestive organs may function readily his recovery will be promoted. Recovery depends in no small degree upon his digestion. He must have not only good food and pure air but good digestion, so that healthy blood and tissues may be formed to combat the ravages of the disease and arrest its progress. But, sir, if the patient be taken to a climate that is damp, humid, or murky—and bear in mind that the lungs of a tubercular patient are "water-logged"—and he is placed in a dark, gloomy, unpleasant environment, homesickness, nostalgia, a wistful idea that if he were elsewhere he would recover seizes him, and his digestive organs do not function, do not operate, he does not digest his food; surely I need not say that a serene mind is necessary to the digestion of food.

I honor our American physicians for the sacrifices they have made, not only in the war but the sacrifices they are constantly making to alleviate the ills of the human race. But, Mr. President, science herself shakes her sapient head when confronted by imponderables, to wit, the things that apparently do not exist, but that veritably do exist.

The tubercular soldier shares in this general opinion, to wit, that if he can receive hospitalization in a balmy climate amidst serene surroundings where every day is sunny he will recover his health; and I will not ask the Senate nor the Director of the Veterans' Bureau to take my mere word, but I summons as witnesses the Governor of Arizona, the editors of the leading journals of both parties, the physicians of Arizona, the chambers of commerce, and this executive committee of the Association of Allied Service Organizations to give testimony that notwithstanding the efforts of the Veterans' Bureau to discourage the soldiers from going to southern Arizona, the soldiers suffering from tuberculosis in large numbers continue to go there, sharing the belief that is coexistent with the boundaries of this continent that in those places they will recover their health. They are there. They are without adequate hospitals, and it is of no utility to hand to the soldier transportation to some other climate; he will not go. He believes that he will recover in that climate, and all the argument and all the millions of words with which you could flail him will not change his opinion.

Is it to be remarked as strange, that the soldier suffering from this baneful disease will go where his countrymen generally believe he will recover, and where he believes he will recover? The Veterans' Bureau in many instances has done well, and I would be contemptible to stand here and say that it has done nothing. It has done much. It means well. Ah, it means well. The mothers on the banks of the Ganges River, who threw their children to the crocodiles, meant well. It is not a question of meaning well. It is a question of doing right, doing the appropriate thing.

Just before the Christmas holidays a bill came from the House appropriating $20,000,000 for the relief of starving Russians.

So no Senator could find it in his heart to defeat the Russian relief bill, although I believe every Senator felt that it would be more in keeping with the duties of an American Senator to appropriate the money for American purposes and to reduce American suffering and give relief to American soldiers than to distribute charities at points 5,000 miles away.

On my motion the Senate unanimously attached an amendment to the Russian relief bill appropriating a million dollars for the further expansion of hospital facilities for tubercular soldiers. My amendment was rejected by the conferees. The conferees on the part of the Senate and the House extended to me, however, the unusual privilege of appearing before them and arguing in behalf of my amendment. They listened to what I had to say, but rejected my amendment, and the Russian relief bill became a law and the amendment to appropriate a million dollars for the further hospitalization of soldiers was defeated.

Mr. President, on the day when the conferees rejected my amendment I addressed the Senate. I labored under severe stress of feeling. I tried to conceal the indignation I felt, and which every man of spirit must have felt when that amendment was defeated, and I let escape from my lips on that day words of which I have doubted the propriety—that is, words which conveyed a threat—but it so happened that the threat was most efficacious. I announced on that day I was going to cease speaking in the Senate on the hospitalization of the soldiers and that I would go into the States and the districts of the men who were opposing it, and there I would address their constituents and tell of the flagrant disregard of sick soldiers.

It would be offensive and unjust for me to assert that my mere threat to go and speak in the districts of Representatives and in the States of Senators who were opposing that amendment caused them to bring in the bill proposing an appropriation of $17,000,000. The truth is their sense of justice, their sense of duty and propriety prompted them, but my threat to go into their districts and into their States and expose the situation promoted the passage of the bill.

So now, Mr. President, I am obliged again to say something which I do not like to say, which seems improper and conscious, and of all Senators here no one has a greater dislike

for conscriousness than I. But, Mr. President, this is a desperate situation and requires heroic remedies.

The Senate appointed a committee to investigate hospitalization of sick soldiers. More than ten times I have invited and demanded that that committee go to Arizona to investigate. That committee refuses to go, Mr. President.

So now, with as little offense as possible, I invite, demand, for the tenth time demand, that this committee resign its commission or go to Arizona and talk with the ex-service men in Tucson and Phoenix who are there in need of hospitalization.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Georgia?

Mr. ASHURST. I yield for a moment.

Mr. WATSON of Georgia. Knowing that the Senator from Arizona has made such heroic efforts here month after month, and month after month, in behalf of these afflicted soldiers, did I understand him correctly to state that nothing had been done in their behalf since he has put his demands before the country?

Mr. ASHURST. The Senator will pardon me for giving a protracted reply. It would be so wrong as to be criminal for me to say that nothing has been done.

The Director of the Veterans' Bureau has done much good work, but he has failed and his advisers have failed and the board of consultants have failed to grasp a particular point where a great injustice has been done.

In other words, to repeat myself, there is a general feeling which prevails throughout this country that Phoenix and Tucson are eligible places for the treatment of tuberculosis. Many soldiers have gone there. They believe—and I can not convince them otherwise and no other person can convince them otherwise—that there they will recover. They believe that, having obeyed the country's call and gone in time of war where their officers commanded, at least now they ought to be allowed to choose the place where they are to be hospitalized.

Let me read to the Senator from Georgia a telegram which came this morning addressed to me from Phoenix, as follows:

MAY 5, 1922.

Senator HENRY F. ASHURST,
Washington, D. C.:

The Association of Allied Service Organizations, composed of American Legion, Women's Auxiliary American Legion, the Society of the Forty Men and Eight Horses—

That is a society which was organized by men who served in France—

Veterans of Foreign Wars of the United States, Auxiliary of Veterans of Foreign Wars of the United States, Military Order of the Cootie, Disabled American Veterans of the World War, earnestly request that a veterans' hospital be located in Phoenix under allotment for district No. 12—

In which district Arizona is located—

included in bill appropriating $17,000,000 reported May 4. This is urgently needed to relieve congestion and suffering among disabled men in immediate vicinity of Phoenix. Present hospital facilities here pitifully inadequate. Number of disabled men from all over the country entitled to hospitalization are arriving here in spite of closing of contract hospitals. The care of many of these men is falling upon the local service organizations and private individuals.

EXECUTIVE COMMITTEE ASSOCIATION OF ALLIED SERVICE ORGANIZATIONS.

The Veterans' Bureau, harsh in its judgment of the situation, unyielding in its determination to have its own way, has said, in effect, to the soldiers, "You will take our view of this problem or die."

I submit that is not the humanitarian and just way to act. To resume: After my amendment to the Russian relief bill was defeated, it was obviously impossible for me to do anything further except to plead with the Veterans' Bureau to expand the hospital facilities in Phoenix and Tucson.

Mr. President, $17,000,000 is now available, or has been authorized, for the further expansion and increase of hospitalization facilities for tubercular ex-service men. The only service that Congress can now render—it has furnished the money and given the appropriate power to the director to care for the subject—is to see that its committee shall execute the commission for which the committee was chosen. We have, I repeat, lodged the appropriate amount of money and authority with the director.

As soon as the bill appropriating $17,000,000 for further expansion of hospital facilities for ex-service men passed the Senate, I went to the Veterans' Bureau. I did not talk with the director, because I knew that would be useless. He was fair enough and manly enough to tell me long ago that on matters of hospitalization he defers to the judgment of his advisers. I, therefore, was guilty of no discourtesy in refusing to consult him, especially after he had repeatedly advised me that he would be guided by nothing and nobody except his advisers. I requested to be heard by the committee on hospitalization, or board of consultants, highly reputable physicians, and on the 2d of this month they granted me the right to be heard.

Briefly I laid before that committee on hospitalization, or board of consultants, composed of physicians, the situation respecting the soldiers at Tucson and Phoenix. I pointed out that there is in this world a law called the law of imponderability against which physicians contend in vain. I pointed out how necessary it was to have a serene mind and properly functioning digestive organs if we expect a tubercular patient to recover. The physicians themselves nodded approval of my words in that regard, but when I concluded they advised me respectfully that they thought that no expansions, no increases in hospitalization facilities in Tucson and Phoenix, would be recommended to the director, which means, of course, that, although $17,000,000 is available, there will be no expansion of hospital facilities in those two communities.

There is a time for speech and a time for silence. This to me was a time for speech. It was a call of duty.

The governor of the State, the mayors of the cities, the county boards of supervisors, the local hospitals, have done for the past year and a half or two years all that may be done, but the harsh, the rigid, in my judgment the unjust, policy of the Director of the Veterans' Bureau refuses to extend hospital facilities at Tucson and Phoenix.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. Certainly.

Mr. WALSH of Massachusetts. Does the Senator from Arizona know that the President recently named a woman to visit the hospitals where disabled veterans are housed to make personal inspection of the same and report to him? If the Senator is aware of that fact—it may have escaped his attention, for I only knew of it through the press—I would like to ask if the situation which he is describing perhaps could be assisted and relieved by inviting that woman to visit the institutions in Arizona and examine the situation there?

Mr. ASHURST. I have no doubt—in fact, I am persuaded—that the President of the United States has done that. I can not tell you why, because I am not in his confidence. When the entire Arizona delegation called upon him with the Governor of Arizona and pointed out the necessity for this expansion, he manifested such a friendly and such a sincere regard for the soldier that I have no doubt he has done what the Senator from Massachusetts states. But, Mr. President, that is not what I want. That is not what I am seeking. I am asking this committee of the Senate to go down there.

I know a few things. I was not born yesterday. If there be a subject that I understand, it is bureaus and bureaucrats. Mr. President, I would not feel offended if it were said that I am ignorant of many, if not most, subjects, but I know it would be wrong if it were said I know nothing about bureaus.

I know bureaus from inside and out. A bureau knows how not to do it.

There is too much bureau business about this matter of hospitalization. The director of the bureau frankly says he knows nothing about it and will do nothing about it, but will ask some one else, and that "some one else" will ask some other person, and ad infinitum, ad libitum, ad nauseam, they go on down the line, whittling away and whittling away until we can not place or fasten the responsibility on anyone. If a report ever be made, it is a private public report and is not available.

But the report of this committee, composed of the Senators whom I have mentioned, would receive attention. The report of this committee would be read, would be discussed. The report of this committee which the Senate has appointed would be placed in the RECORD and could be mailed, and the committee owes it no less to me than to themselves to go there and investigate.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. I yield.

Mr. DIAL. The Senator knows that under the bill providing $17,000,000 to build hospitals there have to be constructed fireproof buildings.

Mr. ASHURST. Yes.

Mr. DIAL. Possibly they are waiting until the soldiers die in order that a few big contractors may erect that kind of buildings.

Mr. ASHURST. I thank the Senator for his interruption. The able Senator from South Carolina suggested that it would take too long to erect fireproof hospitals.

Mr. DIAL. Yes.

Mr. ASHURST. That was a pungent observation.

Mr. DIAL. And would serve fewer soldiers, too.

Mr. ASHURST. But it so happened upon the floor there sat and now sits the worthy junior Senator from New York [Mr. CALDER], himself a builder, and he promptly made the observation that a fireproof hospital may be built just as quickly, just as efficiently, as a nonfireproof hospital may be built. Indeed, he went on to say that unless it were a monumental building or a building of enormous proportions a fireproof hospital could in point of time be built more quickly than an inflammable hospital; so that objection is not a valid one.

I have several times in the discussion of this matter labored under the embarrassment of being in the position of attempting to secure appropriations for hospitals simply because they were in Arizona. It is painful for me to refer to such a thing. That a Senator would presume to suggest or to hint, as was done last December, that my activity in this matter has been promoted by the idea that my success therein would mean a great expenditure of Federal funds in my State is beneath my notice. I have felt that the location of hospitals and the manner in which the hospital should be built could be left to the discretion of the Director of the Veterans' Bureau. So, Senators who would attempt to insinuate that my activity has been prompted by any desire to have Federal funds expended in Arizona may dismiss any such thought from their minds.

At this juncture I ask unanimous consent to include in the RECORD a copy of an address which I delivered in the Senate, when the Russian relief bill was before the Senate, on the hospitalization of soldiers.

Mr. SMOOT. I wish to say to the Senator that that would be against the rules of the Joint Committee on Printing, though the Senator might, by unanimous consent, insert excerpts from his address.

Mr. ASHURST. The Senator from Utah is right, but I will ask permission to include at this point in the RECORD a copy of the telegram from the Governor of Arizona and a copy of the telegram from Doctor Sweek.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

PHOENIX, ARIZ., *October 17, 1921.*

Senator HENRY F. ASHURST,
Washington, D. C.:

Director Forbes of Veterans' Bureau has submitted report to President strongly urging immediate action to meet present emergency arising from needs of hundreds of disabled former service men who, with approach of winter, are pouring into Arizona, where facilities for their care are very inadequate. He recommends immediate completion of Whipple building program through letting of contracts, it being obvious that under system now in effect winter will be well over before any of the buildings now under construction will be ready for occupancy. Maj. Louis T. Grant, manager Veterans' Bureau, twelfth district, is now in Washington, and I therefore urge that Arizona congressional delegation take prompt action, conferring with Major Grant and Director Forbes and calling as the President, bringing strongly to his attention the desperate situation in which these men find themselves and pointing out necessity for immediate action along following lines: Speeding up of construction program at Whipple, establishment of vocational training center at Prescott, acquirement of additional hospital facilities at Phoenix, and construction of cottages at Tucson to accommodate approximately 300 more patients. The need is very real, and I urgently bespeak your hearty cooperation.

THOMAS E. CAMPBELL, *Governor.*

[Telegram from Doctor Sweek.]

Exact figures impossible. Lowest estimates 950 active cases vicinity of Phoenix. Four hundred should be hospitalized but not willing to enter present contract hospital. Number of cases in Arizona that would enter properly conducted hospital, lowest estimate, 1,500. Present number hospitalized here, 104. Any size institution up to 1,500 would be full nine months of year. Hospital for 400 could be kept full year round for 25 years. Attending specialists available. Expensive resident staff of full-time men unnecessary. Would like opportunity to make this model hospital. Great need for hospital here, as men come from all States. Proper care here would prevent widespread criticism. As disease advances the number here increases as Southwest is used as last resort.

Mr. ASHURST. Mr. President, I see the junior Senator from New York [Mr. CALDER] and the junior Senator from Massachusetts [Mr. WALSH] are present. They are members of the committee. I think, and I will ask if they will go to Arizona to investigate?

Mr. WALSH of Massachusetts. I shall be glad to say a few words when the Senator from Arizona shall have concluded.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I yield.

Mr. WALSH of Massachusetts. Mr. President, I wish to say to the Senator from Arizona that I am surprised that there has been no relief afforded in the situation which the Senator has described as existing in Arizona; but if I shall go to Arizona—and I am willing to go—it will not be merely to see what quarters are being provided for disabled veterans but to secure, if necessary, the removal of administrative officers who have not done their duty. I do not propose to go to Arizona to do inspection work; I will go to get evidence to remove negligent officials. The question is not a legislative question. Congress has given funds and provided many well-paid officials to do the work of caring and hospitalizing our veterans. Letters and suggestions have been made by our committee directing administrative officers to take charge of the situation in Arizona and elsewhere and to afford immediate relief. If there has not been any relief granted after all the Senator from Arizona has said on the floor of the Senate at intervals during the last few months, after his repeated warnings, after the Governor of Arizona, the press, and others in his State have made protests, if the situation is as the Senator from Arizona has described it and as the people of Arizona have described it, then it is time to remove the chiefs of some departments or some bureaus. In common with every Senator, perhaps, I am getting letters from hospitals from my home State asking me to go there and investigate conditions. Should those suggestions be followed the result would be that I would have to absent myself from my duties here and become an administrative officer traveling about investigating hospitals. It is time to find out who are derelict in their duty, not an inspection problem.

All the committee can do is to send an inspector to the locality to ascertain what the situation is and to make a report. The Veterans' Bureau has done that in very many cases; but I had assumed that the Senator's activity, the Senator's influence, and the Senator's insistence would have led to some action long before this time, if the facts are as he has described them; and I have no doubt that they are. Certainly things have come to a deplorable situation if it is necessary for committees of Congress to become hospital inspectors. If the Senator from Arizona has not obtained results after all his energy, how can a committee's visit to Arizona be effective? The Veterans' Bureau exists for the very purpose of providing proper hospitalization facilities.

Mr. ASHURST. I believe the facts are as I have stated them.

Mr. WALSH of Massachusetts. It is regrettable that a Senator should have to iterate and reiterate on the floor of the Senate, as the Senator from Arizona has done, the situation in that State and apparently obtain no relief. Something ought to be done. Either the facts are or they are not as represented to the Senator from Arizona, and if they are as he represents them, some one is responsible for the neglect to house and care for these soldiers, and if it is the Chief of the Veterans' Bureau or the chief of the medical section who is derelict in his duty that official should be removed. I can not believe after all that has been said through the country about adequate hospital facilities for diseased veterans, after our extensive investigations and severe criticism of conditions and demand for immediate improvement, that the situation in Arizona remains unchanged and unremedied. What explanation does the Veterans' Bureau make?

Mr. ASHURST. Let me not be misunderstood. The Veterans' Bureau, when I discussed the matter with them of the need of further hospitalization of soldiers, pointed to the fact that in Prescott, the town in which I live, there is a great hospital for tubercular soldiers. Mr. President, I desire to compliment the bureau for the building and the expansion of the great hospital at Whipple Barracks, which is probably one of the select hospitals in the world of its kind. The Veterans' Bureau have also expanded a great hospital at Fort Bayard in New Mexico.

Mr. JONES of New Mexico. Mr. President——

Mr. ASHURST. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I think the difficulty comes from a lack of appreciation of the real situation in that section of the country. The situation in New Mexico is very largely the same as that described by the Senator from Arizona as existing in his State. There are a number of physicians in this country who believe that tuberculosis can be treated just as well in a humid climate as in a dry climate, and undoubtedly they are sincere in such belief.

Mr. ASHURST. I believe they are sincere.

Mr. JONES of New Mexico. I am afraid that view obtains in the bureau here in Washington. I wish to corroborate what the Senator from Arizona has said, that whether that contention be right or wrong the disabled soldiers do not believe it.

Mr. ASHURST. Exactly.

Mr. JONES of New Mexico. And they are flocking to New Mexico and Arizona, where they are becoming dependent in large degree upon the assistance of private citizens.

Furthermore, Mr. President, I have been told it is desired to establish hospitals in some large cities, because they want better accommodations for the officers who will be in charge. It is my observation, however, that those afflicted with tuberculosis should not be congregated in large cities. I have been in touch with the tubercular situation for about 37 years, and I think I know something about it. In my honest judgment those afflicted with the disease are better off if not placed in such great numbers in any one locality, and by all means they should be kept in a dry climate.

Physicians may deal with this question in a theoretical way if they want to, but they can not convince the disabled soldier that that is the right way. The disabled soldiers may be found in Arizona and New Mexico by the hundreds. Hospital facilities there are lacking. The officers of the American Legion in New Mexico have been pressing these facts upon the attention of the bureau and have been pleading for such facilities, as I also have done. It is true, as the Senator says, that the hospital at Fort Bayard has been enlarged. That hospital has a record of efficiency beyond that of any other hospital in all this land; but complaint is being made about the facilities there; they are not extensive enough; they can not accommodate the patients who want to go there. So the patients are scattered all over the State.

I hope that by means of the Senator's address and the humble words which I may utter those who have charge of this matter will be impressed. Whether they are theoretically right or wrong, the soldiers do not believe they are right; they are flocking into that section of the country, and there ought at least to be provided the hospital facilities where the disabled soldiers think they will be benefited if not cured.

Mr. ASHURST. Mr. President, the Senator from New Mexico has stated in a few words what I have in many words tried to say.

Mr. WALSH of Massachusetts. Mr. President——

Mr. ASHURST. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. May I ask the Senator a few questions to ascertain what the real situation is?

Mr. ASHURST. Certainly.

Mr. WALSH of Massachusetts. First of all, does the Senator contend that there has been no relief granted to the situation which he has innumerable times described on the floor of the Senate?

Mr. ASHURST. No; I do not contend that, for there has been relief extended.

Mr. WALSH of Massachusetts. But not sufficient thus far to take care of the disabled veterans flocking into the southwestern section of the country?

Mr. ASHURST. Let me describe to the Senator what is going on, or what has been going on.

Mr. WALSH of Massachusetts. Let me first ask the Senator another question. I should like to have him state when he began his efforts, what steps he and others in Arizona have taken, how many times they have been to see the President, how many times they have been to the Veterans' Bureau, and whether or not any results have followed his or his constituents' efforts. If improved conditions have followed from his and their efforts, but not sufficient results, that is one thing; whereas if no results have followed and nothing has been done, that is another proposition.

Mr. ASHURST. I have gone over in detail and at some length the various steps which have been taken. I have pointed out that if adequate facilities were constructed at Tucson and Phoenix, or the present facilities were properly expanded, large numbers of soldiers who now want to go there and who have been there and been sent away by the bureau would return there and find relief and recovery.

Mr. WALSH of Massachusetts. Then the Senator's suggestion is that the hospital facilities there are sufficient for the disabled soldiers in that locality?

Mr. ASHURST. No.

Mr. WALSH of Massachusetts. Wait a moment.

Mr. ASHURST. Not at all.

Mr. WALSH of Massachusetts. But there are disabled veterans coming in from various parts of the country, sincerely believing that the climate there will help them, and so they have overflowed the hospitals and private individuals have had to take care of them?

Mr. ASHURST. That is the situation.

Mr. WALSH of Massachusetts. The Senator has called that situation to the attention of the Senate repeatedly, and together with delegations from the State has called it to the attention of the President, I understand.

Mr. ASHURST. I called the matter to the attention of the President once.

Mr. WALSH of Massachusetts. He has called the situation to the attention of the Veterans' Bureau on various occasions?

Mr. ASHURST. Many times.

Mr. WALSH of Massachusetts. And the answer has been, if I am correct, "Physicians advise us—and we must follow their advice—that the climate there is no better than the climate elsewhere for the treatment of tuberculosis. We are having calls and demands made in various sections for hospitals, so that the friends of the disabled and diseased veterans may conveniently visit them; we can not build any more in Arizona; we are advising these men to go back home, where they can be cared for, but they will not go home; we can not do anything more than to advise them to go away." Is that the situation?

Mr. ASHURST. That is the situation.

Mr. WALSH of Massachusetts. What the Senator wants to do is to have a committee of the Senate go down there, to disregard the bureau's advice, to disregard the physicians' advice, to disregard the opinion of experts, to find these facts; that diseased veterans are there, whether rightly or wrongly, believing they will be cured, and in consequence the Senator believes we should make a recommendation that additional hospital facilities be provided in Arizona. Is not that the whole story?

Mr. ASHURST. That is what I seek. The Senator, in more felicitous language than I could employ, has stated what I have tried to say.

Mr. President, the board of consulting physicians in the bureau are eminent men of character, men of ability, and it was with not a little embarrassment that I was obliged to discuss a technical subject with them; they were practical men, seeking the good of the soldier, I believe; certainly they are seeking to do the duty imposed on them by the director in giving their advice. They asked me the question, "Is it your idea that the Government should establish hospitals whenever the soldier himself says he wishes hospitalization at a certain place? Do you mean to say that you are here to argue that the director should set up hospitals for tubercular soldiers wherever the soldier says he wants one?"

While my embarrassment in talking on a technical subject with those men was considerable, I labored under no embarrassment in answering that question, and promptly answered, "Yea." In time of war I believe the commander should be able to say to the soldier, "You go! You stay. You hold this point." But in time of peace, after the spiders are beginning to cobweb the cannon's throat and the peril has passed away, I see no impropriety, indeed, I see justice, in permitting a soldier afflicted with this baneful disease, tuberculosis, to say, "I like the climate here. Here I have a serene mind. Here I can digest my food. Let me have hospitalization here." A just and beneficent and humanitarian government will give him the right to say that.

Mr. SMOOT. Mr. President, I hope we will now proceed with the tariff bill, but I want to say to my good friend the Senator from Arizona that there has been no appropriation of $17,000,000 for hospitalization. It was authorized, and I think the Committee on Appropriations this afternoon will report the bill and ask immediate consideration of it.

Mr. WALSH of Massachusetts. Of course, the complaint the Senator makes is a complaint as to administration.

Mr. SMOOT. I was just going to say, as to the part of the Senator's statement complaining about the administrative features, I have not had time to make an investigation, but I do know that nearly every official in the Veterans' Bureau was a soldier himself in the recent war, and it does seem to me that that being the case they ought to look out for the soldiers' interests. I can not see why they would not.

Mr. ASHURST. The Senator, as usual, is correct in his statement as to the situation in regard to the bill. He is correct when he says that the money has not been actually appropriated. It has been authorized, and the bill which I think he is going to report soon appropriates $12,000,000, leaving five million available.

Mr. SMOOT. It is sixteen million.

Mr. ASHURST. I repeat, I have seized this opportunity, and whether properly or not, I have used this as a forum, as a conduit, through which to get these facts and ideas to the public, in order that the pressure of public opinion may influence the director and his advisers.

Mr. CALDER. Mr. President, I do not think that the committee appointed by the Senate to inquire into the condition of the veterans of the country need offer any explanation or apology for their conduct in this matter. After a most exhaustive study of the whole problem of the treatment of the veterans the committee, presided over by the Senator from West Virginia [Mr. SUTHERLAND], made an exhaustive report

to the Senate. I think that report did much to bring about early consideration of the legislation which led to the establishment of the Veterans' Bureau, the enactment of the law which followed that, and also the passage of the bill, which has passed the House of Representatives, providing for the appropriation of $17,000,000 for hospitals.

Of course, the Senator from Arizona knows that our committee can not go out and visit all the sites suggested for hospitals in the States. If we attempted to do that we would have to go to every State in the Union. There are some splendid sites which the Senators from New York are urging upon the Veterans' Bureau which ought to be selected, places in the Adirondack and Catskill Mountain sections of our State, which we believe would be just as helpful in bringing back the tubercular soldiers to health as the State of Arizona. Many things ought to be done which have not been done. I offer no apology for the bureaus of the Government which have charge of these things, but I am hopeful, as the Senator is, that when this appropriation is made to-day we can successfully appeal to the Veterans' Bureau for relief for these tubercular men.

Two months ago a building was purchased in the upper part of New York City, where provision is being made for the mental cases, and we are doing some excellent work in that direction. But the tubercular situation is most difficult, difficult because many of the medical men state that the tubercular patients can be treated just as well in the humid sections as they can in the dry sections of the country.

Mr. ASHURST. I would like to have the Senator give me the name of a physician who will say that tuberculosis of the lungs may be treated in a wet, humid climate with the same degree of efficiency with which it could be treated in a dry climate.

Mr. CALDER. I have always believed as the Senator has expressed himself now, but some of the most eminent medical men in the country have told me to the contrary, and what can we do, under the circumstances, but leave it to their judgment?

Mr. WALSH of Massachusetts. The statement of the Senator from New York is absolutely correct. The very men who are acting as an advisory medical board to the Veterans' Bureau have made that statement. I can not recall their names now. One is Dr. White, I am quite sure. I confess that I was surprised at such a statement.

Mr. CALDER. I was, too, I will say to the Senator.

Mr. WALSH of Massachusetts. I sympathize with the position of the Senator from Arizona, that since these men believe that that climate is helpful to them, that the Southwest is a good place to treat tuberculosis, undoubtedly having that impression so strongly fixed in their minds, some consideration of that fact ought to be entertained in building hospitals.

Mr. President, may I just add one word, and then I will surrender the floor to the Senator who is entitled to it?

The Senator from New York omitted to point out that one of the recommendations of our committee was to prevent just what the Senator from Arizona complains about—inability heretofore to fix responsibility for neglect. Recent legislation has directed the Director of the Veterans' Bureau to build these hospitals, to be responsible for the hospitalization of these men, and upon his shoulders rests the responsibility. If the Senator can prove neglect, it is very easy to fix it under existing law.

Mr. FRANCE obtained the floor.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. FRANCE. I wish to discuss the farm schedule of the tariff bill, and perhaps it will take me from 40 to 50 minutes. If the Senator wishes to say a word, and I can yield without losing the floor, I shall be glad to yield to him.

Mr. CARAWAY. I should like to take the floor for a few minutes, if the Senator will yield.

The PRESIDING OFFICER. Does the Senator yield?

Mr. FRANCE. I yield.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, I apologize to the Senate for having risen again to discuss a matter, just briefly, on which I realize I have taken too much time of the Senate already. There appeared this morning in the Washington Post this editorial:

ATTACKS ON MR. DAUGHERTY.

The nature of the attacks made upon Attorney General Daugherty indicates that they are inspired by political motives for the purpose of discrediting the Department of Justice and impeding its prosecution of criminals. Several Attorneys General have had experiences of this kind.

When simmered down, the most serious charges against Mr. Daugherty are that he is a politician and that he is a bad enemy and a good friend. As politicians make these charges and as all good Americans are politicians, or ought to be, it seems hardly probable that Mr. Daugherty will suffer ignominy because of his activity in politics. If all citizens were as active in politics as Mr. Daugherty, the affairs of the United States would be capably administered at all times and there would be fewer charlatans in public places. The impostor and "four-flusher" instinctively hates a man like Harry Daugherty. So long as he is Attorney General there is no comfort to be found by lawbreakers, and nothing would please them so much as to have him resign in discouragement and disgust as a result of their attacks. But they mistake their man.

The public interest, so far as the prosecution of crimes against the United States is concerned, is in the hands of an official who can not be swerved from his duty. He knows the interests that are making the fight against him, and no doubt he will take extra pleasure in making sure that they get their deserts from the United States Government.

Mr. President, I do not know the Attorney General, and never saw him. I have no interest in him one way or the other. As I said the other day, I think he is a good enough Attorney General for this administration. But I want to ask the Post, or any friend of the Attorney General, to name a single man accused of crime who is interested in having the Attorney General removed. No man accused has sought any help from me to make the Attorney General's position difficult. Two have communicated with me about this matter. One is T. B. Felder, who assured me—and grew angry with me because I did not agree with him—that the Attorney General had no part in procuring the Morse commutation of sentence. The other, whose telegram I put in the RECORD, is C. W. Morse, whose pardon the Attorney General had been instrumental in procuring.

They both took me to task for criticizing the Attorney General. Both defended the Attorney General. They are the only two who are threatened that I know anything about, and Felder is not threatened; I did not intend to say he was accused of crime. But Morse is indicted.

Morse is vexed that I have criticized his friend, and I put his telegram in the RECORD.

What criminal has the Attorney General ever prosecuted? What malefactor of great wealth has suffered at his hands? What interests that are criminal could feel safer than to have the present Attorney General remain in office? I do not know of any of them who want him out. Criminals are no greater fools than are other people.

If the Post implies that there is some one back of me influencing me, it simply does not know, to put it mildly. I have not sought the Attorney General's removal. I have not wanted to embarrass him. As I have explained once before, I got into a controversy with the Senator from Indiana [Mr. WATSON], who denied that the Attorney General had been at all interested in securing the pardon or the commutation of sentence of Morse, and had placed me in a rather embarrassing situation. I was repeating what had been common rumors.

The Senator from Indiana said it was not true. Of course, the Senator from Indiana was repeating what the Attorney General had told him. The Attorney General had told him that he had nothing to do with Morse's pardon or the commutation of the sentence. Of course, the Attorney General was not candid then, because the evidence he offers himself, through the junior Senator from Ohio [Mr. WILLIS], in the letter from Mr. Wickersham, proves that.

Mr. Taft said that he did not see him. I have written Mr. Taft a letter giving certain information which I have, and when I get his answer I shall put it in the RECORD. I know that somebody saw Mr. Taft, or somebody who has heretofore had a reputation for being honest is not truthful, and I shall give the Chief Justice, for whom I entertain a very high regard, a chance first to pass upon that question.

The Attorney General said that there was nothing reprehensible in the action of Mr. Daugherty. I am not quoting his words. Well, I do not suppose the Attorney General would admit that he had been guilty of cooperating in a game of that kind; but, on the other hand, not a word have I ever said to the effect that the Attorney General did something that he could not have done openly. It was a question of opinion, and therefore this is a false issue.

But I want to read, Mr. President, a report, a memorandum, February 18, 1922, of W. O. Watts, special agent, to W. J. Burns, Chief Bureau of Investigation. Reference to the conduct of certain war-graft cases. Exhibits from Nos. 1 to 6.

First, Who is W. O. Watts? W. O. Watts was a special agent of the Department of Justice. He is the agent that helped the Graham Congressional Investigating Committee in the House. This committee kept him and used him, and based their findings to some extent, at least, upon information dug up by him. They thought so well of him he was transferred as a special investigator to the Attorney General's office. He was dismissed from the office; but here is what I want to call to the attention of the

country—that in dismissing him there is not an intimation that W. O. Watts is not honest; that what he says is not true; that all the matters that he discussed were not correct. The Attorney General dismissed him because it was said that he was disloyal to the Attorney General or to the department in that he had given to Members of Congress information that was confidential—not that the information he gave out was not true. Nobody has asserted that; and to show how far from being considered untrue it is, this information was given to two Members of the House, both of them Republicans, both of them former soldiers in the World War.

One of them was serving in the House when the call to arms came. He walked out of the House of Representatives and enlisted as a private soldier. He carried his gun on his shoulder until by merit he won a promotion. He went to France and shed his blood on the fighting line in northern France. He came back, and his people have returned him to Congress. These reports were given by him to ROYAL JOHNSON, Congressman from South Dakota, and to Mr. WOODRUFF, a Member of Congress from Michigan, and upon Watts's information each made a speech in the House assailing the Attorney General and threatening him with impeachment proceedings unless he proceeded in the prosecution of certain cases which had been called to his attention by Mr. Watts. The Attorney General at once took action, at least against the Lincoln Motor Co., by sending the papers to Michigan to be acted upon.

Mr. Watts was dismissed from the service by this letter:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 24, 1922.

Mr. W. O. WATTS,
Special Agent, Department of Justice.

SIR: By direction of the Attorney General, you are dismissed from the service of this department, effective immediately upon receipt of this letter.

Now, for what reason?

You are removed for disloyalty to the Department of Justice, inasmuch as you knowingly and willfully violated the rules of the department, which, as you must be aware, constitutes a breach of trust.

Upon application to the disbursing office of this department your salary will be paid up to this time.

Respectfully,
RUSH L. HOLLAND,
Assistant Attorney General.
(For the Attorney General.)

Mr. WALSH of Massachusetts. Mr. President, what is the date of that letter?

Mr. CARAWAY. The date is April 24, 1922. Before he was dismissed the department addressed a letter to him which is rather long, and I will not read it unless so requested, or his reply to it. The letter asks if he had made certain disclosures to the two Representatives named—that is, ROYAL JOHNSON and Mr. WOODRUFF, of Michigan.

Here is part of a report that Watts made prior to this trouble. It is of February 18, 1922. He is quoting Mr. A. F. Myers, who is yet in the Department of Justice. Mr. Myers was talking about the Morse case, and here is what he said. Here is Watts's report:

Mr. Myers said, in effect, "The Attorney General is very much concerned about ordering Morse's return and that he did not desire to appear too prominently in the prosecution, preferring that the matter be handled by officials of the Shipping Board, for the reason that the Attorney General had procured from President Taft the pardon of Morse when he was in the Federal prison in Atlanta and that an embarrassing situation might arise because Mr. Morse had refused to pay Mr. Daugherty a large fee which he claimed for obtaining the pardon. That Mr. Daugherty had sent the pardon to Mrs. Morse to cause the least possible embarrassment and that Morse had subsequently claimed that Mrs. Morse had obtained the pardon and for this reason had refused the fee demanded.

Mr. President, that is a part of a report made before JOHNSON or WOODRUFF or myself had said anything about the Attorney General. However, in passing let me say a committee in the House of Representatives, composed in large part of Republicans, has voted out a resolution, based upon the Watts charges, to investigate the Attorney General.

The Post says that all this is an effort of somebody to shield criminals. I shall be pleased for the Post or for the Attorney General or any of the friends and apologists for Mr. Daugherty to point out the criminals who want Mr. Daugherty out of office. I say frankly there is not anyone indicted nor anyone threatened with indictment in whom I am interested. If a man has been guilty of violating the law, I do not care who he is, I do not care with what political party he affiliates, I do not care what his standing is or what his past may be, I want the Attorney General to do his duty and prosecute him; but I do not believe he is going to prosecute men of great influence; I do not believe other people think so. Therefore, without comment, since I have read the editorial, I shall read to you from an official list at the time of the activity for which Morse was indicted, "Officers and directors of shipbuilding companies having contractual relations with Emergency Fleet Corporation," arranged alphabetically by companies.

Morse was indicted for his activities in connection with the Virginia Shipbuilding Corporation. I want to read you something about the Virginia Shipbuilding Corporation and who are or were some of its officers and directors at the time of these transactions for which Morse is now indicted. It is as follows:

Virginia Shipbuilding Corporation, The: General office: Alexandria, Va. (controlled by the United States Steamship Co., 50 Broad Street, New York City). Official mailing address: Alexandria, Va. Branch offices, if any: 1320 F Street, Room 204, Washington, D. C. Location of plant: Alexandria, Va. Location of other shipbuilding plants, if any, owned or controlled by above company. Contract No. 145 (assigned by Groton Iron Works). Directors: Colin H. Livingstone, Washington, D. C.; C. W. Morse, New York City—

The man who is indicted—

George W. Loft, New York City; J. R. Meany, 50 Broad Street, New York City; E. B. McLean, care of the Washington Post, Washington, D. C.

He is the owner of the Post, which says criminals fear Daugherty and are trying to embarrass him. Mr. President, I shall offer no comment.

Mr. FRANCE. Mr. President——

Mr. WILLIS. Mr. President, if the Senator will yield to me, I desire to take only a moment in response to some of the statements made by the Senator from Arkansas.

Mr. FRANCE. I yield.

Mr. WILLIS. I do not desire to delay the passage of this tariff bill, and I do not propose to lend myself to dilatory tactics by making any extended remarks. I want to make only two observations.

One is that before this thing is through with I think my friend the Senator from Arkansas and everybody else will be perfectly satisfied that the Attorney General is enforcing the law and is properly performing the duties of his office. In what I now say I do not mean in the slightest way to reflect upon the Senator from Arkansas, because I do not think anybody could use him or anyone is trying to use him, and if they were, he is too able and independent and courageous to permit such a thing as that; but I do say that I know that there are forces at work that are seeking to discredit the Department of Justice because the Department of Justice is getting tremendously near to some people.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WILLIS. Certainly.

Mr. CARAWAY. Who are the forces? Name them.

Mr. WILLIS. The Senator did not hear me. He was not in the Chamber at the moment. I absolved the Senator entirely from anything of that kind.

Mr. CARAWAY. Of course; I knew that.

Mr. WILLIS. I absolved the Senator entirely from any matter of that kind; but it will be found out, in good time, that certain forces are seeking to discredit the Department of Justice because the Department of Justice is getting pretty close to some people. In my judgment, these efforts to discredit and break down the department will not deter its officials from vigorous prosecution of offenders.

Secondly, without reflecting in any way at all upon my friend from Arkansas, I think he has been misinformed as to the directorate, the names of which he has just read. I am quite certain that Mr. McLean was not a member of that board of directors, and I state, as a matter of information, that he was not. I do not question the reading of the document.

Mr. CARAWAY. If the Senator will come here I will show it to him.

Mr. WILLIS. Oh, I do not question the Senator's reading. I do not question that the Senator has read it correctly; but I think the document is incorrect.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. FRANCE. Mr. President——

Mr. SMOOT. Mr. President, will the Senator yield for just a moment?

Mr. FRANCE. I yield.

Mr. SMOOT. I understand that there is no objection now to taking a vote upon the pending amendment affecting lactic acid. I have been so told.

Mr. UNDERWOOD. Mr. President, I do not think there is any objection; but a large number of Senators who are interested in the subject are out of the Chamber, and I suggest to the Senator that he call for a quorum.

Mr. SMOOT. I was going to say that with the information I have, and for the purpose of having a vote at this time upon the amendments affecting lactic acid, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	McCormick	Sheppard
Ball	Glass	McCumber	Shortridge
Borah	Gooding	McKellar	Simmons
Brandegee	Hale	McLean	Smoot
Broussard	Harreld	McNary	Spencer
Bursum	Harris	Moses	Sterling
Calder	Harrison	Myers	Sutherland
Capper	Heflin	Nelson	Swanson
Caraway	Hitchcock	Newberry	Townsend
Culberson	Johnson	Norris	Underwood
Cummins	Jones, N. Mex.	Oddie	Walsh, Mass.
Curtis	Jones, Wash.	Overman	Warren
Dial	Kellogg	Page	Watson, Ga.
Dillingham	Kendrick	Philips	Watson, Ind.
Elkins	La Follette	Pittman	Willis
Fletcher	Lenroot	Poindexter	
Frazier	Lodge	Pomerene	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee on page 2, line 12, before the word "cents" to strike out "1½" and insert "2," so as to read:

Lactic acid, containing by weight of lactic acid less than 30 per cent, 2 cents per pound.

Mr. JONES of New Mexico. Mr. President, I desire to state that the rate upon this item as fixed by the House is the same as the present rate of duty. The committee amendment proposes to increase the rate from 1½ to 2 cents per pound. I do not believe any reason has been given why this increase should be made, and I hope the committee amendment will be rejected.

Mr. SIMMONS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McKINLEY]. I can obtain no transfer, and in his absence withhold my vote.

Mr. HALE (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD], which I transfer to the senior Senator from Missouri [Mr. REED], and vote "nay."

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Indiana [Mr. NEW]. Being unable to obtain a transfer, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. STERLING (when his name was called). Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD], I vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. In his absence, not being able to obtain a transfer, I withhold my vote.

The roll call was concluded.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES] and allow my vote to stand.

Mr. WATSON of Indiana (after having voted in the affirmative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Pennsylvania [Mr. PEPPER], and permit my vote to stand.

Mr. McCUMBER (after having voted in the affirmative). I have a general pair with the junior Senator from Utah [Mr. KING]. I understand that he has not voted. Therefore, I transfer my pair to the junior Senator from Maryland [Mr. WELLER] and allow my vote to stand.

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is unavoidably detained. I ask that this announcement may continue through the day.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 40, nays 23, as follows:

YEAS—40.

Ball	France	McCormick	Poindexter
Borah	Gooding	McCumber	Shortridge
Brandegee	Hale	McLean	Smoot
Broussard	Harreld	McNary	Spencer
Bursum	Johnson	Moses	Sterling
Calder	Jones, Wash.	Nelson	Sutherland
Capper	Kellogg	Newberry	Townsend
Curtis	Kendrick	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
Elkins	Lodge	Philips	Willis

NAYS—23.

Ashurst	Glass	La Follette	Sheppard
Culberson	Harris	Myers	Simmons
Cummins	Harrison	Norris	Swanson
Dial	Heflin	Overman	Underwood
Fletcher	Hitchcock	Pittman	Walsh, Mass.
Gerry	Jones, N. Mex.	Pomerene	

NOT VOTING—32.

Cameron	Keyes	Pepper	Trammell
Caraway	King	Ransdell	Wadsworth
Colt	Ladd	Rawson	Walsh, Mont.
Crow	McKellar	Reed	Watson, Ga.
du Pont	McKinley	Robinson	Weller
Edge	New	Shields	Williams
Ernst	Nicholson	Smith	
Fernald	Norbeck	Stanfield	
Frelinghuysen	Owen	Stanley	

So the committee amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The READING CLERK. On page 2, line 13, before the word "cents," strike out "3" and insert "4," so as to read:

Lactic acid * * * 30 per cent or more and less than 55 per cent, 4 cents per pound.

Mr. JONES of New Mexico. Mr. President, there are no importations of that character; in fact, the Reynolds Commission, which sent out to get comparative prices, were unable to find any of that acid on the market which had been reported. No reason has been given why the rate of duty on that item should be increased. I therefore move to strike out of the committee amendment the numeral "4" and insert in lieu thereof "1½," which is the present law on that item.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Mexico will be stated.

The READING CLERK. On page 2, line 13, the Senator from New Mexico proposes to amend the committee amendment by striking out the numeral "4" and inserting in lieu thereof "1½," so it will read:

Thirty per cent or more and less than 55 per cent, 1½ cents per pound.

Mr. JONES of New Mexico. On my amendment to the amendment, I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before relative to my pair and its transfer, I vote "nay."

Mr. JONES of New Mexico (when his name was called). I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED] and vote "yea." I ask that this announcement of the transfer of my pair may stand for the day.

Mr. McCUMBER (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before in reference to my pair, I withhold my vote.

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before in reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. McCORMICK. Has the junior Senator from Wyoming [Mr. KENDRICK] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. McCORMICK. I have a standing pair with the Senator from Wyoming, which I transfer to the junior Senator from Iowa [Mr. RAWSON], and vote "nay."

Mr. McKELLAR. I transfer my pair with the junior Senator from Indiana [Mr. NEW] to the junior Senator from Alabama [Mr. HEFLIN]. I make that transfer and vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 23, nays 39, as follows:

YEAS—23.

Ashurst	Glass	McKellar	Sheppard
Culberson	Harris	Myers	Simmons
Cummins	Harrison	Norris	Swanson
Dial	Hitchcock	Overman	Underwood
Fletcher	Jones, N. Mex.	Pittman	Walsh, Mass.
Gerry	La Follette	Pomerene	

NAYS—39.

Ball	France	McLean	Shortridge
Borah	Gooding	McNary	Smoot
Brandegee	Hale	Moses	Spencer
Broussard	Johnson	Nelson	Sterling
Bursum	Jones, Wash.	Newberry	Sutherland
Calder	Kellogg	Nicholson	Townsend
Capper	Lenroot	Oddie	Warren
Curtis	Lodge	Page	Watson, Ind.
Dillingham	McCormick	Philips	Willis
Elkins	McCumber	Poindexter	

NOT VOTING—34.

Cameron	Harreld	Owen	Stanley
Caraway	Heflin	Pepper	Trammell
Colt	Kendrick	Ransdell	Wadsworth
Crow	Keyes	Rawson	Walsh, Mont.
du Pont	King	Reed	Watson, Ga.
Edge	Ladd	Robinson	Weller
Ernst	McKinley	Shields	Williams
Fernald	New	Smith	
Frelinghuysen	Norbeck	Stanfield	

So the amendment of Mr. JONES of New Mexico to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the committee.

Mr. UNDERWOOD. Let the amendment be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. In the clause relative to lactic acid, on page 2, line 13, before the word "cents," it is proposed to strike out the numeral "3" and insert the numeral "4," so as to read:

Thirty per cent or more and less than 55 per cent, 4 cents per pound.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The next amendment of the Committee on Finance was, in the same clause, on page 2, line 14, before the word "cents," to strike out the numeral "5" and insert the numeral "9," so as to read:

And 55 per cent or more, 9 cents per pound.

Mr. JONES of New Mexico. Mr. President, the grade of this acid which is imported is 80 per cent pure. Below that grade comes what is known as "technical lactic acid," which is used rather extensively; but there is no importation to compete with it, as was found by the Reynolds Commission. The present duty upon acid of that grade and above is 1½ cents a pound. In the Payne-Aldrich law, on this grade, the rate of duty was 3 cents a pound. The effect of the committee amendment will be to increase the Payne-Aldrich rate by 300 per cent and to increase the present rate by 600 per cent. I therefore move to strike out the numeral "9" and to insert the numeral "1½," that being the present rate.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Mexico to the committee amendment.

Mr. UNDERWOOD. Mr. President, I merely wish to say a word in reference to this particular amendment. I think it very clearly demonstrates the inartificial way in which this bill has been prepared. Lactic acid comes in various grades of concentration. Under the present law there is a uniform rate of 1½ cents a pound. Naturally, the importer purchases lactic acid of a higher concentration, because in that way he can import more at the lower rate. In other words, if he brought in lactic acid 80 per cent pure he would pay a less tax than if he brought it in at 30 per cent pure, because the rate is uniform.

Of course, the rate levied in the present law was levied for revenue purposes, it being expected that there would be some slight importations from which revenue would be derived. Under the rate of 9 cents a pound proposed by the pending bill, of course, no importations will come in, for the rate is absolutely prohibitive.

The difference between the grades of lactic acid is not a question of manufacture, but is a question of putting water in it. Lactic acid of 80 per cent purity may be reduced very readily by dilution with water. I think the larger use of lactic acid is for tanning, but as high a grade as 80 per cent is not necessary for tanning purposes. However, the 80 per cent grade is imported and then reduced by the application of water. When the basic rate on 30 per cent lactic acid was fixed by the committee at 2 cents a pound, evidently the mind of the committee met on the proposition that from the standpoint of a protective tariff that was a fair rate.

Under the terms of this bill the duty on lactic acid on all grades above 55 per cent is 9 cents a pound. The duty would be no more, therefore, on 100 per cent acid; but I know of no 100 per cent grade, 80 per cent being the highest concentrate of which I know. If the rate is put at 9 cents a pound on 80 per cent lactic acid, it is apparent that the importer is not going to import 80 per cent lactic acid, but is going to bring in the lower grades and reduce the concentration with water.

Mr. SMOOT. He could reduce it to 54 per cent, for instance.

Mr. UNDERWOOD. He could reduce it to 54 per cent or to 30 per cent, for he gets the lowest rate of duty on the 30 per cent grade. Supposing that the concentration ran up as high as 90 per cent, if the bill were made uniform the rate on 30 per cent being 2 cents a pound, and 90 per cent being three times 30 per cent, the duty on the 90 per cent grade should be 6 cents. The rate on the various degrees of concentration should be uniform, it seems to me; but it is apparent, as I look at the rate provided, that 9 cents a pound is put on the highest grade, the highest concentration of lactic acid, because that will force whatever lactic acid comes into this country, if any of it shall come in, to be imported at the lower rate, having larger bulk and requiring the importer to pay a higher freight rate on importations. That is all there is to it, so far as I can see. It is an effort to inconvenience the importer and make him pay higher freight rates because of the form in which the lactic acid will be imported, and, of course, the American people in using it will have to pay the penalty to that extent. Therefore I think the rate proposed is entirely without justification.

Mr. TOWNSEND. May I ask the Senator a question?

Mr. UNDERWOOD. Certainly.

Mr. TOWNSEND. Does the Senator think that 1½ cents a pound is the proper rate, in view of the vote which has just been had?

Mr. UNDERWOOD. One and one-half cents was the rate proposed by the former amendment.

Mr. TOWNSEND. As I understand, the pending amendment is to strike out "9" and insert "1½"?

Mr. UNDERWOOD. Of course, the Senators on this side of the Chamber are not in favor of protective tariff. If we were levying a revenue tariff, I think 1½ per cent would be sufficient, but from the standpoint of a protectionist, if we are to levy a protective tariff, if the basic rate on the 30 per cent concentration is to be 2 cents a pound, I can not see how a rate above 6 cents a pound can be justified on the higher concentration.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. UNDERWOOD. I yield.

Mr. McCUMBER. I understand that the regular commercial grades are three, namely, 22 per cent, 44 per cent, and 66 per cent. Very little of the 66 per cent grade comes in, the grade usually imported being 80 per cent and above. Therefore, having doubled the rate on the grade between 22 and 44 per cent strength, then the rate should be doubled again on the grade between 44 and what will really be about 90 per cent.

Mr. UNDERWOOD. But that is merely a rule of thumb. The rate is being based on the commercial grades, when the strength of lactic acid merely depends upon how much water may be put in it. The 80 per cent acid is imported not for use but is concentrated in that form because the importers have to pay a less tariff on it, and, of course, a less freight rate. I can not see any logical reason why the committee should levy a rate of 9 cents a pound on the higher grade of the commodity, if the basic rate of 2 cents a pound is right from the standpoint of a protective tariff, when the highest concentrate has only three times the strength of the 30 per cent grade. I presume it was intended to make the rate prohibitive as to the higher grades, and if any importations should come in to force them to be of the lower grades. That, however, is the business of the majority; it is not mine.

Mr. LODGE. By bringing in lactic acid of the higher per cent there is, of course, a great saving.

Mr. UNDERWOOD. Undoubtedly.

Mr. LODGE. It may be diluted subsequently, but it is a great saving to the importer to bring in the 80 per cent grade.

Mr. UNDERWOOD. Yes; it saves freight rates and saves the purchasers in this country paying those freight rates. I am not arguing the question from that standpoint. I am calling to the attention of the Senate the differential the committee has imposed against the higher grade, and for that I can see no reason whatever.

Mr. JONES of New Mexico. Mr. President, I want to say just a word.

What is expected to be the result of this rate is quite apparent. We were advised by the chairman of the Finance Committee that the only evidence on which this rate was based was the mere fact that some of this acid was being imported. That was all that he needed to justify him in proposing this rate. That simply means that they want a prohibitory rate.

I agree with the Senator from Alabama that there is no scientific adjustment of these rates on the different grades of lactic acid; but unquestionably the purpose of this is to be sure and get the duty high enough to make it prohibitory. I think they quite succeed in it. I do not believe in making a prohibitory rate on these items. I should believe that the farmers of North Dakota would like to exchange a few bushels of wheat and let a few pounds of lactic acid come into the United States.

I ask for the yeas and nays upon my amendment to the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New Mexico to the amendment of the committee, upon which the yeas and nays are demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. McCUMBER (when his name was called). Making the same transfer as on the previous roll call, I vote "nay."

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Indiana [Mr. NEW]. I have been unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as on the previous roll call, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WATSON of Indiana (when his name was called). Making the same transfer as before, I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I observe that the Senator from Virginia [Mr. GLASS] has not voted. I have a pair with him, which I transfer to the Senator from Delaware [Mr. DU PONT], and allow my vote to stand.

Mr. McKELLAR. I find that I can transfer my pair with the junior Senator from Indiana [Mr. NEW] to the senior Senator from Arizona [Mr. ASHURST], which I do, and will vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Kentucky [Mr. BECKHAM] with the Senator from Kentucky [Mr. STANLEY]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 10, nays 39, as follows:

YEAS—10.

Culberson	Harrison	McKellar	Simmons
Dial	Heflin	Overman	Swanson
Fletcher	Hitchcock	Pittman	Underwood
Gerry	Jones, N. Mex.	Pomerene	Walsh, Mass.
Harris	La Follette	Sheppard	

NAYS—39.

Ball	France	McCormick	Shortridge
Brandegee	Gooding	McCumber	Smoot
Bronson	Hale	McLean	Spencer
Curtis	Harreld	McNary	Sterling
Calder	Johnson	Moses	Sutherland
Capper	Jones, Wash.	Newberry	Townsend
Cummins	Kellogg	Nicholas	Warren
Curtis	Kendrick	Page	Watson, Ind.
Dillingham	Lenroot	Phipps	Willis
Elkins	Lodge	Poindexter	

NOT VOTING—38.

Ashurst	Frelinghuysen	Norbeck	Stanfield
Borah	Glass	Norris	Stanley
Cameron	Keyes	Owen	Trammell
Caraway	King	Pepper	Wadsworth
Colt	Ladd	Ransdell	Walsh, Mont.
Crow	McKinley	Reed	Watson, Ga.
du Pont	Myers	Reed	Weller
Edge	Nelson	Robinson	Williams
Ernst	New	Smith	
Fernald	Nickson	Smith	

So the amendment of Mr. JONES of New Mexico to the committee amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. FRANCE. Mr. President, I desire to submit some observations on the farm schedule of the tariff bill; and I ask at this point that certain tables and statistics which I shall present be incorporated in the RECORD as part of my remarks at the appropriate places.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Agricultural wealth and production of the State of Maryland—Maryland agricultural statistics.

(United States Census of 1920.)

JANUARY 1, 1920.		
Population of State		1,449,661
Land area of State	acres	6,362,240
FARMS.		
Number of all farms		47,906
Land in farms:		
Improved land	acres	3,196,728
Woodland	do	1,327,231
Other unimproved land	do	234,050
Total land in farms	do	4,757,909
VALUE OF FARM PROPERTY.		
Land		$239,904,047
Buildings		126,662,803
Implements and machinery		23,970,020
Live stock		48,071,250
Total value of farm property		443,608,120

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	[illegible]	$43,796,464
Poultry of all kinds	[illegible]	4,216,105
Bees (hives of bees)	16,117	79,681
Total live stock		48,071,250

Maryland farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	27,049,076	$32,678,780
Oats (bushels)	[illegible]	1,628,945
Wheat (bushels)	[illegible]	21,357,558
Other cereals (bushels)	312,242	789,603
Total cereals (bushels)	32,398,895	55,946,785
Hay and forage (tons)	409,910	16,245,825
Vegetables:		
Potatoes (bushels)	[illegible]	12,353,965
Sweet corn		1,798,229
Tomatoes		4,298,591
All other		[illegible]
Total vegetables		28,871,775
Fruits and nuts:		
Apples (bushels)	1,518,984	2,430,217
Peaches (bushels)	884,111	1,071,815
Pears (bushels)	292,199	438,545
Grapes (pounds)	[illegible]	[illegible]
Strawberries (quarts)	[illegible]	1,615,691
All other		387,285
Total fruits and nuts		6,042,369
Tobacco (pounds)	17,320,589	5,721,164
All other crops		584,296
Total crops of Maryland		109,811,164
Nursery and greenhouse products		1,324,463
Forest products		4,673,536

Maryland farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	38,754,193	[illegible]
Milk sold ... do	31,842,910	1,524,356
Cream sold ... do	311,426	278,958
Butter fat sold ... pounds	448,296	[illegible]
Butter made ... do	6,182,591	3,209,264
Cheese made ... do	126,190	50,475
Total dairy products		13,407,526
Eggs produced ... dozens	15,985,691	6,637,794
Chickens raised ... number	5,287,655	5,099,925
Wool and mohair ... pounds	532,018	320,180
Honey and wax ... do	217,622	56,837
Animals sold and slaughtered on farms		16,816,828
Total live-stock products of Maryland		42,339,000

Summary of Maryland farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$55,946,785
Hay and forage	16,245,825
Vegetables	28,871,775
Fruits and nuts	6,042,369
Tobacco	5,721,164
All other crops	584,296
Total crops	109,811,164
Nursery and greenhouse products	1,324,463
Forest products	4,673,536

LIVE-STOCK PRODUCTS.

Dairy products	13,407,526
Eggs produced	6,637,794
Chickens raised	5,099,925
Wool and mohair	320,180
Honey and wax	56,837
Animals sold and slaughtered on farms	16,816,828
Total live-stock products	42,339,000
Total farm products of Maryland	158,148,163

MEASURES OF THE REPUBLICAN PARTY TO ADVANCE THE PRESENT AND FUTURE WELFARE OF THE AMERICAN FARMER.

Mr. FRANCE. Mr. President, for many years I have been deeply interested in legislation for the protection and advancement of American agriculture. To make farming attractive and profitable is the first need of our national life. I know the problems of the American farmer. I have given much attention to the agricultural reports and books. I have examined closely masses of statistics and the census figures which record the progress of our agricultural activities. I have had long and practical contact with agricultural problems. For several years I served on the Committee on Agriculture and Forestry of the United States Senate. Last summer, in order to study conditions in foreign lands, I made an extensive tour in Europe, even traveling over Russia, where I met and talked with the Russian peasant farmers and came to know intimately their problems and hopes. For these reasons I feel that I can discuss the question of a protective tariff on farm products from the standpoint of one who knows the problems of the American farmers and the conditions which surround agricultural production abroad.

OUR FARMERS NEED PROTECTION.

I shall not discuss abstract theories, but I shall prove to you by statistics, which can not be questioned, that the American farmers must now have an adequate protective tariff on the products of their farms or be brought to the brink of ruin during the coming years by a flood of imports with which they are threatened because of conditions growing out of the war. I shall present in connection with my argument some most valuable statistics which have been compiled, not by myself, for I had not the time for such research, but by William W. Evans, an eminent statistician and expert, of the accuracy of whose work there can be no question. These statistics really constitute in themselves an unanswerable argument to prove that adequate high protective tariffs on such products as our farmers raise are now imperatively necessary. I believe that every Senator and every American farmer, who will follow my argument and study these statistics, must be convinced that the argument is unanswerable.

WORLD'S FOOD SUPPLY.

The first problem of the world is the abundant production and the proper distribution of the food for the feeding of the nations. At present the world is in a peculiar condition as a result of the war. There is some danger of a general world shortage of food. In some countries there is an overproduction and superabundance of food. In other countries there is underproduction of food and actual famine. Conditions of the exchange markets and the currencies of the various countries are such that the food is not moving through the arteries of world commerce from the countries where there exist overproduction and accumulation of food to the countries where there are underproduction of food and actual famine. As a result of this the farmers in the countries of abundance suffer from demoralized prices for farm products, while people in other lands perish, lacking the food which the farmers in the countries of abundance can not sell.

For example, in some Western States last November it was cheaper for the farmer to burn ear corn than to buy coal. Corn at 10 cents a bushel equals coal at $5 per ton, and corn at 25 cents a bushel equals coal at $12.50 per ton. So some of our western farmers were burning ear corn last winter to keep from freezing, while millions in Austria, Russia, and the Near East were perishing from lack of food. The chief problem of the present is the rehabilitation of agriculture so that there will be an abundant production of foods and the establishing of tariffs and the credit facilities so that the food may go from the places of plenty to the places of desperate need, where gaunt famine and pestilence are taking a dreadful toll of human life.

One of the most eminent students of agriculture—E. M. East—has estimated that it requires approximately 2.5 acres to support each individual human being, and that therefore it requires approximately 37,000,000 of acres more land each year to be placed under cultivation to supply the annual increase of the world's population. The same authority has estimated that out of the 33,000 millions of acres of the earth's surface approximately 13,000 millions of acres can be cultivated, and that of this approximately 5,000 millions of acres are under cultivation. According to his calculations, it would appear that the earth is capable of supporting, if properly tilled, something more than 5,000 millions of people on its total of 13,000 million tillable acres.

Although the earth, if properly tilled, is therefore capable of supporting more than three times its present population, nevertheless at the present time there are many countries in which the people are suffering from hunger, malnutrition, or actual starvation, while in other countries there are to be found excessive amounts of foodstuffs and greatly increased production. Moreover, there is grave danger that this uneven distribution of the world's food supply may be aggravated by the dumping here, from European or foreign countries where there is a surplus, of foodstuffs of which we ourselves have an excess. This may be caused as a result of the depreciated currencies abroad, which offer special inducements to the European farmers to sell their goods in American markets.

Before proceeding with my argument, I wish to call attention to some facts showing the decline of American agriculture.

DECLINE OF AMERICAN AGRICULTURE.

It has always been one of the chief concerns of the Republican Party to advance the welfare of the American farmer. Republican statesmen have viewed with anxiety the decreasing annual profits of the American farmer and the steady flow of population, due to the relative unprofitableness of farming, from the country to the city. In 1870 nearly one-half of our total population was engaged in agriculture, including fishing and mining. In 1890 only 39.65 per cent, or two-fifths of our people, were engaged in farming; in 1900 only a little over one-third of our people, 35.7 per cent, and in 1920 only 25.6 per cent of our people were engaged in the fundamentally important work of agricultural production. In the last decade, particularly, there has also been an alarming relative decrease in the number of those owning their farms, a startling increase in farm mortgages, and a steady increase in the number of tenant farmers. These facts, and others which I might mention, furnish conclusive evidence of the hardships which our farmers have suffered and of the unsatisfactory conditions which have surrounded agricultural production in the United States. No class of our citizens has endured more from the injustice of personal and arbitrary government during the last administration than those who are engaged in agriculture. The Republican Party has always stood for legislation favorable to our producers. The Democratic Party seeks to legislate in the interest of our consumers. The Republicans hold that if the productive power is increased all will be enriched and all who are both producers and consumers will receive the benefit.

The Republican Party has studied the needs of American agriculture and only its wise actions in the past have prevented disaster from overtaking the American farmer. Let me illustrate by giving you some startling figures. In 1899 the American farmers paid out in wages $357,892,000; in 1909 they paid out in wages for labor $651,611,000, an increase in farm-labor costs of 82.3 per cent. In 1899 our farmers paid out in fertilizer about $53,500,000, while in 1909 they paid out nearly $115,000,000, an increase of 115 per cent. Bearing in mind these facts, it is most significant that in 1899 the cereal crops amounted to 4,438,057,013 bushels, while in 1909 the cereal crops amounted to 4,512,564,465 bushels, an increase in the number of bushels of only 1.7 per cent. That additional cost of labor—82.3 per cent—and that increase for fertilizer—115 per cent—brought only 1.7 per cent increase of the cereal crops of the country. Because of the inevitably declining fertility of our soils it requires a constant increase in the labor and in the fertilizer to maintain our production at the same level. And yet, as I shall show, in spite of the hardships of our farmers during this decade, the Democrats in 1913 enacted the Underwood tariff law which placed wheat, corn, rye, potatoes, eggs and poultry, milk and cream on the free list and drastically reduced the duties on other important farm products, greatly increasing the difficulties of our farmers. I shall give some tables showing the great increase in imports with reductions of duties. And, if it had not been for the war, a serious crisis would have been caused in American agriculture.

REPUBLICAN CARE FOR THE FARMER.

Realizing that agriculture is the basic industry upon which the welfare and wealth of all depend, the Republican Party has adopted such an administrative policy as will result in a greater prosperity for our agricultural population and check the steady flow of people from the country to the city, which, if continued, must prove disastrous. The Republican Party, in State and Nation, has advocated and is securing more good roads, better central schools, improved rural social conditions, community market centers, the extension of the parcel post, more efficient methods for agricultural education, and the adoption of every method which will stimulate an interest in and knowledge of the fundamental importance of agriculture. A Republican Congress has adopted legislation which will make possible and encourage cooperative buying, selling, and shipping, and such other cooperative enterprises as must be of great assistance to agriculture. The Republican Party has adopted measures for the extension of credit facilities for our farmers and policies which tend to encourage the ownership of farms. Measures are being considered for the conservation of our lands and natural resources, for the prevention of that erosion which follows forest devastation, and for the preservation and development of phosphate beds and native sources of nitrates and potash. There can be no doubt that the simplification and standardization of farm machinery would lower the cost of machinery and the repair parts for the same and make it easier to secure interchangeable parts, and that millions of dollars might be saved, if this were done, for our American farmers. I was able to secure an amendment to the Agricultural appropriation bill in the Senate which provides a fund for the study by the Government of this important question, and this is an important step toward the simplification of farm machinery.

FUNDAMENTAL INDUSTRIES OF OUR GREAT COUNTRY.

The great available wealth of the United States is derived from the land—farms, mines, forests—and from our industries or factories, but it is not to be denied that the farms of America are the chief producers of wealth. When our farmers suffer as they have during the recent most critical years, the whole country feels the unfavorable effect of the agricultural depression. When the legitimate profits which the farmer should enjoy are no longer possible, because of high costs of production or unfavorable markets, the purchasing power of the farmers is paralyzed and merchants and manufacturers cease to be prosperous. I have briefly enumerated some of the causes of the agricultural depression which during recent years has proved to be so destructive to our agricultural interests. I desire to discuss the question of the necessity of an adequate protective tariff upon the products of the farm, a tariff which is now absolutely necessary because of the conditions which exist as a result of the war. I think I shall be able to conclusively prove the unfavorable effect upon American agriculture of the Democratic Underwood tariff bill, even in normal times, and to demonstrate that under present conditions a law similar to the Democratic Underwood tariff bill would bring disaster to the farmers of America. Under the Democratic Underwood tariff law the farmers were compelled to meet foreign competition at a time when there was industrial depression and unemployment, which always tends to decrease the consumption of the products of the farm. I shall prove that in certain of the foreign countries there is an excessive production of foods, which are now being produced at the lowest relative cost in the world's history because of the depreciated value of foreign currencies as compared with the American dollar.

Remember the fundamental fact that every producer of food or manufactured articles desires to sell in the market where he can secure a sound and stable currency or money. In other words, goods tend to flow from the countries where currency is depreciated and money has little value to the countries where money is sound. For example, when people were starving in Russia the Rumanians, who had a surplus of grains, did not ship to Russia, where the money is more depreciated than in Rumania, but to the countries with currency less depreciated than their own. In proceeding with my argument I desire to discuss the following influences which have caused and which may, in the absence of proper legislation, cause a serious agricultural depression:

FACTORS.

Let me summarize the causes as follows:

a. The excessive production of foodstuffs in certain of the foreign countries.

b. The enormously depreciated value of foreign money as compared with the American dollar, which makes possible the lowest cost in the world's history of producing agricultural products in the countries where the money is so depreciated.

c. The disastrous effects upon American agriculture of the Democratic Underwood tariff law, demonstrating the absolute necessity of adequate specific duties upon all agricultural products.

d. Diminished consumption of farm products in the United States in periods of industrial depression and unemployment, proving that the welfare of our farmers is inseparably bound up with that of the workers in our cities and industries.

e. The inability of our farmers to ship their surplus to certain countries where there exists a desperate need for foodstuffs and seed, owing to the fact that international, commercial, and economic systems are still disordered and a system of international credits has not been arranged.

During the war millions of men and women were withdrawn from the peaceful and plentiful production of the necessities and commodities of civilized life, especially food, and were engaged in the creation and organization of huge engines and armies for destruction. In the large agricultural countries—Russia, Serbia, Hungary, Rumania, France, and Italy—there was an alarming decrease in agricultural production.

But with the close of the war, with many of the industries in the cities destroyed, there being in many countries a great lack, both in the machinery and in the raw products necessary for industry, millions of men turned their attention to the great industry which was open to them, namely, to agriculture; and the agricultural production of certain of these countries of Europe has been markedly increased over the pre-war agricultural production.

The most valuable statistics, which have been prepared for me by an experienced and eminent statistician, both upon this point and in connection with my subsequent remarks, I ask to have inserted in the RECORD.

Table A shows the production in the United States and principal foreign countries of wheat, oats, rye, barley, potatoes, corn, and beans for four periods, namely:

Figures under column A show average yearly production from 1909 to 1913.

Figures under column B show production for 1919.

Figures under column C show production for 1920.

Figures under column D show production for 1921.

Countries marked with an "X" in this table are those having greatly depreciated exchange.

Countries marked with an "S" in this table are those having slightly depreciated exchange.

The table to which I have just referred will, of course, speak for itself. It simply proves the fact that in certain of the countries with greatly depreciated currencies there has been an enormous increase in the amount of foodstuffs now produced, as compared with the amounts produced prior to the war. The table is well worth careful study as proving the point that certain of those countries have greatly increased their production; that that production has been at a very much lower cost, due to the depreciation of the currency; and the subsequent argument will show that this constitutes a menace to American agriculture.

May I have permission to have these tables inserted in the RECORD?

The PRESIDENT pro tempore. Without objection, permission is granted.

The tables are as follows:

TABLE A.—*Agricultural production of United States and foreign countries.*

Production of cereals, potatoes, and beans; pre-war yearly average (1909–1913) and postwar years 1919, 1920, and 1921. (Compiled from reports of United States Department of Agriculture, Washington, D. C.)

Figures under column A show average yearly production from 1909 to 1913.

Figures under column B show production for 1919.

Figures under column C show production for 1920.

Figures under column D show production for 1921.

Countries marked with an "X" in this table are those having greatly depreciated exchange.

Countries marked with an "S" in this table are those having slightly depreciated exchange.

1. PRODUCTION OF WHEAT (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	686,691,000	968,279,000	833,027,000	794,832,000
Canada (S)	187,118,000	193,280,000	262,189,000	300,958,000
Austria (X)	61,075,000	3,114,000	5,423,000	5,452,000
Belgium (X)	14,883,000	9,886,000	10,270,000	11,525,000
Bulgaria (X)	43,725,000	14,025,000	38,703,000	42,510,000
Czechoslovakia (X)		14,942,000	26,302,000	40,673,000
France (X)	317,254,000	287,444,000	296,929,000	322,767,000
Germany (X)	152,119,000	74,791,000	82,383,000	97,894,000
Hungary (X)	156,523,000		23,294,000	47,697,000
Italy (X)	183,260,000	169,799,000	141,137,000	158,128,000
Poland (X)	23,343,000	20,760,000	18,258,000	35,576,000
Rumania (X)	86,670,000	64,000,000	70,350,000	76,977,000
Russia (European) (X)	822,794,000			
Russia (Asiatic) (X)	84,139,000			
Turkey (Asiatic)	35,000,000			
Serbia (X)	14,773,000	4,126,000		
Spain (S)	130,446,000	126,230,000	128,605,000	142,205,000
Sweden (S)	7,967,000	9,509,000	10,545,000	12,588,000
United Kingdom (S)	61,481,000	69,324,000	86,878,000	73,600,000
British India (S)	230,736,000	285,485,000	277,888,000	250,489,000
Japan (S)	25,374,000	22,800,000	28,283,000	27,874,000
Algeria (S)	32,071,000	23,539,000	8,362,000	41,480,000
Egypt (S)	34,000,000	37,137,000	31,706,000	37,011,000
Argentina (S)	157,347,000	171,591,000	214,140,000	169,735,000
Australia (S)	54,843,000	75,622,000	45,864,000	144,191,000

2. PRODUCTION OF OATS (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	1,131,176,000	1,184,030,000	1,426,281,000	1,060,737,000
Canada (S)	367,675,000	394,257,000	429,710,000	426,323,000
Austria (X)	142,232,000	11,581,000	15,975,000	18,775,000
Belgium (X)	40,455,000	31,820,000	33,365,000	39,251,000
Bulgaria (X)	9,880,000	5,791,000	7,004,000	11,272,000
Czechoslovakia (X)		43,981,000	59,624,000	72,352,000
France (X)	510,020,000	168,233,000	202,643,000	265,906,000
Germany (X)	801,900,000	259,057,000	321,490,000	344,812,000
Hungary (X)	55,500,000		22,328,000	30,135,000
Italy (X)	38,945,000	34,065,000	34,225,000	37,775,000
Latvia			7,754,000	14,127,000
Poland (X)	79,590,000	91,620,000	111,480,000	149,788,000
Rumania (X)	27,545,000	22,824,000	60,979,000	55,353,000
Russia (proper) (X)	824,940,000			
Serbia (X)	5,443,000			
Spain (S)	39,110,000	33,915,000	37,772,000	35,616,000
Sweden (S)	79,115,000	75,591,000	70,600,000	75,588,000
United Kingdom (S)	182,777,000	222,194,000	151,358,000	136,414,000
Japan (S)			11,162,000	12,084,000
Algeria (S)	12,000,000	13,537,000	4,000,000	11,412,000
Argentina (S)	32,182,000	33,782,000		47,608,000
Australia (S)	14,851,000	10,441,000		
New Zealand (S)	12,064,000	8,885,000		8,225,000

3. PRODUCTION OF RYE (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	54,916,000	75,483,000	60,490,000	57,918,000
Canada (S)	2,996,000	10,207,000	11,305,000	23,800,000
Austria (X)	112,782,000	9,035,000	10,063,000	12,661,000
Belgium (X)	22,877,000	13,681,000	18,169,000	17,761,000
Bulgaria (X)	6,552,000	6,490,000	9,798,000	8,390,000
Czechoslovakia (X)		32,734,000	32,941,000	54,390,000
France (X)	48,647,000	28,796,000	34,098,000	44,404,000
Germany (X)	445,222,000	240,161,000	194,255,000	250,144,000
Hungary (X)	48,716,000		30,504,000	33,605,000
Italy (X)	5,325,000	4,571,000	4,539,000	5,624,000
Latvia			4,686,000	9,757,000
Poland (X)	90,494,000	103,045,000	74,842,000	167,215,000
Rumania (X)	4,632,000	10,046,000	11,168,000	18,858,000
Russia (proper) (X)	791,233,000			
Russia (Asiatic) (X)	26,068,000			
Spain (S)	27,535,000	23,296,000	27,836,000	28,118,000
Sweden (S)	25,858,000	23,074,000	20,070,000	25,502,000

[1] 1918.

4. PRODUCTION OF BARLEY (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	181,881,000	147,608,000	189,312,000	151,181,000
Canada (S)	45,832,000	56,189,000	83,111,000	86,709,000
Austria (X)	71,986,000	2,522,000	4,321,000	5,361,000
Belgium (X)	4,247,000	3,617,000	4,350,000	3,939,000
Bulgaria (X)	12,426,000	10,538,000	13,226,000	15,241,000
Czechoslovakia (X)		20,548,000	37,258,000	47,903,000
France (X)	86,496,000	22,626,000	25,920,000	37,836,000
Germany (X)	153,526,000	85,100,000	82,850,000	99,000,000
Hungary (X)	59,812,000		22,536,000	30,560,000
Italy (X)	10,104,000	8,327,000	5,570,000	10,963,000
Latvia			2,054,000	8,942,000
Poland (X)	27,180,000	27,543,000	36,988,000	53,305,000
Rumania (X)	24,321,000	31,641,000	50,205,000	49,028,000
Russia (European) (X)	372,896,000			
Russia (Asiatic) (X)	11,171,000			
Serbia (X)	5,972,000			
Spain (S)	74,589,000	81,808,000	90,453,000	89,320,000
Sweden (S)	14,582,000	12,832,000	11,612,000	12,590,000
United Kingdom (S)	86,785,000	97,989,000	95,901,000	94,083,000
British India (S)	85,973,000	128,437,000	149,598,000	
Japan (S)	89,528,000	91,500,000	92,140,000	89,968,000
Algeria (S)	41,901,000	20,667,000	19,022,000	30,488,000
Egypt (S)		10,262,000	10,449,000	11,371,000
Argentina (S)	3,626,000		11,161,000	16,270,000

5. PRODUCTION OF POTATOES (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	355,627,000	322,957,000	433,796,000	346,923,000
Canada (S)	78,498,000	125,575,000	135,531,000	107,246,000
Austria (X)	456,485,000	20,026,000	24,603,000	26,207,000
Belgium (X)	107,021,000	78,964,000	85,913,000	88,788,000
Bulgaria (X)	456,000		823,000	1,650,000
Czechoslovakia (X)		76,566,000	183,813,000	136,438,000
France (X)	469,377,000	284,047,000	327,616,000	333,637,000
Germany (X)	1,681,959,000	798,115,000	1,037,954,000	945,234,000
Hungary (X)	130,103,000		75,968,000	45,923,000
Italy (X)	86,813,000	80,981,000	82,981,000	88,116,000
Latvia			15,761,000	20,798,000
Poland (X)	375,917,000	390,325,000	344,426,000	357,092,000
Rumania (X)	3,634,000	10,442,000	3,728,000	46,134,000
Russia (proper) (X)	802,798,000			
Spain (S)	95,413,000	102,418,000	107,734,000	109,778,000
Sweden (S)	80,237,000	77,575,000	61,640,000	68,325,000
United Kingdom (S)	254,438,000	235,632,000	237,437,000	244,837,000
Japan (S)	24,738,000	67,296,000	67,277,000	
Algeria (S)	1,735,000		985,000	653,000
New Zealand (S)	6,047,000	[1] 3,758,000	5,402,000	4,541,000
Australia (S)	14,877,000	8,722,000	10,984,000	
Argentina (S)	40,216,000			

6. PRODUCTION OF CORN (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	2,708,334,000	2,858,309,000	3,239,332,000	3,061,251,000
Canada (S)	18,178,000	16,940,000	14,335,000	14,239,000
Austria (X)	14,586,000	3,115,000	2,125,000	2,436,000
Bulgaria (X)	28,219,000	26,412,000	34,426,000	34,381,000
Czechoslovakia (X)			8,848,000	10,891,000
France (X)	23,229,000	9,976,000	15,257,000	14,264,000
Hungary (X)	105,081,000		30,136,000	27,141,000
Italy (X)	100,349,000	85,846,000	89,299,000	94,483,000
Rumania (X)	100,620,000	127,412,000	92,982,000	90,036,000
Russia (proper) (X)	56,571,000			
Serbia (X)	28,128,000			
Spain (S)	20,548,000	25,535,000	27,932,000	28,048,000
British India (S)	37,240,000	70,808,000	86,768,000	
Japan (S)	8,837,000	[1] 2,787,000		
Egypt (S)	84,230,000	63,977,000	79,388,000	
Argentina (S)	174,592,000	280,144,000	258,680,000	190,421,000
Australia (S)	10,284,000	6,912,000	6,704,000	

7. PRODUCTION OF BEANS (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	11,166,000	15,249,000	9,075,000	9,118,000
Canada (S)	974,000	1,389,000	1,265,000	1,830,000
Austria (X)	9,000,000	73,000	89,000	
Bulgaria (X)	1,895,000			
France (X)	8,518,000	8,881,000	8,220,000	8,525,000
Hungary (X)	7,516,000			
Italy (X)	21,098,000	14,538,000	12,452,000	14,337,000
Poland (X)	805,000		8,089,000	
Rumania (X)	5,013,000	8,985,000		8,860,000
Russia (proper) (X)	6,027,000			
Serbia (X)	1,676,000			
Spain (S)	11,998,000	12,812,000	13,681,000	12,276,000
United Kingdom (S)	6,435,000	7,104,000	7,872,000	8,236,000
British India (S)	149,300,000	71,000,000	137,573,000	
Japan (S)	23,175,000	[1] 23,000,000		
Algeria (S)	1,132,000			
Egypt (S)	[2] 14,857,000	10,201,000		

[1] 1918. [2] 1912.

Mr. FRANCE. Mr. President, Table B shows the true value to-day of the currency of some of the foreign countries which are the greatest producers of agricultural products.

TABLE E.—*Normal and present value of currency in certain foreign countries.*

	Normal value.	Present value.	Percentage of depreciation.
	Cents.		Per cent.
Russia (ruble)	$1.46	0.67 cent for 100 rubles.	99
Germany (mark)	23.8	¼ cent	99
Austria (crown)	20.3	0.01 cent	99
Poland (mark)	23.8	0.03 cent	99
Belgium (franc)	19.3	5¾ cents	30
France (franc)	19.3	9¾ cents	50
Rumania (leu)	19.3	¼ cent	99
Italy (lira)	19.3	5¾ cents	70
Czechoslovakia (crown)	20.3	2 cents	90

The above table shows the depreciation in currency of countries that are extensive producers of agricultural products, ranging from 50 to 99 per cent. Wages in these countries have advanced, but the increase in wages is a mere bagatelle compared to the overwhelming increase in depreciation of their money values, as is evidenced by the following:

GOLD VALUE OF LABOR.

To-day an ounce of gold in the United States pays the American worker for 17 hours of labor in the United States as against—

50.16 hours of labor in Great Britain.
60.5 hours of labor in Japan.
117.31 hours of labor in France.
241.55 hours of labor in Germany.
208 hours of labor in Russia.
208 hours of labor in Poland.
208 hours of labor in Austria.

In other words, the same amount of gold value purchases, in most of these foreign countries, over ten times, or over 100 per cent, more labor than in the United States; consequently it goes without saying that it is utterly impossible for the American farmer, as long as the foreign exchange is so tremendously depreciated, to expect the former volume of export business for his agricultural products.

PRE-WAR FOREIGN CROPS.

I desire to give a statement of the pre-war production of the principal agricultural products in foreign countries having greatly depreciated exchange, and a comparison with the production of the same products in the United States; also to give separately the production in foreign countries having slightly depreciated exchange, such countries as Canada, India, Spain, Great Britain, Australia, Japan, and so forth. I ask that these tables be inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection it is so ordered.

The tables referred to are as follows:

WHEAT.

Production, yearly average, 1909–1913:	Bushels.
Russia	606,933,000
France	317,264,000
Germany	152,119,000
Italy	185,260,000
Hungary	156,523,000
Rumania	86,679,000
Austria	61,075,000
Bulgaria	42,725,000
Poland	23,343,000
Servia	14,775,000
Belgium	14,583,000
Production of countries (marked "X") with greatly depreciated exchange	1,662,269,000
Production of countries (marked "S") with slightly depreciated exchange	1,117,324,000
Grand total production of wheat in foreign countries	2,779,593,000

United States production, yearly average, 1909–1913, 656,091,000 bushels.

Within a short time after the establishment of anything like a stable government in Russia that country might, through its great depreciation in money value (99 per cent), be able to land wheat at the custom-house door of the United States at 50 cents per bushel to the ruin of our wheat-producing farmers.

OATS.

Production, yearly average, 1909–1913:	Bushels.
Russia	874,945,000
Germany	591,996,000
France	310,020,000
Austria	143,392,000
Hungary	86,840,000
Poland	79,290,000
Belgium	40,905,000
Italy	34,945,000
Production, yearly average, 1909–1913—Continued.	Bushels.
Rumania	27,545,000
Bulgaria	9,880,000
Servia	5,443,000
Production of countries with greatly depreciated exchange	2,203,501,000
Production of countries with slightly depreciated exchange	752,267,000
Grand total production of foreign countries of oats	2,955,768,000

United States production, yearly average, 1909–1913, 131,175,000 bushels.

RYE.

Production, yearly average, 1909–1913:	Bushels.
Russia	815,996,000
Germany	445,222,000
Austria	112,752,000
Poland	90,494,000
Hungary	48,716,000
France	48,647,000
Belgium	22,675,000
Bulgaria	5,553,000
Italy	5,326,000
Rumania	4,652,000
Production countries with greatly depreciated exchange	1,603,037,000
Production countries with slightly depreciated exchange	53,590,000
Grand total production of foreign countries of rye	1,656,627,000

United States production yearly average 1909–1913, 34,916,000 bushels.

When Russia's and Germany's enormous production of rye is resumed any large importations of it would tend to decrease the price of American wheat, as for breadstuffs, etc., rye can be used as a substitute.

BARLEY.

Production, yearly average, 1909–1913:	Bushels.
Russia	384,027,000
Germany	153,529,000
Austria	71,988,000
Hungary	69,812,000
France	46,489,000
Poland	27,150,000
Rumania	24,821,000
Bulgaria	13,425,000
Italy	10,104,000
Serbia	5,072,000
Belgium	4,247,000
Production countries with greatly depreciated exchange	809,664,000
Production countries with slightly depreciated exchange	388,944,000
Grand total production of foreign countries of barley	1,198,608,000

United States production yearly average 1909–1913, 181,881,000 bushels.

POTATOES.

Production, yearly average, 1909–1913:	Bushels.
Germany	1,681,959,000
Russia	869,798,000
France	489,377,000
Austria	456,485,000
Poland	372,917,000
Hungary	180,103,000
Belgium	107,921,000
Italy	60,813,000
Rumania	3,654,000
Bulgaria	454,000
Production countries with greatly depreciated exchange	4,223,561,000
Production countries with slightly depreciated exchange	573,537,000
Grand total production of foreign countries of potatoes	4,797,098,000

United States production yearly average 1909–1913, 356,627,000 bushels.

CORN.

Production, yearly average, 1909–1913:	Bushels.
Hungary	165,081,000
Rumania	100,620,000
Italy	100,249,000
Russia	56,571,000
Bulgaria	28,219,000
Serbia	28,128,000
France	22,229,000
Austria	14,586,000
Production countries with greatly depreciated exchange	513,783,000
Production countries with slightly depreciated exchange	384,589,000
Grand total production of foreign countries of corn	902,322,000

United States production, yearly average, 1909–1913, 2,706,334,000 bushels.

RYE.

Production, yearly average, 1909–1913:	Bushels.
Italy	21,038,000
Austria	9,066,000
France	9,518,000
Production, yearly average, 1909–1913—Continued.	Bushels.
Hungary	7,516,000
Russia	6,027,000
Rumania	5,615,000
Bulgaria	1,895,000
Serbia	1,678,000
Poland	505,000
Production countries with greatly depreciated exchange	63,456,000
Production countries with slightly depreciated exchange	203,839,000
Grand total production of foreign countries of beans	267,295,000

United States production, yearly average, 1909–1913, 11,156,000 bushels.

Mr. FRANCE. Mr. President, these tables prove that the foreign countries, which have greatly depreciated currencies or moneys, produce agricultural products greatly in excess of the production of the United States. An ounce of gold buys approximately ten times as many hours of labor in these foreign countries as it does in the United States. Bearing in mind the fundamental fact, to which I have called attention, that commodities tend to flow, in the absence of barriers, from the countries where the money is depreciated or of little value to the countries where money is not depreciated, but is nearer the normal par gold value, you will see the peril which must result in ruin to the American farmers if an adequate protective tariff is not enacted. Commodities flow from countries where there is greater inflation of the currencies to a country where there is lesser inflation of currency as water runs downhill. American agriculture and industry are, therefore, now in danger of serious injury, if not partial destruction, by a flood of imports. Commodities move from the country of sound money or of lesser currency inflation to countries of unsound money or greater currency inflation with difficulty and only under artificial pressure, like water being pumped to a higher level. This accounts for the fact that American exports decreased to such a disastrous extent during the year of 1921 as compared with 1920. In 1920 our exports amounted to $8,228,016,307, while in 1921 they were $4,485,122,696, a loss in export trade of $3,742,893,611. This huge sum representing our loss in export trade would be sufficient to pay 4,000,000 men a wage of $70 each for a year. It is not strange that in 1921 we had from four to six millions of men unemployed and that the consumption of farm products at home was necessarily greatly reduced. The falling off of our export trade, resulting in agricultural and industrial depression, must be attributed to the depreciated currencies of Europe, as compared with the American dollar, due to inflation in Europe and the debts owing us by the European countries as a result of the war. This decline in our export trade occurred when Europe as a whole was in desperate need of food and commodities which Europe could not buy because of the huge debts of Europe to us, totaling in Government obligations and open accounts much more than $15,000,000,000. I refer to the needs of Europe as a whole, where some countries need food and seed most desperately, as well as machinery and manufactured goods, while others, like Poland and Rumania, require farming implements, machinery, and manufactured commodities.

ECONOMIC CONFERENCE NEEDED.

We must adopt an adequate protective tariff to prevent farm products from coming to the United States, where our currency is sound and there is an abundance of food, and means must be found to encourage the shipment of foodstuffs from the United States and from countries where there is a superabundance of food and certain raw products, such as cotton, to Germany, Russia, Austria, the Near East, and parts of China, where the currencies are unsound but the need for these products is so great. Since January, 1919, I have been urging the calling of a general international conference to be held in the United States to which would be invited the States signatory of or adherent to the convention for the pacific settlement of international disputes, of July 24, 1899, these being all of the principal countries of the world, including Germany and Russia. Such a conference should consider the common and mutual interests and the social and economic relations of States and peoples, formulate a body of international law based on the security of the fundamental rights of the individual, devise methods for the advancement of the backward peoples of colonies and protectorates to a higher state and ultimately to independence, promote the study of the problems of international finance, credits, and exchange with a view to the rehabilitation of international trade, and inaugurate a voluntary concert or cooperation between the nations for the preservation of peace and the promotion of liberty and the common welfare.

DETRIMENT TO THE AMERICAN FARMER OF THE DEMOCRATIC UNDERWOOD TARIFF RATES.

I present now Table C, statistics of imports into the United States of agricultural products for fiscal year 1913 and calendar years 1919 and 1920, and ask permission to have it inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table referred to is as follows:

TABLE C.—*Imports into United States, fiscal year 1913, and calendar years 1919 and 1920.*

Products imported.	A Republican (Payne) tariff, fiscal year ended June 30, 1913.	B Democratic (Underwood) tariff, calendar year ended Dec. 31, 1919.	C Democratic (Underwood) tariff, calendar year ended Dec. 31, 1920.
Wheat:			
Bushels	798,628	7,910,701	35,808,656
Value	$589,539	$14,409,722	$75,239,220
Corn:			
Bushels	903,062	11,212,717	7,784,489
Value	$491,079	$10,966,911	$9,286,991
Oats:			
Bushels	723,898	609,128	6,728,200
Value	$289,964	$469,538	$6,549,111
Rye:			
Bushels	45	1,167,487	791,220
Value	$61	$1,647,870	$1,430,818
Barley:			
Bushels	5,324	14,941	347,897
Value	$2,063	$17,298	$527,772
Potatoes:			
Bushels	227,230	5,043,686	6,061,745
Value	$303,214	$5,907,064	$12,535,620
Beans:			
Bushels	1,048,297	4,972,456	2,094,646
Value	$1,938,105	$17,526,911	$7,509,879
Eggs of poultry:			
Dozen	1,271,785	1,247,355	1,708,701
Value	$191,714	$384,625	$917,900
Butter:			
Pounds	1,102,253	9,519,368	37,454,172
Value	$904,090	$4,860,192	$18,646,459
Cheese:			
Pounds	49,357,944	11,332,204	15,995,725
Value	$9,185,194	$4,073,357	$5,657,035
Milk and cream, fresh:			
Gallons	1,285,296	3,686,817	4,117,817
Value	$1,075,042	$1,850,205	$2,702,270

Mr. FRANCE. I also give below Table CC, showing importations under the Payne Republican tariff for the fiscal year ending June 30, 1913, and under the Democratic Underwood tariff for the calendar year 1920:

TABLE CC.

Products.	Importations under the Payne Republican tariff, for fiscal year ending June 30, 1913.		Importations under Democratic Underwood tariff, for calendar year 1920.		Percentage of increase in 1920 value.
	Bushels.	Value.	Bushels.	Value.	Per cent.
Wheat	798,628	$589,539	35,808,656	$75,239,220	11,000
Corn	903,062	491,079	7,784,489	9,286,991	1,800
Oats	723,898	289,964	6,728,200	6,549,111	2,100
Rye	45	61	791,220	1,430,818	2,346,500
Potatoes	227,230	303,214	6,061,745	12,535,620	4,000
Beans	1,048,297	1,938,105	2,094,646	7,509,879	300
Butter [1]	1,102,253	904,090	37,454,172	18,646,459	8,000

[1] Pounds.

Senators will notice the enormous increase in importations of the principal agricultural products under the low Underwood tariff rates, the increase amounting to millions of dollars and thousands of per cent; and when we consider that some of the largest producing countries, like Russia, Czechoslovakia, and Hungary, have since the war produced practically nothing, but will soon resume again their enormous production, we can form an idea of what would have happened to the American farmer if the Republican Party had not intervened with the emergency tariff act of 1921.

PRE-WAR CEREAL EXPORTS.

I offer a table to show the exports of the principal cereals and potatoes before the war from the countries having depreciated currencies, in comparison with the exports from the United States. This table proves that the agricultural coun-

tries of Europe before the war produced a huge surplus for export, while Table A shows that practically all these countries except Russia are producing much more foodstuffs for export now than before the war:

CEREALS AND POTATOES.

Exports of principal cereals and potatoes from European countries having depreciated currencies compared with United States exports, pre-war yearly average (1909–1913).

[Pre-war yearly average (1909–1913) exports, in bushels. Compiled from U. S. Department of Agriculture reports.]

Exported from—	Wheat (including flour).	Rye (including flour).	Barley (including malt).	Oats (including oatmeal).	Corn (including meal).	Potatoes.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
European countries having depreciated currencies (old boundaries):						
Austria-Hungary	908,000		13,271,000			1,451,000
Belgium	22,004,000		3,960,000		5,120,000	5,092,000
Bulgaria	11,244,000		2,338,000	1,700,000	9,307,000	
France						8,063,000
Germany	21,149,000	44,931,000	1,228,000	20,940,000		12,412,000
Italy						3,975,000
Netherlands	54,394,000	19,870,000	29,661,000	12,414,000	8,739,000	14,461,000
Rumania	52,370,000	3,411,000	15,492,000	10,013,000	28,488,000	
Russia (Empire)	161,766,000	34,922,000	103,461,000	65,279,000	20,034,000	7,763,000
Spain						1,895,000
Total exports of foreign countries having depreciated currencies	324,523,000	104,480,000	239,813,000	139,946,000	95,187,000	64,261,000
Exports of the United States	100,310,000	854,000	5,400,000	12,592,000	45,054,000	1,914,000
Total exported from depreciated-currency countries and the United States	424,833,000	105,344,000	245,213,000	152,538,000	140,241,000	66,075,000

In connection with this table I desire to call attention to a most startling fact. In the four years before the war the average exports from Russia of cereals were as follows:

RUSSIA.

Pre-war yearly average (1909–1913) exports of cereals in bushels:

Wheat	291,766,000
Rye	34,921,000
Barley	168,461,000
Oats	65,279,000
Corn	20,034,000
Total	580,461,000

RUSSIA'S PRODUCTION IMPERILS EUROPE.

Mr. President, when we consider these huge pre-war exports of foodstuffs by Russia to the industrial countries, together with the fact that at present Russia not only can not export foodstuffs but must import for her imperative needs at least 75,000,000 bushels of cereals, it must become apparent how critical is the present food situation of the world. The grains exported by Russia to the industrial countries were sufficient to feed approximately 60,000,000 or more inhabitants of the industrial countries, and before the war the peoples in the industrial countries of Europe were not generally overfed. Russia has been called the trunk of the tree of Europe, of which tree the industrial countries are the branches, and if Russia, the great food-producing organ of Europe, be not properly functioning hunger, malnutrition, unrest, social disturbances, and perhaps even actual industrial demoralization and revolution may occur in the industrial countries. To show what an indispensable part Russia in normal times takes in the production of the world's food, I call attention to the fact that the United States, in the four years prior to the war, produced a yearly average of wheat, oats, rye, and barley of 2,034,663,000 bushels, while Russia produced of the same grains 2,681,901,000 bushels, or practically 30 per cent more than the production of the United States.

WORLD NEEDS AMERICAN FOOD.

At the present time Russia is probably not producing more than 20 per cent of her normal crop, due to a shortage in seed, the decrease in horsepower, the loss in man power, and the lack of agricultural implements, a situation which was aggravated by last year's drought. Under these circumstances it is apparent that until Russia is rehabilitated the world must look to America for a much larger proportion of its food supply than was obtained here before the war. Moreover, as Russia is not functioning as a grain-producing country, it is to be expected that there must be such a world-wide demand for grain as will tend to enhance the prices of all our cereals when international credits are so arranged that the countries needing grains will be placed in a position to purchase.

Owing to the low prices which prevailed for grains during a large part of last year, prices not justified by the world conditions, many of our farmers became disheartened, and a campaign was started in certain parts of the country for cooperation among the farmers in the curtailment of the acreage to be planted in cereals in order that the price might be improved. In view of the figures which I have presented, it must be apparent how important it is, for his own prosperity and the welfare of the world, for the American farmer to sow the maximum possible acreage in grain. Of course, with the rehabilitation of Russian agriculture and with the improvements in the methods of the Russian farmer Russia will produce more grain than ever. While for the immediate future Russia will be an importing nation and it is to our interest to supply her from our surplus with the seeds, grains, agricultural machinery, and other equipment she requires, yet we must protect ourselves against the situation which will be created by the restoration of her huge productive power, which will enable her to export these millions of bushels of grain annually. We can neither afford, on the one hand, to refuse to export our products to a country when there is great need, nor, on the other hand, to permit ourselves to be flooded by the grains which this country will be able to produce when restored to productive power. The agricultural methods of the Russian peasant are most primitive. He cuts his grain with the sickle, hauls it to his small barn in a little one-horse wagon, and threshes it with a flail. Probably two men in America could till 100 acres of land as effectively with modern implements as five in a Russian family could till a Russian farm of 20 acres. From this it will appear what possibilities there are for that country when better methods and the use of modern machinery will release millions from agriculture for work in the development of Russia's other vast resources. But this change will come but slowly.

REMEDIES CONSIDERED AND SUGGESTED BY THE AMERICAN FARMER.

Mr. President, I have indicated that the greatly increased production of foodstuffs in certain of the European countries at a cost which is relatively very low, on account of the depreciated exchange, constitutes a menace to American agriculture. The outlook is not encouraging, but as a result of a wise tariff and beneficial legislation which will be enacted by the Republican Party, there must come a revival of confidence. I shall summarize briefly some of the measures which have been or which should be adopted by the Republican Party looking toward the rehabilitation of American agriculture:

1. A proper protective tariff with adequate specific duties on all agricultural products.
2. The further encouragement by legislation, in addition to that already enacted, of farmers' cooperative selling and marketing organizations.
3. The further increase of agricultural banking facilities.
4. Measures looking to an industrial revival in the United States, so that the workers in our industries may be placed in a position more freely to consume agricultural products. The industrial revival can be stimulated by wise foreign policy looking to the extension of American trade and enterprise to all parts of the world.
5. Improved highways.
6. Reasonable railroad and transportation rates, particularly on agricultural products.
7. The calling of an international conference, such as I have suggested, and the adoption of measures to promote our export trade, particularly to Germany and Russia and to other parts of the world in order that we may find markets for food, cotton, and other raw products and for the manufactured goods which certain of those countries need in vast quantities.

DISASTROUS TARIFF POLICIES OF THE DEMOCRATIC PARTY—NECESSARY CORRECTION THEREOF BY THE REPUBLICAN PARTY.

The tariff policy of the Democratic Party since 1832, when that party made a declaration for the principle of "tariff for revenue only" and advanced the theory that "protection is unconstitutional," has been injurious to the farmers of our country. The effect of the Great War has been to depreciate the value of foreign money and thus to reduce, as our tables have proven, the wages in certain of the countries having the largest production of agricultural commodities until the wages in those countries are only one-tenth the wages paid for similar work in the United States. It must be apparent that since the tariff policies of the Democratic Party in the past have been detrimental to our farmers, to-day, owing to the very much greater difference between the foreign wages and those paid in the United States, the dangers to our agriculture of a "tariff for revenue only" policy are now immensely greater than ever before in the history of our Government.

The additional facts which I am about to give must convince every farmer of the folly of looking to the Democratic Party for any action of theirs that will improve the farmer's present deplorable condition.

THE UNDERWOOD (DEMOCRATIC) TARIFF BILL A COMPLETE FAILURE.

The Underwood tariff was a failure from the American farmer's standpoint. I insert a table ("D") of rates on some of the principal agricultural products under the Republican (Dingley) tariff of 1897, the Republican (Payne) tariff of 1909, the Democratic (Underwood) tariff of 1913, the Republican emergency tariff of 1921, and under the proposed Fordney-McCumber bill (Senate rates):

TABLE D.—*Rates of duty, United States import tariffs.*

Products.	Dingley tariff of 1897.	Payne tariff of 1909.	Underwood tariff of 1913.	Emergency tariff act of May 27, 1921.	Senate committee rates now before the Senate (April, 1922).
Wheat	25 cents per bushel	25 cents per bushel	Free of duty [1]	35 cents per bushel	30 cents per bushel.
Corn	15 cents per bushel	15 cents per bushel	do	15 cents per bushel	15 cents per bushel.
Oats	do	do	6 cents per bushel		Do.
Rye	10 cents per bushel	10 cents per bushel	Free of duty		Do.
Barley	30 cents per bushel	30 cents per bushel	15 cents per bushel		20 cents per bushel.
Potatoes	25 cents per bushel [2]	25 cents per bushel [2]	Free of duty [3]	25 cents per bushel [3]	58 cents per 100 pounds.
Beans	45 cents per bushel [4]	45 cents per bushel [4]	25 cents per bushel [4]	2 cents per pound	½ cent per pound.[4]
Eggs of poultry	5 cents per dozen	5 cents per dozen	Free of duty		8 cents per dozen.
Butter	6 cents per pound	6 cents per pound	2½ cents per pound	6 cents per pound	8 cents per pound.
Cheese:					
Valued less than 30 cents per pound	do	do	20 per cent	23 per cent	5 cents per pound.
Valued at 30 cents or over					25 per cent.
Milk, fresh	2 cents per gallon	2 cents per gallon	Free of duty	2 cents per gallon	2½ cents per gallon.
Cream, fresh	20 per cent	5 cents per gallon	do	5 cents per gallon	22½ cents per gallon

[1] But if imported from a country which imposes a duty on wheat from the United States the rate shall be 10 cents per bushel.
[2] But if imported from a country which imposes a duty on potatoes from the United States the rate shall be 10 per cent ad valorem.
[3] 60 pounds to the bushel.
[4] If green or unripe, and 2 cents per pound if dried.

IMPORTS AND REVENUES.

The following Table E shows the total failure of the Democratic Underwood tariff bill, both as a revenue producer and as a bill calculated to benefit the industries of the United States. It shows that, on an increase of about three times in value of imports into the United States, a less amount of revenue was collected, owing to the terrifically reduced (Underwood) rates.

TABLE E.—*Imports and revenues under Republican and Democratic tariffs, pre-war and postwar periods.*

Tariff periods.	Imports of merchandise.	Customs duties.
Republican period:		
Fiscal year 1911	$1,527,226,105	$314,497,071
Fiscal year 1912	1,653,264,934	311,821,672
Fiscal year 1913	1,813,008,234	318,891,396
Yearly average	1,664,499,758	314,903,379
Democratic period (A):		
Calendar year 1919	3,904,354,932	249,774,758
Calendar year 1920	5,278,481,490	331,221,441
Calendar year 1921 (B)	2,509,025,498	305,475,485
Yearly average	3,897,290,608	295,498,895
Total periods:		
Republican (1911–1912–1913)	4,993,499,273	944,710,139
Democratic (1919–1920–1921)	11,691,871,825	886,471,684

(A) After the war, with the Underwood tariff in effect. The World War ended with the signing of the armistice November 11, 1918.
(B) The Republican emergency tariff act of May 27, 1921, which was in effect during this year, greatly increased the rates on certain farm products and possibly accounted for the decreased importations for 1921 over 1920.

THE DUTIES COLLECTED UNDER THE DEMOCRATIC UNDERWOOD TARIFF RATES ARE THE LOWEST OF ANY COUNTRY IN THE WORLD, INCLUDING SO-CALLED "FREE-TRADE" ENGLAND.

The following are the average rates of duty collected for the 12 months ending December 31, 1920, under the Democratic Underwood tariff:

	Per cent.
January, 1920	6.12
February, 1920	5.81
March, 1920	6.78
April, 1920	5.81
May, 1920	6.86
June, 1920	6.46
July, 1920	5.96
August, 1920	6.00
September, 1920	7.02
October, 1920	7.72
November, 1920	7.03
December, 1920	7.53

Or an average for the year of 6.49 per cent.

The average duties of the principal foreign countries are as follows:

Average duty.

	Per cent.
Great Britain, 1919–20	8.56
France, pre-war	6.55
Germany, April–December, 1919	15.00
Italy, pre-war	7.76

The average rates of duties collected in the United States under the Democratic Underwood tariff are lower than the rates of any other country in the world. The average duties in so-called "free-trade" England are 25 per cent higher than the United States—8.56 for England and 6.49 for the United States. Couple this condition with exchange in foreign money values, which makes the foreign wages for farm labor 80 cents per day as against $3 per day in the United States, and it will be seen that the farmer's condition is absolutely hopeless under any treatment that could possibly be accorded him by the Democratic Party.

BENEFICIAL REPUBLICAN TARIFF RATES (FORDNEY-M'CUMBER).

The Republican emergency tariff act of May 27, 1921, and the Fordney-McCumber rates now before the Senate contain the only hope of our farmer to help overcome his present difficulties due to low foreign wages, which are one-tenth of the wages he pays in the United States. Again, now, as in the past, the Republican Party will return prosperity in place of Democratic adversity and order out of Democratic chaos, only it will take time to right the many disastrous inheritances handed over by the Democratic Party on March 4, 1921, and the overwhelmingly detrimental results due to eight years of disaster through Democratic trials of erroneous theories and Democratic inefficiency resulting in staggering, fabulous costs being fastened upon the country.

OUR HERITAGE OF DEMOCRATIC DIFFICULTIES.

When the Republican administration came into power it was compelled to deal with a situation full of difficulties, but it has made much progress in bringing about order and efficiency in a Government the affairs of which had become chaotic during the stress of war. The Republicans are resolved to abolish the gross inefficiency and fabulous cost of government which have characterized the administration of recent years. The

Republicans are resolved that there shall be a clear and definite reacceptance and reaffirmation of faith in the principles of the Republic as it was designed by the fathers, with its three separate, independent, and coordinate branches—legislative, executive, and judicial—the form of government which preserves liberty by division of authority, preventing that consolidation of powers in one office or official which constitutes true despotism. We condemn as tending to subvert our Government the practice by which legislation has been drafted in the executive departments and then forced by means of threats, intimidation, or other methods of coercion by the Executive on the legislative branch of the Government, which should represent the people. Our great President, Warren G. Harding, has acted in harmony with the principle that legislation must originate with and arise from the people through their representatives and that the President should discourage that enormous growth of Executive power so characteristic of the last administration, which tended toward tyranny. The Republicans have repealed many autocratic statutes. They have begun the reorganization of executive departments, have established a Budget system, have declared for the restoration of free speech, and stand for rigid governmental economy and a revision as soon as possible of our most burdensome taxes.

INDUSTRIAL SUCCESS IN THE UNITED STATES ABSOLUTELY ESSENTIAL TO THE FARMER.

As I have already indicated, the prosperity of our farmers is dependent upon prosperity in our industries. The failure of our export trade and many other factors growing out of the war have seriously depressed our industries and this has paralyzed the purchasing power of those who gain a livelihood from industry. There can be no doubt that one of the contributing causes of industrial depression has been our burdensome tax system. Huge surtaxes tend to drive funds from productive employment in industry to relatively unproductive investment in tax-exempt securities, such as State, county, municipal, and Government bonds. For an industrial revival it is essential that there be a reasonable tariff, a reduction in our taxes and surtaxes, a rehabilitation of international finance and the stimulation of our export trade.

STARTLING DECREASE OF CONSUMPTION OF AGRICULTURAL PRODUCTS.

It is remarkable to what an extent the consumption of food is reduced in times of industrial depression. In 1921 there were consumed in the United States 250,000,000 less bushels of wheat than were consumed in 1920 due to unemployment of operatives in 1921 and the consequent necessity upon their part for reduced consumption. It is therefore most essential to the farmers that our industries may be operated in order that all of the workers in the industries may be fully employed and capable of the fullest possible consumption of all agricultural products. In the same way it is imperative for the welfare of our workers in the industries that our farmers be made prosperous in order that they may freely buy the manufactured articles produced by the workers in our factories. As never before the farmers and the laborers in the factories are coming to realize that their interests are one and inseparable. Indeed, the one great lesson of the war is that no class can be permanently prosperous at the expense of the other classes and that no nation can be really prosperous unless the sun of prosperity is shining upon all. The Republican Party stands pledged to measures not for the benefit of one class, but for the advancement of all. It has already gone on record as being in favor of cooperation among our farmers, believing that cooperative selling and marketing and an extension of banking facilities will prove helpful not only to the farmers, but to the whole country as tending to increase the production of our agricultural wealth and thus the wealth of all the people.

HIGH FREIGHT RATES THEIR EFFECT ON THE FARMS, MARKET CONDITIONS, AND RURAL LIFE.

The Republican Party, in addition to enacting a reasonable tariff protection on farm products, has urged, among other most helpful measures, the building of Federal trunk-line roads with State collateral roads as local feeders, so that the means may be provided to the farmer for direct, economical shipment of his goods from the country to the city markets. A most interesting experiment has been carried on with the assistance of the Federal Government in this direction. From a community center in Pennsylvania to which these were brought by the farmers, farm products were shipped by parcel-post motor trucks to the city of Washington, where they were sold in a cooperative market, an improved highway between the two points facilitating the shipment.

LOW TRANSPORTATION RATES FOR AGRICULTURAL PRODUCTS.

It is most important to secure a reduction in the rates for transportation on the railroads for the products of the farm and for the materials which the farmer uses in the production of his crops. The employees of our great railroads, as well as the officers, have become deeply interested in this problem. The farmers of America are unalterably opposed to State socialism. They are opposed to the Government ownership of railroads, because they hold, as does the Republican Party, that Government ownership must lead to that oppressive bureaucracy which inevitably becomes autocratic and must ultimately deprive the people of their liberty. However, the railroad problem presents an opportunity for such cooperation under private ownership between the management of the roads and their employees as would result in more efficient service, a better return on the capital invested, and lower rates without a reduction in the real wages received by the employees. I feel confident that under practical plans already proposed the problem of how to secure lower transportation rates can be solved by the application of the principle of cooperation with injury to none and with untold benefits to all.

I have endeavored to show, by the statistics which I have presented for the benefit of the Senate of the farmers of my own State of Maryland and of other parts of the country, that a protective tariff on farm products is now necessary for the protection of the great fundamental industry of agriculture within the borders of the United States. I have also called attention to some of the other measures proposed by the Republican Party for the promotion of the welfare of the farmers of America and of all of the people of the United States. I consider that the statistics which I have presented are most valuable, and I shall be pleased to send them, so far as I may be able, to those who may desire to use them. These and some additional statistics, which constitute an appendix, I ask to have incorporated as part of my remarks.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

APPENDIX.

Pages — to — hereof and this Appendix give complete agricultural statistics of the following States: Arizona, California, Connecticut, Delaware, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

ARIZONA.

Agricultural wealth and production of the State of Arizona—Arizona agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		334,162
Land area of State	acres	72,838,400
FARMS.		
Number of all farms		9,975
Land in farms:		
Improved land	acres	712,803
Woodland	do	523,648
Other unimproved land	do	4,565,675
Total land in farms	do	5,802,126
VALUE OF FARM PROPERTY.		
Land		$156,582,505
Buildings		16,162,715
Implements and machinery		8,626,567
Live stock		52,447,001
Total value of farm property		233,592,989

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	2,087,954	$51,555,815
Poultry of all kinds	517,312	640,585
Bees (hives of bees)	38,574	256,601
Total live stock		52,447,001

Arizona farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	186,238	$370,105
Oats (bushels)	237,785	434,436
Wheat (bushels)	825,374	1,621,358
Barley (bushels)	806,523	1,612,415
Kafir and milo (bushels)	847,994	1,274,994
Other cereals (bushels)	6,835	11,800
Total cereals (bushels)	3,172,549	5,424,981
Other grains and seeds (bushels)	152,094	1,109,089
Hay and forage (tons)	404,808	22,656,211

Arizona farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes (bushels)	305,778	697,111
Cantaloupes		465,739
Watermelons		199,745
Cucumbers		53,775
Lettuce		72,405
All other		585,924
Total vegetables		1,794,699
Fruits and nuts:		
Apples (bushels)	139,705	339,856
Peaches (bushels)	128,961	392,921
Apricots (bushels)	60,463	128,971
Grapes (pounds)	890,872	40,181
Oranges (boxes)	79,537	318,548
Grapefruit (boxes)	26,999	79,748
Berries and small fruit (quarts)	62,467	14,048
All other		108,877
Total fruits and nuts		1,391,130
Cotton (bales)	36,351	20,119,989
Cotton seed (tons)	27,420	1,933,112
All other crops		18,169
Total crops of Arizona		42,481,230
Nursery and greenhouse products		27,894
Forest products		67,754

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced (gallons)	34,370,438	
Milk sold (gallons)	6,785,170	1,785,983
Cream sold (gallons)	92,000	121,984
Butter fat sold (pounds)	763,000	457,964
Butter made (pounds)	853,446	356,163
Cheese made (pounds)	90,119	47,661
Total dairy products		2,745,329
Eggs produced (dozens)	3,336,632	1,186,671
Chickens raised (number)	569,325	512,393
Wool and mohair (pounds)	3,488,421	1,632,517
Honey and wax (pounds)	837,404	217,976
Animals sold and slaughtered on farms		10,915,788
Total live-stock products of Arizona		17,210,674

Summary of Arizona farm products, value December 1, 1919.

(United States Census of 1920.)

CROPS.	
Cereals	$5,464,931
Hay and forage	10,656,211
Vegetables	1,794,699
Fruits and nuts	1,391,130
Cotton	20,119,989
All other crops	3,052,270
Total crops	42,481,230
Nursery and greenhouse products	27,894
Forest products	67,754
LIVE-STOCK PRODUCTS.	
Dairy products	2,745,329
Eggs produced	1,186,671
Chickens raised	512,393
Wool and mohair	1,632,517
Honey and wax	217,976
Animals sold and slaughtered on farms	10,915,788
Total live-stock products	17,210,674
Total farm products of Arizona	59,787,482

CALIFORNIA.

Agricultural wealth and production of the State of California, California agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		3,426,861
Land area of State	acres	99,617,280
FARMS.		
Number of all farms		117,670
Land in farms:		
Improved land	acres	11,878,339
Woodland	do	4,252,287
Other unimproved land	do	13,235,041
Total land in farms	do	29,365,667
VALUE OF FARM PROPERTY.		
Land		$2,733,064,977
Buildings		290,736,183
Implements and machinery		136,069,220
Live stock		221,141,462
Total value of farm property		3,381,021,861

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	5,901,310	$204,378,445
Poultry of all kinds	10,811,188	15,292,570
Bees (hives of bees)	130,718	1,069,447
Total live stock		221,141,462

California farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	1,448,420	$1,882,381
Oats (bushels)	2,968,776	2,968,776
Wheat (bushels)	36,836,477	36,836,477
Barley (bushels)	35,046,684	35,046,684
Rice (bushels)	5,820,611	20,422,637
Other cereals (bushels)	6,311,145	7,334,582
Total cereals (bushels)	88,418,513	103,570,469
Other grains and seeds		13,340,227
Hay and forage (tons)	4,494,940	38,737,548
Vegetables:		
Potatoes (bushels)	8,023,277	20,056,043
Cantaloupes		8,960,600
Tomatoes		3,879,113
Lettuce		1,601,583
Onions		5,818,194
Asparagus		5,845,436
Celery		1,114,000
Peas (green)		1,072,470
All other		8,268,382
Total vegetables		47,377,921
Fruits and nuts:		
Apples (bushels)	7,842,017	12,155,126
Peaches (bushels)	15,969,073	20,542,737
Pears (bushels)	8,982,923	7,115,261
Plums and prunes (bushels)	13,200,935	28,881,714
Cherries (bushels)	653,700	2,614,800
Apricots (bushels)	8,907,646	11,818,230
Oranges (boxes)	21,526,444	67,064,175
Lemons (boxes)	6,354,867	16,976,818
Figs (pounds)	21,801,800	2,180,194
Olives (pounds)	17,854,029	1,405,121
Grapes (pounds)	2,055,844,612	65,784,628
Strawberries (quarts)	10,808,048	2,151,612
Other small fruits (quarts)	4,650,678	231,240
Almonds (pounds)	15,699,748	3,924,940
Walnuts (pounds)	51,902,093	15,570,631
All other fruits and nuts		11,283,344
Total fruits and nuts		270,916,698
Cotton ... bales	46,418	9,237,182
Sugar beets ... tons	860,806	8,602,258
Hops ... pounds	12,610,055	6,557,229
All other crops		1,808,711
Total crops of California		562,680,591
Nursery and greenhouse products		5,106,829
Forest products		4,248,661

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ... gallons	226,424,216	
Milk sold ... do	77,916,332	822,717,770
Cream sold ... do	3,115,785	5,090,233
Butter fat sold ... pounds	37,618,425	24,081,225
Butter made ... do	5,757,759	3,112,848
Cheese made ... do	2,448,674	774,073
Total dairy products		56,842,849
Eggs produced ... dozens	64,125,805	21,420,704
Chickens raised ... number	12,929,044	9,921,040
Wool and mohair ... pounds	15,487,186	6,805,621
Honey and wax ... do	5,623,534	1,141,999
Animals sold and slaughtered on farms		67,360,004
Total live-stock products of California		171,450,017

Summary of California farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.	
Cereals	$103,570,469
Hay and forage	90,121,846
Vegetables	47,377,921

Fruits and nuts	$270,910,698
Sugar beets	4,689,258
Seeds and grains	38,349,277
Cotton	9,237,182
Hops	6,557,229
All other crops	1,806,711
Total crops	587,600,591
Nursery and greenhouse products	5,106,829
Forest products	4,248,661

LIVE-STOCK PRODUCTS.

Dairy products	55,642,649
Eggs produced	31,420,704
Chickens raised	8,921,040
Wool and mohair	8,805,623
Honey and wax	1,141,999
Animals sold and slaughtered on farms	67,520,004
Total live-stock products	171,450,017
Total farm products of California	768,406,098

CONNECTICUT.

Agricultural wealth and production of the State of Connecticut—Concentrated agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	1,380,631
Land area of State ... acres	3,084,800

FARMS.

Number of all farms	22,555
Land in farms:	
Improved land ... acres	701,086
Woodland ... do	683,719
Other unimproved land ... do	514,175
Total land in farms ... do	1,898,980

VALUE OF FARM PROPERTY.

Land	$101,187,115
Buildings	39,083,712
Implements and machinery	13,248,097
Live stock	23,472,693
Total value of farm property	226,991,617

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	235,143	$21,436,810
Poultry of all kinds	1,153,667	1,979,089
Bees (hives of bees)	8,908	56,784
Total live stock		23,472,693

Connecticut farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	3,082,460	$3,915,615
Oats (bushels)	796,000	309,903
Rye (bushels)	83,979	1,59,581
Other cereals (bushels)	83,425	172,430
Total cereals (bushels)	3,324,849	4,457,809
Hay and forage (tons)	384,779	13,711,567
Vegetables:		
Potatoes (bushels)	1,372,756	3,203,294
Sweet corn		307,050
Tomatoes		260,270
Cabbage		255,762
All other		2,914,545
Total vegetables		7,218,194
Fruits and nuts:		
Apples (bushels)	1,201,141	3,141,881
Peaches (bushels)	104,960	467,477
Pears (bushels)	37,162	125,737
Grapes (pounds)	3,149,685	149,[illegible]
Berries and small fruits (quarts)	1,935,488	426,[illegible]
All other		14,[illegible]
Total fruits and nuts		3,835,471
Tobacco (pounds)	42,193,196	15,189,531
All other crops		79,793
Total crops of Connecticut		44,492,385
Nursery and greenhouse products		2,482,772
Forest products		2,753,292

Connecticut farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced (gallons)	54,804,287	
Milk sold (gallons)	36,930,231	$12,928,013
Cream sold (gallons)	213,728	416,151
Butter fat sold (pounds)	511,543	317,594
Butter made (pounds)	1,926,137	1,229,834
Cheese made (pounds)	90,500	14,790
Total dairy products		14,923,971
Eggs produced (dozens)	6,341,434	3,804,854
Chickens raised (number)	1,546,142	2,071,830
Wool and mohair (pounds)	52,606	31,261
Honey and wax (pounds)	84,358	30,419
Animals sold and slaughtered on farms		6,845,754
Total live-stock products of Connecticut		27,503,089

Summary of Connecticut farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$4,457,809
Hay and forage	13,711,567
Vegetables	7,218,194
Fruits and nuts	3,835,471
Tobacco	15,189,531
All other crops	79,793
Total crops	44,492,385
Nursery and greenhouse products	2,482,772
Forest products	2,753,292

LIVE-STOCK PRODUCTS.

Dairy products	14,923,971
Eggs produced	3,804,854
Chickens raised	2,071,830
Wool and mohair	31,261
Honey and wax	30,419
Animals sold and slaughtered on farms	6,640,754
Total live-stock products	27,503,089
Total farm products of Connecticut	77,231,538

DELAWARE.

Agricultural wealth and production of the State of Delaware; Delaware agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	223,003
Land area of State ... acres	1,257,600

FARMS.

Number of all farms	10,140
Land in farms:	
Improved land ... acres	653,052
Woodland ... do	222,658
Other unimproved land ... do	68,801
Total land in farms ... do	944,511

VALUE OF FARM PROPERTY.

Land	$42,115,802
Buildings	22,689,829
Implements and machinery	6,781,318
Live stock	8,600,665
Total value of farm property	80,137,614

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	125,[illegible]	$7,273,[illegible]
Poultry of all kinds	1,000,207	1,315,[illegible]
Bees (hives of bees)	2,976	11,[illegible]
Total live stock		8,600,665

Delaware farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	3,066,169	$5,807,774
Wheat (bushels)	1,571,567	3,457,447
Other cereals (bushels)	207,531	242,789
Total cereals (bushels)	5,465,207	9,538,[illegible]
Hay and forage (tons)	223,561	4,366,174

Delaware farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes (bushels)	1,092,946	$3,535,189
Sweet corn		134,595
Tomatoes		1,213,575
Canteloupes and watermelons		285,069
Peas (green)		107,958
All other		346,626
Total vegetables		6,271,714
Fruits and nuts:		
Apples (bushels)	606,296	1,091,335
Peaches (bushels)	227,323	489,275
Grapes (pounds)	1,445,171	116,620
Berries and small fruit (quarts)	1,394,473	783,367
All other		107,040
Total fruits and nuts		2,566,637
All other crops		216,201
Total crops of Delaware		23,058,906
Nursery and greenhouse products		167,697
Forest products		777,176

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced (gallons)	11,[illegible]	
Milk sold (gallons)	6,876,251	$1,993,745
Cream sold (gallons)	84,282	46,695
Butter fat sold (pounds)	76,232	39,326
Butter made (pounds)	894,[illegible]	477,395
Cheese made (pounds)	3,170	1,173
Total dairy products		2,553,175
Eggs produced (dozens)	3,[illegible]	1,993,316
Chickens raised (number)	1,204,793	1,216,841
Wool and mohair (pounds)	15,974	8,859
Honey and wax (pounds)	25,020	6,466
Animals sold and slaughtered on farms		2,401,339
Total live-stock products of Delaware		8,179,996

Summary of Delaware farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$9,638,010
Hay and forage	4,366,174
Vegetables	6,271,714
Fruits and nuts	2,566,637
All other crops	216,201
Total crops	23,058,906
Nursery and greenhouse products	167,697
Forest products	777,176

LIVE-STOCK PRODUCTS.

Dairy products	2,553,175
Eggs produced	1,993,316
Chickens raised	1,216,841
Wool and mohair	8,859
Honey and wax	6,466
Animals sold and slaughtered on farms	2,401,339
Total live-stock products	8,179,996
Total farm products of Delaware	32,183,775

INDIANA.

Agricultural wealth and production of the State of Indiana—Indiana agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	2,930,390
Land area of State ... acres	23,066,500

FARMS.

Number of all farms	205,126
Land in farms:	
Improved land ... acres	18,680,212
Woodland ... do	2,141,042
Other unimproved land ... do	1,242,078
Total land in farms ... do	21,063,332

VALUE OF FARM PROPERTY.

Land	$2,202,566,336
Buildings	451,077,637
Implements and machinery	127,403,088
Live stock	261,204,186
Total value of farm property	3,042,311,247

Agricultural wealth and production of the State of Indiana, etc.—Con.

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	6,773,793	$244,104,618
Poultry of all kinds	17,147,576	16,757,365
Bees (hives of bees)	87,[illegible]	383,207
Total live stock		261,204,186

Indiana farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	155,605,[illegible]	$[illegible],975,713
Oats (bushels)	82,[illegible]	42,023,740
Wheat (bushels)	45,207,[illegible]	98,101,658
Barley (bushels)	1,427,772	1,980,[illegible]
Rye (bushels)	4,[illegible]	4,[illegible]
Other cereals (bushels)	152,904	276,215
Total cereals (bushels)	283,354,389	378,981,813
Other grains and seeds (bushels)	[illegible]	4,[illegible]
Hay and forage (tons)	5,133,742	79,874,640
Vegetables:		
Potatoes (bushels)	3,472,548	6,547,740
Sweet corn		498,287
Tomatoes		1,690,374
Onions		1,057,895
Watermelons and cantaloupes		945,166
All other		10,215,486
Total vegetables		21,254,878
Fruits and nuts:		
Apples (bushels)	[illegible],624	2,221,498
Peaches (bushels)	[illegible]	255,627
Pears (bushels)	[illegible],453	318,936
Grapes (pounds)	6,612,804	[illegible]
Strawberries (quarts)	4,277,646	[illegible]
Other small fruits (quarts)	2,535,326	[illegible]
All other		[illegible]
Total fruits and nuts		4,[illegible]
Tobacco (pounds)	18,752,262	4,688,064
Sorghum for sirup (tons)	[illegible],219	987,729
Mint (mint oil) (pounds)	171,085	855,425
All other crops		[illegible]
Total crops of Indiana		497,229,719
Nursery and greenhouse products		3,[illegible]
Forest products		10,[illegible]

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ... gallons	296,708,061	
Milk sold ... do	45,167,166	$12,612,193
Cream sold ... do	5,607,614	8,[illegible]
Butter fat sold ... pounds	25,922,440	13,[illegible]
Butter made ... do	18,344,236	8,[illegible]
Cheese made ... do	[illegible]	[illegible]
Total dairy products		[illegible]
Eggs produced ... dozens	83,191,283	[illegible]
Chickens raised ... number	22,618,[illegible]	20,[illegible]
Wool and mohair ... pounds	5,[illegible],104	1,[illegible]
Honey and wax ... do	[illegible]	[illegible]
Animals sold and slaughtered on farms		171,056,037
Total live-stock products of Indiana		269,994,899

Summary of Indiana farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$378,981,813
Hay and forage	79,874,640
Vegetables	21,254,878
Fruits and nuts	4,542,535
Tobacco	4,688,064
Seeds, grains, and sorghum	5,775,421
All other crops	1,612,368
Total crops	497,229,719
Nursery and greenhouse products	3,463,569
Forest products	10,[illegible],834

LIVE-STOCK PRODUCTS.

Dairy products	44,072,646
Eggs produced	32,409,504
Chickens raised	20,306,498
Wool and mohair	1,908,065
Honey and wax	180,280
Animals sold and slaughtered on farms	171,056,037
Total live-stock products	269,994,899
Total farm products of Indiana	781,046,043

IOWA.

Agricultural wealth and production of the State of Iowa—Iowa agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		2,404,021
Land area of State	acres	35,575,040
FARMS.		
Number of all farms		213,439
Land in farms:		
Improved land	acres	28,606,951
Woodland	do	2,295,274
Other unimproved land	do	2,572,671
Total land in farms	do	33,474,896
VALUE OF FARM PROPERTY.		
Land		$6,679,020,574
Buildings		922,751,713
Implements and machinery		309,172,398
Live stock		614,326,268
Total value of farm property		8,525,270,956

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	15,008,816	$585,889,563
Poultry of all kinds	26,352,513	77,779,681
Bees (hives of bees)	138,319	657,057
Total live stock		614,326,268

Iowa farm products.

CROPS.

Products.		Production.	Farm value (Dec. 1, 1919).
Cereals:			
Corn	bushels	371,392,393	$501,739,232
Oats	do	187,045,705	140,284,289
Wheat	do	21,591,928	44,479,372
Barley	do	5,352,802	6,423,366
Rye	do	1,110,739	1,666,128
Other cereals	do	1,478,740	1,330,459
Total cereals	do	587,942,307	696,022,846
Other grains and seeds	do	1,432,537	10,587,008
Hay and forage	tons	9,327,772	146,959,888
Vegetables:			
Potatoes	bushels	4,055,093	11,437,493
Popcorn			2,101,286
Sweet corn			1,012,771
Tomatoes			303,104
Cantaloupes and watermelons			367,716
Onions			600,145
All other			12,483,380
Total vegetables			28,305,846
Fruits and nuts:			
Apples	bushels	1,810,443	3,801,939
Cherries	do	150,188	248,528
Grapes	pounds	12,165,448	729,931
Strawberries	quarts	6,606,592	1,387,381
Other small fruit	do	2,230,701	524,386
All other			132,154
Total fruits and nuts			7,056,389
Sorghum for sirup	tons	45,340	822,798
Sugar beets	do	89,338	601,889
All other crops			34,635
Total crops of Iowa			890,391,299
Nursery and greenhouse products			2,592,172
Forest products			4,404,555

LIVE-STOCK PRODUCTS.

Dairy products:			
Milk produced	gallons	991,426,302	
Milk sold	do	31,325,639	$9,919,484
Cream sold	do	6,784,753	8,279,426
Butter fat sold	pounds	45,411,147	25,077,344
Butter made	do	22,429,675	13,411,842
Cheese made	do	53,273	30,948
Total dairy products			55,408,744
Eggs produced	dozens	120,697,119	43,264,062
Chickens raised	number	81,079,081	27,986,482
Wool and mohair	pounds	8,874,504	3,793,976
Honey and wax	do	2,873,066	850,250
Animals sold and slaughtered on farms			420,258,381
Total live-stock products of Iowa			556,508,895

Summary of Iowa farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$696,022,846
Hay and forage	146,959,888
Vegetables	28,305,846
Fruits and nuts	7,056,389
Seeds and grains	10,587,008
Sorghum for sirup	822,798
Sugar beets	601,889
All other crops	34,635
Total crops	890,391,299
Nursery and greenhouse products	2,592,172
Forest products	4,404,555

LIVE-STOCK PRODUCTS.

Dairy products	55,408,744
Eggs produced	43,264,062
Chickens raised	27,986,482
Wool and mohair	3,793,976
Honey and wax	850,250
Animals sold and slaughtered on farms	420,258,381
Total live-stock products	550,508,895
Total farm products of Iowa	1,447,896,854

MAINE.

Agricultural wealth and production of the State of Maine—Maine agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		768,014
Land area of State	acres	19,132,800
FARMS.		
Number of all farms		48,227
Land in farms:		
Improved land	acres	1,977,329
Woodland	do	2,447,597
Other unimproved land	do	1,001,042
Total land in farms	do	5,425,968
VALUE OF FARM PROPERTY.		
Land		$114,411,871
Buildings		89,697,100
Implements and machinery		26,637,660
Live stock		39,780,102
Total value of farm property		270,526,733

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	[illegible]	$27,458,596
Poultry of all kinds	1,418,342	2,219,332
Bees (hives of bees)	12,529	102,174
Total live stock		30,780,102

Maine farm products.

CROPS.

Products.		Production.	Farm value (Dec. 1, 1919).
Cereals:			
Corn	bushels	288,281	[illegible]
Oats	do	5,836,617	3,781,645
Wheat	do	361,183	613,785
Barley	do	104,912	183,597
Buckwheat	do	315,327	534,281
Other cereals	do	7,522	13,981
Total cereals	do	4,377,846	5,616,507
Hay and forage	tons	1,326,289	23,569,379
Vegetables:			
Potatoes	bushels	25,531,470	32,339,514
Sweet corn			1,554,800
Cabbage			139,665
All other			3,627,922
Total vegetables			37,661,901
Fruits and nuts:			
Apples	bushels	4,839,346	6,273,151
Small fruits	quarts	1,561,647	378,714
All other			102,212
Total fruits and nuts			6,752,077
All other crops			333,495
Total crops of Maine			100,162,294
Nursery and greenhouse products			432,139
Forest products			11,728,114

Maine farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.		Production.	Farm value (Dec. 1, 1919).
Dairy products:			
Milk produced	gallons	77,676,881	
Milk sold	do	28,190,733	$8,881,008
Cream sold	do	742,813	859,331
Butter fat sold	pounds	2,705,560	1,638,385
Butter made	do	10,955,560	6,372,232
Cheese made	do	55,161	20,412
Total dairy products			17,772,370
Eggs produced	dozens	9,977,349	5,437,542
Chickens raised	number	1,908,456	2,328,329
Wool and mohair	pounds	665,775	412,728
Honey and wax	do	211,459	74,250
Animals sold and slaughtered on farms			15,660,871
Total live-stock products of Maine			41,736,090

Summary of Maine farm products, farm value December 1, 1919.

(United States Census, 1920.)

CROPS.

Cereals	$5,616,507
Hay and forage	23,568,372
Vegetables	37,661,901
Fruits and nuts	6,759,077
All other crops	526,465
Total crops	100,162,324
Nursery and greenhouse products	420,539
Forest products	11,728,114

LIVE-STOCK PRODUCTS.

Dairy products	17,772,370
Eggs produced	5,437,542
Chickens raised	2,328,329
Wool and mohair	412,728
Honey and wax	74,250
Animals sold and slaughtered on farms	15,660,871
Total live-stock products	41,736,090
Total farm products of Maine	154,037,067

MASSACHUSETTS.

Agricultural wealth and production of the State of Massachusetts—Massachusetts agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		3,852,356
Land area of State	acres	5,144,960
FARMS.		
Number of all farms		32,001
Land in farms:		
Improved land	acres	908,834
Woodland	do	1,030,386
Other unimproved land	do	555,257
Total land in farms	do	2,494,477
VALUE OF FARM PROPERTY.		
Land		$127,653,607
Buildings		119,934,224
Implements and machinery		19,359,755
Live stock		33,524,157
Total value of farm property		300,471,743

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	391,456	$30,512,291
Poultry of all kinds	1,517,477	2,951,001
Bees (hives of bees)	6,573	[illegible]
Total live stock		33,524,157

Massachusetts farm products.

CROPS.

Products.		Production.	Farm value (Dec. 1, 1919).
Cereals:			
Corn	bushels	1,515,933	[illegible]
Oats	do	287,891	[illegible]
Wheat	do	33,353	76,414
Rye	do	45,261	[illegible]
Buckwheat	do	22,238	[illegible]
Other cereals	do	15,041	[illegible]
Total cereals	do	2,921,607	3,411,343
Hay and forage	tons	871,573	20,149,137

Massachusetts farm products—Continued.

CROPS—continued.

Products		Production.	Farm value (Dec. 1, 1919).
Vegetables:			
Potatoes	bushels	1,[illegible],655	$4,619,865
Sweet corn			836,192
Lettuce			711,908
Onions			[illegible]
All other			[illegible]
Total vegetables			15,348,069
Fruits and nuts:			
Apples	bushels	3,187,211	6,055,701
Peaches	do	213,139	[illegible]
Grapes	pounds	1,009,479	[illegible]
Cranberries	quarts	22,918,103	1,833,448
Strawberries	do	3,151,371	787,844
All other			[illegible]
Total fruits and nuts			9,811,540
Tobacco	pounds	14,262,580	4,713,285
Maple sugar and sirup			[illegible]
All other crops			70,317
Total crops of Massachusetts			53,700,925
Nursery and greenhouse products			6,279,855
Forest products			4,491,552

LIVE-STOCK PRODUCTS.

Dairy products:			
Milk produced	gallons	76,[illegible]	
Milk sold	do	[illegible]	[illegible]
Cream sold	do	310,918	472,840
Butter fat sold	pounds	500,851	308,235
Butter made	do	2,019,231	1,241,218
Cheese made	do	[illegible]	[illegible]
Total dairy products			24,765,522
Eggs produced	dozens	9,664,274	[illegible]
Chickens raised	number	2,401,038	2,953,314
Wool and mohair	pounds	[illegible]	56,003
Honey and wax	do	72,081	[illegible]
Animals sold and slaughtered on farms			10,925,051
Total live-stock products of Massachusetts			44,775,948

Summary of Massachusetts farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$3,411,343
Hay and forage	20,149,137
Vegetables	15,348,069
Fruits and nuts	9,811,540
Tobacco	4,713,285
All other crops	267,551
Total crops	53,700,925
Nursery and greenhouse products	6,279,855
Forest products	4,491,552

LIVE-STOCK PRODUCTS.

Dairy products	24,765,552
Eggs produced	6,050,698
Chickens raised	2,953,314
Wool and mohair	56,003
Honey and wax	25,860
Animals sold and slaughtered on farm	10,925,051
Total live-stock products	44,775,948
Total farm products of Massachusetts	109,248,250

MICHIGAN.

Agricultural wealth and production of the State of Michigan—Michigan agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		3,668,412
Land area of State	acres	36,787,200
FARMS.		
Number of all farms		196,447
Land in farms:		
Improved land	acres	12,925,521
Woodland	do	3,217,000
Other unimproved land	do	2,890,440
Total land in farms	do	19,032,961
VALUE OF FARM PROPERTY.		
Land		$959,186,538
Buildings		477,499,672
Implements and machinery		122,389,936
Live stock		204,258,632
Total value of farm property		1,763,334,778

Agricultural wealth and production of the State of Michigan, etc.—Con.

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	4,514,299	$192,145,492
Poultry of all kinds	11,183,064	11,597,814
Bees (hives of bees)	93,348	825,326
Total, live stock		204,568,632

Michigan farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	45,099,912	$67,633,335
Oats ... do	36,930,425	31,412,963
Wheat ... do	29,411,425	45,722,988
Barley ... do	4,302,768	6,488,743
Rye ... do	12,198,182	18,252,281
Buckwheat ... do	524,004	813,201
Other cereals ... do	480,969	580,314
Total cereals ... do	129,383,085	170,897,585
Other grains and seeds		23,442,687
Hay and forage ... tons	6,345,510	105,280,992
Vegetables:		
Potatoes ... bushels	23,930,288	49,057,429
Tomatoes		798,215
Cabbages		618,285
Celery		1,313,727
Cucumbers		1,170,968
All other		12,340,431
Total vegetables		65,098,550
Fruits and nuts:		
Apples ... bushels	5,843,371	11,686,542
Peaches ... do	448,177	1,232,495
Pears ... do	405,189	871,155
Grapes ... pounds	115,871,455	5,793,573
Strawberries ... quarts	12,586,543	2,266,400
Raspberries ... do	7,653,289	1,762,100
All other		2,539,595
Total fruits and nuts		26,129,793
Sugar beets ... tons	1,025,950	11,793,935
Chicory ... pounds	18,186,043	99,980
Maple sugar and sirup		609,519
Mint and mint oil ... pounds	113,135	565,675
All other crops		104,363
Total crops of Michigan		404,014,810
Nursery and greenhouse products		3,545,915
Forest products		12,649,621

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	382,922,681	
Milk sold ... do	130,384,366	$34,335,072
Cream sold ... do	4,459,625	5,984,703
Butter fat sold ... pounds	31,045,926	17,041,906
Butter made ... do	25,735,423	13,786,212
Cheese made ... do	75,666	26,534
Total dairy products		71,074,727
Eggs produced ... dozens	55,986,999	23,514,540
Chickens raised ... number	12,441,565	11,446,231
Wool and mohair ... pounds	7,053,556	4,132,503
Honey and wax ... do	4,344,761	416,950
Animals sold and slaughtered on farms		75,611,444
Total live-stock products of Michigan		115,196,404

Summary of Michigan farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$170,897,585
Hay and forage	105,280,992
Vegetables	65,098,550
Fruits and nuts	26,129,793
Sugar beets	11,793,935
Seeds and grains	23,442,687
All other crops	1,373,067
Total crops	404,014,810
Nursery and greenhouse products	3,545,915
Forest products	12,649,621

LIVE-STOCK PRODUCTS.

Dairy products	71,074,727
Eggs produced	23,514,540
Chickens raised	11,446,231
Wool and mohair	4,132,503
Honey and wax	416,950
Animals sold and slaughtered on farms	75,611,444
Total live-stock products of Michigan	115,196,404

Honey and wax	$416,950
Animals sold and slaughtered on farms	75,611,444
Total live-stock products	115,196,404
Total farm products of Michigan	535,406,750

MINNESOTA.

Agricultural wealth and production of the State of Minnesota—Minnesota agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	2,387,125
Land area of State ... acres	51,749,120

FARMS.

Number of all farms	178,478
Land in farms:	
Improved land ... acres	21,481,710
Woodland ... do	4,482,658
Other unimproved land ... do	4,257,392
Total land in farms ... do	30,221,758

VALUE OF FARM PROPERTY.

Land	$2,750,328,433
Buildings	550,839,803
Implements and machinery	181,087,968
Live stock	305,163,825
Total value of farm property	3,787,420,118

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	6,857,373	$293,378,818
Poultry of all kinds	13,983,443	11,405,427
Bees (hives of bees)	67,344	384,580
Total, live stock		305,163,825

Minnesota farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	84,786,086	$110,221,931
Oats ... do	82,106,151	66,831,134
Wheat ... do	37,646,384	88,306,508
Barley ... do	14,849,089	18,591,350
Rye ... do	8,302,940	12,902,540
Other cereals ... do	5,079,665	5,753,647
Total cereals ... do	239,802,305	302,729,120
Other grains and seeds ... do	2,628,928	14,945,311
Hay and forage ... tons	9,291,671	115,966,984
Vegetables:		
Potatoes ... bushels	26,690,247	57,384,117
Sweet corn		250,955
Tomatoes		180,470
Cabbages		442,985
Onions		609,395
Cucumbers		134,717
All other		9,909,921
Total vegetables		68,912,550
Fruits and nuts:		
Apples ... bushels	1,028,478	1,748,412
Grapes ... pounds	141,276	14,134
Berries and small fruits ... quarts	6,165,120	1,316,594
All other		66,373
Total fruits and nuts		3,145,513
Tobacco ... pounds	517,005	98,347
Sugar beets ... tons	28,507	225,070
Sorghum for sirup ... do	8,639	185,922
All other crops		3,267,929
Total crops of Minnesota		506,020,233
Nursery and greenhouse products		2,161,228
Forest products		9,067,015

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	475,503,669	
Milk sold ... do	43,151,896	$11,583,628
Cream sold ... do	5,888,533	7,380,909
Butter fat sold ... pounds	62,412,081	43,533,294
Butter made ... do	20,206,076	10,345,233
Cheese made ... do	71,420	27,296
Total dairy products		77,870,358

Minnesota farm products—Continued.

LIVE-STOCK PRODUCTS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Eggs produced ... dozens	60,349,543	$21,888,835
Chickens raised ... number	15,662,386	11,748,661
Wool and mohair ... pounds	3,057,340	1,559,256
Honey and wax ... do	1,266,572	368,855
Animals sold and slaughtered on farms		104,007,114
Total live-stock products of Minnesota		217,244,069

Summary of Minnesota farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$302,729,120
Hay and forage	115,665,984
Vegetables	68,912,550
Fruits and nuts	3,145,513
Seeds and grains	14,945,311
All other crops	3,767,268
Total crops	506,020,233
Nursery and greenhouse products	2,161,228
Forest products	9,067,015

LIVE-STOCK PRODUCTS.

Dairy products	77,870,358
Eggs produced	21,689,835
Chickens raised	11,748,661
Wool and mohair	1,559,256
Honey and wax	368,855
Animals sold and slaughtered on farms	104,007,114
Total live-stock products	217,244,069
Total farm products of Minnesota	734,492,545

MISSOURI.

Agricultural wealth and production of the State of Missouri—Missouri agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	3,404,055
Land area of State ... acres	43,985,280

FARMS.

Number of all farms	263,004
Land in farms:	
Improved land ... acres	24,832,966
Woodland ... do	8,553,857
Other unimproved lands ... do	1,387,856
Total land in farms ... do	34,774,679

VALUE OF FARM PROPERTY.

Land	$2,594,193,271
Buildings	468,774,429
Implements and machinery	188,261,340
Live stock	389,839,045
Total value of farm property	3,591,068,085

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	9,367,641	$363,734,334
Poultry of all kinds	23,610,515	25,470,023
Bees (hives of bees)	187,678	634,688
Total live stock		389,839,045

Missouri farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919.
Cereals:		
Corn ... bushels	146,342,036	$219,513,094
Oats ... do	40,493,700	32,394,961
Wheat ... do	65,210,462	140,202,501
Rye ... do	917,693	1,468,304
Other cereals ... do	385,285	548,376
Total cereals ... do	253,349,176	394,125,226
Other grains and seeds ... do	784,260	4,188,244
Hay and forage ... tons	5,687,127	80,897,099
Vegetables:		
Potatoes ... bushels	4,005,128	12,239,389
Tomatoes		1,099,618
Watermelons and cantaloupes		711,716
All other		56,505,238
Total vegetables		90,555,961

Missouri farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Fruits and nuts:		
Apples ... bushels	5,132,109	8,494,411
Peaches ... do	1,262,723	2,825,646
Pears ... do	479,528	735,006
Cherries ... do	296,408	744,512
Grapes ... pounds	10,949,052	655,971
Strawberries ... quarts	12,861,530	2,703,975
Other small fruits ... do	4,908,116	923,898
Nuts ... pounds	566,306	186,853
All other		487,588
Total fruits and nuts		18,454,698
Tobacco ... pounds	4,074,977	1,385,497
Cotton ... bales	65,888	10,464,512
Cotton seed ... tons	29,481	2,048,933
Sorghum for sirup ... do	115,680	1,767,792
All other crops		88,852
Total crops of Missouri		536,017,854
Nursery and greenhouse products		3,275,505
Forest products		13,938,458

LIVE-STOCK PRODUCTS

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	228,907,731	
Milk sold ... do	17,900,545	5,630,864
Cream sold ... do	4,836,763	6,627,837
Butter fat sold ... pounds	14,833,763	7,778,699
Butter made ... do	29,470,763	14,623,740
Cheese made ... do	90,435	33,845
Total dairy products		34,752,945
Eggs produced ... dozens	117,203,569	43,193,285
Chickens raised ... number	20,365,102	24,077,744
Wool and mohair ... pounds	7,824,076	4,217,400
Honey and wax ... do	1,238,783	360,162
Animals sold and slaughtered on farms		270,830,667
Total live-stock products of Missouri		376,432,103

Summary of Missouri farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$394,125,226
Hay and forage	95,897,050
Vegetables	90,555,949
Fruits and nuts	18,454,698
Cotton and cotton seed	12,513,445
Seeds and grains	4,188,244
Tobacco	1,385,497
All other crops	1,856,745
Total crops	559,047,854
Nursery and greenhouse products	3,275,505
Forest products	13,938,458

LIVE-STOCK PRODUCTS.

Dairy products	34,752,845
Eggs produced	42,193,285
Chickens raised	24,077,744
Wool and mohair	4,217,400
Honey and wax	360,162
Animals sold and slaughtered on farms	270,830,667
Total live-stock products	376,432,103
Total farm products of Missouri	952,693,920

MONTANA.

Agricultural wealth and production of the State of Montana—Montana agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	548,889
Land area of State ... acres	93,528,840

FARMS.

Number of all farms	57,677
Land in farms:	
Improved land ... acres	11,007,278
Woodland ... do	1,646,462
Other improved land ... do	22,416,916
Total land in farms ... do	35,070,656

VALUE OF FARM PROPERTY.

Land	$691,912,265
Buildings	84,855,264
Implements and machinery	55,004,212
Live stock	154,189,567
Total value of farm property	985,961,308

Agricultural wealth and production of the State of Montana, etc.—Con.

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	4,196,289	$152,060,220
Poultry of all kinds	2,127,554	1,994,238
Bees (hives of bees)	11,919	129,608
Total live stock		154,189,567

Montana farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	136,432	$270,966
Oats ... do	2,583,908	2,583,908
Wheat ... do	7,799,647	18,641,156
Barley ... do	346,972	326,373
Rye ... do	237,948	175,185
Other cereals ... do	34,767	34,457
Total cereals ... bushels	11,149,677	22,432,106
Other grains and seeds		3,355,547
Hay and forage ... tons	1,382,946	36,155,771
Vegetables:		
Potatoes ... bushels	1,638,017	3,596,600
All other		2,082,699
Total vegetables		5,982,380
Fruits and nuts:		
Apples ... bushels	673,716	1,111,632
Berries and small fruit ... quarts	836,082	75,632
All other		90,324
Total fruits and nuts		1,277,588
Sugar beets ... tons	73,924	812,064
Total crops of Montana		69,975,185
Nursery and greenhouse products		559,710
Forest products		1,253,217

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	51,251,095	
Milk sold ... do	5,104,542	$1,831,781
Cream sold ... do	926,842	1,247,557
Butter fat sold ... pounds	2,909,284	1,541,353
Butter made ... do	5,961,196	2,906,461
Cheese made ... do	43,233	10,864
Total dairy products		7,534,413
Eggs produced ... dozens	11,858,042	4,624,636
Chickens raised ... number	3,726,538	2,258,577
Wool and mohair ... pounds	13,260,428	10,231,132
Honey and wax ... do	638,290	160,270
Animals sold and slaughtered on farms		43,941,473
Total live-stock products of Montana		70,772,106

Summary of Montana farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$22,432,106
Hay and forage	36,155,771
Vegetables	5,982,380
Fruits and nuts	1,277,588
Seeds and grains	3,355,547
Sugar beets	812,064
Total crops	69,975,185
Nursery and greenhouse products	559,710
Forest products	1,253,217

LIVE-STOCK PRODUCTS.

Dairy products	7,534,413
Eggs produced	4,624,636
Chickens raised	2,258,577
Wool and mohair	10,231,132
Honey and wax	160,270
Animals sold and slaughtered on farms	43,941,473
Total live-stock products	70,772,106
Total farm products of Montana	142,560,217

NEBRASKA.

Agricultural wealth and production of the State of Nebraska, Nebraska agricultural statistics, January 1, 1920.

(United States census of 1920.)

Population of State	1,296,372
Land area of State ... acres	49,157,120

FARMS.

Number of all farms	124,417
Land in farms:	
Improved land ... acres	23,109,624
Woodland ... do	900,933
Other unimproved land ... do	18,214,918
Total land in farms ... do	42,225,475

VALUE OF FARM PROPERTY.

Land	$3,330,222,340
Buildings	381,885,420
Implements and machinery	153,104,448
Live stock	336,443,784
Total value of farm property	4,201,655,992

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	5,238,333	$126,154,918
Poultry of all kinds	11,932,243	10,123,146
Bees (hives of bees)	40,971	305,125
Total live stock		236,443,784

Nebraska farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	160,391,314	$216,528,274
Oats ... do	39,819,565	56,664,493
Wheat ... do	57,843,398	124,303,735
Barley ... do	4,495,323	4,845,884
Rye ... do	3,359,490	4,951,143
Other cereals ... do	648,459	934,462
Total cereals ... do	286,556,029	395,917,589
Other grains and seeds ... do	230,407	581,556
Hay and forage ... tons	6,619,001	98,965,224
Vegetables:		
Potatoes ... bushels	4,478,032	10,749,851
Sweet corn		122,313
Pop corn		311,828
All other		5,866,480
Total vegetables		17,040,473
Fruits and nuts:		
Apples ... bushels	907,224	1,905,175
Cherries ... do	124,677	362,133
Grapes ... pounds	2,404,035	108,[illegible]
Berries and small fruit ... quarts	647,321	143,401
All other		117,133
Total fruits and nuts		2,696,124
Sugar beets ... tons	544,046	5,821,799
All other crops		57,824
Total crops of Nebraska		519,729,771
Nursery and greenhouse products		702,084
Forest products		933,276

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	168,083,387	
Milk sold ... do	10,181,597	$3,138,984
Cream sold ... do	3,631,494	[illegible]
Butter fat sold ... pounds	17,621,320	[illegible]
Butter made ... do	13,761,085	6,877,379
Cheese made ... do	23,117	9,711
Total dairy products		23,708,963
Eggs produced ... dozens	49,122,537	16,705,063
Chickens raised ... number	15,798,780	12,[illegible]
Wool and mohair ... pounds	2,563,351	1,230,427
Honey and wax ... do	836,997	174,254
Animals sold and slaughtered on farms		208,745,758
Total live-stock products of Nebraska		263,357,863

Summary of Nebraska farm products, farm value Dec. 1, 1919.

(United States census of 1920.)

CROPS.

Cereals	$395,917,589
Hay and forage	98,965,224
Vegetables	17,040,473

Fruits and nuts	$2,696,124
All other crops	641,379
Total crops	519,729,771
Nursery and greenhouse products	702,084
Forest products	933,276

LIVE-STOCK PRODUCTS.

Dairy products	23,708,963
Eggs produced	16,705,063
Chickens raised	12,798,368
Wool and mohair	1,230,427
Honey and wax	174,254
Animals sold and slaughtered on farms	208,745,758
Total live-stock products	263,357,863
Total farm products of Nebraska	784,722,994

NEVADA.

Agricultural wealth and production of the State of Nevada—Nevada agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	77,407
Land area of State ... acres	70,285,440

FARMS.

Number of all farms	3,163
Land in farms:	
Improved land ... acres	594,741
Woodland ... do	28,637
Other unimproved land ... do	1,733,785
Total land in farms ... do	2,357,163

VALUE OF FARM PROPERTY.

Land	$59,362,239
Buildings	6,892,975
Implements and machinery	3,630,927
Live stock	20,893,525
Total value of farm property	99,779,666

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc)	1,318,445	$29,540,877
Poultry of all kinds	162,984	183,411
Bees (hives of bees)	11,986	169,237
Total live stock		29,893,525

Nevada farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	14,714	$25,484
Oats ... do	75,000	[illegible]
Wheat ... do	464,151	1,067,550
Barley ... do	148,216	259,379
Other cereals ... do	7,533	14,685
Total cereals ... do	709,614	1,454,350
Hay and forage ... tons	548,933	10,964,159
Vegetables:		
Potatoes ... bushels	[illegible]	1,100,775
All other		[illegible]
Total vegetables		1,384,421
Fruits and nuts:		
Apples ... bushels	[illegible]	110,502
Grapes ... pounds	371,543	22,294
Berries and small fruit ... quarts	31,705	4,867
All other		33,615
Total fruits and nuts		171,298
All other crops		6,075
Total crops of Nevada		13,980,303
Nursery and greenhouse products		5,620
Forest products		37,437

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products		
Milk produced ... gallons	6,312,105	
Milk sold ... do	800,533	$224,848
Cream sold ... do	77,003	123,317
Butter fat sold ... pounds	718,428	[illegible]
Butter made ... do	[illegible]	149,812
Cheese made ... do	22,927	[illegible]
Total dairy products		963,986

Nevada farm products—Continued.

LIVE-STOCK PRODUCTS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Eggs produced ... dozens	895,427	[illegible]
Chickens raised ... number	187,788	155,864
Wool and mohair ... pounds	6,404,072	[illegible]
Honey and wax ... do	583,[illegible]	134,917
Animals sold and slaughtered on farms		7,723,954
Total live-stock products of Nevada		12,418,603

Summary of Nevada farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$1,454,350
Hay and forage	10,964,159
Vegetables	1,384,421
Fruits and nuts	171,298
All other crops	6,075
Total crops	13,980,303
Nursery and greenhouse products	5,620
Forest products	37,437

LIVE-STOCK PRODUCTS.

Dairy products	963,986
Eggs produced	429,834
Chickens raised	155,864
Wool and mohair	3,610,068
Honey and wax	134,917
Animals sold and slaughtered on farms	7,723,954
Total live-stock products	12,418,603
Total farm products of Nevada	26,441,973

NEW JERSEY.

Agricultural wealth and production of the State of New Jersey—New Jersey agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	3,155,900
Land area of State ... acres	4,808,960

FARMS.

Number of all farms	29,762
Land in farms:	
Improved land ... acres	1,555,607
Woodland ... do	454,768
Other unimproved land ... do	272,210
Total land in farms ... do	2,282,585

VALUE OF FARM PROPERTY.

Land	$142,182,498
Buildings	108,141,488
Implements and machinery	25,458,205
Live stock	36,064,757
Total value of farm property	311,847,948

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	408,137	$31,662,357
Poultry of all kinds	2,665,662	4,324,564
Bees (hives of bees)	12,451	77,836
Total live stock		36,064,757

New Jersey farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	3,776,107	$14,480,577
Oats ... do	1,477,319	1,468,453
Wheat ... do	1,375,[illegible]	[illegible]
Rye ... do	1,043,916	1,722,461
Other cereals ... do	128,404	189,944
Total cereals ... bushels	12,804,095	20,902,[illegible]
Hay and forage ... tons	674,479	14,017,095
Vegetables:		
Potatoes ... bushels	12,092,135	25,304,847
Sweet corn		1,317,921
Tomatoes		[illegible]
Peppers (green)		[illegible]
Onions		[illegible]
Asparagus		728,734
All other		7,888,[illegible]
Total vegetables		40,669,147

New Jersey farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Fruits and nuts:		
Apples ... bushels	1,666,400	$1,322,909
Peaches ... do	1,853,223	3,363,573
Pears ... do	491,705	654,900
Grapes ... pounds	4,237,396	261,445
Berries ... quarts	3,301,883	1,743,400
Cranberries ... do	7,509,498	750,900
Other small fruits ... do	4,337,336	1,612,112
All other		140,296
Total fruits and nuts		11,800,078
All other crops		66,266
Total crops of New Jersey		87,464,445
Nursery and greenhouse products		6,113,603
Forest products		1,219,810

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ... gallons	70,460,720	
Milk sold ... do	56,377,196	$15,656,[illegible]
Cream sold ... do	51,114	125,731
Butter fat sold ... pounds	61,579	31,[illegible]
Butter made ... do	1,600,789	955,624
Cheese made ... do	92,984	[illegible],755
Total dairy products		19,198,718
Eggs produced ... dozens	13,260,104	7,304,057
Chickens raised ... number	3,522,776	[illegible]
Wool and mohair ... pounds	56,864	32,071
Honey and wax ... do	160,261	81,440
Animals sold and slaughtered on farms		[illegible]
Total live-stock products of New Jersey		40,147,839

Summary of New Jersey farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$20,902,859
Hay and forage	14,017,095
Vegetables	40,669,147
Fruits and nuts	11,809,078
All other crops	66,266
Total crops	87,464,445
Nursery and greenhouse products	6,113,603
Forest products	1,219,810

LIVE-STOCK PRODUCTS.

Dairy products	19,198,718
Eggs produced	7,304,057
Chickens raised	4,896,659
Wool and mohair	32,071
Honey and wax	81,440
Animals sold and slaughtered on farms	8,664,894
Total live-stock products	40,147,839
Total farm products of New Jersey	134,945,697

NEW MEXICO.

Agricultural wealth and production of the State of New Mexico—New Mexico agricultural statistics, January 1, 1920.

(United States Census of 1920.

Population of State	360,350
Land area of State ... acres	78,401,920

FARMS.

Number of all farms	29,844
Land in farms:	
Improved land ... acres	1,717,224
Woodland ... do	1,817,460
Other unimproved land ... do	20,874,949
Total land in farms ... do	24,409,633

VALUE OF FARM PROPERTY.

Land	$196,341,050
Buildings	25,473,162
Implements and machinery	9,745,369
Live stock	93,626,418
Total value of farm property	325,185,999

LIVE STOCK.

On farms January 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,464,570	$93,726,462
Poultry of all kinds	739,782	7[illegible]
Bees (hives of bees)	15,[illegible]	117,[illegible]
Total live stock		93,626,418

New Mexico farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	4,737,183	$7,105,781
Oats ... do	1,085,311	1,139,580
Wheat ... do	2,437,213	4,874,426
Barley ... do	194,[illegible]	252,290
Kafir and milo ... do	3,783,617	4,729,524
Other cereals ... do	7[illegible]	118,813
Total cereals ... do	12,310,217	18,220,404
Other grains and seeds ... do	1,075,035	3,905,087
Hay and forage ... tons	683,907	12,852,751
Vegetables:		
Potatoes ... bushels	178,727	430,211
Tomatoes		39,565
Cabbages		56,828
Cantaloupes and watermelons		196,545
Peppers (green)		80,629
All other		881,331
Total vegetables		1,684,129
Fruits and nuts:		
Apples ... bushels	[illegible]	1,502,564
Peaches ... do	[illegible]	428,445
Pears ... do	65,842	114,698
Grapes ... pounds	1,028,356	80,356
Berries and small fruit ... quarts	53,739	11,993
All other		110,953
Total fruits and nuts		2,248,934
Cotton ... bales	5,[illegible]	1,209,376
Broom corn ... pounds	[illegible]	263,801
All other crops		236,162
Total crops of New Mexico		40,619,634
Nursery and greenhouse products		78,478
Forest products		[illegible]

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	12,737,649	
Milk sold ... do	1,[illegible],679	$725,419
Cream sold ... do	138,098	296,154
Butter fat sold ... pounds	862,[illegible]	[illegible]
Butter made ... do	1,404,128	745,[illegible]
Cheese made ... do	57,087	31,351
Total dairy products		2,134,987
Eggs produced ... dozen	3,063,700	1,347,628
Chickens raised ... number	[illegible]	749,348
Wool and mohair ... pounds	3,670,515	4,088,528
Honey and wax ... do	100,941	121,480
Animals sold and slaughtered on farms		25,720,270
Total live-stock products of New Mexico		34,162,241

Summary of New Mexico farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$18,220,404
Hay and forage	12,852,751
Vegetables	1,684,129
Fruits and nuts	2,248,924
Seeds and grains	3,905,087
Cotton	1,209,376
All other crops	499,963
Total crops	40,619,634
Nursery and greenhouse products	78,478
Forest products	326,820

LIVE-STOCK PRODUCTS.

Dairy products	2,134,987
Eggs produced	1,347,628
Chickens raised	749,348
Wool and mohair	4,088,528
Honey and wax	121,480
Animals sold and slaughtered on farms	25,720,270
Total live-stock products	34,162,241
Total farm products of New Mexico	75,187,173

NEW YORK.

Agricultural wealth and production of the State of New York—New York agricultural statistics, January 1, 1920.

(U. S. Census of 1920.)

Population of State	10,385,227
Land area of State ... acres	30,498,560

FARMS.

Number of all farms	193,195
Land in farms:	
Improved land ... acres	13,158,781
Woodland ... do	4,160,567
Other unimproved land ... do	3,313,465
Total land in farms ... do	20,632,803

VALUE OF FARM PROPERTY.

Land	$793,835,558
Buildings	681,726,152
Implements and machinery	169,866,766
Live stock	313,554,695
Total value of farm property	1,908,483,201

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,968,815	$297,224,282
Poultry of all kinds	10,759,268	15,[illegible],600
Bees (hives of bees)	127,838	981,813
Total live stock		313,554,695

New York farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	14,169,962	23[illegible],691,113
Oats ... do	21,595,461	21,595,461
Wheat ... do	9,186,[illegible]	[illegible]
Barley ... do	3,273,011	3,295,871
Rye ... do	1,520,532	[illegible]
Buckwheat ... do	3,901,681	6,242,470
Other cereals ... do	2,[illegible],473	3,482,431
Total cereals ... do	55,434,433	82,824,839
Other grains and seeds ... do	784,[illegible]	4,618,653
Hay and forage ... tons	9,728,317	169,494,524
Vegetables:		
Potatoes ... bushels	32,472,345	69,815,841
Sweet corn		2,925,817
Tomatoes		2,375,858
Cabbage		4,205,249
Celery		1,623,681
Lettuce		1,467,050
Onions		2,804,153
All other		19,945,411
Total vegetables		104,070,460
Fruits and nuts:		
Apples ... bushels	14,350,217	25,[illegible],037
Peaches ... do	1,[illegible]	2,860,389
Pears ... do	1,[illegible]	4,038,521
Grapes ... pounds	[illegible]	10,678,790
Raspberries ... quarts	11,[illegible]	2,[illegible],165
Strawberries ... do	8,579,363	1,073,394
Currants ... do	3,321,583	597,[illegible]
Other small fruits ... do	3,180,164	472,159
All other		7,479,011
Total fruits and nuts		51,519,503
Tobacco ... pounds	[illegible]	[illegible]
Hops ... do	723,824	[illegible]
Maple sugar and sirup		3,299,434
All other crops		78,873
Total crops of New York		417,846,864
Nursery and greenhouse products		10,999,578
Forest products		19,311,211

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	756,045,942	
Milk sold ... do	573,101,052	$159,605,454
Cream sold ... do	1,815,983	2,614,759
Butter fat sold ... pounds	6,298,760	3,565,857
Butter made ... do	24,737,662	14,347,864
Cheese made ... do	521,445	172,076
Total dairy products		179,695,810
Eggs produced ... dozens	62,175,162	31,087,581
Chickens raised ... number	11,872,[illegible]	31,7[illegible]
Wool and mohair ... pounds	3,851,927	1,977,598
Honey and wax ... do	[illegible]	[illegible]
Animals sold and slaughtered on farms		71,043,960
Total live-stock products of New York		[illegible],509,699

Summary of New York farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$82,524,839
Hay and forage	169,494,524
Vegetables	104,070,460
Fruits and nuts	51,519,503
Maple sugar and sirup	3,[illegible],434
Tobacco	[illegible],940
Hops	535,629
All other crops	4,697,526
Total crops	417,846,864
Nursery and greenhouse products	10,999,578
Forest products	19,311,211

LIVE-STOCK PRODUCTS.

Dairy products	179,695,810
Eggs produced	31,087,581
Chickens raised	14,753,918
Wool and mohair	1,977,598
Honey and wax	950,832
Animals sold and slaughtered on farms	71,043,960
Total live-stock products	296,509,699
Total farm products of New York	743,867,352

NORTH DAKOTA.

Agricultural wealth and production of the State of North Dakota—North Dakota agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	646,872
Land area of State ... acres	44,917,120

FARMS.

Number of all farms	77,690
Land in farms:	
Improved land ... acres	24,563,178
Woodland ... do	679,836
Other unimproved land ... do	10,971,737
Total land in farms ... do	36,214,751

VALUE OF FARM PROPERTY.

Land	$1,279,312,627
Buildings	209,207,868
Implements and machinery	114,186,865
Live stock	157,034,635
Total value of farm property	1,759,742,995

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	2,966,676	$153,361,490
Poultry of all kinds	4,608,449	3,667,581
Bees (hives of bees)	[illegible]	5,614
Total live stock		157,034,635

North Dakota farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	[illegible]	45,427,636
Oats ... do	30,294,074	24,235,260
Wheat ... do	61,540,404	147,696,970
Barley ... do	12,662,981	13,920,815
Rye ... do	16,294,371	23,626,848
Other cereals ... do	587,871	917,105
Total cereals ... do	124,645,484	215,764,634
Other grains and seeds ... do	8,339,627	15,581,[illegible]
Hay and forage ... tons	3,765,377	[illegible]
Vegetables:		
Potatoes ... bushels	4,717,586	10,142,747
All other		3,582,480
Total vegetables		13,725,227
Fruits and nuts:		
Apples ... bushels	14,358	[illegible]
Plums and prunes ... do	5,600	11,320
Berries and small fruit ... quarts	170,771	40,279
All other		6,674
Total fruit and nuts		[illegible]
Hemp ... pounds	398,266	59,440
All other crops		[illegible]
Total crops of North Dakota		301,782,935
Nursery and greenhouse products		[illegible]
Forest products		205,317

North Dakota farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons..	[illegible]	.....
Milk sold ... do....	3,047,996	$996,981
Cream sold ... do....	3,088,431	4,062,789
Butter fat sold ... pounds..	14,607,548	7,495,923
Butter made ... do....	14,413,180	6,996,643
Cheese made ... do....	52,965	23,934
Total dairy products		19,575,341
Eggs produced ... dozens..	20,520,407	7,078,938
Chickens raised ... number..	5,334,137	3,497,448
Wool and mohair ... pounds..	1,337,671	913,351
Honey and wax ... do....	57,367	3,652
Animals sold and slaughtered on farms		34,909,274
Total live-stock products of North Dakota		65,889,206

Summary of North Dakota farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$215,764,634
Hay and forage	56,555,024
Vegetables	13,725,227
Grains and seeds	15,583,209
All other crops	154,841
Total crops	301,782,935
Nursery and greenhouse products	186,605
Forest products	208,317

LIVE-STOCK PRODUCTS.

Dairy products	19,576,343
Eggs produced	7,078,938
Chickens raised	3,497,448
Wool and mohair	913,351
Honey and wax	3,652
Animals sold and slaughtered on farms	34,909,274
Total live-stock products	65,889,206
Total farm products of North Dakota	368,065,063

OHIO.

Agricultural wealth and production of the State of Ohio—Ohio agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	5,759,394
Land area of State ... acres..	26,073,600

FARMS.

Number of all farms	256,695
Land in farms:	
Improved land ... acres..	18,542,258
Woodland ... do....	3,198,929
Other unimproved land ... do....	1,774,606
Total land in farms ... do....	23,515,888

VALUE OF FARM PROPERTY.

Land	$2,015,112,999
Buildings	646,322,950
Implements and machinery	146,575,269
Live stock	287,655,118
Total value of farm property	3,095,666,336

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	7,969,141	$286,561,496
Poultry of all kinds	20,604,166	20,693,940
Bees (hives of bees)	195,873	409,682
Total live stock		287,655,118

Ohio farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels..	[illegible]	$217,274,709
Oats ... do....	[illegible]	30,795,599
Wheat ... do....	59,124,351	127,873,274
Barley ... do....	2,412,196	[illegible]
Rye ... do....	[illegible]	2,582,991
Buckwheat ... do....	[illegible]	[illegible]
Other cereals ... do....	41,237	[illegible]
Total cereals ... do....	259,547,851	391,834,355

Ohio farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Other grains and seeds ... bushels..	[illegible]	[illegible]
Hay and forage ... tons..	7,061,[illegible]	130,187,929
Vegetables:		
Potatoes ... bushels..	7,738,734	18,168,038
Sweet corn	.....	1,560,479
Tomatoes	.....	2,154,259
Cabbages	.....	[illegible]
Onions	.....	2,134,345
Celery	.....	[illegible]
All other	.....	17,867,984
Total vegetables		43,365,158
Fruits and nuts:		
Apples ... bushels..	[illegible]	6,845,811
Peaches ... do....	617,527	1,621,740
Grapes ... pounds..	41,722,796	[illegible]
Strawberries ... quarts..	7,165,967	1,351,527
Other small fruits ... do....	4,797,171	987,852
All other	.....	1,235,239
Total fruits and nuts		15,172,769
Tobacco ... pounds..	64,420,473	13,528,302
Sugar beets ... tons..	365,415	3,836,861
Maple sugar and sirup	.....	1,933,790
Hemp ... pounds..	3,172,652	434,531
All other crops	.....	483,343
Total crops of Ohio		607,037,562
Nursery and greenhouse products	.....	8,339,507
Forest products	.....	11,364,709

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons..	396,317,787	.....
Milk sold ... do....	[illegible]	$38,978,117
Cream sold ... do....	7,628,715	10,131,883
Butter fat sold ... pounds..	29,528,000	15,886,417
Butter made ... do....	30,284,285	15,967,415
Cheese made ... do....	434,042	172,752
Total dairy products		81,148,586
Eggs produced ... dozens..	102,377,143	42,998,400
Chickens raised ... number..	22,458,227	21,110,733
Wool and mohair ... pounds..	[illegible]	10,075,214
Honey and wax ... do....	546,644	254,986
Animals sold and slaughtered on farms		159,387,679
Total live-stock products of Ohio		314,975,598

Summary of Ohio farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$391,834,355
Hay and forage	130,187,929
Vegetables	43,365,158
Fruits and nuts	15,172,769
Grains and seeds	6,260,527
Tobacco	13,528,302
Sugar beets	3,836,861
All other crops	2,851,661
Total crops	607,037,562
Nursery and greenhouse products	8,339,507
Forest products	11,364,709

LIVE-STOCK PRODUCTS.

Dairy products	81,148,586
Eggs produced	42,998,400
Chickens raised	21,110,733
Wool and mohair	10,075,214
Honey and wax	254,986
Animals sold and slaughtered on farms	159,387,679
Total live-stock products	314,975,598
Total farm products of Ohio	941,717,376

PENNSYLVANIA.

Agricultural wealth and production of the State of Pennsylvania—Pennsylvania agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	8,720,017
Land area of State ... acres..	28,692,480

FARMS.

Number of all farms	202,250
Land in farms:	
Improved land ... acres..	11,847,719
Woodland ... do....	4,043,902
Other unimproved land ... do....	1,765,892
Total land in farms ... do....	17,657,513

VALUE OF FARM PROPERTY.

Land	$726,158,051
Buildings	600,592,977
Implements and machinery	163,826,365
Live stock	238,774,641
Total value of farm property	1,729,353,034

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,800,671	$219,420,529
Poultry of all kinds	15,226,961	18,638,535
Bees (hives of bees)	122,419	714,367
Total live stock		238,774,641

Pennsylvania farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels..	61,450,012	$95,247,521
Oats ... do....	29,183,172	26,264,857
Wheat ... do....	23,453,978	52,771,495
Rye ... do....	3,208,003	5,293,211
Buckwheat ... do....	4,755,739	7,133,626
Other cereals ... do....	[illegible]	466,611
Total cereals ... do....	122,377,334	187,178,692
Other grains and seeds	.....	1,324,677
Hay and forage ... tons..	[illegible]	115,341,367
Vegetables:		
Potatoes ... bushels..	22,227,440	47,780,210
Sweet corn	.....	1,751,533
Tomatoes	.....	1,539,970
Cabbages	.....	1,669,971
Celery	.....	496,040
Onions	.....	465,180
All other	.....	19,923,782
Total vegetables		73,626,686
Fruits and nuts:		
Apples ... bushels..	5,512,795	11,832,515
Peaches ... do....	1,099,735	3,070,258
Grapes ... pounds..	42,681,090	2,590,867
Strawberries ... quarts..	7,184,095	1,508,662
Other small fruits ... do....	3,709,722	[illegible]
All other	.....	1,673,796
Total fruits and nuts		21,499,929
Tobacco ... pounds..	55,965,851	10,073,852
Maple sugar and sirup	.....	[illegible]
All other crops	.....	34,525
Total crops of Pennsylvania		409,968,377
Nursery and greenhouse products	.....	9,266,563
Forest products	.....	16,587,327

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons..	421,631,355	.....
Milk sold ... do....	256,444,940	$72,859,504
Cream sold ... do....	1,249,027	1,549,083
Butter fat sold ... pounds..	9,120,413	3,779,466
Butter made ... do....	38,468,607	21,137,718
Cheese made ... do....	[illegible]	191,602
Total dairy products		99,617,373
Eggs produced ... dozens..	75,998,172	36,479,123
Chickens raised ... number..	15,663,745	17,230,120
Wool and mohair ... pounds..	3,444,837	2,239,021
Honey and wax ... do....	1,587,481	446,444
Animals sold and slaughtered on farms		90,527,419
Total live-stock products of Pennsylvania		146,939,500

Summary of Pennsylvania farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$187,178,692
Hay and forage	115,341,367
Vegetables	73,626,686
Fruits and nuts	21,499,929
Tobacco	10,073,852
Grains and seeds	1,324,677
Maple sugar and sirup	888,649
All other crops	34,525
Total crops	409,968,377
Nursery and greenhouse products	9,266,563
Forest products	16,587,327

LIVE-STOCK PRODUCTS.

Dairy products	99,617,373
Eggs produced	36,479,123
Chickens raised	17,230,120
Wool and mohair	$2,239,021
Honey and wax	446,444
Animals sold and slaughtered on farms	90,527,419
Total live-stock products	146,939,500
Total farm products of Pennsylvania	582,761,767

RHODE ISLAND.

Agricultural wealth and production of the State of Rhode Island—Rhode Island agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	604,397
Land area of State ... acres..	682,880

FARMS.

Number of all farms	4,083
Land in farms:	
Improved land ... acres..	132,855
Woodland ... do....	130,462
Other unimproved land ... do....	68,283
Total land in farms ... do....	331,600

VALUE OF FARM PROPERTY.

Land	$14,509,073
Buildings	11,878,853
Implements and machinery	2,408,561
Live stock	4,840,279
Total value of farm property	33,636,766

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	[illegible]	[illegible]
Poultry of all kinds	285,000	[illegible]
Bees (hives of bees)	686	6,189
Total live stock		4,840,279

Rhode Island farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels..	310,901	[illegible]
Oats ... do....	34,597	37,958
Other cereals ... do....	11,481	21,531
Total cereals ... do....	[illegible]	[illegible]
Hay and forage ... tons..	90,926	2,319,136
Vegetables:		
Potatoes ... bushels..	295,008	674,122
Sweet corn	.....	75,783
Tomatoes	.....	61,819
Cabbages	.....	41,295
All other	.....	627,307
Total vegetables		1,480,326
Fruits and nuts:		
Apples ... bushels..	[illegible]	[illegible]
Peaches ... do....	28,771	77,682
Pears ... do....	10,713	26,784
Grapes ... pounds..	466,973	24,026
Berries and small fruit ... quarts..	[illegible]	[illegible]
All other	.....	1,583
Total fruits and nuts		[illegible]
All other crops	.....	10,583
Total crops of Rhode Island		5,340,378
Nursery and greenhouse products	.....	1,203,802
Forest products	.....	470,077

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons..	12,099,111	.....
Milk sold ... do....	9,313,546	$3,667,305
Cream sold ... do....	30,922	43,522
Butter fat sold ... pounds..	15,524	10,471
Butter made ... do....	174,902	105,834
Cheese made ... do....	10,410	2,748
Total dairy products		3,830,881
Eggs produced ... dozens..	1,536,856	906,746
Chickens raised ... number..	[illegible]	620,145
Wool and mohair ... pounds..	13,560	5,405
Honey and wax ... do....	6,545	1,704
Animals sold and slaughtered on farms		1,295,371
Total live-stock products of Rhode Island		[illegible]

Summary of Rhode Island farm products, farm value December 1, 1919.
(United States Census of 1920.)

CROPS.

Cereals	$865,745
Hay and forage	2,319,136
Vegetables	1,480,326
Fruits and nuts	884,489
All other crops	10,682
Total crops	5,340,378
Nursery and greenhouse products	1,293,902
Forest products	470,077

LIVE-STOCK PRODUCTS.

Dairy products	3,880,881
Eggs produced	906,746
Chickens raised	620,145
Wool and mohair	3,495
Honey and wax	1,704
Animals sold and slaughtered on farms	1,296,371
Total live-stock products	6,683,252
Total farm products of Rhode Island	13,677,509

UTAH.

Agricultural wealth and production of the State of Utah—Utah agricultural statistics, January 1, 1920.
(United States Census of 1920.)

Population of State	449,396
Land area of State ... acres	52,597,760

FARMS.

Number of all farms	25,682
Land in farms:	
Improved land ... acres	1,715,380
Woodland ... do	212,762
Other unimproved land ... do	3,132,268
Total land in farms ... do	5,660,410

VALUE OF FARM PROPERTY.

Land	$210,997,840
Buildings	32,753,918
Implements and machinery	13,514,787
Live stock	54,008,183
Total value of farm property	311,274,728

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	2,455,119	$82,973,251
Poultry of all kinds	[illegible]	814,566
Bees (hives of bees)	[illegible]	230,366
Total live stock		54,008,183

Utah farm products.
CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	587,351	$517,456
Oats ... do	1,734,392	2,099,209
Wheat ... do	4,100,979	9,822,184
Barley ... do	365,195	620,814
Other cereals ... do	79,150	158,954
Total cereals ... do	6,866,067	12,238,557
Other grains and seeds ... do	85,726	1,364,638
Hay and forage ... tons	1,031,808	24,750,387
Vegetables:		
Potatoes ... bushels	1,643,412	8,494,637
Tomatoes		518,162
Peas (green)		158,477
Cantaloupes and watermelons		125,015
All other		1,319,399
Total vegetables		8,615,888
Fruits and nuts:		
Apples ... bushels	759,996	1,267,454
Peaches ... do	842,930	1,414,120
Cherries ... do	123,477	201,033
Grapes ... pounds	1,102,636	68,154
Berries and small fruit ... quarts	1,198,200	244,488
Nuts ... pounds	85,274	12,778
All other		313,044
Total fruits and nuts		3,522,739
Sugar beets ... tons	938,427	10,948,611
All other crops		89,222
Total crops of Utah		58,067,067
Nursery and greenhouse products		241,162
Forest products		120,262

Utah farm products—Continued.
LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	29,375,112	
Milk sold ... do	9,461,137	$2,276,197
Cream sold ... do	781,869	495,118
Butter fat sold ... pounds	1,049,559	565,872
Butter made ... do	2,876,673	1,862,853
Cheese made ... do	75,888	27,287
Total dairy products		4,809,087
Eggs produced ... dozens	5,709,036	2,112,358
Chickens raised ... number	1,167,446	775,212
Wool and mohair ... pounds	11,771,708	5,767,419
Honey and wax ... do	1,261,172	251,747
Animals sold and slaughtered on farms		15,566,230
Total live-stock products of Utah		29,302,053

Summary of Utah farm products, farm value December 1, 1919.
(United States Census of 1920.)

CROPS.

Cereals	$12,238,557
Hay and forage	24,750,387
Vegetables	8,615,888
Fruits and nuts	3,522,739
Sugar beets	10,948,611
Grains and seeds	1,364,638
All other crops	67,237
Total crops	58,067,067
Nursery and greenhouse products	241,162
Forest products	120,262

LIVE-STOCK PRODUCTS.

Dairy products	4,809,087
Eggs produced	2,112,358
Chickens raised	775,212
Wool and mohair	5,767,419
Honey and wax	251,747
Animals sold and slaughtered on farms	15,566,230
Total live-stock products	29,302,053
Total farm products of Utah	87,730,544

VERMONT.

Agricultural wealth and production of the State of Vermont—Vermont agricultural statistics, January 1, 1920.
(United States Census of 1920.)

Population of State	352,428
Land area of State ... acres	5,839,360

FARMS.

Number of all farms	29,075
Land in farms:	
Improved land ... acres	1,691,695
Woodland ... do	1,428,309
Other unimproved land ... do	1,115,807
Total land in farms ... do	4,235,811

VALUE OF FARM PROPERTY.

Land	$152,958,253
Buildings	76,178,906
Implements and machinery	31,234,130
Live stock	42,395,331
Total value of farm property	222,736,620

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	648,980	$41,111,827
Poultry of all kinds	813,065	1,167,717
Bees (hives of bees)	36,424	65,787
Total live stock		42,395,331

Vermont farm products.
CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	687,375	$1,687,275
Oats ... do	2,398,349	2,398,349
Wheat ... do	776,003	801,838
Barley ... do	195,815	344,431
Buckwheat ... do	51,346	150,441
Other cereals ... do	139,671	789,414
Total cereals ... do	3,816,559	5,171,758
Hay and forage ... tons	1,348,385	29,581,464

Vermont farm products—Continued.
CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes ... bushels	2,277,367	$5,010,352
Sweet corn		79,073
Cabbages		89,904
Onions		30,014
All other		2,228,111
Total vegetables		7,387,254
Fruits and nuts:		
Apples ... bushels	890,252	1,728,454
Berries and small fruit ... quarts	740,033	187,580
All other		41,461
Total fruits and nuts		1,957,515
Maple sugar and sirup		3,580,369
All other crops		321,240
Total crops of Vermont		47,999,600
Nursery and greenhouse products		222,622
Forest products		6,377,580

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	122,095,734	
Milk sold ... do	55,319,200	$15,581,083
Cream sold ... do	928,843	1,254,589
Butter fat sold ... pounds	12,072,731	8,032,796
Butter made ... do	3,877,039	2,301,853
Cheese made ... do	75,502	27,182
Total dairy products		27,207,813
Eggs produced ... dozens	5,166,669	2,738,245
Chickens raised ... number	1,015,742	1,300,150
Wool and mohair ... pounds	418,308	250,977
Honey and wax ... do	236,483	76,055
Animals sold and slaughtered on farms		13,313,579
Total live-stock products of Vermont		44,887,219

Summary of Vermont farm products, farm value December 1, 1919.
(United States Census of 1920.)

CROPS.

Cereals	$5,171,758
Hay and forage	29,581,464
Vegetables	7,387,254
Fruits and nuts	1,957,515
Maple sugar and sirup	3,580,369
All other crops	321,240
Total crops	47,999,600
Nursery and greenhouse products	222,622
Forest products	6,377,580

LIVE-STOCK PRODUCTS.

Dairy products	27,207,813
Eggs produced	2,738,245
Chickens raised	1,300,150
Wool and mohair	250,977
Honey and wax	76,055
Animals sold and slaughtered on farms	13,313,579
Total live-stock products	44,887,219
Total farm products of Vermont	99,487,021

WASHINGTON.

Agricultural wealth and production of the State of Washington, Washington agricultural statistics, January 1, 1920.
(United States Census of 1920.)

Population of State	1,356,621
Land area of State ... acres	42,775,040

FARMS.

Number of all farms	66,288
Land in farms:	
Improved land ... acres	7,129,343
Woodland ... do	1,813,061
Other unimproved land ... do	4,302,316
Total land in farms ... do	13,244,720

VALUE OF FARM PROPERTY.

Land	$797,651,020
Buildings	122,741,321
Implements and machinery	54,721,377
Live stock	82,316,130
Total value of farm property	1,057,429,848

Agricultural wealth and production of the State of Washington, Washington agricultural statistics, January 1, 1920—Continued.
LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	1,787,871	$77,572,086
Poultry of all kinds	3,614,475	4,398,799
Bees (hives of bees)	36,406	354,835
Total live stock		82,315,720

Washington farm products.
CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	901,905	$1,522,459
Oats ... do	8,072,681	8,073,481
Wheat ... do	41,837,900	31,306,642
Barley ... do	1,249,856	3,274,792
Other cereals ... do	227,956	897,819
Total cereals ... do	53,290,303	104,886,261
Other grains and seeds ... do	471,375	3,390,677
Hay and forage ... tons	2,013,913	47,717,065
Vegetables:		
Potatoes ... bushels	5,806,710	12,320,093
Sweet corn		183,754
Tomatoes		297,222
Cabbages		257,124
Onions		415,527
All other		4,899,262
Total vegetables		18,322,982
Fruits and nuts:		
Apples ... bushels	11,564,841	36,923,641
Peaches ... do	1,544,859	3,321,449
Pears ... do	1,728,750	3,025,331
Plums and prunes ... do	785,923	1,532,548
Cherries ... do	246,226	971,985
Grapes ... pounds	3,961,536	316,892
Berries and small fruit ... quarts	16,884,745	3,490,384
Almonds and walnuts ... pounds	100,178	27,392
All other		151,915
Total fruits and nuts		51,662,307
Hops ... pounds	1,615,761	727,092
Sugar beets ... tons	46,346	506,980
All other crops		4,654
Total crops of Washington		227,212,008
Nursery and greenhouse products		1,354,686
Forest products		4,738,116

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ... gallons	140,524,516	
Milk sold ... do	83,323,339	$16,362,655
Cream sold ... do	1,586,806	2,253,112
Butter fat sold ... pounds	9,733,091	5,606,322
Butter made ... do	2,396,878	2,096,724
Cheese made ... do	84,958	58,008
Total dairy products		27,020,231
Eggs produced ... dozens	23,336,526	10,087,391
Chickens raised ... number	4,480,217	3,742,267
Wool and mohair ... pounds	5,018,779	2,258,739
Honey and wax ... do	1,613,626	407,421
Animals sold and slaughtered on farms		25,941,495
Total live-stock products of Washington		68,511,842

Summary of Washington farm products, farm value December 1, 1919.
(United States Census, 1920.)

CROPS.

Cereals	$104,886,261
Hay and forage	47,717,065
Vegetables	18,322,982
Fruits and nuts	51,662,307
Grains and seeds	3,390,677
Hops	727,092
Sugar beets	506,980
All other crops	4,654
Total crops	227,212,008
Nursery and greenhouse products	1,354,686
Forest products	4,738,116

LIVE-STOCK PRODUCTS.

Dairy products	$27,620,231
Eggs produced	10,037,591
Chickens raised	3,742,367
Wool and mohair	2,358,139
Honey and wax	407,421
Animals sold and slaughtered on farms	23,945,493
Total live-stock products	68,011,842
Total farm products of Washington	301,316,652

WEST VIRGINIA.

Agricultural wealth and production of the State of West Virginia—West Virginia agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	1,463,701
Land area of State ... acres	15,374,080

FARMS.

Number of all farms	87,289
Land in farms:	
Improved land ... acres	5,520,308
Woodland ... do	3,449,444
Other unimproved land ... do	[illegible]
Total land in farms ... do	9,569,790

VALUE OF FARM PROPERTY.

Land	$307,369,704
Buildings	103,473,702
Implements and machinery	18,395,058
Live stock	67,261,153
Total value of farm property	496,499,617

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	1,583,313	$89,571,449
Poultry of all kinds	4,179,428	4,230,975
Bees (hives of bees)	[illegible]	458,729
Total live stock		67,261,153

West Virginia farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	17,010,357	[illegible]
Oats ... do	[illegible]	[illegible]
Wheat ... do	3,747,812	[illegible]
Rye ... do	188,709	[illegible]
Buckwheat ... do	[illegible]	[illegible]
Other cereals ... do	[illegible]	41,757
Total cereals ... do	24,584,851	42,447,028
Other grains and seeds		281,668
Hay and forage ... tons	1,099,679	23,746,574
Vegetables:		
Potatoes ... bushels	3,030,770	[illegible]
Sweet corn		105,739
Tomatoes		301,920
Cabbage		166,076
Beans (green)		209,740
All other		3,972,655
Total vegetables		16,715,887
Fruits and nuts:		
Apples ... bushels	4,189,162	7,548,491
Peaches ... do	709,411	1,518,784
Grapes ... pounds	2,188,769	198,820
Berries and small fruit ... quarts	2,092,376	400,638
All other		306,025
Total fruits and nuts		9,962,747
Tobacco ... pounds	7,587,052	2,731,338
All other crops		652,207
Total crops of West Virginia		96,537,459
Nursery and greenhouse products		249,666
Forest products		11,346,421

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ... gallons	[illegible]	
Milk sold ... do	[illegible]	[illegible]
Cream sold ... do	[illegible]	[illegible]
Butter fat sold ... pounds	[illegible]	[illegible]
Butter made ... do	17,715,107	8,227,643
Cheese made ... do	[illegible]	[illegible]
Total dairy products		11,380,209

West Virginia farm products—Continued.

LIVE-STOCK PRODUCTS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Eggs produced ... dozens	21,708,279	[illegible]
Chickens raised ... number	4,873,287	4,142,294
Wool and mohair ... pounds	2,432,947	1,593,776
Honey and wax ... do	927,475	306,297
Animals sold and slaughtered on farms		34,570,832
Total live-stock products of West Virginia		[illegible]

Summary of West Virginia farm products—Farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$42,447,028
Hay and forage	23,746,574
Vegetables	16,715,887
Fruits and nuts	9,962,747
Tobacco	2,731,338
All other crops	953,905
Total crops	96,587,459
Nursery and greenhouse products	249,666
Forest products	11,346,421

LIVE-STOCK PRODUCTS.

Dairy products	11,380,209
Eggs produced	8,960,394
Chickens raised	4,142,294
Wool and mohair	1,593,776
Honey and wax	306,297
Animals sold and slaughtered on farms	34,570,832
Total live-stock products	60,903,802
Total farm products of West Virginia	169,037,848

WISCONSIN.

Agricultural wealth and production of the State of Wisconsin—Wisconsin agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	2,632,067
Land area of State ... acres	36,363,840

FARMS.

Number of all farms	189,295
Land in farms:	
Improved land ... acres	12,452,216
Woodland ... do	5,401,910
Other unimproved land ... do	4,294,097
Total land in farms ... do	22,148,223

VALUE OF FARM PROPERTY.

Land	$1,618,912,059
Buildings	568,968,914
Implements and machinery	167,088,909
Live stock	322,312,115
Total value of farm property	2,677,282,997

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	5,817,445	$311,018,838
Poultry of all kinds	11,762,273	10,726,721
Bees (hives of bees)	107,566	566,556
Total live stock		322,312,115

Wisconsin farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	44,547,398	[illegible]
Oats ... do	68,290,221	39,051,788
Wheat ... do	7,328,444	16,489,016
Barley ... do	12,101,304	18,459,014
Rye ... do	6,672,383	10,675,814
Other cereals ... do	3,313,586	3,927,549
Total cereals ... do	142,149,377	170,196,910
Other grains and seeds ... do	1,377,015	18,203,716
Hay and forage ... tons	11,480,227	164,993,480

Wisconsin farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes ... bushels	29,270,021	[illegible]
Sweet corn		[illegible]
Cabbages		1,478,781
Peas (green)		1,800,395
Cucumbers		[illegible]
All other		12,731,[illegible]
Total vegetables		77,613,026
Fruits and nuts:		
Apples ... bushels	1,305,984	2,611,968
Cherries ... do	160,392	578,128
Strawberries ... quarts	5,203,127	[illegible]
Cranberries ... do	3,424,709	410,[illegible]
All other		500,[illegible]
Total fruits and nuts		5,063,[illegible]
Tobacco ... pounds	52,454,246	11,539,932
Sugar beets ... tons	130,206	1,498,288
Hemp ... pounds	[illegible]	[illegible]
All other crops		758,807
Total crops of Wisconsin		445,347,868
Nursery and greenhouse products		2,358,423
Forest products		16,587,974

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ... gallons	[illegible]	
Milk sold ... do	473,416,832	$116,635,623
Cream sold ... do	[illegible]	[illegible]
Butter fat sold ... pounds	82,727,223	[illegible]
Butter made ... do	8,666,027	4,723,555
Cheese made ... do	308,137	98,509
Total dairy products		[illegible]
Eggs produced ... dozens	83,222,114	20,224,423
Chickens raised ... number	[illegible]	[illegible]
Wool and mohair ... pounds	3,194,735	1,693,215
Honey and wax ... do	3,709,549	733,883
Animals sold and slaughtered on farms		163,323,381
Total live-stock products of Wisconsin		316,345,494

Summary of Wisconsin farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$170,196,910
Hay and forage	164,993,480
Vegetables	77,613,026
Fruits and nuts	5,063,189
Tobacco	11,539,932
Sugar beets	1,498,288
All other crops	14,463,043
Total crops	445,347,868
Nursery and greenhouse products	2,358,423
Forest products	16,587,974

LIVE-STOCK PRODUCTS.

Dairy products	180,306,599
Eggs produced	20,224,403
Chickens raised	10,663,922
Wool and mohair	1,693,215
Honey and wax	733,883
Animals sold and slaughtered on farms	163,323,381
Total live-stock product	316,345,494
Total farm products of Wisconsin	780,639,669

WYOMING.

Agricultural wealth and production of the State of Wyoming—Wyoming agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	194,402
Land area of State ... acres	62,430,720

FARMS.

Number of all farms	15,748
Land in farms:	
Improved land ... acres	2,192,005
Woodland ... do	421,306
Other unimproved land ... do	9,285,540
Total land in farms ... do	11,899,351

VALUE OF FARM PROPERTY.

Land	$210,947,494
Buildings	28,800,631
Implements and machinery	11,177,949
Live stock	87,684,516
Total value of farm property	334,410,590

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,010,827	[illegible]
Poultry of all kinds	[illegible]	[illegible]
Bees (hives of bees)	[illegible]	[illegible]
Total live stock		[illegible]

Wyoming farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ... bushels	[illegible]	[illegible]
Oats ... do	[illegible]	[illegible]
Wheat ... do	1,445,227	3,121,093
Barley ... do	115,628	179,218
Rye ... do	188,532	[illegible]
Other cereals ... do	16,408	27,377
Total cereals ... do	3,164,915	5,412,775
Other grains and seeds		480,741
Hay and forage ... tons	907,287	20,412,534
Vegetables:		
Potatoes ... bushels	[illegible]	[illegible]
All other		726,973
Total vegetables		9,727,416
Fruits and nuts:		
Apples ... bushels	[illegible]	71,997
Berries and small fruit ... quarts	[illegible]	[illegible]
All other		10,394
Total fruits and nuts		[illegible]
Sugar beets ... tons	[illegible]	1,018,438
All other crops		480
Total crops of Wyoming		[illegible]
Nursery and greenhouse products		[illegible]
Forest products		156,837

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ... gallons	14,542,841	
Milk sold ... do	2,144,380	8577,367
Cream sold ... do	[illegible]	[illegible]
Butter fat sold ... pounds	1,065,907	522,749
Butter made ... do	1,422,822	744,630
Cheese made ... do	[illegible]	[illegible]
Total dairy products		2,143,020
Eggs produced ... dozens	3,164,743	1,297,955
Chickens raised ... number	[illegible]	724,024
Wool and mohair ... pounds	18,412,539	9,574,406
Honey and wax ... do	1,098,530	264,644
Animals sold and slaughtered on farms		[illegible]
Total live-stock products of Wyoming		[illegible]

Summary of Wyoming farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$5,412,775
Hay and forage	20,412,534
Vegetables	2,727,416
Fruits and nuts	[illegible]
Grains and seeds	400,741
All other crops	480
Total crops	30,270,630
Nursery and greenhouse products	22,242
Forest products	156,837

LIVE-STOCK PRODUCTS.

Dairy products	2,143,020
Eggs produced	1,297,955
Chickens raised	724,024
Wool and mohair	[illegible]
Honey and wax	[illegible]
Animals sold and slaughtered on farms	23,502,144
Total live-stock products	[illegible]
Total farm products of Wyoming	68,145,902

The PRESIDENT pro tempore. The Secretary will state the next amendment of the committee.

The READING CLERK. On page 2, lines 18 and 19, it is proposed to strike out the words "or decoctions."

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Harris	McLean	Simmons
Broussard	Harrison	McNary	Smoot
Bursum	Hollis	Moses	Spencer
Calder	Johnson	Nelson	Sterling
Caraway	Jones, N. Mex.	Newberry	Sutherland
Cummins	Jones, Wash.	Oddie	Swanson
Curtis	Kellogg	Overman	Underwood
Dial	Kendrick	Page	Walsh, Mont.
Dillingham	La Follette	Phipps	Warren
Fletcher	Lodge	Pittman	Watson, Ga.
France	McCormick	Poindexter	Watson, Ind.
Gerry	McCumber	Robinson	Willis
Gooding	McKellar	Sheppard	
Hale	McKinley	Shortridge	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The Secretary will state the pending amendment.

The READING CLERK. On page 2, lines 18 and 19, it is proposed to strike out the words "or decoctions."

Mr. SIMMONS. I ask to have the amendment stated again.

The PRESIDENT pro tempore. The amendment will be restated.

The READING CLERK. On page 2, lines 18 and 19, where it reads "and extracts or decoctions of nutgalls," it is proposed to strike out the words "or decoctions."

Mr. SIMMONS. I have no objection to a vote upon that.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The READING CLERK. On page 2, line 21, it is proposed to strike out "less than 80 per cent" and insert "not medicinal," so as to read:

Tannic acid, tannin, and extracts of nutgalls, containing by weight of tannic acid less than 50 per cent, 4 cents per pound; 50 per cent or more and not medicinal, 10 cents per pound.

Mr. SIMMONS. Mr. President, I do not desire to detain the Senate very long in the consideration of the pending amendment, for I am certain, from what has already happened to other amendments, that the same thing will happen to this amendment. Notwithstanding the fact that it increases the rate of the present law about four times, I assume that the amendment will be adopted. There are some things about the amendment, however, and there are some things about the information which the committee has furnished the Senate for its guidance in the matter of levying these duties, to which I wish to call special attention.

The Payne-Aldrich law imposed a duty of 35 cents a pound upon tannic acid. It is claimed that under the operation of that high duty there were practically no imports into the United States, and that is true. In 1908 the duty was 50 cents a pound, and there were practically no imports. In 1909 the Payne-Aldrich law reduced the rate to 35 cents, and still there were practically no imports.

In 1913 the rate was reduced to 5 cents a pound, and during the only normal pre-war year there were imported, under the rate of the present law, only 12,634 pounds of this article. In that year the domestic production was 853,830 pounds. So it appears that in the only normal pre-war year after the present law went into effect the imports were only about 2 per cent of the domestic production.

During the war this industry, like many other industries, was greatly stimulated. The domestic production was greatly increased, and there was an increase in importations, but even during the war, Mr. President, the greatest amount of imports being in 1919, and that was only 68,000 pounds.

Mr. SMOOT. If the Senator desires to have the exact figures as to the imports appear in his speech, he must also take nutgalls and add to the figures he has already given.

Mr. SIMMONS. If the Senator had waited until I got through his interruption would have been unnecessary.

Mr. SMOOT. I do not want to interrupt the Senator.

Mr. SIMMONS. I do not object.

Mr. SMOOT. In the Underwood law both those articles were treated together, but the importations were kept separate. Under the provisions of this bill the figures as to importations could not be compared, because of the fact that they are not treated together.

Mr. SIMMONS. The Senator overlooks the fact that I am talking about the importations of tannic acid. I am not talking about the importations of nutgalls, the thing out of which tannic acid is made.

Mr. SMOOT. The extract of nutgalls is exactly the same as the product the Senator is talking about.

Mr. SIMMONS. The Senator said nutgalls, not the extract of nutgalls.

Mr. SMOOT. I had in mind the extract of nutgalls.

Mr. SIMMONS. Nutgalls we get from Asia and India. The article to which the Senator from Utah calls attention is the article out of which tannic acid is made. Tannic acid is made from nutgalls, and nutgalls are not produced in this country. They are imported from China, Japan, and Asia Minor. They are just as cheap in Germany as in the United States. I was talking about the production and the importation of tannic acid.

I had stated, when I was interrupted, that under the lower duty of the present law, 5 cents a pound in 1914, the only pre-war year in which that low rate of duty was in operation, the domestic production of tannic acid in this country was 853,800 pounds. The importations in that year were 12,000 pounds, or about 2 per cent of the domestic production.

In 1920, when things were coming to normal again, when the domestic production of this article had greatly increased, the importations amounted to only 28,000 pounds. I have not been able to ascertain the increase in the domestic production in that year, but I should say it was at least twice as much; anyhow, it had enormously increased. So the domestic production had been doubled under the stimulus of war, and the importations of 1920 were no greater, compared with the domestic production, than they were in 1914. During nine months of 1921 these importations amounted to only 45,000 pounds.

I do not know what was the domestic production at that time, but if the domestic production had not increased since 1914, if it was still about 850,000 pounds, the importations during that nine months were not more than 6 per cent of the domestic production, even assuming that it was no greater in 1921 than it was in 1914. Of course, if it has doubled since then—and I think it has—it would be only about 3 per cent.

If a duty upon this product, which is exclusively a foreign product, has reduced the importations of the foreign product to 3 per cent, or even 6 per cent, of the domestic production, upon what principle can we justify ourselves in increasing those rates to 4, 10, and 20 cents a pound, according to the purity of the article? Yet that is what is proposed here.

Mr. President, it is not my purpose to enter into detailed discussions of these schedules, and this one in particular, but I do want to call attention to the fact that in the case of this acid, as in the case of the amendment we have just voted upon, lactic acid, as is the case with all of these acids—gallic, formic, and oxalic—the rates have been fixed upon the same principle on which rates have been fixed throughout this bill. They have been fixed upon the theory that they should be sufficiently high to bring about equality between the export selling price of foreign merchandise and the selling price of American merchandise in the American market. That is the principle. That was acknowledged by the Senator from Massachusetts [Mr. LODGE] yesterday with reference to lactic acid. There can be no question about that being the principle upon which this bill was written and upon which these rates were laid.

That being the principle and the basis of these rates, it becomes of the very first importance that the Senate shall be in possession of the facts with reference to the export selling price of the foreign article, and also with reference to the wholesale selling price of the domestic article, and unless the Senate knows those two elements in the problem it is utterly impossible for us to determine whether the rate is sufficient or more than is necessary to accomplish the purpose you have in this bill, which is to establish a protective tariff upon the basis of competition in prices.

When I seek to find out these two essential factors in imposing these rates I find myself groping in the dark. I was present when the open hearings on this bill were had. There was no direct effort there to ascertain the selling price of the foreign article as compared with the selling price of the domestic article. I do not know what happened in the secret sessions in which these amendments were agreed to. I can not speak about that. I do not know what information the majority of the committee had there. I know that the Senator from Wisconsin [Mr. LA FOLLETTE] tried in the open hearings to get some information about selling prices and profits in this country, and he failed.

All I know about that is the fact that the Finance Committee have furnished the Senate with the book which I have in my hand. It is entitled, "Summary of Tariff Information, 1921, Relative to the Bill H. R. 7456." That book purports, after giving these several paragraphs in the House bill in juxtaposition with similar paragraphs in the act of 1919 and the act of 1913, to give certain essential information to enable the Senate to test these rates. The information given consists of certain summaries of tariff reports upon the particular items of the bill. The summaries generally occupy from one-half a page to a page and a half. They give some information with reference to domestic production, with reference to imports, with reference to exports, and with reference sometimes to consumption, but when it comes to the essential elements which would enable us to test these rates it is singularly silent with respect to the American prices.

At the bottom of each of the summaries are given the quantity, the imports, the value of imports, the duty, and the equivalent ad valorem for 1918, 1919, 1920, and sometimes for nine months of 1921, so from that data we can get the invoice price of the foreign product; but that is only the starting point. With reference to the other price that is necessary in order to enable us to apply the tests to these rates, namely, the American selling price, I read last night the summaries of eight or nine respecting these acids, and there is not a word or a syllable that relates to the American selling price.

The committee could not have conscientiously fixed these rates without some American selling price. Where did they get that price? Did they get it from the gentlemen who appeared before them when they were making the bill, or with whom they consulted when they were making the bill, gentlemen who were here asking that these taxes be imposed upon the people in their private interest? Did they get the American wholesale selling price from them? If not, where, then, did they get it? I say when an element of that sort is so absolutely essential in order to reach an understanding as to the rates, we are entitled not to go to the dealers, not to go to the men who are asking the taxes in the interest of their business, but we ought to have an additional finding with reference to the cost, the American wholesale selling price, up to which the foreign price under the principle of this bill is to be raised.

If the committee wanted to be fair with the people, if they wanted to give the people the facts which would enable them to determine whether or not these rates were too high or too low, or if they wanted to be fair to the Congress and give Members the facts that were necessary to determine whether the rates were too high or too low, why did they not appeal to the Tariff Commission? When the Tariff Commission was making up these summaries—which are misleading and, as I shall show before the debate is over, have been manipulated—why did they not go to the Tariff Commission and say, "Investigate this and officially advise us what are the American selling prices? We are writing a bill now that will impose duties to raise the foreign selling price to the level of the American selling price in order that there may be equal opportunities in competition and trade."

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield.

Mr. McCUMBER. Did the report which was made by the Senator from North Carolina on the 1913 tariff act explain to the people the reason why he adopted 5 per cent or explain the difference between the American selling price and the foreign price? Did either his report or his bill go into that subject at all?

Mr. SIMMONS. Mr. President, I am not now discussing that act; but as the Senator brings it up, I will say to him that it was not made upon the protective principle at all. It was not based upon the theory enunciated by the Republican platform in 1912, namely, that tariff duties should be measured by the difference between the cost of production in this country and abroad. It was not made upon the principle laid down in the pending bill, which is a repudiation even of the Republican platform measurement of 1912, and bases the rates upon the difference between the selling price here and abroad. It was not written upon any of those principles. It was written upon the principle of raising sufficient revenue to run the Government.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. SMOOT. The Senator asks why we did not appeal to the Tariff Commission for the information.

Mr. SIMMONS. Yes; and have them write that information in their report.

Mr. SMOOT. The truth of the matter is that the Tariff Commission made the report. The Tariff Commission is the author of the book to which the Senator has referred; and all the information that is furnished here was furnished by the Tariff Commission.

Then the Senator asks why we went to the manufacturer to ascertain the selling price of articles. The committee did nothing of the kind. There is not an item in this whole schedule which we do not find in the Oil, Paint, and Drug Reporter showing exactly what the prices are at which the various articles are sold in the United States.

Mr. SIMMONS. With all the profits?

Mr. SMOOT. It is issued every day. The Senator can know what those prices are just the same as all the other people of the United States can if they are interested in the matter. I say to the Senator from North Carolina that he is mistaken when he says the bill is based upon the difference between the selling price in this country and the selling price abroad.

Mr. SIMMONS. I said the export selling price of merchandise.

Mr. SMOOT. That is the selling price, of course, to the country, but I will say the export price. The bill is not made upon that basis, I will say to the Senator.

Mr. SIMMONS. Then the Senator ought to eliminate section 315 (a).

Mr. SMOOT. Not at all. Section 315 (a) is quite a different proposition. Section 315 (a) does not apply——

Mr. SIMMONS. Upon what theory is it based, then? Is it the difference in the cost of production here and abroad? Will the Senator, if it is based upon the difference in the cost of production here and abroad, tell me where I can go to find the figures upon which he lays these rates?

Mr. SMOOT. I have said once or twice that the bill is made upon numerous reasons and bases. The Senator knows that the exchange of money is entirely different in one country than it is in another. Conditions of labor are quite different in one country than in another. Those matters have to be taken into consideration, and in taking them into consideration we have to know where the goods are coming from into this country. There is no one basis that could be adopted to make the bill, and there was no one basis used.

Mr. SIMMONS. Mr. President, when the committee proposed to confer upon the President of the United States the power to increase these rates within the limit of 50 per cent, they declared that he should make those increases according to the intent of the bill, and then——

Mr. SMOOT. Mr. President——

Mr. SIMMONS. I do not object to the Senator interrupting me, but I hope he will not interrupt me right in the beginning of the first sentence when I am laying down a proposition; that is all.

Mr. SMOOT. But the very first sentence the Senator uttered was wrong. Section 315 (a) will tell the Senator just what the basis is upon which the President is to act.

Mr. SIMMONS. I am going to read it.

Mr. SMOOT. Very well, if the Senator wants to take the time to read it he may do so.

Mr. SIMMONS. Yes; I shall do so.

Mr. SMOOT. Read it all, and not merely the first paragraph.

Mr. SIMMONS. I shall read section 315 (a), and I will let the Senate see whether my statement was correct or not.

Mr. SMOOT. I am glad to have the Senator do that.

Mr. SIMMONS. This is the section conferring powers upon the President, and it says:

That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended—

That is what I said, "the policy of the Congress by this act intended." Now, the committee then proceeds to set out what that policy is and directs the President to pursue that policy, as follows:

Whenever the President, upon investigation of the differences in conditions of competition in trade—

That is, in barter and sale—

upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in conditions of competition in trade he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or forms of duty or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in conditions of competition in trade necessary to equalize the same in the markets of the United States.

Now, Mr. President, if that does not lay down the rule to govern the President, and if that does not declare the policy by this bill intended, I do not understand the English language.

The Senator from Utah says that other things are taken into consideration, such as the depreciation in currency and the difference in cost of production. The President is not authorized to take any of those things into consideration. The Presi-

dent is authorized to bring about a condition by the increase of these duties that will equalize the conditions of competition in trade between this country and other countries. That means the difference in the selling price in the American markets of the foreign product and the domestic product. It can not mean anything else.

Mr. SMOOT. But the Senator has not read it all. The Senator has read only the first part of it. Why does not the Senator read paragraph (c), for instance, on page 274?

Mr. SIMMONS. I ask the Senator why he did not strike out section 315 (a)?

Mr. SMOOT. That is a part of section 315.

Mr. SIMMONS. I will read all of it if the Senator desires. There is nothing in the balance of it that changes the portion which I have read.

Mr. SMOOT. Let me read paragraph (c) for the Senator and see if it is not different.

Mr. SIMMONS. But paragraph (c) is dealing with a different proposition altogether.

Mr. SMOOT. Not at all; it is a part of section 315.

Mr. SIMMONS. I will read it:

(c) That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same; that no proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation.

I suppose it is unnecessary to read the remainder of it.

Mr. SMOOT. That is the rule laid down.

Mr. SIMMONS. Mr. President, the President may consider those things, but after considering those things he is to fix the rate so as to bring about equality in competition in trade.

Mr. SMOOT. Certainly.

Mr. SIMMONS. So that it can not mean anything else than that duties are to be imposed so as to raise the price of the foreign article to the price of the domestic article; and I say that it is necessary that Senators on the other side of the Chamber should tell us what is the wholesale selling price of the domestic article. The Senator from Utah has stated the Summary of Tariff Information was prepared by the Tariff Commission. Yes, it was prepared by the Tariff Commission, but the summary prepared by the Tariff Commission does not at all relate to the wholesale selling prices of the domestic products; it fails to mention them; and when they became such an important factor in determining the question of rates, I say it was the duty of the Finance Committee to have said to the Tariff Commission, "Make an additional investigation in order that we may have an official finding as to the American wholesale selling prices," and not have to rely upon the statements of interested parties or have to rely upon certain market reports.

Mr. SMOOT. Mr. President, the rates which are provided for in the pending bill are not to be applied on the basis which the Senator from North Carolina states. If after an investigation there are rates in the bill which the President finds, under the rule laid down in section 315 (a), are not proper, then the President has the power to transfer those rates from the basis of foreign valuation to the basis of American valuation. Then he will have to ascertain the wholesale selling price of the article in the United States; but the President will not have to do that as to one article in one thousand.

Mr. SIMMONS. I am not talking about the section which authorizes the President to substitute the American for the foreign valuation; I am talking about the section which allows the President to increase the rates.

Mr. SMOOT. I am talking about section 315 (a), and that is the section about which the Senator is talking.

Mr. SIMMONS. Oh, certainly, that is the one about which I am talking.

Now, Mr. President, I wish to say that the Finance Committee can not blow hot and cold about this matter; they can not come in here and say, "We give the President authority to raise the rates upon one principle, but we levy the rates upon another principle." Necessarily when they gave the President the authority to raise the rates we must assume that they laid down directions as to how the rates should be raised, and fixed the principle upon which they should be raised. We must also necessarily assume that the raises were to be made upon the same principle as the one upon which the duties were originally prescribed. Any other argument would be absurd.

Therefore, I say that taking section 315 (a) we have a key to the situation, and we have an interpretation of the rule that is applied by the committee; but we have no information about the essential facts with reference to the American selling price.

More than that, the foreign selling prices which we have here stated and upon which the rates are based were the foreign selling prices of August, 1921, as found in the Reynolds report, which based its prices upon the prices of August, 1921. I say that since that time the foreign export prices have enormously increased. In the case of Germany they have increased over 50 per cent.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SIMMONS. I yield.

Mr. WALSH of Montana. I call the attention of the Senator from North Carolina to the fact that when the President under the powers granted him by section 315 undertakes to ascertain what these differences are, the first thing that he is required by subdivision (c) to consider is the price at which like or similar merchandise is sold in the United States.

Mr. SMOOT. That is just what I said.

Mr. WALSH of Montana. The President, therefore, must, of course, have some information on that subject, and, as pointed out by the Senator from North Carolina, inasmuch as the bill recites that the rates provided in the bill were fixed upon the principle which is laid down as a guide for the President, the committee in fixing the rates must in like manner have had information concerning the prices at which these commodities were sold in the United States. I understand the contention of the Senator from North Carolina to be that the most reliable information concerning what the price is at which like or similar articles are sold in the United States would properly come from the Tariff Commission, which was created for the purpose of providing Congress with the appropriate information when Congress should be called upon to frame tariff laws. That is the contention, as I understand, which has been made by the Senator from North Carolina.

Mr. SIMMONS. Exactly.

Mr. SMOOT. If the Senator from North Carolina had said that the House bill was based upon the wholesale selling prices of comparable articles in the United States he would have been right, but the Senate committee has entirely abandoned that principle and has based the rate of duty upon the wholesale importation price of those articles on the day of their landing.

Mr. WALSH of Montana. If the Senator will pardon me, he has not apparently appreciated the point I am making. The Senate committee—not the House—has laid down a rule for the guidance of the President. It has directed what elements the President shall take into consideration in the application of the rule; and the first element he is called upon to consider is the price of the article in the United States. The Senate committee—not the House, but the Senate committee—has declared that that is the principle upon which this bill, speaking for themselves, of course, is framed; that is to say, the differences are to be determined by considering the selling price in the United States and the other circumstances adverted to in subdivision (c). Accordingly the Senate committee has declared to the Senate that it was guided in the work which it did by the desire to equalize the differences in the conditions of trade, and they have laid down a rule to guide the President; they have prescribed the elements which he shall take into consideration, the first of them being the price of the commodity in the American market. The contention of the Senator from North Carolina, as I understand, is that, while the committee have told the Senate that that is the principle upon which they have framed the proposed statute and fixed the rates, they have provided the Senate with no information at all concerning the very first element to be considered, namely, prices in the domestic market.

Mr. SMOOT. The Senator from Montana is entirely wrong. Wherever the President shall exercise the authority given him in paragraph 315 (a), then he must of necessity find out what the wholesale price is, because of the fact that the basis of the duty is transferred from the foreign valuation to the American valuation.

Mr. WALSH of Montana. Oh, no.

Mr. SMOOT. That is the fact.

Mr. WALSH of Montana. The Senator must not become confused about that. There is a provision of subdivision (b) which authorizes the President to transfer the dutiable basis from foreign valuation to domestic valuation, but that is not provided for in subdivision (a) at all. Under subdivison (a) he may leave the form of valuation exactly as it is.

Mr. SMOOT. Absolutely.

Mr. WALSH of Montana. The foreign valuation is provided for generally, and he may leave that exactly as it is, only he is permitted to raise or to lower the rates.

Mr. SMOOT. I said whenever the President exercises his power under section 315 (a)—and it will not be exercised in many cases; there is not any doubt of that—then he would have to follow the direction or the rule, may I say, found in subdivision (c) of that section.

Mr. WALSH of Montana. Exactly.

Mr. SMOOT. There is no doubt about it. That is the only time when the question of the wholesale selling price will be taken into consideration.

Mr. SIMMONS. Mr. President, if the Senator from Montana will pardon me for a moment, subdivision (a) has nothing to do with subdivision (c). The President may do certain things under subdivision (a); he may do an entirely independent thing under subdivision (c).

Mr. SMOOT. All of the provisions respecting this subject are under section 315 and subdivision (c) embodies the rule laid down for the President. Unless there were a rule laid down it would be unconstitutional for the President to act.

Mr. SIMMONS. Subdivision (c), Mr. President, does nothing except to authorize the President to take into consideration a number of conditions, and, having taken those conditions into consideration, then he fixes the rate; but when he fixes the rate he fixes it so as to equalize the differences in conditions of competition in trade in this country. That means the difference between the price at which the foreign article would be sold and the price at which the American article would be sold.

So far as the question of the President desiring to change the basis of valuation from the foreign to the American basis is concerned, that is another part of the section; that is another subject. Under that authority the President is invested with entirely different and independent powers from those vested in him in subdivision (a) and subdivision (c). That is to say, under that section the President's power is directed to the question whether he will change the valuation basis of the bill. That is all that section relates to.

Mr. President, I do not wish to prolong this argument. There can be no question about the soundness of the position which I have taken with reference to the powers sought to be conferred upon the President; there can be no doubt that this section in giving those powers to the President declares by implication, which can not be resisted, which is absolutely conclusive and precludes all controversy, that in raising the rates the President is directed to follow the principle upon which the rates in this bill have been based.

Mr. President, I make the point of no quorum, and then I will be glad to have a vote upon this question.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Hale	McKinley	Smoot
Brandegee	Harris	McNary	Spencer
Broussard	Harrison	Moses	Sterling
Bursum	Heflin	Nelson	Sutherland
Calder	Johnson	Newberry	Swanson
Capper	Jones, N. Mex.	Oddie	Townsend
Cummins	Jones, Wash.	Overman	Trammell
Curtis	Kellogg	Phipps	Walsh, Mont.
Dial	Kendrick	Pittman	Warren
Dillingham	La Follette	Poindexter	Watson, Ga.
Fletcher	Lenroot	Robinson	Watson, Ind.
France	Lodge	Sheppard	Willis
Gerry	McCumber	Shortridge	
Gooding	McKellar	Simmons	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The question is on the amendment reported by the committee.

Mr. McCUMBER. I suppose the Senator from North Carolina has no objection to these amendments that change the classification?

Mr. SIMMONS. Upon this amendment I shall not ask for a yea-and-nay vote.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 21, it is proposed to strike out "less than 80 per cent" and insert "not medicinal," so as to read:

Tannic acid, tannin, and extracts of nutgalls, containing by weight of tannic acid less than 50 per cent, 4 cents per pound; 50 per cent or more and not medicinal, 10 cents per pound.

The amendment was agreed to.

The READING CLERK. On page 2, line 22, the committee report to strike out "and 80" and insert "50," and in the same line, after the word "more," to insert "and medicinal," so as to read:

50 per cent or more and medicinal, 20 cents per pound.

The amendment was agreed to.

The READING CLERK. On page 2, line 24, after the word "acid," the committee report to insert "3 cents per pound," so as to read:

Arsenic acid, 3 cents per pound.

Mr. SIMMONS. Mr. President, with reference to this item I want to say to the Senate that I happen to know that the Senator from Utah [Mr. KING], who has been specially looking after this schedule, has prepared himself to discuss this particular item, and he desires to be present when it is considered. He also has prepared himself to discuss several items that follow this one; and in view of the fact that the Senator from Utah is very ill this afternoon, suffering very much, and had to go home, I am going to ask the Senator in charge of the bill if he will not now be willing to adjourn or take a recess at this time?

Mr. McCUMBER. Mr. President, I understand from the Senator from Wyoming [Mr. WARREN] that he has an appropriation bill for hospitalization here that he would like to put through at this time; and if there is no objection on the part of other Senators I will make none on my part, that the Senate may now proceed to the consideration of that bill, and that this bill may be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill is temporarily laid aside.

ADDITIONAL HOSPITAL FACILITIES FOR PATIENTS OF VETERANS' BUREAU.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment House bill 11547, making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the immediate consideration of the bill just reported by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That for carrying out the provisions of the act entitled "An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau," approved April 20, 1922, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $12,000,000, and in addition to this amount the Director of the United States Veterans' Bureau, subject to the approval of the President, may incur obligations for the purposes herein set forth not to exceed in the aggregate $5,000,000.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. JONES of New Mexico. Mr. President, I did not quite understand the language of the bill as it was read. Is $5,000,000 to be authorized in addition to the appropriation of $12,000,000?

Mr. WARREN. Mr. President, this bill is to carry out exactly the provisions of a bill which has already been passed authorizing the appropriation of $17,000,000. The bill appropriates directly $12,000,000, and permits the incurring of obligations to the extent of another $5,000,000 for our appropriation hereafter.

Mr. JONES of New Mexico. I quite understand that that is the purpose of the bill, but I just wondered if the language used would carry it out.

The PRESIDENT pro tempore. The Secretary will reread the part of the bill to which the Senator refers.

The reading clerk read as follows:

There is appropriated out of any money in the Treasury not otherwise appropriated the sum of $12,000,000, and in addition to this amount the Director of the United States Veterans' Bureau, subject to the approval of the President, may incur obligations for the purposes herein set forth not to exceed in the aggregate $5,000,000.

Mr. JONES of New Mexico. That is quite sufficient. I am satisfied. I overlooked some of the words.

The bill was ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. From the Committee on Appropriations I report back favorably amendment No. 1 to the District of Columbia appropriation bill, H. R. 10101, and move that the Senate concur in the amendment with an amendment, that amendment being a slight change in the language so as simply

to avoid a possibility of the Commissioners of the District of Columbia at any time raising the rate of taxation on intangible property above the rate provided for real estate.

Mr. POINDEXTER and Mr. HARRISON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington.

Mr. POINDEXTER. I assume that the Senator making the report will not ask for its immediate consideration. I ask that it may go over under the rule and be printed.

The PRESIDENT pro tempore. The Chair is of the opinion that upon objection the report of the committee must lie over under the rule.

Mr. PHIPPS. Mr. President, I desire to state the language suggested to be added in the form of an amendment to House amendment numbered 1. It is as follows:

On page 3 of said amendment, in lines 6 and 7, after the word "discretion" and within the parentheses, insert the following:

to any rate not in excess of the rate imposed upon real estate.

The PRESIDENT pro tempore. The Chair understands that the entire report lies over for a day, under the objection of the Senator from Washington.

ORDER FOR RECESS.

Mr. McCUMBER. I ask unanimous consent that when the Senate closes its business for this calendar day it recess until 11 o'clock on Monday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

DYER ANTILYNCHING BILL.

Mr. LODGE. Mr. President, I ask leave, out of order, to present a petition in favor of what is known as the Dyer bill. I ask that the text of the petition may be printed in the RECORD. It is only two or three paragraphs. I should like very much if I could print the list of names, which is a very unusual one; but I ask that a condensed list of a number of names which I have prepared may be printed with the petition.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

The petition.

To the Senate of the United States:

The killing and burning alive of human beings by mobs in the United States is a reproach upon our country throughout the civilized world and threatens organized government in the Nation.

Since 1889 there have been 3,443 known mob murders, 64 of the victims being women. In only a few instances has prosecution of the lynchers been even attempted. American mobs murdered 64 persons in 1921, of whom 4 were publicly burned at the stake.

The House of Representatives on January 26, 1922, in response to insistent country-wide demand, passed the Dyer antilynching bill, which invokes the power of the Federal Government to end the infamy of American mob murder.

This bill is now in the hands of the United States Senate. The undersigned United States citizens earnestly urge its prompt enactment.

The petitioners: Twenty-four State governors; 36 mayors of principal cities, including mayors of Charleston, S. C., San Antonio, Tex., and Louisville, Ky.; 6 archbishops; 85 bishops and churchmen, all denominations; 47 jurists and lawyers, including 2 former Attorneys General of the United States—Palmer and Wickersham; and 19 judges and justices of the highest courts in various States.

Twenty-nine college presidents, including Charles W. Eliot (emeritus), Harvard University; L. H. R. Briggs, Hatchitt College; U. L. Burton, University of Michigan; John Grier Hibben, Princeton University; David Starr Jordan (emeritus), Stanford University; Charles F. Thwing, Western Reserve University; Benj. Ide Wheeler (emeritus), University of California.

Editors of great newspapers, including Charles H. Dennis and Victor F. Lawson, Chicago Daily News; William Allen White, Emporia Gazette; Edwin P. Gay, New York Evening Post; Louis Wiley, New York Times; Hamilton Holt, New York Independent; Glenn Frank, Century Magazine.

Eminent citizens: Bishop William Lawrence, of Massachusetts; Edward W. Bok; Henry Van Dyke; Hugh M. Dorsey, former Governor of Georgia; John G. Milburn; Moorfield Storey, former president American Bar Association; Jane Addams; Corinne Roosevelt Robinson; Mrs. Alice Ames Winter, president general Federation Women's Clubs; Rev. W. S. Abernethy, D. D., Washington, D. C.; Theodore D. Bratton, Episcopal bishop of Mississippi; Alfred Harding, Episcopal bishop of Washington, D. C.; Cameron Mann, Episcopal bishop of southern Florida; D. J. O'Connell, Catholic bishop of Richmond, Va.; William T. Russell, Catholic bishop of Charleston, S. C.; Charles E. Woodcock, Episcopal bishop of Kentucky; James E. Winchester, Episcopal bishop of Arkansas.

SPECIAL CANCELING STAMPS.

Mr. WARREN. I ask unanimous consent for the present consideration of House bill 10941, authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies. It is a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with an amendment, in section 2, page 2, line 19, to strike out the word "revoked" and insert in lieu thereof the word "revocable," so as to make the bill read:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to grant permission for the use in first and second class post offices of special canceling stamps or postmarking dies for advertising purposes in the following cases only: First, where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit: Provided, That such permit shall not be for a longer period than six months and the duration of the event to be advertised: Provided further, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation, either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

Sec. 2. That any permission granted under this act is hereby revocable in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, the bill which is now before the Senate grants general authority to the Postmaster General and will thus avoid the constant introduction and passage of bills granting this privilege to particular cities. That point was raised by several Senators the other day, so we reported this bill, granting general authority, instead of having Senators bring in special bills.

Mr. ROBINSON. What is the authority granted to the Postmaster General?

Mr. TOWNSEND. To permit the use of special cancellation stamps, without any expense to the Government, by those cities which are authorized by the Postmaster General, on some special occasion, in connection with some celebration in a city. We have been doing it for years through special acts. We now by this bill grant general authority, instead of having a special bill introduced for each particular case. The bill has passed the House, and we have made one little amendment in order to carry out the clear intent of the House. It is just a change of one word.

Mr. HARRISON. If this is a general rule to be followed, I take it that the community applying for a special stamp will pay the expense of having it prepared?

Mr. TOWNSEND. It is provided in the bill that that shall be done without any expense to the Federal Government. There is no expense to the Government incurred in any of these cases.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time; the bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 55 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, May 8, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6 (legislative day of April 20), 1922.

PROMOTIONS IN THE ARMY.

Maj. William Augustus Mitchell to be professor of civil and military engineering at the United States Military Academy.

ADJUTANT GENERAL'S DEPARTMENT.

To be colonels.

Lutz Wahl.
Harrison Hall.
Julius Theodore Conrad.
Charles Curtis Smith.

To be lieutenant colonels.

Clarence Browning Smith.
Paul Trapier Hayne, jr.
Horace Pennell Sykes.
John Anderson Berry.

INFANTRY DEPARTMENT.

To be major.

Thruston Hughes.

To be captain.

Gordon Marshall Wells.

To be first lieutenant.

Beverley St. George Tucker.

AIR SERVICE.

To be captain.

Howard J. Houghland.

POSTMASTERS.

GEORGIA.

Frank Summerour, Duluth.

IDAHO.

Rose J. Hamacher, Spirit Lake.

KENTUCKY.

Clarence Neighbors, Bowling Green.
George D. Montfort, Campbellsburg.
Melvin C. Bray, Hindman.
Grant North, Hustonville.
Ira W. See, Louisa.
Allen E. Bell, Moreland.
Willie G. Thornbury, Munfordville.
Marvin L. Whitnell, Murray.
James Noble, Quicksand.
Phoebe Howard, Salyersville.
Harvey B. Ogden, Worthville.

MARYLAND.

Samuel E. Hartley, Glenarm.
Stewart Rodamer, Grantsville.
Charles R. Day, Marion Station.

PENNSYLVANIA.

Edward N. Dubs, New Hope.

VIRGINIA.

Mary C. Lewis, Camp Eustis.
P. Edgar Lineburg, Stephens City.

SENATE.

MONDAY, *May 8, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harreld	McLean	Shortridge
Borah	Harris	McNary	Simmons
Brandegee	Harrison	Moses	Smoot
Broussard	Heflin	Nelson	Spencer
Bursum	Hitchcock	Newberry	Sterling
Calder	Johnson	Nicholson	Sutherland
Capper	Jones, Wash.	Norbeck	Swanson
Colt	Kellogg	Norris	Townsend
Culberson	Kendrick	Oddie	Underwood
Cummins	Keyes	Overman	Wadsworth
Curtis	King	Page	Walsh, Mass.
Dial	Ladd	Phipps	Walsh, Mont.
Dillingham	Lenroot	Pittman	Warren
Edge	Lodge	Poindexter	Watson, Ga.
Ernst	McCormick	Pomerene	Watson, Ind.
Fletcher	McCumber	Ransdell	Weller
Frelinghuysen	McKellar	Robinson	Willis
Hale	McKinley	Sheppard	

The VICE PRESIDENT. Seventy-one Senators have answered to their names. There is a quorum present.

INTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery, Thursday, May 11, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution of the Washington (D. C.) Board of Trade, protesting against the enactment of legislation increasing the standard of assessment on real estate in the District of Columbia from two-thirds to full valuation, increasing the tax rate on intangibles by 66⅔ per cent, creating a surplus fund of District moneys to lie unused in the Federal Treasury for the purpose of protecting the National Government, which it alleges needs no such protection, as it controls the fiscal relations of the District with the United States, and also protesting against the method of consideration of the proposed legislation without hearing or opportunity for consultation on the part of the taxpayers, which was ordered to lie on the table.

Mr. SPENCER presented resolutions adopted by the Salt River Presbytery, at Farber, and the St. Louis Presbytery, at St. Louis, both in the State of Missouri, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Salt River Presbytery, at Farber, and the St. Louis Presbytery, at St. Louis, both in the State of Missouri, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Salt River Presbytery, at Farber, and the St. Louis Presbytery, at St. Louis, both in the State of Missouri, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by the Highland Presbytery, at Frankfort, Kans., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Highland Presbytery, at Frankfort, Kans., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Highland Presbytery, at Frankfort, Kans., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution indorsed by Parent-Teacher Associations, members of the National Congress of Mothers, various civic and educational organizations of Kansas City, and sundry citizens, all in the State of Kansas, favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. WILLIS presented the petition of H. J. Black and sundry other citizens of Columbus, Ohio, praying for the imposition of an adequate tariff duty on stained and painted glass windows, which was ordered to lie on the table.

He also presented petitions of Arthur Wendel, of West Toledo; John M. Widener, of Sylvania; George Lintner, of Lime City; Harry E. Phillips, of East Toledo; and W. A. Williams, of Perrysburg; and sundry other citizens, all in the State of Ohio, and also sundry citizens of the State of Michigan, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which were ordered to lie on the table.

Mr. POINDEXTER presented sundry petitions of makers of shingles on the Pacific coast, urging the retention in the pending tariff bill of the 50-cent protective duty on shingles as provided in the bill as it passed the House of Representatives, which were ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. McKELLAR, from the Committee on Military Affairs, to which were referred the following bills, reported them severally adversely:

A bill (S. 57) for the relief of Edward Johnson;
A bill (S. 946) for the relief of Theophilus Nuzum; and
A bill (S. 1822) for the relief of George W. Samson.

The VICE PRESIDENT. The bills will be placed on the calendar.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 241) to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois (Rept. No. 692); and

A bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa. (Rept. No. 693).

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 1672) for the appointment of William Edward Tidwell as first lieutenant in the United States Army, reported it with amendments and submitted a report (No. 694) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that May 6, 1922 they presented to the President of the United States the following enrolled bill and joint resolution:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; and

S. J. Res. 199. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3565) relating to the collection of taxes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 3566) for the relief of Michael Coy; to the Committee on Military Affairs.

By Mr. KELLOGG:

A bill (S. 3567) to provide an honorable discharge from the United States Army; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 3568) to continue the land office at Durango, in the State of Colorado, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. SMOOT:

A joint resolution (S. J. Res. 195) providing for the disposal of articles produced by patients in the United States Veterans' Bureau; to the Committee on Finance.

ENFORCEMENT OF ANTITRUST ACTS.

Mr. KING. Mr. President, I ask unanimous consent to submit a resolution, which I ask may be read and referred to the Committee on the Judiciary.

The resolution (S. Res. 285) was read and referred to the Committee on the Judiciary, as follows:

Resolved, That the Attorney General be directed to transmit to the Senate a statement of moneys in unexpended balances available at the time of his assumption of office and of moneys which are now available and authorized by appropriations of Congress for the enforcement of the Sherman Antitrust Act and the Clayton Act, together with a statement of what moneys have been expended during his tenure of office for said purposes; the number of attorneys and agents who are presently employed for said purposes, and the names of special attorneys who are employed for said purposes, and the amount of money paid and being currently paid to each; the number of trials, both civil and criminal, involving violations of said act which have been conducted, and the result of such trials; the number and titles of civil actions which are pending charging violations of said acts; the number and dates of indictments which have been found during his incumbency of office for the violation of said acts, and whether such indictments are being prosecuted, and if not, why not; what steps are being taken to procure indictments for the enforcement of said acts; why further prosecutions have not been instituted; why the prosecution of a certain indictment recently found in New York for the violation of the antitrust act has been stayed; and whether the district attorneys of the United States are required to obtain the consent of the Attorney General before bringing suits and instituting proceedings for the violation of said acts.

MERGER OF STEEL COMPANIES.

Mr. LA FOLLETTE. Mr. President, I submit the resolution which I send to the desk and ask that it lie on the table subject to my call.

The Secretary read the resolution (S. Res. 286), as follows:

Whereas definite reports in the daily press and in financial journals state that there is about to be consummated a merger of seven of the largest iron and steel corporations, namely, Midvale Steel & Ordnance Co., Republic Iron & Steel Co., Lackawanna Steel Co., Inland Steel Co., Youngstown Sheet & Tube Co., Steel & Tube Co. of America, and Inter Hill Steel Co., having a total annual capacity of more than 10,000,000 tons of steel; and

Whereas it is also reported that the Bethlehem Steel Corporation, while not a part of the present merger, will join the combination when it has been successfully accomplished; and

Whereas the complete consummation of this plan will result in the creation of a billion dollar corporation, controlling substantially all of the steel-producing capacity of the country which is not now controlled by the United States Steel Corporation; and

Whereas this will create a complete monopoly of the steel industry in the hands of two gigantic corporations, resulting inevitably in the suppression of such competition as now exists in the manufacture and sale of this essential product and in the restraint of trade and commerce among the several States and the District of Columbia and with foreign nations; and

Whereas experience has shown the impossibility of dealing effectively with such combinations and mergers after they have been consummated, regardless of the damage which they may inflict upon competitors and of the injury to the public welfare; and

Whereas section 4 of the Sherman antitrust law (act of July 2, 1890) specifically provides:

"The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations;"

Resolved, That the Attorney General of the United States and the Federal Trade Commission be requested to inform the Senate as soon as possible what steps they have taken or propose to take to ascertain the purposes and probable effects of the proposed merger; what have been the results of any investigations which they may have conducted; and what actions they have instituted to protect the public interest;

Resolved, That the Attorney General be further requested to inform the Senate whether or not it is advisable, in his opinion, to proceed under the appropriate provisions of the Sherman law and the Clayton law to prevent and restrain this impending combination.

The VICE PRESIDENT. The resolution will lie on the table subject to the call of the Senator from Wisconsin.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that May 6, 1922, the President approved and signed S. 607, an act for the relief of John B. H. Waring.

NOMINATION OF NAT GOLDSTEIN.

Mr. HARRISON. Mr. President, on Friday last the President of the United States, at a conference with the newspaper representatives, in answer to a question touching his appointments, or some of his nominations, more particularly that of Nat "Gold-stained," said he neither apologized for nor boasted of his nominations.

The St. Louis Globe-Democrat is one of the great Republican papers of the Middle West.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HARRISON. In a moment I will yield. The St. Louis Globe-Democrat has a very large circulation, and has for a long time enunciated Republican doctrines. In its issue——

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. HARRISON. In a moment I will yield.

On Friday of last week there appeared an editorial in the St. Louis Globe-Democrat, this influential Republican paper, styled "The Reward of Goldstein."

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. HARRISON. I desire to have this editorial read in my time.

Mr. SPENCER. Mr. President——

Mr. HARRISON. I will yield after the editorial is read.

Mr. SPENCER. I merely want to ask the Senator——

Mr. HARRISON. I refuse to yield at present. Wait until the editorial is read.

The VICE PRESIDENT. The Senator from Mississippi has the floor. The Secretary will read the editorial as requested.

The editorial was read, as follows:

[From the St. Louis Globe-Democrat, Friday, May 5, 1922.]

THE REWARD OF GOLDSTEIN.

The nomination by the President of Nat Goldstein for the office of internal-revenue collector at St. Louis is a recognition by the administration of the political service of the courthouse ring, and is in effect an indorsement of its pernicious activities. More than that, it is, in effect if not in fact, an approval of the acts of Goldstein and others, in connection with the Lowden campaign fund of 1920 and a reward for those acts. It is a public expression of approbation for political immorality, in the face of a struggle in St. Louis and Missouri for the establishment of political morality.

What other construction can be placed upon this nomination? Nat Goldstein has been for some years the most active figure in that combination of professional politicians which constitutes the Republican machine in St. Louis, and is the head of that part of the machine known as the courthouse ring. This machine dominates elections and government in St. Louis and makes of democracy a farce. It is a self-perpetuating oligarchy existing solely for the benefit of its members and its forces, and concerned in public welfare only so far as its own interests may be promoted. It is not a government by or for the people, but a government by and for the party bosses, and Nat Goldstein is a ringleader among these. But for the political power which this gives him his appointment would not have been thought of. It is a recognition of party service, past and prospective, and an implied approval of the character of that service.

This, however, is a local matter. Goldstein in 1920 became unfavorably known, to the State and to the Nation through his connection with the Lowden campaign-fund scandal. Governor Lowden's manager gave $38,000 to J. L. Babler and Ely Morse to secure a delegation from Missouri to the Republican National Convention at Chicago "friendly to Lowden." Babler gave $2,500 of this money to Goldstein, who at first denied that he had received a cent, but admitted that this denial was an untruth when the evidence before the investigating committee at Washington compelled confession. The Missouri delegation was "friendly to Lowden," and Goldstein was one of these delegates. There is a widespread belief that the disclosure of this deal prevented the nomination of Lowden. But, however that may be, it created a sensation throughout the country, and aroused such indignation in Missouri that a revolution was effected in the Republican organization in this State. In St. Louis the feeling centered upon Goldstein as the head of the courthouse ring and the chief St. Louis figure involved in the scandal. In the primary in August the party bosses in St. Louis and Kansas City were overwhelmed, and virtually all the elements of the State committee having even the remotest connection with the Lowden scandal were eliminated. When the new State committee met it repudiated Jacob L. Babler, Missouri member of the Republican national committee, and commended the "activities of the Republicans of Missouri in seeking to rid the party of those of their organization who were found to have been guilty of gross improprieties," a direct reference to the Lowden fund scandal. The house-cleaning campaign, which was organized after the Lowden disclosures by Missouri Republicans concerned for the honor and integrity of the party, swept the State not only in the August primaries but in the November election.

The Republicans of Missouri fought a great battle for morality in politics and won. But Babler could not be eliminated by State action, and Goldstein, secure in his office and his ward, retained his place and

power. Their acts were publicly condemned by the votes of the party, but none the less Babler has continued to be recognized in Washington as representative of the party, and the majority of Federal appointments in Missouri have been obtained through the influence of him and his coworkers. The moral and political effect of the house-cleaning campaign of 1920 has been thereby practically nullified by Washington. And now comes the appointment of Goldstein, one of the chief of those who were formally charged by the party with "gross improprieties," to the important office of collector of internal revenue, in clear opposition to public opinion, to the opinion of the Republican Party, as it has been expressed in Missouri in condemnation of the conduct of Babler, Goldstein, and their machine colleagues. The fight for clean politics won in Missouri has been lost in Washington. And it has been lost with the deliberate connivance of Senator SPENCER, whose eulogy of Goldstein fixes his own place within the courthouse ring. He can not pretend to represent the moral elements of the Republican Party in Missouri and at the same time hold Nat Goldstein up to the public eye as a paragon of virtue.

Mr. Harding, we repeat, has by implication and with full knowledge of the facts, approved the pernicious courthouse ring, long obnoxious to St. Louis, and approved the conduct of the men implicated in the Lowden scandal. This is not only bad in morals but it is bad politics. The people of this country are tired of machine domination; they are tired of party bosses; they are tired of municipal rings; they are tired of the expenditure of large sums of money to acquire office; they are tired of the political graft and corruption which grows out of these offenses against pure democracy and public morality. This has been shown in Missouri; it has been shown recently in Illinois; it has been shown in the general indignation over the Newberry affair; it was shown just the other day in the primary election in Indiana, in which the party machine was defeated. Such appointments as that of Goldstein are an offense to American ideals of citizenship and of government. They are wrong in principle and they are wrong in policy.

And we regret to see the admission by Governor Hyde, who was the leader and the chief beneficiary of the house-cleaning movement, that he consented to the appointment of Goldstein. "I did not indorse the appointment of Goldstein," he says, "but I agreed to it;" and he excuses his agreement on the ground that it would eliminate Goldstein from city and State politics. But Goldstein himself has announced that he will not be eliminated from politics; that he will continue to hold his place on the city committee; and, it is to be presumed, will continue to exercise his influence in city and in State politics, backed, as he will be, by the power of the Federal office he will hold and the distinction which the indorsement of the national administration gives to him. To this concession Governor Hyde has failed in loyalty to the cause he led and to the Republicans who elected him. To agree to the appointment of Goldstein on the ground of political expediency is to abandon the moral ground on which he won his battle.

Mr. HARRISON. Mr. President——

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. I understand the Senator from Missouri desires to ask me a question, and I yield to him for that purpose.

Mr. SPENCER. I do want to ask the Senator a question, and, if the Senator will yield further, I should like also to make a statement.

I wish first to correct a misrepresentation which I am sure the Senator from Mississippi unintentionally made when he called the Globe-Democrat a Republican newspaper. He must know that for years that newspaper has not been a Republican newspaper, and boasts of the fact that it is not a Republican newspaper. It now calls itself nominally an independent newspaper. It once was a Republican newspaper, but has not been so for some years. I think it is perfectly fair to say that in the general estimation of the people of the State of Missouri its leanings are quite Democratic. It certainly is not a Republican newspaper.

Mr. HARRISON. Mr. President——

Mr. SPENCER. Will the Senator indulge me in one other statement?

Mr. HARRISON. I desire to say in that connection that I am very glad to hear the Senator from Missouri say that the Globe-Democrat is getting away from Republican policies and becoming more Democratic all the time. I am sure just such action as the Senator has brought about in St. Louis of having Goldstein appointed collector of internal revenue will not only make the Globe-Democrat a thoroughly Democratic newspaper but it will also make other newspapers which are now Republican change their policies and become Democratic.

Mr. SPENCER. The Senator from Mississippi is mistaken. The Globe Democrat is not getting away from the Republican Party. The Globe Democrat got away from the Republican Party when it bought out, at a very good bargain, a Democratic newspaper. In order to keep the circulation of that newspaper its politics was changed; and I fancy that it very much regrets the change in its politics. I think the time may come when it may get back to its first and fundamental love.

Mr. HARRISON. May I ask the Senator from Missouri if it is not a fact that every St. Louis newspaper, Republican and Democratic, through its editorial columns has condemned the nomination of Goldstein as collector of internal revenue for Missouri?

Mr. SPENCER. The Senator from Mississippi is equally mistaken in that statement. There is but one Republican newspaper in the city of St. Louis—that is, the St. Louis Times—and there has not been in that newspaper a word of condemnation, but I was about to say there has been strong approbation of that appointment. I can not, however, new put my finger upon the editorial which I have in mind; and so I shall refrain from making that statement, but the only Republican paper in the city of St. Louis has not uttered a word of condemnation of the appointment.

I may say further to the Senator from Mississippi—and then I shall leave the matter, Mr. President, because so far as I am able I do not want by anything I may say to contribute at all to any delay in the consideration of the tariff bill which we all know is now before the Senate—that he is doing, doubtless unintentionally, a real injustice to a man whom I have known for 25 years.

If I may say one other thing to the Senator from Mississippi, whose friendship I value and whom I love very much, the other day in the RECORD for some reason, I do not know why, he brought in the name of Mr. Roy T. Davis, who is now the minister of the United States to Costa Rica, and of Mr. W. H. Allen, who is now the Federal prohibition director in Missouri, and of Mr. W. L. Cole, who is now an Assistant Attorney General of the United States.

The inference from what he said was that in some way those men, neither of whom could defend himself or have any opportunity to defend himself, were tied up or associated with something that was wrong or to be condemned.

I remember very well, Mr. President, long before I came to the Senate during the course of a hearing in the House of Representatives with regard to some post office matter with which I had no connection, somebody for some reason saw fit to make some reflection upon me. Fortunately Mr. Alexander, who was a Representative in Congress from Missouri, a man of opposite politics to mine, and who, as we all know, subsequently served in the Cabinet of President Wilson as Secretary of Commerce, at once wrote in condemnation of the reflection. I have never forgotten the impression, first, of indignation that my name should be brought in, and second, of appreciation of what Mr. Alexander did.

I want to say to the Senator from Mississippi that Mr. Davis and Mr. Cole and Mr. Allen are three as high-class men, of as high integrity as there are in these United States, and that there is not a single thing, when the facts are presented, that can reflect upon either one of them in the slightest degree. I regret exceedingly that their names should have been put in the CONGRESSIONAL RECORD and spread all over the country with some taint of suspicion to them. I would have answered the Senator's statement immediately at the time had I heard it, but I did not see it until a day or two afterwards. I know well enough that the Senator from Mississippi does not intentionally want to do any injustice to any man.

Mr. BORAH obtained the floor.

Mr. HARRISON. Mr. President, does the Senator from Idaho want to ask a question of the Senator from Missouri?

Mr. BORAH. I will yield to the Senator from Mississippi if he desires to ask a question of the Senator from Missouri.

Mr. HARRISON. I merely wish to say to the Senator from Missouri that I only read from the record, and the record from which I read shows that Mr. Davis, who has been appointed minister to Costa Rica, received, I think, some $500 of the corrupt Lowden fund. I merely read from the record—and I read from the record really without any elaboration—the fact that Mr. Cole received $500 of the corrupt Lowden campaign fund and $1,250 from Mr. Daugherty, the present Attorney General of the United States, who was then acting in the interest of Mr. Harding's candidacy, and that since then he had been appointed a special assistant to the Attorney General of the United States.

I read also that some other gentleman, whose name I do not now recall, received $400 of the corrupt Lowden campaign fund, and he was appointed United States prohibition director. I have forgotten his name. What was his name?

Mr. SPENCER. I think the Senator refers to Mr. Allen.

Mr. HARRISON. Yes. He received $400 of the corrupt Lowden campaign fund. I merely stated to the Senate that it seemed to me a little peculiar that these men who had received contributions from the Lowden corrupt campaign fund, which the country condemned and which was the one factor, more than anything else, that eliminated Lowden as a presidential possibility, are now getting all the good offices in Missouri; and also that it seemed a little strange that Mr. "Gold-stained," who received $2,500 of the Lowden corrupt campaign fund, was now, upon the recommendation of the Senator from Missouri, nominated collector of internal revenue for Missouri.

Mr. BORAH. Mr. President——

Mr. SPENCER. Mr. President, let me assure the Senator from Idaho, whom I will thank for his courtesy if he will yield

to me for a moment, that I do not want to take up time, and I am not going to indulge in any defense of the men to whom the Senator from Mississippi has referred; but the Senator from Mississippi has repeated precisely what he said the other day, much to my disappointment, if I may use that word, for the Senator knew as he repeated it that the statement which he made cast suspicion and a slur upon those men. I let the case rest now with the statement that if the Senator from Mississippi had looked into the facts, or will look into the facts, there will be not one thing with regard to either one of these three men that he himself will in the slightest condemn; and that is the very unfairness of the thing—to read into the RECORD an extract or a statement, unexplained, without any of the surrounding circumstances, without any opportunity of the man to be heard; because some one, somewhere, has said something that reflects upon a man's character, then to put it into the CONGRESSIONAL RECORD and spread it, unexplained, all over the country. No one knows better than the distinguished Senator from Mississippi how unfair that is, and that is the very thing for which I rise to my feet.

Mr. HARRISON. Mr. President, may I suggest to the Senator——

The VICE PRESIDENT. The Senator from Idaho is entitled to the floor.

Mr. HARRISON. Will the Senator yield for just one interruption, and then I am through?

Mr. BORAH. I yield.

Mr. HARRISON. I merely want to suggest to the Senator that other Senators here were not in a position to know all these facts as the Senator from Missouri was. He was a member of the committee investigating this corrupt fund; and I ask him now if the facts in the record do not disclose that each of the men whose names I have just stated received a part of that corrupt fund, and if they were not appointed to these various offices?

Mr. SPENCER. Mr. President——

Mr. BORAH. Mr. President, I will yield the floor if this matter is going to continue.

Mr. SPENCER. I beg the Senator not to yield the floor, because I do not want to impose upon his courtesy.

Mr. WATSON of Indiana. Mr. President, my understanding is that the rule about speaking twice upon any one proposition is going to be enforced, and therefore I object to any further speeches on this subject.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. The Chair has recognized the Senator from Idaho.

Mr. MOSES. Will the Senator yield to me while I propound a request to the Senator from Mississippi?

Mr. BORAH. I think the Senator had better do it in his own time. I will lose the floor if I yield to the Senator; I can tell by the way the Vice President looks. I will yield in a few moments, however.

Mr. MOSES. I am afraid my request will lose its pertinency if I am not able to make it now.

Mr. BORAH. I yield to the Senator, then.

Mr. MOSES. I merely wish to ask the Senator from Mississippi, who seems to be so anxious to spread in the RECORD these facts about Missouri politics, if he will not also put into the RECORD the letter of the former President of the United States to Mr. Higdon, peremptorily ordering Mr. Higdon out of the Democratic primary in Missouri, and if in that connection he will not print the comment of the Senator from Missouri [Mr. REED] on that, in which he said of former President Wilson that "he is the boy who is running Missouri politics"?

Mr. HARRISON. I suppose the Senator from Idaho will give me an opportunity to answer the request made by the Senator from New Hampshire.

Mr. BORAH. If it will help the Senator from Missouri [Mr. REED], I will yield.

Mr. HARRISON. I have no objection in the world to putting that in the RECORD, and also the fact that the Senator from New Hampshire was the directing force of General Wood's campaign fund——

Mr. WATSON of Indiana. Mr. President, I make a point of order.

Mr. HARRISON (continuing). Where he expended $1,500,000 for his candidate.

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. WATSON of Indiana. The Senator from Mississippi has subsided.

The VICE PRESIDENT. The Senator from Idaho is recognized.

MR. BORIS BAKHMETEFF, RUSSIAN AMBASSADOR.

Mr. BORAH. Mr. President, I recognize the great necessity of making progress with the tariff bill; but in view of the fact that we have no morning hour it is almost necessary at times to take a few moments with reference to matters which come up and seem not easily dismissed without some consideration.

The program which is now obtaining with reference to the examination of Mr. Bakhmeteff is a peculiar program, but I am not the author of it. It appears that some $187,000,000 was loaned to the Kerensky government at Mr. Bakhmeteff's request. We never have been able to get anything so far except a general statement as to what became of that money. It may be that a detailed statement will explain everything, but the general statements throw very little light on what has become of it. In view of the fact that the Secretary of State seems to think it proper that the examination go on through the State Department, and that the responses of Mr. Bakhmeteff be transmitted to the Senate, I know of no way to secure the details except to ask the Secretary of State to take into consideration some suggestions which I am about to make, and see if the examination can be conducted in this way satisfactorily to the Secretary of State and to the Senate.

The details which I desire, Mr. President, are:

First. What is the date of the credentials accrediting Boris Bakhmeteff as ambassador to the United States? Attach copy of the credentials to the reply.

Second. Give the date of the message of D. R. Francis, our former ambassador to Russia, transmitting the notification upon the part of the soviet government of Russia that Boris Bakhmeteff was no longer recognized as Russian ambassador. Attach copy of the same to the answer.

Third. What part of the $187,000,000 round figures loaned by this Government to Boris Bakhmeteff, or loaned by this Government to the Kerensky government at his instance, has been repaid to the Government of the United States?

Fourth. What amount of money is now due the Government of the United States by reason of said loans and advances made to Boris Bakhmeteff or to the Kerensky government at his instance and request?

Fifth. What amount of this money, if any, was transmitted or paid to the Russian Government or to the Russian authorities and to whom?

Sixth. Give a list of all contracts made with the Kerensky government at the instance of Boris Bakhmeteff, the parties with whom the contracts were made, the kind of goods contracted for, the amount of each contract, and the security or guaranty given in each instance.

Seventh. If these contracts or any of them were settled and adjusted by the Kerensky government or any subsequent government of Russia by Boris Bakhmeteff or any guaranty or surety thereon, give in detail the settlement.

Eighth. If these contracts were completed and executed by the American manufacturers in part or in whole, state what kind of goods or property was delivered under them to the Russian authorities, and to what Russian authorities these goods or property were delivered, and when.

Ninth. State in full and in detail what money, goods, property, or commodity reached Russia, and to whom they were delivered as a result of these loans made by this Government to the Kerensky government or to Boris Bakhmeteff.

Tenth. If at the termination of the war or any period during the contracts above referred to, any compromises or adjustments were made with the manufacturers with regard to the unfinished sales or delivery of the contracts, state what the compromises were in detail.

Eleventh. State by what authority Boris Bakhmeteff made the adjustments and the dates of the adjustments.

Twelfth. In other words, give us in detail the amount of the goods purchased for Russia, of whom purchased, the names of the manufacturers, the kind of material supplied, to whom in Russia delivered, the amount involved, and the final adjustment of the contracts.

Thirteenth. If any of these goods or material purchased in the first instance were afterwards sold to the United States, state the kind and amount of material and the amount of money paid by the United States for such goods, and to whom paid.

Fourteenth. What became of the amount of money, if any, received from the sale of goods or property originally purchased for the benefit of Russia?

Fifteenth. Give us the details with reference to the sale of certain powder to the English Government, whether or not the powder was afterwards rejected, and the terms of final settlement or adjustment.

Sixteenth. What amount of money has been supplied to Boris Bakhmeteff since November 17, 1917, for the purpose of maintaining the embassy here?

Seventeenth. About June, 1919, there appeared large advertisements in a great many papers throughout the United States urging the recognition of the Kolchak government. Out of what money were these advertisements paid for, and who paid for them?

Eighteenth. What amount of money, if any, has been transmitted by Boris Bakhmeteff to Georges Brandt, the Czarist consul in Rio de Janeiro, during 1920, or at all?

Nineteenth. What relationship did Gregoria Semenoff, as you understand, bear to the Kolchak government? Was it your understanding that he was acting under the authority of the Kolchak government?

Twentieth. Did Semenoff advise you, when he called upon you in the city of Washington about April 1 or 2, of his purposes in this country, and what did he say about raising money in this country for future activities in Siberia?

Mr. President, I dislike to conduct this kind of an examination; but if it is possible for me to ascertain what has become of the $187,000,000 which was loaned to Bakhmeteff, I am going to do it, even at inconvenience to myself and the Senate.

FINANCIAL AND POLITICAL DISORDERS IN HAITI.

Mr. POMERENE. Mr. President, I have before me a letter written by Mr. Lansing, former Secretary of State, under date of May 4, 1922, addressed to Hon. Medill McCormick, chairman of the Select Committee on Haiti and Santo Domingo. Mr. Lansing gives the history of the events leading up to our occupancy of Haiti and a part of what occurred thereafter. In view of the interest which this matter has excited throughout the country I ask that this letter may be incorporated in the RECORD without reading, and that it be printed in 8-point type.

There being no objection, the letter was ordered to be printed in the RECORD in 8-point type, as follows:

WASHINGTON, *D. C., May 4, 1922.*

HON. MEDILL MCCORMICK,
Chairman Select Committee on Haiti and Santo Domingo,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Complying with your request for a statement from me regarding Haiti, I beg to submit the following as embodying the contemporary views of the State Department on the financial and political disorders in Haiti, which caused a critical state of affairs during the last days of July, 1915, and on the attitude of the German Government toward Haiti, because largely upon those two considerations were based the instructions of the State Department to the United States Legation in Haiti and, through the Navy Department, to the United States naval commander in Haitian waters. The events to which I shall refer in this statement were succeeded by the ratification of the present treaty between the United States and Haiti, which had for its objects the insurance of Haiti's future welfare upon a permanent basis of law and order and the prevention of foreign intervention in the future based on political and financial disorders in Haiti.

On July 30, 1915, the U. S. S. *Connecticut* came into the harbor of Port au Prince just as President Guillaume Sam was being murdered and his body mutilated by an infuriated mob. This was an act of vengeance for the massacre of some scores of prisoners in the prison at Port au Prince who were political opponents of Guillaume Sam's government. The crowds attending the funeral processions of these victims of tyranny turned from them in a frenzy, dragged Guillaume Sam from the asylum which he had sought in the French Legation, killed him, dismembered his body, and paraded through the streets exhibiting the ghastly fragments. Revolutionary forces were at the time in possession of other principal ports of the country and threatened to attack the city of Port au Prince. There was no government to preserve order in the city or in the country. On the contrary, there was anarchy and armed insurrection. Universal fear prevailed, while the lives of Haitians and foreigners alike were imperiled by the conditions which existed. The violation of the extraterritoriality of the French Legation indicated the ruthless lawlessness of the revolutionaries. In the circumstances the forces of the United States were landed as a matter of urgent necessity.

The murders and atrocities perpetrated marked the complete breakdown of Haitian institutions, the culmination of a process of disintegration which had been in progress for a generation or more. It was evident from the state of affairs that there remained no possibility of a civilized government functioning without external assistance. The limit of tolerance for such conditions, which menaced the lives and property of Americans and other foreigners, was finally reached when the French Legation was violated. The restoration of order and government in Haiti was as clearly the duty of the Government of the United States as was the landing of the marines. If the United States had not assumed the responsibility, some other power would. To permit such action by a European power would have been to abandon the principles of the Monroe doctrine. The United States had no alternative but to act, and to act with vigor.

The process of disintegration above referred to is a matter of common knowledge. It is enough to say that none of the many Haitian governments immediately preceding that of Guillaume Sam was able to maintain itself against revolution. Those persons who were from time to time in power were irresponsible and arbitrary. The inhabitants were exploited and robbed. So insecure were they in their possessions and so frequently in danger of their lives that industry throughout the country was paralyzed. Foreign lives were not taken, but there was such recurrent apprehension of violence that few years passed without the necessity of United States ships appearing in Haitian waters. Cruisers of foreign powers often came on similar errands, and on occasions European sailors or marines had been landed. These conditions had become chronic, and they had year after year grown progressively worse. In June of 1915 a French cruiser had landed a force at Cape Haitien, and these were only withdrawn when American marines were landed to take their place. After the invasion of the French legation France dispatched a cruiser to Port au Prince and landed a force, which guarded the legation for several weeks, without objection on the part of the United States Government. It was manifest that the danger to foreign lives in Haiti, which was constantly increasing, made the possibility of European intervention more and more probable unless the United States acted.

A default in payments to European creditors presented another danger. Haitian foreign loans were held by Germans, French, and English, but not to any great extent by Americans. The foreign loans were secured by the customs revenues; thus a default would have given rise to the desire on the part of European Governments to seize the Haitian customhouses and administer the customs, a situation which, being of indefinite duration, would have caused serious political complications and been a grave menace to the peace of this hemisphere and to the immunity from European interference with American institutions. The finances of Haiti had been growing steadily weaker and the ability to meet her obligations had ceased. Interest on the public debt of about $20,000,000 had been paid with creditable regularity, but it had become necessary to borrow from the National Bank of Haiti and to make local forced loans elsewhere in order to meet these interest payments, and the limit of the ability to borrow had been reached. Amortization of foreign loans were many years in arrears. Revolutions had greatly increased the internal and floating debt. Fiat paper money was being issued but not used and payment of salaries of public employees was suspended. For this state of affairs no temporary remedy could suffice. This financial situation need hardly be treated here in greater detail.

In this connection, however, there was a more critical state of affairs than has been generally known. I refer to the attitude of the Imperial German Government in connection with the political disorders and financial straits of Haiti and the pretexts for aggression thereby afforded. There was good reason to believe that in the years 1913–14 Germany was ready to go to great lengths to secure the exclusive customs control of Haiti and also to secure a coaling station at Mole St. Nicholas. It is this feature that I would particularly call to the attention of your committee.

The United States had no wish to obtain a naval coaling station at Mole St. Nicholas. The Navy Department had long since definitely determined that a station there was not desirable, but it was also perfectly clear that a coaling station directly or indirectly controlled by another power would be a menace to the position of the United States in the Caribbean Sea, to the security of the Panama Canal, and, consequently, to the peace of this hemisphere. A privately owned coaling station, whether in the hands of Americans or Europeans, would have been a danger if ever a coal supply was allowed to accumulate there greater than necessary for current commercial needs. In case of war the station and coal stored there would have been subject to capture. In view of the possible consequences, the policy of the United States was clear. It could not look with favor on a privately owned coaling station at Mole St. Nicholas unless that was subject to its direct control. Though it did not need and it did not want such a station for itself, it could not permit a European government to secure one.

The indications were that Germany intended to obtain one unless she was prevented from doing so by the United States.

Although French is the official language of Haiti and French customs prevail, as well as the practice of sending the children of wealthy Haitian families to France for their education, there has been for many years a strong German influence in the country, resulting primarily from the establishment of German commercial houses at Haitian ports and the sending of young Germans to gain their livelihood in those concerns. A considerable number of these German residents have intermarried, so I have been informed, with the Haitians and are closely connected with and more or less active in the political and social life of the country.

During a number of years the Government at Washington was in receipt of various reports to the effect that foreign interests were desirous of obtaining coaling stations at Mole St. Nicholas, and in the year 1911 the Haitian Government, at the insistence of the then American minister, eliminated from a contract with a German national for a coastwise steamship service the granting of rights for a coaling station in Haiti.

In the year 1912 Hon. George von L. Meyer, then Secretary of the Navy, in reply to a communication from the Department of State in regard to the establishment of a coaling depot in Haiti for the steamship line of a foreign country, replied, referring to a communication made by the Navy Department to the State Department in 1910, to the effect that the Navy Department did not look with favor upon any proposition to establish so many coaling stations within such a limited geographical radius and could not contemplate favorably the prospect of having such stations in the hands of citizens of any of the European nations. The establishment of such stations would actually amount to the maintenance of a very considerable number of coaling stations close to our shores, which could be used by foreign vessels of war in the event of hostilities, and this the Navy Department believed should be prevented, if it were in the power of diplomacy to do so.

In the year 1913, and particularly in the year 1914, information was conveyed to the Department of State, through official and unofficial sources, to the effect that a German commercial firm was active in an attempt to secure extensive concessions from Haiti containing grants sufficiently broad to permit the building of coaling stations at Mole St. Nicholas, the concessions to be combined with a loan secured by control of the Haitian customs by the concessionaire. It was further stated that the German Government was back of the German commercial firm making the proposal.

On June 1, 1914, the American minister at Port au Prince reported to the Department of State that he was reliably informed that the Haitian Government would entertain a proposition to lease to the United States Mole St. Nicholas on the basis of a cash payment and a yearly rental. It was further stated that the Government of Haiti would most probably require, as an essential provision of such lease, that the United States should pledge itself not to interfere now or at any future time with the collection or administration of the customs of Haiti and would agree to afford protection to Haiti against any other nation or nations which might attempt to secure control of the customs. The minister concluded his telegram with the statement that the German cruiser *Marietta* had arrived the day before at Port au Prince.

As the United States was not interested in obtaining a lease of Mole St. Nicholas, no reply was sent to the minister's telegram.

Meanwhile, during the late winter and spring of 1914, financial conditions in Haiti, as a result of the political chaos existing, had been rapidly becoming more and more involved and foreign interests were increasingly anxious to obtain some form of guaranty from Haiti that that Government would continue to respect its obligations. As in most cases of this nature, suggestions were made relative to the collection and control of the Haitian customs by foreign nationals representing the foreign debtor interests. The foreign interests referred to were the holders of shares in the National Railroad of Haiti and in the National Bank of Haiti, and also the holders of the bonds representing the Haitian external debt. It was also obvious that those interested in the national bank, which was controlled by French shareholders, were deeply concerned as to the ability of the Haitian Government to continue its existing financial policy on account of its outstanding loans.

Although various plans were discussed in the Department of State which had as their object the aiding of Haiti and at the same time the protection of the interests of its creditors by means of a regulation of customs collections and their application, no agreement was reached between the Government of the United States and the Government of Haiti. However, under date of July 15, 1914, two weeks before the beginning of the World War, the American consul at Cape Haitien informed the department confidentially that he had learned from reliable source that the German minister at Port au Prince had telegraphed the German consul at Cape Haitien asking whether an American warship had landed its forces and taken possession of the customhouse.

On July 18, 1914, Mr. von Haniel, the chargé d'affaires of the Imperial German Government, spoke with the Third Assistant Secretary of State, Mr. Phillips, in relation to Haitian affairs, and on July 21 Mr. Phillips requested Mr. von Haniel to submit to him a written memorandum of the views of his Government which he had orally expressed. On July 25 Mr. von Haniel wrote to Mr. Phillips:

"MY DEAR MR. PHILLIPS: In reply to your favor of the 21st instant and with reference to our conversation of the 18th instant concerning the participation of the Imperial Government in a customs control in Haiti, in case such a control would be established by the American Government, I beg to say that my Government comprehends that the American Government, probably for reasons of interior politics, does not think it desirable, if the most interested European powers participate in an eventual customs control in Haiti, but the Imperial Government as well has to take into account the public opinion in their country. Considering our economical interests in Haiti and the part of the Banque Nationale, which is owned by Germans, people in Germany would not understand if my Government gave up their claim to participate in such a customs control. In the opinion of the Imperial Government therefore it will be the simplest solution if the status quo is maintained.

"I remain, my dear Mr. Phillips,

"Very sincerely yours, "E. v. HANIEL."

Shortly following the delivery of the note of the German chargé d'affaires war broke out between Germany and France, and the communication was not replied to until September 16, 1914, when the then Secretary of State, Mr. Bryan, wrote the following note to the German ambassador, Count von Bernstorff:

"MY DEAR MR. AMBASSADOR: Replying to the note of your Government's chargé dated July 25, 1914, regarding the matter of customs control in Haiti, I beg to say that the Government of the United States recognizes the large part which German merchants and German bankers have played in the development of the trade and enterprise of Haiti and wishes to make this correspondence the occasion for expressing the pleasure with which it witnesses the employment of German capital and the activity of German men of affairs in this hemisphere, but represents to the Government of his Imperial Majesty that German interests are not the only interests which have played a conspicuous and highly influential part in the development of the Haitian Republic and that the Government of the United States is well known to have taken for many years and without variation of policy and position that neither foreign influence nor interest proceeding from outside the American hemisphere could with the consent of the United States be so broadened or extended as to constitute a control, either wholly or in part, of the Government or administration of any independent American State.

"The Government of the United States can not depart from that policy and feels confident that the Government of his Imperial Majesty will not expect it to do so.

"Probably a participation of the Government of his Imperial Majesty in any method which might be agreed upon by which the Government of the Republic of Haiti should be assisted in the orderly, efficient, and economical administration of its customs revenues did not present itself to his Imperial Majesty's Government as a departure from the traditional policy of the Government of the United States when its note of July 25 was drafted. But this Government would regard such a participation as a very serious departure from that policy alike in principle and in practice. The Government of the United States regards it as one of the grave possibilities of certain sorts of concessions granted by governments in America to European financiers and contractors and of certain sorts of contracts entered into by those governments with European banking houses and financiers that the legitimate and natural course of enforcing claims might lead to measures which would imperil the political independence or, at least, the complete political autonomy of the American States involved, and might issue in results which the Government of the United States has always regarded it as its duty to guard against as the nearest friend and natural champion of those States whenever they should need a friend and champion.

"Whatever the Government of the United States might deem it friendly and wise to agree to with the Government of the Republic of Haiti by way of assisting her to make good her obligations and escape the risks of default or disorder to her finances would be done without intending to serve the interest of any citizen of the United States in preference to the interest of the citizens or government of any other country. It would be planned for the benefit of all concerned and upon a basis of absolute neutrality. This Government does not regard its insistence upon an exclusive privilege in matters of this kind, therefore, as a course not dictated by selfishness, but, on the contrary, as a course clearly dictated by a desire for peace and the exclusion of all occasion of unfriendliness with any nation of the other hemisphere. It is willing to give any pledges of disinterest and impartiality that may reasonably suggest themselves, but thinks that its best pledge is the course which it has, in fact, invariably pursued in matters and in circumstances of this kind. Its declared purpose in this case, should the Republic of Haiti desire a convention with regard to the administration of her customs revenues, would, as always, be made frankly and without reservation of any kind, and this it would deem the best evidence of its friendship and respect for the Government of Germany and the rights of German citizens wherever American influence may touch them. This is the way of peace and of mutual accommodation.

"Accept, Excellency, the renewed assurances of my highest consideration.

"W. J. BRYAN."

On the eve of the declaration of war between Germany and Russia the U. S. S. *Connecticut* and the German cruiser *Karlsrhue* were both in the harbor of Port au Prince. On July 31, 1914, the *Karlsrhue* changed her position in order to screen the movements of her crew, and a number of boatloads of German sailors with small arms and machine guns left the *Karlsrhue* and proceeded to the wharf, where they landed. When halfway down the wharf the Germans turned about, returned to their boats, and went back to their ship. This mysterious action took place at dusk. Shortly afterwards the captain of the *Karlsrhue* came aboard the *Connecticut* and told the captain he had received orders to proceed to St. Thomas for coal and asked the captain of the *Connecticut* to protect German interests while he was gone. The *Karlsrhue* then steamed out of the harbor to begin her commerce-destroying cruise. Shortly afterwards the captain of the *Connecticut* was informed by wireless that war between Russia and Germany had been declared.

There is reason to believe that the German landing party was turned back on the wharf by the German minister to Haiti pursuant to cabled orders for the *Karlsrhue* to leave Port au Prince at once. Thus the local situation was, by the outbreak of war, relieved of a conflict of interests, which might have caused serious embarrassment.

In the month of July, 1914, the Secretary of State sent a draft of a proposed agreement between the Government of the United States and the Government of Haiti to the American minister at Port au Prince. This agreement, which was modeled after the treaty entered into between the United States and the Dominican Republic during the administration of President Roosevelt, embodied the following provisions:

The appointment of a general receiver of customs and his assistants by the President of the United States; the payment of customs duties to the general receiver, and granting him all protection in the performance of his duties; the appointment of the financial adviser to the Government of Haiti; the application of all sums collected to the payment of interest and sinking fund of the public debt of Haiti; that the Republic of Haiti would not increase its public debt, except by previous agreement with the United States; that the United States should have authority to prevent any and all interferences with the receipt, collection, or free course of the customs, or with the free exercise of powers imposed upon the receivership.

However, a short time after the receipt of the proposed agreement by the minister a revolution broke out against the government of President Zamor, which, as usual in Haiti, started at Cape Haïtien in the north and proceeded to Port au Prince via the town of St. Mark. It is interesting to observe in connection with the history of revolutions in Haiti that they have uniformly been conceived in or about Cape Haitien and have proceeded along practically the same roads in the direction of the capital, namely, by way of the strategic town of St. Mark. It has been the established belief of most Americans who have been in Haiti, and of American officials who have been cognizant of Haitian affairs during the past decade, that the majority of these revolutions have been financed in the north of Haiti by German merchants, who could expect sufficient financial advantages from the success of the revolution to warrant the initial outlay.

The revolution against the Zamor government was successful, and Davilmar Theodore proclaimed himself President of Haiti. The Government of the United States withheld its recognition of Theodore as president of Haiti pending an investigation of his activities and the incidents in connection with his seizure of the sovereign power. Before any definite policy in this connection was determined a revolution against the Theodore government was started in the usual manner and culminated in the overthrow of Davilmar Theodore and the assumption of the presidency by Guillaume Sam. The United States, consistent with its policy in regard to the recognition of revolutionary governments, refused to recognize the government of Sam, and not long after Sam had installed himself in the presidential palace another revolution, headed by one Doctor Bobo, broke out in the north. The resulting conditions alarmed the French minister, and in June, 1915, a French cruiser occupied Cape Haitien with a landing party, as has already been stated. Before the revolutionary forces had actually reached Port au Prince the massacre of political prisoners above referred to had taken place and Sam had been butchered.

During the terms of office of these Presidents various attempts were made on the part of the Government of the United States through special missions and through the minister in Port au Prince to obtain from these provisional governments an agreement as to the entrance into some form of convention between the United States and Haiti. The essential provisions of these conventions were, like the Dominican treaty, the guarantee by the United States of Haitian independence and of the stability of the Haitian Government, and the privilege of the United States minister to advise the Haitian Government in its selection of Haitian citizens as officials of the Haitian customs service, as the customs revenue was a prize which attracted revolutionists and their financial supporters.

On account of the state of the country during this period, in which violence and anarchy were rife, the overtures made by the United States, solely out of a sincere desire to aid the Haitian people to establish an orderly and law-enforcing Government, which would restore stable political and economic conditions in the island, were fruitless.

Admiral Caperton, of the United States Navy, who had arrived with his flagship in Port au Prince on the day of the assassination of Sam, landed a naval force of the United States and assumed military control of Port au Prince on July 30, 1915. The admiral and the American chargé immediately took steps to cooperate with the Haitian committee of safety for the protection of life and property in the city and adjucent country.

Various aspirants for election by the Assembly of Haiti for President presented themselves, among whom the most notable were Dr. Bobo and Senator Dartiguenave. The American representatives, under direction of the Government of the United States, discussed with these candidates and with members of the Haitian Congress the conditions upon which the United States would recognize a government in Haiti. These conditions were as follows:

"First. Let Congress understand that the Government of the United States intends to uphold it, but that it can not recognize action which does not establish in charge of Haitian affairs those whose abilities and dispositions give assurances of putting an end to factional disorder.

"Second. In order that no misunderstanding can possibly occur after election, it should be made perfectly clear to candidates, as soon as possible and in advance of their election, that the United States expects to be intrusted with the practical control of the customs and such financial control over the affairs of the Republic of Haiti as the United States may deem necessary for efficient administration.

"The Government of the United States considers it its duty to support a constitutional government. It means to assist in the establishment of such a government and to support it as long as necessity may require. It has no design upon the political or territorial integrity of Haiti. On the contrary, what has been done, as well as what will be done, is conceived in an effort to aid the people of Haiti in establishing a stable government and maintaining domestic peace throughout the Republic."

Congress elected Senator Dartiguenave President on August 12.

On August 14 the Department of State dispatched to the legation at Port au Prince instructions embodying the terms of a treaty to be negotiated, if possible, with the Government of Haiti.

On August 17 the chargé d'affaires of the United States, complying with the instructions received from the department, submitted to President Dartiguenave a draft of the proposed

treaty. Negotiations with President Dartiguenave then proceeded. The President expressed his approval of the terms of the treaty, but for a month was unable to secure agreement on the part of his cabinet.

On September 15 the chargé d'affaires at Port au Prince reported to the department by telegraph that the Haitian Government had forwarded to the legation a copy of a formal protest addressed to it by the German minister, in which he stated that the American occupation and management of customs would be prejudicial to German interests. To this telegram the department replied that it would seem desirable that the Haitian Government should reply to the German minister to the effect that legitimate German interests would be accorded the same equitable and impartial treatment as would be given to all foreigners and foreign interests in Haiti.

On September 16 the treaty was signed, and on February 28, 1916, it was ratified by the Senate of the United States without a dissenting vote and without an amendment being offered. The principal provisions of this treaty were the guaranteeing of the independence of Haiti, the establishment of a native gendarmerie, the appointment of an American financial adviser, and the administration of the customs service by Americans.

It is especially to be noted in connection with these provisions of the treaty that the Government of the United States, although it had received a proposal from Haiti to cede to the United States outright without restriction, Mole St. Nicholas, declined to insert such a provision in the treaty and insisted upon the inclusion in the treaty of an article expressly embodying the idea that no Haitian territory was to be ceded to it.

On September 17 President Dartiguenave's Government was accorded recognition by the United States.

The situation which confronted the representatives of the American civil and military forces in Haiti, after the revolution and prior to the recognition of the Dartiguenave Government was briefly as follows:

The customhouses throughout the country had been disorganized by an order of the preceding Government, which directed the deposit of funds with private firms instead of with the Banque Nationale, the legal depositary, and also by the threatened seizure of the customhouses by armed insurrectionary groups. The government of President Dartiguenave had not funds available to pay the small number of troops under its orders, and these dissatisfied troops were becoming a menace to peace and order. The inhabitants of towns in which customhouses were situated were deprived of their food supply by hostile armed bands which infested the highways, and even the water system of Cape Haitian was cut by these brigands. Commerce was paralyzed and the city populations were starving, for the authority of the Dartiguenave government did not extend far beyond the outskirts of Port au Prince.

On August 19, in view of the serious conditions existing, which had been reported to the Government at Washington, Admiral Caperton received instructions to administer the customhouses so that the proceeds therefrom might be used temporarily to provide sustenance for the starving natives by paying them for labor on public works, to establish a gendarmerie to aid the Dartiguenave government in the pacification of the country, and also to prevent the diversion of the public funds of the Haitian Government into the pockets of unscrupulous persons.

The customhouses were taken over between August 20 and September 2, as rapidly as the American squadron commander could place in charge of them American officers as administrators, and could furnish them adequate protection. The customhouse at Port au Prince was the last to be taken over on September 2. On September 3 the prevailing conditions of anarchy called for the proclamation of martial law. Thereafter, until the treaty was ratified by both countries, the customs were administered by the naval forces of the United States. After ratification the customhouses were taken over by the receiver general, a treaty official.

In October, 1915, attacks were made on parties of United States marines near Cape Haitien, and thereafter a sharp campaign was carried on against the lawless bands operating in the Republic, which resulted in the restoration of order throughout the country. Many hundreds of the outlaws surrendered their arms, receiving a small sum for each rifle, and those who did not surrender were dispersed. With the restoration of order and the coming into effect of the treaty, this period of the American occupation came to a close.

As may be concluded from the foregoing review of the circumstances leading up to the establishment of treaty relations between the United States and Haiti, the Government of the United States was animated by two dominating ideas:

1. To terminate the appalling conditions of anarchy, savagery, and oppression which had been prevalent in Haiti for decades, and to undertake the establishment of domestic peace in the Republic in order that the great bulk of the population, who had been downtrodden by dictators and the innocent victims of repeated revolutions, should enjoy a prosperity and an economic and industrial development to which every people of an American nation are entitled.

2. A desire to forestall any attempt by a foreign power to obtain a foothold on the territory of an American nation which, if a seizure of customs control by such a power had occurred, or if a grant of a coaling station or naval base had been obtained, would have most certainly been a menace to the peace of the Western Hemisphere, and in flagrant defiance of the Monroe Doctrine.

Very sincerely yours,

ROBERT LANSING.

CONTINUANCE OF GOVERNMENT PUBLICATIONS—CONFERENCE REPORT.

Mr. MOSES. I submit the conference report on Senate Joint Resolution 132, and ask unanimous consent for its immediate consideration.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2 and to the title of the bill, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following: "That hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for such public business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government"; and the House agree to the same.

GEO. H. MOSES,
ARTHUR CAPPER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

EDGAR R. KIESS,
ALBERT JOHNSON,
W. F. STEVENSON,
Managers on the part of the House.

Mr. KING. Mr. President, may I inquire of the Senator from New Hampshire the effect of the report as finally agreed upon?

Mr. MOSES. The effect of the report as finally agreed upon is to diminish the number of Government publications by more than 200 and to effect a saving in public printing of something like $2,000,000 a year and to restrict the avenues within which periodicals may be published by Government authority.

Mr. KING. Some time ago the subject was under consideration, and the senior Senator from Utah [Mr. SMOOT] outlined what I regarded at that time as a very admirable plan. Does this plan approximate that one?

Mr. MOSES. This plan, with some modifications, is the plan suggested by the senior Senator from Utah; and in connection with the general subject, I should like to say that the whole movement was initiated by the senior Senator from Utah at the

time he was chairman of the Joint Committee on Printing, and has been carried forward along the lines which he then indicated.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House still further insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON were appointed managers on the part of the House at the further conference.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The message further announced that the House agreed to the amendment of the Senate to the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications.

ADDRESS BY EX-GOVERNOR HASKELL, OF OKLAHOMA.

Mr. STANLEY. Mr. President, the Morning Telegraph of Sunday, April 30, carries an address by ex-Governor Haskell, of Oklahoma. It is a clarion call that should be heard and heeded by every lover of liberty. It is an earnest, eloquent, and unanswerable protest against the centralization of Government and the invasion of the constitutional rights of the citizen. The plea of a seasoned statesman—whose theories have been tried in the practical school—of a successful business experience, for a return to the true and tried principles, the honesty and economy of the fathers, in the conduct of national affairs. I ask permission to incorporate in the RECORD this brief and superb address in the same type in which my remarks are printed.

There being no objection, the address was ordered to be printed in 8-point type in the Record, as follows:

HASKELL URGES LIBERTY, HOME RULE, AND ECONOMY—OKLAHOMA'S FIRST GOVERNOR, AT WESTERNERS' RECEPTION, DEMANDS END OF GOVERNMENT EXTRAVAGANCE AND INVASION OF PRIVATE CITIZENS' RIGHTS.

At the Oklahoma Society reception at the Hotel McAlpin last night, Charles N. Haskell, that State's first governor and one of the men who played such a large part in shaping the former Indian and Oklahoma Territories into Statehood, was the chief guest of honor.

After several "stunts" typifying the early days of the State, former Congressman Scott Ferris introduced Mr. Haskell, who thrilled the audience of more than a thousand former Oklahomans and their guests by the good, sound sense of his words, not alone in recounting what has made Oklahoma take such a high rank in the constellation of States in so few years, but in pointing out what might be accomplished if the National Government would only release its grip upon the business of governing the people.

Particularly instructive were his words on the need of retrenchment in the expenditures by all branches of government, whether city, county, State, or National, and on the invasion of the rights of the private citizen by the great number of investigating bureaus that have been foisted upon the public service within the last few years. His auditors went away more convinced than ever that the habitat of Mr. Haskell is not alone Oklahoma or New York, but the whole United States. He said:

"Near 90 years have passed since the sages in our American Congress met and solved the question as to the immediate future of the Five Civilized Tribes of American Indians. Then the Cherokees, Creeks, Choctaws, Chickasaws, and the Seminoles inhabited their various reservations in the Southeastern States, adhering to their choice of community ownership and community mode of life. These had become objectionable to the surrounding white settlers, and demand was made upon Congress to negotiate with the Five Civilized Tribes to the end that these reservations might be obtained for settlement by white people and by communities in harmony with the white man's idea of land ownership and government.

SECTION ONCE CALLED REMOTE.

"Looking about to effect a new treaty with the Five Civilized Tribes, Congress looked to the uninhabited region of the extreme Southwest. Then the Red River was the border line between the Empire of Mexico and our own Republic. Then the Empire of Mexico extended northward almost to the mouth of the Columbia River and our own Pacific coast line was little more than 500 miles in extent. The present State of Kansas and all States to the north and west thereof did not exist, and their areas were but the home of the wild Indian and the wild coyote. Denver, Kansas City, Omaha, St. Paul, and numerous other now prosperous cities were unknown to the map of our country. The area from southwest Missouri and western Arkansas to the Mexican boundary line was practically uninhabited except for roving bands of wild Indians. And in view of the present populous, refined, and developed condition of that area to-day it may be remarkable and hardly complimentary to the foresight of the sages of 1833 when we find the most notable statesmen of our American Congress approving the contemplated adjustment of territorial difficulties with the Five Civilized Tribes, wherein they say, 'This area is so remote from the habitation of civilized people that in giving it over to the Five Civilized Tribes it will remove them so far away as to avoid any controversies in the future between them and any white neighbors.'

"Thus it was done, and the great Indian Territory, covering approximately 70,000 square miles, for the purpose of both home creation and governmental policy, was ceded to the Five Civilized Tribes. They became its inhabitants, established their homes, established their government, and during the succeeding fifty-odd years made such progress in education, in religious endeavor, in home building, and local government as to do credit to the people of any country.

BEGINNING OF CIVILIZATION.

"But this was the beginning of civilization in this area, and by 1889 the prophecies of congressional sages before quoted had been most emphatically refuted. Contrary to that prophecy, in little more than 50 years that area became completely surrounded by well-organized, prosperous and populous States. The Empire of Mexico had been compelled to withdraw its border lines, leaving room for the empire of Texas on the south, and this extended the United States direct to the Pacific, whereon our coast line had been extended more than 1,000 miles. And again Congress was confronting the old controversy; that is, shall there exist in this country a government within a government and civilized but noncitizen people of such distinct difference as to make harmony of action impossible? The Five Civilized Tribes removed from the South Atlantic States to this new country still maintained their community policies, community ownership of lands and distinct form of government. The end of this condition was in sight. Our country had no more remote and uninhabited areas to offer in exchange. Dismembering these independent governments, shaping the policies of their people to harmonize with the general policies of the United States, first the sparsely settled areas of the western part of Indian Territory were acquired from the Five Civilized Tribes by Congress and opened to settlement. The Territory of Oklahoma was formed and these lands released to the Government by the Five Civilized Tribes were made subject to settlement.

"This may be termed the beginning of the creation of a new Commonwealth and affording opportunity for home building by people of our country.

THE DAY OF AWAKENING.

"This brings us to the beautiful April morning 33 years ago when the Great Creator may be said to have finished his part of the work and presented it to humanity as man's opportunity to enjoy and develop God's bountiful blessings. This was the day of transformation. The sun rising in all its glory, lighting the way over boundless prairie made beautiful by the verdure of spring. Countless seasons had come and gone likened to this with the waving grass and flowers bloom-kissed by the morning sun, an invitation to the hand of industry and the ambition of all who would build for themselves, their children, and their children's children habitations of comfort and happiness. But it was reserved for this particular spring morning to announce that the moment had arrived when God's benevolence should become man's opportunity. Thousands were in line waiting; the signal was given, and from that moment to this we must account for our own stewardship.

"Until 1907 the dismembered Indian Territory continued a separate governmental existence, the western area as organized

Oklahoma Territory and the eastern area remained as the home of the governments and the people of the Five Civilized Tribes.

"Then, November 16, 1907, the final elimination of the governments and policies of the Five Civilized Tribes. They then became citizens of the United States and their areas became a part of the United States, subject to our uniform plan of government. The two Territories were united and the proclamation of the President proclaimed the forty-sixth State of the American Union, the State of Oklahoma—the 'baby State,' so called, for all last-admitted States are baby States. But Oklahoma came into the American Union as a State without a precedent. By special Federal census of that time the new State showed a population of 1,411,000 people, more than four times the population of any other new State ever coming from territorial government to Statehood, and although forty-sixth in number that morning it ranked as the twenty-third State in population; the seventeenth State, according to Federal statistics, in wealth production; the ninth State in railroad mileage operated within its borders; the fifth State in cotton production; the eighth State in wheat and corn production; the second State in oil production.

HOME OF THE FEDERAL.

"With this important standing in population and commerce the new State of Oklahoma was embarrassed from the fact that all of the Indian Territory area was without municipal, county, or district organization, and with the advent of the new State there was also the advent of 45 new counties whose organization began with the organization of State government. With the immense population and the immense property interests there was corresponding immensity of controversy by strong interests all seeking to get the best of constitutional provision and governmental policy. There was the usual demand for education and eleemosynary institutions, but in the face of all of those conditions the new State was blessed with a population the overwhelming majority of whom were for the welfare of Oklahoma first and above all other considerations. For one, I remember with deep gratitude and sincere affection that love for their new State made our people patriots before they were partisans, and by this harmony of action and almost universal cooperation the strenuous work of State organization was made easy and results were produced at such an economic cost as to stand almost without precedent on any hand.

"But government, we are reminded by past observations, will be what the people make it, and we must be mindful of the fact that domestic comfort and domestic happiness are based largely upon the results of government. If our Government is oppressive you can easily count the days when individual and family life will become but a sullen, dissatisfied, and disorganized condition. We hope to see Oklahoma become from year to year a State of great consequence, great prosperity, and great happiness.

WELFARE OUR COMMUNITY.

"But States of this Union can not pursue distinctly different policies nor enjoy distinctly different results. There is that community of interest among all our States that makes harmony of action indispensable. One can not long enjoy comfort and happiness when other States are denied these blessings. But while we thank the Great Creator for the opportunities by Him provided to make this, the so-called land of liberty and home of the free, at the same time the home of plenty and the home of happiness, from that point we must take upon ourselves the responsibility for government that will avail our people of these opportunities. We do not need to look into the future for plans of government or diagrams of policy. The teachings of our noted and revered men of the past are a sufficient guide for the present if we are mindful of what they have said. If this land of ours is, in fact, to be longer styled the Land of Liberty, let us realize that a minimum of centralized government and a maximum of local self-government must be the basis. We must realize that individual respect for the laws and governmental policies of our country is absolutely essential to the development of individual patriotic sentiment and love of country in the minds and the hearts of our people. That happiness can not abide in any land where tax oppressions so deplete the home production as to deprive that home of reasonable provision for comfortable maintenance. With these three propositions before every citizen of our United States we may as well calmly and intelligently analyze our present policies and conditions and the results thereof.

"Of the invasion of individual rights and the sacred privilege of local self-government President Washington warned us: 'For this, though it may in one instance be the extreme of good, is the original weapon by which free governments are destroyed.'

SURRENDER TO THEORISTS.

"Quoting our Abraham Lincoln, he said: 'To maintain inviolate the right of the States to order and control under the Constitution their own affairs by their own judgment exclusively, such maintenance is essential for the preservation of the balance of power on which our institutions rest.'

"Fellow citizens, do we realize that in recent years by our own voluntary vote and act we have so completely surrendered the affairs of government into the hands of the theorist and the dreamer, whose good intentions have not been blessed by the guiding hand of practical experience; that such declarations of patriotic and unselfish leaders as Washington and Lincoln have been forgotten and their policies so completely subordinated that our so-called glorious land of liberty is but a dream of years ago; that the terms 'inherent right of the citizen,' 'individual privilege of the citizen,' 'local self-government by the local people,' are things of yesterday not countenanced nor enjoyed to-day? That legislative activity has completely eliminated the sacred, inherent right of the individual, and centralized government completely restricts and overwhelms local self-government?

"For a time the judiciary of our country was the bulwark of defense against these invasions. And let us not be blind to the fact that to-day the judiciary is constantly yielding its solemn privileges and duty to legislative invasion, and the rights of the individuals and the community that were sacred yesterday are forgotten and denied to-day. And this restrictive policy brings with it attendant extravagance in government and evil in administration.

42,000 SPIES IN UNITED STATES PAY.

"Less than a quarter of a century ago, in the greater enjoyment of individual rights and local self-government, our Federal authorities found it necessary to have upon the pay roll of the Federal Government fewer than 200 sleuths and special agents and inspectors to aid in the enforcement of Federal laws. Will any one defend the policy of the Federal Government which to-day employs more that 42,000 inspectors, sleuths, and inquisitorial agents to dog the footsteps of him who should be, in the exercise of his constitutional rights, enjoying the hitherto dignity and freedom of an honest American citizen? Such policy is an invasion of the inherent rights of the American citizen, of the rights of the local people to self-government, and of the rights of the country to limit its taxation to public necessity.

"We regret that limited time on this occasion does not permit us to go into greater detail. We are but adding our voice to the note of warning that others are sounding throughout the land. In the exercise of individual business sense no argument is required to sustain the assertion that prosperity and comfort can not result from the reckless expending of $2 where but $1 is earned. Apply this, if you like, to private life or to public affairs and the rule is equally true. Yet our country has blindly and recklessly bowled along until $8,000,000,000 will not meet the demands that taxing authorities will make in the year 1922 on the wealth-producing class of our country. From the district up to the State authorities, inclusive, approximately one-half this enormous expenditure will be required. The Federal authorities will exact as much more, and it matters not by what ingenious device this sum may be levied—whether by direct taxation or other demand, it matters not—it must all come from the producing element of our people. Against this enormous demand the entire crop products of the United States, which in fact is our great wealth-producing resource, will not provide this amount; indeed, we would find a deficiency of more than $1,000,000,000.

AN ORGY OF EXTRAVAGANCE.

"What brought about this wild orgy of extravagance? Let us not be partisans when the needs of our country call for patriots. All political parties that have participated in the affairs of government for the last 30 years have their own share in the responsibility for this unfortunate condition. We recall the occasional warning by those who had the courage to cry out against the pork-barrel policy of legislative conduct; that is, the assembling of votes to enact legislative propositions, whether in the State legislature or the Federal Congress, wherein mutual aid was the result of mutual voting.

"Unmindful of the sacred right of the taxpayer to have the demands for revenue limited to actual necessity, the pork-barrel policy aimed to build personal popularity and perpetual tenure of office for those participating therein. But the milk has been spilt. All political parties have their share in the disastrous results, and all political parties owe it to the sacred rights of our people and the future glory of our country to right these wrongs and return to a policy of economic government so well within the earning capacity of our people that mortgages will not be the only possible opportunity for prosperity. Indeed, it is a condition and not a theory that confronts us.

"But the other day I heard a substantial, honorable citizen speak of recent service as a grand juror, saying: 'We, the grand jury, decided as a policy not to indict those charged with violation of certain of our sumptuary Federal laws, excepting only those charged with a certain class of offenses.'

"Fellow citizens, do you realize the meaning of this statement? Simply this: The grand jury, feeling the extreme impropriety of the law enacted by Congress, has taken it unto themselves to be the lawmaker as well as the law enforcer.

A DANGER TO THE REPUBLIC.

"There is the most imminent danger in the enactment of laws, whether they be to restrict individual conduct and limit inherent rights or whether they be to bankrupt the taxpayer by exacting more revenue than he can earn or whether they be to collect these revenues by such extravagantly expensive and inquisitorial methods—they all make for a condition of the public mind destructive of love for country. Their only product can be a general disrespect for law destructive of patriotic sentiment. Nor should we deceive ourselves nor lull to sleep the thoughtful and conscientious citizens who too in time will join in general condemnation of the policy to centralize government, disregard inherent rights of individuals, and bankrupt our country. And the day is not in the dim distance when popular clamor will demand these essential reforms.

"These evils exist. Why delay return to the policies of government contemplated by our Constitution and to economic government that recognizes that home building and home furnishing is a more sacred demand upon the fruits of industry than unwarranted extravagance in the government of the district, State, or Nation?

"But these reforms are not automatic. They may not be realized without popular demand. Nor may we depend upon those who have brought about these conditions to effect these reforms for us. I appeal to every citizen in the State of Oklahoma, as well as to those who are sojourning in this distant city, to disregard every selfish political sentiment and unite their efforts in solid phalanx and with unwavering determination to effectuate a complete return to the just recognition of inherent rights of the individual and complete return to local self-government, wherein the community may express its wishes for local administration as distinctly, if desired, in the different localities as the climate of Florida may be distinct from the climate of Minnesota. Recognizing that the will of the governed should not be overcome by majorities entertaining different views, but inhabiting vastly different localities with different needs and different desires; recalling the language of Senator Sherman, of Ohio, when he said, on the subject of specie payment. 'The way to resume is to resume.' And I say with like determination, in the wild governmental extravagances, that the way to retrench, by the eternals, is to retrench, and begin retrenching the instant you find retrenchment necessary to the comfort, yea, to the life and living, now apparent throughout the land.

WOULD LIMIT EXPENDITURES.

"Our official agencies having the power to disburse public funds and declare appropriations to that end have no more right than the weakest citizen to incur obligations that are beyond the earning power of our people to pay. Limits must be fixed beyond which appropriations shall not pass, and when these principles on the three subjects heretofore outlined have been established and recognition enforced you may then expect to hear with fervor and the deepest reverence again being proclaimed throughout our land:

"This is the land of the free, the cradle of liberty, where individual rights are respected—government of the people and by the people recognized in every separate State of the Union—and where he who toils may surely and safely expect to reserve for himself and his family for their comfort and happiness a fair share of the fruits of his industry."

The speaker's references to retrenchments and reforms were heartily applauded throughout his address.

GOOD ROADS.

Mr. PITTMAN. Mr. President, there is now pending before the Committee on Post Offices and Post Roads a bill which I think is one of the steps—whether intentional or unintentional—in the destruction of the efficacy of the Federal highway act as far as the building of primary or interstate roads is concerned. It is H. R. 11181, commonly known as the Dunn bill. I have received from my State a number of telegrams and letters with regard to this bill, and I want to have those letters and those telegrams referred to the Committee on Post Offices and Post Roads, so that they may have before them the arguments and facts stated in those communications with regard to the Dunn bill.

Under the Federal highways act of 1916 it was provided that the Federal Government's participation in the building of Federal highways in cooperation with the States should be limited to $20,000 per mile. That was considered necessary in 1916. It was placed at $20,000 per mile upon the theory that the States would place an equal amount of appropriation per mile against the money advanced by the Federal Government, making $40,000 per mile for the building of these Federal highways.

In the Dunn bill, which appropriates the necessary funds for carrying on these highways in the years 1922 and 1923, the limit which the Government may advance per mile for 1923——

Mr. TOWNSEND. Mr. President, may I interrupt the Senator to say that the Dunn bill makes no appropriation at all. It simply authorizes $65,000,000 for next year and $75,000,000 for the year after that. Our bill appropriates for this year, but their bill makes no appropriation.

Mr. PITTMAN. What I am getting at is this: This bill has passed the House, and it limits the amount of participation by the Federal Government to $12,500 per mile for the fiscal year 1922, ending in July, 1923, and $10,000 per mile for the fiscal year 1923, ending the 30th of June or the 1st of July, 1924. That means that the total provided for the building of roads will be $25,000 per mile for the fiscal year 1922, and $20,000 per mile for the fiscal year 1923. All of the information I have received is that that will be totally inadequate for the building of the primary roads.

Of course those who have taken a particular interest in this matter of road building understand that there are two kinds of roads anticipated in the Federal highways act—primary and secondary roads. The primary roads are interstate roads, or roads that are supposed to be national highways in the real sense of the word, because they are supposed to constitute a system of transstate roads that connect and make a whole system.

Those roads are built in accordance with the plan laid down by the Federal Highway Department. They must be at least 22 feet wide; they must have a certain kind of foundation; they must be surfaced in a certain way. They are substantial, permanent, national highways.

The experience of the Federal Highway Department and of the State departments of the States, through which these roads have been constructed, proves that these roads can not be constructed for less than $30,000 or $40,000 per mile. The secondary roads, or roads which connect with the State highways, may be built of less substantial material and be less expensive, because it is not anticipated that they will have the same amount of travel over them; but the Dunn bill does not attempt to limit the expenditure of the Government as to secondary roads solely, but limits it as to primary roads, these interstate national highways, as well; and it can not be done. It means that the whole plan of Congress in this legislation will fail.

There will be no incentive for a State to match, we will say, $12,500 against the Federal $12,500 in building a road from one side of the State to the other side, when the State highway commission and the Federal Highway Commission, for that matter, state that that $25,000 will not build the character of roads that should be built. The result is that the building will stop. The result is that the States will cease to cooperate. They will not put up their money; and remember that under the Federal highway act, after the road is once constructed, it must be forever maintained at the sole expense of the State. The State is not going to participate in building an unsubstantial road, because it will mean that it will have to rebuild that road every year, and the State is not going to do it.

The plan that the chairman of the Post Office Committee had of building Federal roads solely with Federal money would have been a far better proposition than this, because that would have resulted in building substantial national highways. The only objection to it was, as I remember, that the States complained that they would not have enough influence in the matter, not enough say with regard to it; but the Dunn bill can have only one purpose that I can see, and that is to result in the destruction of the Federal highways act.

I am satisfied that the committee of the House to which this bill was referred must have had the information in the possession of the Federal Highway Department of the Government. They must have had protests from the States similar to those that we are getting. It could not have been through ignorance that they imposed the limitation that I have read;

and therefore the bill can have but one purpose, and that is this:

This bill emanates from the thickly settled States of the East and the New England States, where, fortunately for them, they have their roads already built. They never have wanted this Federal highway legislation. They fought it when it came up in 1916. They are fighting it now. They could not defeat it directly, and now, by virtue of this Dunn bill, they are attempting to defeat it indirectly.

I do not know what the attitude of the Post Office Committee is. I assume that possibly they have not had time to take up this bill; but I have prepared certain proposed amendments which I am going to offer, and ask to have referred to the committee simply as suggestions. I hope that these amendments may suggest something that will enable us to pass the bill in proper form, because I doubt very much if we can defeat it; but that will come later. With the appropriation that the Post Office Committee has already made in the form of an amendment to the Post Office appropriation bill, and which is now pending in conference, the roads are taken care of. The Dunn bill is not necessary for the purpose of taking care of the roads. As the Senator from Michigan [Mr. TOWNSEND] stated, the Dunn bill is not an appropriation bill. It is a bill simply to limit the use of money that may be appropriated by Congress for those purposes.

I shall not take up any more of the time of the Senate. I have accomplished my purpose; and instead of taking the time to read these communications, which come from the State highway commission of my State, from the State engineer of the State, and from the road societies, I will ask unanimous consent that these communications, together with the amendments that I intend to propose, shall be printed in the RECORD and that the amendments and the communications shall go to the committee for the purpose I have stated.

The VICE PRESIDENT. Without objection, it is so ordered.

The proposed amendments are as follows:

Amendments intended to be proposed by Mr. PITTMAN to the bill (H. R. 11131) to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes:

On page 4, lines 8 to 16, inclusive, strike out the last proviso of section 5 and insert the following:

"*Provided further*, That the limitation of payments herein provided shall not apply to those public-land States containing unappropriated public lands exceeding 50 per cent of the total area of all the lands in the State."

On page 4, lines 8 to 16, inclusive, strike out the last proviso of section 5 and insert the following:

"*Provided further*, That the limitation of payments herein provided shall not apply to the 7 per cent of the total highway mileage of a State which shall be selected or designated as a system of highways as required in section 6 of an act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes,' approved November 9, 1921; and that the limitation of payments herein provided shall apply to other systems of highways which shall be selected or designated under said act except that said limitation is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"' approved November 9, 1921."

On page 4, lines 8 to 16, inclusive, strike out the last proviso of section 5, and insert the following:

"*Provided further*, That the limitation of payments herein provided shall not apply to the primary or interstate mileage of a State which shall be selected or designated as a system of highways, as required in section 6 of an act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes,' approved November 9, 1921; and that the limitation of payments herein provided shall apply to other systems of highways which shall be selected or designated under said act except that said limitation is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"' approved November 9, 1921."

The communications referred to are as follows:

CARSON CITY, NEV., *April 15, 1922.*

S. S. ARENTZ, KEY PITTMAN, T. L. ODDIE,
Washington, D. C.:

In order that you may be advised of our position on House bill 11131, introduced April 3 by Chairman Dunn, of roads committee, which, in section 6, reduces Federal road participation to $12,500 per mile, and after June 30, 1923, to $10,000 per mile, will state that Nevada's Federal participation as a public-land State would be reduced by first $13,000 per mile and then by $17,400 per mile. The passage of this bill as now written would mean serious loss to this State for two reasons: First, reduced ratio per mile would prevent State from securing all Federal aid allotted due to lack of sufficient State and county funds; and, second, would prevent construction of any type of road except graded and gravel, costing less than twenty to twenty-five thousand per mile. Will you please urge upon members of committee importance of Federal participation as at present? Please wire us present status of this bill. We are in favor of Senate amendment attached to post office bill. We would also suggest inclusion of an amendment providing $10,000,000 for improvement of roads wholly or partly within the national parks.

GEO. W. BORDEN.

STATE OF NEVADA, DEPARTMENT OF HIGHWAYS,
Carson City, Nev., April 21, 1922.

To highway departments of 10 Western States and Nebraska, North and South Dakota:

We desire to call your attention to a certain bill now pending in Congress making an entire change in the method of handling Federal aid, and to enlist your support in the defeat of same, providing you have not already taken such steps.

This bill, H. R. 11131, was introduced as the bill of the Roads Committee of the House by Chairman DUNN, of that committee, on April 3, 1922. In order that you may thoroughly familiarize yourself with the provisions of the bill, as compared to the present Federal aid law, approved November 9, 1921, I am inclosing herewith a complete copy of same.

Your attention is particularly called to sections 4 and 5, which, if enacted into law in their present form, will entirely upset the present procedure in the handling of Federal aid and will seriously handicap the work in the Western States. Section 4 contains a provision relating to failure to place under contract any approved project within one year after such approval, and no doubt will in your State, as it will in the State of Nevada, seriously hamper proposed work which can not be taken up in certain cases because of lack of local funds which must be allowed to accumulate over a period of two or three years in order to finance particular projects.

Section 5 reduces the limitation of Federal aid to $12,500 per mile, beginning with the fiscal year 1923, and to $10,000 per mile thereafter, and it also defines the term rural post roads, as used in section 2 of the original Federal aid act, which definition is entirely left out of the present Federal aid bill providing for the 7 per cent Federal aid highway system, so that if this bill is passed we will have this condition: First, a conflicting of definition of Federal aid roads, whether it shall be a rural post road or whether it shall be a 7 per cent system road; second, a limitation per mile which will prevent the construction in the poorer States, who are dependent largely on Federal aid, of anything except a lower type of road, such as gravel or grading only. The application of the graduated scale provision in section 6 will be the same as in the present bill and will raise the participation of the public-land States in the same proportion as under the present law, except that it will be based on the limitation of $25,000 per mile and $20,000 per mile, respectively.

The passage of the present Federal aid law was secured only after a very long and strenuous fight in Congress, and if the Dunn bill should now be passed it will place us back almost to where we began in 1916. We, for one, feel that the present law is a real forward step in national road legislation and we are going to use our utmost endeavors to defeat passage of the Dunn bill, and inasmuch as conditions in your State are more or less similar to the conditions in the State of Nevada, we are asking that you give us your heartiest support in this matter.

The status of the matter in Congress is at present as follows:

The Senate Committee on Post Offices and Post Roads attached a rider to the Post Office appropriation bill allotting $100,000,000 additional Federal aid for the 7 per cent system and $15,000,000 for national forest roads. This bill passed the Senate on March 20, passed the House at a later date, and is now in conference. The Dunn bill was introduced in the House on April 3 and is now No. 235 on Union Calendar and may come before the House any day. If passed by the House it goes to the Senate and will probably go then into conference. We believe the best interests of the Western States can be served by the Post Office bill and leaving the present Federal aid law untampered with for two or three years until the States can demonstrate what can be done under its provisions.

We would suggest that you take the matter up with the governor of your State and wire your Representatives and Senators in Washington at once, giving them your attitude on these bills, and lending your heartiest support to the defeat of the Dunn bill.

Please keep us advised of such action as you see fit to take.

Yours very truly,

GEO. W. BORDEN,
State Highway Engineer.

STATE OF IDAHO,
DEPARTMENT OF PUBLIC WORKS,
Boise, April 11, 1922.

Mr. GEORGE W. BORDEN,
State Highway Engineer, Carson City, Nev.

MY DEAR MR. BORDEN: I am just in receipt of a letter from W. C. Markham, legislative representative of the American Association of State Highway Officials, in which he states that section 2 of House bill 11131 provides $4,500,000 for the year 1924 for forest roads and trails. He also states that he had secured the wording in the Woodruff bill and in the Robinson bill by which this appropriation and appropriations made heretofore would be expended on roads through the forests and adjacent thereto, taking into consideration the roads of interstate and intercounty importance. This would simply mean to clarify the old law, but Congressman SUMNERS told the committee that he represented those who were conversant with the work and objected to the wording.

There is no question in my mind but what this is of great importance to your State, as you have the largest forest area of any of the Western States, and I thought possibly you might be able to get in touch with the proper people to take the matter up with your congressional delegation, especially Senator PITTMAN, who no doubt would have considerable influence with Congressman SUMNERS and other members of the House Roads Committee. It appears to me that this is of sufficient importance to warrant immediate action on our part, especially in view of the attitude taken by the forest department to define the policies pertaining to the forest highway funds made available by Senate bill 1672, and therefore any pressure which can be brought to bear upon Congressman SUMNERS should be started at once.

The portion of the present bill which I believe will be of vital interest to your State, probably more than the forest section, is section 5 of the act which provides that Federal participation after June 30, 1923, is not to exceed $12,500 per mile, exclusive of the cost of bridges of more than 20 feet clear span, provided further that the payments which the section shall make from sums appropriated under the provisions of this act or any act amendatory thereof after the fiscal year ending June 30, 1923, shall not exceed $10,000 per mile, exclusive of the cost of bridges of more than 20 feet of clear span. The same act also provides that the limitations of payments shall apply to public-land States

except that the same is hereby increased to the proportion of the increased percentage of Federal aid authorized by the last bill, Senate bill 1672. Apparently Congressman DUNN, who presented the present bill in the House, is under the impression that the cost per mile to the Federal Government should be reduced to $7,500 a mile, and, as I understand it, he took this matter up with the President on the theory that they were coming back to pre-war prices.

I do not believe Mr. DUNN realizes the importance to the Western States of Federal cooperation in the construction of our interstate highways, and that we should do everything possible to inform our congressional delegation as to the importance of the $20,000 per mile Federal cooperation, and that under no circumstances should this amount be reduced, especially in view of the standards which have been adopted by the bureau. Speaking for the State of Idaho, we will be unable to cooperate on Federal post aid roads to any material extent if we have to maintain the standards adopted by the bureau and only receive from $7,500 to $12,500 per mile cooperation.

Yours very truly,

D. P. OLSON, *Director of Highways.*

[Western Union Telegram.]

CARSON CITY, NEV., *April 19, 1922.*

Hon. KEY PITTMAN,
United States Senator, Washington, D. C.:

Your wire 17th reference Dunn bill: Ninety per cent of Nevada Federal aid expenditures goes on trans-State, in fact transcontinental, roads. To improve these roads to standard being required by Government costs more per mile than proposed limitation, and additional cost is too great for this State to bear. This reduction will also prevent construction of anything except gravel and graded roads, and our experience of past four years demonstrates these types inadequate here, due to climatic conditions. We must build concrete, oiled macadam, or some type that can withstand long, dry seasons. We are not building short, expensive types, except where traffic warrants, and even these are parts of main transcontinental roads. State can not bear additional cost above Federal aid to build types of roads required should Dunn bill pass.

GEORGE W. BORDEN.

[Western Union Telegram.]

CARSON CITY, NEV., *April 25, 1922.*

Hon. KEY PITTMAN,
United States Senator, Washington, D. C.:

Your wire 25th: Highways on the primary system in Nevada can not be constructed to standard required by the Federal Government for less than eighteen to thirty thousand per mile when gravel type; twenty to thirty-five thousand, of oiled macadam or similar types; and thirty-five to fifty thousand dollars per mile of concrete, the cost on each class varying with the surface width demanded. Government demands all primary highways shall be surfaced 18 feet and 24-foot grade; secondary highways width and type deemed advisable, which is usually beyond the costs warranted by present conditions. Maintenance burden on all these highways must be assumed by the State and our experience has shown maintenance costs on gravel highways run from five hundred to two thousand dollars per mile per year, due to dry climatic conditions. Construction of better type of highway in beginning results in lowered maintenance cost, and the economic life of the paved highway is three to ten times greater than the gravel type, which, under the very best maintenance, must be rebuilt within three to seven years. Our experience has proven the economic waste of gravel roads, and our policy now is to construct grade, provide proper drainage, and as finances will permit surface with more permanent types. Even grading and drainage under Government standards runs from ten to twenty thousand dollars per mile when minimum curvature and maximum gradient are held within requirements. Under present law Federal aid can be used only on 7 per cent system, except small sums left over from prior allotments. To except this system from the bill, we believe, would make unnecessary the passage of any bill. We suggest as final compromise amendment that the primary system be excepted from Dunn bill, which would make new limitations apply only to secondary system.

GEORGE W. BORDEN.

VIRGINIA CITY, NEV., *April 26, 1922.*

Hon. KEY PITTMAN,
Senate Office Building, Washington, D. C.:

Borden wiring you to-day, answering yours 25th. We appreciate your efforts in interest all the West. If Dunn bill is passed with present limitation of Federal aid it will most seriously affect not only Nevada but all of the public-land States, and in our case at least make it impossible for us to meet the Federal aid. The appropriation made by the Post Office bill in the Senate is the legislation we would like to see passed finally, rather than the Dunn bill. Best wishes.

JAMES M. LINSLEY,
Chairman Nevada State Highway Department.

RENO CHAMBER OF COMMERCE,
Reno, Nev., April 28, 1922.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

DEAR SENATOR PITTMAN: At the last regular meeting of the board of directors of the Reno Chamber of Commerce, held Tuesday, April 25, the Dunn bill (H. R. 11131), which provides for reducing the maximum Federal participation in highway construction, was carefully considered. We have been informed of the very excellent work that you have performed in opposing this bill, but at the same time we are also anxious that you have our views in this matter. We therefore strongly urge you to strenuously oppose the Dunn bill.

With kindest regards, I am,
Most cordially yours,

CHAS. S. KNIGHT,
Managing Director.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. WALSH of Montana. Mr. President, certain amendments to the bill under consideration recommended by the Senate Committee on Finance, designated as sections 315, 316, and 317, propose to commit to the President of the United States extraordinary powers in consequence of the exercise of which the duties to which imports would otherwise become subject would undergo most material modification. I offer for the RECORD, as an appendix to my remarks, a copy of the amendments in question, which I venture to summarize as follows:

1. The President is authorized to increase or to decrease the duties fixed by the act to such an extent as will, as shown by investigation he is authorized to make, "equalize the differences in competition in trade in the markets of the United States" as between domestic and foreign products, on finding upon such investigation that the duties so fixed by the act do not attain that result; or he may, finding that such duties are so ineffectual to the same end, change the "classifications or forms of duty" provided by the act, no change in the rate either up or down to exceed 50 per cent.

2. He may substitute the American valuation plan, provided for in the bill as it came from the House, for the foreign valuation plan indorsed by the Senate committee as to any class or kind of merchandise upon finding that "an industry in the United States is being or is likely to be materially injured" by importations, and that the foreign valuation plan "is not a certain basis for the assessment of the particular duties" applicable to such merchandise, the same, on the valuation so determined, to bear an ad valorem rate, found to be shown by the "difference in conditions of competition of trade in the markets of the United States" to be necessary to "equalize" such differences, such rate not to vary either way more than 50 per cent from that fixed by the act.

3. He may continue in force the embargo on coal-tar products, imposed by the dye and chemical act of 1921, on finding that the rates provided for in the act or imposed under the authority given to the President as above recited do not "equalize" the "differences in competition in trade in the markets of the United States" as to any article subject to the provisions of the embargo act.

4. He is authorized to inquire into unfair methods of competition and unfair acts on the part of any owner, importer, consignee, or agent of either, in respect to either the importation of any merchandise or the sale of such as is imported, "the effect or tendency of which is to destroy or substantially injure an industry or to restrain or monopolize trade and commerce in the United States," utilizing for such inquiry any existing agency of Government, and finding such method to exist, or acts to have been committed, to impose such an additional duty, not to exceed 50 per cent of that fixed by the bill, as will "offset such methods or acts," or, "in extreme cases," he may direct that "as he shall deem the best interests of the United States shall require" such merchandise "shall be excluded from entry," such direction to have the force of law.

5. The methods and acts referred to being denounced as unlawful, "whenever the President shall find as a fact that any merchandise is offered or sought to be offered for entry into the United States in violation of this section, but has not sufficient evidence to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof" until such investigation as the President may deem necessary shall be completed. (Note that the power here conferred may be exercised when the President "finds" the condition to exist, but has not information sufficient to "satisfy" him of the fact.)

6. He may impose additional duties, not exceeding 50 per cent ad valorem, on merchandise imported from any country which, with respect to the disposition in or transportation through or reexportation from such country, imposes upon merchandise, being the product of the United States, any charge or burden, or subjects it to any restriction not equally borne by the products of any other country foreign to the offending country, or which places the United States at a disadvantage compared with the commerce of any foreign country, the amount of such additional duties being such as shall be determined by him "to be equivalent to such burdens."

7. If a foreign country, after any such additional duties shall have been proclaimed by the President, shall maintain or increase its discrimination against the commerce of the United States, he may, if he deems it consistent with the interests of the United States, proclaim an embargo against importations from such country into the United States.

8. Any such increase of duties or embargo shall extend to the whole of any foreign country or to a part thereof

only as the President shall deem "the public interests require."

2. He may impose new or additional duties upon merchandise imported from any country which unduly or unfairly discriminates against the United States through any export duty or bounty, on production or exportation, or rebate of duties or other preferential allowance, such duties to be in an amount equivalent to the burdens ensuing from such discrimination.

It will occur to anyone conversant with our system of government, and the limitations imposed by the Constitution upon the different branches thereof, that the validity of legislation such as that proposed is, to say the least, open to grave doubt.

Mr. POMERENE. May I offer a suggestion there?

Mr. WALSH of Montana. Certainly.

Mr. POMERENE. The changes which are authorized to be made by the President can continue just as long as he sees fit to continue them.

Mr. WALSH of Montana. So the bill provides. The majority of the committee from which the proposals come evidently believed that misgivings would be aroused concerning them, which they endeavored to allay by the following brief paragraph in their report, namely:

> These elastic tariff provisions are regarded by the committee as undoubtedly constitutional. (Field v. Clark, 143 U. S. 649.)

It will be shown presently that Field v. Clark affords no justification whatever for the departure proposed; in fact, that if the argument of the opinion in that case is to be followed the provisions under review must be unhesitatingly condemned as violative of the Constitution.

I am not unmindful of the futility of argument in this body founded upon the limitations imposed by our fundamental law, of which recent events have afforded some added evidence, nor of the indifference with which the contention of those opposed on other grounds to legislation before the Congress, that it is unconstitutional, is regarded. Nevertheless, the obligation rests upon every Senator to reconcile his vote if he can with the oath he has taken to uphold the Constitution, and, accordingly, upon a Member whose studies have impelled him to the belief that any pending measure is violative of it to make clear the reasons which have influenced the conclusion at which he has arrived.

The Constitution in express terms vests all legislative power granted by it in Congress. (Art. I, sec. 1.) Specifically it grants to Congress power to lay and collect taxes, duties, imposts and excises, and to regulate commerce with foreign nations. These powers, by repeated adjudications and according to the views of all commentators, are exclusive. They can not be delegated. The rule is expressed by Cooley in the following vigorous paragraph:

> One of the settled maxims in constitutional law is, that the power conferred upon the legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the Constitution itself is changed. The power to whose judgment, wisdom, and patriotism this high prerogative has been intrusted can not relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide this sovereign trust. (Constitutional Limitations, 163.)

The principle is older than American constitutional law and not peculiar to our institutions, having been announced by Locke in his work on Civil Government thus:

> The legislature neither must nor can transfer the power of making laws to anybody else, or place it anywhere but where the people have. (Locke on Civil Government, sec. 142.)

It is peculiarly applicable to the taxing power, the struggle to keep it unimpaired in the hands of the elected representatives of the people, as against attempts to exercise it by or to transfer it to the Executive being, as is well known, intimately associated with the development of English liberty. The jealousy touching the exercise of the taxing power engendered by that historic struggle is reflected in that provision of the Constitution which requires that all bills for raising revenue shall originate in the House of Representatives.

The learned author first mentioned in another work says:

> It is a general rule of constitutional law that a sovereign power conferred by the people upon any one branch or department of the Government is not to be delegated by that branch or department to any other.
>
> This is a principle which pervades our whole political system, and, when properly understood, admits of no exception. And it is applicable with peculiar force to the case of taxation. The power to tax is a legislative power. The people have created a legislative department for the exercise of the legislative power; and within that power lies the authority to prescribe the rules of taxation, and to regulate the manner in which those rules shall be given effect. The people have not authorized this department to relieve itself of the responsibility by a substitution of other agencies. (I Cooley on Taxation, 99-100.)

Another able writer on the same subject says:

> Legislative power is a trust for the whole people which the legislature can not transfer. The best safeguard of equality in taxation as well as in other subjects of governmental action is in the responsibility of the legislature to the people. So long as the power of taxation is directly exercised by the popular representatives, each section having its representative, the burden is far more likely to be distributed evenly among the people than if the power is exercised by some person or body not directly responsible to the whole people or perhaps not chosen by them. (Gray on Limitation of the Taxing Power, 532.)

It is in the application of the principle thus announced that differences of opinion arise. I shall not enter into any general discussion of the subject of the delegation of power by legislative bodies, a topic upon which much learning has been expended, and with which judges have been called upon in multitudinous cases to deal in more recent times, in consequence of legislation rendered necessary by the increasing complexity of the social organization and the extension of governmental activities.

It will be quite unnecessary, for instance, to consider the question of the authority of the legislature to repose in municipal corporations or other subordinate governmental agencies powers legislative in their character in respect to local affairs or to inquire into the validity of acts to become effective only when approved by the voters of the State or some subdivision thereof, there being no constitutional referendum. It will be sufficient for the present purpose to canvass those adjudications and discussions which afford a basis for some rule by which to test the attempt to delegate the extensive powers which, by the proposed amendments, would be conferred upon the President, legislation for which, it is ventured, no precedent can be found in our history.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. WATSON of Georgia. I remind the Senator, in this connection, that the British Parliament would never for a moment consider a proposition to vest the King with any such powers as are proposed to be conferred upon the President by this bill; nor would the French Chamber consider such a proposition, if it were proposed by the President of France; nor did the German Reichstag ever vest the kaiser with any such power.

Mr. WALSH of Montana. As Field against Clark is not only relied upon by the proponents of the plan represented by the amendments but is a leading case on the general subject, our study may well begin with a consideration of its facts, its reasoning, and its conclusion.

It was an attack on the McKinley law of 1890 because of what were known as its reciprocity features. By the act sugar, molasses, coffee, tea, and hides were placed on the free list. It was then provided that if at any time the President should be satisfied that the government of any country producing and exporting any of such commodities imposes duties or other exactions affecting the introduction into the same of any products of the United States deemed by him to be, in view of the admission of such commodities to our ports free, unequal or unreasonable, he might proclaim the fact, and that in such case such commodities should pay duties as provided in the act: Sugar, 2 cents per pound for the highest grade and a lesser amount for the lower grades, the rate being specifically named; coffee, 3 cents a pound; tea, 10 cents; and hides, 1½ cents. The importations giving rise to the action in Field against Clark involved none of the commodities made the subject of the specific provisions of the act to which reference has been made, but it was maintained that because of them the entire law was void and consequently the goods which gave rise to the controversy were not subject to its provisions.

The court held that there was in the law no unlawful delegation of the legislative authority vested by the Constitution in Congress; that it simply clothed the President with the authority to ascertain and proclaim a fact, namely, that some country exporting any of the specified commodities was imposing duties on or making exactions with respect to the products of the United States which he deemed unequal or unreasonable in view of the concession accorded by our Government in respect to theirs. It was clearly pointed out and importance was attached to the fact, if indeed it was not deemed a vital feature, that the President had absolutely nothing to do with fixing the rate of duty which the commodities with which the specific provisions of the act dealt should bear in the event that they were not to be admitted free, that the rate had been explicitly prescribed

by Congress and went into effect automatically upon the issuance of his proclamation reciting the unequal or unreasonable exactions of the country against which it was directed. Nothing whatever was left to his discretion, either within or without limits. The following paragraph from the opinion of the court fully discloses the ground on which its judgment went:

> That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. The act of October 1, 1890, in the particular under consideration is not inconsistent with that principle. It does not in any real sense invest the President with the power of legislation. For the purpose of securing reciprocal trade with countries producing and exporting sugar, molasses, coffee, tea, and hides Congress itself determined that the provisions of the act of October 1, 1890, permitting the free introduction of such articles, should be suspended as to any country producing and exporting them that imposed exactions and duties on the agricultural and other products of the United States which the President deemed—that is, which he found to be—reciprocally unequal and unreasonable. Congress itself prescribed in advance the duties to be levied, collected, and paid on sugar, molasses, coffee, tea, or hides produced by or exported from such designated country while the suspension lasted. Nothing involving the expediency or the just operation of such legislation was left to the determination of the President. The words "he may deem" in the third section of course implied that the President would examine the commercial regulations of other countries producing and exporting sugar, molasses, coffee, tea, and hides and form a judgment as to whether they were reciprocally equal and reasonable or the contrary in their effect upon American products. But when he ascertained the fact that duties and exactions reciprocally unequal and unreasonable were imposed upon the agricultural or other products of the United States by a country producing and exporting sugar, molasses, coffee, tea, or hides it became his duty to issue a proclamation declaring the suspension as to that country, which Congress had determined should occur. He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation in obedience to the legislative will he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency, and that in case of such suspensions certain duties should be imposed.

To enforce the argument thus advanced the court continued:

> "The true distinction," as Judge Ranney, speaking for the Supreme Court of Ohio, has well said, "is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made. (P. 693-694.)

And then quoted from Locke's Appeal (72 Pa. St. 491, 498):

> The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend.

That is to say, a law may be enacted to go into effect at some time in the future, upon the happening of some contingency or upon the determination by some officer of the existence of a fact or state of things, but the law must otherwise be complete as it leaves the hands of the legislators. (6 Am. and Eng. Ency. of Law, 1023-1031.)

On this point the Supreme Court of Wisconsin in Dowling v. Lancashire Insurance Co. (92 Wis. 63) says:

> The result of all the cases on this subject is that a law must be complete, in all its terms and provisions, when it leaves the legislative branch of the government, and nothing must be left to the judgment of the electors or other appointee or delegate of the legislature, so that, in form and substance, it is a law, in all its details, in praesenti, but which may be left to take effect in future, if necessary, upon the ascertainment of any prescribed fact or event.

So, while Field against Clark might afford justification for the amendments in question if they prescribed what the rates should be, when the President finds those fixed in the bill or any of them do not effect the equalization which it is inferred is the policy sought to be established, it is evident and must be conceded that some other authority must be found to sustain the grant of power to the President, in the contingency mentioned, to fix the rates. In that predicament the authority of Field against Clark must be supplemented, if this legislation is sustained, by some different line of reasoning from that pursued in that case or by some adjudication more nearly meeting the conditions.

It is not without significance in this connection that among the vast multitude of cases dealing with the subject of the delegation of legislative power few, if any, can be found in which the delegation of the taxing power was involved, the legislatures apparently recognizing, instinctively or otherwise, that it could not be delegated or that a well-nigh universal conviction prevails that it is unwise to do so.

Appeal may reasonably be made to those decisions sustaining the grant of authority to the Interstate Commerce Commission to establish rates for the transportation of freight and passengers and to statutes granting like authority to officials, boards, or commissions to fix rates that may be charged by public service corporations.

It is impossible to escape the conclusion that the courts were influenced in sustaining such statutes and many others challenged as delegating legislative power by two considerations, namely, necessity and well-established legislative practice. And it is not an unwarranted inference that the framers of our Constitution, by declaring that all legislative powers are vested in the lawmaking body, did not intend to deny to them authority to repose in local municipalities the authority to enact ordinances, seeing that time out of mind charters embodying the principle of local self-government were freely granted. Nor is it unreasonable to conclude that it was not intended that matters of detail, really administrative in character, which might be provided for directly by legislative act, were it practicable to do so, but which experience has shown, or which from their nature it is clear that it is not, could not be delegated to boards or officers. Doubtless it is within the power of the legislature to establish rates for the transportation by rail of freight or passengers. Such action has often been taken with reference to passenger rates, and in the early history of railroading attempts were made, by direct legislative action, to establish freight rates; but the effort was soon abandoned, simply because the problem was too intricate, the solution of it in that manner requiring time which could not be given to it and such attention to an infinity of detail, much of it technical, as a legislative body was wholly unfit to give. Out of such conditions the idea of establishing by law a general rule governing railroad rates and reposing in a commission the duty of fixing specific rates in conformity with that rule was evolved. Indeed, the law, even the common law, had already established the rule that the charges of a common carrier, and perhaps of anyone prosecuting a business affected with a public use, must be reasonable, and a right of action arose in favor of any one of whom an excessive charge had been exacted to recover so much as he had paid above a reasonable amount. The rule thus sanctioned, being declared by the statute, the duty was devolved upon the commission of determining in each case what is a reasonable rate, the law in effect declaring that it should go into effect when thus determined and proclaimed by the commission.

In Wayman v. Southard (10 Wheat. 42) the Supreme Court said:

> It will not be contended that Congress can delegate to the courts, or to any other tribunals, powers which are strictly and exclusively legislative. But Congress may certainly delegate to others powers which the legislature may rightfully exercise itself.
>
> * * * * * * *
>
> The line has not been exactly drawn which separates those important subjects, which must be entirely regulated by the legislature itself, from those of less interest, in which a general provision may be made, and power given to those who are to act under such general provisions to fill up the details.

This language was quoted in United States v. Grimaud (220 U. S. 506-517), in which was upheld a statute authorizing the Secretary of Agriculture to make rules concerning the use and occupancy of the forest reserves and making criminal the violation of such rules, the particular offense charged being the grazing of sheep within the reserve without permission of the department and in violation of the rules. The views of the court are to be gathered from the following from the opinion:

> To pasture sheep and cattle on the reservation at will and without restraint might interfere seriously with the accomplishment of the purposes for which they were established. But a limited and regulated use for pasturage might not be inconsistent with the object sought to be attained by the statute. The determination of such questions, however, was a matter of administrative detail. What might be harmless in one forest might be harmful to another. What might be injurious at one stage of timber growth or at one season of the year might not be so at another.
>
> In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features, and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power. (220 U. S. p. 516.)

Attention is directed to the remark that it was impracticable for Congress to make the necessary provision, so varying were the conditions with which it would be required to deal.

In Buttfield v. Stranahan (192 U. S. 470), the court said:

> To deny the power to Congress to delegate such a duty (to fix tea standards) would in effect amount to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

The necessity for legislation of the character before the court that the power to regulate foreign commerce might be efficiently exerted warranted, in its opinion, the conclusion that the authority to enact it had not been withheld. In the same opinion the court said:

Congress legislated on the subject as far as was reasonably practicable and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute.

The same idea of the necessity of the delegation is a dominant note in State v. Atlantic Coast Line Ry. (56 Fla. 617, 32 L. R. A. (N. S.) 630); State v. Pub. Serv. Corp. (Mo.) (194 S. W. 287); and State v. Briggs (Oreg.) (77 Pac. 750), all comparatively recent cases dealing with the delegation of functions which might be exercised by the legislature to administrative boards or officers.

In the case first above cited, in which the validity of a statute giving extensive powers to a railroad commission was considered, is found a particularly well-reasoned opinion supported by a wealth of legal learning, from which the following is quoted:

The Constitution should be interpreted so as not to render impotent or inoperative, but to preserve and make effective, the sovereign power of the State to regulate intrastate transportation by common carriers; * * *

The legislature may not delegate the power to enact a law, or to declare what the law shall be, or to exercise an unrestricted discretion in applying a law; but it may enact a law, complete in itself, designed to accomplish a general public purpose, and may expressly authorize designated officials within definite valid limitations to provide rules and regulations for the complete operation and enforcement of the law within its expressed general purpose. This principle of law is peculiarly applicable in the regulation of common carriers. The complex and ever-changing conditions that attend or affect the performance of the useful public service rendered by common carriers make it impracticable for the legislature to prescribe all the necessary rules and regulations.

Note that the impracticability of dealing with the problem otherwise is stressed.

The same idea is elaborated in the Missouri case cited, from the opinion in which the following is taken:

He sends the cases in vain who does not concede the authority of the legislature, absent an express constitutional provision which forbids, to delegate to an administrative body the power to fix rates for the carriage of freight and passengers. In practice no more fair and feasible plan can be devised than to delegate this difficult and most technical duty to a board which is perpetually in session and furnished with skilled accountants and experts. The situation as to common carriers changes from year to year, sometimes even from month to month. A fixed hard-and-fast rate made one year might be almost confiscatory next year, or, conversely, the rate fixed might become far greater than the service rendered is worth. No legislature has the time nor is it equipped with the machinery necessary to investigate matters of rate making in any manner which will serve to prevent its enactment of laws fixing alleged "reasonable maximum rates" from being other than a mere guess. That often it may guess right can not serve as an apology for the multitude of cases wherein its conceded good intentions may not save it from guessing wrong. In the very nature of things a right guess would be accidental. If the fixing of rates is to proceed intelligently along lines of fairness and justness to all concerned—to capital and labor, passenger and shipper—having due regard to the constant mutations in the cost of labor and materials; to the differences in density of population and therefore in numbers of passengers and amount of freight; to cost of building and operation and maintenance of the roads in the more level and populous parts of the State as compared to similar overhead costs in the rough and mountainous and sparsely settled parts; to bringing about a condition which will encourage, or even permit, areas not now served but needing service to be served by new roads yet to be built; and to periods of great commercial prosperity as compared to periods of commercial depression, it is manifest that the matter must be committed to somebody having greater flexibility in procedure, having more time for investigation, and having at hand more expert machinery to the end in view than any earthly legislature possesses (pp. 291-292).

Neither cardinal requisite, long-established usage antedating the adoption of the Constitution, nor necessity arising from the impracticability of direct legislation by Congress attend the proposed legislation. It is a departure from the settled practice of the Government since its beginning without a precedent to sustain it, the McKinley Act considered in Field against Clark differing radically from the proposed amendment, as has heretofore been shown. It can not be contended that it is impracticable for Congress to fix the duties which imports are to bear, as it has been doing so from the time it came into being, and in the very bill before us it proposes to do it again, the House offering one set of rates, the Senate very largely another, subject, however, to the provisions which give occasion to these remarks, implying that, in the opinion of the Senate, the President can or may do the job more justly or more efficaciously.

However sound that view, namely, that the Executive is more competent than the legislative branch to determine what taxes should be imposed, it is one which for obvious reasons has found little support in public opinion in America and none at all in American constitutions.

Another characteristic which attends the work of administrative officers charged with duties which might be exercised directly by the legislature is that it is always subject to judicial review, the rates fixed or the rules promulgated must be reasonable, and if they are not they will, in appropriate proceedings, be held void. Even municipal ordinances are open to attack on the ground that they are not reasonable. The principle is recognized in the following paragraph from the opinion of Judge Whitfield in the Florida case, to which reference has heretofore been made, to wit:

In a number of well-considered cases it has been distinctly held that where a valid statute, complete in itself, enacts the general outlines of a governmental scheme or policy or purpose and confers upon officials charged with the duty of assisting in administering the law authority to make, within designated limitations and subject to judicial review, rules and regulations, or to ascertain facts upon which the statute by its own terms operates to carrying out the legislative purpose, such authority is not an unconstitutional delegation of legislative power. (Pp. 640-639.)

An able address on the general subject of the delegation of legislative power delivered before the Bar Association of the State of Wisconsin by Hon. William H. Timlin, at the time an associate justice of the supreme court of that State, a lawyer of great talent and learning, concludes with the following, expressing his deductions from a comprehensive review of the adjudications:

I should say in conclusion that whether or not a statute is invalid, because of an unconstitutional delegation of legislative power, depends upon the extent to which the power usually exercised by the legislature in making laws is attempted to be delegated; that delegation to a greater extent is permissible where without such delegation it is impossible to make the statute effectual for the exercise of legislative power otherwise clearly constitutional; that the validity of such a statute does not depend upon the conventional or the legal name of that fraction of legislative power delegated, nor upon its intrinsic nature, but rather upon the necessity for such delegation, and the existence of a general rule of statutory law covering the subject in general terms, and of which rule the delegated power is an aid or adjunct; and also that the delegated power be limited either locally or to a particular subject matter, as, for instance, the regulation of a specified corporation, department, or bureau; and that the delegated power when exercised be of a lesser degree of conclusiveness than a statute; that is to say, subject to judicial review as to its reasonableness, fairness, and impartiality.

Reference is made to his comment in this connection because of his concluding sentence thereof on the necessity that the action of the delegate be subject to judicial review, but attention is directed in passing to the importance attached to the fact that the power has or has not been customarily exercised directly by the legislature, and to the necessity for the delegation arising from the impracticability of dealing effectually with the conditions by direct legislative action.

So essential is the feature of redress in the courts in case of arbitrary action, that provision is ordinarily made in the statutes conferring such powers upon commissions for a review of its action by some judicial tribunal. The interstate commerce act, the Federal Trade Commission act, and the stockyards act are familiar examples.

In the amendment before us such provision is made with respect to the action of the President in determining that one has been guilty of unfair methods of competition in respect either to the importation of commodities or the sale of imported merchandise, but none with respect to any order he may make in establishing a punitive rate after such finding, nor has any provision been made for reviewing any order he may make establishing rates under the proposed amendments against unoffending importers.

In the case of rates fixed for services rendered or supplies furnished by public service corporations the rule is established that they are not reasonable unless they afford a fair return on the investment, the elements to be taken into consideration by the court being more or less accurately defined, including in the case of railroad property—

the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses. (Smyth v. Ames, 169 U. S. 466, 547-548.)

Any rate less than one which will afford a fair return for the use of the property is confiscatory, violative of the constitutional amendment declaring that no person shall be deprived of his property without due process of law. So an ordinance of a municipal corporation or a rule of an administrative officer or board which operates to deprive a person of any of his constitutional rights is unreasonable and void and must be so declared by the courts, to which he may appeal.

But the action of the President in establishing rates of duty under the system proposed by the amendments is not subject to review, however unreasonable and oppressive they may be, assuming that they are within the 50 per cent limit imposed by the law. It is in the nature of the taxing power that, being exercised within constitutional or statutory bounds, it is not open to judicial review, being political in character. It is for that reason, among others, that a commentator in a profound

and exhaustive review of the subject of the delegation of legislative functions, appearing in the Yale Law Journal for May, 1918, in which he argues for the most liberal rule in that regard, asserts that while Congress must promulgate its policies as laws, "in the case of revenue laws they must be worked out in detail," though in all other cases it is the power that Congress must personally execute.

It will be conceded, no doubt, that the question being considered, namely, the power of Congress to make the delegation in question, is in no wise affected by the fact that the President can not increase or diminish the rates fixed by the bill by more than 50 per cent. If he may be authorized to increase them 50 per cent he may equally be empowered to effect an increase of 100 per cent, or 500 per cent, or 5,000 per cent, or to increase them at his discretion.

Mr. POMERENE. Mr. President, if the Senator will permit a suggestion, it is true that, technically speaking, there can only be an increase or a decrease of 50 per cent; but, under another provision of the section which the Senator is so ably discussing it is within the power of the President to change the basis of levying duties from the foreign valuation to the American valuation, and very often there is as much as 100 per cent difference between the foreign valuation and the American valuation.

Mr. WALSH of Montana. That is true.

Nor in view of the fact that his action is not subject to judicial review is he restrained by the provision that the rates must be such as to equalize "the differences in conditions of competition in trade in the markets of the United States." It would be intolerable, even if the determination of the rate which ought to be imposed were not distinctly political in character and consequently not reviewable in the courts, to have them inquiring with respect to every rate fixed by the President whether it does, indeed, represent "the differences in conditions of competition in trade in the markets of the United States" and to be annulled if it does not, in the judgment of the court, which would, of course, have no power to fix another rate.

Obviously the proponents of the system represented by the amendments do not intend that the action of the President shall be subject to review. It is contemplated that his determination shall be final; it is in his judgment and in his discretion they propose to confide, not in those of the courts. And inasmuch as the power to be reposed in him is not open to judicial review, it can not be delegated.

Another difficulty confronts those attempting to justify this novel system of laying customs duties. The policy which is to find expression in the acts of the officer or board to which power to fix rates or establish rules is granted must be declared in the statute. It is to the judgment, wisdom, and patriotism of the lawmakers that the people have intrusted the formulation of policies to find expression in legislation. If authority to do anything the legislature might do is delegated, the thing to be done in the premises must be expressed in the statute. The officer can not be authorized to do one of two or more things as in his judgment the public interest will be best subserved. Consideration of what is for the public interest is for the legislature, not for administrative officers.

But under the amendments proposed the President may either (1) raise or lower the rates; (2) change the classification of the commodity—that is, transfer it from the dutiable list to the free, or the reverse, or from one schedule to another, or from one subdivision of one schedule to another, or, perhaps, from one paragraph to another; or (3) change the form of the duty, namely, the basis of computation, substituting a specific rate for an ad valorem rate, or vice versa. He is at liberty to take any one of three courses, his choice to be influenced presumably by his judgment as to which will best promote the public interests, or perhaps will offer the least difficulty in the way of administration, or quite likely which will most nearly equalize "the differences in conditions of competition in trade in the United States."

It seems to be recognized in the particular provision now considered that absolute equality is unattainable, a subject upon which more will be said later, and so additional elasticity is given to the proposed system by permitting the President to exercise a choice as to how best or most accurately to bring that about. The law, however, does not countenance vesting any such discretionary power in the Executive, and the attempt to do so is fatal to the system of which it is an integral part.

Many spirited debates have taken place in Congress since customs duties found a place in our fiscal system over the propriety of imposing specific or ad valorem duties in the case of particular commodities. It is renewed in connection with the preparation and passage of every tariff bill. It involves the adoption of a legislative policy, the exercise of legislative discretion, the responsibility for which Congress can not escape by transferring it to any body or official. The principle here involved is made clear by a reference to two cases decided by the Supreme Court of Wisconsin. In the first, In re Incorporation of Village of North Milwaukee (93 Wis. 616), a statute was held void which provided that if upon considering an application for the incorporation of certain territory as a village, accompanied by an authenticated census and a survey and map, the circuit court should be satisfied that the lands, or any part of them, should be included in the proposed village, and that the interest of the inhabitants would be promoted by such incorporation, it should make an order constituting the same a village. The court held that the determination of whether it was in the public interest that the village should be created being a legislative, not a judicial, question, could not be delegated to the judiciary. The law was afterwards amended so as to provide that if the court found the survey and census to be correct, and its requirements otherwise had been observed, leaving it no discretion to inquire whether the best interests of the community would be subserved, the order should be made, and as so amended was sustained in State v. Lammers (113 Wis. 398).

Willoughby, in the introduction to his comment on Field against Clark, comments on the fatal feature in any attempted delegation of authority which might be exercised by the legislature of authorizing discretionary action, the conditions being found to exist which warrant action. Reference is made to the following:

The court can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of Government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must therefore be a subject of inquiry and determination outside of the halls of legislation.

The doctrine thus declared is without objection so long as the facts which are to determine the executive acts are such as may be precisely stated by the legislature and certainly ascertained by the executive. When this is not so, the officer intrusted with the execution of the law is necessarily vested with an independent judgment as to when and how the law shall be executed; and when this independence of judgment is considerable there is ground for holding that the law is not simply one in presenti to take effect in futuro, but is a delegation by the lawmaking body of its legislative discretion (p. 1319).

This extract leads to the discussion of perhaps the most important consideration affecting the validity of the delegation attempted by the amendments in question.

It is agreed on all hands that to justify a delegation of power which might properly be exercised directly by the legislature, it is essential that the law lay down a clear rule for the guidance of the executive officer to which he must adhere in whatever action he may take. As expressed by Willoughby "the facts which are to determine the executive acts" must be "such as may be precisely stated by the legislature and certainly ascertained by the executive." The principle is peculiarly applicable in connection with the fixing of rates by an administrative agency.

An effort is made in the proposed legislation under review to meet the requirements of this rule. The President is called upon to determine whether the duties fixed in the act do or do not equalize "the differences in conditions of competition in trade" in the markets of the United States as between the foreign and the domestic products, much as he was required by the McKinley Act to determine whether any foreign Government affected by it imposed any unjust or unreasonable duties or other exactions upon the introduction of the products of the United States.

But for a most serious obscurity in the language defining what it is the President must find, to be presently noticed, the similarity in the acts would be, for all practical purposes, complete. But at that point their identity in principle ceases, for, as pointed out, the President, having issued his proclamation reciting unjust exactions, had no further duties under the McKinley Act. The statute declared the rates in that event. Under the proposed law the President's most important duties but begin when he finds the facts upon the existence of which a change in the rates ensues or may ensue.

The committee amendments, as stated, having authorized the President to act in the contingency referred to, repose in him the further authority to make such increases or decreases in the rate, or such changes in the form of the duty or classification of the commodity as may be necessary to "equalize" "the differences in conditions of competition in trade" in the markets of the United States, as between the domestic and the foreign product. Just what does that language mean? How

accurate is the guide thus furnished? How shall anyone know whether it has or has not been followed?

It is widely maintained by the advocates of a protective tariff that the true principle upon which such a tariff should be framed is that the rates should be so fixed as that the duty will equal the difference in the cost of production at home and abroad. For many years well-meaning, intelligent, and patriotic men, wedded to the principle of protection, have advocated the creation of a tariff commission which should be authorized and directed to fix duties upon imports, so that there shall be paid upon their admission at our ports a sum equal to such difference in the cost of production. It has been eloquently urged that through such a commission, so empowered, the tariff would be taken out of politics.

A pamphlet advocating the extension of the powers of the present Tariff Commission, so as to clothe it with such powers, came in my mail a few days ago, and doubtless in that of every Senator. It was issued and circulated by an organization whose professed purpose is to secure an American Nonpartisan Scientific Tariff. Its views are to be gathered from the following brief extracts from the pamphlet, considering that the document explains that "production costs" applies to raw materials, "conversion costs" to manufactured articles:

> The American production and conversion costs are the only really scientific basis for fixing and levying protective duties for the United States. * * *
>
> Advocates of a so-called "fair tariff," or rates that will equalize the cost of production here and abroad, offer Congress no answer to the problem of how to fix a "fair" tariff (pp. 18, 7).

No one can misunderstand this language. The cost here and the cost abroad are the governing factors. The chairman of the Committee on Finance, being interrogated as to the principle upon which the rates in the pending bill were fixed and specifically to explain why acetic acid was taken from the free list and placed upon the dutiable list, said:

> Mr. President, the reason I can give for placing this particular item upon the dutiable list is the reason that permeates the bill throughout—it is to equalize the difference between what is supposed to be, as nearly as we can arrive at it, the cost of production abroad, including the cost of shipment into this country, and the cost of manufacturing in this country. (CONG. RECORD, April 28, p. 6464.)

It has been made to appear, as I think, in the debate thus far that while professing to have been guided by the rule thus asserted, the committee, in fact, made no investigation whatever, at least no investigation yielding any fruits, into the relative cost of production of the articles on the dutiable list in this country and abroad, but were guided in their action very largely, if not wholly, by the price in the domestic market and the price abroad. This will appear from the following colloquy appearing at the same page of the RECORD, viz:

> Mr. JONES of New Mexico. The truth is that the bill could not have been framed on the theory just announced by the Senator from North Dakota, because there was no attempt at any time to obtain evidence as to the cost of the production of the commodities in this country or elsewhere. I make that statement as a general proposition. There may be a few exceptions to it, but I submit that I have no recollection of a single witness bringing before the committee his cost sheets and submitting them to cross-examination.
>
> Mr. SMOOT. No, Mr. President; and that never has been the practice in the making of any tariff bill from the day the first one was made up to the present time. I will say to the Senator, however, that in making the bill there were members and experts of the Tariff Commission with the committee at all times. The price at which the foreign article sold in this market was given to the committee. The price of the domestic article sold in the domestic market was also given. The testimony that they had gathered in the investigations which they had made shows that there was the difference which I have stated. While the hearings may not demonstrate anything as to the cost of this particular item for producing it in the foreign country or in this country, yet the evidence that was collected by the Tariff Commission, as well as the evidence collected by the Reynolds investigation, was presented to the committee whenever a rate was to be decided upon.
>
> Mr. JONES of New Mexico. Mr. President, the Senator has made a statement which implies two things: First, that the Tariff Commission furnished some evidence as to the cost of production in this country and abroad. The Tariff Commission itself had no evidence upon that subject.
>
> Mr. SMOOT. I did not say that. I said the Tariff Commission furnished the price at which the foreign article sold in the American market as well as the price at which the product manufactured in America sold in the market alongside of it.

I need not dwell upon the essential difference there is, and the vast difference there may be, between the cost of producing an article and the price asked for it, or at which it may be sold. Under normal conditions the price will, in all probability, exceed the cost; otherwise, the article would not be produced. In exceptional cases the price and the cost may coincide or goods may be sold below cost, but as a rule the price materially exceeds the cost, representing the sum of the cost and the profit at which the article is sold. It is notorious that in recent years a margin so wide has prevailed between cost and price with reference to many products as to be scandalous. Legislation against profiteering has been enacted by Congress and by State legislatures, the public press has declaimed against it, and altogether it is an odious, prevailing outrage.

To return. Does the language of the amendments above recited direct the President to fix the duties at the difference in the cost of production here and the cost of production abroad? It can not be, or it would be so plainly stated. If it was intended to put into effect the policy so often proclaimed and so stoutly advocated, why was not the plain, simple language in which it has been so repeatedly expressed used?. Will the President be at liberty, should these amendments become a part of the act, to fix the duties at the difference between the price of the articles affected in this country and abroad, or to consider those factors as a proper basis for his action, as the committee apparently did, without any searching inquiry into the relative cost of production?

Again, the able chairman of the Committee on Finance introduces an element into the rule which he says governed the committee in fixing the rates prescribed in the bill, not included in what the organization for an American Nonpartisan Scientific Tariff understands to be the scientific basis for a protective tariff. It upholds the simple doctrine of the difference in the cost of production, but the Senator from North Dakota apparently enlarges upon that; or, perhaps, more accurately speaking, reduces the margin to be taken care of by "the cost of shipment into this country." It may be that the supporters of the scientific tariff include that item in the cost of production as they use the expression, though it would not ordinarily convey that meaning. That is not important. What is important is whether the President, under the rule laid down in the proposed amendments, would be entitled to take into consideration the cost of shipment to this country and to fix the duty at such a sum only as will compensate for the difference in the cost of production abroad less the amount that must be paid for shipment to this country? If that factor is to be considered another important inquiry is presented.

Manganese ore is an important product of my State, the output of which was inconsequential until the productive capacity of the mines was stimulated by war conditions and by the earnest appeals of the Government, to which our people patriotically responded, the foreign sources of supply being unavailable to us for want of shipping facilities. Under all ordinary circumstances the cross-country freight rates are so high that the domestic product coming from the intermountain country can not compete with that brought in ballast by water from Brazil and Cuba. Many of the mines in the West, in the development of which heavy expenditures were made, were not yet producing when the armistice was proclaimed, and others were still far from returning development costs when the market collapsed in consequence of the release of shipping theretofore devoted exclusively to war uses. Special legislation was enacted by Congress for the relief of those who were induced to expend large sums to bring into the market domestic manganese, necessary to the production of steel for war purposes, but the provision was pitifully inadequate. Those who risked their all in the business of producing manganese in response to the call of the Government in its hour of peril have been looking hopefully to a protective duty on, their product sufficient to meet not only the difference in the cost of mining but as well the difference in the cost of transportation to the point of consumption of the same in the United States, it being insisted that otherwise the market must be surrendered to the foreign producer. The House accorded to them a duty of 1 cent a pound on ores or concentrates containing an excess of 30 per cent of manganese, perhaps enough to take care of the difference in the cost of production, but insufficient to overcome the difference in freight rates. The Senate committee strikes out that provision of the bill and puts manganese ore on the free list. A radical difference in policy as between the two Houses prevails as to this item. Both are to be presumed to be acting in what they conceive to be the general public interest. It would be unjustifiable to conclude that the Senate committee lent a too willing ear to the importunities, the solicitations, the blandishments, or the arguments of the United States Steel Corporation and other manufacturers of steel, who, for obvious reasons, desire manganese to be admitted free. The committee must have been influenced by the belief that the producers of manganese ought to be left to bear their losses with what fortitude they can command, that the production of steel may not be burdened by the relatively trifling sum by which the price they are required to pay for manganese would be enhanced by the House provision. It, on the other hand, was doubtless moved by the belief that the rule of adjusting differences between the cost of production here and abroad or of equalizing the differences in competition

ought to be applied to manganese as well as to the many other raw products entering into manufactured commodities given protection and that the domestic source of supply ought to be developed that it might be immediately available should the emergency arise such as confronted us in 1917 and 1918.

From motives of public policy the House put manganese on the dutiable list; from like motives the Senate put it on the free list. If the bill should pass as recommended in that regard by the Senate, the President may transfer it from the one general classification made by the bill, the free list, to the other, the dutiable list; that is, he may reject the policy proposed by the Senate and adopt that to which the House gave its adherence. If he does conduct the investigation and finds the difference to exist, as it confessedly does, in the case of the commodity considered, he must fix the duty as in the statute provided, but he is under no compulsion to institute the inquiry. The effect is that he is at liberty to choose which one of the two policies shall be made effective in the case of manganese, or, for that matter, in the case of any other commodity on the free list as the bill eventually passes.

Upon principles heretofore sufficiently canvassed any statute reposing in him the power to choose as between two essentially different policies to say what the law shall be, whether in accordance with the one or the other, is void. But that is a digression. When the President is convinced that in justice to the producers of manganese, and considering the best interests of the country, imports of that commodity ought to bear a duty, and he attempts to arrive at the rate, may he fix it at such a figure as will cover the difference in the cost of transportation to the consuming centers as well as such as may exist in the cost of production? The same claim is made by the producers of chrome, tungsten, and with more or less vigor on behalf of other far-western products, such as wool and citrus fruits. That the excessive freight rates to which such products are subject at present and the burdens they must bear in the matter of transportation in even ordinary times is one of the items giving rise to "differences in conditions of competition in trade" is indisputable, and yet, so far as I am aware, the principle of equalizing differences arising from the cost of transportation of the domestic product to the general market or place of consumption within the United States has never been recognized, at least never generally recognized, by the advocates of a protective tariff.

But our difficulties do not end here. Let it be assumed that the cost of transportation within the country must be taken into consideration, a conclusion which the language of the amendments makes all but inescapable. To what point and from what point is it to be calculated—from Butte, Mont., to Duluth, Minn., or from Redding, Calif., to Pittsburgh, Pa., or from Little Rock, Ark., to Birmingham, Ala.? If the problem were presented to Congress—if it deemed it wise to entertain the idea—the solution would be relatively simple, as that body may exercise an unrestrained discretion in the matter. It is not obliged to be logical. It might strike a happy medium or make an arbitrary allowance for that element. But the President, having no legislative authority save the power of veto, functioning under a delegation, must proceed according to the rule laid down by Congress.

Nor are we out of the woods yet. If the rule under which he is to act were that heretofore said to be popularly entertained—namely, the difference in the cost of production at home and abroad—he would be confronted with the indisputable fact that such costs vary through a wide range as between foreign countries seeking our markets and as between individual producers both at home and abroad. It is quite generally believed, and doubtless with some foundation, that at present production costs in Germany are extremely low, much lower than in Britain and other countries of Europe competing with her in our markets. What country would furnish the standard upon which the computation of the President would be based? Or would the true standard be the cost to the most efficient and economical producer of any country, shutting all others out and giving him a monopoly of trade with our country? And, on the other hand, what American producer would provide the standard, the one who is favorably situated with reference to most of the elements entering into his costs, commanding his own supply of raw materials in proximity to his plant, operating under perfect business management with ample credit, or the individual with an antiquated plant, pursuing archaic business methods, and hampered by limited means, or would the computation of the President be based on average costs? The perplexities suggested would be multiplied under the rule which substitutes "differences in conditions of competition" for "differences in the cost of production."

Reference was made to the contention that transportation costs ought, in the judgment of some producers soliciting protection, to be taken into consideration in fixing rules. Another item strenuously insisted upon in the hearings before the House Committee was a "reasonable profit" to the American producer. It was insisted that the enterprising American was not content, and ought not to be required to content himself, with the medium of profit to which Europeans and Asiatics are accustomed, and that accordingly the rates should be fixed so as not only to cover the difference in the cost of production but to leave the American producer a reasonable profit—that is, something more than the profit which satisfies his foreign competitor. It was declared in the debates in the House by some of those responsible for the preparation and passage of the bill that the rates in it were fixed upon that principle. Will the President in computing the "differences in conditions of competition in trade" be entitled in like manner to fix the rates so as that the American producer may have a reasonable profit, as is the purpose of the bill? It would seem to be incontestible. If so, what is a reasonable profit? A perfectly unrestrained discretion is reposed in the President in that regard, a feature that is fatal to the system proposed.

Finally, a multitude of commodities mentioned in the bill have no identical counterpart in American production, but come into competition with articles of an inferior or superior quality, or with essentially different articles for which they serve as substitutes, while with respect to many other commodities, as shown by the Reynolds report, there are no comparable articles of domestic production.

Inasmuch as, in the language of Willoughby, "the facts which are to determine the Executive acts" are "such as may be precisely stated by the legislature and certainly ascertained by the Executive" in the case of a delegation of power which might be exercised by the legislature, the feature last adverted to assumes particular importance. Apparently the framers of the provisions under consideration were impressed with the idea that the rule under which the President is to act, as therein expressed, was neither "precisely stated by the legislature," nor was it sufficiently specific to enable him "certainly" to "ascertain" the rate which would "equalize" the "differences." It attempted to remedy this deficiency by the following provision:

> That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same (pp. 274-275).

Bear in mind he must take into consideration the difference in the prices; he must take into consideration the difference in the cost of producing it here and abroad, including wages, cost of raw materials, and so on; and then he must take into consideration any other advantage which the foreigner may have over the domestic producer, including such as arise from laws, regulations, and so forth.

It will be noticed that this is a frank abandonment of the difference in the cost-of-production theory of a protective tariff, since, in determining the exact difference in the conditions of competition in trade in the markets of the United States, the President may consider not only the difference in the cost of production, including wages, prices of materials, and like elements, but also the foreign and domestic price of the commodity and any advantage either foreign or domestic producers may have, even including such as arise out of laws and regulations affecting competitive trade. While the difference in the cost of production is unquestionably the feature of paramount importance in determining what advantage, if any, one country has over another in competitive trade, the fact can not be overlooked that there are other elements entering into the problem less ponderable but none the less present.

The Congress has been for some time solicited to enact a statute for the organization of corporations to trade in China. It is urged that a company operating under a national charter would have a higher prestige than one deriving its authority from any State of the Union, and would accordingly compete on more even terms with corporations backed by the direct authority of nations recognized diplomatically in China. On the other hand, it is urged that Americans, encouraged by the opportunity to do business in China under such favorable auspices, would promote trade with their country, buying of American houses more readily than of foreigners, establishing banking connections in the United States, and introducing to the notice of the Chinese American manufactures to which they were strangers.

In the ante bellum, pre-Volstead days German beer had a large sale in Milwaukee, largely on sentimental grounds, and many articles of foreign manufacture command a premium here merely because they are imported or because they have a reputation extending through many years. This is particularly true of women's garments and of dress goods generally, if not of all fabrics. All such considerations must be given due weight, either under the general rule or the specific direction quoted above. But it is indisputable that an impossible task is imposed upon the President when he is called upon to reduce such influence to dollars and cents as to any specific item and to fix the rate of duty so as that the "differences in conditions of competition" having in mind such factors shall be equalized. It will bear repetition that whatever allowance he may make for any of these imponderables that may be present, and any allowance must, in the nature of things, be no more than a guess, his action is final, subject to review by no power, judicial or otherwise.

A further word on that subject may be pardonable, namely, the right of review by the courts in the case of delegated authority. The Supreme Court of Vermont in a recent case justifying an act granting to a railroad commission extensive powers in relation to railroad transportation against the contention that no provision was made in the law for an adequate judicial review, pointed out features of the act touching a review by the courts of the action of the commission deemed by it adequate to meet the requirements of the law, and then added:

> Moreover, the rights of a party are not necessarily limited to those which he may secure by an appeal. Section 4, chapter 2, of our Constitution, providing that "The courts shall be open for the trial of all causes proper for their cognizance," means, among other things, that by a proper proceeding the question of whether an administrative body has exceeded its powers may be brought before and determined by the established courts. No special machinery need be provided for this purpose, for the common law, which is a part of the law of this State, provides the requisite machinery. As the courts have authority to determine the constitutionality of legislative acts, so in all cases they have, and must have, authority to determine whether or not any board or commission claiming to act under legislative authority has exceeded its powers. The powers given to this court on appeal and the common law remedies for the protection of rights which can not be safeguarded by means of the hearing and appeal provided for by statute are sufficient to secure to every party interested in the orders of the railroad commission a vindication of his full rights against arbitrary and unreasonable action, usurpation of powers, and acts in excess of authority. These principles are firmly established in this jurisdiction. (State v. Speyer, 67 Vt. 502; State v. Morse, 84 Vt. 387; State v. Haskill, 84 Vt. 429; State Board of Health v. St. Johnsbury, 83 Vt. 276; Sabre et al. v. Rutland R. R. Co. et al., 86 Vt. 347, 369; 85 Atl. 683.)

But in the nature of things the exercise of the taxing power is not thus subject to review, since the power to tax, as said in McCulloch v. Maryland (4 Wheat. 316), is the power to destroy. Moreover, the President of the United States is not amenable to correction by the courts on account of acts done by him in his official capacity. The Interstate Commerce Commission may be haled before the courts to defend any order it may make and it will be annulled if it appears that the commission acted without its delegated authority or that its action was unsupported by any evidence. The extent of its amenability is thus expressed by Chief Justice White in Interstate Commerce Commission v. Illinois Central (215 U. S. 452–470):

> Beyond controversy, in determining whether an order of the commission shall be suspended or set aside, we must consider (a) all relevant questions of constitutional power or right, (b) all pertinent questions as to whether the administrative order is within the scope of the delegated authority under which it purports to have been made, and (c) a proposition which we state independently, although in its essence it may be contained in the previous one, viz, whether, even although the order be in form within the delegated power, nevertheless it must be treated as not embraced therein, because the exertion of authority which is questioned has been manifested in such an unreasonable manner as to cause it, in truth, to be within the elementary rule that the substance and not the shadow determines the validity of the exercise of the power.

In like manner the Federal Trade Commission may be brought before the court for the purpose of inquiring into the validity of its orders. But not only is the President exempt from process for his official acts (Marbury v. Madison, 1 Cranch, 165; Throop on Public Officers, 713; Mechem on Public Officers, 607; Mississippi v. Johnson, 4 Wall. 475) but if action should be brought against a collector of customs to recover an alleged excess duty paid under a proclamation issued by the President, pursuant to a law such as the Senate is asked to enact, he could not be called to testify as a witness touching the evidence or information upon which he acted, that it might be determined whether he exceeded the authority conferred upon him or had any just basis for his order or did not act unreasonably or oppressively in the premises. And since the presumption would be indulged that he acted within the scope of his authority and upon sufficient evidence, the taxpayer would be remediless, particularly as there is no provision in the law for making or preserving a record of the proceedings leading to or the evidence inducing the order.

It is not even required that the investigation to be conducted by the President shall be public, though it is provided that "reasonable opportunity to be heard shall be afforded to all persons directly interested in the production and distribution of" any merchandise made the subject of such investigation. The word "directly" is significant.

Mr. POMERENE. Mr. President, will the Senator permit me to inquire, in view of the interdependence of one industry upon another throughout the country, how it can be determined who are the people interested in the legislation?

Mr. WALSH of Montana. The question is pertinent. The hearings are not open to anyone. No one can be heard at all except some one who is directly interested. Though those directly interested may be heard, the public generally are not necessarily afforded an opportunity to attend. A taxing system more certainly leading to scandalous abuse could scarcely be contrived or even conceived. The pernicious activities of the lobbyist are comparatively innocuous, when his facts are open to refutation and his argument to attacks by any one or more of 435 Members of the House or one or more of 96 Members of this body. How could the President, burdened as he is almost to the limit of human endurance by the duties now devolving upon him, give to the arguments of selfish, avaricious, and importunate interests the study requisite to test their strength?

Mr. POMERENE. May I suggest, too, that one of the things industries desire above everything else is a stability and permanency of the tariff. If these powers are to be conferred upon the President it will be a most excellent opportunity for any stock jobber in the country to begin some proceeding before the President either to boost the price of a manufactured product or to depress the duty, thereby affecting the market of all the industrial stocks or bonds which may be affected by that particular tariff.

Mr. WALSH of Montana. That is true. That, of course, touches the question of the wisdom of the policy, rather than the question of the power, which I am canvassing. I adverted to the unwisdom of the policy only incidentally and very briefly simply for the purpose of elucidating, so far as it might tend in that direction, the question of power which I am canvassing.

The subject has been followed thus far upon consideration alone of what may be regarded as the main rather than the incidental features of the system proposed, namely, the general grant of power to the President to raise or lower the rates, or to change the classification, or the form of the duty. The principles canvassed apply with equal and usually with added force to those features heretofore unnoticed in the discussion. If, conducting an investigation such as is provided for in the amendments proposed, the President finds that an industry is being or is likely to be materially injured by reason of the importation of foreign merchandise and that the foreign valuation plan "is not a certain basis for the assessment of the duty," he may proclaim the fact, and thereupon the American valuation plan shall be applied in the case of the merchandise affected. If the rates fixed by the bill do not equalize the differences the President may, as heretofore stated, (1) raise or lower the rates, (2) change the classification, or (3) change the form of the duty, or he may (4) pursue even another policy—in the case of ad valorem rates—and put in force the American valuation plan. It is true that as a condition of so doing he must find that the industry affected is being or is likely to be materially injured, but in every case in which a difference exists calling for action the domestic producer may very properly claim that his industry is being materially injured by the importation of the foreign competing goods. Moreover, by what rule is the President to determine whether an industry is being or is likely to be injured by importations?

In one sense any importations injure the business with the products of which such importations compete. So with reference to the requirement that he must find that the foreign-valuation plan is not a certain basis for the assessment of the duties. Under what circumstances is the foreign-valuation plan a certain basis for the assessment of duties and when is it not? Upon what rule is it to be determined? That, however, is of no great consequence.

Considering that the finding of the President is not open to review, it is left in his unrestrained discretion to put the American-valuation plan in force or to retain the prevailing system. In fact, as much may be said of every provision of the proposed amendments in which is mentioned the necessity of a finding by the President. The language used was undoubtedly adopted to meet the views expressed by the court

that a statute may be legally enacted to go into effect upon the occurrence of some future event or upon the finding of the existence of a factor condition, while in fact the President is vested with the authority at his unrestrained will to make the changes. The provisions would be so popularly understood and rightly so understood. Some cynic, having in mind the fact that there was no international machinery by which a nation could be brought to the bar upon a charge of having violated treaty provisions intended to mitigate the horrors of war, said of such that they were but the expression of "a pious hope." So the Congress, by the language of the amendments to which reference has been made, piously expresses the hope that the President may find the conditions to exist which justify his action, knowing that it must stand whether they do or not. The liberty accorded him to act in accordance with whatever view he entertains of the public interest is an outstanding feature of the provisions dealing with unfair methods of competition. The finding being made that such methods are being pursued, he determines what additional rate will "offset" the same, or, in "extreme cases," he may exclude from entry the merchandise involved. Just how he shall compute the money equivalent of the unfair practices is a mathematical problem, the complexities of which are relieved by no word in the statutes, nor is there any rule under which he can conclude that a particular case is or is not an "extreme" case. The practical operation of this statute would be no whit different if it expressly empowered the President to assess whatever duty he saw fit, not to exceed 50 per cent or less than 10 per cent, or to deny the particular merchandise altogether.

One paragraph of the section dealing with this subject, 316, needs some revision. It authorizes the President when he finds, as a fact, that merchandise is offered for entry pursuant to unfair methods of competition, but has not information sufficient to satisfy him of the fact, to forbid its entry until an investigation is had. Just how he could find the fact if he has not information sufficient to satisfy him of its existence is difficult to understand.

Equally obnoxious from a constitutional standpoint are the provisions authorizing the President to impose additional duties upon the imports from any country discriminating against American products. Such discriminations are by some process to be reduced to a money equivalent, and the President is to fix the duties so as to balance the account. He is further vested with discretion to make his proclamation, by way of reprisal, extend to the whole of the offending country or to any part of it, and he may, in case of contumacy on the part of the offending nation, exclude all its products from entry if he deems such a course consistent with the interests of the United States. Here is a clear surrender of the power vested in the Congress to determine what is for the best interest of the United States with respect to taxation and foreign commerce.

This leads me to remark that the committee, apparently doubtful of the validity of the amendments under review, considered solely as features of a revenue law, took pains to recite in them that they are to be enacted "in order to regulate the foreign commerce of the United States." But it need not be said that Congress can not delegate the authority reposed in it by the people to regulate commerce with foreign nations any more than it can the power to lay and collect duties.

The vices pointed out in the amendments offered by the committee would, unquestionably, infect the entire act should they become a part of it. Three of the justices dissented from the conclusion reached by the majority of the court in Field against Clark as to the validity of the reciprocity provisions of the McKinley Act, though they concurred in the judgment.

It will be remembered that the commodities upon which the tax was claimed did not embrace any of the limited number, only five in all, with respect to which the President was authorized to act. The dissenting justices took the view that there was an unlawful delegation, but that the only effect of such was to invalidate the provision under which those particular commodities should become dutiable.

The provisions here considered, however, extend to every item in the bill. As heretofore recited the two Houses of Congress stand in disagreement as to the policy which should be pursued in reference to the basis upon which ad valorem duties shall be computed. The chairman of the Committee on Ways and Means, speaking evidently with knowledge of the attitude of his associates in the House, publicly declared that Congress will be in session until snow flies unless the Senate recedes from its insistence on the foreign valuation. Influential members of the Senate Committee on Finance have been scarcely less outspoken touching their purpose never to yield the point. It is hoped that the House will yield its assent to the bill as revised by the Senate, in view of the "elastic provisions" which have been the subject of these remarks. They unquestionably enter so largely into the structure of the bill—they constitute in such large measure an inducement and a consideration for its passage, if it does pass substantially as proposed by the Senate—that if they fall they bring down the entire edifice. Such a result would be nothing less than a calamity to the business interests of the country, the risk of which is too imminent to be lightly assumed.

APPENDIX.

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in conditions of competition in trade he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or forms of duty or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in conditions of competition in trade necessary to equalize the same in the markets of the United States; that 30 days after the date of such proclamation or proclamations such changes in classification or in forms of duty shall take effect and such increased or decreased duties shall be levied, collected, and paid on such merchandise when imported directly or otherwise from the country of origin into the United States: *Provided*, That until further provided by law the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in this act, or in any amendatory act.

(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade, in the markets of the United States, of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that an industry in the United States is being or likely to be materially injured by reason of the importation into the United States of foreign merchandise, and shall find it thereby shown that the value as determined under the provisions of paragraphs (1), (2), or (3) of subdivision (a) of section 402 of this act, is not a certain basis for the assessment of the particular duties, he shall make such findings public, together with a description of the class or kind of merchandise to which they apply in such detail as he may deem necessary for the guidance of appraising officers; that in such cases and upon the proclamation by the President becoming effective the ad valorem duty or duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in subdivision (f) of section 402 of this act, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported merchandise upon which the President has made public such a finding and proclamation.

That the ad valorem rate or rates of duty based upon such American selling price shall be the rate found upon said investigation by the President to be shown by the said differences in conditions of competition of trade in the markets of the United States necessary to equalize the differences so found in said conditions of competition in favor of either foreign manufacturers or producers, but no such rate shall be decreased or increased more than 50 per cent of the rate specified in title 1 of this act upon such merchandise. Such rate or rates of duty shall become effective 30 days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid upon such merchandise in the manner herein provided when imported directly or otherwise from the country of origin into the United States.

(c) That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same; that no proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation; that the President, proceeding as hereinbefore provided for the proclamation of such rates of duties, may, when he shall determine that it is so shown that the competitive advantages have changed or no longer exist which led to such proclamation, accordingly as so shown modify or terminate the same.

(d) For the purposes of this section any coal-tar product provided for in paragraph 25 or 26 of Title I of this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner.

If, in any investigation under this section, the President ascertains as a fact that the rates specified in paragraph 25 or 26 of Title I of this act or imposed under the provisions of this section do not equalize the differences in competition in trade in the markets of the United States of any such article wholly or in part the product of the United States and of like or similar articles wholly or in part the product of competing foreign countries, or ascertains as a fact that an industry in the United States is being or likely to be materially injured by reason of the importation of like or similar articles into the United States, he is authorized and it shall be his duty to issue a proclamation stating such fact, and the provisions of the dye and chemical control act, 1921, as amended, shall be in full force and effect from the date and for the period stated in any such proclamation, but the aggregate period shall not exceed one year.

(e) If there is any imported article within the class or kind of merchandise upon which the President has made public a finding, for which there is no similar competitive article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of subdivision (a) of section 402 of this act.

(f) The Secretary of the Treasury is empowered to make such rules and regulations as he may deem necessary for the entry and declaration of imported merchandise of the class or kind of merchandise upon which the President has made public a finding under the provisions of this section and for the form of invoice required at time of entry.

SEC. 316. (a) That unfair methods of competition and unfair acts in the importation of merchandise into the United States, or in its sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

(b) That to assist the President in making any findings under this section jurisdiction is hereby conferred upon the executive department or independent establishment of the Government, or both acting in cooperation, which he shall designate to investigate any alleged violation hereof on complaint under oath or upon the initiative of such department or independent establishment.

(c) That such department or establishment shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by such department or establishment such rehearing with opportunity to offer evidence, oral or written, as may be deemed by such department or establishment sufficient for a full presentation of the facts involved in such investigation; that the testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendation of such department or establishment shall be the official record of the proceedings and decision in the case, and in any case where the findings in such investigation show a violation of this section a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such merchandise; that such findings and decision, if supported by evidence, shall be conclusive, unless a rehearing shall be granted by such department or establishment, or unless, within such time after entry of said decision and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal shall be taken from said finding and decision upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such merchandise; that if it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before such department or establishment, said court may order such additional evidence to be taken before such department or establishment in such manner and upon such terms and conditions as to the court may seem proper; that such department or establishment may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts unless within such time and in such manner an appeal shall be taken as aforesaid upon a question or questions of law only; that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari within three months after such judgment of the United States Court of Customs Appeals.

(d) That the final findings of such department or establishment shall be transmitted with the record to the President.

(e) That whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 per cent of the value of such merchandise as defined in section 402 of Title IV of this act, which will offset such method or act, and which is hereby imposed upon such merchandise, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such merchandise as he shall deem the interest of the United States shall require shall be excluded from entry into the United States, and upon information of such action by the President the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry; and that the findings of the President shall be conclusive, unless within 10 days thereafter he shall revoke or modify the same, in which case such revocation or modification shall be conclusive.

(f) That whenever the President shall find as a fact that any merchandise is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

(g) That any additional duty or any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist.

SEC. 317. (a) That from and after the passage of this act, subject to the provisions of this section, all products, when imported into the United States from any foreign country, shall be admitted under the provisions of Titles I and II and sections 315 and 316 of this act.

(b) That the President shall by proclamation specify and declare new or additional duties as hereinafter provided upon the products of any foreign country whenever he shall find as a fact that such country—

Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like products of any foreign country;

Imposes, directly or indirectly, upon the importation from the United States of any article not the product of the United States any costs, tonnage, or port duty or any other charge, exaction, regulation, or limitation, whatever which is not equally enforced upon importations from every foreign country of the like article not being the product of the country whence it is directly imported;

Imposes upon any product upon its exportation to the United States any duty, charge, restriction, or prohibition whatever which is not equally enforced upon the exportation of such products to every foreign country;

Discriminates against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country; or fails to accord to the commerce of the United States treatment equal and equivalent to that accorded to the commerce of any foreign country.

(c) If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subsection (b) hereof, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country as he shall deem the public interests may require shall be excluded from importation into the United States.

(d) That any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

(e) The President shall find as a fact the burdens placed on the commerce of the United States by the discriminations aforesaid, and when issuing any such proclamation shall declare therein the new or additional customs duties determined by him as aforesaid to be equivalent to such burdens, not to exceed 50 per cent ad valorem or its equivalent, and shall specify the date upon which such proclamation and any new or additional customs duties declared therein shall take effect, and from and after such date there shall be levied, collected, and paid on the products enumerated in such proclamation when imported into the United States such new or additional customs duties; or in case of products declared subject to exclusion from importation into the United States under the provisions of subsection (c) hereof, such products shall be excluded from importation.

(f) That whenever the President shall find as a fact that any foreign country enforces upon the exportation of any product any export duty, restriction, or prohibition, or grants any bounty on production or exportation, any rebate of duties or any preferential allowance upon exports which unduly or unfairly discriminates against the United States, any products thereof, or consumers therein, he shall by proclamation specify and declare new or additional duties as provided in subsections (b), (d), and (e) upon importation from any foreign country into the United States of the products of any industry which receives any benefit from any such discriminatory provisions aforesaid; and said new or additional duties shall be levied, collected, and paid as provided in such proclamation.

(g) All articles of merchandise imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this act shall be applicable to importations into the United States of the products of any foreign country, they shall be applicable thereto whether such products are imported directly or indirectly.

(h) It shall be the duty of each department or independent establishment of the Government, as the President may direct, to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subsections (b), (e), and (f) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of such department or independent establishment to bring the matter to the attention of the President, together with recommendations.

(i) The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this act.

(j) That when used in this section the term "foreign country" shall mean any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced.

Mr. McCUMBER obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Brandegee	Hollis	McNary	Smoot
Curtis	Hitchcock	Moses	Spencer
Calder	Johnson	Newberry	Sterling
Capper	Jones, Wash.	Nicholson	Sutherland
Caraway	Kellogg	Norbeck	Townsend
Curtis	Kendrick	Norris	Underwood
Dial	Keyes	Oddie	Wadsworth
Dillingham	Ladd	Page	Walsh, Mass.
Elkins	La Follette	Phipps	Walsh, Mont.
Fletcher	Lenroot	Pomerene	Watson
France	Lodge	Poindexter	Watson, Ga.
Frelinghuysen	McCormick	Pomerene	Watson, Ind.
Hale	McCumber	Rawson	Weller
Harreld	McKellar	Robinson	Willis
Harris	McKinley	Sheppard	
Harrison	McLean	Simmons	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum is present.

Mr. McCUMBER. Mr. President, I had not expected to discuss this feature of the bill at this time; but the Senator from Montana [Mr. WALSH] having made quite an exhaustive argument upon the subject in the early stages of the discussion of the bill, for which I sincerely desire to thank him, I feel it quite proper that on behalf of the committee I should state the

general basis on which we hold this administrative provision to be constitutional. I will say to the Senate that the provision which has just been discussed by the Senator from Montana has been most carefully drawn by members of the Tariff Commission and by Judge De Vries, of the Court of Customs Appeals, after an exhaustive study of all the questions and the decisions bearing upon this important subject. I shall but most briefly indicate what I believe to be the only legal question involved.

Section 8 of Article I of the Constitution of the United States provides:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises—

And so forth; and in the same section it is provided that the Congress shall have power—

> to regulate commerce with foreign nations, and among the several States—

And so forth. Upon these two provisions of the Constitution is based the power which we here impose upon the President, acting through the Tariff Commission, not to fix duties himself, according to his own judgment, but to ascertain facts and then lay a duty which will be prescribed by Congress to effectuate a certain result.

Section 315 (a) of the provision discussed by the Senator from Montana reads:

> That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation * * * shall find * * * that the duties fixed in this act do not equal the said differences in conditions of competition in trade—

He may first adopt the American selling price of the article as the basis on which the duty is to be levied, and then may either increase or decrease the rate, within fixed limits, to effectuate the purpose declared.

Subdivision (c) of the same section provides that the President may take into account—

> the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production, * * * and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same.

After ascertaining just what rate of duty will equalize these differences, the law directs him to apply that rate upon the standard of valuation which the law prescribes. The law does not state what these specific duties shall be, but it does direct that the duties shall measure up to a certain standard, to be determined by the facts, and that standard is equality of competition in the American market.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I do.

Mr. SIMMONS. If I understand the Senator, he means that the President may take into consideration the difference in the cost of production here and abroad, wages and all that sort of thing; that the rule of measurement is the difference between the selling price in this market of the foreign and the domestic product, and the President, while giving consideration to the difference in the cost of production here and abroad, should so fix the rate as to bring about equality in conditions of competition in trade in this market.

Mr. McCUMBER. The Senator does not accurately state the position. The proposition is that the President shall take into consideration every one of these things, not that he shall take into consideration one of them or two of them, and then, if they do not properly apply, he may consider others; but he is to take into consideration every fact that bears upon the question of the competitive trade in the markets of the United States. It may include the matter of exchange, it may include the matter of freights, of labor costs, of export duties, of laws and regulations, and any other matter that affects equality of competition in the markets of the United States. No one of them is given predominance in his consideration of the subject.

Mr. SIMMONS. Yes; I think I understand that statement of the Senator; but when the President has taken into consideration all of these things which the Senator has enumerated, if he shall find that in taking those things into consideration the difference is less than the difference in the selling prices, then the President is directed to take the selling price as the basis for the rate instead of these differences arising out of cost of production and other things that the Senator said he may take into consideration.

Mr. McCUMBER. He takes into consideration not only selling price but any other matter that is necessary to arrive at a definite understanding of the facts. What the American manufacturer or American producer is most interested in is not so much what it costs to produce the competing article in the foreign country as what that article is being put down for in the American market, because it is in the American market that he must meet his competition.

Mr. SIMMONS. Now let me put a concrete case to the Senator. Suppose, after considering all of these elements that the Senator says the bill authorizes the President to consider, he finds that there is only a difference of 25 per cent in favor of the foreign article, but he also finds at the same time that there is a difference of 50 per cent between the selling price of the domestic and the foreign product in this market abroad and the selling price here, would not the President, under your bill, be required to raise the duty to 50 per cent instead of 25 per cent?

Mr. McCUMBER. Certainly not. The Senator does not for one moment want to lose sight of the declared purpose, and the declared purpose is to equalize the competition in trade. If the American producer should raise his price to an unjust amount it would not be necessary to raise the duty in order to meet any exorbitant demand that he might make.

Mr. SIMMONS. I have not made that contention in the question I have asked.

Mr. McCUMBER. I am simply making that statement to show that that is not the intent of the bill.

Mr. SIMMONS. But the Senator's bill says that while the President may take into consideration all of these things with reference to production costs, and so forth, when he goes to establish this additional rate he shall establish it so as to bring about equality in conditions of competition in trade in this market. If he finds that a rate based on the difference in cost of production does not bring about equality in conditions of competition, your bill directs him practically to ignore that measure and to establish his rate upon the basis of difference in the selling price.

Mr. McCUMBER. No; I have stated that the Senator is mistaken in that. The Senator assumes all the time that the President must start upon the foundation of equalization of the difference between the cost of production at home and abroad. If he can not, by a rate, effectuate an equality in conditions growing out of the difference in the cost at home and abroad, he then may fix his rates upon some other standard. He takes all of those elements into consideration—not one of them. No one of them is given a dominant influence.

Mr. SIMMONS. That I entirely understand, but your bill says that the rates which the President is required to fix shall be laid with a view to equalizing conditions in competition in trade here and abroad.

Mr. McCUMBER. No; here—not abroad.

Mr. SIMMONS. Yes; differences in conditions of competition in trade in this market. But your bill provides that the President, in ascertaining this rate which he is authorized to superimpose, shall ascertain it with a view to equalizing conditions in competition in trade in this market.

That is the ultimate standard of measurement that he is to apply under your bill; but in reaching that standard he may consider these other things. The starting point is the condition of competition in the American market. His rate is to equalize that difference, to bring about equality in that respect.

Mr. McCUMBER. If there is already equality in competition, then that provision of the law will not apply.

Mr. SIMMONS. But suppose there is not equality in competition, and the President is directed to bring about equality in competition in trade. The President proceeds to find out that equality by first ascertaining the price at which the domestic product is sold in this country and the price at which the foreign product is sold in this country. He has, in the last analysis, then but one basis of determining the rate, and that is the difference between these two prices. The rate is imposed with a view to equalizing those differences. These other things that he is authorized to consider do not furnish the basis. They are merely evidence; they are merely circumstances which the President may consider; but after he has considered them he is to determine the difference in price in the domestic market of products which are produced here and sold at wholesale and products which are produced abroad and imported into this country and sold at wholesale. The rule is that he shall fix the rate with the view of bringing the selling price of the foreign article to the level of the selling price of the domestic product.

Mr. McCUMBER. The rule is that he shall bring about a condition of equality in competition in the markets of the United States. That is the rule by which he must measure the duties, and it is the only rule that is to guide him. He has to consider what duty is necessary to effectuate that purpose.

Mr. SIMMONS. But the President is to bring about equality, in the end, in the selling prices of the two products.

Mr. McCUMBER. In competition. It does not necessarily mean the selling price by any means. An imported article which is no better than the American article, because of the fact that it is imported may sell for an even higher price than the American product, and the President is not authorized to attempt to equalize the selling prices of the two articles by the duty. He is to look only to the one question, of equalizing the competition in the United States market.

Mr. SIMMONS. The conditions of competition in trade——

Mr. SMOOT and Mr. WALSH of Montana rose.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield first to the Senator from Utah, as he rose first. Let me say to the Senator from North Carolina that in stating that I yielded to the Senator from Utah before yielding to the Senator from Montana, I did not wish to cut off the Senator from North Carolina in an unfinished sentence.

Mr. SIMMONS. All I wanted to say was that equalizing conditions in competition in trade must be taken to mean with reference to the selling prices of the two products in the American market. That does not mean, as the Senator has said, that there must be absolute equality in price, without taking into consideration any difference in quality. They might be the same articles; one might be a little better, and the President would consider that element, of course, but in the final analysis the rate is levied upon the basis of obtaining equality in price, because competition in trade has reference to price.

Mr. McCUMBER. Mr. President, let me again correct the Senator, and I can explain that by the illustration I gave. An imported article that is of exactly the same quality as the American-made article may sell for a higher price in the markets of the United States than that of the American article. We seek in no way to attempt to balance those prices. They may be competitive, but the very fact that the foreign article is sold for a greater price than an equally valued American-made article would indicate that there would be no necessity whatever for intervention.

Mr. SIMMONS. But I assume that nobody would apply to the President to invoke this power if the foreign price were higher than the American price. They would only apply to him when the foreign price was lower than the American price. The point I want to make is that while the President is authorized to consider in this proposition the element of the difference in the cost of production here and abroad in fixing these rates, he is not directed to be governed by that but is expressly directed to be governed by another rule, namely, the difference in conditions of competition in trade, and price is, of course, the dominating and controlling factor. The difference in cost of production is a mere element, but that is subordinated to the controlling element, namely, difference in price. It is only a circumstance for consideration. The controlling element which must guide the President in this matter is whether the prices and selling conditions in the American market of the foreign product and the domestic product are equal or unequal. If he finds that the selling price of the foreign product is below that of the American product, he is authorized to bring it up to the selling price of the American product, and thereby bring about equality in competition.

Mr. McCUMBER. That is not as I understand it, Mr. President. Now I yield to the Senator from Utah, if he cares to speak.

Mr. SMOOT. Mr. President, I do not know that I want to discuss the question any further than to say now that I disagree with the Senator from North Carolina, and I think the Senator from North Dakota has correctly stated the position of the committee.

I may add, while I am on my feet, that the committee have already reported to the Senate the rates of duty which they think are sufficient to meet every case, with a very few exceptions, to which we may call attention during this discussion. The President does not have to transfer the basis of valuation from foreign valuation to American valuation unless it becomes absolutely necessary. He has the power under this provision to increase the rates on the foreign valuation, and I doubt very much whether there will be any increase made on more than one out of a thousand items in this bill, as I said. But if an industry is of sufficient importance to the United States, and if it is found that it is absolutely necessary, in order that that industry shall survive, for the President to exercise this power, I do not think the American people would object.

Mr. SIMMONS. May I ask the Senator one question?

Mr. SMOOT. If the Senator from North Dakota will yield.

Mr. SIMMONS. I would like to have a categorical answer, if the Senator is able to give it. Is the basis upon which the President is authorized to fix these rates the difference in the cost of production here and abroad, or is the basis upon which, in the last analysis, he is required and directed to fix it, the fixing of a rate which will bring about equal conditions in competition in trade? Which is the basis?

Mr. SMOOT. Mr. President, I can not give any different answer from that which the Senator from North Dakota has already given. The rates in this bill are not fixed entirely upon the one question of the difference between the cost of production in this country and in foreign countries.

The Senator knows that conditions in the world to-day are entirely different from what they ever were before. He knows that the conditions in one country are quite different from those in another; and the President must have power or Congress will have to act, and the Senator knows it is impossible for Congress to act in time to save an industry. Action must be had in certain cases which would never have been thought of under conditions existing in the past.

How are you going to meet this situation? The committee thinks they have reported the only way in which it can be met, and that it is not a question whether or not it will be the price at which the goods will be sold in this country. I say that there may be particular items—and I think I could mention a few of them to the Senator at this time—as to which that would be the only way in which it could be protected under the provisions of this law. But we must have a rule laid down for the President of the United States to act upon, and without that rule being laid down, I think, myself, the Senator from Montana would be right in saying that it was unconstitutional. But the rule laid down here is so plain and so definite that there is no question in my mind but that it will be held constitutional.

Mr. McCUMBER. I yield now to the Senator from Montana, and then, as I intended to take only a few moments on this matter, I would like to finish my statement, as I have not yet gotten to the meat of it at all.

Mr. WALSH of Montana. Mr. President, I ventured to interrupt the Senator from North Dakota because of the statement made by him to the effect that in some cases—perhaps only a few cases—the imported article will sell for a higher price than the domestic product simply because it is imported.

Mr. SMOOT. When it has a foreign name to it.

Mr. WALSH of Montana. I understood the Senator to say that that fact would not be taken into consideration by the President in fixing the rate.

Mr. McCUMBER. He would have to take all of those matters into consideration.

Mr. WALSH of Montana. I am not speaking about all of them.

Mr. McCUMBER. I simply stated that the fact that the foreign article was sold at a higher price in the United States would not necessarily mean that the President must change the rates in order to meet the situation.

Mr. WALSH of Montana. I did not understand the Senator to make a statement of that character at all. I understood him to say that that fact would not be considered under the rule.

Mr. McCUMBER. Every fact relating to the cost and to what the article sells for must be taken into consideration.

Mr. WALSH of Montana. We are altogether away from the question of the cost of production. We all agree that that is an important element to be taken into consideration. I understood the Senator to say, however, that though the imported article might sell in the markets of the United States for a higher price than the domestic article of the same character simply because it is imported—having a reputation as an imported article—that fact would not be taken into consideration and could not be taken into consideration by the President.

Mr. McCUMBER. Oh, no; I did not intend to say that. All of those facts, of course, would be taken into consideration. What I intended to say, and what I think I did say, was that in a case of that kind the President would not necessarily, and probably would not be called upon to, put into effect a different rate to meet that situation.

Mr. SMOOT. Mr. President, there is just one other thing I rose to speak of. I wish to call the Senator's attention to the fact—and the Senator knows it to be a fact—that many times foreign goods are sold in the American markets below the cost of production in a foreign country. I could cite hundreds of instances on this floor if I had the time. But we all know that many times goods manufactured in a foreign country are sold in the American markets below cost; at least until the American industry is destroyed, and then prices are advanced.

Mr. POMERENE. And many times American goods are sold in foreign countries at very much less than what they were sold for in this country.

Mr. SMOOT. A few of them.

Mr. SIMMONS. All I desired to accomplish by the interruptions I have made was to find out exactly what was to be regarded in this discussion as the rule upon which these rates were levied, whether it was the difference in the cost of production here and abroad, or whether it was to equalize conditions in competition in trade. It seemed to me that the bill clearly indicated that in the last analysis the rates were made in the bill, and were to be made by the President in case he increased those rates, with a view to equalizing conditions in competition, although, in order to do that he might have to impose a rate much higher than would be necessary to measure the difference in the costs of production.

I think it is very well to have that clearly fixed and determined, because we can not get along very well in discussing these rates if we have two rules by which to measure them. I can readily see that the difference in the cost of production here and abroad might be only 25 per cent, and yet the difference in the selling prices of the domestic and foreign product might be 50 per cent. The question is, Are these rates levied with reference to the one measure or with reference to the other measure?

When it is said that we take into consideration the cost of production, that does not meet the situation. The question is, In the last analysis upon which rule of measurement is the rate to be determined? There may be many elements outside of the cost of production to be taken into consideration, but in the last analysis, the bill, according to my conception of it, is not based upon the difference in the cost of production, which I consider and believe to be the only correct rule upon which the protectionist principle can be justified, but is fixed upon the basis of equalizing conditions in competition, which is an entirely different thing, and which is a deviation from the rule heretofore laid down by the Republican Party.

If the rates are going to be fixed upon the basis of equalizing conditions of competition, the profits that are charged by the domestic producer, as compared with the profits that are charged by the foreign producer, become an important factor in the problem, and we have absolutely no evidence to determine these relative profits, which would manifestly constitute an element in the levying of the rates. For instance, to make clear what I mean, suppose it is sought now to bring about equality in conditions of competition. The foreigner has a profit in his price of only 25 per cent. The American has a profit in his price of 50 or 100 or 200 per cent. These facts as to relative profits in a case of that kind would of necessity require consideration and we have no evidence whatever to enlighten us, and I assume the committee in fixing these rates had none.

Mr. McCUMBER. May I resume the argument now, may I ask the Senator? Of course, I am not complaining at being interrupted.

Mr. SIMMONS. I simply wanted to make my position clear. The Senator will remember that I asked several days ago that the majority should give us a clear statement of the rule adopted in measuring the protection which should be accorded an industry. The Senator has not until this time undertaken to answer that question. I wanted to get clear in the minds of Senators what was the rule now for the first time announced by the chairman of the committee.

Mr. McCUMBER. Mr. President, I only say upon the last suggestion made by the Senator from North Carolina that I was a member of the committee when the last tariff bill was passed, the Simmons-Underwood Act, and I know the difficulties the Senator himself had in attempting to ascertain the difference between the cost of an article at home and abroad. Of course, the Senator abandoned that generally when he drafted his bill, which was a tariff for revenue only, but the Senator understands that it is almost impossible to get the cost of the production of an article abroad. We get the very best information that we can. The tariff experts and those who have had to do with the collection of the customs duties practically all agree that there is at all times, under normal commercial conditions, a very close relation between the cost of production of an article in a foreign country and the selling price of that article in that country, and an equally close relation between the cost of production of an article in this country and the selling price of the article in this country; and that, therefore, if we should take the basis of the selling price, which we do to a certain extent in fixing our rates of duties, we have arrived at as close a relation as it is possible for us to reach in determining the necessary duty.

Mr. SIMMONS rose.

Mr. McCUMBER. I wish the Senator would allow me now to discuss the real subject which I intended to discuss when I rose, and that is the basis on which we claim this provision in the bill to be constitutional.

We have authority in Congress to regulate commerce between the States. A rate of duty or a tariff rate or a freight rate is an incident to the regulation of interstate commerce. So a duty upon imported goods is an incident to the regulation of commerce between this and foreign countries. The duties may regulate that commerce—may prohibit commerce entirely in certain articles. Congress has the same right and the same authority over its foreign commerce that it has over interstate commerce, and the same rules would apply in fixing rates of duty in our foreign commerce as would apply in fixing tariff rates or passenger rates over our railways.

Just remember that the policy of the proposed bill, with the exception of the dye embargo act, which is continued in force for two years, is to enable the American producer to continue to produce and sell his product in the United States and at the same time to permit the foreign producer to enter the markets of the United States.

Were it possible to ascertain the cost of production of any or every imported article in the country of origin and the cost of production of the same or like article in the United States, we could undoubtedly appoint a commission or authorize and direct the Treasury Department or the President to ascertain those two facts, and then by law direct the Treasury Department to apply a rate of duty that would bring the cost of the foreign article landed in the United States to an equality with the cost of the American article in the United States. It seems to me there can be little doubt of our authority not to delegate to the President the right to fix a duty but to delegate to him the right and duty to ascertain a fact and then by the law itself declare what the duty shall be, based upon the fact so ascertained, such duty to measure up to a prescribed requirement; in this instance, to equalize conditions of competition.

Now, it so happens that these two facts standing alone may not give the proper basis for determining what duty is necessary to equalize the differences in conditions of competition in the American market. There are laws, regulations, export duties, bonuses, differences in rates of exchange, freight rates, and many other facts, all of which will have a direct bearing on the question of equal competition in our markets. All of these facts are to be taken into consideration.

The whole purpose of the section is to secure equality of trade in the American markets. And if we have the authority to authorize the President to declare a rate which measures the difference, say, between the cost of production in one country and the cost of production in the other, if we have the right to say that the rate may be fixed upon these two bases, we have an equal right to say that the President shall take into consideration 10 different bases in arriving at a proper rate to effectuate this equality in trade. The President exercises no legislative function. He simply applies a rate to conform to the rule declared by Congress.

In its control over interstate and foreign commerce, Congress has the undoubted right to protect our navigable streams. Congress has the right to direct that a dike between certain points on the Mississippi shall be 150 feet wide at its base and 20 feet high. But instead of so doing, Congress has a right to declare that a dike shall be built of sufficient width and sufficient height to protect the channel and to prevent the overflow in case of flood, not to exceed, if it so desires to say, 150 feet wide at its base and 20 feet high. And it may direct a commission of experts, of engineers, to take into consideration the volume of the flow under normal conditions, the volume of the flow under the highest flood known, the angle at which the current strikes the banks at the particular point, the descent of the river at that point, and the consequent force of the current, the character and composition of the banks, and then direct that a dike be erected of sufficient width of base and height to protect and hold the waters within the channel, such base and height not to exceed the limitations laid down in the law itself. This would not be a delegation of power.

The same kind of a law might be enacted with regard to obstructions and the construction of bridges and approaches. Congress might authorize such construction not to seriously interfere with the navigability of the stream. And it might authorize a commission of experts to determine what would seriously interfere with the navigability and authorize them to prohibit any construction that would interfere with the navigability of the stream or seriously affect it.

The provision of this law does not even approach the authority given to the Interstate Commerce Commission to fix railway rates. I want to read that law and see how much broader it

in. If we were to apply to it the criticisms that are applied by the Senator from Montana [Mr. WALSH], that law could not stand, it seems to me, for a single moment. Here, in brief, is the declaration of authority:

> That the commission is authorized and empowered, and it shall be its duty whenever, after full hearing upon a complaint made * * * it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, * * * are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will be the just and reasonable rate or rates, charge or charges, to be thereafter observed in such cases as the maximum to be charged; * * * and to make an order, etc.

It will be observed that not only is the commission authorized to determine and prescribe what will be just and reasonable rates, but it is given authority to exercise a judgment as to whether any rates are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of the provisions of the act.

The determination of what are unreasonable or discriminatory rates may be said to smack of a judicial rather than a ministerial finding; and yet, so far as I know, not even the delegated power to determine what are just and unjust and what are discriminatory rates at least has ever been questioned by our court of last resort. It can not be doubted that the rate-fixing power is an incident to the regulation of interstate commerce, and, as I have said, the fixing of tariff rates is a matter of regulation of foreign commerce.

Mr. President, I have prepared quite a lengthy brief upon the constitutionality of this provision in the bill. I shall refer to it when in regular order we reach the particular provision. I am, nevertheless, glad that the Senator from Montana [Mr. WALSH] has raised the question at this time, in order that Senators may have full opportunity before we arrive at that section of the bill thoroughly to investigate the question. I think the Senator has called our attention to some matters that are well worthy of consideration and to which the committee may give further consideration before we come to consider that particular provision of the bill.

I had some doubt when the matter was first proposed as to whether or not the provision was within at least the twilight zone of constitutionality, but as I have examined it further and had an opportunity to consider the briefs that have been furnished on the subject I have come to the conclusion that it is clearly within the constitutional provision, and I shall attempt to demonstrate that when we reach the section itself.

Mr. UNDERWOOD obtained the floor.

Mr. WALSH of Montana. Will the Senator yield to me for a moment?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I merely desire to say in connection with the observation just made by the Senator from North Dakota [Mr. MCCUMBER] that in my discussion of the matter I proceeded upon the assumption that the power delegated by Congress to the Interstate Commerce Commission and by the legislatures of the State generally to railroad commissions is indisputable. It does not help the situation very much to base the argument upon the question as to whether or not that kind of a delegation of powers is within the limits of the Constitution. The greater portion of my argument was devoted to pointing out what I conceive to be essential differences between the delegation of power in the bill and the delegation of power to the Interstate Commerce Commission. Among other things, at least, the power delegated to the Interstate Commerce Commission is subject to review by the courts. That is one essential difference. Others I sought to point out. I suppose in due course those differences which I conceive to exist will have attention.

Mr. McCUMBER. I do not think the suggestion goes to the real question of the constitutional authority to delegate to the President the right to ascertain a state of facts and fix a rate upon that determination. Whether or not we should give to the court the right of review is entirely another question. I am inclined to think that we can not deny the court, in some form, the power of reviewing any decision that may be arrived at, that if the court can not reach the decision in one way it may reach it in another without expressly declared authority on the part of Congress.

Mr. POMERENE. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. Certainly.

Mr. POMERENE. The Senator from Montana [Mr. WALSH] has discussed at length the opinion of the Supreme Court based upon the reciprocity provision of the McKinley tariff law. It seems to me that under the provisions contained in the pending bill we shall have vested almost unlimited discretion in the President with respect to the fixing of rates. Of course, I understand there has been an attempt to make competitive conditions the criterion. I think I understand what is in the mind of the Senators who propose this legislation.

Mr. McCUMBER. Of course, if that does not stand, the entire bill falls. I admit that.

Mr. POMERENE. But, as bearing upon that, it is proposed by the pending bill to give the President unlimited discretion when it comes to the reclassification of different articles which are the subject of tariff rates. It is proposed to give to the President unlimited discretion to change from either the ad valorem system of levying duties to the specific system, or from specific duties to ad valorem duties. It is proposed to give the President unlimited discretion to change from the foreign valuation scheme to the American valuation scheme; and, I take it, that the bill contemplates changing, if the President should see fit, from the American valuation scheme to the foreign valuation scheme.

In addition to that the bill proposes to give the President unlimited discretion within the limits of a 50 per cent increase or a 50 per cent decrease. It seems to me that the proponents of this legislation have lost sight—and I say this with all due respect—of an essential principle in all tariff legislation.

We want, if it is possible, to have tariff rates stabilized. I think we all agree as to that. When the tariff question is discussed with the business men of the country, no matter whether they take a view favoring a revenue tariff or a high protective tariff, they are more interested in having the rates definitely fixed than they are in any particular rate. The thing that troubles me most about the situation is that, within the limits which I have indicated, it is proposed to clothe the President with legislative discretion, only hemmed in by the boundaries which I have indicated, and I think, looking at it from a constitutional standpoint, that is a very grave difficulty contained in this provision.

Mr. McCUMBER. Mr. President, I noticed that the Senator from Montana presented that feature of the difficulty with a great deal of force, and that is what I referred to when I stated that he had presented matters which I thought justified further and more careful consideration at the hands of the committee. I merely desire at this time to answer the suggestion of the Senator as to having fixed any definite rates of duty. We all admit that we want definite rates established; but, on whatever basis we may impose a duty, at the present time, when prices are fluctuating as they are and conditions are abnormal, they can not be definite. I absolutely expect that the prices of foreign commodities are going to increase somewhat.

Mr. POMERENE. They are increasing now.

Mr. McCUMBER. I expect that the production costs in the United States are going to be reduced. I trust that hope will be realized; it may be realized; but if it shall be, then I want the authority given to the President to reduce as well as to increase any particular duty, so as to do justice in the American market, both to the importer and to the manufacturer. If we had normal conditions to-day, I would be absolutely opposed to this provision in our tariff bill. I think we need a new tariff law, but, as I stated in the beginning of the debate, the present is probably the worst time in the history of the country to fix the duty upon any one article because of fluctuating prices, due to abnormal conditions throughout the world.

Mr. POMERENE. Mr. President, I agree with the Senator that when it comes to fixing tariff rates, whether the question be looked at from the protective tariff viewpoint or the revenue viewpoint, we must take into consideration to some extent the rates of exchange and the varying industrial and economic conditions in different countries; there can not be any question about that; but it seems to me—and I base this statement very largely upon the able discussion of this subject by the senior Senator from North Carolina [Mr. SIMMONS]—that the cost of production in European countries has increased very substantially within the last few months. I think there can be no doubt about that. I realize the difficulties that have confronted the Finance Committee, but at the same time the provisions which have been so ably discussed by the Senator from Montana, in my judgment, raise a very serious constitutional question.

Mr. UNDERWOOD. Mr. President——

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Sheppard
Borah	Hale	McKellar	Shields
Brandegee	Harris	McKinley	Shortridge
Broussard	Harrison	McLean	Simmons
Bursum	Heflin	McNary	Smoot
Calder	Hitchcock	Moses	Spencer
Capper	Jones, N. Mex.	Nelson	Sterling
Colt	Jones, Wash.	Newberry	Townsend
Culberson	Kellogg	Nicholson	Underwood
Dial	Kendrick	Norris	Walsh, Mass.
Dillingham	Keyes	Oddie	Walsh, Mont.
Edge	King	Page	Watson, Ga.
Elkins	Ladd	Phipps	Watson, Ind.
Fletcher	La Follette	Pittman	Weller
France	Lenroot	Pomerene	Willis
Frelinghuysen	McCormick	Robinson	

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. UNDERWOOD. Mr. President, the debate on this bill this morning has thrown a great deal of light on the situation in so far as the bill will affect the public generally, and in so far as the enactment of this bill into law will change existing conditions in levying taxes at the customhouse.

Of course, we have all known that almost from the beginning the Republican Party has favored a protective tax at the customhouse, and that the taxes levied on most of the articles, where they were highly competitive, prohibited foreign competition. Of course, under every tariff bill a certain number of articles come in that are either produced only in a foreign country, or they are articles of which the American production does not equal the American consumption, and almost any tax will allow importations and produce revenue; but there is a class of articles where competition governs the situation, and if you put the tax high enough—and sometimes it does not have to be very much of a tax to be high enough—it prohibits importations.

This bill in its administrative features, as shown by the discussion to-day, authorizes the President to adjust rates under certain conditions where they do not equalize the difference in conditions of competition in trade. I know no measure by which you can judge of the equalization of conditions of competition in trade other than the price of the article. The bill does not say whether "conditions of competition in trade" means wholesale conditions or retail conditions. Of course, it would be very much more extreme if we assumed that it meant to equalize the difference in trade in retail conditions, with retail profits added, than if we assumed that it referred to wholesale conditions; but it must mean one or the other. It must mean that the President can equalize the difference in competition in trade between foreign goods after they have landed on American soil and homemade goods on American soil, as governed by either the wholesale or the retail prices, because that is the only way in which he can measure it. It does not say "wholesale or retail prices," but that is the measure of the equalization of trade conditions. For the purpose of this argument I will assume that the language of the bill means the milder form of equalization of trade, namely, wholesale prices.

It demonstrates how far this bill has gone in the opinion of the drafters of the bill, in the way of excluding foreign competition entirely, when the distinguished senior Senator from Utah [Mr. SMOOT] announced to-day in the course of the debate that these provisions authorizing the President to put in operation the machinery of this bill to equalize the conditions in trade probably would not take effect in reference to more than one article in a thousand. I think I quote him correctly in what he said just a moment ago. Of course, I think the Senator from Utah was a little extreme in his statement, because, if I correctly remember, when the present law was prepared I had an estimate made as to the number of articles embraced in the bill—not an accurate count, but an estimate—and it was estimated that about 4,000 articles were embraced within the sheets of the bill.

Mr. SMOOT. I had reference to all the basket clauses and the items which fall in the basket clauses.

Mr. UNDERWOOD. They are articles; they are affected. There were 4,000 articles, and the Senator from Utah said that this provision authorizing the President to equalize conditions in trade would relate to only one in a thousand. That would mean four articles in the bill, if I am correct; but if it is twice as many as I say then it would be only eight articles. I think it would apply to a good many more.

What does that statement mean? I am sure there has been no man on the Finance Committee who has more diligently pursued the making of this bill than the distinguished Senator from Utah, and no man is better informed as to what will be accomplished, and there is no man who has a seat on the floor of the Senate who is more faithful in his advocacy of a protective tariff than is the Senator from Utah, and he interprets a protective tariff in this bill, the report on which he joined in, as equalizing trade conditions here and abroad. Yet he proclaims that there is not more than one article in a thousand of those named in the bill where that has not already been accomplished by the rates in the bill; that the rates in this bill as fixed now, without any action by the President, so equalize trade conditions that they come within the terms of the presidential mandate authorized in this bill, and it would not be necessary for the President to pursue the subject further.

What does that mean? If that be the case, if that be true, then, except for one article in a thousand in this bill, the rates are high enough to equalize the difference in conditions of competition and trade between the American and the foreign article.

Where is that competition going to be equalized? Is it to be equalized in Salt Lake City, with freight rates often equaling the value of the commodity to carry them to Salt Lake City? Or is it to be equalized in Chicago or Buffalo or New York? It is reasonable to assume that the equalization will take place where the competition is met—that is, on the seaboard.

If that is what is meant by this bill, and the President must levy a tariff duty high enough to make the wholesale price of the foreign commodity at least equal to the wholesale price of the home-produced commodity at the seashore, as most of these articles are made in the interior, the moment the foreign article starts toward the interior freight rates are added to its price, accumulating on the price above that of the wholesale American manufacturer, and that will absolutely prohibit its sale in the American market.

The Senator from Utah admits that practically all rates fixed in the bill—the rates in the bill itself—without intervention of the President, are as high as the announced standard of levying duties would require. Therefore, the rates will be prohibitive at the customhouse. It will be so that the foreign manufacturer will not be able to enter this market at all.

If that is the viewpoint taken, of course I do not assume that the Senator meant it to apply to that class of articles which are not produced in this country or that class of articles, such as sugar, of which the American people consume twice as much as is produced in America. Those classes of articles necessarily will have to come in, and I suppose the Senator means to have his statement apply to that class of articles where the American manufacturer is able to supply the larger part of the American market, because in all reason it could not go further than that.

If that is the case, then the very terms of your bill, the admitted terms of your bill, have destroyed competition from abroad. Of course, from a protection standpoint it may be said that the American producer is entitled to the entire American market, and if you were not levying taxes on the American people you might be justified in trying to produce that result; but when you produce the result of giving a monopoly to the home manufacturer by levying taxation at the customhouse high enough—admittedly high enough—to prevent foreign competition, then you are making the consuming masses of the American people pay the price of industrial monopoly, and there is no doubt in my mind that that is what this bill would do.

Mr. SMOOT. I have never admitted that these rates are prohibitive.

Mr. UNDERWOOD. No; I know the Senator has not.

Mr. SMOOT. I admit that they are protective. Some think they are not. There may be some of the rates which are not, but I think, taken as a whole, they are protective.

Mr. UNDERWOOD. In other words, the Senator thinks they may have overlooked a point here and there and not given what he calls a protective rate. That is probably true. You probably have made a bad guess somewhere; with all these articles to deal with that is probable, but it is not so in many cases, I venture to say. I think you have done your job pretty well, and if I read the rates aright you have established what you call a protective tariff. But the majority of the Finance Committee wrote this bill. They define in this bill what they mean by protective tariff, and the Senator from Utah himself has asserted on the floor of the Senate this morning that not more than one article in a thousand does not come up to the standard—that is, that the rates in this bill equalize the differences in conditions of competition and trade, and equalizing the differences in conditions of competition in trade means that the wholesale prices in the American market

will be equalized, and whenever you put your taxes high enough at the customhouse to bring the wholesale price of the foreign importer up to the wholesale price of the American producer you drive the foreign importer out of the American market. You are not merely protecting the cost of production, which is a fixed fact, a condition which can not be changed; but when you are equalizing trade conditions, equalizing wholesale prices, you are levying a tax to protect profits—at least, the wholesale profit, if not the retail profit. When you raise the tax at the customhouse so that the foreigner, if he sells at all, must sell after paying a rate which equalizes the cost of production here with the cost abroad with the wholesale profit added, it is only necessary for the American producer, who is not hampered, who is not tied, who can do what he pleases, after that has been adjusted by a declaration and proclamation of the President, to forego half of his wholesale profits for a short time, drive the foreign competitor out of the market, and then reestablish the price to suit himself.

In other words, admittedly you are preparing to build a tariff wall by this bill which will foster and build monopoly in American industry and do what the beneficiaries of the protective system have clamored for for 30 years, and which Congress has never intentionally heretofore granted them—that is, a protective tariff to protect their profits, a tariff which lets them put their profits on top of their cost of production, and then stands behind them to drive the competitor out of the American market. That is what this bill does, and that is the condition under which you face the country.

I listened this morning with much pleasure to the very clear and able debate of the junior Senator from Montana [Mr. WALSH] as to whether this clause authorizing the President to equalize trade conditions in the American market is constitutional. I did not believe in the beginning that the clause was within the terms of the Federal Constitution, but the distinguished Senator from Montana clearly convinced me that there can be no question of a doubt on the subject.

It is true that the Congress may delegate to the executive branch of the Government the power to administer legislative provisions, but it has never been held yet that the legislative branch of the Government can directly transfer to the administrative branch of the Government the power to legislate.

When you come to a customhouse tariff act, of what does legislation consist? Does it consist of levying taxes? That is the primary thing. The question is not on what articles you are going to levy primarily; it is the question of levying taxes for the benefit of the Government.

Is there not one equation in the question of levying taxes which primarily and above all other things constitutes the power of legislation, and that is the determination of what the tax shall be? It may be that when the power was delegated to the Interstate Commerce Commission to regulate rates under the interstate commerce clause of the Constitution, which provides that Congress may regulate domestic and foreign commerce, there can be delegated the fixing of the rates, because primarily the rate is not what the Constitution had in mind for regulation, but it was the control of commerce. But when the Constitution gives to Congress the power to tax, the rate of taxation is the primary thing to be accomplished.

In the pending bill it is to be left to the discretion of the President to fix any rate he may choose between nothing and 50 per cent. If that is constitutional, then we may say that it shall be left to his discretion to fix any rate he may chose between nothing and 1,000 per cent and abandon all control of the matter itself. So when there is left discretionary with the President the main feature that should be determined by the legislative mind, the rate of taxation, the burden which the American people must bear, I say then there is an abandonment of the power granted to Congress by the Constitution, and that it has been turned over absolutely to the executive branch of the Government. But it does not stop there.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. Certainly.

Mr. BRANDEGEE. Does the bill fix any rule by which the President is required to act in the exercise of his discretion?

Mr. UNDERWOOD. That is in dispute. On some sides it is contended that under certain conditions he has to call these provisions into existence. I contend, and those who believe with me contend, that the provisions of the bill are so indefinite in that regard that they do not fix a rule; that there is no established fact on which a rule is based, and therefore it is left entirely to the discretion of the President as to whether he will put the clause into effect or not. Of course, it is contended on the other side that that is not so, but there is no contention whatever about the fact that as to the rates to be charged the President has the right to exercise an unlimited discretion within the range between nothing and 50 per cent.

Mr. BRANDEGEE. Without any rule?

Mr. UNDERWOOD. Without any rule. Of course, he does not begin to levy his tax until the rule is invoked that he shall invade the subject, and there is no rule whatever governing his discretion as to whether the tax shall be 1 per cent or 50 per cent.

Mr. BRANDEGEE. I would not call the happening of a condition which is requisite to exercising his power a rule within which he is to operate in the exercise of the power, because I understand that he can not use the power at all until a certain condition of facts develops, and then he is authorized to exercise the power within certain limits. But is there any rule laid down governing him in the exercise of his power?

Mr. UNDERWOOD. The Senator from Utah [Mr. SMOOT] will say there is. I contend there is not. I mean there is not any definite rule. I do not mean to say that the bill does not talk about it.

Mr. BRANDEGEE. I have not the bill before me. That is the reason why I asked the question.

Mr. UNDERWOOD. I would read it to the Senator, but it is long and I prefer not to dwell on the various clauses. But I am not basing my argument on that ground. I agree with those who contended this morning that there is no happening of any specific event. We all recognize the fact that we may delegate the power, upon the happening of an event, for the Executive to put into force a tax that has already been agreed to by us; but I say there is no definite event fixed in the bill for that happening; that the happening is a matter of discretion with the President and not a fixed event. However, I am not discussing that at this time. There is no dispute about the fact that when the event has happened, if it does ever happen, the President exercises his power, and that he can fix any rate of taxation between 1 per cent and 50 per cent.

I say the primary thing in taxation is the rate, and that Congress in the bill has abandoned any control of the rate of levying taxation on the American people except a limitation of 50 per cent. If that is held constitutional, then next year it can be made 1,000 per cent or 2,000 per cent, and the Congress can abandon its control of taxation entirely to some subordinate bureau of the Government.

Of course we all recognize that, although we are speaking in the name of the President of the United States, we are delegating to him a power which he could not exercise himself because he has not the time to put it into force. The moment we delegate this power to the President he must turn it over to a subordinate bureau of the Government to exercise for him—a bureau without direct responsibility to the American people, giving to a bureaucracy the unlimited power to control industry, the unlimited power to levy taxes on the American people.

Mr. POMERENE. And that in time of peace.

Mr. UNDERWOOD. Yes; and, as my friend from Ohio suggests, that in time of profound peace. But the bill does not stop there. Suppose this is the policy of the Government. This is a new policy that the majority are injecting on the American people, an untried policy that some may be willing to experiment with at the customhouse, but there is no difference between taxation at the customhouse and taxation at home.

If Congress can delegate to the President of the United States the right and power to levy taxes on the value of imported articles coming into the customhouse, with a discretion of levying anywhere from 1 to 50 per cent, the same power can be delegated to levy it on home consumption.

Congress could authorize the President to levy a tax within his discretion on sales of home commodities to produce a certain amount of revenue. We could transfer the discretion to the President of the United States to determine, without enactment of Congress, how much and what the rate shall be in reference to the income taxes levied in America. If we can do that, we can go further and leave the discretion with the President of the United States to determine whether we will raise the revenues which are necessary to carry on the Government by direct taxes on the American people, consumption taxes, or whether we will raise them through an income tax, a tax on wealth. You not only leave it to the President, but when you start into the domain of surrendering the great trust that the Constitution of the United States has given you to protect the American people you do not leave it to the President, but you leave it to a bureau chief, you leave it to a Government bureaucracy to determine what burdens the American people shall bear in the future.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Alabama yield to the Senator from Indiana?

Mr. UNDERWOOD. I yield to the Senator.

Mr. WATSON of Indiana. Does the Senator object to conferring this discretionary power upon the President because of the range permitted the President—that is to say, that he may be permitted upon proper showing to raise or lower the rate 50 per cent—or does he deny absolutely that discretionary power in any instance?

Mr. UNDERWOOD. I do not think there is any constitutional right in it, but if there is a constitutional right I certainly object to the representatives of the American Government turning their power over to a bureaucracy not responsive to the will of the American people.

Mr. WATSON of Indiana. Let me ask the Senator this question, if he will permit me: Suppose we fix the rate at 10 cents a pound on a given article and we provide that if upon a proper showing properly made to the President he is convinced that 10 cents a pound is not sufficiently protective of the industry in the United States engaged in producing that article he may raise the rate to 15 cents a pound, fixing the absolute rate, does the Senator say that is unconstitutional?

Mr. UNDERWOOD. I undoubtedly do; but even if it is not unconstitutional it is wrong. It has never been necessary in the past. When the Democratic Party was in control of the Government without question for 50 years, industry was not destroyed. When the Republican Party came into power they had the intelligence—although I did not agree with their principle or their theories of levying taxes—to write tariff bills or fix rates on the statute books which carried out their theory of Government. But now, for the first time in the history of this great Republic, we find a party in power which contends that it has not the ability to write a tariff bill which will carry out its protective theories, but must surrender that power to a bureaucracy controlled by the President of the United States.

Mr. WATSON of Indiana. But does not the Senator recognize—and I can not make a statement because I have no desire to take him off the floor——

Mr. UNDERWOOD. I am perfectly willing to yield to the Senator——

Mr. WATSON of Indiana. I must content myself with a question.

Mr. UNDERWOOD. Just so I do not lose the floor.

Mr. WATSON of Indiana. I decline to make a statement because I am insisting on the enforcement of the rule. Does not the Senator recognize that conditions now are entirely different from what they have ever been before in the history of the world, that prices are more shifting, that values are more fleeting, that costs of production are more uncertain, and that something must be done besides levying a mere rate of tariff if under the Republican theory of protection we are adequately to protect American industry?

Mr. UNDERWOOD. No; I do not recognize that. I recognize a part of the Senator's statement. I realize, of course, that growing out of after-war conditions the entire fabric of the business of the world has been demoralized, but the Senator need not be so apprehensive that he will have to change this tariff from hour to hour to carry out his theory to prevent a debacle in American business.

I call to the Senator's attention the fact that the war was over in November, 1918. On the 11th day of November of this good year 1922 four years will have elapsed from the time the war ceased. Business, of course, throughout the world has been thrown out of alignment by reason of war conditions, but the three and one-half years which have elapsed since that time have demonstrated in the average industry of the United States that it was not importations from abroad that were injuring American industry, but that the importations were not serious and in many cases had ceased entirely.

The difficulty with the American manufacturer was that there was no market left for him at home or abroad. He had no market in which to sell his products. Industry is moving to-day. I admit that it has not come back to the prosperous times of four years ago, but there is not a business man in America who does not say that his business is improving at this hour, and it is improving under a Democratic revenue tariff law. The tariff-for-revenue basis the protected manufacturer spews out and discards; and yet on that basis business is coming back; it is not being destroyed. These gentlemen, however, seek not merely to impose certain tariff rates but, under the plea that conditions may change from day to day, from hour to hour, from month to month, from year to year, they seek to give the President the authority to increase the rates whenever foreign competition may so much as put its nose across the international boundary line and challenge for one good moment any rights in the American market. Yet as to most of the commodities which are covered by the pending bill the only way by which the American consumer may be protected from the exactions and extortions of those controlling trade interests in America is to insure some competition. In many cases the only place from which such competition can come is across the international boundary line; but when a tariff tax is imposed such as is admitted here in the Senate to be prohibitive we cease to use the taxing power for the benefit of the Treasury of the United States and use it entirely for the benefit of a certain class of protected manufacturers, for when a foreign commodity can not come in at the customhouse, when it can no longer enter into American trade, it does not come at all; there is no tax levied, and therefore when we build a prohibitive tariff wall we erect a tariff barrier that keeps out importations and at the same time keeps revenue out of the Treasury.

Mr. President, when I sat on the Committee on Ways and Means in the House of Representatives which wrote the present tariff law and reviewed the Republican law that preceded it I found that at least one-fourth of the articles included in the Republican tariff law, except those embraced in the free list—and under the Republican tariff law they were articles which were not produced at home, such as sugar, of which we did not produce enough for home consumption—of the real competitive articles there were more than one-fourth as to which the tariff rate was placed so high that no imports could come in. When I say "no imports" I do not mean that a pair of shoes could not come in despite the shoe schedule, but there was not one-thousandth of 1 per cent of importations compared to the consumption of the American market.

Republicans then were content to erect a wall high enough to exclude entirely competition as to one-fourth of their favored industries, and to cut off revenue to the Federal Treasury to that extent; but now they come on the floor of the Senate and admit that they have prepared and devised a scheme by which tariff rates may be imposed for the benefit of their entire favored classes at all times and under all conditions; for it goes without saying that when we delegate to the President the unlimited power to increase the rate on any article 50 per cent above those in the pending bill, the rate may thereby be raised high enough to exclude from competition in America the article included in the class.

Mr. President, I had not intended to enter upon a general discussion of the bill at this time, but with this important matter up for discussion on the floor of the Senate to-day, I did not feel that I could go back to the item in the bill which is under discussion until I had said a word at least as to why I think the entire scheme of this bill is wrong; as to why I believe it will lead to oppression of the American people; and as to why I believe that, in the end, it will destroy the business and trade of America.

I hope at some later day to be able to discuss the theory of the bill more fully and completely than I am able to do now; but the real purpose for which I ask the floor was to discuss the item which is now before the Senate for consideration, and that is the amendment which proposes to change the rate on arsenic acid from a general blanket clause rate of 25 per cent ad valorem to 3 cents a pound, and on arsenious acid or white arsenic from 25 per cent ad valorem to 2 cents per pound. They constitute two amendments, but are found in the same paragraph and relate to the same subject matter; so I will discuss them together.

Mr. President, I think if you will follow me for a moment and consider this particular commodity and the rates levied on it you will find that what the distinguished senior Senator from Utah [Mr. SMOOT] predicted a while ago will come true, that the extraordinary power delegated to the President to prohibit the importation of foreign goods into America will only be exercised in the case of one item in a thousand in this bill. It is true in this case.

Now, what is the history of this particular proposal? It has a history behind it. I read a description of the commodity and its uses:

> Arsenious acid, or white arsenic, the most important and the commonest form of arsenic in commerce, is an acid anhydride rather than a true acid. It is also known simply as "arsenic" or as arsenic trioxide. Arsenious acid is a white insoluble powder with a slightly metallic taste and vaporizes without melting when heated in the open. Arsenic acid is chemically different and is obtained by oxidation of white arsenic. It occurs in commerce as a true acid, a thick sirupy liquid packed in steel drums, and in the form of the acid anhydride—arsenic pentoxide, which by the addition of water forms arsenic acid. Both of these acids, as well as all soluble salts of arsenic, are extremely poisonous.
>
> Arsenious acid is used in the manufacture of insecticides—

That is the point of the matter. I repeat—

Arsenious acid is used in the manufacture of insecticides, chiefly lead and calcium arsenates, in plate-glass manufacture, as a preservative for green hides, and in the manufacture of arsenic acid and arsenic salts. Arsenic acid is used in the preparation of organic medicinal chemicals containing arsenic, and its salts have medicinal uses.

Keeping that quotation in mind, I desire to call attention to the difference between the present law and the pending bill. The party in power proposes to levy a rate of 3 cents a pound on this important article. The present law, for which the Democratic Party stands responsible, placed this article on the free list. One of the important uses of the American article is as an insecticide to aid the farmer in preserving his crops. In many seasons his potato crop would be absolutely destroyed if he did not have the use of the insecticide, made from arsenic which it is proposed to take off the free list, upon which it is proposed to place a tax of 3 cents a pound.

Let me review a portion of the history of this bill for a moment. I understand that some of our friends on the other side who are very friendly to the farmers of America are saying that this bill will be of great benefit to them, because it raises the tax on their wheat at the customhouse. I will not go into that question; I never have believed that such a tax was of any benefit to the farmer; but we are having placed before us glaring pictures to illustrate how the bill is going to benefit the farmer by an increased tax on wheat, an increased tax on certain classes of cotton, neither of which will ever be of any benefit to the farmer or put a dollar in his pocket. Down under the cover, however, there are found in the bill short paragraphs, which nobody digs out, taxing the necessities of life vital to the farmer, taxing the necessities by which agriculture lives. When the present law was written not only were all kinds of fertilizer which might come into the United States and be of use in the development of agriculture placed on the free list, but binding twine for the wheat farmer and cotton ties and cotton bales for the farmers of the South were likewise placed on the free list, because the bulls of the wheat crop had to go to a foreign market, a free-trade market, for its ultimate market of consumption and fight in that market with the wheat raised by men who did not pay taxes on their binding twine; and the same was true of cotton.

The cotton must be baled and bagged, and half of the crop had to go to a free-trade market to fight in competition with cotton where there was no tariff levied on the bales and the bagging. The present Democratic tariff law put those articles on the free list. Under the terms of this bill you propose to put them back on the tax list and tax them once again, and yet there is nothing in the history of this country to show that either of those industries has been destroyed. You are putting them back on the tax list in order that a monopoly may benefit by higher rates that it will levy on the purchasing price from the farmer.

You have indulged in putting taxes on some of the fertilizers coming into the market, and many of the commodities from which fertilizers are made are embraced within the terms of this bill. You may think the American farmer will not find it out, but he will. It will be known before this bill is many months old, and he will pay the price of taxation for the pleasure of keeping company with you at the polls, if in the future he determines to do so. Here, however, is one of the articles. I will point out some of the others as we go along, but I will not take time to discuss them now. Here is one of the articles confronting you right now; and when the roll is called to put this tax on arsenic, commonly known in the trade as Paris green, used by pretty nearly every farmer in America to preserve his crops, and also necessary to preserve the hides of his cattle before shipment to the ultimate market of consumption, I want to find out whether the column on the other side of the aisle that is going to put over this bill is going to vote to levy these high taxes, these prohibitive taxes, on the necessities of the American farmer, or is going to stand with us and put them back on the free list, where they belong. There is no reason why these articles should not be on the free list, and none whatever as to this particular article.

We have often found previous Republican tariff bills taxing fertilizers and taxing the other necessities of farm life, but on this article they are starting to make a new rule. Under the act of 1909, known as the Payne-Aldrich Act, this article was on the free list. Under the present law, the law for which the Democratic Party stands responsible, it is on the free list. Such competition as comes comes freely to hold down the price; and this is not alone for the benefit of the American farmer. The American consumer gets the benefit of this. Put the tax on this article to a prohibitive point, put it so high that the American farmer can no longer afford to use the article, and a large portion of his crop will be destroyed by insects; and when that happens the consumer in the city will pay the price, because in the last analysis, with short food crops, the man who works in the city must pay for the result.

Here are the facts in this case:

The domestic production—

And what is meant by "domestic production"? It means the production here under free-trade conditions, because for nearly a quarter of a century there has been no tax on this article, but there has been absolutely free competition from abroad. Let us see what the American production is.

The domestic production of white arsenic has increased from 1,497 short tons in 1910—

The Payne-Aldrich Act, if I remember rightly, was signed in 1909; so, under the glorious protection of free trade the production of this arsenic—

has increased from 1,497 short tons in 1910 to 6,323 short tons, valued at $1,218,000, in 1918. The 1919 output was 6,029 tons.

Remember that the war had been over more than a year at the close of the calendar year 1919 and the conditions were free trade.

White arsenic is obtained chiefly in the United States as a by-product of smelting copper and lead ores.

Understand it is a by-product of the smelting industry. I might say "the smelting monopoly," but I will not, because I do not believe in abuse, but we all know that the smelting industry is in the hands of a very few producers and that arsenic is not made as their primary purpose. It is a refuse, a by-product that is thrown off, and of course a few men can get together and put the price at whatever figure they want to in the future unless you allow some competition to come in from abroad to regulate their prices. They just simply ask that you take from the pockets of the American farmer and the other people who use this commodity 3 cents a pound for their benefit, because you can not say that the industry has gone down under free trade. In 12 years under free-trade conditions it has increased from 1,497 short tons to 6,323 short tons.

How much have been the imports?

Imports of arsenic and arsenious acids from 1908 to 1918 have averaged—

Of course, a good deal of this period was before the war and not governed by war conditions—

2,735,575 pounds, valued at $126,628.

It is readily to be seen that the importations under free-trade conditions, as shown by that statement, on the average have amounted to only about 10 per cent of the American consumption. In the year 1921 they were greater, and they have varied from time to time; but, according to this book, the unit value of this article coming into the customhouse—and that means, under the present law, the value in the country from which it was imported—is 8 cents a pound. The House bill put a tax of 25 per cent on it. The Senate was not content with that. It put a tax of 3 cents a pound—which is over 33⅓ per cent on a value of 8 cents a pound, nearly 40 per cent—on this article that the farmer has to pay for, when the importations over a period of years were only about 10 per cent. But even if the importations were a third of the American productive value—and that is the extreme limit to which they could claim them—bear in mind that this product is a by-product of the smelting industry, that it is not a necessity for them to make of itself, that whatever price they get out of it is their profit. Are not the American people under conditions of that kind entitled to have free importation of a great necessity of life of this kind? It is not destructive of American industry, because American industry has been built up, has increased as much as fourfold, under the existing free-trade conditions, without taxation.

I do not know who is responsible for this tax, who put it into the law, but I do know that a very large proportion of the smelting industry is carried on in the far West, and of course they have to pay the freight rate to the Atlantic seaboard. There is no doubt in my mind that greed to control this market, and put up the price, has made them insist on a tariff rate on white arsenic, a component part of Paris green, a necessity for plant life, and to make the American people pay their freight rates through a tariff tax and an increased rate, so that they can not only compete at the American seaboard, but drive foreign competition out of the country entirely.

If that is the kind of law you want to pass and put on the statute books, of course, you can do it. There may not be a great many millions involved; it may not mean a great deal of money to each farmer in the country. It may be a comparatively small amount which will be taken out of his pocket every year, but you are pursuing the theory in the passage of this bill which you announced, that you have a right to go down into his pocket and take his money out in order that a monopoly such

as this may flourish in industry, and make him pay the price of that monopoly.

Mr. SIMMONS. The Senator made a remark with reference to the present foreign price of this product, 8 cents a pound. The Senator was correct in his statement. The remark the Senator has made gives me an opportunity to make a statement which I think is enlightening, when we consider what we have heard as to what influenced the Finance Committee in the levying of these very high duties.

Their contention has been that the foreign price, especially the German price, is excessively low, and that the very low prices which are now being charged by the producers in foreign countries for the goods they are bringing to this country justify these very high rates.

The Senator from Alabama has just said that the present foreign selling price of the product he is discussing, which is arsenic and arsenious acid, is 8 cents. That is true.

Mr. UNDERWOOD. That is according to the last report of the department.

Mr. SIMMONS. That is shown by the official report. The official report as to the prices between 1908 and 1918 shows that the unit value of this very product, shipped into this country, in 1908 was 4.8 cents; in 1909 it was 3.3 cents; in 1910 it was 3.1 cents; in 1911 it was 3 cents; in 1912 it was 2.9 cents; in 1913 it was 3.9 cents; in 1914 it was 3.6 cents; in 1915 it was 3.8 cents; and so on, showing that the present foreign price of this particular article is twice as high as in any year from 1908 to 1915. Therefore the contention that the present selling price of the foreign product in this country is abnormally low does not seem to be warranted.

Mr. UNDERWOOD. Undoubtedly; and it was at those prices that the Payne-Aldrich bill continued them on the free list.

Mr. SIMMONS. Yes; that is true.

Mr. SMOOT. The figures the Senator read, however, were not only as to arsenious acid, but they included also white arsenic itself. They included both.

Mr. SIMMONS. Yes; of course.

Mr. SMOOT. There is quite a difference between the price of arsenious acid and white arsenic. Arsenious acid is made from white arsenic.

Mr. SIMMONS. The figures the Senator from Alabama has just given are under the head of arsenious acids or white arsenic. It is a continuation of the other, and the articles are described exactly alike.

Mr. SMOOT. I am simply saying that the prices quoted by the Senator in the report which was made were for both of the articles, because they were both on the free list and they are under one head.

Mr. UNDERWOOD. What does the Senator say the price ought to be?

Mr. SMOOT. The price to-day for white arsenic is 7 cents a pound, and the difference between the price of arsenious acid and white arsenic is between 2½ and 3 cents a pound. If it were 2½, the price of arsenious acid would be 9½ cents; and if it were 3, the price would be 10 cents.

Mr. UNDERWOOD. You adjust your rates accordingly; but if to-day the price is 7 cents, instead of putting a tax of over 30 per cent——

Mr. SMOOT. It is 2 cents on that.

Mr. UNDERWOOD. On the first commodity, which you say is 7 cents, you put a tax of 45 per cent.

Mr. SMOOT. No; there is a tax of 2 cents a pound on the white arsenic and 3 cents on the arsenic acid.

Mr. UNDERWOOD. If the price is 7 cents, you put a tax of 35 per cent.

Mr. SMOOT. A little less than 30 per cent.

Mr. UNDERWOOD. Let us say 30 per cent. I am not going to fall out with the Senator about his figures, because it is not necessary. You tax the importer one-third of the value of the article where the industry is thriving and growing under free-trade conditions. It has developed under these free-trade conditions from 1,400 short tons to over 6,000 short tons, and under those conditions you can not say the industry is being destroyed. It has been growing under those conditions, and yet, according to your own statement, you are asking the Senate of the United States to tax it 35 per cent, not to build up industry, but to put dollars into the pockets of a monopoly which has already grown rich.

Mr. SMOOT. Mr. President, I am not going to discuss the rates in this item, but I wish to say to the Senator that the war was what brought on the increased production of these two articles in the United States. I know that in my own State arsenic mines were actually opened at the request of the Government.

Mr. UNDERWOOD. Arsenic mines?

Mr. SMOOT. Yes.

Mr. UNDERWOOD. Does not the arsenic which comes out of the Senator's State come from the refining of zinc ores?

Mr. SMOOT. A part of it does.

Mr. UNDERWOOD. I never heard of any other method of getting it.

Mr. SMOOT. There is not an ore produced in the Western country that does not have arsenic in it.

Mr. UNDERWOOD. Certainly; the arsenious ores, in the production of which arsenic is a by-product.

Mr. SMOOT. No; they are not arsenious ores.

Mr. UNDERWOOD. They are ores carrying arsenic.

Mr. SMOOT. They are lead ores, and nearly all of them carry a little arsenic. We wish they did not, because we are penalized for it.

Mr. UNDERWOOD. They produce that arsenic, because they have to get it out of the ore in order to refine it; they produce it in the raw shape, anyhow.

Mr. SMOOT. I know the Senator wants to be very fair.

Mr. UNDERWOOD. Yes; and I think I am.

Mr. SMOOT. It was 12 years ago that the first bag houses were put into the refineries of the West, and those bag houses are very expensive, indeed. I do not know whether the Senator has ever seen one of them in operation or not.

Mr. UNDERWOOD. I have seen zinc-refining plants. I have seen them in the Senator's State, and I have seen them in Tennessee, and I have kept as far away from them as I could, as any other Senator will do.

Mr. SMOOT. The zinc mining is very different from the production of arsenic. The arsenic in the fumes kills all the vegetation for miles around. But in order to save the arsenic, and also to prevent the killing of all vegetable growth of every name and nature, the smelters were compelled, about 12 years ago, to put in bag houses, and to put one in is very expensive, so that the gathering of the arsenic is rather expensive. You can not take the arsenic out of the ore. It goes into the fumes. The bags catch the arsenic, and it is extracted from the bags. Instead of the arsenic going into the air, the bags gather it in that way, and it is produced.

I shall not go into the figures at length, but the production increased in 1919 so greatly in quantity, from 4,100,000 to 6,000,000, from the very fact that every mine which had been useless before the war, I know so far as my State was concerned, was put into operation, and the Government even went so far as to say, "If you make any losses in it, we will make those losses up to you, if you will only operate those mines."

Mr. UNDERWOOD. But not on account of the arsenic alone. There were other things.

Mr. SMOOT. I say to the Senator that in the Deep Creek country no ore has ever been handled because it was so high in arsenic. In fact, some of it went as high in arsenic as 15, 16, and 17 per cent. No smelter could possibly handle that arsenic. In fact, that was about all there was in it, with the exception of about half of 1 per cent of copper. That ore could not be handled, but the mines were worked during the war, and that ore was sent clear to Denver, and the high freight rate to Denver was paid in order that it could be run through a smelter especially provided at that time for the handling of arsenious ores.

Mr. FRELINGHUYSEN. Mr. President, I would like to ask the Senator from Alabama a question.

Mr. UNDERWOOD. Very well; but I was going to answer the Senator from Utah.

Mr. FRELINGHUYSEN. Then I will wait until the Senator is through.

Mr. WALSH of Montana. Before the Senator from Alabama proceeds, will he permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. WALSH of Montana. The Senator from Utah is quite right about the growth and development of this industry. It is only within a comparatively recent period that the copper smelters of the West have begun the production of arsenic in commercial quantities, and the Senator is quite right in saying that they are required to produce the arsenic. They could not operate their smelters if they did not produce the arsenic.

Arsenic volatilizes at a relatively low temperature, and in the ordinary smelting operation for years has gone off in the fumes through the smokestacks. The result of that is that, as indicated by the Senator from Utah, the vegetation within a very wide radius is utterly destroyed. Actions were brought by the Government of the United States against a number of smelters

to enjoin their operation because the fumes were destroying the National forests in the vicinity of the smelters, and they were enjoined from operation unless they installed a plant for the extraction of the arsenic from the fumes going off in the air. They do so now, so they produce a commercial product as a by-product of their smelting operations which formerly was lost.

Really, I would like to hear what the Senator from Utah has to say as to why, under those circumstances, there should be a protective tariff on the production of arsenic, which the smelters are compelled to produce whether they want to do it or not.

Mr. SMOOT. So far as arsenic is concerned I will say to the Senator that would be the case if we did not know that if they were compelled to sell their arsenic below cost they certainly would add that difference to the smelting of ores like lead, copper, gold, silver, and every other metal that is mined and smelted in the western country. That is one reason. I have stated twice, I think, why I was not going to discuss the rate upon white arsenic.

Mr. WALSH of Montana. The Senator must recognize the amount of custom ores handled is inconsequential. The Anaconda Copper Mining Co. does not smelt, I suppose, custom ores to the extent of one-half of 1 per cent of what they produce, and I am perfectly certain the Utah Consolidated does not, nor does the Clark Smelter, nor does the Ely Smelter.

Mr. SMOOT. The Senator is right about that; but the Senator knows that the great majority of all ores produced in Colorado, Nevada, Wyoming, and Utah carry a certain percentage of arsenic. There is not a contract that is signed by a producer of ore of any kind with a smelter anywhere in the West that does not contain a penalizing clause for arsenic. For every unit of arsenic that is found they are penalized. The only effect it could have upon copper, gold, silver, and lead—because it generally comes in lead more than it does in silver or gold ores—would be that unless there is this protection, and if they have to sell it below what it actually costs, that difference will be added to the cost of smelting.

The Senator from Montana knows how expensive the process is. The bag houses are very expensive, indeed, to operate. If there is a loss, an additional price would be put upon the smelting of every pound of silver or gold or lead or copper ore.

Mr. UNDERWOOD. Now we come right down to the proposition. I am very glad to have heard the Senator from Utah. We have this matter analyzed right down to the question involved. Here is a great industry in the United States that is smelting lead or zinc or some other ore commodity. It has to get rid of the arsenic in the ore and it smelts it for that purpose. It throws it off as a by-product. It is not the product of labor. There is a mechanical device that catches the arsenic as it comes off. I do not mean to say there is not some labor used. Of course, somebody must hang up the bags.

Practically it is not a question of cheaper ore here or abroad. The Senator puts his argument on the basis that the bag houses, where they catch the arsenic vapors, are expensive. In other words, he is making an appeal for the capital invested in the equipment that is put up to catch the by-product. I have not heard that in these days the cost of the capital is any cheaper abroad than it is in America. In fact, we know it is not, that we have the money supply of the world, and that the countries with which we compete are paying a very much higher price for capital than we do. But I do not think the American people ought to be penalized in order to protect the capital invested in the bag houses.

Mr. SMOOT. Neither do I, if that were all, but whenever I see a man working in those bag houses, I realize, as I have seen him come out from work there almost a ruined man, that something more is involved. He is handling deadly poison. As the fumes pass through the bag the metallic arsenic is caught by the bag, but that is only a small part of what has to take place. So far as labor is concerned, if any man could be paid enough for working in these bag houses, I do not know what it would be.

Mr. UNDERWOOD. I would not work there, and neither would the Senator from Utah.

Mr. SMOOT. No; and I do not believe any man would work there unless he was paid what he thought was sufficient to justify him in taking a chance on his life by going in there and working. That is what they are all paid for.

Mr. UNDERWOOD. Undoubtedly, and they would not do it either if they were not getting their price.

Mr. SMOOT. Japan to-day in New York is offering white arsenic at 3 cents a pound. It is not a question, as I said, of discretion, but the law compels the smelters where now located to catch the arsenic and not let it escape. It is true that it is a by-product, but every contract that is made for the smelting of silver, every contract that is made for the smelting of gold, contains no protection in any way, shape, or form, and should not do so. If this by-product is an expense to them, the man who has to go to the smelter and have his gold ore or his silver ore smelted will pay more for it. There is no doubt about that.

Mr. WALSH of Montana. Mr. President, will the Senator from Alabama pardon me for another interruption?

The PRESIDING OFFICER (Mr. BALL in the chair). Does the Senator from Alabama yield further to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I am interested in the view expressed by the Senator from Utah in justification of this particular tariff. As I understand him, the man who has custom ore which he takes to the smelter will benefit by the tariff, because otherwise the charge would be greater than it is without the tariff. Let us test that by actual fact. The smelter, of course, being able to market this product which formerly went away in smoke, is in a situation to do his smelting for a less price; but does the Senator tell us that the man with the custom ores can now get his ores smelted at a less charge than before the smelter was able to put this particular product on the market?

Mr. SMOOT. Yes; I will say to the Senator that they have, and I can name a number of contracts which I know have been made.

Mr. WALSH of Montana. Made how?

Mr. SMOOT. They have been made within the last few years at lower rates than before, and it is because of the fact that the price of arsenic has increased.

Mr. WALSH of Montana. The Senator undoubtedly is able to show contracts for smelting copper ore that contained a rate less than contracts which were made 10 years ago for smelting copper ore.

Mr. SMOOT. I did not say 10 years ago.

Mr. WALSH of Montana. To what extent will the price which the customer pays for smelting his ore be reduced by reason of the fact that there is a tariff of 2 cents on arsenic?

Mr. SMOOT. I do not say it is because there is 2 cents a pound on arsenic or because arsenic is on the free list, but I know of several contracts which have been made within the last year where there has been no penalty clause imposed, provided the price of arsenic at the time of the smelting of the ore was at a certain figure. That I know to be a fact. If the price of ore is not as named in the contract, then there will be the usual penalty which the Senator knows has been imposed for the last quarter of a century.

Mr. UNDERWOOD. The condition of which the Senator speaks of the reduction to the independent producer of the cost of smelting these ores that come to the smelter from outside is not due to the prices, because the price in 1918 was 12 cents per unit of value at the customhouse, and that indicates that the price must have been higher in America. It has been a falling price since that time. It went down in 1920 to 7 cents at the customhouse and now has risen to 8 cents.

Of course, the Senator says he knows of a case where some Japanese white arsenic was sold in New York at 5 cents a pound. I do not know why it was sold at that price. I have known almost every commodity at some time or other to sell under the market. It may have been a short lot. The storage may have been too great. There could be a thousand reasons. But why should the official report, not the independent cases but the official reports of all the cases, show the situation to be as I read in the beginning?

When I call his attention to the fact that the great cost of production of this article was capital, the Senator from Utah appeals for the labor in these factories. I agree with him, and anybody else would, that the man who is working in one of those factories making arsenic is entitled to the highest degree of wages. I do not know what he is getting now, but I know the wages must be sufficient to tempt a man to take such a job. More than that, I know that if this tax is levied at the customhouse the man working in the industry will not get the benefit of it. It will go to the capital account for the bag houses. Not one dollar of it will go to the American labor in those plants. It never does.

The scale of wages is fixed by wage competition, not material competition at the customhouse, and the result is that if this tax is put on where an industry is growing and developing under free-trade conditions, it will be putting a tax on the farmers of America for an insecticide to protect their crops, and if it succeeds it may be it would make every man in the city pay the price of higher duties for the products on his home table.

The Senator from New Jersey [Mr. FRELINGHUYSEN] started to ask me a question a moment ago. I yield to him now.

Mr. FRELINGHUYSEN. I would like to ask the Senator whether he stated that the imports were only 10 per cent of the domestic production?

Mr. UNDERWOOD. The committee stated it in this book which I have in my hand.

Mr. FRELINGHUYSEN. The Tariff Commission gives the domestic output in 1919 at 6,029 tons, which would be 12,000,000 pounds, and the imports, chiefly from Germany, Canada, England, and Belgium, as 8,778,000, which would be practically 70 per cent; in 1920 it was 20 per cent; and in 1921, for the nine months, there were 2,705,000 pounds, or 20 per cent.

Mr. UNDERWOOD. The figures I read to the Senator were from the book, Summary of Tariff Information, 1921, relative to the bill H. R. 7456, prepared by the United States Tariff Commission. Whenever I start to discuss this book, some Senator produces some later figures from the Tariff Commission, or from some interested man in the industry, to dispute these figures.

Mr. FRELINGHUYSEN. I am reading from the figures at page 18 of the same book.

Mr. UNDERWOOD. That is what I read.

Mr. FRELINGHUYSEN. The Senator will find the figures which I quoted are on page 18, if he will look there.

Mr. UNDERWOOD. I will tell the Senator where the difference is. He was talking in pounds and I was talking in dollars.

Mr. FRELINGHUYSEN. I am quoting percentages.

Mr. UNDERWOOD. So was I.

Mr. FRELINGHUYSEN. Eight million seven hundred and seventy-eight thousand pounds of importation against 6,323,000 pounds of domestic production, or 70 per cent of domestic production.

Mr. UNDERWOOD. But the "summary of tariff information" to which I have referred says that the domestic production of white arsenic has increased from 1,497,000 short tons in 1910 to 6,323,000 short tons, valued at $1,213,000, in 1918, and that the imports in 1918 were 2,725,557 pounds, valued at $126,000. The sum of $126,000 is just about 10 per cent of the value of the American product.

Mr. FRELINGHUYSEN. The Senator hardly quotes the figures correctly. They represent the average from 1908 to 1918.

Mr. UNDERWOOD. Yes.

Mr. FRELINGHUYSEN. And not the total for the year 1918.

Mr. UNDERWOOD. The figures quoted represent the average. However, at the last moment, in the year when the figures have not come down to date, we always hear of some abnormal increases or some great development when a tariff bill is under consideration; but in the last analysis we know the industry has grown and prospered and thriven under free-trade conditions, regardless of what the imports were. Nobody has denied that it has grown under free-trade conditions. The Senator from New Jersey may not have been here, but I pointed out that those free-trade conditions existed under the Payne-Aldrich law as well as under the present law; and yet the industry has very greatly developed. Why at this time should Senators favoring this bill come in here and seek to impose on the American farmers a tax that will probably prohibit importations?

Mr. FRELINGHUYSEN. Mr. President——

Mr. UNDERWOOD. I yield the floor to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Mr. President, I simply wish to place in the RECORD the statement that so far as the domestic production of white arsenic is concerned the importations show a great increase. According to the figures of the Tariff Commission in 1918, as against 12,000,000 pounds which were actually produced in the United States, 3,000,000 pounds were imported from Germany and Japan; the importations in 1919 increased to 8,779,000 pounds, and in 1920 7,479,000 pounds were imported.

As I understand, the demand for protection comes from the smelting companies because of the cost of recovery. If I am correctly informed, a sales price of 4 or 5 cents a pound will not permit the smelting companies to recover it, because it can be produced in Germany and Japan at 3 cents a pound. Therefore, in order to stimulate American production through the smelting companies, if my information is correct—I know very little about the smelting business, but I understand that arsenic is one of the by-products of smelting—it is necessary to protect it against the growing importations from Japan and Germany. If we are to protect the industry, and if that is necessary, it would seem as if 2 cents a pound on a 5-cent pound cost of recovery as against the production cost of Germany and Japan of 3 cents would not be an unusual burden or a large tariff.

Mr. JONES of New Mexico. Mr. President, I merely wish to call the attention of the Senator from New Jersey to a fact which it seems to me has been the occasion of some confusion in his mind as to this industry. The Senator says that he desires that a tariff shall be placed upon arsenic in order to stimulate production. If the Senator is at all familiar with the smelting industry of this country he will understand why there has been a falling off in production. Smelters have been closed down because there is no market for their copper; and if the smelters have closed down because they can not sell copper, a 2 cents a pound duty on arsenic will not start them up. If the Senator will merely look over the statistics he will find that the increased importations of arsenic were during those periods when the smelters were closed down. Last year some of the smelters started up again, and the Senator will find that the importations of arsenic began to fall off so that in the first nine months of 1921 the importations of arsenic were only 2,705,000 pounds. I repeat, there is no hope of starting up any smelter by putting a duty of 2 cents a pound on arsenic.

Mr. FRELINGHUYSEN. Of course the Senator from New Mexico knows more about the smelting business than I do. I only have before me the hearings. The Senator comes from a section which I presume is very largely interested in the mining of copper, and, therefore, he knows something about it; but I am reading from the testimony before the committee given by Mr. Loeb, the vice president of the American Smelting & Refining Co., who says:

> On the general theory that the country is interested in conserving its raw materials, we believe the prices of arsenic are not high enough to warrant its recovery as a by-product. A sales price of 4 cents or 5 cents a pound will not warrant its recovery; whereas a selling price of 7 or 8 cents a pound will, in our opinion, warrant its recovery.

Mr. JONES of New Mexico. Mr. President, Mr. Loeb knows they have got to recover it whether they want to or not.

Mr. FRELINGHUYSEN. I am simply reading from the statement in the hearings, and trying to arrive at some conclusion as to what duty it is necessary to impose. If the domestic producer is facing a 3-cent production cost in Germany and Japan, which countries export this commodity, I presume that 2 cents is not an unusually high or outrageous tariff to protect the American industry against foreign importations. Of course, if it is desired that arsenic should come in free; if it is desired to have a competitive foreign market against our American market, the commodity should be free; but I do not subscribe to that theory. I think that this by-product is entitled to protection just the same as manufactured products, and, therefore, I do not think that a duty of 2 cents a pound is outrageous or too high.

Mr. JONES of New Mexico. Mr. President, I think that arsenic is one of those articles as to which we have been having competition in such way as to keep the price down to a reasonable point. Putting a duty upon arsenic will have the effect of increasing its price without stimulating the industry at all, and it seems to me that, according to the protection theory, the proposed duty is not justified, but is a mere gift. We might just as well say to the smelting interests, "Your coal is costing you a little too much, and therefore we will levy a tax upon something else, and raise money to lower your coal prices." The recovery of arsenic is a thing which is compelled by the courts of the country. My notion is that the proposed tariff rate would be a gift to the smelting industry, amounting to about a quarter of a million dollars a year. I think that would be the effect of it.

The proposed duty will not increase the production of arsenic at all, but will simply constitute a present to that industry of about a quarter of a million dollars a year. If we want to tax the people in order to make a present to the industry—and I repeat that they are forced to recover arsenic in the smelting of ores—we might just as well buy their coal for them or do anything else for them and tax the people to pay the bill.

Mr. President, I suggest the absence of a quorum.

Mr. WALSH of Montana. Before the Senator makes that suggestion, will he yield to me for a moment?

Mr. JONES of New Mexico. I withhold the suggestion.

Mr. WALSH of Montana. As a contribution to this discussion I wish to read a brief report on this industry by Mr. V. C. Heikes, statistician of the United States Geological Survey, as follows:

ARSENIC INDUSTRY.

(By V. C. Heikes, statistician, U. S. Geological Survey, Salt Lake, Utah.)

Producers of arsenic in the United States marketed in 1921 approximately 5,732 short tons of crude and refined white arsenic, compared with 11,502 tons, valued at $2,021,256, in 1920. A considerable amount of arsenic is held at points of production and in consumers' hands and only a small quantity of the supply was manufactured into fungicides.

Large stocks of calcium arsenate, said to aggregate 5,000 tons, were reported at the close of 1920, so the situation was not encouraging to producers. A part of the supply was sold in 1921, and the remaining

portion, about 1,000 tons, which had begun to deteriorate, was in the hands of manufacturers and distributers. These warehouse stocks of insecticides were accumulated by an anticipated demand, so that, when the South did not buy, producers had no outlet for their holdings.

The largest producer of arsenic in 1921 was the United States Smelting, Refining & Mining Co., whose output for the most part was made into fungicides at its Midvale plant. Very little of the white arsenic produced at Tacoma, Globe, and Anaconda was put on the market, and most of this was sold to manufacturers of fungicides and refiners making the higher grade arsenic demanded by plate-glass works.

The price of white arsenic gradually fell from 11 cents per pound in February, 1921, to 6 cents per pound in November, with few offerings. Toward the last of November there was an improvement in the insecticide business, and agricultural buying for spring trade was a feature of the market, with forward deliveries commanding a premium.

Prices for white arsenic near the close of 1921 were 7½ cents per pound. Red arsenic decreased from 15 to 11 cents per pound during the year, and quotations for calcium arsenate were steady, ranging from 16 to 20 cents per pound.

An increased demand for the products made from arsenic suggests a better price for the raw material in the near future. It is not likely that the foreign arsenic will interfere with the domestic production, as most of it, except that produced in Mexico, will be consumed locally or shipped to foreign dealers.

The future of arsenic production depends mainly on its use in the cotton regions and on railroad rights of way, but there is a prospect that the alfalfa growing regions will develop a considerable demand, and the use of arsenical insecticides on intensively grown crops is steadily increasing.

Mr. McCUMBER. Mr. President, in the year 1919 there were imported into the United States, in round numbers, 8,778,000 pounds of white arsenic or arsenious acid. During the same year there were produced in the United States 6,020 short tons, or, in round numbers, 12,000,000 pounds, so there were imported almost 9,000,000 pounds as against a home production of about 12,000,000 pounds, or, in round numbers, 75 per cent.

The House bill provided for a duty of 25 per cent ad valorem on these articles. The Senate committee, after hearing the evidence which was produced on behalf of the manufacturers and on behalf of the mining interests, were led to believe that, while 25 per cent would be a sufficient ad valorem duty under the present prices, it might not be a sufficient protection in case there was a great reduction in the importing price of this commodity, and therefore they provided for a duty of 2 cents a pound, which would be equivalent to about 25 per cent on the then prevailing prices.

If the price is 7 cents a pound, of course, it would be 28 per cent; if it is 8 cents a pound, as it was in the first nine months of 1921, it would be an equivalent of 25 per cent ad valorem.

I do not know just what part arsenic plays in the production of copper. I understand that in some of the States it is necessary that the arsenic be eliminated from the smoke for the protection of the vegetation, and that it must be conserved, whether it costs more to conserve it than it is worth or not. That may justify the assumption that there should be no duty whatever, because the producers of copper are compelled to produce and conserve the arsenic.

But, Mr. President, I suppose that the value of the mining industry depends not only upon what can be obtained from the copper but also what may be obtained as a profit from the sale of the by-products. It may be that there are other causes which entirely govern the production of copper, but the testimony before the committee was that the arsenic would not be recovered and sold for less than 7 cents per pound.

The evidence further substantiated the claim that with 8 cents as the selling price they would practically need no duty, but that it might be produced in the foreign countries for about 3 cents; that it was then being imported from Japan and laid down in New York for about 5 cents a pound; and therefore those interested in the business desire a duty of 3 cents to make up the possible difference between the price of arsenic brought in from Japan and 8 cents, for which it could be sold in competition. The committee gave them a rate of 2 cents a pound, which, as I said, amounts to about 25 per cent ad valorem on an 8 cents a pound basis and a greater percentage, of course, if the price falls below 8 cents per pound. In either event the duty is not a heavy one.

Mr. DIAL. Mr. President, as I understand it, the rate proposed by the Senate committee is an increase over the rate fixed by the House.

Mr. SMOOT. A little.

Mr. DIAL. I sincerely hope that that amendment will not be agreed to, and I also hope that the amount fixed by the House will be stricken out at the proper time.

We are finding a great use for this article now in our part of the country in trying to protect the cotton crop. Last Monday I saw one of the films which the United States Government is sending out to be used in the picture shows showing the ravages of the boll weevil. They have invented machines which spread arsenic over the cotton. Some of those machines are being propelled by hand, and some even by horses. It is also lately necessary that we should check the ravages of the weevil; otherwise there would be a very great reduction in the production of cotton. In fact, I would not be surprised if there would not be almost a cotton famine in the next year or two unless we provide a means to eradicate the weevil.

Only last year we made 6,000,000 bales of cotton in the United States, whereas a 10-year average crop was 12,500,000 bales.

The prospect for the crop just now being planted is exceedingly blue. The season has been late on account of floods in great sections of the country which have been overflowed, and the winter was mild, and the weevil has gotten a start already.

I noticed some time ago an account of some experiments the Government had carried on, as a result of which they found that the weevil had multiplied more last winter than perhaps at any time in the history of its existence. The acreage of cotton is being decreased, and to my mind within another 12 months there will not be enough cotton raised in the United States to much more than supply the consumption in this country.

These views are well expressed in a short article published in the New York Times to-day on page 28, which I shall ask to have inserted at the conclusion of my remarks. (See appendix.)

I warn the Senate and the Congress that nothing should be done which would retard the production of cotton. As I said, there will be a great scarcity of that article; in fact, I would not be surprised, if we do not find some way to eradicate the weevil, if in a year or two we will not have to discover some artificial means to stimulate the production of cotton.

APPENDIX.

[From the New York Times, Monday, May 8, 1922.]

SOUTH'S VIEW OF ADVANCE IN COTTON—LAST WEEK'S RISE PARTLY ASCRIBED TO GOVERNMENT CONSUMPTION ESTIMATE—ACREAGE MAY BE SMALL—EFFECT OF RECENT FLOODING OF THE PLANTATIONS IN CUTTING DOWN EXPECTATIONS.

[Special to the New York Times.]

NEW ORLEANS, May 7.—As the southern market sees it, last week witnessed a turn in the tide, so far as cotton speculation is concerned. The change from the long hesitation of the market was in large measure brought about by the Commerce Department's report issued a week ago to-day and forecasting a world's consumption of approximately 21,000,000 bales this season, or virtually a return to the consumption of pre-war times. Since current statistics have tended to bear out this estimate and the outlook for the crop now starting was becoming daily more unpromising, it was not unnatural that people who have been successfully trading in grains and stocks, not to mention bonds, should have turned a share of their attention to cotton, so long neglected.

According to conservative opinion the frequent and heavy rains in Texas and Oklahoma and the almost as frequent if less heavy downpours in Arkansas and Louisiana, coupled with the overflowing of streams in the first-named State and the overflow of approximately 200,000 acres of good cotton land in Louisiana already seeded, have virtually assured a late crop in the western half of the belt, as well as a smaller crop generally than was originally proposed. Owing to the scarcity and high price of good seed, it is not likely that all the acreage damaged by excessive rains and floods in the Western States will be replanted this year, and the Louisiana commissioner of agriculture says in a statement issued Friday that none of the 200,000 acres overflowed by the break in the levee at Ferriday, La., will be free of water in time to replant with cotton this season.

QUESTION OF NEW CROP ACREAGE.

While conditions in the eastern half of the belt are more promising, it is not thought likely that the acreage has been increased on an average much over 5 per cent, and the use of fertiliser will not be very much larger than last year, owing to the difficulty experienced by growers in securing financial advances.

There would therefore seem to be a prospect of another comparatively small crop this season, when production of about 13,000,000 bales is actually needed to meet the world's needs and at the same time leave a sufficient reserve supply. As the southern trade sees it, consumption and exports to date have not only absorbed the equivalent of all last year's production but have so far cut down the carried-over supply from last season that the total carry over on July 31 next will scarcely exceed 4,000,000 bales of American cotton, or barely a normal supply.

Despite the New England strike and the apparent indifference of spinners to the raw cotton market, consumption is running far ahead of last year. It is therefore evident that the mills are rapidly using up their reserve stocks and have been keeping out of the raw market merely because the foreigners have been staying out. Now, however, that the export demand has become active, it is believed in this market to be reasonably certain that domestic spinners will buy more freely in southern markets; in fact, it is reported from Boston that New England mills are buying spots there after showing indifference for many months.

CONSUMPTION AND SUPPLIES.

The statistics indicate that England, France, Germany, and Italy are increasing their consumption of raw cotton rapidly, having in fact consumed 50 per cent more of the staple in the last six months than they did in the preceding half year. Should the Genoa conference result in restoring peaceable conditions on the Continent of Europe as well as in the Near East, traders here believe that there will be an active demand for all classes of cotton goods.

In the meantime supplies of cotton, both at the ports and in the interior, are rapidly diminishing and the world's supply of American cotton is considerably short of what it was last year, hence the possibility of another comparatively small crop, especially so with the growing crop delayed by bad weather and therefore menaced by the boll weevil. The cotton situation is undoubtedly interesting.

Mr. JONES of New Mexico. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has now invoked a new proposition, one which has not hitherto been discussed. I think it brings into prominence and into very great significance division (b) of section 315. By that section the President is authorized to change rates, under certain conditions which have been referred to quite frequently this afternoon; but I will read it again:

(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade, in the markets of the United States, of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that an industry in the United States is being or likely to be materially injured by reason of the importation into the United States of foreign merchandise—

He may change the duties and change the classifications, and increase the rates as much as 50 per cent.

This item, according to the statement of the Senator from North Dakota, is a specific item with that very principle in view. It has been stated that this bill is framed upon the policies which are to control the President of the United States.

The Senator from North Dakota stated that, so far as this item is concerned, the producers of the commodity were not complaining of present prices. He said that if they could sell this arsenic at 7 cents a pound, they would not need any duty at all. What is the record upon the subject? According to this report of the tariff commission, the unit value upon which the duty was levied, which means the foreign market price at home, in 1918 was 12 cents a pound; in 1919 it was 7 cents a pound; in 1920 it was 7 cents a pound, and in 1921 it was 8 cents a pound.

Mr. SMOOT. That is, both kinds, the acid and the white arsenic.

Mr. JONES of New Mexico. That may all be true, but they are put together. The arsenious acid and the white arsenic are put in the same sentence; but that is the foreign price. There is no indication here of that foreign price falling; yet the Senator from North Dakota says that is the only reason they want to impose this additional duty. The item is on the free list now, but they can read the future, and, because in the course of time the price of the foreign article may be reduced, they want to anticipate a thing which may never occur. That is what permeates this bill. That is a concrete illustration of what division (b) of section 315 means, when they confer that power upon the President to anticipate injury, which is all they are doing by imposing this tax.

No one complains that he is being injured now. The prices of this product are even higher now than they have been, and the importation is not increasing. It requires a stretch of the imagination even to prophesy as to the injury to this industry in the near future. But that is the only theory on which this increase in duty can be justified.

Mr. SMOOT. Mr. President, the Senator knows that in the testimony it was stated that arsenic from Japan is being offered in New York at 5 cents a pound. The figures the Senator quoted, 8 cents, were for the first nine months of 1921, but the testimony shows that the price of white arsenic has fallen to 5 cents a pound.

Mr. JONES of New Mexico. What is the date of that?

Mr. SMOOT. It is in the hearings. I do not remember just the date.

Mr. JONES of New Mexico. It was last fall some time, according to my recollection.

Mr. SMOOT. It was, perhaps, somewhere along in December.

Mr. JONES of New Mexico. Those hearings, I think, were had before that time.

Mr. SMOOT. These were the latest hearings, the supplemental hearings.

Mr. JONES of New Mexico. We took up those hearings in the order of the schedules. I do not remember just what the date was, but we do not know how much was offered; we do not know what the cost of transportation was, and those foreign prices on which the duty is to be figured do not include the overhead charge of the importer.

Mr. SMOOT. This was the price of the article delivered at New York.

Mr. JONES of New Mexico. Yes.

Mr. SMOOT. The witness said:

As a matter of fact, arsenic is being offered from Japan in New York at 5 cents a pound.

Mr. JONES of New Mexico. Just imagine that. Assuming what was said by this witness to be absolutely true, and of course he supposed it to be true or he would not have made the statement, is that sufficient testimony on which to increase the duty upon this item of such importance to the people of the country?

Even at 5 cents a pound you have to have your dealer's profit figured in; you have to transport it to the place of consumption, and upon that testimony alone—that somebody at some time offered some arsenic in New York at 5 cents a pound—they put this duty of 3 cents a pound upon it, when, according to all the figures of importation into this country during the whole of the year 1921, it averaged 8 cents a pound. This shows what the President will no doubt do when this authority is conferred upon him. He will prophesy, or, rather, some bureau chief will prophesy, as to what the price of arsenic may be next year, and he will add a little higher duty to it. That is all this amounts to. There is no injury so far. The importations are falling, according to the statistics. The price is rising, but it may be that at some time in the dim future the price will fall; therefore we will increase the tariff on arsenic.

Senators, I do not see how you can justify a thing of that sort. Mr. President, I suggest the absence of a quorum.

Mr. McCUMBER. Will the Senator withhold that suggestion for just a moment?

Mr. JONES of New Mexico. I am glad to withhold it for a moment.

Mr. McCUMBER. I stated just a few moments ago that it was claimed by the producers that as long as arsenic was selling at 8 cents a pound in this country they would not need any protection. The Senator from New Mexico immediately got up and stated that I had said that if arsenic was selling for 7 cents a pound there would be no need for protection.

Mr. JONES of New Mexico. Mr. President——

Mr. McCUMBER. Just a moment.

Mr. JONES of New Mexico. I want to apologize for misquoting the Senator, if I did that.

Mr. McCUMBER. Let me finish my sentence. I was about to compliment the Senator because he had come that near to quoting me accurately. It is the first time since this debate began. The Senator seems to assume that it is his duty always, after I have made an explanation, to rise and make statements of something that I have said that is entirely different from what I in reality said.

I was perfectly satisfied when he came that near the exact facts, but the Senator immediately followed it by stating that I had said this was all the basis upon which we fixed this duty. I had called attention to the fact that it was claimed and the evidence before the committee was that this product was being offered in New York—and, of course, that means duty paid and transportation paid—at 5 cents a pound, and that those who were producing it, therefore, thought they ought to have 3 cents a pound duty, which would make up the difference between 5 cents and 8 cents a pound, at which they stated they could sell it without any duty, but that the committee had awarded them 2 cents a pound. Those are the actual facts in the case.

I get somewhat tired of being misquoted continually by the Senator from New Mexico when I try to explain, and explain fairly, what actuated the committee in making any particular rate. I am ready now to have the Senator call for a quorum.

Mr. JONES of New Mexico. I am sorry I disturbed the serenity of the distinguished Senator from North Dakota.

Mr. McCUMBER. No; the Senator has not done that in the slightest degree. I wish to remain serene throughout this discussion, even though the Senator from New Mexico persists in misquoting me whenever I attempt to explain a matter in the bill.

Mr. JONES of New Mexico. On Saturday, I believe it was, I suggested to the Senator a remedy for bad humor and bad temper. The doctors recommend the use of lactic acid. I wanted to have that cheap enough so that the Senator from North Dakota would not be impoverished in obtaining an adequate supply. I desire to renew the recommendation to the distinguished Senator.

Mr. McCUMBER. I would suggest that the Senator should look for a remedy that would prevent him from making misstatements of another Senator's remarks in the Senate. That would do a great deal more to prevent ill temper than any remedy which he has suggested.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. JONES of New Mexico. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McNARY. Mr. President, I ask to have the pending amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. The committee proposes on page 2, line 24, after the words "arsenic acid" to insert the words "3 cents per pound."

The VICE PRESIDENT. The roll will be called.

The Assistant Secretary proceded to call the roll.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and allow my vote to stand.

Mr. STERLING. Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maryland [Mr. FRANCE], I vote "yea."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. COLT. Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. COLT. I have a general pair with that Senator. I transfer my pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. McKINLEY (after having voted in the affirmative). I have a general pair with the junior Senator from Arkansas [Mr. CARAWAY]. I transfer that pair to the junior Senator from Oklahoma [Mr. HARRELD] and allow my vote to stand.

Mr. McKELLAR. I have a general pair with the junior Senator from Indiana [Mr. NEW]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. HARRISON (after having voted in the negative). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I learn that he has not voted. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and let my vote stand.

Mr. JONES of New Mexico (after having voted in the negative). I desire to announce that I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 40, nays 18—as follows:

YEAS—40.

Ball	Hale	McNary	Shortridge
Broussard	Jones, Wash.	Nelson	Smoot
Bursum	Kellogg	Newberry	Sterling
Calder	Kendrick	Nicholson	Sutherland
Capper	Keyes	Norbeck	Townsend
Colt	Lenroot	Oddie	Wadsworth
Cummins	Lodge	Page	Warren
Curtis	McCumber	Phipps	Watson, Ind.
Frelinghuysen	McKinley	Poindexter	Weller
Gooding	McLean	Rawson	Willis

NAYS—18.

Dial	Hitchcock	Overman	Underwood
Fletcher	Jones, N. Mex.	Pomerene	Walsh, Mont.
Harris	King	Sheppard	Watson, Ga.
Harrison	La Follette	Simmons	
Heflin	McKellar	Swanson	

NOT VOTING—38.

Ashurst	Elkins	Moses	Shields
Borah	Ernst	Myers	Smith
Brandegee	Fernald	New	Spencer
Cameron	France	Norris	Stanfield
Caraway	Gerry	Owen	Stanley
Crow	Glass	Pepper	Trammel
Culberson	Harreld	Pittman	Walsh, Mass.
Dillingham	Johnson	Randell	Williams
du Pont	Ladd	Reed	
Edge	McCormick	Robinson	

So the committee amendment was agreed to.

Mr. FLETCHER. I ask unanimous consent at this time to have inserted in the RECORD a communication and a very short statement with regard to the proposed duty on potash. It is pertinent to this immediate discussion, and it will save my arguing the matter to have the communication and statement inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

JACKSONVILLE, FLA., *May 6, 1922.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SENATOR: We are quite exercised over the proposed duty on potash and sulphate of ammonia which the tariff bill carries, and we are inclosing, for your information, a statement on the subject of the potash duty, which statement we are distributing pretty thoroughly throughout the State, and we are giving it just as much publicity as possible. I think these figures are quite conservative, and have no doubt but what this duty will cost the growers of Florida right at $3,000,000 during the five-year period. We have not mentioned in this statement the duty on sulphate of ammonia of $5 per ton because the figures on this would not look near so serious to the grower as in the case of potash, although we are opposed to any duty on sulphate of ammonia as well.

The grade of potash which is used largely in Florida, viz, sulphate of potash, is not produced to any extent to speak of in the United States, the production so far being largely in muriate and these grades which are used more largely in other sections. I will venture to say that 95 per cent of the potash used in Florida is in the form of sulphate.

I am sure that I am correct in the statement that the entire potash industry in America, including every dollar that has been or is invested in it, will not begin to equal the amount of this duty for the period of five years. It strikes us that this is not the time to be loading up the farmers and growers with charges to increase their production costs; if nothing can be done to decrease the farmer's present production cost, certainly the least we can do is to see that nothing is added to it in the way of a duty on such an essential article as potash.

We sincerely hope that you can see your way clear to energetically protest against and oppose both the proposed duty on potash, as well as sulphate of ammonia.

Yours very truly,

WILSON & TOOMER FERTILIZER CO.,
BAYLESS W. HAYNES, *Vice President.*

PROPOSED POTASH DUTY.

The American potash producers have been trying very hard to have an import duty placed on potash. The tariff bill, which has passed in the House of Representatives, has been introduced in the Senate and referred to the Finance Committee. As reported to the Senate by the Finance Committee the bill still carries this proposed duty on potash covering a period of five years, as follows:

The first and second year, 2½ cents per pound of pure potash, K_2O.
The third year, 2 cents per pound of pure potash, K_2O.
The fourth year, 1½ cents per pound of pure potash, K_2O.
The fifth year, 1 cent per pound of pure potash, K_2O.
Or in tons:
For the first two years, $50 per ton of pure potash, K_2O.
For the third year, $40 per ton of pure potash, K_2O.
For the fourth year, $30 per ton of pure potash, K_2O.
For the fifth year, $20 per ton of pure potash, K_2O.

It is more than likely that the producers of potash in Germany and France would not absorb this duty, and that the user of the potash would be the one to pay it. If this is the case, let us see what it would cost the growers of Florida.

There have been used in Florida during the past year around 300,000 tons of fertilizer. To be conservative we will waive the constant increase in our fertilizer consumption and reckon on 300,000 tons fertilizer being used each of the next five years.

Fertilizer varies in potash content from no potash at all to a high percentage, but an average of 5 per cent would be a fair estimate. Each ton (2,000 pounds) of fertilizer analyzing 5 per cent potash contains 100 pounds of pure potash, K_2O: in 300,000 tons, Florida's yearly requirements, according to above conservative estimate, there would be 15,000 tons of pure potash, K_2O.

The proposed duty on 15,000 tons of pure potash, K_2O, would be as follows:

First year, 15,000 tons at $50 per ton	$750,000
Second year, 15,000 tons at $50 per ton	750,000
Third year, 15,000 tons at $40 per ton	600,000
Fourth year, 15,000 tons at $30 per ton	450,000
Fifth year, 15,000 tons at $20 per ton	300,000
Total	2,850,000

In other words, on the above basis, this proposed duty will amount in dollars and cents, as far as Florida is concerned, for the period of five years, to $2,850,000. Whoever pays this duty is going to be saddled with a bill for the five-year period of $2,850,000. As to whether that bill is going to be paid by the Florida growers or be paid by the producers of potash, or somebody else, one can not know in advance, but according to history such duties are usually paid by the consumers, hence the Florida grower is facing an increased demand on his resources in the next five years of $2,850,000.

Are the growers of Florida willing to pay this amount for the protection and upbuilding of an American potash industry, or shall this industry stand on its own merits and ability to overcome obstacles?

It is a question of vital interest, and each grower of Florida should express himself to the Congressmen and Senators.

WILSON & TOOMER FERTILIZER CO.,
Jacksonville, Fla.

MAY 5, 1922.

Mr. KING obtained the floor.

Mr. JONES of New Mexico. Mr. President——

Mr. KING. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I merely wish to make a short statement regarding the last vote. Senators on this side of the Chamber had the parliamentary right to move to the committee amendment an amendment which would place the item involved in the amendment on the free list, where it now is, and I desire to announce that after we get through with the committee amendments and reach this paragraph, in due course, I shall then move to place arsenious acid and arsenic both on the free list, where they now are. I think there will be no further discussion regarding arsenic, and if the

Senator from North Dakota [Mr. MCCUMBER] desires a vote on that item I think it may be had without a roll call.

Mr. KING. May I ask the Senator from New Mexico whether a vote has been taken upon both arsenious acid and arsenic?

Mr. JONES of New Mexico. A record vote was taken upon arsenic acid, but I assume the vote on the other item will be just the same, and I suggest, in order that we may progress with the bill, that we may have a vote upon white arsenic without a roll call. I am very anxious to proceed with the disposition of the bill, and I therefore suggest that the item placing a duty of 2 cents a pound upon white arsenic be now voted upon. As I understand, the junior Senator from Utah desires to discuss the next item of the bill.

Mr. KING. I am not desirous of discussing it, but if we are going on to-night I desire to say a few words in regard to the matter. However, I should like to have a vote upon the other item referred to by the Senator from New Mexico.

Mr. SMOOT. Let us vote, Mr. President.

The VICE PRESIDENT. The question is on the amendment of the Committee on Finance, which will be stated.

The ASSISTANT SECRETARY. On page 2, line 25, after the words "arsenious acid or white arsenic," it is proposed to insert "2 cents per pound."

Mr. KING. Mr. President, I desire to say merely a word. I have been called from the Chamber for some time during the afternoon, and I am therefore not familiar with the discussion which has taken place with respect to arsenic acid. Much of what could be said respecting that item may with equal propriety be said concerning the item upon which a vote has now been demanded.

I merely wish to add, Mr. President, that the production of arsenic in the United States, if it does not now exceed the demands of the United States, indeed, of the world, very quickly may exceed the demands of the United States and the world. Everybody who is familiar with our metallurgical development and with the great smelters of the United States, especially those that are devoted to the production of sulphur ores, is aware of the fact that there are daily given off, as a by-product, large quantities of arsenic.

A few years ago, Mr. President, I had occasion to make some investigation in regard to this matter. In the valley in which I reside there were operated four large smelters. The capacity of those smelters was a great many thousand tons of ore daily. Most of the ores, or, at any rate, a very large proportion of the ores, were what were denominated sulphur ores. Sulphur formed a very large content of those ores. It was not only a by-product but it was a waste product. There were also as a part of the content of those ores large quantities of arsenic. In the smelting operations there passed through the huge stacks, several hundred feet high, hundreds, if not thousands, of tons daily of sulphur dioxide and sulphur trioxide, and some forms of antimony and arsenic and metallic substances, some forming compounds and some uncombined, which were carried by the winds and dispersed throughout the valley, and, indeed, carried into remote sections of the State. The deposition of those poisonous substances upon the vegetation proved injurious to animal life as well as to vegetable life. Sulphur dioxide was at first deemed innocuous to plant life, but when sulphur dioxide, by coming in contact with the atmosphere when it was damp, was converted into sulphur trioxide it became injurious to plant life. I have seen within a few hours fields of lucerne and of corn and of other products transformed from their verdant condition to a burnt condition.

In addition to the sulphur which was emitted and which could be converted into sulphuric acid—and the sulphuric acid interests have been protected here, although sulphuric acid is a waste product—in addition, I say, to these gases injurious to plant life and also to animal life and to human life, solid metallic substances, including arsenic, were deposited upon the plants and upon the trees and which, by being breathed by the people, affected the lives and health of the people.

Mr. President, when the injunction suit was brought it was alleged that the emission of these solids, including hundreds of tons of arsenic, was injurious to plant life and to animal life and to human life. The injunction, which was granted, interdicted the emission of these poisonous metallic substances, as well as the emission of the gaseous substances which were likewise injurious to vegetation and to plant life.

Two of the smelters shut down, declining to make such changes in their machinery as would prevent the emission of these poisonous solids, while the other two smelters, under a modification of the court's decree, made changes in their plants so that they were enabled to collect and did collect daily immense quantities of white arsenic and arsenic in various other forms. The problem was to find a market for it, and when the smelters resume operations, as they will—they are operating now, but not as they previously operated and as they will operate as soon as the mining industry revives—the problem then was and the problem now will be to find a market for the compounds of arsenic which are produced as a by-product and as a waste product.

Now, it is proposed to put a tariff upon a product that was a waste and is a waste. What is that being done for? What is back of it? Who are the beneficiaries? The same questions might be propounded, Mr. President, as to hundreds of items which are found in this bill. Who asked for this enormous increase in the rate on arsenious acid? Who came to the committee room and offered evidence justifying the infamous rate, the extortionate rate which we find in this bill?

Questions have been asked over and over again, Mr. President, as to the theory upon which this bill was drawn. I have listened with interest to the defenses which have been interposed by the chairman of the committee and by other members of the committee, hoping that there might be some justification for some of these schedules. I was not here to listen to the reasons assigned for the tariff upon arsenious acid. I state now, and I think I can state it without fear of successful contradiction, that there can be no justification for the tariff upon arsenious acid or upon any form of arsenical compounds. In most cases where you find copper ores you will find arsenic. It is a base metal. It is a metal or a mineral which in the smelting of ores oftentimes brings penalties. It is not desired, but it is there. Nature has placed the arsenic in connection with sulphur deposits, with sulphur ores, and many other ores. In order to carry on smelting operations you must have sulphur ores. The sulphur ores smelt themselves, and in the expulsion of the sulphur heat is developed for the reduction of the ores, so that while the sulphur is wasted and thrown off into the atmosphere it serves the purpose of fusing the ores or melting the ores and effectuating their reduction. So nature has placed there the sulphur, which produces heat, utilized and necessary in the reduction of the ore, and it has placed the arsenic there with the sulphur ores, and the arsenic is passed off as a waste product.

Mr. President, when you smelt, as is done in many of those large plants, from 1,100 to 2,500 tons of ore per day, and exceeding that quantity, the sulphur content being sometimes as much as 20 or 30 per cent and the arsenical content being as much as from 1 per cent upward, it is apparent that there will be tons of arsenic thrown off into the atmosphere every month, unless it shall be confined by bag houses and by other processes which modern chemistry is providing. Why place a tariff upon it?

The smelters, as everybody knows—I am speaking now of most of the smelters—have grown enormously wealthy. Take the American Smelting & Refining Co., one of the great smelting trusts in the United States. It has made millions—and I am not complaining—out of its smelting operations. A former distinguished Senator from the State of Colorado was interested in a great number of smelters, and the corporation which began as an infant has grown to immense proportions, and fortunes have been made in the smelting business in the United States.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. I yield to the Senator.

Mr. WALSH of Montana. The Senator has just referred to the fact that sulphuric acid as well as arsenious acid is a by-product of the smelting operation in the case of sulphide ores, chiefly copper ores. I want to inquire—perhaps the senior Senator from Utah [Mr. SMOOT] will be able to tell me—whether the basket clause of this particular paragraph will include sulphuric acid—

And all other acids and acid anhydrides not specially provided for, 25 per cent ad valorem.

Mr. SMOOT. I will say to the Senator that sulphuric acid will be found in paragraph 1501, and it is on the free list. Therefore it is specifically provided for, and does not fall in the basket clause. I will say to the Senator that from the smelters in the State of Utah alone we could produce rivers of sulphuric acid if it could only be taken care of.

Mr. WALSH of Montana. I want to say to the Senator that the situation is just exactly the same with reference to arsenic. We are exactly in the same situation. We can produce more sulphuric acid at Anaconda than the world can use, but it has to be disposed of in some way, simply because the freight rates will not permit its transportation. I think the statistics will show—I have been endeavoring to get them—that a very large percentage of the importations of white arsenic comes from the smelter at St. John, New Brunswick, and my belief about

the matter is that they are used in those sections of the country where the freight rates will permit the introduction of the white arsenic from St. John and shut out the arsenic from our western smelters. I feel quite certain that that is why there are any importations at all. It is simply a question of freight rates.

Mr. SMOOT. I will say to the Senator that I doubt very much whether the importations from St. John amount to much. The great part of it, I think the Senator will find, comes from England and from Germany and from Belgium, and I think some little from France. That is my recollection, speaking offhand now.

Mr. KING. Mr. President, I put into the RECORD here the other day the imports from Germany during the year 1921. As I recall, there was no importation of arsenic. The tariff summary on page 18 contains this statement:

Imports of arsenic and arsenious acids from 1908 to 1918 have averaged 2,735,575 pounds, valued at $126,828, and have come chiefly from Germany, Canada, England, and Belgium. Later statistics follow.

And it appears here that in nine months of 1921 the quantity imported was 2,705,625 pounds, of the value of $216,276, and that the unit value was 8 cents per pound—more than in 1919 and 1920.

I repeat, Mr. President, that the production of arsenic in the smelters of the United States and elsewhere in the United States is greatly in excess of the needs of the United States, and we could export it. The reason why there are any imports, perhaps, is the one suggested by my friend from Montana, that the freight rates from the West may be so high as to prevent the shipment. I know, however, that the production of arsenic is so great in the smelters where bag houses have been installed that it can more than supply the needs of the United States. I can not understand the reason for this tariff.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah further yield to the Senator from Montana?

Mr. KING. I do.

Mr. WALSH of Montana. Assuming that the bill is built on the basis of equalizing the difference in the cost of production in the United States and abroad, or at least that that is the principal element in fixing the rates carried by the bill, what evidence have we that arsenic can be produced at less cost in Germany than in Utah or Montana?

Mr. SMOOT. We have evidence that arsenic from Japan is being sold now, laid down in New York, at 5 cents a pound.

Mr. WALSH of Montana. I understood that reference was made to one shipment, one sale.

Mr. SMOOT. No; the Senator said that perhaps it applied only to one sale. The Senator knows that to-day, with the smelting interest in Japan growing as it is, arsenic can be made there very cheaply.

Mr. WALSH of Montana. What information have we concerning the sale of the arsenic coming from Japan at 5 cents a pound?

Mr. SMOOT. The only evidence we had was that it was being sold from Japan at 5 cents a pound, delivered in New York.

Mr. WALSH of Montana. Where is that evidence? Where can we get it?

Mr. KING. If the Senator will pardon me, I want to say that the prices shown on April 24 in the United States were 6½ to 7 cents per pound. Those are the prices quoted in the price list of chemicals and drugs in the United States.

Mr. SMOOT. That is true, and that has been stated on the floor several times. That is the white arsenic. The price of the arsenic acid is about 2 cents a pound more than the price of the white arsenic. The acid is made from the white arsenic. I will say to the Senator from Montana that he will find that evidence given on page 5116 of the hearings.

Mr. KING. Mr. President, the duty fixed by this bill on arsenious acid is 3 cents per pound.

Mr. SMOOT. Yes.

Mr. KING. The duty fixed on white arsenic is 2 cents per pound. I do not understand the reason for the distinction.

Mr. SMOOT. I will say to the Senator that they are different commodities.

Mr. KING. Oh, I understand that. There is a process of oxidation; that is all.

Mr. SMOOT. One is manufactured from the other, and it is a further manufactured process.

Mr. KING. I think the statement contained in the survey is substantially correct, that—

Arsenious acid, or white arsenic, the most important and the commonest form of arsenic in commerce, is an acid anhydride rather than a true acid. * * * Arsenious acid is a white insoluble powder with a slightly metallic taste. * * * Arsenic acid is chemically different and is obtained by oxidation of white arsenic.

It would appear that a further process is required in converting the arsenious acid into the arsenic acid; so that if there is any differential it ought to be in favor of the arsenic acid rather than in favor of the arsenious acid, because it requires an additional step in the development.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Utah yield to his colleague?

Mr. KING. I do.

Mr. SMOOT. I will say to my colleague that that is exactly the way it is—3 cents on one, and 2 cents on the other. If my colleague will read the paragraph carefully, he will find it.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I think a little confusion arises from the way the bill is drafted. The House bill places the arsenic acid before the arsenious acid, and, of course, in the logical order it should follow it, because it is made from the arsenious acid; and as it is made from it, it is given a higher rate of duty than the article which immediately follows, from which it is made.

Mr. KING. Mr. President, I hope I may be pardoned if I am covering ground which was covered while I was absent from the Chamber, but may I inquire of the Senator from North Dakota if there was any testimony before his committee in favor of a tariff either upon arsenious acid or white arsenic, except that found on page 1016, in the brief of A. S. Somers, representing the Association of Dry Color Manufacturers?

Mr. McCUMBER. Oh, yes; there was considerably more testimony, and a good deal of evidence of a different character was presented to the committee on prices, uses, and so forth. We went over a good deal of that while the Senator was necessarily absent from the Chamber.

Mr. SMOOT. If the Senator will get the appendix to the hearings on the chemical schedule, he will find there the testimony referred to.

Mr. KING. There may be some testimony in the appendix, but the only testimony that I can find in the hearings proper is the testimony with respect to Paris green, the statement being that—

Heretofore Paris green and arsenic, used largely in the manufacture of Paris green, were both on the free list. The proposed bill puts a duty on arsenic of 25 per cent, and a duty on Paris green of but 15 per cent. It does seem to us that it was not intended by your committee to make any such unjust discrimination against an article manufactured in this country and in favor of the raw material from which it is derived.

I repeat, Mr. President, I can not conceive of any justification for this duty. I repeat that there are produced in the United States to-day large quantities of arsenic which are wasted, and could be conserved if there were any profitable market for the same, and so long as it is a waste product and so long as it is being cast into the atmosphere to the injury of plant life, and particularly to the injury of animal life and human life, I protest against the policy of putting a tariff on it.

It seems to me, Mr. President, that this can not be justified in morals, in reason, or upon any hypothesis or theory which may be suggested by anybody, even the most greedy and selfish.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President——

Mr. KING. I suggest the absence of a quorum.

Mr. TOWNSEND. Does the Senator desire a quorum on this conference report I am bringing up?

Mr. KING. I withdraw the suggestion.

Mr. LODGE. The point has been made, Mr. President, and it can not be withdrawn.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Broussard	Heflin	McCumber	Smoot
Bursum	Jones, N. Mex.	McKinley	Sterling
Calder	Jones, Wash.	McNary	Swanson
Capper	Kellogg	Newberry	Townsend
Fletcher	Kendrick	Oddie	Underwood
Gooding	Keyes	Overman	Walsh, Mont.
Hale	King	Sheppard	Warren
Hitchcock	Lenroot	Shortridge	Watson, Ga.
Harrison	Lodge	Simmons	Willis

Mr. LODGE. I desire to announce that the Senator from Kansas [Mr. CURTIS] is detained on official business.

The PRESIDING OFFICER. Thirty-six Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. HARRIS, Mr. HITCHCOCK, Mr. McKELLAR, Mr. NORBECK, Mr. SUTHERLAND, and Mr. WATSON of Indiana answered to their names when called.

Mr. FRANCE and Mr. RAWSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. BORAH, Mr. FRELINGHUYSEN, Mr. POINDEXTER, Mr. PHIPPS, and Mr. NICHOLSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present.

Mr. McCUMBER. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

ORDER FOR RECESS.

Mr. McCUMBER. I ask unanimous consent at this time that when the Senate closes its session this calendar day it shall take a recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. TOWNSEND. I submit a conference report on House bill 9859, the Post Office appropriation bill, and ask for its present consideration.

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 14, 18, 25, 35, 36, 44, 46, 50, 56, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 19, 23, 37, 39, 41, 43, 47, and 48, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "assistant superintendent, $2,750"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,750"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "four hundred and seventy"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,482,800"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,545,800"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$424,500"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$101,000,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "and"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,765,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,750,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$725,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,200,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,800,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,150,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,850,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,900,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 32, 40, 52, 54, 55, 58, 59, 60, and 61.

CHAS. E. TOWNSEND,
THOMAS STERLING,
GEO. H. MOSES,
DAVID I. WALSH,
E. S. BROUSSARD,
Managers on the part of the Senate.

C. B. SLEMP,
MARTIN B. MADDEN,
T. U. SISSON,
Managers on the part of the House.

Mr. JONES of Washington. Mr. President, I ask the Senator from Michigan if it is not a fact that some of the amendments which are reported in disagreement have been actually agreed to by the conferees, but have to be taken back to the House where the House may consider the amendments and upon which concurrence is expected?

Mr. TOWNSEND. A great many of them. There are only three or four amendments which are in real disagreement.

Mr. HARRISON. May I ask the Senator what was done with the item about post-office inspectors? As I recall, the Senate put on an amendment——

Mr. TOWNSEND. The Senate amendment provided for 100, and the conferees agreed on 50.

Mr. HARRISON. The number was cut to 50?

Mr. TOWNSEND. It was.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. TOWNSEND. I move that the Senate further insist upon its amendments still in disagreement, ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BRUSSARD conferees on the part of the Senate at the further conference.

THE TARIFF.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, I ask for a yea-and-nay vote on the last amendment of the committee, as to which there was a viva-voce vote.

Mr. McCUMBER. The amendment had been agreed to before the call for a quorum, and it had been so announced, but if we can have a record vote right now I ask unanimous consent to reconsider the vote by which the amendment was agreed to, and let us have the record vote and dispose of it.

Mr. JONES of New Mexico. I may say that we do not care to reconsider the vote by which it was agreed to, but a record vote on the next item, arsenious acid, is what we want.

Mr. McCUMBER. That is the one I mean.

Mr. JONES of New Mexico. We voted on the other one.

Mr. McCUMBER. We also voted on this one, but it was not a record vote.

Mr. JONES of New Mexico. I did not understand it.

Mr. McCUMBER. Therefore, assuming that we have a quorum at this time and that Senators will remain and vote immediately upon the amendment, I ask unanimous consent that the vote by which the last amendment was agreed to may be reconsidered.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. HARRISON. The Senate has agreed that when it recesses this afternoon it will meet in the morning at 11 o'clock. In the event we have a record vote and it is disclosed that we have no quorum, will the Senate then stand in recess or must we adjourn?

The VICE PRESIDENT. The Senate will stand in recess under the unanimous-consent agreement.

The pending amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 24, after the words "arsenious acid or white arsenic," insert the words "2 cents per pound."

Mr. JONES of New Mexico. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], which I transfer to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "nay."

Mr. McKELLAR (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. NEW], which I transfer to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Missouri [Mr. SPENCER] and vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMMERON]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before regarding my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. The senior Senator from Kansas [Mr. CURTIS] is necessarily absent on official business. He is paired with the Senator from South Carolina [Mr. DIAL]. If present, the Senator from Kansas would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. SUTHERLAND (after having voted in the affirmative). Making the same announcement as before with reference to my pair and its transfer, I allow my vote to stand.

Mr. JONES of Washington. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Illinois [Mr. McCORMICK] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 34, nays 16, as follows:

YEAS—34.

Borah	Harreld	Newberry	Sterling
Brandegee	Jones, Wash.	Nicholson	Sutherland
Bursum	Kellogg	Norbeck	Townsend
Calder	Keyes	Oddie	Watson
Capper	Lenroot	Phipps	Watson, Ind.
Frazier	Lodge	Poindexter	Weller
Frelinghuysen	McCumber	Ransdell	Willis
Gooding	McKinley	Shortridge	
Hale	McNary	Smoot	

NAYS—16.

Caraway	Heflin	McKellar	Swanson
Fletcher	Hitchcock	Overman	Underwood
Harris	Jones, N. Mex.	Sheppard	Walsh, Mont.
Harrison	King	Simmons	Watson, Ga.

NOT VOTING—46.

Ashurst	Edge	Moses	Robinson
Ball	Elkins	Myers	Shields
Brandegee	Ernst	Nelson	Smith
Cameron	Ferrald	New	Spencer
Colt	Gerry	Norris	Stanfield
Crow	Glass	Owen	Stanley
Culberson	Johnson	Page	Trammell
Cummins	Kendrick	Pepper	Wadsworth
Curtis	Ladd	Pittman	Walsh, Mass.
Dial	La Follette	Pomerene	Williams
Dillingham	McCormick	Ransdell	
du Pont	McLean	Reed	

So the committee amendment was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 6 o'clock and 25 minutes p. m.), under the order previously entered, the Senate took a recess until to-morrow, Tuesday, May 9, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 8 (legislative day of April 20), 1922.

CIRCUIT COURT JUDGE FOR HAWAII.

Daniel H. Case, of Hawaii, to be circuit judge, second circuit, Territory of Hawaii, vice L. L. Burr, term expired.

RECEIVER OF PUBLIC MONEYS.

Hayward H. Schwoob, of Wyoming, to be receiver of public moneys at Lander, Wyo., vice William H. Edley, whose term will expire May 13, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Lieut. Col. Jennings Benjamin Wilson, Infantry, with rank from July 1, 1920.

Lieut. Col. George Michael Holley, Infantry, with rank from July 1, 1920.

Lieut. Col. Milton Artelis Elliott, jr., Infantry, with rank from July 1, 1920.

Lieut. Col. Harry Davis Mitchell, Infantry, with rank from July 1, 1920.

Lieut. Col. William Weston Bessell, Infantry, with rank from July 1, 1920.

Lieut. Col. Frank C. Barnett, Infantry, with rank from July 1, 1920.

Maj. Edward Aloysius Brown, Coast Artillery Corps, with rank from July 1, 1920.

Maj. William Augustus Beach, Infantry, with rank from July 1, 1920.

Maj. Henry Balding Lewis, Infantry, with rank from July 1, 1920.

Maj. John Grant MacDonnell, Cavalry, with rank from July 1, 1920.

Maj. Chauncey St. Claire McNeill, Cavalry, with rank from July 1, 1920.

Maj. Ralph Samuel Kimball, Infantry, with rank from July 1, 1920.

POSTMASTERS.

ARIZONA.

Elfreda M. McIntyre to be postmaster at Gila Bend, Ariz. Office became presidential April 1, 1921.

ARKANSAS.

Charlie C. Cherry to be postmaster at Hoxie, Ark., in place of B. C. Reid, resigned.

Maie Pierce to be postmaster at Manila, Ark., in place of G. M. Matthews, removed.

COLORADO.

Adelbert E. Humeston to be postmaster at Collbran, Colo., in place of A. E. Humeston. Incumbent's commission expired March 16, 1921.

FLORIDA.

William W. Zipperer to be postmaster at Jennings, Fla. Office became presidential July 1, 1920.

IDAHO.

Charles C. Henderson to be postmaster at Kamiah, Idaho, in place of E. L. Mueller, resigned.

ILLINOIS.

Richard A. Full to be postmaster at Roanoke, Ill., in place of Jacob Sand. Incumbent's commission expired February 4, 1922.

Cyril E. Reed to be postmaster at London Mills, Ill., in place of L. F. Ross. Incumbent's commission expired January 31, 1921.

IOWA.

Dell P. Glazier to be postmaster at Fort Madison, Iowa, in place of N. C. Roberts, resigned.

LOUISIANA.

John A. Moody to be postmaster at Cotton Valley, La. Office became presidential April 1, 1921.

Moses Biggs to be postmaster at Grayson, La. Office became presidential April 1, 1921.

Maggie E. Jones to be postmaster at Ringgold, La., in place of M. E. Jones. Incumbent's commission expired March 1, 1922.

MINNESOTA.

Will N. Bronson to be postmaster at Evansville, Minn, in place of L. A. Schwantz. Incumbent's commission expired January 24, 1922.

Clyde W. Long to be postmaster at Osakis, Minn., in place of F. H. Borchert. Incumbent's commission expired January 6, 1920.

Grover W. Sattler to be postmaster at Watkins, Minn., in place of Michael Brixius. Incumbent's commission expired January 24, 1922.

MISSISSIPPI.

Earl E. Royals to be postmaster at Mize, Miss. Office became presidential April 1, 1921.

MISSOURI.

Hattie Biggs to be postmaster at Neelyville, Mo. Office became presidential January 1, 1921.

NEBRASKA.

Oscar L. Lindgren to be postmaster at Bladen, Nebr., in place of C. P. Davis. Incumbent's commission expired February 14, 1922.

Earl C. Rickel to be postmaster at Edgar, Nebr., in place of J. W. Carson. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Frederick W. Travis to be postmaster at Fair Haven, N. J. Office became presidential January 1, 1921.

NEW YORK.

G. Frank Van Keuren to be postmaster at Allaben, N. Y. Office became presidential January 1, 1921.

William J. Pike to be postmaster at Sanborn, N. Y. Office became presidential April 1, 1921.

Annabel Wood to be postmaster at Hilton, N. Y., in place of F. W. Amidon. Incumbent's commission expired January 28, 1920.

NORTH CAROLINA.

Walter B. Rouse to be postmaster at New Bern, N. C., in place of L. G. Daniels. Incumbent's commission expired January 24, 1922.

OHIO.

Harry W. Randels to be postmaster at West Unity, Ohio, in place of J. W. Kissell. Incumbent's commission expired July 21, 1921.

PENNSYLVANIA.

Nellie Smith to be postmaster at Abington, Pa., in place of B. F. Boutcher. Incumbent's commission expired August 7, 1921.

Charles W. Schlosser to be postmaster at Waterford, Pa., in place of J. H. Alcorn. Incumbent's commission expired February 5, 1922.

PORTO RICO.

Felix P. Hernandez to be postmaster at Quebradillas, P. R. Office became presidential July 1, 1921.

RHODE ISLAND.

Mary I. Cummiskey to be postmaster at Crompton, R. I., in place of J. S. Sculley. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

James B. Pickett to be postmaster at Clemson College, S. C., in place of I. A. Calhoun. Incumbent's commission expired January 24, 1922.

SOUTH DAKOTA.

James P. Turner to be postmaster at Faulkton, S. Dak., in place of A. D. Griffee. Incumbent's commission expired January 24, 1922.

Louisa E. Prouty to be postmaster at Pollock, S. Dak., in place of L. E. Prouty. Incumbent's commission expired January 31, 1922.

TENNESSEE.

Alexander C. Austin to be postmaster at Ardmore, Tenn. Office became presidential October 1, 1921.

Woodford C. Monroe to be postmaster at Celina, Tenn. Office became presidential January 1, 1921.

William R. Robinson to be postmaster at Charlotte, Tenn. Office became presidential April 1, 1921.

TEXAS.

Joe H. Victery to be postmaster at New Willard, Tex. Office became presidential July 1, 1921.

George H. Sparenberg to be postmaster at Austin, Tex., in place of C. J. Johnson. Incumbent's commission expired January 24, 1922.

Hubert L. Ford to be postmaster at Bellevue, Tex., in place of A. W. Melton. Incumbent's commission expired January 8, 1921.

John W. Robbins to be postmaster at Clyde, Tex., in place of J. W. Robbins. Incumbent's commission expired January 24, 1922.

Walter C. Vickers to be postmaster at Omaha, Tex., in place of G. H. Riddle. Incumbent's commission expired July 21, 1921.

UTAH.

John E. Sheffer to be postmaster at Smithfield, Utah, in place of I. H. Merrill, deceased.

VIRGINIA.

William R. Kindig to be postmaster at Stuarts Draft, Va. Office became presidential January 1, 1921.

WASHINGTON.

Sylvester G. Buell to be postmaster at Arlington, Wash., in place of C. H. Runkel, resigned.

Charles O. Merideth to be postmaster at Kent, Wash., in place of C. E. Guiberson. Incumbent's commission expired January 24, 1922.

WYOMING.

Nels J. Simpson to be postmaster at Cambria, Wyo., in place of N. J. Simpson. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8 (legislative day of April 20), 1922.

POSTMASTERS.

COLORADO.

Ethel Niquette, Edgewater.
Roswell H. Bancroft, Palisades.

ILLINOIS.

Pearl Richcreek, Argo.
Louis Opp, Belleville.
Lillie M. Diver, Dallas City.
William W. Austin, Effingham.
Nellie Mitchell, Mansfield.
James M. Carey, Maywood.
Henry P. Harris, Monticello.
Warren E. Wright, Murrayville.
Harold H. Hitzeman, Palatine.

KANSAS.

Patrick H. Lindley, Havana.

SOUTH CAROLINA.

Harry A. Rich, Blackville.
John S. Meggs, Marion.
Lottie G. Myers, Pamplico.
May A. Peake, Union.

TEXAS.

Norah H. Kelly, Lockhart.
John F. Davis, Montgomery.
Robert W. Crossey, Sourlake.

WITHDRAWALS.

Executive nominations withdrawn from the Senate May 8 (legislative day of April 20), 1922.

POSTMASTERS.

INDIANA.

William E. Robinson to be postmaster at Jeffersonville, in the State of Indiana.

PENNSYLVANIA.

Charles W. McLaughlin to be postmaster at Mercersburg, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 8, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer.

Give ear, O Shepherd of mankind; show us at noonday the light of Thy countenance. We thank Thee that Thou hast not left us to the consequences of our weakness. With our frailties, failures, and failings Thou dost love us still. To-day make goodness, unity, and harmony the expressions of wisdom; give understanding and godly strength to all and lift the burdens from burdened hearts. Guide, we beseech Thee, the destinies of our country and make happiness and industry natural and abundant. In Thy name. Amen.

The Journal of the proceedings of Friday last was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 9981, making appropriations for the independent offices and bureaus, disagree to the Senate amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take up and disagree to the Senate amendments and agree to the conference asked for on the bill, of which the Clerk will read the title.

The Clerk read as follows:

H. R. 9981. Making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

Mr. WALSH. Reserving the right to object, that report has been back several times, and although I voted to sustain the conference upon the last occasion, I am just wondering what position this bill now is in, the House having gone on record emphatically against these large increases in salary and the Senate insisting—whether a motion to adhere would be the proper motion at this time. I would like the views of the gentleman from Indiana.

Mr. WOOD of Indiana. The action taken by the Senate was to instruct the conferees on the part of the Senate to still insist on their position and ask for a further conference. That is the only information I have with reference to the attitude of the Senate. Of course, there is not very much difference between us—only about $15,000. It strikes me that where there is so small a difference there ought to be some way of arriving at an agreement satisfactory to both Houses. There is great necessity for an early determination of the matter.

Mr. WALSH. A parliamentary inquiry, Mr. Speaker. Is a motion to adhere now in order?

The SPEAKER. The Chair thinks so, but the Chair thinks that a motion to insist would have precedence over a motion to adhere.

Mr. MONDELL. Mr. Speaker, my understanding is that there is no objection to the bill going to conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON.

CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS—CONFERENCE REPORT.

Mr. STEVENSON. Mr. Speaker, I desire to call up the conference report on Senate Joint Resolution 132, to provide for the continuance of certain Government publications. The majority members of the conferees are called away, but it is the unanimous report and it is very important that we should get action on it to-day.

Mr. WALSH. Are the papers here?

Mr. STEVENSON. The papers are at the desk.

The SPEAKER. By direction of the conference committee the gentleman from South Carolina calls up the conference report on Senate Joint Resolution 132.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2 and to the title of the bill, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following: "That hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for such public business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government"; and the House agree to the same.

EDGAR R. KIESS,
ALBERT JOHNSON,
W. F. STEVENSON,
Managers on the part of the House.

GEO. H. MOSES,
ARTHUR CAPPER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT.

The Senate conferees accept the amendment of the House with a slight change requiring that such journals, magazines, and periodicals may be printed as shall be certified to be necessary "in the transaction of the public business." This change is in conformity with the general printing law relative to the printing of documents or other matter required for the executive departments.

The House conferees accepted an amendment which provides that the printing of "such additional copies as may be required for sale by the Superintendent of Documents" shall be subject to regulation by the Joint Committee on Printing, as it was thought that the printing of the 2,000 additional copies authorized to be printed for the executive departments might be construed as subject to regulation by the same committee.

The amendment of the House repealing previous legislation on this subject was accepted by the Senate conferees; also the amendment which amended the title to the bill.

EDGAR R. KIESS,
ALBERT JOHNSON,
W. F. STEVENSON,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman from South Carolina a question. I notice the provision that the Public Printer shall print such additional copies as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit. I wish to inquire whether the plus 10 per cent takes care of the overhead expense of printing these various Government documents.

Mr. STEVENSON. I will say that that is the law now—the 10 per cent is supposed to take care of it. There is no change in the law as far as that is concerned.

Mr. STAFFORD. Does the 10 per cent as carried in the amendment take care of the overhead expense?

Mr. STEVENSON. That is what it is intended to do, and I am informed that it does that and a little more. But that was not a matter that was before the two Houses in conference.

Mr. STAFFORD. I am well aware of the matter that was in dispute between the two Houses as to the unlimited publications for the use of the department; but now you are leaving it to the Director of the Budget to control the amount of the publications that may be published by the various departments and bureaus.

Mr. STEVENSON. That is what is being done.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

BIRTHDAY OF MR. CANNON.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, yesterday was a wonderfully glorious day—the first perfect summer day. Nature was in her best clothes, the air was balmy, and the birds were singing their sweetest songs. [Applause.] It was as perfect a day as ever dawned on the earth, and it was proper it should be so, for on that day one of our colleagues, our best-beloved colleague, was pleasantly passing the eighty-sixth milestone of his life's journey.

The evening before there had been a most unusual and for the moment unhappy circumstance. This colleague of ours, by reason of a slight and temporary indisposition, was unable to attend a perfectly splendid dinner given in his honor by his friend and colleague, Mr. MADDEN. He would have blushed, modest man that he is, if he had been there and heard the glowing tributes paid him. To-day, again well and hearty, he is proceeding on toward his eighty-seventh milestone with the good wishes of everybody in America. [Applause.] We regret that when Mr. CANNON reaches the eighty-seventh milestone he will not be with us in person, but he will be with us in spirit, he will be with us in that splendid influence for courage, honesty, and loyalty which he has so long exerted in this body and in the country. We wish him well and all happiness and contentment as he passes on along the journey, which we hope will be as bright and glorious in the future as it is to-day. [Applause, the Members rising.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, ever since the gentleman from Massachusetts announced some weeks ago that the gentleman from Illinois [Mr. CANNON] was to retire, it has been a matter of regret to everyone that he purposes to leave the House in the bloom of his youth. [Applause.] Those who have served with him here have had full opportunity for observing him and his methods. I came in the Fifty-ninth Congress, which was the second Congress of which he was Speaker. The newspapers said that the minority at that time consisted of JOHN SHEAF WILLIAMS and 136 innocent bystanders. [Laughter.] I have seen it grow into a majority, and then grow worse by going back to the minority place again.

The former Speaker [Mr. CANNON] has been often a source of desperation to the Democratic minority, but always, by reason of his courage, his character, and his intelligence, he has been and will continue to be an inspiration to all men everywhere. [Applause.]

Miss ROBERTSON. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection?

There was no objection.

Miss ROBERTSON. Mr. Speaker, we read of Moses, that he was "an hundred and twenty years old when he went up to Mount Nebo, and gave up his care of Israel, but his eye was not dimmed nor his natural force abated." Since I have come here—and I am old, too old to care to speak it out in public; those of you who are curious can look in the directory and find out just how old—I am continually being told by people from home that I am getting younger. [Applause.] First they said that I looked five years younger, and then they said that I looked 10 years younger, and very pleasing it is to feel this comes from associations here. I want Members here to quit talking about Mr. CANNON being old. He is not old. He is young. He has helped to make me a great deal younger by his pleasant words and wholesome counsel. I am looking forward to coming back here. I hope to come back here for one term after this anyway. One of the greatest joys I can think of is that Mr. CANNON will be back here in Washington and coming in here to see whether we are all behaving. So let us not say so many good-byes, but tell him just to come back to see us all and see that we do behave. [Applause.]

E. J. HILL AND MARION L. OVERBY.

Mr. A. P. NELSON. Mr. Speaker, I call up from the Committee on Accounts House Resolution 334 (Rept. No. 969), which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 334.

Resolved, That there shall be paid out of the contingent funds of the House of Representatives to E. J. Hill the sum of $166.66 and to Marion L. Overby the sum of $126, being the amounts received by them per month as clerks to the late S. M. Brinson, a Representative in Congress.

Mr. A. P. NELSON. Mr. Speaker, this is the usual House resolution providing for the payment of one month's salary to the clerks of a Representative who has died.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STELLA M. WEIGEL AND BUELAH S. GIVEN.

Mr. A. P. NELSON. Mr. Speaker, I call up the motion entered by the gentleman from Texas [Mr. JONES], with his consent, for reconsideration of House Resolution 320, and I move that the motion do lie on the table.

The SPEAKER. The gentleman from Wisconsin, with the consent of the gentleman from Texas [Mr. JONES], calls up the motion to reconsider, which the gentleman from Texas entered on House Resolution 320, and moves to lay that motion on the table. The question is on the motion of the gentleman from Wisconsin.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. CRAVEN, its Chief Clerk, announced that the Senate had passed with amendment the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or post-marking dies, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 11547) making appropriations for additional hospital facilities for patients of the United States Veterans' Bureau.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

S. Con. Res. 23. Concurrent resolution creating a joint committee to determine the indebtedness of the United States to the District of Columbia or of the District of Columbia to the United States growing out of relations existing since the organic act of 1878.

The message also announced that the Senate had passed the following joint resolution, in which the concurrence of the House of Representatives was requested:

S. J. Res. 194. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUMMINS, Mr. STERLING, and Mr. OVERMAN as the conferees on the part of the Senate.

USE OF SPECIAL CANCELING STAMPS.

Mr. STEENERSON. Mr. Speaker, I call up the bill H. R. 10941, authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies, with a Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Minnesota calls up the bill H. R. 10941, with a Senate amendment thereto. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to concur in the Senate amendment.

The motion was agreed to.

SENATE JOINT RESOLUTION AND SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and Senate concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 194. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

S. Con. Res. 23. Concurrent resolution creating a joint committee to determine the indebtedness of the United States to the District of Columbia or of the District of Columbia to the United States growing out of relations existing since the organic act of 1878; to the Committee on Rules.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that May 6 they had presented to the President of the United States for his approval the following enrolled bills and joint resolution:

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876;

H. R. 10730. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, and for other purposes; and

H. J. Res. 288. Joint resolution extending the operation of the immigration act of May 19, 1921.

EXTENSION OF REMARKS.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein an address delivered by the gentleman from Alabama [Mr. TYSON] recently in Montgomery, Ala.

The SPEAKER. Is there objection?

There was no objection.

The address referred to is as follows:

SPEECH OF HON. JOHN R. TYSON, MEMBER OF CONGRESS, TO THE BARACA CLASS, CLAYTON STREET BAPTIST CHURCH, MONTGOMERY, ALA., SEPTEMBER 14, 1921.

Ladies and gentlemen, I am more than pleased to speak with the members of the Baraca Class of this church this morning.

Yours is a great organization—to be more accurate, a great fraternity, having for its aim the fraternizing of men for mutual helpfulness and the promotion and uplift of the citizenship of the community.

You are a band of brothers engaged in the noble work of helping each other to work out the problems of life for the mutual welfare and benefit of all.

You are undertaking to promote and create conditions productive of "blessing"—the synonym of Baraca, as used in the Old Testament Scriptures. To accomplish that result, organization is necessary. This is a day of organization. As men progress, they feel more keenly the need of the natural instincts of their being—that of getting together. It is an innate impelling force, an irresistible one. It is born in man. The savages had their tribes and their chiefs—leaders—a pseudo government.

As man became more intelligent, the more he appreciated the necessity of a system of government, and as civilization advanced, different forms of civil governments were established throughout the world. For centuries, carrying out the tribal idea, he was ruled by kings. It was not until democracy was established in this country that the world recognized that man is endowed by his Creator with inalienable rights such as life, liberty, and pursuit of happiness; that he had the right of self-determination; that people had the right to form a union, an organization, promotive of their general welfare, and to secure to themselves and their posterity the blessings of liberty.

It is under this democratic government that we are living to-day, and it is the duty of all men, thus united, to live up to the obligations imposed upon them as members of that union, just as it is incumbent upon the members of this class and of every Baraca Class to fulfill their obligations.

The member of your fraternity who is unwilling to promote the cause for which it was organized is unworthy and should be expelled. So the citizen of this great Republic, this great organization, this great Union, established for the protection of the lives, liberty, and property of the people, who violates the laws which he has enacted through his delegated representatives should be punished. Such a man is not a good citizen and really unworthy of being a member of the Union.

Under the government established by a free people—maintained under a constitution adopted by them as the supreme law of the land, this people have advanced until they have become the greatest nation of the world. They are the leaders in religion, education, finance, invention, banking, manufacturing, mining, statesmanship, and military strategy. All this has been accomplished as the result of an harmonious union, fraternal cooperation of the representatives of the numerous interests promoted, fostered, and protected by the laws of the country. This people have become the great people of the world by promotion of mutual helpfulness—a recognition by one man of the rights of the other—the subordination of the natural selfishness which exists in every man—the willingness to contribute to the welfare and blessings of our neighbor—a recognition of a mutual interdependence of one upon the other.

Man is so constituted that he can not live alone. He is a social being. He is more than that. He is a spiritual being. There are three entities or beings which he has from the day of his advent upon this earth recognized. Adam, the first man, felt the necessity of companionship and of the blessings of a kind Providence. The three entities necessary to man's existence are God, self, and the other man or woman. It is God that gives us our life and provides the necessaries for its existence. It is the other man or woman who contributes to our social life, happiness, and prosperity. In every relation of life there exists that dependency of man upon man. No matter how much wealth he may possess he is dependent upon the fellowship of his neighbor and the labor of his neighbor to make his wealth produce and upon his neighbor to produce the necessities for his existence and well being. This is also true of the laboring man. He is dependent upon employment by those who possess the means to compensate him for his services. There is, therefore, an interdependence between the two. Without the one the other can not exist, much less prosper. The general prosperity of the country depends, in a large measure, upon the recognition and conservation of the rights of each other. There should be no conflict between the two. And there will not be, if the rights of each are respected, one by the other. If the element of selfishness—self—is subordinated, as it should be, commensurate with the obligations of good citizenship and in the interest of promoting the prosperity and blessings of the people, there would be no conflict between labor and capital. If each would recognize the rights of the other and their mutual dependency upon the other, there would be no strife and no unemployment. The resources of this country are ample to keep the wheels of industry constantly in motion, with resultant benefits that would bring about contentment and happiness among our people and eliminate that spirit of unrest which now exists as the result of the Great War. A recognition of the rights of man by man would speedily solve the problem of reconstruction which is now being worked out and which will be successfully worked out by the people of this Nation.

You need have no apprehension that this people, this people loyal to all that is good and right, will not be able to solve the many intricate problems that vex the world. The capitalist and the laboring man will eventually unite their efforts in restoring prosperous conditions, and our country's flag will float over a contented and happy people.

I have the utmost confidence that the Biblical injunction, "Let your moderation be known unto all men," will be obeyed, and that whatever differences may now exist between the employer and the employee will be met and handled in moderation, unaccompanied by acts of lawlessness or violence.

It behooves you Baracas, if you are faithful to your vows, that you stand for the enforcement of Apostle Paul's injunction and the golden rule.

I am confident you will find in the noble women of this community, who should be admitted as members of your fraternity, zealous associates in the great work you are doing.

If they are admitted to membership, their activities, earnestness, and devotion to the cause would be an inspiration to you.

APPLICATION OF RECLAMATION LAW TO IRRIGATION DISTRICTS—CONFERENCE REPORT.

Mr. KINKAID. Mr. Speaker, I call up the conference report upon the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The SPEAKER. The gentleman from Nebraska calls up the conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following:

"That the term 'first mortgage,' as used in section 12 of the Federal farm loan act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, known as the reclamation law: *Provided*, That such lands are otherwise eligible for loans under the Federal farm loan act: *And provided further*, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes."

And the Senate agree to the same.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts submit the following written statement explaining the effect of the action agreed on:

Said action clarifies the purpose of the Senate amendment, and the language agreed upon is that of H. R. 11074, a bill to authorize Federal farm loans on lands under United States reclamation projects, as reported to the House by the Committee on Banking and Currency.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, reserving the point of order upon the conference report, I would like to have the Senate amendment read.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 4, after line 21, insert:

SEC. 4. The lien reserved to the Government of the United States, however created, for payment to it of construction charges and charges for operation and maintenance, and all penalties required to be paid under the reclamation act approved June 17, 1902, and acts amendatory thereof or supplementary thereto shall not be construed to be a lien or incumbrance as contemplated by this act wherein loans under this act shall be secured by first mortgages on farm lands, to the end that the provisions of said Federal loan act shall extend to lands within all Government reclamation projects without regard to Government liens for payment of said charges, and the provisions of said Federal farm loan act are hereby extended to apply to lands within all Government reclamation projects.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of the point of order.

Mr. KINKAID. Mr. Speaker, the amendment adopted and reported by the conferees is in conformity with the principal purpose of the original bill as it passed the House, which was to enable water users under reclamation projects to secure long-time mortgage loans of Federal farm-land banks upon the same footing as farms not under reclamation projects. The amendment agreed upon by the conferees will effect this purpose more directly, especially for reclamation projects which have not adopted the irrigation district system—which many have not done—than is permitted by the provisions of the original bill as it passed the House. As the bill passed the House in order for water users under any project to avail themselves of the right to secure mortgage loans of Federal farm land banks it is necessary for the particular project to adopt the irrigation district system.

Mr. Speaker, the bill as it passed the House amends the original reclamation law. On the other hand, the amendment reported by the conferees and now under consideration amends the Federal farm loan act. This amendment is copied from a bill, H. R. 11074, introduced by the gentleman from Arizona [Mr. HAYDEN] and referred to the Committee on Banking and Currency. And while passing I may state that a similar bill was introduced by the Senator from Oregon [Mr. MCNARY], who is chairman of the Senate Committee on Irrigation. The Committee on Banking and Currency made a favorable report on the Hayden bill on the 4th of this month. Contained in this report is a copy of a letter written by Hon. A. F. Lever, farm loan commissioner, addressed to the gentleman from Pennsylvania [Mr. MCFADDEN], as chairman of the Committee on Banking and Currency. That report will be copied in this place in my remarks.

[House Report No. 677, Sixty-seventh Congress, second session.]

FEDERAL FARM LOANS ON LANDS UNDER UNITED STATES RECLAMATION PROJECTS.

Mr. MCFADDEN, from the Committee on Banking and Currency, submitted the following report, to accompany H. R. 11074:

The Committee on Banking and Currency, to whom was referred the bill (H. R. 11074) to authorize Federal farm loans on lands under United States reclamation projects, having considered the same, report it back to the House with the recommendation that the bill do pass without amendment.

This legislation is designed to enable the Federal land banks to make loans on lands within United States reclamation projects in the same manner as such loans are now made on lands within drainage districts, road districts, or other farm of organization where there is an annual charge against the land by reason of some improvement.

Lands under Federal reclamation projects when sold are disposed of subject to the construction charges due to the United States, and when a price is quoted on such lands it means the price with such charges assumed by the purchaser. The lien created under the reclamation law is a lien that exists by virtue of a statute. In this respect the lien is similar to a lien due for bonded indebtedness which is only to be in force upon the happening of certain things which bring the statute into operation. The Federal land banks in making farm loans now take into consideration the existence of such statutory liens, and your committee is of the opinion that similar discretion may safely be granted to them in making loans on United States reclamation projects.

The Federal Farm Loan Board has submitted the following favorable report on the bill:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, April 4, 1922.

Hon. L. T. MCFADDEN,
House of Representatives.

MY DEAR CONGRESSMAN MCFADDEN: In the absence of Commissioner Lobdell, permit me to acknowledge receipt of your letter of March 24, inclosing copy of House bill 11074, introduced by Representative HAYDEN, to authorize Federal farm loans on lands under United States reclamation projects. This bill is very similar to one introduced by Senator MCNARY on March 16, 1922, and having the identical purpose. I take the liberty of quoting for your information the comments of Commissioner Lobdell upon this bill as expressed in a letter to Senator MCNARY under date of March 20, 1922. He says:

"I am to-day in receipt of yours of the 16th instant, inclosing copy of H. R. 4382 as intended to be proposed by Senator BORAH.

"I think that the Federal Farm Loan Board would be willing to authorize the Federal land banks to give consideration to applications for loans on lands under reclamation projects if this bill were enacted, though, as I assume you know, each of the land banks operating in irrigated territory maintains its own engineering department, and would, of course, exercise the privilege of examining and rejecting any project, notwithstanding it were a Government one, where, in the judgment of its engineer, water supply or construction were insufficient or proper provision had not been made for drainage.

"The last proviso of the bill is very essential, and without it loaning in these districts would not be at all undertaken."

Very truly yours,

A. F. LEVER,
Acting Farm Loan Commissioner.

Mr. Speaker, with the report of the conferees adopted and the act approved, the Federal farm loan banks will be permitted to make loans to owners of farm units under reclamation projects, whether the projects shall have adopted the irrigation system or not.

Mr. Speaker, I now yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, I voted in favor of the passage of the Federal farm loan act, which became a law on July 17, 1916. The enactment of that great statute marked a new epoch in American agricultural history. That law made the farmers of our country a preferred class of borrowers by enabling them to obtain money at a rate of interest but little in advance of the rate paid by the National Government. The constitutionality of the act was called into question, and, pending its judicial interpretation, the Federal Farm Loan Board was unable to properly function. On February 28, 1921, the litigation was

finally disposed of by a decision of the Supreme Court, confirming the constitutionality of the act in all particulars, so that the Federal farm loan system is now firmly fixed as a part of the financial system of the United States.

The fifth annual report of the Federal Farm Loan Board shows that there were in existence on October 21, 1921, 4,108 national farm loan associations, and that 142,522 borrowers had obtained loans to the extent of $407,702,571 by giving mortgages on lands and improvements having an appraised valuation of $1,121,976,338. The average loan made was for $2,888, and the average value of the 25,627,732 acres mortgaged was $35.58.

In the State of Arizona only 10 local farm loan associations had been chartered up to that time, consisting of 324 borrowers. The total loans applied for were $1,146,950, of which $964,400 had been granted. The value of the 36,569 acres of land and improvements mortgaged was $2,505,097, and the appraised value per acre was $69.27, or about $25 per acre greater than the general average throughout the United States. The average loan made was also larger, being for $3,063. Sixty-five per cent of the money borrowed was used to pay off existing mortgages or other debts.

I have mentioned the conditions in Arizona because they are typical of a situation that has existed in many of the Western States, where Federal farm loans have been denied to landowners under United States reclamation projects. Within these projects there are 32,385 irrigated farms, comprising 1,162,000 acres, which produced crops in 1920 having a value of $66,171,000. These lands represent the best and safest opportunity for loans in the entire West, and to-day we are seeking to enable the Federal land banks to enter this field by extending the benefits of the Federal farm loan act to such lands.

At the time the Federal farm loan act was under consideration by Congress I endeavored to make certain that the lands within Federal reclamation projects would come within the terms of the proposed law. I conferred with members of the committee having the legislation in charge and was assured that such would be the case. In order to demonstrate the clear intention of Congress with regard to this matter, I shall quote from a letter addressed to me in September, 1916, by Hon. Ralph W. Moss, of Indiana, who had been a member of the committee to investigate rural credit conditions in European countries, and was also a member of the Joint Committee on Rural Credit, which had in charge the drafting of the Federal farm loan act:

Hon. CARL HAYDEN,
Washington, D. C.

MY DEAR MR. HAYDEN: I have your favor making inquiry as to the scope of the rural credit law and its application to include farmers who own farms under our various reclamation projects. I recall very distinctly your interest in this phase of the law during the time we were drafting its terms. I then assured you that we were choosing the language of the proposed statute so as to make it apply to such cases as you have in mind, viz, where settlers hold title to lands but against which holding the Government has a lien for assessments representing water rights or privileges. I still affirm that any fair interpretation of the statute will verify my statement as to the purpose of its framers. This question was presented very forcibly by you and by other Representatives of our Western States.

"I was vitally interested in this particular question, because we have in Indiana very extensive drainage districts where the State advances the money to make the improvements and is given a first lien against the lands to secure the repayment of the money so advanced. The State sells bonds and then collects semiannually from the farmers interested, when other taxes are collected, installments to apply on retiring bonds. These payments extend over a period of 10 to 20 years. We have in our drainage districts practically analogous cases to your western irrigation projects. I feel perfectly confident that in all instances where the title vests in the farmer and no other mortgage has been placed against the land the owner can mortgage his land for any one of the purposes recognized in the law.

In this connection, I beg to call your attention to the precise language in the rural credits law as compared with that of the Federal reserve law. I am aware that there has been a decision rendered to the effect that national banks may not loan on lands within irrigation projects until all assessments are fully paid. The Federal reserve law permits national banks to loan on "improved and unencumbered" farm lands. The term "unencumbered" has been held to mean lands without legal assessments, such as unpaid irrigation assessments. Section 13 of the rural credits law uses the term "first mortgage"; we did not pin our faith to the vague term "unencumbered." A mortgage is a mortgage; it is not taxes or legal assessments which constitute a lien against land; but in order that no misapprehension can arise, in the same section the law declares: "Every borrower shall by express covenant in his mortgage undertake to pay when due all taxes, liens, judgments, or assessments which may lawfully be assessed against the land mortgaged." This section in the law carefully differentiates between liens and assessments made under forms of law and that form of security for debt which we denominate a "mortgage," and expressly declares that the land may carry such liens and assessments in addition to the mortgage encumbrance.

I trust that I have made clear the intent of the law. I also trust that you will feel that my assurance given to you while the law was under discussion, that its benefits would be open to such of your constituents as may own lands within Government irrigation projects with unpaid assessments but who hold the title to their land, is fully warranted by the language quoted.

In conclusion, permit me to say that I appreciate the interest you manifested in the drafting of this great law, and assure you that it has been a pleasure to have been associated with you in this great labor.

Very truly yours,

RALPH W. MOSS,
Member Congress, Fifth District Indiana.

Unfortunately, the Federal Farm Loan Board as originally constituted was composed of gentlemen who were totally unfamiliar with western irrigation agriculture, and under mistaken legal advice they declined to carry out the intent of the law. A precedent was set by refusing to make loans on lands within Federal irrigation projects for the alleged reason that the first lien of the Government for reclamation construction charges made it impossible for the farmer to give a first mortgage.

This ruling remained in force on all the Federal reclamation projects until last year, when an exception was made in the case of the Salt River reclamation project in Arizona. At my suggestion, representations were made to the Federal Farm Loan Board that the Salt River project had a different status than any other Federal reclamation project, because under a contract with the Secretary of the Interior made in 1917 the control of the project has been transferred to the Salt River Valley Water Users' Association. Under the terms of this agreement the association, and not the individual water users, is liable for the entire sum due to the Government. I therefore urged that the practical effect of this contract was to place the lands under this project in the same position as lands under an irrigation district where Federal farm loans could be obtained. The Federal Farm Loan Board finally adopted this view and authorized the loans to be made on lands under that particular project.

I am advised that during the past six months applications for loans aggregating $1,897,000 have been made by landowners under the Salt River reclamation project. Many of these applications are still under investigation, but loans amounting to $733,000 have been allowed by the Federal land bank, and 87 borrowers, whose loans amount to $528,000, have actually received the money. On this basis the average loan would be about $6,000.

An exception was made, however, in cases where landowners had obtained title under the reclamation law with a reservation in the patent of a first lien to the United States for reclamation charges. By reason of this exception loans have been denied to 65 applicants residing on farm units under the Salt River project who had applied for loans aggregating $200,000. The enactment of this bill will permit these applications to be promptly considered and will also enable the owners of about 20,000 acres of land in farm units under the Salt River project to make application for loans if they so desire.

Under the Yuma reclamation project applications are pending for loans amounting to $118,500 which can be acted upon immediately upon the approval of this bill by the President. In addition to the pending applications the owners of the 65,000 acres of land under the project may also apply for farm loans, and the Federal farm loan act will likewise be made applicable to the 40,000 acres which will ultimately be placed in cultivation on the Yuma-Mesa.

I have pointed out the practical effect of this legislation, both generally on the United States reclamation projects in the West and particularly with respect to Arizona, where I am personally familiar with local conditions. I have always contended that the construction lien on Federal reclamation projects could not, in its practical effect, be determined to be in any way different from the statutory lien for any other improvement, such as that occasioned by the creation of a road-bond district or a drainage district or even for State and county taxes. In each case the lien is not enforced except upon the occurrence of a delinquency in payment.

Mr. SNELL. Will the gentleman yield?

Mr. HAYDEN. I yield to the gentleman from New York.

Mr. SNELL. Is it not a fact that in a great many of these projects the claim of the Government is upon the full value of the land itself?

Mr. HAYDEN. I doubt if there is a project operated by the United States Reclamation Service where the value of the land is not at least twice as much as the construction charge and much more than that. There is hardly an irrigated acre of land in any project that is not worth $200, and the charge is in no case much more than $100 an acre.

Mr. SNELL. The value of the land is the value coming to it as the result of irrigation or reclamation?

Mr. HAYDEN. Exactly so. It is just the same as establishing a drainage district in the East to get water off the land. When the charge for drainage is fixed it is assumed, and it is

usually true and more than true, that the value of the land is increased to a greater extent than the charge. So when an individual buys irrigated land the construction charge is taken into consideration with the understanding that the purchaser assumes the future payments. The current or market price of land within a reclamation project is quoted with the understanding that the cost of reclamation is counted in and counted out again by reason of the increase in the value of the land as a consequence of its having been brought under irrigation.

Mr. SNELL. Is not this an entirely different proposition than a general tax proposition for school and road purposes?

Mr. HAYDEN. In practical effect the cases are parallel.

Mr. SNELL. You might own a hundred acres of land and there is no claim and I own a hundred acres next to it and there is a claim for the full amount of the reclamation project. That makes an entirely different proposition.

Mr. HAYDEN. The final clause in this amendment reads:

That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such land for loan purposes.

In other words, the Federal Farm Loan Board will give the same consideration to the reclamation lien as it will to the existence of a tax lien for roads, schools, and other public improvements.

Mr. SNELL. Is it not an entirely different proposition than a local bond issue?

Mr. HAYDEN. There is no practical difference at all. The reclamation construction charge is payable in 20 annual installments just the same as the annual charge for interest and sinking fund on a road bond issue running for an equal term of years.

Mr. SNELL. It seems to me different when a man had never paid anything and we go and loan him money when he had not put any money into it.

Mr. HAYDEN. The farmers on a Government reclamation project could not obtain a loan from the Federal land bank unless their lands were improved to such an extent that the land could be sold for more than the construction charge. Even then they may only secure loans to the extent of one-half of the excess value, as fixed after a careful appraisal.

Mr. SINNOTT. If the gentleman will permit, the Senate amendment we had in conference was approved by the Committee on Banking and Currency of the House.

Mr. HAYDEN. The way that the terms of this legislation were evolved can be briefly stated. The Federal Farm Loan Board had various legislative proposals under consideration which would enable them to make these loans. The board wanted to make loans on lands within Government reclamation projects because they realized that this is the cream of the farm-loan business in the West. A redraft of the proposed law was finally prepared by Hon. Lysander Cassidy, attorney for the Federal Land Bank of Berkeley, Calif., and sent to the Federal Farm Loan Board. Mr. Cassidy is an able lawyer, thoroughly familiar with conditions on the United States reclamation projects. I was given a copy of his proposal, and with a few minor changes introduced it as a bill, which was referred to the Committee on Banking and Currency. My bill was referred by the chairman of that committee to the Federal Farm Loan Board and favorably reported upon. After a hearing before the Committee on Banking and Currency the bill was favorably reported to the House, and your conferees have adopted the identical language of that measure in this amendment which we are seeking to have approved by the House to-day.

Mr. CARTER. I want to see if I understand this proposition. Originally a Federal farm loan could not be had on irrigated land because the United States had the first lien. Is that true?

Mr. HAYDEN. Yes. That is true.

Mr. CARTER. What the gentleman from Arizona proposes to do is not in any wise to interfere with the first lien of the Government, but to provide for a loan to be made on whatever equity the settler may have in the land exclusive of the reclamation charge?

Mr. HAYDEN. My good friend from Oklahoma has stated the case precisely.

Mr. CARTER. Then when the Farm Loan Board undertakes to make the loans it will consider and deduct from the amount of the loan to be made that part of the charges which the Reclamation Service has fixed?

Mr. HAYDEN. It is specifically provided in that part of the bill which I have just read, that the Federal Farm Loan Board shall give due consideration to the amount and date of maturity of the reclamation charge in determining the value of the land for loan purposes.

Mr. CARTER. Then it in no way invalidates the security of the Government either on its reclamation charges or the money loaned by the Federal land bank?

Mr. HAYDEN. Absolutely not. Each lien stands just the same as ever.

Mr. STEAGALL. And as a matter of fact, is not this true, that no attention is given to lands of this character except they are put upon the same eligibility as other lands for loans?

Mr. HAYDEN. There is no question about that. Furthermore, if the Federal Farm Loan Board insisted that it must have a first lien as against the world, loans could not be made anywhere in the United States in case there was a road or a school bond issue or any incumbrance against the land for an improvement.

Mr. BLACK. Will the gentleman from Arizona yield?

Mr. HAYDEN. I yield to my friend from Texas.

Mr. BLACK. Does the gentleman mean to say that a tax levied to collect interest and sinking fund on a road bond is a lien on land?

Mr. HAYDEN. If the tax is not paid——

Mr. BLACK. It is subject to levy, of course. The Government has a right to levy in order to collect its tax.

Mr. CARTER. And has a right to the land.

Mr. BLACK. Does not the gentleman believe that if the Federal farm loan system goes into the money-loaning business on these reclamation projects it absolutely goes outside its functions?

Mr. HAYDEN. Certainly not. Upon the contrary it will be performing its legitimate functions by serving a large number of worthy farmers who are justly entitled to this assistance.

Mr. SINNOTT. They are making these loans upon irrigation projects where the Government lien does not rest, and it is rather analagous to the ordinary drainage districts in the different States where the farm loan bank to-day is making loans?

Mr. HAYDEN. The gentleman from Oregon is correct. As I have stated before, irrigated lands should be treated the same as drained lands.

Mr. CHINDBLOM. Mr. Speaker, will it be possible for the Federal Farm Loan Board to make a first mortgage loan before a reclamation project has been constructed?

Mr. HAYDEN. I will say to the gentleman from Illinois that a farm loan bank would be very foolish to make a loan on land that was valueless because of the lack of water.

Mr. CHINDBLOM. When will they have the authority to make it under this proposed amendment? After the improvement has been put in?

Mr. HAYDEN. Yes; whenever the appraised value of the land is great enough to justify a loan, and not before.

Mr. SINNOTT. The land would have no value in the first instance cited by the gentleman from Illinois.

Mr. HAYDEN. This legislation has been well considered not only by the Members of Congress from the West who are familiar with irrigation agriculture but also by the Members of the Committee on Banking and Currency who unanimously, after a hearing, favorably reported to the House the bill that I introduced. The text of that bill has been transferred to this measure without change and has the indorsement of the Federal Farm Loan Board, which is charged with the administration of the law. The same inspection and appraisal will be made of the lands under the Government reclamation projects as of all other lands where loans are sought. The same careful and conservative management will be exercised and the purchasers of Federal farm loan bonds will be as fully protected. In view of all these precautions, the House should not hesitate to adopt this conference report so that this bill may promptly become a law.

Mr. Speaker, I yield back the remainder of my time.

Mr. KINKAID. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I think we will all understand this matter better if we will consider for a moment the operations under the reclamation law. Nearly all reclamation projects cover two classes of land—public lands and private lands. Under the law and the later practice, the owner of the private lands before the project is undertaken must agree to sell all the land he owns over and above a farm unit, which may be 40 acres, may be 80 acres, may be 160 acres, depending on the project. He agrees to sell it at a given price. That is in order to prevent the owner of considerable areas charging the incoming settler and irrigator an excessive price. As to the public lands, they are entered under the homestead law. The cost of the reclamation of the project runs all the

way from $35 an acre on some of the early projects to something over $100 an acre on the later projects. The reclamation settler has had his difficulties in meeting the Federal charges, increased by the fact that, owing to that Federal charge as a first lien, his credit has not always been very good. If he be a purchaser of privately owned land under the project, in the majority of cases he paid or pays a very considerable interest charge on the portion of that cost that he is not able to pay at the time of the purchase.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. MONDELL. In just a moment.

As to the settler on the public land, he is compelled to make very considerable improvements. Sometimes their value frequently runs into several thousands of dollars, but owing to the Government first lien it is often difficult for him to secure loans except at a rather high rate, the high rate of the region, accentuated by the fact of the first lien by the Government. He needs as badly as any farmer does, even to a greater degree than the average settler, the opportunity to make a farm loan, but he has been unable to do that heretofore because of the provision of the farm loan act that provides that the farm loan credit must be the first mortgage, and the Government first lien for reclamation stood in the way. Now, this bill as amended provides that where under the provisions of the farm loan act a loan could otherwise be made in view of all the circumstances, a loan may be made notwithstanding the Government first lien for the construction charge. It will enable the man who purchased his land from an individual and who is paying a high interest charge to secure the loan at a lower rate of interest. It will enable the settler who is upon the public land and who has gone into debt for his improvements to secure a loan to carry those improvements. The result of it will be, as I see it, not only to relieve the settler tremendously but to make it easier for him to meet the Government obligations, because it enables him to carry his other obligations at a lower rate of interest than he now pays. This is just what we attempted to do in the first instance through another committee than the committee that reported this bill. In my opinion it will relieve the settlers greatly and aid in the collection of the sums due the Government.

Mr. SNELL. Will the gentleman yield?

Mr. MONDELL. If the gentleman will give me three minutes more.

Mr. KINKAID. I yield three minutes more to the gentleman from Wyoming.

Mr. SNELL. As I understand from your argument, these same debtors are paying a higher rate of interest because their credit is poor?

Mr. MONDELL. Their credit is poor only in this way: No matter what a man's character or reputation may be, if there is a first mortgage on his real estate he is not in the best possible position anywhere to secure further credit.

There is no reason why, having adopted a policy intended to aid the farmer by enabling him to secure a loan at a low rate, a lower rate than the ordinary rate in the irrigation country—there is no reason why that opportunity should not be afforded to the farmer on the reclamation projects. There is, from the standpoint of the Government itself, the argument in favor of doing this, because it makes it easier for the man who owes the Government for the construction charge on his land to meet that payment by relieving him of a part of the interest charge he is now paying on other indebtedness.

Mr. SNELL. Then you would advocate giving the poorer creditors Government money. That is the purpose and intent of this bill. That is your statement in regard to this bill.

Mr. MONDELL. There is nothing to be drawn from what I have said that justifies any such conclusion or opinion. Some of these lands are worth from $100 to $300 an acre. They have a reclamation charge against them of from $50 or $60 to $70 an acre. Many of these lands afford the very best security to the farm loan banks.

Mr. SNELL. Did you not make that statement that I called to your attention in the earlier part of your remarks, that these were generally poorer creditors who had to pay a higher rate of interest? I understood you to make it.

Mr. MONDELL. No. The gentleman from New York is a business man.

Mr. SNELL. Yes; and I try to exercise my business judgment right here.

Mr. MONDELL. The interest charge is in some districts too high for anybody to pay and prosper farming. No man's credit is as good as it would be otherwise when all of his real estate is subject to a first mortgage lien by the Government, and that is true whether it be in Montana or in Arizona or in New York State.

Mr. SNELL. But if that land is worth $300 an acre and you say he owes only $50, I should say he is of a good class of creditor and could borrow money at a cheap rate on the valuation of his land. I am against the letting out of the Government credit at this time.

Mr. MONDELL. Then if that is true we ought to have had no farm loan act. The farm loan act was intended to relieve the farmer from the high interest charge that he was otherwise required to pay.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. This will also furnish another excuse to the poor farmer who is struggling along and holding out his hands in supplication to Uncle Sam—another excuse why he can not pay his construction and reclamation charges, because he has a mortgage and must pay the interest on that.

Mr. MONDELL. I have attempted to prove that it will deprive him of some of the argument that he now has. He is now paying on his local indebtedness a higher rate than he will be compelled to pay if this bill passes.

Mr. WALSH. Surely.

Mr. MONDELL. And to the extent that he is relieved it is easier for him to meet the Government obligation, and by the same token he is deprived to that extent of the argument that he can not meet the Government obligation.

Mr. WALSH. Does the gentleman think that these men will take a first mortgage under the provisions of this act from the farm-loan bank and pay off in one payment all the construction and reclamation charges, and then have this first mortgage run against the project?

Mr. MONDELL. No. I do not think that is what they would do.

Mr. WALSH. Of course, they will not.

Mr. MONDELL. I do not know of any reason why they should.

Mr. CHINDBLOM. Do they do that now?

Mr. KINKAID. It should be expressly stated that the right of the Government to collect first will not in any way be impaired by any mortgage given or any lien otherwise incurred, even under the bill as it passed the House. Under the amendment reported here by the conferees, which is now an issue, the Government's first lien is left intact so long as the irrigation district system is not adopted.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. KINKAID. I shall yield in a moment. Where the district system is adopted, collection will be made in the form of taxes, and this tax lien will be paramount in favor of the Government to any other lien, including a Federal farm loan mortgage lien.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. KINKAID. Yes.

Mr. HICKS. Is there any record in the past of the Government ever having collected any of these loans that have been made?

Mr. KINKAID. They have not been authorized by law, but the farm loan banks recommend this legislation to enable them to make the loans.

Mr. HICKS. What percentage has been collected?

Mr. KINKAID. The Federal farm land banks have not been making such loans.

Mr. HICKS. Under the reclamation projects some money must have been advanced.

Mr. WALSH. Construction charges must have been advanced.

Mr. KINKAID. Construction charges have been paid, certainly. The Government has been repaid. About $12,000,000 has already been paid to the Government on construction charges.

Mr. SNELL. This will be a third lien on the land, will it not? The first is the tax lien and the second is the reclamation lien, and this will be the third lien?

Mr. KINKAID. The tax and reclamation lien represent the same liability to the Government.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and I desire to be informed how much time remains.

The SPEAKER. The gentleman has used 20 minutes. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. BLACK].

The SPEAKER. The gentleman from Texas is recognized for four minutes.

Mr. BLACK. Mr. Speaker, in my judgment one of the most helpful and constructive laws that was ever enacted for the benefit of the farming interests of the United States was the farm loan act. Under that act more than $500,000,000 has already been loaned to the farmers in the several States on long terms and easy methods of payment and at a low rate of interest. Those loans are made possible by reason of the farm loan system being able to find a ready market for its bonds. The secret of the ability of the system to market these bonds readily is due to three things: First, the Farm Loan Board has been careful and conservative in its management; second, there has been a careful, painstaking system of inspection of the security tendered; and, third, the loans are all made as a first lien upon the land. The latter is one of the most important considerations.

Mr. HAYDEN. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. HAYDEN. The gentleman means a first mortgage; it is not a lien in contradistinction to a tax lien.

Mr. BLACK. That is, of course, understood. The loan of the farm land banks would not take precedence over a tax lien. But we all understand that this reclamation lien on the part of the Government is not a tax lien; it is a real, actual, existing first lien, and, in my judgment, when you open the door of the farm loan system to loans secured by second liens you are opening the way to make it possible to undermine the confidence of the investing public in the farm loan bonds. I do not believe there is a Member on the floor of the House that has the interests of the farmer more at heart than I have. I do not believe there is a man who would more readily aid the western farmers in their reclamation projects along proper lines than I would, but I am not willing to take the responsibility of casting my vote in favor of a measure that, if used as a precedent and followed up along other lines of admitting loans on second liens, might seriously affect the ability to find a ready market for farm loan bonds.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. CHINDBLOM. Why can not the farmer procure a loan and pay the reclamation project out of that loan so that his first mortgage would be a real first lien, with the reclamation project paid?

Mr. BLACK. That would be practical in many cases, I have no doubt.

Mr. CHINDBLOM. They can do that now.

Mr. BLACK. They can do that now under the law. Take it in the State of Texas. Many loans are made in the farm loan system to pay off existing first liens, and the lien of the farm loan bank immediately becomes the first mortgage. Under the present farm loan act a farmer in one of the reclamation districts could borrow money and apply the proceeds to extinguishing the reclamation lien, and the lien of the farm loan bank would become then the first mortgage; but that is not what is desired. The thing this bill will do is to continue this reclamation lien, which is a first lien, without any impairment, and then let the farm loan banks take the second lien. I entertain a very serious doubt about the wisdom of doing that, and therefore I shall feel compelled to vote against this conference report.

Mr. KINKAID. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker, I am in hearty accord with all the gentleman from Texas says as to the importance of protecting the farm loan system against any inroads that could be made on these securities and bonds which the land banks offer for sale to the public. But the mortgages contemplated by the amendment now under consideration will have around them every safeguard that exists with regard to loans now authorized by the Federal farm loan act. We will have the same members of the Federal Farm Loan Board, the same directors of the land banks, all of whom have so far shown themselves to be conservative and competent, the same system of inspection that we now have, and the same limits as to the extent of the value of lands upon which the loans may be allowed. The law now provides that no loan shall be made for more than 50 per cent of the value of the lands and 20 per cent of the value of all improvements. This provision will remain in full force and effect.

This amendment specifically provides that any fixed charges upon the land in favor of the Government for improvement for reclamation work shall be deducted from the amount which would otherwise be authorized to be loaned under the farm loan act. So that the land banks will not have any greater risk on any acre of land on which they may make a loan than they have now on land upon which loans have been made. Before any banks may loan a dollar on any land they must ascertain the value; they can only loan 50 per cent of that value in any case, and in calculating the 50 per cent they must include the amount owed to the Government for reclamation work, so that when you get through you have no greater reason for doubting the security than you have under the law as it is to-day. Here is what it does: The law as it stands now discriminates against farmers who have lands on which reclamation work has been done. The only purpose of this amendment is to remove the discrimination and put farmers who own land of this character upon the same basis as other farmers of the country and give them the same rights, making their land available for credit to the same extent and to the same proportionate value. The only thing is that the Government shall have the right to collect its claim for reclamation. There is no impairment of the security of the land banks to the extent of loans made by them. If it is safe to loan 50 per cent of the value of land, I do not see how it weakens one's security to loan a less amount and some one else loan the balance.

Mr. BLACK. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. BLACK. Does the gentleman from Alabama think the reclamation loan is not a real first lien?

Mr. STEAGALL. Not at all. It is a first lien and it is so recognized. But this amendment specifically provides that when the farm loan banks determine the value of the land, and determine the amount which represents 50 per cent of its value, the extent to which it may loan money under the provisions of the farm loan act, they then deduct the amount due for reclamation work and loan the balance to make 50 per cent of the value. They take no more risk than they do on all other loans. The farm loan act fixed 50 per cent of the value of land and 20 per cent of permanent improvements as the value limit for loans. The amendment before us does not change this at all. It only provides that a portion of the 50 per cent of the value of lands may be advanced by the Government for reclamation work, for which the Government may take first lien upon the land. But the security of the land banks for the amounts loaned by them is the same as now provided. This is true, conceding that the system is administered in the same way and as wisely as it has been administered heretofore. If it is administered with the same care and caution as at present, the only thing that this amendment will do is to remove the discrimination that exists now against farmers who own land on which this reclamation work has been done.

Mr. BLACK. Will the gentleman recall any other instance where the farm loan system makes loans where there is a first lien?

Mr. STEAGALL. No; that is what this act is designed to correct. The original farm loan act provides that the Government shall loan only to the value of 50 per cent of the land, and shall take a first mortgage. That is a good general rule, and it works all right in a general way and no hardship results, but there are this character of farmers in the country—I have not seen the figures; the gentleman from Arizona has them and will furnish them. They embrace a large class who have these lands where improvement has been made by the Government upon liberal terms, and this simply provides that these farmers shall be placed upon the same basis as all others.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. OLIVER. I am in sympathy with the bill, but what is the difference in the terms for the repayment of the reclamation dues and amounts that may be borrowed under the Federal farm loan act? In other words, has the farmer a longer time now in which to repay the amounts due as reclamation charges than he would have should he borrow and repay all outstanding claims from the Federal Farm Loan Board, and is the rate of interest on the reclamation charges different from that established by the Farm Loan Board?

Mr. STEAGALL. I am unable to give the gentleman all the provisions of law with reference to the funds expended by the Government, but I think he states the facts substantially as they are.

Mr. OLIVER. My recollection is that there is no interest charge on the reclamation dues, and for that reason it would be unjust to require the farmer to borrow an amount on which he is now paying no interest. Is that correct?

Mr. KINKAID. That is correct.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. KINKAID. I yield two more minutes to the gentleman from Alabama.

Mr. WALSH. We have now had three different explanations.

Mr. SNELL. Mr. Speaker, will the gentleman from Alabama yield?

Mr. STEAGALL. Yes.

Mr. SNELL. The gentleman made the statement that this does not remove any of the limitations of safety now carried in the present law.

Mr. STEAGALL. None whatever, except this——

Mr. SNELL. Oh, you do except first mortgages, and that is the vital principle of the whole thing. If that does not remove the element of safety, then I do not know of any way of doing it.

Mr. STEAGALL. If the gentleman will follow what I have said he will see that when a loan is made on land, as provided for in this amendment, the Government will not have one dollar more risk than it takes on loans under the law as it exists now. Only 50 per cent of the value of the land would be loaned. It does not matter that part of this would be advanced by the Government for reclamation work.

Mr. SNELL. Would savings banks remove that element of safety which the gentleman advocates removing on Government loans here, or would any banking institution remove it?

Mr. STEAGALL. The gentleman seems not to have followed the purpose of the farm loan act. It is to limit the amount that may be loaned to 50 per cent of the value of the land. Only 50 per cent of the value of the land could be loaned under the amendment. Part of it would be advanced by the Government and the balance by the land banks. The security of the banks would be the same as at present.

Mr. SNELL. Why did we put that in if it was not a safety regulation? The gentleman admits that this removes that one safety regulation.

Mr. STEAGALL. Oh, no; it does not remove it; on the contrary, it maintains it.

Mr. SNELL. Very well, then, I shall agree with the gentleman if we do not relieve that first mortgage.

Mr. KINKAID. Mr. Speaker, I now yield to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I wanted to ask the gentleman from Nebraska which explanation of this so-called amendment we are to take. We have the gentleman's version and the version of the gentleman from Arizona [Mr. HAYDEN], and now the gentleman from Alabama [Mr. STEAGALL] comes forth with an explanation to say that all these other charges are to be deducted, and that, therefore, this does not make any difference in the security which the Government has.

Mr. KINKAID. Mr. Speaker, I do not know what seeming conflict it is in the statements made by the two gentlemen which the gentleman from Massachusetts, with his keen and ready discernment, has in mind, but I deem it not unlikely it is due to some misunderstanding. But, as I understand the gentleman from Arizona and the gentleman from Alabama, I regard both explanations as sound and in harmony with each other.

Mr. WALSH. And they are correct?

Mr. KINKAID. They are both correct, in my judgment.

Mr. WALSH. That is a marvelous piece of legislation. Here we have two contrary explanations, both of them correct, and each used as an argument for the passage of the bill.

Mr. CHINDBLOM. I am quite sure that the gentleman from Nebraska said that the lien for the reclamation project will remain as it has been.

Mr. KINKAID. Yes; with all the strength and all the integrity——

Mr. CHINDBLOM. And with the priority?

Mr. KINKAID. Fundamental integrity that it has now.

Mr. CHINDBLOM. And with the same priority?

Mr. KINKAID. The same priority.

Mr. CHINDBLOM. Does the gentleman from Arizona agree to that?

Mr. HAYDEN. Yes; I fully agree to that.

Mr. CHINDBLOM. That the lien for the reclamation project will have the same priority as it has now?

Mr. HAYDEN. Certainly.

Mr. CHINDBLOM. After we have made a first mortgage a prior priority?

Mr. HAYDEN. The Federal Farm Loan Board can only make loans on the unencumbered value of the land, taking out of the total value the amount of the reclamation lien. For instance, on the Salt River project the reclamation charge is $64 an acre. There is not an acre of that land that is not worth $200. If that is the market price of it, if the land can be sold for that price at any time under the hammer of an auctioneer, would not the Federal farm loan bank be perfectly safe in making a loan of $50 or $75 an acre on such land? Would not that be a conservative loan? Under such circumstances how could the Federal Farm Loan Board lose anything? The gentleman must remember that the Federal farm loan act provides that the Federal Farm Loan Board may pay taxes and other charges against the land if the borrower does not pay the same. We have the same situation here with respect to the reclamation charge.

Mr. WALSH. What sort of a comedy are we going to have and how many acts will there be to it if the farm loan bank should be required to foreclose its mortgage?

Mr. HAYDEN. The Federal land banks would go about it in the same manner as they now proceed when it is necessary to foreclose a mortgage.

Mr. WALSH. They would have the right to foreclose first, but as a matter of fact they would collect second?

Mr. HAYDEN. No; they would collect the loan by selling the land, and the purchaser would assume the reclamation charge.

Mr. KINKAID. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced the ayes appeared to have it.

On a division (demanded by Mr. SNELL) there were—ayes 57, noes 12.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 18, not voting 169, as follows:

YEAS—243.

Almon	Favrot	Lazaro	Rosenbloom
Andrew, Mass.	Fish	Leatherwood	Rossdale
Andrews, Nebr.	Fitzgerald	Lee, Ga.	Rowan
Anthony	Fordney	Lehlbach	Sanders, Tex.
Appleby	Freer	Linthicum	Sandlin
Arentz	Free	London	Scott, Mich.
Atwell	French	Longworth	Scott, Tenn.
Barbour	Fuller	Luce	Shaw
Barkley	Fulmer	Lubring	Shelton
Bell	Funk	Lyon	Sinnott
Bird	Gahn	McCormick	Sisson
Blakney	Garner	McDuffie	Slemp
Bland, Va.	Garrett, Tenn.	McKenzie	Smith, Idaho
Bond	Garrett, Tex.	McLaughlin, Mich.	Speaks
Bowling	Gensman	McLaughlin, Nebr.	Sproul
Box	Gerrard	Magee	Steagall
Brennan	Glynn	Mapes	Stedman
Briggs	Goodykoontz	Merritt	Steenerson
Brooks, Ill.	Graham, Ill.	Michener	Stephens
Brown, Tenn.	Greene, Vt.	Miller	Stevenson
Browne, Wis.	Gritest	Millspaugh	Stoll
Buchanan	Hadley	Mondell	Strong, Kans.
Bulwinkle	Hammer	Montague	Summers, Wash.
Burroughs	Hardy, Colo.	Montoya	Summers, Tex.
Butler	Harrison	Moore, Ill.	Swank
Byrnes, S. C.	Haugen	Moore, Ohio	Swing
Byrns, Tenn.	Hawley	Moore, Va.	Tague
Canon	Hayden	Morgan	Taylor, N. J.
Campbell, Kans.	Haya	Morin	Temple
Cantrill	Herrick	Mott	Ten Eyck
Carew	Hersey	Murphy	Thomas
Carter	Hickey	Nelson, Me.	Thompson
Chalmers	Hicks	Nelson, A. P.	Tillman
Chandler, N. Y.	Hilmes	Nelson, J. M.	Timberlake
Chandler, Okla.	Hoch	O'Brien	Tincher
Christopherson	Hooker	Ogden	Towner
Clague	Houdlestan	Oldfield	Tucker
Cole, Iowa	Hukriede	Oliver	Tyson
Cole, Ohio	Jacoway	Overstreet	Underhill
Collier	James	Paige	Vaile
Colton	Jefferis, Nebr.	Parker, N. Y.	Vestal
Connally, Tex.	Johnson, Ky.	Parks, Ark.	Vinson
Cooper, Ohio	Johnson, Miss.	Patterson, Mo.	Voigt
Cooper, Wis.	Johnson, S. Dak.	Pou	Walters
Crisp	Jones, Tex.	Pringey	Watson
Curry	Keller	Purnell	Watson
Dale	Kendall	Quin	Weaver
Davis, Minn.	Ketcham	Radcliffe	Webster
Davis, Tenn.	Kincheloe	Raker	Wheeler
Deal	King	Ramseyer	White, Kans.
Dempsey	Kinkaid	Rankin	White, Me.
Denison	Kissel	Raybarn	Williams
Doughton	Kline, Pa.	Reed, W. Va.	Williamson
Dowell	Knutson	Rhodes	Wilson
Driver	Kopp	Ricketts	Winn
Dunbar	Kraus	Riddick	Wood, Ind.
Dupré	Lampert	Roach	Wright
Elliott	Lanham	Robertson	Wyant
Evans	Lankford	Robsion	Yates
Fairfield	Larsen, Ga.	Rogers	Young
Faust	Lawrence	Rose	

NAYS—58.

Black	Freeman	Moores, Ind.	Stafford
Burton	Gallivan	Newton, Minn.	Tinkham
Chindblom	Husted	Norton	Walsh
Clarke, N. Y.	Layton	Parker, N. J.	
Fenn	Lowrey	Snell	

NOT VOTING—169.

Ackerman	Dunn	Kiess, N. Y.	Reber
Anderson	Dyer	Knight	Reece
Ansorge	Evans	Kraeker	Reed, N. Y.
Atkeson	Edmonds	Kahn	Riordan
Bacharach	Ellis	Langley	Rodenberg
Bankhead	Fairchild	Larson, Minn.	Rucker
Beck	Fess	Lea, Calif.	Ryan
Beedy	Fields	Lee, N. Y.	Sabath
Begg	Fisher	Littlepage	Sanders, Ind.
Benham	Focht	Little	Sanders, N. Y.
Butler	Foster	Logan	Schall
Bland, Ind.	Freibingham	McArthur	Sears
Blanton	Gilbert	McClintic	Shreve
Boies	Goldsborough	McFadden	Siegel
Bowers	Herman	McLaughlin, Pa.	Sinclair
Brand	Gould	McPherson	Smith, Mich.
Britten	Graham, Pa.	McSwain	Smithwick
Brooks, Pa.	Green, Iowa	MacGregor	Snyder
Burdick	Greene, Mass.	Maldden	Stinson
Burke	Griffin	Maloney	Strong, Pa.
Butler	Hardy, Tex.	Mann	Sullivan
Campbell, Pa.	Hawes	Mansfield	Sweet
Carson	Henry	Martin	Taylor, Ark.
Clague	Hill	Mead	Taylor, Colo.
Clark, Fla.	Hogan	Michaelson	Taylor, Tenn.
Classon	Hudspeth	Mills	Tilson
Cockran	Hull	Mudd	Treadway
Cullen	Humphreys	Newton, Mo.	Upshaw
Collins	Hutchinson	Nolan	Ware
Cowell	Ireland	O'Connor	Volk
Connolly, Pa.	Jeffers, Ala.	Olpp	Volstead
Copley	Johnson, Wash.	Osborne	Ward, N. Y.
Coughlin	Jones, Pa.	Padgett	Ward, N. C.
Cramton	Kahn	Park, Ga.	Wingo
Crowther	Kearns	Patterson, N. J.	Winslow
Cullen	Kelley, Mich.	Perkins	Woodruff
Dallinger	Kelly, Pa.	Perlman	Woods, Va.
Darrow	Kennedy	Petersen	Woodyard
Davis	Kless	Porter	Wurzbach
DeRouen	Kindred	Rainey, Ala.	Zihlman
Dominick	Kirkpatrick	Rainey, Ill.	
Drane	Kitchin	Hensley	
Drewry	Kiesska	Hovis	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Reece with Mr. McClintic.

Mr. Osborne with Mr. Campbell of Pennsylvania.

Mr. Beedy with Mr. Rainey of Illinois.

Mr. Graham of Pennsylvania with Mr. Fields.

Mr. Reed of New York with Mr. Cullen.

Mr. Kiess with Mr. Bankhead.

Mr. Boies with Mr. Humphreys.

Mr. Olpp with Mr. Kitchin.

Mr. Butler with Mr. Wingo.

Mr. Frothingham with Mr. Sears.

Mr. Wurzbach with Mr. Goldsborough.

Mr. Connolly of Pennsylvania with Mr. Rucker.

Mr. Strong of Pennsylvania with Mr. Fisher.

Mr. Michaelson with Mr. Clark of Florida.

Mr. Winslow with Mr. Martin.

Mr. McArthur with Mr. Brand.

Mr. Maloney with Mr. McSwain.

Mr. Coughlin with Mr. Logan.

Mr. Smith of Michigan with Mr. Smithwick.

Mr. Burke with Mr. Upshaw.

Mr. Bland of Indiana with Mr. Kunz.

Mr. Greene of Massachusetts with Mr. Sabath.

Mr. Vare with Mr. Lea of California.

Mr. Sanders of Indiana with Mr. Griffin.

Mr. Hogan with Mr. Hawes.

Mr. Kennedy with Mr. Drewry.

Mr. Gorman with Mr. Hudspeth.

Mr. McPherson with Mr. Kindred.

Mr. Shreve with Mr. Sullivan.

Mr. Hutchinson with Mr. Linthicum.

Mr. Connell with Mr. Woods of Virginia.

Mr. Ellis with Mr. Taylor of Colorado.

Mr. Newton of Missouri with Mr. Riordan.

Mr. Kahn with Mr. Drane.

Mr. Dickinson with Mr. Collins.

Mr. Atkeson with Mr. Mead.

Mr. Dunn with Mr. O'Connor.

Mr. Volk with Mr. Ward of North Carolina.

Mr. Woodruff with Mr. Jeffers of Alabama.

Mr. Foster with Mr. Dominick.

Mr. Patterson of New Jersey with Mr. Park of Georgia.

Mr. Snyder with Mr. Taylor of Arkansas.

Mr. Kearns with Mr. Padgett.

Mr. Bacharach with Mr. Mansfield.

Mr. Ackerman with Mr. Gilbert.

Mr. Perlman with Mr. Blanton.

Mr. Bixler with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

CONFERENCE REPORT—POST OFFICE APPROPRIATION BILL.

Mr. SLEMP. Mr. Speaker, I present a conference report on the Post Office appropriation bill for printing under the rules.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Ordered printed under the rule.

PERMISSION TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent that the District of Columbia Committee may sit this afternoon during the session of the House.

The SPEAKER. Is there objection. [After a pause.] The Chairs hears none.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on the matter of procedure.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House on a matter of procedure. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I feel that in a way I owe an apology to the House. I have endeavored to serve the House by giving notice in advance as far as it could be done and as accurately as it could be done, relative to the order of business. The program as outlined for this week included the consideration of District business and conference reports to-day, taking up the so-called "scrapping bill" to-morrow, and the pay bill the latter of the week. Since that program was made it has developed that it is not convenient for those who are in charge of these matters to take up District business or more than one conference report to-day, and owing to my desire—a desire shared, I am sure, by all Members—to accommodate the gentleman from Pennsylvania [Mr. BUTLER] in the matter of the scrapping bill, and to bring that bill up if possible when he is able to be here, it was not deemed wise to bring up the scrapping bill to-day, and instead the gentleman from Kansas [Mr. CAMPBELL] will present a rule under which we will consider the pay bill. I know that there are some gentlemen who are somewhat discommoded by this change in the program and I regret it. I would not have thought of making it if it were not for conditions which make it absolutely necessary. Now, Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL] having arrived [applause], I yield the floor.

Mr. CAMPBELL of Kansas. Mr. Speaker, under the circumstances I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report, which the Clerk will report.

The Clerk read as follows:

House Resolution 331 (Rept. No. 990).

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10972, a bill to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey, and Public Health Service.

The consideration of this bill thus made in order shall not displace business provided for on special days.

Mr. CAMPBELL of Kansas. Mr. Speaker, this brings before the House for consideration what is known as the pay bill, reorganizing and reclassifying the pay of the naval, military, and related organizations mentioned in the resolution. On the 1st of July this year, if this bill does not become a law, the pay of all of these organizations will revert back to the law of 1908, which under present conditions of living would make it practically impossible for the Army and Navy and the Marine Corps, and the other activities connected with them, to exist at all. It is said that this bill grading and reorganizing pay will make a general reduction in the pay of the forces referred to below what they are under the present Budget expenses. I reserve the remainder of my time.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather not discuss the merits of the bill because of a lack of definite technical information.

Mr. GARNER. I do not expect to ask the gentleman about the merits of the bill. I would like to ask the gentleman, however, when we may expect to consider the river and harbor bill?

Mr. CAMPBELL of Kansas. I have no information to give the gentleman from Texas on that subject.

Mr. GARNER. The gentleman from Wyoming was just saying that this bill was taken up to-day unexpectedly on account of District business not being ready, and I was wondering if the river and harbor bill could not be taken up to-day instead of this, inasmuch as some were not satisfied with the taking up of this bill.

Mr. WALSH. Has the gentleman some peculiar and recent information in regard to the rivers?

Mr. GARNER. I have a general interest in the development of rivers and harbors in this country. Not one dollar goes to the district that I represent, but I do believe in the character of the legislation, and I had hoped that the gentleman would take up the bill.

Mr. MONDELL. What does the gentleman have reference to?

Mr. GARNER. To the river and harbor bill.

Mr. MONDELL. It is anticipated that it will be taken up just as soon as it is possible to dispose of the various matters of legislation now before us, and I hope next week.

Mr. GARNER. The gentleman made the statement week before last that it would likely come up this week, and it is now liable to go over for another week, and I thought that possibly we could get from the gentleman from Kansas a statement, if not from the gentleman from Wyoming, as to when it would come up.

Mr. MONDELL. We have gone along steadily with the business before the House.

Mr. CAMPBELL of Kansas. Mr. Speaker, I reserve the remainder of my time, and I yield 30 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 15 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, the papers this morning carry quite an extensive report made by the Director of the Budget, acting for the President, as to the alleged savings and economies made by the Bureau of the Budget and the administration during the present fiscal year. I understand that report was prepared and many copies of it placed in the hands of newspapers at least five or six days ago, with the understanding that it be released for publication this morning.

The director states in the report that he is submitting it in response to a resolution introduced in this House, and only for that purpose, but the very fact that he placed the report in the hands of the newspapers five or six days ago and gave no notice or intimation to the Members of the House as to what was contained in it until to-day, when they read it in the newspapers, shows that, true to form, he was more anxious to make the report to the newspapers and to the public than he was to give the alleged information to Congress.

I have not had opportunity to make a very thorough examination of the report, necessarily in view of the few hours I have had in which to analyze it, but such analysis as I have made shows that the facts and figures stated therein are plainly misleading.

It will be recalled that in January the President of the United States, accepting the figures of the Director of the Budget, announced to the country that $136,000,000 had been saved during the first six months of the present fiscal year.

Mr. MADDEN. Did he not say $112,000,000 for the year?

Mr. BYRNS of Tennessee. He did so state in a previous statement, but he declared in January that it amounted to $136,000,000.

On February 9 I introduced a resolution asking the President to give some details of those savings, because his statement was most general and ambiguous in its terms. The chairman of the Committee on Appropriations promptly sent that resolution to the President, with the request that he comply and give the information, if it was not incompatible with the public interests. I have understood that the Director of the Budget immediately sent out calls to the various departments and bureaus of the Government and that his immense force of accountants has been very busily engaged for the last three months in the effort to show just where those savings exist. Naturally one would have supposed that the Director of the Budget, having prepared the figures for the President, would have had upon the records of his bureau the figures which would have enabled him to furnish the information to the Congress and the country within 24 hours or less. But not until to-day, exactly three months from the time that resolution was introduced, do we have the report of the Director of the Budget.

Now, what does he say with reference to those alleged savings? He makes this statement by way of apology, I may say, for the statement issued by the President and which was broadcasted all over the country in January:

> It should be understood that this sum of $135,942,975.01 represents reductions, some of which are real savings and some of which can not be considered as savings. Part of these reductions are simply postponed expenditures.

That is practically an admission of the charge that was made at the time that the sums claimed did not represent savings but represented postponement of payments by the Government until the next fiscal year. Whatever he may mean by this juggling of words, it is a plain confession and admission of the charge made that there was no real saving effected, as was stated at that time. The Director of the Budget states that—

> The reduction in ordinary expenditures for the operation of the routine of government generally subject to Executive control in 1922, as compared with 1921, will be, therefore, in the neighborhood of $907,500,000.

It must be noted in this statement that he takes credit for a reduction of $712,594,513.32 in Army expenses. He further takes credit for $192,041,835.58 by way of a reduction of naval expenditures. And he takes further credit of $56,795,268.26 reduction in expenses of the Shipping Board, when we all know that that reduction was brought about by the completion of the immense ship-construction program which was inaugurated during the war. These three items alone amount to $961,431,617.16, showing by his own figures that the actual expenditures for the operation of the routine business of the Government has been increased rather than reduced.

Everyone knows that in 1921 the Army consisted of over 500,000 men and that we had a very large Navy as a hang over of the war. It is ridiculous to say that the administration is entitled to take credit for its reduction to something like a peace basis. It is equally absurd for the Director of the Budget to take credit as a saving for the reduction of the great force of clerks which was required during the war. In addition to this there were large war hang overs in 1921, which, as a matter of course were dispensed with in 1922, and the cost of the necessary supplies for the Government has been greatly reduced, as we all know. And this fact further justifies the charge of gross and inexcusable extravagance on the part of the administration in the ordinary civil activities of the Government, which, as I have shown, the report of the Director of the Budget shows on its face has been very substantially increased rather than reduced. Why, as a matter of fact, the report shows that there has been an actual increase of expenditures in the President's own office in 1922 over the expenditures made in 1921.

It has been said that figures will not lie, but everyone knows that they may be juggled with, and even a casual examination of the immense array of figures by the very large accounting force of the Bureau of the Budget—and which it took that bureau three months to compile—shows that the figures have been manipulated in an effort to mislead the public into the belief that some economy has been effected by this administration. In this connection it should not be forgotten that the appropriations for the year 1921 were made by a Republican Congress, because the Republicans had a majority in both the House and the Senate at that time.

Savings by the administration can only consist, as I have had occasion heretofore to say, of funds which have been saved from appropriations theretofore made by Congress to carry on the Government during the fiscal year for which they were made.

Congress fixes the amount which in its judgment will be sufficient to carry on the routine operations of the Government for the fiscal year for which the funds are appropriated, and that is the sum which a Republican Congress fixed when it made the appropriations for 1922; and yet instead of there being savings from those sums this Congress has had submitted to it three different estimates for deficiency appropriations, one, as you will recall, in August, one in November, and one in March of this year, and all in this fiscal year. The total estimates of those three bills amounted to $477,884,837.62. Congress actually appropriated by way of deficiencies $292,733,918.75 to meet the deficiencies incurred in the executive departments of this Government during the fiscal year 1922, and of which less than five millions, as I now recall, was for prior fiscal years.

If there had been any such savings as are claimed by the Director of the Budget, the query naturally arises as to why it was necessary to make these large deficiency appropriations

by way of supplement to the amount originally appropriated by Congress for this fiscal year. Why could not the savings have been used to meet them? You and I know they would have been so applied if they had actually existed. To say otherwise is to accuse the administration of an utter lack of business acumen. Even with these supplemental appropriations the Secretary of the Treasury, in a letter dated April 14 and forwarded to the Finance Committee of the Senate, stated that he would only be able to avoid a deficit on June 30 of this year by postponing until the next fiscal year payment of some $200,000,000 by way of governmental obligations, and the fact that he had postponed those obligations would probably result in a surplus on June 30 of about $47,000,000.

But, my friends, that surplus if it shall exist does not show economy or a saving on the part of the administration, because we are carrying into next year, according to the express statement of the Secretary of the Treasury, $200,000,000 of obligations that properly ought to be taken care of during the pending fiscal year.

Mr. MADDEN. Mr. Speaker, will the gentleman yield there for a question?

Mr. BYRNS of Tennessee. In a moment if I have time. My time is very limited. I have not the time that I wanted and expected to have.

The administration banks heavily on the credulity of the American people, for a reduction of taxes is the only test as to whether or not there has been a reduction in expenditures. The plain fact is there has been no reduction of taxes by this Congress except that carried in the revenue bill on the big trusts and the multimillionaires of this country. [Applause.] The vast body of the taxpayers have had no relief, and I submit, whatever may be the opinion of the administration and of the Director of the Budget as to the credulity of the American people, they are not going to believe and no one can convince them of the fact that there have been any savings during this fiscal year by this administration when they are confronted with their tax statement which shows that there has been no reduction in the amount of money that must be taken from their pockets in order to meet the ordinary running expenses of the Government.

I have said this much in reply to the statement of the Director of the Budget. As I stated at the outset, I have had no opportunity to thoroughly examine that report carefully, but even a casual examination will show that the claims which he makes of reducing 1921 expenses are based on the reduction which was made in the Army and Navy by this Congress and by the reduction in the expenses of the Shipping Board, brought about by the completion of its construction program. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield the remainder of my time to the gentleman from South Carolina [Mr. BYRNES].

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 15 minutes.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I am in favor of the pending rule because I believe that the bill which it makes in order will effect a reduction in the expenses of the military services this year, and I want to urge upon the House that there is a necessity for such reduction of expenditures, notwithstanding the fact that the newspapers of this morning might lead you to believe otherwise.

The fact is that on July 19, 1921, the Director of the Budget Bureau issued a statement claiming a saving, as my friend from Illinois [Mr. MADDEN] stated, of $112,000,000. Of this alleged saving, the largest single item was the saving claimed for the Treasury Department of $30,000,000. A few days thereafter I learned that on the same day this absurd claim was published, to wit, July 19, 1921, the representative of the Budget Bureau in the Treasury Department wrote a letter to the subordinate chiefs stating that an analysis of the statement of savings furnished by them in response to Budget Circular No. 1 showed there had been an actual saving of only $2,000,000, and to offset this they had requested deficiencies of more than $50,000,000, and demanded that they make some further evidence of saving in their departments. Notwithstanding the fact that the Director of the Budget Bureau knew this, that there was no saving of $30,000,000 in the Treasury Department, as claimed by him, as is proved by the letter of his own representative, time after time he has reiterated the statement, and now, six months later, he includes in a statement of estimated savings this same $30,000,000. The Budget representative in the Treasury in effect advised the chiefs of bureaus that they could not fool him; that he knew that at best they were saving only $2,000,000, but the director of the bureau goes ahead and attempts to fool the people with the statement that they are saving $30,000,000.

I wish the Associated Press, in carrying its statement this morning, could have carried this statement to the public. I wish they could carry another statement showing what this statement of alleged savings contained. I read on the front page of this paper, in the report of the usually correct Associated Press, the statement that "only such parts of these reductions as are real savings, and not postponed expenditures, are included in the general estimate of savings," and that conclusion is fairly justified from the statement of the Director of the Budget Bureau which is in printed form this morning.

Let us look at the statement of the savings in reserve. The largest single item in the Interior Department is $15,000,000 for pensions. Was that a saving? Do you not know that pensions are fixed by law, and that the reason the department estimated the $15,000,000 would not be expended is that the Bureau of Pensions is behind in its investigation of Spanish-American War cases? You know that payments in those cases will date back to the time when the applications were filed. The persons entitled to pensions are specified by law. The bureau is behind with its work and estimated $15,000,000 would not be spent before July 1. Later they caught up to some extent and withdrew about half of this. If they catch up, all will be spent. And they claim there is saved under the compensation for the World War veterans $35,000,000. Does he mean that he is going to take from the veterans of the World War the compensation they are entitled to? You know that he does not; that it is merely a juggling of figures, and that money is certain to be spent. If they catch up with their work it will be spent before July 1. If they do not, it will be spent after July 1.

I hold in my hand a report of the Commissioner of Pensions, which says for the year 1920 their estimate was $270,000,000 and the expenditures were only $259,000,000. In other words, before General Dawes was ever heard of they saved $20,000,000. When he exerts what he calls executive pressure he saves only $15,000,000, and finally reduces it to $9,000,000. We would save more if we never heard of him. [Laughter.]

Now, as to the Department of State. There is an alleged saving of a little over a million dollars. The largest single item is $750,000 payment to Colombia under the treaty of 1909. In other words, back in 1909, $750,000 was appropriated. Colombia refused to accept it. Director Dawes says it is saved this year. If it was a saving this year, it has been a saving every year for the past 12 years, and we have saved $9,000,000 out of this $750,000 fund.

District of Columbia. Now, this statement of General Dawes would be a joke book if it were not serious in its effort to mislead the public. There is a saving of $100,000 for what? War emergency improvements. One hundred thousand dollars was appropriated for the District of Columbia to repair streets around the Army and Navy buildings constructed during the war. The Treasury could not pay out a dollar of it after the end of the war. It was not spent during the war under the Democratic administration; they didn't spend a dollar of it, and it remains on the books. General Dawes says he has saved it this year when there could not have been a dollar of it paid out of the Treasury on any voucher. Who did he save it from?

Legislative. You do not know it, but he says that he saved $25,000 out of the salaries of Members of Congress. Who did not get theirs? [Laughter.] The only way it could be saved was when some Member of Congress died. Did he kill them? And yet he claims that he saved that amount. I said it was a joke book. [Laughter.]

Recently the Director evidently demanded additional figures. The departments were spending the money they had promised to save. So the War Department came across with an additional saving in rivers and harbors appropriations of $12,000,000. Now, these funds remain available until spent, and to claim this amount as a saving requires colossal nerve.

In the Treasury Department there is a permanent appropriation to repay importers where there is an excess of deposits. Each year the department estimates how much will be spent during the year. To please General Dawes, I assume, they told him they would spend $1,700,000 less than they first estimated. Of course, the law requires them to make these repayments, and they will be made, there being no limit to the amount available, and the reduction in the guess as to how much will be spent will not make the amount greater or less.

He says that $7,500 was saved out of an appropriation for the widow of Senator Proctor, of Vermont. Away back in 1908 when Senator Proctor died this money was appropriated for

his widow. She declined to accept it, and the good lady has long since gone to her reward. It remained upon the books to her credit, but nobody else could get it, and General Dawes says he saved it this year. Who was trying to get it? [Laughter.]

Post Office. There is an alleged saving in the appropriation for extra clerks and for transportation of mails. Under the Republican administration you have destroyed the business of the country, and the post-office business was reduced, and if you did not reduce the expenditures for carrying on the reduced business of the post office you ought to be kicked out before the general election this fall.

Here is the Shipping Board saving. Think of the Shipping Board saving anything. [Laughter.] If any gentleman wants to be amused, just read this Shipping Board saving. It is figured out as a saving of 1922, $96,407,500. How does he arrive at it? Listen to this: "A recent analysis of the department shows cash loss in operation for the fiscal year 1921, $148,000,000. The operating losses for the current year are estimated at $52,000,000, which is the actual operation for eight months, and a close estimate for the remaining four months, and the saving is therefore estimated at the sum of $96,000,000." In other words, if they continue to run at a loss, they save money. Think of the business man who says, I have only lost $52,000,000 this year as against $148,000,000 last year, and I have therefore saved $96,000,000. That is saving money in a way that only the Bureau of the Budget can do it. It shows that the Bureau of the Budget has been transformed from a bureau for the collection of information to a bureau for the distribution of bunk. [Laughter and applause.]

Pay of the Army. When I introduced an amendment fixing the Army at 150,000 men they said it could not be reduced to this figure before October 1, and they fixed the appropriation for the larger Army up until October 1. But we gave the boys the right to apply for a discharge, and they did apply for discharges; they got out in a hurry, long before October 1, and they could not spend the money because the boys were out of the Army. Against the protest of the Republican House organization and against the written protest of the President we saved this $2,000,000, and then it is claimed the saving should be credited up to General Dawes and the President.

Vocational Board. We appropriated money for the Vocational Board based on the appropriation of the States. The National Government could not spend a dollar more than the State spends, and because some States have not put up their funds there is an amount unexpended in this fund which no official of the General Government has any discretion in saving. I wish the gentleman from Oklahoma [Mr. CARTER] would read the list of alleged savings that are made in the Indian Bureau. It looks like an advertisement of the Piggly Wiggly stores. [Laughter.] And item after item includes funds that remain available during the next year and will be spent. Why, we are going to save $19,000,000 in the Treasury Department in the Supervising Architect's office. On what? On public buildings. Back in 1913 we passed a public building bill, and because they can not get anybody to take the contracts for some buildings for the amount of money then appropriated, on account of the increased cost, it remains on the books. Therefore we have saved $19,000,000 because we can not get anybody to take the contract until we enact legislation increasing the limit of cost.

Then there is the Panama Canal. Why, my friends, he has a saving in here of $19,674 in the original appropriation for digging a canal from the Atlantic to the Pacific Ocean, appropriated when the proposition was first urged for digging a canal from the Atlantic to the Pacific Ocean. He says it is saved because it was not spent this year. How could it be spent? In what way could he dig a canal from the Atlantic to the Pacific Ocean for $19,000? The money could be spent for no other purpose. For years it has been on the books, and if it is on the books, then he has saved it this year.

Then we have censorship for foreign mails in the Panama Canal Zone, where we have saved $53,205 this year. Evidently he has not heard that the espionage act is no more, and we could not spend it. Because it was not spent and could not be spent, the Director of the Budget says he saved $53,000. And the worst of it all is he seems to have induced the President to believe it, and he has given circulation to these absurd claims of savings.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. I am sorry that I can not. There is $100,000 saved in enlarging the Capitol Grounds. Do you remember in the distant past that appropriation was made for enlarging the Capitol Grounds? It has been on the books, and it stays there. Therefore, it is saved out of the current appropriations this year. I wish my friend from Kentucky, Ben Johnson, were here, because it would bring back memories of the past to him. The trouble with this statement is that it goes throughout the country and some people are misled by it. They are misled into believing that there is a saving of $112,000,000, now increased to $135,000,000, when there is not any saving, and, as a matter of fact, it is only a saving on paper. It is nothing but a political saving; it will never relieve the taxpayer.

The President announced to the country that we will this year reduce our expenditures $1,000,000,000 below the expenditure for the last fiscal year. Well, the expenditures for the last fiscal year which were authorized by a Republican Congress were the largest ever authorized in time of peace in the history of the country. If now, four years after the war, there was not a tremendous reduction in expenditures there would be little hope for the preservation of the Government.

My regret is that the President in issuing this statement did not call attention to the fact that for the year 1916, the last year prior to our entering the war when we were engaged in measures of preparedness, our expenditures did not amount to more than $1,115,000,000, and that the estimate he now makes as to expenditures this year is $3,922,372,030 or $2,807,881,326 more than was spent under the Democratic administration for the last fiscal year prior to the war.

I regret that he did not call attention to the fact that while the Budget Bureau claims these bogus savings of $136,000,000, the fact is that the same departments have to date secured from the Congress deficiencies or supplemental appropriations amounting to $374,691,040.65.

The Secretary of the Treasury does not keep up with this political game. He issued a statement that we are facing a deficit, and then along comes General Dawes, who says that we have saved a billion and a half dollars. The President, if he has any confidence in him at all, ought to urge the Congress to declare a dividend to the taxpayers of America, and we would all be entitled to a share. I favored the Bureau of the Budget. There was real work for the Director of the Budget to do, but the Bureau of the Budget has never functioned as Congress intended it should. The bureau submitted estimates for an amount larger than the appropriations for the current year and before the subcommittees of the Committee on Appropriations no one appeared to defend his estimates. The director contented himself with these baseless claims of savings. It is nothing but bunk—political bunk. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am not going to get into any controversy with the two BYRNES. They are very clever fellows. I like them. I work with them harmoniously every day. They have been straining at a gnat here trying to discredit the report made by the Director of the Budget on the savings made out of the 1922 appropriations. In January last the director said that they had made a saving of $112,000,000, and that that would be reflected in the expenditures during the fiscal year of 1922. Somebody raised the question about the veracity of the statement. A resolution was introduced asking for particulars. The particulars have come. They are embodied in the report which the gentlemen have been trying to analyze. They indicate not only $112,000,000 of saving out of the 1922 appropriations, but that sum has been increased to $136,000,000.

Mr. BYRNS of Tennessee. The statement was made in January. It was $112,000,000 in July.

Mr. MADDEN. Well, whatever time it was, it indicates that the sum has been increased to $136,000,000. I do not think anyone will deny the accuracy of the statement when they come to analyze it.

But I rose particularly to explain the indefinite statement made by the gentleman from Tennessee [Mr. BYRNS] respecting the deficiencies. We have made appropriations aggregating $293,000,000 in deficiency bills, as he says. Very little of this sum can be properly termed a "deficiency." What was it for? One hundred and fifty-eight million dollars was for additional supplemental expenses of the Veterans' Bureau, caused by the greater number of wounded and sick men who have to be cared for. Would that be classed as an extravagance? I do not think anyone would so call it. Then we have $50,000,000 of the $293,000,000 appropriated to refund illegally collected income taxes in the years 1917, 1918, 1919, 1920, and 1921. Then there is $48,500,000 for losses by the Shipping Board, a bankrupt institution which we inherited. We have a large amount in judgments and audited claims, going up into the millions, to

meet the obligations of the war, running through 1916, 1917, 1918, 1919, and 1920, obligations that were created here and abroad during the war. The only amount in all of the $293,000,000 that can be attributable to the activities of the present administration in all of the departments and activities of the Government is $20,000,000, of which $8,000,000 is for carrying out new laws and treaties arising after the last regular appropriations had become laws and $12,000,000 which is made up largely of items which may be properly classified as deficiencies. I challenge anyone to deny that. That is all I care to say. I wanted to make plain the reason for the $293,000,000. Most of it is not ours. It is largely due to the administration that preceded us. The following statement is a concise analysis of the $293,000,000:

ANALYSIS OF DEFICIENCY APPROPRIATION ACTS.

Total of appropriations made in deficiency acts during fiscal year 1922	$293,079,463.09
Postal deficiencies payable from the revenues of Postal Service	6,842,431.14
	286,237,031.95
Veterans' Bureau, medical and hospital services and vocational training	158,993,112.00
Refunding taxes erroneously collected, income and profits taxes	50,523,000.00
Shipping Board, operating losses	48,500,000.00
Judgments of courts and claims allowed by General Accounting Office	8,335,348.26
To carry out new laws and treaties arising after the regular appropriations had become laws	7,840,426.39
All other items, the bulk of which consists of sums which may be properly classified as "deficiencies"	12,045,150.30
	286,237,031.95

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNS of Tennessee. Mr. Speaker, the point I was making was that if there has been such a great saving there should have been no need for making a deficiency appropriation.

Mr. MADDEN. Oh, but the deficiencies were created before we came into power. They began in 1916–17–18–19–20. We had nothing to do with the creation of these deficiencies, but we had to pay them.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the genial gentleman from Tennessee [Mr. BYRNS] seems to be a little hard to please this morning. He sought certain information. It has been furnished him. It has been furnished him with a wealth of detail and great particularity. The Director of the Budget has gone into the matter much more thoroughly than it was necessary for him to do to answer the very proper inquiry of the gentleman from Tennessee, and yet the gentleman is not happy about it. Of course, he admits, what everyone must, that the sums which the director sets down as savings have been saved. Those sums have not been expended. He insists, however, that as to certain of the sums mentioned the Director of the Budget is not entitled to credit because of the fact that the money was not spent.

While there may be some little ground for difference of opinion as to a few odd dimes of the $132,000,000 of savings, the fact remains that the money was not expended, and when you do not expend money you save it; that is just another way of putting it. The gentleman from Tennessee also complains because the Director of the Budget is claiming credit for economies which were the result, as he says, of the action of the Congress and not of any action of the Director of the Budget. Well, I would not want to disagree with the gentleman from Tennessee in regard to that matter. I am myself inclined to claim credit for the Congress for savings or for the economies that are accomplished. [Applause.] I am, in fact, just a little inclined to agree with him that some of those economies resulted quite as directly from the action of the Congress as from the acts of the vigorous and efficient Director of the Budget. But the important thing is that the gentleman from Tennessee wanted to know if, and when and where, and how savings have been accomplished. He has been furnished with the information. He does not question the fact of the savings, but he quibbles a little in regard to the detail of the savings as to who is entitled to credit for them. [Applause.] Well, we will not quarrel over the matter of credit. We may even admit that a few dollars of the sums included in the one hundred and thirty-two million of savings reported might have been saved without the Budget and the energetic Budget Director. The fact remains, however, unchallenged by the criticisms that have been made, that vast sums have been saved by the Budget under effective management.

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Tennessee [Mr. BYRNS] and the gentleman from South Carolina [Mr. BYRNES] having made an unsuccessful attack upon the report of the Chief of the Bureau of the Budget, as made public this morning by the President of the United States, and that attack having been assailed, properly, by the gentleman from Illinois [Mr. MADDEN] and the gentleman from Wyoming [Mr. MONDELL], I move the previous question on the pending resolution. [Laughter.]

The question was taken and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

READJUSTMENT OF PAY OF THE ARMY, NAVY, ETC.

Mr. McKENZIE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10072), and, pending that, I desire to see if we can not agree upon some time for general debate. I would like to ask the gentleman from Alabama [Mr. OLIVER] how much time he would like to have on that side.

Mr. OLIVER. I should think, in view of the importance of the bill, that perhaps it may be helpful to the Members to have the bill fully discussed, because I do not think the House has had time to read the hearings, and a discussion of the bill may be of service, especially where questions are asked and answered; so that it occurs to me that we should have four hours; that is, two hours for those in favor and two hours for those against the bill.

Mr. MONDELL. Will the gentleman from Illinois yield?

Mr. McKENZIE. I will.

Mr. MONDELL. I am of the opinion that debate under the five-minute rule on this bill should be quite liberal. The questions are numerous and important and some of them are rather highly technical, and considerable time will be required under the five-minute rule. That being true, I had hoped that we could conclude general debate to-day and take up the bill under the five-minute rule to-morrow. There remains about three hours before the ordinary adjournment time.

Mr. McKENZIE. Mr. Speaker, I will say in reply to the gentleman from Wyoming that I have requests from one or two Members for time, who, I take it, do not expect to speak on the bill, and I feel that we ought to concede time to them, and I feel that we ought to have, say, five hours' general debate on this bill. It is, as the gentleman has said, a very important bill, and it is one that ought to be discussed very thoroughly, not only under the five-minute rule, which I hope will be very liberal, but under general debate.

Mr. OLIVER. That will be entirely agreeable to me.

Mr. MONDELL. How much time does the gentleman anticipate will be utilized for other than the discussion of the bill?

Mr. McKENZIE. Perhaps about 40 minutes.

Mr. MONDELL. I do not think we should deny full opportunity to discuss the bill. There should be as much general debate as necessary for the discussion of the measure, but I had rather hoped that there would not be a long general debate on it.

Mr. OLIVER. I will say to the gentleman from Wyoming that it was generally understood that this bill would not be taken up before to-morrow. Some Members, I think, perhaps have deferred reading the report or studying the bill until this evening or to-night. The very fact that some Members felt that it would not be taken up this evening caused them to defer examining the record, and it seems to me they should have some longer time, because those Members, after they hear debate and read the record, may then desire time, and if we have some time left over to-morrow it could then be well utilized, because the men can inform themselves on the record by that time.

Mr. McKENZIE. Five hours will be satisfactory?

Mr. OLIVER. That will be satisfactory to me.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that the time for general debate be limited to five hours, one-half to be controlled by the gentleman from Alabama and one-half by myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time for general debate be limited to five hours, half of that time to be controlled by himself and half by the gentleman from Alabama. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Illinois.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10072, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10072, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10072) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. WALSH. Mr. Chairman, the bill ought to be read, and I object.

The Clerk read as follows:

Be it enacted, etc., That, beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500; the second period, $2,000; the third period, $2,400; the fourth period, $3,000; the fifth period, $3,600; and the sixth period, $4,000.

The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed 26 years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of section 24, act of June 3, 1916, as amended by the act of June 4, 1920; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed 23 years' service; *Provided*, That lieutenant commanders of the Staff Corps of the Navy, who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing 20 years' service.

The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period; to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed 14 years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to officers of the Staff Corps of the Navy, who have completed 17 years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the Navy drawing the pay of this period.

The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed 10 years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period.

The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service.

The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenant of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of this section to the pay of a higher period.

Every officer paid under the provisions of this section shall receive an increase of 5 per cent of the base pay of his period for each three years of service up to 30 years: *Provided*, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750.

For officers hereafter appointed no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President. For officers now in the service all service which is now counted in computing longevity pay, and service as a contract surgeon serving full time, shall be included in the computation.

The provisions of this act shall apply equally to those persons serving not as commissioned officers in the Army or in the other services mentioned in the title of this act but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, these receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. Pay clerks of the Marine Corps shall receive the pay of second lieutenants of the Army of the same length of service. Contract surgeons serving full time shall have the pay and allowances for subsistence and rental authorized for officers serving in their second pay period. Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after 12 years' commissioned service receive the pay of the third period: *Provided*, That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by reason of such promotion. Army field clerks and field clerks, Quartermaster Corps, shall have the allowances for subsistence and rental authorized for officers receiving the pay of the first period.

Sec. 2. That every commissioned officer while on field or sea duty shall receive an increase of 5 per cent of his base pay. Field duty shall be defined for the purposes of this act as service in mobilization, concentration, instruction, or maneuver camps, service in campaign, in simulated campaign or on the march, and service under similar conditions. Such field service in each case shall be announced in orders published by the President. Sea duty shall be sea service as defined in section 1571, Revised Statutes.

Sec. 3. That when officers of the National Guard or of the reserve forces of any of the services mentioned in the title of this act are authorized by law to receive Federal recognition in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. In computing the increase of pay for each period of three years' service, such officer shall be credited with full time for all periods during which they have held commissions in the Regular Army or in the services mentioned in the title of this act, or in the National Guard, or in the Organized Militia prior to July 1, 1916, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, or Marine Corps Reserve Force, when confirmed in grade and qualified for all general duties, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions.

Sec. 4. That the term "dependent" as used in the succeeding sections of this act shall include at all times and in all places a lawful wife and unmarried children under 21 years of age. It shall also include the mother of the officer provided she is in fact dependent on him for her chief support.

Sec. 5. That each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: *Provided*, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances.

Sec. 6. That each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence, or on sick leave, regardless of any shelter that may be furnished him for his personal use. If his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for one room, that such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and that such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty.

Sec. 7. That when the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this act for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to

which such officer is entitled shall be reduced by the amount of the excess above $7,200: *Provided*, That this section shall not apply to the captain commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey.

Sec. 8. That commencing July 1, 1922, the annual base pay of a brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service shall be $6,000; and the annual base pay of a major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy shall be $8,000. Every such officer shall be entitled to the same money allowance for subsistence as is authorized in section 5 of this act for officers receiving the pay of the sixth period and to the same money allowance for rental of quarters as is authorized in section 6 of this act for officers receiving the pay of the sixth period: *Provided*, That when the total of base pay, subsistence, and rental allowances exceeds $7,500 for officers serving in the grade of brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service, and $9,700 for those serving in the grade of major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,500 or $9,700, respectively. Rear admirals of the Navy serving in higher grades shall be entitled, while so serving, to pay the allowances of a rear admiral (upper half) and to a personal money allowance per year as follows: When serving in the grade of vice admiral, $500; when serving in the grade of admiral or as Chief of Naval Operations, $2,000.

Sec. 9. That commencing July 1, 1922, the monthly base pay of warrant officers and enlisted men of the Army and Marine Corps shall be as follows: Warrant officers of the Army and Marine Corps, $148; warrant officers, Army Mine Planter Service; master, $185; first mate, $141; second mate, $100; engineer, $175; assistant engineer, $120; enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $54; enlisted men of the fifth grade, $42; enlisted men of the sixth grade, $30; enlisted men of the seventh grade, $21; and the pay for specialists' ratings shall be as follows: First class, $30; second class, $26; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Existing laws authorizing continuous-service pay for each five years of service are hereby repealed, effective June 30, 1922. Commencing July 1, 1922, warrant officers of the Army and Marine Corps, including warrant officers of the Army Mine Planter Service and enlisted men of the Army and Marine Corps, shall receive, as a permanent addition to their pay, an increase of 5 per cent of their base pay for each four years of service in any of the services mentioned in the title of this act not to exceed 25 per cent. On and after July 1, 1922, an enlistment allowance equal to $50, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Marine Corps Reserve. On and after July 1, 1922, retired enlisted men of the Army and Marine Corps shall have their retired pay computed as now authorized by law on the basis of pay provided in this act.

Sec. 10. That on and after July 1, 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service—at sea, $153; on shore, $135; during the second 6 years of service—at sea, $168; on shore, $147; after 12 years' service—at sea, $189; on shore, $168. On and after July 1, 1922, for purposes of pay, enlisted men of the Navy and Coast Guard shall be distributed in seven grades, which shall be paid at rates as follows: First grade, $126; second grade, $84; third grade, $72; fourth grade, $60; fifth grade, $54; sixth grade, $36; seventh grade, $21. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $99. Mates shall receive the pay of enlisted men of the first grade of the Navy. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Naval Reserve. In lieu of all permanent additions to pay now authorized for enlisted men of the Navy and Coast Guard they shall hereafter receive as a permanent addition to their pay an increase of 10 per centum on the base pay of their rating upon completion of the first four years of enlisted service, and an additional increase of 5 per centum for each four years' service thereafter, the total not to exceed 25 per cent. All transient additions to pay of enlisted men of the Navy and Coast Guard are hereby repealed, except as provided for in section 21 of this act.

The rates of pay of the insular force of the Navy shall be one-half the rates of pay prescribed for enlisted men of the Navy in corresponding ratings. Existing laws authorizing a reenlistment gratuity to enlisted men of the Navy and Coast Guard are hereby repealed, and hereafter an enlistment allowance equal to $50 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $200, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge; and an enlistment allowance of $25 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $100, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. On and after July 1, 1922, retired enlisted men of the Navy and Coast Guard shall have their retired pay computed as now authorized by law on the basis of pay provided by this act.

Sec. 11. That warrant officers of the Army, including those of the Army Mine Planter Service, of the Navy, Marine Corps, and Coast Guard, shall be entitled at all times to the same money allowance for subsistence as is authorized in section 5 of this act for officers receiving the pay of the first period, and to the same money allowance for rental of quarters as is authorized in section 6 of this act for officers receiving the pay of the first period. To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed $4 per day. These regulations shall be uniform for all the services mentioned in the title of this act. Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as now authorized by law.

Sec. 12. That hereafter officers of any of the services mentioned in the title of this act when traveling under competent orders without troops shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty.

In lieu of the transportation in kind authorized by section 12 of an act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed. Dependent children shall be such as are defined in section 4 of this act.

Sec. 13. That, commencing July 1, 1922, the annual pay of female nurses of the Army and Navy shall be as follows: During the first three years of service, $840; from the beginning of the fourth year of service until the completion of the sixth year of service, $1,080; from the beginning of the seventh year of service until the completion of the ninth year of service, $1,320; from the beginning of the tenth year of service, $1,560. Superintendents of the Nurse Corps shall receive a money allowance at the rate of $2,500 a year, assistant superintendents, directors, and assistant directors at the rate of $1,500 a year, and chief nurses at the rate of $600 a year, in addition to their pay as nurses. Nurses shall be entitled to the same allowance for subsistence as is authorized in section 5 of this act for officers receiving the pay of the first period, and to the same allowance for rental of quarters as is authorized in section 6 of this act for officers receiving the pay of the first period.

Sec. 14. That officers of the National Guard receiving Federal pay, except for armory drill, and reserve officers of any of the services mentioned in the title of this act while on active duty shall receive the allowances herein prescribed for officers of the regular services in sections 5 and 6 of this act. Hereafter, in addition to the pay authorized in section 109, act of June 3, 1916, as amended by the act of June 4, 1920, field officers and lieutenants of the National Guard commanding organizations less than a brigade, and having administrative functions, shall receive $240 per year for the faithful performance of the administrative duties connected therewith; and warrant officers of the National Guard shall receive not more than four-thirtieths of the monthly base pay of their grade for satisfactory performance of their appropriate duties, under such regulations as the Secretary of War may prescribe.

On and after July 1, 1922, the armory drill pay for enlisted men of the National Guard of the sixth grade shall be $1.15, and for those of the seventh grade shall be $1, in lieu of that authorized in section 110, act of June 3, 1916, as amended by the act of June 4, 1920; and the pay of enlisted men of the sixth and seventh grades shall be $1.15 and $1 per day, respectively, whenever they are participating in exercises provided for by sections 94, 97, and 99 of the national defense act, approved June 3, 1916.

Sec. 15. That existing laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed.

Sec. 16. That nothing contained in this act shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay authorized by the act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, and Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920; and nothing contained in this act shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating.

The provisions of this section shall apply in like manner to each person not commissioned whose pay is based by law on that of a commissioned officer.

Sec. 17. That on and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this act: *Provided*, That nothing contained in this act shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the title of this act. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion. Hereafter retired officers of the Army, Navy, and Marine Corps below the grade of brigadier general or commodore and retired warrant officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances.

Sec. 18. That under such regulations as the President may prescribe, enlisted men of the Army, Navy, Marine Corps, and Coast Guard may receive additional compensation not less than $1 or more than $5 per month, for special qualification in the use of the arm or arms which they may be required to use. All laws and parts of laws authorizing extra pay for qualification in the use of arms or instruments, or for holding rated positions, except as otherwise specifically provided herein, are hereby repealed, to take effect June 30, 1922.

SEC. 19. That cadets at the Military Academy and cadets and cadet engineers of the Coast Guard shall hereafter receive the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy.

SEC. 20. That all officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when detailed to duty involving flying, shall receive the same increase of their pay and the same allowance for traveling expenses as are now authorized for the performance of like duties in the Army. Exclusive of the Army air service, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this act detailed to duty involving flying shall not at any one time exceed one-half of 1 per cent of the total authorized commissioned strength of such service. Regulations in execution of the provisions of this section shall be made by the President and shall be uniform for all the services concerned.

SEC. 21. That nothing in this act shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or Sylva cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents; nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men; nor additional pay for aids; nor exert pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving, or service on submarines; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress.

SEC. 22. That all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed.

Mr. McKENZIE. Mr. Chairman——

Mr. WALSH. Mr. Chairman, this is a rather important measure, and if the gentleman from Illinois expects to explain somewhat its provisions it seems as though we ought to have more Members here. I would like to ask the gentleman if he is going to make a full explanation of the measure now or just a preliminary statement?

Mr. McKENZIE. Mr. Chairman, I intended to make a general statement in connection with the provisions of the bill, but I dislike very much, I will say, to have Members of the House disconcerted by calling them over here to hear any explanation I might make, even in connection with as important a matter as the pending bill.

Mr. WASON. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. WASON. Does not the gentleman think Members of the House ought to be fully informed about that, and is not the gentleman well aware he is the one man who can inform those of us who have not been following the hearings and know very little about military affairs?

Mr. McKENZIE. I will say to my friend from New Hampshire that I think the membership of the House should be fully informed on this important bill, but I am not so certain that the "gentleman from Illinois" is the man that can give them the information they desire. But he will do the best he can.

Mr. WASON. I will take chances on the gentleman from Illinois being able to inform us, and while I am not in the habit of asking for a quorum, I think it is not only due to this committee but to the man in charge of the bill and to the membership of the House that we hear the speech of the gentleman from Illinois. Therefore, Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from New Hampshire makes the point of no quorum. The Chair will count. [After counting.] Forty-one Members are present; not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Clark, Fla.	Faust	Roland
Anderson	Classon	Fess	Jefferis, Nebr.
Atkeson	Cockran	Fenn	Jeffers, Ala.
Bankhead	Cole	Fields	Johnson, Wash.
Beck	Collins	Fitzgerald	Jones, Pa.
Bowdy	Connell	Focht	Jones, Tex.
Begg	Connolly, Pa.	Foster	Kahn
Benham	Cooper, Ohio	French	Kearns
Bixler	Copley	Frothingham	Kelley, Mich.
Bland, Ind.	Coughlin	Gilbert	Kelly, Pa.
Bland, Va.	Crago	Goldsborough	Kendall
Blanton	Cramton	Gorman	Kennedy
Boies	Crowther	Gould	Kiess
Bowers	Cullen	Graham, Pa.	Kindred
Brand	Dallinger	Green, Iowa	Kirkpatrick
Britten	Dempsey	Greene, Vt.	Kitchin
Brooks, Pa.	Dickinson	Hawes	Klecka
Brown, Tenn.	Dominick	Hawley	Kline, N. Y.
Burdick	Doughton	Haxby	Knight
Burke	Dunn	Henry	Kreider
Butler	Drewry	Hicks	Kunz
Campbell, Pa.	Dunn	Hogan	Lampert
Cannon	Dyer	Hooker	Langley
Cantrill	Echols	Hudspeth	Lanham
Carter	Edmonds	Hukriede	Larson, Minn.
Christopherson	Ellis	Humphreys	Leatherwood
Clague	Fairfield	Hutchinson	Little

Longworth	Parker, N. Y.	Saloth	Taylor, Colo.
Hersthur	Patterson, N. J.	Sanders, Ind.	Taylor, Tenn.
McFadden	Perkins	Sanders, N. Y.	Tinkan
McLaughlin, Pa.	Perlman	Schall	Tincher
McPherson	Peterson	Scott, Mich.	Treadway
McKenzie	Porter	Sears	Upshaw
MacGregor	Rainey, Ala.	Shelton	Vare
Madden	Rainey, Ill.	Shreve	Vestal
Maloney	Ramseyer	Siegel	Volpt
Mann	Ransley	Sinnott	Volk
Martin	Rayburn	Smith, Mich.	Walters
Mead	Reavis	Sumners, Tex.	Ward, N. Y.
Merritt	Reber	Snyder	Williams
Michaelson	Reece	Speaks	Wingo
Mills	Reed, N. Y.	Stevens	Winslow
Montague	Riddick	Stedt	Woodruff
Moore, Ill.	Riordan	Strong, Pa.	Woods, Va.
Mudd	Rodenberg	Sullivan	Woodyard
Nolan	Rosenbloom	Summers, Tex.	Wurzbach
Olpp	Rucker	Sweet	Yates
Osborne	Ryan	Taylor, Ark.	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 10972, finding itself without a quorum, he had caused the roll to be called, that 230 Members had answered to their names, and that he presented therewith a list of the absentees for insertion in the Journal and RECORD.

The committee resumed its session.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that I may have permission to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, inasmuch as the pending bill (H. R. 10972) to readjust the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service is in many respects technical, and since the diversity of interests involved require that its elements shall bear a definite interrelation in order that their whole shall function harmoniously, I desire to request my colleagues to permit me first to make a brief explanation of the same without interruption, after which I will be glad to answer such questions as my colleagues may wish to ask and which I am prepared to answer.

Mr. Chairman, the act of May 18, 1920, which provided for certain increases of pay in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, provided also for the appointment of a joint committee of the two Houses of Congress to take up this matter and to propose to the Congress a general revision and readjustment of the pay schedules of all said services, the joint committee to be composed of five Senators and five Members of the House. The Speaker of the House, in compliance with the law heretofore mentioned, appointed as members of the joint committee on the part of the House Representatives TILSON, of Connecticut; KRAUS, of Indiana; OLIVER, of Alabama; BYRNES, of South Carolina; and McKENZIE, of Illinois. For myself I wish to say that having some idea of the prodigious task confronting such a committee, it was with great reluctance that I acceded to the request of the Speaker to act as one member of the committee, and I think I am safe in saying that all of my colleagues shared in such reluctance in undertaking the work. I may say here that those apprehensions as to the magnitude of the task have been fully borne out by experience.

However, having accepted the appointment as members of the joint committee, we took up the task with our Senate colleagues, with the Hon. JAMES W. WADSWORTH, of New York, acting as chairman of the joint committee.

The joint committee was organized on August 22, 1921, and after securing the cooperation of the heads of the executive departments concerned proceeded to conduct public hearings relating to the pay and allowances of the officers and enlisted men of the several services. All the services concerned were heard through scores of witnesses. In addition, a large amount of statistical data and written evidence was presented to the committee. The inquiry of the committee was broad in scope and included many details.

In addition, your special committee has held additional public hearings and has called for and received from the departments concerned statistical information of an exhaustive character.

The testimony presented abundantly established the fact that living costs are about 100 per cent greater than in 1908, when the last permanent pay schedule was established, and about 75 per cent greater than in 1913, before the war. While the act approved May 18, 1920, gave a certain amount of relief (approximately 20 per cent increase), it absorbed only about one-third of this increased cost of living in the case of officers, leaving about two-thirds to be borne by the individual. Actually the purchasing power of the present pay is much less than that of 1908.

It should be borne in mind that the relief afforded by the act of May 18, 1920, is temporary. That act, in most of its provisions, expires by limitation on June 30, 1922. Should the Congress fail to legislate on the subject, the pay of the great majority of the personnel affected will revert automatically to the 1908 schedules, with disastrous results to the services, in the opinion of the committee.

It was clearly demonstrated to your committee that officers and noncommissioned officers and petty officers experience great difficulty in maintaining themselves and their families under present conditions. Further, your committee can not foresee a future lowering of living costs to a point where the salaries established in 1908 would be adequate.

To let this legislation expire by limitation on June 30 next without some measure of relief to take its place would not only be unjust to the men of the several services but would undoubtedly destroy to a large extent the splendid organizations of both commissioned and enlisted personnel, and this would be particularly true as affecting the enlisted personnel of the Navy.

It soon became apparent to the committee that there were three courses of action open to us. First we could fold our hands and do nothing and permit the act of May 18, 1920, to expire by limitation on the 30th of June, 1922, and by such action bring about a reversion of all the services to the schedule of pay provided in the act of May 11, 1908, and subsequent acts.

Second, we could have taken an easy course by recommending a further extension of the so-called bonus law of May 18, 1920, with all the unsatisfactory provisions contained therein, and put off until another day the effort necessary to bring about a complete revision and readjustment of the pay of the different services. It would have been an easy matter to shift the responsibility to the shoulders of other men by simply advancing the plea that the time is not opportune for such a general revision and that the latter should wait until everything had more nearly approached a normal status.

The third course open to the committee was manfully to take up the task, which I am sure that the legislative action of the Congress intended we should do, and make an honest effort to devise a pay system for all of the services mentioned which would have in it the elements of fairness to the officers and men in all grades and at the same time be just to the Government. I am glad to say that after mature deliberation the members of the committee decided to pursue the course last mentioned; and after many months of earnest toil, aided by the most efficient officers in all of the services, the majority of the committee presents a bill for the consideration of the House which we feel contains many constructive reforms, and which not only provides adequate pay for all the officers and enlisted men but will result in great saving to the Government in the ensuing years.

We were animated in our work by the knowledge that the present committee is perhaps the first one of the character ever created by Congress and given special jurisdiction and power to undertake the revision, adjustment, and equalizing of the pay schedules of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, and it had presented to it an opportunity to do a great constructive service for the country. It is our hope that you will find upon examination that our report is worthy of your support.

You are all aware of the fact that the pay of the different services has been regulated heretofore by a number of the standing committees of the House; for instance, the pay of the Army by the Committee on Military Affairs, that of the Navy by the Committee on Naval Affairs, and so forth. Such a system has naturally resulted in many different grades of pay for the performance of similar duties in the several branches of the service. The committee, after full deliberation, decided to undertake the task of a complete revision, readjustment, and equalizing of the pay schedules of the several services over which it had jurisdiction, which would result in a reduction from the present current cost, with such readjustment that the services would offer an attractive career for young men of character and ability and that the personnel of all the services should be placed on a parity as regards pay and allowances.

Mr. MADDEN. Will the gentleman yield?

Mr. McKENZIE. Not just at present, but I will be glad to do so after proceeding a little further.

It was further determined—and I want you to keep this in mind—that length of service should be a controlling factor in determining rates of pay, and that a flexible element should be introduced into the compensation of an officer, which would increase or decrease, within limits, as the cost of living increased or decreased.

The committee having decided that any pay bill prepared should contain the foregoing basic principles, we proceeded to have prepared such a bill for our consideration, and finally agreed upon the pending measure.

The bill under discussion accomplishes the following:

(a) A reduction in total cost below that of the 1923 Budget estimates, with readjustment of pay in such manner as to give especial aid where most required. It should be remembered that the Budget estimates are based upon the present temporary pay schedules and the present strength of the services.

(b) Adoption of a schedule which will reasonably compensate officers and enlisted men of the services for rank, responsibility, and length of service, and at the same time so arranged as to offer a promising career to young men entering in the lowest grades. In view of pending legislation to reduce the Military and Naval Establishments, it is important that any new pay schedule shall be so drawn as to provide reasonable remuneration to such personnel as shall remain. It becomes doubly essential, if these services are to become numerically smaller, that their personnel shall be maintained at a point of high efficiency.

(c) Establishes parity of pay in all of the services concerned.

(d) Introduces an element of pay which shall, within a fixed maximum, vary automatically with the cost of living.

(e) To do away with petty allowances and multiplicity of accounts, and thus to simplify and cheapen administration.

The draft of the bill is believed to embody all these basic principles.

It effects a large immediate saving below the 1923 Budget estimates for the six services concerned. It effects a further annual saving, most of which will be accomplished within two or three years by the expiration of certain saving clauses which have been included in the bill to recognize the moral obligation of the Government not to reduce the pay of any officer now in the service below the rate established in 1908, and in the case of enlisted men a legal obligation not to reduce their pay during the unexpired portion of their current enlistment. With the expiration of these saving clauses, the plan here proposed will bring the pay of the Army to within less than 1 per cent more than what it would amount to under the permanent schedules to which it will revert if no further legislation be enacted. A comparison of costs in round numbers is shown, as follows:

Budget, 1923	$157,000,000
Proposed pay, exclusive of saving clauses	148,000,000
Pay if no legislation is enacted	147,000,000

This difference of about a million dollars (which is less than 1 per cent of the total cost) will completely disappear if the cost of living falls 10 per cent by diminishing the amounts paid by the Government for the allowances which have already been authorized.

The pay schedules proposed in this bill are so worked out as to offer a reasonable career to young men of a desirable kind. The compensation is commensurate with the duties and responsibilities attached to rank, yet provides for increases due to increased experience and efficiency apart from rank, as is the case under existing law. It protects the Government in the case of abnormally rapid promotion and the individual in the case of abnormally slow promotion. It contains an elastic element of compensation in the form of allowances (subsistence and rental) which have heretofore been given on a basis of rank, but which have in this bill been readjusted on a basis of need as well as rank, in the interest of equity toward both the Government and the individual. It is provided in the bill that while their cost shall not be increased, their expense to the Government shall be proportionately reduced as the cost of living reduces. It accepts family life and its greater requirements as the normal condition of existence. It recognizes the abnormal living conditions inherent in military and naval service, frequent changes of station, and family separations. Finally, it automatically and satisfactorily protects the interests of National Guard and reserve officers brought temporarily into the active service of the United States.

The bill abolishes many inequalities between services whose duties are at all times comparable and in time of war are identical.

It does away with many minor items of expense which have grown up from piecemeal legislation. It renders difficult such special legislation in the future, since all the services concerned would hereafter be placed by it in a uniform pay basis. It facilitates their financial administration and, for clarity to this end, the assistance of the Comptroller General of the United States has been secured in its preparation. The need for new legislation of this character, the general principles embodied

in this bill, and their application have received the repeated approval of the Secretaries of the Treasury, War, Navy, and Commerce. The details have been worked out by your committee with the assistance of the representatives of the various services. The legislation proposed, as embodied in H. R. 10972, has the united general support of the services concerned. In the opinion of your committee the bill submitted embodies the most scientific pay schedule yet devised, while being simple, practical, and satisfying the requirements of a necessary economy.

It is proper to state for the information of the House that in the consideration and preparation of this legislation, the committee had all estimates based on the Budget estimate for 1923 and on the numerical strength of the several services as now provided by law. However, in the application of the proposed pay schedules hereafter the number of officers or enlisted men in any service is wholly immaterial in so far as having any bearing on the principles contained in the legislation, for in the administration of the law it can be applied to a large or small force with equal justice.

It is also proper to state at this time that the committee, in the consideration and preparation of the proposed legislation, discovered that scores of laws and amendments thereto were in force affecting the pay and allowances of the officers and men in the several services, and that all officers and enlisted personnel had been placed in their respective grades and were receiving pay in accordance with the law governing the same. Your committee was therefore compelled to accept the situation as we found it in relation to grade and rank. To anyone having in mind criticism of the committee or the legislation proposed on the ground that certain officers in some of the services appear to be enjoying pay and grade not warranted, it may be replied that such criticism should not be directed against this committee, but should be charged to the action of the Congress in heretofore enacting the law.

I deem it well to state also that upon examination of the laws applicable to the several services heretofore mentioned we found that the law relating to the pay of the Coast Guard, Coast and Geodetic Survey, and the Public Health Service provided that the officers and enlisted men should have grade and pay similising the various grades and pay of the Army, Navy, and Marine Corps, and at this point I wish to insert a table showing the grades of all the services, which is as follows:

Corresponding rank and titles of the several services associated for pay purposes in H. R. 10972.

Service.	Rank and title.									
Army	Second lieutenant.	First lieutenant.	Captain	Major	Lieutenant colonel.	Colonel	Brigadier general.	Major general.	Lieutenant general (none).	General of the Armies.
Marine Corps	do	do	do	do	do	do	do	do	None	None.
Navy	Ensign	Lieutenant (junior grade).	Lieutenant	Lieutenant commander.	Commander	Captain	Commodore or rear admiral (lower half).	Rear admiral (upper half).	Vice admiral[1]	Admiral.[1]
Coast Guard	do	do	do	do	do	Captain commandant.	None	None	None	None.
Public Health Service.	None	Assistant surgeon.	Passed assistant surgeon.	Surgeon	Senior surgeon	Assistant surgeon general.	Surgeon General.	do	do	Do.
Coast and Geodetic Survey.[2]	Aid	Junior hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	None	do	do	Do.

[1] Vice admiral and admiral are grades which pertain under existing law to certain positions and are temporarily enjoyed by the incumbents of the latter.
[2] Coast and Geodetic Survey officers are commissioned with the above titles and in addition the words "with relative rank of (corresponding grade) in the Navy."

In discussing the schedules of pay proposed for the several services, inasmuch as by far the largest number of commissioned personnel is in the Army, I shall speak of the grades in the Army as the basis and refer to the personnel in the other services, as given in the foregoing table, as officers in corresponding grades.

The act of May 11, 1908, fixed the base pay of the grades in the Army and corresponding grades in other services as follows: Second lieutenant, $1,700; first lieutenant, $2,000; captain, $2,400; major, $3,000; lieutenant colonel, $3,500; colonel, $4,000; brigadier general, $6,000; and major general, $8,000. To this base pay was added an increase of 10 per cent for every five years' active service up to 40 per cent, which two items formed the base pay of the officer in the grade in which serving or commissioned. It is proper to state for the information of the House that such longevity pay was limited to a total of $1,000 by existing law. The act of May 18, 1920, known as the temporary pay bill, provided for additions to the pay of the officers in the Army and the corresponding grades in the other services as follows: Colonels and lieutenant colonels, $600; majors, $840; captains, $720; first lieutenants, $600; second lieutenants, $420. This temporary pay increase expires by limitation on the 30th of June, 1922.

The base pay proper of the bill now under consideration has but one change from the scale established by the act of 1908, that being a reduction in the base pay of officers in the grade of second lieutenant in the Army and Marine Corps and corresponding grades in the other services.

The first fundamental change proposed by the bill is in the establishing of the so-called pay periods. These are six in number and correspond to the six grades from second lieutenant to colonel, inclusive. The commissioned personnel are arranged in these various periods and the length of service fixed to be hereafter served in each period before passing to the next higher period for pay increase, regardless of whether the officer had been promoted or not. The committee, after full consideration, decided that this change in the plan of fixing the pay of officers instead of the present system, which is based solely on rank and grade, was wise in that it gave reasonable increase of pay to the officers in time of slow or no promotion and in that it protected the Government in times of rapid promotion, such as we have witnessed in the Army in the past two years following the enactment of the Army reorganization act.

I want to say in passing that our experience along that line is one of the things that has been working in my mind from the time that that law went into operation, and I hope that the Congress of the United States will see in its wisdom that this is the time and this is the opportunity, in the passage of this bill, to forever prevent again such an abuse, if it were an abuse—and it was so called by many—that occurred in these rapid promotions without experience.

I wish at this point to insert one example taken from the statement we had prepared in explanation of the provisions of the bill, and which seems to me to be sufficient to convince anyone of the wisdom of the proposed change. This illustration is taken from the record of the actual experience of that splendid Army officer, Gen. Hunter Liggett, and is as follows:

Maj. Gen. Hunter Liggett, now on the retired list, served 22 years in the grade of lieutenant, 5 years in the grade of captain, 7 years in the grade of major; so that he reached his lieutenant colonelcy after 34 years' commissioned service, during which time he never received a rate of pay above that prescribed for the grade of major. On the other hand, the junior major in the Army to-day served only 6 years as a commissioned officer before reaching the grade of major. General Liggett began to draw the pay of a major after 29 years of commissioned service; the junior major in the Army to-day began to draw that pay after 6 years of commissioned service. Under the method of paying officers by pay periods, General Liggett, whose service as a junior officer was performed during a period of very slow promotion in the Army, would have begun to draw the pay of a major after 22 years of commissioned service, after having drawn a captain's pay for many of the years that he actually drew the pay of a first lieutenant, and the junior major now in the Army, who is performing his service during a period of very rapid promotion in the Army, would not have begun to draw the pay of a major until after completing 14 years of commissioned service. In other words, General Liggett was penalized financially because he happened to perform his service during a period when promotion was very slow, even though during that period of service he was qualifying himself for the tremendous responsibilities which he later assumed as commander of an army in the field in the World War.

The pending bill provides that officers of certain grades and length of service shall be placed in the six pay periods extending over a period of 30 years, as follows:

First period: Second lieutenants with less than 5 years' service and first lieutenants with less than 3 years' service.

Second period: Second lieutenants with over 5 years' service; first lieutenants with over 3 and less than 10 years' service; captains with less than 7 years' service, and first lieutenants whose first appointment was above second lieutenant.

Third period: First lieutenants with over 10 years' service; captains with over 7 and less than 17 years' service; captains whose first appointment was above second lieutenant; captains ranking from July 1, 1920, or earlier, and majors with less than 14 years' service.

Fourth period: Captains with over 17 years' service; majors with over 14 and less than 22 years' service; majors whose first appointment was above second lieutenant; majors appointed under section 24, act of June 3, 1916, as amended by act of June 4, 1920, and lieutenant colonels with less than 20 years' service.

Fifth period: Majors with over 22 years' service; lieutenant colonels with over 20 and less than 30 years' service; lieutenant colonels whose first appointment was above captain; lieutenant colonels appointed under section 24, act June 3, 1916, as amended by act June 4, 1920, and colonels with less than 26 years' service.

Sixth period: Lieutenant colonels with over 30 years' service; colonels with over 26 years' service; colonels whose first appointment was above captain, and colonels appointed under section 24, act June 3, 1916, as amended by act June 4, 1920.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. McKENZIE. For a brief question.

Mr. MADDEN. Is there anything in this bill that will give to a colonel who served 30 years $750 more retired pay than he is getting now?

Mr. McKENZIE. That is a far-fetched question at this point in my argument, but I will say to my colleague that that is possibly true. I have not gone over those figures. I have not computed them myself, but I have found them in the report of the minority, and it is possibly true. But even if it is true—and I do not want to divert now in order to discuss that at this point—but even if it were true, it only goes to a colonel who has given 30 years of his life to this Government, and only a few of the many officers of the Army ever reach that grade.

Mr. MADDEN. How would it apply to a major who gets $937.50 more retired pay than he is getting at present?

Mr. McKENZIE. If he serves 30 years in the grade of major; but he has to serve 30 years before he can reach that place. And I want to say to my colleague from Illinois, while he may not have heard the complaints, I have heard them from some of the old veterans of the Army who are now on the retired list and who were retired early in life. But this bill does another thing. It provides further on that question—and I am digressing now—it provides if that colonel had retired when he had only 10 years' service he would have been paid for the length of service.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. McKENZIE. I would like to finish this, and then I shall be glad to yield.

This grouping provides for the assimilation of pay for officers of all the services, but appointed under diverse provisions of existing law.

Under existing law the men in the Navy draw 10 per cent for sea duty, and the men in the Army and officers draw 10 per cent for foreign-service pay. We have cut that down 50 per cent. There are about 70 per cent of the officers in the Navy who spend their time at sea, and about 5 per cent of the officers in the Army might be said to have field service in peace times.

Pay is now made up of base pay and increases for longevity. While the existing method provides an increase of 10 per cent on the base pay for each five years of service up to 20 years, with a maximum increase of $1,000, the bill under discussion provides instead an increase of 5 per cent on the base pay for each 3 years of service up to 30 years. While this gives an ultimate greater increase to a small group of veteran officers it operates, on the other hand, to slow down the rate of longevity increases in that, for example, the proposed bill requires 24 years of service to qualify for the same percentatge of increase that under the present law may be obtained by 20 years' service.

The foregoing represents the fixed and permanent pay of officers in the various services as provided in the pending bill. In addition to the pay thus set forth, officers serving on sea or field duty are to receive 5 per cent additional, which it is estimated would normally include about 70 per cent of Navy officers and about 5 per cent of Army officers. This cost is offset by the proposed withdrawal of the 10 per cent sea pay for the Navy and the foreign service pay for the Army.

Under this plan, Mr. Speaker, officers coming in from the emergency are credited with the constructive service for base pay to which their rank entitles them. The value to the Government of the experience developed by long service, as well as rank, is substantially recognized. It offers a definite career based on efficient service in place of the inequities and uncertainties of promotion.

While it operates to prevent officers of short service from being overpaid it insures to veterans of long service that they shall not be underpaid. Remuneration falls where most appropriate and in a way to meet the increased expenses incident to family obligations and to rank. While the pay is not great, it is so arranged as to attract young men of a desirable type and assure them that as they gain in experience and demonstrate capacity a modest living can be definitely anticipated. This pay is not so largely determined by rank as has been the case in the past. Rank and pay are not synonymous. It is not the shoulder straps that count but the length of service that the officer has given to his country that will increase his pay instead of rank. [Applause.] I hope that the spirit of Americanism in this Congress will rise up and say that that is one thing at least about this bill that is just and fair to all the men in these services. [Applause.] One exists for purposes of command and precedence, the other for the meeting of financial obligations. Nevertheless, the proposed pay schedule still is associated with rank, though not as completely as heretofore and not so dependent upon the variations and vicissitudes of promotion. After careful consideration of the principle of this plan the services concerned are agreed that its adoption will, in the long run, add to their efficiency.

The Secretaries of War, Navy, Treasury, and Commerce have officially expressed themselves to that effect in giving their whole-hearted indorsement to this bill as now submitted, not only in respect to the principles involved but to the details of their application.

It is true that under the proposed bill an officer of long service may receive higher pay than an officer of greater rank but shorter service. This situation, however, exists at present. It is a fact, for example, that there are veteran captains of long service who are now receiving less pay than majors of short service. The bill has been intentionally drawn to give greater recognition to the value of experience. If any individual inequities exist under its provisions, these are absolutely effaced by the passage of time, usually of no great length.

The bill automatically provides for the pay of officers appointed to higher grades in war and makes the enactment of any temporary legislation for this purpose unnecessary. It defines the service which may at once be computed for longevity pay and restricts it for the future to commissioned service only.

It credits National Guard service with full time for longevity purposes when called into the service of the Federal Government. It gives full time for actual service in the Reserve Corps and half-time credit for inactive duty in the Reserve Corps. I may say here that the National Guard and the Reserve Corps are both in whole-hearted support of all the provisions of this bill.

The second, and in my judgment equally important, change from the present pay system is the establishment of a flexible or variable allowance provided for in the proposed bill. This takes note of the fact an officer with dependents has a greater burden to bear than one without dependents, which fact, in the judgment of the committee, is a matter deserving the prompt consideration of the Congress in providing a means or system of pay and allowances which will not be a discrimination against the officer without dependents, but which will deal justly with the officer with dependents.

In connection with this subject I can not do better than to reiterate a portion of the explanation of the bill heretofore circulated by the committee, which is as follows:

The hearings before the special committee investigating the subject of readjustment of pay for the services demonstrated conclusively that something more than the 1908 pay schedule is absolutely necessary for the officers and enlisted men of the various grades and services. In fact, this testimony brought out the fact very conclusively that the amount received under the act of May 18, 1920, is barely sufficient to meet the cost of living at the present time. This testimony is based almost entirely on the requirements of officers, who are required, in addition to maintaining themselves, to maintain wives, children, or other dependents. If the officer alone is to be considered, the 1908 pay schedule is probably sufficient, especially if it is probable that the cost of living will gradually fall. One of the problems, therefore, to be solved in adjusting the pay schedule is to meet this necessity for providing for the requirements of the officers who maintain dependents. So far as the pay proper is concerned section 1 of this bill retains practically the same base pay as in the 1908 schedule and provides an increase for service that adds very little to the 1908 pay. The required increase over the 1908 schedule can be obtained, then, by giving to all officers allowances sufficient for the officer with dependents, or by giving to the officer with dependents the necessary allowances and withholding them from the officer without dependents. To adopt the first course would be an unjustifiable burden on the Public Treasury; to adopt the second course is economically sound and at the same time meets the requirements of all officers of the service.

It may here be stated that the dependents included in this bill are a wife, unmarried children under 21 years of age, and a mother if actually dependent on the officer for her chief support.

The two factors of allowances for subsistence and for shelter enter into this variable allowance, which changes below the maximum limits prescribed in the bill—according as the cost of its two factors may fluctuate. This variable allowance has a greater money value in the case of officers with dependents,

who constitute the greater majority of officers in the service, and its effect is felt through every home in the service. Such a flexible allowance operates to protect the officer against penalization through rise in the cost of living and prevent his profiting if the cost of living falls. It stabilizes a modest living.

Neither the idea of a variable allowance nor that of recognition of dependency is new. Rations formed part of the pay of Army officers during nearly the first century of the Republic.

Dependency has been recognized in the difference in quarters erected at Army posts and in commutation of quarters, heat, and light for dependents while officers were in the field or at sea. It was observed in the enactment of the recent draft law, it enters into the pensions, family allowances, and war-risk insurance granted by the Government, it appears in the transportation of dependents at Government expense when changing station, and is also recognized by many great corporations in the handling of their employees. It is a principle peculiarly applicable to the living conditions imposed by military service.

The first suggestion of the committee was to base this variable allowance—which in fact is an element of base pay and I wish it so considered—on the number of dependents; but after thorough consideration, having in mind the difficulties in the way of administration on such a basis, the committee adopted the plan set forth in the bill and which in my judgment is much superior in every way. Section 5 of the bill covering this subject, in so far as the subsistence item is concerned, reads as follows:

SEC. 5. That each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: *Provided*, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances.

The maximum value of one subsistence allowance is fixed at 60 cents. This maximum can and will be proportionately lowered by the President should the cost of living decrease and will tend to reduce the total amount of pay to that extent; but it does provide a flexible element in the base pay of an officer which can be regulated from year to year without action by the Congress. The granting of but one allowance to officers without dependents, and adding to the allowances in certain periods for officers having dependents, puts the element of humanity into the pay scale without exploiting the Government or discriminating against an officer without dependents.

Gentlemen, I hope you get that point. That has been one of the things on my mind ever since I have been on the Committee on Military Affairs that I never have been able to explain, why a major general without dependents would be entitled to $1,684 as commutation for heat, rooms, and light in the city of Washington, while a captain with a wife and three or four little children, perhaps, to support was given $800.50.

Gentlemen of the committee, that is one of the things we are trying to correct in this bill. We are trying to put some humanity in it. For the first time in the history of our Army and Navy we are insisting on inserting the human element, and insisting that the normal state of mankind is to have a family and a home, and it is unjust to say that a man who is without dependents is entitled to the same compensation with allowances as the man with dependents. The base pay is the same, and should be.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MADDEN. What is the policy now with respect to our giving a regular amount? Is that change contemplated?

Mr. McKENZIE. That was true for nearly a century.

Mr. MADDEN. It is introducing a new element in the pay of officers.

Mr. McKENZIE. It is introducing an element that at one time was introduced by giving a ration.

Mr. MADDEN. That is in the pay.

Mr. McKENZIE. I will say to my colleague that I believe in putting the cards absolutely on the table in a matter of this kind. No attempt has been made to deceive anybody in connection with this legislation. I have insisted upon the maximums being put into this bill, and I will say that these variable amounts are called "variable" because we could not think of a better name; but it is pay, and it is an increase over the pay of 1908.

Mr. MADDEN. What would be the maximum for ration under the bill?

Mr. McKENZIE. Six hundred and fifty-seven dollars; that is, at the maximum of 60 cents. If that were reduced, of course——

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. TEMPLE. Is it not true that the base pay has been cut below the present standard, and the ration has been added, which is a flexible element, according to the cost?

Mr. McKENZIE. Yes. I have those figures all in my speech, gentlemen, that were suggested by my colleagues. I will not take the time to read them now.

The value of a single allowance being fixed for this year at 60 cents provides additional pay of $219 for the officer without dependents and also for all officers serving in the first pay period. To officers with dependents in the second pay period, $438; third pay period, $438; fourth pay period, $657; fifth pay period, $657; sixth pay period, $438.

It will be noted that the value of the above subsistence allowance is lowest at the extremes of the military career, when the family may, on the one hand, be presumed to have not yet been established, or, on the other, when the family group has begun to disintegrate by death or self-support. It is given, in a general way, according to actual need only.

I next wish to call to the attention of the House the fact that the commissioned personnel of the services under consideration are now entitled under the law to living quarters, which are furnished at regular posts, the same being of two classes, viz, quarters for married officers and bachelors' quarters, or quarters for unmarried officers. In the absence of quarters the officer is granted an allowance in commutation for quarters, heat, and light, provided in accordance with regulations prescribing different zones and variations of allowance therein on account of climatic conditions, the zone of Washington being about the average for the country. In order that all may be advised fully in connection with this particular subject, I desire to include at this point in my remarks a table setting out fully the allowance granted in all grades, and particularly to call attention to the fact that this allowance is based solely on grade, and the fact that an officer has or has not dependents is not taken into consideration; the major general without dependents, you will observe from the table, is granted the sum of $1,684.85—zone of Washington—while a captain with a wife and children is allowed but $800.50. The justice or otherwise of such an arrangement is one of the matters for consideration submitted in the pending bill:

Table of allowances, commutation of quarters, heat, and light, zone of Washington.

[Source of information: Office Chief of Finance, United States Army.]

Grade.	Rooms authorized.	Monthly money value.				Annual money value.			
		Quarters.	Heat.	Light.	Total.	Quarters.	Heat.	Light.	Total.
Major general	9	$108.00	$26.36	$4.38	$138.74	$1,296.00	$316.36	$52.50	$1,664.85
Brigadier general	8	96.00	24.60	3.88	124.48	1,152.00	295.20	46.50	1,493.70
Colonel	7	84.00	22.92	3.55	110.47	1,008.00	274.77	42.60	1,325.37
Lieutenant colonel	6	72.00	20.85	3.13	95.98	864.00	250.20	37.50	1,151.70
Major	5	60.00	18.60	2.70	81.30	720.00	223.25	32.40	975.65
Captain	4	48.00	16.44	2.28	66.72	576.00	197.30	27.30	800.60
First lieutenant	3	36.00	14.31	1.86	52.17	432.00	171.70	22.30	626.00
Second lieutenant	2	24.00	12.25	1.43	38.68	288.00	146.95	17.10	464.05
Enlisted	1	12.00	7.78	1.00	20.78	144.00	93.43	12.00	249.43

The committee recommends the repeal of all existing laws governing the commutation for rooms, heat, and light, and in lieu thereof the adoption of section 6 of the pending bill, which makes a rental allowance part of the variable allowance and which reads as follows:

SEC. 6. That each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty.

Under the system of this bill a rental allowance is made at so much per month, $20 a room. The young officer, a second lieutenant, is allowed two rooms. That is $40. Then we raise it as the family increases. Then later on we cut that down and put it in one proposition, and instead of putting down what the cost is in San Antonio and then figuring out what it is in Washington, we make a flat proposition of $20 per room. That is subject to revision by the President. That is the maximum. It never can be higher than that, but it can be reduced as fixed by the President and may be reduced as rentals go down.

Mr. STAFFORD. The gentleman will concede that when the allowance is made no President will ever reduce the maximum allowance.

Mr. McKENZIE. I have the utmost faith in the President carrying out the report of the Department of Labor. This is a law. It says this year the rental is $20 per room per month. Next year the Department of Labor will make a report. If it shows that rentals are down 10 per cent below what they are this year, the President of the United States will have no discretion. He must reduce it.

Mr. STAFFORD. In the history of the Government there has never been any reduction when an allowance has been fixed.

Mr. McKENZIE. You will notice that it is mandatory. The maximum is fixed in this bill.

Mr. MADDEN. What about the maximum in 1908?

Mr. McKENZIE. I have not time to figure that out. The gentleman speaks of a colonel?

Mr. MADDEN. Yes.

Mr. McKENZIE. The base pay would be $4,000, plus 40 per cent, and then his allowance for room, whatever it is.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MILLER. In the hearings did it develop that any great commercial institutions in the United States based their pay of employees on length of service? Is there any institution that places its base pay on the number of dependents that any particular employee has?

Mr. McKENZIE. I could not say as to that latter proposition, but as to the first proposition, I think it is unquestionably true.

At this point I quote from the published comment on the bill in relation to this particular action:

Section 6 operates to give two, three, four, and five rental allowances to officers receiving pay in the first, second, third, and fourth periods, respectively, and six to those in the fifth and sixth periods. This distribution is based on the fact that two rental allowances is the minimum amount with which a young officer without a family can provide himself with quarters under average conditions, and they increase progressively up to and including the fifth period, thus conforming to the idea that the officer's family needs are increasing during these years and to the principle that an older officer requires somewhat better living conditions than a young one. If an officer remains without dependents throughout his career, only those increases based on the principle that the older officer requires somewhat more are allowed, and such an officer would receive in the first and second periods, the third and fourth periods, and the fifth and sixth periods two, three, and four allowances, respectively.

Recognizing the fact that the officer on field or sea duty must maintain his family during his absence, the rental allowances of such an officer accrue to him while on said duty, provided his family is not occupying public quarters, but the officer without any dependents will receive no rental allowances while on field or sea duty.

The above rental allowance of $20 per month per room has a monthly money value as follows:

First pay period, 2 allowances	$40
Second pay period, no dependents, 2 allowances	40
Second pay period, with dependents, 3 allowances	60
Third pay period, no dependents, 3 allowances	60
Third pay period, with dependents, 4 allowances	80
Fourth pay period, no dependents, 3 allowances	60
Fourth pay period, with dependents, 5 allowances	100
Fifth pay period, no dependents, 4 allowances	80
Fifth pay period, with dependents, 6 allowances	120
Sixth pay period, no dependents, 4 allowances	80
Sixth pay period, with dependents, 6 allowances	120

The above amounts would decrease as the cost of living may fall. The cost of shelter is notoriously high, and at present the average officer living in hired quarters is forced to pay for them far more than he receives from the Government therefor. The purpose of these allowances is to enable the officer to more nearly meet this additional expense. By paying a flat rate for heat and light, the accounting for the same, which at present varies not only with numerous zones but with the seasons, would be greatly simplified.

The bill places a limitation of $7,200 as the maximum total of pay proper and allowances for colonels of more than 30 years' service. General officers and flag officers receive no increase.

The foregoing explanations cover in general the more important provisions of the bill covering the commissioned personnel of all the services.

With respect to the enlisted personnel of the several services, I wish to say that the pending bill applies to them the same general principles as in the case of officers, namely, to establish a pay scale offering a career to a high class of men desiring to devote their lives to the service and enabling them to support their families in decency, and to give greater recognition to long service and efficiency. Material increases of pay have accordingly been given the higher grades of noncommissioned officers. While the rates of pay for the lower grades for short service have been reduced, these have been largely offset by increasing the rates of special pay offered to ambitious enlisted men who are willing and able to qualify themselves as technical specialists. The pay scale for enlisted men is specifically planned to be an incentive to promotion and endeavor; it does not encourage the indefinite remaining in the service of the unambitious and undesirable man willing to pass his military career in the grade of private.

The pending bill wipes out many special rates of pay and puts, as far as possible, the forces in the various services on the same level; and this is especially true in the case of first enlistments, where the pay in all the services is fixed at $21 per month. In the Navy pay scale there are, under existing law, over 7,000 different grades of pay, while under the pending bill they are reduced to 507, which will be a great saving administratively as well as primarily to the Government. To illustrate the administrative simplification accomplished by the bill, I want you to look at this list I hold in my hand and which is a stronger visual argument along that line than any I can make verbally, I am sure. I shall include at this point, as an extension of my remarks, the following from the printed comment on the bill heretofore furnished by the committee:

PAY OF WARRANT OFFICERS AND ENLISTED MEN OF THE ARMY AND MARINE CORPS.

The rates of pay established for enlisted men of the Army and Marine Corps by this section have been determined by a very careful consideration of the enlisted men's pay schedule. A thorough overhauling of this schedule was absolutely necessary for the Army and Marine Corps. The old schedule of 1908, which was very satisfactory at the time it was adopted, has been modified in such thoroughly unsatisfactory ways since 1908 that a complete new schedule was found to be necessary. In 1920 the War Department suggested a readjusted schedule for incorporation in the Army reorganization bill of June 4, 1920. This readjusted schedule, however, was not adopted by Congress in that bill. The old schedule was simply revised to conform to the new grades established in that act. On the other hand, the Navy Department had made a very long and exhaustive study of the enlisted pay schedule of the Navy, and that schedule was adopted by Congress as a temporary measure in the act of May 18, 1920. This Navy schedule, with some slight modifications, is incorporated in the present bill as a permanent schedule. It has been in operation in the Navy for nearly two years and has proven highly satisfactory. Its adoption for the Army and Marine Corps, modified only to correspond with the grades and specialist ratings in the Army and Marine Corps, was the logical thing to do for two reasons: First, because it is a satisfactory enlisted schedule; and, second, in order to bring about a parity in the pay schedule of the enlisted services, one of the objects to be attained in this consolidated pay bill.

The only material modification of the Navy 1920 schedule is in the rate for men of the seventh grade. This rate is $9 a month less than that fixed during the war, but it is $6 a month, or 40 per cent, more than the rate fixed in the 1908 schedule. This rate is reasonable for both the Government and the man. It is $21 a month for the man in addition to his food, his shelter, his clothing, his transportation, and his medical care, and he is in a position to increase this pay by demonstrated ability along other military or technical lines.

During his earlier career in the Army the enlisted man is really of very little value to the service. It takes him a considerable period of time to become adjusted to the new conditions of living; he must learn many things that he knew absolutely nothing about in civil life before he reaches a point where he is of any particular value to the Government. It therefore is reasonable and proper that he should start with a small rate of pay.

His promotion in the military service is determined by two general considerations—first, his military efficiency; and, second, his qualifications for special and technical work. On the basis of military qualifications the enlisted men of the Army are divided into seven grades which correspond to military rank; and on the basis of special and technical qualifications the men in the two lower grades who have no military rank are divided into six classes of specialists.

A man's increases in pay, therefore, after he enters the Army will proceed along either of two separate and distinct lines—one purely military in its character, the other technical in its character. The increases in pay along both of these lines must be adjusted so as to provide an incentive to the men to work, and the highest pay which they can obtain must be sufficient to attract good men to the service and hold them in it long enough to work up to these maximum rates of pay.

It should be noted that in establishing the pay schedule for enlisted men and warrant officers no particular attention was paid to the fact that the highest grade enlisted man and the warrant officer receive more pay than the junior second lieutenants. It is considered that the pay schedules for officers and enlisted men and warrant officers are based on very different principles, and the pay of a second lieutenant, who is just starting his career in the commissioned service, bears no relation to the pay of an enlisted man of the first grade and a warrant officer who are completing their careers in the enlisted service.

PAY OF WARRANT OFFICERS AND ENLISTED MEN OF NAVY AND COAST GUARD.

Pay of warrant officers: In fixing the pay of warrant officers of the Navy and Coast Guard it was necessary, in order to avoid increments of pay now allowed by law for periods at three years' service, to establish three rates of monthly base pay. Under present law the increases for these periods vary from $125 to $350. In addition to base pay the warrant officer is drawing a temporary monthly increase of $20, a ration allowance of $15, commutation of quarters on shore of $24, heat and light of about $9 (in the zone of Washington, D. C.). The provisions enumerated give the warrant officer a base pay based on both length of service and character of duty, and sufficient, with his allowances later prescribed, to meet his proper needs.

Pay of enlisted men: In fixing the pay of enlisted men of the Navy and Coast Guard consideration has been given to the necessity for a large percentage of skilled men in the first five grades. Inasmuch as the rates of pay for these grades as fixed in the act of May 18, 1920, were the result of an exhaustive study by a special board in the Navy Department, it is believed that the conditions obtaining at that time have not changed enough to warrant any reduction in these rates. The effect of reducing the pay of these grades would undoubtedly result in losing the services of many thousands of trained men, with the alternative of replacing them by recruits who would require years of training at great expense to the Government. A reduction in pay of $12 per month each for the sixth and seventh grades is considered advisable, as the committee believes that the preferences in pay should be given to the older men of longer service who have adopted the Navy and Coast Guard as a career and who, by virtue of their age and longer service, are likely to be responsible for the support of dependents.

While the rates of pay herein prescribed are considerably less than the rates for corresponding occupations in civil life, it is believed that the pay, together with the subsistence furnished for the man himself and the prospect of eventual retirement, will be sufficient to retain a sufficient number of skilled men to operate the ships and stations of the Navy and Coast Guard.

The proviso (line 18, p. 14) for including chief petty officers under acting appointment in the first grade in line with the present practice and, with the Navy at present strength, will save about $600,000 annually to the Government. Chief petty officers under permanent appointment can not be reduced except by sentence of a court-martial. When issued an acting appointment at reduced pay he is placed on probation and must serve for at least one year before being issued a permanent appointment. About one-fourth of the total number of chief petty officers should ordinarily be serving under acting appointments.

Naval Reserve Force: It is also recommended that the pay of members of the Naval Reserve Force be proportioned by law on the base pay herein prescribed. No attempt has been made to change the present pay of the Naval Reserve Force, as it is understood that this will be included in separate legislation which will completely reorganize this force. However, it is recommended that there be no reduction in the pay of members of the fleet reserve who have been transferred on the date of approval of this act. These men, numbering about 2,000, have been transferred in good faith in accordance with pre-war legislation contained in the naval appropriation bill approved August, 1916, and your committee considers that the Government is obligated not to reduce the compensation of this group of men.

Permanent additions to pay: It is recommended that all present permanent additions to pay of enlisted men of the Navy and Coast Guard be abolished, and that in lieu thereof longevity pay be substituted. These permanent additions are the result of old Executive orders. They consist of continuous-service pay and citizenship pay of varying amounts. A man of the sixth grade who reenlists received just as much increase as the man of the first grade. Under the proposed longevity the percentage increase will be on the base pay of the respective grades and will result in a net saving to the Government. An increase of 10 per cent is recommended after the first four years' service, and three successive increases of 5 per cent for succeeding four year periods, limited to 25 per cent. This is slightly different from the longevity recommended for the Army and Marine Corps, but the total—25 per cent—is the same for all services, and the cost will be the same. The 10 per cent increase serves as an incentive to reenlistment and at the same time keeps the first increase at approximately the same amount as is now allowed.

Transient additions to pay: All transient additions to pay of enlisted men of the Navy and Coast Guard are abolished except to five classes, viz, cooks or messmen, divers, mail clerks, men holding medals or decorations, and gun pointers. At present the Navy and Coast Guard give transient additions to pay for 20 different classes of work; the reduction to five will result in a large saving to the Government.

Retired enlisted men: There are now 604 enlisted men on the retired list of the Navy and on the retired list of the Coast Guard. It is believed that, as these men were specifically exempted from the benefits of the temporary increase of May 18, 1920, there should be some provision for their relief in the bill. They are all men of 30 years or more active service, and have suffered from the decreased purchasing power of the dollar. In order to relieve cases of distress, it has been necessary at times for the Navy Department to order some of these men to appropriate active duty on shore, where they could receive active pay and allowances. This increase would result in an increased cost for the Navy of about $200,000 per annum, but would not affect the total net saving of $4,600,000 for 1923 or the eventual saving of $7,448,000 four years hence.

Insular force: The comptroller has decided that the insular force of the Navy, which is limited by law to 500 men for service in the Philippines, is entitled to the full pay of their corresponding grades of enlisted men in the Regular Navy. Inasmuch as it was not the intent of Congress or the Navy Department to increase the pay of this force, it is recommended that the pay of the insular force be fixed at one-half the pay for corresponding grades in the Regular Navy.

Reenlistment gratuities: The reenlistment gratuities of enlisted men of the Navy and Coast Guard have been greatly reduced, so that instead of paying four months' pay on reenlistment, a maximum of $200 is paid to men of the first three grades on reenlistment within three months after an honorable discharge and a maximum of $100 for men in other grades reenlisting under similar conditions. A saving of about $2,670,000 is effected by this provision.

The gratuity on reenlistment was originally authorized to take the place of the 30 days' annual leave on full pay allowed to Government employees. A majority of men in the Navy and Coast Guard now get this leave annually, whereas years ago they took a cruise of four years and then received the four months under full pay at the expiration of the cruise. However, it is a matter of economy to pay some gratuity as an inducement to reenlistment. The cost of recruiting, transporting, and training a raw recruit to fill the place of a trained man will be considerably more expensive to the Government than the payment of this gratuity.

SECTION 11. ALLOWANCES OF WARRANT OFFICERS AND ENLISTED MEN OF THE ARMY AND MARINE CORPS.

Warrant officers' allowances: Warrant officers of the Navy and Coast Guard are now granted (1) one commuted ration; (2) commutation for two rooms if on shore not occupying public quarters, or at sea, if he has dependents; (3) a temporary increase in pay of $240 per annum; and (4) commutation for heat and light equivalent to that allowed an ensign. Warrant officers of the Army have the allowance of a second lieutenant for quarters and no allowance for rations.

This bill gives the warrant officers of all services (1) a rental allowance for two rooms if on shore and not occupying public quarters, or at sea, if he has dependents, and (2) a subsistence allowance for himself at all times.

Enlisted men: To enlisted men not furnished quarters or rations in kind, there are now allowed varying amounts for subsistence, or for subsistence and room. In exceptional cases, where these men travel from place to place for short periods, incurring expenses for transient accommodations at hotels, meals, etc., an amount equal to $4 per day is allowed. In the great majority of cases these amounts are much smaller.

This bill establishes, under the direction of the President, uniform regulations for all services. There is no additional expense involved.

Pilots' subsistence: When civilian pilots are used they are subsisted in the officers' messes. Regulations now authorize an amount to be paid to the treasurer of the mess in which the pilot is subsisted for the period of his stay on board. In exceptional cases pilots may be on board for a considerable length of time.

This bill authorizes the continuance of the present method and involves no extra cost to the Government.

Rations commuted for enlisted men: Present law authorizes the issuance of rations in kind to every enlisted man, or the commutation thereof. It is desired to continue this authority so as to permit the commutation of rations to chief petty officers in organized messes, mess attendants assigned to officers' messes, and sick enlisted men subsisted on diet prepared in officers' messes.

This provision involves no additional expense to the Government, and simply continues present practice.

Subsistence and rental allowances to insular force: It is considered advisable to specifically prohibit the payments of any personal allowance for subsistence or for rental of quarters to members of the insular force, so that this question will not be referred to the comptroller general.

The present bill proposes that the method now authorized by existing law for quartering and messing enlisted men, which have been found by experience to be satisfactory, should not be changed; but it does provide that these methods shall be the same for all the services and that uniform regulations shall be published by the President to replace the existing regulations, which are different for each service.

Enlisted men of the National Guard: The present rate of pay for enlisted men of the National Guard is continued for armory drills and summer encampments. If drafted into the United States service, they receive the same pay as for corresponding grades in the Regular Army.

Travel allowances: The bill puts all the services on a parity in this respect, giving them all the same allowances as are now authorized in the Navy.

On the other hand, the bill provides that the special benefits which accrue to the Government for travel over land-grant railroads by the Army shall also accrue to the Government from similar travel by the other services.

I want you gentlemen to notice this pay table of the Navy. There is what it is now; this is what it will be under this law:

The Nurse Corps: The principles of recognition for long service and efficiency, already outlined for officers and enlisted men, are made to apply to the Nurse Corps. A more definite career is offered by the bill to this deserving class of women, upon whom falls the immediate care and ministration of the sick and wounded of the standing forces and many of our disabled veterans of the World War. While each of

the six services has shown a saving below their present pay for officers and for enlisted men, the members of the female Nurse Corps have been given an increase. This is necessary in order to meet the wage scales in civil life for such service as they render, also to create such a definite career as will induce the best type of these trained women to remain in the service.

Retired officers: The bill applies the principle of recognition of length of service, already set forth, to retired officers. Officers retired after July 1, 1922, would receive retired pay on the basis of this bill.

Saving clauses: The bill recognizes the principle in equity of maintaining what amounts to an existing contract with the Government. Accordingly no enlisted man will have his pay reduced during his current enlistment, nor will an officer receive less pay than under the permanent pay scale of 1908, under the moral assurance of which he has entered and remained in the service. But officers and men hereafter entering the service would do so under the pay scale established by this bill and with full understanding of its present and future financial incentives and opportunities.

CONCLUSION.

In concluding this brief outline of what is a very elaborate, carefully thought out, and comprehensive common plan for the pay of all the six services, I desire to reiterate, Mr. Chairman, that it represents the best thought of the Joint Committee of the House and Senate, sitting over a period of many months and reaching its conclusions only after most careful inquiry and mature deliberation.

The very difficulties dependent on the diversities of the services concerned and which have been so successfully met and overcome have made it such a harmonious mechanism that interference with one point may disturb the balance of the whole. Amendment in respect to one service may very likely have an unexpected and undesired effect on others. Yet the plan as a whole is not intricate but only coordinate.

The plan itself offers a material saving in money. It readjusts the expenditure of funds in a way to promote efficiency. It assures a modest livelihood in a way to attract and retain a high class of officers and men. It maintains a career within the services irrespective of any reductions in personnel which may be made. It has been most carefully scrutinized by all the services concerned, and meets with their whole-hearted approval. It is at once simple, scientific, logical, and practical.

I submit, Mr. Chairman, that a bill with such facts to commend it should pass.

Mr. MADDEN. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. MADDEN. As a matter of information I want to ask the gentleman what effect the bill will have as to compensation on these persons who were formerly clerks and now are in the finance division?

Mr. McKENZIE. It will make no change. I think I know to whom my colleague refers. They are men in the finance division under our good friend General Lord. They were men who had long years' services as clerks and through the efforts of some colleagues of mine—I was one who opposed it along with some others, I think my friend, Mr. GREENE of Vermont—it was legislated into the law that these men should be taken in as commissioned officers in the finance division, and it was provided that they should have longevity pay for the time they had been in service. If my colleague feels that that is unjust, this pay committee is not responsible. It is the law, and it applies to them, and it applies to old-time commissioned warrant officers in the Navy. They were commissioned in the Navy in 1920, and I think my good friend Mr. KRAUS, and the gentleman from Alabama [Mr. OLIVER], who served on the Committee on Naval Affairs, voted for it. They are entitled under the law to the consideration for the commissions they now hold.

Mr. MADDEN. I was asking what effect it had on their pay.

Mr. McKENZIE. It has no particular effect.

Mr. MADDEN. In comparison with men who have been in the service as long as they have without receiving——

Mr. McKENZIE. It leaves them in the pay period where they are. In other words, we have placed the men in the pay period where we found them. A major—we leave him in the same pay period representing the majors, No. 4; the captain in No. 3.

Mr. EVANS. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. EVANS. Did I understand the gentleman correctly to say that the base pay is fixed on the supposition that there has been an increase of 100 per cent in the cost of living since 1914?

Mr. McKENZIE. That is practically true; but we are not basing it entirely on the cost of living.

Mr. EVANS. I did not understand or get the thought the gentleman was endeavoring to convey when he said that it was based on 100 per cent increase in the cost of living.

Mr. McKENZIE. Since 1908; is not that pretty near right?

Mr. EVANS. In mentioning the amount of $142,000,000 or $143,000,000 as the probable appropriation under this bill, does the gentleman include in that the change that would be made on account of the dependents?

Mr. McKENZIE. Yes.

Mr. EVANS. In what way does the gentleman arrive at the number of officers with dependents?

Mr. McKENZIE. It is figured that about seventy-odd per cent of the officers in the Army have dependents. It is an estimate, of course.

Mr. EVANS. Does the gentleman expect the increase for the clerks to whom he refers to be along the same line and the same rate as the naval employees?

Mr. McKENZIE. Yes; they are commissioned officers.

Mr. EVANS. They get it by reason of the commission?

Mr. McKENZIE. Yes; they are officers in the Army.

Mr. TEMPLE. Will the gentleman yield?

Mr. McKENZIE. Certainly.

Mr. TEMPLE. I am afraid the gentleman from Nebraska may have got a wrong impression. The gentleman from Illinois does not mean to say that the cost of living having increased 100 per cent you increase the pay 100 per cent?

Mr. McKENZIE. No; nor half of it.

Mr. KRAUS. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. KRAUS. The reason for my propounding this question is because I think my colleague from Nebraska misunderstood the statement of the gentleman from Illinois. Does the gentleman from Illinois desire to have the House understand that if this bill passes the cost of the Army for the fiscal year 1923, with 150,000 men and 13,000 officers, will be only about $1,000,000 more than if there was no legislation at all?

Mr. McKENZIE. That is the idea.

Mr. KRAUS. That is what the gentleman desires the House to understand?

Mr. McKENZIE. I am giving the figures to you that were made, and I presume the gentleman from Indiana has the same figures.

Mr. KRAUS. I think the gentleman wants to look over that again. Does the gentleman mean for the House to understand that for the fiscal year 1923, with an Army of 150,000 men and 13,000 officers, as contemplated in the Budget law, it will cost only $1,000,000 more under his bill than with no legislation at all?

Mr. McKENZIE. The gentleman wants to take into consideration that the enlisted personnel of 150,000 is reduced.

Mr. KRAUS. I am propounding this question in order to have a comparison. The gentleman will concede that we must have the same number of officers and men in order to make a comparison. The gentleman made a statement which would lead the House to believe that under the circumstances I have stated the cost under this bill would be approximately $1,000,000 more than no legislation.

Mr. McKENZIE. Yes. I made that statement on the strength of the estimates that I received. If they are not correct, I should be very glad to correct them, for I do not want to deceive anyone.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. BYRNES of South Carolina. Is not the difference between the gentleman from Illinois and the gentleman from Indiana based on the statement furnished—that the proposed pay, exclusive of the saving clauses, is $143,000,000, and the pay if no legislation is enacted, $142,000,000? That is the difference. The gentleman is referring to the statement exclusive of the saving clauses.

Mr. KRAUS. That is the reason I asked the gentleman to explain what he desires the House to understand, because I am confident that the gentleman from Nebraska had the misunderstanding which now the gentleman from South Carolina calls attention to as incorrect.

Mr. McKENZIE. It is stated in detail in my remarks. I just gave the totals, and the whole explanation the gentleman will find in my remarks. The saving clauses mean about $7,000,000. I want to call attention briefly now to a few things in the minority report which my colleagues filed. In the first place, they go on to make the statement that in 1916 we had about 12,000 officers in the Army in all of these services and that now we have something like 21,000; furthermore, that we have about 150,000 enlisted men in the National Guard, and that that costs $23,000,000; that we have 95,000 young men in school.

Those are all facts, and for one I say thank God for that situation. There is nothing to complain about in that. That legislation was not enacted simply to give a few men commissions in the Army and the Navy. That legislation was en-

acted in 1916 and in 1920 at the demand of the people of this country that we do a little something toward giving us a little preparedness more than we had in 1916. That was the object of that legislation, and of the reorganization act, and the act of 1916, and the acts affecting the Navy increasing this number of officers from 12,000 to 21,000, and all it means is that we have that much more preparedness in this country than we had at that time, and so far as this bill is concerned it has nothing to do with it, because the Congress of the United States can reduce that number of officers at any time it wants to, and there is a movement on foot now to reduce the number. This bill will apply to whatever number of officers remain with just the same effect as if we had 21,000. So that I can not see anything in that contention.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. WILLIAMSON. So far as the sliding scale of pay of these officers is concerned that scale is only affected by the sliding scale of rations and the size of the family. Those are the only two elastic elements in the pay schedule.

Mr. McKENZIE. The size of the family is not mentioned. It would be whether they had dependents at all or not.

Mr. WILLIAMSON. And the amount of the rations. Those are the only two that affect the sliding scale.

Mr. McKENZIE. Yes. The longevity pay is changed from 10 per cent for 20 years to 5 per cent for 30 years.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. RANKIN. In response to the question of the gentleman from Indiana, the gentleman from Illinois stated with reference to the $142,000,000 and the $148,000,000, the difference between what our Army would cost during the fiscal year 1923, and without this bill, that that was exclusive of the saving clause. Will the gentleman tell what that saving clause amounts to, and how much that adds to the bill?

Mr. McKENZIE. I can not tell exactly, but I can say to my friend that it means about $7,000,000. All of the enlisted men in the Army in all of these services will draw the present pay to the end of their enlistment. In other words, the Government is going to keep its contract with those men during their period of enlistment. When their time expires, and they come in or other men come in, they come in at $21 a month, so that that expense will be added to the Government until their time expires. The officers who were advanced in these rapid promotions find themselves in pay periods above where they would naturally have been under this bill, but they will remain there stationary for a few years until they move into the next period, and then the bill will move along in its natural course. Those are what we call the saving clauses.

Mr. RANKIN. About what is the estimate it will cost?

Mr. McKENZIE. About $7,000,000.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman further yield?

Mr. McKENZIE. Yes.

Mr. WILLIAMSON. I am not entirely clear as to what effect this bill will have upon the pay of those officers who may be reduced under the new proposed Army bill. The gentleman says there are 21,000 officers, and the new bill proposes 11,000 officers. What will beome of the pay of those officers removed or demoted?

Mr. McKENZIE. That applies only to the Army, and that would depend on the law that we pass at that time, providing for their retirement pay. I want to call attention to another thing in the minority report. Attention is there called to the fact that a major may possibly draw a maximum of $7,200 under this bill. That is true, and I am not making any denial of it. So far as I am concerned I am for him, but it requires a number of things to enable him to do it. In the first place he must have served 30 years in the Army before he got up to the grade of a lieutenant colonel. In the next place, he must have dependents, and in the third place he must be living away from any Army post where he has to rent quarters. Under those circumstances if a major has served 30 years and has not been able to get promotion, I feel that he is entitled by experience to that pay.

Mr. JOHNSON of Mississippi. Would that depend upon the number of dependents?

Mr. McKENZIE. No.

Mr. JOHNSON of Mississippi. Suppose he has one dependent, would it be the same?

Mr. McKENZIE. It would be the same if he had a wife or a child under 21 years of age. I have not the time to call attention to all of the things in this report, but you will find on page 4 the number of quotations from Mr. Weeks, from Mr. Denby, and others indicating that the original proposition which I submitted was not adopted, and that they criticized it when I did present it.

It was not my proposition any more than it was your proposition. It was simply I had two things in mind and other members of the committee had them in mind, and one of them was that the pay in this service should be based on length of service rather than on rank alone. The other was that an officer without dependents was not entitled to the same allowance and to commutation as the officer who had dependents, and with all the criticism that was made—Mr. Weeks criticized my proposition and suggestion at the time—there are at the present time only two men in all of my acquaintance who have given any attention to this bill who are not now enthusiastically for it. They are my two friends on the committee, the gentleman from Alabama and the gentleman from Indiana.

Mr. CRISP. Will the gentleman yield?

Mr. McKENZIE. These other gentlemen have conceded this is wise and sound.

Mr. CRISP. I want to ask the gentleman, and I think his last statement answers the question, what is the attitude of the War and Navy Departments as to the bill now?

Mr. McKENZIE. I want to say to the gentleman from Georgia, my good friend, that they all approve it. General Lejeune, of the Marine Corps; Secretary Weeks, Mr. Denby, Mr. Clifford, Mr. Hoover, all these men that have to do with these services; you will find their letters in the hearings. I will have some in the morning that we did not have time to prepare for this discussion to-day, but will bring them here to-morrow, and you will find those letters in there. One man, Mr. Wainwright, Assistant Secretary of War, says that if they had had this law in force in 1920 it would have saved $25,000,000 in the Army alone.

Mr. JOHNSON of Mississippi. I would like to ask the gentleman if the position of Secretary Weeks, Mr. Hoover, and General Lejeune influenced the committee to any extent?

Mr. McKENZIE. They did not, I will say to my good friend from Mississippi. We had the bill finished, and after it was finished, realizing this criticism, I wrote each one of those gentlemen a personal letter asking what they thought about it now. It was weeks and weeks after they made this criticism.

Mr. JOHNSON of Mississippi. Did the committee have any information from them officially or otherwise before they wrote the bill?

Mr. McKENZIE. We did not.

Mr. JOHNSON of Mississippi. Not that the gentleman knows of?

Mr. McKENZIE. The fact of the matter is we did not care.

Mr. JOHNSON of Mississippi. That is the point I am trying to get.

Mr. McKENZIE. I want to say to my good friend from Mississippi, as one member of that committee I did not take orders from any man in the Army or Navy, and I was not deceived by any of them; I was not deceived for a minute of the position of any man. I have not been deceived in any way.

Mr. MOORE of Virginia. May I ask the gentleman a strictly impersonal question?

Mr. McKENZIE. Yes, sir.

Mr. MOORE of Virginia. To what extent does the gentleman discriminate against bachelor officers?

Mr. McKENZIE. Discriminate against bachelor officers? Well, I want to say to my good friend from Virginia, in my judgment, we have not discriminated against them at all. We treated them as they should be treated. In the first place they had not any children. We refused to give them money to support somebody else's children. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield for another question? Do the bachelors on the gentleman's committee support this bill or oppose it?

Mr. McKENZIE. I do not like to discuss my colleagues. They may be married, for all I know.

Mr. LOWREY. Will the gentleman yield for a question? If you do not discriminate against the bachelors I do not think you are doing justice, and I do not know whether I shall support the bill or not.

Mr. STRONG of Kansas. Referring to the question of allowances, does a man, a wife, and a bull dog pup get as much as a man, his wife, and a number of children?

Mr. McKENZIE. If the gentleman has any of that kind of neighbors——

Mr. STRONG of Kansas. Not in Kansas, but some are at our hotel.

Mr. McKENZIE. As far as I am concerned, I have not dealt with that character of people. I am not opposed to bull dogs, however.

Mr. STRONG of Kansas. What I meant is, does a man and his wife get as much pay as a man with a wife and family?

Mr. McKENZIE. Yes. The committee did not draw the limit on him. Now, the next criticism in this report is that the pending bill (H. R. 10972) discriminates against officers commissioned from civil life. Now, gentlemen, that is unkind—destructive criticism, in my judgment. As one of the men who happened to be on the Committee on Military Affairs writing the reorganization bill, and who had the honor to be one of the conferees for seven weeks combating with the Senate on that bill, I want to say in writing that law if I ever stood for anything in my life I stood for the 5,000 emergency officers that were put into the Army, and when it came to the writing of this bill I said we will leave these emergency officers in the place where we find them, enjoying grades of captain, or major, or lieutenant, or colonel, whatever it may be, whether they have had only three or four years' service, and we will concede that they had a sort of constructive service that was sufficient to put them into these periods, and we leave them there. We left them there. Now, what is the criticism of these gentlemen of the minority that we have not treated the emergency officers fairly? I will tell you what it is. Over here in the Judge Advocate General's Department they have appointed a number of colonels under the reorganization act.

We put them in there because they were lawyers, and we gave them four or six colonels in the reorganization bill, and under that law they are entitled to 26 years' service. We leave them there. We give them the pay of the period of the colonel in this bill. What are we asked now? We are asked in this criticism to not only do that for these men—God knows, I have no objection to them; I believe it was fair and right to these men to leave them where we found them under the law—but they ask us now to do what? I have a letter in my possession that was sent to me to-day from one of my old friends in the adjutant general's office in Illinois from one of these men, who undertakes to say that he practiced law for 16 years and then went into the Judge Advocate General's office, and he wants us to count now for longevity service the same length of time that the man had who was serving in the infantry, for instance, down on the border or up in the frozen regions of Alaska; he wants not only to be put in the pay period where we found him, but give him longevity pay. You can do it if you want to, but I do not believe it is fair and right. I said so when we passed that reorganization bill. I fought it then and I will fight it now, rather than to say that those men who have been lawyers shall go in and count the same for two or three years' service as a man who spent 26 years in the Infantry or Cavalry or Artillery.

Mr. MILLER. Does service at the Naval Academy and service at the Military Academy count on the service?

Mr. McKENZIE. It does not count now. I will say to my good friend that we have not changed the law so far as longevity pay in this bill is concerned. Men from Annapolis and West Point do not get credit for this service. Prior to 1912 they did. We left them where we found them. We did not have power to write laws of that character.

But here is one of the things in this bill that you men who are thinking of the taxpayer back home want to think about, and that is that while we treat well all these men in the service—and we are criticized for that—and that we are overkind to them, gentlemen, I am not one of those who believe in our Government repudiating a contract. We have had a certain contract with these men, and if you will let us keep it they will pass out of the service later on. But this bill provides that hereafter men coming into the service as officers shall count only commissioned service. When we get down to that basis we will have everybody treated alike. Those men came in with that understanding and knowledge and therefore will have no complaint. That is another one of the criticisms.

There is another thing they criticise us for. I am surpised at my apparently good-natured friend from Alabama. Oh, I do like to play a game on the level. I like to fight in the open. I despise to play, in a great game like this, anything that would look like playing to the demagogue. This is a serious proposition, gentlemen of the committee. I wish more men were here that I could talk to them. It means a great deal for the future of our country. It means more than just because a colonel served 30 years he is to have a little more pay. It means something for these institutions of our country. But, ah, my friends, when the minority members come to the end of their report, what do they do? Why, they say a few kind things about the Marine Corps. They pretend to say a few kind things for the Coast Guard. They go on to state that the Marine Corps, with 8,000 officers, can handle an army of 150,000, while our present Army has 13,000 officers for 150,000 men. Is there anybody deceived by that sort of talk? Thirteen thousand officers for 150,000 men? You do not need half of them. There are not more than half of them used for that purpose, and we did not make them for that purpose when we passed the reorganization law and the national defense act.

We provided that we should have trained officers in this country, who should train the 150,000 men in the National Guard and who could go into the schools where these 95,000 are going to school and train them. But, oh, it was a chance that they could not let go by. My good friends, get away from these invidious comparisons. No man thinks more of the heroic record of the marines than I do. I know that they have written with their blood the glory of our country on many a field. I know that the Coast and Geodetic Survey has gone out over the seas of the world to chart the unseen rocks, so that the men who sail the seas and carry our flag may be safe. I know that the Coast Guard, while we are sitting in our comfortable homes, by our firesides, with our wives and children about us, are out yonder on the storm-tossed sea rescuing life from the stranded vessel. Ah, more than that, they are away yonder in the North Atlantic warning the ships of the oncoming icebergs. God bless their record. And now my good friend there would be for them; he would be for the Coast Guard with only 291 officers. My friend would be for the Marine Corps, heroic men, but they have only a few officers. He would be for them. But the old Navy, that institution of our country that carries the name of Lawrence and Perry and Farragut and all the men that have made the Navy of our country glorious, a Navy which has never been found wanting in the hour of trial, he would throw a little criticism at for having a few lieutenants drawing a little more pay than he thinks they ought to draw. And he utters a worse insinuation against the old Army men. It is not necessary to defend the Army. I have joined in denouncing it on this floor many a time for things which I think they have not done. I should do it now. But, in God's name, I have not forgotten the men whom we all worship, the men that you boys on this side love to think of—Lee, Stonewall Jackson, Johnson, and others—West Pointers—yes, West Pointers—and on our side Grant and Sherman and Sheridan. And there is not a field of glory in all the world where our old Stars and Stripes have ever been carried but that it was carried there by the men in the Army. [Applause.]

Cut down the number of officers, if you please, but for God's sake let the Representatives of this great land of ours be too big, too broad, too generous to ask the men of these various institutions, including the Public Health Service, to serve us in time of stress, when we must rely upon them, and then quibble and find fault and talk about a few of them getting a little too much money.

My friends, I want you to study this bill. It means nothing to me. Why, everybody in this House knows that I am descended from the closest race in the world, the Scotch. I know what poverty means. I have walked that road, too. I know what I believe to be my duty here. And in offering this bill I wish to say that I have no blood relation in any of these services, not one.

But I stand here and plead, not for relatives, not for anybody that can do me any good. There are not any of them that can do that. I have to depend on the people out in the thirteenth congressional district of Illinois, where we have not a navy yard or a fort. I have not a thing there that looks like militarism, but I am pleading here to-day for these men on whom we must rely, and am asking you, in God's name, not to let a little prejudice lead you into a great mistake, such as that of deciding that you do not want to give the wives and children of the officers in this service at least a decent living. I will try to explain these things further as we read the bill. Gentlemen, I thank you for your attention. [Applause.]

The CHAIRMAN. Does any gentleman desire recognition? Does the gentleman from Alabama [Mr. OLIVER] desire recognition?

Mr. OLIVER. No.

Mr. RANKIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count.

Mr. McKENZIE. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee, having under consideration the bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, had come to no resolution thereon.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks on the pay bill and to insert such parts of the minority report as I desire.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. OLIVER. Under leave to extend my remarks, I beg to state that my reason for asking this leave was due to the fact that it was about 5 o'clock when the gentleman from Illinois [Mr. McKENZIE] concluded his speech, and the point of no quorum having been raised the House, on motion of Mr. McKENZIE, concluded to rise for the purpose of considering a motion to adjourn. It had been my purpose to make a speech on the pending bill immediately following the gentleman from Illinois [Mr. McKENZIE], and when the House reconvenes on Tuesday I will ask recognition and will then discuss the matters which I consider pertinent to the bill. Under leave to extend I was granted permission to print all or portions of the minority report, and the same are hereinafter set out, excepting that Tables 2, 3, 4, 5, 6, and 7, attached to the minority report, are omitted; but the attention of the Members of the House is especially invited to these tables in connection with their study of the bill and the minority views thereon. Some errors appearing in the figures included in the table on page 10 of the minority report have been corrected.

The whole subject of pay being somewhat technical and confusing, it will prove especially helpful to the Members of the House, if time can be found, to read the bill and both the majority and minority reports thereon and frame questions therefrom to members of the committee when discussing the bill; and I know that the members of the committee will welcome all questions asking for information and that full and frank answers will be given, according to the best knowledge and information that the members of the committee have.

The minority report, with certain omission of tables, is as follows:

Mr. KRAUS, from the Committee on Adjustment of Pay, etc., submitted the following minority report, to accompany H. R. 10972:

We regret to find ourselves in disagreement with the other three members of the special committee of five, appointed in accordance with House resolution 296, on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service.

After careful study of the proposed bill, H. R. 10972, we feel that it is not only unwise at this time to pass permanent pay legislation for the several services but that the bill, as reported, is fundamentally unsound, unjust to the private soldier in the lower grades of the Army, to the apprentice seamen of the Navy, overgenerous to a large number of the officer personnel, especially in the higher grades, discriminatory against officers commissioned from civil life in its gracious dispensation of service gifts, and unwarranted in proposing substantial increases in the retirement pay of officers, including many now on the retired list.

We will later discuss the bill under the subheads just outlined.

We have no desire to unduly press our convictions on the Members of the House, but in the discharge of our responsibility, as members of the committee, we wish to submit for the consideration of the House some objections to the pending bill which we think are well founded.

Before discussing proposed changes of existing law which the pending bill, H. R. 10972, seeks to accomplish, we wish to invite attention to the very large increase in the number of commissioned officers now on the pay roll of the Government as compared with the number in the services on July 1, 1916. The total number of commissioned officers on July 1, 1916, was 8,819; we now have 21,588. This increase in the commissioned personnel is distributed in the following Army grades and in grades of the other services corresponding thereto, to wit: In 1916 we had 19 major generals, now 67; 39 brigadier generals, now 97; 310 colonels, now 975; 414 lieutenant colonels, now 1,377; 1,159 majors, now 4,256; 2,686 captains, now 8,641; 2,056 first lieutenants, now 4,547; 1,236 second lieutenants, now 1,626.

This shows an increase of 12,769 commissioned officers since 1916, involving an additional annual expense to the Federal Treasury in the matter of officer pay and allowances alone, based on the 1906 schedule, of more than $35,000,000.

The House is now on record as favoring substantial reductions in this large officer personnel, and the President has announced that he will soon recommend to Congress the coalition of some branches of the military services under a single head or department, which recommendation, if followed, will lead to reductions in officer personnel, especially in some of the staff corps, in addition to the reductions now contemplated by the House. In this connection it is well to recall that we are now rapidly organizing on an efficient basis a federalized National Guard, which now numbers approximately 3,000 officers and 150,000 enlisted men, and the National Guard, with its present strength, will necessitate an appropriation of about $25,000,000 or more for the fiscal year 1923. When it is also remembered that there are now about 95,000 young men undergoing military training for Army reserve officers in college Reserve Officers' Training Corps units, we respectfully submit that these facts would seem to justify a hope that we will, in the near future, adjust our military forces on a more limited and economical basis than at present.

We wish to ask now that the above facts be borne in mind in your consideration of some suggestions hereinafter set out as to increases proposed in retirement pay, and as to the advisability of providing by temporary rather than by permanent legislation for any present needed increase in the pay of the officer and enlisted personnel of the several services.

CHANGES IN EXISTING LAW PROPOSED BY SECTION 1 OF H. R. 10972.

Under existing law pay of officers, including all allowances, are based on grade, and length of service, as affecting such pay, serves but one purpose, namely, to give what is known as longevity pay. Longevity pay for all officers is now limited to 40 per cent of base pay, with a further limitation of $1,000 as to the longevity pay for colonels, lieutenant colonels, majors, and officers in corresponding grades of the other services. Thus the total base and longevity pay now of a colonel is $5,000; that of a lieutenant colonel $4,500; that of a major $4,000.

Section 1 of H. R. 10972 changes existing law by establishing six pay periods, the first corresponding to the grade of second lieutenant, the second to that of first lieutenant, the third to that of captain, the fourth to that of major, the fifth to that of lieutenant colonel, and the sixth to that of colonel, and hereafter makes length of service—not grade—the main controlling factor in determining the pay and allowances of officers. It further increases the longevity pay of all officers by giving them 50 per cent of base pay instead of 40 per cent as now provided. It further repeals the longevity pay limitation of $1,000 for colonel, lieutenant colonel, major, and officers of corresponding grades in other services, and hereafter fixes the maximum base and longevity pay for a colonel at $6,000 instead of $5,000, for a lieutenant colonel at $5,750 instead of $4,500, for a major at $5,250 instead of $4,000. As to lieutenant colonels and majors, not only is the present longevity grade limitation of $1,000 repealed, but lieutenant colonels with 30 years' service are advanced to the pay period of a colonel, and majors with 23 years' service are advanced to the pay period of a lieutenant colonel, thus increasing their base pay by $500, on which their longevity pay will be computed.

With the allowances proposed in H. R. 10972 for a lieutenant colonel and major, it thus appears that a lieutenant colonel, advanced to a colonel's pay period by length of service, will receive the maximum compensation allowed a colonel, to wit, $7,200, and a major, advanced by length of service to the pay period of a lieutenant colonel, may also receive a lieutenant colonel's maximum compensation of $7,200. The same results obtain in reference to officers in corresponding grades of the other services.

Likewise officers below the grade of major will, under the pending bill, by reason of length of service, be given a pay period higher than that corresponding to their commission grades, and their pay and allowances will exceed that of officers outranking them by one grade and in some instances by two grades.

To further illustrate, there are now more than 100 lieutenants in the Navy with less than two years' commissioned service or commissioned officers of the regular Navy who under the provisions of section 1 of the proposed bill, H. R. 10972, would receive annually in pay and allowances more than $6,500, and yet there are colonels in the Army who under the provisions of the same bill will draw less than $6,500. In other words, length of service will under the terms of the pending bill hereafter control the pay of officers to such an extent that many now in the service will draw as pay and allowances an amount not only equal to but oftentimes in excess of the pay and allowances of officers outranking them by one and not infrequently by two grades.

The extent and full purport of this last statement, as applied to the services concerned, will more clearly appear by an examination of table attached hereto as an exhibit and numbered 1, which table gives the number of officers in the several grades with their length of service.

These tables show a large number of officers now in the services who under the provisions of the pending bill will have sufficient length of service to advance them to the pay period next above the one corresponding to the grade in which they hold a commission, which will give them a base pay increase of $500, and their longevity pay will then be computed on this increased base pay. We submit that this change of existing law is very far-reaching and ill considered. It serves to give to length of service a value never contemplated. Heretofore, to the officer on active duty, it has only counted for longevity pay; now it is proposed that it shall count not only for longevity pay but shall serve to increase the base pay of officers by advancing them to the pay period of the next higher grade; and by raising the longevity percentage from 40 to 50 per cent and removing limitations on longevity increases of the higher ranks it will be seen that it will not only largely increase the pay of an officer while on active service but it will materially add to his retirement pay, as pointed out later.

Apropos to this proposed change of existing law, we beg to submit some thoughtful comments made to the joint committee. We quote, first, from a letter of Secretary Weeks to Congressman McKENZIE, as follows:

"Your fundamental ideas seem to be a pay based upon length of service and number of dependents of the officer concerned. These are both ideas that are at variance with any plan of compensation that I know of, either in governmental or private employment, and common prudence would suggest that they be adopted only after full consideration of their effect not only directly upon the services concerned but collaterally upon other Government services.

"The principle of pay for service rendered, according to the position occupied in any organization, is a convention that represents the great consensus of opinion in the world to-day, and it is a question whether we could wisely make the basic pay dependent upon length of service. We approach entirely too near to that to-day in many of the Government services where promotion is lineal and when grade and pay depend largely upon the individual's health and strength rather than upon his ability and usefulness. Its adoption to a greater degree by the several services concerned might lead to its adoption elsewhere in the Government service. Briefly, these are some of the objections to the tentative plan."

Next, from a statement by Captain Williams, United States Navy, as follows:

"As soon as you begin the practical application of that idea the things that you tend to consider immaterial in the law loom up very large. You can not have, for military reasons, a senior, a man of higher position, drawing less pay than a junior."

Next, a question asked Secretary Denby by Mr. BYRNES of South Carolina:

"That is what I wanted to ask, whether you did have any idea how you would work it out to avoid having a subordinate receive higher compensation than a superior officer. I have been trying to discover how you would do it, and I know that it would demoralize any organization."

To which Secretary Denby replied:

"Not only that, but if you did it flatly without any qualification at all, if you simply said, 'A man serves 10 years and gets the 10 years' rate of pay whether he is a good or bad man,' you are taking away a good deal of the motive and ambition."

Mr. McKENZIE, a member of the joint committee, recognizing the force of the criticisms directed at this change, suggested at that time the following proviso:

"But suppose you put in the law a proviso: *'Provided, however,* That no officer should draw more pay than that prescribed for the grade in which he is serving.'"

(It will be noted, however, that Mr. McKENZIE's proviso does not appear in the bill as reported.)

The quoted comments certainly show serious misgivings by high officials and by members of the committee as to the wisdom of the proposed change of existing law.

THE BILL IS OVERGENEROUS TO MANY OF THE OFFICER PERSONNEL NOW IN THE SERVICE.

In support of this claim, we quote from section 1 of the pending bill, as follows:

"For officers hereafter appointed, no service shall be counted for the purpose of pay except effective commission service under Federal appointment. For officers now in the service, all service which is now counted in computing longevity pay shall be included in the computation."

Service now counted in computing longevity pay, and which under this provision is sought to be made available to officers now in the service to increase their base pay as well, is not limited to commission service, but includes for all graduates of the academies at West Point and Annapolis prior to July, 1916, the time spent at these academies in school, and a constructive or mere gift service, credited to many officers appointed from civil life prior to March 3, 1913, and also enlisted service.

After the passage of the bill, however, for officers hereafter commissioned, only commissioned service can be counted either for longevity pay or for the purpose of advancing an officer to another pay period higher than that corresponding to the grade in which he is commissioned. (What good reason, may we ask, can be assigned for discriminating in favor of officers now in the service against officers hereafter to be commissioned?)

In view of the rapid promotions received by so many now in the service and the certainty of slow promotion in the future, it would rather seem equitable to favor the incoming officer rather than the one now enjoying the high rank by reason of the unusual and rapid promotions incident to the war and the favorable officer legislation subsequent thereto.

The quoted provision not only gives to officers now holding commissions benefits above pointed out but it will serve to largely increase the longevity pay of these officers, to advance them to the highest pay period, and by increasing their base and longevity pay, with other than commissioned service, they will thus receive a large increase in retired pay as a further benefit to be enjoyed alone by them and to be denied officers hereafter commissioned, because only commissioned service hereafter can count for advancement, for longevity, or retirement pay.

It further appears that this provision, on account of many colonels, lieutenant colonels, and majors now having credit for service other than commissioned service, because of the repeal of the $1,000 limitation as to longevity pay and the increase of the longevity percentage from 40 to 50, would now, if retired, receive the following increase in retired pay, to wit:

For colonels with 30 years' service	$750.00
For lieutenant colonels with 30 years' service	937.50
For majors with 30 years' service	937.50

In further confirmation of the statement that the pending bill is most generous to many of the officers now holding high commissions, section 16 saves to all officers their present base and longevity pay, notwithstanding a large number of high commissions now held are alone due to very unusual and rapid promotions. Apropos of the rapid promotions received by many now in the service, we beg to quote a statement by Mr. McKENZIE:

"I want to be very frank with you. You are aware of the fact that since we got into this great war with Germany there are hundreds and hundreds of young officers who have received very rapid promotion, and some of these older officers, in both the Army and Navy, that I see sitting around in the room, probably served 10 or 15 or 20 or 25 years before they reached the point where they were drawing the pay that some of these younger men are drawing after two or three years' service."

Yet we find in the fact of this statement by Representative McKENZIE that the present bill seeks not only to save the base and longevity pay of even these officers who were thus rapidly promoted but also undertakes to increase their pay by giving, as will later appear, a ration allowance and an increased allowance for quarters. We should think not alone of the officers now in the service but some thought should be given to those who will be hereafter commissioned and who must wait, as some of the older officers have had to wait in the past, many years, as Mr. McKENZIE states, to get the pay of many present officers who, by this bill, will have their high-grade pay saved to them.

Table No. 7, appended to the report, will show the pay and allowances of officers as proposed by H. R. 10972, exclusive of additional pay for aviation. The table is accurate, and clearly presents the whole subject of pay and allowances as proposed in the pending bill for the commissioned personnel.

THE BILL IS UNJUST TO THE PRIVATE SOLDIER AND SAILOR IN THE LOWER GRADES OF THE SERVICE.

If, as claimed, the pending bill shows a substantial saving under a Budget estimate for 1923, based on the bonus act of May 18, 1920 (which expires on June 30, 1922), it will be found on examination that any saving so shown in either the Army or Navy is almost altogether, if not wholly, due to a reduction in the pay of the private soldier in the lower grades of the Army and the apprentice seaman of the Navy, whose present pay, strange to say, the present bill proposes to reduce as follows:

"To the private soldier in the lower grades of the Army, from $30 to $23.

"To the apprentice seaman of the Navy, from $33 to $21.

It is interesting to read in this connection a statement made by Senator WADSWORTH, the chairman of the Joint Committee on the Readjustment of Pay, appearing on page 360 of the hearings, which we herewith quote:

"It is well to remember, if we are thinking about the condition of the Federal Treasury and the upkeep of the Army and Navy, that where the great coast is is in the lowest grades of both services.

"Two or three dollars decrease in the pay of privates in the Army and of apprentice seamen in the Navy amounts to something like two and a half million dollars."

Since the chairman of the joint committee has thus announced that two or three dollars decrease in the pay of the private soldier and sailor will result in a saving of two and a half millions, if he was correct, you can readily understand how, under the pending bill, H. R. 10972, the saving should mount into the millions when we recall that the pay of the private soldier in the Army has been reduced $9 instead of two or three, and for the apprentice seaman in the Navy $12 instead of two or three.

This will more clearly appear from an examination of Tables 2, 3, 4, and 5.

Table 2 was prepared and presented to the joint committee by officers of the War Department appointed to advise the joint committee; Table 3 by the same officers appointed to advise the special committee of the House; Table 4 by the Navy Department and submitted by letter of March 2, 1922; and Table 5 was prepared by representatives of the Navy appointed to advise the special committee of the House.

Some analyzing notes will be found at the foot of some of the tables, to which consideration is invited.

The pay of the enlisted personnel, with notes showing adaptation to Navy enlisted personnel, is shown by a table attached to this report and numbered "6."

THE PENDING BILL, H. R. 10972, DISCRIMINATES AGAINST OFFICERS COMMISSIONED FROM CIVIL LIFE.

A number of officers who served with signal ability during the war, many of them previously with the National Guard, were commissioned into the service under the June 4, 1920, act. Some of these officers are now colonels, and yet, under the provisions of the pending bill, there are many majors and many lieutenant colonels and officers in the corresponding grades of the other services who, while holding the grades of lieutenant colonels and majors, respectively, will draw more pay than these colonels commissioned under the June 4, 1920, act. The pending bill gives no credit to these officers for constructive service, nor does it give any credit to those who formerly served with the National Guard, but, strange to say, it gives to the officers of the federalized National Guard credit for service in the National Guard since June 3, 1916, and for service in the Organized Militia prior to July 1, 1916. What good reasons can be assigned for giving service credit to National Guard officers while serving with a National Guard organization and denying it to these same officers when commissioned in the Regular Army?

The pending bill, while denying any constructive service to officers commissioned from civil life under the June 4, 1920, act, proposes to give to many lieutenant commanders and lieutenants of the Staff Corps of the Navy, and to officers in other services, constructive service, varying from one to four years, and in some instances gives more, and this constructive service, so proposed to be given, will hereafter operate to advance these officers to pay periods higher than those corresponding to the grade in which they hold commissions. Though the pending bill, H. R. 10972, gives to officers commissioned from civil life under the act of June 4, 1920, no credit for constructive service, yet it is interesting to note in this connection that the tentative bill prepared by Representative McKENZIE, and submitted to the joint committee, and which was really the basis of the pending bill, undertook to give constructive service to officers commissioned from civil life, regardless of the rank in which commissioned. The officers of the Army, Navy, and other allied services appointed by the department heads to confer with and assist the joint committee in its study of a pay bill, at first gave full approval to this constructive service, so recommended for civilian officers in the original McKenzie bill. This will fully appear from a quotation taken from the officers' comments on the McKenzie bill, set out in the hearings before the special committee of the House on H. R. 10972, beginning with the last paragraph on page 53 and continuing through the first paragraph on page 55 of said hearings. From the officers' comments, approving the constructive service proposed for civilian officers in the original McKenzie bill, we beg to quote the concluding paragraph, which is as follows:

"It is believed that the section as now written in its modified form (referring to the constructive service section) will tend to eliminate from the Army the dissatisfaction which has existed among various groups of officers on account of the arrangement of the initial promotion list."

Without intending to express an opinion as to the wisdom of giving constructive service to officers appointed from civil life under the June 4, 1920, act, as proposed in the original McKenzie bill, which is set out in the hearings before the House committee on page 40, we respectfully submit that if constructive service is to be given to other officers, as the pending bill proposes to do, then certainly no just grounds can be assigned for refusing to give constructive service to officers appointed from civil life, as was proposed in the original McKenzie bill.

This feature, as well as many others of the original McKenzie bill, while tentatively approved by the officers at first, was later rejected by them, and the pending bill now represents the views of the Regular officers of the Army, Navy, and other services who were designated to advise with the joint committee and who really prepared the pending bill, H. R. 10972. We confess our inability to explain why these officers first approved the McKenzie recommendation for constructive service only to later reject it.

As pertinent to the question just discussed, attention is invited to a statement before the joint committee by Col. N. D. Ely, of the Judge Advocate General's Department, United States Army, which appears on page 403 of the hearings.

THE PENDING BILL, H. R. 10972, PROVIDES FOR SUBSTANTIAL INCREASES IN THE RETIRED PAY OF OFFICERS.

In the discussion of this provision of the bill it will be recalled that we have heretofore pointed out that the $1,000 limitation on the longevity pay of colonels, lieutenant colonels, and majors, and officers of corresponding grades in the other services, is repealed by the pending bill, and the longevity percentage pay has been increased from 40 to 50 per cent, and further, that while length of service under existing law counts only for longevity pay, yet under the pending bill it will count for the further purpose of advancing the pay of an officer to the pay period corresponding to the grade next above the one in which he holds a commission.

Now, predicated on these changes, which the pending bill proposes in existing law, a colonel now on the retired list who has had 30

years' service prior to his retirement would be entitled to an increase in his retired pay of $750 per annum, the difference between three-fourths of $5,000, the maximum base and longevity pay of a colonel under existing law, and $6,000, the maximum base and longevity pay of a colonel with 30 years' service under the proposed bill. A lieutenant colonel and a major now on the retired list with 30 years' service would also be entitled by reason of the provisions of the pending bill to an increase in retired pay of $937.50.

An examination of Tables A, N, M, and P, hereto appended, will show that a large number of colonels and lieutenant colonels now in the service, if retired now, will, under the pending bill, have had sufficient length of service to increase the retired pay of colonels $750 and lieutenant colonels $937.50.

The pending bill provides substantial increase to all officers now on the retired list who were retired with normal length of grade service to their credit, and also substantial increase to officers now in the service who may be retired in future having to their credit normal length of service for the grades in which they hold commissions.

Many retired officers have been temporarily called into active service since the war under authority of a special act and advanced to higher grades, thus entitling them to increased retired pay. This special act was unwise, has been greatly abused, and the members of the joint committee were in full agreement that it should be repealed.

We refer to it for the purpose of emphasizing that while the pending bill recognizes that many retired officers have thus been advanced in grade, yet it proposes to grant to many of these a further increase in their retired pay.

SUMMARY AND COMMENTS ON PAY AND ALLOWANCES UNDER 1908 LAWS, MAY 18, 1920, ACT, AND H. R. 10972.

COMPENSATION OF OFFICERS.

The total compensation of officers is made up of two parts—one, pay proper, which includes base and longevity pay, and the other, allowance. Retired pay is computed on officers' pay (i. e., base and longevity), allowances not being taken into account. The pay proper under H. R. 10972 is built upon the base pay as established in the 1908 pay schedule, except that that of a second lieutenant is reduced from $1,700 to $1,500, and the longevity pay is changed from the existing 10 per cent increase for every five years' service up to 20 years to a 5 per cent increase for each three years' service up to and including 30 years, thus increasing the longevity percentage from 40 to 50 per cent. The existing limitation of $1,000 on the longevity pay of a colonel, lieutenant colonel, and major is repealed by H. R. 10972.

As before pointed out, H. R. 10972 further changes existing law, in that for the purpose of computing pay of officers all service which has heretofore been counted on longevity pay only can now be counted for the purpose of advancing an officer to a higher pay period than the one corresponding to his commission grade, coupled with the proviso that officers who hereafter enter the service can count for pay purposes commissioned service only.

Under the 1908 laws commutation for heat, light, and quarters were given officers not occupying public quarters, except that no commutation for heat, light, and quarters was given officers in the Navy on sea duty or officers in the Army on field duty. By act of April 16, 1918 (war measure), temporary commutation for heat, light, and quarters was given all officers on field or sea duty and while serving beyond the territorial jurisdiction of the United States. This temporary act of April 16 was continued in force by the May 18, 1920, bonus act to June 30, 1922.

We have prepared a table showing the money value of heat, light, and quarters under 1908 laws and value of subsistence and quarters as now proposed by H. R. 10972 as to officers with and without dependents; also maximum officers' pay (i. e., base and longevity) under the 1908 laws and as proposed under H. R. 10972; also total compensation (i. e., pay and all allowances) under 1908 laws and as proposed under H. R. 10972 as to officers without and with dependents.

Attention is specially invited to this table with its attached analysing notes and comments thereon. The table is as follows:

Grade.	Allowances (maximum).			Maximum pay (base and longevity).		Total compensation, 1908 law.	Total compensation, proposed bill, no dependents.	Total compensation, proposed bill, dependents.
	Quarters, heat, and light, 1908 law.[1]	Proposed bill, room and subsistence, no dependents.	Proposed bill, room and subsistence, dependents.	1908 law.	Proposed bill.			
Major general	$1,664.85	$1,878.00	$1,878.00	$8,000.00	$8,000.00	$9,664.85	$9,878.00	[2] $9,878.00
Brigadier general	1,494.90	1,878.00	1,878.00	6,000.00	6,000.00	7,494.90	7,878.00	[3] 7,878.00
Colonel	1,325.35	1,179.00	1,878.00	5,000.00	6,000.00	6,325.35	7,179.00	[4] 7,878.00
Lieutenant colonel	1,151.70	1,179.00	2,097.00	4,500.00	[5] 5,750.00	5,651.70	6,929.00	[6] 7,847.00
Major	975.65	1,179.00	2,097.00	3,000.00	[5] 5,250.00	4,975.65	6,429.00	[7] 7,347.00
Captain	800.50	938.00	1,837.00	3,360.00	[7] 4,500.00	4,160.50	5,438.00	6,337.00
First lieutenant	623.80	699.00	1,398.00	2,800.00	[8] 3,600.00	3,423.80	4,299.00	4,998.00
Second lieutenant	441.30	599.00	1,158.00	2,380.00	[9] 3,000.00	2,821.30	3,099.00	4,158.00

[1] Prior to Apr. 16, 1918, officers on sea or field duty could not receive commutation of quarters or heat and light. Increased pay for flying duty and for field or sea duty is in addition to limitations contained in notes 2, 3, and 4, i. e. there is no limitation under existing law or in proposed bill to prevent officers receiving extra pay for flying, sea, or field duty in addition to the maximum compensation authorized.
[2] Maximum compensation of major generals limited to $9,700.
[3] Maximum compensation of brigadier generals limited to $7,500.
[4] Maximum compensation of colonels limited to $7,200.
[5] Lieutenant colonel, 30 years' service, receives pay period of colonel, base pay $4,000.
[6] Major, with 23 years' service, receives pay period of lieutenant colonel, base pay $3,500.
[7] Captain, with 17 years' service, receives pay period of major, base pay $3,000.
[8] First lieutenant, with 10 years' service, receives pay period of captain, base pay $2,400.
[9] Second lieutenant, with 5 years' service, receives pay period of first lieutenant, base pay $2,000.
Under 1908 law officers of Navy received 10 per cent increase in pay for sea duty beyond continental limits of United States, and officers of Army received 10 per cent for foreign duty. Under proposed bill officers receive 5 per cent increase on base pay for field or sea duty.

Notes 2, 3, and 4 above show limitations on the total compensation of the following officers, to wit: $9,700 for major generals; $7,500 for brigadier generals; $7,200 for all officers under brigadier generals. The limitations do not forbid extra pay for sea, field, or flying service being received in excess of limits fixed. The last column shows that the maximum compensation granted officers by H. R. 10972 will exceed the limitations fixed as to the following officers:

	Excess.
Major general	$178
Brigadier general	378
Colonel	678
Lieutenant colonel	647
Major	147

Attention is called to this excess compensation resulting from subsistence and rental allowances as proposed in H. R. 10972, for the reason that it suggests how easy hereafter it would be to increase the compensation of these officers by a simple removal of the limitation.

H. R. 10972 will illustrate how this can be done, without calling attention thereto, in that it now repeals by mere implication the $1,000 limitation on longevity pay of certain officers (yet this might not be noticed by even a most careful reading of the bill).

The limitation as now drawn does not apply to officers with the rank of colonel in two existing services, and when you who are now here are replaced by others the question may arise, Why this discrimination? The reasons now obtaining may not then exist, and the result is not difficult to guess—the limitation will go.

REASONS WHY TEMPORARY RATHER THAN PERMANENT LEGISLATION BEST FOR ANY NEEDED INCREASE IN PAY OF PERSONNEL THAT MAY BE SHOWN.

Confessedly, the May 18, 1920, act was too generous in the bonus given to many officers, and had Congress known at the time the act was passed of the rapid promotion that would follow within less than 60 days, presumably many officers who thus received unusual and rapid promotions, giving to them large increase in pay and allowances, under permanent law, would not have been so generously provided for.

In confirmation of this, it may be here noted that the May 18, 1920, act not only gave officers below the grade of brigadier general the following bonus:

Colonels and lieutenant colonels	$600
Majors	840
Captains	720
First lieutenants	600
Second lieutenants	420

But in addition to the amount so given it continued in force the temporary act of April 16, 1918, to June 30, 1922, thus giving commutation to Army officers on field duty and Navy officers on sea duty, and which in the absence of the extension of this April, 1918, temporary act these officers would not have had. When it is remembered that 70 per cent of naval officers are on sea duty and that the field duty of the Army has been largely extended it can readily be seen how liberal the May 18, 1920, act was.

The commutations, plus the bonus given temporarily to this large number of officers by the May 18, 1920, act, were as follows, to wit:

Colonels	$1,925.35
Lieutenant colonels	1,751.70
Majors	1,815.65
Captains	1,520.50
First lieutenants	1,223.80
Second lieutenants	861.30

With the full information that Congress now has, it will not be difficult to prepare a temporary bill providing for any needed increase in pay and allowances for the officer and enlisted personnel of the services that is fair and just, both to the personnel and to the Federal Treasury. Any bonus that Congress may now consider just and necessary would be given, not as was done in the May 18, 1920, act, indiscriminately to all officers holding commissions in certain grades, but the unusual and rapid promotions which have advanced young officers to high grades, with greatly increased pay, would very properly be considered and taken into account. Any needed increase to the enlisted personnel could likewise be properly and more wisely provided for hereafter than was done in the May 18, 1920, act.

The very fact that the high grades of the enlisted personnel in both Army and Navy, especially the Navy, are now oversupplied and top-heavy serves to emphasize the importance of providing for these grades by temporary rather than by permanent legislation, pending the fixing of a limitation on the number to be hereafter carried in Navy enlisted grades, as is now done in the Army and Marine Corps. A proper

adjustment of the anomalous condition now obtaining in the Navy as to an oversupply of chief petty officers and enlisted men in other high grades will alone save millions of dollars, and no permanent legislation as to pay should be provided until this can be accomplished.

We have heretofore called attention to the large increase in the number of commissioned officers now in service, as compared with the number in the service in July, 1916; also to the fact that this Congress is on record as favoring a substantial reduction of the officer and enlisted personnel in the major services; also to the announcement of the President that he will soon recommend to Congress the coalition of some of the military branches; and we submit this suggestion, that in the next one or two years there will be separated from the service many now holding commissions. This makes it unwise to provide increased pay by permanent legislation, as proposed in H. R. 10972, for commissioned officers at this time, thereby increasing the retired pay of a large number that will unquestionably be separated from the service within probably the next year. Until Congress definitely determines on the permanent strength of the commissioned and enlisted personnel in the two major services, it would prove expensive to provide permanent legislation, such as is proposed in H. R. 10972. The hearings will disclose that Secretary Denby, Admiral Coontz, and others, appearing before the joint committee in November last, advised that temporary rather than permanent legislation be passed relative to the matters we are now considering.

Certain unusual conditions obtaining both in Army and Navy, largely incident to the war and to ill-considered officer legislation subsequent thereto, do not obtain to any large extent in the Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service. If we were now confronted with the question of writing a permanent pay bill alone for these four services, it could probably be done along lines fair to the services and to the American taxpayer as well.

A number of the commissioned officers in the Public Health Service hold temporary commissions only, their pay being dependent on annual appropriations. There have been practically no increases in the commissioned personnel of the Coast Guard or the Coast and Geodetic Survey, and in this connection may we be pardoned for suggesting that some permanent constructive legislation by the appropriate committee should be considered for the Coast Guard. It is a most worthy and useful service, and the fidelity of its officers to duty, though not enjoying the favored legislation of other services, deserves most favorable comment.

Many commendable economies have been shown by the Marine Corps since the war, and it may not be out of place to suggest that, organized as the Marine Corps always is, either for peace or war, this corps would not require nor ask for exceeding 8,000 officers, even though its enlisted personnel was increased to 150,000 men. This estimate of its commissioned personnel makes liberal allowance for certain Staff Corps for which no commissioned assignments are now made, whereas the Army has approximately 13,000 officers for an Army of 150,000 men.

It is a matter of great importance not only to the different military services but to the taxpayers that a permanent military policy, fixing the strength of our military forces, be finally and properly adjusted on a sane, satisfactory peace basis before any permanent pay bill, common to all the services, is enacted, even if then it should be thought wise to include all of the services in one bill.

Certainly a permanent pay bill can be drawn along much simpler lines than is found in H. R. 10972. We might here refer to the tentative bill at one time favored by Representative MCKENZIE, and which, while undertaking to fix pay periods, did away with all longevity pay and allowed commissioned service only to advance officers from one pay period to another, and required much longer commissioned service for advancement to the different pay periods than that now proposed in H. R. 10972. The original McKenzie bill, though it may have had its imperfections, was not subject to the criticism of discriminating in favor of officers now in the service against those hereafter to be commissioned or against those commissioned from civil life.

W. R. OLIVER.
MILTON KRAUS.

TABLE NO. 1.

Grade.	Longevity period (years).	Army.		Navy.		Marine Corps.		Public Health Service.	
		Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.
Generals			1						
Major generals			35		32		3		
Brigadier generals			58		32		9		1
Colonels:									
Over 26 years' service	25 to 27	100	504	13	266	2	20	2	5
Do	28 to 30	150		91		2		1	
Do	Over 30	254		162		16		2	
First appointment above captain	25 to 27	2	2						
Appointment under sec. 24	4 to 6	5	6						
Do	Over 30	1							
Staff by selection	19 to 21			4	8				
Do	22 to 24			1					
Do	25 to 27			3					
Less than 26 years' service	25 to 27	121	121	22	24	1	14	4	7
Do	16 to 18			1		13		3	
Do	19 to 21			1					
Lieutenant colonels:									
Over 30 years' service		10	10	11	11			11	11
Over 20, less than 30	19 to 21	144	719	44	413	1	44		
Do	22 to 24	288		168		40			
Do	25 to 27	215		157		3			
Do	28 to 30	72		44					
Appointment under sec. 24	4 to 6	15	21						
Do	7 to 9	6							
Staff by selection	10 to 12	2		1	4				
Do	16 to 18			2					
Do	19 to 21			1					
Less than 20 years	19 to 21	50	50	88	91	1	1		
Do	16 to 18			3					
Majors:									
Over 23 years' service	22 to 24	100	200	28	47	1	1	11	17
Do	25 to 27	70		15				4	
Do	28 to 30	20		3				2	
Do	Over 30	10		1					
14 and less than 23	13 to 15	190	1,205	35	746	5	88	13	45
Do	16 to 18	483		351		44		7	
Do	19 to 21	362		305		31		11	
Do	22 to 23	180		55		8		14	
First appointment above second lieutenant	4 to 6	100	450	124				359	359
Do	7 to 9	164		10					
Do	10 to 12	90		45					
Do	13 to 15	53		69					
Do	16 to 18	30							
Do	19 to 21	13							
Appointment under section 24	4 to 6	138	391						
Do	7 to 9	138							
Do	10 to 12	35							
Do	13 to 15	25							
Do	16 to 18	20							
Do	19 to 21	20							
Do	22 to 24	15							
Less than 14 years	4 to 6	70	550						
Do	7 to 9	180						13	22
Do	10 to 12	180						9	
Do	13 to 15	120				35	35		
Captains:									
Over 17 years	16 to 18	30	200	62	492	14	60		1
Do	19 to 21	50		109		16		1	
Do	22 to 24	40		84		14			
Do	25 to 27	30		63		14			
Do	28 to 30	25		62					
Do	Over 30	25		112		2			
Over 7 and less than 17	7 to 9	250	600	164	935	32	141	34	36
Do	10 to 12	150		307		56		1	
Do	13 to 15	75		340		37		1	
Do	16 to 18	25		124		16			

TABLE No. 1—Continued.

Grade.	Longevity period (years).	Army.		Navy.		Marine Corps.		Public Health Service.	
		Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.
Captains—Continued.									
First appointment above second lieutenant	4 to 6			350	358	106	106		
Present rank July 1, 1920	4 to 6	2,079	4,158	572	654	14	22	479	479
Do	7 to 9	2,079		82		8			
Less than 7 years	4 to 6	409	409	15	204			22	22
Do	7 to 9			249					
First lieutenants:									
Over 10 years' service	10 to 12	175	394	36	230	9	62		
Do	13 to 15	100		54		17			
Do	16 to 18	75		70		16			
Do	19 to 21	30		40		5			
Do	22 to 24	10		23		12			
Do	25 to 27	4		2		3			
Do	28 to 30			2					
Do	Over 30			1					
Over 3 and less than 10	4 to 6	1,212	2,424	665	786	160	214	6	6
Do	7 to 9	1,100		103		38		167	167
Do	10	112		18		16			
Less than 3 years		515	515	68	68	1	1	14	14
Second lieutenants:									
Over 5 years' service	5 to 6	4	77	37	40	63	84		
Do	7 to 9	12		1		6			
Do	10 to 12	12		2		9			
Do	13 to 15	12				4			
Do	16 to 18	12				2			
Do	19 to 21	12							
Do	22 to 24	7							
Do	25 to 27	6							
Less than 5 years' service	1 to 3			950	1,025	79	91		
Do	3 to 5			75		12			
Total [1]		13,000	13,000	6,587	6,587	996	996	1,192	1,192

[1] General officers included in this total.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss*;

S. 1814. An act for the relief of the owner of the steam lighter *Cornelia*; and

S. 1813. An act for the relief of the owner of the steamer *Mayflower*.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BANKHEAD (at the request of Mr. BOWLING), indefinitely, on account of sickness in his family;

To Mr. BURDICK for 10 days on account of personal business;

To Mr. MONTAGUE for one week on account of important business.

ADJOURNMENT.

Mr. McKENZIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 9, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

600. A communication from the President of the United States, transmitting a communication from the Acting Secretary of Commerce, submitting an estimate of appropriation in the sum of $499, required for the payment of a claim for damages by a lighthouse vessel (H. Doc. No. 300); to the Committee on Appropriations and ordered to be printed.

601. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a deficiency estimate of appropriation for the Supreme Court of the United States for the fiscal year ending June 30, 1922, for public printing and binding, $10,000 (H. Doc. No. 301); to the Committee on Appropriations and ordered to be printed.

602. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1923, for expenses of survey and design of dock at Juneau, Alaska, $1,000 (H. Doc. No. 302); to the Committee on Appropriations and ordered to be printed.

603. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the commission in charge of the State, War, and Navy Department Buildings for the fiscal year ending June 30, 1923, in the sum of $15,920 (H. Doc. No. 303); to the Committee on Appropriations and ordered to be printed.

604. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1923, for salaries, officers of the District of Columbia, $4,800 (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

605. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1922, for modification and readjustment of contracts, rivers and harbors improvements, $210,533.66 (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

606. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1922, for sites for military purposes, $4,140,105.72 (H. Doc. No. 306); to the Committee on Appropriations and ordered to be printed.

607. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1922, for acquisition of land and payment of rentals at Camp Grant, Ill., $65,803.71 (H. Doc. No. 307); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 10047. A bill for the relief of Frances Martin; with an amendment (Rept. No. 988). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 367. A bill for the relief of J. Irving Brooks; with an amendment (Rept. No. 992). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10544. A bill for the relief of Louis Cayet; with an amendment (Rept. No. 993). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRISON (by request): A bill (H. R. 11578) to allow appeals or writs of error from an order or judgment of the district courts remanding a cause to a State court; to the Committee on the Judiciary.

By Mr. SPROUL: A bill (H. R. 11579) to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America"; to the Committee on Public Buildings and Grounds.

By Mr. SNYDER: A bill (H. R. 11580) to authorize the leasing of unallotted land on Navajo Indian reservations; to the Committee on Indian Affairs.

By Mr. SWING: A bill (H. R. 11581) to extend the boundaries of the Cleveland National Forest in Riverside County, Calif., and to create therein a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve; to the Committee on the Public Lands.

By Mr. FAIRFIELD: Resolution (H. Res. 344) for the immediate consideration of H. R. 11212, amending the civil service retirement law; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11582) granting an increase of pension to Richard M. Johnson; to the Committee on Invalid Pensions.

By Mr. HERRICK: A bill (H. R. 11583) granting a pension to George A. Wageck; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11584) granting a pension to Henry Gottschalk; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 11585) granting a pension to Ella Day; to the Committee on Invalid Pensions.

By Mr. SPROUL: A bill (H. R. 11586) for the relief of Charles C. Hughes; to the Committee on Claims.

By Mr. SWING: A bill (H. R. 11587) granting an increase of pension to Josephine C. Long; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5489. By the SPEAKER (by request): Resolution unanimously adopted at a meeting of the Washington Board of Trade, relative to the proposed increase in taxes in the District of Columbia; to the Committee on Appropriations.

5490. Also (by request), resolution unanimously adopted by the Washington Board of Trade, urging the continuance of the bonus to the Government employees; to the Committee on Appropriations.

5491. Also (by request), resolution adopted by the Merchants and Manufacturers' Association (Inc.), of Washington, D. C., relative to the conference report of the District appropriation bill; to the Committee on Appropriations.

5492. By Mr. CAREW: Resolutions adopted by the Scarsdale, N. Y., Post of the American Legion, relative to the size of the Army; to the Committee on Appropriations.

5493. Also, resolutions adopted by the Scarsdale, N. Y., Post of the American Legion, relative to the size of the Navy; to the Committee on Appropriations.

5494. By Mr. DEAL (by request): Resolutions adopted by the Yadkin Presbytery, of Durham, N. C., indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5495. Also (by request), petition of Walton Parnell and 231 others, of Norfolk, Va., opposing the passage of House bill 9753, to secure the observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

5496. By Mr. FULLER: Petition of the Ottawa (Ill.) Chamber of Commerce, favoring an adequate Army and Navy of the number recommended by the Secretaries of those departments; to the Committee on Appropriations.

5497. Also, petition of the Malone Shoe Co., of La Salle, Ill., opposing a tariff on hides; to the Committee on Ways and Means.

5498. Also, petition of the De Kalb County (Ill.) Soil Improvement Association, favoring a tariff duty on blackstrap molasses; to the Committee on Ways and Means.

5499. Also, petition of the Mississippi Valley Association, favoring acceptance of Henry Ford's offer for Muscle Shoals; to the Committee on Military Affairs.

5500. By Mr. GALLIVAN: Resolutions of the Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, Lieut. H. B. Parker, recorder, room 184, Statehouse, Boston, Mass., favoring an enlisted personnel of 96,000 in the United States Navy; to the Committee on Adjustment of Pay, etc.

5501. Also, resolution of the Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, Lieut. H. B. Parker, recorder, room 184, Statehouse, Boston, Mass., favoring an enlisted personnel of 150,000 with 13,000 officers in the United States Army; also, that the estimate of the Militia Bureau for the establishment of the National Guard for the coming fiscal year be allowed by Congress in order to place that branch of the Army of the United States in an adequate position as to the first line of the country's defenses; to the Committee on Adjustment of Pay, etc.

5502. By Mr. GRIFFIN: Resolution of the board of estimate and apportionment of the city of New York, in view of the unemployment situation throughout the country, requesting the Federal authorities and officials of the State of New York to begin all works in the nature of public improvement; to the Committee on Appropriations.

5503. By Mr. KISSEL: Petition of the Salesmen's Association of the American Chemical Industry, New York City, urging the adoption of the tariff schedules based on American valuation; to the Committee on Ways and Means.

5504. Also, petition of H. Sidenberg, New York City, relative to the tariff on Cuban sugar; to the Committee on Ways and Means.

5505. By Mr. LAYTON (by request): Resolution adopted at the Bethany Baptist Church at the Delaware Baptist State Convention at Wilmington, Del., indorsing Senate Joint Resolution 31 and House Joint Resolution 131; to the Committee on the Judiciary.

5506. Also (by request), resolution adopted by the Delaware Baptist State Convention at Wilmington, Del., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5507. By Mr. LEA of California: Petition of S. S. Neighbor and others, of California, for the relief of star-route contractors from losses suffered by performing contracts under war conditions; to the Committee on the Post Office and Post Roads.

5508. Also, petition of 138 residents of Healdsburg, Calif., protesting against the enactment of the proposed compulsory Sunday observance bills, H. R. 4388, H. R. 9753, and S. 1948; to the Committee on the District of Columbia.

5509. By Mr. MAPES: Petition of V. E. Haywood and 11 others, of Grand Rapids, Mich., protesting against the passage of H. R. 4388 or similar legislation; to the Committee on the District of Columbia.

5510. By Mr. SNELL: Petition protesting against the passage of H. R. 9753, H. R. 4388, or S. 1948, or any other Sunday bill; to the Committee on the District of Columbia.

5511. By Mr. SNYDER: Petition of Hilda Lillibridge, secretary Annsville (N. Y.) Grange, petitioning for equal privileges in the management of grange banking systems accorded to other banks; to the Committee on Banking and Currency.

5512. Also, petition of the United States Reserve Officers of Oneida County, N. Y., indorsing the plan of the General Staff for the maintenance of the Army; to the Committee on Military Affairs.

5513. By Mr. SPEAKS: Petition of the Presbytery of Xenia (United Presbyterian), Ohio, urging passage of H. R. 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5514. Also, petition of the Presbytery of Xenia (United Presbyterian), Ohio, urging passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5515. Also, petition of the Presbytery of Xenia (United Presbyterian), Ohio, urging passage of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to

enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5516. By Mr. STEENERSON: Petition of Myra McCrillis, Mrs. Lyman L. Adkins, Lawrence Burgeson, and other residents of Barnesville, Minn., protesting against compulsory Sunday observance bills; to the Committee on the District of Columbia.

5517. By Mr. STRONG of Kansas: Resolutions adopted by the Presbytery of Highland, at Frankfort, Kans., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5518. Also, resolutions adopted by the Presbytery of Highland,, at Frankfort, Kans., indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5519. By Mr. TIMBERLAKE: Resolution of the State Senate of the State of Colorado, recognizing the Obregon government in the Republic of Mexico; to the Committee on Foreign Affairs.

5520. By Mr. TOWNER: Petition of Cyril B. Collins, of Roosevelt, N. Y., and 810 other citizens of the State of New York, urging the passage of the Towner-Sterling educational bill; to the Committee on Education.